

REGULAR MEETING – AUGUST 2, 2018

The Mayor and City Council met in regular session on Thursday, August 2, 2018 at 7:00 p.m. in the Council Chambers of City Hall, located at 114 West Sycamore Street, Lincolnton NC.

Mayor Hatley called the meeting to order and led the Pledge of Allegiance.
Council members in attendance were:

SMITH EADDY JETTON

Councilman Black was absent.

Councilman Eaddy made the motion unanimously approved the CONSENT AGENDA as follows:

- Approval of Minutes of the following meetings:
 - June 7th 2018 – Regular Meeting
 - June 28th 2018 – Special Meeting
 - June 28th 2018 – Regular Meeting
- Approved the following Calls to Public Hearing for the September 6th meeting:
 - Proposed amendments to the City's Code of Ordinances – Regarding Animals at Special Events
- Approved requests from the following City Departments to dispose of records in accordance with NC Dept of Cultural Resources – Records Retention Policy (Note: If approved by City Council, requests will be sent to NCDCCR for final approval before destruction)
 - City Clerks Office
 - Planning Department
 - Fire Department
 - Utility Billing Department
 - Police Department
 - Recreation Department
 - Water Treatment Plant

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REGULAR AGENDA:

RECOGNITION OF MR. DAVID E. LOWE FOR HIS SERVICE TO THE CITY AND ITS CITIZEN'S FOR HIS TIME ON THE LINCOLNTON-LINCOLN COUNTY AIRPORT AUTHORITY:

Mayor Ed Hatley presented to David E. Lowe for his twenty-two plus years of service to the City and the citizens of Lincolnton serving on the Lincolnton-Lincoln County Airport Authority. David said, "I served some years prior as City Manager but the Airport Authority was one of the joys of my life, and honestly being on the Airport Authority was one of the most rewarding things I have done." David thanked Dr. Eaddy especially for his support throughout his service to the airport.

Mayor Hatley said, "David has served in so many capacities with the City of Lincolnton we all owe him great gratitude."

RECOGNITION OF MR. RICHARD HAYNES, ASSISTANT CITY MANAGER, FOR COMPLETION OF THE UNC-CHAPEL HILL SCHOOL OF GOVERNMENTS MUNICIPAL AND COUNTY ADMINISTRATION COURSE:

Mayor Ed Hatley called Ritchie Haynes, Assistant to the City Manager forward. Mayor Hatley read aloud the press release the City received from Ritchie graduating from the School of Governments Municipal and County Administration Course. It read as follows: The program in Municipal Administration is designed for managers, department heads, and officials whose responsibilities require a broad understanding of functions beyond individual areas of specialization. The course is approximately 150 hours in length, and more than 60 instructors participate in leading the program. Course instruction covers North Carolina local government law, organization and management, finance and budgeting, employment law and administration, planning and regulation of development, and the delivery of specific city or county services.

Ritchie was one of 96 officials who graduated the Municipal and County Administration Course this year (2017-18) and is one of more than 3,200 officials who have completed the course since it began in 1954.

Mayor Hatley and City Council members congratulated Ritchie on completion of this course.

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APPLICATION FROM JACK E. CARSWELL REQUESTING THE REZONING OF APPROXIMATELY .952 ACRES OF LAND FROM RESIDENTIAL-10 (R-10) TO NEIGHBORHOOD BUSINESS (N-B) DISTRICT. THE SUBJECT PROPERTIES ARE IN THE NORTHWEST QUADRANT OF NORTH GROVE STREET AND WEST MAIN STREET EXTENSION.

ZMA-01-2018

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the request. She said the applicant is requesting the rezoning of three parcels totaling approximately 0.95 acres from Residential-10 (R-10) to Neighborhood Business (N-B) District. The subject property includes three parcels located on the northwest corner of North Grove Street and West main Street.

The subject property is vacant with the exception of a single family residence. A convenience store is located across West Main Street and a car sales lot is located to the southwest across West Main Street Extension. Land uses to the north are primarily single family residential.

LAND USE PLAN

The Lincolnton Land Use Plan designates properties located along West Main Street and Riverside Drive from Grove Street to the South Fork River as a Neighborhood Business Planning Area. The portion of the subject property comprised of the parcel located on the northwest corner of West Main Street and North Grove Street is included in that Planning Area.

The Land Use Plan notes the following regarding Neighborhood Business planning areas:

- They are for small business clusters that cater to the needs of a relatively small trading area and are appropriate for smaller-sized stores and establishments.
- They are designed to be compact in nature and located at key road intersections.
- They are to be located on at least two separate lots or a lot having an area of at least two acres.

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The Land Use Plan includes the remainder of the subject property in a Traditional Single Family planning area.

NEIGHBORHOOD BUSINESS ZONING DISTRICT DESCRIPTION

The Unified Development Ordinance notes that the Neighborhood Business zoning district is designed primarily for local business centers for retailing of merchandise such as groceries, drugs, and household items and for furnishing certain personal, business and professional services.

The UDO notes the following regarding the N-B zoning district:

- Unlike some of the other commercial zones, this district is established to serve local neighborhoods and other relatively small trading areas.
- The standards established for these business areas are designed to promote sound, permanent business development and also to protect abutting or surrounding residential areas from undesirable aspects of nearby business developments.
- These districts are located at accessible places with respect to traffic circulation in order to conveniently serve the trading population and to promote the grouping of several places of business at locations so designated.
- Since this district is established to provide for small neighborhood oriented businesses, limitations on gross floor areas are established for certain uses.

COMPLIANCE WITH LAND USE PLAN

The Land Use Plan designates properties located along West Main Street and Riverside Drive as a Neighborhood Business planning area. The portion of the subject property located on the corner of West Main Street and North Grove Street is included in that Neighborhood Business planning area and the two other parcels are designated as residential. Therefore, the proposed rezoning request is not entirely consistent with the Land Use Plan.

However, staff views the request as consistent with the spirit and intent of the Land Use Plan's designation of the West Main Street / Riverside Drive corridor as a Neighborhood Business area with small scale commercial establishments catering to the needs of the nearby residential community for the following reasons:

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- Almost all of the properties located along West Main Street and Riverside Drive from Grove Street to West Highway 150 are recommended for commercial land uses.
- The corner parcel is 0.308 acres. Commercial development options on a site that small would be extremely limited.
- Once the required setbacks are provided, there would be virtually no remaining area available for development.
- The Land Use Plan's designation of the corner parcel alone for Neighborhood Business is not consistent with the Plan's recommendation for Neighborhood Business areas to be located on at least two separate lots or a lot having an area of at least two acres.

Laura concluded recommending on behalf of Planning Board and Staff the following three actions:

1. Approval of attached statement of consistency and reasonableness for approval of application.
2. Approval of rezoning of the property from R-10 to N-B.
3. Amendment of the Land Use Plan to extend the Neighborhood Business Planning Area to include the northern and western parcels.

Councilman Smith made the motion unanimously approved to close the Public Hearing.

Councilman Eaddy made the motion unanimously approved to rezone the property from R-10 to N-B.

Councilman Smith made the motion unanimously approved to amend the LUP to extend to Neighborhood Business Planning Area to include the northern and western parcels.

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CONSIDERATION OF A CONTRACT BETWEEN THE CITY AND CHAMBER OF COMMERCE FOR ALCOHOL SALES FOR THE LINCOLNTON DAY OF COMMERCE TO BE HELD SATURDAY, OCTOBER 6, 2018 FROM 11 AM TO 3 PM:

(C-11-18)

Eddie Sigmon and Lisa Fournier of the LLC-Chamber of Commerce had requested to appear before Council to ask them to consider the above stated request. They did not attend the meeting.

Mayor Hatley reviewed the proposed contract for an event, LCom, LTown's Day of Commerce, that is to be held Saturday October 6, 2018 from 11 am to 4 pm in downtown. A map of the event was included as required.

The contract for approval specified that all alcoholic beverages, sold and served at the event would be sold and consumed within the confines of the designated event area, as depicted on the map.

Councilman Jetton made the motion unanimously approved to enter into the contract between the City and the Chamber of Commerce for the Lincolnton Day of Commerce.

CONSIDERATION OF CONTRACT BETWEEN THE CITY AND DOWNTOWN DEVELOPMENT ASSOCIATION FOR ALCOHOL SALES FOR THE VINTAGE MARKET DAY FESTIVAL TO BE HELD SATURDAY, OCTOBER 13, 2016 FROM 10 AM TO 5 PM:

(C-12-18)

Tommy Huskey, DDA Chair, requested to appear before City Council to seek approval of the above said contract. Mr. Huskey was not in attendance at the meeting. October 13th is the requested date for the Lincolnton Antique and Vintage Market Day Festival, from 10 am to 5 pm in downtown.

Mayor Hatley reviewed the contract. There was no map attached as required depicting the map where alcohol sales were to occur.

After some discussion, Councilman Eaddy made the motion unanimously approved to enter into the contract.

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CONSIDERATION OF BUDGET AMENDMENT – CARRYOVER PROJECTS & GRANTS:

(BA-05-18)

Steve Zickefoose, City Manager, reviewed a detailed budget amendment. The proposed amendment would assist with several carry over projects which he noted as grant monies for Brownfields, recreational projects, and SCADA equipment were listed. The total increase to the general fund of \$ 1,580,600.00 were carry over dollars according to the City Manager.

Councilman Jetton made the motion unanimously approved the budget amendment as presented.

UPDATE ON RECYCLING OPTIONS:

Ritchie Haynes, Assistant City Manager, provided the following handout to Council regarding recycling options:

He said, Since the suspension of our curbside program, Steve Peeler and I have met with Republic Services and Lincoln County Solid Waste concerning future recycling options. Fortunately, for us, Lincoln County has four Convenience Sites near our city limits that will provide our citizens an option for their recyclables. During the past month we have explored multiple options. The worksheet attached goes into detail on the yearly cost of each option. In addition, some options involve first year capital needs that should be taken into consideration during the evaluation process. Due to the "volatility of the recycling market", I feel that we should be very cautious when exploring any options involving capital expenditures.

Below I have briefly described the different options and method used to calculate the estimated cost:

OLD ROUTE (2 MAN CREW)

- We would utilize the same route and 2 man crew as before
- Every week pick-up
- Utilize existing equipment
- Utilize existing recycling bins
- Utilize a single stream pick-up as before
- Single Stream would be taken to Republic's MRF once a week
- Tipping Fee is estimated at \$75.00 per ton (per Republic)
- 15 year capital is based on a replacement truck valued at \$225,000.00

- No funds needed for 1st Year Capital Needs, but will need to purchase a truck within an estimated time of 2-3 years
- Participants and tonnage is based on former study
- Yearly cost would be \$153,064.71

OLD ROUTE (1 MAN CREW)

- We would utilize the same route with a 1 man crew and a new truck designed for entry/exit on either side
- Every week pick-up
- Utilize existing recycling bins
- Utilize single stream pick-up as before
- Single Stream would be taken to Republic's MRF once a week
- Tipping Fee is estimated at \$75.00 per ton (per Republic)
- 15 year capital is based on a replacement truck valued at \$180,000
- Requires \$180,000 for 1st Year Capital Needs
- Participants and tonnage is based on former study
- Yearly cost would be \$104,758.75

NEW ROUTES (CONTRACTOR)

- Contractor would take over curbside pick-up
- Every other week pick-up
- 18 gal. bins would be replaced with a 95 gal. rollout
- Utilize single stream pick-up as before
- Contractor would charge a flat fee per door
- Additional fees would be charged if contamination of the waste stream goes above 5% by weight
- Participants and tonnage is based on information given by the vendor
- Yearly cost would be \$270,000.00

RECYCLING CENTER (MANNED)

- The back half of the existing Police Department's parking lot would be fenced in to create a New Recycling Center
- The Recycling Center would be open on Friday and Saturday from 9:00am - 5:00pm
- Would be staffed with part-time employees
- Recyclables would be sorted
- 6 metal containers would be purchased for \$8,000 a piece (2 for Cardboard, 1 each for glass, aluminum cans, mixed paper, and plastic)
- Lincoln County Solid Waste would pick-up the bins for emptying as needed, estimated cost is \$15,600
- We could see a credit for materials in the future
- Containers, fencing, automatic gates, a prefab building, signage, and cameras have been included in the \$91,500 for the 1st Year Capital Needs

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- Participants and tonnage are based on an estimated 10 percent usage, consideration was given to the numbers provided by the former study and possible participation from businesses and non-profits
- Yearly cost would be \$33,210.00

RECYCLING CENTER (UNMANNED)

- The back half of the existing Police Department's parking lot would be fenced in to create a New Recycling Center
- The Recycling Center would operated under the City of Lincolnton's Parks Schedule
- Would not be staffed
- Lincolnton Public Works would be responsible for day-to-day clean-up
- Single stream would be utilized
- 3 metal containers would be purchased for \$8,000 a piece
- Lincolnton Public Works would deliver recyclables to Republic's MRF as needed
- Tipping Fee is estimated at \$75.00 per ton (per Republic)
- Containers, fencing, automatic gates, signage, and cameras have been included in the \$47,500 for the 1st Year Capital Needs
- Participants and tonnage are based on an estimated 10 percent usage, consideration was given to the numbers provided by the former study and possible participation from businesses and non-profits
- Yearly cost would be \$6,692.00

RECYCLING CENTER (TEMPORARY)

- Temporary Recycling Center to help calculate possible participation and tonnage
- Center would be open on Saturday from 9:00am - 5:00pm for a 3 to 6 month trial run
- Utilize an existing truck to collect, store, and deliver
- Utilize existing staff, we are estimating overtime will be used
- Utilize the parking area at City Park or Betty Ross Park
- Estimates given are based on a yearly amount
- Lincolnton Public Works would deliver recyclables to Republic's MRF as needed
- Tipping Fee is estimated at \$75.00 per ton (per Republic)
- Participants and tonnage are based on an estimated 10 percent usage, consideration was given to the numbers provided by the former study and possible participation from businesses and non-profits
- Yearly cost would be \$15,111.00

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UTILIZE COUNTY CONVENIENCE SITES

- No additional cost He also included a map that shows the four Convenience Sites and the driving distance from them to Walgreens (located in the center of the city limits) and other sites located on the outer edges of the city. As you can see, some of our citizens would have a shorter drive to the Convenience Sites than to a centrally located recycling center.

After some discussion, Councilman Eaddy said, “If our goal is to minimize our impact on the landfill; my trash has doubled since we stopped.” “Whatever our goal is, the program needs to be focused on that goal.”

After further discussion, it was decided to start the temporary program (3 to 6 months) after the September 3rd labor Day Holiday. Signage is to be posted for City park and Councilman Eaddy asked that we stress that this option, at a cost of \$ 15,111.00 to set up a recycling station at City Park, is temporary.

Councilman Jetton made the motion unanimously approved to go with the temporary site, City park, starting after labor Day through the last day of January to collect “single stream” utilizing a garbage truck at City park.

DISCUSSION OF ADDITIONAL ORDINANCE – TITLE XIII: GENERAL OFFENSES – CHAPTER 130. OFFENSES AGAINST PEACE AND SAFETY – SECTION 130.07 PREVENTION FROM PURSUING LAWFUL BUSINESS OR OCCUPATION THAT WOULD PROTECT BUSINESSES FROM DISRUPTION DUE TO PUBLIC CONTENT (NOTE: AFTER DISCUSSION, SHOULD COUNCIL CHOOSE TO PURSUE, ACTION WOULD BE TO HOLD A PUBLIC HEARING AT OUR SEPTEMBER 6TH MEETING):

Mayor Hatley called on the City Manager to discuss this item. Steve Zickefoose, City Manager, told Council that Councilman Eaddy Dr. Eaddy presented information that provides for an additional ordinance that will protect businesses from disruption due to public conduct. This is based on a ruling from the Supreme Court Case **Chaplinsky v. New Hampshire (1942)**. The following opinion of the court was delivered:

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“No person shall address any offensive, derisive or annoying word to any other person who is lawfully in any street or other public place, nor call him by any offensive or derisive name, nor make any noise or exclamation in his presence and hearing with intent to deride, offend or annoy him, or to prevent him from pursuing his lawful business or occupation.”

Observing the disruption of business, the harassment of customers, and responding to business/customer complaints provides police officers additional clear enforceable guidelines to protect the rights of businesses and customers.

A proposed draft ordinance amendment is listed below for Council to discuss:

Title XIII: GENERAL OFFENSES

Chapter 130. OFFENSES AGAINST PUBLIC PEACE AND SAFETY

Section 130.07 Prevention from pursuing lawful business or occupation

Individuals have the constitutional right to pursue their lawful business or occupation.

No person shall address any offensive, derisive or annoying word to any other person who is lawfully in any street or other public place, nor call him by any offensive or derisive name, nor make any noise or exclamation in his presence and hearing with intent to deride, offend or annoy him, or to prevent him/her from pursuing his lawful business or occupation.

Councilman Eaddy made the motion unanimously approved to set a public hearing for this item to be heard at our September 6, 2018 regular City Council meeting.

INFORMATION ON PROTOCOL FOR CITIZEN COMMUNICATIONS: **(P-03-18)**

The City Manager told Council in an effort to have a consistent process to provide information to our citizens he has developed the following policy.

Protocol for Citizen Communications (as of 7/24/18)

PROCEDURE for emergency communications:

- 1) Communication **need shared** with City Manager for approval before any action taken
 - a) Assistant City Manager, relevant Department Head and Community Relations Director/Public Information Officer should be included in initial notification whenever possible
 - b) All four included in all communications about the communication; no surprises and everyone on the same page as early in the process as possible

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- 2) Communication plan outline developed to include:
 - a) Audience for message – define citizens to be informed; all, geographic zone, specific group?
 - b) Message content details – define key points and/or instructions for message content
 - c) Methods & Platforms to be used – selection of most effective distribution methods
- 3) Message management:
 - a) Primary message drafted including all key points, instructions, background
 - i) Include visual aids (like a map for a power outage) to help convey the content
 - ii) Distill instructions into easy to understand chunks; outline or bullet points
 - b) Primary message edited for each specific communication method or platforms being used
 - i) Editing from one main message ensures consistency. All versions should be complete & succinct.
 - ii) Emails & NewsFlash stories can be longer, contain more details and background information if appropriate or necessary.
 - iii) Alerts & FB Posts should be short, direct and get to the point
 - iv) Text messages are basically headlines with a link for more information

PROCESS for emergency communications:

****NOTE**** This does not apply to routine department operations

- 1) City Manager determines a message needs to be sent to citizens OR employees
- 2) CM contacts CRD/PIO with instructions
- 3) CRD/PIO alerts others to standby for message and distribution instructions (PDA, IT, UtilSup, PRD) and works with team to draft messages, obtain message approvals (as appropriate & time allows).
- 4) CRD/PIO posts message(s) to website, sends email & text message, posts to Facebook for citizen communications
- 5) David Ramsey/Chris Jones manage Everbridge platform to send robo call, email, text or a combination of all three to citizens OR to employee only distribution (Eurey is back-up)

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MONTHLY FINANCIAL REPORT/OVERTIME REPORT:

Steve Zickefoose, City Manager, provided the following monthly report to City Council:

August 2018 Council Meeting

Executive Summary June 2018 Year-To-Date

General Fund		Budget 17-18	Actual 17-18	% of Budget	Budget 16-17	Actual 16-17	Difference
Fund 10	Revenues	10,252,739	11,187,249	101%	10,662,262	9,648,594	1,538,655
	Fund Balance	785,301	-	-	1,366,107	-	-
		11,038,040	11,187,249		12,028,369	9,648,594	1,538,655
	City Manager/Clerk	333,365	301,066		309,730	251,701	49,365
	Human Resources	235,030	208,602		215,848	193,489	15,114
	Finance	279,012	225,347		273,609	153,379	71,968
	General Expense	809,520	848,921		878,154	713,836	135,085
	General Debt Service	463,524	451,505		425,535	395,364	56,141
	Police	3,344,770	3,889,868		3,153,942	2,923,072	966,796
	Fire	2,030,690	1,993,043		2,206,450	1,955,049	37,995
	Public Works	181,356	101,082		246,538	81,721	19,361
	Street	1,229,141	749,942		1,534,891	924,453	(174,511)
	Equipment Services	132,120	127,034		157,819	145,819	(18,786)
	Solid Waste	718,328	568,420		820,485	674,014	(105,594)
	General Services	-	-		212,559	183,282	(183,282)
	Plannin/Zoning	277,060	257,194		276,258	225,471	31,723
	Bus & Comm. Dev	132,454	156,854		160,693	81,482	75,372
	Recreation	871,670	1,013,954		1,155,858	966,592	47,362
	Expenses	11,038,040	10,892,833	99%	12,028,369	9,868,724	1,024,109
	Difference		294,416			(220,130)	514,546

Water & Sewer Fund		Budget 17-18	Actual 17-18	% of Budget	Budget 16-17	Actual 16-17	Difference
Fund 61	Revenues	7,449,995	8,133,917	104%	7,867,135	8,063,094	70,823
	Fund Balance	390,000	-		1,265,399	-	-
		7,839,995	8,133,917		9,132,534	8,063,094	70,823
	Water Treatment	1,501,500	1,353,423		1,476,528	1,318,593	34,829
	Dist & Collection	1,356,250	1,213,275		2,390,175	2,118,895	(905,620)
	Wastewater	1,537,900	1,328,362		1,648,076	1,411,171	(82,810)
	W & S Intangibles	3,444,345	3,458,802		3,617,755	3,610,508	(151,706)
	Expenses	7,839,995	7,353,861	94%	9,132,534	8,459,167	(1,105,306)
	Difference		780,056			(396,074)	1,176,130

Electric Fund		Budget 17-18	Actual 17-18	% of Budget	Budget 16-17	Actual 16-17	Difference
Fund 63	Revenues	7,791,714	7,834,409	101%	8,000,000	7,873,020	(38,611)
	Fund Balance	-	-		79,000	-	-
		7,791,714	7,834,409		8,079,000	7,873,020	(38,611)
	Electric Dept.	7,791,714	7,769,292		8,079,000	7,565,195	204,097
	Expenses	7,791,714	7,769,292	100%	8,079,000	7,565,195	204,097
	Difference		65,117			307,824	(242,708)

Overtime	80+ hours	352,262	332,602	19,660
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PUBLIC COMMENT:

No one spoke under the public comment portion of the agenda.

NEWS MEDIA:

There were no questions from the News Media.

ADJOURNMENT:

Councilman Jetton made the motion unanimously approved to adjourn the meeting.

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR