

A G E N D A

LINCOLN TON CITY COUNCIL

October 4, 2018

7:00 p.m.

Council Chambers

City Hall

FOR YOUR CONVENIENCE A COPY OF
TONIGHT'S AGENDA
IS AVAILABLE, LOCATED TO THE
RIGHT OF THE ENTRANCE TO THE
COUNCIL CHAMBERS

*ANYONE WISHING TO SPEAK
DURING THE PUBLIC COMMENT
PORTION OF THE AGENDA
PLEASE SEE THE CITY CLERK PRIOR
TO THE MEETING TO SIGN UP
NON-AGENDA ITEMS WILL BE
DISCUSSED AND SPEAKERS WILL BE
LIMITED TO THREE (3) MINUTES
A COPY OF THE RULES FOR PUBLIC COMMENT
ARE AVAILABLE AT THE CITY CLERK'S DESK*

THANK YOU FOR ATTENDING
OUR MEETING
AND FOR YOUR INTEREST
IN THE CITY OF LINCOLNTON

A G E N D A

LINCOLNTON CITY COUNCIL

October 4, 2018
7:00 p.m.

CALL TO ORDER – Mayor Ed Hatley

PLEDGE OF ALLEGIANCE

1. Approval of Regular Agenda

2. Approval of CONSENT AGENDA:

All items placed under the Consent Agenda are considered routine, to be enacted by one motion without discussion. If a member of the Governing Body requests discussion of an item, the item will be removed from the Consent Agenda and considered separately.

**3. Approval of Minutes of the Meetings –
September 6, 2018 – Regular Meeting**

**4. Call to Public Hearing for November 1st meeting:
BIG-5-2018 – Application from Pete DeGregory for Business Incentive Grant for building renovations to accommodate a restaurant at 110 E. Water Street**

5. Additional appointee to Lincolnton Student Advisory Council by Councilman Eaddy – Ashley Logan Sr. - Lincolnton High

6. Proclamation – NC Public Power Week – October 7 – 13, 2018

REGULAR AGENDA

PUBLIC HEARINGS

(O-08-18)

7. Public Hearing to receive input on proposed changes to the City's Code of Ordinances adding – Title XIII: General Offenses – Chapter 130 – Offenses against Public Peace and Safety – Section 130.07 Prevention from pursuing lawful business or occupation

NOTE: This Hearing Continued from September 6th Regular Meeting

Steve Zickefoose, City Manager

AGENDA

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PUBLIC HEARINGS

(O-11-18)

- 8. Consideration of proposed revisions to the City's Code of Ordinances – Title VII – General Regulations – Chapter 93.016 (I) Unnecessary Noise Prohibited Specifically – remove the language “and character”**

TJ Wilson, City Attorney

(O-12-18)

- 9. Consideration of proposed revision to the City's Code of Ordinances – Title IX – General Regulations –Chapter 74 – Schedule 1 – Stop Intersections – Add signage (Stop Signs) in Lincoln Meadows Subdivision**

Richard Haynes, Assistant City Manager

PRESENTATION

- 10. Presentation to Lincolnton Police Officer Steven Roper for obtaining his Intermediate Law Enforcement Certificates**

Rodney Jordan, Police Chief

CONTRACT

(C-14-18)

- 11. Consideration of contract between the City and Lincoln County in reference to the Lincolnton-Lincoln County Regional Airport**

Steve Zickefoose, City Manager

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OTHER BUSINESS

12. Request to appear before City Council to express concerns about the sewer policy

Cindy Koehler,
201 Wellington Drive, Lincolnton

13. Consideration of proposal for potential pay and classification study methodology

Tanya Osborne,
Human Resources Director

14. Monthly financial report/overtime report

Steve Zickefoose, City Manager

RECOGNITION

15. Retirement recognition of City Clerk Donna Flowers for 32 years of service to the City of Lincolnton

Mayor Hatley

PUBLIC COMMENT

*Speakers will be limited to three (3) minutes to address Mayor and City Council
Concerning Non-Agenda Items.*

You must sign in with the City Clerk prior to the meeting to be eligible to speak.

CLOSED SESSION

In accordance with NCGS 143-318.11(a)(1)(5)
To discuss property acquisition

NEWS MEDIA

ADJOURNMENT

ITEM #

1

APPROVAL

OF

REGULAR

AGENDA

ITEM #

2

APPROVAL

OF

CONSENT

AGENDA

ITEM #

3

REGULAR MEETING - SEPTEMBER 6, 2018

The Mayor and City Council met in regular session on Thursday, September 6, 2018 at 7:00 pm in the Council Chambers of City hall located at 114 West Sycamore Street, Lincolnton.

Mayor Hatley called the meeting to order and led the Pledge of Allegiance.

The following City Councilmen were in attendance:

SMITH BLACK EADDY JETTON

Councilman Jetton made the motion unanimously approved the REGULAR AGENDA.

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

- Approved of Minutes of the August 2, 2018 – Regular Meeting
- Approved Proclamations for Red Ribbon Week and Trigeminal Neuralgia Awareness Day

REGULAR AGENDA

PRESENTATION OF PROCLAMATION RECOGNIZING CONSTITUTION WEEK – SEPTEMBER 17 THROUGH 23, 2017 TO MEMBERS OF DAUGHTERS OF THE AMERICAN REVOLUTION – LINCOLNTON CHAPTER:

Mayor Hatley read aloud the following proclamation, presenting a framed copy to Annette Crouse, Vicky Amessa and Ruby Parker, members of the Daughters of the American Revolution – Lincolnton Chapter:

WHEREAS, September 17, 2018 marks the Two Hundred and Thirtieth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, the tradition of celebrating the Constitution was started many years ago by the Daughters of the American Revolution (DAR) to inform the people that the Constitution is the basis for America's great heritage and the foundation for our way of life; and

REGULAR MEETING - SEPTEMBER 6, 2018

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation through patriotic celebrations across the United States that will commemorate the occasion; and

NOW, THEREFORE, I, Ed Hatley, Mayor of the City of Lincolnton, do hereby proclaim September 17 through 23, 2018 as **CONSTITUTION WEEK** in the City of Lincolnton, and ask our citizen's to reaffirm the ideas the Framers of the Constitution had in 1787.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Lincolnton in the state of North Carolina on this sixth day of September in the year of our Lord two thousand eighteen.

The DAR members thanked the Mayor and City Council for publicly presenting them the proclamation and for assisting with awareness of Constitution Week in Lincolnton.

PRESENTATION TO LINCOLNTON POLICE OFFICER DEVANE RUSHING FOR OBTAINING HIS INTERMEDIATE LAW ENFORCEMENT CERTIFICATE:

Rodney Jordan, Police Chief, called Officer Devane Rushing forward for presentation of the certificate for completion of the required hours to earn the Intermediate Law Enforcement Certificate through the NC Training and Standards Commission. This formal presentation concluded with Chief Jordan thanking Officer Rushing and her family for the time and commitment to serving in law enforcement.

PRESENTATION FROM APPLE FESTIVAL BOARD CHAIR – UPDATING COUNCIL ON THE 2018 APPLE FESTIVAL EVENT TO BE HELD SATURDAY, SEPTEMBER 15TH:

Carole Howell, Director Lincoln County Apple Festival, appeared before Council to provide an update on plans for this year's festival. She said this is the 46th year for the Apple Festival in Lincolnton. This year's event will display new banners in our downtown, relating to the Apple Festival. She said thirty-seven vendors are scheduled to attend as well. One noted change was that food vendors would be on the outside of the courtsquare, rather than on the circle facing outward from the courthouse as in past years. This year a shuttle service will be provided, that will also accommodate handicap individuals, dropping event attendees at First Federal Park.

REGULAR MEETING - SEPTEMBER 6, 2018

Carole said she plans to complete an impact study after this year's festival to share with City Council in hopes to work together on the proposed fees that the City will start charging in the near future for services provided for events.

APPLICATION FROM TOM FOX FOR BUSINESS INCENTIVE GRANT FOR BUILDING RENOVATIONS TO ACCOMMODATE A NEW RETAIL FABRIC/LINEN PRODUCTION STORE AT 602 E. MAIN STREET:

BIG-04-18

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the request from Tom Fox for a Business Incentive Grant for renovation to 602 East Main Street.

Laura said the proposed use for building renovations for a fabric store/linen production business to include:

- Repair walls, fill all holes and cracks
- Paint Interior walls
- Install a window between the upper and lower showroom
- Install new lighting
- Remove old carpet and install new carpet
- Install ceiling fans in the production areas
- Renovate and upgrade three bathrooms

The estimated project costs were \$ 29,775.00 with anticipated start date of September 2018; and anticipated completion in October 2018. She requested City Council consider approval of \$ 14,887.50 as a Business Incentive Grant. The Lincolnton Steering Committee endorsed with this recommendation.

Mr. Fox was in attendance and offered to answer any questions from Council. He said Steve and David Abernathy own the property, and he has their blessing on giving the facility a fresh look without disturbing the architectural look of the building. He plans to complete work on the grounds with landscaping as well.

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

Councilman Jetton made the motion unanimously approved to approve the Business Incentive Grant as recommended by the Planning Director.

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PUBLIC HEARING TO RECEIVE INPUT ON PROPOSED CHANGES TO THE CITY'S CODE OF ORDINANCES ADDING – TITLE XIII: GENERAL OFFENSES – CHAPTER 130 – OFFENSES AGAINST PUBLIC PEACE AND SAFETY – SECTION 130.07 PREVENTION FROM PURSUING LAWFUL BUSINESS OR OCCUPATION:

(O-08-18)

Prior to opening the Public Hearing Mayor Hatley, called for a motion to limit those speaking for or against this issue to two or three minutes, in an effort to save time as there were numerous speakers who signed to speak to this topic. Councilman Jetton made the motion unanimously approved to limit speaker to two minutes each.

Mayor Hatley then opened the Public Hearing. He then called on City Manager Steve Zickefoose to review the proposed changes. Steve said the suggested changes would provide additional protection to businesses from disruption due to public conduct. The language presented was based on a ruling from the Supreme Court Case Chaplinsky v. New Hampshire (1942). He said observation of the disruption of business, the harassment of customers, and as a response to business/customer complaints is the reasoning behind consideration of this ordinance, and its adoption would provide police officers additional clear enforceable guidelines to protect the rights of businesses and customers. The following language was recommended:

Title XIII: General Offenses – Chapter 130. Offenses Against Public Peace and Safety – Section 130.07 – Prevention from Pursuing 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.

The City Manager noted that he would like to make a language change to the proposed ordinance from what was presented tonight for simplification purposes. The proposed change was as follows: “No person shall interfere with disrupt or prevent anyone from pursuing his lawful business or occupation.” Those who signed to speak tonight were heard and given the opportunity to speak for or against the language presented as advertised.

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Mr. Steve Widdows contacted the City Clerk early in the week and requested to be on the list to speak to this proposed ordinance change. Mr. Widdows contacted Mayor Hatley earlier on the day of the meeting by phone to say he could not attend.

Mr. Jeffrey Shook spoke against the proposed ordinance saying, "I highly encourage you not to pass this ordinance." He referenced the ordinance passed in December 2017, saying in his opinion it was against street preaching, and restricting preaching is unconstitutional.

Ms. Paula McSwain also spoke against the proposed ordinance. She asked what the penalty would be for this proposed ordinance. She asked, "Who defines the ordinance wording? Where does it end?" "How threatened do businesses feel?" She encouraged Council not to adopt this ordinance she feels we have enough regulations in place.

Mr. Alan Hoyle spoke against the proposed ordinance. He questioned what lawful businesses are the City Council referring to with the language in the ordinance. He felt that Lincolnton is trying to be more like Hickory and Charlotte who have drug problems. He said, "Alcohol is a drug." He is against promoting family events that have alcohol available.

Mr. Jeremy Shook also spoke against the proposed ordinance. He referenced several biblical scriptures, saying he feels City Council is upholding the evil, the decisions you make will not only affect you but will affect my children. He cited hypocrisy, referencing

Mr. Scott Rapp also spoke against the proposed ordinance. He reminded Council they are under oath. He said, "That oath meant that we the people, the citizens, are the highest authority in this nation." "We hold you accountable."

Mr. Ken Kindley spoke in favor of the proposed ordinance. He said as past Chamber Director, he witnessed the disruptive behavior. He said, "The first amendment is important but when you abuse it; that is not right. They are disturbing the peace, we've gone through this before, and that is not right." "We need to deal with this. We don't make his children cry, and they should not be allowed to make others children cry."

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Having no others wishing to speak, Councilman Eaddy made the motion unanimously approved to close the Public Hearing.

Councilman Eaddy asked for clarification saying, "If we have a vendor at one of our festivals that is selling leather; and we have people who are against killing animals for clothing, they are allowed to protest, and that is their freedom of speech; but they are not allowed to interfere with the person selling the good on the street. Mayor Hatley confirmed that is the premise, to protect the business/vendor of their rights.

Mayor Hatley then called for a motion to recess the public hearing, to reconvene at the October 4th meeting. Councilman Jetton made the motion unanimously approved to recess the public hearing to be continued at our October 4th regular meeting.

PUBLIC HEARING TO RECEIVE PUBLIC INPUT ON THE FOLLOWING CHANGES TO THE CITY'S CODE OF ORDINANCES: TITLE IX – GENERAL REGULATIONS – CHAPTERS 130.05 AND 90.06 – ANIMALS AT SPECIAL EVENTS (SECTION 90.23 REMOVAL OF CANINE WASTE AND 91.29 – ANIMALS):

(O-09-18)

Mayor Hatley opened the Public Hearing. Laura Morris, Director of Community Relations, reviewed the request to amend the City's Code to mirror Lincoln County's animal ordinance. Revision highlights were noted as follows:

Changes by ordinance:

1. 90.06 – Grammatical correction
2. 90.10 – Ordinance added
3. 90.11 – Ordinance added
4. 90.12 – Ordinance added
5. 90.20 – Revised to add "physical control" and delete "collar"
6. 90.21 – Revised to include Lincoln County language, will remain current with county
 - a. Deleted sections regarding "Dangerous Dogs"
7. 90.22 – Revised to include Lincoln County language, will remain current with county
 - a. Deleted sections regarding "Dog Warden"
8. 90.23 – Added pet waste ordinance

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9. 90.35 – Revised to include Lincoln County language, will remain current with county
 - a. Deleted section regarding rabies
10. 91.29 – No changes recommended
11. 93.049 – Added “pet waste” to littering definition
12. 94.30 – Deleted “vicious”
13. 130.05 – Revised (B)(2) to delete confusing language and add §90.06 reference

Councilman Jetton questioned if these revisions would apply to all events in downtown. Laura confirmed that they would apply to all City sponsored events.

Councilman Eaddy said the ordinance defines service animals and they are excluded. Councilman Black said the exception would be emotional support animals. After some discussion, Councilman Black made the motion unanimously approved to close the Public Hearing.

Councilman Eaddy made the motion unanimously approved to adopt the proposed revisions as outlined and presented.

CONSIDERATION OF CONTRACT BETWEEN THE CITY AND CARDNO FOR TECHNICAL SERVICES ON BROWNFIELDS ASSESSMENTS (ESTIMATED COST OF \$ 290,000)

(C-13-18)

Laura Elam, Planning Director, told Council that the City has been working to try to get abandoned mills re-used or redeveloped. She said “ These properties can be challenging to market for a number of reasons including concerns about potential environmental contamination. At this point, the City does not have any hard information regarding potential contamination to share with prospective developers or buyers. “

She said in order to help address this issue, the City applied for an EPA community-wide brownfields assessment grant last year. Assessment grants provide funding for brownfields inventories, planning, environmental assessments and community outreach.

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The EPA recently awarded the City two brownfields assessment grants totaling \$300,000. Community-wide hazardous substances and petroleum grant funds will be used to conduct Phase I and Phase II Environmental Site Assessments (ESAs), cleanup and reuse planning activities, and community outreach activities.

Utilization of the EPA grant funding does not require a local match. The only cost to the city will be staff time for administration and oversight of the program, required training and advisory committee and community meetings.

Laura said the next step in the process is for the City to engage a brownfields consulting firm to perform the specialized and technical requirements of the grant program such as preparation of environmental assessments and clean up plans. The EPA grant funding will pay 100 percent of the costs of the consultant. The City requested statements of qualifications from brownfields experts through an RFQ process. Four (4) firms submitted letters of interest in response to the RFQ including Mid-Atlantic, ECS, Intertek PSI and Cardno. A staff selection team appointed by the City Manager reviewed the qualification statements and assessed the firms in accordance with the RFQ selection criteria. The staff team unanimously selected Cardno as the most qualified firm to provide the services for this program.

She offered to review the draft contract between the City and Cardno for technical services for \$290,000. All fees to be paid to Cardno would come directly from the EPA grant fund, not additional City funds. The remainder of the grant funds could be used by the City for purchase of necessary equipment and required training, subject to all grant program criteria.

She concluded recommending Council approve the contract with Cardno to perform technical services for the City's brownfields program.

Councilman Black made the motion unanimously approved to enter into the contract as recommended by the Planning Director.

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CONSIDERATION OF PROPOSED POLICIES FOR THE (1) MARCIA H. CLONINGER RAIL TRAIL AND (2) FIRST FEDERAL PARK:

(P-04-18)

Nathan Eurey, Recreation Director, reviewed policies and procedures for both Marcia H. Cloninger Rail Trail and First Federal Park. They were presented as follows:

Marcia H. Cloninger Rail Trail

The 1.7 mile long Marcia H. Cloninger Rail Trail is constructed along the historic Carolina and Northwestern Railroad (C & NW). Running North, the Marcia H. Cloninger Rail Trail begins at Motz Avenue and currently ends at City Park, located at 1000 N. Aspen Street. The paved surface trail runs through residential and downtown areas of Lincolnton, with access to several City streets, including East Main Street. The rail-trail is a connector to three City-owned parks: Betty G. Ross Park, First Federal Park, and City Park.

Rail-Trail Parking

Parking is available along the trail at Betty G. Ross Park, Motz Avenue, the gravel lot at Congress & Government Street, First Federal Park, & City Park.

Restroom Facilities

Public restroom facilities are available along the trail at the following locations: Betty G. Ross Park, First Federal Park, and City Park. Restroom hours are: Monday through Saturday 7am – Sunset; Sundays 1pm – Sunset.

Hours of Operation

The rail-trail is open daily to the public on a 24-hour basis. The trail is open to walkers, joggers, in-line skaters, and cyclists.

Rail Trail Rules

So that all may enjoy the trail, we ask that you please abide by the following rail trail rules:

- All pets must be leashed and under control. Please clean up after your pets. Pet waste stations are located at the ends and middle of the trail.
- Only authorized motor vehicles are allowed on the rail trail.
- Bicyclist, Skateboarders, Skaters, and Joggers are to yield to pedestrians.
- Poisonous snakes, insects, and plants are all parts of the natural environment. Please be aware of your surroundings.

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PROHIBITED:

- Solicitation
- Alcoholic Beverages, Drugs, Fireworks, etc.
- Glass Containers
- City of Lincolnton Code of Ordinances prohibits any person to damage, deface, or interfere with city property and/or public utility components on or about this recreation trail. Violators are punishable by fines and/or incarceration.
- City of Lincolnton Code of Ordinances prohibits Registered Sex Offenders from being on or about this recreational trail. Violators are punishable by fines and/or incarceration.

Please help keep the rail trail clean by putting trash into the trashcans that are provided.

The Lincolnton Police Department has full authority to enforce all regulations pertaining to the use of the Marcia H. Cloninger Rail Trail.

In making the Marcia H. Cloninger Rail Trail available to sponsors and the general public, The City of Lincolnton, City Officials and Recreation Staff shall be held harmless and shall assume no responsibility or liability for any loss or damage which may occur during the use of these premises governed by the foregoing policies and procedures.

FIRST FEDERAL PARK - Policies and Procedures

First Federal Park is a .33 acre park located at the former historic site of the Carolina and North Western Railroad Freight Depot. Opened in September of 2017 and located along the Marsha H. Cloninger Rail Trail, the park features the following amenities: restrooms, water fountains, park benches, open green space, and splash pad.

- ❖ Park hours are as follows: Monday through Sunday from 7:00am – 10:00pm.
- ❖ Restroom hours are as follows: Monday through Saturday from 7:00am – Sunset;
Sundays from 1:00pm – Sunset.

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The park and/or splash pad will not be made available for private rental.

So that all may enjoy the park, we ask that you please abide by the following park rules:

- No trespassing after hours per Section 96.01 of the City of Lincolnton Code of Ordinances.
- Alcohol, illegal weapons, drugs, fireworks, smoking, etc. are not permitted on park premises
- All pets must be leashed and under control. Please clean up after your pets.
- Motorized vehicles are not allowed on sidewalks, the rail trail, or the park lawn. (Except Emergency Vehicles)
- Skating, rollerblades, skateboarding or scooters are not permitted on park premises.
- No solicitation allowed.
- It is a criminal violation of the City of Lincolnton Code of Ordinances, section 96.02, for any Registered Sex Offender to be on or about this recreation facility. Violators are subject to immediate arrest and punishable by fines and/or incarceration.
- Please help keep the park clean by putting trash into the trashcans that are provided.

The Devin Rhyne Splash Pad shall operate May 1st through September 30th. Hours of operation are as follows unless otherwise posted:
Monday through Saturday from 9:00am – Sunset; Sundays from 1:00pm – Sunset.

So that all may enjoy the splash pad, we ask that you please abide by the following splash pad rules:

- Splash pad use is for children 12 and under. Anyone 13 and over must be accompanying a child to be allowed into the splash pad area.
- Running and horseplay are not permitted.
- Profanity and aggressive behavior will not be tolerated.
- No food or drinks are permitted in the splash pad area.
- Chewing gum, alcoholic beverages, smoking, and glass containers are not permitted.

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- Non-toilet trained children must wear a swim diaper under swim suit. Do not change diapers in the splash pad area.
- Patrons with communicable diseases, open wounds, and bandages are not permitted in the splash pad area.
- Pets are not permitted in the splash pad area.
- Appropriate swim attire only.
- Skates, skateboards, scooters, bicycles, or other wheeled toys are not permitted in the splash pad area.
- Vacate the splash pad area at the sound of thunder. LIGHTNING KILLS!
- The splash pad will not be rented or reserved.
- The Recreation Department reserves the right to close the splash pad for public use during special events.
- Splash pad can be activated by tapping on white activator button located on the splash pad area.

FOR ORGANIZED PUBLIC EVENTS:

- Sale of certain food items may require permits from Lincoln County Environmental Health. It is the responsibility of the group using the facility to comply with all such regulations.

**Contact Environmental Health at least two weeks prior to the event at: (704) 736-8426*

- **Certificate of Insurance:** Certificate of insurance naming the City of Lincolnton as additional insured must be provided with a signed "Facility Use Application" for organizations requesting use of First Federal Park. Certificate coverage shall be in the amount of One Million Dollars (\$1,000,000) for each occurrence with a Two Million Dollar (\$2,000,000) aggregate.

In making First Federal Park available to sponsors and the general public, The City of Lincolnton, City Officials and Recreation Staff shall be held harmless and shall assume no responsibility or liability for any loss or damage which may occur during the use of these premises governed by the foregoing policies and procedures.

The Lincolnton Police Department has full authority to enforce all regulations pertaining to the use of First Federal Park.

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Councilman Eaddy liked the idea of having these policies in place. He suggested removing the wording relating to alcohol on the First Federal Park, take alcohol out of that list; then add a list that says the possession or use of alcohol is prohibited unless permitted through the City's special events permitting process. Dr. Eaddy said, "This would allow First Federal Park to have their own festivals but they would have to go through the City's Special events process to have the event approved."

Councilman Eaddy then motioned, unanimously approved, to adopt the policies with the recommended changes.

ADMINISTRATIVE POLICY REVISIONS TO UNIFORM GUIDANCE PROCUREMENT POLICY - CHANGE TO THRESHOLD AMOUNTS (INTERNAL ADMIN # 14):

(P-05-18)

Steve Zickefoose, City Manager, requested Council consider a revision to the Uniform Guidance Procurement Policy originally adopted at the June 8th, 2018 City Council meeting. He said he was notified that the under the specific procurement procedures section of the policy, the NCLG changed the Service contract as follows:

- (A) Service Contracts (except for A/E professional services) and Purchasing Contracts costing less than ~~\$ 3500~~ **\$ 10,000** shall be procured using the Uniform Guidance "micro-purchase"
- (B) Service Contracts (except for A/E professional services) and Purchase Contracts costing ~~\$ 3500~~ **\$ 10,000** up to \$ 90,000 shall be procured using the Uniform Guidance "small purchase" procedure
- (E) Construction and Repair contracts costing less than ~~\$ 3500~~ **\$ 10,000** shall be procured using the Uniform Guidance "micro-purchase" procedure
- (F) Construction and repair contracts costing ~~\$ 3500~~ **\$ 10,000** up to \$ 150,000 shall be procured using the Uniform Guidance "small purchase" procedure

Councilman Jetton made the motion unanimously approved to adopt the policy revisions as recommended by the City Manager and the NCLG.

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CONSIDERATION OF THE 22 NOMINEES FROM THE FOUR AREA HIGH SCHOOLS AND THE LINCOLN CHARTER SCHOOL FOR THE LINCOLNTON STUDENT ADVISORY COUNCIL (CITY COUNCIL CAN HAVE THREE NOMINATIONS FOR A TOTAL OF 25):

(APPT-02-18)

Donna Flowers, City Clerk, provided the following list of nominees from the four area high schools and the Lincoln Charter School for consideration for serving on the 2018-19 Lincolnton Student Advisory Council:

EAST LINCOLN

Emma White – Sr.
Cole Johnston – Sr.

Jud Reel – Sr.
Jenna Land – Sr.

McKenzie Marino – Sr.

WEST LINCOLN

Dylan Smith – Sr.
Hannah Turner – Sr.
McConnell – Jr.

Mattie Wyant – Sr.
Isabella Shutt – Jr.

Kaley Pearson – Sr.
*Alexa Bieberich – Jr. *Cade

LINCOLN CHARTER SCHOOL

Rebecca Quesada – Sr

Kevin Rojas – Jr.

LINCOLNTON HIGH SCHOOL

Ashlyn Rhyne – Sr.
Bailey Reed – Jr.

Chloe Lineberger – Sr.
Allie Blackburn – Jr.

Kyle Burgin – Jr.

NORTH LINCOLN HIGH SCHOOL

Grady Bartro – Sr.
Grace Holbrook – Sr.

Allison File – Sr.
Melanie “Lanie” Jordan – Jr.

Sheridan Farris – Jr.

**Represents Nominated by Elected Official*

Councilman Smith made the motion unanimously approved the above named members, for a total of 24, to the 2018-19 Lincolnton Student Advisory Council.

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CONSIDERATION OF APPOINTMENT TO THE LINCOLNTON – LINCOLN COUNTY AIRPORT AUTHORITY:

(APPT-03-18)

Mayor Hatley told City Council the City received one eligible application for the vacancy to the Lincolnton-Lincoln County Regional Airport Authority, the applicant was Tim Smith. Mayor Hatley told Council he would move to appoint Tim, with his term beginning in December after he comes off City Council. The physical term would run from January 2019 through December 2021.

Councilman Eaddy made the motion unanimously approved to appoint Tim Smith to the Airport Authority. The City Clerk will notify Clerk to the Board Amy Atkins, and Joe Tate L-LCRA Manager of the appointment.

CONSIDERATION OF BUDGET AMENDMENT – MOVING FUNDS FROM THE CAPITAL PROJECTS (25%) TO THE POWELL BILL FUND, \$ 100,000 AND DECREASING THE WATER & SEWER FUND, \$ 100,000 TO PURCHASE OF VAC TRUCK:

(BA-06-18)

Steve Zickefoose, City Manager, reviewed a budget amendment that would amend the Powel Bill Fund as stated above. He stated the purpose of this amendment was to adjust the budget to reflect the purchase of the Vac Truck, for the Distribution and Collections Department accordingly.

Councilman Black made the motion unanimously approved to adopt budget amendment as presented by the City Manager.

UPDATE FROM STEERING COMMITTEE:

Fred Jarrett, Chair of Steering Committee, gave a thorough review of the third quarter report of activities of the Steering Committee. Talking points were as follows:

1. Annual review of charter - Updated membership and ASO organizations; Reports section deleted review of City Budget and added Central Business District Strategic Plan (CBDSP); Other Rules of Operation section added means to address vacancies occurring in the membership.
2. And Lynn Steering Committee Vice-chair withdrew from Steering Committee and Tommy Huskey is now serving as interim Vice-chair.

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Performed due diligence on one BIG application:

- BIG-4-2018 - building renovations for a new retail fabric store/linen production business at 602 East Main Street

Committee recommended to be submitted to Council for approval.

3. Lincoln Quilt Trail - August 23, 2018 LTN article stated that "Downtown Lincoln has become an artistic and tourist destination with the various barn quilts and murals that decorate local businesses and recreational areas."
4. Downtown Murals - Lincoln Herald July 4, 2018 article stated that the Downtown Development Association has added to the murals by "unveiling its first mural in an interactive art project called "Open Wings, Open Heart." The full project will be a collection of interactive murals each depicting a different style of wings including **butterfly**, angel and ladybug wings.
5. Action Item - Cherryville New Year's Shooters - Noise Ordinance (02/14/18).
 - Came to Committee's attention that Cherryville New Years Shooters, as they traveled through the City shooting in the New Year, generated several disturbance complaints by residents. Action was assigned to Laura Morris for resolution. Call Laura to come forward to report on a potential, unique resolution.
6. Action Item - Central Business District Strategic Plan (CBDSP) Update
 - Processed all collected data and made significant revisions to draft plan
 - Reduced the number of goals from 10 to five (manageable)
 - Five Goals eliminated from CBDSP were reassigned ownership and maintained at the end of our CBDSP for monitoring/update (i.e., that which gets monitored gets accomplished).
 - Revised the three Economic Goals into Values.
 - Reformatted.
 - Current action is for committee members to take ownership of each objective in the plan.

Fred also included a power point presentation for Council in their agenda packets, outlining the Strategic Plan for the Central Business District.

REGULAR MEETING - SEPTEMBER 6, 2018

Laura Morris also spoke on behalf of the Steering Committee discussing the potential new event that could assist with concerns of animals and the blocking of streets when the Cherryville New Year Shooters are in Lincolnton. Laura

proposed a New Year's event, called the "Apple Drop" where a apple would be lit and lowered through a pulley system in the downtown area. The idea came to light when discussion began last year on facebook about citizens expressing their concerns over the New Years tradition. Laura said, Carole Howell suggested that the City consider an Apple drop as Lincolnton and Lincoln County are known for the successful Apple Festival and apple crops. Laura said the event could be held from 5 to 7 with the Apple drop taking place at 7:00 pm. People could bring food to supply the food pantry at Christian Ministries. Then after the drop they could showcase the New Years Shooters. Laura said, "It's different and I think it is something to celebrate the shooters in a positive way." She discussed the idea hoping to receive feedback from Council on how to proceed.

Councilman Jetton and Eaddy thanked both Fred and Laura for their information and commended them on the great job they are doing on the Steering Committee. Dr. Eaddy said, "I think people need to realize that a lot of what we do to create a bright and prosperous community are generated from ideas from this Steering Committee. It is one of the most powerful things we have done for this City to project us into the future."

DISCUSSION ON LOCATION OF A NEW COURTHOUSE:

(R-12-18)

Mayor Hatley told those in attendance that the meeting preceding tonight's 7:00 p.m. meeting was to discuss options for the locations of the new courthouse. Historically the courthouse has been downtown, what affect would it have if it moved from downtown. Mayor Hatley opened this item up for discussion among City Council

Councilman Eaddy said, "I think it is important that the business of the courts remain in the center of our County seat. The number of visitors that come to the courthouse on a daily basis directly influences the success of our retail portion of our community and I think to move it away from downtown would

REGULAR MEETING - SEPTEMBER 6, 2018

do to us, what it did when they moved it away from Newton. I think we need to support our County Commission as they are trying to make a cost effective and productive decision, and let them know we support the idea of keeping that function in our downtown area.

Mayor Hatley said, "We will convey to the Commissioners that our City and the Lincolnton City Council stands ready to assist the Commissioners in any way possible, as far as rezoning or any other issues that may come up that would assist them in keeping the court system downtown.

Mayor Hatley further stated further stated, "I think moving it to any other location would be a detriment to our business owners and detrimental to our continued efforts toward downtown revitalization."

Mayor Hatley asked the City Clerk to draft a resolution to forward to the Lincoln County Commissioners that communicates the City's intent to assist in any way possible to keep the court system in our downtown area, including our intentions.

Councilman Eaddy made the motion unanimously approved to adopt a resolution and that said resolution be forwarded to the Lincoln County Commissioners as soon as possible.

The City Clerk will draft the resolution and send to the Clerk to the Board of Commissioners, upon Mayor Hatley's approval, to share with the County Manager and the Commissioners.

Councilman Jetton said he would like to keep the court house a part of the court system in our downtown, keeping the structure as is.

REGULAR MEETING - SEPTEMBER 6, 2018

MONTHLY FINANCIAL REPORT/OVERTIME REPORT:

Steve Zickefoose, City Manager, shared the following financial report:

General Fund		Budget 18-19	Actual 18-19	% of Budget	Budget 17-18	Actual 17-18	Difference
Fund 10	Revenues	11,800,766	33,485	0%	11,655,521	71,047	(37,563)
	Fund Balance	1,051,770	-	-	964,361	-	-
		12,852,536	33,485		12,619,882	71,047	(37,563)
	City Manager/Clerk	320,960	28,574		331,465	17,397	11,177
	Human Resources	239,060	21,199		232,730	15,312	5,887
	Finance	242,790	42,700		273,412	27,946	14,754
	General Expense	1,057,620	197,775		942,324	68,673	129,102
	General Debt Service	520,954	21,692		463,524	21,692	-
	Police	3,700,970	270,364		4,284,770	205,308	65,056
	Fire	2,240,650	191,231		2,099,345	125,720	65,511
	Public Works	79,616	11,050		172,956	15,867	(4,817)
	Street	1,251,668	73,857		1,246,268	54,014	19,843
	Equipment Services	133,270	13,004		135,120	9,892	3,112
	Solid Waste	756,798	47,522		708,328	41,972	5,550
	General Services	-	-		-	-	-
	Plannin/Zoning	679,060	19,611		348,794	13,925	5,686
	Bus & Comm. Dev	135,000	2,106		164,960	2,376	(270)
	Recreation	1,494,120	84,979		1,215,886	56,359	28,621
	Expenses	12,852,536	1,025,664	8%	12,619,882	676,453	349,211 *
	Difference		(992,180)			(605,406)	(386,774)

Water & Sewer Fund		Budget 18-19	Actual 18-19	% of Budget	Budget 17-18	Actual 17-18	Difference
Fund 61	Revenues	8,096,950	681,446	8%	7,449,995	711,772	(30,326)
	Fund Balance	281,590	-	-	526,653	-	-
		8,378,540	681,446		7,976,648	711,772	(30,326)
	Water Treatment	1,502,950	186,521		1,508,500	144,366	42,155
	Dist & Collection	1,748,000	92,792		1,440,153	55,144	37,648
	Wastewater	1,550,100	75,976		1,516,650	52,381	23,595
	W & S Intangibles	3,577,490	98,498		3,511,345	38,812	59,686
	Expenses	8,378,540	453,786	5%	7,976,648	290,702	163,084 *
	Difference		227,660			421,070	(193,410)

Electric Fund		Budget 18-19	Actual 18-19	% of Budget	Budget 17-18	Actual 17-18	Difference
Fund 63	Revenues	7,669,264	648,321	8%	7,791,714	574,583	73,738
	Fund Balance	300,000	-	-	1,224,483	-	-
		7,969,264	648,321		9,016,197	574,583	73,738
	Electric Dept.	7,969,264	89,144		9,016,197	99,166	(10,022)
	Expenses	7,969,264	89,144	1%	9,016,197	99,166	(10,022)
	Difference		559,177			475,417	83,761

Overtime 80+ hours		33,413			29,652		3,761
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REGULAR MEETING - SEPTEMBER 6, 2018

PUBLIC COMMENT:

Mr. Jim Gallagher, City Council representative from Gastonia, spoke to Council providing background information about himself with Council explaining that he would become Chair to the Board of Directors for Electricities in January and wanted to introduce himself and let Lincolnton know if there was anything he could do for them while serving in that position, to please contact him.

Alan Hoyle spoke to City Council about US Constitution.

Ken Kindley thanked City Council for their efforts to protect business owners rights in downtown Lincolnton.

NEWS MEDIA:

There were no questions from the News Media.

ADJOURNMENT:

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

DONNA C FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR

ITEM #

4

Donna Flowers

From: Jean Q. Derby
Sent: Wednesday, September 19, 2018 3:13 PM
To: Donna Flowers
Cc: Laura Elam
Subject: Business Incentive Grant

Good afternoon, Donna.

We received today an application for a business incentive grant as follows:

BIG-5-2018 - Application from Pete DeGregory for Business Incentive Grant for building renovations to accommodate a restaurant at 110 E. Water Street.

Thank you!

Jean Derby
City of Lincolnton
Administrative Support Specialist
City Manager's Office and Planning Department
(704)736-8930



ITEM #

5

CITY OF LINCOLNTON

CITY COUNCIL
Ed L. Hatley, Mayor
Martin A. Eaddy, Mayor Pro-Tem
David M. Black
Roby D. Jetton
Tim Smith



CITY MANAGER
Steve Zickefoose, MBA
szickefoose@lincolntonnc.org
CITY CLERK
Donna C. Flowers, MMC, NCCMC
donnaflowers@ci.lincolnton.nc.us
CITY ATTORNEY
Thomas J. Wilson, Jr.

TO: Mayor & City Council
FROM: Donna C. Flowers, City Clerk
SUBJECT: Addition to Lincolnton Student Advisory Council
DATE: September 28, 2018

Councilman Eaddy would like to add one appointee to the 2018-19 Lincolnton Student Advisory Council, which will make the total membership of twenty-five, in accordance with the by-laws. His nominee is as follows:

Ashley Logan – Sr.
(Lincolnton High School)
1072 Bethel Church Road
Lincolnton, NC 28092
(704)735-4614

ITEM #

6

CITY OF LINCOLNTON

CITY COUNCIL
Ed L. Hatley, Mayor
Martin A. Eaddy, Mayor Pro-Tem
David M. Black
Roby D. Jetton
Tim Smith



CITY MANAGER
Steve Zickefoose, MBA
szickefoose@lincolntonnc.org
CITY CLERK
Donna C. Flowers, MMC, NCCMC
donnaflowers@ci.lincolnton.nc.us
CITY ATTORNEY
Thomas J. Wilson, Jr.

PROCLAMATION **NC Public Power Week** **October 7-13, 2018**

WHEREAS, public power is a crucial component in cities and towns across North Carolina, contributing to the overall health of communities by providing reliable electricity, excellent local service and prompt restoration;

WHEREAS, North Carolina's more than 70 public power cities and towns are among more than 2,000 across the country;

WHEREAS, many of North Carolina's public power cities and towns have been electric providers for more than 100 years;

WHEREAS, public power meets the electric needs of 40 million Americans, almost 15 percent of electricity consumers;

WHEREAS, North Carolina's public power utilities are valuable community assets that contribute to the well-being of the community and provide economic development opportunities; and,

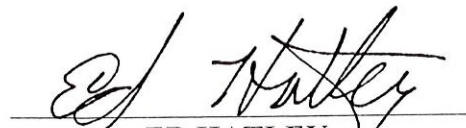
WHEREAS, North Carolina's public power utilities are dependable institutions that provide excellent service and a commitment to community;

NOW THEREFORE BE IT PROCLAIMED, that the week of October 7-13, 2018, citizens of Lincolnton are encouraged to promote North Carolina's public power cities and towns for their contributions to their communities;

BE IT FURTHER RESOLVED, that NC Public Power communities join with all public power systems in the United States in this celebration of public power.

Adopted, this 4th day of October 2018.


DONNA C. FLOWERS, MMC
CITY CLERK


ED HATLEY
MAYOR

ITEM #

7

Council requested that the wording for draft ordinance 130.07 be changed to reflect a clearer understanding of the ordinance intent. The revised version is below:

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 draft ordinance amendment is listed below:

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 interfere with, disrupt, obstruct or prevent anyone from pursuing their lawful business or occupation.

Penalty, see § [93.999](#)

ITEM #

8

§ 93.015 UNNECESSARY NOISE GENERALLY PROHIBITED.

It shall be unlawful for any person to create or assist in creating any unreasonably loud, disturbing and unnecessary noise in the city. Noise of the ~~character~~ intensity and duration as to be detrimental to the public health, welfare and peace is hereby prohibited.

(Prior Code, § 7-4) Penalty, see § 93.999

Statutory reference:

Authority to regulate loud noises on streets and sidewalks, see G.S. § 160A-184

§ 93.016 UNNECESSARY NOISE PROHIBITED SPECIFICALLY.

The following acts, among others, are hereby declared to create loud, disturbing and unnecessary noises in violation of this code, but the enumeration shall not be deemed to be exclusive:

(A) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger signal, so as to create any unreasonably loud or harsh sound, or the sounding of the device for an unnecessary and unreasonable period of time;

(B) The playing of any radio or television or phonograph or other musical instrument in a manner or with volume, particularly during hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of resident;

(C) The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity;

(D) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded, or in a manner as to create loud or unnecessary grating, grinding, rattling or other noise;

(E) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger;

(F) The conducting, operating or maintaining of any garage or service station in any residential area so as to cause loud or offensive noises to be emitted therefrom, between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, or on Sundays;

(G) The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the same are in session, or within 150 feet of any hospital, which unreasonably and unnecessarily interferes with the working of these institutions, provided conspicuous signs are displayed in the streets indicating that the area is a school, court or hospital area;

(H) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m., on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the Building Inspector, which permit may be renewed for a period of three days or less while the emergency continues; and

(I) Any person or group of persons willfully making any loud, raucous, or disturbing sound that - because of its volume ~~or duration and character~~ - annoy, disturb, frighten, injure, or endanger the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities in the neighborhood or Central Business District is prohibited.

(Prior Code, § 7-5) (Ord. O-18-2017, passed 12-7-2017) Penalty, see § 93.999

ITEM #

9

CITY OF LINCOLNTON

CITY COUNCIL

Ed L. Hatley, Mayor
Martin A. Eaddy, Mayor Pro-Tem
David M. Black
Roby D. Jetton
Tim Smith



CITY MANAGER

Steve Zickefoose, MBA
szickefoose@lincolntonnc.org

CITY CLERK

Donna C. Flowers, MMC, NCCMC
donnaflowers@ci.lincolnton.nc.us

CITY ATTORNEY

Thomas J. Wilson, Jr..

MEMORANDUM

TO: Steve Zickefoose, City Manager

FROM: Ritchie Haynes, Assistant City Manager

SUBJECT: Four-Way Stop Sign in Lincoln Meadows

DATE: 9/26/18

Shannon Smith with the Hawthorne Management Company has written our office concerning a request from Lincoln Meadows HOA to add a stop sign in their neighborhood. The Lincoln Meadows HOA would like to have a new stop sign installed at the first intersection of Olivia Lane and Valerie Drive. The new stop sign would be on Olivia Lane facing Northwest. We have taken this request to the Police Department, and they have responded with an approval for the new sign. I need to add that this will create a four-way stop; therefore, we will add the stop bars and proper four-way stop signage that we have installed for the other four-way stops in the past.

Also, in reviewing the request we noticed that the other stop signs in the neighborhood were not listed in the City's Code of Ordinance. I would assume that the developer originally had the stop signs installed, but eventually they became ours when we took maintenance over for all the streets in the Lincoln Meadows subdivision. I have attached a spreadsheet that list the stop intersections that should be adopted into our Code of Ordinance Schedule.

If you have any questions about the new four-way stop sign, please let me know.

Thanks!

RCH

SCHEDULE I: STOP INTERSECTIONS.

A stop is required before entering at the following intersections.

[illegible]

ITEM #

10

CITY OF LINCOLNTON POLICE DEPARTMENT

RODNEY JORDAN • CHIEF OF POLICE



PO BOX 617 • 627 EAST MAIN STREET
LINCOLNTON, NORTH CAROLINA 28093-0617
PHONE: (704) 736-8900 • FAX: (704) 736-8904

TO: Steve Zickefoose, City Manager
FROM: Chief R. Jordan *RJ*
SUBJECT: Presentation
DATE: September 24, 2018

The purpose of this memorandum is to request permission to present Officer Steven Roper with his Intermediate Law Enforcement Certificate at the October 4th City Council Meeting. Officer Roper has logged hundreds of hours of training and worked several years to earn this certification. The Intermediate Certificate is the second highest award issued by the North Carolina Training and Standards Commission.

Your Consideration is greatly appreciated.

ITEM #

11

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into this ____ day of _____, 2018 (the "Effective Date"), by and between the COUNTY OF LINCOLN (hereinafter called the "County,"), a body corporate and politic authorized pursuant to the laws of the State of North Carolina and the CITY OF LINCOLNTON (hereinafter called the "City"), a municipal corporation organized under the laws of the State of North Carolina;

RECITALS:

- A. Lincolnton-Lincoln County Airport (the "Airport") has been controlled by the Lincolnton-Lincoln County Airport Authority (the "Authority"), a body corporate and politic funded in part by the City and in part by the County;
- B. The property upon which the Airport is located (the "Airport Property") is jointly owned by the City and County, and is leased to the Authority;
- C. The City desires to be relieved of some of the responsibility of funding the Authority and many of the further responsibilities for the maintenance and upkeep of the Airport and the Airport Property;
- D. Prior to the execution of this Agreement, the City and County petitioned the North Carolina General Assembly, by and through their local state senator and representative, to submit as concurrent bills in the Senate and House, that local legislation in substantially which has now been passed as NC Session Law 2017-104 (the "Local Legislation");
- E. The County and the City have power pursuant to N.C.G.S. §153A-445(a)(l) and Article 20 of Chapter 160A of the North Carolina General Statutes to jointly exercise any function which they have been granted the power to exercise alone or to contract with the other for the exercise of any governmental function which they have been granted the power to exercise alone and to enter into contracts or agreements to specify the details of these joint undertakings; and
- F. The parties believe that it would be to their mutual advantage as well as to the advantage of all the citizens of the County and the City for the City and County to enter into this Agreement provided hereunder.

NOW, THEREFORE, in consideration of the mutual covenants of the parties hereto and for the purposes aforesaid, it is hereby agreed between the County and City as follows:

- 1. Ownership of the Airport Property shall be transferred to the Authority by special warranty deeds executed by the City and the County to the Authority and recorded at such time after the sponsorship change process to the Authority is complete and the title transfer is requested by the North Carolina Department of Transportation Aviation Division.
- 2. The City shall no longer be responsible for any matching of grants by sponsors, as provided by State law.
- 3. Any operating deficit or cost of the Authority arising from the Airport shall thereafter be funded proportionately by the City and County in proportion to the rate at which received sales taxes are allocated (the "Sales Tax Formula"), as the same may be periodically calculated and allocated, except that in no event shall the City be required to pay more than \$60,000.00 in any fiscal year for such deficit or cost.
- 4. The City shall share in personal and real property tax revenue arising from the Airport and Airport Property in proportion to the ratio of the Sales Tax Formula, as

provided in Paragraph 3 herein.

5. The Authority's board shall be reconstructed as a five member board, with one member appointed by the City and four members by the County; however, one of the four members selected by the County shall reside within the City of Lincolnton and the other three shall reside within the County.

6. The members on the Authority's board shall have staggered three-year terms and a two-term limit, with a chairman to be designated by the County.

7. Default. In the event of a default, the non-defaulting party shall be entitled to the remedy of specific performance and in the reimbursement of all court costs and attorney's fees expended in the successful prosecution thereof, provided the non-defaulting party first provides the defaulting party with a written notice of default and thirty-day write to cure said default.

8. Warranties and Representations. As an inducement for each party to enter into this Agreement, the parties warrant and represent as follows:

- a. The County and City each have among their powers the authority to contract with one another to perform such undertakings as are described in this Agreement.
- b. Entry into this Agreement by either party will not violate any law, judgment, order, ruling or regulation applicable and does not constitute a breach of or default under any agreement or instrument by which either of the entities is bound.
- c. The County and City each has or holds, and will continue to have or hold through the date of transfer and closing, all appropriate permits necessary to effectuate their respective responsibilities under this Agreement or will use their best efforts to obtain such permits.

9. Miscellaneous Provisions.

- a. To the extent allowed by law, the City shall indemnify, defend and hold harmless the County, its elected and appointed officers, and its duly authorized agents, servants and employees from any and all costs, expenses or liabilities (including costs, expenses or liabilities to third parties and attorney's fees) which are caused by or arise from the City's breach of this Agreement or the negligent or willful acts or omissions of the City or its agents, servants, employees or subcontractors provided such cost, expenses or liabilities do not arise as a result of the negligent or willful acts or omissions of County.
- b. To the extent allowed by law, the County shall indemnify, defend and hold harmless the City, its elected and appointed officers, and its duly authorized agents, servants and employees from any and all costs, expenses or liabilities (including costs, expenses or liabilities to third parties and attorney's fees) which are caused by or arise from the County's breach of this Agreement or the negligent or willful acts or omissions of the County or its agents, servants, employees or subcontractors provided such cost, expenses or liabilities do not arise as a result of the negligent or willful acts or omissions of the City.
- c. All notices given pursuant to the terms of this Agreement shall be in writing and delivered in person or transmitted by certified mail, return receipt requested, postage prepaid, to the following entities:

The City: Lincolnton City Manager
 114 W. Sycamore St.
 Lincolnton, North Carolina 28092

The County: Lincoln County Manager
 115 W. Main St.
 Lincolnton, North Carolina 28092

- d. This Agreement embodies the entire Agreement between the parties in connection

with the subject matter contained herein, and there are no oral or parol agreements, representations or inducements existing between the parties relating to this transaction, which are not expressly set forth herein and covered hereby. This Agreement may not be modified, released or waived except by a written agreement signed by all of the parties hereto.

e. Nothing contained herein shall be construed to place the parties in the relationship of partners or joint venturers, and neither party shall have the power to obligate or bind the other party in any manner whatsoever.

f. No written waiver by any party at any time of any breach of any other provision of this Agreement shall be deemed a waiver of a breach of any provision herein or a consent to any subsequent breach of the same or any other provisions. If any action by any party shall require the consent or approval of another party, such consent or approval of such action on any occasion shall not be deemed a consent to or approval of such action on any subsequent occasion or a consent to or approval of any other action on the same or any subsequent occasion.

g. The various rights, powers and remedies herein contained and reserved to either the County or the City shall not be considered as exclusive of any other right, power or remedy, but the same shall be construed as cumulative and shall be in addition to every other right, power or remedy now or hereafter existing at law, in equity or by statute. No delay or omission of a party to exercise any right, power or remedy arising from any omission, neglect or default of the other party shall impair any such right, power or remedy or shall be construed as a waiver of any such default or and acquiescence therein.

h. In the event either of the parties receives notice of or undertakes the defense or the prosecution of any actions, claims, suits, administrative or arbitration proceedings or investigations in connection with this Agreement, the party receiving such notice or undertaking such prosecution shall give the other party timely notice of such proceedings and will inform the other party in advance of all hearings regarding such proceedings.

i. The captions, section numbers and article numbers appearing in this Agreement are inserted only as a matter of convenience and do not define, limit, construe or describe the scope of such paragraphs or articles of this Agreement nor in any way affect this Agreement.

j. This Agreement shall be governed by and interpreted in accordance with the laws of the State of North Carolina.

k. Time shall be of the essence of this Agreement and each and every term and condition thereof.

l. Words of any gender used in this Agreement shall be held to include any other gender, and words in the singular number shall be held to include the plural, when the sense requires.

m. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, and it shall not be necessary in making proof of this Agreement to produce or account for more than one such fully-executed counterpart.

n. This Agreement shall be automatically terminated two (2) years after the Effective Date, unless further extended by the written agreement of all parties hereto.

o. Both the County and the City acknowledge and stipulate that this Agreement is the product of mutual negotiation and bargaining and that it has been drafted by respective counsel for both the County and the City. As such, the doctrine of construction against the drafter shall have no application to this Agreement.

p. If any provision under this Agreement or its application to any person or circumstance is held invalid by any court of competent jurisdiction, such invalidity does

not affect any other provision of this Agreement or its application that can be given effect without the invalid provision or application.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be signed in their respective names by their proper officials, all by authority of resolution of the governing bodies of each of the taxing units duly adopted, this the day and year first above written.

SIGNATURES APPEAR ON THE FOLLOWING PAGE

LINCOLN COUNTY

By: _____
Bill Beam, Chairman of the
Board of County Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board
Lincoln County Board of Commissioners

CITY OF LINCOLNTON

By: _____
Ed Hatley,
Mayor

ATTEST:

Donna C. Flowers, CMC
City Clerk

NORTH CAROLINA

LINCOLN COUNTY

I, _____, a Notary Public in and for the aforesaid
County and State, do hereby that AMY ATKINS personally appeared before me this
day and duly acknowledged that she is the duly appointed and acting Clerk to the
Lincoln County Board of Commissioners; that BILL BEAM is the Chairman of said
Board and that by authority duly given in resolution duly adopted and recorded upon the
official minutes, the foregoing instrument was duly signed in the name of Lincoln
County by the Chairman of the Board of Commissioners; that its corporate seal was
duly affixed and the execution of the instrument as the act and deed of the County was
attested by herself as Clerk.

Witness my hand and Notarial Seal, this the _____ day of _____,
2018.

Notary Public

My Commission Expires: _____

NORTH CAROLINA

LINCOLN COUNTY

I, _____, a Notary Public in and for said County and State, certify that DONNA FLOWERS personally came before me this day and acknowledged that she is the City clerk of the City of Lincolnton, a municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor, ED HATLEY, sealed with its corporate seal, and attested by herself as its City Clerk.

Witness my hand and Notarial Seal, this _____ day of _____, 2018.

Notary Public

My Commission Expires: _____

ITEM #

12



City of Lincolnton

AGENDA REQUEST FORM

Please Print

Name Cindy Koehler
Address 201 Wellington DR Phone 704-308-9673
Lincolnton, NC 28092 Email 1maWCUCAT@AOL.com

Name of Firm or Corporation (if applicable) N/A

Other Persons Accompanying Speaker N/A

Purpose of Request to Appear To address issue of water bill policy of one adjustment per year.

Council Meeting date you wish to appear Oct 4th

Amount of time required for Presentation 5 min

Date form submitted to the City Clerk Sept 21, 2018

Cindy Koehler
Signature of Requesting Party

Return forms to: City Clerk's Office
City of Lincolnton
P.O. Box 617
Lincolnton, NC 28093

ITEM #

13

City of Lincolnton
114 West Sycamore Street
P. O. Box 617
Lincolnton, North Carolina
28093-0617



Human Resources Department
Phone (704) 736-8980
FAX (704) 736-8975
www.lincolntonnc.org

MEMORANDUM

To: Mayor and City Council Members

From: Tanya Osborne, Human Resources Director

Through: Steve Zickefoose, City Manager/Finance Director

Re: Consideration of Proposed Pay and Class Study Methodology:
1/3 Studies

Date: September 27, 2018

The second goal of the City of Lincolnton's Strategic Plan is to develop an employee benefits package which will attract, motivate, and retain a diverse workforce who will provide and sustain the services for the citizens of Lincolnton.

A key component of an effective benefits package is the development of a sound philosophy that will manage the pay plan appropriately. The 2016 Pay and Classification Study included a recommendation from the consultants that a full salary schedule review should be conducted every 2-4 years to ensure competitive salaries.

Several Cities/Counties utilize a method which studies positions every three years on a rotating basis. This simply means that approximately 1/3 of the entity's positions are studied every year. Upon completion of the study, the results and recommendations are reviewed by the Manager, who in turn utilizes the information as part of the annual budgeting process. The advantages to this type of approach are:

1. A schedule is established for three groups of positions, and employees are aware what group their position falls in and when the position is due for a market analysis. This eliminates some of the uncertainty employees have concerning their pay.
(Example: group 1 studied for budget year beginning 2019, group 2-2020, and group 3-2021)
2. Breaking the City's total positions into three groups creates a budgeting mechanism which spreads the cost of maintaining the pay plan over time. This would eliminate the large one time budget increase that is usually associated with a full pay and class study.
3. Conducting a market analysis on each position every three years, increases the City's potential to remain competitive in the market place.

We would appreciate Council's direction regarding this methodology. If Council is in favor, the transition to this approach could be implemented and utilized for the 2019-2020 budget process.

ITEM #

14

Executive Summary

August 2018 Year-To-Date

General Fund	% of				
	Budget 18-19	Actual 18-19	Budget	Budget 17-18	Actual 17-18
Fund 10 Revenues	11,800,766	663,071	5%	11,655,521	738,393
Fund Balance	1,051,770	-	-	964,361	-
	12,852,536	663,071		12,619,882	738,393
City Manager/Clerk	320,960	58,733		331,465	69,534
Human Resources	239,060	40,258		232,730	42,767
Finance	242,790	155,542		273,412	91,565
General Expense	1,057,620	253,007		942,324	169,786
General Debt Service	520,954	22,935		463,524	22,935
Police	3,700,970	493,747		4,284,770	521,509
Fire	2,240,650	353,558		2,099,345	350,732
Public Works	79,616	15,768		172,956	39,973
Street	1,251,668	140,703		1,246,268	126,011
Equipment Services	133,270	24,726		135,120	27,093
Solid Waste	756,798	84,367		708,328	102,256
General Services	-	-		-	-
Plannin/Zoning	679,060	44,190		348,794	42,083
Bus & Comm. Dev	135,000	17,190		164,960	4,310
Recreation	1,494,120	165,072		1,215,886	179,302
Expenses	12,852,536	1,869,795	15%	12,619,882	1,789,856
Difference		(1,206,724)			(1,051,463)
					(155,261)

Water & Sewer Fund	Budget 18-19	Actual 18-19	% of Budget	Budget 17-18	Actual 17-18	Difference
Fund 61 Revenues	8,096,950	1,381,290	16%	7,449,995	1,411,652	(30,362)
Fund Balance	281,590	-		526,653		
	8,378,540	1,381,290		7,976,648	1,411,652	(30,362)
Water Treatment	1,502,950	249,778		1,508,500	255,394	(5,616)
Dist & Collection	1,748,000	238,643		1,440,153	220,995	17,648
Wastewater	1,550,100	155,004		1,516,650	145,126	9,877
W & S Intangibles	3,577,490	130,982		3,511,345	71,211	59,771
Expenses	8,378,540	774,406	9%	7,976,648	692,726	81,681
Difference		606,884			718,926	(112,043)

Electric Fund	Budget 18-19	Actual 18-19	% of Budget	Budget 17-18	Actual 17-18	Difference
Fund 63 Revenues	7,669,264	1,412,910	18%	7,791,714	1,278,343	134,567
Fund Balance	300,000	-		1,224,483	-	-
	7,969,264	1,412,910		9,016,197	1,278,343	134,567
Electric Dept. Expenses	7,969,264	740,076		9,016,197	888,530	(148,454)
Difference	7,969,264	740,076	9%	9,016,197	888,530	(148,454)
		672,834			389,813	283,022

Overtime 80+ hours	54,180	64,844	(10,664)
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ITEM #

15

CITY OF LINCOLNTON

CITY COUNCIL

Ed L. Hatley, Mayor
Martin A. Eaddy, Mayor Pro-Tem
David M. Black
Roby D. Jetton
Tim Smith



CITY MANAGER

Steve Zickefoose, MBA

szickefoose@lincolntonnc.org

CITY CLERK

Donna C. Flowers, MMC, NCCMC

donnaflowers@ci.lincolnton.nc.us

CITY ATTORNEY

Thomas J. Wilson, Jr.

RESOLUTION of Appreciation for DONNA C. FLOWERS

(R-12-18)

WHEREAS, the City of Lincolnnton does desire to recognize and honor employees of the City for dedicated and distinguished contributions to our City and its citizens; and

WHEREAS, *Donna C. Flowers*, began employment with the City of Lincolnnton on June 9th, 1986 as Receptionist for the Administrative Offices throughout the City; she there excelled in her role and became an Office Assistant II in 1991 transitioning in 1999 to the position of Assistant to the City Manager and City Clerk where she has honorably served since that time; and

WHEREAS, *Donna C. Flowers*, as Municipal Clerk serves as a historian in one of the oldest public professions known in local government; tracing back before Biblical times. As City Clerk she serves as a direct link between the citizens of Lincolnnton and their government; maintaining the official seal and permanent records of the City; and

WHEREAS, *Donna C. Flowers*, through her education at the School of Government at the University of North Carolina at Chapel Hill, attained the "Certified Municipal Clerk" designation in 2006 and then in 2013 attained the highest recognition for the Office of a Municipal Clerk earning the designation of "Master Municipal Clerk" through the International Institute of Municipal Clerks; and

WHEREAS, *Donna C. Flowers*, has served as secretary to both the Lincolnnton Student Advisory Council and the Lincolnnton July 4th Celebration Committee since 1991, and the Lincolnnton Tourism Development Authority since its inception in 2002. Over her tenure she has served unselfishly in her capacity, going above and beyond to ensure the City's best interests were protected through the activities of her department;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Lincolnnton, that appreciation be shown to *Donna C. Flowers* for her thirty-two years of service, honoring her on her upcoming retirement on November 1, 2018, and we extend congratulations and best wishes to her as she begins the next chapter in her life.

Adopted and presented this the 4th day of October, 2018.

ED HATLEY
MAYOR

**CLOSED
SESSION**