

REGULAR MEETING - OCTOBER 4, 2018

The Mayor and City Council met in regular session on Thursday, October 4, 2018 at 7:00 p.m. 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 Council members were in attendance:

SMITH EADDY JETTON

Councilman Black was absent due to a family emergency.

Councilman Eaddy made the motion unanimously approved the *REGULAR AGENDA*.

Councilman Smith made the motion unanimously approved the *CONSENT AGENDA* as follows:

- Approved of Minutes September 6, 2018 – Regular Meeting
- Approved the following 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
- Approved additional appointee to Lincolnton Student Advisory Council by Councilman Eaddy – Ashley Logan Sr. - Lincolnton High
- Approved Proclamation – NC Public Power Week – October 7 – 13, 2018

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REGULAR AGENDA:

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)

Mayor Hatley reconvened the public hearing that was recessed at the September 6th regular meeting. City Manager Steve Zickefoose reviewed the proposed changes. Steve said last meeting we reviewed a draft ordinance and this month we have come back at Councils direction with a simplification. He said 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.

The revised wording he proposed was as follows:

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.

Jeremy Shook, 4951 Maiden Highway, Maiden NC spoke against the ordinance. He said the word "intent" included in the language was a concern to him. He asked who was going to judge the motive? He feels this is a problem as no one knows what is in the heart of a man only the man knows his thought, and a police officer would not have to judge on a person's behalf.

Jeffrey Shook, PO Box 493, Maiden, NC also spoke against the proposed changes. He said, "I am here because I believe this is a direct attack on preaching the word of God in Lincolnton." He said he does not believe that anyone's business has been affected by us preaching on the street. He asked City Council to vote no to this ordinance and let them speak the word of God.

Ron Brock, temporary address of 319 N Poplar Street, Lincolnton, NC also spoke against the proposed ordinance amendment. He said, "I go where there is evil and right now there is evil here as the devil is working in Lincolnton."

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"I am ashamed in what I see happening in this nation." He said, "While people say we aren't messing with the First Amendment, yes we are and everybody knows it." He felt the passage of this ordinance would allow a cop to create havoc by ticketing a person for free speech.

Alan Hoyle also spoke against the proposed ordinance. He said, "Now we wanted to talk about a word change, now we find out the supreme courts wording is no good enough. What this allows is for everyone to push drugs. He referenced a conversation with Councilman Jetton, and said he feels that Councilman Jetton believes gluttony is worse than drugs. He concluded saying this whole ordinance needs to be repealed, as it is unconstitutional and violates the First Amendment, in his opinion.

Councilman Jetton questioned both Jeremy and Jeffrey Shook, asking when was the last time they preached in Maiden? They said a couple months ago. Councilman Jetton said "You come to Lincolnton to preach more than you do in your own town."

With no others wishing to speak to this hearing, Councilman Eaddy made the motion unanimously approved to close the public hearing.

Councilman Eaddy made the motion unanimously approved to adopt the proposed amendments as presented. Councilman Eaddy further said, "A man selling good on our street, having his business interfered with, there is no judgment of intent. I think it is a good ordinance and it will help our Police Officers maintain the order that at least a dozen citizens have come to me since the last Alive After Five and thanked the City for allowing them to have a gathering or festival in downtown without them being interrupted, or them verbally abused.

CONSIDERATION OF PROPOSED REVISIONS TO THE CITY'S CODE OF ORDINANCES - TITLE IX - HEALTH AND SANITATION - CHAPTER 93.016 (I) UNNECESSARY NOISE PROHIBITED SPECIFICALLY - REMOVE THE LANGUAGE "AND CHARACTER":

(O-11-18)

Mayor Hatley opened the Public Hearing. City Attorney TJ Wilson, said there was a hearing in court on a citation written by our officer referencing subsection (I) Unnecessary Noise Prohibited Specifically. The way it was

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written was included volume, duration and character. The judge did not feel the word character could be defined for this specific violation. The City Attorney recommended and said, "We either do volume, duration and character or take out character all together." Legal Counsel did not have a problem with the wording and character, it was the judge. The City Attorney recommended taking out the word character. The proposed ordinance would read as follows:

§ 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;

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(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 there from, 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

Mr. Ken Kindley, 1192 Ryal Court, Lincolnton NC spoke in favor of approving the proposed amendment. He said, "This is my third time of speaking to this topic, and I thank Council for allowing him to speak regarding the First Amendment." "The Street Preachers force themselves on people who are attending events in downtown, such as Apple Festival and Alive After Five and the Chamber of Commerce Street Fair to promote shopping local." "Acts of how you support your beliefs are very important to the end product." He thanked Council for their due diligence in working towards adopting an ordinance that would deal with disruptions of events in our downtown.

Mr. Jeremy Shook, 4951 Maiden Hwy, Maiden NC, spoke against the proposed revisions. Again, saying he feels it is a violation of his First Amendment rights. He felt taking the word character out, the City still has a vague ordinance. He said, "You still have loud sound in the ordinance, no where does it say how loud is too loud." He said he was told by Chief Jordan that anything above a conversational level is too loud. He questioned who would make that determination.

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Mr. Fred Jarrett, 213 Hollow Road, Lincolnton NC, spoke in favor of the ordinance and to leave the word “character” in the language. He said, “I was present at Jeffrey Shook’s unnecessary noise at special events citation (09/17/18) hearing. The judge dismissed the citation because a single word, character, in the ordinance could not be defined”. Fred said he has done a lot of research since that time on Sound Character, a term used to classify sound. He provided several examples of sound, the pitch, loudness and quality. He said the character of the human voice can be defined as a vocal behavior – a whisper, normal conversation, a cry, shouting, etc. in terms of pitch, loudness and quality.

Mr. Jeffrey Shook, PO Box 493, Maiden NC also spoke against the proposed amendment and the ordinance in its entirety. He asked Mayor and Council, “What is it about the preaching the word of God that you gentlemen so much hate?” “I wouldn’t worry about where we have preached and where we haven’t preached, God called me to preach in 1999 and we have been preaching on the street ever since.” He said, “You worry about the twelve people that call and thank you, what about the one person that thanks us for praying for them and preaching the word of the gospel?”

Mr. Tom Flor, 425 N Poplar Street, spoke in favor of the proposed ordinance amendment. He owns two businesses in the downtown area. He said, “It goes both ways, it is not just about preaching. If anyone at any of these events are drinking too much alcohol and they are loud or disruptive then I think they should be dealt with. It is not just about preaching. We are open through all of these events, and we have had people tell us they are scared to come, and get screamed at and told they are going to hell.” Everyone’s right has to be respected.

Mr. Ron Brock, 319 N Poplar Street, Lincolnton NC, also spoke against the proposed revisions.

Mr. Brian Kenyon, 118 East Water Street, Lincolnton NC, spoke in favor of the proposed ordinance revisions.

Mr. Alan Hoyle, 319 N Poplar Street, spoke against the proposed ordinance revisions and the ordinance in its entirety.

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Ms. Julie Horton, 233 East Main Street, Lincolnton NC spoke in favor of the proposed revisions.

Mr. Todd Broome, 4174 Startown Road, Lincolnton NC spoke against the proposed revisions.

Mr. Wayne Howard, 2345 Rhyne Road, Dallas NC, concluded as the final speaker for this public hearing, and spoke in favor of the proposed revisions. He noted First Amendment rights are important. He said no child should be in tears in fear of someone screaming through a bull horn, there should be more courtesy shown on behalf of the Street Preachers.

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

Councilman Eaddy made the motion unanimously approved to adopt the proposed revisions to the ordinance as presented and recommended by the City Attorney, removing the word character.

CONSIDERATION OF PROPOSED REVISION TO THE CITY'S CODE OF ORDINANCES – TITLE VII – GENERAL REGULATIONS – CHAPTER 74 – SCHEDULE 1 – STOP INTERSECTIONS – ADD SIGNAGE (STOP SIGNS) IN LINCOLN MEADOWS SUBDIVISION:

(O-12-18)

Mayor Hatley opened the Public Hearing. Richard Haynes, Assistant City Manager, requested that Council consider amending the City's Code of Ordinances to add signage where necessary, for stops in Lincoln Meadows. He said the Hawthorne Management Company contacted the Lincoln Meadows Home Owners Association and discussed having stop signs installed at the first intersection of Olivia Lane and Valerie Drive. Ritchie said the new stop sign, if approved, would be on Olivia Lane facing Northwest. Ritchie has talked with the Lincolnton Police Department, and Chief Rodney Jordan, and they concur with adding the requested signage. He said this would create a four-way-stop; therefore, stop bars and proper four-way stop signage would be installed for the other four-way stops. He noted upon review of this request he discovered the other stop signs in the neighborhood were not listed in the City's Code, as

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the developer must have had the stop signs installed, and when the City took over the road maintenance they failed to add these streets to the listing in the code.

He requested the following be adopted:

SCHEDULE I: STOP INTERSECTIONS.

A stop is required before entering at the following intersections.

<i>Street</i>	<i>Intersection</i>
Anastasia Lane	Valerie Drive
Ivan Lane	Anastasia Lane
Mallory Tai Drive	Olivia Lane
Olivia Lane	Valerie Drive
Lauren Lane	Valerie Drive
Spring Meadows Drive	Valerie Drive
Valerie Drive	Olivia Lane

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

Councilman Eaddy made the motion unanimously approved to adopt the amendment to the City's Code as recommended.

PRESENTATION TO LINCOLNTON POLICE OFFICER STEVEN ROPER FOR OBTAINING HIS INTERMEDIATE LAW ENFORCEMENT CERTIFICATES:

Mayor Hatley told Council that Officer Roper could not attend this meeting, and Rodney Jordan, Police Chief, asked that this item be removed indefinitely.

CONSIDERATION OF CONTRACT BETWEEN THE CITY AND LINCOLN COUNTY IN REFERENCE TO THE LINCOLNTON-LINCOLN COUNTY REGIONAL AIRPORT:

(C-14-18)

Steve Zickefoose, City Manager, told Council members that the City and County have been in discussions and negotiations for the operations agreement for the Lincolnton-Lincoln County Regional Airport. He reviewed a proposed draft of a contract to which he and the County Manager have been working on jointly. Steve highlighted the key points 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. Sponsorship of the Airport by the County and the City shall be transferred to the Authority.

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.

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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. Notwithstanding Paragraph 9(n) herein, the provisions of Paragraph 4 cannot be terminated until the City has received proceeds in the amount of \$1,439,222.00 (the "City Proceeds"). At such time the City has received all of the City Proceeds, this Paragraph shall automatically terminate and the City shall not receive any further personal and real property tax revenue arising from the Airport and Airport Property. The City Proceeds were derived by taking half of the tax value of the Airport Property with no improvements.

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. The City and County shall request the Authority to maintain the name of the Airport as the "Lincolnton Lincoln County Airport."

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.

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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

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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.

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- 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 renewed for successive two (2) year periods, unless either party hereto provides a written notice of termination no more than ninety (90) and no fewer than thirty (30) days prior to said renewal date.
- 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.

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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.

Upon review, Councilman Eaddy said "I appreciate all of Steve's hard work as a lot of the issues came up at the last minute, and I also appreciate the County's willingness to work with us." "I was on the Airport Authority for nine years and still serve as the City's liaison, and this airport is going to take off and it will generate a lot of growth for this area." "Under the previous arrangement since the airport was started in the 1980's the City has never gotten a penny of the revenues generated. This arrangement now returns to the citizens some investment that could be a substantial amount of money as the growth occurs." "I'm really appreciative to have the County working with us on this and I think for the long range growth of the Airport, having the Authority as the sole sponsor is the best thing, by putting the property in the Authorities name."

Mayor Hatley said "Kelly Atkins, Josh Grant and Steve have worked countless hours on ironing out this agreement. I believe it will be a benefit to the City and our citizens and to the Airport."

Councilman Smith made the motion unanimously approved to enter into the contract as presented and recommended by the City Manager.

Mayor Hatley noted that Tim Smith would be the City's appointee to the Airport Authority beginning January 1st and we appreciate him taking on that responsibility, looking after the City's best interest.

REQUEST TO APPEAR BEFORE CITY COUNCIL TO EXPRESS CONCERNS ABOUT THE SEWER POLICY:

Cindy Koehler, 201 Wellington Drive, Lincolnton told Council that on August 1st her utility bill was mailed by the City and opened by her on August 3rd. The bill was higher than normal so she contacted the City and then her plumber to check her water line. She found she had a leak under house before the cut off. The plumber was out of town and could not be there until August 6th to make

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repairs. Her husband came on August 17th to pay their utility bill and brought along the repair bill, which she gave a handout to City Council. He was informed they could only give one adjustment per year. This leak overlapped into two billing cycles, and affected her bill causing a high bill for two months.

Mrs. Kohler received the second bill which was a lot higher than the first bill. July 25th to August 6th, 14,940 gallons of water was used. She said, "How my basement was not flooded was thanks to the good Lord, was all I could figure." She asked that Council consider changing their policy, so when people come to them with an overlap they do not have to pay for the leak twice. This would alleviate putting people in a financial hardship.

She requested the City consider putting wording in place for guidelines to determine a monthly average when adjusting bills where leaks have occurred. She suggested giving management the flexibility to make these decisions.

Steve said, "After talking with Cindy, her request made sense and he said it would not be difficult at all for the City to do that but in order for that to occur we need additional wording in our policy giving me the authority to make the adjustments."

After some discussion, Councilman Eaddy made the motion unanimously approved to amend the City's policy and that adjustments be made to her bill reimbursing her for the overlapping leakage amount, making this policy effective retro-active to September 1st.

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CONSIDERATION OF PROPOSAL FOR POTENTIAL PAY AND CLASSIFICATION STUDY METHODOLOGY:

Tanya Osborne, Human Resources Director, told Council that the second goal of the City of Lincoln's Strategic Plan was 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 Lincoln.

She said, "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.

Councilman Jetton made the motion unanimously approved to move forward with a study, then implementing the proposed study of "one third" of the work force each year.

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MONTHLY FINANCIAL REPORT/OVERTIME REPORT:

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

October 2018 Council Meeting

Executive Summary

August 2018 Year-To-Date

General Fund		Budget 18-19	Actual 18-19	% of Budget	Budget 17-18	Actual 17-18	Difference
Fund 10	Revenues	11,800,766	663,071	5%	11,655,521	738,393	(75,322)
	Fund Balance	1,051,770	-	-	964,361	-	-
		12,852,536	663,071		12,619,882	738,393	(75,322)
	City Manager/Clerk	320,960	58,733		331,465	69,534	(10,801)
	Human Resources	239,060	40,258		232,730	42,767	(2,509)
	Finance	242,790	155,542		273,412	91,565	63,976
	General Expense	1,057,620	253,007		942,324	169,786	83,221
	General Debt Service	520,954	22,935		463,524	22,935	-
	Police	3,700,970	493,747		4,284,770	521,509	(27,762)
	Fire	2,240,650	353,558		2,099,345	350,732	2,826
	Public Works	79,616	15,768		172,956	39,973	(24,205)
	Street	1,251,668	140,703		1,246,268	126,011	14,692
	Equipment Services	133,270	24,726		135,120	27,093	(2,367)
	Solid Waste	756,798	84,367		708,328	102,256	(17,889)
	General Services	-	-		-	-	-
	Plannin/Zoning	679,060	44,190		348,794	42,083	2,107
	Bus & Comm. Dev	135,000	17,190		164,960	4,310	12,880
	Recreation	1,494,120	165,072		1,215,886	179,302	(14,230)
	Expenses	12,852,536	1,869,795	15%	12,619,882	1,789,856	79,939
	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.	7,969,264	740,076		9,016,197	888,530	(148,454)
	Expenses	7,969,264	740,076	9%	9,016,197	888,530	(148,454)
	Difference		672,834			389,813	283,022

Overtime 80+ hours		54,180			64,844		(10,664)
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REGULAR MEETING - OCTOBER 4, 2018

RETIREMENT RECOGNITION OF CITY CLERK DONNA FLOWERS FOR 32 YEARS OF SERVICE TO THE CITY OF LINCOLNTON:

(R-12-18)

Mayor Hatley asked the City Clerk Donna Flowers to come forward. He read aloud the following resolution recognizing her thirty-two years of service to the City:

WHEREAS, the City of Lincolnton 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 Lincolnton 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 Lincolnton 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 Lincolnton Student Advisory Council and the Lincolnton July 4th Celebration Committee since 1991, and the Lincolnton 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 Lincolnton, 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.

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Mayor and Council thanked Mrs. Flowers for her service and said they appreciate her continuing to work part time for the City in the future in the Clerks role.

Mrs. Flowers said "It has been a privilege and honor to work for the City and it's citizens. I thank God and my family for supporting me throughout my years here."

PUBLIC COMMENT:

Mr. Dale Punch spoke requesting that City Council consider \$ 1,000 of funding for the American Legion Post 30, to assist with holding the Medal of Honor Recipients event held in downtown Lincolnton each year. This event is well attended and brings students from surrounding high schools in to meet the recipients and to hear them speak about their journey in the military. Mayor Hatley said this would be placed on the Planning Retreat agenda for consideration in the 2019-20 FY budget.

Ms. Ann Godfrey spoke to Council to make them aware of damages done to her car while parked along the rail trail. She provided a hand out of pictures of her vehicles and asked that Council consider placing more cameras along the trail and in view of the parking areas so vandals can be apprehended.

Mr. Jeremy Shook spoke regarding prayer being taken out of schools, and referenced passages from the bible.

Mr. Jeffrey Shook spoke to the bible and quoted scripture. He asked those in attendance "Do you know Jesus Christ as your Lord and Savior?"

Mr. Alan Hoyle spoke regarding the First Amendment and citizens rights. He said "I am losing respect for City Council and elected officials."

In conclusion of the public comment remarks, mayor Hatley called for a short recess.

CLOSED SESSION:

Councilman Smith made the motion unanimously approved to enter into Closed Session in accordance with NCGS 143-318.11(a)(1)(5) to discuss property acquisition.

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Councilman Jetton made the motion unanimously approved to return to Regular Session, reporting there was no action taken in Closed Session.

NEWS MEDIA:

There were no questions from the News Media.

ADJOURNMENT:

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

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR