

A G E N D A

LINCOLNTON CITY COUNCIL

November 1, 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

November 1, 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 from the October 4th Regular Meeting

4. Calls to Public Hearing for the December 6, 2018 City Council meeting:

CUZMA-02-2018 – Application from Wayne Brocuglio requesting the conditional use rezoning of approximately 1.533 acres of land from Neighborhood Business (NB) District to Conditional Use – General Business (CU-GB) District. The conditional use permit would allow for the construction of a 18-25 site recreation vehicle park. The subject property is located at 1240 North Aspen Street (PID 00622).

5. Approval of destruction of public records in accordance with Records Retention Policy and NC Department of Cultural Resources – Lincoln Police Department (Items from 1973 – 1992 which need to be removed to free up storage room at PSC)

6. Approval of Resolution (R-14-18) amending the City's List of Budgeted Positions as a result of a SAFER Grant received for three (3) fire fighter positions

REGULAR AGENDA:

PUBLIC HEARINGS

7. (BIG)-05-18 – Application from Pete DeGregory for Business Incentive Grant for building renovations to accommodate a restaurant at 110 East Water Street.

Laura Elam, Planning Director

(O-13-18)

8. Amendment to the City's Code of Ordinances – Title IX – General Regulations – Chapter 91 – Cemeteries – Consideration of adding Chapter 91.31 – Columbarium

Steve Zickefoose, City Manager

RESOLUTION

(R-13-18)

9. Presentation of Retirement Resolution to Tim Dellinger – Lead Meter Reader recognizing him for twenty-five years of service to the City

Mayor Hatley

PRESENTATION

10. Presentation from Pinnacle Architecture - Consideration of approval of Conceptual Design plans for the new Police Department

Randy Baker, Pinnacle Architecture

BUDGET AMENDMENT

(BA-06-18)

11. Proposed Budget Amendment to adjust funds for receipt of SAFER Grant to fund three firefighter positions

Steve Zickefoose, City Manager

AGENDA

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OTHER BUSINESS

12. Monthly Financial Update/Overtime Report

Steve Zickefoose, City Manager

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 - 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."

REGULAR MEETING - OCTOBER 4, 2018

"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)

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.

REGULAR MEETING - OCTOBER 4, 2018

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.

REGULAR MEETING - OCTOBER 4, 2018

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

ITEM #

4

Donna Flowers

From: Laura Elam
Sent: Tuesday, October 23, 2018 9:54 AM
To: Donna Flowers
Cc: Jean Q. Derby; Brett Hicks
Subject: items for November City Council meeting from Planning Department
Attachments: BIG-05-2018 staff report.docx; morp10.2018.docx

Hey Donna:

The Planning Department has the following items for the November City Council meeting:

Hearing:

- **BIG-05-2018** - Application from Pete and April DeGregory for Business Incentive Grant for building renovations for a new restaurant, Tavern on the Square, at 110 E. Water Street. See attached word document.

Call to Hearing:

- **CUZMA-2-2018** – Application from Wayne Brocuglio requesting the conditional use rezoning of approximately 1.533 acres of land from Neighborhood Business (NB) District to Conditional Use – General Business (CU-GB) District. The conditional use permit would allow for the construction of an 18-25 site recreation vehicle park. The subject property is located at 1240 North Aspen Street (PID 00622).

Also attached is the monthly report.

Thank you,

Laura

ITEM #

5

North Carolina Department of Cultural Resources
Division of Archives and History
Records Services Branch
REQUEST AND APPROVAL OF UNSCHEDULED RECORDS DISPOSAL

Date: _____

TO: Assistant Records Administrator
N.C. Division of Archives and History
Records Services Branch
109 B. Jones Street
Raleigh, NC 27601-2807

FROM:

Lincolnton Police Department

In accordance with the provisions of G.S. 121 and 132, approval is requested for the destruction of records listed below. These records have no further use or value for official or administrative purposes.

RECORDS TITLE	DESCRIPTION	INCLUSIVE DATES	QUANTITY	MICROFILMED ?	RETENTION PERIOD
Misdemeanor & Felony Case Files,		1973-1992			
Arrest Reports, Incident Reports,			11 roll out containers		
Citations and Duplicate files.					
(All old files meet retention schedule and were badly weather damaged and unusable.)					

Requested by:

Cindy Laine Records Supervisor

Signature

Title

Date

10/25/18

Approved by:

Signature

Mayor/Head of Governing Board

Date

Concurred by (except as indicated):

Assistant Records Administrator
N.C. Division of Archives and History

Date

ITEM #

6

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: Donna Flowers, City Clerk

From: Tanya Osborne, Human Resources Director

Re: 2018-2019 Salary Schedule/Schedule of Budgeted Positions-Revision
FEMA SAFER Grant

Date: October 23, 2018

At the June 7, 2018 Council meeting, Council adopted a resolution which allowed the Fire Department to apply for a FEMA SAFER grant. The Fire Department was recently awarded the FEMA SAFER grant which is for three full time firefighter positions. Please find attached a revised Schedule of Budgeted Positions which reflects the addition of the three positions to the Fire Department's staff, and would need to be approved by Council.

Please let me know if additional information is needed.

attachment

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

Adopting Salary Schedule and Schedule of Budgeted Positions (R-14-18)

WHEREAS, the proposed 2018-19 fiscal year budget has been prepared by the City Manager and was adopted by the Mayor and City Council on June 7th, 2018; and

WHEREAS, the proposed 2018-19 fiscal year budget includes a recommended salary schedule and schedule of budgeted positions, that by this resolution is amended to reflect three additional positions, Fire Fighter 1, within the Fire Department as a result of receipt of a SAFER Grant;

NOW, THEREFORE, BE IT RESOLVED, that the City of Lincolnton amends the "Salary Schedule", and "Schedule of Budgeted Positions", as attached to this resolution, for the fiscal year beginning November 1st and ending June 30, 2019.

Adopted this the 1st day of November 2018.

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR

**CITY OF LINCOLNTON
SCHEDULE OF BUDGETED POSITIONS
Effective November 1, 2018**

<u>Position Title</u>	<u>Grade</u>	<u>E or N-E</u>	<u>Bi-Weekly Hours</u>
<u>Administration 10.00.4110</u>			
City Manager/Finance Director	35	E	75
Assistant City Manager	30	E	75
Asst to City Mgr/City Clerk	18	N-E	75
	3		
Total Full Time Positions: 3			
<u>Human Resources 10.00.4120</u>			
Human Resources Director	25	E	75
HR Benefits Administrator	17	N-E	75
Admin Support Assistant	9	N-E	75
Building Services Attendant	7	N-E	75
	4		
Total Full Time Positions: 4			
<u>Finance 10.00.4130</u>			
Information Tech Manager	24	E	75
Accounting Services Manager	19	N-E	75
Business Services Manager	18	N-E	75
Accountant	15	N-E	75
Account Billing Specialist	11	N-E	75
Accounting Technician	11	N-E	75
Accounting Technician	11	N-E	75
Customer Services Rep I	9	N-E	75
	8		
Total Full Time Positions: 8			

<u>Position Title</u>	<u>Grade</u>	<u>E or N-E</u>	<u>Bi-Weekly Hours</u>
<u>Police Department 10.10.4310</u>			
Police Chief	29	E	80
Police Captain	23	E	80
Police Investigations Lieutenant	20	N-E	80
Community Service/Training Lt.	20	N-E	80
Police Lieutenant	20	N-E	84
Police Lieutenant	20	N-E	84
Police Investigations Sergeant	18	N-E	80
Police Sergeant	18	N-E	84
Police Sergeant	18	N-E	84
Police Sergeant	18	N-E	84
Police Sergeant	18	N-E	84
Police Investigator	16	N-E	80
Police Investigator	16	N-E	80
Police Investigator	16	N-E	80
Police Officer-MPO	16	N-E	80
Police Officer	15	N-E	84
Police Officer	15	N-E	84
Police Officer	15	N-E	84
Police Officer	15	N-E	84
Police Officer	15	N-E	84
Police Officer	15	N-E	84
Police Officer	15	N-E	84
Police Officer	15	N-E	84
Police Officer	15	N-E	84
Police Officer	15	N-E	84
Police Officer	15	N-E	84
Police Officer	15	N-E	84
Police Officer	15	N-E	84
Police Officer	15	N-E	84
Police Officer	15	N-E	84
Police Officer-School Resource	15	N-E	80
Police Officer-School Resource	15	N-E	80
Police Records Supervisor	13	N-E	75
Police Records Specialist	9	N-E	75
Police Evidence Technician	9	N-E	75
Administrative Support Assistant	9	N-E	75

37

Total Full Time Positions: 37

<u>Position Title</u>	<u>Grade</u>	<u>E or N-E</u>	<u>Bi-Weekly Hours</u>
<u>Fire Department 10.10.4340</u>			
Fire Chief	25	E	80
Assistant Fire Chief	21	E	80
Fire Captain	17	N-E	106
Fire Captain	17	N-E	106
Fire Captain	17	N-E	106
Fire Inspector	15	N-E	80
Fire Lieutenant	14	N-E	106
Fire Lieutenant	14	N-E	106
Fire Lieutenant	14	N-E	106
Fire Engineer	12	N-E	106
Fire Engineer	12	N-E	106
Fire Engineer	12	N-E	106
Fire Engineer	12	N-E	106
Fire Engineer	12	N-E	106
Fire Engineer	12	N-E	106
Fire Engineer	12	N-E	106
Fire Engineer	12	N-E	106
Fire Engineer	12	N-E	106
Firefighter II	11	N-E	106
Firefighter II	11	N-E	106
Firefighter	10	N-E	106
Firefighter	10	N-E	106
Firefighter	10	N-E	106
Firefighter	10	N-E	106
Firefighter	10	N-E	106
Firefighter SAFER grant	10	N-E	106
Firefighter SAFER grant	10	N-E	106
Firefighter SAFER grant	10	N-E	106
Admin Support Assistant	9	N-E	75
28			
Total Full Time Positions: 28			
<u>Public Works - Administration 10.20.4510</u>			
Senior Admin Support Assistant	10	N-E	75
Admin Support Assistant	9	N-E	75
2			
Total Full Time Positions: 2			

<u>Position Title</u>	<u>Grade</u>	<u>E or N-E</u>	<u>Bi-Weekly Hours</u>
<u>Public Works - Streets & Property Maintenance 10.20.4520</u>			
Public Works Supervisor	17	N-E	80
Street Maint Crew Leader	12	N-E	80
Equipment Operator II	10	N-E	80
Equipment Operator II	10	N-E	80
Equipment Operator II	10	N-E	80
Equipment Operator I	9	N-E	80
Equipment Operator I	9	N-E	80
Lead Street Maintenance Worker	8	N-E	80
General Maint Worker	7	N-E	80
General Maint Worker	7	N-E	80
General Maint Worker	7	N-E	80
11			
Total Full Time Positions: 11			

Public Works - Equip Services 10.20.4530

Fleet Services Superintendent	16	N-E	80
Senior Fleet Maintenance Mechanic	12	N-E	80

2

Total Full Time Positions: 2**Public Works - Solid Waste 10.30.4710**

Equipment Operator II	10	N-E	80
Equipment Operator II	10	N-E	80
Equipment Operator II	10	N-E	80
Equipment Operator I	9	N-E	80
Equipment Operator I	9	N-E	80
Equipment Operator I	9	N-E	80
Equipment Operator I	9	N-E	80
General Maint Worker	7	N-E	80
General Maint Worker	7	N-E	80

9

Total Full Time Positions: 9

<u>Position Title</u>	<u>Grade</u>	<u>E or N-E</u>	<u>Bi-Weekly Hours</u>
<u>Planning 10.40.4910</u>			
Planning & Comm Develop Director	25	E	75
Zoning Administrator	15	N-E	75
Building Inspector IV	19	N-E	75
Sr. Administrative Support Assistant	10	N-E	75
	4		
Total Full Time Positions: 4			
<u>Parks & Recreation 10.80.6100</u>			
Parks & Recreation Director	24	E	80
Senior Admin Support Assistant	10	N-E	75
Admin Support Assistant	9	N-E	75
Recreation Program Coordinator	15	N-E	80
Recreation Program Coordinator	15	N-E	80
Community Relations Director	22	E	75
Parks & Recreation Maint Specialist	13	N-E	80
General Services Supervisor	14	N-E	80
Property Maintenance Technician	7	N-E	80
	9		
Total Full Time Positions: 9			

<u>Position Title</u>	<u>Grade</u>	<u>E or N-E</u>	<u>Bi-Weekly Hours</u>
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Public Works - Water Treatment 61.91.7100

Water Resources Director	25	E	80
Chief Water Plant Operator	14	N-E	80
Lead WTP Maint Mech	12	N-E	80
Laboratory Analyst	11	N-E	80
WTP Maintenance Mechanic	11	N-E	80
WTP Operator A	12	N-E	80
WTP Operator B	10	N-E	80
WTP Operator C	9	N-E	80
WTP Operator C	9	N-E	80
Sr. Admin Support Assistant	10	N-E	75

10

Total Full Time Positions: 10

Public Works - Distribution & Collection 61.91.7110

Distribution & Coll System Supt	19	E	80
Distribution & Coll System Supervisor	14	N-E	80
Distribution/Collection Crew Leader	12	N-E	80
Distribution/Collection Crew Leader	12	N-E	80
Lift Station Mechanic	11	N-E	80
Distribution/Collection Maint Tech III	10	N-E	80
Distribution/Collection Maint Tech III	10	N-E	80
Distribution/Collection Maint Tech II	9	N-E	80
Distribution/Collection Maint Tech I	8	N-E	80
Distribution/Collection Maint Tech I	8	N-E	80
Lead Meter Specialist	10	N-E	80

11

Total Full Time Positions: 11

<u>Position Title</u>	<u>Grade</u>	<u>E or N-E</u>	<u>Bi-Weekly Hours</u>
<u>Public Works - Waste Water Treatment 61.91.7120</u>			
WWTP Superintendent	19	E	80
Pretreatment Technician	13	N-E	80
Laboratory Analyst	12	N-E	80
WWTP Maint Mechanic	11	N-E	80
WWTP Maint Mechanic	11	N-E	80
WWTP Operator III	12	N-E	80
WWTP Operator II	10	N-E	80
WWTP Operator II	10	N-E	80
WWTP Operator I	9	N-E	80
	9		
Total Full Time Positions: 9			
<u>Public Works - Electric 63.93.7200</u>			
Public Works and Electric Utilities Director	25	E	80
Electric Distribution Sys Supt	21	E	80
Electric Distribution Sys Supv	18	N-E	80
Electric Line Technician Class A	16	N-E	80
Electric Line Technician Class A	16	N-E	80
Electric Line Technician Class C	11	N-E	80
Electric Line Technician Class C	11	N-E	80
Meter Specialist	8	N-E	80
Meter Specialist	8	N-E	80
Accounting Technician	11	N-E	75
Customer Services Rep II	10	N-E	75
	11		
Total Full Time Positions: 11			
Total Full Time Public Works Positions	65		
Total Full Time City Positions:	158		

ITEM #

7

MEMO TO: Mayor and City Council

FROM: City of Lincoln Planning Department

DATE: November 1, 2018

RE: Business Incentive Grant (BIG-5-2018)

Application for a Business Incentive Grant for building renovations for a new restaurant at 110 E. Water Street

Project Information

- Location: 110 E. Water Street
- Use: Building renovations for a new restaurant to include the following:
 - Restore interior and exterior to simulate as closely as possible to the original design of the building
 - Restore hardwood floors, pressed design metal ceiling and ornate brickwork hidden by stucco
 - Repair structure and install technical systems to building code standards
 - Renovate upstairs for meeting place after initial opening
 - Restore/repair roof
 - Install sprinkler protection system, ADA compliant bathrooms, hand sinks, floor sinks and floor drains in kitchen area
 - Replace exterior windows and doors
 - Install new HVAC
- Total project cost estimate: Approximately \$510,000
- Anticipated start: November 2018
- Anticipated completion: December 2018

Request

\$15,000 for building renovations



City of Lincolnton Business Incentive Grant Application
Building Rehabilitations and Renovations
Which Encourage
Economic Development in Lincolnton

DATE: September 18, 2018

NAME OF APPLICANT: Pete DeGregory

PROJECT NAME: Tavern On The Square

PROJECT DESCRIPTION:

It is our intention to revitalize the property at 110 Water Street, converting a vacant decaying building into a revenue generating business that will be an attraction to Downtown Lincolnton. We would like to be granted assistance to open as Tavern On The Square, an upscale venue offering a microbrewery and a variety of specialty beverages (craft brews, coffees and teas). Numerous wide screen televisions and vintage arcade games will assist in providing a "sports" type family friendly atmosphere. We will initially have sandwich and light menu foods for purchase and offer menu service from the established downtown restaurants, moving toward a full restaurant within the first year of operation. Tavern On The Square will provide a needed venue to attract and sustain activity to Downtown Lincolnton.

PROJECT ADDRESS: 110 East Water Street

APPLICANT HOME ADDRESS: 1773 Arden Drive, Lincolnton, NC 28092

EMAIL ADDRESS: tavernonthesquare@att.net

TELEPHONE: 704 813-5321

If Property Owner differs from Business Owner, complete the following:

NAME OF PROPERTY OWNER: IST Holdings, LLC

ADDRESS: 123 Major Lane, Iron Station, NC 28080

EMAIL ADDRESS: bryan@ironstation.com

TELEPHONE: 704 201-0165

ATTACHMENTS REQUIRED (incomplete applications will be returned to applicant)

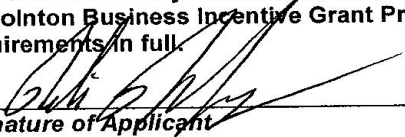
1. Provide an itemized cost estimate of all materials, supplies and labor costs of this project. *(Attach to application)*

2. Provide a sketch or scaled drawing of the proposed renovation work. **(Attach to application)**
3. Provide a current photograph of (1) the building itself and (2) within the context of the streetscape clearly showing the existing conditions of the proposed area of improvement. **(Attach to application)**
4. Written plans for future improvements to the building and proposed time frame for such work. **(Attach to application)**
5. Samples of all paint colors and awning fabrics **(if applicable)**
6. Copy of two-year lease, if leasing.
7. Provide anticipated start date and a proposed schedule of completion for the proposed improvements.

START DATE: January 2018

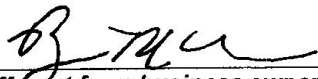
ANTICIPATED COMPLETION: November 2018

I have read and fully understand the requirements and guidelines of the City of Lincolnton Business Incentive Grant Program and agree to comply with all its requirements in full.


Signature of Applicant

PROPERTY OWNER CONSENT

If property owner differs from the business owner, I Bryan McClure for IST Holdings LLC Owner of the aforementioned property, consent to the proposed work being undertaken by Pete & April DeGregory as Tavern On The Square, Inc., the business owner. I as the property owner have read and fully understand the requirements of the City of Lincolnton Business Incentive Grant Program and agree with all the requirements set forth by the Grant Application and Guidelines.


Signature of Property Owner (if different from business owner)

Office Use Only

Date Received: _____

Comments: _____

It is our intention to revitalize the properties at 110, 112, 114 & 116 East Water Street, converting a vacant decaying building into a revenue generating business that will be an attraction to Downtown Lincoln. We would like to be granted assistance to open as Tavern On The Square, an upscale venue offering a variety of specialty beverages (craft brews, wines, coffees and teas). Tavern On The Square will provide a needed venue to attract and sustain activity to Downtown Lincoln.

We plan to:

Restore outward appearance to simulate as closely as possible to the original design of the building.

Restore interior to simulate as closely as possible the original design, restore hardwood floors, pressed design metal ceiling and ornate brickwork hidden by stucco.

Repair structure and install technical systems in building to code standards thus bringing usage to a previously vacant structure providing personal and tax revenue.

Renovate property to allow access from front and rear of the building, allowing parking in rear of building, freeing up street parking spaces.

Provide a pet and people friendly patio area on Water Street and also in the rear of the building.

Renovate upstairs for meeting space after initial opening.

Install equipment to facilitate the serving of craft and specialty beverages, eventually including a small-scale microbrewery.

Install equipment to facilitate the preparing and serving of meals and appetizers.

Install equipment and structures to facilitate the public viewing of theatrical performances (Black Box Theatre) in the adjacent room after initial opening.

Provide a space for socialization and business gatherings that will also serve as a safe zone and refuge against inclement weather during downtown events.

Please feel free to contact us with any questions or concerns.

Pete & April DeGregory

Pete DeGregory	704 813-5321
April DeGregory	704 813-5066

Building	current tax value \$75,830.00	\$225,000.00
	estimated updated value \$350,00.00-\$500,00.00	

General

Trash Removal		
Portable Restroom	\$93/mth @ 10	\$930.00
Storage		
Fencing		
Temp Utilities		\$2,300.00
Misc Labor		\$16,000.00
Insurance		\$1,800.00
Tool Rental		\$4,000.00
Permits and Fees		\$2,262.00
Archectural Fees		
Preliminary Design		\$1,600.00
architectural		\$12,800.00
Civil		\$3,500.00
Survey		\$1,500.00
Plumbing, Mechanical & Electrical		\$10,800.00
Structrual		\$2,600.00

Demolition

interior	\$30,000.00
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Structrual Repair

Floor / materials	\$6,000.00
labor	\$2,400.00
Roof / materials	\$2,500.00
labor	\$1,600.00

Earthwork

Demolition	
Clearing	\$800.00
Trenching	
Termite/Pest Control	
Drainage	
Parking Area	
Asphalt	
Concrete	\$2,300.00
Landscaping	\$2,000.00

Masonry

	openings	\$2,000.00
	Repair	\$1,200.00
Metals		
	Structural Metal Framing	\$1,010.00
	Misc Ramp & Patio	\$550.00
	Roof Ladder	
	Railings & Handrails	
Wood & Plastic		
	Trim	\$1,800.00
	Blocking	\$220.00
	Cabinets	\$5,200.00
	Counters	\$5,000.00
Thermal and Moisture Protection		
	Roofing	\$8,550.00
Façade	Doors & Windows	\$55,000.00
Doors & Windows		
	Bathrooms	\$850.00
	Kitchen	\$1,090.00
	Mirrors	\$850.00
	Barn Doors	\$1,800.00
Finishes		
	Interior Walls	\$13,400.00
	Wall Tile / Bathroom	\$3,003.00
	Floor Tile / Bathroom & Kitchen	\$11,285.00
	Acoustical Ceiling / Kitchen	\$3,300.00
	Wall Covering	\$13,285.00
	Exterior Painting	\$1,800.00
	Interior Painting and Sealing	\$5,800.00
	F.R.P.	\$3,300.00
	Hard Wood Flooring, repair and refinish	\$15,400.00
Specialities		
	Toilet Partions	\$2,980.00

	Toilet Accessories	\$850.00
Equipment		
	Plumbing	\$47,300.00
	Sprinkler	\$58,000.00
	HVAC	\$46,900.00
	kitchen	\$88,000.00
	Fire Extinguishers	\$650.00
Electrical		
	Building	\$62,000.00
	Light Fixtures	\$4,710.00
TOTAL		\$799,775.00

Danny Wilson
Virginia Air Distributors

5529 Lakeview Road
Charlotte, NC 28269

Date: 3/30/2018

To: Danny Fox



Phone: 704-599-1933
FAX: 704-599-3223
E-mail: dannywilson@virginiaair.com
Cell 704-400-2649

Project Name: Lincolnton Bar
Terms:

PROPOSAL

QTY	TAG	MODEL	DESCRIPTION	EXTENSION
1	Kitchen	ZH150N18P2H1BAA1A1	12.5 Ton, Single Packaged R-410A Air Conditioner, Mid-Efficiency, Two Stage Cooling, 11.5 EER, 180 MBH Input Aluminized Steel, Two Stage Gas Heat, 208/230-3-60 • Motorized Damper 0% - 100% • 3 HP Standard Static Belt Drive Blower • Standard 2" Throwaway Filters • Intelli-Speed VFD Fan Speed Control • Simplicity® SE Controller including Discharge Air, Return Air, and Outdoor Air Temperature Sensors. • APR Capacity Modulation N0.1 Circuit	
1		CBKDPRD781514	14 inch High Full Perimeter Roof Curb	\$9,000.00
2	Dining Area	TG8S100C20MP11	80% AFUE, Single Stage Gas Valve, PSC Motor, 120 MBH, 21" Width Cabinet, 2000 CFM Nominal, Multi-Position, 115-1-60	
2		CF60CBDA1	5 Ton, Full Case, Upflow/Downflow, Coil, 21" Cabinet Width, Factory Installed TXV Coils, Aluminum Tube	
1		YC090C00A2AAA5	7.5 Ton, York Predator Split System R-410A Air Conditioner, 2-Pipe R-410A, Single Stage Cooling, 208/230-3-60 Simplicity® SE Controller	\$5,000.00

SUBTOTAL:	\$14,000.00
TAX:	\$0.00
FREIGHT:	\$0.00
TOTAL:	\$14,000.00

NOTES:

Full Freight Allowed.

Tax is NOT included in this Proposal and will be added if applicable.

1.



**CENTRAL
CAROLINA
SPRINKLER
COMPANY**
INCORPORATED

P.O. Box 602
LINCOLNTON, NC 28093-0602
(704) 732-3343
FAX (704) 735-2991

August 14, 2018

Tavern on the Square, Inc.
110 Water Street
Lincolnton, North Carolina 28092

Attn: Mr. Pete DeGregory

RE: REVISED FIRE SPRINKLER QUOTATION
110 WATER STREET
LINCOLNTON, NORTH CAROLINA 28092

Dear Mr. DeGregory;

We are pleased to submit for your consideration the following prices for providing materials, labor, taxes and insurance to complete work stated, based on information obtained as of this date.

INSIDE WORK:

Begin 1'-0" above finish floor install wet pipe automatic sprinkler protection throughout areas noted. Design will be for light and ordinary hazard occupancy as per NFPA -13 standards. Dry upright sprinklers will be installed in the two (2) attic spaces above both buildings. A double check backflow assembly will be installed in the riser. A water flow switch will be installed for local and remote alarm signals. An electric bell will be provided for installation on the outside wall, a Fire Department connection will be installed on exterior wall at riser location.

The following areas to be protected are included in this budget estimate.

BUILDING 1: TWO STORY

- 1ST FLOOR DINING- SEATING AREA
- KITCHEN
- KITCHEN ATTIC SPACE
- 2ND FLOOR MISCELLNOUS -USE AREA

- 2ND FLOOR ATTIC SPACE

BUILDING 2: SINGLE STORY

- SEATING-DINING-STAGE AREA
- ATTIC SPACE
- FRONT SMALL ROOM ATTACHED AREA

OUTSIDE WORK:

- INSTALL 6" UNDERGROUND SUPPLY MAIN FROM CURB TO 1'-0" ABOVE FLOOR. CORE DRILL BUILDING WALL FOR 6" MAIN.

TOTAL COST: FIFTY ONE THOUSAND EIGHT HUNDRED (\$51,800.00) DOLLARS.

Please note: Adequate heat to prevent freezing must be provided in all areas except attic spaces.

Please note: Sprinkler protection is not included in crawl space in either building as per meeting with Fire Marshall and building official.

The above design and price is based on a new 6" water line being installed by the city connecting existing line on court square to the existing line in Academy Street and providing adequate pressure and flow to supply the system.

The above will be performed in accordance with NFPA-13 standard.

The following are not included in above prices:

1. Painting of pipe
2. Electrical or alarm wiring
3. Dry pipe on non freeze protection
4. Fire extinguishers or extinguisher cabinets
5. Sprinkler protection within or beneath owners equipment
6. City supply to curb line
7. Crawl spaces under floor

Terms: Payment is due on the tenth day of the month in the amount of 90% materials delivered and work performed to date. Final payment is due at

completion of contract. A 1 ½ % per month service charge will be added to all invoices over thirty days.

We sincerely appreciate the opportunity to provide this quote and will begin working drawings upon authorization to proceed.

Respectfully Submitted,

Roger D. Williams
President
CENTRAL CAROLINA SPRINKLER COMPANY

RDW/mgm

Accepted by: _____ Date: _____

Aqua Services Plumbing Company LLC

7397 Palm Tree Church Road

Vale, NC 28168 US

ruskind84@gmail.com

www.aquaplumbingco.com

**ESTIMATE****ADDRESS**Pete Degregory
Tavern On The Square**ESTIMATE # 1187****DATE 06/25/2018**

ACTIVITY	QTY	RATE	AMOUNT
Labor & Material for Complete Plumbing Installation	1	31,500.00	31,500.00
TAVERN ON THE SQUARE			
Lincolnton, NC			
For all piping necessary per the plans for the underground, rough in , and trim plumbing work to install the following:			
BATHROOMS			
3- Toilets			
4- Lavatory sinks			
2- Urinals			
KITCHEN			
4- Hand sinks			
1- 3 Compartment sink			
1- 1 Compartment sink			
1- Dishwasher			
1- Ice machine			
4- Floor sinks			
1- Floor drain			
MECHANICAL ROOM			
1 Bank - 3 tankless water heaters linked 199 btu / Vented			
1- Recirculating pump and loop			
1- Floor sink drain			
Schedule 40 PVC drain and vent piping			
Type "L" copper water distribution piping			
Tie in to new water main by city in front corner of building			
Tie into existing sewer line behind building			
* Sealing of roof penetrations by others			

ACTIVITY	QTY	RATE	AMOUNT
Gas Line	1	6,100.00	6,100.00
Schedule 40 black iron piping with valves and regulators From meter at front of the building to back of kitchen tie in the following: 3- Water heaters 2- HVAC units 2- Fryers 1-Flat grille 1- Oven 1- cook top			
Plumbing Fixtures	1	9,171.91	9,171.91
3- 199 btu Rinnai tankless water heaters 5,135 -with link cables , vent kit, condensate neutralizer , pan 2- Sloan urinals with Sloan flush valves -573.36 3- ADA Elongated toilets with Sloan flush valves - 919.35 4- ADA Porcelain Wall hung sinks with Delta faucets - 860.87 4- Trap guard kits - 189.00 4- Grid drains- 64.28 1- Floor drain -86.97 5 - Floor sinks - 366.75 9- Mixing / tempering valves, 1/2" point of use - 976.33 1- 2" RPZ Back flow preventer - 786.44 * All kitchen sinks and equipment by others			
Grease Interceptor	1	7,650.00	7,650.00
1- 1,000 gallon pre cast grease trap installation Digging, materials and labor for setting grease trap and tie into sewer line out side building. To tie into existing sewer line			

Pete, This is what I have so far , going by those plans .
We could possibly save in a few areas .

TOTAL

54,421.91

Accepted By

Accepted Date

Denver Glass, Inc
STOREFRONT SPECIALIST
6625 Denver Industrial Park
Denver, NC 28037
704-966-0985

Attn: Pete DeGregory

July 5, 2018

SUBJECT TO PROMPT ACCEPTANCE WITHIN 30 DAYS,
WE HEREBY PROPOSE TO FURNISH MATERIALS AND
LABOR AT THE PRICES DESCRIBED AS FOLLOWS:

Tavern On The Square
110 E. Water Street,
Lincolnton, NC 28092

Supply and install exterior windows and doors per plans. All
glass to be 1" Low-E clear tempered IGU's. Metal color to be
chosen by the owner. Price includes all door hardware required.

PRICE TO COMPLETE: \$55,500.00

**PRICE INCLUDES TAX ON MATERIAL, DELIVERY,
AND INSTALLATION.**

THE UNDERSIGNED ACCEPTS THIS PROPOSAL AND ALL ITS TERMS AND CONDITIONS AS A
BINDING CONTRACT SUBJECT TO THE LAWS OF THE STATE OF NORTH CAROLINA.

ACCEPTED:

TITLE & DATE

J. Ashby, President

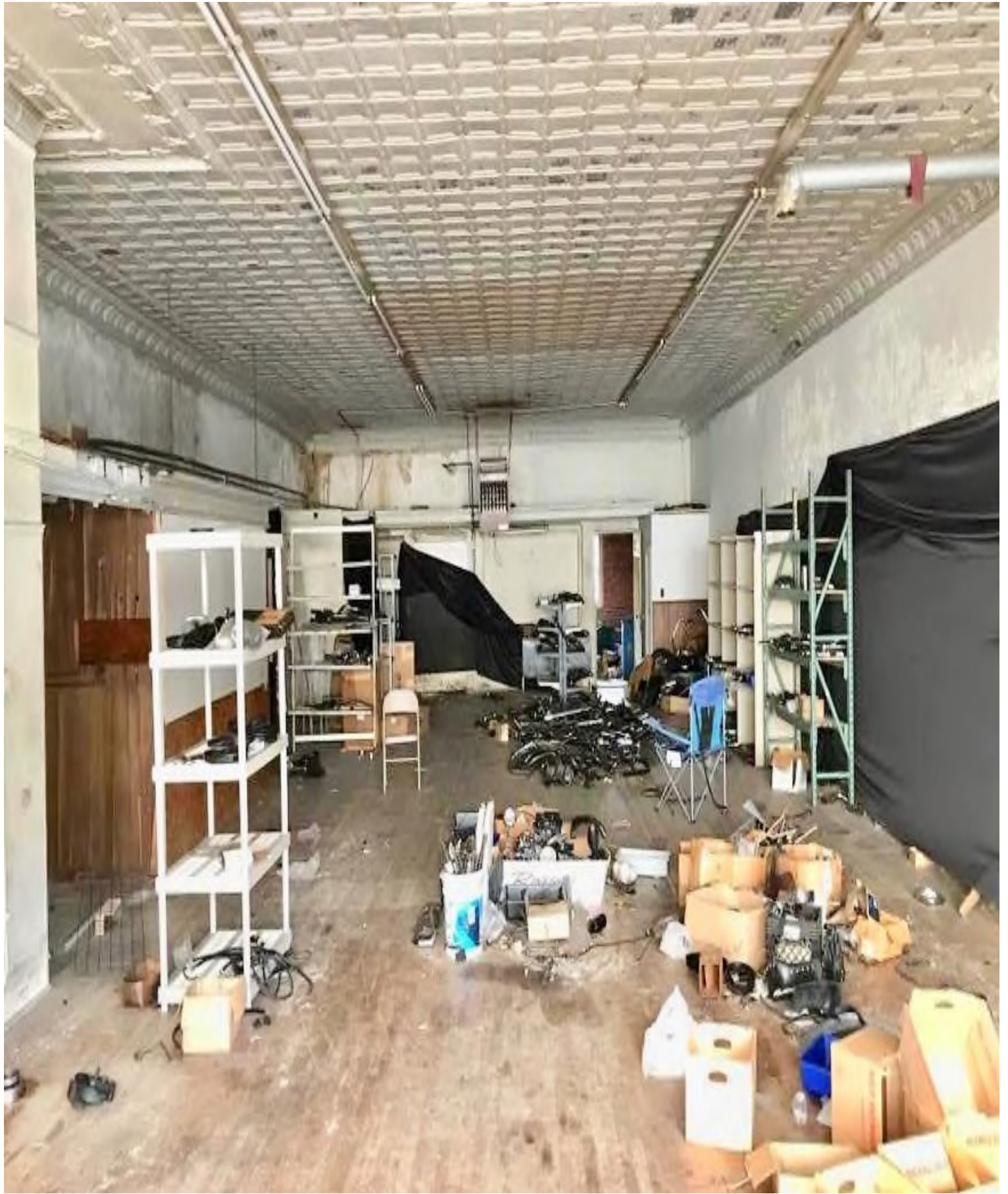
Todd

DENVER GLASS, INC.

denverglassnc@gmail.com







ITEM #

8

CHAPTER 91: CEMETERIES

Section

General Provisions

- 91.01 Destruction of property
- 91.02 Garbage and the like

Hollybrook Cemetery

- 91.15 Name of city cemetery
- 91.16 Terms of sale of lots
- 91.17 Reopening graves for interment of additional bodies
- 91.18 Interment; disinterment; depth of graves
- 91.19 Plantings
- 91.20 Family monument; markers; embellishments
- 91.21 Trees; shrubbery
- 91.22 Grading, landscaping and improvements
- 91.23 Structures
- 91.24 Regulations; bill of sale clause
- 91.25 Transfer of lots
- 91.26 Vehicles
- 91.27 Cemetery lot purchase
- 91.28 Cemetery maintenance
- 91.29 Animals
- 91.30 Cemetery lot sales

Statutory reference:

Authority to establish and operate cemeteries, see G.S. §§ 160A-341 et seq.

Authority to tax, see G.S. § 160A-209(c)(8)

Municipal cemeteries in general, see G.S. §§ 65-37 et seq.

GENERAL PROVISIONS

§ 91.01 DESTRUCTION OF PROPERTY.

It shall be unlawful for any person to disturb, deface, pull down or remove anything put or placed to mark any plot, grave or enclosure or to pluck flowers or shrubs planted or growing, in any cemetery.

(Prior Code, § 5-1) Penalty, see § 10.99

§ 91.02 GARBAGE AND THE LIKE.

No person shall deposit any rubbish, filth, waste or other unclean or unsightly substance in any cemetery. All materials carried within the cemetery and not used in the erection of monuments, markers or other lawful structures authorized herein, shall be promptly removed therefrom by the owner of the lot upon which the monument, marker or structure shall be located.

(Prior Code, § 5-2) Penalty, see § 10.99

HOLLYBROOK CEMETERY

§ 91.15 NAME OF CITY CEMETERY.

The name of the city cemetery shall be Hollybrook Cemetery.
(Prior Code, § 5-20)

§ 91.16 TERMS OF SALE OF LOTS and NICHES.

(A) A resident of the city has the option of purchasing a maximum number of burial spaces or niches to accommodate his or her immediate family (spouse, children or dependents). These individuals must be current residents in the home of the purchaser. Each family is allowed to exercise this option only once; however, additional grave sites or niches may be purchased at the existing maximum rate.

(B) All lots and niches in the cemetery shall be paid in full at the time of purchase.
(Prior Code, § 5-21) Penalty, see § 10.99

§ 91.17 REOPENING GRAVES FOR INTERMENT OF ADDITIONAL BODIES.

(A) No burial space shall be reopened for the interment therein of an additional body, subject, however, to the following provisions. The city will not allow a burial space to be used for more than two remains (one burial and one cremains or two cremains). The number of second right of interments purchased will be limited to the original number of burial spaces sold. Before any burial space is used for a second remains, a right of second interment must be purchased from the city.

(B) The establishment of marker(s) must conform to the established policy of the section of the cemetery in which the particular burial space is located.

(Prior Code, § 5-22) (Ord. O-03-04, passed 4-1-2004) Penalty, see § 10.99

§ 91.18 INTERMENT; DISINTERMENT; DEPTH OF GRAVES.

No person shall be interred or disinterred in the cemetery without lawful authority and permission. Interment and disinterment must be performed by expert(s) whose primary occupation is in this profession. All graves over four and one-half feet in length shall be a minimum of six feet in depth. All graves shall be of sufficient depth to allow 18 inches of space between the top of the vault or other container and the ground level.

(Prior Code, § 5-23) Penalty, see § 10.99

§ 91.19 PLANTINGS.

No person shall plant or set any tree, shrub, flower, grass or other plant of any kind in the cemetery.

(Prior Code, § 5-24) Penalty, see § 10.99

§ 91.20 FAMILY MONUMENT; MARKERS; EMBELLISHMENTS.

(A) Only one central or family monument shall be allowed on a family lot. All monuments are restricted in size based upon the section. No monument shall exceed four feet in height and one and one-half feet in width (including the base). Any case intended to hold floral arrangements must be permanently incorporated in the marker or its foundation and must fit within the allowable space for the marker. Only monuments made by expert(s) whose primary occupation is in this profession will be allowed. Foot markers shall be laid flush with the ground and shall not exceed two feet in length and one foot in width, and shall be placed at the end of the grave farthest from the monument. No vases are allowed on the foot markers.

(B) All single grave sites in Sections "G" and "Z" are ten feet in length and five feet in width. This provides one and one-half feet in width (including the base) at the head of each grave for the main family marker and one-half foot at the opposite end of each grave for a foot marker, if desired. The monument shall be centrally located on the lot(s) to allow at least one foot from its

edge to the lot line. This will provide three feet in length on single lots, or eight feet in length on double lots.

(C) In Section “Z,” the head marker shall be laid flush with the ground and the vases placed in this section are to be of the variety that can be inverted.

(D) No coping, fencing, hedging, ground mounds, borders or curb or any kind shall be allowed on any burial lot. Cemetery embellishments other than ground level floral arrangements are not allowed.

(Prior Code, § 5-25)

(E) The city reserves the right to regulate the size and quality of all monuments, foundations and other construction placed upon any grave or lot in the city cemetery. The cemetery management shall have the authority to enter upon any lot and to remove any objectionable thing, construction, monuments or any foot markers that may have been placed or erected contrary to this code at the violator’s expense.

(Ord. O-07-03, passed 7-17-2003; Ord. passed 8-5-2004) Penalty, see § 10.99

§ 91.21 TREES; SHRUBBERY.

The pruning or cutting of all trees and shrubbery is hereby prohibited unless done under the immediate supervision of the cemetery sexton.

(Prior Code, § 5-26) Penalty, see § 10.99

§ 91.22 GRADING, LANDSCAPING AND IMPROVEMENTS.

All grading, landscaping and improvements of every kind shall be made or done by the city only.

(Prior Code, § 5-27) Penalty, see § 10.99

§ 91.23 STRUCTURES.

No mausoleum, tomb, building or other structure of any kind shall be erected on any lot within the cemetery, or within any extension of the cemetery; provided, however, mausoleums and tombs may be constructed on lots which may be designated on the plat and plan of the cemetery from time to time by the City Council as lots to be used exclusively for mausoleums and tombs. Should any mausoleum, monument or tomb at any time become unsafe, unsightly or in need of repair or resetting, the Finance Director shall so notify the owner of the lot, if living, or any person having an interest in the lot, if known, and shall request the person to make the needed repairs under the person’s supervision, and if the person shall fail to make repairs the City Attorney shall take whatever action is necessary to remedy the problem.

(Prior Code, § 5-28) Penalty, see § 10.99

§ 91.24 REGULATIONS; BILL OF SALE CLAUSE.

All lots within the cemetery, or within any extension of the cemetery at any time hereafter made, whether owned by the city or by any other person, shall be subject to and regulated by city policies as adopted by the City Council.

(Prior Code, § 5-29) Penalty, see § 10.99

§ 91.25 TRANSFER OF LOTS.

An owner of a cemetery plot may only sell or transfer a burial space(s) in his or her plot upon approval of the City Manager or his or her designee. In order to meet the approval, a notarized document containing pertinent information must be submitted, and a transfer fee will be charged in most cases. The transfer fee will be equal to the difference in the current sale price of the owner and the purchaser’s cost based on the applicable sale price for the plot(s) if purchased directly from the city. Transfer documents not recorded and filed in the City Finance Department will be deemed invalid. Plot(s) may not be sold for more than the current rate in effect at the time of sale.

(Prior Code, § 5-30) Penalty, see § 10.99

§ 91.26 VEHICLES.

(A) Vehicles shall be driven only upon the roadways within the cemetery and at a rate of speed not in excess of 15 mph.

(B) No vehicles shall enter the cemetery except for the purpose of the driver or passengers attending funerals, visiting graves or other lawful mission.

(Prior Code, § 5-31) Penalty, see § 10.99

§ 91.27 CEMETERY LOT PURCHASE.

(A) Grave lots may be purchased in advance of need. The price will be determined by the permanent address of the deceased or in the case of the residence at time of death being a nursing home, the last permanent address prior to entering the nursing home will determine the price.

(B) A resident of the city is one who has established permanent residence in the corporate limits of the city.

(C) Lots are available in single or four grave sites.

(D) Lots shall be purchased from the Director of Finance and/or his or her designee who shall be responsible for maintaining all cemetery records and collecting all revenues. All applicable fees are approved by the Mayor and City Council, a copy of which is on file in the Finance Department.

§ 91.28 CEMETERY MAINTENANCE.

(A) The municipal cemetery shall be maintained by the city. As far as possible, funds raised through the sale of cemetery lots and the interest on any of the funds invested shall be the revenue used to finance the operation and maintenance of the cemetery.

(B) The City Council may appropriate additional funds for the operations and maintenance of the cemetery as it finds necessary.

Penalty, see § 10.99

§ 91.29 ANIMALS.

It shall be unlawful for any owner to take an animal into or allow the animal to enter or remain within the boundaries of Hollybrook Cemetery.

(Prior Code, § 5-32) (Ord. O-07-07, passed 11-1-2007) Penalty, see § 10.99

§ 91.30 CEMETERY LOT OR NICHE SALES.

See fee schedule for applicable rates.

§ 91.31 COLUMBARIUM

(A) GENERAL PROVISIONS

- (1) The columbarium shall be used for the inurnment only of cremated human remains.
- (2) All rights to inter or inurn cremains in the columbarium are subject to the provisions of this chapter, and may be changed in the future as deemed appropriate by the city, with or without notice.
- (3) Burial rights in the columbarium shall be confirmed through the execution of a columbarium contract, which shall be deemed the equivalent of a cemetery deed as set forth in this chapter.
- (4) Individual niches are not owned by purchasers, and title to all structures, facilities and land remains with the city.
 - (a) Purchase of a niche implies only the right to the use of a space for the inurnment of cremated human remains.
 - (b) Niches may not be sold or transferred to any individual at a price higher than that paid by the original purchaser.
 1. A purchaser may make written application to the city for the substitution of a designee not named as the intended original occupant of a niche space.
 2. Such substitution will be allowed upon payment to the city of the difference between the original sale price and the current sale price.
- (5) The city specifically reserves the right to relocate the columbarium, or the cremated remains therein to another proper location should it become necessary for any reason.

(B) INURNMENT AND REMOVAL

- (1) Inurnments may occur only during normal cemetery business hours and when either the cemetery sexton or a designated representative is available to oversee the opening and closing of the niche.
 - (a) The cemetery sexton may limit the number of openings/closings scheduled for a particular day to conform to staffing abilities.
 - (b) The fee for opening and closing a niche is as established in the city fee schedule.
 - (c) Only the cemetery sexton or the cemetery sexton's designee may open or close columbarium niches, and then only under the direction of a licensed funeral director.
- (2) Each niche is 12 inches tall by 12 inches wide by 12 inches deep. A second right of interment is allowed if the urns selected by the purchaser are of such size that will properly fit in the niche. The fee for second right of interment is based on the fee schedule.
- (3) No items shall be allowed to be placed in any niche, or in any container placed in any niche, other than cremated human remains and any identifying information as required by the laws of the state.

- (4) Urns may be made of metal, glass, wood, or plastic, but may not be made of cardboard or any other material not reasonably designed to contain the remains in the event the same must be transported.
 - (a) Urns must be a rigid container which does not exceed a size of 11 inches tall by 11 inches wide by five inches deep, and which is specifically intended for the permanent containment of cremated human remains.
 - (b) Urns must be sealed under the direction of a licensed funeral director. If any personal items or memento (jewelry, etc.) are to be included, the same must be placed in the container prior to sealing.
 - (c) Urns must have a flat bottom which allows them to remain stable and upright.
 - (d) Each urn must have, either permanently affixed to the outside or within the sealed container, the identity of the remains contained therein.

(C) REMOVAL OF CREMAINS

- (1) A surviving spouse or lawfully appointed personal representative of an estate may remove cremated remains from a niche after inurnment upon payment of any fees associated with opening and closing the niche and any other expenses associated with such action.
- (2) Other individuals will be allowed to remove remains from a niche only upon a showing of lawful authority to do so and after posting an indemnity to the city in an amount of not less than \$5,000.00, and upon further agreeing to indemnify the city for all costs and expenses, including reasonable attorney fees, associated with such action and compliance with all requirements of state, municipal or other requirements of law.

(D) DECORATIONS AND EXTERIOR APPEARANCE

- (1) The City will be responsible for inscribing on the face of the niches. The City will contract with their vendor of choice for inscribing.
 - (a) The inscription shall include only the decedent's name, date of birth and date of death.
 - (b) No other inscriptions or engravings will be permitted.
 - (c) Inscriptions shall be of uniform font, size and color as determined by the City.
- (2) No flowers, vases, decorations or memorial items may be attached to the columbarium, any stone plate or identifying plaque at any time, including Easter, holiday or memorial seasons.
 - (a) Floral arrangements may be attached to nearby memorial areas.
 - (b) Floral arrangements will be removed and discarded according to the provisions of this chapter.

§ 91.32 REVERSION TO THE CITY

A burial lot or niche space shall revert to the city upon the happening of the following events:

- (a) Failure to use the burial lot or niche within 24 months following the death of the last person for whom a lot or niche is reserved, including heirs named in a will; and
- (b) The designated contact person, as reflected in cemetery records, fails to respond to a certified letter sent to their last known address; or
- (c) Failure to comply with terms of lot or niche sales; and
- (c) Following completion of any process for the recovery of unused burial lots or niche spaces as allowed by the laws of the state or the City Code.

See fee schedule for applicable rates.

Penalty, see § 10.99

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.

RESOLUTION of Appreciation for

TIMOTHY W. DELLINGER

(R-13-18)

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

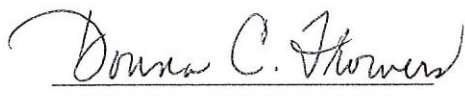
WHEREAS, *Timothy W. Dellinger* began employment with the City of Lincolnton on May 24, 1993 and has faithfully served in the Distribution and Collection Department for twenty-five years; first as a Meter Specialist, then he became a Line Maintenance Mechanic in 2004; and then advanced to his current position, Lead Meter Specialist in 2011; and

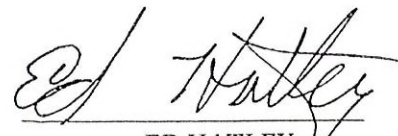
WHEREAS, *Timothy W. Dellinger* has over the years adapted to the technological changes within his department and overall growth of the City, while maintaining over 3000 water and electric meters on a monthly basis, always giving a superior level of service to the citizens; and

WHEREAS, *Timothy W. Dellinger* in the performance of his duties has demonstrated unselfish commitment to his job, his fellow employees, and to the citizens of Lincolnton for the continued betterment of our City;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Lincolnton, that appreciation be shown to *Timothy W. Dellinger*, honoring him on his upcoming retirement on December 1, 2018, and that we extend congratulations and best wishes to him for continued success in all his future endeavors.

Adopted and presented this the 1st day of November, 2018.


DONNA C. FLOWERS, MMC
CITY CLERK


ED HATLEY
MAYOR

ITEM #

10

***BACK UP FOR THIS ITEM
WILL BE DISTRIBUTED
THE NIGHT OF
THE CITY COUNCIL MEETING
AS WE HAD NOT RECEIVED
INFORMATION AT THE TIME
PACKETS WERE PUT
TOGETHER***

ITEM #

11

CITY OF LINCOLNTON

CITY COUNCIL

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



CITY MANAGER

Steve Zickefoose, MBA
szickefoose@lincolntonnc.org

CITY CLERK

Donna C. Flowers, MMC, NCCMC
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CITY ATTORNEY

Thomas J. Wilson, Jr..

(BA-07-18)

BE IT ORDAINED by the Governing Board of the City of Lincolnton, North Carolina, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2019.

Section 1: To amend the General Fund, the expenditures are to be changed as follows:

<u>ACCOUNT NUMBER</u>	<u>DEPARTMENT/ACCOUNT DESCRIPTION</u>	<u>INCREASE</u>	<u>DECREASE</u>
	<u>FIRE</u>		
10-10-4340-121	Salaries	68,137.00	-
10-10-4340-181	FICA	5,213.00	-
10-10-4340-182	Retirement	5,281.00	-
10-10-4340-183	Health Insurance	20,472.00	
		<u>99,103.00</u>	-

This will result in a net increase of \$ 99,103.00 expenditures of the General Fund. To balance the adjustments to the budget, the following revenues have also been changed with a corresponding net effect.

<u>ACCOUNT NUMBER</u>	<u>DEPARTMENT/ACCOUNT DESCRIPTION</u>	<u>INCREASE</u>	<u>DECREASE</u>
	<u>GRANTS</u>		
10-00-3301-300	Federal Grants	99,103.00	
		<u>99,103.00</u>	-

Section 13: Copies of these budget amendments shall be furnished to the Clerk of the Governing Board, and to the Budget Officer and the Finance Director for their direction.

Adopted this 1st day of November, 2018.

Donna C. Flowers
City Clerk

Ed L. Hatley
Mayor

ITEM #

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Executive Summary

September 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	3,219,232	25%	11,655,521	3,335,650
Fund Balance	1,051,770	-	-	964,361	-
	12,852,536	3,219,232		12,619,882	3,335,650
City Manager/Clerk	320,960	90,816		331,465	103,988
Human Resources	239,060	59,022		232,730	61,985
Finance	242,790	197,591		273,412	139,985
General Expense	1,057,620	360,998		942,324	351,962
General Debt Service	520,954	24,179		463,524	24,179
Police	3,700,970	770,236		4,284,770	776,901
Fire	2,240,650	505,912		2,099,345	496,454
Public Works	79,616	22,809		172,956	57,952
Street	1,251,668	211,249		1,246,268	186,312
Equipment Services	133,270	36,214		135,120	39,848
Solid Waste	756,798	120,522		708,328	144,554
General Services	-	-		-	-
Plannin/Zoning	679,060	67,211		348,794	68,423
Bus & Comm. Dev	135,000	32,487		164,960	5,927
Recreation	1,494,120	247,378		1,215,886	267,939
Expenses	12,852,536	2,746,622	21%	12,619,882	2,726,409
Difference		472,610		609,241	(136,632)

Water & Sewer Fund		% of					
Fund 61	Revenues	Budget 18-19	Actual 18-19	Budget	Budget 17-18	Actual 17-18	Difference
		8,096,950	1,991,886	24%	7,449,995	2,052,290	(60,405)
	Fund Balance	281,590	-		526,653		
		8,378,540	1,991,886		7,976,648	2,052,290	(60,405)
	Water Treatment	1,502,950	328,725		1,508,500	335,880	(7,155)
	Dist & Collection	1,748,000	750,062		1,440,153	330,696	419,366
	Wastewater	1,550,100	238,482		1,516,650	213,631	24,851
	W & S Intangibles	3,577,490	163,369		3,511,345	115,966	47,403
	Expenses	8,378,540	1,480,637	18%	7,976,648	996,173	484,464
	Difference		511,249			1,056,117	(544,868)

Electric Fund		% of					
Fund 63	Revenues	Budget 18-19	Actual 18-19	Budget	Budget 17-18	Actual 17-18	Difference
		7,669,264	2,100,668	26%	7,791,714	2,016,330	84,338
	Fund Balance	300,000	-		1,224,483	-	-
		7,969,264	2,100,668		9,016,197	2,016,330	84,338
	Electric Dept.	7,969,264	1,385,660		9,016,197	1,587,759	(202,099)
	Expenses	7,969,264	1,385,660	17%	9,016,197	1,587,759	(202,099)
	Difference		715,008			428,571	286,437

Overtime 80+ hours	84,637	101,807	(17,170)
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**CLOSED
SESSION**