

REGULAR MEETING - JANUARY 3, 2019

The Mayor and City Council met in regular session on Thursday, January 3, 2019 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton North Carolina.

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

WHITE

WATSON

EADDY

JETTON

Councilman Jetton made the motion, unanimously approved to approve the **REGULAR AGENDA** with two additions, item #11- New Year's Shooters discussion and item #12 – Closed Session.

Councilwoman White made the motion unanimously approved to approve the **CONSENT AGENDA** as follow:

- Approved Minutes from the December 6, 2018 Organizational Meeting and Regular Meeting
- Calls to Public Hearing for the February 7th, 2019 City Council meeting:

ZMA-1-2019 – Application from Bonnie Ball requesting the rezoning of approximately 0.838 acres of land from Office Institutional O-O to Rural Residential (R-25). The subject property is at 2511 East Highway 150 (PID 28082)

ZMA-2-2019 – Application from Candace Heavner requesting the rezoning of approximately 0.732 acres of land from Office Institutional O-I to Rural Residential (R-25). The subject property is at 2523 East Highway 150 (PID 52275)

REGULAR AGENDA:

PUBLIC HEARING

APPLICATION FROM INGLES MARKETS, INC. REQUESTING THE APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A ZIPS CAR WASH ON AN 0.88 OUTPARCEL OF THE INGLES MAREKET SHOPPING CENTER. THE SUBJECT PROPERTY IS LOCATED AT 1230 EAST MAIN STREET (Parcel ID 901308) IN THE P-B-CU DISTRICT

Mayor Hatley opened the Public Hearing. Those wishing to speak were directed to come forward to be sworn-in prior to speaking. Laura Elam, Preston Kendall and John Cox came forward to be sworn.

Laura Elam, Planning Director, addressed Council regarding this request, giving a brief history of the application and summarizing its details as it pertained to the site and area description. Both the Site Plan that was approved in 2010 and the proposed Site Plan were provided for review, as well as staff review committee comments. Mrs. Elam reminded Council that the conditional use permit four findings of fact would be required for approval and concluded by saying that the use is in compliance with the required findings and that Planning Board and staff recommend approval of the conditional use permit subject to the applicant satisfactorily proving the findings of fact and subject to the Staff Review Committee comments.

Mr. Preston Kendall, the applicant representing Ingles Markets briefly addressed members of Council, confirming the information presented and inviting any questions they may have. Mr. Kendall explained how the car wash will work and described some of the extras that will be available for customers to use. In response to a question from Councilman Jetton, Mr. Kendall confirmed that an attendant will be on duty anytime the car wash is open for business.

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

After having held a Public hearing on January 3rd, 2019, and in light of the finding of facts listed herein, the following action was taken by the Lincolnton City Council;

Findings of Fact:

- 1. Councilman Eaddy made the motion unanimously approved that the use will not materially endanger the public health or safety if locate where proposed and developed according to the plan.**
- 2. Councilman Jetton made the motion unanimously approved that the use meets all required conditions and specifications**
- 3. Councilwoman White made the motion unanimously approved that the use will not substantially injure the value of adjoining or abutting property or the use is a public necessity**
- 4. Councilman Eaddy made the motion unanimously approved that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council**

Councilman Watson made the motion unanimously approved to grant the Conditional Use Permit (CUP-3-2018) from Ingles Markets, Inc.

RETIREMENT RESOLUTION HONORING STEPHEN H. "STEVE" PEELER, PUBLIC WORKS AND ELECTRIC DIRECTOR, OF THIRTY YEARS OF SERVICE TO THE CITY

(R-01-19)

Mayor Hatley asked Mr. Steve Peeler to come forward. Mayor Hatley read aloud and presented Mr. Peeler the following Resolution of Appreciation for his thirty years of service:

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, *Stephen Peeler* began employment with the City of Lincolnton on January 3, 1989 and served in the Public Works and Utilities Divisions as a Director in several capacities for a total of 30 years, and

WHEREAS, *Stephen Peeler*, during his years of service to the City, managed over \$45,000,000 in infrastructure improvement capital projects, completing them all at or under the contract amount, and guided the Public Works and Utilities divisions thru annexations and approximately doubled the corporate city limits and population of the City of Lincolnton; and

WHEREAS, *Stephen Peeler* was nominated by his staff and received the prestigious J.A. Younts Award from the N.C. Rural Water Association for "Dedication and Service to the People and Water Systems in North Carolina", and has served on the ElectriCities Board of Directors for 3 years and has been elected for a second 3 year term. In addition, has a total of 50 years of service in the Electric Distribution Utility Industry, with 30 of those years as a member of the Board of Commissioners of North Carolina Municipal Power Agency #1;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Lincolnton, that appreciation be shown to **Stephen H. Peeler** for his thirty years of service, honoring him on his upcoming retirement on February 1, 2019, and we extend congratulations and best wishes to him as he begins the next chapter in his life.

Mayor Hatley asked Mr. Roy Jones, the Executive Director of Electricities, to give remarks. Mr. Jones thanked Mr. Peeler, as well as the Peeler family, for his many years of dedicated service to Electricities and stated that he is pleased he will have the opportunity to continue to work with him in the future.

Mr. Peeler expressed his sincere thanks and gratitude to David Lowe for giving him another chance and a second career. He also acknowledged and thanked several others that he worked with during his thirty years with the City.

RETIREMENT RESOLUTION HONORING DAWN CORNELIUS, ACCOUNTS PAYABLE CLERKM FOR THIRTY-FOUR YEARS OF SERVICE TO THE CITY

(R-02-19)

Mayor Hatley asked Dawn Cornelius to come forward and read the following resolution:

WHEREAS, *Dawn T. Cornelius* began employment with the City of Lincolnton on July 30, 1984 in the Utility Billing and Collections Division of the Finance Department, as has faithfully served in that department for thirty-four years; and

WHEREAS, *Dawn T. Cornelius*, throughout her tenure, has demonstrated great commitment to her duties and responsibilities in the Utility Billing & Collections Department and has assisted the Finance Department in being recognized and awarded for many years the “Certificate of Achievement of Excellence in Financial Reporting”; and

WHEREAS, *Dawn T. Cornelius* attended training through ElectriCities of North Carolina and earned a certificate in Customer Service Excellence. Dawn developed spreadsheets, still utilized today, listing meter taps and delinquent accounts, she transitioned through many changes over the years with great versatility and accuracy; and

WHEREAS, *Dawn T. Cornelius* has always excelled with customer interaction presenting a positive image to the public; displaying a great work ethic in the performance of her duties, and has the utmost respect from both her co-workers and the citizens of Lincolnton; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Lincolnton, that appreciation be shown to **Dawn T. Cornelius**, honoring her on her upcoming retirement on February 1, 2019 and that we extend congratulations and best wishes to her for continued success in all her future endeavors.

Mrs. Cornelius said, “God gave me this job thirty-four years ago and I have thoroughly enjoyed it. Not many people are blessed to have a job that you like to come to every day.” She continued saying that she will miss her customers and co-workers at City Hall but she is looking forward to experiencing how the other half of the City works in her part-time role at the City’s Public Works Department.

RETIREMENT RESOLUTION HONORING RODNEY BARKLEY, WATER TREATMENT PLANT, FOR TWENTY-TWO YEARS OF SERVICE TO THE CITY

(R-03-19)

Rodney Barkley came forward as Mayor Hatley read the following Resolution of Appreciation:

WHEREAS, *Rodney D. Barkley*, began employment with the City of Lincolnton on November 21, 1996, as a Water Treatment Plant Operator II; and

WHEREAS, *Rodney D. Barkley*, through his dedication and training through the NC Water Treatment Facility Operators Certification Board, attained his Grade B Surface Water Treatment

Facility Operator in 1997 and was promoted that same year to a Water Treatment Plant Operator III; and

WHEREAS, *Rodney D. Barkley*, has, throughout his tenure, assisted the City in the performance of his duties to obtain the AWOP Award from the NC Department of Environment and Natural Resources. Rodney also assisted, in a team effort, to earn the AWWA Award of Excellence for safety achievements for multiple years. Rodney took pride in producing and supplying the citizens of Lincolnton with safe, clean drinking water throughout his tenure.

NOW, THEREFORE, BUT IT RESOLVED, by the Mayor and City Council of the City of Lincolnton, that appreciation be shown to **Rodney D. Barkley**, honoring him on his upcoming retirement on February 1, 2019 and that we extend congratulations and best wishes to him for continued success in all future endeavors.

BE IT FURTHER RESOLVED, that this resolution be presented to him and spread upon the official minutes of the City of Lincolnton.

Mr. Barkley expressed his appreciation saying, "I really have enjoyed my twenty-two years with the City of Lincolnton and working with everybody at the Water Plant and everybody I have worked with throughout the City."

PRESENTATION FOR THE 2018 AUDIT REPORT

Mr. Phil Church with Lowdermilk, Church & Co., addressed the mayor and city Council regarding the 2018 Audit Report. Mr. Church made a few brief comments before turning Council's attention to Ms. Carol Avery who reviewed the highlights of the audit. Mr. Church pointed out the City was given a clean, un-modified opinion and he noted that the report has been sent to the Local Government Commission for their approval. Mr. Church also explained that the City did have a Yellow Book audit which involves compliance work that must be done. According to Mr. Church, this is the twenty-eighth year the City has received a Certificate of Excellence from GFOA which speaks highly of the City. Mr. Church then asked Ms. Carol Avery to go over the numbers and answer any questions from council members.

Ms. Avery directed Council's attention to the Financial Highlights report provided in the front of each audit report book. Ms. Avery spoke to each fund as follows:

Ms. Avery directed attention to specific pages within the Comprehensive Financial Report which provides much more detail to answer questions. Some discussion was generated regarding several of the funds and the management of these funds.

Councilman Eaddy expressed his pleasure with the health of the Water and Sewer Fund and his appreciation to the City Manager for doing a great job with this fund.

Councilman Eaddy made the motion unanimously approved to accept the 2018 Audit Report as presented by Phil Church and Carol Avery with Lowdermilk, Church and Co.

CONSIDERATION OF CONTRACT BETWEEN THE CITY AND LOWDERMILK, CHURCH & CO. FOR THE 2019 AUDIT

(C-01-19)

City Manager Steve Zickefoose spoke to Council regarding consideration of contract for the 2019 audit between the City and Lowdermilk, Church & Co. Mr. Zickefoose spoke to the satisfaction of the service received from Lowdermilk, Church & Co. audit firm and his confidence in the service they provide. Those services that are required as well as those not required.

Contract amount will be \$35,800 which is a slight increase from the previous year which, according to Mr. Zickefoose, is still lower than what the City was paying another firm back in 2005. The City Manager reported that this price includes printing of the audit reports as well as auditing of the Lincolnton Tourism Development Authority. Mr. Zickefoose recommended approval of the audit contract 2019.

Councilman Jetton made the motion unanimously approved to award the 2019 audit contract to Lowdermilk, Church & Co.

CONSIDERATION OF DATES FOR THE CITY'S ANNUAL PLANNING RETREAT; FRIDAY, MARCH 15TH OR FRIDAY, MARCH 22ND 2019

City Manager Steve Zickefoose proposed two dates for Councils consideration for the 2019 Budget Planning Retreat. Mr. Zickefoose stated that only one day was needed last year and that this years' format should allow for the same to be accomplished this year. The March dates are in line with dates used last year as well. Due to Councilman Eaddy being out of the state on March 22, Mayor and Council agreed that March 15th is the better date.

Mr. Zickefoose confirmed the planning retreat will once again be held in the Council Chambers at City Hall, 114 W. Sycamore Street, Lincolnton, N.C. He also encouraged Council Members to inform him of any additional topics/issues they may wish to discuss during this time or any specific information they would like provided.

Mayor Hatley added that this will also be the time to ask questions regarding the budget and the budget process.

REGULAR MEETING - JANUARY 3, 2019

Councilwoman White made the motion unanimously approved the 2019 Annual Planning Retreat to be held on March 15, 2019 in the Council Chambers at City Hall.

MONTHLY FINANCIAL/OVERTIME REPORT

Steve Zickefoose, City Manager, gave the following monthly financial update/overtime report overview:

January 2019 Council Meeting

NOTE: Mayor Hatley commented that Councilman Watson stated that City workers should be commended for the excellent job done with the recent snow removal. City Manager Steve Zickefoose credited Ritchie Haynes, Steve Peeler, Wayne Auton and the Public Works staff with working together and carrying out a well thought out plan.

NEW YEARS SHOOTERS

Mayor Hatley explained why this item was added to the agenda stating that there had been some discussion prior to and after New Year's regarding the Shooters in response to questions from citizens as to whether Shooters were allowed within the City Limits. Mayor Hatley explained this is being more of a clarification.

City Manager Steve Zickefoose informed Council that the Shooter were invited to participate and be a part of the ceremony at the Apple Drop on the Court Square. Mayor Hatley added he felt it was a nice way to blend tradition with the new event, thanking Laura Morris, Carol Howell and Jean Derby for all of their work to make that event a success. Discussion was generated among members all of which spoke to the success of the event but also verified that fact that there are not restrictions on the Shooters within the City Limits. Mr. Zickefoose did however remind Council of the City's noise Ordinance that would have to be enforced if there are complaints from citizens.

Laura Morris, Community Relations Director, briefly commented on the event and gave some history of this issue regarding complaints from residents over the noise, the lack of access for traffic and scared animals. This is where the idea of combining the New Years' Shooters with the downtown Apple Drop came from. Doing this would protect the downtown neighborhoods better. Laura explained that when meeting with the Shooters, six locations of concern in the downtown area were discussed. The New Years' Shooters agreed to take those six identified locations off of their list in exchange for participation in the downtown Apple Drop event. Ms. Morris clarified that this was all a part of discussions with the Shooters, and nothing to do with Ordinances or restrictions set by City Council.

Mayor Hatley summarized this discussion stating that the Apple Drop event will again be held and the New Years' Shooters will be invited to participate however there will be no restrictions on going into other neighborhoods as they have traditionally done in previous years.

PUBLIC COMMENT:

No one signed to speak under the public comment portion of the agenda

NEWS MEDIA:

Mr. Wayne Howard commented, “Kudos to Laura and Jean and all the folks involved, Gary Dellinger from the New Years’ Shooters, Chief Jordan, Fire Department, Street Department, all the folks who worked to make the festival a big event.”

Mr. Howard asked when the Water Bonds would be paid in full. City Manager Steve Zickefoose responded that bonds would be paid in full in the year 2021-2022.

Representative with Charter Spectrum clarified that if a complaint was received regarding the New Years’ Shooters, the City’s Noise Ordinance would be enforced.

CLOSED SESSION

Councilman Watson made the motion unanimously approved to enter into Closed Session in accordance with NCGS 143-318.11(a)(1)(3) to discuss a legal matter

Councilman Jetton made the motion unanimously approved to return to regular session. Mayor Hatley stated that no action was taken during the closed session.

ADJOURNMENT:

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