

A G E N D A

LINCOLNTON CITY COUNCIL

May 2, 2019

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

May 2, 2019

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 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 the following Minutes:

April 4th – Regular Meeting

4. Proclamations:

National Nursing Home Week – May 12th through May 18th, 2019

5. CALLS TO PUBLIC HEARING for the June 6th City Council Meeting:

- **ZMA-3-2019 - Application from Steve and Jeannie Bailey requesting the rezoning of approximately 0.512 acres of land from Residential Office (R-O) to Central Business (C-B). The subject properties are located at the southeast corner of North Academy Street and East Sycamore Street, 224 North Academy Street (PID 00657 and 82410)**
- **ZTA-1-2019 – Application from Lincolnnton Planning Department requesting an amendment to Section 153.185 (Off Street Parking Requirements) of the Unified Development Ordinance to eliminate the current requirement for handicapped parking spaces to be provided in addition to other required off-street parking spaces.**
- **ZTA-2-2019 – Application from Lincolnnton Planning Department requesting an amendment to Section 153.170 (signs in the Central Business District and Central Business District Transitional) to allow cantilevered ground signs subject to certain standards and conditions.**

REGULAR AGENDA:

PRESENTATIONS

6. Recognition of the 2018-19 Lincolnton Student Advisory Council

Jill S. Eaddy, Advisor

CONTRACTS

(C-11-19)

7. Consideration of awarding Chemical Bids for the Water and Wastewater Treatment Plant

Robert Pearson, Water Resources Director

OTHER BUSINESS

8. Consideration of Offer from Catawba Lands Conservancy to convey property to the City of Lincolnton

Laura Elam, Planning Director

9. Official presentation of the 2019-20 Budget – proposed Fee Schedule – Budget Message – *(NOTE: The Public Hearing will be held at our June 6th meeting where Council could consider adoption of the proposed budget, which would adopt the fee schedule)*

Steve Zickefoose, City Manager

10. Monthly Financial Report & Overtime Report

Steve Zickefoose, City Manager

11. Discussion of Evaluation of the City Manager

Mayor Hatley

AGENDA
May 2, 2019
Page 3

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 to be eligible to speak*

NEWS MEDIA

ADJOURNMENT

ITEM #

1

APPROVAL

OF

REGULAR

AGENDA

ITEM #

2

APPROVAL

OF

CONSENT

AGENDA

ITEM #

3

REGULAR MEETING - APRIL 4, 2019

The Mayor and City Council met in regular session on Thursday, April 4, 2019 at 7:00 pm in the Council Chambers of City Hall, located at 114 West Sycamore Street, Lincolnton, NC.

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

Council members in attendance were:

WHITE WATSON EADDY JETTON

Councilwoman White made the motion unanimously approved the *REGULAR AGENDA*.

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

- Approved the minutes of the March 7, 2019 Regular Meeting
- Approved (R-11-19) Resolution adopting the 2019 General Records Schedule for Local Government Agencies – amending the City's Records Retention and Disposition Schedule for Municipalities concerning when Administrative/Reference Value Ends in accordance with the NC Department of Cultural Resources
- Approved (R-12-19) Resolution to surplus LPD Office Richard Harrington's Service Shot Gun and badge
- Approved Revisions to the Lincolnton Police Department Standard Operating Procedures – On Duty Fitness Program

REGULAR AGENDA:

APPLICATION FROM SEVEN EAGLES BUILDING GROUP, LLC REQUESTING THE RENEWAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 33-UNIT CONDOMINIUM COMPLEX ON 5.25 ACRES IN THE CU-RMF DISTRICT. THE SUBJECT PROPERTY IS LOCATED ON LINCOLN COUNTRY CLUB PROPERTY APPROXIMATELY 650 FEET NORTH OF COUNTRY CLUB ROAD AND APPROXIMATELY 450 FEET EAST OF LITHIA INN ROAD NORTH OF THE DRIVING RANGE FACILITY (PARCEL ID 86678)

CUP-01-2019

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the request for renewal of a conditional use permit to construct a 33 unit condominium complex on 5.25 acres in the CU-RMF district.

REGULAR MEETING - APRIL 4, 2019

Laura reviewed the actions by the applicant since 2017 and noted that the applicant indicated to her that they are interested in pursuing the development of the site but need more time and would like to extend the conditional use permit an additional two years. Their engineer indicates that they are intending to start development in approximately six (6) months.

Laura concluded recommending on behalf of Planning Board and Staff that the permit be extended for a period of two years as requested.

Councilman Watson made the motion to close the Public Hearing.

Councilman Eaddy made the motion to approve the renewal of the CUP as recommended.

PROPOSED AMENDMENTS TO THE CITY'S CODE OF ORDINANCES AS FOLLOWS:

(O-01-2019)

Title VII: Traffic Code – Chapter 74: Traffic Schedules
Schedule VII – Speed Limits on City Maintained Streets
ADD: 25 MPH Speed Limit – Rock Creek Drive (from South Laurel to Tait Street)
Schedule X. No through Truck Traffic
ADD: Gaston Street (between Edwards St and Tait Street)

Mayor Hatley opened the Public Hearing. Rodney Jordan, Chief of Police, requested Council consider the above said amendments to the City's Code of Ordinances.

City Manager Steve Zickefoose told Council that he concurs with the proposed changes and said he also had talked with several citizens and this proposed change has gone through the Parking Committee as well. He recommended Council approve the changes as submitted.

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

Councilman Eaddy made the motion unanimously approved to amend the City's Code of Ordinances as stated above and as recommended by the Police Chief and City Manager.

REGULAR MEETING - APRIL 4, 2019

RESOLUTION HONORING THE RETIREMENT OF DEBRA LYDA – ACCOUNT BILLING SPECIALIST – FOR 11 YEARS OF SERVICE (RETIREMENT DATE EFFECTIVE MARCH 1, 2019):

(R-13-19)

Mayor Hatley said Mrs. Lyda could not be here tonight to receive this plaque as she was out of town. Council woman White made the motion unanimously approved the following resolution to honor Mrs. Lyda on her retirement:

WHEREAS, *Debra S. Lyda*, has served the City of Lincolnton in the Utility Billing Department for eleven years. She began as a part time Customer Service Representative in 2006, and became full time with the City in 2007. She worked in various positions throughout her tenure, retiring as a Account Billing Specialist in March of this year; and

WHEREAS, *Debra S. Lyda*, has demonstrated great efficiency and commitment to her duties and responsibilities in the Utility Billing Department, assisting departmentally with the receipt of the Certificate of Achievement for Excellence in Financial Reporting. She identified a transfer process which revised and resulted in time savings within the department; and

WHEREAS, *Debra S. Lyda*, along with Utility Billing and Finance Staff, assisted in upgrading 17 year old operations software in the Utility Billing Department in 2012, and then the very next year was instrumental in launching the City's on-line billing payment software;

NOW THEREFORE BE IT RESOLVED, that the governing body of the City of Lincolnton wishes to officially commend *Debra S. Lyda* for her valuable service rendered to the City and it's citizens. May congratulations and best wishes be extended as she begins the next chapter in her life.

RESOLUTION HONORING PATRICK KING – FIRE INSPECTOR FOR 28 YEARS OF SERVICE TO THE CITY ON HIS UPCOMING RETIREMENT MAY 1, 2019:

(R-14-19)

Mayor Hatley said Fire Inspector Patrick King would be retiring May 1, 2019 and City Council in Mr. King's honor would adopt a resolution recognizing his service. Councilman Jetton made the motion unanimously approved to adopt the resolution as presented. Mayor called Mr. King forward and read aloud the following:

REGULAR MEETING - APRIL 4, 2019

WHEREAS, *Patrick King*, began his employment with the Lincolnton Fire Department July 17, 1990 as a Fire Control Specialist I; and

WHEREAS, *Patrick King*, rising through the ranks within the Fire Department earned the title of Fire Engineer, in 1996; and then in 2003 was promoted to Fire Inspector. He obtained his Level II Fire Instructor Certificate in 2001 and received his Level III Fire Inspector Certificate in 2007. He then became a certified Fire Arson Investigator through the Office of the State Fire Marshal in 2013; and

WHEREAS, *Patrick King*, is a member of the International Association of Arson Investigators, which is a group of individuals who conduct fire investigations and provides resources for training, research, and technology for fire investigators around the world; and

WHEREAS, *Patrick King*, has provided excellent Public Safety for our City throughout the various capacities in which he has served. Patrick was instrumental in obtaining grants through the Office of the State Fire Marshal that assisted in providing smoke detectors to the department which were made available to City residents, free of charge, assisting with fire protection and home safety in Lincolnton;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincolnton that appreciation be shown to *Patrick King* and best wishes be extended to him for continued success in all his future endeavors.

RESOLUTION HONORING JIMMY GILBERT – ELECTRIC LINE TECHNICIAN FOR 22 YEARS OF SERVICE TO THE CITY ON HIS UPCOMING RETIREMENT MAY 1, 2019:

(R-15-19)

Mayor Hatley said Electric Lineman Jimmy Gilbert would be retiring May 1, 2019 and City Council in Mr. Gilbert's honor would adopt a resolution recognizing his service. Council woman White made the motion unanimously approved to adopt the resolution as presented. Mayor Hatley called Jimmy forward and read the resolution aloud:

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

REGULAR MEETING - APRIL 4, 2019

WHEREAS, *Jimmy D. Gilbert*, has over twenty-nine years of experience in the field of electrical line work. He has served the City and its citizens well for twenty-two of those years, providing quality public safety throughout his employment; and

WHEREAS, *Jimmy D. Gilbert*, through ElectriCities of North Carolina completed level I & II of Lineman Career Advancement and attended a course in Advanced Underground training. Jimmy has served on the City's Safety Committee for fifteen years and assisted the electric utilities department in receiving safety awards for eight consecutive years; and

WHEREAS, *Jimmy D. Gilbert*, in his current role as Electric Line Technician is often a first responder during storms and other catastrophic events, working to make the scene safe for other public safety officials. As a lineman he works to keep electricity flowing, sometimes in very dangerous conditions, constructing and maintaining the energy infrastructure of the City of Lincolnton;

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

RESOLUTION HONORING RICHARD HARRINGTON – LINCOLNTON POLICE DEPARTMENT , MASTER POLICE OFFICER FOR 13 YEARS OF SERVICE TO THE CITY ON HIS UPCOMING RETIREMENT MAY 1, 2019:

(R-16-19)

Mayor Hatley said LPD Richard Harrington would be retiring May 1, 2019 and City Council in Officer Harrington's honor would adopt a resolution recognizing his service. Council woman Eaddy made the motion unanimously approved to adopt the resolution as presented. Mayor Hatley called Richard forward and read the resolution aloud:

WHEREAS, *Richard E. Harrington*, has served the City and its citizens for thirteen years, providing excellent public safety throughout his tenure, as well as in his current role as a Master Police Officer; and

WHEREAS, *Richard E. Harrington*, reflects professionalism serving as a role model, performing community service, protecting property and preserving the quality of life in the community; and

REGULAR MEETING - APRIL 4, 2019

WHEREAS, *Richard E. Harrington*, was appointed as the departments Field Training Officer in 2010 and was responsible for familiarizing and guiding new officers with the duties of a Lincolnton Police Officer; and

WHEREAS, *Richard E. Harrington* was awarded Officer of the Year by the Lincolnton VFW in 2011 and received the Medal of Valor for recognition of his performance above and beyond the course of duty in 2018; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincolnton that appreciation be shown to *Richard E. Harrington* honoring him on his upcoming retirement on May 1st, 2019. May congratulations and best wishes be extended to him for continued success in all his future endeavors.

PRESENTATION OF FUND RAISING CHECKS FROM APPLE DROP TO THE FOLLOWING ORGANIZATIONS:

Christian Ministries – Mitzi Williams - \$ 900

**Lincoln County Animals Program – Cats - Michelle Bernard and
Hannah Beaver, LCAS Director - \$ 900**

Mayor Hatley introduced Laura Morris, Director of Community Relations, and asked her to come forward for the presentation. Laura said the Apple Drop event was able to provide funding in the amount of \$ 854.28 for the above names organizations. Mitzi Williams, Director of Christian Ministries, Michelle Bernard and Hannah Brewer, both of Community Cats Program. Laura thanked both organizations for all that they do for our community and said she looks forward to partnering together in the future with other events.

Mayor Hatley and several City Council members also expressed their appreciation to these organizations as well as their appreciation to Laura Morris for a very successful Apple Drop event in 2018. They are all looking forward to better weather and an even better crowd for the 2019 event.

PRESENTATION OF SMART METER PROJECT:

David Ramsey, Business Services Manager, basically said he had nothing further to present other than what he presented to them at the Planning Retreat back in March. He was optimistic about the program and the savings it may bring to the

REGULAR MEETING - APRIL 4, 2019

City. The City Manager also spoke to Council regarding the Smart Meter Program and its implementation. He said the process will start July 1st of this year but this is about a three to four month process so he encouraged everyone to be patient with the City through this transition. He too, looks forward to the potential savings the installation of new Smart Meters will bring to the City. He feels the cost of the program, which is over 2 million dollars total, can be recovered within a two to three year period after the meters are installed.

Councilman Eaddy for the record wanted to reiterate that the revenues generated would pay for the loan. The City Manager said yes they would.

Councilman Eaddy also questioned the plans for educating the citizens of the upcoming change. Steve assured him we would provide information to our citizens in the near future about the upcoming changes through our utility billing, as well as social media and the City's webpage.

Councilman Watson made the motion unanimously approved to move forward with the purchase and implementation of the smart meters.

BUDGET AMENDMENT – SMART METER PROJECT – DEPARTMENTAL ADJUSTMENTS:

(BA-02-19)

Steve Zickefoose, City Manager, reviewed a budget amendment for \$ 2,470,015.00.00 for the purchase and implementation of the Smart Meter Program.

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

CONSIDERATION OF AWARDED CONTRACT TO CAROLINA TRUST BANK (LOW BIDDER) FOR FINANCING AT 3.0% FOR A SEVEN YEAR TERM FOR SMART METER PROJECT:

(C-07-19)

Councilman Watson told Council he would like to recuse himself from this item as he is a board member for Carolina Trust Bank, and did not want there to be a conflict of interest on his part.

Steve Zickefoose, City Manager, in light of recommending that the City move forward with the Smart Meter Program, requested Council consider utilizing

REGULAR MEETING - APRIL 4, 2019

Carolina Trust Bank for financing of the \$ 2,470,015.00 for a term of seven years at an interest rate of 3%. Steve said he would like to get the project started in order to realize benefits of the program in the first quarter of the new budget year.

He said, "The project will improve our operational efficiency and capture lost revenue from inaccurate meters. Customers will benefit from leak detection notifications and also provide the ability to monitor real time usage. He concluded recommending Council approve the respective low bidder, Carolina Trust Bank, for this financing.

Councilman Eaddy made the motion unanimously approved to award the bid for financing to Carolina Trust Bank as recommended by the City Manager.

CONSIDERATION OF CONTRACT BETWEEN THE CITY AND DDA FOR ANTIQUE FEST – OCTOBER 12, 2019:

(C-08-19)

Betty Flohr, Executive Director of DDA, reviewed the contract between the City and DDA for the Antique Fest that will be held in October of this year. She said the special event permit has been obtained and the ALE now has the application for the event to consider for their approval.

Upon review, Councilman Jetton made the motion unanimously approved to adopt the contract as recommended.

Mayor Hatley personally thanked Betty Flohr for all of her work on this and the other events through the DDA that the City helps with in downtown. He said it is a pleasure working with her as the Executive Director of the DDA.

CONSIDERATION OF CONTRACT BETWEEN THE CITY AND EAST COAST PYROTECHNICS FOR THE 2019 FIREWORKS DISPLAY:

(C-09-19)

Richard Haynes, Assistant City Manager, recommended Council consider entering into a contract with East Coast Pyrotechnics for \$ 11,500.00 for the 2019 July 4th Fireworks Display. Ritchie said we have been utilizing this company for many years and we work well with their representative and shooters for the event. He noted Lincoln County does provide funding in the amount of \$ 6,000 for this event, to the City each year.

REGULAR MEETING - APRIL 4, 2019

Councilman Watson made the motion unanimously approved the contract with East Coast Pyrotechnics, for \$ 11,500.00 for the 2019 Fireworks Display.

CONSIDERATION OF THE FOLLOWING AGREEMENTS REGARDING THE LINCOLNTON-LINCOLN COUNTY AIRPORT:

- (a) 2019 Airport Operating Agreement**
- (b) 2019 Proposed Revisions to House Bill 36**
- (c) 2019 Joint Lease Agreement**

(C-10-19)

Steve Zickefoose, City Manager, reviewed the documents the City received from Lincoln County regarding the airport. He has been working with both Josh Grant and Kelly Atkins on these documents. As a party to the lease, Operations & Management Agreement and revised legislation, City Council would need to take official action, voting on each document as written. Steve said the County Commissioners have already approved the documents at their meeting earlier this week.

Councilman Eaddy made the motion unanimously approved (Item A) the 2019 Airport Operating Agreement.

Councilwoman White made the motion unanimously approved (Item B) the 2019 Proposed revisions to the House Bill 36 (original legislation authorizing and creating an airport).

Councilman Eaddy made the motion unanimously approved (Item C) the joint lease agreement between the City/County and Lincolnton-Lincoln County Airport.

OVERVIEW OF THE POLICE DEPARTMENT K-9 PROGRAM:

Rodney Jordan, Police Chief, reviewed thoroughly the current K-9 program the Police Department has in place. He had two of the K-9's and their handlers on hand for those in attendance to see.

Chief Jordan told Council the Lincolnton Police Department reintroduced our canine or "K9" program in the fall of 2016. In the summer of 2016 Captain Brian Greene and Lieutenant Robert "Tony" Hallman begin researching other police department's K9 programs. Over several months they met with multiple police departments and K9 training facilities throughout the State. Gastonia Police Department was very helpful in the process. Gastonia Police Department has a K9 Division that is recognized throughout the State as one of the best. Deputy Chief Mike Smith of Gastonia Police Department provided advice throughout the process. Ultimately, Southern Police Canine in Nash County, NC was chosen to provide our first police K9 and the handler training.

REGULAR MEETING - APRIL 4, 2019

Officer Randy Carroll was chosen as our first K9 Handler. Officer Carroll attended Southern Police Canine's Police Patrol/Detection Canine Handler Course in October/November of 2016. On the first day of training Officer Carroll was paired with K9 Nash. The team of Officer Carroll and K9 Nash begin patrolling the streets of Lincolnton in November of 2016. Officer Carroll worked a split shift for C & D rotation and was on call for the other rotation.

Officer Isaiah Matthews was chosen as our second K9 Handler. Officer Matthews attended Southern Police Canine's Police Patrol/Detection Canine Handler Course in July/August/September 2017. K9 Chase was paired with Officer Matthews on the first day of training. In September of 2017 Officer Matthews and K9 Chase was assigned to A & D rotation. In August of 2018 Officer Matthews learned he would be promoted to Sergeant. Sergeant Matthews thought he would be unable to devote the time need to being a K9 Officer and a supervisor so he chose to give up K9 Chase. Officer Devane Rushing was chosen as the new K9 handler to take over K9 Chase. In November of 2018 she completed Southern Police Canine's Police Patrol/Detection Canine Handler Course.

Also in 2018 Lincolnton City Council agreed to let us add a third K9 Handler and K9 to our program. Officer Ray Fulbright was chosen as our new handler. Sentry Canine Unlimited, LLC was chosen to provide our third Police K9 and Police Handler training. Sentry Canine Unlimited, LLC was chosen because they are a company based in Lincoln County that is owned and operated by Gene Poovey. Gene Poovey is well-known and a well-respected K9 Trainer who has ties to the Lincolnton Police Department's original K9 Program from the 1980s and 1990s. In addition, our Department saved money on travel, lodging and meals for the training. Officer Fulbright and K9 Nico completed the Patrol/Detection Handler Course in November of 2018.

Currently, Officer Carroll/K9 Nash are assigned to Shift A, Officer Rushing/K9 Chase are assigned to Shift B and Officer Fulbright/K9 Nico are assigned to a split shift for C & D. A fourth K9 would allow us to have a K9 handler and K9 on each shift.

It is recommended that police K9 handlers and police K9s received 16 hours of training each month. Our handlers and K9s participate in Gastonia Police Department's K9 training the first Tuesday and third Thursday of the month. Our K9 Handlers and K9s benefit from their experience and expertise at no cost to our Department. Dog food is provided for all our K9s by Walmart at no cost to our Department.

REGULAR MEETING - APRIL 4, 2019

In February of 2019 our Department subscribed to a service call PackTrack which allows our K9 Handlers to document all training and deployments using a phone app. The system allows our supervisors to review and approve the training and deployment reports of the K9 Handlers they supervise. It also provided our administration with access to reports concerning the entire K9 Program. Access is provided to supervisors and administration at no cost to the Department while the service for the K9 Handler is \$100 per year.

Our K9s are dual purpose K9s meaning they are trained in the detection of narcotics and patrol techniques. Our K9s are trained to detect Marijuana, Hashish, Cocaine, Heroin and Meth. Our K9s are trained to tracking individuals whether they are suspects or lost civilians. Our K9s are trained to search buildings and open areas for the presence of humans. Imagine Officers responding to a breaking and entering at a large warehouse. Imagine all the places an individual could hide from police. A search that would have taken multiple officers hours to complete can now be completed in a matter of minutes with a K9 at little to no risk to the officers. Our K9s are also trained to protect officers.

Our K9 Handlers/K9s have assisted Lincoln County Sheriff's Office, Cherryville Police Department, Maiden Police Department, Lincoln County Probation/Parole and the North Carolina Highway Patrol with searches and the tracking of suspects. We have assisted the Lincoln County School System with searches at East Lincoln High School, Lincolnton High School and Asbury Alternative School.

We also use our K9s for public relations. Our K9s have been used for demonstrations at various schools and churches throughout our community. They have appeared multiple times in our annual Christmas Parade. They are used annually at our LEAD Camp (Law Enforcement Action Development Camp).

Chief Jordan offered to answer any questions from Council regarding the program. After several questions, Chief Jordan thanked Mayor and Council for providing funding for a fourth (4th) dog. He said, "Once we can get this dog we will have one on every shift."

UPDATE ON POLICE DEPARTMENT BUILDING DESIGN:

Councilman Watson recused himself from this item, noting he does work for this company from time to time but even though he is not working on this project, he did not want to risk a conflict of interest.

REGULAR MEETING - APRIL 4, 2019

Steve Zickefoose, City Manager, gave an overview of the building design for the Lincoln Police Department. He also had Jeff Elmore from Pinnacle Architects on hand who provided a rendering of final design.

Councilman Jetton made the motion unanimously approved to proceed with the design presented.

MONTHLY FINANCIAL REPORT & OVERTIME REPORT:

Steve Zickefoose, City Manager, reviewed the following report:

April 2019 Council Meeting
Executive Summary
February 2019 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	7,628,715	59%	11,655,521	7,325,027	303,687
Fund Balance	1,051,770	-	-	964,361	-	-
	12,852,536	7,628,715		12,619,882	7,325,027	303,687
City Manager/Clerk	320,960	150,309		331,465	181,227	(30,917)
Human Resources	239,060	143,136		232,730	135,029	8,107
Finance	242,790	59,710		273,412	(2,720)	62,430
General Expense	1,057,620	633,786		942,324	620,855	12,931
General Debt Service	520,954	49,602		463,524	49,602	-
Police	3,700,970	2,128,288		4,284,770	2,218,080	(89,792)
Fire	2,240,650	1,620,820		2,099,345	1,414,506	206,314
Public Works	79,616	(85,458)		172,956	15,437	(100,895)
Street	1,251,668	415,588		1,246,268	407,877	7,711
Equipment Services	133,270	63,332		135,120	70,147	(6,815)
Solid Waste	756,798	338,767		708,328	378,268	(39,501)
General Services	-	-		-	-	-
Plannin/Zoning	679,060	174,659		348,794	171,892	2,767
Bus & Comm. Dev	135,000	104,553		164,960	80,316	24,237
Recreation	1,494,120	749,251		1,215,886	642,951	106,300
Expenses	12,852,536	6,546,343	51%	12,619,882	6,383,466	162,877
Difference		1,082,372			941,561	140,810

Water & Sewer Fund	Budget 18-19	Actual 18-19	% of Budget	Budget 17-18	Actual 17-18	Difference
Fund 61 Revenues	8,096,950	5,254,965	63%	7,449,995	5,474,522	(219,557)
Fund Balance	281,590	-		526,653	-	-
	8,378,540	5,254,965		7,976,648	5,474,522	(219,557)
Water Treatment	1,502,950	770,180		1,508,500	756,261	13,920
Dist & Collection	1,748,000	1,133,607		1,440,153	900,168	233,439
Wastewater	1,550,100	637,348		1,516,650	635,981	1,367
W & S Intangibles	3,577,490	949,437		3,511,345	949,441	(4)
Expenses	8,378,540	3,490,573	42%	7,976,648	3,241,851	248,722
Difference		1,764,393			2,232,671	(468,279)

Electric Fund	Budget 18-19	Actual 18-19	% of Budget	Budget 17-18	Actual 17-18	Difference
Fund 63 Revenues	7,669,264	5,367,066	67%	7,791,714	5,030,301	336,764
Fund Balance	300,000	-		1,224,483	-	-
	7,969,264	5,367,066		9,016,197	5,030,301	336,764
Electric Dept.	7,969,264	4,728,858		9,016,197	5,013,389	(284,531)
Expenses	7,969,264	4,728,858	59%	9,016,197	5,013,389	(284,531)
Difference		638,208			16,913	621,295

Overtime 80+ hours	300,164	301,677	(1,513)
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REGULAR MEETING - APRIL 4, 2019

PUBLIC COMMENT:

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

NEWS MEDIA:

There were no questions from the news media.

ADJOURNMENT:

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

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR

ITEM #

4

CITY OF LINCOLNTON

CITY COUNCIL
Ed L. Hatley, Mayor
Martin A. Eaddy, Mayor Pro-Tem
Mary Frances White
Jim R. Watson
Roby Jetton



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.

National Skilled Nursing Care Week May 12th – 18th, 2019

WHEREAS, we honor and respect our elders and citizens of any age with physical or intellectual disabilities who reside in skilled nursing care centers in Lincolnton; and

WHEREAS, skilled nursing care centers throughout our area are holding events in observance of National Skilled Nursing Care Week, May 12th – 18th, 2019, using this year's theme of **"Live Soulfully,"** and

WHEREAS, we urge all citizens to visit a loved one, family member or friend residing in any care setting and offer a kind word, a personal touch, and spend time participating in various activities to unite those from all walks of life in need of our continuing love and support; and,

WHEREAS, this administration is committed to quality health care, we take this moment to embrace the essence of the theme **"Live Soulfully,"** Let's join all residents, patients, caregivers, nurses, other staff, volunteers and visitors in celebrating their special week; and,

THEREFORE, I, Ed Hatley, Mayor of the City of Lincolnton, proclaim the week of May 12th – 18th, 2019, as National Skilled Nursing Care Week, a week to honor both our vulnerable citizens who receive care and the dedicated ones giving care.

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR

ITEM #

5

Donna Flowers

From: Laura Elam
Sent: Monday, April 22, 2019 2:20 PM
To: Donna Flowers; Daphne Ingram
Cc: Jean Q. Derby; Brett Hicks
Subject: Items from Planning Department for May meeting
Attachments: morp 042019.docx

Hey Donna and Daphne:

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

HEARINGS

There are no hearings for the May meeting.

CALLS TO HEARING

There are three calls to hearing as follows.

- **ZMA-3-2019-** Application from Steve and Jeannie Bailey requesting the rezoning of approximately 0.512 acres of land from Residential Office R-O to Central Business C-B. The subject properties are located at the southeast corner of North Academy Street and East Sycamore Street, 224 North Academy Street (PID 00657 and 82410).
- **ZTA-1-2019** - Application from Lincolnton Planning Department requesting amendment to Section 153.185 (Off-Street Parking Requirements) of the Unified Development Ordinance to eliminate the current requirement for handicapped parking spaces to be provided in addition to other required off-street parking spaces.
- **ZTA-2-2019** - Application from Lincolnton Planning Department requesting amendment to Section 153.170 (Signs in the Central Business District and Central Business District Transitional) to allow cantilevered ground signs subject to certain standards and conditions.

Also attached is the monthly report.

Thank you,

Laura

ITEM #

6

2018 - 2019
CITY OF LINCOLNTON
STUDENT ADVISORY COUNCIL
Jill Eaddy – Advisor – (704)735-3462 eaddy01@bellsouth.net

EAST LINCOLN

Emma White – Sr.
Cole Johnston – Sr.

Jud Reel – Sr.
Jenna Land – Sr.

MacKenzie Marino – Sr.

WEST LINCOLN

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

Mattie Wyant – Sr.
Isabella Shutt – Jr.

Kaley Pearson – Sr.
*Alexa Bieberich – Jr.

LINCOLN CHARTER SCHOOL

Rebecca Quesada – Sr

Kevin Rojas – Jr.

LINCOLNTON HIGH SCHOOL

Ashlyn Rhyne – Sr.
Bailey Reed – Jr.

Chloe Lineberger – Sr.
Allie Blackburn – Jr.

Kyle Burgin – Jr.
*Ashley Logan – Sr.

NORTH LINCOLN HIGH SCHOOL

Grady Bartro – Sr.
Grace Holbrooks – Sr.

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

Sharidan Farris – Jr.

**Represents Nominated by Elected Official*

ITEM #

7



Memo

To: Steve Zickefoose, City Manager/Finance Dir.
From: Robert Pearson, Water Resources Director
CC: Donna Flowers, City Clerk
Donald Burkey, Supt. WWTP
Date: 04/26/19
Re: Recommendations for Chemical Company Contracts

The 7/1/2019 – 6/30/2020 chemical bid opening was held on Tuesday, April 16, 2019, 11:00 a.m. at the Water Treatment Plant. Of the ten companies responding to our request, here are my recommendations:

Water Treatment Chemicals

Liquid Alum 8.23% - Chemtrade Chemicals US LLC @ \$0.7425 per liquid gallon

Caustic Soda 50% - Univar USA, Inc. @ \$1.863 per liquid gallon

Chlorine - Harcros Chemicals, Inc. @ \$598.00 per cylinder

Orthophosphate 33% - Univar USA, Inc. @ \$3.099 per liquid gallon

Liquid Sodium Bisulfite (55 gal. drums) - Brenntag Mid-South, Inc. @ \$107.00 per drum

Activated Carbon - Brenntag Mid-South, Inc. @ \$31.75 per 50 lb. bag

Wastewater Treatment Chemicals

Liquid Sodium Hypochlorite 10% - Brenntag Mid-South, Inc. @ \$0.6075 per liquid gallon

Liquid Sodium Bisulfite 38% - Brenntag Mid-South @ \$1.54 per liquid gallon

I recommend that you and City Council approve these companies to do business with the water treatment plant and the wastewater treatment plant for the fiscal year July 1, 2019 – June 30, 2020. I also ask the City Clerk to please place my recommendations on the May agenda for approval.

Attached is a list of all bids received.

Bid Opening: Tuesday April 16, 2019 11:00 am

**CITY OF LINCOLNTON
CHEMICAL BIDS**

07/01/2019 - 06/30/2020

NO.	NAME OF COMPANY	Liquid Alum 8.23% (Average) (liquid gallon)	Caustic Soda 50% (liquid gallon)	Chlorine (cylinder)	Orthophosphate 33% (liquid gallon)	Liquid Sodium Bisulfite 38% 50-55 gal. drums (drum)	Activated Carbon 50 lb. bags (bag)	Liquid Sodium Hypochlorite 10% (liquid gallon)	Liquid Sodium Bisulfite 38% (liquid gallon)
1	Brenntag Mid-South, Inc.	NB	1.89	780.00	3.62	107.00	31.75	0.6075	1.54
2	DPC Enterprises, L.P.	NB	NB	NB	NB	NB	NB	NB	NB
3	GEO Specialty Chemicals	1.1614	NB	NB	NB	NB	NB	NB	NB
4	PVS Chemical Solutions, Inc.	NB	NB	NB	NB	NB	NB	NB	1.88
5	Shannon Chemical Corp.	NB	NB	NB	3.44	NB	NB	NB	NB
6	Harcros Chemicals, Inc.	NB	2.233	598.00	4.59	144.52	NB	NB	NB
7	Univar USA, Inc.	NB	1.863	NB	3.099	129.00	52.00	0.685	1.57
8	Sterling Water Technologies, LLC	NB	NB	NB	3.5475	NB	NB	NB	NB
9	Chemtrade	0.7425	NB	NB	NB	NB	NB	NB	NB
10	JCI Jones Chemicals	NB	NB	600.00	NB	NB	NB	NB	NB
			Indicates winner of chemical bid			NB = No Bid			

ITEM #

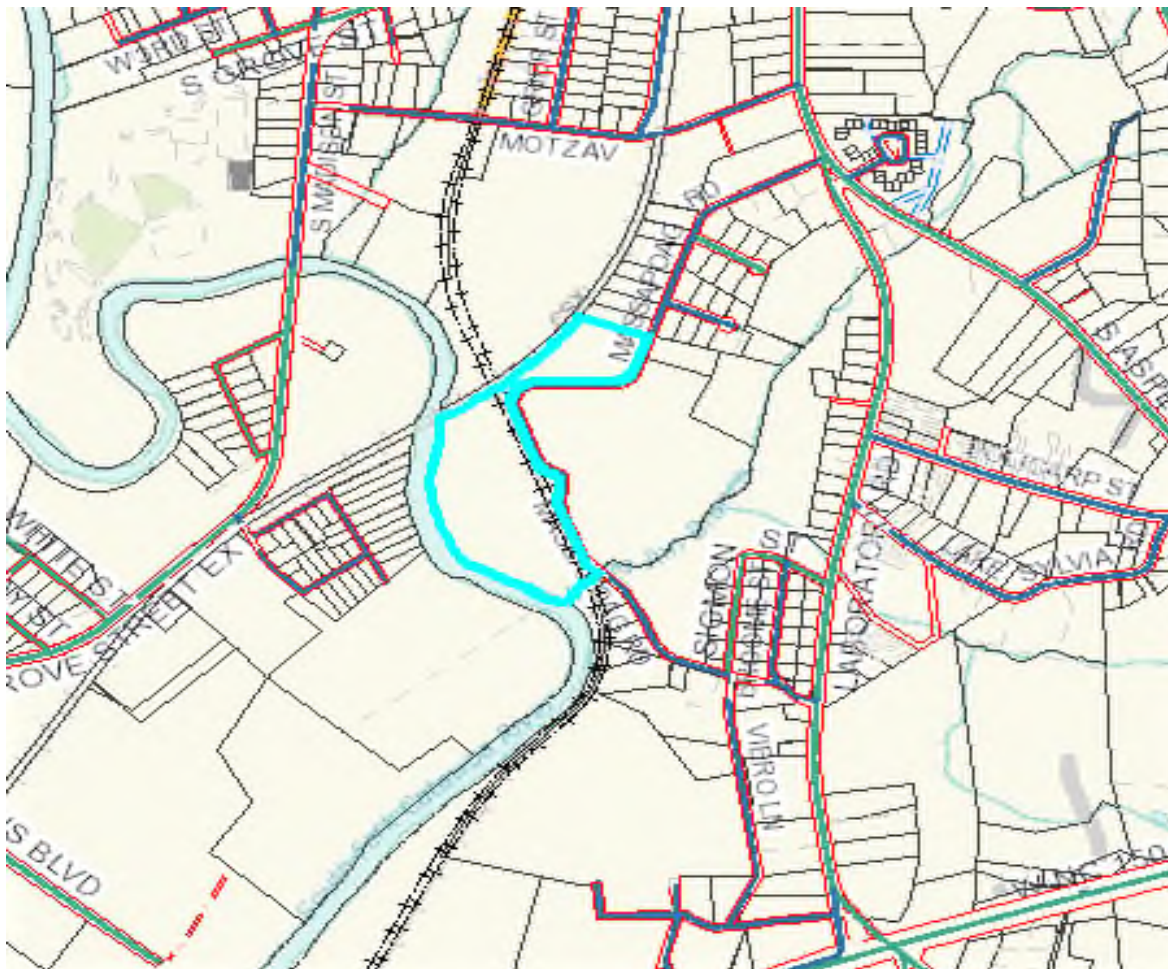
8

DATE: May 2, 2019

LAND OFFER FROM CATAWBA LANDS CONSERVANCY

The Catawba Lands Conservancy has offered to donate a 14 acre site located on Massapoag Road to the City. The site is highlighted in blue on the below map.

The Conservancy is in the process of purchasing the property through a grant from the North Carolina Clean Water Management Trust Fund for water quality preservation purposes. The Conservancy would like either the City or County to take ownership of and maintain the property in accordance with the Clean Water Management Trust Fund grant program provisions.



PHASE 4 OF THE RAIL TRAIL

We are currently working on Phase 4 of the Rail Trail and will be coordinating with Norfolk Southern to purchase or obtain access rights to their rail right-of-way between the rail trail at Motz Avenue and the Rhyne (South Fork) trail.

If the City chooses to accept the Conservancy's offer and take ownership of the Massapoag Road parcel, it would provide the City the opportunity to create additional public amenities such as an additional trail connection between the future extended Rail Trail and the South Fork River, kayak/canoe access, benches, litter receptacles and a public parking area near Massapoag Road.

COVENANTS AND RESTRICTIONS

There will be permanent land use restrictions on the property in accordance with the terms of the grant from the North Carolina Clean Water Management Trust Fund. In the event the City chooses to take ownership of the property, it will be conveyed with perpetual covenants and restrictions that permanently limit the usage in order to preserve the water quality of the South Fork River. The allowable uses will be limited to passive recreational uses. (See attached draft Declaration of Covenants and Restrictions.)

RESOLUTION OF ENVIRONMENTAL ISSUES

A Phase I environmental site assessment of the property was performed last year and identified potential environmental issues. A Phase II environmental site assessment has now been completed. PCB's were detected in two of the samples collected from the same location on the site. However, the detection was below both the residential and industrial regulatory action standard for PCBs which both the State and EPA follow. No further assessment or cleanup would be required by either agency and the soil has not been impacted to a degree that prevents the site's intended reuse.

ACTION REQUESTED: City Council approval of offer of donation of property from the Catawba Lands Conservancy

TAX OFFICE PARCEL INFORMATION



Lincoln County, NC

Office of the Tax Administrator, GIS Mapping Division

Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD.
Date: 4/23/2019

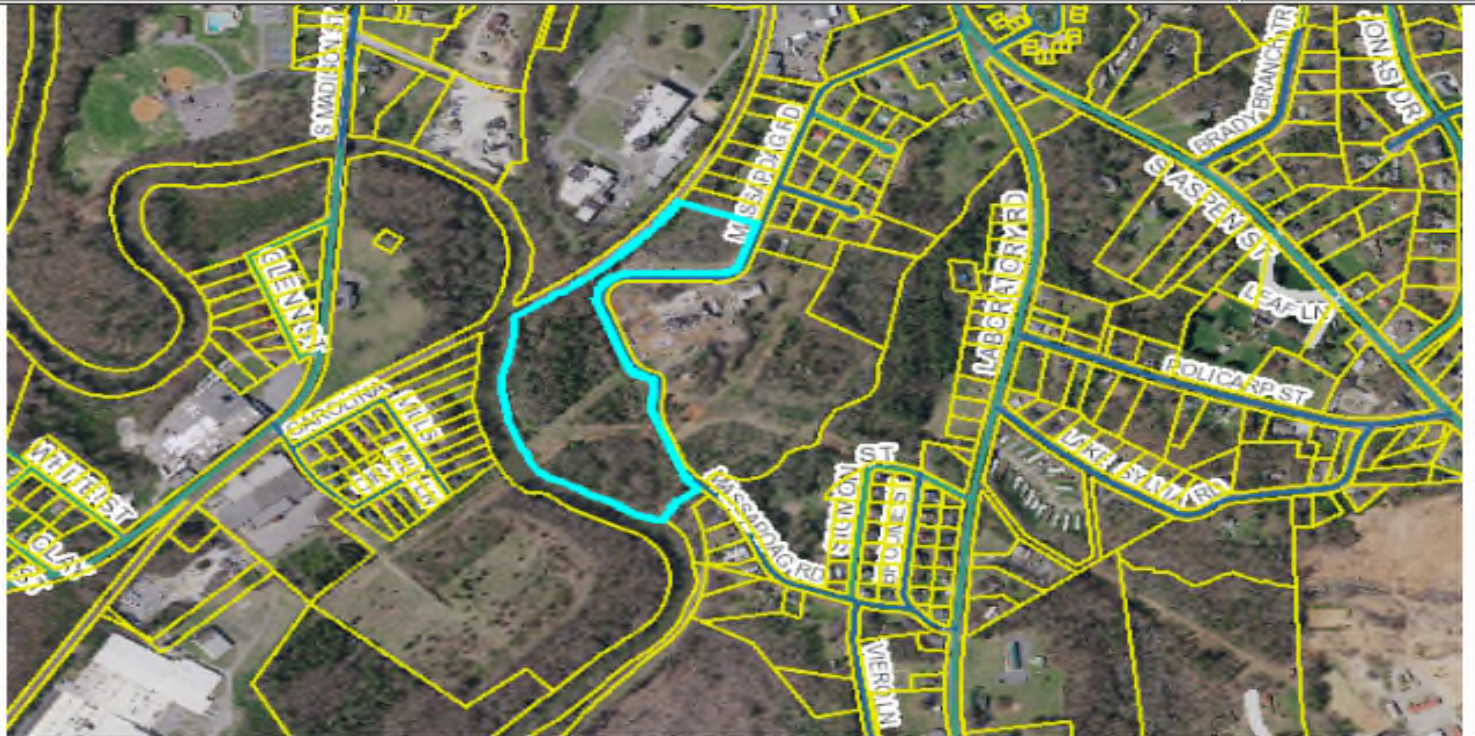


Photo Not
Available

Parcel ID	00608	Owner	LINCO INDUSTRIAL PARK	
Map	3622	Mailing	C/O ESTATE OF JACK R WILLIAMS	
Account	25422	Address	1459 RIVER HIGHWAY	
Deed	649 646	Last Transaction Date	01/01/1992	
Plat		Subdivision	MOORESVILLE, NC 28117	
Land Value	\$32,339	Improvement Value	\$0	Sale Price \$0
Previous Parcel				Lot
-----All values for Tax Year 2019 -----				
Description	LAND MASSAPOAG ROAD		Deed Acres	15.655
Address	MASSAPOAG RD		Tax Acres	14.459
Township	LINCOLNTON		Tax/Fire District	LINCOLNTON
Main Improvement			Value	
Main Sq Feet			Year Built	
Zoning District	GMC		Voting Precinct	LS12
Calc Acres	14.46		Calc Acres	14.46
Watershed	14.46		Sewer District	14.46
Census County			Tract	Block
109			070100	6036
109			070100	6010
109			070100	6011
109			070100	6038
Flood Zone Description			Panel	
AEFW	FLOODWAY AREA - 100 YEAR FLOOD HAZARD		3710362200	5.61
SHA			3710362200	3.6
X				
AE	SPECIAL FLOOD HAZARD AREA BASE ELEVATION DETERMINED - 100 YEAR		3710362200	4.03
X	NO FLOOD HAZARD		3710362200	1.22

DRAFT
DECLARATION OF COVENANTS
AND RESTRICTIONS

DECLARATION OF COVENANTS AND RESTRICTIONS

Massapoag Preserve

Prepared by: Catawba Lands Conservancy and Clean Water Management Trust Fund

**After Recording Return to: Catawba Lands Conservancy, 4530 Park Road, Suite 420,
Charlotte, NC 28209**

**NORTH CAROLINA
Tax Parcel ID No. 00608**

**LINCOLN COUNTY
CWMTF No. 2013-006**

THIS DECLARATION OF COVENANTS AND RESTRICTIONS ("Restrictive Covenants") made on this _____ day of _____, 20__, by the Catawba Lands Conservancy, a North Carolina non-profit corporation, with an address of 4530 Park Road, Suite 420, Charlotte, NC 28209; (**"Declarant"**)

RECITALS & CONSERVATION PURPOSES

WHEREAS, Declarant is the sole owner in fee simple of that certain real property containing a total of approximately 17.2562 acres more or less, located in Lincoln County, North Carolina, and described in the General Warranty Deed dated _____ from Linco Industrial Park, Inc. to Catawba Lands Conservancy and recorded in Deed Book ____ at Page ____ in the Lincoln County Public Registry, and being more particularly shown as Tract 1 (17.2562 acres) on that certain plat of survey entitled "Exempt Plat Boundary Survey for Catawba Lands Conservancy and the State of North Carolina, Clean Water Management Trust Fund (Linco Industrial Property, Inc.) FEE TO BE CONVEYED TO CATAWBA LANDS CONSERVANCY AND PROTECTED BY RESTRICTIVE COVENANTS", plat prepared by Freeman Surveying on August 2, 2018 and recorded in Plat Book ____ at Page ____ in the Lincoln County Public Registry (hereinafter the **"Property"**); and

WHEREAS, the **NORTH CAROLINA CLEAN WATER MANAGEMENT TRUST FUND**, a division of the North Carolina Department of Natural and Cultural Resources with an address at 1651 Mail Service Center, Raleigh, North Carolina 27699-1651 (**"Fund"**) is authorized by Chapter 143B, Article 2, Part 41 of the General Statutes of North Carolina (**"N.C.G.S."**) to acquire land and interests in land:

- for riparian buffers for the purposes of providing environmental protection for surface waters and urban drinking water supplies and establishing a network of riparian greenways for environmental, educational, and recreational uses;
- for the purpose of protecting and conserving surface waters and enhancing drinking water supplies, including the development of water supply reservoirs;
- to provide buffers around military bases to protect the military mission;
- that represents the ecological diversity of North Carolina (the “**State**”), including natural features such as riverine, montane, coastal, and geologic systems and other natural areas to ensure their preservation and conservation for recreational, scientific, educational, cultural, and aesthetic purposes; and
- that contributes to the development of a balanced State program of historic properties.

WHEREAS, Declarant has received a grant from the Fund (Grant Contract No. 2013-006) for acquisition of the Property in consideration of which Declarant has agreed that the Property will be restricted in a manner that will:

- preserve, enhance, restore, and maintain the natural features and resources of the Property, to provide habitat for native plants and animals, to control runoff of sediment, and to improve and maintain water quality, including providing environmental protection for surface waters of portions of the South Fork Catawba River and its tributaries;
- establish or expand a network of riparian greenways for environmental, educational, and recreational uses; and
- protect and preserve the ecological diversity represented by the Property for recreational, scientific, educational, cultural and aesthetic purposes.

WHEREAS,

- Declarant and Fund recognize that the Property is located along the South Fork Catawba River, and that the Property has been deemed by the State to qualify as a riparian buffer, addressing the protection, including, but not limited to, cleanup and prevention of pollution, of the State’s surface waters, and the establishment of a network of riparian buffers and greenways; and

- Declarant and Fund recognize that the Property represents the ecological diversity of North Carolina, including, but not necessarily limited to, natural features such as those described in the Baseline Documentation Report for Massapoag Preserve dated March 10, 2019. Declarant and Fund further recognize that restricting use of the Property in the manner set forth herein will facilitate preservation and conservation of these natural features for recreational, scientific, educational, cultural, and aesthetic purposes.

Moreover, Declarant and Fund recognize that the Property has other conservation values in addition to those described above, including wildlife conservation, open space, and scenic values for environmental, educational, and recreation uses (hereinafter, collectively with the conservation values described above, the “Conservation Values”).

WHEREAS, Declarant and Fund recognize that the Property is intended for uses supported by the Carolina Thread Trail that are consistent with these Restrictive Covenants.

WHEREAS, the Fund requires Declarant to record these Restrictive Covenants to ensure appropriate conservation and management of the Property.

NOW, THEREFORE, in consideration of the premises and the mutual benefits recited herein, together with other good and valuable consideration to Declarant and to the Fund as protector of the public interests it promotes, the Declarant hereby adopts and declares the Property subject to the restrictions hereinafter set forth, the purposes of which are to protect and preserve the Conservation Values of the Property.

ARTICLE I. DURATION OF RESTRICTIVE COVENANTS

The covenants and restrictions contained in these Restrictive Covenants shall be permanent and perpetual, shall run with the land and shall be binding upon Declarant and its successors and assigns as owner of the Property, and all those claiming by, through or under each such owner, in perpetuity. These Restrictive Covenants are intended to be a “conservation agreement” and/or “preservation agreement,” as defined and contemplated in the Historic Preservation and Conservation Agreements Act, N.C.G.S. § 121-34, *et seq.*

ARTICLE II. EXCEPTIONS TO RESTRICTIONS

A. Recreation. Declarant shall be permitted to engage in and permit others to engage in passive non-equestrian recreational uses of the Property, including, walking, hiking, fishing, swimming, and animal or plant observation, so long as the Conservation Values are not impaired.

B. Construction of Trails and Incidental Facilities. Declarant may construct, repair and relocate paved or unpaved greenway trails on the Property, and facilities and infrastructure incidental to and for the convenience of users of the greenway trail, such as observation platforms, boardwalks, litter receptacles, signage, canoe accesses, benches and similar conveniences. Declarant may also establish and construct on the Property parking areas

near adjacent streets, and trail connections from such parking areas to the greenway trail and canoe accesses as long as these facilities are at least 50 feet from the top of the stream bank where practicable and do not further degrade water quality. Existing trails that are closer than 50 feet from top of the stream bank and depicted on **Exhibit B** may continue. All necessary care shall be taken to complete the construction of such features in a manner so as not to impair any Conservation Values either during or after construction.

C. Maintenance. Declarant shall be responsible, at its expense, for maintaining the Property with the purposes set forth herein, including maintenance of a greenway trail, mowing, removal of trash, waste and litter, and efforts to control vandalism and other crimes on the Property.

D. Vegetation Management. Declarant may install appropriate native landscaping, remove vegetation for stream restoration, remove or control invasive exotic plants, remove dead and dangerous trees, and prune vegetation to ensure the health of the vegetation as well as the safety of the public on the Property provided these activities do not impair the Conservation Values.

E. Stream Restoration. Declarant reserves the right, at its expense, to restore and stabilize the stream channel and bank, based upon prevailing design and permitting standards, to enhance water quality on the Property. Restoration and stabilization activities should be based on a design using as many natural materials such as vegetation as practicable. In the event such stream restoration occurs, Declarant shall be responsible for maintaining the integrity of the stream bank.

F. Rules and Regulations. Declarant shall have the sole right to promulgate or approve rules and regulations for the reasonable use of the Property by the public, provided the Property is used for the purposes stated herein, including walking, educational tours, scientific study of the Property and its natural ecosystems, hiking, bike riding, jogging, picnicking, and other non-equestrian recreational uses.

G. Motor Vehicles. Declarant may use motor vehicles on the greenway trail to carry out the purposes of these Restrictive Covenants and for security purposes within the Property. All other use of motor vehicles on the Property except emergency vehicles is prohibited.

H. Utilities and other Public Purposes. Declarant shall have the right to grant easements or rights-of-way across the Property for underground utilities and other public purposes consistent with the primary purposes set forth herein. Such easements or rights-of-way shall be located in a manner that will minimize the impact on Conservation Values.

ARTICLE III. PROHIBITED AND RESTRICTED ACTIVITIES

A. Disturbance of Natural Features, Plants and Animals. There shall be no cutting or removal of trees, or disturbance of other natural features, including plant and animal life, except for the following: (1) as incidental to boundary marking, fencing, signage,

construction and maintenance of asphalt and greenway trails and related convenience facilities, canoe accesses and public accesses allowed hereunder; (2) selective cutting or clearing of vegetation, and the application of approved chemicals for fire containment and protection, disease control, restoration of hydrology, wetlands enhancement and/or control of invasive exotic plants; (3) removal of damaged trees and debris caused by storm, disease or fire and posing a threat to life or property; and (4) to allow installation of underground utilities pursuant to Paragraph H of Article II.

B. Industrial and Commercial Use. Industrial and commercial activities and any right of passage across the Property for such purposes are prohibited.

C. Agricultural, Grazing and Horticultural Use. Agriculture, grazing, horticultural and animal husbandry operations are prohibited on the Property.

D. New Construction. There shall be no building, facility, mobile home, antenna, utility pole, tower, or other structure constructed or placed on the Property, except as allowed by Article II.

E. Signs. Signs are not permitted on the Property except as follows: local, state, or federal traffic or similar informational signs; greenway trail signs; for sale or lease signs; signs identifying the conservation values of the Property; signs identifying the Declarant as the owner of the property and the Fund as funder of the project; educational and interpretive signs; identification labels or any other similar temporary or permanent signs, as approved by the Fund.

F. Dumping or Storing. Dumping or storage of trash, ashes, garbage, waste, abandoned vehicles, appliances or machinery, or other material on the Property is prohibited.

G. Mineral Use, Excavation or Dredging. There shall be no filling, excavation, dredging, mining, or drilling on the Property and no removal of topsoil, sand, gravel, rock, peat, minerals, or other materials on the Property, except as allowed by Article II.

H. Wetlands and Water Quality. There shall be no pollution or alteration of surface waters and no activities that would be detrimental to water quality or that would alter natural water levels, drainage, sedimentation and/or flow in or over the Property or into any surface waters, or cause soil degradation or erosion, nor diking, dredging, alteration, draining, filling or removal of wetlands, except activities to restore natural hydrology or wetlands enhancement as permitted by the State and any other appropriate authorities.

I. Conveyance and Subdivision. The Property shall not be divided, subdivided, or partitioned. No property interest in the Property may be divided, subdivided, or partitioned. Without limiting the foregoing, the Property shall not be conveyed except in its current configuration as a single parcel of property.

ARTICLE IV. ENFORCEMENT AND REMEDIES

A. Enforcement. The right of enforcement of these Restrictions is hereby granted and vested with Declarant.

B. Third Party Right of Enforcement. In the event that the Declarant fails to enforce any of the terms of these Restrictive Covenants, the State shall have the independent right to enforce the terms of these Restrictive Covenants through any and all authorities available under state or federal law. Any forbearance by the State to exercise this third party right of enforcement shall not be deemed or construed to be a waiver by the State of such right in general or with respect to a specific violation of any of the terms of these Restrictive Covenants. And the State, its agents and employees shall have such right of entry and access as may be necessary to carry out its third party rights of enforcement set forth herein.

ARTICLE V. DOCUMENTATION AND TITLE

A. Property Condition. The parties acknowledge that the Property is currently undeveloped land, with no improvements other than as described in **Exhibit A** and easements and rights of way of record.

B. Title. The Declarant covenants and represents that the Declarant is the sole owner and is seized of the Property in fee simple and has good right to establish the covenants and restrictions contained herein; that there is legal access to the Property, that the Property, except as to the items listed immediately below, is free and clear of any and all encumbrances, none of which would nullify, impair or limit in any way the terms or effect of these Restrictive Covenants; Declarant shall defend its title against the claims of all persons whomsoever.

EXCEPTIONS TO COVENANTS AND WARRANTIES:

- 1) Taxes for the year 2019 and subsequent years, not yet due and payable;
- 2) Building restriction lines, easements and other matters shown on plat recorded in Map Book E, Page 19, Lincoln County Registry;
- 3) Easements and Rights of Way contained in Deed recorded in Book 649, Page 646, Lincoln County Registry;
- 4) Right of Way to Southern Power Company recorded in Deed Book 97, Page 447, Lincoln County Registry;
- 5) Right of Way to Duke Power Company recorded in Deed Book 197, Page 260, Lincoln County Registry;
- 6) Railroad Right of Way to Wilmington, Charlotte and Rutherford Railway Company recorded in Deed Book 340, Page 510, Lincoln County Registry;
- 7) Conveyance to Carolina and Northwestern Railway Company recorded in Deed Book 86, Page 226, Lincoln County Registry, and shown on survey by W. Bradley Freeman, PLS, dated August 2, 2018, last revised _____, 20__;
- 8) Title to that portion of the land lying within any railway fee, leasehold, right-of-way, or easement;
- 9) Rights of the railroad company servicing the railroad sidings located on insured land and in and to the ties, rails, and other properties constituting said railroad sidings or in and to the

use thereof and also rights of others in and to the use thereof;

- 10) Boundary Survey by W. Bradley Freeman, P.L.S. dated August 2, 2018, last revised ____, 20__ and recorded in Plat Book ____, Page ____, Lincoln County Registry, reveals the following matters: a) Flood lines, Floodway Zone AE, and Zone X; b) ten (10) foot by fifteen (15) Utility Easement; c) overhead power lines, light poles and power poles, and Duke Power right of way; d) one hundred (100) foot CSX Railroad right of way; e) sanitary sewer easements with sanitary sewer lines and manholes; f) South Fork Catawba River and Lithia Inn Branch; g) Old Railroad Beds; h) right of way of Massapoag Road.
- 11) Utility Easement contained in Deed recorded in Book 733, Page 633, Lincoln County Registry, and shown on survey by W. Bradley Freeman, PLS, dated August 2, 2018, last revised ____, 20__;
- 12) Utility Easement contained in Deed recorded in Deed Book 783, Page 441, Lincoln County Registry, and shown on survey by W. Bradley Freeman, PLS, dated August 2, 2018, last revised ____, 20__;
- 13) Deed of Easement for 30' Sewer Right of Way to the Town of Lincolnton recorded in Book 425, Page 489, Lincoln County Registry, and shown on survey by W. Bradley Freeman, PLS, dated August 2, 2018, last revised ____, 20__.
- 14) Matters shown on survey entitled "Exempt Plat Boundary Survey for Catawba Lands Conservancy and the State of North Carolina, Clean Water Management Trust Fund (Linco Industrial Park, Inc. property) FEE TO BE CONVEYED TO CATAWBA LANDS CONSERVANCY AND PROTECTED BY RESTRICTIVE COVENANTS", plat prepared by Freeman Surveying on August 2, 2018 (field survey dates: July – Aug., 2018), and recorded in Plat Book ____ at Page ____, Lincoln County Registry.

C. Recovery Related to Title Defect, Encumbrance, or Encroachment. Declarant obtained title insurance at the time of acquisition of the Property in the amount of \$70,000. In the event that Declarant, or any successor or assign of Declarant, obtains any compensation, reimbursement, or payment of any money, funds, or other thing of value from, on behalf of, or for the benefit of, a title insurer or a predecessor in interest, arising out of or related to any title issue or defect, encumbrance, or encroachment, related to the Property, then Declarant, or its successor or assign, as the case may be, shall pay fifty percent (50%) of such money, funds, and the value of the other thing of value received by it to the Fund.

ARTICLE VI. MISCELLANEOUS

A. Subsequent Transfer of Fee. Declarant hereby covenants and agrees, that in the event it transfers or assigns the Property, the transferee of the Property shall be a qualified organization as that term is defined in Section 170(h)(3) of the Internal Revenue Code of 1986, as amended, or any successor section, and the regulations promulgated thereunder (the "**Internal Revenue Code**"), which is organized or operated primarily for one of the conservation purposes specified in Section 170(h)(4)(A) of the Internal Revenue Code or a governmental entity. Declarant agrees for itself, its successors and assigns, to notify State in writing of the names and addresses of any party to whom the Property is to be transferred at or prior to the time said transfer is consummated. Any transferee or assignee of the Property shall take title subject to these Restrictive Covenants as set forth herein, shall perform all such acts as shall be necessary to effect the transfer.

Declarant, for itself, its successors and assigns, further agrees to make specific reference to these Restrictive Covenants in a separate paragraph of any subsequent lease, deed or other legal instrument by which any interest in the Property is conveyed.

B. Conservation Purpose.

(1) The parties hereto recognize and agree that the benefits of these Restrictive Covenants are in gross and assignable, provided, however that the Declarant hereby covenants and agrees, that in the event it transfers or assigns its interest in these Restrictive Covenants, the organization receiving the interest will be a qualified organization as that term is defined in Section 170(h)(3) of the Internal Revenue Code of 1986 (or any successor section) and the regulations promulgated thereunder, which is organized or operated primarily for one of the conservation purposes specified in Section 170(h)(4)(A) of the Internal Revenue Code, and the Declarant further covenants and agrees that the terms of the transfer or assignment will be such that the transferee or assignee will be required to continue to carry out in perpetuity the conservation purposes that the contribution was originally intended to advance, set forth in the Recitals herein.

(2) Unless otherwise specifically set forth in these Restrictive Covenants, nothing herein shall convey to or establish for the public a right of access over the Property.

C. Amendments. Declarant shall not amend these Restrictive Covenants except with the prior written consent of the Fund. Any amendment(s) shall be effective upon recording in the public records of Lincoln County, North Carolina.

[The remainder of this page is intentionally blank.]

IN WITNESS WHEREOF, Declarant, by authority duly given, has hereunto caused these presents to be executed by their respective officers and its seal affixed, to be effective the day and year first above written.

DECLARANT:
CATAWBA LANDS CONSERVANCY, a
North Carolina nonprofit corporation

By: _____
C. Barton Landess, Executive Director

ATTEST:

By: _____
Saxby Chaplin
Corporate Secretary

[Affix Corporate Seal]

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, _____, a Notary Public of the County and State aforesaid, do hereby certify that **Saxby Chaplin** personally appeared before me this day and acknowledged that he/she is the **Corporate Secretary** of **Catawba Lands Conservancy**, a non-profit corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its **Executive Director, C. Barton Landess**, sealed with its corporate seal, and attested by himself/herself as its **Corporate Secretary**.

Witness my hand and notarial seal this the _____ day of _____, 2018.

Notary Public: _____

Printed Name:

My commission expires: _____

EXHIBIT A

List improvements on the Property.

There are no improvements on the Property other than those installed pursuant to easements and rights of way of record.

EXHIBIT B

Existing Trails Map

There are no existing trails on the Property.

ITEM #

9

CITY COUNCIL
Ed L. Hatley, Mayor
Martin A. Eaddy, Mayor Pro-Tem
Mary Frances White
Roby D. Jetton
Jim Watson



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

MEMORANDUM

TO: Mayor and Council

FROM: Steve Zickefoose, City Manager *Steve*

SUBJECT: Proposed Budget 2019-20

DATE: April 23, 2019

I have completed the proposed version of the budget for 2019-20 and will presenting the budget message at the May Council meeting. This will serve as the official budget presentation as required by state general statute.

A public hearing will be held at the June City Council meeting to receive comments and questions from the general public regarding the proposed budget. The budget must be adopted by July 1, 2018. City Council may have as many budget work sessions as they choose leading up to the July 1st deadline.

First, I cannot say enough how encouraging it was to have dialogue between Directors and Council at the budget retreat. This has been a very open process. I have attempted to include as many items as possible in the budget to address needs.

I am recommending no change in the property tax rate as well as in the water, sewer and electric rates.

Please let me know if you have any questions and/or suggestions.

ITEM #

10

Executive Summary**March 2019 Year-To-Date**

General Fund		% of				
	Budget 18-19	Actual 18-19	Budget	Budget 17-18	Actual 17-18	Difference
Fund 10 Revenues	11,800,766	8,290,880	65%	11,655,521	8,320,473	(29,593)
Fund Balance	1,051,770	-	-	964,361	-	-
	12,852,536	8,290,880		12,619,882	8,320,473	(29,593)
City Manager/Clerk	320,960	180,180		331,465	213,375	(33,195)
Human Resources	239,060	160,445		232,730	153,342	7,104
Finance	242,790	108,289		273,412	40,484	67,805
General Expense	1,057,620	626,930		942,324	657,075	(30,145)
General Debt Service	520,954	377,001		463,524	65,845	311,156
Police	3,700,970	2,381,153		4,284,770	2,427,134	(45,981)
Fire	2,240,650	1,769,187		2,099,345	1,554,097	215,090
Public Works	79,616	(76,670)		172,956	35,200	(111,870)
Street	1,251,668	601,146		1,246,268	464,174	136,972
Equipment Services	133,270	75,372		135,120	85,787	(10,415)
Solid Waste	756,798	379,902		708,328	417,697	(37,795)
General Services	-	-		-	-	-
Plannin/Zoning	679,060	200,915		348,794	189,244	11,671
Bus & Comm. Dev	135,000	106,024		164,960	134,277	(28,253)
Recreation	1,494,120	801,939		1,215,886	702,913	99,026
Expenses	12,852,536	7,691,812	60%	12,619,882	7,140,643	551,168
Difference		599,069			1,179,830	(580,761)

Water & Sewer Fund		% of			
Fund 61	Revenues	Budget 18-19	Actual 18-19	Budget	Difference
	Fund Balance	8,096,950	5,913,344	71%	(404,863)
		281,590	-		
		8,378,540	5,913,344		(404,863)
	Water Treatment	1,502,950	839,900		18,671
	Dist & Collection	1,748,000	1,232,874		245,394
	Wastewater	1,550,100	718,823		1,353
	W & S Intangibles	3,577,490	1,013,373		31,281
	Expenses	8,378,540	3,804,970	45%	296,699
	Difference		2,108,374		(701,562)

Electric Fund		% of			
Fund 63	Revenues	Budget 18-19	Actual 18-19	Budget	Difference
	Fund Balance	7,669,264	5,940,035	75%	255,076
		300,000	-		-
		7,969,264	5,940,035		255,076
	Electric Dept.	7,969,264	5,254,040		(216,502)
	Expenses	7,969,264	5,254,040	66%	(216,502)
	Difference		685,995		471,577

Overtime 80+ hours	319,093	323,568	(4,475)
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ITEM #

11

***NO BACK UP
NECESSARY
FOR THIS ITEM***