

REGULAR MEETING - JUNE 6, 2019

The Mayor and City Council met in regular session on June 6, 2019 at 7:00 pm in the Council Chambers of Lincolnton City Hall, located at 114 West Sycamore Street, Lincolnton, NC.

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 the *REGULAR AGENDA*.

Council woman White made the motion unanimously approved the *CONSENT AGENDA* as follows:

- Approved meeting minutes -March 23, 2019 Budget Retreat
May 2, 2019 – Regular Meeting
- Approved the following Call to Public Hearing for the June 27th Meeting:
ZMA-4-2019 – Application from Communities in Schools of Lincoln County requesting the rezoning of approximately 1.58 acres of land from Neighborhood Business N-B to General Business G-B. The subject properties are located at 956 Reepsville Road (PID 71625)
- Approved a contract (C-13-19) between the City and Mark Knuckles Associates, Inc. for Annual Compliance Watch Consultation Services
- Approved a service contract (C-14-19) between the City and the Lincolnton Housing Authority for Community Policing

REGULAR AGENDA

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).

ZMA-3-2019

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the above said request. Laura told Council that the Lincolnton Land

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Use Plan shows the property in the Mixed Residential/Commercial Planning Area which is described as “older portions of the City where true urban villages consisting of high density residential uses (both single and multi family) and associated small-scale and pedestrian oriented office and retail uses may be located.” The land Use Plan also promotes the adaptive reuse of vacant and under-utilized commercial buildings in the downtown area.

Laura said the request is not strictly in compliance with the Land Use Plan’s mixed use designation. However, staff views the request as consistent with the spirit and intent of the Land Use Plan in that site immediately adjoins C-B zoning on two sides and rezoning to the C-B district will better support the Land Use Plan’s goal of adaptive reuse of under-utilized commercial buildings than the current zoning district.

Laura concluded recommending on behalf of Planning Board and Staff the following; (1) approval of statement of consistency and reasonableness for approval of application (2) approval of rezoning of the property from R-O to C-B (3) Amendment to the land use plan to extend the Central Business Planning Area to include the subject property.

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

Councilman Eaddy made the motion unanimously approved to adopt the statement of consistency and reasonableness as recommended.

Councilman Jetton made the motion unanimously approved to amend the City’s Land Use Plan as recommended.

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-1-2019

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the above said request.

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Laura said the Planning staff is proposing an amendment to the UDO to eliminate the current requirement for the handicapped parking spaces required under the State Building Code to be provided in addition to the parking spaces required by the zoning regulations. The proposed language would simply recognize that off-street parking spaces designed for the use by the physically handicapped are to be provided as required by the State Building Code.

Laura recommended Council approve the statement of consistency and reasonableness and approve the amendment to the UDO.

Councilman Eaddy made the motion unanimously approved to close the public hearing.

Councilwoman White made the motion unanimously approved to adopt the statement of consistency and reasonableness as recommended.

Councilman Watson made the motion unanimously approved to amend the UDO as recommended.

APPLICATION FROM LINCOLNTON PLANNING DEPARTMENT REQUESTING AMENDMENT TO SECTION 153.170, SIGNS IN THE CENTRAL BUSINESS DISTRICT AND CENTRAL BUSINESS DISTRICT TRANSITIONAL DISTRICT TO ALLOW CANTILEVERED GROUND SIGNS SUBJECT TO CERTAIN STANDARDS LAND CONDITIONS

ZTA-2-2019

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the above stated request.

Laura told Council the area located generally between Government Street and Cedar Street is zoned CB and has been zoned CB since the adoption of citywide zoning in 1990. She said Planning staff is proposing an amendment to allow freestanding ground signs (not pole or pylon signs) in the Central Business and Central Business Transitional zoning districts subject to location criteria, size and height limits and a design review process.

Laura reviewed the location requirements, size and height limits. She said the proposed amendment, if approved, would require applications for free standing

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signs to be consistent with attached design guidelines and to be reviewed by a Design review Committee appointed by the City Manager.

Laura concluded recommending approval of the statement of consistency and reasonableness and for approval of the application process. She also recommended approval of the amendment.

Councilwoman White made the motion unanimously approved to close the public hearing.

Councilman Watson made the motion unanimously approved to adopt the statement of consistency and reasonableness as recommended.

Councilman Jetton made the motion unanimously approved to amend the City's Code as recommended by the Planning Director.

(NOTE: A complete copy of the wording and amendments are on file in the Planning Department and will become a permanent record)

PUBLIC HEARING TO CONSIDER REVISIONS TO THE CITY'S CODE OF ORDINANCES – TITLE VII – TRAFFIC CODE – CHAPTER 75 – PARKING :

Mayor Hatley opened the Public Hearing. City Manager Steve Zickefoose and Chief Rodney Jordan reviewed the following proposed revisions to the City's Code of Ordinances:

Schedule 1: ADD:

Under TITLE VII — Traffic Code - Chapter 75 -PARKING SCHEDULES
Schedule I — PARKING PROHIBITED AT ALL TIMES -

ADD: North Poplar — From Sumner Street to the dead end (North Direction)

Schedule VII — OTHER RESTRICTIONS — PARALLEL

PARKING *ADD:* North Aspen Street — Court Street to Pine —
Parallel parking only

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CHAPTER 72.03 - PARKING OVERSIZED VEHICLES OR TRAILERS ON STREETS -

Amend as follows:

(A) It shall be unlawful to park a vehicle, as described in division (B) of this section, in any residentially zoned area of the city for more than 2/1 hours during a seven day period. The No vehicle or trailer including those in section (C) 1 and (C) 2 below shall not block the street or interfere with the- emergency response passage or any other normal flow of traffic.

Parking of oversized vehicles and trailers as described in division (B) is prohibited in diagonal spaces.

(B) A vehicle to which this section shall be applicable shall be a truck, tractor, trailer, (regardless of size), semi-trailer or bus which has a gross weight in excess of 10,000 pounds or which has a length of 270 inches (22 feet and six inches) overall or a width in excess of 96 inches (eight feet) or a height in excess of 96 inches (eight feet).

(C) This section shall not be applicable to the following vehicles:

(1) A vehicle in the process of being loaded, unloaded or in the performance of service to or for property located adjacent to the public street; or

(2) A vehicle temporarily rendered inoperable by mechanical difficulty for the time necessary to effect necessary repairs, but in no event to exceed three hours.

(Prior Code, § 13-59) (Ord. 0-47-96, passed - -) Penalty, see § 70.99

Councilwoman White made the motion to close the Public Hearing.

Councilman Jetton made the motion unanimously approved to amend the ordinance as listed above and as requested by Chief Jordan.

PUBLIC HEARING TO RECEIVE COMMENT ON THE PROPOSED 2019 – 2020 FISCAL YEAR BUDGET FOR THE CITY OF LINCOLNTON – TOTAL PROPOSED BUDGET IS \$ 29,036,999.00.

(O-06-19)

Mayor Hatley opened the Public Hearing. Steve Zickefoose, City Manager, reviewed the budget and provided a summary sheet to Council of the various funds with proposed totals for this year as follows:

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General Fund \$11,818,700

- No tax rate increase
- Eliminated fund balance appropriation for operating costs (\$660,770)
- Implement Salary Study — Fire, Public Works \$182,000
- Retirement cost increase by state- \$66,000
- Adjust salaries (28 pay periods in 19-20) \$77,000
- Zero Based Cuts- \$145,490
- Upgrade operating software
- Police Building renovation
- Continue K-9 program by adding a fourth team
- Replace 3 Police vehicles
- Improve downtown security camera system
- Increase Fire Dept part time staff to maintain 7 staff and hire part time inspector
- Additional Fire Dept training and safety line items
- Additional Fire Dept equipment needs
- Purchase automated garbage truck- \$300,000
- Additional funds for Public Relations/Events- \$8,000
- Providing year four funding for DDA administrative position
- Improvements to Parks & Recreation gym, signage, Highland Drive shelter
- \$150,000 from NCMVT for street paving/sidewalks
- Budgeted \$132,750 for building improvements
- Budgeted \$116,000 for equipment needs
- Fund Balance Available \$2.4M = 22%

Water and Sewer Fund \$8,616,949

- No rate increase
- Implement Salary Study — Water, Wastewater, D/C \$181,000
- Retirement cost increase by state- \$15,000
- Increase Contra-Admin payment to General Fund \$200,000
- Smart meter replacements for efficiency and customer services- Self funding from increased revenue from new meters
- Improve Rhyne Mills 150 Lift Station \$350,000
- Remove Hoyle St. lift station \$35,000
- New water line on Reid Street \$70,000
- DAF at Wastewater Plant \$75,000

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- Budgeted \$91,000 for equipment needs
- Budgeted \$45,000 for building improvements
- Fund Balance Available \$5.6M = 100%

Electric Fund \$8,056,350

- No increase in rates
- Implement Salary Study - \$50,975
- Retirement cost increase by state- \$5,100
- Smart meters \$300,000
- Spare transformers \$50,000
- Substation communications system \$40,000
- New line truck \$280,000
- Budgeted \$40,000 for building improvements
- Fund Balance Available \$2.2M = 29%

Powell Bill Fund \$545,000

- Paving of city streets- \$120,000
- Maintenance of city streets- \$175,000
- Street sweeper- \$250,000
- Fund Balance Available \$396,000 = 130%

The total proposed budget for 2019-20 is \$ 29,036,999.00. Steve concluded offering to answer any questions from Council regarding the proposed budget.

Hearing no questions regarding the proposed budget, Councilman Watson made the motion unanimously approved to close the public hearing.

Councilman Eaddy made the motion unanimously approved to adopt the proposed budget as recommended by the City Manager. *NOTE: Adoption of the budget includes approval of the budget ordinance (O-03-19) and 2019-20 schedule of fees*

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CONSIDERATION OF BUDGET AMENDMENT - YEAR END BALANCING:

(BA-03-19)

Steve Zickefoose, City Manager, presented the below proposed budget amendment which was approved unanimously upon a motion from Councilman Jetton as follows:

BE IT ORDAINED by the Governing Board of the City of Lincoln, 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:

DEPARTMENT NUMBER	DEPARTMENT DESCRIPTION	INCREASE	DECREASE
4110	CITY MANAGER/CLERK		(2,170.00)
4120	HUMAN RESOURCES		(2,770.00)
4130	FINANCE		
4280	GENERAL EXPENSE	52,120.00	
4310	POLICE		(16,990.00)
4340	FIRE		(4,300.00)
4510	PUBLIC WORKS		(2,800.00)
4520	STREET MAINTENANCE		(5,860.00)
4530	EQUIPMENT SERVICES		(4,600.00)
4710	SOLID WASTE		(3,980.00)
4910	PLANNING & ZONING		(2,650.00)
6100	PARKS AND RECREATION		(6,000.00)
		52,120.00	(52,120.00)

This will result in a net change of \$0.00 in the expenditures of the General Fund

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Section 3: To amend the Powell Bill Fund, the expenditures are to be changed as follows:

DEPARTMENT NUMBER	DEPARTMENT DESCRIPTION	INCREASE	DECREASE
4550	<u>POWELL BILL</u>	45,000.00	
		<u>45,000.00</u>	<u>0.00</u>

This will result in a net increase of \$ 45,000.00 in the expenditures of the Powell Bill Fund. To balance the adjustments to the budget, the following revenues have also been changed with a corresponding net effect.

DEPARTMENT NUMBER	DEPARTMENT DESCRIPTION	INCREASE	DECREASE
3991	<u>OTHER FINANCING SOURCES</u> Appropriation from Fund Balance	45,000.00	

Section 5: To amend the Water & Sewer Fund, the expenditures are to be changed as follows:

DEPARTMENT NUMBER	DEPARTMENT DESCRIPTION	INCREASE	DECREASE
7100	<u>WATER TREATMENT PLANT</u>	49,300.00	
		<u>49,300.00</u>	<u>0.00</u>

Section 6: To amend the Water & Sewer Fund, the expenditures are to be changed as follows:

DEPARTMENT NUMBER	DEPARTMENT DESCRIPTION	INCREASE	DECREASE
3991	<u>OTHER FINANCING SOURCES</u> Appropriation from Fund Balance	49,300.00	

Adopted this 6th day of June, 2019.

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INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY AND LINCOLN COUNTY:

(C-16-19)

Steve Zickefoose, City Manager, presented a draft of an interlocal Cooperation Agreement between the City and Lincoln County, that he said if approved would save the City and County taxpayers \$ 675,000.00. He reviewed the areas of savings as follows:

Conveyance of County Appraisal building to the City – to be used for Public Restrooms and City purposes

Reduced water/sewer rates for the County complex on John Howell Drive

Building Maintenance Services for City Hall and Police Building

ITS service agreement

Steve told Council that Lincoln County Commissioners took action approving this agreement at their May 20th meeting. He said upon approval from the City he would forward an executed copy to Lincoln County Manager Kelly Atkins. This agreement would renew annually on the first of July each year thereafter, including any possible extensions, until the expiration or termination of this agreement.

Councilwoman White made the motion unanimously approved to enter into the agreement as recommended by the City Manager

AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE THE AGREEMENT BETWEEN THE CITY AND T.C. STRICKLAND FOR THE RENOVATION OF THE LINCOLN POLICE DEPARTMENT:

(C-17-19)

Councilman White made the motion unanimously approved to rescue Dr. Watson on this item as he stated a potential conflict of interest on his behalf as a consultant for Pinnacle Architecture.

Steve Zickefoose, City Manager, told Council bids were opened on May 30th for the Police Department project. The low bidder was T.C. Strickland Construction Company for a base bid of \$ 1,433,882. There were four bidders for this project. Pinnacle Architecture has worked with TC Strickland on other projects and is pleased with their work.

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Steve said this bid amount is about 20% higher than our projected budget. “However, given the market trends, I feel that this is reasonable. Also, we are currently paying \$ 22,200 per year in rent for the detective’s office space. The 15 year savings in rent alone is \$ 330,000. “

Steve said, “The current Police Building has a tax value of \$840,000. The City has no operational need for this building once we move out. This location has tremendous potential for future development and use. My recommendation is to approve T.C. Strickland Construction Company as the low bidder for the amount of \$ 1,433,882. I am not recommending the acceptance of any alternates.”

This item generated some discussion. Councilman Eaddy made the motion unanimously approved to authorize the City Manager to negotiate, or value engineer the project, up to 1.3 million dollars. Pinnacle Architecture felt confident they could negotiate with TC Strickland to bring the project within this amount.

CITY OF LINCOLNTON – 2018– 2019 SALARY SCHEDULE / SCHEDULE OF BUDGETED POSITIONS:

(R-17-19)

Tanya Osborne, HR Director, ask that Council consider approving the following resolution adopting the salary schedule / schedule of budgeted positions for 2019-20:

WHEREAS, the proposed 2019-20 fiscal year budget has been prepared by the City Manager and presented to the Mayor and City Council; and

WHEREAS, the proposed 2019-20 fiscal year budget includes a recommended salary schedule and schedule of budgeted positions;

NOW, THEREFORE, BE IT RESOLVED, **that the City of Lincoln** adopts the “Salary Schedule”, and “Schedule of Budgeted Positions”, as attached to this resolution, for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

Councilman Watson made the motion unanimously approved to adopt he resolution setting the salary schedule and number of budgeted positions for 2019-20.

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REQUEST FROM CITIZENS IN THE NEIGHBORHOOD OF BONVIEW AVENUE AND ROBERTA AVENUE (SIGNED PETITION) TO REQUESTING A FOUR WAY STOP:

Mr. Stan Rash, of 602 Bonview Avenue, spoke to Council requesting they consider amending the City's Code of Ordinances, erecting a four way stop at Bonview and Roberta Avenue. Mr. Rash, said "It is a safety issue and the road is being used as a cut through for traffic at peak times." Mr. Rash presented Council with a petition with 36 signatures of residents in the area endorsing a four way stop.

After some discussion, Councilman Jetton made the motion unanimously approved to hold a Public Hearing at the June 27th meeting to consider amending the City's Code of Ordinances, adding a four way stop on Bonview Avenue.

DISCUSSION OF TIMELINE OF AGREEMENT BETWEEN THE CITY AND PIEDMONT PROPERTIES:

Steve Zickefoose, City Manager, told Council that the agreement that the City entered into with Piedmont Companies, effective June 2, 2016 for the construction of townhomes/condos at East Pine Street (known as the Aspen Project) allowed Piedmont 730 days to begin construction. He said, "We are beyond that point at this time and I wanted to bring this to Councils attention." Steve referenced sections within the agreement that were pertinent to the timeline for construction as well as the section that indicated the original plans were for a 14 unit complex. Steve said the developer is now requesting that be changed to 11 units. He said Council needs to determine if this meets the criteria

Steve reminded Council that they entered into agreements with Piedmont Companies for multi-family developments known as Inverness and Memorial Hall. The Inverness project is triggered 30 days upon construction of the Aspen complex and leasing of 75 percent of the 12 units. The Memorial Hall project follows the Inverness project.

This item generated some discussion. Craig Upshaw, representing Piedmont Companies, also spoke requesting Council consider amending the agreements to reflect that 120 days from July 1st be added, beginning with the Aspen project.

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Councilman Eaddy made the motion unanimously approved to add 120 days, amending the contract to reflect such. The City Attorney and Piedmont Companies will make these corrections as requested.

MONTHLY FINANCIAL & OVERTIME REPORT:

Steve Zickefoose, City Manager, gave the following update to City Council:

June 2019 Council Meeting
Executive Summary
April 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	8,728,117	68%	11,655,521	8,717,708	10,409
Fund Balance	1,051,770	-	-	964,361	-	-
	12,852,536	8,728,117		12,619,882	8,717,708	10,409
City Manager/Clerk	320,960	210,710		331,465	242,792	(32,083)
Human Resources	239,060	178,808		232,730	171,964	6,844
Finance	242,790	157,659		273,412	139,270	18,389
General Expense	1,057,620	756,656		942,324	746,871	9,785
General Debt Service	520,954	378,245		463,524	371,363	6,881
Police	3,700,970	2,622,153		4,284,770	2,674,227	(52,074)
Fire	2,240,650	1,935,209		2,099,345	1,695,281	239,928
Public Works	79,616	(64,602)		172,956	61,878	(126,480)
Street	1,251,668	672,965		1,246,268	579,112	93,853
Equipment Services	133,270	91,120		135,120	102,732	(11,612)
Solid Waste	756,798	425,349		708,328	474,865	(49,516)
General Services	-	-		-	-	-
Plannin/Zoning	679,060	222,293		348,794	210,592	11,702
Bus & Comm. Dev	135,000	107,474		164,960	140,826	(33,352)
Recreation	1,494,120	915,688		1,215,886	822,902	92,785
Expenses	12,852,536	8,609,728	67%	12,619,882	8,434,674	175,053
Difference		118,390			283,034	(164,644)
Water & Sewer Fund	Budget 18-19	Actual 18-19	% of Budget	Budget 17-18	Actual 17-18	Difference
Fund 61 Revenues	8,096,950	6,498,952	78%	7,449,995	6,894,169	(395,217)
Fund Balance	281,590	-		526,653	-	-
	8,378,540	6,498,952		7,976,648	6,894,169	(395,217)
Water Treatment	1,502,950	1,148,226		1,508,500	1,163,446	(15,220)
Dist & Collection	1,748,000	1,333,071		1,440,153	1,079,232	253,839
Wastewater	1,550,100	1,057,873		1,516,650	1,085,562	(27,689)
W & S Intangibles	3,577,490	3,434,449		3,511,345	3,374,033	60,417
Expenses	8,378,540	6,973,620	83%	7,976,648	6,702,273	271,347
Difference		(474,668)			191,896	(666,564)
Electric Fund	Budget 18-19	Actual 18-19	% of Budget	Budget 17-18	Actual 17-18	Difference
Fund 63 Revenues	7,669,264	7,189,619	90%	7,791,714	6,885,798	303,821
Fund Balance	300,000	-		1,224,483	-	-
	7,969,264	7,189,619		9,016,197	6,885,798	303,821
Electric Dept.	7,969,264	5,723,877		9,016,197	6,003,950	(280,073)
Expenses	7,969,264	5,723,877	72%	9,016,197	6,003,950	(280,073)
Difference		1,465,742			881,848	583,894
Overtime 80+ hours		341,318			357,320	(16,002)

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Several recognitions were done by Mayor Hatley at this point in the meeting. The City's Electric Department was recognized for receiving the Area Wide Optimization Award, noting Lincolnton was one of three units in North Carolina to receive this award.

Chief Heavner came forward and recognized the Fire Department for the recent insurance rating from the NCDOL. Lincolnton Fire Department went from a class 4 rating to a class 2, which will assist city residents with lower in insurance premiums.

Chief Jordan came forward and recognized his department for a recent award they received as well.

PUBLIC COMMENT:

Stan Rash ask Council reminded Council of this special day, noting it was "D" Day. He said a prayer for all those that lost their lives for our freedom.

CLOSED SESSION:

Councilman Jetton made the motion unanimously approved to enter into Closed Session to discuss Personnel in accordance with NCGS 143.318.11(a)(1)(6) to discuss Personnel and property acquisition.

Councilman Eaddy made the motion unanimously approved to return to REGULAR SESSION.

Mayor Hatley announced, "The City Manager received a favorable evaluation. The City is in good standings and we appreciate his leadership." He received a 2.5% longevity increase along with a 2% COLA adjust.

NEWS MEDIA:

There were no questions from the News Media.

ADJOURNMENT:

Councilwoman White made the motion unanimously approved to adjourn the meeting.

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR