

REGULAR MEETING – JUNE 27, 2019

The Mayor and City Council met in regular session on Thursday, June 27, 2019 at 7:00 p.m. 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.

Mayor Hatley announced that he and the Lincolnton City Council are going to present Bo Schronce a plaque recognizing him throughout his travels with the Fantastic Shakers, as an ambassador of the City of Lincolnton. He encouraged those in attendance to come downtown for the presentation if they can.

Council members in attendance were:

WHITE WATSON EADDY JETTON

Councilman Eaddy made the motion unanimously approved the Regular Agenda.

REGULAR AGENDA:

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:

ZMA-04-2019

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director reviewed the request from Communities In Schools to rezone 1.58 acres of property from Neighborhood Business (N-B) district to the General Business (District). Laura said the property surrounds properties to the west which are zoned N-B, properties to the east are zoned R-10 and R-8. Properties across Reepsville Road are zoned General Manufacturing and Commercial.

Laura said, “The Land Use Plan shows the property in the Neighborhood Business Planning Area which is described as small business clusters that cater to the needs of a relatively small trading area”. She noted that the request is not strictly in compliance with the Land Use Plan’s Neighborhood Business

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designation. She said, “However, staff views the request as consistent with the spirit and intent of the Land Use Plan for the following reasons:

- (1) The site is located along a thoroughfare in an area that is predominantly developed with industrial and commercial uses.
- (2) Clarks Creek provides a natural transition between the predominantly industrial and commercial uses along this section of Reepsville Road and the predominantly residential area located to the east.
- (3) General Manufacturing and Commercial (GMC) zoning is located directly across Reepsville Road from the site.
- (4) Rezoning to the G-B district will better support the Land Use Plan’s goal of reuse of existing commercially zoned properties rather than the development of greenfields than the current zoning district.

Laura concluded recommending on behalf of Planning Board and Staff that Council amend the Land Use Plan to show the property as part of the General Business Planning Area.

Having no one wishing to speak to this public hearing, Councilman Watson made the motion unanimously approved to close the Public Hearing.

Councilman Eaddy made the motion unanimously approved the statement of Consistency and Reasonableness, noting the proposed amendment would be reasonable and in the public interest.

Councilman Eaddy made the motion unanimously approved to rezone the property as recommended.

Councilman Watson made the motion unanimously approved to amend the Land Use Plan as recommended.

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CONSIDERATION OF AMENDMENT TO THE CITY'S CODE OF ORDINANCES – CHAPTER 72: PARKING REGULATIONS – CONSIDER A FOUR WAY STOP AT THE INTERSECTION OF BONVIEW AVENUE AND ROBERTA AVENUE. ALSO CONSIDER A SPEED LIMIT REDUCTION FOR SAID AREA:

(O-07-19)

Mayor Hatley opened the Public Hearing. Rodney Jordan, Police Chief said based on a request received and a signed petition presented at last month's City Council meeting, he has done research on traffic on Bonview and Roberta Avenue. Chief Jordan said, "I've spoken with the Fire Chief about this and we don't think having stop signs there would negatively impact our response time, so we would recommend approving the stop signs and lowering the speed limit from Aspen to Grove Street the speed limit is 25 mph but on the west side of Grove Street is 35 mph, and we would recommend that the speed limit be lower from 35 mph to 25 mph speed limit in that area.

Councilwoman White made the motion unanimously approved to close the Public Hearing.

Councilman Eaddy made the motion unanimously approved to change the Code of Ordinances as recommended by Chief Jordan as stated above.

BUDGET AMENDMENT – 2018-19 YEAR END BUDGET ADJUSTMENTS TO DATE (SINCE JUNE 6TH REGULAR MEETING) AND AUTHORIZATION TO MAKE AMENDMENTS THAT MAY RESULT FROM AUDITOR'S ADJUSTING ENTRIES WITH A REPORT BEING MADE AT NEXT SCHEDULED COUNCIL MEETING:

(BA-04-2019)

Steve Zickefoose, City Manager ask that Council consider approving a budget amendment to amend departmental totals in the General Fund. He said, "We sometimes move monies within departments to have a balanced budget within the department.." Steve told Council the auditors, at the end of the fiscal year, found some monies that they felt needed to be taken from a different account so they made the reversing entry. While there was money available, it just wasn't in the right account.

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Steve requested permission to make adjustments within the budget if necessary, based on reversing entries from the auditors this past year. He said then he could make the adjustments before the auditors file the official audit. He said he would bring it to Council but depending upon the timing it might be after the auditors.

Councilman Jetton made the motion unanimously approved to adopt the budget amendment as presented.

Mayor Hatley asked Steve if action was necessary on giving him authority to adjust the budget within departments. Steve said he would report back to Council at the next meeting, if necessary. Councilman Jetton made the motion unanimously approved to allow Steve to adjust monies within departments, but bringing any adjustments to the next Council meeting in the month they are made.

CONSIDERATION OF RESOLUTION SUPPORTING INITIAL VERSION OF HB 966:

(R-18-19)

Laura Elam, Planning Director, asked Council to consider adopting the following draft resolution in support of HB 966:

RESOLUTION SUPPORTING THE INITIAL VERSIONS OF HB 966 PROVIDING STATE SUPPORT FOR FEDERALLY FUNDED INDEPENDENT BICYCLE AND PEDESTRIAN IMPROVEMENT PROJECTS

WHEREAS, North Carolina House Bill 966 was filed on April 25, 2019 and proposed to revise G.S. 136-189.11(d)(3) in order to authorize the North Carolina Department of Transportation to provide a state match for federally funded independent bicycle and pedestrian projects; and,

WHEREAS, later editions of the bill omit that provision so that the current prohibition on use of State funds for federally funded independent bicycle and pedestrian projects would remain; and,

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WHEREAS, a 2018 study sponsored by NCDOT found greenways provide a return on investment of \$1.72 annually for every \$1.00 of trail construction; and,

WHEREAS, the DOT study provides evidence of a one-time \$26.7 million capital investment in four studied greenways yielding \$19.4 million in estimated annual sales revenue at local businesses along the greenways, \$684,000 of estimated local and state sales tax from businesses along the greenways, \$25.7 million in estimated savings due to more physical activity, less pollution and congestion and fewer traffic injuries from use of the greenways and \$48.7 million in estimated business revenue; and

WHEREAS, active transportation promotes economic development, benefits our physical and mental health and fosters a clean, energy efficient environment; and,

WHEREAS, many small communities are not able to easily access federal funding for trails and sidewalks due to the local match requirements; and,

WHEREAS, the initial versions of House Bill 966 would help small communities build safe walking and biking trails and sidewalks by making federal funding easier to access; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincolnton, North Carolina that we urge the North Carolina General Assembly to adopt the initial versions of House Bill 966 authorizing NCDOT to provide a state match for federally funded independent bicycle and pedestrian projects.

Laura said, Currently, municipalities in North Carolina may pursue federal funding (such as CMAQ) for bicycle or pedestrian projects and the municipalities are required to provide a minimum 20% local match.

There is state legislation in the works which initially had authorized NCDOT to provide financial support to municipalities for bicycle and pedestrian projects as a proportional match to federal funds with eligibility for funds and the amount of funds based on population.

House Bill 966 was filed in late April and the early editions proposed to revise G.S. 136-189.11(d)(3) in order to authorize NC DOT to provide some level of

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state match for federally funded independent bike and pedestrian projects so that cities of 25,000 population or less would need to provide only a 5% local match and municipalities between 25,000 and 50,000 population would provide a 10% local match. Municipalities with over 50,000 population would still provide the 20% local match that is currently required for all jurisdictions no matter the population.

Under the earlier versions of the bill, if Lincolnton obtained federal funding for a major sidewalk or trail project estimated at \$1 million total cost, our local match would be \$50,000 instead of \$200,000.

The bill's initial language is as follows:

STI/AUTHORIZE DOT TO PROVIDE FINANCIAL SUPPORT FOR BICYCLE AND PEDESTRIAN IMPROVEMENTS

SECTION 40.10. G.S. 136-189.11(d)(3)c. reads as rewritten:

- "c. Bicycle and pedestrian limitation. – The Department ~~shall not~~ is authorized to provide financial support for independent bicycle and pedestrian improvement projects, except for projects as a proportional match to federal funds administered by the Department for that purpose. Eligibility is determined by the population listed in the most recent State Aid to Municipalities report or, if the municipality is not included in the report, by certified letter:
1. Municipalities with a population of 25,000 or less are eligible for a fifteen percent (15%) State match of total project cost. The required local match is five percent (5%).
 2. Municipalities with a population of more than 25,000 but less than or equal to 50,000 shall be eligible for a ten percent (10%) State match of total project cost. The required local match is ten percent (10%).
 3. Municipalities with a population of greater than 50,000 are ineligible for State matching funds.

This sub-subdivision shall not apply to funds allocated to a municipality pursuant to G.S. 136-41.1 that are committed by the municipality as matching funds for federal funds administered by the Department and used for bicycle and pedestrian improvement projects. This limitation shall not apply to funds authorized for projects in the State Transportation Improvement Program that are scheduled for construction as of October 1, 2013, in State fiscal year 2012-2013, 2013-2014, or 2014-2015."

Editions 5 and 6 (by the Senate) of the bill omit all of Section 40.10 meaning the current prohibition on use of state funds for independent bike and pedestrian projects would still stand for all jurisdictions. A conference committee has been appointed to work out the differences between the House and Senate.

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Laura concluded saying, “In the event City Council wishes to express their support for the initial version of this bill to the General Assembly, the attached Resolution of Support could be adopted.”

Councilman Eaddy made the motion unanimously approved to adopt the draft before Council, understanding that there may be changes to the final version which could affect the matching funds to receive this grant. If changes are made Planning Director Laura Elam will report back to City Council at a future meeting.

UPDATE ON POLICE BUILDING:

Jeff Elmore, Pinnacle Architecture, said Pinnacle Architecture is currently working with the contractor to negotiate some items in the contract that can be valued engineered or possibly removed if not necessary.

Jeff said he hopes to have something he can present to the City in the next week to ten days. The City Manager said in talking with Jeff Elmore, he feels we will be within target on what our original cost estimate was and they will continue to negotiate to get within the project budget.

Mayor Hatley and Councilman Eaddy expressed concerns about the thirty day window for finalizing/negotiating the contract. The City Attorney said if we get past the thirty days of awarding the contract, there could be an issue, possibly rebid.

After some discussion about the timeline, Councilman Eaddy was glad the scope of work was not changing.

Councilman Eaddy made the motion unanimously approved to authorize the City Manager to negotiate approval from the contractor that the process be extended for thirty days.

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UPDATE FROM LINCOLNTON STEERING COMMITTEE:

Fred Jarrett, Chair, read aloud the following report on behalf of the Steering Committee:

Talking Points:

1. Membership changes:
 - a. Lincoln County Historical Association – January Costa replaced Jason Harpe, and at June meeting January is going to be replaced temporarily by Tina Guffie.
 - b. Lincoln County Builders – Angela Lovelace being replaced by Jeff Campbell
 - c. Lincoln County Realtors - Jennifer Walker
2. Allied Support Organizations are working on their Central Business District Strategic Plan Objectives.

Examples:

- a. Develop/create consistent CBDSP presentation materials and make at least two community presentations each year – PowerPoint presentation developed and presented once.
- b. Identify and seek out quality for profit and not for profit artisans and **attract new artistic businesses** to downtown - 05.29.19 - Artist can rent space at Cultural Center for classes and programs, new artists are being added regularly.
- c. Develop a comprehensive long-term plan for **Pots on Parade** that uses appropriate materials to create pottery in the Catawba Valley tradition that is attractive, sustainable, and secure – DDA has done a lot of research and evaluation on how to sustain the POP. Currently preparing to replace the four damaged pots with a tier of smaller face pots.
- d. Create a minimum of two events per year to **showcase downtown living** - 05.27.19 Chris Ritchie, will be filming loft spaces on 6/19 for a video that will be used during Brunch and Learn event. We are gearing up for a Fall Brunch and Learn at Cultural Center. In process of establishing a committee of local business owners that have 2nd story options. Hoping to use their knowledge and skills to strengthen our goals. Jennifer Walker and Angela Lovelace will chair this new committee.
- e. Establish a **Visitors Center** with restroom facilities and present to Council for action – potential building has been identified with City Manager/County Manager having conversations.

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- f. Complete an up-to-date **downtown market analysis** to identify gaps and opportunities for new business recruitment – LEDA will be presenting findings to Steering Committee on Aug 12th.
3. Quilt Trail is thriving – Arts Council having Barn Quilt Classes this summer.
4. Courthouse – old courthouse repurposing discussions to be prepared to present recommendations to county on strategic uses.
5. “Signature Community Event” Rubric - The Steering Committee reviewed the Special Events Fees structure and application process. Laura Morris provided insight into the City’s event application review process and how City support and service requirements are determined. Laura also explained her thoughts on what constitutes a “Signature Community Event.” The Committee discussed the information provided and determined what they thought would serve as a rubric to help determine if a new event application constitutes a “Signature Community Event.” With the understanding that “Significant Community Events, are infrequent, the Steering Committee proposed a simple rubric for Council’s review:

“Signature Community Event” Rubric

- City continues current Special Event review process.
 - In City’s review if additional input is needed to determine whether the event should be classified as a Signature Community Event, the City will request the additional review be performed by evaluating the event against the following four criteria:
 - 1) cost of city services required and potential return on investment;
 - 2) value to Central Business District and merchants;
 - 3) value to residents and community, including allied support organizations; and
 - 4) contribution to quality of life, tourism efforts and regional reputation enhancement.
 - 6. Taking a summer break – no meetings in July or August.
- This concludes the 2nd quarter update for the major activities of the Steering Committee.

Mr. Jarrett offered to answer any questions from Council regarding the report. Mayor Hatley and Councilman Eaddy thanked Mr. Jarrett for his efforts in leading the Steering Committee.

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CITY COUNCIL TO SET FILING FEES FOR THE NOVEMBER 2020 ELECTION CYCLE:

Mayor Hatley told Council that the City Clerk had recently talked with Bradley Putnam at the Lincoln County Board of Elections and he requested that the City set the filing fees for the 2020 Municipal Election. He provided a link to the current LCBOE website that provides all the information for filing dates and dates for a primary election and general election. The City Clerk said the fees were last set in 2017 for both Mayoral and Council seats. The Council seat was set at \$ 36.00.

Councilman Eaddy made the motion unanimously approved to set the filing fee at \$ 36.00 for Council seats for the 2020 Municipal Election. Wards II and IV will be on the ballot this election, with Ward II being for a two year term and Ward IV for a four year term.

FINANCIAL/OVERTIME REPORT:

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

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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