

REGULAR MEETING - SEPTEMBER 5, 2019

The Mayor and City Council met in regular session on September 5, 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. The following Council members were in attendance:

WHITE WATSON EADDY JETTON

Councilwoman White made the motion unanimously approved the REGULAR AGENDA.

Councilman Jetton made the motion unanimously approved the CONSENT AGENDA as follows:

- Approved Minutes of the August 1, 2019 – Regular Meeting
- Approved the following Calls to Public Hearing for October 3rd meeting:
ZMA-7-2019 – Application from Helms Security, Inc. requesting the rezoning of approximately 0.294 acres of land from Single-Family Medium Density residential District R-10 to Central Business Transitional CBT. The subject property is located at 419 East Sycamore Street (PID 00536)
- Approved of Zoning Map Amendments

REGULAR AGENDA:

APPLICATION FROM JESSE CLAYE HELMS REQUESTING THE REZONING OF APPROXIMATELY 1.472 ACRES OF LAND FROM OFFICE INSTITUTIONAL O-I TO RURAL RESIDENTIAL (R-25). THE SUBJECT PROPERTY IS APPROXIMATELY 468 FEET NORTH OF THE INTERSECTION OF HIGHLAND DRIVE AND BUFFALO SHOALS ROAD (PID 71909):

ZMA-6-2019

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

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rezoning for a parcel totaling approximately 1.47 acres from the Office Institutional (O-I) district to the Rural Residential (R-25) District. She said the property was rezoned from R-25 to O-I in 2009 at the request of the property owner. Surrounding properties are zoned rural residential, residential office and office institutional. The property is currently vacant. Land uses in the area include single-family and multi-family homes. Atrium Health Lincoln Hospital is adjacent to the property to the east.

Laura further reviewed the Land Use Plan requirements and said the current zoning designates the property as Institutional /Office Planning area, therefore the proposed rezoning request is not entirely consistent with the Land Use Plan. She said, "However, staff views the request as consistent with the spirit and intent of the Land Use Plan's original designation of the area as a Residential Suburban area. She concluded recommending on behalf of Planning Board and Staff that Council take the following action; approve the statement of consistency and reasonableness for the application – Approve the rezoning of the property from O-I to R-25 and Amend the Land Use Plan to show the property in the Residential Suburban Planning Area.

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

Councilman Eaddy made the motion unanimously approved to adopt the certificate of consistency and reasonableness.

Councilman Jetton made the motion unanimously approved to rezone the property.

Councilwoman White made the motion unanimously approved to amend the Land Use Plan as recommended.

PRESENTATION OF PROCLAMATION RECOGNIZING CONSTITUTION WEEK – SEPTEMBER 17 THROUGH 23, 2019 TO MEMBERS OF DAUGHTERS OF THE AMERICAN REVOLUTION – LINCOLNTON CHAPTER:

Mayor Hatley read aloud the following proclamation recognizing Constitution Week:

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WHEREAS, September 17, 2019 marks the Two Hundred and thirty-first anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, the tradition of celebrating the Constitution was started many years ago by the Daughters of the American Revolution (DAR) to inform the people that the Constitution is the basis for America's great heritage and the foundation for our way of life; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation through patriotic celebrations across the United States that will commemorate the occasion; and

NOW, THEREFORE, I, Ed Hatley, Mayor of the City of Lincolnton, do hereby proclaim September 17 through 23, 2019 as **CONSTITUTION WEEK** in the City of Lincolnton, and ask our citizen's to reaffirm the ideas the Framers of the Constitution had in 1787.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Lincolnton in the state of North Carolina on this fifth day of September in the year of our Lord two thousand nineteen.

Ruby Parker and Annette Carpenter were to attend the meeting but had a last minutes conflict and could not attend. Mayor Hatley asked that the proclamation be mailed to Annette.

UPDATE FROM THE LINCOLNTON TOURISM DEVELOPMENT AUTHORITY:

Carol King, LTDA Chair, gave the following update:

The following information represents the activities and expenditures from the LTDA board during the 2018-19 year. Carol provided a handout of financial reports submitted by Mr. Zickefoose during the June 4th meeting.

- Additional minor landscaping was corrected at the two 321 gateway sign locations
- The Appalachian Mural Trail presence was renewed
- Solar lighting is being/has been installed to illuminate the 321 gateway signs
- Advertising funds were approved for Comic Con
- Wayfinding signs featuring downtown points of interest have been installed on the hwy 321 exit 24 ramps

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Carol said, "Some unfinished business items will be discussed at our upcoming board meeting to include Historical Association and Apple Festival requests, possible addition of a bike rack for FF Park, continuation of Our State Magazine advertising, and a presentation on digital marketing."

Carol listed the various LTDA PROJECTS as follows:

FIRST FEDERAL PARK
LINCOLN CULTURAL CENTER FRONT DIGITAL SIGN
HWY 321 GATEWAY SIGNS
KEEVER DRUG MURAL ON S ACADEMY ST (PARTIAL PAYMENT)
LTDA LOGO
LINCOLN QUILT TRAIL LOGO AND START UP FUNDING
BETTY ROSS PARK RIVER LAUNCH AND FISHING PIER
BATTLE OF RAMSOUR'S MILL MONUMENT AND BATTLEFIELD
SIGNAGE
CITY CHRISTMAS TREE (HALF PAYMENT)
CITY HOLIDAY BANNERS
THE LINC – MOBILE TOWN GUIDE
APPALACHIAN MURAL TRAIL PRESENCE
CITY WALKING TOUR BOOKLET
OUR STATE MAGAZINE ADVERTISING
QUILT TRAIL LOGO MURAL – TO BE INSTALLED ON MACK
HARVEY BUILDING, N ASPEN ST
ADDITIONAL MINOR LANDSCAPING AROUND GATEWAY SIGNS
RENEWED APPALACHIAN TRAIL PRESENCE
LIGHTING OF GATEWAY SIGNS
ADVERTISING FUNDS FOR COMIC CON
DOWNTOWN ORIENTED WAYFINDING SIGNS ON EXIT 24 RAMPS

Carol told Council that the LTDA has recently approved \$ 61,600.00, funding towards the River Launch. She offered to answer any questions Council may have regarding her review.

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UPDATE ON ONGOING PROJECTS: SIDEWALK PROJECT ALONG E PINE STREET, DOG PARK AND THE POLICE DEPARTMENT:

Steve Zickefoose, City Manager, asked Chief Jordan to provide an update on the Police Building Project. The Chief said demolition is done and the project is going very well.

He said, "They are in the process of placing temporary lighting up for the project; they have cut into the floors and the plumbing is in, and we are waiting on inspectors to get back on this." "They have been working almost every day and right now Jeff Elmore, Pinnacle Architecture is trying to get us to pick some colors, getting lockers ordered so we can get things in to move forward. We were told the framing could possibly start as early as this month."

Council questioned a projected completion date and Chief Jordan said he would get with the architect/contractor and try and get an answer on a date. Steve Zickefoose said the original completion date was said to be eight months.

Ritchie Haynes, Assistant City Manager, provided an update on the East Pine Street sidewalk project. He said, "Bids for this project will be open tomorrow and plans are to install sidewalk down one side of East Pine Street to Hollybrook; then the other side (southside) of the street to Martin Luther King Drive." He said there is already sidewalk down the public housing side of that street.

Steve added an update on the Public Restroom at 119 E Courtsquare. Ritchie and Steve met with the designer on are getting the pricing on the project. He said this would also be a two to three month project. He said, "Our intent is to add new restrooms in the front side of the building and create a barrier wall that will separate office space. The design is very simple and straight forward stuff, and we will bring that back to Council when we have a definite cost."

Ritchie also gave an update on the Dog Park. He said Leopard Land Design has sent out information about grading, fencing and paving, so we will be bringing this item back to Council as well. Councilman Eaddy asked for a completion date for the Dog Park. Ritchie said it is getting the contractors who have time to do it, but hopefully not a lengthy project.

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Councilman Jetton questioned the liability part of a dog park. Ritchie said signage would be needed to address park rules and regulations. He said, "Hopefully with the signage, you are taking the liability and putting in on the owner of the dog."

Ritchie also provided an update on the Betty Ross Park project. He said basically everything is complete. "The only thing we are waiting on now is the time for those fields to set in", he said. The fields will be dressed soon and the lights still need to be set. A grand opening is tentatively planned for September 28th for the fields, the River Launch and the fishing pier.

CONSIDERATION OF THE NOMINEES FROM THE FOUR AREA HIGH SCHOOLS AND THE LINCOLN CHARTER SCHOOL FOR THE LINCOLNTON STUDENT ADVISORY COUNCIL:

(APPT-03-19)

Donna Flowers, City Clerk, provided Council a list of nominees submitted from the principals of the high schools for potential appointment to the Lincoln Student Advisory Council. The names were as follows:

EAST LINCOLN

Olivia Stewart
Allie Middleswarth
Bailee Harding
Joseph Dos Santos
Trey Ross

WEST LINCOLN

Isabelle Shutt
Cade McConnell
Gwyneth Reep
Alexa Bieberich
Samuel Duncan
*Luke Stewart
*Ashlynn Eurey

CHARTER

Kevin Rojas
Darrian Bonilla

LINCOLNTON

Kyle Burgin
Cordin Shcrum
Leah Tweed
Bailey Reed
Allie Blackburn

NORTH LINCOLN

Sharidan Farris
Xander Popko
Lanie Jordan
John Vargas
Aubrey Spicola

*Indicates members nominated by City Council Members

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The City Clerk told Council the total number of appointees is 24, this is within the SAC by-laws which is a maximum of 25 students.

Councilman Watson made the motion unanimously approved to appoint the above named students as recommended.

CONSIDERATION OF PROPOSED TARGETED INCENTIVE GRANT PROGRAM - FULL SERVICE/FULL MENU RESTAURANT:

Laura Elam, Planning Director, provided the following report to Council regarding implementation of a targeted Incentive Program:

City staff is proposing an additional incentive program for downtown. This program would differ from our current incentive programs in that the funding would be in the form of a forgivable loan, rather than a grant, and it would be targeted to just one type of development: full service/ full menu restaurants.

SUMMARY OF PROGRAM

The program would:

- Assist with building renovations necessary for:
 - new full service/full menu restaurants
 - expansions of existing full service/full menu restaurants or
 - expansions of existing limited service / limited menu restaurants into full service/full menu restaurants
- Provide up to 50% of the total cost of eligible expenditures of approved projects up to \$200,000

ELIGIBLE RESTAURANTS

- New full service/full menu restaurants in downtown Lincolnton
- Existing restaurants in downtown Lincolnton that expand in one or both of the following ways:
 - Renovation of an existing restaurant's kitchen that is not a full commercial kitchen into a full commercial kitchen* in order to offer a full menu
 - Renovation or expansion of an existing full service/full menu restaurant's physical space in order to expand the restaurant's capacity

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Examples: expanding into a larger area or creating rooftop dining space for restaurant guests

- A full service /full menu restaurant would be defined as a restaurant that:
 - Includes a full commercial kitchen*,
 - Features a menu with a broad range of food and beverage options,
 - Includes at least 50 seats for guests to dine on the premises, and
 - Is open for business to the general public during regular hours at least 6 days and 40 hours per week.

*A full commercial kitchen would be defined as a kitchen with a commercial range and/or oven with an appropriate exhaust hood or other form of appropriate exhaust system and appropriately sized grease interceptor

PROGRAM TERMS

- Funding is limited to a maximum of \$200,000 per qualifying restaurant and requires a 1:1 match by the property owner.
- The application must be approved prior to opening or expansion of the restaurant.
- The proposed renovations must be performed by a licensed general contractor.

FUNDS

The funds would be:

- a forgivable loan
- entirely forgiven if a restaurant that meets the program requirements remains at the location for a minimum of five years

ELIGIBLE APPLICANTS

Eligible applicants would be limited to owners of properties that will be the location of a new or expanding full service/ full menu restaurant within downtown Lincolnton as defined on the attached map on page 5. *(On file in the Planning Department)*

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INELIGIBLE PROPERTIES/INELIGIBLE RESTAURANTS

- Tax delinquent property
- Property not in good standing with City of Lincoln Utility Billing
- Property with outstanding liens
- National restaurant franchises
- Restaurant chains

ELIGIBLE EXPENDITURES

- Architectural fees associated with design of building renovation or expansion for a restaurant that meets program guidelines
- Other professional services necessary for design plan for renovation or expansion for a restaurant that meets program guidelines including, but not limited to, a general contractor and/or a structural engineer
- Physical improvements necessary to create new or expanding restaurant that meets program requirements including but not limited to:
 - a full commercial kitchen,
 - appropriate exhaust system,
 - grease interceptor,
 - sprinkler system,
 - HVAC upgrades,
 - electrical system upgrades, and
 - ADA compliant separate male/ female restrooms.

INELIGIBLE EXPENDITURES

1. Exterior renovations
2. General maintenance
3. Signage
4. Roof or chimney repairs
5. Replacement of carpet
6. Refinishing of floors, walls or ceilings
7. Painting or re-painting
8. Replacement of windows or doors
9. Inventory
10. Removable furnishings
11. Non-fixed items
12. Interior decor items such as, but not limited to, replacement of light fixtures, wallpaper, and paint

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CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS

- Renovation/rehabilitation /expansion project in compliance with program requirements
- Credit score of 740 or above
- No outstanding liens

COLLATERAL AND SECURITY

- Deed of trust
- City of Lincolnton added as additional beneficiary or lien holder on insurance policies

DISBURSEMENT OF FUNDS BY CITY

- Property owner pays invoices as project is underway and may request reimbursement by the City for up to 50% of eligible expenditures up to \$200,000
- Owner has option to either (1) submit all invoices for reimbursement after the project is 100% complete or (2) submit invoices as the project is underway for partial reimbursement upon 25%, 50% , 75% and 100 % project completion
- City staff committee reviews invoices for compliance with program requirements and inspects building renovations prior to approval of reimbursement request
- If a restaurant that meets the program requirements remains at the location for a minimum of five years, the loan is forgiven
- After five year period, owner submits written notice to City that five year period has expired
- City cancels deed of trust

REPAYMENT OF FUNDS TO CITY

- If the restaurant space partially funded through this program is converted to a non-restaurant use or if a full service/full menu restaurant partially funded through this program is converted to a restaurant that does not qualify as a full service/full menu restaurant under this program and such conversion occurs during the five year period of time immediately following the opening of the qualifying restaurant, then repayment of the funds is required.

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- Repayment of the funds is on a pro rata basis for each year and/or month in which the program requirements are not met.
- Repayment of the pro-rated share of the funds is to be made to the City within 120 days of the conversion of the former restaurant space.
- Repayment over 120 days past due will constitute default. In the event of default, the city may take action to foreclose on the property.

Laura concluded asking that Council provide direction on proceeding with the Targeted Incentive Grant Program and their consideration of adopting the proposed terms of the Targeted Incentive Program.

This item generated much discussion. Councilman Eaddy said, "Since this loan only goes to property owners, I would like for us to have the capacity to make an exception for the prohibition of chain restaurants. For example, a Morton's Steakhouse. This would allow staff to come back and say we have someone that has what we are really looking for and it happens to be a chain."

Dr. Eaddy also said since we are targeting an upscale full-menu restaurant, we should allow staff the opportunity to incorporate a menu as one of the qualifying criteria. He said, "We certainly wouldn't make a decision based solely on the menu but if we want an upscale restaurant the menu has to be a part of it."

Dr. Watson questioned under the criteria for review and approval, if the wording applies to the building owner not necessarily the operator? Laura said, "The reason for that was because the security for this loan is going to be against the property, that is how that evolved. The applicant would be the owner because the security is the property. Dr. Watson suggested, and asked for advice from Counsel, to add language that the applicant has no bankruptcies within a certain period of time. Laura said there is a requirement for a certain credit score.

Dr. Eaddy said, "I'm excited. One of our jobs as elected officials is to drive the future of the community and this is one way to do; to invest in the success of our community to stay viable. We have a five year pay back scenario and it will increase the visibility of the City."

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The City Manager said, "I think it is important to know that the City does have a payback in this, because of the property tax increase, the sales tax increase and the additional revenue from the use of utilities."

Mayor Hatley said, "Anytime you become a destination spot, everyone benefits from it."

After further discussion, Councilman Jetton made the motion unanimously approved to approve implementing a Targeted Incentive Grant Program as submitted with the revisions discussed by Council.

CONSIDERATION OF DRAFT REQUEST FOR PROPOSAL (RFQ) PROCESS FOR DEVELOPMENT OF CITY-OWNED PROPERTY LOCATED AT 110 AND 116 EAST WATER STREET:

Laura Elam, Planning Director, read through the following report to Council:

The RFP:

- seeks proposals from development teams for design, construction, management and operation of a high quality, full service/full menu restaurant,
- notes that the City's goal is to
 - select a development team that has demonstrated success in creating a high-quality, affordable, full service/full menu casual dining restaurant and then to
 - negotiate with the selected candidate a contract to include a development agreement, a lease or purchase agreement and a performance bond.

REDEVELOPMENT GOALS

The RFP includes the following goals for the redevelopment:

- establishment of a new, high quality, full service/full menu restaurant that:
 - includes a full commercial kitchen including a commercial range and/or oven with an appropriate exhaust hood or other form of appropriate exhaust system and appropriately sized grease interceptor,

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- features a broad menu ,
- includes at least 100 seats, and
- is open for business at least 6 days and 40 hours per week.
- preservation of the existing building,
- enhancement of downtown,
- improvement of quality of life in City,
- creation of positive economic benefits that are matched or exceeded by public expenditures and
- assurance of developer performance.
-

SELECTION CRITERIA

The selection criteria include consistency with the RFP redevelopment goals, experience and background of the development team, extent of public participation requested, proposed purchase price or lease terms and estimated time frame for development and construction.

The selection criteria is weighted as follows:

- Redevelopment Goals (50 points)
 - *Characteristics of the proposed project*
 - *Consistency with RFP redevelopment goals*
 - *Quality of the proposed restaurant, menu, etc*
- Experience and background of Development Team (30 points)
 - *Teams experience and success with similar projects*
 - *Experience of project manager and restaurant operator*
 - *Experience of design consultants*
 - *Team's financial capacity*
 - *Financial viability of proposal*

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- Other development issues
(20 points)
 - *Extent of public participation requested*
 - *Proposed purchase price or lease terms*
 - *Timeframe*

TOTAL POINTS

(100 Points)

POTENTIAL SCHEDULE

In the event City Council chooses to proceed with the RFP process at the September 5 meeting, the below are two potential options for the schedule:

OPTION A

1. Council approval of RFP/Direction to Proceed:
Sept 5
2. Advertisement of RFP:
 - City website: Sept 6
- 30
 - Direct mailing: Sept 6
 - Lincoln Times News: Sept 9
or 11
 - Lincoln Herald:
Sept 9 or 11
3. Deadline for Responses to RFP:
Sept 30
4. Committee Meeting to Determine Consistency with RFP Goals:
Oct 1 or 2
5. Presentations by Respondents to City Council:
Oct 3

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6. Designation of Development Team by City Council: *(not later than)*
Oct 7

OPTION B

7. Council approval of RFP/Direction to Proceed:
Sept 5
8. Advertisement of RFP:
- City website: Sept 6
– Nov 4
 - Direct mailing: Sept 6
 - Lincoln Times News: Sept 9
or 11
 - Lincoln Herald:
Sept 9 or 11
9. Deadline for Responses to RFP:
Nov 4
10. Committee Meeting to Determine Consistency with RFP Goals:
Nov 5 or 6
11. Presentations by Respondents to City Council:
Nov 7
12. Designation of Development Team by City Council: *(not later than)*
Nov 12

Laura concluded asking for Council to provide direction on the following:
Whether to proceed with the RFP process; Whether Council would like to
revise the RFP, and the preferred schedule (Option A , Option B or another
option) .

This item generated much discussion as well. In conclusion Councilman Eaddy
made the motion unanimously approved the concept as presented.

Councilman Eaddy made the motion unanimously approved the timeline –
Option B, with RFP submittals back by the November 7th City Council
meeting.

Mayor Hatley said publicly he would invite anyone interested to submit an
application. City Council unanimously requested that staff do an analysis and

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Councilman Watson asked that financials, credit report or letter from the bank be added to the RFP and required from the applicant.

Councilman Eaddy made the motion unanimously approved the Request For Proposals, adding Councilman Watson's request for financials

MONTHLY FINANCIAL REPORT/OVERTIME REPORT:

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

September 2019 Council Meeting Executive Summary July 2019 Year-To-Date

			% of			
General Fund	Budget 19-20	Actual 19-20	Budget	Budget 18-19	Actual 18-19	Difference
Fund 10 Revenues	11,818,700	84,970	1%	11,271,936	33,485	51,485
Fund Balance	-	-	-	964,361	-	-
	11,818,700	84,970		12,236,297	33,485	51,485
City Manager/Clerk	277,495	28,760		320,960	28,574	186
Human Resources	243,020	26,896		239,060	21,199	5,697
Finance	149,630	47,130		242,790	42,700	4,430
General Expense	1,108,160	220,206		1,001,620	197,775	22,431
General Debt Service	424,632	21,692		513,524	21,692	-
Police	3,218,020	288,169		3,115,970	270,364	17,805
Fire	2,255,800	185,823		2,041,650	191,231	(5,409)
Public Works	44,010	15,568		79,616	11,050	4,518
Street	1,164,325	66,108		1,257,668	73,857	(7,749)
Equipment Services	115,970	13,858		133,270	13,004	854
Solid Waste	823,855	52,692		854,228	47,522	5,170
General Services	-	-		-	-	-
Plannin/Zoning	575,420	22,507		379,060	19,611	2,895
Bus & Comm. Dev	133,200	1,718		135,000	2,106	(388)
Recreation	1,285,163	93,812		957,520	84,979	8,832
Expenses	11,818,700	1,084,936	9%	11,271,936	1,025,664	59,272
Difference		(999,966)			(992,180)	(7,786)

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		Budget 19-20	Actual 19-20	% of Budget	Budget 18-19	Actual 18-19	Difference
Water & Sewer Fund							
Fund 61	Revenues	8,616,949	715,598	8%	8,378,540	681,446	34,152
	Fund Balance	-	-		526,653		
		8,616,949	715,598		8,905,193	681,446	34,152
	Water Treatment	1,506,850	182,359		1,508,450	186,521	(4,162)
	Dist & Collection	1,847,150	148,525		1,748,000	92,792	55,733
	Wastewater	1,567,500	74,699		1,544,600	75,976	(1,276)
	W & S Intangibles	3,695,449	110,176		3,577,490	98,498	11,678
	Expenses	8,616,949	515,759	6%	8,378,540	453,786	61,973
	Difference		199,839			227,660	(27,821)
Electric Fund							
Fund 63	Revenues	8,056,350	640,036	8%	7,669,264	648,321	(8,285)
	Fund Balance	-	-		1,224,483	-	-
		8,056,350	640,036		8,893,747	648,321	(8,285)
	Electric Dept.	8,056,350	99,282		7,669,264	89,144	10,139
	Expenses	8,056,350	99,282	1%	7,669,264	89,144	10,139
	Difference		540,754			559,177	(18,424)
Overtime 80+ hours			43,142			43,637	(495)

PUBLIC COMMENT:

Worth Roberts spoke to Council regarding the need for a four-way stop at Oak and Laurel Street. He presented a petition from neighbors (21 signatures) in support of a four-way stop. Mr. Roberts said, "I know we are improving efforts in downtown but it is crazy."

Councilman Eaddy asked about the possibility of speed bumps. Steve said it is not a preferred option. Rumble strips would be considered.

NEWS MEDIA:

There were no questions from the News Media.

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ADJOURNMENT:

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

**DONNA C. FLOWERS, MMC
CITY CLERK**

**ED HATLEY
MAYOR**