

REGULAR MEETING - October 3, 2019

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

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

**WHITE   WATSON   EADDY   JETTON**

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

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

Approved the following CALLS TO PUBLIC HEARING for the November 7<sup>th</sup> City Council Meeting:

- CUP-2-2019 – Application from Boger City VFD requesting an amendment to CUP-6-2001 (constructing a new fire department in the R-25 District) to allow for construction of a fire training center on the 3.975 acre volunteer fire department site located at 410 McAlister Road (PID 50587)
- CUzp-3-2019 – Application from Shu Zheng Zhao requesting a conditional use permit to allow for an amusement, arcade or game room business. The business will be located in the Lincoln Station Shopping Center at 906-920 East Main Street (PID 87719).
- CUZMA-1-2019 – Application from Rebecca Chambers requesting a conditional use rezoning from Medium Density Residential (R-10) to Neighborhood Business Conditional Use (NB-CU) for the purposed of a beauty salon. The business will be located at 603 North Flint Street (PID 18016)
- ZTA-3-2019 – Application from the Lincolnton Planning Department requesting the creation of a new chapter (Chapter 98) to the City Ordinances. Focus will be on the creation of an Abandon and Junked Vehicle Ordinance.
- ZTA-4-2019 – Application from the Lincolnton Planning Department requesting an amendment to section 153.057 (D) related to aggregate area of accessory structures permitted on parcel.

Call to Public Hearing for November 7<sup>th</sup> meeting (CONTINUED):

- R-20-19 – Surplus handgun and badges for LPD Officer Rick Hensley Handgun is Model 19, Gen 4 – Serial# YCZ897.

- R-21-19 – Surplus handgun and badge for LPD Lieutenant Tony Hallman – Handgun is Model 19, Gen 4 – Serial# YCZ903

**REGULAR AGENDA:**

**PRESENTATION OF FRAMED ADVANCED LAW ENFORCEMENT CERTIFICATE OBTAINED THROUGH THE NC TRAINING AND STANDARDS COMMISSION TO DETECTIVE JENNIFER GREENE**

Mayor Hatley recognized Police Chief Rodney Jordan who, in turn, presented Detective Jennifer Greene with her framed Advanced Law Enforcement Certificate. Chief Jordan began by thanking Council for putting incentives in place that encourage advancement and for their commitment to the officers. Chief Jordan explained that the Advanced Law Enforcement Certificate is the highest certification that the North Carolina Training and Standards Commission will issue to law enforcement officers, stressing that Detective Green has logged hundreds of hours of training and worked several years to earn this certification

**UPDATE ON THE 2019 LINCOLN COUNTY APPLE FESTIVAL**

Carole Howell, Apple Festival Coordinator, came before City Council members to give an update and to distribute t-shirts. Ms. Howell began by thanking the Mayor and Council, as well as city staff for the many services provided to make this event a success. She informed that although this will be the forty-seventh annual Apple Festival, this is the first year of the festival being held in October. Ms. Howell informed Council of several changes involving new exhibits and new parking options. Shuttle services will be available to and from First Federal Park for \$2.00 round-trip with all proceeds going to non-profit organizations (West Lincoln Marching Band and Boy Scout Troop 75). The artificial cow will be back again this year. Additionally, there will be a virtual reality dairy farm, children will be able to use local cream to make butter as well as enjoy a corn bin to play in.

Ms. Howell concluded by once again thanking Council for their support and inviting them to attend.

**CONSIDERATION OF PROPOSED REVISIONS – TITLE XIII: GENERAL OFFENSES – CHAPTER 130.05 – SPECIAL EVENTS AND FESTIVALS – AMEND (B)(3) AS FOLLOWS: ANY CONDUCT DEEMED TO BE DANGEROUS TO PARTICIPANTS OR ATTENDEES OF THE SPECIAL EVENT. ABUSIVE OR THREATENING LANGUAGE THAT ABUSES OR THREATENS ANOTHER PERSON IN A MANNER LIKELY TO CAUSE A FIGHT OR BRAWL AT A SPECIAL EVENT OR FESTIVAL IS PROHIBITED. NOISE ORDINANCE 93.016(1) ALSO APPLIES**

**(O-07-19)**

Mayor Hatley opened the Public Hearing. City Manager Steve Zickefoose gave an overview of what took place at the injunction hearing in August. Mr. Zickefoose informed City Council that based on the Judges findings, the City's attorney from the League of Municipalities has suggested that the word "disruptive" be removed from the Special Events and Festivals ordinance. No other changes occurred.

Mr. Alan Hoyle, 319 N. Poplar Street, spoke in regarding the issue at hand. He reminded City Council members of their duty to uphold the amendments of the Constitution. He thanked them for their time and service to the City.

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

Councilman Eaddy made a motion unanimously approved the recommended changes to Title XIII: General Offenses – Chapter 130.05 Special Events and Festivals

**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 (PID00536).**

**ZMA-7-2019**

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, explained the applicants request to rezone a parcel approximately 0.29 located at 419 East Sycamore Street, east from the Single-Family Medium Density Residential district to the Central Business Transitional district.

Mrs. Elam briefly explained the current zoning status of the property as being legally non-conforming. These same zoning regulations apply similar rules to legal non-conforming signage. Signage that pre-dates zoning can continue but not expand. Request is being made due to the property owners desire to have additional signage. The rezoning will allow wall signage of up to 100 square feet per building wall. In summary, Mrs. Elam stated that Planning Board felt comfortable with recommending approval of the request to go to Central Business Transitional (CBT). Applicant was present

In response to questions from Council, Mrs. Elam explained the Residential-Office (R-O) option, however she then clarified why she and other staff felt more comfortable with recommending the Central Business Transitional (CBT) district option. She also stressed this rezoning will only apply to this particular parcel.

Councilman Jetton made a motion unanimously approved to close the public hearing

Councilman Eaddy made a motion unanimously approved to adopt the proposed statement of consistency and reasonableness for approval of the application.

Councilman Eaddy made a motion unanimously approved to approve the rezoning request

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

Upon requesting permission, Laura Elam informed City Council of Brett Hicks, Zoning Administrator, decision to accept another position. Laura expressed her support for his decision and thanked him for his service.

**APPLICATION FROM MARCO AND KIMBERLY GONZALEZ FOR BUSINESS INCENTIVE GRANT FOR BUILDING RENOVATIONS TO EXPAND THEIR RETAIL SPACE TO THE SECOND FLOOR AT 120 EAST MAIN STREET**

**BIG-02-19**

Mayor Hatley opened the Public Hearing. Jean Derby, Planning Assistant, presented this application for a Business Incentive Grant for building renovation to expand retail space to the second floor at Just Around the Corner, 120 East Main Street. Mrs. Derby explained that retail is currently on the first floor, however due to high demand for more vendor space, applicant wishes to expand to the second floor.

Each item to be included in the renovation was reviewed. Total estimated project cost is \$46,680.45. Applicant would like to start project as soon as possible with and anticipated completion date of October/November 2019.

Applicant is requesting \$15,000.00 grant.

Councilwomen White made a motion unanimously approved to close the public hearing

Councilman Watson made a motion unanimously approved to approve the request.

**RETIREMENT RESOLUTION FOR LINCOLNTON POLICE OFFICER RICK HENSLEY – NOVEMBER 1<sup>ST</sup> 2019**

**(R-22-19)**

Upon asking Rick Hensley to come forward, Mayor Hatley read aloud and presented Mr. Hensley a Resolution of Appreciation for his service to the City of Lincolnton:

**WHEREAS**, the City of Lincolnton does desire to recognize and honor employees of the City for dedicated and distinguished contributions to our City and its citizens; and

**WHEREAS**, Rick Hensley has served the City and its citizens as a Master Police Officer-School Resource Officer since 2014; and

**WHEREAS**, Rick Hensley received his advanced Certification in 2016, through the Training and Standards Division of the North Carolina Department of Justice. Rick received a letter of commendation for the handling of a situation with an aggressive dog incident in 2017; and

**WHEREAS**, Rick Hensley has performed his duties as a law enforcement officer well, preventing crimes, responding to emergencies and providing support services to fellow law enforcement. He served as Field Training Officer for the Lincolnton Police Department whereby he was responsible for familiarizing and guiding new officers with duties of a Lincolnton Police Officer;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and City Council of the City of Lincolnton that appreciation be shown to Rick Hensley, honoring him on his November 1<sup>st</sup>, 2019 retirement and that we extend congratulations and best wishes to him for continued success in all his future endeavors.

Mr. Hensley expressed his appreciation to the City and the citizens for allowing him to serve.

**CONSIDERATION OF RESOLUTION TO MATCH POTENTIAL GRANT FUNDS FOR GAS PORTABLE AIR MONITORS – NC LEAGUE OF MUNICIPALITIES GRANT (CITY MATCHING FUNDS = \$4,776 IF GRANT IS RECEIVED)**

**(R-23-19)**

Fire Chief Ryan Heavner came before Council to request permission to submit an application for grant funds through the NC League of Municipalities to purchase Gas Portable Air Monitors. Chief Heavner explained that because it is a 50/50 matching grant, a \$4,776.00 match from the City would be required if awarded.

Steve Zickefoose, City Manager, informed Council that funds are included in the budget to cover the cost of the match.

Councilman Jetton made the motion unanimously approved to approve Resolution to match potential grant funds for Gas Portable Air Monitors

**CONSIDERATION OF RESOLUTION TO MATCH POTENTIAL GRANT FUNDS FOR MOTOROLA RADIOS – NC FORESTRY GRANT (CITY MATCHING FUNDS \$4,949.75 IF GRANT IS RECEIVED)**

**(R-24-19)**

Fire Chief Ryan Heavner addressed Council regarding potential grant funds for Motorola Radios. Chief Heavner explained that due to the upgrading of the Communication Center and the addition of staff, the department is in need of additional radios. The grant will cover the cost of four radios. Chief is requesting permission to move forward in the application process.

Chief Heavner stated this is a 50/50 grant through the NC Forestry. If received, matching funds from the City would be \$4,949.75.

Councilman Eaddy made the motion unanimously approved to approve Resolution to match potential grant funds for Motorola Radios

**(C-18-19)**

**CONSIDERATION OF AWARDING CONTRACT FOR LINCOLNTON DOG PARK SITE GRADING – DEAL CONSTRUCTION FOR \$47,100.00**  
**FENCING – FISTER FENCE COMPANY - \$24,160.00**  
**ASPHALT – J.T. RUSSELL & SONS, INC. - \$30,810.75**

Nathan Eurey, Recreation Director, spoke to City Council regarding the bids received for the Lincolnton Dog Park. He briefly explained the process used and announced the winning bidder for each area.

Mr. Eurey recommended Council award contracts to the aforementioned companies for the three focus area for the project.

City Manager Steve Zickefoose noted that the asphalt paving will be scheduled in conjunction with some of the City street paving which should help save some dollars on that cost. Mr. Zickefoose stated that he feels the numbers presented are very much in-line with the numbers projected in the budget. Nathan Eurey gave an estimated time-line of eight months or less for the project to be completed.

**Councilwoman White made the motion unanimously approved to approve recommendation to award contracts**

Nathan Eurey also reminded members of City Council about the Open House/Dedication of the new river launch, fishing pier, nature trail, flag football fields, outdoor pickleball court and renovated ball fields. The Celebration will take place on Saturday, October 12, 2019 from 10:00 am to 11:00 am at Betty G. Ross Park.

**CONSIDERATION OF PROPOSED BUDGET AMENDMENT TO REFLECT ELECTRICITIES REFUND TO CAPITAL RESERVES**

**(BA-06-19)**

City Manager Steve Zickefoose spoke to this item, requesting a budget amendment to the deposit the funds received from Electricities into the budget. The City received capital project reimbursement funds of \$480,752,000 from Electricities which is the balance after part of the money was used to forgive a current bill. Mr. Zickefoose stated that funds will be sent aside for capital programs to be used to recruit.

**Councilman Weston made the motion unanimously approved to approve the request for a Budget Amendment**

**CONSIDERATION OF AMENDMENT TO THE LINCOLNTON POLICE DEPARTMENT – STANDARD OPERATING PROCEDURES – RESCINDING PREVIOUS POLICY CONCERNING PART-TIME POLICE OFFICERS**

**(P-02-19)**

Police Chief Rodney Jordan spoke to Council asking they consider amending the Reserve/Part-time police officer policy. Under the current program, Volunteer Reserve/Part-time officers are unpaid. Chief Jordan explained difficulty in recruiting officers, especially without compensation but amending this policy will make recruiting officers for this program easier. He also explained that when reviewing the City's current policy, the League of Municipalities felt that officers should be compensated. City Manager Steve Zickefoose stated that funds are available due to vacant positions within the department. Some discussion was generated regarding the need for part-time officers and the how they can benefit the City moving forward.

Chief Jordan recommended that the current policy be revised/updated to allow for a part-time Police Officer program

**Councilman Watson made the motion unanimously approved amend the Lincolnnton Police Department Standard Operating Procedures manual**

**OTHER BUSINESS**

**DISCUSSION OF ONE STOP VOTING FOR MUNICIPAL ELECTIONS**

Mayor Hatley opened for discussion the issue of One-Stop voting. Mayor Hatley announced that the Board of Elections is now located at 451 Salem Church Road and this has been designed the One-Stop voting site for the City. There was much discussion regarding this item. Mayor and Councilmembers are concerned that the new location will be more of an inconvenience for the city residents that live and/or working in the downtown area. Councilman Watson stated he felt this is an example of unintended consequences but does break the long standing tradition that city residents that have been able to vote in close proximity to the downtown residential core. Discussion was generated among Council member with Mayor Hatley suggested offering the use of Council Chambers. City Manager Steve Zickefoose stated he see no inconvenience to the City as the room is currently only used two days a month. Councilman Eaddy expressed his concern as well as he felt that having the One-Stop location this far away from the city core would be counter-productive. Council discussed whether this will be in addition to the current site already designated or if this will be the one centrally located site for city residents to use with the City providing the facility. It was also clarified this will only be for the One-Stop voting.

Councilman Eaddy made the motion unanimously approved to request that the Board of Elections establish a centrally located One-Stop Voting site in the middle of the city limits; and with this request, offer the City Hall Council Chambers as a potential site.

As a follow-up to motion being unanimously approved, Mayor Hatley directed staff to send request letter to Bradley Putnam with the Board of Elections as well as the Board of Elections chairperson.

**DISCUSSION OF REQUEST FROM THE LINCOLNTON TOURISM DEVELOPMENT AUTHORITY REGARDING MEMBERSHIP**

City Manager Steve Zickefoose, along with Chair Carol King, submitted a request from the Lincolnton Tourism Development Authority to amend the language in the By-Laws and Resolution the composition of the membership. Mr. Zickefoose explained the reason for this request being the inability to meet due to lack of a quorum.

Chairperson Carol King further explained the difficulty stemming from the manager's duties and time constraints. Although the original request submitted asked Council to consider amending the resolution to be comprised of three hotel representatives to be chosen by each general manager, Mrs. King, does not feel that this will solve the problem.

After further consideration, Mrs. King asked Council to amend the By-Laws and Resolution adjusting the membership to be 5 members composed of three (3) city residents and two (2) members from the hotel/motel industry. This change, Mrs. King feels, will be the best solution and will satisfy all of the number requirements. There was discussion among Council regarding the request as well as emphasizing many of the project the Authority is responsible for within the City.

**Councilman White made the motion unanimously approved to approve request to amend LTDA By-Laws/Resolution changing the number of the membership**

### **DISCUSSION ABOUT THE HOMELESS**

Mayor Hatley called Mr. John Hall with Hesed House of Hope forward to discuss the current homeless situation in the city. Mr. Hall began by thanking Council for the opportunity to speak, then giving a brief summary of the history of Hesed House and some of the things, since it's inception, that have been put into place to address homelessness in Lincoln. He spoke to the structure within the organization and the accountability required from those seeking assistance. He assured Council of Hesed's desire to give back and be a part and a willing partner to help solve the homeless issue in Lincoln.

Mr. Hall's reason for coming before City Council was to discuss his concern with the tent communities and their proximity to some of the downtown businesses and residences. Mr. Hall explained that Hesed can take the burden of and can work with those that are within the shelter but they have no control of those individuals living in the tent communities. He described his efforts to reach out to these individuals but for various reasons, they have failed.

Mr. Hall informed that in recent months he has counted anywhere from twenty to thirty tent from Walgreens to the Court Square. Mr. Hall came to request that Council put something enforceable in place that can be used to deter these tent communities from forming.

Mayor Hatley explained that without an Ordinance in place, the authorities have no jurisdiction/authority. There was much discussion among Councilmembers with City Attorney T.J. Wilson confirming an Ordinance would give the authority needed to have some control over the situation. Mr.

Alex Patton the chairman of the Hesed House board was in attendance and he talk about the commitment of the board that Hesed House be a shelter that provides and individual the tools and resources needed to individuals who have a desire to change their life. He also spoke to some of the other factors that the homeless face and how Hesed is working to address this issue.

City Manager Steve Zickefoose asked Fire Chief Ryan Heavner and Police Chief Rodney Jordan to speak to some of the safety concerns of the employees when dealing with the tent communities. Both Chief Jordan and Chief Heavner cautioned Council and asked that they be allowed some time to research and come up with some potential solutions that they can present to Council, which will allow Council to make educated choices regarding this issue. Mayor Hatley suggested that staff work together to come up with a potential ordinance.

**Councilman Jetton made a motion directing the City Manager Steve Zickefoose, Police Chief Rodney Jordan and Fire Chief Ryan Heavner to draft an appropriate Ordinance addressing tent communities in the City of Lincolnnton that will be presented to Council for consideration in a timely manner**

**MONTHLY FINANCIAL/OVERTIME REPORT**

Steve Zickefoose, City Manager gave the following report:

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## October 2019 Council Meeting Executive Summary August 2019 Year-To-Date

| General Fund         | Budget 19-20 | Actual 19-20 | % of<br>Budget | Budget 18-19 | Actual 18-19 | Difference |
|----------------------|--------------|--------------|----------------|--------------|--------------|------------|
| Fund 10 Revenues     | 11,818,700   | 1,070,349    | 9%             | 11,271,936   | 946,918      | 123,431    |
| Fund Balance         | -            | -            | -              | 964,361      | -            | -          |
|                      | 11,818,700   | 1,070,349    |                | 12,236,297   | 946,918      | 123,431    |
| City Manager/Clerk   | 277,495      | 58,405       |                | 320,960      | 58,733       | (329)      |
| Human Resources      | 243,020      | 48,583       |                | 239,060      | 40,258       | 8,324      |
| Finance              | 149,630      | 93,142       |                | 242,790      | 155,542      | (62,400)   |
| General Expense      | 1,108,160    | 330,160      |                | 1,001,620    | 253,007      | 77,153     |
| General Debt Service | 424,632      | 22,935       |                | 513,524      | 22,935       | -          |
| Police               | 3,218,020    | 516,750      |                | 3,115,970    | 493,747      | 23,003     |
| Fire                 | 2,255,800    | 358,973      |                | 2,041,650    | 353,558      | 5,415      |
| Public Works         | 44,010       | 29,183       |                | 79,616       | 15,768       | 13,415     |
| Street               | 1,164,325    | 122,399      |                | 1,257,668    | 140,703      | (18,304)   |
| Equipment Services   | 115,970      | 26,499       |                | 133,270      | 24,726       | 1,773      |
| Solid Waste          | 823,855      | 97,320       |                | 854,228      | 84,367       | 12,954     |
| General Services     | -            | -            |                | -            | -            | -          |
| Planning/Zoning      | 575,420      | 55,964       |                | 379,060      | 44,190       | 11,774     |
| Bus & Comm. Dev      | 133,200      | 5,900        |                | 135,000      | 17,190       | (11,290)   |
| Recreation           | 1,285,163    | 175,065      |                | 957,520      | 155,072      | 9,993      |
| Expenses             | 11,818,700   | 1,941,276    | 16%            | 11,271,936   | 1,869,795    | 71,481     |
| Difference           |              | (870,927)    |                |              | (922,878)    | 51,950     |

Executive Summary August 19 for 19-20 by Dept (2).xlsx

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|                               | Budget 19-20 | Actual 19-20 | % of Budget | Budget 18-19 | Actual 18-19 | Difference |
|-------------------------------|--------------|--------------|-------------|--------------|--------------|------------|
| <b>Water &amp; Sewer Fund</b> |              |              |             |              |              |            |
| Fund 61 Revenues              | 8,616,949    | 1,370,342    | 16%         | 8,378,540    | 1,381,290    | (10,948)   |
| Fund Balance                  | -            | -            |             | 526,653      |              |            |
|                               | 8,616,949    | 1,370,342    |             | 8,905,193    | 1,381,290    | (10,948)   |
| Water Treatment               | 1,506,850    | 278,734      |             | 1,508,450    | 249,778      | 28,957     |
| Dist & Collection             | 1,847,150    | 252,974      |             | 1,748,000    | 238,643      | 14,331     |
| Wastewater                    | 1,567,500    | 175,610      |             | 1,544,600    | 155,004      | 20,606     |
| W & S Intangibles             | 3,695,449    | 146,112      |             | 3,577,490    | 130,982      | 15,130     |
| Expenses                      | 8,616,949    | 853,430      | 10%         | 8,378,540    | 774,406      | 79,024     |
| Difference                    |              | 516,911      |             |              | 606,884      | (89,972)   |
|                               |              |              |             |              |              |            |
| <b>Electric Fund</b>          |              |              |             |              |              |            |
| Fund 63 Revenues              | 8,056,350    | 1,852,333    | 23%         | 7,669,264    | 1,412,910    | 439,423    |
| Fund Balance                  | -            | -            |             | 1,224,483    | -            | -          |
|                               | 8,056,350    | 1,852,333    |             | 8,893,747    | 1,412,910    | 439,423    |
| Electric Dept.                | 8,056,350    | 248,767      |             | 7,669,264    | 740,076      | (491,309)  |
| Expenses                      | 8,056,350    | 248,767      | 3%          | 7,669,264    | 740,076      | (491,309)  |
| Difference                    |              | 1,603,566    |             |              | 672,834      | 930,732    |
|                               |              |              |             |              |              |            |
| Overtime 80+ hours            |              | 43,142       |             |              | 43,637       | (495)      |

Executive Summary August 19 for 19-20 by Dept (2).xlsx

## **PUBLIC COMMENT:**

Mr. Alan Hoyle spoke under the public comment section of the meeting. Mr. Hoyle began by thanking Mayor Hatley for attending the Officer Memorial that was held. Mr. Hoyle addressed Council to request a Resolution recognizing the only officer ever slain in the line of duty in Lincoln County. He voiced the importance of showing respect and honor to those that serve in this capacity.

Mr. Hoyle is seeking a Resolution, and plans to go a step further and get a monument that will honor law enforcement, in particularly John Howell who was only twenty-six years old at the time of his death. Mr. Hoyle informed Council that Mr. Howell was a decorated veteran, who served in the Vietnam war.

Mr. Hoyle has hopes that this will be something positive that will hopefully influence our young people to do something positive with their lives. In summary, Mr. Hoyle asked for City Councils support for getting a monument.

**NEWS MEDIA:**

There was no questions from the News Media

**ADJOURNMENT:**

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

*NOTE: Administrative Assistant Daphne Ingram filled in for the City Clerk and drafted the minutes of this meeting.*

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

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**ED HATLEY  
MAYOR**