

A G E N D A

Lincolnton City Council

December 5, 2019

Council Chambers

City Hall

**FOR YOUR CONVENIENCE A COPY
OF TONIGHT'S AGENDA
IS AVAILABLE, LOCATED TO THE
RIGHT OF THE ENTRANCE TO THE
COUNCIL CHAMBERS**

***ANYONE WISHING TO SPEAK
DURING THE PUBLIC COMMENT
PORTION OF THE AGENDA
PLEASE SEE THE CITY CLERK
PRIOR TO THE MEETING TO SIGN
UP***

***NON-AGENDA ITEMS WILL BE
DISCUSSED AND SPEAKERS WILL
BE LIMITED TO THREE (3)
MINUTES***

***A COPY OF THE RULES FOR PUBLIC
COMMENT ARE AVAILABLE AT THE CITY
CLERK'S DESK***

**THANK YOU FOR ATTENDING
OUR MEETING
AND FOR YOUR INTEREST
IN THE CITY OF LINCOLNTON**

A G E N D A
LINCOLNTON CITY COUNCIL

December 5, 2019

7:00 p.m.

CALL TO ORDER – Mayor Ed Hatley

1. Approval of REGULAR AGENDA

2. Approval of CONSENT AGENDA

All items placed under Consent Agenda are considered routine, to be enacted by one motion without discussion. If a member of the Governing Body requests discussion of an item, the item will be removed from the Consent Agenda and considered separately.

3. Approval of Minutes November 7, 2019 Special Meeting and Regular Meeting

REGULAR AGENDA:

PUBLIC HEARINGS

4. CUP-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)

Laura Elam, Planning Director

5. CUP-4-19- Application from Alex Patton/John Pagel of the Hesed House of Hope requesting a conditional use permit to expand the current homeless shelter, located in the R-8 district, by 900 square feet. The subject property is located at 100 Ann Gaither Court (Parcel ID 59996).

Laura Elam, Planning Director

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PUBLIC HEARINGS

6. CUP-5-19- Application from Townhomes at Lincoln Country Club, LLC requesting a conditional use permit to increase the approved number of townhomes from 33 units to 40 units on the 5.25 acre parcel located in the CU-RMF District. The subject property is located on Lincoln Country Club property approximately 650 feet north of Country Club Road approximately 450 feet east of Lithia Inn Road north of the driving Range Facility (Parcel ID 86678)

(NOTE: Planning Board tabled this item until their December 17th meeting, therefore Council action on this would be to open the hearing and recess the hearing until their January 9th regular meeting)

Laura Elam, Planning Director

RESOLUTIONS

(R-26-19)

7. Presentation honoring Ronald Miller – Street & Property Maintenance Division in the Public Works Department on his upcoming retirement

Mayor Hatley

(R-27-19)

8. Presentation honoring Cindy Sain – Records Supervisor with the Lincolnton Police Department on her upcoming retirement

Mayor Hatley

(R-29-19)

9. Consideration of Resolution adopting the 2020 Calendar for Lincolnton City Council Meeting dates and times in accordance with the Open Meetings Law and NCGS 143.33

Donna Flowers, City Clerk

RESOLUTION

(R-30-19)

10. Consideration of resolution amending the designated City of
Lincolnton Review Officers - ***Replaces (R-17-17)***

Laura Elam, Planning Director

APPOINTMENTS

(APPT-04-19)

11. **RE-APPOINTMENTS:**

(To begin serving a first 3 year term in January 2020 – Dec 2022)

*Note: They were appointed to fill an unexpired term and in
accordance with City Policy they are eligible to begin
their first three year term if Council so chooses*

ABC BOARD	-	Dyra Eaker
HISTORIC PROPERTIES	-	William Stark
HOUSING AUTHORITY	-	Michael Noles
PLANNING BOARD	-	Rebecca Abernathy
		Worth Roberts
		Gene Poinsette

(One Motion required for the above re-appointments)

Donna Flowers, City Clerk

(APPT-05-19)

12. **NEW APPOINTMENTS:** *Noting applicants received*

HOUSING AUTHORITY (1 vacancy) Rachel Stines
LTDA – (1 vacancy) Allison Gahrman
PLANNING BOARD (ETJ) – (1 vacancy) Steve Sylva

(A Motion will be required for each individual appointment)

Donna Flowers, City Clerk

AGENDA

December 5, 2019

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CONTRACTS

(C-19-19)

- 13. Consideration of Animal Control Contract between the City and Lincoln County**

Steve Zickefoose, City Manager

(C-20-19)

- 14. Consideration of Contract/Project Approval for Water Street Restaurant**

OTHER BUSINESS

- 15. Consideration to add a classification to the Police Department in the City's Position and Classification Listing**

Tanya Osborne, Human Resources Director

- 16. Monthly Financial Update / Overtime Report**

Steve Zickefoose, City Manager

PUBLIC COMMENT

Speakers will be limited to three (3) minutes to address Mayor and City Council concerning Non-Agenda items.

You must sign in with the City Clerk to be eligible to speak

NEWS MEDIA

ADJOURNMENT

ITEM #

1

APPROVAL

OF

REGULAR

AGENDA

ITEM #

2

APPROVAL

OF

CONSENT

AGENDA

ITEM #

3

SPECIAL MEETING - NOVEMBER 7, 2019

The Mayor and City Council held a Special Called meeting to discuss proposal received for City owned property located at 110, 112, 114, and 116 East Water Street, for a full service restaurant. The meeting was held on Thursday, November 7th at 5:00 p.m. in the Council Chambers of the Lincolnton City Hall, located at 114 West Sycamore Street.

Mayor Hatley called the meeting to order. The following Council members were in attendance:

WHITE EADDY JETTON

While Councilman Watson was absent, a quorum was declared with three Council members in accordance with Roberts Rules of Order.

Mayor Hatley reminded everyone attending that we would be reviewing the three proposals received (1) Team Root (2) Team Zhay and (3) Team Herman. Council members were to receive the information but negotiations were not a part of this meeting.

Each presentation was timed and was not to exceed thirty minutes in length. City Council had questions for each presenter on the information presented, by each team. *A FULL COPY OF THE PRESENTATION IS ATTACHED AT THE END OF THESE MINUTES BECOMING A PERMANENT PART OF THESE OFFICIAL MINUTES.*

Presentations are as follows:

TEAM ROOT:

John Brinsfield founder and general manager.

TEAM ZHAY:

Rahza Adams current owner of Zhays Bar & Grill, Inc.

TEAM HERMAN:

Ethan and Rachel Herman

Upon conclusion of each presentation Council members in attendance had questions for each group.

SPECIAL MEETING - NOVEMBER 7, 2019

Mayor Hatley thanked all those presenting for their consideration and their interest in the future of downtown Lincolnton.

Councilman Eaddy encouraged the presenters, saying "Once we have reviewed the proposals and discussed them, if you do not make the cut, don't give up. We hope your interest in downtown remains and we encourage you to look at other properties."

Councilman Jetton expressed concerns about parking at this location but felt this is what Lincolnton residents has been asking for some time. He said, "Everyone has asked for a nice restaurant where you can get a good steak downtown."

After further discussion, Councilman Jetton made the motion unanimously approved to adjourn the special called meeting.

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR

Three (3) Attachments

REGULAR MEETING - NOVEMBER 7, 2019

The Mayor and City Council met in regular session on Thursday, November 7, 2019 at 7:00 p.m. in the Council Chambers of City Hall.

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 Eaddy made the motion unanimously approved the Regular Agenda.

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

- Approved of Minutes from the September 5th and October 3rd Regular Meetings
- Approved the following Calls to Public Hearing for the December 5, 2019 City Council meeting:

CUP-04-2019 – Application from Alex Patton/John Pagel of the Hessed House of Hope requesting a conditional use permit to expand the current homeless shelter, located in the R-8 district, by 900 square feet. The subject property is located at 100 Ann Gaither Court (Parcel ID 59996)

CUP-05-2019 – Application from Townhomes at Lincoln Country Club, LLC requesting a conditional use permit to increase the approved number of townhomes from 33 units to 40 units on the 5.25 acre parcel located in the CU-RMF District. The subject property is located on Lincoln Country Club property approximately 650 feet north of Country Club Road approximately 450 east of Lithia Inn Road north of the driving range facility (Parcel ID 86678)

REGULAR MEETING - NOVEMBER 7, 2019

REGULAR AGENDA:

PRESENTATION OF RETIREMENT RESOLUTION TO LT. ROBERT "TONY" HALLMAN LINCOLNTON POLICE DEPARTMENT FOR HIS UPCOMING RETIREMENT DECEMBER 1, 2019:

(R-25-19)

Mayor Hatley presented the following resolution to Lt. Tony Hallman:

WHEREAS, *Tony Hallman* began employment with the City of Lincolnton on August 26, 1991 as a Police Officer with the Lincolnton Police Department; and

WHEREAS, *Tony Hallman* has demonstrated his leadership qualities, rising through the ranks in 1998 to the Investigations Division; then in 2001 to a Police Investigations Sergeant; then in 2004 to a Police Lieutenant with the Patrol Division; and

WHEREAS, *Tony Hallman* throughout his career has been committed to providing the highest level of service to our citizens. He received the Advanced Law Enforcement Certificate, the highest certification awarded, through the NC Criminal Justice Training Standards Commission. Tony was named Officer of the Year in 1998 by the Lincolnton VFW and received a "Special Award of Honor" through the International Narcotics Enforcement Officers Association for his multi-jurisdictional service in lengthy narcotic drug task force investigations in 2000; and

WHEREAS, *Tony Hallman*, has served as a role model, providing excellent Public Safety in the Law Enforcement Sector, to the citizens of Lincolnton for over twenty eight years;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincolnton that appreciation be shown to *Tony Hallman* honoring him on his upcoming retirement on December 1, 2019 and that we extend congratulations and best wishes to him for continued success in all his future endeavors.

Adopted and presented this the 7th day of November, 2019.

Mayor and City Council thanked Lt. Hallman for his service to the City and it's citizens. Mayor Haley said, "

REGULAR MEETING - NOVEMBER 7, 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):

CUP-2-2019

Mayor Hatley opened the Public Hearing. The City Clerk administered the oath to all those wishing to speak for or against the issue.

Laura Elam, Planning Director reviewed the request. She reviewed the site and area description, gave background information, listed proposed additional structures, discussed the applicants compliance with stormwater management and provided staff review committee comments.

Laura said, the Staff Review Committee made the following comments:

- Building permits must be obtained from Lincoln County Building and Inspections.
- All trees and other vegetation located along the edges of the site to be protected during the shipping container installation process.

She read aloud the following:

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

Section 153.236 of the UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The application meets the requirements of that section.

Laura noted other conditional use permit requirements as follows:

COMPLIANCE WITH SECTION 153.237

1. It does not appear that the use will endanger the public health or safety.
2. The use meets all required conditions and specifications.
3. The applicant will need to provide evidence that the use will not substantially injure the value of adjoining or abutting properties.
4. The applicant will need to provide evidence that the use, if approved, will be in harmony with the area.

REGULAR MEETING - NOVEMBER 7, 2019

She concluded saying "The Planning Board and Staff recommend approval of the conditional use permit subject to the applicant satisfactorily proving the findings of fact and subject to the Staff Review Committee comments."

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

Councilman Watson made the motion unanimously approved to consider the Conditional Use Permit.

Mayor Hatley said in accordance with Section 153.237 of the Unified Development Ordinance requires four findings be determined by City Council prior to issuance of the conditional use permit.

1. Councilman Eaddy made the motion unanimously approved that the use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
2. Councilman Jetton made the motion unanimously approved that the use meets all required conditions and specifications, and
3. Councilwoman White made the motion unanimously approved that the use would not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and
4. Councilman Eaddy made the motion unanimously approved that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincolnnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

Councilman Jetton made the motion unanimously approved the conditional use permit as recommended by the Planning Department contingent upon the staff review committee comments being met.

REGULAR MEETING - NOVEMBER 7, 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).
CUP-3-2019**

Mayor Hatley opened the Public Hearing. He told Council that the Planning Board tabled action on this item, therefore the City Council would need to recess the hearing to the December 5th City Council meeting.

Councilman Watson made the motion unanimously approved to recess the hearing, continuing it at the December 5th regular City Council meeting.

**APPLICATION FROM REBECCA CHAMBERS REQUESTING A
CONDITIONAL USE REZONING FROM MEDIUM DENSITY
RESIDENTIAL (R-10) TO NEIGHBORHOOD BUSINESS
CONDITIONAL USE (NB-CU) FOR THE PURPOSES OF A
BEAUTY SALON. THE BUSINESS WILL BE LOCATED 603
NORTH FLINT STREET, (PID 18016):
CUZMA-1-2019**

Mayor Hatley opened the Public Hearing. The City Clerk administered the oath to all those wishing to speak for or against the issue.

Laura reviewed the request in detail. She gave the background, noting under the existing zoning, a beauty salon could be operated as a home occupation subject to the standards she noted earlier. She said, "In this specific instance, the standards would allow use of 626 square feet of the home as a beauty salon. Residents could be employed at the home-based salon plus one non-resident.

Laura continued review of the site plan submitted, as well as the applicant's compliance with conditional use permit requirements. She said the Lincoln Land Use Plan includes the site in the Traditional Single Family Planning Area. The Plan notes that these areas consist of single family uses on smaller to medium sized lots in older established portions of the community that should be protected from encroachment of incompatible business and industrial development. One of the identified objectives of the Land Use Plan is protection of the integrity and viability of the City's established residential neighborhoods.

REGULAR MEETING - NOVEMBER 7, 2019

This request proposes rezoning from single family residential to conditional Neighborhood Business. Therefore, the requested rezoning is not consistent with the Land Use Plan. She listed the staff review committee comments as follows:

- (1) Twenty foot screening buffer required along property lines abutting residential.
- (2) Twelve parking spaces required.
- (3) Twenty foot building setback required along side and rear yards abutting residential zoning.
- (4) Any outdoor lighting on the site should be directed downward and not cast glare onto neighboring properties.
- (5) Hours of operation. to be limited to between 8 am and 9 pm.
- (6) If the rezoning is approved, the ordinance would allow a freestanding pole or ground mounted sign of up to 20 feet in height and 32 square feet in area. This type of signage would not be appropriate in this location. Any freestanding signage should be limited to signage permitted with a home occupation.
- (7) If the rezoning is approved, the ordinance would allow wall signage with a maximum area of 10 % of the wall area of any wall on the building. This type of signage would not be appropriate in this location. Any freestanding signage should be limited to signage permitted with a home occupation.
- (8) The site plan indicates a proposed fence within an easement for an alley. Documentation must be provided indicating that a fence is permitted by the easement agreement.
- (9) All activities, equipment and materials to be contained within the building. No outdoor storage permitted.
- (10) The parking lot should be designed in such a way that stormwater will not impact adjacent property owners.
- (11) A building permit must be obtained from Lincoln County.

REGULAR MEETING - NOVEMBER 7, 2019

Laura concluded saying the request proposes rezoning from a single family residential to conditional Neighborhood Business, therefore, the requested rezoning is not consistent with the Land Use Plan and if Council approved the applicant would need to provide evidence that the use, would be in harmony with the area. Planning Board and staff recommended denial of the request.

The applicant Rebecca Chambers spoke in favor of her request, noting she would actually be working at the beauty salon and plans to restore the building prior to opening.

Several citizens spoke in opposition of the request. Dennis Williams, Kathy Hendricks, David Self, and Gary Cornwell all noted rezoning this property would not be in the best interest of the neighborhood and could potentially decrease property values of homeowners.

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

Mayor Hatley called for a motion to consider the request. Hearing no motion to consider, the request was denied.

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-3-2019

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the request as follows:

The Unified Development Ordinance defines and regulates wrecked or junked motor vehicles on private property. Various sections of the City Code address objects including vehicles that are obstructing the public rights-of-way.

Typically, the Planning Department handles violations of the UDO regarding junked vehicles and the Police Department handles abandoned vehicles that are obstructing travel on public streets.

REGULAR MEETING - NOVEMBER 7, 2019

Neither the UDO nor the City Code outline the required process for vehicle removal or notice to the owner. The state general statutes include several relevant provisions and steps a local government is to take in order to remove abandoned or junked vehicles and many cities have an “Abandoned and Junked Vehicle Ordinance” that outlines their policies and procedures.

Proposed Amendment

The proposed amendment would create an “Abandoned and Junked Vehicles Ordinance” and consolidate the regulations regarding abandoned vehicles on public streets and the regulations regarding abandoned, junked or nuisance vehicles on private property. The ordinance would also outline the City’s policies and procedures regarding removal of such vehicles.

The proposed ordinance mirrors ordinances from other cities in North Carolina and the relevant state statutes. Key provisions in the proposed ordinance are outlined below:

Definitions

The ordinance includes the following terms and definitions:

An **abandoned vehicle** is a motor vehicle that is left:

- on a public street in a no parking zone,
- on a public street for more than seven days,
- on city owned property for greater than 24 hours or
- on private property without the consent of the owner, occupant or lessee for longer than two hours.

A **junked vehicle** is a vehicle that does not display a current license plate *and*

- is partially dismantled or wrecked,
- cannot be self-propelled or moved in the manner it originally was intended to move *or*
- is more than five years old and appears to be worth less than \$100

A **nuisance vehicle** is a vehicle that is determined and declared to be a health or safety hazard, a public nuisance and unlawful, including a vehicle found to be:

- a breeding ground for insects or pests;

REGULAR MEETING - NOVEMBER 7, 2019

- a point of heavy growth of weeds or other noxious vegetation over eight inches in height;
- a collection point of pools of water;
- a point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
- one which has areas of confinement which cannot be operated from the inside, such as trunks or hoods;
- situated that there is a danger of it falling or turning over;
- a point of collection of garbage, food waste, animal waste or any other rotten or putrescible matter; and/or
- one which has sharp parts or contains sharp edges of metal or glass.

Exemptions

The proposed ordinance exempts any vehicle which is:

- located in a bona fide automobile graveyard or junk yard as defined by state statute;
- on the premises of an automobile repair business operating legally and the vehicle is being kept pursuant to the operation of that business;
- in an enclosed building;
- parked on the property so that the vehicle cannot be seen from a public street or abutting property;
- in an appropriate storage place or depository maintained in a lawful place and manner by the city; or
- used on a regular basis for business or personal use.

Special Interest Vehicle

Individuals actively restoring not more than one special interest vehicle outside of a garage or other enclosed structure would have a temporary exemption from the ordinance provided that the vehicle is kept in a rear yard.

The vehicle must be made to be in running condition within one year after being brought onto the premises.

REGULAR MEETING - NOVEMBER 7, 2019

Investigation and Determination

The Police Department and the Code Enforcement Officer would be responsible for administration and enforcement of the ordinance.

The Police Department would deal with vehicles that are determined to be abandoned on a public street.

The Code Enforcement Officer would deal with other vehicles that are determined to be abandoned and with vehicles determined to be junked or nuisance vehicles.

Abandoned and Nuisance Vehicles Prohibited

- The proposed ordinance would make it unlawful for the owner of a vehicle to cause or allow the vehicle to be abandoned and allows the city to investigate and determine that a vehicle is an abandoned vehicle and order its removal.
- The proposed ordinance would make it unlawful for the owner of a vehicle or for the owner of the property where the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle. The City could investigate and determine that a vehicle is a nuisance vehicle and order the vehicle removed.

Junked Vehicles Regulated

- The proposed ordinance would make it unlawful for the owner of a junked vehicle or for the owner of the property where a junked vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.
- The City could order the removal of a junked motor vehicle after a written finding that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. The finding is to be based on a balancing of the monetary loss of the owner against the corresponding gain to the public by promoting community, neighborhood or area appearance.

REGULAR MEETING - NOVEMBER 7, 2019

Removal of Vehicles and Towing Notice Requirements

Abandoned, nuisance or junked vehicles would be removed by the City only after prior notice to the owner.

The exception to the prior notice requirement would be a circumstance in which the authorizing official determines there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare such as an abandoned vehicle on a public street that is obstructing traffic or parked illegally.

Other abandoned, nuisance or junked vehicles would be removed only after prior notice to the owner.

Appeal of City's Determination to Board of Adjustment

With respect to abandoned vehicles on private property and nuisance or junked vehicles for which prior notice is required, the owner may appeal the City's determination that the vehicle is an abandoned or nuisance vehicle.

In the case of a junked vehicle, the owner may appeal the City's determination that the aesthetic benefits of removing the vehicle outweigh the burden on the owner. The appeal would be made to the Board of Adjustment.

Right to Probable Cause Hearing

After the removal of an abandoned vehicle, nuisance vehicle or junked vehicle, the owner may request a hearing to determine if probable cause existed for removing the vehicle. A request for a probable cause hearing would be filed with the county magistrate.

Claimed Vehicles

At any stage in the process, the owner of the vehicle may get possession of a removed vehicle by paying the fee to the towing operator that has the vehicle.

Unclaimed Vehicles

Vehicles that are not claimed by the owner could be disposed of in accordance with the relevant state statute.

UDO Amendments

Section 153.073 of the Unified Development Ordinance outlines regulations related to wrecked or junked vehicles. That section and the related terms and definitions in the UDO would be deleted since the new ordinance would deal with those vehicles.

REGULAR MEETING - NOVEMBER 7, 2019

Laura concluded recommending on behalf of the Planning Board and Staff that the proposed amendment be approved.

Alan Hoyle was in attendance and spoke against the proposed ordinance amendment, cautioning Council on approving ordinance amendments that take away citizens rights.

Councilwoman White made the motion unanimously approved that Council consider the request.

Councilman Eaddy made the motion unanimously approved that the amendment is consistent with the adopted Lincolnton Land Use Plan in that it is not contrary to the goals and objectives outlined by the Plan and approval of the amendment is reasonable and in the public interest in that it will consolidate the City's regulations, policies and procedures regarding abandoned and junked vehicles into one ordinance that promotes public health and safety.

APPLICATION FROM THE LINCOLNTON PLANNING DEPARTMENT REQUESTING AN AMENDMENT TO SECTION 153.057 (D) RELATED TO AGGREGATE AREA OF ACCESSORY STRUCTURES PERMITTED ON PARCE:

ZTA-4-2019

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the request as follows:

Laura said on a fairly routine basis, property owners are encountering issues with the current regulation. She reviewed examples and provided illustrations for Council. She said in areas with relatively large lots, a homeowner with a relatively small home is limited to a small amount of accessory building(s) in comparison to neighboring properties. There have been numerous requests for variances for similar situations.

She said, "In neighborhoods with relatively small lots, an abutting homeowner would likely have concerns about an accessory building of this scale in relationship to the lot."

REGULAR MEETING - NOVEMBER 7, 2019

Laura told Council that Staff researched the ordinances of several other cities and found that many are basing the maximum area allowed for accessory structures on residential lots on the required rear yard rather than on the size of the home.

Many cities allow accessory structures to cover up to 30 percent of the required rear yard on the lot. Some of the cities using that standard or a similar standard include Conover, Lenoir, Newton, Salisbury, Spencer and Statesville. Staff in those cities indicate that they have not encountered problems or concerns.

The proposed amendment seeks to amend the maximum allowable aggregate area for accessory structures on a lot containing a principal residential use to no more than 30 percent of the required rear yard. She concluded saying Planning Board and Staff recommended approval.

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

Councilman Watson made the motion unanimously approved to consider the request.

Councilman Eaddy made the motion unanimously approved that the proposed amendment is consistent with the adopted Lincolnton land Use Plan in that it is not contrary to the goals and objectives outlined by the Plan and approval of the amendment is reasonable and in the public interest in that it will base the size of accessory structures on the size of the lot on which they are located ensuring the protection of abutting residential areas.

APPLICATION FROM ROGER CALHOUN FOR A BUSINESS INCENTIVE GRANT FROM BUILDING RENOVATIONS TO ACCOMMODATE SECOND FLOOR RETAIL SPACE AT 124B EAST MAIN STREET:

BIG-03-2019

Mayor Hatley opened the Public Hearing. Jean Derby, Planning Assistant, reviewed the request as follows for the above said Business Incentive Grant:

REGULAR MEETING - NOVEMBER 7, 2019

Project Information

- Location: 124B East Main Street
- Use: Building renovations to create retail space to the second floor to include the following:
 - Install new HVAC system
 - Frame walls, install drywall and insulation
 - Install ceiling tiles
 - Replace subflooring and flooring
 - Install new electrical outlets and lighting
 - Install interior doors
- Estimated project cost: \$50,800.00
- Anticipated start: November 2019

Anticipated completion: November 2019

Request

- \$15,000.00 for building renovations

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

Councilman Watson made the motion unanimously approved to award the Business Incentive Grant as recommended.

PUBLIC HEARING TO CONSIDER AMENDING THE CITY'S CODE OF ORDINANCES – CHAPTER 74 – SCHEDULE 1: STOP INTERSECTIONS –

ADD: OAK AND ALEXANDER STREET, OAK AND PINE STREET, SYCAMORE STREET AND COURT SQUARE (CURRENTLY A YIELD SIGN) AND WEST PINE STREET AND MARCIA H CLONINGER RAIL TRAIL:

Mayor Hatley opened the Public Hearing. Steve Zickefoose, City Manager, recommended that Council consider the above stated revisions to the City's Code of Ordinances.

REGULAR MEETING - NOVEMBER 7, 2019

After some discussion by Council, Councilman Watson made the motion unanimously approved closed the Public Hearing.

Councilman Jetton made the motion unanimously approved to amend the ordinance as requested by the City Manager and add a stop sign on Sycamore Street, heading west on Sycamore Street at Marcia H. Cloninger Rail Trail and Pine Street.

PROPOSED BUDGET AMENDMENT TO ADJUST THE GENERAL FUND FOR STREET SWEEPER LOAN:

(BA-07-19)

Steve Zickefoose, City Manager, ask Council to consider approving a budget amendment to move funds for the purchase of a street sweeper. The Street Department (account 4520) will be increased by \$ 250,000 and the General Fund (account 3911 Loan Proceeds) will decrease by \$ 250,000.

Councilman Eaddy made the motion unanimously approved to amend the budget as recommended by the City Manager.

REQUEST FOR THE CITY TO ENDORSE A CONTROLLED BURN OF PROPERTY LOCATED AT 406 SECRET HOLLOW LANE, OWNED BY THE LINCOLNTON-LINCOLN COUNTY AIRPORT NOTE: PROPERTY HAS BEEN DECLARED SURPLUS BY THE AIRPORT AUTHORITY AND APPROVED BY BOTH THE LLCAA AND THE LINCOLN COUNTY BOARD OF COMMISSIONERS:

Joe Tate, Airport Manager Lincolnton-Lincoln County Airport appeared before Council for the above stated request for a controlled burn. Joe said the house is vacant and he has received approval from Lincoln County to declare the home surplus, allowing it to be burned.

Councilman Eaddy made the motion unanimously approved to declare the property surplus on behalf of the City as requested by Mr. Tate.

REGULAR MEETING - NOVEMBER 7, 2019

PRESENTATION OF JOINT CITY/COUNTY MASTER PLAN FOR PARKS & RECREATION:

Nathan Eurey, Director Lincoln County Parks & Recreation, reviewed an email recapping a recent meeting with Lincoln County where discussions of a possible joint plan between the City and Lincoln County for a Recreation Master Plan were discussed. He told Council that both entities agreed that an update of the existing Recreation Plan is needed.

1. The current plan is more than 10 years old.
2. We anticipate that the new plan will cost between 85-125K
3. We all agree that we would split the cost between the City and County.
The exact amounts have not been determined; however, it will likely be around 2/3 County and 1/3 City???
4. We all agree that between now and December 2nd, a scope of the project will be created by John Davis and Nathan Eurey. The scope will be sent to everyone for their review (possible meeting to discuss).
5. We all agree that John Davis and Nathan Eurey will present to their respective boards in November. This is to obtain approval to move forward with the RFQ.
6. We all agree that on December 2nd John Davis and Nathan Eurey will send the collectively approved scope to John Henry.
7. We all agree that John Henry will send out the RFQ by January 5th (30 days)
8. We all agree that interviews will be conducted in February 2020
9. We all agree that the firm selected will be taken to our respective boards for approval. They will be approving the firm and the proposed budget for the City and County.
10. We all agree that the project should begin in March 2020 and conclude by March 2021

Nathan said he and John Davis have met with several firms to discuss Master Plan. He requested that Council consider approving the City seeking an Request for Proposal (RFP) that would go out in January, with potential interviews of the firms in February so that approval of a joint Master Plan could be considered by City Council in March 2020. If approved the study would take a year to complete.

REGULAR MEETING - NOVEMBER 7, 2019

Councilman Watson made the motion unanimously approved to proceed working with Lincoln County on a RFP for a joint Master Plan.

CONSIDERATION OF AMENDING THE CITY'S PERSONNEL POLICY; ARTICLE V. - WORK CONDITIONS AND EXPECTATIONS - ADDING SECTION 20 - SMOKE FREE AND E-CIGARETTE USE:

Tanya Osborne, Human Resources Director, provided Council with a draft of a proposed amendment to the City's Personnel Policy regarding "Smoke Free and E-Cigarette Use". The draft policy read as follows:

Article V. Work Conditions and Expectations

Section 20. Smoke Free and E-cigarette Use Policy

The City of Lincolnton is committed to providing a safe and healthy workplace which will contribute to the well-being of its employees and the visiting public. According to the Centers for Disease Control and Prevention (CDC), tobacco use and secondhand smoke exposure are leading causes for preventable illnesses and premature death in North Carolina and the nation. To this end, the City of Lincolnton adopts this smoke free and e-cigarette use policy as follows.

1. All employees and other persons performing services or activities on behalf of the City of Lincolnton, including volunteers, and contractors, are prohibited from smoking or e-cigarette use at any time in the following:
 - A. In any building owned, leased, or occupied by the City of Lincolnton.
 - B. In any vehicle owned, leased, or controlled by the City of Lincolnton, and assigned to its employees; or facilities for official City of Lincolnton business.
 - C. City-owned employee parking lots and city grounds surrounding city owned buildings.
 - D. City parks and recreational facilities including grounds and parking areas.

REGULAR MEETING - NOVEMBER 7, 2019

- II. Smoking is defined as the "act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind". E-cigarettes refer to the use of any device containing a nicotine-based liquid or any other substance that is vaporized and inhaled to simulate the experience of smoking.
- III. The City will post signs in facilities and on property in a manner and location that adequately notifies smoking and e-cigarette use is prohibited.
- IV. Education
Employees wishing to discontinue the use of nicotine products may obtain information about support systems and programs from the City of Lincolnton's health insurance provider and the Human Resources Department.

This item generated some discussion. Councilmen Jetton voiced concerns with this policy. Councilman Eaddy expressed concerns about employee taking breaks to smoke, during working hours. Tanya said employees could smoke on their breaks as breaks are permitted. After further discussion, Councilman Eaddy made the motion to Prohibit Smoking as recommended, to become effective January 1, 2020.

The motion passed by a three to one vote. Council persons White, Watson and Eaddy voted yes and Councilman Jetton voted no.

CONSIDERATION OF APPROVAL OF COLOR SCHEME FOR POLICE BUILDING:

Steve Zickefoose, City Manager, shared several options for color schemes of the Police Building. Most were black and gold in nature. After some discussion, City Council chose color scheme "A", which is the original rendering with tan, gray and red/brown masonry. All exposed metal is changed to be black in color with gold lettering.

Councilwoman White made the motion unanimously approved the color scheme.

REGULAR MEETING - NOVEMBER 7, 2019

MONTHLY FINANCIAL UPDATE/OVERTIME REPORT

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

November 2019 Council Meeting

Executive Summary

September 2019 Year-To-Date

General Fund	Budget 19-20	Actual 19-20	% of Budget	Budget 18-19	Actual 18-19	Difference
Fund 10 Revenues	11,818,700	4,015,456	34%	11,271,936	3,219,233	796,223
Fund Balance	-	-	-	964,361	-	-
	11,818,700	4,015,456		12,236,297	3,219,233	796,223
City Manager/Clerk	277,495	80,701		320,960	90,816	(10,115)
Human Resources	243,020	68,427		239,060	59,022	9,405
Finance	149,630	133,451		242,790	197,591	(64,139)
General Expense	1,108,160	510,506		1,001,620	360,998	149,508
General Debt Service	424,632	24,179		513,524	24,179	-
Police	3,218,020	773,367		3,115,970	770,236	3,132
Fire	2,255,800	535,607		2,041,650	505,912	29,695
Public Works	44,010	43,207		79,616	22,809	20,398
Street	1,164,325	174,394		1,257,668	211,249	(36,855)
Equipment Services	115,970	39,433		133,270	36,214	3,219
Solid Waste	823,855	140,896		854,228	121,140	19,756
General Services	-	-		-	-	-
Plannin/Zoning	575,420	89,491		379,060	67,211	22,280
Bus & Comm. Dev	133,200	9,700		135,000	32,487	(22,787)
Recreation	1,285,163	434,514		957,520	246,760	187,755
Expenses	11,818,700	3,057,873	26%	11,271,936	2,746,622	311,251
Difference		957,583			472,610	484,973
Water & Sewer Fund	Budget 19-20	Actual 19-20	% of Budget	Budget 18-19	Actual 18-19	Difference
Fund 61 Revenues	8,616,949	2,026,497	24%	8,378,540	1,991,886	34,611
Fund Balance	-	-		526,653	-	-
	8,616,949	2,026,497		8,905,193	1,991,886	34,611
Water Treatment	1,506,850	378,742		1,508,450	328,725	50,017
Dist & Collection	1,847,150	1,249,190		1,748,000	750,062	499,128
Wastewater	1,567,500	282,067		1,544,600	238,482	43,585
W & S Intangibles	3,695,449	209,671		3,577,490	163,369	46,302
Expenses	8,616,949	2,119,669	25%	8,378,540	1,480,637	639,032
Difference		(93,172)			511,249	(604,421)
Electric Fund	Budget 19-20	Actual 19-20	% of Budget	Budget 18-19	Actual 18-19	Difference
Fund 63 Revenues	8,056,350	2,553,214	32%	7,669,264	2,100,668	452,546
Fund Balance	-	-		1,224,483	-	-
	8,056,350	2,553,214		8,893,747	2,100,668	452,546
Electric Dept.	8,056,350	1,351,705		7,669,264	1,385,660	(33,955)
Expenses	8,056,350	1,351,705	17%	7,669,264	1,385,660	(33,955)
Difference		1,201,509			715,008	486,501
Overtime 80+ hours		108,816			105,207	3,609

REGULAR MEETING - NOVEMBER 7, 2019

PUBLIC COMMENT:

Alan Hoyle spoke under the public comment portion of the meeting , and reminded everyone that Monday, November 11th is Veteran's Day. He also referenced natural laws and the US Constitution.

CLOSED SESSION

Councilman Jetton made the motion unanimously approved to go into Closed Session in accordance with NCGS 143-318.11(a)(1)(4)to discuss potential Economic Development Incentives.

Councilman Jetton made the motion unanimously approved to return to regular session.

NEWS MEDIA:

There were no questions from the News Media.

ADJOURNMENT:

Councilwoman White made the motion unanimously approved to Adjourn.

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR

ITEM #

4

MEMO TO: Mayor and City Council Members

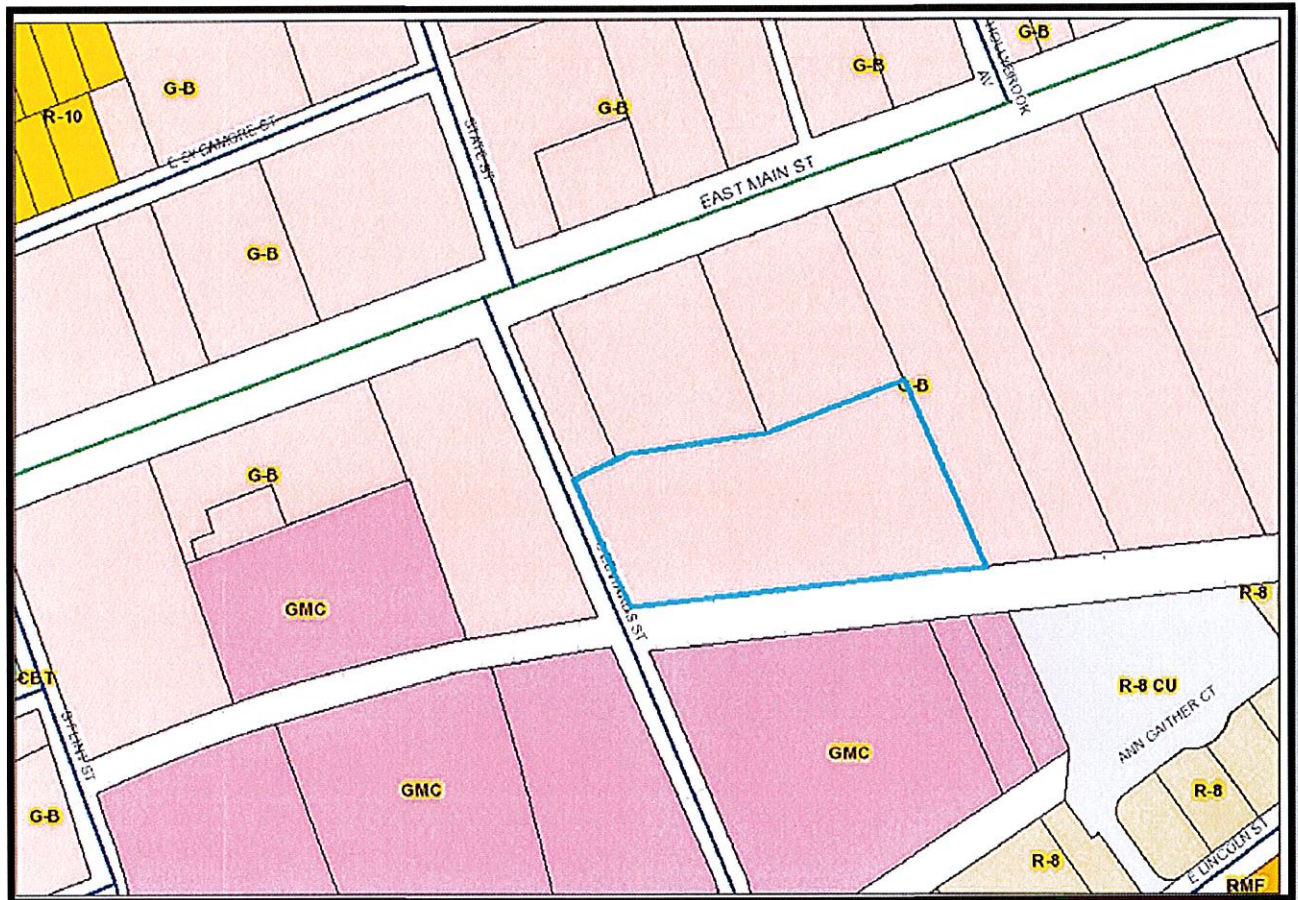
FROM: Laura Elam, Planning Director

SUBJECT: CUP -3- 2019 - Application for Conditional Use Permit from Shu Zheng Zhao to allow an arcade game room in the General - Business (G-B) district.

DATE: December 5, 2019

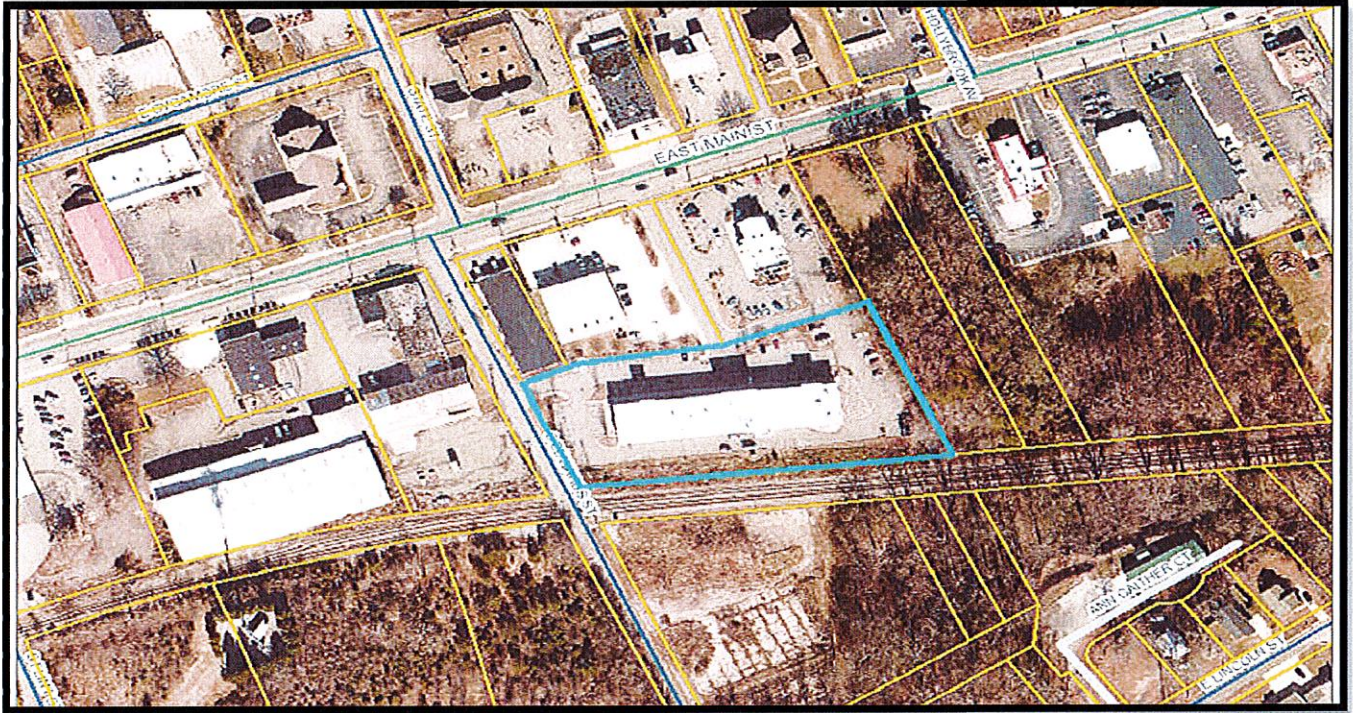
SITE AND AREA DESCRIPTION

Shu Zheng Zhao is requesting a conditional use permit to allow an arcade room in the Lincolnton



Station Shopping Center located at 906-920 East Main Street.

The shopping center is zoned G-B as are nearby properties north of the CSX rail line. Properties to the south are zoned GMC (General Manufacturing-Commercial) and R-8 (Single and Two Family Medium Density Residential).



The subject property is located within the Lincolnton Station Shopping Center. It is a currently vacant storefront located on the west end of the shopping center. Surrounding properties located north of the CSX line are devoted to commercial uses. Properties located to the south are devoted to industrial and residential uses.



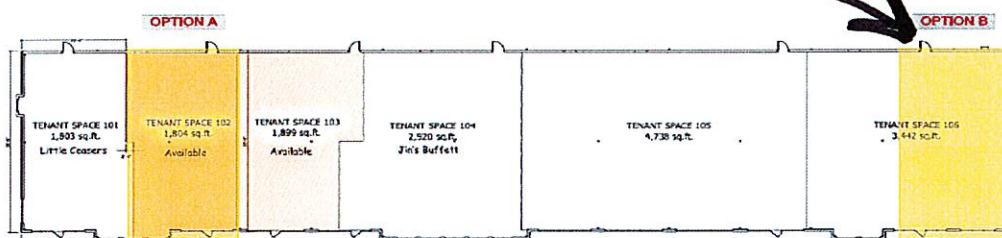
PROPOSED ARCADE ROOM



LINCOLN RETAIL
LINCOLN, NC

DATE: MAY 1999

PROJECT:



Google

PROPOSED USE

The applicant requests a conditional use permit to allow an arcade game room and submitted the below summary of the proposed use:

Conditional Use Permit Application – Business Information

September 13th, 2019.

Applicant Name: Shu Zheng Zhao

Owner's Name: YDG Lincolnton, LLC; Doug Baumgartner

Property Address: 918 East Main Street, Lincolnton, NC

Business Type: "AMUSEMENT ARCADE OR GAME ROOM" means any premises or arcade operated by any person, corporation, or legal entity, which is the owner, lessee, or occupant of a building whose primary purpose or object of its existence or operation is that of providing "amusement devices" to the public at retail, and/or any premises operated by any person, corporation, or other legal entity, which is the owner, lessee, or occupant of a building the majority of whose gross receipts are derived from the providing of "amusement devices" to the public at retail.

Type of Arcade Games: Predominantly skill based, multi-player arcade games. Example: Skill Fish Arcade Games.

Hours of Operation: Hours of operation will be 2:00 pm – 2:00 am. This is subject to any more stringent limitations and requirements that may be imposed by the Town of Lincolnton or Lincoln County or any other governmental authority having jurisdiction with respect to the property.

Food and Drinks: There will be no food or drink sales.

Signage: Signage will comply with all applicable zoning ordinances, signage ordinances and other governmental requirements. The tenant signage is subject to Landlord's review and approval set forth in Exhibit C (below). This is subject to any more stringent limitations and requirements that may be imposed by the Town of Lincolnton or Lincoln County or any other governmental authority having jurisdiction with respect to the property.

STAFF REVIEW COMMITTEE COMMENTS

The Staff Review Committee made the following comments:

1. The applicant/operator will need to obtain approval of a license in accordance with Chapter 111 of the City Code prior to issuance of a certificate of occupancy.
2. Hours of operation to be limited to between 2 pm and midnight.
3. The use is to be operated in compliance with all state regulations including those regarding gaming.
4. The use is to be operated so that no window or door coverings prevent public view from the outside.
5. The use is to be open for inspection by Lincolnton police and/or zoning officers at any time during normal hours of operation.
6. The use is to be under the supervision of at least one attendant during all hours in which it is in operation.
7. Attendant(s) will not permit persons under the age of 16 on the premises prior to 3:30 p.m. on school days.
8. Attendant(s) will not permit persons under the age of 18 on the premises after 11:00 p.m.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

The Unified Development Ordinance requires that a conditional use permit application contain specific terms and meet specific requirements. The application meets the requirements of that section with the exception of the proposed hours of operation .

OTHER CONDITIONAL USE PERMIT REQUIREMENTS

Sections 153.237 and 153.238 of the Unified Development Ordinance require six findings be determined by City Council prior to issuance of the conditional use permit. They are as follows:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
2. The use meets all required conditions and specifications, and
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.
5. If the use is not located in a Class C shopping center, it will be located no closer than 300 feet from any residential district.
6. The hours of operation will be limited to the hours between 8 a.m. and 12 a.m.

COMPLIANCE WITH SECTION 153.237 AND 153.238

1. The applicant will need to provide sufficient evidence that the use will not endanger the public health or safety.
2. The proposed use meets all required conditions and specifications with the exception of the hours of operation proposed by the applicant.
3. The applicant will need to provide evidence that the use will not substantially injure the value of adjoining or abutting properties.
4. The applicant will need to provide evidence that the use, if approved, will be in harmony with the area.
5. The use is located more than 300 feet from any residential district.
6. The applicant will need to limit the hours of operation to between 2 pm and midnight in order to comply with this finding.

PREVIOUS PLANNING BOARD DISCUSSION (OCTOBER MEETING)

During the October Planning Board meeting, concerns were raised that establishment of the use could lead to an increase in crime in the area.

The applicant does not speak English, did not attend the October Planning Board meeting and did not have a representative at the meeting.

Planning Board tabled the application to their November meeting to allow the applicant another opportunity to address the concerns.

PLANNING BOARD RECOMMENDATION (NOVEMBER MEETING)

During the November Planning Board meeting, Police Captain Greene made the following points:

- This is not a traditional arcade business that caters to children. It is generally adults that frequent this type of game room.
- The way this type of game room typically operates is that a winning player accumulates credits that typically can be traded for cash.
- The machines themselves are not illegal. However, the way these businesses typically operate with cash payouts is illegal. State gambling laws prohibit cash payouts and limit prizes to a ten dollar value.

- My research indicates that some of the larger operations bring in about \$50,000 a week in cash and smaller operations bring in about \$10,000 a week in cash. The type of clientele attracted to this kind of business could lead to an increase in crime in the area.
- My concern is that if the business operates legally, then it is out of business in 6 months because potential customers have no incentive to play without a cash payout. If it operates illegally, then it is out of business in 6 months because the police department will shut it down.

The applicant attended the November Planning Board meeting but did not have an interpreter. A representative of the shopping center attended the meeting and indicated that the applicant had made arrangements for an interpreter but that the interpreter was not present.

The representative of the shopping center indicated that the applicant fully understands the state regulations and intends to operate legally. The lease requires compliance with all local and state regulations and imposes penalties for non-compliance.

There was general consensus among Planning Board members that the game room as requested presented public safety concerns but that a traditional arcade similar to Kids Rock would be a positive for the City.

There was discussion with the shopping center representative about whether the applicant and shopping center could work together on a plan for a traditional arcade. The shopping center representative indicated she is already working towards that goal, is in discussions with the applicant about that concept and that the shopping center has adequate space for an arcade. However, she also noted that the applicant had previously stated he would like to start small with one type of game and then expand later if it goes well.

The discussion was left with the shopping center representative indicating she would do some research on locations of game rooms in other cities similar to the one being requested along with information on any subsequent impact on crime in the area and have that information available for the public hearing.

In the absence of that information being readily available at the Planning Board meeting and after lengthy discussion, the Planning Board determined that the applicant had failed to present sufficient evidence to establish that the findings had been met.

ITEM #

5

MEMO TO: Mayor and City Council Members

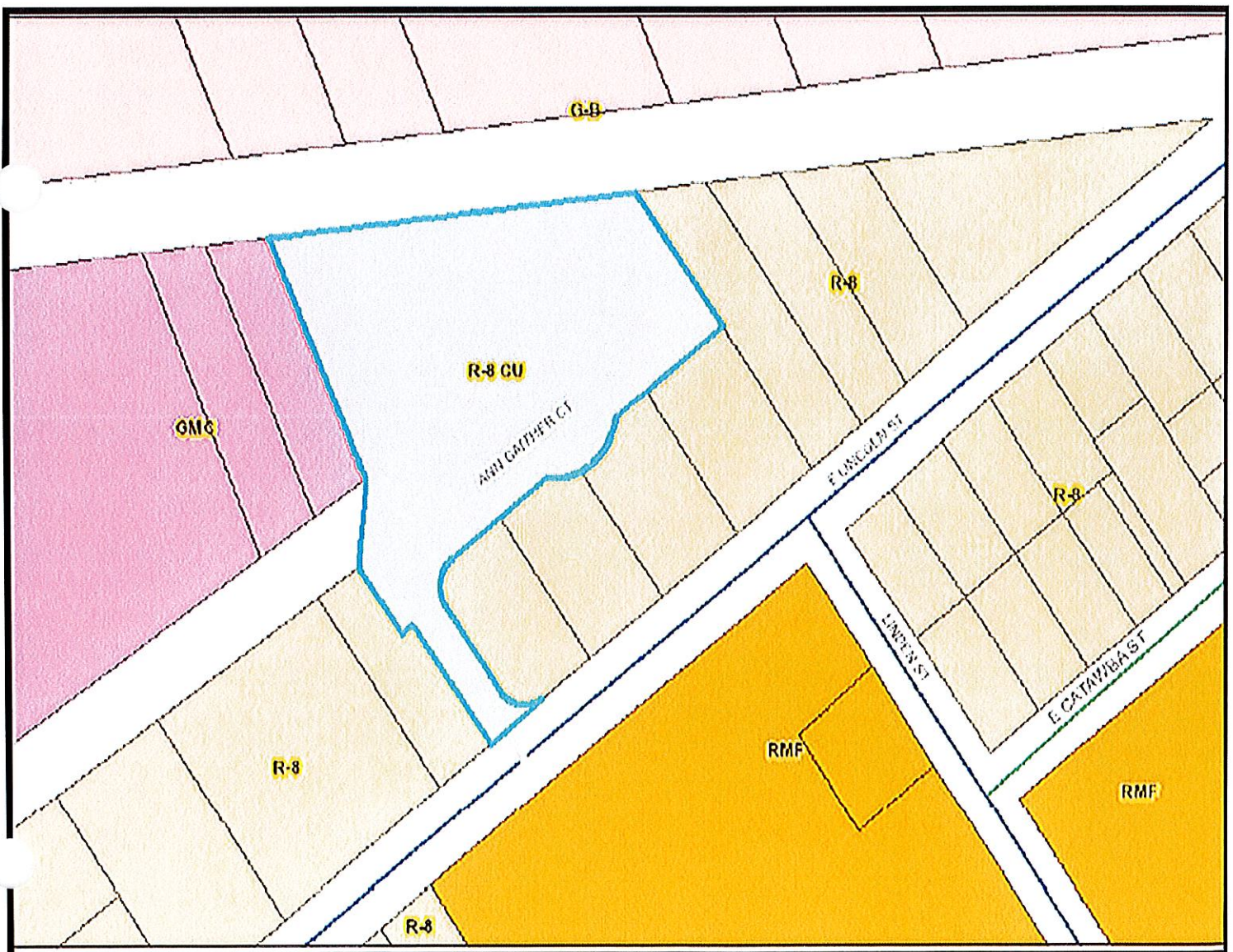
FROM: Laura Elam, Planning Director

SUBJECT: CUP-4-2019- Application for conditional use permit amendment from Hesed House of Hope to allow a 900 square foot expansion of the homeless shelter.

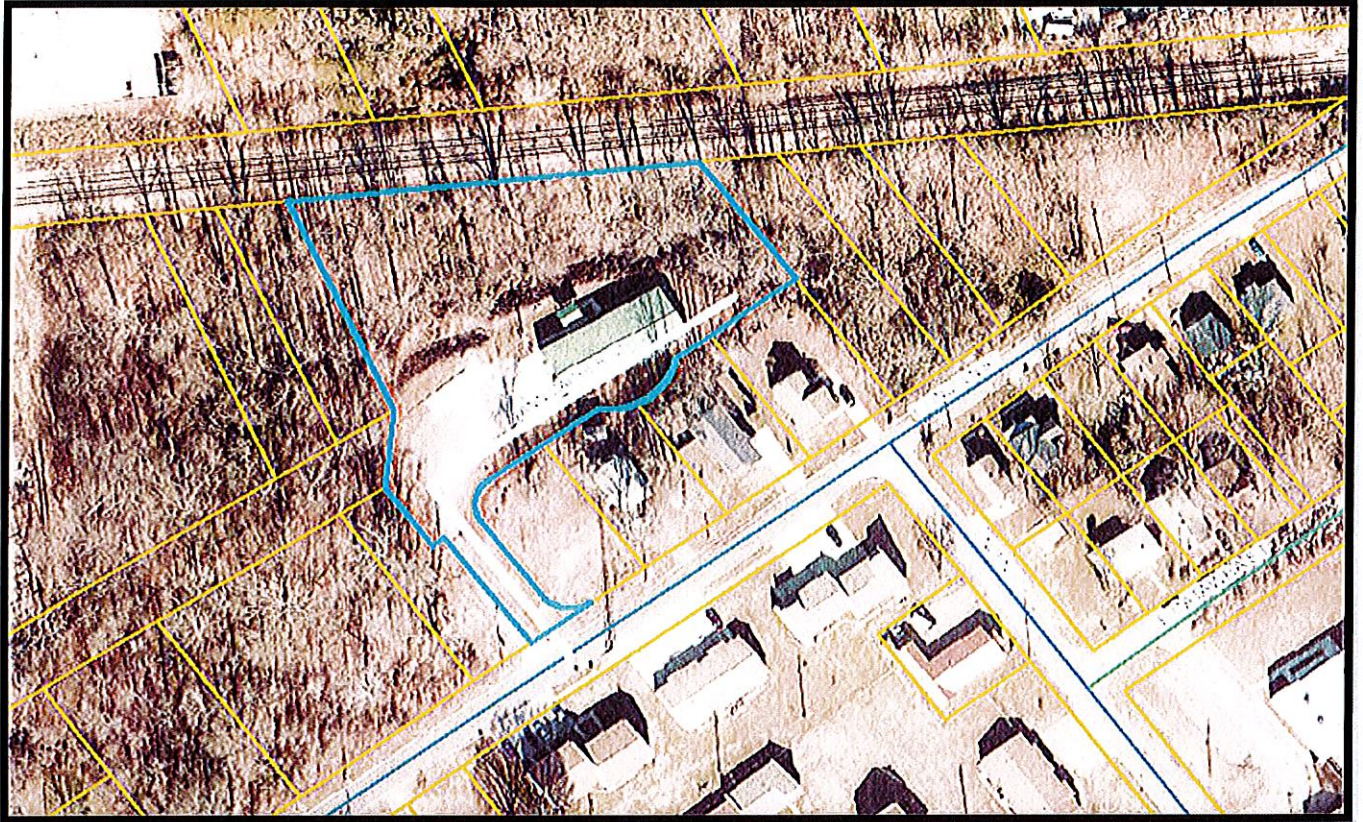
DATE: December 5, 2019

SITE AND AREA DESCRIPTION

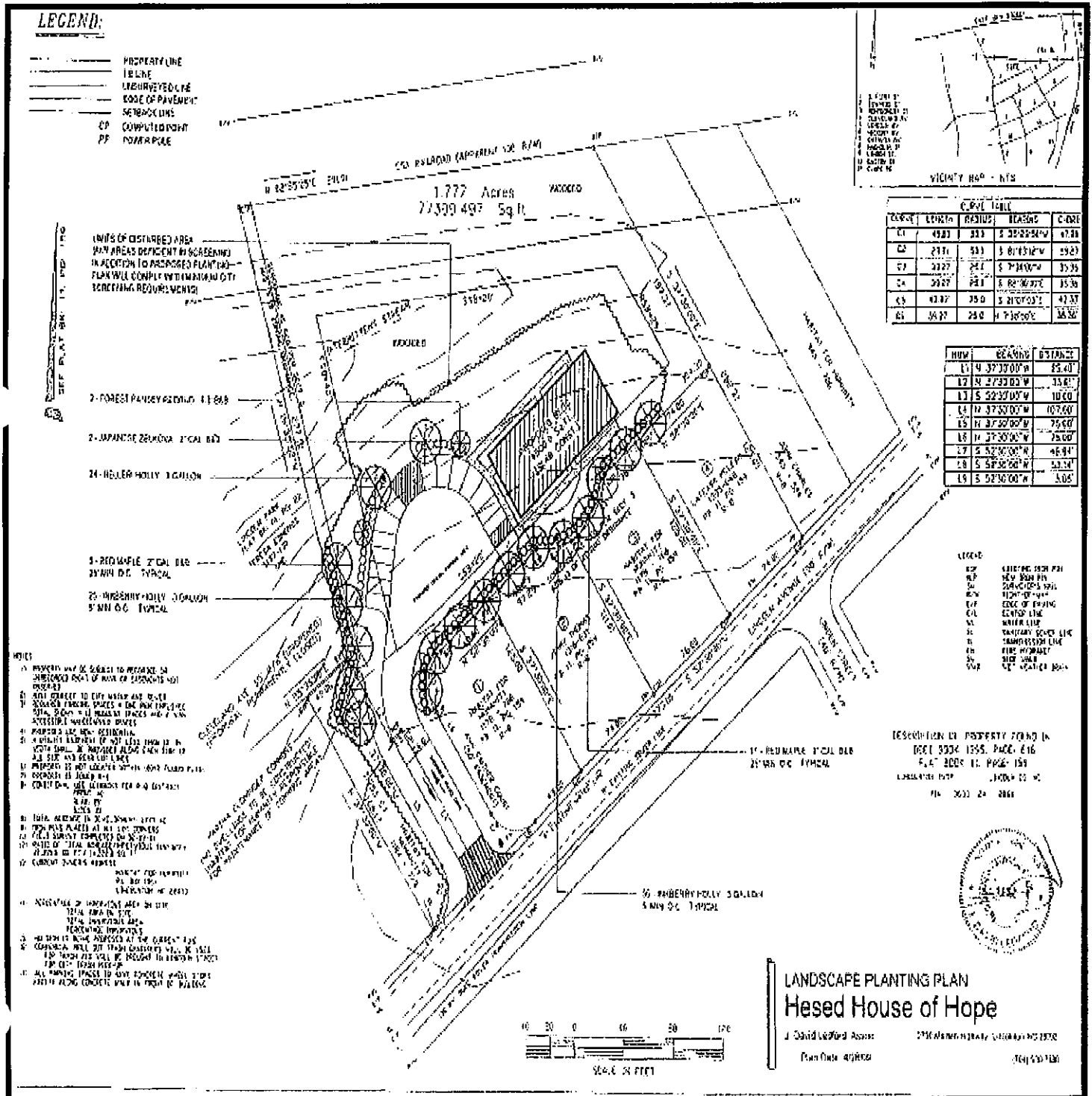
Hesed House of Hope is requesting amendment of the previously approved conditional use permit for the homeless shelter at 100 Ann Gaither Court. The site is zoned R-8 (Medium Density Residential) and a conditional use permit was approved in 2009 to allow the homeless shelter. Surrounding properties are zoned a combination of R-8, RMF, GMC and G-B.



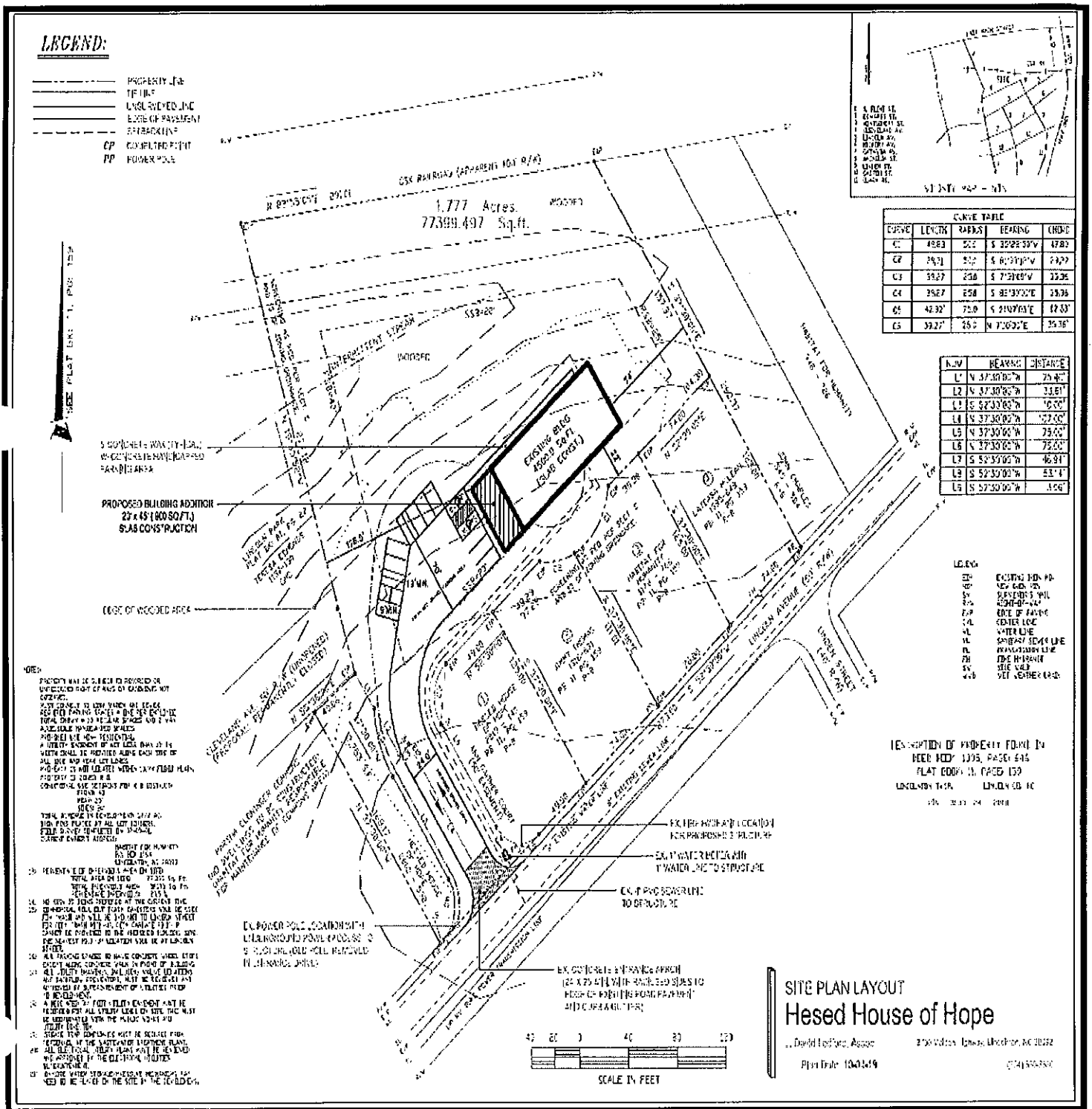
The subject property is the homeless shelter. Nearby properties to the south are devoted to residential uses. Nearby properties to the north are devoted to commercial uses.



A conditional use permit was approved in 2009 to allow the homeless shelter. The approved site plan notes the approximately 4,500 square foot shelter, one driveway to East Lincoln Street and a 15-space parking lot. The approved site plan is below:



The applicant proposes a 900 square foot addition to the front of the shelter. The proposed site plan is below:



STAFF REVIEW COMMITTEE COMMENTS

The Staff Review Committee had no comments.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

Section 153.236 of the UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The application meets the requirements of that section.

OTHER CONDITIONAL USE PERMIT REQUIREMENTS

Section 153.237 of the Unified Development Ordinance requires four findings be determined by City Council prior to issuance of the conditional use permit. They are as follows:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
2. The use meets all required conditions and specifications, and
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincoln Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

COMPLIANCE WITH SECTION 153.237

1. It does not appear that the use will endanger the public health or safety.
2. The use meets all required conditions and specifications.
3. The applicant will need to provide evidence that the use will not substantially injure the value of adjoining or abutting properties.
4. The applicant will need to provide evidence that the use will be in harmony with the area.

PLANNING BOARD AND STAFF RECOMMENDATION

Planning Board and Staff recommend approval of the conditional use permit subject to the applicant satisfactorily proving the findings of fact.

ITEM #

6

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

SUBJECT: CUP -5- 2019 Application for conditional use permit amendment from Townhomes at Lincoln Country Club, LLC to allow an increase in the approved number of townhomes from 33 units to 40 units.

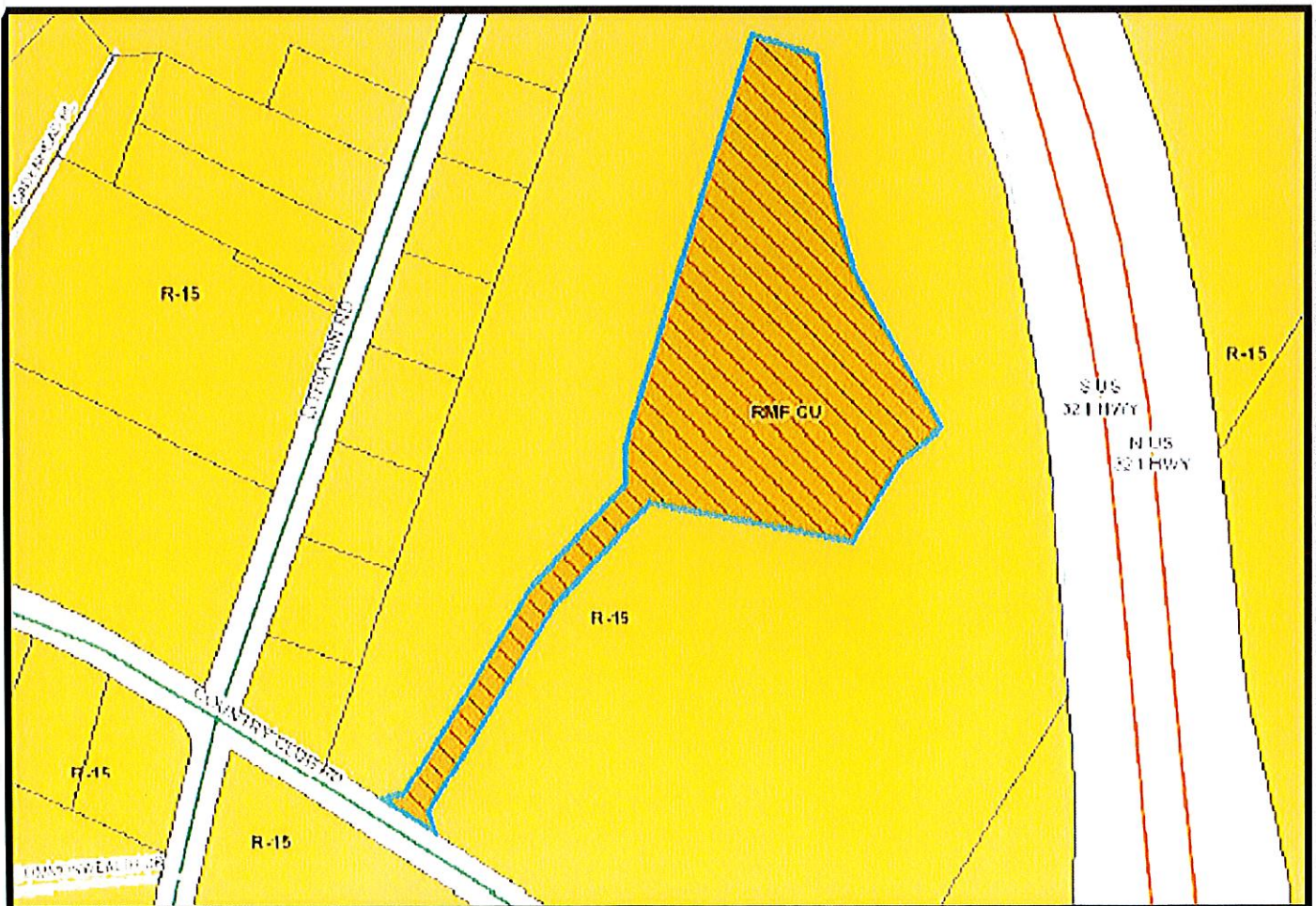
DATE: December 5, 2019

NOTE: The Planning Board tabled action on this application to their December 17 meeting to allow the applicant additional time to address outstanding site plan issues. Therefore, the public hearing will be deferred until January.

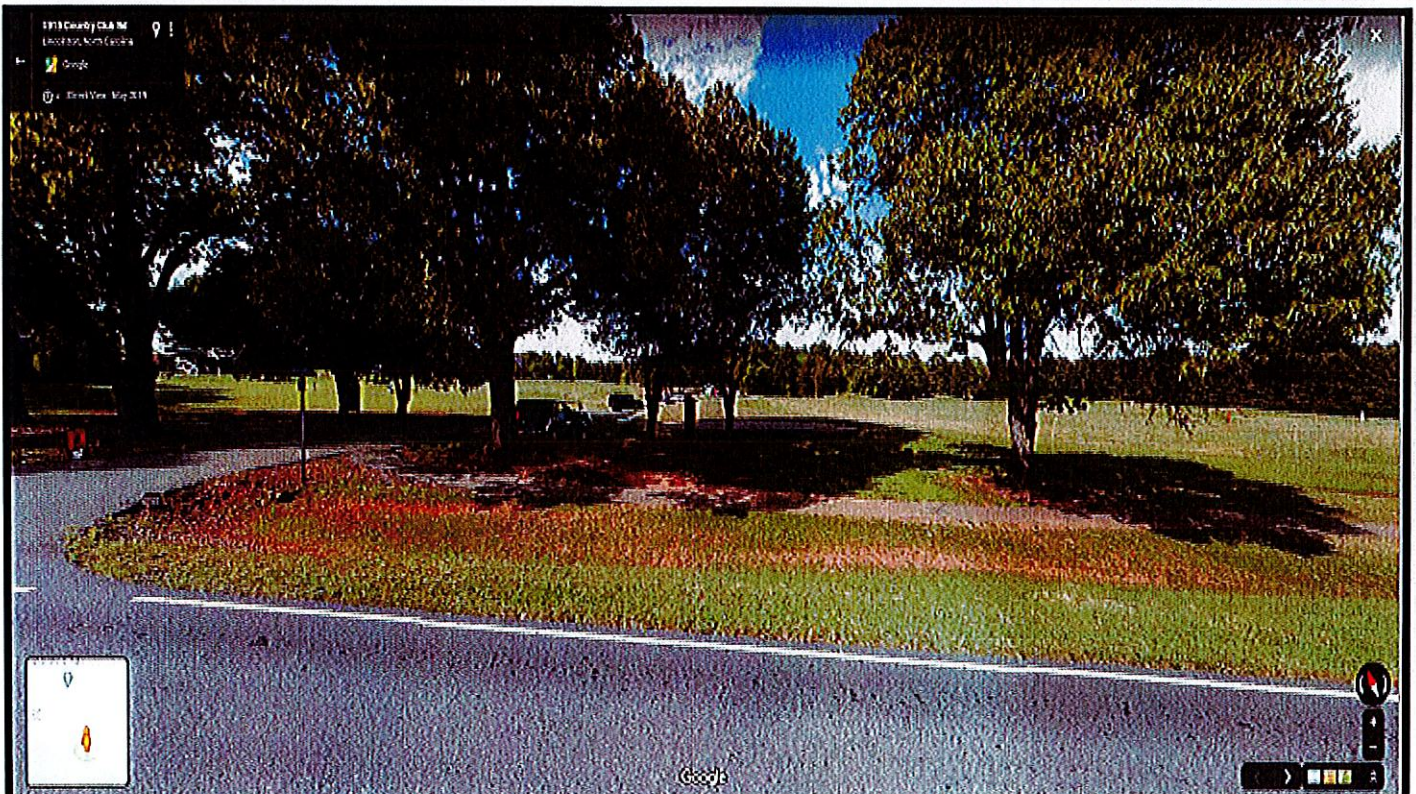
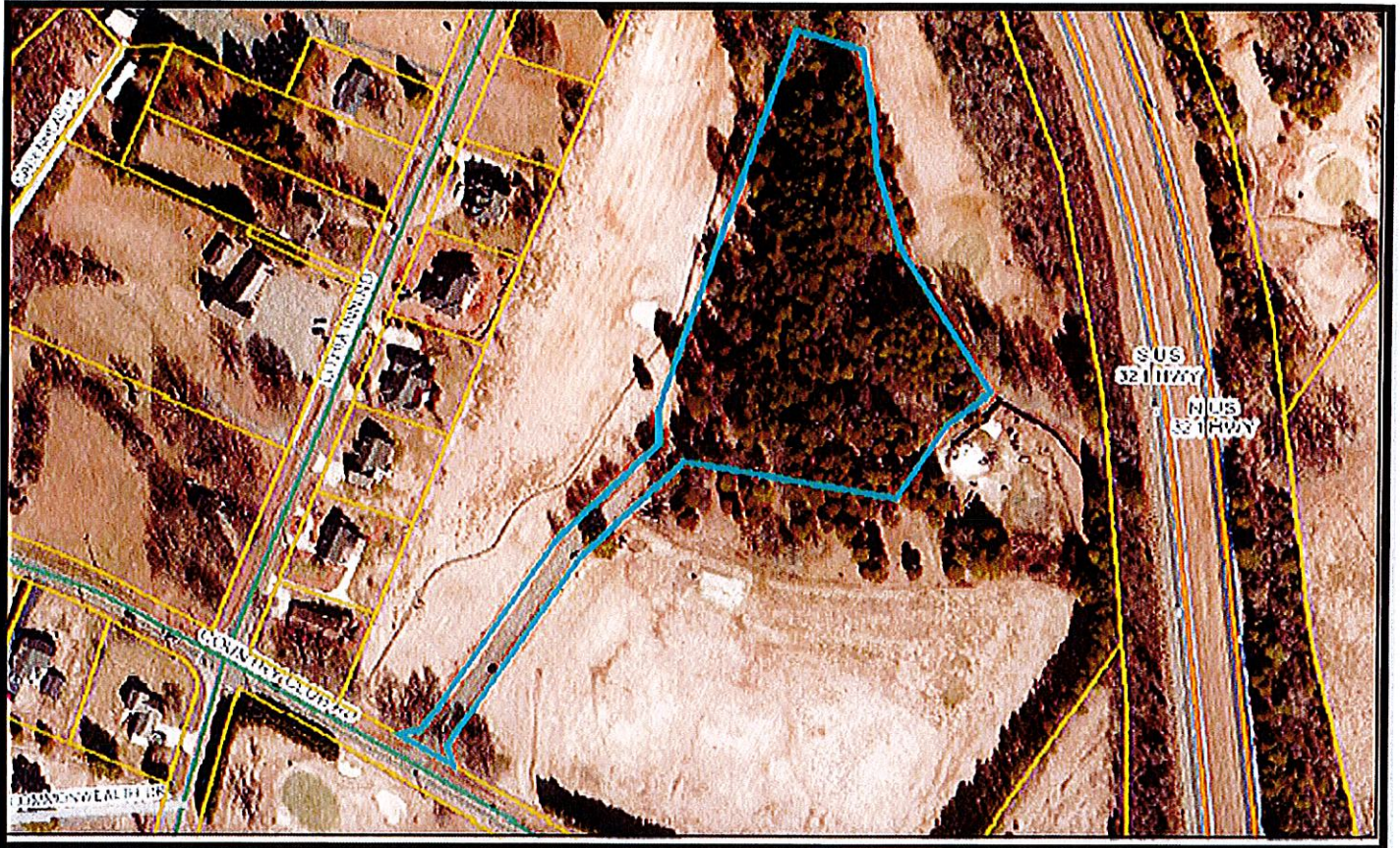
SITE AND AREA DESCRIPTION

The Townhomes at Lincoln Country Club LLC is requesting amendment of the previously approved conditional use permit for a 5.25 acre site located on the Lincoln Country Club property approximately 650 north of Country Club Road and approximately 450 feet east of Lithia Inn Road north of the driving range.

The site is zoned RMF-CU (Conditional Use Residential Multi Family) and a conditional use rezoning

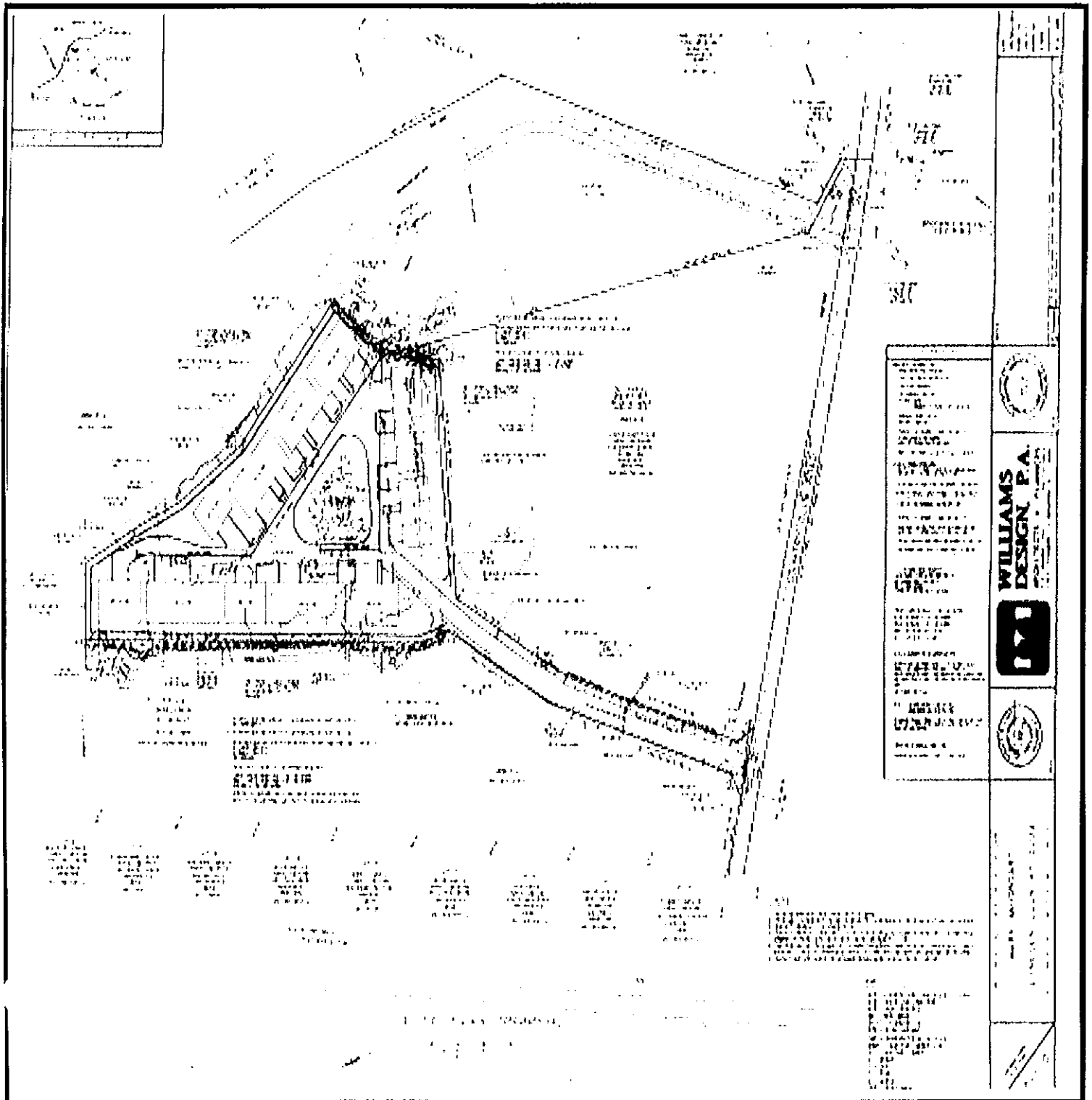


was approved in 2006 to allow 33 condominiums. Surrounding properties are zoned R-15. The site is vacant. Surrounding properties are devoted to a driving range, golf course, single family residential and a condominium complex.



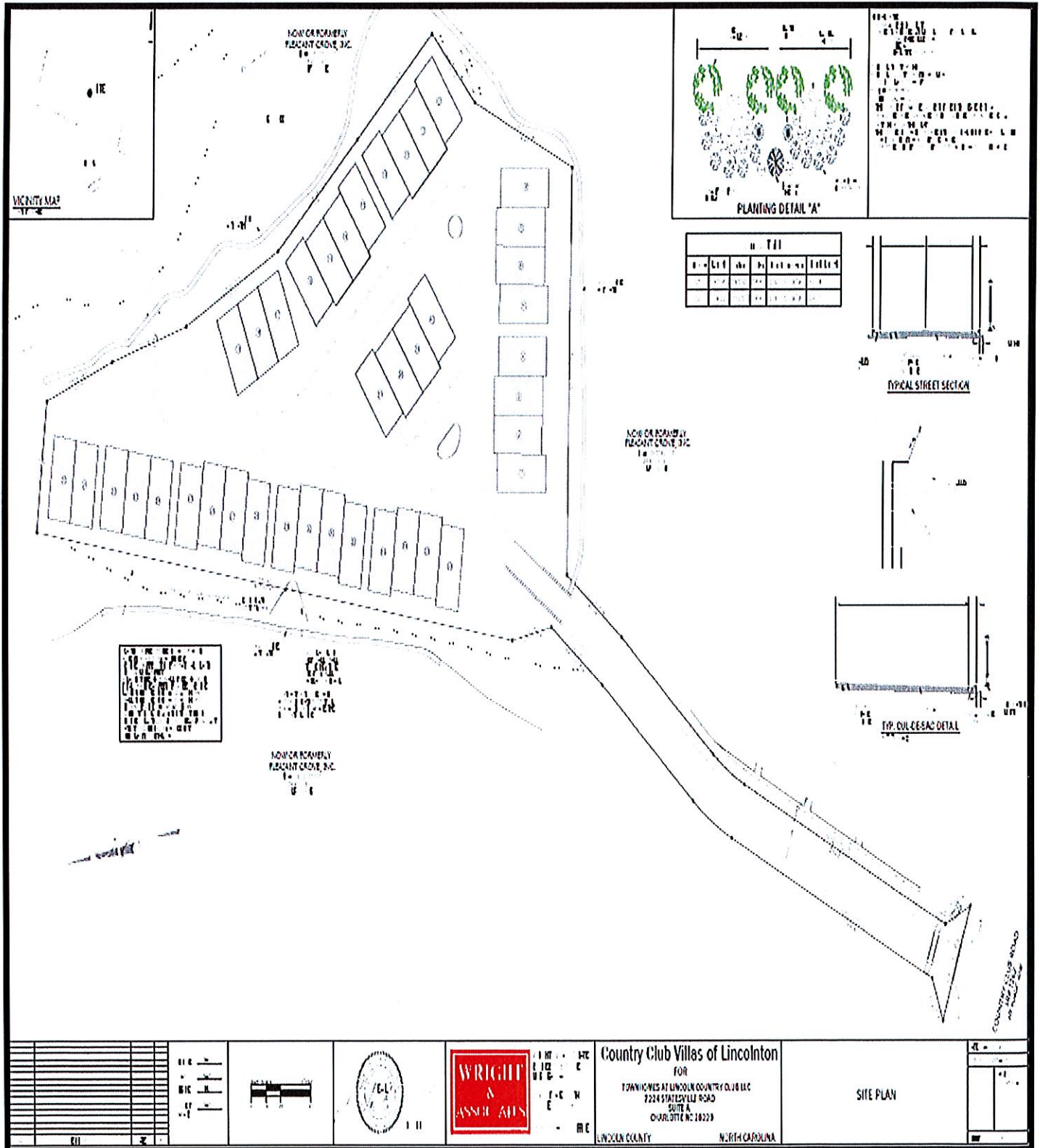
BACKGROUND AND APPROVED SITE PLAN

A conditional use rezoning was approved in 2006 to allow a 33-unit condominium complex at a density of approximately 6.27 units per acre. Access is provided from a private street connection to Country Club Road. A planted buffer is provided along the northern and southern property lines. Existing screening is to remain along the eastern and western lot lines. The approved site plan is below:



PROPOSED SITE PLAN

The applicant proposes an increase in the number of units from 33 to 40, a density of 7.6 units per acre. The proposed site plan is below:



WATER SUPPLY WATERSHED

The site is located in the Water Supply Watershed Protected Area so compliance with water supply watershed standards is required.

STAFF REVIEW COMMITTEE COMMENTS

The Staff Review Committee had the following comments:

- The turning radius on the street does not accommodate the ladder truck. Fire apparatus access shall meet Appendix D of the National Fire Code (road width, cul-de-sac radius and turning radius).
- Water supply requirements shall be met (number of fire hydrants and water main size). Fire hydrants may be required.
- A 20 foot buffer screen is required between multi family development and single family residential zoning. The ordinance requires the screening to be provided along the side and/or rear property lines of the lot. The site plan indicates that the required buffer screen will be provided off-site on a grading/landscaping easement.
- The approved 2006 site plan noted preservation of existing screening along the eastern and western lot lines. Those trees have now been removed. The proposed new screening treatment should establish an effective visual buffer along the eastern and western project edges.
- The landscaped buffer along the project edges is to be located within common open space maintained by the Homeowners Association. A plan should be submitted addressing responsibility for ongoing and routine maintenance of vegetation within the landscaped buffer. Homeowners Association documents to contain a provision requiring notification of home buyers that landscaped buffer is not in their lot and is not to be disturbed.
- Twenty five foot rear yard and 12 foot side yard setbacks required.
- Built upon area calculations required.
- All utilities must be coordinated with Public Works Department. Individual water meters required.
- The City will not provide solid waste services or street maintenance.
- Driveway permit required by NCDOT.
- HOA is responsible for maintenance of private street.
- All stormwater on the site must be managed so as not to impact adjoining properties. Stormwater management plan required. Any stormwater management facilities such as piping, ditches, etc to be placed in common open space areas. Stormwater plan is to address responsibility for ongoing and routine maintenance of stormwater management facilities.
- Location and screening treatment of any dumpster or outdoor garbage bin storage areas should be noted.
- Provide parking calculations.
- Building elevations showing architectural design of side and rear elevations to be submitted or include a note indicating side and rear elevations will be similar to the front elevation.
- Subdivision approval required.
- Due to the extent of site plan issues to be resolved, a detailed zoning plan is required to be submitted and approved prior to issuance of a zoning permit or building permit.
- Detailed building plans must be approved by Lincoln County Building and Inspections.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

Section 153.236 of the UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The site plan does not comply with ordinance specifications regarding required screening.

OTHER CONDITIONAL USE PERMIT REQUIREMENTS

Section 153.237 of the Unified Development Ordinance requires four findings be determined by City Council prior to issuance of the conditional use permit. They are as follows:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
2. The use meets all required conditions and specifications, and
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincoln Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

ADDITIONAL REVIEW CRITERIA

Section 153.238 of the Unified Development Ordinance notes the following additional review criteria to be addressed by City Council:

5. The proposed ingress and egress points will not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (non- collector/non-thoroughfare streets).

COMPLIANCE WITH SECTIONS 153.237 AND 153.238

1. The applicant will need to provide evidence that the use will not endanger the public health or safety.
2. The site plan does not comply with ordinance specifications regarding required screening.
3. The applicant will need to provide evidence that the use will not substantially injure the value of adjoining or abutting properties.
4. The applicant will need to provide evidence that the use will be in harmony with the area.
5. Compliance is met since traffic would be channeled to Country Club Road which is a minor thoroughfare.

STAFF RECOMMENDATION

Staff cannot make a positive recommendation due to the extent of revisions needed to the proposed site plan. Staff recommends that the petition be tabled for 30 days to allow the applicant time to submit a revised site plan and for the Staff Review Committee to review the revised plan.

ITEM #

7

CITY OF LINCOLNTON

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



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

R E S O L U T I O N of Appreciation for

RONALD MILLER

(R-26-19)

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, **Ronald Miller**, began employment with the City of Lincolnton on January 29, 2007 as a Equipment Operator in the Street & Property Maintenance Division of the Public Works Department. In 2018 he was promoted to Equipment Operator II where he demonstrated proficiency in all pieces of heavy equipment used by the City; and

WHEREAS, **Ronald Miller** has worked diligently maintaining City Streets, sidewalks, green areas, and City properties for the safety and beautification of our City for citizens and visitors to enjoy; and

WHEREAS, **Ronald Miller**, has demonstrated unselfish commitment to his job, his fellow employees, and the citizens of Lincolnton for the continued betterment of our City; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Lincolnton, that appreciation be shown to **Ronald Miller**, honoring him on his upcoming retirement on January 1, 2020, and that we extend congratulations and best wishes to him for continued success in all his future endeavors.

Adopted and presented this the 5th day of December 2019.

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR

ITEM #

8

CITY OF LINCOLNTON

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



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

R E S O L U T I O N of Appreciation for (R-27-19) CYNTHIA B. SAIN

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

WHEREAS, **Cindy Sain**, began employment with the City, November 30, 2004 as a Police Records Clerk with the Lincolnton Police Department;

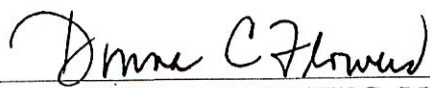
WHEREAS, **Cindy Sain**, in 2008 was promoted to Police Records Supervisor. Cindy was responsible for SBI audits of DCI records as well as records management and retention within the department; and

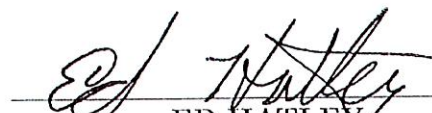
WHEREAS, **Cindy Sain**, worked with the Division of Criminal Information (DCI) and Terminal Agency Coordinator (TAC) from the State Bureau of Investigation to ensure every department employee within the Police Department completed the appropriate training required, renewing certifications every two years; and

WHEREAS, **Cindy Sain**, coordinated meal donations from the community for participants for all Lincoln County First graders for PACTS Safety Day held annually. Cindy has been an integral part of communication within the Police Department and throughout the City during her tenure; and

NOW THEREFORE BE IT RESOLVED, that the governing body of the City of Lincolnton wishes to officially commend **Cindy Sain** for her valuable and outstanding service rendered to the City, and we extend best wishes to her as she begins the next chapter in her life.

Adopted and presented this the 5th day of December, 2019.


DONNA C. FLOWERS, MMC
CITY CLERK


ED HATLEY
MAYOR

ITEM #

9

CITY OF LINCOLNTON

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



CITY MANAGER
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szickefoose@lincolntonnc.org
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CITY ATTORNEY
Thomas J. Wilson, Jr.,

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINCOLNTON, NORTH CAROLINA DESIGNATING THE DATE AND TIME OF THE MONTHLY MEETING OF THE MAYOR AND CITY COUNCIL IN ORDER TO COMPLY WITH THE OPEN MEETINGS LAW

(R-28-19)

WHEREAS, Chapter 143, Article 33 B of the General Statutes of North Carolina (The Open Meeting Law) requires in effect if a public body holds a meeting at any time, it shall give public notice of the time and place of that meeting as provided in GS 143-318.8;

WHEREAS, one of the methods of giving such public notice is to advertise in a newspaper with a circulation in and around the City of Lincolnton; and

WHEREAS, the City Council desires to notify all citizens and residents of the City of Lincolnton of their regular meeting date and time.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincolnton that the regular meeting of the City Council shall be held the first Thursday of each month at 7:00 p.m. in the Council Chambers of the Lincolnton City Hall, located at 114 W. Sycamore Street, on the following dates and times with the exception of the July meeting:

January 9	May 7	September 3
February 6	June 4	October 1
March 5	June 25	November 5
April 2	August 6	December 3

All of these being held in 2020. The City Council meeting in Regular Session on December 5, 2019 established these dates and time and ordered this resolution be published one time in the Lincoln Times-News at least fifteen days prior to January 9, 2020 meeting. The City Council further ordered a copy of this resolution be posted on the bulletin boards located on the first and second floors of the City Hall, located at 114 W. Sycamore Street. The purpose of this advertisement and the posting of this notice acknowledges the requirement as described in Chapter 143, Article 33 B of the General Statutes of North Carolina.

Adopted this 5th day of December, 2019.

ITEM #

10

MEMO TO: Mayor and City Council Members
FROM: Laura Elam
SUBJECT: Resolution to Designate Review Officer
DATE: December 5, 2019

Background

The North Carolina General Statutes requires the Board of Commissioners of each county to designate by name one or more persons as a Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording.

With the recent resignation of Brett Hicks, new Review Officers will need to be designated.

The enclosed is a resolution for City Council's adoption designating Mark Carpenter and Laura Elam as Review Officers for the City.

Action Requested

Approval of enclosed resolution designating Mark Carpenter and Laura Elam as Review Officers.

CITY COUNCIL

Ed L. Hatley, Mayor
Martin A. Eaddy, Mayor Pro-Tem
David M. Black
Roby D. Jetton
Tim Smith



CITY MANAGER

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

**RESOLUTION
(R-30-19)**

REVIEW OFFICERS FOR THE CITY OF LINCOLNTON
Adding Mark Carpenter; removing Brett Hicks
AMENDING (R-17-2019)

WHEREAS, the 1997 General Assembly enacted General Statute 47-30.2 requiring the Board of Commissioners of each county, by resolution, to designate by name one or more persons experienced in mapping of land records management as a Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording, and

WHEREAS, to comply with General Statute 47-30.2 the Lincolnton City Council enacts this Resolution:

NOW, THEREFORE, BE IT RESOLVED BY THE LINCOLNTON CITY COUNCIL:

1. That Mark Carpenter and Laura Elam are hereby appointed as a **REVIEW OFFICERS** to review each map or plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording.
2. That the **REVIEW OFFICER** shall review expeditiously each map or plat required to be submitted to the officer before the map or plat is presented to the Register of Deeds for recording.
3. The **REVIEW OFFICER** shall certify the map or plat if it complies with all statutory requirements for recording, and affix his certification to the map.
4. This Resolution designating the aforesaid **REVIEW OFFICER** be recorded in the Office of the Register of Deeds for Lincoln County and indexed on the Grantor Index in the name of the **REVIEW OFFICER**.

The foregoing Resolution was amended and unanimously approved by the Lincolnton City Council at its regular December 5, 2019 meeting.

Adopted this 5th day of December, 2019.

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR

ITEM #

11

CITY OF LINCOLNTON

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



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

TO: Mayor & City Council Members

FROM: Donna C. Flowers, City Clerk

DATE: November 29, 2019

SUBJECT: Re-Appointments and New Appointments

RE-APPOINTMENTS:

In keeping with City Policy, the below current appointees were contacted notifying them they are eligible for a second three year term, which will begin January 2020 through December 2022. All have agreed to serve a second term:

ABC Board – Dyra Eaker
Historic Properties – William Stark
Housing Authority – Michael Noles
Planning Board – Rebecca Abernathy
Worth Roberts
Gene Poinsette

NEW APPOINTMENTS:

Applications were received for several vacancies to boards/commissions. The following people have applied and are eligible to serve if appointed:

Housing Authority (1 vacancy) – Rachel Stines
LTDA – (1 vacancy) – Allison Gahrman
Planning Board – ETJ (1 vacancy) – Steve Sylva

A motion for each appointment will be necessary. Should you have any questions regarding these two items please feel free to contact me. Thank you.

CITY OF LINCOLNTON

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



CITY MANAGER
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szickefoose@lincolntonnc.org
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CITY ATTORNEY
Thomas J. Wilson, Jr.

NOTIFICATION OF OPENINGS FOR CITY COUNCIL APPOINTED BOARDS, COMMITTEES,

The City of Lincoln is now accepting applications from City residents who are interested in serving on the following City Boards(s) and/or Commissions(s):

Housing Authority (1 vacancy)
Planning Board (1 vacancy)
Tourism Development (1 vacancy)

In accordance with City policy, the appointment term would begin January 1, 2020 through December 2022. Applications are available online www.ci.lincolnton.nc.us or at the City Clerk's Office, located on the second floor of City Hall. Applications deadline is Wednesday, November 20th by 5:00 p.m.

For additional information, please contact Donna Flowers, City Clerk, at (704) 736-8980 ext. 2281 or by email at donnaflowers@ci.lincolnton.nc.us

ADVERTISE:

Friday, November 1, 2019
Monday, November 4, 2019
Wednesday, November 6, 2019
Friday, November 8, 2019
Monday, November 11, 2019

ITEM #

12

REFERENCE

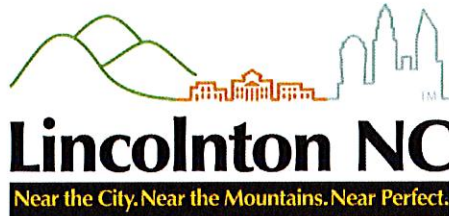
ITEM 11

MEMO

ITEM #

13

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



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

MEMORANDUM

TO: Mayor and Council

FROM: Steve Zickefoose, City Manager *Steve*

SUBJECT: Animal Control Agreement

DATE: December 5, 2019

The County and City do not have a current Animal Control Agreement. Kelly Atkins and I have drafted a new agreement for review. As you may recall, the City recently amended our ordinance to indicate that we follow the County ordinance for enforcement purposes. The new agreement reflects this. We have also locked in the current cost of \$6,300/year through 2024.

TJ has reviewed the agreement and is good with the language and terms.

Please let me know if you have any questions.

STATE OF NORTH CAROLINA

COUNTY OF LINCOLN

SERVICE PROVISION AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2019, and made effective on the _____ day of _____, 2019, by and between LINCOLN COUNTY, a body corporate and politic authorized by the laws of the State of North Carolina, having a mailing address of 353 N. Generals Blvd, Lincolnton, NC 28902, hereinafter referred to as "County;" and THE CITY OF LINCOLNTON, a North Carolina municipal corporation, having a mailing address of 114 W. Sycamore St., Lincolnton, North Carolina 28092, hereinafter referred to as "Lincolnton."

RECITALS:

A. County and Lincolnton have previously, by a mutual unwritten understanding, agreed to the provision, by County, of Animal Control services (hereafter, the "Services," as shall be further defined herein) for the benefit of Lincolnton.

B. The parties desire to enter into a formal written agreement providing Services to Lincolnton, as well as providing a mechanism for determining the consideration which Lincolnton shall pay for the provision by County of the Services each year during the term of the Agreement.

C. The parties mutually desire to enter into this Agreement to provide for Services for the benefit of Lincolnton; to provide for a graduated payment structure for the payment by Lincolnton to the County for said services; and to provide a prospective mechanism for the parties to determine the price and fee to be paid by Lincolnton to the County for the provision of the Services.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and terms contained herein, the parties hereto, intending to be legally bound hereby, agree as follows:

1. Provision of Services. County shall provide to Lincolnton, for the Consideration stated hereunder to be paid by Lincolnton, the Services for the entire term of this Agreement.

2. Term of Agreement. This Agreement shall remain in effect until 11:59 p.m. on July 1, 2024, unless this Agreement is otherwise terminated as provided in Section 5 herein. Furthermore, this Agreement shall automatically be renewed for consecutive additional one-year terms unless a notice of termination is given in writing by either party at least 90 days prior to the end of the then-existing term. As used herein, the term of the Agreement shall be deemed to refer to the initial term and any renewals thereof.

3. Definition of Services Provided. As used herein, the term "Services" shall refer to all of the following:

- a. Accepting animal service calls in accordance to the adopted Lincoln County Animal Control Ordinance originating within the Lincoln city limits.
- b. Accepting animals dropped off at the Lincoln County Animal Shelter which originated within the Lincoln city limits in accordance to the adopted Lincoln County Animal Control Ordinance.
- c. Enforcement of the Lincoln County Animal Control Ordinance within the Lincoln City Limits, except as specifically excluded herein.
- d. Excluded from the definition for “Services” is the enforcement of any Animal Control Ordinances adopted by the City that are more restrictive than the Lincoln County Animal Control Ordinance.

4. Consideration. The Consideration for the Services provided, which Lincoln agrees to pay on or before July 1 of each year, shall be the following:

Fiscal Years 2019-2024:	\$6,300.00, due on or before July 15 of said year
Fiscal Years 2024-2029:	To be negotiated/determined due on or before July 15 of said year
Fiscal Years 2029-2035:	To be negotiated/determined, due on or before July 15 of said year

5. Default. In the event of a default, the non-defaulting party shall have the following remedy or remedies:

a. **Default by County.** In the event of a failure of County to perform any of its obligations contained in this Agreement or for a material breach of the warranties made by County in this Agreement, after having provided the County notice of said failure or breach in writing with a 30-day right to cure said failure or breach, Lincoln may terminate this Agreement and shall be entitled to a return of that portion of the Consideration it had paid for the current year, pro-rated effective as of the date of termination.

b. **Default by Lincoln.** In the event of a failure of Lincoln to perform any of its obligations contained in this Agreement, or for a material breach of the warranties made by Lincoln in this Agreement, after having provided Lincoln notice of said failure or breach in writing with a 30-day right to cure said failure or breach, the County may terminate this Agreement and keep any of the Consideration heretofore paid.

c. Upon a termination as provided herein, the obligations of each party to the other shall cease.

6. Warranties and Representations. As an inducement for each party to enter into this Agreement, the parties warrant and represent as follows:

a. County and Lincoln each have among their powers the authority to contract with one another to perform such undertakings as are described in this Agreement.

b. Entry into this Agreement by either party will not violate any law, judgment, order, ruling or regulation applicable and does not constitute a breach of or default under any agreement or instrument by which either of the entities is bound.

c. County and Lincolnton each has or holds, and will continue to have or hold through the date of transfer and closing, all appropriate permits necessary to effectuate their respective responsibilities under this Agreement or will use their best efforts to obtain such permits.

7. Miscellaneous Provisions.

a. To the extent allowed by law, Lincolnton shall indemnify, defend and hold harmless County, its elected and appointed officers, and its duly authorized agents, servants and employees from any and all costs, expenses or liabilities (including costs, expenses or liabilities to third parties and attorney's fees) which are caused by or arise from Lincolnton's breach of this Agreement or the negligent or willful acts or omissions of Lincolnton or its agents, servants, employees or subcontractors provided such cost, expenses or liabilities do not arise as a result of the negligent or willful acts or omissions of County.

b. To the extent allowed by law, County shall indemnify, defend and hold harmless Lincolnton, its elected and appointed officers, and its duly authorized agents, servants and employees from any and all costs, expenses or liabilities (including costs, expenses or liabilities to third parties and attorney's fees) which are caused by or arise from County's breach of this Agreement or the negligent or willful acts or omissions of County or its agents, servants, employees or subcontractors provided such cost, expenses or liabilities do not arise as a result of the negligent or willful acts or omissions of Lincolnton.

c. All notices given pursuant to the terms of this Agreement shall be in writing and delivered in person or transmitted by certified mail, return receipt requested, postage prepaid, to the following entities:

Lincolnton: Lincolnton City Manager
 114 W. Sycamore St.
 Lincolnton, North Carolina 28092

County: Lincoln County Manager
 353 N. Generals Blvd.
 Lincolnton, North Carolina 28092

d. This Agreement embodies the entire Agreement between the parties in connection with this transaction, and there are no oral or parole agreements, representations or inducements existing between the parties relating to this transaction, which are not expressly set forth herein and covered hereby. This Agreement may not be modified, released or waived except by a written agreement signed by all of the parties hereto.

e. Nothing contained herein shall be construed to place the parties in the relationship of partners or joint ventures, and neither party shall have the power to obligate or bind the other party in any manner whatsoever.

f. No written waiver by any party at any time of any breach of any other provision of this Agreement shall be deemed a waiver of a breach of any provision herein or a consent to any subsequent breach of the same or any other provisions. If any action by any party shall require the consent or approval of another party, such consent or approval of such action on any occasion shall not be deemed a consent to or approval of such action on any subsequent occasion or a consent to or approval of any other action on the same or any subsequent occasion.

g. The various rights, powers and remedies herein contained and reserved to either County or Lincolnton shall not be considered as exclusive of any other right, power or remedy, but the same shall be construed as cumulative and shall be in addition to every other right, power or remedy now or hereafter existing at law, in equity or by statute. No delay or omission of a party to exercise any right, power or remedy arising from any omission, neglect or default of the other party shall impair any such right, power or remedy or shall be construed as a waiver of any such default or and acquiescence therein.

h. In the event either of the parties receives notice of or undertakes the defense or the prosecution of any actions, claims, suits, administrative or arbitration proceedings or investigations in connection with this Agreement, the party receiving such notice or undertaking such prosecution shall give the other party timely notice of such proceedings and will inform the other party in advance of all hearings regarding such proceedings.

i. The captions, section numbers and article numbers appearing in this Agreement are inserted only as a matter of convenience and do not define, limit, construe or describe the scope of such paragraphs or articles of this Agreement nor in any way affect this Agreement.

j. This Agreement shall be governed by and interpreted in accordance with the laws of the State of North Carolina.

k. Time shall be of the essence of this Agreement and each and every term and condition thereof.

l. Words of any gender used in this Agreement shall be held to include any other gender, and words in the singular number shall be held to include the plural, when the sense requires.

m. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, and it shall not be necessary in making proof of this Agreement to produce or account for more than one such fully-executed counterpart.

n. Both County and Lincolnnton acknowledge and stipulate that this Agreement is the product of mutual negotiation and bargaining and that it has been drafted by respective counsel for both County and Lincolnnton. As such, the doctrine of construction against the drafter shall have no application to this Agreement.

o. If any provision under this Agreement or its application to any person or circumstance is held invalid by any court of competent jurisdiction, such invalidity does not affect any other provision of this Agreement or its application that can be given effect without the invalid provision or application.

p. In the event of a dispute arising from this Agreement, the parties agree to take the following actions as conditions precedent to any party hereto filing an action arising from the Agreement:

i. The Lincolnnton City Manager and the Lincoln County Manager shall meet in an attempt to informally mediate the dispute; and

ii. If said Managers are unable to successfully mediate said dispute, the Lincolnnton Mayor and Lincolnnton City Manager shall attempt to mediate the dispute with the Lincoln County Manager and the Chairman of the Lincoln County Board of Commissioners.

If the parties, after taking the steps provided hereinabove, are unable to successfully mediate their dispute, then either party may file an action in the Lincoln County Superior Court for a determination of the parties' respective rights and liabilities therein.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year above first written.

SIGNATURES APPEAR ON THE FOLLOWING PAGE

CITY OF LINCOLNTON,
A North Carolina Municipal Corporation

ATTEST: (SEAL)

By: _____
Ed Hatley, Mayor

_____, City Clerk

This document has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Steven Zickefoose, Finance Director
City of Lincolnton

Approved as to form on behalf of the City of Lincolnton.

Thomas J. Wilson, Jr.
Attorney for the City of Lincolnton

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN

I, _____ a Notary Public of said County and State, certify that _____ personally came before me this day and acknowledged that he/she is City Clerk of the City of Lincolnton, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the City Council of the City of Lincolnton, the foregoing instrument was signed in its name and by its City Manager, sealed with its corporate seal and attested by him/her as its City Clerk.

Witness my hand and seal this _____ day of _____, 2019.

(SEAL)

Notary Public

My Commission Expires: _____

LINCOLN COUNTY,
A North Carolina Body Corporate and Politic

By: _____
Carrol D. Mitchem
Chairman of the Board of Commissioners

ATTEST: (SEAL)

Amy Atkins, County Clerk

This document has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Deanna Rios, Finance Director
Lincoln County, North Carolina

Approved as to form on behalf of Lincoln County

Wesley L. Deaton, Attorney for Lincoln County

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN

I, _____ a Notary Public of said county and state, certify that Amy Atkins personally came before me this day and acknowledged that she is the County Clerk of Lincoln County, North Carolina, a body corporate and politic in nature, and that by authority duly given and as the act of the Board of Commissioners of Lincoln County, North Carolina, the foregoing instrument was signed in its name and by its Chairman of the Board, sealed with its corporate seal and attested by her as its County Clerk.

Witness my hand and seal this _____ day of _____, 2019.

(SEAL)

Notary Public

My Commission Expires: _____

ITEM #

14

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



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

MEMORANDUM

TO: Mayor and Council

FROM: Steve Zickefoose, City Manager *Steve*

SUBJECT: Water Street Restaurant Project

DATE: December 5, 2019

I have met with the Local Roots LLC. representatives to discuss their proposal and to review the specifics of what they are requesting from the City and what they can provide themselves. Local Roots also provided a pro forma income statement for our review. Based on our meeting, we are in agreement with their proposal subject to the attached terms and conditions.

I will review these in detail at the December Council meeting. My recommendation is to approve Local Roots, LLC as the successful candidate for the Water Street Restaurant Project. If approved, there would be a due diligence period until the next scheduled Council meeting in January. We would then enter into a lease/purchase agreement at that time.

Members of Local Roots, LLC will be at the Council meeting to answer any questions you may have.

Water Street Restaruant Project Budget- Local Roots

Project Cost Estimates

Construction	\$ 660,000
Restaurant Start-Up	<u>\$ 220,000</u>
Total	\$ 880,000

Funding Sources

City Electric Fund	\$ 425,000 *
Local Roots Investment	\$ 429,000
Other Eligible City Grants	
Façade-2 @ \$2,500	\$ 5,000
Architect	\$ 3,000
BIG (Business Incentive Grant)	\$ 15,000
Rent Rebate	<u>\$ 3,000</u>
Total	\$ 880,000

* Building Infrastructure Needs

Selective Building Demolition	\$ 2,000
Roofing	\$ 15,000
Drywall	\$ 3,000
Tile/Stone/Terazzo	\$ 30,000
Floor Covering/Finishes	\$ 6,000
Fire Protection	\$ 23,025
Plumbing	\$ 91,125
HVAC	\$ 81,790
Electrical	\$ 90,000
Sitework	\$ 40,500
Construction Staging	\$ 27,500
Kitchen Hood	\$ 15,000

5 Year Lease With Option to Buy

Payment beginning August 2020	\$1,000/month
Payment when open and thereafter	\$2,000/month
Lease payments apply to purchase	
Electric payments apply to purchase	

Option to Buy Price

City Paid for Building	\$ 285,000
City Building Infrastructure	<u>\$ 425,000</u>
	\$ 710,000
(Less Lease Payments)	(TBD)
(Less Electric Payments)	(TBD)

110 E. Water Street - Estimated Construction Costs

***Please note that costs listed below are estimates and are subject to change during the design & bidding process.

Scope of Work	Estimated Cost	Comments
02A - Selective Building Demolition	\$ 2,000.00	
03A - Complete Concrete Sub and Superstructures	\$ -	
04A - Masonry	\$ 2,000.00	
06B - Carpentry and Casework	\$ 20,000.00	
07B - Roofing	\$ 15,000.00	
08A - Glass Assemblies	\$ 7,500.00	
08B - Passage Door Assemblies	\$ 6,000.00	
09A - Drywall Assemblies	\$ 3,000.00	
09D - Hard Tile / Stone / Terrazzo Applications	\$ 30,000.00	
09E - Floor Coverings - Floor Refinishing	\$ 6,000.00	
09F - Painting & Wall Covering	\$ 4,500.00	
10A - Specialties	\$ 2,500.00	
14B - Food Service Equipment	\$ 125,000.00	
✓ 21A - Fire Protection	\$ 23,025.00	
✓ 22A - Plumbing Systems	\$ 91,125.00	
✓ 23A - HVAC	\$ 81,789.00	
✓ 26A - Electrical Systems	\$ 90,000.00	Includes termination of RTU
32A - Sitework	\$ 40,500.00	
Trade Contractor Subtotal	\$ 549,939.00	
Construction Staging & Logistics	\$ 27,496.95	
Cost of Work Subtotal	\$ 577,435.95	
Building Permit	\$ 2,598.46	
Builders Risk	\$ 1,443.59	
General Liability	\$ 2,771.69	
Total Estimated Construction Costs	\$ 584,249.69	

Requested Capital from the City of Lincoln

07B - Roofing	\$ 15,000.00	
14B - Food Service Equipment	\$ 15,000.00	Kitchen Hood Only
21A - Fire Protection	\$ 23,025.00	
22A - Plumbing Systems	\$ 91,125.00	Includes Grease Trap
23A - HVAC	\$ 81,789.00	Includes ventilation for Kitchen Hood
26A - Electrical Systems	\$ 90,000.00	
32A - Sitework	\$ 40,500.00	
Estimated Total	\$ 356,439.00	

ITEM #

15

CITY OF LINCOLNTON POLICE DEPARTMENT

RODNEY JORDAN • CHIEF OF POLICE



PO BOX 617 • 627 EAST MAIN STREET
LINCOLNTON, NORTH CAROLINA 28093-0617
PHONE: (704) 736-8900 • FAX: (704) 736-8904

TO: Steve Zickefoose, City Manager
FROM: Chief R. Jordan *RP*
DATE: November 25, 2019
SUBJECT: Budgeted Positions/New Position Classification

The purpose of this memorandum is to request the addition of two part-time (non-sworn) "Parking Enforcement" positions to the police department's current number of budgeted positions. I believe this will be much more beneficial and economical for the department and the City to handle this assignment with someone other than a fully sworn and trained police officer. By adding this new classification, the sworn officer position, which once covered the parking enforcement, can be utilized in a way that is more in line with his or her training and experience.

I am currently working with Tanya Osborne, Human Resource Director, to complete a detailed job description and to determine the hours that would be assigned to this position classification. The plan would be to hire two part-time Parking Enforcement Officers that would each work Monday thru Friday with one position covering downtown parking from 8:00 a.m. to noon and the second from noon until 4:00 p.m. They would, of course, be off duty on holidays and weekends. It is anticipated, each position would work approximately 995 hours annually, and is not eligible for retirement or other city benefits. The new position classification would be placed in a grade 10 on the salary schedule which is in line with a meter specialist and other like related duties. The pay would be approximately \$14.23 per hour adding a salary line budget change including FICA and Medicare of approximately \$30,484.00 per year if all hours were worked. Your consideration in this matter is greatly appreciated!

Cc: Tanya Osborne, Human Resource Director

Salary Schedule-Position Classifications

City of Lincoln
Effective July 1, 2019

<u>Grade</u>	<u>Position Title</u>	<u>Minimum</u>	<u>Midpoint</u>	<u>Maximum</u>	<u>Occupation Review Schedule</u>	<u>FLSA Status</u>
3	Not assigned	21,046	26,307	31,569		N
4	Not assigned	22,098	27,623	33,147		N
5	Not assigned	23,203	29,004	34,805		N
6	Not assigned	24,363	30,454	36,545		N
7	Building Services Attendant	25,582	31,977	38,372	C	N
7	Property Maintenance Technician	25,582	31,977	38,372	C	N
8	General Maintenance Worker	26,861	33,576	40,291	B	N
9	Administrative Support Assistant	28,204	35,255	42,305	C	N
9	Customer Service Representative I	28,204	35,255	42,305	C	N
9	Police Evidence Technician	28,204	35,255	42,305	C	N
9	Police Records Specialist	28,204	35,255	42,305	C	N
10	Customer Service Representative II	29,614	37,017	44,421	C	N
10	Equipment Operator I	29,614	37,017	44,421	B	N
10	Meter Specialist	29,614	37,017	44,421	B	N
10	Parking Enforcement Officer	29,614	37,017	44,421	A	N
10	Sr. Administrative Support Assistant	29,614	37,017	44,421	C	N
11	Accounting Technician	31,095	38,868	46,642	C	N
11	Distribution/Collection Maintenance Tech I	31,095	38,868	46,642	B	N
11	Lead Meter Specialist	31,095	38,868	46,642	B	N
11	WTP Operator C	31,095	38,868	46,642	B	N
11	WWTP Operator I	31,095	38,868	46,642	B	N
12	Distribution/Collection Maintenance Tech II	32,649	40,812	48,974	B	N
12	Equipment Operator II	32,649	40,812	48,974	B	N
12	Firefighter I	32,649	40,812	48,974	A	N
12	WTP Operator B	32,649	40,812	48,974	B	N
12	WWTP Operator II	32,649	40,812	48,974	B	N
13	Electric Line Technician (Class C)	34,282	42,852	51,423	B	N
13	Fire Inspector I	34,282	42,852	51,423	A	N
13	Firefighter II	34,282	42,852	51,423	A	N
13	Parks Maintenance Specialist	34,282	42,852	51,423	C	N
13	Planning Assistant	34,282	42,852	51,423	C	N
13	Sr. Fleet Maintenance Mechanic	34,282	42,852	51,423	B	N
13	WTP Laboratory Analyst	34,282	42,852	51,423	B	N
13	WTP Maintenance Mechanic	34,282	42,852	51,423	B	N
13	WWTP Maintenance Mechanic	34,282	42,852	51,423	B	N
14	Distribution/Collection Maintenance Tech III	35,996	44,995	53,994	B	N
14	Fire Inspector II	35,996	44,995	53,994	A	N
14	Firefighter Engineer	35,996	44,995	53,994	A	N
14	General Services Supervisor	35,996	44,995	53,994	C	N
14	Lift Station Mechanic	35,996	44,995	53,994	B	N
14	Street Maintenance Crew Leader	35,996	44,995	53,994	B	N
14	WTP Operator A	35,996	44,995	53,994	B	N
14	WWTP Operator III	35,996	44,995	53,994	B	N

Salary Schedule-Position Classifications

City of Lincoln

Effective July 1, 2019

15	Accountant	37,796	47,244	56,693	C	N
15	Distribution/Collection Crew Leader	37,796	47,244	56,693	B	N
15	Fire Inspector III	37,796	47,244	56,693	A	N
15	Lead WTP Maintenance Mechanic	37,796	47,244	56,693	B	N
15	Lead WWTP Maintenance Mechanic	37,796	47,244	56,693	B	N
15	Police Officer	37,796	47,244	56,693	A	N
15	Police Officer (SRO)	37,796	47,244	56,693	A	N
15	Police Records Supervisor	37,796	47,244	56,693	C	N
15	Recreation Program Coordinator	37,796	47,244	56,693	C	N
15	WWTP Laboratory Analyst	37,796	47,244	56,693	B	N
15	Zoning Administrator	37,796	47,244	56,693	C	N
16	Electric Line Technician (Class B)	39,685	49,607	59,528	B	N
16	Fire Lieutenant	39,685	49,607	59,528	A	N
16	Master Police Officer	39,685	49,607	59,528	A	N
16	Police Investigator	39,685	49,607	59,528	A	N
17	Distribution/Collection Supv	41,670	52,087	62,504	B	N
17	HR Benefits Administrator	41,670	52,087	62,504	C	N
17	Public Works Supervisor	41,670	52,087	62,504	B	N
17	WTP Chief Operator	41,670	52,087	62,504	B	N
17	WWTP Pretreatment Coordinator	41,670	52,087	62,504	B	N
18	Assistant to CMO/City Clerk	43,753	54,691	65,630	C	N
18	Business Services Manager	43,753	54,691	65,630	C	N
18	Electric Line Technician (Class A)	43,753	54,691	65,630	B	N
18	Fleet Services Superintendent	43,753	54,691	65,630	B	N
18	Police Sergeant	43,753	54,691	65,630	A	N
19	Accounting Services Manager	45,941	57,426	68,911	C	N
20	Fire Captain	48,238	60,297	72,357	A	N
20	Building Inspections Consultant	48,238	60,297	72,357	C	N
20	Electric Distribution System Supv	48,238	60,297	72,357	B	N
20	Police Lieutenant	48,238	60,297	72,357	A	N
20	Training/Code Enforcement Officer-Fire	48,238	60,297	72,357	A	N
21	Distribution/Collection System Supt	50,650	63,312	75,975	B	E
21	Public Works Superintendent	50,650	63,312	75,975	B	E
21	WWTP Superintendent	50,650	63,312	75,975	B	E
22	Community Relations Director	53,182	66,478	79,773	C	E
23	Assistant Fire Chief	55,841	69,802	83,762	A	E
23	Police Captain	55,841	69,802	83,762	A	E
24	Information Technology Manager	58,633	73,292	87,950	C	E
24	Parks & Recreation Director	58,633	73,292	87,950	C	E
25	Electric Distribution System Supt	61,565	76,956	92,347	B	E
25	Human Resources Director	61,565	76,956	92,347	C	E
25	Planning & Comm Develop Director	61,565	76,956	92,347	C	E

Salary Schedule-Position Classifications

City of Lincolnton

Effective July 1, 2019

26	Not assigned	64,643	80,804	96,965		E
27	Not assigned	67,875	84,844	101,813		E
28	Not assigned	71,269	89,086	106,904		E
29	Fire Chief	74,833	93,541	112,249	A	E
29	Police Chief	74,833	93,541	112,249	A	E
29	Water Resources Director	74,833	93,541	112,249	B	E
30	Not assigned	78,574	98,218	117,861		E
31	Not assigned	82,503	103,129	123,754		E
32	Assistant City Manager	86,628	108,285	129,942	C	E
33	Not assigned	90,960	113,699	136,439		E
34	Not assigned	95,508	119,384	143,261		E
35	City Manager/Finance Director	100,283	125,354	150,424	C	E
36	Not assigned	105,297	131,621	157,946		E

ITEM #

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Executive Summary

October 2019 Year-To-Date

General Fund	% of				
	Budget 19-20	Actual 19-20	Budget	Budget 18-19	Actual 18-19
Fund 10 Revenues	11,818,700	5,093,252	43%	11,271,936	4,219,133
Fund Balance	-	-	-	964,361	-
	11,818,700	5,093,252		12,236,297	4,219,133
City Manager/Clerk	277,495	101,861		320,960	124,821
Human Resources	243,020	88,627		239,060	83,420
Finance	149,630	172,916		242,790	255,951
General Expense	1,108,160	657,686		1,001,620	479,835
General Debt Service	424,632	25,423		513,524	25,423
Police	3,218,020	1,025,704		3,115,970	1,003,790
Fire	2,255,800	736,026		2,041,650	690,978
Public Works	44,010	56,555		79,616	28,377
Street	1,164,325	227,968		1,257,668	276,177
Equipment Services	115,970	51,844		133,270	47,569
Solid Waste	823,855	498,846		854,228	156,804
General Services	-	-		-	-
Planning/Zoning	575,420	119,173		379,060	88,215
Bus & Comm. Dev	133,200	16,770		135,000	33,987
Recreation	1,285,163	559,396		957,520	331,472
Expenses	11,818,700	4,338,794	37%	11,271,936	3,626,818
Difference		754,458			592,314
					162,144

