A G E N D A

LINCOLNTON CITY COUNCIL

February 6, 2020

7:00 p.m.

Council Chambers

City hall

LINCOLNTON CITY COUNCIL
AGENDA
FEBRUARY 6, 2020
7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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.

2a - Approval of Minutes for the January 9, 2020 meeting

2b – Calls to Public Hearing

ZTA-1-2020 – Application from the Lincoln County Coalition Against Domestic Violence requesting a zoning text amendment to Section 153.031 of the Unified Development Ordinance in regards to the definition of Domestic Violence Shelters and to Section 153.117 (GMC District) to add Domestic Violence Shelter as a permitted use.

ZTA-2-2020 – Application from Travis Dellinger/Visual Inception requesting a zoning text amendment to Section 153.113 (Central Business District) of the Unified Development Ordinance, to add the use "Sign Printing and Manufacturing" as a permitted use.

CU-ZMA-3-2020 – Application from Jamie Policz requesting the conditional use rezoning of approximately 0.8 acres of land from General Manufacturing and Commercial (GMC) District to Conditional Use Residential Multi Family (CU-RMF) District for a proposed church expansion. The subject property is located at 1008 North Aspen Street (Parcel ID 01095).

3. PRESENTATIONS –

3a – Presentation recognizing Rusty Reynolds for successfully completing the U.S. Fire Administration's National Fire Academy's "Managing Officer Program".

3b – Resolution (R-01-20) honoring Candice Fitzgerald on her retirement

3c – Resolution (R-02-20) honoring James "Jimmie" Moore on his retirement

3d – Resolution (R-03-20) honoring Jerry White, Jr. on his retirement

Mayor Hatley

4. PUBLIC HEARINGS

4a - CUP-1-2020 – Application from Brian and Marie Kenyon requesting a conditional use permit approval to operate a Brewery, Distillery, Taproom and live event space in the Central Business (CB) District. The subject property is located at 124 East Water Street (Parcel ID 100157)

Laura Elam, Planning Director

4b - CU-ZMA-2-2020 – Application from Ronald Barger requesting the rezoning of 1.9 acres of land from Neighborhood Business (NB) to Conditional Use General (CU-GB) to construct and operate an automobile repair shop. The subject property is located at 1169 West NC Highway 150 (Parcel ID 15675)

Laura Elam, Planning Director

4c – CUP-05-2019 – Application from Townhomes at Lincoln Country Club, LLC requesting conditional use permit to increase the approved number of townhomes from 33 units to 39 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 and approximately 450 feet east of Lithia Inn Road, north of the driving range facility (Parcel ID 86678)

Laura Elam, Planning Director

5. REGULAR AGENDA

5a- Consideration of Awarding of Bid for Construction of the East Pine Street Project

Richard Haynes, Assistant City Manager

5b – Selection of Private Engineering Firm for Construction Engineering and Inspection Services for East Main Street Sidewalk Connector Project

Laura Elam, Planning Director

5c – ORDINANCE – (O-01-20) – Consideration of amendment to the City's Code of Ordinances Title IX: General Regulation – Chapter 94 – Parades and Demonstrations – Section 94.30 – Certain Activities Prohibited

Rodney Jordan, Police Chief

5d – ORDINANCE – (O-02-20) – Consideration of amending the City's Code of Ordinances as Requested by NCDOT; establishing a 45 mph speed zone on US 321 Business

Steve Zickefoose, City Manager

6. OTHER BUSINESS

6a – One-Stop Voting for Primary Election – February 13th through February 29th, 2020

Steve Zickefoose, City Manager

6b – Monthly Financial/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

2a

APPROVAL OF MINUTES

The Mayor and City Council met in regular session on Thursday, January 9, 2020 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton North Carolina.

Mayor Hatley opened the meeting and led the Pledge of Allegiance. The following Council Members were in attendance:

WHITE WATSON EADDY JETTON

Prior to approval of the Regular Agenda, Mayor Hatley recognized City Manager Steve Zickefoose who presented three items to be added to the agenda. These items were as follows:

- **Item #17** – Consideration of application for appointment to the Recreation Advisory Board to fill a current vacancy
- **Item #18** – Consideration of application for appointment to the Lincolnton Tourism Development Authority to fill a vacancy due to the resignation of one of the hotel industry representatives
- **Item #19** – Consideration of request from Lincoln County regarding the naming of a street

Councilwoman WHITE made a motion unanimously approve to approve the Regular Agenda as amended.

Councilman JETTON made the motion unanimously approved to approve the *CONSENT AGENDA* as follow:

Calls to Public Hearing for the February 6th, 2020 City Council meeting:

CUP-1-2020 – Application from Brian and Marie Kenyon requesting conditional use permit approval to operate a Brewery, Distillery, Taproom and live event space in the Central Business (CB) District. The subject property is located at 124 East Water Street (Parcel ID 100157)

CU-ZMA-1-2020 – Application from Dama and Kevin Chopelas requesting the rezoning of 1.04 acres of land from Residential-8 (R-8) to Conditional Use General Business (CU-GB) to construct a shop and operate a sign/design business. The subject property is located at 1361 South Aspen Street (Parcel ID 22141).

CU-ZMA-2-2020 – Application from Ronald Barger requesting the rezoning of 1.9 acres of land from Neighborhood Business (NB) to Conditional Use General Business (CU-GB) to construct and operate an Automobile Repair Shop. The subject property is located at 1169 W. NC Highway 150
(Parcel ID 15675).

REGULAR AGENDA:

PUBLIC HEARING

SIGI-01-2020
Application for Smart Growth Incentive Grant to upfit the former Eureka Mill for new brewery at 414 E. Water Street

Mayor Hatley opened the public hearing. Jean Derby, Planning Assistant, presented the application for a Smart Growth Incentive Grant to upfit the former Eureka Mill for a new brewery at 414 East Water Street. Mrs. Derby explained that the estimated cost of the project is $1,312,054. The current tax value is $162,136.00 with current city taxes being $907.96. Mrs. Derby continued stating that the rough estimate of post construction tax value will be $1,000,000 with estimated City taxes post construction being $5600, an estimated net gain of $4692.04. Mrs. Derby confirmed that the project is underway and has an anticipated completion date of March 2020. She concluded stating that because of the proposed estimated investment cost of $1,600,000.00, this project would be eligible to receive 100% of the $4692.04 grant for the five year grant period for a total of $23,460.00.

The applicant addressed Council stating that he would like to be considered for this grant as he sees the project as a win, win for both Brick Tree and the City of Lincolnton.

Councilmember WATSON made the motion unanimously approved to close the Public Hearing.

Councilmember EADDY made the motion unanimously approved to approve the Smart Growth Incentive Grant.

BIG-04-2019
Application for Business Incentive Grant for building renovations to accommodate a general store at 317 East Main Street

Mayor Hatley opened the public hearing. Jean Derby, Planning Assistant, presented an application from Jonathan Burton for a Business Incentive Grant for building renovations to accommodate a general store space at 317 East Main Street. Mrs. Derby explained that the applicant currently has a location in Conover, NC. Plans for this location would be to update the electrical, flooring and restrooms. Replace lighting with LED's, paint walls and ceiling and check for and replace rotten wood. Applicant has an anticipated start date of February 2020 with hopes of completing the project by April 2020. Mrs. Derby explained that applicant is from Lincolnton and has a local farm. Plans are to sell fresh produce, local farm meat and different local items.

The estimated project cost is $41,460.00 which will be eligible for the full $15,000.00 reimbursement.

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

Councilman WATSON made the motion unanimously approved to approve the Business Incentive Grant.

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 39 units on the 5.25 acre parcel located in the CU-RMF District. The property is located on Lincoln Country Club property approximately 650 feet north of Country Club Road and approximately 450 feet east of Lithia Inn Road north of the driving Range facility (Parcel ID 866788)

Mayor Hatley opened the Public Hearing. Those wishing to speak were directed to come forward to be sworn-in prior to speaking. Both Laura Elam and Mr. Miles Wright came forward.

Laura Elam, Planning Director spoke to this item informing Council that a request to amend 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 has been received. 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.

Mrs. Elam reported details of the location and the requirements of the approved conditional use permit, carefully calling attention to the difference between the approved permit and the current proposal. Plans are no longer for condominiums but Townhomes, and the number of units has increased from 33 to 39. Staff Review Committee submitted multiple comments regarding this request and also listed additional requirements that will need to be met. Planning Board recommended approval of the conditional use permit subject to the applicant satisfactorily proving the findings of fact and subject to the Staff Review Committee comments

There was much discussion regarding this item, with a number of question being raised by Councilmembers. Councilman Eaddy expressed his concern with the proposed units not being in keeping with the area. He stated he is not interested in surrendering the kind of quality standards the City currently has.

Due to the level of concern expressed by the Mayor and Councilmembers, Planning Director Laura Elam requested that Council allow time for her to speak with the developer, with the City Attorney present, and come back with a plan of action. Council unanimously agreed to allow time for this dialogue to take place.

(resumed)

Upon returning to the meeting, Mayor Hatley acknowledged Laura Elan, Planning Director, allowing her give an update. Mrs. Elam reported that the developer, Mr. Wright, agreed to submit a more detailed site plan for Councils consideration at the February meeting.

Councilman EADDY made the motion unanimously approved to table proposed request until the February meeting.

RESOLUTIONS
(R-31-19)

Mayor Hatley acknowledged Charles "Chuck" McGinley, asking him to come forwarded as he read the following Resolution:

R E S O L U T I O N
Of Appreciation For
C H A R L E S A. M c G I N L E Y
(R-31-19)

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, *Chuck McGinley,* began his employment with the City of Lincolnton on September 1, 1999 as a Police Officer with the Lincolnton Police Department; and

WHEREAS, *Chuck McGinley,* has proven his leadership qualities, rising through the ranks in 2007 when he was promoted to a Investigator in the Detectives Division. Chuck was also awarded Police Officer of the Year through the VFW for providing excellent Public Safety, serving the citizens of Lincolnton; and

WHEREAS, *Chuck McGinley*, transferred to the Police-Community Services Division in 2018 where he has served as patrol for our Downtown, assisting with enforcement of our Alarm and Golf Cart Ordinances and the City's RUOK Program. Chuck plans to retire effective December 1, 2019; and

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

PRESENTATIONS

Mayor Hatley recognized Police Chief Rodney Jordan who requested permission to present Sergeant Tiffany Cline and Officer Randy Carroll with their Advanced Law Enforcement Certificate, and Officer Ray Fulbright with his Intermediate Law Enforcement Certificate. Chief Jordan asked Lt. McConnell to join him upfront.

Upon calling each officer forward, Chief Jordan stated that officers have logged hundreds of hours of training and worked several years to earn these

certifications noting that the Intermediate Certificate is the second highest and the Advanced Certificate is the highest award issued by the training and standards commission. Officers were presented a framed copy of their respective certificate.

2018-2019 AUDIT PRESENTATION

Mayor Hatley recognized Ms. Carol Avery with Lowdermilk Church and Company for the audit presentation. City Manager Steve Zickefoose gave brief comments before directing attention to Ms. Avery for the report.

Ms. Carol began by informing Council that the report has been submitted to the LGC. She stated that although approval has not been received, she does not foresee any problems. Continuing Ms. Avery reported that the City received an unqualified opinion on the audit, which is what is required by the LGC.

A copy of the audit was given to the Mayor and each Council Member. Using the Financial Highlights handout that was also distributed, Ms. Avery addressed the activity of each fund. The Lincolnton Tourism Development Authority fund was included in the report.

General Fund (Include Powell Bill Funds)	**2019 Summarized Budget**	**2019**	**2018**
Total Assest		$6,707,017	$6,325,140
Fund Balance		$5,200,341	$4,795,984
Fund Balance – Reserved for Streets – Powell Bill (included in total fund balance)		$ 440,115	$ 676,199
Total revenue	$11,055,873	$11,162,766	$10,334,241
Total Expenditures	$12,926,639	$11,174,683	$11,381,430
Revenues over (under) expenditures before other financing sources (uses)	$1,870,766	$ (11,916) $ 420,071	$(1,047,189) $ 682,535
Increase (decrease) in fund balance		$ 408,155	$ (364,654)
Increase (decrease) in inventory		$ (3,798)	$ 8,568
Ad Valorem taxes collected		$4,879,429	$ 4,800,673
Percent of taxes collected – current year levy		98.37%	98.12%
Investment income		$ 95,717	$48,932
Fund Balance Available – without Powell Bill			
Available Balance		$3,693,082	$3,027,125
Expenditures and other financing sources and uses		10,620,531	10,758,270
Available Fund Balance – without Powell Bill		34.77%	28.14%

Fund Balance Available		
Available Balance	4,132,749	3,703,324
Expenditures and other financing sources and uses	11,174,683	11,105,841
Available Fund Balance	36.98%	33.35%
State average for a municipality with an Electric system and with a population grouping Of 10,000 to 49,999	44.34%	42.11%

*Local Government Commission minimum recommended general fund balance should be at least 8% of general fund expenditures at the end of the fiscal year.

Water and Sewer Fund	**2019**	**2018**
Total Assets	$38,577,558	$37,100,478
Net Position	$27,021,449	$25,703,851
Operating revenue	$ 7,660,499	$ 8,056,185
Operating expenses	$ 5,995,286	$ 6,158,426
Operating income (loss)	$ 1,665,213	$ 1,897,758
Non-operating revenue (expenses)	$ 31,481	$ (96,079)
Transfers (to) from	$ (379,096)	$ (379,096)
Change in net position	$ 1,317,599	$ 1,422,583
Accounts receivable – customers	$ 736,825	$ 550,687
Investment income	$ 176,636	$ 98,133
Days sales in accounts receivable	36.04	26.66
Fund Balance Available		
Available Balance	$7,337,582	$ 5,933,436
Expenditures and other financing sources and uses	5,457,395	5,578,365
Available Fund Balance	134.45%	106.37%

Electric Fund		
Total Assets	$7,280,738	$6,400,774
Net Position	$5,878,274	$5,065,659
Operating revenue	$8,162,947	$7,913,749
Operating expenses	$7,403,339	$7,561,454
Operating income (loss)	$ 759,608	$ 352,295
Non-operating revenue	$ 78,981	$ 19,745
Transfers (to) from	$ (25,975)	$ (25,975)
Change in net position	$ 812,615	$ 346,065
Accounts receivable – customers	$ 664,046	$ 716,344
Investment income	$ 78,981	$ 38,631
Days sales in accounts receivable	34.58	37.76
Fund Balance Available		
Available Balance	$2,725,958	$2,219,317
Expenditures and other	$ 7,429,314	$ 7,587,429
Available Fund Balance	36.69%	29.25%

Component Unit:	**2019**	**2018**
Lincolnton Tourism Development Authority Fund Balance	$440,785	$389,838

Cash and Investments		
Cash	$18,772,639	$15,995,413
Restricted cash	$ 829,166	$ 1,048,962
Total cash	**$19,601,805**	**$17,044,375**

Councilman EADDY made a motion, unanimously approved to accept the audit presentation.

CONTRACT (C-01-20)

Steve Zickefoose, City Manager, recommended approval of a proposed audit contract for fiscal year 2020 from Mr. Phil Church of Lowdermilk Church and Company. Mr. Zickefoose noted there being no increase in the contract amount of $35,800. He also noted this amount is less than the 2005 contract with Cherry, Bekaert and Holland. Mr. Zickefoose spoke highly of their quality of work and to the overall good relationship the City has with the company. He reminded Council that this contract includes auditing services for the Lincolnton Tourism Development Authority, saving the City several thousand dollars.

Councilman JETTON made a motion unanimously approved to award the audit contract to Lowdermilk Church and Company for the next fiscal year.

CONSIDERATION OF DATES FOR THE CITY'S ANNUAL PLANNING RETREAT SUGGESTED DATES MARCH 13TH AND MARCH 20TH, 2020

Steve Zickefoose, City Manager, presented two dates as options for the City's annual planning retreat, March 13th and March 20th. Mr. Zickefoose informed councilmembers that, just as last year, one day will be set aside, as he feels that everything can be covered in that one meeting. Mainly due to most of the preliminary work being done before the meeting.

Councilman WATSON made a motion unanimously approved to hold the City's annual planning retreat on Friday, March 13th, 2020

UPDATE ON LOCAL ROOTS

Steve Zickefoose, City Manager, gave a brief update on the Local Roots project. Mr. Zickefoose reported that the lease arrangement should be finalized within the next week or two. Mr. Zickefoose also informed Council that Gilleland Realty has been contacted and has agreed to be the leasing

agent/property manager for the property as the City is not equipped to function in this capacity. T.J. Wilson, City Attorney, is currently working on the lease agreement to insure that all parties are protected.

In response to a question from Councilman Jetton, Mr. Zickefoose explained that as the leasing agent, Gilleland Realty will collect the rent and take care of any building maintenance issues that may arise.

MONTHLY FINANCIAL / OVERTIME REPORT

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

January 2020 Council Meeting

Executive Summary

November 2019 Year-To-Date

				% of			
General Fund		Budget 19-20	Actual 19-20	Budget	Budget 18-19	Actual 18-19	Difference
Fund 10	Revenues	11,818,700	5,714,597	48%	11,271,936	4,751,285	963,312
	Fund Balance	-	-	-	964,361	-	-
		11,818,700	5,714,597		12,236,297	4,751,285	963,312
	City Manager/Clerk	277,495	128,984		320,960	168,768	(39,784)
	Human Resources	243,020	117,269		239,060	110,426	6,843
	Finance	149,630	224,408		242,790	310,020	(85,612)
	General Expense	1,108,160	712,810		1,001,620	596,366	116,443
	General Debt Service	424,632	11,666		513,524	26,666	(15,000)
	Police	3,218,020	1,331,343		3,115,970	1,322,800	8,543
	Fire	2,255,800	951,102		2,041,650	1,086,738	(135,636)
	Public Works	44,010	73,568		79,616	36,048	37,520
	Street	1,164,325	545,764		1,257,668	356,107	189,657
	Equipment Services	115,970	70,248		133,270	63,222	7,026
	Solid Waste	823,855	557,310		854,228	208,634	348,676
	General Services	-	-		-	-	-
	Plannin/Zoning	575,420	140,018		379,060	114,668	25,350
	Bus & Comm. Dev	133,200	22,225		135,000	48,903	(26,678)
	Recreation	1,285,163	638,998		957,520	460,709	178,289
	Expenses	11,818,700	5,525,713	47%	11,271,936	4,910,076	615,638
	Difference		188,884			(158,790)	347,674

				% of			
Water & Sewer Fund		Budget 19-20	Actual 19-20	Budget	Budget 18-19	Actual 18-19	Difference
Fund 61	Revenues	8,616,949	3,383,915	39%	8,378,540	3,373,388	10,527
	Fund Balance	-	-		526,653		
		8,616,949	3,383,915		8,905,193	3,373,388	10,527
	Water Treatment	1,506,850	544,586		1,508,450	509,686	34,901
	Dist & Collection	1,847,150	1,866,576		1,748,000	853,413	1,013,163
	Wastewater	1,567,500	500,168		1,544,600	425,546	74,622
	W & S Intangibles	3,695,449	338,058		3,577,490	303,853	34,206
	Expenses	8,616,949	3,249,388	38%	8,378,540	2,092,497	1,156,891
	Difference		134,527			1,280,891	(1,146,364)

				% of			
Electric Fund		Budget 19-20	Actual 19-20	Budget	Budget 18-19	Actual 18-19	Difference
Fund 63	Revenues	8,056,350	3,981,918	49%	7,669,264	3,598,811	383,108
	Fund Balance	-	-		1,224,483	-	-
		8,056,350	3,981,918		8,893,747	3,598,811	383,108
	Electric Dept.	8,056,350	2,884,254		7,669,264	2,507,543	376,711
	Expenses	8,056,350	2,884,254	36%	7,669,264	2,507,543	376,711
	Difference		1,097,665			1,091,268	6,397
Overtime 80+ hours			177,110			180,136	(3,026)

CONSIDERATION OF APPLICATION FOR APPOINTMENT TO THE RECREATION ADVISORY BOARD TO FILL CURRENT VACANCY (APPT-01-20)

Steve Zickefoose, City Manager, informed that one application was received for the Recreation Advisory Board. *This appointment will fill the un-expired term of Daphne Ingram which expires December 2020. After which, if appointed, applicant will be eligible to serve a first three-year term*.

Councilman EADDY made a motion, unanimously approved to appoint Nathaniel Ingram to the Recreation Advisory Board.

CONSIDERATION OF APPLICATION FOR APPOINTMENT TO THE LINCOLNTON TOURISM DEVELOPMENT AUTHORITY DUE TO RESIGNATION OF HOTEL INDUSTRY REPRESENTATIVE (APPT-02-20)

City Manager Steve Zickefoose explained vacancy was due to the resignation of Amy Grant Thomas, the Quality Inn General Manager, who was one of the two hotel/motel industry representatives required in accordance with the organizations by-laws. Application was received from Allison Gahrmann, owner of the White Rose Manor B&B. This appointment will satisfy the requirement, therefore Mr. Zickefoose recommended Ms. Gahrmann for this appointment.

Councilman JETTON made a motion, unanimously approved to appoint Allison Gahrmann to the Lincolnton Tourism Development Authority.

Consideration of request from Lincoln County regarding the naming of a street

City Manager Steve Zickefoose distributed a copy of a letter received from Lincoln County Manager, Kelly Atkins, requesting that City Council approve the following list of names they will use to select a name for the drive to the new courthouse. City Council action on this item will allow them to continue forward with addressing the property appropriately. The names listed are as follows:

- Justitia Boulevard
- Justice Drive
- Courthouse Drive

After some discussion and clarification, Councilman JETTON made a motion, unanimously approved the request to approve the list of names from Lincoln County

OTHER BUSINESS

PUBLIC COMMENT:

Mrs. Ola May Foster, 4190 Hwy, 27 E., addressed Mayor Hatley and City Council on behalf of Dennis Poston and the Coalition of Churches. Mrs. Foster thanked Mayor Hatley, City Council, the Lincolnton Police Department, Laura Morris and Ritchie Haynes for the support in connection with the celebration of the Martin Luther King event in Lincoln County however Mrs. Foster is requesting more support and publicity about Martin Luther King and the impact he made.

Mrs. Foster also announced the weekend events that are planned, which include the MLK Banquet, a ticketed event, on Saturday January 18th at the Lincolnton Cultural Center, the MLK breakfast on Monday, January 20th at Emmanuel Lutheran Church at 8:30 a.m., a youth program at 11:00 a.m. at the Lincolnton Cultural Center, and the MLK Walk and Ceremony at 2:00 p.m. She concluded inviting everyone to come out and attend.

NEWS MEDIA:

There were no questions from the news media

ADJOURNMENT:

Councilman Watson made the motion unanimously approved to adjourn the meeting at 8:24 p.m.

_____	_____
DAPHNE A. INGRAM	**ED HATLEY**
CITY CLERK	**MAYOR**

ITEM
2b

CALLS TO
PUBLIC HEARING

CALLS TO PUBLIC HEARING

There are three calls to hearing for the March meeting as follows:

- **ZTA-1-2020**- Application from the Lincoln County Coalition Against Domestic Violence requesting a zoning text amendment to Section 153.031 of the Unified Development Ordinance in regards to the definition of Domestic Violence Shelters and to Section 153.117 (GMC District) to add Domestic Violence Shelter as a permitted use.

- **ZTA-2-2020**- Application from Travis Dellinger/Visual Inception requesting a zoning text amendment to Section 153.113 (Central Business District) of the Unified Development Ordinance, to add the use "Sign Printing and Manufacturing" as a permitted use.

- **CU-ZMA-3-2020**- Application from Jamie Policz requesting the conditional use rezoning of approximately 0.8 acres of land from General Manufacturing and Commercial (GMC) District to Conditional Use Residential Multi Family (CU-RMF) District for a proposed church expansion. The subject property is located at 1008 North Aspen Street (Parcel ID 01095).

Item
3
PRESENTATIONS

3a

RECOGNITION OF RUSTY REYNOLDS

United States Fire Administration
U.S. Department of Homeland Security
16825 South Seton Avenue
Emmitsburg, Maryland 21727

FEMA

January 13, 2020

Lincolnton Fire Department
Attn: Charles Ryan Heavner, Chief
116 West Sycamore Street
Lincolnton, NC 28092

Dear Chief Heavner:

Thank you for supporting Rusty Reynolds during their commitment completing the U.S. Fire Administration's National Fire Academy's (NFA) "Managing Officer Program" (MO) Program. Rusty has successfully completed all the requirements of the MO Program.

This accomplishment represents Rusty's dedication to personal and professional excellence, and commitment to enhance their department and community. The enclosed MO program certificate is provided to you for a formal presentation to recognize Rusty Reynolds. This can be an ideal way to celebrate your department's commitment to its community, while demonstrating the success of your members, by inviting elected officials, local media, and Rusty's family to celebrate this important achievement.

I appreciate and thank you for your support of this two year program and of the NFA.

Sincerely,

Tonya L. Hoover
Superintendent
National Fire Academy
U.S. Fire Administration

Enclosure

3b

RETIREMENT RESOLUTION FOR CANDICE FITZERALD

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
Daphne Ingram
dingram@lincolntonnc.org
CITY ATTORNEY
Thomas J. Wilson, Jr..

R E S O L U T I O N

of Appreciation for

CANDICE T. FITZGERALD

WHEREAS, the City of Lincolnton does desire to recognize and honor employees for their contributions and dedicated service to the City and its Citizens; and

WHEREAS, Candice T. Fitzgerald began employment with the City of Lincolnton on March 4, 1999, and has faithfully served as a Police Records Clerk for the Lincolnton Police Department since that time; and

WHEREAS, Candice T. Fitzgerald, has positively impacted the lives of many, always patient and courteous when handling public requests whether in person or by phone; and

WHEREAS, as a Division of Criminal Information (DCI) Certified Operator for the State Bureau of Investigations, Candice T. Fitzgerald has excelled in maintaining files and records accurately and timely within the Lincolnton Police Department.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Lincolnton that appreciation be extended to Candice T. Fitzgerald for her valuable and outstanding service rendered to the City for her years of public service; and honoring her on her upcoming retirement on February 1, 2020.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the official minutes of this meeting, becoming a permanent record of the City of Lincolnton.

Adopted and presented this the 6TH day of February, 2020.

_____
ED HATLEY
MAYOR

3c

RETIREMENT RESOLUTION FOR JAMES "JIMMIE" MOORE

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
Daphne Ingram
dingram@lincolntonnc.org
CITY ATTORNEY
Thomas J. Wilson, Jr..

R E S O L U T I O N

of Appreciation for

JAMES A. MOORE

WHEREAS, James A. Moore began employment with the City of Lincolnton on April 12, 2011, as a Treatment Plant Operator for the City of Lincolnton's Water Treatment Plant; and

WHEREAS, James A. Moore earned his Grade C Surface Water Treatment Facility Operator Certification from the Water Treatment Facility Operators Certification Board which recognized him as qualified to process consumable water; and

WHEREAS, being a part of the Water Treatment Plant team, James A. Moore, assisted the City of Lincolnton's Water Treatment Plant in achieving qualification and inclusion in a very select group of water systems in North Carolina meeting Federal EPA area wide optimization program standards on water quality; and

WHEREAS, during his tenure with the Water Treatment Plant, James A. Moore was a member of the staff in 2013 when the City of Lincolnton experienced one of the most devastating floods in the history of the Water Treatment Plant and still continued to provide quality drinking water to the citizens of Lincolnton.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincolnton, that appreciation be shown to James A. Moore, honoring him on his upcoming retirement on March 1, 2020.

Adopted and presented this the 6th day of February, 2020

_____
ED HATLEY
MAYOR

3d

RETIREMENT RESOLUTION FOR JERRY WHITE, JR.

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
Daphne Ingram
dingram@lincolntonnc.org
CITY ATTORNEY
Thomas J. Wilson, Jr..

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

JERRY G. WHITE JR.

WHEREAS, the City of Lincolnton recognizes the employees of the City are its greatest asset, and wants to honor their dedication and distinguished contributions to the City and its citizens; and

WHEREAS, Jerry G. White Jr. began employment with the City of Lincolnton on November 30, 1993 as a Treatment Plant Operator for the City of Lincolnton's Water Treatment Plant; excelling in the position and obtaining a Grade I Biological Water Pollution Control System Operator, a Grade I Physical/Chemical Operator, and a Grade A Surface Water Treatment Facility Operator Certification, which is the highest certification available; and

WHEREAS, Jerry G. White Jr. during his service with the Water Treatment Plant, has overcome several challenges to include a major upgrade and renovation of the Water Treatment Plant in 1999, and a massive flood of the Water Treatment Plant in 2013; all the while striving to maintain a high level of service to the citizens of the City; and

WHEREAS, Jerry G. White Jr., as an integral part of the team of the Water Treatment Plant, has assisted in the training of new operators instilling within them the goal of treating and distributing the safest and most aesthetically pleasing drinking water to the citizens of the City of Lincolnton.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincolnton, that appreciation be shown to Jerry G. White Jr., honoring him on his upcoming retirement on March 1, 2020, and extending best wishes to him for continued success in all his future endeavors.

Adopted and presented this the 6th day of February, 2020

_____
ED HATLEY
MAYOR

ITEM
4

PUBLIC HEARINGS

4a

CUP-1-2020

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

SUBJECT: CUP -1- 2020 - Conditional Use Permit Application from Brian and Marie Kenyon to operate a brewery, taproom, distillery and live event space in the Central Business (CB) district

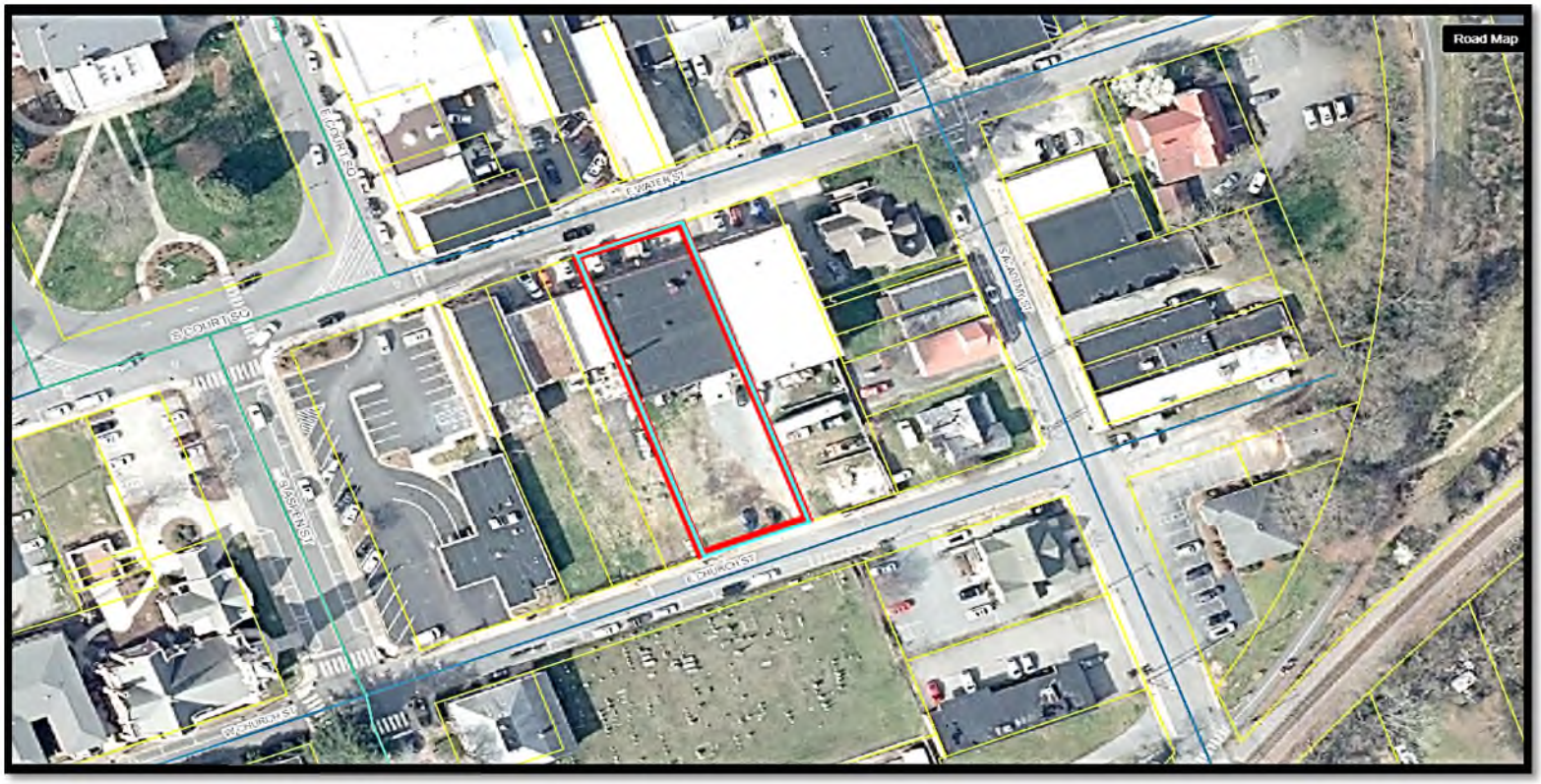
DATE: February 7, 2020

SITE AND AREA DESCRIPTION

Brian and Marie Kenyon are requesting a conditional use permit to operate a brewery, taproom, distillery and live event space at 124 East Water Street (Parcel ID 100157).

The subject property and all surrounding properties are primarily zoned Central Business (CB). Several properties located at the intersection of S. Academy Street and E. Church Street are zoned Residential –Office (R-O).

The subject property and all surrounding properties are used for commercial purposes.



BACKGROUND

In 2018, a conditional use permit was approved to allow a taproom at 118 East Water Street and the applicant opened Untapped Territory in that location.

PROPOSED USE

The current proposal would allow an expansion of Untapped Territory as well as a brewery, distillery and live event space in the adjoining space at 124 East Water Street.

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 all requirements.

OTHER CONDITIONAL USE PERMIT REQUIREMENTS

Section 153.237 of the Unified Development Ordinance requires that four findings be determined by City Council. 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.

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 use is in conformity with the Lincolnton Land Use Plan in that the site is located within the Central Business Planning Area.

STAFF REVIEW COMMITTEE

The Staff Review Committee made the following comments:

1. Coordinate utility connections with City of Lincolnton Public Works.

2. Plans must be reviewed and approved by the City Fire Marshall. Building may be required to be sprinklered for the proposed use.

3. Building plans must be approved by Lincoln County Inspections.

PLANNING BOARD AND STAFF RECOMMENDATION

If the applicant satisfactorily proves the findings of fact, approval of the Conditional Use Permit, subject to ordinance requirements and the Staff Review Committee conditions.

SUMMARY OF MOTIONS FOR PUBLIC HEARING
CUP-1-2020 (Brian and Marie Kenyon)

1. Motion to consider request for conditional use permit.

2. Motion on Finding 1.

   The use will not materially endanger the public health or safety if located where proposed and developed according to plan.

3. Motion on Finding 2.

   The use meets all required conditions and specifications.

4. Motion on Finding 3.

   The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.

5. Motion on Finding 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.

6. Motion to approve the conditional use permit subject to compliance with ordinance requirements and Staff Review Committee comments

   or motion to deny the request.

4b

CU-ZMA-2-2020

MEMO TO: Mayor and City Council Members

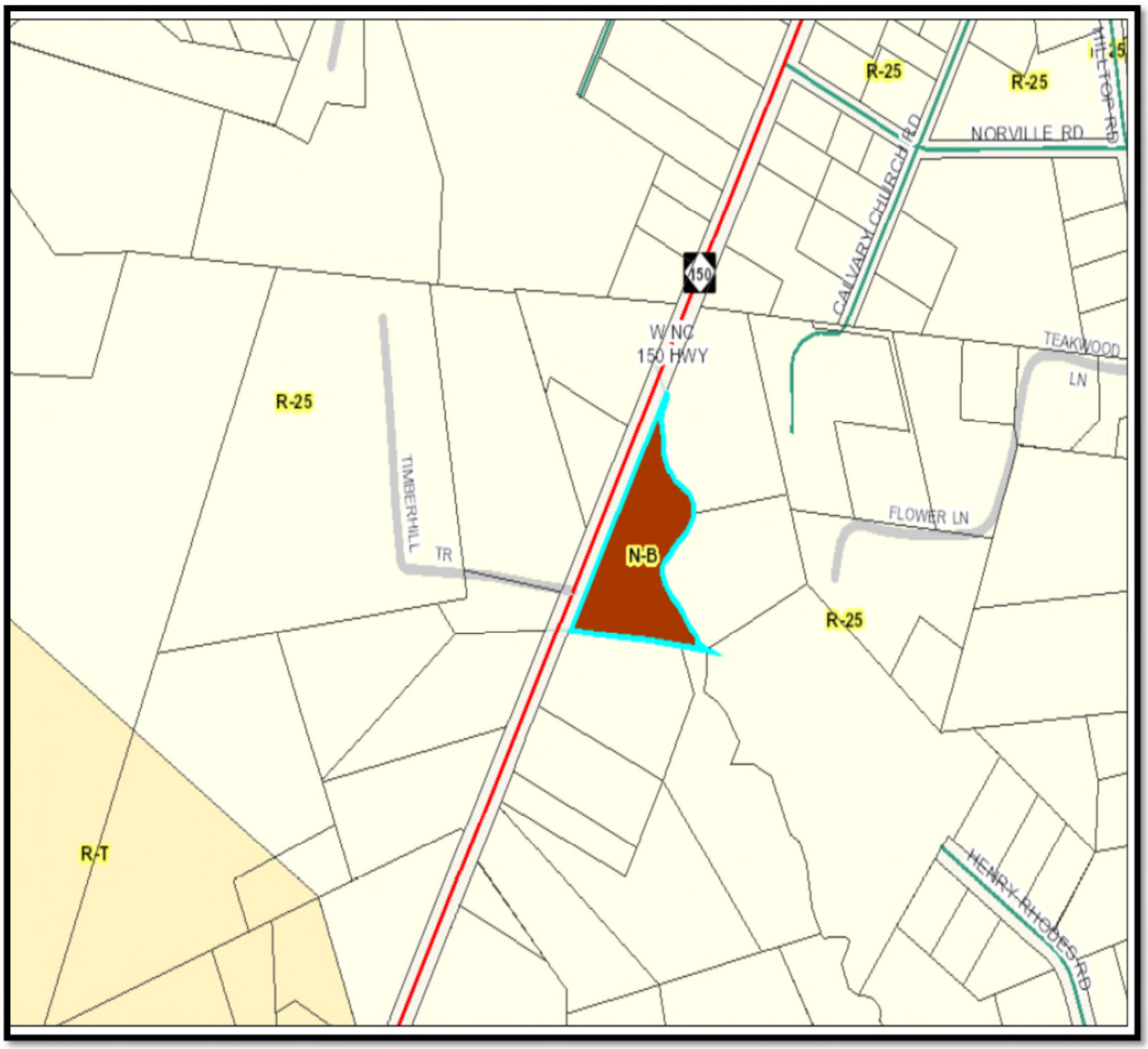
FROM: Laura Elam, Planning Director

SUBJECT: CU-ZMA-2-2020- Application from Ronald Barger requesting conditional use rezoning from Neighborhood Business (NB) to Conditional Use General Business (CU-GB).

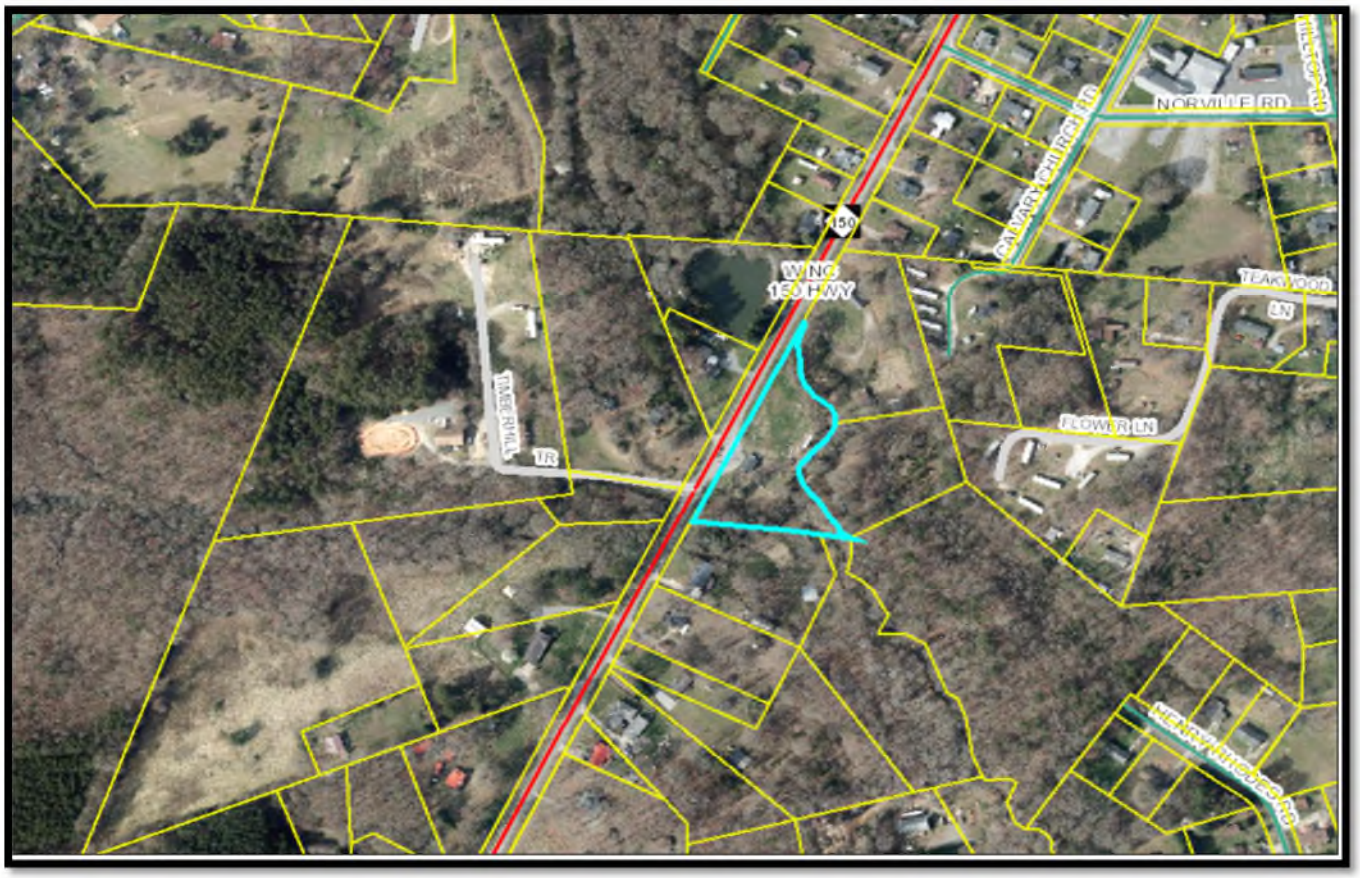
DATE: February 6, 2020

SITE AND AREA DESCRIPTION

The subject property is a 1.95 acre site located at 1169 West Highway 150 (Parcel ID 15675). The subject property is zoned NB. Otherwise, the remaining area around the site is predominantly zoned R-25.



The property is currently developed with a 808 square foot office which will remain on site. Land uses in the area are mostly single family residential.

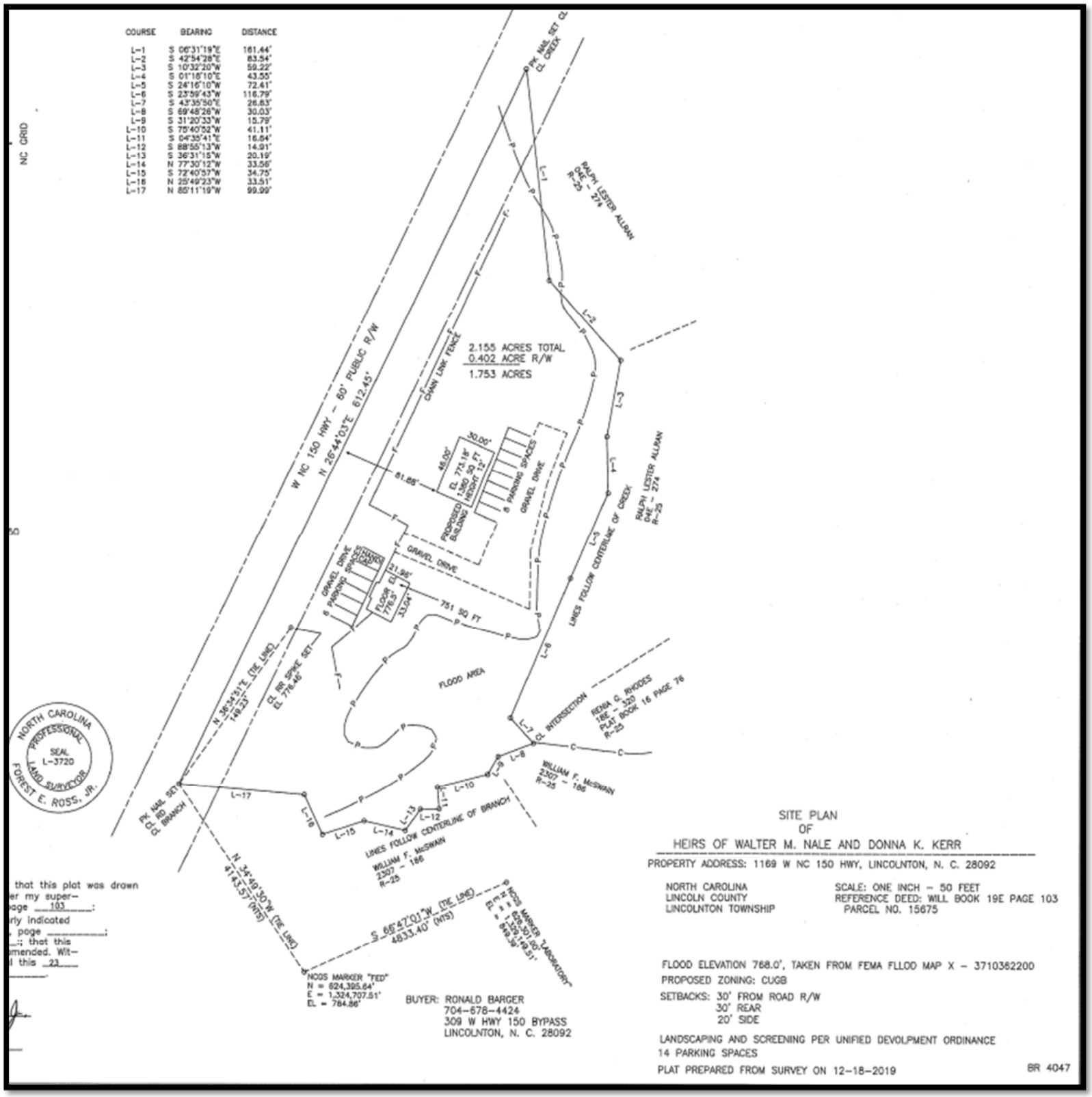


W Hwy 159
Google

Google

PROPOSED USE AND SITE PLAN

The applicant requests conditional use rezoning in order to allow use of the site for an automobile repair shop. The current 808 square foot office would remain and the applicant would construct a new 1,380 square foot garage building with two bays on the north side of the property. Access would be provided by one driveway to West Highway 150. Fourteen parking spaces would be provided .



DESCRIPTION OF CONDITIONAL USE DISTRICT REZONING PROCESS

Conditional use rezoning is a process whereby a conditional use permit and a rezoning are acted upon simultaneously. The use that is proposed in the conditional use permit portion of the process must be the use constructed on the property after it is rezoned. Unlike a standard zoning in which all the uses permitted in the district are potentially allowed on the rezoned site, a conditional use rezoning limits the potential use of the property. In this case, the applicant wishes to limit the use of the property to an automobile repair shop.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

The UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The site plan meets the requirements of this section with the following exceptions:

- Street and parking lot landscaping required along Highway 150
- Screening required adjoining residential zoning (Current trees on property can count toward this requirement.)
- Plan needs to show amount of impervious surface on the site per the water supply watershed standards. Any applicable watershed requirements must be met per the ordinance.

LAND USE PLAN

The Lincolnton Land Use Plan shows this property in the Residential High Density Planning area. Neither the current zoning nor the proposed zoning is consistent with the Land Use Plan.

STAFF REVIEW COMMITTEE

The Staff Review Committee had the following comments:

(1) No outdoor storage of junked vehicles shall be permitted

(2) Existing tree cover on the site should be preserved to the extent possible.

(3) Screening required adjoining residential zoning.

(4) Hours of operation to be limited to Monday through Friday from 8 am to 5:30 pm.

(5) Garage doors shall face to the rear with no garage doors to face Highway 150.

(6) No vehicles shall be stored in front of the building between Highway 150 and the building.

(7) No grading or any activity shall be done in the flood area. A 30 foot buffer should be maintained between the development and the creek.

(8) Lincoln County Soil Erosion and Sedimentation will need a single lot disturbance permit if all land disturbance is less than 20,000 square feet. Will need an approved erosion control plan if land disturbance is 20,000 or greater. Either or will be needed PRIOR to any disturbance taking place including cutting tree canopy.

(9) NCDOT driveway permit will be required. The first 25 feet of the driveway connecting to Highway 150 shall be paved leading into the property.

(10) Building plans must be approved by Lincoln County prior to issuance of building permits.

FINDINGS OF FACT

Section 153.237 of the UDO requires that four findings be determined by City Council 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.

COMPLIANCE WITH FINDINGS OF FACT

(1) It does not appear that the use will endanger the public health or safety.

(2) The proposed use meets all required conditions and specifications with the exception of the items noted above.

(3) The applicant will need to provide evidence that the use will not have any negative impacts on the value of adjoining or abutting properties.

(4) The use is not technically in compliance with the Lincolnton Land Use Plan. However, staff considers it to be consistent with the spirit and intent of the Plan in that the proposed use is relatively small in scale and should have a relatively small impact on the surrounding residential area (subject to the Staff Review Committee comments).

PLANNING BOARD AND STAFF RECOMMENDATION

Planning Board and Staff recommend the following two actions:

(1) If the applicant satisfactorily proves the findings of fact, approval of rezoning of the property from NB to CU-GB

(2) If the applicant satisfactorily proves the findings of fact, approval of the Conditional Use Permit for an automobile repair shop subject to ordinance requirements and the Staff Review Committee conditions.

Zoning Amendment
Staff's Proposed Statement of Consistency and Reasonableness
for APPROVAL of Application

Case No. CU-ZMA-2-2020

Applicant: Ronald Barger

Parcel ID#: 15675

Location: 1169 West NC Highway 150

Request: Rezone from NB to CU-GB to permit an automobile repair shop.

Proposed Consistency and Reasonableness Statement:

While the proposed rezoning request **is not technically consistent** with the Lincolnton Land Use Plan the request is consistent with the spirit and intent of the Land Use plan in that the proposed use is small in scale and generally limited to use of the existing structures. Therefore, **approval of the proposed amendment is reasonable and in the public interest** provided all the conditions outlined in the staff review committee comments are met.

Zoning Amendment
Staff's Proposed Statement of Consistency and Reasonableness
for DENIAL of Application

Case No. CU-ZMA-2-2020

Applicant: Ronald Barger

Parcel ID#: 15675

Location: 1169 W. NC Highway 150

Request: Rezone from NB to CU-GB to permit an automobile repair shop

Proposed Consistency and Reasonableness Statement:

The proposed amendment **is not consistent** with the Lincolnton Land Use Plan in that the property is part of an area designated by the Lincolnton Land Use Plan as Residential High Density. Denial of the proposed amendment **is reasonable and in the public interest** in that the area is primarily residential in character and should be protected from encroachment of incompatible commercial development.

MOTIONS FOR PUBLIC HEARING

CU-ZMA-2-2020 (Ronald Barger)

1. Motion to approve or deny request for rezoning.

2. If rezoning is approved, motion to consider request for conditional use permit.

3. Motion on Finding 1.

   The use will not materially endanger the public health or safety if located where proposed and developed according to plan.

4. Motion on Finding 2.

   The use meets all required conditions and specifications.

5. Motion on Finding 3.

   The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.

6. Motion on Finding 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.

7. Motion to approve the conditional use permit subject to compliance with ordinance requirements and Staff Review Committee comments ***or*** motion to deny the request.

8. Motion to consider statement of consistency and reasonableness.

4c

CUP-05-2019

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

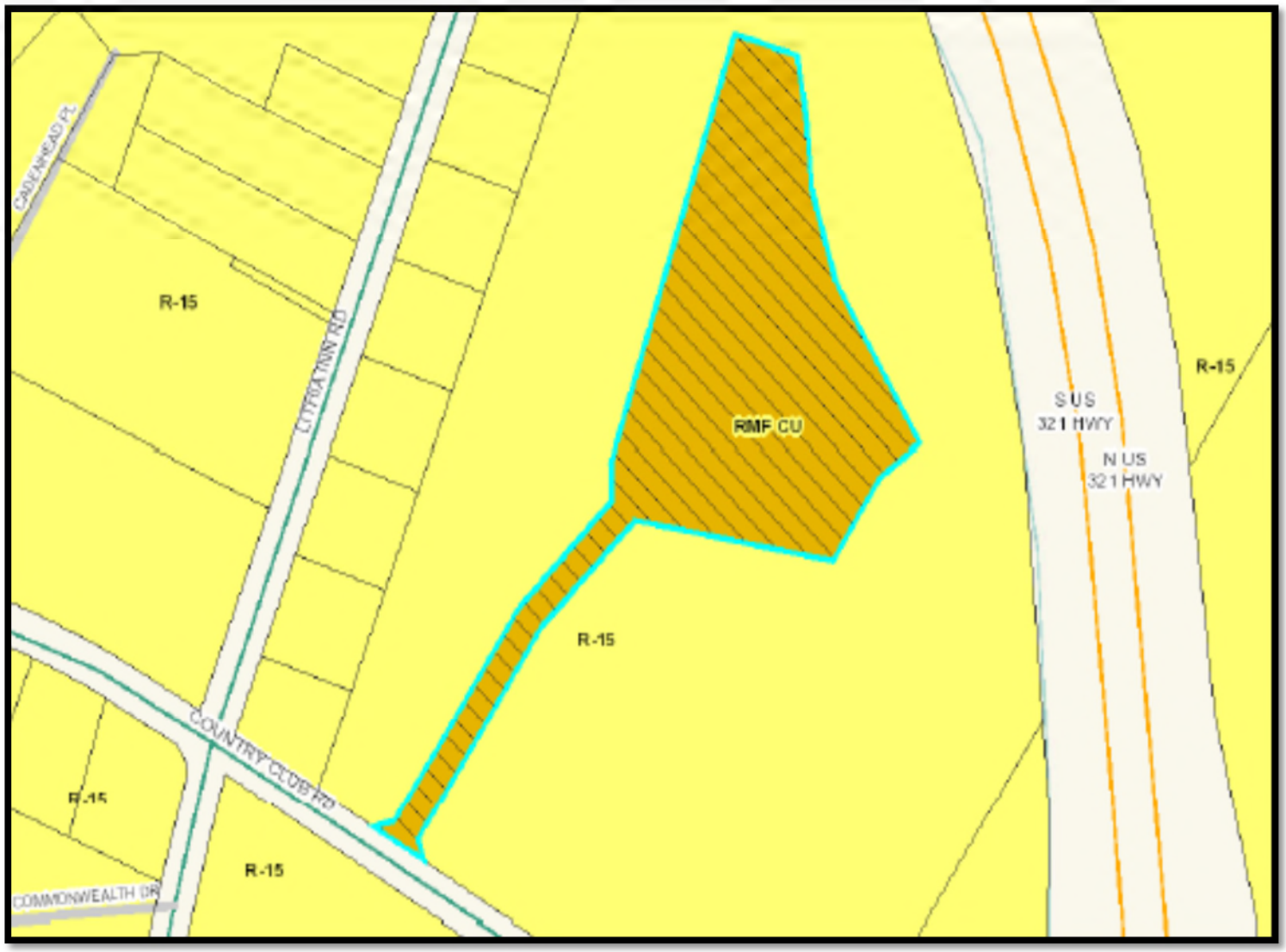
SUBJECT: CUP -5- 2019 Application for conditional use permit amendment from Townhomes at Lincoln Country Club, LLC to allow an increase in the approved number of townhomes from 33 units to 39 units.

DATE: February 6, 2020

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.

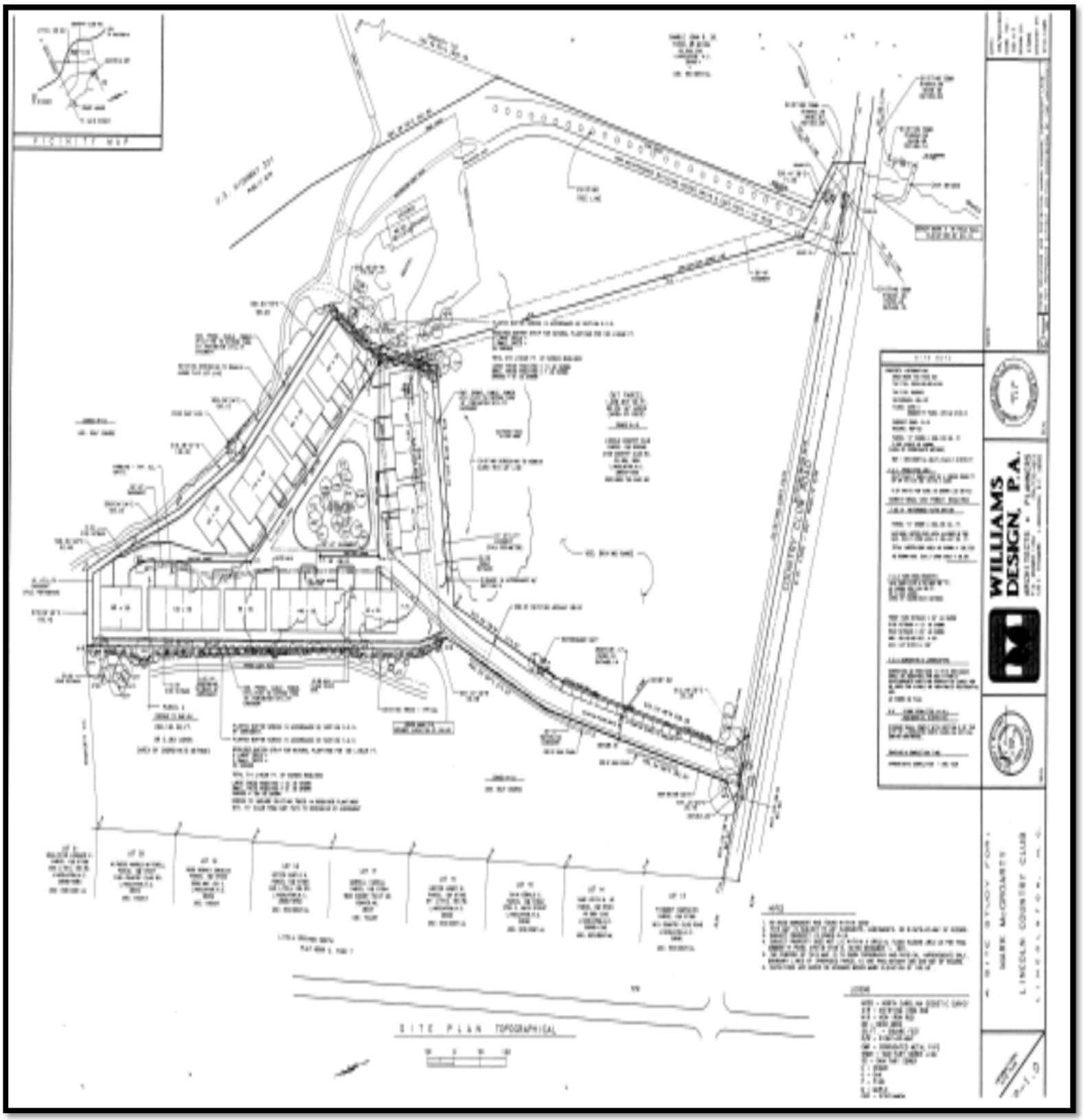
The site is zoned RMF-CU (Conditional Use Residential Multi Family) and a conditional use rezoning was approved in 2006 to allow 33 condominiums. Surrounding properties are zoned R-15.



The site is vacant. Surrounding properties are devoted to a driving range, golf course, single family residential and a condominium complex.

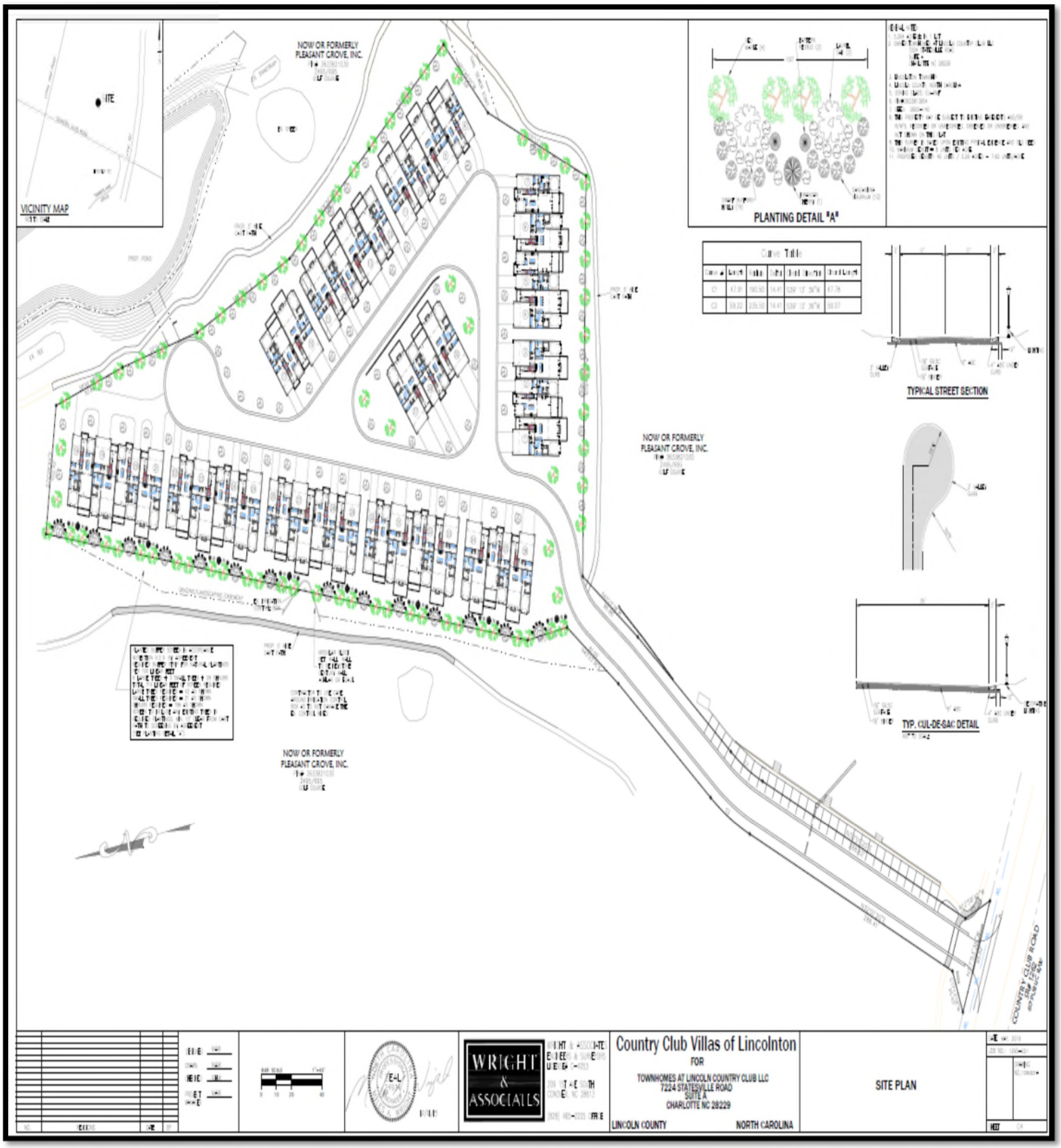
BACKGROUND AND APPROVED SITE PLAN

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:

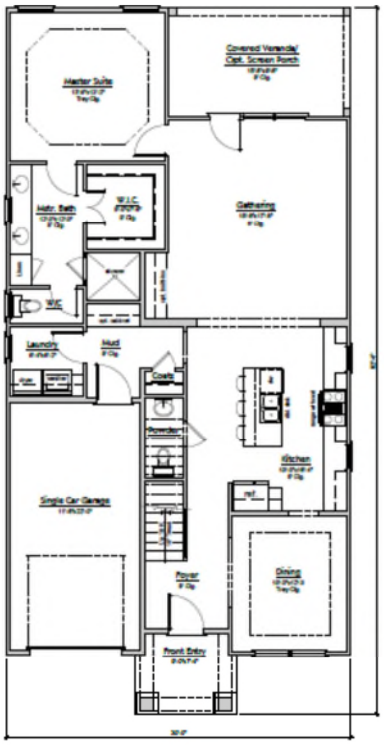


PROPOSED SITE PLAN

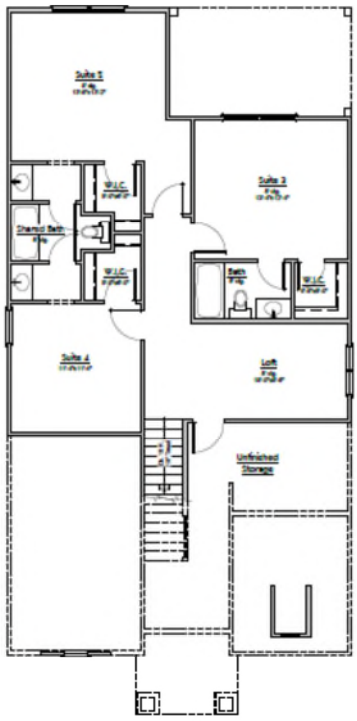
The applicant proposes an increase in the number of units from 33 to 39, a density of 7.4 units per acre. The proposed site plan is below:



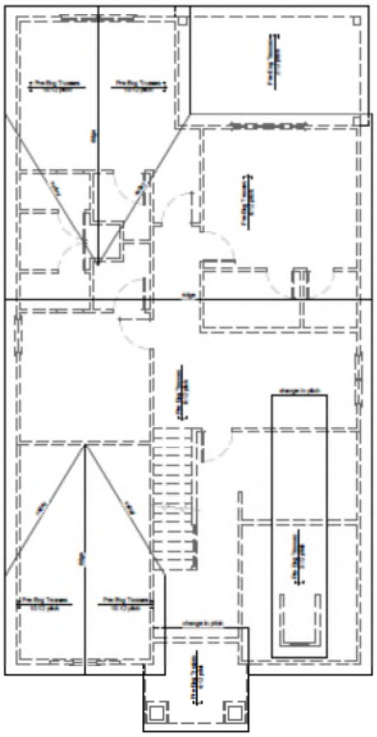
Country Club Villas of Lincolnton
Plan A
Lincoln County, NC



Main Level Floor Plan



Upper Level Floor Plan



Roof Plan

Square Footage

Heated	
Main Level Heated	1,277 Sq.Ft.
Upper Level Heated	993 Sq.Ft.
Total Heated	2,270 Sq.Ft.
Single Car Garage	272 Sq.Ft.
Front Entry	87 Sq.Ft.
Covered Veranda	154 Sq.Ft.
Total Unheated	483 Sq.Ft.
Total Under Roof	2,753 Sq.Ft.

ISAAC BUEHLER RESIDENTIAL DESIGN

1

Front Elevation

Front Elevation B

Right Elevation

2

Rear Elevation

Left Elevation

Country Club Villas of Lincolnton
Plan A

EAAC BUEHLER RESIDENTIAL DESIGN

3

Square Footage

Main Level Floor Plan

Upper Level Floor Plan

Roof Plan

Country Club Villas of Lincolnton
Plan B

EAAC BUEHLER RESIDENTIAL DESIGN

1

Front Elevation B

Front Elevation

Right Elevation

Country Club Villas of Lincolnton
Plan B
Lincoln County, NC

ISAAC BUEHLER RESIDENTIAL DESIGN

Project No: 911-19
Date: 11/20/2019
Design Development
Title: Front & Right Elevations
Revisions:
Drawn by: IB
Checked by: --

Sheet No.
2

Rear Elevation

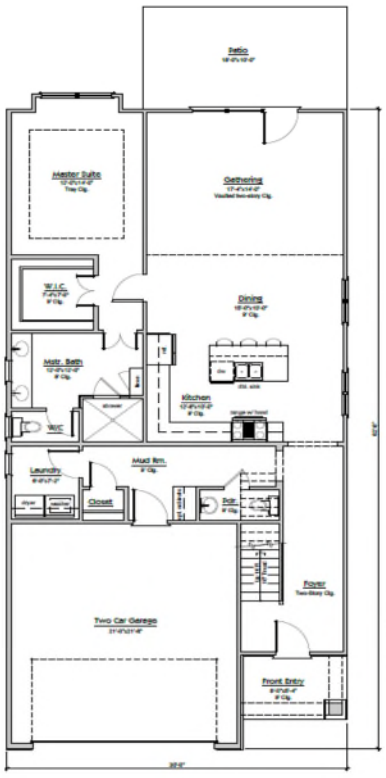
Left Elevation

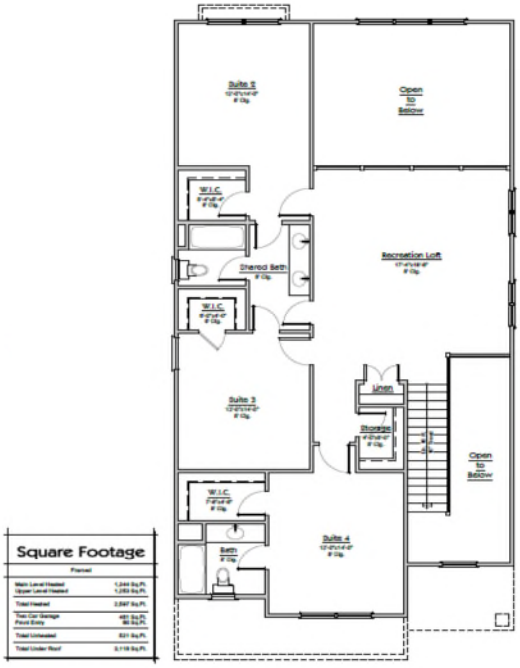
Country Club Villas of Lincolnton
Plan B
Lincoln County, NC

ISAAC BUEHLER RESIDENTIAL DESIGN

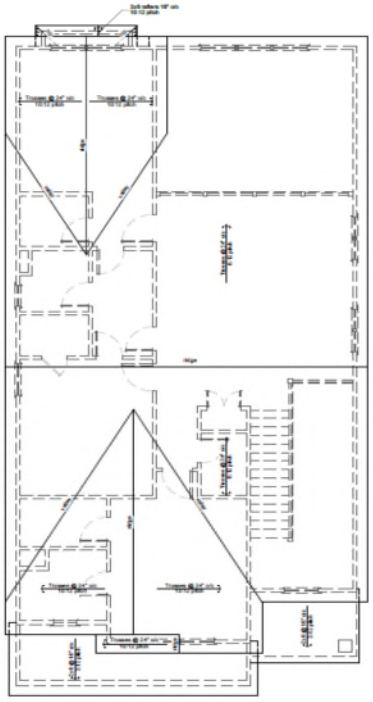
Project No: 911-19
Date: 11/20/2019
Design Development
Title: Rear & Left Elevations
Revisions:
Drawn by: IB
Checked by: --

Sheet No.
3





Square Footage	
Framed	
Main Level Heated	1,344 Sq.Ft.
Upper Level Heated	1,253 Sq.Ft.
Total Heated	2,597 Sq.Ft.
Two Car Garage	483 Sq.Ft.
Front Entry	96 Sq.Ft.
Total Unheated	521 Sq.Ft.
Total Under Roof	3,118 Sq.Ft.



Main Level Floor Plan

Upper Level Floor Plan

Roof Plan

Country Club Villas of Lincolnton
Plan C
Lincoln County, NC

ISAAC BUEHLER
RESIDENTIAL DESIGN

1

Front Elevation B

Front Elevation

Right Elevation

Country Club Villas of Lincolnton
Plan C

ISAAC BUEHLER
RESIDENTIAL DESIGN

2

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:

- A secondary means of vehicular access to the site will need to be provided if the units are not sprinklered.
- On street parking not permitted unless a dedicated fire lane is provided.
- 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). Two fire hydrants to be installed in locations to be determined by Fire Marshall.
- A 20 foot buffer screen is required between multi family development and single family residential zoning. The site plan indicates that the required buffer screen will be provided off-site on a grading/landscaping easement. The ordinance requires the screening to be provided along the side and/or rear property lines of the lot.
- 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 maintenance of landscaped buffer and 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 and are subject to the review and approval of the 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. Provide stormwater calculations addressing increase in impervious cover. 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.
- Subdivision approval required.
- Due to the extent of site plan issues to be resolved, a detailed site plan is required to be submitted to and approved by the City 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 Lincolnton 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.

PLANNING BOARD RECOMMENDATION

If the applicant satisfactorily proves the findings of fact, approval of the Conditional Use Permit, subject to ordinance requirements and the Staff Review Committee conditions.

SUMMARY OF MOTIONS FOR PUBLIC HEARING

CUP-5-2019 (Townhomes at Lincoln Country Club)

1. Motion to consider request for conditional use permit.

2. Motion on Finding 1.

   The use will not materially endanger the public health or safety if located where proposed and developed according to plan.

3. Motion on Finding 2.

   The use meets all required conditions and specifications.

4. Motion on Finding 3.

   The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.

5. Motion on Finding 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.

6. Motion on Finding 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).

7. Motion to approve the conditional use permit subject to compliance with ordinance requirements and Staff Review Committee comments ***or*** motion to deny the request.

ITEM

5

REGULAR AGENDA

5a
East Pine Street Project

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

Lincolnton NC
Near the City. Near the Mountains. Near Perfect.

CITY MANAGER
Steve Zickefoose, MBA
szickefoose@lincolntonnc.org
CITY CLERK
Daphne Ingram
dingram@lincolntonnc.org
CITY ATTORNEY
Thomas J. Wilson, Jr..

MEMORANDUM

TO: Steve Zickefoose, City Manager

FROM: Ritchie Haynes, Assistant City Manager

SUBJECT: E. Pine Street Sidewalk

DATE: 1/29/20

On January 23rd, 2020, David Ledford and I held the bid opening for the E. Pine Street Sidewalk Project. We had (3) companies that submitted a bid. I have attached the bid tabulation sheet along with a copy of the bid documents. J&E Concrete Construction was the lowest bid at $137,750.00. Along with their bid, they provided all the documentation required by the City of Lincolnton. Also, their staff provided references of former projects that they completed for other government agencies.

Since J&E Concrete Construction is the low bidder and has shown to be a reputable contractor in the past, I recommend that the Lincolnton City Council award the E. Pine Street Sidewalk Project to them.

If you have any questions please feel free to call me.

RCH

Bid Tabulation Summary

East Pine Street – Sidewalk

Bids Received: January 23, 2020 12:00 PM

Bids Opened: January 23, 2020 3:00 PM

Listed below are the names of all bidders and the amounts of their bids for the East Pine Street – Sidewalk Improvements per the Bid Documents pursuant to the Bid Number # 12202019. Bids opened in the presence of Richard Haynes (Assistance City Manager), David Ledford (J. David Ledford, RLA, Project Landscape Architect) and one witness representative from the City of Lincolnton staff (Jean Derby – City of Lincolnton Planning Assistant). No representatives from the prospective bidders were present at the Bid Opening.

Bidder	Addendum #1	Total Bid Amount
J & E Concrete Construction Company, LLC	Included	$137,750.00
Concrete Matters	Included	$175,000.00
Moore & Seagle Construction, Inc.	Included	$215,000.00

The acceptance and/ or awarding of the bid will be determined during the City of Lincolnton City Council Meeting on February 6, 2020 in the Lincolnton City Hall Council Chamber from 7:00 – 9:00 PM.

J&E Concrete Construction Company, LLC
138 Harmony Blend Drive
Harmony, NC 28634

Bid Proposal

To: City of Lincolnton
P.O. Box 617
Lincolnton, NC 28093-0617

Attn: Public Works Dept.

Date: January 23, 2020

Project: East Pine Street- Sidewalk Improvement/ Bid Number: **#12202019**

Bidder: J&E Concrete Construction, LLC / **License # 75508**

Address: 138 Harmony Blend Dr
Harmony, NC 28634

Phone: 704.779.5069

Contact person: Edgar Noveron

Lump Sum amount for this Bid $ 137,750.00

one hundred thirty-seven thousand seven-hundred fifty and no/100

Respectfully,

Edgar Noveron

Edgar Noveron
CEO
J&E Concrete Construction, LLC

City of Lincolnton Public Works Dept. Addendum Number 1

Bid Due Date: 1/23/2020, 12:00 PM East Pine Street Sidewalk Improvements

ADDENDUM NUMBER 1 TO THE BID DOCUMENTS
Amendment Date: **January 21, 2020**

Bid Title: **EAST PINE STREET – SIDEWALK IMPROVEMENTS**
Bid Number: **# 12202019**

A. This Addendum shall be considered part of the bid documents for the above-mentioned project as though it had been issued at the same time and shall be incorporated integrally therewith. Where provisions of the following supplementary data differ from those of the original bid documents, this Addendum shall govern and take precedence. BIDDERS MUST SIGN THE AMENDMENT AND SUBMIT IT WITH THEIR BIDS.

B. Bidders are hereby notified that they shall make any necessary adjustments in their estimates as a result of this Addendum. It will be construed that each bidder's proposal is submitted with full knowledge of all modifications and supplemental data specified herein.

C. The Submittal Date and Time is NOT changed. It remains: January 21, 2020 @ 12:00 PM.

Except as described below, the original bid document remains unchanged. The bid documents are modified and/or clarified, as follows:

1. **Plan Specification Deletion** (Plan Sheet – C-1):

   Deletion of partial tree removal from total tree demolition (See below for specific tree to be deleted from tree removal) .

   a.) On Sheet C-1 of the bid plan set, the large oak tree noted to be removed on the Thomas Morrison property to the south side of East Pine Street will be removed by the City of Lincolnton Public Works Department prior to the construction phase of this project because of electric line interference. Exclude this tree removal from the total bid price of this project.

BIDDER MUST ACKNOWLEDGE THIS ADDENDUM BY SIGNING BELOW AND ATTACHING THE SIGNED ADDENEDUM TO THE BID DOCUMENTS:

Company Name J & E Concrete Construction LLC

Contact Person Edgar Noveron

Signature Edgar Noveron

Date 1-22-2020

CONCRETE MATTERS

P.O. Box 800
Mooresville, NC 28115
704-589-9564

BID TITLE: EAST PINE STREET – SIDEWALK IMPROVEMENTS

BID NUMBER: # 12202019

BID TOTAL: $175,000.00

One Hundred, Seventy-Five Thousand Dollars and Zero Cents

COMPANY NAME: Concrete Matters, Inc

CONTACT PERSON: Bryan H. Conway

SIGNATURE: BHC

DATE: 1/23/2020

City of Lincolnton Public Works Dept. Addendum Number 1

Bid Due Date: 1/23/2020, 12:00 PM East Pine Street Sidewalk Improvements

ADDENDUM NUMBER 1 TO THE BID DOCUMENTS
Amendment Date: **January 21, 2020**

Bid Title: **EAST PINE STREET – SIDEWALK IMPROVEMENTS**
Bid Number: **# 12202019**

A. This Addendum shall be considered part of the bid documents for the above-mentioned project as though it had been issued at the same time and shall be incorporated integrally therewith. Where provisions of the following supplementary data differ from those of the original bid documents, this Addendum shall govern and take precedence. BIDDERS MUST SIGN THE AMENDMENT AND SUBMIT IT WITH THEIR BIDS.

B. Bidders are hereby notified that they shall make any necessary adjustments in their estimates as a result of this Addendum. It will be construed that each bidder's proposal is submitted with full knowledge of all modifications and supplemental data specified herein.

C. The Submittal Date and Time is NOT changed. It remains: January 21, 2020 @ 12:00 PM.

Except as described below, the original bid document remains unchanged. The bid documents are modified and/or clarified, as follows:

1. **Plan Specification Deletion** (Plan Sheet – C-1):

   Deletion of partial tree removal from total tree demolition (See below for specific tree to be deleted from tree removal) .

   a.) On Sheet C-1 of the bid plan set, the large oak tree noted to be removed on the Thomas Morrison property to the south side of East Pine Street will be removed by the City of Lincolnton Public Works Department prior to the construction phase of this project because of electric line interference. Exclude this tree removal from the total bid price of this project.

BIDDER MUST ACKNOWLEDGE THIS ADDENDUM BY SIGNING BELOW AND ATTACHING THE SIGNED ADDENEDUM TO THE BID DOCUMENTS:

Company Name Concrete Machines, Inc

Contact Person Bryan H. Lowry

Signature

Date 1/23/2020

MOORE & SEAGLE
CONSTRUCTION, INC.

1/23/20

City of Lincolnton
Lincolnton Public Works
114 W. Sycamore St.,
Lincolnton, NC 28092
Attn: ***Ritchie Haynes***

RE: ***E. Pine Street Sidewalk Improvements Bid # 12202019***

Moore & Seagle Construction, Inc. proposes to furnish all labor, materials, etc. to complete the aforementioned project for the lump sum of: ***Two Hundred Fifteen Thousand Dollars and 00 cents, $ 215,000.00.***

Signed: William M. Moore President Date: 1/23/20
William M Moore

1712 S. NC 16 Business Hwy, Stanley, NC 28164
1-704-249-0922
mike@mooreseagle.com
License # 71272

ADDENDUM NUMBER 1 TO THE BID DOCUMENTS
Amendment Date: **January 21, 2020**

Bid Title: **EAST PINE STREET – SIDEWALK IMPROVEMENTS**
Bid Number: **# 12202019**

A. This Addendum shall be considered part of the bid documents for the above-mentioned project as though it had been issued at the same time and shall be incorporated integrally therewith. Where provisions of the following supplementary data differ from those of the original bid documents, this Addendum shall govern and take precedence. BIDDERS MUST SIGN THE AMENDMENT AND SUBMIT IT WITH THEIR BIDS.

B. Bidders are hereby notified that they shall make any necessary adjustments in their estimates as a result of this Addendum. It will be construed that each bidder's proposal is submitted with full knowledge of all modifications and supplemental data specified herein.

C. The Submittal Date and Time is NOT changed. It remains: January 21, 2020 @ 12:00 PM.

Except as described below, the original bid document remains unchanged. The bid documents are modified and/or clarified, as follows:

1. **Plan Specification Deletion** (Plan Sheet – C-1):

   Deletion of partial tree removal from total tree demolition (See below for specific tree to be deleted from tree removal) .

   a.) On Sheet C-1 of the bid plan set, the large oak tree noted to be removed on the Thomas Morrison property to the south side of East Pine Street will be removed by the City of Lincolnton Public Works Department prior to the construction phase of this project because of electric line interference. Exclude this tree removal from the total bid price of this project.

BIDDER MUST ACKNOWLEDGE THIS ADDENDUM BY SIGNING BELOW AND ATTACHING THE SIGNED ADDENEDUM TO THE BID DOCUMENTS:

Company Name MOORE & SEAGLE CONSTRUCTION, INC.

Contact Person MIKE MOORE

Signature [signature]

Date 1/23/20

5b

East Main Street Project

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

SUBJECT: Selection of Private Engineering Firm for Construction Engineering and Inspection Services for East Main Street Sidewalk Connector Project

DATE: February 6, 2020

Background

NCDOT has approved the design plan for the sidewalk connector project on East Main Street at the bridge over Highway 321. The sidewalk connector project will eliminate the gap in the sidewalk on the south side of East Main Street at the bridge.

The project consists of adding raised concrete sidewalk, two bar metal rail and vandal fence on the bridge plus construction of sidewalk on the bridge approaches by converting an excess travel lane to a pedestrian lane.

The City recently solicited letters of interest for construction engineering and inspection services for the project.

Solicitation Process

The City solicited the letters of interest by advertising the request for letters of interest (RFLOI) in the Lincoln Times News on December 16, 2019. In addition, the RFLOI has been posted on the City's website since December 11, 2019 and on the NCDOT website since December 4, 2019.

Number of Responses

Nine (9) private engineering firms submitted letters of interest.

Staff Team Assessment Process

Letters of Interest

A staff team evaluated each of the nine letters of interest based on the four selection criteria and weighting as outlined in the RFLOI:

- Firm's experience, knowledge, familiarity and past performance with similar federally funded municipal CEI projects (25%),

- Experience of proposed staff with required work (25%),

- Firm's understanding of the project specific issues and their responsibility in service delivery (25%), and

- Firm's ability to meet established budgets and schedules (25%).

Reference Checks

Staff reached out to a minimum of two (2) of the references provided in each of the nine letters of interest. In some cases, the references did not respond. In one case, the contact information for the provided references was incorrect.

Rationale for Staff Team Recommendation

Letters of Interest

The letters of interest established that each firm is highly qualified, experienced and capable of providing the required services.

The staff team's view was that the letter of interest that stood out from the rest was the one for SEPI. It identified the most directly relevant experience with similar, municipal, federally funded projects.

Reference Checks

While some of the input from the references was relatively negative, most was fairly neutral.

The comments from references that was noteworthy related to SEPI. The comments were exceptionally positive and enthusiastic and included the following:

- "best thing that could happen to your project"
- "responsive"
- "receptive"
- "came in under budget"
- " handled all citizen complaints"
- "use them if you can"

Staff Team Recommendation

Therefore, based on the amount of experience with similar projects and exceptionally high praise from references, the staff team recommends the selection of SEPI to provide construction engineering and inspection services for the sidewalk connector project.
See attached matrix summarizing the staff team's findings.

Next Steps

Once City Council has selected a firm to provide construction engineering and inspection services, then staff will submit a request for concurrence with the selection to NCDOT.

Once we receive concurrence from NCDOT, staff will negotiate a contract with the selected firm.

We hope to have the contract on Council's March agenda.

ACTION REQUESTED:

Selection of SEPI, INC. to provide construction engineering and inspection services for the East Main Street sidewalk connector project.

	AMT	KCA	Kleinfelder	Mattern	M. Baker	SME	SEPI	Summit	TGS
Selection Criteria									
1 - Similar, Recent Federally Funded Project (25%)	25% -bridge replacement -sidewalk gap project -nighttime construction projects	25% -bridge replacement -sidewalk -sidewalk construction on bridges -vandal fencing	25% -sidewalk -bridges	25% -bridge rehab I-40 -sidewalk for Hendersonville	25% -bridge replacement Fayetteville outerloop -sidewalk for Greensboro	25% -sidewalks for Cary & Fuquay Varina -bridges for Preston Development Group	25% -sidewalks for Hickory bridge -bridge installation	25% -modifications to bridge for Greensboro -sidewalk connections for Hillsborough	25% -streetscape for improvements for Shelby -sidewalk for Gastonia
2 - Experience (25%)	25% PM: Former Asst. Res. Engineer NCDOT AIC: Former Lead District Engineering Manager (NCDOT)	25% PM: Former Resident Engineer NCDOT	25% PM: Former Asst. Res. Engineer NCDOT	25% PM: 16 years PA: Formerly with NCDOT	25% PM: Former Resident Engineer NCDOT	25% PM: 25 years Former Resident/District Engineer NCDOT	25% PM: 23 years QAQC: 31 years including District Engineer NCDOT	25% PM: 30 years Former Resident Engineer NCDOT	25% PM: 35 years Division Construction Engineer in Division 12
3 - Project Understanding (25%)	25%	25%	25%	25%	25%	25%	25% Value added services includes social media info sharing	25%	25%
Innovative Ideas and Approaches	SharePoint Public Relations Program Drones	QA Team Reference booklet Daily safety meeting	FieldNet	No response	GIS VAS	Video documentation Pipe camera Metafield		Focus on regular communication with City Constant priority from start to finish	iPhones iPads
4 - Budget/Schedule (25%)	25%	25%	25%	25%	25%	25%	25%	25%	25%
5 - Reference Checks - Negative input Y/N - Positive input Y/N - Nonresponsive	**Josh Watkins, Town of Cramerton** No - had some issues	**Sue Hyde, City of Concord** Yes	**Mae Bryant, City of Charlotte** Yes - have used for multiple projects.	**Brent Detwiler, City of Hendersonville** Yes but with some minor issues	**Melinda King, City of Greensboro** Yes but with concerns about decision making time frame	**Bob Shultes, Town of Cary** Yes	**Greg Beal** Yes - They were great, Scott Allen and all empolyees very responsive. One of the best he has worked with.	**Melinda King, City of Greensboro** Yes	**Ben Yarboro, City of Shelby** Yes, has used them on multiple projects.
	Tyler Beardsley, Town of Cornelius No	**David Ketner, Town of China Grove** Yes, "fantastic job, holds contractors to guidelines"	**Karen Westin-Chien, Mecklenburg County** both phone number and e-mail were incorrect on response	**Mike Jones, City of Jefferson, TN** unresponsive	**Jay Higginbotham, Mecklenburg County** unresponsive	**Matt Poling, Town of Fuquay-Varina** Yes - professional, easy to contact and responsive	**Korena Weichel, City of Creedmoor** Yes - "best thing that could happen to your project", responsive, came in underbudget, receptive, handles citizen complaints	**Stephanie Trueblood, Town of Hillsborough** unresponsive	**Gary Sain, City of Gastonia** unresponsive
			Roger Bardsley, Guilford County unresponsive						**Chris Roberts, Town of Chapel Hill** unresponsive
15 Pages	✓	✓	✓	✓	✓	✓	✓	✓	✓
5 Copies	✓	✓	✓	✓	✓	✓	✓	✓	✓
Flash	✓	✓	✓	✓	✓	✓	✓	✓	✓
Capacity	PM: 55-65% AIC: 15-25%		PM: 20%	PM: 58% PA: 42%	PM: 100%	PM: 60%	N/A	PM: 100%	N/A
SPSF Participation	N	N	N	Y	N	N	N	N	N
Office	Charlotte	Raleigh Kannapolis	Charlotte	Hickory	Charlotte	Greensboro Elkin	Charlotte	Raleigh	Shelby

5c

ORDINANCE

O-01-20

§ 94.30 CERTAIN ACTIVITIES PROHIBITED.

The following acts or activities, when performed or undertaken in conjunction with or as a part of any parade, picket line or group demonstration, are hereby prohibited and declared unlawful:

(A) The carrying on or about the person of any firearm or any ~~weapon~~,item~~, including but not limited to blackjacks, nightsticks or flashlights~~ which by their use might constitute a deadly weapon; or

(B) The taking or keeping of a dog or other animal, whether leashed or unleashed unless the dog or animal is a certified service animal.

(C) This ordinance would not apply to an individual who possesses a valid concealed carry permit and is carrying the weapon in a concealed manner.

(Prior Code, § 10-35) (Ord. O-09-18, passed 9-4-18) Penalty, see § 10.99

ORDINANCE
(O-01-20)

AN ORDINANCE AMENDING - TITLE IX: GENERAL REGULATION
CHAPTER 94 – PARADES AND DEMONSTRATIONS
SECTION 94.30 – CERTAIN ACTIVITIES PROHIBITED
OF THE CODE OF ORDINANCES OF THE CITY OF LINCOLNTON

WHEREAS, the City of Lincolnton's Code of Ordinances currently prohibits the carrying on or about the person of any firearm or any weapon, including but not limited to blackjacks, nightsticks or flashlights which by their use might constitute a deadly weapon, when performed or undertaken in conjunction with or as part of any parade, picket line or group demonstration; and

WHEREAS, the City of Lincolnton's Code of Ordinances also currently prohibits the taking or keeping of a dog or other animal, whether leashed or unleashed, when performed or undertaken in conjunction with or as part of any parade, picket line or group demonstration; and

WHEREAS, the City of Lincolnton wishes to amend the language to include exceptions to restrictions provided herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lincolnton that Title IX: General Regulation – Chapter 94 – Parades and Demonstrations – Section 94.30 – Certain Activities Prohibited is rewritten as follows:

94.30 CERTAIN ACTIVITIES PROHIBITED

The following acts or activities, when performed or undertaken in conjunction with or as part of any parade, picket line or group demonstration, are hereby prohibited and declared unlawful:

(A) The carrying on or about the person of any firearm or any item which by their use might constitute a deadly weapon; or

(B) The taking or keeping of a dog or other animal, weather leased or unleashed, unless the dog or animal is a certified service animal.

(C) This ordinance would not apply to an individual who possesses a valid concealed carry permit and is carrying the weapon in a concealed manner.

This Ordinance shall become effective upon adoption. This the 6th day of February, 2020.

_____	_____
Daphne A. Ingram	**Ed Hatley**
City Clerk	**Mayor**

5d

ORDINANCE

O-02-20

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
Daphne Ingram
dingram@lincolntonnc.org
CITY ATTORNEY
Thomas J. Wilson, Jr..

MEMORANDUM

TO: Mayor & City Council

FROM: Daphne Ingram, City Clerk

SUBJECT: Proposed Amendment to City's Code of Ordinances – Traffic Schedules – Schedule VI: Speed Limits on State Maintained Streets

DATE: January 29, 2020

Mr. M.E. Stafford, with NCDOT, has submitted a Certification of Municipal Declaration that enacts a speed zone within the corporate limits of Lincolnton. Included was also a Certification of Municipal Declaration to repeal three ordinances within the corporate limits of Lincolnton.

Action on this request will establish one 45mph speed zone ordinance on US 321 Business. Once approved, the executed document will be returned to the office of the NCDOT for further handling.

AN ORDINANCE AMENDING SCHEDULE VI: SPEED LIMITES ON STATE MAINTAINED STREETS

(O-02-20)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINCOLNTON TO AMEND THE CODE OF ORDINANCES AS FOLLOWS:

SCHEDULE VI: SPEED LIMITS ON STATE MAINTAINED STREETS

Description	***Speed Limit***
East Main Street from intersection of Cedar Street to Court Square	20 mph
West Main Street from Court Square to Grove Street completely around Court Square	20 mph
From West Main Street to Congress Street	20 mph
Congress Street from Cedar Street to Laurel Street	25 mph
North Aspen Street (SR 1405) from Cherry Street, a point 0.83 mile south of SR 1265, northward for 0.28 mile to a point 0.55 mile south of SR 1265 (Lincoln High School in effect from 30 minutes before to 30 minutes after school begins and ends on school days only)	25 mph
Story Street (SR 1434), subdivision wide, from SR 1001 (Salem Church Road) northward to a point 0.06 mile northeast of SR 1001 (Salem Church Road)	25 mph
~~US 321 from SR 1405 northward to a point 0.16 mile south of SR 1463, the northern corporate limit of Lincolnton~~ Repeal	45 mph
~~US 321 BUS between SR 1405 and a point 0.16 mile north of SR 1463~~ Repeal	45 mph
Laboratory Road (SR 1238) from a point 9.22 mile south of SR 1427, the southern corporate limits, northward to Aspen Street (SR 1406)	50 mph

Enact: Between a point 0.3 mile south of SR 1262 (Country Club Road) and a point 0.144 north of SR 1463 (Industrial Park Road)

This ordinance shall be effective upon adoption.

Adopted this _____ day of _____ , 2020

_____ _____

Daphne A. Ingram, City Clerk **Ed Hatley, Mayor**

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

December 3, 2019

County: Lincoln

Subject: Certification of Municipal Ordinance for speed limit revision on US 321 Business inside the Corporate limits of Lincolnton.

Mr. Steve Zickefoose
City of Lincolnton
City Hall, Second Floor
114 W. Sycamore Street
Lincolnton, NC 28092

Dear Mr. Zickefoose:

I am attaching a Certification of Municipal Declaration that enacts a speed zone within the corporate limits of Lincolnton. Also, attached are Certification of Municipal Declaration to repeal three ordinances within the corporate limits of Lincolnton. This is to establish one 45 mph speed zone ordinance on US 321 Business.

Please have the City Council take action on these ordinances, complete with appropriate signature and seal, and return the document to this office for further handling. This certificate is a legal document and if any changes or corrections need to be made, please notify this office.

Respectfully yours,

M. E. Stafford, PE
Twelfth Division Engineer

Byron Engle, PE

By: B. K. Engle, PE
Division Traffic Engineer

BKE

Attachments

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION TWELVE
P. O. BOX 47
SHELBY, NC 28151

Telephone: (980) 552-4200
Fax: (704) 480-5401
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
1710 EAST MARION STREET
SHELBY, NC 28151

Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1076925

Division: 12 **County:** LINCOLN **Municipality:** LINCOLNTON

Type: Municipal Speed Zones

Road: US 321BUS **Car:** 45 MPH **Truck:** 45 MPH

Description: Between a point 0.3 mile south of SR 1262 (Country Club Road) and a point 0.144 north of SR 1463 (Industrial Park Road).

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page:_____ Ordinance Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20_____.

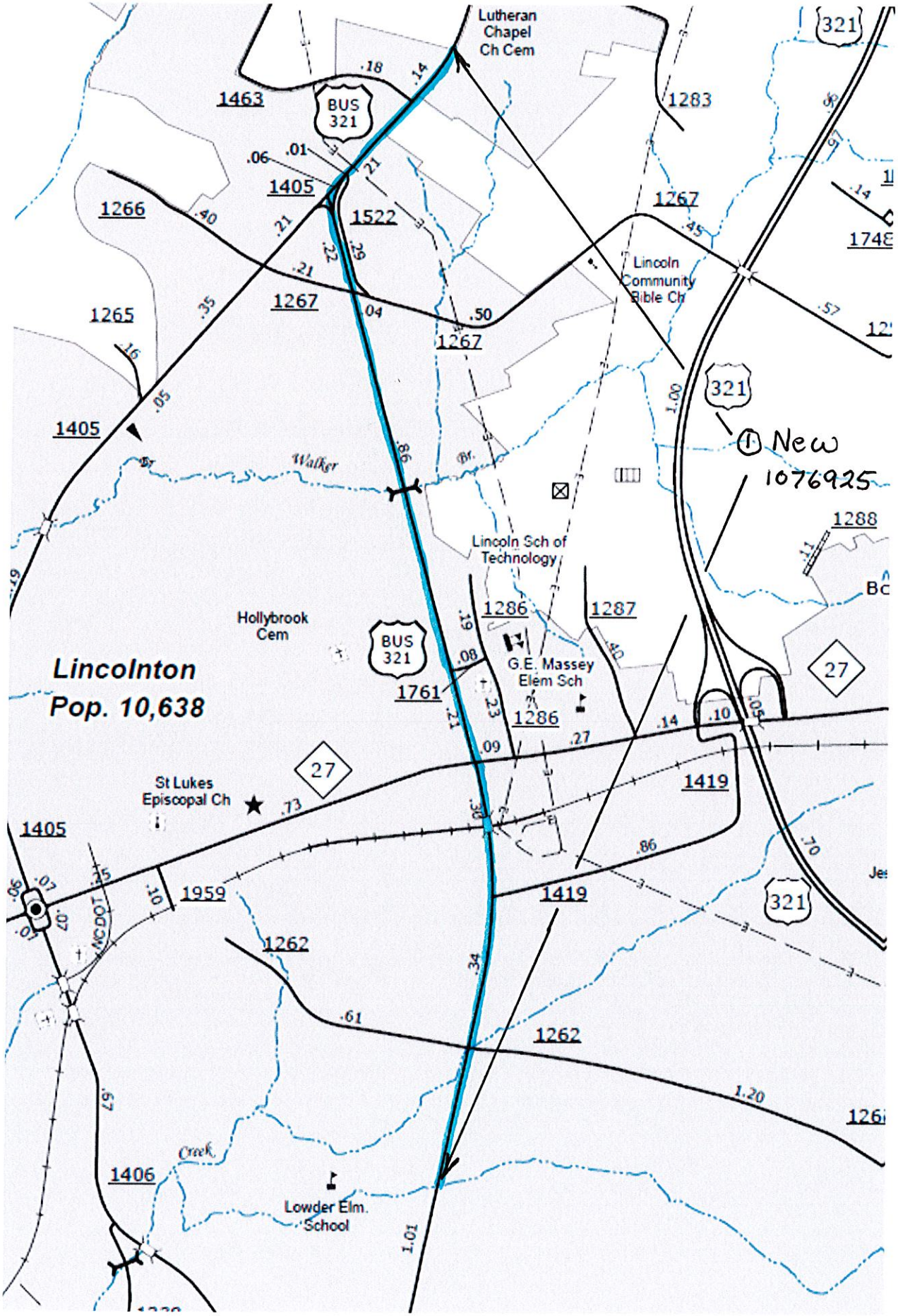
_____
(signature) (municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

Lincoln County: US 321 Business (Generals Boulevard)



Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1026898

Division: 12 **County:** LINCOLN **Municipality:** LINCOLNTON

Type: Municipal Speed Zones

Road: US 321BUS **Car:** 45 MPH **Truck:** 45 MPH

Description: US 321 Business/NC 150, from a point 0.30 mile south of SR 1262 to NC 27.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page:_____ Ordinance Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20_____.

_____
(signature) (municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1026897

Division: 12 **County:** LINCOLN **Municipality:** LINCOLNTON

Type: Municipal Speed Zones

Road: US 321BUS **Car:** 45 MPH **Truck:** 45 MPH

Description: US 321 Business/NC 150, from NC 27 to SR 1405.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page:_____ Ordinance Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20_____.

_____
(signature) (municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1068124

Division: 12 **County:** LINCOLN **Municipality:** LINCOLNTON

Type: Municipal Speed Zones

Road: US 321BUS **Car:** 45 MPH **Truck:** 45 MPH

Description: Between SR 1405 and a point 0.16 mile north of SR 1463.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page:_____ Ordinance Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20_____.

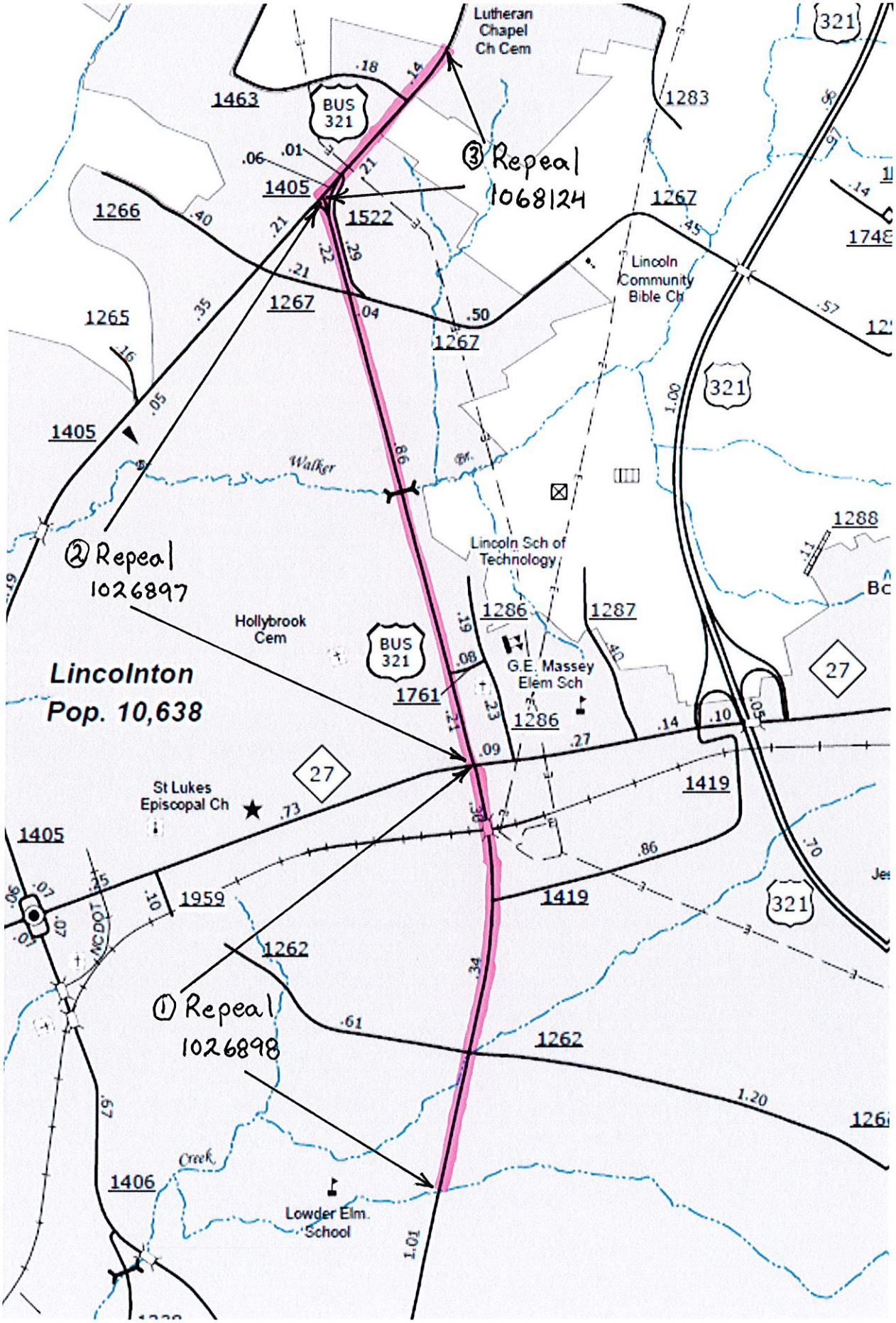
_____
(signature) (municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

Lincoln County: US 321 Business (Generals Boulevard)



ITEM
6
OTHER BUSINESS

6a

ONE-STOP VOTING

NOTICE OF PRIMARY ELECTION
LINCOLN COUNTY, NORTH CAROLINA

Notice is hereby given that primary elections will be held in Lincoln County on Tuesday, March 3rd, 2020. All qualified registered voters will be eligible to vote in the primary. Unaffiliated voters may choose a party primary from parties that allow unaffiliated voters to participate. The polls will be open for voting on that day from 6:30 AM to 7:30 PM. Those voters that are eligible to participate in the primary will be voting for the following offices:

Republican:	**Democratic:**	**Libertarian:**	**Constitution:**	**Green:**
President	President	President	President	President
US Senate	US Senate			
US House of Representatives District 10	NC Governor			
NC Governor	NC Lieutenant Governor			
NC Lieutenant Governor	NC Attorney General			
NC Attorney General	NC Auditor			
NC Auditor	NC Commissioner of Agriculture			
NC Commissioner of Insurance	NC Superintendent of Public Instruction			
NC Commissioner of Labor	NC Treasurer			
NC Secretary of State	NC District Court Judge District 27B Seat 5			
NC Superintendent of Public Instruction				
NC District Court Judge District 27B Seat 4				
County Commissioner (3 seats)				

All residents of Lincoln County who are registered to vote with the Lincoln County Board of Elections may vote in this election. Voters who are already registered do not have to re-register to vote in this election. Residents of the county who are not already registered to vote should register by Friday, February 7th, 2020 to be eligible to vote in this election. A person may register to vote at the Lincoln County Board of Election office at 451 Salem Church Road, Lincolnton, North Carolina between 8:00 AM and 5:00 PM, Monday through Friday, or at any branch of the Library during their regular hours. Any voter who has moved outside his or her precinct but within the county since the last election should notify the board of elections in writing by Friday, February 7th, 2020. Those voters who are not registered by Friday, February 7th, 2020 may register and vote during one stop early voting only, and will be required to provide documentation of their identity and residence. Voter Registration forms are also available on the Lincoln County website at www.lincolncounty.org or the State Board of Elections website at www.ncsbe.gov and can be mailed to the Board of Elections Office at the address listed above.

Voters who require assistance with casting their ballot are entitled to assistance by an appropriate person of their choice or an election official. Registration facilities and polling places are accessible to the elderly and handicapped. Curbside voting is available for voters who are not physically able to enter the polling place.

One-stop voting will be held as listed below:

City of Lincolnton City Hall: 114 West Sycamore Street, Lincolnton, NC 28092
Thursday, February 13th, 2020 through Saturday, February 29th, 2020
Hours: Monday-Friday 8:00 AM—7:30 PM
Saturday, February 22nd, 2020 8:00 AM--3:00 PM
Saturday, February 29th, 2020 8:00 AM--3:00 PM

West Lincoln/North Brook Community Center: 568 Highway 274, Vale, NC 28168
Thursday, February 13th, 2020 through Saturday, February 29th, 2020
Hours: Monday-Friday 8:00 AM—7:30 PM
Saturday, February 22nd, 2020 8:00 AM--3:00 PM
Saturday, February 29th, 2020 8:00 AM--3:00 PM

East Lincoln Recreation/Community Center: 8160 Optimist Club Road, Denver, NC 28037
Thursday, February 13th, 2020 through Saturday, February 29th, 2020
Hours: Monday-Friday 8:00 AM—7:30 PM
Saturday, February 22nd, 2020 8:00 AM--3:00 PM
Saturday, February 29th, 2020 8:00 AM--3:00 PM

Any qualified voter may vote absentee by ballot. Beginning Monday, January 13th, 2020 requests for an absentee ballot must be made in person or on approved state form to the Lincoln County Board of Elections. Copies of the state form can be picked up at the Board of Election office or printed off the Lincoln County website at www.lincolncounty.org. The deadline for requesting an absentee ballot by mail is 5:00 PM Tuesday, February 25th, 2020. Ballots must be returned to the Board of Elections by March 3rd, 2020 at 5:00 PM OR be postmarked by March 3rd, 2020 and received by mail no later than 5:00 PM on March 6th, 2020. The Board of Elections will meet in its office at 451 Salem Church Road on the following dates and times and other times as may be necessary for the purpose of approving absentee ballot applications:

Tuesday, February 11th, 2020 at 5:00 PM
Tuesday, February 18th, 2020 at 5:00 PM
Tuesday, February 25th, 2020 at 5:00 PM
Monday, March 2nd, 2020 at 5:00 PM
Tuesday, March 3rd, 2020 at 5:00 PM
Thursday, March 12th, 2020 at 5:00 PM Absentee and Provisional

Canvass will be held Friday, March 13th, 2020 starting at 11:00 AM in the Board of Elections Office in Lincolnton, North Carolina.

Persons with questions about registration, location of polling places, absentee ballots, or other election matters may call the Lincoln County Board of Elections office at 704-736-8480 between the hours of 8:00 AM and 5:00 PM Monday through Friday.

Judy B. Caudill, Chairman
Lincoln County Board of Election

Publish 4T January 17, 22, 29, February 3

6b

MONTHLY FINANCIAL/ OVERTIME REPORT

February 2020 Council Meeting

Executive Summary
December 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	6,503,771	55%	11,271,936	5,694,742	809,029
	Fund Balance	-	-	-	964,361	-	-
		11,818,700	6,503,771		12,236,297	5,694,742	809,029
	City Manager/Clerk	277,495	25,443		320,960	82,696	(57,253)
	Human Resources	243,020	87,505		239,060	83,931	3,574
	Finance	149,630	(197,182)		242,790	(51,866)	(145,316)
	General Expense	1,108,160	536,463		1,001,620	461,562	74,901
	General Debt Service	424,632	12,910		513,524	27,910	(15,000)
	Police	3,218,020	1,657,003		3,115,970	1,557,568	99,434
	Fire	2,255,800	1,217,555		2,041,650	1,245,727	(28,172)
	Public Works	44,010	(79,361)		79,616	(103,503)	24,142
	Street	1,164,325	439,297		1,257,668	270,656	168,641
	Equipment Services	115,970	36,303		133,270	35,137	1,166
	Solid Waste	823,855	609,038		854,228	244,818	364,219
	General Services	-	-		-	-	-
	Plannin/Zoning	575,420	148,944		379,060	120,829	28,115
	Bus & Comm. Dev	133,200	26,400		135,000	55,999	(29,599)
	Recreation	1,285,163	716,662		957,520	532,475	184,187
	Expenses	11,818,700	5,236,979	44%	11,271,936	4,563,939	673,040
	Difference		1,266,792			1,130,803	135,989

Water & Sewer Fund		Budget 19-20	Actual 19-20	% of Budget	Budget 18-19	Actual 18-19	Difference
Fund 61	Revenues	8,616,949	4,117,869	48%	8,378,540	3,994,796	123,073
	Fund Balance	-	-		526,653		
		8,616,949	4,117,869		8,905,193	3,994,796	123,073
	Water Treatment	1,506,850	633,640		1,508,450	609,145	24,494
	Dist & Collection	1,847,150	2,088,243		1,748,000	948,748	1,139,495
	Wastewater	1,567,500	587,079		1,544,600	496,708	90,371
	W & S Intangibles	3,695,449	1,073,980		3,577,490	836,524	237,455
	Expenses	8,616,949	4,382,941	51%	8,378,540	2,891,126	1,491,815
	Difference		(265,073)			1,103,670	(1,368,743)

Electric Fund		Budget 19-20	Actual 19-20	% of Budget	Budget 18-19	Actual 18-19	Difference
Fund 63	Revenues	8,056,350	4,383,173	54%	7,669,264	4,122,422	260,751
	Fund Balance	-	-		1,224,483	-	-
		8,056,350	4,383,173		8,893,747	4,122,422	260,751
	Electric Dept.	8,056,350	4,289,763		7,669,264	3,642,162	647,601
	Expenses	8,056,350	4,289,763	53%	7,669,264	3,642,162	647,601
	Difference		93,411			480,260	(386,850)

Overtime	80+ hours		232,220			233,686	(1,466)