

A G E N D A

LINCOLNTON CITY COUNCIL



March 5, 2020

7:00 p.m.

Council Chambers

City hall



**LINCOLNTON CITY COUNCIL
AGENDA
March 5, 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 February 6, 2020 Regular Meeting

2b – Calls to Public Hearing (no calls to Public Hearing for the April meeting)

(O-02-20)

2c - Consideration of amending the City's Code of Ordinances as requested by NCDOT; establishing one (1) 45 mph speed zone on US 321 Business

(R-04-20)

2d – Surplus handgun and badge for LPD Lieutenant John Caudle – Handgun model 19, Gen 4, Serial Number YCZ908 to be presented to him upon his retirement effective April 1, 2020

3. PRESENTATIONS

(R-05-20)

3a – Resolution recognizing and honoring Lieutenant John Caudle on his upcoming retirement

(R-06-20)

3b – Resolution recognizing and honoring Joanne Sigmon on her upcoming retirement

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March 5, 2020
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**3c – Proclamation proclaiming the City of Lincolnton and Lincoln County -
“Home of Catawba Valley Pottery”**

Fred Jarrett, Steering Committee Chair

4. PUBLIC HEARINGS

(O-03-20)

4a – ZTA-1-2020 –Application from the Lincolnton County Coalition Against Domestic Violence requesting a zoning text amendment to Section 153.031 of the Unified Development Ordinance regards to the definition of Domestic Violence Shelters and to Section 153.117 (GMC District) to add Domestic Violence Shelter as a permitted use.

Jean Derby, Planning Assistant

(O-04-20)

4b – 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.

Jean Derby, Planning Assistant

4c – 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).

Jean Derby, Planning Assistant

(O-05-20)

4d – ORDINANCE - Consideration of proposed revision to the City’s Code of Ordinances – TITLE VII – Traffic Code – Chapter 74; Schedule 1: Stop Intersections

Richard Haynes, Assistant City Manager

5. REGULAR AGENDA

(C-02-20)

5a – CONTRACT - Consideration of contract between the City and East Coast Pyrotechnics for the 2020 Fireworks Display

Richard Haynes, Assistant City Manager

6. OTHER BUSINESS

6a – 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

CLOSED SESSION

*Motion to enter into CLOSED SESSION in accordance with
NCGS 143-318.11(a)(4)
to discuss matters relating to the expansion of an industry served by the city.
and NCGS 143-318.11 (a)(5)
to discuss property acquisition*

NEWS MEDIA

ADJOURNMENT

ITEM #

1

APPROVAL

OF

REGULAR AGENDA

ITEM #

2

APPROVAL

OF

CONSENT AGENDA

ITEM #

2a

Approval of Minutes for the
February 6th, 2020 Regular
Meeting

The Mayor and City Council met in regular session on Thursday, February 6, 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

Councilman EADDY made the motion, unanimously approved, to approve the *REGULAR AGENDA*.

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

- **Approval of Minutes for the January 9, 2020 Regular Meeting**
- **Calls to Public Hearing for the March 5th City Council Meeting:**

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).

PRESENTATIONS

**Presentation recognizing Rusty Reynolds for successfully completing the
“Managing Officer Program”**

Mayor Hatley recognized Rusty Reynolds of the Lincolnton fire department presenting him with a framed certificate from the National Fire Academy which read as follows:

In recognition of successful completion
Of the requisite courses of study, the
National Fire Academy
Under the authority granted by the
115th Congress of the United States of America, award this
Certificate of completion of the
MANAGING OFFICER PROGRAM
Upon
Rusty Reynolds
with all honors, privileges, and responsibilities
thereunto appertaining

Awarded this 13th day of January, 2020

Rusty thanked all those that made this possible for him thanking his family for their support while he completed the necessary courses. He also thanked his co-workers who fulfilled his job duties while he was away.

RESOLUTION

(R-01-20)

Recognizing Candice Fitzgerald on her retirement

Mayor Hatley read and presented the following retirement resolution to Candice Fitzgerald:

RESOLUTION

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.

Candice thanked the Chief of Police and the Police Captain for their patience and support through the years and she expressed her appreciation for the department as a whole.

RESOLUTION
(R-02-20)
Recognizing James Moore on his retirement

Mayor Hatley read and presented the following retirement resolution to James “Jimmy” Moore recognizing his upcoming retirement on March 1st.

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

Jimmie thanked the City of Lincolnton for the opportunity, giving credit to those who were instrumental in hiring him. He also thanked his co-workers, supervisor and others.

RESOLUTION

(R-03-20)

Recognizing Jerry White, Jr. on his retirement

Mayor Hatley read and presented the following retirement resolution to Jerry White, Jr., recognizing him for his upcoming retirement on March 1st.

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

Jerry expressed his appreciation to the City and supervisors, co-workers saying that he will always think of the City of Lincolnton as family.

PUBLIC HEARING

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)

Mayor Ed Hatley opened the public hearing and recognized Laura Elam, Planning Director.

Mrs. Elam began explaining that the request is for 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).

Mrs. Elam continued stating that 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. 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.

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. 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 Lincolnnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

The Staff Review Committee made the following comments:

1. Coordinate utility connections with City of Lincoln Public Works.
2. Plans must be reviewed and approved by the City Fire Marshall.
3. Building may be required to be sprinkled for the proposed use.
4. Building plans must be approved by Lincoln County Inspections.

Mrs. Elam concluded stating that the Planning Board and staff recommended approval of the Conditional Use Permit, with approval being subject to ordinance requirements and Staff Review Committee conditions, if the applicant satisfactorily proves the findings of fact.

Mr. Brian Kenyon, the owner of Untapped Territory, addressed Council stating what a fantastic place Lincoln has been for his business. Mr. Kenyon briefly explained the reason for the request and how this expansion will benefit the City.

Councilman WATSON made the motion, unanimously approved, to close the Public Hearing.

Councilman EADDY made a motion, unanimously approved, to consider the request for a conditional use permit.

Section 153.237 of the Unified Development Ordinance requires that Council determine the following four findings:

1. **Councilman JETTON** made a motion, unanimously approved, that the use will not materially endanger the public health or safety if located where proposed and developed according to plan
2. **Councilwoman WHITE** made a motion, unanimously approved, that the use meets all required conditions and specifications
3. **Councilman EADDY** made a motion unanimously approved, that the use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity

4. **Councilman JETTON** made a motion, unanimously approved, that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincoln Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

Councilman EADDY made the motion, unanimously approved, to approve the conditional use permit subject to compliance with ordinance requirements and staff review committee comments

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)

Mayor Hatley opened the Public Hearing, recognizing Laura Elam, Planning Director to speak to the item. All those wishing to speak for or against were directed to come forward to be sworn by the clerk.

Mrs. Elam began explaining that 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. Land uses in the area are mostly single family residential.

Continuing, Mrs. Elam explained that the applicant requests a conditional use rezoning in order to allow use of the site for an automobile repair shop. She said that 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.

Continuing, Mrs. Elam explained that 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.

In terms of compliance, Mrs. Elam informed Councilmembers that the site plan did not meet all of the UDO requirements that the conditional use permit application requires, therefore the applicant would need to make sure that there is Street and parking lot landscaping along Highway 150, screening adjoining residential property is in place (current trees on property can count toward this requirement) and he would need to submit a plan that shows the amount of impervious surface on the site per the water supply watershed standards. Any applicable watershed requirements must be met per the ordinance.

Mrs. Elam continued stating that 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. She went over the staff review committee comments which addressed preservation of existing trees on the site, limiting the hours of operation, the visibility of garage doors from the road, the required driveway permit from NCDOT and a building plan before the issuance of a building permit.

Mrs. Elam confirmed that this request was subject to Section 153.237 of the UDO and 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.

In regards to compliance with the findings of fact, Mrs. Elam stated that:

- (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).

In conclusion, Mrs. Elam stated Planning Board and Staff recommended 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.

Councilmembers had several questions for Mrs. Elam. Discussion was generated in regards to the existing trees on the site plan and the additional screening that will be required. There were also questions about the creek and precautions that will be put in place to address flooding.

Several individuals signed to speak both for and against the request.

Ronald Barger - 309 W. Hwy. 150 By-pass, Lincolnton, NC spoke in favor of the request. Mr. Barger, the applicant, identified himself as a certified mechanic since 1993. After working for several dealerships, Mr. Barger expressed his desire to open/operate a garage of his own which will allow him to continue to do what he loves while providing for his family.

Misty Barger - 309 W. Hwy. 150 By-pass, Lincolnton, NC also spoke in favor of the request. Mrs. Barger spoke very highly to the applicant's character and professional work ethic. And she thanked Council for giving Mr. Barger the opportunity to take the next step in his career by approving the request which will allow him to own and operate a business at this location.

Michael Barlowe - 1370 Springdale Park Drive, spoke in favor of the request. Mr. Barlow, identifying himself as a master technician, spoke to the outstanding character of Mr. Barger and assured Council that because of his passion for the environment, pollution would not be an issue in regards to the nearby creek.

William McSwain - 1227 W. Highway 150, Lincolnton, NC, spoke against the request. As an adjacent property owner, Mr. McSwain voiced his concerns with this type business being permitted at this location. He noted the potential for attracting all types of rodents. He also voiced his concern with the noise that is associated with this type business. He also had some safety concerns. Mr. McSwain spoke to the underground tanks that are still located on the site. For the reasons listed, Mr. McSwain asked that the request be denied.

Darrell Kirby - 1176 W. Highway 150, Lincolnton, NC, owner of the property across from the site, spoke against the request. Mr. Kirby echoed some of the same concerns mentioned by Mr. McSwain, as well as his concern relative to the number of cars that will be allowed at the site. Mr. Kirby spoke to his ground water concerns at the site and the issue of abandoned cars that could result when an owner fails to come back to get their car.

Ronnie Kirby - 1160 Highway 150, Lincolnton, NC, is also a property owner across from the site. Ronnie Kirby also owns the pond. Mr. Kirby voiced his concern about the ground water getting contaminated with oil and other things associated the operation of a garage, stating that the run-off would need to be contained. He also mentioned the noise, and the instability of the ground at the site due to the materials used to "back-fill" years ago.

Scott Allran - 1167 Highway 150, Lincolnton, addressed Council on behalf of his father, Ralph Allran who is an adjacent property owner to the site. Mr. Allran spoke against the request stating that he shared many of the same concerns of the previous speakers in regards to the property previously being bottom land and was filled in. Creek pollution due to run-off was mentioned. Mr. Allran and his family disagreed that the use will be in harmony with the neighborhood due to the previous reasons mentioned and request that property remain zoned residential and not be rezoned.

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

With a unanimously approved motion from Council, much more discussion/deliberations regarding the request took place. Council members spoke to/addressed the non-conforming land use plan requirements and to

the evidence that the applicant needed to provide regarding the concerns identified.

Mayor Hatley requested a motion to approve or deny the request for rezoning. With no motion being made, Mayor Hatley, after conferring with City Attorney T.J. Wilson, announced that the conditional use permit was rejected by the City Council.

REQUEST DENIED DUE TO THE ABSENCE OF MOTION FROM COUNCIL

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)

Mayor Hatley re-opened the public hearing to continue discussion concerning Townhomes at the Lincoln Country Club. *(Oaths for this item were administered at the January meeting)*

Laura Elam, Planning Director, spoke to the request, re-stating that 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. Mrs. Elam stated that the site is vacant. Surrounding properties are devoted to the driving range, golf course, single family residential and a condo complex.

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 was to be provided along the northern and southern property lines. Existing screening is to remain along the eastern and western lot lines.

Mrs. Elam informed Council that the applicant has submitted a proposed revision to the previous site plan. The proposal to go from 33 units to 39 unites still remains. Which raises the density to 7.4 units per acre.

Mrs. Elam stated that the site is located in the Water Supply Watershed Protected Area so compliance with water supply watershed standards is required.

Continuing, Mrs. Elam stated that the Staff Review Committee had a number of comments and in terms of compliance. She reminded Council of the required four findings to be determined by City Council, plus the addition review criteria, prior to issuance of the conditional use permit.

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
2. The use meets all required conditions and specifications, and
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.
5. 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).

Mrs. Elam listed what the applicant needed to provide in terms of compliance with the aforementioned standards. She stated that the applicant would need to provide evidence that the use will not endanger the public health or safety. She mentioned that the site plan does not comply with ordinance specifications regarding required screening.

Mrs. Elam also stated that the applicant would need to provide evidence that the use will not substantially injure the value of adjoining or abutting properties and provide evidence that the use will be in harmony with the area. She confirmed that compliance to this requirement is met since traffic would be channeled to Country Club Road which is a minor thoroughfare.

Planning Board Recommended approval if the applicant satisfactorily proved the findings of fact. They also recommended that approval should be subject to ordinance requirements.

Mrs. Elam directed Councils attention to the revised site plan materials submitted by the applicant. She reviewed plans, which addressed the exterior materials to be used, as well as a detailed letter from Mr. Wright requesting

Council to allow the required screening to be offsite. Mrs. Elam pointed out several of the issues with the request and the reason this is a concern.

Much discussion was generated among Council and staff in the form of questions and clarification of information.

Mr. Miles Wright, the applicant that submitted this request, addressed Council regarding the details of the request. Mr. Wright confirmed that the exterior will not be vinyl siding, but a mixture of stone, hardy work, metal roofing, which will be in keeping with the modern feel of the day. He also addressed the landscaping proposed. Plans do include 192 trees and 247 shrubs to be put back on the site.

Some discussion regarding using an easement was discussed, with Attorney T.J. Wilson speaking to those concerns.

Mr. Leonard McAllister, a concerned Lithia Inn Road property owner, spoke to Council regarding his concerns, and spoke against the request. Mr. McAllister expressed his objection to the elimination of the trees that was previously located on the property. He also spoke to the decrease in property value due to the construction that has taken place, stating that nothing can be done to fix what has already been done.

More discussion was generated with Council asking questions regarding the inconsistencies in relation to what was approved and what has been done. Laura Elam continued to answer any questions/concerns expressed by members of the Council.

Mr. Miles Wright requested to speak to the concerns voiced by Council, stating he irritation that they have been accused of not having approval to do what has been done thus far. Mr. Wright assured Council that he obtained all of the necessary documents from the City of Lincoln and Lincoln County prior to any clearing of the property, and that his company has followed all of the rules during this process.

Even more discussion was generated with both Mayor Hatley and Council members clarifying their concerns and position on this issue. Mayor Hatley allowed Mr. McAllister to express one more concern which was in regard to traffic congestion and parking.

Being no further discussion, **Councilwoman WHITE made the motion unanimously approved to close the Public Hearing.**

Councilman WATSON made the motion, to consider the request for a conditional use permit. Ayes 0 Nos 4

Mayor Hatley ruled the Conditional Use Permit unanimously denied

REGULAR AGENDA

**Consideration of Awarding Bid for Construction
of East Pine Street Project**

Richard Haynes, Assistant City Manager, presented the results of a bid opening held on January 23rd for the East Pine Street sidewalk project. Three (3) companies submitted bids. The bid tabulation sheet, along with a copy of the bid documents were included in the agenda packet. Bid submissions were as follows:

J & E Concrete Construction Company, LLC	\$137,750.00
Concrete Matters	\$175,000.00
Moore & Seagle Construction, Inc.	\$215,000.00

J&E Concrete Construction was the low bidder and has shown to be a reputable contractor in the past, therefore Mr. Haynes recommended that City Council award the E. Pine Street sidewalk project to J&E Concrete Construction of Harmony, NC.

Councilman JETTON made the motion unanimously approved to to approve J&E Concrete Construction Company for the job on East Main Street.

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

Laura Elam, Planning Director, spoke to Council regarding this item. Mrs. Elam stated that NCDOT 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.

Laura continued, explaining that the project will consist 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.

Mrs. Elam explained that the City recently solicited letters of interest for construction engineering and inspection services for the project by advertising the request for letters of interest (RFLOI) in the Lincoln Times News on December 16, 2019. The RFLOI was also posted on the City's website and on the NCDOT website.

Nine (9) private engineering firms submitted letters of interest. A staff team evaluated each of the nine letters of interest, reaching out to a minimum of two (2) of the references provided in each of the nine (9) letters. The staff team's view was that the letter of interest that stood out from the rest was the letter for SEPI. It identified the most directly relevant experience with similar, municipal, federally funded projects.

Mrs. Elam concluded that 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.

Mrs. Elam explained that once a firm is selected, staff will submit a request for concurrence with the selection to NCDOT, after which staff will negotiate a contract.

Councilman EADDY made a motion, unanimously approved to approve SEPI, Inc. for work on the sidewalk bridge over 321 on East Main Street.

**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, spoke to this issue. Chief Jordan explained his reason for the proposed change and that the change will basically "clean up" one of the City's existing ordinances. The proposed ordinance amendment reads as follows:

**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)
- (D) 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.

Councilman WATSON made the motion unanimously approved to approve the proposed change amending Title IX: General Regulation - Chapter 94 - Parades and Demonstrations - Section 94.30 - Certain Activities Prohibited.

**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, explained that NCDOT 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. The action on this request will establish one 45mph speed zone ordinance on US 321 Business.

No action taken as item will be placed on the March agenda.

OTHER BUSINESS

**One-Stop Voting for Primary Election
February 13th - February 29th**

Steve Zickefoose, City Manager, spoke briefly regarding the One-stop voting. Mr. Zickefoose reminded Council that City Hall was approved as a One-stop voting location for the election. Therefore, for information purposes Mr. Zickefoose announced that between February 13th and February 29th City Hall will be open for One-stop voting.

Mr. Zickefoose informed that staff from the Board of Elections have been in contact and that all arrangements are in place. Council Chamber will be used for voting, and the rear parking lot will be dedicated for that purpose. The one exception will be those needed handicap accessibility. Mr. Zickefoose also confirmed that this service is being provided at no cost to the city.

Monthly Financial/Overtime Report

Steve Zickefoose, City Manager, gave the following report:

REGULAR MEETING - February 6, 2020

[illegible]

PUBLIC COMMENT:

Mr. Rex Rhyne, 291 Trey Trail, requested to address Council regarding problem/ issue he is seeing with the homeless. He voiced his concern with what he is seeing, some of their undesirable and destructive behavior. As a business owner in the downtown area he is very concerned and wanted to bring attention to the problem.

NEWS MEDIA:

ADJOURNMENT:

Councilman JETTON made the motion unanimously approved to adjourn the meeting at 9:05 p.m.

**DAPHNE INGRAM
CITY CLERK**

**ED HATLEY
MAYOR**

ITEM #

2b

No Items to be called to
Public Hearing

ITEM #

2c

ORDINANCE

O-02-20

Consideration of establishing 45 mph
speed zone on US 321 Business

**AN ORDINANCE AMENDING SCHEDULE VI: SPEED LIMITS 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

<i>Description</i>	<i>Speed Limit</i>
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

ITEM #

2d

RESOLUTION

R-04-20

Surplus handgun and badge for LPD

Lieutenant John Caudle

CITY OF LINCOLNTON POLICE DEPARTMENT

RODNEY JORDAN • CHIEF OF POLICE



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

TO: Steve Zickefoose, City Manager
FROM: Chief R. Jordan *RJ*
SUBJECT: Surplus of Handgun
DATE: February 26, 2020

The purpose of this memo is to seek permission from you and the Lincolnton City Council to surplus the "Glock" Handgun (**Model 19, Gen 4, Serial Number YCZ908**) and Duty Badge carried by Lieutenant John Caudle to present to him upon his retirement from the Police Force. His projected retirement date is April 1, 2020. The value of the weapon in its current condition is \$265.00 which would be deducted from the \$800.00 he is allotted for his retirement per City Policy.

Your consideration in this matter is greatly appreciated.

Cc: Daphne Ingram
City Council
Tanya Osborne
Rebecca Huntsinger

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
digram@lincolntonnc.org
CITY ATTORNEY
Thomas J. Wilson, Jr..

RESOLUTION (R-04-20)

WHEREAS, pursuant to G.S. 160A-265 the City of Lincolnton may dispose of personal property in the discretion of the City Council; and

WHEREAS, the City of Lincolnton has the following items of personal property issued to the below named City Police Officer:

Police Lieutenant John Caudle – Model 19, Gen 4
Serial # YCZ908 and Duty Badge

WHEREAS, the City Manager shall be authorized to dispose of the property by the direction of the City Council and in accordance with City policy, \$ 265.00 will be deducted from the \$ 800.00 that he is eligible to receive per City policy;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincolnton that the above mentioned property become surplus and be presented to the above named retiree in honor of their tenure and dedication to the City of Lincolnton.

ADOPTED this the 5th day of March 2020.

Ed Hatley
Mayor

Attest:

Daphne Ingram
City Clerk

ITEM
3
PRESENTATIONS

ITEM #

3a

Resolution

Recognition of John
Caudle on his retirement

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..

RESOLUTION of Appreciation for JOHN M. CAUDLE

WHEREAS, John M. Caudle began employment with the City of Lincolnton on November 17, 1993 as a Police Officer with the Lincolnton Police Department; and

WHEREAS, John M. Caudle has proven his leadership qualities, rising through the ranks in 1999 to Police Sergeant; then in 2017 to Police Lieutenant where he initially served over the Patrol Division for a short time prior to transferring and serving as the Lieutenant for the Investigations Division; and

WHEREAS, John M. Caudle, throughout his career, committed to providing the highest level of service through continued training and education completing over 350 hours of leadership management training and obtaining the Advanced Law Enforcement Certificate from the North Carolina Criminal Justice Education and Training Standards Commission; and

WHEREAS, John M. Caudle has served as a role model in the Law Enforcement Sector, providing excellent Public Safety to citizens of the City of Lincolnton for over twenty six years.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincolnton that appreciation be extended to John M. Caudle honoring him on his upcoming retirement on April 1, 2020, and that congratulations and best wishes be granted to him for continued success in all his future endeavors.

Adopted and presented this the 5th day of March, 2020.

ED HATLEY
MAYOR

ITEM #

3b

Resolution

Recognition of Joanne
Sigmon on his retirement

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..

RESOLUTION of Appreciation for JO ANNE B. SIGMON

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

WHEREAS, Jo Anne B. Sigmon began employment with the City of Lincolnnton on September 29, 1992, and has for 27 years excelled as the only administrative support for the City of Lincolnnton's Water Treatment Plant; and

WHEREAS, Jo Anne B. Sigmon throughout her tenure has demonstrated great commitment to her duties and through this commitment has assisted the Water Treatment Plant in its mission of being included in a select group of qualified Water Treatment Plants to receive the Federal EPA "Area Wide Optimization Program" award since 2002; and

WHEREAS, Jo Anne B. Sigmon has been described by her supervisors as a dedicated, self-motivated and behind the scenes person who has diligently completed reporting required by the State of North Carolina for the Water and Wastewater Treatment Plants allowing them to maintain their State certified status; while continuously displaying a great work ethic in the performance of her duties, which has earned the respect of her co-workers and the citizens of Lincolnnton.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Lincolnnton, that appreciation be shown to Jo Anne B. Sigmon, honoring her on her upcoming retirement on April 1, 2020, and that we extend congratulations and best wishes to her for continued success in all her future endeavors.

Adopted and presented this the 5th day of March, 2020.

**ED HATLEY
MAYOR**

ITEM #

3c

PROCLAMATION

Home of
“Catawba Valley Pottery”

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
CITY CLERK
Daphne Ingram
CITY ATTORNEY
Thomas J. Wilson, Jr.

PROCLAMATION

"Home of Catawba Valley Pottery"

WHEREAS, the rich tradition of Catawba Valley Pottery is defined by its unique and exclusive presence in the Catawba Valley, now known as Lincolnton and Lincoln County; and

WHEREAS, the hand dug clay from local sources, the wood fired "groundhog" kiln, and the "wood ash" alkaline glaze used to create Catawba Valley Pottery makes it one of only three distinct and continuously surviving pottery traditions in the United States and the only one that traces its origins to China more than 2,000 years ago; and

WHEREAS, our heritage and current culture is shaped by the 18th century piedmont settlers and their need for everyday essentials which the Catawba Valley potters produced as sturdy, utilitarian stoneware vessels of clay; jugs for whiskey and syrup, churns, milk crocks, pitchers, and storage jars for meat, fruit and vegetables; and

WHEREAS, the Catawba Valley was once dotted with potting sheds and kilns as craftsman turned out vast quantities of quality wares needed by the burgeoning population in the region and the Catawba Valley potters were craftsmen in the tradition of the blacksmith and basket maker meeting the needs of farm families in this isolated area of 18th century America and includes recognizable family and place names like Seagle, Hartzog, Ritchie, Hilton, Reinhardt and Propst from its most productive 19th century time period; and

WHEREAS, Catawba Valley Pottery production almost disappeared after World War II when its utilitarian need was replaced, and the tradition was kept alive by area potters, notably 20th century potter and Lincoln County native Burlon B. Craig who worked in the Catawba Valley Pottery tradition after purchasing the Reinhardt property and kiln where he developed a talent for "face jugs" in the African-American slave folk art tradition; and

WHEREAS, Burlon Craig and his pottery achieved national and international attention, was featured in publications, added to the Smithsonian Institution collection, received the National Endowment for the Arts' National Heritage Fellowship in 1981 and helped teach, train and promote the Catawba Valley Pottery tradition; and

WHEREAS, our rich and diverse heritage is contained in the native pottery and utilitarian arts created by and for its people, through the tradition of Catawba Valley Pottery we celebrate the history of Lincoln County and the City of Lincolnton to help future generations understand their community's pride of place, honor their arts and acknowledge their roots; and

WHEREAS, the Catawba Valley Pottery tradition is renowned nationally and internationally and is unique in its ability to drive tourism and attract visitors to the city and county;

NOW, THEREFORE WE, the Mayor and City Council of the City of Lincolnton, hereby proclaim the City of Lincolnton in Lincoln County as the **"Home of Catawba Valley Pottery"** and we are committed to supporting activities, events and projects that showcase the Catawba Valley Pottery tradition.

Ed Hatley, Mayor

ITEM #

4

PUBLIC HEARINGS

ITEM #

4a

ZTA-1-2020

(O-03-20)

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

SUBJECT: ZTA-1-2020 Application from the Lincoln County Coalition Against Domestic Violence requesting amendment of Sections 153.031 (Definitions) and 153.117 (General Manufacturing and Commercial District) of the Unified Development Ordinance to add domestic violence shelter for up to 35 people as a permitted use in the General Manufacturing and Commercial (GMC) district.

DATE: March 5, 2020

Background

The UDO allows domestic violence shelters for up to 15 people in the R-8 (Single and Two-Family Medium Density Residential) district.

Domestic violence shelters are not permitted in other zoning districts.

Proposed Amendment

The Lincoln County Coalition Against Domestic Violence is requesting amendment of the UDO to add domestic violence shelters for up to 35 people as a permitted use in the GMC (General Manufacturing and Commercial) district.

Planning Board and Staff Recommendation

Planning Board and Staff recommend approval of the amendment.

**An Ordinance to
Amend the City of Lincolnton
Unified Development Ordinance
to Allow Domestic Violence Shelters
as a Permitted Use in the
General Manufacturing and Commercial
Zoning District**

Section 1. Amend Section 153.031, Definitions of Specific Terms and Words, to modify the definition of the term “Domestic Violence Shelter” as follows. Newly adopted language is underlined and **highlighted in yellow**.

DOMESTIC VIOLENCE SHELTER. A structure providing temporary habitation for not more than 15 people **within a Residential District and not more than 35 people within a GMC district**, including family members, who are victims of domestic violence.

Section 2. Amend Section 153.117, General Manufacturing and Commercial District, to add “Domestic Violence Shelter” as a permitted use in the GMC, General Manufacturing and Commercial District.

Section 3. That this ordinance shall become effective upon its adoption.

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

Case No. ZTA-1-2020

Applicant: Lincoln County Coalition Against Domestic Violence

Request: Amend Section 153.031 and 153.117 of the Unified Development Ordinance to add domestic violence shelters for up to 35 people as a permitted use in the GMC district.

Proposed Consistency and Reasonableness Statement:

The Lincolnnton Land Use Plan does not address domestic violence shelters.

Approval of the amendment is reasonable and in the public interest in that additional shelter space is needed for victims of domestic violence and their families. The amendment would increase the potential availability of sites zoned to accommodate domestic violence shelters.

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

Case No. ZTA-1-2020

Applicant: Lincoln County Coalition Against Domestic Violence

Request: Amend Section 153.031 and 153.117 of the Unified Development Ordinance to add domestic violence shelters for up to 35 people as a permitted use in the GMC district.

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan does not address domestic violence shelters.

Denial of the amendment is reasonable and in the public interest in that it would preserve areas zoned for industrial purposes for future industrial development needs.

MOTIONS FOR PUBLIC HEARING

1. Motion to approve or deny request.
2. Motion to approve one of the statements of consistency and reasonableness.

ITEM #

4b

ZTA-2-2020

(O-04-20)

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

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

DATE: March 5, 2020

Background

The UDO allows sign shops as a permitted use in the General Business (GB) and the General Manufacturing and Commercial (GMC) districts.

Sign manufacturing is not permitted in the Central Business district.

Proposed Amendment

Visual Inception is requesting amendment of the UDO to add sign painting and manufacturing in the C-B district as a permitted use. See below map of C-B district boundaries.

Planning Board and Staff Recommendation

Planning Board and Staff recommend approval of the amendment with the following stipulations:

- Sign shops in the C-B district will not be permitted in the downtown fire district (see attached map) and
- Sign shops in the C-B district will not be permitted to have any outdoor storage or activities.

**An Ordinance to
Amend the City of Lincolnton
Unified Development Ordinance
to Allow Sign Printing and Manufacturing
as a Permitted Use in the
Central Business Zoning District**

Section 1. Amend Section 153.113 (A) (2), Central Business District, to add “Sign Printing and Manufacturing” as a permitted use in the Central Business District as follows. Newly adopted language is underlined and **highlighted in yellow**.

Sign printing and manufacturing, outside of the downtown fire district and with no outdoor storage and with all activities conducted indoors.

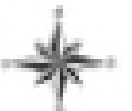
Section 2. That this ordinance shall become effective upon its adoption.



Legend
City Limits
Fire Station

CITY FIRE LIMITS

APPROXIMATE LOCATION
LINCOLN CODE SEC.4-5



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

Case No. ZTA-2-2020

Applicant: Travis Dellinger/Visual Inception

Request: Amend Section 153.113 (Central Business District) of the Unified Development Ordinance to add the use "Sign Printing and Manufacturing" as a permitted use.

Proposed Consistency and Reasonableness Statement:

The Lincolnnton Land Use Plan does not address sign shops.

Approval of the amendment is reasonable and in the public interest in that it would allow for potential additional commercial development in Downtown Lincolnnton. The prohibition against location within the Downtown Fire District will promote public safety and the prohibition against outdoor storage or activities will promote preservation of the character of Downtown Lincolnnton.

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

Case No. ZTA-2-2020

Applicant: Travis Dellinger/Visual Inception

Request: Amend Section 153.113 (Central Business District) of the Unified Development Ordinance to add the use "Sign Printing and Manufacturing" as a permitted use.

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan does not address sign shops.

Denial of the amendment is reasonable and in the public interest in that sign shops would not be in harmony with the character of Downtown Lincolnton.

MOTIONS FOR PUBLIC HEARING

1. Motion to approve or deny request.
2. Motion to approve one of the statements of consistency and reasonableness.

ITEM #

4c

CU-ZMA-3-2020

MEMO TO: Mayor and City Council Members

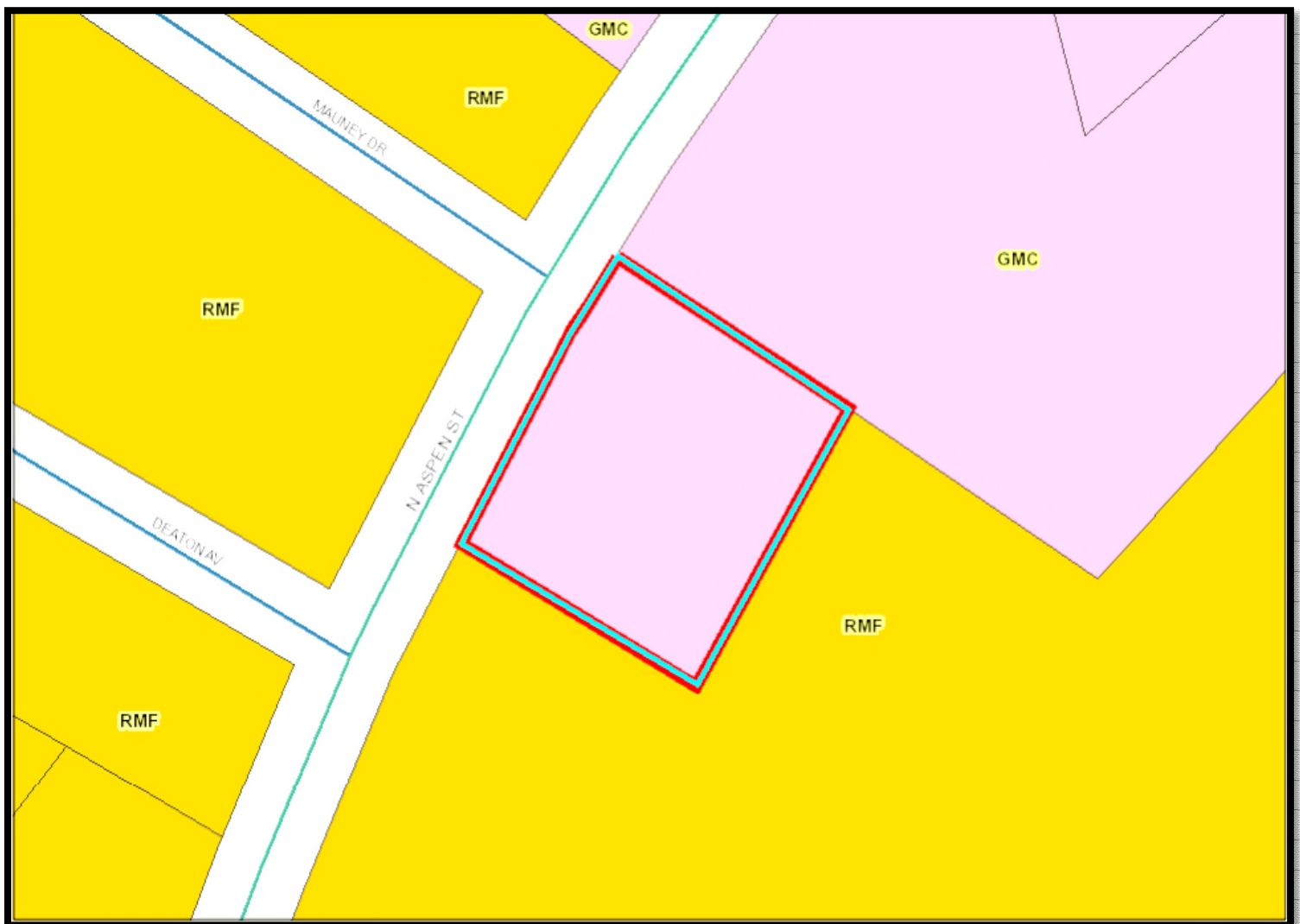
FROM: Laura Elam, Planning Director

SUBJECT: CU-ZMA-3-2020- Application from Jamie Policz requesting conditional use rezoning from General Manufacturing and Commercial (GMC) to Conditional Use Residential Multi Family (CU-RMF).

DATE: March 5, 2020

SITE AND AREA DESCRIPTION

The subject property is a 0.795 acre site located at 1008 North Aspen Street. The subject property is zoned GMC and adjacent properties are zoned RMF and GMC.



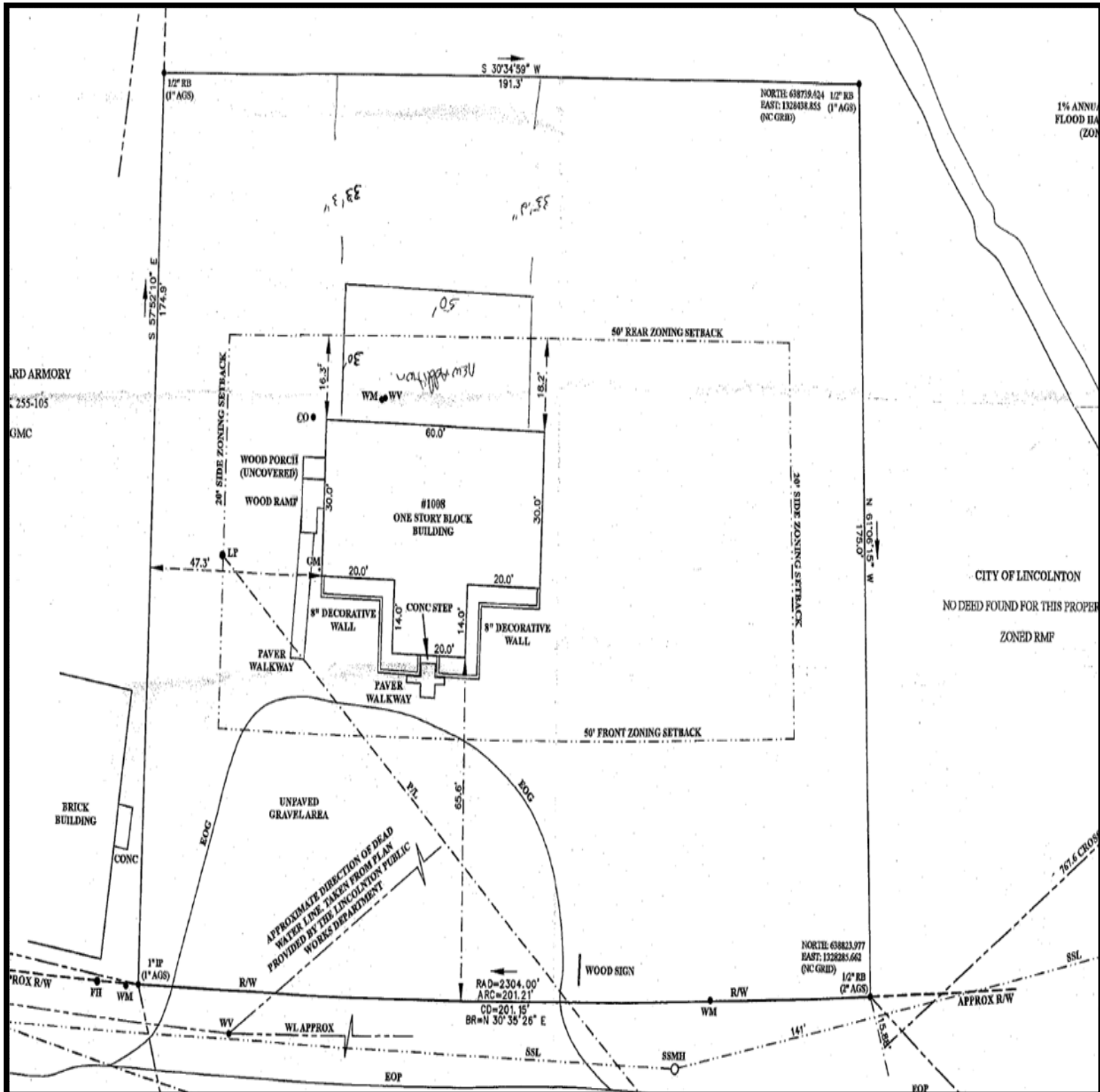
The property is currently developed with a 2,080 square foot church building. Land uses in the area include multifamily residential, City Park, the American Legion and the National Guard Armory.





PROPOSED USE AND SITE PLAN

The applicant requests conditional use rezoning in order to allow for the expansion of the existing church to the rear of the property by approximately 1,500 square feet. The rezoning to RMF would allow for a reduced rear setback of 25 feet instead of 50 feet as required in the GMC District. The current church building would remain the same. Access would be provided by one driveway to North Aspen Street.



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 would limit the use of the property to a church.

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:

- (1) 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.
- (2) Seating capacity for the church needs to be provided.

LAND USE PLAN

The Lincolnton Land Use Plan shows this property in the General Business Planning area. Staff views the proposed rezoning as consistent with the Land Use Plan since churches are allowed in the General Business zoning classification.

STAFF REVIEW COMMITTEE

The Staff Review Committee had the following comments:

- (1) Building plans must be approved by Lincoln County prior to issuance of building permits.
- (2) Fire code requirements must be reviewed and approved by the Fire Inspector.
- (3) A single lot disturbance permit will be required if all land disturbance is less than 20,000 square feet. An approved erosion control plan is required if land disturbance is 20,000 square feet or greater. Either / or will be needed PRIOR to any disturbance taking place including cutting tree canopy.

- (4) A driveway permit is required from NCDOT. Changes to the driveway will need to be done so that traffic can be channeled in and out of the site.
- (5) Street landscaping will be required along North Aspen Street.
- (6) Sidewalk will be required along North Aspen Street. This will need to be designed based on the requirements of the driveway permit.

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) There is not a change of use involved so the use should not have negative impacts on the value of adjoining or abutting properties.
- (4) The use is in compliance with the Lincolnton Land Use Plan.

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 GMC to CU-RMF.
- (2) If the applicant satisfactorily proves the findings of fact, approval of the conditional use permit for an expansion of the church 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-3-2020

Applicant: Jamie Policz

Parcel ID#: 01095

Location: 1008 North Aspen Street

Request: Rezone from GMC to CU-RMF to permit an expansion of the existing church building.

Proposed Consistency and Reasonableness Statement:

The proposed rezoning request **is consistent** with the Lincolnnton Land Use Plan since churches are permitted in the General Business zoning district. .

Approval of the proposed conditional use rezoning is reasonable and in the public interest in that the proposed use is limited to a church and the proposed expansion is small in scale.

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

Case No. CU-ZMA-3-2020

Applicant: Jamie Policz

Parcel ID#: 01095

Location: 1008 North Aspen Street

Request: Rezone from GMC to CU-RMF to permit an expansion of the existing church building.

Proposed Consistency and Reasonableness Statement:

The proposed amendment **is not consistent** with the Lincolnnton Land Use Plan in that the property is part of an area designated by the Lincolnnton Land Use Plan as General Business and the proposed use is not a business.

Denial of the proposed amendment is reasonable and in the public interest because the site is located on a commercial corridor where commercial zoning should be preserved.

MOTIONS FOR PUBLIC HEARING CU-ZMA-3-2020 (Jamie Policz)

1. Motion to approve or deny request for rezoning.
2. Motion to approve one of the statements of consistency and reasonableness.
3. If rezoning is approved:

- o Motion on Finding 1.

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

- o Motion on Finding 2.

The use meets all required conditions and specifications.

- o Motion on Finding 3.

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

- o 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 Lincolnnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

4. 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 #

4d

ORDINANCE

O-05-20

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](mailto:d Ingram@lincolntonnc.org)
CITY ATTORNEY
Thomas J. Wilson, Jr.

PUBLIC HEARING

Notice is hereby given that the Mayor and City Council will hold a Public Hearing on Thursday, March 5, 2020 at 7:00 p.m. in the Council Chambers of City Hall, located at 114 West Sycamore Street, Lincolnton, NC to consider amending the City's Code of Ordinances as follows:

TITLE VII – Traffic Code – Chapter 74 Schedule 1: STOP INTERSECTIONS

ADD: East Sumner Street and Marcia H. Cloninger Rail Trail
(add stop sign on both the east and west side of the trail)
East Dixon Street and Marcia H. Cloninger Rail Trail
(add stop sign on both the east and west side of the trail)

Parties in interest and citizens shall have the opportunity to be heard and may obtain further information of the hearing from the Office of the City Clerk, located at City Hall, 114 West Sycamore Street, Monday through Friday from 8:30 a.m. until 5:00 p.m.

**Advertise (2tl): Friday, February 21, 2020
 Friday, February 28, 2020**

ITEM #

5

REGULAR AGENDA

ITEM #

5a

CONTRACT

C-02-20



February 24, 2020

Daphne Ingram
City of Lincolnton
P.O. Box 617
Lincolnton, NC 28093

Dear Ms. Ingram:

Thank you for your continued interest in East Coast Pyrotechnics.

Enclosed, please find a display outline, and contract for your review. Keep in mind that this proposal represents a complete turnkey display. East Coast will provide all necessary material, qualified technicians and 5 million dollars liability insurance coverage. In addition, we will work with the local authorities to secure the required discharge permit.

The proposed display package will contain the same high quality special effect and brilliant color effect materials as displayed during previous events. Please note that show design is similar to 2019 and will be all aerial, no small caliber devices.

If the proposed display meets your approval, please return the enclosed contract to secure your 2020 event.

If you should have any questions, please do not hesitate to contact me at (800) 238-5114 or joel@eastcoastpyro.com at anytime.

As always, I look forward to the opportunity to be of service.

Sincerely,

Joel Matthews
Event Producer

City of Lincolnton
July 4th, 2020
\$11,500.00 Proposal Synopsis

Opening

3 – 3” Silver Titanium Salutes with Rising Tails

Body

100 – 3” Caliber Shells

120 – 4” Caliber Shells

85 – 5” Caliber Shells

15 – 6” Caliber Shells

Grand Finale

36 Shot – 2 ½” Assorted Color Peony & Salutes with 36 Rising Tails

50 – 3” Assorted Color Dahlia & Crown Shells

60 – 3” Variegated Color Peony & Chrysanthemum Shells

30 – 3” Silver Titanium Salutes with Rising Silver Tails

Suggested Duration: 15 to 18 minutes

EAST COAST PYROTECHNICS, INC.
AGREEMENT

This contract entered in this 21st of February A.D. 2020 by and between EAST COAST PYROTECHNICS, INC. of Catawba, S.C. and City of Lincolnton (customer) of City Lincolnton State NC.

WITNESSETH: EAST COAST PYROTECHNICS, INC. for and in consideration of the terms hereinafter mentioned, agrees to furnish to the CUSTOMER one (1) Fireworks Display(s) as per agreement made and accepted and made a part hereof, including the services of our Operator to take charge of and fire display under the supervision and direction of the Customer, said display to be given on the evening of July 4, 2020 Customer Initial _____, weather permitting, it being understood that should inclement weather prevent the giving of this display on the date mentioned herein the parties shall agree to a mutually convenient alternate date, within six (6) months of the original display date. Customer shall remit to the first party an additional 15% of the total contract price or additional expenses in presenting the display on an alternate date. The determination to cancel the show because of inclement or unsafe weather conditions shall rest within the sole discretion of EAST COAST PYROTECHNICS, INC. In the event the customer does not choose to reschedule another date or cannot agree to a mutually convenient date, EAST COAST PYROTECHNICS, INC. shall be entitled to 40% of the contract price for costs, damages and expenses. If the fireworks exhibition is cancelled by CUSTOMER prior to the display, CUSTOMER shall be responsible for and shall pay EAST COAST PYROTECHNICS, INC. on demand, all EAST COAST PYROTECHNICS, INC.'s out of pocket expenses incurred in preparation for the show including but not limited to, material purchases, preparation and design costs, deposits, licenses, and employee charges.

EAST COAST PYROTECHNICS, INC. agrees to furnish all necessary fireworks display materials and personnel for fireworks display in accordance with the program approved by the parties. Quantities and varieties of products in the program are approximate. After final design, exact specifications will be supplied upon request. EAST COAST PYROTECHNICS, INC. enters this agreement contingent upon its ability to secure delivery of product for the display.

It is further agreed and understood that the CUSTOMER is to pay EAST COAST PYROTECHNICS, INC. the sum of \$11,500.00 (50% Deposit due upon invoice). A service fee of 1 ½% per month shall be added if account is not paid in full within 30 days of the show date.

EAST COAST PYROTECHNICS, INC. will obtain Commercial Liability and Property Damage and Workers Compensation insurance. Certificate of Insurance will be provided prior to the event. All the entities listed on the Certificate of Insurance will be deemed as an additional insured per this contract.

Customer will provide the following items:

- (a) Sufficient area for the display, including a minimum spectator set back of 420 ft at all points from the discharge area.
- (b) Protection of the display area by roping-off or similar facility.
- (c) Adequate police protection to prevent spectators from entering display area.
- (d) Search of the fallout area at first light following a nighttime display.

It is further agreed and mutually understood that nothing in this contract shall be constructed or interpreted to mean a partnership, both parties being hereto responsible for their separate and individual debts and obligations, and neither party shall be responsible for any agreements not stipulated in this contract. Customer agrees to pay any and all collection costs, including reasonable attorney's fees and court costs incurred by EAST COAST PYROTECHNICS, INC. in the collection or attempted collections of any amount due under this agreement and invoice. Signor of this contract personally guarantees full payment of this agreement.

The parties hereto do mutually and severally guarantee terms, conditions, and payments of this contract, these articles to be binding upon the parties, themselves, their heirs, executors, administrators, successors and assigns.

EAST COAST PYROTECHNICS, INC.

By _____

Date Signed: February 21, 2020

Joel Matthews

PO Box 209

Catawba, SC 29704

P803-789-5733

F803-789-6440

joel@eastcoastpyro.com

CUSTOMER

By _____

It is duly authorized agent, who represents he/she has full authority to bind the Customer

Date Signed: _____

(Please Type or Print)

Name: _____

Address: _____

Phone: _____

Email: _____

Billing Email: _____

ITEM #

6

OTHER BUSINESS

ITEM #

6a

Monthly
Financial/Overtime
Report

March 2020 Council Meeting
Executive Summary
January 2020 Year-To-Date

General Fund		<u>Budget 19-20</u>	<u>Actual 19-20</u>	<u>% of Budget</u>	<u>Budget 18-19</u>	<u>Actual 18-19</u>	<u>Difference</u>
Fund 10	Revenues	11,818,700	7,641,360	65%	11,271,936	6,448,028	1,193,332
	Fund Balance	-	-	-	964,361	-	-
		<u>11,818,700</u>	<u>7,641,360</u>		<u>12,236,297</u>	<u>6,448,028</u>	<u>1,193,332</u>
	City Manager/Clerk	277,495	51,280		320,960	122,610	(71,330)
	Human Resources	243,020	119,944		239,060	113,790	6,155
	Finance	149,630	(147,648)		242,790	16,599	(164,246)
	General Expense	1,108,160	618,074		1,001,620	532,292	85,782
	General Debt Service	424,632	14,154		513,524	48,358	(34,204)
	Police	3,218,020	1,917,859		3,115,970	1,904,496	13,363
	Fire	2,255,800	1,406,871		2,041,650	1,466,801	(59,930)
	Public Works	44,010	(64,523)		79,616	(93,347)	28,825
	Street	1,164,325	500,923		1,257,668	356,901	144,023
	Equipment Services	115,970	48,122		133,270	51,523	(3,401)
	Solid Waste	823,855	649,838		854,228	297,546	352,292
	General Services	-	-		-	-	-
	Plannin/Zoning	575,420	197,956		379,060	152,155	45,801
	Bus & Comm. Dev	133,200	30,235		135,000	82,003	(51,768)
	Recreation	1,285,163	775,329		957,520	616,973	158,355
	Expenses	<u>11,818,700</u>	<u>6,118,414</u>	52%	<u>11,271,936</u>	<u>5,668,698</u>	<u>449,715</u>
	Difference		1,522,947			779,330	743,617

				% of			
Water & Sewer Fund		<u>Budget 19-20</u>	<u>Actual 19-20</u>	<u>Budget</u>	<u>Budget 18-19</u>	<u>Actual 18-19</u>	<u>Difference</u>
Fund 61	Revenues	8,616,949	4,744,286	55%	8,378,540	4,637,642	106,644
	Fund Balance	-	-		526,653		
		8,616,949	4,744,286		8,905,193	4,637,642	106,644
	Water Treatment	1,506,850	717,132		1,508,450	705,472	11,661
	Dist & Collection	1,847,150	2,239,338		1,748,000	1,043,810	1,195,529
	Wastewater	1,567,500	673,540		1,544,600	579,346	94,194
	W & S Intangibles	3,695,449	1,109,754		3,577,490	868,980	240,774
	Expenses	8,616,949	4,739,765	55%	8,378,540	3,197,608	1,542,158
	Difference		4,521			1,440,035	(1,435,514)

				% of			
Electric Fund		<u>Budget 19-20</u>	<u>Actual 19-20</u>	<u>Budget</u>	<u>Budget 18-19</u>	<u>Actual 18-19</u>	<u>Difference</u>
Fund 63	Revenues	8,056,350	4,923,970	61%	7,669,264	4,684,978	238,993
	Fund Balance	-	-		1,224,483	-	-
		8,056,350	4,923,970		8,893,747	4,684,978	238,993
	Electric Dept.	8,056,350	4,833,666		7,669,264	4,166,829	666,837
	Expenses	8,056,350	4,833,666	60%	7,669,264	4,166,829	666,837
	Difference		90,305			518,149	(427,844)

Overtime€80+ hours		304,460			314,580	(10,120)
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