

The Mayor and City Council met in regular session on Thursday, June 25, 2020 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton North Carolina.

Mayor Ed Hatley called the to order, asking all to stand for the Pledge of Allegiance.

The following were in attendance:

WHITE WATSON EADDY JETTON

Councilwoman White made the motion to approve the **REGULAR AGENDA**. **Members voted 4-0 in favor of the motion**

Councilman Eaddy made the motion to approve the **CONSENT AGENDA** as follows:

- Approval of Minutes for the June 4, 2020 Regular meeting
- N.C. Mayor's Statement on Murder of George Floyd
- Approval of service contract between the City of Lincolnton and the Lincolnton Housing Authority for Community Policing

Members voted 4-0 in favor of the motion

CUP-2-2020

Application from Lincoln County requesting a conditional use permit to construct a new parking lot in the Residential-10 (R-10) Zoning District. The subject property is located on the south side of West Main Street approximately 100 feet west of the intersection of West Main Street and South Government Street (Parcel ID 01203) :

Mayor Ed Hatley opened the public hearing and recognized Planning Director Laura Elam to speak to the item. City Clerk Daphne Ingram administered the oath to all those wishing to speak.

Mrs. Laura Elam explained the request as follows:

The property is located on approximately 0.448 acres of land in the Residential-10 (R-10) District, on the south side of West Main Street, approximately 100 feet west of the intersection of West Main Street and South Government Street (Parcel ID 01203)

The applicant is requesting a conditional use permit in order to construct a 32 space asphalt parking lot for additional county parking. Access would be provided by one driveway on West Water Street.

The site is currently vacant. The subject property and properties located to the east, west, and north are zoned R-10. Properties located to the south are zoned R-O and CB. The property is surrounded by a mixture of commercial and single family residential.

The applicant is requesting a conditional use permit in order to construct a 32 space asphalt parking lot for additional county parking. The parking lot will have one entrance which will be on West Water Street.

Street landscaping will be provided along West Main Street. Parking lot landscaping will be provided around the parking lot, and screening is required on the west side of the property adjacent to the single family dwelling.

Screening is not required along the other boundaries because they are being used for business purposes.

The subject property is located within the WS-IV PA Watershed area. Less than one acre of land is being disturbed so all requirements have been met.

The UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The following items need to be addressed to meet the requirements:

Additional screening will be required to meet the following UDO requirements.

Where the boundary of a parking area directly adjoins or is separated by a street from a residential district, screening is required. The screening is required along the outside boundaries of the parking area.

Parking lot landscaping plan will need to be updated to show additional large trees and shrubs.

An updated landscaping plan will need to be provided showing how the UDO requirements for screening and parking lot landscaping are to be met.

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

COMPLIANCE WITH SECTION 13.4.2

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

Subject to compliance with the screening and landscaping requirements, the use meets all required conditions and specifications.

It does not appear that the use will substantially injure the value of adjoining or abutting property.

The use, if approved, should be in harmony with the area.

Mrs. Elam reported that Staff Review Committee met on June 9, 2020 and had no additional comments on the development.

She also informed that Planning Board and Staff recommend approval of the conditional use permit subject to the applicant proving the findings of fact and subject to compliance with the screening and landscaping ordinance requirements noted above.

Josh Grant, Lincoln County Assistant to the County Manager, spoke briefly, thanking Council for considering the request and welcoming any questions they had. Mr. Grant spoke to the great working relationship between the City and the County, and how much this additional parking will benefit not only County employees but the general public.

Being no further discussion and no other requests to speak to the item, Councilman Watson made a motion to close the Public Hearing . Members voted 4-0 in favor of the motion. Mayor Hatley presented the four Findings of Facts as follows:

1. Councilman Eaddy moved that the use will not materially endanger the public health or safety if located where proposed and developed according to plan. **Members voted 4-0 in favor of the motion**
2. Councilwoman White moved that the use meets all required conditions and specifications. **Members voted 4-0 in favor of the motion**

3. Councilman Jetton moved that the use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. **Members voted 4-0 in favor of the motion**
4. Councilman Watson moved that the location and character of the use, if developed according to 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. **Members voted 4-0 in favor of the motion**

MOTION: Councilman Jetton made a motion to approve the conditional use permit subject to compliance with ordinance requirements. Members voted 4-0 in favor of the motion.

CUP-3-2020

Application from Clayton Engineering requesting a conditional use permit to construct mini warehouse and storage units in the NB District. The subject property is located on the north side of East NC 27 Highway approximately 1000 feet east of the intersection of East Main Street and East NC 27 Highway (Parcel ID 87879, 23626, 26773, 24900):

Mayor Ed Hatley opened the Public Hearing directing all those wishing to speak to be sworn in by the City Clerk, after which Planning Director Laura Elam presented the following information:

Mrs. Elam stated that Clayton Engineering, on behalf of Sentry Rentals, is requesting a conditional use permit to construct warehouse, storage, and rental units in the NB District. The subject property is located in the ETJ on the north side of East NC 27 Highway approximately 1000 feet east of the intersection of East Main Street and East NC 27 Highway (Parcel ID 87879, 23626, 26773, 24900). The property is made up of four (4) lots totaling 1.94 acres and the site is vacant.

She continued informing that the property surrounding the site is zoned NB with the exception of areas located to the south of the site across Highway 27 and northeast of the site which are zoned R-25. Land uses surrounding the site are a combination of business, church, and residential.

The applicant requests a conditional use permit in order to construct 10,700 square foot warehouse in the front portion of the site and a 15,000 square foot multi-unit storage building in the rear of the site. A loading dock is located in the front of the proposed warehouse. One access point onto NC Highway 27 East is proposed along with six parking spaces.

Section 153.236 of the Lincolnton Unified Development Ordinance requires that conditional use permit applications contain specific terms and meet specific conditions. The application meets the requirements with the following exceptions:

Landscape plan will need to be updated with additional large trees for screening that will be required along property boundaries that abut a residential district.

Driveway access will need to be adjusted to a maximum of 36 feet in width (Also required by NCDOT).

Building height needs to be noted on plan.

Any signs that will be erected will need to be shown on plan.

If the project is done in phases, that will need to be noted on plan.

OTHER CONDITIONAL USE PERMIT REQUIREMENTS

Section 153.237 of the Lincolnton Unified Development Ordinance requires that the City Council make the following findings:

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. The applicant will need to provide evidence that the use will not endanger the public health or safety.

2. The proposed use meets all required conditions and specifications with the exception of those 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 in conformity with the Lincolnton Land Use Plan.

The subject property is located within the WS-IV PA Watershed area. The site is allowed up to 70% impervious surface. The site plan shows 67.59% built upon area and is in compliance.

The Staff Review Committee met on June 9, 2020 to consider this application and made the following comments:

The utility department made the following comments: The sewer line that they are requesting is a force main and will require a pump station that will have to match the design of the pump station force main. This will have to be engineered. Also, the lift station that is connected to this force main is for future industry. So, if the industry requires larger pumps be installed at the Airport, the lift station at Sentry Rentals will have to be engineered and upgraded to match the larger pumps. This will be at the owner's expense. All utility requirements must be coordinated and approved by the utility department prior to development.

If the developer so chooses, a septic tank can be installed in lieu of tapping onto the City Sewer provided the septic system is approved by Lincoln County Environmental Health.

The City Fire Inspector must approve all plans for fire hydrants, sprinkler systems, and fire equipment access prior to development. The fire inspector recommends a 20 foot wide drive around the buildings for fire access.

Detailed building plans must be submitted and approved by the Lincoln County Building and Land Development.

All storm water on the site must be diverted so as not to create a problem for adjoining properties.

Erosion and Sedimentation control permits will be required and must be obtained from the Lincoln County Natural Resources Department.

NCDOT Driveway permit will be required and approved prior to development. Preliminary comments from NCDOT include driveway width too wide (36 foot

Maximum), conflict with utility poles, driveway edge extends beyond property boundary, and information regarding traffic generation will need to be provided.

The four lots will need to be recombined into one lot and the unopened alleyway that runs through the property will need to be legally closed.

No driveway access allowed onto Acadia Heights Road.

Cost estimates were recently obtained for the proposed development and based on the estimates received, phase construction will need to be used, with the proposed mini storage portion of the project being in a later phase.

The applicant plans on switching the two proposed buildings on the site so that the mini storage would be in the front portion of the site and the warehouse would be in the rear. This would ensure that the loading dock for the proposed warehouse would not be visible from Highway 27.

There was some discussion about the proposed building design. The warehouse will be a metal building but that it will include windows. Building will have a mixture of different color metals and will be in harmony with the area.

Council was informed that Planning Board and Staff recommend approval of the conditional use permit subject to the applicant proving the findings of fact, subject to the ordinance requirements listed above and subject to the Staff Review Committee comments.

Mayor Ed Hatley allowed the applicant, Mr. Buddy Pigg with Sentry Drug in Lincolnton, to address Council regarding the request. Mr. Pigg explained the reason for the request and answered questions from council.

Mr. Robert Gates, 2847 Hwy. 27 East, an adjoining property owner spoke in opposition to the request. Mr. Gates also referenced an email he received from another adjoining property owner, Ms. Eve Miller, who was not in attendance but did oppose the proposed use of this site as well. Mr. Gates voiced concerns regarding additional noise with delivery, the size of the mini-warehouses, building materials and traffic dangers at this location. He also is concerned that property values will be affected if this use is allowed and that the use is not in harmony with the surrounding properties.

Marsha Jordan, of Apple Realty, located at 513 E. Main Street, was present and requested to speak. Ms. Jordan identified herself as the realtor involved and spoke in favor of the request, giving some history and details about the property. She gave her professional opinion regarding the plan, which she feels is in tune with what needs to be on the site. She stated that she did not feel that there will be an increase of traffic in the area.

Mr. Pigg, the applicant, was given a chance to respond to any questions and concerns that were raised. Several questions from Council were asked and answered.

Being no further discussion, Councilwoman White made a motion, to close the Public Hearing. Members voted 4-0 in favor of the motion . Mayor Hatley continued on to the Findings of Facts as follows:

1. Councilman Eaddy moved that the use will not materially endanger the public health or safety if located where proposed and developed according to plan. **Members voted 4-0 in favor of the motion.**
2. Councilman Waston moved that the use meets all required conditions and specifications. **Members voted 4-0 in favor of the motion.**
3. Councilwoman White moved that the use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. **Members voted 4-0 in favor of the motion.**
4. Councilman Jetton moved 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 Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council. **Members voted 4-0 in favor of the motion**

MOTION: Councilman Watson made a motion to approve the conditional use permit subject to compliance with ordinance requirements and Staff Review Committee conditions. Members voted 4-0 in favor of the motion

ZMA-1-2020

Application from Luis Cordero requesting the rezoning of 0.31 acres from Residential-25 (R-25) to Residential-8 (R-8)

Mayor Ed Hatley opened the public hearing. Planning Director Laura Elam spoke to the item explaining the applicants request for a rezoning of a parcel totaling approximately 0.31 acres from the Residential-25 (R-25) district to the Residential-8 (R-8) district. The subject property is located at 2199 Story Street and is just outside the City Limits. The abutting property fronting Salem Church Road and the property located across

Story Street from the site are in the city limits. Mrs. Elam reported that the adjoining properties are zoned a mixture of R-8 (city limits) and R-25 (ETJ). The subject property has one single family dwelling on the site. Land uses in the area include single-family and multi-family homes.

Mrs. Elam gave more background, explaining that the applicant would like to subdivide the land. The minimum lot size requirement in the R-25 district is 20,000 square feet. This parcel is 13,500 square feet. By rezoning the property to the R-8 district and connecting to City water and sewer, the minimum lot size for a single family home is reduced to 6,000 square feet. Water and sewer are available in the area. The land use plan shows the property in the Residential Suburban Planning Area. Neighboring properties are in the Traditional Single Family and Residential Suburban Planning Areas. The Land Use Plan designates the subject property as Residential Suburban Planning area. These Planning Areas are primarily single family residential in character. Therefore, the proposed rezoning request is consistent with the Land Use Plan. Mrs. Elam concluded saying that the Planning Board and Staff recommend approval of rezoning of the property from R-25 to R-8.

Being no further discussion, Councilman Eaddy moved to close the Public Hearing . Members voted 4-0 in favor of the motion

MOTION: Councilman Eaddy made a motion to approve the request for rezoning . Members voted 4-0 in favor of the motion

MOTION: Councilman Eaddy made a motion to approve the statement of consistency and reasonableness as follows: The Lincolnnton Land Use Plan designates this property as part of the Residential Suburban Planning Area. The proposed rezoning request is consistent with the Lincolnnton Land Use Plan, therefore, approval of the proposed amendment is reasonable and in the public interest. Members voted 4-0 in favor of the motion.

ZMA-2-2020

Application from Carpenter Property Group requesting rezoning of 0.952 acres from Residential-Office (R-O) to Central Business (C-B) District

Mayor Ed Hatley opened the Public Hearing. Planning Director Laura Elam spoke to this item, explaining that the property is a 0.952 acre site located at 217 East Pine Street (Parcel ID 20428). She stated that the primary purpose of the rezoning request is to allow the property to be used for a larger number of permitted uses such as retail, service and professional uses. Any uses approved for the property would have to meet all the requirements for the Central Business District.

Mrs. Elam informed that the property is developed with three (3) vacant dwelling units and several accessory structures and that the applicant is requesting rezoning from Residential-Office (R-O) to the Central Business (C-B) district. Zoning surrounding the site is a combination of R-O, GB, and CB. Land uses surrounding the site are the EF Drum Funeral Home and First Federal Park to the south, Vacant County Offices to the west, the Marcia H. Cloninger rail trail and Hoyle's Hearth and Home to the east, and vacant land to the north.

In conclusion, Mrs. Elam stated that the Planning Board and Staff recommend approval of rezoning of the property from R-O to C-B, and an amendment of the land use plan to extend the Central Business Planning Area to include the subject property.

With no further discussion, Councilman Watson moved to close the Public Hearing . Members voted 4-0 in favor of the motion

MOTION: Councilman Eaddy made a motion to approve the request for rezoning. Members voted 4-0 in favor of the motion

MOTION: Councilwoman White made a motion to approve amendment of land use plan. Members voted 4-0 in favor of the motion

MOTION: Councilman Jetton made a motion to approve the statement of consistency and reasonableness as follows: The Lincoln Land Use Plan designates this property as part of the Mixed Use Residential/Commercial/Planning Area. The proposed rezoning request is not strictly consistent with the Land Use Plan, however, the site's proximity to the C-B zoning District and rezoning to C-B better supports the Land Use Plan's goal of adaptive reuse of under-utilized commercial buildings than the current zoning. Therefore, approval of the proposed amendment is reasonable and in the public interest. Members voted 4-0 in favor of the motion

ZTA-3-2020

Application requesting an amendment to Section 153.136 (g) of the Unified Development Ordinance in regards to the replacement of non-conforming manufactured homes not located in a manufactured home park

Mayor Ed Hatley opened the public hearing. Planning Director Laura Elam addressed Council giving some background history regarding this request, explaining that the city's zoning regulations allow manufactured home parks to be established subject to a rezoning and several standards. The regulations also allow a manufactured home to be installed on an individual lot in the R-25 zoning district subject to several standards. Otherwise, the city's zoning regulations do not allow manufactured homes.

She continued, informing that Manufactured homes that predated the establishment of zoning in the City are treated as legal, nonconforming uses and are allowed to continue. In addition, the regulations allow a nonconforming manufactured home on its own lot to be replaced with another manufactured home provided that the replacement occurs within 180 days of the removal of the previous manufactured home and the replacement manufactured home is either a double wide or a single wide with the axles removed and placed on a permanent foundation.

Staff researched the ordinances of several other cities in North Carolina and found a wide range of regulations regarding replacement of non-conforming manufactured homes in zoning districts that don't allow manufactured homes.

Mrs. Elam submitted the proposed amendment that would allow replacement of a non-conforming manufactured home with another manufactured home in the R-25 district only. In all other zoning districts, a non-conforming manufactured home could only be replaced with a structure that conforms to both the local zoning regulations and the state building code.

She concluded saying that Planning Board and Staff recommend approval of the amendment.

With no further discussion, Councilwoman White moved to close the Public Hearing. Members voted 4-0 in favor of the motion

MOTION: Councilman Eaddy made a motion to approve the request . Members voted 4-0 in favor of the motion

MOTION: Councilman Jetton made a motion to approve the statement of consistency and reasonableness as follows:

The proposed amendment is not addressed by the adoption of the Lincolnton Land Use Plan. Approval of the amendment is reasonable and in the public interest in that it will limit replacement manufactured homes to the Rural Residential (R-25) zoning district and help to protect property values in more urban residential areas. Members voted 4-0 in favor of the motion.

ZMA-3-2020

Application from Herbilene Shehan requesting the rezoning of 1.092 acres of land from the Office Institutional (O-I) District to the Residential-25 (R-25) District. The subject property is located at 450 Buffalo Shoals Road (Parcel ID 71908)

Mayor Ed Hatley opened the public hearing, directing Planning Director Laura Elam to present the review. Mrs. Elam presented a rezoning request for a parcel totaling approximately 1.09 acres, with the applicant requesting rezoning from the Office Institutional (O-I) district to the Residential-25 (R-25) district. The subject property is located on the east side of Buffalo Shoals Road across from the Palisades Apartments. The address of the property is 450 Buffalo Shoals Road (Parcel ID 71908)

The subject property and properties to the north are zoned O-I. The property was rezoned from R-25 to O-I in 2009 at the request of the property owner at that time. Surrounding properties are zoned rural residential, residential office and office institutional. The subject property has a single family dwelling located on it. Land uses in the area include single-family and multi-family homes. Atrium Health Lincoln hospital is adjacent to the property to the east.

Giving some brief background history, Mrs. Elam stated that the originally adopted Lincolnton Land Use Plan designated the subject property and all surrounding properties along this section of Buffalo Shoals Road as a Residential Suburban Planning Area. With the 2009 rezoning of the site from R-25 to O-I, the Land Use Plan was amended to designate the property within an Institutional / Office Planning Area. The Land Use Plan designates the subject property as an Institutional / Office Planning

area. The proposed rezoning request is not entirely consistent with the Land Use Plan, however, staff views the request as consistent with the spirit and intent of the Land Use Plan's original designation of the area as a Residential Suburban area.

Mrs. Elam concluded, stating that Planning Board and Staff recommend the approval of rezoning of the property from O-I to R-25 and an amendment of the land use plan to show the property in the Residential Suburban Planning Area.

With no questions or further discussion, Councilman Jetton moved to close the Public Hearing. Members voted 4-0 in favor of the motion.

MOTION: Councilman Wat son made a motion to approve the request for rezoning. Members voted 4-0 in favor of the motion

MOTION: Councilman Eaddy made a motion to approve amendment of land use plan. Members voted 4-0 in favor of the motion

MOTION: Councilwoman White made a motion to approve the statement of consistency and reasonableness as follows: The Lincoln Land Use Plan designates this property as part of the Institutional-Office Planning Area, therefore the proposed rezoning request is not consistent with the Lincoln Land Use Plan. However, the request is viewed as consistent with the spirit and intent of the Land Use Plan's original designation of this section of the Buffalo Shoals Road corridor as a Residential Suburban Planning Area. Therefore, approval of the proposed amendment is reasonable and in the public interest. Members voted 4-0 in favor of the motion

UPDATE TO CLEVELAND-GASTON-LINCOLN REGIONAL HAZARD MITIGATION PLAN

Mayor Ed Hatley opened the public hearing and recognized Planning Director Laura Elam to speak to the item. Mrs. Elam briefly explained that Council action is needed to adopt the standard, five year update to the Regional Hazard Mitigation Plan which is required by FEMA in order to qualify for certain types of federal assistance. Mrs. Elam informed there was a public input session in 2018 and a public survey conducted in early 2019. Resolution is as follows:

**RESOLUTION TO ADOPT CLEVELAND-GASTON-LINCOLN
REGIONAL HAZARD MITIGATION PLAN**

WHEREAS, the City of Lincoln is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and

WHEREAS, the City of Lincoln desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, it is the intent of the City of Lincoln to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

WHEREAS, it is also the intent of the City of Lincoln to fulfill its obligation under North Carolina General Statutes, Chapter **166A**: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the City of Lincoln; and

WHEREAS, the City of Lincoln, in coordination with Cleveland, Gaston and Lincoln Counties and the participating municipalities within those Counties has prepared a multi-jurisdictional hazard mitigation plan with input from the appropriate local and state officials;

WHEREAS, the North Carolina Division of Emergency Management and the Federal Emergency Management Agency have reviewed the Cleveland Gaston Lincoln Regional Hazard Mitigation Plan for legislative compliance and have approved the plan pending the completion of local adoption procedures;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lincoln hereby:

- I. Adopts the Cleveland Gaston Lincoln Regional Hazard Mitigation Plan; and
2. Agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

Adopted on June 25, 2020.

Being no questions or further discussion, Councilman Jetton moved to close the public hearing. Members voted 4-0 in favor of the motion.

MOTION: Councilwoman White made a motion to approve the Resolution to Adopt the Cleveland, Gaston, Lincoln Regional Hazard Mitigation Plan. Members voted 4-0 in favor of the motion

SHARED SERVICES AGREEMENT - ADDING ZONING ENFORCEMENT

Both City Manager Steve Zickefoose and Planning Director Laura Elam, presented this item to Council. Mrs. Elam gave a brief summary regarding the benefits of the proposed arrangement, as well as informed Council of the cost savings this arrangement will provide. The City is currently contracting with Centralina Council of Government (CCOG) to provide code enforcement, receiving approximately 6 hours per week of onsite time for investigation services at a cost of \$29,640. Mrs. Elam noted that the City does currently have a formal agreement with Centralina Council of Government, but that agreement expires July 1, 2020.

City Manager Steve Zickefoose stated that approval by City Council will require the County Commissioners to incorporate these services into the Shared Services Agreement already in place. Mr. Zickefoose informed that the plan is for this agreement to become effective July 1st. However, if that is not possible, city staff will handle in-house until the County can officially begin. Mrs. Elam verified that CCOG has been notified.

MOTION: Councilman Watson made a motion to approve the Shared Services Agreement with Lincoln County, adding zoning enforcement. Members voted 4-0 in favor of the motion

MINIMUM STAFFING REQUIREMENT AFTER CONSOLIDATION WITH BOGER CITY VOLUNTEER FIRE DEPARTMENT

Ryan Heavner, Fire Chief, presented a resolution regarding Minimum Staffing, which is required before the ISO 2 rating can be passed along to the newly consolidated area. Resolution reads as follows:

RESOLUTION

**Minimum Staffing, Lincolnton Fire Department
(R-15-20)**

WHEREAS, the Lincolnton City Council Recognizes public safety as a top priority; and

WHEREAS, the Lincolnton Fire Department is tasked with protecting the lives and property of the citizens and visitors of Lincolnton; and

WHEREAS, many studies, including one performed internally, have shown that increasing firefighter staffing levels has a positive impact on safety and efficiency during Fire Department Operations

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Lincolnton, that minimum staffing requirements for the City of Lincolnton Fire Department after the consolidation with the Boger City Volunteer Fire Department will be 11 firefighters on duty, and

BE IT FURTHER RESOLVED, in efforts to meet the Lincolnton Fire Department minimum staffing standards, the Lincolnton Fire Department will pay overtime where appropriate.

Adopted and presented this the 25th day of June, 2020.

MOTION: Councilman Eaddy made a motion to adopt the Minimum Staffing Resolution as presented. Members voted 4-0 in favor of the motion

**(BA-03-20)
YEAR END BUDGET AMENDMENT**

Steve Zickefoose, City Manager, presented the year-end budget amendment to council members. Mr. Zickefoose explained that the amendment did not increase or decrease the budget, it simply moved funds from one department to another in order to prevent deficit spending.

REGULAR MEETING - June 25, 2020

BA-03-20

BE IT ORDAINED by the Governing Board of the City of Lincolnton, North Carolina, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2020.

Section 1: To amend the General Fund, the expenditures are to be changed as follows:

<u>DEPARTMENT NUMBER</u>	<u>DEPARTMENT DESCRIPTION</u>	<u>INCREASE</u>	<u>DECREASE</u>
4110	CITY MANAGER/CLERK	-	-
4120	HUMAN RESOURCES	-	-
4130	FINANCE	-	-
4280	GENERAL EXPENSE	-	-
4285	DEBT SERVICE	5,000.00	-
4310	POLICE	16,000.00	-
4340	FIRE	22,600.00	-
4510	PUBLIC WORKS ADMIN	-	-
4520	STREET	-	46,100.00
4530	EQUIPMENT SERVICES	7,000.00	-
4710	SOLID WASTE	9,000.00	-
4740	GENERAL SERVICES	-	-
4910	PLANNING & ZONING	-	-
4930	BUSINESS & COMM DEVEL	-	-
6100	PARKS & RECREATION	-	13,500.00
		<u>59,600.00</u>	<u>59,600.00</u>

This will result in a net change of \$ 0.00 expenditures of the General Fund.

Section 8: This will result in a net increase of \$ 0.00 in the revenues of the Electric Fund.

<u>DEPARTMENT NUMBER</u>	<u>DEPARTMENT DESCRIPTION</u>	<u>INCREASE</u>	<u>DECREASE</u>
7200	ELECTRIC SALES	-	200,000.00
7200	APPROPRIATION FROM FUND BALANCE	<u>200,000.00</u>	-
		<u>200,000.00</u>	<u>200,000.00</u>

Section 13: Copies of these budget amendments shall be furnished to the Clerk of the Governing Board, and to the Budget Officer and the Finance Director for their direction.

Adopted this 25th day of June, 2020.

Mr. Zickefoose also requested the ability to make adjustments that may come from auditors making adjustment entries. If further adjustments are made, Mr. Zickefoose assured that he would make a report to Council.

MOTION: Councilman Watson made a motion to approve the year-end budget amendment as presented , along with giving City Manager Steve Zickefoose the flexibility to make adjustments that may be needed as a result of any necessary auditing entries. Members voted 4-0 in favor of the motion

MONTHLY FINANCIAL/OVERTIME REPORT

REGULAR MEETING - June 25, 2020

Steve Zickefoose, City Manager, presented the monthly report as follows informing that the month of May is the most current report available.

July 2020 Council Meeting Executive Summary May 2020 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	10,292,893	87%	11,271,936	9,530,838	762,055
	Fund Balance	-	-	-	964,361	-	-
		11,818,700	10,292,893		12,236,297	9,530,838	762,055
	City Manager/Clerk	277,495	150,409		320,960	239,872	(89,463)
	Human Resources	243,020	204,702		239,060	208,263	(3,561)
	Finance	149,630	20,875		242,790	199,643	(178,767)
	General Expense	1,108,160	926,545		1,001,620	821,736	104,810
	General Debt Service	424,632	394,832		513,524	379,488	15,344
	Police	3,218,020	2,817,670		3,115,970	2,876,045	(58,376)
	Fire	2,255,800	2,082,398		2,041,650	2,107,515	(25,117)
	Public Works	44,010	(6,529)		79,616	(48,367)	41,838
	Street	1,164,325	738,746		1,257,668	749,549	(10,803)
	Equipment Services	115,970	95,915		133,270	103,830	(7,915)
	Solid Waste	823,855	823,946		854,228	521,396	302,550
	General Services	-	-		-	-	-
	Plannin/Zoning	575,420	293,415		379,060	246,724	46,691
	Bus & Comm. Dev	133,200	183,563		135,000	111,420	72,143
	Recreation	1,285,163	1,039,021		957,520	1,022,171	16,851
	Expenses	11,818,700	9,765,509	83%	11,271,936	9,539,283	226,226
	Difference		527,384			(8,446)	535,830

REGULAR MEETING - June 25, 2020

		Budget 19-20	Actual 19-20	% of Budget	Budget 18-19	Actual 18-19	Difference
Water & Sewer Fund							
Fund 61	Revenues	8,616,949	7,198,041	84%	8,378,540	9,586,626	(2,388,585)
	Fund Balance	-	-		526,653		
		8,616,949	7,198,041		8,905,193	9,586,626	(2,388,585)
	Water Treatment	1,506,850	1,041,365		1,508,450	1,287,472	(246,108)
	Dist & Collection	1,847,150	2,952,883		1,748,000	1,495,427	1,457,456
	Wastewater	1,567,500	1,068,145		1,544,600	1,193,134	(124,988)
	W & S Intangibles	3,695,449	4,097,407		3,577,490	3,475,086	622,321
	Expenses	8,616,949	9,159,800	106%	8,378,540	7,451,120	1,708,681
	Difference		(1,961,759)			2,135,507	(4,097,266)
Electric Fund							
Fund 63	Revenues	8,056,350	6,976,727	87%	7,669,264	7,694,683	(717,956)
	Fund Balance	-	-		1,224,483	-	-
		8,056,350	6,976,727		8,893,747	7,694,683	(717,956)
	Electric Dept.	8,056,350	7,257,612		7,669,264	6,166,533	1,091,079
	Expenses	8,056,350	7,257,612	90%	7,669,264	6,166,533	1,091,079
	Difference		(280,885)			1,528,150	(1,809,035)
Overtime 80+ hours			436,924			441,894	(4,970)

**DISCUSSION REGARDING MASK AND/OR FACE COVERING REQUIREMENT
WITHIN THE CITY LIMIT IN RESPONSE TO THE COVID-19 PANDEMIC**

There was much discussion regarding approval the proposed proclamation making face coverings/ mask a requirement within the city limits. Mayor Ed Hatley explained that the proposed proclamation complies with Executive Order 147 which extended Phase 2 and included the requirement of face coverings. He continues stated that approval would help with the implementation of the order and will give local authorities the ability to enforce. Proclamation reads as follows:

A PROCLAMATION

June 25, 2020

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 Virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person; and,

WHEREAS, the World Health Organization declared COVID-19 is a Public Health Emergency of International Concern on January 30, 2020; and

WHEREAS, the Centers for Disease Control and Prevention (the "CDC") has warned of the high public health threat posed by COVID-19 globally and in the United States and has deemed it necessary to prohibit or restrict travel to areas designated by the CDC; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act; and

WHEREAS, on March 10, 2020, North Carolina Governor Roy Cooper declared a State of Emergency for the State of North Carolina based on the public health emergency posed by COVID-19; and

WHEREAS, health authorities, including the Centers for Disease Control, the Surgeon General of the United States, and the North Carolina Department of Health and Human Services have recommended the use of face coverings as a means of preventing the spread of COVID-19; and

WHEREAS, it is my desire to curtail the spread of COVID-19 within the City of Lincolnton by requiring the use of face coverings by persons within the City of Lincolnton, subject to the terms of this proclamation.

NOW, THEREFORE, pursuant to the authority vested in me as the Mayor of the City of Lincolnton, under Chapter 166A of the North Carolina General Statutes, I, Ed Hatley, Mayor of the City of Lincolnton, North Carolina, hereby proclaim and declare the following:

Section 1. The City shall comply with Executive Order 147 Phase 2 Extension, including Section 3.5 Face Coverings. In addition, city government departments must have their on-site workers wear Face Coverings when they are or may be within six (6) feet of another person. Public-facing operations of city government agencies under the jurisdiction of the undersigned must also follow the requirements for Retail Businesses established in this Executive Order.

EO 147 Section 3.5. Face Coverings.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

A. Definitions. "Face Covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A Face Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a Face Covering has two (2) or more layers. A Face Covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels. These Face Coverings are not intended for use by healthcare providers in the care of patients. "Surgical Mask" means American Society for Testing and Materials ("ASTM") Level 1, 2, or 3 approved procedural and surgical masks. An N95 respirator approved by the National Institute for Occupational Safety and Health ("NIOSH") (or a respirator from another country allowed by the Occupational Safety & Health Administration, the Food & Drug Administration, or the CDC) is not recommended for general public use or use in public settings, as it should be reserved for healthcare providers and other medical first responders in a health care setting. However, if worn, these respirators would meet both the Face Covering and Surgical Mask requirements of this Executive Order. A face shield that covers the nose and mouth also meets the Face Covering requirements of this Executive Order.

B. Where Face Coverings Are Required. People are required to wear Face Coverings in the following settings, whether they are inside or outside, unless an exception applies.

- 1. In Retail Businesses.** Retail Businesses must have all workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, Retail Businesses must have all customers wear Face Coverings when they are inside the establishment and may be within (6) feet of another person, unless the customer states that an exception applies.
- 2. In Restaurants.** Restaurants must have all workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, restaurants must have all customers wear Face Coverings when not at their table, unless the customer states that an exception applies.

In Personal Care, Grooming, and Tattoo Businesses. Personal Care, Grooming, and Tattoo Businesses must have workers wear Face Coverings when they are not or may be within six (6) feet of another person. In addition, the business must have all customers wear Face Coverings when they are inside the establishment and may be within six (6) feet of another person, unless the customer states that an exception applies. Customers may take off their Face Coverings if they are receiving a facial treatment, shave, or other services on a part of the head which the Face Covering covers or by which the Face Covering is secured.

- 4. In Child Care Facilities, Day Camps, and Overnight Camps.** Child care facilities, day camps, and overnight camps must have workers, all other adults, and children eleven (11) years or older on site wear Face Coverings when they are or may be within six (6) feet of another person.

- 5. In State Government.** State government agencies headed by members of the Governor's Cabinet must have their on-site workers wear Face Coverings when they are or may be within six (6) feet of another person. Public-facing operations of state government agencies under the jurisdiction of the undersigned must also follow the requirements for Retail Businesses established in this Executive Order.

All other state and local government agencies are strongly encouraged to adopt similar policies that require Face Coverings.

- 6. In Transportation.** All workers and riders on public or private transportation regulated by the State of North Carolina, as well as all people in North Carolina airports, bus and train stations or stops, must wear Face Coverings when they are or may be within six (6) feet of another person. This provision does not apply to people traveling alone with household members or friends in their personal vehicles, but does apply to ride-shares, cabs, vans, and shuttles, even if the vehicles are privately owned.

Notwithstanding the foregoing, no customer will be removed from or denied entry to public transportation for failure to wear a Face Covering.

- 7. In Certain High-Density Occupational Settings Where Social Distancing is Difficult.** Social distancing is inherently difficult where multiple workers are together in manufacturing settings, at construction sites, and in migrant farm, other farm, and agricultural settings. Therefore, in businesses or operations within North American Industry Classification System (NAICS) sectors 311 to 339 (manufacturing), 236 to 238 (construction), and 111, 112, 1151, and 1152 (agriculture), all workers must wear Face Coverings when they are or may be within six (6) feet of another person.

- 8. In Meat or Poultry Processing Plants.** All workers in any meat or poultry processing plant, packing plant, or slaughterhouse must wear Face Coverings when they are or may be within six (6) feet of another person, and those Face Coverings must be Surgical Masks, as long as Surgical Mask supplies are available.

- 9. Long Term Care Facilities.** All workers in Long Term Care ("LTC") Facilities, including skilled nursing facilities ("SNF"), adult care homes ("ACH"), family care homes ("FCH"), mental health group homes, and intermediate care facilities for individuals with intellectual disabilities ("ICF-IID"), must wear Face Coverings while in the facility, and those Face Coverings must be Surgical Masks, as long as Surgical Mask supplies are available.

10. Other Health Care Settings. Health care facilities other than LTC facilities must follow the Face Covering requirements in the CDC Infection Control Guidance for Healthcare Professionals about Coronavirus (COVID-19).

C. **Exceptions.** This Executive Order does not require Face Coverings for—and a Face Covering does not need to be worn by—a worker, customer, or patron who:

1. Should not wear a Face Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the face covering without assistance);
2. Is under eleven (11) years of age;
3. Is actively eating or drinking;
4. Is strenuously exercising;
5. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
6. Is giving a speech for a broadcast or to an audience;
7. Is working at home or is in a personal vehicle;
8. Is temporarily removing his or her Face Covering to secure government or medical services or for identification purposes;
9. Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
10. Has found that his or her Face Covering is impeding visibility to operate equipment or a vehicle; or
11. Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face.

Anyone who declines to wear a Face Covering for these reasons should not be required to produce documentation or any other proof of a condition.

Children under two (2) years of age should not wear a Face Covering.

D. **Application of Exceptions.** Under this Executive Order, all North Carolinians will be on the honor system about whether or not there is a reason why they cannot wear a Face Covering. Everyone in this state is asked to tell the truth and—if they are healthy and able to wear a mask—to wear a Face Covering so that they do not put other people at risk of serious illness and death.

E. **How Businesses May Accommodate Exceptions.** If a customer states that an exception applies, a business may choose to offer curbside service, provide home delivery, or use some other reasonable measure to deliver its good or services.

F. Enforcement of Face Covering Requirements.

1. Citations under this Section shall be written only to businesses or organizations that fail to enforce the requirement to wear Face Coverings. Operators of businesses and organizations are entitled to rely on their customers or patrons' statements about whether or not they are excepted from the

Face Covering requirements, and businesses and organizations do not violate this Executive Order if they rely on such statements.

2. Law enforcement personnel are not authorized to criminally enforce the Face Covering requirements of this Executive Order against individual workers, customers, or patrons.

However, if a business or organization does not allow entry to a worker, customer, or patron because that person refuses to wear a Face Covering, and if that worker, customer, or patron enters the premises or refuses to leave the premises, law enforcement personnel may enforce the trespassing laws and any other laws (other than N.C. Gen. Stat. § 14-288.20A) that the worker, customer, or patron may violate.

Section 15(A) of Executive Order No. 141 is amended to read:

- A. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers. Enforcement of Section 3.5 shall be limited as stated in that Section. Law enforcement and other public safety and emergency management personnel are strongly encouraged to educate and encourage voluntary compliance with all the provisions of this Executive Order.

Section 1(4) of Executive Order No. 141 is amended to read, "Face Covering" is defined in Section 3.5(A)."

Section 6(A) of Executive Order No. 141 is amended to read as follows:

- A. **Prohibition.** To control the spread of COVID-19 and protect lives during the State of Emergency, Section 3.5 and this Section list restrictions on the operations of business establishments and other places to or from which people may travel or at which they may congregate. Businesses or operations within the scope of Section 3.5 or this Section are prohibited from operating unless they follow any applicable restrictions stated in Section 3.5 and this Section.

Sections 6(C)(2)(c), 6(D)(2)(c), and 6(D)(3) of Executive Order No. 141 are removed, since the substance of those provisions has been replaced with new Section 3.5 above.

Section 2. Applicability. The requirements established in this declaration shall supplement and be in addition to the other requirements associated with the COVID- 19 State of Emergency within the City of Lincolnton, including, but not limited to any requirements established by Lincoln County and the State of North Carolina.

Section 3. Implementation. The intent of this declaration is to mandate compliance with the requirements established herein by businesses and persons within the City of Lincolnton.

Section 4. Distribution. I hereby order this declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention' of the general public; (b) to be filed with City Clerk and (c) to be distributed to others as necessary to ensure proper implementation of this declaration.

Section 5. Effective Date and Time. This declaration shall take effect at 5:00 p.m. June 26, 2020, and shall remain in effect until modified or rescinded.

City manager Steve Zickefoose informed that city departments will be required to comply with the order.

Councilman Eaddy made a motion to approve the proclamation which is above and beyond Governor Coopers. Motion passed 3-1 , with Councilman Eaddy, Councilman Watson and Councilwoman White voting aye and Councilman Jetton voting no.

Councilman Jetton requested that his opposition to this action go on the record as he feels that freedoms are being taken away when a man doesn't have a choice, saying, "when it comes to where a man can't make up his mind....he can't make his own decision about his personal health, we're on slippery slopes and we're on very dangerous ground by doing this."

Councilman Eaddy voiced his thoughts on the issue and his belief that a national movement for mask wearing may soon be required. He also stated that there is no other public strategy left to reduce the spread of the virus.

Councilman Watson also commented on the issue. He expressed that he feels this recommendation from the public health officials and the people that know about communicable diseases should be followed just as other health recommendations area.

PUBLIC COMMENT:

Mr. Demarius Pearson addressed Council requesting approval to oversee the painting of a mural with the words "UNITED WE STAND" on a city street. Mr. Pearson showed a rough draft of a letter and explained this project would include the Spanish-Americans, Black Lives Matter and the LGBTQ communities. His hope is to accomplish unity. Mr. Pearson explained the process he intends to use and assured that the COVID-19 regulations would be followed. Mr. Person stated he felt the project would help ease tensions in Lincolnnton.

Some discussion was generated among council and staff. Mayor Ed Hatley suggested South Poplar at First Federal Park be used for this street painting project. Councilman Eaddy inquired as to who will be responsible for the ongoing maintenance and upkeep of this painting. Mr. Pearson responded that he had researched regarding the appropriate paints to use and stated that four coats and a primer will be applied to the letters. City Manager Steve Zickefoose verified for Councilwoman White Poplar Street, next to First Federal Park is the proposed location for the mural. Councilman Jetton asked for his clarification if the Steering Committee was usually in charge of handling murals in the city. Steve Zickefoose explained that because the request involves painting on a city street, and not a mural on the side of a building, the request was not sent to the Steering Committee. Councilman Watson verified that subject to Council

action the project would be completed in conjunction with and under the guidance of the City.

MOTION: Councilman Watson made a motion to approve the request to allow Demarius to lead the group with the painting on the street in front of First Federal Park. Council voted 4-0 in favor of the motion.

NEWS MEDIA: No media present

Community Relations Director Laura Morris took the opportunity to remind City Council of the upcoming 4th of July fireworks on Saturday, July 4th. Mrs. Morris informed that because there will be no assemblies or parades, this year's show (fireworks and music) will be live streamed from 9:00 p.m. to 10:00 p.m. Mrs. Morris informed that both Jeb Segal and Skip Lawing will be closed for safety and traffic management purposes at the request of the Police Department.

CLOSED SESSION

After citing of appropriate statute by City Attorney T.J. Wilson, Councilman Eaddy made a motion to enter Closed Session to discuss Personnel in accordance with NCGS 143-318.11(a)(1)&(6). The council voted 4-0 to enter closed session

ADJOURNMENT:

Upon returning to regular session and being no further business, Councilman Watson made the motion to adjourn the meeting. Members voted 4-0 in favor of the motion

Mayor Hatley adjourned the meeting at 8:53 p.m.

DAPHNE INGRAM
CITY CLERK

ED HATLEY
MAYOR