

REGULAR MEETING - August 6, 2020

The Mayor and City Council met in regular session on Thursday, August 6, 2020 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton, North Carolina, 28092.

Mayor Ed Hatley called the August 6th City Council Meeting to order. *Before continuing with the meeting, Mayor asked that a moment of silence be observed from Franklin "Peanut" Lowery, in observance of his unexpected death.* Mayor Hatley asked all to stand for the Pledge of Allegiance.

The following council members were present:

WHITE

WATSON

EADDY

JETTON

Councilman Eaddy made a motion to approve the **REGULAR AGENDA**
Members voted 4-0 in favor of the motion

Councilman Roby Jetton requested to discuss implementing guidelines for mural request in the future. Councilman Jetton express his concern for the lack of guidance on how mural are approved and his desire to see guides put into place. Mayor Hatley explained the subject of murals is listed under Other Business For Discussion And Possible Action and will occur at the end of the meeting.

Councilwoman White a made a motion to approve the **CONSENT AGENDA as follows:**

- **Approval of Minutes for the June 25, 2020 Regular Meeting**

Members voted 4-0 in favor of the motion

PUBLIC HEARINGS

ZMA-4-2020

Application from Michael Baker requesting the rezoning of 0.26 acres of land from General Business (GB) District to the Residential-Office (R-O) District. The subject property is located at 104 Huss Street (Parcel ID 22428)

Mrs. Laura Elam, Planning Director, reviewed a request from applicant Michael Baker to rezone 0.26 acres of land located at 104 Huss Street from General Business District (GB) to Residential-Office District (R-O). She explained the change would give the applicant the option of using the property for an office and/or a dwelling. Mrs. Elam reported Planning Board and Staff recommended approval of the rezoning. Applicant did not wish to speak regarding the request.

No one requested to speak neither for or against the request. *Above-mentioned report is attached to and made an official part of these minutes.* Councilman Watson made a motion to close the public hearing. **Members voted 4-0 in favor of the motion.** Councilman Eaddy made a motion to approve the zoning request. **Members voted 4-0 in favor of the motion.** Councilman Eaddy made a motion to approve the statement of approval of Consistency and Reasonableness as follows: The Lincolnnton Land Use Plan designates this property as part of the Neighborhood Business Corridor. 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.**

REGULAR AGENDA

P-04-20

Consideration of Administrative Policy Revision – Policy #10 Health/Dental Insurance

Mrs. Tanya Osborne, Human Resources Director, presented a proposed Administrative Policy Revision – Policy #10 Health/Dental Insurance – to address premium payment responsibilities for the health and dental insurance coverage which is elected by active employees. Mrs. Osborne asked for Council's consideration to add a section which will clarify the calculation of the health insurance premium for family coverage if chosen by an employee who was hired prior to July 1, 2012. Mrs. Osborne noted that the employees that would benefit from this change are also some of the more experienced employees, therefore this could be a mechanism to help retain these employees. She asked council to approve the revision with the effective date of January 1, 2021 as noted on the policy. *The proposed amendment is attached to and made an official part of these minutes.* Councilman Jetton made a motion to approve the request. **Members voted 4-0 in favor of the motion.**

O-11-20

Incorporation of Appendix D of the N.C. State Fire Code into the City Code of Ordinances – Title XV – Land Use – Chapter 151 – Fire Prevention and Protection

Fire Chief Ryan Heavner came before Council to request the incorporation of Appendix D of the North Carolina State Fire Code into the City Code of Ordinances. Chief Heavner explained that Appendix D is an addition to the already existing fire codes but each appendix requires separate action from the governing body. Chief Heavner stated this section is vital to maintain access for emergency response apparatus and it also places requirements on commercial and industrial developments to provide adequate access roads and/or sprinkler systems in buildings over a certain size. In response to a question from Councilman Eaddy, Chief verified approval will be applicable to new/future activity. *Appendix D is attached to and made an official part of these*

minutes. Councilman Watson made a motion, based on the recommendation of Chief Ryan Heavner, to approve the incorporation of Appendix D into the City's Code of Ordinances.

Members voted 4-0 in favor of the motion.

ORDINANCE

O-12-20

Consideration of amendment to the City's Code of Ordinances – Chapter 74: Parking Regulations – consider a four way stop at the intersection at Sycamore Street and High Street and Pine Street and High Street

City Manager Steve Zickefoose spoke to Council regarding an ordinance amendment to Chapter 74 – Traffic Schedules, stop intersections. Mr. Zickefoose explained the request, which was submitted by the residents in the area, is to add stop intersections at Sycamore Street and High Street, as well as Pine Street and High Street. He informed that both staff and the Police Department have been consulted and all feel that this will add safety to the area by slowing down traffic. Councilman Eaddy expressed his concern with the traffic speed in the area and stated he agreed with this decision. Councilman Watson also commented on the issue and his approval of steps in the right direction to make the city safer. Councilwoman White made a motion to approve.

Members voted 4-0 in favor of the motion

Councilman Eaddy confirmed that orange flags, etc. will be used to bring attention to the stop signs when erected. Dr. Eaddy also requested that NCDOT be contacted regarding placing orange flags on the yield signs at the Chamber of Commerce and the yield sign at the Citizens Center. City Manager Steve Zickefoose stated DOT will be contacted regarding the matter. In response to a question from Councilman Jetton, no rubble strips will be used at the four (4) way stops.

ORDINANCE

O-13-20

Consideration of amendment to the City's Code of Ordinances – Chapter 74: Parking Regulations – consider a four way stop at the intersection of Bonview Avenue and High Street

City Manager Steve Zickefoose again addressed council members with an ordinance amendment to the City's Code of Ordinance, Chapter 74, making the intersection at Bonview Avenue and High Street a four way stop. He spoke to the lack of pedestrian safety due to the hill at the intersection, as well as the excessive traffic speed. Mr. Zickefoose informed that staff is once again reacting in response to a neighborhood request. Some discussion was generated regarding the history of the ongoing issues with this intersection. Councilman Eaddy made a motion to approve. **Members voted 4-0 in favor of the motion.**

**BUDGET AMENDMENT
(BA-04-20)**

Amendment to be made to the Annual Budget Ordinance for the fiscal year ending June 30th 2021.

City Manager Steve Zickefoose spoke to a request to amend the annual budget ordinance for fiscal year ending June 30, 2020. Budget amendment was outlined as follows:

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, 2021.

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

Street	95,000
Equipment Services	(400,000)
Planning/Zoning	(11,181)
	<u>\$ (316,181)</u>

Section 2: To amend the General Fund, the revenues are to be changed as follows:

FEDERAL GRANTS-FEMA	(11,181)
STATE GRANTS	(400,000)
APPROPRIATION FROM FUND BALANCE- GF	95,000
	<u>\$ (316,181)</u>

Section 5: To amend the Powell Bill Fund, the expenditures are to be changed as follows:

POWELL BILL COSTRUCTION/OTHER	<u>\$ 81,265</u>
-------------------------------	------------------

Section 6: To amend the Powell Bill Fund, the revenues are to be changed as follows:

FUND BALANCE APPROPRIATED	81,265
	<u>\$ 81,265</u>

Section 7: To amend the Water & Sewer Fund, the expenditures are to be changed as follows:

DISTRIBUTION AND COLLECTION	270,500
	<u>\$ 270,500</u>

Section 8: To amend the Water & Sewer Fund, the revenues are to be changed as follows:

OTHER OPERATING REVENUES	270,500
OTHER FINANCING SOURCES	-
	<u>\$ 270,500</u>

REGULAR MEETING - August 6, 2020

Section 9: To amend the Electric Fund, the expenditures are to be changed as follows:

ELECTRIC OPERATIONS	<u>\$ 808,480</u>
---------------------	-------------------

Section 10: To amend the Electric Fund, the revenues are to be changed as follows:

OTHER OPERATING REVENUE	<u>808,480</u>
	<u>\$ 808,480</u>

Section 11: To amend the Special Revenue Fund, the expenditures are to be changed as follows:

POLICE CARES	\$ 440,204
FIRE CARES	<u>390,369</u>
	<u>\$ 830,573</u>

Section 12: To amend the Special Revenue Fund, the revenues are to be changed as follows:

FEDERAL CARES	<u>830,573</u>
	<u>\$ 830,573</u>

TOTAL GROSS BUDGET INCREASE	\$ 1,674,637
-----------------------------	--------------

Adopted this 6th day of August, 2020

Attest:

Daphne Ingram
City Clerk

Edward L Hatley
Mayor

City Manager Steve Zickefoose addressed each adjusted line in the amendment, explaining the reason for the adjustment to Council. Mr. Zickefoose also explained Section 12, the Special Revenue Fund created as a result of the FEDERAL CARES dollars. He stated funds can only be spent on certain things and for the City public, safety costs qualifies. Mr. Zickefoose stressed to Council members that funds cannot be used to replace loss revenue. He informed that the application and all required documentation has been submitted. Councilman Watson made a motion to approve the budget amendment as outlined. **Members voted 4-0 in favor of the motion.**

Responding to a question from Mayor Hatley, City Manager Steve Zickefoose confirmed that due to lack of funding at the State level, the sidewalk project over the 321 bridge will not be moving forward.

MONTHLY FINANCIAL/OVERTIME REPORT

City Manager Steve Zickefoose presented the following report:

[illegible]

Mr. Zickefoose gave an overview of the report, reminding Council of the significant impact of COVID-19 on each of the funds rather direct or indirect.

OTHER BUSINESS FOR DISCUSSION AND POSSIBLE ACTION

Army National Guard Mural

Councilman Watson, upon the direction from Mayor Hatley, introduced Col. Robbie Robbins and SFC Matthew Craig who spoke to councilmembers regarding a mural request honoring both the past and present National Guard units. Councilman Watson assured that no vote would be taken, presentation would be for informational purposes only. A rendering of the mural, along with a document containing some history of the unit, from the 109th Cavalry of WWI to the current Alpha Battery 1-113th Field Artillery unit was distributed to Councilmembers. SFC. Craig gave a brief summary of the operations, unit awards and misc. achievements. *Rendering and history is attached to and made an official part of these minutes.* Councilman Watson confirmed that the Alpha Battery 1-113th Field Artillery unit is currently deployed. He reminded council the intent of presentation was to hear the concept in hopes of working with staff to identify potential locations. Councilman Watson also informed that some funding has been secured as they hope to be able to cover the cost without needing to request funding from the City. Mayor Hatley informed that a potential building has been identified.

Lincolnton Student Advisory Council

Mayor Ed Hatley directed City Manager Steve Zickefoose to update Council on what is happening in reference to the 2020-2021 Student Advisory Council. Due to the COVID-19 restrictions and the unconventional way schools are having to operate, Mayor Hatley explained that proceeding with the start-up of a new council in September was unclear. City Manager Steve Zickefoose shared the response he received from Dr. Morrow after requesting her input regarding the issue. Mr. Zickefoose provided council members with a summary of the discussion. *The summary is attached to and made an official part of these minutes.* Mr. Zickefoose stated the Superintendent plans to delay any action related to the Student Advisory Council until the month of October, after which further discussions with the school system can take place to determine how modifications can be made to potentially get something going for the remainder of the school year. He noted that this is being done for all school clubs across the board. Athletes are also being delayed. Virtual meetings were mentioned but does not seem to be a good option at this time due to the dynamics of the meetings. Discussion was generated with Councilman Watson and Councilman Eaddy speaking to this current dilemma and the importance of finding a way to continue providing the learning and leadership opportunity students that are a part of this council receive.

City Council Meetings

Mayor Ed Hatley opened the floor for discussion regarding whether City Council meetings should go to being held virtually. Mayor Hatley stated that numbers are still rising at an unacceptable rate in Lincoln County, and stated that no one's health should be put at risk for a meeting. Councilman Roby Jetton stated his opposition, but asked if conducting the meeting via phone (conference call) would be possible. Mayor Hatley explained the various options that could be used instead of in-person meetings. He stressed, however, a way for the public to participate would have to be provided. Councilman Eaddy voiced his concern that the public may be discouraged from participating if meetings are held virtually as some are not comfortable with the video conferencing platforms. Also, some constituents may be "cut-out" if they do not have the means to participate. Councilman Eaddy continued, stating he felt roll modeling mask wearing while doing your routine business and operations is important and may have some function. Much discussion was generated between Council and staff as to the options that are available. Councilman Watson commented that with all of the recommended measures being followed, he would not want to limit access for the public to seeing how business is conducted. City Manager Steve Zickefoose emphasized the fact that public attendance at meetings are generally low and the City's diligence to comply with social distancing restrictions in the current set up of Council Chambers. After more discussion, a consensus among Council Members and staff was reached to continue in-person meetings in Council Chambers, following the guidelines and restriction that are currently in place. City Manager Steve Zickefoose may add the video conferencing option to make meeting available for members of the public. Members agreed that if numbers begin to rise, Council will re-visit the issue of meeting virtually.

Appointment to the Lincolnton Planning Board

Mayor Ed Hatley communicated to councilmembers that due to the recent resignation of one of the current Planning Board members, the vacancy will be advertised and applications will be received through August 31st. Mayor Hatley expressed his desire to appoint someone to fill the vacancy at next months meeting. *Notice of vacancy is attached to and made an official part of these minutes.*

Agenda Item Additions

Mayor Ed Hatley addressed council and opened the floor up for discussion, regarding this item. Mayor Hatley asked for council's thoughts on adopting the practice of only placing items of an emergent nature on the agenda the day of the meeting. Councilman Eaddy clarified emergent as needing immediate attention before the next meeting. Discussion was generated as to the benefit

of this practice to both Council and the public. Councilman Eaddy made a motion that only items of an emergent nature be placed on the agenda the day of the meeting. **Members voted 4-0 in favor of the motion.**

Public Property Art

Mayor Ed Hatley directed Council's attention to a draft copy of potential standards for approving murals, submitted by Councilman Roby Jetton, before allowing City Manager Steve Zickefoose to speak to the issue. Mr. Zickefoose noted the two distinctions being discussed, murals on city owned property and private property. He reminded council that the Steering Committee is currently the mechanism used for addressing murals, however Mr. Zickefoose did admit that there are currently no written set of guidelines for mural standards. Mr. Zickefoose spoke to the checks and balances within the draft and why he felt it is something that needs to be put in place. Mr. Zickefoose suggested that Council continue to allow the Steering Committee to be a part of the process, adopting guidelines and standards for them to go by, with Council making the final decision. Mayor Hatley stressed the difference between public property such as streets and public buildings, and private property. Some discussion as to whether or not to hold a public hearing prior to approving murals on public property was generated. Council also discussed the issue of private property and the issue of freedom of speech. City Manager suggested that the topic be referred to the Steering Committee for discussion, then report back to Council with recommendations. *A copy of the aforesaid draft standards are attached to and made an official part of these minutes.*

Public Comment

Mayor Ed Hatley invited public comment, reminding everyone to limit their comments to three (3) minutes. Three members of the public requested to address Council. Mr. Alan Hoyle, Mr. Harold Edwards, and Mr. Steve Widdows. Both Mr. Hoyle and Mr. Widdows expressed their views on the street mural painting recently approved by Council. Mr. Edwards had questions instead of comments, therefore he was directed to contact City Manager Steve Zickefoose regarding his idea for another street mural.

News Media

There were no question from the media

Closed Session

Councilman Roby Jetton moved that Council enter closed session pursuant to NCGS 143-318.11(a)(5) to discuss acquisition of real property. Members voted 4-0 to enter closed session.

Adjournment

Having no further business, the council Councilman Jetton made a motion to adjourn. Members voted 4-0 in favor of the motion. **Time 8:54 p.m.**

**DAPHNE INGRAM
CITY CLERK**

**ED HATLEY
MAYOR**

ATTACHMENTS

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

SUBJECT: ZMA-4-2020 – Application from Michael Baker requesting the rezoning of 0.26 acres from GB to R-O

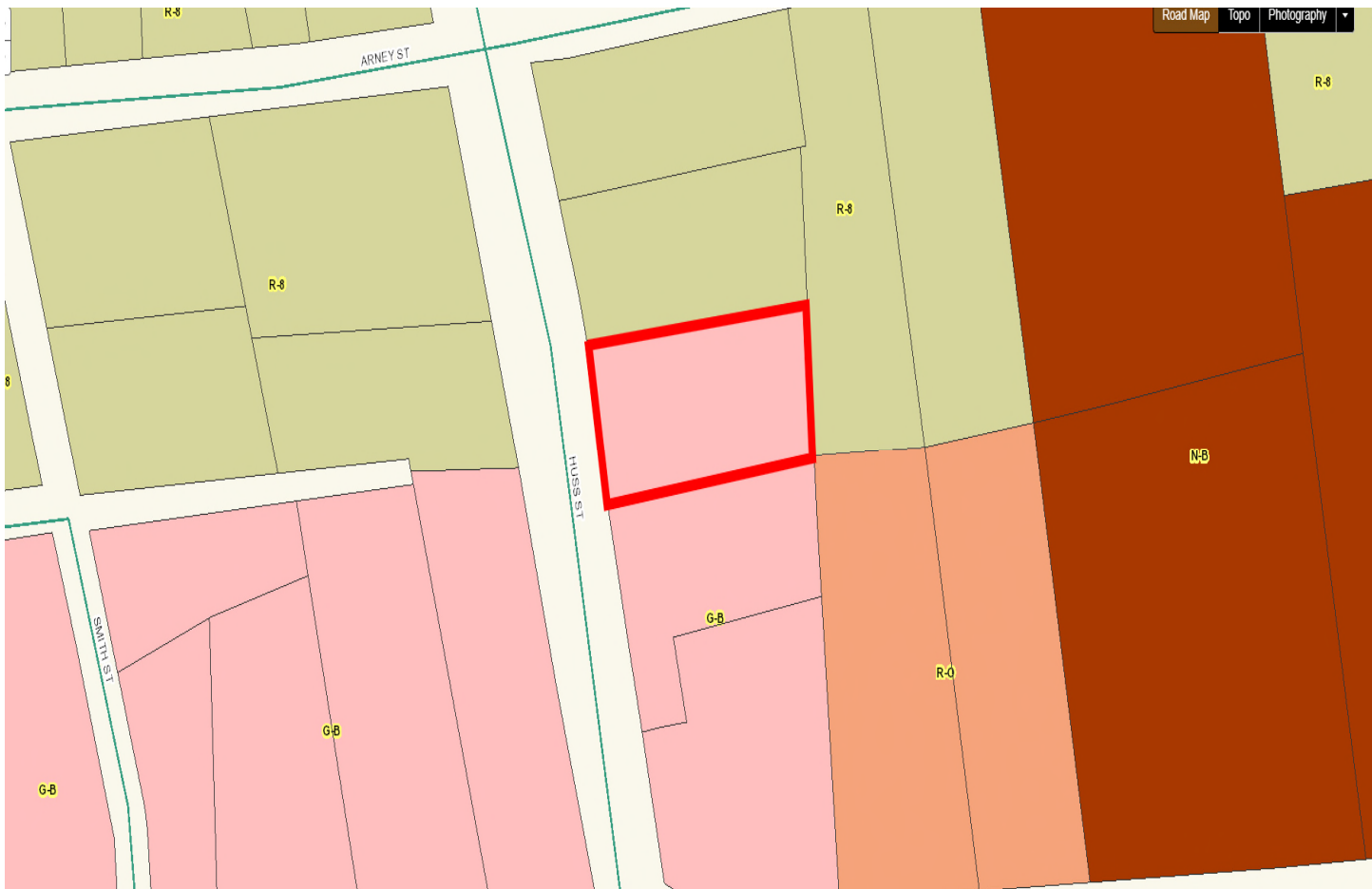
DATE: August 6, 2020

SITE AND AREA DESCRIPTION

The applicant is requesting a rezoning of 0.26 acres of land from General Business (GB) District to the Residential-Office (R-O) District. The subject property is located at 104 Huss Street (Parcel ID 22428).

The subject property has one dwelling that was converted to an office use. Land uses in the area include a mixture of single family and commercial. The property is surrounded by R-8 zoning to the north and east, R-O zoning to the southeast, GB to the south, and GB and R-8 to the west.

CURRENT ZONING MAP



CURRENT AERIAL VIEW





PURPOSE OF REQUEST

The applicant would like to have the option of using the property for office use and a dwelling.

LAND USE PLAN COMPLIANCE

The land use plan shows the property in the Neighborhood Business Corridor Planning Area.

The land use plan indicates these areas are to accommodate neighborhood oriented planned business areas and developments in these corridors should have a “neighborhood” feel.

Staff views the proposed rezoning request as consistent with the Land Use Plan.

PLANNING BOARD AND STAFF RECOMMENDATION

Planning Board and Staff recommend approval of rezoning of the property from GB to R-O.

Revision-Administrative Policy #10 Health/Dental Insurance

Proposed Effective 01-01-2021

CITY OF LINCOLNTON
ADMINISTRATIVE POLICY

Subject: Health/Dental Insurance	Manual: Administrative
	Effective Date: July 1, 2012
Policy Number: 10	Revision: January 1, 2021
Issued By: City Manager's Office	City Manager Approval: Steve Zickefoose City Manager

A copy of this policy must be maintained in the City of Lincolnton's Administrative Manual for each City department and division.

Section I. Intent

Effective July 1, 2012, benefit-eligible employees who are hired on or after July 1, 2012 will be responsible for paying family members' insurance premiums for health and/or dental coverage.

Section II. Eligibility Criteria

July 1, 2012 - Benefit-eligible employees hired prior to July 1, 2012, will be grandfathered under this plan and will continue to have family members' health and/or dental insurance premiums covered at the City's expense.

Section III. Revisions

February 1, 2016 – Effective February 1, 2016, the City of Lincolnton's benefit-eligible employees will participate in the North Carolina State Health Plan (SHP) for the health insurance coverage. Eligibility is in accordance with the SHP documents, and spousal coverage, as well as dependent child(ren) coverage, is available. Responsibility for insurance premiums will be as follows:

1. Benefit eligible employees hired prior to July 1, 2012 will be grandfathered under this health insurance plan for dependent children only, and continue to have the health insurance premium covered at the City's expense. Premiums for spousal coverage, if elected, will be the responsibility of the employee. Dental insurance premiums will continue to be paid by the City for family members'.

2. *Effective January 1, 2021, if a benefit eligible employee hired prior to July 1, 2012 elects family health coverage, the premium for family coverage will be reduced by the child(ren) portion and the remaining balance will be the employee's responsibility to pay.*
3. Benefit-eligible employees who are hired on or after July 1, 2012 will be responsible for paying family members' insurance premiums for health and/or dental coverage.

The City of Lincolnnton Council reserves the right to review all city benefits as necessary, and may delete, modify, enhance or otherwise make changes to this administrative policy as in accordance with local, state and federal law.

APPENDIX D

FIRE APPARATUS ACCESS ROADS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

SECTION D102 REQUIRED ACCESS

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the fire chief.

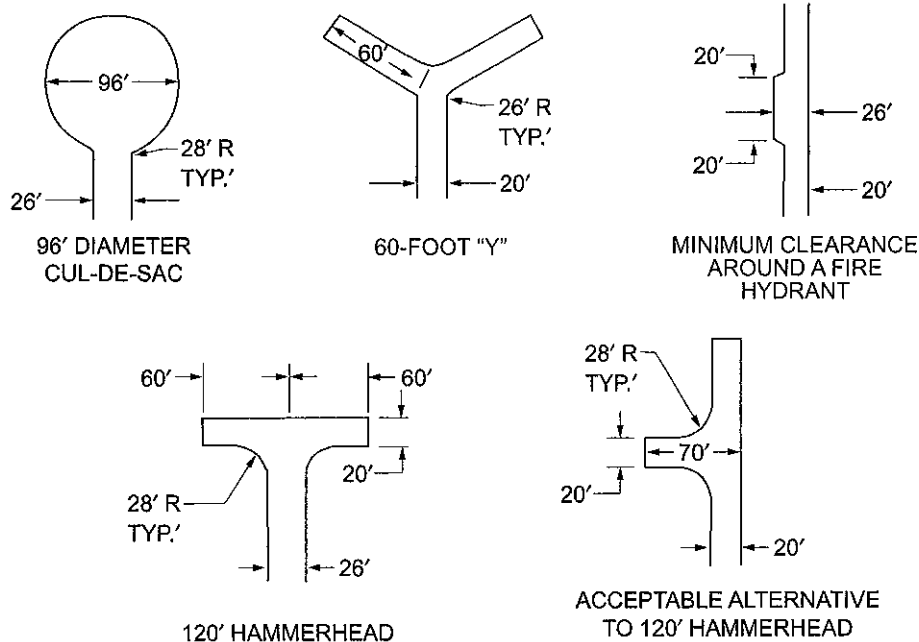
D103.3 Turning radius. The minimum turning radius shall be determined by the *fire code official*.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**TABLE D103.4
REQUIREMENTS FOR DEAD-END
FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

For SI: 1 foot = 304.8 mm.



For SI: 1 foot = 304.8 mm.

**FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND**

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than 20 feet (6096 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3658 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be *approved* by the *fire code official*.
6. Methods of locking shall be submitted for approval by the *fire code official*.
7. Electric gate operators, where provided, shall be *listed* in accordance with UL 325.
8. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

D103.6 Signs. Where required by the *fire code official*, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

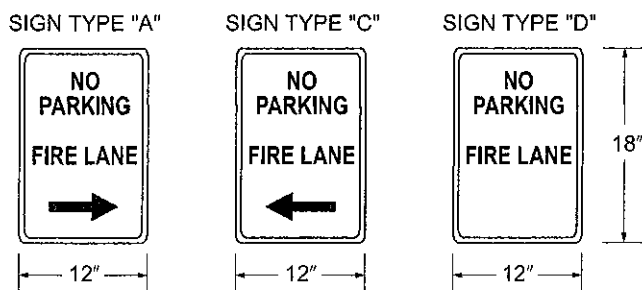


FIGURE D103.6
FIRE LANE SIGNS

D103.6.1 Roads 20 to 26 feet in width. Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).

D103.6.2 Roads more than 26 feet in width. Fire lane signs as specified in Section D103.6 shall be posted on one

side of fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).

SECTION D104

COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross *building area* of more than 62,000 square feet (5760 m²) shall be provided with two separate and *approved* fire apparatus access roads.

Exception: Projects having a gross *building area* of up to 124,000 square feet (11 520 m²) that have a single *approved* fire apparatus access road when all buildings are equipped throughout with *approved automatic sprinkler systems*.

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION D105

AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the *fire code official*.

D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the *fire code official*.

SECTION D106**MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS**

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 *dwelling units* shall be equipped throughout with two separate and *approved* fire apparatus access roads.

Exception: Projects having up to 200 *dwelling units* may have a single *approved* fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with *approved automatic sprinkler systems* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads regardless of whether they are equipped with an *approved automatic sprinkler system*.

D106.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

SECTION D107**ONE- OR TWO-FAMILY
RESIDENTIAL DEVELOPMENTS**

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads.

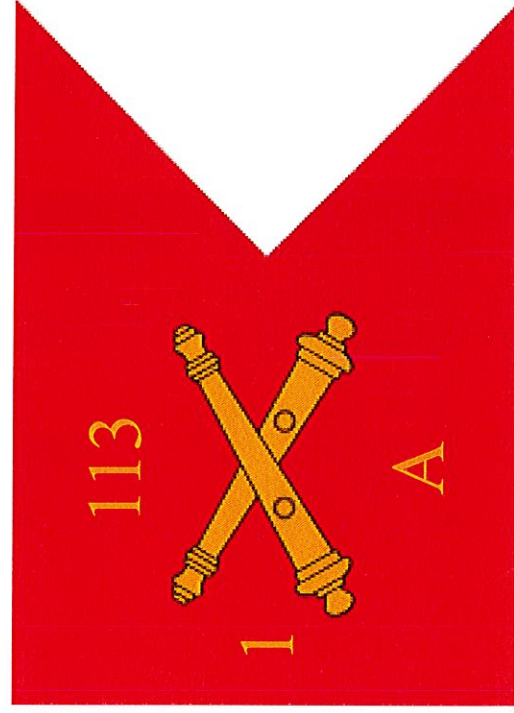
Exceptions:

1. Where there are more than 30 *dwelling units* on a single public or private fire apparatus access road and all *dwelling units* are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the *International Fire Code*, access from two directions shall not be required.
2. The number of *dwelling units* on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the *fire code official*.

D107.2 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

SECTION D108**REFERENCED STANDARDS**

ASTM	F2200—13	Standard Specification for Automated Vehicular Gate Construction	D103.5
ICC	IFC—15	International Fire Code	D101.1, D107.1
UL	325—02	Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through June 2013	D103.5



In Honor of the Lincolnshire National Guard Soldiers Past and Present

LINCOLN TON NATIONAL GUARD

UNITS

109th Cavalry
105th Engineer Company
690th Maintenance Company
Charlie Battery 1st of the 113th Field Artillery
Alpha Battery 1st of the 113th Field Artillery

OPERATIONS

Enduring Freedom
Inherent Resolve
Operation Iraqi Freedom -09/10
Operation Iraqi Freedom – III
Humanitarian Aid Mission For Hurricane Katrina
Numerous State Active Duty Mission (North Carolina Response for Hurricanes & Snow Storms)
Security Detail for the Democratic National Convention (Charlotte)
Assigned as Rapid Reaction Force For North Carolina in 2011 (On call for any emergency)
Multiple Apple Festival Security Details

UNIT AWARDS

Meritorious Unit Citation -- (Awarded for actions in the Global War on Terror)
Governors Unit Citation – (Awarded actions in response to NC State of emergencies)

MISC. ACHIEVEMENTS

First National Guard unit to fire the M982 Excalibur Precision Guided Artillery round while deployed to Forward Operating Base (FOB) Mahmiudiyah.

Alpha Battery 1-113th FA will be issued the new M109A7 Paladin based on its performance over the last decade. The unit will be one of the first units in the United States Army to be issued this equipment and a part of the first National Guard Field Artillery Battalion to receive this state of the art weapon system.

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



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

MEMORANDUM

TO: City Council
FROM: Steve Zickefoose, City Manager
SUBJECT: Student Advisory Council
DATE: August 5, 2020

In preparation for the SAC discussion item on Thursday's agenda, I reached out to Dr. Morrow, Superintendent of Lincoln County Schools to get a firsthand viewpoint of their perspective related to meetings for the 2020-21 school year.

First, Dr. Morrow wanted me to express their appreciation and value of the SAC program that the City sponsors. Next, she went on to explain the school system's focus points for the next few months in responding to COVID-19. These points are summarized below:

- Their number one priority is the health and safety of the students. Thus, they have created cohorts for tracking students for monitoring COVID-19. This means separating students using scheduling in order to limit personal contact. This includes extra-curricular activities.
- Their next priority is focusing on instruction. Doing this is very demanding and is presenting a "whole new world" of how to provide and deliver instruction to the students.
- Many parents are choosing to do remote learning for their children for safety purposes. They do not want any student contact.
- Parents are also concerned about extra-curricular activities and being able to limit personal contact.

Dr. Morrow concluded by saying that because of all of the challenges the school system is facing for operating, and considering their stance on health and safety, that she believes it is in the students' best interest to delay the SAC until October. The school system will entertain further conversations at that time for the remainder of the school year.

I mentioned virtual meetings and she did not believe that this was a viable alternative at this time.

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



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

BOARD VACANCY

The City of Lincolnton is currently accepting applications to fill one seat on the Lincolnton Planning Board. Applicants must reside inside the Lincolnton city limits to be eligible to serve.

To submit an on-line application, please visit our website at www.ci.lincolnton.nc.us and click on Boards and Commissions under the Government tab. For additional information you may contact Daphne Ingram via email at dingram@lincolntonnc.org or by phone at (704) 736-8980 ext. 2281. Applications will be accepted through Monday, August 31, 2020 at 5:00 p.m.

Advertise: Wednesday, August 12, 2020
Monday, August 17, 2020
Friday, August 28, 2020

DRAFT

Mural standards.

A. Definition.

Mural means a hand produced or machined graphic applied or affixed to the exterior of a building wall or to a street maintained by the City through the application of paint, canvas, tile, metal panels, applied sheet graphic or other medium generally so that the wall becomes the background surface or platform for the graphic, generally for the purpose of decoration or artistic expression, including but not limited to, painting, fresco or mosaic.

B. Mural placement.

1. Murals shall be allowed in all commercial districts of the City.
2. Murals shall not be permitted on the primary façade. A primary façade is defined, for purposes of this section, as the building elevation that faces the adjacent street right-of-way and is the primary customer entrance. Buildings located on a block corner with the primary customer entrance located diagonally at the building corner to both intersecting streets shall be considered to have two (2) primary façades.
3. Murals shall not be allowed on backs of buildings, backing to residential districts.
4. Murals shall not be allowed in non-commercial districts of the City.

C. Prohibited mural types.

1. Murals or other representations which imitate or appear to imitate any official traffic sign or device which appears to regulate or direct the movement of traffic or which interferes with the proper operation of any traffic sign or signal, or which obstructs or physically interferes with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
2. Murals that project from the wall surface, except for the minimum necessary protrusion to mount the mural to the wall or structure.
3. Murals which contain material that when taken as a whole (i) applying contemporary community standards, its predominant appeal is to prurient interest in sex; and (ii) the average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and (iii) a reasonable person would find the material lacks serious literary, artistic, political or scientific value.
4. Murals that are directed to incite or produce imminent lawless action and are likely to incite or produce such action.
5. Murals that convey threats of violence that are directed at a person or group of persons that have the intent of placing the target at risk of bodily harm.
6. Murals where the intended audience is commercial or actual or potential consumers, and where the content of the message is commercial in character.

D. Surface preparation. Sand and high-pressure water blasting are not permitted as a cleaning process for either surface preparation or for mural maintenance purposes in any historic district or any building eligible for inclusion on the State or National Register of Historic Buildings. Treatments that cause damage to historic materials shall not be used.

E. Maintenance.

1. The mural shall be kept in good condition for the life of the mural according to the maintenance schedule and responsibilities approved by the City Manager and incorporated into the Mural Permit. A mural exhibit shall be deemed to be in a state of

DRAFT

disrepair when twenty-five (25) percent or more of the display surface area contains peeling or flaking paint, or is otherwise not preserved in the manner in which it was originally created.

2. The display surface shall be kept clean and neatly painted and free from corrosion.
3. Any mural that is not maintained according to the maintenance schedule incorporated into the mural permit or that falls into a state of disrepair may be ordered removed or covered with opaque paint, similar to the primary building materials/colors or other appropriate material by the City Manager, or his/her designee, all in the manner provided for in the mural permit. Murals subject to removal shall be provided a time limit of thirty (30) days from the date of the written notice for such removal or covering. Additional time may be authorized by the City Manager for good cause.

F. *Design standards.*

1. Explanatory wording relative to the graphic may be incorporated into the mural. Artist signatures shall be allowed and limited to maximum of two (2) square feet in size.
2. The proposed mural will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic.
3. The location and scale of the mural should be in keeping with and enhance the building or structure on which it is located.
4. The proposed mural is well integrated with the building's façade and other elements of the property and enhances the architecture or aesthetics of a building or wall.
5. The proposed mural, by its design, construction, and location, will not have a substantial adverse effect on abutting property or the permitted use thereof.
6. The proposed mural is not detrimental to the public health, safety, or welfare.
7. The mural will not have a detrimental effect on the structural integrity of the wall on which it is applied/affixed.
8. The maintenance schedule is reasonable for the mural and the building on which it is applied/affixed.
9. The mural shall not be painted directly onto brick, but may be attached by using an alternate medium (i.e. canvas, tile, metal panels, or similar materials with an approved attachment method) or may be otherwise applied by methods that will not damage the wall surface including brick. New materials such as applied sheet graphics and appliques that can be removed readily from brick may be utilized. Other new materials can be utilized provided they are found to be non-detrimental to the surface on which applied.

Mural permit.

- A. No mural shall be installed unless written permission is first obtained by the owner of the building upon which the mural is to be placed, or the building owner's agent, or the City of Lincoln Planning Department for a street mural, and a mural permit is obtained from the Director of Planning and Development, or his/her designee.
- B. *Application requirements.* Each permit application shall contain, but not be limited to, the following information:
 1. Site plan showing the lot and building dimensions and indicating the proposed location of the mural or City maintained street.
 2. Pictures of the building elevations or street scape.

DRAFT

3. A scale drawing and color photo of the building elevation or street showing the proposed size and placement of the mural.
 4. A colored drawing of the proposed mural.
 5. A description of the proposed maintenance schedule that includes the time frame for the life of the mural and method for removal, if applicable.
 6. Written confirmation by the mural provider/installer that no damage or negative impact will occur to the wall surface that the mural is to be applied or affixed to.
 7. Written permission from the owner of the building to which the mural is intended to be applied, if applicant is not the building owner.
 8. An acknowledgement that the mural must be removed or covered if so, ordered by the Director for failure to maintain or for reaching a state of dilapidation, as described in subsection E.3. above.
 9. An acknowledgement from the building owner if the building is sold a stipulation will be put in the contract for sale that the mural must remain intact until such time that mural maintenance is required and the new owner wishes to paint over the mural.
- C. *Mural permit approval.* Applications for a mural permit in the downtown area shall be distributed to Downtown Main Street Merchants for comment regarding consistency between the application and the requirements herein. All other mural permit applications will be reviewed and approved by City Planning staff. No mural permit shall be approved unless the City Manager, or his/her designee, shall find that these requirements have been fulfilled.
- D. *Appeals.* Appeals of the City Manager's decision to approve or not approve a mural application may be made in writing to the City Clerk within ten (10) days of the City Manager's formal notification of decision. Said appeal shall be placed on an upcoming City Council meeting for consideration and disposition.

Mural Permit Application

Submittal Requirements:

1. All applications shall be accompanied by written approval of the property owner or landlord, or City (see page 3 of this application).
2. Site plan showing the lot and building dimensions and indicating the proposed location of the mural or the proposed City street location.
3. Pictures of the building elevations or street scape.
4. A scale drawing and color photo of the building elevation or street showing the proposed size and placement of the mural.
5. A colored drawing of the proposed mural.
6. A description of the proposed maintenance schedule that includes the time frame for the life of the mural and method for removal, if applicable.
7. Written confirmation by the mural provider/installer that no damage or negative impact will occur to the wall surface that the mural is to be applied or affixed to or the composition of the street.
8. An acknowledgement that the mural must be removed or covered if so ordered by the City manager for failure to maintain or for reaching a state of dilapidation.
9. An acknowledgement by the building owner if building is sold that an agreement will be included in the bill of sale that the new owner will allow the mural to remain and be maintained as specified in permit.
10. All information submitted shall be to scale and include dimensions and area of mural.

The Review Process:

Application – An application shall be submitted along with the submittal requirements as outlined above for review and analysis.

Additional submittals – An applicant shall also submit further support documentation if requested by City staff, it shall be the applicant's responsibility to provide such additional documentation.

Administrative review – The Planning Director or his or her representative shall review the application and support documentation for conformance to the regulations. Additionally, applications for a mural permit in the downtown area shall be distributed to Downtown Main Street businesses for comment. The Director's determination shall be final, except that the Director's decision may be appealed to the Governing Body as further described below.

Appeal to Governing Body:

Appeals from the Planning Director's decision shall be made in writing to the City Clerk and shall be forwarded to the City Manager to schedule on an upcoming City Council meeting. The appeal shall include sufficient documentation to explain the reasons as to why the appeal is being taken and why the Planning Director's decision should be overturned.

[Type here]

Mural Permit Application

[Type here]

Comes now _____, who being

(landlord or property owner or City)

duly sworn upon his/her oath, does state that he/she is the landlord or property owner,
or City that has given permission to the applicant to place a mural at:

_____.

(location address)

Dated this _____ day of _____, 20____

Signature of Landlord or Property Owner or City

Printed Name

[Type here]

Mural Permit Application

[Type here]

Comes now _____, who being
(Mural Permit Applicant)

duly sworn upon his/her oath, does acknowledge the following requirements:

1. Any mural that is not maintained according to the maintenance schedule incorporated into the mural permit or that falls into a state of disrepair may be ordered to remove or cover with opaque paint, similar to the primary building materials/colors, the street color or other appropriate material by the Planning Director, or his/her designee.
2. Murals subject to removal shall be provided a time limit of thirty (30) days from the date of the written notice for such removal or covering. Additional time may be authorized by the Planning Director for good cause.
3. The proposed mural, by its design, construction, and location, will cause no damage or negative impact to the wall surface that the mural is to be applied or affixed to.

Dated this _____ day of _____, 20____

Signature of Applicant

Printed Name

[Type here]

Mural Permit Application

[Type here]

Description of Project: _____

Description of Neighboring Properties: _____

Additional Information: _____

☐ **APPROVAL of Mural Permit #** _____

by _____ Date _____

Subject to the following conditions: _____

☐ **DENIAL of Mural Permit #** _____

by _____ Date _____

Reasoning: _____
