

A G E N D A

LINCOLNTON CITY COUNCIL



November 5, 2020

7:00 p.m.

Council Chambers

City Hall



**LINCOLNTON CITY COUNCIL
AGENDA
November 5, 2020
7:00 p.m.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

1. Approval of REGULAR AGENDA

2. Approval of CONSENT AGENDA

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

**2a - Approval of Minutes for the October 1, 2020 Regular Meeting
October 8, 2020 Special Meeting
October 23, 2020 Special Meeting**

3. RECOGNITION/PRESENTATION

3a. Proclamation – Hunger and Homelessness Awareness Week
November 15th – 22nd, 2020

3b. Safety Awards – Administrative Offices - 5th consecutive year
Parks and Recreation Department - 5th consecutive year
Utilities Department – 1st Year Silver Certificate
Police Department – 1st Year Silver Certificate

3c. SHARP Designation – Distribution and Collection Department
Debbie Rogers-Lowery, Compliance Training Associates, Inc.

4. PUBLIC HEARINGS

4a. ZMA-5-2020- Application from Jacob Putnam requesting the rezoning of 0.474 acres of land from Neighborhood Business (NB) District to General Business (GB) District. The subject property is located on the north side of Reepsville Road approximately 300 feet west of the intersection of Reepsville Road and Elm Grove Road (Parcel ID 90949).

Laura Elam, Planning Director

AGENDA

November 5, 2020

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4. PUBLIC HEARINGS - CONTINUED

4b. CUZMA-4-2020- Application from Lom Realty, LLC requesting the rezoning of 10.225 acres of land from Residential-25 (R-25) district to the Conditional Use General Manufacturing and Commercial (CU-GMC) District for the purpose of constructing interior climate controlled storage units/mini warehouse units. The subject property is located at the southeast corner of Wilma Sigmon Road and U.S. Highway 321 (Parcel ID 78033)

Laura Elam, Planning Director

4c. Hearing to receive public comment on a request made by Bradley and Brianna Rowe to operate a trolley/golf cart taxi service within the corporate limits of Lincolnton.

Daphne Ingram, City Clerk

5. REGULAR AGENDA

5a. – Street Parking Ordinance Change Request - Lincoln Meadows

Lincoln Meadows HOA Representatives

5b.- Request for consideration of approval reference to ABC Store

Tommy Huskey, ABC Board Chair

5c. – Citizen Forum – COVID-19 Enforcement Options

Ed Hatley, Mayor

5d. – Update on various City Projects

Steve Zickefoose, City Manager

5e. – Monthly Financial/ Overtime Report

Steve Zickefoose, City Manager

6. OTHER BUSINESS

COMMENTS

Councilman Jim Watson

PUBLIC COMMENT

Those wishing to speak please see the City Clerk. Speakers will be limited to three (3) minutes.

CLOSED SESSION

To discuss Property Acquisition in accordance with
NCGS 143-318.11(a)(5)

NEWS MEDIA

ADJOURNMENT

ITEM #

1

APPROVAL

OF

REGULAR AGENDA

ITEM #

2

APPROVAL

OF

CONSENT AGENDA

ITEM

2a

Approval of Minutes for the
October 1, 2020 Regular Meeting
October 8, 2020 Special Meeting
October 23, 2020 Special Meeting

The Mayor and City Council met in regular session on Thursday, October 1, 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 opened the meeting and led the Pledge of Allegiance.

The following Council members were present:

WHITE WATSON EADDY

Councilman Jetton was **not** in present for the meeting.

Councilwoman White made a motion to approve the *REGULAR AGENDA*. Members voted 3-0 in favor of the motion.

Councilman Watson made a motion to approve the *CONSENT AGENDA* as follow:

- Approval of Minutes from the September 3, 2020 Regular Meeting
- (O-14-20) - Amendment to Code of Ordinances Title VII - Chapter 74
- (O-15-20) - Amendment to Code of Ordinances Title VII - Chapter 70

PRESENTATION:

CERTIFICATE OF RECOGNITION PRESENTED TO LOU ANN DELLINGER

Mayor Ed Hatley presented Mrs. Lou Ann Dellinger with a Certificate of Recognition for her accomplishment, being awarded the Domino's 2X national manager of the year. Mrs. Dellinger is the first woman in the history of Domino's to have achieved the highest award from Domino's as the the National Manager of the Year back-to-back for 2018 and 2019. The certificate presented reads as follows:

Certificate of Recognition

for

Lou Ann Dellinger

WHEREAS, Lou Ann Dellinger started with Domino's over 32 years ago answering phones as a customer service team member; and

WHEREAS, Lou Ann Dellinger is now part owner in the Lincolnton Domino's where she, along with her team, has earned a 4.5 out of 5 star rating on the national grading scale used for unannounced inspections over the last 10 years; and

WHEREAS, Lou Ann's team averages about 20 minutes on all deliveries to Lincolnton residents, with her team completing an "oven ready" order, on average, in about 2 minutes and 15 seconds; and

WHEREAS, there are currently about 6,000 Domino's restaurants/managers in the United States who have the opportunity to earn an official Domino's Rolex watch by exceeding difficult guidelines. Lou Ann has accomplished this goal twice; and

WHEREAS, every year Domino's, starting in 1960, chooses 1 manager to be deemed the "best" of the best with a **National Manager of the Year** award; and

WHEREAS, Lou Ann Dellinger is the first women in Domino's history to receive this prestigious award, "National Manager of the Year", twice, and only the 3rd manager to have ever earned it in back-to-back years.

NOW, THEREFORE, I, Mayor Ed Hatley and the Lincolnton City Council, do hereby recognize, applaud and congratulate you, **Lou Ann Dellinger**, for your remarkable achievement and for your outstanding service to the residents of the City of Lincolnton.

A video clip about Lou Ann that was filmed when the team from Domino's corporate came to Lincolnton was shown.

PUBLIC HEARING:

(O-16-20)

CONSIDERATION OF PROPOSED AMENDMENT TO CITY'S CODE OF ORDINANCES - ADDITION OF TITLE IX: GENERAL REGULATIONS - PUBLIC ART - CHAPTER 99

Mayor Ed Hatley opened the public hearing, asking Mr. Fred Jarrett, Chairman of the Steering Committee, to speak to the item. Mr. Jarrett provided some background information regarding reason behind, and the need for a Public Art Ordinance. He explained that the draft being presented is what the Steering Committee has recommended for approval. Mr. Jarrett pointed out that approval of the ordinance will fulfill goal #4 on the Central Business District Strategic Plan which is to develop an arts and cultural identity for Downtown Lincolnton that gives guidance on existing and future projects.

Mr. Jarrett presented the proposed Ordinance, the procedures and the standards. He also informed that an on-line application was available for those interested in submitting a project for review.

Council expressed their appreciation to Mr. Jarrett and to the committee members for their hard work and the time dedicated to this project. In response to a question from Councilman Eaddy, Mr. Jarrett confirmed that the ordinance, if approved, will only apply to the Central Business Program Area.

Councilman Eaddy made the motion to close the Public Hearing. Members voted 3-0 in favor of the motion.

Councilman Watson made the motion to approve the Ordinance as presented. Members voted 3-0 in favor of the motion.

REGULAR AGENDA:

REQUEST TO CONSIDER DOWNTOWN GOLF CART TROLLEY/TRANSPORTATION

Mayor Ed Hatley recognized Bradley and Brianna Rowe, 5002 Deer Run Drive, Crouse, NC, who requested to address Council regarding operating golf cart trolley/transportation in the downtown area.

Both Mr. and Mrs. Rowe spoke to the item, explaining their idea and/or concept of a golf cart trolley taxi service and giving a brief summary of the

services that would be offered and what areas they plan to service. This service will be identified as Goober, Inc. Mrs. Rowe stated that her husband is currently partnering with a friend in the Newton area who is providing this same service. There was some discussion regarding the requirements that would need to be met in reference to the registration requirements with NCDMV, the appropriate insurance and bonding. Some discussion continued among members and the applicants. Police Chief Rodney Jordan responded to several questions regarding the request as well.

Councilman Eaddy made the motion to approve the request. Members voted 3-0 in favor of the motion.

(APPT-04-20)

CONSIDERATION OF NOMINEES FROM AREA HIGH SCHOOLS FOR THE APPOINTMENT TO THE LINCOLNTON STUDENT ADVISORY COUNCIL

Councilwoman White moved to approve students as presented and the two additional ones, Charlie Wyant and Chloe Allyson Scronce. Members voted 3-0 in favor of the motion.

Nominees were as follows:

***East Lincoln High School**

Bailee Harding – Sr.
Trey Ross – Sr.
Allie Middleswarth – Sr.
Joseph Dos Santos – Sr.

Lincolnton High School

Cordin Schrum – Sr.
Leah Tweed – Sr.
Takirah Nichols – Jr.
Ashley Antonio – Jr.
Collin Clinch – Jr.

Lincoln Charter

Mason Fitzpatrick – Jr.
Darrian Bonilla – Sr.

West Lincoln High School

Gwyneth Reep – Sr.
Samuel Duncan – Sr.
Luke Stewart – Sr.
Ashlynn Eurey – Sr.
Genevieve Shutt – Jr.

North Lincoln High School

Madison File – Jr.
Xander Popko – Sr.
Sydney Hudson – Jr.
Aubrey Spicola – Sr.
Peyton Lee – Jr.

Mayor Hatley and Councilman Eaddy submitted names for consideration as council members can appoint up to three additional students. Chloe “Allyson” Scronce and Charles (Charlie) Wyant, West Lincoln High School students, were appointed by Mayor Hatley and Councilman Eaddy respectively.

Due to COVID-19 restrictions and to maintain social distancing, per the Governors Order, City Manager Steve Zickefoose stated that meetings will take place at the Board of Education Administrative Offices. The first meeting is scheduled for October 12th. Councilman Watson voice his concern regarding the East Lincoln and the fact they currently have no representation from the Junior class. Several options were discussed to address this matter. Councilman Eaddy expressed thanks to the City Manager for his efforts in pulling things together.

(BA-05-20)

BUDGET AMENDMENT - TO REDUCE WATER/SEWER/ELECTRIC CONTRA-ADMIN. AMOUNTS AND TO INCLUDE CARRYOVER PROJECTS FOR GENERAL FUND

Steve Zickefoose, City Manager, presented the following budget amendment for council approval:

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:

City Manager/Clerk	\$ 31,250
Human Resources	10,370
Finance	112,260
General Expense	100,400
Police	40,000
Public Works	40,640
Street	41,820
Equipment Services	10,260
Planning/Zoning	3,000
Recreation	65,000
	<u>\$ 455,000</u>

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

APPROPRIATION FROM FUND BALANCE- GF	455,000
	<u>\$ 455,000</u>

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

WATER AND SEWER INTANGIBLES	(200,000)
	<u>\$ (200,000)</u>

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

OTHER FINANCING SOURCES	(200,000)
	<u>\$ (200,000)</u>

REGULAR MEETING - October 1, 2020

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

Electric Operations	<u>\$ (100,000)</u>
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Section 10: To amend the Electric Fund, the revenues are to be changed as follows:

OTHER FINANCING SOURCES	(100,000)
	<u>\$ (100,000)</u>

TOTAL AMENDMENT	\$ 155,000
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Adopted this 1st day of October 2020

Attest:

Daphne Ingram
City Clerk

Edward L Hatley
Mayor

Mr. Zickefoose addressed related questions asked by council members concerning the CARES funds and the status of delinquent utility accounts, giving a brief update on each topic.

Councilwoman White made the motion to approve the budget amendment as presented by the city manager. Members voted 3-0 in favor of the motion.

MONTHLY FINANCIAL/OVERTIME REPORT

City Manager Steve Zickefoose presented the following financial report:

October 2020 Council Meeting							
Executive Summary							
August 2020 Year-To-Date							
				% of			
General Fund		Budget 20-21	Actual 20-21	Budget	Budget 19-20	Actual 19-20	Difference
Fund 10 Revenues		10,911,910	957,954	9%	11,543,700	1,070,349	(112,395)
Fund Balance		-	-	-	825,000	-	-
		10,911,910	957,954		12,368,700	1,070,349	(112,395)
	City Manager/Clerk	248,220	46,867		222,495	58,405	(11,538)
	Human Resources	317,020	62,647		262,720	48,583	14,064
	Finance	158,230	87,798		129,630	93,142	(5,344)
	General Expense	1,280,731	322,051		1,103,160	330,160	(8,109)
	General Debt Service	334,757	3,731		430,632	22,935	(19,204)
	Police	3,400,120	562,540		3,223,020	516,750	45,791
	Fire	2,234,100	340,274		2,364,700	358,973	(18,698)
	Public Works	45,660	29,035		43,010	29,183	(148)
	Street	829,825	133,278		1,329,225	122,399	10,879
	Equipment Services	211,770	37,552		122,970	26,499	11,053
	Solid Waste	692,375	80,971		908,855	97,320	(16,349)
	General Services	-	-		-	-	-
	Plannin/Zoning	497,239	65,473		557,420	55,964	9,509
	Bus & Comm. Dev	123,200	75,727		423,200	5,900	69,828
	Recreation	1,038,663	151,544		1,247,663	175,065	(23,520)
	Expenses	11,411,910	1,999,489	18%	12,368,700	1,941,276	58,213
	Difference		(1,041,535)			(870,927)	(170,608)

REGULAR MEETING - October 1, 2020

				% of			
		Budget 20-21	Actual 20-21	Budget	Budget 19-20	Actual 19-20	Difference
Water & Sewer Fund							
Fund 61	Revenues	8,146,950	1,470,262	18%	7,146,949	1,370,342	99,920
	Fund Balance	-	-		3,725,010		
		8,146,950	1,470,262		10,871,959	1,370,342	99,920
	Water Treatment	1,972,500	307,700		1,496,850	278,734	28,966
	Dist & Collection	2,032,900	227,987		3,652,160	252,974	(24,987)
	Wastewater	1,625,000	198,174		1,547,000	175,610	22,564
	W & S Intangibles	4,247,050	129,265		4,175,949	146,112	(16,847)
	Expenses	9,877,450	863,125	9%	10,871,959	853,430	9,695
	Difference		607,136			516,911	90,225
Electric Fund							
		Budget 20-21	Actual 20-21	% of	Budget 19-20	Actual 19-20	Difference
Fund 63	Revenues	7,788,350	2,178,328	28%	7,937,102	1,852,333	325,995
	Fund Balance	-	-		2,330,000	-	-
		7,788,350	2,178,328		10,267,102	1,852,333	325,995
	Electric Dept.	8,696,830	961,130		10,267,102	248,767	712,363
	Expenses	8,696,830	961,130	11%	10,267,102	248,767	712,363
	Difference		1,217,198			1,603,566	(386,368)
Overtime 80+ hours			72,167			84,449	(12,282)

Mr. Steve Zickefoose gave a brief overview of the General Fund, Water & Sewer Fund and the Electric Fund. There were no questions from Council.

OTHER BUSINESS:

DISCUSSION REGARDING CITY'S ANNUAL CHRISTMAS PARADE, TREE LIGHTING CEREMONY AND ANNUAL BOARDS AND COMMISSIONS BANQUET

Mayor Ed Hatley directed City Manager Steve Zickefoose to speak to the issue, as he opened the floor for input and guidance concerning upcoming events. Mr. Zickefoose explained the difficulty staff is having trying to figure out how to coordinate events traditionally hosted by the City such as the Christmas parade, Tree Lighting or Apple Drop, due to the restriction on gathering currently in place. Mayor and Council members discussed the different phases and the limitations of each. Community Relations Director Laura Morris joined the conversation, voicing her concerns and suggestions on what could possibly work. She pointed out the short window of time between now and the date the parade and tree lighting are traditionally held. Although she did not feel that guidelines could be met at a parade,

Ms. Morris stated that she did feel that an official tree lighting was a possibility. Ms. Morris also informed Council of the Parks and Recreation Departments interest in doing a drive-thru Trick or Treating at First Federal Park. *The Special Event Permit Application and proposed map is attached to and made an official part of these minutes.* She stated that if all goes well, it could be a model for other things that can be done, such as a drive-thru Santa. Councilman Watson had questions regarding the Apple Drop event and suggested holding off on making a decision until closer to the event date.

In conclusion, Mayor Hatley summarized the discussion, announcing the cancelation of the Christmas Parade, the tree lighting, Santa House on Court Square and the annual Boards and Commissions banquet. The decision on the Apple drop will be delay for another month.

PUBLIC COMMENT:

No public comment request

CLOSED SESSION

Councilman Watson made the motion to enter closed session in accordance with NCGS 143-318.11(a)(6). Members voted 3-0 in favor of the motion

Upon returning to open session, Mayor Ed Hatley announced Councils approval to move forward with pay adjustments recommended by the pay study for Group C, retroactive to the July 1st. *Memorandum is attached to and made an official part of these minutes.* Pay adjustments were frozen as a precautionary measure due to COVIE-19. The retroactive adjustments will appear on the November 3rd paycheck. Motion was made by Councilman Waston. Members voted 3-0 in favor of the motion.

Mayor also announced the Lincolnton City Council would hold a Special Called meeting on Thursday, October 8, 2020 at 9:00 a.m. in the Council Chambers at City Hall to discuss Personnel.

NEWS MEDIA:

No news media present

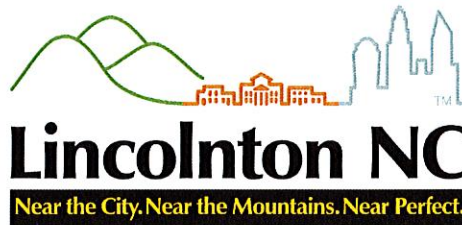
ADJOURNMENT:

Councilwoman White made the motion to adjourn the meeting. Members voted 3-0 in favor of the motion.

**DAPHNE INGRAM
CITY CLERK**

**ED HATLEY
MAYOR**

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

MEMORANDUM

TO: Mayor and Council

FROM: Steve Zickefoose *Steve*

SUBJECT: Frozen Pay Adjustments

DATE: October 1, 2020

As you know, the pay adjustments recommended by the pay study for Group C have been frozen as a precautionary measure due to COVID-19. This impacts 35 employees. The total cost to implement the pay adjustments is approximately \$140,000 for the General Fund and \$21,000 for the Utility Funds.

I have been closely monitoring our financials for the first quarter. I believe that we are in a position to move forward with the adjustments retroactive to the first pay period in the budget year. The retroactive adjustments would appear on the November 3rd paycheck.

This recommendation is based on the following observations:

1. The City is receiving \$830,000 of CARES stimulus funds for Public Safety costs incurred in 2019-20. This will improve our General Fund fund balance. As a result, we are able to offset the utility revenue losses by decreasing the amount of Contra-Admin charged to the utility funds (\$300,000).
2. This still leaves an additional \$500,000 in the General Fund fund balance.
3. We budgeted for a 15% loss in revenue for sales and property tax. Currently, sales tax is showing an 8% increase over last year. Property taxes are holding steady and are not showing any decreases.
4. Utility revenues are also within our budget projections. Also, the final amount of nonpayment's was less than half of what it originally was. The losses are now being covered with steps take in #1.

Capital projects will still be frozen until January as a precautionary measure.

[Print](#)**Special Event Permit Application - Submission #6389**

Date Submitted: 9/11/2020**Important Information**

- Applications must be submitted a minimum of 45 days prior to the event, the earlier the better
- There is a limit of 2 events per day that require city personnel or street blocking
- This application is also applicable to all city departments
- Applicants must abide by local ordinances and state/federal laws
- Event organizers may be required to pay for assisting city personnel, including police officers assigned to work the event. Applicable fees are included in the City Fee Schedule.
- All applicants will be held accountable for trash clean up after each event.
- If any cooking, food heating devices, or portable sanitary units will be used at this event, you will need to contact the Lincoln County Health Department and the Lincolnton Fire Department.
- The special event permit must be approved by all city departments providing event services.
- No changes will be made without prior approval.
- The Permit may be revoked by the City of Lincolnton for the applicant's failure to comply with terms and conditions stated on the application.
- Any street closures on State maintained roads, require written approval from NCDOT prior to the date of the event.

Name of Event: ***Trick-or-Treat Drive-Thru****Name of Agency/Organization: *****City of Lincolnton Parks and Recreation****Event Date and Time*****10/31/2021****5:00 PM**

—

10/31/2021**7:00 PM****Non-Profit 501.C3 Tax ID #:****Type of Event ***

- ☐ **Public Gathering (Festival, Concert)**
- ☐ **Parade**
- ☐ **Walk or Run**
- ☐ **Religious**
- ☐ **Private Gathering**
- ☒ **Other**

Brief description of the event***Drive-thru trick-or-treating event held at First Federal Park from 5 - 7pm or until supplies last.**

Set-up Date and Time?*

10/31/2021

3:00 PM

10/31/2021

5:00 PM

Breakdown Date and Time?*

10/31/2021

7:00 PM

10/31/2021

7:15 PM

Exact Location of Event (be specific, list streets to be closed)*

301 N. Poplar St. Blocking N. Poplar St. at the entrance and exit of FFP in the morning. Need barricade blocking traffic turning left from Main St. onto N. Poplar St. (this barricade can be staged on the corner and moved into place by park staff before the start of the event.)

Example: Main Street from Laurel to Court Square

A poll of downtown merchants impacted by street closure(s) indicating their support or non-support of the event is required for approval consideration.

Number supporting:**Number opposed:**

Please add this to the community calendar listings

☒ Yes☐ No

Please add this event to the Police Department's outdoor sign

☒ Yes☐ No**Estimated Attendance****Number of Participants**

200

Number of Spectators

0

Description of assistance requested from Lincolnton City Departments**Police**

None. May want to have police unit in the downtown vicinity if the need arose.

Includes all security, crowd control, traffic management

Fire

none

Includes EMT, EMS services

Sanitation**none**

Includes trash roll-outs

Streets

Wall barricade placed on the right -hand side of N. Poplar St. as you would turn from Main St. This can be moved into place by park staff before the event begins.
Traffic barrels staged on the corners of N. Poplar St. at FFP to close the parking lot of the park. They will be moved into place on Saturday morning when Jared opens the bathrooms at FFP.

Includes barricades & stage

Electric**Portable PA systems used to play Halloween-themed music.**

Includes any Public Address system needs. Electrical support is generally limited to stage location.

Water/Sewer**none**

Includes grey water disposal.

Parks**First Federal Park**

Includes use of any park, rail trail, park shelter

Primary Contact Person**First Name*****Nathan****Last Name*****Eurey****Email*****nathaneurey@ci.lincolnton.nc.us****Phone*****7047352671**

Address

PO Drawer 617

City/State/Zip

Lincolnton

Secondary Contact Person**First Name***

Shelby

Last Name*

Barkley

Email*

sbarkley@ci.lincolnton.nc.us

Phone*

7047352671

Address

PO Drawer 617

City/State/Zip

Lincolnton

Please answer the following questions completely in order to have your application properly processed.

Will this event be using a sound system?

☒ Yes☐ No

Will there be amplified sound, loud speakers, music, etc. causing a potential noise concern?

☒ Yes☐ No

If yes to either question above, please specify:

Portable PA systems used to play Halloween-themed music.

Are electrical outlets required for this event?

☒ Yes☐ No

If yes, please specify anticipated electrical use and load

Will this event require trashcan roll-outs?

☐ Yes☒ No

How many trashcans do you anticipate needing?

Will tents, canopies, tension-membrane structures, trailers, inflatable/air supported devices, fending, scaffolding, etc. be involved in this event?

☒ **Yes**☐ **No**

If yes, please specify:

10 x 10 canopy tent may be needed depending on the weather.

Will alcohol be provided, served, or sold at this event?

☐ **Yes**☒ **No**

If yes, please specify:

Only those organizations issued a valid ABC permit may provide alcohol. This permit must be provided by the ABC Commission in advance of this event.

ABC Permit Number:

Will this event impede the flow of traffic or require that streets be blocked?

☒ **Yes**☐ **No**

If yes, will the entire width of the street be necessary for this event?

☐ **Yes**☒ **No**

Will there be vehicles in this event?

☒ **Yes**☐ **No**

How many?

Unknown - participants will drive-thru

Types of vehicles (cars, trucks, tractors, floats, golf carts, bicycles, motorcycles, etc.)

Will there be any cooking, food heating devices, etc. used for this event?

☐ **Yes**☒ **No**

Specify

The Lincoln County Health Department and Lincolnton Fire Department must be contacted if there will be any cooking on-site. Any permit issued by either of these departments must be submitted to the City of Lincolnton prior to event. Any special event permit approval is conditional pending the receipt of these permits.

Will there be fire hazard materials at this event?

☐ Yes

☒ No

Specify

Will admission be charged and/or will there be booths/vendors selling items/services?

☐ Yes

☒ No

Will you have a first aid station?

☐ Yes

☒ No

Will animals be used in this event?

☐ Yes

☒ No

Specify

No animals are allowed at events unless being used in the event as specified above. This does not apply to service animals. Animals brought by spectators/ participants as pets are not allowed.

Will children under the age of 18 be involved in this event?

☒ Yes

☐ No

Is this event covered by liability insurance?

☒ Yes

☐ No

If yes, submit a copy of the policy with this application.

Attach liability insurance certificate:

Choose File

No file chosen

You will be required to provide liability insurance coverage for this event in the minimum amount of \$1,000,000 per occurrence and the City of Lincolnton must be named as an also insured party. This is generally a rider on your organization's existing liability insurance, not a separate special event insurance policy. Proof of insurance coverage must be provided prior to the event or activity and any special event permit approval is conditional pending proof of liability insurance coverage. *The City of Lincolnton is not responsible for providing liability insurance for this event.**

Where is the exact location of the event assembly area?

Where is the disassembly area?

Attach a map indicating the event area including street closures, barridade locations, etc. For parade events indicate staging area, start/end points, streets traveled. You may attach multiple files if necessary.

Attach files here:
Trick_Or_Treat_Drive_Thru_Event_Plan.pdf

Add any other description or notes on event area and location information.

Printed Name/ Signature*

Date

Nathan Eurey	9/11/2020
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Legend

- Road
- Rail-Trail
- Barricade/Traffic Cones
- Event Traffic Flow
- Regular Traffic Flow



SPECIAL CALLED MEETING – October 8, 2020

The Mayor and City Council meet in regular session on Thursday, October 8, 2020 at 9:00 a.m.. in the Council Chambers of City Hall at 114 West Sycamore Street. Mayor Ed Hatley called the meeting to order. The following members were in attendance:

WHITE *WATSON EADDY JETTON

Councilman White made the motion to enter into Closed Session to discuss personnel in accordance with NCGS 143-318.11(a)(6). Members voted 3-0 in favor of the motion.

**Councilman Watson arrived at 9:02 a.m. He was not present for the vote to enter Closed Session.*

Upon returning to regular session, Mayor Ed Hatley announced the retirement of City Manager Steve Zickefoose, with his last day being December 31st, 2020. Mayor Hatley announced the new City Manager, Mr. Richard Haynes, with Council members voting 4-0 in favor of the motion. He informed that Mr. Haynes will continue in his current role as Assistant City Manager until January 1st, 2021, at which time he will step into his new role as City Manager.

Mayor Ed Hatley acknowledged Council's appreciation for the five (5) years he has served at the City Manager and for his time as Finance Officer for the City of Lincolnton. Mayor Hatley stated, "We could not have made the changes that Lincolnton has gone through without you. And we want to express to you our continued and sincere appreciation for everything that you have done."

Mayor Hatley pointed out that because Mr. Zickefoose is both the City Manager and the Finance Officer, the Finance Officer position will need to be filled. Council has directed Mr. Haynes to begin the process of filling this position, to allow adequate training time for both positions to ensure a smooth transition.

Councilman Eaddy spoke to all of the "behind the scenes" work that has taken place over the past five years, stating that the average citizen will never know how Steve's leadership has revolutionized the way the City of Lincolnton does business.

Councilman Eaddy stated, “As a life-long resident, I will be eternally grateful for what you have done.

Mayor Hatley opened the floor for questions. In response to a question from Michelle Bernard, Lincoln Times News, Mayor Hatley explained the Assistant City Manager position will be eliminated, and a Finance Officer will be hire, which is a traditional organizational structure.

Councilman Jetton voiced his appreciation for his hard work and the great job he has done.

ADJOURNMENT:

Councilman Eaddy made the motion to adjourn the meeting. Members voted 4-0 in favor of the motion.

**DAPHNE INGRAM
CITY CLERK**

**ED HATLEY
MAYOR**

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



CITY MANAGER
Steve Zickefoose, MBA
szickefoose@lincolntonnc.org
CITY CLERK
Daphne Ingram
[dingram@lincolntonnc.org](mailto:d Ingram@lincolntonnc.org)
CITY ATTORNEY
Thomas J. Wilson, Jr.

October 1, 2020

Mayor and Council
City of Lincolnton
114 W Sycamore Street
Lincolnton, NC 28092

Dear Mayor and Council,

After much consideration, I have decided to retire from the City of Lincolnton. My last day will be December 31, 2020.

I have relished my time here and the many accomplishments that were made. Lincolnton has grown over the last several years. It is no longer a secret as a destination place.

I am thankful for the opportunity to have worked with such an outstanding group of employees and council members. It has been an honor to be part of a city that is focused on providing services and quality of life to its citizens.

I wish the city the best in the future and I will be glad to assist during the transition.

Sincerely,

A handwritten signature in black ink that reads "Steve".

Steven B. Zickefoose, MBA
City Manager/Finance Director

C: Tanya Osborne

SPECIAL CALLED MEETING – October 23, 2020

The Mayor and City Council meet in regular session on Friday, October 23, 2020 at 6:00p.m. in the Council Chambers of City Hall at 114 West Sycamore Street. Mayor Ed Hatley called the meeting to order. The following members were in attendance:

WHITE WATSON EADDY JETTON

Mayor Hatley called the meeting to order and asking those in attendance to stand for the Pledge of Allegiance.

Prior to opening the floor for discussion, Mayor Ed Hatley allowed Mr. Madden with the Health Department, to speak to on the latest COVID-19 developments. Mr. Madden gave a detailed update, via speaker phone, on the current numbers and the way things are trending. He spoke to the unpredictability and uncertainty of the Coronavirus and the high risk it poses to the community. Mr. Madden spoke to the way cases are being reported, what the numbers look like in the corporate city limits and the source control measures that help prevent the spread of the virus. Mr. Madden stressed the importance of focusing on the source control measures, stating that face coverings are a protective barrier to protect others, and identifying social distancing as being the most effective way to slow the spread.

There was a brief discussion regarding General Statue 130A-19 and 130A-20 and the difference between imminent hazard and public health nuisance. He also stressed the importance seeking the advice of the city attorney. Questions as to which statue applies to the issue at hand.

Mayor Hatley continued the meeting, providing council members with more information about the increasing COVID-19 cases. Lincolnton has been identified as a “hot Zone” by the Governor’s office, who has, as a result, made arrangements for one of his teams to partner with the Health Department and help with contract tracing.

Discussion was generated among Council members regarding the conflicting reports and information from healthcare experts, which is a point of contention for some residents. Projections regarding the increasing number of cases were discussed, with Mayor Hatley asked members for suggestions of what they feel can be done to stop the spread. Councilman Eaddy mentioned several observations regarding the matter, and asked if any action has or will be taken by the County Commissioners. City Manager Steve Zickefoose informed that according to County Manager Kelly Atkins, Commissioners have given no indication of any action to be taken.

Councilman Roby Jetton voiced his concerns for some main street business owners that have contacted him who are against enforcement of the current restrictions as they feel it would destroy their business. The governing body continued the discussion, pointing out the different views regarding face coverings, social distancing and mass gatherings. At the suggestion of Councilman Jetton, the Mayor and Council members agreed to hold a public forum at the November 5th Regular

meeting and allow citizens the opportunity to be heard and voice their concerns Mayor Hatley briefly address the recent letter received from the NC Department of Health and Human Services and Sample Ordinance Language A and Sample Ordinance Language B. He reminded that any action taken will require detailed discussions and multiple decisions by the board. Chief Rodney Jordan and Captain Rodney Jordan spoke to the issue, providing information from a law enforcement point of view point and expressing some of the concerns and issues with any type of enforcement attempts. Chief Jordan did caution the governing body, informing that all of the necessary legal components need to be in place if they are looking at any action regarding an ordinance. He also reiterated the information the Health Director shared regarding enforcement and stressed the need for very clear direction for anything put in place.

Councilman Watson and Eaddy both spoke to the benefits of the precautions and how following the guidelines is for the common good of all citizens. Mayor Hatley expressed his appreciation to the press for being present and requested their help in communicating with the citizenry. Councilman Eaddy suggested that some simple steps be taken to ramp up the education component of this issue. Councilman Watson suggested Councilman Jetton's idea of bringing in small business owners and/or small groups together and have a conversation about this. Councilman Jetton expressed that he liked the idea.

In conclusion, Council decided to take several directed staff to schedule a meeting with the Chamber of Commerce and the Downtown Development Association for input on this issue.

ADJOURNMENT:

Councilman Jetton made the motion to adjourn the meeting. Members voted 4-0 in favor of the motion.

DAPHNE INGRAM
CITY CLERK

ED HATLEY
MAYOR



October 20, 2020

Dear Municipal Leaders:

Thank you for participating in the recent calls Secretary Cohen convened with the help of the NC Association of County Commissioners and the NC League of Municipalities. Along with those groups, we ask for your continued help in the fight against COVID-19. As discussed, we are seeing concerning trends in case counts and hospitalizations in our state and nationally, and we need your help to reduce the transmission of this virus. You are receiving this follow-up request because your community meets the following metrics: you are in a county that has had 300 or more new cases in the last 14 days and has been identified by the White House Task Force as a county of concern; your case rate is greater than 50 cases per 10,000 people; or your county is one of the top three most populous counties in the state.

As discussed on the calls, our first and best approach to continuing to slow the spread of COVID-19 is to win the hearts and minds of North Carolinians. NCDHHS has created a wide array of resources you can use, including the *Three W's* (*Wear a face covering, Wait six feet apart and Wash* your hands campaign materials, the *Whatever the Reason: Get Behind the Mask* campaign materials, a faith leaders toolkit and more that can all be found [here](#). Thank you for all you are doing as leaders to support these efforts – serving as exemplars in your community is very powerful. We hope you will consider doing or continuing what has taken place already across the state: creating local signs, flags, and banners to promote compliance; promoting the Three W's when speaking to the press and community groups; partnering with local media on radio and television spots; and promoting similar messaging on social media and web-pages.

We also ask you to consider additional local actions to improve compliance to best position our health systems and first responders to respond to the challenges that can accompany rising cases of COVID-19. Some examples are:

- Adopt an ordinance that imposes a civil penalty or fine (separate from issuing a Class 2 misdemeanor) for violating the provisions of a local ordinance or issue a local Emergency Proclamation addressing the COVID-19 pandemic.
 - The general statutory authority for implementing and enforcing ordinances consistent with the general police powers of local governments is found in Article 6 of Chapter 153A of the General Statutes for counties or Article 8 of Chapter 160A of the General Statutes for cities. Specifically, enforcement authority for imposing a civil fine or penalty is found at N.C. Gen. Stat. § 153A-123 and § 160A-175 respectively, and we have attached sample language for your consideration.
 - Actions to consider could include restrictions imposing a higher State of Emergency standard than those included in the Governor's most recent Executive Order, as allowed by Section 7.3 of Executive Order No. 169: (1) imposing fines for businesses that do not enforce the mask requirements; (2) establishing lower mass gathering limits; (3) curtailing the sale of alcohol earlier than 11 pm; (4) closing high risk venues such as bars and night spots; and (5) limiting restaurant service.

- Support your Local Health Director in the utilization of their authority, pursuant to N.C. Gen. Stat. § 130A-20, to issue and enforce an Imminent Hazard Abatement Order against entities whose actions, including failure to comply with the Governor's Executive Order, present an imminent hazard to your community.

To help inform local decision-making, NCDHHS recently added new county-level data to the NC COVID-19 Dashboard on the County Map by Cases section of the [Summary dashboard](#) page which allows you to view county-level case data by date ranges, including: the number of total cases, the number of cases from the prior day, the number of cases over the last seven days, and the number of cases over the last 14 days.

The incredible work of our local partners has allowed North Carolina to avoid the first and second waves of rapid spikes in COVID-19 positives that devastated so many other states. To protect our communities, we must continue working together in this fight against COVID-19.

Thank you for considering these additional measures to slow the spread of the virus. We appreciate all the work you are doing to preserve and protect the welfare of your communities every day.

Sincerely,



Mandy K. Cohen, MD, MPH
Secretary
NC Department of Health and Human Services



Erik A. Hooks
Secretary
NC Department of Public Safety

cc: County Health Director
Rose Williams, NCLM

Sample Ordinance Language A

This language is merely an example, and leaders have flexibility to target different activities or behaviors as may be needed in their communities, and increase or decrease fine amounts or numbers of citations as appropriate to the needs of their community

- A. It shall be unlawful for any Mass Gathering to occur.
- B. "Mass Gathering" means an event or convening that brings together more than **ten (10) people indoors or more than twenty-five (25) people outdoors** at the same time in a single confined indoor or outdoor space. This includes parades, fairs, and festivals. In publicly accessible indoor facilities, the Mass Gathering limit applies per room of the facility.
- C. A violation of any of the provisions of subsection A shall subject the offender to the issuance of a citation inclusive of the following civil penalties:
 - i. The first violation on a civil citation within a rolling one (1) year period subjects the violator to a civil penalty of two hundred dollars (\$200.00).
 - ii. A second violation on a civil citation by the same person or business or at the same location within a rolling one (1) year period of the first violation shall subject the violator to a penalty of three hundred fifty dollars (\$350.00).
 - iii. A third violation on a civil citation by the same person or business or at the same location within a rolling one (1) year period of the first violation shall subject both the violator and any non-occupant owner of the premises to a civil penalty of five hundred dollars (\$500.00).
 - iv. All fourth and subsequent violations on a civil citation by the same person or business or at the same location within a rolling one (1) year period of the first violation shall subject both the violator and any non-occupant owner of the premises to a civil penalty of one thousand dollars (\$1,000.00).
 - v. A written warning is not required to be given prior to the issuance of a civil citation but may be used in the officer's discretion.
 - vi. No more than one (1) warning may be given within a rolling one (1) year period.
 - vii. Failure to pay a civil penalty imposed under article II within ten (10) business days shall subject the offender to an additional fifty dollars (\$50.00) delinquency charge.
 - viii. Each separate time that an officer responds to the same location to assess a violation of Executive Order shall be a separate and distinct offense and shall give rise to a separate and distinct penalty.
- D. A citation shall:
 - i. Give notice of the violation(s) alleged of the individual or business;
 - ii. State the civil penalties for such violation(s);
 - iii. State the date by which any civil penalties for such violation(s) must be paid; and
 - iv. State that the County/City may initiate after such date a civil action to collect the civil penalties which are and may become due.
- E. This ordinance is effective so long as the State of North Carolina is under a declared State of Emergency in response to the COVID-19 Pandemic.

Sample Ordinance Language B

This language is merely an example, and leaders have flexibility to target different activities or behaviors as may be needed in their communities, and increase or decrease fine amounts or numbers of citations as appropriate to the needs of their community

- A. Any businesses or organizations that sell or serve alcoholic beverages for onsite consumption shall cease the sale and service of alcoholic beverages for onsite consumption between **9:00 pm and 7:00 am**. The agents or employees of establishments that are permitted to sell or serve alcoholic beverages for onsite consumption shall likewise not sell or serve alcoholic beverages for onsite consumption between **9:00 pm and 7:00 am**.
- B. Businesses or organizations otherwise authorized to remain open after **9:00 pm** under existing law may continue to do so under this ordinance so long as there is no sale or service of alcohol for onsite consumption.
- C. A violation of any of the provisions of subsection A shall subject the offender to the issuance of a citation inclusive of the following civil penalties:
 - i. The first violation on a civil citation within a rolling one (1) year period subjects the violator to a civil penalty of two hundred dollars (\$200.00).
 - ii. A second violation on a civil citation by the same person or business or at the same location within a rolling one (1) year period of the first violation shall subject the violator to a penalty of three hundred fifty dollars (\$350.00).
 - iii. A third violation on a civil citation by the same person or business or at the same location within a rolling one (1) year period of the first violation shall subject both the violator and any non-occupant owner of the premises to a civil penalty of five hundred dollars (\$500.00).
 - iv. All fourth and subsequent violations on a civil citation by the same person or business or at the same location within a rolling one (1) year period of the first violation shall subject both the violator and any non-occupant owner of the premises to a civil penalty of one thousand dollars (\$1,000.00).
 - v. A written warning is not required to be given prior to the issuance of a civil citation but may be used in the officer's discretion.
 - vi. No more than one (1) warning may be given within a rolling one (1) year period.
 - vii. Failure to pay a civil penalty imposed under article II within ten (10) business days shall subject the offender to an additional fifty dollars (\$50.00) delinquency charge.
 - viii. Each separate time that an officer responds to the same location to assess a violation of Executive Order shall be a separate and distinct offense and shall give rise to a separate and distinct penalty.
- D. A citation shall:
 - i. Give notice of the violation(s) alleged of the individual or business;
 - ii. State the civil penalties for such violation(s);
 - iii. State the date by which any civil penalties for such violation(s) must be paid; and
 - iv. State that the County/City may initiate after such date a civil action to collect the civil penalties which are and may become due.
- E. This ordinance is effective so long as the State of North Carolina is under a declared State of Emergency in response to the COVID-19 Pandemic.

ITEM

3

RECOGNITION/
PRESENTATION

ITEM #

3a

PROCLAMATION

Hunger and Homelessness
Awareness Week

CITY OF LINCOLNTON

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



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

PROCLAMATION **Hunger and Homelessness Awareness Week** **November 15 – 22, 2020**

WHEREAS, for over 25 years the National Coalition for the Homeless and National Student Campaign Against Hunger and Homelessness have sponsored National Hunger and Homelessness Awareness Week; and

WHEREAS, the Gaston, Lincoln and Cleveland Continuum of Care has been actively working to end hunger and homelessness in Lincolnton; and

WHEREAS, the purpose of the proclamation is to educate the public about the many reasons people are hungry and homeless including the shortage of affordable housing in Lincolnton for very low-income residents; and to encourage support for homeless assistance service providers, as well as community service opportunities for citizens, students and school service organizations; and

WHEREAS, there are many organizations and agencies committed to sheltering and providing supportive services, as well as meals and food supplies, to people experiencing homelessness in Lincolnton and they are committed to working collaboratively through the Gaston, Lincoln and Cleveland Continuum of Care to end homelessness; and

WHEREAS, the Lincolnton City Council recognized that hunger and homelessness continue to be a fundamental problem for many individuals and families in Lincolnton; and

WHEREAS, the intent of National Hunger and Homelessness Awareness Week is consistent with the activities of the Gaston, Lincoln and Cleveland Continuum of Care.

NOW, THEREFORE, I, Ed Hatley and the Lincolnton City Council do hereby proclaim November 15th – 22nd, 2020 as **“Hunger and Homelessness Awareness Week”**.

FURTHERMORE, the Lincolnton City Council encourages all citizens to recognize that many people do not have housing and need support from citizens, and private/public nonprofit service entities.

In witness thereof, I have hereunto set my hand this 5th day of November, 2020

Ed Hatley, Mayor

ITEM #

3b

SAFETY AWARDS

ITEM #

3c

S.H.A.R.P

Designation

**NO BACK-UP
AVAILABLE**

ITEM #

4

PUBLIC HEARINGS

ITEM #

4a

ZMA-5-2020

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

DATE: November 5, 2020

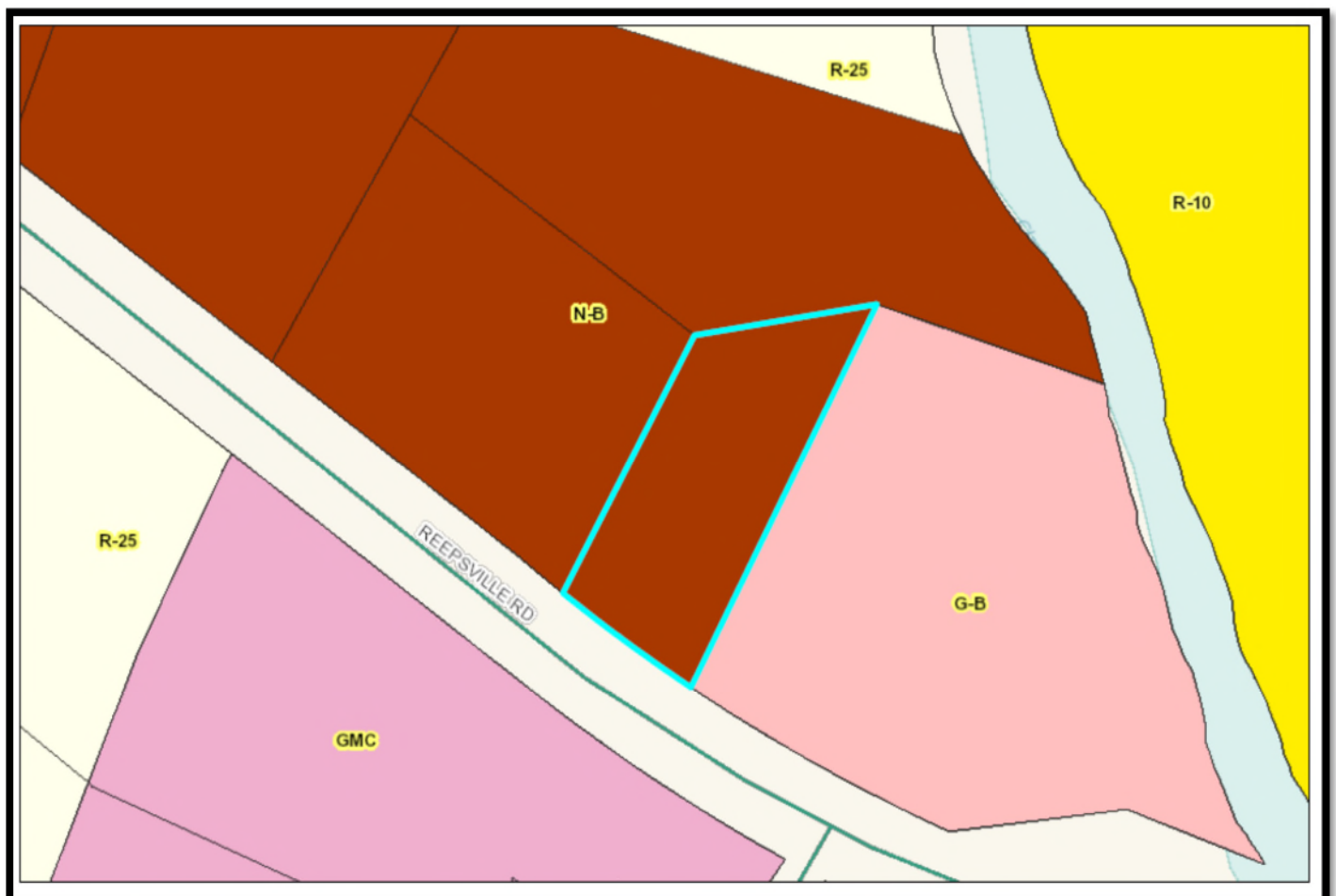
SUBJECT: ZMA-5-2020 – Application from Jacob Putnam requesting rezoning of 0.474 acres from Neighborhood Business (N-B) to General Business (G-B).

SITE AND AREA DESCRIPTION

The applicant is requesting the rezoning of a parcel totaling approximately 0.474 acres from the Neighborhood Business (N-B) district to the General Business (G-B) district. The subject property is located on the north side of Reepsville Road approximately 300 feet west of the intersection of Reepsville Road and Elm Grove Road (Parcel ID 90949).

The subject property and surrounding properties to the north are zoned N-B, to the east properties are zoned GB and to the south and west properties are zoned GMC. This commercial zoned area is naturally separated from the City's residential districts to the east by Clarks Creek.

The site is currently vacant. Surrounding properties are devoted to commercial uses and vacant land.





LAND USE PLAN

The Lincolnton Land Use Plan shows the property in the Neighborhood Business Planning Area which is described as “small business clusters that cater to the needs of a relatively small trading area.” The Land Use Plan also promotes the adaptive reuse of vacant and under-utilized commercial buildings.

COMPLIANCE WITH LAND USE PLAN

The request is not strictly in compliance with the Land Use Plan’s Neighborhood Business use designation. However, staff views the request as consistent with the spirit and intent of the Land Use Plan in that the site is adjacent to GB and GMC zoning and has a natural buffer, Clarks Creek, between it and the residential district to the east.

PLANNING BOARD AND STAFF RECOMMENDATION

Planning Board and Staff recommend the following two actions:

1. Approval of rezoning of the property from N-B to G-B.
2. Amendment of the Land Use Plan to show the property as part of the General Business Planning Area.

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

Case No. ZMA-5-2020

Applicant: Jacob Putnam

Parcel ID#: 90949

Location: Reepsville Road

Request: Rezone from N-B to G-B

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Neighborhood Business Planning Area. Therefore, the proposed rezoning request **is not strictly consistent** with the Land Use Plan. However, the site immediately adjoins GB and GMC zoning. Therefore, **approval of the proposed amendment is reasonable and in the public interest.**

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

Case No. ZMA-5-2020

Applicant: Jacob Putnam

Parcel ID#: 90949

Location: Reepsville Road

Request: Rezone from N-B to G-B

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Neighborhood Business Planning Area. Therefore, the proposed rezoning request **is not entirely consistent** with the Lincolnton Land Use Plan and **denial of the proposed amendment is reasonable and in the public interest.**

MOTIONS FOR PUBLIC HEARING

1. Motion to approve or deny request for rezoning.
2. If rezoning is approved, then:
Motion to approve amendment of land use plan.
2. Motion to approve one of the statements of consistency and reasonableness.

ITEM #

4b

CUZMA-4-2020

MEMO TO: Mayor and City Council Members

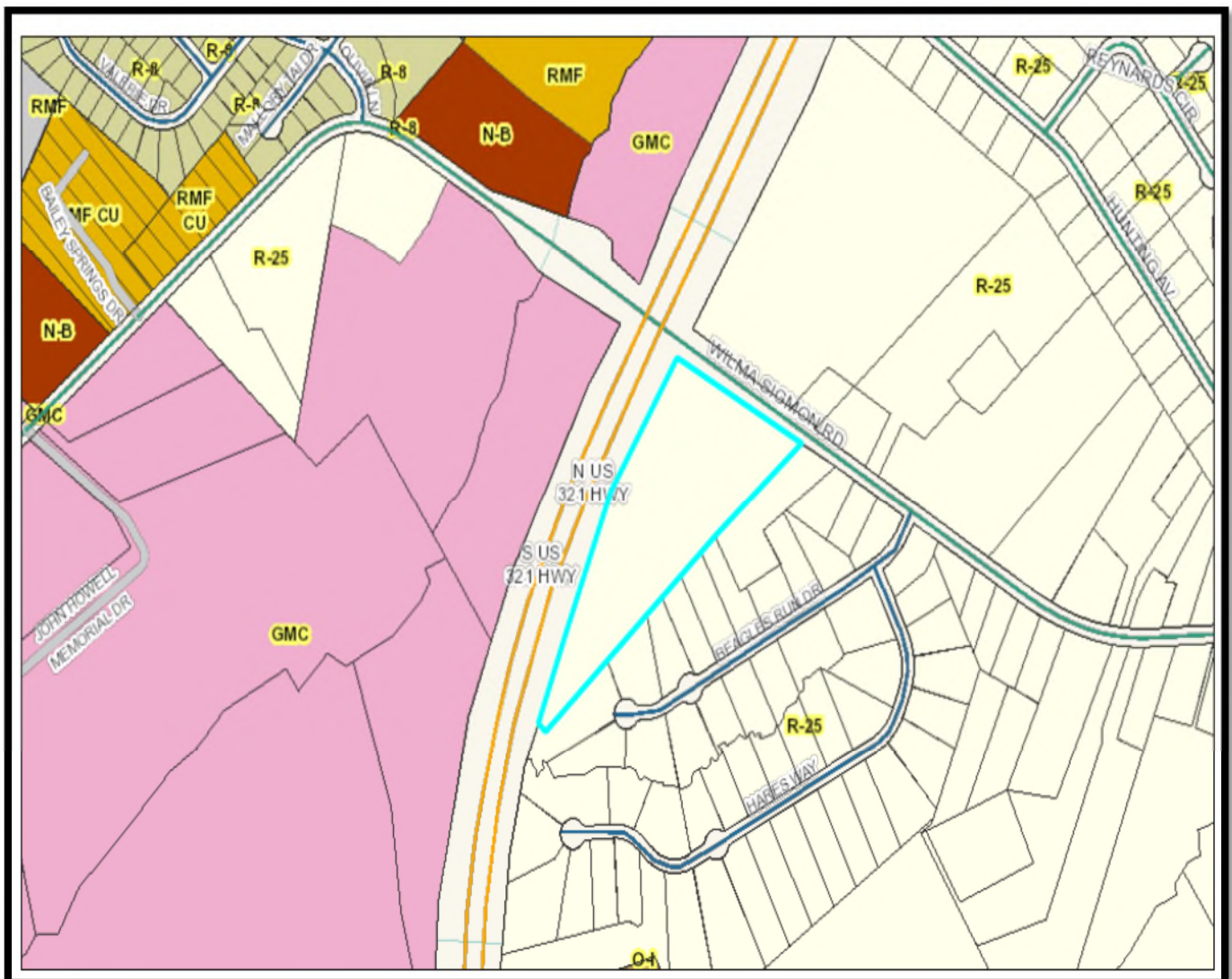
FROM: Laura Elam, Planning Director

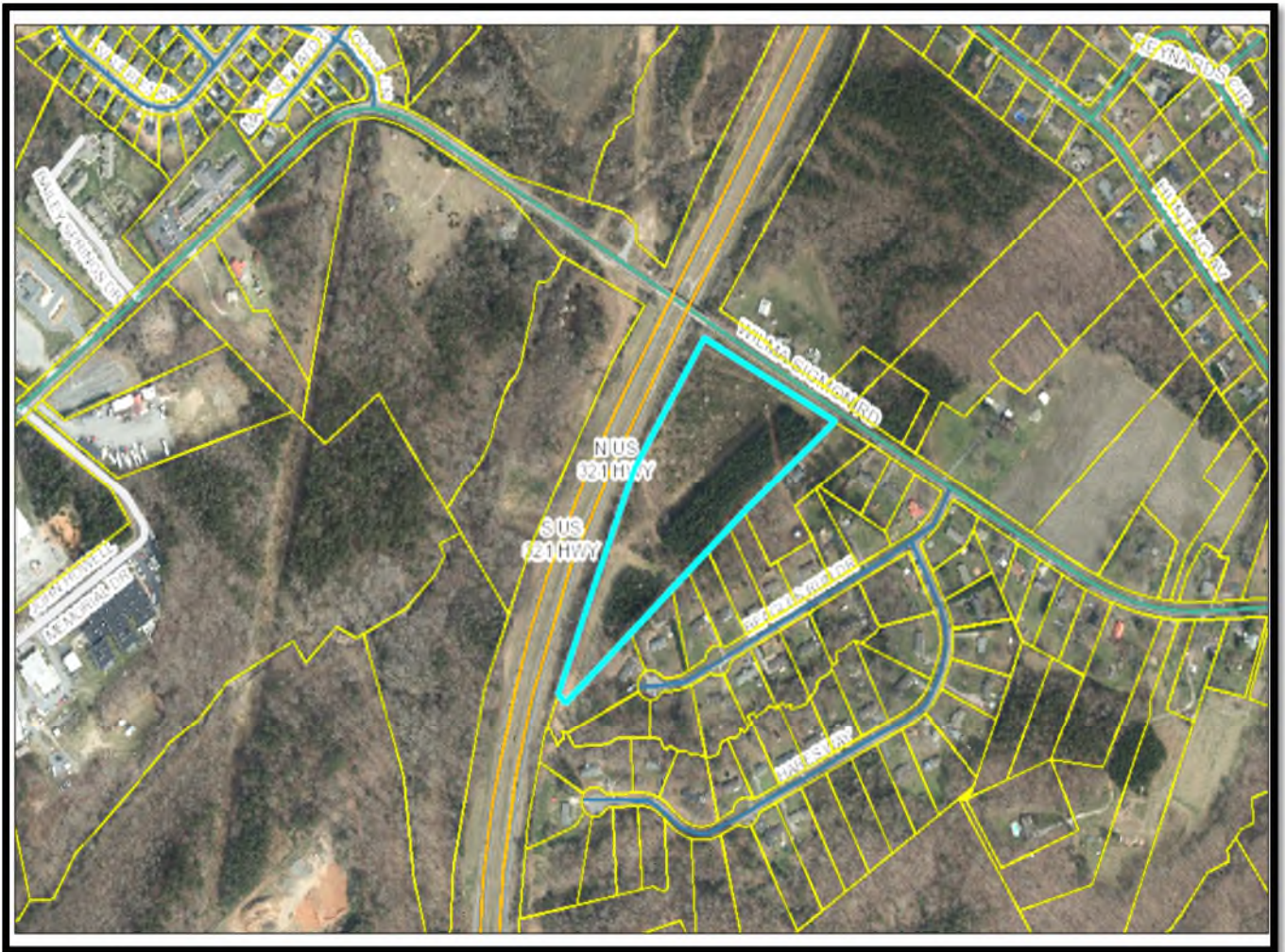
DATE: November 5, 2020

SUBJECT: CU-ZMA-4-2020- Application from Lom Realty requesting conditional use rezoning from Residential-25 (R-25) to CU-General Manufacturing and Commercial (CU-GMC)

SITE AND AREA DESCRIPTION

The subject property is a 10.225-acre site located at the southeast corner of Wilma Sigmon Road and U.S. Highway 321 (Parcel ID 78033). The property is currently vacant and zoned R-25. Properties located east of Highway 321 are zoned R-25 and properties located west of Highway 321 are zoned GMC as shown on the map below. Land uses in the vicinity of the site are mostly single family residential. Several nearby properties are undeveloped.







PROPOSED USE AND SITE PLAN

The applicant requests conditional use rezoning in order to construct climate controlled storage units. There will potentially be five (5) total buildings ranging in size from 22,400 square feet to 17,300 square feet for a total of 106,000 square feet.

Access would be provided by one driveway to Wilma Sigmon Road. (Access will have to be approved by NCDOT). Gravel parking is permitted as shown on the plan. Landscaping must be provided along U.S. Highway 321 and screening shall be provided along the property boundary adjacent to single family residential.

Existing trees should be maintained, as feasible, along the property boundaries in compliance with Special Highway (321) overlay district requirements. Street landscaping will be required along Wilma Sigmon Road.

The buildings will be constructed of metal with a masonry facade and partial masonry skirt.

The impervious surface amount on the property is limited to 70%. The site plan is showing 50.4% of the site as impervious.

The proposed site plan is below:

S1

DESCRIPTION OF CONDITIONAL USE DISTRICT REZONING PROCESS

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

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

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

1. Proposed phasing, and approximate completion time of project.
2. Proposed number, size, and type of freestanding signs.

LAND USE PLAN

The Lincolnton Land Use Plan shows this property in the Residential Suburban Planning area. Therefore, the request is not consistent with the Land Use Plan.

STAFF REVIEW COMMITTEE

The Staff Review Committee had the following comments:

- (1) Building plans must be approved by Lincoln County prior to issuance of building permits.
- (2) Fire Code requirements must be reviewed and approved by the Fire Inspector.
- (3) Lincoln County Soil Erosion and Sedimentation review and approval will be needed PRIOR to any disturbance taking place including cutting tree canopy.
- (4) A driveway permit is required from NCDOT. Per their comments the driveway location will need to be moved to the eastern end of property frontage for sight distance purposes.
- (5) Utilities will need to be coordinated and approved by the City of Lincolnton prior to development. Utility Plan will need to be submitted.

- (6) A detailed tree plan shall be provided showing what trees will be maintained and what trees will be cut. Existing natural plantings shall be maintained along property boundaries as to the greatest extent possible.

FINDINGS OF FACT

Section 153.237 of the UDO requires that four findings be determined by City Council as follows:

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

COMPLIANCE WITH FINDINGS OF FACT

- (1) It does not appear that the use will endanger the public health or safety.
- (2) The proposed use meets all required conditions and specifications with the exception of the items noted above.
- (3) The applicant will need to provide evidence that the use will not substantially injure the value of adjoining properties.
- (4) The use is not in compliance with the Lincolnton Land Use Plan.

PLANNING BOARD AND STAFF RECOMMENDATION

Planning Board and Staff recommend the following actions:

- (1) If the applicant satisfactorily proves the findings of fact, approval of rezoning of the property from R-25 to CU-GMC.

- (2) If the applicant satisfactorily proves the findings of fact, approval of the Conditional Use Permit for climate controlled mini storage units subject to Ordinance requirements and the Staff Review Committee conditions.
- (3) If the rezoning request is approved, amendment of the land use plan to show the property in the mixed use residential/commercial planning area similar to properties located on the west side of Highway 321.

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

Case No. CU-ZMA-4-2020

Applicant: Lom Realty

Parcel ID#: 78033

Location: Wilma Sigmon Road

Request: Rezone from R-25 to CU-GMC to permit Climate Controlled Storage Units

Proposed Consistency and Reasonableness Statement:

The proposed rezoning request **is not consistent** with the Lincolnnton Land Use Plan. However, the proposed storage use should have minimal impact on nearby residential uses. The use should also be low impact in terms of traffic. Since properties located to the west of U.S. Highway 321 in this area are also zoned GMC and the proposed use is likely to have little impact on surrounding areas, the request is viewed as **reasonable and in the public interest**.

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

Case No. CU-ZMA-4-2020

Applicant: Lom Realty

Parcel ID#: 78033

Location: Wilma Sigmon Road

Request: Rezone from R-25 to CU-GMC to permit Climate Controlled Storage Units

Proposed Consistency and Reasonableness Statement:

The proposed amendment **is not consistent** with the Lincolnnton Land Use Plan in that the property is part of an area designated by the Lincolnnton Land Use Plan as Residential Suburban. Denial of the proposed amendment **is reasonable and in the public interest**.

Cu-zma-420 report

SUMMARY OF MOTIONS FOR PUBLIC HEARING

1. Motion to approve or deny request for rezoning.
2. If approved, motion on each of the findings of fact for the conditional use permit.
 - Motion on Finding 1.
 - Motion on Finding 2.
 - Motion on Finding 3.
 - Motion on Finding 4.
3. Motion to approve the conditional use permit subject to ordinance requirements and Staff Review Committee comments **or** motion to deny the request.
4. If approved, motion to amend Land Use Plan.
5. Motion to approve one of the statements of consistency and reasonableness.

ITEM

4c

HEARING TO RECEIVE PUBLIC
COMMENT ON A REQUEST TO
OPERATE A TROLLEY/GOLF CART
SERVICE WITHIN THE CITY LIMITS



City of Lincolnton

AGENDA REQUEST FORM

Please Print

Name Bradley & Brianna Rowe
Address 5002 Deer Run Drive Phone 828-217-6080
Street
City Crouse State NC Zip 28033 Email bradley.rowe@aol.com
breezyheavener1829@gmail.com

Name of Firm or Corporation (if applicable) Goobher Inc.

Other Persons Accompanying Speaker 9/10/20

Purpose of Request to Appear Approval for trolley/transportation rides
strictly in town on Bonded and Insured
golf cart.

Council Meeting date you wish to appear Oct. 1, 2020

Amount of time required for Presentation 30-45 min.

Date form submitted to the City Clerk _____

Brianna Rowe
Signature of Requesting Party

Return forms to: City Clerk's Office
City of Lincolnton
P.O. Box 617
Lincolnton, NC 28093

**APPLICATION FOR CERTIFICATE OF
CONVENIENCE AND NECESSITY**

The undersigned does hereby make application to the City of Lincolnton for the issuance of a Certificate of Convenience and Necessity for the operation of a taxicab service in accordance with the provisions of 9-70 et seq. of the code of the City of Lincolnton, North Carolina.

1. **PUBLIC NEED.** That in support of this application, the undersigned shows that there is no existing taxicab, public or other mass transportation service in operation in Lincolnton or Lincoln County; that there are many persons residing in and around the City of Lincolnton who either are not licensed to operate a motor vehicle or do not own a motor vehicle who would be served by the availability of a taxicab or transportation service; and that the operation of this type of service would provide for the convenience of the citizens of Lincolnton and Lincoln County.

2. **EXPERIENCE.**

micro-Transportation & Tours.

3. **FINANCIAL INFORMATION AND RETURN ON INVESTMENT.**

- Bank through Peoples Bank NC
- Operate through custom app/website.
- Insured through Nationwide Bill Abee Agency once approved.

Applicant has the financial means to provide the vehicle, insurance and communication equipment necessary to operate a taxicab or transportation service. That the applicant has made a study of rates in surrounding cities, and would propose similar rates, which will be both competitive for persons using the proposed service and will provide a fair return on his investment.

4. **EQUIPMENT AND INSURANCE.** That the applicant does further show that he intends to operate one motor vehicle to be acquired upon granting of a certificate of Convenience and Necessity. The applicant will obtain automobile liability insurance on the vehicle in such amount as is required by the laws of the State of North Carolina.

5. METHOD OF OPERATION.

Golf cart transportation, street legal through Lincoln County DMV.

6. IMPACT ON TRAFFIC AND PARKING. The operation of one vehicle will not have an impact upon either traffic congestion or parking in the City of Lincolnton or in Lincoln County, and will not constitute a hazard to the public.

NAME OF APPLICANT: Bradley & Brianna Rowe

APPLICANT'S ADDRESS: 5002 Deer Run Drive
Crouse, NC 28033

Business address: 543 Sigmon Rd. Lincolnton, NC 28092

APPLICANT'S TELEPHONE:

APPLICANT'S ADDRESS FOR LAST FIVE YEARS: 631 W. Water St. ext.
Lincolnton, NC 28093

APPLICANT'S DRIVER'S LICENSE NUMBER:

Bradley - 23679645

Brianna - 38246047

APPLICANT'S SOCIAL SECURITY NUMBER:

Bradley 240-67-5386

Brianna 246-75-6216

PROPOSED RATE SCHEDULE:

- \$6 per ride (est. per surround service)
- Senior citizen discount (and rides 24/7) ^{mon-Sun.}
- military discount (and rides 24/7) ^{mon-Sun.}
- four group rates may differ per hour or time/headcount.
- Tues.-Sunday on town operating hours.

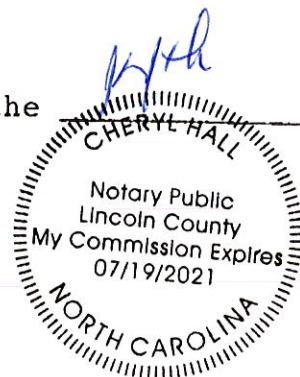
NORTH CAROLINA

LINCOLN COUNTY

I, Cheryl Hall, a Notary Public of the
aforesaid County or State, do hereby certify that
Brianna & Bradley Rowe personally came before
me this day and acknowledged the due execution of the
foregoing instrument.

WITNESS my hand and notorial seal, this the
day of September.

Cheryl Hall
Notary Public



My commission expires: 7-19-2021

ITEM #

5

REGULAR AGENDA

ITEM #

5a

STREET PARKING
ORDINANCE CHANGE
REQUEST FROM LINCOLN
MEADOWS



City of Lincolnton

AGENDA REQUEST FORM

Please Print

Name Ron and Beth King
Address 113 Olivia Lane Phone 704-735-7517
Lincolnton, NC 28092

Name of Firm or Corporation (if applicable) Lincoln Meadows HOA

Other Persons Accompanying Speaker Potential other HOA Board Members

Purpose of Request to Appear _____

Council Meeting date you wish to appear next meeting from today's date (Oct 6)

Amount of time required for Presentation 10 minutes

Date form submitted to the City Clerk 10/6/20

Signature of Requesting Party

Return forms to: City Clerk's Office
City of Lincolnton
P.O. Box 617
Lincolnton, NC 28093

Lincoln Meadows

Street Parking Ordinance Change Request

October 7, 2020

Dear Lincolnton City Council,

Thank you for consideration of the request we are presenting to you today. The Lincoln Meadows Homeowners Association is asking the Council to change the street parking ordinance within the community to restrict street parking (both sides of the street) within the community.

Owner Concerns:

We have received numerous instances of feedback from owners who complain about street parking within the community. The primary concern focuses on the fact that the residential streets within the community are relatively narrow. Below are the complaints that owners have raised.

- Emergency Vehicle Access: Vehicles parked on both sides of the street have restricted access for emergency vehicles in certain instances.
- Pedestrian and Pet Safety: Vehicles parked on the street can obstruct children or pets playing the yards or driveways who may dart out into the street.
- Aesthetic Concerns: A number of owners have complained that the parking in the street looks bad in the community.
- Access into/out of Driveways: Many owners have complained about restricted access into and out of their driveway due to vehicles parking on the narrow streets.

Community Action So Far:

The HOA broached the topic at their 2019 annual meeting. The meeting was attended by approximately 20 homeowners. The community only has 136 homes (5 undeveloped lots currently). 20 homeowners represents about 15% of the community, which is a large plurality for an HOA meeting. **At this meeting, the HOA asked if owners would be in favor of a town ordinance change or an HOA street parking amendment restricting street parking in the HOA. The motion received unanimous consent from the members in favor of restricting street parking.**

The HOA attempted to perform a street parking amendment in late 2019, but only received 6 returned ballots, of which 5 were in favor and one was opposed. In short, HOA amendments can be very challenging mostly due to a lack of response and apathy from members. For good reason, HOA documents usually require an extremely high plurality (60% and up) to amend the documents. This is so different Board's cannot make changes on the fly within the community. But it will be a challenge that may take years to obtain enough votes to make this change in the community. So we are asking the City on behalf of residents who have concerns.

Lincoln Meadows

Formal HOA request:

The HOA is asking the City to enact street parking restrictions on both sides of the street within Lincoln Meadows. As always, there will be some opposition to this, however, we do not find it unreasonable that homeowners should not have more vehicles that can fit in a driveway or garage. More importantly, street parking is a safety concern due to the narrow streets within the community.

Thank you for your consideration on behalf of the Board of Directors and residents of Lincoln Meadows HOA.

Sincerely,



Drew Green, Association Manager, CMCA®
Hawthorne Management Company
For the Association
704-377-0114 ext 142
dgreen@hawthornemgmt.com

XC: Board of Directors

Ron King, HOA President
Krystle Holden, HOA Vice President
Will Denton, HOA Treasurer
Beth King, HOA Secretary
Paula Chapman, Member at Large

ITEM #

5b

REQUEST FOR
CONSIDERATION OF
APPROVAL REFERENCE
TO ABC STORE

**NO BACK-UP
AVAILABLE**

ITEM #

5c

CITIZEN FORUM

COVID-19

ENFORCEMENT

**NO BACK-UP
AVAILABLE**

ITEM #

5d

UPDATE ON VARIOUS
CITY PROJECTS

**NO BACK-UP
AVAILABLE**

ITEM #

5e

Monthly
Financial/Overtime
Report

Executive Summary

September 2020 Year-To-Date

General Fund	% of					Difference
	Budget 20-21	Actual 20-21	Budget	Budget 19-20	Actual 19-20	
Fund 10 Revenues	10,911,910	3,673,156	34%	11,543,700	4,015,456	(342,300)
Fund Balance	-	-	-	825,000	-	-
	10,911,910	3,673,156		12,368,700	4,015,456	(342,300)
City Manager/Clerk	248,220	68,773		222,495	80,701	(11,928)
Human Resources	317,020	84,043		262,720	68,427	15,616
Finance	158,230	123,951		129,630	133,451	(9,501)
General Expense	1,280,731	482,882		1,103,160	510,506	(27,625)
General Debt Service	334,757	4,975		430,632	24,179	(19,204)
Police	3,400,120	878,430		3,223,020	773,367	105,062
Fire	2,234,100	512,929		2,364,700	535,607	(22,678)
Public Works	45,660	42,130		43,010	43,207	(1,077)
Street	829,825	223,697		1,329,225	174,394	49,303
Equipment Services	211,770	61,186		122,970	39,433	21,753
Solid Waste	692,375	115,981		908,855	140,896	(24,915)
General Services	-	-		-	-	-
Plannin/Zoning	497,239	82,119		557,420	89,491	(7,372)
Bus & Comm. Dev	123,200	81,087		423,200	9,700	71,388
Recreation	1,038,663	226,725		1,247,663	434,514	(207,790)
Expenses	11,411,910	2,988,907	26%	12,368,700	3,057,873	(68,966)
Difference		684,249			957,583	(273,334)

Water & Sewer Fund		% of			
Fund 61	Revenues	Budget 20-21	Actual 20-21	Budget	Difference
	Fund Balance	-	-	27%	151,153
		8,146,950	2,177,650		
		8,146,950	2,177,650		151,153
	Water Treatment	1,972,500	398,718		19,976
	Dist & Collection	2,032,900	421,391		(827,798)
	Wastewater	1,625,000	271,105		(10,962)
	W & S Intangibles	4,247,050	165,255		(44,416)
	Expenses	9,877,450	1,256,469	13%	(863,200)
	Difference		921,182		1,014,353

Electric Fund		% of			
Fund 63	Revenues	Budget 20-21	Actual 20-21	Budget	Difference
	Fund Balance	-	-	39%	447,780
		7,788,350	3,000,994		
		7,788,350	3,000,994		447,780
	Electric Dept.	8,696,830	1,644,830		293,125
	Expenses	8,696,830	1,644,830	19%	293,125
	Difference		1,356,164		154,655

Overtime 80+ hours	113,186	125,657	(12,471)
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ITEM #

6

OTHER BUSINESS