

REGULAR MEETING - February 4, 2021

The Mayor and City Council met in regular session on Thursday, February 4, 2021 at 7:00 p.m. using a hybrid format in-person and via Zoom. City Council Members participated virtually, while staff and others wishing to attend the meeting in person, met in Council Chambers.

The following were in attendance:

WHITE POINSETTE EADDY JETTON

Mayor Ed Hatley called the meeting to order, asking all in attendance to join in reciting the pledge of allegiance.

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

Due to the hybrid (virtual and in-person) platform being used, voting was conducted via roll call.

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

- Minutes for the January 7, 2021 Regular Meeting
- Retirements Effective March 1st, 2021:

Debra Tunstall - Waste Water Treatment Pretreatment Coordinator

Julie Holbrooks – Sr. Administrative Support Assistant *(Certificates of Recognition are attached to and made a part of these minutes)*

Members voted 4-0 in favor of the motion.

PUBLIC HEARINGS

CUP-1-2021

**APPLICATION FROM SHAWNA MOORE REQUESTING A
CONDITIONAL USE PERMIT TO OPERATE A TATOO STUDIO IN
THE PB DISTRICT. THE SUBJECT PROPERTY IS LOCATED AT 1414
EAST MAIN STREET (Parcel ID 15674)**

Mayor Ed Hatley opened the public hearing, after which he recognized Laura Elam, Planning Director, to review the request *(a copy of which is attached to and made a part of these minutes)*. Mrs. Elam began her review as follows:

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The subject property is located at 1414 East Main Street. The site has an existing 1,600 square foot commercial building which has been used for various retail and service uses. Adjacent land uses are all commercial in nature including Lail Electric, McDonalds, China I and vacant commercial space to the west. A zoning map, aerial views and street views were provided to council members, as well as displayed on the screens in Council Chambers.

Mrs. Elam informed that the application met all requirements of the Ordinance and that the Ordinance requires the four findings of fact be determined by City Council in order for the request to be approved. Mrs. Elam summarized what the applicant would need to provide as evidence in regards to compliance. She also shared Planning Board and staff's recommendation, stating that if the applicant satisfactorily proves the findings of fact, Planning Board and staff recommend approval of the Conditional Use Permit. The applicant, Ms. Shawn Moore, briefly addressed Council, sharing her mission and goal for this second location.

With no questions from council, Councilwoman Poinsette made a motion to close the public hearing. Members voted 4-0 in favor of the motion.

Action was taken on each Finding of Fact as follows:

Councilwoman White made a motion that the use will not materially endanger the public health or safety if located where proposed and developed according to plan. **Members voted 4-0 in favor of the motion.**

Councilman Jetton made a motion that the use meets all required conditions and specifications. **Members voted 4-0 in favor of the motion**

Councilman Eaddy made a motion that the use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. **Members voted 4-0 in favor of the motion**

Councilwoman Poinsette made a motion that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council. **Members voted 4-0 in favor of the motion**

Councilman Eaddy made a motion to approve the conditional use permit. **Members voted 4-0 in favor of the motion.**

REGULAR AGENDA

2019 – 2020 AUDIT PRESENTATION

Mayor Ed Hatley recognized Ms. Carol Avery of Lowermilk, Church and Co., auditing firm to present the 2019 -2020 audit. Ms. Avery began the presentation stating that the City of Lincolnnton received the required unqualified opinion on the audit. She informed that the audit has been sent to the Local Government Commission (LGC). Ms. Avery explained that since approval from the LGC has not been received, copies were not distributed. She stated that although they do not foresee any changes, the audit has not been printed. Ms. Avery did distribute a list of highlights, of which she conducted a line by line review *(a copy of which is attached to and made a part of these minutes)*.

There being no questions from Council members, Councilman Jetton made a motion to accept the audit (report) as presented. **Members voted 4-0 in favor of the motion.** Mayor Hatley expressed thanks and appreciation to Ms. Avery and her company for all of their work.

P-01-21

CONSIDERATION / APPROVAL OF PROPOSED POLICIES AND PROCEDURES FOR THE NEW DOG PARK

Mayor Ed Hatley recognized Nathan Eurey, Public Service Director, to speak to this item. Mr. Eurey presented the proposed policies and procedures for the new dog park *(a copy of which is attached to and made a part of these minutes)*. He began by giving a brief overview of how the policy was drafted, listing the various individuals and entities that were consulted to get criteria and feedback regarding the policy. Mr. Eurey also gave an update on where things stand in reference to opening the park, informing the projected opening to be sometime between April and May.

Councilman Eaddy commented on the comprehensiveness of the policy and expressed appreciation for all of staffs work. He also voiced his concern regarding the issue of parking for planning purposes.

Councilwoman White made a motion to approve the proposed policies and procedures for the new dog park as presented. Members voted 4-0 in favor of the motion.

In reference to the Recreation Department, Councilman Jetton raised a question regarding citizens not being allowed in the gym to play pickle ball. Mayor Hatley informed that City Manager Ritchie Haynes would address his question when he has the floor giving his managers' report.

(APPT-01-21)

CONSIDERATION OF APPLICATIONS TO FILL VACANCY ON THE LINCOLNTON TOURSIM DEVELOPMENT AUTHORITY AND NOMINATIONS/APPROVAL OF A NEW BOARD CHAR

Mayor Ed Hatley opened the floor for nominations to fill a vacancy on the Lincolnton Tourism Development Authority. Councilman Roby Jetton nominated Randall Williams. With no other nominations, Councilwoman White made a motion to close the nominations. Members voted 4-0 in favor of the motion and the appointment of Randall Williams to the Lincolnton Tourism Development Authority.

Mayor Ed Hatley continued, opening the floor for nominations for the appointment of Chair for the Lincolnton Tourism Development Authority. Mayor Hatley reminded council of the three board members eligible for the appointment. Councilman Eaddy nominated Pam Huskey to act as chair for the authority. With no other nominations, Mayor Hatley took a roll call vote of the Council. Members voted 4-0 to appoint Pam Huskey as Chair.

ABC BOARD REQUEST

Tommy Huskey, ABC Board Chair, addressed City Council, regarding a request for permission to set aside a portion of the profit owed to the City to build and/or purchase a new facility to replace what is currently being used on the west side of town. Mr. Huskey explained that he did meet with former City Manager/Finance Director Steve Zickefoose regarding the contributions the City receives from the ABC store and that he is continuing to research City procedures being followed to make sure they are in line with current State statutes. Mr. Huskey stressed he was not seeking an immediate decision, just wanted to inform that he would, at a later date, return to ask Council to consider granting the ABC Board permission to set aside of portion of the remaining gross receipts as a fund for specific capital improvements. Some discussion was generated on the topic, with questions and comments between Mr. Huskey and council members. Mayor Ed Hatley summarized the request stating that the Council would only be giving Mr. Huskey permission to explore the possibility of setting up a capital improvements / building fund. Approval will not include authorization to set up the capital fund. Mr. Huskey confirmed that statement, informing of his plan to provide Council with numbers. Councilwoman Poinsette made a motion to grant permission for Mr. Huskey to proceed with fact finding. Members voted 4-0 in favor of the motion. *Councilwoman Poinsette requested that the following information be added to the minutes: "Responding to a question from Councilwoman Poinsette, Mr. Huskey confirmed that revenue for this project will come from the sale of liquor."*

MONTHLY FINANCIAL/OVERTIME REPORT

[illegible]

City Manager Ritchie Haynes briefly focused on the increase in overtime the numbers. Mr. Haynes explained the increase as being a direct effect of COVID-19 but reminded members of the CARES Act funds received, which can be used to remedy

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(General, Water and Sewer, Electric), reminding council that the large appropriations seen were all planned purchases. Mr. Haynes announced that the police department has officially moved into the new building, and thanked both Chief Jordan and Captain Greene for all of their work. He also thanked Troop 75 for raising the flags at the new facility on Monday, February 1st, 2021. Mr. Haynes continued, extending thanks to Laura Morris for her work in securing a grant for work to be done on the Rail-Trail. He informed that work is currently being done, by the Parks and Recreation Department, in hopes of securing another grant that would provide enough funding to complete the entire project.

Addressing the question previously asked by Councilman Jetton, Mr. Haynes announced that the Lentz center will be open, beginning Monday, February 8, 2021, on a limited basis for walking, pickle ball and basketball; details being worked out by Nathan Eurey, Public Services Director and his staff. Mr. Haynes assured that social distancing measures will be allowed and mask wearing will be required. Mr. Haynes concluded, sharing a text from a citizen expressing thanks for the service being given by the City as he observed a water leak being repaired at midnight by one of the City crews in 20 degree weather.

PUBLIC COMMENT:

No one spoke during the Public Comment portion of this meeting.

NEWS MEDIA:

There were no questions from the News Media.

ADJOURNMENT:

Being no further business, 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**

*City of Lincolnton
In Appreciation of*

Debra V. Tunstall

Upon Her Retirement On

March 1, 2021

*The City of Lincolnton recognizes the employees of the City are its
greatest strength, and honors their dedication and contributions to the
City and its citizens.*

*May you be proud of the work you have done, the person you are, and
the difference you have made.*

17 Years of Service

City Manager

Mayor



*City of Lincolnton
In Appreciation of*

Julie Holbrooks

Upon Her Retirement On

March 1, 2021

The City of Lincolnton recognizes the employees of the City are its greatest strength, and honors their dedication and contributions to the City and its citizens.

May you be proud of the work you have done, the person you are, and the difference you have made.

13 Years of Service

City Manager

Mayor



MEMO TO: Mayor and City Council Members

FROM: Laura Elam

SUBJECT: Conditional Use Permit Application from Shawna Moore (CUP-1-2021)

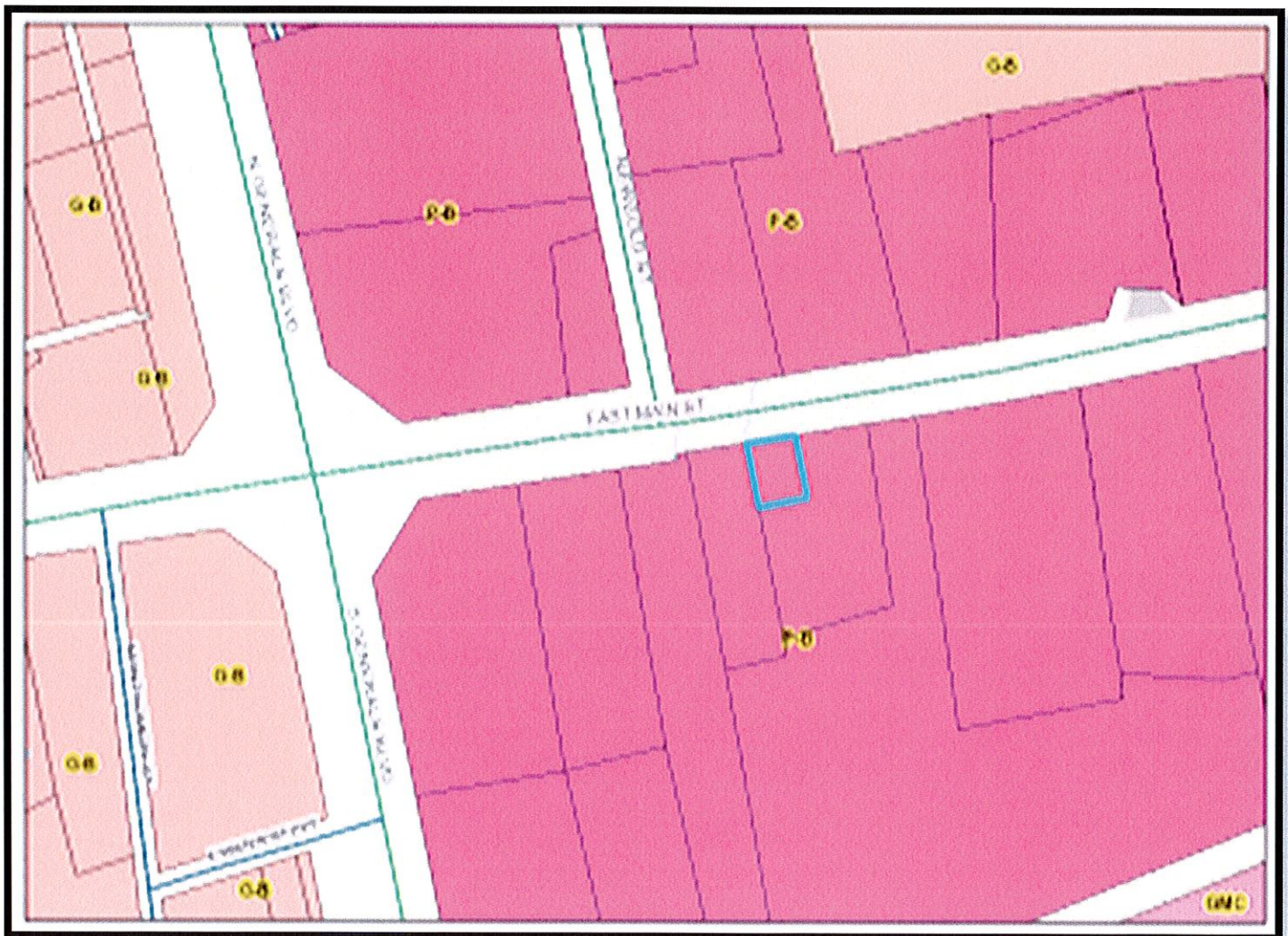
DATE: February 4, 2021

SITE AND AREA DESCRIPTION

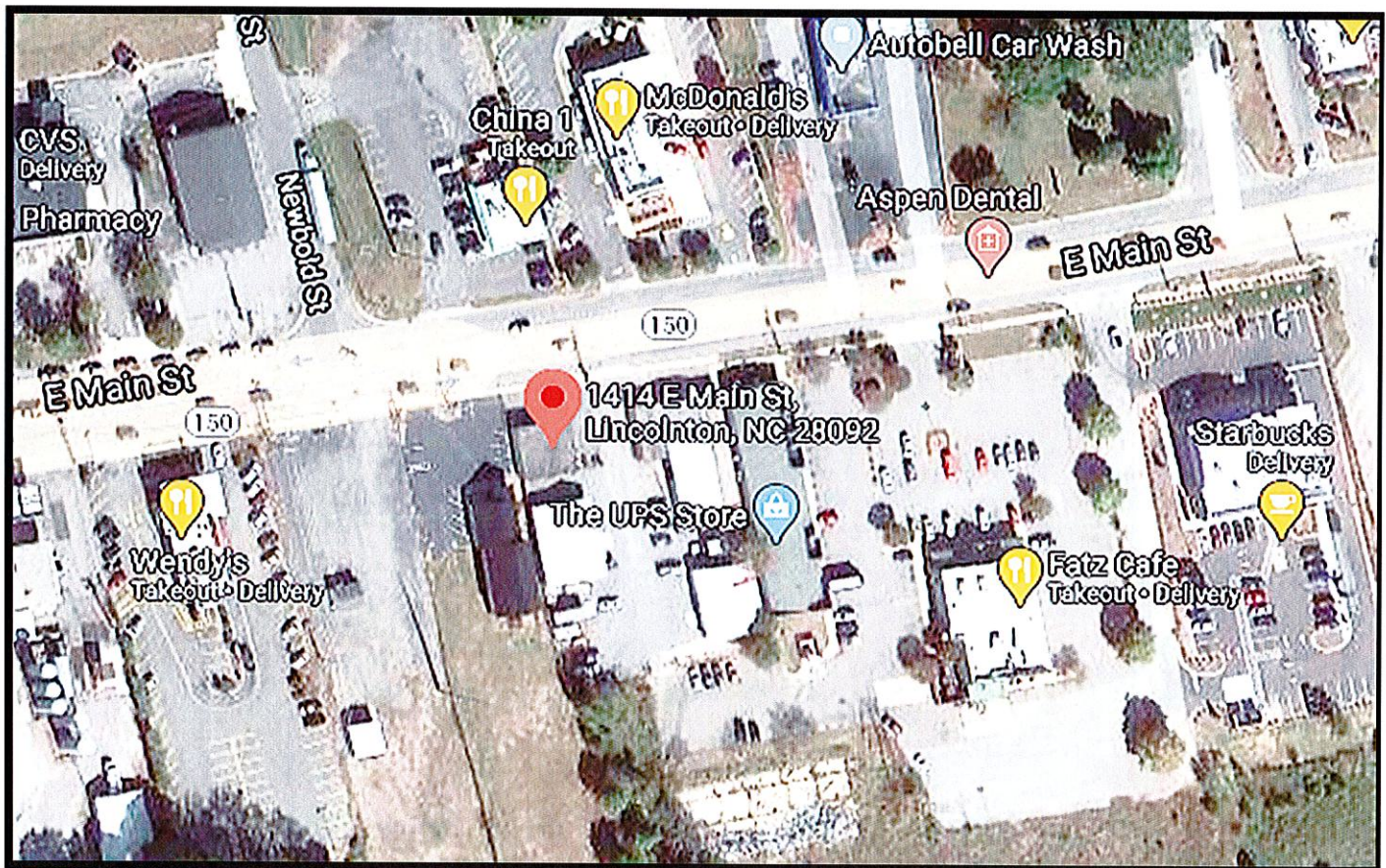
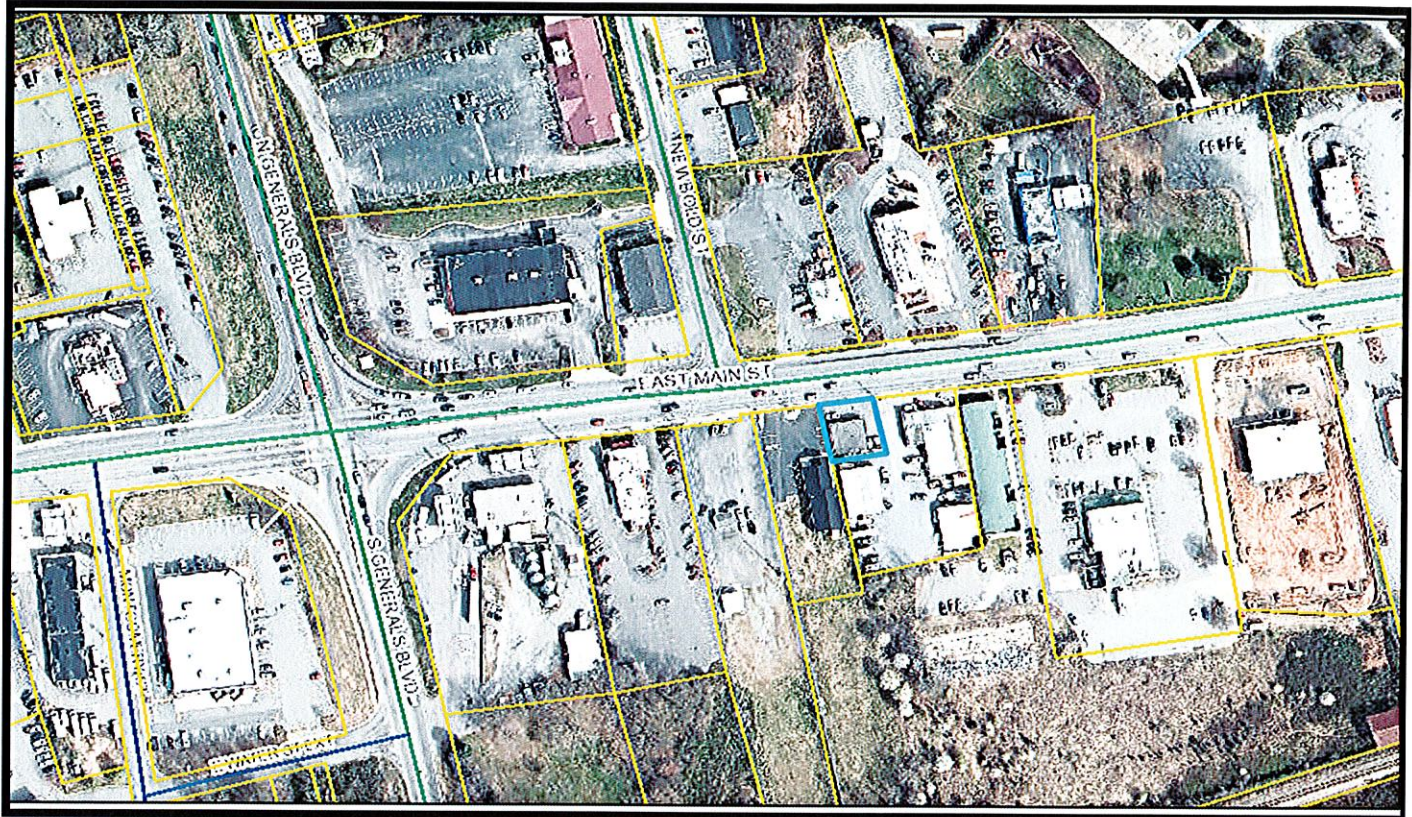
The applicant is requesting a conditional use permit in order to operate a tattoo studio in accordance with the newly established provisions for a tattoo studio in the PB District.

The subject property is located at 1414 East Main Street. The site has an existing 1,600 square foot commercial building which has been used for various retail and service uses over the years. Adjacent land uses are all commercial in nature including Lail Electric, McDonalds, China 1 and vacant commercial space to the west.

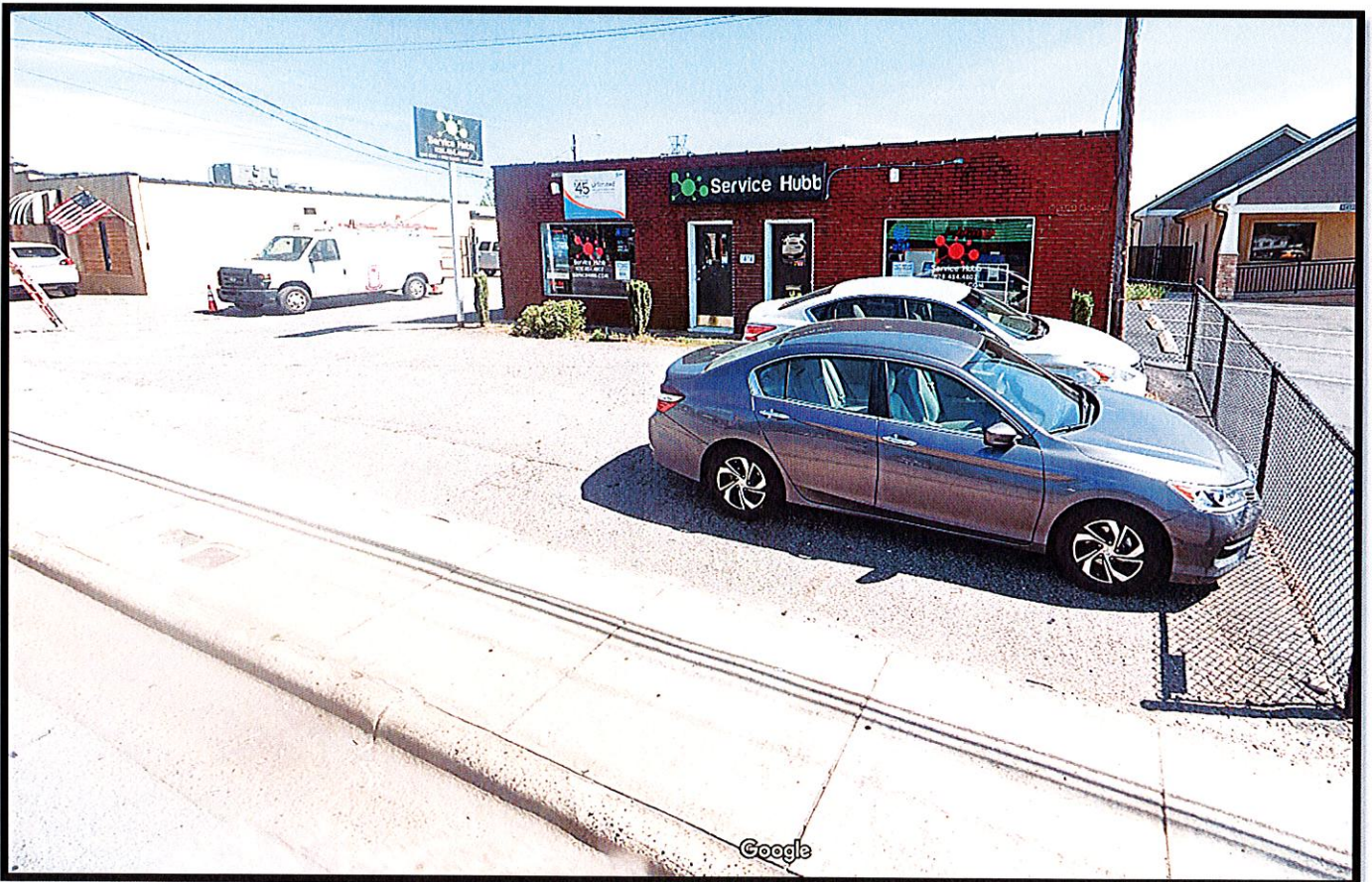
ZONING MAP



AERIAL VIEWS



STREET VIEWS



REQUEST

The applicant is requesting a conditional use permit in order to operate a tattoo studio. No changes will be made to the exterior of the site.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

The UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The application meets these requirements.

OTHER CONDITIONAL USE PERMIT REQUIREMENTS

The UDO requires that four findings be determined by the City Council. They are as follows:

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

COMPLIANCE WITH SECTION 13.4.2

1. The applicant will need to provide evidence that the use will not endanger the public health or safety.
2. The use meets all required conditions and specifications.
3. The applicant will need to provide evidence that the use will not substantially injure the value of adjoining or abutting property.
4. The applicant will need to provide evidence that the use, if approved, will be in harmony with the area.

PLANNING BOARD AND STAFF RECOMMENDATION

If the applicant satisfactorily proves the findings of fact, Planning Board and Staff recommend approval of the Conditional Use Permit.

SUMMARY OF MOTIONS FOR PUBLIC HEARING

1. Motion on Finding 1.

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

2. Motion on Finding 2.

The use meets all required conditions and specifications.

3. Motion on Finding 3.

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

4. Motion on Finding 4.

The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincolnnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

5. Motion to approve the conditional use permit **or** motion to deny the request.

CITY OF LINCOLNTON

Financial Highlights Years Ended June 30, 2020 and 2019

<u>General Fund (Includes Powell Bill Funds)</u>	2020 Summarized Budget	<u>2020</u>	<u>2019</u>
Total assets		\$ 8,054,637	\$ 6,707,017
Fund balance		\$ 6,848,623	\$ 5,200,341
Fund balance - Reserved for Streets - Powell Bill (included in total fund balance)		\$ 369,558	\$ 440,115
Total revenue	\$10,776,404	\$12,109,855	\$11,177,767
Total expenditures	\$12,793,700	\$11,423,000	\$11,174,683
Revenues over (under) expenditures before other financing sources (uses)		\$ 686,855	\$ 3,084
Other income (expense)	\$ 2,017,296	\$ 964,071	\$ 405,071
Increase (decrease) in fund balance		\$ 1,650,926	\$ 408,155
Increase (decrease) in inventory		\$ (2,644)	\$ (3,798)
Ad valorem taxes collected		\$ 5,433,254	\$ 4,879,429
Percent of taxes collected - current year levy		98.38%	98.37%
Investment income		\$ 90,267	\$ 95,717
Fund Balance Available - without Powell Bill			
Available Balance		<u>4,701,541</u>	<u>3,693,082</u>
Expenditures and other financing sources and uses		11,641,394	10,620,531
Available Fund Balance - without Powell Bill		40.39%	34.77%
Fund Balance Available			
Available Balance		<u>5,070,827</u>	<u>4,132,749</u>
Expenditures and other financing sources and uses		11,982,000	11,174,683
Available Fund Balance		42.32%	36.98%
State average for a municipality with an electric system and with a population grouping of 10,000 to 49,999		43.31%	44.34%

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

<u>Water and Sewer Fund</u>	<u>2020</u>	<u>2019</u>
Total assets	\$36,562,317	\$38,577,558
Net position	\$27,689,774	\$27,021,449
Operating revenue	\$ 7,598,164	\$ 7,660,499
Operating expenses	\$ 6,522,861	\$ 5,995,286
Operating income (loss)	\$ 1,075,303	\$ 1,665,213
Nonoperating revenue (expenses)	\$ (27,882)	\$ 31,481
Transfers (to) from	\$ (379,096)	\$ (379,096)
Change in net position	\$ 668,325	\$ 1,317,599
Accounts receivable - customers	\$ 696,240	\$ 736,825
Investment income	\$ 148,028	\$ 176,636
Days sales in accounts receivable	34.35	36.04
Fund Balance Available		
Available Balance	<u>\$ 5,047,224</u>	<u>\$ 7,337,582</u>
Expenditures and other financing sources and uses	5,967,855	5,457,395
Available Fund Balance	84.57%	134.45%

Electric Fund

Total assets	\$ 8,367,832	\$ 7,280,738
Net position	\$ 6,985,300	\$ 5,878,274
Operating revenue	\$ 7,838,694	\$ 8,162,947
Operating expenses	\$ 6,773,377	\$ 7,403,339
Operating income (loss)	\$ 1,065,317	\$ 759,608
Nonoperating revenue	\$ 67,684	\$ 78,981
Transfers (to) from	\$ (25,975)	\$ (25,975)
Change in net position	\$ 1,107,026	\$ 812,615
Accounts receivable - customers	\$ 575,490	\$ 664,046
Investment income	\$ 67,684	\$ 78,981
Days sales in accounts receivable	32.37	34.58
Fund Balance Available		
Available Balance	<u>\$ 2,228,696</u>	<u>\$ 2,725,958</u>
Expenditures and other financing sources and uses	6,799,352	7,429,314
Available Fund Balance	32.78%	36.69%

Component Unit:	<u>2020</u>	<u>2019</u>
Lincolnton Tourism Development Authority		
Fund Balance	\$ 494,746	\$ 440,785
Cash and Investments		
Cash	\$16,564,977	\$18,772,639
Restricted cash	<u>777,703</u>	<u>829,166</u>
Total cash	<u>\$17,342,680</u>	<u>\$19,601,805</u>

LINCOLNTON DOG PARK

Policies & Procedures

Dog Park Hours

Mondays–Saturdays: Dawn–Dusk

Sundays: 12:30P–Dusk

Violating any of these rules will result in the termination of Dog Park privileges.

1. DOGS ONLY! Please do not bring any other type of pets to the Dog Park.
2. ALL dogs entering the Dog Park must be spayed or neutered.
3. Puppies under 5 months old are not permitted.
4. Maximum of 2 dogs per owner at the Dog Park.
5. Maximum amount of dogs allowed per Dog Park area:
 - a. “Small Dog Area”: 20
 - b. “Large Dog Area”: 15
 - c. “Training Area”: 10
6. Dogs must weigh less than 35 lbs to enter the “Small Dog Area”. Dogs must weigh 35 lbs or more to enter the “Large Dog Area”.
7. Dogs entering the Dog Park must be up to date on vaccinations (per NC regulations – including rabies, distemper, and parvovirus), parasite-free, and free of any contagious conditions.
8. All dogs must wear an ID tag (license) and current rabies vaccination tag.
9. Keep dogs leashed when outside of gates. Leashes must be 6’ or less.
10. Leashes are not allowed to be used within the main fenced areas of the “Small Dog Area” or the “Large Dog Area”. Leashes should only be used for training purposes in the “Training Area”.
11. Leash and unleash your dog inside the double-gated holding areas, not inside any main fenced areas.
12. Only one person and their dog(s) are allowed in each holding area at a time.
13. Close ALL holding area gates immediately after opening them.
14. OWNERS MUST IMMEDIATELY CLEAN UP AFTER THEIR DOGS! Waste should be properly disposed of in on-site, designated containers. Any holes or disturbed areas created by a dog must be immediately repaired by the dog’s owner.
15. Aggressive dogs are NOT permitted.
16. Owners must immediately leash and remove dogs from the dog park at the first sign of aggressive behavior or if the dog becomes sick.
17. NO FOOD, TREATS, TOYS, OR GLASS CONTAINERS ALLOWED (for either dog or human consumption/use).
18. Children ages 12 and under are NOT allowed in the Dog Park. Children ages 13 – 17 must be supervised by an adult.
19. Smoking, vaping, alcohol, and tobacco products of any type are not permitted at the Dog Park.
20. Commercial use of the Dog Park (training classes, solicitations and/or advertisements) must receive prior approval by the City of Lincolnton Parks and Recreation Department.
21. Owners must directly supervise their dogs at ALL TIMES and must remain inside of the fenced areas with their dog(s) while they are using the Dog Park. Owners must be in view of, and have voice control over, their dog(s) at ALL times.
22. Spectators should remain outside of the fenced areas.
23. All City of Lincolnton, Lincoln County, and State of North Carolina animal ordinances and laws shall apply within the Dog Park.

24. North Carolina State Law requires all dog bites to be immediately reported to the Lincoln County Animal Control Department (704-736-4125). Additionally, owners are required to assist in the investigation of incidents of aggression or biting by providing appropriate identification and information to the Lincolnton Police Department (704-736-8900), Lincolnton Parks and Recreation Department (704-735-2671), AND to other dog owners who are involved with the incident under investigation. IN THE EVENT OF AN EMERGENCY, CALL 911.
25. Dog park users must immediately leave the Dog Park, or specified Dog Park area(s), when requested to do so by Parks and Recreation or City/County enforcement personnel.
26. General park rules:
 - a. No trespassing after hours per Section 96.01 of the City of Lincolnton Code of Ordinances.
 - b. No weapons or drugs allowed on park premises.
 - c. No fireworks, camping, or open burning allowed on park premises unless written permission is granted by the Parks & Recreation Director or designee.
 - d. The possession or use of alcohol is prohibited unless permitted through the City of Lincolnton's special events permitting process.
 - e. No solicitation allowed.
 - f. It is a criminal violation of the City of Lincolnton Code of Ordinances, section 96.02, for any Registered Sex Offender to be on or about this recreation facility. Violators are subject to immediate arrest and punishable by fines and/or incarceration.
 - g. Poisonous snakes, insects, and plants are all parts of the natural environment. Please be aware of your surroundings.
 - h. Littering is prohibited. To help maintain a clean and safe environment for park visitors, put trash in designated receptacles.

All rule violations should be immediately reported to Lincolnton Parks and Recreation at (704) 735-2671.

Owners are liable for any injury or damage caused by their dog at the Dog Park and are fully responsible for their dog's actions. Any dog found to have bitten another dog/person will permanently lose all Dog Park privileges.

For safety purposes, the City of Lincolnton Parks and Recreation Department reserves the right to prohibit any dog from entering the Dog Park at any time. Additionally, the City of Lincolnton Parks and Recreation Department reserves the right to refuse admission and/or suspend users from the Dog Park.

The City of Lincolnton and the City of Lincolnton Parks and Recreation Department assumes no liability for any accidents, injuries, or illnesses sustained on the grounds of the Dog Park.

The City of Lincolnton Police Department and City of Lincolnton Parks and Recreation Department staff have full authority to enforce all rules and regulations pertaining to the use of the Dog Park.

Holding Area Instructions

(signage to enter)

ONLY 1 PERSON AND THEIR DOG(S) ALLOWED IN THE HOLDING AREA AT A TIME.

1. Open 1st holding area gate and enter with leashed dog(s).
2. Close 1st holding area gate.
3. Unleash dog(s).
4. Open 2nd holding area gate and let dog(s) inside play area.
5. Close 2nd holding area gate.

Holding Area Instructions

(signage to exit)

ONLY 1 PERSON AND THEIR DOG(S) ALLOWED IN THE HOLDING AREA AT A TIME.

1. Open 2nd holding area gate and enter with unleashed dog(s).
2. Close 2nd holding area gate.
3. Put leash(es) on dog(s).
4. Open 1st holding area gate and exit holding area with your leashed dog(s).
5. Close 1st holding area gate.