

A G E N D A

LINCOLNTON CITY COUNCIL



January 6, 2022

7:00 p.m.

Council Chambers

City hall



**LINCOLNTON CITY COUNCIL
AGENDA
January 6, 2022
7:00 p.m.**

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

1. AGENDA APPROVALS

1a. Approval of REGULAR AGENDA

1b. 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.

- Approval of Minutes from the December 2nd Regular Meeting
- Recognition of Upcoming Retirements as Follows:

David W. Mocanu – Police Department – 15 Years of Service

2. SPECIAL RECOGNITION

2a. Special Recognition of City and County Employees – Fran Ave. Incident

Ryan Heavner, Fire Chief

3. PUBLIC HEARINGS

3a. CZ-12-2021- Application from Dynamo Holdings, LLC requesting the rezoning of 0.638 acres of land from Residential-10 (R-10) district to Residential Multi-Family Conditional district (RMF-CD) for the purpose of constructing two duplex units. The subject property is located on the west side of North Flint Street approximately 200 feet north of the intersection of North Flint Street and East McBee Street (Parcel ID 83747).

Laura Elam, Planning Director

4. REGULAR AGENDA

BA-01-22
Budget Amendment

4a. Amendment to the Annual Budget Ordinance for fiscal year ending June 30, 2022, General Fund and Powell Bill Fund.

Pamela McBryde, Finance Director

4b. Presentation of Certificate and lapel pin to Daphne Ingram, City Clerk, in recognition of earning the International Institute of Municipal Clerks' designation of Certified Municipal Clerk

Ed Hatley, Mayor

5. OTHER BUSINESS

5a. Manager's Report/Activity Update

Ritchie Haynes, City Manger

PUBLIC COMMENT

Speakers will be limited to three (3) minutes to address Mayor and City Council concerning non-agenda items. You must sign in with the City Clerk to be eligible to speak

CLOSED SESSION
To discuss Personnel in accordance with
NCGS 143-318.11(a)(6)

NEWS MEDIA

ADJOURNMENT

ITEM #

1

AGENDA

APPROVALS

ITEM #

1a

APPROVAL

OF

REGULAR AGENDA

ITEM #

1b

APPROVAL

OF

CONSENT AGENDA

Approval of Minutes for the Dec
ember 2, 2021
Regular Meeting

The Mayor and City Council met in regular session on Thursday, December 2, 2021 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 with a moment of silence and led the Pledge of Allegiance. The following members were in attendance:

WHITE POINSETTE EADDY JETTON

Councilwoman Poinsette made a motion to approve the *REGULAR AGENDA* as amended, requesting that item 3a be addressed after approval of the consent agenda and that item 2c be the first public hearing. Members voted 4-0 in favor of the motion.

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

- **Minutes for the November 4, 2021 council meeting**
- **R-16-21 - Resolution Adopting 2022 Calendar of Meeting Dates and Times**
- **R-17-21 - Surplus handgun and badge for David**
- **Retirement Recognitions - James P. Sparks, Mary Huffman, Ronald Specht**
- **R-18-21 - Adoption of Records Retention and disposition Schedules**
- **Certificate of Achievement for Excellence in Financial Reporting Recognition**

Members voted 4-0 in favor or the motion.

Presentation of Proclamation

Per the amended agenda, Mayor Ed Hatley recognized Mr. Dale Punch, presenting him with a proclamation from Council thanking him of his hard work on the recently implemented Hometown Hero's Banner program. Mr. Punch accepted the proclamation, thanking Council for allowing him the opportunity to bring such a well received program to the downtown area. He also took the time to thank all of those involved that assisted with making this community wide project such a success.

PUBLIC HEARINGS

(R-19-21)(C-12-21)

**Proposed Industrial Incentive Grant agreement for a new industry
between the City of Lincolnton and Hodges International/H2 Home
Collection**

Mayor Ed Hatley opened the public hearing and recognized Mrs. Kara Brown, Business Development Manager with Lincoln Economic Development, to review the request. Mrs. Brown, addressed Council on behalf of Hodges International/H2 Homes Collections, which is a newly recruited manufacturing project to the City of Lincolnton. Along with giving some background information, Mrs. Brown explained what she was requesting and the reason for the incentive grant request. The resolution, as well as the contract reads as follows:

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH HODGES INTERNATIONAL**

WHEREAS, the Lincolnton City Council verily believes that it is in the best interests of the citizens of the City of Lincolnton to encourage and support economic development within the City of Lincolnton through the recruitment of new industries to the City and the expansion of existing industries in the City; and

WHEREAS, Hodges International, have developed plans to invest in a manufacturing facility in the City of Lincolnton; and

WHEREAS, the City Council wishes to encourage such development by means of offering incentives to aid in such efforts;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Lincolnton City Council hereby approves the City of Lincolnton Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among the City of Lincolnton, Hodges International.

2. The Mayor of the City of Lincolnton and the Clerk to the Council are hereby authorized to sign all necessary documents on behalf of the City of Lincolnton in order to effectuate this transaction.

3. This resolution shall become effective upon adoption.

This 2nd day of December, 2021.

CITY OF LINCOLNTON INCENTIVE GRANT AGREEMENT

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 2nd day of December 2021, by and between THE CITY OF LINCOLNTON , a body corporate and politic (hereinafter referred to as “the CITY”), and Hodges International/H2 Home Collection, a North Carolina corporation (hereinafter referred to as “Hodges International”).

WITNESSETH:

WHEREAS, Hodges International has developed plans for the construction renovations and up-grades of an existing facility and installation of manufacturing machinery and equipment in the City of Lincolnton, North Carolina; and

WHEREAS, the City Council of the City of Lincolnton verily believes that the location of new industries and the expansion of existing industries is vital to the economic health of The City of Lincolnton and to the welfare of its citizens; and

WHEREAS, the City Council wishes to encourage such development by means of offering incentives to recruit new industries and to aid in expansion of existing industries; and

WHEREAS, such incentives are predicated on the notion of expanding the City of Lincolnton’s tax base and providing additional jobs for City of Lincolnton’s citizens that pay wages higher than the current prevailing average hourly wage in the particular industry; and

WHEREAS, the City Council has determined that it is appropriate and in the best interests of The City of Lincolnton and its citizens to offer incentives in the form of both cash grants and assistance with making public services available; and

WHEREAS, the City Council believes that it is appropriate and reasonable to expect Hodges International to bind itself to the City to produce certain results in conjunction with the project described herein as conditions of the incentives being offered by the City;

NOW, THEREFORE, and in consideration of the mutual promises and covenants herein set forth, the parties hereby agree as follows:

1. On or before December 15, 2021 (actual effective date will be the start of the project) Hodges International shall begin construction/up-grades of an existing manufacturing facility and installation of equipment and machinery in the City of Lincolnton, North Carolina.
2. Within two years of the effective date of this agreement (said effective date being referred in item 1.), Hodges International shall make an investment upon such site in (building/land and/or machinery and equipment of \$7,045,000, (the expected capital investment) of which \$5,911,500 will qualify for incentives under the City of Lincolnton Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, Hodges International shall provide at

such site at least 75 new jobs paying average yearly wages of \$41,059 plus full benefits.

4. In consideration of the performance of the aforesaid obligations by Hodges International, the City will provide cash grants to Hodges International of \$24,828.30 per year for a seven-year period. The City of Lincoln will pay such grants beginning in the tax year after the project's completion. Grants will be paid to Hodges International within 30 days after Hodges International has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level two grant under the City of Lincoln Industrial Development Incentive Grant Policy for New and Existing Industries.

5. Hodges International shall on a no less than annual basis provide evidence satisfactory to the City of Lincoln how many jobs (as provided in Paragraph 3 herein) it has maintained.

6. a. In the event that the value of the investment actually made by Hodges International pursuant to this agreement is greater or less than the Expected Capital Investment then the grant will be equitably adjusted upward or downward on a pro-rata basis.

b. In the event that the number of people in qualifying jobs actually employed by Hodges International pursuant to this Agreement in any year during the term of the Agreement is fewer than the Expected Number of Jobs, then the City may, in its discretion, reduce the amount of the Grant to be paid for the year (or seek reimbursement for the Grant already paid for said year) in the amount of \$1,000.00 per job shortfall.

7. Hodges International specifically agrees that in the event that all or any portion of this agreement or any incentive grant or payment to be made hereunder is declared to be unconstitutional, illegal, or otherwise enjoined by a court of competent jurisdiction, Hodges International shall indemnify and hold harmless the City of Lincoln and the members of the City Council, individually and collectively, from any loss or liability and shall reimburse the City of Lincoln by the amount of any such grant or payment.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

Councilman Jetton made a motion to close the public hearing. Members voted 4-0 in favor of the motion.

Councilman Eaddy made a motion to approve the Industrial Incentive Grant as outlined. Members voted 4-0 in favor of the motion

CZ-10-21

Application from Prestige Acquisitions, LLC requesting the rezoning of approximately 24 acres of land from Residential-25 (R-25) and Residential—Office (R-O) to Planned Residential District PRD

Mayor Ed Hatley opened the public hearing recognizing Mrs. Laura Elam to speak to the request. Mrs. Elam presented the applicants request to rezone from R-25 to Planned Residential District in order to develop a community of 51 single family detached houses and 49 attached townhome units. She

noted that the property is currently vacant and is located outside of the city limits but within the ETJ. Mrs. Elam reminded Council that Phase 1 of this project was recently approved, which combined, would allow 365 units total. Access to the site, as well as DOT turn lane requirements and proposed lot sizes were included in the presentation. Community features, street cross section and building elevations were shown. Mrs. Elam informed council of Planning Boards recommendation to approve subject to staff review committee comments being conditions of approval, approval of the statement of consistency and amendment to the Land Use Plan. Offering to answer any questions from council, Mrs. Elam addressed the question from Councilman Eaddy regarding the setbacks the applicant is proposing.

Mr. Rob Brown, an attorney with Jonas Law, addressed council on behalf of the applicant. Mr. Brown reiterated the request being a continuation of the previously approved Phase I project. He briefly gave some history of Prestige Acquisitions, the applicant, spoke to the quality of their work and explained how and why the Phase II project began. He also addressed some of the concerns that have been voiced by the surrounding neighbors.

Councilman Eaddy voiced the concerns expressed to him in regards to increased traffic volume and congestion in the area. Mr. Brown confirmed that NCDOT is aware of the proposed project and will be requiring that turn lanes be installed.

Mayor Ed Hatley allowed those individuals desiring to speak for or against the request to rezone to speak. Each person wishing to speak were given three (3) minutes each. Seventeen members of the public signed up to expressed their views on the subject. Those who signed were as follows:

Pastor Scott Mann - In favor

Michael Isaacs - Against

Don Edwards - Against (Signed but did not wish to speak)

Tommy Huskey - In favor

Rebekah Johnson - Against

Justin Whitner - Against

Stephen Gibbons - Against

Brian Kenyon - In favor

Leah Gibbons - Against

Levi Stroud - Against

Carolyn Hames - Against

Kari Heavner - Against

Tracy Laney - Against

Ray Williams - Against

Ken Tucker - Against

Ed Brunel - unspecified

Brian Berg - unspecified

Prior to making the motion to close the public hearing, Councilman Eaddy addressed the audience regarding the request, stressing that his role as a city council member is to do what is best for the City of Lincoln.

Councilman Eaddy made a motion to close the public hearing. Members voted 4-0 in favor of the motion.

Councilman Jetton made a motion to deny the request. Councilwoman Poinsette seconded the motion.

At this point, Mayor Ed Hatley suggested that the request be tabled to allow more discussions and planning related to the project, putting the decision off to a future date.

Councilman Jetton withdrew the motion to deny the request. Member voted 4-0 in favor of the motion.

Councilwoman Poinsette made a motion to table the request until a future date. Councilwoman White seconded the motion. Members voted 4-0 in favor of the motion.

CZ-11-2021

Application from Century Communities Southeast, LLC requesting the rezoning of approximately 97.16 acres from Residential-25 (R-25) District to Planned Residential District (PRD) for the purpose of developing a community of 261 Single Family Detached housing units

Mayor Ed Hatley continued with the second public hearing, recognizing Mrs. Laura Elam to speak to the request. Mrs. Elam gave Council a brief summary of the request from Century Communities Southeast, LLC to rezone 97.16 acres from Residential-25 to Planned Residential District, explaining that the

applicant plans to develop a community of 261 single family detached housing units.

Mr. Drew Rouzer, Vice-President of land acquisitions for Century Communities Southeast, LLC, spoke on behalf of the applicant. Mr. Rouzer gave a detailed slide show explaining the proposed request identified as Carpenter Farms. He provided some background of the company and what they have to offer. He spoke to the site plan, the various proposed lot sizes, as well as to some of the other concerns voiced by neighbors in the area. Mr. Rouzer also named a number of the requirements and amenities that will be a part of this project and the due diligence they have done.

Ms. Carrie Carpenter, representing the Carpenter and Turbyfill Family, addressed Council in favor of request approval. She stated that the land, as in years past, is continuing to be a resource, just in a different way. She noted that the property has been for sale for a number of years, with the only serious offers coming for developers. Mrs. Carpenter concluded stressing the Carpenters being in favor of the request.

Mayor Hatley allowed all those wishing to speak for or against the request to make comments. The following individuals spoke during this public hearing:

Brian Kenyon - In favor

Justin Whitner - Against

Stephen Gibbons - Against

Leah Gibbons - Against

Carolyn Hames - Against

Kari Heavner - Against

Tracy Laney - Against

Ken Tucker - Against

Michael Isaacs - Against

Tommy Huskey - In favor

Councilwoman Poinsette made a motion to close the public hearing. Members voted 4-0 in favor of the motion.

Councilwoman Poinsette made a motion to deny the request. Members voted 4-0 in favor of the motion.

Mayor Ed Hatley announced a ten minute recess at 9:23 p.m.
Mayor Ed Hatley reconvened the meeting at 9:30 p.m.

R-20-21

**Resolution Authorizing and Directing the City Attorney to Petition
Superior Court for an Order Requiring the owner of certain property
located at 714 Lithia Inn Road to comply with Order of the Code
Enforcement Office**

Mrs. Laura Elam, Planning Director, addressed Council requesting authorization for the city attorney to pursue a court order for compliance. Resolution is as follows:

**RESOLUTION AUTHORIZING AND DIRECTING CITY ATTORNEY
TO PETITION SUPERIOR COURT FOR AN ORDER
REQUIRING THE OWNER OF CERTAIN PROPERTY LOCATED AT
714 LITHIA INN ROAD IN THE CITY OF LINCOLNTON
TO COMPLY WITH ORDER
OF THE CODE ENFORCEMENT OFFICER**

WHEREAS, the City Council of the City of Lincolnton finds that the situation herein described is an accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, snakes or vermin of any kind which are dangerous or prejudicial to the public health in violation of the Section 93.047 of the City Code, Declaration of Nuisance, and thereby constitutes a safety hazard and is dangerous to life, health and other property and that all of the procedures of the Code of the City of Lincolnton, North Carolina, have been complied with; and

WHEREAS, the owner of this property has failed to comply with a lawful Order of the Code Enforcement Official to remedy the same within the time therein prescribed; and

WHEREAS, G. S. 160A-175 and Sections 93.065 through 93.999 of the Code of the City of Lincolnton, North Carolina, empowers the City of Lincolnton to seek enforcement when an Order of the Code Enforcement Official is not complied with; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lincolnton that the City Attorney is hereby authorized and directed to proceed, as authorized by G. S. 160A-175 to petition the Superior Court of Lincoln County for an order requiring the owner, Peggy Kistler Warren, of the property located at 714 Lithia Inn Road in the City of Lincolnton, North Carolina, to take such steps as may be necessary to comply fully with the

Order of the Code Enforcement Official issued pursuant to the Nuisance Ordinance contained in Chapter 93 of the Code of the City of Lincolnton, North Carolina.

This Resolution shall become effective upon adoption.

Councilwoman Poinsette made a motion to authorize the City Attorney to pursue. Members voted 4-0 in favor of the motion.

R-21-21
Consideration of Resolution of Intent to Annex Property
410 McAlister Road, Lincolnton, NC

Laura Elam, Planning Director, spoke to the item, requesting that a resolution to adopted stating councils intent to annex the property located at 410 McAlister Road. A date for a public hearing will be set upon the adoption of the following resolution:

**RESOLUTION STATING THE INTENT OF THE CITY OF LINCOLNTON TO ANNEX
PROPERTY OWNED BY THE CITY WHICH IS NOT CONTIGUOUS TO
THE EXISTING MUNICIPAL BOUNDARIES**

BE IT RESOLVED by the City Council of the City of Lincolnton that:

Section 1. It is the intent of the City Council, pursuant to G.S. 160A-58.7, to annex the property described in Section 2, which is owned by the City of Lincolnton,

Section 2. The legal description of the property is as follows:

Beginning at a point in the center of State Road No. 1334, northwest corner of property of W. A. Abernethy, Jr., and runs thence with his line, South 40 deg. 30 min. 00 sec. East (crossing an old iron stake at 15.79 feet) 362.44 feet to an old iron stake; thence with Walker, South 28 deg. 15 min. 00 sec. West 100.00 feet to a stake; thence with Allen Goodson, South 30 deg. 20 min. 00 sec. West 27.00 feet to a stake and South 36 deg. 49 min. 30 sec. West 169.36 feet to a stake; thence with McKinney, South 44 deg. 55 min. 57 sec. West 141.64 feet to an old iron stake (which is located North 29 deg. 53 min. 11 sec. East 12.85 feet from an old iron stake control corner); thence with Sigmon, Hoover, Jarrett and Allen, North 42 deg. 28 min. 29 sec. West 458.36 feet to a point in the center of State Road No. 1334; thence with the center of said road, North 49 deg. 46 min. 23 sec. East 440.94 feet to the BEGINNING, containing 4.22 acres, more or less, and being the northwest

REGULAR MEETING - December 2, 2021

portion of property described in Deed Book 535 at Page 288, as surveyed and platted by Ronnie Dedmon, Registered Surveyor, dated March 13, 1986.

Section 3. The property described in Section 2 is not contiguous to the current municipal boundaries but will meet the requirements of G.S. 160A-58.1(b).

Section 4. A public hearing on the question of annexation will be held on Thursday, January 6, 2022 at 7:00 p.m. in the Council Chambers of Lincolnton City Hall located at 114 West Sycamore Street Lincolnton, NC.

Section 5. Notice of the public hearing shall be published once in the Lincoln Times News , a newspaper having general circulation in the City of Lincolnton, at least ten (10) days prior to the date of the public hearing.

Adopted this second day of December, 2021.

Councilman Eaddy made a motion to approve the Resolution and set a date convenient to staff for a public hearing. Members voted 4-0 in favor of the motion.

**BA-07-21
Budget Amendment**

Pam McBryde, Finance Director presented a budget amendment for council's approval. Mrs. McBryde spoke to the funds received and the sources of the funds. Amendment was presented as follows:

BE IT ORDAINED by the Governing Board of the City of Lincolnton, North Carolina, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2022.

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

Police	\$ 23,266
Planning/Zoning	20,039
Recreation	50,000
	\$ 93,305

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

Federal Grants-Brownfield	\$ 20,039
Grants - Other	50,000

REGULAR MEETING - December 2, 2021

SRO	
Reimbursement	22,257
Police Dept-Misc. Revenue	1,009
	<u>\$ 93,305</u>

General Fund: Additional federal payments received for the Brownfield Grant. Grant ended October 2021. Timken Foundation Grant for the Rail Trail Patio Project. Miscellaneous revenue and reimbursements for Police related expenditures.

Section 16: Appropriations are authorized by fund totals. The City Manager is authorized to reallocate fund appropriations among line item objects of expenditures and revenues as necessary during the budget year.

Section 17: Copies of this Budget Ordinance shall be furnished to the Clerk to the Governing Board and to the Budget Officer and Finance Director to be kept on file by them for their direction in the disbursement of funds.

TOTAL AMENDMENT \$ 93,305

Adopted this 2nd day of December, 2021

Councilwoman White made a motion to approve the budget amendment as presented. Members voted 4-0 in favor of the motion.

Request to Approve the 2021/2022 Salary Schedule / Position Classification and Schedule of Budgeted Positions

Tanya Osborne, Human Resources Director, addressed council to request approval of proposed changes to the salary schedule/position classification and schedule of budgeted positions. Mrs. Osborne informed council of recent discussions between the City Manager and department heads regarding changes needed due to several upcoming retirements and concerns identified in reference to certain position. The Finance Department has a staff member retiring January 1, 2022. The Finance Director, Pam McBryde, would like to eliminate the Accounting Services Manager G.21 and Accountant G.17 positions and add a new position classification of Assistant Finance Director G.21. The Police Department has a staff member retiring February 1, 2022. In preparation for the upcoming retirement, Chief Jordan would like to eliminate a Captain G.22 and a Police Officer G.17 position and add two Sergeant G.20 positions.

Mrs. Osborne continued, pointing out the City's need for more IT support, stating that the City's technology needs can no longer be supported

adequately with the current arrangements. The recommendation is to reclassify the part time Information Technology Manager G.24 to a full time position of IT-Technology & Innovation Manager G.27.

Lastly, she pointed out that Chief Heavner has indicated the difficulty of responding to the requests for services in a timely manner with part time staff, therefore Chief Heavner has requested a full time position classification of Fire Marshal G.22. Mrs. Osborne also let council know that in preparation for the potential implementation of this position, the job specifications have been developed and that identification of funding for the position is under review by the Fire Chief and Finance Director.

With no question from Council, **Councilwoman Poinsette made a motion to approve proposed changes to the 2021/2022 Salary Schedule/Position classification listing and changes to the 2021/2022 Schedule of Budgeted Position listing. Members voted 4-0 in favor of the motion.**

Boards and Commissions
Re-Appointments

Councilwoman White made a motion to approve the following individuals for re-appointment to a second, three year term:

ABC Board	Tommy Huskey
Recreation	Will Kiser
Airport Authority	Tim Smith
Planning Board	Greg McBryde

Members voted 4-0 in favor of the motion.

Boards and Commission
New Appointments

New appointments were made to the various boards and commissions as follows:

Councilman Eaddy nominated Jamel Farley for the Lincolnnton Tourism Development Authority. Councilwoman made a motion to close the nominations. Members voted 4-0 in favor of the motion. Members voted 4-0 to appoint Jamel Farley to the Lincolnnton Tourism Development Authority

Councilman Eaddy nominated Monte Tyson for the Planning Board. Councilwoman White made a motion to close the nominations. Members voted 4-0 in favor of the motion. Councilwoman Poinsette made a motion to appoint Monte Tyson to the Planning Board. Members voted 4-0 in favor of the motion.

Councilman Eaddy made a motion to appoint John Gregory and Candice Fleming to the Recreation Advisory Committee. Members voted 4-0 in favor of the motion.

Request from Local Roots and Provision Owners to install a new TPO membrane roof with ISO to address current water leaks during heavy rain events

In light of an email received from Mr. Ethan Herman, Co-Owner of Local Roots and Provisions, City Manager Ritchie Haynes presented a request for roof repairs to the city owned property located at 110 E. Water Street. Some discussion was generated among council regarding this request and the details of the current agreement regarding this issue, with all agreeing that it is the City's responsibility to make the repairs.

Councilman Jetton made a motion to approve the roof repair. Councilwoman Poinsette made a motion to approve request up to \$50,000.00. Members voted 4-0 in favor of the motion

Mayor's Appointments

In light of starting a new year, Mayor Ed Hatley gave council members an opportunity to request changes to appointments previously made at the December 2020 Organizational Meeting. No changes were requested or made.

Manager's Report/Action Update

Ritchie Haynes, City Manager, took this time to recognize several employees for different achievements, starting with the GFOA award which the Finance Department has received for 30 years. He also recognized J.P Sparks on his recent retirement, as well as Mary Huffman and Ron Spect on their

upcoming retirements effective January 1st. He mentioned the Distribution and Collections department, who had four individuals that passed their water certification classes (Colton Gant, Matt Muse, Kobe Ayers and Jamie Shoal). Mr. Haynes also recognized Daphne Ingram for earning the designation of Certified Municipal Clerk awarded by the International Institute of Municipal Clerks and again recognized the Distribution and Collections employees for receiving the Sharps Safety Award.

Mr. Haynes confirmed March 18th, 2022 as the date for the City's annual budget retreat. He updated council on the status of the Water Street project, announced several dates for upcoming events and concluded by thanking the Electric department for the downtown decorations, Laura Morris and her volunteers, the Public Works department, Police and Fire departments for their hard work and the success of the Christmas Parade. Not to mention the parade entries and spectators.

Both Councilwoman White and Councilman Jetton expressed their thanks and appreciation for the support they received from the City as they experienced the loss of their respective loved ones.

PUBLIC COMMENT:

No public comment

NEWS MEDIA:

No news media present

ADJOURNMENT:

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

DAPHNE INGRAM
CITY CLERK

ED HATLEY
MAYOR

Recognition of upcoming Retirement

*City of Lincolnton
In Appreciation of*

David W. Mocanu

*Upon His Retirement On
February 1, 2022*

*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.*

15 Years of Service



Lincolnton NC
Near the City. Near the Mountains. Near Perfect.

City Manager

Mayor

ITEM

2

SPECIAL
RECOGNITION

ITEM #

2a

Fran Ave.

Incident

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



CITY MANAGER
Ritchie Haynes
rhaynes@lincolntonnc.org
CITY CLERK
Daphne Ingram
[dingram@lincolntonnc.org](mailto:d Ingram@lincolntonnc.org)
CITY ATTORNEY
Thomas J. Wilson, Jr.

To: Mayor and Council
From: Ritchie Haynes, City Manager
Subject: Agenda Item
Date: 12/30/2021

I would like to add Chief Heavner to the City Council's January 2022 agenda. Chief Heavner has asked for the opportunity to provide information regarding the October 14, 2021 incident that involved several city and county departments responding to an active shooter at a routine fire call on Fran Avenue. Also, he would like to recognize the numerous men and women that so bravely put themselves in harm's way to assist us in our time of need.

Thank you for your consideration of this agenda item.

Fran Ave.

City Officers-

Dylan Wolfe #19
Daniel Lafone #11

County Employees-

Ron Rombs, Emergency Services Director
Rodney Emmett, Lincoln County Fire Marshal
Mark Howell, Emergency Management Coordinator
Michelle Pagett, EMS Shift Supervisor
Carol Mecimore, EMS Shift Supervisor
Ashley Jeune, Paramedic Medic 1
Cassidy Lovingood, Paramedic Medic 1
Deborah Lee, Paramedic Medic 2
Ethan Bivens, EMT Medic 2
Deputy Morgan Ginther
Deputy Orie Stoller
Deputy Michael Borich
First Sergeant Ashley Helms
Lieutenant Jordan Cody
FTO Chad Long
Deputy Nick Marlow
Sergeant Dan Renn
Detective Mike Lookadoo
Detective Justin Link
Detective David Hendrix
Detective Dan Snellings
Detective Mark Stamey
Lieutenant Jon Brown
Sergeant James Allen
Deputy Codey Medina
First Sergeant Steve Grinnell
Detective Dylan Houser

City Fire-

Hayden Andrews
Shane Bowman
Joe Burch
Hunter Carpenter
Eric Carroll
Matt DeLoach
Peyton Dexter

Joe Fletcher
Glen Floyd
Scott Furr
Lee Hansen
Micah Hawn
Joseph Henderson
Isaiah Herndon
Brady Hickman
Mitchell Higdon
Jerry Hoffman “YT”
Jim Jenkins
Tony Jenkins
Jason Leonard
Brent McConnell
Ethan Milwood
Derek Parks
Rusty Reynolds
Dylan Rikard
Tyler Russ
Marcus Shoemaker
Mike Shrum
Brent Smith
Dereck Stephens
Gary Stevenson
Kelly Yount
David Zemore
Brent Turner

*Numerous members of N321 Volunteer Fire Department, Pumpkin Center Volunteer Fire Department and Howard’s Creek Volunteer Fire Department.

** North Carolina Highway Patrol

ITEM #

3

PUBLIC HEARINGS

ITEM #

3a

CZ-12-2021

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

SUBJECT: CZ-12-2021-Request from Dynamo Holdings, LLC for conditional rezoning of approximately 0.63 acres from R-10 to RMF-CD

DATE: January 6, 2022

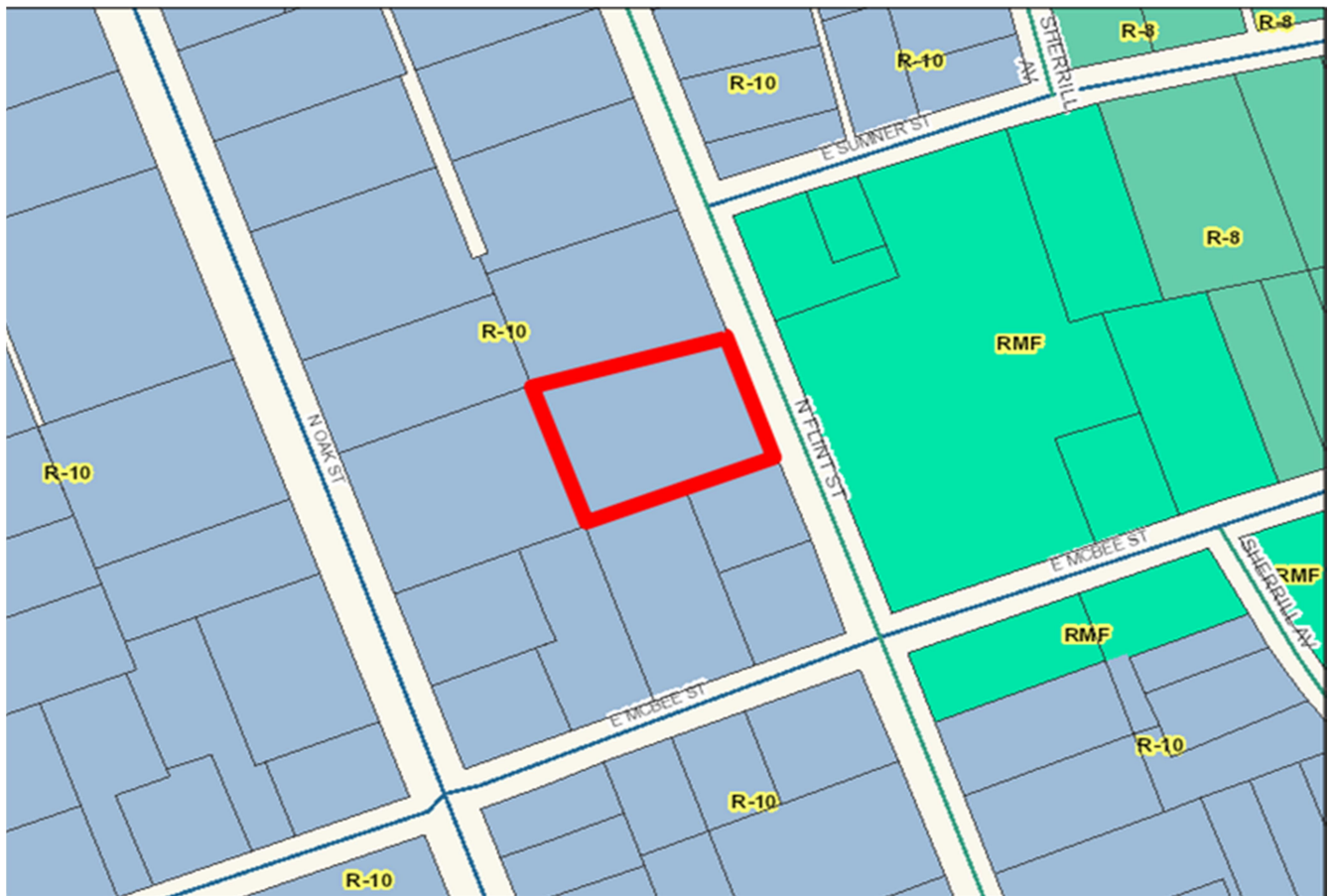
SITE AND AREA DESCRIPTION

The applicant is requesting a conditional rezoning from Residential-10 (R-10) to the Residential Multi Family Conditional District (RMF-CD) for the purpose of constructing two duplex structures.

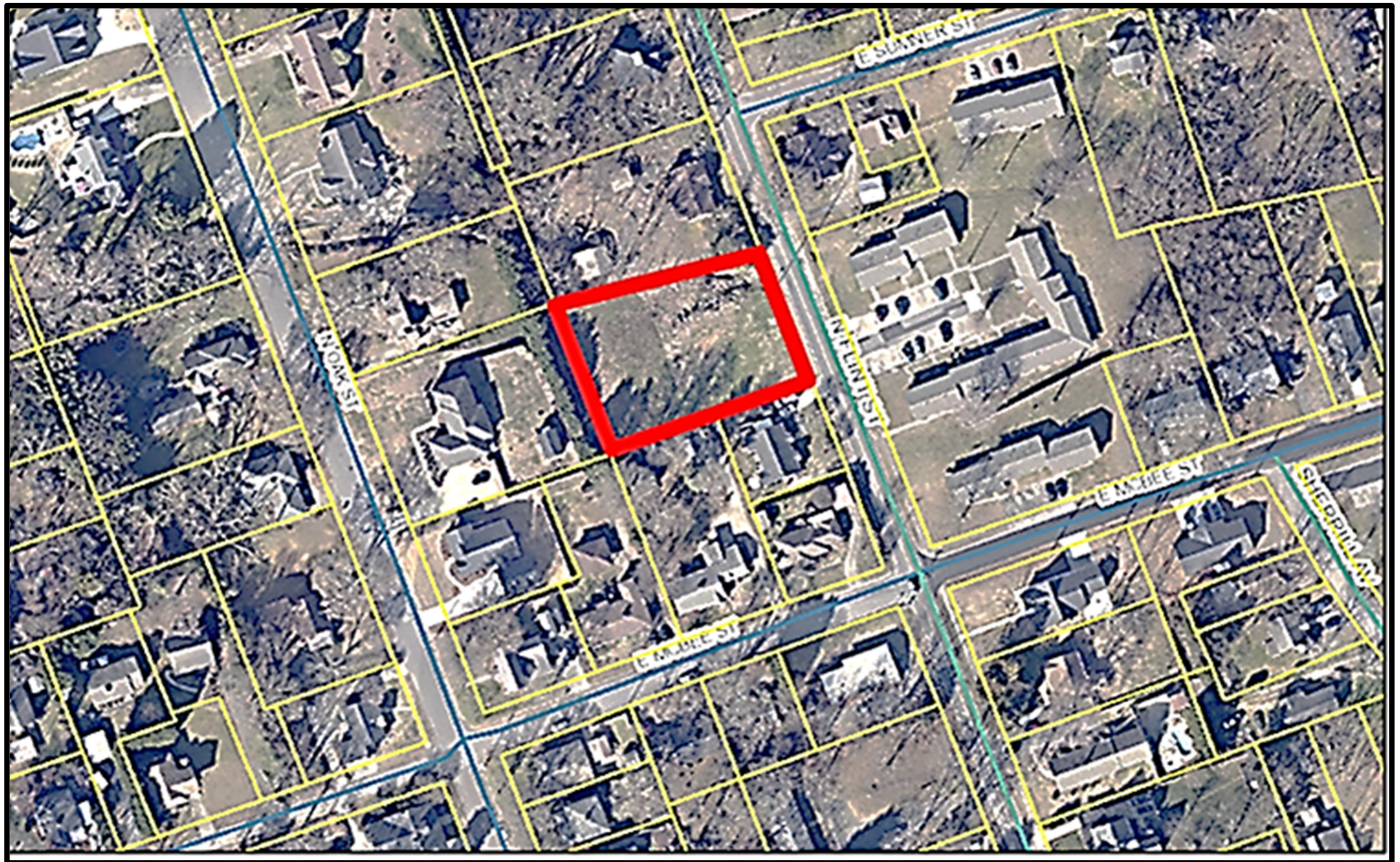
The subject property is located on the west side of North Flint Street approximately 200 feet north of the intersection of North Flint Street and East McBee Street (Parcel ID 83747).

The property is undeveloped. Properties located across North Flint Street are devoted to multi-family residential development. Other nearby properties are developed for single family residential purposes.

CURRENT ZONING MAP



AERIAL VIEW



STREET VIEWS

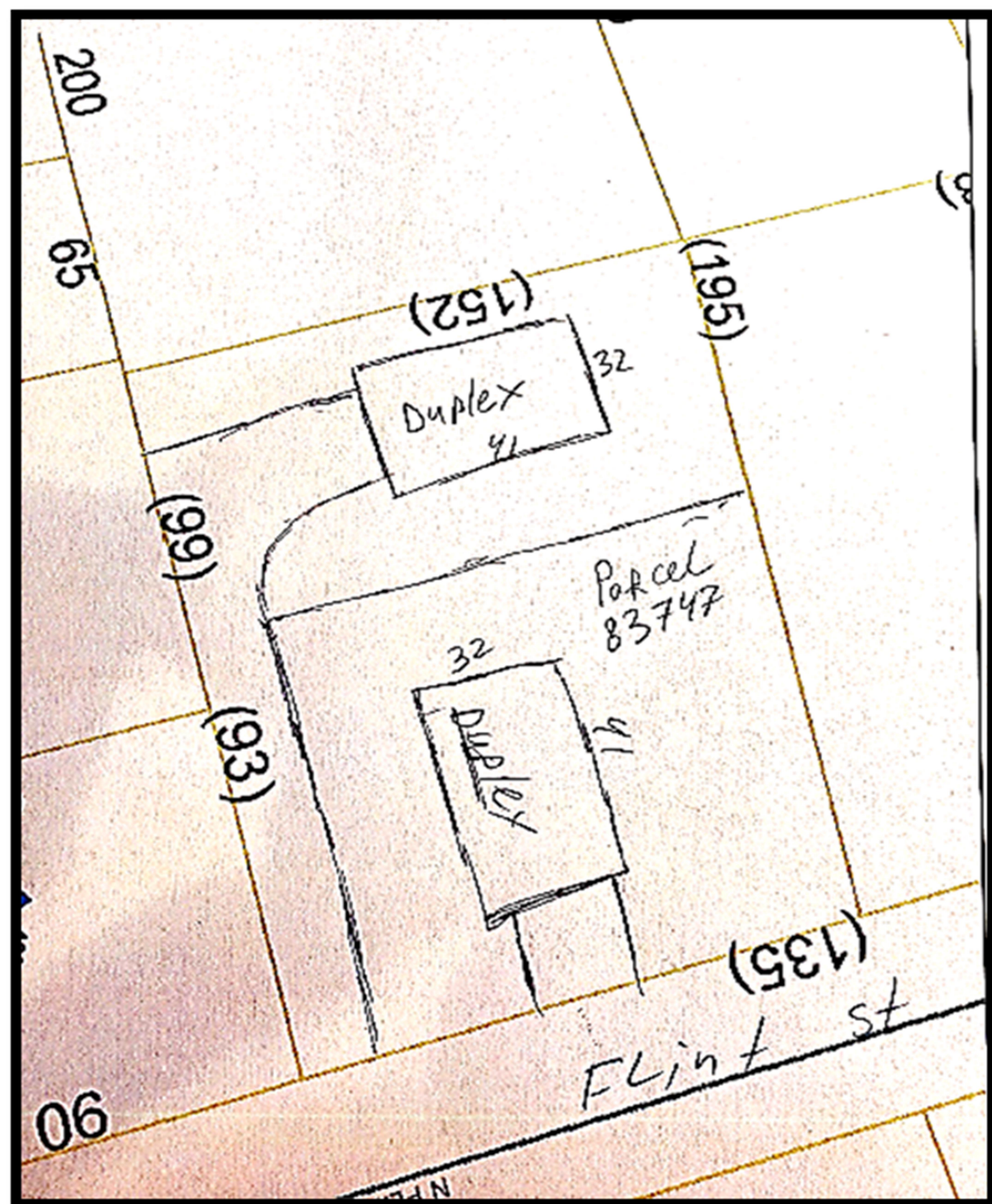




PROJECT DETAILS

- The project includes two duplexes, a total of four dwelling units.
- The site includes approximately 0.63 acres.
- Access will be provided by two driveway connections to North Flint Street.

The site plan submitted by the applicant is below:



EXISTING AND PROPOSED ZONING

The below chart outlines several of the minimum standards for the existing zoning district in comparison to the proposed conditional zoning district:

	Existing Zoning	Proposed Zoning
Zoning District	R-10	RMF-CD
Permitted Use	Two (2) Single Family Detached Dwellings	Two (2) Duplexes (4 dwellings)
Minimum Lot Size	10,000 sf	12,000 sf
Minimum Front Yard Setback	35 ft	30 ft
Minimum Side Yard Setback	10 ft	10 ft
Minimum Rear Yard Setback	25 ft	25 ft
Minimum Lot Width at Setback	80 ft	80 ft
Minimum Lot Width at Right-of-Way	30 ft	35 ft

LAND USE PLAN

The Land Use Plan shows the property in the Traditional Single Family planning area. The Plan notes these areas will consist of single-family uses on smaller to medium-sized lots in older established portions of the community.

The Land Use Plan also includes the following recommendations:

- Future residential development should be located in areas where City infrastructure and services can be economically provided.
- Promote home ownership throughout the City's planning jurisdiction by providing a mix of housing choices and lot sizes to promote affordability.
- Promote innovative zoning to accommodate home ownership.
- Ensure that residential development promotes pedestrian and bicycle use.
- Provide for sidewalks within and on the outside boundaries of new residential developments.

The proposed development is not consistent with the Land Use Plan's Traditional Single Family designation. However, the proposed development is consistent with the Land Use Plan in the following ways:

- It proposes residential development in an area with access to city utilities with available capacity.
- Additional home ownership opportunities are provided.
- Additional housing type choices are provided.

CONDITIONAL ZONING

Because this is a proposed rezoning to a conditional zoning district, if the request is approved, the property could only be used for the specified use in accordance with the approved site plan. Any major modification or change in use would require approval by the City Council through a public hearing process.

STAFF REVIEW COMMITTEE

The Staff Review Committee had the following comments:

1. Prior to final approval, an engineered plan meeting all requirements for subdivision and all UDO requirements must be submitted to and approved by staff.
2. Sidewalks constructed to City of Lincoln specifications must be constructed along the frontage of North Flint Street.
3. Detailed water and sewer plans will need to be submitted and approved by the City prior to development.
4. The applicant will be responsible for making the utility taps.
5. Separate water and sewer taps for each building will be required.
6. Meters must be located at the street.
7. Building plans must be submitted to and approved by Lincoln County Inspections prior to development.
8. All sides of each building are to include design characteristics consistent with nearby properties.

PLANNING BOARD AND STAFF RECOMMENDATION

Planning Board and Staff view the request as appropriate for approval subject to the Staff Review Committee comments being made conditions of approval and recommend the following actions:

- approval of the request for rezoning from R-10 to RMF-CD subject to the Staff Review Committee comments being made conditions of approval,
- approval of the statement of consistency for approval of the rezoning request, and
- the rezoning being effective upon receipt by the Zoning Administrator of written agreement from the applicant and property owner to abide by the conditions of approval.

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

Case No. CZ-12-2021

Applicant: Dynamo Holdings, LLC

Parcel ID#: 83747

Location: North Flint Street

Request: Rezone from R-10 to RMF-CD for the purpose of developing two duplexes

Proposed Consistency and Reasonableness Statement:

The Land Use Plan shows the property in the Traditional Single Family planning area. The Plan notes these areas will consist of single-family uses on smaller to medium-sized lots in older established portions of the community.

The Land Use Plan also includes the following recommendations:

- Future residential development should be located in areas where City infrastructure and services can be economically provided.
- Promote home ownership throughout the City's planning jurisdiction by providing a mix of housing choices and lot sizes to promote affordability.
- Promote innovative zoning to accommodate home ownership.
- Ensure that residential development promotes pedestrian and bicycle use.
- Provide for sidewalks within and on the outside boundaries of new residential developments.

The proposed development is not consistent with the Land Use Plan's Traditional Single Family designation. However, the proposed development is consistent with the Land Use Plan in the following ways:

- It proposes residential development in an area with access to city utilities with available capacity.
- Additional home ownership opportunities are provided.
- Additional housing type choices are provided.

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. CZ-12-2021

Applicant: Dynamo Holdings, LLC

Parcel ID#: 83747

Location: North Flint Street

Request: Rezone from R-10 to RMF-CD for the purpose of developing two duplexes

Proposed Consistency and Reasonableness Statement:

The Land Use Plan shows the property in the Traditional Single Family planning area. The Plan notes these areas will consist of single-family uses on smaller to medium-sized lots in older established portions of the community.

The proposed rezoning request would allow two duplexes which is **not consistent** with the Lincolnnton Land Use Plan's traditional single family designation.

Therefore, **denial of the proposed amendment is reasonable and in the public interest.**

ITEM #

4

REGULAR AGENDA

ITEM #

4a

BUDGET
AMENDMENT

BA-01-22

CITY COUNCIL

Ed L. Hatley, Mayor
 Martin A. Eaddy, Mayor Pro-Tem
 Christine Poinsette
 Mary Frances White
 Roby D. Jetton

**CITY MANGER**

Richard Haynes
rhaynes@lincolntonnc.org

CITY CLERK

Daphne Ingram
d Ingram@lincolntonnc.org

CITY ATTORNEY

Thomas J. Wilson, Jr.

BA-01-22

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, 2022.

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

General Expense	\$	32,265
Planning/Zoning		10,125
Recreation		45,000
	\$	87,390

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

Federal Grants-Brownfield	\$	10,125
Grants - Other		45,000
Miscellaneous Other Revenue		32,265
	\$	87,390

General Fund: Additional federal payments received for the Brownfield Grant. Grant ended October 2021. Donated property on Massapoag Road from the Catawba Lands Conservancy as a part of the Rail Trail Project filed 7/12/2019 but never put on the City's Books. LTDA donation to the Rail Trail Project (2022-030).

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

Powell Bill Construction/Other	\$	43,276
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Section 6: To amend the Powell Bill Fund, the revenues are to be changed as follows:

Powell Bill Allocation	\$	43,276
	\$	43,276

Powell Bill Fund: NC state budget passing the General Assembly and signed by Governor Cooper resulted in an increase in the second installment of the Powell Bill funding for FY2021-2022.

Section 16: Appropriations are authorized by fund totals. The City Manager is authorized to reallocate fund appropriations among line item objects of expenditures and revenues as necessary during the budget year.

Section 17: Copies of this Budget Ordinance shall be furnished to the Clerk to the Governing Board and to the Budget Officer and Finance Director to be kept on file by them for their direction in the disbursement of funds.

TOTAL AMENDMENT	\$	130,666
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Adopted this 6th day of January, 2022

Attest:

Daphne Ingram
City Clerk

Edward L Hatley
Mayor

ITEM #

4b

Presentation of CMC
Designation Certificate



International Institute of Municipal Clerks

Professionalism in Local Government

December 2, 2021

Dear Daphne Ingram, CMC:

On behalf of the Board of Directors, it is my pleasure to inform you that you have been awarded the International Institute of Municipal Clerks' designation of Certified Municipal Clerk. Included in this package is your hard-earned CMC certificate, as well as your CMC lapel pin. We hope you wear it proudly.

IIMC grants the CMC designation only to those Municipal Clerks who complete demanding education requirements; and who have a record of significant contributions to their local government, their community and state.

In light of the speed and drastic nature of change these days, lifelong learning is not only desirable, it is necessary for all in local government to keep pace with growing demands and changing needs of the citizens we serve. We applaud your educational accomplishments and achievement of this milestone and congratulate you on your personal pursuit of professional excellence.

Sincerely,

Sheri L. Pierce, MMC
IIMC President



Hereby Confers The Title of

Certified Municipal Clerk

upon

Daphne A. Ingram, CMC

who has completed the requirements prescribed by the
International Institute of Municipal Clerks for Certification.

(You must remain an active member for IIMC to recognize your CMC)

Certified This 2 Day Of December A.D. 2021

Sheri L. Pierce

IIMC President

Chris Shally

IIMC Director of Education

ITEM #

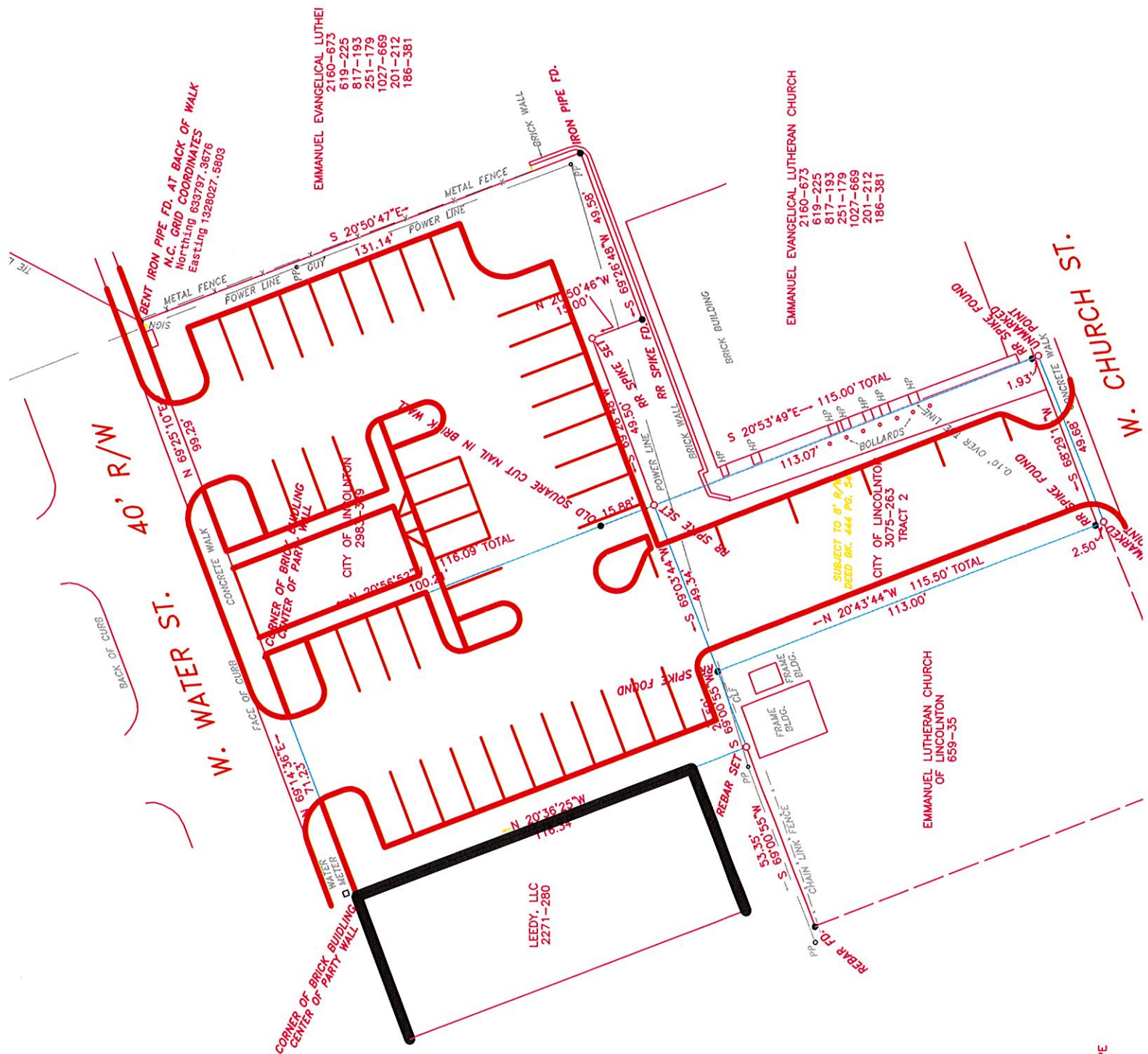
5

OTHER BUSINESS

ITEM #

5a

MANAGER'S
REPORT/ACTIVITY
UPDATE



Case Number	Case Type	Sub Type	Case Name	Address	Started	Status	Inspections		
LCE20-00047	LINCOLNTON CODE ENFORCEMENT	NUISANCE	Junk throughout the yard	714 LITHIA INN RD	11/06/2020	OPEN	30		
LCE21-00009	LINCOLNTON CODE ENFORCEMENT	ZONING	Illegal Junkyard	202 INDUSTRIAL PARK RD	03/23/2021	OPEN	18		
LCE21-00095	LINCOLNTON CODE ENFORCEMENT	NUISANCE	Solid Waste/overgrown	109 KENNEDY DR	06/24/2021	OPEN	14		
LCE21-00096	LINCOLNTON CODE ENFORCEMENT	MINIMUM HOUSING	Minimum Housing	1122 E LINCOLN ST	06/24/2021	OPEN	2		
LCE21-00099	LINCOLNTON CODE ENFORCEMENT	NUISANCE	Junk Vehicles & Rubbish around the home.	1622 LABORATORY RD	07/20/2021	OPEN	12		
LCE21-00118	CODE ENFORCEMENT	SOLID WASTE	Solid Waste/overgrown	1492 RHODES RHYNE RD	08/04/2021	OPEN	12		
LCE21-00150	LINCOLNTON CODE ENFORCEMENT	MINIMUM HOUSING	Electrical Issues, Roof Issues, Heating & Air	113 JULIA DR	09/15/2021	OPEN	1		
LCE21-00165	LINCOLNTON CODE ENFORCEMENT	ABANDONED STRUCTURE		1015 E PINE ST	09/17/2021	OPEN	1		
LCE21-00168	LINCOLNTON CODE ENFORCEMENT	ABANDONED STRUCTURE		812 S ASPEN ST	09/17/2021	OPEN	1		
LCE21-00169	LINCOLNTON CODE ENFORCEMENT	ABANDONED STRUCTURE		618 E MCBEE ST	09/17/2021	OPEN	2		
LCE21-00170	LINCOLNTON CODE ENFORCEMENT	ABANDONED STRUCTURE		130 DR MARTIN LUTHER KING JR DR	09/17/2021	OPEN	2		
LCE21-00172	LINCOLNTON CODE ENFORCEMENT	NUISANCE	Solid Waste, Junk material, RV being used as residence.	1211 N ASPEN ST	09/20/2021	OPEN	9		
LCE21-00189	LINCOLNTON CODE ENFORCEMENT	NUISANCE	Overgrown grass	1409 LABORATORY RD	11/10/2021	OPEN	2		
LCE21-00191	LINCOLNTON CODE ENFORCEMENT	ZONING	Accessory structure without permit	907 TERRA COTTA DR	11/19/2021	OPEN	2		
LCE21-00193	LINCOLNTON CODE ENFORCEMENT	MINIMUM HOUSING	Minimum Housing / Abandoned structure.	128 E CARTER ST	12/02/2021	OPEN	2		
LCE21-00195	LINCOLNTON CODE ENFORCEMENT	NUISANCE	Junk Material and Solid Waste	ELIZABETH AV	12/09/2021	OPEN	3		