A G E N D A

LINCOLNTON CITY COUNCIL

November 7, 2019

7:00 p.m.

Council Chambers

City Hall

FOR YOUR CONVENIENCE A COPY OF TONIGHT'S AGENDA IS AVAILABLE, LOCATED TO THE RIGHT OF THE ENTRANCE TO THE COUNCIL CHAMBERS

ANYONE WISHING TO SPEAK DURING THE PUBLIC COMMENT PORTION OF THE AGENDA PLEASE SEE THE CITY CLERK PRIOR TO THE MEETING TO SIGN UP NON-AGENDA ITEMS WILL BE DISCUSSED AND SPEAKERS WILL BE LIMITED TO THREE (3) MINUTES

A COPY OF THE RULES FOR PUBLIC COMMENT ARE AVAILABLE AT THE CITY CLERK'S DESK

THANK YOU FOR ATTENDING OUR MEETING AND FOR YOUR INTEREST IN THE CITY OF LINCOLNTON

A G E N D A

LINCOLNTON CITY COUNCIL

November 7, 2019

7:00 p.m.

CALL TO ORDER – Mayor Ed Hatley

PLEDGE OF ALLEGIANCE

1. **Approval of Regular Agenda**

2. **Approval of *CONSENT AGENDA:***
All items placed under the 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.

3. **Approval of Minutes from the September 5th and October 3rd Regular Meetings**

4. **Calls to Public Hearing for the December 5, 2019 City Council meeting:**
   CUP-04-2019 – Application from Alex Patton/John Pagel of the Hesed House of Hope requesting a conditional use permit to expand the current homeless shelter, located in the R-8 district, by 900 square feet. The subject property is located at 100 Ann Gaither Court (Parcel ID 59996)
   CUP-05-2019 – Application from Townhomes at Lincoln Country Club, LLC requesting a conditional use permit to increase the approved number of townhomes from 33 units to 40 units on the 5.25 acre parcel located in the CU-RMF District. The subject property is located on Lincoln Country Club property approximately 650 feet north of Country Club Road approximately 450 east of Lithia Inn Road north of the driving range facility (Parcel ID 86678)

REGULAR AGENDA:

RESOLUTION
(R-25-19)

5. **Presentation of Retirement Resolution to Lt. Robert "Tony" Hallman Lincolnton Police Department for his upcoming retirement December 1, 2019.**

Mayor Hatley

PUBLIC HEARINGS

6. **CUP-2-2019 - Application from Boger City VFD requesting an amendment to CUP-6-2001 (constructing a new fire department in the R-25 District) to allow for construction of a fire training center on the 3.975 acre volunteer fire department site located at 410 McAlister Road, (PID 50587).**

Laura Elam, Planning Director

7. **CUP-3-2019 - Application from Shu Zheng Zhao requesting a conditional use permit to allow for an amusement, arcade or game room business. The business will be located in the Lincoln Station Shopping Center at 906-920 East Main Street, (PID 87719).**

Laura Elam, Planning Director

8. **CUZMA-1-2019 - Application from Rebecca Chambers requesting a conditional use rezoning from Medium Density Residential (R-10) to Neighborhood Business Conditional Use (NB-CU) for the purposes of a beauty salon. The business will be located 603 North Flint Street, (PID 18016).**

Laura Elam, Planning Director

PUBLIC HEARINGS

9. ZTA-3-2019 – Application from the Lincolnton Planning Department requesting the creation of a new chapter (Chapter 98) to the City Ordinances. Focus will be on the creation of an Abandon and Junked Vehicle Ordinance.

Laura Elam, Planning Director

10. ZTA-4-2019 - Application from the Lincolnton Planning Department requesting an amendment to section 153.057 (D) related to aggregate area of accessory structures permitted on parcel.

Laura Elam, Planning Director

11. BIG-03-2019 – Application from Roger Calhoun for a Business Incentive Grant from building renovations to accommodate second floor retail space at 124B East Main Street.

Jean Derby, Planning Assistant

12. Public Hearing to consider amending the City's Code of Ordinances – Chapter 74 – Schedule 1: Stop Intersections –
ADD: **Oak and Alexander Street, Oak and Pine Street, Sycamore Street and Court Square (currently a yield sign) and West Pine Street and Marcia H Cloninger Rail Trail**

Steve Zickefoose, City Manager

BUDGET AMENDMENT
(BA-07-19)

13. Proposed Budget Amendment to adjust the General Fund for Street Sweeper Loan

Steve Zickefoose, City Manager

OTHER BUSINESS

14. Request for the City to endorse a controlled burn of property located at 406 Secret Hollow Lane, owned by the Lincolnton-Lincoln County Airport NOTE: Property has been declared surplus by the Airport Authority and approved by both the LLCAA and the Lincoln County Board of Commissioners

Joe Tate, Airport Manager
Lincolnton-Lincoln County Airport

15. Presentation of Joint City/County Master Plan for Parks & Recreation

Nathan Eurey, Director
Lincolnton Parks & Recreation

16. Consideration of amending the City's Personnel Policy: Article V. – Work Conditions and Expectations - *Adding* Section 20 – Smoke Free and E-Cigarette Use

Tanya Osborne, Human Resources Director

17. Consideration of approval of Color Scheme for Police Building

Steve Zickefoose, City Manager

18. Monthly Financial Update/Overtime Report

Steve Zickefoose, City Manager

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 prior to the meeting to be eligible to speak.

CLOSED SESSION

In accordance with NCGS 143-318.11(a)(1)(4)
to discuss potential Economic Development Incentives

NEWS MEDIA

ADJOURNMENT

ITEM

1

APPROVAL

OF

REGULAR

AGENDA

ITEM

2

APPROVAL

OF

CONSENT

AGENDA

ITEM

3

REGULAR MEETING - SEPTEMBER 5, 2019

The Mayor and City Council met in regular session on September 5, 2019 at 7:00 p.m. in the Council Chambers of City Hall, located at 114 West Sycamore Street, Lincolnton, NC.

Mayor Hatley called the meeting to order and led the Pledge of Allegiance. The following Council members were in attendance:

WHITE WATSON EADDY JETTON

Councilwoman White made the motion unanimously approved the REGULAR AGENDA.

Councilman Jetton made the motion unanimously approved the CONSENT AGENDA **as follows:**

- Approved Minutes of the August 1, 2019 – Regular Meeting

- Approved the following Calls to Public Hearing for October 3rd meeting:
  ZMA-7-2019 – Application from Helms Security, Inc. requesting the rezoning of approximately 0.294 acres of land from Single-Family Medium Density residential District R-10 to Central Business Transitional CBT. The subject property is located at 419 East Sycamore Street (PID 00536)

- Approved of Zoning Map Amendments

REGULAR AGENDA:

APPLICATION FROM JESSE CLAYE HELMS REQUESTING THE REZONING OF APPROXIMATELY 1.472 ACRES OF LAND FROM OFFICE INSTITUTIONAL O-I TO RURAL RESIDENTIAL (R-25). THE SUBJECT PROPERTY IS APPROXIMATELY 468 FEET NORTH OF THE INTERSECTION OF HIGHLAND DRIVE AND BUFFALO SHOALS ROAD (PID 71909):

ZMA-6-2019

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the above said request. Laura said the applicant is requesting a

rezoning for a parcel totaling approximately 1.47 acres from the Office Institutional (O-I) district to the Rural Residential (R-25) District. She said the property was rezoned from R-25 to O-I in 2009 at the request of the property owner. Surrounding properties are zoned rural residential, residential office and office institutional. The property is currently vacant. Land uses in the area include single-family and multi-family homes. Atrium Health Lincoln Hospital is adjacent to the property to the east.

Laura further reviewed the Land Use Plan requirements and said the current zoning designates the property as Institutional /Office Planning area, therefore the proposed rezoning request is not entirely consistent with the Land Use Plan. She said, "However, staff views the request as consistent with the spirit and intent of the Land Use Plan's original designation of the area as a Residential Suburban area. She concluded recommending on behalf of Planning Board and Staff that Council take the following action; approve the statement of consistency and reasonableness for the application – Approve the rezoning of the property from O-I to R-25 and Amend the Land Use Plan to show the property in the Residential Suburban Planning Area.

Councilman Watson made the motion unanimously approved to close the Public Hearing.

Councilman Eaddy made the motion unanimously approved to adopt the certificate of consistency and reasonableness.

Councilman Jetton made the motion unanimously approved to rezone the property.

Councilwoman White made the motion unanimously approved to amend the Land Use Plan as recommended.

PRESENTATION OF PROCLAMATION RECOGNIZING CONSTITUTION WEEK – SEPTEMBER 17 THROUGH 23, 2019 TO MEMBERS OF DAUGHTERS OF THE AMERICAN REVOLUTION – LINCOLNTON CHAPTER:

Mayor Hatley read aloud the following proclamation recognizing Constitution Week:

WHEREAS, September 17, 2019 marks the Two Hundred and thirty-first anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, the tradition of celebrating the Constitution was started many years ago by the Daughters of the American Revolution (DAR) to inform the people that the Constitution is the basis for America's great heritage and the foundation for our way of life; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation through patriotic celebrations across the United States that will commemorate the occasion; and

NOW, THEREFORE, I, Ed Hatley, Mayor of the City of Lincolnton, do hereby proclaim September 17 through 23 , 2019 as ***CONSTITUTION WEEK*** in the City of Lincolnton, and ask our citizen's to reaffirm the ideas the Framers of the Constitution had in 1787.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Lincolnton in the state of North Carolina on this fifth day of September in the year of our Lord two thousand nineteen.

Ruby Parker and Annette Carpenter were to attend the meeting but had a last minutes conflict and could not attend. Mayor Hatley asked that the proclamation be mailed to Annette.

UPDATE FROM THE LINCOLNTON TOURISM DEVELOPMENT AUTHORITY:

Carol King, LTDA Chair, gave the following update:

The following information represents the activities and expenditures from the LTDA board during the 2018-19 year. Carol provided a handout of financial reports submitted by Mr. Zickefoose during the June 4th meeting.

- Additional minor landscaping was corrected at the two 321 gateway sign locations
- The Appalachian Mural Trail presence was renewed
- Solar lighting is being/has been installed to illuminate the 321 gateway signs
- Advertising funds were approved for Comic Con
- Wayfinding signs featuring downtown points of interest have been installed on the hwy 321 exit 24 ramps

Carol said, "Some unfinished business items will be discussed at our upcoming board meeting to include Historical Association and Apple Festival requests, possible addition of a bike rack for FF Park, continuation of Our State Magazine advertising, and a presentation on digital marketing."

Carol listed the various *LTDA PROJECTS* as follows:

FIRST FEDERAL PARK
LINCOLN CULTURAL CENTER FRONT DIGITAL SIGN
HWY 321 GATEWAY SIGNS
KEEVER DRUG MURAL ON S ACADEMY ST (PARTIAL PAYMENT)
LTDA LOGO
LINCOLN QUILT TRAIL LOGO AND START UP FUNDING
BETTY ROSS PARK RIVER LAUNCH AND FISHING PIER
BATTLE OF RAMSOUR'S MILL MONUMENT AND BATTLEFIELD SIGNAGE
CITY CHRISTMAS TREE (HALF PAYMENT)
CITY HOLIDAY BANNERS
THE LINC – MOBILE TOWN GUIDE
APPALACHIAN MURAL TRAIL PRESENCE
CITY WALKING TOUR BOOKLET
OUR STATE MAGAZINE ADVERTISING
QUILT TRAIL LOGO MURAL – TO BE INSTALLED ON MACK HARVEY BUILDING, N ASPEN ST
ADDITIONAL MINOR LANDSCAPING AROUND GATEWAY SIGNS
RENEWED APPALACHIAN TRAIL PRESENCE
LIGHTING OF GATEWAY SIGNS
ADVERTISING FUNDS FOR COMIC CON
DOWNTOWN ORIENTED WAYFINDING SIGNS ON EXIT 24 RAMPS

Carol told Council that the LTDA has recently approved $ 61,600.00, funding towards the River Launch. She offered to answer any questions Council may have regarding her review.

UPDATE ON ONGOING PROJECTS: SIDEWALK PROJECT ALONG E PINE STREET, DOG PARK AND THE POLICE DEPARTMENT:

Steve Zickefoose, City Manager, asked Chief Jordan to provide an update on the Police Building Project. The Chief said demolition is done and the project is going very well.

He said, "They are in the process of placing temporary lighting up for the project; they have cut into the floors and the plumbing is in, and we are waiting on inspectors to get back on this." "They have been working almost every day and right now Jeff Elmore, Pinnacle Architecture is trying to get us to pick some colors, getting lockers ordered so we can get things in to move forward. We were told the framing could possible start as early as this month."

Council questioned a projected completion date and Chief Jordan said he would get with the architect/contractor and try and get an answer on a date. Steve Zickefoose said the original completion date was said to be eight months.

Ritchie Haynes, Assistant City Manager, provided an update on the East Pine Street sidewalk project. He said, "Bids for this project will be open tomorrow and plans are to install sidewalk down one side of East Pine Street to Hollybrook; then the other side (southside) of the street to Martin Luther King Drive." He said there is already sidewalk down the public housing side of that street.

Steve added an update on the Public Restroom at 119 E Courtsquare. Ritchie and Steve met with the designer on are getting the pricing on the project. He said this would also be a two to three month project. He said, "Our intent is to add new restrooms in the front side of the building and create a barrier wall that will separate office space. The design is very simple and straight forward stuff, and we will bring that back to Council when we have a definite cost."

Ritchie also gave an update on the Dog Park. He said Leopard Land Design has sent out information about grading, fencing and paving, so we will be bringing this item back to Council as well. Councilman Eaddy asked for a completion date for the Dog Park. Ritchie said it is getting the contractors who have time to do it, but hopefully not a lengthy project.

Councilman Jetton questioned the liability part of a dog park. Ritchie said signage would be needed to address park rules and regulations. He said, "Hopefully with the signage, you are taking the liability and putting in on the owner of the dog."

Ritchie also provided an update on the Betty Ross Park project. He said basically everything is complete. "The only thing we are waiting on now is the time for those fields to set in", he said. The fields will be dressed soon and the lights still need to be set. A grand opening is tentatively planned for September 28th for the fields, the River Launch and the fishing pier.

CONSIDERATION OF THE NOMINEES FROM THE FOUR AREA HIGH SCHOOLS AND THE LINCOLN CHARTER SCHOOL FOR THE LINCOLNTON STUDENT ADVISORY COUNCIL:

(APPT-03-19)

Donna Flowers, City Clerk, provided Council a list of nominees submitted from the principals of the high schools for potential appointment to the Lincolnton Student Advisory Council. The names were as follows:

EAST LINCOLN	WEST LINCOLN	CHARTER
Olivia Stewart	Isabelle Shutt	Kevin Rojas
Allie Middleswarth	Cade McConnell	Darrian Bonilla
Bailee Harding	Gwyneth Reep	
Joseph Dos Santos	Alexa Bieberich	
Trey Ross	Samuel Duncan	
	*Luke Stewart	
	*Ashlynn Eurey	

LINCOLNTON	NORTH LINCOLN
Kyle Burgin	Sharidan Farris
Cordin Shcrum	Xander Popko
Leah Tweed	Lanie Jordan
Bailey Reed	John Vargas
Allie Blackburn	Aubrey Spicola

*Indicates members nominated by City Council Members

The City Clerk told Council the total number of appointees is 24, this is within the SAC by-laws which is a maximum of 25 students.

Councilman Watson made the motion unanimously approved to appoint the above named students as recommended.

CONSIDERATION OF PROPOSED TARGETED INCENTIVE GRANT PROGRAM – FULL SERVICE/FULL MENU RESTAURANT:

Laura Elam, Planning Director, provided the following report to Council regarding implementation of a targeted Incentive Program:

City staff is proposing an additional incentive program for downtown. This program would differ from our current incentive programs in that the funding would be in the form of a forgivable loan , rather than a grant , and it would be targeted to just one type of development: full service/ full menu restaurants.

SUMMARY OF PROGRAM

The program would:

- Assist with building renovations necessary for:

➢ new full service/full menu restaurants
➢ expansions of existing full service/full menu restaurants or
➢ expansions of existing limited service / limited menu restaurants into full service/full menu restaurants

- Provide up to 50% of the total cost of eligible expenditures of approved projects up to $200,000

ELIGIBLE RESTAURANTS

- New full service/full menu restaurants in downtown Lincolnton
- Existing restaurants in downtown Lincolnton that expand in one or both of the following ways:
  - ➢ Renovation of an existing restaurant's kitchen that is not a full commercial kitchen into a full commercial kitchen* in order to offer a full menu
  - ➢ Renovation or expansion of an existing full service/full menu restaurant's physical space in order to expand the restaurant's capacity

Examples: expanding into a larger area or creating rooftop dining space for restaurant guests

- A full service /full menu restaurant would be defined as a restaurant that:
  - Includes a full commercial kitchen*,
  - Features a menu with a broad range of food and beverage options,
  - Includes at least 50 seats for guests to dine on the premises, and
  - Is open for business to the general public during regular hours at least 6 days and 40 hours per week.

*A full commercial kitchen would be defined as a kitchen with a commercial range and/or oven with an appropriate exhaust hood or other form of appropriate exhaust system and appropriately sized grease interceptor

PROGRAM TERMS

- Funding is limited to a maximum of $200,000 per qualifying restaurant and requires a 1:1 match by the property owner.
- The application must be approved prior to opening or expansion of the restaurant.
- The proposed renovations must be performed by a licensed general contractor.

FUNDS

The funds would be:

- a forgivable loan
- entirely forgiven if a restaurant that meets the program requirements remains at the location for a minimum of five years

ELIGIBLE APPLICANTS

Eligible applicants would be limited to owners of properties that will be the location of a new or expanding full service/ full menu restaurant within downtown Lincolnton as defined on the attached map on page 5. *(On file in the Planning Department)*

INELIGIBLE PROPERTIES/INELIGIBLE RESTAURANTS

- Tax delinquent property
- Property not in good standing with City of Lincolnton Utility Billing
- Property with outstanding liens
- National restaurant franchises
- Restaurant chains

ELIGIBLE EXPENDITURES

- Architectural fees associated with design of building renovation or expansion for a restaurant that meets program guidelines
- Other professional services necessary for design plan for renovation or expansion for a restaurant that meets program guidelines including, but not limited to, a general contractor and/or a structural engineer
- Physical improvements necessary to create new or expanding restaurant that meets program requirements including but not limited to:
  - a full commercial kitchen,
  - appropriate exhaust system,
  - grease interceptor,
  - sprinkler system,
  - HVAC upgrades,
  - electrical system upgrades, and
  - ADA compliant separate male/ female restrooms.

INELIGIBLE EXPENDITURES

1. Exterior renovations
2. General maintenance
3. Signage
4. Roof or chimney repairs
5. Replacement of carpet
6. Refinishing of floors, walls or ceilings
7. Painting or re-painting
8. Replacement of windows or doors
9. Inventory
10. Removable furnishings
11. Non-fixed items
12. Interior decor items such as, but not limited to, replacement of light fixtures, wallpaper, and paint

CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS

- Renovation/rehabilitation /expansion project in compliance with program requirements
- Credit score of 740 or above
- No outstanding liens

COLLATERAL AND SECURITY

- Deed of trust
- City of Lincolnton added as additional beneficiary or lien holder on insurance policies

DISBURSEMENT OF FUNDS BY CITY

- Property owner pays invoices as project is underway and may request reimbursement by the City for up to 50% of eligible expenditures up to $200,000
- Owner has option to either (1) submit all invoices for reimbursement after the project is 100% complete or (2) submit invoices as the project is underway for partial reimbursement upon 25%, 50% , 75% and 100 % project completion
- City staff committee reviews invoices for compliance with program requirements and inspects building renovations prior to approval of reimbursement request
- If a restaurant that meets the program requirements remains at the location for a minimum of five years, the loan is forgiven
- After five year period, owner submits written notice to City that five year period has expired
- City cancels deed of trust

REPAYMENT OF FUNDS TO CITY

- If the restaurant space partially funded through this program is converted to a non-restaurant use or if a full service/full menu restaurant partially funded through this program is converted to a restaurant that does not qualify as a full service/full menu restaurant under this program and such conversion occurs during the five year period of time immediately following the opening of the qualifying restaurant, then repayment of the funds is required.

- Repayment of the funds is on a pro rata basis for each year and/or month in which the program requirements are not met.
- Repayment of the pro-rated share of the funds is to be made to the City within 120 days of the conversion of the former restaurant space.
- Repayment over 120 days past due will constitute default. In the event of default, the city may take action to foreclose on the property.

Laura concluded asking that Council provide direction on proceeding with the Targeted Incentive Grant Program and their consideration of adopting the proposed terms of the Targeted Incentive Program.

This item generated much discussion. Councilman Eaddy said, "Since this loan only goes to property owners, I would like for us to have the capacity to make an exception for the prohibition of chain restaurants. For example, a Morton's Steakhouse. This would allow staff to come back and say we have someone that has what we are really looking for and it happens to be a chain."

Dr. Eaddy also said since we are targeting an upscale full-menu restaurant, we should allow staff the opportunity to incorporate a menu as one of the qualifying criteria. He said, "We certainly wouldn't make a decision based solely on the menu but if we want an upscale restaurant the menu has to be a part of it."

Dr. Watson questioned under the criteria for review and approval, if the wording applies to the building owner not necessarily the operator? Laura said, "The reason for that was because the security for this loan is going to be against the property, that is how that evolved. The applicant would be the owner because the security is the property. Dr. Watson suggested, and asked for advice from Counsel, to add language that the applicant has no bankruptcies within a certain period of time. Laura said there is a requirement for a certain credit score.

Dr. Eaddy said, "I'm excited. One of our jobs as elected officials is to drive the future of the community and this is one way to do; to invest in the success of our community to stay viable. We have a five year pay back scenario and it will increase the visibility of the City."

The City Manager said, "I think it is important to know that the City does have a payback in this, because of the property tax increase, the sales tax increase and the additional revenue from the use of utilities."

Mayor Hatley said, "Anytime you become a destination spot, everyone benefits from it."

After further discussion, Councilman Jetton made the motion unanimously approved to approve implementing a Targeted Incentive Grant Program as submitted with the revisions discussed by Council.

CONSIDERATION OF DRAFT REQUEST FOR PROPOSAL (RFQ) PROCESS FOR DEVELOPMENT OF CITY-OWNED PROPERTY LOCATED AT 110 AND 116 EAST WATER STREET:

Laura Elam, Planning Director, read through the following report to Council:

The RFP:

- seeks proposals from development teams for design, construction, management and operation of a high quality, full service/full menu restaurant,
- notes that the City's goal is to
  - select a development team that has demonstrated success in creating a high-quality, affordable, full service/full menu casual dining restaurant and then to
  - negotiate with the selected candidate a contract to include a development agreement, a lease or purchase agreement and a performance bond.

REDEVELOPMENT GOALS

The RFP includes the following goals for the redevelopment:

- establishment of a new, high quality, full service/full menu restaurant that:
  - includes a full commercial kitchen including a commercial range and/or oven with an appropriate exhaust hood or other form of appropriate exhaust system and appropriately sized grease interceptor,

  - features a broad menu ,
  - includes at least 100 seats, and
  - is open for business at least 6 days and 40 hours per week.
- preservation of the existing building,
- enhancement of downtown,
- improvement of quality of life in City,
- creation of positive economic benefits that are matched or exceeded by public expenditures and
- assurance of developer performance.
-

SELECTION CRITERIA

The selection criteria include consistency with the RFP redevelopment goals, experience and background of the development team, extent of public participation requested, proposed purchase price or lease terms and estimated time frame for development and construction.

The selection criteria is weighted as follows:

- Redevelopment Goals (50 points)
  - *Characteristics of the proposed project*
  - *Consistency with RFP redevelopment goals*
  - *Quality of the proposed restaurant, menu, etc*
- Experience and background of Development Team (30 points)
  - *Teams experience and success with similar projects*
  - *Experience of project manager and restaurant operator*
  - *Experience of design consultants*
  - *Team's financial capacity*
  - *Financial viability of proposal*

- Other development issues
  (20 points)

  - *Extent of public participation requested*
  - *Proposed purchase price or lease terms*
  - *Timeframe*

TOTAL POINTS (100 Points)

POTENTIAL SCHEDULE

In the event City Council chooses to proceed with the RFP process at the September 5 meeting, the below are two potential options for the schedule:

OPTION A

1. Council approval of RFP/Direction to Proceed:
   Sept 5
2. Advertisement of RFP:
   - City website: Sept 6 - 30
   - Direct mailing: Sept 6
   - Lincoln Times News: Sept 9 or 11
   - Lincoln Herald:
     Sept 9 or 11
3. Deadline for Responses to RFP:
   Sept 30
4. Committee Meeting to Determine Consistency with RFP Goals:
   Oct 1 or 2
5. Presentations by Respondents to City Council:
   Oct 3

6. Designation of Development Team by City Council: *(not later than)* Oct 7

OPTION B

7. Council approval of RFP/Direction to Proceed: Sept 5
8. Advertisement of RFP:
   - City website: Sept 6 – Nov 4
   - Direct mailing: Sept 6
   - Lincoln Times News: Sept 9 or 11
   - Lincoln Herald: Sept 9 or 11
9. Deadline for Responses to RFP: Nov 4
10. Committee Meeting to Determine Consistency with RFP Goals: Nov 5 or 6
11. Presentations by Respondents to City Council: Nov 7
12. Designation of Development Team by City Council: *(not later than)* Nov 12

Laura concluded asking for Council to provide direction on the following: Whether to proceed with the RFP process; Whether Council would like to revise the RFP, and the preferred schedule (Option A , Option B or another option) .

This item generated much discussion as well. In conclusion Councilman Eaddy made the motion unanimously approved the concept as presented.

Councilman Eaddy made the motion unanimously approved the timeline – Option B, with RFP submittals back by the November 7th City Council meeting.

Mayor Hatley said publicly he would invite anyone interested to submit an application. City Council unanimously requested that staff do an analysis and

Councilman Watson asked that financials, credit report or letter from the bank be added to the RFP and required from the applicant.

Councilman Eaddy made the motion unanimously approved the Request For Proposals, adding Councilman Watson's request for financials

MONTHLY FINANCIAL REPORT/OVERTIME REPORT:

Steve Zickefoose, City Manager, reviewed the following financial report:

September 2019 Council Meeting

Executive Summary

July 2019 Year-To-Date

General Fund		Budget 19-20	Actual 19-20	% of Budget	Budget 18-19	Actual 18-19	Difference
Fund 10	Revenues	11,818,700	84,970	1%	11,271,936	33,485	51,485
	Fund Balance	-	-	-	964,361	-	-
		11,818,700	84,970		12,236,297	33,485	51,485
	City Manager/Clerk	277,495	28,760		320,960	28,574	186
	Human Resources	243,020	26,896		239,060	21,199	5,697
	Finance	149,630	47,130		242,790	42,700	4,430
	General Expense	1,108,160	220,206		1,001,620	197,775	22,431
	General Debt Service	424,632	21,692		513,524	21,692	-
	Police	3,218,020	288,169		3,115,970	270,364	17,805
	Fire	2,255,800	185,823		2,041,650	191,231	(5,409)
	Public Works	44,010	15,568		79,616	11,050	4,518
	Street	1,164,325	66,108		1,257,668	73,857	(7,749)
	Equipment Services	115,970	13,858		133,270	13,004	854
	Solid Waste	823,855	52,692		854,228	47,522	5,170
	General Services	-	-		-	-	-
	Plannin/Zoning	575,420	22,507		379,060	19,611	2,895
	Bus & Comm. Dev	133,200	1,718		135,000	2,106	(388)
	Recreation	1,285,163	93,812		957,520	84,979	8,832
	Expenses	11,818,700	1,084,936	9%	11,271,936	1,025,664	59,272
	Difference		(999,966)			(992,180)	(7,786)

Water & Sewer Fund	Budget 19-20	Actual 19-20	% of Budget	Budget 18-19	Actual 18-19	Difference
Fund 61 Revenues	8,616,949	715,598	8%	8,378,540	681,446	34,152
Fund Balance	-	-		526,653		
	8,616,949	715,598		8,905,193	681,446	34,152
Water Treatment	1,506,850	182,359		1,508,450	186,521	(4,162)
Dist & Collection	1,847,150	148,525		1,748,000	92,792	55,733
Wastewater	1,567,500	74,699		1,544,600	75,976	(1,276)
W & S Intangibles	3,695,449	110,176		3,577,490	98,498	11,678
Expenses	8,616,949	515,759	6%	8,378,540	453,786	61,973
Difference		199,839			227,660	(27,821)

Electric Fund	Budget 19-20	Actual 19-20	% of Budget	Budget 18-19	Actual 18-19	Difference
Fund 63 Revenues	8,056,350	640,036	8%	7,669,264	648,321	(8,285)
Fund Balance	-	-		1,224,483	-	-
	8,056,350	640,036		8,893,747	648,321	(8,285)
Electric Dept.	8,056,350	99,282		7,669,264	89,144	10,139
Expenses	8,056,350	99,282	1%	7,669,264	89,144	10,139
Difference		540,754			559,177	(18,424)
Overtime 80+ hours		43,142			43,637	(495)

PUBLIC COMMENT:

Worth Roberts spoke to Council regarding the need for a four-way stop at Oak and Laurel Street. He presented a petition from neighbors (21 signatures) in support of a four-way stop. Mr. Roberts said, "I know we are improving efforts in downtown but it is crazy."

Councilman Eaddy asked about the possibility of speed bumps. Steve said it is not a preferred option. Rumble strips would be considered.

NEWS MEDIA:

There were no questions from the News Media.

ADJOURNMENT:
Councilman Jetton made the motion unanimously approved to adjourn the meeting.

DONNA C. FLOWERS, MMC CITY CLERK	ED HATLEY MAYOR

The Mayor and City Council met in regular session on Thursday, October 3, 2019 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton North Carolina.

Mayor Ed Hatley called the meeting to order and led the Pledge of Allegiance. The following Council members were in attendance:

WHITE WATSON EADDY JETTON

Councilman White made the motion unanimously approved the *REGULAR AGENDA.*

Councilman Eaddy made the motion unanimously approved the *CONSENT AGENDA* as follow:

Approved the following CALLS TO PUBLIC HEARING for the November 7th City Council Meeting:

- CUP-2-2019 – Application from Boger City VFD requesting an amendment to CUP-6-2001 (constructing a new fire department in the R-25 District) to allow for construction of a fire training center on the 3.975 acre volunteer fire department site located at 410 McAlister Road (PID 50587)

- CUzp-3-2019 – Application from Shu Zheng Zhao requesting a conditional use permit to allow for an amusement, arcade or game room business. The business will be located in the Lincoln Station Shopping Center at 906-920 East Main Street (PID 87719).

- CUZMA-1-2019 – Application from Rebecca Chambers requesting a conditional use rezoning from Medium Density Residential (R-10) to Neighborhood Business Conditional Use (NB-CU) for the purposed of a beauty salon. The business will be located at 603 North Flint Street (PID 18016)

- ZTA-3-2019 – Application from the Lincolnton Planning Department requesting the creation of a new chapter (Chapter 98) to the City Ordinances. Focus will be on the creation of an Abandon and Junked Vehicle Ordinance.

- ZTA-4-2019 – Application from the Lincolnton Planning Department requesting an amendment to section 153.057 (D) related to aggregate area of accessory structures permitted on parcel.

Call to Public Hearing for November 7th meeting (CONTINUED):

- R-20-19 – Surplus handgun and badges for LPD Officer Rick Hensley Handgun is Model 19, Gen 4 – Serial# YCZ897.

- R-21-19 – Surplus handgun and badge for LPD Lieutenant Tony Hallman – Handgun is Model 19, Gen 4 – Serial# YCZ903

REGULAR AGENDA:

PRESENTATION OF FRAMED ADVANCED LAW ENFORCEMENT CERTIFICATE OBTAINED THROUGH THE NC TRAINING AND STANDARDS COMMISSION TO DETECTIVE JENNIFER GREENE

Mayor Hatley recognized Police Chief Rodney Jordan who, in turn, presented Detective Jennifer Greene with her framed Advanced Law Enforcement Certificate. Chief Jordan began by thanking Council for putting incentives in place that encourage advancement and for their commitment to the officers. Chief Jordan explained that the Advanced Law Enforcement Certificate is the highest certification that the North Carolina Training and Standards Commission will issue to law enforcement officers, stressing that Detective Green has logged hundreds of hours of training and worked several years to earn this certification

UPDATE ON THE 2019 LINCOLN COUNTY APPLE FESTIVAL

Carole Howell, Apple Festival Coordinator, came before City Council members to give an update and to distribute t-shirts. Ms. Howell began by thanking the Mayor and Council, as well as city staff for the many services provided to make this event a success. She informed that although this will be the forty-seventh annual Apple Festival, this is the first year of the festival being held in October. Ms. Howell informed Council of several changes involving new exhibits and new parking options. Shuttle services will be available to and from First Federal Park for $2.00 round-trip with all proceeds going to non-profit organizations (West Lincoln Marching Band and Boy Scout Troop 75). The artificial cow will be back again this year. Additionally, there will be a virtual reality dairy farm, children will be able to use local cream to make butter as well as enjoy a corn bin to play in.

Ms. Howell concluded by once again thanking Council for their support and inviting them to attend.

CONSIDERATION OF PROPOSED REVISIONS – TITLE XIII: GENERAL OFFENSES – CHAPTER 130.05 – SPECIAL EVENTS AND FESTIVALS – AMEND (B)(3) AS FOLLOWS: ANY CONDUCT DEEMED TO BE DANGEROUS TO PARTICIPANTS OR ATTENDEES OF THE SPECIAL EVENT. ABUSIVE OR THREATENING LANGUAGE THAT ABUSES OR THREATENS ANOTHER PERSON IN A MANNER LIKELY TO CAUSE A FIGHT OR BRAWL AT A SPECIAL EVENT OR FESTIVAL IS PROHIBITED. NOISE ORDINANCE 93.016(1) ALSO APPLIES

(O-07-19)

Mayor Hatley opened the Public Hearing. City Manager Steve Zickefoose gave an overview of what took place at the injunction hearing in August. Mr. Zickefoose informed City Council that based on the Judges findings, the City's attorney from the League of Municipalities has suggested that the word "disruptive" be removed from the Special Events and Festivals ordinance. No other changes occurred.

Mr. Alan Hoyle, 319 N. Poplar Street, spoke in regarding the issue at hand. He reminded City Council members of their duty to uphold the amendments of the Constitution. He thanked them for their time and service to the City.

Councilman Watson made a motion unanimously approved to close the Public Hearing.

Councilman Eaddy made a motion unanimously approved the recommended changes to Title XIII: General Offenses – Chapter 130.05 Special Events and Festivals

APPLICATION FROM HELMS SECURITY, INC. REQUESTING THE REZONING OF APPROXIMATELY 0.294 ACRES OF LAND FROM SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT (R-10) TO CENTRAL BUSINESS TRANSITIONAL (CBT). THE SUBJECT PROPERTY IS LOCATED AT 419 EAST SYCAMORE STREET (PID00536).

ZMA-7-2019

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, explained the applicants request to rezone a parcel approximately 0.29 located at 419 East Sycamore Street, east from the Single-Family Medium Density Residential district to the Central Business Transitional district.

Mrs. Elam briefly explained the current zoning status of the property as being legally non-conforming. These same zoning regulations apply similar rules to legal non-conforming signage. Signage that pre-dates zoning can continue but not expand. Request is being made due to the property owners desire to have additional signage. The rezoning will allow wall signage of up to 100 square feet per building wall. In summary, Mrs. Elam stated that Planning Board felt comfortable with recommending approval of the request to go to Central Business Transitional (CBT). Applicant was present

In response to questions from Council, Mrs. Elam explained the Residential-Office (R-O) option, however she then clarified why she and other staff felt more comfortable with recommending the Central Business Transitional (CBT) district option. She also stressed this rezoning will only apply to this particular parcel.

Councilman Jetton made a motion unanimously approved to close the public hearing

Councilman Eaddy made a motion unanimously approved to adopt the proposed statement of consistency and reasonableness for approval of the application.

Councilman Eaddy made a motion unanimously approved to approve the rezoning request

Councilman Jetton made a motion unanimously approved to amend the Land Use Plan as recommended.

Upon requesting permission, Laura Elam informed City Council of Brett Hicks, Zoning Administrator, decision to accept another position. Laura expressed her support for his decision and thanked him for his service.

APPLICATION FROM MARCO AND KIMBERLY GONZALEZ FOR BUSINESS INCENTIVE GRANT FOR BUILDING RENOVATIONS TO EXPAND THEIR RETAIL SPACE TO THE SECOND FLOOR AT 120 EAST MAIN STREET

BIG-02-19

Mayor Hatley opened the Public Hearing. Jean Derby, Planning Assistant, presented this application for a Business Incentive Grant for building renovation to expand retail space to the second floor at Just Around the Corner, 120 East Main Street. Mrs. Derby explained that retail is currently on the first floor, however due to high demand for more vendor space, applicant wishes to expand to the second floor.
Each item to be included in the renovation was reviewed. Total estimated project cost is $46,680.45. Applicant would like to start project as soon as possible with and anticipated completion date of October/November 2019.
Applicant is requesting $15,000.00 grant.

Councilwomen White made a motion unanimously approved to close the public hearing

Councilman Watson made a motion unanimously approved to approve the request.

RETIREMENT RESOLUTION FOR LINCOLNTON POLICE OFFICER RICK HENSLEY – NOVEMBER 1ST 2019

(R-22-19)

Upon asking Rick Hensley to come forward, Mayor Hatley read aloud and presented Mr. Hensley a Resolution of Appreciation for his service to the City of Lincolnton:

WHEREAS, the City of Lincolnton does desire to recognize and honor employees of the City for dedicated and distinguished contributions to our City and its citizens; and

WHEREAS, Rick Hensley has served the City and its citizens as a Master Police Officer-School Resource Officer since 2014; and

WHEREAS, Rick Hensley received his advanced Certification in 2016, through the Training and Standards Division of the North Carolina Department of Justice. Rick received a letter of commendation for the handling of a situation with an aggressive dog incident in 2017; and

WHEREAS, Rick Hensley has performed his duties as a law enforcement officer well, preventing crimes, responding to emergencies and providing support services to fellow law enforcement. He served as Field Training Officer for the Lincolnton Police Department whereby he was responsible for familiarizing and guiding new officers with duties of a Lincolnton Police Officer;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Lincolnton that appreciation be shown to Rick Hensley, honoring him on his November 1st, 2019 retirement and that we extend congratulations and best wishes to him for continued success in all his future endeavors.

Mr. Hensley expressed his appreciation to the City and the citizens for allowing him to serve.

CONSIDERATION OF RESOLUTION TO MATCH POTENTIAL GRANT FUNDS FOR GAS PORTABLE AIR MONITORS – NC LEAGUE OF MUNICIPALITIES GRANT (CITY MATCHING FUNDS = $4,776 IF GRANT IS RECEIVED)

(R-23-19)

Fire Chief Ryan Heavner came before Council to request permission to submit an application for grant funds through the NC League of Municipalities to purchase Gas Portable Air Monitors. Chief Heavner explained that because it is a 50/50 matching grant, a $4,776.00 match from the City would be required if awarded.

Steve Zickefoose, City Manager, informed Council that funds are included in the budget to cover the cost of the match.

Councilman Jetton made the motion unanimously approved to approve Resolution to match potential grant funds for Gas Portable Air Monitors

CONSIDERATION OF RESOLUTION TO MATCH POTENTIAL GRANT FUNDS FOR MOTOROLA RADIOS – NC FORESTRY GRANT (CITY MATCHING FUNDS $4,949.75 IF GRANT IS RECEIVED)

(R-24-19)

Fire Chief Ryan Heavner addressed Council regarding potential grant funds for Motorola Radios. Chief Heaver explained that due to the upgrading of the Communication Center and the addition of staff, the department is in need of additional radios. The grant will cover the cost of four radios. Chief is requesting permission to move forward in the application process.

Chief Heavner stated this is a 50/50 grant through the NC Forestry. If received, matching funds from the City would be $4,949.75.

Councilman Eaddy made the motion unanimously approved to approve Resolution to match potential grant funds for Motorola Radios

(C-18-19)

CONSIDERATION OF AWARDING CONTRACT FOR LINCOLNTON DOG PARK SITE GRADING – DEAL CONSTRUCTION FOR $47,100.00
FENCING – FISTER FENCE COMPANY - $24,160.00
ASPHALT – J.T. RUSSELL & SONS, INC. - $30,810.75

Nathan Eurey, Recreation Director, spoke to City Council regarding the bids received for the Lincolnton Dog Park. He briefly explained the process used and announced the winning bidder for each area.

Mr. Eurey recommended Council award contracts to the aforementioned companies for the three focus area for the project.

City Manager Steve Zickefoose noted that the asphalt paving will be scheduled in conjunction with some of the City street paving which should help save some dollars on that cost. Mr. Zickefoose stated that he feels the numbers presented are very much in-line with the numbers projected in the budget. Nathan Eurey gave an estimated time-line of eight months or less for the project to be completed.

Councilwoman White made the motion unanimously approved to approve recommendation to award contracts

Nathan Eurey also reminded members of City Council about the Open House/Dedication of the new river launch, fishing pier, nature trail, flag football fields, outdoor pickleball court and renovated ball fields. The Celebration will take place on Saturday, October 12, 2019 from 10:00 am to 11:00 am at Betty G. Ross Park.

CONSIDERATION OF PROPOSED BUDGET AMENDMENT TO REFLECT ELECTRICITIES REFUND TO CAPITAL RESERVES

(BA-06-19)

City Manager Steve Zickefoose spoke to this item, requesting a budget amendment to the deposit the funds received from Electricities into the budget. The City received capital project reimbursement funds of $480,752,000 from Electricities which is the balance after part of the money was used to forgive a current bill. Mr. Zickefoose stated that funds will be sent aside for capital programs to be used to recruit.

Councilman Waston made the motion unanimously approved to approve the request for a Budget Amendment

CONSIDERATION OF AMENDMENT TO THE LINCOLNTON POLICE DEPARTMENT – STANDARD OPERATING PROCEDURES – RESCINDING PREVIOUS POLICY CONCERNING PART-TIME POLICE OFFICERS

(P-02-19)

Police Chief Rodney Jordan spoke to Council asking they consider amending the Reserve/Part-time police officer policy. Under the current program, Volunteer Reserve/Part-time officers are unpaid. Chief Jordan explained difficulty in recruiting officers, especially without compensation but amending this policy will make recruiting officers for this program easier. He also explained that when reviewing the City's current policy, the League of Municipalities felt that officers should be compensated. City Manager Steve Zickefoose stated that funds are available due to vacant positions within the department. Some discussion was generated regarding the need for part-time officers and the how they can benefit the City moving forward.

Chief Jordan recommended that the current policy be revised/updated to allow for a part-time Police Officer program

Councilman Watson made the motion unanimously approved amend the Lincolnton Police Department Standard Operating Procedures manual

OTHER BUSINESS

DISCUSSION OF ONE STOP VOTING FOR MUNICIPAL ELECTIONS

Mayor Hatley opened for discussion the issue of One-Stop voting. Mayor Hatley announced that the Board of Elections is now located at 451 Salem Church Road and this has been designed the One-Stop voting site for the City. There was much discussion regarding this item. Mayor and Councilmembers are concerned that the new location will be more of an inconvenience for the city residents that live and/or working in the downtown area. Councilman Watson stated he felt this is an example of unintended consequences but does break the long standing tradition that city residents that have been able to vote in close proximity to the downtown residential core. Discussion was generated among Council member with Mayor Hatley suggested offering the use of Council Chambers. City Manager Steve Zickefoose stated he see no inconvenience to the City as the room is currently only used two days a month. Councilman Eaddy expressed his concern as well as he felt that having the One-Stop location this far away from the city core would be counter-productive. Council discussed whether this will be in additional to the current site already designated or if this will be the one centrally located site for city residents to use with the City providing the facility. It was also clarified this will only be for the One-Stop voting.

Councilman Eaddy made the motion unanimously approved to request that the Board of Elections establish a centrally located One-Stop Voting site in the middle of the city limits; and with this request, offer the City Hall Council Chambers as a potential site.

As a follow-up to motion being unanimously approved, Mayor Hatley directed staff to send request letter to Bradley Putnam with the Board of Elections as well as the Board of Elections chairperson.

DISCUSSION OF REQUEST FROM THE LINCOLNTON TOURISM DEVELOPMENT AUTHORITY REGARDING MEMBERSHIP

City Manager Steve Zickefoose, along with Chair Carol King, submitted a request from the Lincolnton Tourism Development Authority to amend the language in the By-Laws and Resolution the composition of the membership. Mr. Zickefoose explained the reason for this request being the inability to meet due to lack of a quorum.

Chairperson Carol King further explained the difficulty stemming from the manager's duties and time constraints. Although the original request submitted asked Council to consider amending the resolution to be comprised of three hotel representatives to be chosen by each general manager, Mrs. King, does not feel that this will solve the problem.

After further consideration, Mrs. King asked Council to amend the By-Laws and Resolution adjusting the membership to be 5 members composed of three (3) city residents and two (2) members from the hotel/motel industry. This change, Mrs. King feels, will be the best solution and will satisfy all of the number requirements. There was discussion among Council regarding the request as well as emphasizing many of the project the Authority is responsible for within the City.

Councilman White made the motion unanimously approved to approve request to amend LTDA By-Laws/Resolution changing the number of the membership

DISCUSSION ABOUT THE HOMELESS

Mayor Hatley called Mr. John Hall with Hesed House of Hope forward to discuss the current homeless situation in the city. Mr. Hall began by thanking Council for the opportunity to speak, then giving a brief summary of the history of Hesed House and some of the things, since it's inception, that have been put into place to address homelessness in Lincolnton. He spoke to the structure within the organization and the accountability required from those seeking assistance. He assured Council of Hesed's desire to give back and be a part and a willing partner to help solve the homeless issue in Lincolnton.

Mr. Hall's reason for coming before City Council was to discuss his concern with the tent communities and their proximity to some of the downtown businesses and residences. Mr. Hall explained that Hesed can take the burden of and can work with those that are within the shelter but they have no control of those individuals living in the tent communities. He described his efforts
to reach out to these individuals but for various reasons, they have failed.

Mr. Hall informed that in recent months he has counted anywhere from twenty to thirty tent from Walgreens to the Court Square. Mr. Hall came to request that Council put something enforceable in place that can be used to deter these tent communities from forming.

Mayor Hatley explained that without an Ordinance in place, the authorities have no jurisdiction/authority. There was much discussion among Councilmembers with City Attorney T.J. Wilson confirming an Ordinance would give the authority needed to have some control over the situation. Mr.
Alex Patton the chairman of the Hesed House board was in attendance and he talk about the commitment of the board that Hesed House be a shelter that provides and individual the tools and resources needed to individuals who have a desire to change their life. He also spoke to some of the other factors that the homeless face and how Hesed is working to address this issue.

City Manager Steve Zickefoose asked Fire Chief Ryan Heavner and Police Chief Rodney Jordan to speak to some of the safety concerns of the employees when dealing with the tent communities. Both Chief Jordan and Chief Heavner cautioned Council and asked that they be allowed some time to research and come up with some potential solutions that they can present to Council, which will allow Council to make educated choices regarding this issue. Mayor Hatley suggested that staff work together to come up with a potential ordinance.

Councilman Jetton made a motion directing the City Manager Steve Zickefoose, Police Chief Rodney Jordan and Fire Chief Ryan Heavner to draft an appropriate Ordinance addressing tent communities in the City of Lincolnton that will be presented to Council for consideration in a timely manner

MONTHLY FINANCIAL/OVERTIME REPORT

Steve Zickefoose, City Manager gave the following report:

October 2019 Council Meeting

Executive Summary

August 2019 Year-To-Date

General Fund		Budget 19-20	Actual 19-20	% of Budget	Budget 18-19	Actual 18-19	Difference
Fund 10	Revenues	11,818,700	1,070,349	9%	11,271,936	946,918	123,431
	Fund Balance	-	-	-	964,361	-	-
		11,818,700	1,070,349		12,236,297	946,918	123,431
	City Manager/Clerk	277,495	58,405		320,960	58,733	(329)
	Human Resources	243,020	48,583		239,060	40,258	8,324
	Finance	149,630	93,142		242,790	155,542	(62,400)
	General Expense	1,108,160	330,160		1,001,620	253,007	77,153
	General Debt Service	424,632	22,935		513,524	22,935	-
	Police	3,218,020	516,750		3,115,970	493,747	23,003
	Fire	2,255,800	358,973		2,041,650	353,558	5,415
	Public Works	44,010	29,183		79,616	15,768	13,415
	Street	1,164,325	122,399		1,257,668	140,703	(18,304)
	Equipment Services	115,970	26,499		133,270	24,726	1,773
	Solid Waste	823,855	97,320		854,228	84,367	12,954
	General Services	-	-		-	-	-
	Plannin/Zoning	575,420	55,964		379,060	44,190	11,774
	Bus & Comm. Dev	133,200	5,900		135,000	17,190	(11,290)
	Recreation	1,285,163	175,065		957,520	165,072	9,993
	Expenses	11,818,700	1,941,276	16%	11,271,936	1,869,795	71,481
	Difference		(870,927)			(922,878)	51,950

Executive Summary August 19 for 19-20 by Dept (2).xlsx

Water & Sewer Fund	Budget 19-20	Actual 19-20	% of Budget	Budget 18-19	Actual 18-19	Difference
Fund 61 Revenues	8,616,949	1,370,342	16%	8,378,540	1,381,290	(10,948)
Fund Balance	-	-		526,653		
	8,616,949	1,370,342		8,905,193	1,381,290	(10,948)
Water Treatment	1,506,850	278,734		1,508,450	249,778	28,957
Dist & Collection	1,847,150	252,974		1,748,000	238,643	14,331
Wastewater	1,567,500	175,610		1,544,600	155,004	20,606
W & S Intangibles	3,695,449	146,112		3,577,490	130,982	15,130
Expenses	8,616,949	853,430	10%	8,378,540	774,406	79,024
Difference		516,911			606,884	(89,972)

Electric Fund	Budget 19-20	Actual 19-20	% of Budget	Budget 18-19	Actual 18-19	Difference
Fund 63 Revenues	8,056,350	1,852,333	23%	7,669,264	1,412,910	439,423
Fund Balance	-	-		1,224,483	-	-
	8,056,350	1,852,333		8,893,747	1,412,910	439,423
Electric Dept.	8,056,350	248,767		7,669,264	740,076	(491,309)
Expenses	8,056,350	248,767	3%	7,669,264	740,076	(491,309)
Difference		1,603,566			672,834	930,732
Overtime 80+ hours		43,142			43,637	(495)

Executive Summary August 19 for 19-20 by Dept (2).xlsx

PUBLIC COMMENT:

Mr. Alan Hoyle spoke under the public comment section of the meeting. Mr. Hoyle began by thanking Mayor Hatley for attending the Officer Memorial that was held. Mr. Hoyle addressed Council to request a Resolution recognizing the only officer ever slain in the line of duty in Lincoln County. He voiced the importance of showing respect and honor to those that serve in this capacity.

Mr. Hoyle is seeking a Resolution, and plans to go a step further and get a monument that will honor law enforcement, in particularly John Howell who was only twenty-six years old at the time of his death. Mr. Hoyle informed Council that Mr. Howell was a decorated veteran, who served in the Vietnam war.

Mr. Hoyle has hopes that this will be something positive that will hopefully influence our young people to do something positive with their lives. In summary, Mr. Hoyle asked for City Councils support for getting a monument.

NEWS MEDIA:

There was no questions from the News Media

ADJOURNMENT:

Councilman Jetton made the motion unanimously approved to adjourn the meeting.

NOTE: Administrative Assistant Daphne Ingram filled in for the City Clerk and drafted the minutes of this meeting.

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR

ITEM

4

MEMO TO: Steve Zickefoose
Donna Flowers

FROM: Laura Elam

SUBJECT: Agenda Packet for the November 7, 2019 City Council Meeting

DATE: October 29, 2019

NOTE:

CALLS TO PUBLIC HEARING

- CUP-4-19- Application from Alex Patton/John Pagel of the Hesed House of Hope requesting a conditional use permit to expand the current homeless shelter, located in the R-8 district, by 900 square feet. The subject property is located at 100 Ann Gaither Court (Parcel ID 59996).
- CUP-5-19- Application from Townhomes at Lincoln Country Club, LLC requesting a conditional use permit to increase the approved number of townhomes from 33 units to 40 units on the 5.25 acre parcel located in the CU-RMF District. The subject property is located on Lincoln Country Club property approximately 650 feet north of Country Club Road approximately 450 feet east of Lithia Inn Road north of the driving Range Facility (Parcel ID 86678)

ITEM

5

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
Donna C. Flowers, MMC, NCCMC
donnaflowers@ci.lincolnton.nc.us
CITY ATTORNEY
Thomas J. Wilson, Jr..

RESOLUTION
(R-25-19)
Of Appreciation For

ROBERT A. HALLMAN III

WHEREAS, *Tony Hallman* began employment with the City of Lincolnton on August 26, 1991 as a Police Officer with the Lincolnton Police Department; and

WHEREAS, *Tony Hallman* has demonstrated his leadership qualities, rising through the ranks in 1998 to the Investigations Division; then in 2001 to a Police Investigations Sergeant; then in 2004 to a Police Lieutenant with the Patrol Division; and

WHEREAS, *Tony Hallman* throughout his career has been committed to providing the highest level of service to our citizens. He received the Advanced Law Enforcement Certificate, the highest certification awarded, through the NC Criminal Justice Training Standards Commission. Tony was named Officer of the Year in 1998 by the Lincolnton VFW and received a "Special Award of Honor" through the International Narcotics Enforcement Officers Association for his multi-jurisdictional service in lengthy narcotic drug task force investigations in 2000; and

WHEREAS, *Tony Hallman*, has served as a role model, providing excellent Public Safety in the Law Enforcement Sector, to the citizens of Lincolnton for over twenty eight years;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincolnton that appreciation be shown to *Tony Hallman* honoring him on his upcoming retirement on December 1, 2019 and that we extend congratulations and best wishes to him for continued success in all his future endeavors.

Adopted and presented this the 7th day of November, 2019.

Donna C Flowers

DONNA C. FLOWERS, MMC
CITY CLERK

Ed Hatley

ED HATLEY
MAYOR

ITEM

6

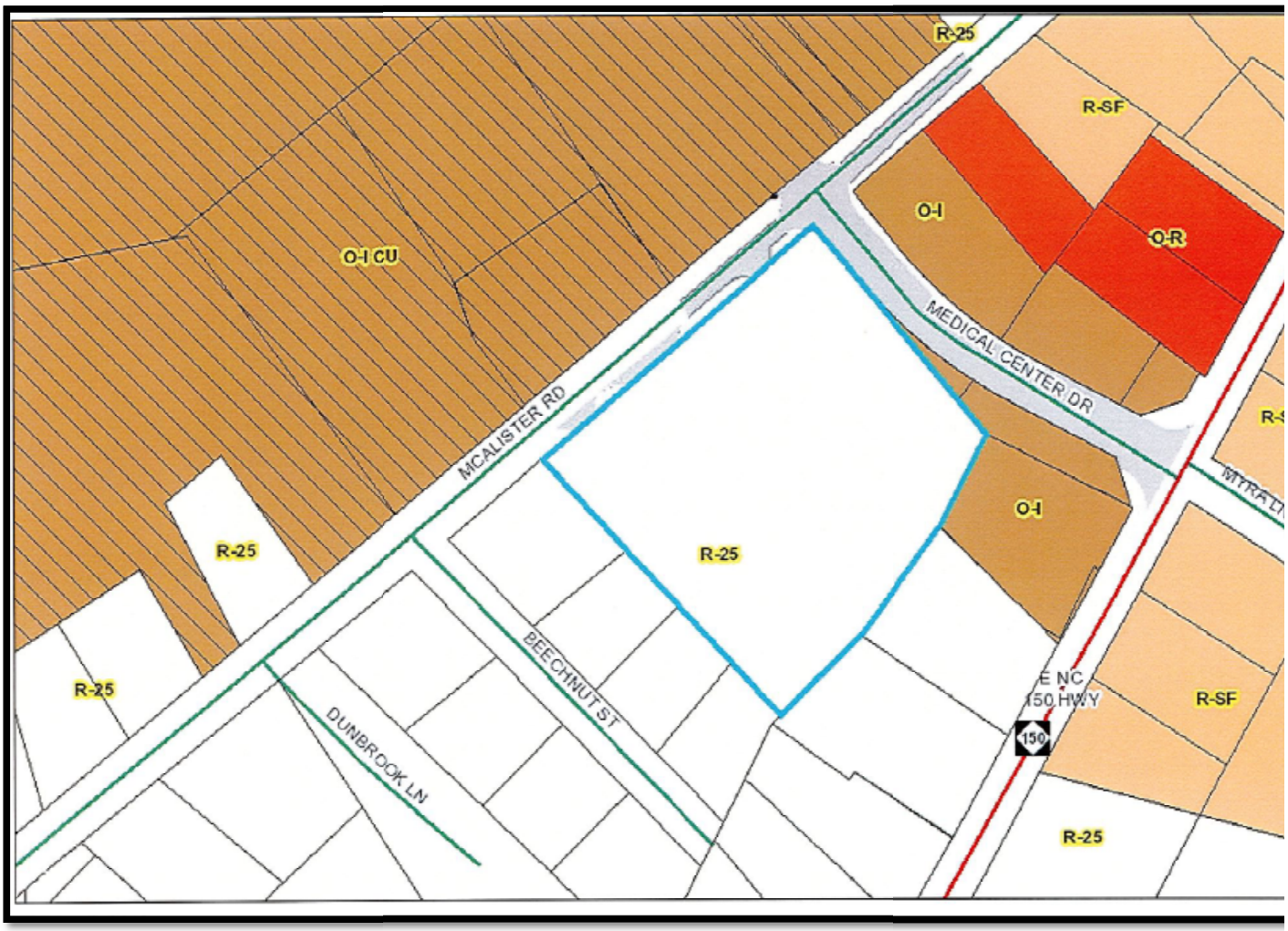
MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

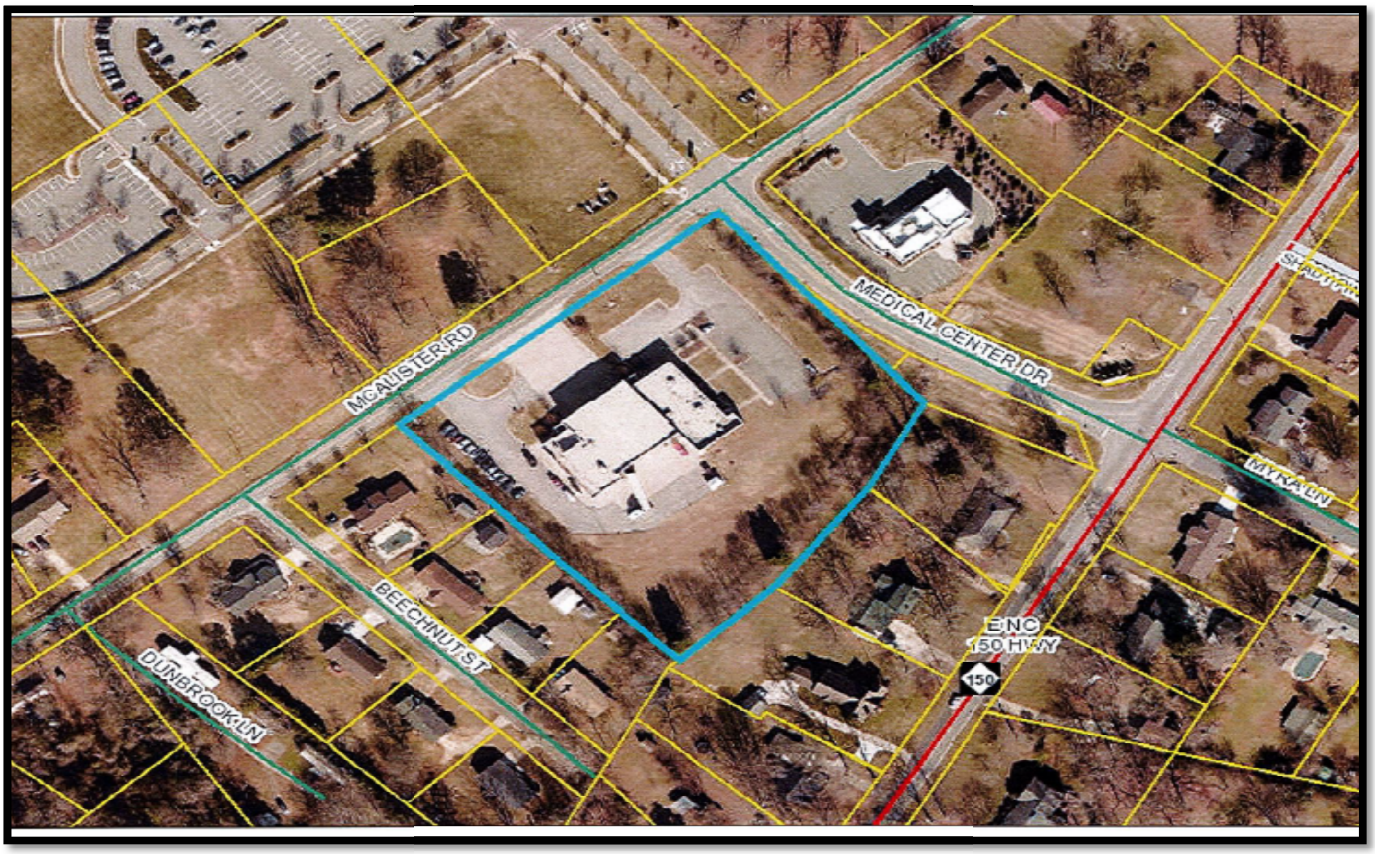
SUBJECT: CUP -2- 2019 Application for Conditional Use Permit Amendment from Boger City Volunteer Fire Department to allow a fire training center in the R-25 district.

DATE: November 7, 2019

SITE AND AREA DESCRIPTION



The Boger City Volunteer Fire Department is requesting amendment of the previously approved conditional use permit at the VFD site at 410 McAlister Road. The site is zoned R-25 (Rural Residential) and a conditional use permit was approved in 2001 to allow the fire station. Surrounding properties are zoned a combination of R-25 and O-I (Office –Institutional).



The subject property is the site of the Boger City VFD. Surrounding properties are devoted to

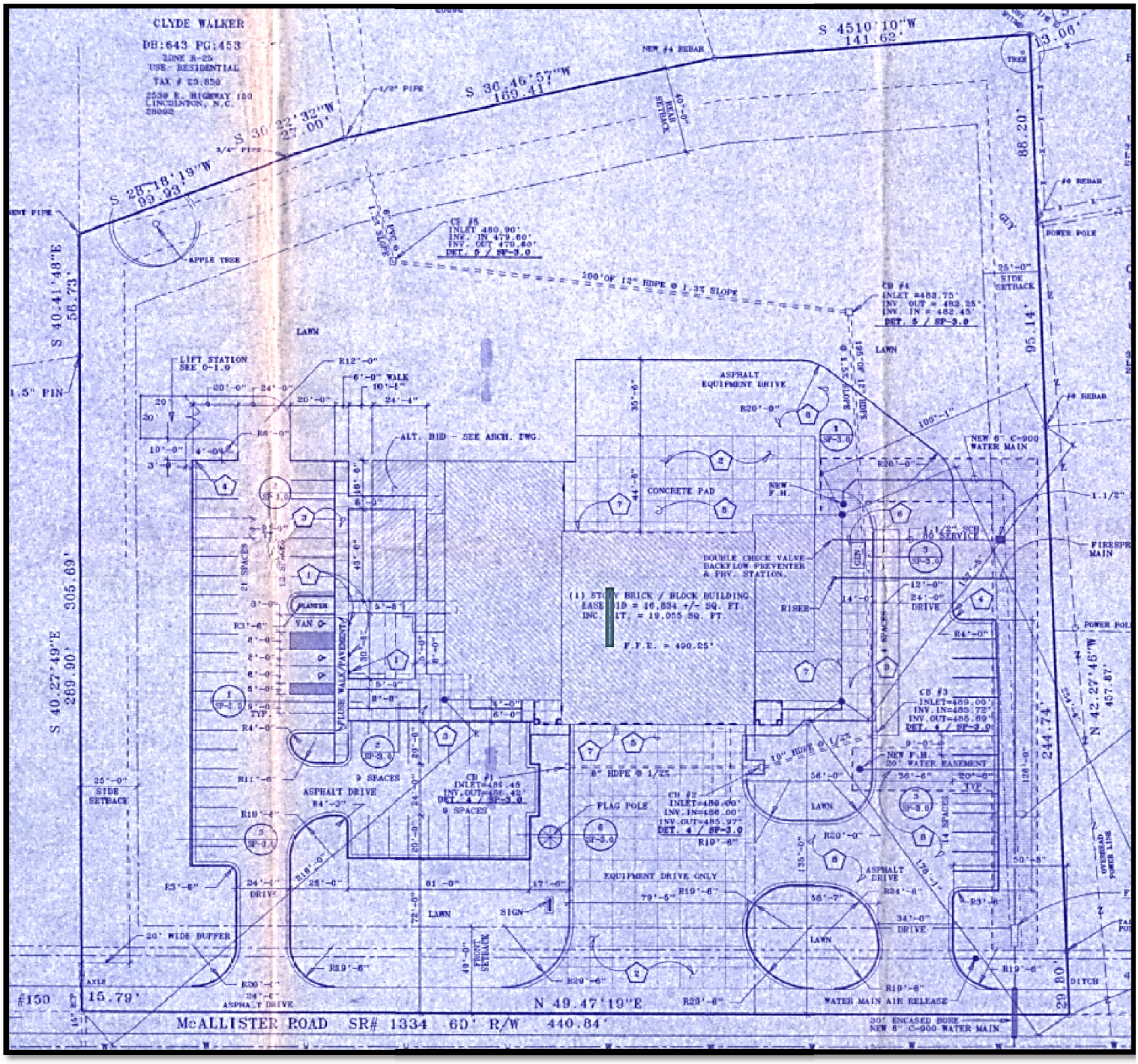
residential and medical uses.

BACKGROUND AND APPROVED SITE PLAN

A conditional use permit was approved in 2001 to allow construction of the fire station. The site plan notes the approximately 17,000 square foot fire station, two driveways to McAlister Road and the parking areas on either side of the station.

One of the conditions of approval of the conditional use permit is a stormwater system designed in such a way that stormwater will not impact adjacent property owners. A stormwater detention pond is provided on the rear portion of the site to address that condition of the conditional use permit.

The approved site plan is below:



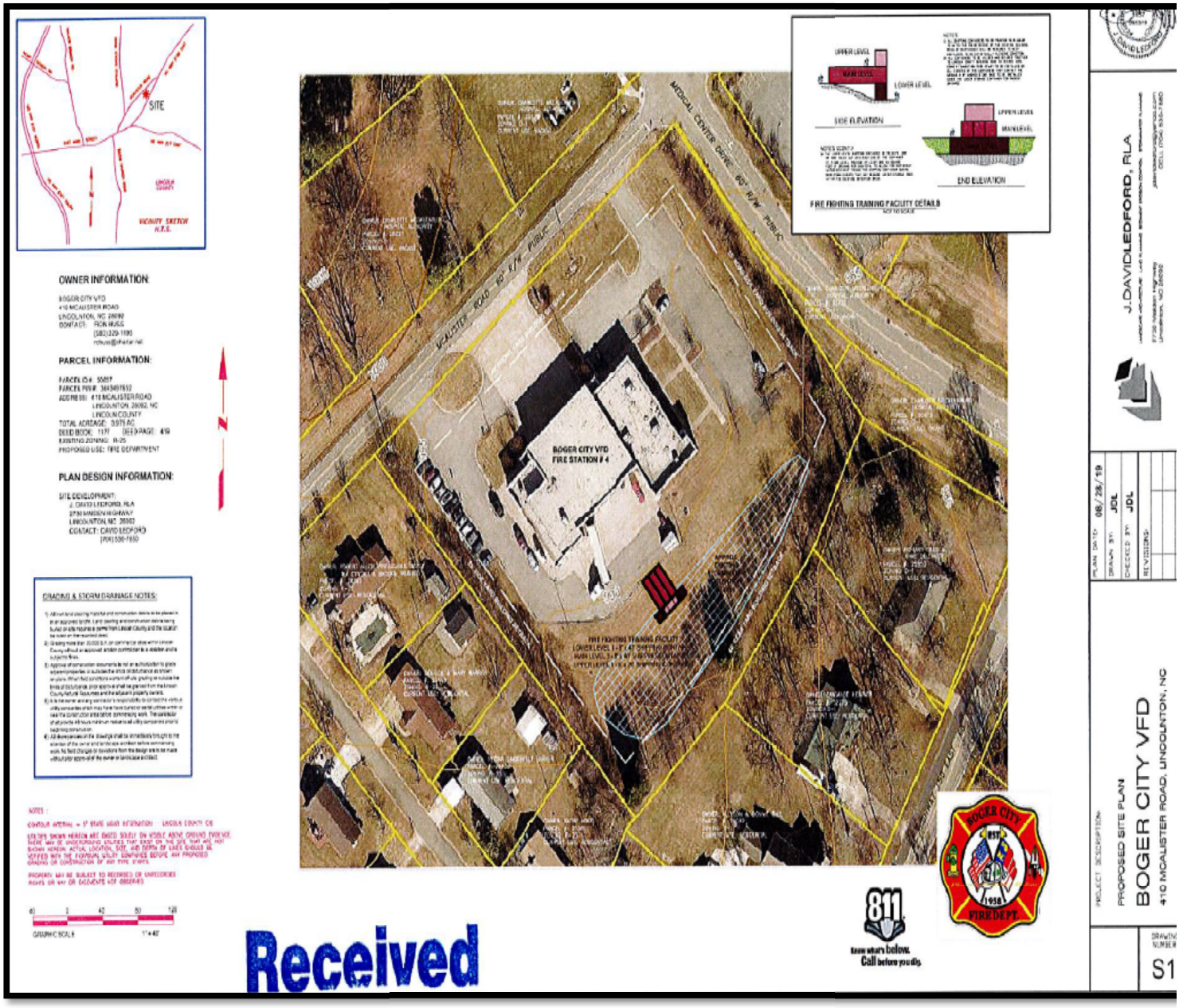
PROPOSED ADDITIONAL STRUCTURES

The applicant proposes the addition of a fire training center to the rear of the fire station. The proposed fire training center would be composed of five shipping containers as follows:

- Lower level: One 8 ft x 40 ft shipping container
- Main level: Three 8 ft x 40 ft shipping containers
- Upper level: One 8 ft x 20 ft shipping container

The site plan indicates all shipping containers to be painted to a color to match the color scheme of the existing building and notes that regular maintenance will be required to keep the containers in good condition.

PROPOSED SITE PLAN



STORMWATER MANAGEMENT MEASURES

The site plan indicates the following measures for stormwater management:

- One or more holes cut into each end of the container at floor level.
- Provide at least one square foot of opening per end / total to allow for sufficient water movement through the shipping container during rain storm events that may require water storage area within the existing detention basin.
- A four inch washed stone base is to be installed under the lower storage container for proper drainage.

EXAMPLES OF SHIPPING CONTAINERS

The applicant provided the below images as examples of the type of shipping containers to be used as the proposed fire training center:

STORMWATER DETENTION STRUCTURE IMPACT CALCULATIONS

Staff requested calculations from the applicant to demonstrate that the placement of the shipping containers on the existing stormwater detention pond will not negatively impact its capacity. The applicant provided that documentation and it is attached.

STAFF REVIEW COMMITTEE COMMENTS

The Staff Review Committee made the following comments:

- Building permits must be obtained from Lincoln County Building and Inspections.
- All trees and other vegetation located along the edges of the site to be protected during the shipping container installation process.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

Section 153.236 of the UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The application meets the requirements of that section.

OTHER CONDITIONAL USE PERMIT REQUIREMENTS

Section 153.237 of the Unified Development Ordinance requires four findings be determined by City Council prior to issuance of the conditional use permit. 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 153.237

1. It does not appear that the use will 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 properties.

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

Planning Board and Staff recommend approval of the conditional use permit subject to the applicant satisfactorily proving the findings of fact and subject to the Staff Review Committee comments.

MOTIONS FOR PUBLIC HEARING

1. Motion to consider request for conditional use permit.

2. Motion on Finding 1.

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

3. Motion on Finding 2.

   The use meets all required conditions and specifications.

4. Motion on Finding 3.

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

5. 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 Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

6. Motion to approve the conditional use permit with Staff Review Committee comments ***or*** motion to deny the request.

STORMWATER DETENTION STRUCTURE

IMPACT CALCULATIONS

PROVIDED BY APPLICANT

Received
04 SEP 2019
BY:

landscape architect
J.DAVIDLEDFORD, RLA

2730 Maiden Highway
Lincolnton, NC 28092
Cell 704-530-7880
jdavidledford@yahoo.com

September 3, 2019

City of Lincolnton Planning & Zoning
c/o **Brett Hicks**
114 West Sycamore Street
Lincolnton, NC 28092

RE: **Boger City VFD**
410 McAlister Road
Lincolnton, NC

Dear Lincolnton City Council & Staff,

This letter is being presented to confirm that the proposed fire fighting training facility by Boger City VFD will not create any measurable impact to the existing Stormwater Detention Structure on-site. The enclosed calculations show that the portion of the lower level shipping container that is within the storage area comprises only 0.1% or 51.2 cu.ft. of the entire 50,878 cu.ft structure. This small percentage of volume added to the existing stormwater detention structure produces no measurable change in the overall stormwater outflow volume or velocity of the structure.

"I have placed my signature and seal on the design documents submitted signifying that I accept responsibility for the design and calculations of the stormwater detention structure. Further, I certify to the best of my knowledge and belief that the design is consistent with the requirements of NC DEMLR Stormwater Design Manual.

Sincerely,

J. David Ledford, RLA

NORTH CAROLINA
REGISTERED LANDSCAPE ARCHITECT
1157
9/3/19
J. DAVID LEDFORD

MASTER DESIGN STORM SUMMARY

Default Network Design Storm File, ID RAIN.RNQ Storms 2

Return Event	Total Depth in	Rainfall Type	RNF File	RNF ID
50	6.4800	Synthetic Curve	SCSTYPES	TypeII 24hr
10	4.8000	Synthetic Curve	SCSTYPES	TypeII 24hr
2	3.1200	Synthetic Curve	SCSTYPES	TypeII 24hr

MASTER NETWORK SUMMARY
SCS Unit Hydrograph Method

(*Node=Outfall; +Node=Diversion;)
(Trun= HYG Truncation: Blank=None; L=Left; R=Rt; LR=Left&Rt)

Storage Node ID		Type	Return Event	HYG Vol ac-ft	Trun	Qpeak hrs	Qpeak cfs	Max WSEL ft	Max Pond ac-ft
POND	IN	POND	50	.717		12.0650	10.15		
POND	IN	POND	10	.374		12.0650	4.92		
POND	IN	POND	2	.115		12.1000	1.01		
POND	OUT	POND	50	.717		12.0650	10.15		
POND	OUT	POND	10	.374		12.0650	4.92		
POND	OUT	POND	2	.115		12.1000	1.01		
PRE DEVELOPED		AREA	50	.717		12.0650	10.15*		
PRE DEVELOPED		AREA	10	.374		12.0650	4.92*		
PRE DEVELOPED		AREA	2	.115		12.1000	1.01*		
*PRE WATER		JCT	50	.717		12.0650	10.15		
*PRE WATER		JCT	10	.374		12.0650	4.92		
*PRE WATER		JCT	2	.115		12.1000	1.01		

Type.... Vol: Trapezoidal
Name.... POND

File.... C:\HAESTAD\PPKW\SAMPLE\BOGER CITY VFD.PPW

POND VOLUME CALCULATION FOR TRAPEZOIDAL BASIN

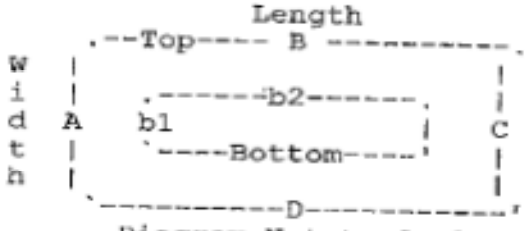


Diagram Not to ScaleW

Top Elev.	=	484.75 ft	
Top Length	=	330.00 ft	(A to C)
Top Width	=	45.00 ft	(B to D)
Bottom Elev.	=	478.60 ft	
Bottom Length	=	200.00 ft	
Bottom Width	=	15.00 ft	
Width Offset	=	15.00 ft	(B to b2)
Length Offset	=	65.00 ft	(A to b1)
Vertical Incr.=		1.00 ft	

Computed Side Slopes:

Side A:	10.569:1	(horizontal : vertical)
Side B:	2.439	" "
Side C:	10.569	" "
Side D:	2.439	" "

Elevation (ft)	Planimeter (sq.in)	Area (acres)	A1+A2+sqr(A1*A2) (acres)	Volume (ac-ft)	Volume Sum (ac-ft)
478.60	-----	.0689	.0000	.000	.000
479.60	-----	.1009	.2532	.084	.084
480.60	-----	.1377	.3565	.119	.203
481.60	-----	.1792	.4740	.158	.361
482.60	-----	.2254	.6057	.202	.563
483.60	-----	.2764	.7515	.251	.81
484.75	-----	.3409	.9243	.354	1.168

File.... C:\HAESTAD\PPKW\SAMPLE\BOGER CITY VFD.PPW

VOLUME COMPLETELY FILLED WITH MATERIAL
(Adjust Volumes for Voids)

Void Spaces = 99.90000 % (water)

HW Elv, ft	Total, ac-ft	Adjusted, ac-ft
478.60	.000	.000
479.60	.084	.084
480.60	.203	.203
481.60	.361	.361
482.60	.563	.563
483.60	.814	.813
484.75	1.168	1.167 *

MASTER DESIGN STORM SUMMARY

Default Network Design Storm File, ID CHARRAIN.RNQ Meck 2/10/50

Return Event	Total Depth Rainfall in	Type	RNF File	RNF ID	
A...50	6.4800	Synthetic Curve	SCSTYPES	TypeII	24hr
A...10	4.8000	Synthetic Curve	SCSTYPES	TypeII	24hr
A....2	3.1200	Synthetic Curve	SCSTYPES	TypeII	24hr

MASTER NETWORK SUMMARY
SCS Unit Hydrograph Method

(*Node=Outfall; +Node=Diversion;)
(Trun= HYG Truncation: Blank=None; L=Left; R=Rt; LR=Left&Rt)

Node ID	Type	Return Event	HYG Vol ac-ft	Qpeak hrs	Qpeak cfs	Max WSEL ft	Max Pond Stor. ac-ft
DEVELOPED	AREA	50	1.406	12.0350	20.36		
DEVELOPED	AREA	10	.906	12.0350	13.23		
DEVELOPED	AREA	2	.447	12.0350	6.46		
POND IN	POND	50	1.406	12.0350	20.36		
POND IN	POND	10	.906	12.0350	13.23		
POND IN	POND	2	.447	12.0350	6.46		
POND OUT	POND	50	1.343	12.8750	1.4*	483.28	.728
POND OUT	POND	10	.887	12.6350	1.26*	482.00	.436
POND OUT	POND	2	.437	12.4700	.95*	480.46	.185
*POST WATER	JCT	50	1.343	12.8750	1.47		
*POST WATER	JCT	10	.887	12.6350	1.26		
*POST WATER	JCT	2	.437	12.4700	.95		

Type.... Pond Routing Summary
Name.... POND OUT Tag: A....2
File.... C:\HAESTAD\PPKW\SAMPLE\PROJECT1.PPW
Storm... TypeII 24hr Tag: A....2

LEVEL POOL ROUTING SUMMARY

HYG Dir = C:\HAESTAD\PPKW\SAMPLE\
Inflow HYG file = BCVFD.HYG - POND IN A....2
Outflow HYG file = BCVFD.HYG - POND OUT A....2

Pond Node Data = POND
Pond Volume Data = POND
Pond Outlet Data = OUTFLOW

No Infiltration

INITIAL CONDITIONS

Starting WS Elev	=	478.60 ft
Starting Volume	=	.000 ac-ft
Starting Outflow	=	.00 cfs
Starting Infiltr.	=	.00 cfs
Starting Total Qout	=	.00 cfs
Time Increment	=	.0050 hrs

INFLOW/OUTFLOW HYDROGRAPH SUMMARY

Peak Inflow	=	6.46 cfs	at	12.0350 hrs
Peak Outflow	=	.95 cfs	at	12.4700 hrs
Peak Elevation	=	480.46 ft		
Peak Storage	=	.185 ac-ft		

MASS BALANCE (ac-ft)

+ Initial Vol	=	.000
+ HYG Vol IN	=	.447
- Infiltration	=	.000
- HYG Vol OUT	=	.437
- Retained Vol	=	.009
Unrouted Vol	=	-.002 ac-ft (.371% of Inflow Volume)

Type.... Pond Routing Summary
Name.... POND OUT Tag: A...10
File.... C:\HAESTAD\PPKW\SAMPLE\PROJECT1.PPW
Storm... TypeII 24hr Tag: A...10

LEVEL POOL ROUTING SUMMARY

HYG Dir = C:\HAESTAD\PPKW\SAMPLE\
Inflow HYG file = BCVFD.HYG - POND IN A...10
Outflow HYG file = BCVFD.HYG - POND OUT A...10

Pond Node Data = POND
Pond Volume Data = POND
Pond Outlet Data = OUTFLOW

No Infiltration

INITIAL CONDITIONS

Starting WS Elev	=	478.60 ft
Starting Volume	=	.000 ac-ft
Starting Outflow	=	.00 cfs
Starting Infiltr.	=	.00 cfs
Starting Total Qout	=	.00 cfs
Time Increment	=	.0050 hrs

INFLOW/OUTFLOW HYDROGRAPH SUMMARY

Peak Inflow	=	13.23 cfs	at	12.0350 hrs
Peak Outflow	=	1.26 cfs	at	12.6350 hrs
Peak Elevation	=	482.00 ft		
Peak Storage	=	.436 ac-ft		

MASS BALANCE (ac-ft)

+ Initial Vol	=	.000
+ HYG Vol IN	=	.906
- Infiltration	=	.000
- HYG Vol OUT	=	.887
- Retained Vol	=	.016
Unrouted Vol	=	-.003 ac-ft (.303% of Inflow Volume)

Type.... Pond Routing Summary
Name.... POND OUT Tag: A...50
File.... C:\HAESTAD\PPKW\SAMPLE\PROJECT1.PPW
Storm... TypeII 24hr Tag: A...50

LEVEL POOL ROUTING SUMMARY

HYG Dir = C:\HAESTAD\PPKW\SAMPLE\
Inflow HYG file = BCVFD.HYG - POND IN A...50
Outflow HYG file = BCVFD.HYG - POND OUT A...50

Pond Node Data = POND
Pond Volume Data = POND
Pond Outlet Data = OUTFLOW

No Infiltration

INITIAL CONDITIONS

Starting WS Elev	=	478.60 ft
Starting Volume	=	.000 ac-ft
Starting Outflow	=	.00 cfs
Starting Infiltr.	=	.00 cfs
Starting Total Qout	=	.00 cfs
Time Increment	=	.0050 hrs

INFLOW/OUTFLOW HYDROGRAPH SUMMARY

Peak Inflow	=	20.36 cfs	at	12.0350 hrs
Peak Outflow	=	1.48 cfs	at	12.8750 hrs
Peak Elevation	=	483.28 ft		
Peak Storage	=	.728 ac-ft		

MASS BALANCE (ac-ft)

+ Initial Vol	=	.000
+ HYG Vol IN	=	1.406
- Infiltration	=	.000
- HYG Vol OUT	=	1.343
- Retained Vol	=	.060
Unrouted Vol	=	-.003 ac-ft (.219% of Inflow Volume)

ITEM

7

At the October 15 Planning Board meeting, the Planning Board tabled action on the following application until the November 19 Planning Board meeting:

- CUP-3-2019 - Application from Shu Zheng Zhao requesting a conditional use permit to allow an arcade room business at the Lincolnton Station Shopping Center at 906-920 East Main Street.

The Planning Board met after the ad had been submitted for advertisement for Public Hearing. Because this was advertised as a Public Hearing for our November 7th City Council meeting, Mayor Hatley will need to open the hearing and table action, moving to continue the hearing (*so we won't have the expense of re-advertising*) to the December 5th City Council meeting.

ITEM

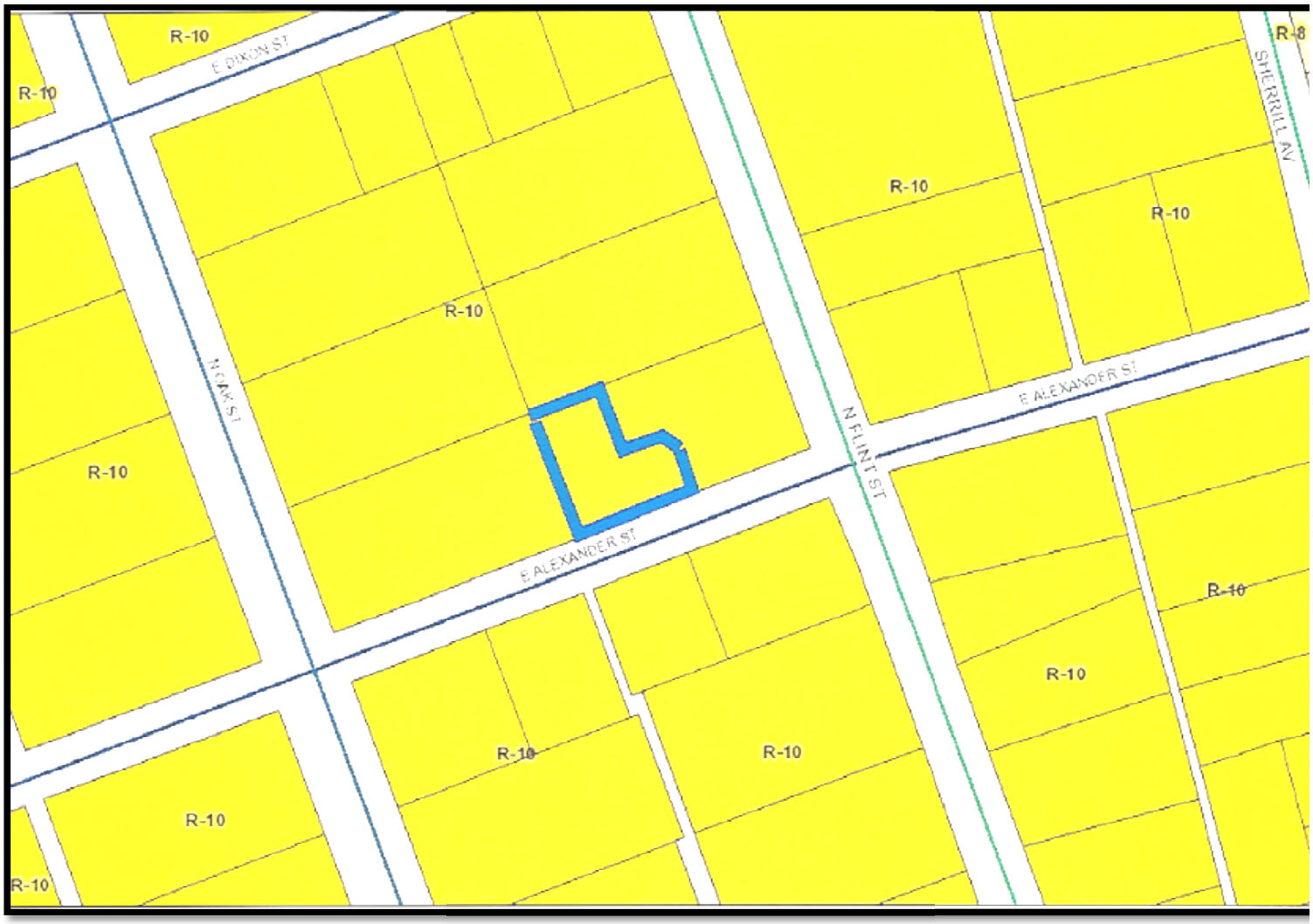
8

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

SUBJECT: CU-ZMA-1-2019- Application from Rebecca Chambers requesting conditional use rezoning from R-10 to NB-CU to allow a beauty salon

DATE: November 7, 2019

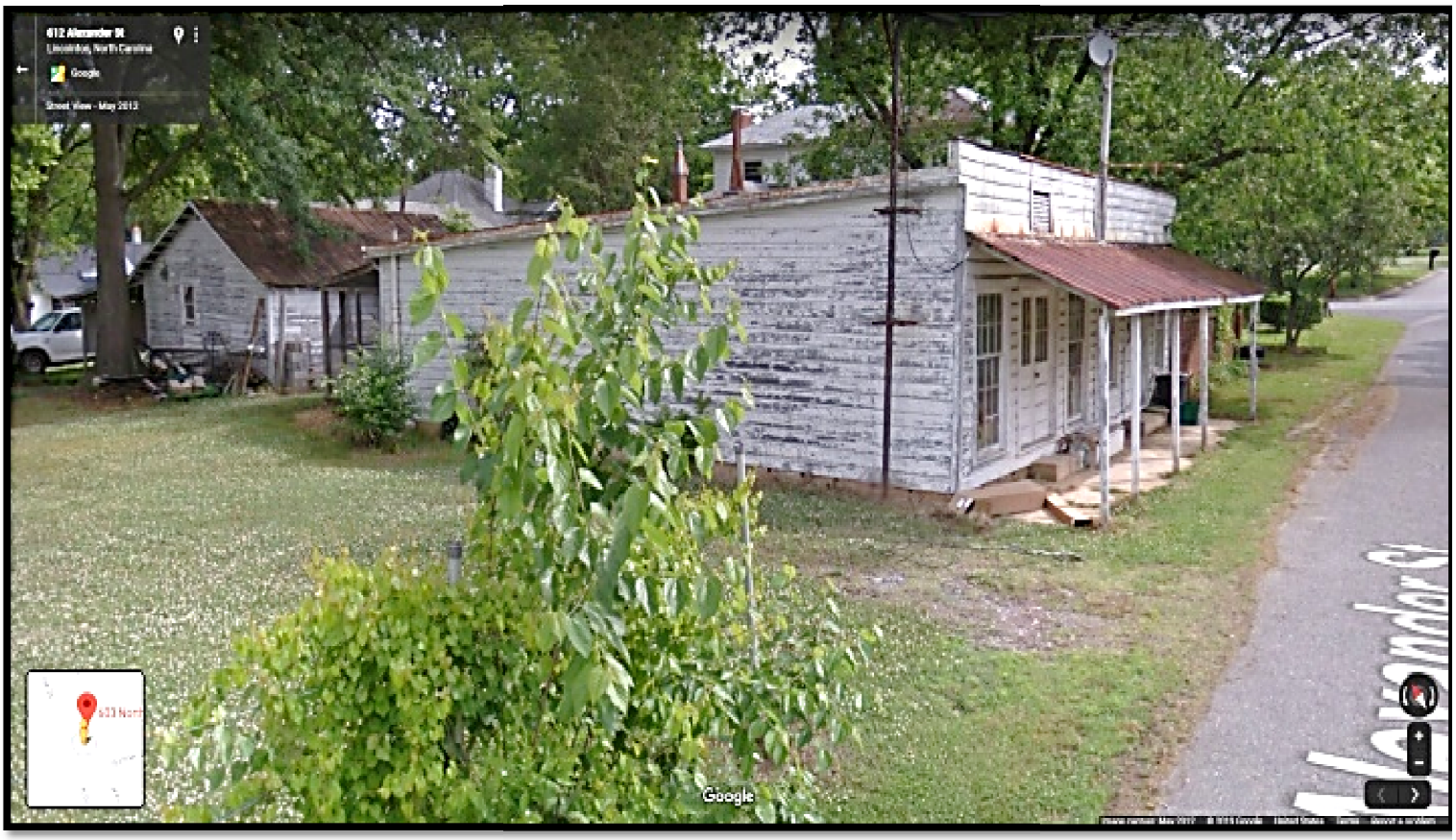


SITE AND AREA DESCRIPTION

The subject property is the rear portion of the parcel located on the northwest corner of the intersection of North Flint Street and East Alexander Street. The subject property and all surrounding properties are zoned R-10.

SHERRILL AV
E ALEXANDER ST
N MAIN ST
E ALEXANDER ST

The area is composed of single family homes. The proposed rezoning site is the rear portion of the lot located on the northwest corner of North Flint Street and East Alexander Street. That portion of the lot is developed with a 1,520 square foot building that was formerly used as a shop.


612 Alexander St
Lincolnton, North Carolina
Google
Street View - May 2012
Google

613 Alexander St
Lincolnton, North Carolina
Google
Street View - May 2012
Alexander St

BACKGROUND

The zoning regulations allow "home occupations" in any residence subject to several standards including the following:

- The home occupation is incidental and subordinate to the residential use of the dwelling and does not change the residential character of the dwelling.
- No accessory buildings or outside storage are to be used in connection with the home occupation.
- Use of the dwelling for the home occupation is limited to 25% of the area of the principal building.
- Residents of the dwelling plus a maximum of one non-resident may be engaged in a home occupation.
- No display of products may be visible from any adjoining lot or street and only articles made or reconditioned on the premises may be sold; except that nondurable articles incidental to a service conducted at the home occupation may be sold on the premises.
- No external alterations inconsistent with the residential character of the building shall be permitted.
- Only vehicles used primarily as passenger vehicles (e.g., automobiles, vans and pick-up trucks) shall be permitted in connection with the conduct of the customary home occupation.
- No traffic is to be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of the home occupation is to be provided off the road right-of-way.
- Home occupations may only be conducted between the hours of 7:00 a.m. and 9:00 p.m.
- One non-illuminated professional name plate, occupational sign or business identification sign mounted flush to the dwelling unit and not more than two square feet in area is allowed per customary home occupation.
- In lieu of a flush mounted sign, a freestanding sign of up to two square feet and not higher than five feet may be erected in the front yard.

NOTE: Under the existing zoning, a beauty salon could be operated as a home occupation subject to the above standards. In this specific instance, those standards would allow use of 626 square feet of the home as a beauty salon. Residents could be employed at the home-based salon plus one non-resident.

PROPOSED USE AND SITE PLAN

The applicant requests conditional use rezoning in order to allow use of the former shop building for a beauty salon.

The site plan indicates the beauty salon would provide space for up to four beauticians. To the west of the proposed beauty salon is a proposed 24 foot commercial driveway

connection to East Alexander Street along with a proposed parking lot containing 10 parking spaces. A new fence would be provided along the edges of the proposed rezoning site abutting residential zoning. The site plan is below:

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 proposes to limit the use of the property to a beauty salon with up to four beauticians.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

The UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The following items are not in compliance:

- Twenty foot screening buffer required along property lines abutting residential zoning
- Twelve parking spaces required
- Twenty foot building setback required along the side and rear yards abutting residential zoning

The applicant indicates she plans on pursuing variances for the above matters.

LAND USE PLAN

The Lincolnton Land Use Plan includes the site in the Traditional Single Family Planning Area. The Plan notes that these areas consist of single family uses on smaller to medium sized lots in older established portions of the community that should be protected from encroachment of incompatible business and industrial development. One of the identified objectives of the Land Use Plan is protection of the integrity and viability of the City's established residential neighborhoods.

This request proposes rezoning from single family residential to conditional Neighborhood Business. Therefore, the requested rezoning is not consistent with the Land Use Plan.

STAFF REVIEW COMMITTEE

The Staff Review Committee had the following comments:

(1) Twenty foot screening buffer required along property lines abutting residential.

(2) Twelve parking spaces required.

(3) Twenty foot building setback required along side and rear yards abutting residential zoning.

(4) Any outdoor lighting on the site should be directed downward and not cast glare onto neighboring properties.

(5) Hours of operation. to be limited to between 8 am and 9 pm.

(6) If the rezoning is approved, the ordinance would allow a freestanding pole or ground mounted sign of up to 20 feet in height and 32 square feet in area. This type of signage would not be appropriate in this location. Any freestanding signage should be limited to signage permitted with a home occupation.

(7) If the rezoning is approved, the ordinance would allow wall signage with a maximum area of 10 % of the wall area of any wall on the building. This type of signage would not be appropriate in this location. Any freestanding signage should be limited to signage permitted with a home occupation.

(8) The site plan indicates a proposed fence within an easement for an alley. Documentation must be provided indicating that a fence is permitted by the easement agreement.

(9) All activities, equipment and materials to be contained within the building. No outdoor storage permitted.

(10) The parking lot should be designed in such a way that stormwater will not impact adjacent property owners.

(11) A building permit must be obtained from Lincoln County.

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

(2) The use does not meet required conditions and specifications of the ordinance. The applicant indicates she plans on pursuing variances for required buffers/screening, required off-street parking and building setbacks.

(3) The applicant will need to provide sufficient evidence that the use will not substantially injure the value of adjoining or abutting properties.

(4) The request is not consistent with the Land Use Plan. The applicant will need to provide sufficient evidence that the use, if approved, will be in harmony with the area.

PLANNING BOARD AND STAFF RECOMMENDATION

Planning Board and Staff recommend denial of the request.

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

Case No. CU-ZMA-1-2019

Applicant: Rebecca Chambers

Parcel ID#: 18016 (portion of)

Location: Rear portion of lot located at 603 N. Flint Street

Request: Rezone from R-10 to NB-CU to permit a beauty salon.

Proposed Consistency and Reasonableness Statement:

The proposed rezoning request **is not consistent** with the Lincolnton Land Use Plan in that the property is part of an area designated by the Plan as a Traditional Single Family Planning Area.

The request involves a relatively small site and use of an existing structure. 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. CU-ZMA-1-2019

Applicant: Rebecca Chambers

Parcel ID#: 18016 (portion of)

Location: Rear portion of lot located at 603 N. Flint Street

Request: Rezone from R-10 to NB-CU to permit a beauty salon.

Proposed Consistency and Reasonableness Statement:

The proposed rezoning request **is not consistent** with the Lincolnton Land Use Plan in that the property is part of an area designated by the Plan as a Traditional Single Family Planning Area.

Therefore, **denial of the proposed amendment is reasonable and in the public interest** in that the site is located in an established neighborhood that should be protected from encroachment of incompatible development.

MOTIONS FOR PUBLIC HEARING

1. Motion to consider request for conditional use rezoning
.
2. Motion to consider statement of consistency and reasonableness.

3. Motion to approve or deny request for rezoning.

4. If rezoning is approved, motion to consider request for conditional use permit.

5. Motion on Finding 1.

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

6. Motion on Finding 2.

   The use meets all required conditions and specifications.

7. Motion on Finding 3.

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

8. 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 Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

9. Motion to approve the conditional use permit with Staff Review Committee comments ***or*** motion to deny the request.

10. If rezoning is approved, motion to amend Land Use Plan.

ITEM

9

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

SUBJECT: ZTA-3-2019 Application from Lincolnton Planning Department to create an Abandoned and Junked Vehicle Ordinance and amendment of the Unified Development Ordinance to remove references to junked motor vehicles.

DATE: November 7, 2019

Background

The Unified Development Ordinance defines and regulates wrecked or junked motor vehicles on private property. Various sections of the City Code address objects including vehicles that are obstructing the public rights-of-way.

Typically, the Planning Department handles violations of the UDO regarding junked vehicles and the Police Department handles abandoned vehicles that are obstructing travel on public streets.

Neither the UDO nor the City Code outline the required process for vehicle removal or notice to the owner. The state general statutes include several relevant provisions and steps a local government is to take in order to remove abandoned or junked vehicles and many cities have an "Abandoned and Junked Vehicle Ordinance" that outlines their policies and procedures.

Proposed Amendment

The proposed amendment would create an "Abandoned and Junked Vehicles Ordinance" and consolidate the regulations regarding abandoned vehicles on public streets and the regulations regarding abandoned, junked or nuisance vehicles on private property. The ordinance would also outline the City's policies and procedures regarding removal of such vehicles.

The proposed ordinance mirrors ordinances from other cities in North Carolina and the relevant state statutes. Key provisions in the proposed ordinance are outlined below:

Definitions

The ordinance includes the following terms and definitions:

An **abandoned vehicle** is a motor vehicle that is left:

- on a public street in a no parking zone,
- on a public street for more than seven days,
- on city owned property for greater than 24 hours or

- on private property without the consent of the owner, occupant or lessee for longer than two hours.

A **junked vehicle** is a vehicle that does not display a current license plate *and*

- is partially dismantled or wrecked,
- cannot be self-propelled or moved in the manner it originally was intended to move *or*
- is more than five years old and appears to be worth less than $100

A **nuisance vehicle** is a vehicle that is determined and declared to be a health or safety hazard, a public nuisance and unlawful, including a vehicle found to be:

- a breeding ground for insects or pests;
- a point of heavy growth of weeds or other noxious vegetation over eight inches in height;
- a collection point of pools of water;
- a point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
- one which has areas of confinement which cannot be operated from the inside, such as trunks or hoods;
- situated that there is a danger of it falling or turning over;
- a point of collection of garbage, food waste, animal waste or any other rotten or putrescible matter; and/or
- one which has sharp parts or contains sharp edges of metal or glass.

Exemptions

The proposed ordinance exempts any vehicle which is:

- located in a bona fide automobile graveyard or junk yard as defined by state statute;
- on the premises of an automobile repair business operating legally and the vehicle is being kept pursuant to the operation of that business;
- in an enclosed building;
- parked on the property so that the vehicle cannot be seen from a public street or abutting property;
- in an appropriate storage place or depository maintained in a lawful place and manner by the city; or
- used on a regular basis for business or personal use.

Special Interest Vehicle

Individuals actively restoring not more than one special interest vehicle outside of a garage or other enclosed structure would have a temporary exemption from the ordinance provided that the vehicle is kept in a rear yard.

The vehicle must be made to be in running condition within one year after being brought onto the premises.

Investigation and Determination

The Police Department and the Code Enforcement Officer would be responsible for administration and enforcement of the ordinance.

The Police Department would deal with vehicles that are determined to be abandoned on a public street.

The Code Enforcement Officer would deal with other vehicles that are determined to be abandoned and with vehicles determined to be junked or nuisance vehicles.

Abandoned and Nuisance Vehicles Prohibited

- The proposed ordinance would make it unlawful for the owner of a vehicle to cause or allow the vehicle to be abandoned and allows the city to investigate and determine that a vehicle is an abandoned vehicle and order its removal.

- The proposed ordinance would make it unlawful for the owner of a vehicle or for the owner of the property where the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle. The City could investigate and determine that a vehicle is a nuisance vehicle and order the vehicle removed.

Junked Vehicles Regulated

- The proposed ordinance would make it unlawful for the owner of a junked vehicle or for the owner of the property where a junked vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

- The City could order the removal of a junked motor vehicle after a written finding that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. The finding is to be based on a balancing of the monetary loss of the owner against the corresponding gain to the public by promoting community, neighborhood or area appearance.

Removal of Vehicles and Towing Notice Requirements

Abandoned, nuisance or junked vehicles would be removed by the City only after prior notice to the owner.

The exception to the prior notice requirement would be a circumstance in which the authorizing official determines there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare such as an abandoned vehicle on a public street that is obstructing traffic or parked illegally.

Other abandoned, nuisance or junked vehicles would be removed only after prior notice to the owner.

Appeal of City's Determination to Board of Adjustment

With respect to abandoned vehicles on private property and nuisance or junked vehicles for which prior notice is required, the owner may appeal the City's determination that the vehicle is an abandoned or nuisance vehicle.

In the case of a junked vehicle, the owner may appeal the City's determination that the aesthetic benefits of removing the vehicle outweigh the burden on the owner. The appeal would be made to the Board of Adjustment.

Right to Probable Cause Hearing

After the removal of an abandoned vehicle, nuisance vehicle or junked vehicle, the owner may request a hearing to determine if probable cause existed for removing the vehicle. A request for a probable cause hearing would be filed with the county magistrate.

Claimed Vehicles

At any stage in the process, the owner of the vehicle may get possession of a removed vehicle by paying the fee to the towing operator that has the vehicle.

Unclaimed Vehicles

Vehicles that are not claimed by the owner could be disposed of in accordance with the relevant state statute.

UDO Amendments

Section 153.073 of the Unified Development Ordinance outlines regulations related to wrecked or junked vehicles. That section and the related terms and definitions in the UDO would be deleted since the new ordinance would deal with those vehicles.

Planning Board and Staff Recommendation

Planning Board and Staff recommend approval of the amendment.

An Ordinance to Amend the City of Lincolnton Unified Development Ordinance to Create Abandoned and Junked Vehicles Ordinance

Section 1. Create new Chapter 98: Abandoned and Junked Vehicles as follows. Newly adopted language is highlighted in yellow and language to be deleted is ~~struck through~~ and ~~red.~~

CHAPTER 98: ABANDONED AND JUNKED VEHICLES

§ 98.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE. As authorized and defined in G.S. § 160A-303, an ***ABANDONED MOTOR VEHICLE*** is one that is left:

(1) Upon a public street or highway in violation of a law or ordinance prohibiting parking;

(2) On a public street or highway for longer than seven days;

(3) On property owned or operated by the city for longer than 24 hours; or

(4) On private property without the consent of the owner, occupant or lessee thereof, for longer than two hours.

AUTHORIZING OFFICIAL. The designated employee of the Police Department or the Code Enforcement Officer, respectively, designated to authorize the removal of vehicles under the provisions of this chapter.

ENCLOSED STRUCTURE. A garage or building structure which provides a complete enclosure so that the junked motor vehicles cannot be seen from a public street or abutting property.

JUNKED MOTOR VEHICLE. As authorized and defined in G.S. § 160A-303.2, means a vehicle that does not display a current license plate and that:

(1) Is partially dismantled or wrecked;

(2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or

(3) Is more than five years old and appears to be worth less than $100.

MOTOR VEHICLE or ***VEHICLE.*** Any machine designed or intended to travel over land by self- propulsion or while attached to any self-propelled vehicle.

NUISANCE VEHICLE. A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance and unlawful, including a vehicle found to be:

(1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;

(2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;

(3) A point of collection of pools or ponds of water;

(4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;

(5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods and the like;

(6) So situated or located that there is a danger of it falling or turning over;

(7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind;

(8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; and/or

(9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the City Council.

SPECIAL INTEREST VEHICLE. An antique or hobby vehicle being actively restored by its owner. The vehicle may not be in running condition but shall be made to be in running condition within one year after being brought onto the premises. A vehicle that is not being actively restored shall be considered a junked motor vehicle.

§ 98.02 ADMINISTRATION.

The Police Department and Code Enforcement Officer shall be responsible for the administration and enforcement of this chapter. The Police Department shall be responsible for administering the removal and disposition of vehicles determined to be abandoned on the public streets and highways within the city, and on property owned by the city. The Code Enforcement Officer shall be responsible for administering the removal and disposition of abandoned, nuisance or junked motor vehicles located on private property. The city may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles and junked motor vehicles in compliance with this chapter and applicable state laws. Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the City Police Department and Fire Department in enforcing other laws or in otherwise carrying out their duties.

§ 98.03 VEHICLES EXEMPT.

(A) Nothing in this chapter shall apply to any vehicle which is:

(1) Located in a bona fide automobile graveyard or junk yard as defined in G.S. § 136-143, in accordance with the Junkyard Control Act, the same being G.S. §§ 136-141 *et seq.*;

(2) On the premises of an automobile repair business operating legally pursuant to Chapter 153 of this code and the vehicle is being kept pursuant to the operation of that business;

(3) In an enclosed building;

(4) Parked on property so that the vehicle cannot be seen from a public street or abutting property;

(5) In an appropriate storage place or depository maintained in a lawful place and manner by the city; or

(6) Used on a regular basis for business or personal use.

(B) Individuals actively restoring not more than one special interest vehicle outside of a garage or other enclosed structure are exempt from this regulation provided the vehicle is kept in a rear yard. The vehicle shall be made to be in running condition within one year after being brought onto the premises.

§ 98.04 ABANDONED VEHICLES PROHIBITED; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow the vehicle to be abandoned as the term is defined in § 98.01.

(B) Upon investigation, proper authorizing officials of the city may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

§ 98.05 NUISANCE VEHICLES PROHIBITED; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(B) Upon investigation, the Code Enforcement Officer may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

§ 98.06 JUNKED MOTOR VEHICLES REGULATED; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

(B) The Code Enforcement Officer may order the removal of a junked motor vehicle, as defined in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. The finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following, among other relevant factors, may be considered:

(1) Protection of property values;

(2) Promotion of tourism and other economic development opportunities;

(3) Indirect protection of public health and safety;

(4) Preservation of the character and integrity of the community; and

(5) Promotion of the comfort, happiness and emotional stability of area residents.

§ 98.07 REMOVAL OF VEHICLES IN VIOLATION; TOWING NOTICE REQUIREMENTS.

(A) Except as set forth in § 98.08, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by personal delivery or first class mail. The person who mails the notice shall retain a written record to show the names and addresses to which mailed, and the date mailed. If the names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the city on a specified date, but no sooner than seven days after the notice is affixed. The notice shall state that the vehicle will be removed by the city on a specified date, not sooner than seven days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

(B) With respect to abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, the appeal shall be made to the Board of Adjustment in writing, heard at the next regularly scheduled meeting of the Board of Adjustment, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(C) Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by the city, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform the services for the city. Whenever a vehicle is removed, the authorizing city official shall immediately notify the last known registered owner of the vehicle, and the notice shall include the following:

(1) The description of the removed vehicle;

(2) The location where the vehicle is stored;

(3) The violation with which the owner is charged, if any;

(4) The procedure the owner must follow to redeem the vehicle; and

(5) The procedure the owner must follow to request a probable cause hearing on the removal.

(D) The city shall attempt to give notice to the vehicle owner by telephone. However, whether or not the owner is reached by telephone, written notice, including the information set forth in divisions (C)(1) through (C)(5) above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or the owner's agent.

(E) If the vehicle is registered in the state, notice shall be given within 24 hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within 72 hours from the removal of the vehicle.

(F) Whenever an abandoned, nuisance or junked motor vehicle is removed, and the vehicle has no valid registration or registration plates, the authorizing city official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify the owner of the information set forth in divisions (C)(1) through (C)(5) above.

§ 98.08 EXCEPTIONS TO PRIOR NOTICE REQUIREMENT.

(A) The requirement that notice be given prior to the removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare.

(B) The findings shall, in all cases, be entered by the authorizing official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice include:

(1) Vehicles abandoned on the public streets and highways, for which the City Council hereby determines that immediate removal of the same may be warranted when they are:

(a) Obstructing traffic;

(b) Parked in violation of an ordinance prohibiting or restricting parking;

(c) Parked in a no stopping or standing zone;

(d) Parked in loading zones;

(e) Parked in bus zones; or

(f) Parked in violation of parking restrictions imposed under the City Code.

(2) Other abandoned or nuisance vehicles, and with respect to abandoned or nuisance vehicles left on city owned property other than the streets and highways, and on private property, the vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation, the circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in a location or manner so as to pose a traffic hazard, and vehicles causing damage to public or private property.

§ 98.09 RIGHT TO PROBABLE CAUSE HEARING BEFORE SALE OR FINAL DISPOSITION OF VEHICLE.

After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county magistrate designated by the chief district court judge to receive the hearing requests. The magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. § 20-219.11.

§ 98.10 REDEMPTION OF VEHICLE DURING PROCEEDINGS.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of the fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this chapter.

§ 98.11 SALE AND DISPOSITION OF UNCLAIMED VEHICLE.

Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of the vehicle shall be carried out in coordination with the city and in accordance with G.S. §§ 44A-1 *et seq.*

§ 98.12 CONDITIONS ON REMOVAL OF VEHICLES FROM PRIVATE PROPERTY.

As a general policy, the city will not remove a vehicle from private property if the owner, occupant or lessee of the property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the city from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the Code Enforcement Officer. The city may require any person requesting the removal of an abandoned,

nuisance or junked motor vehicle from private property to indemnify the city against any loss, expense or liability incurred because of the removal, storage or sale thereof.

§ 98.13 PROTECTION AGAINST CRIMINAL OR CIVIL LIABILITY.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance or junked motor vehicle, for disposing of the vehicle as provided in this chapter.

§ 98.14 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the city any vehicle which has been impounded pursuant to the provisions of this code unless and until all towing and impoundment fees which are due, or bond in lieu of the fees, have been paid.

Section 2 Amend Section 153.031, DEFINTIONS OF SPECIFIC TERMS AND WORDS, to delete the definitions of the term "junked motor vehicles" and "special interest auto" as follows:

~~(A) ***JUNKED MOTOR VEHICLES.*** A vehicle that is partially dismantled or wrecked; or cannot be self-propelled or moved in the manner in which it was originally intended to move or is more than five years old and worth less than $100; or does not display a current license plate.~~

~~(B) ***SPECIAL INTEREST AUTO.*** An antique or hobby vehicle being actively restored by its owner. The vehicle may not be in running condition but shall be made to be in running condition within one year after being brought onto the premises. A vehicle that is not being actively restored shall be considered a junked motor vehicle.~~

Section 3 Amend Section 153.073, WRECKED OR JUNKED VEHICLES, to delete the section in its entirety as follows:

~~**SECTION 153.073 WRECKED OR JUNKED VEHICLES.**~~

~~Except as otherwise permitted in this chapter, within any zoning district, no stripped, partly wrecked or junked motor vehicle, or part thereof, shall be permitted to be kept out-of doors on any street or lot. Each vehicle on the lot or street must display a current license plate or tag and have a current registration card and inspection sticker as required by the State Department of Motor Vehicles. Individuals actively restoring special interest vehicles inside a garage or other approved enclosed structure are exempt from this regulation. Individuals actively restoring not more than one special interest auto outside of a garage or other enclosed structure are exempt from this regulation provided the auto is kept in a rear yard. A junked motor vehicle shall be considered any type of motorized vehicle that cannot be driven on the road or water.~~

Section 4. That this ordinance shall become effective upon its adoption.

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

Case No. ZTA-3-2019

Applicant: City of Lincolnton Planning Department

Request: Amend Section 153.031 (Definitions) and Section 153.073 (Wrecked or Junked Vehicles) of the Unified Development Ordinance so that city regulations regarding abandoned and junked vehicles are consolidated into the newly created Abandoned and Junked Vehicle Ordinance

Proposed Consistency and Reasonableness Statement:

The proposed amendment is **consistent** with the adopted Lincolnton Land Use Plan in that it is not contrary to the goals and objectives outlined by the Plan and **approval of the amendment is reasonable and in the public interest** in that it will consolidate the city's regulations, policies and procedures regarding abandoned and junked vehicles into one ordinance that promotes public health and safety.

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

Case No. ZTA-3-2019

Applicant: City of Lincolnton Planning Department

Request: Amend Section 153.031 (Definitions) and Section 153.073 (Wrecked or Junked Vehicles) of the Unified Development Ordinance so that city regulations regarding abandoned and junked vehicles are consolidated into the newly created Abandoned and Junked Vehicle Ordinance

Proposed Consistency and Reasonableness Statement:

The proposed amendment is **not consistent** with the adopted Lincolnton Land Use Plan in that it is contrary to the goals and objectives outlined by the Plan and **denial of the proposed amendment is reasonable and in the public interest.**

MOTIONS FOR PUBLIC HEARING

1. Motion to consider request for ordinance amendment.
2. Motion to approve one of the statements of consistency and reasonableness.
3. Motion to approve or deny request.

ITEM

10

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

SUBJECT: ZTA-4-2019 Application from Lincolnton Planning Department requesting amendment to Section 153.057, (Accessory Structures), of the Unified Development Ordinance to modify accessory structure size requirements.

DATE: November 7, 2019

Background

The UDO allows accessory structures such as storage sheds and detached garages on any lot containing a principal residential use subject to a maximum size of one-half the heated ground floor area of the principal building.

This means that a lot that is developed with an 1,100 square foot, one-story home may have up to 550 square feet of accessory structures whether the lot is 50 acres, 5 acres or one acre.

The following are several hypothetical situations and how the standard would apply:

- A 50 acre lot with an 1,100 square foot, one –story home may have up to 550 square feet of accessory storage structures.

- A 5,000 square foot lot with an 1,100 square foot, one –story home may have up to 550 square feet of accessory storage structures.

- A 5,000 square foot lot with a 3,000 square foot, one –story home may have up to 1,500 square feet of accessory storage structures.

Examples

Below are two examples of how the regulation would apply to two actual lots located in the city's jurisdiction that are currently vacant.

Example 1

2.58 acre vacant lot

If developed with an 1,100 square foot one –story home,

then up to 550 square feet of accessory building(s) allowed

Example 2
0.14 acre vacant lot
If developed with a 3,000 square foot one –story home,
then up to 1,500 square feet of accessory building(s) allowed

On a fairly routine basis, property owners are encountering issues with this regulation.

- In situations similar to Example1 in areas with relatively large lots, a homeowner with a relatively small home is limited to a small amount of accessory building(s) in comparison to neighboring properties. There have been numerous requests for variances for similar situations.

- In situations similar to Example 2 in neighborhoods with relatively small lots, an abutting homeowner would likely have concerns about an accessory building of this scale in relationship to the lot.

Staff researched the ordinances of several other cities and found that many are basing the maximum area allowed for accessory structures on residential lots on the required rear yard rather than on the size of the home.

Many cities allow accessory structures to cover up to 30 percent of the required rear yard on the lot. Some of the cities using that standard or a similar standard include Conover, Lenoir, Newton, Salisbury, Spencer and Statesville. Staff in those cities indicate that they have not encountered problems or concerns.

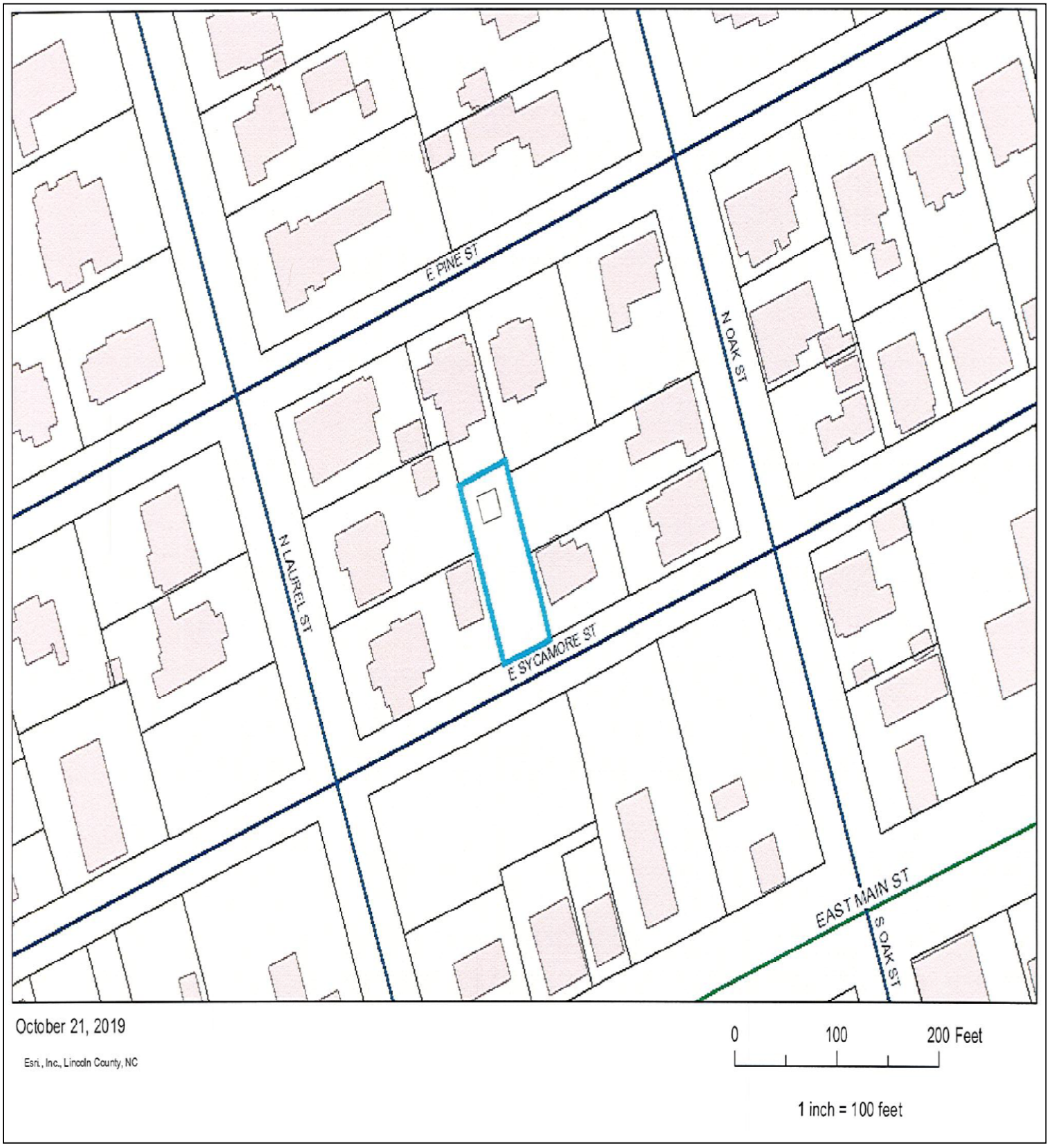
Proposed Amendment

The proposed amendment seeks to amend the maximum allowable aggregate area for accessory structures on a lot containing a principal residential use to no more than 30 percent of the required rear yard.

Below are illustrations of the same two vacant lots from the above examples showing the accessory structure area that would be permitted under the proposed amendment followed by a comparison of the existing standard and the proposed standard.

Example 1 Under Proposed Amendment
2.58 acre vacant lot
5,920 square foot required rear yard
1,776 square foot accessory building(s) allowed

Example 2 Under Proposed Amendment
0.14 acre vacant lot
1,100 square foot required rear yard
330 square foot accessory building(s) allowed



2.58 Acre Lot

Existing Standard
If 1,100 s.f. home, then
550 s.f. accessory structure

Proposed Standard
5,920 s.f. required rear yard
1,776 s.f. accessory structure

0.14 Acre Lot

Existing Standard
If 3,000 s.f. home, then
1,500 s.f. accessory structure

Proposed Standard
1,100 s.f. required rear yard
330 s.f. accessory structure

Planning Board and Staff Recommendation

Planning Board and Staff recommend approval of the amendment.

AN ORDINANCE TO AMEND THE LINCOLNTON UDO TO MODIFY PROVISIONS RELATED TO ACCESSORY STRUCTURES ON ANY LOT CONTAINING A PRINCIPAL RESIDENTIAL USE

Section 1. Amend Section 153.057(D) (Accessory Structures), of the Unified Development Ordinance to modify the provisions related to accessory structure size on any lot containing a principal residential use. Newly adopted language is underlined and highlighted in yellow the language to be deleted is struck through and ~~red~~.

§ 153.057 ACCESSORY STRUCTURES.

(A) Within any Residential (R) District, accessory structures shall be located as follows.

(1) Except as herein provided, no portion of any accessory structure shall be located within any front yard. Exceptions are:

(a) Water wells on any lot; and

(b) Garages used primarily to house automobiles.

(2) Water wells may be located in any front, side or rear yard.

(3) Automobile garages designed to accommodate no greater than three automobiles may be located in any front yard other than in the required front setback. Any garage shall also observe the minimum dwelling side setback requirement for the zoning district in which it is located.

(4) Accessory structures are allowed in any side yard, provided they observe a setback of ten foot side yard from any side yard lot line.

(5) Accessory structures are allowed in any rear yard provided that all accessory structures observe a ten foot setback from any rear lot line.

(C) On any lot containing a principal residential use, no accessory structure shall be permitted that involves or requires any construction features which are not primarily residential in nature or character; provided, however, this requirement shall not apply in the R-25 District to structures erected for agricultural purposes.

(D) On any lot containing a principal residential use, the aggregate area of all accessory structures (excluding barns, farm-related structures and satellite dish antennas) shall not ~~exceed one-half the heated ground floor area of the principal building~~ cover more than 30 percent of the required rear yard nor exceed the height of the principal building. All lots, however, shall be allowed to have an accessory garage of no greater than 500 square feet provided that the garage:

(1) Meets all required setbacks; and

(2) Is designed primarily to house automobiles.

Section 2. That this ordinance shall become effective upon its adoption.

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

Case No. ZTA-4-2019

Applicant: City of Lincolnton Planning Department

Request: Amend Section 153.057 (Accessory Structures) of the Unified Development Ordinance to modify accessory structure size requirements

Proposed Consistency and Reasonableness Statement:

The proposed amendment is **consistent** with the adopted Lincolnton Land Use Plan in that it is not contrary to the goals and objectives outlined by the Plan and **approval of the amendment is reasonable and in the public interest** in that it will base the size of accessory structures on the size of the lot on which they are located ensuring the protection of abutting residential areas.

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

Case No. ZTA-4-2019

Applicant: City of Lincolnton Planning Department

Request: Amend Section 153.057 (Accessory Structures) of the Unified Development Ordinance to modify accessory structure size requirements

Proposed Consistency and Reasonableness Statement:

The proposed amendment is **not consistent** with the adopted Lincolnton Land Use Plan in that it is contrary to the goals and objectives outlined by the Plan and **denial of the proposed amendment is reasonable and in the public interest** in that it will maintain the current development restrictions intended to protect nearby properties.

MOTIONS FOR PUBLIC HEARING

1. Motion to consider request for ordinance amendment.
2. Motion to approve one of the statements of consistency and reasonableness.
3. Motion to approve or deny request.

ITEM

11

MEMO TO: Mayor and Council Members

FROM: City of Lincolnton Planning Department

DATE: November 7, 2019

RE: Business Incentive Grant (BIG-3-2019)

Application for a Business Incentive Grant for building renovations to create a retail space and showroom on the second floor at 124B East Main Street.

Project Information

- Location: 124B East Main Street
- Use: Building renovations to create retail space to the second floor to include the following:
    - Install new HVAC system
    - Frame walls, install drywall and insulation
    - Install ceiling tiles
    - Replace subflooring and flooring
    - Install new electrical outlets and lighting
    - Install interior doors

- Estimated project cost: $50,800.00
- Anticipated start: November 2019

Anticipated completion: November 2019

Request

- $15,000.00 for building renovations

103
EAST MAIN ST
202
206
132
124 A
124 B
120
S ACADEMY ST
109
118
116
114
100
112
110
133
E WATER ST
E COURT SQ
109
121
113
119
Map Scale: 1 inch = 40 feet

The Sound Factory Studios
Vintage, S

City of Lincolnton Business Incentive Grant Application

Building Rehabilitations and Renovations
Which Encourage
Economic Development in Lincolnton

DATE: 5-26-19

NAME OF APPLICANT: ROGER CALHOUN, OWNER OF

PROJECT NAME: MOVIE MAGIC MARKETING

PROJECT DESCRIPTION: RETAIL SPACE TO SHOWCASE SHORT FILMS THE COMPANY DESIGNS, DEVELOPS AND SELLS. THE SPACE WILL INCLUDE A SHOWROOM, SALES AREA, AND OFFICES.

PROJECT ADDRESS: 124 EAST MAIN STREET

APPLICANT HOME ADDRESS: 1027 HORSESHOE LAKE RD. LINCOLNTON, NC 28092

EMAIL ADDRESS: guitarwishes@gmail.com

TELEPHONE: (980) 241-1239

If Property Owner differs from Business Owner, complete the following:

NAME OF PROPERTY OWNER: CTC REAL ESTATE INVESTMENTS, LLC

ADDRESS: 1027 HORSESHOE LAKE RD, LINCOLNTON, NC 28092

EMAIL ADDRESS: tracy.calhoun@dclawfirmlincoln.c

TELEPHONE: (704) 748-1866

Program Standards

The Secretary of the Interior's Standards for Rehabilitation

The Secretary of the Interior's Standards for Rehabilitation are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs. **All facade changes must meet these standards.** An illustrated guide is available for use from the City Planning Department to help property owners meet the standards.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

I have read and understand these guidelines.

Signature of Applicant — Date: 5-26-19

Signature of Property Owner (if different from Applicant) — Date: 5-26-19

ATTACHMENTS REQUIRED ***(incomplete applications will be returned to applicant)***

1. Provide an itemized cost estimate of all materials, supplies and labor costs of this project. ***(Attach to application)***

2. Provide project plans, specifications, sketch or scaled drawing sufficient to accurately describe the proposed work. ***(Attach to application)***

3. Provide a current photograph of (1) the building itself and (2) within the context of the streetscape clearly showing the existing conditions of the proposed area of improvement. ***(Attach to application)***

4. Written plans for future improvements to the building and proposed time frame for such work. ***(Attach to application)***

5. Samples of all exterior paint colors and awning fabrics ***(if applicable)***

6. Copy of two-year lease, if leasing.

START DATE: 8-1-19 (PENDING APPROVAL)

ANTICIPATED COMPLETION: 11-15-19

I have read and fully understand the requirements and guidelines of the City of Lincolnton Business Incentive Grant Program and agree to comply with all its requirements in full.

Signature of Applicant

PROPERTY OWNER CONSENT

If property owner differs from the business owner, I ROGER CALHOUN, OWNER GC REAL ESTATE INVESTMENTS Owner of the aforementioned property, consent to the proposed work being undertaken by MOVIE MAGIC MARKETING, the business owner. I as the property owner have read and fully understand the requirements of the City of Lincolnton Business Incentive Grant Program and agree with all the requirements set forth by the Grant Application and Guidelines.

Signature of Property Owner (if different from business owner)

BUSINESS PLAN

Movie Magic Marketing, LLC

PURPOSE: Retail sale of customized short films in the form of commercials, instructional programs, promotional tools, and entertainment.

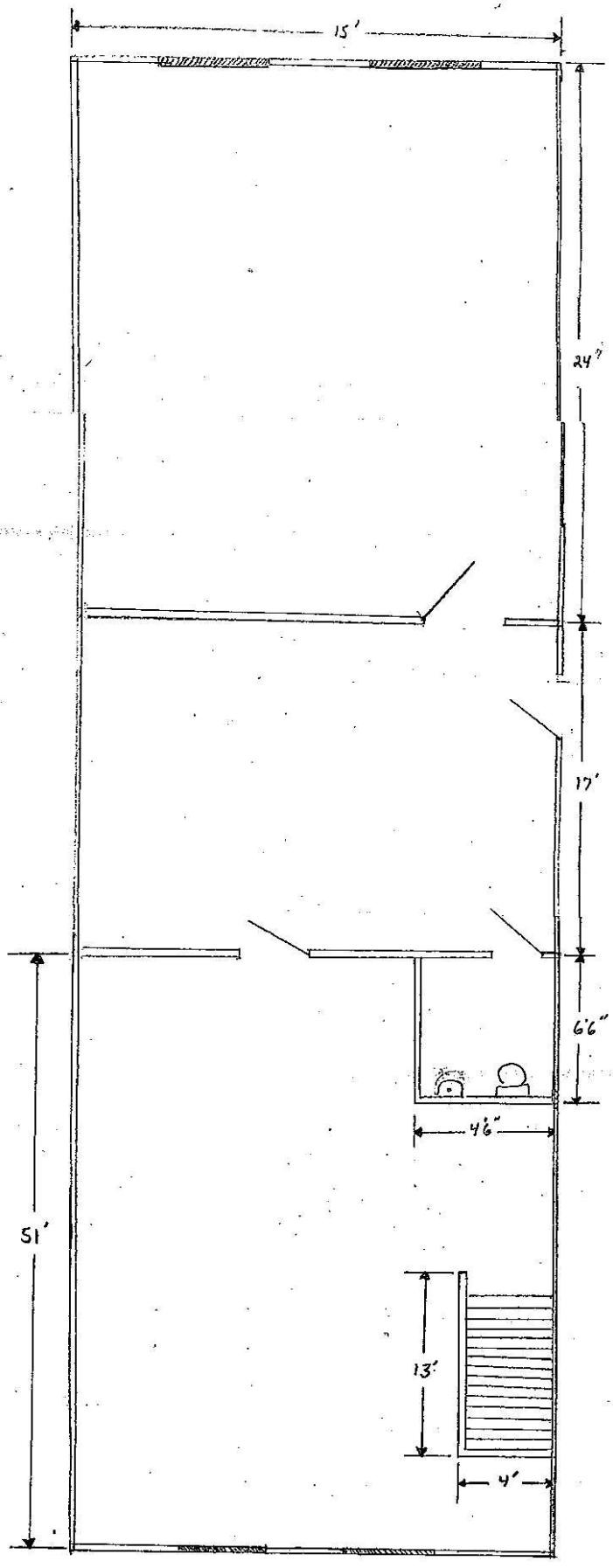
DESCRIPTION: Sale of completed movie works includes development, design, and production to create the final movie product. This sale of customized short films and short film series as retail goods targets small businesses, schools, cities, and professionals all over the country.

Movie Magic Marketing is a retail store unlike any other as it anticipates trends, creates company brand, and makes each product a one-of-a-kind experience. These short films are more than just an everyday commercial. We invite the viewer to not just become a consumer of the product or the lesson but to be a participant in the experience of the movie. A video series will invite the viewer to interact with the movie experience by commenting, answering questions, or coming see the "characters" in the movies at the client's store, company or school.

IMPACT ON THE CITY: The downtown store will bring business owners and community leaders from all over the country to our location. These decisionmakers will be eating at our restaurants, staying at our hotels, and bringing money into our community while they consult with our producers and designers as we work with them to create their custom movie products.

BUSINESS MODEL: YouTube and similar platforms have changed the face of marketing, entertainment, advertising, and education. Movie Magic Marketing is designed to capitalize on this shift in these industries and create an instructional or marketing tool that is accessible, professional and effective while being entertaining, as well. Our video product provides an interactive window to the personality of a company or a school.

The nexus of marketing, education and entertainment is the integrative tool that our company uses to reach every industry, every city, every business leader. It is this accessible method of communication our team uses to convey our clients' unique message to the masses. An example of our offered products may be seen on the Guitar Wishes YouTube Channel.


15'
24'
17'
6'6"
4'6"
51'
13'
4'

ENGLE BUILDERS
New Home Construction Remodeling
704-735-1633 Cell 980-241-0060
Ask for Tom
747 Old Crouse Rd. • Lincolnton, NC 28092

ESTIMATE

Date 09-21-19

Name MOVIE MAGIC MARKETING

Address 124 B EAST MAIN STREET
LINCOLNTON, NORTH CAROLINA 28092

Phone

DESCRIPTION

2 X 4's	3000
DRYWALL	4000
PAINT, NAILS, MUD, ETC.	3500
CEILING TILES	2500
HEAT & AIR SYSTEM	9500
SUBFLOORING & FLOORING	4500
LIGHTING	2500
ELECTRICAL OUTLETS	1800
INSULATION	2000
INTERIOR DOORS	2000
TOTAL LABOR COSTS	15,500

TOTAL $50,800.00

ELVIS
WITH J.D. SUMNER
AND THE STAMPS
AUG. 12 - 1977
HARTFORD - CONN.

ITEM

12

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
CITY CLERK
Donna C. Flowers, MMC, NCCMC
CITY ATTORNEY
Thomas J. Wilson, Jr..

PUBLIC HEARING

Notice is hereby given that the Mayor and City Council will hold a Public Hearing on Thursday, November 7, 2019 at 7:00 p.m. in the Council Chambers of City Hall, located at 14 West Sycamore Street to consider amending the City's Code of Ordinances as follows:

TITLE VII – Traffic Code - Chapter 74
Schedule 1: STOP INTERSECTIONS

ADD: Oak and Alexander
Oak and Pine Street
Sycamore Street and Court Square (currently a yield sign)
West Pine and Marcia H Cloninger Rail Trail

Parties in interest and citizens shall have the opportunity to be heard and may obtain further information of the hearing from the office of the City Clerk, located at City Hall, 114 West Sycamore Street, Monday through Friday from 8:30 am until 5:00 p.m.

Advertise (2tl): Wednesday, October 23, 2019
Wednesday, October 30, 2019

ITEM

13

CITY OF LINCOLNTON

CITY COUNCIL
Ed L. Hatley, Mayor
Martin A. Eaddy, Mayor Pro-Tem
Devin Rhyne
David M. Black
Roby D. Jetton

CITY MANAGER
Steve Zickefoose, MBA
szickefoose@lincolntonnc.org
CITY CLERK
Donna C. Flowers, MMC, NCCMC
donnaflowers@ci.lincolnton.nc.us
CITY ATTORNEY
Thomas J. Wilson, Jr..

(BA-07-19)

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, 2019.
Section 1: To amend the General Fund, the expenditures are to be changed as follows:

DEPARTMENT NUMBER	DEPARTMENT DESCRIPTION	INCREASE	DECREASE
	STREET		
4520	Street Sweeper	250,000.00	-
			0.00

This will result in a net decrease of $ (250,000.00) expenditures of the General Fund. To balance the adjustments to the budget, the following revenues have also been changed with a corresponding net effect.

	MISCELLANEOUS		
3911	Loan Proceeds	0.00	(250,000.00)
		0.00	(250,000.00)

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

Adopted this 7th day of November, 2019.

Donna C. Flowers
City Clerk

Ed L. Hatley
Mayor

ITEM

14

City of Lincolnton

AGENDA REQUEST FORM

Please Print

Name Joe Tate, Airport Manager

Address _____ Phone 704-563-8283

email - JETATE@Lincolncounty.org

Name of Firm or Corporation (if applicable) _____

Other Persons Accompanying Speaker _____

Purpose of Request to Appear To ask the City to declare the vacant dwelling at 406 Sleepy Hollow Lane as surplus, and endorse a controlled burn on Saturday November 23, 2019

Council Meeting date you wish to appear November 7, 2019

Amount of time required for Presentation five minutes

Date form submitted to the City Clerk October 23, 2019

Donna Flowers for Joe Tate
Signature of Requesting Party

Return forms to:

City Clerk's Office
City of Lincolnton
P.O. Box 617
Lincolnton, NC 28093

ITEM

15

-------- Original message --------
From: Kelly Atkins <katkins@lincolncounty.org>
Date: 10/9/19 3:44 PM (GMT-05:00)
To: 'John Henry Jr' <jhenry@lincolncounty.org>, 'Joshua Grant' <jgrant@lincolncounty.org>, Steven Zickefoose <stevezickefoose@ci.lincolnton.nc.us>, 'John Davis' <jodavis@lincolncounty.org>, Richard Haynes <richardhaynes@ci.lincolnton.nc.us>, "Nathan C. Eurey" <nathaneurey@ci.lincolnton.nc.us>
Cc: katkins@lincolncounty.org
Subject: Recreation Plan

Thanks again for everyone taking the time to meet today. I just wanted to send out a memo that captures today's topic and next steps.

1. We all agreed that an update of the existing Recreation Plan is needed. The current plan is more than 10 years old.

2. We anticipate that the new plan will cost between 85-125K

3. We all agree that we would split the cost between the City and County. The exact amounts have not been determined; however, it will likely be around 2/3 County and 1/3 City???

4. We all agree that between now and December 2nd, a scope of the project will be created by John Davis and Nathan Eurey. The scope will be sent to everyone for their review (possible meeting to discuss).

5. We all agree that John Davis and Nathan Eurey will present to their respective boards in November. This is to obtain approval to move forward with the RFQ.

6. We all agree that on December 2nd John Davis and Nathan Eurey will send the collectively approved scope to John Henry.

7. We all agree that John Henry will send out the RFQ by January 5th (30 days)

8. We all agree that interviews will be conducted in February 2020

9. We all agree that the firm selected will be taken to our respective boards for approval. They will be approving the firm and the proposed budget for the City and County.

10. We all agree that the project should begin in March 2020 and conclude by March 2021

Does everyone agree with the information that I captured at the meeting today? Obviously, I cannot predict the future; however, this gives us some target dates to accomplish various tasks.

Please let me know your thoughts.

Kelly G. Atkins

County Manager, Lincoln County, NC

353 N. Generals Blvd.

Lincolnton, NC 28092

704-736-8471

ITEM

16

City of Lincolnton
114 West Sycamore Street
P. O. Box 617
Lincolnton, North Carolina
28093-0617

Human Resources Department
Phone (704) 736-8980
FAX (704) 736-8975
www.lincolntonnc.org

MEMORANDUM

To: Steve Zickefoose, City Manager/Finance Director

From: Tanya Osborne, Human Resources Director

Re: Personnel Policy Amendment - Article V. Work Conditions and Expectations
Section 20. Smoke Free and E-cigarette Use

Date: October 29, 2019

In an effort to provide consistency of policy within departments and enhance the working environment for employees, a "Smoke Free and E-cigarette Use" policy is submitted for your consideration.

Currently, three departments within the City have a policy or SOG which addresses tobacco use within their specific workforce or facilities (Police, Fire, and Parks and Recreation). None of the policies/guidelines are consistent with each other.

The attached amendment to the Personnel Policy would supersede the departmental policies, and also provide guidelines for all other departments. In summary, the amendment prohibits smoking or e-cigarette use while in work status and on city property. This type of prohibition is consistent with other governmental and private entities.

If Council is in favor of implementing the amendment to the policy, it will require a motion to approve.

I would ask for Council consideration of the attached personnel policy amendment with implementation effective December 1, 2019. Staff meetings would be held during the month of November to educate the employees of the policy amendment.

attachment

October 29, 2019

Proposed City of Lincolnton Personnel Policy Amendment

Article V. Work Conditions and Expectations
Section 20. Smoke Free and E-cigarette Use Policy

The City of Lincolnton is committed to providing a safe and healthy workplace which will contribute to the well-being of its employees and the visiting public. According to the Centers for Disease Control and Prevention (CDC), tobacco use and secondhand smoke exposure are leading causes for preventable illnesses and premature death in North Carolina and the nation. To this end, the City of Lincolnton adopts this smoke free and e-cigarette use policy as follows.

I. All employees and other persons performing services or activities on behalf of the City of Lincolnton, including volunteers, and contractors, are prohibited from smoking or e-cigarette use at any time in the following:
   A. In any building owned, leased, or occupied by the City of Lincolnton.
   B. In any vehicle owned, leased, or controlled by the City of Lincolnton, and assigned to its employees; or facilities for official City of Lincolnton business.
   C. City-owned employee parking lots and city grounds surrounding city owned buildings.
   D. City parks and recreational facilities including grounds and parking areas.

II. Smoking is defined as the "act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind". E-cigarettes refer to the use of any device containing a nicotine-based liquid or any other substance that is vaporized and inhaled to simulate the experience of smoking.

III. The City will post signs in facilities and on property in a manner and location that adequately notifies smoking and e-cigarette use is prohibited.

IV. Education
Employees wishing to discontinue the use of nicotine products may obtain information about support systems and programs from the City of Lincolnton's health insurance provider and the Human Resources Department.

DRAFT

ITEM

17

NO BACK UP

NECESSARY

FOR THIS ITEM

ITEM

18

November 2019 Council Meeting

Executive Summary
September 2019 Year-To-Date

General Fund		Budget 19-20	Actual 19-20	% of Budget	Budget 18-19	Actual 18-19	Difference
Fund 10	Revenues	11,818,700	4,015,456	34%	11,271,936	3,219,233	796,223
	Fund Balance	-	-	-	964,361	-	-
		11,818,700	4,015,456		12,236,297	3,219,233	796,223
	City Manager/Clerk	277,495	80,701		320,960	90,816	(10,115)
	Human Resources	243,020	68,427		239,060	59,022	9,405
	Finance	149,630	133,451		242,790	197,591	(64,139)
	General Expense	1,108,160	510,506		1,001,620	360,998	149,508
	General Debt Service	424,632	24,179		513,524	24,179	-
	Police	3,218,020	773,367		3,115,970	770,236	3,132
	Fire	2,255,800	535,607		2,041,650	505,912	29,695
	Public Works	44,010	43,207		79,616	22,809	20,398
	Street	1,164,325	174,394		1,257,668	211,249	(36,855)
	Equipment Services	115,970	39,433		133,270	36,214	3,219
	Solid Waste	823,855	140,896		854,228	121,140	19,756
	General Services	-	-		-	-	-
	Plannin/Zoning	575,420	89,491		379,060	67,211	22,280
	Bus & Comm. Dev	133,200	9,700		135,000	32,487	(22,787)
	Recreation	1,285,163	434,514		957,520	246,760	187,755
	Expenses	11,818,700	3,057,873	26%	11,271,936	2,746,622	311,251
	Difference		957,583			472,610	484,973

Water & Sewer Fund		Budget 19-20	Actual 19-20	% of Budget	Budget 18-19	Actual 18-19	Difference
Fund 61	Revenues	8,616,949	2,026,497	24%	8,378,540	1,991,886	34,611
	Fund Balance	-	-		526,653		
		8,616,949	2,026,497		8,905,193	1,991,886	34,611
	Water Treatment	1,506,850	378,742		1,508,450	328,725	50,017
	Dist & Collection	1,847,150	1,249,190		1,748,000	750,062	499,128
	Wastewater	1,567,500	282,067		1,544,600	238,482	43,585
	W & S Intangibles	3,695,449	209,671		3,577,490	163,369	46,302
	Expenses	8,616,949	2,119,669	25%	8,378,540	1,480,637	639,032
	Difference		(93,172)			511,249	(604,421)

Electric Fund		Budget 19-20	Actual 19-20	% of Budget	Budget 18-19	Actual 18-19	Difference
Fund 63	Revenues	8,056,350	2,553,214	32%	7,669,264	2,100,668	452,546
	Fund Balance	-	-		1,224,483	-	-
		8,056,350	2,553,214		8,893,747	2,100,668	452,546
	Electric Dept.	8,056,350	1,351,705		7,669,264	1,385,660	(33,955)
	Expenses	8,056,350	1,351,705	17%	7,669,264	1,385,660	(33,955)
	Difference		1,201,509			715,008	486,501

Overtime	80+ hours		108,816			105,207	3,609

CLOSED

SESSION