

The Mayor and City Council met in regular session on Thursday, January 5, 2023 at 7:00 PM. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton, North Carolina. The following members were in attendance:

DEMENY

POINSETTE

TIPTON

JETTON

CALL TO ORDER

Mayor Ed Hatley called the January 5, 2023 city council meeting to order

MOMENT OF SILENCE

A moment of silence was observed

PLEDGE OF ALLEGIANCE

Mayor Hatley asked those in attendance to stand as he lead the pledge of allegiance.

Approval of REGULAR AGENDA

Councilmember Tipton made a motion to approve the REGULAR AGENDA. Members voted 4-0 in favor of the motion.

Approval of CONSENT AGENDA

Councilmember Poinsette made a motion to approve the CONSENT AGENDA as follows:

- Approval of Minutes – December 1, 2022
- Resolution Approving Conveyance of Property to Another Unit of Government
(Resolution (R-01-23) is attached and made a part of these minutes)

Members voted 4-0 in favor of the motion.

SPECIAL PRESENTATION

Terry J. Burgin - Key to the City

Mayor Ed Hatley recognized former Police Chief Terry Burgin and presented him with a "Key to the City", in light of the recent announcement by President Biden to nominate him as a U.S. Marshall for the western district of North Carolina. Mayor Hatley spoke to Mr. Burgin's dedicated years of service to the City of Lincolnton, which began in 1973 and spaned 49 years. After remarks from Mr. Burgin, Mayor Hatley congratulated him on behalf of the City of Lincolnton and its citizens.

PUBLIC COMMENT

No one requested to address council during this portion of the meeting.

PUBLIC HEARINGS

ZTA-2-2022

Application from Lincolnton Planning Department requesting amendment to Sections 153.113 and 153.031

Mayor Ed Hatley opened the Public Hearing recognizing Jean Derby, Planning Director, to review the request. Planning Director Jean Derby presented a zoning text amendment request to council from the Lincolnton Planning Department to amend sections 153.113 and 153.031 of the Lincolnton Unified Development Ordinance. Mrs. Derby explained that this proposed amendment to section 153.113 will add "Classic arcade" as a permitted use to the Central Business District and the proposed amendment to section 153.031 will add the definition of a classic arcade to the city's ordinance. She explained the reason for the requested amendment and stated that the request was unanimously approved by the Planning Board. Mr. Randy Silver, a local resident wishing to open an arcade establishment in the downtown area, was in attendance and gave a brief summary of his plans if the ordinance is amended to allow a classic arcade as a permitted use. There was some discussion among councilmembers and staff regarding the impact this change may have.

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

Councilmember Demeny made a motion to approve the request. Members voted 4-0 in favor of the motion.

REGULAR AGENDA

ANX-3-2022

Consideration of Annexation - Presentation of Certificate of Sufficiency

Planning Director Jean Derby presented the Certificate of Sufficiency regarding the petition received to annex property located on the east side of Startown Road, approximately 950 feet from Clarks Creek Road. Mrs. Derby reminded board members of this step in the process, as specified in G.S. 160A-58.1(b), and stated that the area requested for annexation meets all of the requirements.

With there being no questions from council, Mayor Hatley proceeded to the next step, directing members to set a date and time for a public hearing on the matter.

R-02-23

Resolution Fixing Date of Public Hearing on Question of Annexation

Councilmember Demeny made a motion to adopt Resolution (R-02-23) fixing the date of a public hearing on the question of annexation as presented. A public hearing was set for Thursday, February 2, 2023 at 7:00 p.m. in the City Hall Council Chambers located at 114 W. Sycamore Street, Lincolnton, NC 28092. Members voted 4-0 in favor of the motion.

(Resolution (R-02-23) is attached and made a part of these minutes)

BA-01-23

Consideration/Approval of Budget Amendment:

City Manager Ritchie Haynes presented Budget Amendment BA-01-23 for council's consideration. Mr. Haynes briefly identified of each line to be amended. With no request from the board for discussion, Councilmember Jetton made motion to approve the budget amendment as presented. Members voted 4-0 in favor of the motion.

P-01-2023

Consideration/Approval of Food Truck Policy & Procedures

Laura Morris, Community Relations Director, spoke to council regarding a request to consider and approve a Food Truck Policy and Procedures for the City of Lincolnton to be incorporated into the city's code of ordinances. Ms. Morris gave some background information and a brief overview of why the request is being made and spoke to the benefit of having this policy in place. Her recommendation to council was to add language to the ordinance stating that food trucks will not be allowed on public property in the city limits without a special event permit submitted and approved in advance. This is to include city streets, city parking lots, city parking spaces, city parks, etc. She also recommended a policy/procedure which will require merchants to submit a special event permit request for food trucks to be located on public property adjacent to their business or private property. This policy will allow only one event per merchant per month.

Some discussion was generated among council and staff regarding the request and the proactiveness of putting something into place. Both Ms. Morris and City Manager Ritchie Haynes provided pertinent information regarding this matter. There being no further questions or discussion, Councilmember Poinsette made a motion to approve the proposed Food Truck Policy and Procedures as outlined. Members voted 4-0 in favor of the motion.

T1-001-23

Consideration/Approval of Fiber Ring Project-City of Lincolnton

Mayor Ed Hatley recognized Technology & Innovation Director Chris Jones who presented the final estimate for the proposed fiber ring project. Mr. Jones reminded council that the initial request for this project was presented to council at the August 2022 meeting, at which time he was giving the approval to proceed with getting pricing. Mr. Jones explained that he was presenting Phase I of the project and what it included at a cost of \$423,160.00. Mr. Jones stressed to council members the benefits of making the change to putting in and owning your own aerial fiber verses paying AT&T to host, which is what is currently in place, and that the project will add flexibility for the city to control site connectivity speeds and availability. Mr. Jones also spoke about the fiscal impact this project will have within a 5 year period.

Some discussion was generated among council and staff regarding the project and the

possibilities that will be available in the future. Questions regarding Phase II and what that could look like were also addressed. Councilmember Demeny made a motion to approve the recommendation for the fiber ring project. Members voted 4-0 in favor of the motion.

OTHER BUSINESS

Managers Report/Update and Quarterly Code Enforcement Report

City Manager Ritchie Haynes provided a quick overview/ update to councilmembers on the various day to day operations currently taking place. He mentioned several dates of upcoming events, informed of a vacancy on the Lincolnton Tourism Development Authority due to the resignation of Jamel Farley, and spoke to the local market and NC League of Municipalities materials that were provided. He also recognized the appropriate city staff for the hard work and many hours put into the downtown festivities that took place over the holiday season, as well as, provided the Council with a copy of the quarterly code enforcement report from the Planning and Zoning department.

Mr. Haynes, at the request of Councilmember Poinsette, spoke about the homeless issue and what steps are being taken to address it. Councilmember Poinsette asked that information be shared to assure citizens and business owners that steps are being taken and their concerns are being heard. There was much discussion generated surrounding the issue of homelessness, and the problems associated with it. Reactions and opinions varied among the members as to what should be done and what the solution is.

NEWS MEDIA

There were no question from the News Media.

ADJOURNMENT

There being no further business, Councilmember Jetton made a motion to adjourn. Members voted 4-0 in favor of the motion.

DAPHNE INGRAM, CMC
CITY CLERK

ED HATLEY
MAYOR

CITY COUNCIL

Ed L. Hatley, Mayor
Christine Poinsette, Mayor Pro-Tem
Kevin Demeny
Jill Tipton
Roby Jetton



CITY MANAGER

Ritchie Haynes
rhaynes@lincolntonnc.org
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CITY ATTORNEY
Thomas J. Wilson, Jr.

**R-01-2023
Resolution Approving Conveyance of Property to
Another Unit of Government in North Carolina
Pursuant to G.S. 160A-274**

WHEREAS, the City of Lincolnton owns a ten (10) X26P tasers; and

WHEREAS, North Carolina General Statute § 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

WHEREAS, the City of Lincolnton has determined that it is in the best interest of the city to convey ten (10) X26P Tasers to the Catawba Police Department, and deems it wise to do so for no consideration.

THEREFORE, THE LINCOLNTON CITY COUNCIL RESOLVES THAT:

1. The City of Lincolnton hereby conveys to the Catawba Police department the following property:

X12005CPA, X12005CPM, X12005CP0, X12005CR2, X12005CVH,
X12005CVV, X12005CW2, X12005D59, X12005KD, X12009CV5

2. The property herein described shall be conveyed for no consideration.

3. The City Manager of the City of Lincolnton is authorized to execute all documents necessary to convey the property in the manner authorized by this Resolution.

Adopted this the ____ day of _____. 20__.

Mayor

City Clerk

R-02-23
RESOLUTION FIXING DATE OF PUBLIC HEARING ON
QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the Lincolnton City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lincolnton, North Carolina that:

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held in the Council Chambers in City Hall located at 114 W. Sycamore Street, Lincolnton, NC at 7:00 p.m. on February 2, 2023.

Section 2. The area proposed for annexation is described as follows:

ANNEXATION DESCRIPTION COMMENCING AT NCGS MONUMENT WHITENER, HAVING GRID COORDINATES OF N: 657,394.84 E: 1,326,513.98, FROM SAID POINT OF COMMENCEMENT S 01°04'58" E - 4034.91' TO NCGS MONUMENT CHAPMAN, HAVING NCGS COORDINATES OF N: 653,361.12 E: 1,326,590.22, FROM SAID NCGS MONUMENT S 10°54'48" E - 5, 111.34' TO AND EXISTING #4 REBAR, SAID REBAR BEING THE POINT OF BEGINNING, SAID POINT OF BEGINNING ALSO BEING A COMMON CORNER WITH SUSAN P. HARRIS ETAL. (14E-96), FROM SAID POINT OF BEGINNING AND FOLLOWING WITH THE COMMON PROPERTY OF SUSAN P. HARRIS ETAL. S 89°56'23" E - 841.50' TO AN EXISTING #4 REBAR, THENCE CONTINUING WITH SUSAN P. HARRIS ETAL. S 47°56'23" E - 2,095.00' TO AN EXISTING #4 REBAR, THENCE CONTINUING WITH SUSAN P. HARRIS ETAL. S 47°56'23" E - 50.00' TO A POINT IN THE CENTER OF CLARK'S CREEK, ALSO BEING A COMMON CORNER WITH TROY A. MOTZ (3082/001), THENCE CONTINUING WITH THE CENTERLINE OF CLARK'S CREEK AND THE COMMON LINE WITH TROY A. MOTZ THE FOLLOWING TEN CALLS:

- 1) S 21°04'57" W - 92.18' TO A POINT
- 2) S 23°17'36" W - 185.78' TO A POINT
- 3) S 28°19'10" W - 96.27' TO A POINT
- 4) S 24°05'34" W - 156.04' TO A POINT
- 5) S 18°29'44" W - 185.15' TO A POINT
- 6) S 30°04'06" W - 249.67' TO A POINT
- 7) S 11°17'12" W - 171.00' TO A POINT
- 8) S 23°02'24" W - 172.73' TO A POINT
- 9) S 12°33'44" W - 238.87' TO A POINT
- 10) S 15°00'47" W - 100.43' TO A POINT, ALSO BEING A COMMON CORNER WITH BHR LAND HOLDINGS LLC (2872/832),

THENCE LEAVING THE CENTERLINE OF CLARK'S CREEK AND FOLLOWING WITH THE COMMON LINE OF BHR LAND HOLDINGS LLC N 22°36'36" W - 50.00' TO AN EXISTING #4 REBAR, THENCE CONTINUING WITH BHR LAND HOLDINGS N 22°36'36" W - 181.00' TO AN EXISTING #4 REBAR, THENCE CONTINUING WITH BHR LAND HOLDINGS N 38°06'36" W - 1,411.00' TO AN EXISTING AXLE, THENCE CONTINUING WITH BHR LAND HOLDINGS N 73°07'45" W - 1,222.08' TO AN EXISTING #4 REBAR, SAID REBAR ALSO BEING A COMMON CORNER WITH ROBERT CRAIG KAY (1623/636), THENCE WITH A COMMON LINE WITH ROBERT CRAIG KAY N 73°07'48" W - 189.95' TO AN EXISTING #R4 REBAR, SAID REBAR ALSO BEING A COMMON CORNER WITH MICHAEL D. ISSACS (1055/507), THENCE WITH A COMMON LINE WITH MICHAEL D. ISAACS N 72°48'47" W - 90.72' TO AN EXISTING #4 REBAR, SAID REBAR ALSO BEING ON THE EASTERN MARGIN OF THE 60' RIGHT OF WAY OF STARTOWN ROAD (SR#1005), THENCE CONTINUING WITHIN THE RIGHT OF WAY OF STARTOWN ROAD N 72°48'47" W - 29.86' TO A POINT IN THE CENTERLINE OF STARTOWN ROAD, THENCE CONTINUING WITH THE CENTERLINE OF STARTOWN ROAD THE FOLLOWING SIX CALLS:

- 1) N 03°25'50" E - 49.84' TO A POINT
- 2) N 02°11'41" E - 50.00' TO A POINT
- 3) N 01°03'13" E - 50.00' TO A POINT
- 4) N 00°20'14" E - 365.46' TO A POINT
- 5) N 00°24'35" E - 100.00' TO A POINT
- 6) N 00°25'38" E - 20.50' TO A POINT 7) N 00°20'53" E - 241.59' TO A POINT IN CENTERLINE OF STARTOWN ROAD, SAID POINT ALSO BEING A COMMON CORNER WITH SUSAN P. HARRIS ETAL. (14E-96)

THENCE LEAVING THE CENTERLINE OF THE ROAD N 68°57'47" E - 32.47' TO AN EXISTING CONCRETE MONUMENT, SAID MONUMENT ALSO BEING LOCATED ON THE EASTERN MARGIN OF THE 60' PUBLIC RIGHT OF WAY OF STARTOWN ROAD (SR#1005), THENCE CONTINUING WITH SUSAN P. HARRIS ETAL N 68°57'47" E - 214.12' TO AND EXISTING #4 REBAR, THENCE CONTINUING WITH SUSAN P. HARRIS ETAL N 68°57'47" E - 262.66' TO AN EXISTING #4 REBAR, THENCE CONTINUING WITH SUSAN P. HARRIS ETAL N 31°07'56" E - 165.00' TO THE POINT AND PLACE OF BEGINNING CONTAINING 96.856 AC±.

Section 3. Notice of the public hearing shall be published once in the Lincoln Times News, a newspaper having general circulation in the City of Lincolnton, at least ten (10) days prior to the date of the public hearing.

Mayor

ATTEST:

Clerk