

## REGULAR MEETING - April 6, 2023

The Mayor and City Council met in regular session on Thursday, April 6, 2023 at 7:00 PM. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton, North Carolina.

### **CALL TO ORDER**

Mayor Ed Hatley called the April 6, 2023 Lincolnton City Council meeting to order. Those in attendance were as follows:

**DEMENY**

**POINSETTE**

**TIPTON**

**JETTON**

### **MOMENT OF SILENCE**

A moment of silence was observed

### **PLEDGE OF ALLEGIANCE**

Mayor Hatley asked those in attendance to stand for 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 Jetton made a motion to approve the consent agenda as amended and presented. Members voted 4-0 in favor of the motion. Items were as follows:

- Minutes of the March 2, 2023 Regular Meeting
- Proclamation – 2023 Week of the Young Child

### **SPECIAL RECOGNITION**

#### **C-Shift**

Several of the city's firefighters were publicly recognized at the meeting. Chief Ryan Heavner thanked council for the opportunity to highlight Fire Departments employees. Captain Joe Fletcher gave a brief synopsis of an incident that the employees were involved in, which involved the delivery of twin babies. Engineer Marcus Shoemaker, Firefighter Branson McNeely, and Captain Joseph Fletcher were each presented a Certificate of

Accommodation recognizing actions exemplifying the highest degree of professionalism and dedication to duty.

### **B-Shift**

Chief Ryan Heavner continued, spotlighting another group of firefighters for their heroic efforts. Captain Jason Ingle explained some of the details surrounding the incident, and why the recognition was warranted. The Medal of Valor and a Certificate of Accommodation were awarded to Firefighter Andrews, Engineer Hickman, Firefighter Chapman, and Lieutenant Russ for their unwavering determination and commitment to public safety. Captain Jason Ingle was also recognized for his heroic acts and efforts on February 28, 2023.

### **PUBLIC COMMENT**

No one signed up to speak during the public comment portion of the meeting.

### **PUBLIC HEARINGS**

#### **Consideration of a Request for the Closure of Cleveland Avenue - A 50' unopened right of Way**

Mayor Ed Hatley called upon City Clerk Daphne Ingram to speak about the item. Ms. Ingram reminded council, in accordance with G.S. 160A-299, the public hearing was required and scheduled at the March 2nd meeting, regarding a request to close Cleveland Avenue. Mr. Rob Brown of Jonas Law Firm, as well as the applicant, Mr. Walter Clark, were in attendance. Mr. Brown addressed Council, providing some background information surrounding the request and offered to answer any questions from members of the governing board. City Manager Ritchie Haynes informed council that the city would not be negatively impacted by the closure.

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

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

**Councilmember Roby Jetton made a motion to adopt the resolution as presented. Members voted 4-0 in favor of the motion.**

The resolution reads as follows:

**A RESOLUTION ORDERING THE CLOSING OF CLEVELAND AVENUE**

WHEREAS, on the 2<sup>nd</sup> day of March, 2023, the Lincolnton City Council of the City of Lincolnton directed the City Clerk to publish the Resolution of Intent of the City Council to consider closing Cleveland Avenue, in the Lincoln Times News newspaper once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in council chambers on April 6, 2023; and

WHEREAS, the Lincolnton City Council on the 2<sup>nd</sup> day of March, 2023, ordered the City Clerk to notify all persons owning property abutting on Cleveland Avenue, as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the City Clerk has advised the City Council that she sent a letter to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to closing Cleveland Avenue would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the City Clerk has advised the City Council that adequate notices were posted on the applicable street as required by G.S. 160A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on April 6, 2023; and

WHEREAS, it now appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in the subdivision in which the street is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his or her property.

NOW, THEREFORE, subject to the reservation of easements to the City of Lincolnton for utility purposes as shown on a map recorded in the office of the Lincoln County Register of Deeds, Cleveland Avenue is hereby ordered closed, and all rights, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 160A-299.

The Mayor and the City Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all rights, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed street( with provision for reservation of easements to the City of Lincolnton for utility purposed) in accordance with the provision of G.S. 160A-299.

The City Clerk is hereby ordered and directed to file in the Office of The Register Deeds of Lincoln County a certified copy of this resolution and order.

Upon motion duly made by Councilmember Roby Jetton, the above resolution was duly adopted by the Lincoln City Council at a meeting held on the 6<sup>th</sup> day of April, 2023, in the council chambers at city hall.

**ZMA-2-2023**

**Application from Carolina Elite Builders requesting the rezoning of 11.844 acres of land from General Manufacturing and Commercial (GMC) to Residential-25 (R-25). Subject property is located at the southwest corner of South Grove Street Ext. and Burris Blvd. (Parcel ID 52489)**

Mayor Ed Hatley opened the next public hearing, calling on Ms. Jean Derby, Planning Director, to speak to the item. Ms. Derby reviewed the rezoning request in detail, providing a list of some of the permitted uses in the General Manufacturing and Commercial district, as compared to the R-25 Rural Residential district. She presented street views of the property and showed pictures of surrounding properties to the south, east, north and west of the site. Ms. Derby informed members that the applicant has plans to construct single family homes on the site. She stated that Planning Board voted 7-0 in favor of approving the rezoning from GMC to R-25, and informed of Staff recommendation to approve the rezoning as well.

The applicant, Mr. Igor Shipper with Carolina Elite Builders, was in attendance and addressed the council regarding the request. Mr. Shipper explained the rezoning request and why building anything other than single family homes would be financially inefficient, as there is currently no sewer access to the site. He also spoke to the utility easement and the railroad right of way issues with the property. Mr. Shipper reminded council members of the current demand for single family homes in the area, which this project would address. He displayed several slides of the types of homes that could potentially be built on the site, along with a visual of how the lots would be divided.

Mr. Kameron Keener, 917 S. Grove St. Ext. and Ms. Rhonda Hoffman, of 4145 Poplar Street spoke in opposition of the request, stating their concern that two-family dwellings is an allowed use in the R-25 district. Mr. Trent Mason, 207 Mockingbird Lane, spoke in favor of the request. Mr. Mason commented on the lengthy deliberation among planning board members regarding the request, and the reasons board members voted 7-0 in favor of approving the request.

There was discussion generated, with a number of questions asked and answered regarding the request.

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

**Councilmember Christine Poinsette made a motion to deny the unconditional and send it back for conditional zoning whereby he would have to do exactly what we see. Members**

**voted 3-1 in favor of the motion with Poinsette, Tipton and Jetton voting aye and Demeny opposing the motion.**

**Councilmember Jill Tipton made a motion to approve the Statement of Consistency and Reasonableness for denial of the application. Members voted 3-1 in favor of the motion with Poinsette, Tipton and Jetton voting aye and Demeny opposing the motion.**

### **ZTA-1-2023**

#### **Zoning Text Amendments to Chapter 153 Unified Development Ordinance**

Mayor Ed Hatley opened the next public hearing, recognizing Planning Director Jean Derby to speak to the request. Ms. Derby began by explaining the reason for the request and giving a brief overview of the items in the ordinance that need to be added, deleted and/or corrected. She informed of staff's recommendation to approve the amendments and approve the Statement of Consistency of approval.

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

**Councilmember Christine Poinsette made a motion to approve the staff recommendation on the amendments. Member voted 4-0 in favor of the motion.**

**Councilmember Jill Tipton made a motion to approve the statement of consistency of approval. Members voted 4-0 in favor of the motion.**

### **REGULAR AGENDA**

#### **Recognition of the 2022-2023 Lincolnton Student Advisory Council**

The 2022-2023 Lincolnton Student Advisory Council members were recognized. Mrs. Jill Eaddy, Advisor, explained the purpose of the Student Advisory Council and spoke to the outstanding group of students representing the five high schools in Lincoln County. These students make-up the council. Ms. Eaddy thanked the City Council and the City of Lincolnton for their support, informing that over the past 32 years, almost seven hundred students have been given an opportunity to develop confidence and leadership skills through their participation on the council. She gave an overview of what students learn and the different aspects of city government they are exposed to. Ms. Eaddy introduced each of the students in attendance, directing them to come to the front to be recognized. Mayor Ed Hatley commented as well, speaking about the motivation among the students in the group and how vital their feedback is to the city. Mayor Hatley presented each student with a city lapel pin. Jaclyn Harrison, chairperson of the council, addressed the council, naming a few of the projects/events the separate committees focused on this year. Members of each committee were then allowed time to give a more detailed explanation of what they worked on. Mayor Hatley and several of the council members commented on the positive impact seen by the council and thanked them for their hard work and participation.

**BA-03-23 Budget Amendment**

Finance Director Pam McBryde presented a request for a budget amendment to the following funds:

**General Fund:** Record additional funds for SRO salaries, NCLM soft body armor grant, various fees collected by PD, Fire, Planning & Zoning, registration fees for Parks & Recreation, interest income, GovDeals - sale of Huss Street property, insurance settlement for Apple Drop damage, rebates from the WEX fuel program, Veteran Banners project, P&R Sponsorship of volleyball and soccer programs from Lincolnnton Pediatric Dentistry, and ESAC-Asset Forfeiture funding.

**Powell Bill Fund:** Record interest income on Powell Bill funds

**Water and Sewer Fund:** Record Water & Sewer connection fees, insurance settlement for property damage on the vactor truck, miscellaneous fees, interest income, and appropriations from fund balance for the Southfork Lift Station emergency & PSC.

**Electric Fund:** Record electric meter fees, temporary pole fees, default fees, insurance settlement for power pole damage on N. Flint Street, interest income, and appropriations from fund balance for PSC. *(Budget Amendment attached to and made a part of these minutes).*

Ms. McBryde addressed the funds and explained why the amendment was being requested. She also stressed the importance of having a strong fund balance, reminding council members of the city's dated infrastructure and the negative impact large repairs have on the health of the fund.

**Councilmember Kevin Demeny made a motion to approve the proposed budget amendment as presented. Members voted 4-0 in favor of the motion.**

**Pay Plan Addition**

Tanya Osborne, Human Resources Director, appeared before council with a request to revise the 2022/2023 Salary Schedule/Position Salary Schedule-Position Classification Listing. Ms. Osborne, gave a brief overview of the past changes that were made regarding the listing and why this change is being requested. She concluded by saying that once the Water Resources Director position is added back, recruitment for the position can begin. City Manager Ritchie Haynes spoke to the challenges when the attempt was made to hire a Utilities Director. Applicants would have either a strong background in the electrical side or a strong background water & Sewer, but not both. Ms. Osborne explained that the Water Resources Director would cover the Water Treatment Plant, Waste Water Treatment Plant and the Distribution and Collection department.

Councilmember Roby Jetton made a motion to approve the pay plan addition. Members voted 4-0 in favor of the motion.

**OTHER BUSINESS**

**Manager's Report/Activity Update**

City Manager Ritchie Haynes updated council on various upcoming events and projects that are currently happening within the city. Mr. Haynes began recognizing Major Brian Greene, announcing that Major Greene has agreed to serve as the city's interim Police Chief until the position is filled. He mentioned several important dates to remember, including the Food, Wine and Brew Fest and the Western Home Brewers Associations private event at Untapped. Mr. Haynes gave a detailed report on the Homeless Task Force committee. He reported on the objectives and the action items they are focusing on. Much discussion was generated regarding the topic. In conclusion Mr. Haynes, updated on the status of locating a new location for Christian Ministries and some of the things that could possibly happen. He also mentioned two upcoming Ordinance amendments to address some of the issues with tents and homelessness.

**NEWS MEDIA**

Mayor Hatley opened the floor for questions from the media

**ADJOURNMENT**

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

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**DAPHNE INGRAM, CMC**  
**CITY CLERK**

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**ED HATLEY**  
**MAYOR**