

REGULAR MEETING – JUNE 1, 2023

The Mayor and City Council met in regular session on Thursday, June 1, 2023 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton North Carolina.

Mayor Ed Hatley opened the meeting, asking everyone to stand for a moment of silence before leading the Pledge of Allegiance.

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

Councilmember Jetton made a motion to approve the *CONSENT AGENDA* as follow:

- Meeting Minutes - May 4, 2023 Regular Meeting
- Contract - Services between the Lincolnton Housing Authority and the Lincolnton Police Department

Members voted 4-0 in favor of the motion.

Public Comment

Mr. Trent Mason spoke during the public comment portion of the meeting expressing his thoughts regarding the local Habitat for Humanity project, the Farmers Market and the Bosch Expansion announcement.

PUBLIC HEARING

CZ-2-2023

Application from Adam Jacob Whitener requesting A Conditional District Rezoning from Planned Business (PB) District to General Business Conditional District (GC-CD)

Mayor Ed Hatley opened the public hearing for the first agenda item. Planning Director Jean Derby reviewed the request for the rezoning before council. Ms. Derby disclosed that the purpose for the rezoning and the location of the property. She provided detailed background information on the actual site and the area surrounding the site. The current zoning map, aerial views and street views were displayed and referenced. Ms. Derby went over the site plan stating that no additional buildings will be constructed but seven new parking spaces will be added for employees and customers and four spaces for vehicle display.

Ms. Derby continued with Staff Review Committee comments informing that NC DOT will not require a driveway permit, the corner will need to clear for

sight distance with a 10X70 sight triangle and that the driveway apron needs to be 15' of pavement from the road a minimum of 24' wide. She stated that the land use plan shows the property in the Residential Suburban Planning Area and noted that the rezoning request would be inconsistent with the plan but amending the Land Use Plan to Planned Business could be considered.

Ms. Derby informed the council members of the Planning Boards unanimous decision to approve the project. She expressed staff's recommendation to approve the rezoning, approve the statement of consistency for approval of the rezoning request, the rezoning being effective once the Zoning Administrator receives written agreement from the applicant and property owner with the conditions of approval and amend the Land Use Plan to show the property in the Planned Business Planning Area and include the neighboring bank property (PID 00527) to be amended as well.

Mr. David Ledford and Mr. Whitener were in attendance and available to answer any questions regarding the request.

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

Councilmember Jetton made a motion to approve the request with staff recommendations. Members voted 4-0 in favor of the motion.

CZ-3-2023

Application from Carolina Elite Builders, LLC requesting a Conditional District Rezoning from General Manufacturing and Commercial (GMC) to Residential-25 Conditional District (R-25 CD)

Continuing to the next item, Mayor Ed Hatley opened the public hearing. Planning Director Jean Derby reviewed the request, reminding members that it was previously submitted as regular rezoning. She explained that based on the wishes of both the Council and the surrounding neighbors, the applicant is now submitting a conditional zoning request for the property. Ms. Derby gave a detailed description of the site, as well as the eight (8) single family home lot project being proposed. She provided the current zoning map, aerial views and street views of the property. Ms. Derby reported that the current land use plan shows the property in the Industrial Planning Area, with staff recommending that it be amended to the Residential Suburban. Ms. Derby assured that because the request is a conditional zoning, the site plan presented would have to be followed and any changes would require Council approval. The Staff Review Committee had the following comment:

No driveway permits required for residential lots that tie directly to state maintained routes. Require that lot #1 be required to only have access from Burris Blvd. Similar to lots 2-7.

Ms. Derby reviewed the Proposed Consistency and Reasonableness statement and listed the following actions recommended by staff:

- Approval of the request for rezoning from GMC to the R25-CD subject to the staff review committee comments being made conditions of approval
- Approval of the statement of consistency for approval of the rezoning request
- The rezoning being effective once the Zoning Administrator received a written agreement from the applicant and property owner with the conditions of approval
- Amend the Land Use Map to show the property in the Residential Suburban Planning Area

Ms. Derby noted that the Planning Board did vote 7-0 in favor of approval of the request. Council members were also informed that the applicant was in attendance and available to answer any questions regarding the request.

Councilmember Tipton made a motion to close the Public Hearing. Members voted 4-0 in favor of the motion.

Councilmember Poinsette made a motion to approve the request as recommended by staff. Members voted 3-1 in favor of the motion. Councilmembers Demeny, Poinsette and Tipton voted in favor of the request, and Councilmember Jetton voted against.

O-08-23

2023-2024 PROPOSED BUDGET PUBLIC HEARING

To receive public comment on the Proposed 2023-2024 Fiscal Year Budget

Mayor Ed Hatley opened the public hearing, recognizing City Manager Ritchie Haynes to speak to this agenda item. Mr. Haynes directed Councils attention to the budget ordinance in their agenda packet and briefly commented on some of the highlights of the proposed budget presented at

REGULAR MEETING – JUNE 1, 2023

the previous meeting. He reviewed the proposed new tax rate of .50 cents and several of the things that it will include. He also informed that there will be no rate increase in Water and Sewer Fund, nor the Electric Fund.

Mr. Haynes offered to answer any questions from council and welcomed comments from anyone in attendance wishing to express their thoughts on the proposed budget.

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 budget presented as follows:

BUDGET ORDINANCE

AN ORDINANCE ESTABLISHING REVENUES AND AUTHORIZING EXPENDITURES FOR
FISCAL YEAR 2023-2024 FOR THE CITY OF LINCOLNTON

BE IT ORDAINED by the Mayor and City Council of the City of Lincolnton:

SECTION 1. The following amounts are hereby appropriated in the General Fund for the operation of the City government and its activities for the fiscal year beginning July 1, 2023 and ending June 30, 2024 in accordance with the chart of accounts heretofore established for this City:

City Manager/Clerk	\$	192,170
Human Resources		372,793
Finance		56,490
General Expense		1,968,612
General Debt Service		202,950
Police		4,323,300
Fire		2,680,950
Public Works		88,995
Street		1,324,450
Equipment Services		279,250
Solid Waste		639,275
IT General Services		382,755
Planning/Zoning		420,910
Bus & Comm. Dev		220,275
Recreation		1,304,610
		\$ 14,457,785

REGULAR MEETING – JUNE 1, 2023

SECTION 2.

It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

AD VALOREM LEVY	\$ 7,050,000
PRIOR YEAR TAXES	50,000
NC VEHICLE TAX SYSTEM (NCVTS)	530,000
NCVTS-LICENSE FEE	175,000
DISCOUNT ON TAXES	(110,000)
INTEREST ON TAXES	20,000
LEASE/RENTAL VEHICLE TAX	22,000
LOCAL SALES & USE TAX	4,700,000
PILOT-HOUSING AUTHORITY	35,000
CONTROLLED SUBSTANCE TAX	4,000
FIREFIGHTERS RELIEF FUND TAX	4,000
ALCOHOL/BEVERAGE TAX	44,000
FRANCHISE TAX	800,000
SOLID WASTE DISPOSAL TAX	7,000
PILOT-WATER & SEWER	366,384
PILOT-ELECTRIC	34,351
LEASE REVENUE-RESTAURANT	24,000
SRO REIMBURSEMENT	150,000
CEMETERY LOT SALES	30,000
OFFICERS FEES	3,000
PD INSPECTION FEES	1,800
PARKING VIOLATIONS	4,000
ZONING DEPARTMENT FEES	10,000
FIRE DEPARTMENT FEES	15,000
REC-ADMISSION & CONCESSION	35,000
REC-REGISTRATION & ENTRY FEES	85,000
REC-VENDING MACHINE INCOME	3,000
REC-RENTAL FEES	7,000
BC&D-EVENT FEE	2,000
REC-MISCELLANEOUS REVENUE	500
INTEREST-GENERAL FUND	50,000
SALE OF CAPITAL ASSETS- GE	10,000
MISCELLANEOUS REVENUE- GF	10,000
SALES OF PERSONAL ASSETS	2,000
ABC REVENUE	90,000
ABC LAW ENFORCEMENT	20,000
MISCELLANEOUS OTHER REVENUE	3,000
WEX-FUEL REBATES	3,000
JULY 4TH DONATIONS/OTHER	13,000
VETERANS BANNER PROJECT	1,000
REVENUE-SBE PRINCIPAL	30,000
INTEREST-SBE	3,750
REIMB FROM POWELL BILL	<u>120,000</u>
	<u>\$ 14,457,785</u>

REGULAR MEETING – JUNE 1, 2023

SECTION 3. The following amounts are hereby appropriated in the Boger City Fire District Fund for the operation of the City government and its activities for the fiscal year beginning July 1, 2023 and ending June 30, 2024 in accordance with the chart of accounts heretofore established for this City:

BOGER CITY TAX DISTRICT	<u>\$ 1,483,000</u>
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SECTION 4. It is estimated that the following revenues will be available in the Boger City Fire District Tax Fund for the fiscal year beginning July 1, 2023, and ending June 30, 2024:

FIRE DISTRICT TAX	\$	1,477,000
INVESTMENT INCOME		1,000
GRANTS-OTHER		5,000
		<u>1,483,000</u>

SECTION 5. The following amounts are hereby appropriated in the Powell Bill Fund for the fiscal year beginning July 1, 2023, and ending June 30, 2024 in accordance with the chart of accounts heretofore approved for the City:

POWELL BILL COSTRUCTION/OTHER	<u>\$ 326,000</u>
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SECTION 6. It is estimated that the following revenues will be available in the Powell Bill Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

POWELL BILL ALLOCATION	\$ 325,000
INVESTMENT INCOME	1,000
	<u>\$ 326,000</u>

SECTION 7. The following amounts are hereby appropriated in the Water and Sewer Fund for the operation of the water and sewer utilities for the fiscal year beginning July 1, 2023 and ending June 30, 2024, in accordance with the chart of accounts heretofore approved for the City:

WATER & SEWER FUND	<u>\$ 8,272,950</u>
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SECTION 8. It is estimated that the following revenues will be available in the Water and Sewer Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024.

INVESTMENT INCOME	\$
CONTRACTOR SALES TAX	2,000
CHARGES FOR SERVICE - WATER	3,610,000
CHARGES FOR SERVICE - SEWER	4,300,000
CONNECTION CHARGES	80,000
OTHER OPERATING REVENUES	180,950
	<u>\$8,272,950</u>

REGULAR MEETING – JUNE 1, 2023

SECTION 9. The following amounts are hereby appropriated in the Electric Fund for the operation of the electric utility for the fiscal year beginning July 1, 2023 and ending June 30, 2024, in accordance with the chart of accounts heretofore approved for the City:

ELECTRIC FUND	<u>\$ 7,922,729</u>
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SECTION 10. It is estimated that the following revenues will be available in the Electric Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

INVESTMENT INCOME	\$ 60,000
CONTRACTOR SALES TAX	2,000
ELECTRIC SALES	6,980,600
ELECTRIC MUNICIPAL OPERATIONS	667,875
OTHER OPERATING REVENUE	<u>212,254</u>
	<u>\$ 7,922,729</u>

SECTION 13. There is hereby levied a tax rate of fifty cents (\$.50) per one hundred (\$100) valuation of property as listed for taxes as of January 1, 2023 for the purpose of raising the revenue listed as "Property Taxes" in the general fund in Section 1 of this ordinance.

This rate is based on a total valuation of property for the purposes of taxation of \$ 1,552,100,000 and an estimated rate of collection of 99.00%.

There is hereby levied a municipal vehicle tax of \$20 per registered and tagged motorized vehicle resident in the city.

There is hereby levied a tax rate by the County of twelve and 1/2 cents (\$.1250) per one hundred (\$100) valuation of property as listed for taxes as of January 1, 2023 for the purpose of raising the revenue listed as "Boger City Fire District Taxes" in Section 3 of this ordinance.

SECTION 14.	Electric Rates	No Increase.
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SECTION 15.	Water & Sewer Rates	No Increase.
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SECTION 16. Appropriations are authorized by fund totals. The City Manager is authorized to reallocate fund appropriations among line item objects of expenditures and revenues as necessary during the budget year.

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

TOTAL GROSS BUDGET	\$
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32,462,464 Adopted this 1st day of June, 2023

Members voted 4-0 in favor of the motion

Councilmember Poinsette made a motion to adopt the 2023-2024 Schedule of Fees as presented. Members voted 4-0 in favor of the motion.

REGULAR AGENDA

C-07-23

Consideration/Approval of First Federal Plaza Project Bids

Public Services Director Nathan Eurey presented and reviewed bid contract information for the Marcia H. Cloninger Rail Trail project. Mr. Eurey informed that a bid opening was held on Thursday, May 4 2023 in City Hall Council Chambers. Councilmembers attention was directed to the bid tabulation summary included in the agenda packet as follows:

Bidder / General Contractor	Base Bid Amount	Alter. #1 (Mortared Pavers)	Alter. #2 (Sand Set Pavers)
Houser Masonry, Inc.	\$209,600.00	\$57,000.00	\$43,000.00
Carolina Metal Buildings, Inc.	\$191,724.00	\$36,200.00	\$33,700.00

In conclusion, Mr. Eurey recommended the project be awarded to Carolina Metal Building Incorporated for a total of \$227, 924.00 total cost. *(Base bid plus mortared pavers)* City Manager Ritchie Haynes noted that funds to cover the cost of this project came from a State grant, a Timken grant, an Electricities grant and a donation from the Lincolnnton Tourism Development Authority.

Councilmember Tipton made a motion approve the recommendation as presented for Carolina Metal Building, Inc. Members voted 4-0 in favor of the motion.

C-08-23

Pyro Shows East Coast, Inc. **Contract Agreement**

City Manager Ritchie Haynes presented the proposed contract agreement for the 2023 fireworks display with East Coast Inc., for their consideration and approval. Mr. Haynes informed the fireworks will be shot from City Park , as the Lincolnnton High School football stadium is unavailable due to the recent upgrade to turf. That being said, he spoke to the cost of the show

and explained the change in the location being the main reason for the increase. Citizens will have to view the show from the Lincolnton High School parking lot, as well as various other locations around town as the stadium will not be accessible. Mr. Haynes recommended approval of the contract with East Coast, Inc. for \$17,000.00.

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

In response to a request from Lincoln County regarding several items related to the collection of city taxes, the following resolutions were presented for councils consideration:

**R-07-23
RESOLUTION TO ESTABLISH SCHEDULE OF DISCOUNTS
TO BE APPLIED TO TAXES PRIOR TO THE DUE DATE**

WHEREAS, Section 105-360 of the North Carolina General Statutes permits governing bodies levying taxes pursuant to Subchapter II of Chapter 105 to establish a schedule of discounts to be applied to taxes paid before the due date of September 1 of the fiscal year for which such taxes are levied; and

WHEREAS, Lincoln County has for many years offered taxpayers a discount of two percent (2%) for early payment of such taxes; and

WHEREAS, the City of Lincolnton has agreed to adopt the same discount two percent (2%) rate as Lincoln County to citizens who pay their taxes early; and

WHEREAS, the need has arisen to clarify the procedure for application of the two percent (2%) discount in the City of Lincolnton.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. The Lincolnton City Council established the period of July 1 through August 31 as the discount period for early payment of taxes levied for the fiscal year and that such early payments be discounted by two percent (2%).

2. That this resolution shall become effective upon adoption, subject to approval of the North Carolina Department of Revenue and publication in a newspaper having general circulation within the City of Lincolnton as required by N.C.G.S. 105-360 (c).

Adopted this 1st day of June, 2023

R-08-23

**RESOLUTION TO AUTHORIZE THE CITY MANAGER TO
APPROVE ANY REFUND OR RELEASE FOR THE CITY FOR
LESS THAN ONE HUNDRED DOLLARS (\$100.00)**

WHEREAS, Section 105-381(b) of the North Carolina General Statutes states that the governing board has the primary responsibility for approving refund and release request; and

WHEREAS, the governing body may delegate its authority to determine requests for a release or refund of tax of less than one hundred dollars (\$100.00) to the finance officer, manager, or attorney; and

WHEREAS, a finance officer, manager or attorney to whom this authority is delegated shall give a monthly report to the governing body regarding the actions taken on requests for release or refund; and

WHEREAS, all actions taken by the governing body or finance officer, manager or attorney on requests for release or refund made shall be recorded in the minutes of the governing body; and

WHEREAS, if a release is granted or refund made, the tax collector shall be credited with the amount released or refunded in the annual settlement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLNTON that any refund or release for the city that is less than one hundred dollars (\$100.00) may be approved by the City Manager.

This ordinance shall become effective upon adoption.

Adopted this 1st day of June, 2023

C-09-23

**Approval of Joint Tax Collection Agreement with
Lincoln County Tax Department**

City Manager Ritchie Haynes also presented an Interlocal agreement between Lincoln County and the City of Lincolnton for tax collection. Mr. Haynes explained that this agreement allows Lincoln County tax department to collect taxes for the City of Lincolnton.

**Order of Collection for the
2023-2024 Taxes**

The order of collection was presented for council approval as follows:

ORDER OF COLLECTION

State of North Carolina

City of Lincolnton

TO: The Tax Administrator of Lincoln County

Pursuant to North Carolina General Statute #105-321(b), you are here by authorized, empowered and commanded to collect the taxes set forth in the tax records filed in the Office of the Tax Administrator and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the City of Lincolnton, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayer, for and on account thereof, in accordance with law.

Because items 4c, 5a, 5b and 5c were all related to the contact/agreement with Lincoln County for the collection of taxes, all four (4) documents were considered and voted on together.

Councilmember Tipton made a motion to approve (adopt) items 4c, 5a, 5b & 5c as presented. Members voted 4-0 in favor of the motion.

**Adoption of the City of Lincolnton
2023-2024 Salary Schedule/Schedule of Budgeted Positions**

Human Resources Director Tanya Osborne presented the 2023-2024 Salary Schedule/Schedule of Budgeted positions to council for approval. Ms. Osborne gave a brief overview of this annual process, the revisions included in the request and what action is needed.

Councilmember Jetton made a motion to approve the adoption of the Salary Schedule/Schedule of Budgeted positions. Member voted 4-0 in favor of the motion.

OTHER BUSINESS

Manager's Report/ Activity Update

City Manager Ritchie Haynes presented his monthly report to council. He distributed information received from the Retirement System and he briefly spoke to the housing report from LEDA. Mr. Haynes also provided council members with a copy of a report from Brian Greene on the task and accomplishments in April regarding the homeless and vagrancy issues.

Continuing with his report, Mr. Haynes mentioned the success of the recent Alive After Five concert and First Friday Recycling. He also publicly thanked the families of the employees that service the city in all of the various position and capacities and recognize the sacrifice they have made over the years.

NEWS MEDIA:

Mayor Ed Hatley opened the floor for questions from the media. In response to a question from Michael Powell, staff reporter with the Lincoln Times News, Public Service Director Nathan Eurey provided more details on the what and where of the First Federal Park Project.

CLOSED SESSION:

In accordance with NCGS 143-318.11(a)(5), Councilmember Jill Tipton made a motion to enter into closed session to discuss property acquisition.

ADJOURNMENT:

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

**DAPHNE INGRAM, CMC
CITY CLERK**

**ED HATLEY
MAYOR**