

REGULAR MEETING – JUNE 29, 2023

The Mayor and City Council met in regular session on Thursday, June 29, 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* as presented. Members voted 4-0 in favor of the motion.

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

- Meeting Minutes - June 1, 2023 Regular Meeting

Members voted 4-0 in favor of the motion.

Public Comment

Mr. Trent Mason spoke to the success of the recently held Juneteenth event, as well as the upcoming July 4th Celebration, during the public comment portion of the meeting.

SPECIAL RECOGNITIONS

Prior to moving on to the public hearings, both Finance Director Pam McBryde and City Attorney T.J. Wilson, Jr. were acknowledged. City Manager Ritchie Haynes recognized and congratulated Ms. McBryde for recently completing the Municipal and County Administration (MCA) program at the UNC School of Government.

Mayor Ed Hatley presented retiring City Attorney T. J. Wilson with a plaque of appreciation for his dedicated service to the City. Mr. Wilson has been the city attorney since 2007.

PUBLIC HEARING

CZ-4-2023

Application from Carolina Elite Builders, LLC requesting a Conditional District Rezoning of 10.637 acres of land from General Manufacturing and Commercial (GMC) District to Residential-25 Conditional District (R-

25 CD) for the purpose of constructing nine (9) single family dwellings.
The subject property is located on both South Grove Street Ext. and
Burris Blvd. (Parcel ID 54844).

Mayor Ed Hatley opened the public hearing as Planning Director Jean Derby prepared to review the request. Ms. Derby reviewed the request, noting it being very similar to the request that was approved at the June 1st council meeting. She noted subject property as currently vacant and listed the land uses in the area. A current zoning map, an aerial view and street views were all presented. Ms. Derby continued speaking, informing that if approved the Land Use Plan would be amended. She stated that while inconsistent with the Land Use Plan, because of the amount of surrounding residential area, staff feels that it would be reasonable to amend the Land Use Plan.

Both the site plan and the project details were reviewed which revealed the applicants plans to build nine (9) single-family homes with a range of lot sizes from 0.57 acres to 2.24 acres. Ms. Derby noted the one Staff Review Committee comment being that erosion control plans must be submitted to and approved by Lincoln County Soil and Erosion prior to development.

Ms. Derby noted that Planning Board voted 5-0 in favor of the project and listed staff and Planning Board Recommendations as follows:

- 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, and
- The rezoning being effective once the Zoning Administrator received 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

The applicant, Mr. Igor Shiper was in attendance and briefly addressed council regarding his plans for the project. He answered several questions from council members regarding the size of the homes and confirmed that the project will be single family homes.

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

Councilmember Demeny made a motion to approve as recommended by staff. Members voted 4-0 in favor of the motion.

CZ-5-2023

Application from Bean Brothers Real Estate LLC requesting revisions to an approved conditional zoning plan (CZ-10-22). The applicant is requesting approval to change the plan in regards to fence location, screening requirements, and landscaping requirements. The subject property is located at the southeast corner of Reepsville Road and Lore Road (Parcel ID 00512)

Mayor Ed Hatley opened the public hearing and recognized Planning Director Jean Derby to review the request. Ms. Derby began by providing some background information and history on the current zoning. She explained that because this approved rezoning was to a conditional zoning District the property can only be used for the specified use in accordance with the approved site plan and any major modification or change in use requires approval by city council through a public hearing process. She listed the details of the approved rezoning, providing an overview of the property prior to the project, as well as street and aerial views of the property before project work and currently.

Ms. Derby referenced the letter submitted by the applicant regarding the delinena he now faces due to the improper installation of fencing on the site. Ms. Derby explained that the approved site plan was not followed, which has caused several direct violations to the City's Land Use Ordinance, as well as Water Supply Watershed protection ordinance as required by the state. She informed council that a local government that fails to adopt or willfully fails to administer or enforce shall be subject to civil penalties.

In conclusion, Ms. Derby informed that Planning Board voted 4-1 in favor of denying the request. She stated staffs feeling that while two of the requests are reasonable amendments, the others would be in direct conflict with the Unified Development Ordinance and the North Carolina General Statues. Therefore staff recommended denial of the amendment of the conditional zoning site plan and to allow a time frame of 60 days for the applicant to come into compliance.

There was some discussion among council, all agreeing that approving the applicants request would be a violation of both the City's local ordinance and the State Statute, leaving them no choice but to deny the request to amend the approved conditional site plan.

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

Councilmember Demeny made a motion to deny the request as recommended by staff and Planning Board. Members voted 4-0 in favor of the motion.

ZTA-2-2023
Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Planning Director Jean Derby presented proposed amendments to the Unified Development Ordinance. Ms. Derby explained these changes as administrative things that were missed when work was being done on the 160D amendment to the UDO. She listed staff recommends as follows:

- Recommend approval of zoning text amendments to the UDO
- Approve the statement of consistency for approval of request

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

Councilmember Poinsette made a motion to approve Zoning Text Amendments as recommended by staff.

BA-04-23
Approval of an amendment to the Annual Budget Ordinance for the fiscal year ending June 30, 2023

Finance Director Pam McBryde presented the last budget amendment for the fiscal year. She reviewed each of the funds, explaining that the amendment consisted of collection, interest and things over and beyond what has been collected in the past. Ms. McBryde mentioned both the Joshua Lee Warren Foundation grant, as well as a grant for \$10,000.00 from Mr. Joseph Menino, given to the fire department. She did inform that \$460,000.00 was pulled from the City's fund balance for capital outlay projects approved in prior years but were actually completed in this fiscal year.

Ms. McBryde directed councils attention to section 18 of the amendment which gives her, as the Finance Director, and the City Manager the authorization to make amendments to entries that may result from

adjustments made by auditors, with a report being made to Council at the next scheduled meeting.

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

O-09-23

Amendment to City Code of Ordinances-Chapter 52: Sewers – General Provisions – 52.006 Maintenance of Building Service Line

Business Services Director David Ramsey addressed council to request that the City's Code of Ordinances be amended as follows:

§ 52.006 MAINTENANCE OF **PROPERTY SERVICE LINE(S)**.

(A) The city shall have no responsibility for the cleaning, repairing, replacement, or maintenance of a building sewage line on private property. The property owner is responsible for verifying the condition of his or her service line before the city is called to maintain or repair the service line within public right-of-way.

(B) When determined by the POTW Director that a building sewage line is in poor condition allowing excess ground water or storm water to enter the POTW, the POTW Director shall order the property owner to repair or replace said line.

(Ord. O-01-22, passed 4-7-2022)

€ As determined by the POTW Director or his designee: in the case of sewer overflow, disrepair, and/or multiple houses tied to the same private line the property owner(s) are responsible for the repair/replacement/division of the line.

(D) Property owner(s) will be notified by phone, email, or USPS letter of any issue that needs to be corrected and will be given 14 days to remedy (unless more restriction is needed based on the gravity of the issue). Upon the failure of any such owner or occupant to make the necessary repairs within 14 days the property owner(s) must notify the POTW Director or his designee and submit a plan of action for making repairs which must be approved by city designee(s).

(E) Property owner(s) failure to comply or submit plan of actions will constitute violation and be subject to fines of up to 500.00 per day until repairs are made.

(F) If failure to comply has reached 45 days the city will deem the property a health hazard and all services to that property will be disconnected until repairs and fines have been paid.

Mr. Ramsey explained the reason for the requested changes and why they are needed, primarily due to a number of issues with customer related sewers and sewer leaks.

Councilmember Tipton made a motion to amend the City Code of Ordinances as recommended. Members voted 4-0 in favor of the motion.

Consideration/Approval of Recommended change to Fee Schedule as it pertains to customers who refuse to provide social security numbers when applying for service

Business Services Director David Ramsey addressed the governing board to review the details of the request. Mr. Ramsey explained that although the North Carolina General Statue allows for the collection of Social Security Numbers, customers can refuse to disclose the information as it is voluntary. He explained why it is important for the utility billing department to collect social security numbers and the consequences realized when the number is not on file. Mr. Ramsey stated that if approved, the information will be posted in the utility billing office, on the website and added to all applications when individuals apply for service.

Mr. Ramsey continued, requesting council to allow staff to require double the normal deposit for those individuals that chose not to provide their social security number.

Councilmember Jetton made a motion to approve the recommended changes to the fee schedule. Members voted 4-0 in favor of the motion.

Consideration/Approval of Yearly Compression Adjustment (YCA) Administrative Policy

Human Resources Director Tanya Osborne reminded council members of the recently approved 2023-2024 budget, which included what is being called the Yearly Compression Adjustment. With that being said, Ms. Osborne presented Council with a copy of the Yearly Compression Adjustment (YCA) Administrative Policy. She explained that this policy replaces the Longevity Policy that was determined to be of no use in recruitment or retention. Ms. Osborne presented the policy as follows:

CITY OF LINCOLNTON
ADMINISTRATIVE POLICY

Subject: Yearly Compression Adjustment (YCA)	Manual: Administrative
	Effective Date: July 1, 2023
Policy Number: 18	Revision:
Issued By: Tanya Osborne, Human Resources Director	City Manager Approval: Richard Haynes City Manager

A copy of this policy must be maintained in the City of Lincolnton’s Administrative Manual for each City department and division.

Section I. Intent

The Yearly Compression Adjustment is designed to acknowledge employees will gain valuable experience in their position as they progress through their career. Each additional year in the position gives opportunity for the employee to increase their knowledge and perform their job duties in a more efficient manner. As a method to recognize employees’ growth and increased experience in their position, the City Council has approved a Yearly Compression Adjustment (YCA) of 2%.

Section II. Eligibility

All regular full-time employees are eligible to participate in the Yearly Compression Adjustment (YCA).

Section III. Administration

1. The City operates on a fiscal year budget of July 1 through June 30. The YCA of 2% will normally be made on the second pay date in July of each fiscal year. The City Manager reserves the right to adjust the pay date if necessary.
2. New hires for regular full time positions must have successfully completed at least 6 months of a probationary period prior to July first of the fiscal year to be eligible for the 2% YCA.

The City of Lincolnton Council reserves the right to review all city benefits as necessary, and may delete, modify, enhance or otherwise make changes to this administrative policy as in accordance with local, state and federal law. The continuation of this plan each year is contingent upon the availability of funds.

Councilmember Poinsette made a motion to approve the Yearly Compression Adjustment Administrative Policy. Members voted 4-0 in favor of the motion.

C-10-23

Approval of State Aid to Airports Agreement Between NCDOT and the Lincolnton-Lincoln County Regional Airport Authority

City Manager Ritchie Haynes spoke to the item. Mr. Haynes explained that because of the co-ownership of the Lincolnton-Lincoln County Airport, City Council is required to approve any type of grant applications. . He continued stating that the Airport Authority is requesting Councils approval to apply for a grant for \$2,346,626.00 to complete at large project.

Councilmember Poinsette made the motion to approve the airport agreement. Members voted 4-0 in favor of the motion.

OTHER BUSINESS

Manager's Report/ Activity Update

City Manager Ritchie Haynes provided council with a packet of information with updates and important things to remember. He also included two thank you letters received from individuals recognizing several city employees, Officer LaFone and the employees that donate food and money that is given to Asbury Academy. He also recognized employees that have recently received certifications: Taylor Braun- grade A Water Distribution, Colten Gantt - grade 4 North Carolina Collections operator, Justin Elmore - grade 2 North Carolina Collections operator and Tanner Boltin - grade 3 North Carolina Collection Operators. Mr. Haynes also mentioned receiving the 2022 Electricities Safety award, the Sharp Award and the North Carolina Safety Award.

Mr. Haynes directed councils attention to the housing report and the budget overview put together by Finance Director Pam McBryde for their reference. He also included the advertisement for the police chief position, as well as the homelessness report.

In closing, Mr. Haynes recognized and congratulated Mr. Todd Elmore, announcing that he is the new Water Resources Director. Mr. Haynes spoke to Mr. Elmore's accomplishments as a city employee, stating that he is looking forward to working with him in his new position.

NEWS MEDIA:

Mr. Mike Powell with the Lincoln Times News was in attendance and had a few questions.

CLOSED SESSION:

In accordance with NCGS 143-318.11(a)(5)(6), Councilmember Christine Poinsette made a motion to enter into closed session to discuss employment contract/address personnel matters. Members voted 4-0 in favor of the motion. Mayor Hatley announced that there would be no action taken while in the Closed Session.

The Mayor and City Council members returned to open session. City Manager Ritchie Hayne requested permission to fund a request from the Lincoln County Historical Association. Council member Christine Poinsette also made a recommendation for the city council to authorize the purchase of a brick in support of the new women's shelter (Amy's House). Members voted 4-0 in favor of the recommendation. It was agreed that City Manager Ritchie Haynes would decide on the specifics.

ADJOURNMENT:

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

**DAPHNE INGRAM, CMC
CITY CLERK**

**ED HATLEY
MAYOR**

