

The Mayor and City Council of the City of Lincolnton met in regular session on Thursday, November 2, 2023 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton North Carolina. The following council members were present:

DEMENY

POINSETTE

JETTON

Council member TIPTON was not in attendance.

Mayor Ed Hatley opened the meeting, observing a moment of silence and leading the Pledge of Allegiance.

Upon the addition of a closed session by Mayor Hatley, Councilmember Jetton made a motion to approve the *REGULAR AGENDA* as amended. Members voted 3-0 in favor of the motion.

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

- October 5, 2023 Regular Meeting Minutes
- City Releases - September 16, 2023 - October 15, 2023
- Request for Refunds - September 11, 2023 - September 24, 2024

Members voted 3-0 in favor of the motion.

PUBLIC COMMENT

Mr. Trent Mason, who resides at 207 Mocking Bird Lane, signed to speak under this portion of the meeting. Mr. Mason expresses his thoughts on a number of events that occurred the previous month. He spoke to the success of the Apple Festival and Halloween celebration in downtown. He also mentioned the Highland Drive Park project and the downtown meet up meeting.

PUBLIC HEARINGS

ZMA-4-2023

Application from Windfall Properties, LLC requesting the rezoning of 0.319 acres of land from Office Institutional (O-I) District to General Business (GB) District. The subject property is located at 849 South Laurel Street (Parcel ID 17504)

Mayor Ed Hatley opened the public hearing, calling on Planning Director Jean Derby to speak to the item. Ms. Derby reviewed the request, noting the existing and proposed zoning. She gave a summary of the request, stating

the applicant's reason for the request being to attract a wider variety of tenants. Ms. Derby provided street views, detailed background information regarding past uses of the property, as well as a list of permitted uses for both the current and proposed districts. She referenced the Land Use Plan and the fact that the proposed rezoning request is not consistent, however expresses why rezoning would be reasonable. Ms. Derby reported Planning Board voted 6-0 in favor of the approval and the staff recommendation to approve both the rezoning of the property and of the statement of consistency for approval. And to amend the Land Use Map to show the area in the Planned Business Planning area, including the neighboring gas station, Parcel ID 22132 in the Land Use map amendment.

With no one else wishing to speak, Councilmember Roby Jetton made a motion to close the Public Hearing. Members voted 3-0 in favor of the motion.

Councilmember Christine Poinsette made a motion to approve according to staff recommendation, including the gas station next door. Members voted 3-0 in favor of the motion.

CZ-10-2023

Application from Bob Lewis requesting the rezoning of 0.834 acres of land from Residential-10 (R-10) District to Transitional Infill Development (TID) District for the purpose of constructing eight (8) townhomes. The subject properties are located on the south side of West Main Street Ext., approximately 400 feet west of the intersection of West Main Street Ext. and Riverside Drive (Parcel ID's 71202 and 104070)

Mayor Ed Hatley opened the public hearing with Planning Director Jean Derby speaking to the item. Ms. Derby began, giving the location of the property and noting both the current zoning and the proposed zoning for the site, explaining the applicants request to construct eight (8) townhomes on the property. She provided an aerial view and street views of the property, as well as a depiction of what the proposed townhomes. Ms. Derby reviewed the site plan showing the proposed townhomes, eight (8) units with two (2) car garages underneath each unit), and the parking lot that would also be constructed, providing 24 additional parking spaces for a total of 40 parking spaces.

There was much discussion among council regarding the project as they voiced their concerns regarding potential problems with flooding, Street width and additional traffic this project may cause. Planning Director Jean Derby spoke to each of the questions/concerns, reminding members that the

focus is zoning. She spoke to the Watershed/Water supply requirements and reported staff comments and conditions of approval. She reported that the proposed rezoning request is not consistent with the Lincolnton Land Use Plan but staff feels that it would be consistent because it would provide a variety of housing styles, densities and locations, and encourage design and construction of alternate style housing in infill development. It also provides a compatible land use adjacent to single family. Ms. Derby concluded informing Planning Boards approval 5 to 1, and stating staff's recommendation to approve the rezoning.

Mr. David Ledford, 2730 Maiden Hwy., spoke to the request on behalf of the applicant. He began informing members of the current residential use, stating that the proposed use will allow it to remain a residential use, as most Infill Development is commercial. Mr. Ledford, one by one, provided detailed answers and explanations to each of the questions and concerns expressed by the members of council.

Mr. Ronnie Leonhardt, a neighboring property owner, spoke in opposition to the rezoning. Mr. Leonhardt expressed his concerns with the project, noting flooding, street width, and increased traffic.

Speaking as Chair of the Lincolnton Planning Board, Mr. Trent Mason addressed council, offering to answer questions and to give insight as to Planning Boards discussion and eventual approval of the request.

Councilmember Christine Poinsette made a motion to close the Public Hearing. Member voted 3-0 in favor of the motion.

Councilmember Roby Jetton made a motion to deny the request. Members voted 3-0 in favor of the motion.

Councilmember Kevin Demeny made a motion to approve the Statement of Consistency for denial. Members voted 3-0 in favor of the motion.

O-13-23

Application from the City of Lincolnton to amend Section 152 Flood Damage Prevention Ordinance in accordance with the 2021 NC Model Flood Damage Prevention Ordinance Non-Coastal

Mayor Ed Hatley opened the Public Hearing. Planning Director Jean Derby reviewed the request from the Planning Department requested an amendment to the flood damage prevention ordinance. She explained that the changes

are actually mandated and must be made and sent to the North Carolina Department of Public Safety for approval. Ms. Derby informed that failure to amend the ordinance will result in the City of Lincolnton being unable to qualify for FEMA funds if flooding occurs.

Councilmember Christine Poinsette made a motion to close the Public Hearing. Members voted 3-0 in favor of the motion.

Councilmember Christine Poinsette made a motion to approve the request to amend. Members voted 3-0 in favor of the motion.

REGULAR AGENDA

BA-08-23

Budget Amendment to General Fund, Boger City Fire District, Powell Bill Fund and Water & Sewer Fund

Finance Director Pamela McBryde presented the following budget amendment to council.

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, 2024.

Section 1: To amend the General Fund, the expenditures are to be changes as follows:

General Expense	\$	95,575
Fire		1,540
Solid Waste		525
Planning/Zoning		36,142
	\$	133,782

Section 2: To amend the General Fund, the revenues are to be changed as follows:

Solid Waste Rollout Fees	\$	525
Zoning Department Fees		36,142
Fire Department Fees		1,540
Interest-General Fund		91,149
Insurance Settlement		1,464
Federal Equitable Deposits		2,962
	\$	133,782

General Fund: To record the code enforcement fees from the Lithia Inn Road property, Fire Department fees, Solid Waste roll out sales, interest income generated for the first quarter, three insurance claim settlements, and Federal Equitable reimbursement for the Police Department.

REGULAR MEETING - November 2, 2023

Section 3: To amend the Boger City Fire District Fund, the expenditures are to be changes as follows:

Boger Ciy Fire Tax	\$	1,196
--------------------	----	-------

Section 4: To amend the Boger City Fire District Fund, the revenues are to be changed as follows:

Investment Income	\$	1,196
	\$	1,196

Boger City Fire District: Record interest income.

Section 5: To amend the Powell Bill Fund, the expenditures are to be changes as follows:

Powell Bill Construction/Other	\$	2,084
--------------------------------	----	-------

Section 6: To amend the Powell Bill Fund, the revenues are to be changed as follows:

Investment Income	\$	2,084
	\$	2,084

Powell Bill Fund: Record interest income on powell bill funds.

Section 7: To amend the Water and Sewer Fund, the expenditures are to be changes as follows:

Distribution and Collection	\$	24,187
Water and Sewer Intangibles		3,863
	\$	28,049

Section 8: To amend the Water and Sewer Fund, the revenues are to be changed as follows:

Connection Charges	\$	24,187
Other Operating Revenues		3,863
	\$	28,049

Water and Sewer Fund: Record sewer connection charges and 2 insurance claim settlements.

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 to the Budget Officer and Finance Director to be kept on file by them for their direction in the disbursement of funds.

TOTAL AMENDMENT	\$	165,111
-----------------	----	---------

Ms. McBryde gave a general overview of the adjustments and why there were necessary. She also reported that a motion of the funds were received as a result of the Lithia Inn Road property issue being resolved. She continued explaining the activity within each of the funds and offering to answer any questions.

Councilmember Jetton made a motion to approve the budget amendment as presented. Members voted 3-0 in favor of the motion.

Consideration/Approval of three Lincolnton Tourism Development Authority (LTDA) art projects - Two (2) murals and the Court House Banner Project

Ms. Laura Morris, Community Relations Director, addressed on behalf of the Lincolnton Tourism Development Authority regarding several proposed art projects. Ms. Morris explained that the Lincolnton Tourism Development Authority has voted to fund three (3) art projects and are requesting council's approval to proceed in accordance with the requirements of the public art policy.

Ms. Morris presented the Textile Mill Mural Project, which will be located at 101 Court Square, on the wall above the "Patio". She informed that the building is owned by Mac Harvey. The mural artist will be Tom Owens & Ritchie Rhyne. Ms. Morris asked for Councils approval under the public art policy for a new piece of artwork for downtown.

Councilmember Poinsette made a motion to approval as presented. Members voted 3-0 in favor of the motion.

Continuing, Ms. Morris presented the second mural for approval, the Welcome to Historic Downtown project. She informed that this mural will be located at 723 East Main Street, Little Hidden Gem/Computer Clinic. The building owners are SGT Holdings, LLC, (Janice & Randy Rollins), and the artist is Stacey Smith of Blue House Studio. Ms. Morris reminded members of the project being commissioned and paid for by the Lincolnton Tourism Development Authority (LTDA), which is putting tourism dollars back into creating amenities and draws for visitors to downtown.

There being no questions, Councilmember Christine Poinsette made a motion to approve the mural. Members voted 3-0 in favor of the motion.

Lastly, Ms. Morris presented the third project for approval, the Court House Banner project. She informed that this project was still somewhat in process, explaining that because it is going on the historic courthouse, it requires a lot of reviews and approvals. In addition to going through the buildings, the owners, the artist, and the Steering Committee, the project has down to Lincoln County and to Historic Properties Commission. She noted that there has been lots of discussion and conversations with the Historic Properties Commission, however none of the conversations have been shared yet with LTDA or the Steering Committee. Ms. Morris explained the desire to get all involved together to discuss future plans on the use of the grounds with HPC. She stated that it has been approved by every group that has seen it.

Mayor Ed Hatley stressed this (the banners) being temporary and that the project is to help transition into the future multi-use of the building. Ms. Morris also spoke to temporary nature of the banners, explaining how and where they will be installed. There were questions from council and much discussion was generated regarding this project. Both Laura Morris and City Manager Ritchie Haynes reminded members of the reason Council approval is needed. Councilmember Roby Jetton expressed his objection with the project, stating that he feels it takes something and looks out of place. Ms. Morris stated again that the project was brought to the Lincoln County Tourism Development Authority by the County, as it is a county project. The requested to specifically match the downtown light pole banners. In conclusion, Ms. Morris did inform members of the work scheduled to begin at the courthouse as of January. Trenching, waterproofing, and the replacement of windows will begin while waiting for final construction plans.

Ms. Morris suggested that designs be approved as presented however if there are changes, they come back to council. There was a consensus among council members to get the Historical Properties Commission involved before council takes any action on this item.

Notification of Openings for Boards, Committees and Commissions

City Clerk Daphne Ingram informed council of the upcoming vacancies on the various boards and/or commissions due to expiring terms at the end of December. Ms. Ingram stated that a notice of the vacancies will be posted and applications will be received through the month of November. New appointments, as well as re-appointments will be made at the December 7th City Council meeting.

OTHER BUSINESS

City Manager's Update/Activity Report

City Manager Ritchie Haynes began by providing a list of events for the month of November. He provided a picture of the brick that was purchased by the Council representing the contribution that was made. Mr. Haynes also included copies of several emails received regarding a number of city employees commending them for their outstanding work and customer service, the annual report from Electricities and a copy new statute that was recently passed. The Homeless Task Force report was included, as well as some detailed information on how staff handles requests from residents regarding issues surrounding speeding based on data collected. Mr. Haynes spoke the Apple Festival and the great job staff did from start to finish. He mentioned the water award received, the construction underway at First Federal Park and the nearly completed construction at Highland Drive Park. Mr. Haynes informed that the RFQ's for the new public service center are in and that the RFP will be sent back out due to only receiving one proposal. There was also mention of the success of the code enforcement issues, as he thanked City Attorney for his hard work. He also briefly mentioned the status of the old courthouse.

NEWS MEDIA:

Mayor Ed Hatley asked for and took questions from the news media that were in attendance. City Manager Ritchie Haynes answered questions related to the Plaza Project at First Federal Park from Mr. Mike Powell, Lincoln Times News.

CLOSED SESSION:

Councilmember Roby Jetton made a motion to go into Closed Session. Members voted 3-0 in favor of the motion. Mayor Ed Hatley announced Personnel and Land Acquisition will be discussed.

Members returned to Open Session. Being no further business,
Councilmember

ADJOURNMENT:

Being no further business, Councilmember Poinsette made a motion adjourn. Members voted 3-0 in favor of the motion.

DAPHNE INGRAM
CITY CLERK

ED HATLEY
MAYOR