The Mayor and City Council met in regular session on Thursday, December 7, 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 Tipton Jetton**

Mayor Ed Hatley called the December 7th Lincolnton City Council meeting to order, asking everyone to stand for a moment of silence. At the request of Mayor Hatley, Mr. Dale Punch led the Pledge of Allegiance.

**Councilmember Poinsette requested to make an addition to the meeting agenda, adding agenda item 6D – Discussion Regarding Court House Banners. Councilmember Jill Tipton made a motion to approve the agenda as amended. Members voted 4-0 in favor of the motion.**

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

- Meeting Minutes – November 2, 2023 - Regular Meeting

**Members voted 4-0 in favor of the motion**.

**Special Presentation**

Mayor Ed Hatley presented a proclamation to Mr. Roy Lighfoot and other members from the Sons of Liberty organization, honoring the 250th Anniversary of the Boston Tea Party. The Proclamation read as follows:

**WHEREAS**, the United States will commemorate the 250th anniversary of the Boston Tea Party on December 16, 2023; and

**WHEREAS,** the Boston Tea Party, dubbed the "most magnificent movement of all", is one of the nation's most iconic events and one that propelled America down the road to revolution; and

**WHEREAS,** American colonist united against what they viewed as an abuse of power by the British government, taxation without representation was at the heart of the Boston Tea Party; and

**WHEREAS**, demonstrating their displeasure and in protest of the British Parliament's Tea Act, more than 100 colonists, dressed as Native Americans, boarded three merchant ships and dumped 342 chest of tea, into the Boston Harbor; and

**WHEREAS**, The Boston Tea Party became a powerful symbol of resistance against British rule and oppression, fueling the revolutionary spirit that ultimately led to the Declaration of Independence and the formation of the United States.

**NOW, THEREFORE, BE IT RESOLVED** that the Lincolnton City Council hereby commemorates December 16, 2023 as the

***250TH ANNIVERSARY OF THE BOSTON TEA PARTY***

And further encourages its citizens to remember the brave men and women who boldly stood up to injustice and tyranny, and to preserve the memory of these liberty-loving individuals whose sacrifices during the American Revolution led to the birth of the United States of America.

**Adopted this the 7th day of December, 2023**

After the presentation, Mr. Lightfoot gave remarks about this historical event and the impact it had in our nation's history. He also provided information regarding other upcoming events honoring this 250th Anniversary.

Mayor Hatley also recognized Finance Director Pam McBryde and her team for once again receiving the GFOA Certificate of Achievement for Excellence in Financial Reporting. Councilmember expressed their thanks for the fantastic job they do. Ms. McBryde created her department staff, giving a shout out to Denise, Jennifer, Rebecca and Stephanie.

## Public Comment

Mr. Dale Punch, who was accompanied by several Legionnaires and Veterans, requested to address Council regarding his opposition to hanging banners on the historic Court House, suggesting that the proposed banners be hung at the Cultural Center.

Mr. Alan Hoyle also requested to express his thoughts on what he feels is an attack on the United States in regards to the virus and shots that are being given. Prior to beginning he requested seven seconds of silence in remembrance of Pearl Harbor. Mr. Hoyle presented a request for a resolution to end the shots in the City of Lincolnton.

*Councilmember Roby Jetton expressed his thanks to Mr. Hoyle for the work done on the Nativity Scene on the court square.*

Elizabeth Christopher, who resides at 745 Brady Branch Trail, Lincolnton, voiced her concerns regarding a neighbor’s property and the lack of code enforcement that is being done. She also spoke to the poor condition of the old Brian Center property on S. Aspen Street, requesting that action be taken to address it. She also complained about slow leaf pickup.

**PUBLIC HEARING**

**CZ-11-2023**
**Application from Chris Brogden requesting a conditional district rezoning of .731 acres located at 300 N. Poplar St. (PID 53652) from Residential Office to Central Business (CD)**

Mayor Ed Hatley opened the public hearing and recognized Planning Director Jean Derby to review the request. Ms. Derby gave a detailed summary of the request, explaining both the existing zoning, as well as the the zoning proposed and the proposed use for the space. She provided an arerial and a number of different street views of the space. Ms. Derby reviewed the site plan information, showed a graphic of the proposed project and explained the reason staff feels that the project is consistent with the mixed use residential designation. Ms. Derby acknowledged each of the staff comments and conditions of approval regarding the project. She informed that Planning Board voted 5 to 0 in favor of approval and that staff also recommends approval. The applicant, Mr. Chris Brogden, was in attendance.

With no further discussion, Councilmember Jill Tipton made a motion to close the Public Hearing. Members voted 4-0 in favor of the motion.

**Councilmember Roby Jetton made a motion to approve the request as recommended by staff and planning board. Members voted 4-0 in favor of the motion.**

**CZ-12-2023**
**Application from John Sullivan requesting a conditional district rezoning of .627 acres on Startown Road (PID 94076) from Neighborhood Business (CU) to General Manufacturing Commercial (CD)**

Mayor Ed Hatley opened the public hearing and recognized Planning Director Jean Derby to review the request. Ms. Derby provided a detailed summary of the request and where it is located. She gave some background on the current zoning and the requested proposed zoning stating that the change will allow the applicant to construct a deer processing facility. Ms.

Derby provided an aerial of the lot, as well as several street views. She acknowledged both the adjacent Dance Studio and the other neighboring properties.

The site plan was reviewed, with Ms. Derby explaining everything that will be included and required. She expressed staffs belief that changing the zoning from Neighborhood Business –Conditional Use to GMC Conditional District would be consistent with the description of the Neighborhood Business Corridor. Ms. Derby concluded by providing staff comments and conditions of approval, again stating staffs feelings that the rezoning is consistent and reasonable with some strategies from the Land Use Plan which encourages neighborhood friendly types of new commercial development in residential areas.

Ms. Derby informed members of Planning Boards 4 to 1 vote for approval, and shared a suggestion that the fence line be extended up to the parking area, and listed staffs recommended actions.

Some discussion was generated. Both the applicant and Mr. David Ledford, who was representing the applicant, were in attendance. Mr. Ledford answered several questions were asked regarding both the site, the facility and the processing methods that will be used.

**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 as recommended by the Planning Board and the staff. Members voted 4-0 in favor of the motion.**



**REGULAR AGENDA**

**<u>Application from Century Communities for Completion of Improvements for Carpenter Farms</u>**

Planning Director Jean Derby presented and reviewed an application from Century Communities. She displayed current site view of the project and spoke to the work that has been completed. Ms. Derby explained the City's ordinance in regards to final subdivision plat submission and review. She also spoke to the provision in the ordinance that states that in lieu of requiring the completion, installation and dedication of all improvement prior to final plat approval, the City may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Ms. Derby noted the signed contract in the agenda packet. She stated that the subdivider is proposing to submit a surety performance bond of approximately 6.4 million dollars to cover the estimated cost of the improvements. Ms. Derby concluded explaining that approval would allow the applicant to record their final plat, after which they can begin vertical construction.

**Councilmember Poinsette made a motion to approve the application from Century Communities. Members voted 4-0 in favor of the motion.**

***Before taking her seat, Planning Director Jean Derby recognized Ashley Jones for the recently completing all of the requirements to become a Certified Zoning Official. Ms. Derby noted that Ashley made a perfect score.***

**Consideration of 5 year Term for Endpoint (PC) Security, Umbrella (DNS), Dashboard (AI)**

Chris Jones, Technology & Innovation Director, provided some background information on the City's current solution and why a better solution is needed to protect PC's and safeguard internet traffic. Mr. Jones spoke to what would be included in the 5 year term for Endpoint (PC) Security, Umbrella (DNS0, and Dashboard (AI) and the purpose for each. He presented members the quote, to be billed yearly, informing that the needed funds have already been budgeted.

The department's recommendation is to go with Advantage over the Essentials model in the due to the ability to integrate with third party software and tie in with other infrastructure seamlessly. City Manager Ritchie Haynes expressed his support of the request and both he and Mr. Jones spoke to the importance of being proactive against cyber security incidents.

**Councilmember Demeny made a motion to the 5 year term proposal. Members voted 4-0 in favor of the motion.**

**(R-12-23)**

**Consideration of Resolution adopting the 2024 Calendar for Lincolnton City Council Meeting dates and times in accordance with the Open Meetings Law and NCGS 143-33**

City Clerk Daphne Ingram presented the following resolution:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINCOLNTON, NORTH CAROLINA DESIGNATING THE DATE AND TIME OF THE MONTHLY MEETING OF THE MAYOR AND CITY COUNCIL IN ORDER TO COMPLY WITH THE OPEN MEETINGS LAW**

**WHEREAS,** Chapter 143-318.12 of the General Statutes of North Carolina requires that if a public body has established, by ordinance, resolution, or otherwise, a schedule of regular meeting, it shall cause a current copy of that schedule, showing the time and place of the regular meeting to be kept on file with the city clerk of the governing board and each other public body that is part of a city government; and

**WHEREAS,** if a public body has a Web site and has established a schedule of regular meetings, the public body shall post the schedule of regular meetings to the Web site; and

**WHEREAS,** one of the methods of giving such public notice is to advertise in a newspaper with a circulation in and around the City of Lincolnton; and

**WHEREAS,** the City Council desires to notify all citizens and residents of the City of Lincolnton of their regular meeting date and time.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Lincolnton that the regular meeting of the City Council shall be held the first Thursday of each month at 7:00 p.m. in the Council Chambers of the Lincolnton City Hall, located at 114 W. Sycamore Street, on the following dates:

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| **January 4** | **May 2** | **September 5** |
| **February 1** | **June 6** | **October 3** |
| **March 7** | **June 27** | **November 7** |
| **April 4** | **August 1** | **December 5** |

**All of these being held in 2024.** The City Council, meeting in Regular Session on December 7, 2023, established these dates and times and ordered this resolution be published one time in the Lincoln Times-News at least fifteen days prior to the January 4, 2024 meeting. The City Council further ordered a copy of this resolution be posted on the bulletin boards on the first and second floors of the City Hall, located at 114 W. Sycamore Street. The purpose of this advertisement and the posting of this notice acknowledges the requirement as described in Chapter 143-318.12 of the General Statues of North Carolina

Adopted this 7th day of December, 2023.

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**Councilmember Jetton made the motion to adopt the Resolution submitted. Members voted 4-0 in favor of the motion.**

## <u>Consideration of Applications from Individuals interest in serving first 3-year term to the following boards</u>

Mayor Ed Hatley opened the floor for nominations for an appointment to the ABC Board. Applications were submitted from the following individuals: Eric Taylor, Robert Lee Haynes and David Huffines.

**Councilmember Roby Jetton nominated Mr. Robert Lee Haynes for a first 3-year term that will begin January 2024. Members voted 3-1 in favor of the appointment with Demeny, Tipton and Jetton voting for and Poinsette voting no.**

With only one application being received, **Councilmember Demeny made a motion to appoint Mr. Lee Hansen to the Lincolnton Housing Authority. Members voted 4-0 in favor of the motion.**

**<u>Consideration for re-appointing individuals for a Second 3-year Term to the various Board and Commissions</u>**

The following individuals, due to expiration of their current term, were presented to council for re-appointment for another term to their respective boards:

Kristy McBryde – Housing Authroity
Laura Gregory – Historic Properties
Kristin Radebaugh – Planning Board
Nathaniel Ingram – Recreation Board
Sandra Villanova – Recreation Board

**Councilmember Poinsette made a motion to approve the individuals for their second 3-year term. Members voted 4-0 in favor of the motion.**

**<u>Consideration/Approval of AIA-W-ARP 0242 Wastewater Project – Manhole Inspections, CCTV, Smoke Testing of Sanitary Sewer Collection System</u>**

City Manager Ritchie Haynes addressed Council regarding this item, stating that it is part of a $300,000 grant received for Wastewater Plant and $100,000 for the Water Plant. He explained the scope of the work and the testing that will be done. He informed the low bid coming from KRG Utility for $253,625.00. Mr. Haynes recommended accepting the bid and entering into a contract for the project.

**Councilmember Jetton made a motion to approve the recommendation. Members voted 4-0 in favor of the motion.**

## Consideration/Discussion regarding Court House Banners

Addressing the item that she requested be added to the agenda, Councilmember Poinsette spoke to the governing regarding the proposal for banners to be displayed on the historic courthouse. Ms. Poinsette expressed her opposition to banners being hung, whether permanent or temporary. Councilmember Jetton read several responses he received from citizens regarding the banners, which were against hanging the banners. More discussion was generated with Councilmember Demeny commenting on the negative responses he also received. He stated that even though the intent and purpose is understood, it does not seem to be a very popular thing to do.

**Prior to the vote, Councilmember Poinsette publicly thanked the County Commissioners for asking for the Council's opinion. With no further discussion, Members unanimously voted against hanging banners.**

## Approval of Proposal for Consulting Services-NCDEQ Asset Inventory & Assessment Drinking Water AIA-D-ARP-029/Wastewater AIA-W-ARP-0242

City Manager Ritchie Haynes presented a request from approval to the board, explaining that through a grant received for AIA, an RFQ was advertised for engineering services for assessments. As a result of the RFQ, Mr. Haynes informed that McGill Engineering was chosen and presented proposed contract. $55,000 for the water distribution system and $45,000 for the Wastewater. He reminded members that the requested funds are a part of the grant received.

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

## Consideration of Request for Qualifications for the New Public Service Center

City Manager Ritchie Haynes directed members to the RFQ information for the new Public Service Center that was provided in their agenda packets. Mr. Haynes informed that meetings were held with three (3) firms, Progressive AE, Becker Morgan Group and Upland Architects. He spoke to how unusual it is for all members of the panel to agree on which firm should be selected. Mr. Haynes recommended that Becker Morgan Group be hired, and that council allow a contract to be drafted and signed, with official board action be taken at the next meeting. Representatives from the firm were in attendance and were allowed to speak, thanking council for the opportunity and express their excitement regarding project

**Councilmember Poinsette made a motion to approve Becker Morgan Group. Members voted 4-0 in favor of the motion**

## Consideration of a Water Agreement/Contract between the City of Lincolnton and the City of Cherryville

City Manager Ritchie Haynes presented the proposed contract, noting two changes that were made to the first draft. He also noted an additional change that he is recommending to be made prior to final execution. Mr. Haynes gave some background information, explaining the reason the agreement is needed. He spoke to how this agreement will benefit both entities, not only now, but in the future. He spoke to the potential project for Cherryville, that if it happens, will allow the City to sell them one million gallons of water per day, equating approximately $200,000 in revenue. Mayor Hatley commented that it will be a win, win for Cherryville and a win, win for Lincolnton.

**Councilmember Tipton made a motion to approve the contract with Cherryville for the water agreement. Members voted 4-0 in favor of the motion.**

**OTHER BUSIINESS**

## Manager's Report/ Activity Update

City Manager Ritchie Haynes distributed his manager's report to members of the governing board. Instead of reviewing the Managers Report this month, Mr. Haynes stated he would be giving a report on the homeless task force. He did comment that the report included multiple dates of the different events/activities during the month of December, as well as the advertisement that LTDA will be featuring in several publications. Chief Green's homeless assignment report and Social District 101 from Rhonda Hunter with LEDA was also included.

As he mentioned, Mr. Haynes reviewed the Homeless Task Force Plan that was distributed to council. He spoke to the make-up of the committee, the three sub-groups and what each group is tasked with doing. Mr. Haynes spoke to all 16 tasks, updating on the description, progress and the current status of the task. He welcomed councilmembers to come and sit in on the meetings and hear some of the conversations within the sub-groups. Upon the offer from Mr. Haynes to have Chief Greene provide an update to council, Councilmember Demeny suggested that the update be given on a quarterly basis. Mr. Haynes also informed council that an Action Item Spread Sheet will be provided in their monthly packets and spoke to the status of several code enforcement cases. Mr. Haynes concluded recognizing Ashely Jones on her accomplishment and commended several other city employees for their exceptional job performance during a traffic accident.

**NEWS MEDIA:**

Upon opening the floor, questions from Mr. Mike Powell with Lincoln Times News were asked and answered by staff.

**CLOSED SESSION:**

Councilmember Poinsette moved that the council enter closed session pursuant to G.S. 143-318.11(a)(5)(6) to discuss property acquisition and personnel matters. The council voted 4-0 to enter closed session.

**ADJOURNMENT:**

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

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| ________________________________ | ____________________________ |
| **DAPHNE INGRAM, CMC** | **ED HATLEY** |
| **CITY CLERK** | **MAYOR** |