REGULAR MEETING – June 5, 2025

The Lincolnton City Council met in Regular Session on Thursday, June 5, 2025, at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton, NC.

The following Council members were present and accounted for:

DEMENY JOHNSON TIPTON JETTON

Mayor Ed Hatley called the June 5th City County meeting to order, asking all to rise for a moment of silence, followed by the pledge of allegiance.

Prior to acting on approving the Regular Agenda, Councilmember Kevin Demeny requested that Mother's Day, Father's Day and Memorial Day be recognized and added to the yearly calendar by way of proclamations going forward.

Councilmember Jill Tipton made a motion to approve the REGULAR AGENDA as amended. Members voted 4-0 in favor of the motion.

Mayor Ed Hatley announced that as requested, he extended to each of the council members an invitation to join him in attending the Juneteenth celebration at Tuckers Grove Campground.

Councilmember Kevin Demeny made a motion to approve the CONSENT AGENDA items as follows:

- May 1, 2025 – Regular Meeting Minutes
- Lincoln County Tax Department – Request for Release for April 16, 2025 through May 15, 2025
- C-11-25 – Approval of Recommendations for Chemical Bid Contracts
- C-12-25 – Approval of Contract between the City of Lincolnton and the Lincolnton Housing Authority
- Order of Collection for Fiscal Year 2025-2026

Members voted 4-0 in favor of the motion.

Councilmember Keven Demeny made a motion to observe the three days mentioned earlier, (Mother's Day, Father's Day and Memorial Day adding Veteran's Day) making it a part of the calendar. Members voted 4-0 in favor of the motion.

PUBLIC COMMENT

Mayor Ed Hatley opened the floor for public comments. Three individuals signed up to speak under the public comment portion of the meeting. Gunny Hoyle, Trent Mason and Gaige Beal.

PUBLIC HEARING

ZMA-3-2025
Application from Bugg Busters, LLC requesting the rezoning of 0.54 acres from General Business Conditional District-GB (CD) to the Planned Business (PB) District. The subject property is located at 799 West Highway 27 (Parcel ID 17410)

Mayor Ed Hatley opened the public hearing and recognized Jean Derby, Planning Director, to speak to the item. Ms. Derby reviewed the request before the council. She provided some history regarding current zoning and explained why it needs return to a Planned Business District. She displayed an aerial, as well as street views of the property. She also reminded members that regular map amendments are approved based on any use that would be allowed in that district. In terms of Land Use Plan Compliance, the property is already in the Planned Business Planning area, therefore it is consistent with what the Land Use Plan has currently and would not need to be amended.

Ms. Derby went over the statements of reasonableness and consistency for both approval and denial. She informed Council that the Planning Board voted 6-0 in favor of recommending approval of rezoning from General Business Conditional District back to Planned Business and approval of the Statement of Consistency for approval of the zoning map amendment. In response to a question from Councilmember Demeny, Ms. Derby explained what is meant by uses subject to prescribed standards and tattoo studios.

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

Councilmember Kevin Demeny made a motion to approve the Planning Boards recommendation. Members voted 4-0 in favor of the motion.

ZTA-3-2025
Zoning Text Amendments to Chapter 153 Unified Development Ordinance and Chapter 152 Food Damage Prevention

Mayor Ed Hatley opened the public hearing. Planning Director Jean Derby presented the proposed amendments, explaining that the model ordinance for Flood Damage Prevention that was previously adopted contained a section regarding situations with recreational vehicles was overlooked. Ms. Derby stated that since the City does not allow recreational vehicles to be used for residential, they are requesting that section be stricken from the Ordinance so that the Flood Damage Prevention ordinance lines up with the City's Zoning Ordinance.

Ms. Derby also recommended a new section regarding subdivision plates. She explained that this section will give a definition for what the plat is, as well as explain what certificates are required to be on the plate. Ms. Derby stated that this will help when working with surveyors and also help with organization and simplifying the ordinance, making it more user friendly. In conclusion, she presented and reviewed the proposed Statement of Consistency.

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

Councilmember Mark Johnson made a motion to approve the zoning text as presented and as recommended by the Planning Board. Members voted 4-0 in favor of the motion.

O-02-25
Consideration/Approval of the Proposed 2025-2026 Fiscal Year Budget
Note: Action on this item, after closing the Public Hearing, includes adopting the Budget Ordinance, the 2025-2026 Schedule of Fees and the 2025-2026 Salary Schedule and Schedule of Budgeted Positions

Mayor Ed Hatley opened the public hearing and recognized City Manager Ritchie Haynes to present the proposed 2025-2026 Fiscal Year Budget for consideration and approval. Mr. Haynes spoke to the process and statutory requirements with the approving budget. He explained that although the budget does not have to be adopted until June 30th, his recommendation was to take action at this meeting.

Mayor Ed Hatley opened the floor for anyone wishing to speak to the budget. (No one requested to speak) Mr. Haynes reminded Council that the proposed budget does not increase the tax rate or the electric rate. He stated that the only rate increase will be to the City's higher water users. He continued stating that the only use of fund balance is for major capital projects which have been planned for. Mr. Haynes specified that the budget is balanced on revenue. In conclusion, Mr. Haynes thanked everyone for their hard work during the process. He offered to answer any questions.

Councilmember Kevin Demeny and Mayor Ed Hatley commented and expressed their approval with the work done and the proposed budget. In response to a question from Councilmember Roby Jetton, City Manager Ritchie Haynes explained that anything but the tax rate can be changed. He emphasized that amendments to the budget are allowed throughout the year if needed.

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

Councilmember Kevin Demeny made a motion to approve the Budget Ordinance. Members voted 4-0 in favor of the motion.

Councilmember Roby Jetton made a motion to approve the 2025-2026 Schedule of Fees. Members voted 4-0 in favor of the motion.

Councilmember Jill Tipton made a motion to approve the 2025-2026 Salary Schedule and the Schedule of Budgeted Positions. Members voted 4-0 in favor of the motion.

REGULAR AGENDA

Consideration for Implementation of the NC Public Employee Deferred Compensation Plan (NC457)

Human Resources Director Tanya Osborne presented a request to Council asking permission to implement a NC457 plan as an additional benefit to City employees. Ms. Osborne explained that City is currently members in the NC 401K plan but would like to offer another savings vehicle to employees regarding retirement. She stated that a resolution will need to be adopted by Council but that the city would not be contributing any funds.

Councilmember Jill Tipton made a motion to approve the item as presented by Tanya for deferred compensation. Members voted 4-0 in favor of the motion.

P-06-25
Consideration of Policy Revision Article VI Section 14 Education Involvement

Human Resources Director Tanya Osborne presented a request to amend the City's current Education Involvement Policy to include colleges. Ms. Osborne explained that educational facilities are defined in the General Statute, but the definition does not include colleges. In response to a question from Councilmember Demeny, Ms. Osborne stated that the General Statue also defines who is an actual parent of the child.

Councilmember Kevin Demeny made a motion to approve the Education Involvement of employees. Members voted 4-0 in favor of the motion.

P-07-25
Consideration of Policy Change Related to New Hires Probationary Period

Human Resources Director Tanya Osborne addressed the Council requesting an amendment to extend the general employee new hires probationary period to 12 months. Ms. Osborne explained that this change will create consistency through all departments. It will also allow enough time to determine if an employee is a good fit for the department. She emphasized this change will would be not hires only, and would not impact a promotions of employees who are already regular employees.

Ms. Osborne also addressed the yearly compression adjustment section, requesting it be removed so that there is no a six-month probation requirement.

Councilmember Mark Johnson made a motion to approve the probationary period if employment under the personal policy. Members voted 4-0 in favor of the motion.

Councilmember Jill Tipton made a motion to approve the yearly compression adjustment. Members voted 4-0 in favor of the motion.

P-08-25
Consideration for Policy Revision Article VI Section 3 – Vacation Leave

Human Resources Director presented a request to change the schedule for vacation leave accruals currently in place for the City of Lincolnton employees so that it is comparable to what is in the marketplace with other local government entities. She spoke to the recommended accrual schedule and explained the thought process for the breakdown in the beginning and at the end. In conclusion she recommended that the proposed vacation schedule from the strategic planning committee be approved.

Councilmember Roby Jetton made a motion to approve the change in the vacation leave policy. Members voted 4-0 in favor of the motion.

BA-06-25
Approval of an Amendment to the Annual Budget Ordinance for the fiscal year ending June 30, 2025

Finance Director Pamela McBryde presented a budget amendment to add $1,142,011 to the budget. Ms. McBryde reviewed the request as follows:

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

General Expense	$	922,588
Police	6,257	
Fire	3,400	
Solid Waste	4,607	
Planning/Zoning	2,425	
Recreation	16,065	
	$	955,342

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

General: Ad Valorem Levy	$	49,140
General: Prior Year Taxes		3,470
General: Local Sales & Use Tax		400,000
General: Alcohol/Beverage Tax		2,919
SW: Disposal Tax		2,047
SW: Rollout Fees		2,560
General: Cemetery Lot Sales		10,400
PD: Officers Fees		320
PD: Inspection Fees		625

PD: Misc. Revenue		5,312
P&Z: Zoning Department Fees		2,425
FD: Inspection Fees		3,400
Rec: Registration & Entry Fees		15,067
Rec: Sponsorships		250
Rec: Rental Fees		548
General: Interest		42,561
General: Miscellaneous Other Revenue		33,239
General: Insurance Settlement		3,282
General: WEX-Fuel Rebates		515
General: S.A.C.-Special Projects		660
Rec: Veterans Banner Project		200
General: Federal Equitable Deposits	2,035	
Loan Proceeds	374,367	
	$	955,342

General Fund: Ad Valorem and Prior Year taxes, FEMA: Cat B-798326; Misc Revenues for the Parks & Recreation, Police, Fire, P&Z and Solid Waste departments, Hollybrook Cemetery sales, Interest income, Insurance/Repair Settlements from: (1) NCLM-SW truck damage-hit & run, (2) NCLM-Police Office Mario Telles driveway accident, Wex fuel rebates, Enterprise Rentals-Lease Program GASB 87, Veteran Banners Project, & Federal Equity payments, GovDeal payments, Student Advisory Council Color Run proceeds

Section 3: To amend the Powell Bill Fund, the expenditures are to be changes as follows:

Powell Bill Construction/Other	$	3,377

Section 4: To amend the Powell Bill Fund, the revenues are to be changed as follows:

Investment Income	$	3,377
	$	3,377

Powell Bill Fund: Record interest income earned.

Section 5: To amend the Water and Sewer Fund, the expenditures are to be changes as follows:

Distribution and Collection	$	48,109
Wastewater Treatment Plant	35,944	
	$	84,053

Section 6: To amend the Water and Sewer Fund, the revenues are to be changed as follows:

Investment Income	$	35,944
Connection Charges	11,880	
Other Operating Revenues	36,229	
	$	84,053

Water and Sewer Fund: DebtSetoff Collections, Charter Communications rental fees, miscellaneous fees, FEMA-Projects: (1) Cat B-798326; (2) Cat F-808646, Insurance settlement, National General, hydrant replacement, and Interest income earned

Section 7: To amend the Electric Fund, the expenditures are to be changes as follows:

Electric Operations	$	99,240

Section 8: To amend the Electric Fund, the revenues are to be changed as follows:

Investment Income	$	36,102
Electric Sales	3,473	
Other Operating Sources	59,665	
	$	99,240

Electric Fund: FEMA: Cat B-798326, Carolina Elite Builders Meter fees, Interest income earned, Default Fees, and Utility receivables-Debt Setoff reimbursement.

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	$	1,142,011

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

C-13-25
Renewal Option for Time Clock Plus

Finance Director Pamela McBryde addressed the Council to request the renewal of the City's Time Clock Plus contract. Ms. McBryde explained that Time Clock Plus is the payroll system that the City uses to calculate employees time which employees use to clock in and out. She stated that although this is normally an automatic renewal, because this request is for a five-year renewal, Council approval is needed. Ms. McBryde stated that if approved, the City will save about $29,000 over the five year period.

Councilmember Mark Johnson made a motion to approve the Time Clock Plus renewal option. Members voted 4-0 in favor of the motion.

C-14-25 & C-15-25
Consideration of Approval of Body Camera's and Dash Camera's

Mayor Ed Hatley recognized Police Chief Brian Greene spoke to this item. Chief Greene stated that the current body camera contract is due to expire. He explained that after researching a number of different companies, Axon submitted the best price. Body Camera's quoted at $187,693.71 before tax, spread out over five years.

Continuing, Chief Greene spoke to the request regarding the addition of dash camera's to the vehicles. He explained that officers are no longer equipped with a shoulder camera to allow them to see out of the vehicle. Therefore, for liability purposes, he is requesting to purchase front-facing dash cameras for traffic stops, with a rear camera's providing a view of the prisoner transport unit. Chief Greene reported a total cost of the contract before tax of $ 364,972.11, (with dash Camera's quoted at $177,278.40 before tax). He reiterated this being a five-year contract and talked about the additional benefits the department would gain from this equipment.

In conclusion, Chief Greene reported that a payment will need to be made out of this fiscal years budget to eliminate the need for an increase to the departments budget next fiscal year. In response to a question from Councilmember Demeny, Chief Greene stated that unexpended funds from this years budget would be used to make that initial payment.

Councilmember Kevin Demeny made a motion to approve the contract for the body camera's. Members voted 4-0 in favor the motion.

Councilmember Jill Tipton made a motion to approve the contract for the dash camera's. Members voted 4-0 in favor of that motion.

OTHER BUSINESS

City Manager's Update / Activity Report

City Manager Ritchie Haynes began his report by mentioning several dates to keep in mind, as well as thanking Innovations and Technology Director Chris Jones for his work with Everbridge which will be utilized to provide all reverse 911 messages to the citizens. He reminded anyone who did not get a recycling message will need to sign up for the service. Mr. Haynes mentioned the next council meeting on June 26th, which is also the date for Alive After Five concert. He spoke to the Strategic Plan and reviewed the concept of having a fall workshop to review the strategic plan items, as well as policies and procedures. Mr. Haynes asked members to provide him with their availability from mid- September to the end of October, so that he can schedule day for that work session.

Mr. Haynes announced that the City's summer intern, Miss Megan Carroll, who is a rising sophomore at Chapel Hill, will be working on a survey for citizens to update the City's strategic plan. He explained that since the plan is ten year old, he would like to confirm that the four goals initially identified are still the goals the citizens feel are the most important.

Lastly, Mr. Haynes presented a request for Council to adopt a Resolution to be submitted to the NCDOT for signature events road closures. Mr. Haynes reminded members of the process followed in the past, to close and maintain the street when the City has hosted special events on East Main Street and the Court Square. He stated that he recently learned from DOT staff that because the City is a government entity, NCDOT will allow the governing board to adopt a resolution that identifies the events and includes specific details related to the events. Mr. Haynes explained what adopting the resolution would cover and pointed out how this will streamline the process for staff.

Councilmember Mark Johnson made a motion to approve the Resolution for the City Council to submit events and road closures to the DOT on an annual basis. Members voted 4-0 in favor of the motion.

City Attorney's Report

City Attorney John Friguglietti reviewed the items listed on the activity report provided to members. He gave an update on pending litigation and the two issues involving the tax office. Mr. Friguglietti also expressed his advisory opinions on a number of issues and also updated members on the work he is doing for two items he identified as being back by the City. He announced the upcoming cruise-in on Friday, June 13th, reminding Council that the fund raised benefits the treatment court. He also spoke to the Lincolnton Cruise-in Incorporated, the nonprofit that has been set up to manage the funds donated through the cruise-in. Mr. Friguglietti talked about his plans for a Halloween event to be held on Friday, October 31st on Water Street.

In response to a question from Jetton Councilmember, discussion was generated regarding door-to-door solicitations. Councilmembers voiced their concern, and their opposition to making any changes to the City's ordinance. The City Attorney confirmed that the City's Ordinance has not be changed, and door-to-door solicitation is still prohibited in the City limits. He and the City Manager addressed the difference between First Amendment rights/freedom of speech and solicitation. Mr. Friguglietti stated that no trespassing signs can be used to deter individuals from coming onto your property.

NEWS MEDIA

Mayor Ed Hatley opened up the floor for questions from the news media. Mr. Mike Powell asked several questions regarding the budget, which were addressed by City Manager Ritchie Haynes. A reporter from LEAP News also asked a question regarding the proposed budget which was addressed and answered by City Manager Ritchie Haynes.

CLOSED SESSION

In accordance with G.S. 143-318.11(a)(4) – To Discuss Industry and Business Location and Expansion

Councilmember Roby Jetton made a motion to enter into closed session. Members voted 4-0 in favor of the motion.

Upon returning to Open session, City Attorney John Friguglietti spoke to the Council about forming a Citizen Advisory board as a way to get more community involvement. He stressed that this board would be different than the Homeless Task Force in that it will be made up of six to twelve individuals that will make recommendations in an advisory capacity. Discussion was generated relating to the purpose and intent of the board. There was also discussion regarding recruiting members and initial appointment terms. City Manager Ritchie Haynes suggested that the group go through a leadership academy of sorts prior to getting to their main purpose, to learn about how city government operates at each department level. Mr. Friguglietti stressed that his ultimate goal is to educate the public to the extent that we can. Council members were receptive of the idea and in favor of creating the board.

Mr. Friguglietti informed that he would volunteer as a liaison for City Council. He provided a draft copy of a set of bylaws for Council to review, stating that he would prepare and present a finale draft at the next meeting.

ADJOURNMENT

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

DAPHNE INGRAM, CMC	**ED HATLEY**
CITY CLERK	**MAYOR**