

REGULAR MEETING - DECEMBER 4, 2008

The Mayor and City Council met in regular session on Thursday, December 4, 2008 at 7:00 p.m. in the Council Chambers of City Hall, located at 114 West Sycamore Street, Lincolnnton.

Mayor David Black called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. The following Council members were in attendance:

HOUSER CLONINGER HEAVNER HOVIS

Councilman Cloninger made the motion unanimously approved the Regular Agenda.

Councilman Heavner made the motion unanimously approved CONSENT AGENDA as follows:

- Approved Minutes of November 2008 regular meeting.
- Approved the following Call to Public Hearing for the January 8th meeting:

ZMA-7-2008 – Application from David Abernathy & Doreen Yates requesting the rezoning of 0.75 acres of land from Residential-Office (R-O) to Central Business (CB) District. The subject property is located on the north side of East Pine Street approximately 105 feet west of the intersection of East Pine Street and North Academy Street. The address of the property is 119 East Pine Street.

REGULAR AGENDA

(ZTA-3-2008)

APPLICATION FROM STAFF REQUESTING AN AMENDMENT TO THE TEXT OF THE LINCOLNTON UNIFIED DEVELOPMENT ORDINANCE. THE PROPOSED TEXT AMENDMENT WOULD CHANGE SECTION 5.9.2 OF THE ORDINANCE AND AUTHORIZE THE BOARD OF ADJUSTMENT TO REVIEW AND AUTHORIZE THE ISSUANCE OF PERMITS FOR CARNIVALS, CIRCUSES, TENT ASSEMBLIES AND OTHER SIMILAR COMMERCIAL AND CHARITABLE USES:

Councilman Houser made the motion unanimously approved to open the Public Hearing.

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Steve Gurley Planning Director reviewed the request from staff to amend Section 5.9.2 of the Lincolnton Unified Development Ordinance. Steve, based on direction from Mayor and City Council, proposed an amendment that would change the listing of applicable uses and require approval by the Board of Adjustment using the special use procedures available to it in Section 15.1.5 of the UDO. As it now reads, Section 5.9.2 includes Christmas tree sales as an applicable use requiring approval under its requirements. Staff recommended removal of that use from the list. Carnivals and circuses would remain in the provisions and would be brought before Council prior to issuance of a permit to operate.

With no one else speaking for or against the proposed amendment, Councilman Houser made the motion unanimously approved to close the Public Hearing.

Councilman Heavner made the motion unanimously approved to amend Section 5.9.2 to read as follows: “Carnivals, circuses, tent assemblies and similar commercial and charitable uses not otherwise listed as a permitted or conditional use in the district in which it is located and which are limited time duration and which do not involve the use of any permanent structures may be permitted upon the authorization of the Board of Adjustment and subsequent issuance of a permit by the Administrator. The Board of Adjustment, in approving such use, may authorize conditions regarding duration of the use, hours of operation, signage, lighting, etc. and such conditions shall be made a part of the permit issued by the Administrator.”

(CUP-5-2008)

APPLICATION FROM CSE ENGINEERING REQUESTING A CONDITIONAL USE PERMIT TO EXPAND AN EXISTING CHURCH FACILITY IN THE R-15 DISTRICT. THE SUBJECT PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF OLD TRAM STREET AND LITHIA INN ROAD:

Councilman Houser made the motion unanimously approved to open the Public Hearing. The City Clerk administered the oath to all those wishing to speak for or against the issue.

Steve Gurley, Planning Director reviewed the above stated request. CSE Engineering representing the Church of Jesus Christ Latter Day Saints, has

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submitted a request for a conditional use permit to expand their existing church facility by adding a 6,135 square feet building addition and additional parking.

Steve reviewed the site and area description, the applicant's compliance with conditional use permit application requirements, staff review committee comments, as well as the compliance required for Section 13.4.2 of the LUDO and the water supply watershed standards.

Steve pointed out several deficiencies in the current site plan. He noted that a revised site plan was received by his office late today, but was unable to review the plan prior to this meeting. Steve is in hopes the revised site plan will address deficiencies noted; (1) Additional parking lot and street landscaping must be provided to meet ordinance requirements. (2) Exact location of wooded areas on site that will remain must be shown on site plan. (3) Square footage and height of building must be noted on site plan. (4) Amount of Impervious surface for total site must be noted on site plan. (5) Side yard setback adjacent to Old Tram Street must be changed to 50 feet.

Staff Review Committee comments were as follows: (1) The applicant needs to retain as much wooded area on the property as possible. (2) The developer must reimburse the City of Lincoln for any damage done to Old Tram Street by construction equipment during development of this project. (3) Plans must be submitted to the Lincoln County Building Inspections Department for review and approval. (4) Sidewalks meeting City of Lincoln requirements must be installed along the entire length of church property on Old Tram Street and Lithia Inn Road. An easement must be given to the City, if the City is to maintain the sidewalk. All requirements must be coordinated with the Public Works and Utilities Director. (5) All utility plans must be approved by the Superintendent of Utilities prior to development. (6) All plans concerning Fire Safety Issues must be approved by the City Fire Inspector prior to development.

Steve concluded recommending the expansion be permitted contingent upon the deficiencies being met and all staff review committee comments be addressed.

Mr. Kenneth Kornegay, of CSE Engineering and Mr. Russ Angelo, an architect for the project, spoke in favor of the request and told Council that the revised site plan did address the concerns noted by the Planning Director.

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Having no further questions Councilman Heavner made the motion unanimously approved to close the Public Hearing.

Councilman Houser made the motion unanimously approved to consider the conditional use permit.

Section 13.4.2 – Findings of Fact:

- (1) Councilman Heavner made the motion unanimously approved that the use will not materially endanger the public health or safety if located where proposed and developed according to plan.
- (2) Councilman Hovis made the motion unanimously approved that the use meets all required conditions and specifications.
- (3) Councilman Cloninger made the motion unanimously approved that the use will not substantially injure the value of adjoining or abutting property or the use is a public necessity.
- (4) Councilman Houser made the motion unanimously approved that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincoln Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

Councilman Houser made the motion unanimously approved that the conditional use permit be approved provided all deficiencies are met and incorporated into the permit.

(CUP-1-2008R)

APPLICATION FROM THE LINCOLN COUNTY SHERIFF'S OFFICE REQUESTING AN AMENDMENT TO A CONDITIONAL USE PERMIT TO ALLOW FOR A STORAGE BUILDING/CONTROL TOWER TO BE CONSTRUCTED AT THE EXISTING OUTDOOR SHOOTING RANGE. THE SUBJECT PROPERTY IS LOCATED BEHIND THE LINCOLN COUNTY SHERIFF'S DEPARTMENT AT THE END OF JOHN HOWELL MEMORIAL DRIVE:

Councilman Houser made the motion unanimously approved to open the Public Hearing. The City Clerk administered the oath to all those wishing to speak for or against the issue. Steve Gurley Planning Director reviewed the request from the Lincoln County Sheriff's Office to amend a conditional use

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permit to allow for a storage building/control tower to be constructed at the above named site.

Steve said that the use as permitted has been constructed according to plan with one exception. Staff found in late October that a structure had been placed on the site that was not shown or requested on the application we received and reviewed before the City Council approved the request in April. The structure is a storage building/control tower. He said City staff, along with two Lincoln County building inspectors visited the site. Initial observation of the site showed that the use as an outdoor shooting range was in compliance with the conditional use permit with the exception of the structure. The building inspectors informed the Sheriff's Department personnel when we met that some building code violations would need to be addressed. We then pointed out that the conditional use permit would need to be amended since the storage building/control tower recently built was not shown as being a part of the original permit. He also made Sheriff Department officials aware that the structure built is within the floodway fringe of the regulatory floodplain of Walker Branch.

Steve concluded recommending approval of the amendment to the conditional use permit contingent that the State Building Code requirements are met before issuance of a certificate of compliance, all requirements of Article 5, Section B.2 and B.4 of the Lincoln Flood Hazard Prevention Ordinance be met before issuance of a certificate of compliance and that the Flood Hazard Prevention Ordinance must be certified by a registered engineer or architect.

Mr. Travis Leatherman, Lincoln County Sheriff's Office, was in attendance and spoke in favor of the proposed amendment. He said they have met with an architect, and have an architectural survey depicting the building plan. He said, "We are trying to get into compliance, and we have the architectural drawing for the structure, and whatever other conditions that we need to rectify to make things right is what we are going to do."

Mayor Black questioned if the Planning Department had seen the architectural drawing, Mr. Leatherman replied no, saying the Sheriff's office just received the drawing this afternoon.

Having no further questions, Councilman Heavner made the motion unanimously approved to close the Public Hearing.

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Councilman Heavner made the motion unanimously approved to consider the amendment to the conditional use permit.

Section 13.4.2 – Findings of Fact:

- (1) Councilman Hovis made the motion unanimously approved that the use will not materially endanger the public health or safety if located where proposed and developed according to plan.
- (2) Councilman Cloninger made the motion unanimously approved that the use meets all required conditions and specifications.
- (3) Councilman Heavner made the motion unanimously approved that the use will not substantially injure the value of adjoining or abutting property or the use is a public necessity.
- (4) Councilman Houser made the motion unanimously approved that the location and character of the use, if developed according to plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

Councilman Houser made the motion unanimously approved to amend the conditional use permit as requested and recommended by staff.

(ZMA-6-2008)

APPLICATION FROM LACKEY & WHITLEY REALTY REQUESTING THE REZONING OF APPROXIMATELY 1.4 ACRES FROM RESIDENTIAL-25 (R-25) TO NEIGHBORHOOD BUSINESS (NB) DISTRICT. THE SUBJECT PROPERTY IS LOCATED ON THE NORTHWEST SIDE OF NC HIGHWAY 150 APPROXIMATELY 800 FEET EAST OF THE INTERSECTION OF NC HIGHWAY 150 AND NC HIGHWAY 27:

Councilman Heavner made the motion unanimously approved to open the Public Hearing.

Steve Gurley, Planning Director reviewed the request from Lackey & Whitley Realty to rezone 1.36 acres of land from Residential-25 to Neighborhood Business (NB) District. Steve said the requested rezoning does not comply with the plan as it now exists. However, in staff's opinion the transitional nature of this area of the jurisdiction from residential to commercial warrants the property being placed in the Neighborhood Business Corridor (NBC)

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Planning Area. He said the area requested for rezoning is close to more established single family home developments to the northeast, a more restrictive planning area like the NBC would be more appropriate than the Planning Business Area that predominates much of the rest of this area.

Steve concluded recommending (1) rezone the property to NB District as requested by the applicant. (2) Amend the Lincolnnton Land Use Plan to show the property in the Neighborhood Business Corridor Planning Area.

Councilman Houser made the motion unanimously approved to close the Public Hearing.

Councilman Heavner made the motion unanimously approved to rezone the property.

Councilman Houser made the motion unanimously approved to amend the Lincolnnton Land Use Plan as shown on the application as requested.

(O-05-08)

PROPOSED AMENDMENTS TO THE CITY'S CODE OF ORDINANCES: CHAPTER 13 TRAFFIC ARTICLE III. SCHEDULES – SECTION 13-30. PARKING PROHIBITED AT ALL TIMES:

Councilman Houser made the motion unanimously approved to open the Public Hearing.

City Manager Jeff Emory told Council this proposed amendment is a result of a request from neighbors in the area of Cedar and Carter Streets regarding a parking problem on said streets.

Police Chief Dean Abernathy told Council that a petition was submitted to the City Clerk several months ago regarding amending the City's Code of Ordinances and staff was directed to investigate. As a result of the investigation the Chief recommended that the City's Code be amended as follows:

Chapter 13 TRAFFIC - ARTICLE III. SCHEDULES

Section 13-30. Parking prohibited at all times.

ADD: (49) Cedar Street, both sides, from Carter Street one block to the dead end of South Cedar Street

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Councilman Cloninger made the motion unanimously approved to close the Public Hearing. Councilman Houser made the motion unanimously approved to add the above language as recommended by the Police Chief and amend the City Code. This ordinance shall become effective upon adoption.

PRESENTATION OF THE AUDIT REPORT FOR THE 2008 FISCAL YEAR:

Ms. Carol Avery, Lowdermilk Church & Co., L.L.P. provided a copy of the financial highlights for the 2007-08 fiscal year audit. Ms. Avery thanked the City for allowing their firm to perform the audit, and especially the Finance Department for their assistance during the audit process. She said the City received an unqualified opinion on the audit as required by the Local Government Commission, and the LGC has reviewed and approved the audit for the current year.

The total General Fund assets, including Powell Bill Funds for 2008 was \$ 7,665,388. The Fund Balance was \$ 6,001,705. Ad Valorem taxes collected were \$ 4,010,196. The percent of taxes collected, current year levy, was 97.33%. Mr. Avery said, "Compared to City's the same size in North Carolina the average collection rate is 97.46%, and Lincolnton is very comparable to City's of our size".

The total overview included totals for the General Fund, Water and Sewer Fund, Electric Fund, Occupancy Tax Fund, Cash and Investments, and Debt Service Ratio. (*A copy of this summary will appear at the end of this document becoming a permanent part of these officials minutes.*)

Ms. Avery offered to answer any questions that Council members may have and said she would come back at a later date if necessary. The City Manager thanked Ms. Avery and the City staff for their hard work in preparing the audit. He recommended that Council entertain motion to accept the audit.

Councilman Houser made the motion unanimously approved to accept the audit as recommended.

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CONSIDERATION OF A PROPOSAL FOR CONCEPTUAL PLAN DEVELOPMENT FOR STREAM CORRIDOR IMPROVEMENT ALONG MARCIA H. CLONINGER RAIL TRAIL:

(C-15-08)

Jeff Emory, City Manager told Council that the City budgeted this fiscal year, \$ 100,000 in the General Fund, to tile a portion of the ditch that runs along the Marcia H. Cloninger Rail-Trail. He said in proceeding with this project, the City learned that the state would not grant a permit to tile the ditch, due to various concerns related to the size of the stream, and the potential impact on the flow of the stream. The state recommended that a stream restoration project be completed.

Mr. Peeler has met with a company that specializes in this type work. They have submitted a proposal to investigate how the stream may be addressed. The best option is a stream rehabilitation project. The amount proposed from Habitat Assessment and Restoration Program is \$ 6500. Jeff said after discussions with the state and representatives of Pease and Associates he feels this is the best first step to address this matter. He recommended that the \$ 6500 be appropriated from the \$ 100,000, which was originally funded in this fiscal year budget, and enter into the contract with Habitat Assessment and Restoration Program.

Councilman Houser made the motion unanimously approved enter into the contract as recommended by the City Manager.

CONSIDERATION OF A PROPOSAL FROM PEASE ASSOCIATES TO COMPLETE WASTEWATER TREATMENT PLANT MODEL:

(C-16-08)

Steve Peeler, DPW&U told Council that in order to assist with renewal of the waste water treatment plant permit next spring, it is critical that the City complete a Waste Water Treatment Plant Model. He said now that the City is accepting waste from the Industrial Park, this is even more important. This model would be a document the City could use as a tool in dealing with the state as they determine parameters placed upon the City for future discharge limitations.

The State of North Carolina has revised the method of implementing pretreatment rules for the municipal wastewater treatment plants. Within

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recent months the State has requested each municipal plant to be certified by a registered engineer as to the actual design capacity of the facility. City staff is currently in the process of re-issuing pretreatment permits to existing industry and are consistently asked about new industry into our system. If not addressed this situation has the potential of creating conditions at the Wastewater Treatment Plant that will case notice of violations. If violations are received the State and or EPA has the right tot fine up to \$ 25,000 per day, according to a letter from Mr. Don Garbrick of Pease and Associates.

Steve concluded recommending that Council enter into a contract with Pease and Associates to complete a Wastewater Treatment Plant Model in the amount of \$ 33,000. Actual cost of the model would be \$ 27,000 and \$ 6,000 for sampling.

Councilman Houser made the motion unanimously approved to enter into the contract as recommended.

The City Manager said he would prepare a budget amendment to be placed on the January meeting for this project.

CONSIDERATION OF A COST FREE VIDEO TOUR BOOK AGREEMENT – CGI COMMUNICATIONS, INC.:

(C-17-08)

Mayor David Black told Council he participated in a telephone conference call with representatives of CGI to offer via the City’s website a streaming video, cost free to the City. We allow them permission to market local businesses on the video screen with business related icons on the website screen. The contract would be for a three year period. Several cities throughout North Carolina have been asked and plan to participate in this cost free endeavor.

Mayor Black concluded asking that Council consider approving the agreement provided in their packet. Councilman Hovis made the motion unanimously approved to enter into the contract as recommended by Mayor Black.

RESOLUTION ADOPTING THE 2009 CALENDAR OF REGULAR MEETINGS OF THE LINCOLNTON CITY COUNCIL:

(R-12 -08)

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Mayor David Black reviewed the 2009 proposed calendar of meetings for the Lincolnton City Council. After some discussion, Councilman Hovis made the motion unanimously approved to adopt 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, Article 33 B of the General Statutes of North Carolina (The Open Meeting Law) requires in effect if a public body holds a meeting at any time, it shall give public notice of the time and place of that meeting as provided in GS 143-318.8;

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 in the Council Chambers of the Lincolnton City Hall, located at 114 W. Sycamore Street, on the following dates and times:

January 8 - 7:00 p.m.	May 7 – 7:00 p.m.	August 27 – 7:00 p.m.
February 2 - 4:00 p.m.	June 4 – 7:00 p.m.	October 1 – 7:00 p.m.
March 5 – 7:00 p.m.	July 9 – 7:00 p.m.	November 5–7:00 p.m.
April 2 – 7:00 p.m.	August 6 – 4:00 p.m.	December 3 – 7:00 p.m.

All of these being held in 2009. The City Council meeting in Regular Session on December 4, 2008 established these dates and time and ordered this resolution be published one time in the Lincoln Times-News at least fifteen days prior to January 8, 2009 meeting. The City Council further ordered a copy of this resolution be posted on the bulletin boards located 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, Article 33 B of the General Statues of North Carolina

Adopted this 4th day of December, 2008.

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RESOLUTION SUPPORTING CMAQ GRANT APPLICATION:

(R-13-08)

Steve Gurley, Planning Director recommended that Council consider adopting a resolution supporting Congestion Mitigation/Air Quality Grant (CMAQ) Application, expressing the City's intent to pursue \$ 468,000 in CMAQ funds for construction plan preparation and construction of Phase III of the Marcia H. Cloninger. The total anticipated cost for the project is \$ 585,000. The funding to be requested represents 80% of the anticipated costs, the maximum funding match available. The City's match would equal \$ 117,000 should we receive the grant. The application will be submitted on behalf of the City by Centralina Council of Governments in January 2009.

Councilman Hovis made the motion unanimously approved to adopt the resolution as recommended, committing the City to a \$ 117,000 match should the City receive the grant.

RESOLUTION SUPPORTING RTP GRANT APPLICATION:

(R-14-08)

Steve Gurley, Planning Director recommended that Council consider adopting a resolution authorizing the City to pursue \$ 46,875 in Recreational Trails Program (RTP) funding, through the NC Department of Natural Resources. RTP funding if acquired would be used for construction plan preparation and trail construction.

If the grant were approved a twenty percent match for properties purchased within eighteen months of the grant being approved is a possibilities. Postponement of current property right-of-ways along Phase III would have to happen so that the monies for the right of way purchase along this Phase could be considered. Steve said, "It's a good opportunity but we may have to do some creative financing with the folks we are dealing with now, but it is a good opportunity."

Councilman Cloninger commented, "The rail trail has received national recognition, in the Rail-Trail magazine and also in the Gastonia Gazette, so I think it is bringing a lot of good praise to our community, and if we were to get the grant monies I believe we might could complete Phase III of our Rail Trail."

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Councilman Cloninger made the motion unanimously approved to adopt the resolution as recommended.

UPDATE ON THE STATUS OF THE MARCIA H. CLONINGER RAIL/TRAIL EXPANSION:

Steve Gurley, Planning Director provided a brief update on the status of the Rail Trail. Steve said he is happy that Council approved the appointment of Dr. Cloninger to serve on the Thread Trail Committee in Lincoln County and looks forward to providing Council a report of the upcoming meeting in Mooresville regarding the Thread Trail.

CONSIDERATION OF APPROVAL OF MATCH OF FUNDS FOR UNITED WAY OF LINCOLN COUNTY:

Jeff Emory, City Manager recommended that City Council approve a match of funds to United Way in the amount of \$ 2,376.50, which would match the employee contributions for 2008.

City Attorney T.J. Wilson, Jr. recommended that a letter accompany the match if approved by Council stating that the funds be appropriated to legitimate expenditures of a public body. Therefore the monies contributed would be earmarked for those expenses only.

Councilman Houser made the motion unanimously approved to match the employee contributions as recommended by the City Manager and the City Attorney.

CONSIDERATION OF ANNUAL PLANNING RETREAT:

Mayor David Black opened the floor for discussion among Council regarding our annual Planning Retreat.

Councilman Heavner said due to economic conditions he would motion that the retreat be held in Lincolnnton this year. After some discussion, the motion was unanimously approved.

Councilman Hovis asked if a facilitator would be necessary since the retreat would be held in Lincolnnton. After some discussion, and as a cost saving effort it was determined that the retreat would be facilitated internally.

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The retreat will be held at City Hall in Lincoln on February 27 & 28, 2009.

DISCUSSION OF TWO CODE OF ORDINANCE ITEMS – (A) TWO HOUR PARKING IN DOWNTOWN AND (B) KEEPING OF LIVESTOCK PROHIBITED.:

Mayor Black said he had been approached by local business owners about parking concerns in the downtown area. A proposed business coming to downtown would provide spa services, causing its customers to visit their business for more than two hours at one time. Concerns have been expressed about parking violations for those customers who are doing business in downtown and exceed the two hour parking. Currently City Code mandates two hour parking and states fines for violators. Mayor Black asked Council to consider a method where parking vouchers may be used for businesses which may provide these type services. These vouchers would allow business owner to issue a voucher to a customer who does business with a downtown business providing these services.

Police Chief Abernathy felt a parking voucher system would be very hard to regulate. He said, "The sign says two hours." "Anywhere you go, any state any City, the sign says two hours." The Chief said, "Since we have raised the fines it has alleviated some of the problems, but a problem still exist. There is just so much parking".

Mayor Black asked if the problem is worth looking into. Chief Abernathy said he felt there is a big need to look into a parking solution for our downtown. He does not feel reducing enforcement is the solution.

Councilman Cloninger questioned whether a parking study would be beneficial. No action was taken on this item.

Mayor Black reminded Council of a citizen who recently spoke during the Public Comment portion of one of our meetings, regarding the keeping of livestock inside the City limits. This gentleman had baby goats as pets for his children and was asked by Animal Control to remove them from his property as he was in violation of the City's Code of Ordinances, whereby no livestock is permitted inside the corporate limits of Lincoln.

Mayor Black asked the City Attorney to investigate the possibilities of an ordinance that could distinguish between animals kept as pets and animals kept

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as commercial livestock so that some small animals, smaller than the average dog, could possibly be permissible inside the City.

Councilman Cloninger said he would go along with looking into the matter and said, "I think we need to become more citizen friendly."

This item generated some discussion. The City Attorney expressed concerns on the issue but said he would look into our options.

PUBLIC COMMENT:

Ms. Alezia Morris, of Hope Community Service told Council that she is targeting Lincolnton to assist young adults with community services. To assist youth in coming together with families. She said they currently have an operation in Dallas and plans to open a second office in Lincolnton in the near future. She said in discussions with our local Department of Social Services, "Lincolnton is falling through the cracks" in reaching out to young adults. She hopes the City can be there to provide Hope Community Services with assistance when helping the youth.

Mr. Steve Peeler addressed Council saying he would like to go on records thanking Mr. Kenneth Herndon for the beautiful Christmas Tree that he donated for our downtown area. It is the largest Christmas tree we have ever had. Steve said Mr. Herndon is a City resident, who lives on Georgetown Road, and he wanted to publicly thank him for donating the tree to the City.

CLOSED SESSION:

Councilman Cloninger made the motion unanimously approved to enter into Closed Session to discuss personnel in accordance with NCGS 143-318.11(a)(6)

Councilman Cloninger made the motion unanimously approved to return to regular session.

The City Clerk reported that the action taken in closed session was a motion made by Councilman Cloninger to give the City Manager a pay increase of 6%, increasing his current salary from \$ 107,317 to \$ 113,756 annually to be effective January 6, 2009, and a one-time 4% bonus based on his current salary prior to the increase, which equals \$ 4,292.68.

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Councilmen Cloninger and Hovis voted in favor of the motion and Councilmen Houser and Heavner voted against, creating a tie. Mayor Black voted in favor of Councilman Cloninger's motion.

The motion passed by a three to two vote.

NEWS MEDIA:

Questions from the News Media were regarding the action taken in closed session. Councilman Houser asked that this statement be issued to the News Media on his behalf: He said, "I have no argument against the job he does as City Manager. I think he has been doing a good job. I feel though that for a City of just over 10,000 citizens his pay is excellent, especially if you consider all the benefits he receives over and above just his regular monthly salary. Therefore, I cannot vote in favor of a merit pay increase."

ADJOURNMENT:

Being no further business, Councilman Cloninger made the motion unanimously approved to ADJOURN at 10:45 p.m.

**DONNA C. FLOWERS, CMC
CITY CLERK**

**DAVID M. BLACK
MAYOR**