

## REGULAR MEETING – AUGUST 27, 2009

The Mayor and City Council met in regular session on Thursday, August 27, 2009 at 7:00 p.m. in the Council Chambers of City Hall, located at 114 West Sycamore Street, Lincoln. The following Council members were in attendance:

**HOUSER      CLONINGER      HEAVNER      HOVIS**

Mayor Black called the meeting to order and led in the Pledge of Allegiance.

Councilman Houser made the motion unanimously approved the Regular Agenda.

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

- Approved Minutes of the Regular Meeting held on August 6<sup>th</sup>
- Approved of revised Ward Boundary Map in accordance with NCGS 160A-23  
(*Note: Updated to reflect the last two satellite annexations and other revisions since July 2005*)
- Approved Proclamation – 2009 Lincoln Economic Development Association – Industry Appreciation Month – October 2009

### REGULAR AGENDA:

#### RESOLUTIONS

#### **RESOLUTION OF INTENT TO CLOSE A PORTION OF AN UNOPENED STREET AT THE END OF S. POPLAR STREET:**

(R-12-09)

Mayor Black discussed a request received from Mrs. Jean Lockman, 104 Kennedy Drive, that Council consider action to close a portion of an unopened street depicted on a survey plat of her property. He explained that the street had never been open to public traffic and the City has no plans of utilizing said right of way for this purpose.

A resolution of intent to close a portion of an unopened street at the end of S. Poplar Street along Kennedy Drive, as defined by the survey plat, was drafted by the City Clerk and City Attorney and upon Council consideration could be approved. *A copy of this Resolution is attached and will become a permanent part of these official minutes.* If approved the City Clerk will advertise the resolution for four consecutive weeks as required by NCGS 160A-299, set a Public Hearing for the October 1<sup>st</sup> meeting, at which time Council would consider approval of an order to close said street so long as it is not contrary to the public's interest.

After some discussion Councilman Houser made the motion to adopt the Resolution (R-12-09) as presented. Councilman Heavner seconded the motion.

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**RESOLUTION TO DECLARE CHIEF ABERNATHY'S SERVICE WEAPON (GLOCK - .45 PISTOL SERIAL # GBH522) AND BADGE (#1) SURPLUS:**

(R-13-09)

Jeff Emory, City Manager told Council that prior to the retirement of Chief of Police Dean Abernathy, Council if so desires, should consider declaring his service weapon and badge surplus and those items would be presented to the Chief upon his retirement. Mr. Emory said approval of this resolution would be in keeping with past action taken on other law enforcement personnel.

Councilman Cloninger made the motion unanimously approved to adopt the resolution as recommended, and that Chief Abernathy's service weapon (GLOCK .45 caliber Model 37 – Serial #GBH522, and badge # 1, be presented at his retirement reception on October 2<sup>nd</sup>.

**APPROVAL OF AGREEMENT BETWEEN THE CITY AND US HOMELAND SECURITY FOR GRANT FUNDS (AFG) IN THE AMOUNT OF \$ 40,375 (CITY MATCH REQUIRED OF \$ 2125) TO THE LINCOLNTON FIRE DEPARTMENT – VEHICLE EXHAUST EXTRACTION SYSTEM:**

(C-09-09)

Jeff Emory, City Manager presented a request to Council on behalf of Chief Lee for approval of a grant, received through the Department of Homeland Security, for the Fire Department regarding a vehicle exhaust extraction system. This grant if accepted would require matching funds of \$ 2125.00. Chief Lee had noted in his memorandum to Council that \$ 2500 was appropriated in the current fiscal year budget for matching funds. The total monetary amount of the grant would be \$ 40,375.00.

The purpose of a vehicle exhaust extraction system is to remove harmful exhaust fumes from the fire station when fire apparatus are started while in the building. With large diesel engines there is a significant amount of exhaust created as they are started and even more when they accelerate out of the station in response to an emergency call.

Councilman Houser made the motion unanimously approved to accept the grant as recommended by Chief Lee, therefore providing matching funds in the amount of \$ 2125.00.

**UPDATE ON THE UTILITIES FOR THE PROPOSED WAL-MART SUPER CENTER:**

Steve Peeler, Director of PW&U gave Council an update on the status of the City providing electrical service to the new Wal-Mart location. Steve said, " Several months ago I contacted Robbie Tugwell, ElectriCities, about the potential for the City of Lincolnton serving the new Wal-Mart SuperCenter on Generals Boulevard, at the site of the Carolina Motel. Robbie makes contacts for NCMPTA #1 Participants with National Accounts such as Wal-Mart. Wal-Mart makes the decision in their Corporate Offices about who will provide utility services to their locations. Duke Energy served Carolina Motel.

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Robbie made numerous contacts with Wal-Mart Corporate Officials, ElectriCities support staff, various vendors, and working with Jeff and me to develop a Proposal to submit to Wal-Mart to get them to choose The City of Lincoln as their electric provider.

The site of the New Wal-Mart is located on property parcels, some of which are inside our Corporate Limits, and others that are outside our Corporate Limits.

The location of Duke's facilities caused the site to be a "customer choice" location with regard to electric service. This means Wal-Mart would have the option of choosing Duke Energy or the City of Lincoln as their electric provider. Our task then became to cause Wal-Mart to choose the City of Lincoln.

We were able to offer Wal-Mart the "New Load Commercial Rate". Wal-Mart was very interested in being served by an electric provider whose power generation was as "green" as possible (i.e. very little fossil generation). The City of Lincoln is a Participant in NCMCA #1, which owns the majority of the Catawba Nuclear Generating Station, and this provides almost all the electricity we purchase. This makes us very "green". Robbie and ElectriCities Staff developed cost projections we were able to provide Wal-Mart to further show why they should choose The City of Lincoln for the electric provider.

We also proposed placing an emergency generator at the Wal-Mart Location to provide electric service to Wal-Mart in the event of extended electrical outages. The generator could also be used to reduce the amount of energy the City of Lincoln would need to purchase to serve the Wal-Mart location, during periods of peak demand.

All this was submitted to Wal-Mart in a Formal Proposal, and Wal-Mart chose the City of Lincoln as their electric provider.

Primary lines will need to be extended to the site, along with lines and transformer(s) on the site in order for us to serve Wal-Mart. If we opt to be the ones to install the generator this would incur Capital Cost as well, but over time the cost of the generator could be recovered. We will provide you with cost/revenue data in the near future."

Jeff concluded telling Council that he wanted to provide an update tonight although no exact cost figures were available at this time.

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

Steve Gurley, Planning Director provided Council an update on the status of property acquisition on the rail/trail expansion (Phase III) between Pine Street and City Park. He said;

Staff continues to work with Lincoln County and Carolina Thread Trail personnel to complete the Lincoln County Greenway Master Plan. The City has received word from the NCDOT Division 12 Shelby office that their staff will be overseeing our work on Phase III

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as we use CMAQ funding for plan preparation and rail construction. The previous CMAQ project for Phase II of the trail was overseen by Raleigh NCDOT Staff.

Steve said the City Attorney and his staff continue to work on deeds for easements for the remaining property owners along the corridor. Since we will not be receiving the Recreational Trail Program grant, we will use budgeted funds to pay for the properties as our offers are accepted.

Councilman Cloninger commended Steve and Planning Department Staff for obtaining the grant on behalf of the City.

**PUBLIC COMMENT:**

Mr. John McClain arrived after the Council meeting had adjourned. Mayor Black and Council members allowed Mr. McClain to speak to them regarding the Fire Fighter Pension Fund. He expressed his concern that the \$75.00 per month allocation was not enough and ask Council to consider an increase.

Mayor Black explained that this matter would have to be taken to the local Fireman's Relief Fund Board and then possibly to the state level, noting the City has no control over these funds according to legislation adopted in 2002.

**NEWS MEDIA:**

There were no questions from the news media.

**ADJOURNMENT:**

Councilman Houser made the motion unanimously approved to adjourn the meeting at 7:11 p.m.

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

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**DAVID M. BLACK  
MAYOR**