

REGULAR AGENDA - AUGUST 3, 2006

The Mayor and City Council met in regular session on Thursday, August 3, 2006 at 7:00 p.m. in the Council Chambers of City Hall. 114 West Sycamore Street. Mayor Huitt led the Pledge of Allegiance. The following council members were in attendance:

HOUSER CLONINGER HEAVNER HOVIS

Councilman _____ made the motion unanimously approved the **CONSENT AGENDA** items:

Approved minutes of the July 13th Regular meeting and the Special meeting held July 18th between the City and Lincoln County regarding recreation.

REGULAR AGENDA

PUBLIC HEARINGS

CUP-4-2006

Mayor Huitt opened the Public Hearing. The City Clerk administered the Oath to all those wishing to speak for or against the request.

Planning Director Steve Gurley reviewed the application from York Development Group requesting a conditional use permit to construct a Zaxby's Restaurant and future retail space on approximately 4.476 acres of Land. The subject property is located on the south side of East Main Street approximately 300 feet east of the intersection of East Main Street and South Edwards Street.

Steve reviewed all aspects of the application, including the background, site description, the compliance with the water supply watershed standards, conditional use permit application requirements, and staff review committee comments. He concluded recommending approval on behalf of the Planning Board and staff provided the storm water concerns are satisfactorily addressed and met before issuance of a zoning certificate of compliance.

Mr. Brian Rollar spoke in favor of the application. Being no other comments Councilman Cloninger made the motion unanimously approved to close the Public Hearing.

REGULAR MEETING – AUGUST 3, 2006

Councilman Heavner made the motion unanimously approved to consider the conditional use permit (CUP-4-2006).

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 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 to grant the conditional use permit as recommended by the Planning Board and staff.

ZMA-6-2006

Mayor Huitt opened the Public Hearing. Steve Gurley, Planning Director reviewed the application from Kevin McMorris requesting the rezoning of approximately 0.75 acres of land from General Manufacturing and Commercial (GMC) to Residential-25 (R-25) District. The subject property is located approximately 125 feet south of Lore Road and approximately 200 feet west of the intersection of Lore Road and Reepsville Road.

Steve reviewed the site and area description as well as the land use plan stipulations and the applicant's compliance with the Land Use Plan. He concluded recommending that Council rezone the property as requested by the applicant to the R-25 District.

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

Councilman Hovis made the motion unanimously approved to rezone the property as recommended by Planning Board and staff.

REGULAR MEETING – AUGUST 3, 2006

ZTA-2-2006

Mayor Huitt opened the Public Hearing. Steve Gurley Planning Director reviewed the application from the City of Lincolnton requesting an amendment to the Lincolnton Unified Development Ordinance. The amendment will add “Farmers Market” as a permitted use Section 7.6.1 of the Residential Office District. The amendment will also change Section 4.2 by amending the definition of a “Farmers Market”.

Steve told Council that LUDO currently permits farmers’ markets as a conditional use in the General Manufacturing and Commercial (GMC) District only. He suggested that the current definition of farmers’ market be amended to speak to two types of framers’ markets. One for small scale establishments on smaller properties with small structures, or no structures included in the operation. The second for large scale operations with large amounts of outside storage and large structures normally accommodating a permanent full time use.

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

Councilman Houser then made the motion unanimously approved to amend the LUDO as recommended and described in the report from the Planning Director.

UPDATE ON PROPOSED FARMER’S MARKET:

Kevin Starr, NC Cooperative Extension Agent, for Lincoln County told Council that he had obtained a quote for constructing a Farmers’ Market on City owned property located at the intersection of North Aspen Street and Pine Street. He referenced a letter from Williams Design, P.A., detailing the estimated cost for a large structure, tower, parking lot and landscaping. The total projected cost of the project was \$ 497,000.00.

Kevin told that Lincoln County has committed to funding \$ 60,000 toward this project. After some discussion, Kevin suggested that Council take some time to review the proposal and then contact him for further discussion of the proposed project.

REGULAR MEETING – AUGUST 3, 2006

PROPOSAL REGARDING THE CITY'S FEE SCHEDULE/POLICY:
(P-01-06)

Jeff Emory, City Manager, reviewed several proposed adjustments to the City's policies and procedures regarding late fees, payment extensions, and adjustments. Jeff said he has had several discussions with the Finance and Utility Billing Departments concerning these changes, and they are in agreement that the bad debt expenses can be lowered significantly by implementing the changes. He concluded recommended the following changes:

1. Late fees will increase form \$ 5.00 to \$ 15.00 or 2% of the total bill, which ever is greater, effective October 1st, 2006.
2. All requests for extensions should be done in writing. The City will utilize a standard payment agreement that will outline the conditions for the extension. Should the customer fail to make payment within the specified time frame stated within the agreement, the customer will forfeit any future rights to an extension agreement. Customers that meet the conditions of the agreement will be allowed one extension within a twelve month period.
3. The City will only adjust the sewer portion of the utility statement. Requests for adjustments will be allowed by telephone. Customers will only be allowed one adjustment within a twelve month period.

Jeff said it will be the responsibility of the Utility Department to document activity concerning the above stated, for each customer. He concluded saying if approved, notification will be sent to larger user customers, as well as publication of the late fee policy on all utility statements.

Councilman Heavner made the motion unanimously approved to adopt the changes as recommended, with the first notice appearing on the September 1st billing, becoming effective October 1st, 2006. The City Manager assured Council that proper advertisement of these changes would also appear in the local newspaper.

SCHEDULE DATE FOR WORK SESSION TO DISCUSS RECREATION:

Councilman Cloninger made the motion unanimously approved that a date be determined for a work session to further discuss recreation at the December 14th City Council meeting.

REGULAR MEETING – AUGUST 3, 2006

UPDATE ON “OLD RECREATION BUILDING” LOCATED ON PINE STREET:

Buddy Collins, Economic Restructuring Chair of DDA, appeared before Council to provide an update on the status of the recreation building located on Pine Street. He said a quitclaim deed has been signed by all parties of interest and is forthcoming to the City. He shared a copy of the Request for Proposals (RFP) for the property which has been sent out to various parties. The deadline for proposals is 4:00 p.m. Monday, September 4, 2006. He said once the RFP process is complete, another update will be provided to the City.

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

Steve Gurley, Planning Director, provided Council a status report on the rail trail expansion (Phase II) between Government Street and Motz Avenue.

He said the sub grade is in place, the fence posts and fencing have been installed on both sides of the trail. Paving and final landscaping should be taking place soon. Request for reimbursement of \$ 26,650 from the Congestion Mitigation/Air Quality (CMAQ) funding program has been submitted. The City has a total of \$ 72,000 available in CMAQ funding to assist with finishing up Phase II of the project.

Steve concluded recognizing the Planning Intern, Mitch Miller. He told Council that Mitch had just completed his internship with Lincoln and would now be in the process of finding permanent employment. He commended Mitch for a job well done, and wishes him the best in future endeavors.

Councilman Hovis expressed that he would like to see the City start acquiring property along Phase III of the Rail Trail in the near future. The City Manager said that \$ 50,000 was allocated in the 2006-07 budget for property acquisition.

REGULAR METING – AUGUST 3, 2006

PUBLIC COMMENT:

No one spoke during the public comment portion of this meeting.

CLOSED SESSION:

Councilman Cloninger made the motion unanimously approved to enter into CLOSED SESSION in accordance with NCGS 143-318.11(3) to discuss legal matters.

Councilman Cloninger made the motion unanimously approved to return to REGULAR SESSION.

NEWS MEDIA:

No questions from the News Media.

ADJOURNMENT:

Councilman Cloninger made the motion unanimously approved to adjourn the meeting.

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

**BOBBY G. HUITT
MAYOR**