

**SWEARING IN CEREMONY / ORGANIZATIONAL MEETING
DECEMBER 6, 2007**

The Mayor and City Council met on Thursday, December 6, 2007 at 6:30 p.m. for a Swearing In Ceremony/Organizational Meeting in the Council Chambers of City Hall.

Mayor Pro-Tem Carroll Heavner called the meeting to order. Mayor Bobby Huitt was absent from the meeting. Mayor Pro-Tem Heavner displayed a plaque which will be presented to Mayor Huitt at a later date, for his dedicated service to the citizens of Lincolnton, 1997 - 2007. "Mayor Huitt did a good job as Mayor and has put a lot of time in with the City and I would like to thank him for his service, Mayor Pro-Tem Heavner said." Also Mayor Huitt will be presented his gavel used during his tenure as Mayor. A large round of applause was given on behalf of Mayor Huitt for his service to the City.

Mayor Pro-Tem Heavner asked the City Clerk to proceed with Administering the Oaths of Office: The City Clerk called forward Mayor Elect David M. Black and his family for the official administering of the oath of office of the Mayor of Lincolnton. Mrs. Lynn Black held the bible, along with daughters Crystal and Jesse who stood along side Mayor Black as he was administered the oath of office by the City Clerk.

The City Clerk then asked Councilman John "Les" Cloninger, along with his wife Cynthia to come forward. Mrs. Cloninger held the bible while Councilman Cloninger, re-elected to represent Ward II for the City of Lincolnton, was administered the Oath of Office by the City Clerk.

Councilmember Larry Mac Hovis, re-elected to represent Ward IV for the City of Lincolnton, along with his wife Linda came forward to take the official Oath of Office. Mrs. Hovis held the bible while Councilman Hovis completed his Oath administered by the City Clerk.

Comments from the newly elected Mayor and City Councilmember's:

Mayor Black's comments were: "I would like to thank everyone for coming out tonight, and I am very proud to be here." "Thank you for all of your support and help. The attendance tonight is a real blessing to me and my family, and I would like to thank you and I will try and do the very best I can."

Councilman Cloninger commented, "I appreciate so much the opportunity to serve as a Councilmember. We don't always do what is

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best but we always try to do what we think is best. With your support, suggestions, and criticisms, I will always do the best I can in the years to come.”

Councilman Hovis commented, “I did not write a speech, but I do want to thank David for running and for being our new Mayor.” “I look forward to working with him, and the rest of the people with the City.”

At 6:45 p.m., Mayor Black called for a recess of the meeting until 7:00 p.m.

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Mayor Black reconvened the meeting at 7:00 p.m. He noted for the record that the following Council members were present:

HOUSER CLONINGER HEAVNER HOVIS

Mayor Black led the Pledge of Allegiance.

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

- Approved minutes of November 1, 2007 Council meeting.
- Approved the following calls to Public Hearing for the January 3rd City Council meeting:
 - CUP-5-2007 - Application from Joyce Atwell requesting a conditional use permit to operate a Garden Center in the Planned Business (PB) District. The subject property is located at the southwest corner of the intersection of North Aspen Street and Cochrane Road. The address of the property is 1495 North Aspen Street.
 - CUP-6-2007 - Application from Command Medical Properties requesting a conditional use permit to construct and operate a medical office building in the Planned Business (PB) District. The subject property is located on the west side of North Aspen Street approximately 500 feet north of the intersection of North Aspen Street and Sigmon Road.

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ZTA-5-2007 - Application submitted by the Planning Staff to amend Sections 5.30 G and 7.9 A.3 concerning front yard setback measurements for structures in the General Business Transitional (CBT) District.

CUP-2-2007R - Application from Gene Poinsett requesting revisions to a conditional use permit to start an indoor/outdoor Flea market in the General Manufacturing and Commercial (GMC) District. The subject properties are located at the southeast corner of Wilma Sigmon Road and John Howell Memorial Drive. The address of the property is 610 Wilma Sigmon Road.

Approved the following **Mayor's Appointments:**

ABC Board - Councilman HEAVNER
Lincolnton Housing Authority -

Councilman HOVIS

Centralina Council of Governments (COG)

Delegate to Exec. Committee - Councilman HEAVNER

Lincolnton-Lincoln County Airport Authority -

Councilman HOVIS

Library Board - Councilman HOUSER

Lincoln Cultural Center - Councilman CLONINGER

Recreation Commission - Councilman HOUSER

N.C. Municipal Power Agency (NCMPA 1)

Delegate - Director of PW&U, Steve PEELER

Alternate Delegates - Mayor BLACK

City Mgr. Jeff EMORY

DDA Appointment - Mayor BLACK

L E D A - Mayor BLACK (NOTE: Mayor Black will replace Councilman Hovis on the Lincoln Economic Development Association. His term will expire June 30, 2010 in accordance with LEDA by-laws).

REGULAR AGENDA:

ELECTION OF MAYOR PRO TEMPORE:

Councilman Heavner made the motion to nominate John Les Cloninger for Mayor Pro Tempore. Having no other nominations, Councilman Houser made the motion unanimously approved that nominations be closed. Mayor Black called for the vote on Councilman Houser's nomination; Councilman Cloninger was unanimously approved as Mayor Pro-Tem.

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APPOINTMENT OF CITY ATTORNEY:

Councilman Houser made the motion to nominate the honorable T.J. Wilson, Jr. for City Attorney. Having no other nominations, Councilman Heavner made the motion unanimously approved that the nominations be closed. Mayor Black called for the vote on the nomination to appoint T.J. Wilson, Jr. City Attorney. Mr. Wilson's appointment was unanimously approved.

PARLIAMENTARY PROCEDURES:

Adoption of Roberts Rules of Order:

Councilman Cloninger made the motion unanimously approved to adopt Roberts Rules of Order as guidelines to conduct City Council meetings.

Resolution to adopt the 2008 Calendar of Regular meetings of the Lincolnton City Council:

(R-14-07)

Councilman Houser made the motion unanimously approved to adopt the resolution as required by NCGS 143-33B, setting the calendar for the City Council meetings for 2008, changing the August and September meetings as suggested. *(A copy of this resolution reflecting the changes will appear at the end of this document becoming a part of these official minutes)*

PRESENTATION OF THE JUNE 30, 2007 AUDIT REPORT:

Mr. Phil Church, Lowdermilk Church & Co., L.L.P. presented the City's audit report for fiscal year 2006-2007. He provided a handout of the financial highlights, which included the General Fund, Water & Sewer Fund, Electric Fund, Powell Bill Fund, Occupancy Tax Fund balances, as well as the Cash and Investments totals and the Debt Service Ratio.

Mr. Church said the audit has been reviewed and approved by the NC Local Government Commission. Lowdermilk, Church & Co., L.L.P., CPA has issued an unqualified "clean" opinion on the City's financial statements for the fiscal year ended June 30, 2007. He noted that the City's fund balance without Powell Bill is 38.30%, well above the required 8% which is the minimum balance required by the Local Government Commission.

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The City Manager concluded recommending as tradition that Council entertain a motion to accept the audit report as presented. He said should Council have any questions concerning the report once reviewed in detail, the auditors would be available for another meeting if necessary.

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

REQUEST FROM THE LINCOLN COUNTY CHAPTER OF THE NC SYMPHONY:

City Manager Jeff Emory, as directed by City Council, reported that he sought a legal ruling from the Institute of Government, Mr. David Lawrence, as to whether the expenditure of city monies for the NC Symphony would be a legal expenditure. He provided Council a copy of Mr. Lawrence's response in the agenda packet, where he in fact said the expense would be allowed under NCGS 160A-488(b).

Jeff told Council that the request from the local chapter was \$ 18,000. He said while this amount is not appropriated in this year's budget, it would be Council's decision as to the amount the City appropriates.

Councilman Hovis made the motion that the City fund \$ 9,000, half of the total \$ 18,000, contingent on Lincoln County funding the remaining \$ 9,000.

Councilman Heavner and Councilman Cloninger expressed concerns that the funding be contingent upon Lincoln County providing financial support. Councilman Heavner felt that the City should commit to the \$ 9,000 regardless of what the County may decide to do. Councilman Cloninger said, "It gives me great concern that if the County doesn't carry their load, that we aren't going to provide funding." "We owe it to the citizens of Lincolnton to help provide for the symphony to perform a summer concert in Lincolnton."

Councilman Hovis withdrew his motion.

Councilman Cloninger addressed Mrs. Christine Poinsett as to whether Lincoln County has committed to providing funding for this endeavor. Mrs. Poinsett said that the local chapter would appreciate the City's support regardless, but she does plan to address Lincoln County at a future meeting date to request funding.

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After some discussion, Councilman Houser made the motion unanimously approved to appropriate \$ 9,000 from the general fund balance, payable in thirty days to the Lincoln County Chapter of the North Carolina Symphony.

STATUS REPORT ON THE RAIL-TRAIL EXPANSION:

Planning Director Steve Gurley reviewed a report on the rail-trail included in the agenda packet. He reported on activity since November 1st on the rail-trail expansion. Steve said he has talked with George Meade of Norfolk Southern Railroad, and all the paperwork has been approved to purchase the three parcels along the corridor for \$ 35,500.00. Secondly, Steve reported that the Planning Department may have found potential grant monies to purchase right-of-way for the trail. The grant would provide eighty percent of the funding and the City would provide a twenty percent match. Steve said he is working on the application. The maximum amount the City can apply for is \$ 75,000.

Steve concluded saying he would place the item for a commitment to the potential grant match on the January 3rd agenda. He plans to provide an update on this project at this meeting also.

The City Manager reminded Council that monies have been set aside each year in the amount of \$ 50,000 for rail-trail expansion, so monies would be available in the current budget, no budget amendment would be required, should the City receive the grant.

PUBLIC COMMENT:

No one signed to speak during the public comment period for this meeting.

Councilman Cloninger made the motion unanimously approved to enter into CLOSED SESSION to discuss awards/achievements, legal matters and property acquisition in accordance with NCGS 143-318.11(a)(2)(3)&(5).

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

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NEWS MEDIA:

There were no questions from the News Media.

Councilman Hovis made the motion unanimously approved to adjourn the meeting at 8:05 p.m.

DONNA C. FLOWERS, CMC
CITY CLERK

DAVID M. BLACK
MAYOR

One (1) Attachment