

## REGULAR MEETING - FEBRUARY 7, 2008

The Mayor and City Council met in regular session on Thursday, February 7, 2008 at 7:00 p.m. in the Council Chambers of City Hall, located at 114 West Sycamore Street. Mayor David M. Black called the meeting to order and noted that a quorum was present, recognizing the following:

**HOUSER      HEAVNER      HOVIS**

Councilman Cloninger was absent due to illness.

Mayor Black led in the Pledge of Allegiance.

Councilman Heavner made the motion unanimously approved the regular agenda with no additions or corrections.

Councilman Houser made the motion unanimously approved the **CONSENT AGENDA** as follows:

- Approved minutes of meetings held in January 2008.
- Approved Budget Amendment (BA-01-08) – To amend the General Fund, Water & Sewer Fund, W & S Intangibles, Electric-Enterprise Administration and Fund Balance to change various contra-admin contributions to the General Fund.
- Approved Proclamation - February 2008 Black History Month
- Approved the following Calls to Public Hearing for the March 6<sup>th</sup> City Council Meeting:

*ZMA-2-2008* – Application from Brad Whitley requesting the rezoning of 1.05 acres of land from Planned Business (PB) and Residential-25 (R-25) to Neighborhood Business (NB) District. The subject property is made up of two parcels located on the north side of NC Highway 150 East approximately 600 feet east of the intersection of NC Highway 150 East and NC Highway 27.

*ZMA-3-08* – Application from Neil Ferguson requesting the rezoning of three parcels of land approximately 2.24 acres in size from Residential-8 (R-8) and Residential-Office (R-O) to the General Business (GB) District. The subject property is located on the north side of East Main Street across from the intersection of East Main Street and Lithia Inn Road.

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**PUBLIC HEARINGS:**

**APPLICATION SUBMITTED BY THE PLANNING STAFF TO AMEND SECTIONS 5.30G AND 7.9 A.3 CONCERNING FRONT YARD SETBACK MEASUREMENTS FOR STRUCTURES IN THE CENTRAL BUSINESS TRANSITIONAL (CBT) DISTRICT:**

ZTA-5-2007

*(NOTE: Action was taken by Council at their January 3<sup>rd</sup> meeting to recess the Public Hearing, and to reconvene at the February 7<sup>th</sup> regular meeting)*

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

Steve Gurley, Planning Director, reviewed the request from staff recommending that the Lincoln Unified Development Ordinance (LUDO) be amended as follows:

*Section 5.30* – (first sentence, second paragraph to read as follows:) “The fronts of all new buildings constructed in the CBT District may vary from 0-10 feet (i.e., thus creating a MAXIMUM front yard setback of 0-10 feet) as measured from the street right of way boundary.

*Section 7.9.A.3.4* – (be rewritten as follows:) “Minimum build to lines – all new buildings constructed in the CBT District shall observe a build-to line of 0-10 feet, as measured from the street right of way boundary. Thus a maximum allowable front yard setback shall be ten (10) feet.

Steve said when the LUDO was adopted in 2004 one of the amendments to the Central Business Transitional District changed the method for determining front yard building setback. A downtown property owner, Mr. Neil Ferguson, brought to staff's attention that there is an inequity in measuring setback from the sidewalk. The sidewalks on either side of East Main Street in the CBT District vary as to location in reference to property lines. He said in some places sidewalks are not in place where parking lots extend all the way to the street curb.

Steve said after looking at each land use fronting East Main Street in the Central Business Transitional District, there are twenty-five total parcels, two parcels are vacant. Of the remaining twenty-three parcels, buildings on ten of them meet both existing and proposed front yard setback requirements. None of the ten are more than twenty feet from the back of the sidewalk or more than ten feet from the street right-of-way. Lincoln County Tax Department aerial/property maps were used to make the measurements. He said staff

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concurs with the conclusion of the property owner, and recommended approval of the above noted proposed changes.

Stacey Bryant, Director of the Lincoln Cultural Center and Downtown Development Design Group Chair, spoke in favor of the proposed change to the LUDO. Brad Guth, Director of Business and Community Development, also spoke in favor of the proposed amendment.

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

Councilman Hovis made the motion unanimously approved to amend the Unified Development Ordinance as recommended.

**APPLICATION FROM BRIAN MCMURRAY REQUESTING THE REZONING OF 0.475 ACRES OF LAND FROM RESIDENTIAL MULTI-FAMILY (RMF) DISTRICT TO GENERAL MANUFACTURING AND COMMERCIAL (GMC) DISTRICT. THE SUBJECT PROPERTY IS LOCATED AT THE END OF NEIGHBORHOOD STREET APPROXIMATELY 275 EAST OF THE INTERSECTION OF NEIGHBORHOOD STREET AND NORTH FLINT STREET:**

**ZMA-01-08**

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

Steve Gurley, Planning Director, reviewed the request from Brian McMurray requesting the rezoning of 0.475 acres of land from Residential Multi-Family (RMF) to General Manufacturing and Commercial (GMC). The area requested for rezoning is located at the end of Neighborhood Street, just east of the intersection of Neighborhood Street and North Flint Street. Zoning surrounding the site is a mixture of GMC, RMF, and GB Districts, primarily commercial use in nature.

Upon review, Steve recommended on behalf of Planning Board and staff that the property be rezoned to the GMC District as requested by the applicant

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

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**CONSIDERATION OF PROPOSAL FROM METROLINA LANDSCAPE TO PROVIDE LANDSCAPE SERVICES AT HIGHLAND DRIVE PARK:**

**(C-02-08)**

City Manager Jeff Emory shared with Council proposals received for field repairs for both the baseball/softball and soccer fields at Highland Drive Park. One proposal from Worth and Associates of Charlotte estimated the work to be completed would range from \$ 125,000 to \$ 130,000. Their proposal for professional services would be an additional \$ 11,950.

The second proposal was from Metrolina Landscape of Charlotte. Their proposal provided two options; (1) to sprig the fields and provide other necessary maintenance for \$ 51,465, or (2) sodding the two fields with all other work including six weeks of maintenance for \$ 75,896. Jeff said according to Mr. Joe Garmon, of Metrolina Landscape, advantages of sodding include less watering, earlier usage of the fields, and a greater guarantee the fields will be suitable for play once the process is complete.

Another proposal was also submitted from Metrolina for infield work and minor work needed on the soccer fields for \$ 13, 336. Jeff said this would be a one time expense in addition to the field work.

After some discussion, Jeff recommended that Council enter into a contract with Metrolina Landscape to repair and sod the baseball/softball fields, at Highland Drive Park and the necessary work for the infields and soccer field for a total of \$ 89,000. He said this expenditure would be taken from the balance of the Recreation Funds that were transferred to the City when the department was formed in July of 2007.

Councilman Houser questioned if the fields would be able to be utilized in the fall if the City chose the option of putting sod on the fields. The City Manager felt the fields would be playable in the fall.

Mayor Black asked if there would be a guarantee on the sod Ritchie Haynes, Recreation Director noted that there would be a one year guarantee on the sod, per Metrolina Landscape.

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Councilman Houser made the motion unanimously approved to accept the proposal from Metrolina Landscape, using sod on the fields and completing the necessary repairs for a total of \$ 89,000.

### **CONSIDERATION OF ADOPTION OF A REVISED POLICY FOR AN INDUSTRIAL INCENTIVE GRANT PROGRAM FOR THE CITY OF LINCOLNTON:**

**(P-01-08)**

City Manager Jeff Emory shared background information on the City's current Incentive Grant Policy. Our current policy was drafted by the former City Attorney, Dan Barefoot, recommended by Lincoln Economic Development Association, and several years ago was adopted by City Council. Since its adoption three incentive grants have been awarded by the City. Those awarded were McMurray Fabrics, receiving one grant, and Robert Bosch Tool, has received two grants.

Jeff recommended a revision to the guidelines of our current policy and presented a draft of a revised policy to Council for adoption. The actual wording change was suggested under Section II. Program Parameters, second paragraph, as follows: "The amount of the financial incentive grant will be determined in accordance with the provisions set out in Section IV and will be specified in the contract. The grant may be adjusted based on the confirmed actual investment."

Councilman Heavner made the motion unanimously approved to adopt the revised policy, with the above stated language change.

### **CONSIDERATION TO RE-APPOINT STANLEY EDWARDS TO THE LINCOLNTON HOUSING AUTHORITY:**

**(APPT-02-08)**

Councilman Houser made the motion unanimously approved to re-appoint Stanley Edwards to serve a second three year term on the Lincoln Housing Authority. Mr. Edwards second term will begin March 2008 and expire March 2011.

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**NOMINATIONS FOR APPOINTMENT TO THE LINCOLNTON HOUSING AUTHORITY:**

**(APPT-03-08)**

Mayor Black discussed potential nominations for appointment to the Lincolnton Housing Authority. He said Mr. Ralph Lineberger will complete his second three year term in March 2008, and in accordance with City policy would not be eligible for re-appointment at this time.

After some discussion, Councilman made the motion unanimously approved that this item be deferred to the March 6<sup>th</sup> meeting agenda, at which time nominations for this appointment could be made.

**STATUS REPORT ON RAIL TRAIL EXPANSION TO MOTZ AVENUE:**

Steve Gurley, Planning Director reported to Council on the status of the rail trail. He said the three property owners along Phase III were contacted about the purchase of right-of-way, and the City received a favorable response.

Final touches are being put on the Recreational Trails Grant application. We would not receive word as to whether the City would receive funding until sometime this summer.

If the property is purchased within eighteen months prior to receipt of the grant, if the grant is approved, we could apply those monies toward our required match for the funding. If awarded the grant the City would not be able to sign a contract until sometime in the fall of 2008.

**PUBLIC COMMENT:**

Mr. Max Garner addressed Council on behalf of Lincolnton High School, presented a plaque to Mayor Black, to personally thank the City for the parade and celebration given to Lincolnton High School for winning the 2007 State 2A Football Championship.

He said, "I know Mr. Mayor is proud of the black and gold from High School, but you and also the City Manager are even more proud of the black and gold at Appalachian." "I want to inform you that as of yesterday morning one of Lincolnton's players signed a full scholarship to go to Appalachian."

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“Another player, and I’m sorry that Councilman Cloninger isn’t here tonight, signed a full scholarship at NC State.” The City Clerk assured Mr. Garner that his comments would be in the minutes of the meeting, especially for Councilman Cloninger.

Mr. Garner told Council on Saturday, March 15<sup>th</sup> a special banquet will be held at the James W. Warren Citizens Center, at 6:00 p.m. to recognize the team. State Championship rings will be presented to each player at this event. The cost for the event would be \$ 12.00 per person, which would include dinner

Mayor Black thanked Mr. Garner for participating in the parade and said, “It would not have been right to have had that celebration and not have the voice of the Lincolnton Wolves there to announce the names as they came across the stage.”

**NEWS MEDIA:**

There were no questions from the New Media.

**ADJOURNMENT:**

Being no further business Councilman Houser made the motion unanimously approved to adjourn.

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

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**DAVID M. BLACK  
MAYOR**