

## REGULAR MEETING - FEBRUARY 9, 2006

The Mayor and City Council met in regular session on Thursday, February 9, 2006 at 7:00 p.m. in the Council Chambers of City Hall. Mayor Huitt called the meeting to order and led the Pledge of Allegiance. The City Clerk called the roll. The following members were in attendance:

**HOUSER CLONINGER HEAVNER HOVIS**

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

- Approval of Minutes of meetings held in January 2006.
- Approved the following Calls to Public Hearing for the March 2<sup>nd</sup> meeting::

CUP-1-2006 – Application from the City of Lincoln Public Works and Utilities Department requesting a conditional use permit to construct an Electric Generator/substation (Essential Service, Class 2) in the R-10 District. The subject property is located on the north side of Skip Lawing Drive approximately 1,000 feet west of the intersection of Skip Lawing Drive and North Aspen Street. The property is owned by the Lincoln County Board of Education.

ZMA-1-2006 – Application from Glenn Wayne Jones requesting the rezoning of two contiguous lots that are 0.483 acres and 0.473 acres in size from Residential-8 (R-8) to General Business (GB) District. The subject properties are located on the south side of Arney Street approximately 50 feet east of the intersection of Arney Street and Lynch Street.

### **REGULAR AGENDA**

#### **PUBLIC HEARINGS**

**ANX(S)-1-05**

**(O-01-06)**

Mayor Huitt opened the Public Hearing. Planning Director Steve Gurley reviewed the request from Lincoln County School system to annex 56.28 acres of land located on the northwest side of the intersection of the Startown Road and Waters Road. He read aloud the statutory requirements met for the requested annexation. He then outlined the plans for municipal services for

## **REGULAR MEETING - FEBRUARY 9, 2006**

the property. He said the property would be added to the Ward I voting district and would be placed in the City's zoning district as Residential-25(R-25) if annexed. Since the site will house a school, there will be no tax or other revenues payable to the city as school uses are exempt from local government taxes. The only projected cost to the City would be a loss in water and sewer revenues as typically schools are not heavy water users, therefore revenue losses should be minimal.

Steve concluded recommending that Council annex the property as requested provided that the property survey is changed to reflect a revised boundary, and that all conditions and criteria are met as described in his report. *(A copy of a detailed report on this annexation is on file in the office of the Planning Director for review and reference)*

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

After some discussion, the City Manager and City Attorney recommended that Council accept the information presented, and direct staff to bring this item back to Council once the conditions outlined in the Planning Director's report are met. The annexation ordinance will then be placed on the agenda for official action by City Council.

### **PROPOSED DOWNTOWN SIDEWALK DINING ORDINANCE TO ALLOW SIDEWALK TABLES FOR RESTAURANTS:**

#### **O-02-06**

Mayor Huitt opened the Public Hearing. Business and Community Development Director Brad Guth reviewed the proposed ordinance. He said the ordinance was drafted based on plans developed at the Downtown Summit meeting held in 2003. A number of regulation changes were necessary to make sidewalk dining legal in Lincolnton. The Planning Director, Chief of Police, Public Works Director, DDA Board volunteers, as well as Brad were involved in drafting the ordinance. He said the ordinance was modeled after other area cities, and would be enforced through the Lincolnton Police Department. He reviewed the application and ordinance requirements.

Upon review of the ordinance, Councilman Hovis expressed concerns about the implementation of this ordinance. He said prior to adoption of this

## REGULAR MEETING - FEBRUARY 9, 2006

ordinance he would like to ensure that language be included to restrict consumption of alcohol without the purchase of a meal. Councilman Hovis also said that any alcohol should be served in a container rather than a can or bottle.

Beth Yarbrough, DDA Design Work Group Chair, Terry Bledsoe representing Court Street Grille, Charlotte Farmer and Elizabeth Lawing, spoke in favor of the proposed ordinance.

Councilman Cloninger questioned the insurance liability to the City. Councilman Houser said if and when approved he would rely on the Police Chief and the City Manager to ensure proper enforcement of the ordinance, especially the items listed under section (i).

After some discussion Councilman Heavner made the motion unanimously approved to close the Public Hearing. Councilman Heavner made the motion unanimously approved to delay action on this ordinance until further review of the document by the City Attorney. City Council was not opposed to the ordinance but felt all concerns and issues should be addressed prior to its adoption.

### **REQUEST FROM BILL HICKS, OF 212 JONAS DRIVE, REGARDING TRAFFIC/SPEEDING ON JONAS DRIVE:**

Mr. Bill Hicks appeared before Council for a second time to discuss his opinion of options to reduce speeding on Jonas Drive. He said he had researched installing speed bumps, referencing Mooresville and Las Vegas as cities that use speed bumps to control speeding. He said a second alternative would be to close Jonas Drive as it approaches old highway 321. After some discussion he concluded saying, "the residents of Jonas Drive shouldn't have a major concern that they would be in harms way every time they go out of their driveway".

The City Manager acknowledged there are areas within the City that have similar concerns with speeding in residential areas. Jeff spoke with NCDOT officials and they do not recommend installing speed humps or bumps. He referenced a report from the Police and Fire Chief which did not recommend that the City act on either of Mr. Hick's recommendations. He said both the Police and Fire Chief recommend implementing stricter speed enforcement in this area at peak times.

## **REGULAR MEETING - FEBRUARY 9, 2006**

Council sympathized with Mr. Hicks, and told him that they support increasing patrol in this area.

### **REQUEST FROM LINCOLN COUNTY SCHOOLS FOR THE CITY TO PLACE SIDEWALKS ALONG JEB SEAGLE ROAD:**

Jeff Emory, City Manager told Council of a request received from Dr. Jim Watson, Superintendent of Lincoln County Schools, that the City install a sidewalk in the area of Battleground Elementary and Lincolnton Middle Schools. He said typically the petition process is used for request for construction but with the school being the only involved property owner, Jeff felt a request in writing would suffice. He said estimates for installing this sidewalk was \$ 108,000.00. This price does not include any work that may be required due to rocky material. He said should a sidewalk only be constructed from Battleground Elementary to the existing Middle School the cost would be approximately \$ 60,000.00.

Dr. Watson's letter stated that the school is not financially able to assist with this project at this time. Jeff said that the City could look at doing the sidewalk in intervals or talking with the school board about participating in the sidewalk. Jeff said he was not prepared to make a recommendation on this request at this time but suggested that we discuss this item at the City's upcoming planning retreat.

Daryl Gettys and Fred Jarrett spoke representing the school system saying the request was made based on the safety of the students that attend the three schools located in that area. He said if Council would take this request into consideration the school system would take another look at assisting with the cost. Councilman Cloninger said he was in agreement that no child should have to walk in the highway and he hopes that we can work together with the school system to address this issue in the next budget year.

### **CONSIDERATION OF APPROPRIATION OF FUNDS TO REBUILD THE LADDER TRUCK:**

Jeff Emory, City Manager asked Council to appropriate \$ 30,000, emergency funds to repair the engine to the ladder truck which experienced engine failure

## REGULAR MEETING - FEBRUARY 9, 2006

last week. He said this expenditure is really mandatory to immediately begin repair to the engine. If approved by Council, he said it will take about six to eight weeks before the truck could be put back into service.

Chief Wise spoke saying the ladder truck is a 1986 model, and prior discussions have taken place concerning refurbishing the truck next fiscal year, but the engine replacement must be done now. He emphasized that while this amount will rebuild the engine, the amount to refurbish the truck could cost an additional

\$ 250,000.00. He said he will present approximate costs to Council next budget year to either refurbish the ladder truck or to consider the purchase of a new one.

Councilman Cloninger made the motion unanimously approved to appropriate \$ 30,000 as requested, to replace the ladder truck engine.

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

Steve Gurley, Planning Director, provided an update to Council on the status of the rail trail construction to Motz Avenue. He said survey work has begun and vegetation is being cleared. He emphasized that money is in the current years budget, Powell Bill Fund, for the construction of a sidewalk from Motz Avenue to Betty Ross Park, and is in hopes that construction of that sidewalk can begin in the near future.

Upon conclusion of the update, Councilman Houser raised the question of the estimated cost to complete an appraisal for the northern segment of the rail trail. Steve Gurley projected the cost for an appraisal to be roughly between five to six thousand dollars. Steve noted that there is a possibility that the City could be eligible for a T-21 Grant which would assist with funding in this endeavor. Steve said it should take a couple of months to complete the appraisal once contracted.

Councilman Houser made the motion unanimously approved to expend funds to complete an appraisal of the proposed northern segment of the Marcia H. Cloninger rail trail expansion.

**REGULAR MEETING - FEBRUARY 9, 2006**

**PUBLIC COMMENT:**

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

**NEWS MEDIA:**

There were no questions from the News Media.

**CLOSED SESSION:**

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

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

**ADJOURNMENT:**

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

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

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**BOBBY G. HUITT  
MAYOR**