

REGULAR MEETING – JANUARY 5, 2006

The Mayor and City Council met in regular session on Thursday, January 5, 2006 at 7:00 pm in the Board of Commissioners Room of the James W. Warren Citizens Center, 115 West Main Street. Mayor Huitt called the meeting to order and led the Pledge of Allegiance. 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 the December 2005 meeting.
- R-01-06 – Resolution directing the City Clerk to investigate a petition received under NCGS 160-31, validating the certificate of sufficiency
- ANX(S)-1-05 – Petition from the Lincoln County School System requesting the annexation of approximately 56.28 acres of land located on the northwest side of the intersection of the Startown Road and Water Road.

REGULAR AGENDA

Mayor Huitt asked Council for a motion to move item # 6, presentation of a resolution honoring the 2005 Lincolnton High School football team. Councilman Heavner made the motion unanimously approved to move the item as suggested. Mayor Huitt then called on LHS Head Football Coach, Scott Cloninger to come forward and receive a framed resolution drafted by the City Attorney, recognizing the teams successful season.

ZTA-05-05

Steve Gurley, Planning Director, reviewed the proposed amendments to the Lincolnton Unified Development Ordinance. Steve read aloud the eight items of the proposed amendment. He noted that these amendments are a result of changes made by adoption of S-518 and S-814. Governor Easley signed both bills into law making them become effective January 1, 2006. He said these changes are required to be adopted to make the Lincolnton Unified Development Ordinance conform to the new laws. He concluded recommending on behalf of Planning Board and staff that the amendments be

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approved as proposed. Copies of the amendments, in their entirety, are on file in the Planning Department.

Councilman Cloninger made the motion unanimously approved to adopt the amendments as recommended.

CUP-3-2005

Mayor Huitt opened the Public Hearing. Steve Gurley, Planning Director, reviewed the request for a conditional use permit to construct an electric generator/substation (Essential Service, Class 2 as defined in the LUDO) in the Residential-10 (R-10 District. He said the use is being proposed for property at the southeast corner of the intersection of Battleground Road and Linwood Drive. The property is owned by the Lincoln County Board of Education.

Steve said if approved the generator/substation will generate electricity during peak demand periods and during periods when natural and man-made factors cause electrical power to be off for a period of time. He presented Council with site plan, showing the layout of the proposed facility. Steve told Council that if all Unified Development Ordinance requirements can be met by the applicant, the proposed facility should be compatible with the area. He concluded recommending approval of the conditional use permit provided that the applicant addresses and complies with all deficiencies listed above.

Mayor Huitt then called on those wishing to speak for or against the issue. The City Clerk administered the oath. Those speaking in favor of the request were Susan Spake, Dennis Cameron, Daryl Gettys, and Steve Peeler. Those speaking against the CUP were Shirley McGinnis, Don McGinnis, and Mr. Huss, all residents living near the area proposed for the generator.

This item generated much discussion. Mayor Huitt spoke adamantly against the proposed location. He said, “The site is not sufficient, I’m not against the generator but I am against locating it in a flood plain”.

Councilman Houser questioned if a large drain would alleviate any flooding near the proposed site. Director of Public Works and Utilities Steve Peeler said it would not ease the potential of flooding.

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After some discussion, Councilman Heavner made the motion unanimously approved to close the Public Hearing.

Councilman Heavner then made the motion unanimously approved to deny the request and research another location for the generator.

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

Mr. Bill Hicks presented Council with a petition with over fifty signatures of residents in his neighborhood requesting that Council consider closing off Jonas Drive at highway 321 or place two speed humps at strategic location on Jonas Drive.

After some discussion, Councilman Heavner made the motion unanimously approved to direct staff to investigate this matter and report back to Council at the next meeting.

AGREEMENT WITH LINCOLN COUNTY REGARDING INDUSTRIAL PARK SEWER:

C-13-05

City Manager Jeff Emory told Council that in September 2005, Council took action to enter into an agreement with Lincoln County regarding sewer to Industrial Park. After the agreement was forwarded to the County, he received a letter from the County Manager requesting that two additions be made to the contract. Those additions were; (1) to clarify that all future users within the industrial park will receive the inside rate for sewer service. (2) To extend the length of time that either party must give should the contract be terminated for any reason. The City Manager had the City Attorney to incorporate these changes, and will forward a revised copy to the County for execution once adopted by Council.

Councilman Houser made the motion unanimously approved to adopt the revisions as recommended by the City Manager.

ADDENDUM TO WATER AGREEMENT BETWEEN THE CITY AND LINCOLN COUNTY:

C-12-00(addendum)

The City Manager told Council that the agreement between the City and Lincoln County for water expired November 2005. He recommended that the

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City adopt an addendum to the original contract, extending the agreement for a five year period. He also recommended that the City adjust the rate in which the water is sold to the County to reflect the increases that the City has approved since July of 2000. The increases total 19% or 23.7 cents. He recommended when applying this rate that the City round the amount to and even \$ 1.50 per 1000 gallons for the first 11,250,000 and \$ 1.40 per 1000 above 11,250,000 gallons. He noted these rates are still well below the amount sold to the other customers within the City. He concluded recommending approval of the addendum as proposed.

Councilman Houser made the motion unanimously approved to proceed with preparing the addendum and forwarding it to Lincoln County.

APPOINTMENTS:

APPT-01-06

Councilman Hovis made the motion unanimously approved to re-appoint Smitty Little to serve a second three-year term on the Lincoln Housing Authority. His term will begin January 2006, expiring January 2009.

APPT-02-06

Councilman Cloninger made the motion unanimously approved to re-appoint Max Garner to serve a second three-year term on the Lincoln Planning Board. His term will begin January 2006, expiring January 2009.

STATUS REPORT ON RAIL TRAIL EXPANSION:

Planning Director Steve Gurley reviewed the status of construction plans for the rail trail expansion to Motz Avenue. He concluded noting that the City is in a go status for trail construction pending verbal approval by FHWA to NCDOT, CMAQ personnel and the execution of a construction contract with Lawndale Sand, L.L.C.

PRESENTATION OF A PROPOSED ORDINANCE REGARDING DOWNTOWN SIDEWALK DINING:

Brad Guth, Director of Business and Community Development presented Council with a letter from the Downtown Development Association asking the

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City to consider amending the Code of Ordinances to permit Downtown Sidewalk Dining. Brad said he has worked collectively with the Lincoln Police Department, the Public Works & Utilities and Planning Departments to develop a draft ordinance to permit dining on city sidewalks. He said sidewalk cafes are a feature that all great cities have in common. He asked that Council set a public hearing date of February 9th to consider adoption of this ordinance.

Councilman Cloninger made the motion unanimously approved to hold a public hearing on proposed sidewalk dining, Thursday, February 9th.

CONSIDERATION OF MATCHING FUNDS FOR THE UNITED WAY:

Brad Guth requested that Council appropriate matching funds to the United Way of Lincoln County in the amount of \$3,111.54. He said this is the amount reflects contributions made by City employees this year. City Council has traditionally matched the employees' contribution. He said if the match is approved the total contribution from the City would equal \$6,223.08 to the United Way of Lincoln County.

Councilman Heavner made the motion unanimously approved to match the employee contribution as recommended.

PUBLIC COMMENT:

No one signed up to speak during the public comment portion of this meeting.

ADJOURNMENT:

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

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

**BOBBY G. HUITT
MAYOR**