

REGULAR MEETING - JANUARY 5, 2009

The Mayor and City Council met in regular session on Thursday, January 5, 2009 at 7:00 p.m. in the Council Chambers of City Hall, located at 114 West Sycamore Street.

Mayor Black called the meeting to order and led the Pledge of Allegiance. The following Council members were in attendance:

HOUSER CLONINGER HEAVNER HOVIS

Councilman Houser made the motion unanimously approved the Regular Agenda with the following changes:

Tabled a portion of item # 6 – Two (2) Appointments to the Lincoln Housing Authority, to be placed on the February 2nd City Council meeting.

Move item # 7 – Recognition of Fire Fighters for actions taken at 818 McBee Street to the first item on the agenda.

Remove item # 9 - Consideration of a proposed contract for information technology services with e-serve, a computer consulting group, from the agenda to be brought back at a future meeting per Mayor Blacks request.

Councilman Cloninger made the motion unanimously approved to adopt the CONSENT AGENDA as follows:

- Approved Minutes of meetings held in December 2008.
- Approved Budget Amendment (BA-01-09) - transfer \$ 33,000 to the water & sewer fund appropriation from fund balance:

RECOGNITION OF FIRE FIGHTERS FOR ACTIONS TAKEN AT 818 MCBEE STREET:

Mayor David Black and Fire Chief Mike Lee formally presented life saving awards to Captain Rick Blackwell, Fire Engineer Kurt Boyles and Fire Fighter Marko Gonzalez. Medical Life Saving awards were given to Fire Engineer Kurt Boyles, Firefighter Jason Blackwell and Firefighter Jordan Barkley.

Mayor Black along with Fire Chief Lee and Councilman Fred Houser called the above named fire personnel forward to officially receive their award. He read aloud a statement prepared by Chief Lee depicting the heroic efforts of these individuals in response to the call received regarding a fire at 813 McBee Street

REGULAR MEETING - JANUARY 5, 2009

on December 4th, 2008. An excerpt of the summary is as follows:
The Lincolnton and Boger City Fire Departments wer dispatched to respond to 813 McBee Street at 10:35 p.m. Lincolnton Engine 1 and Ladder 1 arrived on scene at 10:38 p.m. Upon arrival E-1 commanded by Captain Rick Blackwell, advised that there was heavy smoke coming from the residence. Within a minute, Captain Blackwell, Fire Engineer Kurt Boyles and Volunteer Firefighter Marco Gonzalez entered the burning residence in search of the victim. Met by heat and blinding smoke conditions, the rescue team pushed forward into the residence. After a quick search, the team discovered the victim lying lifeless on a couch in the Den area of the residence. The victim was removed from the residence by Engineer Boyles and Firefighter Gonzalez, while Captain Blackwell covered the exit.

Once outside the residence, it was determined that all signs of life had left the victim. Engineer Boyles, Volunteer Firefighter Barkley and Volunteer Firefighter Jason Blackwell began immediate resuscitation efforts. Medical care of the victim was turned over to Lincoln County Paramedics upon their arrival on scene. Before the victim was transported from the fire scene to CMC Lincoln, the victim had regained a life sustainable heart rhythm.

The victim, Bessie Ford, was subsequently transported by helicopter from CMC Lincoln to Wake Forest Medical Center, Winston Salem where she remains.

Tonight, we are recognizing not only the five firefighters that had a direct influence on the rescue of Ms. Ford, but also the other extraordinary firefighters that supported the rescue efforts by providing command, backup crews, ventilation and water supply to the overall operation. Without each individual that responded to this request for assistance, a quick and professional rescue would not have been possible.

The citizens of Lincolnton are extremely fortunate to have such a dedicated, well trained, group of both career and volunteer firefighters that are willing to push the envelope to save lives and protect property. Many hours dedicated to training for just such a situation prepared each individual in the emergency situation to work together as a team, knowing that each person's job was vital to safely completing the task.

REGULAR MEETING - JANUARY 5, 2009

A standing ovation was given to the firefighters as Mayor Black and Council congratulated each of them for receiving their award.

APPLICATION FROM DAVID ABERNETHY & DOREEN YATES REQUESTING THE REZONING OF 0.75 ACRES OF LAND FROM RESIDENTIAL-OFFICE (R-0) TO CENTRAL BUSINESS (CB) DISTRICT. THE SUBJECT PROPERTY IS LOCATED ON THE NORTH SIDE OF EAST PINE STREET APPROXIMATELY 105 FEET WEST OF THE INTERSECTION OF EAST PINE STREET AND NORTH ACADEMY STREET. THE ADDRESS OF THE PROPERTY IS 119 EAST PINE STREET:

ZMA-7-2008

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

Planning Director Steve Gurley presented the request from David Abernathy and Doreen Yates requesting a rezoning of 0.75 acres of land on the northwest side of the intersection of East Pine Street and North Academy Street.

Steve said the Lincolnnton Land Use Plan shows the noted property in the Mixed Use Residential/Commercial (MUR/C) Planning Area. The MUR/C areas are in select, older portions of the City where true “urban villages” consisting of high-density residential uses and associated small scale and pedestrian-oriented office and retail uses may be located. He said the request is not in compliance with the Land Use Plan. However, it was staff’s opinion, that the Central Business (CB) Planning Area as defined in the LLUP provide policies that will help enhance the area much like the MUR/C Planning Area. He concluded recommending on behalf of Planning Board and Staff that the property be rezoned to CB District as requested and that the LLUP be amended to show the property in the Central Business Planning Area.

Councilman Cloninger expressed concerns about the rezoning diminishing the historical structure that currently sits on the property. Steve said rezoning the property would not affect the historical aspect of the structure. Councilman Cloninger said he is glad to see someone utilize the property. He said, “the historical building is one of the few we have left in our county, and we have to make sure it is protected.”

REGULAR MEETING - JANUARY 5, 2009

Mr. David Abernathy was in attendance and spoke to Council in favor of the request. He said, "I am like Martin Luther, I have a dream." He purchased the property subject to restrictions that require that he rehab the building and those restrictions are very much defined. He said he is required to provide five public parking places to Lincoln County, an adjacent property owner, and he stressed that there be no misunderstanding, he does not have to provide a parking lot for Lincoln County. Current plans include a restaurant for the property.

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

Councilman Cloninger made the motion unanimously approved to rezone the property as requested and recommended.

Councilman Houser made the motion unanimously approved to amend the land use plan and show the property in the Central Business Planning Area as recommended by the Planning Director.

APPROVAL OF APPOINTMENT PROCESS FOR MAYOR & CITY COUNCIL APPOINTED BOARDS AND COMMISSIONS FOR 2009 – THREE (3) JANUARY APPOINTMENTS; TWO (2) TO THE LINCOLNTON HOUSING AUTHORITY ONE (1) TO THE LINCOLNTON PLANNING BOARD:

(APPT-01-09)

Mayor David Black called for a motion to approve that the City implement an application process for appointment to Mayor and Council appointed Boards and Commissions for the City of Lincolnton. As recommended by the City Clerk the process would become effective July 1, 1009. If approved this would allow adequate time for advertising of potential vacancies. Councilman Houser made the motion unanimously approved to adopt the proposed process as recommended.

Mayor Black nominated Mrs. Jill S. Eaddy to serve on the Lincolnton Planning Board, beginning January 2009. Mr. Max Garner's second three-year term will expire at the end of January. Mayor Black commended Mr. Garner for the excellent service he has provided to the City and its citizens for serving in this capacity. Councilman Heavner made the motion unanimously approved to appoint Mrs. Eaddy.

REGULAR MEETING - JANUARY 5, 2009

Councilman Cloninger made the motion unanimously approved to appoint Mr. Lee Elmore to begin his first three-year term on the Lincolnton-Lincoln County Airport Authority. Mr. Elmore was appointed in November to serve for a three month period to fill the unexpired term of Mr. W.J. Waters.

STATUS REPORT ON PHASE III OF THE RAIL TRAIL EXPANSION:

Steve Gurley, Planning Director reviewed a memorandum outlining the progress since the December Council meeting on Phase III of the Rail-Trail project. He discussed property acquisition and potential funding options for purchase of rights-of-way along the Phase III corridor.

Mr. Gurley has a copy of the report available in the Planning Department for public review. He said the City Attorney and his staff continue to work on deeds for easements for the remaining property owners along the corridor. Budgeted funds and or RTP funds will be used to pay for the properties as offers are accepted.

PUBLIC COMMENT:

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

NEWS MEDIA:

There were no questions from the News Media.

ADJOURNMENT:

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

DONNA C. FLOWERS, CMC
CITY CLERK

DAVID M. BLACK
MAYOR