

REGULAR MEETING - JULY 12, 2007

The Mayor and City Council met in regular session on Thursday, July 12, 2007 at 7:00 p.m. in the Council Chambers of City Hall, located at 114 West Sycamore Street.

Mayor Huitt called the meeting to order. The City Clerk called the role. The following Council members were in attendance:

HOUSER CLONINGER HEAVNER HOVIS

Mayor Huitt led the Pledge of Allegiance.

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

- Approval of Minutes of the following meetings:
Budget Work Session – May 23, 2007
Regular Meeting Minutes – June 7, 2007
- Approved the following **PROCLAMATIONS:**
Honoring Joseph C. “Joe” Leonard – July 2, 2007
Honoring the Lincoln County Chapter of the Red Cross for ninety years of service – July 11, 2007
- Approved the following **RESOLUTIONS:**
(R-08-07) Resolution in support of the installation of a turn lane at Highway 73 and Airport Drive
(R-09-07) Resolution supporting the US Conference of Mayors Climate Protection Agreement

REGULAR AGENDA

PUBLIC HEARING: (O-02-07)

Mayor Huitt opened the Public Hearing. Planning Director Steve Gurley reviewed the request for consideration of adoption of the FIS (Flood Insurance Study), associated FIRMs (Flood Insurance Rate Maps) for Lincoln County. The following amendments to the City’s Code of Ordinances were proposed; Chapter 4 – Buildings; Construction and Related Activities – Article V. Flood Damage Prevention, Sections 4-76 through Section 4-115. Steve explained that the FIS and FIRMs will become effective on August 16, 2007, which coincides with the deadline for the City of Lincolnton to adopt revised floodplain management measures as a condition of continued community eligibility in the National Flood Insurance Program (NFIP).

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Steve said in order for the City to continue to be members of the Federal Emergency Management Program that is for members of our community to be eligible for flood hazard insurance, we must adopt this ordinance on or before August 16th, 2007. Steve reviewed and displayed revised maps which were completed by an engineering firm from Greensboro. The City is required only to regulate the one hundred year flood, and in the past have had very few cases involving the flood prevention ordinance.

Steve concluded saying the City is required by FEMA to adopt the new ordinance and maps or face suspension from the NFIP. Therefore on behalf of Planning Board and staff he recommended approval of the ordinance and maps effective August 16, 2007 which will comply with FEMA guidelines.

With no one other than staff requesting to speak to this issue, Councilman Heavner made the motion unanimously approved to close the Public Hearing.

Councilman Houser made the motion unanimously approved to adopt the ordinance as recommended by the Planning Board and in compliance with the FEMA.

LINCOLNTON ALCOHOLIC BEVERAGE CONTROL BOARD:

(APPT-06-07)

Mr. Bob Ramseur was originally appointed in September 2002 to fill the unexpired term of David Heavner, due to Mr. Heavner's declining health. Mr. Ramseur was appointed to serve his first three year term on the ABC board in August of 2004, which expires August 2007. In accordance with City Policy Mr. Ramseur would be eligible to serve a second three year term.

Councilman Houser made the motion unanimously approved to appoint Mr. Bob Ramseur to serve a second three year term on the Lincolnton ABC Board, beginning August 2007 expiring August 2010.

HISTORIC PROPERTIES COMMISSION:

(APPT-07-07)

Councilman Cloninger made the motion unanimously approved to appoint Jason Harpe to serve a second three year term on the Historic Properties Commission. This term will begin August 2007 and expire in August 2010.

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PROPOSED CONTRACT BETWEEN THE CITY AND BOGER CITY FIRE DEPARTMENT: (C-12-07)

Jeff Emory, City Manager reviewed a contract, prepared by the City Attorney, for fire protection with the Boger City Fire Department and the City of Lincoln. Jeff said if Council approves the contract they City would begin the process to fill the two additional firefighter positions, as stated in the contract. He concluded recommending Council approve of the contract.

Councilman Cloninger questioned that in the letter from Boger City a request was made that an independent study be completed to assist in determining the costs and benefits of an agreement between Boger City and the City of Lincoln. The City Manager said this item has not been addressed and said he feels it is a separate issue from the contract itself.

Councilman Houser made the motion unanimously approved to enter into the contract as recommended with an effective date of July 1, 2007. The City Manager said the contract will be reviewed each year, but will not be brought back to Council unless changes or amendments are proposed.

CONSIDERATION OF POLICY FOR CITY – FORCE MAIN SEWER LINE CONNECTION: (P-02-07)

Jeff Emory, City Manager told Council that the original intent of the force main line on Highway 27 West was to serve the new Childers Elementary School located off of Rock Damn Road. Since its completion and the line has been installed. Council agreed to the basic conditions that Lincoln County would pay all expenses for installation and engineering of the line and the City would accept the system. Currently the issue we have been dealing with is other potential customers for this line. A good portion of the line along Highway 27 is a force main line.

The City Manager and the Director of Public Works & Utilities agreed that the City should adopt a procedure or policy in order for customers to connect to the force main. Jeff said the City has worked with Mr. Don Garbrick of Pease and Associates, who has reviewed information and devised two forms that the City could use for a potential customer who request to connect to the line. Once the form is completed and reviewed by an engineer and returned to the City. *(The two (2) forms will appear at the end of this document becoming apart of these official minutes)*

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Jeff pointed out that flow is limited in the force main line. The City cannot accept an amount that would not allow the system to operate properly. He reminded Council that in a contract with Lincoln County the City retains ownership of the system, so it is the City's responsibility to manage the system including flow allocations. It will be the responsibility of the owner to provide all necessary plans and information, and bear the cost of the actual construction. He suggested Council consider adding a line to the City's water and sewer tap fee schedule of \$ 1,000, for both inside and outside customers. Jeff said of this amount fifty to seventy-five percent would be recuperation of a direct cost to the City in having an engineer review the application for connection.

The City Manager concluded saying while he does not expect a lot of connections to a force main line, he feels it is critical that we have a procedure in place for those who wish to do so.

Councilman Houser suggested that a line be added for a signature to ensure that the applicant is fully aware of the information needed and of the fee payable to the City. Councilman Cloninger questioned how much a person could potentially pay to connect to the line. The City Manager said, "between the engineering and the expense of the equipment, it is hard to say, but you could easily be in excess of \$ 5,000. Then you would pay the City \$ 1,000 as well." Jeff said this is only his estimate it could be more or less.

Jeff said the City has absorbed the cost of having a profile done to ensure that customers could connect.

Councilman Houser commented that the City can only take a certain amount in the system, therefore it could be a first come first serve basis. Serving the school adequately is a priority, not overloading the system.

After some discussion, Councilman Houser made the motion unanimously approved to adopt the force main policy, including the two (2) forms and setting the tap fee at \$ 1,000 to connect to the force main line.

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REQUEST FOR AUTHORIZATION TO DEMOLISH AN ABANDONED STRUCTURE:

Steve Gurley, Planning Director, reviewed the City's abandoned structure ordinance in reference to the requested demolition of an abandoned structure at 1010 East Lincoln Street. He said the City has been working on this matter for over two years. In August of 2006 a magistrate ruled that the \$ 5,000 in civil penalties the City assessed against the property owner be paid. After no results from the civil court proceedings, Attorney T.J. Wilson, took the matter to district court and was successful to proceeding with signing an order requiring the property owner to abide by the ruling. Steve said to date we still do not have compliance with our zoning ordinance.

The abandoned structure ordinance has provisions for the City to authorize demolition of such structures in violation of the ordinance, and Steve requested that Council consider authorization of this provision in this case.

After some discussion, Councilman Heavner made the motion to authorize the demolition of the structure.

Councilman Cloninger questioned the response from the property owner. Steve said to date no results have been made from the property owner as to the fines or clean up of the site. Councilman Cloninger asked if once demolished would the property stay with the original owner. Steve said a lean could be put on the property to collect the cost the City would have to demolish the structure. Steve said several options are available.

After further discussion, Councilman Heavner rescinded his motion to demolish until cost estimates for the demolition could be obtained.

The City Manager said there are no monies appropriated in the budget for the demolition of the structure but a budget amendment could be made to cover the cost once an estimate is obtained.

Councilman Cloninger made the motion unanimously approved directing the City to get cost estimates to demolish the structure at 1010 East Lincoln Street.

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UPDATE ON STATUS OF MARCIA H. CLONINGER RAIL/TRAIL EXPANSION:

Steve Gurley, Planning Director, said he did get a contract this past month the City received the contract form Norfolk Southern to purchase the property at the price we offered. Steve talked with Norfolk Southern today and a few amendments to the contract may be necessary. Steve said he feels confident about the purchase for the three parcels. Once the parcels are secured letters can be sent to property owners along this phase of the trail.

Steve will provide an update at the August Council meeting on this project.

PUBLIC COMMENT:

Cain Leonard spoke to Council publicly thanking them for proclaiming Monday, July 2, 2007 as Joe Leonard Day in Lincolnton. He expressed his sincere thanks for the recognition and support for his father and his entire family.

CLOSED SESSION:

Councilman Cloninger made the motion unanimously approved to enter into CLOSED SESSION in accordance with NCGS 143-318.11(a)(5)(6) to discuss Legal matters and Property.

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

NEWS MEDIA:

There were no questions from the News Media.

ADJOURNMENT:

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

DONNA C. FLOWERS, CMC
CITY CLERK

BOBBY G. HUITT
MAYOR