

REGULAR MEETING - JULY 3, 2008

The Mayor and City Council met in regular session on Thursday, July 3, 2008 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 in the Pledge of Allegiance. The following Council members were in attendance:

HOUSER CLONINGER HEAVNER

Councilman Hovis was absent.

Councilman Cloninger made the motion unanimously approved the *Regular Agenda*.

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

- Approved the Minutes of the Regular Meeting – June 5, 2008
- Call to Public Hearing for the August 5th regular meeting:
CU-ZMA-1-2006R – Application from Romeg Development, Inc., requesting the renewal of a conditional use permit to construct a 33-unit condominium complex. The subject property is located on Lincoln Country Club property approximately 650 feet north of Country Club Road and approximately 450 feet east of Lithia Inn Road north of the driving range facility.
- Approved (BA-05-08) Budget Amendment regarding Rural Economic Development Center Grant - Increased BC&D Grants, Miscellaneous Expense \$ 35,000 (Note: Total grant received \$ 25,000 with a match of \$ 9,000 from DDA and \$ 1,000 from the City)
- Approved a Proclamation declaring July 1 – 14th 2008 to be Independents Days in Lincolnton, North Carolina
- Approved Resolution (R-05-08)– Radiation Oncology Centers of the Carolinas, Inc.

REGULAR AGENDA:

APPLICATION FROM HESED HOUSE OF HOPE, INC. REQUESTING AN AMENDMENT TO SECTION 7.4.2 (CONDITIONAL USES IN THE RESIDENTIAL-8 ZONING DISTRICT). THE AMENDMENT IF APPROVED WOULD ADD A NEW SUBSECTION 11 THAT WOULD READ: “11. HOMELESS SHELTERS” (ZTA-1-08)

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Mayor Black stated that this item was tabled by the Planning Board at their last meeting. Planning Board requested that Council consider recessing this Public Hearing, to be reconvened at their August 5th meeting at which time a recommendation would be provided to Council by the Planning Board.

Councilman Houser made the motion unanimously approved to recess the Public Hearing, and that the hearing be reconvened at the August 5th meeting.

PRESENTATION OF THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING TO THE CITY OF LINCOLNTON:

Mayor Black presented Finance Director Georgetta Williams, along with members of her staff, the Certificate of Achievement of Excellence in Financial reporting. The City Manager noted that this is the eighteenth consecutive year that the City of Lincolnton has received this award.

The award of Financial Reporting Achievement is presented by the Government Finance Officer's Association to individuals designated as instrumental in their government unit achieving a Certificate for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose financial reports are judged to adhere to program standards and represents the highest award in governmental financial reporting.

Mrs. Williams said that the auditing firm indicated that statistics show less than five percent of the cities in the United States are acknowledged with this award. She said, "We are very privileged to receive the award." She stressed it is a team effort, and thanked her entire department and the City's auditing firm for their assistance. Mary Huffman, Accounting Services Manager and Denise Coltrane, Accountant were in attendance and came forward on behalf of the Finance Department to receive this award.

RESOLUTION IN SUPPORT OF THE RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM:

(R-06-08)

Mr. Buddy Funderburk asked that City Council consider the following resolution in support of the Resource Conservation and Development (RC&D) Program:

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**RESOLUTION IN SUPPORT OF THE
RESOURCE CONSERVATION AND DEVELOPMENT (RC&D) PROGRAM**

WHEREAS, Resource Conservation and Development (RC&D) Councils help plan and carry out activities that increase conservation of natural resources, support economic development and enhance the environment and standard of living in local communities. RC&D Council members are volunteers and include local, civic, appointed and elected officials. RC&D Councils are non-profit entities that work in partnership with USDA's Natural Resources Conservation Service through a federal coordinator; and

WHEREAS, the RC&D program is one of the federal government's true success stories with its ability to return \$7.50 for every dollar the federal government invests to support economic development and resource protection in rural and urban areas; and

WHEREAS, the United States Department of Agriculture (USDA) has estimated that it takes an average of \$207,500 to fully operate an RC&D Council. Currently there are 375 RC&D Councils serving 180 million people in 2,693 counties in all 50 states, the Caribbean, and the Pacific Basin. There are 38 pending applications;

NOW THEREFORE, BE IT RESOLVED that the Lincolnton City Council hereby expresses their strong support for the Resource Conservation and Development (RC&D) program and encourages the United State Congress to continue it's support for the program by restoring the \$56 million appropriation in the Fiscal Year 2009 budget in order to move existing Councils toward full funding and to consider increasing the level of funding for this worthwhile community program to expand into new areas; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Agriculture and to all members of North Carolina's congressional delegation.

Adopted this 3rd day of July, 2008.

Councilman Houser made the motion unanimously approved to adopt the resolution as presented by Mr. Funderburk.

RESOLUTION OF INTENT TO CLOSE A PORTION OF SMITH STREET LOCATED BEHIND BOGER CITY BAPTIST CHURCH:

(R-07-08)

Jeff Emory, City Manager presented the following resolution of intent:

RESOLUTION OF INTENT TO CLOSE A PORTION OF SMITH STREET

A Resolution Declaring the intention of the City of Lincolnton to consider the closing of the portion of Smith Street running from Green Street direction 508 feet.

WHEREAS, G.S. 160A-299 authorizes the City of Lincolnton to close public streets and alleys; and

WHEREAS, the City of Lincolnton considers it advisable to conduct a Public Hearing for the purpose of giving consideration to the closing of a portion of Smith Street, running from Green Street in an easterly direction 508 feet;

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WHEREAS, the Mayor and City Council of the City of Lincolnton direct the City to proceed with the steps to close the above said street provided that 100% of the costs associated with the closing of said street, upgrading the remaining portion of Smith Street to be accessible by emergency and utility vehicles, be paid to the City by Boger City Baptist Church;

NOW, THEREFORE BE IT RESOLVED by the City of Lincolnton that:

- (1) A Public Hearing will be held at 7:00 p.m. on the 11th day of September, 2008 in the Council Chambers of City Hall to consider adoption of the Street Closing Order for a portion of Smith Street running from Green Street in an easterly direction 508 feet;
- (2) The City Clerk for the City of Lincolnton is hereby directed to publish this Resolution of Intent once a week for four consecutive weeks in the Lincoln Times News.
- (3) The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street, a copy of this Resolution of Intent.
- (4) The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled Public Hearing to be posted as required by G.S. 160A-299.

Upon motion duly made by Councilman Cloninger, and duly seconded by Councilman Heavner, the above Resolution was duly adopted by the City of Lincolnton at the meeting held on the 3rd day of July, 2008, at 7:00 p.m. in the Council Chambers of City Hall.

Upon call for a vote the following council members voted in the affirmative: Houser, Cloninger, and Heavner. Councilman Hovis was absent.

This the 3rd day of July, 2008.

The City Manager said this closing is unique in that Smith Street extends from Green Street back to East Main Street, and proposed only a portion, 508 feet in an easterly direction be closed. A portion off of East Main Street would remain open to allow the City access to one piece of property.

The City Manager recommended that he meet with a representative of the Church and ask that they participate in the cost as the closing of the street will solely benefit the church. The estimated cost to move a utility pole and asphalt a turn around was \$ 7,700. This was only an estimate and the cost could change. Jeff said the City cannot close the street without the turn around area being addressed, due to ingress and egress for emergency apparatus.

This item generated some discussion. Councilman Cloninger felt the City should not bear any cost toward the closing of the street. Mayor Black said that the church would gain ownership of land in that the right-of-way would be conveyed to the church from the City.

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Councilman Cloninger made the motion unanimously approved to include wording that the church pay one hundred percent (100%) of any cost relating to the closing of the above said street. Councilman Heavner seconded the motion. The City Clerk will advertise the closing accordingly as described in the resolution, setting a Public Hearing for the potential order to close for the September 11th meeting.

CONSIDERATION OF AWARDING BIDS FOR CONCESSION STAND / RESTROOM AT BETTY ROSS PARK:

(C-09-08)

Jeff Emory, City Manager apologized that cost estimates were not included with the pre-agenda packet, he just received the cost today. He said City Council appropriated \$ 125,000 in this fiscal years budget. To date \$ 9,000 has been spent from the previous year budget for professional fees. The quote from Howard Construction to complete the proposed project was \$ 148,000. The second proposal, which excluded a covered patio area extending beyond the concession stand, minor changes to the roof, and a change in the type of block that would be used, the cost would be \$ 117,300. Jeff said, “An additional \$ 5,000 contingency, with the \$ 9,000 already spent, would mean we are looking at a \$ 132,000 project as opposed to \$ 125,000.” He said Howard Construction indicated this project would take about three months to complete. He said another option would be to get other quotes for the project if Council feels it is necessary.

Councilman Cloninger questioned the necessity of the items discussed that were added to the project. Jeff said he and the Recreation Director are more concerned about getting the project within budget, but those items would be a nice addition.

After some discussion, Councilman Heavner made the motion to approve \$ 117,300 to complete the concession stand/restroom facility at Betty Ross Park, with the contingency not to exceed \$ 5,000. It was agreed that if the contingency exceeds \$ 5,000, the City Manager would bring this item back to Council for their approval.

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**CONSIDERATION OF APPROVAL OF SERVICE AGREEMENT
BETWEEN THE CITY AND NCMPA1 – RENEWABLE ENERGY
DEVELOPMENT:**

(C-10-08)

Steve Peeler, Director of PW&U reviewed a letter received from Mr. Steve Shelton, Sr. Vice-President NCMPA #1, referencing renewable energy development and services. Steve said the proposed agreement is to assist participants (cities) in meeting Senate Bill 3 (2007), Renewable Energy & Energy Efficiency Portfolio Standards (REPS). The law places the obligation to comply on each participant, not the power agency.

He said if the City chooses to enter into this agreement, it thereby authorizes the Agency to act on our behalf in matters related to the REPS. The agreement also provides for the City of Lincoln to make a monthly payment to the Agency (to cover the Agency wide cost of \$ 200,000). This cost is being spread out among the participants (cities) according to their number of customers in a particular class. He said we would be billed \$0.06 per month for each residential customer, \$0.28 per month for each commercial customer, and \$ 2.80 per month for each industrial customer.

Mr. Peeler explained that by the year 2010 each electric utility in the country will be required to meet certain percentage goals of renewable energy for each kwh they sell, or pay a predetermined amount of money into a fund. The percentage of electricity sold and/or amount of money paid into the fund will increase over time and become a permanent requirement.

Steve pointed out that this service agreement does not address the climate change legislation that is currently in front of the House and Senate. He said that will be a separate challenge for all electric utilities in the country at another time.

Council Heavner made the motion unanimously approved that the City enter into the above said agreement as recommended.

**APPOINTMENT TO THE HISTORIC PROPERTIES
COMMISSION :** **(APPT-06-08)**

Mayor Black entertained a motion to re-appoint Mrs. Ruby Sigmon to serve a second three year term on the Historic Properties Commission.

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Councilman Cloninger made the motion unanimously approved to re-appoint Mrs. Sigmon to serve on the Historic Properties Commission. Her second term will begin in August 2008, ending August 2011.

CONSIDERATION TO CHANGE THE TIME OF THE TUESDAY, AUGUST 5TH MEETING FROM 7:00 P.M. TO 4:00 P.M.:

Mayor David Black told Council that Lincolnnton Police Department will hold their annual National Night Out, Tuesday, August 5th. In order for Council and other City officials to participate Council would need to consider changing the time of our regularly scheduled meeting in August from 7:00 p.m. to 4:00 p.m.

Councilman Houser made the motion unanimously approved that the Thursday, August 5th meeting time be changed, and advertised accordingly, to 4:00 p.m.

REQUEST FOR THE CITY TO CONSIDER CREATING A HANDICAP PARKING SPACE IN THE WEST COURT SQUARE AREA:

Jeff Emory, City Manager told Council of a request from Mr. David Bynum, that a handicap parking space be designated in the vicinity of the NW quadrant of the Court Square. Steve has surveyed the area and finds currently there are no handicap parking spaces available on the Court Square, 100 block of West Sycamore Street, or 100 block of West Main Street. Steve said he would recommend that Council consider designating one of two parallel parking spaces on the north side of the 100 block of West Main Street immediately off the Court Square. He said either of these spaces would accommodate handicap parking. The installation of signs and painting the street within the spaces would be required to enforce handicap parking, if Council chooses to amend the City's Code of Ordinances.

Council directed the City Manager to investigate this matter further, and to report back at a future meeting.

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

Mark Carpenter, Zoning Administrator, gave a brief report on the status of the rail-trail property acquisition (Phase III) between Pine Street and City Park as of June 20th.

He said the City has purchased permanent easements from two of the three property owners. The third is still considering the City's offer, and has said he will respond soon. Other grant opportunities are being explored for this project, as chances are slim that the Recreational Trails Program application will be successful. He said grants for right-of-way acquisition are few and far between, and City budgeted funds may be utilized to proceed with property acquisition.

The Planning Department will continue to keep Council abreast of any progress at future Council meetings.

EROSION/SEDIMENTATION ORDINANCE STATUS REPORT:

Mark Carpenter, Zoning Administrator said, as directed at the City Planning Retreat in March 2008, discussion have taken place and a letter has been sent on behalf of the City, to County Commission Chairman Tom Anderson requesting that the County Soil and Water Conservation District staff enforce the Lincoln County Erosion and Sedimentation Ordinance within the City of Lincolnton and its Extraterritorial Jurisdiction. In return for this service, the City suggest that the County retain permit fees and all other revenues collected through ordinance enforcement.

Councilman Cloninger made the motion unanimously approved to allow Lincoln County to enforce the Erosion/Sedimentation Control Ordinance as recommended and agreed upon.

PUBLIC COMMENT:

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

NEWS MEDIA:

There were no questions from the news media.

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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**