

REGULAR MEETING - MAY 1, 2008

The Mayor and City Council met in regular session on Thursday, May 1, 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. City Council members in attendance were:

HOUSER CLONINGER HEAVNER

Mayor Black stated for the record that Councilman Hovis was absent due to health reasons.

Mayor Black led the Pledge of Allegiance. Councilman Heavner made the motion unanimously approved the Regular Agenda.

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

- Approved the minutes of the Regular Meeting of April 3, 2008
- Approved the following Proclamations:
 - Municipal Clerks Week – May 4 – 10, 2008
 - Older Americans Month – May 2008
 - National Nursing Home Week – May 11 - 17, 2008
 - Police Week - May 12 - 16, 2008
 - Public Works Week – May 18 – 24, 2008
- Budget Amendment – (BA-03-08) Transfer from General Fund to Lincoln Cultural Center - \$ 5,000
- Approved the following Calls to Public Hearing for the June 5th City Council Meeting:
 - CU-ZMA-2-2008 – Application from Stimmel Associates and Depaul Community Facilities requesting the rezoning of approximately three (3) acres of land from Residential-25 (R-25) and Residential Multi-Family (RMF) to Conditional Use Residential Multi-Family (CU-RMF). A conditional use permit is being requested to expand the existing nursing care facility (Heath House) by approximately 3,800 square feet. The property is located on the north side of Wilma Sigmon Road approximately 100 feet east of the intersection of Bailey Springs Drive and Wilma Sigmon Road.

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CUP-3-2008 – Application from Dr. Keith Dedmon requesting a conditional use permit to construct a new medical office in the Neighborhood Business (NB) District. The subject property is located on North Aspen Street approximately 175 feet northeast of the intersection of North Aspen Street and North Flint.

REGULAR AGENDA:

PUBLIC HEARINGS

APPLICATION FROM CAROLINA HEALTH CARE SYSTEM REQUESTING THE REZONING OF APPROXIMATELY 69.76 ACRES OF LAND FROM RESIDENTIAL-25 (R-25) AND RESIDENTIAL-15 (R-15) DISTRICTS TO CONDITIONAL USE OFFICE-INSTITUTIONAL (CU-OI) DISTRICT:

CU-ZMA-1-2008

Mayor Black told all those in attendance wishing to speak for or against the hearing they would be given a total of twenty minutes for their presentation. Each person wishing to speak signed in with the City Clerk. The Clerk administered the oath to all those wishing to speak for or against the issue. Councilman Houser made the motion unanimously approved to open the Public Hearing.

Mark Carpenter, Zoning Administrator, reviewed the request for a conditional use permit, from Carolina Health Care System, to construct a new medical center, medical office buildings and future office buildings on the property. The subject property is located between Buffalo Shoals and McAlister Roads approximately 500 feet north and east of the intersection of juncture of McAlister Road into Buffalo Shoals Road. All of the property with the exception of about 3 acres near the intersection of Highland Drive and Buffalo Shoals Road, are outside the City limits but located in the Extraterritorial Jurisdiction.

Mr. Carpenter reviewed thoroughly detailed information which provided to the Planning Department on the applicant's site plan. *(The information provided in the Planning Departments report is on file and available in the City Planning Department for reference)* Mark explained the conditional use rezoning process and gave rationale for a conditional use rezoning. He said the applicants CUP application met all of the requirements with the following exceptions: (1)

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Detailed parking information must be provided showing the number of parking spaces, size of spaces, and aisle widths. (2) Detailed landscaping plans will need to be provided showing parking lot landscaping. (3) Detailed sign information must be provided. (4) Full utility plans and layouts, including hydrants and lift stations must be shown.

Mark then reviewed CUP requirements for Section 13.4.2, and noted that the property in question for rezoning is not in Water Supply Watershed area, and is therefore in compliance with the LUDO. He briefly discussed the traffic impact analysis that was completed by Kimley-Horn and Associates. He noted that all of the main roads including Buffalo Shoals Road, McAlister Road, and NC Highway 150 are maintained by the NCDOT. He said NCDOT will review this traffic study and along with recommendations from Kimley-Horn conclude what improvements will be needed to these streets as part of this project. The initial phase of the development suggested improvements to the following locations: NC 150/27 (East Main Street) at Buffalo Shoals Road, Buffalo Shoals Road at McAlister Road, NC 150 at McAlister Road, Buffalo Shoals Road at Highland Drive, Buffalo Shoals Road at Highland Drive/Site Access 1 and McAlister Road at Access 2. Engineers are reviewing the Traffic Study and are to determine what improvements will be required by the applicant if the CUP is approved.

The Staff Review Committee Comments were presented as follows:

- (1) All plans for ingress and egress, including a driveway permit for access to Buffalo Shoals Road and McAlister Road must be coordinated with Jackie McSwain, NCDOT District Engineer. All requirements as deemed necessary by NCDOT must be completed by the applicant.
- (2) Updated traffic calculations must be submitted to NCDOT for Review.
- (3) All utilities must be coordinated with Clay Harrelson, City Utilities Supervisor. Detailed plans must be submitted to his office for approval.
- (4) $\frac{3}{4}$ inch detection meter must be placed on fire system.
- (5) Any relocation of utilities due to road or other construction must be done at developer's expense.
- (6) All storm water on the site must be diverted so as not to create problems for adjacent properties, street right of ways, and other properties in the area.

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- (7) Building plans must be submitted to Lincoln County Inspections and approved prior to development of the site.
- (8) Future Office buildings surrounding the site that are not part of phase one of development must apply for a conditional use permit as they develop. More specific information will need to be shown on these buildings.
- (9) Patrick King, Lincolnton Fire Inspector, must review and approve all plans in regards to fire safety issues. This includes the use of Muller Fire Hydrants as required by the City of Lincolnton Utilities Department.
- (10) A fire department signal light, per NCDOT standards must be placed in front of the Boger City Fire Department at the developer's expense.

He said rezoning the property to CU-OI will not be in conformity with the Lincolnton Land Use Plan. The property is currently in the Residential Suburban and Traditional Single Family Planning Areas. These planning areas primarily consist of Single Family dwellings. The rezoning of seventy (70) acres of land to office-institutional district will change the area significantly. The improvements that will be completed with the medical center property and the surrounding area will make this area more compatible with Institutional-Office Land Use designation. Staff would suggest that the land use plan for this area be changed to Institutional Office.

Mark said in the future, staff may need to conduct a small area plan for properties in and around the hospital and look at what changes will need to be done to the land use plan for the future uses in this area. He concluded recommending on behalf of Planning Board and staff that the rezoning be; (1) approved for the property from R-25 and R-15 to CU-O-I (2) The Conditional Use Permit for a Medical Center and related facilities on the conditions that (1) all additional conditions noted above are completed to meet all zoning ordinance requirements and that staff review committee comments are addressed, (3) Amend the Lincolnton Land Use Plan to show this property in the Institutional Office Planning Area.

Linda Drum Shultz, Mr. Joe Ervin, Jeff Booker and Danny Richard spoke in favor of the request. Mr. Richard pointed out that relocating the hospital to this site would be a \$ 135 million dollar investment in our County. He

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described the process utilized by the hospital when considering a relocation site, saying this site was selected from twenty-one available locations. He pointed out that this site keeps the hospital centrally located in the County, adding an additional 40,000 square feet.

Mr. Pete Acker, representing Carolinas Medical Center – Lincoln, also spoke in favor of the request. He answered several questions from Council as well as from various citizens.

Mrs. Janet Winchester, Mrs. Wright, Charles Winchester, Terry Schronce, Rex Rhyne, John Paul Shultz and Lou Ann Cooper spoke in opposition of the application. The main concern seemed to be additional traffic that would be generated by having a hospital in this area.

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

Councilman Heavner made the motion unanimously approved to consider the rezoning.

Councilman Cloninger made the motion unanimously approved to consider the conditional use permit.

Section 13.4.2 – Findings of Fact:

- (1) Councilman Heavner made the motion unanimously approved that the use will not materially endanger the public health or safety.
- (2) Councilman Cloninger made the motion unanimously approved that the use meets all required conditions and specifications.
- (3) Councilman Houser made the motion unanimously approved that the use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
- (4) Councilman Cloninger made the motion unanimously approved that the location and character of the use, if developed according to plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

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Councilman Houser made the motion unanimously approved to amend the Lincolnnton Land Use Plan in the Office Institutional area as recommended.

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

Mayor Black called for a recess of the meeting at 8:15 p.m. The meeting was reconvened at 8:20 p.m.

**APPLICATION FROM LINCOLNTON ABC BOARD
REQUESTING A CONDITIONAL USE PERMIT TO CONSTRUCT
A PUBLIC OPERATED ALCOHOL BEVERAGE CONTROL (ABC)
STORE IN THE PLANNED BUSINESS (PB) DISTRICT:
CUP-2-2008**

Councilman Cloninger made the motion unanimously approved to open the Public Hearing. The City Clerk administered the oath to all those wishing to speak for or against the issue.

Mark Carpenter, Zoning Administrator, reviewed the application from the ABC Board, for a conditional use permit as described above. The property in which the rezoning was requested is located on lot # 2 of the Crossroads Centre Shopping Center on the west side of Stanford Road approximately 300 feet north of the intersection of Stanford Road and East Main Street. Mr. Carpenter reviewed the applicant's compliance with the water shed water supply standards; the staff review committee comments and other conditional user requirements as they pertain to this application. The staff review committee comments were as follows: (1) All utilities must be coordinated with the City's Utilities Department. Detailed plans must be submitted to his office for approval. (2) Building plans must be submitted to Lincoln County Inspections and approved prior to development of the site. (3) Applicant needs to check with Jackie McSwain, NCDOT, on the need for a driveway permit. (4) Storm water from the site must be tied into the existing storm water system for the shopping center.

Mark concluded recommending approval of the conditional use permit as requested by the applicant provided that all comments from the staff review committee are met.

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Mr. Dennis Williams, representing the applicant, shared an architectural rendering of the proposed ABC Store. He offered to answer any questions that Council may have concerning the request.

Councilman Cloninger questioned if the building was visible from East Main Street traffic, if built in the proposed location. Mr. Williams said that it would be visible to traffic traveling in that area. With City Council having no further questions, and no one else from the public wishing to speak for or against the issue, Councilman Cloninger made the motion unanimously approved to close the Public Hearing.

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

Section 13.4.2 – Findings of Fact:

- (1) Councilman Heavner made the motion unanimously approved that the use will not materially endanger the public health or safety.
- (2) Councilman Cloninger made the motion unanimously approved that the use meets all required conditions and specifications.
- (3) Councilman Houser made the motion unanimously approved that the use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
- (4) Councilman Heavner made the motion unanimously approved that the location and character of the use, if developed according to plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincoln Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

Councilman Houser made the motion unanimously approved to grant the conditional use permit as requested and recommended, provided that all staff review committee comments are met.

APPLICATION FROM STEPHEN G. WAITS REQUESTING THE REZONING OF 0.735 ACRES OF LAND FROM RESIDENTIAL-8 (R-8) TO NEIGHBORHOOD BUSINESS (NB):

ZMA-4-2008

Councilman Heavner made the motion unanimously approved to open the Public Hearing. Mark Carpenter, Zoning Administrator, reviewed the

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application from Stephen Waits to rezone 0.735 acres of land from residential-8 to neighborhood business. The property is located on the north side of East Main Street, but does not have frontage on East Main Street. It is approximately 400 feet northeast of the intersection of East Main Street and Lithia Inn Road. The address of the subject property is 2403 East Main Street. (Parcel ID 14166).

Mark noted that zoning surrounding this property is a mixture of neighborhood business, residential-8 and general business districts. The primary land uses surrounding the site are a combination of commercial and single-family residential. Property to the southwest was rezoned to Neighborhood Business District by the City Council in March 2008. Mark pointed out that the Lincolnnton Land Use Plan, adopted in July of 2003, shows the property in the Neighborhood Business Corridor (NBC) Planned Area. The purpose of the planning area is to accommodate neighborhood oriented planned business areas.

Mark concluded recommending on behalf of Planning Board and Staff that the property be rezoned to Neighborhood Business District as requested.

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

Councilman Houser made the motion unanimously approved to rezone the property to NB District as recommended by the Planning Board.

CONSIDERATION OF ADOPTION OF POLICIES AND PROCEDURES MANUAL FOR THE CITY OF LINCOLNTON RECREATION DEPARTMENT:

(P-03-08)

Ritchie Haynes, Recreation Director, presented to Council a Policies and Procedures Manual for the Lincolnnton Recreation Department. The proposed document was distributed to Council for their review at the Planning Retreat, held in March 2008.

The City Manager told Council if adopted he would recommend that the fees included become effective July 1, 2008. He also pointed out that the fee schedule reflects usage rates for residents, inside and outside of the City.

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Upon brief discussion, Councilman Houser made the motion unanimously approved to adopt the policies and procedures manual as presented with the fees becoming effective July 1, 2008.

CONSIDERATION OF AWARDING OF BIDS FOR CHEMICALS FOR THE WATER AND WASTEWATER TREATMENT PLANT:

(C-07-08)

Steve Peeler, Director of PW&U recommended that Council consider awarding chemical bids for fiscal year July 1, 2008 to June 30, 2009 to the lowest bidders as follows:

LIQUID ALUM - *General Chemical Corp.* @ \$ 325.00 per dry ton.

CHLORINE – *Brenntag Southeast, Inc.* @ \$ 534.00 per ton cylinder.

LIQUID SODIUM BISULFITE – *Jones Chemicals, Inc.* @ \$ 1.14 per gallon

CAUSTIC SODA – *Jones Chemicals, Inc.* @ \$ 597.00 per dry ton.

LIQUID SODIUM HYPOCHLORITE - *Univar USA, Inc.*@ \$0.704 per gallon

Mr. Peeler told Council that if awarded, bid prices would be locked in for a ninety-day period, the supplier would be committed for a one year period.

Councilman Cloninger made the motion unanimously approved to award the bids to the above said lowest bidder for said chemicals as recommended by the Director of Public Works and Utilities.

CONSIDERATION OF RE-APPOINTMENT OF MR. ED HATLEY, TO THE LINCOLNTON PLANNING BOARD:

(APPT-04-08)

Councilman Houser made the motion unanimously approved to reappoint Mr. Ed Hatley to the Lincolnnton Planning Board for a second three-year term. Mr. Hatley's term will begin in May 2008 and expire in May of 2011.

NOMINATIONS FOR APPOINTMENT TO THE LINCOLNTON HOUSING AUTHORITY:

(APPT-05-08)

Mayor Black called for possible nominations for an appointment to the Lincolnnton Housing Authority. He told Council that Mr. Jim Peeler would

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complete his second three-year term in May and in accordance with City policy will not be eligible for re-appointment.

Councilman Cloninger nominated Mr. Tommy Howard for appointment.

Having no other nominations, Councilman Cloninger made the motion unanimously approved to appoint Mr. Tommy Howard to on the LHA for a three-year term beginning May 2008 – May 2011.

STATUS REPORT ON MARCIA H. CLONINGER RAIL-TRAIL EXPANSION:

Mark Carpenter, Zoning Administrator, provided Council an update on progress on the rail-trail expansion since the April 3rd City Council meeting. He said to date, two property owners along the northern portion of the trail expansion have signed and deeds have been drafted for the purchase of right-of-way. Mark said the City has one more right-of-way pending at this time.

He told Council that the City received word from Mr. Duane Stutsman, Recreational Trails Program that the grant application was reviewed and the City would not receive monies this year.

PRESENTATION OF THE PROPOSED 2008-2009 FISCAL YEAR BUDGET:

Jeff Emory, City Manager, officially presented the 2008-2009 proposed budget to the Mayor and City Council. He did not read the budget message aloud but reviewed the highlights. He suggested that Council read the budget message thoroughly and contact him with any questions or concerns about the proposed budget. A copy of the proposed budget will remain on file in the City Clerk's Office, with a public hearing scheduled for the June 5th City Council meeting, in accordance with the NCGS.

Jeff suggested that Council consider holding a budget work session on May 25th as he would be receiving information that could change the proposed budget figures sometime in the next few weeks. Any proposed changes should be made and corrected pages would be available to Council by the May 25th meeting.

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Councilman Houser made the motion unanimously approved schedule a budget work session for May 25th and to set the Budget Public Hearing for June 5, 2008, directing the City Clerk to advertise the Public Hearing accordingly.

PUBLIC COMMENT:

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

NEWS MEDIA:

There were no questions from the News Media.

ADJOURNMENT:

Councilman Houser made the motion unanimously approved to adjourn.

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

**DAVID M. BLACK
MAYOR**