

REGULAR MEETING - OCTOBER 1, 2009

The Mayor and City Council met in regular session on Thursday, October 1, 2009 at 7:00 p.m. in the Council Chambers of City Hall, located at 114 West Sycamore Street, Lincolnton. The following Council members were in attendance:

Houser Cloninger Heavner HoVIS

Mayor Black called the meeting to order at 7:00 p.m. Mayor Pro-Tern Cloninger called on Boy Scout Troop 50 to lead the Pledge of Allegiance. Mayor Pro-Tern Cloninger commended the troop for their efforts and explained that attending this meeting assisted the troop with completion of a merit badge regarding citizenship in the community.

Mayor Black then called for a motion to move agenda Item # 7; Introduction of Lincolnton's new Police Chief Mr. Rodney Jordan to the front of the agenda. Councilman Houser made the motion unanimously approved to move this item as requested.

Councilman Houser made the motion unanimously approved, the REGULAR AGENDA.

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

Approved Minutes of the following Meetings:

- August 20, 2009 - Special Meeting
- August 27, 2009 - Regular Meeting
- September 8, 2009 - Special Meeting

Approved the following Calls to Public hearing for the November 5th meeting:

- ZMA-11-09 - Application from Roger D. and Candace Heavner, Richard L. Giles, Dare B. Dellinger, George Norman Ashley III and Sherri Taylor Ashley requesting the rezoning of 2.1 Acres of land from Residential-25 (R-25) District to Office and Institutional (OI) District. The property is made up of three individual parcels. It is located on the north side of East NC Highway 150 approximately 2,000 feet east of the intersection of East NC Highway 150 and East NC Highway 27.
- "Carolina Thread Trail Master Plan for Lincoln County Communities" - A plan for the long term coordination of greenway and trail development -within the communities of Lincoln County to help promote preservation and improvement of residents' quality of life. Upon adoption, the plan will help guide the City of Lincolnton through a process of greenway and trail development as a part of region-wide Carolina Thread Trail efforts.
- CUP-5-2009 - Application from Caroline Brown requesting a conditional use permit to operate a beach bingo business in the Northgate Shopping Center at 151 Vandiver Drive. The site is located at the northeast corner of Vandiver Drive and North Aspen Street.
- ZTA-5-2009- Application from Lincoln County Coalition against Child Abuse, Inc. requesting that the Lincolnton Unified Development Ordinance be amended to allow a child advocacy center as a conditional use in the Residential-Office (R-O) Zoning District.

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INTRODUCTION OF RODNEY JORDAN. POLICE CHIEF:

Jeff Emory, City Manager said, "I am pleased to have with us tonight the newly appointed Police Chief Rodney Jordan. His first actual day of work will *be* Monday, October 5th We are real happy to have him on board. When Chief Abernathy announced his retirement we began the process immediately in search of a new Chief, and it was a wide search and a thorough process and I'm totally convinced Chief Jordan will do the City a good job."

Mr. Emory asked Mr. Jordan to come forward and say a few words, and officially introduce himself. Chief Jordan said, "I'm real excited about coming down, my wife and I just fell in love with the City the moment we drove in and started checking things out. Even though my first day is Monday everyone has done a real good job of making us feel at home already, and we are excited about getting down here quickly and becoming a part of the community, and I'm just looking forward to getting started Monday. I appreciate the opportunity that you have given me to serve the City."

PUBLIC HEARING:

CONSIDERATION OF AN ORDER TO CLOSE A PORTION OF AN UNOPENED STREET AT THE END OF SOUTH POPLAR STREET AND KENNEDY DRIVE:

Councilman Houser made the motion unanimously approved to open the Public Hearing to discuss consideration of adoption of an "Order to Close a portion of an Unopened Street", located on Kennedy Drive, at the end of South Poplar Street.

Mayor Black explained that the City, based on a citizen request, is considering closing a portion of an unopened street at the end of South Poplar along Kennedy Drive. He said, "The street has never been opened there are actually buildings on the property comprised in the street, as depicted on the City plat, and the street needs to be closed".

Having no one in attendance wishing to speak for or against this item, Councilman Cloninger made the motion unanimously approved to close the Public Hearing.

Councilman Houser made the motion that the "Order to Close" be approved as recommended and requested, with the effective closure date November 3, 2009. Councilman Cloninger seconded the motion.

PROCLAMATION DECLARING OCTOBER 25TM "JEB SEAGLE DAY" IN LINCOLNTON:

Mayor Black told Council of a request he had received from Jeb F. Seagle Detachment, to present a proclamation perpetually proclaiming October 25th, Captain Jeb F. Seagle Day in Lincolnton. He called on Mr. Hank Kashmert to speak on behalf of the detachment unit.

Mr. Hank Kashmert, past Commandant of Captain Jeb F. Seagle Detachment 1265 Marine Corp League, spoke regarding the 2006 organization of Captain Jeb F. Seagle Day to commemorate this detachment as Captain Seagle sacrificed his own life to save the lives of his fellow marines on October 25, 1983. Mr. Kashmert provided detailed background information of Captain Seagle's endeavors prior to his death. In November of 1983 President Ronald Reagan awarded the Navy Cross to Captain Seagle's wife, which is the second highest medal of valor in the Navy.

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Mr. Kashmert requested that Council allow them to proclaim this day, October 25 , in perpetuity to honor Captain Jeb F. Seagle.

Councilman Cloninger made the motion unanimously approved to proclaim October 25 Captain Jeb F. Seagle Day, in perpetuity, as requested.

APPROVAL OF THE 2009-2010 STUDENT ADVISORY COUNCIL MEMBERS:

Jeff Emory, City Manager requested approval from Council of the 2009-2010 Lincolnton Student Advisory Council members. They were nominated by their principals as follows:

<u>EAST</u>	<u>WEST</u>	<u>NORTH</u>
Maci Huffman	Jake Bridges	Macy Murdock
Ana Whitworth	Terrell Barnes	Sierra Herrington
Brian Hilgert	Kevin Heavner	Rossi Sabattus
Jessi Williams	Amanda Carpenter	Hillary Emory
Marni Krenbrink	Molly Boyles	Meredith Almond

<u>LINCOLNTON</u>	<u>LINCOLN CHARTER</u>
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Olivia Kiser	Caitlin Harrill
Sydney Kiser	Devon Gillam
Alaina Chapman	
Adair Thompson	
Christian Guy	
*Kennan Ballard	

** Appointed by a City Council member*

Mrs. Jill Eaddy will serve as the Advisor to this group of students. This is the nineteenth year the City has sponsored and supported this Council. This Council is comprised of five members who must be a junior or senior from each of the four area high schools, and two from the Lincoln Charter School. City Council has three appointments, for a possible total of twenty-five members. The Student Advisory Council will provide an update of the various projects they are working on to City Council early in 2010.

Councilman Houser made the motion unanimously approved to appoint the above named students to the 2009-2010 Lincolnton Student Advisory Council.

UPDATE ON ELECTRICAL LINE SERVICE TO PROPERTY ON GENERALS BLVD. TO ROPER DRIVE:

City Manager Jeff Emory, while Mr. Peeler prepared his presentation, told Council that there had been a change in plans from the last update. After meeting with the consulting engineers they had some good ideas as to how the City could serve the new Super Wal-Mart as well as the property on Roper Drive. He said he feels this will be a positive for the City, and while a budget amendment will be required at a later time for this project, he wants to keep Council abreast of what is transpiring and so the City can proceed with having the engineering plans drawn.

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Steve Peeler, Public Works Director provided an update on the status of the Wal-Mart / Roper Drive Electric Service. Steve had several pas depicting the site and plan for the electrical line. He explained how the City proposes to serve this are as follows: "Our original proposal for serving the Roper Drive site called for us to extend our 3-phase primary facilities eastward along Wilma Sigmon Road from Lincoln Meadows. Upon reaching the western side of US 321 we proposed to proceed south along the western side of US 321 till we reached the Anderson Property, that fronts on Roper Drive and US 321. The cost estimate to reach the property was \$ 315,000."

"To serve the Wal-Mart site we proposed to upgrade our primary facilities along East Main Street from approximately Hardee's to the current end of our lines at Generals Blvd. We will then extend new 3-phase lines north along Generals Blvd to the Wal-Mart site. Our first rough estimate for this work is \$ 165,000."

"The distance from the Wal-Mart site to the Roper Drive site, going across county, is much shorter than taking the Wilma Sigmon Road route. When we first proposed serving the Roper Drive site via Wilma Sigmon, Wal-Mart was not yet proposed, and if it had been we did not know at that time if we could serve Wal-Mart. Our first rough cost estimate for this work is \$ 95,000."

"Neither of the cost estimates include service cost on the sites themselves."

"The cost of serving both sites from Generals Blvd. is less than the Wilma Sigmon Road route by itself. One benefit of the Wilma Sigmon Road route was putting a 3-phase line along US 321 for future use. As you may remember we acquired service territory from Rutherford Electric along US 321 as the result of territorial issues. Should a potential customer(s) present itself we could extend to US 321 at that time."

Councilman Cloninger questioned whether the line on the eastern side of Generals Blvd would be underground or overhead. Steve said he anticipated all of the line being overhead except for maybe around the Wal-Mart, depending upon what they would allow. Steve said we are negotiating with Wal-Mart now to acquire right-of-way across their property.

The City Manager reminded Council that, "The City has committed to providing a generator or contracting with someone to put a generator at the Wal-Mart site, so this \$ 260,00 is only a part of the project. We are also looking at around \$ 400,000 for the generator." He said he feels the generator should pay for itself in seven to nine years.

No official action was taken to enter into a contract for the engineering services for this electrical line extension at this time.

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

Mark Carpenter, Zoning Administrator provided a brief update on the status of Phase III of the rail-trail expansion. Mark said staff continues to work with Lincoln County and the Carolina Thread Trail personnel. Planning Board will review the plan at their meeting in October and it will be presented to the Lincoln Natural Resources Committee the Lincoln County Board of Commissioners and the Lincoln County Planning Board also.

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Mark said in regards to property acquisition; there are 31 properties, with 20 separate property owners. The City has secured 11 of those properties, offers have been made on 6 additional properties. Three additional letters have been sent out to hopefully get those properties made available to the trail. Mark said since the City would not be receiving the Recreational Trail Program Grant we will use City budgeted funds to pay for the remainder of the properties as the offers are accepted.

Mark thanked Mr. T.J. Wilson for he and his staff for their continued work on the easements. Mr. Wilson did state that with the help of the Clerk of Court, a five tract parcel has been secured and that will be a big help in the process of acquiring easements.

The Planning Department will provide another update at our November 5 meeting.

PUBLIC COMMENT:

There were no questions 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 the meeting at 7:45 p.m.

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

**DAVID M. BLACK
MAYOR**