

**FOR YOUR CONVENIENCE A COPY OF  
TONIGHT'S AGENDA  
IS AVAILABLE, LOCATED TO THE  
RIGHT OF THE ENTRANCE TO THE  
COUNCIL CHAMBERS**

***ANYONE WISHING TO SPEAK  
DURING THE PUBLIC COMMENT  
PORTION OF THE AGENDA  
PLEASE SEE THE CITY CLERK PRIOR  
TO THE MEETING TO SIGN UP  
NON-AGENDA ITEMS WILL BE  
DISCUSSED AND SPEAKERS WILL BE  
LIMITED TO THREE (3) MINUTES  
A COPY OF THE RULES FOR PUBLIC COMMENT  
ARE AVAILABLE AT THE CITY CLERK'S DESK***

**THANK YOU FOR ATTENDING  
OUR MEETING  
AND FOR YOUR INTEREST  
IN THE CITY OF LINCOLNTON**

**A G E N D A**

**LINCOLN TON CITY COUNCIL**

**October 2, 2008**

**7:00 p.m.**

**CALL TO ORDER – Mayor Black**

**PLEDGE OF ALLEGIANCE**

**1. Approval of Regular Agenda**

**2. Approval of CONSENT AGENDA:**

*All items placed under the Consent Agenda are considered routine, to be enacted by one motion without discussion. If a member of the Governing Body requests discussion of an item, the item will be removed from the Consent Agenda and considered separately.*

**3. Minutes of the Regular Meeting – September 11, 2008**

**4. PROCLAMATION:**

**Resident's Rights Week – October 4 – 8, 2008**

**(C-11-08)**

**5. Proposed amendment to the Contract of Lease between the City and Charter Communications – (building located at Lee Avenue Water Tank – NOTE: Original agreement February 12, 1998)**

**(C-12-08)**

**6. Proposed agreement between the City and the NC League of Municipalities (American Legal) for re-codification of the City of Lincoln ton Code of Ordinances**

**(R-10-08)**

**7. Proposed Resolution Imposing a Gross Receipts Tax on Heavy Equipment in Lieu of Property Tax**

AGENDA  
SEPTEMBER 11, 2008  
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CONSENT AGENDA:

8. Calls to Public Hearing for the November 6<sup>th</sup> regular meeting:  
ZTA-2-2008- Application from Tayco Realty, LLC requesting an amendment to the text of the Lincoln Unified Development Ordinance. The proposed text amendment would increase the definition of large retail establishment in Section 5.31 from 60,000 square feet to 85,000 square feet.  
CU-ZMA-3-2008- Application from Tayco Realty, LLC requesting a conditional use rezoning from GMC District to CU- PB District for the purpose of constructing an Ingles Supermarket. The subject property is located on 17.73 acres of land located at the southwest corner of the East Main Street and Railroad Street. The address of the property is 2130 East Main Street (Belding Hausman, Inc.)

REGULAR AGENDA:

PUBLIC HEARINGS  
(CUP-4-2008)

9. Application from Hesed House of Hope, Inc. requesting a conditional use permit to construct a homeless shelter in the Residential-8 (R-8) District. The subject property is located the north side of East Lincoln Street approximately 300 feet west of the intersection of East Lincoln Street and Linden Street. *NOTE: This Public Hearing was continued from the September 11<sup>th</sup> City Council meeting*

Steve Gurley, Planning Director

(O-04-05)

10. Proposed amendment to the City of Lincoln Code of Ordinances Chapter 10 – Offenses and Miscellaneous Provisions – Section 10-3.  
Indirect solicitation of alms in public places. *NOTE: This Public Hearing was continued from the September 1<sup>st</sup> meeting.*

Jeff Emory, City Manager

PUBLIC HEARINGS  
(ZMA-5-2008)

11. Application from Rex and Tracey Haynes, Gail McDonald, and Javier Brito requesting the rezoning of approximately 1.46 acres (3 lots) from Residential-8 (R-8) to Neighborhood Business (NB). The subject property is located on the west side of North Aspen Street approximately 200 feet northwest of the intersection of North Aspen Street and Colonial Village Drive.

Steve Gurley, Planning Director

(R-11-08) & (C- 12 -08)

12. Consideration of waiver of competitive bidding under NCGS 143-129(g), to “piggyback” a purchase of a 2008 International – Model 7400 Solid Waste Packer

*NOTE: Once the Public Hearing is closed, official action will be required to adopt the resolution and award the contract as recommended by the Director of PW&U, if Council so desires.*

Jeff Emory, City Manager

APPOINTMENTS  
(APPT-08-08)

13. Action for appointment to the Lincolnton ABC Board - Chairman – *NOTE: Mike Owen current Chair of the ABC Board will complete his first three year term in November of 2008, in accordance with City policy he is eligible re-appointment if Council so desires)*

Mayor David Black

(APPT-09-08)

14. Action for two (2) appointments to the Lincolnton Recreation Commission – *NOTE: Mary Francis White and George Brookins will complete their first three year term in November 2008, in accordance with City policy they are eligible for re-appointment if Council so desires)*

Mayor David Black

**OTHER BUSINESS**

15. Update on the status of Marcia H. Cloninger Rail-Trail Expansion

Steve Gurley, Planning Director

16. Request from David Edwards to operate a Christmas tree sales lot on a vacant lot on East Main Street across from Clark Tire and the Lincolnton Police Department between November 14 and December 28, 2008

Steve Gurley, Planning Director

**PUBLIC COMMENT**

*Speakers will be limited to three (3) minutes to address Mayor and City Council Concerning Non-Agenda Items.*

*You must sign in with the City Clerk prior to the meeting to be eligible to speak.*

**NEWS MEDIA**

**ADJOURNMENT**

**CLOSED SESSION**

In accordance with NCGS 143-318.11(5)  
to discuss property acquisition