The Lincolnton City Council met in Regular Session on Thursday, March 7, 2024 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton, NC.

Mayor Hatley called the meeting to order asking everyone to stand for a moment of silence before leading the Pledge of Allegiance. The following Council members were in attendance:

DEMENY POINSETTE TIPTON JETTON

Councilmember Jill Tipton made a motion to approve the Regular Agenda as presented. Members voted 4-0 in favor of the motion.

Councilmember Christian Poinsette made a motion to approve items listed under the *CONSENT AGENDA* as follows:

- Approved the Minutes from the February 1, 2024 Regular Meeting
- Lincoln County Tax Department – Requests for Refunds and Releases period ending 02-15-2024
- Proclamation – "Woman Up 2024" held in conjunction with International Women's Day" – March 8, 2024

Members voted 4-0 in favor of the motion.

SPECIAL PRESENTATION

Chief Brain Greene and Major Dwayne McAllister presented Officer Steven Roper with his Advance Certificate, one of two professional certificates that is awarded by the North Carolina Training and Standards, with the Advance certificate being the highest honor. Chief spoke to the experience, education and training needed to earn the certificate, as well as to what an honor it was to make the presentation. On behalf of the City Council, Mayor Ed Hatley congratulated Officer Roper, expressing how pleased he is to have him with the department.

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PUBLIC COMMENT

Two individuals requested to speak during the Public Comment portion of the meeting. Mr. Alan Hoyle spoke concerning the number of illegals in US and being proactive addressing the problem in the city.

Mr. Steve Peeler addressed Council regarding the recent re-evaluation of property and what that did to his tax bills. Mr. Peeler made reference to the recent decrease in the tax rate for the residents but ended by saying that was not enough.

PUBLIC HEARINGS

In response to Mayor Hatley's question regarding the amount of time to allow for each person to speak, there was a consensus among council members to allow each one two (2) minutes.

O-01-24
Consideration of amendment to the City of Lincolnton's Code of Ordinances to create/establish a Social District in downtown area. Public input will be received prior to official action being taken by the governing body

Mayor Ed Hatley opened the public hearing, allowing City Manager Ritchie Haynes, Police and Chief Brian Greene, as well as Mr. Tommy Huskey and Taylor Eddy, representing the Downtown Development Association (DDA).

City Manager Ritchie Haynes began, by thanking several people/groups for their involvement and assistance in the process. He focused mainly on the maintenance plan and briefly reviewed conversations with individuals from other cities. He explained that the district itself will be managed by the DDA, with the management team including two representatives from the DDA, the Lincolnton Mayor, the Lincolnton City Manager and the Police Chief. Mr. Haynes gave an overview of what the committee was proposing (the aforementioned information is attached and made part of these minutes), noting that the social district will not be in operation when city sponsored events and/or other Signature events are scheduled and that the plan and map may be amended at any time by the city at its discretion. Mr. Haynes spoke to the proposed day's and times, the proposed map, the required signage and trash cans that will need to be available. He ended by sharing data and statistics from other surrounding cities and towns that currently have a social district.

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Chief Brian Greene, who was tasked with researching the law enforcement side of this proposed social district, reported that he reached out to forty-eight (48) different police department, with four (4) main questions and has received thirty-five (35) responses. Out of the responses, there was no negative received. They reported no increase in crime in the social district, there has been no increase in personnel because of the social district. Although there is admittedly issues with the homeless and vagrants, most reported no increased issues with the homeless and vagrants in the social district. Chief Greene shared other information gathered as result of talking with a number of police chiefs from surrounding cities and towns. In response to a question from Councilmember Tipton, Chief Greene reminded that no additional officers will be hired but the department will, as much as possible, provide enforcement in the Social District. Both Councilmember Jetton and Councilmember Tipton gave statements voicing their concern with making this change to Lincolnton's downtown.

Mr. Tommy Husky and Taylor Eaddy with the Downtown Development Association addressed the council, both providing research and facts regarding Social Districts and how they can benefit downtown. Mr. Huskey provided background information on Social Districts and the driving force behind them. Ms. Eaddy shared some of the economic development opportunities that social districts can provide.

Mayor Hatley opened the meeting up for public comment. A total of thirty-five individuals signed up to speak to the item, some in favor, and some against. There was a consensus among members to allow each speaker two (2) minutes to voice their opinion. There were also a number of petitions submitted that contained the names of those opposed to the creation of a Social District.

Councilmember Kevin Demeny made a motion to close the Public Hearing. Members voted 4-0 in favor of the motion.

Councilmember Roby Jetton made a motion to deny the request. Members voted 2-2 in favor of the motion with Jetton and Tipton voting in favor and Demeny and Poinsette voting against. Mayor Hatley broke the tie by voting against the motion to deny. City Clerk Daphne Ingram confirmed that the motion to deny fail 3-2.
Councilmember Christine Poinsette made a motion to approve the Social District from Thursday – Saturday and review again in six (6) months. A lot of discussion was generated regarding days and times to be allowed.

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Councilmember Demeny asked for a point of clarification regarding what will happened at the end of the six months. Mayor Hatley expressed his objection to Sunday being a part of the allowable days and his opinion on limiting the timeframe allowed but pointed out that his affirmation to Councilmember Poinsette's motion. Councilmember Jetton also asked for clarification on the motion. City Manager Ritchie Haynes reminded Council of their authority to amend the ordinance as they see fit, whenever they see fit. Councilmember Poinsette restated her motion, clarifying the days being Thursday – Saturday, 11:00 a.m. to 11 p.m. Mayor Ed Hatley repeated the motion to approved the Social District Thursday – Saturday, 11:00 a.m. to 11:00 p.m. and review in six months. Members voted 2-2 with Demeny and Poinsette voting in favor and Tipton and Jetton voting against. Breaking the tie, Mayor Ed Hatley voted in favor of the motion. Motion passed 3-2.

CZ-13-23

Application from Jonathan Hoyle requesting a conditional district rezoning of 3.05 acres of land from GMC to TID District to construct a housing development. The subject property is located on the east side of South Edwards Street, approximately 450 feet south of the intersection of South Edwards Street and East Main Street (Parcel ID 00621)

Mayor Ed Hatley opened the public hearing recognizing Jean Derby, Planning Director, to speak to the item.

Ms. Derby reminded council that item was heard in January and was tabled to get additional information. She reviewed the existing zoning and the proposed zoning and the proposed use. Ms. Derby provided and aerial view of the property, as well as street views and an overview of the property. She went over the site plan and the floor plan. She reminded council members that the units will be ADA compliant, that there will be a property manager and that the units will be for working individuals and families that are at or under the poverty level with proof of income and employment. Ms. Derby advised that the Land Use Plan would need to be amended to the residential high density planning area. She did not review the staff comments and conditions of approval since that was done at the January meeting, but she did reminded members that a statement of consistency and reasonableness would need to be adopted whether approved or denied.

A number of individuals were in attendance in support of the project. Alisha Friday addressed council requesting approval of the rezoning. She spoke to working with her "team" to answer the questions members had and offer to answer any additional questions. Some discussion was generated among

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council, staff and the applicants. Attorney Rob Brown informed that he will be working with the group on the project. Mr. Brown spoke to the question of the restrictive covenants for the project, and several things that he will be handling on the legal side. There were three individuals that signed up to speak. All spoke in support of the request. Mr. Keith Poston read a statement from Rhonda Hager, also in support of the project.

Councilmember Tipton made a motion to close the public hearing. Members voted 4-0 in favor of the motion.

Councilmember Jetton made a motion to approve the project as recommended by the Planning Board. Members voted 4-0 in favor of the motion.

CZ-2-24
Application from Morris Long requesting a conditional district zoning map amendment from Central Business Transitional (CBT) to Transitional Infill Development (TID) for the purpose of building four duplex units on 0.733 acres of land. The subject property is located at the northwest corner of North Fling Street and East Main Street (Parcel ID 00670)

Mayor Ed Hatley opened the public hearing recognizing Jean Derby, Planning Director. Ms. Derby spoke to the item, reminding members that the rezoning request came before council a year ago. Ms. Derby reviewed the details of the request, providing the site location, the current zoning, the proposed zoning and the proposed use. She showed and aerial of the site, and street views of the lot and the site plan that was originally submitted. The side and front elevations were displayed, as well as a graphic showing the front of the units. Ms. Derby pointed out that as a condition of approval, the units will not be rental units. Each lot will be subdivided and sold.

Ms. Derby continued, pointing out that the Land Use Plan supports the project, she directed member's attention to the many staff comments and conditions of approval. She read through both the statement of consistency and reasonableness for approval and denial. She also informed that Planning Board voted 5-2 in favor of the project with the condition that the front façade of the units on Main Street be brick veneer.

The applicant, Mr. Morris Long, was in attendance and spoke to council regarding the request. Mr. Long explained the difficulty getting a return on his

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investment if he used the lot for a commercial use. He also provided before and after pictures of a previous project... and conditions of approval and

Councilmember Jetton made a motion to close the public hearing. Members voted 4-0 in favor of the motion.

Prior to voting, Councilmember Roby Jetton expressed his concerns with potentially receiving request to rezone other lots along Main Street if this request is approved. In response to the question from Councilmember Jill Tipton, Mayor Hatley confirmed with the applicant's attorney that the lots will be owned.

Councilmember Demeny made a motion to approve the request. Members voted 3-1 in favor of the motion with Demeny, Poinsette and Tipton voting in favor, and Jetton voting against.

CZ-3-24

Application from Olga R. Epple requesting a conditional district rezoning of approximately 71.20 acres of land from R-e, R-15 and RMF to Planned Residential District (PRD) to develop a residential community consisting of 80 single-family detached dwellings and 107 attached townhomes. The subject property is located along Wilma Sigmon Road, adjacent to Lincoln Meadows Subdivision. (Parcel ID 01047, 17645 and a portion of 01049)

Mayor Ed Hatley opened the Public Hearing, calling on Planning Director Jean Derby to speak to the item. Ms. Derby reviewed the details of the request, explaining the proposed project actually being Phase II of the Lincoln Meadows development located along Wilma Sigmon Road. As Ms. Derby explained the existing zoning, the current use and the proposed use of the property. She referenced the an image of the project area, the proposed site plan, street views of the property and the overall plan for Phase I and II of the Lincoln Meadows from 2003. She also spoke to the staff report presented to City Council March 6, 2003, reminded that the rezoning request was approved.

Ms. Derby explained that the property is currently shown in the Neighborhood Business area, with a portion in Mixed-Use Residential/Commercial Planning area on the Land Use Plan, therefore staff does view this project as consistent with the Land Use Plan. She reference/strolled through the many staff comments and conditions of approval before ending with the proposed

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statements of consistency and reasonableness. Ms. Derby informed that Planning Board voted 7-0 in favor of approval of the project.

Attorney Rob Brown with Jonas Law Firm, addressed Council on behalf of the owner/applicant. He provided a short presentation giving the history of the project and explained in detail the proposed changes, noting the reduction of 40 lots from the original plan. Mr. Brown reviewed the highlights of the proposed site plan, pointing out a number of the changes, the improvements that are being proposed and the potential amenities that will be offered. He spoke to a projected construction timeline and displayed some potential renderings and elevations of the house plans.

Mayor Hatley invited public comment on the request. Three members of the public expressed their views. No one expressed any opposition to the project.

Councilmember Demeny made a motion to close the public hearing. Members voted 4-0 in favor of the motion.

Councilmember Demeny made a motion to approve the request. Members voted 4-0 in favor of the motion

REGULAR AGENDA:

Application from BBC Clark Creek LLC for completion of Improvements for Clarks Creek Landing (Parcel ID 15415)

Planning Director Jean Derby addressed Council regarding a request to accept subdividion infrastructure contract and surety bond. Ms. Derby explained that, as mentioned before, a final site plan can not be recorded unless the infrastructure is in. But that the City Ordinance has a provision that allows for a surety bond to be utilized which will allow the final site plan to be recorded before the work is completed. She informed that the bond has been submitted and that staff does recommend approval for the amount listed in the packet.

Councilmember Jetton made a motion to approve the request. Members voted 4-0 in favor of the motion

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C-05-24
Consideration of Contract/Agreement for Engineering Services for proposed City Park Improvements

Public Services Director Nathan Eurey addressed council seeking their consideration and approval for entering into an agreement with McGill and Associates for engineering services for the City Park project. Mr. Eurey spoke to the good working relationship the city currently has with the company and reminded members of previous work they have done for the city. He referred to this step, construction design, as being the next step in the process and offered to answer any questions. In response to a question from Mayor Hatley, Mr. Eurey reviewed some of the information in the contract for clarification. ***(the aforementioned document is attached to and made part of these minutes)***.

Councilmember Poinsette made a motion to approve the request for engineering. Members voted 4-0 in favor of the motion.

C-06-24
Consideration of Display Proposal and Contract from Pyro Shows East Coast for July 4th 2024 Fireworks Show

City Manager Ritchie Haynes presented and requested approval for the display proposal and contract for the 2024 July 4th fireworks show. Mr. Haynes spoke to the longevity the city has working with this company and the great job they have always done. He also confirmed that staging will be done at City Park.

Councilmember Tipton made a motion to approve the request for the July 4th fireworks. Members voted 4-0 in favor of the motion.

OTHER BUSINESS

Manager's Report/ Update

City Manager Ritchie Haynes distributed a manager's activity report to the members of council. Mr. Haynes reminded council members of the budget retreat scheduled for Friday, March 15, 2024.

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NEWS MEDIA:

Mayor Hatley opened the floor for comments from the new media

ADJOURNMENT:

With no further business, Councilmember Christine Poinsette made a motion to adjourn the meeting. Members voted 4-0 in favor of the motion.

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