REGULAR MEETING – November 7, 2024

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

The following Council members were present and accounted for:

DEMENY POINSETTE TIPTON

NOTE: Councilmember Roby Jetton was not in attendance.

Mayor Ed Hatley called the meeting to order, asking everyone to stand for a moment of silence, followed by the pledge of allegiance.

Councilmember Jill Tipton made a motion to approve the REGULAR AGENDA as presented. Members voted 3-0 in favor of that motion.

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

- October 3, 2024 – Regular Meeting Minutes
- Lincoln County Tax Department – Request for Releases September 16, 2024 – October 15, 2024
- Retirement – Michael "Todd" Cochrane for 25 years of service

Members voted 3-0 in favor of the motion.

Prior to moving to the public comment portion of the meeting, Mayor Ed Hatley took a moment to acknowledge this being the last meeting for Councilmember Christine Poinsette as a councilmember, as she did not seek re-election. Mayor Hatley informed that she will be honored at the December council meeting but wanted to take a minute to speak to the excellent addition she has been to the council, as well as point out that she has been a good friend.

Councilmember Poinsette commented on what a pleasure and honor it has been to serve. She thanked the people of Lincolnton for having confidence in her and for electing her to serve.

PUBLIC COMMENT

Mayor Ed Hatley opened the floor for public comment. Three members of the public, Mr. Alan Hoyle, Mr. Trent Mason, and Dr. Sue Friguglietti, requested to address council. Individuals were all allotted 3 minutes to speak and express their thoughts on various topics

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PUBLIC HEARINGS

CZ-4-2024
CONSIDERATION OF AN APPLICATION FROM SAM'S EXPRESS CAR WASH REQUESTING A CONDITIONAL DISTRICT REZONING OF 4.02 ACRES OF LAND FROM PLANNED BUSINESS (PB) DISTRICT TO THE HIGHWAY COMNMERCIAL (HC) DISTRICT FOR THE PURPOSE OF CONSTRUCTING A CAR WASH WITH FUEL ISLANDS

Mayor Ed Hatley opened the public hearing and recognized Planning Director Jean Derby to speak to the item. Ms. Derby presented a summary of the zoning request explaining the existing zoning and the proposed zoning. She noted the current use as the former Homesteads restaurant and informed the proposed use as a new automated car wash with vacuums and fuel. She provided some detailed information about the applicant, Sam's Xpress Car Wash, as well as an ariel of the property, street views and a visual of what the car wash would look like. Ms. Derby provided a comparison between the restaurant and the car wash, which showed that the car wash would be a substantial water and electricity user for the city. The site plan was reviewed and land use plan compliance was addressed, noting staffs feeling that rezoning would be consistent with the future land use map.

Ms. Derby presented the conditions of approval as follows:

Planning Department- (704-736-8930)

1. Maximum 70% impervious surface area. Will need the actual calculations on the amount of impervious area.
2. A complete set of final civil drawings meeting all UDO requirements must be submitted and approved by all
departments before the site plan can be approved.
3. Development on the site is to be consistent with the above site plan and architectural renderings.
4. Building plans must be submitted and approved by Lincoln County Inspections prior to development.
5. Need to obtain demo permits from City Zoning and Lincoln County Building Inspections
6. In the area to the rear of the property, the City would like to see as many trees saved as possible and show on
the construction plans the trees that would remain.

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Fire Marshal - Gary Stevenson (704-736-5656)
1. Required to meet Appendix D of the Fire Code
2. Need to submit a demolition safety plan in accordance with chapter 33 of the North Carolina State Fire Code

Public Works - Nathan Eurey (704-736-8940)
1. A sidewalk, meeting the City of Lincolnton requirements, must be installed along the entire frontage of N.
Generals Blvd and connect to the existing sidewalk to the south.

NCDOT - Travis Jordan (704-748-2400)
1. No Driveway Permit needed
2. An encroachment agreement will be needed if the required sidewalk is placed on the NCDOT Right of way

Electric - Brent Turner (704-736-8940)
1. The construction work should not disturb the existing transformer and primary lines.
2. If a larger transformer or a different secondary voltage is needed, the customer will be responsible for the cost of the
replacement and any new transformer. This also applies to relocating the existing primary lines.
3. The City Electrical Department needs to evaluate a copy of the load calculated by the electrical engineer. City can verify the
transformer's KVA and secondary voltage upon request.
4. The customer is responsible for installing properly sized wire in properly sized conduit, meeting NEC requirements, to our
transformer.
5. No grading that would reduce the existing clearance from final grade to the depth of our existing primary wire is allowed.

City Water/Sewer - Todd Elmore (704-736-8940)
1. New connections will be required for City water and sewer. (Options below)
Water:
● There is an existing 2-inch water line supplying current meters. If a 2-inch meter is needed, it cannot be connected to
this line as it will cause pressure issues at the County Office and Murphy's.
● Alternatively, there is a 12-inch ductile water main across N General Blvd that can be connected to. However, DOT
encroachment will be required, and there will be a need to bore N Generals Blvd.
● There is also an 8-inch water main along the Tractor Supply building that can be connected to, but this will require
crossing the parking lot.
Sewer:
● Sewer is located in front of N. Generals Blvd and will require a grease/grit removal tank.

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Soil and Erosion - Danielle Rudisill
1. This project will require an EC plan to be submitted for review and approval to Lincoln County prior to any grading.

Ms. Derby stated that staff does feel that the request is consistent and reasonable with the land use plan. She noted that the Planning Board unanimously voted in favor of recommending the project for approval and recommended the following action:

1. Recommend approval of rezoning of the property from Planned Business to Highway Commercial (CD)

2. Approval of the statement of consistency for approval of the rezoning request

3. Zoning be effective upon receipt of signed conditions of approval.

The applicant was in attendance but did not wish to address council.

Councilmember Jill Tipton made a motion to close the public hearing. Members voted 3-0 in favor of the motion.

Council member Kevin Demeny made a motion to approve as recommended by the staff. Members voted 3-0 in favor of the motion.

PARKS & RECREATION POLICIES AND PROCEDURES MANUAL REVISION – SECTION II

Mayor Ed Hatley recognized Public Services Director Nathan Eurey, to speak to this request. Acknowledging the joint effort that went into updating the policy, Mr. Eurey asked Human Resources Director Tanya Osborne to join him as he presented the policy revisions to be considered.

He explained that the request is being made to address the unforeseen negative effect previous action taken regarding the section of the policy which gives definitions for the Head Coach and Assistant Coach, as well as establishing age limits for the volunteers.

Mr. Eurey informed that the City Attorney has been consulted and weighed in on the issue. The potion of the policy revised was presented as follows:
DEFINITIONS:
Head Coach - The City of Lincolnton recognizes a head coach as an adult or teen, 18 or older, who is responsible for scheduling and organizing practices, attending all practices

and games, providing guidance to participants, and teaching skills to participants. The Head Coach is the primary contact with department staff regarding team or player issues, and agrees to learn and follow all league rules and policies.
Assistant Coach - An Assistant Coach is an adult or teen, 18 or older, and is recognized as being one who attends more than two practices or games during a season for the purpose of providing guidance and teaching skills to the participants. The Assistant Coach is responsible for organizing and scheduling practices in the Head Coach's absence. The Assistant Coach is the secondary contact with Parks and Recreation staff regarding team or player issues and agrees to learn and follow all league rules and policies. Exception: There are occasions when a 16 or 17 year old teen may wish to volunteer and serve as an Assistant Coach. In these instances, the Assistant Coach may not conduct team activities without the presence of the Head Coach unless a Park and Recreation staff member, 18 or older, is on the premises.

Mr. Eurey stressed that the guidelines would continue to be followed regarding the Head Coach, with the exception only involving the assistant coach. He stressed the stipulations, noting that they would be supervised by an adult 18 or older in both instances. Ms. Osborne expressed the value in allowing the younger people to get involved and participate, while making sure that the city is protected.

There was discussion regarding the request, with several council members voicing their opinions and concerns. City Attorney John Friguglietti spoke to matter and commented on the liability standpoint, stating what he felt is a good compromise that protects the city and protects the children. City Manager Ritchie Haynes also spoke to the matter, providing additional information on the volunteer coaches and the difficulty in getting them. Mr. Haynes stated that this issue developed due to the policy change, as 16 and 17 year olds have been employed by the city for years. He also brought out the additional benefit of the experience and knowledge the teens have due to their own involvement in playing the sport.

Human Resources Director Tanya Osborne explained the process and the steps that must be taken to be a volunteer, stressing the due diligence involved. The City Attorney added his support, giving it a thumbs up, stating it is a good way to solve the issue. Mayor Hatley voiced his appreciation to staff for allowing high school students the opportunity.

Councilmember Kevin Demeny made a motion to approve. Members voted 2-1 in favor of the motion with Councilmember Demeny and Councilmember Poinsette voting for and Tipton voting against.

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REVIEW/UPDATE ON SOCIAL DISTRICT

City Manager Ritchie Hayne gave an update on things regarding the Social District since set in place six months ago. Mr. Haynes reported that the district has been discussed at the morning meet ups with the Downtown Development Association and the merchants. No issues were reported. He also reported that the City has had zero complaints or issues.

Mr. Haynes stated upon meeting with the participants (those serving the drinks), they reported no issues or complaints but did mention possibly going to seven days but not serving until 1:00 pm on Sunday, with the other days staying at the regular time.

There was some discussion regarding serving during special events. Mr. Haynes informed that he feels that the Social District committee should meet with DDA to discuss the topic. He did stress that he did not feel that it should be utilized during July 4th, Apple Festival, the Christmas parade and the Apple Drop event.

Councilmember Demeny stated his desire to extend the days so that there will be less confusion about what's going on and when it is happening. He continued saying that the general consensus seems to be to add Monday, Tuesday and Wednesday, and leave Sunday off the books. City Manager Ritchie reminded that amendments/revisions can be made anytime. He advised that adding the days would need to be in the form or a motion.

Councilmember Christine Poinsette made a motion to extend the Social District to Monday through Saturday. Members voted 2-1 in favor of the motion with Councilmember Demeny and Councilmember Poinsette voting in favor and Councilmember Tipton voting against*. Mayor Ed Hatley expressed his affirmative vote in favor of the motion for the record.*

City Manager Ritchie Haynes updated members on some of the future plans regarding ordering permanent signage for the district, as well as possibly using sidewalk stenciling and additional trash containers if needed. He gave an update on the status of the designated cups noting that vendors will be responsible for ordering their own replacements cups going forward.

CONSIDERATION OF REQUEST FROM LINCOLN LANDMARKS

City Manager Ritchie Haynes presented a request from Ms. Beth Yarbrough with Lincoln Landmark regarding a funding request in the amount of $2,000.00. Mr.

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Haynes reminded Council that Ms. Yarabrough did not have a need at the time the requests were to be submitted, but she did ask for permission to be able to request funds if a need arose for the building or the grounds during the fiscal year. He explained that due to issues they are currently having with the grounds, they would like to install an irrigation system which will help preserve this historic landmark. The $2,000.00 request will be used to pay for the water tap they are needing for the irrigation system.

Councilmember Jill Tipton made a motion to approve the request from Lincoln Landmark. Members voted 3-0 in favor of the motion.

RE-ORGANIZATION – COMMITTEE/ COUNCIL/CHAIRPERSONS

Mayor Ed Hatley reminded members of the re-organization that will take place during next month's Special Meeting. He encouraged them contact him regarding any committee they are interested in serving on. He stated that they will also need to elect Mayor Pro-Tem.

MANAGER'S ACTIVITY REPORT/UPDATE

City Manager Ritchie provided members with information to review. He noted several dates for them to be aware of which include the Veterans Day holiday as well as the Thanksgiving holiday and the Christmas Parade and Tree Lighting taking place on December 1st. Mr. Haynes concluded with several employee acknowledgments, accomplishments, certifications and awards. He also recognized those that have participated in cleanup in the mountains and those who donated to the Lake Lure Charter School.

Mr. Haynes publicly thank everyone who volunteered to help our neighbors and all those that participated with the Apple Festival event. He also spoke to the veteran banners and thanked all those that make that happen each year. The monthly homeless report was mentioned and an undated housing report. Mr. Haynes briefly spoke to the Placer AI that was used to track individuals in our downtown during events.

Mr. Haynes proposed that the 2025 Budget Retreat be held on April 11th. He asked members to check their calendars to confirm. He concluded with a reminder about the Special Meeting on Wednesday, November 13th. There was some discussion generated regarding the Christmas lights and Santa's Village.

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NEWS MEDIA

Staff reporter Mike Powell asked for clarification on a several things discussed. He also had a question regarding the grant awarded to the police department.

CLOSED SESSION

Councilmember Jill Tipton made a motion to go into closed session. Members voted 3-0 in favor of the motion.

ADJOURNMENT

Councilmember Kevin Demeny made motion to adjourn. Members voted 2-0 in favor of the motion.

DAPHNE INGRAM, CMC	**ED HATLEY**
CITY CLERK	**MAYOR**

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