REGULAR MEETING – APRIL 3, 2025

The Lincolnton City Council met in Regular Session on Thursday, April 3, 2025, 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 JOHNSON TIPTON JETTON

Mayor Ed Hatley called the April 3rd City County meeting to order asking all to rise for the moment of silence, after which members in the audience joined in reciting the pledge of allegiance.

Councilmember Jill Tipton made a motion to approve the REGULAR AGENDA as submitted. Members voted 4-0 in favor of the motion.

Councilmember Kevin Demeny made a motion to approve the CONSENT AGENDA items as follows:

- March 6, 2025 – Regular Meeting Minutes
- Lincoln County Tax Department – Request for Release for February 16, 2025 – March 15, 2025
- Proclamation – Line Worker Appreciation Day 2025

Members voted 4-0 in favor of the motion.

SPECIAL PRESENTATION

Chief Brian Greene and Major Dewayne McAllister presented Hunter White with his Intermediate Law Enforcement Certificate from the North Carolina Criminal Justice Education and Training Standards Commission. Chief Greene explained that eligibility is based on education, professional training and work experience as law enforcement. Hunter was congratulated for his hard work and dedication to need to obtain the certificate.

Chief Greene also informed members of council of the special badges officers may be wearing in recognition of autism.

PUBLIC COMMENT

Mayor Ed Hatley opened the floor for public comments. There were four individuals that addressed the council during this portion of the meeting as follows:

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Jedi Lykins	610 Grier Street, Lincolnton, NC
Frank Keenan	619 Victor Street, Lincolnton, NC
Gunny Hoyle	319 N. Poplar Street, Lincolnton, NC
Trent Mason	207 Mockingbird Lane, Lincolnton, NC

Individuals were given three (3) minutes to express their views and opinions on a variety of issues.

PUBLIC HEARING

CZ-2-2025
Application from Lorrie V. Jones requesting a Conditional District Rezoning of 0.36 acres of land from Residential-10 (R-10) District to the Neighborhood Business Conditional District (NB-CD) District for the purpose of using a portion of the existing church for a hair salon. The subject property is located at 416 Louise Avenue (Parcel ID 01233)

Mayor Ed Hatley opened the public hearing. Planning Director Jean Derby reviewed the application for a rezoning request at 416 Louise Avenue. Ms. Derby explained the existing zoning, the current use and the proposed use. She provided some background information on the property, stating that although the church is a non-confirming use, it is allowed to continue. An aerial view and street views of the property were displayed, along with a visual provided by the applicant showing the portions of the church that would be used for the salon. She also provided relevant information about the business, the stylist and their hours of operation. Ms. Derby listed some pertinent ordinance information regarding the allowed uses in the R-10 zoning district. She noted again that the church is a non-conforming use but can continue in accordance with the provisions in the subchapter. She also informed that a non-conforming use cannot be expanded. Ms. Derby stated that the business district most suited for this request would be the Neighborhood Business District, which allows both beauty shops and churches. She continued speaking to land use plan compliance stating that if approved, the parcel would need to be amended on the land use map. Ms. Derby reminded that because the request is a conditional zoning, the beauty shop would be the only thing allowed. She reviewed the conditions of approval if approved.

The applicant, Lorrie V. Jones, was in attendance and addressed council members regarding the request. Mrs. Jones apologized for unknowingly violating the city's zoning ordinance and asked board members to forgive her ignorance, as she honestly just did not know. She explained that once she became aware of the violation, the

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salon was closed and will remain closed until a decision is made. Mrs. Jones spoke to the type of establishment she operates and the clients they serve. She spoke to the neighborhood and how her business will in no way harm or negatively impact the property or the residents. Mrs. Jones respectfully asked members of the council to approve the request.

A number of people signed up to speak both in favor of and against the request. Felicia Simmons, Dorthea Jolly, Jamel Farley, and Angela Charles spoke in favor of the request and spoke to the character of the owner and the other stylist. All talked about the positive atmosphere and influence that Mrs. Jones and the other stylist have on their clients. They expressed their belief that the salon would have a positive impact on the neighborhood.

Ben Robinson, Ann Howell and Frank Keenan all spoke in opposition to the rezoning request, voicing their concerns. They stated that they felt it would bring unwanted traffic and that it would negatively affect the neighborhoods atmosphere by allowing a business to operate out of the church.

Mr. Anthoney Bynum, the pastor of the church and owner of the property, was in attendance and spoke on behalf of the applicant. Mr. Bynum stressed that fact that a church itself is a business and that this would simply be an extension of the work and services they provide for their members and others they help.

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

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

ZMA-2-2025
Application from Danny B. Dellinger Jr. requesting the rezoning of approximately 21.56 acres of land from General Manufacturing and Commercial (GMC) District to the Residential-25 (R-25) District. The subject property is located to the south of Carolina Mill Circle (Parcel ID 53616)

Planning Director Jean Derby began by informing council members that she received a message from the applicant changing his request from a Zoning Map Amendment to Conditional Zoning. With that being said, and after speaking with the City Attorney and the Planning Board Chair, Ms. Derby made the change as requested. She informed members of the applicants intended use of the property, which will be used for a single family home. Ms. Derby reviewed the request as Conditional

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Zoning, speaking to the existing zoning, proposed zoning and current use. She provided detailed site information and a list of uses currently allowed on the proposed property.

Ms. Derby reviewed the Technical Review Committee comments from past potential commercial projects. She spoke to Land Use Plan compliance and to the staff comments, stating that the only condition of approval was that the lot be used for a single family home. Ms. Derby provided the proposed statement of consistency, one for approval and one for denial, advising that the Planning Board approved the request 5 to 1. In conclusion, Ms. Derby clarified what actions would be needed depending on what action was taken, approval or denial.

Mayor Ed Hatley recognized Mr. Christian Smith, who initially wanted to speak against the rezoning request. Since the applicant changed his request and since the use will be for a single-family home, Mr. Smith withdrew is opposition.

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

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

ZTA-1-2025
Consideration of Request from Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Planning Director Jean Derby addressed council members regarding several text amendments to the City's Code of Ordinance. Ms. Derby explained that these are the same amendments that were tabled at the March meeting at the request of the council. She offered to answer questions or clarify any of the information regarding the amendment. Ms. Derby provided a more detailed explanation for the requested change to the extension for variances that could have been seen as confusing. She also emphasized that all of the other changes were administrative things to "clean up" and organize the sections. She concluded by reading a proposed statement of consistency and reasonableness.

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

Councilmember Mark Johnson made a motion to approve the zoning text amendment as presented. Members voted 4-0 in favor of the motion.

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REGULAR AGENDA

C-08-25
Consideration of Approval of Contract for Audit Accounts for Fiscal Year 2024-2025

Finance Director Pamela McBryde addressed the council to request approval of a contract between the City of Lincolnton and Lowdermilk Church & Co., LLP for the fiscal year 2024-2025 audit. Ms. McBryde explained it as the standard audit contract that must be submitted to the Local Government Commission (LGC) once approved by Council. She reminded member that this has to be done, per General Statute, prior to the work being done. Ms. McBryde offered to answer any questions.

Councilmember Roby Jetton made a motion to approve the recommendation (contract). Members voted 4-0 in favor of the motion.

BA-04-25
Budget Amendment to the Annual Budget Ordinance for Fiscal Year 2024/2025

Finance Director Pamela McBryde presented an amendment to the annual budget ordinance for fiscal year 2024/2025 for Council's approval. Ms. McBryde informed that the amendment would be adding over $507,000 to the budget. The requested amendment is as follows:

BE IT ORDAINED by the Governing Board of the City of Lincolnton, North Carolina, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2025.

Section 1: To amend the General Fund, the expenditures are to be changes as follows:

General Expense	$	297,043
Police		5,300
Fire		150
Solid Waste		1,920
Planning/Zoning		9,011
Recreation		20,772
	$	334,195

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Section 2: To amend the General Fund, the revenues are to be changed as follows:

SW: Rollout Fees	$	1,920
General: Cemetery Lot Sales		1,600
PD: Sidewalk Café Permit		35
PD: Misc. Revenue		5,265
P&Z: Zoning Department Fees		9,011
FD: Inspection Fees		150
Rec: Registration & Entry Fees		20,552
Rec: Rental Fees		119
General: Interest		100,334
General: Misc. Rev-Contributed Property		25,766
General: Sale of Capital Assets		1,399
General: Misc. Revenue		165,038
General: Insurance Settlement		1,958
General: Repair Settlement		431
General: WEX-Fuel Rebates		517
Rec: Veterans Banner Project		100
General: Federal Equitable Deposits		0
	$	334,195

General Fund: Misc Revenues for the Parks & Recreation, Police, Fire, P&Z and Solid Waste departments, Hollybrook Cemetery sales, Interest income, Insurance/Repair Settlements from: NCLM - PD; Officer Darius Collins hit a deer payment #2), Wex fuel rebates, FEMA reimbursements, donation of Trackless Train from DDA/LTDA, & Federal Equity Interest income.

Section 3: To amend the Powell Bill Fund, the expenditures are to be changes as follows:

Powell Bill Construction/Other	$	2,845

Section 4: To amend the Powell Bill Fund, the revenues are to be changed as follows:

Investment Income	$	2,845
	$	2,845

Powell Bill Fund: Record interest income earned.

Section 5: To amend the Water and Sewer Fund, the expenditures are to be changes as follows:

Water Treatment Plant	$	15,108
Distribution and Collection	$	66,941
Wastewater Treatment Plant		10,373
	$	92,421

Section 6: To amend the Water and Sewer Fund, the revenues are to be changed as follows:

Investment Income	$	60,901
Connection Charges		5,560
Other Operating Revenues		25,960
	$	92,421

Water and Sewer Fund: Carolina Elite Builder, Mejia Restoration, Reesebuilt Contracting, & Paul Kraemer connection fees, Water tank rental fees (Lee and McAllister tanks), FEMA Reimbursement, miscellaneous fees, and Interest income earned.

Section 7: To amend the Electric Fund, the expenditures are to be changes as follows:

Electric Operations	$	77,694

Section 8: To amend the Electric Fund, the revenues are to be changed as follows:

Investment Income	$	43,472
Other Operating Revenue		34,222
	$	77,694

Electric Fund: Interest income earned, Insurance Settlements: (1) Erie Insurance - Chevy hit utility pole; (2) Federated Mutual Insurance - International truck hit utility pole, FEMA Reimbursement, and Utility receivables.

Section 16: Appropriations are authorized by fund totals. The City Manager is authorized to reallocate fund appropriations among line item objects of expenditures and revenues as necessary during the budget year.

Section 17: Copies of this Budget Ordinance shall be furnished to the Clerk to the Governing Board and to the Budget Officer and Finance Director to be kept on file by them for their direction in the disbursement of funds.

TOTAL AMENDMENT	$	507,155

Adopted this 3rd day of April, 2025

Attest:

Daphne Ingram City Clerk	Edward L Hatley Mayor

Ms. McBryde offered to answer any questions regarding the amendment.

Councilmember Kevin Demeny made a motion to approve the Budget Amendment to the annual Budget Ordinance. Members voted 4-0 in favor of the motion

OTHER BUSINESS

O-01-25
Consideration of Request to Approve Amendment to Public Art Ordinance

City Manager Ritchie Haynes addressed the council requesting an amendment to the Public Art Ordinance to help streamline the process regarding projects on the Rail – Trail and at First Federal Park. Mr. Haynes provided some history regarding the reason for the ordinance and explained that any "art" for First Federal Park and the Rail-Trail is being reviewed by the Recreation Commission and the Rail Trail Committee before it comes to City Council. Mr. Haynes recommended excluding the Marcia Cloninger Rail Trail and First Federal Park from the Public Art Ordinance since they have oversight by two other committees. There was some discussion between members and staff regarding the change.

Councilmember Jill Tipton made a motion to keep the Public Ordinance the way that it is. Members voted 4-0 in favor of the motion.

2025 July 4th Celebration Fireworks Contract

City Manager Ritchie Haynes requested that this item be scratched from the agenda. He informed members that he would request approval of the fireworks contract for the 2025 July 4th celebration at a later date. No action was taken.

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Manager's Report / Activity Update

City Manger Ritchie Haynes reviewed his monthly manager's report. He reminded members of the dates for a number of upcoming activities and events, including First Friday Recycling and the Annual Budget Work session scheduled for Friday, April 11, 2025. He mentioned the Cruise In, also scheduled for April 11th, 2nd Saturday Shop local and the Student Advisory Councils Color Run.

Mr. Haynes made a point to highlight the City Page newsletter, announced the two newly hired police officers, informed of several promotions that took place, as well as different certifications that were obtained. Mr. Haynes provided a copy of the Homeless Report that is submitted by the police department. He gave a brief overview of the agenda for the upcoming budget work session meeting, spoke to the housing report, commented on the excellent job that the Street Department is doing on the sidewalks currently being repaired in the downtown area and recognized the 18th as Lineman Worker Appreciation Day Mr. Haynes ended his report by directing Councils attention to the action item spreadsheet included in the report. He offered to answer any questions.

NEWS MEDIA

Mayor Ed Hatley recognized all news media that were in attendance, opening the floor for questions they had. Several questions were asked and answered.

ADJOURNMENT

Mayor Ed Hatley asked for a motion to adjourn the meeting. **Councilmember Jill Tipton made the motion. Members voted 4-0 in favor of the motion.**

Meeting adjourned at 8:56 p.m.

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

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