

REGULAR MEETING - March 3, 2022

The Mayor and City Council met in regular session on Thursday, March 3, 2022 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton North Carolina.

Mayor Ed Hatley called the meeting to order with a moment of silence, after which he led the Pledge of Allegiance. The following members were in attendance:

WHITE POINSETTE EADDY JETTON

Mayor Ed Hatley pointed out several additions to the consent agenda. The first being a resolution of intent, as well as a request from Dr. Allen with Lincoln County Schools for a letter of support.

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

With noted additions to the consent agenda, Councilmember Poinsette made a motion to approve the CONSENT AGENDA as follow:

- **Approval of Minutes from the February 3 , 2022 Regular Meeting**
- **C-02-22 - Contract with East Coast Pyrotechnics for the 2022 Fireworks Display**
- **C-03-22 - Lincolnton Food, Wine and Brew Fest Alcohol Contract - April 9, 2022**
- **C-04-22 - 2022 Alive After Five Concert Series - May 26th, June 23rd, July 28th, August 25th & September 22nd.**
- **Request for Letter of Support from Dr. Allen with Lincoln County Schools**
- **R-03-22 - Resolution of Intent to Consider the Closing of a Street/Alley as follows:**

A RESOLUTION DECLARING THE INTENTION OF THE LINCOLNTON CITY COUNCIL OF THE CITY OF LINCOLNTON TO CONSIDER THE CLOSING OF AN ALLEYWAY BETWEEN ROSS STREET AND DALE AVENUE

WHEREAS, G.S. 160A-299 authorized the Lincolnton City Council to close streets and public alleys; and

WHEREAS, the Lincolnton City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of the remaining portion of the alleyway located off of East Main Street, between Dale Avenue and Ross Street;

NOW, THEREFORE, BE IT RESOLVED by the Lincolnton City Council that:

- (1) A meeting will be held at 7:00 p.m. on the 7th day of April, 2022, in the City Hall Council Chambers to consider a resolution closing the alleyway located off of East Main Street between Dale Avenue and Ross Street
- (2) The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in the Lincoln Times News, or other newspaper of general circulation in the area.
- (3) The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.
- (4) The Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

This the 3rd day of March, 2022

Members voted 4-0 in favor of the motion

PUBLIC HEARINGS

Councilmember Ponsiette made a motion to open the first of three public hearings. Members voted 4-0 in favor of the motion.

Mr. Wesley Deaton, with Deaton Law Firm, spoke on behalf of Goodsonville Properties, LLC requesting the closure of section of an alley between Ross Street and Dale Ave. Realtor Will Poteat gave sworn testimony regarding the request stating that in his expert opinion the closure is not contrary to the public interest and that it will not deprive reasonable ingress and egress to their property. Resolution is as follows:

R-01-22

A RESOLUTION DECLARING THE INTENTION OF THE LINCOLNTON CITY COUNCIL OF THE CITY OF LINCOLNTON TO CONSIDER THE CLOSING OF AN ALLEYWAY BETWEEN ROSS STREET AND DALE AVENUE

WHEREAS, G.S. 160A-299 authorized the Lincolnton City Council to close streets and public alleys; and

WHEREAS, the Lincoln City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of the alleyway between Ross Street and Dale Avenue;

NOW, THEREFORE, BE IT RESOLVED by the Lincoln City Council that:

- (5) A meeting will be held at 7:00 p.m. on the 3rd day of March, 2022, in the City Hall Council Chambers to consider a resolution closing the alleyway between Ross Street and Dale Avenue.
- (6) The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in the Lincoln Times News, or other newspaper of general circulation in the area.
- (7) The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.
- (8) The Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

This the 3rd day of February, 2022

Mr. Anthony Morrison and Mr. Danny Tolbert requested to address council. Both voiced their desire for the entire alley to be closed, not just a portion. City Manager Ritchie Haynes confirmed that notification has been received and the request for remaining portions to be closed will come before council at the April meeting.

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

**Councilmember Eaddy made a motion to approve the request to close the alleyway.
Members voted 4-0 in favor of the motion.**

ZMA-1-2022

Application from Ronald G. Leonhardt requesting the rezoning of 1.534 acres of land from NB, R-8, and R-10 to General Business (GB) District. The subject property consists of four lots starting at the southwest corner of West Main Street Extension and Riverside Drive and runs approximately 500 feet west down Riverside Drive. (Parcel ID 19322, 16335, 20743 and 15888). A portion of Parcel ID 19322 is located on the south side of Riverside Drive.

Councilmember Eaddy made a motion to open the public hearing. Members voted 4-0 in favor of the motion. Mayor Ed Hatley recognized Laura Elam to present the request.

Mrs. Elam began by giving a overview of the request from Mr. Ronald Leonhardt, to rezone the property in question from Neighborhood Business and Residential-8 to General Business. Mrs. Elam pointed out the current uses of the surrounding properties in the area and the potential impact this proposed rezoning could have. She also

presented a chart showing the permitted uses under the different zoning categories. In terms of the Land Use Plan, Mrs. Elam informed that the entire site is a Neighborhood Business planning area, which are designed for small business clusters that cater to the needs of a small trading area. She continued that such areas are not designed to be citywide commercial destination spots. In contrast, the land use plan notes that General Business planning areas contain heavy commercial uses. Mrs. Elam stated that given the nature of the uses in these areas, aesthetics should play a role in how and where such uses should develop and/or expand. Therefore from staff prospective the proposed request for General Business zoning is not consistent with the land use plan.

Mrs. Elam informed that the request was discussed at length by the Planning Board and ultimately recommended denial of the request. She noted that it was a three to one split vote to recommend denial. She also shared the reasons why denial was recommended as follows:

- the lack of any other GB zoning in the nearby area
- the absence of a specific development proposal does not allow for an assessment to the impact to the area
- the noise associated with a potential 24 hour a day business as permitted in GB
- the unknown traffic impact from general business type uses
- the unknown impact on the surrounding neighborhoods

With no questions from council members for Mrs. Elam, Mayor Hatley opened the floor for those wishing to speak regarding this request.

Teresa Holloway, 622 West Water Street Ext., spoke in opposition to this request. Ms. Holloway expressed her concern with the negative impact this rezoning will have on the neighborhood. She voiced her concern with the noise factor, as well as traffic volume, which has already increased.

Councilmember Poinsette 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 request. Prior to the vote, there was some discussion generated regarding the small parcel on the south side of Riverside Drive. **Motion passed three to one with Jetton, Eaddy and Poinsett e voting in favor of the motion , and White voting against .**

Councilmember Poinsette made a motion to approve the statement of consistency for approval of the request. Members voted in favor of the motion. (Councilmember White voted against the motion to approve the request)

Councilmember Eaddy made a motion to approve amendment of the Land Use Plan to show the property in the General Business planning area. Members vote d in favor of the motion. (Councilmember White voted against the motion to approve the request)

CZ-10-2021

Application from Prestige Acquisitions, LLC requesting the rezoning of approximately 24 acres of land from Residential-25 (R-25) to Planned Residential District (PRD) for the purpose of developing a community of Single Family detached housing (65 units). The subject property is a portion of property owned by New Vision Ministries located at 621 Clarks Creek Road (Portion of Parcel ID 15614). The portion requested for rezoning is located on the south side of Clark Creek Road adjacent to Clarks Creek and running approximately 800 feet to the west

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

Planning Director Laura Elam reviewed the request from Prestige Acquisitions, LLC. Mrs. Elam reminded council that the application was tabled at the December Council meeting to allow the applicant additional time to amend the request. Mrs. Elam informed that since that time, a community meeting has been held and modifications have been made to the site plans. A basic summary of the changes were reviewed. Mrs. Elam reminded members of the Planning Boards recommendation for approval from the last meeting.

Councilmember Eaddy clarified that there were not inconsistencies, and all notifications required for the request, both Phase 1 and Phase 2, were followed. In response to the question regarding cost for services to be provided to the proposed development, City Manager Ritchie Haynes provided council with projected revenue and expense amounts. Mr. Haynes informed that because the developer will be providing the utilities, which will then be turned over to the city, there would not be a large expense amount. There will be some expense coming from the water and wastewater plants. There will also be an upgrade to a lift station.

Mr. Haynes confirmed that the revenue from the taxes and tags would be recurring annually.

Attorney Rob Brown with Jonas Law Firm, spoke on behalf of the applicant, and gave a brief presentation of the Clark Creek Community Phase 2. Mr. Brown went over some details in reference to the community meeting that was held. As a result of the citizen input, Mr. Brown presented the revised plans for the Phase 2 project. He informed that the density, lot size, on street parking and traffic concerns have all been addressed. They are now proposing a 35% reduction of the project.

Fifteen individuals signed up to speak to this rezoning request. Of the fifteen, three individuals spoke in favor of the request. All others spoke in opposition of the request. Each person was given three minutes to express their concerns. The List of speakers were as follows:

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Greg McBryde -	For
Trent Mason -	For
Michael Isaacs -	Against
Steve Gibbons -	Against
David Armstrong -	Against
Vickie Gantt	Against
Jerry Uhryk	Against
Scott Mann	For
Leah Gibbons	Against
Nathan Allen	Against
Amber Sharpe	Against
Billy Payne	Against
Carolyn Haymes	Against
Kari Heavner	Against
Eric Leonard	Against

Some discussion was generated among staff and councilmembers, clarifying some of the details of the request including the fact that any annexation that takes place has to be voluntary so no one that has not requested to be annexed will be annexed.

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

Councilmember Jetton requested to speak and express his feelings and opinions regarding this item. Mr. Jetton stressed his desire to represent the wishes of the citizens.

Councilmember Jetton made a motion to deny the request for Phase 2. Jetton and White voted in favor of denying the request. Poinsette and Eaddy opposed the motion. Mayor Hatley announced his decision to vote for approval of the rezoning request.

Councilmember Eaddy made a motion to approve. Poinsette and Eaddy voted in favor of the motion. Motion passed three to two with Poinsette Hatley and Eaddy voting to approve the rezoning request.

Councilmember Poinsette made a motion to approve the statement of consistency. Motion approved

Councilmember Eaddy made a motion to approve amendment to the Land Use Plan. Motion approved

REGULAR AGENDA

Cyber Security Awareness Training Subscription

Chris Jones, IT Director, spoke to council regarding the issue of cyber security and adding a security feature. Mr. Jones presented information on KnowBe4, which is the world's largest security awareness training and simulated phishing platform that helps you manage the ongoing problem of social engineering. He confirmed that this training will be for both councilmembers and city staff.

Councilmember Poinsette made a motion to approve the request for the Cyber Security Training contract. Members voted 4-0 in favor of the motion.

Lease Agreement for Security Camera 's of City Property

Chris Jones, IT Director, reviewed the proposal in reference to the Tsunami security cameras to be installed at Betty G Ross park. He briefly explained what current and future plans for cameras throughout the city will look like, as well as informing the capabilities of the product. Both City Manager Ritchie Haynes and Business Director David Ramsey provided councilmembers with more of the details regarding this equipment and the company that builds them.

Councilmember Eaddy made a motion to approve the contract for the security camera's. Members voted 4-0 in favor of the motion.

OTHER BUSINESS

Manager's Report/Activity Update

Ritchie Haynes, City Manager, briefly addressed councilmembers regarding the upcoming budget/planning retreat scheduled for Friday, March 18th. Mr. Haynes spoke to the housing indicator provided by LEDA and how things are trending in the city, as well as mentioning the positive feedback received when visiting the downtown businesses with Officer Lafone, the new downtown officer, and Sgt. Green. Mr. Haynes again, encouraged councilmember to contact him with any issues they wish to discuss at the upcoming meeting.

PUBLIC COMMENT:

No request to speak

NEWS MEDIA:

No news media present

ADJOURNMENT:

Being no further business, Councilman Jetton made a motion to adjourn the meeting .
Members voted 4 -0 in favor of the motion

**DAPHNE INGRAM, CMC
CITY CLERK**

**ED HATLEY
MAYOR**