CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL MEETING
Monday, March 10, 2008
Mount Holly City Hall
7:00 pm

Call to Order
Mayor Robert Whitt called the meeting to order at 7:00 pm. The following were present:

Mayor Robert Whitt
Mayor Pro-Tem David Moore
Councilman Jerry Bishop
Councilman Frank McLean
Councilman Bennie Brookshire

Eric Davis, City Manager
Jamie Guffey, Assistant City Manager
Danny Jackson, Assistant City Manager
Councilman Perry Toomey
Dale Oplinger, Fire Chief
Greg Beal, Planner
James Friday, Director of Utilities
Mike Santmire, Utilities

Invocation
Reverend Stewart Baulding of the Mt. Holly Pentecostal Holiness Church led the invocation.

Pledge of Allegiance
Boy Scout Troop 59 of the First United Methodist Church in Mount Holly led attendees in the Pledge of Alliance.

Mayor Whitt offered condolences to Scoutmaster Rick Connell concerning the recent death of his mother.

Set the Agenda
Mayor Whitt asked for any changes or corrections to the agenda. Per the request of Mr. Davis, Mayor Whitt asked that *To Approve Change Order 62, Storm Drainage at the Citizens Center* be added as Item 4 under the under the **CONSENT AGENDA**.

Mayor Whitt requested that under **MINUTES**, to add the *Minutes from the Council Retreat on March 7 through March 8, 2008* prepared by Mr. Davis as Item 2.

Mayor Whitt asked that *Change Orders 59 and 63* be added under **NEW BUSINESS** as Item 2.

Mayor Whitt asked that under the **CONSENT AGENDA** that Item 3, *To Consider Final Plat Approval for Phase 1, Map 1 of the River Park Subdivision* be added to **NEW BUSINESS**, as Item 3 as there has been a question raised by Councilman Bishop on this item.

There being no other changes or additions to the agenda, Mayor Whitt entertained a motion to set the agenda as amended.

Motion: Councilman Moore made a motion to set the agenda as amended with Councilman McLean seconding the motion. The motion passed unanimously.

Mayor Whitt informed Council and attendees that Councilwoman Breyare will not be at the meeting this evening due to her father's serious illness and she is with her family tonight.

AGENDA

CONSENT AGENDA
Items on the Consent Agenda are as follows:

1. Reimbursement Resolution for the Linear Park Project.
2. To approve Budget Appropriations for the Fire Department
4. To approve Change Order 62, Storm Drainage at the Citizens Center

Mayor Whitt entertained a motion to approve the Consent Agenda as amended.

Motion: Councilman Bishop made a motion to approve the Consent Agenda as amended. Councilman McLean seconded the motion and the motion passed unanimously.

APPROVAL OF MINUTES
Mayor Whitt asked Mr. Davis that any minutes to be approved in the agenda package should be listed separately by their date under **APPROVAL OF MINUTES.**

Mayor Whitt asked Council for any corrections to the minutes of the February 11, 2008 City Council Meeting and the February 25, 2008 Council Work Session.

Councilman Toomey stated that there was a change on page 5 of the February 11, 2008 City Council Meeting minutes, third paragraph down, in the sentence that reads, "He (Mr. Fortner) added that the neighborhood is located in the downtown area and the speed limit in downtown is 20 mph posted but it is not posted in their neighborhood by Highland and Main" - should read *between* Highland and Main Street. Mrs. Roberts made note of the correction.

As there were no further corrections to the minutes, Mayor Whitt entertained a motion to approve the February 11, 2008 City Council minutes as amended and the February 25, 2008 Council Work Session minutes as presented.

Motion: Councilman Toomey made a motion to approve the February 11, 2008 City Council minutes as amended and the February 25, 2008 Council Work Session minutes as presented. Councilman Bishop seconded the motion and the motion passed unanimously.

Mayor Whitt asked for any corrections or changes to the minutes of the Council Retreat on March 7 through 8, 2008. There were none. Mayor Whitt entertained a motion to approve the minutes from the Council Retreat on March 7 through March 8, 2008 as presented.

Motion: Councilman Bishop made a motion to approve the minutes from the Council Retreat on March 7 through March 8, 2008 as presented. Councilman Toomey seconded the motion and the motion passed unanimously.

PRESENTATIONS

1. Boy Scout Proclamations, presented by Mayor Whitt and City Council
Mayor Whitt invited Council to join him on the floor for Presentations.

Mayor Whitt asked Charles Daniel Cloninger to join him and the Council as he read the City of Mount Holly Resolution congratulating him on achieving the rank of Eagle Scout. Mr. Cloninger's Eagle Scout project concerned solving a severe erosion problem at the Mount Holly Middle School that was undermining the foundation of the building. His project involved constructing a concrete path that would divert water flow and constructing a handrail for safety purposes. Mayor Whitt and Council members congratulated Eagle Scout Cloninger and his parents, Rusty and Marilyn Cloninger.

Mayor Whitt asked John Michael Connell to join him and the Council as he read the City of Mount Holly Resolution congratulating him on achieving the rank of Eagle Scout. Mr. Connell's Eagle Scout project concerned rebuilding a storage facility, building a restroom, and landscaping the perimeter around this building for his Church. Mayor Whitt and Council members congratulated Eagle Scout Connell and his parents, James and Theresa Connell.

Mayor Whitt asked Christopher Thomas Kiser to join him and the Council as he read the City of Mount Holly Resolution congratulating him on achieving the rank of Eagle Scout. Mr. Kiser's Eagle Scout project concerned eliminating an erosion problem of his Church by building three retaining walls, backfilling, seeding grass, and planting shrubs. Mayor Whitt and Council members congratulated Eagle Scout Kiser and his parents, Bill and Marie Kiser.

PUBLIC COMMENT – THREE MINUTE LIMIT

Mayor Whitt stated that the Public Comment period is a time for anyone who has signed up to address City Council for up to three minutes. If anyone is interested in speaking to Council, they should sign in on the sign up sheet on the Council Chamber door.

Mayor Whitt added that there is also a Public Hearing sign up sheet for the item, Voluntary Annexation by Michael Snyder, applicant, if anyone wishes to speak on this item at the Public Hearing portion of the meeting.

Mayor Whitt asked for the sign up sheet for the Public Comment Period. No one had signed up to speak at this time. A gentleman from the audience asked if he could speak during the Public Comment period but said he had not signed up. Mayor Whitt invited him to podium to speak and to give his name, address, and whether he lived in the City of Mt. Holly or outside the City limits.

Kirk Carter
3364 Marshall Wood Road
Kings Mountain, NC

Mr. Carter stated that he was a member of the Sons of Confederate Veterans. He was here tonight to respectfully ask City Council to consider proclaiming and honoring Jefferson Davis, President of the Confederate States of America, in the *Year of Davis*, a bicentennial year celebration (Jefferson Davis' date of birth was June 3, 1808). He also invited Council and the Mayor to learn more about southern history and Jefferson Davis.

Mayor Whitt thanked Mr. Carter for his comments.

Mayor Whitt invited Mr. Rick Painter to come up to the podium to speak as he had just arrived at the meeting and hurriedly signed in.

Rick Painter
123 Linbrook Dr.
Belmont, NC

Mr. Painter stated that Council knows him as a stickler for reporting burned out streetlights to them for the past 5 years. He stated that on Hwy. 27 and 273, there are lights burned out that have never been repaired since 2005 and the City of Mount Holly continues to pay the light bill on them ranging from $15 to $18 each light a month.

Councilman Brookshire told Mr. Painter that Council has recently discussed this matter. Mr. Painter said that he would gladly volunteer his time to help get this problem solved and suggested that Carrie Johnston at Little Rock Duke Energy division be contacted for this problem.

Mayor Whitt thanked Mr. Painter for this information.

Another gentleman from the audience asked Mayor Whitt if he could speak. He said that he did not sign up as he thought his representative had already done so for him at the City on another occasion. Mayor Whitt invited him to the podium.

Bill Starnes
5205 Clearwater Lake Road
Mt. Holly, NC

Mr. Starnes stated that he was also a member of the Sons of Confederate Veterans. He was here tonight with Mr. Carter to respectfully ask City Council to consider proclaiming and honoring Jefferson Davis, President of the Confederate States of America, in the *Year of Davis*, a bicentennial year celebration.

Mayor Whitt thanked Mr. Starnes for his comments.

PUBLIC HEARING

1. Voluntary Annexation by Michael Snyder, Applicant, presented by Danny Jackson, Assistant City Manager

Mayor Whitt entertained a motion to go out of Regular Session and into Public Hearing for the Voluntary Annexation by Michael Snyder, applicant.

Motion: Councilman McLean made a motion to go out of Regular Session and into a Public Hearing to discuss Voluntary Annexation by Michael Snyder, Applicant. Councilman Moore seconded the motion and the motion passed unanimously.

Mayor Whitt declared that we are in Public Hearing and reminded Council that Mr. Snyder has been receiving City services and has been paying City taxes for those services. He turned the presentation over to Mr. Jackson.

Mr. Jackson stated that Mr. Snyder's property at 121 Morris Avenue is bisected by the city limits line although the house is located outside the City limits. Mr. Snyder has requested that the City annex the portion of his property that is located out of the City limits. Mayor Whitt asked if other similar properties had been annexed and Mr. Jackson stated that there have been four properties.

There being no questions of Mr. Jackson, Mayor Whitt entertained a Motion to conclude the Public Hearing and go back into Regular Session.

Motion: Councilman McLean made a motion to go out of Public Hearing and into Regular Session. Councilman Brookshire seconded the motion and the motion passed unanimously.

Mayor Whitt asked Mr. Davis for any comments. Mr. Davis stated that Council can choose to accept the petition or deny the petition for the Voluntary Annexation as presented.

Motion: Councilman Bishop made a motion to accept the petition of Voluntary Annexation of Michael Snyder by Resolution #031008 as presented. Councilman McLean seconded the motion and the motion passed unanimously.

OLD BUSINESS
Mayor Whitt stated that there was no Old Business to discuss.

NEW BUSINESS
1. To Consider Request for Wine Sales and Consumption at Springfest.
Mayor Whitt stated that since Councilwoman Breyare is a member of the Special Events Committee and she is not present at the meeting tonight due to family matters, he entertained a motion to table this matter until the next meeting.

Motion: Councilman Moore made a motion to table the item, *To Consider Request Wine Sales and Consumption at Springfest* until the next meeting. Councilman McLean seconded the motion and the motion passed unanimously.

2. Change Orders No. 59 and 63 at the Citizens Center, presented by Councilman Perry Toomey, Construction Committee
Councilman Toomey stated that Change Order No. 59 involves three flagpoles at the Citizens Center and the installation of these poles. The Construction Committee requested that staff look at other companies for prices and the Change Order price of $8,717.50 with Cox & Schepp Construction, Inc. is competitive with other prices.

Motion: Councilman Toomey, on behalf of the Construction Committee's recommendation, made a motion to accept Change Order No. 59 for $8,717.50 as presented. Councilman McLean seconded the motion and the motion passed unanimously.

Councilman Toomey stated that Change Order No. 63 involves a recommendation of the Construction Committee to approve the retaining wall extension that fronts the Citizens Center on Central Avenue due to a change in the grade elevation in front of the building and extend the retaining wall 25 linear feet to help with the grade and erosion control. The cost of this Change Order is $7,069.15.

Motion: **Councilman Toomey, on behalf of the Construction Committee's recommendation, made a motion to accept Change Order No. 63 for $7,069.15 as presented. Councilman Moore seconded the motion and the motion passed unanimously.**

3. Final Plat approval for the Phase 1 Map 1 of the River Park Subdivision, presented by Greg Beal, Planner

Mr. Beal stated that the overall site consists of 300 units and was approved in 2005 by the Zoning Board of Adjustment as a Planned Unit Development (PUD) with R-12 standards. The Planning Commission reviewed the submitted plat March 3, 2008 and voted unanimously to recommend to City Council that they grant Final Plat approval for Phase 1, Map 1 of the River Park Subdivision, contingent upon the developer providing the required financial guarantee (Letter of Credit) to cover the cost for installation of any infrastructure that has not been installed.

Mr. Beal stated that there will be a 5 foot setback on one side of each house with 10 feet on other side of each house. The houses will not be close together as there will be a 15 – 20 foot separator between each house. He added that the developer has kept this subdivision at a high standard with housing prices around $400,000 - $410,000.

Mr. Beal stated that he will continue to approve each plat and the setbacks will be clearly marked out on the plat. The setbacks will also be written out on the zoning permit so it will be legally binding as well.

Motion: Councilman Bishop made a motion to approve the Final Plat for Phase 1, Map 1 of the River Park Subdivision as presented. Councilman Moore seconded the motion and the motion passed unanimously.

OTHER BUSINESS

1. Committee Reports

Mayor Whitt stated that most reports will be made at the Work Sessions unless there is something that needs to be discussed immediately.

Councilman Toomey, as Chairman of the Construction Committee, stated that the Citizens Center progress is going well with the parking lot ready to be paved, the sidewalks around 3 sides of the building are in place, and the stairwell in the mezzanine area is in place. He reported that a lot of work has been completed since Council's Retreat.

Councilman Toomey stated that the Tuck Park addition is going well and the contractor said that they are ahead of schedule.

Councilman Moore stated that the Beautification, Streets and Sanitation Committee had a meeting on March 1, 2008 and he will update Council in a memo at the Work Session.

MANAGER'S REPORTS

Mr. Davis brought to the attention of Council and the Mayor that some neighboring cities have begun or are talking about easing their water restrictions by allowing citizens to water lawns and clean cars. He felt that at this time, it was not his or staff's recommendation to ease water restrictions in Mount Holly.

Mr. Friday stated that the Drought Management Committee did not think it was a good idea to ease water restrictions. The Catawba River is up and the reservoir is at a normal condition but there is still a 6 month lag. Groundwater is at Stage 4 Drought Restrictions as the ground water has not recovered. He felt that possibly in the next 3 months, Mount Holly may be able to be in Stage 2 Drought Restrictions but it is still uncertain.

Mayor Whitt thanked Mr. Davis and Mr. Friday for their reports. He asked Ms. Shepard to report her findings on voting districts brought up at another meeting by Councilman Toomey.

Ms. Shepard stated that the question was whether voting districts' mode of election could be decided by Referendum or by the Statutes. She stated that basically there are 3 ways and 2 of them involve citizens – one way is with a petition signed by the citizens and another way is with the City Council voting to change the Charter and citizens voting in a special election on changing the Charter. The third way is that the City can make the change but there will be a referendum. Mayor Whitt added that Mr. Michael has some more information that he will share at another meeting and he thanked Ms. Shepard for her report.

Mayor Whitt asked for any other comments. He added that he and City Council have been in League of Municipalities training and at a Council Retreat for most of last week until Saturday night and that is one of the reasons that this meeting tonight is much shorter.

Councilman Bishop commended Mr. Santmire and his staff for the excellent job of cleaning up at the Cemetery on Catawba.

ADJOURN

There being no other comments or business to conduct, Mayor Whitt entertained a motion to adjourn the meeting.

Motion: Councilman Bishop made a motion to adjourn the meeting with Councilman McLean seconding the motion. The motion passed unanimously.

The meeting adjourned at 8:00 pm

Robert Whitt
Mayor

CITY OF MT. HOLLY
INCORPORATED
SEAL
1879
NORTH CAROLINA

Eric Davis
City Manager

Cass Roberts
Secretary