CITY COUNCIL
REGULAR MEETING
February 13, 2006

CALL TO ORDER BY THE MAYOR

The regular meeting of the City Council of Mount Holly was called to order at 7:00 P.M. by Mayor Whitt. The following were present:

Mayor Robert Whitt	Jamie Guffey, Assistant to City Manager for Finance/Administration
Mayor Pro-Tem Phyllis Harris	Danny Jackson, Assistant to City Mgr for Community Development
Councilman Jim Hope	Benson Hoyle, Police Chief
Councilman Jerry Bishop	Dale Oplinger, Fire Chief
Councilman Frank McLean	Mike Santmire, Street & Solid Waste Director
Councilman David Moore	Greg Beal, Community Dev. Officer
Councilwoman Pat Hubbard	Ryan Baker, Fire Inspector
City Manager David Kraus	
City Attorney Kemp Michael	

INVOCATION

The invocation was led by Dr. Bob Winecoff .

PLEDGE OF ALLEGIANCE

Boy Scout Troup 59 led the Council and audience in the ceremony of the Pledge of Allegiance.

APPROVAL OF THE AGENDA

The agenda was approved with deletion of presentation #6 and addition of public speaker under presentation , upon motion by Councilperson Hope , seconded by Councilperson Harris , with all in favor.

CONSENT AGENDA

Councilperson **McLean MOVED** to approve the Consent Agenda with items, seconded by Councilperson Hope , with all in favor. The items approved were:

CA#1. To Accept and Approve the Minutes.
CA#2. Set Date for Delinquent Tax Advertising.
CA#3. Permission to Apply for Traffic Grant.
CA#4. Permission to Apply for Gang Task Force Overtime Grant.
CA#5. Resolution for Holly Hills Apartments.

PRESENTATIONS

PR#1 Terrell Jonas was recognized by Mayor Whitt as an employee for 35 years of service for the City of Mt. Holly. He has served the City since 1971. His devotion and hard work over the last 35 years has been tremendously appreciated and the Council wished him a wonderful retirement.

PR#2 Dr. Robert L. Duke was recognized by Mayor Whitt for 50 years of chiropractic service in the Mt. Holly community. In addition, he served on the City Council for 20 years and has had perfect attendance in the Rotary Club for 44 years.

PR#3 Dr. Dennis Knight was recognized by Mayor Whitt for 8 years of ministry to the City of Mount Holly as pastor of 1st Baptist Church. He has also served for Gaston Residential Services, Inc for mentally handicapped citizens. The Council wished him happiness and success on his future endeavors. Mr. Hope, as a fellow church member, spoke in appreciation of the love and ministry Dr. Knight has given to the City of Mt. Holly and wished him the most glorious time and fruitful ministry in Virginia. Mr. McLean stated he has been a church member for 50 years at 1st Baptist, and thanked Dr. Knight for his loyal service and dedication and wished him continued success in his upcoming ministries.

PR#4 – Joel and Pat Hubbard were recognized by Mayor Whitt for 10 years of service on the Springfest Committee. The annual Springfest has grown to week-long celebration under the leadership of the Hubbard's. The City Council thanked them for their continued voluntary dedication to the City of Mount Holly.

PR #5 – Mr. Kraus stated the City has a meeting on the 28th with American Effird about easement. I have not gotten an update from Duke yet. Danny Jackson has submitted PART F grant to the state and we are awaiting answer. The Tarheel Trailblazers are working on their grant as well.

PR# 6- moved from agenda

PR #7 – Carol Brackett, Norton Road, Mount Holly. This is the second time speaking to Council. The City has cut a ditch down the side and back of my property approximately 30 years ago to keep water off of the road. During heavy rains, my back yard completely is underwater. I am in the process of adding on to my home and cannot do so without this problem being addressed. I have spoken to an attorney and do have grounds for a law suit. I do not feel I should have to spend money for a law suit. I would like to ask that Pat Hubbard and the new folks on board to also come out and look at the ditch. I am asking what does it take to get the city to change it's policy. I also ask that either the City run a pipe or run a concrete V around the ditch or install a storm drain to eliminate the need for this ditch. I plan to contact Don Griffin of Action 9 without any action taken by City in the next 60 days.

PR # 8 – Rusty Rozelle, 1214 Rainbow Drive, Mt. Holly. (Manager of Mecklenburg County Water Quality Program). I am here to speak on behalf of the Mecklenburg County Water Quality Program I am here to invite you all to the symposium upcoming at Daniel Stowe Botanical Gardens on March 16, addressing protection of Mt. Island Lake. We would like to combine this with efforts on Lake Wylie. (Invitation attached).

Mayor Whitt announced The Tuck Center is going to re-open to the seniors on Monday morning.

PUBLIC HEARINGS

PH#1 To Consider Amending Section 6.4 of the Zoning Ordinance Regarding Farmer's or Produce Markets.

Councilperson Hope moved to go into public hearing, seconded by Councilperson McLean, and unanimously carried. Mayor Whitt recessed the regular meeting and opened the public hearing to consider amendment of section 6.4 of the Zoning Ordinance Regarding Farmer's or Produce market.

Mr. Beal stated this would allow Farmer's markets in the downtown area. The sell of animals will not be allowed.

City Manager David Kraus stated that staff recommends approval. The Planning Commission recommended approval. There were no comments for or against.

Mr. Michael noted that due to a non-profit entity wording, tax changes would be required as a result of this and requested this be noted in the minutes.

Councilperson Harris moved to go out of public hearing, seconded by Councilperson Moore, and unanimously carried. Mayor Whitt adjourned the public hearing and resumed the regular meeting.

Motion: Councilperson Hope **MOVED** to amend section 6.4 of the Zoning Ordinance Regarding Farmer's or Produce Markets, only in B1 district. The sell of animals will not be allowed. All remaining businesses remain in the B3 district. Seconded by Councilperson Harris .
Vote: unanimous. CARRIED.

PH#2 To Consider Rezoning Properties Located at 275 and 273 Beatty Drive from R12 to B3.

Councilperson Hope moved to go into public hearing, seconded by Councilperson McLean, and unanimously carried. Mayor Whitt recessed the regular meeting and opened the public hearing to consider rezoning properties located at 275 and 273 Beatty Drive from R12 to B3.

The Planning Commission recommended approval. There were no comments for or against.

Laura Simmons, 214 N Tryon Street, Charlotte. The MH land development plan recommends B3. Carolinas Health Care is the petitioner and they plan to build a medical service facility on this site. Jeff Booker, Carolinas Health Care, stated the planning commission stated residents of Oak Trail were concerned about traffic. This route would be used only in an emergency situation. We do own another parcel in Mt. Holly. We would entertain annexation to provide a member of the community. We are not for profit and are glad to be a part of your community.

Councilperson McLean moved to go out of public hearing, seconded by Councilperson Hope , and unanimously carried. Mayor Whitt adjourned the public hearing and resumed the regular meeting.

Motion: Councilperson Harris **MOVED** to approve rezoning of properties located at 273 and 275 Beatty Drive. (tax parcels 184721 and 184725) from R12 to B3 , seconded by Councilperson McLean..
Vote: unanimous. CARRIED.

PH #3 – To Consider Rezoning Lot Located off of Leo Drive from R10 to B3 CU. Request withdrawn due to lack of site specific plan and planning commission recommended denial.

PH #4 – To Consider Closing Unopened Road Right-Of-Way Located off of West Central Avenue.

Councilperson Harris moved to go out of the regular meeting and into public hearing, seconded by Councilperson Bishop and unanimously carried. Mayor Whitt adjourned the regular meeting and entered into public hearing.

Mr. Beal stated he was approached by Cresthill Associates. They have already received preliminary plat review, 25 homes. The unopened portion is not used and has no useful purpose.

Councilperson McLean Moved to go out of public hearing and resume regular meeting, seconded by Moore and unanimously carried. Mayor Whitt adjourned the public hearing and resumed the regular meeting.

Staff recommendation in favor of closing.

Motion by Councilperson Hubbard to pass resolution 021306A street closing order, closing un-open road right of way located off W Central Ave. **Seconded** by Mr. McLean. Mayor Whitt stated there is a correction noted to say " of easement rather than or easement" in documentation. All in favor. Motion passes.

UNFINISHED BUSINESS
UFB#1 To Consider Contract for Regional Pump Station and to add to Capital Improvement Plan (CIP). (attached). Mr. Hope asked for comments from our attorney. Mr. Michael presented map. We have two pump stations around the

YMCA area and we also have the old SWAGKNIT pump station, nearing capacity. You have approved a 280 development behind Beaty Drive, YMCA area. Proposed is abandonment of two old stations and initiating new regional pump station. The agreement would have two projects. The part the city and developer share in is the new pump station only. The remaining portion, the second part would be a city only project, running lines from new pump station to old SWAGKNIT station. The city's portion of the joint project is 208,000 dollars and 146,000 on the go-alone part. Faison's cost is 280,000. Since this contract was prepared, there are some additions. One would be that the contract would include three phase power to run the pump station. Also the developer would provide site and easements to the city. Exhibit A explains the contractor would bill monthly and be paid monthly. There would be a 5% holdback until entire project is completed. An access road to the pump station will be required as well and the city will want that paved and will maintain it after that. A street light will also be required by the City. One issue to resolve is that the line from the new development to the station would not be included. Faison states it should be included. If the City wants to pursue this, time is important as the developer could opt to pursue his own plan. Mr. Kraus stated our engineers have reviewed and we are comfortable with the numbers. Mr. Michael reiterated that the portion of the project dealing just with the pump station, the lead agency would be Faison. General statute would allow you to enter into a contract. The other part of the project would be the city's only. If we use the same engineer, David Baker, we would bid this portion separately but use the same engineer. Mr. Kraus explained the flow of existing plan. Mr. Michael stated the Y has been in private negotiations with Faison about easements, etc. Mr. Kraus stated this money would come from system development fees, loan proceeds and then as more development tied onto the new station, then fees would come then as well. Mr. Hope stated He wants reassurance that this regional pump station would be an advantage to the City. Mr. Hope asked about number comparison of repairing SWAGKNIT versus the expense of regional pump station. Mayor Whitt stated this is mainly for review of Council tonight. Mr. Kraus stated the thought is that through development fees, we would be reimbursed for our expenses. Mr. Kraus addressed multiple questions from Council regarding this project. Mr. Michael stated he would ask Council to indicate whether City is interested or not, so developer can pursue other options if needed.

Each party will share portion of overrun, if that occurs. Contingency was not included. These would be shared proportionally.

Mayor Whitt asked for complete agreement to be presented for approval at work session. Consensus by council.

UFB#2 <u>To Consider Annexation Agreement for Landcraft.</u> Mr. Kraus stated water and sewer lines were negotiated with Landcraft and must be completed to City specification. Financial guarantees will require water and sewer to every parcel. Mr. Beal stated they were treating the whole piece as one parcel and it was in entirety three parcels. Mr. Whitt states we have three choices, to allow annexation, vote to rescind it or to vote to extend effective date. Mr. Kraus stated the original vote will allow extension until March 31st. Mr. Michael stated I would think there would be an agreement and letter of credit by next month. Extension to 3/31/06 would suffice. Mr. Kraus recommends delaying annexation to 3/31/06 and have council adopt annexation agreement at next work session.

Ms. Harris **moved** we resolve to extend effect date of annexation of Landcraft to 3/31/06 at 12:01 a.m. **Seconded** by Ms. Hubbard. All in favor. Motion passes.

UFB#3 To consider annexation deadline for JP Development. M. Kraus stated we are no where near annexation agreement.

Mr. Hope made a **motion** to extend to 3/31/06 at 12;01 AM **seconded** by Mr. Bishop. All in favor. Motion passes.

UFB# 4 To Consider Hinshaw Annexation. At the point of last discussion of this project, there were some discrepancies on the map. Since then, survey has been done, it is a combination of 7 or 8 parcels. We have not drawn up an annexation agreement to guarantee each parcel gets water and sewer. We will need financial guarantee. Some parcels are in city, some are in the ETJ. Mr. Kraus stated most lots have sewer but some are missing water availability at this time.

Mr. Kraus stated if we annex this parcel, you will create a small donut effect of parcels that would not be in the City's limit but surrounded by City limits. Mr. Michael stated I do have a resolution but since we are having an annexation agreement, I would suggest handing it all at one time.

No motions made at this time.

NEW BUSINESS

NB#1 To reduce speed limit on NC273 to 45 mph. (Portion of highway includes from I85 to Tuckaseegee Road.) Mr. McLean stated the only 50 mph sign out there is at Beaty Drive. Mr. Bishop stated the speed limit is 50 mph.

Mr. McLean **moves** to reduce speed limit on 273 to 45 mph from 85 all the way to Tuckaseegee Road. **Seconded** by Mr. Moore. All in favor.

NB#2 To Consider wireless connector for Police Department and City Hall. Chief Hoyle stated our detective group works out of the basement of City Hall and has no access to records, etc. What we have come up with is a wireless technology that will be mobile when it is time to move into our new facility. It would not be an investment loss when we move. Our detectives do not have proper access and we are trying to push accountability for these cases. We would like for you to consider funding of this through drug forfeiture monies. Total cost of 6500.00. This is a one time cost. No lease fees involved, etc. The police dept will eat fees.

Motion by Ms. Hubbard to approve wireless connector to be paid for by drug forfeiture money. **Seconded** by Ms. Harris. All in favor. Motion passes.

MANAGER REPORT –

Mr. Kraus stated during discussion of A& E costs, we have since compiled this information, amortization charts, etc for Council review. (attached). Mr. Guffey stated the USDA has grants that we do not qualify for but they do have loans that we will qualify for. Any financing mechanism that we come up with still has to be approved by the LGC. There have been some cities that have been able to utilize tax credits. We are looking into this. General Fund Sheet was passed around to Council as well. Mr. Kraus stated our plan is to include this as part of your written materials. Mr. Guffey stated the YTD fund balance Increase or Decrease would be added back to our balance if the year ended today. The optimal percentage for each level (expenditures) should be 58%.

ROUND TABLE

Mr. Moore – I have had a few individuals come to me about water pressure In Woodland Park. We have a problem with water pressure downtown also. They stated it was also odorous at times. Mr. Kraus stated with addresses, we will test this. The other issue is the school dance, one of the parents stated they did have about 200.00 to donate if we could forgo the cost of the set-up. Mr. Whitt stated this will be covered at our retreat. Ms. Hubbard stated they are also looking in to using a facility at Belmont Abbey.

Mr. McLean – I missed the black history month that John hope presented and I understand he did a great job.

Mr. Hope – I want to make sure notification happens when board vacancies arise.

Mr. Bishop – nothing further.

Ms. Harris – Joanne Brown needs to be contacted by city manager and let me know.

Ms. Hubbard – When we were doing streetscapes and we did handicap ramps – are there plans for banisters around those? I see those as a hazard without railing. Mr. Kraus stated there are no plans for that but we can research this. Mr. Hope stated due to OSHA, this is not a requirement on those ramp heights. Also, she requested the city recognize Marlene Huggins for her work on Springfest Golf Tournament. She was a starter of Springfest and she has been doing the golf tournament for 17+ years.

Mayor Whitt – We have our retreat coming up this Friday. We will start at 1 pm and go forward from there. We will be there until we finish. It should be a good facility and I am looking forward to it. Please bring all discussion ideas to me, nothing is to minute. I attended the Essentials for Municipal Government Seminar and it was excellent. It was a learning experience and I enjoyed the fellowship with several other Council members. Also, the aback history forum was phenomenal yesterday as well. I have gotten two calls from Sylvia Lewis who apparently has a problem with her sewer. She has installed some kind of a pipe so that if sewer came back into her house it gets diverted and dumped directly into the yard. She had sewer back up last week and did not report it until this weekend. Staff is investigating. Mr. McLean stated a licensed plumber needs to inspect this. Mr. Kraus states she claims there is a root intrusion causing this. Mr. Hope stated something is not right there.

ADJOURN

There being no further business, the meeting was adjourned, upon motion duly made by Councilperson Hope , seconded by Councilperson Bishop, and carried.

9:08 PM

Clerk

Mayor

****

jmb