CITY COUNCIL
REGULAR MEETING
February 10, 2003

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 Black. The following were present:

Mayor Robert D. "Bobby" Black
Mayor Pro-Tem Jim Hope
Councilman Michael Helms
Councilwoman Phyllis Harris
Councilman Frank McLean
Councilman Bryan Hough
Councilwoman Pat Hubbard

Adm. Services Officer Jamie Guffey
Water & Sewer Dir. Don Price
Planning & Zoning Dir. Danny Jackson
City Attorney Kemp Michael
Police Chief Rick Davis
Fire Chief John Ekiatis
Street & Sanitation Dir. Mike Santmire

INVOCATION

The invocation was led by Rev. Jeff Bost, Westview ARP Church.

PLEDGE OF ALLEGIANCE

Boy Scout Troop 59 led the Council and audience in the ceremony of the Pledge of Allegiance, under the guidance of Scout Master Rick Connell. He recalled to the Council that this is the 93rd anniversary of Boy Scouts.

APPROVAL OF THE AGENDA

The agenda was approved with the addition of New Business #3A, upon motion by Councilwoman Harris, seconded by Councilwoman Hubbard, with all in favor.

MINUTES

Councilwoman Harris **MOVED** to approve the minutes of January 13, 2003, as written, seconded by Councilwoman Hubbard, with all in favor.

CONSENT AGENDA

The two items on the Consent Agenda were approved upon motion by Councilman Helms, seconded by Councilwoman Harris, and carried by unanimous vote. They are:

CA#1. <u>To Approve Supplemental Appropriation for Visioning Process</u>. (copy attached)

CA#2. <u>To Call for Public Hearing on City Ordinance to Install Stop Signs on West Henry and Cherry Street.</u> Set for March 10.

PRESENTATIONS

PR#1 <u>Water Issues</u>

Mr. Jack Drum appeared before Council. He said staff keeps telling him they do not go on private property, but he had pictures where they have gone on private

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property. He has water coming onto his property, and they need a storm drain and gutters on the street.

UNFINISHED BUSINESS

UFB#1 Review Lease Contract for Catawba Heights Park

City Manager David Kraus stated that the church returned the lease to us with changes on it. City Attorney Michael said that the description of the property was enlarged to go to the edge of the road and then to the cemetery and then along the parking lot. The lease includes dispute resolution by arbitration rather than court. It can be terminated upon 30 days written notice of breach of contract. These are the changes they requested.

Motion: Councilman Hough **MOVED** to approve the lease and to authorize execution, seconded by Councilwoman Harris.
Vote: Unanimous. CARRIED.

NEW BUSINESS

NB#1 To Call for Public Hearing to Amend System Development Fees

City Manager Kraus stated that there has been confusion about the clauses in the system development fees about exemption, and so staff is recommending a clarification so that it is clear this is only for those already in the city limits; the action tonight is to set the public hearing.

Motion: Councilman Helms **MOVED** to set a public hearing for March 10 to consider amendment of the system development fees, seconded by Councilman McLean.
Vote: Unanimous. CARRIED.

NB#2 Introduction of the Bond Order

Jamie Guffey stated that as part of the referendum process, the Council must introduce the bond order to be published in the newspaper, for the public hearing next month; there are two bond referendums. It is set up currently for up to $5 million each. They can be lowered but not raised. Councilman Hough asked if there is any way we can let the public know that this is a not to exceed amount, even if we can't say that in the bond order advertisement. Jamie Guffey said he will ask the bond counsel if we can put that in the newspaper.

Motion: Councilman Hough **MOVED** to present the introduction of the bond order, Res. 02-10-03A, authorizing general obligation infrastructure improvement bonds, seconded by Councilwoman Harris.
Vote: All in favor. CARRIED.

Motion: Councilman Hough **MOVED** to introduce Res. 02-10-03B authorizing general obligation parks and recreation bonds, seconded by Councilwoman Harris.
Vote: Unanimous. CARRIED.

NB#3 To Call for Public Hearing on Bond Referendum
City Manager Kraus requested that the public hearing on the bond referendum be on March 13 at Tuckaseege Center beginning at 7:00 PM, because it will be too lengthy for the regular meeting.

Motion: Councilman Hough **MOVED** to set the public hearing as requested, seconded by Councilwoman Hubbard.
Vote: All in favor. CARRIED.

David Kraus stated that in Council's agenda packets there is specific wording for calling this public hearing, and we want you to adopt this as Res. 02-13-03C.

Motion: Councilwoman Hubbard **MOVED** to adopt Res. 02-13-03C as presented, seconded by Councilman Hough.
Vote: Unanimous. CARRIED.

NB 3A Update on Referendums
Mayor Black gave the Council a copy of the four issues to be discussed with reference to the ABC referendum.

Mayor Black introduced Leigh Brinkley, who presented some proposals for the brochure. First, she stated that Council needs to determine the purpose; the brochure should probably accomplish more than one purpose. The streetscape could also become a poster. Use of color is important for emphasis. It is important to find the most effective way to communicate to the voters; she asked Council if they want to include the ABC referendum in a section of the brochure or not? She was not sure how detailed they would like it. It can be a fold out. She had examples of others she has done, both two color and four color. She also presented a portfolio of work done by her company. She wants to make the best use of City funds to do this. The proposed timetable is feasible to be met. This gives your speakers or ambassadors a same voice when they speak to groups. City Manager Kraus said he was thinking three parts; the vision, the bond referendum, and info on the ABC ballot. Mayor Black asked if Ms. Brinkley could give them an idea of cost? Ms. Brinkley provided a formula for work of this kind which can be helpful to you no matter who you hire to do this, and then she used the samples to give Council cost comparisons between the types of formats. A local printer can be used or she can give references. She brought a summary that her company uses with our all their clients. She hoped Council will not limit this brochure to voters only, but keep in mind corporations and others. Councilman Hough said that this covers design work, but wondered if she handles getting it printed too. They do not do printing but she can help you select a printer. Councilwoman Hubbard asked if we get our info ready, how long will she need for design work. Ms. Brinkley would begin after the March 13 public meeting; there are seven weeks from then to first week in May, but we need two weeks for printing, so five weeks for design.

The Council took a five minute recess.

Ron Morgan, Urban Ventures, gave a summary of the steps taken for the three citizens committees. We used a four-week step process. The three committees were Greenways, Downtown, and Restaurants/Entertainment. The committees had a good turnout and the citizens stayed with us through the whole four weeks. The first week we did our introductions and set goals. On the second week, the committees explored possibilities. Then they broke into teams to work out their favorites. On the third week, final choices were made by dot voting on the maps. Mr. Morgan prepared summary schematics on the ones with the most votes for the fourth week, showing the old mill, the gateway, a town square, and the art center. He showed computer graphics of proposed concepts. You have tremendous assets that you can develop. The last week we brought all it together with photographs and images that the citizens brought in to use for design ideas. We had a large turnout and a commitment from the citizens that was commendable. He will work with the executive committee to put the presentation together for March 13.

Mayor Black asked if he has the names for the executive committee. Mr. Morgan said he thinks of Lee Beatty as the chairman. There will be 12 members of the executive committee, and they will work with staff to formulate numbers for the bond referendum public hearing. Mr. Morgan also presented to us his proposal for the next steps, one is a design contest; but his primary concern is that we were on television before we have solid ideas and we those ideas must be transformed into reality before we release public information again. We need a strategy by which we make it so interesting to Wachovia that they will be willing to come on board. Mayor Black noted that on the last page of his report for today is a time line. Mr. Morgan said that for his theater project the city would do a joint project reimbursed at the close of financing. He would propose $30,000 until July so that design work can be done, and after that moving toward a lease, then a letter of intent, then financing. A business partnership with local investors would be essential to this plan. There needs to be some budget set aside for negotiations with Wachovia; he would be happy to work on that at hourly rate, or you may want to use local emissaries. This will take public relations with high level executives and requires making them the hero. Mayor Black said we met this morning with Councilman Hope and City Manager Kraus. The Mayor said that Buzz Elliott has been working independently from you to raise private funding for building a lot of these projects. His proposal is to do the research on the sources, and his goal is $4 million in raised funds. Ron Morgan said so much of this plan is for greenways and parks and such, so you need a relationship with a landscape firm. Mr. Kraus said we have firms we have worked with in the past and can also contact the firms suggested in this report. Mayor Black asked at what point the design competition should be done, before or after the referendum? Mr. Morgan said if you do it before it has big selling points for p.r., but it can be done later. He said he realizes a large part of this relies on budgetary constraints.

Mayor Black wanted to know what we can spend bond money on and what can we not spend it on. Jamie Guffey said this is governed by a state statute, Section 157-7.1, which provides that we can fund certain infrastructure improvements and parks. Jack Voight said we would have a hard time getting through the proposed greenway, but wants us to talk to David Lawrence. Spending of tax dollars in a private type of development is not allowed; Councilman Hough related that to the $100,000 for development of a movie theater, but he felt that through the Heart of Mt. Holly or the EDC or a redevelopment non-profit entity that could be done. Jamie Guffey bond money cannot be used for economic development at all. City Manager Kraus said the bond money may be used on utilities, parks, parking, streets. Councilman Hough asked about what details do we know about the Morganton and Belmont projects. Mr. Kraus said that in Morganton it was a redevelopment commission, and Belmont is being done through a foundation. Mr. Kraus said that Wilmington had a housing finance agency that is part public and part private. Mr. Hough said that this is the first he had seen this proposal from Urban Ventures, and so he needed to know what our time frame is on deciding these issues presented in his report. Ron Morgan said the development of the theater can be delayed, but we need to get the town square figured out. Councilman Hough stated that in his way of thinking, he partly felt we don't have a bond referendum voted on by the citizens yet, we just have a dream, and the question is when do we as a city move forward? Do we start now pursuing Wachovia Bank or later? Mr. Hough also did not see a number on his hourly rate or a not to exceed sum. Mr. Morgan said he would work at an hourly rate with a not to exceed. Mayor Black said it would be nice to have a commitment on Wachovia when we get to the March 13th meeting. Ron Morgan said if that is not going to work out, then we need to come back and report and if they say no, move to the next step, or go to the streetscape idea. Councilman Hough asked if Council could look at this again at the retreat on the 21st? Mr. Morgan felt that we need to approach Wachovia Bank early on in the process so we know which way this is actually going to go. Mr. Hough asked for a revised proposal on the next Friday and have Council members give feedback to David on it, as to what we are going to do now. Mayor Black said he is narrowing this down to item number one for right now. Councilwoman Hubbard said part of my hesitancy is I don't have a not to exceed number. Mr. Morgan said not to exceed $2500 week. Mr. Hough asked if Wachovia says no, then what does that do to the theater idea? Mr. Morgan said it kills it at its current concept; but it could work somewhere else. To be downtown it needs to be next to the square and have a prominent place. Mayor Black where would this be funded? Mr. Kraus said out of the planning department budget. Mayor Black asked how much do you have in that budget that could be used for this? Jamie Guffey said there is about $15,000 in that budget for consulting. Mr. Kraus said that was intended for help on the sign ordinance but could be used for this instead.

No action.

NB#4 To Authorize Application for Active Living by Design Grant
Mayor Black stated that Dr. Lee Beatty has prepared this grant application. City Manager Kraus said this grant creates a partnership between Mt. Holly, the medical community, and there is no matching funds required.

Motion: Councilman Hough **MOVED** to authorize the application for the Active Living by Design Grant, seconded by Councilwoman Harris.
Vote: All in favor. CARRIED.

Lee Beatty said that notification of getting through the first level is on March 21. If we make it past that, then we can put in the second level application that has more detail. June 21 is the date for the award of the grant, with the money coming on October 31st to the winner.

NB#5 To Approve Supplemental Appropriation for Police Radios
City Manager Kraus stated that this radio was purchased during last year's budget but it came this year, and so since it went into fund balance, we must take it out again to pay for this.

Motion: Councilman Helms **MOVED** to approve the supplemental appropriation for a police radios, seconded by Councilman Hope. (copy attached)
Vote: All in favor. CARRIED.

NB#6 To Approve the Dates for Advertisement of Delinquent Tax Bills
City Manager Kraus asked Council to set the dates for the newspaper advertisement of tax liens for April 2, 9, 16, and 23, 2003, with the sale date being May 14. Council received the annual report of assessed valuation and property tax liens. 88% of the taxes have been collected for 2002 fiscal year as of January 31st.

Motion: Councilman Helms **MOVED** to approve advertisement of tax liens on April 2, 9, 16, and 23, 2003, with the tax lien sale date being May 14th, seconded by Councilman McLean.
Vote: All in favor. CARRIED.

NB#7 Approval of Grass Cutting Contract
David Kraus said there were quotes in the weekly packet, but we just got another one from the current provider, for grass cutting services. Professionals Lawn Care landscaping company wants an opportunity to do this contract. Mr. J. C. Lewis was recognized. He stated that he is located here, easy to reach, and lives and works here, so it is important for him to do a very good job. He has four employees, and they gave references of Woodlawn Funeral Home, First United Methodist Church, and Oakleigh Estate. Jamie Guffey stated that the quote

from David Watts may not qualify because he has not provided insurance; the other three have. A to Z is a firm out of Dallas, a rather large firm, present owner Todd Gilreath, and his wife works for the city, his bid includes the flower beds twice a year. On Professionals, he said he could not do all the sites we have, so he wants to some of it, but we would have to go to the others to get the rest done, the cemeteries and the railroad banks. We require insurance, workmen's comp, and privilege license. Councilman Hope asked staff for a recommendation. Jamie Guffey said he recommends either one of the two full bidders, I guess if you want flowers to be done you might want A to Z but if not Pro Turf, our current, is the cheapest.

Motion: Councilman Hough **MOVED** to award the bid to lowest qualified bidder Pro Turf, seconded by Councilwoman Harris.
Vote: All in favor. CARRIED.

NB#8 Creation of a Planning Position
City Manager David Kraus stated that if Council is serious about pursuing the new vision for the City, then we need to hire another planning position. We are already far short of the staff that Belmont, Huntersville and most other cities around us have. Mr. Kraus recommends putting Parks and Recreation under the Planning Department, and add a planning position. He said that all of our applicants for the Recreation Director position were $40,000 or more. We should be able to get a mid range planner for $35,000. Councilman Hope asked what credentials and experience he is looking for. Mr. Kraus said he would look for more than five years experience, with work in redevelopment. Councilwoman Harris asked if we put Danny Jackson over two departments, is he planning to upgrade that position. Mr. Kraus would move that position and also Jamie's position to assistants to City Manager. Councilwoman Harris asked what would the compensation be to Danny. Mr. Kraus said the personnel plan has 5% for each step in the pay plan, so it depends on what step that would be. Councilman Hough acknowledged that if the City Manager has decided to do this, it is his call as city manager. Councilman Hope stated that he believed Mr. Kraus had given this a lot of thought and had discussed it with Danny Jackson.

Motion: Councilman Helms **MOVED** to create a new planning position, and to upgrade the position currently held by Danny Jackson and the position currently held by Jamie Guffey to a position entitled Assistant to the City Manager, effective March 1, 2003, seconded by Councilwoman Hubbard.
Vote: Unanimous. CARRIED.

PUBLIC COMMENT
Mayor Black opened the floor for public comment.

Jeff Bost, 1020 W. Catawba Ave. pastor of Westview ARP, President of Ministerial Association. Our board has sent me to make you aware that they are in support of growth and development for our city, but that it does not require the sale of alcoholic beverages. He gave Council a petition signed by at least 90 citizens asking that the Council not proceed to pursue allowing alcohol beverage sales.

ROUND TABLE

Councilwoman Hubbard stated that she had gotten complaints that they are still not getting their water bills until 8th. The problem is that more and more people are using online services to pay bills, and when you click to pay they are not paid for sometimes up to ten days later, so they wind up with a late fee. Mr. Kraus said he will meet with the post office about prompt delivery.

Councilwoman Hubbard said the next Springfest meetings are Feb. 20th, March 6th, March 20th, and every Thursday night in April. The festival is on May 3rd.

Mayor Black said last month he asked for help to get election workers for precinct number one. We have no one there at all, per Ms. Gephardt. He recited the restrictions and requirements. The person has to be trained.

Mayor Black reminded Council that the County Commissioners meeting is Feb. 13th at 6:00 and we are on the agenda about the cut to city budgets caused by the county intent to retain sales tax that we previously would have gotten.

Mayor Black said that on the soil erosion issue, we found out Belmont decided to go with the County ordinance, so we are going to do that too, and we will wait and see if the State approves it.

Mayor Black stated that on Mr. Drum's request, we need to resolve that matter and put our response in writing. Councilman McLean said he believes that those pictures he brought are all in the right of way.

Mayor Black asked Danny Jackson to report on the StoneWater subdivision. Mr. Jackson said the developers of StoneWater have made a proposal to do a PUD for the rest of that property. Riverfront Subdivision did a PUD too. They want to change their plan, and their request will go to the Board of Adjustments, not the Council. Councilman Helms said he had some homeowners came to me and ask questions about it. Don Price wanted to know if there will there be utilities changes; Danny Jackson said it is basically the same plan except for the number of units.

Mayor Black said he and the Fire Chief went to visit fireman John Calder, who is still battling cancer. Chief Ekiatis said that John will finish radiation treatments on his head, but he has three more treatments on his torso. He is having complications including clots in his legs, which the doctors are trying to dissolve. He is hanging in there, but he is having to stay with his parents so they can help out.

ADJOURN
There being no further business, the meeting was adjourned, upon motion duly made by Councilwoman Harris, seconded by all, and carried unanimously.

9:30 PM

Clerk

Robert D. Black
Mayor

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cpm