CITY COUNCIL
REGULAR MEETING
February 9, 2004

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 Hough at City Hall in Council chambers. The following were present:

Mayor Bryan Hough	Jamie Guffey, Assistant to City Manager for Finance/Administration
Mayor Pro-Tem Michael Helms	Danny Jackson, Assistant to City Manager for Community Dev.
Councilman Jim Hope	Benson Hoyle, Police Chief
Councilwoman Phyllis Harris	
Councilman Frank McLean	Don Price, Utilities Director
Councilwoman Pat Hubbard	Mike Santmire, Street & Solid Waste Director
Councilman David Moore	
	Greg Beal, Community Dev. Officer
City Manager David Kraus	Ryan Baker, Fire Inspector
City Attorney Kemp Michael	Megan Hanks, Communication Director

INVOCATION

The invocation was led by Rev. Kenneth Langsdorf, Lutheran Church of the Good Shepherd.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE AGENDA

The agenda was approved as amended by adding Presentation of Resolution of support for Gaston County to Fund School Resource Officer, and adding to New Business to consider publication of delinquent tax notices, and adding to Unfinished Business consideration of the ABC Board merger, all upon motion by Councilwoman Hubbard, seconded by Councilman McLean, with all in favor.

CONSENT AGENDA

Councilman Helms **MOVED** to approve the Consent Agenda with four (4) items, seconded by Councilwoman Harris, with all in favor. The items approved were:

CA#1. To Accept and Approve the Minutes. Minutes of January 6 and 12, 2004 were approved as written.

CA#2. To Authorize Police Department to Apply for Grant. A grant for three Mobile Data Terminals that would require a match of around $6,000 will be applied for. A grant will be applied for to get Problem-Oriented Policing funds for overtime salaries and benefits for officers working extra hours to support our two-person street crimes unit, with a match of about $8,000 if awarded.

CA#3. To Authorize Fire Department to Apply for FEMA Grant. This is an application for the 2004 FEMA Grant and will request 60 sets of turn out gear at $105,000 with the City matching ten percent.

CA#4. To Approve Tax Releases for December and January. Tax releases for December 2003 and January 2004 totaling $4,402.72.

PRESENTATIONS

PR#1 Proclamation for Suzanne Clemmer, Top Female Finisher of the Charlotte Marathon.

Mayor Hough and the Council went down to the floor and presented to Suzanne Clemmer a proclamation honoring her for finishing in the Charlotte marathon as the top female finisher and within the top ten overall. (copy attached) Ms. Clemmer is a nurse at East Gaston Family Physicians, and was a star athlete in track and field at East Gaston High School.

PR#2 Resolution of support for Gaston County to fund School Resource Officer.

City Manager David Kraus stated that the City had a grant for paid for a school resource officer. Even after the grant funds expired Mount Holly has continued to pay for the officer. However, the County is funding a resource officer for other communities, and this resolution will move the funding for the resource officer to the county, due to the fact that Mount Holly citizens pay county taxes for the operation of schools and should not continue to pay this expense.

Motion: Councilman Helms **MOVED** to adopt Resolution #02-09-04A, seconded by Councilman McLean.

Vote: unanimous. CARRIED.

PR#3 Presentation on Design Standards by Tedd Duncan of Woolpert.

Mr. Duncan was recognized by the Chair. He stated that the design standards are a tool, and will not be in the format of a pretty picture. He stressed how vital it is that the City have clarity in the design standards because the data will be integrated into legal documents such as zoning. The City will have to enforce it later as it is implemented so this is an important step. They may use graphics to make it more "user-friendly". His company is already here working on the streetscapes, so they feel that they would be a good choice to handle this job as well, because this would offer economy of effort which would be recognized in their invoicing.

PUBLIC HEARINGS

PH#1 To Consider Amending Zoning Ordinance for Family Care and Family Day Care Facilities

Mr. Greg Beal reported to Council per its instruction that staff do research on amending the City's zoning ordinance regarding family care and family day care facilities. He found two ordinances in Charlotte and Cornelius on this subject that seemed in line with Council's intent. The Planning Commission recommended that this be approved.

Councilman Helms moved to go into public hearing, seconded by Councilman Moore, and unanimously carried. Mayor Hough recessed the regular meeting, and opened the public hearing to consider the proposed zoning ordinance amendment. There were no comments for or against.

Councilman Helms moved to go out of public hearing, seconded by Councilman Moore, and unanimously carried. Mayor Hough adjourned the public hearing and resumed the regular meeting.

Councilman McLean asked how many people can stay there? Mr. Beal said that in family care, there can be six or fewer clients; in family day care, five or fewer clients, already in our ordinance. Councilman McLean noted that they are on septic tanks up there, and asked, is that not a problem? City Manager Kraus stated also that they are only on a two-inch water line. Mr. Beal noted for the record that the instance Mr. McLean is referring to is a permitted use already, but this amendment will restrict future permits. Councilwoman Hubbard asked, did the Planning Commission recommend we put on both paragraphs b and c? Mr. Beal replied, yes.

Motion: Councilwoman Hubbard **MOVED** to approve amending the Zoning Ordinance, Article VII, Note 2 by adding paragraphs B and C as presented, seconded by Councilman McLean. (copy attached)
Vote: unanimous. CARRIED.

NEW BUSINESS

NB#1 To Consider Demolition of 624 Tuckaseege Road

Mr. Ryan Baker reported that the neighbors of 624 Tuckaseege Road have complained often. After unsuccessful attempts to work with him, Mr. Dellinger was given a hearing and 60 days to repair or demolish, but has failed to do so. We are now at the point where the city will demolish the structure and place a lien on the property. Councilman Helms asked how much the cost estimates were he received. Mr. Baker said the lowest quote he got was $4,500. Mr. Kraus asked if Mr. Dellinger was cooperative. Mr. Baker said, No. Mr. Kraus asked if the City has tried to work with him in the past several times before it came to this? Mr. Baker said, yes.
Motion: Councilwoman Hubbard **MOVED** to approve Res. #02-09-04B to demolish the structure at 624 Tuckaseege Road, and place a lien on the property, seconded by Councilman McLean.
Vote: unanimous. CARRIED.

NB#2 To Consider Publication of Delinquent Tax Notices

Jamie Guffey stated that the Tax Collector requests that Council authorize publication of delinquent tax notices.
Motion: Councilman Helms **MOVED** to authorize publication of delinquent tax notices on April 7th, seconded by Councilwoman Hubbard.
Vote: unanimous. CARRIED.

UNFINISHED BUSINESS

UFB#1 To Consider Closeout of Fire Department Capital Project
City Manager Kraus stated that the agenda packet contained a proposed agreement prepared by Mr. Michael and Michael Ortiz, Atty. for the bonding company. Mr. Michael said this was as discussed at the work session last week. Mr. Kraus said that Exhibit A has the amounts the City will withhold for the stated improvements. Mr. Michael said there are two issues that will be covered for one year: the lower parking lot, and the cracking along the interior wall. The bonding company has also inspected this. The difference in what we have and what we will withhold will be sent to the bonding company.
Motion: Councilman Helms **MOVED** to approve the agreement and authorize its execution, seconded by Councilwoman Harris.
Vote: unanimous. CARRIED.

UFB#2 To Consider Contract for Development/Design Standards
City Manager Kraus said that staff has looked at two firms to do design standards for the City, because they are both working here on projects. Our joint meeting is upcoming and we have a 120-day deadline that Council set for us. Woolpert is doing the streetscapes. You had a presentation from Narmour-Wright last week. Councilwoman Hubbard said she was impressed with the design standards we saw last week; she felt they would be easy to give to a contractor or others to use; she liked the graphics. Mr. Kraus said their proposal is about $20,000. The Woolpert firm would be $16,000 to $18,000 depending on graphics. Councilman Moore agreed with Councilwoman Hubbard that the graphics were good on last week's presentation and they make it simple to use. Councilman Hope agreed.
Motion: Councilwoman Hubbard **MOVED** to approve the contract for design standards for downtown with Narmour-Wright, seconded by Councilman Hope.
Vote: Unanimous. CARRIED.

UFB#3 Update on Whitewater Park
City Manager Kraus said the City may need to table this. Kemp Michael and Jamie Guffey met with the representatives for the Water Park, and made suggestions for changes in the contract, but have not received it back. Mr. Michael said some of the issues involved what the city is bound to receive in the way of services. The agreement states that Charlotte Whitewater would provide one or more of the following services, with a list of possibilities, but we want it to say the whitewater park will be there and the rest would be maybes. There were also issues about money coming back to the community; we felt that no money would go back to any community until there is a surplus for one-year operation so it can maintain operation during a lean year. Mr. Michael had also asked for a copy of the commitment from the Bank, which is still in process; there will be no surplus until the loan is repaid, because they will get the first monies. Also, the lease for the property is still in negotiation. Mr. Guffey said we asked for a copy of the agreement with the City of Charlotte and a revised copy of *pro forma* financials, but do not have it yet. Mr. Michael said in his opinion the lease is the threshold document, and nothing else will be finalized until it gets done. My

feeling is that once he addresses our issues, he will take it back to the other parties, and the other entities may not like what we want.

UFB#4 Update on Annexations
City Manager Kraus stated that between the point in time when we certified the petition on Circle K property and now, there was a change in a half interest in the ownership of the property. Mr. Michael reported that Dr. Murphy came by to see him about the annexation agreement, which he approved, but he mentioned that deeds had been filed to change the ownership of the property. So we did research and spoke with someone at the Institute of Government about the deed changes, and have found out that the City does not need to start over, but the new owner has to sign the petition that we have. So, Mr. Michael stated that he had the new owner come down and sign the petition, which has been done. He expects the annexation agreement to be signed.

City Manager Kraus said that staff is still working on the Robinson annexation, so we expect that to come up soon. We have the survey now on the property.

UFB#5 To Discuss Taylor's Creek Relief Sewer/East Gaston sewer line.
Mr. Don Price stated that the County, City, and School system contracted to build a sewer line to East Gaston High School. The project was split into two phases, the first phase will go up to near Lane Road. We now have the necessary permits, and we expect to have bids at the end of the month. Mr. Kraus said we have all the necessary right of ways, except for one which has been settled and should be signed this week.

Councilman Hough asked how the water line agreement is coming. City Manager Kraus said the County is waiting for the cities to come back on that; he had asked Jan Winters to do the East Gaston agreement now and work on the rest later, but the county wants it done now as one contract. Mayor Hough asked, who is actually making the decision on that? Mr. Kraus reported that in the past the citizen advisory committee recommended to the commissioners what to do, but that has been an obstacle, so now it is supposed to go straight to the Commissioners.

UFB#6: ABC Board merger
City Attorney Kemp Michael said we just got the draft on Friday, and he had not studied it yet. There is one change the director called and said on page one at end of page onto page two delete that, it was just a mistake. Mayor Hough asked if Council wants to wait or take action on this matter. Councilwoman Hubbard asked, Mr. Michael do you feel this is their final offer? Mr. Michael replied, No, this represents the discussion at the meetings, but it is subject to Council revisions. He requested Council allow him to prepare this in more detail for the work session. It has to be built at a location approved by the City; the City buys the property and then leases it to the Board. The City cannot make a loan to the Board by state law. You will choose whether to consolidate with the other Board or not. The initial upfitting costs one-half to three-quarters of a

million dollars; the existing board has liquidity and a financial history already. We are looking at sites now that would be suitable, perhaps in a business development along with other businesses to be built.

PUBLIC COMMENT

Mayor Hough opened the floor for public comment.

Jack Henkle, 208 Rose Street. My grandson is a skateboarder; we need a skate park in Mount Holly. They are tearing up church property, only way to get away from that is to build a skate park. There are a huge number of kids that skateboard. The City has football fields, basketball courts, baseball and softball fields, soccer fields, of all kinds. The kids' boards were taken from them yesterday, and the police shadow them, but they don't drink or smoke or take drugs. I take them to Charlotte and Gastonia, but can't do it all the time. We need the City to get a skate park here.

ROUND TABLE

Councilman Helms said that the only thing he would ask in the contract with Whitewater is that if we were to have a budget crunch, there would be some way we could bail out for that particular year; my concern is that the taxpayers would suffer if that happens, but maybe that is not something you can do.

Councilwoman Harris asked what the status is of the church where the parking lot was torn up. Mr. Don Price reported that they cannot re-do the asphalt until warm weather; we are still holding their money. Councilwoman Harris wanted to know if he had contacted Willie Melton to let him know this? Be sure he does.

Councilwoman Hubbard invited anyone who would like to join us for the Springfest meeting this Thurs. 7:00 PM in Archives Room.

City Council Michael asked if Council is interested in having someone from the ABC Board come to speak to you? Councilwoman Harris said she'd rather wait until she sees what he will present at the work session. Councilman Hope agreed.

City Manager Kraus said that the Friedls came to us about a storm water problem on their property from the Stanley Interconnect utility project. He said we can get a quote on what it would take to fix it, and offer it to them, and they can get it fixed since it is on their property. Councilman McLean asked where it is actually located. Mr. Kraus said it is in the middle of their parking lot. Mayor Hough asked for clarification: so the question is whether we need to do this or how to do it? Mr. Kraus said we have no documentation that the city did this, only the Friedls information. Before we make an offer, we are going to check the Council minutes. Councilman Hope cautioned them to be careful of what precedent might be set. If we caused the problem, we should fix it, but if cannot be shown that we did it, then we cannot. Mr. Kraus said we talked to some people at W. K. Dickson, Engineers, and they remembered this being discussed back then but nothing was ever done. Mr. Kraus said that now with new regulations in place, we cannot pipe it into the creek but it has to be piped onto a buffer.

ADJOURN

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

8:10 PM

Bryan M. Haugh

Clerk   Mayor

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cpm