CITY COUNCIL
REGULAR MEETING
January 9, 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
Mayor Pro-Tem Phyllis Harris

Councilman Jim Hope
Councilman Jerry Bishop
Councilman Frank McLean
Councilwoman Pat Hubbard
Councilman David Moore

City Manager David Kraus
City Attorney Kemp Michael

Jamie Guffey, Assistant to City Manager for Finance/Administration
Danny Jackson, Assistant to City Mgr for Community Development
Benson Hoyle, Police Chief
Dale Oplinger, Fire Chief
Ryan Baker, Fire Inspector
Mike Santmire, Street & Solid Waste Director
Greg Beal, Community Dev. Officer

INVOCATION
The invocation was led by Rev. Ken Langsdorf, Lutheran Church.

A moment of silence was held for a young citizen of our city, a mother of a child at Pinewood Elementary School who was killed in a car accident.

PLEDGE OF ALLEGIANCE
Troop 59 led the Council and audience in the ceremony of the Pledge of Allegiance.

APPROVAL OF THE AGENDA
The agenda was approved with the following additions: 1. Unfinished Business add a report from staff on greenway land acquisition; 2. In the minutes for December we agreed to delay discussion about First Colony until this meeting, it should be added to Unfinished Business; 3. further discussion about regional pump station, add to UFB; 4. discussion about storm water ordinance, add to UFB; 5. discussion for water and sewer at Green Meadows golf course, add to UFB. With these amendments and upon motion by Councilperson Hope, seconded by Councilperson Moore, the agenda was adopted by unanimous vote.

CONSENT AGENDA
Councilperson Harris **MOVED** to approve the Consent Agenda with three (3) items, seconded by Councilperson McLean, with all in favor. The items approved were:

CA#1. <u>To Accept and Approve the Minutes</u>.

CA#2. To Call for Public Hearing to Consider Rezoning a 31.49 acre site off Beatty Drive from R-12 to B-3.

CA#3. Call for Public Hearing to Consider Rezoning a 1.29 acre site off of Leo Drive from R-10 to B-CU.

UNSCHEDULED PUBLIC COMMENT

Grover Barfield, 407 Rutledge Rd. Silt fence at Kendrick Farms still has two holes in it.

PRESENTATIONS

PR#1 Presentation by Mount Holly Community Development Foundation
Jonathan Barnard was recognized. He stated that this Downtown committee started under the direction of Dr. Lee Beatty. The goals have been set for 2006, and subcommittees selected. With regard to façade renewals; the committee understands that the City is replacing five awnings; it would like to partner with the city and take advantage of the discount in price by using the same contractor. In their budget, they have $5,000 to provide awning grants at a 50-50 contribution with the owner (maximum of $1,500 grant). It has sign grants at a 50-50 contribution with the owner (maximum of $500). The committee also has intrusive element grants, at a 50-50 contribution with the owner (maximum of $2,500). A loan pool is being established with local banks to provide a financial incentive to the owners to upgrade their property. Mayor Whitt thanked him and said he was glad to have a presentation to the Council where they are not being asked for money; we support you in that endeavor. Councilman Hope directed staff to liason with the City contractor and the committee to help them pursue their goal. Mr. Barnard said there are design experts that have offered their expertise to the committee, and the City may wish to use them as well. City Manager Kraus stated that staff has looked at old photos and are planning to go with what we saw there, they were triangular. Mr. Barnard announced the next meeting for their committee on January 16 at 7:00 PM at First Baptist Church.

Leigh Brinkley was recognized next, and she presented a farmer's market concept. The committee wants to start this in May this year, to operate on Saturdays, 7-12 AM, for the sale of produce, herbs, flowers and coffee. They have prepared rules and regulations, and addressed insurance and liability. This is part of a concept of helping Mount Holly grow, with relationships, health, business, with a donation element to CRO and elderly in community. She asked Council to support this concept, and help address zoning issues and waive the costs for rezoning. Mayor Whitt thanked her for her presentation. Councilwoman Hubbard asked if they are trying to locate in the downtown area? Ms. Brinkley replied that has not been determined yet. Councilwoman Hubbard asked, would this conflict with Springfest? Ms. Brinkley said they will make sure it does not.

Motion: Councilman Hope, **MOVED** to call for a public hearing to amend Section 6.4 of our ordinance to allow for farmer's markets; seconded by Councilwoman Harris. Councilwoman Hubbard asked, would the farmer's be able to make a profit? Councilman Hope said that is not covered by this ordinance; this would pertain to the foundation operating the farmer's market.
Vote: All in favor.

Motion: Councilman Hope MOVED to waive the fee for the text amendment to Section 6.4 and zoning permits for the Foundation involved with the vision and downtown revitalization, Councilwoman Hubbard seconded.
Vote: All in favor.
Ms. Brinkley thanked Councilman Hope and Mr. Beal for their help to this committee.

PUBLIC HEARINGS
PH#1 To Consider Amending Zoning and Subdivision Ordinance
Councilperson Harris 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 amending our zoning and subdivision ordinance.

Greg Beal said this is a mandated change by the State, Section 518 changes. The Planning Commission recommended approval. This would be an appendix to the ordinances.

The floor was opened for comments. Grover Barfield, 407 Rutledge Road. He stated he was curious as to why the City only have sidewalks on one side of the road. Also, in the construction phase, you need to look at soil erosion control. Councilman Hope stated that the City's current ordinance already requires sidewalks on both sides. Mr. Beal confirmed that it does.

Councilperson Bishop 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 approve amendment of zoning by appendix incorporating Section 518 , seconded by Councilperson Hubbard.
Vote: unanimous. CARRIED.

UNFINISHED BUSINESS
UFB#1 Appointment to Planning Commission, outside member.
David Kraus named those who have expressed an interest in serving. Councilwoman Harris moved to nominate all three, seconded by Councilman Hope, with all in favor. Councilman Hope moved to vote by written signed ballot,

seconded by Councilwoman Harris, with all in favor. Councilman Hope noted for the record that this will be a recommendation to the County because the outside members are actually appointed by the County commissioners.
The Nominations were:
Bill Henley
Todd Young
Jack Stevenson
The votes were passed to Kemp Michael who tallied them and declared that Mr. Henley had the majority. He will be recommended to the County to fill this outside member seat.

UFB#2 Mayoral Appointments
Mayor Whitt appointed the following persons to the listed committees:

Utility Committee
Jerry Bishop, Chairman
Frank McLean
Will Crist
Myles Biggerstaff
Mike Legendre

Land Use Committee
Pat Hubbard, Chairwoman
Jim Hope
Carlton Broome
Bob Suttenfield
Michael Kahre
Kathy Trull
Allen Medlin
Melvin Fortner

Beautification, Street and Sanitation Committee
David Moore, Chairman
Aaron Suttenfield
Carolyn Breyare
Roger Hawkins
Bob Jessen
Ben Taylor

Special Events Committee
Phyllis Harris, Chairman
Charles Black

Construction Committee
Jim Hope, Chairman
Greg Dimmer
Galen Cassada

Stormwater Committee
Wendy Foster, Chairman
Rick Painter
David Berg
Mark Belfiore

Public Safety Committee
Frank McLean, Chairman
Pat Hubbard
Jerry Bishop
Glria Massey Carithers
Al Norton
Joe Danzi

Archives Committee
Bobby Black, Chairman
Leigh Brinkley
John Hope
Coleen McLean
Jim Love

County Image Committee
Jim Hope, liason

Transportation Advisory Committee
Phyllis Harris, delegate
David Moore, alternate

Central Carolina Government Representative
Pat Hubbard, delegate
Frank McLean, alternate
Jerry Bishop, alternate

ABC Liason
David Moore

Parks and Recreation Committee
Henry Massey
Carl Baber
Frances Springs
Marshall Huffstetler
Phyllis Harris
Charlotte Gaston
Derek Helton
David Moore

Jennifer Lamont
Leslie McCarty

Greenway Committee
Jim Hope
Phyllis Harris
Pat Hubbard

UFB#3 Discuss Council Retreat.
The Council agreed to hold its retreat on February, 17 & 18. Mayor Whitt wishes to go out of town. City Manager Kraus to put together information and send out to the Council.

UFB#4 Greenways
David Kraus reported that, the contacts the City had at Clariant have left, and we are making new contacts. Mayor Whitt said he wanted a report at the next work session on the agenda. Councilman Hope said he needs help with the presentation, he should have Scott Griffin go with him.

UFB#5 First Colony
Mr. Beal said the City received their request before the moratorium. Their application was July 27. They asked for a postponement to their hearing to make corrections needed; this went to the Planning Commission and was tabled. This is a conditional use application, and he had the findings of fact with him. Councilman Hope asked, they did not withdraw? Mr. Beal said they had not. Councilman Hope said, this is outside our ETJ, so whether we want to annex it or not; that is the issue. Councilman Hope suggested we put it on the work session next month, and accept this for information. Councilwoman Hubbard noted that on page 2 it has the square foot minimums, but she recalled they had agreed to larger that this size. Mr. Beal said that the blue writing is what they agreed to, but it does not show up well on the copies. Councilman Moore said we should take this into consideration and think it over until the worksession. Councilwoman Harris said Council will need full reports to make a decision. David Kraus said he will have all department heads report on the impact.

UFB #6 Stormwater Ordinance
City Manager Kraus said there have been complaints at StoneWater Bay subdivision about phase one with regard to stormwater. The County is responsible for erosion control. The first section was approved by the State; the soil and erosion control permit is good for the construction period only, so when it was turned over to the City, it was no longer their problem. We need two ordinances, one for construction and one for post construction. We are only required to have that at year three, but may want to move it up. We have to determine who owns the open land, probably the HOA or the developer. He is going to have Mr. Gilpin meet with the County and sit down with New South and

work on these issues in Phase One, as well as the new phases. Staff needs these ordinances to give us legal authority to enforce maintenance procedures.

UFB#7 Regional Pump Station
Mayor Whitt stated that is has been, indicated we have to have an ordinance on this matter. City Attorney Michael said the City has always had the developer install water and sewer lines, and we have paid for any enlargement the City wanted above what the developer was required to install. We can continue what has been done in the past, or we can have a regional pump station installed, but in the latter case the City would share in the cost with the developer. There are three elements to the requirement which have been discussed in a memo from Mr. Michael to Council. Mayor Whitt asked when this needs to be done? Mr. Kraus said the developer wants to grade in May for his project, so he needs to know what the City wants to do because it affects the way the grading is done. Councilman McLean said that Riverfront has their own pump station, but they pump past our station to our main line. Mr. Kraus said the regional pump station is being discussed because the pump station at Swagnit is old and this would help the whole area as it develops; to finance this we would use system development fees, and have the ones who tap on pay reimbursement to us like they have paid to developers in the past. In addition to that, this is a reimbursement of the facility cost. Councilwoman Hubbard said, at the December meeting, we decided to go ahead with a regional pump station, so now we are just talking about getting the legal paperwork done. Mr. Michael said it should be ready at the next work session. Mr. Michael said Mr. Kapadia has an engineer he wants to use; do you want to meet him, use your own, or require him to use the City's engineer? It is David Baker, with Turnville. Mr. Kraus said we could use the same engineer, but we would want Bob Cooke to review for us.

UFB#8 Water and Sewer at Green Meadows Golf Course
City Manager Kraus said that Faison has an option on the golf course, and plans to operate it as a golf course for several years, and then later develop it as a subdivision. They have proposed going to the County to seek R-10 zoning because of our moratorium, but they want water and sewer from the City. Their position is that as part of the water and sewer line to East Gaston agreement, they should be provided services from the City. Councilman Bishop asked, don't they only want water and sewer for the clubhouse and across the street. Councilman Hope said he wanted staff to get clarification as to what they are asking for; if this request is just for the business, and not for a subdivision?

The Council took a five minute recess.

NEW BUSINESS

NB#1 To Authorize Application for Regional Trails Program Grant in Coordination with the Tarheel Trailblazers.

City Manager Kraus stated that this request is for a regional trails grant for building trails in the amount of $50,000, with a 10% match. The application is due by the end of February. The Trailblazers will apply, but they want us to be their partner. We need authorization to apply. Councilman McLean noted that this is on Gastonia's property, are they aware of it? Yes. Mr. Kraus said we will have to keep the Forestry Service informed as well, and work on it with their consent. Councilman Hope asked where the matching funds come from? Mr. Kraus replied, from the Trailblazers, not from the City.

Motion: Councilwoman Hubbard **MOVED** to authorize this application for grant, Councilman McLean seconded.

Vote: all in favor. CARRIED.

NB#2 Discussion of Changes in Personnel Policy

City Manager Kraus said that, per Council's directive, the personnel policy amendments call for delegating more authority, and cleaning up more of the discipline procedures. To streamline, we would go to a process where the department head can take action, but the employee has the right to appeal to the Asst. City Manager and personnel manager. The ultimate appeal is to the City Manager, terminations have to come from the City Manager. Personnel policy is a policy and is not an ordinance adopted by the Council. Councilman Bishop asked, is suspension with pay or without pay? Mr. Kraus replied, without pay. Councilman Bishop stated that he thinks that gives department heads too much power. Councilman Hope asked that the last sentence of the second page be clarified, regarding department heads. Mr. Kraus said he has that clause because it is difficult for the committee to rule on a department head's status, so it should remain with the City Manager. This is a draft for council's consideration and he requested councilmember comments. Councilman Moore felt that some of these suspensions should go beyond the city manager; there should be a different group that looks into these things; for instance, the police department. Perhaps an independent panel would be better. Mayor Whitt said that defeats the purpose of having the city manager hire and fire. Councilman Bishop said it is a pretty good concept except that the department heads should make recommendations to the committee first and then the committee should report to the city manager before any action is taken; the department head should not have more power than the committee. Mr. Kraus said this new policy would mean a lot of the time-consuming processes would be done by the department heads and the committee, before it comes to him.

NB#3.To Consider Resolution Opposing Inter Basin Transfers
City Manager Kraus said this resolution is based on the model sent to us by the Riverkeeper. Mayor Whitt reviewed for the record the proposed resolution.
Motion: Councilman McLean **MOVED** to adopt, seconded by Councilman Moore.
Vote: all in favor. CARRIED

NB#4. To Discuss Audit Management Letter
City Manager Kraus stated that, as part of audit, the auditor gives us a letter for things to amend or change. Jamie Guffey reported that our current system will not change passwords, so this would delete them every quarter so that they have to re-enter. We tell them to not use the same one, and not to tape it up at their desk. Also, they are not to use anti-spy software; that is for residential, and is not compatible. Mr. Guffey said the police department uses Enterprise. The IT department is determining what we need for commercial use, not all of our computers are on the network.

Backups have been in a safe here at city hall, so now we have gotten a safe deposit box at the bank, and they will go there every day.

We are developing a restore procedure in case of disaster.

Fire extinguisher for electronics.

Test computer applications before installing. This is primarily for financial accounting software, because it is very expensive and not being replaced.

Develop year end; because we were installing a new system, so we have that now.

Segregate bank reconciliation duties. We now have Donna doing that as well as her usual duties. They said someone else needs to do accounts payable. Mr. Kraus said, we asked Paula, but she said she already has more than she can do. This job takes 3-4 days a week for a new person. We are trying not to add an employee, but we may have to. Councilman Hope asked, what will Donna do with the time not spent on that? Mr. Guffey said she has been working 45-50 hours a week, so that will change, and also she will be given fixed assets to handle. Mayor Whitt asked, when will you address this matter? Mr. Kraus said as Council instructs, but it will be on the next audit if we don't do it this year.

Completed check stubs, use of paid stamp on invoices.

Internal control of cash receipts. Mr. Guffey said this was on the list because we had one check come in that went to a department head, and he forgot about it for three months, but he did bring it up here and it got deposited. Also, there was a FEMA check that we never got, twice, and now we have gotten it by FedEx. We had mail lost by the post office, one time they gave us a box full of mail that was a month old. Now, we have one person open mail so they don't get lost.

Not allowed to let people in through door.

Person getting the check has to sign for it.

Daily count of registers. Mr. Guffey stated that was one event, where there was a mistake that had to be fixed, and the deposit went in after two o'clock making it post to the next day. Every night it goes to the night deposit, and is checked the next morning. The bank was without power one day last month, so the deposit was not posted until after that.

Key employees that need to be forced to take vacation. These employees have excessive time that has accumulated. We have started to address that. This is really a rule for those with access to the financial assets, and so David Kraus and Danny Jackson do not fall into that requirement.

Mayor Whitt asked, how many of these things on the auditor's list were on the list last year? Mr. Guffey said about the same number as last year. Councilwoman Hubbard asked, are any of these items repeated? Only the vacation rule.

NB#5. <u>To Approve Preliminary Plat for Phase 3B of the Stonewater Subdivision</u>
Mr. Beal stated that the preliminary plat is when the developer comes to work with us, they submit construction documents, and with a preliminary plat, a layout map. That only gives them the right to grade land and put in the infrastructure. They cannot sell lots. There was a question if the preliminary plat could be withheld because of code violations in prior sections of the same subdivision. He had discussed this with a professor at UNC. He said you cannot withhold a preliminary plat for other violations as long as new plat meets your standards. Councilman Hope, the petitioner is not the violators, are they? Mr. Beal said, no they are not, the contractors are the violators. Mr. Beal said typically at the preliminary plat stage the developer doesn't come before the board. Councilman McLean said he doesn't have a problem with that, but the erosion and trouble on the streets involves common sense and needs to be worked out, even if we need to have the developer come down here. Councilman Hope said we would if we have questions about the plat, but if our questions are about the violations, let's get them down here
<u>Motion:</u> Councilman Hope **MOVED** to accept the preliminary plat on recommendation of the Planning Commission, seconded by Councilman McLean.
<u>Vote:</u> unanimous, CARRRIED.

ROUND TABLE
Councilman McLean said that on Caldwell Drive somebody has construction equipment near our water tank, does anyone know who it belongs to? Mr. Kraus will find out.

Mayor Whitt stated that Gaston County clergy and Gaston Together invite the Council to dedicate the Martin Luther Plaza and give the Unity Award on January 13th.

Mayor Whitt gave a request from, National Leaders for us to adopt a resolution to Mayor Pro-Tem Harris to review and report if we want to do it or not.

City Manager Kraus said the plantings of trees on Main Street is to be done in February. The trees in Tuckaseege Park are under work order to cut damaged trees. He didn't know about the sprinkler at Riverfront Park. Regarding the light at the flagpole, Cherry Electric is to put up two canister lights to shine upward.

CLOSED SESSION
Councilperson Hope moved to go into closed session for the purpose of discussing personnel matters, seconded by Councilperson McLean, with all in favor.

Councilperson ___________________ moved to return to open session, seconded by Councilperson_______________, with all in favor.

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

_______PM

_______________________________ Clerk

_______________________________ Mayor

****

cpm

Closed Session:
I did not take minutes for the closed session. I was dismissed by the Mayor and City manager after the vote to go in and before it started, at 9:15 PM.
cpm