

CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL MEETING
MONDAY, December 11, 2023
COUNCIL CHAMBERS
7:00 PM

CALL TO ORDER

Mayor Hough called the meeting to order at 7:00 pm. The following were present:

Mayor Bryan Hough	Danny Jackson, Interim City Manager
Mayor Pro Tem Lauren Shoemaker	Brian DuPont, Assistant City Manager
Councilman Ivory Craig	Brian Reagan, Police Chief
Councilman Jeff Meadows	Ryan Baker, Fire Chief
Mayor Elect David Moore	Greg Beal, Planning Director
Councilwoman Phyllis Harris	Tony Walker, Streets and Solid Waste Director
Councilman Elect Kenneth Reeves	Jonathan Wilson, Director of Utilities
Marie M. Anders, City Attorney	Mark Jusko, Recreation Supervisor
Tara Douglas, City Clerk	Michelle Wood, Finance Director
	Alexis Hill, Human Resources Director

*Councilwoman Christina Pawlish was not present.

INVOCATION

Mayor Elect David Moore led the Council, staff and attendees in prayer.

PLEDGE OF ALLEGIANCE

Boy Scout Troop #59 led the Council and attendees in the Pledge of Allegiance

SET THE AGENDA

Mayor Hough stated that there will be a change to the agenda to remove the special presentation.

With no additional changes to the agenda, Mayor Hough entertained a motion to approve the corrected agenda as presented. Mayor Pro Tem Shoemaker made a motion to approve the corrected agenda as presented. Councilman Craig seconded the motion. All Council members present voted in favor. (Motion Carried)

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CONSENT AGENDA

1. Approval of a Resignation Letter from Councilman David Moore
2. Call for a public hearing to consider amending Section 3.10 and Section 3.26 of the Zoning Ordinance concerning retaining walls.
3. Approval of the 2024 Council Meeting Schedule
4. Approval of Parks and Recreation Budget Amendments
5. Approval of Parks and Recreation Commission Re-Appointments
6. Approval of Planning Commission Re-Appointments-Jerry Bishop, Perry Toomey, Alberto Gonzalez to serve an additional three-year term expiring December 2026
7. Approval of Amended Interim City Manager Contract
8. Approval of Minutes from the November 1, 2023 Special Meeting
9. Approval of Minutes from the November 1, 2023 Closed Session
10. Approval of Minutes from the November 2, 2023 Special Meeting
11. Approval of Minutes from the November 2, 2023 Closed Session
12. Approval of Minutes from the November 10, 2023 Special Meeting
13. Approval of Minutes from the November 10, 2023 Closed Session
14. Approval of Minutes from the November 13, 2023 Council Meeting
15. Approval of Minutes from the November 13, 2023 Closed Session

Mayor Hough entertained a motion to approve the consent agenda as presented. Councilwoman Harris made a motion to approve the consent agenda. Mayor Pro Tem Shoemaker seconded the motion. All Council members present voted in favor. (Motion Carried)

SWEARING IN CEREMONY

1. Oath of Office for Mayor David Moore ***Honorable Jesse B. Caldwell, III***
The Honorable Jesse B. Caldwell, III administered the oath of office to David Moore for Mayor of the City of Mount Holly. Mayor David Moore was accompanied by his children. Mayor Moore thanked Bryan Hough for his service, time and dedication to the City of Mount Holly. Mayor Moore thanked the citizens of Mount Holly.

2. Oath of Office for Councilwoman Phyllis Harris ***Honorable Jesse B. Caldwell, III***
The Honorable Jesse B. Caldwell, III administered the oath of office to Phyllis Harris for City Councilwoman. Councilwoman Harris was accompanied by her husband for the ceremony. Councilwoman Harris thanked everyone for voting for her.

3. Oath of Office for Councilman Jeff Meadows ***Honorable Jesse B. Caldwell, III***
The Honorable Jesse B. Caldwell, III administered the oath of office to Jeff Meadows for City Councilman. Councilman Meadows was accompanied by his wife and children for the ceremony.

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Councilman Meadows thanked his family for their support. Councilman Meadows stated that he would continue to serve the citizens and Mount Holly to the best of his ability.

4. Oath of Office for Councilman Kenneth Reeves ***Honorable Jesse B. Caldwell, III***
The Honorable Jesse B. Caldwell, III administered the oath of office to Kenneth Reeves for City Councilman. Councilman Reeves was accompanied by his wife for the ceremony. Councilman Reeves thanked everyone for their support and that he will serve to the best of his ability.

PRESENTATIONS

1. Employee Service Awards ***Mayor David Moore***
Mayor David Moore presented the Employee Service Awards to the employees that reached 5, 10, 15, 20 and 25- year milestones in their careers with the City of Mount Holly.

The following employees were recognized for 5 years of service: Christopher Ohlin, Patrick Mayhew, Robi Brendle, Daniel Treece, Tara Douglas, Joshua Mills, Robert Burchfield, Delton Williams, Jeremy Moss, Ashton Chaney, Caleb Monteith, Ronald Hale, Dean Morton, William Steele, Lee Farris, Andrew Roberts, Jason Walker, Brandon Livingston, and Byron Greene.

The following employees were recognized for 10 years of service: Jeffrey Womack, Gina Miller, Dawn Todd, Donald Petty, and Jennifer Howard.

The following employees were recognized for 15 years of service: Jonathan Wilson, Brian DuPont, and Robert Stewart.

The following employees were recognized for 20 years of service: David Sisk and Jonathan Moore.

The following employee was recognized for 25 years of service: Wesley Monroe.

PUBLIC HEARING

1. Public hearing to amend Section 7.1-Note 28-C-4-d to permit front roof slope mounted solar panels within 100 feet from the road, case # TA-23-14. ***Josh Blackwell***
Mr. Blackwell discussed the proposed text amendments. Mr. Blackwell stated that the Planning Commission has voted in favor of this proposed text amendment at their December 4, 2023 meeting.

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Mayor Moore entertained a motion to come out of the regular meeting and enter into the public hearing. Councilman Meadows made a motion to come out of the regular meeting and enter into the public hearing. Councilwoman Harris seconded the motion. All Council members present voted in favor. (Motion Carried)

With no one signed up to speak at the public hearing, Mayor Moore entertained a motion to go out of the public hearing and return to the regular meeting. Councilman Meadows made a motion to come out the public hearing and return to the regular meeting. Councilman Craig seconded the motion. All Council members present voted in favor. (Motion Carried)

PUBLIC COMMENT- Three (3) Minute Limit

1. Clyde Davis who lives at 308 Piedmont Avenue spoke regarding the election and the open council seat. Mr. Davis stated that he is asking to give the power back to the people and have a special election.
2. Carol Mack who lives at 116 Lantana Drive. Ms. Mack apologized to Mayor Moore and Councilman Reeves that on a night meant to celebrate their win that she must address a rumor going around town. Ms. Mack stated that there is a rumor that three council members that have decided to appoint Mr. Hough to the vacated seat by Mayor Moore. Ms. Mack stated that she hopes that this is a baseless rumor because if it is not, then 989 citizens who voted to elect Gloria Mack means nothing. Ms. Mack asked that Gloria Mack be appointed to the vacant seat. Ms. Mack stated that if the rumors are true then the council should be ready to publicly defend their decision.
3. Gloria Mack who lives at 986 Old Hwy 27 asked to be appointed to the vacant seat on council. Ms. Mack asked that the Council reevaluate the process of filling a vacant seat.
4. Rodney Williams who lives at 315 S. Main Street stated that the audience has lost trust in the council and the process. Mr. Williams stated that council members had interviewed other options for the nomination, but had not contacted Gloria Mack even though she has reached out to council to be considered for the vacant seat. Mr. Williams stated that there would be two years of protest if the council did not nominate Gloria Mack.
5. Gary Self who lives at 904 Timberlane Drive stated that Mount Holly had a fair election and that the citizens wanted a change. Mr. Self stated that Mr. Moore is that change. Mr. Self stated that he thinks that Ms. Mack should be appointed to the vacant city council seat.

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6. Teresa Connor who lives on Nims Ave listed the percentages of the votes by those on the ballots and that 18 % of the votes went to Gloria Mack. Ms. Connor asked what are we going to do in the city to bring unity?
7. Gary Brinkley who lives at 176 Tom Sawyer Lane stated that when you don't know what to do, do the right thing. Mr. Brinkley stated that Gloria Mack has the next highest votes and should be put in the seat.
8. William T. Brooks who lives at 102 Houston Street did not speak, but was listed on the sign-up sheet for public comment.
9. Deborah Pack who lives at 113 E. Catawba Drive stated that she has a petition of 44 signatures for support of Gloria Mack. Ms. Pack read the petition stating that she is deeply concerned about Mr. Hough being considered for nomination for the vacant seat and that this will undermine the new Mayor.
10. Jordan Chapman who lives at 104 Antelope Drive stated that he would like to run for a seat on the council, but is currently endorsing and supporting Gloria Mack because that is what the citizens want.
11. Jason Shoemaker who lives at 104 Woodstone Drive stated that he appreciates the service of everyone that serves on the council. Mr. Shoemaker stated that council members give of their time. Mr. Shoemaker stated that there is no right or wrong decision and that this council is going to do the right thing and that this is the purpose of a democracy. Mr. Shoemaker stated that folks are talking about the voice of the people, but the law in North Carolina is written in such a way that the council members are the elected representatives and are the voice of the people.
12. John McCall who lives at 2009 Canova Drive stated that he is concerned about traffic management and speeding through Route 16 and Lucia Bend Highway intersection. Mr. McCall stated that trash mitigation and city beautification is concerning with the shredded tires, car parts and various debris that is prevalent. Mr. McCall noted that there is no welcome to Mount Holly sign in the north Mount Holly area. Mr. McCall stated concerns about the homeless in the city. Mr. McCall stated that he believes that we can do better.

NEW BUSINESS

1. Discussion of Filling the City Council Vacancy

Marie Anders

Mrs. Anders discussed the appointment of the vacant seat to city council. Mrs. Anders stated that the statute § 160A-63 does not have a lot of information and direction as to the process that the City Council would take to appoint this vacancy it simply states by appointment of the City

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Council. Mrs. Anders discussed the way state law works and that the City Council can only follow the authority given to them by state law. Mrs. Anders stated that she has determined that there are two main methods for filling the vacancy on City Council. Mrs. Anders stated that the first methods would be by a simple motion and vote method and the second methods would be by a nomination and ballot method.

Mrs. Anders stated that Council could nominate someone of their choosing to fill the vacancy and after the nomination period is closed and discussed have a written ballot, not a secret ballot, with everyone's name next to it that is then counted and tallied. Mrs. Anders stated that the voting would continue until a candidate received the majority of the votes with the lowest vote getters being eliminated in successive rounds.

Mrs. Anders stated that this is a proposed method for filling the vacancy that has been put forward by the School of Government and that is preferred under parliamentary procedure such as Robert's Rule of Order.

Mrs. Anders stated that she has provided in the Council's packet a potential rule of procedure nomination ballot that if Council chooses to adopt it, is written to cover council appointments in the event of a vacancy by nomination voting procedure. Mrs. Anders stated that if Council chooses to adopt this rule, this would be a change to the ordinances that would go in the City Code, but could be amended by future Councils as well.

Mrs. Anders advised that before Council could fill the vacancy, it is important to discuss the method to fill the vacancy first and then follow the procedure that Council sets. Mrs. Anders stated that she would be happy to answer any questions.

Councilman Meadows thanked Mrs. Anders for putting this process in front of Council to determine the proper way to proceed. Councilman Meadows stated that he would like to see Council adopt this process so that there is a clear path on how to proceed.

Councilman Craig agrees with Councilman Meadows that there should be a clear path on how to proceed.

Councilwoman Harris asked Mrs. Anders to clarify the options proposed. Mrs. Anders discussed option A which is the motion and vote. Mrs. Anders stated that she is asking Council to pick one of the two options. Mrs. Anders stated that option B is the nomination and ballot method. Mrs. Anders stated that she provided the potential rule of appointment for City Council that follows the nomination and ballot procedure. Mrs. Anders stated that Council does not have to adopt this, but it is a potential rule of procedure for consideration that would work under state law and parliamentary procedure. Mrs. Anders stated that under the nomination and ballot method, in an

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open meeting, Council Members would nominate citizens to fill the vacancy. Mrs. Anders stated that discussions could take place about nominees and once the nomination procedure is complete there would be a round of voting where everyone votes for his or her preferred candidate by a written ballot. Mrs. Anders stated that a written ballot is not a secret ballot and the proposed rule of appointment states that secrets ballots are prohibited. Mrs. Anders stated that a written ballot would require the written nomination and a signature so that everyone knows who voted for who. Mrs. Anders stated that the votes would then be tallied and any one nominee who receives the majority of the votes would fill the vacancy.

Mrs. Anders stated that if no nominee receives a majority, the way that this rule of appointment is presented to you, states that the nominees that receives zero votes would be removed from consideration. Mrs. Anders stated that each member would cast a vote for his or her preferred nominee for consideration a second time to see if someone receives a majority vote that time. Mrs. Anders stated that if no one receives a majority vote a second time then those nominees who receive the least votes would be removed from consideration so that there are only two nominees which would be the ones with the highest number of votes left for consideration.

Mrs. Anders stated that at this point Council would have a third round of voting by written ballot where each member would cast a vote for his or her preferred nominee remaining for consideration a third time. Mrs. Anders stated that this voting would continue in rounds until a one nominee received the majority vote.

Mrs. Anders reiterated that the only additional information or direction to stand on in our statutes and our ordinances is generally to follow parliamentary procedures or Robert's Rule of Order. Mrs. Anders stated that Robert's Rule of Order prefers the nomination and ballot method and the School of Government prefers this method as well.

Mrs. Anders stated that this preference could be due to the concept that every nominee can be heard and debated and then members can vote for his or her preferred nominee instead of the motion and vote method which could cause people to vote against someone that maybe they would be in favor of if they knew who all of the nominees were. Mrs. Anders stated that the nomination and ballot method is helpful because then everyone gets to vote for the candidate of their choosing after seeing all of the nominees available and I believe that this is the essential reason why Robert's Rule of Order and the School of Government prefers that method. Mrs. Anders stated that Council does not have to chose it and that it is totally up to Council under state law which option that they chose and that she understands from talking through past history of appointments that appointments were commonly made by simple motion and vote method. Mrs. Anders stated that this would be acceptable also and that her only main concern is that the Council decide some course of action in terms of how to fill the position before filling it.

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Councilman Meadows asked if it could be added that the ballots be read out loud to ensure that everyone can hear who voted for who. Mrs. Anders stated that yes this could be added since this is Council's procedure.

Councilman Meadows stated that in his research of the precedent, that there only appeared to be one time that there had been a motion and vote method used and that the other two times, according to the minutes, there was a nomination and ballot method used. Councilman Meadows asked for clarification from Mr. Jackson and stated that it is important to establish what the precedent was.

Mr. Jackson stated that there had been instances in the past where there have been nominations made, ballots taken, votes made and then it was read out how the vote turned out. Mr. Jackson stated that the nominees who had the least number of votes were removed and there was voting on the remaining nominees until a decision was made

Councilwoman Harris stated that she thinks two times that we voted on it, there was a motion made and we voted on it. Councilwoman Harris stated that the other time that we did that was because Faye Little had passed away and her husband JC asked to take her place.

Councilman Reeves asked if the nominees are chosen publicly and then Council would vote on it? Mrs. Anders stated that firstly, everything is done publicly and that there is no ability under state law to discuss anything outside of the open meeting. Mrs. Anders stated that nominees are put forth by the City Council only because it is the City Council only that has the authority under state law to make appointments. Mayor Moore entertained any further questions or discussion.

Councilman Meadows made a motion to adopt option B with the additional language added regarding the ballots being read aloud for the record. Mayor Pro Tem Shoemaker seconded the motion. All Council members present voted in favor. (Motion Carried)

Councilman Meadows made a motion to move into the nomination process. Mayor Pro Tem Shoemaker seconded the motion. All Council members present voted in favor. (Motion Carried)

Councilwoman Harris nominated Gloria Mack to fill the vacant council seat.

Mayor Pro Tem Shoemaker nominated David Hamrick to fill the vacant council seat. Mayor Pro Tem Shoemaker asked to see a list of all of the citizens that have reached out to be considered for the vacant seat.

Councilman Meadows nominated Bryan Hough to fill the vacant council seat.

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Mayor Moore opened the floor for any discussion around the nomination process. Mr. Reeves stated that he would like to have Gloria Mack as well.

Councilman Meadows stated that he was just re-elected to the seat and that no one on this Dias has a mandate or a clear direction from the voters. Councilman Meadows stated that different platforms have been presented and different citizens turned out at the poles and chose their representation. Councilman Meadows stated that any comments to the contrary around not hearing the citizens voice or not representing the citizens as a whole is a little off-putting. Councilman Meadows wants everyone to know that there has been a lot of research that has went into this to include state law and the city charter and that finding direction when you are in new territory is important. Councilman Meadows stated that he is happy that we have adopted a process that the citizens will be able to find in our City Code. Councilman Meadows stated that there were at least five official candidates that he is aware of: Jordan Chapman, Bryan Hough, Gloria Mack, Melanie Maybre Nichols and David Hamrick. Councilman Meadows stated that there were a number of candidates that have put their name in for the vacant seat and that Council has done the best with the options available to them. Councilman Meadows stated that for him this vote is based on our current projects and the strategic vision plan. Councilman Meadows stated that this is a political process and that he has received a different set of feedback that is not represented in the room tonight and that there are different voices in the community. Councilman Meadows stated that he has looked at past precedent and that all three times that someone has been appointed to a vacant council seat it has come from someone who did not run in an election previously.

Mayor Pro Tem Shoemaker addressed Councilwoman Harris stating that he actually went to the Board of Elections. Councilwoman Harris responded by saying that Pat Hubbard ran. Councilman Meadows responded by saying that she did not. Mayor Pro Tem Shoemaker stated again that we actually went to the Board of Elections. Councilman Meadows stated that there is public record that can be provided and that he would be happy to send it her. Councilwoman Harris responded by saying ok Jeff. Councilman Meadows stated that it exists and that he did not make this stuff up.

Councilwoman Harris stated that she too has been stopped publicly and that everything that she has heard is what is being said by the people that are here tonight. Councilman Reeves stated that if we go against the voters then we are telling the voters that their vote does not count.

Mayor Pro Tem Shoemaker stated that she appreciates the sentiment and while she agrees, that she would say that the camps that we all have decided to be on during this process have led to people reaching out to us in different ways. Mayor Pro Tem Shoemaker stated that she personally has received conflicting information and that almost everyone has used the phrase do

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the right thing and that almost everyone has meant something different by that. Mayor Pro Tem Shoemaker stated that the notion that one answer is the right thing to do or that one answer is listening to the citizens when I can look out into the crowd and see differing opinions. Mayor Pro Tem Shoemaker stated that she feels like everyone up here is going to represent the people that have talked to them and that Mount Holly is not united on this.

Councilman Craig stated that people have reached out to him as well and that he has spoken to citizens and responded to citizens in a respectful manner. Councilman Craig stated that his integrity has been challenged by stating that he is not listening because he has a different opinion. Councilman Craig stated that he is going to continue to do in his opinion what is best for Mount Holly.

Mayor Moore stated that there are five people listed in the nominations. Mrs. Anders stated that this is not accurate and that there were only three nominations to include: Gloria Mack, David Hamrick and Bryan Hough.

Mayor Moore entertained a motion to close the nominations. Councilwoman Harris made a motion to close the nominations. Councilman Meadows seconded the motion. All Council members present voted in favor. (Motion Carried)

Mrs. Anders stated that the Council is following the written ballot method and that paper should be passed out for use. Mayor Moore stated just to let you guys know, I have no power here. Mrs. Anders gave instructions to fill out the ballot with your choice of nomination and to sign the ballot. Councilwoman Harris asked if the ballots will be available publicly? Mrs. Anders stated that yes, the ballots would be part of the public record and would be available for public inspection in the City Clerk's office immediately following the meeting and remain there until the minutes are approved and then the ballots would be destroyed.

Mayor Moore proceeded to read the ballots. Mayor Moore read aloud the following votes:

Mayor Pro Tem Shoemaker: voted for **Bryan Hough**

Councilman Craig: voted for **Bryan Hough**

Councilman Reeves: voted for Gloria Mack

Councilwoman Harris: voted for Gloria Mack

Councilman Meadows: voted for **Bryan Hough**

Mayor Moore confirmed that the majority vote goes to Bryan Hough to fill the vacant council seat.

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CLOSED SESSION

1. Closed Session Pursuant to N.C.G.S 143-318.11 (a) (3 and 5)

Mayor Moore entertained a motion to go out of the regular meeting and enter into closed session pursuant to N.C.G.S 143-318.11 (a) (3 and 5). Mayor Pro Tem Shoemaker made a motion to go out of the regular meeting and enter into closed session at 8:30 pm. Councilman Meadows seconded the motion. All Council members present voted in favor. (Motion Carried)

Mayor Moore entertained a motion to come out of closed session and back into the regular meeting. Councilman Meadows made a motion to come out of closed session and back into the regular meeting at 8:48 pm. Mayor Pro Tem Shoemaker seconded the motion. All Council members present voted in favor. (Motion Carried)

ADJOURN

With no additional items for discussion, Mayor Moore entertained a motion to adjourn the December 11, 2023 Council meeting. Councilman Craig made a motion to adjourn the December 11, 2023 Council Meeting. Councilwoman Harris seconded the motion.

All Council Members present voted in favor.

(Motion Carried)

The meeting adjourned 8:49 pm.