CITY COUNCIL
REGULAR MEETING
December 11, 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 Robert Whitt. The following were present:
Mayor Robert Whitt
Mayor Pro-Tem Phyllis Harris
Councilman Jerry Bishop
Councilman Jim Hope
Councilwoman Pat Hubbard
Councilman Frank McLean
Councilman David Moore
City Manager David Kraus
Assistant City Manager Danny Jackson
Assistant City Manager Jamie Guffey
Community Development Planner Greg Beal
Police Chief David Belk
Fire Chief Dale Oplinger
Street and Solid Waste Director Mike Santmire

INVOCATION

The invocation was led by Rev. Tim McCarn, Harvest Time Church of God, Mount Holly, NC.

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 removal of public hearing due to lack of sufficient advertisement, contract for housing management to be placed on the consent agenda contingent upon approval of city attorney (moving from unfinished business #3), consent agenda #3 to be moved to unfinished business for discussion (resolution of city policy regarding water and sewer), upon motion by Councilperson Hubbard, seconded by Councilperson Moore, with all in favor.

CONSENT AGENDA

Councilperson Harris **MOVED** to approve the Consent Agenda with above noted change items, seconded by Councilperson Bishop, with all in favor. The items approved were:

CA#1. To Accept and Approve the Minutes.
CA#2. To Call for Public Hearing on Amending Storm Water Fees.
CA#3. To Consider Approval of Resolution to Ratify Existing City Policy on Water and Sewer Provision. (Moved to Unfinished Business #3).

CA#4.

PRESENTATIONS

PR#1 To Recognize Rosa Starnes McDowell on Her 100^{th} Birthday.
PR#2 Employee Service Awards.
PR#3 To Recognize Employee of the Year. (Susan Willocks)

MANAGER'S REPORT (Mr. David Kraus, City Manager)
Minimum housing enforcement issues – we contracted with Centralina Council of Governments regarding this and they are working with homeowners. We are half-way through this process currently. Sam Leggette is handling this and can be contacted with any questions.

Citizens Center – Financing is in place and we are waiting for Guaranteed Maximum Price and awarding of the bids. This will be on the January agenda.

Job Descriptions – We are currently working on doing new revisions on all of these. Our city accountant is leaving to go to Bessemer City as their finance manager. We will need to find a replacement for that position.

Audit – This information should be presented in January. It has been presented to the LGC and should be ready in January for your presentation.

Budgets – Annual retreat needs to be planned. Dept. heads should make presentation to you at worksession in January.

Awnings – Leigh Brinkley, Jamie Guffey and I have talked this morning. Everybody is ready to go. Legal issues regarding the contract are being resolved now.

Stormwater Issues – There is a sink hole in parking lot of Nixon Building. With Mr. Nixon's health, we had difficulty getting an easement. We have that now and should begin this in the very near future. Spring St. also had an issue with a manhole being affected by drainage of stormwater. Bright St. turned out to be a real mess. There was a concrete pipe at one end and one in the driveway. Then, someone put in a PVC pipe without attaching it and this caused a problem. This was not something the city did. We feel the homeowners did this when they built those two houses. Since we have uncovered the problem, to not correct it would be negligence on our part, we do need to address the problem. We are going to redo the ditch to direct water to the drain and take care of our aspects of the project. Costner St., we are still working on this. Runnymeade – contracted to get this taken care of. Margie and Blanche Street – needs to be addressed. James can update you on this and on wastewater projects, etc.

Leaf pick-up – five day pick-up right now. We recommend next year doing this for two months and then reverting to a call in basis.

National Gypsum – on schedule.

Regional Pump Station – Have started clearing for the lines and that is scheduled to be finished in 60 to 90 days.

Streetscape – mast arms should be started this week. After these are in, they can finish the corners and complete project.

Police Dept – chief is looking for funding for in-car cameras. This is critical and cannot wait until next budget year. The ones we have are outdated and don't work. We are working on a restructuring of positions within the police department.

Cleanwater Mgt Trust Fund Land Acquisition – Kemp is going to Raleigh tomorrow regarding crossing issue. This will hopefully allow us to start the first part of the greenway with FROGS helping with input on this project.

Tuckaseege park Expansion – Mr. Jackson stated last meeting on 20th of Nov for Parks and Rec. Working with FROGS to utilize our PART F grant fully.

Gateway Park- Duke Power has finally gotten that property appraised and we are trying to work on an agreement with them to purchase this property. Duke has asked for another map of our proposed greenway system. Mr. Whitt asked about communication with Clariant and if this person we are talking to has the ability to make decisions. Mr. Kraus stated they have not gotten an exact meeting date in place at this time. Mr. Griffin stated our intention is still to ask for that easement. Mr. Whitt stated we need a worksession with Clariant officials on their site. Mr. Griffin stated it would definitely be to our advantage to do so.

Rollins Memorial Park – We finally got some engineer drawings, cost estimate. We are proposing next public forum in February to commemorate the project and make further plans regarding this.

Underground Storage Tank – we are investigating this and will proceed with any remediation that needs to be done. This was removed in the 80s but we have been unable to locate documentation.

COMMITTEE REPORTS

Phyllis Harris – stated she has heard wonderful things about Mount Hollidays and stated Sherry Love has been wonderful as well as Mike Santmire in trying to get this done successfully. Hopefully we will do a lot of things in the future. Mayor Whitt stated this was a very successful event and Oakland St was beautiful with all the luminaries.

UNFINISHED BUSINESS

UFB#1 To Consider Annexation of Hinshaw Property.

Mr. Kraus stated this is just north of Woodland Park. The owners have presented information to Council on several occasions. They never had to actually ask for rezoning. They did in fact go to the zoning board of adjustments for a PUD. They are living with existing ETJ zoning, which is a combination of R10, primarily R12. We did have a public hearing on this. This was on the agenda in November of 2005 and at that point Council chose to table this matter. The developers have met with Kemp Michael over the past week. Mr. Michael stated the annexation agreement is the same as it was when this matter was reviewed in August. The agreement deals with the fact that several property owners make up this whole annexation area. If the development never occurred, the property owners have to have a direct access to water and sewer. The way this property is configured, under general statute, we would still have a responsibility to run water and sewer to the existing owners. The letter of credit would be for $143,000.00. Once the annexation is adopted, if council chooses to adopt it, and once ownership falls under one owner, then the letter of credit will not be necessary. Mr. Beal demonstrated on map where the property ownership changes between County, city and ETJ. Mr. Michael has the signed annexation agreement and presented to Council for consideration an ordinance that would annex this into the city and require it to be developed according to the requirements in place by City already. Mr. Hinshaw stated our density is 1.2 units per acre. Our intention, he stated, is to maintain a wooded feel with a grand entrance with club house, pool, and play area. When we went through board of adjustment, we went for a price range of $200,000 to $400,000. Ryan Homes will be in this development and prices will actually go from $250,000 to $400,000 range in this development. Our intention is to make this a destination neighborhood. We have submitted our engineering plans and we will be clearing the areas and grading areas and the builder will be buying lots unfinished as is and dealing with each lot individually. There will be no mass grading. Mr. Kraus stated the green space on outer edge of map is for the Belmont Mount Holly loop in the future. Mr. Beal stated the developer is abiding by our guidelines. He stated the last 20 acres will have to be annexed. Mr. Hope asked when the petition was filed for annexation. Mr. Kraus stated it was filed in October or November of 2005. This was done prior to our moratorium.

Gavel was given to Mayor Pro Tem Harris for this topic of discussion due to conflict of interest as Mr. Whitt represented this developer prior to serving as Mayor to the City of Mount Holly on this topic.

Motion: Ms. Hubbard makes a motion that Council approve resolution 121106A ordinance to extend limits of Mount Holly NC to include Hinshaw property with effective date of 12/31/06 at 12:01 a.m. and moves to approve the annexation agreement. Seconded by Mr. Mclean

Vote: unanimous. CARRIED.

UFB#2 To Consider Development Standards in Annexation Areas.
Mr. Hope stated I would like to see the planning board meet with developers, get their ideas and then meet with city council and discuss this as a whole.

Motion: Mr. Hope moved to extend the moratorium for 30 days, seconded by Mr. Bishop.
Discussion: Mr. Hope stated this is to make sure that we continue to work on this, and if needs to be revisited, then we can reinstate again if needed.
Mr. Whitt stated he understands we want the planning board to meet with developers, then for the planning board developers and city council to meet together. Ms. Hubbard stated this needs to be addressed earlier than the next scheduled meeting for the planning board. Mr. Hope stated this 30 day extending would be from the date of the expiration date of current moratorium. (Which would put new expiration date of 01/13/06).
Vote: All in favor. CARRIED.

Ms. Hubbard asked that Deb Ryan or her associates from The Urban Institute be in attendance of upcoming meetings regarding this issue.

UFB#3 To Consider Approval of Resolution to Ratify Existing City Policy on Water and Sewer Provision.
This resolution states in writing what has been a practice by council for the last 20 years. This states we do not provide water and sewer outside the city unless they submit to annexation. Ms. Hubbard stated I would like the city attorney to explain this to me regarding the Dimmer situation. Mr. Michael stated the resolution that council passed was that Mr. Dimmer would enter into annexation agreement with the city in order to have water and sewer. By the time this subdivision is ready to tap into water and sewer, the moratorium will long be over. Under this particular policy, it does abide by the same situation Council has always abided by. Mr. Michael explained this to Ms. Hubbard as she was absent during the worksession where this all took place.

Motion: Mr. Bishop moves to accept resolution to ratify current city policy regarding city water and sewer provision, assigning resolution number 121106B. Seconded by Mr. Hope.
Vote: All in favor. CARRIED.

PUBLIC COMMENT
Mayor Whitt opened the floor for public comment.

Neil Kapadia, Faison, 121 W. Trade St, Charlotte, NC. Mr. Kapadia stated, he as a company has landholdings in Mt. Holly including the water's edge development under construction right now and the Westland Farm Community being developed on Westland Farm Road. Faison made a request for water and sewer for Green meadow's golf course which will be re-developed as a master plan community eventually. The plan is to keep it as a golf course currently. We also have the Scott Farmer property under contract at this time. This property was previously annexed and then rescinded due to lack of financial guarantee. He stated he has attended all the meetings regarding set up of new policies regarding annexation in the city. It is my thought that you should seek input from parties most affected by the decisions in the process of making these new restrictions, etc.

Scott Farmer, 2515 Pinewood Rd, Gastonia, NC. He stated it is difficult to talk about a complex matter in three minutes or less. Prior to the moratorium on new annexations, you approved the rezoning of my property. It took 13 months to get everything in order prior to your unanimous approval. I have asked for a water and sewer extension for my property just as Greg Dimmer requested. The problem is that you have stated in your packet statement that you would put in place consistent practices toward annexation and water and sewer requests, etc. This should state inconsistent as you are preferencing the Dimmer property.

William Reynolds, 173 W. Walnut Ave, Mount Holly – My concern is in our neighborhood, we have over 250 houses and have a speed limit of 25 mph and 15 mph. There has been a proposal in the past through Runnymeade that speed bumps be a priority in the neighborhood. There are vehicles doing 45 and 55 through this residential area. The HOA has stated the ball needs to be rolling regarding this as we have children playing. This is a life-saving request. The HOA is willing to work with the City of Mount Holly toward expenses. The main issue is we want to save lives in our neighborhood before there is a serious accident. If you need petitions, etc, we are willing to obtain anything you need. Freightliner employees use our neighborhood as a cut-through to avoid traffic as well.

Todd Young, 1107 Hoover Street, formerly ETJ of MH. I am here to say thank you. Mr. Hope, Mr. McLean, Mr. Bishop, and Mr. Whitt spoke with me regarding this a year ago. The council did the right thing regarding the ETJ. Greg Beal represented this town immensely energetic through the county with the zoning and overlay issues regarding this area of land. He is a true asset to this community and I appreciate his willingness to help out in this city. What you all do is important and I want you to know how much your help was appreciated.

Jane Waldrop, 214 Rollingwood Lane. My address says Stanley, but I live in Lucia and I have a Mt. Holly phone number. I am here to speak on behalf of the senior citizens of Mount Holly. We have moved three times since 1993. We need a permanent place for our seniors to meet. With the A&E renovation, why can't the city make a place there for our senior citizens? These citizens helped build this city, now it is the city's turn to help the senior citizens. I would like to see this in my life time.

Greg Dimmer, 112 Creekview Court. I would ask that you take the time to get together and have a couple of worksessions with some of the developers to try to maintain affordable housing while still custom housing for our city. I can present a few ideas as well as some other people. I take pride in this town just as you do and applaud your efforts, just feel we do need to do further investigation. I came to you requesting water and sewer a few months ago, not for preferential treatment, but to do something to better our city. I want to reiterate that you made the right decision, a legal decision. My name has been brought out and I want to speak out and say that I did this for the benefit of the city as well as my development.

Elliot Mann, Carmel Commons Blvd, Charlotte, NC . We are building homes in the Water's Edge Community. I thought I would update you on our plans for that neighborhood. We are very excited about being a part of Mount Holly. We have been working closely with Faison on this design. Presented drawings of type of townhomes going in this neighborhood. Sales prices will start in the $140,000 range and will go up to low $190,000 range. Invited Council to come out and take a tour.

ROUND TABLE
Mr. Moore – Nothing Further.

Mrs. Hubbard – would like to request that Mr. Kraus send letter to Mr. Reynolds explaining that it is not our policy to do speed bumps. We need to respond to their request. We also need to agree for police dept to step up patrol during freightliner shift ending times.

Mr. McLean- nothing further.

Mr. Harris – nothing further.

Mr. Hope – things happen fast and furious and I would like to make a comment. I want to say to our city manager. I appreciate working with you, the work you have done, the attitude you have taken toward our city. I fully understand why you are moving and I hope it is a good move for you. I hope your children will enjoy their grandparents being local for them there and I wish you the best luck in the world. A lot of times, the only thing remembered is the negative thing. We will not forget the positive things you have done.

Mr. Bishop – Sole Patrol Christmas Party went very well. Sherry Love has done a great job with them. She is doing a fantastic job.

Mayor Whitt – I noticed where the old Hardee's used to be, there are two new poles and those need to be moved out of the center of our new brick sidewalks. Mr. Whitt asked Council who will be in charge when David leaves. Consensus to discuss this in closed session.

Mr. Kraus – Recognized Greg Beal and Bob Cook to bring up to date on standard details to clear up development problems. Mr. Beal stated historically we have pulled Gastonia standards and stamp our name on them so to speak. From a developer's standpoint, it makes our job easier to be able to give them a detailed book with the requirements. The only thing that has changed in the updated book was a fire hydrant issue, also 5 foot sidewalks on both sides, stand up curves, etc. The first part deals with how to submit for rezoning, plat approval, etc. This will make life easier for the developer and for city staff. We do encourage council members that are interested to look at the changes being put in this book. Mr. Beal stated this is easier to read and will make for better development. This is a concise version.

CLOSED SESSION

Councilperson Harris moved to go into closed session for the purpose of discussing personnel matters, seconded by Councilperson Moore, with all in favor.

Council discussed leadership responsibilities in David's absence. No action taken.

Councilperson Harris moved to return to open session, seconded by Councilperson Bishop, with all in favor.

Motion: Mr. Moore made a motion that Mr. Jackson become the interim city manager with Mr. Guffey as his assistant until an official interim is chosen and put in place, seconded by Ms. Harris.
Vote: All in favor. CARRIED.

ADJOURN

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

10:00 PM

Clerk | Mayor

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jmb