CITY COUNCIL
REGULAR MEETING
December 10, 2001

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 McLean. The following were present:

Mayor Frank McLean
Mayor Pro-Tem Bobby Black
Councilman Michael Helms
Councilwoman Phyllis Harris
Councilman Jim Hope
Councilman Brian Hough
Councilwoman Pat Hubbard

Adm. Services Officer Jamie Guffey
Asst. Public Works Dir. Jeff Fritts
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. Jerry Stanfield.

PLEDGE OF ALLEGIANCE
Boy Scout Troup 59 led the Council and audience in the ceremony of the Pledge of Allegiance.

AWARDS/RECOGNITIONS
A/R#1. Recognition of Fifteen Years of Service for Bo Eller and Terrell Jonas and Recognition for Ten Years of Service for Charles Clark, John Sherrill, and Tim Davidson.
Mayor McLean and the Council presented certificates and pins in recognition of fifteen years of service to Bo Eller and Terrell Jonas.

The Mayor and Council presented a certificate and pin to Charles Clark, and John Sherrill, for ten years of service to the city. Tim Davidson was unable to be present.

A/R#2. Announcement of Employee of the Year.
The Employee of the Year is John Ekiatis. This special honor is based upon nominations made by fellow employees. The Council congratulated him, and he was presented with a plaque and check.

A/R#3. Recognition of Twenty Years for Cindy Michael.
The Mayor and Council presented a plaque and check to Cindy Michael in recognition of twenty years as minute taker for the Council.

A/R#4. Resolution in Memory of Eddie Nichols.
Mayor McLean read a resolution in honor of Eddie Nichols, adopted by the Council, and presented a framed copy to his widow, Judy, and son, Winn, and daughter-in-law, Jennifer. His son, Matt, could not be present because he was delayed at the airport.

Mayor McLean expressed his honor at serving as Mayor and how much he appreciated the Council and staff who had worked with him. He also thanked his wife and family for their support.

SWEARING IN CEREMONY OF NEWLY ELECTED OFFICIALS
Chief District Court Judge Dennis Redwing Presiding. Judge Redwing said he has had contact with staff in the City of Mount Holly before and has always found them to be professional and worthy of pride by its citizens.

Michael Helms was sworn in as a councilman by Judge Redwing.

Frank McLean was sworn in as a councilman by Judge Redwing. He was accompanied by his wife, Colleen, and their family.

Bryan Hough was sworn in as a councilman by Judge Redwing. He was accompanied by his wife, Gina, and their two children.

Bobby Black was sworn in as Mayor by Judge Redwing. He was accompanied by his wife, Melanie, and his daughter, Anna. His son, Joe, is away at East Carolina University.

Mayor Black thanked Judge Redwing for coming to preside over the ceremony. He said that his parents came to Mount Holly about 50 years ago and he is glad they stayed here. This is a special city to him. We have over 40 years of experience on this council, and a dedicated staff. Over the last four years he said he had gotten to know many people. He thanked Mayor McLean for his good example and looks forward to serving with him on Council.

RECOGNITION
Mayor Black presented a plaque to Frank McLean for his many years of service to Mount Holly, and particularly for the past six years he has served as Mayor. He said that most people here can recall something Mayor McLean has done to help them out. He also thanked Colleen McLean because she has worked along with Frank on many projects.

FIVE MINUTE RECESS
The Council took a five-minute recess, after which Mayor Black called the meeting back to order.

APPROVAL OF THE AGENDA
The agenda was approved with corrections, as follows: add one public hearing, and recognition of new employees, upon motion by Councilwoman Hubbard, seconded by Councilwoman Harris, with all in favor.

MINUTES
Councilman Hough **MOVED** to approve the minutes of November 5 and 12, 2001, as written, seconded by Councilwoman Hubbard, with all in favor.

NEW EMPLOYEES
Chief Ekiatis introduced Philip Laughlin, a new firefighter. Danny Jackson introduced Greg Bill, our new zoning officer.

CONSENT AGENDA
Councilman Helms **MOVED** to approve all six items on the Consent Agenda as presented, seconded by Councilwoman Harris, and carried by unanimous vote.

CA#1. Approval to Surplus Old Fire Radios.

CA#2. Approval of Supplemental Appropriation of $15,000 Police Grant. (copy of budget amendment attached)

CA#3. Renewal of Utilities Franchise Agreement with PSNC Energy.

CA#4. Call for a Public Hearing on Text Amendment to Zoning Ordinance. Public hearing set for next regular meeting.

CA#5. Approval of Increase in Police Overtime Budget. This increase is for officers for enforcement of drug laws.

CA#6. Approval of Resolution for COG to Receive State Funds. In the amount of $424.59.

NEW BUSINESS
NB#1 APPOINTMENTS
The following appointments were duly made by the Mayor and/or Council:

a. Mayor Pro Tem: Jim Hope
b. City Manager: David Kraus
c. City Clerk & City Treasurer: David Kraus
d. City Attorney: Kemp Michael
e. City Auditors: Trent Wilson
f. Centralina Council of Governments (CCOG) Delegate and Alternate: Phyllis Harris, delegate; Frank McLean, alternate
g. Transportation Advisory Committee (TAC) Delegate and Alternate: Phyllis Harris, delegate; Bryan Hough, alternate
h. Technical Coordinating Committee: David Kraus
i. Utility Adjustment Committee: Jim Hope and Frank McLean
j. Beautification Committee: (tabled)
k. Recreation Committee: Phyllis Harris and Jim Hope
l. Image Committee: (tabled)
m. Capital Improvements Program (CIP) Three Delegates: Pat Hubbard, Bryan Hough, and Phyllis Harris
n. Archives Committee: Bobby Black
o. ABC Committee: Michael Helms
p. Special Events Committee: Phyllis Harris

NB#2 To Consider an Ordinance by the City of Mount Holly Establishing a Lien on Certain Real Property for the Demolition of a Certain Structure
Danny Jackson stated that the remains of a structure at 808 Belmont-Mount Holly Road was demolished at a cost of $400.00. The owner has not paid the cost, and so Mr.

Jackson requested he be authorized to establish a lien on 808 Belmont-Mt. Holly Rd. in the amount of $400.00.

Motion: Councilman Hough **MOVED** to adopt Ordinance #12-10-01A to establish a lien in the amount of $400 on said property, seconded by Councilwoman Hubbard. (Copy attached)
Vote: all in favor. CARRIED.

NB#3 To Consider Donating City Seal for Gaston County Court House
Mayor Black stated that in the lobby of the new county courthouse there is a place for each city to place its city seal if it wishes to do so. He asked City Manager Kraus to find out the cost. Mr. Kraus said he found that the current price for the size of the seal that goes there is $1,000.00. Councilwoman Harris asked if the county asked the cities to do that? Mr. Kraus said he recalls them asking when he was working at another city, back in 1998. None of the council recalled this being offered before.
Motion: Councilman McLean **MOVED** to have a city seal put at the courthouse at cost of $1,000. Fails for lack of second.
Councilman Hough said he had not had time to think about this yet, and thought maybe it could be brought up again later.

PUBLIC HEARINGS
PH#1 To Consider Rezoning Alsace Mill
Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, and unanimously carried. Mayor McLean recessed the regular meeting and opened the public hearing to consider rezoning the Alsace Mill property, upon request by the Friedls.

The Planning Commission recommended approval. Danny Jackson said the Friedls want the old Alsace Mill property and two adjoining lots rezoned to O-I. There were no comments for or against.

Councilman Helms moved to go out of public hearing, seconded by Councilman McLean & Councilwoman Harris, and unanimously carried. Mayor Black adjourned the public hearing and resumed the regular meeting.

Motion: Councilman Hough **MOVED** to approve rezoning of Alsace Mill and two lots adjoining it to O-I, seconded by Councilman Hope.
Vote: unanimous. CARRIED.

PRESENTATIONS
Auditor Trent Wilson was recognized; he has been auditing the city accounts for 33 years. Mr. Wilson said he has a good report. Cash increased $117,000 more than last year; overall approx. $11.5 million dollars. General fund decreased by $240,000, part of that was inventory tax reduction not received in April, and a net equity transfer of $234,000 to capital improvement. If not for those two items, there would have been an increase. Total liabilities increased primarily for retirement and medicals due to them being paid in July rather than June. The property tax increased. There were federal and

state grants received. The tipping fees increased. We had new income from wireless service of about $55,000. Expenditures were up as well, but the revenues increased by more. We must have at least 8% surplus, and the City accounts well exceed that.

In the water and sewer fund, the cash fund decreased mainly due to transfers to other accounts. The fund did not make any money; there was a higher amount of expenses by $43,000. Our debt has decreased by almost $1 million. The water and sewer fund will need to be watched because of the planned new facility.

The capital reserve fund remains at $1,575,000.00.

Capital project in the general fund is for the fire station, and is in good position.

Capital project in the water and sewer fund is accruing for the water plant.

With regard to the management comments, he found $89,000 deposited not on the books. The fixed assets are up to date through 2000. This is mandated by the state. Charges to the capital outlay account must meet the criteria for capital improvements. On Powell Bill fund, the money is being spent out of general and Powell bill fund, and it should only be in the Powell bill fund. You will have to set up a new fund as required by the state for the emergency telephone system phone. The wireless 911 funds are allowed to be put in the general fund. All personnel use the same cash drawer at the front public desk, and he cautioned them that this provides no way to isolate a problem if one comes up.

City Manager Kraus said the staff takes his comments very seriously and will work on all of them. The Council thanked him for his report.

UNFINISHED BUSINESS

UFB#2 To Consider Awarding Tail Race Park Bid

City Manager Kraus stated that we received four bids for work to be done at Tail Race Park. Councilman Hough noted that Stewart has a three month guarantee, whereas Cassada has a two to four month construction period based on weather, even though the weather will be the same no matter who it is. Stewart is about $5,000 higher, but Cassada has a potential for going up by $5,000 since they did not include cost of stone. Councilman Hope said he does not like to see an open bid like this; if the contractor does not prepare it properly we would need more stone than if it was prepared properly. Councilman Hough wondered why we would tell one to include the stone, but did not tell the others. Mr. Kraus said we thought we could acquire the stone at a cost savings initially; then we had the engineers out there and got a better idea of what would be needed, and so then we went back to the others. Since it is less than $100,000 we did not have to get formal bids. We met with the interested parties. Councilwoman Harris asked why we are having so much trouble getting started on this project. Mr. Kraus stated that the project scope was changed, more than once. Councilwoman Harris asked if we could just give the bid to Stewart rather than go back. Councilman Hough felt that we have changed the criteria for awarding the bid, and to be fair we should go back and give him

a chance to bid with stone. Councilman McLean said it is important to have the same bid from each one.
No action until get a bid with stone from Cassada.

UFB#4 <u>To Consider Awarding Communication Equipment for the Fire Department</u>
Chief Ekiatis reported that Gaston County has dictated what equipment we have to buy to remain in the County dispatch system. We only received one bid for the equipment we will need to comply. Councilman Hough asked how much was budgeted for this? Jamie Guffey said $23,000.00 was budgeted for lease payments; this would be $16,000 per year.

<u>Motion</u>: Councilwoman Hubbard **MOVED** to accept the bid from Wireless Communications, Inc. for fire department equipment at a price not to exceed $70,500 with lease payments for 5 years at $16,040 per year, seconded by Councilman Hough.
<u>Vote</u>: All in favor. CARRIED.

UFB#5 <u>To Consider the Adoption of System Development Fees</u>
Mike Wolfe, W. K. Dickson Engineers, worked on this with Jeff Fritts and City Manager Kraus. The fees are based on the capital improvements plan. The concept is that new users pay fees to supplement the cost for expansion of the water and sewer systems. The fees were adjusted to reflect the new figures on the CIP. Councilman Hough asked if "inside" means inside the city limits? Mr. Wolfe replied that it does. Mr. Hough asked if the entry for "existing connections" includes Kendrick Subdivision? Mr. Kraus said it does not. These figures reflect the numbers when this was started, and the Kendrick property was then in "future outside city". Mr. Hough asked if Mr. Wolfe had a recommendation on what to do in a non-profit case such as for Habitat for Humanity. Mr. Wolfe said some cities only charge the size or cost of the meter in those cases, but it should be written into your ordinance if you are going to do that.
No action; taken for information.

UFB#6 <u>To Consider Engineering Contract for YMCA Drive</u>
Mr. Kraus stated that our consultant has proposed that the City have oversight for the replacement of a portion of YMCA Drive. Recently, he had been made aware that the Y will have engineering oversight, so we may not need to have so much. Mr. Morgan and Robert Whitt were present, and had a Mr. White with them. They stated that the Y will have an inspector on site every day. The Y suggests the City choose option 1B so that we do not duplicate the inspection services. Mr. Simac stated that Mr. Kraus asked me to put together this proposal. He knew they will have quality control, but they have not defined what they are going to have. Basically, the question is how often you have someone out there checking on the work being done. If you go to option 1B for the cursory examination once a week, then you are relying solely on the report from the Y. They have started this work without a silt fence and with an embankment too steep. Mr. Whitt said the Y is not in the business of road building. He said the board has a meeting this Thursday to approve the quality assurance, and we will have an engineer sign off on it. The engineer is independent and was not present at the initial construction. We can accomplish this at a cost effective way, he said. He also said they did not get a copy of

the city's proposal until that day, and did not know we need a manual, but they will require of their inspector what is necessary.

Councilman Helms asked the City Manager for his recommendation. Mr. Kraus said we could choose Option 1-B and if we see a need to increase it, then we could up it to 1-A. Councilman Hope asked if W. K. Dickson was asked for a proposal on this; Mr. Kraus said they were not since Earth Improvement Technologies was familiar with this project. Councilwoman Hubbard, do we have anything in writing or will we have anything that says who has the responsibility to inspect? City Attorney Michael stated that the City does not have responsibility until it accepts ownership and maintenance; he did not recommend that the City take responsibility until the road meets your specifications for acceptance, although you may want someone under your control that inspects what is being done. Councilman Hope said this would be so we would have someone to observe the construction to be sure it is built to our specs. Mr. Kraus said that is true, and normally we would not have to do this, but due to the past experience on that road, we may need it. Councilman Hope said he believes the board at the Y when they say they have an engineer on this with an independent inspector. Councilman Hope wants to use Option 1B for Earth Improvement Tech., but he wanted to know if the contract would increase due to weather extensions; Mr. Michael said no because if there is no work being done, there are no inspections needed. The contract is hourly with an estimated budget of $8,000 for Option 1B.
<u>Motion</u>: Councilman Hope **MOVED** to authorize consulting engineering services by Earth Improvement Technologies to monitor construction at YMCA Drive, choosing Option 1B, where the Y has quality assurance responsibility, seconded by Councilman Helms.
<u>Vote</u>: unanimous. CARRIED.

UFB#1 <u>To Consider Land Development Plan Update</u>
Mayor Black said the planning commission has worked on updating the land development plan for about a year and a half. Judi Simac, our consultant, reported that the Planning Commission recommended adoption of the proposed LDP, contingent on Council's consideration of their comments. Councilwoman Hubbard said if it is in the land development plan, this is our goal, but you are saying to leave it even if we don't want it like that. Mr. Kraus said no, he meant that you adopt it and it is a guideline, but you are not required to vote on rezoning or improvements strictly by the plan. Mrs. Simac said this is a general plan, divided into areas, and the study area was beyond our city limits where anticipated growth may occur. Mayor Black said that the public hearing was closed, but some may be in the audience that would like to speak and would council allow that? Yes, they agreed to hear public comment. The floor was opened for comments, but there were none.

Councilman Helms said he understands this is a living document, which will change as we grow, and is a tool, not an ordinance.

<u>Motion</u>: Councilman Helms **MOVED** to adopt the 2001 Land Development Plan, seconded by Councilman Hough.

Vote: unanimous. CARRIED.

UFB#3 To Consider Contract for Downtown Revitalization
Judi Simac brought a proposal for technical assistance as a result of Council's request at its Nov. 20th work session, with regard to the downtown revitalization project. She has proposed technical assistance for Heart of Mount Holly, divided into tasks so that at each point you have an opportunity to proceed or to stop. Councilman Hough said there is a point at which the Heart of Mount Holly would take over; Judi Simac said we would need a four or five month lead time to participate in the team effort with Heart of Mt. Holly. Councilwoman Hubbard said we were talking about getting Mrs. Simac's results before we decided whether we would participate in the team effort, and before we budget for it. On the first part of your proposal, would you get feedback as to what property owners think we should do; yes, she would.

Dr. Lee Beatty, Heart of Mt. Holly chairman, was recognized. The main thing we want to say is we are excited that the council has put this forward and it is a great first step. We also see this as information gathering, and want to work on it with you. It is important for the owners and tenants to see this as more than a public effort. My view of the technical assistance team is they are looking at more than information gathering, but have a different prospective; they are downtown managers who have succeeded in other places, and give us information and advice. Their visit is an important part of making this work. Councilman Hope asked Dr. Beatty if he saw anything we could add or need to delete from the proposal by the consultant. Dr. Beatty said her list was better than his, and his committee intends to meet with her to be sure they do not cross paths. Councilwoman Hubbard asked Judi Simac if it would be appropriate for us to get a casual monthly update between January and April? Mrs. Simac said she would do that and send it out in Mr. Kraus's memo packets.
Motion: Councilman Hough **MOVED** to approve the contract with EIT, seconded by Councilwoman Hubbard.
Vote: Unanimous. CARRIED.

Return to UFB# 2 Tail Race Park
Zip Stowe said he called Mr. Cassada and he will provide more information tomorrow. Council asked him for a phone call to each of them, and they will look at a proposed contract at the January work session on the 8th.

UFB#7 Acceptance of Donation from Lowe's Motor Speedway
Chief Davis reported that four bicycles with helmets have been donated to police department to go to needy children, from Wal-Mart/Lowe's Motor Speedway.
Motion: Councilwoman Harris **MOVED** to accept the donation, seconded by Councilwoman Hubbard.
Vote: unanimous. CARRIED.

UFB#8 To Consider Resolution of Intent to Close a Portion of Gravel Drive
Motion: Councilman Hough **MOVED** to adopt the Resolution of Intent to close a portion of a road, Resolution #12-10-01B, with the amendment to add that it is the road

adjacent to Saint Anthony's Church and the portion of the road beyond the church property, seconded by Councilwoman Harris.
Vote: unanimous. CARRIED.

UFB#9 To Consider Naming Gravel Drive to Saint Anthony Street
Motion: Councilman Hough **MOVED** to rename the gravel road adjoining St. Anthony's Church to Saint Anthony Street, seconded by Councilwomen Harris & Hubbard.
Vote: unanimous. CARRIED.

PUBLIC COMMENT
Mayor Black opened the floor for public comment.
None.

ROUND TABLE
Mayor Black noted it is the 3rd anniversary for Mr. Kraus.

Councilman McLean said he is still getting complaints that the dog supply place has things outside the building; Mrs. Horton said it is on her property. Chief Ekiatis said the code enforcement officer is working on that now. Mr. McLean asked for a report to be put in the weekly packet.

Councilman Hough asked if the letter was sent out to the man on Old Mine Road with the constant wood smoke. Mr. Kraus said he did not get it out yet because it was not approved yet by council. Mr. Hough said it needs to be sent right away.

Councilman Helms asked for the status of Henry Street property. The bid was upset and has been re-advertised.

Councilwoman Harris congratulated the new elected officials. She reported that she was in Atlanta last week, and toured Smyrna, GA, and she gave downtown revitalization information to Lee Beatty.

Councilwoman Harris said the steering committee with Martha Burris, to plan elected officials seminars, meeting is Dec. 18th, and she cannot go; she asked if someone could cover for her? Mayor Black will go.

Mayor Black asked about the order for a garbage truck from Freightliner. Mr. Kraus said we are going to have to bid that.

Mayor Black said that at EDC he learned that Clariant is making a big expansion. Jamie Guffey said the tax office does not have a new valuation and won't until Feb. or March. Mr. Guffey the revaluation will affect the 2003 tax bills.

Councilwoman Hubbard asked how many people were at the Christmas tree lighting? Mayor Black thought there were 250 or so. Staff did a very good job, and it was a very nice evening. Mr. Kraus said the trees will be planted in city parks.

Mayor Black said Council has an invitation to Rankin Elem. on Thurs. at 3:00 PM. There will be information about efforts by Gaston Day, Stowe Botanical, for Gaston County properties including the property where the Sawyers live. They are working on a "historical trail" that will bring a lot of people through Mt. Holly.

Mayor Black said he is thankful to have been elected Mayor, and he asked Council to be patient with him.

City Attorney Michael thanked the Council for his reappointment.

City Attorney Michael said that Mayor Black signed loan documents ago on the new fire station for Mayor McLean who was out of town, while he was Mayor Pro-Tem. However, our city code and state laws do not automatically authorize signatures of documents by a mayor pro-tem. He said they need to retroactively authorize his execution of the documents.
Motion: Councilwoman Harris **MOVED** to retroactively approve the execution of loan documents for the new fire station by Bobby Black as Mayor Pro-Tem, seconded by Councilwoman Hubbard.
Vote: unanimous. CARRIED.

City Attorney Michael said that the Council might consider amending our ordinances so that a Mayor Pro-Tem has authorization to execute documents in the absence of the Mayor.
Motion: Councilwoman Harris **MOVED** to change our ordinances so that the Mayor Pro-Tem is authorized to execute documents in the absence of the Mayor, seconded by Councilwoman Hubbard.
Vote: unanimous. CARRIED.

City Manager Kraus said that Police Chief Davis has a memo for the Council to update them on last weekend's events. He gave a memo to Council of the actions taken.

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

9:35 PM

Clerk

Frank E. McLean
Mayor

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cpm