

CITY COUNCIL - REGULAR MEETING
November 14, 2005

CALL TO ORDER BY THE MAYOR

The regular meeting of the City Council of Mount Holly was called to order at 7:00 P.M. by Mayor Hough. The following were present:

Mayor Bryan Hough
 Mayor Pro-Tem Michael Helms
 Councilman Jim Hope
 Councilwoman Phyllis Harris
 Councilman Frank McLean
 Councilwoman Pat Hubbard
 Councilman David Moore
 City Manager David Kraus
 City Attorney Kemp Michael
 Jamie Guffey, Assistant to City Manager
 Danny Jackson, Assistant to City Manager
 Benson Hoyle, Police Chief
 Dale Oplinger, Fire Chief
 Mike Santmire, Street and Solid Waste Director
 Greg Beal, Community Development Officer
 Ryan Baker, Fire Inspector

INVOCATION

The invocation was led by Reverend Jerry Stanfield.

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 recognition of Todd Wright as he was unable to be here by Mayor Hough, addition of possible legal agreement under review by Mr. Michael at the end of the meeting, upon **motion** by Councilperson Helms , **seconded** by Councilperson McLean , with all in favor.

CONSENT AGENDA

Councilperson Hubbard **moved** to approve the Consent Agenda with items, **seconded** by Councilperson Moore , with all in favor. The items approved were:

CA#1. To Accept and Approve the Minutes.

CA#2. To Appoint New Members to the Fireman's Relief Fund

CA #3. To Call for Public Hearing to Close Portion of Right-of-Way on West Central Avenue.

CA#4. To Approve Resolution for Debt Set-off.

PRESENTATIONS

PR#1 Recognition of Mount Holly Optimist Jr. Pee Wee Cheerleaders – Mayor Hough stated it was nice to have champions in our city – congratulating them on their accomplishments competing against seven other cheerleading squads. They placed second in competition and will advance to regional competition in Huntsville, AL with opportunity to advance to national competition in Disney World. This is the first time in memory Mt. Holly cheerleaders have advanced to this level. Mayor Hough named each of the cheerleaders in recognition. Cheerleaders performed one cheer for the Council and audience.

PR#2 Recognition of Mount Holly Middle School Football Team. Mayor Hough stated it is an honor to present this award to his alma mater. Finished with a 7-1 record. Council congratulated entire team and coaching staff. Charles Johnson was acknowledged for his tremendous achievements during this season. Mayor Hough encouraged the young players to stick with it and continue to East Gaston and make them champions...

UNSCHEDULED PUBLIC COMMENT – FIVE MINUTE LIMIT

Mike Davis, 1209 Rainbow Drive, stated he missed Mr. Lawrimore's presentation last Thursday. I started looking into Mr. Lawrimore's past last June. He stated he called Sue Myrick's office about 350,000 dollar grant who stated the money was not guaranteed. He has collected over 400,000 dollars from the county alone. He is not a bad fellow. He stated he did correctly analyze the equestrian center and advised the county it would not make money and county did not follow and is losing money. Mr. Lawrimore will nickel and penny you to death. I have never considered his partner, Donnie Hicks a success. We have already paid Mr. Lawrimore more than 250,000 – I think you should hire a young person just out of MBA program and only report to the Mayor – have this person in Mr. Hicks office every week and make him do his job and if he does not do his job I want our Mayor to go before Commissioner and find out why. Is it true CEKA that has a 10,000 sq foot building but only two employees? We need some return on our investments. Please look at my investigation report regarding Mr. Lawrimore's income from our city / county.

Kelly Ellis, 1711 Old Hickory Grove Road, I have noticed there is some more proposals on the book for more homes. I know the one that effects our house was approved but I am going to fight for other people. The people have spoken to you all – we are the ones that put you in office and it seems like no one is listening. Everybody loves Mount Holly. We don't want another Pineville. If somebody would just tell us what your plan is it would be better. If Mt. Holly is going to turn into to nothing but homes, no more farm land, no more woods – just let us know. We have no idea what the future is for all of our children – the education is lacking due to over population. We should have 25 children per class and we have close to 40 in our classes. Please make a decision, if it is a moratorium or whatever – just let the citizens know.

Vance Furr, 1033 Kelly Road – The cheerleaders here tonight are part of MHO – almost all of the football players here had played optimist ball. I have been an optimist member for 25 years – I am on the Board of Directors. We sold our building to the City for what we had in it and met with Mayor Frank McLean, Jim Hope and David Kraus and had a gentlemen's agreement that any time the optimist needed to use the facility that we would be able to use it. Since then, I have been told that times have changed and we have to pay for this time in the building. The point I am trying to make is the MHO does a lot of good in this community – we had to turn 300 kids away from basketball because we do not have a facility. If there is something you can do to help us I would sure appreciate it. Thank you for the good job that most of you are doing.

PUBLIC HEARINGS

PH#1 To Consider annexation request by Hinshaw Property.

Councilperson Harris **moved** to go into public hearing, **seconded** by Councilperson Moore, and unanimously carried. Mayor Hough recessed the regular meeting and opened the public hearing to consider rezoning.

Mr. Kraus stated Hinshaw Property is located off Moore and Morris street. It was approved PUD through the zoning board of adjustments using existing zoning. Mr. Jackson stated it is approved for 300 lots at R12. They are requesting that the city annex the ETJ portion as well as the county portion of about 12 acres.

Councilperson McLean **moved** to go out of public hearing, **seconded** by Councilperson Harris, and unanimously carried. Mayor Hough adjourned the public hearing and resumed the regular meeting.

Mr. Hope would like our citizens to be told why this did not have to come before City Council. Mr. Jackson explained this goes before the board of adjustments because they had existing zoning and had a PUD it did not fall under Council jurisdiction.

Mr. Michael stated if the city annexes the area, the developer would ask that we wait until survey is completed. Ms. Hubbard stated since they did not have to ask for rezoning, they can build without our city area anyway – the part in question is the part outside city limits which is how many houses? Mr. Kraus stated there is only a small amount of this tract in the city limits but the vast majority is inside our ETJ. Our main income would be sewer and water. Mr. Kraus stated it does mean they could start building and be annexed at a later date. Ms. Hubbard stated their kids would still go to our school, cars still on our roads and we get no taxes. Mr. Jackson stated the area outside the ETJ is in Gaston County, they also ask that you supply the necessary zoning of R12 with annexation of this tract. Ms. Hubbard asked how does this divide up, part of it in the ETJ and part in the county – how many in each place? Mr. Jackson stated approx 180 acres involved, 20 inside city limits, 140 in ETJ and another 20 in GC

outside the ETJ. Mr. Jackson explained on the preliminary plan which portions belonged to which entity. Mr. Hope asked if we have a sewer easement on this property? Mr. Kraus stated we have several and this property would drain through the same line used by Freightliner. Ms. Hubbard stated she would like to get the revenue. Ms. Harris stated it will be built regardless. Consensus by council that they would like the revenue from this project. No decision will be made tonight.

PH#2 To Consider Rezoning Request by First Colony.

Councilperson Harris **moved** to go into public hearing, **seconded** by Councilperson Hubbard, and unanimously carried. Mayor Hough recessed the regular meeting and opened the public hearing to consider voluntary annexation upon request.

Mr. Jackson stated this is for a 302 acre tract. They are requesting rezoning from R8 to R8 single family conditional use for single family detached subdivision of 620 lots. Planning commission voted 4 to 3 in approval to present this to you. Planning commission requested requirement of minimum of 15 feet between houses.

Joe Polite, Sr Vice P of First Colony Land Development explained they have no connection to First Colony Group. We submitted petition for this in July – however we held a meeting for adjoining property owners and answered as many questions as possible that evening. Our revised plan has bigger units, larger lots and removal of some connections. The project now has 60,70 and 80 foot lots. The proposal calls for 620 units which is 2.065 per acre. We are at 26% open space, requirement is only 9%. By using R8 classification, we are able to use less land and get to 80 acre open space. We will adhere to 15 foot between house request by Planning Commission. Our budget is well in excess of 500,000 for amenities. We will dedicate additional right of way for future widening of Hwy 273. we have agreed to dedicate 20 foot improved greenway system. We are now talking with and spoke with Gastonia to try to get pedestrian connection from this to Mt Island Park. We have agreed to minimums sq footage of 1900 sq foot. Housing prices will range from 170s to mid 300s across all lot sizes. This is a 7 to 10 year build out. We have also agreed to additional requirements by City of Gastonia regarding their water right of way. We will meet or exceed any Lake Wylie protected watershed requirements. We will contract with a third party erosion specialist. We have never been sited for any problems regarding this but a third party is a safe-guard. This property does meet adopted future land use that is on your map calling for a mixed use site. There is a commercial piece of property just off of 273 that is approved for commercial zoning. This project will only help garner that. I do understand there are moratorium concerns in this community and I know there are some developments you want to guard against. In my opinion, this is the type of development you want to encourage. This will be a high quality subdivision.

Richard Rankin, 2591 Pinewood Road , Gastonia. I grew up in Mt Holly. I have been involved in conservation work in Stanley Creek. I spoke about being cautious with Dutchman Creek development. I don't work for First Colony. I am head of Gaston Day School. A friend of mine asked me to review this project. 80 acres out of 300 set aside for open space, protection of creeks and greenway, connector between parks, wildlife habitats really impressed me. This is a quality responsible development. As I look at this, this is the sort of development you would want to have. I do see so much in this that I like. I am here to support it.

Thorn Martin, 2101 Winter Lake Drive, Gastonia – We have concerns about raw water line between Mt. Holly and Gastonia. We are asking additional restrictions be in place for this development. Mr. Polite is in agreement with this. Encroachment agreement should be entered into before grading etc takes place. The greenway would be nice but we have a problem with any maintenance etc – if we tear up the greenway we have to deal with homeowners association, etc.

Grover Barfield, 407 Rutledge Road – Have you seen pictures of Kendrick Farms? Our concern is soil erosion. Any time you go in and clear land, you have problems. We have the blame game going on between the county / state as to whose jurisdiction it is because of time line drawn. The state does not have inspector control of this. I ask if you pass this that you put strict requirements in place, and I ask that you research history of developer for grading. Also what is third party erosion company past history? Who will direct traffic for critters crossing road from 273 ? I counted 8 deer this weekend dead from Raleigh to here. At this rate, we have a real problem.

Becky Armstrong, 165 Finely Brookway – Hendersonville. I grew up in Mt. Holly and I lived here until last year when I retired. My parents were both active community leaders. I have property adjoining to the proposed development and I know Mt. Holly so well we welcome you people here – we love to see new faces and add them to our community – we have plenty of places to build in Mt. Holly without annexing any more lands in the next 12 months. I pray we won't rush into annexing this development. I agree with Mr. Hope, we need to do what is best for our community – not the developer. It would cost me between 7000 and 10000 to put septic tank on my land. This land will not perk that is why we have so many developers to annex – to pay for sewer and water. My taxes are 447 for my house on Forney Avenue. If you dug me a septic tank it would take you 14 years to get your money back. If Mt Holly does not pay for sewer system, the developer will have to provide sewage – well, etc. I do not mind paying increased taxes for worthwhile projects – I don't think the developer needs my money as much as I need it. During the neighborhood meeting, we were told this land would be clear-cut – we are hearing something a lot different today. What recourse do we have if this company does not do what they say they will do? I want us to be real sure before we annex that we have recourse and that we don't have to have Kemp dealing with a law suit. It will cost at least 1000 dollars to put a 5 foot diameter

tree back on the property. Mayor Hough informed speaker she had reached the five minute limit.

Michelle Kelly, 123 Linmar Lane, Stanley – A lot of us have been discouraged because we have beaten a dead horse about the roads and schools. I have been reminded Mt. Holly is not responsible for building us a new school so those tax dollars would not help our schools anyway. I am a mother that is involved in anything my son is involved in – I have been on the phone with Mr. McGinnis several times and I have been up there complaining about my son not having a locker. He carries around a 67.6 lb book bag every day all day. My son is 6 foot tall and weights 272 pounds. He is tough and can handle it, but what about the 80 lbs girls doing the same thing? As far as the roads, what do we have to do? Between those of us begging you to listen, and you guys – surely we can figure out something to alleviate the problems of overcrowding. We are all fairly intelligent people who make ignorant decisions at times. It is not about a political seat, quotes in papers, etc., it is about our kids. We are teaching them it is okay to put our kids in trailers to go to school without safety from tornados – etc? When your police officer was shot last year, my child was in lockdown in a trailer all day long – it will not stop a bullet. Let's figure out the right thing to do and stop pacifying these builders. We are not opposed to growth but let's do it like we have a brain in our head – not make our kids suffer any more.

James Rhyne – 1152 Stanley Lucia Road – I am not here tonight to continue to bring up the same issues – It has not been long enough to forget Dutchman's Creek issue and any other developers. My passion is school – I have four kids and spend a lot of time at school and see the problems within our system. I am encouraged by this Council and decision associated by Dutchman's' creek – this project will present the same problem we have been battling all along. I am encouraged and convinced that this Council will not let this occur.

Randy Anthony, 1717 Mountain Island Hwy – I drove here on NC16/ 273 they are state maintained - I have a 140 foot well and my well is going to be screwed. I told you this at the Planning Commission meeting if you put a road there between Cox lake road and Mt Island, it is going to be a disaster. I work for traffic reporting. I know about wrecks, - you put a road there – my family member, your family member, deer etc. are going to get killed. I don't see any turn lanes, I don't seen anything except a lot of houses. If a bulldozer gets near that 100 foot tree beside my house, you will have to bulldoze me down. we have six voting adults and based on the election numbers, we can change a few things,,,

Councilperson Harris **moved** to go out of public hearing, **seconded** by Councilperson McLean , and unanimously carried. Mayor Hough adjourned the public hearing and resumed the regular meeting.

Ms. Harris stated she wanted to hear staff comments. Mr. Kraus stated staff got this version of site plan about a week ago. Mr. Jackson stated we have not dealt with all departments. I don't know to what extent Mr. Beal has worked with this. Mr. Jackson stated from a staff perspective we have not made findings of fact at this point.

Mr. Hope stated how did Planning Commission come up with this vote without this information? Mr. Jackson stated their requirements are not the same.

Mr. Moore **moved** to table it until Council is ready to make informed decision, **seconded** by Mr. Helms. All in favor.

PH # 3 – To Consider Annexation Request by Fist Colony – Mr. Michael stated I had not been told this was coming back up for this time and date and re-advertisement is required which has not been done. Mayor Hough stated we cannot hold this public hearing tonight.

PH# 4 To Consider Amendment to Zoning Ordinance Concerning Signs for Not for Profit Agencies. Councilperson Harris **moved** to go into public hearing, **seconded** by Councilperson Helms , and unanimously carried. Mr. Jackson stated this will allow staff to review nonprofit signs. The Planning Commission recommended approval unanimously.

Councilperson Harris **moved** to go out of public hearing, **seconded** by Councilperson McLean , and unanimously carried. Mayor Hough adjourned the public hearing and resumed the regular meeting.

Mrs. Hubbard **moved** to approve proposed amendment to sign ordinance, **seconded** by Harris. All in favor.

PH#5 – **To Consider Establishing the Former P& N Train Depot as Historic Site.** Councilperson Hubbard **moved** in out of public hearing, **seconded** by Councilperson Harris , and unanimously carried.

Mr. Kraus stated it has a very long history. It has been in our community a long time. It has been restored accurately and it is a historic site. I have copies of ordinance the county will have to adopt if council chooses to endorse this. Ms. Penegar recommends this because this was an electric railroad it was the first in the nation to have passenger and freight on the same railroad. Our preservation commission feels this is a very significant addition to our county. This ordinance will go with deed to that property and in the future, any owners / sellers would be under these restrictions. When I go before the county commissioners I will give them history and the importance of this. Mr. Giounard is excited that you all are so supportive of him. Mr. Giounard stated I live in Huntersville. I came before you over four years ago and I have had a lot of fun and problems. I have dealt with four government entities, town, county, Raleigh and Washington. God Bless you

– you made it just a tad easier. It has been a blessing to be able to do this. If you have not been in the building – I am darn proud it is standing and not bull dozed. I am pleased that it is done. I am pleased the tile roof is made by the same company that made it 90 years ago. I have had community citizens to come by and be supportive and I appreciate that. You have been very supportive regardless of what you do this evening, I appreciate what you are doing. I encourage you citizens that have come up and spoke tonight – don't get dismayed. I sat as mayor pro tem in Huntersville – don't give up- they do listen..

Grover Barfield, 407 Rutledge Road – I love trains. I love train stations and I am glad that you preserved the building. We might get nostalgic one day and put a train out there and we can make lots of money charging people to ride the train. I would encourage you all to do what is needed to keep that building as is.

Councilperson Harris **moved** to go out of public hearing, **seconded** by Councilperson McLean , and unanimously carried. Mayor Hough adjourned the public hearing and resumed the regular meeting.

Mr. Kraus stated Council needs to pass resolution in support of county resolution of restoration of P& N depot.

Mrs. Hubbard **moves** to approve resolution 111405A in support of historic preservation of train depot as historic property, **seconded** by Mclean. All in favor.

UNFINISHED BUSINESS

UFB#1 To Consider Moratorium on Annexations. Mr. Hope stated I know it is time for us to take a close look at which direction we are leading our city. We need a moratorium on residual growth. Even after what has taken tonight with the Hinshaw property. We need a year to determine the best direction for our city of Mt. Holly. We have enough under construction at this time. I am for a blanket moratorium to cover all residential development. I feel we need to get our schools, roads in order during this year. Mr. McLean stated I am in agreement with this and I am worried about our water / sewer plant. Mayor Hough stated we need to be in agreement and we need to consider fees as well. Mr. Moore stated we need to slow down and go through process of finding out what is best for our city. If we need a moratorium, I am all for that. We need to catch our breath and do what is best for our citizens. Mayor Hough stated if Council wants to have a moratorium, I can't see how you can possibly approve this development discussed tonight. If a moratorium is what you want on residential, then move forward and get what you need in place for land use so you can move forward. If you feel you can make decisions independent of a moratorium, you can say no to anything you want to. If you feel the City needs to work with schools and county commissioners, then do it. We have been trying to work with them for three years . Mrs. Hubbard stated I agree we can turn down anything but there is so much staff time and developer money being spent – even if we just include

our staff time working with each developer before they come here. I think if we have any thoughts of turning down development then moratorium would be a smarter way to go but I would hate to see a moratorium come and go and us not use our time wisely for planning. Mrs. Harris stated I agree with Ms. Hubbard 100% - if we are going to do this I want to make sure we are going to go forward with this and we are going to have our "house" in order. Mayor Hough stated one thing to consider, waiting one year will not change school situation or road situation. It can impact sewer and water plan and staff time. It will also help the other projects going on in that staff can concentrate on those. Even though it is a residential moratorium, it sends a negative vibe to commercial / industrial developers as well and that is the only negative I see. Mr. Hope stated I do not think it will change if we vote tonight or next month. I don't think the Council is really ready to vote on this. Mr. Hough stated I would recommend you do it at the next council meeting.

UFB#2 Approval of Contracts Related to CWMTE – Mr. Michael stated he had a couple of issues that were technical and since you have received your packets I have worked out details with Crescent attorneys. I can go over these changes with you. The first part is three pages entitled provisions - in paragraph 9, part b, there was a change there instead of having ten days after easement agreement to indicate changes, and we now have until December 15th. That just takes away an unnecessary burden as far as time is concerned. In paragraph 13, there were some page numbers that were corrected. In the contract itself, on page 3, paragraph D, we simply have really not had a specific time period to resolve any title issues. When Duke Power conveyed the property to Crescent, Duke used the wrong elevation and there will be a corrected deed between those two groups. Mr. Michael stated he would like Council to consider making a motion to approve the contract as amended.

Motion: Mrs. Harris **moved** to approve contract per Mr. Michael's recommendation. **Seconded** by Mrs. Hubbard.

Vote: unanimous. CARRIED.

UFB#3 Annexation Request by First Colony .Mr. Michael stated Council will have to set a date for annexation public hearing in advance so advertisement can take place. After discussion between Mr. Jackson, and Mayor Hough, and Council – it was decided that Council will not be setting a date for annexation at this point as they are not ready to move forward.

NEW BUSINESS

NB#1 To Consider Regional Pump Station. Mr. Kraus stated engineering group has found that it would be better to put in a regional pump station rather than doing individual stations as developments come in. Mr. Kapadia from Faison stated he is working on property located near Stowe YMCA – in working on pump, we realized there are several issues going on with this basin. He provided hand-outs for Council review with different scenarios representing various pump

stations needed in this basin to develop this area. The YMCA has agreed to provide easement for regional pump station to eliminate need for individual pump stations. Currently this area is served by existing SWAGKNIT pump station and is in need for replacement. At which time hospital development occurs, this station will have to be replaced. Our individual pump will cost over 200,000 – regional pump station will cost over 350,000 which totals with 10% contingency of over 500,000. Our request is that we move on with regional pump station and the town would contribute their portion toward this completion. The cost breakdown has been provided for council (attached). We feel this is the right way to build this basin instead of six smaller pump stations – we are prepared to move forward with our own but this would be a better option. Mr. Kraus stated the City would propose that we extend our reimbursement policy to any further developers in this land so they would pay their fair share of this system as well. Staff feels that SWAGKNIT pump is not sized adequately to house any development addition. Mr. Eller stated we already have one pump that will have to be replaced at any time. Staff favors idea of going to a regional pump station. If this area is going to build out, at some point we will have to add pump station. Mrs. Hubbard stated if we did this we will have one to maintain rather than several different ones – Mr. Kraus stated yes. Mrs. Hubbard asked about cost of maintaining one versus several. Mr. Eller stated it would be cheaper. Mr. Helms asked if we have an overflow, how close are we? Mr. Kapadia stated it is above full dam height. Mr. Kraus stated it is on same drainage basin that SWAG-KNIT is on. Mr. McLean stated this will have a back-up generator and odor control system. Mr. Hope stated it looks like we have private written beside four of these stations which means the City does not have maintenance on these but if we can ensure developers are going to pay for the pump station but I do not want to take on any pump station that we have to be responsible for. I want to find some way that all developers pay for the pump station and not our citizens. Mr. Hough stated system development fee is put in place so developers will pay for this. Is there a way we can contractually have the owners of properties be responsible for maintenance and usage of the pump? Mr. Hope stated that could work out that issue. Mr. Kapadia stated our view is that we are indifferent on whether I build my own pump station or the city provides a regional pump station. From the town's perspective, if it does not mind having five private pump stations out there, then that is fine. We are incurring the majority of the cost and if it makes sense for the town, then you can piggyback the costs on our project. We just need to get Council's directive so we can move forward. Mr. Hough stated regional pump station cost is 525,525 by JE Harris estimate including a 10% contingency? Mr. Kraus stated full cost would be over 678,000. Mr. Eller stated pumps average 6000 to 7000 a piece. Mr. Kraus stated the big issue with SWAGKNIT is that if all private stations pump to SWAGKNIT you have more flow in the basin than that pump can handle. He stated at some point we need more capacity in the pump station. Mr. Hough asked in order to adequately serve this area that city maintains long term – what is the cost that we would incur by doing it that way versus in a cooperative way – for instance, if we don't do this and in five years we are forced to do something what will it cost then versus

now? Mr. Kraus answered \$434,000 total cost to the City as a cooperative effort. In the future, using today's numbers, it would cost the city nearly \$700,00. Mr. Moore asked if we piggy back off of you – what is our timeline? Mr. Kapadia stated this is a pretty rapid turn as we are already developing. Mrs. Harris asked why is this just now coming to Council when staff has already been working on it? Mr. Hough stated we should put this on the agenda for December 5th. Mrs. Hubbard stated Mr. Kraus stated loan rate was quoted at 4% on cost breakdown – and how much is savings making? Mr. Kraus answered 3%.

NB#2 To Consider Entering Agreement with Gastonia about Raw Water Line. This has to do with a grant for Gypsum plant. They are receiving a grant for this. If the county applies for grant, then the county has to have ownership of the line for one year. Mr. Hough asked when does this have to be decided without us jeopardizing the grant. Consensus by Council to hold this for discussion at Work session in December.

PUBLIC COMMENT

Mayor Hough opened the floor for public comment.

ROUND TABLE

Mr. Moore – I have a question about Mt. Holly Furniture parking lot – Mr. Kraus answered we are waiting to hear back from Mr. Fuller. Mr. Michael stated he prepared an agreement and forwarded it to Fuller's attorney and that has been the extent of his involvement. He stated Jim Fuller stopped by to ask him about power lines and he needed to know because he was considering fencing place in and he was not happy with agreement. Mr. Fuller stated agreement was faxed to him and he was unhappy with agreement. Mr. Michael stated his attorney is no longer representing him due to being elected mayor and conflict of interest. Mr. Michael stated he has not had any further discussion with him regarding this.

Mr. McLean – Regarding the Kendrick Farm pictures, their tract record is beginning to look like the Mooresville deal. We need to shut them down until they fix it. Mr. Hough asked Mr. Kraus what we would do about that. Mr. Kraus stated the county handles this erosion control . We are not going to issue any more permits until they get it fixed. Mr. Hough asked are we doing the same at Stonewater? Are we talking about it or doing it? Mr. Kraus stated corrections are being made.

Mr. Hope- no additional comments.

Mr. Helms – There is a citizen who lives at 457 W. Glendale and owns a house at 453 that is rental property has an issue with the City policy in that she has to pay \$50 every time a renter vacates and the service comes back into her name. Mr. Kraus stated Council set policy renters pay \$50 deposit but unfortunately some homeowners have rental property and they are charged that \$50 every

time rental property gets turned over. We may want to revise the policy that addresses that situation where homeowner has rental property in addition. Mayor Hough stated staff should put together revised statement for Council review. Mr. Helms stated I appreciate pictures of Kendrick Farm. I did go through the development and did talk to staff about this. I realize there is gray area here and it should not be that way. If the state is in control, they need to do it, etc.

Mrs. Harris - Did staff call Mr. Lineberger in Forest Hills? Is he okay?. Mr. Kraus stated he talked to him and he will go back out there tomorrow. Also, we are still having meeting at 3:30 on Thursday regarding landscaping for downtown.

Mr. Kraus -There was some confusion over city insuring vehicles by fleet not by car. There was a rumor that a police squad car involved in a accident was not covered by insurance. As cars are added to fleet they are supposed to be add to list and it had been said this car was not added to list . We do insure the entire fleet and the car is covered. Mr. Hope stated it is good to know it was covered. I was not aware of accident until I heard it on the street. Mr. Kraus explained accident in detail and that officer and ride-along are okay physically. Mr. Hough asked when accident happened. Chief Hoyle stated Saturday night.

Mr. Hough - Regarding employee of the year - Harris / Moore will bring back recommendations for employee of the year. Ms. Harris stated Council should feel free to call us regarding this. Sidewalks are coming along. How are we coming on Central with turning radius? Mr. Kraus stated truck and biggest trailer made radius and parade floats will be okay using due care in turning. Mr. Hough asked Mr. Eller if he felt reasonably confident that the parade will be okay? Mr. Eller stated it should be okay. Mr. Kraus stated we do have some concern of turning during normal operation of the streets for large vehicles. We have to work with engineer about arm holding traffic lights and DOT has not approved foundation of pole yet.

Mrs. Hubbard - no additional comments.

Mr. Jackson - Mr. Jusko is working on grant for parks and rec (attached) - we will need endorsement of Council. The cost to the city is only \$50 for application. Mrs. Harris **moves** to endorse, **seconded** by Mr. Moore. All in favor. Similarly, Last year we only had one appraisal, this year we have two - need endorsement for grant request . Mrs. Hubbard asked on reimbursement - would we know that we would be reimbursed before we spent the money? Mr. Jackson answered yes. Mrs. Hubbard **moves** to endorse application for grant, **seconded** by Mr. Moore. All in favor. Also, planning commission request that you reappoint J. Stevenson - for ETJ seat. His term is up in December. County commissioner will have to approve. Mr. Kraus asked would it be too late to make recommendation at work session in December? Mr. Jackson stated that person would serve until he is replaced per guidelines. Mrs. Harris asked did we advertise this? Citizens need to be aware a seat is available. Mr. Moore stated we need to be consistent.

Mr. McLean stated there is not a vacancy – he did not retire. Mr. Hope stated Mrs. Harris has a valid point. Mr. Kraus stated to remember if Council decides to advertise – the person has to live in the ETJ – not a Mount Holly resident as that is the seat that is being discussed. All in agreement to advertise it. Mr. Jackson asked for criteria of advertisement. Mr. Kraus stated papers ran ads. Mr. Hough stated we should run ad for two weeks in Mount Holly news and Gaston Gazette with deadline of December 15th for nominations . Those are to be brought o council at January work session and voted on during first meeting in January. Nominations closed on December 15th. All in agreement. Mr. Jackson stated Seniors Thanksgiving party this Thursday at 10:30 pm – at CC's Pizza on Mount Holly Huntersville Road.

Mr. McLean - Mr. Tallent from Sylva, NC stated Rick Judson is claiming that the City is going to condemn his property in order to obtain an easement. Mr. Kraus stated we have already addressed this. This man has also contacted Mr. Moore and Mr. Hope.

CLOSED SESSION

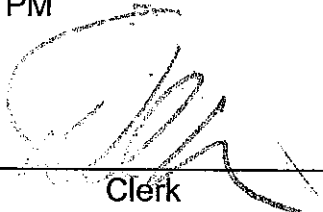
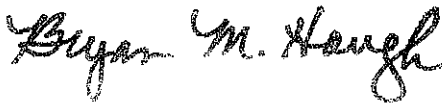
Councilperson Harris **moved** to go into closed session for the purpose of discussing personnel matters, **seconded** by Councilperson Hubbard , with all in favor.

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

ADJOURN

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

10:37 PM

 _____ Clerk	 _____ Mayor
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jmb