

**CITY COUNCIL
REGULAR MEETING
November 10, 2003**

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 Black. The following were present:

Mayor Robert D. "Bobby" Black	City Manager David Kraus
Mayor Pro-Tem Jim Hope	Finance Asst. Jamie Guffey
Councilman Michael Helms	Utilities Dir. Don Price
Councilwoman Phyllis Harris	Planning & Zoning Dir. Danny Jackson
Councilman Frank McLean	City Attorney Kemp Michael
Councilman Bryan Hough	Police Chief Bence Hoyle
Councilwoman Pat Hubbard	Fire Chief John Calder
	Street & Sanitation Dir. Mike Santmire
	Zoning Officer Greg Beal

Because the next day would be Veterans Day, Mayor Black asked all veterans in the audience to stand and be recognized.

INVOCATION

The invocation was led by Rev. Jeff Bost, Westview Presbyterian Church.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE AGENDA

The agenda was approved with addition of New Business #4 Fill Vacant Council Seat, upon motion by Councilman Helms, seconded by Councilwoman Hubbard, with all in favor.

CONSENT AGENDA

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

CA#1. To Accept and Approve the Minutes. Minutes for October 7 and 13, 2003, were approved as written.

CA#2. To Approve Supplemental Appropriation for Soccer Goals, etc. A donation of \$2,500 from Land O' Frost Lunch meat will be used for parks and recreation needs. (copy attached)

CA#3. To Consider Approval of Tax Releases. Releases of taxes in the amount of \$1,179.48. (copy attached)

PUBLIC HEARINGS

PH#1 To Consider Changing Speed Limit on Tomberlin Drive

Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, and unanimously carried. Mayor Black recessed the regular meeting and opened the public hearing to consider lowering the speed limit on Tomberlin Drive upon request by from the residents.

City Manager David Kraus stated that a request by residents that the speed limit be lowered on Tomberlin Drive had been received. Mike Santmire has looked at this and recommended 15 mph in the curve and 25 mph on the rest of the street. There were no comments for or against.

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

Councilman Helms asked if all the citizens on Tomberlin were notified? Mr. Santmire replied they had not mailed out notices. Councilman Hope asked if the City usually sends notices when setting speed limits; the answer was no. Councilman McLean said this was discussed at the meeting the other night in Catawba Heights and several were in favor.

Motion: Councilman McLean ***MOVED*** to approve lowering the speed limit on Tomberlin Road to 15 mph in the curve and 25 mph on the rest of the road as recommended, seconded by Councilman Hough.

Vote: unanimous. **CARRIED.**

Mayor Black asked when the signs would go up; Mr. Santmire said he will have to order the signs, but would put them up promptly.

PH#2 To Consider Rezoning of Rhyne Family Property at 1213 West Catawba Avenue

Councilman Helms moved to go into public hearing, seconded by Councilman Hough, and unanimously carried. Mayor Black recessed the regular meeting and re-opened the continued public hearing from last month to consider rezoning of the Rhyne Family Property.

City Manager David Kraus stated that the developer has expressed that he intends to rescind this petition. Mayor Black asked if there were any in the audience who wished to speak.

Mr. Strader, corner of West Catawba Avenue and Fites Creek Road, said they would withhold their comments in light of the developer's statement, but would

ask the City to extend the area of neighbors being notified to all of Fites Creek, and over to Henry and Cherry Street when this comes up again.

Teresa Painter, 1125 W. Catawba Avenue. This room is filled with a lot of people that want to make Mount Holly a strong city, a place where people will be happy here and proud and will stay for many years. We need to preserve the land we have left here. The old Rhyne house needs to be complemented by houses of comparative quality. Please make it known to the developers what kind of development we are ready for.

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

Councilman Hough asked, since developer is rescinding his petition, is there anything we need to do.

Frank Jacobus expressed his appreciation to the folks in neighboring areas of this site for their input and stated that he and his partners have taken it to heart, and also thanked the elected officials and staff for their ideas. They hope to speak with them more and want to make a plan that is more acceptable, and so he stated that they were rescinding their petition at this time.

No action.

PRESENTATIONS

PR#2 To Discuss Speed Limit on Norton Street

Angie Freeman thanked the Council for the "children playing" signs. Many of the neighbors have asked that the speed limit be lowered from 35 mph on Norton Street. We want 25 mph or less. She presented a petition from the residents. Councilman Hough asked if staff has a recommendation as to a lower speed limit. Mike Santmire felt that 25 mph would be reasonable for Norton Street.

Motion: Councilman Hough moved to call for public hearing next month to lower the speed limit from 35 to 25 on Norton Street, Councilwoman Hubbard.

Vote: Unanimous. CARRIED.

PR#3 Right of way for East Gaston Sewer Line

Buddy Hodges did not appear.

UNFINISHED BUSINESS

UFB#1 To Consider Reinstatement of Burn Regulations

City Manager Kraus said that staff feels that any storm debris should have been cared for by now, and recommends that the City return to our normal regulations about burning debris. Councilwoman Harris and McLean felt that we had given

citizens plenty of time, and Councilman Helms agreed. Mayor Black asked Ryan Baker if any burning permits are outstanding; he said no.

Motion: Councilwoman Hubbard **MOVED** to end the special allowance for burning within the city, effective tonight, and to return to normal regulations, seconded by Councilwoman Harris.

Vote: unanimous. CARRIED.

UFB#2 To Consider Contract for Design Services on Bond Projects

City Manager David Kraus stated that staff has met with the Woolpert group more than once regarding a contract for design services on the bond projects, and told them to make a proposal with a fee we can afford. They want to do a master plan, a vision if you will, and we want to go to construction documents because we feel the vision process has been done. They are talking about doing two plans to show you and let you choose. Their fees are much higher than we had budgeted. He said that staff wants to know if Council would be interested in having them go to the other two firms and get tentative proposals in case we cannot reach an agreement with Woolpert. Councilman Hope said that a process has been carried out already with citizen input and he felt Council needs to make the decisions at this point. Councilman Hough wondered if we should ask the bond committee for input on going back to the other two firms. Mayor Black pointed out that Woolpert wants \$5,000 per meeting to meet with public citizens at least four times. Councilwoman Hubbard said she liked the ColeJenest group just as well. Mayor Black recalled that the bond committee said they liked all three groups they recommended as finalists and could work with any of them. Councilman Hope felt that Woolpert may sharpen their pencil if they know we are talking to the others. Mayor Helms believed it would be a good idea for staff to talk to all three groups about fees; the whole Council concurred.

UFB#3 To Consider Contract for Sales Tax Distribution

City Manager Kraus reported that the County wants to change the sales tax distribution to help its budget. Last year they agreed to compromise by freezing our share for several years. Now they are saying they will put the increased amount they would get into Capital Improvement and education, but there is an escape clause where if they don't do that they can pay it back later. This plan would mean that the City will get much less money. All the cities are going to lose, but we feel that the County will adopt the change anyway. This contract provides a method for the County to provide hold harmless funds to the cities. Mayor Black said he went to several meetings on this, and then for a long time we had not heard about it, until now. Jamie Guffey stated that this development came from the County realizing that they could get 76% of the sales tax distribution, when they now get 67%. They wanted the whole 76% based on ad valorem property tax levy; in the past it has been based on per capita. From hereon, cities can increase their share only by increasing their levy, that is, by annexation or by raising tax rates. They put in items that we were not aware of, but they did put in the payment to CIP and schools out of the funds that we requested. Councilman Hough asked what effect this will have on our budget?

Jamie Guffey said that the City usually automatically increases our number each year due to inflation; but we will be stuck with the same funding for ten years. Councilwoman Hubbard said that the county commissioners are very sensitive about this. Mayor Black noted that the County has to have this in Raleigh in April so it can be implemented by July, so they want us to act on it right away. Councilman Hough asked when is the last possible minute we can do this so they have time to think about it. City Manager Kraus stated that they have made it clear that any cities that do not agree to this will be cut out. Mr. Kraus recommended voting on this in December. Mayor Black said that there were several meetings scheduled that our staff went to but the meetings had been cancelled without notifying them.

PRESENTATIONS

PR#1 The Gaston 2012 Plan

Mr. Bob Morgan, Executive Director of the Gaston Chamber of Commerce, spoke to Council about the Gaston 2012 Economic Development Plan. The Gaston Chamber directory was also presented. He said he wanted to say that he disagreed with the letter in the newspaper that morning. He was excited to see how Mt. Holly is preparing for its future. Gaston County received a grant through the efforts of Sue Myrick to develop a development plan called SEDS. This has evolved into the Gaston 2012 Plan that is setting goals for the whole county. Greenville/Spartanburg has been through the changes we are going through, so we can learn from them and others. We need to train and re-train unemployed due to the decline in textile jobs; public and private partnerships are essentials to this plan. Gaston County is the second largest county in this region, and is challenged by the loss of textile jobs. One of our challenges is our workforce is lagging behind other counties. Also, infrastructure is a challenge. In addition, we need mass transit plans. The County has a comprehensive land use plan; we need countywide water and sewer services. We need the Garden Parkway to be accomplished. The empty buildings are mostly not usable for today's industry, so they need to be remodeled or torn down and replaced. Office space is limited. The Plan includes Action Recommended, each area with a team working on that effort:

1. Economic Development – civic center, whitewater park, equestrian center, Belmont Abbey development, downtown revitalization (Nov. 2004 constitutional item on ballot in state elections to adopt tax increment financing; we will campaign to get this passed).
2. Entrepreneurship – education, training, access to financing, business incubator to help small business owners;
3. Infrastructure -- water and sewer countywide, garden parkway, support NC Toll Authority;
4. Workforce development – Alternative learning paths, displaced workers, promote lifelong learning;
5. Marketing/Communications -- "Gaston County –Take a closer look" slogan, use TV ads on Time Warner Cable, image-building direct mail program, tourism marketing.

For next steps, each action team is working on the recommendations. The public sector is looking for funding and grants. We have looked at getting declared a "textile belt", negatively impacted by federal policies, which Sue Myrick and 13 congressmen are looking into. Gaston Together community consensus building with community meetings

announced and we strongly recommend you attend and spread the word to citizens to attend on November 18th the one near you. We have seen forward momentum. Futures for Kids links employers and 11th graders. The Belmont Abbey development seems to be a good plan. The Garden Parkway as a toll road is getting a lot of support. We want to see a county vision with a potential of growth. Further information can be found at the web site: ☐ HYPERLINK <http://www.gaston.com> ☐ www.gaston.com ☐

Mayor Black encouraged the council and citizens to attend the community meeting in Belmont; Mr. Morgan said they hope that the county will televise some of the meetings so more citizens can be informed.

UNFINISHED BUSINESS

UFB# 4 To Consider Rejecting Sidewalk Bids

City Manager Kraus stated that we only received two legal bids out of the three bids for the sidewalk project. We are required by State law to have three bids for this project. Since no bonds have been floated we have only \$250,000 in Powell Bills funds in the budget to work on this project at this time. He recommended that the Council reject the bids so it can be re-bid on Henry Street and First Street alone.

Motion: Councilman McLean ***MOVED*** to reject all bids, seconded by Councilwoman Hubbard.

Vote: Unanimous. **CARRIED.**

NEW BUSINESS

NB #1 To Consider Selection of Employee of the Year

Councilwoman Harris said that she would like to go back to the selection process that used to be used. We had two council members who review the nominations made by the employees and they make a recommendation to the council. The Council concurred. Councilwoman Hubbard nominated Councilwoman Harris to be on the committee to review the nominations. Councilman Hough nominated Councilwoman Hubbard. Councilman McLean moved to close nominations, seconded by Councilman Hough, carried by unanimous vote. They agreed to serve on the committee and will bring back a recommendation to Council.

NB#2 To Consider Upgrade of Utility Position

City Manager Kraus stated there is a vacant Industrial Pre-Treatment Coordinator position that was vacated by Roger Mobley who transferred to Maintenance. Don Price said that they want to upgrade that position to Utility Chemist. The new position would monitor and sample programs for both water and wastewater treatment. This need is increasing as the city grows, and we de-chlorinate at the waste treatment plant, and will be needed to comply with disinfection byproduct regulations at the water plant. They expect to have to include nutrient reduction requirements in the future. Councilman Hough asked how much this will affect the budget. Mr. Kraus said it is the same pay grade. Mr. Price said it is salaried,

not an hourly, pay for that position. Councilman Hough asked if that means it is exempt from overtime pay; Mr. Kraus said that was true. Councilwoman Hubbard asked if this would mean no change to the budget. Mr. Price said there would be no change. Mayor Black asked if they believe they will be able to hire someone in this price range with the qualifications we need. Mr. Price said he believes so, because there are textile industry chemists that are unemployed.

Motion: Councilwoman Hubbard ***Moved*** to approve the end of Industrial Pre-Treatment Coordinator position and creation of Utility Chemist position, as recommended by Don Price, seconded by Councilman Helms.

Vote: All in favor. CARRIED.

NB#3 To Consider Acquisition of Police Squad Cars

Chief Hoyle stated that they opened bids that day for police cars. There was only one bid. He recommended the City buy off of state contract. Council concurred.

NB#4 To Consider Filling Open Council Seat

Mayor Black congratulated the winners in last week's election and noted that it would be appropriate for Council to consider selecting someone to fill the council which will be vacated by Councilman Hough since he is Mayor-Elect.

City Manager Kraus said logistically we cannot fill the position until it becomes open, which is in December. In the past, Council has made nominations, followed by discussion, and then did written ballots in Council to select the person to fill the seat. City Attorney Michael said there is no time frame that the Council must abide by to fill the seat by appointment. Councilman Hope stated that he does not want us to be too quick, and we would like to let our citizens know there is a procedure and what it is. He would like for Council to interview the nominees. It is commonly thought that the next highest vote getter should be selected, but that is not necessarily true, and we need to be sure we make a good choice for the citizens, and be sure there is not an appearance of hasty judgment. Councilwoman Harris said she did not recall that Council had ever interviewed before for a vacant seat. Councilwoman Hubbard said she did not need to interview the other people who ran in the election, because we already know all eight of them better than anyone knew her before she sat in her seat. Councilwoman Harris said she is confident this Council will make the best decision for Mount Holly they can make. Mayor Black asked the Council, what process does this Council want to use? Councilman Hope said he just wants a definite process in place and the public to know what it is. Councilwoman Harris felt that we already have a process in place, the way we have done it in the past, but maybe Council should discuss it at the next work session to see if we want to do this differently. The Council agreed to discuss the process of filling the vacant council seat at the next work session in December.

PUBLIC COMMENT

Mayor Black opened the floor for public comment.
None.

ROUND TABLE

Councilwoman Hubbard asked for an update on the new bridge. Mr. Kraus said that right now it is known as the Highway 27 Mt. Holly bridge over the Catawba River. The DOT said they would put it on their next agenda to consider our nomination for a name.

Councilwoman Hubbard asked for a copy of the schedule for leaf pick-up.

Councilwoman Hubbard inquired about the City's bank account at Wachovia. Jamey Guffey stated that there had been some confusion based on the individual at the bank who had set our account up as a corporation, and we could have been put in as a small business; they plan to do that and then refund the overpayment of fees.

Councilwoman Hubbard said that with regard to the appraisals on the city property we are considering selling, we only got summary sheets; she asked, did we get full appraisals? City Manager Kraus said that we did. Councilwoman Hubbard inquired whether or not we have paid for them yet? Mr. Kraus said we paid for one so far. She asked how much were the bills? Mr. Guffey said it was \$4,000 for three. The total will be just over \$5,000 for all of them. She asked if the listing agreements are on hold? Mr. Kraus said yes; he will not sign a listing agreement without Council approval; Mrs. Hubbard said if we get to that point, she wanted to be sure she sees it before it are signed. Councilman Hope said staff needs to bring a recommendation after conferring with Councilman Hubbard to Council.

Councilwoman Hubbard said wondered if the Parks and Recreation would consider planting trees at Catawba Heights Park; Councilwoman Harris said they already are talking about that.

Councilwoman Hubbard asked if Megan is going to work on Springfest Committee or are we going to look for more volunteers? She said yes. Also, Chief Hoyle's wife is willing to help. City Manager Kraus said we may want to have them meet with the Springfest committee.

Councilwoman Harris thanked all who voted for her, allowing her to serve four more years.

Councilman Helms said he believes the voice mail system at City Hall is too hard for some citizens to use and too impersonal. City Manager Kraus said it's already "toast". Megan said callers will get a live person during the day, and voice mail after hours.

Councilman Helms asked what is permitted to be put in the rollout garbage carts. Mike Santmire said anything except the hazardous items such as gas, paint, and batteries.

Councilman Helms referred a complaint about chickens in Woodland Park to Ryan Baker, at 206 Walnut.

Councilman Hope wanted to be sure someone is there at the DOT meeting to present our name for the bridge, and he said he would go. Councilwoman Harris will go with him. Mrs. Harris asked who actually decides. DOT will make the decision. Mayor Black stated for the audience that we are trying to get the bridge named after Randy Pendleton, a Mount Holly policeman who died in the line of duty.

Councilman McLean stated that Ms. Bishop called him and wants to know if she can use the old gym and pay a fee. City Manager Kraus said we do not rent out city facilities on a full time basis.

Councilman McLean cautioned the Council about the information in the October 10th memo about CMUD, stating that it scares him big time, because Charlotte is a big city, and the County already has in mind for us to take on a lot. We need for Charlotte to keep their stuff on that side of the river.

Councilman Hough thanked Mr. Michael for the memo on erosion; however, he asked with regard to the Riverfront matter, does the city have a role to pressure the developer to clear up these issues since they are still out there, and additional phases are not built yet? City Attorney Michael said the drainage issue you refer to is the one we have been discussing. That issue involves subdivision lots that back up to the creek, and there is nothing in our ordinances nor in the county or state that would give us the authority to withhold future permits; the answer is no.

Mayor Black recognized before the meeting his parents in attendance at the meeting, and thanked them for their support. He said the Council has been invited to the Fire Department dinner on December 6.

Mayor Black announced that at the Rotary Club lunch this Thursday there will be a presentation by an ABC commission member that councilmembers may be interested in hearing.

Mayor Black though we should let the Gaston County EDC know that they omitted Mount Holly completely from their brochure, even though the biggest picture is of Mount Holly. He would like a letter to go to them that we would hope they will include Mount Holly by name in the next issue.

Mr. Kraus reported he has had complaints on Dutch Street since the water line was put in, and the church parking lot is still not re-paved where the line was intalled. Don Price stated he had just spoken with Mike Wolfe, the engineer, and they want to give the contractor one more week. If it is not done then, we can pull his bond and finish the job. Councilwoman Harris said the people at the church are not happy. Mr. Michael said even if we do pull the bond, we have go through a notification process which means waiting a period of time; it would take 30 days or so, and he would have to look at the contract. Mr. Kraus said that the money left on that job is less than \$6,000. Councilwoman Harris asked him to please call Willie Melton and tell him we are looking into it.

Mayor Black asked for a status report on what Mr. Rice has gotten done out at Riverfront. Mr. Kraus said they have not started construction; they are waiting for right of way from the Beattys.

Mayor Black asked what happened on the Little Barber Shop claim? Mr. Kraus resubmitted the claim, and the adjuster came out but still denied the claim. Mr. Kraus said he cannot recommend that the City pay a claim that its insurance company denies, because that would not be in the best interest of the city.

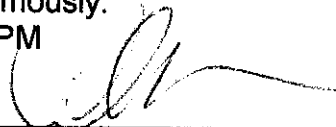
Mike Santmire said there are election signs at the back of City Hall if anyone wants them before they are thrown away. Mayor Black asked if they are still making sign sweeps? Ryan Baker said that job is going to John Hope, and will be done twice a month.

Councilman Hough asked, is Mike Johnson's property where he keeps the trucks on Woodlawn Avenue in the City limits? Mr. Kraus replied that it is. Councilman Hough has had complaints from several people feel that it is less than desirable to look at as they go home.

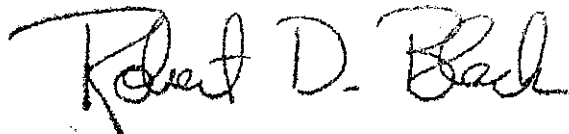
ADJOURN

There being no further business, the meeting was adjourned, upon motion duly made Councilwoman Harris, seconded by Councilman Hough and carried unanimously.

8:45 PM



Clerk



Mayor

cpm