

**CITY COUNCIL
REGULAR MEETING
October 14, 2002**

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

Mayor Pro-Tem Jim Hope

Councilman Michael Helms

Councilwoman Phyllis Harris

Councilman Frank McLean

Councilman Bryan 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

Water & Sewer Dir. Don Price

INVOCATION

The invocation was led by Rev. Jerry Stanfield, Grace Baptist Church.

PLEDGE OF ALLEGIANCE

Boy Scout Troop 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 Presentations #1 and #2; and PR#5 will be moved to New Business #7, upon motion by Councilwoman Harris, seconded by Councilwoman Hubbard, with all in favor.

CONSENT AGENDA

Councilwoman Hubbard **MOVED** to approve the four (4) items on the Consent Agenda, seconded by Councilman Hough, with all in favor.

CA#1. To Accept and Approve the Minutes of September 9 and October 8, 2002. Minutes approved as written except add Councilman Hough to page three in the blank.

CA#2. To Approve Supplemental Appropriation for Fire Department. (copy attached)

CA#3. To Approve Supplemental Appropriation for Police In-Car Camera Maintenance. (copy attached)

CA#4. To Approve Surplus and Sale of Fire Equipment. List of thirteen SCBAs in agenda packet.

PRESENTATIONS

PR#3 To Request Funding on Christmas Parade

Daphne Barton & Wanda McElveen as Co-Chairpersons for the Mount Holly parade appeared before Council and stated that the event is paid for totally by donations; they had 175 entries last year and our citizens seem to enjoy it. They

have about 10 volunteers who help on parade day, plus city staff. They would be thankful for any funds the City could provide, even though they know it is a tight budget year. Mayor Black thanked them for their hard work on such an enjoyable event.

PR#2 To Discuss Funding for Miss Mount Holly Pageant

David Moore stated that the City spends funds for labor and other things on Springfest. He stated that Miss Mount Holly wears the banner advertising our city proudly to represent you all over the state; this pageant and crown is about scholarship money, and young women who want to make a difference in their community. Any funding you can donate would be appreciated. To be held November 2. The current Miss Mount Holly has had a battle with cervical cancer, and yet she has worked very hard for this city.

PR#6 To Discuss Rear Buffer at New Fire Station

Jeff Neil, 420 North Main (next door to the new fire station). Mr. Neil made the following statements: The new fire station building is nice, you did a great job. I appreciate that. I am getting to know the firemen, and they are good neighbors. Tonight I request that Section 10.1 of the zoning/subdivision ordinance be met by you by having a buffer installed between the fire station, a non-residential building, and my house, a residential building. I understand that there was no need for a rezoning from residential when it was built. I know it is not the letter of the law, but I think the intent of the regulations is clear, and I don't think this should alleviate the need for a buffer, because of the actual use of the building. City Manager Kraus will have staff research this request. Councilman Hough noted that this subject came up before the construction, and also during and after construction, and he doesn't understand why this has not been addressed before now.

PUBLIC HEARINGS

PH#1 To Consider Amendment to Zoning Ordinance on Multi-Family Development

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 an amendment to the zoning ordinance upon request by Carroll Drumm.

Danny Jackson said that Mr. Drumm came for rezoning so he could live in part of his property and rent out the other part. The public hearing was held by the Planning Commission. Staff had proposed conditions before this special permit could be allowed. The Planning Commission had made additional conditions, but after discussion they voted to deny making any recommendation to Council for approval.

Carroll Drumm, 242 Summit Avenue, stated that when the State put the bypass in, his house was zoned multi-family. There is a slope on his property. He has completed a basement. He had an auto accident in 1993. At the first part of 1994, the city sent a letter wanting to rezone to single-family, which I don't remember because I was under heavy medication. I have back problems, and am on disability. The property was multi-family to start with, and I want it changed back to what it was. I have plenty of parking for both upper and lower facilities. This would also enable me to live downstairs and put up a mailbox down there since it is hard for me to go up to the front of the house. He said there is no way a larger multi-family structure could be built on that land like the commission said because of the way it is sloped. There were no further comments either 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.

No motion made.

PH#2 To Consider Amendment to Zoning Ordinance on Yard Sales

Councilman Helms moved to go into public hearing, seconded by Councilwoman Hubbard, and unanimously carried. Mayor Black recessed the regular meeting and opened the public hearing to consider amendment to the zoning ordinance upon request by Greg Beal.

Danny Jackson stated that the purpose of this amendment is to bring unity between the zoning ordinance and the City Code book. 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 wanted to know if we give them information about signs when they get a permit. Mr. Jackson said only if they ask, but we can do that.

Motion: Councilwoman Hubbard **MOVED** to approve the amendment to Article VI, Section 6.1, and Article VII, Special Requirement Notes to change yard sale regulations, as presented, seconded by Councilman Hough.

Vote: unanimous. CARRIED. (copy attached)

UNFINISHED BUSINESS

UFB#1 To Consider Contract for Water Tank Maintenance

City Manager David Kraus said that staff came to Council a couple months ago to get approval for funding the painting of two water tanks. The contract for the

two tanks came to \$80,000, and it was approved, except you asked us to look at the warranty issue. We found that you can get a warranty on labor but they no longer provide a 10 year warranty on paint because there is no longer any lead in the paint and so it is not as durable. Don Price went back to the company and obtained a quote for a maintenance contract. It is a four-year contract on both tanks, but can be canceled after two years. It would cost \$46,728 for four years, for inside and outside of the two tanks. Councilman Hough asked how much inside maintenance costs? Mr. Price stated that it is more than outside maintenance because it requires a bypass operation. Every year they would inspect and repair, and wash out the interior periodically. City Attorney Michael saw that this was a proposal, and asked if there is a contract; yes. He had not seen or reviewed it yet. Council agreed to go to the next item while he read over the contract.

UFB#2 To Consider Adoption of System Development Fees

City Manager Kraus stated that the changes recommended by Council have been made, except that they should strike from their copy the reference to number of "bathrooms"; the new fee schedule under Schedule A was attached. The key articles to this would be Article 2, fee paid prior to meter set, so that the developer is not carrying the fee for a long time. The grandfather clause requires them to obtain a certificate of exemption from Danny; this is for subdivisions with preliminary plat approval prior to adoption of this ordinance. All certificates of exemption expire Jan. 1, 2011. Councilman Hough asked for clarification; if the property changes ownership while it is exempt would it still be exempt? Mr. Kraus said the ordinance is worded that the property is grandfathered as long as they use the same plat. City Attorney Michael stated that the developer can be incorporated and could sell the stock and the name of the owner would not change. Councilman Hope asked if we could not allow it to be transferred? David Kraus said that some permits have a deadline, and we could do that on this as well. Mr. Michael asked what places would be grandfathered? Danny Jackson said all of them would be as of today. The Mike Schronce property is not technically a subdivision, because it was multi-family, but it has a plat which has been approved. Councilman Hough said he would like to see it in there that the exemption is not transferable because it was for the people we dealt with already that did not know in advance there would be this fee, but a new person buying would know this fee exists. City Attorney Michael said that could get complicated, such as determining how much of the property can be sold before it would trigger the fees? Councilman Hough said that Schronce was the major owner, and he sold it before it will be developed to another, they should pay the fees. Mr. Kraus stated that Deerfield Subdivision was done by David Shook, but then the back part was sold to Yadko and his group before it was all built. Councilwoman Harris said that if the land gets sold in bulk to another developer it should no longer be exempt. Danny Jackson said the Council should recall that even if they have plats that are conditional use, and if the property is sold, they don't have to come back to Council if they use the same plan, so they would not pay the fee because the plat is exempt. Mr. Kraus noted for the record that both

Dutchman Meadows and Autumn Woods came back to change their site plans to make it better, and Council wants them to be exempt. City Attorney Michael said Council needs to be careful you don't create a drop dead provision so you inhibit them from making the project better because they don't want to lose their exemption. Councilman Hough there should be some way to do this. Mr. Michael felt there were too many variables to that concept to make it enforceable. Mr. Kraus said you could put a deadline on the exemption, with a potential for extension. Councilwoman Harris said we were comparing this ordinance to Belmont, and they did not grandfather at all. Councilman Hough said he still feels it is the right thing to do to grandfather the ones we already approved. Councilwoman Hubbard said she has a problem with this exemption and has from day one; she doesn't think that a 3 bedroom house fee of \$1,080 with the builder not having to pay until he sets the water meter, even in this economy, will cause a tremendous hardship; they will pass on to the consumer. Councilman Hough asked if we take action on this tonight, and under further review we could make changes to it. Councilman Helms said that the soil erosion control board has a time limit on their permit; we could do the same. Mr. Helms also suggested having a request for extension that Council could grant or deny, and move up the deadline. Councilman Hope believed we need to put this in place and see what happens; Mr. Helms agreed we need to do this. Mr. Michael asked how long the zoning compliance certificate is good for; Mr. Jackson said six months. Mr. Michael said you can change the 2011 date to a closer date. Councilman Hough said he doesn't want to change that, he understands the reason for that date. Mr. Kraus said if we are looking for them to do something by a certain date, then we want to see infrastructure; houses are really immaterial to us. Councilman Hough asked if we could change that date later. Mr. Kraus pointed out that they will come and get certificates, and he doesn't think you can change the conditions after they get their certificate. Mr. Michael said, no, we can't do that, they would have a vested right; he said Council needs to be sure they like this ordinance or wait. Councilman Hough said he could live with it like it is. Councilman Hope agreed. Mr. Hope said he felt the developer should only get exemption for the lots he is getting zoning compliance permits for. Mr. Michael said that just makes Danny's life harder. Mr. Michael did not like the last sentence in Article 3, and suggested it read "building permit" there instead of "zoning compliance". Danny Jackson said we can't assume that, so they agreed to put both. Mr. Kraus said we also need to strike "residences" and put "structures" in that sentence.

Motion: Councilman Hough **MOVED** to adopt System Development Fees, Res. 10-14-02A, as amended, seconded by Councilman Hope.

Vote: Four ayes. Two nays. (Harris, Hubbard) CARRIED.

The Council took a five minute recess.

UFB#1 Contract for Water Tank Maintenance

Councilwoman Hubbard moved to table to work session, seconded by Councilwoman Harris, unanimously carried.

UFB#3 To Consider YMCA Drive Warranty

City Manager Kraus said the City has received a certificate of completion for YMCA Drive. Mr. Don Price said there have been some disagreements, and toes stepped on. He was told that the repairs to the road cost \$767,000. Mayor Black asked what the City has spent so far? Jamie Guffey said around \$68,000. Councilman Hope asked if that includes staff time? No. Mr. Price said he has asked for as-built plans again, and has not received them. Mr. Kraus said that the road was not built the length that it was originally planned to be. Mr. Price said our access to Swag Nit is long and winding; it would be helpful if we could go off of YMCA Drive. Councilman Hough asked with regard to the pro-rating of the road, if they said 2,000 feet and we approved that, would it matter if it had been 3,000 feet on the money we gave? No. So why reduce it? He felt the length of the road was not the criteria. Mayor Black said we looked at the minutes from July and August. Councilwoman Harris recalled we said two years. Councilman Hough said he agreed we should not to take the road for two years, but he wanted to give them the money less the amount staff determines should be subtracted for expenses. Councilwoman Hubbard recalled there was discussion about a letter of credit for 15%; will we do that if we give them the money? Mr. Kraus stated we said two years because 15% would probably not be enough to repair the road if needed, so the two years is in lieu of the 15%.

Motion: Councilman Hough **MOVED** that the City not take over YMCA Drive for two years; and that after two years staff and our engineer will study the road for consideration of acceptance or denial; and moved further that at this time staff shall determine our expenses and staff time to be subtracted from the money allocated for the YMCA, and release the balance, contingent upon receipt of as-built drawings presented. This motion was seconded by Councilman Hope.

Vote: Unanimous. CARRIED.

NEW BUSINESSNB#1 To Consider Lease for Catawba Heights Park

City Manager Kraus said the Catawba Heights Wesleyan Church has offered to lease land to the City for \$1 a year for 10 years for a park. We would accept liability and maintenance and the site would be open to the public.

Motion: Councilwoman Hubbard **MOVED** to accept the offer of a lease of land for a park from Catawba Heights Wesleyan Church to be prepared by the city attorney at \$1 year for 10 years, seconded by Councilwoman Harris.

Vote: All in favor. CARRIED.

NB#2 To Consider Acceptance of Grant for Glen Foundation and Appropriate Fund

Mr. Kraus said the Glenn Foundation has donated \$11,000 to purchase playground equipment for the Catawba Heights park. We have two proposals for equipment. The City would need to spend \$6,470 to install the equipment; this would be paid out of the recreation department budget (not new funding).

Motion: Councilwoman Harris **MOVED** to accept and appropriate the grant funds from the Glenn Foundation for the Catawba Heights park, and to authorize purchase of equipment from Basnight & Associates, as presented, seconded by Councilman Helms & Councilwoman Hubbard.

Vote: All in favor. CARRIED. (copy attached)

NB#3 To Consider Contract with Highway Patrol on Antenna Placement on Stanley Water Tank

City Manager Kraus stated that our mobile data terminals require a signal which is poor here. The antenna proposed helps both them and us. Police Chief Davis said that in about half the city we don't get reception. The highway patrol will pay the cost to install; we would pay for power to operate the radios.

Motion: Councilman McLean **MOVED** to approve the contract with the Highway Patrol, seconded by Councilman Hough.

Vote: All in favor. CARRIED.

NB#4 To Consider K-9 Contracts

Police Chief Davis said these are two additional contracts; we will pay food and medical bills, and liability insurance, but that the ownership goes back to the donor if they leave police service to the City. Councilman Hough asked why do we not buy the dogs? They cost \$5,000 each, and they only listen to the one trainer, they cannot be handed over to another officer.

Motion: Councilwoman Hubbard **MOVED** to approve the contracts for two K-9 dogs, seconded by Councilwoman Harris.

Vote: All in favor. CARRIED.

NB#5 To Consider Supplementary Appropriations for Insurance Settlements to Replace Police Cars

Chief Davis reported that the City will receive \$11,400 for both vehicles that have been wrecked. The 1996 model was totaled; it is cost prohibitive to repair it. Mr. Kraus said one is a police package and one is not police package, but we have the package here for that one already. Jamie Guffey said the deductible was waived; we can buy them back for parts, but I don't think we should do. Councilman Hough asked if we are buying? Chief Davis said this proposal is for leasing. Jamie Guffey said the lease is \$5,000 plus for each car per year. Mr. Hough asked if this is in our existing budget? Yes. Mr. Kraus said that in the alternative we could purchase them at \$24,000 each.

Motion: Councilman Hough **MOVED** to approve the supplementary appropriation for police cars as presented, seconded by Councilwoman Harris.

Vote: All in favor. CARRIED.

NB#6 To Consider Acceptance of Automatic External Defibrillator from the Mount Holly Fire & Rescue Auxiliary

Fire Chief Ekiatis stated that the Auxiliary raised funds to buy the fire and rescue department a defibrillator for the new fire truck, and he wanted to let them purchase it and have them present it to the City.

Motion: Councilman Hough **MOVED** to accept a donation of an automatic external defibrillator from the Mount Holly Fire & Rescue Auxiliary to be used on the new fire truck, seconded by Councilwoman Hubbard.

Vote: All in favor. CARRIED.

NB#7 To Present Donation for K-9 Equipment from Keith Hawthorne Ford

City Manager Kraus stated that Keith Hawthorne wants to support our K-9 program, and he will donate \$4,990.00.

Motion: Councilwoman Harris **MOVED** to accept the donation from Keith Hawthorne Ford and to appropriate the funds as presented, seconded by Councilwoman Hubbard.

Vote: All in favor. CARRIED. (copy attached)

PUBLIC COMMENT

Mayor Black opened the floor for public comment.

David Connelly, Golden Glove Boxing. I have an IBF world champion, a motivational speaker, and we want to get golden gloves back into Mt. Holly. Some of the money would be donated for police or recreation. Mayor Black asked if he had already spoken with someone at the city. He spoke with someone at the recreation dept. He introduced Keven Seigler. Mr. Kraus said first he will need to meet with them along with Jamie Guffey and Robin from the Recreation Department.

Jamie Katsuleris, 224 E. Catawba Ave, made the following statements. I spoke with David Kraus, since we don't have someone over the recreation department. My husband played in the basketball league, and I don't have a problem with the way the game was called, but it was called, and they won that one. They sat out the second game. The next game there was a scuffle, and the referees called the game; I understand that. Neither one should have been advanced, but Mark advanced the other team and let them go on, and then they went on to win the championship. This was not fair. I think there were racial issues there. There is something in the rule book about protests and I wanted to protest, and it says to protest to a Recreation Commission committee, and Mark said he was on it. I also have a problem with Dan Jackson, not Danny Jackson, and he was at the game and it would not be fair for them to hear my protest. My husband is captain of the team and wanted to know what calls were made, but instead of answering he spoke to my husband in an unacceptable manner. It has been three weeks

and he was screaming at my husband and nothing has been done about that. That is no way for someone representing the city to act. The next night after this game, my husband coaches soccer for little kids. There was no one to turn on the lights on the field from the recreation for some reason. I feel like they were cheated, and I would like something done about Dan and Mark and the way they handled this matter. I would have filed the protest if I knew it would not be them hearing the protest. Mayor Black stated we will have staff investigate and respond. Mrs. Katsuleris asked how long they should have to wait to get an apology.

Extra Item

Danny Jackson reported that the Planning Committee talked about revising the sign ordinance. They want a committee to be formed. Also, on conditional use plans, Mr. Tom Pearson told Danny he has a lot of consumer interest in larger houses but he can't do that without a setback change.

Mayor Black put the sign ordinance matter on the agenda for the next work session. Mayor Black asked if Mr. Pearson gave any details about what he wants; he had no specifics. Councilman Hough said he needs to appear before Council.

ROUND TABLE

Councilwoman Hubbard asked about the needed city hall repairs. Jamie Guffey said that staff has discovered problems. We have had contractors out now to give us cost estimates. In the old jail, water has been running down a large beam, and the concrete is chipping, and the rebar is rusting. If this beam goes, the outside wall, roof, at June's office and June's desk, and June will fall into the basement. The structural engineer said it needs to be fixed as soon as possible. First estimate is \$15,000 at least. This leads to the second problem. We have several leaks around the building in the roof. Where the detectives are in the basement, we determined that the outside wall is separating at the courtyard side. It may require roof repair; roof man said he estimates \$25,000; He thinks the roof could wait until July, so we could put it in the next budget year.

Councilwoman Hubbard said Council had talked about going to Morganton, to look at Ron Morgan's work up there; do we still want to do that? Mayor Black asked if Council wants to move forward to see what his costs and scope of work would be? Councilwoman Hough felt our next step is to investigate Mr. Morgan, and we need to go see what he has done. Mr. Hough called the city manager in Morganton, and she had positive things to say and some negative things to say. Mayor Black had e-mailed the Mayor and got no response. Mr. Morgan admitted the frustration he had felt and they had felt in Morganton. Mr. Kraus said he spoke with Barry in Belmont and he is happy with him; he is doing a specific property there. Mr. Hough said he spoke with a councilman from Lincoln; Mr. Morgan had gone to civic groups beforehand and that did not work well. Mr. Hough said we need to look at his financials and background. The city manager

in Morganton assured Mr. Hough that Shelby will tell us the same things. Councilwoman Harris said she wants to wait and decide at the next work session. Councilwoman Hope said we were in one room at the retreat talking about how we were tight on our budget, and then in the next room we talk about referendums; before we commit to something like this, our people need to know we can balance our budget and take care of upcoming capital expenditures.

Councilman Hough asked for a Suttentfield claim status report. City Manager Kraus stated it is currently being handled by his insurance company, who will then go against our insurance company. Councilwoman Harris asked if our company is investigating this? Mr. Kraus said they did investigate, and they are just waiting for his company to do the repair and present the bill to them. Mayor Black said the City's insurance company was not moving fast enough to satisfy the Suttentfields, and so they requested their company to proceed and then it will be presented to the city's insurance company. They are working together and inventories had to be done. Councilman Hope asked if there is a repair figure? Mayor Black said not yet. They are living in an apartment. There are subfloors and plaster and so on that has to be replaced. It will take at least three months. Councilwoman Harris asked if this can this happen at Kemp's office? Mr. Michael said he has a backflow valve, but who knows if it would work under that amount of pressure. Councilman McLean asked if they have installed a backflow preventer? Not yet.

Councilman Hope asked who cut the road at Second Baptist Church. Mr. Kraus said the State did that, it was storm drainage.

~~Mayor Black thanked Councilman Hope for taking care of the meeting last week for him.~~

Mayor Black said we got good news. NC DOT sent \$311,000 for Powell Bill funds; we only expected \$284,000.

Mayor Black said a citizen called with a question about his tax bill which is showing personal property with a late fee. Jamie Guffey will look into this.

Mayor Black asked if we got the Freddie White easement ready? Mr. Price said we have several quotes on Rollins Square but they have to hire the contractor to do the work. Mr. Kraus said we will do the easement when Rollins Square fixes the water drainage problem on that property.

Councilman Mclean said we have changed the leaf pickup policy, and we will send out a new notice to the citizens.

CLOSED SESSION

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

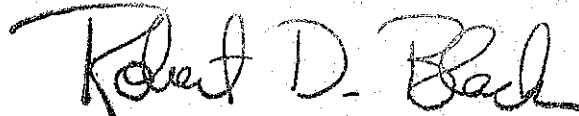
Councilwoman Harris moved to return to open session, seconded by Councilwoman Hubbard, with all in favor.

ADJOURN

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

PM


Clerk


Mayor

cpm

Closed Session minutes: