CITY COUNCIL
REGULAR MEETING
September 11, 2006

CALL TO ORDER BY THE MAYOR
The regular meeting of the City Council of Mount Holly was called to order at 7:00 p.m. by Mayor Robert Whitt. The following were present:
Mayor Robert Whitt
Mayor Pro-Tem Phyllis Harris
Councilman Jerry Bishop
Councilman Jim Hope
Councilwoman Pat Hubbard
Councilman Frank McLean
Councilman David Moore
City Manager David Kraus
Assistant City Manager Danny Jackson
Assistant City Manager Jamie Guffey
Community Development Planner Greg Beal
Interim Police Chief Jim Benfield
Fire Chief Dale Oplinger
Street and Solid Waste Director Mike Santmire

INVOCATION
The invocation was led by Rev. Jeremiah Robinson, New Zion Baptist Church, Retired.

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 moving public hearing up to under manager's report and to move public comment between new and unfinished business, upon motion by Councilperson Bishop, seconded by Councilperson Harris, with all in favor.

CONSENT AGENDA
Councilperson Moore **MOVED** to approve the Consent Agenda with items, seconded by Councilperson Bishop, with all in favor. The items approved were:

CA#1. To Accept and Approve the Minutes.

CA#2. To Accept Donations of Supplemental Appropriation to Parks Maintenance Buildings and Grounds.

CA#3. To Make Supplemental Appropriation from the Water Dept to the Sewer Dept for Purchase of New Jet Vac.

PRESENTATIONS

PR#1: September 11th Moment of Silence

PR#2 Emily Lawrence and Aaron Suttenfield – for arranging planters and plants in downtown area. The Mayor and Council members thanked them for their contribution regarding this.

MANAGER'S REPORT

1. Greenways – Mr. Kraus stated we have given easement agreement to A&E for review. We have submitted info to Duke as well, and have not heard back. We have also set up a meeting with Clariant. Indications are that it will be difficult to get a path along the river due to property constrictions, we are hoping their corp. execs will meet with us. We are moving on the greenways. It is a slow process when corporations are involved.
2. Naming Rights – When a specific item comes up for naming rights, we will add it to that specific consent agenda the next month to get approval with background information included in packet.
3. Mt. Holly Citizen Center – We are working toward a meeting on 10/3 at 9 am where they will propose guaranteed maximum price with any revisions to the plan and get final council blessings to proceed. We then can work with LGC and decide which bank we will work with. It will start at City Hall and then proceed to the A&E Meeting.
4. McLean Street Trailers and Mr. Murphy – Greg Beal stated they had until 8/19 to appeal to GC Superior Court. I informed Ryan Baker that the time was up. Mr. Murphy is in Iraq. His brother is handling his affairs. They have 15 days to move off of the property. It looks like the city may have to take legal action. Mr. Bishop stated there is only one trailer left on the property at this point.
5. CSX Railroad and linear park – Mr. Kraus stated we decided to place this on hold pending completion of the traffic signals. We got today a package from the consultant which we believe is the final authorization so that we may be able to complete this in 30 days. In all, the project completion is waiting on CSX.
6. YMCA Afterschool _ no updates available at this point.
7. Telephone Poles on Catawba – we will leave it the way it is and we have had extra poles removed. The extra pole at Presbyterian Church is gone and guide wires are not necessary.
8. Christmas Decorations – we have turned this over to the beautification committee. As long as stays under budget, it does not need to come back to Council. Mr. Moore stated we are working with a few different companies and are working to stay under budget. We did receive quotes and we are talking with another local company as well. Hopefully this will

be taken care of within the week. Mr. Kraus stated beautification committee is working on beautification at the Tuck Center as well.

9. Repaving – next week, Blythe Construction will begin working on the streets requiring repavement and additionally will be patching parking lot at the Tuck Center as well. Wee will notify the media of road closings.
10. Interviews for Planner Position – I have been waiting until police chief interviews are set up. Now, we will set up interviews for that as well. Police chief interviews will be on the 19th. We have four good candidates. One dropped out today.

PUBLIC HEARINGS

PH#1 <u>To Consider Overlay District for Commercial Development in the Gateway Area of NC-27 and I-85.</u>

Councilperson Harris moved to go into public hearing, seconded by Councilperson McLean, and unanimously carried. Mayor Whitt recessed the regular meeting and opened the public hearing.

The Planning Commission recommended approval of overlay district as proposed by Land Use Committee. They also recommended overlay district with addition of prohibition of metal buildings and allowance for gas stations. There were no comments for or against.

Mr. Whitt went over the moratorium decision made at last meeting and described what would be covered by this overlay district. Staff's recommendation reflected during this conversation.

Mr. Beal passed out information related to the I85 overlay district, with highlighted areas of question. We proposed the highlighted areas at planning commission meeting and they asked us to come back next month with entire list to be adopted with the exception of gasoline service stations.

Mr. Beal presented maps describing unified ordinance. The 85 corridor is a very basic plan that the county recommends altWhitt it has not gone before an elected body yet. He went over basic restrictions included in this ordinance. Mr. Beal stated the only issue that has not been covered is about signage in this area. He mentioned to council that this may need to be addressed at some point in time. If this is adopted by Gaston County, these standards would be applied to everything within two miles of our jurisdiction. Mr. Whitt stated any existing use would be grandfathered. Mr. Beal stated that is correct. They will be able to remain in operation. Once they close, for a period of 180 days, another business can come in during that time. After the 180 day period, they cannot reopen. They also cannot expand at anytime. Mr. Whitt stated signage was considered on Hyw27 but not on I85 – Mr. Beal stated that is correct. Mr. Beal stated 27 is closer to downtown. 85 is mainly vacant but will be developed in the future. Mr. Beal stated we can visit this at a later date, it is too much to do at one time. Mayor Whitt opened for Council questions.

Mr. Beal stated on the 27 corridor, the planning commission chose to approve the entire list with request that staff come back at a later date for discussions. He presented a map and described to Council recommendations effecting this corridor. As staff, we are trying to come up with something to apply traditional downtown overlay toward. Mr. Beal stated this came from traditional downtown overlay district plan and I am not recommending that council adopt this tonight. Two things we would like to work on are parking – no parking in the front yard. Most of the lots are shallow. Also the setbacks are very restrictive and gives them no working room. The main pusher for this ordinance was the City of Gastonia to clean up Franklin and downtown. Mr. Kraus stated the other issue is the character of this downtown neighborhood is different. You want uniformity of setbacks. Some of the building standards are as restrictive as the downtown overlay district that we have. There are height limitations as well. My recommendation is that Council look at adopting restrictive uses. This should have been B2 in the beginning. Mr. Beal stated the ordinance overall for the I85 is a good ordinance. I do not think it is going above and beyond. We have to focus on signs in this area however. In the very near future, we need to revisit some topics of discussion relating to this. Ms. Hubbard asked if the sign ordinance is a part of Deb Ryan's focus? Mr. Beal stated he spoke with Deb and her staff and it was stated that this was better for the 85 corridor. Mr. Whitt asked about design standards. Mr. Beal stated the design staff reflected what staff had highlighted. Mr. Beal stated there was not a lot of detail about the architectural standards. They do agree that we need to do something to protect our Gateways. Mr. Beal stated he spoke with Mr. Jackson at length this afternoon. While we were trying to reach a compromise about the consult's opinion and presentation, we knew some of these standards would not work for our particular situation. It is going to take longer than a few weeks to apply an ordinance to that specific area. Ms. Hubbard asked when you go back and look at the highlighted areas, the land use committee has highlighted this as okay for a shopping center but we did not like them as stand alone facilities. Ms. Hubbard, as chair of the land use committee, stated we did not get into the architectural limitations and recommendations. We mainly reviewed the other issues surrounded this.

Rodney Williams, 4915 Hick Grove Road – I do not think the overlay district is the way to go. No auto dealers, no carwashes, no animal clinics, etc. If we are going to do this to B3, let's not discriminate among property owners. On the event of 09/11, this is America. The constitution and others came from government. Let citizens help you decide what to do with the property.

Steve Robinson and Reg Robinson – scheduled for public comment were unable to attend.

Scott Farmer – 2515 Pinewood Rd Gastonia. I own property on 27 gateway corridor. I am in the real estate business and want to comment – it is important for us to realize we are going to have a huge inflow of people from proposed 485 and we need a sticky corridor around that area. We have to be careful not to limit growth in those type areas. Access equals success. We should focus on how things are done not what is done. All of these listed items are needed and to shut those areas down – I understand some of these limitations. This all can be done in an attractive way. I think an overlay is smart but this is too broad and does not address those individual traits that make Mount Holly better.

Elwood Smith, 701 E. Charlotte Ave – MH – I wanted to put a parking lot on the east side of the track, which would be located (pointed to map) and I would like for my barber shop to be relocated here.

Rick Gutierrez, Faison and Assoc- 121 W. Trade Street, Charlotte – the thing that I want to ask for is clarification . If we have a shopping center, then maybe these uses would be allowed, but not stand alone....We would want these type of services included in our centers, if there is a way to get clarification – that is what I would like to see. Mr. Whit asked if there is an interest?

Rich Hofling – attorney from Charlotte – Rep for Belmont Abbey – they own two parcels covered by the overlay district- the BP station being one of them. I want to confirm as we lease this portion of the track and want to expand that service station. From the standpoint of grandfathering, we would like the balance to be grandfathered as well. That site is conducive. The head of the monastery realizes the city needs to adopt protections and ordinances, but as a property owner the less is better. To the extent that you do this, he asks that you please have some definition to meet specific questions / explanations for owners. Also, should allow some variance ability as well.

Jeff Booker, Carolinas HC in Charlotte – we own the large parcel on the southern side of 273 – in the process of building rehab hosp – we have a long term plan to develop medical complex. We would like some input for your design standards. There are some setback questions we have but overall support your actions.

Hugh Fowler – Clariant Corp – We have been a partner of MH for many years and have 200 employees. We support what MH is doing but some of the concerns we have are about clarification. We need to know who to work with for clarification. Some of the specifics are a little confusing.

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

Mr. Kraus stated we need to establish meeting with property owners. Moratorium expires 09/13 at 5.pm. Mr. Moore stated we need to make sure everything is in order. Mr. Bishop stated there is tweaking to be done, in agreement with Mr. Beal. I do not want to vote for piece meal – we need to complete it prior to voting on this issue. I have a concern about a lot of the businesses included on this list myself. We don't want to keep businesses out of Mount Holly. Staff needs more time. Ms. Harris asked can we extend the moratorium?. Mr. Hope stated we have responsibility to look out for the interest of this city. We also have responsibility for the property owners as well. It is unfair to bring forth a quick-fix we need to look further at this. The building standards are too rigid in my opinion. He asked Mr. Beal how is the working relationship with Ms. Ryan and her staff with our staff? Mr. Beal stated it was rocky in the start. We have since developed an open line of communication. Three weeks is not a lot of time to write this and have it before planning commission. It took five people six months to write the downtown overlay district. It will continue to get better. Mr. Hope asked Mr. Beal what time frame staff needs to bring recommendation back to us after meeting with consults, business owners, etc. Mr. Beal stated I do not want to over-regulate. Definitions can be ready at next council meeting. As far as an entire ordinance, we need to decide what we are going to address. Mr. Hope asked with a 60 day moratorium extension, would that give you time? Mr. Beal stated yes. Mr. Beal stated you can extend for 60 days, or 30 days with list of solid prohibited uses. My recommendation is to come back in 30 days with list of prohibited uses. Mr. Hope talked about the residential moratorium that has not been followed through. Mr. Hope stated we need to take action on this moratorium. Mr. Whitt stated the purpose of the moratorium for residential was to hire the people to complete our strategic plan so I take issue with that. Mr. Beal stated the purpose of this was not for you to come up with a perfect plan for these two gateways – it was to put something together to cover us during the conversion. I believe it will take longer than 30 days and we need to decide whether to continue moratorium to hold off negative development or to adopt something for a very temporary basis, or to let the dam loose so to speak. Ms. Harris stated I do not want to rush into anything – I am not ready to do all this. Mr. Beal added if Council chooses to do the 30 day moratorium to focus on list of – that is a good start but this will be work in process. We will be working through all of these issues. Mr. McLean stated we need to wait a while. Mr. Moore stated I think we need to step back and get our ducks in a row so to speak and go from there. Mr. Whitt asked in the mean time do we not take action at all, or put in place an additional moratorium. Ms. Hubbard stated I would like to see us adopt the prohibited uses on both gateways tonight with the idea that staff can come back at next meeting for clarifications. I would also like to see us add an ordinance that would include a variance so that if they come in and they want to do it in such a manner that it is not intrusive, then it may be that these are not prohibited uses. Mr. Kraus stated we need to call it something other than a variance. It would not qualify under legal restrictions. Ms. Harris stated we need to wait. No one is sure what can be done. Mr. Whitt asked do you want to wait with a check in place or without? I think it is consensus that Council is not ready to move on this tonight. He addressed property owners that this is not to hinder them, it is to improve their understanding and ability to continue business.

Motion: Mr. Hope moved to extend moratorium for 30 days to allow staff to bring back revised list of prohibitive uses, not for design, second by Mr. Moore.
Vote: Ms. Hubbard opposed, all others in favor. Motion passes.

PH#2 To Consider rezoning 3.82 acres of Pearl Beatty Rd from RA to B3.
Councilperson Harris moved to go into public hearing, seconded by Councilperson McLean , and unanimously carried. Mayor Whitt recessed the regular meeting and opened the public hearing .

Mr. Whitt read description of proposed rezoning. The planning commission unanimously recommended approval.

Mr. Beal stated the Holiday Inn came to us asking for expansion. Staff feels B3 is good use of this property. They would have to have a 25ft buffer since it is in residential in nature – if we change it to B3, they can build to the line.

8632 –JD Deva, Charlotte, NC – owner Holiday Inn Express- stated we have been doing business here for about ten days. In 1995 we applied for zoning. I feel we have been straightforward for our request.

Councilperson Bishop moved to go out of public hearing, seconded by Councilperson Moore, and unanimously carried. Mayor Whitt adjourned the public hearing and resumed the regular meeting.

Motion: *Councilperson Moore* **MOVED** *to approve rezoning of 3.82 acres of* Pearl Beatty Rd, seconded by Councilperson Hubbard. This motion was made pursuant to request made of petitioner in this request
Vote: unanimous. CARRIED.

PH#3 – To Consider Elimination of portions of the ETJ.
Councilperson Bishop moved to go into public hearing, seconded by Councilperson McLean, and unanimously carried. Mayor Whitt recessed the regular meeting and opened the public hearing.

Mr. Kraus presented hand held version of the map. You will notice there are certain areas that have hash marks – those are the areas we are – he went over in detail the areas that would be retained / turned back over to the county. We *have had issues in the ETJ that we could not enforce and county would not* enforce. Those areas that we are turning back over to the county are already developed and will stay residential primarily in nature. It does not help them or the city to keep them in our ETJ. In an effort to help the citizens we recommend turning this back over to the county. Mr. Beal stated planning commission did recommend approval of this map. Our recommendation, as staff, is that staff would meet with county planning staff to discuss the best possible ways to reestablish these areas into county zoning. The planning board recommended to council that you allow us to discuss with county staff to work this out within the next two months. Mr. Whitt asked Mr. Beal if council elects to drop this – county would pick this up immediately? Mr. Beal stated yes but they will have to establish zoning. This could lead quite a bit of confusion. Mr. Whitt asked until county commission took over zoning, - Mr. Beal stated we need to coordinate with county. Ms. Harris stated they should not go over two months – it is unfair to the citizens. Mr. Beal stated he would love for Council to establish a memorandum to the county commissioner to urge them to take action on this matter. Mr. Kraus stated we can encourage the county staff to start zoning process for these parcels right away and once they adopt zoning have this become in effect. Mr. McLean asked can someone start up a trailer park in county jurisdiction? Mr. Michael stated I am on the county zoning board and I am not sure about this. Mr. Beal stated we want to coordinate. Mr. Michael stated you can pass a resolution removing the areas on the map from your ETJ effective 90 days from today or an earlier time should county rezone prior to that time. Mr. Beal stated this quite an undertaking. I plan on passing list of property owners to the county, which is about 75 total. Mr. Michael asked if 90 days would be enough time to coordinate with the county? Mr. Beal stated yes. Mr. Michael asked are most of these areas what you would tend to rule as agricultural? Mr. Beal stated they are residential in character, mostly R20. We are keeping the large tracks of land in our ETJ.

Don Abernathy, 4347 Wood? Lane in Charlotte – I own property on 27 effected by the ETJ. This property is divided – part in the ETJ and part in the city. I want clarification on the situation and I think my situation is unique in that I am zoned in three different ways on that one parcel.

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

Motion: Mr. Hope makes a motion is that Council eliminate those portions of the Mt Holly ETJ as shown on the map, 90 days from tonight or at such earlier time as the county may react zoning in those areas to be eliminated from our ETJ. Seconded by Ms. Harris.
Vote: All in favor. Passes unanimously. CARRIES.

UNFINISHED BUSINESS
UFB#1 To Consider Ordinance on Addressing ATV Use in Residential Neighborhoods. Mr. Kraus stated at last meeting we proposed an ordinance on ATV use in residential – no person shall operate on parcel smaller than one acre. Council asked about surrounding cities limitations on this – Lots that are much larger can accommodate this. This specifically relates to residentially owned parcels. People were riding these on ¼ to 1/3 acre lots in residential neighborhoods. It is not one particular neighborhood – several areas effected. Mr. Beal found most people are not truly addressing this issue in surrounding cities. Mr. Beal stated everything I have found – this certainly has not place in a zoning ordinance – it would have to be a police matter in city code. The problem with this is dispatching an officer out every time. Most towns leave this up to the HOA. This is why the ordinance in the book amends the city code in your packet. Mr. Kraus stated the operation of these on the street is already illegal. This just

says you cannot operate them in residentially zoned areas on small parcels. This would be enforceable as any other city code. Mr. Michael stated any violation of the city ordinance has maximum of 200 dollars fine, 60 days in jail. He also stated one thing to think about is that you are targeting the property owner, but he may not be the offender. There are also age statutes that are stringent on this topic, etc. Mr. Kraus stated he is recommending the single sentence – amendment to chpt 13 as follows: The term "off highway vehicles" shall be deemed to include go-carts, unlicensed motorcycles, and all-terrain vehicles as defined in Chapter 20 of the North Carolina General Statutes. Mr. Bishop stated most of these are driven by children – who gets citation? Mr. Michael stated we would have to take the petition to juvenile court. You give every kind of latitude to juveniles. Some of them are breaking existing state statutes as underage already. One avenue would be that the first offense would be to provide information regarding ordinance and state statutes. Mr. Whitt stated there are already in place potential ways of deterring this. Mr. Michael stated yes. Mr. Michael stated there are provisions in HOA / builder restrictions in place for many neighborhoods. In this situation, the neighbors can sue them in civil court. Also, if a child is riding on private property and under a certain age – then they can be subject to enforcement of existing state statutes. Mr. Kraus stated we are proposing any use – not age restricted. Mr. Michael stated I have a sentence that I gave Mr. Beal earlier to consider if you are going to vote on this – to be attached to one sentence given by Mr. Kraus. This would define off highway vehicles and has definition of general statue referred to here which defines of highway vehicles. This includes go-karts, unlicensed motorcycles and all-terrain vehicles. I would suggest if you consider ordinance that you attach this sentence in addition.

Motion: Mr. Moore makes motion to amend city ordinance, chpt 13 article 3 – that no person shall operate off hwy vehicles in resident district smaller than one acre with definition of "off highway vehicles" including go-carts, unlicensed motorcycles, and all-terrain vehicles as defined in Chapter 20 of the North Carolina General Statutes. Effective date of 10/01/06. Seconded by Ms. Hubbard.
Vote: unanimous. CARRIED.

UFB#2 To Approve Financial Institution or MH Citizen Center. Mr. Guffey stated we met with the LGC and their recommendation was either doing a traditional loan through a bank or working with the USDA to secure financing for construction. The USDA is a long lengthy process, which we attend to do along side this. I put this in the paper for bids for financing for the building. We did receive four proposals for financing. The terms of which I was happy with. The lowest came in from BB&T at 4.14 percent for 15 years. They ranged from 4.14 to 4.69 percent. BB&T has done a lot with us and the LGC. They financed the fire station. They are the single larges governmental lender in the state. We recommend that BB&T be the institution we work with for financing. We are also working with the USDA and their rates are somewhat lower than the banks. They can help with negotiations with banks for rate and term. TO keep the project moving, this will allow us to work with the bank until USDA comes through and we can refinance this at that time if need be. Mr. Guffey also stated we are still negotiating rate and term with BB&T. Mr. Kraus stated on 10/03 when we get proposed maximum guaranteed price and we can lock in as much as possible with BB&T at that point. IT takes 30 days to apply to the LGC. Hopefully we could then get on the LGC agenda for November. Hopefully working with a bank that knows how to go about this, we should be okay with this route. They (LGC) did recommend this route versus other avenues we were looking into. This does not preclude us from needing to work through another financial institution if BB&T cannot meet desired needs.

<u>Motion:</u> Mr. Hope moves we award financing to BB&T and authorize staff to negotiate final terms – seconded by Hubbard.
<u>Vote:</u> All in favor. Passes unanimously.

UFB#3 To Consider Annexation and Annexation Agreement for Hinshaw Property. Mr. Kraus stated this was on your agenda but it was not dropped. Mr. Hinshaw has asked to move forward and brought with him builders that he is planning to use. This is property north of Woodland Park with price range of 250 to 400k. We have approved zoning and delayed vote on the annexation He has drafted an annexation agreement as worked out with Mr. Michael. Mr. Michael stated the Council has not previously voted to annex property without in hand assigned annexation agreement. The item that was brought to me tonight was amended and the only change was that in stead of posting letter of credit immediately, he put in there that he would have six months to provide the letter of credit. The problem is that the longest date is six months and we have the agreement and letter of credit in hand when voting on the annexation. Mr. Michael stated it is better to have both in hand before you vote. You should also give a time period that is not off in the future as far as the letter of credit. Mr. Hinshaw stated by the end of the year, we will be able to satisfy the needs of the annexation agreement. Mr. Bishop stated we should defer this. Mr. Hinshaw is comfortable with that. Mr. Whitt stated their petition was in prior to the moratorium. Consensus by Council to table this.

UFB# To consider regional water treatment study recommendations. Mr. Kraus stated we heard presentation regarding this at the work session. Background page is listed in the packet. Mr. Whitt explained to the audience what this was referring to.

<u>Motion:</u> Hubbard makes motion to authorize staff to proceed to work with CMUD and Black and Veatch to investigate in more detail the feasibility of a regional wastewater treatment facility including the negotiation of any operational structure or agreement that could be necessary. Seconded by Mr. Bishop.

Vote: All in favor. Passes unanimously.

UFB#3 To consider rescinding letter of credit policy – Mr. Kraus stated it is not adequate at this point. Mr. Michael stated there are concerns about letters of credit being presented from out of state. We have had some negative experience in the past but since that time we have had three developers in a row, who wish to use letters of credit from a large bank in FL. We found this is not that uncommon. It could be a local bank, but that dept (letter of credit) could be out of state. We ask that you eliminate that policy

Motion: Ms. Hubbard makes motion to rescind letter of credit policy regarding location of out of county banks and leave to staff discretion. Motion seconded by Ms. Harris.
Vote: All in favor. Passes unanimously.

PUBLIC COMMENT
SCHEDULED –

Mr. Jack Drumm, 906 _________ Drive, MH. I question why Council will not protect me from water rushing from the road causing soil erosion to my property. You say you are Christians, I have been down here for 36 years and I still get that you don't come on private property. You cut grass on private property. I pay my taxes. I am getting too old to keep fighting. This will be the last time I come down here and I know at this point if you deny me, you are Dead Christians. I love my Lord and try to live right, but you are doing me wrong. Tonight, look in the mirror, and know that you have done an old man wrong. Ya'll are supposed to maintain the ditch behind my house. .

Rick Gutierrez – Faison, The real reason I came here today is because I tWhittt we were going to be on the agenda for Westland farms. The land is cleared. The erosion control is in place. Sewer is in. Curb and gutters are down. We prepared the subdivision plat and turned it in, In time for this to be on the agenda. There were a couple of small things, lot 42 and 46 were undersize and we resized that to conform. I would like this to be put on the agenda based on staff recommendations. Mr. Kraus stated this was denied at the planning commission meeting due to some small errors, and it was corrected on Friday and presented to staff. Mr. Gutierrez stated 30 more days will planning to start conveying lots around 10/1 time period because we really want to take advantage of diligence we have put in the project to get to this point. We are willing to put up letters of credit. There is nothing left outstanding. Mr. Michael stated in the memo, where Greg Beal states there are two lots that were inadvertently included with the wrong sizes and those were corrected. Mr. Beal stated they have preliminary plat approval. Construction documents have been approved by staff. Mr. Beal stated we also had a problem with the road name for Westland Club Drive. 911 has urged us not to adopt roads with similar names. Faison was kind enough to name it Community Club Drive. They have met all our requirements. Even tWhitt the planning commission did not vote on it, they asked for two things, and they have been completed. It is a waste of time to hold this up 30 more days. Mr. Beal stated they will still have to do a subdivision agreement and letter of credit. The area has already been annexed and is subject to water and sewer. Mr. Beal stated you can give final plat approval and subdivision ordinance falls into place afterward. A motion would be based on developer meeting all financial requirements.

Motion: Ms. Hubbard moves to amend the agenda to add the final plat approval for Westland Farm Subdivision, Map 1 Phase 1 to the agenda. Seconded by Ms. Harris.
Vote: Passes unanimously.

Motion: Ms. Hubbard makes motion to approval final plat of WF subdivision, map 1 plat 1 as presented contingent on final financial guarantees and subdivision agreement. Seconded by Mr. Moore.
Vote: Passes unanimously.

NEW BUSINESS

NB#1 To Consider awarding bid for Adrian street sewer rehabilitation. Mr. Kraus stated last year we ran sewer line down Maple Street to move lines out of resident's backyard. We agreed to rune line down Adrian Street so we can abandon the line. In the interim, the utilities dept and engineer recommend we run line from AE mill down so we can abandon line that runs through ditches through the ravine. Thus, we can eliminate line behind the houses, the line that runs down the ravine, running down the middle of the street. We left one piece because it sits so far below the road, it would have to have a pump station for that one property. The bids came in and the low bid was more that originally intended. It is 152,643.75 by RF Shinn who did Maple St last year. Because this is more than budgeted, we are recommending that it be appropriated into capital sewer rehab project. There are funds there for this. We are asking Council to award bid to RF Shinn and to appropriate it as a capital project in sewer rehabilitation capital project. We have a letter from Bob Cook, eng, who recommends awarding this to RF Shin. Mr. Kraus stated this would be started within 30 days. In addition to this amount, there is the cost of hooking up the houses, as we did on Maple Street. We do have bids from plumbers for this. We would say we will pay up to a certain amount and we will repay once we have bill from licensed plumber, with permit inside city of MH. This requires the property owner tap into our system.

Motion: Motion by Ms. Hubbard to award to RF in amount of 152643.75 appropriated in the sewer rehab capital project in addition to appropriate funds for the connection of homes to the sewer contingent upon them hiring a licensed plumber with privilege license with city of MH. Seconded by Ms. Harris.
Vote: Passes unanimously.

NB#2 TABLED.

NB#3 To Consider Amending City Ordinance on the Storage of Junk vehicles. Mr. Kraus stated current city code allows one junk vehicle on premise, concealed from public view with acceptable coverage in back yard. This does not define acceptable covering. People use blue tarps, etc They are not always in the backyard or concealed from neighbors. Mr. Kraus defined junk vehicles as not being able to be tagged, etc. Council's original intent was to allow citizens to restore cars and now it just allows junk cars. The question is do we want to allow them at all? Ms. Harris stated some people do have classic cars that they are working on. Mr. Hope said we need to establish the definition of classic cars. Mr. Hope stated staff should bring back recommendation in writing. Consensus by Council for staff to come to next meeting with written recommendation.

NB#4 To Consider approval of Grant for police officer. Lt. Hoyle stated in Jan, Chief Hoyle asked me to put in grant for two traffic officers. I have been informed they did accept our statement, but cut it from two officers to one. I looked at 2003-2005 citations. We went for 3193 citations down to 1977 in 2004 and 1583 in 2005. The officers have not had time to monitor traffic. This is needed around school areas and to handle accidents. It takes three officers to handle traffic around an accident. Three officers is our whole shift. With this grant, the fourth year we will be obligated to pay 100% of the cost. Projected cost would be almost 34,000 for personnel, 40,000 equip cost and 5000 for training. First year would be 74,000 and we would pay around 10,000 of this.

Mr. Kraus stated he does not want to add positions without explanation of how the position would be used with it no being in the budget. It is not in the budget.

Motion: Mr. Bishop moves to deny grant for police officer, seconded by Mr. Hope.
Vote: All in favor. CARRIED.

NB#5 To Consider Closing of unopened right of way. Mr. Kraus stated we had a request from gentleman in the office to close a series of right of ways behind Creative Dye facility. They are unopened right of ways. For council to close, you have to call for a public hearing. The property is partially zoned commercial. The back part is zoned light industrial. My recommendation was to not take action until we knew what we were going to do with gateway overlay. Mr. Kraus stated Council passed a moratorium, and this is partially in the overlay district. This may effect how you treat the whole parcel. This would be for a sand dredging or mining reason. Mr. McLean asked if these gentleman own Creative Dye? Mr. Jeff Howe, stated we have a contract to purchase Creative Dye property contingent upon these right of was being closed. Mr. Whitt asked if we have a petition submitted at this point. There was a petition faxed to Jamie last week. This was included in the Friday packet (as attached) Map was used to show pieces of property / roadway effected. MR. Kraus stated we closed from 27 back about four or five months ago. Mr. Whitt stated Council needs o decide if you want a public hearing, delay public hearing, or deny request immediately. Mr. Bishop asked about a sewer line down there. Mr. McLean stated there is a water line there as well. Mr. Kraus stated there is a sewer line that runs through this right of way as well as a relief sewer line. I don't think it is on Wilson Street – it is more in the woods. There are three creek crossings in this area with the sewer line. Mr. McLean stated I worry about the building. Mr. Howe stated our first order of business is to demolish the building.

Mr. Whitt stated this is one of the points of our meeting, where our paid consultants, should be here to direct us. I do not understand why they are not here.

Mr. Moore asked about time frame for the mining process. Mr. Howe stated the whole idea is to clean the creek up and get it flowing again. We have talked about residential development down the road. We are not sure if the creek will replenish itself with sand or not once pumped, Our vision is to get this cleaned out. Mr. Howe stated we have a permit for two sites. Mr. Howe explained his vision to the Council. Mr. Whitt asked about 27 / Charlotte Ave. Mr. Howe stated eventually we would develop into town homes, etc. Mr. McLean asked about the sand dredging upstream by another individual. Mr. Whitt recognized the attorney – as a former federal prosecutor for our area. The attorney stated part of the contract is for the closure of these roads so we can use them. If this were to occur, it is a better facility for stockpiling sand and loading it onto trucks due to access availability. It makes more sense. We would not be doing anything in the proposed overlay district.

Mr. Bishop asked if plan was to use existing driveway? On the right side of Creative Dye. Council discussed which roads / right of ways would be effected. Mr. Whitt stated they are still subject to the moratorium on the front. Mr. Beal stated this does not effect demolition, only new construction. Mr. Hope stated we need our consultants here.

<u>Motion</u>: Mr. Hope moves to call for a public hearing to consider closing of right of was as described as unopened from Hermes to Wilson to Dutchman's, and unopened of Hill street from Elm Street to Herms street. One Section of Hill Street has already been closed. Seconded by Mr. Bishop
<u>Vote</u>: All in favor. CARRIED.

NB#6 To Consider Awarding engineer contract for elevated water tank. Mr. Kraus stated two firms responded, US Infrastructure and WK Dickson. Bob Cook stated I can do all the engineering but I do not design water tanks and I will subcontract to the co that does the maintenance currently. Staffs recommendation would be to go with WK Dickson since they have done so much in the past. Mr. Kraus stated we are looking at A&E plant behind Food Lion or near Burlington Mill site. They are both close to the 16 inch loop. Mr. Michael stated I would suggest getting an option on the site before you do any design work beside which site will be the cheapest. The engineer will have to look at the site to make sure it will hydraulically work. Staff again recommends to go with WK Dickson. Cost is not available at this time.

Motion: Motion by Ms. Harris to select WK Dickson as an engineer, subject to negotiation in establishing fees , seconded by Ms. Hubbard.
Vote: All in favor. CARRIED.

ROUND TABLE

Mr. Hope – went over plan for A&E for admin area and lighting fixtures. There are 20,000 of fixtures on plan for future use. What I suggest is to bring the circuitry up here but do not include fixtures at this time. For the downstairs police dept, the fixtures were 1200 a piece. At 9 a.m. Thursday, please come out for the building. Mr. Whitt stated Mr. Hope is trying to get this scaled down a little bit. Council discussed the costs of entry ways, etc and how that could be scaled down. No changes will be made without Council approval. Vision of council was discussed. He also stated there is a blue canopy downtown. Mr. Beal stated there is no limit on color – just size / shape.

Mr. Bishop directed his comment to Mr. Guffey – I asked about getting someone to redo the service dev. Fees. Mr.. Guffey stated that will be in paper this week to be awarded at Oct meeting. Tank will be first. Police dept calls stated 1300 special check calls on list this month. Mr. Kraus stated if they do not make their special checks, they will get written up. This was 52% of their calls total. Ms. Hubbard asked what a knock and talk was. Mr. Bishop explained.

Ms. Harris – Scott Chamberlain called me and read the newsletter, he lives in Stonewater Bay and will help me with whatever I need.

Mr. Moore- I need permission to put up signs for class reunion for class of 1981 EG. Mr. Beal stated I can handle this.

Mr. McLean – on Cherry Street, is that our bridge/ Mr. Guffey yes. On Mr. Sanders, he does have 200 ft between him and the neighbor. On the grandfathering approach, he needs guidance on what he can have on his property. He is back in business, but limited.

ADJOURN

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