CITY COUNCIL
REGULAR MEETING
August 11, 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 Rick Davis, retired
Councilwoman Pat Hubbard	Fire Chief John Calder
	Street & Sanitation Dir. Mike Santmire
	Zoning Officer, Greg Beal

INVOCATION

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

PLEDGE OF ALLEGIANCE

Boy Scout Troop 59 under the supervision of Rick Connell led the Council and audience in the ceremony of the Pledge of Allegiance.

APPROVAL OF THE AGENDA

The agenda was approved with changes, namely, adding Presentation #6 Flying Flags at city Hall, by Trish Clark, and Presentation #7 Outreach Center, by Dr. Scott, and Unfinished Business #4 Closeout on Fire Station Construction, upon motion by Councilwoman Harris, seconded by Councilman McLean, with all in favor.

CONSENT AGENDA

Councilman Helms **MOVED** to approve the Consent Agenda with four items, seconded by Councilwoman Harris, with all in favor. The items approved were:

CA#1. To Accept and Approve the Minutes. The minutes of July 14, July 8, and June 16, 2003, were approved as written.

CA#2. To Consider Resolution to Approve Public Housing Assessment System Management Operations Certification for Fiscal Year Ending 6/30/03. The resolution is required by HUD for approval of the certification necessary for CIAP and CFG grants. Teresa Wilde reported that the grants have been used to air conditioning, roofing, kitchen cabinet fronts, range hoods, stoves, bathroom vanities and lighting, and a computer center for adults and children which will have a resource person to assist the children with school projects. (copy attached Res. 08-11-03A)

CA#3. To Consider Approval of Phase 3, Map 1, of Autumn Woods. Planning Commission recommended approval contingent upon appropriate financial guarantees being made by the developer.

CA#4. To Consider Replacement Vehicle for Housing Department. This expense will be reimbursed from federal funds in the Holly Hills budget. (copy attached Res. 08-11-03A(i))

PRESENTATIONS

PR#2 To Declare Weapon and Badge Surplus and Present to Retired Police Chief Davis.
Councilman Hough moved to declare the badge and weapon of Police Chief Rick Davis as surplus, seconded by Councilwoman Harris, with all in favor.

Chief Davis has been a member of our police department for 25 years, and stayed after retirement until the new chief could come in. Mayor Black thanked him for his hard work, friendship, and dedication to the City. The entire Council shook his hand. Chief Davis thanked the City and citizens of Mt. Holly for letting him stay here, and said that overall the City has been very good to him and the employees, and he was thankful for the opportunity to work here.

PR#5 Springfest Committee Presentations
Councilwoman Hubbard said that the 5K road race proceeds are usually donated to NC Special Olympics in honor of the Mt. Holly police department because it is their chosen charity, and the donation this year is $250.00.

Councilwoman Hubbard next presented a donation to CRO in the amount of $2,750.00 from the Springfest. Mayor Black thanked Pat and Joel Hubbard and all of the Springfest Committee for their hard work year in and year out.

PR#1 Mt. Island Lake Marine Commission
Jim Parks, Chairman, stated that the commission was formed to provide safety and environmental security to the lake. Your drinking water comes from this lake. We appreciate your allowing us to meet in your facility once a quarter. Thank you for the action you have taken to protect the quality of water in the lake. We propose a resolution to further prevent contamination of the water. The public hearing was held here. Mr. Kraus said that many of the items are already covered by your ordinances. Councilman Helms noted that the only thing we don't have that he could see is the item "g" on the Commission's list. Mayor Black thanked him for coming and also thanked Councilman Helms for his valuable contribution to that board for a long time and representing Mt. Holly very well on the commission.

PR#3 To Request Ordinance Prohibiting the Drying of Laundry in the Front Yard
Angie Freeman said that the old furniture in the front yard of someone in her neighborhood is cleaned up, and she thanked the city for getting that done. They

also hang laundry including underwear in their front yard, and so we request that you pass a city-wide ordinance to prohibit drying laundry in the front yard.

PR#4 To Discuss Water Bill Late Fees and Tipping Fees
Mr. Terry Houser was not present.

PR#6 Request to Fly Flags at City Hall
Trish Clark made a statement for herself and her fellow citizens that she represents. Some symbols of our heritage become forgotten or distorted. Many men in this area took arms to defend their homes. These men should not be forgotten. Please recognize May 10th as Confederate Memorial Day and allow the Confederate flag to be flown on that day. If you cannot do this, we request a permanent confederate monument on the city hall property in honor of these men who gave their life for their home.

PR#7 Outreach Center
Dr. Scott said that he is affiliated with a 501(c)(3) charitable organization, hoping to acquire a grant to acquire the old Second Baptist Church property to use as an outreach center. We hope to bring to Mt. Holly senior citizen day care as an alternative to nursing homes so they can stay with their family, but give the family caregivers a break. Also they plan programs for children so they have alternatives from getting into trouble. He wanted to come to meet the Council and let them know what there plans are.

PUBLIC HEARINGS
PH#1 To Consider Bond Order
Councilman Helms moved to go into public hearing, seconded by Councilman McLean, and unanimously carried. Mayor Black recessed the regular meeting and opened the public hearing to consider a bond order.

City Manager David Kraus stated that we have considered re-funding (refinancing) our existing bonds to get a lower interest rate. The Council approved this being done in June and the LGC set September 9th as the sale date for the new bonds. However, interest rates have risen somewhat, and this means that if we float them on the original planned date, we would save $45,000 over the life of the bonds, which translates into a 2.45% savings. The LTG wants us to save at least 3%, so staff has been advised to have the public hearing, then hold action to see if the interest rates go back down. If they go back down, the Council can pass the resolution then; if they do not, then we will not pass the resolution. We would like to save at least $64,000, equal to one cent on our tax rate. There were no comments for or against.

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

Motion: Councilman Hough **MOVED** to approve Bond Order as read in July meeting, Res. 08-11-03B, seconded by Councilman McLean.
Vote: unanimous. CARRIED.

UNFINISHED BUSINESS
UFB#1 To Consider Awarding Bids for Widening of Glendale Avenue and for Street Repaving List
City Manager Kraus reported that the City received no bids, so staff will split the projects into two, and re-bid them.

UFB#2 To Consider Committee Appointments
Councilwoman Harris stated that Hazel Michael has agreed to serve. Mr. Kraus said that Michael Roddy would like to serve on the committee to represent the handicap community.

UFB#3 To Consider Extenstion of Letter of Credit
City Manager Kraus met with Bill Rice and Kelvin Reagan with Duke Management, and looked at the shoreline management plan with regard to Riverfront Subdivision. The sensitive area is actually where the creek is, so we need to move the utility line closer to the river. Councilman Hough asked when does this have to be finished? Don Price said this extension is for six months. Mr. Hough said that means this project would be a total of two years. Councilman Hope noted that this says the letter of credit will not cover the new line. Mr. Kraus said that Mr. Rice will have to present a new engineering study and cost estimate for a new agreement and a new higher amount for his letter of credit to be increased for the new line. City Attorney Kemp Michael said he recommends Council extend the letter of credit for eight months but have liquidated damages begin at six months. Mr. Kraus will tell them the consensus is to grant the extension upon receipt of the required items.

UFB# 4 Fire Station Construction Contract Closeout
City Attorney Michael stated that the City had $132,000 left out of the contract for the new fire station construction. $67,000 was to be paid to subcontractors, and the rest to complete punch list items. Staff made an exhaustive list of the remaining items. He noted that all the items are cosmetic, none structural. We contacted the bonding company, and they have been paying the subs. We have a liability to pay the bonding company what they pay the subs as long as we have money left to do that. The bonding company employed a consulting company who took our list and estimated the cost to correct those items. They sent that list to me about two months ago. We looked at their cost estimates totaling $26,800, and we found things that were omitted or understated. The bonding company agreed to the items we felt were omitted and agreed to our figures on the understated items. Even after what we are considering tonight, the bonding company will continue to be liable for the parking lot and that item will remain open. In return, they ask that we waive the $5,500 that the bonding company would have to pay for the two weeks liquidated damages. City

Manager Kraus agreed that this is a fair adjustment. Councilman Hope said he believes it to be fair. Mr. Hope said we have been dealing with this for over a year and we need to resolve this.
Motion: Councilman Hope **MOVED** to approve the proposal as presented by the bonding company and recommended by staff, seconded by Councilwoman Harris. City Attorney Michael said he wanted Council to understand that this is waiving the $5,500 and that this is a final settlement except for the parking lot; you will have funds to do the finishing items on the punch list yourself at your pleasure. Jamie Guffey said he has reviewed the figures and agrees that this proposal is acceptable.
Vote: Unanimous. CARRIED.

UFB#2 Committee Appointments, continued
The list of nominations was brought to Council by staff out of the office. Councilman Hope said he thought Lee Beatty was going to be on both committees. Mayor Black said that Dr. Beatty wants it to be one group, but staff wants it to be separate committees. Councilwoman Harris noted that the downtown park represents an overlap of the two committees. Councilman Hope said we don't want to see any competition between the two, or have the right hand not know what the left hand is doing. Councilman Hough felt it would probably be easier to do one committee and then if they need to separate to decide certain issues, it would be okay for them to divide into groups for those issues within the committee. The nominations were discussed and a list agreed upon by consensus, as follows:
Dr. Lee Beatty
Greg Dimmer
Business Assoc. representative
Recreation Committee rep. David Moore
Hazel Michael
Michael Roddy
Reggie Graham
Motion: Councilman Hough **MOVED** to approve this list for the bond referendum committee, seconded by Councilwoman Harris.
Vote: unanimous. CARRIED.

The Council took a five minute break.

NEW BUSINESS
NB#1 To Consider Sufficiency of Annexation Petitions
City Manager Kraus stated that the City has received three petitions for voluntary annexation, two are contiguous and one is a satellite property. Danny Jackson stated that the first one is in a B3 zone, the Circle K. The second one is Jeremiah Robinson, located between the city limits and the proposed Mooreland Estates. The third one is from Jimmy Edwards on West Catawba Avenue for about 7 acres zoned B3, which is not contiguous. Mr. Kraus said that tonight Council would need to instruct him to investigate the sufficiency of petitions

before proceeding further. Councilman Hough asked, in general, if we do not want to annex it, can we say so now so that we do not go into the expense of the investigation. Mr. Hough stated that he did feel it is in the city's best interest to annex the Circle K property. Councilwoman Harris agreed. Mayor Black asked if his memory was correct in that came up before us before. Mr. Kraus said they got water but not sewer, and they were going to tie on to us and then annex to Belmont before. Mr. Kraus said that staff would need a resolution on each property Council wants to do. Councilman McLean asked if he knew the tax base for the Circle K to see if it is worth it. Mr. Jackson did not.

Motion: Councilwoman Hubbard **MOVED** to approve Res. #8-11-03C directing the city clerk to investigate a petition for voluntary annexation regarding Jeremiah Robinson and family properties, seconded by Councilman McLean.
Vote: All in favor. CARRIED.

Motion: Councilman Hough **MOVED** that we do not pursue annexation on Circle K and the Edwards properties, seconded by Councilwoman Harris.
Vote: Unanimous. CARRIED.

NB#2 To Consider Additional Stop Signs at Intersection of Walnut and Spring Streets
City Manager Kraus said that in Woodland Park Subdivision, a couple of requests for stop signs being added have been made. The intersection is a two way stop, and they want a four way stop, due to poor visibility. You have in the past asked for public hearings and publicized your intent, but that is not required by law. Councilman Hope asked how many residents are asking for this? Mr. Kraus said he knows of two. Councilman Hough said that one of them came to see him, and he told the citizen the procedure that would need to be followed to have this considered. Mr. Kraus said he has not received a written petition. Mr. Hough said he thinks it is a safety issue because of the bushes on the corner. The Street Department has talked with her in the past and she agreed to trim them, but has not done that. Mr. Hough said we could talk with Ms. Brinkley and he was sure she will be reasonable. They can get a petition if they want the stop signs. Mr. Mark __________, 108 Walnut Avenue, said he sees the danger because he is on the corner. He sees a lot of speeding and this would slow them down. Mayor Black and Mr. Hough will contact Ms. Brinkley.
Motion: no action

NB#3 To Consider Smallpox Adverse Reaction Policy
City Manager Kraus said this is another unfunded state mandate. He read the proposed amendment to the Personnel Policy, Section 26.
Motion: Councilwoman Hubbard **MOVED** to approve Res. 08-11-03D, seconded by Councilman Hope.
Vote: All in favor. CARRIED.

PUBLIC COMMENT

Mayor Black opened the floor for public comment.
None

ROUND TABLE

Councilman McLean stated that Yates Springs called him and Mr. Springs wants to know if the City is going to do anything about water standing in the road on Costner Street. City Manager Kraus reported that Don Price has had the ditch at the head of Costner cleaned out, but he does not feel this is sufficient. Mr. Springs requested a curb on the road and we did that. If we put in a catch basin and pipe it would be above ground because of the terrain there. Don Price stated that Mr. Springs needs to fill in dirt in the yards. Mr. Kraus said we have thought about offering that if he buys the pipe and we will install it, but it will be higher than the ground and he will need to fill in the dirt. Mr. McLean said the people that live there are having to deal with this, and he believed we should offer to install the pipe.

Councilman McLean said he had a request today to extend the burning permit since everything is wet, until the end of August. Councilwoman Hubbard said she also had a request for that. Councilman Hough had too. Mr. Kraus said we want them to come to the fire department to have someone go out with them to their property and be sure they burn safely.

Councilman Hope said he had a call from a resident who has lived in his house two years, but recently the water pressure went up 60 pounds plus, couplings have come loose. The plumber fixed it, but it came off again, so they had to put a pressure value on it. We need to talk about that.

Councilman Hope stated that the public perception from the other newspapers is that we approved spending a million dollars for the Whitewater project. That is not what we said, we approved a concept only.

Councilwoman Hubbard asked if the City has a policy about tree cutting in the right of way? Mr. Kraus replied that we do not, we have handled on a case by case basis before, and he said they need to contact Mike Santmire.

Mayor Black stated that the BellSouth representative from Columbia, SC, called him and reminded him that she is taking Mr. Thomas's place, and expressed her apology for the lack of follow up, and promised that they will put a scene of Mount Holly on the front of the phone book. It was suggested that they use the new fire department building. The consensus was okay with that idea.

Mayor Black asked for a status report on the A&E building purchased on East Central Avenue. Mr. Kraus said the architect is due in this week with the roof design. Mayor Black said the sale of the old depot building may close next week. Councilman Hough asked if that is for a trolley between Mount Holly and

Belmont? Mayor Black said, No, it is for a business, but they are talking to them about leasing a small part of the building for the trolley.

Mayor Black said that the middle school asks that we put an asphalt curb on West Catawba Avenue above the football field. Councilman Hough said that the City's stormwater system is not designed for the heavy rains we have been having, all of our properties all over town are being flooded from this weather, and he would hope citizens would understand that this is unusual. Mr. Kraus said we can contact DOT since it is a state road. Don Price said the asphalt has too many layers and it really needs to be milled off so the curb already there will hold the water.

City Manager Kraus introduced Captain Wright who reported on the traffic situation in Catawba Heights. He stated that in the past two months, we had a summer traffic campaign, and the police department issued 190 citations. They used the K-9 units also. Next we will do our "click it or ticket" campaign. Mayor Black said he saw 1312 records entered and that is a lot of hard work. Councilman Hough asked if Council could have a k-9 unit come to a workshop and demonstrate how they work.

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

Councilman Hope moved to return to open session, seconded by Councilman Harris, with all in favor.

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

9:40 PM

Clerk | Mayor

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cpm