CITY OF MOUNT HOLLY

MOUNT HOLLY CITY COUNCIL
WORK SESSION

TUESDAY, AUGUST 2, 2005
CITY HALL

The Work Session of the City Council of Mount Holly was called to order at 6:30 p.m. by Mayor Bryan Hough. The following were present:

Mayor Bryan Hough
Mayor Pro-Tem Michael Helms
Councilwoman Phyllis Harris
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
Police Chief Benson Hoyle
Street and Solid Waste Director Mike Santmire
Fire Chief Dale Oplinger
Community Development Planner Greg Beal

The invocation was led by Councilman Hope.

Mr. Kraus recommended addition of discussing Friedl settlement to agenda. Attorney Michael requested addition of discussion of Nextel Tower lease agreement., and also settlement with bonding company regarding the fire station. **MOTION** to approve by Councilperson Helms, seconded by Councilperson McLean, and approved unanimously.

#1. Update on Streetscape.
#2. To Award Streetscape Bids.
#3. Update on Tuckaseegee Park Expansion Plan
#1, 2, 3 all covered in one discussion, detailed as follows:

Proposals passed out to council members including bids for streetscape project. (Attached).

Mr. Kraus stated when council approved bonds , it was said that utility work would be paid under sewer rehab fund, but we can't use sewer funds to pay for water expense. He is requesting a loan for 300,000 for water and sewer taps. Sealand base bid 2,223,000.00. It was stated that the Railroad will not allow a contractor that is not certified by them They are charging us 8 thousand to review our plans, and will investigate in the next few weeks. We do have the right to go within two feet at each side. So if worse comes to worse we can feather in at those two feet. Duke Power called today with relocation fee, to re-route all lines off downtown streets , except for crossing at one point. Mr. Kraus stated it would be cheaper to re-route versus going underground. WK Dickson representative stated he tried to eliminate items to keep under budget, and suggested that one consideration would be to take out Charlotte Ave. Another option would be to finance lighting system, using Powell Bill funds to either purchase as a whole or pay lease purchase payments for the next four to five years. Mr. Kraus made several suggestions / options to cut , and stated since bid has come down 100,000 by Duke Power, we could make it work by financing lights.

Mayor Hough asked for council suggestions.

Mr. Helms stated we need fence around railroad , do not cut that out. Take a little bit for five years versus a whole from Powell Bill money, lease purchase 50,000 for five years.

Mr. Kraus stated this might cut out on sidewalk money from Powell Bill money.

Mayor Hough asked can we move ahead with this and readjust some things when we have final lighting price on August 9th, move now contingent on lighting proposal next week.

WK Dickson representative, Steve, answered yes, we could move now and readjust.

Mayor Hough asked could we wait and see if we will need contingency money and hold off on that decision until May?

Mr. Kraus stated if we vote to proceed, request vote to use 170,000 of park bond money to get Central in as shown. That is part of what our park money was set up for. That would bring use of park bond money up to 870,000 including fees, etc.

Councilperson Hubbard **MOVED** to award streetscape project to Sealand in the amount of 2, 223,000.00 plus contingency of 111, 150 dollars. Seconded by Councilperson Helms. Approved unanimously.

Mr. Hope asked do we have a track record report on Sealand?

Mr. Kraus stated the city had researched their license, and license amount does cover this type of work. They have worked on Mooresville streetscape. Home office is in NY but they have an office in Charlotte. Completion date given of April 30th, 2006.

Attorney Michael stated Mr. Kraus has talked to bond council about use of portion of park bonds along lines outlined. I think we agree it would be get to letter from bond council stating that arrangement is within the authority of the bond just in case someone asked about our authority to do that. It would be safe to add this request into next motion.

Councilperson Hubbard **MOVED** to include 168,000 plus fees of park bond money due to the fact that a portion of lineal park on Central avenue is included in this project based on the contingency that we get okay from bond council and also that we use Powell Bill money from the next five years to pay off debt serviced for street lights and that we borrow 300,000 for utility money to pay for the water portion. Seconded by Councilperson Harris. Approved unanimously.

Mayor Hough stated we should really try to add granite into streetscape plan, it makes such a difference in streetscape.

Mr. Kraus stated the approved bid does not include pavers in front of Kimbrells. He also stated that Jim Fuller is interested in giving easement across back of his parking lot but in exchange he wants us to lease the parking lot for one dollar per year and patch the potholes. His issues are that he have parking for his business.

Attorney Michael –asked will there be designated spaces for his business?

Mr. Kraus stated no they do not have to be assigned.

Attorney Michael stated we should put first come first serve in lease agreement.

Consensus by Council for Attorney Kemp to draw contract for Kimbrell's parking space agreement.

Attorney Kemp stated the other issue needing to be addressed is that the Presbyterian church wants clock to be maintained by city for effective life of that clock. At some point, everything wears out and at that time we would not be held accountable. Consensus by Council that it is okay for city to maintain clock.

Steve, from WK Dickson, presented plans for portion of site for Tuckaseegee Park. Committee would like to see bigger portion of a passive park. The plan calls for the park to be broken into areas, including a center area for stage for any type of outdoor activities. This could also be set up so park could rent it out for activities as well for large events. Plans are to take existing playground equipment and move to side of stage along with two picnic shelters and restrooms. New parking added due to limited parking now. Lower area designated for Dog Park – open area to exercise pets as well as shady area. Also a walking track – overall area around 1/8 of a mile. There is some type of easement that we are researching. Another area for deck built out over river for fishing, good view of new whitewater park from there. We had talked previously about a boardwalk but the area is so marshy and collects a lot of "backwash" and trash. We would have to go through marine commission.

Mayor Hough stated the parking and lighting are huge issues. What is estimated as to how much parking and lighting will be?

Steve answered we did an estimate but I can't remember off the top of my head.
Ms. Harris inquired about skating area.

Steve replied we are looking at putting in a skate park to eliminate some problems with skaters, as well as some trick "bikers" to use as well. At this point, we are looking at elements in the park so we can come back in next meeting and give committee pictures and build on real prices, different stages, etc. We will try to figure out how to phase this project in as funding is not available for whole project.

Mr. Kraus stated if council wishes we could have Duke Energy come add lights since it is city streets. It will cost $6. 25 per month per fixture. Consensus by Council to go with lights from Duke Power at this time.

#4. Update on E911 Legislation.
Chief Hoyle stated there was a good turn out for National Night Out. On another note, a serious Problem has come up - House bill 1638 , lobby by Bell South ,trying to eliminate 911 surcharge. This bill puts us all on the same playing field using the surcharge – gives us ability to see address on map to police without even person on phone speaking. Bellsouth wants to eliminate this because Timewarner systems do not have to pay this. If you have voice over IP now, Timewarner, we do not get any information at all They have to be in compliance with this by November. Bellsouth says not fair for us to do it if Timewarner does not, should be a tax instead. It is hard to establish system to collect fees as a tax, but we know people pay their phone bills and it is easier to collect this way. It is being opposed by a couple other municipalities. The issue is dead for the time being but we pay 3,000 per month for 911 lines to come in. If bill is passed as is – we can implement new tax but not until our current fund is depleted. Does not include upgrades in system, etc. He requests council to get online and review information and present opposition toward the bill. He does not feel this bill provides any mechanism whatsoever to collect – puts more restrictions on us. This money needs to be used specifically for technology as is now. Big concern is that our system is overdue for upgrade, still using paper printer , need to be compatible for county, so that transfer of call is seamless. We will be coming soon to ask for increase and now they are talking about doing away with it – so panic is setting in.

Mr. Kraus stated the fee now is 85 cent per phone bill.

Mayor Hough asked is council interested in resolution at our meeting Monday night? Consensus to add resolution.

#5. To Discuss Storm water Permit.
Mr. Kraus handed out storm water permit, attached. This carries with it the weight of law the same as the sewer and water plant carries. Want to make sure council is fine with switching formula on how we will bill for storm water.

Council in consensus. Permit covers six areas. Stormwater is about preventing pollution in rivers and creeks. It is a clean-water act, about controlling pollution. Part 6 makes sure that city is doing their part. Post construction requirement allows 24 months to draft this policy. We have to create a stormwater plan. Jim Gilpin is going to work on this. Biggest question we face is illicit discharge – someone has to do the field work to go out and do this. Public education and public involvement has to be done this year in the form of websites, newspapers. Once Mr. Gilpin drafts stormwater plan, we have to have a public hearing. We also have to create a volunteer program. In addition we are required to create a citizens committee to manage stormwater issues.

Mayor Hough suggested we get boy scouts, safety patrol to do this as part of their merit-earning projects. . Could they not be part of the committee and let it be part of their projects?

Mr. Kraus asked is council comfortable with staff choosing this committee rather than council appointed?

Mr. Hope stated I don't see need for council appointed.

Mr. Kraus stated staff would look for people who understood pollution control as main topic. If council makes decision tonight for staff to appoint committee, staff will do so.

Consensus by council to allow staff to pick.

Mr. Kraus stated we have to allow public to call in and report illicit discharge. We have to train citizens and staff to deal with this. All employees will have to be cross trained. We will be required to retain these records for five year. Any violation of this is 25,000 dollars per day per permit. We have 12 months to get this program up and running. Question is who is going to do this? I need to add a position to do this. Mr. Kraus agreed to bring further information to next meeting.

#6. <u>To Discuss Nominations for ABC Commission.</u>

Mr. Kraus asked do nominations need to be done on paper?

Mr. Hope asked was anybody recommended by ABC board?

Ms. Harris asked is this council appointed every time?

Mr. Kraus answered yes.

Ms. Harris asked could we talk to some people and come back with nominations? If Carlton has names he can give them.

Ms. Hubbard stated we did paper ballets last time and that worked with Attorney Michael counting votes.

Ms. Harris stated it is public knowledge after we vote.

Mr. Kraus asked if we get a non-clear majority do we throw out low vote?

Attorney Michael suggested that we present slate of potential appointments and then vote. If no one gets majority of 4 – then you throw out the lowest and re-vote. This is on agenda for Monday..

Council reached consensus to use ballots.

 # 7. <u>To Accept and Appropriate Letter of Credit.</u>
Mr. Kraus stated a long time ago city council allowed us to cash letter of credit of Squires and we now have the money. We need council to appropriate money into water budget, capital reserve.

Councilperson Hubbard **MOVED** to accept and appropriate 132 of letter of credit from Squire Enterprise to water budget in line item of transfer to capital reserve. Seconded by Councilperson McLean.. Motion passes unanimously.

#8. <u>To Discuss Stanley Water Bill.</u>
Mr. Kraus stated he was approached by mayor of Stanley. She would like us to forgive them the past underpayment and in return she will begin paying current bills in full.. They have underpaid their bill as an expression of political distention.

Ms. Harris stated we need to make them pay that bill.

Mayor Hough asked how much is bill.

Mr. Kraus answered around 2000 for each month for 4 months, total of 8000 to 10000 dollars.

Ms. Harris stated this is a waste of time, they need to pay.

Mr. Helms stated when we met with them, they agreed to our fee schedule. They need to pay it.

Attorney Michael asked have they underpaid or not paid at all?

Mr. Guffey stated we send them a full bill and they recalculate based on what they think it should be.

Ms. Harris asked did we promise them to lower bill?

Mr. Helms answered no we did not.

Ms. Harris stated we said we would try to lower our bill if we could and we could not.

Mr. McLean stated that is my recollection as well.

Mayor Hough asked for any other opinions.

Mr. Kraus asked council is it okay to pursue legal action against the city of Stanley.

Mayor Hough asked why don't we talk to them a little more?

Council consensus is to move forward and demand full payment.

Councilperson Mclean **MOVED** to make Stanley pay full bill. Seconded by Councilperson Harris. Unanimous.

Mr. Guffey stated there is penalty we can add. Mayor Hough sought direction from counsel to use contract agreement and implement late fees. Consensus by Council to implement late fees.

#9. <u>To Discuss Agenda Items.</u>

Mr. Kraus stated concerning the Freidl settlement, if we give them 190 feet , one thousand dollars more than we proposed they will be happy. We gave them 130 feet estimated by Kim's calculation for a map.

Mr. Moore stated a year or more, the footage was 190 to 210 feet.

Mayor Hough stated we should measure it, if it is 190 pay it as so, etc. This has been going on for six months. Why have we not verified?

Mr. Kraus replied we are offering cash settlement regardless. But, I will have John Hope go out and measure and the Friedl's will need to be present.

Ms. Harris stated we need another staff member present to avoid he said/ she said.

Mr. Kraus agreed.

Mayor Hough requested Mr. Kraus have this done by Monday so we can resolve. Consensus by Council.

#10. <u>To Discuss Nextel Antennae Agreement.</u>

Attorney Michael stated we talked a while back about having a cell phone tower. Proposal given out by Kemp. Attached. He stated Stanley can make comments on this but they do not have to give approval. Revenue remains ours until maintenance is less than our revenue, then we have to split 50/50 with Stanley. Provisions in there that they (Nextel) will not be able to put up antennae that will interfere with our existing antennae. We can add antennae in the future as long as it does not interfere as well. Attorney Michael asked council to authorize mayor and manager to execute Nextel antennae agreement pertaining to the Stanley water tank.

Councilperson Helms made a motion to authorize mayor and city manager to execute the Nextel antennae agreement pertaining to the Stanley water tank. 080205A.. Seconded by Councilperson Harris. Unanimously approved.

#11. <u>To Discuss Fire Station Bond Company Settlement.</u>

Addendum passed out by Attorney Michael. Attached.

Attorney Michael stated we hired SM & E and the report indicated the area of distress is from drain pipe that runs into parking lot. WK Dickson provided estimate and indicated their professional opinion that replacement was necessary. City got several quotes. John Jenkins, who city uses a lot, is the estimate city wants to go with if city will enter into final agreement to release bonding company from all other claims. Chief indicated until test came back, they were unsure of damage total. Area over piped area is only one needing replacement. Do we want to let them pay and they will be forever free from liability or if we don't release them, I don't know what they might want to do. That is the extent of their current liability anyway. Engineer states only need piped area repaired.

Mr. Kraus stated coring sample justified only the piped area , the bonding company agreed with engineer's requirements.

Mr. Helms stated we just need to vote to approve it.

Attorney Michael stated we may have trouble out of that parking lot in the future. I have not looked at it personally since core samples were taken. We took what engineer recommended to several contracting companies and that is what they bid on.

Mr. Kraus stated originally parking lot was only to be used by cars , not designed to accommodate fire trucks and ambulances and now they are using it for the bigger trucks.

Mayor Hough asked does council want to release?

Councilperson Hubbard **MOVED** that we release National Grange Bonding Company in consideration of their payment of $7900 to the city in addition to 20% contingency. Seconded by Councilperson Helms. 080205b. Unanimously Approved.

ROUND TABLE

Mr. Moore – There will be a 2:00 send off party of First Baptist Fellowship Hall for Kayla Moran Sunday prior to her trip to Orlando. Also will recognize her at meeting per mayor Hough.

Mr. Mclean , Jerry Shewer property on Beaty Road, by Gussie's. - complaint about two or three trashcans left on road and wants them put in the back.

Mr. Hope – none

Mr. Helms asked for any update on National Gypsum. Mr. Kraus stated this was pretty much a done deal.

Ms. Harris asked did we write letter to transportation board member about how we felt he did not do us right on 273? We need to follow up on this. We have had one project on the books since I remember and we continually get passed over. Mayor Hough stated I have not written letter yet. Ms. Harris stated all we have asked for is 273 and it will only be a band-aid at this point. It angers me and we need to write this letter of dissatisfaction. Mayor Hough stated he will put this letter together.

Ms. Hubbard stated Pentecostal Holiness Church wants permission to put up signs about vacation bible school and take down after over – 15 day total.

Councilperson Hubbard **MOVED** to allow Pentecostal Holiness Church to put up vacation bible school signs for a total of 15 days. Seconded by Councilperson McLean. Approved unanimously.

Mayor Hough asked will there be tax revenue by hospital? Mr. Kraus answered we will have to verify.

MOTION to adjourn by Councilwoman Harris. SECONDED by Councilman Hope. Unanimous. Meeting adjourned by Mayor Hough at 7:30 pm.

Mayor Bryan M. Hough

City Clerk

jmb