CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL MEETING
Monday, July 14, 2008
Council Chambers
7:00 pm

Call to Order
Mayor Robert Whitt called the meeting to order at 7:00 pm. The following were present:

Mayor Robert Whitt	Eric Davis, City Manager
Mayor Pro-Tem David Moore	Jamie Guffey, Assistant City Manager
Councilman Jerry Bishop	
Councilman Frank McLean	James Friday, Director of Utilities
Councilman Bennie Brookshire	Lisa Stivala, Admin Assistant for the Fire Dept
Councilman Perry Toomey	Greg Beal, Senior Planner
Councilwoman Carolyn Breyare	Mike Santmire, Streets and Solid Waste Director
Kemp Michael, City Attorney	David Belk, Chief of Police

Call to Order by Mayor Whitt
Mayor Whitt called the Mount Holly City Council meeting to order at 7:00 pm.

Invocation
Reverend Jeff Bost pastor of Westview Presbyterian Church led the invocation.

Pledge of Allegiance
Boy Scout Troop 59 of the First United Methodist Church in Mount Holly led attendees in the Pledge of Alliance.

Set Agenda
Mayor Whitt asked for any changes or amendments to the agenda as presented. Councilman Bishop commented that he would like to add a *Discussion of the Fitness Center* under Old Business. Mayor Whitt added that he would like to have a discussion regarding lighting the trees in the downtown area under *Other Business*. With no other changes to the agenda, Councilman McLean made a motion to approve the agenda for the July 14, 2008 Council Meeting as amended. Mayor Pro Tem Moore seconded the motion. ***The motion passed unanimously.***

CONSENT AGENDA
1. 800 MHz Radio Contract
2. Call for Public Hearing on Gateway Corridor Regulations

Mayor Whitt advised that the consent agenda consists of an agreement between the City of Mount Holly and the City of Gastonia for radio system service and a call for public hearing on the gateway corridor regulations. Mayor Pro Tem Moore made a motion to approve the consent agenda. Councilor Bishop seconded the motion. ***The motion passed unanimously.***

MINUTES

1. Approval of the minutes for the June 9, 2008 business meeting.

Mayor Whitt asked if there are any corrections from the Council to the June 9, 2008 meeting minutes. Councilman Toomey, Councilwoman Breyare and Mayor Whitt made grammatical changes to the June 9, 2008 minutes. Councilman Toomey made a motion to approve the minutes as amended. Councilwoman Breyare seconded the motion. ***The motion carried unanimously.***

2. Approval of the minutes for the June 23, 2008 work session meeting.

Mayor Whitt asked if there were any corrections from Council to the June 23, 2008 work session meeting minutes. Councilman Toomey and Mayor Whitt made corrections to the minutes. Councilman McLean made a motion to approve the minutes to the June 23, 2008 Council work session as amended. Mayor Pro Tem Moore seconded the motion. ***The motion carried unanimously.***

PRESENTATIONS

None at this time

PUBLIC HEARINGS

None at this time

PUBLIC COMMENT – Three (3) Minute Limit

Eddie Wilson
407 Timberlane Drive
Mount Holly, NC 28120

Mr. Wilson commented that he attended a meeting in April and left with the feeling of encouragement regarding the fitness center. It was decided upon at the April meeting that the fitness center would remain open during the transition stage to the Tuck Center. However, after dropping by the fitness center, a note was on the door that stated the fitness center is temporarily closed; the City is currently evaluating the relocation of the fitness center. The public will be advised when the fitness center is re-opened. Mr. Wilson further commented that he is glad to see that a discussion regarding the fitness center is on tonight's agenda.

Kim Hullander
116 Lighthouse Road
Mount Holly, NC 28120

Ms. Hullander commented that she originally attended the June 9, 2008 meeting and spoke regarding Row Boat Dock and Dredge's desire to put a permanent staging area at the Tale Race Marina. She advised that she is present tonight to drop off the remainder of the petitions thus bringing partial closure to the issue. Ms. Hullander emphasized her appreciation to the Council for their support regarding the staging area and for listening to the homeowners concerns at the last meeting.

OLD BUSINESS

1. Carmichael Conservancy Trail MOU *Eric Davis*

Mr. Davis explained that there are two (2) copies of the Memorandum of Understanding in the agenda packets. He advised that one copy is an original and the other is a marked up version. The marked up rendition is the wording that is supported by City Staff. He explained that the city is in support of greenways versus bike paths and therefore would like all of the stated bike paths to be changed to greenways. Mr. Davis further explained that he recommends to Council an extension of the contract expiration date. The proposed date on the original agreement is January 1, 2011. He advised that this agreement has the potential for the City to put forward a substantial amount of funds and as a result could loose all rights to the property in just a few short years. Mayor Whitt asked if the City can get the language changed. Mr. Davis explained that the City has requested the change but NCDENR has insisted on the original date. The City Council directed Mr. Michael to contact NCDENR and negotiate the date of the contract and bring back to the Council for further discussion at the July work session.

2. Status of Occupancy Tax *Eric Davis*

Mr. Davis reported that the Council passed a resolution back in April requesting the authority to levy occupancy tax. He advised that Senator Neumann introduced the Bill to the house during the short session but faced some opposition and therefore the Bill was removed from session. Mr. Davis further advised that Senator Neumann plans to reintroduce the Bill during the long session in January. Mayor Whitt added that the opposition came from Senator Forrestor.

3. Update on Tuck Park *Danny Jackson*

In the absence of Mr. Jackson, Councilman Toomey reported that July 20, 2008 is the projected completion date for Tuck Park Phase I. Councilman Toomey further reported that the Construction Committee has one (1) issue to work out regarding the concession stand and the need for more than one (1) before a recommendation will be made to Council. Mayor Pro Tem Moore explained that the old concession stand is small and outdated and the concession stand should be located on the same side of the street as the amphitheatre. Councilman Toomey reported that Phase II would come before Council in the next few months for approval.

4. Water Tank Report *James Friday*

Mr. Friday reported that there have been no changes regarding the water tank. He advised that the bid opening is scheduled for next week. He further advised that the estimated cost is $1.8 million for the tank and $800,000 for the booster station.

5. Fitness Center Update

Councilman Bishop asked for a status report regarding the Fitness Center. He commented that Council made a commitment to relocate the fitness center and furthermore it would only cost the City approximately $1000 to do so. Mr. Davis advised that several different scenarios have been tossed around but a final decision has not been made as to which direction the City will go regarding the new location. Councilman Bishop made the recommendation that the relocation of the fitness center be given priority. Mayor Pro Tem Moore agreed with the recommendation and re-emphasized that Council told the citizens the fitness center would be relocated and therefore the City needs to follow through.

NEW BUSINESS

1. Final Payment for Citizens Center *Jamie Guffey*

Mr. Guffey reported that the Council received a list of 23 items that are staff concerns in regard to the completion of the Citizen's Center. He advised that the first ten (10) items are design/construction issues. Items eleven (11) through fourteen (14) are housekeeping items and the remainder of the items are things that will be handled in house by staff. Mr. Guffey advised that he and the City Manager met with the Contractor (Cox and Schepp) and the Architects (Narmour, Wright & Creech) on Friday to address these items of concern. They are currently working to correct the items of concern. Mr. Guffey further advised that the Contractor has requested final payment of $74,000 from the City. Mr. Guffey emphasized that not all of the items of concern are Contractor related. Some of the concerns are architectural issues. Mayor Whitt asked how much the City still owes the architects. Mr. Guffey replied approximately $6,000. Councilman Toomey stated that as Chairman of the Construction Committee, he would not recommend making full payment to the Contractor until the items on the list are taken care of. Mr. Guffey made the recommendation from Staff that the City release $25,000 and hold the remaining funds until the items on the punch list are complete. Mayor Pro Tem Moore made a motion to release $25,000 of the $74,000 owed to Cox & Schepp. Councilman Toomey seconded the motion. In continued discussion, it was the consensus of Council to add an Update on the Citizen's Center to every meeting agenda until final payment is made. Mr. Davis asked if Council wants staff to make the final payment when everything is complete. Council agreed that the final payment should be approved by them before releasing the funds.

There was discussion regarding the warranty items as well as the effective date of the one year contractor warrenty. Mr. Michael commented that the one (1) year contractor warranty would begin as of the date that the architect issued the certificate of substantial completion. He advised that many items, such as heating and air units have a longer warranty than that offered by the contractor. Councilman Bishop commented that the architects made the recommendation that the City release $50,000 to Cox and Schepp. He advised that several of the punch list items are warranty issues and therefore he would be inclined to follow the recommendation of the architects since that has been the standard procedure in the past. Mayor Whitt called for a vote on the motion made by Mayor Pro Tem Moore. Councilwoman Breyare, Councilman Toomey, Councilman Brookshire and Mayor Pro Tem Moore all voted in favor of releasing $25,000 to Cox and Schepp. Councilman Bishop and Councilman McLean voted against. ***The motion carried with 4 ayes and 2 nays.***

2. Final Plat Approval for Dutchman's Ridge Phase 1, Map 2 *Greg Beal*

Mayor Whitt explained that this item of discussion was taken off the consent agenda because he recalled the original plat had large amounts of common area. This plat does not reflect such. Mr. Beal explained that the plat before Council is only one phase of the entire subdivision and the open space will be more visible once the developer moves forward with additional phases. Mr. Beal added that the original plat was approved for a total of 224 lots. As it looks right now, there are only going to be 177 lots. The remaining will be common area. Therefore, at the time of build out common area will make up 33.6% of the subdivision. Mayor Whitt entertained a motion to approve Dutchman's Ridge Phase 1, Map 2 as presented. Councilman Bishop made the motion to approve with a second from Councilman Toomey. All voted in favor. ***Motion carried 6-0***

At this time, Mayor Whitt called for a short recess.

Mayor Whitt reconvened the meeting at 8:34 p.m.

3. Direct City Clerk to Investigate Annexation Petition/Reiser *Greg Beal*

Mayor Whitt advised that this item was taken off the consent agenda because Council would like additional information regarding this annexation before agreeing to move forward. Mr. Beal explained that this request to annex is for a property that will house townhomes that will be dedicated primarily for senior living. The property is located at 110 Mcginnis Street. Mr. Beal advised that the City held a public involvement meeting and no one showed up for the meeting. There was further discussion regarding the cost and the value of the proposed townhomes. Councilwoman Breyare commented that she would like to see pictures of the proposed dwelling before leading the developer down the road to believe that this will be approved. There was further discussion regarding the sewer service options in the area as well as the ingress and egress to the proposed property. Mr. Michael explained that basically directing the clerk to investigate annexation petition is a title search. After the title search is complete a petition of sufficiency is issued. Mr. Michael emphasized that issuing the petition of sufficiency does not obligate the City to anything. All it means is that the City has received all of the necessary paper work and everything is in order if the City Council wishes to call for a public hearing. The public hearing is the time of which Council can decide if they want to move forward with the annexation. Mr. Michael suggested that staff forward annexation petitions to Council immediately after they are received to make Council aware of things that are being planned within their jurisdiction. Councilwoman Breyare agreed that she would like the petitions to be distributed to Council quickly after staff receives them so Council could visit the property before the meetings.

At this time Mayor Whitt asked for direction from Council. Councilman Toomey made a motion to follow staff recommendation and direct the City Clerk to investigate the sufficiency of the annexation petition for 110 McGinnis Street. Councilman Bishop seconded the motion. In a show of hands, Mayor Pro Tem Moore and Councilmen Bishop, Brookshire and Toomey voted in favor. Councilwoman Breyare and Councilman McLean voted opposed. ***The motion carried with 4ayes and 2nays.***

4. Direct City Clerk to Investigate Annexation Petition/First Colony *Greg Beal*

Mr. Beal gave the background information regarding the request for annexation on this particular property. He advised that this three hundred (300) acre parcel first came before Council as a five hundred (500) lot subdivision. At that time, Council decided they did not want another run of the mill subdivision in Mount Holly, therefore Council opposed annexing the property and agreed that some design guidelines need to be put in place for the City. Meanwhile, the developer came back to Council with a second request before the moratorium was put in place. The second request met all of the required criteria but Council felt it went against the against the spirit of what the City is working toward and therefore Council once again denied the annexation request and moved forward with hiring a consulting firm to start working on design guidelines. Mr. Beal explained that the developer is now working with new contractor on a much higher quality of housing within the proposed subdivision and has came back once again to request annexation. Mayor Whitt asked about sewer capacity for the subdivision. Mr. Friday

replied that it would probably require approximately 100,000 gallons; therefore it would take up a large amount of the remaining capacity. Mr. Beal further explained that the developer is planning a subdivision that contains large lot sizes with a lot of open space. Councilman Bishop stated that he would like to wait until the waste water treatment plant capacity issues are settled before a making a decision regarding this property. It was the consensus of the Council to put this request on hold until the City devises a solution for waste water treatment.

OTHER BUSINESS

Councilwoman Breyare reported that the Mount Holly Days Committee is trying to raise enough funds to light the trees in the downtown area. She advised that these lights are solar powered and cost $100 for each set of lights and would be placed on sixty-three (63) trees. Councilwoman Breyare further advised that after speaking with Mr. Davis, they thought it might make the downtown area more appealing to have the lights on all year versus only during the Christmas season. It was the consensus of the City Council to light the trees downtown on a year round basis.

MANAGER'S REPORT

Mr. Davis reported that he learned this afternoon that the sale of the Police Department has fallen through. The individuals that made the offer on the property hired architects and engineers to take a look at the building and estimate the price for improvements. The cost to make the improvements came in over budget. Some of the improvements are structural; therefore the individuals have pulled out of the deal and have requested that their earnest money be returned. Mr. Michael suggested that Council take action with regard to the earnest money. Councilman McLean made the motion to refund the earnest money. Mayor Pro Tem Moore seconded the motion. All voted in favor. ***The motion carried unanimously.***

Mr. Davis reported that Chief Belk has been working on a buyer for the tower located at the old Police Department. He has six (6) entities that are interested in purchasing the tower.

Mr. Davis reported that the Administration Department is functioning well in the new building. He advised that the Police Department is moving in at the end of the month and the E911 operators will be trained next week on the new equipment.

Mr. Davis reported that Amy Miller has started her official clerk duties and will be transcribing the minutes for the meeting tonight. He advised that minutes will no longer be quite as detailed as they have been in the past.

Mr. Davis reported that the Brian DuPont has joined the Mount Holly planning team. Mr. DuPont will be heading up Code Enforcement for the City.

Mayor Whitt started around the table for comments from the City Council.

Mayor Pro Tem Moore reported that there have been issues with people riding 4 wheelers along Dutchman's Creek at Sandy Fort Road. Apparently the City has a right of way for the sewer line and the ATV's have caused some destruction to the area. Mayor Whitt commented that maybe the Police could ride by the area on occasion.

Councilman Bishop commented that the Council should move forward with declaring the tower at the Police Department surplus property. Therefore, if Chief Belk locates a buyer he can move forward with the sale of the tower. Council agreed; therefore Councilman Bishop made the motion to declare the police tower surplus. Councilwoman Breyare seconded the motion. All voted in favor. ***The motion carried unanimously.***

Councilman Bishop commented that he has had several people ask him about the possibility of using credit cards or online banking as methods of payment for their utility bills. Mr. Davis replied that staff is currently looking into that possibility.

Councilman Bishop commented that it seems like a waste of money for all of the lights to be on in the Grand Hall at all times. Mr. Davis responded that the lights are on two (2) switches making it impossible for only part of the lights to be on at one time. It was the consensus of the City Council to turn all the lights off in the Grand Hall during the day to conserve energy.

Councilman Bishop reported that the lights on the water tank that can be seen from I85 only lights up the bottom of the tank. He advised that Council directed staff in the past to turn the lights on the water tank off because they are not serving their purpose. It was the consensus of Council to turn the lights off at the I85 water tank.

Councilman Bishop asked if Council is going to get keys or key cards to the Citizens Center so Council can access the building for after hour meetings. Mr. Davis replied that once the Police Department is moved into the building, there will be someone here at all times that can let Council in for after hour meetings.

Councilman Bishop asked about the status of the waste water treatment plant. Mayor Whitt responded that Mr. Davis will be presenting options and giving cost estimates at the July work session.

Councilwoman Breyare reported that she has received several calls regarding the property that is for sale beside the Cloisters Apartments. She commented that people are concerned that the Cloisters will buy the property and expand their apartment complex. Mr. Beal advised that the property has been zoned multi family since the 90's but his recommendation would be to take a look at the design standards for that area after the gateway corridor project is complete.

Councilwoman Breyare commented that she has had several complaints regarding junk cars, high grass and homes that are boarded up. She is glad that the City has hired someone to get a handle on these issues.

Councilman McLean asked if there is a date set for an open house for the Citizens Center. Mr. Davis replied that we would really like to get all the staff moved into the building before we set a date. Mr. Davis advised that Council will discuss a date at the work session meeting.

Mayor Whitt reported that there will be a greenway meeting tomorrow afternoon and a grand hall policy committee meeting tomorrow morning.

CLOSED SESSION

There was no closed session business at this time.

ADJOURN

With no additional items for discussion, Mayor Whitt entertained a motion to adjourn the July 14, 2008 Council Business Meeting. Councilman McLean made the motion and Mayor Pro Tem Moore made the second. All voted in favor. ***The motion carried unanimously.***

The meeting adjourned at 9:35 p.m.