CITY COUNCIL
REGULAR MEETING
July 14, 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. Joe Harding, Catawba Heights Wesleyan Church.

Mayor Black asked Rev. Harding for an update on the new park. He said that it is being used a lot and they are very thankful for it.

PLEDGE OF ALLEGIANCE
Mayor Pro-Tem Hope led the Council and audience in the ceremony of the Pledge of Allegiance.

APPROVAL OF THE AGENDA
The agenda was approved with addition of Presentation #2 A&E Building, and Presentation #2 Update on the July 12th storm damage, upon motion by Councilwoman Helms, seconded by Councilman McLean, with all in favor.

MINUTES
Councilman Hope stated that on June 26 he asked the question if anything for sale was pulled from the surplus sale list. This question was directed to Jamie Guffey, and he stated he would get back to me but did not. He asked that this be included in the June 26 minutes. The minutes of June 9 and June 26 were approved as amended upon motion by Councilman Hough, seconded by Councilman McLean, with all in favor.

CONSENT AGENDA
The two remaining items on the Consent Agenda were approved upon motion by Councilman Hough, seconded by Councilman McLean, with all in favor. They were:

CA#1. To Consider Approval of Final Plat for Phase II, Map 1, of Dutchman's Meadow. Approved contingent upon financial guarantees being made as required by our ordinance, and contingent upon addressing the issue of transferring property along Dutchman's Creek to the City for a future greenway.

CA#2. To Consider Approval of Final Plat for Phase II of Creekside Estates. Approved contingent upon approval of the sewer plans by Don Price, and financial guarantees being provided.

PRESENTATIONS

PR#1 Watershed Protection Resolution

No one appeared from the Mt. Island Lake Marine Commission to give this presentation.

PR#2 A&E Building

Dr. Beatty stated to Council how much he liked the decision they made to buy the A&E building on Central Avenue. It really adds to what we have already done with the bonds for the greenway and our downtown initiatives. He commended them.

PR#3 Update on July 12th Storm Damage

Mayor Black said that the severe storm hit Mount Holly on July 12, about 9:30 or 10:00 PM. The Fire and Police Departments had a lot of calls. The county came out and assessed the damage, and Sunday morning we signed papers declaring a state of emergency. He asked for aerial photography so we could establish the damage done. Councilwoman Hubbard arranged for a helicopter. They flew from Gastonia, through Ranlo, Lowell and then Mt. Holly. Detective Furr and Officer Tindall went up and made the video. The tape was shown to council and the audience. City Manager Kraus said the State representatives came out today and they will determine whether it will qualify for disaster fund assistance from the state. Mike Santmire reported that the City has picked up about 45,000 lbs. and 12,000 lbs in chipper already. We expect this to continue for several weeks. Mayor Black thanked the firemen and policemen and all city staff and employees for their hard work.

PUBLIC HEARINGS

PH#1 To Consider Amendments to Zoning Ordinance for Night Clubs

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 amendments to our zoning ordinance for night clubs.

Zoning Officer Greg Beal presented the proposed amendment, and stated that right now night clubs would be allowed as permitted uses. This would change it to a special use and set distance criteria. They would have to appear before the board of adjustments and conditions could be placed on their use. We are allowed to regulate uses other than the alcohol which is state regulated. The

Planning Commission recommended approval. There were no comments for or against from the audience.

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

Councilman Hough asked how did we come up with 300 linear feet? Mr. Beal said they surveyed other cities in our surrounding area that have already regulated this matter, and took the average. Councilman Hope asked what qualifies a place as a nightclub? Mr. Beal replied they would have no food service, and be a social gathering place with drinks, and typically open very late. Councilman Hough wondered how would we define it if we were asked to do so? Mr. Beal said he had found that in other cities they did not define it, and they must appear before the board of adjustments so they will be able to question them about their specific establishment.

Motion: Councilman Helms **MOVED** to approve Res. 07-14-03A amending the zoning ordinance with regard to night clubs, dance halls, and lounges being changed from permitted to special uses, seconded by Councilman Hough.
Councilman Hough asked, will we be able to stand on a definition in this ordinance so we can enforce it? Mr. Jackson said we used the state-mandated definitions based on the number of sales of alcohol. City Attorney Michael asked if the mechanism is in our ordinance already? Mr. Jackson replied that it is, in chapter 12.
The vote was delayed until Mr. Beal could go to his office and get the definitions.

PH#2 To Consider Cross Connect Ordinance
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 adoption of a cross connect ordinance.

Utilities Director Don Price said the city is required by the state to have cross connection control and to have an ordinance that regulates them. The attorney stated he has now reviewed it and saw no problems. There were no comments for or against from the audience.

Councilwoman Hubbard 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 Res. 07-14-03B Cross Connection Control Ordinance, seconded by Councilman Hubbard.
Vote: unanimous. CARRIED.

UNFINISHED BUSINESS

UFB#1 & #2 To Consider Resolution of Findings of Fact, & To Consider Resolution Regarding Bond Order and Setting of Public Hearing

City Manager Kraus said that in order for the City to refinance its existing bonds, the Council must make the following findings: (copy attached, Items A-E, he read them aloud)

Motion: Councilman Hough **MOVED** to approve Resolution #07-14-03C, seconded by Councilwoman Hubbard.

Vote: Unanimous. CARRIED.

City Manager Kraus read a second resolution, setting a public hearing for August 11, 2003 at 7:00, to be published as required by law.

Motion: Councilwoman Hubbard **MOVED** to approve Res. #07-14-03D, seconded by Councilwoman Harris.

Councilman Hough asked if we should not include in the motion about the public hearing.

Amended Motion: Councilwoman Hubbard **MOVED** to approve Res. #07-14-03D to set the public hearing for August 11th and having notice published, seconded by Councilwoman Harris.

Vote: Unanimous. CARRIED.

UFB#3 To Consider Whitewater Pledge

Mayor Black stated that in Gastonia on last Thurs. a joint meeting with held with representatives from the County, City of Gastonia, Belmont, Whitewater group members, banks, and he and Jamie and our interns. Jeff Wise was recognized, and he stated that Mount Holly is sitting in the center of a growth area for recreational activities. This should be viewed as an investment. They have hired someone from UNC Charlotte to do an economic impact study, and they estimated $37 million annually, after construction. Most of the infrastructure would be provided by Mount Holly. Mt. Holly is at a crossroads with I-485, and there are large amounts of undeveloped land. You have a lot of assets that make this opportunity feasible for Mount Holly. This facility will be one of only four Olympic Trial facilities in the country. The Dutchmans Creek greenway is being considered. We are also looking at the P&N for a Rails to Trails. We are thinking of a cross river access to the facility; water taxis perhaps. One thing to really understand is an economist says that for effective economic development the first item is to develop natural resources, unique assets so that the companies and their employees do not leave after coming here. Charlotte Whitewater Inc. is asking for support for its plan of finance, as follows: we will be able to pay back the entire loan that we will get from the bank for construction of the park. Our backup plan is naming rights, and marketing. We also have a philanthropic campaign. We have two requests for federal funds, from which we expect to hear this fall. We have a request in to the State for funding. Our final source of funding is local municipalities. We ask that Mount Holly pledge a total of $1 million over 7 years, $142,000 per year, starting in 2007. This is a pledge, and we do not intend to draw on those funds, but this is the final component of

the collateral required. We are treating all the governmental entities in one class together, so that the amount we need would be pro-rated among all the government entities. It is a collapsible debt, so that if we do not need the funds in the first year, 2007, then the pledge can be removed at that point. We are waiting for a vote in Mecklenburg County in August. The City of Charlotte has approved their $2 million. We have seen Mount Holly lead this and your people understand well how this will work. Your staff has reviewed this very closely, and the banks have looked over this up one side and down the other. We project a payoff in 2008. Your potential payment would not be due until over a year after we begin operating. Mayor Black said that Commissioner Joe Carpenter suggested that Meck. Co, City of Charlotte, Gaston County, and Belmont and Mount Holly come up with a joint zoning district to control the development on the river. Mayor Black asked Jeff Wise about races and spectators? Mr. Wise said they expect an annual attendance of 400,000. He has been told more than once that his numbers are very conservative. Many of the athletes will move here. Mayor Black stated that Patrick Mumford, Charlotte City Councilperson, commented that Charlotte does not even know really where this is located, so Mount Holly is in the catbird seat. Jeff Wise said we want to be aggressive so that we are involved in 2006 in the Olympics.

UFB# 4 To Consider Water Issues

City Manager Kraus said that this matter involves storm water issues, and a complaint by Mr. and Mrs. Friedl. Mr. Kraus reported that he has contacted two contractors but they have not given him a quote yet. Mayor Black and the Council said they want to resolve this as quickly as possible; give them deadlines.

UFB#5 To Consider Code Enforcement Complaint by Mrs. Dowdle

Ryan Baker reported that a Mr. Dellinger is taking care of the property in question for Mrs. Dowdle. He and his brother were going to get the grass cut and old car moved this weekend, but did not get to it because of the storm. He had contacted someone to tear down that old building, and was waiting for the contractor. He also has someone lined up to remove the cars; he gave Mr. Dellinger a deadline of the week of July 14th. A copy will be sent to Ms. Dowdle.

NEW BUSINESS

NB#1 To Consider Mosquito Control Ordinance

Ryan Baker presented a proposed ordinance for the mosquito control. Councilman Hope asked what would this cost to enforce, how many staff would be needed, and will it be effective? Mr. Baker stated that right now he can call the county, but if they don't do anything he can't go any further. With this ordinance, we will be able to handle this with the personnel we have. City Manager Kraus said there is not any item in the budget to cover additional costs. Ryan Baker said he gets about one complaint a month. Councilman Helms predicted that number may increase if we have this ordinance and enforce it, and then word gets around. Mr. Helms recalled that the City used to spray chemicals

in the air, and he asked if we have someone licensed to do that. Mr. Baker thought that Mr. Santmire has personnel that may be able to do that. Councilwoman Hubbard said if she was hearing correctly, Mr. Baker wants something to give him teeth to respond to people when he gets a complaint. Councilman McLean said he gets a lot of complaints about mosquitoes and so he believes it is a good thing to do this; and also there is the West Nile virus that is a real threat with all the rain we have had. City Manager Kraus stated that the solution is not always simple because sometimes there are wetlands involved. Councilman Hough asked how will this be paid for? Mr. Baker said we pass the bill onto the resident, and they have thirty days to pay it, after that it becomes a lien. City Attorney Michael said the city used to spray for mosquitoes, and it caused litigation. He is concerned about any application of chemicals and so is concerned about the city's liability, but the education and public information aspect proposed is a good thing. You have not previously gone onto private property either. Councilwoman Hubbard asked, when people call the county now what happens? Ryan Baker said there are two employees who are responsible for coming out and you are not allowed to have standing water. Mike Santmire said they drop pellets in the water that kills larvae. Councilwoman Hubbard said that regardless of what we do tonight, we need Mr. Baker to put something in our newsletter to alert our residents of this hazard and ask them to take action on their property right away to get rid of any standing water. Councilwoman Harris said she has had calls about this too. Councilwoman Hubbard said she would like to see what other cities have in place. Councilman Hope said it is a shame that we pay county taxes that should take care of this and we cannot actually utilize that service.
No action.

Return to PH#1 Amendment to Zoning Ordinance for Night Clubs, etc.
Greg Beal brought to Council copies of the definitions. He noticed that the other ordinances deliberately omitted the definitions, and the man he spoke with in Lincolnton said they have that on the permit application. Councilman Hope stated that our vision does not include lining our streets with night clubs, and he wants this to be strict. Mr. Beal stated that he had our GIS tech do a map of downtown, and did not find any property right now that would allow it downtown because 300 feet takes you to a church or school or residence everywhere. Kemp Michael said the discussions we have had outline the need for better definition. A judge is not going to define it for us; we have to be able to define it for the judge if we go into court. Councilwoman Hubbard said that is important, but in the meantime we need an ordinance on the books. Danny Jackson stated that this is a permitted use right now and if they came in right now he would have to issue the permit. This proposed ordinance, even if they passed the location and other requirements, would require them to go to the Board of Adjustments first as a special use where the board could put conditions on them. Councilman Hough agreed that we need to adopt this tonight, but enhance it at our next meeting. Councilwoman Hubbard asked if we could take these definitions and put alcoholic beverages instead of drinks just for tonight. Mr. Michael said this

gets into the problem that Greg already highlighted, that we cannot regulate the alcohol, that is state regulated. Mr. Kraus said that in the ABC laws, doesn't it state that if you sell alcohol without food, you are a private club with memberships? So can we regulate it as a private club like they do? Mr. Michael said that the state director will be here at our next workshop so we can ask him then.
Councilman Hough verified that everyone agreed we are going to insert the word adult in front of establishment.
Motion: Councilman Hough **MOVED** to amend our zoning ordinance to regulate night clubs, dance halls, and lounges as presented with addition of including the definitions amended to read adult establishment, identified as Res. 07-14-03A, seconded by Councilwoman Harris.
Vote: Unanimous. CARRIED.

NB#2 To Consider Committee Appointments
Mayor Black said that we need to appoint the downtown committee and the park committee, and the 125th birthday committee. Mayor Black said that Council should nominate individuals. City Manager Kraus had recommended there be five on each committee, but it does not have to be five. Mayor Black said we are still talking with Gastonia about using their board so we may not need members for an ABC Board here. Mr. Kraus said he is gathering information about what it would involve if we did our own ABC Board in Mt. Holly. City Attorney Michael said the man is coming from Raleigh, and he will tell us the pros and cons, at our next workshop. Councilman Hough nominated Missy Connell, Mike Jones, David Moore, Paul Abernathy. Councilwoman Harris said she will get names from the Catawba Heights area. Mr. Kraus said we will get RFQs on August 13th, so we will use these committees to help select this. Council will appoint these committees at the next work session.

PUBLIC COMMENT
Mayor Black opened the floor for public comment.
none

ROUND TABLE
Councilwoman Harris thanked city staff for all their hard work during the last storm. A lot of people were lucky that even though homes were damaged, there was no loss of life or major injuries.

Councilman Hope said elderly couples were also hit pretty hard with storm damage; are we going to assist them in any way? Mr. Santmire said there are a lot of contractors that don't haul it away, but we will pick it up for senior citizens.

Mayor Black noted we had TV coverage on our situation. A citizen asked if there is a place to go in a disaster situation here in Mount Holly. This was discussed after the ice storm, but nothing was ever resolved. Councilwoman Harris said

we asked that question when we went to the homeland security meeting. Mayor Black said it has to be a place that has showers and restrooms to qualify as a shelter, and we don't have that. Councilman Hope suggested the fire department. Mr. Kraus said we had people in the police and fire department last week, and that is okay. The A&E building has potential for being a shelter facility. We can use the Tuck Center as a staging area, but it does not meet the criteria for a shelter. Mayor Black said we need to be able to tell our citizens where they can go in an emergency. Mr. Kraus said if you call it a staging area, tell them fire department and police department. Councilman Hough suggested we give them the phone number for the ministerial association and others like CRO.

Mayor Black stated that our thoughts were that when the new bridge opens the State will repave all of that area of Highway 27, but that is not necessarily the case. Mike Santmire said they are paving from Stanley to Lincolnton. This next year they will go from Stanley to Highway 273 on Highway 27. The bridge completion is still on hold; REA Construction is being fined daily.

City Manager Kraus stated that we have received two applications for annexation; the Circle K near the Abbey, and Jeremiah Robinson on old Highway 27 which would make Mooreland Estates contiguous and would be a good thing. Kemp Michael said that in the past the city has done individual properties if it helps the city, but that does not necessarily mean you have to annex it.

Councilwoman Harris asked, did the Abbey put a new well in? Don Price said they did some drilling to check for soil contamination. Mr. Kraus said they have not paid our bill; do you want us to write it off or pursue it?
Motion: Councilman Hough **MOVED** that we pursue collection on that unpaid water bill, seconded by Councilwoman Harris.
Vote: unanimous. CARRIED.

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

9:00 PM

Clerk Mayor

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cpm