

**CITY COUNCIL
REGULAR MEETING
July 12, 2004**

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 Hough. The following were present:

Mayor Bryan Hough

Mayor Pro-Tem Michael Helms

Jamie Guffey, Assistant to City Manager
for Finance/Administration

Danny Jackson, Assistant to City
Manager for Community Development

Councilman Jim Hope

Councilwoman Phyllis Harris

Councilman Frank McLean

Councilwoman Pat Hubbard

Councilman David Moore

David Stevens, Interim Fire Chief

Don Price, Utilities Director

Mike Santmire, Street & Solid

Waste Director

Greg Beal, Community Dev. Officer

Ryan Baker, Fire Inspector

Megan Hanks, Communication Director

City Manager David Kraus

City Attorney Kemp Michael

INVOCATION

The invocation was led by Rev. Dennis Knight, First Baptist Church.

Mayor Hough thanked the First Baptist Church for hosting the city pancake breakfast on July 4th as part of the city's 125th anniversary year-long celebration.

PLEDGE OF ALLEGIANCE

Troop 59 led the Council and audience in the ceremony of the Pledge of Allegiance.

APPROVAL OF THE AGENDA

The agenda was approved with the following changes: move UFB #1 to Consent Agenda #4, and addition of PR#4 & UFB#4, addition of PH#2, upon motion by Councilman McLean, seconded by Councilwoman Harris, with all in favor.

CONSENT AGENDA

Councilman Helms **MOVED** to approve the Consent Agenda with four (4) items, seconded by Councilman Moore, with all in favor. The items approved were:

CA#1. To Accept and Approve the Minutes. The minutes of June 8 and 14 and 18, 2004, were approved as written.

CA#2. To Accept Tax Releases for May and June. Tax releases for May and June 2004 totaled \$100,400.64.

CA#3. To Approve Mountain Island Lake Memorandum of Understanding. Agreement with other local governmental agencies approved.

CA#4. To Call for Public Hearing on Stormwater Fees. Public hearing set for regular meeting in August.

PRESENTATIONS

PR#1 Recognition of Employees for Life Savings Efforts

The entire Council joined Mayor Hough on the Council floor to recognize the City employees in the Fire and Rescue Department who acted promptly and efficiently to provide life saving services recently at the fitness center. A framed copy of the proclamation was presented to each employee. (copy attached)

PR#2 Proclamation for Jimmy Ray "Big Jim" Hampton

A proclamation honoring Jimmy Ray Hampton, a city employee who died suddenly this year, was read by Mayor Hough. He was joined by the Council and Recreation Commission members in recognizing his service to our community since 1987. A framed copy of the proclamation was presented to his family members. A plaque in his honor will be displayed at the fitness center.

PR#3 Presentation by Don Barkley on Stormwater Fees

Don Barkley was recognized, and he said he understands the Council has scheduled a public hearing on stormwater fees. He had a handout to give the Council. Many years ago he said he had bought an expensive tool, so he put down on his tax listing the amount he paid for it. The Tax Department said it is worth more than that. He found out they were putting down the sales tax as part of the value. You are taking from one government and give to another government if you charge stormwater fees to schools. What I have seen so far is costing the county a considerable amount. I don't know that it is mandated to put it on everything.

PR#4 Presentation by Patrick Guardin, VP of Cutting Edge, Inc. (Little Caesar's) regarding the City's Sign Ordinance

Patrick Guardin passed out handouts for Council to see regarding the Little Caesar's program. He said he feels the City's sign ordinance has been broadened to cover things it was not intended to cover by the officer. The sign boards which are like posters are held by people we hire that are usually disabled. I don't believe that these boards are billboards and should not be governed by that ordinance. It helps our business which increases the sales tax collected here and therefore is to the city's benefit. Mayor Hough said he would look into this and get a response back to Mr. Guardin.

UNSCHEDULED PUBLIC COMMENT

There was none.

PUBLIC HEARINGS

PH#1 To Consider Voluntary Annexation for Rhyne Trace Subdivision

Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, and unanimously carried. Mayor Hough recessed the regular meeting and opened the public hearing to consider a voluntary annexation petition upon request by Charles Rhyne, Jr.

Mayor Hough opened the floor for any comments for or against from the audience, but there were none.

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

Attorney Kemp Michael stated that Greg Dimmer, one of the developers, called him and asked that Council defer action until next month.
No action.

PH#2 To Consider Annexation of Robinson Property

Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, and unanimously carried. Mayor Hough recessed the regular meeting and opened the public hearing to consider voluntary annexation petition upon request by Jeremiah Robinson and others.

Mayor Hough opened the floor for comments for or against. Jeremiah Robinson spoke first, and he stated that he and his family who are the other property owners want this annexed.

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

Mayor Hough asked, will this annexation make Mooreland Estates contiguous to the city limits? Mr. Michael said Yes. Mr. Kraus said water and sewer are already available.

Motion: Councilwoman Hubbard **MOVED** to approve ordinance #04-12-04A to extend the corporate limits, seconded by Councilwoman Harris. (copy attached)

Vote: unanimous. CARRIED.

Attorney Kemp Michael asked Danny Jackson, is this already zoned by the city? Danny Jackson said, yes, it is R-12.

NEW BUSINESS

NB#1 To Consider Impact of Changes in Overtime Rules

City Manager David Kraus said the Federal government has changed overtime rules. Jamie Guffey stated that the revisions to the fair labor standards act, defines what is exempt and what is non-exempt. The main area we are looking at in our personnel is police sergeants and fire captains. Suzette has attended a training on these changes held by the League of Municipalities. A few of our administrative personnel are now no longer eligible for overtime, i.e., our tax collector, human resource officer, and accountant. We will amend the job description of the accountant to show a supervisory role over those handling money. We are going to look for further instruction from the League for some positions we are not clear about.

UNFINISHED BUSINESS

UFB#1 moved to Consent Agenda #4

UFB#2 To Consider Sewer Rehabilitation of Aerial Sewer Line

Don Price stated that the city is beginning the sewer rehabilitation project of old lines throughout the city. The first line the City needs to work on is an aerial line that services Deerfield Subdivision which has deteriorated, and is near the Taylors Creek outfall. Because it is near the East Gaston Sewer Line project he believes this would be the most appropriate time to work on this line. Staff would like this added to our rehab for this year and so while they are working on the East Gaston line this can be done. Councilman Hope asked if this is budgeted? City Manager David Kraus said this would be paid for from the sewer rehab project in the capital budget. Councilman Hope asked, will the cost be less than we budgeted? Don Price replied, yes, because they will be in that area working on the East Gaston line anyway.

Motion: Councilman Hope **MOVED** to proceed with replacing the aerial line with a buried line at a cost not to exceed \$48,950, seconded by Councilman McLean.

Vote: unanimous. CARRIED.

UFB#3 To Consider Downtown Development Standards

Greg Beal reported that the Planning Commission has reviewed the downtown development standards proposed by the consultant. Their major concern is in Section 8.3. They feel it contradicts the original intent. It brings about eminent domain. They recommend that Council not call the public hearing yet, and extend the moratorium time period, so they can work out the terms of the proposed ordinance that would be more appropriate. Councilman Hough said the discrepancy is that if someone did not want to do a historic project, they would have standards to use for a non-historic project. Attorney Kemp Michael stated that the ordinance gives Council the right to extend the moratorium. Danny Jackson felt it would be safer to advertise beforehand.

Motion: Councilwoman Hubbard **MOVED** to hold a public hearing at the next regular meeting to consider extending the moratorium, seconded by Councilman McLean.

Vote: Unanimous. CARRIED.

UFB#4 Downtown Streetscape Master Plan

Mayor Hough said Council needs to meet with Woolpert. Council discussed acceptable dates for them. Their first choice is July 20, Tuesday, at 6:30 PM. Their second choice is July 26, Monday, 6:30 PM.

The Council took a five minute recess.

ROUND TABLE

Mayor Hough stated that Councilwoman Harris and Councilman Hope will handle the ceremony for naming of the new Catawba River bridge for Randy Pendleton. Mike Santmire will assist them from city staff. Councilwoman Harris asked that staff contact the family to see if there is a particular date they prefer.

Councilman Helms said he thought the last city-wide newsletter was a good job; keep it up.

Councilman McLean had a call about a walk in the neighborhood. Yates Springs asked if we walked in his neighborhood. Mayor Hough said the Council has walked on Costner Street, and we looked at the drainage issue he has.

Mayor Hough said that he received a letter from Mr. McLaurin, who said Lake Wylie Marine Commission has two slots for members coming up soon, and so I want nominations to name two people to them, and hope they will fill the seats with our people. Please turn in to me at the next meeting.

Mayor Hough stated that Council needs to discuss compensation for our ABC board members. I have asked staff to look into what other cities pay. Attorney Kemp Michael said their compensation must be made from the ABC store budget. Gastonia members make \$150 month. Councilwoman Harris said some of them may not get paid at all. Councilwoman Hubbard said she would like them to get the number on the other boards as well. Kemp Michael said right now they are not doing a lot yet except they have met and looked at store location sites. Later, they will have their hands onto inventory and managerial issues.

Mayor Hough said we have the dates of championships to go on our city sign by Mount Holly teams, but do we want to have a slogan on the sign? And if you do, should we have a contest or use "The Little City with a Big Heart?" Mike Santmire said he can get a lesser sign to go underneath the existing signs for a much lower cost. Council concurred with that idea.

City Manager Kraus said that last month we talked about a fire hydrant in front of the heating place. Don Price reported that the water line that feeds the hydrant has been uncovered when they graded. We need to move the line and send the bill to Mr. Perrigo. Mr. Kraus said we can't lower the hydrant where it is located. Mayor Hough asked, can we put more dirt over the line? Mr. Kraus said, Mr. Perrigo was concerned about visibility when cars pull out. Councilman McLean said it might help to put a shorter barrel on it. They will try that.

City Manager Kraus stated that Chief Stevens wants defibrillators at the fitness center and at the Tuckasee Center. It is easy to use. You cannot shock a person with it unless the machine determines a shock is actually needed. Chief Stevens said there are others that are cheaper, but these are like what we have on our truck so the compatibility is a good thing. Mr. Kraus said there are no guarantees even with these machines but it gives a better option. Councilman Hope asked, do we have personnel

trained to use them? Danny Jackson stated that we are having them trained in CPR and to use this machine. Councilwoman Harris asked if this is in the budget? Jamie Guffey said that the shed for the parks department that was budgeted will not be bought, and we will buy this instead.

Danny Jackson spoke to Council about the Rhyne property annexation. The annexation fee is an issue. The applicant has spoken of getting it waived, and you have the power to waive that. Councilwoman Harris asked, why would we waive it? City Manager Kraus stated that in discussions with Greg Dimmer, he brought up that we had waived the fee for his Creekside Subdivision in exchange for the greenway he gave the city. In this matter, Mr. Dimmer asked for the waiver in exchange for obtaining a parcel owner between his property to be annexed and the city limits that will make his annexation contiguous. Attorney Kemp Michael said I found out that last week that Mount Holly no longer has a limit on our satellite annexation area, so that the matter of getting the intervening tract is not important anymore. Councilman McLean said he still thinks it is better to be contiguous. Mayor Hough said he believed Mr. Dimmer has already worked out terms with that property owner. Mr. Michael said there is something to be said about being contiguous; it appears better. Danny Jackson said that small properties like Mahaffey's would require an annexation fee of \$1,000. The larger Rhyne tract would require the annexation fee of \$2,000. Mr. Kraus and Mr. Jackson are to contact Mr. Dimmer and get more information about how far he has gotten with Mr. Mahaffey. Also they will be working on the annexation agreement with Mr. Michael.

CLOSED SESSION

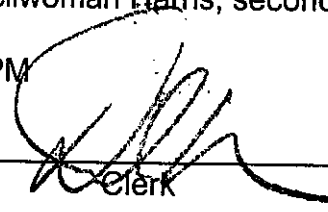
Councilwoman Harris moved to go into closed session for the purpose of discussing personnel matters, seconded by Councilman Helms, with all in favor.

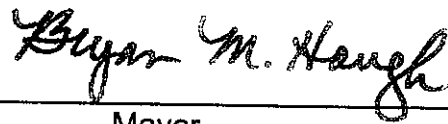
Councilwoman Harris moved to return to open session, seconded by Councilman Moore, with all in favor.

ADJOURN

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

9:00 PM


Clerk


Mayor

cpm