

**CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL**

Work Session

June 23, 2008

7:00 pm

Members present: Mayor Robert Whitt, Councilmen David Moore, Jerry Bishop, Frank McLean, Bennie Brookshire, Perry Toomey, and Councilwoman Carolyn Breyare.

Staff present: Eric Davis, City Manager, Jamie Guffey, Assistant City Manager, Danny Jackson, Assistant City Manager, Mike Santmire, Streets and Solid Waste Director, Chief Dale Oplinger, Fire Chief, and Chief David Belk, Chief of Police, Kemp Michael, City Attorney

Others present: Brooke Lopez, Attorney, Kemp Michael's office

CALL TO ORDER BY THE MAYOR

Mayor Whitt called the meeting to order at 7:00 pm.

INVOCATION

Councilman Brookshire led the Council, Mayor, staff members and attendees in prayer.

SET THE AGENDA

Mayor Whitt asked for any additions or changes to the agenda. There were none.

Mayor Whitt asked that Todd Vandermeid's report on the Alive After 5 event sponsorship be placed as Item 1A. He also requested that Item 6A be added which is a report from Eric Davis, City Manager. Mr. Michaels requested that the Time Warner Cable merger be added to the agenda and Mayor Whitt stated that it will be Item 6B.

There being no other items to add or discuss, Mayor Whitt entertained a motion to set the agenda as amended.

Motion: Councilman McLean made a motion to set the agenda as amended. Councilman Moore seconded the motion and the motion passed unanimously.

AGENDA

1A. Alive After 5 sponsorship, presented by Todd Vandermeid

Mayor Whitt invited Mr. Vandermeid to discuss his report. Mr. Vandermeid handed out a report which listed the schedule of the 10-second Time Warner Cable television ads concerning the Alive After 5 events. He stated that the next event is June 30. On July 10, there will be another event with the primary sponsor being the Lutheran Church.

Mr. Vandermeid stated that each event involves 10 to 12 sponsors and each sponsor pays around \$220 for each event. Mayor Whitt asked if there were sponsors after the July 10 event for future events and Mr. Vandermeid said that there are no other scheduled events.

Mayor Whitt asked what were the costs for each of the events? Mr. Vandermeid stated that it costs around \$2,000 for a band, portajons cost \$300, and marketing costs around \$400. The Catalina event costs around \$3,600. Mr. Vandermeid added that he could get \$1,200 - \$1,500 for sponsorships but that would be the limit.

Mayor Whitt asked Council if they were interested in sponsoring some more events with Mr. Vandermeid coordinating them for Council. Mr. Vandermeid thought that August and September could be skipped and then have Alive After 5 events in October and November. He estimated that he would need at least \$3,000 from Council for each event if they are interested in being a sponsor. Mr. Davis stated that we have some discretionary funds to do this.

Councilman Bishop stated that due to the City's obligations and activities at this time, he was not totally committed to funding a co-sponsorship at this time. Councilman McLean agreed with Councilman Bishop.

Councilwoman Breyare wanted to see some information on how other municipalities handle these types of events.

Councilman Moore thought that two more events would be a good idea but before committing to sponsorship, Council should wait and see if Mr. Vandermeid can secure more sponsors before the City commits to funding.

Councilman Brookshire stated that he would be in favor of a little help from the City for these events.

Councilman Toomey stated that whatever Council decides he would be happy to discuss the possibilities of co-sponsoring an event.

Councilwoman Breyare suggested that Council should try to get some outside sponsorships for these events.

Mr. Davis stated that staff will find out what other cities do, though it is usually not cities that sponsor these types of events but Chambers of Commerce and Downtown Associations. The City can be a co-sponsor and it can be part of the downtown redevelopment.

There was a brief discussion on the legality of printing copyright logos and the role of disclaimers on printed materials.

Mayor Whitt thanked Mr. Vandermeid for all his efforts and asked him to return at a later meeting regarding the progress on further sponsorship.

1. Review of the ITRE (Street Paving) Report, presented by Danny Jackson

Mr. Jackson stated that Council had requested that the Institute for Transportation Research and Education (ITRE) at North Carolina State University prepare a Street Paving Report to help Council formally evaluate and prioritize the City's roads for repair work. This was done to

remove this issue from the political realm and that a report of this kind can be used as a budgetary tool as well.

Mr. Jackson highlighted some aspects of the report as follows:

- There are 55.29 miles of roadway within the City.
- There are eight different aspects to paving conditions.
- There was a cost of \$411,550 for maintenance needs.
- The report took about a week to do with the ITRE rep and a staff member traveling the streets during this time period evaluating City streets, the pavement distress, identifying street sections, and categorizing the type of traffic on streets.
- All information was entered into a database and a GIS report is available on City streets as well.
- The report lists City streets by worst streets prioritizations with streets receiving ratings. The report also lists the streets alphabetically with the applicable information as well.
- 74.6% of City streets are in good shape according to the scoring system which rates a street as good, fair, poor, or very poor.

Mr. Davis stated that Council may wish to focus on streets that are in worse shape and which have the highest traffic counts. Perhaps as a projection, in two years, the City can repair those streets rated the worst.

Mayor Whitt asked how much money does the City receive in State funds for road improvements. Mr. Davis stated that amount was around \$300,000. Mayor Whitt felt that a number of road repair projects could be handled with this amount of money. Mr. Davis cautioned Council and the Mayor to not put too much faith in the cost estimates from this report as these numbers may not be accurate in the present economic climate.

After a brief discussion, Mayor Whitt asked Council how they wished to direct staff with regards to the ITRE report.

Motion: Councilman Bishop made a motion to adopt the City of Mount Holly Pavement Condition Survey and Priority Listing therein as a tool for staff. Councilman McLean seconded the motion.

Mayor Whitt asked for any further discussion. Councilman Toomey wanted to be sure that the Priority Listing was accurate. Mr. Davis stated that there will be policy decisions brought to Council in the future for their recommendation. Councilmen Bishop and Toomey and Councilwoman Breyare wanted staff to determine that of the 2% of roads that are unpaved, whether there is a house or houses on that road, obtain the addresses, determine whether residents pay City taxes, and then decide whether to pave it.

Mayor Whitt stated that we have a motion and a second on the floor. He asked that all Council members in favor of the motion to please raise their right hand. The motion passed unanimously.

3. Discussion of 800 Megahertz Radio Contract, presented by Chief David Belk, Chief of Police, City of Mount Holly, and Chief Terry Sult, Chief of Police, City of Gastonia

Chief David Belk handed out further attachments (A, B, C, and D) to what was in the agenda package. He stated that he invited Chief Terry Sult to assist in answering any questions on the agreement. Chief Belk added that he also met with Mr. Michael and Mr. Davis regarding this agreement as well.

Chief Belk asked Council to refer to Sections 3.3 and 3.7 regarding the radio access fee and payment of radio access fees. Charlotte Mecklenburg is the actual operator of the system with the City of Gastonia helping build out the infrastructure for the 800 radio system.

Chief Belk stated that Exhibit A is a service agreement with Charlotte Mecklenburg and the City of Gastonia. It outlines how the system would be repaired and how we would repair individual radios. Exhibit B sets up a Radio Communications Council (RCC) of member users from Mount Holly, Gastonia, Belmont and any other users who would sit on the RCC for the purpose of setting up procedures on how the system would operate and for the opportunity to add radios to the system. Exhibit C shows how the RCC will operate. Exhibit D shows \$16,581 in access and maintenance fees (infrastructure fees) per year for the City of Mount Holly.

Chief Sult stated that the fee of \$117,000 is the current cost to run the infrastructure and it is a fixed set amount. If we bring more users on, the cost will reduce among the users. One of the safeguards to this system is that if it should go out in Gastonia, then Mount Holly can tie into the Charlotte Mecklenburg system. If that system fails, Mount Holly would be able to tie into the Viper system. Chief Sult pointed out that before 800 Megahertz system, the City of Gastonia had lost its radio system 4 times since he has been the Chief of Police. The 800 Megahertz system solved this problem. Chief Belk added that City officers will have radio contact across the state with this system.

Mr. Davis stated that the City has budgeted for this system.

Mr. Michael stated that he has reviewed the agreement and the fees. The City may withdraw the contract provided the City gives a 24 month period of notice.

Mayor Whitt stated that the City has received funding for the 800 Megahertz system.

Mr. Davis pointed out that during the recent tornado situation, some weaknesses and deficiencies were exposed and this 800 Megahertz system will certainly help us during potential disasters or situations that need good communications in the future.

Mayor Whitt entertained a motion to approve the Agreement for Access to and Service for the 800 Megahertz Radio System between the City of Mount Holly and the City of Gastonia as presented.

Motion: Councilman Bishop made a motion to approve the Agreement for Access to and Service for the 800 Megahertz Radio System between the City of Mount Holly and the City of Gastonia as presented. Councilman Toomey seconded the motion.

Mr. Davis suggested that this item be placed on the Consent Agenda for the July 14, 2008 City Council meeting so that the agreement will coincide with the annual budget cycle.

It was the consensus of Council to table this motion in favor of placing the Agreement for Access to and Service for the 800 Megahertz Radio System between the City of Mount Holly and the City of Gastonia on the Consent Agenda for the July 14, 2008 City Council meeting. Councilman Bishop rescinded his original motion.

Mayor Whitt thanked Chief Belk for his report and thanked Chief Sult for coming to the meeting tonight and for his input.

Mayor Whitt called for a 5 minute break at 8:30 pm.

Mayor Whitt called the meeting back to order at 8:35 pm.

3. Discussion of the Co-Sponsorship of Tuck Building for a Shag Dance, presented by Mayor Robert Whitt

Mayor Whitt stated that this item was requested by the Mount Hollydays Committee at our last meeting and Council decided to put this request on this work session meeting agenda tonight for further discussion.

Mayor Whitt reminded Council that the Mount Hollydays Committee is sponsoring this Shag Dance as a fundraiser for CRO and for their other downtown fundraising activities in Mount Holly. The Mount Hollydays Committee is asking the City to do two things. They would like the City to co-sponsor the event in the Tuck Center and they would like the City to approve the serving of beer and wine at Tuck Center for this event. Mayor Whitt felt that this event would not be as successful without the serving of alcohol and invited Council to discuss this matter at this time.

Councilman McLean did not feel comfortable about Council approving the serving of beer and wine in City property locations. Councilman Toomey agreed.

Councilman Bishop asked that one of the representatives from Mount Hollydays Committee come up and speak with Council. Mayor Whitt welcomed Jim Guin to speak on this matter. Mayor Whitt added that a decision from Council will need to be made tonight.

Jim Guin
Forest Hills Dr.
Mount Holly, NC

Mr. Guin stated that the Mount Hollydays Committee would like to have a fundraiser, a Shag Dance at the Tuck Center on September 13, 2008, and invite Shag Clubs throughout the Carolinas to attend. They hope to serve beer and wine along with Bar B Q and chicken. Mr. Guin stated that the Committee has considered attendees bringing their own wine and beer to this event as the intent was to raise money from the dance and not from beer and wine sales.

Councilman Moore thought that the Committee would have to go through an insured distributor or caterer to take the liability off the City. He stated that he preferred the event to occur in the Grand Hall versus the Tuck Center. He added that the Mount Hollydays Committee will have to hire a police officer to be on duty at the Tuck Center for this event.

Councilman Bishop stated that he would consider the request contingent upon all the permits being secured.

Mayor Whitt suggested that all legal technicalities should be worked out by Mr. Michael and other technicalities by Mr. Davis. Chief Belk would assist with an ABC permit if needed.

Councilwoman Breyare requested that Council needs guidelines on this. She thought the event would be better suited in the Tuck Center because of the existing tables and chairs and other equipment.

Councilman Brookshire thought that the event should be permitted at the Tuck Center contingent upon all permits being approved.

Mayor Whitt asked Council if they wished to co-sponsor an event with Mount Hollydays. It was the consensus of Council that the City would like to co-sponsor an event. However, the issue of beer and wine being served in a City facility was still the issue to be resolved.

After a straw pole vote of 4 to 2 (Councilmen McLean and Toomey casting the dissenting votes), it was determined that there was enough interest on Council's part for Mr. Michael to draft an amendment to the Ordinance allowing beer and wine to be served in a City facility on a case by case basis.

Mr. Michael stated that he would work on the draft amendment during the meeting and would be back later in the meeting to discuss it with Council and the Mayor. Mayor Whitt asked that Council move to the next item while Mr. Michael worked on the amendment.

After a brief period of time conferring with Mr. Jackson, Mr. Guffey, Ms. Lopez, and the applicant, Mr. Guin, Mr. Michael presented to Council the language for the draft amendment to the applicable Ordinance as follows.

Beer and wine consumption is permitted in the City co-sponsored event at the Tuck Center provided that the non-City sponsor shall comply with the following:

1. Employ an off duty Mount Holly Police Officer for the event.
2. Employ a licensed and insured alcohol distributor or caterer to serve the alcohol inside the premises.
3. Provide coverage for alcohol liability insuring the City in the amount not less than 1 million dollars.
4. All Beer and wine beverages will be charged for individually.
5. Comply with all other city policies that are already in force for the Tuck Center, such as the Center closing at 11:00 pm.

6. Participants over 21 years of age shall be admitted to the event.

Mr. Guffey further explained that the City's Liability insurance amounts are 1 million dollar per incident, 3 million dollar with aggregate, 2 million dollar blanket, and a \$5,000 deductible.

Motion: Councilwoman Breyare made a motion to approve the Ordinance Amendment as presented by Mr. Michael, City Attorney. Councilman Moore seconded the motion and the motion passed by a vote of 4 to 2 with Councilmen McLean and Toomey casting the dissenting votes.

4. Fiscal Year 2008 – 2009 Goals, presented by Eric Davis

At the beginning of each fiscal year, Mr. Davis stated that he would like to have a work plan of projects that Council has indicated that they would like accomplished in the next twelve months. He referred to the 2008 Mount Holly City Council Retreat Action Items handout for his discussion. This report will be shaped into an overall work program that lists tasks and projects that are immediate, intermediate, and long range as well as listing the status of these project and their completion dates.

It was the consensus of the Mayor and Council that this report was an excellent informational tool.

Councilman Toomey wished to add a Tree Ordinance as developers are cutting down too many trees and that there are many trees throughout the City that have been trimmed too severely.

Mayor Whitt asked about the progress on easements for greenways. Mr. Davis stated that Mr. Michael has been handling the easement for A&E. Mr. Michael stated that he prepared the draft and made some changes recommended by the FROGS and the easement is complete as far as the City is concerned. Mayor Whitt asked that this matter be followed up.

Mayor Whitt asked about recycling centers located in different areas within the city. Mr. Davis stated that Council and the Mayor will receive a report on the feasibility of drop off sites and next year, staff hopes to have a report on this.

5. Approval of Budget Amendments, presented by Jamie Guffey, Assistant City Manager

Mr. Guffey stated that in the agenda packet, there are several budget amendments that need Council's approval for the year end adjustment.

Mr. Guffey pointed out that there are two departments over budget. One is the Parks and Recreation Department which is over budget due to the unexpected tornado coming through Mount Holly recently and the cleanup that ensued, especially around Tuck Park, with lots of tree removal and with the total cleanup costs of around \$80,000. The second over budget department concerns the Council Budget in that compensation used to be paid on yearly basis but now according to the IRS, compensation is paid every month with FICA and other taxes being taken out.

Mr. Guffey stated that the General Fund looks good. Revenues are a little behind but they will catch up by the end of the year.

Mayor Whitt entertained a motion to adopt the Fiscal Year 2007-2008 Budget Amendments as presented by staff.

Motion – Councilman Bishop made a motion to adopt the Fiscal Year 2007-2008 Budget Amendments as presented by staff. Councilman Moore seconded the motion and the motion passed unanimously.

6. Committee Reports

Archives Committee

Councilman Brookshire stated that there will be a meeting tomorrow with National Gypsum regarding the glass display cases in the Grand Hall that may display their pictures and other items they manufacture. A&E, Clariat, and Freightliner may have some items to donate as well.

Parks and Recreation

Councilwoman Breyare stated that the Parks and Recreation Committee met last week and voted on the benches, the concession stands, the picnic shelters, the colors, and the playground equipment and all these items are under budget.

Construction Committee

Councilman Toomey stated that there will be a Construction Committee meeting this Wednesday at 10:00 am.

Councilman Toomey asked Mr. Friday about the water tank status and permit. Mr. Friday stated that the bids for the water tank have been advertised and are scheduled to be opened July 16, 2008. The permit has not been received yet but all paperwork has gone to the state and the City should be receiving it shortly. The project is estimated to take 18 months to complete.

Special Events

Mayor Whitt reminded Council that the Dedication of the Clean Water Management Trust Fund property needs to be done. He asked Councilwoman Breyare for her help in this matter.

6A. Manager's Report

Mr. Davis stated that City Hall was moved to the Citizens Center on Friday, June 20. Today, the Citizens Center was open for business and the phone system and the computers are operational and that voicemail will be set up this afternoon. All the files, furniture and boxes are located in the right places and it will take a couple of weeks to unpack and organize.

Mr. Davis pointed out the 98 audience chairs have been set up in the Council Chambers and that another 27 are in the training room.

Mr. Davis informed Council that there are still a number of change order items that need to be addressed but nothing drastic that would hamper our day to day working activities in the Citizens Center.

Mr. Davis stated that last week, some members of staff traveled to the town of Cary, NC to view their financial modeling and revenue projection programs. The town of Cary has experienced tremendous growth and since Mount Holly is following a similar path, staff felt that would be beneficial to learn about their systems. Mr. Davis stated that staff also visited the Division of Water Quality regarding sewer treatment plant permitting. From this trip, staff learned what is required of Mount Holly to permit a waste treatment plant expansion, or rely in part on the City of Charlotte waste water treatment needs.

Mr. Davis stated that staff attended a meeting with CMUD regarding the 1,000 linear foot span pedestrian bridge across the Catawba River. At Council's Work Session in July, options and the costs will be reviewed.

Mr. Davis stated that at the next Council meeting in Council Chambers, the new monitors will be operational for any PowerPoint presentation.

6B. Time Warner Merger, presented by Kemp Michael, City Attorney

Mr. Michael stated that the City received a letter from Time Warner dated June 12, 2008. Time Warner, Inc. is the managing parent company of Time Warner Cable which holds the franchise for cable TV in Mount Holly. Time Warner, Inc. and Time Warner Cable are going to merge and that they can transfer their entities without City permission. Mr. Michael stated that this is for informational purposes only and the City is not required to do anything.

Council Comments

Councilman Bishop asked about the doors being locked at the Citizens Center for meetings – will that change? Mr. Davis stated that when the Police Department has been moved to the Citizens Center, the building will be more open.

Councilman McLean remarked that the Post Office needs a new flag and the parking lot should be repaired and he will call on them to be sure it will be done. Councilman McLean also remarked that he was concerned about highway 273.

Councilman Toomey stated that the roadwork on 273 to Catawba Heights by Rankin Avenue will be done by 2015 it will be 4 lanes. Wilkinson Boulevard will be 6 lanes by the Catawba River with bike trails and sidewalks. This will help get some of the traffic off I-85 between Charlotte and Gastonia.

Councilman Bishop stated that he attended the last TAC meeting and municipalities have been offered a free Air Quality sign to be erected on a building or a sturdy pole indicating the daily Air Quality readings. The contact to get these signs or for more information is Ms. Randi Gates, Planner with the City of Gastonia. Councilman Bishop stated that he saw three trucks by the P&N track – one from NCDOT and two other from the Railroad and he believed that there may be some funding on that line in the works.

Councilman McLean stated that he has received complaints from citizens about grass contractors blowing grass out into the streets. Councilman Toomey stated that an article is supposed to be written in the newsletter in the next addition about this problem.

Councilman Moore stated that we need a clock and the City seal in the Council Chambers. He also mentioned that speakers who wish to address Council and the Mayor during a City Council meeting should be standing at a podium to the side of the dais and not in front of the dais.

Mr. Davis advised Council that moving the podium will incur a cost but it will be done. A new podium will also be purchased.

Councilwoman Breyare provided an article to the City Manager about small electric carts that perhaps our meter readers and parks and rec people could use to save fuel.

There being no other business to discuss, Mayor Whitt entertained a motion to adjourn the meeting.

Motion: Councilman McLean made a motion to adjourn the meeting with Councilman Moore seconding the motion. The motion passed unanimously.

The meeting adjourned at 9:45 pm

Robert Whitt
Mayor

Eric Davis
City Manager

Cass Roberts
Secretary