CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL MEETING
Monday, June 11, 2007
City Hall
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	Ed Munn, Interim City Manager
Mayor Pro-Tem Phyllis Harris	Jamie Guffey, Assistant City Manager
Councilman David Moore	Danny Jackson, Assistant City Manager
Councilman Jerry Bishop	David Belk, Police Chief
Councilman Jim Hope	Dale Oplinger, Fire Chief
Councilwoman Pat Hubbard	Kemp Michael, City Attorney
Councilman Frank McLean	Greg Beal, Planner
	James Friday, Director of Utilities

Invocation
Reverend Jeremiah Robinson, retired, gave 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 the Agenda
Mayor Whitt stated that he has one change to make to the agenda which is to remove item No. 1, To accept and approve the Minutes, from the Consent Agenda and to place this item under number 4, Unfinished Business. There was no objection.

Motion: Councilperson Harris made a motion to set the agenda with the one change as presented. Councilman McLean seconded the motion and the motion passed unanimously.

Consent Agenda
Mayor Whitt entertained a motion to approve the Consent Agenda as amended.

Motion: Councilperson Harris made a motion to approve the Consent Agenda as amended with Councilman Moore seconding the motion. The motion passed unanimously.

Mayor Whitt stated that there are 6 Public Hearings tonight and directed the audience that if they would like to speak on any of these items, they will have to sign up on a Public Hearing sign up sheet for each item and these are placed on the wall outside council chambers. He added that there is also a Public Comment Period where citizens may make public expressions. This requires that citizens sign up on a Public Comment sheet to be heard.

Presentations
Mayor Whitt invited Council to join him on the floor for a Public Presentation. Mayor Whitt recognized Ms. Paisley Payton as Chairperson of the SpringFest Committee and asked her and her Committee members to come forward.

Mayor Whitt read a Resolution to recognize and honor the SpringFest Chairperson and Committee and thanked all of them for their hard work and dedication to this year's weeklong event. Ms. Payton thanked all city workers that helped orchestrate this event, the sponsors, the volunteers, the members of her Committee, and the members of City Council and the Mayor for their help in making SpringFest a success. She added that they were able to raise $4,000 for CRO and $3,000 for Mt. Holly Community Development.

UNFINISHED BUSINESS

1. Discussion regarding employee insurance, presented by Ed Munn and Jamie Guffey
Mr. Munn asked Mr. Guffey to begin the presentation. Mr. Guffey stated that the city's present health insurance provider gave the city a 21% rate increase. He said that staff looked at a number of quotes and one company came in with a much lower rate but did not have as good a reputation as our present provider, Blue Cross/Blue Shield. Blue Cross/Blue Shield countered with a plan that matches the rates with the other quote but with a buy up option and it is voluntary for an employee to buy up. The plan mirrors the current plan with benefits but with a buy up provision. Staff is recommending keeping our present provider, Blue Cross/Blue Shield, and offering to our employees the optional buy up plan for them and their dependents if they so wish.

Councilperson Hubbard asked if the base option for the employee is still covered at 100% and that the employee does not have to pay anything for their coverage. Mr. Guffey said that was correct and the real difference is the deductible and the co-pay for medications. Presently, the city pays $359.76 for each employee. On July 1, 2007, the base option covers every employee with no lapse in coverage and it is the option of the employee to buy up if they so wish for themselves or for their dependents.

Mayor entertained a motion to approve the change in the Blue Cross/Blue Shield coverage as recommended by staff.

Motion: Councilperson Hubbard made a motion to approve the Blue Cross/Blue Shield insurance plan with the base option and the buy up for the employees as presented by staff. Councilman Bishop seconded the motion and the motion was approved unanimously.

2. To Consider adopting 2007-2008 Fiscal Budget as presented by Ed Munn and Jamie Guffey
Mr. Munn stated that this discussion is a summary of some of the prominent line items that staff, Council, and the Mayor have discussed during four to five budget meetings. The summary is as follows:

- Part of the budget consists of two housing projects and that budget is pretty close to last year's budget.

- There will be a 3% pay increase across the board for all city employees.
- The city will be able to fund vehicles in some departments.
- Health insurance coverage has been selected and Council has directed that a committee be established starting in September to evaluate how the city deals with insurance such as dependent coverage, whole health and the formation of a survey of employees for dental or other types of coverage.
- New position in the General Fund for a Code Enforcement Officer to start in September, freeing up a police officer position.
- There was discussion of a position in Economic Development.
- Ambulance Service is being eliminated and the savings to General Fund would amount to about $30,000.
- For the Streets Department, there was request to put in heating and air conditioning into the building. Staff will come back to Council with information for their review. The building is a complicated structure and heating and air conditioning would not be easy to install.
- Tax rate remains at 54 cents. Almost 2 cents goes to Whitewater. An additional 1-cent is reserved for debt retirement. Mr. Munn stated that operationally the city has a 51-cent tax rate.
- The utility rate for water and sewer will not change. The water tank, the location of it, and the expenses of increasing capacity of the wastewater treatment plant will all be the major issues to deal with in the coming year. The city has looked into a contract with the Charlotte-Mecklenburg Utility Department; the city has communicated with Belmont; the city is working with the city of Stanley, one of the city's customers, and looking at industries for recycling as well. All of these factors will determine rates in the coming year.
- There is an increase in the stormwater utility fee in the new budget year for non-residential customers. This fee is determined by the impervious surface of non-residential buildings. On a recommendation of the Stormwater Committee, there are credits for large users who have an MPBS permit - they can receive credits of 50% off and 20% off based upon performance standards.
- There is now a separate water and sewer capital reserve fund in the budget.

Mayor Whitt asked for questions or comments from Council. He told the audience that the budget was done page-by-page, line-by-line.

Councilman Hope stated that after discussing the budget figures from the previous years to the present, he thought the tax rate should be at 53 cents. If the debt isn't called in for Whitewater, we could use it for debt service and the citizens could get a penny tax break.

Councilman Moore was reluctant to give his wholehearted approval to the budget since we are deleting the ambulance service from the budget. The ambulance service has been in existence for 40 years in Mt. Holly and it is sad to see it go. It was run by volunteers. He wanted to take this opportunity to thank all those who served in the ambulance service throughout the years.

Mayor Whitt said that it was difficult to keep the tax rate the same especially when the city's expenses have increased with medical insurance rate increases, employee raises, and the Whitewater amount that has never part of the city budget.

Mayor Whitt entertained a motion to adopt the tax rate as presented.

Motion: Councilperson Hubbard made a motion to adopt the tax rate as presented by staff. Councilman Harris seconded the motion and the motion was approved as presented by Councilmen Bishop, Moore, Hubbard and Harris. Councilmen McLean and Hope voted against the adopting the tax rate as presented by staff. The motion passed in favor by a vote of 4 to 2.

3. To consider proposed amendment for Section 14-2 of the City Code, regarding alcohol, presented by Kemp Michael

Mr. Michael stated that Council had discussed the proposed amendment to the Mount Holly City Code at the previous work session and upon Council's direction, he worked on this proposed amendment regarding consumption of beer and wine on public property as well as city property.

Mr. Michael said that the amendment states that it will be unlawful for any person to consume or possess any alcoholic beverage in or upon any public area or public street, sidewalk, alley, parking lot, public utility, railroad right-of-way or any property owned, leased or maintained by the City of Mount Holly except at the locations and under the conditions outlined in the City Code. The City Code does not allow the possession and consumption of alcohol in property leased from the city. For functions, festivals or organized celebrations organized by the city and conducted on streets or publicly owned areas, the City Manager or his representative must issue a written permit to allow this activity in a designated area. The applicant must have proof of insurance and must make adequate provision for traffic control and public safety.

All issues can be incorporated with regard to the consumption and possession of beer and wine into the amendment to the Mt. Holly City Code, Sec. 14-2. Sec. 14-15 (b) and Sec. 14-21 of the Code can be rescinded.

Mr. Michael added that the Applicant must indicate the area where they plan to have alcohol and this will be a requirement for the application process. Outside that area will be grounds for arrest or citation for anyone with beer and wine.

Councilperson Harris asked if Chief Belk had any problem with this amendment. Chief Belk said he saw no problems with the amendment for beer and wine.

Mayor Whitt asked if someone wanted to rent the Tuckaseegee Center for a private event and wanted to serve alcohol, would this amendment cover this kind of activity. Mr. Michael said that the ordinance would have to be changed in that instance because the ordinance prohibits the use of alcohol at the Tuck Center.

Councilman Bishop asked what other types of events would be sanctioned by city for serving beer and wine? Mr. Michael said that an example would be Spring Fest and Council would have to vote to sanction the event having beer and wine on certain streets and this is done on a case-by-case basis.

Mr. Munn stated that Council must approve each event. In order to sanction beer and wine at the June 28 Alive after 5 event, Council must approve the proposed amendment for beer and wine at this meeting tonight.

Mayor Whitt addressed the audience and told them that Council, for the most part, wanted to try permitting beer and wine during one Alive after 5 event and if it wasn't good for the city as a whole, it can be rescinded. Mr. Michael added that these events are organized and sanctioned by Council and this is a way for Council to be involved in this process.

Councilperson Hubbard was concerned that the permit will be issued by City Manager or his representative and Council will not know about it. Mr. Michael assured Council that they will have the opportunity to sanction this activity and upon their approval, the City Manager or his representation will issue the permit.

Motion: Councilperson Harris made a motion to approve the Proposed Amendment to the Mount Holly City Code, Sec. 14-2, Public Property – Consumption and possession of the beer and wine and to rescind Sec. 14-15 (b) and Sec. 14-21 of the City Code. Councilperson Hubbard seconded the motion.

A brief discussion ensued. Councilman Bishop wanted to be sure that permitting will be done on a case-by-case basis. Councilperson Harris stated that if this is not what the city wants, all can be rescinded. Councilman Hope stated that he hated to make this about alcohol instead of thinking about this community event. He felt that it is a mistake to put beer and wine on the street and it will lead to something else. Councilperson Harris stated that all she is asking for is to allow people who have bought beer and wine from City Cafe to bring it back to their seats in a very small controlled designated area. Citizens have approached her about this issue and she brought it to Council. Councilman Bishop asked if people can bring their own coolers, etc. Councilperson Harris said that this is not our intention for people to bring in their own and other cities do not allow this. Mr. Munn stated that other cities have specified alcohol providers because they have the insurance and they are the only ones designated to sell beer and wine at an event. Councilperson Hubbard asked how will we be able to prevent people from bringing their own wine and beer to an event. Mr. Michael stated that the permit would designate the supplier of beer and wine within the perimeter area such as City Café and they have a permit to sell beer and wine per the ABC regulations and well as the insurance to do so.

Mayor Whitt stated that there is a motion on the floor. He asked for a show of hands for those in favor to approve the Proposed Amendment to the Mount Holly City Code, Sec. 14-2, Public Property – Consumption and possession of the beer and wine and to rescind Sec. 14-15 (b) and Sec. 14-21 of the City Code. Councilperson Harris, Councilperson Hubbard and Councilman Moore approved the motion as presented. Mayor Whitt asked for a show of hands for those who wish to deny the Proposed Amendment to the Mount Holly City

Code, Sec. 14-2, Public Property – Consumption and possession of the beer and wine and to rescind Sec. 14-15 (b) and Sec. 14-21 of the City Code. Councilmen Hope, McLean and Bishop opposed the motion as presented. Mayor Whitt cast the tie-breaking vote in favor of approving the motion as presented. The motion passed.

4. To accept and approve the Minutes of the Council Work Session, May 7, 2007 and the Minutes of the City Council meeting on May 14, 2007

Mayor Whitt informed the audience that the minutes of our meetings will be on our Internet site for everyone to read. He thanked Mrs. Roberts for the excellent job of recording the minutes.

Referring to the May 7, 2007 minutes, Mayor Whitt stated that on page 4, bottom of the page, Mr. Harris should be Ms. Harris. On page 5, 6th paragraph down, City Fest should be SpringFest and the date that the SpringFest Committee Chairman and Committee would be honored would be at the June 11, 2007 City Council meeting.

Referring to the May 14, 2007 minutes, page 9, 4th paragraph down, Mayor Whitt asked about the spelling of the name Shepman? Mr. Michael believed it was spelled Shiffman and that Mr. Shiffman is the Executive Officer of National Gypsum.

Under Manager's Report, page 9, last paragraph where the sentence reads "Mr. Munn stated that there will be a credit from the contractor in the amount of three to six thousand dollars." Mayor Whitt didn't understand where this came from and how it related to any discussion. Mrs. Roberts stated that the tape ran out at that portion of the meeting. After a brief discussion with Mr. Munn and Councilman Hope, Mayor Whitt asked that this sentence be amended to the following:

> Mr. Munn stated that there will be a credit from the contractor in the amount of three to six thousand dollars as it relates to the construction issues at the new Citizens Center.

Referring to page 10, 3rd paragraph from the bottom, Mayor Whitt asked for the following revision:

> Mr. Munn suggested that Council should form a committee for this and Mayor Whitt added that all Council members should get involved.

Referring to page 10, 2nd paragraph from the bottom, Mayor Whitt asked for the following revision:

> Councilman McLean stated that he was going to a ceremony on Memorial Day and would be presenting a key to the city to Dwight Frady.

Referring to page 10, last paragraph, Mayor Whitt asked for the following revision:

Mayor Whitt suggested on the July 9 agenda, Carlton Broome from the ABC Board should be reappointed to that Board.

Motion: Councilperson Harris made a motion to approve the minutes from the Work Session on May 7, 2007 and the City Council minutes of May 14, 2007 as amended by Mayor Whitt. Councilman Moore seconded the motion and the motion passed unanimously.

<u>Public Comment</u>

Mayor Whitt stated that three people have signed up to speak during the Public Comment period.

Mr. Greg Dimmer
112 Creek View Ct.
Outside the city limits

Mr. Dimmer stated that he would like an answer to when the sinkhole at 105 W. Main St. was to be repaired. He said the sinkhole was an eyesore and a danger. Mayor Whitt stated that he believed this issue was going to be covered under the Manager's Report this evening.

Wendy Foster
108 Antelope Dr.
Mt. Holly, NC

Ms. Foster stated that she was Chairperson of the Downtown Revitalization Committee and she wanted to give an update on the activities of the committee. To date, the committee has received three Façade Grant Applications and two have been awarded in the amount of $5,729.59. The committee has begun a loan pool with one of the local banks where our local merchants can borrow at a reduced rate. She added that they have formed an Arts Committee and it is their intention to write a civic arts plan that includes signage and appear again before City Council in regards to this. Ms. Foster talked about another new committee, Mt. Holidays Committee, and the plans for December events. The committee hopes to have enough funds in 2008 for an ice rink to be used for several months throughout the winter. Ms. Foster added that a masquerade ball has been planned for October.

Mayor Whitt informed Ms. Foster that she does not have to sign up for Public Comment. All she needs to do to give her committee reports is to let staff know and they will put her on the agenda.

Eddie Summerlin
904 Cresline Dr.
Mt. Holly, NC

Mr. Summerlin stated that he was been with ambulance service in Mount Holly for 26 years. He feels that the city is making a hasty decision by cutting the ambulance service in Mount Holly.

Mayor Whitt thanked all who signed up to speak and invited the audience to sign up for the Public Hearings if they wish to speak.

PUBLIC HEARINGS

1. To consider a Zoning Text Amendment to allow more than one Child Care Facility within the current ½ mile radius, presented by Grey Beal, Planner

Mayor Whitt entertained a motion to go out of the regular session and to go into the Public Hearing for the purpose of considering a zoning text amendment.

Motion: Councilperson Harris made a motion to go out of regular session and to go into Public Hearing with Councilman McLean seconding the motion. The motion passed unanimously. Mayor Whitt declared the meeting in Public Hearing for the purpose of considering a Zoning Text Amendment to allow more than one Child Care Facility within the current ½ mile radius.

Mr. Beal stated that this item deals with a text amendment to the zoning ordinance. He said that in our zoning ordinance there is no differentiation between daycare homes and family care homes being located in the same area. Mr. Beal said that he checked with neighboring municipalities such as Asheville, Cornelius, Chapel Hill, Charlotte, and Davidson and found out that some cities don't require any restrictions and some have similar requirements such as a 400 – 500 feet separation. The city's Planning Board chose a 400-foot separation and that family care homes must be within a half-mile radius of each other and a daycare home. Daycare homes can be within 400 foot from each other. Mayor Whitt asked if any Gaston County cities and towns had similar kinds of requirements and Mr. Beal said there were no requirements. He added that the State protects these uses through the State Statutes but cities can regulate them by the use of separation criteria. He thought that 400 feet is a good standard. The applicant, Sylvia Corry, was here tonight to speak.

Sylvia Corry
128 Ashton Woods Court
Mt. Holly, NC

Ms. Corry stated that she was an early childhood educator and she sees a need for licensed childcare providers in the city of Mt. Holly.

Mayor Whitt thanked Ms. Corry for her comments.

Councilperson Hubbard asked what is the main difference between a family care home and a day care facility? Mr. Beal stated that the family care home is run 24 hours a day and the day care is just during the day.

Mayor Whitt entertained a motion to go out of public hearing back into the regular session.

Motion: Councilman McLean made a motion to go out of public hearing back into the regular session. Councilman Moore seconded the motion and the motion passed unanimously. Mayor Whitt declared the meeting back in Regular Session.

Mayor Whitt entertained a motion as it relates to this matter.

Motion: Councilman Bishop made a motion to adopt a Zoning Text Amendment to allow a Daycare Facility within 400 foot as recommended by the Planning Board. Councilperson Hubbard seconded the motion and the motion passed unanimously.

2. To consider a Zoning Text Amendment to allow for custom motorcycle assembly and retail parts sales in the B-1 District, presented by Greg Beal

Mayor Whitt entertained a motion to go out of regular session and to go into Public Hearing.

Motion: Councilman McLean made a motion to go out of regular session and to go into Public Hearing with Councilman Moore seconding the motion. The motion passed unanimously. Mayor Whitt declared the meeting in Public Hearing to consider a Zoning Text Amendment to allow for custom motorcycle assembly and retail parts sales in the B-1 District.

Mr. Beal stated the proposal presented here is that the use will be classified as a Special Use and not a Permitted Use by right. All applications for this Special Use must be reviewed by the Planning Board of Adjustment on a case-by-case basis.

Mr. Beal stated that the applicant wishes to operate a custom motorcycle assembly and retail parts sales store in a B-1 District and there is no repair and no oil changes at this facility.

Mr. Beal stated that in Article VII, Special Requirement Notes to the Table of Permitted, Special and Conditional Uses in the Zoning Ordinance, that Note 26 reads as follows:

> Motorcycle Assembly and Retail Parts Sales – The Special Use shall be limited to the assembly of motorcycles and the retail sale of motorcycle related parts only. All assembly and all work related to the use shall be performed in a totally enclosed building. There shall be no outside storage associated with the said use. Each proposed use shall comply with all fire and safety measures. The Board of Adjustment may place additional conditions on each application under the rules and procedures of Section 12 of the Zoning Ordinance.

Mr. Beal stated that with the Special Note and that by amending Section 6.4, *Business, Professional and Personal Services*, this use will allow as a Special Use. The Planning Board of Adjustment recommended unanimously to approve this Zoning Text Amendment.

Mayor Whitt stated that there are two people signed up to speak on this item.

Mr. Matt McSwain
5116 Stockbridge Estates
Outside city limits

Mr. McSwain stated that at Councilman McLean's request, he used a decibel meter to measure a train going by Charlotte Avenue and Main Street and it recorded that sound at 113 decibels. Standing next to a motorcycle engine at normal throttle recorded 56 decibels. Revving the engine was recorded at 67 decibels.

Mr. McSwain stated that his shop will not be an undesirable establishment and he stands by his word as a Marine that it will not. He invited Council and the Mayor to come by his shop to see what a great place it is for the city.

Greg Dimmer
112 Creek View Court
Outside city limits

Mr. Dimmer said that as a businessman, he thinks that Mr. McSwain's shop is great for the city of Mount Holly and the downtown area.

Mayor Whitt thanked Mr. Dimmer for his comments.

Mr. Beal added that there will be no revving of engines at this facility - just a showcase of custom motorcycles and retail custom parts. Mr. McSwain assembles motorcycles that cost $60-$80,000 per motorcycle.

Mayor Whitt asked if there was a problem with curb cutting.

Mr. Dimmer stated that Mr. McSwain came to him regarding curb cutting and Mr. Dimmer didn't think that there was an issue. Mr. Munn stated that he had talked with Mr. Dimmer about the curb cuts and they agreed that we should go through a zoning process and make sure that the use works and if the use works, come back and take a look at it again. The way the city put the curb in was for parking, not for a driveway. Mr. Munn stated that we will visit this again if the permit is issued for the use and operation by the Planning Board of Adjustment.

Mayor Whitt entertained a motion to go out of Public Hearing and into regular session.

Motion: Councilman McLean made a motion to go out of Public Hearing and into regular session. Councilman Bishop seconded the motion and the motion passed unanimously. Mayor Whitt declared the meeting back in Regular Session.

Mayor Whitt entertained a motion as it relates to this matter.

Motion: Councilperson Harris made a motion to approve the Zoning Text Amendment to allow for custom motorcycle assembly and retail parts sales in the B-1 District as presented by staff. Councilman McLean seconded the motion and the motion passed unanimously.

Mayor Whitt stated that before beginning the next item, a five-minute break is in order.

Mayor Whitt called the meeting to order.

3. To consider rezoning the proposed Meadow Brook Estates Subdivision, from R-R (Gaston County) to R-12, as presented by Greg Beal

Mayor Whitt entertained a motion to go out of regular session and to go into a Public Hearing to consider rezoning the proposed Meadow Brook Estates Subdivision, from R-R (Gaston County) to R-12.

Motion: Councilman McLean made a motion to go out of regular session and into a Public Hearing with Councilman Moore seconding the motion. The motion passed unanimously. Mayor Whitt declared the meeting in Public Hearing to consider rezoning the proposed Meadow Brook Estates Subdivision from R-R (Gaston County) to R-12.

Mr. Beal stated that this is a general rezoning to an R-12 rezoning with no conditions. The Planning Board approves of this rezoning and likes the houses the developer builds and has no problem with this rezoning. The lots will be minimum 1,200 square feet to 1,500 square feet.

Mayor Whitt stated that there are 2 people who have signed up to speak on this matter.

Greg Dimmer
112 Creekview Court
Outside city limits

Mr. Dimmer stated that these custom designed homes are brick homes with a second floor level having rock veneer or vinyl cedar shake and the homes will have side load garages. The price range is from $300,000 to $400,000 with 2,100 sq. feet or more.

Chuck Bynum
111 Holly Dr.
Outside city limits

Mr. Bynum stated that he owns property next to this proposed housing development. He hoped that the next developer who starts building in this area will have the same high standards as Mr. Dimmer.

Mayor Whitt thanked both speakers.

Mayor Whitt entertained a motion to go out of Public Hearing and into the regular session.

Motion: Councilman Bishop made the motion to go out of Public Hearing and into regular session. Councilman Moore seconded the motion and the motion passed unanimously. Mayor Whitt declared the meeting back in Regular Session.

Mayor Whitt entertained a motion as it pertains to this matter.

Motion: Councilperson Hubbard made a motion to approve the rezoning of Meadow Brook Estates from R-R to R-12 contingent and effective upon the date of annexation. Councilperson Harris seconded the motion and the motion passed unanimously.

4. To consider annexation of the proposed Meadow Brook Estates Subdivision, presented by Kemp Michael

Mayor Whitt entertained a motion to go out of regular session and to go into a Public Hearing to consider annexation of the proposed Meadow Brook Estates Subdivision.

Motion: Councilman McLean made a motion to go out of regular session and into Public Hearing. Councilman Moore seconded the motion and the motion carried unanimously. Mayor Whitt declared the meeting in Public Hearing for the purpose of considering annexation of the proposed Meadow Brook Estates Subdivision.

Mr. Michael stated that the notice of the hearing on annexation has been duly published in the Gastonia Gazette as required by State Statutes. A Resolution was passed on December 11, 2006 stating that Mr. Dimmer would have the use of city utilities after submitting an annexation petition and a letter of credit so that the annexation agreement would be implemented. The status of easements and connections in bringing water and sewer to subdivision was still needed.

Mayor Whitt asked Mr. Dimmer the status of his reports. Mr. Dimmer stated that he turned in an easement for sewer to Mr. Friday. Mr. Munn has the permit for water and Mr. Dimmer stated that his bank has letter of credit ready.

Mr. Munn stated that regarding the water line, he will have to check on the water line right of way and the state will have to approve that. Mr. Munn asked Mr. Dimmer if he got the easement and Mr. Dimmer said that he had. Mr. Munn stated that we are close on water and sewer but we don't have all the final documents. Mr. Dimmer stated that plans have been submitted by his engineer to the state.

Mr. Michael stated that we don't have an annexation agreement because our engineers must review the cost estimates from Mr. Dimmer's engineer to determine how much it will cost for extending water and sewer. The city would like to see an adequate right of way agreement indicating where the sewer will come from and the agreement from the state where the water will come from. Mr. Michael stated that all these documents can be reviewed and be ready by the next City Council meeting on July 9, 2007. He wanted to be sure that Council had all the necessary agreements such as the letter of credit and other documents before the annexation agreement could be considered.

Mayor Whitt made a motion to go out of the Public Hearing and into regular session.

Motion: Councilperson Harris made the motion to go out of Public Hearing and into regular session. Councilman McLean seconded the motion and the motion was passed unanimously. Mayor Whitt declared the meeting back into Regular Session.

Motion: Councilman McLean made a motion to Table this item since many of the documents were not available at this time. Councilman Moore seconded the motion and the motion passed unanimously.

Mayor Whitt asked that this item be placed on agenda for the July 9, 2007 City Council meeting.

5. To consider annexation of the lot located at 105 Walley Drive, presented by Kemp Michael

Mayor Whitt entertained a motion to go out of regular session and to go into a Public Hearing to consider annexation of the lot located at 105 Walley Drive.

Motion: Councilman McLean made a motion to go out of regular session and into Public Hearing. Councilman Moore seconded the motion and the motion passed unanimously. Mayor Whitt declared the meeting in Public Hearing for the purpose of considering annexation of the lot located at 105 Walley Drive.

Mr. Michael stated that the notice of annexation was duly advertised in the Mount Holly News. Ms. Michelle Crisp is owner of the property and she would like to be annexed into the city and continue to use city services.

Motion: Councilman Bishop made a motion to go out of Public Hearing and into regular session. Councilman McLean seconded the motion and the motion passed unanimously. Mayor Whitt declared the meeting back in Regular Session.

Motion: Councilman Bishop made a motion to annex the property at 105 Walley Drive effective on the last day of June 30, 12:01 am, Resolution No. 061107C. Councilman McLean seconded the motion and the motion passed unanimously.

6. To consider rezoning the lot located at 225 South Hawthorne Street, from R-8SF to O-I, presented by Greg Beal

Mayor Whitt entertained a motion to go out of regular session and to go into a Public Hearing to consider rezoning the lot located at 225 South Hawthorne Street, from R-8SF to O-I.

Motion: Councilperson Harris made a motion to go out of regular session and into Public Hearing. Councilman McLean seconded the motion and the motion passed unanimously. Mayor Whitt declared the meeting in Public Hearing for the purpose of considering the lot located at 225 South Hawthorne Street, from R-8SF to O-I.

Mr. Beal stated that Dr. Andrew Oblinger currently operates a dental office at 247 W. Catawba Avenue and would like to add the adjacent property to his dental practice at 225 S. Hawthorne Street that he purchased to be rezoned from R-8SF to O-I. This will allow him to build a new

4,000 to 5,000 sq. foot dental office and rent out his present office building. Mr. Beal stated that the rezoning application is general in nature and not a conditional use. The Planning Board recommends rezoning this parcel.

Mr. Matt Langston
8016 Tower Point Dr.
Charlotte, NC
Outside city limits

Mr. Langston, the designer for this project, stated that he is presenting the proposal this evening since Dr. Oblinger could not be here tonight. He distributed copies of the site plan and land use plan to the Council and Mayor. He stated that in his meeting with the Planning Board, there were some questions about the nearby cemetery. He talked with the state archaeologist about some of the graves and Dr. Oblinger decided to construct a fence to separate the graves from his property and that there would not be any relocation of graves involved in this project.

There were no questions for Mr. Langston.

Dan Saltrick
8016 Tower Point Dr.
Charlotte, NC
Outside city limits

Mr. Saltrick, the architect for this project, said that Dr. Oblinger wants a residential feel for the project that he would like to undertake in this neighborhood. Councilman Bishop asked about the encroaching of the adjacent property on to this property. Mr. Saltrick stated that Dr. Oblinger is considering buying this property that is encroaching on this property.

There were no other questions or comments.

Mayor Whitt entertained a motion to close the Public Hearing and go into the regular session.

Motion: Councilperson McLean made a motion to go out of Public Hearing and into the regular session. Councilman Moore seconded the motion and the motion passed unanimously. Mayor Whitt declared the meeting back in Regular Session.

Mayor Whitt asked Council if they were ready to take action on this request tonight.

Motion: Councilman Moore made a motion to consider rezoning the lot located at 225 South Hawthorne Street from R-8SF to O-I. Councilperson Hubbard seconded the motion and the motion passed unanimously.

NEW BUSINESS

Riverfront Marina Update, presented by Danny Jackson and Greg Beal

Mr. Jackson stated that the new owner of this property initially sought a rezoning of the property but now would like to delay the rezoning and apply for partial development based on current zoning. The new owner wishes to rescind the old application and wants to go ahead with current zoning. Mr. Jackson added that staff just received some plans from the owners but they will have to be reviewed.

Mr. Beal stated that staff told the owners that the proposed gravel on the site will not be acceptable because it will not hold up, it will wash out and emergency crews would not have an easy time answering calls in this area. The area should be paved.

Mr. Munn stated that the owners have thought of building one restaurant and a 4-story condo in the area and are no longer considering building shops. However, Council will have to approve that. Mr. Munn stated that some people in the subdivision want a boat slip and others want more shops and don't want their view obstructed. Mayor Whitt stated that staff should have a meeting with the people who live there to hear their views and bring that information back to Council. Mr. Beal stated that a resident, Jason Shumaker, an attorney, had mentioned to him that he would like to discuss this with other residents.

Mr. Beal stated that Phase I of the project was a parking lot that would be used as a staging area for boat slips, a road and marina at a later date. Phase II involves the building of a condo if the rezoning is approved. Duke Power approved 200 boat slips at this location, he added. Mayor Whitt stated that the owners can do what they want under the scope of the current zoning and they would have to come back to Council for the building of condos. At this point, their hands as well as our hands are tied and there is no real reason to meet.

Mr. Munn stated that what we are trying to do now is to get the street paved, get interconnections with the neighborhood, and to know the location of the greenway walkway piece. Mr. Munn added that in 1997, it was a permitted use to allow gasoline sales as it relates to boats in this area.

MANAGER'S REPORT

Mr. Munn stated that the Auditor the city used for years is not in the business anymore so the city had to seek a new auditor. Staff recommends Rob Collis' audit firm, Collis and Associates CPAs CP, because the advantage is that our accounting software is the same as the auditor's software and the same software used by Dallas, Bessemer City, Ranlo, Cramerton, and Stanley. Rob Collis' father was Leon Collis and he and his son have an excellent reputation. Mr. Munn and Mr. Guffey recommended to Council approval of the standard contract with Mr. Collis.

Mr. Michael commented that he reviewed the contract and everything was in order.

Motion: Councilman Bishop made a motion to approve the contract with Collis and Associates CPAs CP, to handle the city's audit for the calendar year beginning July, 2007 through June, 2008. Councilperson Harris seconded the motion and the motion was approved unanimously.

Mr. Munn stated that at the next Construction Meeting there will be discussion on the Communications Tower.

Mr. Munn stated that he and Danny Jackson will be meeting with Duke Power regarding easements along their property.

Mr. Munn stated that the sinkhole discussed earlier in this meeting is in the budget for next year and the informal quote to repair it is $16,000 and that an easement that has been recorded.

(Tape went out at 9:55 pm)

On Wednesday, Mr. Munn stated that there will be a meeting with David Jordan to discuss the city website.

Mr. Munn stated that on June 18, 2007, there will be a presentation on the pedestrian bridge project at 7:00 pm at Rankin Elementary School.

Mayor Whitt stated that the city has 3 properties for sale and some leased property as well and wondered if there are any interested real estate firms that would represent us? Mr. Munn stated that there are a number of firms that would like to do this. Mayor Whitt asked staff to bring this item to the next Council meeting on July 9, 2007.

Mr. Munn stated that he talked with Mr. Mercer regarding City Manager recruitment and in July, there will be some applications for the City Manager position to present to Council.

Mayor Whitt stated that a motion was necessary to sanction the Alive after 5 event pursuant to the ordinance.

Motion: Councilperson Hubbard made a motion to sanction the Alive after 5 event on June 28, 2007, from 6:00 pm until 9:00 pm with beer and wine allowed only in a designed area pursuant to the ordinance. Councilman Moore seconded the motion and the motion passed by a vote of 4 – 2 with Councilmen Hope and McLean casting the dissenting votes. The motion carried.

Mayor Whitt stated that he will be off next week on vacation. He asked Councilperson Harris, Mayor Pro Tem, to act in his place.

Mr. Michael stated that a settlement with the Little Barber Shop can be handled this evening and not in closed session.

Mayor Whitt entertained a Motion to approve the settlement.

Motion: Councilperson Hubbard made a motion to approve the settlement in the amount of $7,500 made payable to the Little Barber Shop. Councilperson Harris seconded the motion and the motion carried unanimously.

Councilperson Hubbard stated that a citizen requested a four way stop sign at the corner of Rick Street and Park St. Mr. Michael stated that a signed petition by neighborhood was necessary and a representative should appear before Council with the petition.

Councilperson Harris stated that the Randy Pendleton Bridge has been cleaned up on one side but not the other side and there is an old mattress still on the other side.

Councilman McLean said that the road needs to be repaved at Price Street and Lowe Street. Also, there should be some tree trimming on Tuckaseegee Road.

There being no other items to discuss, Mayor Whitt entertained a motion to leave regular session and go into closed session.

Motion: Councilman Hubbard made a motion to leave regular session and go into closed session. Councilman Bishop seconded the motion and the motion passed unanimously.

Mayor Whitt reconvened the meeting at 10:18 pm.

There being no other business, 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 and the motion passed unanimously.

Robert Whitt
Mayor

Ed Munn
Interim City Manager

Cass Roberts
Secretary

CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL MEETING
Monday, July 9, 2007
City Hall
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
Mayor Pro-Tem Phyllis Harris
Councilman David Moore
Councilman Jerry Bishop
Councilman Jim Hope
Councilperson Pat Hubbard
Councilman Frank McLean

Ed Munn, Interim City Manager
Jamie Guffey, Assistant City Manager
Danny Jackson, Assistant City Manager
David Belk, Police Chief
Dale Oplinger, Fire Chief
Kemp Michael, City Attorney
Greg Beal, Planner
James Friday, Director of Utilities

Invocation
Rev. Jeff Bost, Westview Presbyterian Church

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

Set the Agenda
Mayor Whitt asked for any changes or amendments to the Agenda.

Councilman Bishop asked that Item 3 on Consent Agenda, Surplus Pipe Offer, be moved to New Business, Item #3. Councilman Bishop recalled from previous minutes that Mr. Carlton Broome was to be reappointed to the ABC Board and wished to add this appointment to the agenda under New Business, Item #4.

Councilperson Hubbard wished to add the confirmation of Ms. Ann Danzi to the Mt. Island Lake Committee under New Business, Item #5.

Mr. Munn requested that a change be made to the Consent Agenda, Item #4, Tuckaseege Sewer Outfall Bypass (Bid Approval) be moved to Unfinished Business, Item 7, for discussion.

There were no objections.

Mayor Whitt entertained a motion to approve the Consent Agenda as presented.

Motion: Councilperson Harris made a motion to approve the Consent Agenda as presented with Councilman Moore seconding the motion. The motion passed unanimously.