Mayor Whitt suggested that at the next budget meeting, line by line review would be the best. He will not be at this meeting on Thursday due to a previous commitment.

4. Other Business

Ms. Harris said that she and Mr. Jackson will be going to a meeting on Friday with the Police Department regarding activities at the river such as a river float starting at River Street Park.

Mr. Hope stated that we need a handicapped parking spot outside city hall.

Mr. Moore stated that the new banners we ordered cost us nothing due to the original order being cut incorrectly and we can keep this set free of charge.

Mr. Moore asked about the new stop lights status. Mr. Munn stated that he is working on a schedule with NCDOT, the subcontractor, and Duke Power to move some poles. He added that we need to know how much money we are holding for this project and how much more we need and this information will be known at the next Council meeting.

Mayor Whitt stated that the City Fest Committee Chairman and Committee would be honored sometime in June.

5. Adjournment

There being no other business to discuss at this time, Ms. Hubbard made a motion to adjourn with Mr. Moore seconding the motion. The motion passed unanimously.

The meeting adjourned at 9:15 pm.

Robert Whitt
Mayor

Edward Munn
Interim City Manager

Cass Roberts
Secretary

<u>City of Mount Holly</u>

CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL MEETING
Monday, May 14, 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	Greg Beal, Planner
Councilman Jerry Bishop	David Belk, Police Chief
Councilman Jim Hope	Dale Oplinger, Fire Chief
Councilwoman Pat Hubbard	Kemp Michael, City Attorney
Councilman Frank McLean	

Invocation
The invocation was led by Reverend Joe Mullins, Pastor of the Grace Baptist Church.

Pledge of Allegiance
Boy Scout Troop 59 of the 1st United Methodist Church led the Council and audience in the Pledge of Allegiance.

Presentation
A Proclamation for the East Gaston High School Wrestling Team was read by Mayor Whitt. Council members and the Mayor congratulated team members on their fine records.

Consent Agenda
Motion: Councilperson Hubbard made a motion to approve the Consent Agenda as presented and Councilman Moore seconded the motion and the motion was passed unanimously.

Public Comment
Mayor Whitt stated that Ms. Charlene Wooten had signed up to speak under the Public Comment period but at this time, she was not present. He added that if Ms. Wooten arrives later in the meeting, he would consider giving her time for public comment regarding Dixie Youth Baseball. Mayor asked members of the audience if any of them wished to speak to please sign in. No one else signed up to speak.

<u>Consent Agenda #1: To accept and approve the minutes from March 6, March 12, April 3, and April 9, 2007 as presented.</u>

Motion: Councilperson Hubbard made a motion to approve the minutes from March 6, March 12, April 3, and April 9, 2007 as presented, seconded by Councilman McLean and the minutes were approved unanimously as presented.

Unfinished Business

1. Downtown Streetscape Project Status Report, presented by Steve Whaley, W. K. Dickson

Mayor Whitt asked Steve Whaley with W.R. Dickson to present the Downtown Streetscape report highlighting the status of project and the punch list. Mr. Munn said staff just received the status of the project and punch list report tonight. Mr. Munn asked Mr. Whaley to begin his report and explain what has gone on with the contractor.

Mr. Whaley has instructed Sealand to complete the work. An inspector has been arranged to do the cabinet and signal inspection. The contractor has asked that the Final Pay Request #10 from October, 2006 be paid in the amount of $84,365.66. Mr. Whaley stated that Change Orders #11 and #12 need to be authorized and both have not been approved as yet. Change Order #11 required additional insurance renewal for CSX to work in the railroad right of way. There was additional mobilization for concrete under the corner of Charlotte and Main and this Change Order totaled $12,700. Charge Order #12 consists of raising the cabinet on Catawba Avenue, rewiring, resetting it, and putting in a two disconnects so that the meters could be located away from the mast arm. An adjustment of $6,400 has been taken off Change Order 12 bringing the total of this change order to $27,975. Currently, the total Status of the Project with reduction of $6,400 and including Change Orders #11 and #12 is $2,720,873.03. Total retainage amounts to $67,004.95. Mr. Whaley stated that the total estimated amount for the punch list is $4,290.

Mr. Munn asked Mr. Whaley to explain some of the figures as they were not in the original handout. Mayor Whitt added that it would benefit all to be able to have these figures in a handout. Mr. Guffey supplied a handout with a compilation of the costs. Mayor Whitt stated that it appears that we have gone over the initial budget by $241,543.03. Mr. Munn stated that the amount over budget just didn't happen one time but rather it was an accumulation of change orders, upgrades, etc. over life of the project.

Mayor Whitt asked about part of the Change Order to rewire and set up of the cabinet and asked why wasn't the cabinet lowered as requested by the city? Mr. Whaley said that NCDOT wanted the cabinet raised so that water couldn't get into it so this incurred an additional charge.

Councilman Hope asked if the city's request for the cabinet location change was in writing? Mr. Whaley stated that it wasn't in writing and he added that he wasn't aware of the problem with the location change until it came up in a meeting with NCDOT.

Councilman Hope was concerned that in January Mr. Whaley signed that the project was complete and he signed off on it. Mr. Whaley said that at that time everything was done and the only thing left was the cabinet and that would have been covered by the retainage and that is why he signed off on the project.

Mr. Munn inquired about the base where the traffic signals were located and asked if the screws were covered for aesthetics? Mr. Whaley stated that NCDOT wasn't comfortable with the screws left uncovered and wanted them covered as part of finishing up the base.

Mayor Whitt asked about the wiring in the square. Mr. Whaley stated that the wiring was brought up from the corner of Main and Charlotte, an electrical box was installed, conduit was run under the railroad track, conduit was installed from Main on the other side to Central in front of Wachovia Bank. When Fountain Electric installed a light they crushed in one end of the conduit. At this time, Fountain Electric went bankrupt so David Kraus asked Sealand if they would be willing to take on some of the items that Fountain Electric had not done such as run conduit and pour concrete where the pipes for the conduit were located. Sealand could not do the work at the time so these items went on the punch list and Sealand agreed to get a quote on the work.

Mayor Whitt was concerned that we still don't have power by the Wachovia site. Mr. Whaley stated that Fountain Electric did not complete the work that they were supposed to do and should not be paid until the work was complete. Mr. Whaley added that what money was supposed to be paid to Fountain Electric can be paid to another company for this work.

Mayor Whitt asked what will it take to get the signals working in town? Mr. Whaley stated that Sealand wants the outstanding Pay Request #10 for $84,365.66 paid and authorization for Change Orders #11 and #12.

Mayor Whitt asked about the status of CSX and the check the city sent them for $40,000 for a flagman. Mr. Whaley stated that this is a union rate for one month for a flagman. However, CSX never sent the flagman and even lost the city's first check. Mayor Whitt asked Mr. Whaley if he requested $40,000 back for the city? Mr. Whaley said the he would request it but CSX has charged a fee of $15,000 to review plans and that would go against it.

Councilman Moore asked what would cost $80,613.90 for Change Order #5 around Kimbrells? Mr. Whaley stated that there was bad soil in their driveway and the pavement and asphalt that was installed had to be removed and reinstalled. More pipe than was estimated was also needed.

Mayor Whitt stated that we are at a point where Council is not satisfied with this but we need to complete this project. We need to pay Sealand to get the signals working.
For this to happen Mr. Whaley said that $84,365 should be paid to Sealand for Pay Request #10 and they will come back to fix the signals.

Mr. Tim Lowder from W. D. Dickson came up to the podium to speak. He reiterated what Mr. Whaley had asked that Change Order #11 and #12 must be authorized by the city and Pay Request #10 in the amount of $84,365.66 should be paid.

Mr. Munn stated that the retainage of $67,004.95 is what the city can hold over Sealand and this will bring them back to do the work. Mr. Whaley stated that the retainage be only be released when we sign off on the project.

Motion: Councilman Hope made a motion to approve payment of the outstanding Pay Request #10 for $84,365.66 to be paid and to authorize Change Orders #11 and #12. Councilperson Harris seconded the motion and the motion was passed unanimously as presented.

Council Hope stated that this project has been a frustration and it has been going on too long. He hoped that the schedule would be adhered to and asked that a copy of the schedule be given to Mr. Munn who would pass it on to Council and the Mayor.

2. Tuckaseege Park Expansion Project status report, as presented by Steve Whaley, W. K. Dickson

Mr. Whaley said that he left a message with the contractor stating that the changes Council has requested show that the park would have to be redesigned and re-permitted. We will have to let them know that the contract should be rescinded at this point and that new plans will be approved. He isn't sure they can retain their original prices for the amount of the changes for this project.

Mr. Whaley stated that since the changes involved are not insignificant that it will take some time to complete. Some of the changes consist of shifting the parking lot over, adding a berm, putting in a sidewalk, taking a third of the parking lot and regrading it into a soccer field/event field. The revised plan will have to go back to the state for approval and then the project would have to be rebid.

Councilman Bishop, Hope and Harris were concerned that these changes would cause the project to be way over budget. Councilman Moore asked if there was an estimate on the redesign and re-bidding? Mr. Whaley estimated that the re-design and re-permitting would cost $6,500 and the re-bidding would be between $3,000 - $9,500. Councilman Hope asked if there was any way to negotiate without an increase in the project cost. Mr. Lowder believed that it is in the city's best interests to allow a re-bid on the project and that the re-bid would be more competitive.

Mayor Whitt entertained a motion to rescind the bid since the contract has not been signed.

Motion: Councilperson Hubbard made a motion to rescind the bid awarding the contract to Neil Grading of Hickory, NC and to redesign and re-bid the entire project for $9,500. Councilperson Harris seconded the motion and the motion passed unanimously.

Mr. Munn reminded Council that the State will have to approve the new project in writing before work can begin for the city to be reimbursed.

3. Smith Street Sidewalk Project, request for retainage release, presented by Steve Whaley, W.K. Dickson

Mr. Whaley asked if the Smith Street Sidewalk Project request for the retainage of $10,032 be released for 3 out of the 4 lots. Mayor Whitt asked Council members if they wished to release retainage on a project that is not complete? Councilperson Hubbard did not want to release retainage and it was the consensus of the other Council members that the retainage not be released on the Smith Street Sidewalk project until it was complete.

New Business

1. Call for a Public Hearing to consider a Zoning Text Amendment request by Greg Dimmer

Mr. Beal stated that Greg Dimmer would like a special use by right for a motorcycle shop. Mr. Beal advised that the city that this request should be as restrictive as possible in permitting this use. Councilperson Hubbard hoped that at the time of the Public Hearing certain conditions for this special use zoning for any downtown area or city-wide motorcycle shops would be available. Councilman Hope added that it would be beneficial to have it spelled out in the Zoning Ordinance and that each applicant for this special use will be considered case by case. Mr. Beal stated that any applicant would have to apply before the Board of Adjustment first. Just because the applicant meets specifications doesn't mean other similar businesses will be approved.

Mayor Whitt entertained a motion to call for a Public Hearing to consider a Zoning Text Amendment requested by Greg Dimmer.

Motion: Councilman Bishop made a motion to call for a Public hearing to consider a Zoning Text Amendment as it relates to motorcycle shops. Councilperson Hubbard seconded the motion and the motion was passed unanimously.

Mr. Beal stated that the Public Hearing would occur at the June meeting.

2. Call for Public Hearing to consider a Zoning Text Amendment request by Sylvia Corry.

Mr. Beal stated that the zoning text amendment refers to family day care home locations. If this is approved, the zoning ordinance will change to a half mile separation radius requirement within a neighborhood. Mayor Whitt stated that Council has a choice to have a Public Hearing on this case so for more information or Council could just make a change in the Zoning Ordinance.

Mr. Beal stated that we have been inundated with family day care homes and there has been some disruption with these homes in neighborhoods. Mr. Beal stated that he asked neighboring towns how they handle family care homes with five children or less and most handle them by a ½ mile separation from each facility. He added that when the city drafted regulations on these types of facilities, a ½ mile separation was enacted and that these facilities must be licensed by NC Dept. of Social Services. Mr. Beal stated in this particular case, there were three applicants. One lady was licensed and she was permitted while the other two applicants did not receive permits.

Mayor Whitt asked Council if they wanted to go forward with the Public Hearing?

Mr. Beal added that applicants must still appear before the Board of Adjustment so there will be some control on this issue.

Motion: Councilperson Hubbard made a motion to call for a Public Hearing to consider a Zoning Text Amendment request by Sylvia Corry on June 11 as it relates to daycare. Councilman Moore seconded the motion and the motion passed unanimously.

3. Call for Public Hearing to consider a Rezoning Request by Dr. Andrew Oblinger.
Mr. Beal stated that Dr. Oblinger wished to connect the rear of his dental practice property to an adjoining lot on Hawthorne Street and if approved the property will be rezoned from R-8 to O & I.

Motion: Councilperson Hubbard made a motion to consider the rezoning request made by Dr. Andrew Oblinger at June 11 meeting. The motion was seconded by Councilman Bishop and the motion was passed unanimously.

4. Call for a Public Hearing to consider a Rezoning Request by Greg Dimmer.
7. Call for Public Hearing to consider Annexation Request for Greg Dimmer, as presented by Kemp Michael.
Mr. Beal stated that the first request is to change a property zoned R12 to Single Family and this will also include an Annexation Agreement as well. Mayor Whitt asked if staff will be ready by the June 11 meeting and Mr. Beal stated that staff supports a June 11 meeting on this matter if the city attorney has time to come up with an Annexation Agreement.

Mr. Michael stated that Mr. Dimmer filed a petition for annexation for the property for Meadowbrook Estates on Old Hickory Grove Road. Because there was a moratorium on annexation at that time, the matter was deferred. In order to call for this Public Hearing, there are a couple steps that will need to be followed. The first step is passing Resolution No. 051407A directing the City Clerk to investigate the petition to see if all property owners have joined in the petition and this Resolution has been done. The second step is to pass a Resolution setting a Public Hearing date. At this time, Mayor Whitt read into minutes the Resolution directing the City Clerk to investigate the petition to see if all property owners have joined in the petition.

Motion: Councilperson Hubbard made a motion to accept the Resolution No. 051407A that directed the City Clerk to investigate sufficiency of the petition. Councilman McLean seconded the motion and the motion passed unanimously.

Mr. Michael stated that the petition is sufficient and that Mr. Munn will execute the Certificate of Sufficiency and it will become part of the record.

Motion: Councilperson Hubbard made a motion to call for a Public Hearing on June 11 to consider the Annexation Request of Greg Dimmer for Meadowbrook Estates. Councilman Bishop seconded the motion and the motion passed unanimously.

Motion: Councilperson Hubbard made a motion to call for a Public Hearing for the Rezoning Request made by Greg Dimmer for Meadowbrook Estates at the June 11 meeting. Councilman McLean seconded the motion and the motion was passed unanimously.

5. Elm Street Automatic Warning Devices at Railroad Crossing – NCDOT, as presented by Mr. Munn

Mr. Munn stated that Elm Street qualifies for signalization as it crosses the CSX line. The city's portion of costs to pay for the signal is approximately $15,000 (10% of cost) as well as an annual payment of $1,290 for CSX maintenance. We will need to advise the state if we wish to participate or they will go on to the next city. Mr. Munn added that the state meet with us on this proposal and would like to know by July if they should begin a study. If we don't like the results of their study, the city must pay for the study – it is free if you go with the state's proposal. Councilman Moore suggested that we may wish to talk to them and consider this proposal as it may help us with traffic congestion in town. After some discussion, it was the consensus of Council that Mr. Munn package this request with Linear Park options and report to Council again.

6. Surplus Property Sale as presented by Police Chief Belk

Chief Belk stated that the auction would occur in mid June if Council approves. Some of this equipment is several seized cars at the wastewater treatment plant that can be disposed as well as other surplus vehicles that were not sold at the previous auction.

Motion: Councilman Bishop made a motion to declare this equipment surplus and to order it to be auctioned. Councilperson Hubbard seconded the motion and the motion passed unanimously.

8. Call for a Public Hearing to consider the Annexation Request for 105 Walley Drive, as presented by Kemp Michael.

Mr. Michael stated that we were informed by the county that three properties that received city of Mt. Holly sewer and water services were in fact not within the city limits of Mt. Holly. Of the three property owners, Michelle Crisp of 105 Walley Drive has signed a petition on May 11 to be within the city limits. The petition was prepared and signed in his office. Mr. Michael stated that there was a Resolution ordering the City Clerk to investigate the sufficiency to petition.

Motion: Councilperson Harris made a motion to accept the Resolution No. 051407B that directed the City Clerk to investigate sufficiency of the petition. Councilperson Hubbard seconded the motion and the motion passed unanimously.

Mr. Michael stated that the petition is sufficient and that Mr. Munn will execute the Certificate of Sufficiency and it will become part of the record.

Motion: Councilperson Hubbard made a motion to call for a Public Hearing on June 11 to consider the Annexation Request of Michelle Crisp, 105 Walley Drive. Councilman McLean seconded the motion and the motion passed unanimously.

(Recorder stopped recording at 8:55 pm and resumed until 9:10 pm)

Mr. Beal stated that the property owner on 118 Maple Circle has water and sewer service and he is paying for that. Mayor Whitt added that the property owner who does not want to be within the city limits should not receive garbage service. Mr. Jackson stated that this property owner will be informed of the reduction of services.

9. To consider Preliminary Plat approval for Phase 1, Map 1 of the Dutchman's Ridge Subdivision, as presented by Ed Munn.
Mr. Munn asked Mr. Beal to explain what happened at the Planning Commission meeting regarding Dutchman's Ridge Subdivision. Mr. Beal stated the owners came before the Planning Commission for Preliminary Plat Approval and Planning Commission approved but wanted Council to know that they were very disappointed in the developer and his promises to eliminate a pump station. Mr. Beal stated that homeowners felt that they were deceived by the developer and wanted Plat Approval to be delayed. Mr. Beal stated that there was no legal binding condition to do that and unless Council finds just cause, there was no reason to delay its approval. Mr. Munn stated that it would have been better if this property could have served the gravity line and the school and it would have given the opportunity of getting a new pump station and getting rid of the old one. The developer was never able to get agreement with property owner behind his property for the sewer line location. Since they couldn't agree, the developer has already ordered the pump station. Mr. Munn added that when the next development comes in, the pump station can be removed and used in another part of the city. Mr. Munn suggested that the next time this type of development difficulty comes up, the city should broker the deal in these types of instances. The city should try to make the deal work as these are ultimately public systems and it is in everyone's best interests to make things work out. Mayor Whitt stated that in the future, it should be one of the conditions of approval of subdivisions that the city has the gravity line.

(Recorder stopped recording at 9:10 pm for the rest of the meeting).

After some discussion, Mayor Whitt asked Council members if they wished to table the Preliminary Plat Approval.

Motion: Councilman McLean made a motion to table the Preliminary Plat approval with Councilperson Harris seconding the motion. The motion passed unanimously.

Conservation easements to Clean Water trust fund, presented by Kemp Michael.
Mr. Michael discussed Greenway trails and whether they can be paved or unpaved. As long as it was possible for the pavement to hold down erosion and allow the handicapped to have access to them, he didn't think that the Clean Water Trust Fund would have problems with either decision. Mr. Beal added that twelve areas would need pedestrian bridges. Mr. Michael stated that in this information to Council he also wished to inform them that there will be a property closing before the next meeting. Mr. Munn stated that the Clean Water Trust pays 80% and the city is responsible for 20%. The price for the property is $660,000 and it has 184 acres - some in conservation, some not.

Mr. Michael stated that six years ago, there was an agreement with the steam station and private legislation that the city can annex to the dam in the area before the power house, around the fishing area. If we annex this property, we will be required to provide sewer service.

10. To Consider Right-of-Way Agreement with National Gypsum presented by Kemp Michael
Mr. Michael stated that there will be a need for some street widening and National Gypsum needs some city right of way. Mr. Munn talked with Sam Shepman, President of National Gypsum, voicing the city's concerns that this construction would not impact our water line.

Mr. Michael stated that a Conveyance without Compensation was in force so that the road sitting on our water lines would not cause city water line damage. After the street widening is complete, National Gypsum will convey to NC Department of Transportation and NCDOT will maintain the road.

Motion: Councilperson Hubbard made a motion to approve the right of way with Fee Simple with Easement and that staff must be certain and satisfied about the safety of our water line. Councilperson Harris seconded the motion and the motion passed unanimously.

Manager's Report
Mr. Munn stated that there will be a meeting on Thursday at 6:30 pm on the budget discussing the General Fund. He will be attending a meeting with the Chamber of Commerce and asked Council what was the first issue of concern for our city? It was the consensus that transportation issues – widening 273 – was the first choice.

Mr. Munn stated that there will be a credit from the contractor in the amount of three to six thousand dollars. Cable will go underground and a retaining wall is being considered.

Committee Reports
Mr. Hope discussed the Cox Schepp Construction invoice, Proposed Change Order #2, for carpet and carpet installation in the police station in the amount of $82,062. He asked for approval of the invoice.

Motion: Councilman Bishop made a motion to approve the Change Order #2 and that the payment would come from contingency fund. Councilman Moore seconded the motion and the motion was approved unanimously.

Reports
Councilperson Hubbard stated that between River St. and the river there are trees growing up into the sidewalk and she would like city maintenance check them out.

Councilperson Harris stated that trees are growing in the drains in Catawba Heights. She also discussed preliminary plans for River Day – meeting with Mr. Jackson and the Fire Department. Costs can be held down with volunteers such as Boy Scouts and there will be canoe, kayak races, and a lot of fun on a Saturday sometime in August.

Councilman Bishop was concerned about carpet lying on the side of the road at the new bridge at upper Lake Wylie and that someone should contact NCDOT about it. A yellow striped crossing area in front of city hall was discussed. Street lights are out at Oakland and Hawthorne.

Councilman Bishop talked about the sidewalks on Smith street. All sidewalks from now on are 5 feet.

Councilman McLean stated that he was concerned about the pump station situation as well as 10 million gallons of water being taken out of our lake by Concord and Kannapolis and how can this be stopped? Mayor Whitt stated that we were asked to join a lawsuit. Mr. Munn stated that Hickory and South Carolina are spearheading the lawsuit but it will take years to resolve.

Councilman Moore indicated that at the Wachovia turning lane, left turn lane onto Central Avenue, might need an arrow signal. This is a dangerous confusing area. Mr. Munn stated that NCDOT is meeting with the police chief and the matter will be discussed. Mr. Munn suggested that Council should form a committee this and Mayor Whitt added that all Council members should get involved.

Councilman Mclean stated that he was going to a ceremony on Memorial Day and will presenting the key to the city at the ceremony.

Mayor Whitt suggested on the July 1 agenda, Carleton Groomes from the ABC Board should be reappointed to that Board.

Adjourn

Motion: There being no other business, Councilperson Harris made a motion to adjourn the meeting at 10:15 pm. Councilperson Hubbard seconded the motion and the motion was passed unanimously.

Robert Whitt
Mayor

Edward Munn
Interim City Manager

Cass Roberts
Secretary