

CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL MEETING
Monday, May 12, 2008
Mount Holly 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	Eric Davis, City Manager
Mayor Pro-Tem David Moore	Jamie Guffey, Assistant City Manager
Councilman Jerry Bishop	Danny Jackson, Assistant City Manager
Councilman Frank McLean	James Friday, Director of Utilities
Councilman Bennie Brookshire	Dale Oplinger, Fire Chief
Councilman Perry Toomey	Greg Beal, Planner
Councilwoman Carolyn Breyare	Mike Santmire, Streets & Solid Waste Dir.
Kemp Michaels, City Attorney	David Belk, Chief of Police
Brooke Shepherd, Attorney, Kemp Michaels' office	

Invocation

Reverend Angela Hollar of the Ebenezer United Methodist Church led the invocation.

Pledge of Allegiance

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

Mayor Whitt recognized and congratulated Scoutmaster Rick Connell on being voted **Mount Holly Man of the Year**.

Public Comment Reminder – Three Minute Limit

Mayor Whitt reminded the audience that the Public Comment period is a time for anyone in the audience who has signed up to speak to address City Council on any topic for up to three minutes. He added that the Public Comment sign up sheet is located on the Council Chamber door.

In addition, Mayor Whitt stated that at the meeting tonight, there is one Public Hearing item regarding the City Budget and if anyone wishes to speak on this item, they should sign up on the Public Hearing sign up sheet on the Council Chamber door.

Set Agenda

Mayor Whitt asked for any changes or amendments to the agenda as presented.

Mayor Whitt asked that the *Resolution to Support the Discovery Place Kid's Endeavor to Create a Museum for the Children of Eastern Gaston County* be placed on the Consent Agenda as item 8.

Councilman Bishop asked that item 7 of the Consent Agenda, *Approve Contract for Mowing Services*, be taken off the Consent Agenda and placed under Old Business, item 2, so as to have further discussion and questions answered on this matter.

There was no objection.

There being no other changes or additions to the agenda, Mayor Whitt entertained a motion to set the agenda as amended.

Motion: Council Bishop made a motion to set the agenda as amended. Councilman Brookshire seconded the motion and the motion passed unanimously.

AGENDA

CONSENT AGENDA

Mayor Whitt explained to the audience that the items on the Consent Agenda have been discussed by Council at previous meetings and tonight these items are up for approval.

Mayor Whitt pointed out to Council that the map distributed tonight on item 2 regarding the Meadow Brook Estates Subdivision shows the common area by the creek as not being as pronounced because it was approved before the moratorium and the old rules apply in this case.

Consent Agenda is as follows:

1. Approve renewal of Audit Contract with Collis and Associates
2. Approve final plat for Meadow Brook Estates Subdivision
3. To accept and appropriate a \$175.00 donation to the Recreation Department
4. To accept and appropriate a \$75.00 donation to the Recreation Department
5. Award the sewer line improvements contract to Allied Resources
6. Approve the amended Wastewater System Study contract for Pease & Associates
8. Resolution to Support the Discovery Place Kid's Endeavor to Create a Museum for the Children of Eastern Gaston County

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

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

MINUTES

1. *Approval of the minutes for the City Council meeting on April 14, 2008*

Mayor Whitt asked Council for any changes or comments to the City Council minutes of April 14, 2008 as presented.

Mayor Whitt asked the recording secretary, Mrs. Roberts, to add to the motion the purpose why Council makes a motion to go out of Regular Session and into Public Hearing. As an example, on page 7 of the April 14, 2008 minutes, the motion should read as follows: Motion: Councilman Moore made a motion to go out of Regular Session and into Public Hearing *for the*

purpose of the Consideration of Adoption of the Strategic Vision Implementation Plan. Councilwoman Breyare seconded the motion and the motion passed unanimously.

Mrs. Roberts stated that she will correct the motions that pertain to the four Public Hearings, on pages 5 through 10, to reflect why the motion was being made to go out of Regular Session and into Public Hearing.

On item 3, *Consideration of a Moratorium in the Gateway Corridors*, Mayor Whitt pointed out that on page 8, last paragraph, the motion was made and seconded but was not voted on unanimously. The motion on page 8, last paragraph, should read: "Motion: Councilman Bishop made a motion to approve Resolution #041408 for a 120 day moratorium on the Gateway Corridors to study the implementing of the Strategic Vision Plan effective April 15, 2008 and expiring on August 14, 2008 as presented. Councilman McLean seconded the motion."

Councilman Toomey stated that on page 6, first paragraph, the word "annex" should be "annexed." The entire sentence should read: "The other tool is the use of extra-territorial jurisdiction (ETJ), which allows cities and towns to exercise land use and zoning control over areas that are likely to be *annexed* in the future without taxing them or providing public services."

Councilman Toomey pointed out on page 7, seventh paragraph down, last sentence, the word "are" should be inserted. The sentence should read: "Mr. Davis stated that initially there was some discussion about hiring an Economic Development employee but a zoning officer and a long range planner are the City positions that we *are* currently trying to fill."

Councilman Bishop pointed out on page 8, seventh paragraph down, the word "period" should be added. The sentence should read: "Mr. Beal stated that the Resolution before Council requests a moratorium for a 90 day *period*."

2. Approval of the Minutes from the April 28, 2008 Work Session.

Mayor Whitt asked Council for any changes or comments to the Council Work Session minutes of April 28, 2008 as presented.

Councilman Toomey stated that on page 1, third paragraph from the bottom of the page, last sentence, "Alive after 4 events" should be "Alive after 5 events."

Mayor Whitt asked Mrs. Roberts to put the name of the committee as a heading under the agenda item, Committee Reports, for ease of reading and reporting.

Councilman Toomey stated that on page 8, eighth paragraph down, "Unifour" should be replaced by "Cox and Schepp." The sentence should read: "Councilman Toomey stated that Cox & Schepp billed the City an additional \$30,000 for work with bad soil where Portland cement was used to stiffen the area."

Councilman Toomey stated that on page 9, fourth paragraph down, the word "of" should be inserted. The sentence should read: "Councilman Toomey stated that Mayor Ronnie Murphy of

Cramerton who is also the TAC (Transportation Advisory Committee) Vice Chairman is a supporter of Mount Holly with regards to roads and streets and he is pushing for the widening of 273.”

There being no other corrections or comments to the minutes of the April 14, 2008 City Council meeting and to the minutes of the April 28, 2008 Council Work Session, Mayor Whitt entertained a motion to approve both sets of minutes as amended.

Motion: Councilman Toomey made a motion to approve the minutes of the April 14, 2008 City Council meeting and the minutes of the April 28, 2008 Council Work Session as amended. Councilman McLean seconded the motion and the motion passed unanimously.

PRESENTATIONS

Mayor Whitt stated that there are no presentations this evening.

PUBLIC HEARINGS

1. Presentation of the Fiscal Year 2008 – 2009 Budget, presented by Eric Davis, City Manager
Mayor Whitt entertained a motion to go out of Regular Session and into a Public Hearing for the purpose of presenting the Fiscal Year 2008 – 2009 Budget.

Motion: Councilman Moore made a motion to go out of Regular Session and into Public Hearing for the purpose of presenting the Fiscal Year 2008 – 2009 Budget. Councilman Toomey seconded the motion and the motion passed unanimously.

Mayor Whitt declared that we are in Public Hearing for the purpose of presenting the Fiscal Year 2008 – 2009 Budget.

Mayor Whitt reminded Council that there is one more work session concerning the budget next Monday night, May 19, 2008. The purpose of the Public Hearing tonight is for public comment and to hear presentations by staff.

Mayor Whitt stated that no one from the public has signed up to speak. He turned the presentation over to Mr. Davis.

Mr. Davis stated that the handouts provided to Council and the Mayor this evening contain the Budget Message, the proposed Budget Ordinance, a proposed Resolution for the proposed Capital Improvement Plan, and a Fee Schedule.

Some of the highlights of the proposed 2008-2009 Budget are as follows:

- Proposed cutting of the tax rate from the current rate of \$.54 per \$100 value to \$.53½ per \$100 value.
- The utility rates will change from uniform structure to a tiered structure. The base rate will remain unchanged from the current year to the next year. There are 5 proposed tiers and each tier will increase by \$.25 per tier.
- Solid waste fees will increase \$.50 per customer per month.

- There are 2 employee positions proposed. One position is an Accounts Payable Technician and the other is the Parks & Recreation Director.
- Cost of living salary adjustment of 3% is proposed with merit at 2%.
- In the General Fund, Section 1, Schedule A, the fund total is \$8,651,500.
- Schedule B, E911 Fund, is \$97,200
- Schedule C, Debt Service Fund, is \$708,700.
- Schedule D, Water and Sewer Fund, is \$5,300,000
- Schedule E, Housing Fund, is \$358,759.
- Schedule F, Capital Reserve, is \$550,000.
- Schedule G, Powell Bill Fund, is \$370,000.
- Section 5 states that the City Manager shall serve as the Budget Officer.
- Section 6 states that fund transfers may only take place by the authority of City Council.
- Section 8 addresses the debt limit.
- Section 9 addresses the Fund Balance policy in that the General Fund balance will not drop below 20% nor exceed 27%.
- Fee Schedule – all current fees remain the same at this time.
- Staff will look at the needs of the fire stations in the southern part of the City.
- A new facility for the Streets-Solid Waste Division is being studied.

Mr. Davis stated that at the June 9, 2008 City Council meeting, there will be another Public Hearing and at this meeting, Council will vote on adopting the Budget for 2008-2009.

There being no other questions or comments at this time, Mayor Whitt entertained a motion to go out of Public Hearing and back into Regular Session.

Motion: Councilman McLean made a motion to go out of Public Hearing and back into Regular Session. Councilwoman Breyare seconded the motion and the motion passed unanimously.

PUBLIC COMMENT – THREE (3) MINUTE LIMIT

Mayor Whitt stated that no one has signed up to speak.

OLD BUSINESS

1. Adoption of Strategic Vision Plan, presented by Danny Jackson, Assistant City Manager

Mr. Jackson stated that Ms. Ryan of the UNC Charlotte Urban Institute recently appeared before Council to present two components of the Strategic Vision Plan which were the Annexation Strategies and the Implementation Plan. The Strategic Vision Plan process has lasted over a year. Mr. Jackson hoped that Council would adopt the Strategic Vision Plan at the meeting tonight. He reminded Council that this plan, even if adopted, is still subject to change. Mayor Whitt added that the adoption of this plan lays the foundation for the future so that no one will think that Council is arbitrarily doing something. He added that if adopted, there is a plan in place that has been carefully thought out and that can be changed by Council if Council so wishes. Mayor Whitt stated that we have been asked to adopt, not accept, the Strategic Vision Plan as presented at this meeting tonight.

Mayor Whitt entertained a motion to adopt the Strategic Vision Plan as presented.

Motion: Councilman Bishop made a motion to adopt the Strategic Vision Plan as presented. Councilman Moore seconded the motion and the motion carried unanimously.

Mayor Whitt thanked Ms. Deb Ryan and her staff for all their help in bringing the City to this point with the Strategic Vision Plan.

2. Approve Contract for Mowing Services

Mayor Whitt stated that this item was originally on the Consent Agenda but since there were some questions, the item was pulled from the Consent Agenda and it is now open for discussion.

Councilman Bishop asked about the mowing around the Police Department building and whether the contract for this mowing would cease once the City sold the building. Mr. Guffey stated that this location would come off the contract once the building is sold.

Councilman Bishop asked about mowing two cemeteries locations in Mount Holly. He stated that in the Ordinance, the lot owners are responsible for any and all costs of the upkeep of the lot and the City is taking full responsibility for the upkeep of lots. Mr. Michael stated that there are not a lot of alternatives to this situation as it now stands and he suggested that Council may wish to change the Ordinance on the maintenance of lots.

Mayor Whitt asked how long a mowing contract lasts. Mr. Davis stated that it lasts 2 ½ years and the contract starts on July 1, 2008.

Motion: Councilman Bishop made a motion to accept the contract for mowing from Hometown Lawn Care in the amount of \$60,010 per year for two and one half years effective July 1, 2008. Councilman McLean seconded the motion and the motion passed unanimously.

Discussion on Consent Agenda, Item 6, To Approve Amended Wastewater System Study Contract for Pease & Associates

Mayor Whitt asked Mr. Davis to explain the nutrient removal section in the contract with Pease & Associates which would cost \$9,500. Mayor Whitt added that he had heard from an engineer that the City would not have to pay for nutrient removal as long as the City did not expand or alter its present treatment plant.

Mr. Davis stated that the City receives a permit for a specified time frame for our waste water treatment plant. The City's permit is in effect until 2010 and at that time, we will be re-permitted for another five years until 2015. The City may be required to do nutrient removal at that time. If the City expands the waste water treatment plant or we do some type of alteration to it, or if there are any changes in operations, the State would require us to do nutrient removal. Mr. Friday added that even if we divert flow to CMUD, the City may be required to do nutrient removal even though we have not altered our present plant but we have made a change in our operations.

Councilman Toomey stated that perhaps Council should rescind item 6, *Approve Amended Wastewater System Study Contract for Pease & Associates*, for further study. Councilman Bishop agreed that Council should rescind this item until we know what action the City is going to take. Mayor Whitt agreed that it may be more prudent to wait.

Mr. Michael stated that if Council wants to rescind the motion on the Consent Agenda for this item, those Council members who made the motion and seconded the motion will have to rescind the motion for this item.

Motion: Councilman Toomey made a motion to rescind item 6 on the Consent Agenda, To Approve Amended Wastewater System Study Contract for Pease & Associates. Councilman McLean seconded the motion and the motion was passed unanimously.

NEW BUSINESS

There was no New Business to discuss.

OTHER BUSINESS

There was no Other Business to discuss.

MANAGERS' REPORT

Mr. Davis discussed the following topics in his Manager's Report to Council and Mayor.

City Council Work Session

Council has decided to cancel the May 26, 2008 Work Session meeting due to Memorial Day Holiday. Council may wish to reschedule this meeting at a later time.

Budget Meeting

There will be another Budget meeting on Monday, May 19, 2008.

ABC Board Appointment

The next City Council meeting will be on Monday, June 9, 2008 and Mr. Davis asked Council to provide names to him at that time or before the meeting for the ABC Board Appointment.

Tree Trimming by Asplundh

Mr. Davis stated that the severe tree trimming done by Asplundh is going to be discussed with Duke Power. Councilman Toomey stated that the City needs a tree trimming ordinance so that we can have some control on this. Mr. Michael agreed and stated that Duke Power is claiming that they have certain right of ways so that their lines will be clear of limbs. He added that the City should meet with Duke Power frequently so that there will be some arbitration.

Citizens Center

Citizens Center is almost completed. The keys to the building will be given to us this Friday. The cleaners are working on the building. Mayor Whitt asked if the June 9, 2008 City Council meeting will be at the Citizens Center. Mr. Davis said that it will be there and preparations are being made for that occasion. Mr. Davis stated that Mr. Guffey is working with a furniture

supplier, US Communities. The last budgeted amount was \$150,000 and we will continue to try to get the costs lower.

City of Mount Holly Website

Mr. Davis stated that he met with David Jordan in the last two weeks regarding the website content, the layout difficulties of the site, and the lack of ease for those who are looking for information on the site. He added that it will take patience and time to get the site where it should be.

COUNCIL COMMENTS

Councilwoman Breyare thanked the Streets and Sanitation Department for the wonderful work they have done with the cleanup after the tornado. She stated that she has received many positive remarks from the citizens in her community about the handling of debris and the cleanup by City workers.

Councilwoman Breyare asked if Council would consider putting up wrought iron on our disabled ramps in the downtown area. She felt that this would discourage teens from using skateboards on these ramps. She requested that there be more police presence in town during the afternoon hours.

Councilman Toomey stated that he has been looking at the Public Works reports and the City is losing revenue by our current water restrictions and he asked Council if they would consider lifting the restrictions as soon as possible.

Councilman Moore agreed with Councilman Toomey on easing the water restrictions. He suggested going to Stage 2 from Stage 3 water restrictions. He added that citizens should be able to wash their cars on Saturday instead of Friday, which is permitted at this time.

Mayor Whitt stated that Council may wish to change the water restrictions stage now if they so desire.

Motion: Councilman McLean made a motion to lift all water restriction in the City of Mount Holly with Councilman Brookshire seconding the motion.

Mayor Whitt asked for discussion.

Councilwoman Breyare and Councilman Bishop did not wish to lift all restrictions. Councilman Toomey thought that perhaps we should go to Stage 2. He added that there is a Water Management meeting tomorrow in Charlotte and he wanted to hear what decisions would be arrived at during this meeting that will affect our area.

Mr. Friday stated that we are still in extreme drought conditions though he felt that we are close to Stage 2 restrictions.

Mr. Davis stated that there is a common misconception that we follow Charlotte Mecklenburg in our water restrictions but that is not the case. We would love to lift restrictions but stream flow

is not that good and ground water levels are not that good. He added that Duke Power is allowing through just the bare minimum of water and that is the reason that the lakes and streams are at “full pond” as Duke Power is manipulating the lake levels. We are down 17 inches of rain because of the drought and currently we are barely above normal for rainfall.

Motion: Councilman Brookshire made a motion to rescind the motion to lift all water restriction in the City of Mount Holly with Councilman McLean seconding the motion.

Motion: Councilman McLean made a motion to move to from Stage 3 water restrictions to Stage 2 water restrictions with Councilman Brookshire seconding the motion.

Councilman Bishop and Councilwoman Breyare wanted information on what constitutes Stage 2 water restrictions. Mr. Friday stated that he would have to review Stage 2 restrictions and report back to Council.

Councilman McLean suggested that Council can discuss this matter at the Monday night budget meeting and that Mr. Friday will supply descriptions of activities for Stage 2 and Stage 3 water restrictions for Council to review before the meeting.

Motion: Councilman McLean made a motion to table the motion to move from Stage 3 water restrictions to Stage 2 water restrictions until the Budget meeting on Monday, May 19, 2008. Councilman Brookshire seconded the motion and the motion passed unanimously.

Councilman Bishop stated that he is still receiving complaints regarding the motorcycle shop parking their bikes on the sidewalk and blocking the sidewalk.

Councilman Bishop stated that the red traffic light lens at Catawba is going to fall off and NCDOT needs to fix it.

Councilman Moore stated that he has received requests for speed bumps or ramps. One area is in particular is Cedar Lane where there is a serious blind spot.

Councilman McLean stated that we have talked about making Mt. Holly one address. Councilman Moore stated that it is up to the Post Office and it isn't up to us. Mayor Whitt stated that he tried to do something about this but there was opposition. Councilman Moore talked with Rep. Sue Myrick's office about this matter and nothing was done so he felt that the City should go above Rep. Myrick's office. Mayor Whitt asked Mr. Davis to look into this matter with the US Postal Service.

Mayor Whitt extended thanks to City staff regarding their efforts during the tornado and the cleanup afterward.

Mr. Davis stated that the City does not pick up brush cut down by a contractor. However, amnesty can be provided through the affected City area recently hit by the tornado where City crews will pick up debris. There was no objection from Council on this matter.

There being no other business to discuss, Mayor Whitt entertained a motion to go into Closed Session for the purpose of discussing the acquisition of property.

Motion: Councilman Moore made a motion to go into Closed Session for the purpose of discussing the acquisition of property. Councilman McLean seconded the motion and the motion passed unanimously.

Mayor Whitt asked for a five minute break at 8:30 pm.

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

CLOSED SESSION

Motion: Councilman McLean made a motion to come out of Closed Session. Councilman Moore seconded the motion. The motion passed unanimously

Mayor Whitt announced that no action was needed after the Closed Session.

ADJOURNMENT

Motion: Councilman Bishop made a motion to adjourn. Councilman Moore seconded the motion. The motion passed unanimously.

The meeting was adjourned at 9:05 pm

Robert Whitt
Mayor

Amy Miller
Deputy City Clerk