Clerk Mayor

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CITY COUNCIL
REGULAR MEETING
May 8, 2006

CALL TO ORDER BY THE MAYOR

The regular meeting of the City Council of Mount Holly was called to order at 7:00 P.M. by Whitt. The following were present:
Mayor Robert Whitt
Mayor Pro-Tem Phyllis Harris
Councilman Jerry Bishop
Councilman Jim Hope
Councilwoman Pat Hubbard
Councilman Frank McLean
Councilman David Moore
City Manager David Kraus
Assistant City Manager Danny Jackson
Assistant City Manager Jamie Guffey
Community Development Planner Greg Beal
Police Chief Benson Hoyle
Fire Chief Dale Oplinger
Street and Solid Waste Director Mike Santmire

INVOCATION

The invocation was led by Reverend Tim McCarn from Harvest Time Church of God.

PLEDGE OF ALLEGIANCE

Boy Scout Troup #59 led the Council and audience in the ceremony of the Pledge of Allegiance.

APPROVAL OF THE AGENDA

The agenda was approved with addition of proclamation honoring Allen Eugene Hawkins, removal of items 3, 4 and 5 from new business to be moved to the consent agenda, upon motion by Councilperson Hope, seconded by Councilperson Bishop, with all in favor.

CONSENT AGENDA

Councilperson Harris **MOVED** to approve the Consent Agenda with additional items, seconded by Councilperson Moore, with all in favor. The items approved were:

CA#1. <u>To Accept and Approve the Minutes</u>.
CA#2. <u>To Approve Final Plat Kendrick Farms Phase 1 Map 2 Phase 2 Maps 3&4.</u>
CA#3. <u>To Call For Public Hearing on the 2006-2007 Budget.</u>
CA#4. <u>To Approve Final Plat for Briarwood Village Subdivision.</u>
CA#5. To Consider Resolution Supporting Clean Water Bonds.

CA#6. To Consider Resolution Supporting Half Cent Sales Tax for Schools.
CA#7. To Consider Resolution Supporting Cap on Medicare.

PRESENTATIONS
PR#1 The Mayor and Council joined on the floor to present proclamation to Juanita Hawkins in honor of her brother, Mr. Allan Eugene Hawkins aka "Gene" for outstanding support of youth athletics and dedication to coaching and mentoring kids throughout the Mt. Holly area, and service to Mt. Holly Parks and Recreation and Mt. Holly Optimist Club. (copy of proclamation attached).

PUBLIC HEARINGS
PH#1 To Consider Rezoning of lot located at 147 N. Main Street, from R10 to B1 Conditional Use. **Postponement of public hearing .** Ms Harris asked about citizens that have come tonight for the purpose of public comment associated with this hearing. Mr. Michael stated it is hard to discuss this without knowledge by staff and council of full proposal for rezoning. Mr. Beal asked Council to postpone to July. Motion by Mr. Hope to postpone, seconded by Mr. Bishop. All in favor.

PH#2 To Consider Amending Section 6.4 of the Zoning Ordinance, Regarding Farmer's or Produce markets. Mr. Beal stated I sent out an amendment in the package by adding a definition which is appropriate for this. I am open to suggestions or discussion related to this.

Councilperson Hope moved to go into public hearing, seconded by Councilperson Hubbard , and unanimously carried.

Councilperson Hope moved to go out of public hearing, seconded by Councilperson Moore, and unanimously carried. Mayor Whitt adjourned the public hearing and resumed the regular meeting.

Motion: Councilperson Hubbard **MOVED** to amendment Farmer's Market Special Note #26 to allow Farmer's Produce Market on all residentially-owned, Gaston County Board of Education property as a Non-Profit Entity. Mr. Michael asked that we remove the word "as" and change to "by", amended by Ms. Hubbard and seconded by Councilperson Bishop .
Vote: unanimous. CARRIED.

UNFINISHED BUSINESS
UFB#1 To Consider Authorizing Manager to Enter Into Strategic Planning Contract. Mr. Whitt stated this can come to you for full review or you can approve as written. We are asking for Council direction. Mr. Kraus stated the soonest you can review this would be at the June 6th meeting. Mr. Whitt stated we have agreed to move forward but we have to clarify the contract.

Motion: Motion by Councilperson Harris to allow city manager and mayor to enter into strategic planning agreement. Seconded by Councilperson Hope.
Discussion:
Vote: unanimous. CARRIED.

NEW BUSINESS

NB#1 To Consider Nominations and Appointments to the Planning Commission. Mr. Hope stated he and several other council members have met with existing planning commission members. We have two vacancies at this time and one seat that will additionally expire this month. We need to recommend three seats tonight from this list. We will make a separate ballot for alternates. We also recommend that we move these terms to the end of the fiscal year with easier rotations. It has been several years since we had alternates. Mr. Hope explained the past problem with alternates is that they would come for a few meetings and did not get participate and then they don't come back. The suggestion would be to have members that cannot participate to call City Hall prior to meeting and an alternate could be called. Mr. Whitt asked about how alternates would be contacted, on a rotational basis?. Mr. Whitt asked about the three that are elected tonight, will we know their terms tonight? Mr. Hope stated if this is a new appointee, they serve one year and are reappointed to serve out the balance of the two year period. If they have already served on the board, it is a two year appointment. Mr. Michael asked if there are three inside members to be selected and two inside alternates. Mr. Hope stated that is correct. Mr. Michael stated there are eleven candidates, so we can vote on members first and alternates second. Mr. Michael stated we should vote on each seat individually rather than being all over the place. Mr. Bishop suggested we go by the highest vote count. Mr. Whitt asked about terms of three appointees tonight. Mr. Hope stated they will be different terms depending on which seat you obtain. . Mr. Hope stated this is set up on three year terms and we decided these terms will be two years with the fist year being probationary. Mr. Kraus explained there are new expiration dates of December for each term, different year expiration. This is in place rather than sporadic appointments throughout the year. This will balance out so there will only be three term expirations per year. the ones elected tonight will expire on the second Monday of December 2007 and the ones on board now will expire on second Monday of December 2008. Mr. Hope explained once we have nominees this committee will be come back to approve terms. Mr. Whitt asked if we are voting for top three nominee votes, terms to be finally determined at next meeting? Mr. Hope answered yes and council agrees. Mr. Whitt read list of candidates for audience information, eleven in total. Mr. Michael stated this is not a secret ballot and is subject to review as a public record. Council was asked to sign the ballots. Mr. Kraus stated we are still seeking an ETJ (extra territorial jurisdiction) position. Mr. Michael read result of ballots, stating accepted candidates as Miles Biggerstaff, Barry Rumfelt and Miles Crisp. Everyone else had only one vote. Mr. Michael stated vote will be reaffirmed by secretary. Ballots were passed to secretary, and totals reaffirmed. Alternate votes were then calculated by Mr. Michael with results as Leroy Thorns with four votes, Greg Dimmer as second with three votes to serve as alternates.

NB#2 To set date for Manger's Review and budget review. Mr. Kraus stated first meeting suggestion would be for the afternoon of Friday, May 12th at 3pm for budget meeting. Council in agreement. Date for Mr. Kraus's review set for May 31st at 6:30 pm. Meeting dates on June 6th and June 12th for regularly scheduled council meetings.

NB#3 To Consider Contest to Name Senior's Program.

Motion: Motion by Ms. Hubbard to select name of Soul Patrol, #4 on list. Seconded by Ms. Harris.
Vote: All in favor. CARRIED.

PUBLIC COMMENT
Mayor Hough opened the floor for public comment.

Jim Conrad, 128 Tomberlin Road, Mt. Holly. Passed out pictures for council review of homes, dumpsters, run-down buildings etc in his neighborhood, some on his property line. He stated Ms. Harris is aware of this problem. Last week I talked to Mayor Whitt about this problem and he in turn called David Kraus. I also had the Gaston County Health Dept call Kelly (the code enforcement officer). Phyllis Harris and Jim Hope can attest that we started this ten years ago and made some progress and then it went down hill from there. I asked Mr. McLean several years ago about this as it affects a street named in his honor. I am prepared to go to the state officials or TV channels, etc. if action is not taken to take care of this issue by Council. Mayor Whitt thanked Mr. Conrad for speaking and stated Council will review this issue during the round table discussion at the end of the meeting.

Pastor Tim McCarn, 707 Westland Farm Road, Mount Holly. Spoke on behalf of Harvest Time Church of God. We are developing 13 acres of land. We have engaged in a 24000 sq foot new building. We have received a tremendous amount of growth. We run over 400 – 500 people each Sunday. We have been here almost three years, with over 400 souls being saved through this ministry to date. We work diligently to serve this community through feeding the needy, etc. This new facility will seat up to 1000 people. The state requires us to have a sprinkler system inside the building requiring a tap into the city water line. The one we have now for our water usage, and the sprinkler system which would be a pressured line to be used in only emergency . We have requested a four inch tap permit. It could be needed up to 6 inches. We are asking Council, City Officials and Mayor that you waive the water tap fee for our church.

Robert Saunders. 408 Payne Street. Passed pictures around to the city council, stating you all have asked me to get rid of my chickens and my cow. Mr. Whitt read the statement requested by the citizen. This comes from #206, this is where the war began. This is 200 feet away from me. Kendrick Square presents a real problem along with additional adjacent properties. Nothing is done about this mess, but now I am in trouble over something that was okay a few years ago. He brought in his uniform from his armed services and asked that he be treated in a different manner, as he feels he is being mistreated and his animals are a necessity to the well-being of his family.

Leigh Brinkley, Farmer's Market Representative, thanked council for the opportunity to speak and to remind council that the farmer's market will start on Saturday. We will start out with seasonal vegetables, organic meats. The coffee shop will be there with whole cakes, etc. We look forward to seeing you on Saturday. Our opening ceremony will be at 10 a.m.

Eddie Wyatt,450 Stanley Spencer Mt. Road, Gastonia. I am running for House 108th district. Wanted to thank town and council for spring fest festivities on Saturday. Appreciated the opportunity to be a part of this.

ROUND TABLE

Councilperson Moore stated he had a call of complaint of excessive noise from Catawba Heights Ball Field. Noise ordinance does not start until 11 pm and lights are controlled by the county. In addition, Mt. Holly Body Shop has grass that is two foot tall. Also, Lot on North Street by Mr. Bill Poteat with overgrown grass, etc. There is a dead tree on Church Street, behind Broomer's, about 75 feet tall, dead for two years, caller is afraid it will damage multiple houses. Mr. Kraus stated this should be deferred to the attorney. Mr. Michael stated he will talk to city manager about this.

Councilperson McLean stated Mr. Honeycutt also called me about the excessive noise at the ball field. He stated the lights burn 24/7 out there, sometimes a week at a time. Mr. McLean stated if they turn the lights out after game is over, then the noise will subside most likely. Mr. Whitt stated the citizen needs to go to the county since they are responsible and we are not.
Mr. Whitt asked that the citizen be called and directed to contact the county and that the Council will send a letter to the county addressing this as well. Mr. Mclean stated also, a gentleman, Mr. Miller approached me about Windermere St. being brought into city limits by petition of citizens. Mr. Kraus stated it will touch city limits along Dutchman's creek. Mr. Whitt stated until moratorium is lifted, this will not be considered. Mr. Bishop stated this road does not meet state standards for pavement either. Mr. Auten from Auten Circle came to council with request for rezoning and we never did process this request one way or another. Mr. Jackson stated this was tabled. Can Council close this out? Staff

recommended we either act on this or give him back his money. ($60). Mr. Michael recommended that staff provide minutes from that hearing and take care of this at a scheduled time / meeting. Mr. McLean also questioned about through traffic on Oak Trail when Rehab Facility is opened.

Councilperson Hope asked for an update on leak at Rollins Apts. Mr. Kraus deferred to Danny and Mike. Mr. Jackson stated repair is in progress. Mr. Hope asked about update on sports bar. Mr. Jackson stated we have meeting scheduled.... Mr. Hope also asked that we offer a proclamation for Mt. Holly Family Restaurant.

Councilperson Bishop asked about sidewalk on Smith and Marguerite – when will it start? Mr. Kraus answered it should be in May – we will contact Mr. Skidmore and finalize plans. Also, Mz. Auto has an inspection sign that sets out pretty far on the corner of Cherry St / Belmont Mt. Holly Road – is there an ordinance? Mr. Jackson stated it has to be off the setback. Mr. Bishop stated there are many fire lane violations at the Food Lion in Mt. Holly. Mr. Kraus stated you can be cited for this. Mr. McLean stated how about warnings for this. Mr. Bishop stated it has been in effect for seven years and that is plenty of warning in my opinion.

Councilperson Harris stated Mr. Kraus, Scott Griffin and Bob Suttenfield and I went to plead for right of way for the greenway. We were supported 100%. Danny and I are going to Raleigh Thursday to hope we get the grant. Also, Terry St. needs to be paved – it is spring as we promised. Mr. Kraus stated we have not been out for bidding on this. Mr. Kraus stated we will get together and talk about this as well as Henry Street. Saturday at Spring Fest – I talked to the Black History Forum Table and they shared information on upcoming golf tournament if anyone is interested. The city needs to get with them and figure out whether we can partner with them. Mr. Whitt stated these people are raising money and it is very important. Mr. Kraus stated he spoke with Mr. Michael and we need to create a capital project. We will work out the details between myself, Kemp and Danny. Mr. Kraus stated we need a capital projection for freedom/ Rollins square memorial. **Motion** by made by Ms. Harris to create capital project associated with Rollins Square Memorial, seconded by Ms. Hubbard. All in favor. Lastly, Ms. Harris shared that the community dinner was huge success. This has been in place for 56 years. I would hope that all former men and women of the year would get involved in this and let's try to get this back to what it used to be. It used to be a very important event for our city.

Councilperson Hubbard asked in the future, can we try to have the minutes of the last meeting into this month's packet? Also, how long do we have to pick up political signs? There are a lot left and they need to come down. Lastly, did we put money into the budget for Springfest and can we make that payable to the committee so they can close out the books? Bryan and his committee did a wonderful job.

Mayor Whitt stated I made copies of letters from children at Pinewood and had them placed in your packet. They were all concerned about the trees being removed around their school. Additionally, I attended an urban open space seminar in Charlotte. They wanted me to convey that Mt. Holly is key to attracting visitors to the river. The entrance off of 485 for the water park will be Moores Chapel rather than coming in on Hwy 27. Also, I want to recognize Joel Hubbard for his time spent with the Planning and Zoning Commission and we will do that at the next meeting. Also, we will want to recognize Mr. and Ms. Hough. What about public comments for tonight. Let's discuss this.

Mrs. Harris stated Mr. Conrad's complaint is accurate. There is no excuse in somebody having property like this. I think the owner lives in Stanley, Mr. Murphy. Nobody should have to live beside that. Mr. Whitt asked don't we have ordinance that protect our citizens from this? Mr. Jackson stated we are preparing a condemnation ordinance to get rid of the trailers. We contacted the company that we thought owned the dumpster. They did not own it and no one wants to come pick this up. The problem is getting some one to pick this up. The owner has been non-responsive for years. Mr. Michael stated this is junk and debris. Ms. Harris stated until we stand up and enforce this nothing will be done. Mr. Whitt stated people need to take responsibility for this. We need to move forward and get this taken care of ASAP – if you need city attorney assistance, please ask for it. Mr. Hope stated why can we not clean it up and put a lien on the property.

In respect to the request made by Rev. Tim McCarn on behalf of Harvest Time Church of God, Council reached consensus to defer request to the utility committee. System Development Fee is close to 232,000.00

Relating to Mr. Saunder's complaint. Mr. Jackson stated when we changed code for one property, it affected the whole property. Distance required now is 500 feet from residence other than the owner of the livestock. Mr. Michael asked about grandfathering. He asked does this meet the old requirement? Mr. Jackson stated probably so. Ms. Hubbard asked is it per animal? Mr. Michael stated it would limit to the same number of animals. Mr. Hope stated we should let staff handle it. Mr. Kraus stated Kendrick Farm and Rollins Square have been cleaned up. There is still a lot of vegetation, we need to go walk the creek.

Mr. Whitt stated he had put in the package a picture of a bikeway – urban greenway. This group suggested having this going down to the river from Main street. They suggested widening off the sidewalk and putting greenway next to sidewalk.

Mr. Kraus stated Mr. Bishop brought up a few weeks ago about moving billing downstairs. If we are moving forward, we need to decide which way we are going. Mr. Whitt asked about an elevator. Mr. Kraus stated there is an elevator.

Mr. Hubbard stated it is better upstairs with supervision and money management, etc. Mrs. Harris stated as long as we have an elevator, it is not a problem. Mr. Whitt asked could we have a small receptacle downstairs to take payments during busy hours? Ms. Harris stated drop box downstairs would suffice – agreed by Ms. Hubbard. Mr. Hope agrees.

Councilperson Moore asked about doing the Suddreth's proclamation next month – consensus by council to go forward in June.

Mr. McLean stated we need to recognize Hazel Michael and additional long-term Planning and Zoning Commission members as well.

CLOSED SESSION

Councilperson Hope moved to go into closed session for the purpose of discussing personnel matters, seconded by Councilperson Bishop, with all in favor.

Councilperson ________________moved to return to open session, seconded by Councilperson ________________ , with all in favor.

ADJOURN

There being no further business, the meeting was adjourned, upon motion duly made by Councilperson____________________ , seconded by Councilperson ______________________, and carried.

____:____PM

______________________ Clerk　　　　______________________ Mayor

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