

City of Mount Holly
Mount Holly City Council Meeting
Monday, April 14, 2014
Council Chambers
7:00 pm

Call to Order

Mayor Bryan Hough called the meeting to order at 7:00 pm. The following were present:

Mayor Bryan Hough	Danny Jackson, City Manager
Mayor Pro Tem Perry Toomey	Jamie Guffey, Assistant City Manager
Councilman Jerry Bishop	Greg Beal, Planning Director
Councilwoman Carolyn Breyare	James Friday, Director of Utilities
Councilman J. Jason Gowen	Dale Oplinger, Fire Chief
Councilman Jim Hope-absent	Don Roper, Chief of Police
Councilman David Moore	Mike Santmire, Streets and Solid Waste Director
Kemp Michael, City Attorney-absent	

Invocation

Reverend Peggy Thorns of Peggy Thorns Outreach Ministries 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 Allegiance.

Set the Agenda

Mayor Hough advised that Councilwoman Breyare has requested *Consent Agenda Items 4, 5 and 7* be moved to *New Business*. With no additional changes Councilman Moore made a motion to approve the agenda as amended. Mayor Pro Tem Toomey seconded the motion. All Council Members present voted in favor. (Motion carried)

CONSENT AGENDA

1. Approval of a Resolution to Advertise for 2013 Outstanding Property Taxes
 2. Approval of an Amendment to the FOG Ordinance
 3. Appointment to the Recreation Commission (Paisley Payton replacement)
 4. Approval for the Police Department to Complete the Application Process for the Governor's Crime Commission Grant (moved to *New Business #3*)
 5. Approval of the Submission for an Application to NC Division of Water Resources Grant to Reduce the Non-point Pollution in Dutchman's Creek (moved to *New Business #4*)
 6. Approval of an Ordinance for recording a lien on real property for abatement of a dilapidated structure located at 106 Price Street.
 7. Approval to Oppose the Request to call for a public hearing for a text amendment to Section 5.20, South Gateway Overlay District, to allow the use of automobile storage in the South Gateway Overlay District with in a B-3 General Business Zoning District. (moved to *New Business #5*)
 8. Approval of the minutes of the March 10, 2014 Council Meeting
- Councilwoman Breyare made a motion to approve the consent agenda. Councilman Gowen seconded the motion. All Council Members present voted in favor. (Motion carried)

PRESENTATIONS

1. Presentation from the Historical Society's request of a film donation to Duke University *Dr. Roy Vogel*
Dr. Roy Vogel came before the City Council representing the Mount Holly Historical Society seeking approval to donate a film to Duke University. He advised that the film is a video of Mount Holly dating back to the early 1900's. This film is one of five dating back to that time period and Duke University has

already acquired the other four. Dr. Vogel advised that the Historical Society has a copy of the film and is recommending approval from the City Council to donate the film to Duke University. Councilwoman Breyare made a motion to donate the film to Duke University. Councilman Moore seconded the motion. All Council Members present voted in favor. (Motion carried)

2. Recognition and Swearing In of Officers Jonathan Moore and Ronnie Parsons to Police Corporal

Mayor Hough introduced Officers Jonathan Moore and Ronnie Parsons. He advised that these two Officers are going to be sworn in as Corporals for the Police Department. Mayor Hough administered the oath of office to Corporal Moore and Corporal Parsons.

3. Presentation of a Proclamation to Recognize the National Public Safety Telecommunicators Week

At this time, Mayor Hough recognized the Telecommunicators and read a Proclamation in their honor for National Public Safety Telecommunicators Week

At this time the Mayor introduced Shane Troll. Mr. Troll was appointed to the Recreation Commission as part of the *Consent Agenda*.

PUBLIC HEARING

1. Public Hearing on the 2014 Land Development Guidelines

Councilman Hope made a motion to enter into the public hearing. Councilman Moore seconded the motion. All council members present voted in favor. (Motion carried)

At this time, Mr. Johnson presented the proposed changes to the 2014 Land Development Guidelines to the Council. He advised that the last update to the Land Development Guidelines was in 2006. Mr. Johnson reviewed the proposed changes. With no one signed up to speak, Councilwoman Breyare made a motion to return to regular session. Mayor Pro Tem Toomey seconded the motion. All Council Members present voted in favor. (Motion carried)

It was the consensus of Council that they need further clarification on the stormwater management requirements and the financial guarantees. Mr. Johnson advised that he would provide clarification in those areas at the next meeting.

2. Public Hearing on the Stormwater Ordinance

Mayor Pro Tem Toomey made a motion to enter into the public hearing. Councilman Gowen seconded the motion. All council members present voted in favor. (Motion carried)

At this time, Mr. Johnson presented the Stormwater Systems Ordinance. Mr. Johnson advised that the purpose of the stormwater systems ordinance is to provide a comprehensive storm drainage ordinance to protect the public health, safety and welfare by preventing intrusion of harmful materials into the City's storm drainage system. Mr. Johnson gave an overview of the proposed ordinance. With no one signed up to speak, Councilwoman Breyare made a motion to return to regular session. Councilman Moore seconded the motion. All Council Members present voted in favor. (Motion carried)

Councilman Gowen made a motion to approve the Stormwater Systems Ordinance. (Resolution #4142014A) Councilman Bishop seconded the motion. All Council Members present voted in favor. (Motion carried)

3. Public hearing to consider an application, submitted by Duke Energy Carolinas, LLC, for rezoning the following described non-contiguous territory, requested by petition: BEING a portion of that property containing the Mountain Island Dam and Hydro facilities and being located in Riverbend Township, Gaston County, NC and being more particularly described in enclosed packet materials.

Councilman Gowen made a motion to enter into the public hearing. Councilman Hope seconded the motion. All council members present voted in favor. (Motion carried)

At this time, Mr. Beal advised that in August of 2000 the City approved annexation of the Riverbend Steam Station. Through special legislation the city delayed the effective date until June 2014. Mr. Beal advised that this agreement was part of the Stonewater Bay agreement so they could be inside the city limits. With no one signed up to speak, Councilman Bishop made a motion to return to regular session. Councilman Moore seconded the motion. All Council Members present voted in favor. (Motion carried)

Councilman Gowen made a motion to approve the application, submitted by Duke Energy Carolinas, LLC, for rezoning the following described non-contiguous territory, requested by petition: BEING a

portion of that property containing the Mountain Island Dam and Hydro facilities and being located in Riverbend Township, Gaston County, NC (Resolution #4142014B) Councilman Bishop seconded the motion. All Council Members present voted in favor. (Motion carried)

4. Public hearing on the question of the voluntary annexation petition filed by Duke Energy pertaining to the Mountain Island Dam/Powerhouse. Said annexation to become effective June 30, 2014.

Councilman Moore made a motion to enter into the public hearing. Councilwoman Breyare seconded the motion. All council members present voted in favor. (Motion carried)

With no one signed up to speak, Mayor Pro Tem Toomey made a motion to return to regular session. Councilwoman Breyare seconded the motion. All Council Members present voted in favor. (Motion carried)

Councilman Gowen made a motion to approve the voluntary annexation petition filed by Duke Energy pertaining to the Mountain Island Dam/Powerhouse effective June 30, 2014. (Resolution #4142014C) Councilman Bishop seconded the motion. All Council Members present voted in favor. (Motion carried)

5. Public hearing to consider an application, submitted by Duke Energy Carolinas, LLC, for rezoning of a three tracts of land, comprising 423 total acres, located on Horseshoe Bend Beach Road between Hwy 16 and Holdsworth Drive, Tax Parcel ID #'s 217766, 217767 and 175022, from I-3 (PID 175022) and R-1 Gaston County to H-1 Heavy Industrial.

Councilman Moore made a motion to enter into the public hearing. Mayor Pro Tem Toomey seconded the motion. All council members present voted in favor. (Motion carried)

With no one signed up to speak, Councilman Moore made a motion to return to regular session. Councilman Gowen seconded the motion. All Council Members present voted in favor. (Motion carried)

Councilman Hope made a motion to approve the application submitted by Duke Energy Carolinas, LLC, for rezoning of a three tracts of land, comprising 423 total acres, located on Horseshoe Bend Beach Road between Hwy 16 and Holdsworth Drive, Tax Parcel ID #'s 217766, 217767 and 175022, from I-3 (PID 175022) and R-1 Gaston County to H-1 Heavy Industrial. (Resolution #4142014D) Councilman Gowen seconded the motion. All Council Members present voted in favor. (Motion carried)

6. Public Hearing for Rezoning at 229 South Hawthorne Street

Councilman Gowen made a motion to enter into the public hearing. Councilwoman Breyare seconded the motion. All council members present voted in favor. (Motion carried)

Mr. Wilson advised that the Planning Commission made a unanimous decision to recommend approval of the rezoning request the City Council for the property located at 229 South Hawthorne Street.

Mr. Eric Campton of 2000 South Blvd in Charlotte was signed up to speak but made only the comment that he was there to represent the applicant and answer any questions the Council may have. At this time Councilman Moore made a motion to return to regular session. Mayor Pro Tem Toomey seconded the motion. All Council Members present voted in favor. (Motion carried)

Councilman Hope made a motion to approve the rezoning at 229 South Hawthorne Street (Resolution # 04142014E) Councilman Gowen seconded the motion. All Council Members present voted in favor. (Motion carried)

7. Public hearing to consider amending the Subdivision Ordinance to coincide with the Land Development Guidelines update, particularly relating to construction plan submittal (i.e. number of sets), financial guarantees or Letters of Credit being automatic renewal or "evergreen" and being allowed to be reduced or renewed under certain conditions, and final acceptance requirements.

Councilman Moore made a motion to enter into the public hearing. Councilwoman Breyare seconded the motion. All council members present voted in favor. (Motion carried)

Mr. Beal advised that the Planning Commission made a unanimous decision to recommend approval of the amendments to the Subdivision Ordinance to the City Council.

With no one signed up to speak, Councilman Bishop made a motion to return to regular session. Mayor Pro Tem Toomey seconded the motion. All Council Members present voted in favor. (Motion carried)

Mayor Pro Tem Toomey made a motion to approve the amendments to the Subdivision Ordinance to coincide with the Land Development Guidelines update, particularly relating to construction plan submittal (i.e. number of sets), financial guarantees or Letters of Credit being automatic renewal or “evergreen” and being allowed to be reduced or renewed under certain conditions, and final acceptance requirements (Resolution # 04142014F) Councilman Bishop seconded the motion. All Council Members present voted in favor. (Motion carried)

PUBLIC COMMENT – Three (3) Minute Limit

Patti Brown

313 Stonewater Bay

Mount Holly, NC 28120

Ms. Brown came before the City Council to request the presences/placement of a law enforcement officer at the entrance to Mountain Island Charter School. She advised that traffic laws are not obeyed during drop off and pick up times and it has become hazardous to the area. She also requested that the City work with NCDOT to come up with a permanent solution for the traffic situation in that area.

Applo Whited

408 Beech Bluff Drive

Mount Holly, NC 28120

Mr. Whited came before the Council to share the concerns and the concerns of the residents in the Stonewater Bay Subdivision regarding a fire station on the North End.

Aaron Sutenfield

308 Deer Field Drive

Mount Holly, NC 28120

Mr. Sutenfield came before the City Council on behalf of the Sports Hall of Fame to ask for storage space on city property. He advised that members of the committee currently use their homes and vehicles for storage. He advised that the committee does not need a lot of space but anything that the City can provide would be appreciated.

OLD BUSINESS

1. Consideration and Approval of an Amendment to the Mount Holly Historical Society MOU

Mr. Jackson advised that the amendment to the MOU includes that the City continue to pay the utilities for the building and to eliminate the use of the building by the TDA. The original intent was to provide office space to the TDA but the Chair of the TDA, Ms. Foster has expressed that this is not needed at this time. Mayor Hough advised that he does not have a problem with the proposed amendments but there are also other nonprofit organizations that need space as well and the city needs to look into that and keep the city moving forward. Councilman Bishop added that the MOU only pertains to the main level of the building. Councilman Moore made a motion to approve the amendment to the Mount Holly Historical Society MOU. Councilwoman Breyare seconded the motion. Councilman Gowen voted against the motion while the rest of the Council voted in favor. (Motion carried 5-1)

NEW BUSINESS

1. Appointment to the Tourism Development Authority (Phillip Butts)

Mr. Jackson advised that Phillip Butts no longer works at the Holiday Inn and Mount Holly and therefore is not interested in being reappointed to the TDA. Mr. Jackson further advised that Brent Smiley took his place at the Holiday Inn and is interested in serving on the TDA. Mayor Pro Tem Toomey made the motion to appoint Brent Smiley to the TDA. Councilman Gowen seconded the motion. All Council Members present voted in favor. (Motion carried)

2. Approval of a Contract with Site Solutions for Jack’s Place Master Plan and Preliminary Study on the Lot on Hawthorne and Glendale

Councilman Moore made a motion to approve the a Contract with Site Solutions for Jack’s Place Master Plan and Preliminary Study on the Lot on Hawthorne and Glendale. Councilman Bishop seconded the motion. All Council Members present voted in favor. (Motion carried)

3. Approval for the Police Department to Complete the Application Process for the Governor's Crime Commission Grant Crime Grant

Chief Roper explained that this grant would require 25% matching from the City and would be used for things like body cameras and other things that could improve the Department. Mayor Pro Tem Toomey made a motion to move forward with the application process for the Governor's Crime Commission Grant Crime Grant. Councilwoman Breyare seconded the motion. All Council Members present voted in favor. (Motion carried)

4. Approval of the Submission for an Application to NC Division of Water Resources Grant to Reduce the Non-point Pollution in Dutchman's Creek

Mr. Johnson advised that this Grant would require a 40% match from the City. Councilman Gowen made a motion to move forward with the application process for the NC Division of Water Resources Grant to Reduce the Non-point Pollution in Dutchman's Creek. Councilman Moore seconded the motion. All Council Members present voted in favor. (Motion carried)

5. Approval to Oppose the Request to call for a public hearing for a text amendment to Section 5.20, South Gateway Overlay District, to allow the use of automobile storage in the South Gateway Overlay District with in a B-3 General Business Zoning District.

Mr. Beal advised that Staff is recommending that the Council oppose the request to call for a public hearing for the purposed text amendment because in 2009 Council approved uses for the gateways and this request is not desirable in our City's gateway. Councilman Toomey made a motion to oppose the request to call for a public hearing for a text amendment to Section 5.20, South Gateway Overlay District, to allow the use of automobile storage in the South Gateway Overlay District with in a B-3 General Business Zoning District. Councilwoman Breyare seconded the motion. All Council Members present voted in favor. (Motion carried)

CLOSED SESSION

1. Closed Session (*pursuant to NCGS 143-318.11 (a) (5 and 6)*)

At this time Councilman Gowen made a motion to enter into closed session pursuant to NCGS 143-318.11 (a) (5 and 6). Councilman Moore seconded the motion. All Council members present voted in favor. (Motion carried)

Mayor Pro Tem Toomey made a motion to return to open session. Councilwoman Breyare seconded the motion. All Council members voted in favor. **(Motion carried)**

Mayor Hough advised that no action was taken during closed session.

ADJOURN

With no additional items for discussion, Mayor Hough entertained a motion to adjourn. Councilman Gowen made the motion to adjourn the April 14, 2014 Council Meeting. Councilman Moore seconded the motion. All Council members present voted in favor. (Motion carried)

The meeting adjourned at 9:50 p.m.