CITY COUNCIL
REGULAR MEETING
April 10, 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 Mayor Whitt. The following were present:

Mayor Robert Whitt
Mayor Pro-Tem Phyllis Harris
Councilman Jerry Bishop
Councilman David Moore
Councilman Jim Hope
Councilman Frank McLean
City Manager David Kraus
City Attorney Kemp Michael

Jamie Guffey, Assistant to City Manager for Finance/Administration
Danny Jackson, Assistant to City Manager for Community Development
Benson Hoyle, Police Chief
Dale Oplinger, Fire Chief
Mike Santmire, Street & Solid Waste Director
Greg Beal, Community Dev. Officer
Ryan Baker, Fire Inspector

INVOCATION

The invocation was led by Al Woolbright.

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 removal of presentation #2 as the participants could not attend tonight and addition of discussion of zoning board under new business, upon motion by Councilperson Hope, seconded by Councilperson Bishop , with all in favor.

CONSENT AGENDA

Councilperson Hope **MOVED** to approve the Consent Agenda with 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 Preliminary Plat for Faison Development on Westland Farm Road.</u>

CA#3. <u>To Approve Public Housing Agency Annual Plan</u>

Public comment -

PR#1 Brenda Campbell- signed up for scheduled comment, but did not attend meeting.

PR#2 Jack Ferrell, 902 Old Hickory Grove Road, Mt. Holly. He stated he has a sheet for each one of you to review. About three years ago, a few people in the community came to me and we have met frequently discussing town affairs. San

Diego cut taxes and it got out of hand. We have done figures on Charlotte and so forth. When I moved here a long time ago, everything was here that I needed. When looking at Charlotte in the 1970s they had 100 policemen and today they have 1800. That means there is more crime and they are not able to control it. 30 are in training which will be additional expenses all the way around for 30 more. Bigger is not always better. State after state, county after county, we see that growth causes more crime, etc. I know you are building a greenway, but in Charlotte people are already afraid to get on the greenway due to crime, etc. When you grow in slow motion, it is nice, but when it grows this fast, it is not good. We do not need this in Mt. Holly. I am not here to tell you how to do your job, but I do wish you would review my documents. The second issue is when putting all these houses too close together , it causes problems. I lastly ask you as I live in the ETJ and I have asked fro some help to get a lot next door to me cleaned up. Mayor black was the mayor here and he spoke to Mr. Beasley, the manger at that time and it never happened. I have asked Mr. Kraus and we cannot even sit on our front porch. Danny Jackson can verify that there are snakes everywhere. I checked with Raleigh, and with attorneys that the City of Mt. Holly can clean the lot up and make the man pay for it. It can be done and the City does not need permission from the County to do it. I would appreciate it if you all would take that under consideration.

PR#3 Mr. Robert Sanders, Payne Street, Mount Holly, NC. The preacher said Mt. Holly was a garden spot. Kendrick Square looks horrible, what is covered up in brush, they left. Over the weekend, I had to have the police come out because they are busting bottles out there and a whole bunch of stuff went on over the weekend. We need to have something done about this place. 206 needs to be dealt with. It is a huge problem.

PRESENTATIONS
PR#1 – Recognition of Joshua Brown, Robert Connell, and Daniel Philemon for achieving Eagle Scouts Badge. Mayor Whitt asked the Council to join him on the floor to recognize and present resolution to each of the three scouts earning this prestigious honor.

PR #2 – Cancelled

PR#3 – Update by Cox and Scheppe. Phase 1 is complete. We have uncovered some situations that have proven beneficial for our design. We have put together a budget for this portion and was given to Council for review. This is not a bid for the work, it is a budget. This is for package, phase 2. We can compare this to the overall budget. A quick summary was given to Council on paper. The first point of note is the removal of asbestos. Everything presented is included in budget as well. Each point was noted by representative from Cox and Scheppe. We have assumed that each point will have to be done in full in our budget, if items are not necessary, a credit toward budget will be given. Scope of work – Man Scope and Bullet Points attached. About 150,000 is finishing the demolition and then the remainder is on the existing item list on Scope of Work list provided. Mr. Kraus said if you look at your budget, most demolition is covered in items 1 and 2. Mr. Kraus stated the canopies included are all of them except for the grand entry canopy section. Mr. Whitt asked about roof leakage and the effect of not covering this during this phase. Details of bullet points were went over in depth. Mr. Whitt asked Andy Cox how he did on the budget in the first phase, and Mr. Cox responded it was "in check". Mr. Whitt stated as a construction manager at risk, it is an unusual position and Mr. Michael prepared a memorandum in an effort to explain to council what that would be. Mr. Cox stated I have read Mr. Michael's memo and it is accurate. At some point in time, once the drawings have been released, then the GNP can be presented. Mr. Whitt asked if the next phase after this one is the last phase? Mr. Cox stated there probably would be two more packages, a shell package and an interior package. Mr. Whitt asked about those metal canopies at $5000 a piece, once they are installed, they are installed and we cannot take it away. I don't want to take your project down to where you are unhappy. Mr. Moore stated we should take a hard look at this. Mr. Cox stated he would encourage council to talk to David Creech regarding this. Mr. Kraus stated that especially on the retail side of the building, when they put up the brick veneer, they had to saw off the eaves and restoration work will be required. In a future phase while working on the eaves, we don't want to damage the canopies. Mr. Whitt stated I know you have been chosen by this council and come highly recommended. Mr. Cox stated doing this demo package and determining how to design makes a lot of sense. Putting full plans and specs together, bidding on a low bid, it would be hard to damage. This particular process compares favorably. The condition of this mill is remarkable. It is good square footage. There are some challenges but we have addressed them. It is a great space and as I have previously shared, cost of improvements per square foot shows great value. Mr. Kraus stated he passed out photographs that show portion of sandblasted area on the building to give you an idea of what it will look like to sandblast it or paint it. The number in front of you includes sandblasting. Mr. hope stated he would rather see it sandblasted. Mr. Cox stated he would like to see it sandblasted himself. Mr. Whitt stated it is nice to leave our options open. Mr. Michael stated the difference between this arrangement and typical arrangements is that you would bid this project out, have electrical, plumbing, etc and then you would bid out entire project and the city would then decide who the responsible lower bidder is that meets licensure and insurance requirements. By statute, you would have to select that contractor. The city would not be a part of the agreements between a contractor and the subcontractors. We have seen this go both ways, bad and good with previous experiences. In this process, you select the manager at risk based on merit and then you discuss what the fee would be. The fee for this manager would be 10%. Once you select the manager and you agree on his fee, then there are at least two ways to progress from there. One way would be arriving at an estimate to build the project to meet the specifications of the architect. Once he comes up with this price, then he would give you the guaranteed maximum price to do the work including his fee. Even though he is giving you this maximum price, the next step would be to bid out the subcontractor work under the same general statutes that the city falls under. Once the bids all come in, then the city, manager, architect would come together and the lowest bidder from each group would then be selected. From that point, the fee plus bids would be the actual guaranteed maximum price. Then the project proceeds and the contractor deals with the subcontractor. It is the contractor's duty to see the project does not exceed the maximum guaranteed price. After the project begins, you still want to save money and get the project built to your satisfaction. So, typically there can be a provision in there if he saves money, then he saves in that money. Here, he would receive 1/3 of the difference between the guaranteed price. If the guaranteed price is gone over, then the city is not responsible for the overage unless it is due to changes made by council over the course of completion. Once we select the manager at risk, council would get to him and agree on what the maximum price would be. Also, if for some reason the prices goes over on this, then the contractor will have to absorb those and that is his risk. Mr. Michael explained the difference between a general construction manager and a construction manager at risk. Mr. Hope stated it was my understanding that Council wanted to move this along and we need to try to decide how to move on with our contractor, etc. We could bring this up at budget meeting. Mr. Hope stated I don't want to set aside our deadline. I want to see it moving just like the rest of the Council. Mr. Kraus stated we will do a short term loan until we obtain permanent financing. Mr. Kraus stated we cannot go to LGC until we have the total package number. Mr. Whitt stated let's make sure we have their approval before we borrow this first loan. Mr. Kraus stated we are meeting with Don Flick and Amy on Wednesday.

UNFINISHED BUSINESS

UFB#1 <u>To Consider Resolution for "No Truck" Routes.</u> Mr. Kraus stated the actual wording of the resolution, we do not have. What we do have is the specific map of where we would have the no truck zone and that is included in your package. Before we can write the actual resolutions, one to the state, one which establishes it locally, we need to make sure this is exactly what you want us to do. We will have to have precise measurements, etc. We discussed this and Council stated they wanted a map. Mr. Kraus stated Main Street and Catawba is the biggest issue. Deliveries will be excluded. Primarily this is aimed to trucks over two axles. It is geared toward keeping semi trucks from using downtown. It would not allow the real big heavy dump trucks, semis, etc. It would allow fed-ex, UPS, etc. Mr. Kraus stated when you create a no truck route, you are asking for people to be honest, etc. Council is in consensus to okay the map and await resolution from staff.

UFB#2 <u>To Call for a Public Hearing Amending Zoning Ordinance Concerning Farmer's Market.</u> Mr. Beal stated this would just be an amendment to the previous note to allow it on school property, same criteria. I am collaborating right now is because I was on vacation last week. This week you will have definitions. Leigh Brinkley and I will work together so that I can formulate a better definition for this. Rather than us create one definition, we want to make sure we talk before we give you something in writing. Mr. Hope makes **motion** to call for public hearing, **seconded** by Mr. McLean. Passes unanimously.

UFB#3 Discussion of Zoning Board. Mr. Whitt stated we have six members right now, there should be nine. We have Chuck Carpenter, Carlton Broome, Joel Hubbard, William Gary, Earnest Stowe ETJ, and Jerry Miller currently. I think you ought to have three people serving and their term ends at a certain calendar time for three years creating continuity for the board. We could recommend extending their terms and set this up in a little bit more organized fashion. Seems like we have to try someone to appoint at odd times, rather than at tone time. I have talked to Carol Williams, and Will Crisp, all of whom have been willing to serve. I did not speak to David Baker or Jack Ferrell, Brian Barcome and Ed Longmire. These are people who had contacted Danny with some interest. They are going to run into a quorum quickly. Mr. Hope asked about a statue creating these time frames. Mr. Hope stated he would like to serve on that committee. Mr. bishop stated he will commit to serve and Mr. Moore will serve on this committee as well. Mr. Whitt stated if you could meet and talk to us by the next meeting, it would be great.

NEW BUSINESS

NB#1 To Call for Public Hearing to Rezone Oakleigh Estates. Mr. Kraus stated this will be the first time the downtown overlay district will apply. M. Whitt stated he would like to ask staff to make sure that we get a copy of the ordinance that deal with the overlay district. Mr. Beal stated with downtown design standards, it was collaboration between staff and citizens and Council made the decision to use design standards as an appendix to our zoning ordinance. Basically, it gives guidelines. It is a huge ordinance. Instead of straight B1 as it was prior, Ms. Chirico asked that it be zoned B1 conditional use. She will submit a plan showing the layout of the plan. Council can issue conditions before rezoning is granted as well. Mr. Kraus stated it is also a call for a public hearing to amend zoning ordinance on height discrepancy. Mr. Beal stated that would be separate issue. Mr. Beal stated if it is a formal request, I will have to have a formal application . The map of the downtown overlay design standard district is divided into several portions. It has a three story limitation on most parts and then over toward E. Charlotte it turns into four stories.

Motion: Motion by Mr. Bishop to call for a public hearing, seconded by Mr. Moore. Further discussion allowed.
Vote: All in favor. CARRIED.

Mr. Hope stated we want to look for reasons to make the project to work. We need to have this go before planning and zoning board prior to council making a motion on this. Mr. McLean stated something has come up about this a few years ago. Mr. Jackson stated it was a text amendment. Mr. Kraus stated this is a five acre site. Mr. Kraus stated the downtown design standards have been in effect for a year and this is the first test of it. This was set up so that if something that torn down, whatever was built back would have to match the rest of downtown. Mr. Whitt stated you have a council who is in support of this project but we need more time and we need to see something. Mr. Beal stated this is just a call for a public hearing, you can't view a plan at this time. It would go before planning and zoning board next month and you would get feedback before next work session and a decision could be made or tabled. Mr. Whitt asked if this is the only way this can be done? Mr. Beal stated yes.

NB#2 To Consider Landscape Maintenance Contract. Mr. Guffey stated in the past we have handled our grass cutting needs by bidding out the service every three to four years. With the new downtown streetscapes being done and adding new areas, we decided this year to go out and instead of doing it as a straight bid, to do it as a service contract based on qualifications not by the price. We advertised and received multiple responses to that in terms of people who wanted to take on the task. Most of them were strictly grass-cutters. Some did not have proper insurance. We narrowed it down to three terms. I met with street department who directs work of contractor. Awe meet with Pro-Turf, Consolidated landscaping and lawn care, and RDS landscaping and design. We went over this and I called references and we chose to recommend to Council to award this to RDS Landscaping and design here in Mt. holly. This is the way we handle architects, etc and we will work on the contract after council agrees to selection of RDS. The street dept cuts the parks and right of way and the utility dept cuts the utility right of way. They will also handle spraying of herbicides, and care and maintenance of all streetscape plants, etc. Mr. Guffey stated a contract will have to be listed as separate prices that will evolve as we go. It is now much more than just grass-cutting as it has been in the past. Mr. Kraus stated the landscape committee agrees with this. Mr. Whitt stated why don't we hire them to do everything versus the cost of doing it two different ways. Mr. Guffey stated some of these utility right of ways are remote. We do them twice per year. The road right of ways that we do cut. Mr. McLean stated he was under the impression that the state pays us to do that. Mr. Guffey stated they do pay us something to do that. We can approach them about this.

Motion: Mr. Moore makes motion, seconded by Mr. Bishop to enter negotiation with RDS.

MANAGERS REPORT
Mr. Kraus stated the Mayor and I met with__________________________ last week and it was a very productive meeting. Basically, what we are looking at would cost 25k this year, 50k next fiscal year and then 25k the following fiscal year. The scope of service would be everything on those five items that she presented to us. It may not completely look like what you are expecting. When they say land use plan, they want to spend their time and energy and dollars focusing on those areas like the corridors, downtown, river, the areas that would have the biggest impact versus the small areas to be handled by staff. Mr. Whitt

stated they are brining in this gentleman who is a specialist that can help with these areas. For him to do studies of income and growth outside these areas would cost a whole lot more money. Mr. Kraus stated we are planning to start in June. They would like to have an advisory committee to kind of advise them on things they may or may not know to keep up with local flavor and interest. I suggested that the land use committee plus the council would be a good advisory committee and anyone else you want to appoint to it. We will seek continued input from the community. They can save us money once they figure out where we have been and as long as we are continuing in that path not having to go back and redo the vision process. They will not re-invent the wheel and start over. There will be three to four people from their firm working on this. Mr. Whitt stated they made it clear that the advisory committee would not be making recommendations to council, they will be making recommendations to council. Mr. Kraus stated it will take about 14 months and we will have to decide whether to continue the moratorium or not. The first meeting will be in June.

Mr. Kraus stated in terms of greenway, we are still working on that and have meetings set up with A&E as well as Duke.

Stanley paid their water bill in full.

Streetscape paving should be finished within two days within the paving. We have had a lot of complaints about road blockage, etc. It has been crazy the past few days. Additionally, we are still waiting on Fountain Electric to show up to put up lights. The arms for stop lights have been approved. We can't put up the arms until we can circuit them under the tracks. CSX made us lower the border about 15 feet which is a lot deeper than what we were used to. Hopefully we will get Fountain Electric out here pretty quick. They have promised us power for spring fest.

Mr. Whitt stated I am concerned about our system development fees and how they will effect Stanley and I want that to be worked on and addressed. I got a letter from Ms. Pierce about housing authority and I will give copies as part of the package. Mr. Moore went to meeting of TAC as an alternate of Phyllis and we have been trying to widen 273 since the late 80s and we are listed as unfunded and it has really gotten to the point to where we need to go all the way to Hwy 27 at this point. Mr. Whitt stated we are behind Belmont's I85 project, related to Wal-Mart. Mr. Whitt stated I will give this package to David to copy for you all.

ROUND TABLE

Mr., Moore – Sr. Citizen dinner is coming up and Council needs to be there before 5 pm to help that day. I spoke with Lee Tallent today and he is having a problem with people going down to his property on the bridge. He runs people out of there drinking, etc all the time. Mr. Kraus stated if he will call me we will get him a lock. Next, I got a call about the city helping the county police and the caller told me that was taxation without representation. Mr. Kraus stated it is not a direct payment to the county police.

Mr. McLean – There was a gentleman that lives in Catawba Heights, Mr. Auten, that came before zoning board and City Council on a hearing to have his property rezoned and when it got to us, it was tabled. He wants his $50 back. Mr. Jackson stated I checked the archives and it was tabled and never came back. It was tabled due to additional information needed that he never returned to us. Mr. Michael asked if the public hearing was held. Mr. Jackson stated yes, the uses involved were questionable so it was tabled for information, but he never came back. He did pay an application fee, but the funds were expensed with staff time, etc. Mr. Michael stated he can re-file it. Mr. Jackson stated several people came to oppose this rezoning. Also, On Central Ave from Hawthorne to the post office, gentlemen days there are 18 wheelers going down through there tearing up the road. Mr. Kraus stated we will try to enforce this. Mr. McLean stated there is another leak right before Legion Road that needs to be addressed. I am having surgery on May 15th for a knee replacement.

Mr. Hope - water leak at Rollin's Square in front of the office. It was still running this morning when I went by there. Stanley's impact fee needs to be addressed.

Mr. Bishop – demolition out there at Belmont Mt. Holly Road and gas station, what is going on down there? Mr. McLean stated it was Times Turn Around property. Mr. Bishop stated it is going around that it is a fancy convenience store coming.

Mr. Whitt – each of you are invited on April 20th for Rotary luncheon. We would like to have you all as our guests. It starts at 12:15 and it should last around an hour. Senator Richard Burr will be there.

CLOSED SESSION
Councilperson Hope moved to go into closed session for the purpose of discussing personnel matters, seconded by Councilperson McLean, with all in favor.
** Minute Clerk dismissed at this time.

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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jmb