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CITY OF MOUNT HOLLY

MOUNT HOLLY CITY COUNCIL
WORK SESSION

MARCH 30, 2006
CITY HALL

The Work Session of the City Council of Mount Holly was called to order at 6:30 p.m. by Mayor Robert Whitt. The following were present:

Mayor Robert Whitt	Assistant City Manager Danny Jackson
Mayor Pro-Tem Phyllis Harris	Assistant City Manager Jamie Guffey
Councilman Jerry Bishop	Police Chief Benson Hoyle
Councilman Jim Hope	Street and Solid Waste Director Mike Santmire
Councilwoman Pat Hubbard	Fire Chief Dale Oplinger
Councilman Frank McLean	Community Development Planner Greg Beal
Councilman David Moore	
City Manager David Kraus	

The invocation was led by Councilman David Moore.

Mr. Kraus asked public hearing be added by Mr. Beal at end of meeting.

1. Public Comment – none scheduled.

2. Discuss Farmers' Market. Committee asked to use Ida Rankin as site for Farmer's Market but zoning is not adequate for this purpose. Either location will have to be changed or rezoning will have to be done. As long as Farmer's Market is run not-for-profit, then it would be allowed on publicly owned land. This zoning ordinance protects us from individuals trying to hold these in their resident areas. Mr. Michael stated you have to be careful how you define non-profit and that the particular farmer's market definition is accurate. You may need to set up criteria for who is allowed to function under this farmer's market definition. Permission has been granted by Mr. Ron Foulk, principal for Ida Rankin Elementary. Mr. Michael stated I am not sure what criteria is allowed. Whatever happens at one facility creates a precedence for the remainder of the county. Mr. Whitt stated it may be that it did not go any further than Mr. Foulk. Mr. Beal stated when it was written, there was questions about livestock, etc being sold and it was defined as a farmer's market produce market. What I need from council is clarification of household items allowed, baked goods, coffee, etc. Consensus by Council to not allow livestock. Ms. Harris asked if Mr. Foulk has the authority to approve this without permission from school board. Mr. Michael stated Mr. Foulk is very knowledgeable and would not grant permission without being sure he had that authority. Ms. Hubbard stated she thought this location was temporary until A&E was completed and that site would be available. Mr. Beal said multiple locations were attempted and this was the only one that would work. Mr. Kraus stated we have had different vendors applying for privilege licenses. That leads to the question of whether we need to require privilege licenses for all vendors. Mr. Beal stated June Barker has been getting calls and it is only $10.00 for produce

related licenses. It would help us track how many vendors are involved in the Farmers' Market. Mr. Hope stated it is a merchant and they both should be required to have that license for privileges. Mr. Beal stated it is set on the NCIS codes, the fee amount. If they sell any other related goods, such as crafts, etc, then it is additional. Again, it is all based on the NCIS code, per the ordinance of the city but council could amend that. If they grow the produce their selves rather than broker the produce, then the fee is waived. Mr. Guffey clarified it is good for a year. If you get it after Jan 1st, it is half price and then you pay full price again in July. They run out with the fiscal year. Mr. Whitt asked for direction from council on privilege license issue and then on the location issue. Mr. Hope stated each individual vendor should be required to hold a privilege license. Mr. Michael stated we need Mr. Beal to provide a closer definition of what is allowed at the Farmer's Market as a whole. Mr. Michael stated a benefit of the privilege license is tracking who is involved with the market for liability purposes. Mr. Whitt requested that Mr. Beal come to regular meeting with written clarification and resolution. Mr. Beal is in agreement. Mr. Whitt then directed discussion toward the location of Ida Rankin. It does require a public hearing. Mr. Kraus stated you can call for public hearing and then define it before the hearing. Mr. Whitt asked Mr. Beal to meet with Leigh Brinkley and formulate this before our next meeting. Mr. Whitt stated we also need to limit the time frame and day of the week that this goes on. Mr. Whitt asked that all of this be included in Mr. Beal's written request and information during regular meeting.

3. Spring Fest – Mr. Kraus stated this is a city function operated by citizens. We have been asked by one of the banks to hold them harmless if anyone is injured on their property. I feel we need to take out an event policy as coinsurance to cover this and hold the business owner not accountable. Ms. Hubbard stated we have never run into this before. Mr. Moore stated Citizens' south agreed to donate their parking lot if we hold them harmless. Mr. Whitt suggested to just lengthen the street and it would covered under city policy rather than use the parking lot. Mr. Hope asked that the pavers, etc not be sprayed. Mr. Kraus stated we will hold it all on city property unless owner agrees without a liability agreement between the city.

4. Presentation on Agreement in Principle. Mr. Kraus stated on the 10th we will have to vote on whether to authorize me to sign it and on what level we will support the document. (Level I-V). I have summarized each section and the biggest issues are water withdrawal fees, recreation plan and shoreline management plan. The lakes will stay within 5 to 7 feet of full pond. Water withdrawal fees were agreeable with Duke Power as we wanted. Our total share is about 5600 dollars the first year and then we have a say on how that money will be spent. It puts us in charge and Duke will never charge withdrawal fees for the next 30 to 50 years. When we pull out then they can charge the withdrawal fees. When there is a drought, Duke will be the first not to withdraw water, with level four being water rationing. Another portion of this agreement is to donate money to help with a park at Mountain Island Lake. Money for trails along MI Lake is also being given. They want to build a canoe access ramp at Dutchman's Creek. They will pay some but then they will expect us to pay some as well. On the shoreline management plan, they put in some changes but have not revised too much of that. We can use our own regulations concerning the waterfront. The issues we have heard feedback from is that Duke should build the whole park instead of helping us build it. They feel mitigation money should be used locally to protect Mountain Island Lake. Johnson's Creek is the main creek that supports MI Lake. Most of the water supply cities like the idea of joining the voluntary group. My recommendation is a two or a three for this document. If you don't sign the agreement then you are kicked out and you no longer have a say so in the agreement. If you sign the AIP, it is not binding. Ms. Hubbard asked about budget planning by this group, etc. Mr. Kraus stated yes, the group will make these decisions as a whole but without signing the document, we no longer have a say so. Discussion among Council about how Duke Power actually "owns the lake". Mr. Whitt asked if the marine commission puts any advice in this. Mr. Kraus stated they will only rate a 4 due to the fact that

they feel Duke should put more money toward the park. Duke did note that we have one endangered flower and four different endangered mussels in our area. Mr. Whitt asked if council wants to make a decision tonight.

Mr. Moore **moves** that we adopt it and go with #3 with questions, and **seconded** by Ms. Hubbard. All in favor.

5. Presentation on Black and Veatch Utility Study. There are six options involved in this study. We are not paying for this study. The first option is to expand the water sewer facility and CMUD (Charlotte Meck Utilities Department) remain doing as they are now. Mr. Kraus stated the total cost for both cities is somewhere around 200 million. Alternative two is to expand to 8 MGD for our plant. Option three CMUD would actually send their flow to the Mt Holly plant and have our plant expanded to not only 8 mgd but additional 17 mgd. Property is owned by A&E at the time. Plan four is to scrap ours and start a new plant here in Mt. Holly. Flowing from Long Creek pump station to corridor up to Huntersville. Option 5 is to build 25 mgd plant at Long Creek and we would just pump to that plant. That would put new plant on Mecklenburg side rather than Gaston County Side. Six would be to leave things as they are and everything over 4 mgd would be shipped to Mecklenburg. Mr. Kraus stated the actual details and amount we would have to pay are negotiable at this point. CMUD will have to provide certain guarantees. In the cost benefit analysis, based on construction and operating cost, they are recommending either building on the MH side or Char Meck side. Ms. Hubbard asked about option five and would we be doing any treatment? Mr. Kraus answered no we would be out of the treatment business fully. Mr. Kraus stated their engineer is supposed to be providing us with a number of if we expand our plant. Any combined scenario, we can't pay more than what we will pay just on our own. The good thing we get out of all of this is how much it will cost to build our own plant. Our feasibility study would be done for us. It could take up to six years to complete this sort of permit process. If we expand our plant, we will have to address our flood issue. Mr. Michael explained the A&E portion of cost, industrial recovery process.

6. Committee Reports. Ms. Harris stated that when the clock is installed, they will request community involvement. Mr. Moore stated the city redid sign at 273, put in plants, repainted the sign with help of Troup #59. Ms. Harris said the sign that is coming from the abbey, could we do something with that? Mr. Moore stated we want to move that sign. It is straddling a ditch. Ms. Harris stated that sign is special to us.

7. Greenway report.

8. Planning Commission Vacancies. Hazel moved and that is a vacancy. George Cauthen resigned and that is vacant. Mr. Henley also resigned. Mr. Beal stated he felt uncomfortable accepting a position stepping on this many toes, so to speak. This was related through Danny Jackson. The County had already voted him in. Mr. Beal stated we have to have five by state law. MR. Whitt asked about further vacancies coming up in the future. Mr. Whitt asked Council to actively recommend. We need one ETJ and two inside members. Mr. Beal stated the commission did not have any recommendations at this point. He stated Hazel was vice chair and that needs to be done and no one would accept the position. Mr. Whitt stated this is extremely important role to the future of Mt. Holly. Ms. Harris asked why Mr. Henley felt uncomfortable unless someone stated something negative to him. Mr. Whitt stated he was going to recognize Mr. Stevenson, Mr. Cauthen and Hazel very soon for their service toward this committee. Mr. Hope asked about alternates. Mr. Beal stated we have a nine member board and committee did not opt to have alternates at this point. Mr. Hope asked if there was a way to have an interim position until we find a permanent candidate. Mr. Whitt stated to look at land use committee for possible

candidates. Mr. Whitt stated he would call a few contacts to see what the interest level is with them. Mr. Whitt stated he will also contact Mr. Henley to see how things occurred with that situation.

9. Budget meeting. Mr. Kraus asked if Council wanted session with staff direction given before we come out with a budget. Mr. Whitt stated we need a budget work session specifically for that purpose. We need to work on a day by mid April.

Mr. Whitt asked Mr. Michael to give information on land acquisition near Mt. Island Dam area. The railroad held up granting us any sort of easement until resolution regarding crossing. Finally, the railroad held up the National Gypsum process until the MH crossing was worked out. After clarification from us, we explained we support National Gypsum and do not want to hold their process up due to the crossing issue. Crescent will still own 120 acres of land in conjunction with this and has a lot of stake. The easement would run with the land from 273 all the way down across the railroad crossing. We have all of it except the railroad crossing.

Mr. Beal stated we have issues coming up with fences being built in right of ways. I would like to write an additional statement addressing. This is also a code enforcement violation here in that it blocks traffic views, etc. I would like to add one more as well. Consensus by council to present resolution of that at next meeting.

10. To discuss agenda items. No agenda has been prepared at this time but Mr. Kraus did highlight items that were proposed for agenda at this time. Discussion among staff and council for items needed to be added / removed to agenda for regular session.

ROUND TABLE

Ms. Hubbard – do we know any more from Jeff Wise about road situation? Mr. Kraus stated his issue is that he wants to build the road, it is a DOT issue at this point. Mr. Whitt stated he will contact him. Also, where do we stand on Sue Myrick and military equipment? Mr. Kraus stated she is supportive, we just need to know what we want.

Mr. Moore – I think there is a water leak at parking lot at Rollins Square apts near the office. There are a lot of pot holes in the tuck center parking lot as well that need attention. Harry and Marlene Suddreth – possible recognition upon their retirement of Low Meadows and their part of our community. ABC committee met yesterday. Sales were over 90 thousand this month. The location discussion yesterday led to request for satellite police station there that would be manned there on a regular basis.

Mr. McLean – Fire hydrants need painting badly.

Mr. Hope – what is latest on sports bar? Mr. Beal stated we are coordinating a meeting between health dept , rep from ABC Board and make sure we are on the same page. Obviously, we want to understand their regulations before we make demands. He presented as being a restaurant and we need to head in that direction. System Development Fees – one said I am going to go to Stanley and build because they do not have those fees. We need to look into this as we take their sewer, etc. They approved a 150 home project up there. We need to incorporate something so they will have to pay those. Mr. Whitt asked that the utility committee get right on that. About water bill, Mr. Guffey stated the interim city manager did state it would be paid. I got a call from a neighbor who stated a code enforcement officer who was going through their trash and reading their mail. I know we check for paint, etc, but you don't read their mail.

Mr. Hope to go into closed session, seconded by Mr. Moore for purpose of discussing personnel issues. All in favor.
Minute clerk dismissed at this time.

______________________________ **MOVES** to adjourn. **SECONDED** by ______________________________ Motion carries. Meeting adjourned by Mayor Whitt at ____________________ p.m.

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Clerk

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Mayor

jmb