CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL
Work Session
March 24, 2008
7:00 pm

Members present: Mayor Robert Whitt, Councilmen David Moore, Jerry Bishop, Frank McLean, Bennie Brookshire, Perry Toomey, and Councilwoman Carolyn Breyare.

Staff present: Eric Davis, City Manager, Jamie Guffey, Assistant City Manager, Danny Jackson, Assistant City Manager, Greg Beal, Planner, Mike Santmire, Maintenance, Chief Oplinger, Fire Chief, and Chief David Belk, Chief of Police, Kemp Michael, City Attorney

Others present: Brooke Shephard, Attorney, Kemp Michael's office

CALL TO ORDER BY THE MAYOR
Mayor Whitt called the meeting to order at 7:00 pm.

INVOCATION
Councilman Moore led the Council, Mayor, staff members and attendees in prayer.

SET THE AGENDA
Mayor Whitt asked for any additions or changes to the agenda. There were none. Mayor Whitt asked that Item 1, *Discussion of a land swap with Habitat for Humanity* be removed from the agenda and that a *Report on Spring Fest* be inserted in its place. Mayor Whitt requested that Item 10 be changed to *Discussion of Drought Rules and Regulations* and that Item 11 be a *Closed Session* in order to discuss personnel matters. There being no other items to add or discuss, Mayor Whitt entertained a motion to set the agenda as amended.

Motion: Councilman McLean made a motion to set the agenda as amended. Councilman Moore seconded the motion and the motion passed unanimously.

AGENDA

1. Report on Spring Fest, presented by Paisley Payton, Chairwoman
Ms. Payton stated that she has received a request from one of the Spring Fest vendors who is a wine vendor from the Rutherfordton area. Their request is to sell unopened bottles of wine at Spring Fest or to sell wine by the glass in a restricted area, or to allow sampling of their wines. She stated that they would be located at the Sanger Clinic area in an isolated restricted area during Spring Fest. Chief Belk stated that for sampling of wines, there would still have to be a designated area for that type of activity.

Mayor Whitt asked Council for their input. Councilman McLean said no to the request. Councilman Moore compromised by allowing unopened bottles of wine to be sold. Councilman Bishop did not agree with the selling of wine by the glass or taste tasting. Councilman Toomey stated that there are many young people who attend Spring Fest and he didn't want them exposed to this. Councilwoman Breyare stated that some of our restaurants in town already have designated areas for beer and wine consumption and she felt there was no need for another area for this type of activity. Councilman Brookshire said no to the request.

It was the consensus of Council not to permit the Rutherfordton area wine vendor to sell unopened wine bottles, to sell wine by the glass, and that no wine tasting would occur during Spring Fest.

Ms. Payton asked Council if they wished to volunteer for the Senior Dinner and all members of Council were in consensus that they were coming to the dinner and volunteering their time to serve.

Mayor Whitt thanked Ms. Payton for her report.

2. Discussion of Public vs. Private Street Standards, presented by Danny Jackson, Assistant City Manager

Mayor Whitt stated that the Public vs. Private Street Standards of multi-family developments are included in the agenda package and any items in bold print are staff's recommendation to Council.

Mr. Jackson stated that he has gone through the current Zoning Ordinance and looked at the criteria that the City currently has in place and has made recommendations for proposed amendments to the multi-family developments. Mayor Whitt asked Mr. Jackson review each recommendation.

Under A, in the R-8MR and O-1 Districts, under Development Criteria:

a. No multi-family development shall contain more than twenty (20) dwelling units unless the development shall have frontage along and direct primary access on a major or minor thoroughfare as shown on the Gaston Urban Area Thoroughfare Plan or ***city maintained thoroughfare.***
b. No multi-family development shall contain more than sixty (60) dwelling units unless the development shall have frontage along and direct primary access on two major or minor thoroughfares or combination thereof as shown on the Gaston Urban Area Thoroughfare Plan or ***city maintained thoroughfares***.
c. ***Any multi-family development with more than one hundred (100) dwelling units shall meet the requirements of subsection b (above) and shall submit a certified traffic engineering report evaluating the capability of the adjoining street system to carry the traffic generated by the development. The developer may be required to make necessary improvements to the impacted adjoining street system.***

The consensus of the Mayor and Council was to change the one hundred (100) dwelling units to fifty (50) dwelling units for item c (above). Mr. Jackson made note of the change.

Mr. Jackson continued with a revision for item 4, under A – In the R-8 MF and O-1 Districts:

4. Private recreation space for the development shall be provided in accordance with the formula set forth in the Subdivision Regulation ***and/or other pertinent ordinances***.

Mayor Whitt asked that "private recreation space" be changed to "***private usable recreation space.***" Council agreed.

Mr. Jackson continued with another revision for item 5, under A – In the R-8 MF and O-1 Districts:
5. A screening device and parking lot landscaping shall be provided as set forth in the Landscaping Section of the Zoning Ordinance ***or any other prevailing ordinance requirement.***

Mr. Jackson continued with item 6, under A – In the R-8 MF and O-1 Districts:
6. The off street parking and circulation plan must assure safe, quick and convenient access for firefighting equipment, refuse collection, service and delivery vehicles. Interior streets may be public, private or a combination thereof as determined by the City of Mount Holly Technical Review Committee (TRC). The acceptance of a public street dedication must be approved by the City Council as required in the Subdivision Regulations.

Mr. Jackson explained that the Technical Review Committee, otherwise known as the TRC is comprised of City of Mount Holly Department Heads.

Mr. Jackson continued with item a, under A – In the R-8 MF and O-1 Districts, item 6:
a. The determination of whether interior streets will be public, private or a combination thereof will be based upon the following considerations, with recommendations from the TRC: adopted thoroughfare plan, neighborhood circulation needs, utility facilities, the size and shape of the tract to be developed, and the number of dwelling units to ultimately be constructed.

Mr. Jackson continued with item c and e respectively, under A – In the R-8 MF and O-1 Districts, item 6:
c. The design and construction of all streets will meet the standards established in the Mount Holly Standard Details Manual for Development.

e. The TRC will also review and make recommendations regarding the location of utilities within the development, including the responsibility for maintenance thereof.

Councilman McLean stated that everyone in the City of Mount Holly should have the same garbage pick up service as he has and that services should be consistent. Mr. Davis stated that the City should be able to provide services even if a street is private and that determination will be revealed at the TRC review process that the City can provide services. This determination has not always been the case in the past but the City has raised the standards. Mr. Jackson added that there are no private streets allowed in the subdivision process and that private streets must meet standard details and any outstanding criteria that is added must be notated on the plat.

It was the consensus of Council and the Mayor that multi-family standards be raised higher than they are currently and that consistency should be strived for in the Ordinance on this matter regarding public and private street standards.

Mr. Jackson stated that a Public Hearing on this issue is scheduled for April 14, 2008.

3. Discussion of Sign Ordinance Revisions, presented by Greg Beal, Planner
Mr. Beal gave a PowerPoint presentation on the proposed sign ordinance revisions for the City of Mount Holly. Mr. Beal stated that the ordinance is based on Gaston County's newly adopted Unified Development Ordinance (UDO) with some modifications. He added that attempts to bring the Sign Ordinance revisions with greater restrictions to previous Councils were not met with interest so the matter was withdrawn until this time.

Some highlights of Mr. Beal's presentation on Sign Ordinance Revisions are as follows:

- Monument style signs are good examples of design.
- Pole signs are free standing "yard signs" of 25 – 30 ft in height. They are far too great in height according to the current ordinance. In downtown, having so many pole signs causes a sense of clutter and is not visually appealing.
- Our current ordinance doesn't address signs in disrepair, or signs reflecting businesses which are now closed, or signs conveying incorrect information. These signs should be repaired or torn down or corrected at the owners' expense.
- There are between 10 to 15 temporary signs (letter board signs with arrows) around Mount Holly. Temporary signs are not attached to a permanent foundation.
- Amortization is the gradual elimination of a nonconforming situation over a period of time and relates to nonconforming signs. If the sign ordinance is changed, Council will decide how much time will be given to a sign owner to come into compliance with conforming sign standards.
- Staff's recommendation is that monument signs be no more than 6 feet in height.
- The entrance signs for the City of Mount Holly have mold and mildew on them and should be cleaned up.

Mayor Whitt stated that the City of Belmont has a more restrictive sign ordinance that does not allow pole signs. Mr. Beal stated that Belmont's Sign Ordinance is not detailed but it is more restrictive. He added that he would appreciate Council's input on how restrictive they want to be about the sign ordinance.

Councilwoman Breyare requested more sign examples to view such as signs allowed in the Cities of Davidson, Cherryville, and Cornelius. She felt that the City should be more restrictive.

Councilman Bishop thought that the City should approve the UDO's sign ordinance regulations.

Councilman Moore was concerned about the signs of older established businesses being affected and hoped to work with these businesses during any transition. Mr. Davis added that there are signs of historic character and significance (20 to 40 year old and older) and that they may be left up.

Councilman Moore felt that there was a lot of sign clutter downtown.

It was the consensus of Council and Mayor that consistency should prevail as much as possible with the sign ordinance. Additionally, they asked staff to supply more examples of conforming signs to view for comparison.

Mr. Michael stated that if there is a sign ordinance change, there will be a public hearing on this matter. He added that the merchants should be involved and aware early in the process.

Mr. Davis asked Council and the Mayor if it would be agreeable to them to bring this matter back at the April 28, 2008 Work Session when staff will present more examples of conforming and appropriate signs. Mayor Whitt asked that a representative from the City of Belmont be at this meeting to talk about the sign ordinance process in their City. There was no objection from Council or the Mayor on bringing this item back at the Work Session.

Mayor Whitt asked that Item 4, *Discussion of Forest Service Greenway Easement*, be delayed until Mr. Hough arrives. There was no objection.

5. Discussion of Whitewater Payment, presented by Eric Davis, City Manager
Mr. Davis stated that the City received the first of seven annual commitment payment requests for $142,857, due March 17, 2008, from the Whitewater Center to "provide for recreational opportunities" for Mount Holly per the contract. The City of Mount Holly committed over $1 million dollars over a 7 year period for this project and the City is a partner with the Cities of Belmont, Gastonia, and Charlotte along with the Counties of Gaston and Mecklenburg in this financial structure.

Mr. Michael stated that the Whitewater Center, per their agreement dated June 1, 2004, has six obligations to provide to Mount Holly and the other participating governments and they are as follows:

- The Whitewater Center should provide recreational opportunities such as bike trails, whitewater, hiking trails, and other activities.
- The Whitewater Center should provide time for the City of Mount Holly's Fire and Rescue for training purposes.
- The Whitewater Center must provide an annual audit and a mid-year unaudited financial report.
- The Whitewater Center should operate the park in a fiscally responsible manner.
- The Whitewater Center should make a reasonable effort to afford access from the Gaston County side to the park.
- The Whitewater Center should establish a trust account when operating at a profit.

Mr. Michael said that the City's obligation is to pay the annual commitment.

Councilman Bishop asked about the large increase in the Whitewater Center budget for professional services for 2007-2008. Mr. Davis said possibly Wachovia Bank and Bank of America insisted that a financial turnaround expert, John McGee, be hired and that caused the increase in that line item.

Mr. Davis stated that at staff level, we expect to pay our commitment for 7 years. The banks are going to make sure that we all will pay our share. Mayor Whitt stated that we must honor our commitment to the Whitewater Center and that we should be their ally as the center will bring some economic development to this region.

It was the consensus of Council and Mayor to honor the City's commitment to the Whitewater Center.

4. Discussion of Forest Service Greenway Easement, by Bryan Hough, Former Mayor of Mount Holly

Mayor Whitt stated that former Mayor Brian Hough has worked with the Trailblazers, a group of mountain bikers, who received a grant to do trails in the area, especially by the Educational Forest. The Educational Forest group was at odds with all the things that the Trailblazers wanted to do in this area and a problem was created. Former Mayor Hough mediated and helped work through these issues. Mayor Whitt expressed his appreciation to Former Mayor Hough for dealing with and resolving this matter.

Mr. Hough stated that it took around 2 ½ years to reach a conclusion on this. It involved a trail system at the Don Carmichael Conservancy which consisted of around 500 acres. The City of Gastonia bought this property for $10 million and of that total acreage, 242 acres would be used as conservation easement; the other acres could not be used.

Mr. Hough stated that the Trailblazers wanted competition standard bike trails but that was not part of the plan of the Forestry Service. The amended Memorandum of Understanding (MOU) provided in the agenda package was approved and eventually the Trailblazers were no longer involved in this process. (In the amended MOU, the "mountain bike (bicycle) and pedestrian" use references were changed to "greenway" trail use).

Mayor Whitt stated as background information, this property is owned by the City of Gastonia. The property was put into a conservation easement; the Forest Service is contracted to manage the conservation easement; and the City of Gastonia leases this property to the City of Mt. Holly for recreational purposes for about a $1.00 a year for a certain period of years.

Mayor Whitt asked Mr. Hough whether item J, on page 3 of 5 of the attached MOU, was correct in reference to the Mountain Bike Association. Mr. Hough said that item J was correct and it used to define trail difficulty levels.

Councilman Bishop asked who would be responsible for the maintenance of the trail. Mr. Hough suggested that the City have an agreement with the Mount Holly Community Development Foundation for most of the maintenance and that the Forest Service will help out as well.

Mayor Whitt asked if Council should approve this on the consent agenda next month. Mr. Hough stated that it is ready for their approval.

Councilman Toomey asked if there would be any signage and regulations for banning motor vehicles in this area. Mr. Michael stated that since this area is in a conservation easement, no signage is allowed. However, this area is in the City limits so it is subject to our City Ordinances so any violators would be considered trespassers and would be liable for any damages they incur.

Mayor Whitt asked Mr. Davis to contact the Foundation with regard to this agreement to have them on board before the vote on the Consent Agenda.

Mayor Whitt thanked Mr. Hough for his report.

6. Report on Street Light Outages, presented by Chief Belk, Chief of Police

Chief Belk passed out a form that the City Officers will fill out to inform Duke Power of any street light outages.

Chief Belk stated that since January, there have been 59 street lights outages reported to Duke Power and as of March 14, 2008, 50 outages have been repaired with 9 left to be repaired.

Mayor Whitt asked if these forms can be accessed by citizens. Chief Belk said that citizens can call the police station to report outages or the outage can be reported to Duke Power online as well. Mayor suggested that a notice be placed in the Mount Holly newsletter regarding outage procedures with instructions to either call the police department or go online with Duke Power to report the outage.

7. Review of the Resolution supporting reactivation of the P&N Rail Line, presented by Mayor Whitt

Mayor Whitt stated that the Resolution, if approved, supports the reactivation of the P&N railroad line by the Ohio Valley Railroad and NCDOT to reopen these tracks. This reactivating would move a lot of freight out of Mount Holly and may reduce some of the truck traffic coming through town.

Mayor Whitt asked that this Resolution be put on Consent Agenda for the next meeting. There were no objections.

8. Discussion regarding use of proceeds from the sale of the current Police Department and the vacant land in front of Holiday Inn, presented by Eric Davis, City Manager

Mr. Davis stated that an inquiring activity report is forthcoming from Ms. Chirico on the status these City properties. Mr. Davis asked Council for their input as to when these properties are sold, where will the funds be allocated – into the General Fund or into the fund for Capital Projects.

Councilman Bishop thought that the sale of the vacant land in front of the Holiday Inn should be allocated to Capital Projects. For the Police Department building, he felt that reinvesting those proceeds into the Citizens Center to finish the retail space for lease opportunities and the rest of the proceeds for landscaping and furniture for the Citizens Center would be advisable. The remaining funds should not go into the General Fund but would be used for debt service. It was the consensus of Council and the Mayor that the proceeds should not go into the General Fund.

Mr. Davis stated that there is nothing under contract for lease at this time and he suggested that Council hold off finishing the retail space for leasing opportunities until staff moves into the building and all the logistics have been worked out.

Mayor Whitt stated that an entity such as the library branch may come into this space and it may be best to contact them so that the library can decide what type of up fitting they would like for the space if they choose to relocate to the Citizens Center.

Councilman Bishop thought that we should move in first and then think about leasing space and what types of tenants we would like to have in the space.

Mr. Michael suggested that at the next Work Session on April 28, 2008, we can determine the uses for the leasable space, the uses Council will not allow, and the kinds of tenants for this space. There was no objection.

9. Proposal to change Council meeting times, presented by Mayor Whitt

Mayor Whitt asked Council if they would prefer to change the times of either the City Council meeting or the Council Work Sessions to 5:00 pm or 5:30 pm instead of the regular start time of 7:00 pm.

It was the consensus of Council that the start of 7:00 pm for each meeting suited the needs of the citizens and didn't wish to change the time.

10. Discussion Drought Rules and Regulations, presented by Mayor Whitt

(Tape ran out at 8:55 pm)

Mayor Whitt stated that some neighboring cities and towns have relaxed their drought rules and regulations and he asked Council their opinion on relaxing the drought rules and regulations for Mount Holly.

Councilmen Toomey, Brookshire, Bishop, Moore, and McLean felt that the City should relax the drought rules and regulations so that citizens can wash their cars on the weekend or on a specific day, water their grass on a specific day, but to stress to citizens that water should not be wasted and should be used conservatively. Councilwoman Breyare thought that the rules and regulations should be adhered to as it was too early in the year to relax these rules. She was also concerned about the groundwater not coming back to tolerable capacity.

Mr. Davis felt that there is a huge financial impact for cities and towns with water restrictions as well as for businesses that depend on water for operations. Our area is still in a drought situation and he heard that in May and June, the City of Gastonia will again tighten their restrictions. In his discussions with Mr. Friday, staff's recommendation is to remain at Stage 3 restrictions. He added that he and Mr. Friday will bring a plan to Council for their review.

10. Manager's Discussion, presented by Eric Davis, City Manager

Mr. Davis asked Chief Belk to bring to the attention of Council and the Mayor a problem encountered by a citizen. Police Chief Belk stated that his office received a complaint from a citizen about five deer in the Stone Water Bay area that were destroying her landscaping. He asked Council and the Mayor if they were in agreement with the issuance of a permit for an Agent to have 5 deer killed since they could not be relocated. It was the consensus of Council that they were not in agreement with this request.

Mr. Davis stated that the spring programs for t-ball, girls softball, and coach pitch had a high number of registrations.

Mr. Davis stated that Habitat for Humanity has received a donation of a piece of land on River Street. Because there was no utility service to that piece of property, some members of Council thought that the land off Miller Street, owned by the City, would be a more suitable location but it was not acceptable to Freightliner. Freightliner wants to build Habitat houses off River Street by Park and they are not interested in a land swap. Councilman McLean wondered how will they get utilities to this property. Mr. Davis stated that there is a water line very close to this location. Councilman Moore added that it will be costly for them to hook to that water line. Mayor Whitt suggested that Mary Harris, Gastonia Habitat for Humanity Director, should be in contact with Councilman McLean so he can show her alternative sites. Mr. Davis stated that he will contact her to set up a time to meet with Councilman McLean.

Mr. Davis stated that he has not received many planner applications and he and staff are considering hiring a planner on a contractual basis.

Mr. Jackson stated that Tuck Park construction is still on schedule.

Mr. Davis stated that they have received some quotes from movers for City Hall's relocation to the Citizens Center.

There being no other business to discuss, Mayor Whitt entertained a motion to go out of Regular Session and into Closed Session to discuss matters of personnel.

Motion: Councilman McLean made a motion to go out of Regular Session and into Closed Session to discuss matters of personnel. Councilman Moore seconded the motion and the motion passed unanimously.

11. Closed Session

In the Closed Session, there was the discussion of Eric Davis' Employment Contract. According to the contract, his current salary is to be raised from $81,000.00 to $84,000.00 upon an evaluation as "satisfactory." Mayor Whitt suggested an evaluation of Mr. Davis should occur during Council's Retreat each year and to not perform an evaluation at this time because he is still new.

Mr. Davis was evaluated as satisfactory.

Motion: Councilman Moore made a motion to come out of Closed Session into Regular Session. Councilwoman Carolyn Breyare seconded the motion and the motion passed unanimously.

Motion: Councilman Bishop made a motion to increase Mr. Davis' salary from $81,000.00 to $84,000.00, effective the next pay period. Councilman Moore seconded the motion and the motion passed unanimously.

There being no other business to discuss, Mayor Whitt entertained a motion to adjourn the meeting.

Motion: Councilman Moore made a motion to adjourn the meeting. Councilman Toomey seconded the motion and the motion passed unanimously.

The meeting adjourned at 10:15 pm

Robert Whitt
Mayor

CITY OF MT. HOLLY INCORPORATED SEAL 1879 NORTH CAROLINA

Eric Davis
City Manager

Cass Roberts

Cass Roberts
Secretary