CITY COUNCIL
REGULAR MEETING
March 13, 2006

CALL TO ORDER BY THE MAYOR

The regular meeting of the City Council of Mt. 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 Jim Hope
Councilwoman Phyllis Harris
Councilman Frank McLean
Councilwoman Pat Hubbard
Councilman David Moore
City Manager David Kraus
City Attorney Kemp Michael
Jamie Guffey, Assistant to City Manager
Danny Jackson, Assistant to City Manager
Benson Hoyle, Police Chief
Dale Oplinger, Fire Chief
Mike Santmire, Street and Solid Waste Director
Greg Beal, Community Development Officer
Ryan Baker, Fire Inspector

INVOCATION

The invocation was led by Reverend Bill Bradley.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE AGENDA

The agenda was approved with the addition of unfinished business to consider matters related to our strategic plan, with an additional change under the consent agenda regarding the insurance claim relating to the police department. The Agenda was approved upon motion by Councilperson Harris, seconded by Councilperson Moore with all in favor.

CONSENT AGENDA

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

CA#1. To Accept and Approve the Minutes.
CA#2. To Approve Budget Amendment for Insurance Claim.
CA#3. Supplemental Appropriation of Recreation Tournament Profit.

PRESENTATIONS

PR#1 Presentation of the Mt. Holly Police Dept Criminal Investigations Unit – Chief Hoyle addressed productivity including investigation regarding shooting of police officer, etc. Mayor Whitt delivered presentation for exceptional performance for the unit.

PR#2 Recognition of Marlene Huggins for 23 years of service to the City of Mt. Holly and starting annual Spring Fest Celebration.

PR#3 Presentation by Economic Development Committee of the Mt. Holly Community Development Foundation, presented by Mike Khare, chairman. PowerPoint presentation provided through screen projection as well as hard copy (attached). Mr. Khare gave description of how this development will serve the City of Mt. Holly as well as short and long term goals for the committee. Some benefits of economic development are already being felt by our area and this will continue to expand with addition of 485 loop as well as whitewater center. Committee will be working in coordination / relationship with city council and strategic planning. Strategies were detailed for 1 year projections as well as 2 to 5 year strategies / projections. We want to ensure quality growth in key development districts, protect streetscapes along our major corridors and become a pedestrian friendly community. We will research grants and loans that can be used throughout the city and to market and enhance the image of Mt. Holly to potential developers and investors within the community. We want to continue our county and regional partnerships and continue growth of small business development. We incorporate very energetic individuals with various backgrounds. We have a lot of depth in our committee and expertise to develop our goals and assist the City in various needs. Two of the key districts with development coming in include Rivertown green, 27 corridor and downtown. The other major is the Catawba gateway village and the 273 corridor. At some other time, I hope to come back to discuss other areas detailed in provided package. We want to strengthen our river and water identity, paying close attention to our open space and the architecture of these areas. One major identity of Mt. Holly is the waterfront. Everyone will be connecting Mt. Holly with the Catawba River and national whitewater center. There has been no major development in these areas and the development that has occurred could potentially be redeveloped into something that could restrengthen the identity of Mt. Holly. The sky is the limit right now for our City. We need to preserve portions of these areas for open space and greenways. We need to set aside open space for future ideas that have yet to have been conceived. In the past, the city has looked at increasing density in these areas. This can be incorporated into these areas. Architecture is a major attribute of our city and we have seen much activity with this in the past few weeks and months. We want to make a good impression in these areas. We have seen a good template with Oakleigh Estate being redeveloped. With our greenways and downtown, we want to strengthen our "community" feeling. We need to protect the City identity and assets by strengthening zoning and land use regulations. These regulations do not have to work against the land owner. I feel they will be open to these ideas. One thing we have been strengthening lately is the communication between the foundation and the City. We have a lot of resources with many active members and can make things happen.

PR#4 Update on farmer's market by Leigh Brinkley. We have about 10 farmers signed up and will be located at Ida Rankin Elementary School. We will have a team meeting on March 30th at Ida Rankin at 7 pm. I need input from Council for signage issues. I think this whole process exemplifies the extraordinary character of our town. Specific players that deserve recognition are Jim Hope, Dr. Beatty, Mr. Foulk, Mr. Griffin, and more. I want to see that our character is supportive. We need to rethink about what you will have access to. We will be able to plan for Saturday to come get a cup of coffee and do grocery shopping at the same time. It is a way to meet neighbors, a way of sharing and caring. It is also a way of introducing our idea of carpool. Bring your friends, children and grandchildren. Think of it as a beginning. Anything is possible. May 13th will be our first Farmer's Market, the day before Mother's Day.

PUBLIC COMMENT
UNSCHEDULED

Scott Farmer – 2515 Pinewood Road, Gastonia. I want to talk to you tonight because on our agenda I see we have to consider annexation of Landcraft management. I am the primary land owner on Westland Farm road. I respectively request that you delay the vote until 4/4, the last day in the 6month period in which annexation can be granted. There is nothing to lose by delaying this vote for the city in that the city will benefit from city of new money and development through project at Taylor's Creek.

PUBLIC HEARINGS
PH#1 No Public Hearings Held during this meeting.

UNFINISHED BUSINESS
UFB#1 To Consider Accepting Annexation Agreement for Landcraft Management Landcraft. Mr. Whitt stated this is the matter we had put off until tonight. Mr. Farmer has already spoken during the public comment time. Mr. Whitt stated this matter is before you because if you do not rescind the request, the property will come into the city at the end of the month. Mr. Whitt did provide letter from Landcraft that was sent to Mr. Michael late this afternoon stating Landcraft will not pursue the project and was unable to secure the letter of credit.

Mr. Hope asked do you feel they cannot secure the bond today or not even by the end of the month. Mr. Michael stated Landcraft has been the developer since initiation of this annexation. When it was voted on in October, it was discussed that Council would require a letter of credit to ensure that utilities were provided to various parcels that make up the subdivision. If the city has it annexed, which will happen without rescission of Council tonight, we will be required to provide utilities to these parcels. The request for the bond by Landcraft was to secure the cost of providing those utilities. Mr. Michael stated he has had several points of communication with Mr. Wilson over the past two weeks. His attorney also has contacted him and the last conversation with the attorney today indicated it was not going to happen and it was followed up by this letter. Landcraft apparently is not involved with this project at all any more. It is possible prior landowners may wish to have the annexation for their subdivision provided they can provide a letter of credit. It may be necessary to schedule a scheduled special meeting to make the motion to rescind the annexation offer.

Ms. Hubbard asked if we rescind the annexation and someone else comes in and wants to go through with the project is it just a matter of redrawing the contract? Mr. Michael stated they would have to resubmit for a petition of annexation and it would be affected by the moratorium.

Mr. Jackson stated the zoning is done – it will not change, it stays with the land. The annexation is up to you all and utilities will come into play at that point. Mr. Michael asked if this is within the one Mile perimeter? Mr. Jackson stated yes, it is within the ETJ. Mr. Michael asked if annexation was rescinded and zoning was still in effect, developer would have to come to city to request utilities or annexation again at that point, correct? Mr. Jackson stated yes. Mr. Kraus stated the last action council took was 10/4/05 and unless you rescind, the land will be annexed on 3/31/06. Mr. Hope stated we can extend it to 3/27/06.

<u>Motion</u>: Motion to rescind, revoke and annul the resolution of annexation number 100405B to the effect that the area described in said resolution of annexation shall not be part of the City Limits to the City of Mt. Holly made by Mr. Bishop, seconded by Mrs. Harris.
<u>Vote</u>: Councilpersons Harris, Bishop, Hubbard, Moore and McLean vote in agreement to rescind. Councilman Hope opposing. Motion passes 5 to 1.

UFB#2 <u>To Consider ABC issues.</u> Mr. Kraus stated the ABC Board expressed desire to head in different direction than what we have been going in. They have discussed what they feel would be an appropriate way to settle any finances. Mr. Broome contacted us today about purchasing shelving outright. We are looking for Council to officially decide whether to pursue construction of building on that site. In the memo, I noted the way the ABC Commission distributes fund. The City's portion comes at the end of the funds as set forth by the general legislature. Mr. Whitt asked did we find out whether or not the city can get off of the lease and the board can take over the lease where they are now. Mr. Kraus stated lease will expire in 12 months and board can reset new lease in their name alone at that point. Mr. Whitt asked how much we spent on shelving, 9037.58 to be exact per Mr. Guffey. Ms. Harris stated I do not like going back after we study things and we give up too quickly. We do not have to build that building right now. We are purchasing the property and if the ABC Board feels they do not need that museum of a building then we don't have to build that. We need to stop and take another look at this. We all decided as a Council and I thought the Board was on board with us that that location was the location desired for the ABC Store. Mr. Hope stated I asked for this to be put on the agenda. When we purchased the property, we purchased the entire parcel based on ABC to be on Half and then sell the other half and reap a benefit when the development of that area starts to come into play. If they build a building , they are going to have to pay lease to somebody. I don't have a problem with them building their own building, I have a problem with them changing location. If they want to build it themselves, the cost of the property needs to be taken care of by the ABC board. I feel if they do build their own building they will be happy for it. The proposed building will be about 1 Million dollars with site work. In my Mind, that property is perfect for the ABC Store. Ms. Hubbard asked Mr. Michael if in the purchase agreement that the building had to "match" the Holiday Inn. Mr. Michael stated it had to be compatible, not conflict and be gaudy with a huge amount of latitude. Naturally, if you own a nice piece of property, you want protection and that is the only requirement. There is nothing real specific about it except they have the ability to review plans and refuse or accept plans for the building. Mr. Kraus stated we have added access to YMCA for that property as well. Mr. Hope stated the complete building they are in now was built for 357,000 dollars. Ms. Hubbard mentioned that the ABC Commission stated they do not like the location because of the proximity to I85 and if we are letting loose of the ABC Commission, this leaves some question. Mr. Moore stated I will go along with City Council wishes. One reason that location was talked about being a bad location was due to robberies and access to I85 etc. Hopefully we can sell half of that property to a nice restaurant possibly and recover some architectural fees of under 100,000 currently. It is a tough call but I will support Councils' recommendations. It all boils down to money. In the beginning that was the best location and I think we all agreed to that. Mr. Hope stated it is going to build up out there. Mr. Whitt stated I could be wrong and I stand to be corrected, I thought that the ABC Board stated they were not even interested in half of the property. The second point is that you have got an ABC Board over here and a Council on the other side and if they don't want to put it there..... I agree with Council it is a great location but probably where I disagree is that I think they should decide the location. Ms. Harris stated there are some compensating factors. Mr. Broome stated we like the location but we do have safety concerns. It is the amount of money that we felt we would have to pay for the land and building. Personally, I would have gone through existing ABC stores and picked up plans from them. What I hear now, with the adjusted price of land and lesser building is much closer to what we are looking at. Site preparation is a concern with underground fiber optic cables, etc. Reducing the cost of the building is a good idea. I don't have a feel for the site construction cost if we build the building on the right hand side facing the hotel. ½ of the property will be really crowded and is not ideal to put an ABC store or possible restaurant. I think we are getting closer together and I do want to continue discussions with the Council. We just need to iron out the issues and we are willing to do so. The ABC Board is willing to work with Council on this matter.

UFB#3 To Consider Strategic Plan.
Mrs. Harris makes a motion to proceed to enter into agreement with Charlotte Community Design Studio –College of Architecture, University of NC Charlotte – Strategic plan / vision, economic development strategy, land use plan, design guidelines, and implementation Seconded by Mrs. Hubbard. Mr. Hope stated I have been through a lot of these presentations but I have never had one quite like today. I feel it will be an asset to them and us. Mr. Bishop asked Mr. Scott Griffin to relay this information to the development committee. Mr. Whitt stated it was an excellent meeting. Motion passes unanimously. Ms. Hubbard asked about protective issues in the mean time. Mr. Whitt asked for this to be addressed at next meeting.

MANAGERS REPORT –
Mr. Kraus stated we have gone from about 3500 customers to 4800 utility customers since1998. We will keep you informed of all that. We have a notice from our attorney today regarding law suit of Billy Johnson against the City. It has been dismissed voluntarily without prejudice. They have up to one year to re-file the case if they so choose. Mr. Whitt stated usually it means they are not ready to go forward and may not be ever ready. Mr. Kraus stated they will owe us any expenses incurred in the process of the year, other than attorney fee.

Tomorrow morning we will start Milling the streets downtown. It will cause a lot of traffic confusion and a lot of dust and noise. 27 will never be completely closed. North Main street should be open by Thursday and after the 15th we will start actual paving. Mr. Kraus stated there is a lot of bad soil under N Main street. They had to dig down to water and sewer line.

Mr. Michael gave update on property requisition / waterfront area from Crescent. He stated late last week, the railroad did raise it's head and has only offered a permit to cross the tracks and can revoke this on 30 days notice. Crescent states they own a property worth 2.1 Million and without this easement, it is not usable. I am not saying this cannot be resolved, but it is disheartening to go this far and have this happen. Mr. Kraus stated on Duke portion of MI Lake – we submitted two appraisals, Duke is contesting one of the two and we have to figure out how that will work with the state. Duke feels one is better and they want more money than what the state is allowing us to pay for it. Mr. Whitt asked what can we do about the railroad. Mr. Michael stated Crescent and Duke will have to take the lead on that. Mr. Michael stated the only thing they have out there is a lease where the tracks are – the document was not drawn very articulately. Mr. Hope asked when this come up? Mr. Michael stated last week. Mr. Michael stated our grant is good for another year and Mr. Kraus said state will be understanding about this. Mr. Michael stated on the plus side, National Gypsum will close this week on their property.

Mr. Santmlre stated on 3/9 Lessie Hope went to Kendrick Square apartment complex. They found numerous violations. Pictures were taken. She sent a letter giving them 30 days to clean up aforementioned items. During this time, Lessie will be doing periodic inspections. And if on 4/10 it is not cleared, then we will start fining them. Since the housing authority is a government agency, they have to go out for bids to clean-up. Mr. Jackson stated a contractor will clean up our side of it and she will work on that this week.

NEW BUSINESS

NB#1 <u>To Consider Resolution for "No Truck" routes</u>. Mr. Kraus recognized Mr. Santmlre, who stated when we started doing the streetscapes, many of you noticed the turning radiuses were fairly tight. They are wide enough to take a 20 ft vehicle to turn. Since then, we have had semis, etc trying to come through and run over our curbing, planters, etc. We propose to make S Main from 273 to the railroad tracks a no truck route. As well as 273 to Woodlawn a no truck route. We have also spoken of making a no turn onto main street off of any side street for any truck over two axles. When we stripe the streets, we will probably move back lines to allow a more gradual turning radius. Mr. Kraus stated to make downtown pedestrian friendly, the truck traffic needs to be removed from the downtown area. This will not effect trucks delivering in downtown, it will just effect through traffic. Ms. Hubbard shared that she experienced an example of this today. Mr. Kraus stated if you really look at Catawba from Main street to the Middle school with not a lot of sidewalk, it is not wide enough to be a truck route in the first place and it is residential. Mr. McLean stated Hawthorne and Craig are already no truck routes. Mr. Kraus stated we will bring it back to work session with a map. DOT requires we have a resolution before a decision will be made on their part.

NB#2 <u>To Consider Supplemental Appropriation Creating a System Development Capital Project.</u> Mr. Bishop stated committee recommends that these fees be adopted from original study done by WK Dickson and later on decide which way to go with the upgrade of plants to use some of this money possibly to have this study upgraded. These fees should go directly into separate account for capital projects. Mr. Whitt stated right now system fees are 540 for water and 540 for sewer. Right now we have 27000 in our account and most repairs done at the plant are in the 12 to 14 Million dollar range. We did away with grandfathering in all subdivisions in the city during our retreat. Mr. Kraus noted on schedule the current fee is based on the number of bedrooms, this fee is based on meter size, etc. This fee will be charged at the time the meter is put in place and set. Mr. Whitt stated for audience information, a ¾ inch meter size inside the city limits, the water portion would be 1050 and wastewater portion would be 1780 for a total of a little over 2800.This is a standard household meter size.

<u>Motion</u>:

Mr. Bishop makes a motion to revert back to WK Dickson study for original fees. Seconded by Mr. Hope. Mr. Whitt stated these are fee calculations based on a study and evaluation of system development charges for City dated in 2001 by WK Dickson, appendix C to that study. All in favor.

Motion:
Motion by Mr. Bishop for this to become effective on 3/14/02 at 12:00 am. Seconded by Mr. Hope. All in favor.

Motion:
Motion by Mrs. Hubbard to make supplemental appropriation of system development fees to cap improvement project for capitalization project. Seconded by Mrs. Harris. All in favor.

NB#3 To consider appropriation for Hawthorne street. At work session, you were given presentation by Black History Forum Committee to recognize there was a Rollins Elementary on Hawthorne as well as Hawthorne being historic freedom neighborhood. This would be based on donations just ask for city support, not asking for money. Mr. Michael stated we need to talk to Mr. Wilson prior to making a motion. More details will be needed for this. Mr. McLean asked Mr. Kraus to tell our audience what this is. Mr. Kraus stated they would like to fix up Hawthorne Street by streetscape upgrades with brick pavers, etc in recognition of previous Freedom Neighborhood.

ROUND TABLE

Councilperson Harris – I had a call from Ms. Dotson on Crest Street regarding Loud music on Saturday night. She called the police and was told they could do nothing about it unless it was after 11 pm and she called back after 11 and nothing was done about it. The 4th is our work session, can we move it to the 3rd? Mr. McLean stated he has a Deacon's Meeting.

Councilperson Bishop commended committee he chairs for hard work. Any progress on changing water meter readings? Mr. Kraus stated if we change it we have to change every single meter within three weeks.

Councilperson Hope commented about what was in the paper to see if we are on the same page. Regarding our interest in Whitewater. This came off our main corridor. I want to ensure that if they use this proposed entrance that it will not be permanent but I am afraid if they start using it then we won't know when we get our entrance or if we get it. We need to oppose this to protect our interest in this project. I want to make sure they are aware of our knowledge of this. Mr. Whitt stated I will follow-up on this and readdress with Council. Mr. Kraus stated the dept heads and I are going out for a tour of the facility tomorrow. Mr. Kraus will request special tour time for the Council.

National Gypsum tape-cutting is on the 28th of March.

Councilperson McLean stated regarding footage at Deerfield discussed at last work session, it should be 500 ft not 1500 feet as I quoted. Also regarding 427 Deerfield Drive, Honeycutt residence, he feels his meter jumped forward. My findings are that the water went through it, etc.

Councilperson Moore asked in reference to Milling of street. could we use excess gravel for gravel parking lots. They are willing to share it with us but it actually belongs to them. Mr. Santmire spoke in this regard.

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

Record keeper was dismissed from council chambers and following motions were recorded by City Manager, David Kraus.

Councilperson Harris moved to return to open session, seconded by Councilperson Hope, with all in favor.

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

Clerk

Mayor

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jmb