

**CITY OF MOUNT HOLLY**  
**MOUNT HOLLY CITY COUNCIL MEETING**  
**Monday, January 11, 2010**  
**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	Eric Davis, City Manager
Mayor Pro-Tem Carolyn Breyare	Jamie Guffey, Assistant City Manager
Councilman Jerry Bishop	Danny Jackson, Assistant City Manager
Councilman Benny Brookshire	James Friday, Director of Utilities
Councilman Jim Hope	Dale Oplinger, Fire Chief
Councilman David Moore	David Belk, Chief of Police
Councilman Perry Toomey	Mike Santmire, Streets and Solid Waste Director
Kemp Michael, City Attorney	Mark Jusko, Interim Parks and Recreation Director
Brooke Lopez, Attorney, Kemp Michael's office	

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**Call to Order by Mayor Hough**

Mayor Hough called the Mount Holly City Council meeting to order at 7:00 p.m.

**Invocation**

Reverend Kendell Cameron, pastor of the First Baptist Church, led 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 Agenda**

Mayor Hough asked Council for any additions or amendments to the meeting agenda. With no changes from Council, Mayor Hough added the approval of the Waste Management Contract as an item under New Business. Councilman Moore made a motion to approve the agenda as amended. Councilman Brookshire seconded the motion. All Council Members present voted in favor. (Motion carried)

**CONSENT AGENDA**

1. A Resolution for the Sale of Bonds Earmarked for the Construction of the Linear Park
2. A Budget Amendment to Distribute the Solid Waste Disposal Tax Funds
3. Establish a Lien on 91 Lynnbrook for Clearing of Grass and Weeds
4. Reclassification of Record Clerk Position in the Police Department

Councilman Bishop made a motion to approve the consent agenda as presented. Councilman Toomey seconded the motion. All Council Members present voted in favor. (Motion carried)

**MINUTES**

1. Approval of the minutes for the December 14, 2009 business meeting.

Councilman Toomey made a motion to approve the December 14, 2009 City Council Meeting Minutes as presented. Councilman Bishop seconded the motion. (Motion carried)

## **PRESENTATIONS**

1. A Resolution Honoring Nathan Benfield for Achieving the Ranks of Eagle Scout  
Mayor Hough presented Nathan Benfield with a resolution honoring the achievement for reaching the rank of Eagle Scout. Nathan was accompanied by his parents Jim and Julia Benfield.

## **PUBLIC HEARINGS**

1. Public Hearing on Section III, Entitled “*Definitions*” of the City of Mount Holly Zoning Ordinance

Councilman Bishop made a motion to open the public hearing. Councilman Moore seconded the motion. All Council Members voted in favor. (Motion carried)

Mr. Beal explained that one of the charges that came out of the Council Retreat last year was to rewrite and clarify the Zoning Ordinance. He advised that the seventeen (17) pages given to them in their packets cover a wide variety of definitions. He further advised that the Planning Commission reviewed the definitions and unanimously agreed to recommend approval to the City Council. With no one signed up to speak, Councilman Bishop made a motion to close the public hearing. All Council Members present voted in favor (Motion carried)

Councilman Bishop made a motion to approve Section III, Entitled “*Definitions*” of the Zoning Ordinance. Mayor Pro Tem Breyare seconded the motion. All Council Members present voted in favor. (Motion carried)

2. Public Hearing on a Text Amendment to the Commercial Vehicle Ordinance

Mayor Pro Tem Breyare made a motion to open the public hearing. Councilman Toomey seconded the motion. All Council Members voted in favor. (Motion carried)

Mr. Beal handed out an additional amendment to the proposed changes. He advised that the Commercial Vehicle Ordinance was first approved by Council in 2002. He further advised that at a previous meeting Council directed Staff to amend the ordinance to include bigger vehicles such as buses and commercial trucks. Mr. Beal concurred that staff completed the directive and is bringing them before Council for approval. Mayor Pro Tem Breyare asked if there is a timeline as to the amount of time citizens are given to remove these vehicles. Mr. Michael explained that the ordinance will be effective immediately but as common practice, the City has worked with the citizens regarding the removal of these vehicles. Councilman Hope asked if there is a definition for commercial vehicle other than what was included in the definitions that Council approved earlier. Councilman Hope added that he feels there needs to be a clear definition for the businesses that possibly cannot afford to have their fleet on the road at all times. Mr. Michael advised that there are provisions to provide for that sort of thing in the code. With no one signed up to speak at the public hearing, Councilman Moore made a motion to close the public hearing. Councilman Brookshire seconded the motion.

Councilman Brookshire made a motion to approve the text amendment to the Commercial Vehicle Ordinance with the understanding that violators would be given an appropriate time frame to remove these vehicles. Councilman Moore seconded the motion. All Council Members voted in favor. (Motion carried).

3. Public Hearing on Section IV, Entitled “*Table of Permitted Uses*” of the City of Mount Holly Zoning Ordinance

Councilman Toomey made a motion to open the public hearing. Councilman Moore seconded the motion. All Council Members voted in favor. (Motion carried)

Mr. Beal advised that while making amendments to the definitions, Staff discovered that there were several uses not specified in the Zoning Ordinance. Therefore, Staff is taking this opportunity to amend the Table of Permitted Uses to include these findings. There were questions from Council regarding O and I (Office and Institution) Mr. Beal explained that O&I serves as a buffer zone which includes a variety of different uses. Mayor Pro Tem Breyare advised that she would like more information in regard to the O&I zone. Councilman Hope asked Staff to provide a zoning map for Council’s review at the next meeting.

With no one signed up to speak at the public hearing, Mayor Pro Tem Breyare made a motion to close the public hearing. Councilman Moore seconded the motion.

It was the consensus of Council to add this item to the work session agenda for further discussion.

### **PUBLIC COMMENT – Three (3) Minute Limit**

Jack Ferrell

902 Old Hickory Grove Road

Mount Holly, NC 28120

Mr. Ferrell gave the history of his disgruntlement. He advised that several years ago when he was required to construct a pump station, it was agreed upon by the City Council at that time that he would not have to pay a monthly sewer rate because he paid for the engineering and the installation of the pump station. He advised that a couple of months ago he started receiving a sewer bill and he feels like he should not have to pay the bill. He further advised that he has a letter to distribute to Council that he received from the City several years ago.

Roland Killman

104 Elizabeth Court

Mount Holly, NC 28120

Mr. Killman commented that he would like to have a softball league in the city. He advised that a few years ago he helped start a church league but they struggle to have a place to play. He commented that a community softball league would bring people into the City to use the facilities, eat at the local restaurants and stay at local motels. He asked Council to consider a co-ed community softball league within the City.

### **OLD BUSINESS**

#### 1. Consideration and Approval of Monthly Paper Water Billing

Mr. Guffey advised that Council has discussed the possibility of changing to a paper monthly water billing versus post card billing and doing away with second notices. He commented that the main issue with this process is doing away with the second notices. Mr. Guffey further advised that if Council were to decide to go with the monthly paper billing method the City would include a monthly newsletter along with the water bill and discontinue the quarterly newsletter. Council asked approximately how many second notices were sent out each month. Mr. Guffey estimated about 100. There were suggestions that included sending a return envelope with the statement, adding an additional dollar to cover the cost of second notices and sending post cards for the second notices. Mayor Hough concurred that an added benefit to the paper water billing is the monthly newsletter that will be included. He added that the citizens will now be aware of activities taking place within the City on a monthly basis. Mayor Pro Tem Breyare made a motion to approve the monthly paper water billing with no second notices. Councilman Bishop seconded the motion. All Council Members with the exception of Councilman Hope voted in favor of the motion. Councilman Hope voted against. (Motion carried) Council directed Staff to start this process with the March billing cycle.

At this time, Mayor Hough called for a 5 minute break.

### **NEW BUSINESS**

#### 1. Consideration and Approval of the 2010-2011 Budget Preparation Calendar

Mr. Davis presented the 2010-2011 Budget Preparation Calendar to the City Council. Councilman Toomey made a motion to accept the 2010-2011 Budget Preparation Calendar. Councilman Brookshire seconded the motion. All Council members present voted in favor. (Motion carried)

#### 2. Consideration and Approval of Temporary Housing for GEMS

Mr. Oplinger reported that GEMS is in the process of renovating the building beside the farm supply. He advised that they have run into some asbestos problems and the renovations are going to take longer than first

anticipated. He received a request from GEMS to temporarily house their ambulance at the Catawba Heights Station. However the Catawba Heights Station will not adequately house the ambulance. Therefore he is requesting permission that the City Council allow GEMS to house one (1) ambulance at the headquarters station up to four (4) months or until the renovations are complete, whichever occurs first. Councilman Brookshire questioned why this ambulance would need to be housed inside the station. He advised that the ambulance has set outside in the past. Mr. Oplinger advised that it is better for the ambulance and the equipment if the ambulance is kept indoors. Councilman Bishop made a motion to allow GEMS to be housed at the headquarters station up to four (4) months or until the renovations are complete on their station. Councilman Brookshire seconded the motion. All Council Members present voted in favor. (Motion carried)

3. Consideration and Approval of Eliminating the Booster Pump Station on Huitt Street

Mr. Friday reported that with the new elevated water tank on Huitt Street now in service, the Booster Pump Station is scheduled to be demolished. He advised that the booster pump station keeps the water pressure in the affected area around 95 psi. Without the booster pump station, the psi will fall to somewhere between 40-45 psi. He added that the demolition of the pump station was included in the water tank contract. Councilman Bishop asked what the average psi throughout the City is. Mr. Friday advised that the average psi throughout the City is anywhere from 50-60. Mr. Friday advised that he just wanted to make Council aware that the booster pump areas could have a lower amount of water pressure than before the tank went online.

4. Consideration and Approval of Reimbursement for Pressure Reducing Valves

Mr. Friday reported that since the new elevated water tank has come online there has been significant increased water pressure in certain areas. He advised that in the past when a new tank has been placed in service, the City has offered a cost sharing program for Pressure Reducing Valves. Mr. Friday further advised that he has priced the valves through some local plumbers and has received an estimated price of \$80. Councilman Bishop asked where this cost sharing money would come from. Mr. Davis replied that the City could take it from the System Development Fees. Councilman Toomey made a motion to approve the reimbursement for Pressure Reducing Valves up to and not to exceed \$80. Councilman Bishop seconded the motion. All Council Members present voted in favor. (Motion carried)

5. Consideration and Approval of System Development Fees as it relates to New Construction and Irrigation Meters

Mr. Friday reported that the State recently passed a law that irrigation meters must be metered separately. This law was put into effect due to the recent drought situation. Mr. Friday explained that in essence of the new law, Staff is asking that Council consider changing the System Development Fee Policy from per tap fee to per household fee. There was confusion among Council regarding the number of taps versus the number of meters per household. Council asked Mr. Friday to make some clarifications and bring this item back to them for further discussion at the work session meeting.

6. Consideration and Approval of the Waste Management Contract

Mr. Michael advised that all of the agreements have been incorporated in one document in regard to the recycling contract with Waste Management. He advised that it just needs final approval from Council. Councilman Moore made a motion to approve the contract with Waste Management. Councilman Bishop seconded the motion. All Council Members present voted in favor. (Motion carried)

## **OTHER BUSINESS**

1. Discussion of the Date and Location of the 2010 Council Retreat

Council decided that the Annual Council Retreat will be held on February 15<sup>th</sup> and 16<sup>th</sup>. The first location choice is Stowe Botanical Gardens and if it is not available to Council at no charge then the Retreat will be held at the Citizens Center.

2. Renewal of the Real Estate Contract with L&E Properties

Mr. Jackson explained that the contract with L&E Properties is up for renewal for the marketing of City owned properties. Mr. Jackson asked if the Council would like to extend the contract for six (6) months or

pursue other options. It was the consensus of Council to continue to work with L&E Properties while checking into the selection of a new firm.

### 3. Greenway Easement Acquisition

Mr. Davis explained that there has been a question raised in regard to the amount of time the City Manager and the City Attorney is spending working on acquiring greenway easements. He advised that it was brought to his attention that Council had never officially approved that staff time in this regard. Councilman Bishop commented that there are a lot of things going on right now in the City and he is not sure that the greenways should be top priority. He advised that he would rather this be discussed at the Retreat while Council is setting the goals and priorities for the year. Council agreed.

## REPORTS

Councilman Toomey reported that he had a request from a resident on South Hawthorne that the speed of vehicles be monitored in the area beyond the school zone. Chief Belk replied that the speed monitor is shared with Belmont but will put the area on the list to be monitored.

Councilman Bishop asked Mr. Beal to come up to the podium. Mr. Bishop passed out pictures to Council of a dumpster that was over flowing with trash all around it. Mr. Bishop advised that he has already spoke with Mr. Beal in regard to the problem and asked Mr. Beal to address the issue. Mr. Beal advised that the Zoning Department will send the property owner a notification to clean the area up. He further advised that the City has a Collection Policy that can be looked into as well. Mr. Bishop asked if staff could look into this issue further and bring a recommendation back to Council at the next meeting.

Councilman Brookshire asked how many water breaks the City has had since the new water tank went online. Mr. Friday estimated approximately 50. He commended the Utilities Department on a job well done.

Mayor Hough commented that there seems to be some interest in county wide water and sewer. As Utility Committee works on this issue they will keep the Council informed.

Mr. Davis reported that there is an email going around table as a response to the letter that the City sent to Food Lion in regard to the condition of the local store. He advised that remodeling is done by regions and Mount Holly should be getting close

Mr. Davis reported that the Tuck Park upgrades are completed. A walk through will be done next week and Staff has started the process of closing out PARTF.

Mr. Davis reported that the City received the JAG funding. This funding does not require a City match.

Mr. Davis reported that the old water tank is down and the area is in the process of being cleaned up.

Mr. Davis reported that the recycling containers are being made and delivered as we speak. One thousand six hundred containers were delivered to residents today. Waste Management will begin picking up the recycling next week as planned.

Mr. Davis reported that the Streets Department received the knuckle boom truck and it was put into service today.

## CLOSED SESSION

### 1. Closed Session (*pursuant to North Carolina General Statutes 143-318.11 (a)(3)&(6)*)

At this time, Councilman Brookshire made a motion to enter into closed session. Councilman Moore seconded the motion. All Council members present voted in favor. (Motion carried)

Councilman Moore made a motion to come out of closed session. Mayor Pro Tem 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 Bishop made the motion to adjourn the January 11, 2010 Council meeting. Councilman Moore seconded the motion. All members voted in favor. (Motion carried)

The meeting adjourned at 9:45 p.m.

