

**CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL MEETING**

Monday, April 12, 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	Danny Jackson, City Manager
Mayor Pro-Tem Carolyn Breyare	Jamie Guffey, Assistant City Manager
Councilman Jerry Bishop	
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

Call to Order by Mayor Hough

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

Invocation

In the absence of Reverend Jason Bryant, pastor of the First Presbyterian Church, Councilman Moore gave 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 added a presentation from Todd Young regarding pitt bulls in the community to the agenda. With no additional changes, 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. Approval of the Revised Grand Hall Rental Policy
2. Approval of Grand Hall Committee Recommendation Regarding Event Requests
3. Approval of an Amendment to the JAG Funds for Purchase of Police Weapons
4. Approval of Proclamation Recognizing April as Organ Donor Month

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

MINUTES

1. Approval of the minutes for the March 8, 2010 business meeting.

Councilman Toomey made a motion to approve the March 8, 2010 City Council Meeting Minutes as presented. Councilman Brookshire seconded the motion. (Motion carried)

2. Approval of the minutes for the March 15, 2010 budget meeting.
Mayor Pro Tem Breyare made a motion to approve the March 15, 2010 Budget Meeting Minutes as presented. Councilman Moore seconded the motion. (Motion carried)
3. Approval of the minutes for the March 16, 2010 joint meeting with the EDC.
Councilman Toomey made a motion to approve the March 16, 2010 Joint City Council and Economic Development Committee Meeting Minutes as presented. Mayor Pro Tem Breyare seconded the motion. (Motion carried)
4. Approval of the minutes for the March 22, 2010 work session meeting.
Councilman Bishop made a motion to approve the March 22, 2010 Work Session Meeting Minutes as presented. Mayor Pro Tem Breyare seconded the motion. (Motion carried)
5. Approval of the minutes for the March 30, 2010 special meeting.
Councilman Bishop made a motion to approve the March .30, 2010 Special Meeting Minutes as presented. Mayor Pro Tem Breyare seconded the motion. (Motion carried)

PRESENTATIONS

1. Presentation of a Plaque from the Recreation Commission
Mayor Hough asked the Council to join him on the floor as Mr. Massey, Chair of the Recreation Commission came forward to present the Council with a plaque from the Recreation Commission expressing their sincere gratitude for supporting the efforts to make Tuck Park a success. Mayor Hough commended the Recreation Commission for “a job well done.”
2. Presentation from Mount Hollydays Regarding the 2010 Alive After Five
Carol Featherstone was present to request Council’s support with the with the summer Alive After Five events. She advised that there has been tremendous support for this years event. She further advised that the tentative plans are to have four (4) events, starting on June 17th and continuing through September on the third Thursday of each month. The plan consist of having two (2) DJ’s and two (2) bands, three (3) food vendors for each event and alcohol on the streets but sold by the City Café. Ms. Featherstone reported that she would like to request Council’s support of this event by closing the streets downtown during the event and allowing alcohol on the streets. Mayor Hough advised that Council would consider her request and get back to her.
3. Presentation Regarding Banning Pitt Bulls within the Jurisdiction of Mount Holly
Todd Young came before Council to report on the viscous attack by a neighbor’s pitt bull that he and his dog was faced with. He explained that he was bitten by the pitt bull, but his dog (a greyhound) was attacked and experienced extensive damage that cost him a large sum of money in veterinarian fees. Mr. Young elaborated further in regard to the details of the damages to his dog and the process with the Gaston County Animal Control Officer. He then presented Council with statistics on pitt bull attacks throughout the United States and also reported on a ordinance that was adopted by a City in North Carolina that prohibits certain breeds of dogs. Mr. Young asked the City Council to consider a similar ordinance for the City of Mount Holly. Mayor Hough advised that the Council would discuss his request at a future meeting.

PUBLIC HEARING

1. Public Hearing on Rezoning at 1000 Marina Village in Riverfront Subdivision
Mr. Beal reported that the applicant, Skipjack Marina, is requesting an amendment to the original site specific plan for Tailrace Marina. He reported that the amendment includes the ship store being moved from the southern portion of the property to the northern portion and the commercial structures be allowed to be a total of up to 25,000 square feet. Mr. Wilson from Skipjack Marina was present to answer questions from Council. He also advised that these requested changes are very minor as the square footage of the project remains the same. Mr. Beal added that the Planning Commission recommendation is to approve the requested amendment with two (2) additional conditions. First, the minimum size of the restaurant must be 5,000 square

feet and the amenities, (the marina, ship store and restaurant) be built prior to the construction of the 34 residential condominiums. At this time, Councilman Hope made a motion to enter into the public hearing. Councilman Brookshire seconded the motion. All Council Members voted in favor. (Motion carried)

With no one signed up to speak, Councilman Hope commented that he is very pleased to see a project of this magnitude in Mount Holly. Mr. Wilson added that there is also plans to include a small grill inside the ships store that will serve sandwich type food. Councilman Toomey made a motion to close the public hearing. Mayor Pro Tem Breyare seconded the motion. All Council Members present voted in favor.

Mayor Hough entertained a motion to approve the requested amendments. Councilman Bishop made the motion to approve the rezoning request, resolution number **04122010**, with the conditions recommended by the Planning Commission. Councilman Moore seconded the motion. All Council Members voted in favor. (Motion carried)

PUBLIC COMMENT – Three (3) Minute Limit

Anne Gilreath
142 Summit Ave
Mount Holly, NC 28120

Ms. Gilreath came before Council to request consideration for an ordinance regarding the number of household pets allowed per residence. She advised that her neighbor has thirteen (13) dogs and is sometimes a nescience. Ms. Gilreath further advised that the Town of Stanley has a local ordinance that caps the number of dogs per household at three (3).

Mayor Chad Brown
2008 Lee Ellen Court
Stanley, NC

Mr. Brown, the Mayor from the Town of Stanley was present to ask Council to negotiate and review the current contract that allows Stanley to purchase bulk water from the City of Mount Holly. Mr. Brown advised that being the new Mayor of Stanley, he would like to open up the lines of communication with the Council. Mayor Hough advised that he and Mr. Jackson would be in touch to set up a meeting.

Ann Shuler
104 Vance Street
Mount Holly, NC 28120

Ms. Shuler commented that between her family and her daughter's family they have four (4) pitt bulls. She reported that pitt bulls are good dogs as long as they are treated right.

Matt Malta
814 South Main Street
Mount Holly, NC 28120

Mr. Malta reported that he runs at least 25 to 30 miles per week and has been attacked by every breed of dog possible. He agreed that pitt bulls are powerful dogs but it comes down to an ownership problem when they turn vicious. He added that he would like to be involved if any type of committee is formed in regard to this issue.

Jamie Katsuleris
224 East Catawba Avenue
Mount Holly, NC 28120

Ms. Katsuleris came before Council to request that City Council adopt an ordinance that would prohibit smoking in the park. She advised that there are children in the park at all times and instead of designating smoking areas she thinks the park should be completely smoke free.

Ben Taylor
104 Cedar Lane
Mount Holly, NC 28120

First, Mr. Taylor corrected the name of the pitt bull to pitt bull terrier. Then he inquired as to when his road, Cedar Lane, would be repaved. Last, he volunteered his property as a test site for new type of pipe that water flows better through versus the standard concrete pipe. Mayor Hough replied that someone with the City will be in contact with him regarding his questions.

Jessica Rosman
681 Tracy Lane
Mount Holly, NC 28120

Ms. Rosman came before Council to speak against Breed Specific Legislation (BSL). She reported that she is a certified dog trainer and it has been proven that breed banning is not the way to control specific breeds of dogs. She advised that there are other solutions that need to be explored before BSL is considered.

OLD BUSINESS

1. Consideration and Approval of the PARTF Closeout for Phase II of Tuck Park

Ms. Otis reported that to date the Tuck Park project is complete and the PARTF funds have been received. Therefore she will need Council to approve the final closeout of the project. Councilman Moore made a motion close out the Tuck Park project. Councilman Bishop seconded the motion. All Council Members present voted in favor. (Motion carried)

2. Update on Cost of the Catawba Heights Fire Station Issues

Chief Oplinger advised that after the last Council meeting he met with Councilman Hope, the chairman of the Construction Committee. They determined that it would be best for the construction committee to take the lead on this project. Councilman Hope advised that the Construction Committee will get together and set a priority list with the associated costs and bring a recommendation back to Council.

3. Consideration and Approval of the 2010 Paving Project List

Mr. DuPont brought forth the revised 2010 Paving Project List for final approval by the City Council. Councilman Brookshire made a motion to approve the proposed list. Councilman Hope seconded the motion. All Council Members present voted in favor.

4. Proposal from a Firm for Marketing of City Owned Property

David Rappold from Sperry Van Ness was present to present a proposal for marketing city property with his company. He reviewed Sperry Van Ness's credentials and sales history. He advised that the City of Mount Holly would be the perfect place for anyone to live and a great area to market. Mr. Rappold further advised that the length of the contract could be negotiable. Mayor Hough thanked him for his time and advised that Mr. Jackson would be in touch with him.

NEW BUSINESS

1. Appointment of Planning Commission Member

Mr. Beal reported that Mr. Tom Springs has expressed interest in serving the remaining term of Mr. Jack Stevenson's seat as the ETJ member of the Planning Commission. He further advised that Mr. Springs is well qualified for the position. Councilman Hope made a motion to appoint Mr. Springs to the Planning Commission. Councilman Moore seconded the motion. All Council Members voted in favor. (Motion carried)

2. Consideration and Approval of the City Manager's Contract

Councilman Bishop made a motion to approve the City Manager's contract as proposed. Councilman Hope seconded the motion. All Council Members voted in favor (Motion carried unanimously)

REPORTS

Councilman Bishop asked if the City has signed off on the water tank. Mr. Guffey replied that the final closeout has not occurred. Councilman Hope suggested the Construction Committee look over it before final closeout.

Councilman Hope reported that he has been working with the maintenance department regarding the lights downtown and they should be fixed soon.

Mr. Jackson reported that he will be out of the office on Friday to attend an Economic Development Conference.

Mayor Hough asked why Mount Hollydays has to continually come before Council to request permission for Alive After Five. Chief Belk advised that the City has an ordinance that prohibits alcohol on the streets and sidewalks of the City. Therefore, if alcohol is allowed there needs to be approval by Council. Mayor Hough asked the pleasure of the Council. Councilman Brookshire made the motion to allow alcohol on the streets and sidewalks of Mount Holly, contiguous of the fixed ABC permit holder, for the Alive After Five events. Councilman Moore seconded the motion. Mayor Pro Tem Breyare and Councilmen Brookshire, Hope, Moore and Toomey voted for the motion and Councilman Bishop opposed. (Motion carried 5-1)

Mayor Hough requested that staff look into Ms. Katsuleris request to prohibit the use of tobacco in the parks.

Mayor Hough directed staff to contact Mr. Taylor regarding his questions stated during public comment.

Mayor Hough asked if the Streets and Solid Waste Director is going to come before Council in regard to an in house recycling proposal. Mr. Guffey replied that he will be prepared to speak to Council at the Budget Meeting.

ADJOURN

With no additional items for discussion, Mayor Hough entertained a motion to adjourn. Mayor Pro Tem Breyare made the motion to adjourn the April 12, 2010 Council meeting. Councilman Moore seconded the motion. All members voted in favor. **(Motion carried)**

The meeting adjourned at 8:59 p.m.