

REGULAR COUNCIL MEETING – FEBRUARY 16, 2010

they could do to fix their problems. The Fall 2009, stormwater contract was awarded to United Contractors. That consists of 6 projects totaling \$440,000. They recently completed 6 projects totaling about \$310,000. He distributed and reviewed a brochure showing before and after photographs of those 6 projects.

Mayor Stultz requested that the photographs of the completed projects be shown on the Government Access Channel.

PUBLIC EXPRESSION

(1) Mr. Ken Gantt, P.O. Box 507, Cherryville – Re: Various Issues

Mr. Gantt expressed the following concerns:

- There should be a moratorium on spending, other than for security.
- Voting on a bond referendum in a primary election is a political strategy to get spending past opposition.
- Government should buy from, and use the services of, local small businesses.
- There is mud, sewage, and debris in the creeks on the City's Paysour Mountain property.
- Although a lot of progress has been made in downtown Gastonia, there is still a high rate of crime.

(2) Mr. Todd Pierceall, 1402 West Mauney – Re: Conference Center

Mr. Pierceall expressed concern that so much attention and resources were being put into downtown and that a lack of concern was being shown for the rest of the City. He asked if anyone had considered combining the conference center with the baseball park that the County wants to build, instead of putting that facility downtown. He also noted that if the financing for Loray Mill is approved, that facility includes a conference center very similar to the one approved by Council. He asked if anybody had spoken with Preservation North Carolina or the developer of Loray Mill to see if a public/private venture could be pursued. He said downtown could be very successful as a government and arts district. Until they have the rest of the City ready to market, fixing up the downtown is a waste of money and will never be recognized by the buyer.

CONSENT AGENDA

ITEM 1: BUDGET AMENDMENT #FY10-048 – \$35,000
(Reference as contained in Exhibit Book 6 to Minute Book 99 at Page 2.)

Councilman Tidwell made a motion to approve the Consent Agenda. Councilman Burkett seconded the motion and Council approved it unanimously.

**PUBLIC HEARING ON FY 2009-2010 FEDERAL TRANSIT ADMINISTRATION SECTION
5307 GRANT AND RESOLUTION AUTHORIZING THE FILING AND EXECUTION OF
APPLICATIONS WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION
AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR GRANTS
UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED**

Mayor Stultz declared the public hearing to be open and recognized Mr. James H. Graham, Jr., Principal Transportation Planner, for the purpose of making the presentation.

Mr. Graham said each year the City is required by the Federal government to conduct a public hearing in order to apply for the Federal Transit Administration operating and planning grant. The planning portion of this particular grant has not been utilized in the past, but they are going to tap into the 5307 grant funds in order to help further improve their efforts with the multi-modal transportation facility downtown. This public hearing has been advertised in the local newspaper. After completing the public hearing, they will be able to submit this grant as presented to Council. The total amount of grant funds that they are requesting is \$2,481,364. Of that, \$493,864 would be utilized for transit planning.

Mayor Stultz noted that no one had signed up to speak to this matter. She asked if anyone present wished to speak. No one did.

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Mayor Pro Tem Reid made a motion to close the public hearing and to adopt the Resolution Authorizing the Filing and Execution of Applications with the United States Department of Transportation and the North Carolina Department of Transportation for Grants Under the Urban Mass Transportation Act of 1964, as Amended. Councilman Tidwell seconded the motion and Council approved it unanimously.

(Reference and Resolution as contained in Exhibit Book 6 to Minute Book 99 at Page 3.)

PUBLIC HEARING – AMENDMENT TO UNIFIED DEVELOPMENT ORDINANCE

Subject hearing involves considering amending Table 7.1-1, Table of Uses, of the Unified Development Ordinance, to allow general office uses in the Office Medical (O-M) district with a conditional use permit. (This public hearing is continued from the January 19, 2010, City Council meeting.) (At its meeting on February 4, 2010, the Gastonia Planning Commission voted 5-0 to continue this public hearing to its March 4, 2010, meeting. Staff is requesting that City Council continue this public hearing to its meeting on March 16, 2010.)

Councilman Howren made a motion to continue this public hearing to the March 16, 2010, City Council meeting. Mayor Pro Tem Reid seconded the motion and Council approved it unanimously.

(Reference as contained in Exhibit Book 6 to Minute Book 99 at Page 4.)

PUBLIC HEARING – AMENDMENT TO UNIFIED DEVELOPMENT ORDINANCE

Subject hearing involves considering amending Table 2.7-1, Defined Terms, and Section 8.2.8, Automobile Body Shop, Automobile Detail Shop, Automobile Repair Shop, Automobile Reconditioning, of the Unified Development Ordinance, to establish a definition for damaged, wrecked, dismantled, or inoperative vehicles and to enact screening requirements for storage areas of such vehicles within the Gateway Corridor Overlay and the Central Business District. (This public hearing is continued from the January 19, 2010, City Council meeting.) (At its meeting on February 4, 2010, the Gastonia Planning Commission voted 3-2 to deny this ordinance amendment.)

Mayor Stultz declared the public hearing to be open and recognized Mr. Jason Thompson, Senior Planner, for the purpose of making the presentation.

Mr. Thompson presented the proposed Unified Development Ordinance amendment and staff's report recommending approval of the amendment. A copy of staff's report and the ordinance amendment are contained in the exhibit book. He noted that additional information regarding screening of damaged, wrecked, dismantled, or inoperative vehicles in the Gateway Overlay and the Central Business District had been distributed to Council. He reviewed that information, a copy of which is also contained in the exhibit book. He then answered various questions of Council.

Mayor Stultz recognized Mr. Doug Arthurs, 420 East Long Avenue, who had signed up to speak to this matter.

Mr. Arthurs said he was present on behalf of M&E Investments, owner of the property referred to as site #1 in the information provided to Council. This property is actually three separate tax parcels. This ordinance really applies to only one parcel, parcel #103839, which is being used as a body repair shop. His client is leasing that parcel to this business. If this ordinance is approved, in 180 days that business will close down, because it cannot possibly comply with the ordinance. The other properties affected by this ordinance have to do nothing or next to nothing to comply. Council would be adopting a zoning ordinance specifically to shut down one business. The City would be taking this property illegally.

Mr. Arthurs and Mr. Thompson addressed various questions and concerns of Council.

Considerable discussion ensued on how this business could continue to operate under this ordinance.

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Mayor Pro Tem Reid made a motion to close the public hearing and to approve the Unified Development Ordinance amendment as presented. Councilman Burkett seconded the motion and Council approved it unanimously.

(Reference and Ordinance as contained in Exhibit Book 6 to Minute Book 99 at Page 5.)

INTERLOCAL RAW WATER SERVICE UTILITY AGREEMENT BETWEEN THE CITY OF GASTONIA AND THE CITY OF MOUNT HOLLY

Mayor Stultz recognized Mr. Ed Cross, Division Manager, Water Supply & Treatment, for the purpose of making the presentation.

Mr. Cross said at the request of Mount Holly, staff has negotiated an interlocal agreement for the purchase of raw water by the City of Mount Holly from the City of Gastonia. This agreement will allow the City of Mount Holly to purchase raw water from Gastonia in the event that their pump station should fail. It requires that Mount Holly pay the total cost of this interconnect. This matter has been going on for about 20 years. When the line was originally built, a T was installed in the 54-inch raw water line coming out of Gastonia's pump station to provide for this interconnect. This agreement also provides for a cost initially of \$.30 per 1,000 gallons. Water can be withdrawn only during off-peak hours. This is only a backup plan, but it is a step toward regionalization and toward working together with other municipalities. It is a 20-year agreement with automatic five-year extensions, barring a request of either party to terminate the agreement at least 120 days prior to the end of the current term.

Mr. Cross then addressed various questions of Council.

Councilman Tidwell made a motion to approve the Interlocal Raw Water Service Utility Agreement Between the City of Gastonia and the City of Mount Holly. Councilman Kirlin seconded the motion and Council approved it unanimously.

(Reference as contained in Exhibit Book 6 to Minute Book 99 at Page 6. Agreement on file through City Clerk's office.)

ORDER AUTHORIZING \$27,365,000 STREET AND SIDEWALK IMPROVEMENT BONDS, AUTHORIZING \$4,635,000 PARKS AND RECREATION IMPROVEMENT BONDS, SETTING THE PUBLIC HEARING, AND ESTABLISHING THE REFERENDUM DATE

Mayor Stultz recognized Ms. Cindy Fortune, Director of Financial Services, for the purpose of making the presentation.

Ms. Fortune said in January, Council began the process to authorize and issue \$32,000,000 in street and sidewalk improvement and parks and recreation improvement general obligation bonds by approving the Resolution of Preliminary Findings. The next step in the process is for Council to accept and pass upon introduction two bond orders on the first reading, to call a public hearing thereon, and to establish the bond referendum date. The first bond order authorizes \$27,365,000 in street and sidewalk improvement bonds and the second bond order authorizes \$4,635,000 in parks and recreation bonds. Both orders would take effect only when approved by the voters in a referendum. The public hearing would be set for March 2, 2010, at 6:00 p.m., and the bond referendum date would be fixed for May 4, 2010, subject to the adoption of the bond orders upon second reading. Staff recommends that Council adopt the bond orders, set the date and time for the public hearing as March 2, 2010, and fix the referendum date for May 4, 2010.

Mayor Stultz read the Order Authorizing \$27,365,000 Street and Sidewalk Improvement Bonds.

Councilman Howren made a motion to approve the Order Authorizing \$27,365,000 Street and Sidewalk Improvement Bonds. Councilman Kirlin seconded the motion and Council approved it by a vote of 6-1 (Councilman Tidwell cast the dissenting vote and Mayor Stultz voted in the affirmative).

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Mayor Stultz read the Order Authorizing \$4,635,000 Parks and Recreation Improvement Bonds.

Councilman Kirlin made a motion to approve the Order Authorizing \$4,635,000 Parks and Recreation Improvement Bonds. Councilman Burkett seconded the motion and Council approved it unanimously (Mayor Stultz voted in the affirmative).

Councilman Tidwell made a motion to fix 6:00 p.m., March 2, 2010, in the Council Chambers at City Hall, located at 181 South Street, as the hour and place for the public hearing upon the foregoing orders, and to fix May 4, 2010, as the date of the bond referendum to be held on the foregoing orders, subject to the adopt of such orders upon the second reading. Councilman Kirlin seconded the motion and Council approved it unanimously.

Ms. Rachel Bagley, Director of Communications and Marketing, distributed and reviewed information on the public education efforts taking place on these bonds.

(Reference as contained in Exhibit Book 6 to Minute Book 99 at Page 7.)

RESOLUTION ADOPTING THE 2010 LEGISLATIVE ADVOCACY AGENDA FOR THE CITY OF GASTONIA

Mayor Stultz recognized Mr. James M. Palenick, City Manager, for the purpose of making the presentation.

Mr. Palenick briefly reviewed the final version of the City of Gastonia 2010 Legislative Advocacy Agenda, a copy of which is contained in the exhibit book.

Discussion ensued on how this information would be presented to the State and Federal Legislators.

Councilman Kirlin made a motion to adopt the Resolution Adopting the 2010 Legislative Advocacy Agenda for the City of Gastonia. Councilman Tidwell seconded the motion and Council approved it unanimously.

(Reference and Resolution as contained in Exhibit Book 6 to Minute Book 99 at Page 8.)

CITY ATTORNEY'S REPORT

Mr. L. Ashley Smith, City Attorney, said in December, Council continued the public hearings on the historic landmark designation of the Lawyers building and the Commercial building to the March 2, 2010, City Council meeting. Council also expressed a strong preference that the property owners present their plans for these buildings to the Central City Revitalization and Housing Committee prior to that City Council meeting. Staff has not received any communication on that. He was able to make contact with Mr. Nathan Kirby, who is working with the property owners. In lieu of a Central City Revitalization and Housing Committee meeting, he has asked Mr. Kirby to submit to the City Clerk any information that he has on the plans for those building to be included in the March 2, 2010, City Council meeting agenda. He asked if that met with Council approval. Council agreed to have that information presented at the March 2, 2010, Council meeting.

CITY MANAGER'S REPORT

Mr. James M. Palenick, City Manager, distributed to Council an updated version of a map showing each building in the Municipal Services District and indicating whether those buildings are currently vacant or occupied.

He reminded Council that the joint meeting between the Gaston County Commission and the Gastonia City Council would be held at 6:00 p.m., on February 17, 2010, in the County Administration Building. He briefly reviewed the agenda for that meeting and advised that he would be providing handouts on some of the items included on that agenda.

CITY COUNCIL REPORTS

Councilman Tidwell – He commend the City Manager on the job he is doing.

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Mayor Pro Tem Reid – He stated that last week he had an opportunity to read to the fourth grade students at Woodhill Elementary School.

Councilman Howren – He advised that the ABC Board had recently adopted a travel policy and an ethics policy.

Councilwoman Craig – She noted that the Farmers Market Advisory Board had met today to discuss the upcoming year and the possibility of opening additional hours.

She said she has also attended a few Community Watch meetings at which she has shared information on the bond referendum.

Mayor Stultz – She reminded Council that next week would be the one-year anniversary of the passing of Councilman James Watson. She asked that everyone remember this family.

She advised that there would be an entire week of activities in celebration of the 40th anniversary of Earth Day. She encouraged everyone to participate in those events.

She asked that everyone join her in singing Happy Birthday to Councilman Tidwell.

MEETING ADJOURNED

Mayor Stultz adjourned the meeting at 8:35 p.m.

Mayor Jennifer T. Stultz

L. Ashley Smith, City Attorney

Virginia L. Creighton, City Clerk

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