

**GASTONIA CITY COUNCIL MEETING**  
**JUNE 19, 2007 – 6:00 P.M.**  
**GASTON COUNTY COURTHOUSE PUBLIC FORUM ROOM – GASTONIA, NC**

Mayor Stultz called the meeting to order at 6:00 p.m. on Tuesday, June 19, 2007, in the Gaston County Courthouse Public Forum Room, Gastonia, North Carolina. She recognized Gastonia Fire Chief Ken Lay for the purpose of making opening comments. Chief Lay said today, nine firefighters lost their lives in a commercial fire in South Carolina. At 7:00 p.m., the International Association of Fire Chiefs, along with the International Association of Firefighters, will be observing a moment of silence. He asked everyone to join him in a moment of silence in honor of these firefighters and their families. Following the moment of silence, Councilman Watson opened the meeting with prayer and then led the audience in the pledge of allegiance to the flag. Ms. Virginia L. Creighton, City Clerk, recorded the minutes.

PRESENT: Mayor Jennifer T. Stultz  
 \*Mayor Pro Tem David R. Kirlin  
 Council Members: Jeff Horne  
                           R. Dale Burkett  
                           Walker E. Reid, III  
                           John B. Howren, Jr.  
                           James L. Watson  
 Interim City Co-Manager Larry W. Wood  
 Interim City Co-Manager J. Philip Bombardier  
 City Attorney L. Ashley Smith

ABSENT: NONE

\* Mayor Pro Tem David R. Kirlin arrived at 6:45 p.m.

**ADOPTION OF THE AGENDA**

Mayor Stultz noted that Mayor Pro Tem Kirlin would be arriving a little late, due to him having to tend to a patient in the hospital.

She asked that the following changes be made to the Agenda:

- Add Item E(2), **AWARDS, CEREMONIES, AND PROMOTIONS** – Announcement of a grant from the Glenn Foundation.
- Add Item E(3), **AWARDS, CEREMONIES, AND PROMOTIONS** – Viewing of promotional for Gastonia's 130<sup>th</sup> Birthday Celebration.
- Supplemental exhibit and Resolution for Item 9, **RESOLUTION REQUESTING SUPPLEMENTAL FUNDING FOR WEST FRANKLIN BOULEVARD STREETScape PROJECT.**
- Mr. Larry W. Wood, Interim City Co-Manager, will be providing additional information on Item #11, **PURCHASE OF VARIABLE FREQUENCY DRIVE UNITS FOR CATAWBA WASTEWATER PUMP STATION.**
- Add 11A, **APPROVAL OF 2007 JUSTICE ASSISTANCE GRANT (JAG) – MEMORANDUM OF UNDERSTANDING WITH GASTON COUNTY.**

Councilman Howren asked that Item 8, **RESOLUTION ACCEPTING OFFER TO PURCHASE CITY OWNED PROPERTY – CORNER OF NORTH BROAD STREET AND EAST DAVIDSON STREET (TAX PARCEL ID#1076692) – JIMMY L. QUINN – \$3,000**, be placed on the Regular Agenda for further discussion.

Councilman Watson made a motion to adopt the Agenda, as amended. Councilman Burkett seconded the motion and Council approved it unanimously.

**APPROVAL OF THE MINUTES – REGULAR COUNCIL MEETING – MAY 1, 2007**

Councilman Reid made a motion to approve the minutes of the May 1, 2007, Regular Council meeting, as printed. Councilman Howren seconded the motion and Council approved it unanimously.

**REGULAR COUNCIL MEETING – JUNE 19, 2007****AWARDS, CEREMONIES, AND PROMOTIONS COMMITTEE****(1) Certificates of Recognition to Gastonia Parks and Recreation Participants in the Senior Games and Silver Arts Competition**

Mayor Stultz recognized Councilman Howren, Chairman of the Awards, Ceremonies, and Promotions Committee, for the purpose of making the presentation. Councilman Howren yielded to Mr. Chuck Dellinger, Director of Parks and Recreation.

Mr. Dellinger said Senior Games is a year-around health promotion for adults age 55 and over, which provides opportunities for older adults to remain physically active. Senior Games is a holistic approach to body, mind, and spirit staying fit, while enjoying the company of friends, family, spectators, and volunteers. Silver Arts is a celebration of the creative expression of seniors in North Carolina. It is a major component of the traditional athletic competition of the North Carolina Senior Games. Participating in the Senior Games and in the Silver Arts Competition is a new endeavor for the Gastonia Parks and Recreation Department. He commended Ms. Judy Griffin, Recreation Center Program Supervisor II, and Ms. Janice Summey, Recreation Center Program Supervisor I, for all the work they do with the seniors.

He said they did not have enough seniors to hold the Senior Games themselves, so Gastonia participated in the games with Cleveland County Council on Aging. There were between 175 and 200 participants, 22 of which were from Gastonia. Gastonia partnered with Gaston County Parks and Recreation Department, Bessemer City Parks and Recreation Department, and Brookdale Senior Living Center, to recruit the 22 participants, who ranged from 55 to 89 years of age. He noted that one segment of the Senior Games, the bowling event, was held in Gastonia. He said they hope in the future to not only host their own games, which is several years down the road, but to continue holding events in Gastonia.

Mr. Dellinger said every participant representing the City of Gastonia medaled in at least one event. Overall, Gastonia's participants brought home a total of 112 gold, silver, and bronze medals. These medalists are now eligible to participate in the State Senior Games in Raleigh, which will take place in September. He said they are proud of these participants and they appreciate the opportunity they had to participate in the games with Cleveland County.

He said they would like to share a line dance demonstration as an example of the performing arts category of the Silver Arts Competition. He introduced the dancers, who then performed the line dance.

Councilman Howren read and presented Certificates of Recognition to the following participants in the 2007 Senior Games:

Bruce Brown	Billie Martin
Earl Cunningham	Dot Mobley
Diana Fowler	Margaret Palmeri
Kieffer Gaddis	Janice Summey
Hester Haynes	Carolyn Turner
Bill Heavener	Clyde Walker
David Hostetler	Frank Zimmerman

He then read and presented Certificates of Recognition to the following participants of the 2007 Silver Arts Competition:

Vera DeBell	Willie Ward
Sherry Elders	Jennie Whitesides
Billie Martin	Matilda Wolfe
Juanita McGraw	Betty Woods
Betty Surratt	

It was noted that staff would make sure that those not present tonight received their certificates. The Mayor and Council Members congratulated all participants.

(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 77.)

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(2) Announcement of a Grant from the Glenn Foundation

Councilman Howren announced that the City received a \$15,000 grant from the Glenn Foundation for the Highland Rail Trail Project. He, along with the rest of the Council, thanked the Glenn Foundation for this grant.

(3) Recognition of Guest

Councilman Howren noted that Mr. Mason Curry was present tonight. He said he was deeply touched by Mr. Curry's work with an organization called With Friends. He then gave Mr. Curry the opportunity to recognize the individuals with him from With Friends.

(4) Viewing of Promotional for Gastonia's 130<sup>th</sup> Birthday Celebration

Mayor Stultz asked that the promotional spot that will be aired to advertise the Fourth of July/ 130<sup>th</sup> Birthday Celebration be shown. She said Ms. Rachel Bagley, Director of Communications and Marketing, has worked extremely hard putting together this event. She encouraged everyone to attend.

**PRESENTATIONS**

(1) Mayor Jennifer T. Stultz  
Re: Recognition of Algerian Delegation

Mayor Stultz said last year, the United States State Department invited two people who represented Boy Scouts of America and Girl Scouts of USA to visit Algeria to learn how they operate their scouting program, which has been very successful. Dr. Bruce Trefz, who is from Gastonia, was chosen by the State Department to represent Boy Scouts of America, and Ms. Sandy Thomas, her sister who lives in New York, was chosen to represent Girl Scouts of USA. Those two Americans represented the United States in Algeria last year. At this point, it is their privilege to honor the Algerians who have come to visit Gastonia. She noted that tomorrow, the Algerian guests would be traveling to Washington, DC, where they would be guests of the State Department. She asked Dr. Trefz and Ms. Thomas to talk about the importance of this event.

Ms. Thomas said it was an honor to have with her four friends that she met in Algeria. This opportunity is about building peace. It is about crossing borders, crossing waters, tearing down walls, and building relationships one girl and one boy at a time. Next summer, they hope to bring children from Algeria here so that they can experience what the group present tonight has experienced over the last couple of days. They have visited Camp Rotary, Camp Golden Valley, and Camp Bud Schiele.

She said it takes all of us deciding how we as individuals make peace in this world, not only with ourselves but within our community and within our world, so that every boy and girl knows what the issues of the world are and learns to appreciate all the differences and similarities of different cultures. She introduced the Algerian-Muslim Scout representatives.

Three members of the Algerian delegation spoke, two of which spoke through an interpreter. They thanked everyone for the hospitality that they received while in Gastonia. They too talked about spreading peace throughout the world and about continuing this relationship between the United States and Algeria.

There was then an exchange of gifts between Mayor Stultz and the Algerian delegation. The Algerians also presented gifts to Dr. Trefz and Ms. Thomas.

(2) Mr. Ronnie Stinson  
Re: Crime Concerns in the Highland Area

Mr. Stinson distributed to Council a list of Highland Community Concerns and Needs, a copy of which is contained in the Exhibit Book.

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He said members of the Highland Community and the North York Street Community Watch were here tonight with contrite hearts over the high crime rate in our City. They do not want Council to think they are just here to criticize what the City is doing. They want to partner with the City to do something about the crime and make things better. They want to make the Highland Community a place where people can drive through without locking their doors and being afraid. They want this community to be like any other community in Gastonia.

Mr. Stinson said his concern is that over the years there have been promises made to that community that have not been fulfilled. It has gotten to a point where many people do not trust what the Police Department or what City government says, because for many years they have been told things and they did not happen. Since these things did not happen, people feel that there is no use going to the City Council or to the Police Department to report things.

He said one of the items listed under crime on his handout is to have a citywide curfew for children under the age of 16. They are complaining about the gangs in the community. They want to make parents responsible for their children. Another item listed under the crime is to have a viable communication system that functions well during emergencies. This would be similar to a 911 center. He has made calls to the Police Department and sometimes it takes over 45 minutes for the police to arrive. There are senior citizens here tonight who have had that same problem. They are afraid to talk to the police or to come out of their houses.

He said they are hoping that Council will hear them in other forums where they can express their concerns. Without economic stability and socioeconomic stability in a community, that community is dead. There are other areas in this City growing and they want to grow too. He said Councilman Reid cannot do this by himself. There would have to be a collective effort from the rest of the Council Members to make this work. They have to get rid of the mindset of the past and look forward to a fresh approach to the future to do what needs to be done in our City.

Mr. Stinson said one issue listed on the handout under economic growth for the community is to look at the distribution of tax dollars to communities more equally. He would like to know if there is a distribution formula, because over the years he has not seen tax dollars spent fairly in this area. There has not been anything done to the infrastructure since he was a child. The City is wanting to do revitalization, but why put homes in an area where there is flooding and no drainage system. Just tearing down houses and not rebuilding the people will do them no good. They need affordable housing there. They need incentives for businesses to come into that area. There has been a Wal-Mart built there, but over the years they have been like an invisible community to Gastonia that people would go around instead of going through.

He said they are asking Council to partner with them so they can get some of the things listed on his handout done in their community. They will be back. They want some answers. He is asking them tonight to not repeat what has happened in the past. They need to get a fresh start and do what is needed to get these things done in the Highland East and Highland West communities.

Mr. Stinson recognized those from the community who were present.

Mayor Stultz said there were some staff members present who wanted to respond to this presentation, because they have been involved in some of the issues mentioned.

Chief Terry Sult, Gastonia Police Department, noted that they have had several meetings with this community. He said he would agree with about 99% of what Mr. Stinson is saying. There are problems with crime in our community. There was an article in the newspaper this past Sunday regarding violent crime. Those statistics were not exactly accurate. Gastonia is not the highest in the State to comparable cities. In violent crime, Gastonia is actually third behind Charlotte and Salisbury. That is still not acceptable.

He said the philosophy of their organization has changed, which has allowed for meetings like they have had with this group. They are forming partnerships, which includes our Community Development Division and the Gaston County Health Department. The Health Department helped administer some surveys in the community in hopes of adding a health care center in that area. They are also partnering with others in the area to look at how they deal with crime in that specific neighborhood and make it more viable for economic development to stable crime. Police by themselves cannot do it.

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Chief Sult said in 2003 and 2004, they saw double digit increases in crime. In 2005, when they made the organizational changes that aligned them to be more effective with the community, they experienced a 4% reduction in crime. In 2006, they saw a 5% overall reduction, and through May of this year, they have experienced a 14% reduction in crime. These partnerships are working, but there is a lot more to do. They are hoping that they can hold these crime numbers for this year through the end of the year, to make a three-year trend of a 23% reduction in overall crime since 2005.

He said the challenges ahead for them are guns, gangs, and drugs. They have to focus on those aggravated assaults. This is a community problem, it is a social problem. Project Safe Neighborhoods focuses in this community, the Mountainview area, and the US 321 corridor. They are focusing on these areas because that is where the guns, gangs, and drugs overlap. That is where the drug dealers are, where the assaults are occurring, and where the violent crime tends to occur. They can get the most from their efforts to reduce overall City crime by addressing the 20% to 25% crime that is occurring in that corridor area. They are doing that with the partnership of a number of people. When they are successful in bringing folks together with the community, such as the school system, the workforce community, and the Social Services providers, and they look at not just the crime but the overall wellness of the community, that is when they will start making a difference.

He said they are starting to see some changes, but there is still a lot of work to do. They have a very engaged Community Watch. They are taking steps to minimize the number of meetings that the Community Watch group has to attend. They have to go to five or six meetings with different groups, when in reality they are all working on the same problem, which is the wellness of the community. They are looking to combine some of those meetings and that seems to be working well.

Councilman Burkett said from the information gathered at Community Watch meetings, they are trying to get a handle on the concerns of this particular community. He said Chief Sult indicated that they actually began their initiative in that community about a year and a half ago. It took them some time to look at how these different types of crime trends and inappropriate behaviors were overlapping.

Ms. Annie Thombs, Community Development Administrator, said the Community Development Division of the Neighborhood and Community Resources Department, along with other departments in the City, have been collaborating with the Highland Community. A working group has been formed and it is very proactive. They are bringing a lot of things to the table. The City is meeting on a departmental basis and they are strategizing ways that they can help get resources to the community as they partner with them. There are some really positive things going on within the City that they will be bringing to the community and to the working group. Also, they have established a Highland Community hotline. Many citizens have said that when they call the City they do not get a response. This hotline is located in the Community Development office. The community will be able to call that office and staff will contact the appropriate person. Then within two to three days, staff will get back with the individual calling to make sure that their concerns have been addressed.

She said they are also going to put a mini-mobile community resource office on Beatrice Costner Avenue. They will be working with the working group, which will in turn get the word out to the community. They are excited about what is taking place in Highland. They are excited about the energy of the stakeholders that are coming together. They see wonderful things happening in the Highland Community.

Chief Sult noted that there would be a Project Safe Neighborhoods Rally at the Erwin Center between 4:00 p.m. and 8:00 p.m. on June 20. He said a lot of the service providers that he mentioned would be there to meet with the community and to look at doing some intervention/prevention activities. Time Warner is a sponsor of this event.

Councilman Horne said since the article regarding violent crime came out in the newspaper this past Sunday, he has had two realtors ask him what they were supposed to tell people who asked about the crime rate in Gastonia. Also, a business owner called to let him know that two businesses in the Highland Community had cars broken into during the day. This is an issue and it is something that they need to address.

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Mayor Stultz said when you think of Salisbury you think of a peaceful, quiet, historic, livable community, but they, as well as Burlington, are having huge struggles with crime. The Metropolitan Coalition of Mayors is trying to get the word out to the Legislature, which is trying to kill a bill on gang legislation, that gangs are not just a big city issue. Gangs are also a medium and small city issue.

Councilman Burkett said nothing could be better for a neighborhood than for the neighborhood to get involved. There are excellent people who have lived in this neighborhood for generations. They are telling Council tonight that they are not going to tolerate it. They should not allow any neighborhood to be crime ridden. If you have a bad neighbor, that can create another bad neighborhood, then the entire neighborhood goes downhill. Neighborhoods should never be allowed to go down. The best thing that citizens can do for the Council and for the Police Department is to get involved. He said he understood what Mr. Stinson was saying about it taking years and years, because they have fought wars in the time that our downtown and the Highland Community has went down, and that they have worked on the grocery store.

Mayor Stultz said she wanted to remind everyone that Council has not forgotten the Highland Community. Just from what she can remember, the City won All-America City in 2000 because of the strength of its Community Watch program. The Community Watch groups have to reunite. They cannot just unite when there is trouble. One thing Council did was down-zone US 321. They went through that zoning process to try to protect that entire corridor by getting rid of the bad elements, such as the adult bookstores. They have talked to the Health Department about establishing a branch of the Health Department back in this community. They have spent over \$350,000 on marking the intersections and stenciling the crosswalks, so that it would be safer for people to walk from one side of the Highland Community to the other. The City just received a grant for the first Rails-to-Trails program, which leads directly into the Highland Community. They have gotten \$1,000,000 from HUD to acquire the property for a grocery store and for redevelopment. They have not done everything that needs to be done, but she wants them to know that the Highland Community has been important to them from the very beginning, just like every other neighborhood. They will continue to invest not just City dollars, but their sweat, toil, and dedication. She knows that Council stands with her in saying that they have not forgotten the Highland Community, nor the west side of town, nor any other community.

(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 78.)

(3) Mr. Ron Gaff, Assistant Director of Electric Utilities

Re: Recognition of City Linemen who Competed in the 2007 American Public Power and North Carolina (NCAMES) Linemen's Rodeo

Mr. Gaff said this year the City of Gastonia line workers competed in two separate rodeo events, the North Carolina Association of Municipal Electric Systems (NCAMES) Lineman's Rodeo and the American Public Power Association (APPA) National Lineman's Rodeo. These rodeos consist of timed competitive events and are judged on a line workers expertise in climbing a pole, overall work practices, neatness, ability, equipment handling, and safety in their work. All safety rules established by the Occupational Safety and Health Administration and the APPA Safety Manual must be observed during all of these events. Personal protective equipment, which consists of hard hats, safety glasses, long-sleeved flame-retardant clothing, and rubber gloves must be worn at all times. These rodeo are not solely for the competitive spirit, but serve as a forum for the line workers to engage in conversations about job safety, improved work methods and tools, and is a great environment for camaraderie among the workforce.

He said the national event this year was held on April 13 & 14, in Marietta, Georgia. The event consisted of 59 teams and 70 apprentices for not-for-profit community-owned electric utilities across the nation. The journeymen teams consist of four members (two climbers, a ground person, and an optional alternate). The four men earned their trip to the nationals by placing first through fourth at the local NCAMES event. Two of the four journeymen team members representing the State of North Carolina were from Gastonia, Mr. Jody Kiser and Mr. Scott Nichols. The remaining two men were from New Bern and from Kings Mountain. This team representing North Carolina placed first in the Single Phase Pole Transfer event and placed third overall in the nation. He said this is fantastic, considering the number of teams and the high level of competition at this event. He congratulated the team members for working so diligently to represent the State of North Carolina.

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Mr. Gaff said this year's NCAMES rodeo was held in Greenville on May 16, 2007. Fifty-nine men from across North Carolina competed in the Journeyman and Apprentice events. The competition consisted of several events including pole top pin insulator change out, egg climb with a twist, and hurt-man rescue. Most generally all of these events are carried out climbing and working 35 feet above the ground, standing on two small hooks planted in the pole, with a tool belt and safety strap. It takes a tremendous amount of nerve to carry out these tasks under these adverse conditions. Gastonia had eight line workers participating in the rodeo, with one member from the safety team, Mr. Jeff Vaughn, serving as an event judge. Mr. Jody Kiser placed third overall and Mr. Matt Lambert placed fifth overall, with the top ten men obtaining a perfect score, meaning no deductions. The final results in individual placement were determined by mere seconds.

He said the City of Gastonia team members were very well respected and well represented at this year's event. The City is very fortunate to have the level of quality, dedication, and overall job experience that these gentlemen have. He said the line workers with him tonight, as well as the Electric employees not here tonight, continue to be recognized at both State and National levels as being leaders in their field of utility line work. On behalf of the entire Electric Department staff, he would like to thank each of them for their participation and their hard work to achieve these results.

The following linemen present introduced themselves: Mr. Scott Nichols, Mr. Jody Kiser, Mr. John Watts, Mr. Darby Carithers, Mr. Matt Lambert, and Mr. Jeff Vaughn.

Council congratulated the Electric Department on this accomplishment.

**PUBLIC EXPRESSION**

(1) Ms. Phyllis Williams, 405 Hampton Street – Re: Loud Music & Utility Bill Cycle

Ms. Williams said she would like the City to address the loud music that she hears continuously in the neighborhood. There is an ordinance against that noise in the evenings, but there is not during the day.

She said another concern she has is the utility billing cycle for senior citizens. People on Social Security get their checks on the third of each month. Her cutoff date is usually on the second of the month. She has to call to make payment arrangements, and then has to go to City Hall to make the payment. She asked if there was any way for senior to get on a different billing cycle, where their payments could be made on the fourth or fifth of the month.

(2) Mr. Kenneth Gantt, P.O. Box 502, Cherryville – Re: Various Topics

Mr. Gantt talked on the following issues:

- He had a list of arrests that was 32 pages long. He talked about how many of those cases had been dismissed by the District Attorney (DA).
- He said he owed the employees in Code Enforcement an apology. It was not their fault that there was no written procedure in place and no written policy implementing statute. When he would ask about 925 Jupiter Street, they would tell him that there were two policies, a special one for estates. Meeting with supervision and the Assistant Attorney, North Carolina statute applies singularly and fairly to all people. He said Councilman Reid, Councilman Burkett, and the Police Chief have been called about tenant harassment by people selling drugs. They will be installing a \$4,000 fence. It would behoove all of them to review the incident reports at 927 Jupiter Street for the last ten years. He has those reports, as well as affidavits from the prior tenants, who were elderly, disabled, and forced to move.
- At Disney World, they have Ethernet with airpicks in the Pantries, and every store has a sign. Policemen are inside those stores doing their reports. He asked why they waited on a federal grant to start protecting the elderly and children in West Gastonia. He asked what taxes were being spent for.
- Over two years ago, he was hit head-on by a carload of people from Cherryville, Bessemer City, and Lincolnton. They were charged with DUI, but they got off. All claim that another man was driving. The DA refused to try this man. This man had been dismissed by the DA before.

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- He said he is not angry with the children. He is angry at the people who are selling alcohol and drugs to children. ABC grossed \$71,000,000 last year. Unfortunately, enforcement is terribly inadequate. He said he asked for a copy of their general detailed audit, but never received it.
- There are people in Gastonia coming off of crack and telling stories about getting drugs in Gastonia at age 13 to 17. There is no statute of limitation on selling crack to a minor. That person can be arrested anytime and their process would be civil actions.
- He congratulated the City on getting a new manager. They hope the new manager is well versed in ADA and civil rights. They rent to handicapped people only in five neighborhoods. They sell those properties to them with nothing down. They have well documented violence, perceived neglect, and perceived patterns of discrimination in services provided by the City of Gastonia. Somebody has to get familiar with the ADA Section 508 for the handicapped.

(3) Mr. Dock Ayers, 1209 Candlewood Drive – Re: Various topics

Mr. Ayers said he knows Council is not in the direct line of funding our school system, but in November there is going to be \$175,000,000 bond issue on the ballot. They have heard a lot of talk about crime, drugs, etc. A lot of that is because people are not receiving an education. This is a first step in trying to help Gaston County improve its educational facilities. The County Commission is planning to use lottery money to pay for some of its old debt. That is not what that money was to be used for. When they created a bond issue, they had to have a means to pay for that. They did not know the lottery was coming. That was supposed to be covered by tax money. Florida instituted the lottery and it never helped with education, because they did exactly what our County Commission is about to do, used that money to pay off debt instead of improving education. They need to contact the Legislators about that.

He asked how many of the people mentioned in the newspaper article on violent crime were repeat offenders who had been before judges, been prosecuted by the DA, and been turned loose. He said they need to contact their legislators and get them to look at passing the gang laws.

He said he would like for Council at some time to give him some response on the issues that he brings up.

(4) Mr. Randy Owens, 904 Chestnut Street, Bessemer City – Re: Crime

Mr. Owens said a lot has been said tonight about drugs and crime. A lot of what has been said needs to be taken into consideration. Our youth are the future.

(5) Ms. Vanessa Mackey

Ms. Mackey was recognized, but did not respond.

**CONSENT AGENDA**

- ITEM 1: BUDGET AMENDMENT #FY07-386 – \$10,000  
(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 79.)
- ITEM 2: BUDGET AMENDMENT #FY07-393 – \$108,889  
(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 80.)
- ITEM 3: ORDINANCE TO DEMOLISH – 2408 SUNSET AVENUE – ALLIANCE BANK AND TRUST COMPANY  
(Reference and Ordinance as contained in Exhibit Book 6 to Minute Book 96 at Page 81.)
- ITEM 4: ORDINANCE TO DEMOLISH – 914 BRANDON STREET – LESLIE BRANDON CORN AND HUSBAND, KENNETH DAVID CORN  
(Reference and Ordinance as contained in Exhibit Book 6 to Minute Book 96 at Page 82.)

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- ITEM 5: ORDINANCE TO DEMOLISH – 2313 MILTON AVENUE – JERRY EUGENE BOWEN, ROBERT R. JOHNSON AND WIFE PEGGY B. JOHNSON, AND OTHERS  
(Reference and Ordinance as contained in Exhibit Book 6 to Minute Book 96 at Page 83.)
- ITEM 6: ORDINANCE TO DEMOLISH – 108 EAST SECOND AVENUE – CONSUELO GARCIA  
(Reference and Ordinance as contained in Exhibit Book 6 to Minute Book 96 at Page 84.)
- ITEM 7: RESOLUTION ACCEPTING OFFER TO PURCHASE CITY OWNED PROPERTY – 709 RAY STREET (TAX PARCEL ID#154102) – RICKY WILSON – \$3,000  
(Reference and Resolution as contained in Exhibit Book 6 to Minute Book 96 at Page 85.)
- ITEM 8: RESOLUTION ACCEPTING OFFER TO PURCHASE CITY OWNED PROPERTY – CORNER OF NORTH BROAD STREET AND EAST DAVIDSON STREET (TAX PARCEL ID#1076692) – JIMMY L. QUINN – \$3,000  
(This item was placed on the Regular Agenda for further discussion.)
- ITEM 9: RESOLUTION REQUESTING SUPPLEMENTAL FUNDING FOR WEST FRANKLIN BOULEVARD STREETScape PROJECT  
(Reference and Resolution as contained in Exhibit Book 6 to Minute Book 96 at Page 86.)
- ITEM 10: CITY MANAGER EMPLOYMENT AGREEMENT WITH JAMES M. PALENICK  
(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 87. Agreement on file through City Clerk’s office.)
- ITEM 11: PURCHASE OF VARIABLE FREQUENCY DRIVE UNITS FOR CATAWBA WASTEWATER PUMP STATION  
(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 88.)
- ITEM 11A: APPROVAL OF 2007 JUSTICE ASSISTANCE GRANT (JAG) – MEMORANDUM OF UNDERSTANDING WITH GASTON COUNTY  
(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 89.)

Council inquired with regard to the following:

- ITEM 11: PURCHASE OF VARIABLE FREQUENCY DRIVE UNITS FOR CATAWBA WASTEWATER PUMP STATION – Mr. Larry W. Wood, Interim City Co-Manager, said the bids for the variable frequency drive units were not opened until today. The successful bid was \$86,760, which is below the threshold amount for equipment that has to be approved by Council.
- ITEM 9: RESOLUTION REQUESTING SUPPLEMENTAL FUNDING FOR WEST FRANKLIN BOULEVARD STREETScape PROJECT – Mayor Pro Tem Kirlin noted that an amended exhibit, which includes an amended resolution, has been distributed to Council.

Councilman Howren made a motion to approve the Consent Agenda, with the exception of Item #8, and to include the amended Resolution for Item #9. Councilman Burkett seconded the motion and Council approved it unanimously.

**PUBLIC HEARING – ORDINANCE AMENDMENT – CHAPTER 17**

Subject hearing involves considering amending Chapter 17 of the Code of Ordinances of the City of Gastonia by amending Article V, General Provisions, Section 17-96, State Park Zoning District, and Section 17-152, Communication Towers, to allow communication towers on non State-owned property within the State Park (SP) zoning district. (This item is continued from the May 15, 2007, City Council meeting.) (The applicant has withdrawn this request.)

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(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 90.)

**PUBLIC HEARING – ORDINANCE AMENDMENT – CHAPTER 17**

Subject hearing involves considering amending Chapter 17 of the Code of Ordinances of the City of Gastonia by amending Article V, General Provisions, Section 17-96, State Park Zoning District, to allow the extension of existing communication towers that are at least 125 feet to a maximum height of 250 feet, provided that no microwave antennas be added to the extended portion of the tower. This would apply only to property not owned by the State of North Carolina within the SP, State Park, zoning district. (The Gastonia Planning Commission voted 5-2 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. She noted that Dr. Robert Neunzig was the Gastonia Planning Commission representative present tonight.

Mr. Thompson said this ordinance amendment is requested by Crown Castle International for expansion of an existing communication tower in the SP, State Park, zoning district in order to facilitate the transmitting of FM radio signals for a relocating radio station.

He said Crowders Mountain became a State Park in 1973. That was largely the result of the efforts of the Gaston County Conservation Society, which is citizens' group that was formed in response to a threat to mine the mountain. This group was able to convince State officials of the importance of preserving this unique natural resource. A portion of Crowders Mountain State Park was annexed into the City of Gastonia in August, 1996, providing a significant resource for the study of natural history and environmental education, and adding a superb natural and recreational resource to the City.

He said current zoning requirements do not allow communication towers within the SP, State Park, zoning district, except for the purposes of park operation or other official use by the State of North Carolina. Obviously, towers currently exist in the State Park zoning district on top of Crowders Mountain, but our zoning ordinance does not allow for the extension of towers or for the construction of new towers.

Mr. Thompson said the proposed text amendment tonight would:

- a) allow an increase in the tower height from 125 feet to 250 feet.
- b) only affect existing towers that are greater than 125 feet in height.
- c) prohibit co-location of microwave antennas on expanded areas of towers.
- d) limit this expansion to non State-owned land with the SP district.

He said he would note that while the ordinance amendment would prohibit co-location of new microwave antennas, it would not necessarily result in the removal of existing microwave antennas on towers, nor would it necessarily prohibit co-location of other types of antennas.

Mr. Thompson said the 2010 Comprehensive Plan reads, "Crowders Mountain State Park is of regional importance and it offers the closest mountain environment in the area. As Gastonia grows to the southwest, urban development will begin to occur adjacent to the park. Since vistas are so important to the enjoyment of Crowders Mountain, the visual quality of this development is important to the future of the park. Further, Crowders Mountain offers a unique vista to Gastonia. As we are today, future generations will be grateful to citizens who have had the vision to work for the acquisition and protection of this unique natural feature for public enjoyment and conservation." It also states, "Crowders Mountain State Park is an outstanding natural asset and tourist attraction, and it should have compatible development in its vicinity."

He said Crowders Mountain State Park is an enormous source of pride for Gastonia and is an outstanding scenic and recreational asset, attracting people for the entire region. Staff feels that the expansion of towers in the SP district would be inconsistent with the stated goals of the 2010 Plan and that tower expansion should continue to be prohibited in the SP district. Staff is recommending that this ordinance amendment request be denied.

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Mr. Thompson said if Council approves this amendment to allow expansion of towers in the SP zoning district, then staff recommends that the request be amended to require that any new tower expansion proposal involve the issuance of a conditional use permit. This provision would require that a public hearing be conducted and would provide the opportunity for both City staff and the Planning Commission to perform a detailed review of the proposed tower expansion location and structure to the end that any adverse impacts might be mitigated, if possible.

Councilman Howren said he thinks he read that the tallest tower at Crowders Mountain is 276 feet. He asked how many towers were currently on Crowders Mountain. Mr. Thompson said there are numerous co-location type antennas and small towers that attached to some buildings on top of the mountain. He thinks what would classify most as a tower would be some of the larger ones and currently there are three of those.

Mayor Stultz asked when the last tower was established up there. Mr. Thompson said he did not know, but the first tower was put up around 1946.

Mayor Pro Tem Kirlin asked what City, County, or Federal installations were present on those towers at this time for purposes of public safety. Mr. Thompson said there were several. Some Gaston County and Gastonia emergency response systems utilize those towers.

Mayor Pro Tem Kirlin asked if the City actually leased space on one of the towers. Mr. Thompson said he was not aware of the City leasing space there.

Councilman Horne noted that there were private property owners on Crowders Mountain. Mr. Thompson said that was correct. Currently, there are four private property owners where those towers are located. They are completely surrounded by property owned by the State of North Carolina for the State Park. When the property was zoned by the City, the SP zoning was applied to both the State-owned and the private-owned properties.

COUNCIL RECESS

Mayor Stultz declared Council in recess at 8:00 p.m. Council resumed the meeting at 8:10 p.m.

PUBLIC HEARING – ORDINANCE AMENDMENT – CHAPTER 17 (CONTINUED)

Mayor Stultz recognized the following individuals who had signed up to speak to this matter:

- Mr. Larry Hyde, Superintendent, Crowders Mountain State Park – He said there is a letter contained in the Agenda, but some of it may not be as pertinent, since there have been some adjustments made to the original ordinance amendment request. He noted that this letter was also approved by his Planning Department and by the Director of State Parks. He then read that letter, a copy of which is contained in the Exhibit Book.

He said there has not been enough time since the original request was made for them to determine if they should change their position on this. Based on what they have heard so far in the Planning Commission meeting, his opinion, the opinion of the Director of State Parks, and the opinion of the State Parks Planning Department have not changed.

Mr. Hyde said the current zoning ordinance states, “In addition, communication facilities approved by the State shall be allowed.” He said that can be interpreted several ways, but it can certainly be interpreted to say that they need the approval of the State in order to have any amendment changes. Both applicants asked the State for their approval. His letter was their formal way of saying that they were not giving approval.

He said the road that would be used for construction of the tower is a heavily used hiking trail. They get 368,000 visitors per year throughout the entire State Park. He would say that well over half of those utilize either the tower trail, which serves also as a service road, or the backside trail. There is already quite a bit of traffic with the radio communication folks driving up there to do their normal service work. If they were to allow construction traffic to go up there, it would immensely impact the hiking experience.

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Councilman Horne said if the State has the final say in this, the State is going to trump whatever the City does. Mr. L. Ashley Smith, City Attorney, said one way to look at that language is if the State says they can put it up, then the City can approve it. He thinks it was probably a case of slightly imperfect drafting. He thinks everyone assumed that all the land in the SP zone was owned by the State Park. One interpretation of the way it is written is if the State says to approve it, they could very well say that that is what the Ordinance says so the City will approve it. He does not think there has been any indication from the State that they are doing that.

Mayor Pro Tem Kirlin asked Mr. Hyde if he had interfaced with the owner of the property on which the tower sits or with the applicant who wants to extend the tower height. Mr. Hyde said on the initial ordinance amendment request, they primarily worked with the property owner. On the second request, he was contacted by phone by someone who identified themselves as representing the buyer of the radio station. All communications after that came through their attorney.

Mayor Pro Tem Kirlin asked if the access road used by hikers to get up to the top is park property. Mr. Hyde said that is owned by the State until you get approximately 20 feet short of where the gravel ends and the pavement begins. There are actually four parcels of property up there, owned by three landowners. The landowners have a legal easement on that road, but the park actually owns it.

Councilman Howren said Mr. Hyde's letter states that at least one of the variance requests would require a portion of the existing Rocktop Trail to be relocated. He asked which request required that. Mr. Hyde said that was the request that was rescinded. The Rocktop Trail would be impacted short term during construction if the second request is approved, because it would be impossible to avoid blocking that trail. One concern he has about that, beyond just the hiking experience, is they recently have had two climbing falls. If they have restricted access to use the Rocktop Trail and go through the private parcels, their other alternative is to go straight up off the lower part of the tower road, which is extremely steep and rocky. It would be extremely dangerous. Their other option would be to climb up the backside trail, which has 300 steps. As difficult as it would be just to access a patient, it would be even more difficult to bring the patient down those steps.

Councilman Horne asked when the last tower was put up there. Mr. Hyde said the last tower, as far as in its original state, was put up in the early 1970's and that was by Crown Castle or by Crown Atlantic. As he understands it, there were some adjustments on the CBS radio station tower that took place in the 1980's. Also, just to clarify, the park took possession of that property around those private parcels on December 31, 1977. Although the park itself was formed in 1973, they purchased those parcels the last day of 1977.

- Ms. Verna Neal, President, Friends of Crowders Mountain, Inc. – She noted that she lives at 5423 Anderson Court, Cramerton, NC. She said Friends of Crowders Mountain is a 501(c)(3) tax exempt, non-profit public charity that supports Crowders Mountain State Park. She recognized the other members of this group who were present. She then distributed a packet of information to Council, a copy of which is contained in the Exhibit Book.

She said the Friends of Crowders Mountain, Inc., has reviewed the ordinance amendment request pertaining to the extension of an existing tower on top of Crowders Mountain. They thank the City of Gastonia's Zoning Department for stipulating placement of any future towers not closer to Crowders Mountain's cliffs than the existing towers. They also thank the Gastonia Planning Commission for its decision to deny the doubling of an existing 125-foot tower to a maximum of 250 feet, with the provision that no microwave antennas be added to the extended portion of the tower. The Friends of Crowders Mountain will support the North Carolina Division of Parks and Recreation's decisions regarding this project.

She said they also express the following concerns in relation to this tower project:

- A recommendation is needed that clearly defines the restrictions for all four privately-owned parcels on Crowders Mountain for future protection against potentially becoming one mega-tower parcel, with sufficient acreage to support growth into other industries, such as television, necessitating even larger TV towers, cables, etc.

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- Private industry should bear the financial responsibility of relocating any segments of interrupted trails that currently permit access to the magnificent views from Crowders Mountain's cliffs.
- More specific plans, along with adequate review time, are needed to assess the overall impact of this project, to meet criteria set forth in the City of Gastonia's 2020 Comprehensive Plan, which on pages 24 & 25 stipulates the following: "h) Work with Gaston County to add protective zoning around Crowders Mountain State Park in an effort to limit negative visual, environmental, and ecological impacts on the park, i) Consider the future land acquisition plans for Crowders Mountain State Park when reviewing zoning requests, and k) Maintain the rural nature of the Crowders Mountain State Park experience and the safety of hikers."

She said Gastonia's new logo promotes "Great Place, Great People, Great Promise." Crowders Mountain State Park's cliffs are the opening feature of Gastonia, North Carolina's website. With 368,422 visitors from around the globe in 2006, an increase of 9% over 2005, Crowders Mountain State Park is a major attraction with significant economic impact on Gaston County's future. She asked that Council help them preserve this unique resource.

- Ms. Rita Pasour, 2432 Ryneland Street, Gastonia – She said she is Vice Chairman of Friends of Crowders Mountain, but tonight she is speaking as a private citizen. One of her concerns has been what the tower is actually going to look like. She called the Federal Aviation Administration (FAA) because all towers over 200 feet above ground level come under their jurisdiction. She talked with the FAA official in charge of obstacle enforcement. He told her that if this tower addition is approved, there are only three choices that the owner has for the tower safety. One is to have orange and white stripes to the top of the tower, and to have a red light at the middle and at the top. The second and third choices would have a flashing strobe light all day long. She thinks this would be very unsightly. She thinks it would greatly harm the visitors' experiences. From talking with the FAA representative, it sounds like none of the options are going to be attractive, because all of them require more light and a lot brighter lighting. The one with the orange and white stripes is the only one that is not required to have a constant strobe light. That is the one that they have indicated they are not using. Another option, which is the least attractive according to the FAA representative, is that there would also be a low intensity strobe light at night.
- Mr. Gary Mims, 935 Churchill Drive, Gastonia – He said when he first heard about this tower project, he had mixed feelings. He heard that they were potentially going to be taking some of the big dishes off the mountain and repainting the towers to make them less obtrusive. What came to the Planning Commission was nothing more than a couple of requests to just put more stuff up there and not do anything to reduce the clutter. At the Planning Commission meeting, there was a photo of the mountain displayed with an artist's conception of how the mountain would look with the additional tower. The towers were lined up so that there was a minimal appearance of that second tower. He distributed photos of the mountain from Karyae Park and from Crowders Mountain Golf Course showing what the tower looks like now. He also distributed a photo of the mountain that appeared on the cover of the telephone book, which did not show the towers at all. A copy of each photo is contained in the Exhibit Book. He mentioned and displayed several other documents that contained pictures of the mountain, but did not show the towers. He said they are obviously proud of the mountain, or it would not be pictured on so many documents and publications. It is also obvious that they are ashamed of the towers, because they have been removed from the pictures of the mountain.

He said they hear arguments about property rights, but things change. Forty or sixty years ago, it was ok to put a tower up there. There is an adult bookstore in the Highland neighborhood. That property owner also has property rights. If he wanted to put up a second adult bookstore, he would most likely be told no. The point is that the people in the Highland neighborhood do not need another adult bookstore in their neighborhood, just because the landowner had one before the City said they were no longer allowed. The neighborhood on the mountain is a scenic natural heritage area. They hope to make Crowders Mountain one of the area's centerpieces.

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- Mr. Duane Flynn, 209 Wrentree Lane, Gastonia – He said he is the Curator of Natural Science and Entomologist at the Schiele Museum. He would like to make statements regarding Crowders Mountain as it relates to the natural heritage that is there for the animals and plant life and the impact the tower could have on that. In the late 1990's, the Quality of Natural Resources Commission (QNRC), in conjunction with the North Carolina Natural Heritage Survey, initiated a natural heritage inventory for Gaston County. Out of that inventory, there were approximately fifty sites at Crowders Mountain State Park. Dr. Jim Matthews, from UNCC, did the plant survey in many of those sites. He found that there were six plants on that list that he found that were found only at the park and nowhere else in North Carolina. Out of those, one is on the endangered species list. It is on top of Crowders Mountain and is also in the area where this tower work would be done.

He said he was asked to do an arthropod survey, which included bugs and insects found at the park. Over the last six to seven years, he has collected over 50,000 specimens over Gaston County, half of which have probably been collected at the park. They have identified about half of those 50,000 specimens and out of those specimens, many species found at the park are very critical and important for the natural processes in our environment, including pollination. Most have heard about the problems with the honey bee and the colony collapse syndrome. Scientists are trying to figure out what is happening. Many of the plants at Crowders Mountain State Park support large honey bee populations, which are also important for the pollination of the crops that they have in Gaston County.

He said he would support the denial of this request.

- Mr. Henry Campen, 150 Fayetteville Street, Raleigh – He said he is the attorney representing Crown Castle International. What prompted this request is the owner of an Hispanic format FM station, WAGI, which is now located in Gaffney, SC, has entered into a contract to sell its FCC broadcast license to a new owner who intends to relocate that station to the Gastonia area. The new owner is Davidson Media. The FCC has approved the relocation of that license to the Gastonia area. This will be the first Hispanic FM station in the Gastonia/Charlotte area. The format will be music, community news, and national news. It will have as strong an FM signal as any station in this market. It will reach 1,700,000 citizens across a seven county area. The Gastonia area has one of the fastest growing Hispanic populations in the southeast. With this large and growing population, having an Hispanic FM station could be valuable for emergency broadcast services.

He said when Davidson Media looked at this opportunity, it looked at four options to provide for a broadcast facility. The first was co-location on the CBS facility at Crowders Mountain, which according to the FCC registration is 268 feet in height. However, the CBS company imposed restrictions on Davidson that would prohibit them from broadcasting in the desired Hispanic format, so that was not an option. The McSwain tower, which is approximately 80 feet in height, was too close to the CBS tower, so there would be distortion in the signal and it was too short. The Crown tower is 143 feet, according to the FCC registration. It is not high enough to permit them to optimize their signal and cover all the region. That is the reason for the request to extend that tower to 250 feet. Another option that Davidson looked at and found undesirable was the construction of a new tower, which if it is not on the mountain, would need to be probably 1,000 feet in height somewhere within several miles of the Crowders Mountain peak. That is an option they prefer not to pursue. The Crown tower is the option they believe is most desirable and has the least impact on the community. The ordinance prohibits what they are requesting, which is why they are here this evening.

Mr. Campen said the ordinance amendment they have crafted is very narrow. It applies only to existing towers at least 125 feet in height, permits extensions to only 250 feet in height, and would preclude Crown from locating any additional microwave dishes on the facility. It is applicable only to the Crown tower. There is not going to be a tower farm, about which some have expressed concern. That would not happen under this text amendment before Council this evening.

He said the Crown tower was built in 1975. The FCC registration shows that it is 143 feet in height. The CBS tower was built in 1988 and is 268 feet in height. The CBS tower contains two FM stations, one of which is the public radio station serving this area. The Crown tower accommodates Verizon Wireless and Suncom Wireless.

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Mr. Campen said the visual impact was alluded to earlier. He displayed photos of the existing situation at Crowders Mountain from the golf course and from Archie Whitesides Road. He then displayed a photo simulation of how the proposed tower extension would appear. He said there are only a limited number of vantage points that hikers can see the existing towers, because of the tree cover and the topography of the park. Except in a limited number of vantage points, a hiker is not able to see the towers as they exist now. The motoring public driving through the park will get a glimpse of the towers. He would submit that to the naked eye, one is not going to be able to discern the 125-foot extension that may be two miles in the distance as they drive by. If someone is walking somewhere on the road system around the park, they may be able to discern the extension on the Crown tower.

He said comments have been made about the construction of this facility and what impact it would have. The construction would have no impact on plant life, on the sensitive species about which there is legitimate concern. The access road, to which Crown has a legal easement, is plenty wide to accommodate the construction traffic that would be necessary for a very brief period of time, probably four to six weeks, during which this construction would take place. He is also told that during the construction period, there would be no blockage of the access road or even at the top of trail, which is Crown private property. Roughly 50 feet of the trail is Crown private property. The area at the top of the mountain is sufficient for the equipment to accommodate the construction and to permit continued access through the Tower Trail to the peak of the mountain.

He said at the Planning Commission meeting, a question came up about what Crown has done for Gastonia and why this request should be considered. There are several answers to that. First, Crown owns the property and has paid property taxes to this County since 1975. He would submit that they have contributed to the enjoyment of thousands of visitors to the park, who but for Crown's enabling them to traverse private property would not be able to ascend to the very top of the mountain to take in that spectacular view. That is private property and Crown has permitted the park users to enjoy that and certainly intends to continue to do that. There would be no necessary relocation of the trail. Finally, the Hispanic community in this area would be a primary beneficiary of an FCC licensed FM broadcast station.

Mr. Campen said he wanted to respond to a couple of comments made by those who spoke earlier. Mr. Hyde suggested that the State's approval was required for this tower. He believes City staff has a different view. He understands from Mr. Thompson that there was an item before the Board of Adjustment several weeks ago in which the McSwain Company sought interpretation of the ordinance. Their argument was going to be that this body had no jurisdiction over this issue and that indeed it was solely a State matter. He does not believe that the ordinance supports that view. He said Mr. Hyde alluded to who he has worked with on behalf of the applicant. He said he is the counsel to the applicant and he has had a number of conversations with Mr. Hyde, which have been very professional and courteous. He said Mr. Hyde asked what would happen in the event of an accident. He would point out that but for the wireless communication services that are located on these towers now, they would have a lot less accident response system than what they have now. Because of the wireless communications that are accommodated by this tower, they are able to provide response that they would not otherwise be able to provide.

He said Mr. Mims made some comments that made him want to reiterate that this is private property. They are lawfully there. These are not adult bookstores. They are respectable businesses that are providing wireless communication services, which is a valuable service. There is nothing inappropriate about the services that they are providing or the business that they are in.

He noted that Mr. Scott Allison, Asset Manager with Crown Castle, as well as representatives from Independence Media, which is an agent of Davidson Communications, were present to answer any questions that Council may have.

Mayor Pro Tem Kirlin asked if he had had any conversation with the owners of the transmission towers in the Dallas, NC area. He believes there are four towers out there. Mr. Campen said he had not.

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Councilman Horne said all the new antennas have started going to this location in Dallas. They could easily put a 1,000-foot tower out that way. Mr. Scott Allison, Asset Manager with Crown Castle, said the towers he is referring to are TV towers. He thinks they are about 2,000 feet tall. The selection of their tower was actually made by the tenant. They selected that based on how their broadcast signal would serve the market that they are looking to serve. He would direct that question to Mr. Jeff Bemrose, with Independence Media.

Mr. Bemrose said they have looked at the Dallas area. They cannot relocate this station out there because it would end up being short-spaced to another station on the same frequency or one channel off. There is a very small area to locate without having to have multiple other radio systems either reduce their power dramatically or force them to move also. Those systems are not going to reduce their power to accommodate them.

Councilman Watson asked Mr. Campen to respond to the concerns mentioned about the lighting of the tower. Mr. Campen said lighting of the tower would be required, but it is a white strobe light. He would submit that during the day, it would be very hard to see, and at night, it is not a strobe light like they would see in a nightclub, but it is a dim white light there for aviation safety. There is no painting of the towers required. This tower is within 50 feet of the CBS tower. There is some question about whether any lighting would be required at all, because of its proximity to a tower that is already lit.

Mayor Stultz asked what their options would be, if this request is denied. Mr. Bemrose said they had run out of options.

Mayor Stultz asked what kind of area would they have to have in order to get the radio frequency that they want. Mr. Bemrose said that was a hard question to answer because there are several things to take into effect. They have to be able to cover the city of license with a certain amount of signal. They can only go out so far and still be able to cover that. The area in which they have to locate in this particular instance is less than a three-mile area.

Mr. Campen said the FCC approval for relocating of a license is in a very limited area, because the license has to serve the Charlotte/Gastonia area. The signal will broadcast out to a very large area, but in terms of where the antenna can be located, that is governed in part by the FCC. Mr. Bemrose said that was governed almost totally by the FCC. They have to apply for a license and the FCC will then tell them where they can go so that they do not interfere with any other radio station. They have to protect all radio stations up to five channels away from this station. There are probably 35 to 40 stations that surround this particular station.

Mayor Pro Tem Kirlin asked if they were replacing the existing tower or just adding to it. Mr. Campen said there is an infrastructure that will be built inside the existing tower to strengthen that tower and then there will be an extension on the top.

Mayor Stultz asked what would prevent someone else from coming to Council with a similar request, should Council approve this. Mr. Thompson said there was nothing that would prevent others from coming forward to ask for an extension. This particular ordinance amendment has been crafted in such a way that it is very specific to where it would really only apply to one particular tower. In the future, others could ask for other types of ordinance amendment requests that would allow either a new tower or an extension of another tower.

Mayor Stultz asked if approving this would set a precedent. Mr. Thompson said that would be for Council to determine.

Councilman Howren asked how much private land remained on the mountain that could be utilized for additional towers. Mr. Thompson said there is very little space on three of the private-owned parcels, but it is his understanding that one of the parcels has undeveloped space on it. It is conceivable that the rugged terrain may not be a limiting factor, but it would make it difficult.

Councilman Horne asked Dr. Robert Neunzig, Planning Commission Member, to explain the Planning Commission's discussion and vote on this matter.

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Dr. Neunzig said the vote of the Planning Commission was 5-2 to deny the ordinance amendment. The Planning Commission heard a lot of the same things that Council has heard tonight. The five members who voted to deny felt that the request was not in compliance with the vision of the City of Gastonia 2010 Plan. It was discussed that fairness and consistency were important. The five who voted to deny felt that this was setting a precedent in which it would be very hard to deny others who may come forward in the months ahead with their own amendment requests for their towers. They felt that now was the time to say that they were going no further, because this is what the ordinance says and that ordinance is in compliance with the 2010 Plan. The two who voted to approve felt that this was private land and these were private businessmen. They felt that Crown Castle had been a good neighbor. They had allowed thousands of people to go across this private land without a tollbooth to enjoy the scenery. They felt that the additional tower would not be that unsightly, and that for the good neighbor that Crown Castle has been for the last 30 years or so, they deserved this request.

Councilman Reid said he thinks there has been a misunderstanding that they are talking about an additional tower, but theoretically they are only talking about extending an existing tower. Dr. Neunzig said the Planning Commission was fully aware that this was an extension of the current tower, but the five members who voted to deny felt that if this was approved, then what would prevent other property owners from coming in and saying that they would like their tower extended. While it might be a greater compromise to allow a fourth tower, the point is the door has been cracked and the five members felt that they did not want to crack that door at this time.

Councilman Reid said his concern now is, if this is denied, what will happen if the property owner decides to not allow visitors to access his property. Mr. Hyde said the park does not have a specific granted access on this trail. The public has had access to that for almost 30 years now. He has checked with legal staff on what is termed adverse possession and prescriptive use. This situation probably does not fit the complete and total definition of that. Basically, if they were to close the trail and the park were to contest it, it would probably end up in court and take quite a while. If that were to happen and they were to lose access to the trail, then they would address alternate routes, which they have already looked into. They have determined a rough cost figure. It would be very expensive. It is over some pretty difficult terrain and would involve a lot of wood structures. It would take at least 90 days, and that is if everything went well. If they were to lose access, they would pursue an alternate access as aggressively as possible.

Councilman Reid asked if Mr. Hyde and his staff would be the enforcement mechanism to grant the rights of the property owner for no trespassing. Mr. Hyde said they do not have legal law enforcement rights on that portion of the park, because it is private property. Being that it is within the City of Gastonia, the Gastonia City Police would probably take that action. He is sure they would have a part in it, but they probably would not be the main enforcers.

Councilman Howren asked how much trail rerouting would have to be done, if the current access is eventually denied. Mr. Hyde said the trail that goes through private property is approximately 240 linear feet. They cannot just put the trail straight as the crow flies. There are certain standards that have to be met. They will be looking at a minimum of 1,000 feet to reroute that trail.

Councilman Howren asked how much environment disruption that would cause. Mr. Hyde said that was a real concern. One plant is very prevalent in that area. Part of the reason why there would be a lot of wood structures involved with rerouting the trail is because they want to avoid impacting that plant directly. It could potentially have a pretty serious environmental impact. They really have not done a complete study of the economic cost or the environmental impact.

Councilman Reid said Mr. Campen stated earlier that there was an access road that would allow for them to not interrupt the daily operations of the park during construction. Mr. Hyde said he does not know what type of equipment they would be using, but considering where the extension is going to take place and considering the easiest access, if they are going to park a vehicle in the closest proximity, that is going to be right in the middle of the trail. There is a parking area just off of the Crown property, which is actually on park property, that could be used as a staging area that would not severely impact the trail, but he would expect that when they get into the nuts and bolts of this construction, they would have to bring vehicles to the closest point and that would be right in the middle of the trail. The trail at that point is no more than 20 feet, so he does not see how it could not have some impact.

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Mayor Stultz recognized Mr. Dock Ayers, 1209 Candlewood Drive, who had requested to speak to this matter.

Mr. Ayers said he can see Crowders Mountain from his house. Every night, he sees the light on the tower flashing. He would hate to have two lights flashing. In the daytime, he can see the towers. The mountain is a natural resource to be enjoyed by the public. The towers detract from the mountain. It seems to him that through attrition maybe sooner or later the towers will be gone from up there and it will go back to its natural state. He said he used to listen to a radio station in Gaffney, 105.3. People from all over this area would call in to that radio station. It seemed that they had pretty good coverage. He can no longer understand a word on this station, because everything is in Spanish. He feels that the Hispanic people could tune into this station.

Mayor Pro Tem Kirlin said in his opening remarks, Mr. Thompson alluded to a suggestion by staff that, if approved, any new tower expansion proposal should involve the issuance of a conditional use permit. He asked why staff was not more insistent that this amendment be placed in that form. Mr. Thompson said from the beginning, staff's position on this ordinance amendment request has been to recommend denial. As indicated in the staff report, this is specifically what is being proposed by Crown Castle International. Staff did not attempt to alter that language to reflect this conditional use request, because their recommendation is strongly for denial. It was included in the staff report that in the event Council would approve this request, staff is then recommending that it be in the form of an item that would require another public hearing for that conditional use permit.

Mayor Stultz recognized Mr. Campen for the purpose of speaking in rebuttal.

Mr. Campen said the fourth parcel of land that Mr. Thompson mentioned is on the other side of the CBS tower. Without a helicopter, he is not sure how anyone would reach that to construct anything. He said the CBS tower was built in 1988, according to the FAA registration. That is some years after the park land was acquired by the State. Finally, with respect to the access across the 250 feet or so of Crown property, Crown would be open to having the text amended to provide a condition that an easement be provided over any portion of the trail traversing Crown property for the benefit of the public in perpetuity.

Councilman Reid said he has never noticed the lights on those towers to be annoying. He asked if a strobe light is required by the FCC on all towers. Mr. Thompson said those regulations do kick in at certain heights. They are not talking about a light that would be like a flood light that would be aiming in a specific direction. It is just for general illumination.

Ms. Verna Neal asked if she understood Mr. Campen to say that they needed this tower extension because this would be the only Spanish FM station in Gastonia and Charlotte. Mr. Campen said he understands that it would be the first Spanish FM station.

Ms. Neal said WNOW 105.3 FM serves Charlotte, so Charlotte already has a Spanish FM radio station. The Davidson Media Group's website states, "New York based Davidson Media Group has agreed to purchase WAGI-FM 105.7 in Gaffney, SC and is moving the transmitter closer to Charlotte." She said in her opinion, they are advertising it like it is a done deal. She questions the need for this station. Mr. Campen said the new call letters for the station they are talking about tonight are WNOW. It is not a different station.

Mayor Pro Tem Kirlin made a motion to close the public hearing. Councilman Reid seconded the motion and Council approved it unanimously.

Mayor Stultz said she has received dozens of phone calls and e-mails about this issue, and has talked to no one locally who is in favor of this. She displayed a flag that will be flown in downtown Gastonia, which contains the new City logo. She said the logo includes Crowders Mountain and it shows no tower on the mountain, but it does show a steeple on a church. Her question is, are they going to compromise the logo for a taller tower, which is probably going to be much taller than any church steeple that the City has.

Councilman Horne said he believes in property rights, but he believes when the City took this in, they were charged to protect it. The City spent a lot of money on this branding and everybody talked about Crowders Mountain as being one of the major jewels in this area.

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Mayor Pro Tem Kirlin said when you look at these towers and the representative illustration of what it would look like with the tower extension, he really does not have a problem with how that looks. He thinks these two towers could peacefully co-exist and he does not think it would really impact the view that greatly. His concerns are more with the environmental impact of getting that tower up. He thinks as soon as they put a piece of construction equipment on that access road, they are doing environmental damage. He would never agree to this without at least a conditional use permit. Also, the Comprehensive Plan does not coincide with this request.

Councilman Howren said he hopes this discussion has been very informative to the television audience. Everyone that contacted him had a lot of reservations relative to this. He thinks some of the media information was a little misleading as to what truly was going to take place on the mountain.

Mayor Pro Tem Kirlin made a motion to deny the Ordinance Amendment. Councilman Howren seconded the motion and Council approved it unanimously.

(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 91.)

**PUBLIC HEARING – BROYHILL TIMBER RESOURCES, BETHESDA OAKS-FCLD, LLC,  
AND NVR, INC.**

Subject hearing involves the establishment of a vested right for a site specific development plan for approximately 115 acres located on the south side of Titman Road between South New Hope Road and Lowell-Bethesda Road, under the authority granted by Chapter 160A-385.1 of the General Statutes of North Carolina to allow for such vested rights. The property is owned by Broyhill Timber Resources, Bethesda Oaks-FCLD, LLC, and NVR, Inc. (This item is continued from the May 15, 2007, City Council Meeting.) (The Gastonia Planning Commission voted 7-0 to approve the vested rights request.)

Mayor Stultz noted that this public hearing was previously declared open and then recognized Mr. Jason Thompson, Senior Planner, for the purpose of making the presentation.

Mr. Thompson said the zoning ordinance dictates that this be conducted as a quasi-judicial hearing, so anyone who will be speaking on this matter will need to be sworn. Mayor Stultz asked all those who would be speaking to this matter to come forward to be sworn. Ms. Virginia L. Creighton, City Clerk, swore in those individuals.

Mr. Thompson said the purpose of this public hearing is to establish a vested right for the Bethesda Oaks Subdivisions. In order to do that, a site specific development plan is required per the City of Gastonia zoning ordinance. In this case, the site specific development plan is the same plan as the approved conditional use site plan. The applicant is seeking this vested right for protection against the Environmental Protection Agency (EPA) mandated Phase II stormwater regulations. City Council approved the Bethesda Oaks Subdivision on July 19, 2005. It is a planned residential development under the zoning ordinance. It will eventually have 398 single-family residential homes and all of the accompanying amenities that are associated with planned residential development.

He said in 1998, the EPA directed the states to implement Phase II of stormwater management. In 2004, the State of North Carolina finalized the rules that would govern compliance with this federal mandate. When talking about Phase II implementation and those regulations, they are almost always talking about what is referred to as post-construction runoff management. In other words, once the site is development, dealing with the stormwater that is generated from those impervious surfaces. When the City implements its Phase II regulations, nearly all new development will be required to install stormwater detention. This is not new for commercial locations or for multi-family type development. Phase II would dictate that single-family residential must now comply with stormwater detention regulations. This would be new for most single-family residential developments.

He said the City of Gastonia Engineering Department has looked at various best management practices (BMPs) that could be utilized to deal with stormwater generated from residential developments. Their determination has been that for our area, there are two options that best suit our soils, topography, and social preferences:

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- 1) Extended Detention Open Sand Filters meet the State requirements and can serve larger areas up to and perhaps exceeding five acres. This makes them suitable to serve small to large commercial applications or blocks of residential lots.
- 2) Bio-Retention areas, more commonly called rain gardens, are small discreet best management practices that are usually designed to handle one acre or less of drainage. Rain gardens are best used on a lot-by-lot basis wherein each residential lot will have its own stormwater BMP that will attenuate the impacts of the construction on that lot.

Mr. Thompson said he has received word that the appeal the City of Gastonia filed with the State for its permit has been settled. It is still uncertain at this point exactly when the City will be ready to approach the idea of adopting Phase II. The Engineering Department has indicated that they will likely be ready to approach that issue sometime this fall.

He said as part of a vested rights request, City Council can add fair and reasonable conditions to any application. In this particular instance, staff is recommending, and the applicant is in agreement, that the sole condition that be added to the request is that the vested rights for the site specific development plan shall apply only to stormwater management. If approved, the site plan will be vested for two years. The ordinance does allow for Council to vest a site plan for up to five years, but the applicant is only requesting the two-year vested rights in this case. The ordinance basically asks that an applicant detail why this vested rights request is necessary. The things listed are based on the level of investment made in the site, the need for the development, economic cycles, and market conditions. Those things should be taken into consideration when considering whether or not to grant this vested rights.

Mr. Thompson said the rolling property slopes downward from the east to the west, falling roughly 100 feet over the course of the property. There is no FEMA regulated floodplain on the property. There would be no direct onsite impacts to a designated FEMA floodplain.

He said in light of the progress that has been made by the developer toward completion of the Bethesda Oaks neighborhood, staff feels that the vested rights to complete the development as approved by the City is reasonable. Staff is recommending that the vested rights be granted for the period of two years, as presented.

Mayor Stultz recognized Mr. Joe Lesh, representing First Colony Land Development, for the purpose of making a presentation.

Mr. Lesh said the Bethesda Oaks Subdivision was approved in 2005. Since that time, they have been moving forward on developing the site. It is divided into four phases. Phase I is complete and Phase II is almost complete. They are expecting approved construction plans any day from the Engineering Department for Phase III, which will move them  $\frac{3}{4}$  into the project. They are well into design of Phase IV, and will be submitting those plans for first review in July. They have a contract with Ryan Homes, which is building the homes on the property. They were made aware of the possible changes in the stormwater regulations, which could have a significant effect on the development. More than likely, they would lose lots in order to meet those regulations and may have to reroute streets and redo engineering plans. In light of the progress that they have made and in light of the quality of the neighborhood, they would ask that Council follow the recommendation of the Planning Commission and the recommendation of staff to approve the vested rights.

Councilman Horne asked where Phase II of stormwater management would come into play in this project. Mr. Lesh said the Engineering approval process for Phase IV of the development could take three or four months. By the time they get those plans approved, if they do not have the vested rights, they would be subject to any changes in stormwater requirements for that last phase of their project.

Councilman Reid made a motion to close the public hearing and to approve the vested rights request. Councilman Horne seconded the motion and Council approved it unanimously.

(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 92.)

**REGULAR COUNCIL MEETING – JUNE 19, 2007****PUBLIC HEARING – ORDINANCE AMENDMENT – CHAPTER 17**

Subject hearing involves considering amending Chapter 17 of the Code of Ordinances of the City of Gastonia by amending Section 17-93(f), Flood Hazard Overlay District, to clarify submission of plans to FEMA. (The Gastonia Planning Commission voted 7-0 to approve 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 said the current zoning requirements state that no fill can be placed within the flood hazard overlay district without a flood study certifying a “no rise” scenario and a special exception from City Council. As part of this certification process, the City’s ordinance requires the submission of certain documentation to the Federal Emergency Management Agency (FEMA). Currently the ordinance requires this submittal in a manner that conflicts with FEMA policy. This conflict results in applicants submitting materials directly to FEMA (as dictated by the current ordinance) only to have FEMA tell the applicant that the materials must first be submitted to the City.

He said the proposed amendment simply removes the requirement in the ordinance that directs applicants to submit documentation to FEMA prior to submittal to the City. Under the proposed amendment, the ordinance would direct the applicant to submit documentation to the City and FEMA in accordance with FEMA policy. This will ensure that under FEMA’s current policies, or in the event that FEMA amends its policies, that applicants will likewise be in conformance with City policy.

Mayor Stultz asked if anyone wished to speak to this matter. No one did.

Councilman Horne made a motion to close the public hearing and to approve the Ordinance Amending Section 17-93(f), Flood Hazard Overlay District, of Chapter 17 of the Code of Ordinances of the City of Gastonia. Councilman Reid seconded the motion and Council approved it unanimously.

(Reference and Ordinance as contained in Exhibit Book 6 to Minute Book 96 at Page 93.)

**RESOLUTION ACCEPTING OFFER TO PURCHASE CITY OWNED PROPERTY –  
CORNER OF NORTH BROAD STREET AND EAST DAVIDSON STREET (TAX PARCEL  
ID#1076692) – JIMMY L. QUINN – \$3,000**

Mayor Stultz recognized Councilman Howren, who had asked that this item be placed on the Regular Agenda.

Councilman Howren said he did not disagree with the sale of this property, but the parcel ID number listed in all the documentation does not exist. The proper number, which he found through a little research, is ID #100766.

Mr. J. Philip Bombardier, Interim City Co-Manager, said that is an error in the agenda. He thinks simply correcting that parcel ID number and considering it for approval would be appropriate.

Councilman Howren made a motion to adopt the Resolution Accepting Offer to Purchase City Owned Property at the Corner of North Broad Street and East Davidson Street (Tax Parcel ID#100766) by Mr. Jimmy L. Quinn in the amount of \$3,000. Councilman Watson seconded the motion and Council approved it unanimously.

(Reference and Resolution as contained in Exhibit Book 6 to Minute Book 96 at Page 94.)

**TRANSPORTATION COMMITTEE REPORT**

Mayor Stultz recognized Mayor Pro Tem Kirlin, Chairman of the Transportation Committee, for the purpose of making the presentation.

Mayor Pro Tem Kirlin said the Transportation Committee met on June 18, 2007, and discussed the following:

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- 1) Request for Four-Way Stop at the Intersection of Craig Avenue and Poston Circle/Patrick Street – Mayor Pro Tem Kirlin said staff received a letter from Mr. Bob Withers, of 123 Patrick Street, requesting the installation of a four-way stop at the intersection of Craig Avenue and Poston Circle/Patrick Street. Mr. Withers presented his concerns with respect to vehicles traveling at excessive speeds along Craig Avenue. Staff presented traffic data for this intersection to the Committee. The Transportation Committee voted unanimously to recommend approval of the installation of a four-way stop at the intersection of Craig Avenue and Poston Circle/Patrick Street, and to revise the traffic code accordingly.

Mayor Pro Tem Kirlin made a motion to accept the recommendation of the Transportation Committee and to adopt the Ordinance Amending Chapter 6, Appendix A of the Code of Ordinances of the City of Gastonia to reflect this change. Councilman Howren seconded the motion and Council approved it unanimously.

(Reference and Ordinance as contained in Exhibit Book 6 to Minute Book 96 at Page 95.)

- 2) Request for Four-Way Stop at the Intersection of South Street and Fourth Avenue – Mayor Pro Tem Kirlin said Councilman Howren presented information on behalf of the York/Chester neighborhood concerning their request for the installation of a four-way stop at the intersection of South Street and Fourth Avenue. He said there are concerns of speeding and other undesirable activities going on in this area, so slowing that traffic would be to the safety of the residents in that neighborhood. Staff presented traffic data for the subject intersection. The Transportation Committee voted unanimously to approve the installation of a four-way stop at the intersection of South Street and Fourth Avenue and to revise the traffic code accordingly.

Mayor Pro Tem Kirlin made a motion to accept the recommendation of the Transportation Committee and to adopt the Ordinance Amending Chapter 6, Appendix A of the Code of Ordinances of the City of Gastonia to reflect this change. Councilman Burkett seconded the motion and Council approved it unanimously.

(Ordinance as contained in Exhibit Book 6 to Minute Book 96 at Page 96.)

Mayor Pro Tem Kirlin noted that several other items were presented to the Transportation Committee for informational purposes only. He said a brief summary of the discussion that took place on each of those items is contained in the Transportation Committee report, a copy of which is contained in the Exhibit Book. He asked that Council contact staff if they had specific questions pertaining to these items.

Mr. L. Ashley Smith, City Attorney, said he did want to announce that Norfolk Southern Railway, in cooperation with the North Carolina Department of Transportation and the City, has scheduled to remove the spur track at the intersection of Long Avenue and Broad Street during the period of July 10-12, 2007.

(Report as contained in Exhibit Book 6 to Minute Book 96 at Page 97.)

**APPOINTMENTS TO COMMITTEES**

(A) Stormwater Advisory Panel

The following appointments to the Stormwater Advisory Panel were recommended:

- Mayor Stultz – Reappointment of Ms. Linda Slade and Mr. Reggie Davis.
- Mayor Pro Tem Kirlin – Reappointment of Ms. Patti Plaksin and Mr. Bill Wilson.
- Councilman Reid – Reappointment of Mr. Howard Blount and Ms. Carrie Washington.
- Councilman Watson – Reappointment of Mr. Dennis Turlington and appointment of Mr. James Burke.

Councilman Howren said an individual with whom they have had discussions is out of town and he could not get a confirmation from him prior to this meeting, so he will make that appointment at the next City Council meeting.

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Councilman Watson made a motion to reappoint Ms. Linda Slade, Mr. Reggie Davis, Ms. Patti Plaksin, Mr. Bill Wilson, Mr. Howard Blount, Ms. Carrie Washington, and Mr. Dennis Turlington, and to appoint Mr. James Burke to the Stormwater Citizens' Advisory Panel. Councilman Howren seconded the motion and Council approved it unanimously.

(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 98.)

**(B) Historic District Commission**

Councilman Howren said Mr. Michael Satterfield resigned from the Historic District Commission, due to his wife expecting their first child. He would recommend that the balance of that term be filled by Mr. David Kayler. His term would run from July 1, 2007, to June 30, 2008, at which time he would be eligible for reappointment. Another seat is vacant due to the resignation of Mr. Brian Borne. Mr. Brian Lowe would desire to fill that position. Mr. Lowe's term would be completed June 30, 2009, when he would be eligible for reappointment. Mr. John Sarn, who has served on this Commission for some time, is completing his term of service. He would recommend that Mr. James Hensen fill that seat. His term would begin July 1, 2007, and terminate June 30, 2010.

Councilman Howren made a motion to appoint Mr. David Kayler to fill the unexpired term of Mr. Michael Satterfield, Mr. Brian Lowe to fill unexpired term of Mr. Brian Borne, and Mr. James Hensen to fill the seat vacated by Mr. John Sarn, on the Historic District Commission. Mayor Pro Tem Kirlin seconded the motion and Council approved it unanimously.

(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 99.)

**(C) Board of Adjustment**

Councilman Reid made a motion to reappoint Ms. Donna McPhail, Mr. John Warren, and Mr. J. Lee Taylor, Jr., to the Gastonia Board of Adjustment. Councilman Watson seconded the motion and Council approved it unanimously.

(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 100.)

**(D) Gastonia Housing Authority**

Mayor Stultz said the terms of Ms. Phyllis Murriel Chambers and Mr. Charles Ford will expire on June 20, 2007. Ms. Chambers is interested in serving another term, but Mr. Ford does not wish to be reappointed. She will be looking for someone in the commercial lending business or in the real estate business to fill the seat vacated by Mr. Ford.

Councilman Howren made a motion to reappoint Ms. Phyllis Murriel Chambers to the Gastonia Housing Authority. Mayor Pro Tem Kirlin seconded the motion and Council approved it unanimously.

(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 101.)

**(E) Recreation Advisory Commission**

Mayor Pro Tem Kirlin made a motion to reappoint Mr. Wayne Holland (Ward III), Mr. Ken Friday (Ward IV), Mr. Phillip Cherry (Ward V), and Mr. Eddie Shaw (At-Large) to the Recreation Advisory Commission. Councilman Horne seconded the motion and Council approved it unanimously.

(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 102.)

**(F) Community Development Citizens' Advisory Board**

After discussing the appointments that needed to be made to the Community Development Citizens' Advisory Board, Council decided that these appointments would be discussed at the next City Council meeting.

(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 103.)

**REGULAR COUNCIL MEETING – JUNE 19, 2007****(G) Gastonia Planning Commission**

Councilman Howren made a motion to reappoint Mr. Wes Styers (At-Large), Mr. Bob Cinq-Mars (Ward II), and Mr. Mark Epstein (Ward III) to the Gastonia Planning Commission. Councilman Horne seconded the motion and Council approved it unanimously.

Councilman Reid noted that he was talking to someone about filling the Ward IV seat on the Gastonia Planning Commission, but that person had not yet confirmed. He said he would hopefully be able to make that appointment at the next meeting.

(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 104.)

**(H) Gastonia ABC Board**

Councilman Howren said he would like to recommend the reappointment of two members of the ABC Board, Mr. Bill Banks and Mr. Michael Dean. These men have shown exemplary leadership in accomplishing the Board's goals since he has been appointed as liaison. There is much accomplishment that never meets the eye and public understanding in this organization. With the incredible challenges they have faced over the past two years, and the ones coming into focus soon, he feels it imperative that they keep these men in their positions to finalize the plans they have begun. He has passed out the objectives of the incoming Chairman, Mr. Bill Banks, and concurs that they are aggressive and doable, all with the continuing goal of yielding the best possible return to the City of Gastonia within the guidelines of General Statute 18B and of the North Carolina ABC Commission. Having served as liaison to this Board for the past 18 months, he can honestly say that they do yeoman's work with the interest of the City at heart. He would also like Council to know that he has learned from others, not only in North Carolina but across the country, that the Gastonia ABC Board is a model board and is highly respected as one of the best in the controlled states system.

Councilman Howren made a motion to reappoint Mr. Bill Banks and Mr. Michael Dean to the Gastonia ABC Board. Councilman Horne seconded the motion.

Councilman Reid said in the past, they have talked about term limits on boards. Councilman Howren said he has brought up that fact to the ABC Board. They are aware that that is something that may be taking place in the near future. He thinks that is something that should be discussed by Council. He said one of the primary reasons for recommending that these gentlemen be reappointed is that he knows the plans of this Board. This is the only board that actually deals with funds that yield to the City. He would like to see this Board continue as it is now, due to this venture with which they are about to move forward. As the venture is finalized, they will be presenting it to Council.

Mayor Stultz said she would encourage Council to form a committee to approach the idea of term limits so that they can grow new leadership and give more people an opportunity to serve.

Mr. L. Ashley Smith, City Attorney, said as he recalls, Council has talked about term limits in the past, but has never officially implemented it. He thinks when Council is ready for new blood on any board, they have the prerogative to make that change if they so choose. The only thing he counsels against is probably a blanket term limit across all City boards, because it is very difficult to get people to volunteer for some boards.

Council unanimously approved the motion to reappoint Mr. Bill Banks and Mr. Michael Dean to the Gastonia ABC Board.

(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 105.)

**CITY ATTORNEY'S REPORT**

Mr. L. Ashley Smith, City Attorney, had no report.

**CITY MANAGER'S REPORT**

Mr. Larry W. Wood, Interim City Co-Manager, noted that Council was provided a copy of the Monthly Financial Report for May. He asked Council to contact staff if they had specific questions on that report.

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He said the City received a copy of the annual audit for the Gastonia Downtown Development Corporation. If anyone is interested in reviewing that, it is in the City Manager's office.

**CITY COUNCIL REPORTS**

Mayor Pro Tem Kirlin – He said the Recreation Advisory Commission met on June 12, 2007, and discussed the following:

- 1) Golf Course Matters – He said up until this point in time, \$1 of the greens fee has been applied toward the renovation and reconstruction of the cart paths. It has been going on for some time with great success. Recently, paving costs have skyrocketed. There has been a request by staff to change the direction of the application of that \$1. Staff has proposed that this money now be earmarked for preparation of a driving range facility at the golf course. Those dollars would be better served in that area for a revenue generating facility that would complement the course. It would allow for some additional tournaments and would be a revenue source. The estimated construction cost is \$150,000, including some in-kind services. Possible annual revenue could be as much as \$120,000, with a net of approximately \$80,000 to \$85,000 annually. This has been well received by the members of the golf community who have been made aware of this proposal. There has been no negative feedback to date.

He said the recommendation of staff was that the City begin to develop a driving range using available budgeted operating and capital funds, in order to offer a more complete recreation facility with a mechanism to generate additional revenue. The Recreation Advisory Commission voted unanimously in favor of the idea of developing a driving range and recommended that the City move forward with such plans.

Mayor Pro Tem Kirlin made a motion to accept the recommendation of the Recreation Advisory Commission. Councilman Reid seconded the motion.

Councilman Howren asked if the machinery needed for a driving range was included in the estimate. Mr. Richard Duffie, Golf/Airport Operations Manager, said the machinery was included in the capital outlay of the project. A tremendous amount of work is being done in-house.

Councilman Horne asked where the driving range would be located. Mr. Duffie said it would be where the #10 tee is located, next to the cart building.

Council unanimously approved the motion.

- 2) Recreation Department Updates – Mayor Pro Tem Kirlin said there was some concern about raising the fee at the swimming pools. So far there does not seem to be any deleterious effect of that. There was an increase in attendance at the swimming pools over the Memorial Day weekend. He said he also wanted to advise Council that the tennis courts at the Bradley Center have been resurfaced and well received. Looking at the future, the Lineberger Park renovation project is to begin in the early fall of this year.

(Reference as contained in Exhibit Book 6 to Minute Book 96 at Page 106.)

Councilman Horne – He said today, he pulled up to a drive-through window in York County and saw a sign that said sales tax would be 9% effective June 1, 2007. That was 6% for State, 1% for County, and a 2% hospitality tax.

Councilman Reid – He said he has received about five calls concerning the appearance of the water tower on Airline. He asked if that was a City issue. Mr. Bombardier said he would look into that and report back to Council.

Mayor Stultz – She said Ms. Rachel Bagley, Director of Communications and Marketing, is planning the Fourth of July event, at which there will be a time for welcome and comments from the Council. Ms. Bagley will need to know who will be attending, so she can plan the program. She asked who would be attending that event. Councilman Horne, Mayor Pro Tem Kirlin, Councilman Reid, and the Mayor indicated that they would be attending.

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Mayor Stultz noted that Councilman Horne would be celebrating a birthday on June 21, 2007. She asked everyone to join her in singing Happy Birthday to Councilman Horne.

**MEETING ADJOURNED**

Mayor Stultz adjourned the meeting at 10:25 p.m.

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Mayor Jennifer T. Stultz

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L. Ashley Smith, City Attorney

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Virginia L. Creighton, City Clerk

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