

GASTONIA CITY COUNCIL MEETING
OCTOBER 21, 2014 – 6:00 P.M.
GASTON COUNTY COURTHOUSE PUBLIC FORUM ROOM – GASTONIA, NC

Mayor Bridgeman called the meeting to order at 6:00 p.m. on Tuesday, October 21, 2014, in the Gaston County Courthouse Public Forum Room, Gastonia, North Carolina. He noted that Jenny Creighton's father passed away on Sunday, and asked that everyone remember that family in their prayers. He thanked Ms. Regina Phillips for filling in this evening. Councilman Kirlin then opened the meeting with prayer and Mayor Bridgeman led the audience in the pledge of allegiance to the flag. Ms. Regina W. Phillips, Deputy City Clerk, recorded the minutes.

PRESENT: Mayor John D. Bridgeman
 Council Members: Walter A. Kimble
 David R. Kirlin
 James Gallagher
 Todd Pierceall
 City Manager Edward C. Munn
 City Attorney L. Ashley Smith

ABSENT: Mayor Pro Tem Brenda B. Craig
 Councilman Porter L. McAteer (Participated in the meeting via telephone during the discussion of Item 11, **Transitional Operations Agreement for the Gastonia Conference Center**, and Item 12, **Ordinance Amending the Charter of the City of Gastonia to Modify the Mayor and Council Members Terms of Office.**)

ADOPTION OF THE AGENDA

Mayor Bridgeman advised that Item 10, **New Hope Road Widening Project – Request for Design Modifications**, had been deleted from the agenda.

Councilman Pierceall made a motion to adopt the agenda, as amended. Councilman Gallagher seconded the motion and Council approved it unanimously.

Councilman Pierceall made a motion to excuse Mayor Pro Tem Craig from this meeting. Councilman Gallagher seconded the motion and Council approved it unanimously.

Mayor Bridgeman noted that Councilman McAteer was not feeling well tonight, but he would be participating in a portion of the meeting via telephone.

Mayor Bridgeman thanked Council for working with him and allowing him to participate in the October 7, 2014, City Council meeting via telephone. He displayed a breast cancer awareness poster with a picture of a dog and the words, "Bark for a Cure". He stated that this was the message his dog was conveying when they heard her barking during that meeting.

APPROVAL OF MINUTES – REGULAR COUNCIL MEETING – SEPTEMBER 16, 2014

Councilman Pierceall made a motion to approve the minutes of the September 16, 2014, Regular Council meeting, as printed. Councilman Kirlin seconded the motion and Council approved it unanimously.

AWARDS, CEREMONIES, AND PROMOTIONS COMMITTEE

(1) Proclamation Recognizing Hillbilly's BBQ and Steaks on its 25th Anniversary

Councilman Pierceall read the Proclamation Recognizing Hillbilly's BBQ and Steaks, and presented it to Mr. Gerald Duncan.

Mr. Duncan thanked Council for this recognition.

REGULAR COUNCIL MEETING – OCTOBER 21, 2014

Councilman Gallagher made a motion to adopt the Proclamation Recognizing Hillbilly's BBQ and Steaks on its 25th Anniversary. Councilman Pierceall seconded the motion and Council approved it unanimously.

(Proclamation as contained in Exhibit Book 2 to Minute Book 104 at Page 43.)

(2) Proclamation Recognizing Habitat for Humanity of Gaston County on its 25th Anniversary

Mayor Bridgeman read the Proclamation Recognizing Habitat for Humanity of Gaston County, and presented it to Ms. Mary Harris, Executive Director.

Ms. Harris, who was accompanied by a number of individuals, thanked everyone who had supported Habitat for Humanity of Gaston County over the past 25 years, and stated that they hoped to continue building houses for those in need for many years to come.

Councilman Gallagher made a motion to adopt the Proclamation Recognizing Habitat for Humanity of Gaston County on its 25th Anniversary. Councilman Pierceall seconded the motion and Council approved it unanimously.

(Proclamation as contained in Exhibit Book 2 to Minute Book 104 at Page 44.)

PRESENTATIONS

(1) Mr. Bill Starr, Gaston County Toys for Tots Coordinator
Re: 2014 Toys for Tots Toy Drive

Mayor Bridgeman noted that Mr. Starr was not present. He asked Councilman Gallagher to comment on the 2014 Toys for Tots Toy Drive.

Councilman Gallagher advised that Mr. Starr was beginning to look for places to put the Toys for Tots Toy Drive collection boxes, and that anyone interested in putting out a collection box should contact Mr. Starr.

PUBLIC EXPRESSION

(1) Mr. Gary Lesley, 4052 Broadview Lane, Gastonia

Mr. Lesley advised that he moved to Gastonia a couple of years ago from the Minneapolis/St. Paul area, and that he has some background in aviation. He stated that he had recently penned a story that the Gaston Gazette published. He highlighted points made in that story, noting that it struck a favorable and positive tone about a lot of the activity and progress that he sensed was happening in Gastonia and the Gaston County area, and that it ended with some sentiments about Gastonia's airport. He said he feels that there is a great and significant potential here that they are missing. He sees what they have here as an opportunity to develop what he calls a portal to progress. Focusing on what the City has in terms of a runway and an airport that was built one year after the end of World War II (and for all practical purposes is the same airport), and looking at what is happening in Lincolnton, Shelby, Concord, and Rock Hill, he sees airports that have taken advantage of funding that the FAA makes available. He feels that they are missing a great opportunity to make Gastonia a tremendous location for expansion, progress, and economic development. He has some sentiments about where the airport is located and the opportunity to create something that would be unique and would put Gastonia in a class of one.

Councilman Kimble said he would like to ask the members of the Transportation Committee if they can take a wider view of what possibly the airport can do for us in the future as far as an income producer. He has had the good fortune to speak with Mr. Lesley and others. It has opened his eyes as to a number of opportunities that are out there and the ways in which the FAA and other federal agencies want us to succeed in a larger way. He hopes that they can take a look at that at the next Transportation Committee meeting.

REGULAR COUNCIL MEETING – OCTOBER 21, 2014**CONSENT AGENDA**

- ITEM 1: BUDGET AMENDMENT #FY15-013 – \$5,598
(Reference as contained in Exhibit Book 2 to Minute Book 104 at Page 45.)
- ITEM 2: ASPLUNDH TREE TRIMMING SERVICES AGREEMENT BETWEEN ELECTRICITIES OF NORTH CAROLINA, INC., AND THE CITY OF GASTONIA
(Reference as contained in Exhibit Book 2 to Minute Book 104 at Page 46. Agreement on file through City Clerk's office.)
- ITEM 3: FINAL RECORDING PLAT – KINMERE COMMONS SUBDIVISION, PHASE 2 MAP 1
(Reference and Plat as contained in Exhibit Book 2 to Minute Book 104 at Page 47.)
- ITEM 4: FINAL RECORDING PLAT – KINMERE VILLAGE, PHASE 2 MAP 1
(Reference and Plat as contained in Exhibit Book 2 to Minute Book 104 at Page 48.)
- ITEM 5: TRAFFIC ORDINANCE – SPEED LIMIT REDUCTION ON FLINT STREET
(Reference and Ordinance as contained in Exhibit Book 2 to Minute Book 104 at Page 49.)
- ITEM 6: TRAFFIC ORDINANCE – PERMITTING RIGHT-TURNS-ON-RED AT THE INTERSECTION OF FIRESTONE STREET AND GASTON AVENUE
(Reference and Ordinance as contained in Exhibit Book 2 to Minute Book 104 at Page 50.)
- ITEM 7: TRAFFIC ORDINANCE – PROHIBITING PARKING AT ALL TIMES AND ESTABLISHING A COMMERCIAL LOADING ZONE ON BEST WESTERN COURT
(Reference and Ordinance as contained in Exhibit Book 2 to Minute Book 104 at Page 51.)
- ITEM 8: RESOLUTION ACCEPTING THE PROPOSAL OF FIRST TENNESSEE BANK NATIONAL ASSOCIATION IN CONNECTION WITH AN INSTALLMENT FINANCING FOR VARIOUS VEHICLES AND EQUIPMENT FOR \$2,883,000
(Reference and Resolution as contained in Exhibit Book 2 to Minute Book 104 at Page 52.)

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

RESOLUTION OF SUPPORT FOR A BLUE STAR MEMORIAL MARKER

Mayor Bridgeman recognized Ms. Pat Johnson, Keep Gastonia Beautiful Administrator, and Ms. Monica Hoehne, President of the Gastonia Council of Garden Clubs, for the purpose of making the presentation.

Ms. Johnson advised that Keep Gastonia Beautiful has been working with the Gastonia Council of Garden Clubs to acquire a designation for the Blue Star Memorial Highway. She said this project will be a significant commemorative tribute. She then yielded to Ms. Hoehne.

Ms. Hoehne, who was accompanied by several members of the Gastonia Council of Garden Clubs, presented a brief history of the Blue Star Memorial Program. She noted that there are currently 2,574 Blue Star Markers in the United States, 33 of which are in the State of North Carolina. The one that they are proposing would be the first in Gaston County.

REGULAR COUNCIL MEETING – OCTOBER 21, 2014

She said in the spring of this year, the Garden Club members voted to pursue the Blue Star Memorial Project. At that time their goal was a plaque that would be mounted on a stone in either Lineberger Park or a location in Downtown Gastonia. When they were seeking approval for the site she met with Ms. Pat Johnson, who helped guide them through the program. Then Mr. Ed Munn came on board and he advised that there was funding from the City that could be used to purchase a bigger marker. That encouraged them to have Franklin Boulevard designated as a Blue Star Memorial Highway. Representative Bumgardner and Mr. Derek Smith, NCDOT Blue Star Coordinator, have been very helpful in getting US 74 designated as a Blue Star Highway, and this is still in the process. They are currently ready to order the sign, which will be located at Franklin Boulevard and Marietta Street. Their next goal is to plan an appropriate and patriotic dedication for May of 2015. She thanked everyone who has assisted in this project. She said it is their hope that when servicemen look upon this memorial, they will feel the deep appreciation for their dedication to protecting our freedom.

Ms. Hoehne and Ms. Johnson then addressed questions of Council.

Councilman Gallagher made a motion to adopt the Resolution of Support for a Blue Star Memorial Marker. Councilman Pierceall seconded the motion and Council approved it unanimously.

Mayor Bridgeman expressed condolence to Ms. Johnson on the recent loss of her loved ones.

(Reference and Resolution as contained in Exhibit Book 2 to Minute Book 104 at Page 53.)

*** At this point, Councilman McAteer joined the meeting via telephone.**

**TRANSITIONAL OPERATIONS AGREEMENT FOR THE GASTONIA CONFERENCE
CENTER AND BUDGET**

Mayor Bridgeman recognized Mr. Edward C. Munn, City Manager, for the purpose of making the presentation.

Mr. Munn said staff has been working with Mr. Fred Julius and his firm, Stellar Platinum, which is now organized as Gastonia Conference Center LLC, to develop a Transitional Operations Agreement for the Gastonia Conference Center. That agreement, with exhibits including the full operating budget and staffing, is included in the agenda. He expressed appreciation to all who have labored on the details of this agreement. He said all the way through this, their focus has been on the customers of the Conference Center. As they have gotten more information on the bookings, it is clear that November and December will not be as strong as the budget that they have in front of them indicates. There is a fund balance of \$75,282 in the Conference Center Fund. They would like to convert that to a contingency, so as they move forward they will be able to use those funds as necessary. They have a pretty good handle on expenses. The revenues are really the question.

Mr. Munn then reviewed various aspects of the Transitional Operations Agreement. He said if a motion was to come forward to approve this agreement, staff would recommend that the motion be worded as follows: A motion to approve the contract as shown in exhibit 11, subject to any final modifications as approved by the City's Legal Department. This motion also includes authorization to process applicable budget amendments through the City's Finance Department setting up an additional contingency account in the amount of \$75,282 for utilization as needed through this transition period. Staff is further directed to report monthly to the City's Facilities and Management Committee on the ongoing transition process.

Mr. Munn and Mr. Fred Julius then addressed questions of Council.

After considerable discussion, Councilman Kimble made a motion to approve the contract as shown in exhibit 11 in the agenda, subject to any final modifications as approved by the City's Legal Department. This motion also includes authorization to process applicable budget

REGULAR COUNCIL MEETING – OCTOBER 21, 2014

amendments through the City's Finance Department setting up an additional contingency account in the amount of \$75,282 for utilization as needed through this transition period. Staff is further directed to report monthly to the City Council's Facilities/Management Committee on the ongoing transition process. Councilman Kirlin seconded the motion and Council approved it by a vote of 5-1 (Councilman Pierceall cast the dissenting vote).

(Reference as contained in Exhibit Book 2 to Minute Book 104 at Page 54. Agreement on file through City Clerk's office.)

ORDINANCE AMENDING THE CHARTER OF THE CITY OF GASTONIA TO MODIFY THE MAYOR AND COUNCIL MEMBERS' TERMS OF OFFICE TO PROVIDE FOR A TWO-YEAR TERM FOR THE OFFICE OF MAYOR AND STAGGERED FOUR-YEAR TERMS FOR CITY COUNCIL

Mayor Bridgeman recognized Mr. L. Ashley Smith, City Attorney, for the purpose of making the presentation.

Mr. Smith explained that adopting this Ordinance, if Council so chooses, is the final step with regard to changing the Charter of the City of Gastonia so that there are staggered four-year terms for the City Council and a two-year term for the Mayor. A public hearing regarding this ordinance amendment was held at the October 7, 2014, Council meeting. The way that the language of the Charter would be changed to reflect those changes is outlined in the agenda. A 2/3 majority vote is required on the first reading. If the Ordinance were to pass by a 2/3 vote tonight it would be in effect, absent a petition being submitted. If it does not pass by a 2/3 majority vote tonight, it will come back to Council at its next meeting for a second reading.

Councilman Pierceall expressed concern that Mayor Pro Tem Craig was not present to participate in this discussion. He made a motion to continue this item to the November 4, 2014, City Council meeting. Councilman Gallagher seconded the motion. After some discussion, the vote on the motion was 2-4 (Mayor Bridgeman, Councilman Kimble, Councilman Kirlin, and Councilman McAteer cast the dissenting votes).

Councilman Kimble made a motion to adopt the Ordinance Amending the Charter of the City of Gastonia to Modify the Mayor and Council Members' Terms of Office to Provide for a Two-Year Term for the Office of Mayor and Staggered Four-Year Terms for City Council. Councilman Kirlin seconded the motion and Council approved it by a vote of 4-2 (Mayor Bridgeman and Councilman Pierceall cast the dissenting votes).

(Reference and Ordinance as contained in Exhibit Book 2 to Minute Book 104 at Page 55.)

*** After this point, Councilman McAteer was no longer participating in the meeting via telephone.**

FACILITIES/MANAGEMENT COMMITTEE MEETING REPORT

In the absence of Mayor Pro Tem Craig, Chairman of the Facilities/Management Committee, Mayor Bridgeman recognized Councilman Pierceall for the purpose of making the presentation.

Councilman Pierceall noted that Councilman Kirlin was not able to attend the Facilities/Management Committee meeting on October 15, 2014, and that he was excused from that meeting. He advised of the following items discussed at that meeting:

- 1) Offer to Purchase – 504 South Chestnut Street (PID #109798) and 506 South Chestnut Street (PID #109799) – The City received an offer to purchase property at 504 and 506 South Chestnut for \$1,000 each by Mr. Bryan Dalton. The parcels are approximately .43 and .40 of an acre with tax values of \$4,214 and \$3,920 respectively. The properties were purchased in 1994, as a part of the Chestnut Street realignment project. At this time, that project has been

REGULAR COUNCIL MEETING – OCTOBER 21, 2014

removed from the road improvement list; however, the properties have not been listed as surplus due to possibilities of development in the area. If approved, the City would retain a general drainage, utilities, and sidewalk easement, along with a temporary sidewalk construction easement. This offer is subject to the upset bid process. A portion of both of these parcels is in the floodplain and building on them is going to be somewhat challenging. The Committee voted 2-0 to approve the Resolutions Authorizing Sale of Property at 504 South Chestnut Street and 506 South Chestnut Street, Utilizing Upset Bid Process.

Councilman Pierceall made a motion to accept the recommendation of the Facilities/Management Committee. Councilman Kimble seconded the motion and Council approved it unanimously.

(Reference and Resolutions as contained in Exhibit Book 2 to Minute Book 104 at Page 56. Agreements on file through City Clerk's office.)

- 2) Offer to Purchase – Candlewick Way (PID #140962) – Councilman Pierceall said the City received an offer to purchase a lot on Candlewick Way for \$100 by the Planters Ridge Homeowners Association. The property had originally been retained for future street right-of-way but is currently only used for pedestrian access between two neighborhoods. The current tax value is \$1,656, and the lot size is .012 of an acre. If approved, the City would retain a general drainage, utilities, and sidewalk easement. This offer is subject to the upset bid process. Currently the City maintains this property. This would take the maintenance responsibility off the City and put it on the homeowners association. The Committee voted 2-0 to approve the Resolution Authorizing Sale of Property on Candlewick Way (PID #140962), Utilizing Upset Bid Process.

Councilman Pierceall made a motion to accept the recommendation of the Facilities/Management Committee. Councilman Gallagher seconded the motion and Council approved it unanimously.

(Reference and Resolution as contained in Exhibit Book 2 to Minute Book 104 at Page 57. Agreement of file through City Clerk's office.)

- 3) Follow-up Discussion on Donation of Property – 2749 South York Road (PID #114851) – Councilman Pierceall noted that the Committee had earlier heard some discussion on the property at 2749 South York Road. He explained that the City received a request to accept a donation of this property, which is a 23.3-acre parcel adjacent to City-owned property on Lyon Street. After reviewing the property, staff advised the Committee that due to the topography, the property has no recreational value and little to no value to the City. They felt like it would be a maintenance issue and they did not want to take on that responsibility. Gaston County Recreation staff also looked over the property and determined that it had no recreational value, and they had no interest in obtaining it. The Committee voted 2-0 to not accept the donation of property at 2749 South York Road.

Councilman Pierceall made a motion to accept the recommendation of the Facilities/Management Committee. Councilman Kimble seconded the motion and Council approved it unanimously.

(Reference as contained in Exhibit Book 2 to Minute Book 104 at Page 58.)

(Committee Report as contained in Exhibit Book 2 to Minute Book 104 at Page 59.)

CITY ATTORNEY'S REPORT

Mr. L. Ashley Smith, City Attorney, noted that the tie he was wearing was in recognition of Breast Cancer Awareness Month. He said he wanted to send a shout out to Mayor Pro Tem Craig, who is a breast cancer survivor, as well all other breast cancer survivors.

REGULAR COUNCIL MEETING – OCTOBER 21, 2014**CITY MANAGER'S REPORT**

Mr. Edward C. Munn, City Manager, had no report.

CITY COUNCIL REPORTS

Councilman Pierceall – He said October is Breast Cancer Awareness Month, and he would like to mention his mother, Nancy Pierceall, who is a breast cancer survivor.

He advised that the Mayor's Youth Leadership Council held its second meeting yesterday and had great attendance. He said this is a very eager group of young people. They are planning to do some wonderful things in the community this school year. He and Mayor Bridgeman look forward to bringing to Council some of their ideas.

Councilman Gallagher – He displayed a picture of him and his daughter, Caroline, walking down the aisle at her wedding in September. He advised that his daughter learned last Thursday that she had passed the Virginia bar exam and was now officially an attorney.

Councilman Kirlin – He wished his daughter, Madeline, a happy birthday on Halloween.

Councilman Kimble – He said he wanted to give some well-deserved congratulations to all those involved in the remediation project done on a tributary to Duhart Creek. He believes this is the first public/private partnership on which they have moved forward. To the delight of all the residents, he believes that is now complete. He asked Mr. Rusty Bost, Director of Engineering, to comment on that project.

Mr. Bost said the Stormwater Assistance Program offered by our Stormwater Utility went through a little bit of a modification a while back and it became more of a public/private type scenario. This is the first project since that modification. It involved four property owners who had a significant amount of erosion in their backyards. It required a lot of slope stabilization of Armstrong Branch.

Councilman Kimble said he has received requests from residents in the area of Audrey Street, near the soccer field. He asked if they can ensure that after the games, the trash cans are emptied. Apparently the cans fill up over the weekends and animals get in there and spread the trash into a lot of the neighborhood yards. Also, the gate there needs to be repaired.

He said they had a wonderful police community meeting at the Bradley Center. He thanked the Police Chief and the Assistant Police Chiefs for attending. He also thanked Mr. Mark McNeil, a member of the Rental Remediation Program Committee, for attending and bringing forth some excellent ideas.

The Gaston County Cancer Services dinner and silent auction was held last night. They raised \$1,500, and the Round Bistro donated 15% of its net proceeds for the night to Cancer Services. He was very fortunate to be the top bidder for an appearance on the John Boy and Billy radio show. He also received three bottles of BBQ sauce and a signed John Boy and Billy picture. He asked that everyone save the date, April 24, 2015, for the Gaston County Cancer Services Faces of Hope dinner and silent auction.

Mayor Bridgeman – He asked Chief Helton to report on the upcoming Sniper Conference. Chief Helton advised that competitors from the United States and Canada were arriving in town. He said the Sniper Conference will run from Wednesday through Saturday. He highlighted some of the events that will take place, noting that there would also be events for the youth. He invited everyone to attend.

REGULAR COUNCIL MEETING – OCTOBER 21, 2014

MEETING ADJOURNED

At 7:21 p.m., Councilman Pierceall made a motion to adjourn. Councilman Gallagher seconded the motion and Council approved it unanimously.

Mayor John D. Bridgeman

L. Ashley Smith, City Attorney

Virginia L. Creighton, City Clerk

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