

REGULAR SESSION OF MARCH 26, 2019

The City of Kings Mountain, North Carolina met in Regular Session at 6:00 p.m. on Tuesday, March 26, 2019 in the Council Chambers of City Hall with Mayor Scott Neisler presiding.

ATTENDANCE

The following Councilmembers were present: Annie Thombs, Keith Miller, David Allen, Rodney Gordon, Tommy Hawkins, Jay Rhodes, and Mike Butler.

Also present: Mickey Corry, City Attorney, Marilyn Sellers, City Manager and Karen Tucker, City Clerk.

INVOCATION

The invocation was given by Pastor Scott Whitney, East Gold Street Wesleyan Church, Kings Mountain, NC.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Neisler.

AGENDA ADOPTION

Upon Motion by Councilmember David Allen, seconded by Councilmember Mike Butler, it was unanimously voted to approve the Agenda, as presented.

SPECIAL PRESENTATION AND RECOGNITIONS

Mayor's Comments and Remarks

Mayor Neisler recognized the following City employees for their years of service:

- Larry Deal Water Plant 30 years
- Paul Alexander Police 10 years

Mayor Neisler read a **Resolution 19-08** authorizing the retirement of Kings Mountain Police Department K-9, Aaron and granted custody to his current handler, Officer Jonathan Price.

Mayor Neisler read a **Resolution 19-09** recognizing Sgt. Lance Hamrick for completing the LEEP Program at North Carolina State University.

Mayor Neisler read a **Resolution 19-10** recognizing Sgt. Mark Butler for completing the LEEP Program at North Carolina State University.

Mayor Neisler read a **Proclamation** recognizing the weeks of April 13-27 as Spring 2019 Litter Sweep.

SPECIAL EVENTS UPDATE

Christy Conner, Special Events Director stated that while the City has had a few months with no large-scale festivals, the Special Events Department has been busy attending training and participating in conferences such as the North Carolina Festival and Events Conference and the North Carolina Main Street Conference in Salisbury. The City has also been invited to participate with Gaston County and various municipalities in Gaston County to compare our calendars and project future dates so that we can cross promote our events. The City has always worked together with surrounding areas in an effort to not compete, but instead promote one another. This is also a great resource for training on our policies going forward.

Christy presented a Power Point presentation and updated Council about the website that the Special Events department is working on. This site will provide a page for each event and will enable the vendors and participants to register and pay online. It also has a banner that will position us for future sponsorships. The website will include a Community Calendar, which will allow our community partners to submit events, as well. She also stated that event volunteers will also be able to apply to work the events through this website. The Special Events website will be accessible through a link on the City's current website.

Christy Conner, provided a 2019 event calendar to each Councilmember and encouraged them to attend the Earth Day festival that will be held on Saturday, April 13, 2019 at the Gateway Trails. Also, the annual Easter Egg Hunt will be held on Saturday, April 20, 2019 at the Mayor Rick Murphrey Children's Park. Patriot Jacks, Texas Roadhouse, and the American Legion Riders are sponsors of the event. Free activities will be provided by the YMCA and the Mauney Memorial Library. Also, Battleground Community Church will be out again providing hotdogs. The Senior Center is also helping with stuffing the eggs for the event. This year the City is partnering with C.A.R.E., which is a non-profit group that rescues animals in need. Their event will be held at the walking track below the playground during and after the egg hunt.

Marilyn Sellers, City Manager also added that the City will be providing garbage bags for the Litter Sweep event. Citizens can go by and pick up the bags at Public Works.

CITIZEN RECOGNITION

Pastor Scott Whitney, of East Gold Street Wesleyan Church, spoke against the casino.

CONSENT AGENDA

Upon motion by Councilmember Keith Miller, seconded by Councilmember Tommy Hawkins, it was unanimously voted to adopt the following Consent Agenda:

- A.** Minutes of the Regular Meeting of February 26, 2019.
- B.** Budget Amendment in the amount of \$6,884 to budget additional revenue due to grant refund from Isothermal Planning & Development. (Council approval required due to increase of General Fund Budget.)
- C.** Budget Amendment in the amount of \$806 to budget additional revenue due to grant revenues received from the Department of Insurance. (Council approval required due to increase of General Fund Budget.)
- D.** Authorize Mayor to execute an Interlocal Agreement Creating Consortium for Participating in HUD “HOME” Program and to continue participation in the U.S. Department of Housing and Urban Development’s HOME Investment Partnership Program with the Gastonia/Gaston County Consortium for the successive three-year qualification period (2020-2022).
- E.** Authorize Mayor to execute the Dynamic Transfer Agreement among Duke Energy Carolinas, LLC (as Native BA), NTE Carolinas, LLC (as Generator Owner), the City of Kings Mountain (as Load) and Duke Energy Carolinas, LLC (as Attaining BA). This was discussed at the Work Session on March 19, 2019.
- F.** **Resolution 19-11** waiving the “No Pets Allowed” rule and permitting animals to be at the Walking Track Park during the C.A.R.E. event that is scheduled for Saturday, April 20, 2019 in conjunction with the City’s Annual Easter Egg Hunt.
- G.** Authorize Mayor to execute a Lake Use Agreement with the 2019 Thursday Night Bass Tournament, a non-profit organization, to allow “Thursday Night Bass Tournaments” from 6:00 p.m. – 9:00 p.m. at Moss Lake beginning March 28, 2019 then every Thursday night

through October, 2019. A “fish-off” will be held on a Saturday in October, the date of which will be determined at a later time.

- H.** Schedule a Public Hearing for Tuesday, April 30, 2019 at 6:00 p.m. to consider a Rezoning Request from KM Mountaineer Properties, LLC – Jackie H. Falls, Member/Manager for property located on Belvedere Circle, also known as Tax Map KM40, Block 4, Lot 13, Parcel 9483 from RS-6 to R-6 for the purpose of building a duplex – Case No Z-1-2-19.
- I.** Schedule a Public Hearing for Tuesday, April 30, 2019 at 6:00 p.m. to consider a modification of the City of Kings Mountain Zoning Ordinance to require a Conditional Use Permit in the R-10, R-9, RS-8, R-8, RS-6, and R-6 residential districts for the following uses:
- Golf Courses, Including a Pro Shop
- and to consider a modification to the City of Kings Mountain Zoning Ordinance to require a Conditional Use Permit in the R-20 residential district for the following uses:
- Golf Courses, Including a Pro Shop
 - Golf Driving Ranges

REGULAR MEETING

Item 10

Nick Hendricks, Energy Services Director/Assistant City Manager stated that in 2014 the City was faced with some difficult times and challenged with a lot of costs. Natural gas prices were on the increase. Electric costs were on the increase. This is when the City began researching what we could do to save. After many years of evaluations, on January 1, 2019, the City switched over to NTE Energy. The City has always been able to provide just and reasonable rates. We have always looked for more, and the NTE process is just one example that has made us better. We appreciate what Duke has done for us in the past, and what they will continue to do for us. We still utilize their infrastructure for transmission purposes.

Mr. Hendricks stated that after many years of discussions regarding savings, we have “met the mark”. We are meeting the savings that we thought we could meet, and knowing this staff is recommending a rate restructure that will allow the City of Kings Mountain citizens to receive an average of 10.8% electric rate decrease. This is an estimate due to the fact that it is tied to usage.

Upon Motion by Councilmember Jay Rhodes, seconded by Councilmember Tommy Hawkins it was unanimously voted to approve the Electric Rate Restructure, as presented.

Item 11

Minutes – March 26, 2019

Page 5

Stuart Gilbert, Planning and Zoning/Economic Development Director stated that a recommendation was brought before Council at the February 26, 2019 meeting to accept the Offer to Purchase in the amount of \$25,000 from Robert Bolin on property that adjoins the waste water treatment plant on Potts Creek Road consisting of 13

acres, more or less, and authorize the upset bid process. The procedures that are required to sell City property, according to N.C.G.S. § 160-269, have been followed and there were no upset bids as of, Monday, March 18, 2019. Therefore, Mr. Bolin's bid of \$25,000 is the highest bid. At this time, the recommendation is to award the property to Robert Bolin, and authorize the Mayor to execute the documentation required to complete the sale of the property, subject to the Grantee (Bolin) paying the survey costs and closing costs and the Grantor (City) paying deed preparation and stamps. You have the authority to either approve this bid or deny it.

Upon Motion by Councilmember Mike Butler, seconded by Rodney Gordon it was unanimously voted to award the bid for the property that adjoins the waste water treatment plan on Potts Creek Road consisting of 13 acres more or less, in the amount of \$25,000 to Robert Bolin, and authorize the Mayor to execute the documentation required to complete the sale of the property, subject to the Grantee (Bolin) paying the survey costs and closing costs and the Grantor (City) paying deed preparation and stamps.

Item 12

Ricky Duncan, Water Resources Director stated that the City has received a request from the Moss Lake Ski Club for a Slalom Ski Course to be placed in the cove beside the water treatment plant. This is an inflatable ski course, so it would reside eight feet under water and then be inflated prior to use. It will be used in the morning hours from 6:00 am until 9:00 am. This has been presented to the Moss Lake Commission, and they, along with Staff, recommend the approval of the course. He introduced Mr. Terry Ward and Mr. Chuck Hoyle of the Moss Lake Ski Club.

Councilmember Keith Miller questioned the cost of removal of the ski course in the case that the club would dissolve. Mr. Ward stated that the Club has an agreement in place that they are assuming all of the cost of installation, moving, or removing it from the lake. The total cost of the course, installed, is about \$4,000. Councilmember Miller then asked Ricky Duncan what his opinion of the cost of removal would be if the City would have to remove it. Mr. Duncan stated that since it is a cable system, he did not feel like it would be a significant cost to the City.

Mr. Ward stated that there is a series of sand bladders that sink the course and then there are air bladders that inflate. There are air pumps on the boats and the pumps inflate it and it comes up.

Nick Henricks, Energy Services Director/Assistant City Manager stated that “there was a lot of research done on this project with the Commission, and we thought there

Minutes – March 26, 2019

Page 6

should be an agreement in place. The Lake Use Agreement was brought before Mr. Corry for his review. He made changes, and our recommendation is to approve this agreement. We looked at the possibility of a fisherman catching a hook on it, possible injury, and possible damage to our intake at the water plant, logs and debris, and this

is the reason that we postponed this issue. Everyone worked well together. The agreement basically states that ‘if there are any issues, whatsoever, that could burden the City, the course would be removed.’” Mr. Duncan stated that the City is also listed as additional insured on the ski club’s liability insurance.

Mr. Corry reiterated that there is going to be insurance provided by the ski club that lists the City as additional insured in the event of any liability issues. Additionally, the agreement is going to be a one-year agreement, to see how this will all work out. They would come back to the Council to consider a longer term after the first year.

Mayor Neisler stated that he commends staff and the ski club for working together and taking the time to make sure the proper steps were taken to insure safety.

Marilyn Sellers, City Manager asked Mr. Ward to give some background information on the existing ski club. Mr. Ward stated that there are five members, who have skied together on the lake for several years. All of the members live on Moss Lake. For insurance purposes, they formerly formed the club and all will be certified to operate the course.

Councilmember Miller asked if skiers will be drawn by a boat or cable system, and also, he inquired regarding the length of the course? Mr. Ward stated that they would be drawn by a boat, and the course is about 1200 feet long. Councilmember Miller stated that he understands that this is not for profit and that the club did not intend to have events. Mr. Ward stated that this was correct.

Councilmember Rodney Gordon asked if there are people fishing near the course and they wanted to use it who would handle that situation. Mr. Ward stated that this is one of many things that they do on the water, and if there are people out near the course, they would simply go somewhere else on the lake.

Upon Motion by Councilmember Tommy Hawkins, seconded by Annie Thombs it was unanimously voted to allow the installation of a Slalom Ski Course at Moss Lake and authorize the Mayor to execute a Lake Use Agreement between the City of Kings Mountain and Moss Lake Ski Club.

Item 13

Stuart Gilbert, Planning and Economic Development Director stated he has a copy of the check for \$590,000 for the Beason Creek upgraded pump station. There were some changes in the language of the Development Agreement and Waste Water Services Agreement for Orchard Trace that were received late in the day. He stated

Minutes – March 26, 2019

Page 7

that he feels that the changes should be reviewed by the City Attorney, City Manager, and Assistant City Manager within the next week. At that time, a special called meeting should be called in order for the agreements to be approved by Council.

Mr. Gilbert gave some background on this project stating that “a Developer Agreement with LGI for the Beason Creek Subdivision was signed a few months ago. As part of that deal, \$323,000 was contributed to the Beason Creek lift station upgrade. Upper management began working with Orchard Trace to get in on this opportunity considering the homes that are planned for Orchard Trace. Between the Water Resource Director and Joel Wood, working on the actual lift station, itself, they are pretty much down to the wire. There is not much more time left, and it is critical that this turns into an agreement that should be approved within the next week. They will have to do their own upgrade in the future, and it will be much more costly if Orchard Trace does not get in on this upgrade.”

Mr. Hendricks stated that if this agreement is not approved, it doesn’t mean that this is the end of Orchard Trace. It is just the end of the discounted period in order to get in on this particular process.

Upon Motion by Councilmember Jay Rhodes, seconded by Councilmember David Allen it was unanimously voted to close the Regular Meeting at 7:05 p.m. and enter into a Closed Session pursuant to N.C.G.S. § 143-318.11 (3) – update on Transco Williams Rate Case.

CLOSED SESSION

Upon Motion by Councilmember Keith Miller, seconded by Councilmember Rodney Gordon, it was unanimously voted to close the Closed Session and re-enter the Regular Meeting at 7:27 p.m.

No action was taken in Closed Session.

ADJOURNMENT

Upon Motion by Councilmember Rodney Gordon, seconded by Councilmember David Allen, it was unanimously voted to adjourn at 7:29 p.m.

BY: _____

G. Scott Neisler, Mayor

ATTEST:

Karen A. Tucker, CMC