

**CITY COUNCIL
REGULAR MEETING
March 13, 2000**

CALL TO ORDER BY THE MAYOR

The regular meeting of the City Council of Mount Holly was called to order at 7:00 P.M. by Mayor McLean. The following were present:

Mayor Frank McLean

Councilman Michael Helms

Councilwoman Phyllis Harris

Councilwoman Pat Hubbard

Councilman Jim Hope

Councilman Bryan Hough

Councilman Bobby Black was absent.

Public Works Director Eddie Nichols

Adm. Services Officer Jamie Guffey

Planning & Zoning Dir. Danny Jackson

City Attorney Kemp Michael

Police Officer

INVOCATION

The invocation was led by Rev. Todd Wright.

PLEDGE OF ALLEGIANCE

Janet Bishop and Margie Cox brought Girl Scouts, Troop 95 and Troop 278, to lead the Council and audience in the ceremony of the Pledge of Allegiance.

APPROVAL OF AGENDA

Councilman Helms moved to approve the agenda, seconded by Councilman Hough, with all in favor.

MINUTES

Councilman Helms **MOVED** to approve the minutes of Feb. 8, 14, and 29, 2000, as written, seconded by Councilwoman Harris, with all in favor.

PRESENTATIONS

#2 Report from Gaston County Schools on the Impact of Development

Annette Carter, Chairperson of the Gaston County School Board, stated that a county task force of citizens identified needs in our schools. The County Commission asked us to lower the needs list, and we worked on that and submitted a \$135 million list of critical needs. We have had several meetings with them, and they acknowledged the needs. A survey was done in the County to get input as to financial support by citizens. A bond referendum is being discussed. We are submitting other alternatives for financing as well. We are here because of the growth in this area and the resulting need for schools. Hilton L'Orange, Facilities Director, made a presentation. We ask you to appear tomorrow night with us before the Commissioners to support our request for funding. Mr. L'Orange said a Capital Improvement Program, student capacity and population growth, current condition of facilities and legal mandates have all been taken into consideration. Gaston County schools have 54 underground storage tanks which must be removed. The American Disabilities Act must be complied with. All asbestos

must be removed. \$900,000 to at least address these issues and show good faith effort. There are 150 buildings, 100 mobile units. One school is 77 years old. 4 million sq. ft. roofing. \$400 million buildings, \$40 million equipment. All facilities have been assessed, and compared to state standards. We have 1100 window units for a/c, most installed in 1990. One of priorities is to fix hv/ac. Also there are safety factors that must be addressed and are at the top of the list. An orderly and systematic method of replacing and then maintaining all facilities in the county is vital and must begin now. Capacity is probably what you are more interested in. A demographer is used to go out and talk to the different towns, the power company, and such, and they make predictions as to the number of students you will have. This is the first year we have had this done. It was no big surprise that Mount Holly and Belmont will have a great deal of growth in the next few years. We have placed mobile units in the past, but that is very expensive. To move the plan into the CIP, we look at schools for expansion. There are about ten schools that are candidates for expansion, including schools in your area. We need a head start on these, because it takes at least three years to see the first construction after funding. 12 mobile units at East Gaston now; 2 at Cat. Hts., Rankin has capacity of 668 students and has 648 in it right now. Pinewood capacity of 490, has 447 now. Cat. Hts. capacity of 294, has 326 now. Mt. Holly Middle capacity of 758, has 663 now. East Gaston is having an addition built now, 1,500 capacity when finished, has over 1,200 now. State law sets class sizes. Also, there have to be exceptional children classes; capacity is determined by programs. We must have English as second language classes. What happens is everybody waits, and they move in, and then the mothers show up and want to know why there is no seat for their child in the school. We need to address it by planning ahead. Mr. L'Orange had visited Riverfront, Autumn Woods, Deerfield, Deertrack and other new subdivisions and can see this will be a problem within the next five years. CIP should be continuous. From the 1992 local bond project, work was done on Ashbrook, Belmont Middle, Cherryville, Cramerton, East Gaston, Forestview, Kiser, Lingerfelt, Mt. Holly Middle, Rankin, Rhyne, Springfield, Robinson, N. Belmont, Belmont Central. The State bond in 1996 allowed for 17 projects including East Gaston. By State law, the county funds the facilities. Annette Carter spoke again, stating that the mobile units were put out at East Gaston because parents did not want them to move to North Gaston and so we allow them to have mobile units but the expansion is now under construction. We want our schools to last as long as possible; that means ongoing care. This has not been done because of a lack of funding. The money has been used to payoff the bond so that taxes would not be raised. A large portion of the needs list is to do maintenance needed. Councilwoman Hubbard asked when the Commissioners' meeting starts. Ms. Carter said at 6:00 PM.

Bill Lineberger

During your Council retreat workshop, it came up about a partnership between city and business people downtown. He reported to Council we have met twice and have come up with a meeting date of Tues. May 16, 7:00 PM at Optimist building. We will have a facilitator that can interview business owners and council to begin a dialogue between the two groups. Public will be invited. A notice will be sent out and hope to have it on the web page also. We want your input as to issues to be discussed by the facilitator. Call myself or the city manager.

Proc #1 Proclamation Supporting 2000 Census

Mayor McLean read a proclamation encouraging citizens to respond accurately and promptly to the census request; March is Census Awareness Month, and April 1 is Census Day.

PUBLIC HEARINGS

PH#1 Text Amendment

Councilman Helms moved to go into public hearing, with Councilwoman Harris seconding. All in favor.

Mayor McLean declared the regular meeting in recess and called a public hearing for consideration of a text amendment in Section 6.2 of the zoning ordinance to allow bingo games in B-2 district. Zoning Administrator Danny Jackson stated they are allowed in B-1 and B-3 already. He stated that the Planning Commission had voted in favor of the request and recommended our approval.

There were no comments from the audience for or against. No comments were made from Council.

Councilman Helms moved to go out of public hearing, and Councilman Hough seconded. All in favor. Mayor McLean adjourned the public hearing and resumed the regular meeting.

Motion: Councilman Helms **MOVED** for approval of the amendment to Section 6.2 of the zoning ordinance to allow bingo games in B-2 district; seconded by Councilwoman Harris, with all in favor.

Vote: six ayes, zero nays. **CARRIED.**

PH#2 Resumption of Public Hearing on Annexation of Rhyne Property

Councilman Hope moved to go into public hearing, seconded by Councilman Hough, with all in favor. Mayor McLean recessed the regular meeting and declared the public hearing in session for consideration of annexation of the Henry H. Rhyne Property.

City Manager David Kraus stated this is a continuation of a public hearing that was recessed until tonight. Mr. Kraus's figures for city services were in the agenda packet.

Doug Caldwell, 225 Sandy Ford Road. He asked if Mt. Holly really needs another development like this? It is the same type housing, and this one will have lots ¼ to 1/3 acre; to him that is cluster housing. The developer has done a good job selling, giving the averages; only building on 60% of the property, but the 40% left cannot be built on at all for various reasons. I have concerns about the common area; this type of development tends to have transient families, with job transfers and moving up to larger homes, so I wonder how stable this community would be; if the common area is not looked after by the association, it can become an eyesore. Developer's comment about four laning of Sandy Ford Road is a scary thought to me; they said the state makes that decision. If you keep allowing development, then the State will have to four-lane it. Our

quality of living will go down. Council had opportunity to four-lane 273 years ago and did not do it, and we are dealing with that. We depend on you to make good decisions now for the sake of our quality of life.

No further comments. Councilman Hough moved to go out of public hearing, Helms seconded, with all in favor. Mayor McLean adjourned the public hearing and resumed the regular meeting.

City Attorney Michael stated that action on this matter should not be taken until consideration of UFB #1 on the proposed annexation agreement and possible zoning of the property.

UNFINISHED BUSINESS

UFB#1 Annexation Agreement, Possible Zoning, and Annexation of Sandy Ford Road

City Attorney Michael stated that the only change made since the last meeting is the date, and dates for completion of infrastructure; the letter of credit has been received by the city manager. The agreement is substantially the same as on the other developments, placing the responsibility on the developer for payment of extension of services. The property is currently owned by Henry Henkel Rhyne; J P Partnership has a contract to purchase on this property. If they do not purchase the property for some reason they are still liable to install the water lines. The city controls the specs and the contractor allowed to do the work. The City may upsize the line.

Motion: Councilman Hough **MOVED** to enter into the annexation agreement with J. P. Partnership, as presented, seconded by Councilman Helms.

Vote: Four ayes, one nay (Helms).

City Attorney Michael stated that a public hearing on the matter of the proposed zoning was held at the last meeting. Danny Jackson stated the petition requested R-8 single family Conditional Use, and a site plan has been submitted, which has requirements placed on it by the Planning Commission. The conditions are that no manufactured housing is allowed. There are findings of fact that must be found by Council before a conditional use can be approved. City Manager David Kraus stated that the Council may add any conditions it wishes to the site plan. Councilman Hough stated he wants street trees. He said councilmembers have toured the neighborhoods that the developer has been involved in before. Councilwoman Hubbard also wants street trees. Councilman Hough suggested they be every 50 feet, and of a kind suitable to that environment. Mr. Pearson said he hires an arborist to come and make a recommendation so the trees will have the best chance of survival. Councilman Helms suggested a minimum two inch trunk for the trees. Danny Jackson said that per Section 14.5 the following findings of fact must be found by Council: #1 it meets our land development plan; he said it is conditional use and a site plan has been submitted. #2. it has met this requirement. #3. Map and application has been filed. It cannot be changed without going through the process of public hearing. #4. Not an endangerment to the surrounding property; council may choose whether they want this type housing or not. #5. Land Development Plan calls for residential housing and greenspace around Dutchman Creek, and it complies.

The City Attorney and Zoning Administrator left the meeting temporarily to compile a resolution proposal.

UFB#2 To Consider Lentz-Springs House Status

Lucy Penegar appeared before Council, and along with her Wilma Craig and Bill Craig; also Jim Love, and John Russell. She had some written information for Council. She said she was there to speak to Council because of her pride in Mount Holly's past. She apologized for the Preservation Society not having kept the City informed as to what is going on with this house. They have come close to selling the house three times. Normally the Preservation Society does not buy a house; but it did in this case. You had lost seven houses already and we asked them to come and help us out. The Preservation Society has spent a lot of money on this project. They have never failed before. It was a house of one of the first mayors of Mount Holly. Her chapter is also working on Loray Mill and has been helping Gaston County a lot. She wanted to clear up one thing. They have had three work days, with local citizens to work on that house. Up to today, we have had donations of \$21,000, and we will begin to work on the house again. We have a painter to begin work in two weeks. We have replaced the chimney, and built the front steps; handmade brick was used so that it would go with the house. We rebuilt the side porch; bought new columns for that side of porch; rebuilt the porch roof and replaced the flooring on the porch. Since January it has been painted on the front. We thought this house would sell faster than this; but sometimes it does not happen. We feel it is worth the wait. It is not true that preservationists do not want change; we want to keep the equity, and keep some things from the past and help them to have a new life. Mayor McLean asked if he was correct to understand that if someone comes to purchase it, the price is \$99,000.00. Mrs. Penegar said she thought sure they would take less than that; but they do like to break even, even though they do not try to make a profit. They will consider any reasonable offer. Mayor McLean said we are now at four years since the house was moved, and we keep getting complaints from citizens. Mrs. Penegar said we will be able to paint and put up lattice work and banister rail at the porch, with a donation I got today for \$4,000. It is on a commercial lot, and we had hoped it could be a professional office, or a tea room. Councilman Hough asked how much longer should we be expected to allow for the house to be sold, without being impractical. Mrs. Penegar said they have had a problem with grass cutting in the past due to ruts; so that will not be a problem this year; and we have painters coming. What constitutes an eyesore; there is no garbage, or stuff in yard, she said. Councilwoman Hubbard asked if she had estimates as to what it would cost to restore that house? She said they do. Councilwoman Hubbard said she gets phone calls on it, but they do not like the fact that they cannot use vinyl siding and replacement windows. Mrs. Penegar said storm windows can be used. Councilwoman Hubbard said it would help a lot if you have the yard work done regularly.

UFB#1 (resumed)

City Attorney Michael said for conditional use to be granted, there are two steps. You must vote on five findings of fact first, and then you reach the second issue about zoning.

#1 The Use requested is among those listed as an eligible Permitted or Conditional Use in the District in which the subject property is located or is to be located.

Affirmed upon **MOTION** by Councilman Hope, seconded by Councilwoman Hubbard, and carried with four ayes, one nay (Helms).

#2 That the Conditional Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed.

Affirmed upon **MOTION** by Councilman Hope, seconded by Councilwoman Hubbard, and carried with four ayes, one nay (Helms).

#3 That the Conditional Use meets all required conditions and specifications.

Affirmed upon **MOTION** by Councilman Hope, seconded by Councilwoman Hubbard, and carried with four ayes, one nay (Helms).

#4 That the Conditional Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

Affirmed upon **MOTION** by Councilman Hope, seconded by Councilwoman Hubbard, and carried with four ayes, one nay (Helms).

#5 That the location and character of the Conditional Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Mount Holly and its environs.

Affirmed upon **MOTION** by Councilman Hope, seconded by Councilwoman Hubbard, and carried with four ayes, one nay (Helms).

Next, the Council discussed the rezoning request for the Rhyne property.

Motion: Councilman Hope **MOVED** that the subject property off Sandy Ford Road owned by Henry Henkel Rhyne is rezoned to R-8CU single-family, subject to the site plan as presented and amended to provide that trees shall be placed on all interior streets approximately 50 feet apart with at least 2 inch caliber; seconded by Councilwoman Hubbard.

Vote: four ayes, one nay (Helms).

PH#2 (action) Annexation Sandy Ford Road

Motion: Councilman Hope **MOVED** to approve Resolution #3-13-00(a) an ordinance to extend the city limits for annexation of 94.959 acres on Sandy Ford Road, a contiguous tract, currently owned by Henry H. Rhyne; seconded by Councilwoman Hubbard.

Vote: four ayes, one nay (Helms).

CONSENT AGENDA

City Manager David Kraus asked to remove Item #4 from the Consent Agenda for further discussion on the contract with Lucia Riverbend Fire Department.

Motion: Councilman Hough **MOVED** to remove Item #4 from the consent agenda, seconded by Councilwoman Harris.

Vote: all in favor. **CARRIED**.

Motion: Councilman Hough **MOVED** to approve Items 1-3 and 5-8 on the consent agenda, seconded by Councilwoman Harris.

Vote: unanimously **CARRIED**. They are:

CA#1. Resolution Submitting and Approving Housing Authority 5-year Plan.

There were no public comments received during the 30-day period.

CA#2. Call for Public Hearing on a Rezoning Request at 405 Belmont-Mount Holly Road. Request is for a change from R-12 to B-3.

CA#3. Call for Public Hearing on Rezoning Portion of Water's Edge Development from R-12, R-8MF and B-2 to R-A. To adjust the use for the intended use as land for preservation and protection of water quality.

CA#5. Contract for Additional Engineering Services for UST Remediation. Contract with Law Engineering to perform samplings at the water intake station, for a cost estimated at \$13,050.00.

CA#6. Encroachment Agreement with American & Ebird Mills to cross Oak Grove and American Streets. To enable A&E to run cable for their computer network.

CA#7. Authorization of Water Taps on Trexler Avenue. Private lines at outside rates.

CA#8. Renewal of Agreement for School/Community Cooperation. Joint agreement for mutual use of school and city properties for school and recreational events.

CA#4 Contract with Lucia-Riverbend Fire Department

The VFD has requested changes, as follows: Par. 3, Term, amend to read "2004"; par. 6, "assistant chief, or higher". Councilman Hough said he does not know fire protocol and felt the Chief should approve changes before we vote on it. David Kraus said the proposed change comes from a City of Gastonia contract that the VFD had obtained. City Attorney Michael said he had not seen these changes, as they had only been submitted that day. Third item, par. 10, Mr. Kraus, is for the purpose of being clear that each unit notifies the other. Councilman Hough clarified that Council is not questioning your credibility or the VFD, but since it is a contract we want time to have the attorney and Fire Chief to review it. Chief Toomey said the VFD had voted on it tonight and has approved it. Tabled until next month.

NEW BUSINESS

NB #1 To Consider Sewer Usage at Middle School Concession Stand

City Manager David Kraus said staff recommends we waive the sewer but continue to charge for water.

Motion: Councilwoman Hubbard **MOVED** to waive the sewer charge on the athletic fields, Councilwoman Harris seconded.

Vote: All in favor. CARRIED.

NB#2 To Consider Call for Public Hearing and Rezoning Request from Crescent Resources for Property in Gateway Area

Zoning Administrator Danny Jackson said the proposed site is 30 plus acres behind the YMCA, and the planning commission has recommended public hearing be held. City Manager Kraus reported that the Land Use Plan calls for an office park or light industrial park in this location, which is currently zoned industrial.

Motion: Councilman Hope **MOVED** not to have a public hearing, seconded by Councilwoman Harris.

Vote: with all in favor. CARRIED.

NB#3 To Consider Proclaiming April as Child Abuse Prevention Month

The Interagency Child Abuse Prevention Council of Gaston County, Inc. requested the City proclaim April as Child Abuse Prevention Month. Mayor McLean read the proclamation (copy attached).

Motion: Councilwoman Harris **MOVED** to adopt the proclamation as read, seconded by Councilman Hough.

Vote: all in favor. CARRIED.

NB#4 To Consider Permit for Produce Stand on Belmont-Mount Holly Road

A request by the owner of the Mount Holly TV and Appliance has been received to allow Eugene Bolin to operate a produce stand in the parking lot under a carport cover. A privilege license is required for produce grown by himself.

Motion: Councilman Hough **MOVED** to approve the request, seconded by Councilwoman Harris.

Vote: all in favor. CARRIED.

Mayor McLean announced that on March 18, Arbor Day, Cy Frazier will collect old phone books, etc. at City Hall, as well as newspapers and magazines, and give out crepe myrtle trees.

PUBLIC COMMENT

Mayor McLean opened the floor for public comment.

None.

ROUND TABLE

Councilman Hough said he read in the Observer about Lincolnton working on a grant program for downtown; it is running out on March 31; can we check into that grant program?. Mayor McLean said he understands there are grants for that.

Councilman Hope said that Tom Carver is building a house on the corner of Crest Street and South Main. He wants to pay for a sidewalk along Crest beside his house for a tax credit; City Attorney Kemp Michael said there is no such thing allowed now that he is aware of, but he will check with the city CPA.

Councilwoman Harris said she got a complaint about a wreck, and asked the Police Chief about it. Councilman Helms got a call on that also. Chief Davis said he has learned that the lady pulled out of her driveway, and her car stalled. She turned on the lights and went in her house to call for help. Some young man hit her car, and he did not want a report; but the lady wanted a report, and we did a report. The boy's mother got in the police car and would not get out. The sergeant came to the scene and told them they have to investigate the wreck and if they did not stop interfering they could be charged with obstruction. Later he found out that the boy used to date the lady's daughter and they broke up on bad terms. The boy's father said he is going to file a complaint against the officer. Councilman Helms asked what he was charged with. Chief Davis said he was charged with failure to reduce speed. Councilman Helms asked if we always give tickets at wrecks; Chief Davis said no, it is up to the officer's discretion.

Councilwoman Hubbard asked for an updated phone numbers list for city staff.

Councilwoman Hubbard requested that the city staff please provide the Springfest committee check.

The Council took a five minute recess.

EXECUTIVE SESSION

Councilman Hough moved to go into closed session, seconded by Councilwoman Hubbard, for attorney client purposes. All in favor. CARRIED.

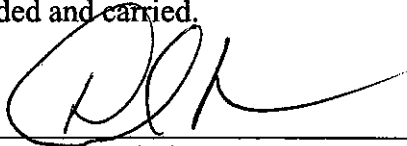
Councilman Hough moved to return to regular session, seconded by Councilwoman Harris. All in favor. CARRIED.

Motion: Councilman Hough **MOVED** that the City extend a bona fide offer to purchase the land and improvements from Second Baptist Church, its old property, (read statement). Amend motion to make this a 30 day offer, and that the offer be taken before the church. Helms seconded.

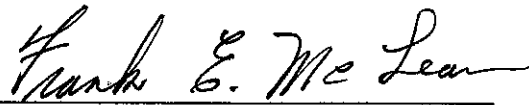
Vote: All in favor. CARRIED.

ADJOURN

There being no further business, the meeting was adjourned, upon motion duly made, seconded and carried.



Clerk



Mayor

cpm