

**CITY COUNCIL  
REGULAR MEETING  
March 8, 1999**

**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

Mayor Pro-Tem Phyllis Harris

Councilman Michael Helms

Councilman Jim Hope

Councilman Bryan Hough

Councilman Bobby Black

Adm. Services Dir. Sherry Borgsdorf

Public Works Director Eddie Nichols

Planning & Zoning Dir. Danny Jackson

City Attorney Kemp Michael

Police Officer

**INVOCATION**

The invocation was led by Rev. Joe Harding.

**PLEDGE OF ALLEGIANCE**

Mayor McLean led the Council and audience in the ceremony of the Pledge of Allegiance.

**MINUTES**

Councilman Hope **MOVED** to approve the minutes of February 8, 16, 25, 1999, as written, except that on Feb. 25<sup>th</sup>, the salary of the city manager should be \$52,500.00; motion seconded by Councilwoman Harris, with all in favor.

Mayor McLean introduced to the audience the new City Manager, David Kraus.

Mayor McLean announced that Ashley Gibson from the newspaper was here for her last evening with us and bid her farewell.

**PUBLIC HEARINGS**

**#1 To Consider Voluntary Annexation of Waters Edge Development**

Mayor McLean declared the regular meeting in recess and called a public hearing for consideration of voluntary annexation of Waters Edge Development.

Danny Jackson stated that the area to be annexed is near the intersection of Highway 273 and old Highway 16, and down the Catawba River along Nivens Cove Road and south along the railroad track to SR 1933. Mr. Kraus noted there are a total of approximately 500 acres. All of the owners of the property have signed the petition for annexation.

City Attorney Michael presented a proposed annexation agreement if the voluntary annexation is approval to set forth the requirements for development of the property. A

new water line would be constructed with the developer paying for the cost of an eight inch line and the extra cost for installing a 12 inch line instead to be paid by the City. An extension of sewer line would be installed by the developer with the normal size being paid by the developer and the city paying for the extra cost of the larger size line. The engineering must be submitted to the State of North Carolina as always. Contractors will be required to attend pre-construction conferences to educate them regarding the watershed regulations. The warranty period will be one year as usual. The reimbursement policy will be in effect with this development as it has been in the past. The developer agrees not to disturb the land within the watershed area until the date of annexation, and agrees to comply with the proposed zoning changes. An entrance will be attempted across the railroad from Highway 273 for up to two years. There are requirements regarding the construction of the crossing. The normal financial guarantees will be required. Mr. Kraus added that an entrance will be installed on old Highway 16.

Randy Anthony, 2717 Mountain Island Highway. I support the annexation because I oppose septic tanks being installed on that property.

Pam Beck, 405 Nivens Cove Road, presented a petition signed by citizens of Mount Holly around town. The petition opposes the annexation for the following reasons: The area is not close to Mount Holly, garbage collection and police and fire must go to the area which is far away from town. The roads and lawns will be detrimental to the water of Mountain Island Lake. Mecklenburg County has a higher level of protection than Gaston County and Mount Holly. They want only one home every two acres in level one which is used near the water intake of Mecklenburg County. She said he should sell the land to the organizations that want to protect it, or if not that, to at least comply with the deed restrictions imposed by Crescent Resources.

Robert Hubeli, 393 Nivens Cove Road, said the entrance off of Nivens Cove Road is dangerous due to two blind curves and a blind hill. The road already needs repair, so will only get worse with large trucks using it. The area is difficult to evacuate, if necessary, for a crisis at the nuclear plant. The development is less than a mile from water intakes for Mount Holly and Gastonia, and we should protect water for future generations. The schools will be overcrowded and this should be taken care of before annexation. Mount Holly will be fine without it. Make it a condition that he donate land for schools, and money for substations of the fire and police departments. He asked them to vote no on annexation.

John Beck, Mountain Island Lake Association, asked Council to delay the annexation until the zoning ordinances are changed to the high Mecklenburg County standards. He said they should wait for Gaston County to finish its zoning changes as well. The cost estimates do not appear to him to be accurate.

Dave Wissell, 204 Island View Road. He is a civil engineer. It does not make sense to him to have 525 homes near the water intake. The runoff and the fertilizer will be too much. Wait on the annexation and do it right with less density.

Lee Beatty, 200 Stoneridge, Mount Holly. I personally am for the annexation, but would like to see conditions imposed. We are very close to a giant economic engine, the growth of Charlotte. There will be benefits and there are burdens. This development is here and brings opportunity. But the city should also want to think carefully at the policies that decide our zoning regulations and have the right expectations for the developer. Mount Holly must adopt the strict regulations.

Fred Hutchison, 502 Nivens Cove Road. He wanted to know if all of the Council has been out to the property to observe it. They responded they had. He asked a legal question as to whether Mr. Waters would be grandfathered. If the taxpayers own the water system?, and if they initiate a class action suit to protect the water supply, who would be the defendant?

William Gray, 233 Allen Road. She is not opposed to annexation, but is against the plot plan presented because of the density of it. She wanted the city to adopt the strict regulations Mecklenburg County has near its water intake. She felt the Council seems eager to annex when the citizens are concerned, and said they should wait until these concerns are taken into consideration.

Jim Atkins, 148 Vane Lane. He does not know if Council has done their homework or not. He knows Mr. Waters has an environmental consultant. But he believed the city needs to be sure it gets a consultant to be sure you protect the water quality. Cities such as Portland, Oregon, and Austin, Texas, and in South Carolina, have regulations that are needed here. There are further measures that should be taken to safeguard the water.

Cathy Hubeli, 393 Nivens Cove Road. The Council should do all it can to acquire this land and protect it. But if not, the developer should be required to comply with the deed restrictions including Mecklenburg County regulations with one house per two acres. It should not create a burden of tax increase if the calculations for cost for services to the area are not correct. Please do not rush into annexation until these issues are addressed.

Mr. Tom Waters, Provident Development Group. We had a complete wetlands study performed, an archeological study, and a land design for filter systems. We have identified all streams. The plan is 450 lots. Most of the lots are one half acre or larger. We believe it is better to use city water and sewer instead of septic tanks and wells. For environmental concerns, we are requiring watershed regulation instruction before the construction. We have architectural control and education for the homeowners as well.

Neil Luther, 107 Nantz Avenue. He is a landscape architect. It seems to him there is a rush to annex, and he is concerned about the sewer system being proposed. He also believes the silt from erosion will be bad for the water intake. The sewer systems with pumps may fail. He did not feel Council knows what is necessary to protect the water yet.

Max Wilson, Nivens Cove Road. He picks up trash out of the water all the time now. With this many more people there will be even that much more, and he is against the development.

Tim \_\_\_\_\_. He has worked on other developments like this one. The houses are built on top of each other with very little yard. They are thrown up like toothpicks. They bury trees. That lake is too small to have that much traffic.

Mayor McLean said any others who wish to petition for annexation may do so.

There being no further comments, Mayor McLean closed the public hearing and resumed the regular meeting.

City Manager David Kraus said that the decision to annex would not take care of the zoning matters. The date of annexation, if Council chooses to do so, would need to be far enough in the future to allow for time to handle those matters. The figures he gave Council for cost estimates are based on figures provided from department heads, and included a police unit and a fire substation with a third crew. He added figures for zoning administration, recreation, and code enforcement. The population estimate is three per household. For public works, we have a truck and crew added for it. The water and sewer plant have plenty of capacity. He reminded Council they should not annex until they have an annexation agreement.

Attorney Kemp Michael gave Council a proposal for the voluntary annexation ordinance. If adopted, he said Council should set an effective date of annexation that will allow for time to handle the zoning matters that need to be handled. Annexing this land does not provide any grandfathering for zoning matters. The land will still have to be rezoned and you would handle the watershed matters before the effective date of annexation. He has been given a signed copy of the annexation agreement by the developer, and the financial guarantees have also been received.

Councilman Helms said he has listened to all they have said, and did not have a prepared speech. He has been involved in the Marine Commission. Some of what the audience said is true and there are things he agreed with them about. He noted the streams have been identified in the technical study. The Marine Commission has taken this seriously, and so has this Council, and the zoning and watershed ordinances will be in place before the annexation is effective. He is also on the Gaston County Zoning Board, and it is also working on the watershed regulations. He has have talked with Mr. Waters, and he has not been pressured. He has read over the Mecklenburg County regulations in detail, and they are strict, but they have not always been enforced. He believes the city needs to annex the property to control the development and enforce the regulations.

Councilman Black said several people have talked about a failed sewer line and that the sewage would dump into the lake. Is that true? Public Works Director Eddie Nichols said there are safety measures including spill retention, alarm systems, and other means to

minimize a failure as much as possible. Mr. Kraus said that if the sewer system fails we get immediate notice, but if a septic tank fails, you may not know for quite a while.

Councilman Hough asked about the legal questions that had been put forth. City Attorney Michael said there is no grandfathering of zoning matters due to annexation. He said the City would be obligated to see that the appropriate zoning is in place and is enforced. Councilman Hough asked if the City has responded to the questions asked by a Mount Holly citizen in the past. Mr. Kraus said he did mail a letter and sent it e-mail as well.

## UNFINISHED BUSINESS

### UFB #1 To Consider Approval of Annexation Agreement With Provident Development Corporation, Inc.

Councilwoman Harris asked if the Council must vote on this tonight; they do not. She wants to make sure the annexation agreement is what the City wants. Councilman Helms said the Council had seen the agreement previously and there were only minor changes that evening, and it is very detailed and thorough.

Motion: Councilman Helms **MOVED** to approve the annexation agreement for Waters Edge Development, seconded by Councilman Black.

Vote: all in favor. CARRIED.

### UFB#2 To Consider Approval on Waters Edge Annexation.

Motion: Councilman Helms **MOVED** to adopt the ordinance to extend the city limits with an effective date of June 30 for the property identified in the ordinance related to the Waters Edge development; motion seconded by Councilman Black.

Discussion: Councilman Hope asked if this will give us time to handle the zoning matters. Attorney Michael said the Council already has preliminary proposals for the zoning and subdivision changes. The Planning Board would hear it in April and make its recommendation. The Council would consider it and make changes and could adopt in May if they wish.

Vote: all in favor. CARRIED.

## PRESENTATION

### PR#1 Water Study Presentation

John McLaughlin presented the water study, a twenty year plan. The water plant is built for 6 million gallons per day but can be amended to 9. We are currently using 2.5 million. At constant growth we would not need to expand. At aggressive growth, there may be a need for expansion. These figures are for planning purposes. Mainly there are system deficiencies which is usually in the form of small lines that need to be increased. He identified system expansion priorities. He cautioned them to keep lines looped to maintain quality of service. Possible interconnects are identified. The firm has looked at line sizes and has used Cybernet to examine the model. Some of the lines would have to be done before others could be done. The cost estimates are based on January 1999

figures. This study should be incorporated into your Capital Improvement Plan. You should establish a capital improvement fund. As growth occurs, adjustments may need to be made to this study.

Mayor McLean introduced Matt Nichols, here with Look Up Gaston.

## UNFINISHED BUSINESS

### UFB#3 To Call for Public Hearing for Dimmer Properties Annexation

Attorney Michael said that a petition was received last month, and the petition has been investigated. City Clerk David Kraus certified he has found the petition to be sufficient. Attorney Michael said the Council may set a public hearing.

Motion: Councilman Hough **MOVED** to set the public hearing for April 12 to consider voluntary annexation of property on Nantz Avenue owned by Ron Dimmer; motion seconded by Councilman Black.

Vote: all in favor. CARRIED.

## CONSENT AGENDA

Councilman Hough **MOVED** to accept and approve both of the two items on the consent agenda, seconded by Councilman Stewart; and unanimously carried. They are:

1. Call for Public Hearing on Voluntary Annexation of Autumn Woods Subdivision, Phase I.

The item was amended to authorize the City Manager to perform an investigation of the petition for sufficiency, as this has not yet been done, upon **MOTION** by Councilman Hough, seconded by Councilwoman Harris, with all in favor. CARRIED.

2. Approval of Tax Releases

Councilman Hough **MOVED** to approve tax releases dated February 1999, as follows: For 1997, \$41.36 taxes and \$4.90 for interest; for 1998, \$430.83 taxes and \$11.84 for interest. Motion seconded by Councilman Helms, with all in favor. CARRIED.

## NEW BUSINESS

### NB #1 To Consider Designated Property as Surplus

City Manager Kraus said the department heads have presented lists of items to be sold at auction on April 17<sup>th</sup> at the Street Department Complex.

Motion: Councilman Hough **MOVED** to approve the list of city property no longer in use to be surplus items as presented, with the sale to be held on April 17, motion seconded by Councilwoman Harris. (copy attached)

Vote: with all in favor. CARRIED.

### NB#2 To Consider Approval of Utility Relocation Agreement

Public Works Director Eddie Nichols presented an agreement DOT in connection with the new bridge construction on Hwy. 27 at the Catawba River. The City's utility lines will have to be moved, necessitated due to the grade elevation which will be lowered.

The City's estimated cost is \$78,599, which may be paid over three years with interest, or in one lump sum, as a reimbursement to DOT. He stated the lines are mainly between the river and Lee Street.

Motion: Councilman Hough **MOVED** to approve the agreement with DOT for relocation of city utility lines, as presented, seconded by Councilwoman Harris.

Vote: all in favor. CARRIED.

**NB#3 To Consider Banning Use of Silly String**

City Manager Kraus stated that the Springfest committee and staff want to stop the litter caused by this product, and feel the best way is to put it on the permit for the parade and the application for Springfest booths. Council concurred to do that.

**NB#4 To Consider Acceptance of Riverfront Development, Phase I, Maps 1 and 2; All Improvements Except Six Month Extension for Sidewalks**

Public Works Director Eddie Nichols said inspections have been done and the certifications received from the engineer, and he recommends accepting Phase I, Maps 1 and 2, except the sidewalks are not installed. The developer will provide a letter of credit for the sidewalks and another for the one year warranty.

Motion: Councilman Hope **MOVED** to accept the improvements in Riverfront Development, Phase I, Maps 1 and 2, except for the sidewalks with a six month extension being granted for the installation of sidewalks, contingent upon the developer providing the two financial guarantees; motion seconded by Councilman Hough.

Vote: all in favor. CARRIED.

**NB#5 To Consider Riverfront Development Final Plat, Phase II, Map I**

Councilwoman Harris asked Mr. Rice about the property along Fites Creek to be donated as public land. Mr. Rice said that is in conjunction with the Phase III map.

Zoning Administrator Danny Jackson said this is a 72 lot map, and the Planning Commission recommends approval of the plat conditioned upon receiving financial guarantees.

Motion: Councilman Helms **MOVED** to approve the plat for Phase II, Map 1, contingent upon receipt of the letters of credit, seconded by Councilman Black.

Vote: All in favor. CARRIED.

**NB#6 To Consider Deerfield Subdivision Final Plat, Section 2, Phase III**

Zoning Administrator Danny Jackson stated this map is for 38 lots, and the Planning Commission recommends approval of it with the condition that financial guarantees are provided.

Motion: Councilman Hough **MOVED** to approve the final plat for Deerfield Subdivision, Section 2, Phase III, contingent upon receipt of letters of credit, seconded by Councilman Hope.

Vote: All in favor. CARRIED.

**PUBLIC COMMENT**

Mayor McLean opened the floor for public comment, but there was none.

**ROUND TABLE**

Councilman Helms said that Larry's Body Shop has been sold and now the new owner has signed up to be on wrecker service rotation.

Councilman Helms said he met with Catawba Heights Fire Dept. and we need to finish their contract and pay their money to them.

Mayor McLean said he and Councilwoman Harris talked with a parent who wants to put up a banner for the East Gaston Band fundraiser to sell BBQ. Council concurred.

Councilwoman Harris said that Pam Beck turned in her petition that she referred to earlier this evening, and she has looked at the signatures on it, and found that very few are from Mount Holly.

**CLOSED SESSION**

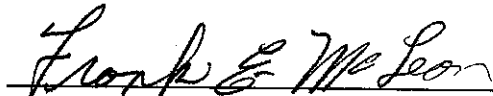
Councilman Black **MOVED** to go into closed session for personnel reasons, seconded by Councilman Hough, with all in favor.

Councilman Hough **MOVED** to go out of closed session, seconded by Councilman Black, with all in favor. No action was taken.

**ADJOURN**

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

  
Clerk

  
Mayor

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cpm