

**CITY COUNCIL
REGULAR MEETING
March 7, 2005**

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 Hough. The following were present:

Mayor Bryan Hough	Jamie Guffey, Assistant to City Manager for Finance/Administration
Mayor Pro-Tem Michael Helms	Danny Jackson, Assistant to City Mgr for Community Development
Councilman Jim Hope	Benson Hoyle, Police Chief
Councilwoman Phyllis Harris	Dale Oplinger, Fire Chief
Councilman Frank McLean	Don Price, Utilities Director
Councilwoman Pat Hubbard	Mike Santmire, Street & Solid Waste Director
Councilman David Moore	Greg Beal, Community Dev. Officer
City Manager David Kraus	Ryan Baker, Fire Inspector
City Attorney Kemp Michael	Megan Hanks, Communication Director

The Mayor read a statement to the public due to the large crowd regarding the rules of order for the meeting (copy attached).

INVOCATION

The invocation was led by Councilwoman Pat Hubbard.

PLEDGE OF ALLEGIANCE

Troop 59 led the Council and audience in the ceremony of the Pledge of Allegiance.

APPROVAL OF THE AGENDA

The agenda was approved with addition of Consent Agenda #10 re: Easley, upon motion by Councilman Helms, seconded by Councilwoman Harris, with all in favor.

CONSENT AGENDA

Councilwoman Harris **MOVED** to approve the Consent Agenda with ten (10) items, seconded by Councilman Moore, with all in favor. The items approved were:

CA#1. To Accept and Approve the Minutes. The minutes for January 10, and February 1 and February 10, 2005, were approved as written.

CA#2. To Call for Public Hearing on Request for R-8CU Zoning from Earl Todd for 250-Acre Tract Between Westland Farm Road and Old Hickory Grove Road. To be held on April 11, 2005 subject to submission of a site specific plan by the developer prior to the hearing.

CA#3. To Call for Public Hearing on Request for R-8CU Zoning from Faison Enterprises for a Tract on Westland Farm Road Across from Rachel Street. To be held on April 11, 2005 subject to submission of a site specific plan by the developer prior to the hearing.

CA#4. To Call for Public Hearing on Request for R-8MF Zoning from Faison Enterprises for a Tract on YMCA Drive. To be held on April 11, 2005 subject to submission of a site specific plan by the developer prior to the hearing.

CA#5. To Call for Public Hearing on Request for R-8CU Zoning of Green Meadows Golf Course. To be held on April 11, 2005, subject to submission of a site specific plan by the developer prior to the hearing.

CA#6. To Set Publication Date for Delinquent Taxes. Publication of unpaid property taxes will be April 6, 2005, in the Banner News.

CA#7. To Approve Preliminary Plat for Dutchman's Meadow Subdivision, Phase 3. Staff recommended approval.

CA#8. To Approve Preliminary Plat for Rhyne's Estate Subdivision. Staff recommended approval.

CA#9. To Approve AIA Contract for Architectural Services. Contract with David Creech for design and construction of the ABC store.

CA#10. Resolution Directed to Governor Easley Requesting that City Funds Not Be Withheld. (copy attached)

UNSCHEDULED PUBLIC COMMENT

Rob Whetlock. Not here.

Mike Johnson. 520 Woodlawn Rd. The concern I have is for the business association, I was assured that if I could show responsibility for the flooding at the Richardson property on Central something would be done. At a follow-up meeting with the insurance man and Mr. Kraus, the insurance man said if we were not happy with what he had decided we would have to hire an attorney. Someone came to meet me who was doing the widening on Glendale Road and spoke to me and said the City had sent them. It bothers me that I was told the issue would be dealt with, but it has not been. We sold bonds to help downtown turn around, but I am concerned that 2,700 homes will be built across the river. Business owners met with City officials in 2001 about handling the needs of business owners but have not gotten any results.

RECESS

Mayor Hough declared a recess to go to a joint public hearing with the Planning & Zoning Board in the Archives Room.

JOINT MEETING

All the members of the Planning Board were present except Jerry Miller and George Cauthen. Mayor Hough declared the session in order and presided.

PUBLIC HEARINGS

PH#1 To Consider Rezoning of 110 Tuckaseege Road from R-8MF to B3

Councilman Helms moved to go into public hearing for consideration of rezoning of 110 Tuckaseege Road, seconded by Councilwoman Harris, and carried by unanimous vote.

Danny Jackson stated that Scott Farmer is the petitioner. The property is one lot next to RDS Landscaping on Tuckaseege Road, and he is requesting the zoning be changed from R-8MF to B-3. Scott Farmer presented a map showing the location of the lot. There is business beside it and across the street. He stated that his present office is not the highest and best use for the property it is on, and so he intends to move his office to this site, and then change his office to another use. Also, this is presently a delapidated duplex with a flat leaking roof. He would have it torn down and rebuild something better. There were no other comments.

Councilman Helms moved to go close the public hearing, seconded by Councilman Moore, and unanimously carried.

City Manager Kraus suggested that the Council take this under advisement, and let the Planning and Zoning Board deliberate so they can make a recommendation to the Council before they take action. There were no comments from the Planning Commission.

PH#2 To Consider Adoption of the County Hazard Mitigation Plan

Councilwoman Harris moved to go into public hearing for consideration of adoption of the County Hazard Mitigation Plan, seconded by Councilman McLean, and unanimously carried.

City Manager Kraus stated that the City worked with the Gaston County Emergency Management to develop a hazard mitigation plan specifically about Mount Holly that meets State and FEMA requirements. Public hearings must be held before it is sent to FEMA for its approval. The City cannot get funds from FEMA for disasters without a plan. Danny Jackson said that two public hearings are required, the first was held in Dallas, this is the second. There were no other comments.

Councilwoman Hubbard moved to close the public hearing, seconded by Councilwoman Harris, and carried unanimously.

David Kraus suggested that Council take this matter under advisement, and let the Planning Commission deliberate so it can make a recommendation to Council before it takes action.

The Planning Commission Chairman asked the Council to allow them to deliberate about the call for public hearings for Items 2-5 on the Council's

consent agenda, and make its recommendations; it is possible that the Council will need to re-vote on them.

End of joint session.

The Council returned to Council chambers and left the Planning Commission in session in the Archives Room.

Mayor Hough called the regular meeting back into order, and read a statement on rules of order for the next public hearing (copy attached).

PH#3 To Reconsider the Annexation of the Dutchman's Creek Subdivision
Councilwoman Harris moved to go into public hearing for reconsideration of the voluntary annexation of Dutchman's Creek Subdivision, seconded by Councilman McLean, and carried by unanimous vote. Mayor Hough recessed the regular meeting and called the public hearing to order.

City Manager Kraus stated that this matter was heard before but has been brought for reconsideration on the voluntary annexation petition upon request by City Council. We have re-confirmed the petition to be sure the correct persons signed it.

Laura Ferguson. 501 N. Hawthorne. She said she is the flood victim. This is a story about "more". We want a river walk, some retail shops, and new schools. The bus already takes until 5:00 for the kids to get home. We want more houses; we want golf courses. We want a new fire station. What about the fire station in Catawba Heights? We want a whitewater park. Where are you going to get the money to do everything you want? I don't have it.

Mrs. Anne Daniel. She is a property owner on Stanley-Lucia Road that is part of the proposed subdivision. She read a statement (copy attached). She pointed out that the City will collect tax revenues for about two years before the expense will be incurred, and will continue to receive revenue. Water and sewer expansion will be installed at no expense to the City. It provides a reduction in pollution by reducing septic tanks and provides reliably clean water. It will provide recreation facilities at no expense to the City. This is a planned development growth with higher standards than what the county allows. The property will be developed, whether it is in the City or not. Does Mount Holly want planned growth or helter-skelter? This can help the City balance its budget without raising taxes or utility rates.

Mr. T.G. Daniel. Also a property owner. My wife's family has lived here almost 150 years. We feel a responsibility to develop this land in a good way. Current overcrowding in the schools is because of two reasons, lack of sufficient funding and a lack of population to provide revenue to pay for it. Opponents say the new growth causes overcrowding. New and better schools don't come without

population growth. The school board says it will be at least five years before this subdivision will have any impact on schools in this county.

Tom Daniel. Also a property owner. One of the themes we have is to address some of the concerns the citizens have had. Growth will require road improvements. This is a regional problem, not just a Mount Holly problem. State improvements are only made when needed, not before. The Dutchman's Creek includes improvements that provide for limited driveway access, turn lanes into the development, land right of ways for widening, and a traffic circle on Stanley Lucia Road. A well thought out subdivision with adequate right of ways is better than small scattered subdivisions.

Kathy Trull. 515 Tuckaseege Road. I grew up in Mount Holly, was educated here, and worked at A&E. My teaching career has been in Mount Holly. My home is our old family home. I have concerns about the way my tax dollars are being used. I believe you should have a moratorium on development. The subdivisions we have are not completely built and downtown is not done. The schools are overcrowded and need to be addressed by the school system. Increased growth would not improve education. Traffic at rush hour is atrocious, more growth would only make it worse. We need to correct it before this size growth is allowed. Can our water and sewer plants take care of this? There are questions of your stewardship due to recent lawsuits. Environmental issues are also a concern. Respect the views of your constituents. Personal gain should not be an issue in the governing of the City of Mount Holly.

Cona Turner. 516 Woodlawn Avenue. I have lived here over 30 years, and went to school here; I never had class in a trailer. Now I have three children, and all of them have classes in trailers. East Gaston has all of Mount Holly and Stanley and cannot hold any more students. My personal concern is Dutchmans Creek itself. The creek floods now, but my home is above the flood zone. When this is developed, will it make the flood zone go up to a higher elevation and put my house in a flood zone, and make the value of my home go down? Is it worth that much to you to hurt the ones you already have here?

Rachel Cassida. 530 Dogwood Drive. My father owns property in Mount Holly, and I am speaking for him. On Highway 273 just trying to get home, or in Catawba Heights, you cannot get out onto the road unless someone lets you in. Also we are concerned about overcrowding in schools. I have lived here 57 years, and love this town; please keep these concerns in mind.

Reggie Henkle. 328 S. Main Street. This development is a big development and will be the future of Mount Holly if you let this go through. Mount Holly would have a say in the streets, lights, and house standards. Gaston County does not have as many regulations as Mount Holly. I don't want to see a lot of small houses, I want larger homes, and controlled growth. I feel this would

happen if you watch it. If they do this development, there would be a pool, ball fields, etc. I am in favor.

Barbara Mauney. 191 Dutchman Drive. One of land owners. I am also a business owner in Mount Holly and own property in the city. This development will be good for the community. Growth in that area will be good for Mount Holly. Jeff Mauney. Same comments.

Robert Whitt. 116 Forest Hills Drive. I am not here for a client, just myself as a citizen. "All that is necessary for evil to prevail is for good to do nothing." I was proud of the City Council not to do this the first time around. I am disturbed that it is back on the agenda, so I came down to speak. Controlled growth is good, but how can you convince me that what you are planning adjoining us is good for me? I can't get out of my road as it is. I know it is not your job to do the schools and roads. But you have control of our quality of life. You have taken knocks for that, but it is for the better. It is about money, but I hope you will slow it down what with all you have on your plate. But, if you are going to sell them water and sewer, then go ahead and annex.

Councilwoman Harris moved to go out of public hearing, seconded by Councilman Moore, and carried by unanimous vote. Mayor Hough adjourned the public hearing and called the regular meeting to order.

Councilman Hope stated that the decision being asked for Council to make will affect the quality of life of our citizens forever. It is a lifetime decision. About a month ago, we reviewed the developments coming up, and we agreed to review the impact this would have on our city. We were to set fees, and they are not on the table. If we do this without direction it is like drinking out of a fire hydrant. For us to improve the quality of life for our citizens, what is taking six months to a year to be responsible and make the right decisions to ensure the future is good? For example: new developments on the table now have about 3,000 houses, not including the ones already on the books. This would double the population of this city. We have 4,500 water customers now; this will affect us. We decided to partner with the whitewater park, and we need to give it an opportunity, so we should not take the first thing that comes down the path. I am asking the Council to work together to create a working plan, a working standard, and take under consideration the roads, schools, greenways, downtown. I guarantee the developers will not look after us.

Councilwoman Harris said, I keep hearing that if we are going to sell water and sewer to them we should annex anyway. If I had been given that opportunity to say whether or not we sell them water I would have voted no. I appreciate your coming out to speak tonight.

Councilman Helms said whether this happens or doesn't, and whether we wait until we plan what we want to have or not are debatable. A couple things keep

being said, schools and roads. I am not picking on Gaston County; I sat on the planning board for six years. This county has sat still because it does not have countywide water and sewer. If that is not done, you will continue to see revaluation on your county property taxes. Taxes can not stay the same and keep the tax rate the same, it won't happen. For the roads, the State has a shortfall, and the State is going to take our money again this year probably. That puts us scrambling to make up that money. I sat on the Marine Commission for several years, so water quality is important; you have to make a conscious effort to protect that water, not just leave it alone. There are things prodding from all corners that put it at risk. Your taxes are going to go up anyway whether that Dutchmans Creek development is in the City or not, because of these other things.

Mayor Hough stated that we have a master plan in last year's budget, and it is a good document; it is being considered in this year's budget. How we grow as a city in marketing, in controlled development is important. I have four year and six year old children. I am concerned with schools as much as anyone else. My frustration is that if we sit back and allow the process taken by the County to continue we will get nothing, as a taxpayer and a Mayor. I have asked for impact fees, and we need countywide solutions for our schools. We need school officials to make tough decisions for the school children; it takes guts to do it. We have a responsibility for clean water; they have dedicated land for that. We have the strictest restrictions in the county. We have made strict building regulations. The County has almost none. Traffic is an issue, no doubt, on Highway 273, but the cars are there now and will be there. We can go to the State on that; Councilwoman Harris has represented us well on the TAC and we have tried to get four lanes on Highway 273 for 12 years; the State has not funded it; we have lobbied and fed and talked and showed them our problem; but it has not happened. Water and sewer is an issue we have been addressing by having developers pay for those; we are now re-addressing that number, and if it is not right, we will raise it and they will pay more. This Council has made very good decisions regarding your tax money, they are very studious, and have done an excellent job, plus they pay taxes too. I have complete confidence in every council member on this board.

The Council took a five minute recess.

NEW BUSINESS

NB#1 To Consider Small Annexations

City Manager David Kraus stated that Ms. McGill wants to be annexed, and both she and the staff thought she was included in Jeremiah Robinson's annexation. We thought we should have a policy on how to handle small annexations, and have you decide how you want to handle these. The City Attorney felt that the City needs a policy on the size of annexation requests, because the same process, time and work is involved no matter the size. The City might want to

discourage single lot annexations unless they serve a strategic purpose. They want Council input. He recommended this be tabled until the work session. Tabled upon motion by _____, seconded by _____, and carried unanimously.

NB#2 To Accept Fire Grant and Make Supplemental Appropriations of Grant Funds

Fire Chief Oplinger reported that the fire grant from the Department of Homeland Security and the Office of Domestic Preparedness was approved for \$61,040. The City's portion would be \$6,104. The grant will be used to purchase 35 sets of personal protective equipment.

Motion: Councilwoman Hubbard **MOVED** to accept the grant and make the appropriation of the city's portion from contingency, seconded by Councilman Moore. (copy attached)

Vote: Unanimous. CARRIED.

NB#3 To Consider Supplemental Appropriations for Police and Community Development Departments

Police Chief Hoyle provided a list of items the department will purchase with funds received from the federal government of drug forfeiture money. The fund currently has \$40,000 in it. The total amount for the list of purchases tonight is \$5,255.

City Manager Kraus reported to the Council that the GIS computer will have to be replaced because it is over four years old and has been heavily used. The computer is starting to have major problems. This was not budgeted, so he recommends using contingency funds in the amount of \$1,000.

Motion: Councilwoman Hubbard **MOVED** to approve both appropriations, seconded by Councilman McLean. (copy attached)

Vote: Unanimous. CARRIED.

NB#4 To Consider Resolution in Support of HB 132 and HB 149

City Manager Kraus read a proposed resolution in support of these two pending house bills for the State to assume all Medicaid costs instead of the County paying part of it. Currently the county spends \$13 million a year on Medicaid costs. There is only one other state in the country that has counties pay. Gaston County has asked for our support.

Motion: Councilwoman Hubbard **MOVED** to adopt Res. 03-07-05A, in support of both house bills, seconded by Councilwoman Harris.

Vote: Unanimous. CARRIED.

NB#5 To Call for Certification of Sufficiency and To Call for Public Hearing on Annexation Request from Earl Todd for 228 Acre Tract Between Westland Farm Road and Old Hickory Grove Road

David Kraus said that we need the Planning Commission's recommendations before we hear these. They asked Council to allow them time to deliberate. Danny Jackson reported that they voted in favor of all the calls for public hearing.

Danny Jackson stated that this is a 228 acre tract between two roads, a contiguous annexation voluntary petition, and is owned by Scott Farmer and others.

City Attorney Kemp Michael had prepared a proposed resolution to ask the city manager for his opinion as to the sufficiency of petition.

Motion: Councilman Helms **MOVED** to direct the clerk to certify the sufficiency of the petition, Res. 03-07-05 B, seconded by Councilwoman Harris.

Vote: Unanimous. CARRIED.

City Manager Kraus read a certificate of sufficiency, having investigated the petition from Gregory Scott Farmer, et als. and found it to be in order and sufficient.

Motion: Councilman Moore **MOVED** to adopt Resolution #03-07-05C setting a public hearing on the question of voluntary annexation of a 228 acre tract owned by Gregory Scott Farmer et als., to be held on April 11, 2005, seconded by Councilwoman Harris.

Vote: Unanimous. CARRIED.

NB#6 To Call for Certification of Sufficiency and to Call for Public Hearing on Annexation Request from Faison Enterprises for a Tract on Westland Farm Road across from Rachel Street

The Petition has not been received yet. No action.

NB#7 To Call for Certification of Sufficiency and To Call for Public Hearing on an Annexation Request for Green Meadows Golf Course

Motion: Councilman Helms **MOVED** to direct the clerk to certify the sufficiency of the petition received from Westland Golf Club, Inc., Res. # 03-07-05D, seconded by Councilman McLean.

Vote: unanimous. CARRIED.

City Manager Kraus certified the petition to be sufficient. (copy attached)

Motion: Councilman Moore **MOVED** to adopt the resolution setting a public hearing on the question of voluntary annexation requested by Westland Golf Club, inc., to be held on April 11, 2005, Res. 03-07-05E, seconded by Councilwoman Harris.

Vote: Unanimous. CARRIED.

UNFINISHED BUSINESS**UFB#1 To Consider Conditions for Dutchman's Creek Subdivision**

Danny Jackson stated that last month staff and the developer submitted to Council a list of proposed conditions (copy attached), and asked for Council input, but they are not final until Council's vote on the site plan, coming later. Councilman Helms said there is a 50 foot undisturbed buffer along creek in our ordinance, but did he agree for an additional grass buffer of 30 feet? Danny said, Yes he did agree. Councilwoman Hubbard asked, if we are not actually approving this tonight, do you need a vote? No, but a consensus would be helpful. Councilman Hope said he is not in favor. Councilwoman Harris said she is not in favor. The other four councilmembers indicated they are in favor. City Attorney Michael reminded the Council that this is the opportunity for the Council to put in the conditions you want, if the annexation were to pass when it is voted on.

UFB#2 To Consider Taking Over a Section of Main Street for Local Maintenance

City Manager Kraus stated that if the City takes over maintenance, it would not have to go to the State for approval on decisions for work on Main Street. Councilman Hope asked how this would affect our Powell Bill money? We would get more. Councilman Moore did not want to include the bridge. Mr. Kraus said the section the City would take over, if allowed by the State to do so, would not include the bridge; it would be Main Street from Woodlawn Avenue going south to Highland Street at the Eckerd's. Mike Santmire stated that the City has been doing most of the maintenance anyway. Councilwoman Hubbard asked if the City doesn't take it over, will the State contribute to the improvements? Mr. Kraus replied, No, they will not contribute, but they would have the power to tell you "no" to something you want to do. Councilwoman Hubbard said she didn't see that the City would be losing anything if it takes this section of Main Street over. Mr. Kraus said the only benefit we would lose is if the road gets bad, then we can call them and they come to repave it, when they get around to it, but we will get Powell Bill money that we don't get now. He said that staff feels you would be better off if the City controlled it even if that means you pay for the paving.

Motion: Councilwoman Hubbard **MOVED** to approve the recommendation of staff and authorize the City Manager to make a request to the State to take over for local maintenance the section of Main Street that runs from Woodlawn Avenue going south to Highland Street (at the traffic light at Eckerd's), seconded by Councilman Helms.

Vote: Unanimous. CARRIED.

UFB#3 Sign Request from Tim Loftin

Mayor Hough stated that staff took up his "home for sale" sign, because it was in the right of way near Woodland Park. He wants his signs within the right of way. Councilman Hope said staff has taken some hits on this, and I apologize that you have had to take this. He was in favor of letting Mr. Loftin have the signs in the

right of way, but did not appreciate his attitude toward our staff. Danny Jackson cautioned that they should watch the exact location due to safety reasons and put a time restriction on it. Sight triangles are involved for safety, and nothing can be over three feet high in that triangle. City Attorney Michael said if they put up a sign on property that is owned by someone else, then even if you don't object to them putting it in the right of way, the property owner can still object. Mayor Hough believed it is important for the City to be consistent. Mr. Michael asked Mr. Jackson if he had the criteria to control what signs are allowed? Councilwoman Harris recollected that we have only heard from people wanting fundraising banners before. This is here because staff took up his sign for sale by owner, but he was doing the same thing realtors do all the time. Mayor Hough said real estate agents put up directional signs at the entrance to the subdivision.

Motion: Councilwoman Harris **MOVED** to allow the two signs for three months in the right of way, seconded by Councilman Moore.

Vote: Unanimous. CARRIED.

Return to PH#1 : Consideration of Rezoning of 110 Tuckaseege Road

Danny Jackson stated that the Planning Commission, voted to recommend you deny the petition by Scott Farmer on rezoning 110 Tuckaseege to B-3; they want a B-2 instead of a B-3, but at this point the petition cannot be reduced; he would have to start over. From South Main that area is B-2; across the street is B-3. Past this lot is residential. Councilman Moore asked, what is the size? 0.56 acre. This is a general rezoning request, not a conditional use. Mr. Kraus asked if this is denied, does he have to wait to re-file for a B-2? No. Helms, can he have a real estate office in B-2? Yes. Kemp Michael asked, when can the party amend their petition? Mr. Jackson said, if Council had not already closed the public hearing the petition could be amended, but the public hearing was closed, and so it cannot be amended. Mayor Hough asked Mr. Farmer, do you understand what has taken place? Scott Farmer said, only partly, I don't understand how it is closed if the change was discussed. Councilwoman Harris asked, can the Council do it? Danny Jackson said, yes you can. Kemp Michael said it is better for the property owner to do it.

Motion: Councilwoman Harris **MOVED** to deny the B-3 rezoning request from Scott Farmer per the Planning Commission recommendation, seconded by Councilwoman Hubbard.

Vote: Unanimous. CARRIED.

Scott Farmer was recognized by the Mayor, and he stated that he was requesting that the City Council rezone his property at 110 Tuckaseege Road to B-2.

Motion: Councilwoman Hubbard **MOVED** to set a public hearing for next month regular meeting to consider rezoning 110 Tuckaseege Road to B-2, seconded by Councilwoman Harris.

Vote: Unanimous. CARRIED.

Return to PH#2: To Consider Adoption of County Hazard Mitigation Plan
 Danny Jackson stated that the Planning Commission recommended that the Council adopt the hazard mitigation plan.

Motion: Councilwoman Hubbard **MOVED** to adopt Res. #03-07-05F approving the hazard mitigation plan as presented, seconded by Councilwoman Harris.

Vote: Unanimous. CARRIED.

ROUND TABLE

Councilman Moore asked who cut the crepe myrtles. Mr. Kraus said CSX did it because they are in the right of way.

Mayor Hough noted that the Class of '83 sign is violation.

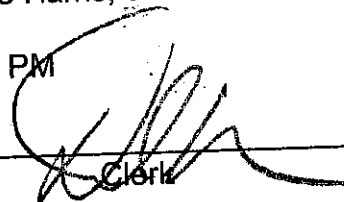
City Manager Kraus said that we have been offered a clock, zero maintenance, as a donation. Council agreed to accept.

Mayor Hough asked the Council to think about dates for the next retreat, maybe May 12 or 19.

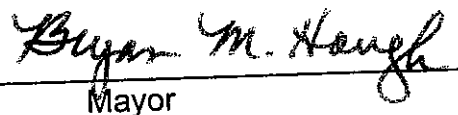
ADJOURN

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

9:30 PM



 Clerk



 Mayor

cpm