

**CITY COUNCIL
REGULAR MEETING
February 14, 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

Mayor Pro-Tem Michael Helms

Councilwoman Phyllis Harris

Councilwoman Pat Hubbard

Councilman Jim Hope

Councilman Bryan Hough

Councilman Bobby Black

Public Works Director Eddie Nichols

Planning & Zoning Dir. Danny Jackson

City Attorney Kemp Michael

Police Officer

INVOCATION

The invocation was led by Rev. Mitchell Murrow.

PLEDGE OF ALLEGIANCE

Three generations of Scout Leaders, Robert (Bob) Connell, and his sons, James Connell and Robert (Rick) Connell, and his grandsons, Lee Connell and Robert Connell, led the Council and audience in the ceremony of the Pledge of Allegiance.

APPROVAL OF AGENDA

Motion: Councilman Helms **MOVED** to approve the agenda as presented, with Councilman Black seconding.

Vote: All in favor. **CARRIED.**

MINUTES

Councilman Helms **MOVED** to approve the minutes of December 8 and 13, 1999, with corrections: Jan.10 minutes approval paragraph, item b. should say Jerry Bishop; seconded by Councilwoman Harris, with all in favor.

PUBLIC HEARINGS

#1 To Consider Stop Signs on Deerfield Drive

Councilman Helms moved to go into public hearings; seconded by Councilwoman Harris, with all in favor. Mayor McLean declared the regular meeting in recess and called a public hearing for consideration of the stop signs on Deerfield Drive.

Cindy Broaderick was recognized. She stated she realized the stop signs are intended to slow traffic. However, she pointed out that Deerfield Drive is a main road and not a playground for hopskotch and playing with acorns. The children have been given the wrong impression that the traffic must look for them instead of them looking for traffic. She did not think stop signs are the answer to the problem. She suggested a dead end street sign would be helpful. She also felt there are too many stop signs within a short distance, and one is on a hill; so suggested only the one be left at the first intersection.

Jerry Smith, 545 Deerfield Drive. He said he was against the stop signs, and was also for safety. He did not ever see either petition. He said he agreed with Cindy Broaderick on what she said; he asked them to please consider another alternative.

Councilman Brian Hough asked for a show of hands for those present against stop signs; there were nine.

Grayland Faulkenberry, on homeowners association board. Speeding has been a problem and the board was charged to find a way to slow cars down. They do not have sidewalks in the old section. The children mostly play in the cul-de-sacs. They tried to get speed humps and other methods but they were not feasible. The stop signs have made a difference. He said there is a need to look into the future, because that road will be completed as a loop road and then the cars will really speed.

Bill Wilson, 649 Deerfield. He stated that the people who are against the stop signs are at the end of the road and do not see what we do. Soon when the new phase is built, there will be an even greater speeding problem. There is a serious situation of people who do not respect the law.

Karen Baucom, 106 Ashe Court. She has a child that has friends from all over the neighborhood. They play in her cul-de-sac. He also goes to other peoples houses. She said the neighborhood worked together in the past and she does not like to see them split apart. She felt it is important to keep these people slowed down.

Roseane Wilson, 649 Deerfield. The stop signs have slowed down the traffic; she lives across from Tupelo Court.

Jeff Harness, 845 Deerfield, one of original residents; the fourth house from the entrance; he stated a lot of the speeding occurs from the second cul-de-sac to the entrance; there are 18 small children just in that section. If he had his way he would have one at Poplar Court too.

Roger Hawkins, 942 Deerfield, across from Poplar Court. He said they do not want to argue with neighbors. We want to keep the stop signs because the cars are in a hurry when they get up there to the entrance and they have to be slowed down.

Christy Batchelor, 748 Deerfield. Concerned about safety. She does not have children, but walks at night, and the cars fly past her. She said she used to have trouble making a left turn out of her street where her driveway is, before the stop signs.

The Council asked for a show of hands present in favor of keeping the stop signs; there were 26.

Tim Calmine, 525 Deerfield. First resident in Deerfield. Our original discussion was to have a four way stop sign at the first intersection. I was surprised when they added the others.

Councilman Helms moved to come out of public hearing; seconded by Councilman Black, with all in favor. Mayor McLean adjourned the public hearing and resumed the regular meeting.

Councilman Hope asked for the staff recommendation. City Manager Kraus said all of the staff favors keeping the four way stop at the first intersection. Some favor keeping the last one at Deerfield and Deerfield. They question leaving the one at Tupelo Court. Councilman Hough asked if the height of the stop sign can be raised. Eddie Nichols said it can be raised some but not over the height of the mailbox.

Motion: Councilman Helms **MOVED** to leave the stop signs at the three locations; seconded by Councilman Hough.

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

Councilman Hope asked Council to concur that it be a policy when we get a request for a stop sign that we take no action until staff makes a recommendation. Council concurred. Councilwoman Hubbard wanted to asked staff to try to raise the height of the stop sign at Tupelo Court; Council concurred.

PH Five Year Plan

Councilman Hough moved to go into public hearing, seconded by Councilman Black, with all in favor. Mayor McLean declared the meeting in recess and opened the public hearing for consideration of the Five Year Plan for the Housing Authority.

Diane Pritchett, Priority One Management, stated that this plan is required by the Housing Quality and Responsibility Act. Ms. Pritchett has developed the Plan required, and it has been available since January for review, and tonight will be available at the Housing Authority office for public comment as well.

Councilman Hough moved to come out of public hearing; seconded by Councilman Black, with all in favor. Mayor McLean resumed the regular meeting.

City Manager Kraus said this item will be placed on the consent agenda for the March meeting for approval.

PH#2 To Consider Zoning Request by Tom Pearson of the Henry Rhyne Property

Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, with all in favor. Mayor McLean declared the meeting in recess and opened the public hearing for consideration of a zoning request on property on Sandy Ford Road.

Zoning Administrator Danny Jackson stated the request is to zone the property R-8CU; the Planning Commission has recommended approval by unanimous vote. The

Petitioners are present to be heard tonight. The property is adjacent to Dutchman Creek off Sandy Ford Road. It is currently in the County. The County zoning is now R-A; if they get water and sewer they would be zoned R-12 by the County. The site plan calls for 1400 to 2000 square foot houses; average cost of \$150,000.

Doug Caldwell. He was surprised there were no rezoning signs put out. Mr. Jackson said it was not in the city before and so is actually a new zoning instead of a rezoning. He was concerned about the plan for the new subdivision. Some of the houses will have the back yard against Sandy Ford Road. Children may run into the road even though they will have berms. There will be a bridge over the creek, and that is a safety hazard; also the ponding of the stream will create a pond and will be a safety hazard. He felt this is not a good plan; and you are going to meet with your planning board and should wait until after that to make a decision so you can consider what type of development you want in that area. This is a lot of homes for a small tract of land.

Dr. Lee Beatty, 201 Stoneridge Drive. He does not think this zoning request in light of what has happened in the last year is in the best interest of Mount Holly. The kinds of problems are apparent from what we saw tonight, which comes from dense development in a hodge podge fashion. We have an opportunity to look beyond the nice little developments, and we should wait. He feels it is time to plan rather than react; not be spectators, but players on the field designing the plays and executing the plan. Mount Holly is a hot property in the Charlotte area. Charlotte is going in the direction of Atlanta. The average commute there is 34 miles. We are in the mid-region of the Charlotte area and are in a valuable place. The future of the city is oriented to the north of the city; we have water and sewer; a park planned. Location is important. Let the city plan, not the developers. Develop a land use plan; our old plan is focused on the south and center of town. I thought you were thoughtful and deliberate when you considered Waters Edge and Stone Water. We now have water and sewer and are in a position to control population and development. He would rather you step back and not just do cookie cutter subdivisions. We have a motto Little City with a Big Heart; he does not want it to be changed to the little city with a lot of R-8.

Mr. Judson was recognized for the developer, and stated that going back to last July, we have asked for input from city staff, we met with neighbors, and we respect issues people have. He said he is from this area and hopes to live out his life here. We have had environmental studies, wetlands studies, etc. We have listened and have not made this plan haphazardly. More than half this property is left in open land and undeveloped. We are also sensitive to the market; and what the public wants to buy. We have two entrances, we have sidewalks. We have addressed all the issues raised tonight with the site plan.

Mr. Pearson was recognized next. He agreed with the comments made tonight. You should take time to plan. We have done that; and you have done that. We will be paying to have the water line brought through that area. A community has to have fabric. Lots of different people, styles of housing. This is a community we will all be proud of. He has done these communities for 15 years and he invited them to go look at them. Pride of

ownership makes the difference. It will be 154 lots; developed over three years. It would be another six months before we begin with the infrastructure. We will have curbs, sidewalks, lights, play areas, common areas. The lots have been pulled away from the creek so that houses are not built in the flood plain and also for filtration for environmental reasons. The Sandy Ford Road has a lot of traffic at certain times of the day, but most of the day it is a quiet area. We will install a left turn lane. The berms at the back of the lots are a good buffer. You do not want a lot of driveways coming off of Sandy Ford Road; that is not good for traffic. Your staff has been very professional and has required us to meet high quality criteria.

Mr. Judson said that they request you consider granting the zoning.

No other comments.

Councilman Hough moved to come out of public hearing, seconded by Councilwoman Harris, with all in favor. Mayor McLean resumed the regular meeting.

City Manager Kraus requested no action be taken until new business items related to this matter have been considered. Council concurred.

PH#3 Annexation Petition of Henry Rhyne, Sandy Ford Road

Councilwoman Hubbard moved to go into public hearing; seconded by Councilman Helms, with all in favor. Mayor McLean recessed the regular meeting, and called the public hearing for consideration of a voluntary annexation petition for property on Sandy Ford Road owned by Henry Rhyne.

City Manager Kraus stated we received a petition for voluntary annexation. The petition was found sufficient and Council set this public hearing. This parcel is the same parcel just considered for the zoning. The tract is contiguous to the city limits.

City Attorney Kemp Michael stated that after this public hearing is held, he had a proposed annexation agreement for consideration which would need to be adopted in conjunction with annexation if Council decides in favor. Sewer is already available, they will have to pay for water extension.

No comments for or against.

City Attorney Kemp Michael stated one corner of the property is in common with Autumn Woods Subdivision property.

Councilman Helms moved to come out of public hearing; seconded by Councilman Hough, with all in favor. Mayor McLean resumed the regular meeting.

Councilman Hough had a question about the memo which states the property is within 2.5 mile radius of Station 34. Does it fall within the OSCHA requirements? City

Manager Kraus said yes; the part where the houses are is; some of the vacant land is outside that radius and is covered by our mutual aid agreement with East Gaston VFD.

NEW BUSINESS

NB#1 Proposed Annexation Agreement with J.P. Partnership

City Attorney Kemp Michael along with staff and the developer negotiated a proposed annexation agreement for the property on Sandy Ford Road. The partnership would be bound to run a water line down Sandy Ford Road at their expense, and they have posted a letter of credit, as required, already. The City has the right to upsize the water line with the City paying for the increase in material cost only. The same reimbursement policy for tap fees as has been used in the past is in here as well.

Kemp Michael stated Council needs to consider the annexation agreement first; second the zoning matter; third the annexation order. The matters can be discussed together.

Councilman Black asked Mr. Pearson what is the average square footage per lot; I see some are 16,000 and some are 8,000. The engineer answered saying the center lots are the smaller ones and are more numerous, and the perimeter lots are the larger lots. The average he said would be around 9,000.

City Manager Kraus asked the partners present if they have approved the annexation agreement; they said yes.

Councilman Hough stated that if he had to make a decision immediately, his comfort level was not good. He wanted to first meet with the planning board; he wants our criteria before us that we established for future development; he wants to go and see the other developments, the oldest and youngest, done by this developer. Then he would feel ready to decide.

Councilwoman Hubbard, adding to Councilman Hough's comments, she'd like to visit three of the subdivisions. The first built, the last built, and the one most closely like the one he plans to build here. She was not ready to decide that night.

Councilman Hope said when they first came to us several months ago, we told them to start their procedure, but if we made any changes during that time, we would expect them to abide by them. They have done what we said. They were turned down by the planning board and they came here and they were told then to research R-8 CU and they have done that. They went back to the planning board and have been approved there unanimously. They have done what we have asked; we should make a decision and move on.

Councilman Black said he agreed with both sides. They have done what we asked. Yet we have discussed some bigger issues before us and they are a victim of timing. He is not sure this is how we want to start on the last area to be developed around our city. If they need a decision tonight, okay, but he would rather have 30 to 60 days.

Councilman Hope said he would like some input about what you are looking for, and what we might want changed.

Councilman Hough said right now he does not want a cluster development in that area. He wants to see what it looks like. Otherwise he is going to have to say R-10 or R-12. We have to make a statement for the entire area. The only reason he was even considering this any further is that they have worked with staff for many months.

Councilman Hope said he supposed one acre lots and \$500,000 houses would be ideal, but there are not too many people who can afford to buy that.

Councilwoman Hubbard said she was not around when the other developments were approved years ago. She thought if she had been on the Council that approved Runnymede, she would be disappointed and not now approve it because in hindsight she would know she don't want another one. Councilman Hope stated he does not think that it is an accurate comparison, because what they have planned is not the same as Runnymede. Councilman Hope and Councilman Helms said they have already visited the other subdivisions.

Motion: Councilman Black **MOVED** to recess the annexation public hearing and to table action on the three items regarding the Sandy Ford property until the March regular meeting. Councilwoman Harris seconded.

Vote: all in favor. CARRIED.

Councilman Hough asked the City Manager to please set up a meeting with planning board, and a trip to Mr. Pearson's properties, with a goal to complete that within the next two weeks.

The Council took a five minutes recess.

It was agreed to set a meeting with the Planning Board for Feb. 29, and to take the bus trip on Feb. 19th to visit the three subdivisions.

The next Council Workshop was set for March 7th.

Added Item: Amendment to Ordinance

Zoning Administrator Danny Jackson stated he had request from Charles Lineberger, the owner of 421 Beatty Drive, who has petitioned Council to amend the zoning ordinance to change Section B-2 to allow Bingo games.

Motion: Councilman Helms **MOVED** to set the public hearing for the March regular meeting; seconded by Councilwoman Harris.

Vote: all in favor. CARRIED.

NB#2 Mid Year Report

City Manager David Kraus reported all accounts are in line with budget. Staff plans to send out a newsletter quarterly to send out to citizens.

NB#3 To Consider Fee Schedule

Code Enforcement Officer Jamie Guffey presented a new fee schedule for City fees, except annexation which he is going to check into further. Public Director Eddie Nichols said the proposal for tap fees was made because the current fees do not currently cover costs of labor, materials, and equipment. Councilwoman Hubbard asked how long we have been losing money. Eddie Nichols said the biggest factor has been the new kind of meter which we have been using the last year or so, and they have configurations that allow for bypass and include backflow protection. Mr. Michael noted for the record that developers do not pay tap fees because they put in the lines in the subdivisions. Councilman Black restated a request made by Councilwoman Hubbard for numbers of what it costs for us to pick up garbage. No action taken.

NB#4 To Consider Police Department Reorganization

Police Chief Rick Davis presented a proposal for reorganization of the Police Department. He felt this would allow for officers to set goals, receive training, and help with retention of personnel. Also having a corporal will help the sergeant operate the shift. A deputy chief would be available if the Chief is away. The two Lieutenants would divide supervision of the patrol division and the drug investigations division. This plan would incur 2.5 to 5% salary increase on selected personnel which would be covered under the current budget. Councilwoman Hubbard noted that crossing guards would answer to the Resource Officer; she asked who did they report to before? He replied it was the sergeant on duty. Councilman Hough asked if it would not be better to just have someone designated to step up temporarily when you are away. Chief Davis said the Deputy Chief is the same as what was the Captain.

Motion: Councilman Hough **MOVED** to approve the reclassifications; seconded by Councilwoman Harris.

Vote: five ayes, one nay (Helms). CARRIED.

UNFINISHED BUSINESS

UFB#1 To Consider Purchase of Second Baptist Church Property

City Manager Kraus said the City may wish to make a bid for the Second Baptist Church property as a result of the appraisals received. The old parsonage, baseball field, a fellowship building, and sanctuary are all for sale.

Councilman Hope stated that he is on the board of that church; but we are considering this property not because of that but because this property is adjacent to a city cemetery, we have need of recreation facilities, and we need a fire station site. This is an opportunity for the city to plan for the future of the city, and the question is whether the city wants the property and then if a price can be negotiated by staff. He suggested the City get the church's bottom line and then decide if the City can meet it or not. Councilman Black asked if staff has any recommendation for the parsonage. City Manager Kraus said it could be used as office space for the recreation department. Councilman Black asked what is the capacity of the fellowship hall. Councilman Hope said approximately 250. City Manager Kraus said the ballfield could be used as a neighborhood park. Councilman Black asked how much land does the City have behind

the church; Eddie Nichols said that land goes back to the railroad. Councilman Hough asked if we allowed the church to salvage the church sanctuary building, who would pay for the demolition and cleanup. That would have to be negotiated. Councilman Hough asked if this land would have the area for a new water tank; no, it is not part of this land, but is on the land where the new church is built. Councilman Hough said he agrees to have staff negotiate with the church board. Councilman Black agreed. Councilman Hubbard asked them to consider that if the terms of the offer is to be cash that should make a difference; so we should tell them now what we are willing to do. Councilman Hough asked if the church has another offer on the table; Councilman Hope said that offer went to the finance committee so far.

CONSENT AGENDA

Councilman Helms **MOVED** to accept and approve all five items on the consent agenda, seconded by Councilman Hough; and unanimously carried. They are:

1. Donation of Surplus Police Property to Belmont Police Department.
2. Agreement with Law Engineering for Remediation of Underground Storage Tanks Site.
3. To Accept Gift and Make Supplemental Appropriations to Account 10-410-4810.
4. To Declare Sergeant James Dameron's Hand Gun as Surplus Property.
5. To Award Sergeant James Dameron his Service Weapon.

PUBLIC COMMENT

Mayor McLean opened the floor for public comment.
There were none.

ROUND TABLE

Councilwoman Hubbard asked for a copy of the Lentz Springs resolution.

Councilwoman Hubbard stated we need a corrected copy of the appraisal on Second Baptist property.

Councilwoman Harris asked for a report on the Riverkeeper. Eddie Nichols said that Mecklenburg County has been taking samples under questionable circumstances at our discharge plant, and they did not ice the sample; they filed a complaint with the State, and the State answered we are within the limits even though they did that. City Manager Kraus said COG has not answered our letter.

Councilman Hough asked if we are within proper limits with the trip with planning and zoning officers to Huntersville. City Attorney Michael stated that Council has to be careful not to have an illegal meeting; they can go to gather information, but cannot discuss it, which is difficult. The better course of conduct is not to have more than three together. Councilman Hope said he does not need to go because he already went to see those properties; we have had since September to look into it. Councilman Helms said he had already been as well.

Councilman Hough asked if a meeting has been set with property owners downtown; City Manager Kraus will set it up this week.

Councilwoman Harris said we are talking more in the work session, so more is decided then, and we should not have them if cannot all be here. She felt that the person who cannot be here is left out and does not know what is happening on regular meeting night.

Councilman Black said Charlie Miller, Crestline Drive, said the City won't call him back; they did not fix his driveway, left a hole in his yard, and so forth.

Councilman Black notified Council that Saturday, April 29th, is the race, and also a clean up day for the County. That is a good idea for the city since it is the beginning of Springfest week.

Councilman Helms said the Tuckasee Road sidewalk needs to be completed; he has had complaints. Eddie Nichols reported they are trimming trees so can move the power lines back and move the poles; then we can complete the sidewalks.

Mayor McLean informed the Council that March 13 is the next meeting for Springfest Committee.

City Manager Kraus said we have a request by COG for us to approve their getting money from the State. Council took no action.

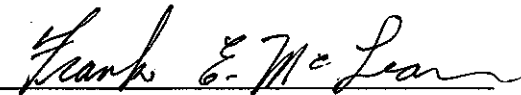
City Manager Kraus stated he received a request by a Florida firm to have a carnival at Creekside Shopping Center, but the letter did not give a date. No action.

ADJOURN

There being no further business, the meeting was adjourned, upon motion duly made, seconded and carried. 10:00 PM



Clerk



Mayor

cpm