CITY COUNCIL
REGULAR MEETING
JANUARY 11, 1998

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	Interim City Manager David Kraus
Mayor Pro-Tem Phyllis Harris	Adm. Services Dir. Sherry Borgsdorf
Councilman Michael Helms	Public Works Director Eddie Nichols
Councilman Andy Stewart	Planning & Zoning Dir. Danny Jackson
Councilman Jim Hope	City Attorney Kemp Michael
Councilman Bryan Hough	Police Officer
Councilman Bobby Black	

INVOCATION
The invocation was led by Councilman Jim Hope.

PLEDGE OF ALLEGIANCE
Councilman Bobby Black led the Council and audience in the ceremony of the Pledge of Allegiance.

Mayor McLean introduced to the audience Interim City Manager David Kraus.

MINUTES
Councilman Stewart **MOVED** to approve the minutes of December 14, 1998, as written, seconded by Councilwoman Harris, with all in favor.

PRESENTATIONS
#1 Proposal to Designate the Davenport House a Local Historic Site by Lucy Penegar of the Gaston County Historic Preservation Commission
Mrs. Lucy Penegar said the report has been completed and sent to Raleigh for approval and she requested a public hearing to be held by the City. The notice has to be made in the paper. The County is having a public hearing on this on January 28th. Councilman Black asked what the first date we could hear this; Mr. Kraus said January the 25th. Council agreed to have a special meeting on January 25th. Councilman Helms asked if the City agrees to do this, and then the owner does not comply with the requirements of the commission, what would happen? And who enforces it? Mrs. Penegar said if the property is removed from the historic register, the taxes are recouped. The City does not have to act as the enforcement agent for this.

#2 Thoroughfare Plan Update by Robert W. Cook of the Gaston Urban Area Metropolitan Planning Organization

Mr. Robert Cook, Gaston Urban Area Metropolitan Planning Organization, said it is updating the thoroughfare plan. He had a close-up for the Mt. Holly area, which he presented to Council. They have had discussions with Danny Jackson, Phil Ponder, and have used computer models to predict traffic patterns. Since we are in a maintenance restricted area already, traffic control is an important issue. He noted that the plan still reveals a congestion problem on I-85 even with the 321 bypass. They will look at alternatives to only widening roadways, such as traffic signals, limited access permits. The changes being proposed to the Plan include:

1. Remove American Street from the plan.
2. Remove Beatty Road from the plan.
3. NC 27, Highland to Noles Drive, impediment is the railroad.
4. NC 273, north to Hwy. 16, widened.
5. Sandy Ford Road and Lucia Road, to be looked at to be widened.
6. Cherry Avenue, parking on both sides of street, found no need.
7. Cason Street, will not be three lane.
8. Clearwater Lake Road, will not be three lane.
9. Hawthorne Street, will not be three lane.
10. Noles Drive, will not be three lane.
11. Rankin Street, add left turn lanes at Glendale and Hawthorne.
12. Catawba Avenue, cannot possibly have five lanes, due to school and cemetery.

He stated that DOT is currently $2 billion over project. However, we did not lose any projects, although they have been pushed back. He said they only now have started including cost overruns and inflation in their cost estimates.

#3 Update on Potential Light Rail Corridor by Robert W. Cook of the Gaston Urban Area Metropolitan Planning Organization

Mr. Cook also spoke about the P&N Railroad right-of-way. He said an inspection was done recently. A proposal has been made to convert it to Rails to Trails. A couple of issues are involved. DOT still envisions that as a possible commuter rail system. Charlotte sees the commuter connection as being along Wilkinson Boulevard instead. Charlotte studied the P&N Railroad on their side and found it does not have the density to support a commuter line. He believes it has good potential for the trails and for transportation. He will be seeing a DOT representative later this month from the rail division. It has been done in other areas where the railway and the trail share the same right of way. Councilman Hough asked if he is aware of special funding; he was and said there is still money available. Councilman Stewart asked if they coordinate with Mecklenburg County since so much of our traffic goes there. He said they do work with them, and try to coordinate plans as much as possible, but the River provides a barrier with limited connection to them so they do not confer very often.

#4 Extend Invitation to the Mount Holly Concert of the Gaston Community Concert Bank by Mr. Seth Kirby

Mr. Seth Kirby said he retired from the school system, and entered an endeavor to lead a community concert band, the Gaston Community Concert Band. He invited the Council and citizens to a concert on February 18th at 7:30 PM at Mt. Holly Middle School auditorium. He hoped the City will feel free to use this opportunity to promote Mount Holly and use the occasion for other things they wish to do.

UNFINISHED BUSINESS

#1 To Consider Annexation Agreement for Proposed Residential Development Along Mountain Island Lake

David Kraus said the agreement covers installation of improvements by the developer, reimbursements to developer for other users, payment by the City for enlarging the lines above what the developer needs. The agreement gives the City the ability to approve or not the utility contractors. City Attorney Michael said the agreement would only take effect if the annexation is approved. He said the agreement is in line with prior satellite annexations, specifically Deerfield Subdivision. It does not include the watershed regulations yet but reserves the City's ability to include those after discussion and adoption of amendments to its zoning ordinance upcoming. Mr. Michael requested input from Council and said after such direction a final draft would be prepared for Council to vote upon. Councilman Helms concurred that we have not established what the regulations would be.

#2 Call for Public Hearing on Voluntary Annexation of Proposed Residential Development along Mountain Island Lake

The petition was not filed in time for this meeting.

CONSENT AGENDA (#1)

CA#1 Call for Public Hearing on Amendments to Watershed Regulations of the Zoning Ordinance Concerning Development in the Mountain Island Lake Watershed

Danny Jackson was sick. City Attorney Michael said that since the annextion agreement and petition have not been finalized and submitted, it may be premature to call for a public hearing. Interim City Manager Kraus said that the current ordinances speak in detail about Lake Wylie but have very little about Mountain Island Lake. The Planning Commission heard this matter and recommended that a public hearing be held. The proposal is that Section A be amended to apply to annexations in the Mountain Island Lake watershed area. The Mecklenburg County regulations were used as a guideline, and exceeds them on stream buffers at the request of Councilman Helms. A 100-foot natural buffer along the lake and 50-foot buffer along any streams would be required. All trees over 2 inches are protected. Property owners are restricted in clearing as well. Councilman Helms said several of the terms need to be defined. He said that Item "e" should require that dead or diseased trees be replaced by another tree. Councilman Helms asked what a nonstructural bmp is; it needs to be defined. Councilman Helms asked the City Attorney if there is anything we can do to keep the contractor in line with the

regulations. Mr. Michael said he discussed this with staff, and he incorporated in the annexation agreement meetings with contractors and the City has the right to approve or disapprove the contractors used who would be verbally informed and a written copy will be given to them., He also said that violation of a zoning ordinance is a misdemeanor no matter who it is that violates it. Councilman Hope pointed out that this new ordinance would cover any area in the watershed, not just Waters Edge. Councilman Stewart asked if the ETJ would be extended around that area for one mile if it is annexed. Mr. Kraus said no; Mr. Michael said ETJ is not automatic. Councilman Stewart said perhaps we should include that whole area in our ETJ to protect our water source. Mr. Michael said that can be looked into, but the County would have to approve it because it is under the County now; and they have refused in the past. Mr. Michael asked Public Works Director Nichols if we have areas already in our jurisdiction that would be affected by this zoning amendment; he said the only other property now in our jurisdiction is the water plant.
Councilman Stewart **MOVED** to remove Item1 from the Consent Agenda, seconded by Councilman Hough, with all in favor.

CONSENT AGENDA (#2-6)
Councilman Hough **MOVED** to accept and approve all items #2-6, on the Consent Agenda, seconded by Councilman Helms, with February 8 being the date for all the public hearings; and unanimously carried. They are:

2. Call for Public Hearing for Consideration of Rezoning 902 West Charlotte Avenue from R-8SF to B-3.
3. Call for Public Hearing on Proposed Curb Cut Ordinance.
4. Call for Public Hearing on Proposed Thoroughfare Setback and Density Credit.
5. Approve Budget Amendments. (copies attached)
6. Approve Tax Releases.

   Tax releases totaling $799.04 for 1998 and $69.97 for 1997, submitted for December 1998 by the tax collector.

The Council took a five minute recess.

NEW BUSINESS
NB #1 To Consider Emergency Water Interconnect with the City of Belmont
Kraus said this would be utilized in an instance of catastrophe. The County would pay 80% of the cost, and each city paying 10%. Mr. Nichols said he would ask that a meter be installed at the connection when the interlocal agreement is prepared.
Motion: Councilman Helms **MOVED** to adopt the emergency water interconnect; seconded by Councilman Black.
Vote: Six ayes. CARRIED.

NB #2 To Consider Request to Authorize the City to Apply for a 1999-2000 Parks and Recreation Trust Fund (PARTF) Grant for Improvements to River Street Park

Recreation Director Zip Stowe stated he would like to apply for a similar grant to last year. The public hearing is tomorrow to get input for the project. The money would not be budgeted until next fiscal year if the grant is awarded; Mr. Kraus said if the grant is awarded it would come to Council for acceptance.
Motion: Councilman Hough **MOVED** to authorize submitting a grant application, seconded by Councilwoman Harris.
Vote: All in favor. CARRIED.

NB#3 To Consider Revision to Article IV Section 3 of the Mount Holly Personnel Policy Concerning Retiree Health Insurance Coverage
Administrative Services Director Sherry Borgsdorf stated the proposal is to allow employees who retire to continue the insurance coverage at their own expense, if they are 50 years or older and have at least 10 years of continuous service, until age 65. She said that she does not expect this to impact the City's rates.
Motion: Councilman Stewart **MOVED** to approve the revision; seconded by Councilman Black. Councilman Helms asked a question about the length of that coverage. Mrs. Borgsdorf said it could be until age 65 or until they had coverage by another carrier. Amendment to motion made to include that provision, and seconded.
Vote: All in favor. CARRIED.

NB#4 To Consider Employment Reclassification Within Mount Holly Recreation Department
Recreation Director Zip Stowe rewrote the job description for the Recreation Program Supervisor to match the actual current responsibilites, and requested it be reclassified as pay grade 11.
Motion: Councilman Hough **MOVED** to approve the reclassification; seconded by Councilwoman Harris. Councilman Hough asked what impact this has on the budget; Mr. Stowe replied there is no change.
Vote: All in favor. CARRIED.

NB#5 To Consider Amendments to the Interlocal Agreement Concerning Insurance for Purpose on Inclusion of a Severability Claus and Revisions to Notice of Termination
Interim City Manager Kraus presented the three amendments which relate to our involvement with funds for workers compensation, medical, and property. He said the amendments are designed to make it more difficult to leave the fund.
Motion: Councilman Hough **MOVED** to approve the amendments on the Interlocal Agreement for insurance ; seconded by Councilwoman Harris.
Vote: All in favor. CARRIED.

PUBLIC COMMENT
Mayor McLean opened the floor for public comment.

Pam Beck, 405 Nivens Cove Road, encouraged Council to make the watershed regulations as strict as Mecklenburg County, including its support of the deed restrictions from Crescent Resources. She asked Council to identify critical areas and classify them;

and to enforce developer's cooperation. Do not sell out on our most valuable resource. She has been in contact with a commissioner from Mecklenburg County and gotten a lot of information from them, which she wanted to share.

Robert Hubeli, 393 Nivens Cove Road, had questions. He wanted to know if this is already a done deal, and the public hearing is just a formality. Have you checked to see if the land will even perk for septic systems; so if you do not annex, it may not be cost effective to develop it at all. Is it really necessary to develop every square inch of the lake? Jordan Lake near Raleigh is not developed, they have preserved it. Is Council aware of the problems in Concord not having the water they need? This could happen here as well. What is the Council's solution for the overcrowding that will occur in the schools, and for police and fire departments? You said we will not be annexed, but who knows what the next Council will do.

Holly A. Luther, 107 Nantz Street, read a letter sent to Council this afternoon. She is concerned about the Waters Edge development. She felt the decisions are being made on inaccurate or inadequate information. She said the site plan only complies with the least restrictive of Mecklenburg County's regulations. This project will also pollute by fertilizers and lawn care chemicals. If any of the systems fail, she alleged, then raw sewage would be let out into the lake. It is not true in her opinion that the project revenue to the City will pay for the services to be provided. She pointed out that this project is not part of the Land Use Plan for Mount Holly and its location prevents it from being a real part of the community of Mount Holly.

Richard Duren, gave a report on the committee for Rails to Trails; they will meet on January 28th at 7:00 PM at City Hall. He said they will be meeting several obstacles, and would like to have a petition circulated to show public support.

William Mills, 453 W. Glendale, stated he had never been to a meeting before. He lives on the corner of Glendale and Rankin. He asked for a street light there. Mr. Kraus will have staff look at that.

ROUND TABLE

Councilman Black announced that Feb. 7th at 2:30 PM is the ground-breaking at the new YMCA site.

Councilwoman Harris informed Council there will be a reception for Dr. Rankin's retirement on Jan. 31 from 3-5 PM at the American Legion Building; she said patients, relatives, and friends are welcome to come.

Councilman Stewart noted Council had a number of folks who have asked a lot of questions about development around the lake; will we directly answer those questions? He'd like to see a response to those questions to make sure we have covered these bases. Mr. Kraus said he will see that staff prepares that.

Mayor McLean said the water bills were late. Administrative Services Director Borgsdorf said the supplier for the forms was late delivering them. She reported that secretary Judy Bowen broke her arm; she is recovering.

Mayor McLean said the special meeting is this Thursday for discussion about the City Manager applications.

Interim City Manager Kraus said the Council has a retreat usually in January; he asked the Council to think about when and where they want to have it, and what subjects they want on the agenda.

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

Clerk

Frank E. McLean
Mayor

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cpm