CITY COUNCIL
REGULAR MEETING
December 13, 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
Councilwoman Pat Hubbard

Public Works Director Eddie Nichols
City Attorney Kemp Michael
Police Officer, Captain Davis
Planning & Zoning Dir. Danny Jackson

The Honorable Jesse B. Caldwell, III, Superior Court Judge

INVOCATION
The invocation was led by Rev. Joe Harding.

PLEDGE OF ALLEGIANCE
VFW Post 9136 led the Council and audience in the ceremony of the Pledge of Allegiance.

APPROVAL OF THE AGENDA
Councilman Hough asked to table Consent Agenda #1 regarding Lucia Riverbend VFD until next month. Councilman Hough **MOVED** to approve the agenda as amended, seconded by Councilman Black, with all in favor.

MINUTES
Councilman Helms **MOVED** to approve the minutes of November 4 and 8, 1999, as written, seconded by Councilman Hope, with all in favor.

SWEARING IN CEREMONY OF ELECTED OFFICIALS
Mayor Frank McLean was sworn in for another two year term as Mayor by Judge Jesse Caldwell, with his wife, Colleen, and his daughter Ginger. Councilwoman Harris was sworn in as a council member for another four year term by Judge Caldwell, with her husband, Ronnie, and her son Garren. Councilwoman Pat Hubbard was sworn in as a council member by Judge Jesse Caldwell, to serve a four year term; her husband, Joel, stood by her side. Councilman Jim Hope was sworn in for another four year term as a council member by Judge Caldwell, with his daughters, Allison and Angela, at his side.

AWARDS AND RECOGNITIONS

A#1(a) To Consider Placing Service Weapon on Surplus Property List
Motion: Councilman Hough **MOVED** to adopt a resolution to place Chief Bishop's service weapon on surplus and allow him to buy it for $1.00, and to award him his badge. Seconded by Councilman Black. (copy attached)
Vote: all in favor. CARRIED.

A#1(b) Recognition of Chief Jerry Bishop for 16-1/2 Years of Service

The Council and Mayor honored Chief Bishop for his years of service, and presented him with a plaque.

A#2 Announcement of the 1999 Employee of the Year

Mayor McLean presented this honor to David Clark, who was unable to attend this evening. This award is based on nominations by his fellow employees.

A#3 Recognition of Years of Service:

Charles Cupps – 15 Years; presented a plaque

Woodrow Varney – 15 Years; presented a plaque

Nan Oakes - 20 Years; presented a plaque and a check

Isaac Lynch - 10 Years; presented a certificate and pin

Charles Rogers - 10 Years, presented a certificate and pin

PRESENTATIONS

Additional Item added
Boyd Arndt, Census Bureau representative, spoke to Council regarding the upcoming census in 2000. This is done every ten years. The census count determines district lines and the number of seats to each State in the House of Representatives and for each County in our state legislature. It is used to determine funding from federal and state governments. It determines road construction, schools, police and fire districts. Businesses use the figures for growth planning. The 1990 census had a loss for North Carolina for which we lost millions of dollars in funding, estimated at $6,000 per person in federal funding. The form will be mailed in March, and it is important for every household to complete and turn it in. The county census office opens on January 10.

#1 1998-1999 Audit
Trent Wilson, Cherry, Bekeart and Holland, CPA, presented the audit report for fiscal year 1998-1999 of all municipal accounts. $11,264,000 is the balance of general funds of the City, an increase of over $7,000. Property taxes revenues increased by about $60,000. Total revenue increased by 4%. Expenditures increased by $206,000, a 5% increase,

including capital outlay. Fund balance increased by 9% which is healthy. The fund balance itself is well above the state required minimum. The water and sewer fund has improved since last year. Revenues were up by 13%. These figures do not include the Stanley interconnect project. Industrial cost recovery increased as well. Expenditures exclusive of line extensions decreased. The result was a $600,000 turn around. The audit has two reports, one by full accrual, and one by modified accrual; both were positive. Capital reserve maintained a fairly level balance. The Housing Authority fund is in good shape as well.

Corrections have been made as previously recommended. He has made a few suggestions for improved bookkeeping. He noted that the figures for unaccounted water fell from 20% last year to 8% this year.

Mayor McLean asked the accountant about the Optimist Club request to use a City fund to receive grant funds or donations. Mr. Wilson said he had been asked about this and had talked with someone at Local Government Commission about a specific donation from the Community Foundation, which cannot donate unless it is to an entity that is 501(c)(3); whereas the Optimist Club is a section(4),which is why they want the City to receive it for them; he was not in favor of the idea. He suggests that the donation be made without reservations or contingency. Even then the City would be spending money on privately owned property, and that is not necessarily what you want to do. There would need to be at least a careful accounting of every penny coming in and going out. City Attorney Michael asked what should be done if they have already done some things and have a debt to be paid, could the check be made to the Club. Mr. Wilson said it should be paid to the lender. Mr. Wilson said they should use purchase orders and handle it like any other fund expenditure. City Manager Kraus said that he suggested that this be handled in the Recreation Department as a separate account. Mr. Kraus asked if the City can make a donation to the Optimist Club. Mr. Wilson said he would have to check into that.

PUBLIC HEARINGS

#1 <u>To Consider Proposed Amendment to Section 3.15 of the Subdivision Regulations Regarding Street Lights</u>

Councilman Helms moved to go out of regular session, seconded by Harris, with all in favor. Mayor McLean declared the regular meeting in recess and called a public hearing for consideration of amending Section 3.15 of the Subdivision regulations regarding street lights.

Planning & Zoning Director Danny Jackson stated that the Planning Commission had voted in favor of the request and recommended our approval with the change that "natural" be added, and due advertisement has been made.

City Attorney Michael pointed out that the developer would have to pay Duke Power Co. for the maintenance of the lights chosen. City Manager Kraus said this would have to be done before final plat approval. No comments from audience for or against. No comments from Council.

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

Councilman Hough asked if we have an ordinance to determine how far apart the poles need to be. Public Works Director Eddie Nichols said no; the only place is in prior annexation agreements there was a requirement for a number of poles. Mr. Nichols said that Duke Power Co. is the best source to determine that. Councilman Hough asked how streets were handled in the past. Mr. Nichols said the City had them put in by Duke Power unless the developer wanted decorative lights. Mr. Michael asked if the ordinance should control the spacing of poles. Mr. Nichols said it is hard to put a number on that because it depends on the light chosen. Duke Power goes out and makes a recommendation as to where the lights will be located. Councilman Helms said that different lights vary because of height and lumens. Councilman Hope said he does not see much change except the consistency requirement. Mr. Nichols said this requires the developer to put the plan on his preliminary plat. Councilman Hough said he would like to have the ordinance not allow wooden poles at all. He said we need to take better control of how the new subdivisions look. The Council agreed that they want to change this so there is no option and decorative lights must be used. Councilman Black asked if we need to specify the amount of level of light, but it was agreed that the Duke Power engineers set the number of poles to provide the right amount of light, depending on the type of light chosen.

Motion: Councilman Hough **MOVED** to adopt the lighting plan as amended, seconded by Councilman Black. It reads:

"Section 3.15 Street Lights. The developer shall be responsible for submitting a Lighting Plan. The Lighting Plan must show decorative light poles of a type supplied, installed and maintained by Duke Power Company. The developer must make financial arrangements with Duke Power Co. prior to Final Plat approval, requiring Duke Power Co. to install, perpetually maintain and replace such decorative poles. The developer shall maintain consistency throughout the entire subdivision so that all light poles will be of the same type. All installations shall require underground wiring and shall be installed by Duke Power Co. to City standards, according to the Duke Power Lighting Plan."

Vote: six ayes, zero nays. CARRIED.

City Manager Kraus asked what would be done with regard to existing subdivisions that have not been completed. Council concurred they would be grandfathered.

PH#2 To Consider Amendment to Section 5.13, Watershed Overlay District Wetlands Buffer Requirement
Councilman Helms 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 open.

Planing & Zoning Director Danny Jackson presented the proposal for the ordinance amendment, showing the authority to establish the wetlands as the Army Corps of Engineers. Mr. Michael asked if there is a clause allowing for a variance. Mr. Jackson said they would apply for a modification to the City Council. The buffer around the wetland would be 15 feet. Mr. Michael asked about the signage; that is, if it is removed or falls down later after the developer is gone. He does not see how the City can maintain such signs in perpetuity. Councilman Hough suggested the homeowner's association of the subdivision be required to do that. Mr. Jackson said the HOA is required to be the watchdog for violations whether there is a sign or not. City Manager Kraus said there has been discussion before about what area this covers; Council said it should be city wide.

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

Motion: Councilman Helms **MOVED** to approve the amendment to Section 5.13 to require wetlands buffers, Subsection N, as read. Motion seconded by Councilwoman Harris.
Vote: all in favor. CARRIED.

CONSENT AGENDA
Councilman Hough **MOVED** to accept and approve items 2-5 on the consent agenda, seconded by Councilwoman Harris; and unanimously carried. They are:

CA#2. YMCA Water Line Project. CIP funds from Gaston County would be received to pay for water and sewer extensions along YMCA Drive; an agreement with the County was included to be executed.

CA#3. Appropriation of Governor's Highway Safety Program Grant. Grant funds to the Police Department to purchase one in-car video camera system.

CA#4. Contract with Law Engineering for Site Assessment. To have a detailed site assessment at the Water Plant where the underground storage tanks were removed performed as ordered by the State; this item was already budgeted.

CA#5. Holly Hills Five Year Financial Plan. To set the public hearing date for February 14, 2000 at 7:00 P.M., to consider the submission to HUD of the mission statement and goals for a five year master plan as required by HUD.

The Council took a five minute recess.

UNFINISHED BUSINESS
UFB#1 Release of Letter of Credit for Tom Waters

Mr. Waters has asked for the release of one letter of credit and a reduction in the second. He did acquire all the internal parcels. He has subdivided the property to convey a portion of it to the Trust, and he has released the City from any liability to provide services to internal parcels. Based on recommendation from Public Works Director Eddie Nichols, the sum of $250,000 would be a reasonable amount to require the letter of credit to remain. Mr. Nichols said they have hit granite in one section of the lines. The water line is finished, except for testing.

Motion: Councilwoman Hubbard **MOVED** to release the Provident letter of credit in the amount of $1,070,000 for water and sewer extension to Waters Edge. Councilman Black seconded.
Vote: all in favor. CARRIED.

Motion: Councilwoman Hubbard **MOVED** to reduce the letter of credit from Provident Development for water and sewer trunk extensions along Dutchman's Creek and NC 273 to $250,000. Councilman Hough seconded.
Vote: all in favor. CARRIED.

NEW BUSINESS
NB #1 Appointments:
a. Mayor Pro Tem—Bobby Black
b. City Manager—David Kraus
c. City Clerk & City Treasurer—David Kraus
d. City Attorney—Kemp Michael
e. City Auditors—Trent Wilson
Motion: Councilman Hough **MOVED** to approve a-e, Councilwoman Hubbard seconded.
Vote: all in favor. CARRIED.

f. Centralina Council of Governments (CCOG) Delegate and Alternate
Mayor McLean appointed Councilwoman Harris as delegate and Councilman Black as alternate.
g. Transportation Advisory committee (TAC) Delegate and Alternate
Mayor McLean appointed Councilwoman Harris as delegate and Councilman Hough as alternate.
h. Technical Coordinating Committee (TCC) Delegate
Mayor McLean appointed David Kraus as delegate.
i. Utility Committee
Mayor McLean appointed Hope.
j. Leak Adjustment Committee
Mayor McLean appointed Councilman Hope and Councilwoman Hubbard.
k. Beautification Committee
Mayor McLean appointed Cy Frazier.
l. Recreation Committee
Mayor McLean appointed Councilman Black and Councilwoman Harris.

m. Image Committee
Mayor McLean appointed Councilman Hope and Councilman Helms.

NB#2 Appointments to Planning Commission/Board of Adjustment
Motion: Councilman Hough **MOVED** that Jack Stevenson be recommended to Gaston County for reappointment as an outside member; seconded by Councilman Black.
Vote: four ayes and two nays (Helms and Hope). CARRIED.

NB#3 Martin Luther King Jr. Holiday Observance
Motion: Councilman Hough **MOVED** to add Martin Luther King Jr. holiday to our city schedule on the third Monday in January. Seconded by Councilman Helms.
Councilwoman Hubbard suggested we float one and let them choose that day or one of the others.
Vote: Unanimous in favor. CARRIED.

PUBLIC COMMENT
Mayor McLean opened the floor for public comment.
None.

ROUND TABLE
Councilwoman Hubbard asked if Lucy Penegar from the Preservation Society is coming to speak to us about the Lentz-Springs house status. City Manager Kraus said he is trying to have that at the January workshop.

Councilwoman Hubbard asked what has happened about the stop sign protest in Deerfield Subdivision. Mr. Nichols said he has had a complaint as well. Councilwoman Hubbard stated the City should at least respond to her. Council agreed that City Mangaer Kraus is to send her a letter, that it is still under consideration.

Councilwoman Harris asked Public Works Director Nichols about the one wooden pole street light in Deerfield Subdivison. Mr. Nichols said it has never been hooked up to power and so we are talking to the residents about purchasing a decorative light.

Councilman Helms asked if we will continue leaf pickup into January. Mr. Nichols said January 15 is the normal deadline, but we usually run an ad ahead of time that leaf season will end.

Councilman Helms said we need to put discussion of enacting an erosion control plan on a workshop. City Manager Kraus said there is a grant for that but the application must be in by January 1.

Councilman Helms said we keep allowing developments, but we need to revisit the land development plan, and be sure that everyone has a copy of the plan and any revisions.

Councilman Hope said the retreat is set for Jan, 8, but he said the Second Baptist Church is having its dedication at 2:00 that day, and he and Councilwoman Hubbard will be having to leave early. Council agreed to change it to all day on Friday, and half day on Saturday.

Councilman Black asked in regard to developer signs advertising subdivisions if Danny Jackson though we can change our ordinance to prohibit them. Mr. Jackson said if they are in the road right of way that is a violation anyway. Councilman Black also asked about signs for burglar alarms advertisements also all over town. Mr. Jackson did not know if he could pull them up or not. Mr. Michael said just pull them up and send them a form letter telling them not allowed in the road right of way, if you know how to get in touch with them. City Manager Kraus will keep them at the city garage for a short period of time and then dispose of them.

Councilman Black asked what should be done about requests by Morris Ave. residents for pressure reducer valves. Public Works Director Eddie Nichols said the project up North Main Street is all on line now. Council said to extend the policy for the project area to the end of December 31. Councilman Hope **MOVED** to do so, seconded by Councilman Black, and unanimously carried.

Councilman Black asked if we are going to give them a public hearing about the request for one way street on Glendale Avenue. No action.

Councilman Black asked about the status of the new post office. Mayor McLean has asked Sue Myrick to check on it for us.

Councilman Black stated Council said we would talk about voluntary roll-out or once a week pickup for garbage, after the elections were over. It was agreed to put this on the retreat agenda.

City Manager Kraus said that with regard to the Optimist Club, we worked out an agreement where we put in water and sewer taps on Broome Street, and they put in lines along Sports Lane, to prevent having to submit to the State as a line extension. This has caused them to incur additional cost. Councilman Hope **MOVED** that the City pay $640 for the additional materials. Councilman Helms seconded this motion, and it carried unanimously.

ADJOURN

There being no further business, the meeting was adjourned, upon motion duly made by Councilwoman Harris, seconded by Councilman Hough, and carried unanimously.

_______________ Clerk

Frank E. McLean
_______________ Mayor