

**CITY COUNCIL
REGULAR MEETING
November 13, 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 Bobby Black

Councilman Michael Helms

Councilwoman Phyllis Harris

Councilman Jim Hope

Councilman Bryan Hough

Councilwoman Pat Hubbard

Adm. Services Officer Jamie Guffey

Planning & Zoning Dir. Danny Jackson

City Attorney Kemp Michael

Police Chief Rick Davis

Fire Chief John Ekiatis

INVOCATION

The invocation was led by Rev. Joe Hardin.

PLEDGE OF ALLEGIANCE

The VFW led the Council and audience in the ceremony of the Pledge of Allegiance.

APPROVAL OF THE AGENDA

The agenda was approved by motion made by Councilman Helms, seconded by Councilman Black, with all in favor.

MINUTES

Councilman Black **MOVED** to approve the minutes of October 3 and 10, 2000, as written, seconded by Councilwoman Hubbard, with all in favor.

PRESENTATIONS

PR#1 Introduction of New City Employees

City Manager Kraus wanted Council to meet the new firefighters. Fire Chief Ekiatis introduced them, some from downtown, some from Catawba Heights: Mark Cagle, Chirs Gates, Travis Collier, Mark Almond, Jake Beatty, Chip Walker, Chad Jones, and Sheri Love.

PR#2 Presentation of Appreciation by Special Olympics to City of Mount Holly and Springfest Committee

A plaque was presented by Officer Todd Calhoun to the City of Mount Holly Springfest Committee and Pat Hubbard in appreciation for the donation for Special Olympics.

PUBLIC HEARINGS

PH#1 To Consider Rezoning 116 East Henry Street from R-12 to B-3

Councilman Helms moved to go into public hearing, seconded by Councilwoman Hubbard, with all in favor.

Mayor McLean declared the regular meeting in recess and called a public hearing for consideration of rezoning 116 East Henry Street to B-3. City Manager Kraus said this is a busy intersection that already has other businesses. The Land Use Plan calls for general commercial. Zoning Administrator Danny Jackson said the applicant has a painting business, but the application is for a regular rezoning and any permitted use would be allowed. He stated that the Planning Commission had voted in favor of the request and recommended our approval, and due advertisement has been made. Councilman Hope asked what the intended use is. Sandy Woods, who lives in Denver, NC, said her intent is to use the property for a commercial business, as her company does upfits for offices in the whole area. There were no comments from the audience for or against, and none from Council.

Councilman Helms moved to adjourn the public hearing, seconded by Councilwoman Harris, with all in favor. Mayor McLean adjourned the public hearing and resumed the regular meeting.

Motion: Councilman Helms **MOVED** upon recommendation of the Planning Commission to approve the request of Stephen Beatty to rezone 116 East Henry Street to B-3, seconded by Councilman Hough.

Vote: six ayes, zero nays. CARRIED.

PH#2 To Consider Rezoning Request for 350 Beatty Drive and 302 East Henry from R-12 to B-3

Councilman Helms moved to go into public hearing, seconded by Councilman Black, with all in favor.

Mayor McLean recessed the regular meeting and called to order the public hearing for consideration of a rezoning request for 350 Beatty Drive and 302 East Henry Street to be rezoned from R-12 to B-3. City Manager David Kraus said the Land Development Plan calls for high density or commercial. There is business adjoining. The Planning Commission recommended approval.

Councilman Hope asked if there is an intent for the use of the property. Gloria McKinney said she intends to sell the property for retirement and the highest profit is from business property.

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

Motion: Councilman Hope **MOVED** to approve the rezoning of 350 Beatty Drive and 302 East Henry to B-3, seconded by Councilwoman Harris.

Vote: all in favor. CARRIED.

PH#3 To Consider Amendments to Subdivision Regulations Adopting Provisions for Guard Rails and Street Design Standards

Councilman Helms moved to go into public hearing, seconded by Councilman Black, with all in favor. Mayor McLean recessed the regular meeting and called the public hearing to order for consideration of amendments to the Subdivision Regulations to adopt provisions for guard rails and street design standards.

City Manager Kraus stated that in recent months the City has determined that YMCA Drive and Autumn Woods Drive both need guard rails because of the terrain, but our ordinance does not cover that. Council instructed consideration of this matter by the Planning Commission. Staff proposed we keep our current street cutouts, but adopt NC DOT standards for guard rails. City Attorney Michael said he reviewed the excerpts from the NC DOT regulations; he asked what wording did staff want the Council to adopt. Zoning Administrator Danny Jackson said it would amend the Appendix portion of the Subdivision Regulations to adopt the NC DOT regulations for street design standards and guard rails as they may be from time to time.

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

Motion: Councilman Helms **MOVED** to amend the Subdivision Regulations, the Appendix section, to adopt the NC DOT regulations as they may be from time to time, with Councilwoman Harris seconding.

Discussion: Councilman Black said that when the question arose in Autumn Woods, the developer said he would work with us on this, is that going to be done? City Manager Kraus and Danny Jackson said that he had agreed to meet DOT or Public Works Director Eddie Nichol's standards, whichever is less.

Vote: All in favor. CARRIED.

PH#4 To Consider the Closing of a Portion of Lee and Piedmont Streets by Clariant Corp.

Councilman Hope moved to go into public hearing, seconded by Councilman Black, with all in favor.

Mayor McLean recessed the regular meeting and called to order the public hearing to consider the closing of a portion of Lee and Piedmont Streets requested by Clariant Corp. City Manager Kraus said the closing would be Lee Street from Catawba to Piedmont, and Piedmont from Lee to their property line. They have paid the fees and provided the paperwork required. The City Department heads have required amendments in that gates would be provided with the City having keys, and granting right of ways for current utilities. He referenced the map in the agenda packet. River Street is already closed as are portions of others. Properties outside of the area are owned by Yates Springs, and he wants the streets left open.

Yates Springs, 802 Woodlawn Rd. He stated he has owned property out there since 1970; there are twenty five people who live down there. It will cause an inconvenience for them to have to drive around. They are not wealthy people, and this makes them feel like second class citizens. Other industrial plants fence in their property. They never have a problem from those people. They need to put up a fence and leave the street as it is until they obtain ownership of all that property out there. He worked for Soutex for over 20 years and said they never had a problem either way, and have always had an amiable relationship.

Nick Altman, Clariant. He said they do not intend to isolate any citizens. They had an incident with someone being hit by one of their trucks. They are doing this for safety reasons, and they want to be good neighbors.

Councilwoman Hubbard asked if the residents would be able to access their property and asked questions about the map.

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

Councilman Black asked if it was staff's recommendation that we get an agreement on the right of ways; that was correct. City Attorney Michael said he had spoken with Eddie Nichols; he wants at least 15 feet for the utilities, with continuous access. The street closing order is standard but the reservation of utilities right of ways should be added; he had not been provided location maps.

Motion: Councilman Hope **MOVED** to ask staff to get an agreement with utilities described and to table this matter for 30 days, seconded by Councilman Black.

Vote: all in favor. **CARRIED.**

PH#5 To Consider Duke Energy Petition for Volunteer Annexation of the Riverbend Steam Station

Councilman Helms moved to go into public hearing, seconded by Councilman Black, with all in favor. Mayor McLean recessed the regular meeting and called to order the public hearing to consider the voluntary annexation petition for the Riverbend Steam Station property.

City Manager Kraus said the annexation order is based on an annexation agreement with Duke Energy. City Attorney Michael stated that this hearing is required by law to discuss whether or not to annex this property known as the Riverbend Steam Station consisting of about 350 acres. The effective date is June 30, 2014. The terms of the annexation agreement would go into effect if this is approved tonight. There were no comments from the audience or Council. Councilman Helms moved to go out of public hearing, seconded by Councilman Hough, with all in favor.

Motion: Councilman Hough **MOVED** to approve Res. #11-13-00A for the annexation of the Riverbend Steam Station property, seconded by Hubbard. (copy attached)

Vote: All in favor. CARRIED.

Added Item

Alvin Grant requested a red light at North Main and Lanier Avenue. Also, he had a petition for stop sign at the entrance to Runneymeade Subdivision to Lanier Avenue, to be enforced. Next, he asked the City to look at Lanier Avenue at the curves, the road is not wide enough for two cars at the curves. Also, church members park at the shoulder of the road, you have no way to get through if you meet a car, someone has to back up. City Manager Kraus said some of this is in our ETJ; we can contact DOT to look at this also. Mr. Grant said the area where the curves are is in the City. Mr. Kraus said there is a lot more traffic on Lanier Avenue now that the road has been built coming out of Runneymeade.

UNFINISHED BUSINESS

UFB#1 To Consider Revisions to Parking Ordinance

City Manager Kraus had obtained copies from other cities of their parking ordinances. The staff preferred the one from Gastonia. City Attorney Michael said he does not know how many places this proposed ordinance would affect. He said it is not always easy to determine where the right of way is in Mount Holly. City Manager Kraus said one of the cities had an ordinance that said you could not park on the shoulder area if there was curb and gutter, but there was no restriction if there was no curb and gutter. City Attorney Michael stated this type of ordinance may be hard to enforce; he suggested that if he understood what the Council is concerned about, then he might be able to help address the problem. Councilman Black said there was a problem in Deertrack Subdivision about people parking in the street and blocking traffic. Councilwoman Harris said we had people parking on the sidewalk in some places also. Mr. Michael said we have ordinances against parking on the sidewalk. Councilman Hough and Councilman Hope wondered if the area between the sidewalk and the street has to be City right of way. Mr. Michael said some of the old areas where A&E put in the sidewalks, he cannot say that it is City right of way. Council tabled this matter for more staff investigation.

NEW BUSINESS

NB #1 To Consider Engineering Expenses from the \$250,000 budgeted for YMCA Drive

City Manager Kraus stated that letters between the contractors and the City and its engineers were in the agenda packet; we are still holding the funds. Our engineer, Earth Improvement Technologies has presented an invoice for their services through November 3rd in connection with the defects in YMCA Drive. Councilman Hope asked about staff time as well. Mr. Kraus said that has not been calculated but it is considerable. We are still waiting for them to make the corrections to the road construction. Staff wants to pay the bills incurred by the City for engineering.

Motion: Councilwoman Hubbard **MOVED** to authorize staff to pay the engineering bills presented out of the fund, and to continue to withhold the balance of the fund until the defects are corrected; Councilman Black seconded.

Vote: All in favor. CARRIED.

NB#2 To Consider Approval of Contract with Gaston County to Provide Sewer to East Gaston High School

City Manager Kraus stated that the City's part of the proposed contract is budgeted at \$250,000 for a relief sewer along Taylor's Creek to handle the capacity from the East Gaston line being constructed by the County. City Attorney Michael said that under this contract the City will be the lead agency; we will let the contracts, and the County will reimburse their portion of the project. This is only for sewer; they intend to do the water line later if funds are available. Councilman Black asked if they have a time line. Mr. Michael said it is estimated to take 3 months to let contracts and 6 months to build.

Motion: Councilwoman Hubbard **MOVED** to approve the proposed contract for a joint project with Gaston County for a sewer line to East Gaston High School, seconded by Councilman Hough.

Vote: all in favor. CARRIED.

NB#3 To Consider Creation of Additional Parks Maintenance Position

Recreation Director Zip Stowe asked Council to add a full-time position in his department for parks maintenance personnel, beginning in March, 2001, due to the increased need since we now have the Community Center at Tuckasee Park and will have the new Tailrace Park. We have four full-time and three part-time positions currently. This would be a pay grade 12 position full-time for maintenance. Councilman Hope wondered why it has to be in the recreation budget. City Manager Kraus said he prefers to budget it that way, and they are requesting the position now so they know how to fill a current open position.

Motion: Councilwoman Harris **MOVED** to approve an additional pay grade 12 position in the Recreation Department, seconded by Councilman Hope.

Vote: all in favor. CARRIED.

NB#4 To Consider the Relocation of Lee Street Sewer Line

City Manager Kraus stated that a very old line which has had a lot of maintenance problems and late night calls runs behind Lee Street from Herms to Dutch Avenue. We have found that the line crosses private property. Staff feels we should abandon that line and install a new line that we can more easily maintain. The old one is a terra cotta line. Councilman Hough asked how to pay for it; Mr. Kraus said we may have enough money in contingency, or we may have to delay another budgeted project to the next fiscal year. Staff recommends we have W. K. Dickson provide the engineering services, and the estimate for engineering and construction totals \$86,525.

Motion: Councilman Helms **MOVED** to approve the replacement of the Lee Street sewer line from Herms to Dutch Avenue, seconded by Councilman Black.

Vote: all in favor. CARRIED.

The Council took a five minute break.

CONSENT AGENDA

Councilman Hough **MOVED** to approve all five items on the Consent Agenda, seconded by Councilman Black, with all in favor. They are:

CA#1. The Purchase of Two Vehicles from Gaston County. Surplus vehicles for the sum of \$1.00 to be used by Public Works Department for transporting employees. (copy attached).

CA#2. Preliminary Plat Approval for Phase Two of Autumn Woods Subdivision. Upon recommendation by the Planning Commission and staff.

CA#3. Preliminary Plat Approval for Phase III of Riverfront Subdivision.

CA#4. Approval of Stop Signs on Sella Ridge Drive off Lanier Avenue. Stop signs are approved for the intersections of Sella Ridge Drive and Lanier Avenue and at Sella Ridge Drive and Brookstone Drive; speed limit signs are also approved.

CA#5. Award Mowing Contract to Pro Turf, Inc. The lowest bidder did not have insurance. Bid is awarded to the second lowest bidder, the lowest qualified bidder.

PUBLIC COMMENT

Mayor McLean opened the floor for public comment.

Lou Barone, 221 Ferstl Avenue. Mr. Barone cited a situation that had become a problem for him with regard to his neighbor adjoining his back yard. They have 15 dogs and have had that many for about four months. They have thrown the dog waste over my fence, and I told him to stop. He cut down the underbrush on the creek. I have called the County health department and got no response. I have called Animal Control who came out, and sympathizes, but said I have to keep a log, and my next recourse is to take it to civil court. Sometimes they get loose, and sometimes they let two at a time out. The smell and noise are very bad. A police car came last Friday and looked over the situation; but he did not call them. The ordinance the City has that Mr. Jackson gave me does not help. None of these dogs have visible licenses. The Animal Control officer said the woman had her licenses. They are supposed to keep them on their own premises and if out on street, they must show a license. He asked the City to amend ordinance so this nuisance cannot go on, he felt the ordinance is an archaic law. City Attorney Michael stated that the City adopted the County ordinance and the County enforces our animal control ordinance.

Kelly Summey, 130 Oakland Street. Mr. Summey asked if a decision had been made since his appearance last month, since he noticed that the street is going to be repaved, and he thought this curb repair should be done before that. City Manager Kraus said he had just prepared a letter, but it not gone out yet. He stated that the City feels this is a neighbor dispute and we should not get involved. Mr. Summey said he offered three solutions last month that he thought were workable, but he now requested the City consider just addressing the section in front of his property please. Councilman Hough said he saw no harm in fixing his part. Councilman Helms agreed. Council did not object.

ROUND TABLE

Councilman Hough noticed that we approved two rezonings tonight. He recalled that the last time residential went to business, Council said we wanted to look at redoing the Land Use Plan; what is the status? Zoning Administrator Danny Jackson said they wanted to do a joint meeting with Council the last two months and were not able to do it. Council agreed to do it in January.

Councilman Hough stated that the City adopted buffers for watershed areas recently. He was surprised to see in the written reports to Council that the Board of Adjustment granted a variance last month on property on Mountain Island Lake. He wondered if the owner knew the property had buffers. He believed that the owner knew when he retained that property from the transfer to the conservation trust that buffers had been adopted. Councilman Hope said that the rule is they must prove a hardship, and he must have done so or the Board of Adjustments would not have granted the variance.

Councilman Black wanted to know if the traffic lights questions at North Main and Highway 27 have been addressed. Mr. Kraus said DOT worked on the lights for a couple of days.

Councilman Black asked about guardrails on YMCA Drive. City Attorney Michael said that one will be installed, but it may or may not follow the new regulations just adopted.

Councilman Black asked about the boat parked on Highland Street that is such an eyesore. Mr. Kraus said they have moved onto the private property, and we have no control over that.

Councilman Black said the manholes have been raised, but the streets have not been re-paved, and it has been several weeks. Mr. Kraus said that they have just started paving.

Councilman Black stated that in regard to our sign ordinance, since last Tuesday night he sees more and more signs out everywhere. Do we need to direct street and sanitation to take signs down immediately? Mr. Black asked if there is a fine for this. Danny Jackson said that violation of code is a misdemeanor. Mr. Black said he wants to look at the sign ordinance as well, since we seem to not have a temporary sign prohibition. Councilman Hough agreed. Mr. Kraus said Council may want an overlay district, or corridors with special rules.

Councilwoman Hubbard asked about the meeting schedule for next month, as to whether or not Council will be having the work session. Councilman Hough and Councilwoman Harris will not be here. The Mayor said it would be held as scheduled.

Councilman Helms had a complaint that when the company re-paved Beatty Road, at 503 Beatty Road, they paved off into the ditch; need to check on that.

Councilman Helms reported a fire hydrant in need of repair to the Fire Chief.

Mayor McLean announced that the elected officials seminar was on the 27th; and the Christmas Parade would be on the 29th. The Mayor asked Zip Stowe to see about a report that a storage building is in the creek at Woodlawn Park. The Mayor said Cy Frazier had mentioned to him that a clock and a fountain might look nice downtown for beautification; Councilman Hough said the Revitalization Committee has been discussing that, and asked the Mayor to invite Cy to come to the next meeting. Mayor McLean asked if Council would approve having a Christmas Tree in the City Hall courtyard? Council agreed.

City Manager Kraus said staff is going to a meeting with the property owner on Adrian Street. We got complaints on burning, so we need to meet with them again, and have to get an asbestos test.

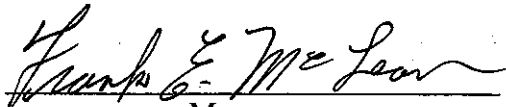
ADJOURN

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

9:00 PM



Clerk



Mayor

cpm