

**CITY COUNCIL
REGULAR MEETING
November 12, 2001**

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 Brian Hough

Councilwoman Pat Hubbard

Adm. Services Officer Jamie Guffey

Asst. Public Works Dir. Jeff Fritts

Planning & Zoning Dir. Danny Jackson

City Attorney Kemp Michael

Police Chief Rick Davis

Fire Chief John Ekiatis

Street & Sanitation Dir. Mike Santmire

INVOCATION

The invocation was led by Todd Wright.

PLEDGE OF ALLEGIANCE

Boy Scout Troup 59 with Scout Master Rick Connell led the Council and audience in the ceremony of the Pledge of Allegiance.

APPROVAL OF THE AGENDA

The agenda was approved with the following amendments: 1) moving Public Comment ahead of Public Hearings, and 2) add UFB#3 to update the Kendrick property matters; upon motion by Councilman Helms, seconded by Councilwoman Harris, with all in favor.

MINUTES

Councilman Black **MOVED** to approve the minutes of October 8, 2001, as amended, seconded by Councilwoman Harris, with all in favor. The amendments are: Page 1, invocation by "Joe Hardy"; Page 1, Extra Presentation, "... a recognition plaque for the Springfest Committee from the Special Olympics."

PUBLIC COMMENT

Mr. Rick Martin, 110 Old Mine Road, complained of an excess of smoke in his neighborhood. A wood stove heat exchanger is being stoked continuously by our neighbor whose property lies in a lower area than most of the neighborhood, and so the smoke comes into our house. The firemen have come out and were not able to help much. My wife has called the man and he was nice, but it did not help. He said he has to keep this running 24 hours a day. I don't necessarily expect him to not use it, but I want something done so that the smoke chimney is extended or something would make that smoke move on. It is a health hazard, and may violate EPA clean air standards.

Kathy & Jim Drum, 99 Old Mine Road. We want to confirm this is a problem. We have a fireplace, but it has a chimney. But his fire is quite large and he is in a low area and it often hovers over the whole neighborhood. Councilman Hope asked if this is in a building. Mr. Martin said it is in a small metal building. Chief Ekiatis said it is a heat exchanger to heat up his pool. The Code Enforcement Officer went there and found no violations. He has given us a copy of his book on this exchanger, and we are looking through it. Mr. Kraus said we could call the clean air quality department in Mooresville. Councilman Hope said this sounds like a storage building and using it for other things would violate the code. Chief Ekiatis said he is looking into it further and may have an answer within the next week. Councilman Hough asked if this violates the setback or other zoning matters? Danny Jackson stated that the county inspects accessory buildings and their apparatus. Mr. Hough asked if there is a code that a chimney has to be a certain height? Mr. Greg Dimmer, a contractor in the audience, said it has to be 2 feet above and ten feet away from the highest peak of the house. Mr. Kraus is going to check with air quality officials.

PUBLIC HEARINGS

PH#1 To Consider 2001 Land Development Plan Update

Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, and unanimously carried. Mayor McLean recessed the regular meeting and opened the public hearing to consider the proposed Land Development Plan Update.

Judi Simac, consultant, has worked on updating the land use plan from ten years ago, and was recognized to give her report. She stated that the Planning Commission conducted a hearing and addressed several issues at that time, but it did not make a formal recommendation at this time. There have been public workshops in September and October. The proposed plan has been presented to Council with a copy at City Hall along with an exhibit map. There is an implementation section that has action items suggested to Council on pages 59 and 60 of the proposed plan. The plan has an addendum for parks and recreation. Staff has made some suggestions for minor revisions that she will make, that are not of a major consequence. She presented a proposed cover for the plan.

There were no comments for or against.

Councilman Helms moved to go out of public hearing, seconded by Councilman Black, and unanimously carried. Mayor McLean adjourned the public hearing and resumed the regular meeting.

Motion: Councilman Hough **MOVED** to table action until the Planning Commission makes its recommendation, seconded by Councilwoman Hubbard.

Vote: unanimous. **CARRIED.**

PH#2 To Consider Rezoning Request by Bob and Pam Friedl of the Old Alsace Mill from L-I and R-8SF to O-I.

Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, and unanimously carried. Mayor McLean recessed the regular meeting and opened the public hearing to consider rezoning the Old Alsace Mill property, upon request by the Friedls.

Danny Jackson stated that the Friedls were not able to attend the hearing last week, so the Planning Commission tabled the matter. There were no comments for or against.

Councilman Helms moved to go out of public hearing, seconded by Councilman Black, and unanimously carried. Mayor McLean adjourned the public hearing and resumed the regular meeting.

Motion: Councilman Hough **MOVED** to table action until after the Planning Commission hearing and recommendation, seconded by Councilwoman Hubbard.

Vote: unanimous. CARRIED.

PH#3 To Consider Rezoning Request by Reggie Henkle of 147 North Main Street from R-10 to B-1

Councilman Helms moved to go into public hearing, seconded by Councilman Black, and unanimously carried. Mayor McLean recessed the regular meeting and opened the public hearing to consider rezoning 147 North Main Street, upon request by Reggie Henkle.

Danny Jackson stated that the Henkles have withdrawn their petition.

Lori Collins, 224 W. Charlotte Avenue. Will this be brought up again? Will we be notified again? Mr. Jackson said that if another rezoning petition is filed you would be notified.

Ben Taylor, 104 Cedar Lane. I am unclear that if it goes to public hearing and closed, can you still approve it? Mr. Michael stated that since it has been withdrawn, there is nothing for Council to act on tonight. He continued that only if another petition was filed or the city held its own petition for rezoning would another hearing be held, and the notices would have to be sent out again in that case.

Councilman Hough moved to go out of public hearing, seconded by Councilman Black, and unanimously carried. Mayor McLean adjourned the public hearing and resumed the regular meeting.

No action due to withdrawal of petition.

PH#4 To Consider Rezoning Request by Greg Dimmer for 25 Acres off Woodlawn Road from R-20 to R-12

Councilman Helms moved to go into public hearing, seconded by Councilman Black, and unanimously carried. Mayor McLean recessed the regular meeting and opened the public

hearing to consider rezoning property adjacent to 740 Woodlawn Road, upon request by Greg Dimmer.

Danny Jackson said this property does not include the old main house. It is 25 acres in tax parcel 3-20-20.

Mary Goddard, 112 Julia Avenue. She stated: I question the wisdom of rezoning that property because directly in the rear of my property is a very large hole in the ground, which is the exit of an old gold mine. I ask the council to survey the land to see if it is suitable for any building, and it needs an environmental impact study also. Also, when Deertrack Subdivision was built the lower lots are flooded by Dutchman Creek now, and it could do the same today.

Mr. John Bernard, Woodlawn Rd. There is wildlife in that area and a study should be done. Also we feel it would be better to have closer to 30 homes on that land rather than 50 homes.

Mr. Bernard read a written statement from Richard Duren, 177 Antelope Drive. He wrote that smart growth and environmental protection should be considered by the council. The streams are not shown on the site plans. Dutchman Creek is a WS-4 waterway. There is a possible historical site on the property. QNRC updates should be reviewed.

Councilman Helms asked the WS-4 are goes out to there; Mr. Jackson replied that it does. Councilwoman Hubbard asked if the two adjoining parcels are already R-12? Danny said yes.

Kenny Smith, 318 W. Catawba Ave. It could be built right now with 20,000 square foot lots, so they can build even if it is not rezoned. City Manager Kraus said whether it can be built on or not is not the question before us tonight.

Meg Bernard, 740 Woodlawn Rd. Bigger lots with wooded areas make it easier to build around wildlife areas and streams and so that is why we are protesting the rezoning.

Councilman Hough moved to go back into regular session, seconded by Councilwoman Harris, with all in favor. Mayor McLean adjourned the public hearing and resumed the regular meeting.

Councilman Hough said that he understood the comments that had been made, and the reasons for keeping larger lots. The issues of environmental impact and protection of streams would be discussed at a different point in the process of development and are not the issue tonight.

Motion: Councilman Hough **MOVED** to rezone the 25 acres adjacent to 740 Woodlawn Avenue as identified on the rezoning application from R-20 to R-12, seconded by Councilman Black.

Vote: Four ayes, two nays, (Helms & Harris). **CARRIED.**

PH#5 To Consider Rezoning Request of Hodgeson Property along Broome Street from H-I to R-A

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 rezoning of the Hodgeson Property along Broome Street; this is the City's own petition.

Danny Jackson stated that the property consists of 16.57 acres at the corner of Broome Street and Tuckasee Road. The Planning Commission held its meeting and recommended approval. City Manager David Kraus said that one of the reasons considered is that a portion of Fites Creek and wildlife areas are on the property.

Judi Simac stated that the new zoning fits the proposed land use plan for the property to be used for park space, and we have done preliminary work for that use.

Councilman Helms moved to go out of 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** to approve rezoning the 16.57 acres tract of the Hodgeson Property along Broome Street from H-I to R-A, seconded by Councilwoman Harris.

Vote: unanimous. CARRIED.

UNFINISHED BUSINESS

UFB#1 To Consider Renewal of Utilities Franchise Agreement with PSNC Energy

City Manager Kraus said that 50 years ago the City entered into an agreement with PSNC, and that agreement is at its termination date, so a renewal has been proposed and was in the agenda packet. Mr. Stanley of PSNC thanked council for allowing them to serve this community for the last 50 years, and asked for the opportunity to continue to do so. He stated that the company does pay property taxes and a portion of our gross receipts is paid to the City. Councilwoman Harris asked if the City Attorney has reviewed the agreement. Mr. Michael said he had it but had not ever done one. He always feels that whatever Gastonia gets is good for us. Mr. Stanley said there is only one difference, Gastonia's is for 20 years, with a possible 10 year renewal. Councilman Black asked if we could table action for 30 days. Councilwoman Hubbard said the term is expiring, and did not want our gas to be cut off if we table for 30 days. Mr. Stanley said that would not happen.

Motion: Councilman Black **MOVED** to table action for 30 days, seconded by Councilwoman Harris.

Vote: unanimous. CARRIED.

Councilman Hough recommended that this be the first item on the agenda next month.

UFB#2 To Consider Fees for Second Roll-Out Container

Mike Santmire reported that the actual container cost is \$40.38 each. City Attorney Michael asked about commercial users? Councilman Hough wanted to know their current fee. Mr. Santmire said commercial gets up to four now, but they pay \$9.00 per can for tipping fee. This proposal is for residential users.

Motion: Councilwoman Hubbard **MOVED** to amend the fee schedule to charge residential users for the actual container cost, with no additional tipping fee. Councilman Black seconded.

Vote: Unanimous. **CARRIED.**

UFB#3

The developer on the Kendrick property appeared with regard to the annexation date which was set for November 30, 2001, with the intent that we take ownership of the property before them. The timing of the closing has been delayed due to national events in September. We will not be taking the property until January. I am making you aware of this to comply with your wishes, but it does not matter to us whether you adjust the annexation date or not. City Manager Kraus said that Council may take no action, or they may change the effective date. Councilman Hope asked for a recommendation. Mr. Kraus recommended no action. City Attorney Michael said that there was a conditional use rezoning associated with this, and we are waiting for the final plats, but that the provisions of the rezoning would apply no matter who owns the property. Also, this property is already served by water and sewer. He said Council may also void the annexation if they wish, but only if done before the annexation date.

No action taken; leave it as it is.

NEW BUSINESS

NB#1 To Consider No Parking on Mountain Island Road and NC 273 near City Water Plant

City Manager Kraus said that part of the emergency preparedness plan recommends that no parking be allowed near the water plant. Jeff Fritts and Mike Hamilton said the water plant is adjacent to Mountain Island Road and NC 273. For some reason people park or loiter around the plant, and we want to restrict access. An item on our list to make it more secure is to have no parking designated there. Mr. Kraus said this would be a recommendation to DOT. Councilman Hough felt it should be defined. Mr. Kraus suggested it include those roads along the city-owned property. Councilman Helms said he has asked Duke Power to install more gates on those roads. We have already given some gates to the Forestry Service to use when they finalize their supervision of the Public Trust Land.

Motion: Councilwoman Harris **MOVED** that we recommend to DOT that No Parking zones be made along Mountain Island Road from the intersection with NC 273 to the end of the city limits, seconded by Councilman Hough.

Vote: Unanimous. **CARRIED.**

Motion: Councilwoman Hubbard **MOVED** that we recommend to DOT that No Parking zones be made along NC 273 adjacent to city-owned property in either direction from Mountain Island Road, seconded by Councilwoman Harris.

Vote: unanimous. CARRIED.

NB#2 To Consider Piggy-Backing Bid for New Garbage Compactor

City Manager Kraus asked that this be tabled for 30 days, because Freightliner has another offer for us to consider.

Motion: Councilwoman Harris moved to table this matter for 30 days; seconded by Councilman Hope.

Vote: All in favor. CARRIED.

NB#3 To Consider Renaming Gravel Road

City Manager Kraus said that the gravel road next to the Catholic church at Mountain Island Lake has been turned over to the City by DOT, and it needs a name. Council discussed several names that had been suggested.

Motion: Councilman Hough **MOVED** to rename the gravel road to Mountaineer Drive, seconded by Hubbard.

Motion and second were withdrawn, and Council wants him to ask the church what name they like.

Motion: Councilman Hough **MOVED** to table until next meeting, seconded by Councilwoman Harris. five ayes, one nay, Hope.

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

NB#4 To Consider Proposed Changes to Police Department Budget

Chief Davis, we revisited our goals, and instead of buying two of the four squad cars and some of the equipment budgeted, I want to hire three entry-level officers, one in investigations, and two for patrol. We are running at 1400 more calls than last year. This includes part of the increase in police department needs for the annexation area to the north of the city. There are 2 veteran investigators that are helping our department to do more thorough work so that we can be more successful. We had a BB&T armed robbery, which was solved with latent fingerprints. Another robbery was solved with latent prints and videotape. For crimes against children, we had three major cases that have been solved, which are very time intensive due to interviewing. We had 252 cases that the investigators handled, up from 148 last year. Drug cases about the same number. Drug forfeiture money has been obtained. It takes about six weeks to get a "round up" ready. These new personnel would be on duty from 1 PM to 1 AM, our peak time.

City Manager Kraus said he would retain two of the cars that would have been surplus, and put them with the school officers. Councilman Hough asked if the increase over last year happened in the annexed areas or can you pinpoint the locations for the increase? Chief Davis could not specify. Councilman Hough when you say some cases are not being investigated, what does that mean, are they referred? Chief Davis said they stay open. We are hitting the drug problem head on and hard because that affects the number of other crimes. Councilman Helms asked how long can we retain these cars? These

officers are recurring expenses, and then eventually you will still have to get the new cars. Mr. Kraus said we will always roll over the oldest cars to the school officers. Many of the additional calls are at the boat landing in the newly annexed area.

Motion: Councilwoman Hubbard **MOVED** to approve the police department budget amendment and create two patrol and on investigator position, seconded by Councilman Hope. (copy attached)

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

CONSENT AGENDA

Councilman Helms **MOVED** to accept and approve all 3 items on the consent agenda, seconded by Councilman Black; and unanimously carried. They are:

CA#1. To Approve Supplemental Appropriations of Drug Seizure Money for Police Equipment. (copies of two budget amendments attached)

CA#2. To Accept Phase I Infrastructure in Autumn Woods Subdivision. The City accepts maintenance and the warranty period begins.

CA#3. To Accept Preliminary Plat of Phases I and II of Kendrick Farms. Subject to staff review, approved upon recommendation of Planning Commission.

CLOSED SESSION

Councilman Hough moved to go into closed session for personnel matters and attorney-client matters, seconded by Councilman Black, with all in favor.

Councilman Hough moved to go out of executive session, seconded by Councilwoman Harris, with all in favor.

ROUND TABLE

Councilman Hope congratulated those elected.

Councilman Hough noted that the recreation basketball goes to age 8, why do we not go older? Councilwoman Harris said this has been discussed at recreation meetings, and the Optimists asked us to be the lead agent but they would run the games. We are discussing this.

Councilman Hough asked what is being done about those who leave rollout garbage cans out on the street? City Manager Kraus said upon receiving a complaint we send the code enforcement officer, who reminds them of the rule, and if ignored there would be a fine.

Councilman Black asked what time the Council retreat begins on Nov. 20th? 6:00 PM. City Attorney Michael reminded them he would have dinner at 6:30 PM; the meeting will begin at 7:00. Councilwoman Harris asked what subjects are on the agenda? City Manager Kraus said it is to discuss revitalization. Councilman Black said he would like to have Dr. Beatty give an update on the Heart of Mt. Holly committee. The Council agreed to allow him to speak for 15 minutes.

Councilman Black received a complaint that they know of 5 street lights out, and so he had called and was put all around every department in town. I found out that all the other towns tell people to call Duke Power Co. directly. Councilman Helms said the number is on the power bill.

Councilman Hope, do we know what has happened to the trailer on the property where the house was burned. Mr. Kraus reported that the trailer is gone.

City Attorney Michael thanked the Council members for helping with the bond referendum on the schools.

Councilman Helms asked if we are going to have a public hearing on closing the road? Mr. Kraus said next meeting.

Councilman Helms said that grass is growing up through the new pavement on Beatty Road. Mr. Santmire said he has determined that the road was not built to specifications. He knows that this winter the grass will die and it will be easier to work on then.

Councilman Helms asked about the status of obtaining a boom on the lake for protection of our water intake? Chief Ekiatis said we are negotiating with them. Mr. Kraus said there is one at Duke Power and we can use it if needed. Mr. Helms also asked about the lights out there; Mr. Kraus said he is still working on that.

Councilman Helms said he got a complaint about a problem at the end of Henry Street. Chief Davis said he knows about it.

Councilman Helms asked if we get Powell Bill money on Teri Street? Mr. Kraus said he got a complaint that it needs to be paved, and he is checking on that. Mr. Michael said that a portion of Teri Street was closed.

Councilman Helms stated that the corner of Globe and Hoover Streets is overgrown and needs to be cleared.

Councilman Helms said he has gotten a lot of commendations on the police car in the median on NC 273.

Councilwoman Harris said on election night you get told off about a lot of stuff. A county police officer that lives in Riverfront came up to her, and said he would not vote for any council people but only for the school bonds. He said if we lower the speed limit in his neighborhood to 25 mph, he would personally write tickets. Councilman Helms said he was there also, and the man was very rude about this; he does not mind someone making a request, and we can consider it if the neighborhood wants it, but not for one person.

Councilwoman Harris had a call from a woman about recycling, she wants to be able to recycle magazines, etc. more than once a month. She also wants another recycling center closer in town.

Councilwoman Hubbard asked if the work session for December will be held at the same time as the retreat at Kemp's house? Mr. Kraus said, no, it would still be held.

Councilwoman Hubbard noticed the meeting with Clariant would now be on Wednesday, and wondered if that replaces the luncheon? Mr. Kraus replied, yes.

Councilwoman Hubbard said that with regard to street paving repairs around town, she had a lady call who said the area at 303 Hawthorne was patched but it is not right and when trucks hit it, her house shakes. Also, there is a big hole at the other block.

Councilwoman Hubbard asked about the status of a sign at the community building. Councilman Hough said to be sure to spell Tuckasee Community Center correctly, with one E on the end.

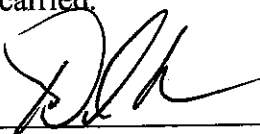
City Manager Kraus said we need a list of committees to be re-appointed for the December meeting. Council said to use the last list from 2 years ago and we will decide; he should put it in the agenda packet.

Mayor McLean thanked everyone for their help in the election.

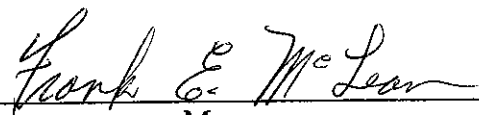
ADJOURN

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

9:50 PM



Clerk



Mayor

cpm