CITY COUNCIL
REGULAR MEETING
NOVEMBER 9, 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	
Mayor Pro-Tem Phyllis Harris	Adm. Services Dir. Sherry Borgsdorf
Councilman Michael Helms	
Councilman Andy Stewart	Planning & Zoning Dir. Danny Jackson
Councilman Jim Hope	City Attorney Kemp Michael
Councilman Bobby Black	Police Officer

INVOCATION
The invocation was led by Mayor McLean.

PLEDGE OF ALLEGIANCE
The Pledge of Allegiance ceremony was presided over by VFW Post 9136.

Mayor McLean reminded the audience that Veterans Day would be the following Wednesday.

PRESENTATIONS
PH#2 Mr. Tom Waters to Discuss Proposed Residential Development Along Mountain Island Lake
Mr. Tom Waters, Provident Development Group, along with Mr. Stewart, with Land Design Engineering, were recognized. The development will be called "Waters Edge", and is located north of Mountain Island Lake dam, off Highway 16. They plan about 125 single family residential lots, with a small section of townhouses at the entrance. The entrance road will originally be off Nixon Cove Road but later will be on old Highway 16. There will be a community center with pool and picnic area, a trail system, some boat docks with a ramp, dry dock storage, tennis courts. They are observing the 100 foot buffer, and are using the higher Mecklenburg County environmental standards. He said they are using great care and are concerned with environmental issues due to the lake being a water intake for several cities. Mr. Stewart said he has worked on "The Overlook" in Mecklenburg County. They are not just complying with state standards, but a higher level of protection. There will also be internal buffers along streams in addition to the 100 foot waterfront buffer. A wetlands inventory has been done and they have buffers around them. The impervious percentage on this site plan is 24% rather than the 50% allowed by state standards. The storm drainage is dispersed at a distance through the buffers so no discharge goes directly to the creeks or the lake. They use only certain contractors who have been educated by them for watershed compliance. Also, a brochure to educate the homeowners is prepared and is given to each owner at closing. The environmental regulations are to be included in the restrictive covenants. The developer

intends to remain sensitive to these issues. The off-site sewer study has been done by him as well. They would request annexation.

Dean Duncan was recognized, and said that since the elevation is low in some places, they will have to have a sewer lift station and if it goes out of service, he wondered what will happen. Mr. Stewart said they take extra precautions such as more than one pump and an on-site power source as a back-up.

Councilman Stewart asked if this was not accepted on city system, would they adjust lot size for septic tank. He said they would. Councilman Helms asked if they will be preserving trees. Mr. Waters said trees are preserved in the lake buffer areas, stream buffers, and the contractors will primarily preserve trees in the back yards. This is a ten year development plan. Councilman Helms asked about erosion control. Mr. Stewart said the developer does it when streets and infrastructure are installed, and the contractors do it on the construction site. Councilman Stewart asked about the number of boat docks. Mr. Waters said the Duke Power Company controls the boat dock permits, but he has applied for one for each waterfront lot (48) and as many as possible for the other owners. Councilman Black asked about the phases, their locations and sizes. Councilman Stewart said there will be public hearings for audience to have free expression. Mr. Waters said he intends to be a good neighbor and hopes this will be a positive addition to the city.

Kathy Ellis, 237 Island View Road. She said she and her husband were among the first owners on that lake. They paid to pave that road. Will they have to fix it after all those trucks come in? Mayor McLean said they would not, the developer would. The Mayor said there will be public hearings held later.

PR#1 <u>Mr. Chester Hanson to Discuss Future Postal Needs of Mount Holly</u>
Mr. Hanson was unable to be at the meeting. Mr. Ken Hand spoke on behalf of the postal service. They have determined that the existing facility will not be adequate for the city and so an 8,000 square foot facility has been authorized. Persons who have land in the designated area may bid to the postal service. After the site is obtained, the building should be constructed within nine months or so.

PR#3 <u>Mrs. Rebecca Yarborough of the Centralina Council of Governments (CCOG) to Discuss Services Associated with City Manager Search</u>
Mrs. Yarborough and Mr. Anderson were recognized and presented their level of assistance. She stated they are flexible as to what things are done by Council and what things they handle. They prefer Council input. She restated the need for Council to come to a conclusion as to qualities and capabilities for the position profile. In any case, they would want a point person designated. They asked that Council decide whether to do a local search, a regional search, or a national search. They provided an outline for Selection a City Manager, Interview Evaluation Forms, and Supplemental Questions that may be used by Council.

PUBLIC HEARINGS
Councilwoman Harris moved to go into public hearings, seconded by Councilman Helms, with all in favor.

PH#1 <u>To Consider Renewal of Franchise Agreement with Time-Warner Cable and Revision of Cable Communications Ordinance</u>
Mayor McLean declared the regular meeting in recess and called a public hearing for consideration of a renewal of the franchise agreement with Time-Warner Cable and Revision of Cable Communications Ordinance. The first reading was held at the October meeting. Mr. Ponder said the Belmont Council has been considering this at their meetings, as has Gastonia. Ms. Susan Breckenridge, with Time Warner Cable, appeared, and Scott Fletcher was introduced as the new general manager for this area. He assured us that he is interested in customer service and in providing service to the schools. He said he was glad to be here. City Attorney Michael said that Mr. Ponder has worked on this matter for a long time. Mr. Michael is sensitive to the fact that when Mt. Holly first granted the franchise, Belmont came after us and got a better deal. He encouraged Council to allow Mt. Holly to benefit from any resolutions made with Belmont on the issues they have raised. Mr. Fletcher stated that Belmont did raise issues which were in a memo last week. They were matters that were discussed in the negotiations with Mount Holly as well. He does not foresee changes in the document for Belmont either. Mr. Ponder said the negotiations have been jointly done and the issues have all been addressed over the past few years. Councilman Black asked if Ms. Breckinridge is of the opinion Belmont will finalize by next month; she replied affirmatively. She agreed that in the past there were things that should have already been explained to them. She said the rates will increase by 93 cents for standard cable service. There is a 14 channel increase in standard service. She reviewed the other items being offered. The fiber optic will provide better service, and they anticipate the upgrade being completed by the end of the year.

Councilman Helms moved to go out of public hearing, seconded by Councilwoman Harris, with all in favor.

Councilman Stewart said that we really have very little choice, and we are strictly governed by law as to what we can request, and he hoped the public understands this. The items on the list from Belmont are mainly things that have to be explained and are not of any substance.
<u>Motion:</u> Councilman Harris **MOVED** adopt Resolution 11-9-98(a), to approve the Cable Communications Ordinance as presented, seconded by Councilman Black.
<u>Vote</u>: five ayes, zero nays. CARRIED.

<u>Motion</u>: Councilwoman Harris **MOVED** to adopt the franchise renewal agreement with Time Warner Entertainment-Advance Newhouse, as presented, seconded by Councilman Helms.
<u>Vote:</u> five ayes, zero nays. CARRIED.

Councilwoman Harris moved to go into public hearing, seconded by Councilman Black, with all in favor.
PH #2 To Consider Rezoning a Lot Located at the Intersection of Old Hickory Grove Road and West Catawba Avenue from R-12 to B-3.
Danny Jackson said the Planning Commission has reviewed this matter and recommend the request be approved. The site has B-3 on two sides, and R-12 on two sides of it. No comments from the audience or the Council.
Councilwoman Harris moved to go out of public hearing, seconded by Councilman Helms, with all in favor.
Motion: Councilman Helms **MOVED** to approve the rezoning of tax parcels 14-105A-119 and 120 from R-12 to B-3, Harris second.
Vote: All in favor. CARRIED.

Councilwoman Harris moved to go into public hearing, seconded by Councilman Black, with all in favor.
PH#3 To Consider Closing a Portion of Houston Street.
City Manager Ponder reported that a request by Jane Nicholson to close a 350 feet portion of Houston Street, has been followed by payment of the fees and due advertisement. There were no comments from the audience or the Council.

Councilman Helms moved to go out of public hearing, seconded by Councilwoman Harris, with all in favor.

Motion: Councilman Helms **MOVED** to approve Resolution #11-9-98(b) to close a 350 feet portion of Houston Street. Based on a finding that no property owner would be denied access to their property, and subject to reservation of utility easements to the City. Motion seconded by Councilman Hope.
Vote: five ayes, zero nays. CARRIED.

The Council took a five minute break. The Council and audience shared a cake brought in honor of Phil Ponder.

NEW BUSINESS
NB #1 Mr. Henry Rhyne to Discuss Problem with Property Right of Way
Mr. Rhyne said he has been a citizen of Mt. Holly since 1912 except four years when he served his country in the military. He said he had granted a right of way to the city in the past. This last right of way requested he had refused. He told them they did not have right of way there, but they did not believe him, and began to work there anyway. He hired a lawyer to establish where the right of way is, and received a bill. He stated that there are errors in Mr. Ponder's letter to him. He requests the city reimburse him for the legal fees he was forced to obtain to protect himself. He stated his belief that the city fathers have turned against him in the twilight of his life because he has been successful. Council had a memo in their agenda from Public Works Director Eddie Nichols, and a copy of City Manager Ponder's letter. No action.

NB#2 To Consider Interim Audit Associated with the Departure of City Manager
Motion: Councilman Stewart **MOVED** to authorize an interim audit per Council policy and the City Auditor's recommendation for standard procedure upon the departure of a city manager; seconded by Councilwoman Harris.
Vote: all in favor. CARRIED.

NB#3 Tax releases
A large number of tax releases are on this month's agenda due to the appeals from last year's revaluation.
Motion: Councilman Black **MOVED** to approve tax releases for October, 1998, in the amount of $1,505.44, seconded by Councilman Hope.
Vote: five ayes, zero nays. CARRIED.

PUBLIC COMMENT
Mayor McLean opened the floor for public comment.

Pat Hubbard, Springfest Committee, 413 W. Charlotte Avenue. Ms. Hubbard asked City Council to authorize closing an additional block of South Main Street to Glendale Street. Hardee's and Carothers have agreed to allow it.
Motion: Councilwoman Harris **MOVED** to approve the request to extend the blocking of South Main Street for Springfest an additional block from Catawba Avenue to Glendale Avenue, seconded by Councilman Black.
Vote: all in favor. CARRIED.

ROUND TABLE
Councilman Stewart noticed that Andy Godfrey has 20 years with the City. Council said they usually do employee recognition at the December meeting.

City Manager Phil Ponder informed the Council that the Clariant plant open house tour is on November 18th. Lunch is offered, and he asked Council to please advise if they will or will not attend.

City Manager Ponder stated that he has the GIS technician at grade 14, but he wants to amend it to grade 15.
Motion: Councilman Black **MOVED** to approve the amendment of the GIS technician to grade 15, seconded by Councilman Stewart.
Vote: all in favor. CARRIED.

City Manager Ponder said Tom Waters has requested voluntary annexation and he wants direction from Council. Councilman Stewart said we need an assessment of its impact within our system. Mr. Ponder said Mr. Waters can develop either within our ordinance, or the county which would allow septic tanks. Councilman Hope said residential property is usually a break-even proposition for the city, and it is so far out from our present limit. He suggested an option that we sell them water and sewer but not annex. Council agreed to wait for an impact assessment before deciding.

Councilman Black asked about the status of our annexation study. City Manager Ponder said Judi Simac will be doing the study since she corrected the contract matters we had a problem with. He plans to have her come to the December meeting.

City Manager Ponder asked for a brief closed session for personnel matters. Councilwoman Harris moved to go into closed session for personnel matters, seconded by Councilman Black, with all in favor.

The Council came out of closed session upon motion by Councilwoman Harris, seconded by Councilman Helms, with all in favor

ADJOURN

There being no further business, the meeting was adjourned, upon motion duly made, seconded and carried at 9:00 PM

Frank E. McLean

Clerk Mayor

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cpm