CITY COUNCIL
REGULAR MEETING
September 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	Adm. Services Dir. Sherry Borgsdorf
Councilman Michael Helms	Public Works Director Eddie Nichols
Councilman Bobby Black	Planning & Zoning Dir. Danny Jackson
Councilwoman Pat Hubbard	City Attorney Kemp Michael
Councilman Bryan Hough	Police Officer

Councilman Hope was absent due to recovering from surgery.

INVOCATION
The invocation was led by Rev. Todd Wright.

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

MINUTES
Councilman Hough **MOVED** to approve the minutes of August 9, 1999, as written, seconded by Councilwoman Harris, with all in favor.

PRESENTATIONS
#1 Resolution for Administrative Services Director Sherry Borgsdorf
Mayor McLean read a resolution honoring Sherry Borgsdorf for her hard work and effort in performing her duties for the City, upon her resignation due to her husband's employment requiring a move to San Jose, California. (copy attached)

Badge for Citizenship and community; Troop Leader Rick Connell, Daniel Philemon, John Ashurst, Robert Connell, Boy Scouts, attending council meeting to earn badge.

PUBLIC HEARINGS
PH#1 Nantz Avenue Voluntary Annexation
City Attorney Michael noted for the record that Public Works Director Nichols called him that day and told him that the city had specs for the pump station for the three lots on Nantz Avenue being annexed. They have not yet inspected these. Also, that day he was informed that a piece of property would remain between this tract and the property next to this, and they wish to annex the little piece at the same time rather than leave a "hole".

Mayor McLean asked if any persons in the audience were present to speak on this matter; there were none.

Motion: Councilman Helms **MOVED** to postpone this public hearing until the October 11th regular meeting, seconded by Councilman Hough.
Vote: all in favor. CARRIED.

PH#2 To Consider Rezoning Property at 115 Tuckaseege Road from R-8MF to B-3
Councilman Helms moved to go into public hearing; seconded by Councilman Black; with all in favor.

Mayor McLean declared the regular meeting in recess and called a public hearing for consideration of a request by Jack & Joy Davis for rezoning of their property at 115 Tuckaseege Road from R-8MF to B-3.

City Manager David Kraus stated that the Planning Commission had voted in favor of the request and recommended our approval, and due advertisement has been made.

Eric Sorenson, stepson of Jack Davis, the applicant, was recognized. He has rental property on it now, and wants B-3 zoning so can make future expansion, since everything around it is B-3. No comments from audience for or against. No comments from Council for or against.

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 Hough **MOVED** upon recommendation of the Planning Commission to approve the request of Jack & Joy Davis for rezoning their property at 115 Tuckaseege Road from R-8MF to B-3, seconded by Councilman Black.
Vote: five ayes, zero nays. CARRIED.

UNFINISHED BUSINESS
UFB#1 To Consider Grant for Preservation of Railroad Depot
Richard Duren, 177 Antelope Drive, Mt. Holly. He said he wanted to address any Council concerns remaining, and bring them up to date from the last committee meeting. Preservation North Carolina has agreed to take title to the depot on an interim basis while renovation takes place. Preservation Comm. of Gaston County has been supportive and has helped to put it on the North Carolina Historical study. This has also been added to the MTIP. David Kraus has assisted us in negotiating with CSX. The grant, if granted and if accepted, would be in the amount of $375,000. This renovation would change a blight in our city to a focal point, he said.

Councilwoman Harris said that he stated Preservation NC is going to take title. However, the memo said they would take it temporarily if the environmental assessment is okay. Mr. Duren said no they will take it temporarily, despite the environmental assessment. Councilwoman Harris asked if he had gone to the county and asked for them to be a sponsor? Mr. Duren said yes, and they are indirectly through the committees. Councilwoman Harris asked if he had been in the building? Mr. Duren replied yes, and it is not in good condition, but the grant will cover a total restoration of that property, including the environmental assessments. Councilwoman Harris stated that when this began, it was about the "Rails to Trails" program, and she wondered what happened to that? Mr. Duren said we have to have an exemption from DOT, and we will not be able to work on that this year. The problem in Meck. Co. was at I-77, but the negative news article was intended to put pressure on the State, and it has worked; because they are now in agreement, he said. Mayor McLean asked him how about the floor? Mr. Duren stated the whole structure needs to be stabilized. These funds are needed to restore a national historical site. Councilwoman Hubbard asked about the temporary taking of title. Mr. Duren said that during restoration it would be held by Preservation NC; then donated to a non-profit entity. Councilman Helms asked what happens if it does not pass the environmental? Mr. Duren said they expect it not to pass; and the grant has money for the study and cleanup. Councilwoman Hubbard asked what happens if the cleanup is too much for the grant money? Mr. Duren said the remainder after the money used for the study would be returned. Councilwoman Hubbard who would have to cleanup then? Mr. Duren stated that it would then be eligible for superfund money. Councilman Black asked if the City could make decisions if we do not own it? Mr. Duren said the City would be sponsor, and make the decisions as to the use of the grant funds. Councilman Black noted that if CSX does not agree, then you can do nothing. City Manager David Kraus said we have asked CSX to donate the property, but have no decision yet. Councilman Black asked if we have estimates? Mr. Duren said all those take money, and that is why we need the grant funds; the studies will be done first and then the estimates. Councilman Black said he believed that if you are looking at a property to buy, you would have someone come in and have it checked out before you buy it. He felt if we put our money into this, we should know more about this. Councilman Hough asked what liability does the city have if we apply for the grant, i.e., the title is in Preservation and the assessment is bad, what would the City be responsible for? Mr. Duren said you can apply for the grant and then not accept it later. City Attorney Michael stated he could not say tonight that the City would have or not have any liability; he would need to get a legal opinion from an attorney who specializes in environmental law. Councilwoman Harris said she talked to County Commissioner Keigher that day and he could not remember what they had said they would do, and he called Martha Jordan, their Clerk. She referred it to the County Attorney, and he said he needed more time. Councilwoman Hubbard asked if we have a copy of the grant so she could look over it? David Kraus said he had it with him. Councilwoman Hubbard said if CSX agrees to donate the property to Presevation of NC, that is the only way they can get out of the environmental liability. If we apply for the grant and get it, at the point we spend part of the money on it we may be liable, but in order for us to spend money on it, it has to belong to someone else than CSX. Preservation said they would take title after assessment. So you are saying we are

going to spend money on it while CSX still owns it? Mr. Duren said yes. Councilman Hough said he doesn't disagree with much of what Mr. Duren said, but timing is a real problem. This is the first month we have any real, concrete information before us, and he looks forward to getting more information, and think by next year's application period we could be ready to apply. Mr. Hough continued that we need to know for sure the County's acceptance of this, or the City's liabilities. Councilman Black stated that the packet we got over the weekend says the City would be the sponsor and the applicant; and that CSX would donate the depot, but to whom? Mr. Kraus said we asked them to donate to Preservation NC. Councilman Black said it appears long term use and maintenance issues would be addressed after restoration; but why not have that settled now? Councilman Black asked if we miss this Sept. 15 deadline, is there no other deadline until next year? Mr. Duren said there is another opportunity after March to apply, which would not be funded until the next year. Mr. Kraus said you could look toward other funding as well. Councilman Hough recalled Mr. Duren had mentioned the "millenium project" and how we had missed that opportunity, but we did not ever have a definite plan presented to us. These are good ideas, but we need more concrete information before I can take any favorable action. No action.

UFB#2 To Consider Plan Approval for Mountain Island Park
Recreation Director Tareyton "Zip" Stowe stated he has arranged for a tract of land to be leased from Duke Power. He asked permission to apply for PARTF grant which is a $50,000 matching funds grant. This would be put in next year's budget. The park would be 44 acres of land with ¾ mile of water frontage. Judi Simac would help with the grant application. The plans include a nature park including campsites, a restroom, fishing pier, canoe launch, playground equipment, and nature trails.

Motion: Councilman Hough **MOVED** to approve the plan and application for grant funds, seconded by Councilwoman Harris.
Vote: all in favor. CARRIED.

CONSENT AGENDA
Motion: Councilman Hough **MOVED** to add NB #2 & #3 to consent agenda and to approve all seven items as presented, seconded by Councilwoman Harris.
Vote: all in favor. CARRIED.
. They are:

1. To Consider Permanent Loan of Fire Vehicle from NC Forest Service. The truck would be leased at no cost, and returned at the end of its usefulness rather than surplus. The City would pay for license, insurance and maintenance.
2. To Consider Acceptance of Deerfield Subdivision Phase II, Section III, except for sidewalks. This is contingent upon receipt of appropriate financial guarantees and the one-year warranty.
3. To Consider Final Plat of Deerfield Section III. This was upon recommendation of the Planning Commission, and is contingent upon receipt of appropriate financial guarantees.

4. To Consider Municipal Agreements for Bridge Inspection. DOT would handle the inspections at a cost to the City of 20%, being approximately $400 per bridge.
5. To Consider Pipeline Crossing Agreements with CSX. This is required for the water and sewer line extensions being constructed by Crescent Resources in order to cross the railroad lines. (map attached to agreement)
6. To Consider Pet Policy for Holly Hills Community. This policy is required by HUD. (copy attached)
7. To Consider Service Policy and Addendum for Holly Hills. This policy is required by HUD. (copy attached)

NEW BUSINESS

NB #1 To Consider Septic Tank and Well Permit off Pearl Beatty Road

Request was made by Leslie Johnson, 777 Love Crossing, off Pearl Beatty Road, to be allowed to install a septic tank and well instead of tapping onto city services. City Manager Kraus said this request is based on location because she is 600 feet off the road. Public Works Director Eddie Nichols also said it is appropriate in this instance due to topography.

Motion: Councilman Hough **MOVED** to approve the request for installation of a well and septic tank at 777 Love Crossing, subject to county approval, seconded by Councilwoman Hubbard.
Vote: all in favor. CARRIED.

NB#4 To Consider Approval of Advertising Banner for Intersection of NC 27 and NC 273

Council received a request from Michelle Armstrong, Nail Creations, to place a banner at the underpass intersection. City Manager Kraus stated the Council has allowed non-profit groups to do so in the past, but had no precedent for a business. Council concurred to take no action.

NB#5 To Consider Sale of Additional Cemetery Plots

City Manager Kraus had a request for the City to mark off more cemetery lots so they can purchase lots. Mr. Kraus said when he asks why we stopped selling lots, he gets different answers. To sell more lots, a survey would have to be done. City Attorney Michael said first Council needs to determine if you want to be in the cemetery business anymore. Councilwoman Hubbard asked if their motive was a cost difference? Mr. Kraus said they never discussed cost, just that he wanted to be buried there. Mr. Kraus stated that some of the records were burned in the city hall fire years ago. No action taken. Mr. Michael said the gentleman could put an ad in the Mt. Holly News and would probably get calls from someone willing to sell their lot.

NB#6 To Consider Involuntary Annexation of Riverbend Steam Plant Area
City Manager David Kraus requested direction on the matter of involuntary annexation of the Riverbend Steam Plant Area which has previously been suggested. Council concurred he should proceed with the study.

NB#7 To Call for Public Hearing for Amendment to Subdivision Ordinance on Decorative Street Lights
City staff was previously directed to investigate and prepare a proposed amendment to the subdivision ordinance on decorative street lights. The Planning Commission did not recommend such an amendment be made primarily due to the increased cost. Councilwoman Hubbard said their point was that the lights were $30 a piece and now they are $400 a piece. Mr. Kraus said Danny Jackson was told by Duke Power that we were the first jurisdiction to make it mandatory. If the amendment is made, we are looking for consistency within the same development, if they start with decorative poles, they should continue throughout and keep the same style. Councilman Helms asked that staff bring Council a proposal to the workshop meeting on Sept. 21. Council concurred.

NB#8 To Consider Resolution Supporting Clean Sweep
Governor Hunt has issued a proclamation for Clean Sweep from September 17 to September 30, which Mayor McLean read and supported resolution (copy attached). Adopt-A-Highway volunteers are urged to make one of their four annual pickups during that week.

NB#9 Eliminating Parking Space on West Central
Motion: Councilwoman Hubbard **MOVED** to approve removing one parking space at the intersection of Central Avenue and Main Street which is partially covering the traffic light sensor; seconded by Councilwoman Harris.
Vote: All in favor. CARRIED.

NB#10 To Make Appointments to the Planning Commission
Motion: Councilwoman Harris **MOVED** to reappoint George Cauthen, Jr. and Bill Gary., and close nominations. Seconded by Councilman Hough.
Vote: all in favor. CARRIED.

NB#11 To Consider Change Order for Sidewalks on Tuckaseege Road
It has been learned that NC DOT will reimburse the City for sidewalk construction along collector and arterial streets, as long as the sidewalks are 5 feet wide and the street has curb an gutter. We must change the contract from 4 feet wide to 5 feet wide sidewalks, at an additional cost of $10,000.00. The reimbursement expected would be approximately $73,000.00.

Motion: Councilman Hough **MOVED** to approve the change order for sidewalks, and authorize the City Manager to apply for reimbursement, seconded by Councilman Black.
Vote: All in favor. CARRIED.

Councilman Hough suggested that the City apply for sidewalk funds for Highland Street. Councilman Black said we also need to look into the 273 stretch on the north side of the underpass.

PUBLIC COMMENT
Mayor McLean opened the floor for public comment. There were none.

City Manager David Kraus asked a police officer to speak to Council on the matter of the City sending a letter to the business that was selling knives without a permit, and we advised them they cannot sell these without a permit. Kelly Hoyle Police Dept. officer, said both years during the festival complaints were made from parents that the dry cleaners sold knives to their children. They currently have privilege license for dry cleaning, shoe repair, and alterations. Police Officer Hoyle wants Council to a write letter to the state legislature to amend state laws to strengthen restrictions on sale of weapons to children. She showed the Council some on the knives that are not restricted by law, which the Council agreed are a cause for concern. Council concurred to make the request.

ROUND TABLE
City Manager Kraus said that today staff worked on preparing for hurricane readiness. The emergency center will be at the police department. We can use the gym and middle school for an emergency center for citizens if needed. The new generator has not arrived. Mayor McLean said there are generators at the water and waste treatment plants.

Councilman Hough said he did not see a report on Glendale Avenue speeding. Mr. Kraus should be in the next couple weeks.

Councilman Hough said that even the banners the non-profit groups are allowed to put up at the underpass intersection on Hwy. 27 should not be left up for three weeks. When he was on vacation, he saw a community board that looked nicer than having banners. City Manager Kraus will look into prices of those.

Councilman Black said the metal ad signs by developers about houses for sale in new developments are everywhere in clumps, and do not have to do with subdivisions in Mount Holly. Mr. Kraus will look into the sign ordinance being amended to stop that.

Councilman Black asked for an update on the Second Baptist Church property appraisal, and on the Optimist Club matter. City Manager Kraus said we found that the Optimist Club can accept donations up to $1,000. Optimist International has the right status, but they take a cut out of the donation if they use it. Mr. Kraus said Danny sent the appraiser on the church property a zoning map, and should have the appraisal report in the next two weeks.

Councilman Black inquired about, what will done to replace Ms. Borgsdorf. City Manager Kraus said several council members would like to address the issue. Council

wants to review the job description, and the personnel study. Mr. Kraus said Council can use this opportunity to evaluate current needs and make an adjustment if they wish. Councilman Black said he also wanted to know the plans about the code enforcement position recently vacated. Mr. Kraus said we can get the minimum housing matters contracted out, but the code enforcement we can't find anyone to do, so he thinks he will have to fill the position.

Mayor McLean reminded Council that workshops are scheduled on September 21st and 28th at 6:30 PM at City Hall.

Councilman Helms said he had a complaint about police not patrolling on Glendale Avenue.

Councilman Helms said staff needs to clean off the sign at the river that is grown over by vegetation.

Councilwoman Harris stated that the City had a good employee picnic, but not good turnout. We have 94 employees and their families, as well as zoning board and others. We had only 85 attend. Can we ask the employees what they would like in entertainment or events? Councilwoman Hubbard suggested an annual competitive event between departments.

Councilwoman Harris said Council did not get agenda packets until Saturday; and they need to get them by Thursday night.

Councilwoman Hubbard stated the new flags look great.

Councilwoman Hubbard said she had a citizen complaint about traffic lights at North Main Street at the Triangle Service Station.

Councilwoman Hubbard said she had complaints about people using gym on Sunday morning. Mr. Kraus stated it is not open to the public for use; however, school personnel have keys as well.

Mayor McLean asked the City Manager to please have the secretary notify all council members when something serious happens like Councilman Hope's recent accident.

Mayor McLean said he talked to the post office representative, Mr. Roop, and the site is still on Hwy. 27.

Councilman Hough **MOVED** to go into closed session for purpose of personnel matters to be discussed, seconded by Councilman Black. All in favor.

The Council first took a five minute recess.

The Council returned to open session upon **MOTION** of Councilman Black, seconded by Councilman Hough, with all in favor.

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