

**City Council
Regular Meeting
September 11, 2000**

CALL TO ORDER BY THE MAYOR

Mayor McLean called the City Council for Mount Holly to order at 7:00 P.M. at City Hall in the Council Room. Those present were:

Mayor Frank McLean

Adm. Services Officer Jamie Guffey

Councilman Michael Helms

Councilwoman Phyllis Harris

Councilman Jim Hope

City Attorney Kemp Michael

Councilwoman Pat Hubbard

Police Chief Davis

Councilman Bryan Hough

Fire Chief Ekiatis

Mayor Pro-Tem Black

Eddie Nichols & Danny Jackson were absent due to illness.

INVOCATION

The invocation was led by Chad Harvey.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Scout Troup 59, led by Mr. Rick Connell. Mr. Connell shared information about Boy Scouts with Council, namely, that out of every 100 boys who join the Scouts 30 drop out after the first year. Scouts rarely appear in juvenile court. Four out of every 100 reach Eagle Scout level. Three out of every four of our country's leaders were Scouts.

APPROVAL OF THE AGENDA

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

APPROVAL OF MINUTES

Councilman Black moved to approve the minutes of August 1 and 14, 2000, as written; seconded by Councilman Hough, with all in favor.

PRESENTATIONS

PR #Additional Partnership Between Rankin Elementary & Blumenthal Arts Center

Mr. Ron Foulk, principal of Ida Rankin Elementary School, shared with Council the good news of a partnership launched through Gaston United Arts Council whereby Blumenthal Arts Center of Charlotte will partner with Rankin Elementary in a new program. If successful, the program will be duplicated in other schools. Mr. Hunt, Vice-President of Educational Services & Community Affairs for Blumenthal Arts Center was recognized. Mr. Hunt stated that he has found this community to be excellent and the schools are commendable. He is excited about the partnership, and is pleased to report that the Blumenthal Arts Center was recently ranked in the top 15 in the country. He has enjoyed coming to Mount Holly and appreciates the parents' reception, motivation, and

cooperation. The staff at the school has been very cooperative as well. This program was awarded a \$10,000 grant by the N. C. State Arts Council also. On July 17th, the program was presented to the School Board and approved. The main components of the program is to train teachers and artists methods to bring arts into the classroom, with the arts being an integrated approach to learning core curriculum subjects. The focus will be to use arts to motivate and inspire learning. He gave the example of the "ABC" song everyone learns in kindergarten. They will begin in kindergarten and first grade. Parental involvement will be necessary. National experts will be called upon as consultants. The students will have performance opportunities in the school and the community. The first year will primarily be planning, but part of the program will be implemented this spring. He expressed his hope that the program will be successful so that more funding can be obtained in order to expand it to other schools. The Mayor and Council thanked them for coming and wished them well in their endeavor.

PR#1 Hank Williams Youth & Family Crusade

Chad Harvey informed Council that the crusade will be held at the Mt. Holly Middle School football field. This is sponsored by the area Baptist churches, with about 60 participating between October 1-3 at crusades at Ashbrook High, MHMS, and Cherryville High. The focus is on youth and families. Lana Chambers, a Christian band, and Joe Gibbs will all appear. They will have pizza at 6:30 PM. Hank Williams, from Dallas, Texas, a youth evangelist, will share a message for about 15 minutes. The program will last about an hour. All different religious backgrounds are welcome. He stated that the issues that plague our community are a heart problem, and Jesus Christ is the only one who can change that. The intent is to encourage them to attend church, and they hope they will become involved. They expect from 2,000 to 5,000 to come to Mt. Holly. He asked for volunteers in setting up and cleaning up afterward, anytime between Noon and 10 PM. He said he appreciated that Mount Holly has always supported its religious institutions and asked for support physically and in prayer.

PR#2 Proclamation for Undoing Racism Day

Mayor McLean read a proclamation declaring September 20 as Undoing Racism Day to advocate equal rights for all. (copy attached)

PR#3 Proclamation Naming September 17-23 as Constitution Week

Mayor McLean read a proclamation declaring September 17-23 as Constitution Week in Mount Holly. (copy attached)

PUBLIC HEARINGS

PH#1 To Consider Closing a Section of Church Street Right-of-way Beginning at Hicks Circle

Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, with all in favor. Mayor McLean recessed the regular meeting and called the public hearing to order for consideration of closing a portion of Church Street.

City Manager Kraus stated that the request is by Bruce McCuen for a portion of Church Street beginning at Hicks Circle and just abutting his property (tax parcel 95) which has never been opened to be closed, and that it is not needed for access to adjoining properties. Mr. McCuen said he has lived there 14 years and it has never been used for a road. Gene Hunt, 201 Hicks Circle, lives on the other side of that portion of Church Street, and he said it has never been used in the 40 years of his knowledge as a road, and he does not see it ever being used for one. Floyd Farmer, Kelly Road, who owns property at the corner of Church Street and Carey Street, said that the left side of that street is zoned for business, and on down from there it is multi-family. He has access but it will hinder the owners on that street if one end is closed off from developing it as business property, and so it would harm the values. Fred White, 206 Crest, owns land adjoining Church Street which is zoned business, and he is not in favor of the street being closed as it would lose value. Ilene Scarlett, 726-A S. Main Street, said she has children and the area of Church Street is used by them to play and she is in favor of the request being granted.

There were no other comments either for or against. Councilman Helms moved to go out of public hearing, seconded by Councilman Hough, with all in favor. Mayor McLean adjourned the public hearing and resumed the regular meeting.

City Manager Kraus stated that the Council cannot grant the request if it would landlock any adjoining property, and that is not the situation here. He said he does not foresee the City developing that as a street, but there is always the possibility it would be needed for utility right-of-way. He would not like to see a repeat of the problem created when a portion of Houston Street was closed. City Attorney Michael said the decision is in the discretion of the Council as long as they find reasonable access remains.

Councilman Hough said he has not heard any desire for the road to be paved or used at this time, so he was in favor of leaving things as they are. Council concurred. No action.

PH#2 To Consider Rezoning of Autumn Woods Subdivision from R-10 and R-12 to R-8SF Conditional Use

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 rezoning a section of Autumn Woods Subdivision.

City Manager Kraus stated that the property was zoned several years ago, but now that Phase I is finished, the developer has asked for rezoning of the next section for the purpose of having smaller side setbacks. With the conditional use zone, the site plan is set and conditions are placed on the development which the Council controls.

Mr. Grover Shugart, Jr., Winston-Salem, NC, appeared and had Mr. Skidmore give them maps to see. The engineers have made changes in order to avoid wetlands, resulting in 12 more acres in open land. This will mean less dirt movement. There are fewer townhouses, more single-family. The change would be in Parcels C & E on the master map. He provided a list of the proposed lots with the square footage for each one. There

will now be one-story duplexes of about 1,300 square feet with one car garage, targeting empty nesters and senior citizens. Every lot has at least 65 feet width at the building line. They have found that the younger generation does not want large lots like older ones used to want. They have also changed the path of the streets so that they do not cross the creek as many times. He reported that the Planning Commission was unanimously in favor of this site plan and commented that they liked it better than the old one. The total number of units being built has not been increased so the density is the same. In response to Councilwoman Hubbard's questions, Mr. Shugart stated that the difference in open land comes from the change in the street plan and the closer side setbacks so that the houses can be situated on the lots better due to the topography. He also said that the open areas will be deeded to the homeowner's association.

There were no further comments for or against. Councilman Helms moved to go out of the public hearing, seconded by Councilwoman Harris, with all in favor. Mayor McLean adjourned the public hearing and resumed the regular meeting.

Councilman Hough inquired as to whether or not the guardrail issue had been resolved in the first phase. Councilman Hope felt uncomfortable not having Mr. Jackson's input. The City Manager said he had specifically spoken with Mr. Jackson about this matter on the phone, and he was given the five findings of fact that must be found in order to grant a conditional use; and he could call him at home if they had further questions. Mr. Kraus said that because the guard rails are in Phase I they would not be a condition on this plat, but Mr. Shugart was willing to talk about the matter. Councilwoman Harris asked the City Attorney if they could make the installation of the guardrails a condition of this approval. Mr. Hough acknowledged that the matters need to be addressed separately. Mr. Kraus pointed out that the final plat on Phase I has already been approved. City Attorney Michael said our ordinance does not address guardrails in it; he said they could have an understanding with the developer due to the safety concerns, but even then specs would be needed. Mr. Shugart stated he has no problem with meeting with Mr. Nichols and putting up guardrails as reasonably necessary, but it is expensive, and he would not want to be required to do more than would reasonably address the safety issue. Councilwoman Hubbard asked if the State has standards for them. Mr. Michael was excused to go to call Mr. Nichols on the phone.

The Council took a five minute recess.

Councilman Hope asked Joel Hubbard, a Planning Commission member who was present, if the Commission found in favor of all five findings of fact; he said they did.

There were no other comments either for or against. Councilman Helms moved to go out of public hearing, seconded by Councilman Hough, with all in favor. Mayor McLean adjourned the public hearing and resumed the regular meeting.

City Attorney Michael said the site plan needs to add that the open area will be deeded to the homeowner's association. Mr. Shugart said they will deed it to the HOA before they sell lots because it is required to get HUD approval for mortgages. Councilwoman

Hubbard asked about a 2.25 acre tract above the townhouses. Mr. Shugart said the single-family lots will be developed and sold. The open areas will be deeded to the HOA. The townhouses will be a separate HOA because they maintain the grounds and roof and all. City Attorney Michael said the other proviso would be that the developer install customary standard guardrails for safety reasons on Autumn Woods Blvd. City Attorney Michael also said another condition is that all manufactured homes are excluded.

Motion: Councilman Helms **MOVED** to affirmatively find that #A per ordinance has been met, seconded by Councilman Black.

Vote: all in favor. CARRIED.

Motion: Councilman Helms **MOVED** to affirmatively find that #B per ordinance has been met, seconded by Councilwoman Harris.

Vote: all in favor. CARRIED.

Motion: Councilman Helms **MOVED** to affirmatively find that #C per ordinance has been met, seconded by Councilman Black.

Vote: all in favor. CARRIED.

Motion: Councilman Helms **MOVED** to affirmatively find that #D per ordinance has been met, seconded by Councilman Black.

Vote: all in favor. CARRIED.

Motion: Councilman Helms **MOVED** to affirmatively find that #E per ordinance has been met, seconded by Councilman Black.

Vote: all in favor. CARRIED.

Motion: Councilman Black **MOVED** to approve rezoning for Phase II, Autumn Woods Subdivision, from R-10 and R-12 to R-8SF Conditional Use, as set forth on the site plan and in Danny Jackson's memo dated August 28, 2000, seconded by Councilman Houg.

Vote: all in favor. CARRIED.

PH#3 Public Hearing for Initial Zoning of Boat Landing/Discharge Canal Area to R-A and H-I.

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 zoning of the boat landing and the discharge canal area at Riverbend Steam Station.

Councilwoman Hubbard obtained clarification about the location of the discharge canal pipes. City Attorney Michael identified the two areas which are adjacent to each other and are contiguous to the city limits.

Richard Duren, 177 Antelope Drive, he asked about the actual use of the property, and if this will encourage public use of the property, because that would incur liability for the

city with regard to water safety issues. City Manager Kraus stated that the zoning reflects the current uses, in that the boat landing is already there, and the discharge canal from the steam station is already there. The city is looking at the possibility of putting a fire station on part of the tract.

There were no other comments either 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.

Councilman Helms stated that the only reason he supports the H-I zone is that is what it is currently being used for, a tailrace, and nothing else can be built there as it is occupied by that use. Also, he stated that the Duke Power boat landing is required by FERC and is Duke Power's responsibility, as the City is not taking ownership of the boat landing. He said that R-A is a holding zone and is appropriate for that area. He further stated that the watershed ordinance that Mount Holly has is strict and governs all zones not just residential.

PH#4 Public Hearing for Petition for Voluntary Annexation of Boat Landing/Discharge Canal Area

Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, with all in favor. Mayor McLean recessed the regular meeting and called the public hearing to order for consideration of voluntary annexation of the boat landing and the discharge canal area at Riverbend Steam Station.

City Manager Kraus stated that the voluntary annexation petition was received and was found to be sufficient, and that the public hearing had been set and duly advertised. This property is contiguous to the city limits. City Attorney Michael stated that if this is approved, StoneWater would be contiguous.

There were no other comments either for or against. 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.

UNFINISHED BUSINESS

UFB#1 To Consider Initial Zoning on Boat Landing/Discharge Canal

Motion: Councilman Hough **MOVED** to approve the initial zoning of Tract I being 26.32 acres known as the Tailrace Tract to H-I, seconded by Councilman Black.

Vote: all in favor. CARRIED.

Motion: Councilman Hough **MOVED** to approve the initial zoning of Tract II being 63.39 acres known as the Boat Landing Tract to R-A, seconded by Councilwoman Harris.

Vote: all in favor. CARRIED.

UFB#2 To Consider Adoption of Annexation Petition for Boat Landing/Discharge Canal Area

Motion: Councilman Hough **MOVED** to adopt Resolution #9-11-00(A), the ordinance to extend the city limits for the 89.71 acre tract, effective September 30, 2000; seconded by Councilwoman Hubbard.

Vote: six ayes, zero nays. **CARRIED.**

NEW BUSINESS

NB#1 To Consider Preliminary Plat Approval for Phase III of Riverfront Subdivision

Mr. Newman appeared before Council and stated he is the new engineer for Squires Homes. The main contention is a water loop, and they have investigated two alternatives. They recommend going through Riverfront across Crescent Resources property to hook onto the large line at the YMCA. City Manager Kraus said the City had concerns about the poor quality of infrastructure construction in Phase I; we want to see improvement on those items and assurance on the water loop line.

Motion: Councilman Helms **MOVED** to table action on this item; seconded by Councilwoman Harris.

Vote: six ayes, zero nays. **CARRIED.**

NB#2 To Consider Amendment to Article II, Division I, Section 7-7, as well as Division II Section 7-10 through 7-14 of the Mount Holly Code Relating to Structure of the Fire Department

Motion: Councilman Hough **MOVED** to adopt Resolution #9-11-00(B) regarding the restructure of the fire department; seconded by Councilwoman Hubbard.

Vote: six ayes, zero nays. **CARRIED.**

NB#3 To Adopt Drug Testing Policy for Volunteer Fire Fighters

Chief Ekiatis stated that this would require the same test for volunteers that paid firemen must take.

Motion: Councilman Hough **MOVED** to approve the proposed drug testing policy for volunteer firemen; seconded by Councilwoman Hubbard.

Vote: six ayes, zero nays. **CARRIED.**

NB#4 To Consider Resolution Accepting the Plan of Dissolution Adopted by the Catawba Heights Volunteer Fire Department, Incorporated, at its Meeting of August 28, 2000

City Attorney Michael stated that the Catawba Heights VFD will be dissolved as of September 30, 2000, and all its assets will go to the City of Mount Holly, its members will automatically be given slots in the Mount Holly Fire Department provided they pass the drug screening test, and the City will be responsible for the remaining liabilities of the VFD. There is one debt, for the fire truck, which the city was already paying.

Motion: Councilwoman Hubbard **MOVED** to adopt Resolution #9-11-00(C) accepting the plan of dissolution for the Catawba Heights VFD; seconded by Councilman Black.

Vote: six ayes, zero nays. CARRIED.

NB#5 To Consider Supplemental Appropriations Related to the Dissolution of Catawba Heights Volunteer Fire Department

City Manager Kraus stated that the monies will be placed into a separate line item for operations, and also \$20,000 will be set aside for renovations. He will bring back another budget amendment when the monies are transferred.

Motion: Councilwoman Hubbard **MOVED** to approve the budget amendment as presented; seconded by Councilwoman Harris.

Vote: six ayes, zero nays. CARRIED.

NB#6 To Consider Additional Positions in Police Investigations

Chief Davis requested additional positions in the police department for investigations. He intends to obtain a man with over 15 years experience, an investigator and instructor. There is an influx of domestic violence, child abuse, and sexual offenses involving children, and he would like to put a female investigator in who already has training in that area. City Manager Kraus stated that the City got the grant for school officers. Mr. Kraus and Mr. Guffey are presently working on five year projected budgets. Councilman Helms asked if they will have enough patrolmen. The Chief said they will, as he is not eliminating the four new patrol budgeted for next year for the north end newly annexed area. Mr. Kraus said he may need to hire one now and delay the other until January of 2001.

Motion: Councilman Hope **MOVED** to approve two additional police department positions as investigators; seconded by Councilwoman Hubbard.

Vote: six ayes, zero nays. CARRIED.

NB#7 To Consider Request by Mr. Chris Hovis to Operate his BBQ Stand at Broomer's on Additional Days

Mr. Hovis asked to be allowed to operate his BBQ stand at Broomer's Car Wash on South Main Street for more days than Friday and Saturday. He also wants to be able to move the stand to other sites from time to time. Councilwoman Hubbard asked if he cooks the BBQ in that cooker at the stand; he said yes, some of it, but most of it is done at the base kitchen. He said business has been good and they hope to open a restaurant. City Attorney Michael said nothing in the City Code allows a permit for unspecified locations at various sites; one of the reasons for that is that the Council must consider impact on traffic. Councilwoman Hubbard said she has had complaints by some of the neighbors about the smoke in the air. Councilman Black has had complaints from established restaurants. Councilmen Hope and Hough had also received complaints about them not having to pay the same property taxes. Mr. Michael said that he is not very familiar with that section of the code on itinerant businesses, and so they may want to wait for Mr. Jackson to return.

Motion: Councilman Hope **MOVED** to leave the permit as it is; seconded by Councilman Helms.

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

CONSENT AGENDA

Councilman Helms **MOVED** to approve all eight(8) items on the Consent Agenda; seconded by Councilman Hough, with all in favor. They are:

CA#1 Preliminary Plat Approval of Phase II StoneWater Subdivision. Upon staff recommendation and approval by Planning Commission.

CA#2 To Accept Donation of Night Vision Goggles and Training for Police Department. Donated as a testing program by the U. S. Army Electronic Proving Ground; one investigator will be trained in Phoenix, Arizona; no City cost.

CA#3 To Designate Fire Equipment as Surplus and Advertise for Sale. Several boxes of unused fire hose that is a size no longer used by the department; money from the sale to be designated for the purchase of a gas detector.

CA#4 Approval of Public Housing Assessment System Management Certification. Resolution #9-11-00(D) attached.

CA#5 Designating Councilwoman Phyllis Harris as Representative to the Lower Catawba River Basin Study.

CA#6 To Re-Appoint Chuck Carpenter, Jerry Miller, and Hazel Michael to Planning Commission for Term Ending September, 2003

CA#7 Supplemental Appropriation from Revenue for Federal Grant to Police Uniforms. Budget amendment for \$710.04 (copy attached).

CA#8 Extension of Deadline for Pressure Reducing Value Reimbursement. Mr. and Mrs. Huss on Timberlane Drive had the work done during the time period but did not submit the receipt in a timely manner.

PUBLIC COMMENT

Mayor McLean opened the floor to public comment.

Jesse Fields, pastor of Wesley Chapel, was recognized. He stated that they have been using the Mount Holly Optimist Building by agreement with the Optimist. Now that the City has bought the building, they wanted to request an adjustment to the fees charged under the fee schedule. They are building a church in that area, and in the meantime would like to continue using the facility on Sunday mornings; he said Wednesday evenings were optional. Councilwoman Hubbard asked if there are any stipulations about use of city property for church purposes. City Attorney Michael said there is no prohibition, but the same rules must apply for all users of the facility. Councilwoman Harris said that this was addressed by Mr. Baber and the Recreation Commission has discussed this. Mr. Kraus said that in his view they would have to apply for and reserve the facility like any other user and the fee schedule would apply as well. Councilwoman Hubbard asked how long they expect to need to use it; Mr. Fields said about 6 months. Willie Melton, 104 Sweetbriar Court, accompanied Mr. Fields, and he said they would be there on Sundays from 10 AM to 1:30 PM and they wondered if they could get a volume

discount. Mr. Kraus said that Zip Stowe had provided them with a standard application, and he does not see that staff has any authority to cut rates. Mr. Melton wanted to know if they have to apply every week. City Attorney Michael said the policy does not address this issue; it was designed for short term use. Councilman Hough said if he could he would let them use it for six months for free, but he felt he did not know all the facts and need staff recommendation. The matter was referred to staff and the Recreation Commission.

Alice Sweazy, HOA officer for Runnymede Subdivision, requested speed limit signs and children playing signs for the neighborhood. She said there are no speed limit signs when you come from Pine or Dunn Streets and none in the new sections. There is only one children playing sign at the main entrance. The HOA also requests that the police department give tickets for speeding including construction workers, police officers, and residents who are violating the speed limit. Councilman Hope stated that the developer is responsible for putting up the signs; Mr. Kraus will check with the developer on getting that done.

ROUND TABLE

Councilwoman Harris said that Mike Huffstetler has complained to her about kids from Holly Hills Apartments crossing his yard, and he requests they put up a fence like at Rollins Square. Mr. Kraus said he spoke with Diane Prichett at Priority One Management, and she would like to do that, but she does not have the funding for it.

Councilman Black asked if we are going to amend our ordinance to include provisions for guardrails; Mr. Kraus said staff and the Planning Commission are looking at that to make a recommendation.

Councilman Black said he was in Deertrack Subdivision and was amazed at the number of cars that park on the street; he said sometimes the street gets blocked, and he wanted to know if the City can do something about. Mr. Kraus said we cannot enforce deed restrictions, but we can make no parking zones on city streets on one side or both sides. Councilman Hope said that someone is parking a truck on the sidewalk at Highland and E. Catawba and that needs to be stopped.

Councilman Hough asked that the house at the corner of Highway 273 and Nims Avenue be looked at for minimum housing code violations.

Councilman Helms said he has also had a complaint that someone is parking on the sidewalk on Oakland Avenue at the West Catawba end, and that should not be allowed.

Councilwoman Harris asked what had been done for Mr. Ferrell regarding his request for cleaning up the lot next door to him. Mr. Kraus said that we can only enforce zoning in the ETJ, and we sent a letter to the County but they don't want to touch it because it is in our ETJ; he said that the City can drop ETJ areas that we do not want to handle especially if they are already developed.

Councilwoman Harris said that she and the City Manager will be attending the National Convention this fall.

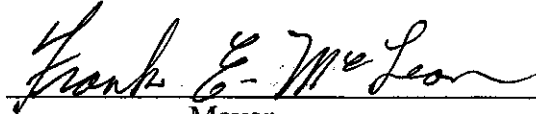
ADJOURN

There being no further business before Council, the meeting was adjourned, upon motion by Councilwoman Harris, seconded by Councilman Helms, with all in favor.

10:00 PM



City Clerk



Mayor

cpm