

CITY OF MOUNT HOLLY**MOUNT HOLLY CITY COUNCIL
WORK SESSION****TUESDAY, SEPTEMBER 06, 2005
CITY HALL**

The Work Session of the City Council of Mount Holly was called to order at 6:30 p.m. by Mayor Bryan Hough. The following were present:

Mayor Bryan Hough
Mayor Pro-Tem Michael Helms
Councilwoman Phyllis Harris
Councilman Jim Hope
Councilwoman Pat Hubbard
Councilman Frank McLean
Councilman David Moore
City Manager David Kraus

Assistant City Manager Danny Jackson
Assistant City Manager Jamie Guffey
Police Chief Benson Hoyle
Street and Solid Waste Director Mike Santmire
Fire Chief Dale Oplinger
Community Development Planner Greg Beal

The invocation was led by Councilwoman Pat Hubbard.

Mr. Kraus requests addition of Hurricane Katrina Relief, and to talk about old computers and how we dispose of them. Mr. Hough wishes to add discussion of moratorium related to rezoning and annexation of new development. All council members are in agreement.

1. **Comments by Donnie Hicks from Gaston County EDC.** Mr. Hicks stated he would like to encourage the preservation of industrial land. He stated the county did a 20/12 plan with the biggest limitation being industrial property. The county has not been able to invest as they did in the 90s. Since 1999, we have fallen from 2 million to 1 million per year. If we can get the county to increase, we would like to take that money to make the area more attractive to developers. We are trying to identify areas on the eastern side of the county. If we can get this land prepared, we have a large market to put in businesses, new employment opportunity. The land in and around Freightliner is a precious commodity. National Gypsum will be directly behind Freightliner and rather than putting in neighborhoods, that land across from Freightliner could be much better suited for a business purpose. Freightliner is our largest company, largest employer, largest taxpayer in the county and we could find compatible business use with these two large facilities.

2. **To Call for Public Hearing by Planning Commission and City Council for Zoning Request for National Gypsum** – Mr. Kraus stated normally the company would submit application and then come for public hearing. Time constraints are in place and they are requesting a public hearing for next month for rezoning and voluntary annexation. Mr. Michael says on September 19th then we would call for annexation meeting for October. All in agreement to call for Planning Commission zoning hearing on October 3rd and council hearing on October 10th.

Ms. Hubbard **MOVED** to call for a Public Hearing by Planning Commission and City Council for Zoning Request for National Gypsum. Motion **SECONDED** by Mr. McLean. All in favor.

3. **To Discuss Appointments to ABC Commission and Planning Commission.** Mr. Kraus stated there are two seats opening up on the Planning Commission, Billy Gary and George Cauthen. He also stated that the ABC commission is to discuss how to proceed so that when we meet on the 19th we are still on the same page concerning nominations to serve on the ABC Board. Mayor Hough asked Mr. Kraus if he spoke to Mr. Cauthen or Mr. Gary to see if they want to serve again. Mr. Guffey answered that they both want to serve again.

It was discussed among Council regarding whether a requirement needs to be put in place stating persons serving on the ABC Board must be citizens of the City of Mount Holly. Mr. Michael stated a resident requirement has not been addressed but the authority is there to establish this requirement. Council decided not to make this a requirement.

Mr. Hope **MOVED** to close nominations for the ABC Board. **SECONDED** by Mr. Helms. All in favor.

4. **To Authorize Contract for Bridge Inspections.** Mr. Kraus stated this related to bridges on Cherry Street, Rankin Avenue and W. Central Avenue. There are only three city owned bridges. Mr. Kraus is requesting council permission to contract with DOT for bridge inspection.

Ms. Hubbard **MOVED** to authorize contract for inspection of bridges on the municipal street system FA project, BRZ-NBIS14, and assign resolution number 090605A. **SECONDED** by Mr. Helms. All in favor.

5. **Review Contracts for Land Acquisition.** Mr. Kraus stated he has surveys from Dutchman's Creek to Mt Island Park and intake up to Mt. Island Lake. Gives us ownership where our intake is located, giving us more control. Mayor Hough questioned if Gastonia would own their intake but we own all land around it? Mr. Kraus confirmed this. He also stated that Dutchman's Creek to Mt. Island Park and above the dam can be purchased with additional 150,000 dollars. The road is controlled by Wildlife Commission. We will not have to maintain the road. We could

then enforce camping regulations for the area we have been having trouble with. Mr. Michael stated Memo #2 is close to final form, at least 95% correct. The biggest struggle is the actual contract to buy #3. Issues related to this are still being resolved. Duke wants to close by the end of the calendar year and the problem is that memo #1 requires a host of things that be received 45 to 60 days before closing. Fore example the deed is not prepared. Duke just completed their survey this week. Survey has to be complete before deed description can be completed. Grant does not disperse closing money from mid December until January. Neither Duke nor Crescent know who owns the right to the railroad crossing. Apparently the railroad does not know either. This is to try to answer questions you have and make you more familiar to where we are. As soon as we can, we will get final papers. Mr. Hope asked what does this tell us our citizens will get from 650 thousand? Mr. Michael stated we would have closing, city deeded property from Crescent and Duke, City will pay a portion, state will pay a portion, and simultaneously Mount Holly will put restrictions on all property except Setzer property. The bulk of the property will be restricted on use and it would be in the form of a conservation easement granted to NC. They can then enforce that and see that those restrictions are carried out and then restricted to extent that it can only be used for bike trails, walk trails, city signs. You cannot use it for anything other than that. You can do fishing, hiking, passive recreation. No motor bikes, clearing land, etc. Mr. Hope asked if the state will have vast control of this property. Mr. Michael stated they have control over us we will function accordingly. State will own right to enforce right of use. Mr. Kraus added we can do anything with this land because we own it as long as we do not violate the Clean Water Trust Fund. Mr. Hough stated if you take away grant, basically it is still owned by Crescent. It could be built open, etc. Basically the city citizens get water quality, land for greenway. 225 acres for 650,000 versus 39 acres for 500,000. Mr. Kraus stated certain section of land will not be under easement and we can do whatever with that portion and then some areas we can only do what state allows us to do. Mr. Michael stated Wester Road will not be under easement. Mr. Michael added it is possible that staff may need Mayor to talk with Crescent. Duke is not pushing for year end closing but Crescent is making a big issue of this. Crescent says if they don't close by end of the year, their board may not agree to support project after year end. Mayor Hough stated I will be happy to do whatever needed. Mr. Kraus stated we can still negotiate if you have ideas for land use. They cannot grant us access to the river. We have access to the shore, and canoe accesses have to approved by lake management at Duke. Ms. Hubbard asked can they prohibit us from going to lakeshore management. Mr. Kraus answered no.

6. **Contract for ABC Law Enforcement.** Mr. Kraus stated we need to make a change to strike the word Gaston and remove police depart phrase; just City of Mount Holly should be on contract. 5% of sales to be paid to police department. He also stated we can help out Gastonia on some of their ABC stuff. This was brought to us by ABC Commission. Council has to vote for us to accept. Chief Hoyle asked does Gaston County language restrict our enforcement? Some investigations do reach out beyond city limits. Mr. Michael asked can we have latitude to change Gaston language as needed? Mayor Hough answered yes.

Ms. Hubbard **MOVED** to approve Contract for ABC Law Enforcement contingent upon city attorney's determination of Gaston County language being included. **SECONDED** by Mr. McLean. All in favor.

7. **Discussion of Hurricane Katrina Support Efforts.** Mayor Hough stated that the City of Gastonia got 25 families today through GBA. What is council's direction? Mr. Kraus stated in terms, we have three apartments available in housing authority with them the requirement of the residents passing background screening. Mr. Hough asked do they have to pay? Mr. Kraus said no. Council agrees to provide these apartments as needed. Mayor Hough asked if we should give any other support? He additionally stated I know police would have to offer support in mutual aid agreement, as well as fire, etc. If need arises, can we just pole council? All in favor of just contacting council for individual circumstances.
8. **Discussion of closing portion of Elm from 2nd Street to Hwy 27.** Mr. Kraus stated Elm and 2nd street easement voted to be closed in 1988. It was authorized but we have no record whether the fee was ever paid and right of way was never recorded. We are requesting Council to authorize us to record right of way and waive any conditions that may have been put upon it. Mr. Michael stated Mr. Roger Tippet petitioned to close part of right of way to left of Creative Dying, platted street that has never been opened as a street. In the whole lower end, there are street right of ways that were created but never used. The neighborhood was platted but streets were not completed since council in 1988 voted to close it. Mr. Michael stated public hearing was held, and it was advertised but there was a recording fee that can not be verified and closing was not completed. He asked can we make a motion to authorize recording of street closing ordered mentioned and waive any contingencies stated in those minutes? Mr. Hough asked is there a reason not do it Mr. Michael stated there are sewer lines there but any sewer easement and utility easement would be retained by City of Mount Holly. Mr. Kraus stated staff recommends closing completely. Hough – can we call for public hearing for October and close off the entire street

Mr. Helms **MOVED** to call for public hearing to close off the portion of the street extending from 2nd Street to Hwy 27 and take off any conditions in the minutes of 1988. **SECONDED** by Ms. Harris. Mr. Hope abstained for voting because he owns property next door. All others in favor.

9. **Discussion of Donation of Old Computers.** Mr. Kraus stated we have a mayor that is retiring and I would like the authority to retire Mayor Hough's computer with him. Ms. Harris stated they would not let me buy my computer. Mr. Michael stated I will check on it. Mayor Hough said okay either way.
10. **Discussion of Moratorium.** Mr. Hope stated we have backed ourselves against a wall. If we don't give it an opportunity now to have it, we might as well not have it. Once sewage plant gets to certain capacities, we have to have engineering study done. All this plays into a factor on what I have been thinking and the moratorium . I would

like to see us give the economic strategy a chance. Ms. Hubbard asked would it be necessary to put how long a moratorium in it before we call for public hearing? Mr. Hope stated we may need to do that. Mr. Helms stated we did allocate money for a master plan. Mayor Hough stated we sent out RFP. Mr. Helms stated it only makes sense to have a moratorium. Mr. Michael asked do you want this to apply for annexations for property for any use. Mr. Hope stated it should not affect pending petitions. My intent is residential. Maybe we should put a year or whenever the plan comes into place. Mr. Hough stated moratorium should be for 12 months. Mr. Kraus stated council has option of saying all residential or saying just from certain date forward. Mr. Michael stated hearing on this should be in regular meeting in Oct. 10. I am not sure you can say you will not accept petitions but you can say you will not act on them until moratorium falls off.

Mr. Hope **MOVED** to call for a public hearing to consider a moratorium on annexation petitions for residential properties not located in the city's planning and zoning jurisdiction. **SECONDED** by Ms. Harris. Ms. Hubbard voted against. All others in favor.

11. **Discussion of Agenda Items.** Mr. Michael stated no vote if they withdraw their petition. First Colony Homes is withdrawing petition for annexation and rezoning tonight at planning commission. Mr. Michael additionally stated you can't submit same zoning petition within the same 12 months.

ROUND TABLE:

Ms. Harris – Stated she received an e-mail about Creative Dye property – they do not cut grass, etc. I do not understand why we cannot make owner clean up Mr. Kraus stated we can. She also stated I would like for my memo to come on Friday nights as in the past. Mr. Hope and Mr. Moore verbally agreed with this.

Mr. Helms – Stated at the bottom of Beaty Road the gravel is coming out and I have had calls about this being a real problem crossing it. Also the yard of Haney property on Beaty Road has 2 foot high grass. This needs to be enforced.

Mr. Hope – Asked what is verdict on horses? Mr. Jackson stated a small envelope on property meets 200 foot criteria. Mr. Hope stated that is a beautiful scene in the right place but not in the heart of our city. Ms. Hubbard asked if they were to sell that property, would next owner have to go with those same criteria, grandfathered, or follow new one? Mr. Jackson stated they have to follow new ordinance. If the animals are removed at any time, they fall into new ordinance even if the same owner. If they sell property and horses remain, then they are grandfathered in.

Mr. McLean – Stated homeowner called me and said that he could not understand why city will not pick up trash in front of house if water is cut off. Mayor Hough stated you have to pay the utility bill to pick up. Mr. Santmire stated we also do not pick up eviction material. He also inquired about the meeting with community fire department regarding unruly fire fighter on scene of house fire last week. Mr. Kraus stated Mr. Oplinger and I have meeting to deal with

this. He additionally stated parking lot at mill used to be for cars now it is used for heavy industrial equipment. Should they have to put up a fence or barrier to hide this? Mr. Jackson stated change in use necessitates buffer. Since the use is the same, the buffer is not required. Mr. Kraus stated we could ask them to do it as a favor. Mr. Hope stated it is a glorified junk yard on the road.

Mr. Moore – Stated a year or so ago we went to Madora Street and took a walk and checked out sewer, etc. We talked about rehabbing that area. Has anything been done?. Mr. Kraus stated we are working on it as soon as we finish the downtown street. Maple street sewer should be moved to get it out of the back yard immediately after finishing down town. Should be done in September or October.

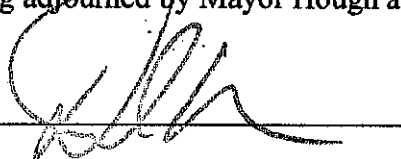
Mr. Kraus – In my memo I briefly talked about Friedl offer. We offered \$6,600. They state they have three higher quotes. Mr. Hope **MOVED** to give them 30 days to take it or we withdraw it. **SECONDED** by Harris. All in favor. Mr. McLean asked how much did we pay the Friedl's for that right of way in the beginning? We paid a fair price after much negotiation stated Mr. Michael.

Mayor Hough - Stated on these signs, we have nonprofit groups, churches, etc. We had talked before about allowing staff the ability to approve those. Can we put something in place to allow council members to approve. Mr. Jackson stated ordinance issue is them putting signs in the right of ways. Under 16 sq feet and in the right of way do not require a permit. Ms. Hubbard asked could we call for public hearing and change ordinance to allow city staff the authority to allow nonprofit signs, etc. Mr. Hough stated if it gives an addition burden to staff, don't do it. Mr. Kraus stated the biggest issue is time frame. Mayor Hough stated anything outside of two weeks should come to council. Mr. Jackson stated I will prepare a proposal to make this ordinance amendment.

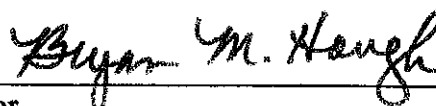
Mr. Jackson – I just left the Planning Commission meeting and First colony withdrew rezoning and annexation petition, so Council can remove off of consent agenda. Ms. Harris **MOVED** to remove from consent agenda. **SECONDED** by Mr. Helms. All in favor.

Mr. McLean **MOVES** to adjourn. **SECONDED** by Mr. Moore. Motion carries.
Meeting adjourned by Mayor Hough at 8:26 p.m.

Clerk



Mayor



jmb