City Council
Regular Meeting
July 10, 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	Public Works Director Eddie Nichols
Councilwoman Phyllis Harris	Planning & Zoning Dir. Danny Jackson
Councilman Jim Hope	City Attorney Kemp Michael
Councilwoman Pat Hubbard	Police Chief Davis
Councilman Bryan Hough	Fire Chief

Mayor Pro-Tem Black was on vacation.

INVOCATION
The invocation was led by Councilwoman Pat Hubbard.

PLEDGE OF ALLEGIANCE
The pledge of allegiance was led by Councilman Bryan Hough.

APPROVAL OF THE AGENDA
The agenda was approved as presented upon motion by Councilman Helms, seconded by Councilwoman Harris, with all in favor.

APPROVAL OF MINUTES
Councilman Helms moved to approve the minutes of May 8, June 12, and June 27, 2000, as written; seconded by Councilman Hough, with all in favor.

PUBLIC HEARINGS
PH#1 To Consider Rezoning of Four Acre Tract Adjacent to Beatty Drive from R-A to B-3.
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 rezoning a four acre tract adjacent to Beatty Drive from R-A to B-3.

City Manager Kraus notified the Council that the Planning Commission did not have a quorum for its meeting the week prior. Zoning Director Danny Jackson stated that the public hearing for the Commission and for the Council were advertised, and the rezoning sign was placed on the road, and notices were sent to the adjoining property owners, and that no one showed up at the Commission meeting to speak either for or against.

Reg Robinson, the applicant, was recognized. He stated that when the property was annexed, it was placed in an R-A zone. The property is behind Brown's Auto and the old

Cochran Tire. It has a 15-foot easement onto Highway 273 and a 30-foot easement onto Beatty Drive. The best use for the property is commercial.

Councilman Helms asked if everyone on Beatty Drive got notice; Mr. Jackson said no, and that the code states that notice be sent to the adjoining property owners, which was done.

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. Mr. Robinson stated that his son Steve had heard that some do not like the location for the new post office, and that they would be glad to show them this property.

Motion: Councilwoman Hubbard **MOVED** to rezone the four acre tract from R-A to B-3, seconded by Councilman Hope.
Vote: five ayes, zero nays. CARRIED.

UNFINISHED BUSINESS
UFB#1 To Consider and Award Bid for Fite's Creek Sewer Crossover
Public Works Director Eddie Nichols reported that informal bids were opened on June 27th for the project to connect two sewer lines running parallel to Fite's Creek. Both the staff and engineer recommend the low bidder TransState Construction at $58,500; which sum is within the budget.
Motion: Councilman Hough **MOVED** to award the bid to TransState Construction for not to exceed $58,500; seconded by Councilwoman Harris.
Vote: five ayes, zero nays. CARRIED.

UFB#2 To Consider and Award Bid on Alum Sludge Decant Line
Public Works Director Nichols stated that informal bids were opened for installing a decant line from the alum sludge basins to the Catawba River below Mountain Island Lake Dam. Duke Energy recently provided the City an easement for the line.
Motion: Councilman Hough **MOVED** to award the bid to the low bidder TransState Construction in the amount not to exceed $55,700; seconded by Councilwoman Hubbard.
Vote: five ayes, zero nays. CARRIED.

NB#1 To Consider Preliminary Plat Approval for Dutchman's Meadow Subdivision
Zoning Administrator Danny Jackson stated that although there was no quorum at the commissioners meeting, the four commissioners present were in favor of approving the plat. Mr. Pearson, of JP Development, LLC, the developer, requested a modification so that sidewalks are not required within the bubble of the two cul-de-sacs, stating aesthetic reasons.

Motion: Councilman Hough **MOVED** to approve the preliminary plat with an amendment to the plat omitting the sidewalks in the bubble of the two cul-de-sacs; seconded by Councilwoman Hubbard.
Vote: four ayes, one nay (Helms) CARRIED.

NB#2 <u>To Consider the Acquisition of surplus County Property for the Police Department</u>
Police Chief Davis stated that the County has an ambulance being released and they have offered it to the City for $1.00. The Department could use it for crime scene investigations. The cost to the City would be for maintenance and insurance.
<u>Motion</u>: Councilman Helms **MOVED** to approve obtaining the surplus ambulance from the County, seconded by Councilwoman Harris.
<u>Vote</u>: five ayes, zero nays. CARRIED.

Police Chief Davis reported to the Council that in the last couple months the department opened 50 criminal cases, 138 felony charges, and confiscated $14,000 in illegal drugs including coke, marijuana, GHP liquid, valium, and darviset.

NB#4 <u>To Consider Capacity Development Water System Management Plan</u>
Public Works Director Eddie Nichols stated that this plan is required by the State for the purpose of demonstrating the ability to operate a water facility. A template provided by the Rural Water Association was used to prepare the plan. He plans to submit it within the next two weeks. He presented the proposed plan for Council review and input.

NB#5 <u>To Consider Ordinance Creating One and One-Half Cents Gross Receipts Tax on Rental Vehicles</u>
City Manager David Kraus stated that the State exempted short-term vehicle rentals from property taxes. Then the State authorized local governments to adopt a local option sales tax on the gross receipts of short-term vehicle rentals to replace the lost revenues. Although it will not have much impact on the City, the County would like all the cities to adopt it so that collection of taxes is consistent, making it easier for them. A proposed ordinance was before Council.
<u>Motion</u>: Councilman Helms **MOVED** to adopt the proposed ordinance, Resolution #7-10-00(A), seconded by Councilman Hough.
<u>Vote</u>: five ayes, zero nays. CARRIED.

NB#6 <u>To Consider Amendment to Contract with Gaston County for Collection of Gross Receipts Tax</u>
City Manager Kraus stated that since the County collects the property taxes for the City per our contract, the contract should be amended to also include the collection of the gross receipts tax just enacted.
<u>Motion</u>: Councilwoman Hubbard **MOVED** to approve the amendment to the contract with the County for collection of taxes to include gross receipts tax; seconded by Councilman Hough.
<u>Vote</u>: five ayes, zero nays. CARRIED.

NB#7 <u>To Consider Contract with Law Engineering for Ground Water Monitoring</u>
City Manager Kraus stated that two years ago EPA required the removal of all underground storage tanks at the water treatment plant. Last year the City used Law Engineering for removal of the tanks and soil remediation. Now, follow-up monitoring is being required to document the success of the project. The proposal before Council was

for Law Engineering to handle the groundwater monitoring. Councilwoman Hubbard asked if this is in the budget; it is.
Motion: Councilwoman Hubbard **MOVED** to approve the contract with Law Engineering for groundwater monitoring at a cost not to exceed $2,355.00; seconded by Councilwoman Harris.
Vote: five ayes, zero nays. CARRIED.

NB#8 To Consider Regional Mutual Aid Agreement Sponsored by Centralina Council of Government
Police Chief Davis said that we have a mutual aid agreement for all of Gaston Cuonty, but this would be a regional agreement between all of the CCOG members. Chief Davis said that he foresees a particular need for this with the lake front property recently annexed.
Motion: Councilman Hough **MOVED** to approve the mutual aid agreement sponsored by CCOG; seconded by Councilwoman Hubbard.
Vote: five ayes, zero nays. CARRIED.

NB#9 Discussion of City Council Scheduled Meetings
This was tabled until the next meeting for further discussion.

CONSENT AGENDA
Councilman Helms **MOVED** to approve all three items on the Consent Agenda; seconded by Councilman Hope, with all in favor. They are:
CA#1 Approval of Call for Public Hearing on Street Closing for Seventh Street. Set for next regular meeting.
CA#2 Approval of Call for Public Hearing on Street Closing for Church Street. Set for next regular meeting.
CA#3 Approval of Annual Assessment Payment to Centralina Council of Governments.

PUBLIC COMMENT
Mayor McLean opened the floor to public comment.

Ken Johnson was recognized; he owns property near Houston Street. He said he keeps his properties in good condition and rents to nice people. He has a property that he is remodeling, and the city has closed a street and gave the property to someone else because of a 20-foot strip between his property and the old street. Now that person is putting a double-wide on the property, and he wants that stopped, because it is too close to his house. Angela Dobbs was recognized. She said a relative gave them the property, and they have cleared the lot and the house has already been delivered and the wheels have already been removed. She said the site plan was approved by Mr. Jackson, and they put the flags up on the lot before the house came, and he approved that also. Zoning Officer Jackson said he gave them a copy of the setback and appearance criteria from the ordinance; he said he approved the site plan, but the orientation was not checked by him, it is up to the company to comply with the ordinance. Councilman Hope asked if the setbacks have been violated; they have not. Councilman Hope asked if there is anything here for the Council to consider. Mr. Jackson said that the orientation is the issue at hand because they disagree about the way the house is sitting on the lot. Mr. Johnson said that it is only 12 feet away and that is too close no matter what kind of house it is; and further said this will devalue his property and he wants them to reverse the street closing. City Manager Kraus said it was closed in 1998. City Attorney Michael stated that there is a 30-day period to appeal the closing order. Mr. Johnson said he did not get notice. Mr. Jackson said notice is given to the adjoining property owners, and Mr. Johnson's property is not adjoining to the street that was closed. Mr. Kraus said that the set backs have not been violated, but there is an orientation issue which Mr. Jackson will address as the zoning officer.

ROUND TABLE

Councilman Helms asked for an update on a Catawba Heights matter; Mr. Kraus will check on that.

Councilwoman Harris noted for the record that when there was a spill in Mecklenburg County recently, the media reported from "Mount Holly" or "Gaston County" erroneously.

City Manager Kraus reported the next Revitalization Committee meeting is August 22 at 7:00 at the Tuckaseege Rec. Building.

Councilman Hough asked that evaluations forms be included in the next information packet.

City Attorney Michael reported that the local bill passed allowing the City to enter into a contract with Duke Energy for voluntary annexation of the Riverbend Steam Station power plant. However, the contract requires a written opinion by the NC Attorney General's Office approving the constitutionality of the bill. The Attorney General wants a minor correction made to the bill even though it has already passed. He had made arrangements to have the amendment considered the next day while the legislature is in short session. He sent it to Rayfield who has asked Culpepper to put it in a clean-up bill before the session ends. He had also spoken with Forrestor. The City Manager will go up to Raleigh to be sure they follow through.

NEW BUSINESS

NB#3 <u>To Consider and Award Engineering Contract for Design of Huitt Street Elevated Water Tank</u>

City Attorney Michael and Public Works Director Nichols presented the proposed contract with corrections for engineering services by W. K. Dickson. The contract is for design and location of an elevated water tank near Huitt Street. The attorney recommends changing paragraph 4 by deleting "at the earlier of (1) the date" and "or (2) thirty days after the date when such submissions are delivered to the OWNER." Mr. Mike Wolfe, for W. K. Dickson, was present to answer questions and had agreed to the change. Councilwoman Hubbard noted that this is in the budget, and asked if the

construction phase would be in next year's budget. Mr. Kraus said he expects the cost to be $2.3 million; and it will probably be included in a total capital improvements plan.
Motion: Councilman Hubbard **MOVED** to approve the contract with W. K. Dickson for design and location of an elevated water tank near Huitt Street, with the correction made; seconded by Councilman Hope.
Vote: five ayes, zero nays. CARRIED.

ADJOURN
There being no further business before Council, the meeting was adjourned, upon motion by Councilman Hough, seconded by Councilwoman Harris, with all in favor.
8:15 PM

City Clerk

Frank E. McLeon
Mayor

****