

**CITY COUNCIL
REGULAR MEETING
July 9, 2001**

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 Bobby Black

Councilman Michael Helms

Councilwoman Phyllis Harris

Councilman Jim Hope

Councilman Brian Hough

Councilwoman Pat Hubbard

Adm. Services Officer Jamie Guffey

Planning & Zoning Dir. Danny Jackson

City Attorney Kemp Michael

Police Chief Davis

Fire Chief Ekiatis

Public Works Director Eddie Nichols still in intensive care at the Charlotte hospital.

INVOCATION

The invocation was led by Rev. Ken Langsdorf.

PLEDGE OF ALLEGIANCE

Boy Scout Troop 59 led the Council and audience in the ceremony of the Pledge of Allegiance. Scout Master Connell said that he and 7 other leaders will be taking over seventy scouts to Washington, D.C. for a national scout event.

APPROVAL OF THE AGENDA

The agenda was approved with 2 additions, upon motion by Councilman Helms, seconded by Councilwoman Harris, with all in favor.

MINUTES

Councilman Helms **MOVED** to approve the minutes of June 4 and 11, 2001, with one amendment to the June 11th minutes, on page six, to delete the passage beginning on line twelve with "There" and ending on line fifteen with the word "meeting"; motion seconded by Councilwoman Harris, with all in favor.

PRESENTATIONS

PR#1 Proceeds from Spring Festival

Chairperson Pat Hubbard said that she had about 30 volunteers who spent many hours working on Springfest Committee this past spring. There were over 20,000 who attended the festival, and it was a big success. She had the committee members present come up with her to present the donations.

Mr. DeVito presented a \$200 check to Ruth Neely for Habitat for Humanity.

Special Olympics was presented \$1400 from Officer _____.

\$9,500 was presented to Mrs. Murrow for CRO.

Mayor McLean thanked Pat Hubbard for all the hard work she did for several months in organizing the festival.

Officer _____ presented to the Council a report about Kids and Cops Day, where about 20 departments gathered, and attended by several thousand children. We received best community service display award. We took our remote control car and McGruff.

Mayor McLean read a proclamation to recognize National Kids Day in Mount Holly on August 5th, and commended National Kids Alliance.

NEW BUSINESS

NB#1 Annexation Agreement with Squires Enterprises

City Attorney Michael stated that the proposed annexation agreement with Squires Enterprises was freshly drafted that day.

City Manager Kraus stated that water and sewer are already to the site so the city will not need to upsize any lines.

PUBLIC HEARINGS

PH#1 & 2 To Consider Zoning Request & Voluntary Annexation of Kendrick Property

Councilman Helms moved to go into public hearing, seconded by Councilman Hough, with all in favor. Mayor McLean recessed the regular meeting and called to order the public hearings for consideration of the zoning request and for the voluntary annexation of Kendrick Property.

City Manager Kraus stated he had received a letter from Squires Enterprises which he asked to be included in the public record tonight, containing their agreements as to trees, turn lanes, etc.(copy attached) He also had the traffic study report. Copies of these were given to the Council. City Attorney Michael said that in the proposal we have proposed a minimum of two 2-inch trees per building lot. Mr. Kraus said we need to know if Council wants them in the planting strip within the right of way or not. We discussed their installing turn lanes on Sandy Ford Road and Lowland Dairy Road. We did not include a turn lane at Highway 273 because it did not seem equitable to put that responsibility on one developer only.

Brenda Edwards, 215 Shane Drive. As we said last month, we the residents in the area are concerned that 500 more houses will put too much stress on the public systems, schools, traffic congestion, as well as the environmental problems with it being in the watershed and some of the lots being in flood zones. It was in the paper that the Catawba River is the 13th most endangered river in the country, and the runoff from this subdivision would go into Dutchman Creek and then to the Catawba River. The flood water will have to go somewhere. My neighbors and I oppose this development; it will destroy the rural area. It is farmland now, and it is not right for this area at this time to permit that subdivision.

Yates Springs, Woodlawn Rd., one of the owners. He said he would like to give Council some history on this property. He stated that his family has owned that farm for 50 years and there have never been horses out there. There is no farm being operated on that land and has not been for decades, and actually a farm would be a losing proposition on that small size property. He believes Squires has agreed to everything the City has asked for. He likes the conditional use plan. He was on the zoning board for 20 years (in the past), and he believes the plans will provide a very nice subdivision.

Brenda Edwards stated that the City's 10 year land use plan is outdated and is supposed to be revised, and she asked if it is done? Mr. Guffey said it is still in process. Ms. Edwards said you should at least wait until you have the land use plan finished so you have put thought into how that area will be developed in a controlled way over time.

In response to questions, Zoning Administrator Danny Jackson said Council would first consider the rezoning. Then after that, at the consideration of their permit would be the point at which Council would require the conditions it wants. The conditional use allows you to prohibit things such as manufactured homes that would ordinarily be allowed in that zone.

Councilman Hough moved to come out of public hearing, seconded by Councilman Helms, with all in favor.

Mayor McLean adjourned the public hearings and resumed the regular meeting.

Danny Jackson clarified that Council would need to require conditional use items which will appear on the map, in the conditional use permit, and in the annexation agreement.

Mr. Michael said this annexation agreement is significantly different from the ones you have made in the past. He would feel more comfortable with Council taking this under advisement until the next meeting. Councilman Hough agreed that we should wait until the next month's regular meeting.

Motion: Councilman Hough moved to TABLE action on annexation and zoning of the Kendrick Property, seconded by Councilman Helms.

Vote: All in favor.

NEW BUSINESS

NB#2 To Consider Amendment to Section 7.7 of the City Code for Fire Department Structure

City Manager Kraus reported to Council that staff recommends we amend the ordinance to add assistant chief positions to the fire department.

Motion: Councilman Helms **MOVED** to approve Res. #7-09-01A, seconded by Councilman Black. (copy attached)

Vote: unanimous. CARRIED.

NB#3 To Consider Adopting N. C. Fire Prevention Code

City Manager Kraus stated that he recommends further research before Council takes action on this item.

Motion: Councilman Helms moved to TABLE this item, seconded by Councilwoman Hubbard.

Vote: all in favor.

NB#4 Approval of Budget Amendments to Take Care of Year End Carryovers

City Manager David Kraus stated that there are several budget items that were not spent before July 1 and needed to be carried over to this year.

Motion: Councilwoman Hubbard **MOVED** to approve the budget amendment for year end carryovers, seconded by Councilman Hough. (copy attached)

Vote: unanimous. CARRIED.

NB#5 To Consider Appointing Councilmembers to Capital Improvement Plan Process

City Manager Kraus reminded Council that during the retreat they said they want to work on a new CIP with Judi Simac, with a deadline of next January's retreat. He needed councilmembers to sit on the committee. Councilmen Hough and Councilwoman Hubbard volunteered and were appointed by the Mayor to serve.

UNFINISHED BUSINESS

UFB#1 To Consider Participation in the Countywide HOME Consortium

City Manager Kraus said that staff recommends approval of the proposed countywide agreement for U. S. HUD HOME Purchase Program. This program provides low income persons with assistance to purchase a first home. Councilwoman Hubbard said we wanted to know if we could get out of it if we wanted to, and it looks like we would be stuck for three years, but she still likes the plan. Councilman Helms asked if we found out what the cost would be for Mount Holly; Mr. Kraus said it appears there is no cost to us and the paperwork is supposed to be done by Gastonia. Councilman Hough asked if Gastonia has signed yet; Mr. Kraus said yes.

Motion: Councilman Hubbard **MOVED** to approve Res. #7-9-01B, seconded by Councilman Black. (copy attached)

Vote: unanimous. CARRIED.

PUBLIC HEARINGS

PH#3 To Consider Amendment to Section 6.2 of the Zoning Ordinance Concerning Recreational Uses

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 to consider amending Section 6.2 of the Zoning Ordinance concerning recreational uses.

There were no comments.

Councilman Hough 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.

Mr. Kraus stated that Mrs. Dixon did not take the tenancy agreement on the downtown property, so he does not recommend adoption of this change.

Motion: Councilman Hough **MOVED** that the amendment to Section 6.2 not be adopted, seconded by Councilman Helms.

Vote: unanimous. Request rejected.

PH#4 To Consider an Amendment to Zoning Ordinance Article 3 of Subdivision Regulations to Include Provisions of Tree Preservation

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 a proposed amendment to Article 3 of the Zoning Ordinance Subdivision Regulations to include tree preservation provisions.

City Manager David Kraus said the Planning Commission has reviewed this proposal. They have requested that the two phrases in bold be added to what staff has proposed. This ordinance would regulate trees of specified size. There is a goal of 10 trees per acre average. That does not mean that every lot would have to have two trees. Councilwoman Hubbard said that what was proposed in the past to Council was that the developer could show trees, lamp posts, sidewalks, on the site plan. Councilwoman Hubbard asked if the developer does not comply, what recourse does the City have? Mr. Jackson said the recourse would be the same as for any other zoning violation.

Brenda Edwards asked if this would require buffer zones between this property and another property. It does not currently do so in its present form.

Mr. Kraus said there is included in this proposal a waiver if they retain at least 5 trees per acre. City Attorney Michael said that staff wants Council to articulate where you want the trees to be and if you want to restrict where they are; as of now, they could all be in the open area.

There were no other comments.

Councilman Hough 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.

Councilman Hough said he wanted to use the example of Runneymeade Subdivision, where the land was clear-cut. We want buffers, and we to see some existing trees remaining. My intent would be to see a tree/street program, as well as two trees in each lot. I want four per lot, two in the front yard and two in a place most conducive to the health of the trees. I do not want the trees to be planted in the street right of way. Mr. Hough also wanted a warranty period on the trees.

Councilwoman Hubbard stated she wants to see wording that the back few feet of the lots be required to be left natural. Mr. Kraus said someone made a suggestion of 10 feet at the rear lot line.

Tom Waters asked if she means the rear of every lot, or the perimeter adjoining other property? She said she meant every lot. Mr. Waters said there is a problem with that concept because of the storm drainage requirements.

Councilman Hope said he is concerned about the preservation of the trees that are existing. He would rather see a nice big tree left, than two new trees planted. Also, he would like to see a reward for retaining existing trees. Councilman Hough thought it was a good idea but did not know how that could be worded.

Councilwoman Hubbard asked regarding on the site development plan, would the developer let us know what trees are existing when he submits his plan? Mr. Kraus, you could if you require a tree inventory. Councilman Hope said he doesn't think we want to go to that extreme. Councilwoman Hubbard asked what if they kill the roots and the big existing tree dies?

Councilman Helms asked in connection with the common area, do we want to address that some of it needs to be usable so the homeowners association can actually utilize it? Zoning Administrator Jackson said the common area is a formula for acreage only at this time, it does not have use requirements.

Motion: Councilman Hough moved to TABLE action on this item, seconded by Councilwoman Harris.

Vote: unanimous.

PUBLIC COMMENT

Mayor McLean opened the floor for public comment.
None.

ROUND TABLE

City Manager Kraus said DOT wants us to close Lee Street temporarily. Our biggest concern is the big trucks being able to turn, and it leaves only one way in and out with Clariant. The main reason they want it closed is that the railroad will not signal it until October, and the grade will be prohibitive during construction. This would be approximately eight months. Council approved the request as long as Clariant and Massey Co. have no objection.

Mayor McLean set the next work session for August 7.

Councilman Black asked about dirt being hauled onto Leo Drive, and the trucks are going through those narrow streets in that neighborhood, can the City stop them? Police Chief said not unless you have No Trucks posted on the street. Mayor McLean asked how they can fill that in when it is a flood zone; Councilman Hope said he had made

inquiries and they have gotten DOT engineering approval for a drainage pipe large enough to carry the water, they say.

Mayor McLean said he heard July 20 is the grand opening for the new post office. Councilman Hough asked when are the addresses going to be changed and are they going to give them notice?

Councilman Helms are we closing the gates at Riverbend? They have dumped a half a boat out there.

Councilman Helms said he wanted to see a "no weapons of any kind in this building" sign posted at the front door of City Hall.

Councilwoman Harris reported a pot hole on Catawba Drive between Tomberlin and Belton that has to be repaired.

Councilwoman Harris said she went to the Water Day; thank you to Chief Ekiatis, the kids had a lot of fun. Our firemen and our City Manager did too. The Tuckaseegee Park had a big league tournament, and we had a huge crowd here from all over.

Councilwoman Hubbard said the events were all great, but we had a near accident when one small boy who lives on Auten Circle after Water Day walked back to the Fire Department across Highway 273 alone, but he is okay.

Councilwoman Hubbard reported a very large pot hole in front of the middle school.

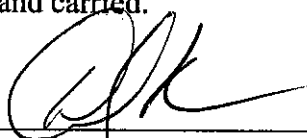
Councilwoman Hubbard asked when will the Glendale Avenue project be finished? Jeff Fritts said they are almost done; the good news is they have gotten the rock out and are ready to set the last catch basin.

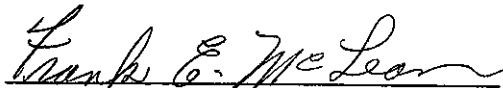
City Attorney Kemp Michael announced to Council that it was his and Cindy's 18th anniversary, that day.

ADJOURN

There being no further business, the meeting was adjourned, upon motion duly made, seconded and carried.

8:45 PM


Clerk


Mayor

cpm