

**REGULAR MEETING
CITY COUNCIL
JULY 8, 1996**

The City Council of Mount Holly met for its regular session beginning at 7:30 P.M. with the call to order by Mayor Pro-Tem Michael Helms. Also present were Councilwoman Phyllis Harris, Councilmen Jim Hope, and Andy Stewart. City Manager Phil Ponder, Public Works Director Eddie Nichols, Zoning Administrator Danny Jackson, and a police department representative were present as well. Councilman Hostetler was absent due to a death in his family, and Mayor McLean and Councilman Duke was out of town. City Attorney Michael arrived later.

The invocation was given by Councilman Jim Hope.

The minutes of June 6, 10, and 24, 1996, were approved as written, upon **MOTION** by Councilman Hope, seconded by Councilwoman Harris, with all present in favor.

The first item of unfinished business was consideration of proposal by the Optimists to purchase its building on Highway 27. Councilman Stewart asked if Mr. Ponder had estimates for the minimum to comply legally. Mr. Ponder said the only items required are to install additional restrooms, more exit/entrance doors, and commercial grade appliances in the kitchen. The optional items are the air conditioning, new flooring, and a new stage. He did not have separated figures, but only one figure from the architect for the total renovations suggested by him. Councilman Hope said that there is a clause in the deed from A&E that it can only be transferred to a non-profit organization or it goes back to A&E; he suggested the Council support the Optimists in an effort to get this restriction removed by A&E so the property could be sold openly. Mr. Scott Pope was present and agreed this would be a good idea. Councilman Stewart felt the Council should focus on the old Junior High gym for recreation needs. This matter was tabled to allow staff time to help the Optimists pursue the removal of the restriction.

Mr. Jerry Baker's request for sewer service to property he owns on Cason Street was discussed. Mr. Ponder reported he had included bids in the agenda package. Mr. Baker said he has contacted 14 property owners on the street, and found 9 in favor, 5 against, and 5 he did not speak with regarding voluntary annexation. The City Manager asked for direction as to whether to allow outside tap or require annexation. The Council concurred the full Board should be present to make a decision on such an important matter, and so tabled this item.

The annexation petition by residents on Sadler Road, Glenn Drive, and Wanda Place was reviewed next. Mr. Ponder reported the estimates for capital outlay for sewer, water, and roads to be \$367,500, with an estimate of tax revenues to be \$12,892 per year (a 28.5 year pay-back on capital outlay only). Also, if they do not get 100% signatures on the voluntary annexation, then voluntary annexation would be required, which is a much more complicated procedure. One alternative put forth by Mr. Ponder was that the

Council consider expanding the scope of area to include the Nims property subdivision and the other subdivision in the study, because a bigger area may make the utility installation more feasible; he said this would also eliminate the creation of "holes" in the city limits. A second alternative would be to have them see the County Commissioners about applying for a Community Development block grant, for which a public hearing is being held on July 11. The third alternative is to have assessments so that the installation costs are shared with the residents. Councilman Helms said he had visited the area and he believes the many vacant lots would sell if there were city water and sewer, which would increase the tax revenue and lower the pay-back period. He also recommended they approach the County to get help, especially on the roads. Councilman Stewart felt the Council should do what it can to help them or point them in the right direction for help. He wondered what number of years would be acceptable for a pay-back period. He also felt this is going to happen more in the future as the need for land increases and people begin looking for ways to use the less desirable lots. Mr. Ponder said the residents could send someone to the County Commissioners' workshop meeting the following Tuesday night, and then the public hearing could be attended by as many as wished to go. Mr. McClure, 180 Glenn Drive, was recognized, and said his property is next to the city limits and he wants to be annexed. Councilman Stewart stated that the Council had no choice but to table this matter, and told those present he did not mean he was saying 'No' to their request, but wanted to find the best way to help them. Councilman Hope said he is not in favor of involuntary annexation, and he would like them to try to get 100% signatures on the voluntary annexation petition. The matter was tabled.

The fourth item of unfinished business related to property offered to the City to increase the size of Central Park, but was tabled upon request by Councilman Hostetler until he could be present. Councilman Hope noted for the record that the property is not available on donation. Mr. Ponder stated he did speak to the owner who said the donation offer was made several years ago but he did not wish to donate it now, and offered to sell it for \$22,500. Councilwoman Harris reported that the Recreation Committee decided this is not a priority although they would like to have it; she said she personally feels the price is too high. Mayor Pro-Tem Helms asked Mr. Ponder to get a market analysis figure.

The bids for the Jadco-Hughes sewer line were reviewed. Mr. Ponder said the agreement specifies that the City contracts for the work and is reimbursed by Jadco-Hughes Steering Committee. The first time he only received one bid and so had re-advertised. The current three bids were opened that morning, with the engineer recommending it be awarded to the low bidder, to which he agreed contingent upon approval by Jadco-Hughes. Councilman Hope asked the engineer present, John McLaughlin if he had worked with that company before. Mr. McLaughlin said he had not personally, but a company he used to work for had worked with them and he received a good report from them on this company; it has been in business for a long time. Councilman Hope **MOVED** to accept the recommendation and award the bid for the Jadco-Hughes sewer line to the low bidder, BRS, Inc. of Richfield, N. C., in the amount not to exceed

\$211,522.20, seconded by Councilwoman Harris. Public Works Director Eddie Nichols reminded the Council that about \$30-40,000 of that sum will not be reimbursed because of the alternate route chosen by the City so several residents could also be served. Motion carried with all present in favor. Ms. Chieu said she would take a copy of the bid to the Committee and its attorney for its review and would give the City a response as to its approval.

Danny Jackson presented for final plat approval the map for Dickson Heights Section 1-A Subdivision for Ron Dimmer. Mr. Dimmer has moved the street connection to Rachel Street. His son was present to answer questions. Councilman Hope **MOVED** to approve the final plat as presented that evening contingent upon completion of the necessary infrastructure improvements or the appropriate financial guarantees being provided, seconded by Councilwoman Harris, with all present in favor.

City Manager Ponder reported that the residents of The Cloisters Apartments have complained about the "No Left Turn" sign on South Main Street, and as a consequence Mr. Spangler, DOT representative, has placed time restrictions on the enforcement of the sign. Mr. Spangler also sent a letter stating that DOT will be committing \$30,000 toward the installation of a left turn lane at the apartment complex entrance. Mr. Doug Arthurs, attorney for Triangle Realty, the developer, was recognized, and requested the sign be removed because the left turn lane is being installed, it is discriminatory since the other new construction sites do not have the same restriction, and it is harmful to his marketing. Marilyn Eubanks, a resident, said she had grown up in Mount Holly, moved away, and recently returned. She was opposed to the sign and said it causes her and her father a hardship, even with the limited times. Mr. Blackburn said if he comes around Tuckaseege he has to cross that narrow bridge and considers it more dangerous than the left turn. Councilwoman Harris stated to the residents present that the sign was put there because of numerous complaints she and other councilmembers received, several of whom had been in car accidents there. She said she has been on the Council five years and have not been able to get DOT to fund widening the road, so action had to be taken until it is widened. Councilman Stewart said he was in favor of the sign because of the large number of cars that commute on that road. He objected to the claim of discrimination because the bank has a second entrance on Tuckaseege also. He said the back entrance on Tuckaseege Road was required as an alternate route because Highway 273 cannot handle the load, and the developer was involved when that decision was made. He was in favor of leaving it until the lane is installed. Mayor Pro-Tem Helms **MOVED** to approve the hours restriction DOT has placed on the No Left Turn sign at The Cloisters Apartments, seconded by Councilman Hope, with all present in favor.

The street resurfacing bids were presented for the streets on the 1996 street paving list. Upon recommendation of the staff, the bid was awarded to the low bidder, John E. Jenkins, in the amount not to exceed the amount of \$185,709.00, upon **MOTION** by Councilman Hope, seconded by Councilman Stewart, with all present in favor.

Ms. Carrie Breyare Bailey, 304 Eastwood Drive, appeared before Council to request a lower speed limit to 25 mph and a 'Children at Play' sign. She submitted a petition (attached) signed by residents stating that Eastwood Drive and Catawba Drive are hilly with blind curves. She said they do not tell their children they can play in the street, but children are prone to go in the street without thinking. Councilwoman Harris stated it is only fair to allow her to have it since they allowed the other neighborhood to have it, and so she **MOVED** to put up a "Children at Play" sign and reduce the speed limit to 25 mph and post it, seconded by Mayor Pro-Tem Helms, with all present in favor.

Councilman Stewart recommended the Council consider changing the City's policy regarding yard waste collection to improve efficiency. When the voice mail system is installed, he would like a number to be designated so that citizens may call and leave their address and what needs to be picked up. Then the staff would pick up, rather than going around entire sections of town each week. Mr. Ponder liked the idea but suggested it would be better if the schedule was still in place so the City would still only pick up on certain days in certain quadrants of the City, because they do not want to have to pick it all up on Monday and Tuesday since those are heavy garbage collection days. The Council concurred. A woman in the audience asked what would happen if someone had not called but had yard waste next door to someone who did call; Mr. Ponder said he would encourage them to go ahead and pick it up if they could while they were there. The City Manager stated he would have some promotional material prepared and brought back to Council for its approval.

Upon recommendation by Planning Consultant Steve Davenport, Danny Jackson has prepared an ordinance change to move the nuisance vehicle regulations out of the zoning ordinance into Chapter 13 of the code. However, the matter was tabled to provide the City Attorney time to review the proposal.

Zoning Administrator Danny Jackson has been working on code enforcement at 606 Rankin Avenue, owned by Bing Friday, after receiving several complaints. Mr. Friday arranged for the Fire Dept. to burn it down as a training exercise. He was required to get a report on asbestos, and it has taken a long time to get it. He said he would take it to the Fire Dept. He apologized for the delay and said he had also had surgery. Mr. Jackson said the deadline from the last hearing is July 11, and he asked for Council direction as to the City going ahead and having it torn down or letting him proceed. He said it will take less time now to let it be burned down. The Council concurred to give him another 30 days. Mr. Friday thanked them and also said he has property on Highway 273 (South Main St.) and is glad they left the No Left Turn sign up.

Councilwoman Harris announced a transportation committee conference will be held in October in Greensboro, N. C., and she is planning to attend as our delegate. She is also planning to attend a seminar on histories in Newton on August 1 which she believes will help us manage the archives room.

City Manger Ponder suggested the City donate as surplus a three-wheel vehicle that is no longer functional to the school for parts. Councilman Stewart **MOVED** to declare the item surplus and donate it to the school as stated, seconded by Mayor Pro-Tem Helms, with all present in favor.

Mr. Ponder stated he received a request by a resident for maintenance on Teri Street (off Forest Hills), and discovered it was not included on the Powell Bill report when the area was annexed. He asked if he may put it on the report this year. The Council concurred.

The Council discussed the new benches and trash containers purchased and placed downtown. Councilman Stewart said all the old trash containers should be replaced. An additional three trash cans and two planters will be purchased, and the benches moved so there is one in front of each church downtown.

City Manger Ponder said that Councilman Hostetler left him a note asked that he announce the public hearing regarding the quarry's appeal at the Charlotte-Mecklenburg Planning Commission would be the coming Wednesday at 10:00 A.M. Councilman Stewart said he heard the zoning permit cannot be stopped but they hope then environmental people can stop the mining permit to protect the water quality of Mountain Island Lake.

The Council took a five minute recess.

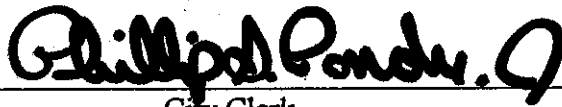
Councilman Hope asked the City Attorney to review involuntary annexation procedures. Mr. Michael said the City basically is obligated to provide the same services at the same level as the rest of the City has in place at annexation within two years of the effective date. This is not required for voluntary annexation, but for practical reasons, you must plan to provide them anyway. He further stated that involuntary annexation requires the City meet a laundry list of criteria; since Freightliner was annexed the law now includes shape. First, the City would have an annexation study done of the area designated; it must include details such as estimated lineal feet needed for water and sewer, fire hydrants, police, fire department, garbage, roads, etc. with a cost estimate. A written annexation services report must be produced which specifically reports what will be done, the number of citizens, services needed, requirements met. 60% or more of the tax parcels have to be already developed, and must be less than five acres in size. The area must be contiguous to the current city limits, at least 12-1/2% of the circumference of the new area. He said this is an overview and there are more requirements. Councilman Hope asked if that area is in our long-range plans for land use planning. Councilwoman Harris said she believed it was the City's intent to grow on the north side along 273. City Manger Ponder said since he has been here there has been intention to grow northward primarily by voluntary annexation of new subdivisions or industrial developments. He did not believe the Sadler Road area to be feasible alone, but if a broader area was considered, it might be feasible. He also did not like the "holes" developing between the voluntary annexation areas. Councilman Stewart agreed with Mr. Ponder's suggestion to look into a broader area, as did Councilwoman Harris. City Attorney Michael said that

residential areas have a relatively speaking low revenue and usually an industrial area is needed with it to meet the feasibility goal. Mr. Ponder said usually people who get the water and sewer service outside the city do not want to be annexed, so he urged the Council to decide which direction it wishes to take in this regard.

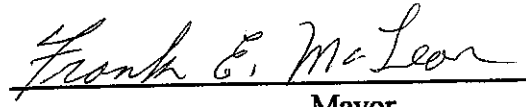
City Manager Ponder said Chief Bishop sent a report on the community watch meeting at East End. They sent a list of concerns to the City, copies of which he handed to them. He said staff will handle a lot of them, but a few will need Council action, such as curfew, speed limits, parking. He will prepare the information and bring it back to Council.

Councilwoman Harris said the City may name three out of the 27 appointees to the Transportation Committee's thoroughfare protection board which has been formed to get public input. She has asked Charles Black to serve, and is planning to ask Hazel Michael. She asked the Councilmembers to suggest other persons to her who might be willing to serve.

There being no further business, the meeting was adjourned, upon motion by Councilwoman Harris, seconded by Councilman Stewart, with all present in favor, at 9:30 P.M.



City Clerk



Mayor
