CITY COUNCIL
REGULAR MEETING
June 14, 1999

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 Phyllis Harris	Adm. Services Dir. Sherry Borgsdorf
Councilman Michael Helms	Public Works Director Eddie Nichols
	Planning & Zoning Dir. Danny Jackson
Councilman Jim Hope	City Attorney Kemp Michael
Councilman Bryan Hough	Police Officer
Councilman Bobby Black	

INVOCATION
The invocation was led by Rev. Vance Hunt.

PLEDGE OF ALLEGIANCE
The VFW Post 9136 led the Council and audience in the ceremony of the Pledge of Allegiance.

MINUTES
Councilman Black **MOVED** to approve the minutes of May 10 and 27, 1999, as written, seconded by Councilman Helms, with all in favor.

MOMENT OF SILENCE
The Mayor asked for the Council and audience to keep a moment of silence for the memory of F. H. Abernathy, Jr. who died recently; he was a past Chairman of our Planning Commission.

PRESENTATIONS
#1 Recognition of Francis Warren's Service on Recreation Commission
Mayor McLean and the Council honored Francis Warren and presented her with a signed resolution in recognition of her years of service to our city on the Recreation Commission. (copy attached)

#3 Recognition of the Commissioners of the Catawba Heights Sanitary District
A resolution was presented to Troy Bishop, Pam Bishop, and Ann Gibson honoring them for their work on the Board of Commissioners of the Catawba Heights Sanitary District and in closing out the District. (copy attached)

#2 Recognition of Andy Stewart's Service on City Council
Commendation by resolution was given for Mr. Stewart's serving on the Council with a framed copy presented to him. Mr. Stewart had to resign because he moved outside the city. (copy attached)

#4 Presentation of Spring Festival Report by Pat Hubbard, Chair
Pat Hubbard asked the Springfest Committee to come up and be recognized. Springfest Committee held a golf tournament, and as a result presented a check to the CRO Chairperson, Sue Loftin, in the amount of $5,000. Mrs. Loftin thanked them for this generous sum, and also thanked the City for allowing the CRO to use the space in the basement.

Tom Calhoun accepted a check from Dr. Lee Beatty, from the Springfest 5K run, sponsored by East Gaston Family Physicians, for Special Olympics, in amount of $750.00. Mr. Calhoun thanked the committee and the city and said they appreciate receiving a bigger contribution than last year.

Minnie Devito presented a check to Ruth Neely in the amount of $200 for the Habitat for Humanity from Springfest Committee.

Joel Hubbard presented a check for $200 for the Mt. Holly Christmas Parade to Wanda McElveen and Daphne Barton from the Springfest Committee. They thanked Mount Holly and its citizens for its continued support.

Pat Hubbard thanked all the committee members for a super job.

Mayor McLean read a resolution commending Pat and Joel Hubbard for their extra efforts; the Council joined in recognition of their volunteer work in this regard. (copy attached)

Additional Presentation
Raychelle Thomas, 742 South Main St., Mt. Holly. She said she and her son now are aware of a city ordinance that bicycles or skateboards are not to be on sidewalks in the central district area. There are no signs in the district area to tell us this. It appears that he is at fault when he got hit by a car, but they did not know that ordinance before. She believes that ignorance is no excuse. She believes her son was blessed in that he was hurt only a little, and the woman left because she thought he was okay. People do not know about this ordinance. Please put signs up in the central district so people will know, and not make the mistake we did. Someone else may not get by with a small injury.

Council asked the City Manager to order and install signs for the central district main streets about this ordinance.

PUBLIC HEARINGS
#1 To Consider Annexation of Mooreland Estates
The Council went into public hearings upon motion by Councilman Hough, seconded by Councilman Black, with all in favor. Mayor McLean declared the regular meeting in recess and called a public hearing for consideration of voluntary annexation petition of Mooreland Estates.

City Manager David Kraus said this is a subdivision planned to be off old Highway 27; it is not contiguous. The three intervening adjoining properties are talking about petitioning as well, so that perhaps it will be contiguous if that happens. City Attorney Michael said he and city staff have met with Mr. Moore, and he is arranging financing for the letter of credit required for development. Mr. Moore has asked that the public hearing be held, but that action on it be tabled until next month. Due advertisement has been made. Director of Public Works Eddie Nichols said that sewer is already available along the Stanley interconnect line. Water would need to be extended to the tract, but that extension would be paid for by the developer per our ordinance. City Manager David Kraus said this is a 24 acres tract with 40 some lots, and the current police and fire coverage for Deertrack Subdivision would be sufficient to cover this subdivision as well. Mr. Moore had no further comments.

There were no comments from the audience for or against. There were no comments from Council.

The public hearing was closed upon motion by Councilman Helms, seconded by Councilwoman Harris, with all in favor.

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

Motion: Councilwoman Harris **MOVED** to table action on this matter until the July regular meeting, seconded by Councilman Hough.
Vote: six ayes, zero nays. CARRIED.

PH#2 To ConsiderAnnexation of Autumn Woods
The Council went into public hearing to consider the voluntary annexation petition for Autumn Woods upon motion by Councilman Hough, seconded by Councilwoman Harris, with all in favor. Mayor McLean recessed the regular meeting and called to order the public hearing. City Manager Kraus said this property has been in our ETJ for several years. This subdivision itself has been planned for several years, and now appears to be ready for development.

There were no comments for or against by the audience and Council.

The public hearing was closed upon motion by Councilman Helms, seconded by Councilwoman Harris, with all in favor. Mayor McLean adjourned the public hearing and resumed the regular meeting.

City Attorney Michael said this is a contiguous annexation, and Council had already acted on the annexation agreement with the developer.

Motion: Councilman Michael Helms **MOVED** to adopt the order for annexation, Res. #6-14-99(a), seconded by Councilman Black, with all in favor.

PH#3 To Consider the 1999-2000 Fiscal Year Municipal Budget

The Council went into public hearing to consider the proposed municipal budget upon motion by Councilman Black, seconded by Councilman Hough, with all in favor. Mayor McLean recessed the regular meeting and called to order the public hearing.

Councilman Michael Helms asked if the money for the fire department includes the payment to Catawba Heights VFD for assistance on its fire truck; Mr. Kraus replied that it does.

City Manager David Kraus stated that since the Council's workshop, there are four issues that have arisen that need to be addressed. One is an increase in medical insurance of 15%. Second is money will be needed for watershed enforcement. Third, to fund contracting with Lucia Riverbend VFD for fire protection in the newly annexed area; and Fourth, to convert a part-time employee to full time in the Recreation Department.

There were no comments from the audience or Council.

The public hearing was closed upon motion by Councilwoman Harris, seconded by Councilman Black, with all in favor. Mayor McLean adjourned the public hearing and resumed the regular meeting.

Councilman Black asked about the insurance. Administrative Services Director Sherry Borgsdorf explained that this 15% increase would probably come to between \$8,000 and \$10,000, and could be funded from contingency or from fund balance. Councilman Black said he would like to see the City do this for the employees.

<u>Motion</u>: Councilman Black **MOVED** that the City pay the additional insurance expense up to \$10,000 from fund balance; seconded by Councilman Hough.
<u>Vote</u>: all in favor. CARRIED.

City Manager David Kraus said he feels strongly that we need to add \$30,000 for watershed enforcement. Councilman Michael Helms agreed that this is essential. Councilman Hope said he agrees, but does not want to use Mecklenburg. County's EPA.

<u>Motion</u>: Councilman Helms **MOVED** to add \$30,000 to the budget for watershed enforcement, seconded by Councilman Hope.
<u>Vote</u>: all in favor. CARRIED.

Administrative Services Director Sherry Borgsdorf said that Recreation Director Zip Stowe requests that we be allowed to replace a parat-time position with a full-time position as of January 1, and he feels that he will have the ability to cover the expense within his budget. City Manager David Kraus said this will help in park maintenance.

<u>Motion</u>: Councilman Hough **MOVED** to change a part-time position to a full-time position in the Recreation Department, seconded by Councilman Black.
<u>Vote</u>: all in favor. CARRIED.

Motion: Councilman Hough **MOVED** to approve Res. #6-14-99(B) as amended, the budget ordinance for Mt. Holly for 1999-2000 fiscal year, seconded by Councilwoman Harris.
Vote: all in favor. CARRIED.

PH#4 To Consider Establishing R-12 Zoning for StoneWater Bay Subdivision
The Council went into public hearing to consider establishing the R-12 zoning district for StoneWater Bay Subdivision, upon motion by Councilman Helms, seconded by Councilwoman Harris, with all in favor Mayor McLean recessed the regular meeting and called the public hearing to order.

Planning & Zoning Director Danny Jackson stated that the Planning Commission has conducted its public hearing and recommends that R-12 be established.

Anita Stilley, 3916 Mountain Cove Drive. She said she is an Overlook resident. She stated that Council needs to hear some things as you are making your decisions. She has heard it said that Overlook has not damaged the water quality. She lives on that cove and has seen for herself that there has been damage to the water quality. They have done a good job, but there have still been some mistakes made. Silt was put into the cove and made the whole cove turn red. There is algae and plant material growing in that area that was not there before. The more development and the more density, the more you will have problems. She commends Council for increasing the buffers, but she did not see anything about penalties. If someone does damage, please impose restrictions as well as heavy penalties so they will not be so inclined to cause damage. She would say R-12 is too many houses. She sees that you counted the greenspace under the power lines, but those are not really green, as they use pesticides and so forth to control growth of vegetation under them. Trees and natural buffer is much better than grass for buffers. If the pristine nature of the lake is destroyed, there is no going back. Councilman Hope asked what firm reported the water quality before and after the Overlook development. She had not seen it, and she said that the water in the coves will affect the water quality for the whole lake in her opinion.

Pam Beck, Nivens Cove Road. She is opposed to R-12 zone, as it is too dense. She said the Council is naïve to think you will not have any affect to the water quality if you allow that density.

Norman Cox, Jr. 2225 Lucia Riverbend Highway. Mr. Cox stated that his grandfather was the overseer for Mtn. Island Lake for Duke Power Co. His father and his father's siblings were raised up there. He played up there himself. He said he could stand in five feet of water and see his feet because the water was so clear. This is a rape of the natural landscape. No one cares. These developers are not from here. The people around here have apathy. A way of life will be gone forever. There will be higher taxes, more traffic, more crime. Mountain Island will not be country anymore. Not many people from here will be able to afford to buy those houses. We are paying the price by giving up wildlife, and we will not be able to enjoy the lake any more. They will only be laughing at us while they count their money.

There were no further comments. The public hearing was closed upon motion by Councilman Helms, seconded by Councilman Black, with all in favor. Mayor McLean adjourned the public hearing and resumed the regular meeting.

Motion: Councilman Helms **MOVED** to establish the zoning for StoneWater Bay as R-12, seconded by Councilman Hope.
Vote: all in favor. CARRIED.

PH#5 To Consider Establishing the H-I Zoning District for the Site of the City's North Elevated Water Tower
The Council went into public hearing to consider establishing the H-I zoning district for the City's north elevated water tower site, upon motion by Councilman Helms, seconded by Councilwoman Harris, with all in favor Mayor McLean recessed the regular meeting and called the public hearing to order.

Planning & Zoning Director Danny Jackson stated that the Planning Commission has conducted its public hearing and recommends that H-I be established. The property is in the vicinity of the Duke Power training center, Pinewood Elementary, and Freightliner.

There were no comments from the audience or the Council.

Councilman Helms moved to close the public hearing, seconded by Councilman Hough, with all in favor.

Motion: Councilman Hope **MOVED** to establish the H-I zone for the 5 acres owned by the City of Mt. Holly which is the site of its northern elevated water tower, seconded by Councilman Hough.
Vote: all in favor. CARRIED.

PH#6 To Consider Establishing the H-I Zoning District for Crescent Resources' 9.48 acre Tract South of City Water Tower on Highway 273
The Council went into public hearing to consider establishing the H-I zoning district for the 9.48 acres owned by Crescent Resources on Highway 273, upon motion by Councilman Helms, seconded by Councilwoman Harris, with all in favor Mayor McLean recessed the regular meeting and called the public hearing to order.

Planning & Zoning Director Danny Jackson stated that the Planning Commission has conducted its public hearing and recommends that H-I be established. The property is in the vicinity of the Duke Power training center, Pinewood Elementary, and Freightliner, and lies south of the water tank site just zoned.

There were no comments from the audience or the Council.

Councilman Hough moved to close the public hearing, seconded by Councilman Black, with all in favor.

Motion: Councilman Hough **MOVED** to establish the H-I zone for the 9.48 acres owned by Crescent Resources on Highway 273, seconded by Councilman Black.
Vote: all in favor. CARRIED.

UNFINISHED BUSINESS
UFB#1 Consideration of Purchase of Second Baptist Church Property
City Manager David Kraus asked for Council to advise if they wish to pursue purchase of this property, and if so, actual negotiation and instructions could be discussed in executive session. He pointed out that we have need of a fire department building, and we also need a building for community gatherings or large meetings.

Councilman Black asked how much property the city owns adjoining this. Eddie Nichols said including the cemetery 20 acres.

Councilman Helms said he would not be interested in the church building, so if it could not be split, there would be no need for an offer.

Councilman Hough said he was not sure this would be a wise use of our money at this time to spend that total amount of money, but he liked the ballfield.

Councilwoman Harris said she is interested in the fellowship hall for use for large gatherings, since she could not find a single place in Mount Holly when we were asked to host an event recently.

Councilman Hope said he is in a position on the church and a member there. The Council did not object to discussing the matter with him. He said the figures on the memo were the ones presented to the post office at its bidding for a site, and are not solid. They are aware that the church building would probably have to be demolished no matter who purchased it. If the City is interested in the property or any part of it at all, look at it and make an offer for the part you are interested in.

Councilman Hough said he is also concerned about watching our funds so that we can handle our need for widening Hwy. 273.

Councilman Helms said he agrees in part with the interest in the ballfield and the fellowship hall would be useful. He said he has trouble spending so much money, when we have not put in sidewalks except a little at a time.

Councilman Hough said we should have an appraisal done and look at it more closely. Councilman Hope suggested they discuss in closed session .

CONSENT AGENDA
Councilman Hough **MOVED** to accept and approve all five items on the consent agenda, seconded by Councilman Black; and unanimously carried. They are:

1. Approval of 10 Budget Amendments.

Sherry said these are result of meeting with auditor; they are accounting changes to put items in different accounts from where they are now, but is not a dollar change in the budget total. (copies attached)

2. Approval of Phase I Water's Edge Subdivision Preliminary Plat
   Recommended by Planning Commission
3. Call for Public Hearing on rezoning property located at 520 N. Hawthorne St.
   Request from R-10 to O-I/CU to accommodate a funeral home.
4. Approval of Audit Contract with Cherry, Bekaert & Holland
   Required by Local Government Commission, for year ending June 30, 1999.
5. Approval of Public Housing Write-Off Accounts
   Res. #6-14-99C (copy attached) to write uncollected rent and fees at Holly Hills Apartments in the amount of $3,078.00. It was noted for the record that the received rental was $44,163 which was higher than the $34,300 anticipated in the budget.

NEW BUSINESS

NB #1 Approval of Stone Water Bay Subdivision Preliminary Plat

Planning Director Danny Jackson said phase one of Stone Water Bay would be 95 lots. Planning Commission has recommended approval. Crescent Resources has submitted a letter requesting a variance to allow the cul-de-sac lengths to be longer than specified in the ordinance (max. 500 feet). The reasons given were primarily topographical. Councilman Michael Helms said the longer streets increases the impervious surface, but the lesser slope helps reduce runoff. Danny Jackson said the plan presented would help erosion control. Councilman Hough asked if the proposed lengths will be a problem for fire protection. Chief Andy Godfrey said he would have to see the water output, and more fire hydrants may be required after he sees that. Public Works Director Eddie Nichols said it would not be a problem to allow the longer streets.

Motion: Councilman Helms **MOVED** to approve preliminary plat and approve the variance for cul-de-sac lengths, seconded by Councilwoman Harris.
Vote: all in favor. CARRIED.

NB#2 To Consider Bids For Sidewalk Improvements

Public Works Director Eddie Nichols said this is the third time bids have been taken. This road is very tight as to getting right of way to work on for sidewalks. Duke Power quoted $50,000 to move all the poles. The engineer said could move seven poles instead; but Duke Power said $25,000 for that, which is not included in the bid. Paving the street is included in the bid, but is in the street resurfacing budget instead of this sidewalk budget. We are still over budget by over $7,000. Staff recommends award the bid to Skidmore for $249,743, and authorize staff to negotiate with the contractor to change some of the storm drains on Tuckaseege Road. Mr. Nichols sketched the Tuckaseege Road section of the project, and his proposal to change the locations of the catch basins and storm drains. The problem would be that a right of way would have to obtained from one property owner, who has in the past asked us to pipe the drainage ditch on his property. Councilman Hope said he is concerned that there is such a large difference between the bids, and asked if the bidder had reviewed his bid. Eddie Nichols said the next low bidder was about $75,000 difference because he included the pole relocation with overhead. Mr. Nichols said that rock excavation is included in this bid, and the new route would reduce that need somewhat. Mayor Mclean asked if it would be on top of the water line. Mr. Nichols said the storm drain will be in the road.

Motion: Councilman Hope **MOVED** to award the Tuckaseege sidewalk project bid to Skidmore, and authorize staff to negotiate with the contractor to reduce the contract if possible, seconded by Councilwoman Harris.
Vote: All in favor. CARRIED.

NB#3 To Consider Fire Service in Newly Annexed Areas
City Manager David Kraus introduced Chief Toomey and Chief Godfrey, Lucia- Riverbend VFD and Mt. Holly Fire Dept. This is for fire protection to be provided within two and a half miles of the newly annexed areas. Lucia Riverbend VFD proposes a contract at .045 percent times the property value with a minimum amount of $15,000, and prefers a 10 year contract. Black said that hazard insurance is the same for any zone up to nine; Mt. Holly is a six. Black asked if we have a report back from the consultant. David Kraus said the recommendation of the consultant is for a three or four ISO rating, one at Sandy Ford Road. Chief Godfrey said that the primary concern at this time is brush fires. Tanker trucks are needed for that until the utility lines are installed. Chief Toomey said the 10 year part came from the estimated building of the projects by the developers. Councilman Black asked Mr. Waters and Mr. Schreiner from Crescent Resources when they expect the first houses. They said end of year or early spring. City Attorney Michael suggested that he and staff meet with the VFD and negotiate a contract and bring it back to Council. Council concurred.

NB#4 To Consider Dimmer's Nantz Avenue property Annexation Petition
City Attorney Michael stated that the petition does not have all the property owners signatures on the petition, and will have to be amended.

NB#5 Discussion on Changing Name of Tuckaseegee Road to Tuckaseege Road.
Council concurred that the signs are spelled incorrectly and instructed the City Manager to order signs spelled Tuckaseege Road and install them.

NB#6 To Consider Resolution Opposing Senate Bill #1164
City Manager David Kraus said the bill would consolidate the local Metropolitan Planning Organizations. This would dilute our vote and make it harder for us to get funding for what we need.
Motion: Councilman Hough **MOVED** to approve Res.#6-14-99 E urging defeat of bill 1164, seconded by Councilman Black.
Vote: All in favor. CARRIED.

NB#7 To Consider Contribution to Institute of Governments Building Fund
City Attorney Kemp Michael said this is one bureaucracy that Mount Holly has actually benefited from over the years.
ASD Sherry Borgsdorf said our annual dues come to about $700.00.

Motion: Councilman Black **MOVED** to contribute $700 for the building fund for Institute of Government facility; seconded by Councilwoman Harris.
Vote: All in favor. CARRIED.

NB#8 Discussion of Filling City Council Vacancy
Councilman Black stated that someone has expressed interest in filling the vacant council seat. We discussed that there is really not much time left in the term and just waiting for the election. He felt we should resolve the issue one way or the other.
City Attorney Kemp Michael said this has happened three or four times while he has been advising the Council. Under the statute, Council has the authority to appoint a person to fill out the remaining term, which in this case expires in December. He is not aware of any requirement that the seat be filled.
Councilman Hough said if we are going to fill it, we should do it by the next meeting. He said the concern he has heard is that there should be notice given for persons to come forward willing to serve.
Councilman Hope said the first thing is to decide if we are going to fill it or not; then if we do, make nominations.
Councilwoman Harris said she felt it should be left vacant until the election this November.
Councilman Black said we need to fill the spot. Councilman Hope agreed.
Council concurred to for nominations to be made at the next meeting.

NB#9 Approval of Income Targeting Plan and Minimum Rent Policy
Dianne Pritchertt from Priority One stated that Congress had made changes that require minimum rent, but has now changed it so that if they have a hardship, there are exceptions to that. 40% of new families must be in the low income level. David Kraus said the management company had a recent inspection by HUD. Mr. Pritchertt said they received a good inspection, and had only very minor violations.
Motion: Councilman Helms **MOVED** to approve Res. #6-14-99D, to approve minimum rent policy and deconcentration plan, seconded by Councilwoman Harris.
Vote: All in favor. CARRIED.

PUBLIC COMMENT
Mayor McLean opened the floor for public comment.
None.

ROUND TABLE
Councilwoman Phyllis Harris said that David Kraus and she had found out that we cannot contribute money for the Highway 273 widening when we were in Raleigh. Mr. Kraus said that towns less than 10,000 are prohibited from participating with the State on the roads. Mayor McLean and City Attorney Kemp Michael said that the City can buy right of way.

Councilwoman Phyllis Harris said Carl Baber wants to be on the Recreation Committee, and there is a spot available. Raychelle Thomas wants to serve as well, and another spot is available. Approved on both by Council and Mayor concurrence.

Councilwoman Phyllis Harris and Bryan Hough said they enjoyed hot dog supper at __________.

Councilman Black said Legion Road was paved, and the DOT man said trees would be replanted. Eddie Nichols said that five maples would be replanted this fall, and they want direction as to where to put them.

Councilman Jim Hope said that regarding the Lentz-Springs house, there is a couple who is very interested in this house, and they wanted to make an offer, but they were met with an obstinate attitude about the price being fixed by the preservation society of $93,000.00. Kemp Michael said they should make an offer in writing. Council instructed David Kraus to advise the Preservation Society that time is up for code enforcement waivers.

Councilwoman Phyllis Harris said we got $10,000 from The Cloisters in lieu of park land. We need to decide what we are going to require on the new annexations. Do we approach them or do they decide? Kemp Michael said at The Cloisters we did not want space there because near the Tuckaseege Park. You need to decide if this is a different situation or not and you choose which you will take of the options.

City Attorney Michael said staff needs clarification as to what Council want appraised on the Second Baptist Church property. Council said all but the house.

ADJOURN

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

10:00 PM

Phillip S. Ponder — Clerk

Frank E. McLean — Mayor

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cpm