

**CITY COUNCIL
REGULAR MEETING
June 13, 2005**

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 Hough. The following were present:

Mayor Bryan Hough	Jamie Guffey, Assistant to City Manager for Finance/Administration
Mayor Pro-Tem Michael Helms	Danny Jackson, Assistant to City Mgr. for Community Development
Councilman Jim Hope	Benson Hoyle, Police Chief
Councilwoman Phyllis Harris	Dale Oplinger, Fire Chief
Councilman Frank McLean	Don Price, Utilities Director
Councilwoman Pat Hubbard	Mike Santmire, Street & Solid Waste Director
Councilman David Moore	Greg Beal, Community Dev. Officer
City Manager David Kraus	Ryan Baker, Fire Inspector
City Attorney Kemp Michael	Megan Hanks, Communication Director

INVOCATION

The invocation was led by Rev. Joe Harding.

PLEDGE OF ALLEGIANCE

Councilman Moore led the Council and audience in the ceremony of the Pledge of Allegiance.

APPROVAL OF THE AGENDA

The agenda was approved with changes: delete PR#1 and PR#3 Recognitions for Cindy Michael & Hillary Schronce, upon motion by Councilman Helms, seconded by Councilman Hope, with all in favor.

CONSENT AGENDA

Councilman Helms **MOVED** to approve the Consent Agenda with 11 items, seconded by Councilman Moore, with all in favor. The items approved were:

CA#1. To Accept and Approve the Minutes. The minutes of May 9, 2005 were approved as written.

CA#2. To Authorize Application of Fire Department Grant. The Fire Department will apply for a SAFER grant to increase Catawba Heights station staffing level. The City pays a ten percent cash match the first year, increasing each year until the City pays the entire salary of six firefighters in the fifth year, at a cost of over \$200,000 annually. The grant does not cover outfitting the firefighters (\$2,050 each).

CA#3. To Approve Final Plat Phase 2 Map 2 of Kendrick Farms. 68 lots of single family residential. Appropriate financial guarantees are required.

CA#4. To Create Capital Project ABC Construction. This creates a capital project account in the budget.

CA#5. To Approve Supplemental Appropriations for Year End Adjustments. Per the auditor's recommendation, the City Manager is authorized to make year end adjustments to accounts to balance the current year's budget, for the purpose of handling bills and revenues that arrive after the final Council Meeting in the fiscal year.

CA#6. To Approve Supplemental Appropriations for Duke Power Community Service Grant. Duke Power has awarded the City a grant to refurbish the dugouts at Tuckaseege Park in the amount of \$551 plus the labor to make the repairs; to be budgeted to Parks-Maintenance of Buildings and Grounds.

CA#7. To Call for Public Hearing on Rezoning of Property on Legion Road from R-12 to LI-CU. Jerry Pace, owner of Gastonia Iron Works, has purchased a house next to his industry site and wants to move his office into the house. This rezoning would allow him to do that; hearing to be held on July 11.

CA#8. To Call for Public Hearing on Rezoning Request on Westland Farm Road by Landcraft. Request by LandCraft to rezone from R-A, RR, and R-20, and R-12 to R-8SFCU for tract between Westland Farm Road and Old Hickory Grove Road; hearing to be held on July 11.

CA#9. To Approve Preliminary Plat of StoneWater Subdivision Phase 3.

CA#10. To Approve Budget Amendment to Holly Hills Apartments. Per the recommendation of the auditor, \$40,000 in income will be increased and will come from the reserve accounts to cover high turnover and maintenance costs.

CA#11. To Adopt Resolution Approving the Write-Off at Holly Hills. Per the auditor's recommendation, the uncollectible accounts will be written off.

UNFINISHED BUSINESS

UFB#1 To Consider Annexation of Dutchman's Creek Subdivision

City Attorney Kemp Michael suggested as a point of order, that if this matter was tabled before, you may need to vote to bring it back to the table. Mr. Michael had the proposed annexation ordinance and a preliminary draft of the subdivision agreement prepared, the public hearing was held on May 9th, duly advertised, and the rezoning would require the Council to make findings A-E; for the annexation, it would be satellite, so it has to be closer to Mount Holly than any other city, not more than 3 miles from Mt. Holly, and provide the same services as within city now; the legal description was attached.

Motion: Councilman Hope **MOVED** to deny annexation, seconded by Councilwoman Harris.

Discussion: Councilwoman Hubbard stated that over a year ago staff asked for direction from council as to what kind of development we would like. We asked for more brick homes, and larger square footage. Developments came with lesser and we approved anyway. The developer for Dutchmans Creek came and we saw his plans and we all expressed approval. The developer made changes as we expressed concerns. Staff and the developer thought we were working to

a common goal. Until last month no one said why they were voting against the development. The Council has never looked at environmental issues before, why now? It appears voting this development down for environmental issues is setting a precedent. We will have to research everyone including personal visits to other cities. I still think this development is a good idea. Councilwoman Harris said, I have been against this from the beginning, and the environmental issue is not the reason I am voting against it. Councilman Hope said, I was never in favor of this development. My motion is about annexation.
Vote: five ayes. One nay (Hubbard) CARRIED.

UFB#2 To Consider Rezoning Request of Dutchman's Creek Subdivision

This matter will not be considered because the annexation was denied, and the property is not in our ETJ, so it is not in our jurisdiction.

UFB#3 To Consider Rezoning Request for R-8SF CU from Faison Enterprises for Tract on Westland Farm Road across from Rachel Street

Councilman McLean moved to bring this matter to the table, seconded by Councilwoman Harris, and carried unanimously.

Danny Jackson said the public hearing has been held. The Planning Commission voted not to approve due to traffic concerns. Council had staff's input for conditional uses findings A-E. Mr. Jackson said he had extra copies of the proposed site plan with the conditions for those who needed to see them again. This is the request by Faison Enterprises for a 236 home subdivision on Westland Farm Road and Taylors Creek. Staff met with the developer and he has amended his plan to expand buffers along the creek, and will install left turn and deceleration lanes. The Land Development Plan called for mixed use in this area, so this development is less intense.

Councilwoman Hubbard asked, in regard to #9, does this reduce the size of the lots to 55 feet? Danny Jackson replied, the site plan shows 60 feet. Historically the City has not allowed 5 foot side setbacks, but the developer is asking for that and for 8 foot setbacks; we have always had 8 ft. side and 12 ft. street setbacks. Councilman McLean said the map had a cut through street to Old Hickory Grove Road. Mayor Hough said that is not on this site plan; that was the other one. Danny Jackson said this property is not contiguous, but it is in the ETJ. David Kraus stated that water and sewer is already available to the site, so there is not an annexation agreement. Councilman Hope asked how far from being contiguous the site is. Mr. Kraus said this is the tract that is the other half of Scott Farmer's property and the rest of his property is between this tract and the city limits; if that other portion of Mr. Farmer's property were to be annexed, then this tract would be contiguous. Mayor Hough asked if you wanted to make this a contiguous tract, would you go to the property owner to ask them to voluntarily annex. Mr. Kraus stated that we would have to do that because the density is not such that would allow involuntary. Landcraft is another development from this development and is a different site plan, and they had filed a petition but

withdrew it from the agenda. Kemp Michael stated that this property being considered tonight is owned by The Dales Group, LLC, of which Scott Farmer is one of the members. The other property is owned by several owners, and Scott is only one of them. Councilman Hope said this tract would become contiguous if the other project is approved.

Mayor Hough asked how the Council felt about the five foot setback request. Danny Jackson reported for Council's consideration that the City has other developments with six foot setbacks, i.e. Dutchmans Meadows, Riverfront, Autumn Woods; that is as low as you have gone or setbacks. Councilman Moore said he did not feel that the City should go below that. Councilwoman Hubbard asked, if the side yard has been no lower than six feet, what was the side street? It was 12 feet. Councilman Hope asked, we don't have any with five feet? Mr. Jackson replied; No. Mayor Hough asked Mr. Kapadia, would you agree to six foot setbacks? Mr. Kapadia said, Yes, but he would like to explain the difference. He stated that this does not mean every house would have a five foot setback; this gives the builder an option, so that they can put a 50 foot wide house on some of the lots, it will eliminate some of the larger house plan options if they don't have five feet setbacks; most of them will have eight feet or ten feet setbacks. Councilman Hope asked if this would constitute an ordinance text change. Mr. Jackson said it would not because this is a conditional use; the integrity of the ordinance has to be upheld, you are keeping the size of the lots. Councilman Hope asked for staff's recommendation. Danny Jackson said he had met with Mr. Kapadia and these are Mr. Kapadia's proposals, and that Mr. Jackson's role was to make sure he does not violate our ordinance, and then he merely gives the facts to Council for your consideration. Mayor Hough asked, what is your opinion on the five foot setback? Mr. Jackson said, for consistency, it is setting a precedent, and you are dealing with the entire development because you don't have a site specific plan, meaning you don't know which lots would have the small setback and which would not; he didn't have a problem with it. Mayor Hough asked if the Council approved this, would it require the City to do it again? Mr. Jackson said, no. City Attorney Kemp Michael asked, which of the findings do you believe would deal with that setback issue? Danny Jackson believed it would be #C. Mr. Michael asked, if Council wants a six foot setback, when do they put that condition on this development? Danny Jackson said, after making the findings in the affirmative, then Council sets the conditions. Mr. Michael asked, if the Council wanted to change the conditions, could they do it before they vote on the findings? Mr. Jackson said, Yes. Mayor Hough asked Mr. Kapadia, what percent of the houses built would have a five foot setback? Mr. Kapadia stated he believed it would be 20 percent or less. Councilman Hope asked, would they be adjacent? Mr. Kapadia did not know, and said the developer could restrict it to not allow them to be adjacent, but that would be hard to enforce. Councilman Moore said that he could live with that amount of percentage. Danny Jackson recommended that Council make it an addendum on #9 of the conditions. Mr. Kapadia asked, would the others be six feet? Council said yes.

Motion: Councilman Moore **MOVED** to amend condition #9 to require five feet to no more than 20 percent of the lots with the remainder having a six feet setback, seconded by Councilman Helms.

Vote: Unanimous. CARRIED.

Next the Council considered the findings A-E. Mayor Hough read the five findings for conditional use from Section 14.5, and staff's comments are recited here, as follows:

Mayor Hough read Finding #A.

Staff's response: The proposed use, as submitted in the Development Plan, is permitted within the designated zoning district, as specified by Article VI (Table of Permitted and Special Uses) of the Mount Holly Zoning Ordinance.

Motion: Councilman Hope **MOVED** to find in the affirmative #A, for the reason stated, seconded by Councilman McLean.

Vote: Unanimous. CARRIED.

Mayor Hough read Finding #B.

Staff's response: The Developer has taken steps to address such issues as Transportation and the Environment by providing road access to Westland Farm Road, as depicted on the Development Plan. The Developer proposes to provide road right-of-way for future connections to adjoining properties. The Developer proposes to abide by the transportation review and recommendations of the NCDOT and the City of Mount Holly. The submitted List of Conditions are depicted on the submitted Development Plan.

Motion: Councilwoman Helms **MOVED** to find in the affirmative #B for the reasons stated, seconded by Councilman Moore.

Vote: Unanimous. CARRIED.

Mayor Hough read Finding #C.

Staff's response: The Developer has prepared a site specific map, along with a list of Development Conditions, based upon staff review and recommendations.

Motion: Councilman Hope **MOVED** to find in the affirmative #C for the reason stated, seconded by Councilman McLean.

Vote: Unanimous. CARRIED.

Mayor Hough read Finding #D.

Staff's response: The Developer submitted a Financial Plan, showing the projected value of the proposed development. The projected value appears to be equal or greater than the value of the surrounding properties. Based upon the submitted information, the Use does not appear to substantially injure the adjoining properties.

Motion: Councilman Helms **MOVED** to find in the affirmative #D for the reasons stated, seconded by Councilman McLean.

Vote: Unanimous. CARRIED.

Mayor Hough read Finding #E.

Staff's response: Based upon the requested zoning and the site specific plan, the proposed development, as it relates to density and use, substantially meets the standard set forth in the city's Land Development Plan for the subject area. The proposed development density is 2.84 dwelling units/acre, far below the maximum 12 dwelling units/acre contained in the Land Development Plan.

Motion: Councilman Helms **MOVED** to find in the affirmative #E for the reasons stated, seconded by Councilman Hope.

Vote: Unanimous. CARRIED.

Motion: Councilman Helms **MOVED** to approve the conditional use rezoning request of FCD Development, LLC on Westland Farm Road (Faison Enterprises) from R-20 SF to R-8SFCU, based on affirmative findings for all five requirements, with the conditions as amended, and effective upon the adoption of an annexation resolution, seconded by Councilman Moore.

Vote: Unanimous. CARRIED.

UFB#4 To Consider Annexation of Faison Enterprises Subdivision on Westland Farm Road

City Manager David Kraus said this is a voluntary annexation petition, and the public hearing has already been held. City Attorney Michael stated that every annexation is required to be submitted to the civil rights commission and allow them an opportunity to object; their purpose is to see if the annexation would diminish the voting power of minorities; they look at price ranges of houses and so forth. They have never interposed an objection before; but if they do, they can require the city to do things like begin district voting. They have recently called him to make inquiries. The Council can make the effective date up to six months out from when you adopt the annexation ordinance; I would suggest that you might want to give this two months and would prefer four months. Mr. Kapadia said they would like the zoning in place immediately, and the annexation right after.

Motion: Councilman Helms **MOVED** to approve Res. #06-13-05A to annex the Faison Enterprises tract, effective Nov. 30, 2005, seconded by Councilman McLean.

Councilwoman Hubbard asked for a clerical error change showing the adopted date as June 13. Also, Councilwoman Hubbard asked, has staff checked on the environmental history of this developer? Mayor Hough stated that he had spoken with Mike Parker about Faison, and Mr. Parker ranked Faison at the top with Crescent in his experience.

Vote: Unanimous. CARRIED.

The Council took a five minute recess.

UFB#5 appears below.

PRESENTATIONS

PR#1 tabled

PR#2 Recognition of Scott Griffin Upon His Retirement

Mayor Hough and the Council went down to the council floor to recognize Scott Griffin. Mayor Hough said that Mr. Griffin has meant a lot to him, and had an impact on him as a friend and a coach. Scott was his swim team coach, safety patrol leader, and teacher. Mr. Griffin is a good example of the impact one person has on a community; the Mayor said, I am just one kid, think of the hundreds of kids that have benefited from his teaching. Mayor Hough read a proclamation. (Copy attached) With his wife at his side, Mr. Griffin expressed his thanks for this honor and spoke of his feelings for this community. He said that sometimes he felt at the point of the sword, but knew there is also is a handle and has accepted that role of leadership, and had a good group of teachers to work with.

PR#3 tabled

PR#4 Recognition of Reverend Joe Harding

Mayor Hough read a proclamation (copy attached) in recognition of Rev. Joe Harding as he is leaving our community to take a position at another church. He was accompanied by his wife, and expressed his thanks to the City for working with them to get the park in Catawba Heights.

PR#5 Recognition of Duke Energy for the Renovations of the Dugouts at Tuckasee Park

Mayor Hough read a proclamation (copy attached) honoring the Duke Energy employees who volunteered to renovate the dugouts and helped the City to get funds to pay for materials. They said they appreciate being citizens of Mount Holly and were glad to have the opportunity to be of service.

PR#6 Request for Signs

Mr. Larry Walker, with Fites Creek Townhomes, wants to put up a sign at the corner of Tuckasee and Highway 273, and said he has permission from the bank, but is asking for the City's permission also. Mayor Hough said he would ask Danny Jackson for input about this request.

PR#7 To Present ABC Plans

David Creech appeared for two reasons, to update on the ABC store design, and about the A&E building architectural services contract. On the ABC store, he had a new floor plan to share with Council; he had already met with the ABC Board and staff and reviewed it with them. Some of the shelving can be purchased early and used in the temporary site. Councilwoman Hubbard asked if the question about the loading dock was worked out. Mr. Creech said he has shown it somewhat slid back and within the encroachment zone that Duke Power has to waive, but we are still waiting for their answer. Councilwoman Hubbard

asked what is the item next to the office? It is a lift because the office is elevated. Mayor Hough asked if Council needs to do something on this tonight; it was not necessary. Mayor Hough asked what shelving would be used. Mr. Creech said they we will have an interior designer select that and will work with staff to see if has to be bid or can be purchased outright. Mr. Kraus said this is the floor plan we will go with unless Council have comments tonight. Councilwoman Hubbard noticed that in the site plans, one had the parking against the building and one had it against the berm. Mr. Creech said Council voted on option one which is parking against the building. Councilman McLean asked, will the big oak tree have to come down? Mr. Creech replied; Yes.

NEW BUSINESS

(out of order for consultant)

NB#3 Architect Contract for A & E Building

City Attorney Kemp Michael reported that he and City Manager David Kraus met with David Creech, and we gave proposed changes in the contract for architectural services which David has agreed to, it is final except for a few minor text amendments; the fee is in line with architects' fees for renovations, which is 8%; it allows for the city to have the election of having Mr. Creech's firm design this project in phases or not. The contract is very similar to the contract for the ABC building.

Motion: Councilwoman Hubbard MOVED to approve the architect services contract for the A&E Building project, contingent on the City Attorney's approval of the final draft, seconded by Councilwoman Harris.

Vote: Unanimous. CARRIED,

PRESENTATION

PR#8 To Discuss Stormwater Concerns

Carol Brackett, 202 Norton Road. I came to Council in January about a water problem in my yard created over 25 years ago, because a ditch was run along the front and side of my property and a pipe was installed under the road that directed the water onto my property into these ditches. This has filled in and so it floods my property. I have not had a response from you. Mr. Kraus had the city engineer looking at it but I need to know if the City is going to do this. I will have to see an attorney which I don't want to do, but I have to protect my property.

PUBLIC COMMENT

Mayor Hough opened the floor for public comment.

T. G. Daniel was recognized. He thanked the Council and Mayor for their time and effort on consideration of their development. He stated that he realizes it is Council's choice on annexation and he respects that. He said he would like to renew his request for water and sewer service to his property. He felt it would be good for the community and better than the alternative. It would be no expense to the City

Grover Barfield. He handed the Council a written statement (copy attached). 407 Rutledge Road. He directed their attention to the City's document for watershed protection. He stated: You have said that subdivisions cause 50 percent of pollution. The Mountain Island quality has dropped to good in your document. The degradation started in Lake Wylie. The protected area goes up Dutchman Creek, it has an elevation of 580 feet, some ridge lines are over 700 and one ridge is over 800 feet. The number of houses they want to put out there will mean tearing out vegetation and will impact on the water and on flooding. God gave us the responsibility to take care of our resources.

Joyce Burt. 2421 Old NC 27. She stated that we are in a unique time and place, and we have something every one else wants. This is a beautiful county; if we use our judgment wisely, it will keep on being beautiful. Use the desires of others to pay for it if they want to come here. Lincoln County considered a high price for each house so they can keep their county beautiful. Keep it environmentally safe. Thank you for doing a difficult job.

Becky Davis. 1209 Rainbow Drive. I want to thank the council for the decision you made tonight. She wanted to share something she had worked on. She got copies of the budgets that have been put together on that development. She said she has a background in accounting. She did an analysis on the financials on Dutchmans Creek, and was showing the Council some projections. Her report showed estimated revenue and expenses on three potential plans. For any future things you do, keep this in mind, the expenses show it was a completely losing proposition; the total expenses for four years, five million dollars; the second plan, the expenses went down to \$120,000; how could that happen? The difference was no general fund expenses. The outside water and sewer figures, which she said she did not know what that means, had the total revenue as different. Recognize the plans need to be looked at closely and should not be different.

Mike Davis. 1209 Rainbow Drive. Thanks to five wise council members. Thank Councilwoman Hubbard for saying that you should always check on environmental matters.

James Rhyne. 1152 Stanley Lucia Road. My passion has been the school system; I have four children, and have been involved in PTA, and what's going on at the county level. A few facts and figures for you; the predicted membership for 2005-2006 is 100%. Mount Holly and Stanley would be affected by any growth in our district; East Gaston is at 132% with 8 trailers. Stanley Middle, 98%, Mt. Holly, 93%, Springfield _____, Pinewood 67%, Ida Rankin 97 %, Kiser 67%. I worked on this with Leon Moretz. There are 87 trailers in the county, we have 21% in our community. Permits issued for approved subdivisions: 5997 houses. Other proposed development is 2,600, take off 1,500 for Dutchmans Creek that did not pass. Belmont has a request of 10,826

units. County numbers for Nov. 2004 was 17,828; now is at 22,000. What does the county do for us? This information is available to you.

Gerald Stoneman. Thank you for protecting the environment during development. Consider protecting me and my neighbors also when you look at the water and sewer request by the developer.

Kelly Ellis. 1711 Old Hickory Grove Road. I was disappointed tonight that Faison's development was approved for so many houses on 80 acres. I am afraid that Landcraft will be across from me and will be the same type of houses--slab built, too many houses per acre; over 800 homes. I get aggravated because the man selling some of the land lives in Hickory Ridge which has large lots; what if they cut through your neighborhood, how would you feel? Let everyone share in the wealth of the cars. I looked at the Landcraft proposals, and the greenways they had looked like the bypass road that will go up to Highway 16, not really a greenway. They had little park plots; to me they would not need those if the yards were large enough for the kids to play in; they want 55 feet lots again; be more strict, make it not as many homes.

Julie Rollins. 1610 Old HG Road. A lot has been going on, you've had a lot on your plates, you have a very hard job. You have had to decline annexation, and have accepted some as well; I think you are trying to do what is right. You are going to have a lot more coming at you that we don't all agree on. I don't want 857 homes right next door to me. I am outgoing, but I want a nice neighborhood next door. You can put restrictions on them. Probably the Council thought Deerfield was too small when it was done; but the proposed plans are unbelievably small; they say that is what people want, I don't know where they find these people, the ones I talk to say that that is all that is available. I have friends who searched high and low to find a house on a crawl space, with room to pull into the driveway.

Pam Friedl. 250 N. Main St. Last month you offered a proposal for a drainage problem we had. We noticed a discrepancy in the footage of the pipe that is being used. We want to go forward but want to call your attention to that. Mayor Hough stated that the question is whether it can drain directly into Dutchmans Creek or does it have to empty into a buffer first. City Manager Kraus is looking into that.

PUBLIC HEARINGS

PH#1 To Consider the 2005-2006 Budget

Councilman Helms moved to go into public hearing for the purpose of considering the 2005-2006 fiscal year municipal budget, seconded by Councilman McLean, and carried by unanimous vote.

James Guffey presented the proposed ordinance to set the 2005/2006 budget. Council has had several meetings on that issue, reviewing the proposed budget. Council sent the City Manager back with instructions to cut the budget so there would be no tax increase. Mr. Guffey reported that they have done that. In order to do that, it may be necessary to eliminate as many as six positions. The zoning fee schedule change is proposed based on numbers from other cities that Danny Jackson obtained. Councilman Hubbard asked, did the numbers in our packet reflect the zoning fees proposed? Mr. Guffey said, yes, but some of the fees are new and we did not include those. We do have an amount of fund balance in the budget, but that does not always happen even when it is in the budget; if we get more revenue than expected, we will use less fund balance. City Manager Kraus said this resolution adopts a dollar amount and sets the tax rate at the same rate as last year, but we will take those numbers and translate them into the line items.

There were no audience comments for or against.

Councilman Helms moved to go out of public hearing, seconded by Councilwoman Harris, and carried by unanimous vote.

Motion: Councilwoman Hubbard **MOVED** to approve Res. #06-13-05B, approving the municipal budget for 2005/2006, seconded by Councilman Helms.

Vote: Unanimous. CARRIED.

NEW BUSINESS

NB#1 To Award Bid on Phase 2 East Gaston Sewer Line

Bob Cook, U.S. Infrastructure. The bid tabulations were in the agenda packet for the East Gaston Sewer Line Phase 2. The County has verified its funds, and the school system is verifying its portion. The lowest bid is Hickory Sand and Gravel. Mr. Cook said the first phase went very well. The construction period is estimated to be five and one half months. City Manager Kraus said this will allow the school system to remove their treatment facility and help clean up Taylor's Creek.

Motion: Councilwoman Hubbard **MOVED** to award the bid to Hickory Sand and Gravel in an amount not to exceed \$828,900.00, seconded by Councilman McLean.

Vote: Unanimous. CARRIED.

NB#2 To Consider East Gaston Water Agreement

Mr. Kraus said that per council instruction, this agreement sets forth the terms of city financing of water taps along the East Gaston water line.

Motion: Councilwoman Hubbard **MOVED** to approve the proposed water customer agreement as presented, seconded by Councilwoman Harris.

Vote: Unanimous. CARRIED.

NB#3 appears above.

NB#4 To Consider Lease Agreement with Gastonia for Mountain Bike Trails

Members of the Trail Blazers were in the audience and available to answer questions. Jeff Smith spoke on their behalf, stating that it is a non-profit organization started in 1990 sponsoring mountain biking. There are not many opportunities in our area. The group has developed trails on four properties in Mecklenburg County. They have about 300 members, who are totally volunteer, of all ages, and are from several counties. They build and maintain the trails, which are usually two feet wide, avoiding the trees. He stated they have met with the forestry department and Duke Power. They make sure they don't erode because it is in their best interest. Councilman Hope asked, will the city have to pay anything on this? City Manager Kraus said there is a cost in that we have to provide police protection and if someone gets hurt we would have to provide medical attention. The rest of the cost is by volunteers; we may lend equipment or personnel occasionally, but not on a regular basis. Mayor Hough asked if the location of these trails are they in our jurisdiction already, so that we provide fire and police protection now? Mr. Kraus said, Yes.

City Attorney Michael said the proposed agreement with Gastonia had a few changes mainly to add more references to the forestry department. We have to provide copies of all the plans for the trails and get them approved by the forestry department. The City will have a memo of understanding and comply with the NC forestry standards, so we will answer to both Gastonia and forestry service. We will probably need a written understanding with the bike association as well to establish their role. Councilwoman Hubbard asked, do you prefer that the agreement be prior to this one or make this contingent on getting that? He said to make it contingent.

Motion: Councilwoman Hubbard **MOVED** to approve the lease from Gastonia regarding recreational facilities on the Carmichael conservancy, contingent upon obtaining an agreement with Tar Heel Trail Blazers, seconded by Councilman Helms.

David Kraus said signs have to be approved by the forestry service and Gastonia, and the City will have to pay for those, so that is a cost as well.

Vote: Unanimous. CARRIED.

NB#5 To Consider Lease of ABC Temporary Location

City Manager Kraus stated that this agreement would lease property next to the Movie Gallery by the City. City Attorney Michael said this agreement has not yet been agreed to by the owner. He took their lease form, prepared out of state, that he considered horrible, and he gutted it and re-worded it. It gives the City a one year lease with an option to renew up to six more months, at a rate of \$2,000 per month, with no other add-ons. It could be \$1,850 a month but we would have to lock in for 18 months. He felt this is better. The City can sublease to the ABC commission, and the lease would start on July 15. Mr. Kraus said the

contractor will do the up-fit in one or two weeks, and the computer equipment will be installed the end of July.

Motion: Councilwoman Hubbard **MOVED** to approve the lease agreement for a temporary ABC location contingent upon a signed sublease agreement with the ABC commission, seconded by Councilman Moore.

Vote: Unanimous. CARRIED.

UNFINISHED BUSINESS

UFB #5 To Consider High Density Option

Greg Beal reported that The Environmental Management Commission is having a meeting July 13. Council has approved the concept of high density options but decided to wait on comments from the State. Mr. Beal has been talking with Boyd Devone, who felt that this ordinance is well written and believes it will be approved. This will allow 50 percent impervious surface for those that apply, and will open up commercial development. The 1070 rule will go away. We will need to amend the protected district, and Council will have to hold a public hearing. You could do 24 to 70% in the protected area and 50% in the critical area. Section 5.13.2 Lake Wylie Watershed Protected Overlay District would have to be amended. Councilman Hope asked, what do we have now? Mr. Beal said we have 30% undisturbed always, which can be greenways but they have to be pervious surface.

Motion: Councilman Hubbard **MOVED** that the high density option for the Critical Overlay District be approved, and to hold a public hearing to consider amending Section 5.13.2 for protected areas, seconded by Councilwoman Harris.

Vote: Unanimous. CARRIED.

ROUND TABLE

Councilwoman Hubbard stated regarding the situation at Broomer's that she wanted to thank Mr. Jackson for taking care of that expeditiously and doing a good job.

Councilman Hope reported we have a new attraction in our gateway area, at Fites Creek, where there are now four horses and mules, chickens, and other animals. Several neighbors have called him to complain, and he has reported it to Danny Jackson; he is looking into that.

Councilman Moore said someone contacted him about the overgrowth of kudzu across from Sake Express on the utility lines. Mr. Kraus will contact the utility company to clear the lines.

Councilman Moore asked what the Council wants to do about the Friedls settlement; he would like to see that concluded. Mayor Hough said that the proposal said 75 feet because we believed you can't run water off directly into

the creek anymore, but they are saying because it was an old line before the regulations were adopted the water can be put right into the creek. The Friedls want the line to be long enough to go all the way to the creek. Mr. Kraus said this settlement is actually a cash settlement and a change to accommodate their request would increase the amount to \$5,370.00.

Motion: Councilman Moore **MOVED** to increase the Friedl settlement amount to \$5,370.00, seconded by Councilman McLean.

Vote: Unanimous. CARRIED.

ADJOURN

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

9:30 PM

Clerk

Mayor

M. Haugh

cpm