

**CITY COUNCIL
REGULAR MEETING
June 11, 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

Public Works Director Eddie Nichols

Planning & Zoning Dir. Danny Jackson

City Attorney Kemp Michael

Police Chief Davis

Fire Chief Ekiatis

INVOCATION

The invocation was led by Rev. Bowman.

PLEDGE OF ALLEGIANCE

Boy Scout Troop 59 led the Council and audience in the ceremony of the Pledge of Allegiance.

APPROVAL OF THE AGENDA

The agenda was approved with two changes: 1) delete PR#2 Mr. Ferrell, and 2) add an award presentation; upon motion by Councilman Helms, seconded by Councilman Black, with all in favor.

MINUTES

Councilman Black **MOVED** to approve the minutes of May 8 and 14, 2001, as written, seconded by Councilman Helms, with all in favor.

PRESENTATIONS

PR#1 Miss Mt. Holly India Lucas to Discuss Her Services Project

Miss Mt. Holly, India Lucas, presented to the Council her services project, which is identification cards for children and teaching children safety issues. She has traveled with Ken Wooden on the same program. Two weeks ago a boy in Lincoln County was approached by a man in a van, and he refused to go because he had heard her program. She hoped to do well at Miss North Carolina pageant and represent Mount Holly with honor.

PR#2 Award Presentation

Mayor McLean presented special recognition to the Mount Holly Fire & Rescue to Chief Ekiatis for all his men. Chief Ekiatis said that the whole staff and council supported them so well in the merger that they knew it would be successful.

UNFINISHED BUSINESS

UFB#1 To Consider Awarding Bids on New Fire Station

City Manager David Kraus introduced Mr. Helt, the architect, and he said that when the plans for the new fire station were reviewed by the State, changes were required in the drawings; those have been made. We presented the changes to the low bidder, Stewart Construction, a single prime contractor. Councilman Hope asked if we have a list of the major subs yet. Mr. Helt has that. The plans will need to be resubmitted to Raleigh and then the county will sign off on it after that. Councilwoman Hubbard asked what the difference is for multi prime and single prime. Mr. Helt said it is possible to have specific tasks bid outright such as the plumber and the electrician, and doing that would make it a multi prime job. This will be single prime because it was a lower bid, and that means we only deal with the general contractor.

Motion: Councilman Hough **MOVED** to award the bid to Stewart Construction, seconded by Councilwoman Hubbard.

Vote: All in favor. CARRIED.

UFB#2 To Consider New Two Million Gallon Water Tank

Mike Wolfe, W. K. Dickson Engineers, was here to discuss the new water storage tank. This project will raise the pressure substantially in that area, some houses may need pressure reducing valves. The engineer recommended the City bid both the set and the legged tank to get the most competitive bid. You will need to obtain more land for this tank. The tank will be about 100 feet high. Councilwoman Hubbard said that the composite style tank seemed to make sense because it does not have to be painted; she asked why he is not recommending it? Mr. Wolfe said that the composite is 15% more expensive and their study shows that it does not calculate out to any real savings. Councilman Black asked if the staff has a recommendation; City Manager Kraus said that staff prefers the fluted column elevated tank or the composite. Councilman Black said that we need to notify the property owner if we are continuing on this so they do not continue to do grading out there and remove any more soil. Councilwoman Hubbard asked how long this will last before another one is needed. Mr. Wolfe said that growth will control the next need for a tank; this one will cover the central district and there is not much anticipated growth in that area. Councilman Hope said we should get bids on both styles to get competitive bids. Councilman Hough said that in comparing the annual upkeep between the fluted and the composite, the difference is what? Mr. Wolfe said the construction cost is higher which is offset by annual maintenance. Councilman Black asked if we should prioritize sites tonight; the City Attorney recommended that not be done tonight.

Motion: Councilman Hope upon recommendation of the engineers **MOVED** to proceed with construction of a two million gallon water storage tank; Councilman Helms seconded.

Vote: All in favor. CARRIED.

PUBLIC HEARINGS**PH#1 To Consider Adoption of 2001-2002 Annual Budget**

Councilman Helms moved to go into public hearing, seconded by Councilman Black, with all in favor.

City Manager Kraus said this year's proposed budget does not call for increases in taxes or fees and rates. There were no comments either for or against.

Councilman Helms 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.

Motion: Councilman Helms **MOVED** to adopt the 2001-2002 fiscal year municipal budget as presented, seconded by Councilman Hough.

Vote: All in favor. **CARRIED.**

PH#2 To Consider Policy on Submission of Plat Maps

Councilman Helms moved to go into public hearing, seconded by Councilman Black, with all in favor.

City Manager David Kraus stated that due to the high volume of subdivision maps being presented by developers, staff recommends that plats be required to show 20% of the entire subdivision for the purpose of reducing the number of plats being recorded for each subdivision. The City Attorney has recommended this be placed in the subdivision ordinance.

Mr. Bill Rice, Squires Enterprises, had a question; he said that in the case of a 500 lot development, they have been developing in phases of 75-80 lots. It is standard procedure to have the model homes recorded first to get the developers set up, and then the rest of that section is recorded. With large projects it becomes a hardship on the developer to have lots sitting and subject to financial guarantees (letters of credit) unless they can be sold in a year to a year and a half.

There were no other comments. Councilman Helms moved to go out of public hearing, seconded by Councilman Hough, with all in favor. Mayor McLean adjourned the public hearing and resumed the regular meeting.

Councilman Hough wanted to clarify what Mr. Rice had been saying. Mr. Rice would like an exclusion so they can build model homes on perhaps five lots. Zoning Administrator Danny Jackson said that the modification section already in our ordinance would allow a developer to apply to Council for relief like that. Mr. Michael asked how many model homes they have in Riverfront; Mr. Rice said there are two, and that the first map had those two with the lots between them; that was the only section like that, because the rest of those plats had all the lots for that section on them.

Motion: Councilman Hough **MOVED** to adopt a policy requiring developers submit plats with at least 20% of the entire subdivision, and to set a public hearing for next months regular meeting for consideration of an amendment to the subdivision ordinance that would require this, seconded by Councilman Black.

Vote: all in favor. **CARRIED.**

PH#3 To Consider Amendment to Subdivision Regulations

Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, with all in favor.

City Manager Kraus stated this amendment would require sidewalks on both sides of streets except in the cul-de-sacs, which proposed change would appear in Section 3.10. The Planning Commission recommends approval with a revision they suggest.

Councilman Hope asked Mr. Jackson what the Planning Commission wanted by asking that the sidewalks also be required in the bulb of the cul-de-sac. They said they would like to see you have the sidewalk go all the way around, except Mr. Broome said we might want to wait and see what it looks like first. There were no other comments.

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

Motion: Councilwoman Hubbard **MOVED** to amend the subdivision regulations, Section 3.10, to make sidewalks go down both side streets with the correction to omit the last sentence, seconded by Councilwoman Harris. (copy attached)

Vote: All in favor. CARRIED.

PH#4 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.

City Manager Kraus had a request for a change to zoning ordinance Section 6.2 to allow an arcade in the central business district; the zoning board approved it by a 5-3 vote. Zoning Administrator Jackson said that the other option is to rezone that lot only but he does not suggest that because it would be spot zoning. Also the code already has other regulations for arcades; Mr. Jackson gave them a copy. The agenda packet had a proposal from Tim and Connie Dixon about the arcade they plan to open. The Planning & Zoning Board minutes were attached, as well as copies of regulations from other cities.

Connie Dixon, 115 Second Drive, Mt. Holly, was available for questions. She said that we parents take our kids to Gastonia and Charlotte all the time for arcade entertainment, and they thought it would nice to have it here instead. This will be a nice place and should draw people from the whole area. Councilwoman Hubbard said she noticed one of the brochures from Mrs. Dixon had a pool table; she said they are not having that, they are having air hockey.

Councilman Helms 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.

Councilwoman Hubbard asked Danny Jackson where B-3 is in Mt. Holly since that zone already allows arcades. He showed her the areas on the zoning map. Councilman Black asked if Mr. Jackson had any phone calls or comments from downtown merchants? Mr. Jackson said the adjoining property owners are not notified for this type of action.

Councilman Black asked about possibly doing this as a conditional use; Mr. Jackson said that cannot be utilized in this case. Councilwoman Hubbard asked if we pass this anyone could put one downtown; Mr. Jackson said they would but they would still have to comply with the other regulations about hours and visibility from the street and so on. Councilman Helms asked if we can inform the downtown people. City Attorney Michael said they would have to go back into public hearing and recess it so that any of those who wish to comment can attend the continuation of the public hearing, but they could not just come and tell what someone else said.

Councilman Helms moved to go into public hearing, seconded by Councilman Black, with all in favor.

Motion: Councilman Helms **MOVED** to recess the public hearing until next regular monthly meeting, on July 9, seconded by Councilman Black, with all in favor.

PH#5 To Consider Zoning Request for Kendrick Property

Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, with all in favor.

City Manager Kraus said this is to consider rezoning of the Kendrick Property. Planning Commission recommends approval. City Attorney Michael recommended that you take action on the annexation before you vote on this item. Councilman Hough said that some of the zoning issues will affect his decision on the annexation.

Council decided to open the other public hearing and take comments on both.

PH#6 To Consider Request for Voluntary Annexation for Kendrick Property

Councilman Hough moved to go into public hearing, seconded by Councilman Black, and unanimously carried.

City Manager Kraus presented to Council his Annexation Evaluation for the Kendrick Property (copy attached) and reviewed it, first stating that it does conform to the land development plan. The petition has been signed by all the owners. The city will need to add four police officers, and a fire department north of Freightliner plant, in the interim we would use Lucia Riverbend VFD. These are already planned for the StoneWater Subdivision area. The developer plans to donate land to the City for a park and greenway which would cost \$133,000 to develop. Rollout garbage carts will cost about \$3,000 for seven years. The utility development costs for that subdivision would be covered by the developer. After fully constructed, it would generate almost \$370,000 annually in taxes, \$100,000 in water charges and over \$83,000 in sewer charges. He gave yearly breakdowns until it is fully built. Sales tax and Powell Bill funds would also be received. The water and waste water treatment plants are able to handle this development. He did not have figures for impact on schools and roads. He said that this property will be developed so the decision hinges on whether we want to control the growth or have the county do it. It is a strategic location, it is contiguous, and he also gave three items for council's consideration.

Brenda Edwards, 215 Shane Drive, Mt. Holly. The residents in my subdivision are very concerned about this development; about six others attended with her and she had a signed petition. We feel that the density of that neighborhood is objectionable because of increased traffic, the speed is 55 mph and it is a curved road. The affect on the school system is that it would be too much load for Pinewood School. I found minutes of your meetings where a Gaston County School system rep came to you and said that without proper planning we will have a problem with overloaded schools. The last item of concern we have is environmental. The one side of the property is very hilly, and there is a wet water creek down at the bottom of that hill, so they will flood us out. She also said that another side is in a flood zone. She understood the City is in the process of developing a new land use plan, and we ask you delay this until that new plan is completed.

City Attorney Michael said that the annexation agreement has not been prepared because we need direction from Council as to your intentions on this development, and input as to terms and conditions you want to be in the annexation agreement.

Councilman Hough said we are updating our subdivision ordinance such as for trees and we need to consider the thoroughfare plan also. Can we include those provisions in this action tonight? City Manager Kraus said that we can put regulations in the annexation agreement, as conditional use. Zoning Administrator Jackson said that when the plats are presented those things Council has required would have to be on them. Councilman Hough said he does not want to require something now and then later drop it; he wants consistency. Mr. Hough said that Council or some other governmental agency can control the speed limit. On the matter of schools, he asked Mr. Michael if part of the \$89 million bond referendum upcoming this fall covers Pinewood School improvements; Mr. Michael, said yes, he believed it is 8 classrooms and some bathrooms. Mr. Hough noted that our land use plan now and proposed does call for residential use. Mr. Hough asked what the developer intends to do about the flood zone and the creek? Mr. Rice was recognized. He said that there are more than one class of flood zones, and he said his engineer was also present and could answer questions about that.

Councilwoman Hubbard asked what would happen if we annex it and then don't amend the zoning? City Attorney Michael said the annexation should be contingent on the annexation agreement being drafted and adopted, and we need input from you what you want to require. The zoning would not be affected unless Council approves a change.

Councilman Helms asked if there is any way to find out how the school will be impacted. Mr. Michael said the school system has studies on that.

Councilman Black said we were supposed to get a traffic study; Mr. Rice said that was done and he has someone here to address that issue. Councilman Black asked the Mayor to have the traffic study report presented.

Claude Wright, 634 Lowland Dairy Road, resident for 33 years. Part of what he is pointing out it is in the flood plain, and we had 2 inches of rain a couple weeks ago and Dutchman Creek was full and was out of its banks. I have had to put up a sign on Sandy Ford Road when it flooded over the road many times. Are the taxpayers going to have to pay to carry all that water off? Mr. Hewell said DOT does not build culverts for a 100 flood storm water and we have no control over that. We will be building culverts and other infrastructure that does account for the 100 year flood zone. The folks downstream will have to do the same analysis that I am having to do.

Mr. Shannon said water already comes up to the bottom of both bridges when it rains, and with this extra water it is going to flood those bridges out and we won't be able to get out. Mr. Hewell said that the state has the obligation to maintain the bridges and build them to appropriate elevations.

Brenda Edwards asked if the zoning as R-8 would be contingent on the findings from his studies. Danny Jackson said that once a conditional use plan is submitted and approved, any changes to it have to be brought back to Council.

Mr. Wright reminded them that Mount Holly was flooded in 1916, so the 100 years is about to come around.

City Attorney Michael said Council has the option to end the public hearing or recess.

Councilman Black moved to recess these public hearings on annexation and zoning until July 9th, seconded by Councilman Helms, with all in favor.

NEW BUSINESS

NB#1 To Consider Revision of Annexation Fees

City Manager David Kraus said the City must pay the cost of the debt of a VFD for its loss of tax base due to an annexation we approve that affects their area. He proposed to change the title of the current "annexation fee" to "annexation application fee". Then he wants to start the new annexation fee as a formula paid only if the annexation is approved, as follows: Tax value of annexed area divided by tax rate of fire district times debt of Volunteer Fire Department. Jamie Guffey said that the LCG with State has to approve that since it will go to the VFD. Mr. Michael asked if this is only in reference to voluntary annexation? Yes.

Motion: Councilwoman Hubbard **MOVED** to change the title of the "annexation fee" to be the "annexation application fee", and to establish a new "annexation fee" as presented, contingent upon approval by the State, seconded by Councilman Helms.

Vote: unanimous. **CARRIED.**

Councilman Hough had to leave at this time.

NB#2 To Consider Participation in a Countywide HOME Consortium

City Manager Kraus presented a proposed interlocal agreement with other towns in the county that would be administered by Gastonia, in order to provide low income residents

with assistance in purchasing a first home. City Attorney Michael said we should have a provision that we can take it over for ourselves upon notice, or cancel it.

Motion: Councilwoman Hubbard **MOVED** to table action until next month, seconded by Councilwoman Harris.

Vote: unanimous. CARRIED.

CONSENT AGENDA

Councilman Helms **MOVED** to accept and approve all 6 items including the additional page to #5 on the consent agenda, seconded by Councilwoman Hubbard; and unanimously carried. They are:

CA#1. Approval of Closed Session Minutes. Approved and authorization to release copies to the Gaston Gazette, subject to any names of personnel being stricken.

CA#2. Approval of Resolution to Write Off Uncollectable Accounts for Holly Hills. An annual bookkeeping requirement. (copy attached)

CA#3. Approval of Resolution for New Ceiling Rents for Holly Hills. Ceiling rents are a federal requirement. (copy attached)

CA#4. Approval of Agreement Between Mount Holly and Charlotte-Mecklenburg Hospital Authority. This agreement allows the city to use Dr. Beatty's office for drug screens, workmen's compensation and general medical services.

CA#5. Approval of Year End Budget Amendments. (3 copies attached)

CA#6. Approval of Contract to Audit Accounts. Contract to audit accounts pursuant to state regulations, with Cherry, Bekeart & Holland (includes a 3% increase from last year).

Added Item

City Manager Kraus said our consultant, Mr. Simac, has sent us a letter that we need to give the YMCA a 60 day notice to correct the defects in their road or the road should be blocked off on that lane or the city should block the road off, for safety reasons. The Y has sent a letter to the contractor already. City Attorney Michael said we cannot block that road since DOT controls Hwy. 273, and we have not taken over the road so it is still a private road; any letter should be a recommendation to the Y based on our engineer's report. The Council asked if we can post a warning sign that it is not safe. Mr. Kraus will check on that.

PUBLIC COMMENT

Mayor McLean opened the floor for public comment.

There were none.

ROUND TABLE

Councilwoman Hubbard asked if we will have the work session on July 3rd or not. Council agreed to not hold the work session meeting in July.

Councilman Black, regarding a memo from last month, asked if Council appointed a councilmember to work with the county on the park at Riverbend. Council appointed Phyllis Harris.

Councilman Black asked about the man who wants to develop the 33 acres. Did he go away? Mr. Kraus said they have not seen them lately.

Councilman Black said he believes that both Central Avenue and Highway 27 have green lights at the same time after the train finishes going by.

Councilman Black said several people have called me about the rollout garbage carts, if there are other options in color than the green. Yes. How long will this take? It will be about three months.

Councilman Hope asked about the status of the new post office. Mayor McLean said rumor has it that it will open July 1st, and that they will change some of the routes in Catawba Heights to Mount Holly, but he does not know for sure. He said the Postmaster does not know anything about that either.

Councilman Hope said there is a rumor from Freightliner about more layoffs or closing the plant. Mr. Michael said their attorney called within the last week to ask about the zoning with regard to building new buildings.

Mayor McLean said that on West Glendale Avenue the pipe has been installed up to Crest and they need to pave up to there even if they are not done with the rest. They have not worked up there for two weeks.

Mayor McLean said he would be out of town for the week of June 17-22.

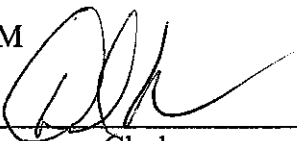
Mayor McLean reported that Eddie Nichols is still in intensive care.

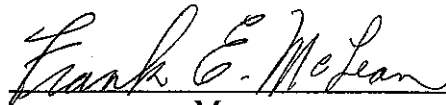
Councilman Black asked if city hall is being cleaned? Mr. Kraus said the person who was cleaning went on an extended vacation. Councilwoman Hubbard stated that she believed that this was part of his maintenance job description. Mr. Kraus said Yes, to do bathrooms. He will check on getting that caught up.

ADJOURN

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

9:45 PM


Clerk


Mayor

cpm