

**CITY COUNCIL  
REGULAR MEETING  
May 13, 2002**

**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 Black. The following were present:

Mayor Robert D. "Bobby" Black  
Mayor Pro-Tem Jim Hope

Councilwoman Phyllis Harris  
Councilman Frank McLean  
Councilman Brian Hough  
Councilwoman Pat Hubbard

Adm. Services Officer Jamie Guffey  
Asst. Public Works Dir. Jeff Fritts  
Planning & Zoning Dir. Danny Jackson  
City Attorney Kemp Michael  
Police Chief Rick Davis  
Fire Chief John Ekiatis  
Street & Sanitation Dir. Mike Santmire  
Water & Sewer Dir. Don Price  
Zoning Officer Greg Beal

Councilman Helms absent due to the storm, as his job with Duke Power requires him to be available.

**INVOCATION**

The invocation was led by Rev. Todd Wright.

**PLEDGE OF ALLEGIANCE**

The VFW led the Council and audience in the ceremony of the Pledge of Allegiance.

Mayor Black invited the public to come on Mon. the 27<sup>th</sup> at 10 AM to Tuckaseege Park for a special ceremony for Memorial Day.

**APPROVAL OF THE AGENDA**

The agenda was approved with additions to the Consent Agenda #9, and New Business #8, upon motion by Councilman Hough, seconded by Councilwoman Harris, with all in favor.

**MINUTES**

Councilwoman Hubbard **MOVED** to approve the minutes of April 2 & 8, 2002, as written, seconded by Councilman McLean, with all in favor.

**PRESENTATIONS**

PR#1 Recognition of Nan Oakes for 23 Years of Service

Mayor Black read a proclamation in honor of Nan Oakes upon her retirement, and presented it to her framed, along with a watch presented to her by the Council and City Manager. Mrs. Oakes said she enjoyed working here, and it has been a good experience.

PR#2 Donation of a R.E.S.C.U.E. Door Opener by the Animal League of Gaston County

Becky Moser and three other members of the Animal League came to our meeting to present a donation. They meet needs for canine units of police departments. The door opener allows the officer to push a button on his belt and the door will open to let the canine out. Ann Walls said this group has been involved in many avenues of assistance for dogs and cats. They are interested in new members, donations, and volunteers. Mayor Black thanked them for choosing Mount Holly for this gift.

PR#3 Request for No Parking on Julia Avenue by R. E. Greene  
Ms. Greene was not present.

PR#4 Complaint about Wrecker Rotation by Greg Painter

Mr. Painter is the new owner of Mount Holly Wrecker Service and was upset because he has not been called on wrecker rotation, and has found out that a wrecker service in Stanley has been getting calls just because he put a different name on the door with a Mount Holly phone number. Mayor Black referred him to the City Manager and City Attorney to check into this complaint. Councilwoman Hubbard asked where their office was? Danny Jackson stated it was on West Charlotte Avenue, the Professional building. David Kraus said that the wrecker and cars are not stored there; that is the office. Mr. Jackson said there has been a lot happen since the previous owner was here; there is also some discrepancy between the zoning ordinance and the code. Councilwoman Hubbard said she seemed to remember that there was supposed to be a physical presence in Mount Holly, not just an office. Councilman Hough said he did remember this came up, and he thought that we talked about the need to be here, but he didn't remember what was decided and what the ordinance says. Mr. Albert Farrar, 1603 N. Main, said he had been in the wrecker service for years, and if they would look at Gastonia's ordinance, they would find that it has specific rules and it has worked very well.

**PUBLIC HEARINGS**

PH#1 To Consider Rezoning a 13.6 Acre Tract off of North Main from R-12 to R-8 Multi-Family Conditional Use

Councilwoman Hubbard moved to go into public hearing, seconded by Councilman McLean, and unanimously carried. Mayor McLean recessed the regular meeting and opened the public hearing to consider rezoning a 13.6 acre tract off North Main upon request by Mike Schronce.

Danny Jackson stated that Mr. Schronce had submitted a site plan for multi-family owner occupied housing. The Planning Commission recommended approval.

Vicki Cauthen, 1609 N. Main. We are one of the owners of the property, and we feel this would benefit Mount Holly and the neighbors as well as ourselves. This would help develop the north end. It is beautiful property. This proposal is in harmony with the land use plan. It will bring taxpayers and customers to Mount Holly. It will look much better than what is there now. This is a good alternative for people who do not want to maintain a yard themselves. The property is near good schools and is close to Charlotte. I lived in Mount Holly the last 16 years and my husband has always lived in Mount Holly. The developer is from Mount Holly and lives near here, and he has built nice places before. We care what happens here.

Albert Farrar, 1603 North Main. I have a question, what is the density of that area? If you have 4 people in each unit, that is too many people to go in that area. Danny Jackson said this would be 95 units, and that the site plan is not even close to what would be allowed in the ordinance; he is putting less than he could. We feel that is too many people to put in a quiet neighborhood, and want you to look at this again.

Mrs. David Robinson, 1606 North Main. On the conditional use, I did not know what that means. I assumed that the list on the page would be the conditional use. If the townhomes did not sell, could it be rezoned? Yes. Would we have to be notified? Yes. Will there be an attractive entrance? Will there be restrictions on them and who will enforce it? Will it be a cul-de-sac, or will there be a right of way to someone else to property back of there? That will cause even more traffic and less privacy, we don't want it to have the through way. Does this include the Cauthen home where they live? I understand there is a junkyard on Morningside property that will be visible when clearing begins and we think it will harm the development.

Louise Parker, 1607 North Main. We just moved in recently, and I am concerned and wish it would be single family. I want to know what will happen to the house the Cauthens lives in.

Sheila Parker, 204 Underwood. It was a shock to see the rezoning sign go up. Will these townhomes be bought by a broker and then rented out to who knows who? My mother moved there to have quiet, and now this will be much more traffic and noisy; single family would be much better. If Morningside Drive is allowed to connect that will be too much traffic.

Mike Schronce, the developer on this site plan, was recognized. I am here because the business side of my former plan was not accepted well. The 95 units is going to be built at about 7 units per acre rather than the 13 per acre I could have. The natural area is larger than needed. We have designated usable space for the green area. The structures I build are good quality and the landscaping as well. I built the office buildings next to Food Lion. The Cauthens house is not part of this project. I plan to have an entrance. I cannot control

what the homeowner's association will do later. The buildings exceed the requirement for setback, and is very similar to where the old house is right now. We will have deed restrictions and a homeowner's association. The people buying these homes will want that. Danny Jackson said the city enforces code violations, and restrictions are not enforced by the city. Mr. Schronce stated there will a deeded easement to the rear giving access to the property behind this. There is already a road on the transportation plans for the outer loop. There is already a street back there that touches that back property which he could use if he wants to, but he wants to access straight out to North Main. We will sell to individuals. I do not plan on selling a block of these units to a broker. There will be 260 feet of natural area left at the back. We will gravity feed to your public utilities out of two privately owned pump stations.

Albert Farrar, I have seen this happen before where they buy them and then rent them out. That junkyard in Morningside will be seen.

Mrs. Parker, 380 people for 13 acres, if there are 4 people; cars, boats, etc. is too much, and what about play areas?

Mrs. Cauthen. We have walked the land and the perimeters, and he is leaving buffers around the edges. I have never seen the junkyard even in winter.

Councilwoman Harris moved to go out of public hearing, seconded by Councilman Hough, and unanimously carried. Mayor Black adjourned the public hearing and resumed the regular meeting.

Councilwoman Hubbard said she believed the non-owner occupied situation with renters can be addressed in the restrictions and dealt with by the HOA; she has seen that in condo packages. She has a little problem with the comment about density. The last time it was 66 units and commercial and the neighbors did not like the commercial, so he adjusted for that, and now they are not happy about that.

Councilman Black asked about recreation space. Danny Jackson said the open space is passive recreation. City Manager Kraus said the Council could include a equipment to put in a playground amenity. Mr. Jackson said this is privately held open space controlled by the HOA. You can add conditions you want to add on the permit now if you wish. Councilwoman Harris asked if we can put a condition that the restrictive covenants have a requirement for being owner occupied. City Attorney Kemp Michael said that is not appropriate public policy.

Councilman McLean asked if the street will connect with Morningside. Mr. Schronce said this property does not. David Kraus said it connects to the property back of this. Councilwoman Hubbard asked about the site plan; she asked if the block to the left is the Cauthen house? Yes.

Danny Jackson said this is a conditional use permit application, and as a point of procedure I can attest that this site plan meets all the criteria required by the code. Councilman Hope said he did not see turn lanes on the plan. Danny Jackson stated that when Mr. Schronce applies for the driveway permit from DOT that will be addressed at that time. Councilwoman Harris said we need to do that now. The Conditional Use findings of fact were considered individually by Council, as follows:

- A. The use requested is among those listed as an eligible Permitted or Conditional Use in the District in which the subject property is located or is to be located. Zoning Administrator Jackson stated that this property meets this requirement. Councilman Hough **MOVED** to make this finding in the affirmative, seconded by Councilwoman Harris, with all in favor.
- B. That the Conditional Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed. Zoning Administrator Jackson stated that this criteria has been met. Councilwoman Harris **MOVED** to make this finding in the affirmative, seconded by Councilman Hough, with all in favor.
- C. That the Conditional Use meets all required conditions and specifications. Zoning Administrator Jackson stated that the site plan has been provided with conditions stated. Councilwoman Harris **MOVED** to make this finding in the affirmative, seconded by Councilman Hough, with all in favor.
- D. That the Conditional Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity. Zoning Administrator Jackson stated that the area would not be harmed by this site plan; there is no evidence to the contrary. Councilman Hough **MOVED** to make this finding in the affirmative, seconded by Councilwoman Harris, with all in favor.
- E. That the location and character of the Conditional Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Mount Holly and its environs. Zoning Administrator Jackson stated that the land development plan calls for single family development in that area. Councilwoman Hough **MOVED** to make this finding in the affirmative, seconded by Councilman McLean, with all in favor.

Danny Jackson stated that if Council had any other conditions, they must add them now. Councilman Hope said he wanted to be sure there will be a turn lane; Councilwoman Harris agreed. Mr. Schronce said he will do a turn lane.

Motion: Councilman Hope **MOVED** to add a condition that a left turn lane be installed by the developer on North Main at this development of the 13.6 acre tract by Mr. Schronce, seconded by Councilwoman Harris.

Vote: Unanimous. CARRIED.

Motion: Councilman Hough **MOVED** to approve rezoning of the 13.6 tract from R-12 to R-8 Multi-Family Conditional Use, seconded by Councilman Hubbard.

Vote: unanimous. CARRIED.

**UNFINISHED BUSINESS**UFB#1 To Consider Acceptance of Charitable Gift by Sam Williams

David Kraus said he had not gotten a definite answer from Council. City Attorney Michael said it has little tax value, but he is tired of paying taxes on it, and he gets a tax deduction if he donates it. Councilwoman Harris asked if it could not be part of the River Street park? Yes. Council wants to look at it.

Motion: Councilwoman Harris moved to table this matter, seconded by Councilman McLean.

Vote: unanimous. CARRIED.

UFB#2 To Consider Approval of Addendum to Agreement on East Gaston Water and Sewer Lines

David Kraus presented a revision from the County for the agreement regarding utilities. Payment to the City will be over 15 years for reimbursement; we pay them share of revenue for 10 years.

Motion: Councilman Hubbard **MOVED** to approve the amended agreement, seconded by Councilman McLean.

Vote: Unanimous. CARRIED.

The Council took a five minute recess.

**NEW BUSINESS**NB#1 To Consider Calling for a Public Hearing on the Renaming of Mill Street and Oak Grove Street

David Kraus directed Council's attention to a map attached to the agenda, showing duplicate street names.

Motion: Councilwoman Harris **MOVED** to call for public hearing on June 10 for discussion of renaming Mill Street and Oak Grove Street duplicates, seconded by Councilman Hough.

Vote: All in favor. CARRIED.

NB#2 To Consider a Resolution Requesting that Municipal Revenue Sources be Made Secure

Presented by the League of Municipalities, this resolution will be distributed on Town Hall Day, June 11<sup>th</sup>.

Motion: Councilman Hough **MOVED** to adopt Res. 05-13-02A, seconded by Councilwoman Harris. (copy attached)

Vote: All in favor. CARRIED.

NB#3 To Consider Calling for a Public Hearing on the 2002-2003 Budget

Motion: Councilwoman Hubbard **MOVED** to set public hearing for consideration of the 2002-3 budget for June 10, seconded by Councilwoman Harris.

Vote: All in favor. CARRIED.

Jamie Guffey gave an update report to Council on the budget. He did not have a proposed budget from Housing Authority yet. He said we always got them on time from Diane Pritchett, but the new manager has not turned it in, and he had called the president of the management company. We now have a gap in the general fund of \$1.6 million. David Kraus said we will need to replace the gap from fund balance or some other source. Mr. Guffey said there is a \$830,000 gap in water and sewer. Mr. Kraus had compiled a list of water and sewer rates from various cities in this area for comparison to our rates.

A budget work session was set for May 23 at 6:30 PM.

NB#4 To Consider Policy on Installing Drainage Pipe

Don Price recommended to Council that the City cease installing drainage pipes for residents or charge to recoup actual costs. In the past the City has installed reinforced concrete drainage pipe for no charge when the resident paid for the pipe. Councilman McLean said we want concrete pipe so they will not use cheaper stuff because we have to clean them out; we should keep doing this ourselves, just like DOT does. Mr. McLean asked about the Grant pipe and got a status report on that. The customer buys the pipe and extra dirt; we just supply the equipment and labor. Councilman Hope agreed with Councilman McLean, except he suggested we do a pipe under a driveway up to 20-foot free, but charge for everything over that. Councilwoman Harris asked staff to come up with a rate and bring back to council.

No action.

NB#5 To Consider Directing City Clerk to Investigate the Sufficiency of a Voluntary Annexation Petition

City Manager David Kraus stated that Calvin Farrar wants to develop the property behind the Mike Schronce parcel. He wants to be annexed. We just got the petition this week, and we have not checked the title yet. This property connects to the road Short Street, and to Autumn Woods. This is a 25-acre tract.

No action.

NB#6 To Consider Update of Pretreatment Enforcement Response Plan

Don Price stated that our response plan is out of date. The state plan has penalties of \$25,000 per day per violation and this would use the state fee schedule. Councilwoman Hubbard asked if the schedules in our agenda are the old charts? Mr. Price said the first set is the new, and the second set is the old chart.

Motion: Councilwoman Hubbard **MOVED** to approve the updated ERP, seconded by Councilman Hough.

Vote: All in favor. CARRIED.

NB#7 To Consider Calling for a Public Hearing on System Development Charges

City Manager Kraus said staff had prepared schedules to answer questions about calculations of system development charges. Councilman Hough asked

what amount we need to charge the homeowner. Jamie Guffey said we are looking at a \$6.90 increase on water rates. Councilwoman Hope asked how many units were used in the forecast of development? Mr. Guffey said 5200. Councilwoman Hope wondered what would happen if only 2500 are built in the next 7 years? The rates would double. Councilwoman Hubbard said she believed that Council should adopt system development charges with the figures they got that night.

Motion: Councilman McLean moved to table this matter to a later date; failed for lack of second.

Councilman Hough said he is in favor of grandfathering, and he liked the idea that we adjust this as we go along based on growth and need. I think we should use the one we got before, and then restructure later to a higher number if we need to. Councilman Hope said he is not comfortable with either number. Councilman McLean said this chart has 3 inch meter charge at \$22,500; if we ever get potential businesses, they will run the other way when they see this. Councilman Hough stated that we definitely have a major problem, and we can either ignore it, or work something out to get started on a solution.

Councilwoman Hubbard said we are talking about having the developer pay instead of the current citizens for the enlargement of our utility plants due to new growth. City Manager Kraus said he asked Kemp if we have to set the fee tonight before the public hearing is held; he said no. Councilwoman Harris said we have to have some numbers to talk about at the public hearing. Councilwoman Hubbard said we need to do something to get started.

Motion: Councilman Hough **MOVED** to set a public hearing using the figures after the 3<sup>rd</sup> year, beginning with \$2,100 at the top, seconded by Councilwoman Hubbard.

Vote: three ayes, two nays (Hope, McLean) CARRIED.

#### NB#8 Emergency Budget Amendments

Chief Davis said the main repeater was damaged when one of the pumps started spraying water and fried the whole system. We want to change the location and have to replace the unit. This will cost an estimate of \$15,000.

Motion: Councilwoman Hough **MOVED** to approve the budget amendment, seconded by Councilwoman Harris. (copy attached)

Vote: All in favor. CARRIED.

Mr. Kraus said we are filing an insurance claim.

#### **CONSENT AGENDA**

Councilman Hough **MOVED** to accept and approve all nine (9) items on the consent agenda, seconded by Councilwoman Hubbard; and unanimously carried. They are:

CA#1. To Call for a Public Hearing on Rezoning 230 W. Charlotte Avenue from R-10 to B-3. Set for June 10.

CA#2. To Call for a Public Hearing to Consider Rezoning a .44 acre lot off of W. Catawba Ave. from R-12 to B-3. Set for June 10.

CA#3. To Consider Approval of Final Plat of Phase I of Creek Side Estates. Subject to providing financial guarantees.

CA#4. To Consider Accepting Donation of One Car, One Inflatable Boat and Several Cases of Meals Ready to Eat, from NC Department of Crime Control and Public Safety. Donated to Police Department.

CA#5. To Consider Supplemental Appropriation of Drug Forfeiture Money for Purchase of Investigation Equipment. (copy attached)

CA#6. To Consider Accepting Donation of One Car from Local Resident. Donated to Police Department.

CA#7. To Consider Accepting \$1,500.00 Grant for Tourism Brochure. Received from the Gaston County Town Bureau.

CA#8. To Consider Writing off Bad Debt for Holly Hills Apartments. The amount to be written off this year as not collectible is \$1,763.00.

CA#9. To Consider Supplemental Appropriation for Uniform and Trophy Costs. (copy attached)

#### **PUBLIC COMMENT**

Mayor McLean opened the floor for public comment.

Jerry Oglesby, 302 Marguerite Ave. He complained of street water runoff at his house. He came down here last fall and he was told they would come and look at it, but no one ever came. They paved Second Street and now the water is running across me even worse. Don Price will check on this.

Brian Richardson, BBQ Depot owner with his parents. He made the following statement: We saw a great potential here in Mt. Holly. As of last Wednesday, we had our one year anniversary. We have low business every night, the streets are empty at night. All of you are aware of the revitalization but that will take years to accomplish. We have live music, and specials on certain nights. We have to advertise. We use a portable sign to advertise. The Code Enforcement officer has contacted me about my signs. I am asking for a moratorium on signage, until it can be studied. The businesses cannot survive with what you are requiring.

#### **ROUND TABLE**

Councilman Hubbard thanked the city and its employees for Springfest during the whole week, not just on Saturday (it rained).

Councilwoman Hubbard ask that Mr. Kraus find out status of bridge from DOT.

Councilman Hough wanted to know if and when CSX is going to repair the crossing at Main; David Kraus said he had notified them, but we are waiting for a response.

Councilwoman Harris had to leave at this point in the meeting.

Councilman Black announced Town Hall Day, June 11, in Raleigh, and he asked them to let David know if you can go.

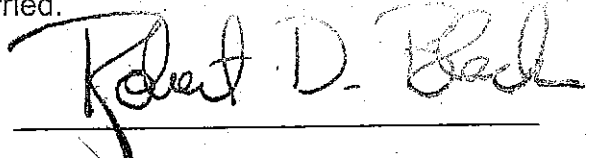
**ADJOURN**

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

9:25 PM



Clerk



Mayor

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cpm