Regular Meeting
City Council
May 12, 1997

The regular meeting was held at City Hall, and was called to order by Mayor Frank McLean at 7:30 P. M. Those present were Mayor Pro-Tem Michael Helms, Councilwoman Phyllis Harris, Councilmen Jim Hope, R. L. Duke, and Andy Stewart, David Hostetler Jr., as well as City Manager Phil Ponder, Administrative Services Director Sherry Borgsdorf, City Attorney Kemp Michael, Public Works Director Eddie Nichols, Planning Director Danny Jackson, and a Police Dept. representative.

The invocation was led by Rev. Jeremiah Robinson, Sr.

Miss Mount Holly, Michelle Ledford, was recognized by the Mayor. She will represent our City in the Miss North Carolina pageant June 28th. Her project relates to education about ADD. She was diagnosed at 20, and now sees life in a positive way. She endorses GLAD, and works with children at Pinewood School weekly. She request that May 25-31 be declared ADD Awareness Week in Mount Holly. Mayor McLean said he would issue the proclamation for that, and thanked her for coming.

Councilwoman Harris commended the Police Department for its participation in the CROP Walk the prior Saturday, at which they raised about $9,000. Their name was included on the Statewide T-Shirts. She also thanked Amanda Broome for her assistance.

Mayor McLean read a proclamation honoring the Freightliner plant for producing its 200,000th truck at the Mount Holly plant, and presented it to their representative. (copy attached)

The minutes of April 14, 1997, were approved as written, upon **MOTION** by Councilman Helms seconded by Councilman Duke, with all in favor.

City Manager Ponder presented to the Council his proposal for the 1997/1998 fiscal year municipal budget, along with a synopsis. He said he would have the complete budget review by the end of the week. He did not do a budget detail but is prepared to answer all questions. Mr. Ponder said a budget must be adopted by June 30, after a public hearing is held. Councilman Helms **MOVED** to set the public hearing to consider the proposed budget for next fiscal year on June 9; seconded by Councilwoman Harris, with all in favor.

Council went into a public hearing upon motion by Councilwoman Harris, seconded by Councilman Helms, with all in favor. The matter to be heard was a request for rezoning a tract at the end of Morris Avenue from R-12 to R-8, by Reg Robinson, a continuation from last month because Mr. Robinson was absent before. Beth Caudle, 115 Morris Avenue, said she is concerned that the street is narrow and it is hard to get out onto Highway

273 already, so the additional traffic would be a problem; she was opposed also because she believed it would make her property value go down due to the smaller lots and double-wides. Heather Pagan, 105 Wally Drive, was opposed to the R-8 because they do not know how many homes he will put in there, the additional traffic, double-wides, and lower property values. She also said she thinks he will have drainage problems. Lynn Duffie, 100 Wally Drive, was opposed to R-8, and said R-10 would be like the other property on the street. She also said there is a water problem now when it rains hard, and any change might make it worse, so she wants them to make sure an engineer fixes that problem before he builds; she showed Council pictures she had taken of the water problem. Councilman Hostetler asked if single-wides are allowed in R-8; they are not. Reg Robinson was recognized. He apologized for not coming last month, saying he had had a personal crisis. He said he hopes to develop the property, and noted that the City has an above ground sewer line on part of it. I has not hired an engineer, but understands that drainage must be addressed. He said the houses he will bring in are "manufactured houses" which are not allowed in the City's R-10, although "modular houses" are allowed. He stated that the difference is that manufactured houses are regulated by HUD, and modulars are under the control of the State. He gave Council copies of the deed restrictions he will use on the property, based on a subdivision he is doing now in Mecklenburg County. The price range will be $70,000 to $90,000; he had pictures of various stages of construction in his current development. He stressed that these are not movable houses; they are on 8-inch minimum footings, with a brick curtain and concrete block piers every 8 feet, rebar and anchors concreted over, and hurricane straps, no wheels or axles remain. The roof pitch is at least 4-12, and the restrictions require paved driveways, no vertical siding, and a minimum one foot overhang. He stated that the lenders make 30-year mortgages on these houses. As to density, he said there will not be near the number as in Runneymeade, and he must comply with watershed regulations which only allows up to 24% development; he estimates no more than 18 houses. He said he lives in this community and is proud of Mount Holly, and will do a good job. He offered to answer questions. Mayor McLean asked if the street into it would be paved, and City water and sewer taps; it would. Mr. Robinson said the City's ordinance needs to be revised on manufactured housing. Councilman Helms pointed out that the City cannot enforce deed restrictions, only its ordinance. Mr. Helms was not in favor of the R-8, because he believed it would be spot zoning; it is adjoining R-10. Mr. Robinson said he will not be able to build R-8 density because of the watershed regulations, and only requested it because of the classification of the houses. He said he sold houses in Grand Oak to a retired drill sergeant, and a building inspector from Mecklenburg County, and these houses meet an immediate need for affordable housing. Councilman Stewart stated he believed Mr. Robinson's intentions are good, but it is his responsibility to look at the worst case scenario. Larry Keslar, 810 N. Main, said the Council should be concerned about the water run-off so close

to the river, and with a problem already. Benjamin Miller, 411 Timberlane Drive, said some of the houses on Morris Avenue now were brought in on trucks and put on a foundation just like he is going to do, but the water is going to be a problem because there is an spring, and an old fishing pond used to be there. Mr. Robinson said he wants the neighbors to be comfortable, and will comply with all regulations; he reminded them that the Planning Commission approved his request. The public hearing was closed upon motion by Councilwoman Harris, seconded by Councilman Duke, with all in favor. Councilman Stewart said that although he has no doubt Mr. Robinson would do what he said, he does not like the R-8, but would consider R-10. Councilman Hostetler was also concerned that if something happened that Mr. Robinson did not develop it, the rezoning would open up possibilities he did not like; he preferred R-10. Councilman Helms asked if he would consider R-10; he said he could not because of the type of house he buys to install. Councilman Helms asked if the Council turned down the R-8, would he be able to reapply under a conditional use right away. Mr. Jackson said that would be allowed if he wanted to without a waiting period. Councilman Hope asked the Council to clarify for him whether their concern is the type of house or the R-8 zone permitted uses itself. Councilmen Helms, Stewart, and Hostetler said it is the zone, not the house. Councilwoman Harris said she thought the Council had already fixed all the R-8 zones. Mr. Ponder said only multi-family use was addressed at that time. Councilwoman Harris said she had a problem putting an R-8 in the middle of an R-10 and R-12. Councilman Stewart **MOVED** to deny the request to rezone from R-12 to R-8; seconded by Councilwoman Harris, and carried with five ayes and one nay (Hope).

A second public hearing was called upon motion by Councilwoman Harris, seconded by Councilman Hope, with all in favor, for consideration of a request by Shugart Enterprises to rezone a 1.9 acres portion of Autumn Woods Subdivision from R-12 to R-8 MF. Mr. Jackson said the Planning Commission has recommended approval. Mr. Ned Skidmore said the reason was that a cemetery was found, and so the site plan had to be amended to leave that undisturbed, and allow for an easement to it; this proposal moves over the already approved R-8MF area because of the cemetery. He said they will actually have fewer units than before. Councilman Hostetler inquired about the cemetery. Mr. Skidmore said they believe the perimeter had been determined, and they will deed it to the families after they get more information. Mr. Allen Craig was in the audience and he said there are a few stones marking the graves; there are Davenports, Craigs, and slaves. Councilwoman Harris said she remembered someone in the audience mentioning the cemetery when the developer first came for map approval. Councilman Stewart felt this R-8 request was different in that it is being extended over where it already exists because of accommodating the cemetery which lies within the previous R-8 zone. There were no comments from the audience. The public hearing was closed upon motion by Councilman Helms, seconded by councilman Hope, with all in favor.

Councilman Helms **MOVED** to deny the request, seconded by Councilwoman Harris, and carried with four ayes and two nays (Hostetler and Stewart).

The Council took a five minute recess.

Ms. Yvonne P. Kirkpatrick appeared before Council with regard to her application for a privilege license to operate a massage therapy business. She stated she was a nurse's assistant at Gaston Memorial and became interested in physical therapy, but did not have the time or money to reach that goal. She has finished her training for massage therapy. She had turned in to the City Manager letters of reference, her school curriculum, code of ethics, her work experience. The City Manager stated that her application did not fall into an identifiable classification in our code. He had the Police Department do a background investigation, and reported he found no problems. Ms. Kirkpatrick said she has been certified by her association, and the association provides liability insurance and continuing education. Councilman Hostetler said he saw an ordinance from another jurisdiction that the City might consider to prevent abuse. City Manager Ponder recommended that the appropriate clauses be incorporated in our Chapter 11. Councilman Stewart **MOVED** to approve the privilege license for Yvonne P. Kirkpatrick for a massage therapy business, seconded by Councilman Hostetler, with all in favor. Councilman Hostetler asked that Chapter 11 be amended, and the City Attorney will bring a proposed amendment to the next meeting.

The preliminary plat for Phase I-B of Riverfront Development, with 13 lots was presented by Zoning Administrator Danny Jackson. The developer is adding more lots to the first phase. Councilman Stewart **MOVED** to approve the preliminary plat for Phase I-B of Riverfront Development, seconded by Councilwoman Harris, with all in favor.

Mayor Brotherton from Stanley, and Mike Wolfe from W. K. Dickson, Engineers, appeared before Council regarding the sewer interconnect project. The bids were $900,000 over estimate. In addition, the bids for Stanley's sewer plan renovation were $400,000 over estimate. The State loan has only about $300,000 in contingency. There is also a deadline for the State money to be committed and spent by May of 1998. The engineers do not believe there is time to re-bid because it would take at least 60 days, and they do not expect lower bids at this time because of the current market anyway. It is possible Stanley will be able to get an increased loan amount from the State, but not the amount needed. Mayor Brotherton has been discussing the problem already with Gaston County, which is sharing in the project cost, and the County Manager indicated the County may increase its share by $300,000. She requested the City of Mount Holly contribute $400,000 to the project cost, although they had not originally intended to ask Mount Holly to assist with funding. Councilman Stewart asked Mr. Wolfe if the engineers have exhausted all means of reducing the cost; he said they have. Mr. Stewart asked if they will negotiate with the low bidders to reduce the contract prices since it is over budget; they will try. Mayor McLean said he has reviewed the matter with City Manager Ponder and Public Works Director Eddie Nichols, and he suggested the Council consider replacing the pump station at Dutchman Creek now instead of two or three years from now. Mr. Nichols said our sewer study has it being replaced within about 5 years. Councilman Helms said that would be feasible since the price today would no doubt be cheaper than in the future, and the City wants this project to be completed. Mr. Nichols said that the pump station would not have to be the size that it will need to be because of the interconnect, if it were only being built for Mount Holly. The estimated cost for it to serve Mount Holly only is $400,000; the actual cost for the pump station being proposed is higher than that. Councilman Stewart said he understands the importance of the project, and that Mount Holly will be receiving revenue from Stanley in the future from the interconnect, and that Stanley will be contributing to our sewer plant expansion, but he wanted to hear a specific proposal from the County before Mount Holly commits to sharing in funding. Councilman Hostetler felt the County should match our $400,000, but Mr. Wolfe reminded the Council that the County is already paying $3.4 million over 10 years. City Manager Ponder said even if the Council agrees for Mount Holly to participate in funding, he wanted input as to the method for such contribution, whether by cash or other means. City Attorney Michael asked the Council to excuse him, the City Manager and Mr. Nichols to go in another room to discuss this further with Mr. Wolfe, and report back before the end of the meeting, to which the Council agreed.

Councilman Stewart **MOVED** to adopt the ordinance requesting DOT make a speed limit reduction from 45 mph to 35 mph on N. C. 273 at the "bottleneck" area, as presented; seconded by Councilwoman Harris, with all in favor.

Councilman Hope **MOVED** to authorize staff to take bids on the paving list as presented for 1997, as well as the sidewalk work proposed, and bring to June meeting for Council's decision, seconded by Councilman Duke, with all in favor.

Based upon the reasons given by Chief Andy Godfrey that new rubber hose is being purchased with an increased water flow, Councilman Hostetler **MOVED** to donate the old 1400 foot 1-1/1 inch cotton duct fire hose from the Fire Department to the Gaston College Training Center; seconded by Councilman Helms, with all in favor.

Three budget amendments presented by the City Manager were approved upon **MOTION** by Councilman Hostetler, seconded by Councilman Helms, with all in favor. (copies attached)

City Manager Ponder, Public Works Director Nichols, and City

Attorney Michael returned to Council to report on their discussion with the engineer. Mr. Michael reported that staff suggests the Council, instead of paying out $400,000 in cash now, will commit the City to accepting responsibility for $400,000 of the debt load, with an agreement between Mount Holly and Stanley that Stanley agrees to generate sewer revenue to cover Mount Holly's payback cost. They calculated this to be a minimum of 100,000 gallons per day; presently they generate 450,000 gallons per day at their plant. The Council discussed this proposal. Councilman Stewart **MOVED** that, in anticipation of the need for upgrade of Mount Holly's Dutchman Creek Pump Station within the near future at an approximate cost of $400,000, the City of Mount Holly agrees to assume responsibility for $400,000 of the Town of Stanley's debt loan for the Mount Holly/Stanley Sewer Interconnect, which project includes replacement of the Pump Station; this assumption of debt is contingent upon the Town of Stanley generating enough sewer revenue to the City of Mount Holly on an annual basis to at least equal the debt payment by Mount Holly. Motion seconded by Councilman Duke, and carried with all in favor.

Zoning Administrator Danny Jackson presented the preliminary plat for Phase II of Runnymeade Subdivision, with 147 lots; the Planning Commission recommended approval. Councilman Helms asked the developer if they plan to fix the two side street entrances which are in poor condition; he said he has already scheduled someone to do the work. Councilman Hostetler **MOVED** to approve the preliminary plat for Phase II of Runnymeade Subdivision, seconded by Councilman Duke, with all in favor. City Manager Ponder stated that the letter of credit on Phase I has expired, but must be extended because of remaining infrastructure matters, so he asked for Council input regarding the City's cost for such extension. Councilman Stewart **MOVED** to grant the extension and charge $500 fee, seconded by Councilman Duke, with all in favor.

City Manager Ponder presented to Council the one bid he received for residential recycling, from North Mecklenburg Sanitation, in the amount of $2.64 per house per month. The company provided an agreement, which he had found satisfactory except for a need to limit additional fees. Councilman Hostetler said he would still like to see promotional materials used by other cities to help their program be more successful; he stressed that the Council needs that for this program to work. Councilman Stewart **MOVED** to accept the bid from North Mecklenburg Sanitation contingent upon staff amending its contract to limit additional fees, seconded by Councilman Helms, with all in favor.

City Manager Ponder reported that four bids were received for the new Police Department computer system. NISS, the City's consultant, has checked the low bidder and reports compliance with the specs. Councilman Hostetler felt that the bids were very different, in that one had a 15 day warranty with the brand of computer not specified, while the other had a 3 year warranty and named the computer to be a Gateway 2000; so he did not feel they should accept the low bid. City Manager Ponder recommended that the matter be tabled until the next meeting when he could have the consultant and the Police Chief present to answer questions. Councilman Duke **MOVED** to table this matter until the next regular meeting, seconded by Councilman Helms, with all in favor.

City Manager Ponder requested Council direction about whether or not to take over responsibility and maintenance for Main Street from DOT, which is presently on the State system. Permission has to be obtained anytime the street is closed for parades or street festival. However, he was concerned about the maintenance of the bridge over Dutchman Creek. The Council concurred to leave Main Street on the State system.

Mayor McLean said he had appointed David Hostetler and Andy Stewart to a committee to get information about the Charlotte airport runway expansion. He had read in the paper that they have a meeting planned with the citizens, but he stated they should have reported back to Council first with the information they have obtained. Councilman Hostetler said they met with Jerry Orr at the airport, and he had explained the plan in detail, and that the environmental impact analysis has to be done yet. Mr. Orr recommended Mt. Holly request to be included in it, which they have passed on to Mr. Ponder the need for a letter to be sent, with a copy sent to the FAA. They brought to the Council brochures about the airport, and about the Master Plan and the Noise Compatibility Program. They were going to meet with the citizens who had come to the meeting to share the information received from Mr. Orr. Councilwoman Harris said that was all fine except they should report to Council first before they talk to the paper or the citizens. Councilman Stewart said if they had overstepped their limit, he apologized, but he believed it was part of their committee duty to meet with the citizens to gather and share information. Mayor McLean said a meeting should not have been set or announced in the paper until they came to Council. Councilman Stewart said the reporter had called and he had simply told him that they would be meeting with the citizens. Councilwoman Harris asked who were invited to come; Councilman Hostetler said just those citizens who had come last month. He asked if the media can be prevented from coming; the answer was they cannot. Councilman Stewart said in the future if he does something not approved, he requests he be given a phone call, and not just be hit with it at the Council meeting, as he felt that was rude. Mayor McLean asked the Council if they want this meeting to be held. They agreed it would be alright; it was to be Monday at 6:00 P.M. City Manager Ponder asked if the Council wants him to send the letter requesting Mt. Holly be included in the environmental impact study; they concurred that he do so.

Councilman Hostetler said the rubberized crossing material was removed on Hawthorne and left by the roadside. He wondered if they will be removing it, and if they will replace it since the City paid for it.

Councilman Hostetler reported that the traffic lights on Highway 273 are not in sequence and asked that DOT be called.

Councilman Hostetler asked the Mayor what is to be done with the City Manager's review. Mayor McLean said each individual should turn in their review directly to Mr. Ponder.

Councilman Duke said a Quality Resources meeting was scheduled for 7:30 - 10:00 A.M., on Thursday at Belmont Abbey.

Councilman Duke stated that the COG meeting would be on Wednesday in Lincolnton.

City Attorney Michael said that he has obtained the majority of the right-of-ways for the Stanley sewer interconnect, but there are a few he was unable to negotiate, and they will have to be taken by condemnation proceeding. He stated that since Stanley is paying for it, he has referred these to their attorney, Jim Windham. Resolutions are required by the City to initiate the proceeding. There were eight property owners. A letter will be sent notifying them that the proceeding will be filed in 30 days. After 30 days, the proceeding is filed in the Clerk of Court's office, along with a check to pay for the value of the property taken. The property owner may accept the check, or may contest it at which point it goes to hearing. The right-of-way is acquired from the date the proceeding is filed. Councilman Hostetler **MOVED** to adopt the resolutions as read, seconded by Councilman Helms, with all in favor. (copies attached)

Councilman Helms asked the City Manager to have the paving checked for being too high at the railroad crossing on Central.

Councilman Stewart asked if DOT is going to finish the repairs on North Main Street. Mr. Ponder said they are going to re-do the sidewalks and repair the road.

Councilman Stewart asked Mayor McLean to remove him from the airport committee.

There being no further business before Council, the meeting was adjourned, upon motion by Councilman Duke, seconded by Councilwoman Harris, with all in favor, at 11:40 P.M.

Phillip S. Ponder, Jr. — City Clerk

Frank E. McLean — Mayor

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