

**CITY COUNCIL
REGULAR MEETING
May 9, 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

Mayor Pro-Tem Michael Helms

Councilman Jim Hope

Councilwoman Phyllis Harris

Councilman Frank McLean

Councilwoman Pat Hubbard

Councilman David Moore

City Manager David Kraus

City Attorney Kemp Michael

Jamie Guffey, Assistant to City Manager
for Finance/Administration

Danny Jackson, Assistant to City
Mgr for Community Development

Benson Hoyle, Police Chief

Dale Oplinger, Fire Chief

Don Price, Utilities Director

Mike Santmire, Street & Solid

Waste Director

Greg Beal, Community Dev. Officer

Ryan Baker, Fire Inspector

Megan Hanks, Communication Director

INVOCATION

The invocation was led by Rev. Joe Harding, Catawba Heights Wesleyan Church.

PLEDGE OF ALLEGIANCE

Troop 59 (40th anniversary) led the Council and audience in the ceremony of the Pledge of Allegiance. This year is the 75th anniversary of Cub Scouts. The cub scouts were also with the Boy Scouts. They gave the City an anniversary patch. These troops have been very active; they have done street clean ups, they are custodians for the park, and installed the flagpole. There are 89 boys, but they could not all come tonight; it is the largest unit in this region. Their mission is to build these boys into good men, through a strong relationship with God and with their community and family. They thanked Mount Holly for its support. All the troop leaders were with them. Mayor Hough recalled that there were only 12 when he was that age. The Mayor thanked them for all they do for the community, and the great leadership Rick Connell gives along with the other troop leaders.

APPROVAL OF THE AGENDA

The agenda was approved with the following changes: add to Consent Agenda CA#9 proclamation in recognition of the Scouts 75th anniversary; move unscheduled public comment to later in the meeting; Remove Presentations PR#7 because Loftin asked to be removed; add to New Business NB#2 to appoint ABC member, and NB#3 River Festival, and add to Unfinished Business UFB#6 streetscape options; approved upon motion by Councilman Moore, seconded by Councilwoman Harris, with all in favor.

Councilwoman Phyllis Harris said she has two of the prizes from the golf tournament to be presented to golfers who left. She gave a hat to Councilman Mike Helms, and a set of colored golf balls for Councilman Moore.

CONSENT AGENDA

Councilwoman Hubbard **MOVED** to approve the Consent Agenda with nine (9) items, seconded by Councilwoman Moore, with all in favor. The items approved were:

CA#1. To Accept and Approve the Minutes. The minutes of March 7, 2005, and April 11, 2005, were approved as written.

CA#2. To Approve Final Plat For Dutchman's Meadow Phase 3.

CA#3. To Approve Final Plat for Rhyne's Estates.

CA#4. To Approve Final Plat for Creekside Estates Subdivision, Phase 3.

CA#5. To Approve Preliminary Plat for Briarwood Village Subdivision.

CA#6. To Approve Resolution for NC DOT on Main Street. (copy attached)

CA#7. To Approve Supplemental Appropriation of Contingency Funds for Fire. \$10,000 of contingency funds to purchase fire pagers (approximately 22) and a programming kit, to provide better reception and better capability.

CA#8. To Call for Public Hearing on the 2005/2006 Budget. Set for regular meeting on June 13, 2005, at 7:00 PM at City Hall.

CA#9. Proclamation for Scouts 75th Anniversary. (copy attached)

PRESENTATIONS

PR#1 Resolution for National Telecommunicators Week

Mayor Hough read resolution (copy attached)

Police Chief Hoyle introduced, Tammy Earney, Leeann Bouldin, Debra Conner, and Captain Harris; the others could not be present tonight.

PR#2 Proclamation for Leeann Bouldin

Chief Hoyle said that over the last year Leeann Bouldin has been involved in several serious cases, and she has handled those calls exceptionally well. She was presented a plaque in recognition of her outstanding service during the recent crisis when our police officer was shot last month. A second plaque was presented to her in recognition of Ms. Bouldin's outstanding service during the crisis when there was a murder-suicide in our city. She handled both situations with a calm and professional demeanor.

PR#3 To Consider Sign Request from Bruce Adams

Delayed until his arrival.

PR#4 Presentation on ABC Store

David Creech, architect, presented his proposals for the design of the ABC store site for Council decision. There are four scenarios. The concept is to provide an

attractive site for this corridor location. There has to be ten feet left undisturbed from the Duke Power lines, but he is trying to get permission to encroach into that area. He recommends Scenario One. He is waiting for feedback from the State ABC Board for the floor plans. City Manager David Kraus said we need Council input, but he suggested that staff and the ABC Commission would be able to move forward more quickly if they had authority to make decisions and provide information to Council as they proceed.

Motion: Councilwoman Hubbard **MOVED** to approve Scenario One, seconded by Councilman Helms.

Discussion: Councilman Hope had a question about the delivery area might be too short for the trucks. Mr. Creech said that issue has not been totally resolved, but he assured the Council he will design it so that they will be able to deliver.

Vote: Unanimous. CARRIED.

PR#5 Presentation from ABC Commission

Carlton Broome, Chairman of the ABC Commission, reported that the Commission has been working with the City and David Creech. It has become apparent that it will take about 15 to 18 months to open the store, so they are looking at a temporary site. The Commission members and staff like the site at the Food Lion shopping area, in the same building as the Movie Gallery. The ABC board says it is okay, and the state board is reviewing it now. We would need the City to lease it from the owner and sublease it to us, and would also need financial help to upfit it, which would be reimbursed. This temporary site could be done by August, and they could begin deriving some revenue. City Manager David Kraus said some moderate fixes to the building would be needed. There would be shelving and upfit costs, but we would try to use as much of it as possible in the new building. Chairman Broome said the contractor has estimated the basic work at \$9,400. Councilwoman Hubbard asked, why can't the ABC Commission lease it themselves? Chairman Broome said they could, but they are trying to keep the paperwork consistent.

Motion: Councilman Hope **MOVED** to approve the City leasing 2100 Suite B & C from the landlord, and sublease it to the ABC Commission, seconded by Councilman Moore.

Discussion: Councilwoman Hubbard asked what kind of time frame on the permanent ABC store? Chairman Broome said that they have been told that 18 months gives us plenty of time, hopefully more than we need.

Vote: Unanimous. CARRIED.

PR#6 Presentation of the 2005-2006 Budget

Jamie Guffey presented the staff's proposal for the 2005-2006 municipal budget. They have reduced expenditures from last year about 5%; also, in the water and sewer budget. This year we used fund balance to balance the budget, and we do not recommend that be done again, so there is a proposed 5 cents tax increase. City Manager Kraus said they have cut back on services; the revenue from sales tax is frozen; the property tax revenue is virtually the same; actually the revenues are all flat, including the cable franchise. Mr. Guffey said there

was a big decrease in tax values; accelerated depreciation is the reason. When a big company buys a property they have only one expense that year, accelerated depreciation, which they are supposed to use to buy new equipment, but they are not doing that. So the personal property values are going down; this affects our tax revenue. There was a \$48 million drop last year in our county in tax values, related to industry changes. It could be similar this year. Jan Winters, the County Manager, stated in his memo there was also a decrease in motor vehicle value county wide, but we had an increase in that. Mr. Guffey said a problem we had this year was they did not give us our figures until July; so our estimates were higher than the actual values we got taxes based on. They have promised that they will not do that this year.

PR#7 Tim Loftin
Not here.

PR#8 Presentation of Stormwater Issues by Jerry and Barbara Oglesby
Jerry and Barbara Oglesby, 302 Marguerite Avenue. We have a problem with water runoff. This is the fourth time we have been down there in a four-year period. Nothing has been done. This problem was created when the road was paved on Second Avenue, because you raised the road, took out the ditches, and removed a wall that was there. The water runs all on my property, has taken the topsoil away, and runs under my house. The storm drains are clogged up. The City created this problem and the City should fix it. I had to raise my bedroom because of the erosion.

PR#3 Sign Request from Bruce Adams
Mr. Bruce Adams appeared to ask for temporary signs again for this year's rodeo event, which he wants to put up on July 8th or 9th.
Motion: Councilwoman Harris **MOVED** to allow Bruce Adams to put up temporary signs for the rodeo event two weeks ahead of the event, requiring them to be removed no later than one week after the event, seconded by Councilman Moore.
Vote: Unanimous. CARRIED.

PUBLIC HEARINGS

PH#1 To Consider Amending Section 6.4 of Zoning Ordinance to Allow Animal Clinics in the B-1 Zoning District

Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, and unanimously carried. Mayor Hough recessed the regular meeting and opened the public hearing to consider an amendment to the zoning ordinance upon request by Dr. Russell Sprinkles.

Greg Beal said that Dr. Sprinkles is asking for an amendment so that he can open a veterinarian office at the corner of West Central Avenue and Oakland Street. The Planning Commission after taking public comment recommended

denial because of its proximity to residential properties and the need for overnight boarding. There are few grassed areas in that vicinity that are not private property.

Scott Griffin, 110 Oakland Street. Mr. Griffin thanked the Council for letting him speak, and expressed appreciation for the decision of the planning commission. He stated that he was speaking on behalf of himself and most of the residents on Oakland Street; the others in attendance raised their hands. Mr. Griffin asked Council to uphold the Planning Commission decision. This is a neighborhood street, and should be saved for residential uses. They would like to see the Rankin doctor building rezoned as residential. Traffic is busy already. They feel Mount Holly does not just follow the whims of anyone coming in to make a request. Citizens have an opinion about the direction of the city, with smart growth, and commend the Council for careful consideration. Councilman Hope said that Council will be able to do the master plan in next years' budget. Even though this is a small street, they want the same consideration as larger ones. There are many animal owners here and they love their pets, but that is not an appropriate business for the center business district. It bothered him that this has been rejected once, and is coming around again.

Dr. Russell Sprinkles. 200 Wood Duck Court. He stated that he attended Southpoint High School, and then NC State, and is a veterinarian. He apologized for not being at the Planning Commission meeting, but he was told he would be notified and he did not get notice. He stated that he and his wife did not intend to just plop down a business anywhere. They had looked at a map and demographics and Mount Holly is a good location. Animal care is a billion dollar business, and vet care is a lot of that. This is a good location. He is a native to the County. He understands the financial needs of this area. He wants to work with the residents here. This location is centrally located. Highway 27 is a good thoroughfare. HE looks forward to involvement in Mount Holly. He said he is a small mammal vet, mostly companion pets. He would provide full service, with surgery, radiology, and some boarding. This building is already set up as a medical facility. The building is solid so there would be little noise. It has been vacant for a long time.

RoseAnn Sprinkles. 200 Wood Duck Court. Tonight was the first night we had an opportunity to speak. Russ is a professional. Our vet office should not be compared to the pet store. This is a medical office, it will have some boarding, but it is not the main issue. There has been a lot of discussion about the business not being there and that it could be renovated as a home. We intend to do the same thing. We would renovate, and it would be an improvement to what you have now. We had it mentioned to us about rezoning. We are not turning a residential property into a business, it is already a business property. This was informally brought up a couple months, and we were not trying to do anything wrong. We were told by staff to approach this as a text amendment.

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

Motion: Councilman Hope **MOVED** to deny the request for a text amendment to our zoning ordinance, seconded by Councilwoman Harris.

Vote: unanimous. CARRIED.

PH#2 To Consider Annexation of an 83.2 Acre Tract Located Off Westland Farm Road for Faison Enterprises

Councilman Helms moved to go into public hearing, seconded by Councilman Moore, and unanimously carried. Mayor Hough recessed the regular meeting and opened the public hearing to consider voluntary annexation upon request by Faison Enterprises.

Danny Jackson stated that the public hearing has already been held on the zoning request for this site. This is a plan for a 221 home subdivision. This property borders Taylors Creek and has access to the East Gaston water and sewer lines.

Julie Rollins. 1610 Old Hickory Grove Road. Their ideas seem to be thought out and planned, not that I agree with them. I think the developer wants to do the right thing. But we have lots of empty houses, and new developments that are not built yet. I think great things will happen but I want Mount Holly to make a sound and economical decision for the town. We have an opportunity to control the size of the lots, make them bigger, half acre lots at least. While we are at it, all of us on city water, we will experience growing pains, and lose water pressure; these problems are not going to go away. Before we accept any more we need to overhaul the water system. Make sure we can provide sewer. How are we going to accommodate all those new houses? Fix the water problems first, then bring everybody else on board. I love Mount Holly, and I am not against growth, but am against the non-thought-out aspect of this. My grandparents lived here. We want to continue to be proud of what we have here. Taking on the burden of another development does not necessarily mean fixing our problems.

City Manager Kraus stated that this site is in our ETJ, and on the East Gaston water and sewer lines. He recommended delaying a vote on this matter until a decision is made on the rezoning request and an annexation agreement is prepared. Danny Jackson said that the Council always decides on the rezoning first.

Chuck Bynum. Old Hickory Grove Road. I am against satellite annexation. I understand they are trying to decrease setbacks. City Council said they don't have control over schools and roads, but you do have control over how many houses are built per acre. We can't keep developers out, but we can set the

standards they must keep. Mr. Farmer said he grew up in this area, and lived there; but now he lives in Gastonia.

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

No action.

The Council took a five minute recess.

UNFINISHED BUSINESS

UFB#1 To Consider Rezoning from Faison Enterprises on YMCA Drive for R-8 MF CU

Danny Jackson stated this is a site-specific plan with conditions; a list of the conditions was in the agenda. The Planning Commission recommends approval. Council must make findings of fact; the staff's comments are in the agenda packet. The developer has met with staff and has agreed to the conditions.

Motion: Councilwoman Hubbard **MOVED** to find in the affirmative #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, seconded by Councilman McLean.

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.

Vote: Unanimous. CARRIED.

Motion: Councilwoman Hubbard **MOVED** to find in the affirmative #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, seconded by Councilman Moore.

Staff's response: The Developer has taken steps to address such issues as Transportation and the Environment by providing road access to YMCA Drive and Pearl Beatty Road, in addition to installing Water Quality Facilities (BMPs) within the development, as depicted on the Development Plan. The Developer proposes to provide an easement for a public water line loop, needed to improve the water pressure in the surrounding area. The submitted List of Conditions are depicted on the submitted Development Plan.

Discussion: Councilman Helms referred to staff's comments and asked Danny Jackson if he had looked at the BMPs. Mr. Jackson stated that, if approved, the City will defer to the County for the environmental review and their requirements. Councilman Helms stated that those will be strictly enforced and monitored.

Vote: Unanimous. CARRIED.

Motion: Councilwoman Hubbard **MOVED** to find in the affirmative #C, That the Conditional Use meets all required conditions and specifications, seconded by Councilman Helms.

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

Vote: Unan.

Motion: Councilwoman Hubbard **MOVED** to find in the affirmative #D, That the Conditional Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, seconded Councilman McLean.

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.

Vote: Unanimous. CARRIED.

Motion: Councilwoman Hubbard **MOVED** to find in the affirmative #E, That the location and character of the Conditional Use if developed according to 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, seconded by Councilman Helms.

Staff's response: The Developer testified that although the current Land Development Plan does not call for the subject site to be residential, circumstances have changed to affect the development plan for the subject area. His contention is that due to the proposed Whitewater Park and other economic development proposals, a high density development in the subject area is more suited to accommodate and promote economic development.

Vote: Unanimous. CARRIED.

Motion: Councilwoman Hubbard **MOVED** to approve the rezoning of the tract on YMCA Drive requested by Faison Enterprises to R-8MFCU, based on affirmative findings for all five requirements, seconded by Councilman Helms.

Discussion: Danny Jackson stated that if the Council is going to approve this conditional rezoning, you must ask the developer if he agrees to the conditions. Mayor Hough called up Neil Kapadia, representing Faison Enterprises. He stated they are in agreement to all the conditions.

Vote: Unanimous. CARRIED.

UFB#2 To Consider Rezoning Request for R-8SF CU from Faison Enterprises for Tract on Westland Farm Road across from Rachel Street

Danny Jackson stated that this is an 80 acre tract. The request is for a 236 home subdivision and they are asking for R-8SFCU rezoning. It is in our ETJ and is zoned R-20 currently. The conditions listed by the staff include expanded buffers along Taylors Creek. The Planning Commission recommends denial, for

the reasons of traffic and the R-8 standard; they are asking for a change from 8 feet setbacks to 5 feet, so they recommended if you approve this that you keep our standard setback. City Manager Kraus said the agreement with the County for the East Gaston water and sewer lines requires that we not deny access to the utility lines by a potential customer as long as it does not inhibit our capacity to support such customers unless it conflicts with our policy. City Attorney Kemp Michael said that the City has had a policy and it has invariably been that in order to get water and sewer you must submit to annexation. But if the City does not want to annex, then you can still provide water and sewer. This is in our ETJ and is already zoned. If the Council chooses to rezone the property and then not annex it, it would still be rezoned. If you deny rezoning and then the developer withdrew its petition, you could deny the water and sewer because of your policy. You are only required to provide water and sewer to outside customers if they comply with your requirements, and your policy has been not to give water and sewer unless annexed. Councilwoman Hubbard said they could still develop under R-20 and use wells and septic tanks. Danny Jackson said yes, they can, and the R-20 it currently is zoned is less than the County zoning which requires 30,000 square feet. They would have to adhere to our ETJ subdivision rules. City Manager Kraus said the Council's options are open in this circumstance. Councilman Hope asked, will our agreement with the County be an issue or not? Mr. Hope said he believed the idea was that if anyone wanted to tie onto that line, we would let them do that. Mr. Michael said any of those people along the line you could have made annex, but you did not because they are individual lots. The policy the City has that he was referring to is for subdivisions. He said the County never inquired about our policies. Councilman McLean asked, they want to change the setbacks? Danny Jackson said, yes.

Motion: Councilman Hope **MOVED** to table, seconded by Councilman McLean.
Vote: Unanimous. CARRIED.

UFB#3 To Consider Second Reading for Rezoning Dutchman's Creek Subdivision

Danny Jackson stated we are now at the point to make findings of fact for a second time, as required by law, because of the 4-3 vote at the last meeting. Staff's responses to the five findings had been prepared and were in the agenda packet.

Councilman Hope stated that at the last meeting, the developer stated that in 90 days well and septic system permits could be obtained, did you not? Mr. Kale said he was told as a fast track non discharge could be done in 90 days. Councilman Hope said he had called and they told him they have not received an application, and that it would be a 12 month period of time, with careful reviews. Councilman Hope said that on May 26 you went to the County commissioners, and they continued the zoning map change to their July 22nd meeting. Why did

you not go back to the County? Mr. Kale said they wanted a complete traffic report and a written agreement with the City of Mount Holly for water and sewer. We met with Mount Holly staff, and Mount Holly said they would prefer to annex if it was going to provide water and sewer. So we applied for annexation, and the Planning Commission and Council said they wanted to proceed with annexation. Councilman Hope said he is concerned about the working relationship with cities and counties he is working with now. He asked Mr. Kale, were you assessed a fine for erosion control? Mr. Kale said, yes. Mr. Hope asked, what is your relationship with Mooresville? Mr. Kale said, good. Mr. Hope asked about others, and he said he had a good relationship with them as well. Mr. Kale said the citation was after major storms that blew out our system. We have corrected all of those. Councilwoman Harris said that a concerned citizen came to her house and brought her copies of all the violations Mr. Kale has had; this is just for Phase 3 of Morrison Plantation. She gave copies of them to Council. She personally did not know anything about any fines. Mrs. Harris said, we are concerned about the environment. We asked for 30 days to research these types of things, and how can we decide when we just got this information today? Mr. Kale asked, did they also show you the corrections we made, and when they occurred? Mayor Hough asked, does this report show that, too? Councilwoman Harris said she did not know because she just got it today and had not had time to read it.

Councilwoman Harris said she is going to stand by what she has said in the past. She will fight for what she believes in and what she thinks is best for Mount Holly. She got a thank you card from a citizen for her "no" vote, and trying to make Mount Holly better and not bigger. She stated she didn't want it to sound like sour grapes, but she has been on the losing end before and that doesn't bother her. Mayor Hough asked, who wrote these comments? Mrs. Harris replied, a concerned citizen.

Councilwoman Hubbard stated that all of the Council has to do what we feel is best, and Councilwoman Harris is not the only one with a conscience. She too had received comments thanking her for her "yes" vote, so it goes both ways. We each have to vote what we think is best.

Councilman Hope asked, how did we get to where we are today? This development is not even in our ETJ. The Planning Commission voted to deny it; we voted a split vote. He agreed with Councilwoman Hubbard's statement, but one of the items on our agenda at the retreat was to consider selling water and sewer; but instead the press told me that was going to change. We never got a chance to vote on selling them water and sewer instead of annexing. As long as you had the majority, you did not need the opinion of someone voted to this position; I am not against development and growth, I want it done in the right way. I know who will pay for this. We know right now what our capacity is. We have to upgrade our system; and that will be passed along to our taxpayers. Every decision we make will have a consequence, good or bad.

Councilwoman Harris said she was not trying to say anything about others on the council, but spoke only for herself. She stated she knows others have a vote; but she felt disrespected in this matter, and she would not disrespect others.

Mayor Hough said there have been other votes on this Council where every member was not called and some where he had not been called. He agreed with what they were saying. But council members in this chamber have done that in the past also. Bottom line, what goes for one is good for all; it's not fair either way. Every conversation should be out front. But, if a council member wants to call someone and ask their opinion, they should be able to do that, and if they don't want to call someone, that is also their choice. This is not a unique situation. Keep in mind how you feel when it happens to you, and would you want that to happen to you.

Councilman Hope said it boils down to unity in the Council and leadership.

Motion: Councilman Hope **MOVED** to table, seconded by Councilwoman Harris.
Vote: Three ayes (Moore, Hope, Harris). Three nays (Hubbard, Helms, McLean).

Mayor Hough said he has not seen this document until just now, and he has made it a practice to do his homework with staff and the developer before making decisions, and he felt he had to check this information out, because he owes it to the citizens. Mayor's vote, aye. CARRIED.

UFB# 4 To Consider Annexation on Dutchman's Creek Subdivision
 Consideration delayed.

UFB#5 To Consider Construction quote for Stormwater Repairs

City Manager Kraus reported to Council that per Council's instruction he obtained an estimate of cost for stormwater repairs with regard to the Friedls' request, and he asked for Council's approval to pay the sum of \$4,094 for settlement of the matter upon the signing of a full and complete release by the Friedls. Staff got a fresh quote to assure that the cost was current.

Motion: Councilwoman Harris **MOVED** to authorize the payment of \$4,094 to the Friedls upon their written full and complete release, seconded by Councilman Moore.

Discussion: Councilman McLean asked, do they Friedls know this? Mr. Kraus, they do not know the amount of the quote we got.

Vote: Unanimous. CARRIED.

Mayor Hough asked Mr. Friedl to come up, and said the City is offering you \$4,094 based on the current contractor's estimate, if we receive a release by you

and your wife. Mr. Friedl said they would look at it, and felt that generally this was the way it should be done.

UFB#5 Streetscape Options

City Manager Kraus said that at the intersection of Charlotte Highway, Central Avenue, and Main Street, there are eight mast arms, so this is being changed to be less confusing. Consensus of Council was that this would be okay.

Councilwoman Harris said that she and David Moore found these flower containers at a seminar; pictures of them were shown for the brackets to hang flower planters. The Council chose street lights from a private vendor instead of Duke Power because they can support the weight and wind resistance of flower containers. Jamie Guffey said that the information was in the Council's packet from this company. Mr. Kraus said they do not have the quote back on the street lamps yet.

NEW BUSINESS

NB#1 To Approve Contract for Slip Lining of Stormwater System

City Manager Kraus had spoken with the CSX representative that day. He will take our information for consideration. We would like to appropriate funds so we will be ready to do the work as soon as we get approval. I told him we just want to get it fixed; they cannot find their paperwork.

Motion: Councilwoman Hubbard **MOVED** to approve the contract for slip lining the stormwater system that passes under the railroad to fix the sinkhole, at a sum not to exceed \$18,450.00 including the catch basin with American Water Services Underground Infrastructure, contingent upon approval by CSX Railroad, seconded by Councilman McLean.

Vote: Unanimous. CARRIED.

Extra Item

Councilman Hope **MOVED** to extend Robert Whitt's term on the ABC Board for one month, seconded by Councilwoman Harris, carried by unanimous vote.

NB#2 RiverFest

City Manager Kraus said we have some people who have expressed an interest in having a RiverFest this fall, so he wanted to know if the Council still wants to do that. Councilman Hope asked, what is the expense? Mr. Kraus said he believes they should have to raise the money that would be spent. Councilwoman Harris asked, who would be on committee? Mr. Kraus said that there would be volunteers, including city personnel paid by them. Councilman Hope asked when the event would be held? Mr. Kraus said they have suggested September 24th. Councilman Hope said he wanted to know the cost for our staff before he votes. City Manager Kraus will get the numbers for the Council.

The Council took a five minute recess.

PUBLIC COMMENT

Mayor Hough opened the floor for public comment.

Mike Davis, 1209 Rainbow Drive. Mr. Davis first commented that he thought it was a great Springfest. But, he said all is not well, a lot of people are mad at the Council. I have known your city manager. David Kraus has always been straight with me. I asked David if he had seen the violations cited on Mr. Kale. My neighbor, Rusty Rozzelle told me about them, and Mr. Kraus said he had seen them. I contacted Senator Forrester and we went and got information about it. Vance Furr has prepared a report about it. David Kraus told us two months ago that this was not feasible. He said the commercial aspect would not work. If they fail, that would leave empty buildings. That land won't perk. Let him develop the land they inherited according to the current plan. Vote No.

Kathy Trull, 515 Tuckaseege Road. Citizens were asked on August 21, 2001, their opinion about developing Gaston County. Councilmembers attended. The citizens said to preserve land in Riverbend Township. Control population growth. Don't do postage size lots. This is too expansive for Mount Holly. Coordinate planning efforts. We do not want the traffic, or the land raped and plundered from over development. Any new development will compound problems with overcrowding at schools. We do not need expensive studies. Plan first by revitalizing downtown. Proper growth will come. Have common goals, not developers telling us what to do. You are the voice for us, not just developers. Find out what taxpayers have to say. We told you in 2001; why are you not listening?

Joyce W. Burt, 2421 Old NC 27. Thank you for your decision; it is one more step toward better goal. There is a tidal wave of development in Gaston County; a feeding frenzy on our land; the developers are taking advantage. There are hundreds of new homes in Mount Holly alone. The wonderful scenery we love is disappearing. Ask why we are worried about schools, traffic, fire and police, all a problem for county and state. She wanted the Council to take the responsibility to look at where it is best to build. The County along with various towns is planning a garden parkway and a garden trail. More development will damage our water supply. Development takes off natural filtration and does not replace. What will it cost to keep Dutchman Creek clean? Erosion is caused by development. Textiles and large businesses have melted away. More houses will not make it better. With a comprehensive study, we can have nice houses nestled in green areas.

Roger Burt, 2421 Old NC 27. I have a new appreciation for running city government and its problems. A saying, "First do no harm." I listened to the

Mayor discuss his efforts to solve traffic congestion, but they are not solved. Now you have concluded if we can't make it better, let's make more houses and make it worse. The builder talks about turn lanes and traffic circles; you don't want that take my word for that. You would need a four lane road. I have heard nothing from the school board. There are 200,000 people in Gaston County, and we are powerless to stop growth. Vote in good conscience when you have a concrete plan for traffic, schools and the information is all together.

Michelle Kelly. 123 Lin Mar Lane. Some things I wanted to say have already been covered. After the vote at the last meeting, questions were answered before they were even asked. Special effort was made by Councilman Helms to assure us that his vote was not a strong arm decision. How ironic. When Mr. Kale was asked if Council could take more time, he said could get permits in 90 days. On Wednesday, I talked with Councilman McLean, and I was asked, have you talked with Councilwoman Hubbard about this? I didn't know I had to get permission to talk to him. I was asked do you think it is fair to make the developer wait for a year to get an answer? I feel that it does not matter how long it takes, we need to get answers to all of the questions. It takes an hour to get through Mount Holly now, there are potholes everywhere.

James Rhyne, 119 Stanley Lucia Road. How does this development increase the quality of my life? This will have a major negative impact on this community, first of all to our children. I have been through every grade in this school system. Year after year it is presented to the County and staff, but Hilton L'Orange said we don't even have a plan or budget for new schools. At least tabling this matter gives another month to consider the information. It's not all about money. This is a money issue. We will be here as long as it takes to be sure our voice is heard. Why are they still here? Can they do this without the City? Obviously not. You are in control. Someone said it will help us get more retail and restaurants. Is that what we really want? Jan Winters said BOC is only the one that can grant zoning, and they have no request from them. He gave a statement and report to Council.

Richard Rhyne, Stanley Lucia Road. I am probably the only farmer in the area. I thank those who have concern for their fellow man. It seems taxes would have to go up drastically to build new schools. Gaston County already has one of highest tax rates in the State. This will be a problem for everyone in the County. The developer does not live here; they will take profits and slink away. There are far reaching consequences. The traffic is already bad, and the posted speed limits don't mean a thing. I live in the oldest house around here, on a family farm over 200 years old. It is already very dangerous to cross the road with my farm vehicles. The drivers honk and scream. The cars this development will bring will mean I will not be able to get on the road at all. I thank those not in favor; those in favor, please reconsider.

Robert Rhyne, 1181 Stanley Lucia Road. We are pleading for mercy. My family has been here since 1772; I am the sixth generation. The road is already busy with traffic speeders. Our land is a land conservancy. There is more to life than money. We do not want to be like Charlotte with chaos in schools. Not like Matthews, Pineville, or Weddington. I am not against nice homes on large lots. Not like lots that you can cut the grass with a weed eater. Houses with crawl spaces, and leaving plenty of trees. If they had a yard, they wouldn't need a park. These folks won't need Mount Holly and won't come here for business. The almighty dollar means traffic, and anger. Roads and schools are everyone's problem. The greed is apparent. Change the plan, and make them have big houses with big yards, or send the developer back to where he came from.

Gerald Stone. 209 Stanley Lucia Road. Thank you for your pointed questions, and the information provided. There are serious questions about this developer. Consider your decision prayerfully over the next 30 days. This will be in my backyard and will affect me right away. It will eventually affect you.

Vance Furr. 1033 Kelly Road. The talk tonight is not necessarily about Mr. Kale's integrity. He had talked with Mr. Deaner. They said the build out is 120 houses per year. We already have Stone Water Bay with only 40 houses built out of its plan. Kendrick Farms has only 85 built out of 400. Dutchmans Meadows is about the same. Autumns Woods is not built out yet. We have a great quality of life here; it is a great place to live. Will it always be that way? When the environment is raped? There were over 1,000 foreclosures last year. We have a problem with tax income because the industries are gone, so now the burden is on the homeowners. It will cost the city as much as the developer to put water and sewer out there, because you will have to put in bigger pipes. With a troubled economy, why eat this apple? Downtown revitalization is what we need to work on. We don't need to be Charlotte or Cornelius, we need to be Mount Holly. I am glad you voted tonight to table. I hope you will read that document about the violations in one phase of his development.

Grover Barfield, 407 Rutledge Road. I moved here from Georgia in 1977, and lived in Charlotte one year, after which I came to Gaston County to raise my family. I have worked in construction, so I know what builders can do, you don't have enough inspectors to keep up with what rules they don't follow; I know the shortcuts. Wynneth County had the foresight to get county water and sewer, then they planned communities; it is successful. Wake County had NC State do a study on development impact on the lake near them. All development means impervious surfaces that cannot absorb water. The greatest loss of species is from nitrogen pollution in waterways. If you allow this, you will be responsible for that pollution. The ones that stand to gain are the lawyers and insurance people.

Becky Davis, 1209 Rainbow Drive. Thank you for tabling. We are the Citizens for Integrity in Government; we talked with a lot of people at our booth at Springfest. So many feel there are unfocused efforts. They are aware of developments that have been approved but many are surprised at the magnitude of development in our area. Not a single person was in favor of this project. They want sidewalks, and better water pressure, and we need do these things first. Others that feel as I do are not here because they feel you have already made up your mind, and they felt hopeless to get you to listen. There is no compelling reason to develop that proposed subdivision at this time. This is detrimental to downtown. It will stretch the budget and make us face increases in taxes and water and sewer rates. It is an idea whose time has not yet come. Regardless of the outcome of this vote, we will be here beyond this vote. And watch government.

Robert Whitt, 116 Forest Hills Drive. I am sorry you changed the agenda to put public comment at the end. It makes me think you didn't want to hear from us until after the vote. That makes me feel bad. I have looked around this room; where are the developers now? They are not here, they have gone home, and they won't be here in the future. They will be in and out. For the life of me, I don't understand why annexation is such a big thing to you. There are so many other things to do and to work on. I saw a request tonight for rezoning from 20,000 sq. ft. lots to 8,000. I am glad that was tabled. I think a lot of your minds are made up, so I don't know if that makes a difference. I have seen a copy of the budget. You have spent \$410,000 out of fund balance. And it is projected to spend out of fund balance next year. Please don't do it again; that is appalling.

Mark Pate, 560 LC Pate Road. I own 27 acres, adjacent to Dutchmans Creek. They have done a good job of fighting this thing, but I have not been here so I guess I am not as good a citizen as them. The developers have a lot invested in this. There are 200 acres behind me that will not perk, so it has sat. There is another 40 acres on the other side. This has been going on so long, I just want to know what will happen. I would like to see this happen. There is too much land; this is not the end, it will not go away. With conditions that are palatable, and good financial decisions, this should be done. That way I will know what will happen around me in the coming years. He asked the Council to put good conditions on it and approve it.

Julie Rollins. 1610 Old Hickory Grove Road. You have known me or have gotten to know me. I work for one of the leading employers of Gaston County, Freightliner. I cut across Glendale Avenue, and had to wait to get around the trash truck. It was an International. I know things fell out with Freightliner a few years ago, but I always support Mount Holly. I don't want to see a competitor here; take care of us, and we will take care of you. Please don't let this happen again. If it's about the price, call and talk to Mr. Mosley.

Mike Johnson. 520 Woodlawn Road. I work with a lot of developers putting in cables and I know the rules in Mount Holly about erosion control. I know Mike Parker personally and I have talked with him this last week, and I heard about the violations, and the need for dredging. Please follow up on this. Thank you for tabling this matter. Get to the truth. I am not against growth. Mecklenburg County will come down hard on you if you violate the regulations. I had asked for the documents over a year ago and on 2004 about the flooding with regard to the railroad, I have to gotten those documents, walk me to the appropriate documents, I will point out what I need.

ROUND TABLE

Councilman McLean asked about Costner Street, and said that Yates Springs still says water is standing there. City Manager Kraus said we have talked with him a long time about this; he recalled that at one time Mr. Springs was going to pay for the pipe and the City would do the work, but then he decided not to pay for the pipe. We will do what Council instructs.

Councilman Moore, said that Jim Fuller has told him that he would lease their parking lot for \$1.00 a year if we pay to fix it up.

Councilman Moore asked about the complaint from Ms. Brackett on Norton Road, did anyone look at her stormwater issue? Mr. Kraus said, we talked with her several times. Our engineer looked at it and it goes back to the same city policy; this is on private property. In the past, Council has not approved work on private property. It is up to the Council to change that policy.

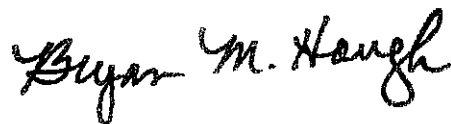
ADJOURN

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

10:30 PM



Clerk



Mayor

cpm