

**CITY COUNCIL  
REGULAR MEETING  
April 11, 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 meeting was held at Tuckasee Center instead of at City Hall. The following were present:

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

**INVOCATION**

The invocation was led by Rev. Dennis Knight, First Baptist Church.

**PLEDGE OF ALLEGIANCE**

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

Mayor Hough stated that the Council's prayers are with Officer Conley and his family as he recovers from this morning's events.

**APPROVAL OF THE AGENDA**

The agenda was approved with changes: Presentations #1 and #2 deleted; add Grace Baptist Church to request temporary signs; Consent Agenda, add to set public hearing for application for text amendment to zoning ordinance; add UFB#1 for rezoning of proposed Dutchman Creek Subdivision; Danny Jackson asked that the number Res. #04-11-05A be assigned for Consent Agenda #5.

Motion: Agenda approved with changes upon motion by Councilman Helms, seconded by Councilwoman Harris.

Vote: five ayes and one nay (Hope). CARRIED.

**CONSENT AGENDA**

Councilman Helms **MOVED** to approve the Consent Agenda with six (6) items, seconded by Councilman McLean, with all in favor. The items approved were:

CA#1. To Authorize Application for 2005 Assistance to Fire Department Grant. The grant application is for an emergency backup generator for the Catawba Heights Fire Station.

CA#2. To Approve Supplemental Appropriations of Drug Forfeiture Money and Contingency Funds to Purchase Tasers and Provide Undercover Funds. (copy attached).

CA#3. To Establish Capital Project for the East Gaston Water Line. This capital project funding means that the debt payments and reimbursements from the County will not be in the water and sewer budget.

CA#4. To Declare Property Surplus and Authorize Use of GovDeals.com. Two former police squad cars are declared surplus and will be disposed of by means of auction through GovDeals.com.

CA#5. To Approve Public Housing Agency Annual Operating Plan. Resolution #04-11-05A (copy attached).

CA#6. To Set Public Hearing for Consideration of Text Change to the Zoning Ordinance. The public hearing is set for May 9, 2005 meeting.

## **PRESENTATIONS**

### **PR#3 Proclamation for Rick Connell for Receiving Silver Beaver Award**

Mayor Hough and the Council went down to the floor, and the Mayor read a proclamation to honor Rick Connell for receiving the Silver Beaver Award. This is the highest award given to adult volunteers in Boy Scouts. He is being recognized for his devotion to the community and work with Troop 59. Mr. Connell was joined by his wife, Missy Connell. He said it's like being a wall, if you hang around long enough they'll hang something on you.

### **PR#4 Request for Temporary Signs**

Mr. Miskelly with Grace Baptist Church has requested permission to put up temporary signs for a wrestling tournament on May 6 it is sponsoring.

Motion: Councilman Helms **MOVED** to approve this request, seconded by Councilwoman Harris.

Vote: unanimous. CARRIED.

## **UNSCHEDULED PUBLIC COMMENT**

Michelle Kelly. Ms. Kelly spoke about responsibility in government; when you choose to go into a position like the Council holds, there goes with it the responsibility. To hold up the integrity of your seat to the citizens in Mount Holly, but also the community, schools, everything. She stated they should not be only making choices for the city, but also for the county residents who are affected by it. As you all know there was a lockdown at the schools today because of a serious incident. The principal at our school called and said that the kids could not have classes in the mobile units so they stayed in the cafeteria. There are other choices than having our kids in mobile units. They should not have to be in the cafeteria twiddling their thumbs. Then she quoted from a news article that said Mayor Hough felt that the growth could help pay for schools or expansion of

the schools. It affects not only Mount Holly citizens but also us who may be voting in your city later.

Mike Johnson, 520 Woodlawn Road. Several years ago we had a problem with stormwater at Leo Street backing up all the way to Reggie Henkle's property. A city staff person said it was low lying and nothing could be done, but I went down there and cleaned out the catch basin and now it does not flood. I raise this issue because recently I came before you about flooding downtown and told you my concerns and I am here to ask the Council to take responsibility for what this has caused downtown. I was told a camera was run up the line and it was looked at. The problem is still here, you have property owners that have suffered, please take responsibility for this; we all know what we are talking about.

Tracy Burnette. She said she did not speak at the last meeting and is not a city of Mount Holly resident, but a county resident. She has concerns because Mt. Holly is satellite annexing. We have three developments that have not even built the first house. This promises more houses and developments. We already have children in trailers, but Southpoint High doesn't have them. We can afford to be picky. The economy is down. We already have a problem. The buses are overcrowded. I was told that the figures had changed. Show me how things have changed. I called your office several times and asked for the figures. How is this going to really benefit us? Mt. Holly can make Mt. Holly a nice place to live. You have a chance. She announced a meeting of the Gaston County watchdog, to be at the courthouse at 7:00 tomorrow night. She said she will meet with the Mayor or Council. How is this going to help our overcrowded schools?

### **PUBLIC HEARINGS**

Mayor Hough read a statement about the meeting tonight and the rules of order (copy attached).

#### **PH#1 To Consider Rezoning of 110 Tuckaseege Road from R-8 MF to B2.**

Councilman Helms moved to go into public hearing, seconded by Councilman McLean, and unanimously carried. Mayor Hough recessed the regular meeting and opened the public hearing to consider rezoning property at 110 Tuckaseege Road upon request by Scott Farmer.

Scott Farmer said he is asking for rezoning in order to develop the site into a business or office property, and that it is bordered by business adjacent and across the street.

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.

Danny Jackson stated that proper notice has been given and the Planning Commission held its public hearing and recommended approval. The current petition is consistent with the land development plan.

Motion: Councilman Helms **MOVED** to approve rezoning of 110 Tuckaseege Road as requested from R-8MF to B-2, seconded by Councilwoman Hubbard.

Vote: unanimous. CARRIED.

PH#2 To Consider Rezoning to R-8MF CU for Tract on YMCA Drive

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 rezoning property on YMCA Drive upon request by Faison Enterprises.

Danny Jackson reported that proper notice has been given, and that the Planning Commission recommended they hold off on action, because they did not take action on a recommendation yet, in order to allow staff time to work with the developer to revise the site plan.

Hazel & Ralph Michael, Neil Kapadia, and Mr. Morgan, made an affirmation statement.

Neil Kapadia said this is a tract of approximately 44 acres on YMCA Drive. It is already within the city limit, so they are only asking for rezoning. Faison Enterprises is a local company, and has worked in Charlotte and its vicinity about 40 years. They have developed shopping malls, residential developments, and commercial properties. He said they are excited to have this opportunity, about revitalization downtown, and the whitewater park, as well as the new interchange on I-485, and the greenways. This site is north of the YMCA, on the Catawba River, and is currently zoned B-3. Residential use would be the best use for this tract. Your land use plan shows commercial and industrial, but that does not coincide with your initiatives for the River. We are also purchasing 30 acres that we will reserve for later development, perhaps commercial. This is a project to where everyone would be happy to move. The planning commission wants the conditions we agreed upon and we have met with Danny and discussed those. For example, they want a 30 foot easement along the river for the greenway system. We plan a natural trail path. We had a meeting with neighbors at the YMCA, and they were positive about our plan. The PC wants a water line easement at no charge so that the water pressure in that area can be improved. This plan is the right density for that location. The downstairs units will be one level so that retirees will be interested as well. Our demographics are nationwide. It will be a nice manicured maintained community. A lot of professionals will be interested in this development. He had a chart showing potential tax revenues: currently the tax value is \$420,000, yielding \$1546. The site plan is for 275 homes, at an average of \$175,000 purchase price. This

would produce tax revenue ahead of Clariant. The traffic light is already there, the road is already there, and the amenities are already there. He was available to answer questions.

Hazel Michael, 203 Pearl Beatty Road. She is a homeowner in this project. The city already had utilities in that area, and already had police and fire protection, because it is already in the city. They plan to go in from YMCA Drive. It has a traffic signal already. He is planning to assist the city in the greenway project. I have seen the design. We have been approached by other developers, but we feel this is a good design. We need more people here and tax revenue from development to get the improvements in schools we want.

Phil Morgan, 1536 Prancer Lane, Gastonia. He is the CEO for the East Gaston YMCA. Seven years ago the YMCA purchased 30 acres off Highway 273. The road was built now known as YMCA Drive, and we built our new facility. In the design of the road, at the end of YMCA Drive, there is a cul de sac for future development as we were instructed by the City to do. I am speaking for the YMCA and we are in support of this request.

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.

No action.

PH#3 To Consider Rezoning to R-8SF CU for Tract on Westland Farm Road

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 rezoning a tract on Westland Farm Road upon request by Faison Enterprises.

Danny Jackson stated that proper notice has been given, and that the Planning Commission recommended not taking action yet because they have not made a recommendation yet; they want staff to make revisions to the final site plan with developer.

Those planning to speak rose and made the affirmation statement.

Neil Kapadia. This is an approximately 80-acre tract. Currently this is zoned R-20 in the Mt. Holly ETJ. That zone means there are no restrictions including mobile homes. We propose to annex into Mount Holly and request R-8 CU zoning. The site has a master plan with an amenity on site. We plan trails on Taylor's Creek. That area has very attractive brick homes. On the other side of the creek is mobile homes. We sent out a neighborhood notice, and met with them at the local church. Those who attended that meeting liked our plan, but I do not see them tonight. We have talked with Danny Jackson about the

conditions the PC wants. They want a greenway along the rear of this site, and we have agreed to do that. Also, they want us to relocate the streets so that connecting streets comply with Mt. Holly's staff. This is residential and it complies with your land use plan. We plan 236 units (it is already zoned for 160 units) and will have a swimming pool and club house. The water and sewer is along Westland Farm Road and along the creek. We plan a turn lane at the entrance. The development of this property will allow the recoupment of the cost of installing those lines. This is not just a Gaston County development but for anyone in the region. We understand there is a large plan for land adjacent to this tract; we wish to distinguish this project from that one. This plan is environmentally friendly; not crossing Taylors Creek, and with a large buffer. A lot of people have commented about schools. One thing I noticed is that Gaston County does not have a strategic plan. This is a chicken and egg issue; the County will not build new schools until there are children there first. We are restricting this usage to no mobile or modular homes.

David Hostetler, Jr. 215 N. Main St., Belmont. General Manager at Arrochem, located adjacent to the site. We have an industrial site. This plan would allow residences to be built close to our facility. We are an industrial chemical manufacturer, and we handle over 1,000 chemicals. They are kept in storage, and are flammable, poisonous, dangerous. Our personnel are trained to handle them but there still remains a possibility of a fire or an accidental release, or explosion. Homes within a close proximity would be at risk, all homes within a half mile radius would have to be evacuated if there was an event. Our facility does not currently endanger anyone, but if houses are built within 100 feet they are in danger. We recommend that you require a wide buffer.

Scott Farmer said that the rezoning Mr. Hostetler is referring to is not Mr. Kapadia's, but the other one that is being considered later. He said he was a resident out there and had no idea of that danger. He is a native of Mt. Holly, and grew up on Westland Farm Road. He accumulated land there and lived there so that he could have a hand in developing it in the right way. He has been approached by many developers but did not feel that they had the right designs or plans. This design by Faison and Earl Todd appear to him to be a good plan. They are similar to Deerfield Subdivision. They are in keeping with the long range plan adopted by Mt. Holly. Water and sewer have been placed in the area. Responsible growth is the best way. The concerns expressed can be handled during the 5 years it takes to develop. He did not want them to overreact to the negative comments that have been made about development.

Bill Lineberger, 1201 Churchill Dr., Gastonia. He was not here to speak for or against this rezoning specifically. He said he has worked in this community for over ten years, and has seen it come to a standstill. You gave your citizens an opportunity to make changes. On April 6<sup>th</sup>, we invite citizens to see what is going to take place in next five years. We are excited about it. It is going to bring growth, and change. You may not like the changes but they are coming. He

stated that he believed each one of the Council is looking at the big picture. He said he had confidence that they will make the right decision, and he applauded them for it.

Ms. Kelly Ellis. She commented on the traffic. If you have kids you know that the traffic is really bad at the schools especially if the train comes and stops. That would add 472 cars every day. There are trailers at the middle school and at the high school. Mobile classrooms have no security cameras, and the children have to go back and forth to the main building.

Ann Danzi. 513 Stonewater Bay Lane. A few years ago Mount Holly citizens came together for a vision process. The revitalization needs support for new business. One of the factors is the median value of houses in that area. We need new development to bring the businesses we want. All of these are looked at as a single entity. They need to be looked at in the whole picture. Can we attract retirees? Pause on your decisions. You need a master plan. Can you make ways for children to walk to school? Without a clear plan, we will waste money and time, and lose the vision.

Mr. Guin. 734 and 738 S. Main St. He said he grew up in Mt. Holly, and came back and taught at East Gaston and at Greer. Then he was at Mooresville High School. Now he has retired. He sees Mt. Holly getting ready to go through growth like Mooresville has gone through the last few years. It has to be controlled and managed. He has seen two projects of Faison, and they are really nice. Mooresville is really pleased with them. He felt Mount Holly would be fortunate to have this developer here. He said he has never met Faison and does not know him personally.

Mr. Weku(sp?). 204 Dawn Drive. He said he is in favor of the development. He is from northwest Pennsylvania. When they moved to Gaston County, they lived in Gastonia, and he saw there were discrepancies with nice properties next to properties not so nice. He has lived in a couple different places in Pennsylvania where rural areas became developed nicely. It is important to plan. You can be static, or dynamic. You have to have people coming in to generate money to build schools. He has friends in Maryland and Pennsylvania who say that a lot of people are moving south, and they like this area. Making this attractive can only benefit us.

Alan Lewis. 2214 Westminster Place, Charlotte. His mother lives at 104 Oakwood Drive. He is also a developer, but he handles office and commercial only, and not residential. Residential is different from what we do. He grew up in Dickson Heights, went to school in Mount Holly, and his mother still lives there. He and his partner are the reason that Mr. Kapadia met Mr. Farmer. He was interested in seeing that the right company works on that tract of land to develop it. Its time for development has come. He said that he and his partner agreed that you want someone that has the shirttail to see it through, and to do it right.

Also, to get somebody that doesn't just do tract homes but develops a community, with attention to environmental issues. He supports the development and the developer.

Greg Dimmer. Mr. Dimmer read a written statement. (copy attached) He pointed out that the developer pays for the roads, water and sewer lines, and warrants the development for one year. He said there were only 132 new houses in 2004, and only 52 so far this year, in Mount Holly. The average number of children per family is .4 for the people moving here. He has heard people blame the Council when they have nothing to do with running the schools. The taxes and decisions for schools are made by the County. He suggested uniform plans for different zones such as R-8 CU. It is unfair to tell one developer one thing and then another developer something different. It costs \$8 million for an elementary, \$14 million for a middle, and \$30 million for a high school for county. He felt impact fees are no help for the problem we have now with the school system. Why spend money downtown to get people here and then try to stop them from coming?

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 taken.

The Council took a five minute recess.

PH#3 To Consider Rezoning to R-8CU for 228 Acre Tract on Westland Farm Road

Councilwoman Hubbard 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 rezoning a 228 acre tract upon request by Earl Todd.

Danny Jackson reported that proper notice has been made. The Planning Commission recommended holding action until the conditions have been met for the site plan.

Those wishing to speak made an affirmation statement.

Earl Todd, 3617 Pauline Lane, Charlotte. Mr. Todd said he doesn't know anyone on this Council, so he gave them some background information on himself. The Todd family has had a continuous presence in western Mecklenburg County since late 1700s. I have lived in this area from 1946 to now, except for going to Korea and Vietnam. I began a development business about 35 years ago. I have also done projects in Lincoln, Union, and Cabarrus Counties, and all surrounding counties. Presently we have six projects in

Mecklenburg County. We have had your staff come to look at our communities. We plan to call this Taylors Creek Estate, but that is not final. For about nine months, I have been working with Mr. Farmer, the Dales Group, and Mr. McCurry. This land lies between Westland Farm Road and Old Hickory Grove Road and consists of about 228 acres. Whether that is connected by road or not we do not have strong feelings about; we will leave that up to you. This is an opportunity for you to have that if you want it. We will look at the conditions of the Planning Commission and also what you require and add those to our map. This plan has 635 units with ten phases, with a minimum build out time of at least eight years, but it could be 12-15 years. Based on the current rate at Deerfield, it would take 25 years, but we believe that will change in the near future. I am not going to be redundant so as to repeat Mr. Kapadia. I will stipulate that all he said is true of us as well. We have gone a step farther, and propose a year round swimming facility and tennis courts, walking trails, and the greenway. We propose to work with the city staff to develop the site plan. We will align the street entrance with Hansel Road, and we will work with the Faison group to make the site plans coincide. We do not feel it will drastically affect the traffic plan or the schools in a major way. We have already contacted DOT. In terms of the school issue, we will be willing to meet any reasonable condition. There are a lot of positives. There are two major builders we plan to use. The price range is \$155,000 to \$200,000, then on Little Mountain, \$250,000. When built out, the tax base value will be about \$105 million. We are prepared to meet your standards for controlled growth and will work with your staff to do so. You are in a juggernaut path. Mayor Hough asked him if this will link into Hickory Ridge Estates at all. He said our lots back up to them, but will not link to that subdivision. We will restrict the property to not less than 1800 sq ft. homes. We have left a dedicated right of way to connect into Deerfield, but if you don't want that, it is okay with us; we don't care. Your emergency services people would probably like it to connect, but it is not germane to our project that it do so.

Chuck Bynum. 111 Holly Drive. I have a business in Mt. Holly, and have lived here all my life. I would ask Council to be very careful and listen to everything said and study these plans. Controlled growth is fine, but we don't want another Runnymede. I own property next to this project, and I want assurance that they won't come onto me, so I would like a buffer. At the zoning meeting, they said there would be a road. And the map back here shows a road through my uncle's property, but he is not selling his property. My brother's name is on that deed now, but we do not want to develop our land. The people who want this development are from Charlotte or wherever. There are very few from Mount Holly that want this development.

Tim Bynum, 148 Bynum Rd. The proposed development is too dense. Three houses per acre. This will be directly in front of my house. Our land is farm land; they have not left enough greenways, so the new residents will try to use our land as a park, tearing down our fences. I want to see growth controlled. Three houses per acre are too many. The roads on the site map are coming into

our property, are we going to use them as access? If not, they don't need to have a road to our property.

Scott Farmer. I will not speak to issues you will decide on. The developers we have chosen have been open minded to our personal wishes, and the city's wishes, and are essentially an open book as long as it remains economically feasible to do. I have the utmost confidence in you. We cannot be a closed community and keep out development; we cannot be protectionists of property. We need to accept that growth is here and have it handled in a way that befits our community, and I am confident you will do that.

Kelly Ellis. 1711 Old Hickory Grove Road. The road on the map here will come out in front of my house which means everyone will look into my living room. My children walk across the road to my parents, and my sister's house. It is already kind of bad because of a hill and curves. It is a 35 mph speed limit, but nobody does that; they all speed. I will need a red light just to get out of my driveway. This will add 2,120 cars or more to our road. My concerns are traffic and schools. There are \$250,000 houses on each side of this; they don't want \$150,000 houses next to them.

Joy Bynum Tilley, 511 . I am not opposed to development, it is good for growth. But, this needs to be phased in, and consider the impact on the whole community to have so much at one time. Highway 273 is a real problem already. I think that you can take this into consideration and help us control growth at a reasonable pace so we do not suffer growing pains in such a way

Dan Bynum, we have had a family farm for 70 years. We are not opposed to growth. You are talking about 1,045 new homes tonight; that is too much, too fast. Slow it down. Mr. Dimmer said there were only 150 building permits last year. Why approve so many right now? We already have low range houses sitting empty, being repossessed.

Randy McCurry. 5276 Hickory Knoll Lane. I am one of landowners of the tract being considered; my property fronts on Old Hickory Grove Road. I have lived in Mount Holly four years, and been in the area for many years. I went without the developer's knowledge to subdivisions he has already built and looked at them. They were nice homes and the amenities were nice; I would not mind living there myself.

Matthew Fox. 158 EP Rhyne Road. I am not objecting to growth; we all know we can't stop it. I grew up in Mount Holly, this is the town I want to raise my kids in. I see faces of people I know and have done business with. The choices we make today we have to live with tomorrow. Such as traffic; I work in Charlotte and drive down Highway 273, and we all know the traffic gets backed up. Highway 27, when 485 opens, how are you going to handle it? Is this about making as much money as possible? Do we want another north Charlotte?

Traffic problems are at North Charlotte, like Mooresville. You speak for us, keep in mind who wants this, and who wants it as it is.

Julie Bynum Rollins. 1610 Old Hickory Grove Road. I owe David Kraus an apology. I have talked about Ridge Drive; they complain about water pressure. I went to get in the shower on Tuesday and my water went away. It comes and goes. Mr. Todd probably has a great vision, and sees something on this land that can be grand, but we need control measures. Larger lots should be required. We love our neighbors but we don't want to live with them. I grew up in Catawba Heights. I have a 3 year old and I want her to be proud of her home town. We have growing pains. There are a lot of homes just on the agenda tonight. People will not buy \$250,000 homes next to \$150,000 homes because they won't get their money back out of it.

Sid Dellinger, 120 Silver Birch Lane. About 1,000 homes would be centralized between two thoroughfares, both are two lane roads. They can't handle that extra traffic. When would the roads be developed to handle the increased traffic? I have heard about the schools, but I don't know about that; I will do research. I do know about the gridlock in the mornings and evenings. Faison came prepared, but all their speakers do not live here except one or two. I live here, and I like a small town. I had an opportunity to move to a large city, but I chose not to, because I like living here in a small town. I would like to see retail and eating establishments. If it is not responsible growth, you are inviting long term chaos. I am concerned about connecting the neighborhoods. Our road is a thoroughfare already, so I am strongly against connecting the neighborhoods. (much applause)

Councilwoman Harris 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.

PH#5 To Consider Annexation for 228 Tract on Westland Farm Road

Councilman Helms moved to go into public hearing, seconded by Councilman McLean, and unanimously carried. Mayor Hough recessed the regular meeting and opened the public hearing to consider annexation of a 228 acre tract between Westland Farm Road and Old Hickory Grove Road upon request by Earl Todd and others.

Danny Jackson stated that proper notice has been given. The Planning Commission makes no recommendation.

Dan Bynum. Why are you doing satellite annexation, and not taking the houses in between? Some of them want city services. The traffic is already really bad. Study the numbers carefully. I don't know how they can build that many houses on Little Mountain. I would be glad to show you from my perspective what I see; come out to my house.

Pat Ellis. 1711 Old Hickory Grove Road. I am basically concerned about satellite annexation. You did that to Freightliner. You are doing one on Sandy Farm Road. And now one on Westland Farm Road. Why are you leaving out the homes in between? The developers spoke about bringing in tax money, what about those people? The Police Department has to drive out of the city to go to a place that is in the city; garbage pickup is the same thing. Why? I am on the opposite side of the road so I won't be taken in, but I have friends on the other side, these people have put in to the town. Like that man said, I like being in a small town; that is why I came back; I don't want to be in a big city. It affects everybody else that is around them, not just them.

Joy Tilly. As a citizen of Mt. Holly, I am concerned about growth and services. I live in the city for the services, the police and fire and water and sewer and garbage. All of these will receive a huge impact from all this growth. In the meantime are we going to suffer? We already had to change pickup days. Will my trash get picked up on time? Will we lose water pressure? They need to do fewer houses in a longer period of time so we can grow with it instead of being run over by it.

Dan Bynum. 341 Rollingwood. The man from Faison did a good job presenting the YMCA Drive project. But this project is not the right place at the right time. You have a big burden, you have had a lot of requests for annexations. What do the citizens of Mount Holly really want you to do?

Randy McCurry spoke next, as one of the property owners. This is not a satellite annexation, it is contiguous. Also, if these people would like to be annexed, they can ask for voluntary annexation like we did. I live off Old Hickory Grove Road. My office is at Sugar Creek. I am there in 25 minutes, and I drive the speed limit not over it. This will bring city services. I had a neighbor who had a peanut reaction and died because it took 17 minutes for the responders to get there. Having city fire and police coverage will be good.

Cindy Broderick. 544 Deerfield Drive. I was not aware of this meeting until a few days ago. I was upset when I saw that the roads might connect. Deerfield has the feel of country, but with 600 more homes that would go away. Growth should not be at the expense of existing communities. Our children are grown, but those who have children would see a different ratio of student to teacher in the schools. Our resale values would be affected by this. There is no advantage to us, only to the developer. If I had wanted to be in Charlotte I would have moved there. The burden of expense for schools will fall on us, an expense I am not willing to share.

Julie Rollins. On the annexation of 225 acres, over the last 18 months you have approved two major subdivisions, Dutchmans Creek, and one on Perfection Avenue. Three are pending approval tonight; 228 acres, 80 acres, and 44 acres.

My family has owned property adjacent to Old Hickory Grove Road. My grandparents purchased land out there many years ago, it was the third house on the whole road. I live in their old homeplace. I have seen a push to get larger homes. I have inquired why my house is not annexed by the City and was told it is not cost effective. The annexations are new subdivisions and new people, and you have not been standing by the families that have stood by the city for many years. Bill Dustin, with COG, said it well yesterday in the Observer, that we need to make sure we are not just growing for the sake of growing and then raising taxes to pay for the amenities. That is what happens when you take large subdivisions and then forget about us.

Robert Whitt. 116 Forest Hills Drive. Business at 601 S. Main Street. You are the wise men of this time. We have entrusted our future to you, each of you. We ask you to make the right decisions for us, not for you. I spoke to you and told you that you have the key, it is in your pocket. You speak for us and for these people. I don't understand why I feel like my city council is a developer. Developers should develop, not the City. Have you been to these subdivisions? Stockbridge does not have city water and sewer but it has nice lots, almost an acre or bigger. It is a plus. You have a hard job. Have you been to Runnymede, Autumn Woods, Kendrick Subdivisions? Don't balance your budget on the back of annexation. If my taxes go up, they go up. This is hitting us like a tidal wave.

Mayor Hough stated that he had asked David Kraus, the City Manager, to show on the map where these requests are located. Mr. Kraus said that Deerfield was not a satellite annexation, it was contiguous. This last development requested would not be satellite, it is contiguous. The Faison property would not be contiguous unless the Scott Farmer property is annexed first. The YMCA Drive property is already within the city limits.

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

No action.

## **NEW BUSINESS**

**NB#1 To Call for Public Hearing on Annexation Request from Faison Enterprise for a Tract on Westland Farm Road Across from Rachel Street**

David Kraus said we have received a petition for voluntary annexation from Faison Enterprises for a tract on Westland Farm Road.

**Motion:** Councilwoman Hubbard **MOVED** to adopt Res. #04-11-05B to call for the clerk to investigate the petition, seconded by Councilman McLean.

Vote: Carried by unanimous vote.

David Kraus read the certificate of sufficiency. The owner of the property is The Dales Group, LLC, and it signed the petition.

Motion: Councilwoman Hubbard **MOVED** to adopt Res. #04-11-05C, to fix the date of public hearing on the annexation request by Faison Enterprises, to be held on May 9<sup>th</sup>, 2005, 7:00 PM at City Hall, seconded by Councilman McLean.

Vote: Unanimous. CARRIED.

## **UNFINISHED BUSINESS**

### UFB#1 To Consider Dutchmans Creek Subdivision Rezoning

Councilwoman Hubbard said there has been a lot of discussion about this subdivision. She personally had a lot of people call and ask her not to vote for it. A lot of people think that if we vote no, this subdivision will not be built. But, under the county zoning, this subdivision can be built, and could be built denser than what is proposed, with a community well. They don't need us to develop this subdivision. For those reasons, and many others, I move that we approve the rezoning as proposed by the developers.

City Attorney Michael said that because this is a conditional use, Council must first make five findings of fact before a motion can be made to approve or not to approve.

Councilman Hope said that for every decision made there is a consequence, good or bad. This is a lifetime decision that will affect every citizen in Mount Holly. As of Friday, this was not on the agenda; as of the work session, this was not on the agenda. Tonight we were told this would be on the agenda tonight. We knew nothing about it before today. It left me unprepared to take care of what needs to be taken care of. We should have discussed it on the workshop meeting. I brought up several issues on the conditions that we were going to put on this development. Were they addressed yet? Danny Jackson said, I was at the Planning Commission meeting that night, but the developer submitted a revised conditions list that was submitted and dated April 4<sup>th</sup>. Councilman Hope said he had not seen that. He did not want to be strong-armed by a developer. We need to see those proposals. A few more weeks will not matter. Danny Jackson said he did not hear their comments at the Council meeting, but the developer did incorporate all the requests that the Planning Commission had asked for.

Councilwoman Harris stated that it bothered her that the Council is being handed this tonight. She was not called and told that would happen. She said her vote will be no as it has always been. We promised we would take care of downtown

and the citizens in the city limits, and that is what she is here for, and that is what she is going to do.

Mayor Hough stated that the revised conditions list is before the Council on the table. Councilman Hope asked, is this the developer's list? Danny Jackson said this is a composite list from the Planning Commission and the developer. Councilman Helms asked, is this the complete list? Danny Jackson replied, yes, but he had comments to make on some of the items on the list. At #3, he is saying that if the commercial site does not meet market conditions, he wants to change it to residential, but our ordinance does not allow for that; it would have to be brought back to Council to be changed. Mr. Jackson further stated that the height limit in our ordinance is 35 feet not 45 feet as he has it. Councilman Hope called attention to #23, the water tank, where it says the developer will build a tank to take care of the needs, but it does not state the size, and we need to set that size and let him pay his part and we pay the rest; he said he didn't have his notes with him because he did not know he would need them. Danny Jackson said that there were discussed 500,000 gallon tank and 1 million gallon tank. You can put whatever condition you wish. Councilman Hope asked also about the golf course zoning. Does that include the houses adjacent to it? Danny Jackson said to his understanding it is just the golf course. Mr. Kale said it will be what it takes to get a conservation easement. He added that they had already said they will pay a proportionate share of a water tank whatever size it is. Mr. Kale further stated that they have been to two meetings where Council has not decided on the conditions list. It gets to a point where time is money and it gets to a critical point. He said that they don't go in and do things half way, they do things right. Mr. Kale felt they have tried to do everything the way the City has asked, and to make Mount Holly proud of it.

Councilman Hope **MOVED** to table a decision until the next work session, seconded by Councilman Moore. Mr. Kraus reminded the Council that there is no work session in May. Councilman Hope amended his motion to say until the regular meeting on May 9<sup>th</sup>, accepted by Councilman Moore.

Vote: three ayes, three nays (Harris, Helms, McLean). Tie requires a vote from the Mayor.

Mayor Hough stated that he believes this will be a development that will be good for Mount Holly. There are two problems, regarding schools and roads, that the City does not control. The City of Mount Holly has some of the best subdivision standards in the county, and we do have the best controls standards for watershed protection. This development will attract people who will raise our median income so that we can get the businesses that we want to attract. I grew up in Mount Holly, I love Mount Holly like all of you. People in this subdivision will commute to Charlotte by way of Hwy. 16. If I had my way, it would be smaller, but it is not. I don't want another Runnymede; I used to live there I know what you mean. But, this is not like that; it is a quality development. The Mayor asked Danny Jackson if he was prepared to answer the five findings of fact questions? Mr. Jackson said he could answer them tonight, but he would

like time to go over them first, and some of them have to be answered not just by him, but also the developer. Mayor Hough asked, is that zone for the golf course okay? Danny Jackson said, yes. Mr. Jackson reported that he had met with the developer and they have incorporated what he asked for, and Council now has the opportunity to add or delete what it chooses.

Mayor's Vote: Mayor Hough said, I vote not to table. DENIED.

Mayor Hough asked with regard to the water tank if Mr. Jackson could make that a condition that it be included in the annexation agreement. City Attorney Michael said that Council needs to add its contingencies to this list before a vote is taken. Mayor Hough asked, can we do impact fees? Danny Jackson, that is the rule now. The City Attorney reported that he had talked with David Lawrence at the Institute Of Government, who told him that the City has no legislative authority to charge impact fees for schools, but that it can charge impact fees for water and sewer. The Durham County case that someone has put forth as relative to this matter was in Superior Court and has been appealed, but in the meantime they are still collecting impact fees. Likewise, if we collect them, it would be subject to a later court decision.

Mayor Hough asked Danny Jackson to read the five findings and make his comments on them with regard to this proposed rezoning. Mr. Jackson read the five findings for conditional use from Section 14.5, followed by his comments, 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.

Jackson: That is a correct statement.

#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.

Jackson: In times past, you have to look at the site plan, the zoning, the land use plan, and the adjoining property. Before when this request has come up, if it was single family adjacent to it, it was not considered damaging.

#C. That the Conditional Use meets all required conditions and specifications.

Jackson: That is based on your conditions list and the site plan.

#D. That the Conditional Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

Jackson: This one needs the developer to testify as to the expected tax base.

#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.

Jackson: This is basically the land development. This plan coincides with the land development plan.

Councilman Hope asked, what vote is required to approve these? Simple majority.

City Attorney Michael asked, will the developer be asked to speak? Because Mr. Jackson had said that the developer would have to speak to give estimated tax base from the development. Mayor Hough asked, are we talking about the difference about the tax revenues and the cost of services? Danny Jackson replied, yes. There have been different figures presented at different times. Mayor Hough asked, we have more conditional uses on this than we have ever put on any other development, is that right? Danny Jackson replied, yes. Mayor Hough said he was really concerned about this being developed by the County, and he was voting not to table. Discussion followed and it was repeated that the motion to table a decision had failed, so the Council continued to consider this matter.

Motion: Councilwoman Hubbard **MOVED** to go through the findings of fact for this conditional use and vote on them one by one, seconded by Councilman Helms. Vote: Three ayes, three nays (Harris, Hope, Moore.) Mayor, aye. CARRIED.

Motion: Councilwoman Hubbard **MOVED** to find in the affirmative as stated in #A (cited above), seconded by Councilman Helms.

Danny Jackson stated that the uses are permitted by the zoning ordinances.

Councilman Helms said, what they had fits in our ordinance.

Vote: three ayes, three nays (Harris, Hope, Moore). Mayor, aye. CARRIED.

Motion: Councilwoman Hubbard **MOVED** to find in the affirmative as stated in #B (cited above), seconded by Councilman McLean.

Danny Jackson stated that the conditions must be compatible.

Vote: Three ayes, three nays (Harris, Hope, Moore). Mayor, aye. CARRIED.

Motion: Councilwoman Hubbard **MOVED** to find in the affirmative as stated in #C (cited above), seconded by Councilman Helms.

Danny Jackson said that a site specific plan was made with conditions as required by the Planning Commission.

Vote: Three ayes, three nays (Harris, Hope, Moore). Mayor, aye. CARRIED.

Motion: Councilwoman Hubbard **MOVED** to find in the affirmative as stated in #D (cited above), seconded by Councilman McLean.  
 Danny Jackson said that based on the site plan and the land use plan this would coincide with adjoining properties.

Vote: Three ayes, three nays, (Harris, Hope, Moore). Mayor, aye. CARRIED.

Motion: Councilwoman Hubbard **MOVED** to find in the affirmative as stated in #E (cited above), seconded by Councilman McLean.

Danny Jackson stated that based on the site plan it meets our land use plan for density.

Vote: Three ayes, three nays, (Harris Hope, Moore). Mayor, aye. CARRIED.

Kemp Michael asked Mr. Jackson, when do the conditions the Council wants go on this? Danny Jackson said, Now. Mr. Michael asked Mr. Jackson, is the document we are discussing and calling the conditions list dated April 4, 2005, and printed by Land Design? Mr. Jackson said, yes. Mr. Michael stated for clarification, we are adding that the water tank will be addressed in the annexation agreement, and that the golf course zoning will be for conservation. Danny Jackson also stated that #3 is not allowed and so is deleted. Further, he said that #10 is amended to read that the maximum height is 35 feet (not 45). Mayor Hough asked Mr. Kale to step forward. The Mayor asked Mr. Kale, do you agree to the conditional uses we have set forth? Mr. Kale replied, yes.

Motion: Councilman Hope **MOVED** to deny the rezoning request by Faison Enterprises for Dutchmans Creek Subdivision, seconded by Councilwoman Harris.

Vote: Three ayes, three nays (Hubbard, McLean, and Helms). Mayor, nay. DENIED.

Motion: Councilwoman Hubbard **MOVED** to approve the rezoning request for Dutchmans Creek Subdivision as submitted according to the site plan with the conditions list as amended, seconded by Councilman Helms.

Vote: Three aye, three nays (Harris, Hope, and Moore). Mayor aye. CARRIED.

### ROUND TABLE

Councilman Helms stated, you have watched us to go through this procedure; the truth is I was not pressured into my vote. They could develop this without us, but the water quality would not be protected. You said you wanted quality of life. I looked at all of it. With the standards that they have agreed to on the conditions, this will not be a detriment to quality of life. We cannot speak to the schools and roads. You can't build a new high school without enough people to divide up the cost.

Councilwoman Harris said that tonight we have talked about people outside the City. She stated, I want to talk about our citizens inside the city. From our last

Council neighborhood walk, have those things been addressed? I want a report from staff. Are we not going to continue these walks?

Councilwoman Hubbard reminded everyone that that Springfest is April 30-May 7.

City Manager Kraus said that at the work session, Council wanted to know about the stormwater issue at the old mill. He had copied all of the minutes for them that he could find. He strongly recommended to Council that the City ask for a greenway as part of any agreement we reach. Mayor Hough asked the Council, do you wish to move forward with a written agreement with the Friedls? The Mayor asked for any further comments. He said that what is being said is that we made an offer that included a greenway, and they did not accept it, and you are saying there is no deal because of that. Councilman Moore said he feels the greenway should be a separate issue, because that project came later. We should do what is right by the Friedls, this is the second oldest mill, and we need to resolve this issue.

Motion: Mr. Moore also felt we should still offer a sum of money and have them do the work rather than us going onto the property, so he **MOVED** to offer an indemnity claim based on estimates by contractors that would fix the pipe, seconded by Councilman Hope.

Vote: Unanimous. CARRIED.

#### ADJOURN

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

10:50 PM

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Bryan M. Hough  
Mayor

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cpm