

**CITY COUNCIL
REGULAR MEETING
April 8, 2002**

CALL TO ORDER BY THE MAYOR

The regular meeting of the City Council of Mount Holly was called to order at 7:00 P.M. by Mayor Black. The following were present:

Mayor Robert D. "Bobby" Black

Mayor Pro-Tem Jim Hope

Councilman Michael Helms

Councilwoman Phyllis Harris

Councilman Frank McLean

Councilman Brian Hough

Councilwoman Pat Hubbard

Adm. Services Officer Jamie Guffey

Asst. Public Works Dir. Jeff Fritts

Planning & Zoning Dir. Danny Jackson

City Attorney Kemp Michael

Police Chief Rick Davis

Fire Chief John Ekiatis

Street & Sanitation Dir. Mike Santmire

Water & Sewer Dir. Don Price

INVOCATION

The invocation was led by Keith Hearn.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE AGENDA

The agenda was approved with deletion of PH#7, which has been withdrawn, upon motion by Councilwoman Harris, seconded by Councilwoman Hubbard, with all in favor.

MINUTES

Councilman Helms **MOVED** to approve the minutes of March 5 and 11, 2002, as written, seconded by Councilwoman Harris, with all in favor.

PRESENTATIONS

PR#1 Recognition of Judy Garrison for 22 Years of Service

Mayor Black and the Council presented a framed copy of a resolution to Judy Garrison and read the resolution contained therein to honor her for 22 years of service to the City. She is retiring this week. Mrs. Garrison said that she enjoyed working here and was always proud that she worked for the City.

PUBLIC HEARINGS

PH#1 To Consider Annual Plan Submission for Holly Hills Apartments

Councilman Helms moved to go into public hearing, seconded by Councilman Hope, and unanimously carried. Mayor Black recessed the regular meeting and opened the public hearing to consider the annual plan submission for Holly Hills Apartments.

Diane Pritchett presented the update to the five-year plan required by HUD. We had a modification to install smoke detectors, and a repair on the road. No comments for or against.

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

Motion: Councilman Hough **MOVED** to approve Res. 04-08-02A, seconded by Councilwoman Hubbard. (copy attached)

Vote: unanimous. CARRIED.

15.6 . Mayor Black congratulated Ms. Pritchett on being recently married.

PH#2 To Consider Rezoning a .48 acre Lot on Woodlawn Avenue from O-I CU to R-10
Councilman Helms moved to go into public hearing, seconded by Councilman McLean, and unanimously carried. Mayor Black recessed the regular meeting and opened the public hearing to consider rezoning of a .48 acre lot on Woodlawn Avenue upon request by Greg Dimmer.

Zoning Administrator Danny Jackson stated that Greg Dimmer is planning to build a house, and the plan he submitted meets the criteria for the R-10 zone. The Planning Commission recommended approval. There were no comments for or against.

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

Councilman Hough noted that there is no conditional use permit requested; so this means anything could go there. Mr. Jackson said it could be anything in the R-10 zone permitted uses. The property is currently zoned O-I CU.

Motion: Councilman Hough **MOVED** to approve rezoning of the .48 acre lot on Woodlawn Avenue from O-I CU to R-10, seconded by Councilman Hope.

Vote: unanimous. CARRIED.

PH#3 To Consider Rezoning 601 Belmont-Mt. Holly Road from R-12 to B-3

Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, and unanimously carried. Mayor Black recessed the regular meeting and opened the public hearing to consider rezoning of 601 Belmont-Mt. Holly Road upon request by Ann Quinn.

Zoning Administrator Jackson stated that the proper notices have been made, and the planning commission has recommended approval. There were no comments for or against.

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

Motion: Councilman Hope **MOVED** to rezone 601 Belmont-Mt. Holly Road from R-12 to B-3, seconded by Councilwoman Harris.

Vote: All in favor. CARRIED.

PH#4 To Consider Rezoning a 13.6 acre Tract off North Main Street from R-12 to B-2CU and R-8 Multi-Family Conditional Use

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

Zoning Administrator Jackson stated that the proper notices have been made, and the planning commission has recommended approval. He stated that since this is conditional use, the council may add restrictions and requirements. Mr. Jackson stated that Mr. Schronce has submitted a site plan. The front part would be B-2CU, the back part would be townhomes, not rentals.

Mrs. David Robinson, 1606 N. Main St. She had a letter from Ralph Jones, and a list of people in our neighborhood that object to this proposal. She read the letter. He objected to the business being across the street from him and pointed out that all the property around that is single family residential. She stated her objection also and left the list of names of persons who object.

Albert Farrar, 1603 N. Main St. and 1600 & 1602 N. Main Street, stated as follows: There are well established family homes there, and we do not want the bright lights and traffic from businesses there. I saw the plot proposed. It is showing a proposed highway on that; what is that? Multi-family does not fit in our neighborhood which is all single family. North Main is a two lane road. Single family like it is now would be okay. In response to his question, City Manager Kraus stated that the metropolitan transportation plan has a loop that is proposed and the right of way should be protected, but it is not a funded project.

Calvin Farrar, Mt. Holly-Huntersville Development, stated that he owns 32 acres adjacent to this proposed development. He feels this would be an enhancement for the area, and would provide shopping on the north side of town and we are in favor of it.

Judson Jones, 1712 N. Main St. He said the other developer has been trying to get a right of way through that property, and from my sister and Mr. Farrar too, to get to that back 32 acre property, the cane property. That's why they want this front property to develop. Freightliner already puts too much traffic on that road. Single homes would be fine, but we don't need the convenience store and shops.

Mike Jones, N. Main Street. You have been stressing that we need to keep business downtown and working on revitalization, and this will just work against that.

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

Councilwoman Hubbard asked how does this fit in with the Land Development Plan. Mr. Jackson said the new plan calls for mixed use in that area.

Councilman Hough asked Mr. Schronce about his plans. He said that four acres would be neighborhood business at the front, for professional or retail business. He didn't know how the rumor started about a convenience store. He had in mind shops, and he had not contacted any convenience stores. He is looking primarily at office and professional suites similar to The Pinnacle that he previously developed. He believed that should speak well about his intentions. He also said he lives here and his children go to school here so he has a vested interest in what goes there.

Councilman Hough asked how this could affect downtown businesses; Mr. Jones brought up a good point. Councilwoman Hubbard said it might go either way.

Motion: Councilman Helms **MOVED** to deny the rezoning request for 13.6 acre tract on North Main Street, seconded by Councilman McLean.

Discussion: Councilwoman Harris, I am struggling with the commercial part of this. The multi family townhomes do not bother me. Mr. Hough said he is for development of downtown businesses and working with the Heart of Mount Holly Committee. He can see the townhomes as a necessary thing because of the topography on that property. The owner occupied townhomes would be okay, but the commercial is a problem in his opinion. Councilwoman Hubbard said she is strongly in favor of the townhomes, and she is not sure how she feels about the commercial. Councilman Hope pointed out that if this rezoning request is denied tonight there is a time period that must pass before it can be brought back up. Councilwoman Harris asked how this could be handled differently. City Attorney Michael stated that one option is to withdraw his request and then present an amended site plan so that he would not have to wait six months. Mr. Hough said the waiting period is six months.

Motion Withdrawn: Councilman Helms withdrew his motion, and Councilman McLean withdrew his second.

Councilman Hough stated to Mr. Schronce that Council would like to give him an opportunity to reconsider his petition, with the understanding that it is likely that your original petition is probably going to be denied based on the council members' comments. Mr. Schronce withdrew his petition.

PH#5 To Consider Rezoning Mooreland Estates Subdivision from R-12 to R-8CU

Councilwoman Harris moved to go into public hearing, seconded by Councilman Hope, with all in favor. Mayor Black recessed the regular meeting and called to order the public hearing for consideration of rezoning Mooreland Estates upon request by Woodrow Moore.

Zoning Administrator Danny Jackson said that this property was voluntarily annexed and rezoning was previously approved. This request is for smaller lots but is also for Conditional Use so no manufactured housing would be allowed. Planning Commission recommends approval. No comments for or against.

Councilman McLean moved to go out of public hearing, seconded by Councilwoman Harris, with all in favor.

The Council took a five minute recess.

Councilwoman Hubbard asked if the site plan plat in our packet is the R-8 size lots? Yes. Mrs. Hubbard asked what zone is Deertrack Subdivision? R-12. Councilman Hough asked if the open space shown on the plan would correspond with the recent discussion for a greenway? City Manager Kraus said we do not have a definite plan for it, but any chance we have to reserve right of way would be a good idea. Councilwoman Hubbard asked what difference in number of houses does this rezoning make? Mr. Jackson said that the previous plat had 48 to 50 lots before; now it would be 71 lots. Mr. Hough asked if Mr. Moore knows about the proposed greenway, and if we could reserve a right of way? Mr. Moore said that would be okay at the back of the cul-de-sac, they have enough land for that. Mr. Hough asked what right of way the city would need. Mr. Michael said that is an existing easement we already have for the sewer line. Mr. Hough said he did not think we could put it on the conditional use permit without a real plan for it, but we should keep that in mind for later.

Motion: Councilman Hope **MOVED** to rezone the Mooreland Estates Subdivision property from R-12 to R-8 SF CU, seconded by Councilwoman Harris.

City Attorney Michael reminded council that they must first vote on the findings of fact required by our ordinance.

Withdrawn Motion: Councilman Hope withdrew his motion, and Councilwoman Harris withdrew her second.

The Conditional Use findings of fact were considered individually by Council, as follows:

- A. The use requested is among those listed as an eligible Permitted or Conditional Use in the District in which the subject property is located or is to be located. Zoning Administrator Jackson stated that this property meets this requirement. Councilman Helms **MOVED** to make this finding in the affirmative, seconded by Councilman Hough, with all in favor.
- B. That the Conditional Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed. Zoning Administrator Jackson stated that this criteria has been met. Councilman Hough **MOVED** to make this finding in the affirmative, seconded by Councilwoman Hubbard, with all in favor.
- C. That the Conditional Use meets all required conditions and specifications. Zoning Administrator Jackson stated that the site plan has been provided with conditions

stated. Councilman McLean **MOVED** to make this finding in the affirmative, seconded by Councilman Hough, with all in favor.

- D. That the Conditional Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity. Zoning Administrator Jackson stated that the area would not be harmed by this site plan; there is no evidence to the contrary. Councilman Hough **MOVED** to make this finding in the affirmative, seconded by Councilman McLean, with all in favor.
- E. That the location and character of the Conditional Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Mount Holly and its environs. Zoning Administrator Jackson stated that the land development plan calls for single family development in that area. Councilwoman Hubbard **MOVED** to make this finding in the affirmative, seconded by Councilman Hough, with all in favor.

City Attorney Michael reminded the Council that this is their opportunity to add conditions to the conditional use permit if they choose to do so.

Motion: Councilwoman Hubbard **MOVED** to adopt Res. 04-8-02B granting conditional use permit to Woodrow Moore as proposed and rezone the property to R-8CU, seconded by Councilman McLean.

Vote: All in favor. CARRIED.

PH#6 To Consider Closing a Portion of Oak Grove Street Between Highland and Main Streets

Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, with all in favor. Mayor Black recessed the regular meeting and called to order the public hearing for consideration of closing a portion of Oak Grove Street between Highland and Main upon request by Robert Whitt.

City Manager David Kraus said that Oak Grove Street used to connect between Main Street and the A& E Mill. When the bypass was put in it was dead-ended at the bypass side. The City does not need to use this section as a public street or maintain it. The adjoining property owners would own the property if this is approved. There were no comments for or against. Councilwoman Harris moved to go out of public hearing, seconded by Councilman Hough, with all in favor.

Motion: Councilman Hough **MOVED** to approve Res. 04-08-02C, closing a portion of Oak Grove between Highland and Main. Councilwoman Harris seconded.

Councilwoman Hubbard asked if this would create a problem with Oak Grove being split with regard to emergency services; Mr. Kraus said it would not.

Vote: All in favor. CARRIED.

PH#7 To Consider Closing a Section of Piedmont Avenue

This petition by Phil Harris was withdrawn just prior to the meeting.

PH#8 To Consider Mount Holly's Twenty-First Century Grant for Rehabilitation of Water and Sewer Lines in Madora Mill Village

Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, with all in favor. Mayor Black recessed the regular meeting and called the public hearing to order to consider a grant for water and sewer line improvements in Madora Mill Village.

Director Don Price had attended a meeting in Raleigh about the funding. The Department of Commerce has funding for water and sewer improvements and Gaston County is one of the counties that may apply early before it opens up to the whole state; only 10 counties now applying. There are water line problems, manholes in yards, and sewer leaks in the Adrian Madora neighborhood. He believed the City has a good chance to get this grant package. April 15 is the deadline to prepare, and it must be submitted by May 1. This is the second public hearing, as required.

Terrell Jonas was recognized and he stated he has lived there for 28 years, and they have a lot of problems. There is a 2 inch water line behind his house, and he thinks it has closed off; they have almost no water pressure.

Councilman Helms moved to go out of public hearing, seconded by Councilman Hough, with all in favor. Mayor Black resumed the regular meeting. Councilman Hough asked if this is a matching grant. Mr. Price said it is not right now; but if you add other areas like Sadler and Lanier Avenues, then it may require matching funds. There was some discussion about when the next funding may occur. Mr. Price said this is federal money. Councilwoman Harris asked if he was recommending that we just do Adrian Madora? Mr. Price said yes. Danny Jackson stated that if we add other areas it would be difficult between now and May 1st to get the required surveys done. Mr. Kraus stated we have contacted COG for help. Mayor Black asked what percentage of residents does he need a response from; he said he needs all of them. Mayor Black suggested having a neighborhood meeting one afternoon and evening.

UNFINISHED BUSINESS

UFB#1 To Discuss Potential Water and Sewer Lines to East Gaston High School

City Manager Kraus presented a proposed agreement for engineering services for water and sewer lines, prepared by the county. The building of the line comes with terms. The City borrows the money, and the County repays the debt to the City, and then the County gets half the revenue until it has been repaid. It is more cost effective to do both at the same time.

Councilman Hough asked if we borrow the money (\$2 million) what that would do to our credit rating, and our ability to borrow for things we want to do ourselves. Jamie Guffey stated that as long as we don't borrow more than \$10 million in one year we should be fine, and also this would be guaranteed by contract with the county and a collateral loan. The only disadvantage is that if you did another water or sewer improvement, you may have to raise rates to cover the debt. Mr. Kraus said that realistically that would happen anyway. Our rates cover our operating expenses only now anyway. Mr. Kraus said we still have the reimbursement policies we always had. Mr. Hough wanted to know if the revenue the county gets would be from selling water or sewer only, or would they also get reimbursement fees. Mr. Kraus replied it is from sale of water and sewer and tap

fees. Mr. Kraus stated the County would have a 15 year amortization no matter what number of years we choose to borrow the money for. The revenue sharing with them would be for 10 years. Councilwoman Harris said that the telecast of the commissioners' work session recently, she heard Mr. Keigher say that Mount Holly had already voted on this and why were they still involved, and he wanted to be sure the county attorney made sure they got what they were entitled to. Mr. Kraus said we voted on this two years ago, and they have not done anything since then. Councilwoman Harris was concerned about getting a loan and building lines when the County is having financial difficulty. Councilman Hough said he sees this as a need; we can either do it with the county, or do it ourself, or not at all. Mr. Hough stated that it appears we could get this line free, and we would have a contract.

Motion: Councilman Hough **MOVED** to approve the contract with Gaston County for engineering services for water and sewer line to East Gaston High School, seconded by Councilwoman Hubbard.

Vote: Unanimous. CARRIED.

Councilman Hough asked if the choices of funding mechanisms will be sent out in the next packet? Yes.

Mayor Black reminded Council that the county commissioners are coming here for their April 23rd meeting.

NEW BUSINESS

NB#1 To Consider Appropriation from the Surplus and Sale of Used Fire Department Radios

Chief Ekiatis requested to use the money from surplus items when sold to buy a copier for the fire department and more turnout gear. If not approved, the money will go to fund balance.

Motion: Councilman Hough **MOVED** to use the funds from surplus items sale to buy a copier and turnout gear for the fire department, seconded by Councilwoman Harris.

Discussion: Councilman Helms asked Mr. Kraus if the recommendation in the agenda packet was from him; it was. He stated that the City Manager recommended buying the copier and banking the rest. Councilman Hough stated that if the city manager feels we need \$721 to go into fund balance, then by all means that should be done. Mr. Kraus stated that we are late in our fiscal year and in a budget crisis, we just bought turnout gear, and we can buy more next fiscal year.

Amended Motion: Councilman Hough made an **AMENDED MOTION** to purchase the copier for the fire department from the surplus sale and bank the rest in fund balance; seconded by Councilwoman Harris.

Vote: Five in favor. Zero nay. CARRIED.

NB#2 To Consider Request for Donations for the Andre' Michaux International Symposium

City Manager Kraus has received two requests for donations through Dr. Richard Rankin. The first is for \$2,000 to help sponsor the Andre' Michaux International Symposium, since part of it will bring people from around the world to Mt. Holly to see big leaf magnolias, native only to this area. Mr. Michaux was a French botanist who catalogued plant life in America, and his travels brought him across the Tuckasee Ford in Mount Holly. The Daniel Stowe Botanical Gardens, Belmont Abbey College, and Gaston Day School are the main sponsors.

Secondly, Senator Hoyle wants the Estelle Rankin Property to be bought for passive recreation park. Mayor Black said the park would include the Rhyne property and the Rankin property and then this property so that the land trust can promote it as a park. They want this to tie in eventually to the Tailrace Park. Councilwoman Hubbard said we need our money from Governor Easley before we can even consider this. Councilwoman Harris agreed. Councilman Hough stated that it sounds great, but did not see how the city can do this when we are so tight on money. Mr. Kraus said he would write a letter.

NB#3 To Consider Approval of Bridge Inspection Contracts

City Manager Kraus presented the annual NC DOT contract to inspect bridges.

Motion: Councilwoman Hubbard **MOVED** to approve Res. 04-08-02D, seconded by Councilwoman Harris.

Vote: All in favor. CARRIED.

PUBLIC COMMENT

Mayor McLean opened the floor for public comment.

Jim Lanier stated he had been on a job to fix drainage on some property. The water stands on the property. He had talked about using 12 inch corrugated pipe. But, he was told he cannot use that. He suggested putting concrete in the driveway, but using this pipe in the yard. Director Don Price said the standard detail says concrete reinforced pipe. He had been told the city does not allow the corrugated pipe, and said it would stop up. Mr. Lanier said he has put it in a wooded area and had no problem with it. Mayor Black referred Mr. Lanier to Mr. Price for further assistance. Councilman McLean asked him how much dirt he would have over it. Mr. Lanier said he would use sand around the pipe, and clay over it. Mr. McLean said the problem is people driving over the edges of the corrugated pipe.

ROUND TABLE

Councilwoman Harris wondered when the city's e-mail would be fixed? Jamie Guffey said the new phone system is now installed, and so now we can switch providers, and he will have them come and fix it.

Councilwoman Harris asked what is being done for Judy for a retirement party? Mr. Kraus said on her last Friday, from 11:00-1:30 they are having a drop in at City Hall.

Councilman Helms wanted to say that the code enforcement officer is doing a good job.

Councilman McLean noted for the record that the rezoning for a house was allowed on Woodlawn Avenue, but we turned down the bank that would have paid more taxes.

Councilman Hough reminded council members of a benefit for the Baber family, at East Gaston High, a baseball game on April 13th, and also a fish fry on the 18th.

Councilman Hough requested that in packets, and in work sessions, to read over and talk about public hearings ahead of time.

Councilman Hough said he talked to Sam Nichols today, and DOT says we cannot use the City welcome signs we have used in the past. They must be breakaway signs. He has agreed to meet with Mr. Kraus to see what we can do, and if we can move it. He also said the wooden poles for the emergency signals needs to be breakaway. He said they can be painted.

Mayor Black said the railroad crossing on Main Street having sunk making it rough to ride over has been reported to NC DOT; DOT says it is not their problem, but it is a CSX problem. Mr. Kraus is contacting CSX Railroad.

Mayor Black said that on April 23 the commissioners will be here for their work session. We will be providing them dinner. City Manager Michael said it is a good opportunity to get something from them in an election year. Mr. Kraus said it will be televised. CIP is the same night. Council was asked to tell Mr. Kraus what items they want to talk with the commissioners about.

Mayor Black said he had a lot of complaints that people did not get their water bills. He had just gotten his that day. He wants staff to talk to the supervisor at the post office.

Mayor Black said that April 15-19 is Mayor for a Day week and a third grader at Pinewood Elementary School won the essay contest for our area. Shelton Fisher will be coming with Mayor Black on April 17th, and will have lunch, go to the fire and police department. He asked for more suggestions.

City Manager Kraus said he has given copies to council of a handicap accessibility problem letter received. Councilman Hough asked if he feels we really have a problem? Councilwoman Harris suggested that we take some time to look at the complaint, and not just have a knee-jerk response. Mayor Black said the used to have a committee, but it was no longer used after a while. Councilman McLean pointed out that they have accessibility to Tuckasee and River Street parks. The letter mentioned Central Park.

Mr. Kraus said staff has compiled information for council on future development estimates in connection with system development fees. Councilman Hough asked if this is per house in the city? Mr. Kraus said it is for any house connected onto the city's system. Mr. Kraus said we are working on current usage and future estimate of usage. Mayor Black asked when this should go on the agenda for consideration.

CLOSED SESSION

Councilman Helms moved to go into closed session for the purpose of discussing personnel matters, seconded by Councilwoman Harris, with all in favor.

Councilman Helms moved to return to open session, seconded by Councilman Hough, with all in favor.

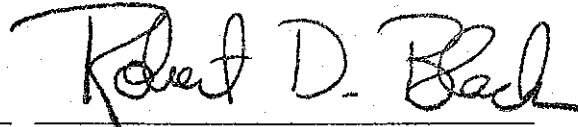
ADJOURN

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

10:00 PM



Clerk



Mayor

cpm