

CITY OF MOUNT HOLLY**MOUNT HOLLY CITY COUNCIL
WORK SESSION****TUESDAY, APRIL 4, 2005
CITY HALL**

The Work Session of the City Council of Mount Holly was called to order at 6:30 p.m. by Mayor Bryan Hough. The following were present:

Mayor Bryan Hough
 Mayor Pro-Tem Michael Helms
 Councilwoman Phyllis Harris
 Councilman Jim Hope
 Councilwoman Pat Hubbard
 Councilman Frank McLean
 Councilman David Moore
 City Attorney Kemp Michael
 City Manager David Kraus

Assistant City Manager Danny Jackson
 Assistant City Manager Jamie Guffey
 Police Chief Benson Hoyle
 Street and Solid Waste Director Mike Santmire
 Utilities Director Don Price
 Fire Chief Dale Oplinger
 Community Development Planner Greg Beal
 Communication Director Megan Hanks

The invocation was led by Councilman McLean.

#1: Watershed Overlay District

Mr. Jackson provided a handout on the proposed watershed overlay district. The memo from Greg Beal to Mr. Jackson suggests two options. The proposal has been submitted to the state, but we have not received much feedback. One option is to approve the proposal contingent on the state's approval. The second option is to wait for the state's approval. If we go to high density option, it would affect all property along creeks, etc. It's still an option for landowners.

Councilwoman Hubbard asked Mr. Jackson, is there any advantage for us to do it one way or another?

Mr. Jackson replied that staff recommends waiting for feedback from the state.

Councilman Hope is still concerned about 100 foot buffer.

Mr. Jackson stated that we could go up to 50% built-upon.

Mr. Michael asked what would happen if you had a preexisting lot, what if it made this lot unbuildable?

Mr. Jackson stated that is a possible scenario.

Mr. Kraus stated that if it's already built upon, we can't go in and impose a buffer restriction.

Mayor Hough asked if there is a consensus to wait for feedback from the state?

All were in agreement.

#2: Sign Request

Mayor Hough recognized Amy Carver, a citizen of Mount Holly & a resident of Stonewater. Ms. Carver also works for Rhyne Homes. She would like to post signs advertising the subdivision at the corner of Highways 273 & 16.

Mr. Kraus stated that this is not in city, the county has jurisdiction.

Mr. Hope stated that Rhyne Homes should have to have a business license to post signs.

#3: Presentation on Stormwater Program

Mayor Hough recognized city engineer Laurene Rhyne.

Ms. Rhyne showed on a sketch where a sinkhole is at the railroad. City staff looked at the sinkhole on Friday with representatives from CSX & DOT. She has made a video of the line. Since Charlotte Avenue was raised about 3-4 feet sometime in the past, her theory is they stuck a pipe in there and now it's leaking, which is causing the sinkhole. CSX said it wasn't their line because it's not on their map; DOT didn't want to dig into it and then the railroad not take responsibility. She says the best way to fix this is to line it, as we're going to line the sewers on the Main Street project. It takes an afternoon to put the liner in and to seal in the edges; should be fixed for 60-75 years. She called a manufacturer who installs these, who said it may be 100-120 feet to install and should cost less than \$10,000. Everybody is saying it's not their line; we wanted to cooperate with other agencies and fix it.

Mr. Kraus said neither agency wants to take sole responsibility for it.

Councilman McLean asked what would you estimate the diameter of this to be?

Ms. Rhyne replied 24 inches; 2 ft square.

Councilman Hope said his concern is with CSX and our relationship with that company; they say it's never been on their map but it's been there a long time.

Mr. Kraus quoted from an email from a CSX employee:

CSX has already been to the site and it is a legal issue that CSX will hold the city liable for.

Our concern is, normally we don't go on private property for stormwater. This is unique because it is in our downtown; without this drainage line, there is no drainage for West Central. The part that we videotaped of that line, the pipes are separated and there are gaps. It hasn't been maintained in years; normally we would not request this, but it is the pipe that drains everything from Central from Catawba, from Main Street to the elementary school.

Councilman Hope asked did CSX agree to take care of the line?

Mr. Kraus said we will each pay a portion; at first they both said it was the city's responsibility and that we should pay for it.

Council reached a consensus for each party to pay a portion.

#4: Dutchman's Creek Subdivision

Mayor Hough recognized Mr. Jackson.

Mr. Jackson just received the list of conditional uses from the developer this afternoon. Staff will look at it tomorrow at staff meeting.

Councilman Hope stated he was thinking about the proposal to set a development impact fee for schools. This had been challenged in a couple locations; the county should take this first step because they provide this service. His concern is that even if we charge this fee, what's going to keep the county from redirecting the money? We need to be sure it won't be challenged in court.

Mayor Hough stated that the county has said that we would be able to keep the money here in Mount Holly and keep it until it will be used to build/expand schools here. Would that be subject to same challenges?

Mr. Michael said the concept was something proposed by the developer. He wonders if it sets it apart from the legal situation a county in NC is dealing with.

Mayor Hough stated that we could do nothing, or we could set a fee. The worst case scenario would be that we would give money back to property owners who gave it to us; we could have something or have nothing. His biggest concern with the schools is that he is not confident that the County Commissioners will do this county-wide so that we are not singled out. Somebody has got to step up and do the right thing, and move in the right direction. We're talking about our children and their schools.

Councilman Hope stated he doesn't see a problem with putting it in there, as long as it is protected.

Councilwoman Hubbard asked if we get this money and we set it aside in a separate account, is there some way that we could specify that we want it spent for educational facilities, not on recreational or miscellaneous expenses?

Mr. Kraus stated that the way he understands it, the Council could set a restriction that the money would only be used for Council approved actions. We cannot bind future Councils from spending it how they see fit in the future.

Mr. Michael said he thinks it must be spent in the parameters that were originally set forth; like the bond issue that was passed in 2001. Within the bond study that was done, all the schools are treated alike, no matter what the resources the school raises on their own. You have to have a real sensitive to fairness, because that's what gets the bonds passed.

Mayor Hough stated that Pinewood Elementary School would be a great example of what is done with that money. If schools are going to be built, you would have to have a bond referendum to get the money you need, unless the county wants to raise taxes. We need to step up and take a leadership role for Mount Holly.

Mayor Pro Tem Helms thinks we need to have that impact fee set forth, so that we have it in place.

Mayor Hough asked Council, so what is that sum?

Councilwoman Hubbard stated obviously the developer will want this as low as possible; obviously it's to our benefit to have it as high as possible. She threw out a number of \$5,000/lot.

Mayor Hough asked what did you use to come up with that number?

Councilwoman Hubbard stated the amount for the mobile classroom, money for recreational use, miscellaneous for schools; plus the amount should not keep the lots from selling.

Mayor Hough stated that in Cabarrus County, they used the cost of living tied to a rate, to figure the appropriate fee.

Mr. Kraus stated another reason to tie it to something specific, if it goes to court it's more easily defensible.

Councilwoman Hubbard said she just wanted to propose a number to start with.

Mr. Kraus stated these numbers assume one child per house.

Mayor Hough stated that if this is how council feels we should go, and we direct staff to compute these numbers and make a recommendation, would council be open to discussing the specific numbers then?

Mayor Hough asked if you get a building permit and you close on a house; when a building permit is closed, the system development fee is charged. How can we tie this to when the house sells?

Mr. Kraus said if you charge it when the meter is set, you can bill it all at one time then; not something that the builder carries.

Mr. Michael stated that for one thing, it does not add to the value of the house; prospective home owner will not see investment benefit; it is possible that the certificate of occupancy would come the same time as the closing; as opposed to the fee being there when the homeowner purchases the house.

Mayor Hough asked does that mean the fee is included in your loan? To finance?

Mr. Michael thinks most homeowners would need it to be.

Mayor Pro Tem Helms said should use national average of 2.4 children/house, not random number of one child per household.

Councilman Hope stated that in his opinion, it's a developer cost, not a homeowner cost.

Mayor Hough agrees with Councilman Hope, but he is looking for shortest amount of time that developer would have to bear the cost.

Councilman Hope stated that the city could get money at closing.

Mayor Pro Tem Helms stated you still would use this sort of formula to figure the amount per house, regardless of who pays it.

Mayor Hough asked about the figure of 1% of value of house, any way to tie it to value rather than a random figure?

Mr. Kraus stated that the developer will sell the lot to the builder, the builder sells to the homeowner. Once the developer sells to the builder, it's out of the developer's hands.

Mayor Hough asked does council feel like we want staff to look at a way to come up with the fee?

Council reached a consensus in agreement of this idea.

Mayor Hough asked for Council's input on the conditional uses.

Councilwoman Hubbard asked if staff is going to compare developer's list with their list?

Mayor Hough asked is everybody familiar with it? Are there any questions?

Councilman Hope asked about some of these things, will they really happen, will that type of construction really go there? On the list of conditional uses, #21 says the phasing is based on City approval. Are golf course homes considered on the fairways, or in designated areas? How do we define what the golf course is?

Councilman Moore stated that with #30 on the list, we need to look at how much land we're going to require?

Mayor Hough stated that with #12 on the list, the city will approve chemicals to be used on golf course. In a recent legislative memo, Sen. Hoyle's legislation may coincide. He will look into it and bring back to Council if it needs discussion.

Councilman Hope asked who will be responsible for maintenance and monitoring of each station?

Mr. Kraus answered the City of Mount Holly.

Mayor Hough asked since the developer has to maintain ownership of the golf course, whoever owns the golf course, could we not charge that back to them or to the HOA?

Councilman Hope stated we need less recurring costs from a development.

Councilman Hope asked what will be the capacity of that water tank?

Mr. Kraus stated it depends on what the engineer says, anything from 20,000 to a million gallons.

Councilman Hope asked what is that water tank supposed to provide for? Just Dutchman's Creek?

Mr. Kraus stated the developer was going to work with the county on that; the developer wanted it to be just for the development; realizes the county and city want county-wide water and sewer, we may work together to make the capacity larger.

Mayor Pro Tem Helms stated we need to think of it for future expansion, not just for that community.

Councilman Hope stated that as with the sewer line, those who tap in should pay for portion of that. The developer should pay for it and be reimbursed by other developers who come through

Mayor Pro Tem Helms stated that county should pay on that.

Councilman McLean stated he would not want to see anything less than \$5,000.

Mayor Pro Tem Helms stated that the 50 foot undisturbed buffer previously agreed to is not in writing.

Councilman Hope asked in that creek, is it not in the critical?

Mr. Kraus thinks it's only along the Catawba, not on the tributaries.

Mr. Kraus stated an additional 30 ft buffer for greenway may go with 50 ft buffer.

Mayor Hough stated this needs to be spelled out.

Councilman Moore stated that he wants them to leave as many trees as possible; not like Runnymede, leave as many undisturbed areas as possible.

Councilman Hope stated with R-8 zoning, that's going to be tough.

Mr. Kraus stated that there are some questions that staff will have, other developments are coming up as well, they will also need conditions set; do we want to copy what we have here, so long as they are applicable?

Mayor Pro Tem Helms stated that a lot of these will fit on with other developments; turning lanes, etc. Commercial obviously filters out, buffer guidelines may filter out.

Mayor Hough stated that this is a good outline.

#5: Agenda items

Mayor Hough recognized Mr. Kraus.

Mr. Kraus handed out site specific plans for various subdivisions, including Earl Todd's proposal, a Faison development at Westland Farm Road, and a Faison development at the YMCA. He stated that we can deny sewer, but we cannot deny water unless it is for a capacity issue. In our contract with the East Gaston line, we agreed not to deny water for the shaded areas. Sewer is more the driving force on density options anyway.

Mayor Hough asked this meeting is at the Tuckasee Community Center on Monday night?

Mr. Kraus stated he needs to add one more item to consent agenda for public housing/

The annexation for Westland Farm Road will not be Monday night, only the rezoning.

Mr. Michael asked Council if they would like to use the same sign-up process as the first time, allowing anyone to speak?

Mayor Hough said yes.

Councilwoman Hubbard clarified, these are all just public hearings, no decisions necessarily on Monday night?

Mayor Hough answered yes.

ROUNDTABLE

Councilman Moore asked about lighting for Catawba Heights Neighborhood Park & Hill Street; any more information on that?

Mr. Kraus answered that Mike Fite has not sent the contract, he needs to call and find out why he hasn't sent it yet.

Councilwoman Harris has another list of lights from Rick Painter.

Councilman McLean stated we need to get back on our regular meeting schedule; he has missed two deacon meetings at his church because of the changes in Council meeting times. He also likes what Greg Beal is doing with the memo about development that's going on, but needs to be much more detailed.

Councilman Hope likes the list Greg is doing. It is a good example of what we're losing out on with revenues. He said he's been harping on business licenses for five years, there's all sorts of revenue to be made there. Now is the time to do that.

Mr. Kraus stated that John Hope has written something, needs to be run by Mr. Michael; will be on May agenda with budget.

Mayor Hough stated that he appreciates Council's flexibility in signs that were needed for Grace Baptist and First Baptist for the city-wide Easter egg hunt and a yard sale.

Councilwoman Hubbard MOVED to allow the signs. The motion was seconded by Councilwoman Harris and was approved unanimously.

Mayor Hough asked about the light at the city's fitness center, on the side of the gym.

Mr. Kraus said there was an electrical problem with the new line they were going to put out.

Mr. Kraus stated that the Friedls met with the Mayor. They felt that at one point in the past we made them an offer to get a greenway easement that would pay for the damage on their property.

Mayor Hough stated that Mr. Kraus was directed by Council to make that offer. The Friedls did not make it to a subsequent meeting because there was a meeting that mentioned Jim Wyndham as their attorney. They did not actually retain legal counsel for this, but Jim Wyndham has represented them in the past; they now need that offer in writing to look over. Is Council still in agreement for this offer?

Pam Friedl is in the audience. She stated that she wants the two issues to be treated separately; she says no money was ever mentioned.

Councilwoman Harris stated that she remembers that the Friedls were offered money and they turned it down.

Mr. Kraus stated that the amount was offered for land for the greenway. We would not accept any offer that involved us doing the work.

Councilwoman Harris stated that Mr. Kraus told them that the cash offer had been made toward fixing the problem and we were informed they had turned it down.

Mayor Hough asked does Council feel comfortable with the decision they made with the information we've just heard?

Mr. Michael stated that Council directed him to write a letter after meeting at the church, there was a letter dated July 20, 2004.

Councilman McLean stated we had a quote from person who did some work on Glendale (Lee Skidmore).

Mr. Kraus stated that we also got a quote from Mike Johnson.

Mayor Hough asked, so this is how we came up with the number for an offer? He wants Council to feel comfortable with the final decision; do we want to issue a written offer?

Mr. Kraus stated that typically cities reach a settlement so that they can receive a release from the private party.

Councilman Moore stated that he was the only person who voted for the city to take responsibility and take care of this. He is not sure if any other council member has gone down there and looked at it. He knows there was a crew that went down there and looked at it; it's hard to find something that has pretty much deteriorated. If they do not want a cash settlement, I don't know what the answer is. We still need to take care of this, especially if we want that greenway.

Mr. Kraus stated that we originally tied the issues together for that reason; we felt comfortable making an offer for an easement, but not for a settlement.

Councilman Hope asked Mrs. Friedl, you do not want to tie these together at all?

Mrs. Friedl stated that this problem happened long before the city was talking about greenways.

Councilman Hope asked how long has this dragged out?

Mrs. Friedl stated since 1997. She has copies of letters she sent to the City in 1997.

Councilman Hope asked did you receive responses?

Mrs. Friedl responded not from Mr. Ponder, he never responded to us.

Councilman Hope asked how did we get tied into the construction?

Mr. Michael stated that we were the lead agent. Stanley was paying for the right-of-way acquisition; they were paying for the contractors to put the line in; Stanley or their contractor would have been out-front on any of these issues.

Mrs. Friedl asked why was our check from the City of Mount Holly; this is why we thought our contract was with the City of Mount Holly?

Mr. Kraus stated that with any acquisition of the right-of-way, the responsible city would actually pay for it.

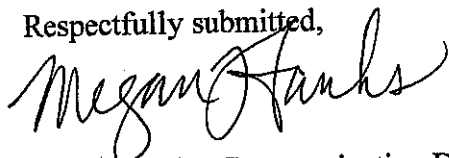
Councilman Hope stated that it is our sewer line.

Mr. Kraus said yes, if there would be a problem with it, we would fix it. Stanley would have constructed it and turned it over to us. He can't say for sure, it happened before he came to Mount Holly.

Mayor Hough stated we can add it to unfinished business on Monday night for further comments.

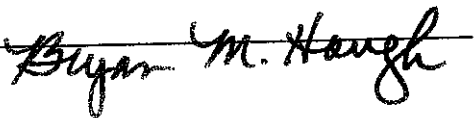
Mayor Pro Tem Helms MOVED to adjourn at 8:10 pm. The motion was seconded by Councilman Moore and was approved unanimously.

Respectfully submitted,



Megan Hanks, Communication Director

Mayor



City Clerk

