

**CITY COUNCIL
REGULAR MEETING
March 12, 2001**

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 McLean. The following were present:

Mayor Frank McLean

Mayor Pro-Tem Bobby Black

Councilman Michael Helms

Councilwoman Phyllis Harris

Councilman Jim Hope

Councilman Brian Hough

Councilwoman Pat Hubbard

Adm. Services Officer Jamie Guffey

Public Works Director Eddie Nichols

Planning & Zoning Dir. Danny Jackson

City Attorney Kemp Michael

Police Chief Rick Davis

Fire Chief John Ekiatis

INVOCATION

The invocation was led by Rev. Jeff Bost.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE AGENDA

The agenda was approved with 2 additions, upon motion by Councilwoman Harris, seconded by Councilman Black, with all in favor. The amendments were to add Presentation #4 by Mike Johnson, and to add New Business #8 Landscaping at 105 Sports Lane.

MINUTES

Councilman Helms **MOVED** to approve the minutes of February 5 and 12, 2001, as written, seconded by Councilwoman Harris, with all in favor.

PRESENTATIONS

PR#1 Complaint to City Council on Alterations to Curb Cut on Oakland Street

Judy Coleman, 136 Oakland St. was recognized. She asked Council to please give her back the entrance into her house. She wanted to know why Council did this without consulting her. Mayor McLean asked if she plans to install a circular drive, since she has one driveway already. Mr. Jeff Fritts said that the neighbor asked that this be done while the City was doing sidewalk repairs. The Mayor agreed that it is not wide enough now at that spot for another driveway if she put in a circular drive, but we can look at the curb cut when she is ready to put in the circular drive. Ms. Coleman said it is ugly the way it is now. She is afraid that if this Council says it will be done later, the next Council won't remember that or understand what happened.

PR#2 Resolution for Allen Robinson

This was delayed until he can be present.

PR#3 Resolution for Teresa Sides Wilde

Mayor McLean accompanied by the Council read a resolution honoring Teresa for her work at Holly Hills and Rollins Square Apartments, and presented it framed to her, with their thanks. She expressed her appreciation.

PR#4 Presentation by Mike Johnson

Mike Johnson, 521 Woodlawn Rd. was recognized. He stated that he wanted to shed some light on a matter for Council in hopes that it will be a learning experience. It started with someone filing a complaint with the State that there were hazardous materials on his family's property at Dutchman Creek. We were with clients when they came in to investigate, which was embarrassing. They asked for permission to search our property in front of our clients. He has had bankers and future investors on this property before. They tested and found no problem. They had gravel put down and the State showed up again the next day. One week they had 5 visits. He has determined the source of these complaints through the freedom of information act, and has contacted the person. The person said they knew there is nothing hazardous there but there were other things going on there they wanted to be seen. He asked Danny Jackson and others if they had heard these accusations, and they had not. The buffer was grand-fathered but we complied with the new rules. We were accused of building a bridge across Dutchman Creek and were parking vehicles, which is ridiculous. Is there something the City can do to stop this harassment? He invited the accuser here tonight so this matter could be put to rest, but he/she did not show up. They are also saying that Danny Jackson is not doing his job, and is looking the other way. Councilwoman Harris wanted to know what can be done to stop this because it is needlessly using Danny's time; Mr. Kraus said that the person is now calling Raleigh directly, and it has also been involving Mr. Fritts' time. Mr. Johnson wants to know if the City can write a letter to the State as to its position. Mr. Michael said that since there have been numerous bogus allegations, we could find it necessary to require evidence be presented before we send staff out to investigate this site in the future, if the Council so wishes. The Council agreed and authorized a letter to be sent to the State thusly by the City Manager.

UNFINISHED BUSINESS**UFB #1 To Consider Awarding Bid on Thermal Imaging Devices**

City Manager Kraus enumerated the improvements in this equipment over older equipment, in response to Councilman Black's inquiry. Councilman Hough recalled that this money is from Catawba Heights VFD account balance.

Motion: Councilman Black **MOVED** to award the bid to Wally's Fire & Safety Equipment, Inc. at a cost not to exceed \$34,773.30, seconded by Councilwoman Hubbard.

Vote: All in favor. CARRIED.

UFB#3 To Consider Approval of Engineering with U.S. Infrastructure for East Gaston Sewer Line

City Manager David Kraus said Gaston County had selected an engineer but then decided they did not want them and is having the City handle contracting with the engineer. Mr. Bob Cook was present to answer any questions Council may have.

City Attorney Kemp Michael said he recommended some minor changes. Jeff Fritts listed the changes made in the contract for services. They are: 1) page 3, par. 5--adds Schedule 3; the school system will pay for the improvements on the campus; 2) Task C#6--record drawing on compact disc, not diskette; 3) Task D, #1--strike out "endeavor to"; 4) specify video; 5) Page 8, Compensation Art. 2, #2--allow City to approve sub-contractors and sub-consultants; 6) #3--clarify that City would not pay for on campus; 7) subcontractors have to maintain liability insurance; 8) Art. 8 #1, #2--hold harmless clause for workers compensation for subs.

Councilman Hough said the contract does not have the cost in here. In the memo Mr. Kraus said "and/or" for cost; which is it? Mr. Cook said he did not see in the HDR proposal any survey costs, and also now we have a clearer picture of the exact scope. Mr. Kraus asked what the City portion is; \$260,000 estimated. The County portion is estimated to be \$1.6 or \$1.7 million. The School's portion is \$60,000 estimated. Councilman Helms asked if we still have a commitment from the Commissioners. Mr. Kraus said it is not a project that was frozen; Mr. Michael said it is on the so-called "protected" list. Mr. Cook said that the project will span two fiscal years. They anticipate a 9-month construction period.

Motion: Councilman Hough **MOVED** to approve the contract with U. S. Infrastructure as amended, seconded by Councilwoman Hubbard.

Vote: All in favor. CARRIED.

UFB#2 To Consider Contracting with W. K. Dickson Engineers to Develop Impact Fees

City Manager Kraus asked staff to develop impact fees per Council's instruction, and establish a logical basis for them. Eddie Nichols had approached Dickson about future development impact on our water and sewer capacity. W. K. Dickson Engineers said they will develop a methodology, their proposal for these services is \$13,000. Councilman Hope reminded them this is not a budgeted item. Councilman Black asked where it would come from if we do it now; Mr. Kraus we can use water and sewer contingency. Councilman Black asked how much is in that account? There is \$50,000 in each, per Jamie Guffey.

Motion: Councilwoman Hubbard **MOVED** to approve the contract for services with W. K. Dickson Engineer for development of impact fees and to move the funds from contingency to pay the cost of this contract, seconded by Councilman Black.

Vote: All in favor. CARRIED.

NEW BUSINESS

NB#1 To Consider Awarding Bids for the Purchase of a Backhoe

City Manager Kraus named the low bidder. Councilman Hope asked if we considered leasing. Jamie Guffey said it was considered but the interest rates on loans had dropped and so it is not so attractive, but the Council may choose which it wants.

Motion: Councilman Black **MOVED** to award the bid to Charlotte Tractor Co. for a sum not to exceed \$55,570.00; Councilman Hough seconded.

Discussion: Councilman Helms noted that this equipment will allow the crew to dig deeper; he reminded the City Manager that they must shore up deeper holes for safety.

Vote: All in favor. CARRIED.

NB#2 To Consider Subdivision Agreement for Stonewater Bay

City Manager Kraus met with the developer of Stonewater Bay and they have split Phase II and want to only do Phase II-A at this time, and they have presented a financial agreement for that phase only.

Motion: Councilman Helms **MOVED** to approve the subdivision agreement designated Res. #3-12-01A; seconded by Councilman Hough.

Vote: All in favor. CARRIED.

NB#3 To Consider Technical Correction to Chapter 7, Section 7-9 and 7-11 of the City of Mount Holly Code Book

City Manager Kraus stated that in Section 7-9 (a) we need to insert "fire" on line three; and in Section 7-11 (e) delete "command all city personnel" and insert "Command all fire and rescue services personnel (both paid and volunteer) and equipment."; and in Section 7-11(f) delete "municipal" and insert "Act as director of emergency medical services."

Motion: Councilman Helms **MOVED** to approve the three corrections to Section 7-9 and 7-11 of the city code as presented; seconded by Councilwoman Harris.

Vote: All in favor. CARRIED.

NB#4 To Consider Budget Amendment Related to Life Saving Crew

City Manager Kraus presented a revised budget amendment to Council at the meeting. A Grant from United Way was received in the amount of \$2,322 since the agenda had been prepared. Councilman Hough asked about the truck debt; Chief Ekiatis said that is the rescue truck. Councilman Black noted that we got paid from the County for January but not December and February, and he wondered if that is unusual? The Chief said he believes it is on its way.

Motion: Councilman Hough **MOVED** to approve the budget amendment as amended, seconded by Councilman Black.

Vote: All in favor. CARRIED.

NB#5 To Consider Requesting NC DOT to Delete SR 1911 From Road System.

City Manager Kraus stated that SR 1911 is a dead-end gravel road upon which illegal dumping is occurring. We considered several options. DOT is going to give us the street for city maintenance; then we can put up a locked gate. This request if approved would remove a portion of that road from the state maintenance road system, beginning at the end of the church property and running to the end of the road.

Motion: Councilman Helms **MOVED** to approve Res. #3-12-01 B; seconded by Councilman Hough.

Vote: All in favor. CARRIED.

NB#6 To Consider Amendment to Stanley Sewer Interconnect Agreement

City Manager Kraus stated that the new Buckeye factory is coming on line perhaps in May, and they will be a huge demand on our system. We have not given them a permit yet. We originally agreed Stanley would pay a certain amount of money for enlargement of our plant; some of the wording was ambiguous. This amendment is more straightforward. Councilman Black asked what their present usage is; Jeff Fritts said he has not looked at it recently, but he believes it is close to 200,000. Mr. Black asked if we can handle this new demand; Mr. Fritts said yes, we are at one-half capacity. City Attorney Michael said this just accelerates the time at which we will have to expand. Mr. Black asked what our usage will be when all the subdivisions approved are built out; Mr. Fritts said he is not sure, that would be much less than this factory. Mr. Kraus said that large users have become more conservation conscious.

Motion: Councilman Black **MOVED** to approve Res. #3-12-01C, Supplemental Agreement to the Stanley Interconnect; seconded by Councilman Hough.

Vote: All in favor. CARRIED.

NB#7 To Consider Authorizing the Police Department to Apply for Grant

Chief Davis found a four-year grant for Highway Safety programs from The Governor's Highway Safety Committee. The grant pays salaries for the first year plus 75% of the equipment. The second year the grant pays 75% of salaries; the third year it pays 50%. Councilman Hough asked what grant are we running now; Chief Davis said school resource officers. Councilman Hope asked if we would have those officers if there were no grant; the Chief said no. Mr. Hough asked what the price is; Jamie said about \$35,000 per officer in the fourth year including benefits. The Chief reviewed the city cost for the proposed grant. Councilman Helms said our officers do these things now; the Chief said they do it when they have time. Mr. Helms said grants are fine except we get dependent on that and it is a recurring cost. Mr. Hough asked what estimates we have for the growth area; Chief Davis said we anticipate a need for four officers. City Manager Kraus said we will add officers when the population in the area makes it reasonable. Councilman Hough asked if it is possible we would be able to use these grant funds for officers to fill those positions in the north area. Mr. Kraus said you are committed to the grant for four years. Mr. Hough was concerned about having to address the State budget shortfall this year. Mr. Black wanted to do this next month after getting figures to see about phasing in officers.

NB#8 Landscaping at Mt. Holly Recreation Center

City Manager Kraus received informal estimates for landscaping services at the community building. City Attorney Michael also reported he ordered a survey today for a 40-foot easement from A&E to the Center which they have agreed to give the City.

Motion: Councilman Hope **MOVED** to award the bid to the low bid, Southern Comfort Lawn Service for landscaping the community building site for the sum of \$696, seconded by Councilman Helms.

Discussion: Councilman Black noted that the higher bids included topsoil. The City Manager is to ask low bidder for it.

Vote: All in favor. CARRIED.

CONSENT AGENDA

Councilman Helms **MOVED** to accept and approve all 2 items on the consent agenda, seconded by Councilwoman Hubbard; and unanimously carried. They are:

CA#1. Approval of Budget Amendment for Previously Approved Council Action. To move the money for installing the new floor at the community building.

CA#2. Approval of Final Plat for Map One of Dutchman Meadow Subdivision. Appropriate financial guarantees must be provided by the developer.

PUBLIC COMMENT

Mayor McLean opened the floor for public comment.

Lou Barron, 221 Ferstl Avenue. His statement was as follows: I was here four months ago on a dog complaint. Since then it has not gotten any better and is really worse. The neighbor has 12 dogs now in the back yard and two in the front yard. They also have puppies. I realize they have the right to own animals. When we go in our yard, the only thing separating our yards is a four-foot fence. They are large and I am concerned they will get over it and they are vicious when I work in my yard. After I was here, there was a large dogfight and the pack literally killed one of the dogs. Animal control came but he would not go in there by himself; three more trucks came and the owner came home. The wife got mad at us because we had called the animal control. The animal control said I should keep a log and could take it to civil court; I did this for several days but I quit. I have called the health department and EPA but they have not even returned the call. This violates the noise ordinance of the city. They did this barking at 2 this morning. It smells, and the waste washes down into the branch, and down the branch to the creek. Is it within your realm to contact some of these agencies to get them to do something?

City Attorney Michael stated that the City has an ordinance about barking dogs; however, the complainant must keep a log, which is submitted as evidence in court, as he was previously told. Councilman Black said he told me the animal control man told him to call the police department. Mr. Michael said that the police department will work with the animal control officers. Mr. Hough asked if EPA does not have rules against them letting that animal waste go into that branch. Mr. Kraus said we are small size and we are not a phase 2 city. Mr. Kraus said we might call QNRC. Jeff Fritts said if there is a direct path of waste entering a stream, they can start to pressure the property owner, and can then require them to get a discharge permit, but that is not very likely in this instance. Mr. Black asked him if there are any other neighbors also complaining and who can substantiate your documentation. He said one is a new neighbor, and the other, they are never at home. Chief Ekiatis said he will have the code enforcement officer check it out also.

ROUND TABLE

Councilman Hough said he does not understand the memo on the street lights. He said the DOT man said they are not sure if the technology in the new lights will work with the technology in the old lights until they plug it in and work them.

Councilman Black asked about the architect plans. Mr. Kraus said they have had several meeting and made adjustments.

Councilman Black asked about the new post office; before it opens, will they decide about the addresses in Catawba Heights? Will they get notice? Mayor McLean will check with the post office to be sure they will give notice to the residents of any change.

Councilman Black said that several people have asked him why the phone book has a combination Belmont & Mt. Holly listing but at the top of the page it only says Belmont. Councilwoman Harris said we wrote a letter before and they did not correct it, but he could try again.

Councilman Black asked what Council plans to do about the request on Oakland Street by Ms. Coleman. Jeff Fritts and City Manager Kraus will go out and look at that.

Councilman Helms asked for a list of people in the city not being served by water and sewer.

Councilwoman Harris said it has been recommended by the Recreation Committee to name the community building Tuckasee Community Center, and she so **MOVED** to approve; Councilwoman Hubbard seconded.

Vote: All in favor. CARRIED.

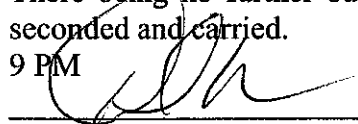
Councilwoman Harris asked if the Council is ready to name the new park. Councilman Black said he heard that you have to keep the name that was on the grant.

City Manager Kraus said that he had a phone call from Diane Pritchett at Priority One, the management company, asking if the City would consider paying the extra \$14,000 to keep Teresa Sides here. Council said they cannot do it, and wish Teresa well.

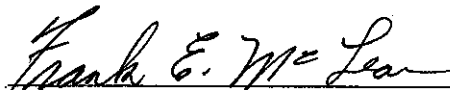
ADJOURN

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

9 PM



Clerk



Mayor

cpm