

Regular Meeting
City Council
March 11, 1996

The regular meeting was held at City Hall, and was called to order by Mayor Frank McLean at 7:30 P. M. Those present were Councilwoman Phyllis Harris, Mayor Pro-Tem Michael Helms, Councilmen R. L. Duke, Jim Hope, Andy Stewart, and David Hostetler Jr., as well as City Manager Phil Ponder, City Attorney Kemp Michael, Public Works Director Eddie Nichols, Zoning Administrator Danny Jackson and a police representative. Former Mayor Charles Black was also in attendance.

The invocation was led by Rev. Douglas Bryant.

Mayor McLean presented a key to the City to Former Mayor Charles B. Black, Jr., to show a special way of honoring him for his many years of service to the City. (copy attached)

Mayor McLean presented resolutions honoring former Councilwoman Faye S. Little and Councilman J. C. Little for their service to Mt. Holly, to their children, Debbie Cauthen, Thomas Little, and Todd Little.

Wendy Hostetler, E. Glendale Avenue, and Charlene McRorie, Cove Avenue, spoke in support of the recent change to our noise ordinance resulting in restriction as to time of day commercial dumpsters may be emptied. Mrs. Hostetler said she had heard there might be another change to allow them to come at night again at 12 locations. She presented a petition with over 200 signatures from all over Mt. Holly within 7 days in favor of keeping the restriction as it is. She also provided information related to the 12 locations under consideration for alteration, in which she concluded the restriction should not be lifted because they are near residences and there was no accessibility, safety or traffic issue preventing the dumpster from being emptied during the day. City Manager Ponder asked the Council for objections or concurrence before he has Police Chief Bishop issue citations. The Council concurred that he enforce the ordinance.

Because the illustrations for the sign regulations have not been received, Councilman Hope **MOVED** to table the matter of setting a public hearing for consideration of adoption of anew zoning regulations until the April meeting, seconded by Councilman Duke, with all in favor. Councilman Stewart requested the format be changed so that it is easier to use.

Councilman Helms **MOVED** to approve the minutes of December 4, January 22, February 12 & 22, 1996 as written; motion seconded by Councilwoman Harris, with all present in favor.

City Manager Ponder reported he has had several developers call him to criticize Mount Holly's regulations and way of doing

business related to development. He said the problem in the past was that the written regulations did not correspond with the desires of the Council, but now the new regulations should resolve that problem. He asked the Council to carefully review the proposed regulations so that they will be comfortable enforcing them. As an example, a complaint letter from Ron Dimmer had^{been} provided to the Council in their agenda package. Councilman Hostetler asked about the normal procedure as to who handles the applications and meetings. Mr. Ponder said the Planning Director, Danny Jackson, usually handles all the preliminary matters, followed by review as to public services by Eddie Nichols. Mr. Ponder said he does not get involved until later. Councilman Hostetler said that he has reviewed the regulations and feels they are in line with his concept of what they should be and he is confident that Mr. Jackson and Mr. Nichols are handling matter professionally. The Council agreed. No action was taken.

A petition by residents for acceptance and maintenance of Walley Drive by the City was reviewed. Several of the residents were present. Mr. Ponder said he had sent the Council a synopsis of the history for this road, which basically involves a 15 year old subdivision of 5 or 6 homes, on a road not built to City specifications by the developer, who has now left the scene. The developer recorded a deed for the road to the City without its knowledge or consent, however, the City has never voted to accept the road or maintain it. Councilman Hostetler asked how the Catawba Heights street paving policy applies. Mr. Ponder said it was adopted to pave existing streets in the annexation area of Catawba Heights as part of the annexation requirement, and that since that time, to be fair, the City has used it for any unpaved streets in the City that existed before 1988. Councilman Hostetler pointed out that this is a different situation from Mr. Patterson's request because it has been existing and used as a road since before 1988, and he was in favor of the City applying the policy to Walley Drive. Councilman Stewart **MOVED** to proceed to accept and maintain Walley Drive pursuant to the Catawba Heights paving policy, upon satisfaction of the requirements therein, seconded by Councilman Hostetler. Councilman Duke asked if the City has Powell Bill funds to cover this expense; Mr. Ponder said it does. Councilman Helms recalled turning this down in 1994, and said it should not have been. The motion carried unanimously.

A petition by residents for acceptance and maintenance of Church Street by the City was reviewed. Several of the residents were present. Mr. Ponder said this request also complies with the Catawba Heights policy in that the street has been existing and used since before 1988, the petition is in order, and the fees paid. He added that Powell Bill funds are available to cover the cost. Councilman Stewart **MOVED** to proceed to accept and maintain Church Street pursuant to the Catawba Heights paving policy, upon satisfaction of the requirements therein, seconded by Councilman Hostetler, with all in favor.

Mr. Shan Horton had applied for a privilege license to sell flowers under a temporary tent for three months on the property of Handwash Systems, and appeared before Council for approval. He will have to operate inside the fenced area, and the traffic will enter on Oak Grove off Main Street. City Manager Ponder stated he has written permission from the property owner. Councilman Hope **MOVED** to authorize the issuance of the privilege license, seconded by Councilman Duke. Councilwoman Harris made a **SUBSTITUTE MOTION** to authorize the issuance of the privilege license with the restriction that no access shall be allowed off the by-pass; seconded by Councilman Hostetler, and carried with three ayes, three nays (Helms, Hope, and Duke), and an aye by the Mayor.

As a result of a congressional resolution requiring that minimum rent at HUD apartments be between \$25 and \$50, Councilman Helms **MOVED** to adopt Resolution #3-11-96(A) to set a \$50 minimum rent for the Holly Hills Apartments effective April 1, 1996; seconded by Councilman Hostetler, with all in favor. (copy attached)

The Council next reviewed the resurfacing list for 1996. City Manager Ponder recommended construction begin July 1 so it all falls in one fiscal year to make the bookkeeping easier. Walley Drive and Church Street were added. Councilman Hostetler asked if West Glendale could be widened. Mr. Ponder said the City has wanted to do that for years but cannot obtain the right-of-way because several of the properties are in estates. Councilman Stewart asked if Powell Bill funds covered the list, including both cemeteries. Mr. Ponder said the cemeteries cannot be done with Powell Bill funds, but the rest are covered by that fund. Councilman Hostetler had received a complaint about the cemeteries related to a fence down and leaves needing to be raked. Mr. Ponder said the City usually does maintenance right before Easter each year. The Council approved the list and Mr. Ponder will obtain and bring back bids.

Mr. Grover Shugart, Shugart Enterprises, appeared before Council to discuss cost sharing for the upsizing of the sewer line to serve Autumn Woods Subdivision. City Manager Ponder stated the City has an agreement with Shugart to pay for the cost to upsize the line from eight-inch to fifteen-inch pipe. Mr. Shugart's engineer, Frank Cockinos, let the bids, and the difference on the low bid was \$23,000. However, Mr. Shugart wants the City to pay \$38,862.62 as a consequence of a letter from Mr. Cockinos dated March 7, stating that the low bidder had only included the pipe omitting the manhole boots, couplings, ductile, iron, bedding stone, and bond cost, when figuring the difference. Mr. Shugart apologized for not bidding the items separately, and he offered to re-bid but was afraid the next bids would not be at the same good price as these were. His deadline was March 15. He reminded the Council that the estimate for the difference was \$40,000, and that he has given in on several items in connection with payment for obtaining the right-of-way and tie-ins at no

cost. Mr. Ponder said he had not received any detail tally sheets for the information provided in Mr. Cockinos' letter. Public Works Director Nichols said the City's engineer, W. K. Dickson, had estimated the difference to be \$28,000. He had submitted the bids received to our engineer for review and it was their opinion that the bids and difference amounts were fair and accurate. Attorney Michael said the City does not have the authority to tell Mr. Shugart whether to re-bid or not, but can only review what it is presented and has the option of participating or not. Mr. Michael and Mr. Nichols both agreed that the bid sheets as presented technically comply with the requirement in the agreement to have two bids. Councilman Helms asked what benefit the City will receive from the 15-inch line besides satisfying part of the sewer study. Mr. Nichols said it will serve that entire drainage basin, but the 8-inch line will not. Mr. Helms asked if it would cost more to do it later. Mr. Nichols said it would definitely cost more because the City would have to run a line parallel meaning it would buy more right-of-way and pay for the entire costs of the line instead of a portion. Attorney Michael was concerned about how long Shugart has allowed before he gives the order to proceed because the right-of-way has not been obtained since one property owner is not receptive; it may have to be condemned which will take time. Mr. Cockinos said it was possible the contractor would defer start-up for perhaps 60 days. Councilman Hostetler **MOVED** to authorize the City's participation in payment for upsizing the sewer line serving Autumn Woods Subdivision from 8-inch to 15-inch line up to \$38,862.62 contingent on legal right-of-way being obtained prior to start-up; seconded by Councilwoman Harris. Councilman Hope did not believe the City should just hand Shugart \$15,000, and asked Mr. Shugart what made them question the \$23,000 figure. Mr. Shugart said he had done many projects and had never seen one even as low as \$38,000; the last one he had in Winston-Salem had a difference of \$62,000; so he had the engineer call about it. Attorney Michael asked Public Works Director Nichols if he would recommend the City contribute to our engineer's estimate of \$28,000. Mr. Nichols said it is to the City's advantage to pursue a compromise. Mr. Shugart stated he was willing to split the \$15,000 in half and to ask the contractor for more time to get the right-of-way; he did not want to re-bid. Councilman Hostetler **AMENDED** his **MOTION** to authorize the City's participation in payment for upsizing the sewer line serving Autumn Woods Subdivision from 8-inch to 15-inch line up to \$30,000.00 contingent on legal right-of-way being obtained prior to start-up; amendment accepted by Councilwoman Harris. This motion carried unanimously. Mr. Michael was still concerned about Shugart being able to get the right-of-way. Mr. Shugart said he would have the engineer call the contractor to obtain an extension for start-up, and they will contact the property owner to try to negotiate a settlement to obtain the right-of-way. If they cannot, they will ask the City to condemn.

Mr. Charles Jones has requested rezoning of a tract of land on Rose Street. He has an option to buy the property owned by

Florine Thrower. He plans to use it for parking and a warehouse behind his current building, and he agreed to put up a fence so it could not be used as a cut-through. Zoning Administrator Danny Jackson stated the Planning Commission has recommended approval contingent on the fence being installed. City Attorney Michael said this would be a conditional use, and he would have to amend his petition to request B-2 conditional use. Mr. Jones agreed to amend his petition. Councilman Duke **MOVED** to set a public hearing at the next regular meeting upon the amended petition for consideration of rezoning the said property on Rose Street to B-2 conditional use; seconded by Councilman Helms, with all in favor.

Public Works Director Eddie Nichols received a tap request on Oakland Street in Rock Springs Subdivision off Highway 273, and subsequently learned that the entire street having eleven houses was being served by a 3/4 inch water line, which is not in compliance with state regulations. However, the subdivision plat was approved in 1987. He allowed them to tap on. He recommended the City pursue the installation of a new six inch line with all necessary appurtenances. The estimated cost is \$35,000. He presented to Council a proposed agreement for engineering services related thereto by W. K. Dickson. It was decided by Council that this would be done this fiscal year, and another project would be delayed until next fiscal year. Councilman Hope **MOVED** to approve the upgrade and authorize execution of the proposed agreement with W. K. Dickson, seconded by Councilman Helms, with all in favor.

Mayor McLean recommended the Council consider changing the route of the sewer line to be installed by Jadco-Hughes on Cason Street, so that a number of residences can be served as well. The alternate route would cost an additional \$38,400, which Jadco-Hughes will not pay. Public Works Director Nichols had reviewed the request and presented the information to the Council in its agenda package. There would be about 5 houses inside and about 6 outside the city limits which could be served by the line. Mr. Nichols said if the line is installed later by the City on its own, it would cost \$68,000 at today's price. The residents would not have to hook on unless their septic tank fails. City Attorney Michael assured the Council there was no doubt at least one would come to the City sometime in the future and demand sewer service and the City would be required to provide it to inside residents. Councilman Helms **MOVED** to approve the alternate route for the sewer line on Cason Street at a City cost of \$38,400; seconded by Councilman Stewart, with all in favor. Councilman Stewart asked from what fund this would be paid; Mr. Ponder said the sewer fund balance.

Public Works Director Eddie Nichols reported the low bid from informal quotes received for the sewer line replacement of the Nims Property Sewer Outfall Line to be J. D. Richardson at \$43,799.00. Most of the trouble in that area has been with this old and deteriorated line. Councilman Hostetler **MOVED** that the

bid be awarded to J. D. Richardson at a sum not to exceed \$43,799 for replacement of the Nims Property Gravity sewer line; seconded by Councilman Duke, with all in favor. For the Council's information, Mr. Nichols reported there are about 55 miles of line in Mount Holly, and the majority of it is old. City Manager Ponder will return to Council with a budget amendment for this item.

As required by the ABC Board, Councilman Stewart **MOVED** to adopt Resolution #3-11-96(b) designating Mayor Pro-Tem Michael Helms as the Mount Holly representative; seconded by Councilwoman Harris, with all in favor. (copy attached)

Three budget amendments were presented by City Manager Ponder. Mr. Ponder stated that the first one provides funds for the management study to begin in March. Councilman Duke **MOVED** to approve this amendment (copy attached), seconded by Councilwoman Harris, with all in favor. Recreation Director Zip Stowe answered questions from the Council with regard to the second amendment for the purchase of a piece of equipment for the ballfields. This amendment was approved upon **MOTION** by Councilman Stewart, seconded by Councilman Hostetler, with all in favor (copy attached). Public Works Director Nichols said the third amendment was to cover the expense for installation of a radio control system at the raw water pump station, since the direct wire has had repeated problems. He had tried connecting to an existing spare line, but has had no better service. Councilman Hostetler **MOVED** to approve this budget amendment (copy attached), seconded by Councilman Stewart, with all in favor.

Tax releases in the amount of \$94.01 and penalties in the amount of \$96.57 dated March 11, 1996, were approved upon **MOTION** by Councilman Duke, seconded by Councilman Hostetler, with all in favor.

City Manager Ponder presented a proposal for revised Purchasing Policies and Procedures, with corrections to comply with the new State law increasing the requirement to seek formal bids to \$100,000. Councilman Stewart **MOVED** to approve the revised Purchasing Policies and Procedures as presented, seconded by Councilwoman Harris, with all in favor.

There were no complaints or petitions not on the agenda.

City Attorney Michael reported to the Council that the sign on the video repair business has not been changed to comply. Mr. Chen alleges he built it as Danny said he could. Mr. Jackson disagrees and says it must be on the side of the building or flush on its face. Mr. Michael said he has not been able to reason with the man. The sign violates both the old and the new sign regulations. Councilman Hostetler **MOVED** to authorize the City Attorney to enforce the sign ordinance pertaining to Mr. Chen's sign; seconded by Councilman Stewart, with all in favor.

Upon request by Councilman Hostetler, the budget retreat workshop will be moved up from April 18 to either April 4 or 11; Mr. Ponder will advise the Council which date suits the advisor.

Councilman Hostetler asked if there had been any response to the ad for crossing guards. Mr. Ponder said the Police Chief is processing two applications.

Councilman Hostetler said that DOT said they had removed the left turn prohibition at Creekside Shopping Center due to heavy public complaint. Both he and Councilwoman Harris feel strongly this is a safety hazard. He asked if any on the Council would object to his writing DOT to ask them to reconsider. They did not.

Councilman Hostetler asked if DOT should not get approval from the City Manager before giving driveway permits on the by-pass. Mr. Ponder said they usually allow input from the City, but for some reason it was overlooked when the mini-warehouse owner applied for his permit.

Councilman Hostetler noted that at Highway 27 and Hawthorne cars constantly go onto the shoulder to get around left-turning vehicles. He asked if the City could ask DOT to consider turn lanes as a future project. The Council asked City Manager Ponder to write a letter and to show the problem to Mr. Jenkins when he comes.

Councilman Duke had a request from the Beautification Committee that the City obtain some means to keep the rocks from going onto the road and parking spaces from the railroad bank on Central Avenue. City Manager Ponder will look into this matter.

Councilman Hope wondered if the City could require CSX Railroad to comply with our noise ordinance at night. Councilman Hostetler said there are towns that do require that.

Councilman Stewart inquired about whether Councilmembers need to be present when the City Manager discusses requests with department heads. Mr. Ponder stated that he prefers that his meetings with department heads be undisturbed so he can sort through the details first, and he requested the Council wait until he presents the budget in May, after which they may ask department heads questions as they wish.

Councilman Stewart stated he finds the remodeled Council room very nice in appearance, but the seat configuration very awkward. He asked if a low cost change might be considered. Most of the Council verbally agreed. City Manager Ponder will check on this matter.

Councilman Hostetler asked the procedure to fill the empty Planning Commission seat; he had a nomination in mind. Zoning Administrator Jackson will convey the suggestion to the Planning

Commission and request a recommendation from them to be brought to the Council.

City Manger Ponder said the management consultant, Mr. Maxwell, will be coming in March, and he has requested Council input, so he will want to speak with the Councilmembers while he is here.

City Manager Ponder discussed with the Council the needs of the Fire Department for a new building. Councilman Hostetler suggested use of an outside consultant. No action was taken.

Councilman Duke **MOVED** to adjourn, seconded by Councilwoman Harris, with all in favor, at 11:05 P.M.

Phillip S. Ponder
City Clerk

Frank E. McLean
Mayor
