CITY COUNCIL
REGULAR MEETING
March 10, 2003

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 Bryan Hough
Councilwoman Pat Hubbard

Adm. Services Officer Jamie Guffey
Water & Sewer Dir. Don Price
Planning & Zoning Dir. Danny Jackson
City Attorney Kemp Michael
Police Chief Rick Davis
Fire Chief John Ekiatis
Street & Sanitation Dir. Mike Santmire

INVOCATION

The invocation was led by Rev. Joe Harding.

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 upon motion by Councilwoman Helms, seconded by Councilman McLean, with all in favor.

CONSENT AGENDA

Councilwoman Harris **MOVED** to approve the two items on the Consent Agenda, seconded by Councilwoman Hubbard, and carried unanimously. They areas follows:

CA#1 To Accept and Approve the Minutes. Minutes of February 10, 2003 were approved as written.

CA#2 To Call for a Public Hearing for Holly Hills. Public hearing is set for April 14 to consider the proposed annual budgetary plan for Holly Hills as required by HUD.

PRESENTATIONS

PR#1 Neighborhood Complaint

Angie Freeman, 418 Norton Rd. She reported that the residents of 401 Norton Rd. continue to put out couches on the front porch and hang clothes on the front porch. She brought to Council a petition by all the neighbors asking Council to adopt regulations to keep unsightly things from the front of houses. Our property tax values are going up and we don't want our city to look like that.

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PUBLIC HEARINGS

PH#1 <u>To Consider Installing Stop Signs on West Henry and Cherry Streets</u>

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 installing stop signs on West Henry and Cherry Streets, upon request by the residents in that neighborhood.

City Manager David Kraus stated that the residents have complained about cut-through traffic that continues to travel in excess of the speed limit. The Mayor opened the floor to comment.

Rick Painter, 123 Lynbrook Drive. He wanted to confirm that this is mainly for school kids; the response was that it is, so he said he was in favor.

Ralph Michael asked if the stop signs are one way. Mr. Kraus said it would be a three way stop at Ida Street on both Henry and Cherry Streets.

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.

<u>Motion</u>: Councilman Helms **MOVED** to approve the installation of stop signs a the intersection of Ida with Henry and Cherry Streets, seconded by Councilwoman Harris.

<u>Vote</u>: unanimous. CARRIED.

PH#2 <u>To Consider Amending System Development Fees</u>

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 amending system development fees.

City Manager David Kraus stated that when the system development fees were adopted it had a provision for grandfathering those subdivisions under construction so that we do not change the rules for them in mid-game. The City Attorney recommends that we add a phrase that it is only for those subdivisions that were in the city limits as of the date the ordinance was adopted. 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.

<u>Motion</u>: Councilman Hough **MOVED** to approve the amendment to the system development fees by adding the phrase "located in the City Limits as of the effective date of this ordinance" in Article 3, seconded by Councilwoman Hubbard.

<u>Vote</u>: unanimous. CARRIED.

UNFINISHED BUSINESS

UFB#1 To Consider Adopting a White Goods Collection Fee

David Kraus had a request by Greg Dimmer that the City consider a white goods collection fee, saying that with an apartment complex, we do not pick up if it is six units or more. He asked us to come up with a fee so that the white goods can be picked up. Mike Santmire was recognized, and he reported that there is no fee at the landfill, because the fee is paid by the consumer when the appliance is purchased. However, he has calculated that it costs the city $8.76 per appliance to pick them up. He recommends a charge of $10 per appliance, and that it be billed to the landlord, payable before the appliance is picked up. Mr. Kraus said a good example of this problem is on Highway 273 coming back from the YMCA. Mr. Santmire said they pick white goods up on the second and fourth Wednesdays of each month. Mr. Kraus said we may need a penalty for those who don't come in and pay and just leave the item sitting out there. Mr. Santmire said we have tipping fees that residential owners pay so they would not pay this special fee, but that the apartment tenants don't get billed for the tipping fees. After reviewing the list of charges by other cities for this, Councilman Helms suggested that the fee be $25.00.

Motion: Councilman Helms **MOVED** to set a white goods collection fee of $25 each for non-residential customers, payable before the item is picked up, seconded by Councilman Hough.

Vote: unanimous. CARRIED.

UFB#2 To Discuss the Acquisition of Property

Mayor Black said this discussion is about the A&E building on East Central Avenue. Councilman Helms asked if their offer is still on the table. Mr. Kraus said it is, namely, $300,000 down, and $50,000 per year for 6 years in sewer credits and a provision that it be charged no more than the maximum industrial rate when we expand the utility plants. Councilman Helms asked if we do this, how will this affect the citizens' residential water and sewer rates; Mr. Kraus replied that it would not affect them, only the industrial rates. Mr. Helms stated that he is in favor of the City purchasing the property. One expectation he has is that as we consolidate the police and so on, that there be a sale of some city property to recoup some of this purchase price

Motion: Councilman Helms **MOVED** to authorize the city attorney and city manager to negotiate a contract for purchase of the property on East Central Avenue from A&E, seconded by Councilman Hough.

Discussion: Councilman Hough stated that the main purpose of this purchase is to provide facilities for our current departments because that was already in the CIP plan, with an estimated cost at over $1 million. Councilman McLean wanted reassurance that A&E's rate would not increase; Mr. Kraus said it does not guarantee their rate will not increase, but it means they will not pay more than their fair share, in other words they would not have to subsidize a new industry. Councilman Hope asked if Councilman Helms would add to his motion that the City first enter a 90 day due diligence clause because there are inspections that

need to be made before we buy the property. This amendment was accepted by both Councilman Helms and Councilman Hough. City Attorney Kemp Michael recalled how the sewer rates became different for A&E. He stated that when the plant was built, the City paid 25%, 50% was paid by federal money, and 25% by state money. The law required us to recoup our part from industries, and at the time A&E was using 90% of it, and so that got them into a plan where they were paying based on usage. Councilman Hough asked if they are still paying that. City Manager Kraus said that now it is about 50%, and that it gets figured each year. City Attorney Michael stated that under the new "fair share" idea, we don't know yet if that would mean they would pay more or less. Councilman Hough asked what is the current industrial rate? Mr. Kraus replied that it is only slightly over residential rates; Jamie Guffey said it is $1.84. Councilman Hough said we need to take care of all industries on a fair share basis, and that A&E has been a good corporate partner and we need to do what is fair for it.
Vote: Unanimous. CARRIED.

UFB#3 To Consider Contract for Computer Services
City Manager Kraus stated that we do not have in-house computer personnel. Mr. Jordan has been working on our internet service and this contract would enlarge his services for all our computer services.
Motion: Councilwoman Hubbard **MOVED** to approve the contract with Gaston Technical Support, Inc., seconded by Councilman Hough.
Vote: unanimous. CARRIED.

UFB# 4 To Consider Acceptance of YMCA Drive
Mike Santmire and Don Price feel that the YMCA Drive project is complete after their final inspection. Mr. Santmire recommends that we go ahead and take it for maintenance so that we can collect Powell Bill funds, because nothing will be done by them on that road probably in the next two years. Jamie Guffey stated that, as of that date, we have spent $82,600 for payment of invoices, and $3,300 for staff time. City Manager Kraus said that we could not document Mr. Nichols' time so we did not include that in our statement of cost. Councilman Helms stated that he still believed the City should withhold that money; Councilman Hope agreed.
Motion: Councilwoman Hubbard **MOVED** to accept for maintenance YMCA Drive, and that the City pay to YMCA the remaining funds after deducting the expenses as stated by Jamie Guffey, seconded by Councilman McLean.
Vote: unanimous. CARRIED.

UFB#5 Discussion about ABC referendum
tabled

Mayor Black stated that he had asked that the City Attorney and City Manager write out information for me to read at the beginning of the public hearing on Thursday giving the rules for the public hearing to the citizens. The Council agreed to remove #3 from the agenda for Thursday night. Mayor Black said there will have a timer for those who sign up to speak for three minutes. We have the stage set up, a screen, and sound equipment set up. There will be six maps on easels around the room for people to view related to the committees' work, and there can be others set up if Council requests tonight.

NEW BUSINESS

NB#1 To Consider Adopting and Setting Plan Review Fees

Don Price & Danny Jackson at Council's request worked on a fee schedule to encourage developers to file plans that are correct the first time. They have looked at what other cities are charging. Mr. Jackson said that the word "meeting" on the fee schedule does not necessarily mean that they are physically in the room together. Mayor Black wanted to know if they will give them the fee schedule when they meet with the developer for the first time; yes, they will, and also they get a checklist that will be marked and signed off on as the process moves along on their subdivision. Mayor Black said he knows that when they have initial meetings they get calls the next day; so how long will the time period be? He said 45 days. Councilman Hough asked them to make it clear to the developer that certain phone calls and time of day they call will incur a cost under the new schedule.

Motion: Councilwoman Hubbard **MOVED** to adopt the plan review fees as presented in addition to engineering and other consultation fees, seconded by Councilwoman Harris.

Vote: Unanimous. CARRIED.

NB#2 To Consider Authorizing the Application for a Fire Act Grant

City Manager Kraus said that this fire act grant is for funds up to $300,000, with 10% matching funds. Chief Ekiatis stated that he had compiled a list of needed items for the fire department, including a thermal imaging camera, turnout gear, radios, boots, and other safety gear, for a grant request of $160,000, which would require that the city pay $16,000. The accountability system we have established is where the fireman's name goes on the clipboard, and they are flagged so we know who is in and where they are. They also want a poly vent at Catawba Heights station. Chief Ekiatis stated that he had removed the request for a rescue-pumper vehicle.

Motion: Councilman Hough **MOVED** to authorize the application for a Fire Act grant for $160,000 as presented by the Chief, seconded by Councilwoman Hubbard.

Vote: All in favor. CARRIED.

NB#3 To Consider Construction of De-Chlorination Facility

Don Price stated that the State requires us to have a permit to discharge, and since we add chlorine as a disinfectant, we now we have a chlorine limit for our discharge water. To meet that limit, we would have to change our process, which would be cost prohibitive at this time; or we can de-chlorinate. Mr. Price recommended the sulfur dioxide system because it is easier to use and over time it is more cost efficient, even though if costs more at the beginning. Councilman Helms asked if it matters to the fire department which one we use? Chief Ekiatis said, no. City Manager Kraus said that the chlorine is a bigger concern that these other chemicals. Mr. Price stated that this is a budgeted item, but we had to wait for State approval to construct.

Motion: Councilwoman Hubbard **MOVED** to approve the upgrade and to use the sulfur dioxide system as presented by Mr. Price, seconded by Councilman Helms.
Vote: All in favor. CARRIED.

NB#4 To Consider Resolution on Increasing the Buffer Size
City Manager Kraus prepared a proposal for increasing the buffer size, with the assistance of Jamie Guffey and Danny Jackson. Councilman Helms asked why they are you leaving it open to between 50 to 100 feet. City Attorney Michael said that the State requested this change and the letter worded it this way. Don Price stated there is no such regulation requiring this, and that this letter was written by someone who just made this up; this request has been challenged in other areas successfully. Mr. Kraus said this resolution says we will start the process to expand the buffer size on Taylor's Creek, but the actual results will only be determined later; it has to go to the planning and zoning. Councilman Helms wanted to know how much it costs us to do this? Danny said that the city's part of this is a very short distance; most of it is in the County, and the County has not said anything yet about what they are going to do. Mr. Michael said that the general concept is that municipal sewer is safer for the environment than septic tanks, so we may need to speak with our representatives about this. Councilman Hough wanted to know if this could be amended; and we might want to wait to see what the county is going to do before we vote on this.

Motion: Councilman Hope **MOVED** to table, seconded by Councilman Hough.
Vote: All in favor. CARRIED.

NB#5 To Consider Acceptance of Government Loaner Program
City Manager Kraus said that the Mount Holly Fire and Rescue department can obtain two free jet skis for one year for river and lake rescue under a program which loans them out; Chief Ekiatis said they can also be used by the police. Councilman Hough said he had lunch with a Mecklenburg county employee who said they use these.

Motion: Councilman Hough **MOVED** to approve, seconded by Councilwoman Hubbard.
Discussion: Councilman Helms asked him if he knows that there are areas on Mountain Island Lake that jet skis are not allowed to go on, unless it is an

emergency. Chief Ekiatis replied that he does, and also said he has found a trailer they can use to haul the jet skis, at no charge.
Vote: All in favor. CARRIED.

NB#6 Adoption of Ordinance Prohibiting Parking in Fire Lanes
City Manager Kraus stated that Chief Ekiatis wants to issue tickets for parking in fire lanes.
Motion: Councilman Hough **MOVED** to approve Res. 03-10-03A, adding an ordinance identified as Section 7-54 to prohibit parking in fire lanes, with violations receiving a $25 fire code violation citation, seconded by Councilwoman Harris. (copy attached)
Vote: All in favor. CARRIED.

Chief Ekiatis is going to the University of Maryland for training.

PUBLIC COMMENT
Mayor Black opened the floor for public comment.
None.

Mayor Black said that Rick Painter has contacted him several times about street lights out in town. We have reported these to Duke Power; there are about 20-25 right now. Councilman Helms stated that Duke Power contracts out the light changing, so if we could get the contract for that, and since the City has a truck that could be used for that and personnel to do it, we could do that and respond to citizens. Councilwoman Harris recalled that Council had agreed when we got calls about this that we were going to have citizens call it in directly to Duke Power themselves. Rodney Eppes was recognized, and he stated that at S. Hawthorne St., Central and Oakland, at the school, and other places, he had called Duke Power to report the lights being out, but the clerk insisted that he give her a house or business address to turn it in; however, since it was in the intersection he couldn't do that. We need more lights on several streets, and there is a pole missing on Catawba near the library.

Chet Helt, architect, was recognized next. He stated that the city manager told him city council needs to approve final payment of his firm's fee on the new fire station. There are some difficulties with the contractor and it has been turned over to the bonding company. He stated that despite that fact, his contract, at Article 10.5, states that no deductions should be made based on contractors. There is a balance of $11,000 with no additional interest. He understands the delays or the concerns of the city, but stated that his firm is still involved. He requested Council authorize payment of the balance of their bill for architectural services.

ROUND TABLE
Councilwoman Hubbard noticed that, because of the calendar, Council could have its work session on either April 1 or April 8, and she asked if staff had a preference. After discussion it was agreed that the work session would be on April 1st.

Councilman Helms saw that with regard to the abandoned house on Wood Street, it was changed to this week to be demolished.

Councilman McLean asked if the city manager had a letter ready for Council to sign about the recent change in priority for our widening project on Highway 273. Councilwoman Harris said she wants a resolution to take with her to the TAC meeting, but she wanted to get that after David Kraus goes to the TCC meeting so we know what we want the resolution to say.

Councilman Hough asked for a Catawba Heights update. City Manager Kraus asked who on Council wants to serve on that committee. Councilwoman Harris and Councilman Hough volunteered and were appointed. Mr. Kraus will notify them of the time and date of the meeting.

City Manager Kraus asked Council about the request for a right turn only sign out of the parking lot for Catawba Heights Elementary Street. Mike Santmire said that is a city street, and we can do that at Catawba Heights school. Mr. Kraus stated that, on he drainage issue, city employees found bundled up Gaston Gazettes crammed in the pipe.
Motion: Councilwoman Hubbard **MOVED** to install a right turn only sign with the times it is effective being the same as the one way sign on Logan Lane, seconded by Councilman Hough.
Vote: unanimous. CARRIED.

Councilman Hough said we need to address the request for speed humps. Councilman Hope stated that Council has denied similar requests in the past, and he still doesn't want to do that. Councilman Hough was concerned that people be able to see that there are new stop signs on Henry and Cherry; Mike Santmire stated that they will be painting the street and have a yellow flashing sign to give notice.

Councilman Hough asked for an update on the fire department buffer. Chief Ekiatis said that he had gotten cost estimates, one for $1,742 for 9 cedar trees, and the other was $1,056 for 7 trees. The Chief is going to use the low quote. They will be put in this week, by RDS Landscaping.

Mayor Black stated that he received a letter from a pastor on the ministerial association on behalf of CRO requesting relief on water bills. They get a lot of requests from people for help on water bills, but since their treasurer only writes checks on Friday, people get shut off and so CRO has to pay more to get a reconnect for the person. They are asking that the City take the verbal commitment from CRO that they will pay it, and not disconnect and then let them pay the amount due on Friday. Councilman Hough said he does not want it to seem like the City does not care, but the people know a week before that is going to happen and they could plan accordingly. Council decided to have City Manager Kraus put a letter in the weekly packet so they can decide at the next workshop. Councilman Helms said we have citizens who scrape together money and do not get a waiver.

Councilman Hough asked how about John Calder is doing. Chief Ekiatis said he has another appointment this Friday, and he is going to take Mr. Calder to lunch tomorrow, early. He has lost a lot of weight.

Mayor Black said he has talked with Police Chief Davis about skateboarders that are back in town and causing damage to public and private property. Chief Davis said the police department is working with the churches about getting permission to enforce trespassing on their parking lots.

Mayor Black said that the next Monday night was the time set for Council's meeting with Belmont.

Mayor Black reported that on Friday morning he will going to Gastonia for a meeting with other mayors and city managers to discuss the commissioners' plan about the sales tax issue, stating they would not begin until the 2004 year so that asset tax is in place; they expressed intent to work with the cities.

City Manager Kraus said that Kemp Michael will be going to the Board of Elections Friday with our information from Thursday night. Mr. Kraus will meet with Duke Energy on Thursday at 2:00 about Gateway Park, and also about a parcel near the dam.

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

8:55 PM

Clerk

Robert D. Black
Mayor

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cpm