

Regular Meeting
City Council
March 10, 1997

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 Mayor Pro-Tem Michael Helms, Councilwoman Phyllis Harris, Councilmen Jim Hope, R. L. Duke, and Andy Stewart, David Hostetler Jr., as well as City Manager Phil Ponder, Administrative Services Director Sherry Borgsdorf, City Attorney Kemp Michael, a Police Dept. representative, Public Works Director Eddie Nichols, and Planning Director Danny Jackson.

The invocation was led by Rev. Douglas Bryant.

The minutes of February 10, 1997, were approved as written, upon **MOTION** by Councilman Helms, seconded by Councilman Duke, with all in favor.

Mayor McLean recessed the regular meeting and called to order a public hearing regarding a rezoning request by Squires Enterprises for its property on Tuckasee Road known as River Front Development. Danny Jackson reported that the Planning Commission had recommended approval. Mr. Rice said the change was necessary due to a technicality in our ordinance, as a result of the movement of some of the boundary lines for the different zones. This was done as consequence of the final topography survey which showed that the marina parking lot had to be moved. The total density is the same as or less than previously submitted. Councilman Helms said he attended the public meetings they held and he feels this is a better arrangement and will handle the storm water better. Mr. Rice said this plan complies with flood ordinances, wetlands regulations, etc. Mayor McLean opened the floor for audience comments, but there were none. Mayor McLean adjourned the public hearing and resumed the regular meeting. Councilman Hope **MOVED** to approve the rezoning request by Squires Enterprises as stated in the petition, based upon findings of fact for the B-3CU zone as required by our ordinance and outlined in the Zoning Administrator's Memo dated 2-24-97; seconded by Councilman Duke, with all in favor. Councilman Hostetler asked when they plan to break ground; Mr. Rice said sometime in April.

The Council next considered information compiled by City Manager Ponder and Public Works Director Nichols regarding recycling programs in our area, including a video showing the various methods. The methods were: curbside/mandatory, curbside/voluntary, unmanned drop-off centers, and manned drop-off centers. The video showed: the six-compartment bins used by DOT at rest areas which cost \$1,000 to \$1,500 each; the drop-off recycling center in Gastonia operated by a non-profit organization including the items they accept; the Belmont curbside service with rollout garbage containers and mandatory recycling bins which the driver sorts into compartments on his

truck (they go up to the house for physically handicapped residents); the manned Riverbend Gaston County drop-off center showing its various bins, what items it accepts, and the "garb card" system (no charge for recycling). Councilman Stewart encouraged the Council to seriously consider selecting one or more recycling programs. He pointed their attention to the agenda packet which detailed the options, included the efforts already being taken by large industries, and had a chart showing the programs in other towns in our region. Councilman Stewart emphasized a goal of highest participation. It appears that the curbside method has the highest participation, and although it is expensive at first, diverts from the landfill and thereby reducing the tipping fees paid to the County. Councilman Helms preferred curbside/voluntary because he believes citizens will be more likely to accept it if it is not forced on them. Councilman Hostetler felt voluntary would be fine if it is promoted well, but he favored mandatory with the provision that door pickup would be provided for ones with health problems if they have a doctor's statement. City Manager Ponder noted that the contractors will not provide service here if participation is low. Councilman Hope said a good solid foundation is needed and the chart information shows 2 to 1 mandatory over voluntary. Councilman Stewart **MOVED** to direct staff to solicit bids for a voluntary curbside, charge the participant, recycling program; motion seconded by Councilwoman Harris, with all in favor. Councilman Duke asked when the information would be brought back; Mr. Ponder said probably in May. Councilman Hostetler requested that Council see the proposed promotional literature.

Three bids were received for improvements to be made in Central Park, with the low bid being \$24,320. There was a large variation in the amounts of the bids, so Mr. Nichols called the contractor, and has found the bid is bona fide. Mr. Ponder said he has done work for the City before, and we had no complaint, on sewer lines. Mr. Nichols said he has also done storm drain work in Deerfield Subdivision and Kendrick Industrial Park. The low bidder is bonded and insured. The same form was used by all bidders, so he does not know why the prices were so different. Councilman Hope asked who prepared the specs; Mr. Nichols said he used the ones done by the other contractor with a few changes. Councilman Hope **MOVED** to award the bid to J. D. Richardson Construction for \$24,320.00 for improvements to Central Park; seconded by Councilwoman Harris, with all in favor.

Public Works Director Nichols addressed the Central Avenue matter. He had studied at length the problem of rock and gravel coming off the railroad track onto the road. He found that it is in reality a drainage problem that begins on Oakland Street from water off West Catawba. Because of several repavings, the water does not go into catch basins, and the water goes across the road on West Central Avenue over to the side adjoining the railroad tracks where it washes the gravel at the bottom sideways down the street, rather than from the tracks at the top of the hill downward. A similar situation exists on East Central Avenue.

His recommendation remained that the City should install curb, gutter, and catch basins. He had obtained three bids, and presented the tabulation. The low bidder had a qualifying bid, and he is in good standing. Councilman Hostetler **MOVED** to award the bid for installing curb, gutters, and catch basins, to correct the problem on West and East Central Avenue, to Don Surgeon Construction in the amount of \$7,490.00; seconded by Councilman Helms, with all in favor.

Tax Collector June Barker made her annual report of unpaid taxes that are liens on real property to the City Council as required by North Carolina law. (copy attached) 96% of the tax levy had been collected as of February 28, 1997 for the 1996-1997 fiscal year. She recommended dates for advertisement of the tax liens and for the tax lien sale. Councilman Stewart **MOVED** that the report be accepted and approved as presented, and that the advertisements be made on April 2, 9, 16, and 23, 1997, with the tax lien sale being set for May 12, 1997; seconded by Councilman Hostetler, with all in favor.

Zoning Administrator Jackson presented a preliminary plat for approval as requested by Squires Enterprises for Phase I of River Front Development, which encompasses 78 single-family residential lots, and the pool and amenity center. He said the Planning Commission recommends approval contingent upon the utility plans being approved by city staff. Mr. Rice stated that the site plan includes PUD designation, the recent rezoning changes, the Duke Power line relocation, and erosion control. The staff is awaiting his engineer's report. Councilman Helms **MOVED** to approve the preliminary plat for Phase I of River Front Development contingent upon city staff approving the utility plans; seconded by Councilman Duke, with all in favor.

Upon request by Reg Robinson and a recommendation from Planning Commission, Councilman Duke **MOVED** to set a public hearing for the April 14, 1997 regular meeting, to consider rezoning a 9.28 acre tract at the end of Morris Avenue from R-12 SF to R-8 SF; seconded by Councilman Stewart, with all in favor.

Upon request by Roger Webb and a recommendation from Planning Commission, Councilwoman Harris **MOVED** to set a public hearing for the April 14, 1997 regular meeting, to consider rezoning a lot at the end of Adcock Street from R-12 SF to B-3; seconded by Councilman Duke, with all in favor.

City Manager Ponder had received a written petition by nine residents on Timberlane and North Streets in Oakcrest Subdivision asking for the erection of "Children at Play" signs. Councilwoman Harris **MOVED** to place the signs; seconded by Councilman Duke, with all in favor.

City Manager Ponder had a request by Opal Conrad, of Nantz Avenue, that the speed limit be reduced on that street from 35 mph to 25 mph, but he had not received her written petition, and

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she was not in attendance. Councilwoman Harris **MOVED** to table this matter until staff has a petition or she is in attendance; seconded by Councilman Stewart, with all in favor.

City Manager Ponder stated that DOT had finally erected the two "No U Turn" signs on Hwy. 273, one near the BP Station, and the other in the wrong location. It should be at the end of the median at Sunset Drive. Dale Guin, 700 Beatty Drive (Hwy. 273) and Ruth B. Huffstetler, were both present and expressed they were upset about the location of that sign; they want it removed or moved. Councilman Duke **MOVED** to request DOT to move the sign to the end of the median at Sunset Drive; seconded by Councilman Helms, with all in favor.

City Manager Ponder reported that the architect had noted damage to the masonry on the gym. The contractor is there to make the roof repairs, and said they could do the repairs to the masonry for \$4,350.00. The architect, Mr. Weaver, reviewed their proposal and found it to be a fair price. Change Order #1 to the contract with Carver & Sons Roofing, Inc. for masonry repairs on the old gym was approved in the amount of \$4,350.00 was approved as presented, upon **MOTION** by Councilman Hope, seconded by Councilman Helms, with all in favor.

Change Order #2 to contract with B.R.S., Inc., for the Mt. Holly/Jadco Hughes Water and Sewer Improvements project, in the amount of \$104.70, was approved as presented, upon **MOTION** by Councilman Stewart, seconded by Councilwoman Harris, with all in favor.

Three budget amendments were approved as presented by the City Manager, upon **MOTION** by Councilman Hostetler, seconded by Councilman Helms, with all in favor. (copies attached)

Mayor McLean opened the floor for complaints or petitions not on the agenda. Mr. Roger Shuler asked to speak. Mayor McLean stated that his personnel problem has to be handled by the City Manager per our ordinance and policies. Mr. Shuler insisted it was not proven he did what he was accused of doing, and he had proof he did not do it. Mr. Ponder stated the notices had been sent, the hearing was held, and he had been terminated. Mr. Shuler wanted to continue before the Council to discuss his matter. City Attorney Michael stated that the confidential nature of personnel records prohibits the discussion of that matter before the Council meeting. Mayor McLean said the Council cannot handle this matter, and the proper procedures as set forth in the ordinance and policy must be followed.

Councilman Hostetler asked if the rest of the downtown trash containers had arrived; they had, and will be installed soon.

Councilman Hostetler reported that a West Side watch group had requested support at a public hearing to be held regarding the airport's plan for a new runway. Councilman Stewart said it

would be best for the Council to get the facts first and information could be requested from the Airport Authority. The Council concurred that some should attend the public hearing on March 19, and that staff will be sent to it if none of the Council can go.

Councilman Duke asked if the plaque for the fire truck has arrived; it has, and will be installed soon.

Councilman Duke said Jones Brothers has complained that some people are using the handicap ramp as a driveway, and request the police stop them.

Councilman Stewart inquired if the Council will get a summary about what was discussed at the planning retreat; Mr. Ponder will prepare that.

Councilwoman Harris announced the N. C. League meeting to be April 24th at 4:30 P.M. at Stowe Botanical Garden in Belmont.

Councilman Helms reported that the League of Women Voters is having an environmental information meeting on March 19 from 1:30 to 4:00 P.M.

Mayor McLean set the kick-off meeting for the Spring Festival for March 13 at 6:00 P.M. in the Archives Room. The Council discussed several options for qualifications or sign-up for the Senior Citizens Dinner but made no decision.

City Manager Ponder said only two bids were received for the computers for the police department, and he will re-bid. The consultant was concerned because the bid bond that is required by the State is keeping them away since these kinds of companies are not used to that. It can be waived, and Mr. Ponder felt in this circumstance it would be allowable because the five percent is a small amount. Councilwoman Harris **MOVED** that the bond requirement be waived for the bids on computer equipment for the police department being currently purchased (this event only); seconded by Councilman Duke, with all in favor.

The City Manager asked for input on the video presentations made the past two months. The Council agreed they were helpful, that they should be kept short in length, and the television should be put up on wall mounts out of the way if kept.

Councilman Hostetler said Mr. Goldstein and Mr. Seay had complained to him about the dumpster service, and he asked Phil to let them know what the City is going to do. Mr. Ponder said there are four quadrants each with a dumpster, and every business in the quadrants gets a \$9.00/month bill, so they don't have to collect from each other. Councilwoman Harris said she believed the Council had decided to get out of the dumpster business totally and to send them a letter warning them; she said the minutes should be researched; she has been telling people the

City is getting out of it altogether. Mr. Nichols stated he did not believe that affected the downtown quadrants. Councilman Hope agreed the minutes should be checked, and the Council concurred.

City Manager Ponder reported that in November there was a water line leak on Highway 27 near Gaston County Dyeing Machine Co., and the City notified the company it would do the repair on a Saturday. The next week the company wrote to Mr. Ponder and said their line had been damaged. Mr. Ponder denied that the City caused the damage, but they wrote again and demanded payment, so he sent it to the City's insurance company. The claim was denied. The company's attorney called and said they will sue the City for \$3,500 and fees. He re-checked his information and still found the City was not at fault, and informed the attorney of his findings. The attorney has called back and offered to split the damages in half. He asked Council for direction. Council asked the City Attorney for his advice; Mr. Michael said the findings were that the City told them ahead of the repair, but they failed to have someone there to adjust their valves, and their failure caused the damage. The City even used gradual pressure to try to help them when they saw no one was there. He did not see any legal liability on the City's part; their only consideration may be that it is an industry customer. Councilman Hostetler asked if they got the notice in writing; Mr. Nichols said he spoke with them and made arrangements with them on the telephone. Mr. Ponder noted that the company acknowledged in writing when the City would be there. Councilman Stewart was not in favor of paying when we have no liability, but saw a need to repair the relationship. Mr. Ponder said he was perplexed about their attitude, and believes that there must be an underlying lingering problem unknown to him causing this response. Mr. Ponder recommended that the Mayor and he attempt to meet with them personally. The Council concurred.

There being no further business, the meeting was adjourned, upon motion by Councilman Duke, seconded by Councilman Stewart, with all in favor, at 9:30 P.M.

Phillip D. Ponder
City Clerk

Frank E. McLean
Mayor
