

**Regular Meeting
City Council
May 10, 1993**

The regular meeting was called to order by Mayor Charles B. Black, Jr. at 7:30 P. M. Those present were Councilwomen Lib Nichols and Phyllis Harris, Mayor Pro-Tem Archie Small, Councilmen Bob Jessen, Jim Hope, and J. C. Little, as well as Director of Public Works Eddie Nichols, Zoning Administrator Gary Roberts, City Manager Phil Ponder, and City Attorney Kemp Michael.

The invocation was led by Rev. Roger Grassfield.

Councilman Hope MOVED to approve the minutes of April 12, 1993, with the following amendments: page one, paragraph one, amend to read "Mayor Black was absent due to illness."; last page, paragraph four, add: "The Council decided to forego any environmental study." Motion seconded by Councilman Jessen and carried by unanimous vote.

County Commissioner Gene Miller was recognized and presented to the City the gift of an American flag which has flown over the Capitol Building in Washington, D. C. He stated that at the last County Commissioners' meeting, a horizontal tax adjustment was approved as of January 1, 1993. Further, he noted that the interlocal agreement ran out on June 30, 1992, but they are staying with the \$22.00 per ton tipping fee, and are considering a 20 year contract with Waste Management Co. that will probably cause the tipping fee to increase to \$24.00 per ton. The solid waste committee may be re-established, and he would like to see recycling in all the cities. Councilman Jessen stated that many are concerned that the tipping fees have been collected for some time to handle costs for solid waste but the incinerator has never been built and there is now an accumulation of funds, and many are wondering where it is. Mr. Miller said there is an accounting to be made, preferably when the contract with Waste Management is settled. He stated he is very interested in trash and is very acting in finding solutions to the problem, and promotes recycling because if you recycle you do not have to pay the tipping fee. Mr. Miller also stated that the new courthouse is now in committee and is supposed to be considered in a referendum in November this year. Mayor Black said he hopes we can have input as to where it is built. He also asked that Mr. Miller vote in favor of the Mount Holly ETJ coming up at the public hearing the following Thursday, and stated that Crescent Resources has written a letter in favor of it. Councilwoman Nichols said she is in favor of the two mile ETJ also. Mayor Black then stated he heard that Crescent Resources has given the State the land to connect Highway 273 with new Highway 16.

Mayor Black informed the Council that when he was at a Mayors' meeting the past week with Governor Hunt, he requested that Mount Holly get special consideration for continuation of the by-pass between Tuckasee Road and the existing four lanes on Highway

273. Governor Hunt assigned David Hoyle to work on it for us. The Mayor asked if the Council is supportive of this action so that he would know whether or not to pursue the matter any further; the consensus of the Council was that they are in favor of it.

Stephen E. Davenport with Benchmark, Inc. presented the proposed Watershed Protection Ordinance to Council. This is being mandated by the State with a July 4 deadline. Councilman Hope **MOVED** that a public hearing be held on June 8, 1993 at the Mount Holly Junior High at 7:30 P.M. for consideration of this proposed ordinance, which motion was seconded by Councilman Small, with all in favor.

Jeff Jessen from Pinewood School was recognized by the Mayor. He said that he had suggestions for the City, one being to have some of the police use bicycles as they can move through traffic easier, and secondly, that a traffic light would be good to have at Oakcrest.

A recommendation that the minimum water charge for commercial customers was brought by Councilman Small, who noted that some small businesses object to the 6,000 gallon minimum since 50% or more do not use over 2,000 gallons. Mayor Black noted that chemicals are higher than ever, sludge fees are greater, the watershed ordinance will cost money to enforce, and the charge has been like this for years. Councilman Jessen **MOVED** that no action be taken, seconded by Councilman Nichols, and carried with five ayes and one nay (Small).

An engineering agreement with W. K. Dickson & Co. regarding the Mount Holly/Stanley interconnect water line, covering a three year period, was reviewed. City Manager Ponder noted that the Planning Commission and Town of Stanley have approved the interconnect plans. Councilman Jessen wondered why it called for a three year period and felt 18 months should be plenty of time, but he **MOVED** to approve and authorize execution of the stated engineering agreement as presented, which motion was seconded by Councilman Hope, with all in favor.

Mayor Black appointed Councilman Small, Councilwoman Harris, and City Manager Ponder to the water committee, and informed them that the Town of Stanley is ready to negotiate fees.

The Council next considered a proposed agreement with Cherry, Bekaert & Holland for audit of the City's accounts. Councilman Hope **MOVED** that the audit contract as presented be approved and executed for an amount not to exceed \$15,558.00, seconded by Councilman Jessen and carried with all in favor.

Mr. Ronnie Meeks, Manager of the Housing Authority apartments, presented three resolutions for Council's action. The first related to uncollectible accounts at Rollins Apartments, which he wants to write off for bookkeeping reasons, but promised he would still pursue collection. Mayor Black asked how long they allow

arrears before eviction; the answer was one month. The Mayor inquired as to whether or not Mr. Meeks shares information with Gastonia and Belmont; he does, and he also checks the civil records in Gastonia to look for evictions. Mr. Meeks said he rejected 21 applications last month. Councilman Hope stated that he would like to sell these apartments; Councilman Jessen said it would have to be to a private owner or the taxpayers would still be paying for it. Councilman Hope **MOVED** to approve Resolution #5-10-93(a) allowing the write-off of uncollectable accounts for Rollins Apartments in the total amount of \$718.34 (copy attached), seconded by Councilman Small with all in favor. Next, a request for a waiver of payment in lieu of taxes was considered. City Manager Ponder noted that many of the troublemakers which were evicted last year were higher rent payers as well. The apartments need some capital improvements also. Councilman Jessen **MOVED** upon the City Manager's recommendation, Resolution #5-10-93(b) be approved so that the City grant the waiver of the payment in lieu of taxes for 1993-1994 fiscal year on Rollins and Holly Hill in the amount of \$5,365. (copy attached) This motion was seconded by Councilman Hope, with all in favor. Councilman Jessen urged Mr. Meeks to stop the flow of money out from the taxpayers. Third, the proposed resident initiatives program was discussed. Resident involvement is the goal. Mayor Black verbalized his distress that the City has done really nice things for all its citizens including the less fortunate at the parks, but they have been vandalized--the gazebo was destroyed, the cooker, fountain, basketball goals, benches have all been destroyed. He asked that anyone who knows who did this notify the police, and that the residents especially keep a watch out to prevent it from happening again. Councilman Hope **MOVED** to approve Resolution #5-10-93(c), with two attached sheets, in support of the Resident Initiatives program, which was seconded by Councilman Jessen, and carried unanimously.

Tax releases for 1992 in the sum of \$68.17, tags released in the sum of \$3.00, and penalties for 1992 in the sum of \$4.38, for a total released through April 30, 1993, in the amount of \$75.55, were approved upon **MOTION** by Councilman Small, seconded by Councilwoman Nichols, with all in favor.

The Council discussed naming the unnamed portion of the Highway 273 by-pass. Councilwoman Harris **MOVED** that the Highway 273 by-pass be named Highland Street so the whole section would be the same name from North Main Street to South Main Street, seconded by Councilman Hope, with all in favor.

Mayor Black commented to the Council that he was sorry he was not at last month's meeting, and had been upset to learn that the Council had not approved the zoning request for the doctor. He stated that Councilwoman Nichols had served on a citizen committee for months to work on getting another doctor to locate in Mount Holly, which he knew the whole Council wants, and that it was very embarrassing to her and to himself that this happened. He cautioned the Council to be careful when voting no, and that they

should consider the hard work that has been done. He suggested that the matter could have been tabled until a satisfactory solution could be found, and that Mrs. Nichols was entitled to hear from other Council members ahead of time if they knew they were not going to support what she believed to be a good petition and had worked on for so long. Councilman Little asked if the Mayor intended to slap their hands for voting "no". Mayor Black said he did not, and they are all free to vote as they see fit on any issue, but he would have liked them to take more time to consider carefully an important matter such as this that had been worked on for such a long time before voting it down.

The floor was opened for complaints or petitions. Mr. Jack Ferrell, 1000 Old Hickory Grove Road, was recognized, and made the following statements. He said that he bought some property in 1977 and wanted to put in a double wide, but was told he could not. But now there are four around him. He came in to do a restaurant, something this City needs, and had a petition which a large number of neighbors signed approving his idea, but it was turned down. Now he had brought it back up again, and is trying to do something very simple, but Gary (Roberts) wants him to put up a \$5,000 fence for a buffer when there are already nice trees there, and insists the sewage must go through the woods at twice the cost. He stated that Gary has made demanding remarks to him, and he will not be intimidated by Gary Roberts any more. He stated that he just wants what is fair, to be able to use his property. He said he will not cut down big trees to put up a fence. He said he respects all the Council and appreciates them.

Mr. David Berg, 711 N. Main Street, complained that about 2:00 or 3:00 A. M. every night a car goes up and down the road with the music so loud from its "boom-box" that his windows rattle in his house and he is wakened; he wants something done by the police. He said there should be a noise ordinance. Councilwoman Nichols said there is one. City Attorney Michael said we have one but it is very difficult to enforce in court unless we use a D.B. meter. Mr. Berg said anyone with any sense knows if it rattles the windows it is too loud. Mr. Michael suggested from a practical standpoint that an effort be made to find out who it is and have the police speak to the owner or driver of the car and/or his parents. The City Manager will follow up on this matter.

Mr. Merlin Brown said the noise is too loud at his house also, but it is from Freightliner. He then asked for a report on the northern water tank. Mayor Black said the bids are to be let on June 14 with construction completion expected in 1994.

Mr. Ralph Michael asked for a copy of the proposed Watershed Protection Ordinance so he can study it before the public hearing.

Mr. Paul Helms asked the police to be sent out to catch the speeders on Beatty Road about 3:00 every afternoon. Mayor Black mentioned that Mr. Helms is a member of the Disabled American Veterans who are building a new building on Cason Street, and that

he recently fell because of getting out of the way of those speeders of whom he was complaining.

Charlene McRorie said she saw no point in making a new law for noise when the City does not enforce the existing laws it has on two hour parking on Main Street; she asked that it be enforced.

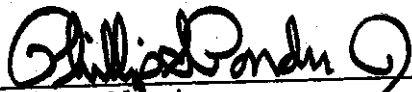
R. W. Phillips stated for the record his commendation of Rev. Ferrell for his patience in dealing with an impossible situation.

The Council took a five minute recess.

The Council then went into executive session for industrial recruitment upon **MOTION** by Councilman Hope, seconded by Councilman Jessen, and carried unanimously. The Council returned to regular session upon **MOTION** by Councilman Jessen, seconded by Councilwoman Harris, with all in favor.

Councilwoman Nichols stated that Polly Egbert still wants to be annexed by the City so that she can get City water. However, her property is not contiguous, so she cannot voluntarily petition for annexation.

The meeting was adjourned upon **MOTION** by Councilman Hope, seconded by Councilwoman Harris, with all in favor.



City Clerk



Mayor
