**Regular Meeting**
**City Council**
**February 12, 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, and a police representative.

The invocation was led by Rev. Jeremiah Robinson.

Councilman Helms **MOVED** to approve the minutes of January 2 and 8, 1996 as written; motion seconded by Councilwoman Harris, with all present in favor.

Officer Todd Calhoun was proclaimed Employee of the Year and presented his award. He was nominated by his fellow employees and selected from the nominations by a committee.

The following employees were recognized for their continued years of service and received their awards:

Judith Bowen - 15 years
James Dameron - 15 years

Mayor Gail Brotherton, from Stanley, spoke with Council about a proposal to agree to interconnect sewer lines from Mount Holly to Stanley. She stated that Stanley is required to upgrade its sewer treatment and had planned to expand its sewer plant to one million gallons per day, but the small size of Mauney Creek is a limiting factor for the town's growth. The Town Board has decided it would be environmentally better to treat some of its affluent at Mount Holly's treatment plant. She encouraged the Council to approve the proposal as it would mean revenue for Mount Holly and would mean economic development and jobs for the County. Stanley and Gaston County would pay the cost; Mount Holly would have no cost. Councilman Hostetler said he felt the proposal is equitable and was interested in pursuing the matter. City Manager Ponder stated that staff from both cities have worked on the basic proposal for about two months. He stressed time is a crucial factor because Stanley's financing is in place and they have deadlines to meet. It was recommended that an agreement be in place for the County Commissioners to consider at their March meeting. The Council concurred and set a special meeting for February 22 to review a proposed written agreement.

Mr. George Cobb, Senior Transportation Planner reviewed the projects impacting on Mount Holly. He thanked Councilwoman Harris as our TAC member for her participation. He said a congressional act put into motion requirements for a Thoroughfare Plan which was followed locally by a Memorandum of Understanding establishing the Transportation Advisory Council, which has enjoyed a good relationship since 1974. He stated that the MPO is a planning organization. In the next fiscal year the primary target is the 321-74 Bypass which will connect to the Charlotte outerbelt. The second target is the Belmont-Mount Holly outer loop. There is also a plan for a Mount Holly to Gastonia connector road. They will begin functional designs for these. There is a need for five to six citizens to be appointed from Mount Holly as will be for other towns, who will provide input in the design phase. After it leaves the planning and design, it goes to funding which is often politically motivated. He advised that the Board of Transportation has emphasized protecting or acquiring the rights-of-way is the quickest way to be funded. A good environmental impact statement is imperative. Once the project is approved by TAC, the City is expected to protect the "corridor". He said 1/3 to 1/2 of the cost for a road is right-of-way acquisition. Councilman Hostetler asked if these 20-year plans are reassessed; he said they are, about every 5 years (however, once funded no changes are allowed). Councilman Hostetler was interested in what plans could be made to aid commuters; Mr. Cobb said the outerbelt will help that. Councilman Stewart asked about the needs list. Mr. Cobb said TAC lists priorities every two years; there are currently 28, and they are done according to amount of funding available. Councilman Hostetler asked about a transit system, and perhaps a light rail system. Mr. Cobb said the County is in no position to fund a transit system anytime in the near future. He said the Committee of 100 had concluded light rail should not be pursued yet, and suggested a regional bus system would be better at this time. He said the next option is to establish a Transportation Authority. Mayor McLean said Mount Holly is presently more concerned about widening Highway 273. Mr. Cobb felt that may be the first one funded on the list next year. The Council thanked him for coming.

Mr. Sam Gunnells, Cablevision area manager, was recognized. He stated that the parent company is Time Warner, and they supply cable to Charlotte, Greensboro, Raleigh, Winston-Salem, and others. His area includes Gaston, Cleveland and York counties, with 50,000 subscribers and 17 franchises. The Mount Holly franchise was acquired in 1984. He reviewed the increases in facilities and channels. Mr. Gunnells stated that the Mount Holly franchise expired in 1995 but notice had been given in 1992 of their intention to renew and meetings and negotiations have been held with City since then. He also discussed the new FCC regulations and the resulting benefits to public schools, as well as its affect on rates and services. He mentioned the telecommunications reform bill which had recently passed and stated that telephone companies and cable companies will be able to offer both services; some may merge. He said the "v-chips" would block rated programs in television; the industry has one year to formulate a rating system. He said more channels will be available when the system is upgraded, and referred to the cable franchise renewal. His last offer was by letter of January 1995 but he said they are willing to talk. Councilman Hostetler was concerned that the rates are kept low and more channels are offered in the new franchise; he preferred a shorter term. Mr. Gunnells did not feel a $4-1/2 million upgrade could be done with only a five year franchise. Councilman Stewart felt better choices could be made of channels for basic and standard service. The City Manager said he would keep them informed as to the negotiations.

The Council next considered the enforcement of downtown parking regulations. Amanda Broome, 116 Patrick Lane, was recognized. She stated that she works at 111 W. Central Avenue. She stated that the majority of merchants are opposed to the 2-hour parking limit, and they feel they should have been consulted. She asked that the limit be removed for three reasons: it is unnecessary, some customers spend more than two hours downtown, and there is not safe alternative parking for some workers. She presented written materials resulting from her research of parking patterns. A petition was presented against the parking limit signed by many citizens. Both were included in the agenda package. Councilman Helms and Councilwoman Harris thanked her for her hard work. Others in attendance spoke against the parking limit; however, they agreed that a proposal made by Councilman Hostetler would be acceptable. Councilman Hostetler said the decision had been made because some of the merchants are having a problem with chronic violators leaving them with no parking, but he had not been aware of the problems this would cause. He was not in favor of repealing the ordinance. Councilwoman Harris said she has had a lot of complaints. Councilman Hope said the ordinance has been there for a long time, all they did was vote to enforce it; he felt you should either enforce it or repeal it. Councilman Hope **MOVED** to repeal the ordinance which requires a 2 hour parking limit downtown, seconded by Councilman Helms. Discussion followed. Upon a call for the question by Councilwoman Harris, the motion carried, with four ayes and two nays (Stewart & Hostetler). Councilman Stewart suggested seeing if staff can suggest ways to make more parking spaces downtown. Councilman Hope felt it should be left alone. Councilman Hostetler recommended the merchants work together to improve the parking situation.

The matter of possible action regarding the consolidated annual contributions contract was tabled indefinitely upon recommendation of the City Manager by **MOTION** of Councilman Helms, seconded by Councilman Hostetler, with all in favor.

The setting of a public hearing to consider adoption of new zoning regulations was tabled until the recommendation of the Planning & Zoning Board is received, by **MOTION** of Councilman Hope, seconded by Councilman Helms, with all in favor.

Tax Collector June Barker gave the annual municipal report and assessed valuation and property tax levies. The property tax levy was $1,484,719 with 94% collected. The motor vehicle property tax levy was $60,266. She made recommendations for advertisement of tax liens and for the sale date. Councilman Hope **MOVED** to accept her recommendation and set April 3, 10, 17, & 24, 1996 as dates for advertisement, and May 13 ad the tax lien sale date; this motion was seconded by Councilwoman Harris, with all in favor.

Tax releases in the amount of $151.97 and penalties in the amount of $6.65 were approved as presented for February 12, 1996, upon **MOTION** by Councilman Duke, seconded by Councilman Hope, with all in favor.

City Manager Ponder made recommendations to the Council pertinent to reorganizing City staff as a result of the recent death of Fire Chief Ray Massey. He had been with the City for 48 years, and was serving as chief auto mechanic as well. He did not feel he could replace Mr. Massey, but suggested establishing a full-time fire chief position, leaving the chief auto mechanic position empty, and keeping the existing auto mechanic position under the supervision of Eddie Nichols. In addition, Ms. Keepus, who handles payroll, is preparing to retire. He had been authorized to hire a consultant to assess the office function. Councilman Stewart suggested the assessment be expanded to include the whole organization since we are going into a growth environment. Mr. Ponder had two proposals for this consultation work, ranging from $15,000 to $20,000, and he asked for Council input. After discussion, Councilman Duke **MOVED** to authorize the City Manager to separate the two positions previously held by Mr. Massey and to hire another man at the fire department; seconded by Councilman Helms, with all in favor. Councilman Hope **MOVED** upon the City Manager's recommendation that the study be authorized to include the entire City organization, seconded by Councilman Duke, with all in favor.

Diane Pritchett was available to answer Council's questions relating to the proposed agreement with Stogner & Kanoy for architectural services associated with the 1995 CIAP grant at Holly Hills. She also reported that informal bids are now in place for the 1994 CIAP grant, the budget has been revised to correspond with them, and HUD has approved it. The budget for 1994 has been revised as to line items, but the bottom line is the same. Councilman Helms **MOVED** to approve the agreement with Stogner & Kanoy for services associated with the 1995 CIAP grant, seconded by Councilman Duke, with all in favor. Councilman Hope **MOVED** to adopt Resolution #2-12-96(A) approving the 1994 CIAP budget as revised and presented, seconded by Councilwoman Harris, with all in favor.

Bids had been opened for a new sanitation truck. City Manager Ponder stated that this would be a good opportunity to get out of the garbage collection business if they are serious about it. Mr. Nichols presented the bid tabulations and recommended the low qualifying bid at $84,381.00 for a Leach 2RII compactor mounted on a Freightliner Model FL-80 cab and chassis, bid from Amick Equipment Co. Councilman Hostetler asked if this would be a replacement or an addition, and what problems were had with the old one. Mr. Nichols said it is to replace a truck that is 7 years old. The old one will be used for collection of yard waste; that one will be a back-up; the back-up will be put in the auction of surplus inventory. The old one has become a maintenance problem. Mr. Hostetler asked if it would handle roll-out containers; he said it comes with the equipment that could do that if attached. Councilman Hope asked if there will be additional tax since it is from South Carolina; there would not be. He also asked if they were sealed bids; they were. Councilman Hope **MOVED** that the bid as presented be awarded to Amick Equipment Co. for $84,831.00; seconded by Councilwoman Harris, with all in favor.

A proposed agreement with W. K. Dickson for engineering services associated with the Dutchman's Creek Relief Sewer was considered next. Mr. Nichols said the project was outlined in the sewer study done in 1990. An attempt to video inside the old line has not been successful due to the deterioration. This would be 3,400 lineal feet of 12-inch sewer line which would run parallel to existing eight-inch line of the Dutchman Creek outfall from north of Dutch Street to west of Wilson Street. Mr. Nichols said they may need to increase it to 15-inch line since they have found the 8-inch line to be so bad. Mayor McLean agreed the existing line is in very bad shape. City Manager Ponder said it would be best to do the engineering in this fiscal year and budget the construction later. Councilman Hope **MOVED** to accept the recommendation, approve the agreement as presented, and authorize its execution; seconded by Councilwoman Harris, with all in favor.

City Manager Ponder reported that, out of six school crossing guard positions, only three are filled, and Councilman Hostetler requested this be considered by Council again. Mr. Ponder said the City pays the common rate but this in not in the pay-in-step plan since it is part-time, and no one wants to work the schedule since it is split up and so few hours. Councilman Hostetler recommended paying more per hour. Mr. Ponder suggested a bonus if they stay either all year or half the year, if they meet attendance criteria. Councilman Hope was in favor of both. Councilman Hostetler **MOVED** to raise the pay for school crossing guards to $10 per hour, plus a $250 bonus per semester if they meet the attendance criteria set by the Police Chief, and that the positions be advertised in the local papers until we get at least 5 of the 6 filled, with re-advertisement anytime we drop under 5 being filled. This motion was seconded by Councilman Helms, and it carried with all in favor.

City Manager Ponder had obtained information for Council about a plaque for the Council Room with the appearance of the city seal, and included it in the agenda package. Councilman Stewart **MOVED** that the 24" plaque be purchased from Hans H. Saltzwedel for the sum of $1100; seconded by Councilman Helms, with all in favor. Mr. Ponder said half the price is for making the mold, so if we order any others, they would be half the cost.

City Manager Ponder recommended that the matter of the left turn signal at the Highland/Tuckaseege/Rankin intersection be delayed until after they meet with Mr. Jenkins from DOT, who was scheduled to come for synchronizing the lights. He will have him look at the entire intersection and come back with a recommendation. The Council concurred.

Councilman Hostetler stated that the matter of publishing of police reports was not as important as he originally felt. Councilwoman Harris said a report like Belmont's does not really tell much and does not accomplish the goal of alerting the public to a specific danger. Councilman Stewart noted that Charlotte and Gastonia do their reports by district, but he is more interested in the format of the reports the Council gets.

City Attorney Michael said he had a request by Councilwoman Harris to look into the allowed procedures for selection of a Mayor Pro-Tem and amending the charter to allow for a change in procedure. He had found that a change must be a change to the charter, which is submitted to the local delegation who present it to the legislative assistants. It will then be drafted into legislative form and presented in May. He had prepared a proposed resolution. Councilwoman Harris **MOVED** to adopt Resolution #2-12-96(B) as presented, seconded by Councilman Hope, with all in favor.

There were no complaints or petitions not on the agenda.

City Attorney Michael reported to Council that he and Danny Jackson had met with the Broomes and their two daughters as instructed regarding their claim over the permit erroneously to them. He offered to them to pay the shortfall if the mobile home is sold for less than they paid. They stated they had also paid $4,500 for a heat pump, porches, and underpinning. He told them he would check with the Council about its wishes in that regard. He informed the Council that in his opinion the Broomes did not understand what he was offering and continued to be distrustful; he felt it was impossible to explain to them in a meaningful way and he suggested they have their attorney call him. Max Childers has called and said they would settle for $15,000 including expenses and medical matters related to stress. Mr. Michael said he did not believe the Council would approve that, but told Mr. Childers to send the request in writing; it has not been received. Councilman Hostetler asked if the City's offer to settle would be held against it in a lawsuit. Mr. Michael said it would not because it would not be allowed into evidence as a matter of law.

Mr. Michael next reported that he had received a letter from the law firm in Charlotte that represents the City's insurance company with regard to the Cove Avenue matter; he gave the Council copies. He reviewed the history for the new council members briefly. He said the City really has no say, but he will forward Council's opinion to that attorney.

Mr. Michael advised the Council as to the cable television matter that they should recall that the law is in the process of changing, that small towns alone do not get a good deal, and that neither Belmont nor Gastonia have renewed their franchise yet either. He recommended Mount Holly wait.

City Manager Ponder stated he is arranging for a person from the League of Municipalities to attend one of the budget workshops to help with planning.

Mr. Ponder provided copies of a letter from Ron Dimmer which they took under advisement.

Mr. Ponder informed the Council of the Elected Officials Seminar for the following Thursday.

Mr. Ponder thanked Councilwoman Harris for her work on the decorations for the City Hall renovation, and stated his pleasure with the results.

Councilman Hostetler stated he attended a meeting with the mini-warehouse owner on Oak Grove and Attorney Michael. The man said they could move the driveway to the other road instead of the by-pass except they would not be able to get around the building because of the telephone pole and Oak Grove Road being a public road. It has been proposed to close a portion of Oak Grove and move the pole so they can change the main entrance location. Mr. Michael said they still want to have a gate onto the bypass for when large trucks come in. Councilman Hostetler **MOVED** to proceed to close a portion of Oak Grove Street starting at the common corner of the American Legion and the Birmingham properties going West to the barricade, on Council's petition, contingent on Duke Power being willing to move the pole, and that a public hearing be set for the next regular meeting. This motion was seconded by Councilman Stewart, with all in favor.

There being no further business, the meeting was adjourned upon motion by Councilman Duke, seconded by Councilwoman Harris, with all in favor, at 11:25 P.M.

Phillip A. Ponder | Frank E. McLean
City Clerk | Mayor

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