CITY COUNCIL
REGULAR MEETING
February 11, 2002

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 Brian Hough
Councilwoman Pat Hubbard

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

INVOCATION
The invocation was led by Rev. Jeff Bost.

PLEDGE OF ALLEGIANCE
Scout Troup 59 led the Council and audience in the ceremony of the Pledge of Allegiance.

APPROVAL OF THE AGENDA
The agenda was approved with the following additions: A resolution protesting Gov. Easley's declaration, a presentation by Mr. Billings regarding stormwater, Consent Agenda #3 budget amendment; upon motion by Councilwoman Harris, seconded by Councilman McLean, with all in favor.

MINUTES
Councilwoman Hubbard **MOVED** to approve the minutes of January 8 and 14, 2001, as written, seconded by Councilwoman Harris, with all in favor.

RESOLUTION
Mayor Black said that the Council had requested the City Manager to present a resolution for their consideration to protest the funds being withheld by the State which will cause a budget shortfall for our city in the approximate amount of $395,000. This will amount to about 9 cents increase in tax revenue in next fiscal year. Councilwoman Harris asked that it also be sent to the League of Municipalities. Mr. Black said it will be and also to our senators and representatives.

Motion: Councilman Hough **MOVED** to adopt the resolution, Councilwoman Harris seconded. (copy attached)

Vote: Unanimous. CARRIED.

The Council expressed its hope that other cities and counties will join them in protest

PRESENTATIONS

PR#1 Storm Water Planning

Mr. Billings from Mecklenburg County, a professional engineer, was recognized, with an expertise in flood plains and development within them. One of the main concerns which affects both Mecklenburg County and Mount Holly is the Catawba River. The flood plain maps were amended by FEMA, and it will re-map the entire Catawba River basin. This will affect the flood insurance rate maps. Mecklenburg County is now re-mapping the county flood zones. Mr. Kraus asked why the flood level is shown on the new maps as rising. Mr. Billings said it is due to increase of impervious land. Lake Norman was put into place in 1967, and the reservoirs are not under an agreement that they will be used for flood control, and therefore they cannot take the reservoirs in consideration for that purpose.

PUBLIC HEARINGS

PH#1 To Consider Rezoning the Old Train Depot from H-I to B-3 Conditional Use

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 rezoning the old train depot upon request by Mount Holly Depot, LLC.

Danny stated that the Planning Commission recommended approval, contingent upon the submission of a map to denote the actual section of the parcel being rezoned. Mr. Henry Massey said they have worked out the property in question subject to lease by his company, but they did not have a survey map yet. There were no comments for or against.

Councilman Hough moved to go out of public hearing, seconded by Councilman Harris, and unanimously carried. Mayor Black adjourned the public hearing and resumed the regular meeting.

Planning & Zoning Director Danny Jackson read the conditional use findings of fact that must be met per our code. Mr. Jackson stated to Council that in his opinion the proposal meets the requirements for conditional use zoning.

A. The Conditional uses submitted are among those listed as eligible permitted or Conditional Uses in the B-3 district. Councilman Helms moved to find in the affirmative, seconded by Councilwoman Harris, unanimously carried.
B. The Conditional uses submitted will not materially endanger the public health or safety if located where proposed and developed as proposed. Councilman McLean moved to find in the affirmative, seconded by Councilman Hough, unanimously carried.
C. The Conditional uses meet all required conditions. Councilman Hough moved to find in the affirmative, seconded by Councilwoman Hubbard, unanimously carried.

D. That the Conditional uses will not substantially injure the value of adjoining property. Councilman Hough moved to find in the alternative, seconded by Councilman McLean, and unanimously carried.
E. The location and character of the Conditional Use if developed according to the proposed will be in harmony with the area in which it is to be located and in general conformity with the Plan of development of Mount Holly; the Plan calls for residential or commercial conditional uses. Councilwoman Hubbard moved to find in the affirmative, seconded by Councilman Hough, unanimously carried.

City Attorney Michael stated his concerned that you are voting on a rezoning of property without a clear description of what is being rezoned. He asked Mr. Jackson how long will it take to get the intended survey map? Mr. Massey stated they are in the process of getting our property within our fence line surveyed so it can be conveyed to us.
Motion: Councilman Hough **MOVED** to table, Councilwoman Hubbard seconded.
Vote: Four ayes. Two nays. ( )

Councilwoman Harris asked why this matter came before Council if it was not ready. Planning & Zoning Director Jackson said that the Planning Board's motion was contingent upon the survey being submitted for approval, as it was expected to be here shortly, and it was identified as the part of the parcel outside the fenced area being used by Massey Company. City Attorney Michael said the problem is that the council is going to vote on rezoning property and the area in question should not be delegated to staff.

Mr. Charles Ginyard was recognized from the Company making the request, and he stated that he and Mr. Booker have been talking with the railroad for 23 months about this. He appreciated that Danny Jackson has been very helpful in this matter. After their submission, they found out that the Massey Company was leasing part of the property. They have no problem with Council tabling this because he sensed that Council is supportive of our request, and they will present a plat. Councilwoman Harris asked if we need to have another public hearing; that is not required.

UNFINISHED BUSINESS
UFB#1 To Consider Resolution for Lease Purchase for Radio Communications Equipment for the Police Department
Administrative Services Officer Jamie Guffey stated that this is the same resolution with date changes.
Motion: Councilman Hough **MOVED** to pass Res. #02-11-02A, seconded by Councilwoman Harris. (copy attached)
Vote: unanimous. CARRIED.

UFB#2 To Discuss YMCA Drive
City Manager Kraus reported that the City has received three proposals for engineering services on our behalf in connection with YMCA Drive. Public Utilities Director Don Price he is familiar with B. P. Barber & Assoc. from Spartanburg, SC, and knows them to be reputable. Councilman Hough still wondered why the City would pay them twice as much as either one of the other two? Mr. Price noted that they do structural matters. Mr.

Kraus said IETS is forensic in its focus and already concluded that the fill was not properly compacted. Barber said they would test first before they gave an opinion. Councilman Hope said he is concerned about our approach to this; he doesn't want to create a liability on our part until this road is cleared. Mr. Michael said ultimately all liability will come to us at the point that this is accepted as a city street, but the idea here is to have an engineer inspector on our payroll that is watching the construction so that we know if it is right or not right. Mr. Kraus said if we are out there inspecting, they will assume we are going to accept it. Mr. Michael said this was a subdivision, and normally we would have a contract and a letter of credit on the improvements; but because it is the Y, the Council made concessions and did not require those, so we have no means by which to require a warranty period as we normally do. Mr. Kraus said all we can do is withhold the money until the road is right. Councilwoman Hubbard said when we got prices from Mr. Simac and he gave alternatives with the middle one costing about $8,400; she wondered if these prices being considered tonight reflect the same amount of attention? Mr. Michael asked Mr. Price if the proposal offers the coverage of inspection of the project to meet our needs; he replied, yes. Councilman Hough felt the Barber proposal is more detailed and more in line with what we want.

Motion: Councilwoman Hubbard **MOVED** to award to Barber the inspection contract for YMCA Drive for a sum not to exceed $8,400, Res. 02-11-02B, seconded by Councilman Hough.

Vote: Unanimous. CARRIED.

NEW BUSINESS

NB#1 To Consider Awarding Bid for Purchase of New Fire Truck

Fire Chief Ekaitis presented the information on a new fire truck in line with the discussion at the retreat last week. It is recommended that we meet the NC standard of 3,000 gallons per minute; this purchase will help us do that. It will also enable us to have a reserve engine as recommended. We would put Engine 340 on reserve. We are continuously having to spend a lot of money on repairs on that engine. The truck will enable Mount Holly to qualify for the lowest possible insurance ratings. Councilman Hough asked for his recommendation. Chief Ekaitis said he recommends Smeal, the lowest bid, an equivalent product. Councilman Hough asked if American LaFrance the same as Freightliner? Yes, it is.

Motion: Councilman Hough **MOVED** to award the bid for a new fire truck to Smeal Fire Apparatus Co. for the sum of $283,465.00 plus equipment at a cost of $21,241.78, seconded by Councilman Hope.

Councilwoman Hubbard asked what about using the local company, Freightliner? Mr. Kraus said we tried to piggyback but could not get it worked out. Mr. Hough pointed out that the price was $50,000 higher with American LaFrance.

Vote: All in favor. CARRIED.

NB#2 To Consider Adoption of Meter Setting Fees

City Manager Kraus reported that sometimes people intentionally break their meter, and sometimes they cut the wires on the new ones, but since we cannot prove who actually did it, we would have a policy to show it the owner's responsibility. Staff recommends a

fee of $100 for replacing a damaged meter. Also, the new developers are not charged tap fees since they install the infrastructure; however, the setting of the meter takes time, and we recommend a $35 fee for that. Councilman Hope felt that $35 is too low.

Mayor Black expressed his concern that this says that the customer is responsible to insure the proper care and maintenance of the meter. His meter is in the sidewalk, not in his yard; he wondered how many other people have that situation?

Motion: Councilman Hough **MOVED** to establish a meter setting fee of $75, and replacing a damaged meter fee at $100. Seconded by Councilwoman Hubbard.
Vote: All in favor. CARRIED.

NB#3 To Consider Applying for Tourism Grant
The deadline was the next Friday to apply for a tourism grant offered by Gaston County. Mr. Kraus said it has been said that our brochure is outdated, and this could produce for us a new brochure to be distributed at Welcome Centers, or elsewhere.
Motion: Councilman McLean **MOVED** to approve, seconded by Councilman Helms.
Vote: All in favor. CARRIED.

NB#4 To Consider Declaring Property Surplus
City Manager Kraus presented the combined list prepared by each department for surplus property. Anything sold out of police department must be paid to the school system.
Motion: Councilwoman Harris **MOVED** to declare the items as surplus property and to authorize them to be sold at public auction, seconded by Councilwoman Hubbard.
Vote: All in favor. CARRIED.

NB#5 To Discuss Possible Resolution of Intent for Involuntary Annexation
City Manager Kraus said that, based on the discussion at the retreat, he is going to speak with the property owners before this matter is pursued.
Motion: The matter was tabled upon motion duly made and seconded.
Vote: All in favor. CARRIED.

NB#6 To Consider Appointment of Two Recreation Commission Members
Recreation Director Zip Stowe said there have been two members who have resigned from the Recreation Commission. He has two recommendations for new members, namely, David Moore, and Harry Adams. They have both been involved in youth programs for a while.
Motion: Councilwoman Harris **MOVED** to appoint David Moore & Harry Adams to the Recreation Commission, seconded by Councilwoman Hubbard.
Vote: All in favor. CARRIED.
Mayor Black asked if we now have a full board? Mr. Stowe said we are still short one inside member.

NB#7 To Consider Application for Urban Parks Grant
Motion: This matter was tabled upon motion duly made and seconded.

Vote: All in favor. CARRIED.

NB#8 Fitness Center
Recreation Director Zip Stowe said he has had requests about family plans, group rates, and city employees' spouses. He prepared a proposal for consideration. Several councilmembers suggested that the outside family fee be higher.
Motion: Councilwoman Harris **MOVED** to approve the fee schedule as amended, seconded by Councilman Hough.
Vote: Unanimous. CARRIED.

NB#9 Supplemental Appropriation for Sewer Contingency
Don Price reported to Council that the State is requiring us to install a sewer line connecting an illicit discharge at the water plant to the alum sludge discharge line. While this was being done, the contractor damaged a water plant electrical service to the intake water pump. The line was not marked. The repair needs to be finished. Councilman Hope said the sub should have located the line before they dug, and is responsible for that damage. Mr. Price said this is inside our fence, so he is not sure where the liability lies. Mr. Hope recommended he ask the sub to file an insurance claim and see if they pay it. Councilman Hough said they should still go ahead and get it fixed right away.
Motion: Councilman Hough **MOVED** to approve the budget amendment for sewer contingency, seconded by Councilwoman Harris. (copy attached)
Vote: unanimous. CARRIED.

CONSENT AGENDA
Councilman Helms **MOVED** to accept and approve all 3 items on the consent agenda, seconded by Councilwoman Hubbard; and unanimously carried. They are:

CA#1. Approval of Supplemental Appropriation for Police Department. (copy attached)

CA#2. Approval of Supplemental Appropriation for Beautification Gift. These are donation funds received in memorial of the last Mrs. Lollie Kendrick, who served many years as a volunteer for the Beautification Committee.

CA#3. Budget Amendment. (copy attached)

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

ROUND TABLE
Councilwoman Hubbard said she was impressed with Sue Myrick's letter to Chad Jones et als that was in the packet.

Councilwoman Hubbard stated she had gotten feedback in the Lanier Ave. and Sadler Street area regarding their possibly being annexed, and they want that to happen.

Councilwoman Hubbard informed Council that in the Feb. 2002 Real Estate newsletter, it says that Crosland expects to begin construction on a new development in our area.

Also, a westside business park on I-85 on our side of the 485 connection is being planned. She will share this with Mr. Kraus to copy to the Council.

Councilwoman Hubbard asked Danny Jackson about the yard sale on Carey Ave. Mr. Jackson said staff has notified him he had to cease.

Councilman Helms asked Danny Jackson if he had been approached by anyone about the old building on Highway 27 that the Optimist Club sold? He said, not lately. Mr. Helms asked if it is zoned R-10? Yes, it is. Someone is supposed to call about using it for offices.

Councilman Hope thanked Kemp and Cindy Michael for letting the Council use their home for our retreat.

Councilman McLean asked if the taxi driver who applied brought in his license? Mr. Kraus reported that we found out that there is no chauffeur's license anymore, and he did bring in the right license and got his privilege license.

Mayor Black said that he and Jamie Guffey went to the Transportation meeting in Mecklenburg County, and naturally the west corridor is the last one on the list. Even the light rail did not go through Mount Holly; they did not mention Highway 16.

Mayor Black said the request from Ken Richardson, the computer consultant is that you may send him any corrections or additions for the city's web site. Councilwoman Hubbard wondered when their e-mail will work. Mr. Kraus said we are getting new phones and then we are getting the e-mail repaired.

Mayor Black reminded Council the next work session is March 5th.

Mayor Black said as a follow-up on the previous discussion about a special events committee, he has Councilwoman Harris working on that committee along with Mr. Kraus. Councilwoman Harris said they want to use a member, not department heads, from each department to be involved on the committee. Mrs. Harris said they are brainstorming now, and are considering summer concerts, or Friday evening events at City Hall. Mayor Black said this committee should not require a separate line item in the budget. Councilman Hough felt this is a good idea, but we have no extra money right now. Councilwoman Harris asked Council to let the committee plan events and bring to Council the cost estimates. Concurred.

Mayor Black reminded Council of the elected officials meeting on the 25th.

Councilman Hope asked how the meeting went on the previous Sunday at East Gaston High School. City Manager Kraus said the county wants to install the sewer line; but he is afraid they may want to do this like they did with Stanley, that is, to do a bond and us pay for it.

Mayor Black said the city's letter went to the Second Baptist Church to make the official offer to purchase property for a water tank. Councilman Hope said he did not think they will accept this offer. Councilwoman Hubbard said we have to wait to see how things go on our money situation with the State anyway; it is possible we will not be constructing the tank.

ADJOURN

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

8:50 PM

Clerk

Robert D. Black

Mayor

****

cpm