

Regular Meeting
City Council
February 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 Hostettler 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. Keith Hearn.

The minutes of January 13, and 27, 1996, were approved as written, upon **MOTION** by Councilman Stewart, seconded by Councilman Helms, with all in favor.

A presentation from Sandee Campbell, Gaston County Recycling Coordinator, was heard by the Council, upon request of Councilman Stewart. She stated that an average of four pounds of garbage is deposited in the landfill each day for every person in Gaston County, covering from 10 to 12 acres of land per year. Most people do not want a landfill next to their property. Recycling has had problems with gluts in the market, such as for glass and newspaper. However, it has been successful in other areas, such as plastics; she stated that 50% of the carpet made in the U. S. A. is recycled plastic soda bottles, and old tires are used to make road materials and rubber mats. New markets are being developed. The current recycling rate is 12%, and the goal is 25%. Eventually it is hoped garbage will be reduced by 50% with recycling. The State's goal is 40% reduction in landfill use by 2001, including recycling. She showed the Council and audience a video called "Keep America Beautiful". The floor was opened to questions. A man asked if it is true that Mount Holly is one of only three left in the county that does not have curbside recycling; she responded in the affirmative. She was asked if it is illegal to put aluminum cans in the landfill; it is. Mr. Eddie Nichols asked if the County is working on a waste plan to meet the State goal; she said it is working on a 10 year plan, and all the cities will be asked to participate in the formation of the plan and will receive a copy of it. Councilman Stewart thanked her for coming and the audience for its support. He then asked Council if they would like for staff to present recycling options to the Council; they concurred.

Mr. Boyce Sherrill asked Council for a decision on his request made last October for the City to expand its ETJ to include his property off of Old N. C. Highway 27. Mr. Ponder said the Council delayed action until it and the Planning Commission could meet jointly and determine whether or not to keep its ETJ at all; that the meeting has now been held, and it was decided to maintain an ETJ. Mr. Sherrill said he would

rather deal with this Board than the County. Councilman Hostetler stated it was also decided that an annexation study should be done to determine what areas to include in the ETJ for future expansion. He felt that Mr. Sherrill has a problem with the County and that is not a sufficient reason for the City to hastily expand its ETJ. Councilman Stewart noted for the audience that the City cannot expand its ETJ without the approval of the County. Mr. Sherrill said the police patrol up there and he would like the City to zone it also. Councilman Helms said Mr. Sherrill should go back to the County Zoning Board, and the rest of Council concurred.

Public Works Director Nichols presented a video of Central Park, highlighting the proposed maintenance improvements, including the following: portions of the creek would be piped, the bridge would be relocated, a drainage pipe would be put underground with a catch basin added, stumps removed, at least 12 feet cleared on each side of the creek of undergrowth, the banks graded, grading from park to street level, and relocation of a utility pole. A survey will be necessary to mark the park boundary lines. Mr. Ponder asked for direction on whether or not to go ahead and do all the work now, or do it in phases. Councilwoman Harris said it should be started now because of the safety concerns. Councilman Helms agreed and stated his support for doing it all at one time. Councilman Stewart concurred with Councilman Helms, and approved of pulling the funds from next year's budget. Councilman Hostetler supported the proposal, but asked that something also be done to close screen off the pipes so children cannot go into them. Councilman Helms said a trash guard would be a good idea, but it has to be kept cleaned out. Councilman Hope liked the scope of work and the increased usable area, and was in favor of doing the whole project now; he added that he hopes they will be just as aggressive on the River Street Park. The Council concurred that staff proceed to have the survey and get bids.

The Council set a new date for its planning retreat since the one set for February 8 was cancelled. It was agreed they will meet on March 8th from 1:00 PM to 7:00 PM (maybe later) at Kemp Michael's house; Mr. Ponder says he will have 10-12 items on the agenda.

Teresa Sides, Priority One Management, presented a "One Strike and You're Out Policy" to Council for the public housing apartments. This policy has been promoted by President Clinton. The staff would find it easier to deny or limit access to individuals with violent tendencies and/or involvement with drugs. Councilman Stewart inquired about who has the authority to determine if this is violated or not; the management has that authority. There does not have to be an arrest. City Attorney Michael said the City has a policy in place already making tenants responsible for guests and requiring identification to be on the premises that has improved their environment, but this policy will make it easier to get the evictions because we do not

have to prove there has been a criminal conviction. Mr. Ponder said it also establishes denial for re-applications. Councilman Helms wondered how much more time and money-it will take to administer this, and repeated his belief that the City should get out of the public housing business. Mr. Ponder said the apartments are in much better condition, and now have only a few troublemakers. Councilman Hope **MOVED** to adopt Resolution #2-10-97(A) and attachments entitled "One Strike and You're Out", seconded by Councilwoman Harris, with all in favor. (copy attached)

Squires Enterprises, Inc. has requested a public hearing to consider a rezoning request from R-8MF, R-10, B-3CU, to B-3CU, R-8MF, and R-10, basically changing the zone boundaries submitted previously. This is a conditional use zoning. The amount of area in the zones is the same. Councilman Hostetler **MOVED** to set a public hearing for March 10, 1997, to consider the rezoning request by Squire Enterprises, Inc. for its property on Tuckaseege Road, seconded by Councilman Stewart, with all in favor.

One budget amendment was approved as presented, upon **MOTION** by Councilman Duke, seconded by Councilwoman Harris, with all in favor. (copy attached)

Councilman Duke **MOVED** to approve the tax releases through 1-31-97 in the amount of \$147.14, seconded by Councilwoman Harris, with all in favor.

The Council took a five minute recess.

Mayor McLean noted for the record receipt of the January Police Dept. Report, and the December reports for the Water, Street and Sanitation, and Utility Departments, and the December Financial Statement.

The floor was opened for complaints or petitions not on the agenda. Marty Atkins, 332 East Glendale Avenue, was recognized first. He read a summary of events which took place in March of 1996 affecting his family. He said the Mt. Holly police were called to a church wedding at which a disagreement took place and his uncle tried to assault him. He said he was trying to get away. His two oldest children were taken in the police car and they came to the house and did not follow proper procedures; he said they took his kids without warrants or court orders and told the kids to take whatever they wanted. He said his son suffered a ruptured vertebrae, his wife almost died and was fed by IV for six days over this and is disabled. He said he has called the District Attorney, the Attorney General's Office, the SBI, the FBI, and no one will help him. He said they refused medical treatment for his son. He wants this matter dealt with. Mayor McLean said this was the first he has heard about this matter, and the Council agreed they did not know anything about it. City Attorney Michael advised the Council to accept xerox copies of

his paperwork, and turn it over to the City Manager to investigate, and further recommended the Council not enter into a dialogue on a matter unknown to them. The Council concurred, and an assistant went with Mr. Atkins to make copies of his paperwork to give to the City Manager.

Jackie Gann, 1724 Charles Raper Jonas Highway, appeared before Council to complain that the residents along Highway 27 are not being allowed to tap onto the water line at a reduced tap fee. She said it is not fair that they were given no notice before the tap fees increased. Councilman Hostetler asked Mr. Nichols if he is aware of any requirement to give notices; he was not. Ms. Gann said she was told the City was required to give them notice. She said they will have to spend \$1,000 to reach the line not counting the tap fee, and the City has lowered the tap fee for other citizens and even took a memo to them to let them know about it. She said Stanley pays less than they will, and why should it be that way? Councilman Hostetler stated that Ms. Gann left abruptly at the last meeting, and after she left the Council explained why those citizens were allowed to tap onto that sewer line at the previous rate; that their specific and unusual circumstance was that there was a previous agreement with them related to that project, and that the delay in the completion of the project caused it to be after the price increase and the Council decided to honor its agreement with them and allow the taps at the previous rate. He further stated that the price increase was not arbitrary but based on the decision to charge enough to cover labor and equipment as well as materials, whereas in the past the fee only covered the cost of materials; and was done at a time when all kinds of fees were looked at and increased. Mr. Hostetler continued to say the City contracted with Stanley to provide water to it. Ms. Gann said their Gaston County property tax went into that line too. Councilman Stewart said the outside rate is twice the inside rate because outside connections are not encouraged. Ms. Gann stated her belief that she and the other residents have been wronged. The Council took no action.

Councilman Helms said the Holiday Inn Express property on Highway 273 is not in compliance with erosion control requirements. Mr. Ponder said the State officer has been here and has notified them they must install the proper control measures.

Councilman Hostetler asked if there is anything he can do to help get the addresses straightened out in Catawba Heights. Councilwoman Harris said she has been in contact with everyone up to Sue Myrick in Congress, and she still has another option she is working on now.

Councilman Hostetler said Wendy Hostetler would like to serve on the Recreation Commission; this was referred to that committee for a recommendation.

Councilman Duke inquired about a speed limit sign being replaced; it has. Then he asked about the fire truck plaque; it has not come in yet. He said we should recruit restaurants like Wendy's or a K&W Cafeteria. Also, he has reserved a book for the City Archives Room with WWII military photos of Mt. Holly and Belmont servicemen.

Councilman Stewart asked about the turn lane at Creekside Shopping Center. Mr. Ponder said DOT replied with a firm "No" to Anderson's request for an extension of the left turn lane across the creek.

Councilwoman Harris said she had lobbied for Ann Gaither to be reappointed, and is working on getting transportation money for Mount Holly.

City Manager Ponder said the architect is going to make suggestions on how to improve the airflow of the heating and air conditioning systems in City Hall.

Mayor McLean said a woman has complained about being treated abruptly by the Water Dept. ladies; Dr. Rankin told him the next day how wonderful the staff is. Councilwoman Harris said the ladies handle their job very well, and she has been here when the customers were very rude; she feels sometimes people get upset when they are told what they don't want to hear. Councilman Hostetler asked if they have response training or a policy to go by. Mr. Ponder said they have all had training, and when any situation gets to a certain point, it is referred to him.

Mayor McLean said Dick Beatty has asked again about a water bill adjustment; the Council concurred it will not adjust on commercial bills, but the committee will consider a residential request.

Mayor McLean announced the first meeting for this year's Springfest to be February 17 at 7:00 P.M. in the Archives Room.

Mayor McLean said the Mt. Holly Junior High girls basketball team, with Dennis Noble as coach, was County champions and undefeated; he will have a proclamation at the March meeting.

Mayor McLean reported that Doug Nixon, a man from Catawba Heights, has been missing for a week, and anyone with any information should call the Police Department or himself.

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

Philip S. Ponder
City Clerk

Frank E. McLean
Mayor