

**CITY COUNCIL
REGULAR MEETING
FEBRUARY 9, 1998**

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 McLean. The following were present:

Mayor Frank McLean, Jr.
Mayor Pro-Tem Phyllis Harris
Councilman Michael Helms
Councilman Andy Stewart
Councilman Jim Hope
Councilman Bobby Black
Councilman Bryan Hough

Adm. Services Dir. Sherry Borgsdorf
Public Works Director Eddie Nichols
Planning & Zoning Dir. Danny Jackson
City Attorney Kemp Michael
Police Officer

INVOCATION

The invocation was led by Rev. Jeremiah Robinson.

PLEDGE OF ALLEGIANCE

Mayor McLean led the Council and audience in the ceremony of the Pledge of Allegiance.

MINUTES

Councilman Helms **MOVED** to approve the minutes of January 12, 1998, as written, seconded by Councilwoman Harris, with all in favor.

UNFINISHED BUSINESS

#1 Regulation of Pot Bellied Pigs

Councilman Hope asked all those present for the purpose of speaking about the pig to raise their hands. The following were recognized:

1. resident at 104 W. Walnut; Bill and Nancy Burgin; allow
2. Richard Banc, 129 W. Walnut; allow
3. Eric Cook, S. Mulberry Court; do not allow
4. Terry Franklin, W. Walnut; do not allow
5. Edward and Donna Gant, Mulberry Court; do not allow
6. Pat Baker, W. Walnut; do not allow
7. Pat Messer, 105 S. Mulberry Court; do not allow
8. Pamela Lee, 168 W. Walnut; allow
9. Larry Hillard, 109 W. Walnut; do not allow

Mayor McLean asked Council if any of them wished to move to amend the ordinance. Councilman Hope said he had contacted N. C. State University, and he was told there is no difference between these pigs, they carry the same diseases and are treated the same by the State of North Carolina. Councilman Helms said he believed the question of the intent at the time of the adoption of that ordinance should be considered. He does not

believe they were thinking about these pot bellied pigs and he does not see how the City can prohibit people from keeping something in their house. Councilman Hough said the people he talked to said the pig would be okay in the house, and he would not oppose that. Mayor McLean stated he has received calls against, and whatever the Council decides, it would affect the whole City. Councilman Hough stated his opinion the animal should be in the residence or under the direct control of the owner. Councilman Stewart said no one had called him but the people he has talked with do not care; he sees no problem with the pig in the fence they built and does not see why the City must restrict them further. The Council **concurred** that they would take a vote at the next meeting and would have staff develop language for an amendment to the ordinance to allow pigs with restrictions as in other cities. Mr. Burgin said it would not be acceptable to not be able to let the pig out into the backyard or into its pool in summer, and they are tired of neighbors complaining, the neighbors may sue, and so they asked for time to sell their house, stating they have already contacted a real estate agent. He said they are looking at a house in Belmont where they have already been told they are welcome.

112 S. Mulberry Court, the only problem I have about his pig is potential buyers, since they are at the front of the subdivision. When the chain link fence was there it was visible; so we need to stick with the code, it is there for a reason.

Pam Leigh, 168 W. Walnut, she found out the past weekend about this controversy. She doesn't live close to them, but it is part of her neighborhood. She felt it is rude of us to say they don't love that animal the way she loves her sons and her cat; not right to allow my dog in the street and put their animal in a building. She was sorry they feel forced to move; she said she was more afraid of that kind of attitude, a climate like that is not a place for a family.

#2 Courtyard Improvements

City Manager Phil Ponder stated that despite their many efforts he has only received high bids for improvement of the courtyard next to City Hall, and Council had said he would need to get the cost lower. Mr. Lee Skidmore said it would cost \$17,500 not including moving monuments. He asked about taking up pavers only and pouring the concrete to correct the drainage problem. This would be \$7,500. Councilman Black asked if that would be flat concrete or could they use a texture press. Mr. Ponder said the texture press would probably not add a whole lot to the price. This figure is within the budget.

Motion: Councilman Stewart **MOVED** to authorize the City Manager to complete the work to correct the drainage problem in the courtyard; seconded by Councilman Black.

Vote: six ayes and zero nays; **CARRIED**.

CONSENT AGENDA

The Consent Agenda with three items was adopted without amendment upon **MOTION** by Councilman Stewart, seconded by Councilwoman Harris, with all in favor, as follows:

1. Gaston County Law Enforcement Mutual Aid Agreement. Police Chief Bishop is authorized to execute the agreement as presented.

2. Emergency Management Mutual Aid Agreement. After review by the insurance carrier and City Attorney, the agreement was approved and the Mayor and City Manager were authorized to execute the agreement as presented.
3. Tax Releases. Ordinary tax releases for February 9, 1998 in the amount of \$1,516.75 were approved. Special tax releases for February 9, 1998 due to appeals from county revaluation in the amount of \$48,089.36 were approved.

NEW BUSINESS

#1 Annual Municipal Report of Assessed Valuation and Property Tax Levies

Tax Collector June Barker made her annual report to Council (copy attached) showing a tax levy for 1997-1998 in the amount of \$1,757,380 with all said tax being collected except \$106,865 to date. She then made recommendations for advertisement of tax liens and for the tax lien sale date.

Motion: Councilman Helms **MOVED** to accept the report, and to set April 1, 8, 15, and 22, 1998 as the dates for advertisement and May 11, 1998, as the date for sale of tax liens; seconded by Councilman Hough.

Vote: six ayes and zero nays; **CARRIED.**

Adm. Asst. Sherry Borgsdorf thanked Ms. Barker for a job well done, especially in light of this year having both revaluation and tax increase, and that she has done a good job in keeping the records straight after appeals and handling inquiries. Mayor McLean also commended her and thanked her for the Council.

NB#2 Final Plat Approval for the Kendrick Industrial Park

Mr. Jackson stated that the Planning & Zoning Board has recommended approval of the final plat for Kendrick Industrial Park. Mr. Broome has already constructed the infrastructure; the City would only need the 15% financial guarantee for the one year warranty.

Motion: Councilman Hope **MOVED** to approve the final plat for Kendrick Industrial Park contingent upon the developer providing a financial guarantee to cover the cost of the warranty period; seconded by Councilman Stewart.

Vote: six ayes and zero nays; **CARRIED.**

City Manager Ponder stated that per the City's agreement with Mr. Broome to assist with development of the property, he is entitled to \$42,500 from the City. Mr. Ponder said he needed for Council to accept the infrastructure improvements, and authorize the release of those funds.

Motion: Councilman Hope **MOVED** that the City accept the infrastructure improvements to Kendrick Industrial Park subject to the warranty period and that the City Manager is authorized to release the \$42,500 per the agreement with Mr. Broome; seconded by Councilwoman Harris.

Vote: six ayes, zero nays. **CARRIED.**

NB#3 Bids for Water System Improvements.

Sewer improvements for Broome St. involves a relief sewer line because of overloading during heavy flow events and to accommodate growth in Catawba Heights, specifically the Riverfront Development, and is listed in the 1990 Master Sewer Planning Study. Water improvements for W. Charlotte Ave. involves a water line to replace an old inch and a half line. The low bid was from Brown Utility Co. in Concord, for \$134,014.00; however, they wrote a letter three days later and asked to withdraw their bid because they did not include re-paving Hwy. 27 at a cost of \$15,000 and cannot complete the job for the price they bid. The second low bidder was Foster Utilities, Inc., of Pineville, and they are ready to proceed at their bid price of \$164,483.00. The City Manager noted this would cost the City \$30,000 additional. The City Attorney had consulted with the Institute of Government about the City's options. The City could find that Brown Utility made an honest mistake, and refund their bid bond and proceed with the second low bidder. Or, the City could refuse to release them and keep the bid bond when they do not do the work. There is an accommodation in the bids for demonstration "to the reasonable satisfaction of the owner" that a material and substantial mistake was made. Brown Utility produced its working copy of its bid. Councilman Hope said he faces these issues every day of his life as a contractor; he noticed that there was a difference of \$134,000 to over \$280,000 in these bids. If Brown has to forfeit his bid bond, it affects his livelihood and ability to do business. Councilman Hope also pointed out he would not want an unhappy contractor on the job.

Motion: Councilman Hope **MOVED** to allow Brown Utility to withdraw its bid and to release his bid bond; and to award the bid to Foster Utilities for \$164,483 which is still below the estimate and within budget; seconded by Councilwoman Harris.

Vote: six ayes, zero nays; CARRIED.

NB#4 Archives Committee Appointments

Councilman Black has served on this committee for several years and would like more help and fresh ideas. Mayor McLean asked if he would like the committee to choose its chairman. Mr. Black said he would prefer that. Mayor Black re-appointed Bobby and Melanie Black, Lee and Kristen Beatty, Jack and Frances Warren, Councilwoman Phyllis Harris, Roger Hawkins, Everett Johnson, and Gary McManus, and then appointed three new members, namely, Cecelia Broome, Charles Black, and Ray Broome.

PUBLIC COMMENT

Mike Johnson was recognized. He stated he believes the Mayor, City Manager and City Attorney know about his problem but did not think the Council know. His family owns property in Mt. Holly. He owns a Subway Sandwich shop. He has been involved in matters related to advocacy for small businesses. He was delegate to a conference in Washington and a committee in Raleigh, addressing issues benefiting small business owners. One of the matters discussed involves condemnation of property. He was appalled at the attitude taken over condemnation of his family's property. He had assured his parents that Mayor McLean was a fair man and had talked with him and was told he would call back, and did call back, but then that stopped. He was amazed that council members did not know about this problem. At the suggestion of Mr. Withers in Stanley,

he met with Mr. Parker, the City Manager of Stanley, and was told his parents were unreasonable and Stanley had the right to take the land. He did not know of a letter Reg Robinson had sent to the City Attorney. He was told the attorneys would meet, but they have not. He felt this supports the reputation Mt. Holly has that it is not helpful to businesses. They should not put the pump station in the middle of the land but over to the side. Also, they should have been nicer to Freightliner and other businesses here. He was insulted that he never got a return call or a meeting, a courtesy.

City Manager Ponder stated that he had placed at each council member's place a packet of information from Jim Windham, the Attorney for Stanley. There are many letters dating back to June 1997. Mr. Windham has attempted to contact the attorney for the Johnsons on many occasions, and has not gotten an appraisal or a meeting appointment. Their attorney wrote that his appraiser had not produced an appraisal report yet and he hoped to have it by the end of this month.

Mr. Johnson said he had wanted a meeting to settle this matter directly with you all, so that before the condemnation took place the City could meet with us and talk maybe over coffee, and just wanted you to move the pump station over to the corner of the property instead of in the middle so property could be used and not so devalued. He said council members in Stanley said they had learned a lesson, and they want to know about stuff like this before it happens. It could have been resolved without condemnation he believed. Mayor McLean said he did not intend any offense, but once it went to the lawyers, he could not discuss it anymore.

No action.

ROUND TABLE

Councilman Hough:

Mr. Hough said he had no idea the Burgins were getting that kind of communication personally, and he was sorry people have talked to them that way; he felt it is a shame that they were treated like that. He only wanted to address the issues involved.

Councilman Helms:

When looking at ordinances, he knows the law is on the books, but believed the Council needs to look at the intent when it was adopted originally; that as years go by things change and new things come about not thought about before, and he felt we need to be objective and keep an open mind; to consider all peoples' rights.

Councilwoman Harris:

She agreed with Councilman Helms; she stated Mt. Holly is always being compared with Belmont, things like downtown improvement and now a nice family moving to Belmont when we could look at a reasonable way to resolve the matter.

Mrs. Harris asked if the Council will consider buying new Christmas decorations for the City. Mr. Ponder said they are actually on sale, and he could request an extension of time to buy at the sale price; but he needs someone to pick it out. Sherry Borgsdorf said Eddie Nichols will contact the company to see if they have another catalog too. Councilwoman Harris, Councilman Hough, and Councilman Stewart will work on this with the City Manager.

Councilman Stewart:

Mr. Stewart got a call from Barbara Wishy (from NC preservation society); but he was gone when the Council discussed the Lentz-Springs house. He asked what was the Council's intention. Councilwoman Harris said he brought it up because she got phone calls; the neighbors don't like looking at it, and it is not secure and is dangerous; and also felt if the City makes others keep up progress on improvements, they should be required to as well. All present were in agreement this needs to be done. Councilman Hope said Mr. Jackson would not allow any other house to remain in the city in that condition. Mr. Ponder said he has requested a plan and will give Council her timetable for improvements, but the safety issue must be dealt with immediately.

City Manager Phil Ponder:

Mr. Ponder thanked the Council members for attending the retreat, and the Michaels for hosting it. Council had discussed getting public input on closing unguarded railroad crossings at a public hearing, and he asked for specifics. Councilman Hough said they also want input on curbside garbage pickup. Councilman Stewart said may need to do at a different meeting; Councilwoman Harris said it would be good to have the meeting away from the Council Room. Councilman Hope agreed should do as Phil said and handle railroad crossings now and curbside later.

Motion: Councilman Helms **MOVED** to set a public hearing on March 9th at the regular meeting at 7:00 P.M. in City Hall, on the matter of unguarded railroad crossings; seconded by Councilwoman Harris.

Vote: six ayes, zero nays. CARRIED.

Councilman Helms said that as a part of this process, we need to communicate with the public about the amount of money involved and what it actually takes to get it.

Mr. Ponder said the Planning Board has asked for a joint meeting on any Monday to discuss several matters. The Council **concurred** to set it for March 23 at 7:00 P.M. at City Hall.

Mr. Ponder said that he has noticed it is trendy lately to pit bureaucracy against elected. He said that although he generally does not like lawyers or go to their defense, the City Attorney was in negotiation with over 30 owners to get the line right of ways for the Stanley interconnect, and only a handful had to be condemned. He also pointed out that the City Attorney kept the Council informed and every condemnation was voted upon by the Council for approval before it was filed.

ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 8:30 P.M., upon motion duly made, seconded, and unanimously carried.



City Clerk



Mayor
