

**CITY COUNCIL
REGULAR MEETING
January 13, 2003**

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 Bryan Hough

Councilwoman Pat Hubbard

Adm. Services Officer Jamie Guffey

Water & Sewer Dir. Don Price

Planning & Zoning Dir. Danny Jackson

City Attorney Kemp Michael

Police Chief Rick Davis

Fire Chief John Ekiatis

Street & Sanitation Dir. Mike Santmire

INVOCATION

The invocation was led by Rev. Larry Kimmel, First United Methodist Church.

PLEDGE OF ALLEGIANCE

Troop 59 led the Council and audience in the ceremony of the Pledge of Allegiance.

APPROVAL OF THE AGENDA

The agenda was approved with additions, as follows: Presentation #3, New Business #4 Whitewater Park, #8, #9, and #10, and deletion of Unfinished Business #4, and New Business #5, upon motion by Councilwoman Harris, seconded by Councilwoman Hubbard, with all in favor.

CONSENT AGENDA

Councilman Helms **MOVED** to approve the one item of the Consent Agenda, seconded by Councilwoman Harris, with all in favor.

CA#1. Approval of the minutes for December 9, 2003. As written.

PRESENTATIONS

PR#1 Water Issues.

Not present.

PR#2 Request to Pave Unmaintained Right of Way.

Not present.

PR#3 Speeding Problems on Henry Street

Cody Williams, 402 W. Henry Street. Mr. Cody passed to Council maps he had highlighted. This street is one block from Catawba Heights Elementary School. Henry Street is curvy, hilly, and has a 35 mph speed limit. You cannot negotiate that road at that speed. He stated, he has lived here all his life except for a few

years. It is used as a commuter road for people to cut through every day at 45 or 50 mph. Friday before Christmas his niece was hit by a car on that street; the driver was ticketed; he had passed three speed limit signs and one children playing sign. It is almost impossible to back out of your own driveway. He had a petition he had gotten signed by owners on that street since the last Saturday, as well as signatures from her school. We request you reduce the speed limit, and put in speed bumps. Also they are asking for stop signs at Ida Street. Mayor Black asked citizens who were present because of this matter to stand; there were 13 others. Mr. Cody said that there is the same problem on Cherry Street. He said he has videotape of the traffic. Mayor Black asked the police chief to put up the traffic speed machine, and to get a traffic count. Councilwoman Harris asked if Chief Davis if they have given out tickets there; he said they have but he did not know the number. Councilman Hope asked how his niece Shelby is doing; she had a broken pelvis, ribs, leg, and a lacerated liver; but is doing better.

PUBLIC HEARINGS

PH#1 To Consider Soil and Erosion Control Ordinance

Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, and unanimously carried. Mayor Black recessed the regular meeting and opened the public hearing to consider a proposed Soil and Erosion Control Ordinance.

City Manager David Kraus stated that Council had a committee that was formed to work on an ordinance with Belmont for this purpose. They have met several times and have compared several ordinances from other cities, the state, and county. He presented a matrix showing the options the council has now. He felt they were all similar, but pointed out some differences. One has a time limit on the permit, and the amount of disturbed land affected is less. The purpose of this ordinance is to stop runoff from land during development to protect the water and life therein of the Catawba River and its tributaries.

There were no audience comments for or against. David Freeman was recognized, who was from QNRC for the County, and who helped prepare the ordinance the county adopted. The county would like to see a uniform ordinance, and the main difference in this proposal is the size of the property being regulated. We recommend you allow the county to operate its ordinance for a while, and see how it does, and then if not satisfied, adopt yours. City Manager Kraus, noticed in the county ordinance that if they cite you, you can appeal, but to an environmental review committee; and he wondered, who is that? Mr. Freeman said it is composed of seven members who reflect the sediment control commission at the state level, all appointed by the county commissioners; one from a municipality town, one from homebuilders, one from a township, one an engineer, and so on. The board needs to be kept small and technically oriented, he said. Mr. Kraus said if the City adopts its own ordinance, it will have to have a review board, and COG said that could be the zoning board. Mr. Freeman stressed the county would like to see the same ordinance used all

over the county, so it has the same set of fees, and a uniform system; they have three professionals on staff. Mr. Kraus said the reason we began this process is the State does not have the manpower to enforce the current controls. Mr. Freeman said the county agrees with that.

Don Price asked how would the county address the City's need to put in its application by April; Mr. Freeman suggested you would put down County's ordinance; the County is going to have a storm water ordinance similar to the erosion one. Mr. Kraus said if the Council takes no action we remain under the state; adopt the County ordinance, fall under its jurisdiction; or we can adopt our own.

Jack Stevenson, I was on the committee that formed the county ordinance and on the local one as well. The county has trained personnel on staff and that is a consideration so that enforcement is adequate and appropriate. Either one will work, but it will be expensive to administer, and the fees will not cover the expense of administration.

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

Councilman Hough said it appears the main difference of the 12,000 square feet threshold on the proposed, whereas the county one is one acre. Does that mean it is the same for residential? Mr. Kraus said for an individual developing it is one acre, but a developer or commercial is 12,000 sq. feet. But the county is one acre for all. Mr. Hough asked if we have determined the cost of this program if we administered it. He was not sure we need to duplicate a service that the county is taking. Mr. Kraus said we could contract with the county to administer ours. Councilman Hope said we should wait and let the county do this for a while and then decide if we want to continue under them or do our own, before we go spending money on it. Councilwoman Hubbard asked how many inspectors the county will have; Mr. Freeman replied that they have five on staff, four will be inspectors. Mr. Hough asked from where the funding will come. Mr. Kraus said from the fees charged when a permit is obtained. Councilman McLean stated that if the property was smaller than an acre, but there is a slope, that would be a problem, too. Councilman Helms said there is also a slope chart in the ordinance which affects those situations. Mr. Helms agreed it is too expensive for Mt. Holly to do on its own; he also wanted to wait and see the track record from the County before we act on our own; he noted that the County did not get involved in wanting to pass this until they realized Belmont and Mt. Holly were tired of waiting on them. He stated that the 12,000 sq. feet is something he was adamant about; that has the possibility of helping a community development as far as trees and so it is not leveled; the permit expiration is also important to him. But he could see the wisdom in going with the county's for now, and keeping ours on the shelf and pulling it out later if we are not satisfied. Councilwoman

Hubbard asked if we can pass this before the state approves the county ordinance; Mr. Freeman said no.

Motion: Councilwoman Hubbard **MOVED** to table action until we get the state's ruling on the county's ordinance, seconded by Councilman Hough.

Vote: unanimous. CARRIED.

Mr. Kraus said that Belmont wants to talk with us about this. Mayor Black appointed Councilman Helms and Councilwoman Harris to meet with them.

PH#2 To Consider Risk Management Plan

Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, and unanimously carried. Mayor Black recessed the regular meeting and opened the public hearing to consider a proposed Risk Management Plan.

Don Price stated that the City is required to have a risk management plan because we handle chlorine. There were no other comments for or against.

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

Councilwoman Hubbard asked if this information sent them in the agenda packet was duplicates because one is for water and one for sewer? Mr. Price said yes.

Motion: Councilman Hough **MOVED** to approve the Risk Management Plan, seconded by Councilman Hope.

Vote: unanimous. CARRIED.

PH#3 To Consider Process Safety Management Plan

Councilman Hough moved to go into public hearing, seconded by Councilwoman Harris, and unanimously carried. Mayor Black recessed the regular meeting and opened the public hearing to consider a proposed Process Safety Management Plan.

Don Price stated that the City is required by OSHA to have specific procedures in place for handling of chemicals and the equipment to be used. There were no other comments for or against.

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

Motion: Councilwoman Hubbard **MOVED** to adopt the Process Safety Management Plan as amended, seconded by Councilwoman Harris.

Discussion: Councilman Helms asked, since we are going to adopt that section on contractors, we had talked about the hoist inspection, and will need a punch list, and we would need his accident record before the contractor works for the

city; and further that we will need annual inspections. Don Price reported that the City got a good rating this year. Mr. Helms asked, do you have confined space training on any of our personnel? Yes.

Vote: unanimous. CARRIED.

PH#4 To Consider Drought Management Plan

Councilman Helms moved to go into public hearing, seconded by Councilman Hough, and unanimously carried. Mayor Black recessed the regular meeting and opened the public hearing to consider a proposed Drought Management Plan.

Don Price stated the city's water supply and hazard mitigation plan both require a drought management plan. This is a matrix which covers four phases of drought; this was not patterned after any other. This follows the level of the lake and how it is handled by Duke Power. Stanley will be given a copy of this and they should adopt this format even though we cannot force them to. City Manager Kraus said we would hold them like any other customer to our standard. Mr. Kraus said this plan is not driven by staff or council action but by the lake level.

There were no other comments either for or against.

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

Motion: Councilman Hough **MOVED** to adopt yet another unfunded federal mandate, the Drought Management Plan as amended, seconded by Councilwoman Hubbard. Councilman Helms noticed that Mr. Price had used percentages rather than numbers of gallons, and he felt that was a good thing.

Vote: Unanimous. CARRIED.

UNFINISHED BUSINESS

UFB#1 To Consider Resolution Directing Publication of Notice of Intent to Apply to Local Government Commission for Bond Referendum

UFB#2 To Consider Resolution Authorizing Application to Local Government Commission for Bond Referendum

UFB#3 To Consider Resolution Making Findings of Fact for Bond Referendum

City Manager Kraus said these three steps are necessary for Council to be able to go to a public hearing on this matter. A representative from the bond counsel was present and said these three items begin the process and are presented as set forth in the N. C. General Statutes. Mr. Kraus said we are targeting the March meeting for the public hearing. We can tweak the question but not totally revamp it without starting over.

Motion: Councilwoman Hubbard **MOVED** to adopt Res. 01-13-03A, Res. Directing Publication of Notice of Intent to Apply to Local Government Commission for Bond Referendum, seconded by Councilman Hough.

Vote: Unanimous. CARRIED.

Motion: Councilman Hough **MOVED** to adopt Res. 01-13-03B, Res. Authorizing Application for Bond Referendum, seconded by Councilwoman Hubbard.

Vote: Unanimous. CARRIED.

Motion: Councilwoman Hubbard **MOVED** to adopt Res. 01-13-03C, Res. Making Findings of Fact, seconded by Councilwoman Harris.

Vote: Unanimous. CARRIED.

The Council took a five minute recess.

NEW BUSINESS

NB#4 Whitewater Park

Mr. Jeff Wise gave a report to Council about a proposed whitewater park. The plan is for a U. S. National Whitewater Center to be done on the Catawba River, across from Mount Holly on the Mecklenburg County side. This will promote all outdoor sports, such as mountain biking, flat boating, fishing, indoor and outdoor climbing, rafting, and also swift water rescue training. It is modeled after a facility in Australia. The concept blends natural and artificial development, using a closed loop system that can be from a level two to level four difficulty. He stated its three fold mission: promoting healthy active lifestyles, promoting environmental stewardship, and civic interaction. The tract involved is 307 acres on the Mecklenburg County side from the I-85 bridge to Long Point. It includes a 20,000 sq. ft. conference center. It will be the fourth Olympic training center in the US. USAC is coming this week to see the project plans. This is a community park, but in particular Mt. Holly sits in the blast zone, he said. A 2001 study shows that 69% of Americans participated in outdoor sports. 21% are regularly active. This is a growing venue in popularity. His group has met with Coca Cola, Lowes, and will be meeting with GM soon. The projected usage is believed to be 53% male and 47% female. The ethnicity breakdown is not as good as they would like, and they plan to work on that. They project 300,000 annual visitors. Crowders Mountain has 296,000, Nantahala gets 231,000; they expect 207,000 here for whitewater sports alone. This does not include Olympic figures. He said he envisions people coming to Mount Holly for hospitality; they do not plan to provide that. He said this is a not for profit organization, so the net profits will be put back into the community.

Councilwoman Hubbard asked if this is something used year round? Mr. Wise said they expect the off season to be Dec.-Feb., but that just means low traffic; it will be open year round. Mayor Black said staff provided Mr. Wise with maps of our town and the area around it.

No action was taken.

NB#1 To Consider Contract for Land Application of Bio-Solids

Mr. Don Price stated that the City has had some issues with the prior contractor; we found farmers willing to contract, and they had upset them. We allowed their

contract to expire and found another contractor. We have used this one for eight months to see how he would do. He introduced a product into our system which reduces our overall volume of solids we have to apply. His price is slightly higher than others we checked out, but he does not have a minimum charge like the others did. City Manager Kraus said we got proposals from other companies as well, but we like their proposal best. Councilwoman Hubbard asked if the city attorney had reviewed the contract. City Attorney Michael said the format is okay, but he has no opinion with regard to the costs. Mr. Michael asked Mr. Price if we have enough permitted land? Mr. Price replied, yes. Mr. Price stated that the new element added to our system by this contractor also reduces the odor.

Motion: Councilman Hough **MOVED** to approve the contract for land application of bio-solids as presented, seconded by Councilwoman Hubbard.

Vote: All in favor. CARRIED.

NB#2 To Consider Authorizing the Application for a Gaston County Incentive Grant

City Manager Kraus stated that the City maintains the softball field and walking track behind the middle school. We have complaints there are no bathrooms out there. This year we agreed to split the "porta potties" cost with the school. This grant is for county matching funds up to \$10,000 for projects built on county land. The county produced plans for it, and the estimate cost is \$37,000. We can eliminate the storage area at the back to reduce the cost because it is not required. Ms. Starnes prepared the application. Ms. Starnes said we would be applying for the whole \$10,000 grant; the school would like to see this happen. Councilwoman Hubbard asked how much our half of the porta potties is; \$60 month (a discount price). Councilman Hope said we won't save that much by taking off the storage, and there is always a need for storage. Councilwoman Hubbard said this means we would be building on county land, so they would own it. Mr. Kraus agreed, and compared it to the old gym where the county owns it and we paid to fix it up and maintain it, and our citizens use it a lot. Councilman Hough inquired what was the first phase amount at the Tuckaseege Center that we need but have put off due to the tight budget? \$40,000. Mr. Hough said he believes we need to make improvements and he sees the need, but he felt we should start with our own parks. Councilwoman Harris said she was torn on this. Councilman Hope said he always goes back to our budget, and if it is not there, the answer has to be no. The Council concurred, we cannot do it at this time.

No action.

NB#3 To Consider Creation of Temporary Positions for Military Reserve

City Manager Kraus said we have at least 3 employees who are in the Reserves, and the reserves are being called up for active duty because of the events in the Middle East and North Korea. This is to fill their positions while they are gone, but these positions would be eliminated when they return.

Motion: Councilman Hough **MOVED** to authorize the City Manager to create temporary positions as needed for replacing military reservists until they return, seconded by Councilman McLean.

Vote: All in favor. CARRIED.

NB#5 To Discuss Funeral Escort Policy

Deleted

NB#5 To Award Bids on Lee Street Sewer

Mr. Don Price said this project has been on the books since 1996; it is a replacement of an old trunk line about 60-80 years old, of which part of it is under a church, and it is a potential problem for the Dutchman Creek pump station. City Manager Kraus said this was budgeted for this year. Mr. Price reported that the bid amount is less than what was budgeted. Mr. Wolfe, from W. K. Dickson Engineers was present. Councilman McLean said Mr. Eddie Nichols had started working on this, and that this is mostly terra cotta pipe that needs to be replaced. City Attorney Michael asked if this bid includes also going along Hwy. 27 and Mr. Mitchem's property. Mr. Wolfe said yes. Councilman Hough asked how much had been budgeted? \$200,000.

Motion: Councilman Hough **MOVED** to approve bid of the lowest bidder, Carolina Construction of Rutherfordton Inc., for the Lee Street Sewer project, seconded by Councilwoman Hubbard.

Vote: All in favor. CARRIED.

NB#6 To Consider No Parking on Tomberlin Street

City Manager Kraus had received complaints that people park on the street near apartments at the end of Tomberlin Street, causing traffic tie-ups and they cannot get out of their driveways. They want it to be no parking zone. Councilman Hope said he went out to look at this and feels they have a legitimate complaint.

Motion: Councilman Hope **MOVED** to make a no parking zone on both sides of Tomberlin Street for the section north from West Catawba Drive to the dead end, seconded by Councilman Hough.

Vote: All in favor. CARRIED.

NB#7 To Consider Awarding Bid for Cleaning Services

Jamie Guffey said staff has had complaints about the cleanliness of City Hall. Since Mr. Cupps stopped about two years ago, we had a part-time employee from recreation do it. He has obtained a proposal for cleaning services by an outside contractor. Mr. Cupps charged \$7,200 year; this is about \$17,000 year, but the other quote we got was \$27,000. Councilman Hough asked what is our normal procedure on getting bids? Mr. Guffey said we can award this since it is under the threshold or Council can instruct staff to get other bids. Mr. Hough said he hates to take on an expense like this. Mr. Guffey said if we use someone in maintenance to just do this, we would still have to contract out the carpet

cleaning, window washing, floor stripping and polishing. Councilwoman Harris said she was one of the complainers. Councilwoman Hubbard said she would like to see us take off his proposal and send his list to some other people to compare prices. Councilman Hope said he did not believe we should not use his work; should do our own specs.

No action.

NB#8 Authorization for City Manager & Finance Officer to Complete FEMA Reimbursement

City Manager Kraus said he needs authorization to apply for reimbursement from FEMA for funds expended for recovery from the recent ice storm.

Motion: Councilman Hough **MOVED** to approve Res. 01-13-03D to designate David Kraus and Jamie Guffey as authorized persons to apply for reimbursement from FEMA, seconded by Councilwoman Harris.

Vote: Unanimous. CARRIED.

NB#9 Fee for Disposal of Contractor Debris

City Manager Kraus stated that staff wants to charge for picking up debris that contractors leave after cutting trees down or trimming limbs of trees damaged by the ice storm. Mike Santmire gave breakdown of our expenses for rental for additional trucks, man power needed to pick up the debris, salaries and benefits.

Motion: Councilman Hough **MOVED** to approve \$225 per hour fee for tree debris removal when done by other than the owner, seconded by Councilman Hope.

Vote: Unanimous. CARRIED.

NB#10 Scope of Services Contract for Bond Counsel

City Attorney Kemp Michael reviewed the proposal for bond counsel in the amount of \$3,000 and to handle paperwork to go to bond referendum for a total of \$10,000.

Motion: Councilman Hope **MOVED** to approve the contract for bond counsel, seconded by Councilman Hough.

Vote: Unanimous. CARRIED.

PUBLIC COMMENT

Mayor Black opened the floor for public comment.

Angela McConnell, 516, W. Henry St. appeared before Council, with her daughter. She said our children are our future. She recited an article in last year's Gaston Gazette about Ranlo putting in speed bumps. They only cost about \$150 each. That is not much. We would like a crosswalk and stop signs also.

Sandra Blanton , 403 W. Henry St. She was at home the day of the accident where the child was hit by a car. She is the crossing guard for that area. We have a problem with speeders on the Mt.Holly-Belmont Highway also. She is concerned that she has 3 mothers that cross the highway to walk with their school children and they bring their infants as well. She has had to get out of the traffic herself because of a dump truck that almost ran her down. The police officers do patrol and it is a big help; it does slow them down, until the police leave. The West Henry Street and the Margueretta Street have a problem as well because so many drivers speed. The crosswalk on the highway would be improved if you put "School" on the crosswalk pavement; there is a flashing sign but it is not printed on the road and they act like they don't see the flashing sign. City Manager Kraus said that is a state road but we will request they paint it on the road. Councilwoman Harris stated that the City had previously asked for that, but DOT did not do it.

ROUND TABLE

Councilman Helms said the City was asked to cut a tree hanging over the right of way, and it turns out the company cut it on Sunday. Councilman Hope said the contractor heard about the complaint and he called Mr. Hope and said someone at city hall called him and said he had to remove it this weekend, so even though he does not usually work on Sunday, he thought it was a demand from the city to get it done. Councilman McLean said he was worried about it and asked them to get it down, but it was a misunderstanding because he did not mean for them to do it on Sunday morning. City Manager Kraus said we are going to send her a letter of apology.

Councilwoman Harris stated that on a ride around town, she saw that there are limbs hanging over the roads all over, some are not even attached. Mike Santmire said we have our bucket truck out now doing that, unless it is touching a power line or out of our reach.

Councilwoman Hubbard asked about the status of our new e-mail from Mr. Jordan. The City Manager said he has list of addresses and is just waiting for release of the old web site to us. Councilwoman Harris asked if he will come to show us how to use it? Yes.

Mayor Black said he needs help with the Chamber of Commerce who wants the City of Mt. Holly to be more involved with affairs that might help the city, such as traffic matters. We are a member of the Chamber already. But they said they have had no presence from Mt. Holly. Councilman Hough volunteered to be Council designee for the Chamber.

Mayor Black stated that the meeting for the downtown committee is now being held at Ida Rankin Elementary School.

Mayor Black said he wants the Council to give input to the City Manager about management of the public housing units, or whether we want to sell them. Councilman Hough said he remembered the former City Manager, Phil Ponder, asked if we want to get out of that business, and we said no, but he didn't remember why. Councilwoman Harris said we wanted to be able to exert some control over what goes on there. City Manager Kraus said since Diane Pritchett retired, we have had a lot of complaints.

Mayor Black stated that the automobile museum is still interested in getting information and talking with Council about locating here.

Mayor Black said we need a meeting in late February for consideration of the bonds. Mr. Kraus said it can be done at the same date as retreat. We have to have a final list of projects to be done by bond referendum.

Mayor Black said the Council retreat is scheduled for Feb. 21 from noon & all day on Saturday the 22nd. For a facilitator we will ask Reeves McGlohon if he is available again.

Mayor Black said we need help on Election Day, because at the Tuckaseegee Center, we had a number of complaints about the precinct chair that was there, saying that he was cursing the people working there and voters as well. The Mayor had called Sandra (at the Elections Board) after the election and she said he was sent from Gastonia because we have no one from this precinct to serve, and she is desperate for precinct chairmen and would be glad to have one trained for here. It has to be a Democrat, currently. Mayor Black will get more information about requirements. Councilwoman Hubbard asked if the precinct chairman has to live here? I don't think so.

Councilman McLean said we are having breakfast with Dave Hart at Gussie's in the morning. City Manager Kraus said any of Council may come, but no more than two. Councilman McLean will go, it is at 8:15 AM.

CLOSED SESSION

Councilman Helms moved to go into closed session for the purpose of discussing personnel & attorney-client matters, seconded by Councilwoman Harris, with all in favor.

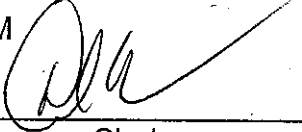
Councilwoman Harris moved to return to open session, seconded by Councilman Hope, with all in favor.

Motion: Councilman Hough **MOVED** to approve the payment of \$2,500 to Jim Hope for a right of way the City needs along Highway 27, seconded by Councilman McLean.

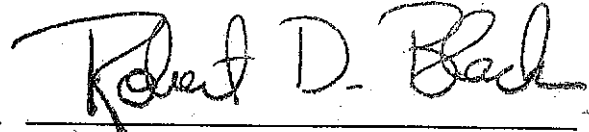
Vote: Five ayes. One abstain, Hope. CARRIED.

ADJOURN

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

— PM 

Clerk



Mayor

cpm