

Regular Meeting
City Council
January 13, 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 Hostetler 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. Timothy Young.

Mayor McLean introduced Sherry Borgsdorf, Mr. Ponder's new assistant, to the citizens present.

The minutes of November 11, and December 4, 1996, were approved with one correction, namely, to add Mr. Clinton's first name "James" to the Dec. 4 page 1 minutes, upon MOTION by Councilman Helms, seconded by Councilman Duke, with all in favor.

Mayor McLean recessed the regular meeting and called to order the public hearing for consideration of closing a portion of Bryte Street. He asked if there were any in the audience who wished to speak against the petition; there were none. Danny Jackson showed the section of Bryte Street being closed, which is 300 feet between Vance Street and the last house on Bryte Street. Mr. Ponder reported that the advertisement had been made and notices were sent to adjoining property owners. The Council found that no one will be denied access to their property. The public hearing was adjourned and the regular meeting resumed. After having Resolution #1-13-97(A) read ordering the close of said portion of Bryte Street, the same was adopted upon MOTION of Councilman Helms, seconded by Councilwoman Harris, with all in favor.

Councilman Hostetler presented to Council a report on the 1996 Congress of Cities & Exposition held in San Antonio, Texas in December, and attended by himself, Councilwoman Harris, and Councilman Stewart. This was the first year Mount Holly was a member of the National League of Cities. They attended speeches and workshops on topics such as economic development, waste management, telecommunications legislation and welfare reform. He noted that welfare reform will affect federal funding for public housing. The telecommunications act allows phone companies to sell cable services and vice versa, and cellular antennas are expected to increase in number, a matter which needs to be addressed with zoning regulation. Corporate partnerships are recommended whenever they can be obtained. There were also over 750 vendors presenting innovative products and services. The 1997 conference will be in Philadelphia, PA. Councilman Stewart said he learned a great deal and it was worth the time he

had to take off from work and away from his family. Councilwoman Harris also reported it to be a beneficial trip.

City Manager Ponder included in the agenda package a letter from Anderson & Anderson, Inc. with regard to removal of the No Left Turn sign at the Creekside Shopping Center on Highway 27. After completion of their study, they asked the City to request from DOT construct a right hand passing lane for westbound traffic, essentially extending the left turn lane at Kendrick Street further back so that left turns could be made into the shopping center main entrance. This would entail a reconstruction of the culvert across Taylors Creek. Mr. Ponder reported that the City has Kendrick Street on its list for upgrade next fiscal year which may encourage more people to use it. Councilman Hope said the visibility is one-half mile in both directions, and this sign has created a lot of problems, so he suggested they have DOT remove the sign for good; and then enforce the speed limit. Councilman Hope then **MOVED** that the City request DOT to remove the no left turn sign on Highway 27, seconded by Councilman Helms. Councilman Stewart did not agree citing safety as the primary issue. He commented that Highway 27 is a main thoroughfare for commuters and needs to be able to flow continuously; he felt it is impossible to enforce the speed limit at that location to 35 mph. He reminded them that a little girl died on that stretch of road. Councilwoman Harris reminded Councilman Hope that he was stopped on that same hill and got rear-ended, and she felt the City should enforce it. Councilman Hostetler said he goes up and down that road several times a day and has been stopped by persons turning many times and had big transfer trucks come over the hill and barely get stopped; he said the decision was not made in haste, and that DOT had inspected the site and determined it was needed. Councilman Helms agreed with them but felt it is a waste of time if cannot enforce the sign. Mr. Ponder said the Police Department has written a lot of tickets there but cannot keep an officer there all the time; he feels the word is out now and more people are complying. He said the City had it put up, and when someone took it down, we sent a second letter making them put it back up. Councilman Stewart said he goes there almost every day and he does not feel it is such a big deal to go a little further and turn left on Kendrick Street. Mr. D. S. Beatty, Jr. was recognized from the audience, and he commented that the sign is too close and too small; he said they need one further up the hill so people see it in time. The motion on the floor failed with a vote of three ayes and three nays (Hostetler, Harris, and Stewart) with a nay vote by Mayor McLean. Mayor McLean asked Phil to check into a second sign or a larger sign. Councilman Stewart said it can even be painted in the road. The Council concurred that Mr. Ponder should ask DOT for the additional lane as requested by Anderson & Anderson.

City Manager Ponder reported the survey was completed for Second Street off Henry Street in Catawba Heights. The cost estimate for improvement and paving is \$18,562. He received a

phone call objecting to the paving, and he sent that person and all others adjoining the street a notice of the matter being heard at this meeting. A couple of trees will have to be cut down, and a block wall would have to be removed. Councilman Helms **MOVED** to place Second Street between Margarett and Henry on the next paving list for 1997, seconded by Councilman Hostetler, and carried by unanimous vote. Mr. Ponder stated that there is no fee since this was initiated by Council.

A proposal prepared by Judi Simac, planning consultant, for developing the Capital Improvement Program was considered by Council. She requested a joint work session between Council and the Planning Commission. The Council agreed to January 27th at 7:00 P.M. Mr. Ponder asked Council to also put discussion about the ETJ on the agenda, to which they agreed.

By letter of Richard D. Marshall, Lat Purser & Associates, Inc. requested the City assume ownership and maintenance of Spring Street (off Tuckasee Road). Mr. Ponder said the City required them to have a second entrance when developing the Springs Crossing Shopping Center. The developer is having the street constructed to City specifications at its cost. Eddie Nichols reported that the street was found to be a recorded right-of-way that had not been opened for use. There are utility lines already there. He reported that the developer has obtained the easements needed for the corners and slope at the entrance. Councilman Duke **MOVED** that the City accept Spring Street for maintenance from its intersection with Tuckasee Road to the edge of the Lat Purser & Associates, Inc. property line, and that the developer be required to dedicate utility easements beyond their property line to insure the proper maintenance of city utility facilities; motion seconded by Councilman Hostetler, with all in favor.

Public Works Director Eddie Nichols stated that the 1990 Sewer Study recommended installing an interceptor interconnection over Fites Creek to relieve flow on the Catawba Heights sewer lift station. Approximately 200 lineal feet of 12" sewer line in the vicinity of Fites Creek and Bell Street along with about 40 feet of creek crossing with inlet control structures. \$60,000 was budgeted for this project, and the engineer's estimate is \$48,450 for the improvements. The engineer's contract for services on this project was submitted for approval as well. Councilman Hope **MOVED** that staff proceed with the project and that the engineer's contract be approved and executed, seconded by Councilwoman Harris, with all in favor.

Mr. Johnnie Nichols, 534 Dogwood Avenue, requested permission to install a septic tank on this property. Mr. Ponder reported the lot cannot be served with city sewer, and he has obtained the appropriate permit from Gaston County. Councilman Hope **MOVED** that upon recommendation of staff, Mr. Johnnie Nichols (no relation to Eddie Nichols) be allowed to install a septic tank system per County health regulations at 534 Dogwood Avenue;

motion seconded by Councilman Duke, with all in favor.

Mr. Ponder reported he had received only one bid for mowing services after advertising and sending invitations to the companies who have made inquiry in the past; the bid received is from our current service. There is a price increase of 18%, but an additional area was included. Councilman Hostetler **MOVED** to award the bid for mowing services to May's Lawn Service, seconded by Councilman Helms, with all in favor.

The Planning Commission has recommended that Jack Stevenson be reappointed to another three year term, his present term expiring in January 1997. Mr. Ponder said he believes to be a capable member, but suggested that since he is an outside member and the Council is going to discuss ETJ at the joint session, the Council may want to table action. Councilman Helms **MOVED** to reappoint Jack Stevenson to another three year term to the Planning Commission/Board of Adjustments, seconded by Councilwoman Harris, with all in favor.

Recreation Director Tareyton "Zip" Stowe presented to Council information regarding the application process for grants from the N. C. Parks and Recreation Trust Fund. He said the deadline for applying is February 28, 1997. This grant is a "matching dollar", in an amount up \$250,000. There were two suggested projects, namely, one for River Street in the amount of \$60,000 for a pier, bike trail, walking trail, shelter, and volleyball court, and one for Central Avenue in the amount of \$88,000 for land acquisition and renovation. Councilwoman Harris stated her belief that if both are submitted they would compete against each other. Mr. Stowe stated he did not have a clear directive from the Recreation Committee as to whether or not both should be submitted. Mr. Bobby Black, Recreation Committee member, said the consensus at the end of the meeting was that one should be submitted and generally they favored River Street. Councilman Duke agreed. Mr. Rick Patterson was recognized and stated that River Street is being used and they want to see it improved further so more people will use it more often; he feels that will keep the amount of trouble down. Councilwoman Harris said all the parks are deserving but it would be best to submit for River Street. Councilman Hostetler did not think the two would compete against each other since they are for different purposes; he was concerned that this may be the only chance for enlarging the park, and the lot may be sold before next year's applications are submitted. It could be used for community concerts, he said. He did not feel it is more important than River Street, but thought both should be submitted. He reminded them that this is a first year application of a two-year cycle, and the chances are slim that either one would be approved in the first year, but we could get both the second year. Councilman Stewart felt the City should budget for River Street because the grant may not be obtained. Mr. Ponder said he sees no harm in applying for both. Councilwoman Harris said the Council should follow the Recreation Committee's direction. Councilman Helms

said he wants to see River Street park worked on because the neighborhood has worked so hard, and that he would support the Recreation Committee's recommendation, although he has not given up on Central Avenue park. Councilman Duke **MOVED** that the City apply for the grant for River Street park, seconded by Councilwoman Harris. Councilman Hostetler wondered why if there was no problem submitting both they would only do one. Councilman Stewart said the Recreation Committee discussed doing both but at the end was clear that they wanted to do River Street. Motion carried by unanimous vote.

Three budget amendments were approved as submitted by the City Manager, upon **MOTION** by Councilman Duke, seconded by Councilwoman Harris, with all in favor. (copies attached)

Tax releases in the amount of \$15.78 were approved upon **MOTION** by Councilman Duke, seconded by Councilwoman Harris, with all in favor.

The floor was opened for complaints or petitions not on the agenda. Mr. D. S. Beatty, Jr. was recognized (S. Hawthorne St.), and he first asked that the pothole near his driveway be repaired. Next, he asked that the Council consider adjustment on excessive water bills for small businesses also, because he had a problem with his strip mall on Rankin Avenue, and with the buildings at N. Main and Central. He also said he thinks the meter at his house is faulty as it fluctuates a large amount. On a positive note, he commended City Hall for a better attitude, and especially thanked Danny Jackson for saying he would see what could be done, rather than saying he did not think it could be done. Next, Mr. Beatty encouraged the City to apply for downtown revitalization grants like the \$400,000 Belmont recently got. He also was happy to see the cemetery roads paved, and suggested the City lease out or sell the rest of that land to enlarge the cemetery. Lastly, Mr. Beatty stated his objection to the "supposedly historic" Lentz-Springs house being moved onto Oakland next to his strip mall on Rankin Avenue, saying it is a fire hazard, and he does not believe it will sell based on his experience.

Mr. Robert Gann, Charles Raper Jonas Highway (aka Highway 27), presented a petition (attached) with 30 signatures requesting the City reduce the tap fee for water on Highway 27, requesting the same relief the Cason Street residents received on that utility line. He said that they were not told about the rate increase and they believe their circumstance is similar and they should have 90 days to tap on at the old rate. Ms. Diane Abernathy, also a resident on that road, was recognized. She stated that when the water line was being installed, she spoke to the "man in charge" and asked to hook on, and he told her to call the City. She said she called and was told she could not tap on then, but she could later, so she left her phone number and asked them to let her know. She said another place she lived in had her pay \$400 before the line was built and had no tap fee. She

stated she never got a notice here. Her family owns four houses, and Tommy Abernathy owns five houses. They have water problems and want City water. She said it is wrong to jump from \$700 to \$1400 and not let them know. She said they are good neighbors and good citizens. They want an opportunity to tap on at the old rate. Then, Ms. Abernathy changed the subject to request that school buses not be allowed to stop on Highway 27 going east at Payne Street because of the hill; Mayor McLean asked Mr. Michael to check on that.

Councilman Stewart asked the City Manager to explain for the benefit of the audience present why relief was given for the Cason Street residents. Mr. Ponder said the Cason Street was an exception made due to the circumstance. He said the project was a sewer line to hook up the EPA Superfund site owned by Jadco-Hughes to take the pre-treated discharge from environmentally hazardous waste. This was very controversial and the neighbors were upset, and at first the City refused to participate. However, after about a year, the EPA insisted this was a better solution than dumping into Fites Creek, and the City complied. The neighbors were told they could tap on in return for the course the line had to run. The problem occurred when the project was delayed for several months beyond the projected completion, so that it was after the new rates rather than before. The exception made was to complete an agreement previously made with those neighbors as a part of the project. Mr. Ponder then stated that the Mount Holly-Stanley Interconnect's purpose is to serve the Town of Stanley with water, and Mount Holly did not and never intended to notify or include as a part of the interconnect project taps by any other parties. Councilman Hostetler added that in the past the City's fee had only covered parts, but the new fees are enough to cover equipment and labor also. Mayor McLean stated that the Council would not be in a position to make an exception in the case of the tap fees on Highway 27.

Councilman Hostetler said he was told there has been a problem with the voice mail on the waste service, and he asked that a leaflet be sent with the water bills. Mr. Ponder said the City sent out a once brochure before, and are working on a revised one which he hopes will go out before spring. He stated the postage will be about \$1,200, and asked if there were any objections; there were none.

Councilman Duke reported the next COG meeting would be the following Wednesday in Concord.

Councilman Stewart said he learned at the conference that many cities accept VISA, MasterCard, etc. or autodrafts for payment and he suggested the City do that as well. The Council concurred. Ms. Borgsdorf suggested that be included when the new computer system is set up. Councilman Hope asked them to be sure it will not cost the taxpayers to do it that way.

Councilman Stewart said since the federal government is going to pass down a lot of responsibility for welfare to State and local governments, the City should seriously consider selling the apartments. He also hopes the City will investigate internet access, the electric and telecommunication industry, public safety issues, and charging for information to be used commercially.

Councilwoman Harris reported she would attend the N. C. League Board meeting at the end of the month.

Councilwoman Harris asked the City Manager to put the sidewalk for Tuckaseege Road back on the table for consideration since there is a lot of new development at that corner.

Councilwoman Harris asked the Council to consider buying City pins, which could be used at Springfest, with our public relations efforts, etc.

Councilwoman Harris stated that she does not want the parks to be competition with each other. She said the Council has discussed cleaning up the creek at Central Park, and they have a proposal and the Council should go ahead and do it now instead of waiting until the next budget year. She mentioned that the City Manager had informed them of a drainage problem there, and suggested the Council pull from the 97/98 budget for that so it can be done now. It could be done in phases, but she felt they should follow Mr. Ponder's recommendation that it be done all at one time. Councilman Hope said he wants to know if it can be done cheaper, because he felt the proposal was too high. Councilman Hostetler said the work does need to be done as there are snakes, tires, glass, engines and so on in the creek. Mr. Ponder said the completed plan would reduce repetitive maintenance, and he said he would seek other proposals. Councilman Stewart agreed it should be done as long as it is clear this is not an increase to the budget, but is an amendment to move the money to use it now instead of next fiscal year. Councilman Helms was in favor of the clean up project.

Councilwoman Harris asked if the Council is going to have a retreat. Mr. Ponder said he would like it to be scheduled before February 17 when the budget goes to department heads. The retreat was set for February 8th at Kemp Michael's house.

City Manager Ponder said the Runneymeade Subdivision developers have had minor improvements made but the staff is not satisfied, so the developer is not happy.

The City Manager said he had set up a meeting with the architect for the next Tuesday to discuss the heating and air-conditioning problems in City Hall.

Mr. Ponder reported that the rest of the downtown furniture was going to be shipped to us very soon.

The City Manager said he wanted to set as a City policy that the second weekend in January will be the end of City leaf collection; the Council concurred.

City Manager Ponder reported that the voice mail system had been installed, and they were still learning how to use it.

There being no further business, the meeting was adjourned, upon motion by Councilman Duke, seconded by Councilwoman Harris, with all in favor, at 10:30 P.M.

Phillip D. Ponder, Jr.
City Clerk

Frank E. McLeon
Mayor
