

Regular Meeting
City Council
January 10, 1994

The regular meeting was called to order by Mayor Charles B. Black, Jr. at 7:30 P. M. Those present were Councilwoman Phyllis Harris, Mayor Pro-Tem Bob Jessen, Councilmen Archie Small, Michael Helms, R. L. Duke, and Jim Hope, as well as City Manager Phil Ponder, Zoning Administrator Gary Roberts, Public Works Director Eddie Nichols, and City Attorney Kemp Michael.

The invocation was led by Rev. Jack Painter.

Councilman Small **MOVED** to approve the minutes of December 13, 1993, with one correction: page one, paragraph seven, omit the presentation to Andy Godfrey; seconded by Councilman Duke, and carried with six ayes.

Mayor Black read a proclamation proposed by Dot Guthrie recognizing African-American Literature Week for February 6-12, 1993, in Mount Holly. (copy attached)

Councilman Archie Small presented a fifteen-year service award to Andy Godfrey.

Mr. Bobby Black was recognized. He and his wife, Melanie, had been put in charge of the care of the Arcives Room some time ago. The room had been organized, but some things were removed, so it was locked. Mayor Black said a film from the 1930s which has been used in a documentary had been removed but has been returned thanks to the newspaper article about it. Some citizens have complained about the lack of access. Mr. Black reported also that Ray Blackwood has loaned the Archives Room on behalf of the Jaycees some pictures they have, such as the first school in Mount Holly, the first bridge, the Durreen Festival, and the Big Flood. Because of a bequest in the Last Will of Lib Stroupe, there is about \$1,000 in the budget which Mr. Black intends to partially use to copy those old pictures. In addition, the principal at Mount Holly Junior High has given the Archives Room the old trophies from Mount Holly High School. Mr. Black also stated that a man from Cam Art is coming tomorrow to look at the Archives Room in relation to a book on the history of Gaston County sponsored by the Chamber of Commerce. Mr. Black asked the Council to consider providing larger space at City Hall or in the old Police Department building for the Archives Room, and he would like to see a situation which would allow the Archives Room to be open all day.

The next item on the agenda was the reappointment of Jack Stevenson to the Planning Commission. Michael Helms nominated an additional name, that of Lynn Dunn. Councilman Hope stated that when the Council combined the two boards, it told them the persons not needed at that time they would be given first chance when the next opening came up, and he **MOVED** to table this matter so this

can be done; motion seconded by Councilwoman Harris, and carried with five ayes and one nay (Duke).

Councilman Hope **MOVED** to set a public hearing at the February 14 regular meeting to consider amending the zoning ordinance, Section 71.10(d) to eliminate the requirement for removal of non-conforming billboards; seconded by Councilman Small, with all in favor.

Director of Public Works Eddie Nichols presented the proposed new Sewer Use Ordinance. He stated that the City adopted its present ordinance in 1983 when the State required all cities who had industrial users to develop a pretreatment ordinance. It has been updated from time to time. In 1993, the State provided a model ordinance and told Mount Holly and other cities to make the necessary revisions to comply with the current Federal General Pretreatment Regulations and the North Carolina General Statutes, before January 19, 1994. The purpose is to protect our sewer system, plant, personnel, and the receiving water stream. He said the majority of the numerous changes are in wording, more detailed procedures, and definitions. The State currently fines the City \$1,000 per day if we are not in compliance with the standards. The ordinance would include fines to a violating industry up to \$10,000 per occurrence. Councilman Helms asked him if this will affect the rate charged to citizens; Mr. Nichols said the ordinance provides for cost recovery from industrial users, and there is no present proposal to change the rates. Mr. Helms inquired as to whether or not the tie-on requirements are more stringent; they have not been changed. Mayor Black asked if the engineer has reviewed it; they have a copy. The City Attorney has reviewed the ordinance, completed a checklist required by the State, and issued his approval letter. City Attorney Michael said that the agreement with Jadco-Hughes makes reference to this new ordinance, and also noted that the enforcement procedures in the new ordinance are very good. Mayor Black asked if this will affect the watershed regulations; it will not. Councilman Helms asked how this will affect plant operations; Mr. Nichols stated that the way the plant is operated does not change. Councilman Small **MOVED** to approve and adopt the new Sewer Use Ordinance as presented, identified as Resolution #1-14-94(a); seconded by Councilman Hope, with all in favor. Mayor Black asked Mr. Nichols about the progress of the plans to increase volume at the sewer plant. Mr. McLaughlin, with W. K. Dickson, Engineers, stated they are conducting the studies now. Mayor Black asked if the sludge basins are being dredged; Mr. Nichols said the budgeted items are being performed.

The Council discussed a proposed agreement with CSX Railroad to cross its right-of-way with a water line. City Manager Ponder stated this is primarily in conjunction with an industrial development by Carlton Broome off West Central Avenue. In order for the City to provide water in the subdivision, the line would have to go under the railroad. CSX has as one of its requirements that the City have \$3 million liability insurance; we have \$2

million. He has contacted the insurance agent to inquire about an increase, and has also contacted CSX to see if they will reduce that to \$2 million. Mr. Ponder said the property is not currently within the city limits, nor has the final subdivision plat been obtained. Mayor Black stated the City's policy has been to require annexation and compliance with the subdivision ordinance. City Attorney Michael stated there are two choices: (1) Broome annexes the property and files the final plat and obtains approval for it; or (2) Broome asks for authority to tap-on the existing line where it is on West Central Avenue as an outside customer. City Manager Ponder stated Mr. Broome is willing and intends to annex and get the final plat approval, but he has been distracted due to a fight with CSX over access to his property. Zoning Administrator Gary Roberts said the final plat is ready except for some minor corrections and is to be considered at the next Planning Commission meeting. The Council concurred that the City Manager offer the option to Mr. Broome of tapping on as an outside customer where the line now exists, and stated they want to help any way they can.

Zoning Administrator Roberts reported to the Council regarding a non-conforming mobile home park owned by Jerry Wilson, and requested consideration by the Council of assessment of civil penalties. Mr. Roberts said Mr. Wilson has done one-third of what was required in 1986, although he has been given ample time, and the City and staff has worked with him patiently and repeatedly. Councilman Helms said Mr. Wilson told the Planning Commission he should not have to do some of those things. City Manager Ponder stated that Mr. Wilson signed a written agreement which was negotiated in 1986 and which itemized the requirements. Mr. Helms suggested that another 30 days be given before the penalties are assessed since the City let it go for seven years. Mayor Black said this has not been "let go" because several meetings have been held with Mr. Wilson in order to encourage compliance without action having to be taken. City Attorney Michael said he does not recall all the details but the agreement had drawings, was precise and simple, and the record is clear that Mr. Wilson understood what was expected. Mr. Roberts said Mr. Wilson has signed every notice he has given him, each of which contains a list of the items remaining to be done. The Council instructed the City Attorney to meet with Mr. Wilson.

A budget amendment to accomodate engineering fees associated with upgrade of our sludge handling facilities was presented by the City Manager. Councilman Duke **MOVED** to approve the amendment as follows: Water and Sewer Fund--Fund Balance Account #300-000-4-100.00, increase by \$165,200.00, and Sewer System Improvements Account #300-810-5-973.03, increase by \$165,200.00. This motion was seconded by Councilman Jessen. Councilman Helms asked whether or not this will help with the holding tanks. Mr. Nichols said the dredging of the holding tank was already budgeted. Mayor Black said this is taken from the water and sewer fund for improvements to the sludge facilities, and he feels whoever has generated the excess should pay the bill for correcting the

problem. Councilman Helms inquired as to whether or not small rocks from American & Efird have caused this, and further if we are using what we already have efficiently. Mr. Nichols said that equalization tank holds wastewater from Catawba Heights and from American & Efird. He stated that the solids from American & Efird are low, and the largest majority of the solids are organic material from Catawba Heights which has settled. The motion carried with six ayes.

Next, the Council considered a request for Change Order in the August 6, 1993 contract with Trans-State Construction for water and sewer improvements. City Manager Ponder said that this is for an extension of a sewer line toward Freightliner to relieve flow on the existing North Main Street sewer line. When the bond package was before the Council, Freightliner was hesitant about connecting onto this new line, and so this segment was omitted from the project contract. Later, they wanted back in, so on August 2, 1993, the Council authorized the City Manager to negotiate a Change Order with the low bidder for the water/sewer project, said Change Order before them presently. Councilman Hope **MOVED** to approve Change Order #3 dated December 8, 1993, in the sum of \$341,547.50, with a new total contract in the sum of \$1,488,308.50, an addition of 60 days, and a contract completion date of August 5, 1994. This motion was seconded by Councilman Jessen, and carried with all in favor. Mr. Ponder stated this amount is still well within the amount budgeted for sewer projects. Mayor Black mentioned to Mr. McLaughlin several citizen complaints about the contractor going onto their property three times. Mr. McLaughlin said he had received the complaints and has the contractor writing letters to them assuring them the restoration will be done as soon as weather permits.

Councilman Duke **MOVED** to approve the tax releases presented dated January 10, 1994, for 1993 taxes in the total sum of \$1,900.29, seconded by Councilman Jessen, with all in favor.

The floor was opened to complaints or petitions not on the agenda. Mr. Charles Arrowood, 300 W. Henry Street, asked if the Council will pave the other street off Henry Street to cut down the dust. Mr. Ponder said that not all the property owners have signed the petition. Mr. Arrowood also asked that the Police Chief enforce the speed limit out there. Lastly, he requested sidewalks be put in that neighborhood so the children can walk to school without getting run over; he said he understands it would have to be done in stages.

Police Chief Jerry Bishop brought to the Council a proposal for a new logo to go on the police cars. It is all reflective and the cost of \$100 per car is within his budget. Councilman Helms asked if the logo will withstand heat and light for a long time; he believes they will. Councilman Jessen **MOVED** to approve the logo, seconded by Councilman Helms, with all in favor.

Mr. Wayne Beatty, 1303 Azalea Trail, in Cottonwood Acres,

complained of the traffic at the junior high school. He said there are officers at the intersections but they sit in their cars instead of directing traffic. City Manager Ponder responded by stating he and the Police Chief have looked at the situation repeatedly, and as a result moved the crosswalk and asked the police officers to be present to slow people's speed. It was determined that it is too dangerous for a police officer to direct traffic at the intersection of Hawthorne and Catawba in order to allow Hawthorne traffic to flow at length, because the traffic on Catawba would back up too long and there is a sight problem due to the curve. They know of no way to alleviate that danger. They had also found that the actual time of backed-up traffic is not as long as it seems.

Mayor Black asked the City Manager to begin now to request road improvements from the State for Highway 273, Woodlawn Road, and Main Street.

Mayor Black commended the City employees on the leaf pick-up and stated he had heard several good citizen comments.

Mayor Black asked the Council to schedule a planning workshop, particularly so the land use plan can be finalized, and stated the City Attorney has invited the Council to use his home.

Councilman Hope stated that there was conflict at the last council meeting about procedure. He had looked at the Robert's Rules book which is 706 pages with 20 chapters, and noted that if the Council really followed it, the meetings would last forever. He said the book is not a book of laws but a set of procedures, and he felt all councilmembers should support obtaining as much information as possible before voting. He supposed the matter could have been called out of order, but he wants to see the citizen always given the best opportunity for a favorable ruling. Mayor Black stated that the City Attorney has given him a proposed set of procedures for City Council meetings which was put out by the Institute of Government and is a simpler set of rules supposed to be more suited to a small board. He encouraged the councilmembers to look it over.

Councilman Helms asked the City Manager to be sure the lights are fixed on the backhoe.

Councilman Helms stated that the employees at the wastewater treatment plant have no place to eat lunch unless the office is empty. City Manager Ponder asked if he has any suggestions for correction of this matter. Mr. Helms said that since the supervisor has an office at both plants, perhaps he can combine them into one at the water plant, and they could use the office space at the wastewater plant. Mr. Ponder said he will check into whether or not this is feasible.

Mayor Black asked Councilman Hope for a report on the pay plan. Mr. Hope said he did not have a final recommendation at this time.

City Attorney Michael reported that one of the evictions in Holly Hills apartments was heard in magistrate court in September, and the result was in Mount Holly's favor. The defendant appealed to District Court, and the matter had been heard that day, with another ruling in favor of Mount Holly. Mr. Michael further reiterated his invitation to the Council to use his home for its workshop.

The Council took a ten minute recess.

Upon MOTION of Councilmember Jessen, seconded by Councilmember Duke, and unanimously carried, Council voted to go into executive session for an attorney-client matter.

Upon MOTION of Councilmember Duke, seconded by Councilmember Harris, and unanimously carried, Council voted to return to regular session. No action was taken.

Mayor Black reported that the session of the State Legislature scheduled for February would discuss the possibility of providing additional law enforcement funding for local governments.

Councilmember Jim Hope expressed concern to Council regarding the functioning of the elected board. Mr. Hope felt that complaints received by Councilmembers should be brought to the attention of the City Manager prior to meetings. Mr. Hope felt that the discussion of such trivial matters at Council meetings diminished public confidence in the City's elected officials. Mr. Hope also felt that communication between elected officials prior to meetings should be to gather information and not to finalize decisions. In conclusion, Mr. Hope expressed confidence in Mayor Black's handling of Council meetings, but felt that a move to a less complex set of procedures for meetings would be beneficial.

Upon MOTION of Councilmember Harris, seconded by Councilmember Duke, and unanimously carried, the meeting was adjourned.

Philip B. Pondus, Jr.
City Clerk

Charles Black
Mayor
