

Regular Meeting
City Council
January 8, 1996

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 Councilwoman Phyllis Harris, Mayor Pro-Tem Michael Helms, Councilmen R. L. Duke, Jim Hope, Andy Stewart, and David Hostetler Jr., as well as City Manager Phil Ponder, City Attorney Kemp Michael, Public Works Director Eddie Nichols, and a police representative.

The invocation was led by Rev. Keith Hearn.

Councilman Duke **MOVED** to approve the minutes of December 11, 1995 as written; motion seconded by Councilwoman Harris, with all present in favor.

Mayor McLean recessed the regular meeting and called to order a continued public hearing to consider the filing of an application with the Local Government Commission for the approval of an agreement to finance sludge handling facilities at the wastewater treatment plant. There was no public comment. The public hearing was adjourned and the regular meeting resumed. Councilman Helms **MOVED** to approve Resolution 1/8/96A (attached) authorizing the filing of an application with the Local Government Commission, seconded by Councilman Duke, with all in favor.

Action regarding consolidated annual contributions contract required by HUD to dictate the distribution of subsidy funds at the Holly Hills Apartments was tabled until the next regular meeting, upon **MOTION** by Councilman Hope, seconded by Councilman Helms, with all in favor.

Mr. Ray Patterson was recognized at which time he requested the City open and pave an unopened portion of North Alexander Street. Mr. Patterson's residence faces Dutch Avenue, but he wants to build a house behind it which would face the unopened street. The fee and petition were submitted. City Manager Ponder reported that this matter does not fit into the normal categories, in that it is not an existing gravel road such as the ones in the annexed area of Catawba Heights, and it is not a new subdivision plat either which would specifically fall under the subdivision requirements. He obtained cost estimates of \$14,234.00 for preparation and paving of 225 linear feet, plus relocation of a fire hydrant and telephone pole at a cost of \$2,000.00. Mr. Patterson said there is a sewer line at the rear of the property and asserted it would be to the City's benefit as well to open the street. This portion of North Alexander has never been opened or used. Mayor McLean stated that it is up to the developer or contractor to put in a new road. Councilman Helms recalled that there is a gravel road in the City which has houses on it but it was not built to standards so the City has not taken it over. Councilman Stewart noted that the City has not built new roads from scratch, and if the City did it for him, it would have to do it for any other developer who requested it, such as the developer of the Nims property. Mr. Patterson also was concerned that the zoning has been changed so he cannot build apartments and he did not know when or how that happened. The Council referred him to Zoning Administrator Jackson for that question. Mr. Ponder stated he had used the

Catawba Heights policy so he could get cost estimates so the Council could make an informed decision on the matter, but that policy has to date only been used for existing gravel roads in Catawba Heights and not for new construction. Councilman Helms **MOVED** to disapprove the request that the City open and pave the portion of North Alexander; seconded by Councilman Hope, with all in favor.

City Attorney Michael and Police Chief Bishop had prepared a proposal for enforcement of downtown parking regulations and for parking regulations to accommodate Mount Sinai Missionary Baptist Church, at the request of the Council and City Manager because of numerous complaints. For the first matter, they recommended the City Manager be instructed to direct the Police Chief to notify the merchants by letter that the 2-hour parking limit will be enforced, followed by personal warning of violation the first time, and finally with a citation for the second violation. Mr. Michael recommended they use the uniform citation so it would be in the court system since the City would not have the manpower or funds to maintain enforcement. The \$60.00 is the court cost set by the State for these citations. Councilman Hostetler asked what would happen if the vehicle was there because someone was ride-sharing and not in the store for the policeman to go talk to. Mr. Michael said the officer could run the tag on the PIN system and give the owner the warning. As to the second matter, Mr. Michael stated that Section 13-51 of our code has an exception to parking restrictions for churches during church activities, and he recommended adding "III. South Hawthorne between West Catawba Avenue and West Glendale". He said there is no prohibition for them to park there now, so the Council would first have to prohibit parking on that street except for during church activities. James Adams, Mt. Sinai Board of Deacons, said they have no problem with the parking, but there was an accident and the police officer did not handle the matter in the right way and so it has caused an insurance problem for one of the church members who was ticketed for illegal parking. City Manager Ponder stated he had reviewed the matter and found that no citation had been issued, but the officer had stated on the accident report that he was improperly parked in that he took up the full lane. The Council all agreed that no one wants to stop them from parking on the street during church activities. Councilman Stewart said he did not believe the Council has the authority to comment on a police officer's accident report, that it would be a judicial matter. Councilman Hope **MOVED** to add to Section 13-51 as presented a new "Item III. South Hawthorne between West Catawba Avenue and West Glendale except during church activities at which time parking shall be limited to the east side of Hawthorne only." This motion was seconded by Councilman Duke. In response to Councilman Helms' question, Mr. Michael said there is already an ordinance which controls parking at every intersection, but he suggested signage would help. The motion carried unanimously. Councilman Hope **MOVED** to instruct the City Manager to cause the enforcement of the 2-hour parking limit downtown as presented, seconded by Councilman Duke, and carried with four ayes and two

nays (Helms and Harris). Councilman Hope stated his opinion that it was a shame the City had to be a referee for the merchants who should have handled this matter themselves but will not.

The final plat was presented for approval on Map One of Phase I of Runnymede Subdivision (formerly the Nims Property) by First Colony Group. Zoning Administrator Danny Jackson reported that the Planning Commission recommends approval contingent upon proper financial guarantees being provided. This map only contains 13 lots. City Attorney Michael said the normal amount required is 1¹/₂ times the engineer's cost of improvements. Mr. Nichols said they prefer to do an entire map at one time, but he did not object to this one because it already has most utilities in place. Mr. Ponder said this section will be served by the existing North Main sewer line. Councilman Hostetler **MOVED** to approve Map One of Phase I of Runnymede Subdivision consisting of 13 lots numbered 1-7 and 113-118, contingent upon the appropriate financial guarantee being provided, and a left turn lane on North Main being included and in place before any certificate of occupancy is issued; seconded by Councilman Helms, with all in favor.

The Council next discussed recommendations to be made to DOT for signage matters. City Manager Ponder stated he had received many complaints but that the No Right Turn sign at Rankin Avenue/273 was requested by citizens and is necessary to deter cut-through by commuters from Highway 27 going through the school zone, and to allow residents on 273 to enter the highway from their driveways or side roads. Councilman Stewart said the No Left Turns requested to be in front of The Cloister Apartments on 273 and at the Highway 27/Hawthorne intersection could be limited to 7-9 A.M. and 2-4 P.M. since not necessary most of the day. City Manager Ponder also reported that the No Left Turn on Highway 27 at Food Lion had been removed on purpose. Councilwoman Harris said she wanted it back; Councilman Duke said cars coming over the hill do not have enough time to get stopped, and the Council agreed. After discussion, Councilman Stewart **MOVED** to recommend the removal of the No Right Turn sign at the Rankin/273 intersection, seconded by Councilman Hope, with all in favor. Councilman Hostetler **MOVED** to recommend a No Left Turn be installed on southbound 273 at the entrance to The Cloisters apartments, seconded by Councilman Stewart, with all in favor. Councilman Hostetler **MOVED** to recommend a No Left Turn be installed on westbound Highway 27 at the intersection with Hawthorne between 7-9 A.M. and 2-4 P.M., but this motion died for lack of a second. The City Manager was asked to request DOT re-install the No Left Turn at Food Lion on Highway 27.

Public Works Director Eddie Nichols presented an amendment to the contract with W.K. Dickson for the Jadco Hughes matter regarding the 2-inch water line for service to the site. Councilman Duke **MOVED** to approve the amendment to the said contract as presented, seconded by Councilman Hostetler, with all in favor.

Mr. Nichols also presented an agreement prepared by the City

Attorney between the City and Shugart Enterprises, Inc. to accommodate the installation of utility services along Dutchman's Creek, which had been included in the agenda package. This would include the City paying for the difference between an 8-inch line and the 15-inch the City would like installed to coincide with our master sewer plan for the Dutchman Creek sewer basin. The City would also pay one-half of right-of-way acquisition cost. The agreement has been signed by the developer. Councilman Helms **MOVED** to approve the agreement between the City and Shugart Enterprises as presented and authorized its execution; seconded by Councilman Duke, with all in favor.

Councilman Hostetler stated his concern about the collection of commercial garbage from dumpsters near residential areas during early morning hours. He said his letters have been virtually ignored. He proposed amending the noise ordinance, and asked the City Manager to check into it. BFI holds the contract for the City for its dumpsters, but many haulers operate in the City for dumpsters owned by others. A copy of the Charlotte ordinance related to this matter had been included in the agenda package for prior review by Council; it prohibits this between 9 P.M. and 7 A.M. within 300 feet of a residential structure. Councilman Hostetler **MOVED** to amend our noise ordinance to prohibit commercial garbage collection from dumpsters in the City between 9 P.M. and 7 A.M. with violators being subject to a \$200 fine and court costs, with signs at all dumpster locations; this motion was seconded by Councilman Stewart. Councilman Duke said they should just send them letters. Councilman Hostetler said they always say the driver did not know; but Councilman Duke said he feels that is no excuse, that the company is responsible for being sure their driver knows. Mr. Nichols said there are about 100 dumpsters in the City, and the City owns one. Signs cost about \$25 each. Councilman Hostetler amended his motion to delete the sign requirement, accepted by Councilman Stewart. City Manager Michael advised the Council that this change may affect the fees charged by BFI under the contract. Mr. Horace Reid, 315 Beatty Drive, was recognized, and he said he hoped they adopt this because they keep him awake too. Mr. Michael asked if they want to include the language about proximity to residential areas, but Mr. Hostetler said most of them in Mt. Holly are in or near a residential area. The motion carried by unanimous vote.

A proposed agreement with W.K. Dickson, Engineers, was considered next, with regard to alum sludge discharge. Public Works Director Eddie Nichols discussed the history of this matter. The City has been ordered to cease recirculating from the lagoons with alum sludge, and five alternatives have been offered, the cheapest of which is to discharge to a tributary of the Catawba River. An application for discharge permit was filed with the State and denied, then revised and re-submitted. The permit has now been granted for discharge downstream of the Mountain Island Dam. The estimated cost is \$50-55,000. Mr. Nichols explained that alum is added as a flocculating aid so that suspended matter in the water coagulates and settles to the bottom; the remaining water is

filtered and sent to lagoons for treatment by the water system. The state is fearful that a certain microbe is not destroyed by the chlorine. There have never been any known outbreaks of sickness here from the microbe; there was one near Milwaukee. City Manager Ponder stated that the City feels this is an over-reaction by the State, and formally objected last year, but with no success. Councilman Hostetler asked about EPA requirements and the water quality for downstream users. Mr. Nichols said this is regulated and will be monitored, and the permit has been obtained. Mr. Nichols stated that he prefers to retreat the water in the plant rather than discharge, but that is not going to be allowed by the State. He said the City spends about \$25,000 per year on monitoring. Councilman Hostetler was concerned about pollution. Mr. Nichols said it has not been determined that the microbe is there as there is no known test to determine its presence until it causes a problem, namely, digestive tract disorders which are not usually fatal but can be in extreme cases. He explained that the theory is that the river is such a high volume and the danger is when it becomes concentrated such as might possibly happen in the lagoons. Mr. Nichols also explained that the microbe is already present as a naturally occurring bacteria in the source water before we intake it. The best known way to handle it is to filter the water and keep clean filters. Councilman Hope **MOVED** to approve the agreement with W.K. Dickson for engineering services related to alum sludge discharge as presented; seconded by Councilwoman Harris, with all in favor.

After discussion, the budget amendment for city hall renovations was approved as presented by the City Manager (copy attached) upon **MOTION** by Councilman Helms, seconded by Councilman Duke, with all in favor. The budget amendment for an invoice from DOT related to bridge construction was approved upon **MOTION** by Councilman Stewart, seconded by Councilwoman Harris, with all in favor. (copy attached)

Tax releases as presented for January 8, 1996, for \$1,108.10 in taxes and \$629.33 in penalties were approved upon **MOTION** by Councilman Duke, seconded by Councilwoman Harris, with all in favor.

Mayor McLean appointed Councilman Hope and Councilwoman Harris to the Utility Committee and Water Adjustment Committee, with Councilmen Stewart and Hostetler to be alternates.

The floor was opened for complaints or petitions not on the agenda. Carroll Drum, 242 Summitt Avenue, was recognized. He said when his house was moved during the bypass construction a basement was installed. He wants to put a bathroom in the basement and he requested permission to put in a septic tank for that bathroom since the fall to the street is not good already. Mayor McLean suggested he put in a pump device. Mr. Drum did not like that idea stating it would have to be maintained. City Manager Ponder stated that the sewer line problem in that area was supposed to be fixed. Mr. Nichols said the line to the street

would be about 75 feet and that septic tanks have to be pumped out periodically and sometimes need repair also. Mr. Drum said he had called several plumbers about a pump and none of them wanted to back their installing one. Councilman Hope stated that the City policy is to require sewer hookup unless the city has no service available. After discussion, the Council denied the request.

Mr. Ray Patterson asked about his check he had filed to make the petition. Mr. Ponder said it would be returned. Mr. Patterson said he did not understand why he was denied his request, and said he does not understand what he should do now or what regulations he is under. Mayor McLean stated that the City requires new roads to be put in by the contractor or developer. Mr. Nichols stated that since it is a recorded public right-of-way he can install a road to City specs and request the City take it over, or simply install an access driveway for his own personal use which he would maintain. Mr. Michael stated he would have to have his surveyor mark on the ground where the right-of-way actually exists, and recommended he have his attorney do a title search to be sure it is still a recorded right-of-way and has not been withdrawn.

Mr. Horace Reid, Beatty Drive, complained about the Police Department. He said last June some kids were riding bikes on trails behind the Beatty Apartments when several other boys jumped them and assaulted them. He said the officers saw the injuries on the boys and said they would let them know when the court date was, but never called. In November, he contacted Chief Bishop and found out no report had been written, and the officers were neither one working for Mount Holly anymore. He said the Chief told him it was not his responsibility but he disagreed and wants something done to handle it. He said he was here tonight with his son who is working on his Eagle Scout project. This matter was referred to the City Manager.

Councilman Hostetler MOVED that Mount Holly publish a police blotter information column in the local newspaper on a regular basis, seconded by Councilman Stewart. Mr. Stewart said this means a summary type and they are concerned with potential dangers to the community. Mr. Ponder had the Belmont blotter available and noted that the section on accidents may not be relevant to their request. Mr. Ponder inquired as to whether they want to print arrests or convictions. Mayor McLean said he had seen the City Manager has been working on the new police report formats and just is not finished yet, and he recommended this matter be discussed at the next workshop. Mr. Ponder also noted that this information can be provided to the paper, but they do not always choose to print it if space is not available. He said he would change the priority of this matter if the Council wishes. Councilman Hope said that since the City Manager and Chief are working on this, the Council should give them some time to do it and nothing should be done until the Council has time to discuss that work and get comfortable with a set procedure. Councilman Hostetler withdrew his motion.

Councilwoman Harris asked the City Attorney if he had obtained information she requested about Mayor Pro-Tem; he did not have it yet.

Councilman Stewart asked about the status of the Charlotte Hornets inquiry about our water tower; Mr. Ponder had contact with the spokeswoman, but nothing definite has been presented to him yet. Councilwoman Harris said she has had complaints from senior citizens who do not want this.

Councilman Stewart asked about the progress toward changing the trash truck schedule so they do not turn left on Highway 273 at 8:00 A.M. Mr. Ponder said he has not yet cleared this with the Public Works Director.

Councilman Stewart inquired about the status of having the traffic lights at Ranking and Highway 273 coordinated. Mr. Ponder said his phone calls have not been returned.

Councilman Stewart wondered if the agenda could be published in the paper. Mr. Ponder said he has no problem with that, but it will require a deadline of Wednesday before publication, and he always gets calls to be on the agenda up to the wire. He said he sends to the agendas now to the Gaston Gazette and the Gaston Observer. Councilman Stewart **MOVED** to set a deadline for agenda items at 12 calendar days prior to the meeting, and that the agenda be given to the local paper to be published; seconded by Councilman Hostetler, and carried with five ayes and one nay (Duke).

There being no further business, the meeting was adjourned upon motion by Councilman Duke, seconded by Councilwoman Harris, with all in favor, at 10:45 P.M.

Philip Ponder
City Clerk

Frank E. McLean
Mayor
