

Regular Meeting
Mount Holly City Council
December 9, 1991

The meeting was called to order at 8:00 P.M. by Mayor Charles B. Black, Jr. Those present were Councilwoman Faye Little and Lib Nichols, Mayor Pro-Tem Bob Jessen, Councilmen Myles Biggerstaff, R. L. Duke, Interim City Manager Charles McGinnis, City Attorney Kemp Michael, Police Chief Jerry Bishop, Zoning Administrator Gary Roberts, Director of Public Works Eddie Nichols, and new Councilwoman Phyllis Harris. Councilman Archie Small was absent.

The invocation was led by Reverend W. Keith Hearn.

The minutes of November 18, 1991, were approved as written upon motion made by Councilwoman Little, with a second by Councilman Duke, carried with five ayes.

Mayor Black read a Proclamation honoring Dr. Robert L. Duke on his departure from office, and presented it to him in a frame.

Mayor Black read a resolution commending the Mount Holly Police Department for its efforts in a undercover drug operation on November 18 when 18 felony arrests were made as a result of nine months work, and then presented the same to the Police Chief.

Mayor Black also read and presented a resolution commending Police Chief Jerry Bishop for his high degree of courage demonstrated on July 14, 1991, in carrying out his duties.

Magistrate Larry Brown presided over the swearing in ceremony for the newly elected officials. Charles B. Black, Jr. was sworn in as Mayor, with his wife and two grandchildren at his side. Next, the Councilmembers were sworn in. Returning Councilman Robert L. Jessen, accompanied by his wife and son, and returning Myles Biggerstaff, with his three children beside him, took the oath of office along with newly elected Phyllis Harris, who had her daughter with her. Then, the Catawba Heights Sanitary District Commissioners, Troy Bishop and Dave Henkel, were sworn in.

The Employee of the Year Award was presented by Mayor Black to Frank McLean, who received a letter honoring him with his Award and a check for \$250.00. The Selection Committee noted that the reasons for his selection were taken from the nomination forms submitted by his fellow employees.

Mayor Black presented an award to Greg Miller with a pin and plaque in recognition of his fifteen years of service to the City.

Councilman Jessen nominated Councilwoman Faye Little as Mayor Pro-Tem, seconded by Councilman Biggerstaff. There were no other nominations and the vote was unanimous. Mayor Black stated that the long-standing policy of the Council has been to designate the highest vote getter from the previous election as the current

Mayor Pro-Tem.

Next, the Council and Mayor made the following appointments:

- a. COG delegate and alternate--Councilman Jessen as delegate and Councilwoman Nichols as alternate, upon nomination by Councilman Biggerstaff, seconded by Councilwoman Little, carried with five ayes.
- b. TAC delegate and alternate--Mayor Black as delegate and Councilwoman Nichols as alternate, upon nomination by Councilman Biggerstaff, with all in favor.
- c. TCC delegate--The City Manager, upon nomination by Councilwoman Little, seconded by Councilman Biggerstaff and carried by a vote of five ayes. Alternate not appointed.
- d. Personnel Committee--not appointed.
- e. Water Committee--Councilwoman Little and Councilman Biggerstaff, upon appointment by the Mayor.
- f. Water Adjustment Committee--Councilwoman Nichols and Councilman Small, upon appointment by the Mayor.
- g. Criminal Justice Committee--deleted as unnecessary.
- h. Beautification Commission--Cyrus Frazier as Chairman, upon appointment by the Mayor.
- i. Recreation Commission--Councilwoman Nichols as liason, upon nomination by Councilman Biggerstaff, seconded by Councilwoman Little, with all in favor.
- j., k., l., and m. City Manager, City Clerk, City Treasurer, and Finance Director-- Charles McGinnis, upon nomination by Councilman Biggerstaff, seconded by Councilwoman Little, carried with five ayes.
- n. Tax Collector-- June Smith, upon nomination by Councilman Jessen, seconded by Councilman Biggerstaff, carried with five ayes.
- o. City Attorney--Kemp Michael, upon nomination by Councilwoman Little, seconded by Councilwoman Nichols, with all in favor.
- p. City Auditors--Cherry, Bekaert, and Holland, upon nomination by Councilwoman Little, seconded by Councilman Biggerstaff, carried by five ayes.
- q. Downtown Merchants Committee--not appointed due to inactivity of Chamber of Commerce.
- r. Annexation Committee--deleted as unnecessary at this time.
- s. Spring Festival Committee--delayed by the Mayor who will make the appointment of Chairman at a later date.

A request for water and sewer by David L. Wood and Mr. E. Edward Garrett, Jr. was deleted from the agenda, as staff had determined that the City has no ability to provide services at that location presently, and they had declined to join in with the CYA project.

Proposals for elevated water tanks were reviewed by the Council with Director of Public Works, Eddie Nichols. Proposed sites had been designated by the engineers and he requested that the City Attorney be authorized to negotiate for options to purchase two sites, one up North Main Street and one in the vicinity of Catawba Heights. After discussion, Councilman Biggerstaff moved to authorize the City Attorney to negotiate to secure two tank sites

as recommended by the Public Works Director, which was seconded by Councilman Jessen and carried with five ayes. The Council then queried Mr. Hemker from W. K. Dickson Engineers about the tank style options. Three of the alternatives are steel, the fourth is concrete. The concrete costs more initially, but is less costly in the long run due to low maintenance costs. The steel tanks require repainting at a cost of about \$50,000 for the exterior and \$10,000 for the interior, every 10 to 15 years. Mr. Nichols said the style should be decided upon by the January meeting. Mayor Black asked if the sites the City looked at several years ago should be considered now; Mr. Nichols said the engineers recommended going with a site close to the water plant to save the costs of the lines. Councilman Jessen wondered if the northern site should not be more to the west to serve the development that has been proposed. The engineer said the site as it is proposed would take care of that whole area to the creek.

Interim City Manager McGinnis informed the Council of the steps he has taken to comply with a letter received by the City's Bookkeeper from the N. C. Department of the Treasurer which stated that the City has too much investment in commercial paper and suggested that the City place at least 55% of its funds in secured deposits. He had met with BB&T officials and received their proposal to do just that by means of certificates of deposit. Councilwoman Little moved to establish a City policy to invest 55% of its cash funds in certificates of deposit and to approve the proposal by BB&T to now place 55% of the City's cash funds into certificates of deposit with the remaining 45% being in greater interest bearing accounts. This motion was seconded by Councilman Biggerstaff and carried with five ayes. Mr. McGinnis informed the Council he has also established the use of a safe deposit box for storage of backup computer files on financial records and systems, with the keys being held by the Mayor and Bookkeeper, as suggested by the auditors. Councilwoman Little moved to approve the bank resolution form to rent the safe deposit box at BB&T to be so designated, seconded by Councilman Jessen and carried by five ayes.

The rezoning request by Morehead Properties for its 129 acres on North Main Street had been withdrawn.

Mr. Delmar Williams appeared before the Council on behalf of ICI-Rayca Chemicals, with a request that the City allow it to open a driveway onto Sports Lane, with a locked gate. This would be used by them when they have large trucks come in to load or unload. Mr. Williams said they might exit or enter depending on which tank they were using. Councilman Biggerstaff was concerned because of the number of children who play on that road at Tuckaseege Park. Mr. Williams said they felt it would not be a hazard in that most activities are in the afternoon or evening, and the trucks are almost all in and out before lunch. He said the trucks are first weighed at Hoechst Celanese. They average six to eight trucks per month. Councilman Jessen said he did not think the parking lot is across from the proposed driveway. Councilwoman Nichols noted

that they had fenced in the property and that is for safety reasons, and she agreed with Councilman Biggerstaff that there might be a danger for the children. Councilwoman Little was also concerned about the safety, and about the trucks using Sports Lane. Councilman Biggerstaff asked if they have considered other alternatives in placement so they would not have to use Sports Lane; he said they had engineers look at it and this was the best that could be done to meet all the Federal requirements and to comply with environmental standards. Mayor Black stated that the Council had traded land with ICI-Rayca and were under the impression that the City would be able to use that area for parking but it has been fenced in, and he suggested they use the property they own across Broome Street. Mr. Williams said it was considered but that would require piping the chemicals over or under the road, which would be a constant area of possible hazard. Councilwoman Nichols asked if they could obtain more land from A & E on the other side; he said they were approached but were unwilling to sell. Councilwoman Little stated that she hated to turn Mr. Williams down, but in light of the safety question and the fact that A&E had been denied trucking access due to safety reasons, she moved that the request be denied, which motion Councilman Biggerstaff seconded and which carried by five ayes.

The Council reviewed the State DOT response to the City's request for a lower speed limit on Highway 273 between Tuckaseegee and I-85. Councilman Biggerstaff moved to accept the DOT resolution and to establish a 50 m.p.h. speed limit on the sections of Highway 273 between Tuckaseegee and I-85 which are presently 55 m.p.h.; motion was seconded by Councilman Jessen and carried with five ayes.

Priority One gave a status report on the public housing units. The write off proposed by the accountant in the sum of \$1,768.75 are non-collectibles since Sept. 1990. Councilman Biggerstaff objected to letting them get off not paying when they were already given a break in rent with taxpayers' money. He suggested that collection action be taken. Councilman Jessen asked if they can write it off and still pursue collection; they can. Councilman Biggerstaff said they should use a collection agency only on a percentage collected basis. The request to write off non-collectibles at Holly Hills was denied upon motion by Councilman Biggerstaff seconded by Councilman Jessen and carried with five ayes. Priority One will contact a collection agency.

Tax releases dated December 9, 1991, in the amount of \$171.06 for taxes and \$8.00 for tags for 1991, and in the amount of \$20.79 for taxes and penalties and \$3.00 for tags for 1990, were approved upon motion by Councilman Biggerstaff, seconded by Councilman Jessen, with all in favor.

The Council took a five minute recess.

Mr. Eddie Nichols discussed the proposed utility lines agreement with Deertrack Subdivision developer CYA Investments. In April

1991 the Council took action to participate in upgrading the water and sewer lines to be installed in Deertrack Subdivision at an estimate of \$60,000.00 for the City's part. The bids have now been obtained by Deertrack; the cost to increase an 8" to a 12" sewer line is \$7,148.56, and the cost to increase an 8" to a 16" water line is \$63,495.94, making the City's share \$70,644.50. The City Attorney prepared the proposed agreement. The sections of line which the City would pay to have increased in size are part of the lines designated in the water/sewer study as needed for service in the City. This is cheaper than installing a separate line. Councilman Biggerstaff asked if the City was part of the bid process; it was not. He asked the City Attorney if it is legal for the City to expend this money since it was not part of the bid process. He did not know, but stated he would find out. Councilman Biggerstaff moved to enter into the agreement between the City and Deertrack Development Co., Inc. (formerly CYA Investment) to construct water and sewer lines with the City's share not to exceed \$70,644.50, contingent upon the certification by the City Attorney to the Council that it is legal for the City to enter the said contract since it was not part of the bid process for the project. Councilman Jessen seconded this motion and it carried by five ayes. Mr. Yatko said that CYA Investment sold all its assets to Deertrack Development Company, Inc., and the same persons own it.

The floor was opened for complaints or petitions not on the agenda. Nancy Dills asked the Council to pass an ordinance prohibiting persons on floats in parades from throwing candy out to the public. She said she saw a child almost run over at the parade, and so many children run out into the street rather than staying back on the sidewalk. She said there were not enough police to control the crowd, and the merchants were afraid of robbery during the parade due to a lack of policemen. She knew the Freightliner strike had pulled them away, but thought they should have been able to get help from the County or State. Mayor Black said that the Committee could be asked to put that regulation in its agreements with the paraders. He said there is a need for more volunteers for the parades and they could help the police keep the crowd back as well. Councilmen Jessen and Biggerstaff defended the Police Chief stating that the strike was not expected on Wednesday.

Charlene McRorie said she would like to see the City continue the Downtown Merchants Committee, and said they should go out and seek franchises, etc. to come to Mount Holly, perhaps offering incentives. Councilwoman Little agreed that was a good idea and said the City has tried hard to help and spent a lot on money on City Hall outside, but the recession period now is hitting everyone hard, but the City is not a real estate company. Mayor Black said he has spent many hours just trying to get a doctor to come to Mount Holly, to no avail. He said the Committee had meetings in the past and no one showed up, and the City set up the Downtown revitalization and repaired City Hall, but it takes cooperation by everyone not just the City.

Hazel Michael reported a hazardous place in the road on Ferstl Avenue to the City Manager.

Mr. David Berg said he wanted to commend the City employees who had the basketball clinic for about 50 children over two Saturdays recently. He said it was well organized and they loved having a Charlotte Hornet come out. He appreciated the volunteer effort of Danny Jackson, Jessie Fields, Zip Stowe, and Paul Monck. The City Manager was asked to send a letter of commendation to them for their efforts, as well as a letter of thanks to T. R. Dunn, the Assistant Coach for the Charlotte Hornets. Mrs. McRorie agreed with Mr. Berg and said the City has had the best Recreation Department the last six or seven years and she hated to see Danny promoted.

Councilwoman Little said she recalled already adopting the resolution but since COG has requested it again, she moved to adopt the resolution approving State funds to go to COG, which was seconded by Councilman Biggerstaff and carried with five ayes.

Councilwoman Little asked if the City Manager had contacted the railroad about the repair needed at the Central Avenue crossing; he will.

Councilwoman Little asked about the progress on the recycling site. Mr. Roberts said he had found that dirt costs \$40 to \$60 per load unless you find someone who wants to get rid of it. Mayor Black said he contacted Harold Stroupe and Duke Power Company again but has no response. Councilwoman Little said buying the lot behind City Hall would be cheaper than renting the other lot in the long run. A recommendation should be ready by the January meeting.

Councilman Jessen reported a water leak on Woodlawn near Mount Holly Spinning. Mr. Nichols said this has been a problem off and on for some time and they have tried several things to correct it, but may have to replace the valve. Councilman Jessen said he felt the City employees should be asked to report things they see that need repair to their supervisor.

Councilman Jessen welcomed the new Councilwoman, Phyllis Harris.

Councilwoman Harris said she would be quiet tonight but would speak up later.

Councilwoman Nichols said there is some land for sale next to the Catawba Heights Fire Department that the City might be able to use.

Councilman Biggerstaff moved to call for a public hearing at the next regular meeting on January 13, 1992, to consider an amendment to the zoning ordinance Section 85 to change the multi-family uses from a permitted use to a conditional use in the R-8 district,

which was seconded by Councilwoman Little. City Attorney Michael asked if this matter needs to go before the Planning & Zoning Board first; Mr. Roberts said it is only required to be before the Council since it is upon his recommendation. Mr. Michael recommended that it go before the Planning & Zoning Board the first week of January anyway. The Council concurred. The motion carried with five ayes. Mr. Roberts will handle the notices and advertisements.

Mayor Black asked what was delaying the Oak Trail resurfacing. Mr. Nichols said it was resurfaced Friday, with touch ups left to be done. Mayor Black also asked about the street beside Arrowood; Mr. Nichols said REA will return next week and there is additional work to be done.

Mayor Black asked the City Manager to contact the brick contractor to get the brick work finished at City Hall and the Police Department and the area cleaned up.

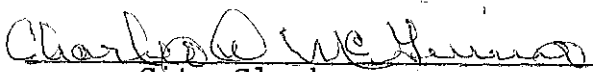
Councilman Biggerstaff inquired about when the Council must decide about the bond package for water and sewer improvements; they agreed to decide at the January meeting.

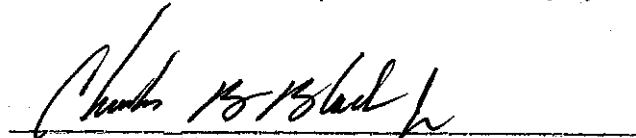
Mayor Black said he was disturbed to learn that the State will now fax prison records and if there is no room in Raleigh, they will turn some inmates loose even though they have not served their minimum sentence.

City Attorney Michael said he appreciated the Council re-appointing him and asked them all to feel free to call him when needed. He asked the Council if they would like him to obtain more Code books as it was discovered when Ms. Harris came into office that the City has run out. After discussion, Councilwoman Little moved to authorize the City Manager to purchase 12-15 City codes in covers and approximately 25 not in covers, which was seconded by Councilwoman Nichols and carried with five ayes.

Mayor Black stated that the City Manager Selection Committee needs to have another meeting.

The meeting was adjourned upon motion by Councilman Biggerstaff, seconded by Councilwoman Little with all in favor, at 10:50 P.M.


City Clerk


Mayor
