

Regular Meeting
City Council
November 13, 1995

The regular meeting was held at City Hall, and 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 Michael Helms, R. L. Duke, and Jim Hope, as well as City Manager Phil Ponder, City Attorney Kemp Michael, Public Works Director Eddie Nichols, Zoning Administrator Danny Jackson, and Chief of Police Jerry Bishop.

The invocation was led by Rev. Phillip King.

Councilman Hope **MOVED** to approve the minutes of October 9, 1995 as written, motion seconded by Councilman Duke, with all present in favor.

Bids for four police cars were reviewed. City Manager Ponder informed the Council that the prior bids were for Ford Thunderbirds, and due to the Council's concern about buying a different auto this year, he rebid. Once again only one bid was received, from Dixon Ford. The Crown Victoria is higher than the Thunderbird. Councilman Helms stated he prefers the fleet be the same car and so **MOVED** to reject the bids for the Thunderbirds and accept the bid for Crown Victorias from Dixon Ford at \$18,888 each. This motion was seconded by Councilman Hope, and carried with five ayes and zero nays.

Consideration of the contract with Stogner and Kanoy was tabled until the next regular meeting upon **MOTION BY** Councilman Hope, seconded by Councilman Duke, with all present in favor.

Mr. Ron Dimmer was recognized, and presented a proposal for a joint venture on water line extension along Westland Farm Road. He stated that if he put in a direct line from Highway 27 about 220 feet to the back of his property, the cost estimate is \$44,000 for an 8-inch line. City Manager Ponder stated the cost estimates he has for a 12-inch line down Westland Farm Road to Hansel Street is \$55,000; an 8-inch line is \$46,000. Mr. Dimmer acknowledged the difficulty as an individual in obtaining permission to bore under Highway 27 and under the railroad, and then to maintain a \$3 million liability insurance policy, and so presented his request. He stated his willingness to share the cost with the City. Mr. Ponder said the staff has concluded that this line is not needed from a City viewpoint at this time, but if the Council chooses to consider it for future development reasons, they suggest going down Westland Farm Road to Hansel Street; the City would negotiate encroachments for crossing. He stated that this is a unique circumstance because the City will be unable to supply sewer service and therefore cannot pursue annexation. Mayor Black said this would only be feasible if the City may go into Dickson Heights within 10-15 years, because about half the cost would be paid by the developer. Councilman Jessen saw three choices: one,

to do nothing and Dimmer digs wells; two, to let Dimmer run straight across on his own; or three, to share the cost of putting in a larger line poised for future development. Mr. Jessen was in favor of the third option. Mr. Dimmer stated he could contribute between \$25,000 and \$30,000. Mayor Black recalled the City had shared cost to "up-size" the lines for the Freightliner and the Deertrack Subdivision projects. Councilman Jessen **MOVED** that the City participate in a joint venture with Ron Dimmer to install a 12-inch water line out Westland Farm Road, with the staff and Dimmer negotiating the terms and costs, and a contract being brought back to Council for approval; seconded by Councilman Hope. Councilman Hope said the Council will need more accurate figures to consider. Mr. Ponder informed the Council that it is a contractor's market right now and difficult to get bids on small projects. Councilman Jessen asked how far down they would run the line; Mr. Ponder said about 1,500 linear feet. Councilman Jessen **MOVED** to table action until the December regular meeting, with staff working on more definite figures and return with information and proposed agreement to Council; seconded by Councilman Hope, and carried with all present in favor.

A preliminary plat was presented by Ron Dimmer for Dickson Heights Section 1-A Subdivision. Mr. Jackson reported that the Planning Commission has recommended approval of the plat. Councilman Hope **MOVED** to approve the said plat based upon the recommendation of the Planning Commission; seconded by Councilman Helms, with all in favor.

Mr. Dimmer requested variances from Council as to the Subdivision Ordinance for the proposed Dickson Heights Section 1-A Subdivision. Mr. Jackson stated that the Planning Commission chose to not make a recommendation as to the requested variances. Mr. Dimmer requested variance from: Section 3.5 Street Improvements, specifically as to installation of curb and guttering; Section 3.10 Sidewalks; Section 3.12 Neighborhood Recreation Sites; and Section 3.15 Street Lights, specifically the underground wiring. City Manager Ponder informed the Council that neither the Public Works Director nor the Zoning Administrator feel strongly about enforcement in this particular subdivision due to the inability of the City to annex because of lack of sewer service and to the fact that it is small with only one dead-end street. However, Mr. Ponder stated his feelings are stronger in that the City does have an ETJ and has revised the subdivision regulations and adopted a land use plan to control development, with the intent to begin using proper procedures. He further stated that he gets constant complaints about drainage and requests for sidewalks and other such amenities. The City has two choices, either to require the developer to do it now and include it in the price charged the consumer, or to have the City pay for it later when annexation occurs. Mr. Dimmer asked for leniency based on the cost of \$50 to \$65/linear foot for sidewalks which he sees as an unnecessary expense to have the homeowner pay, since this is part of the old original subdivision that does not have sidewalks and his engineer has shown a paved 20 foot street which

is contoured to the new DOT regulations and drainage has been engineered in the site plan. He further saw no need for a recreation area because of the large size of the lots. Councilman Jessen said he had worked hard on the new subdivision regulations, and reminded the Council that most of the problems they deal with now are because there was no plan in the past for handling water that comes off developed property, so the curb and gutter is needed, regardless of whether the others do not have it, because we have now started under the new rules. He felt variances could be considered except for curb, gutters, and sidewalks. Mr. Dimmer said he could possibly understand the guttering and curb but did not understand the need for a sidewalk on a deadend street, and asked where would they go to since there is no other sidewalk out there. Councilman Jessen said it is a part of the entire streetscape the City's land use plan intends. Councilman Helms agreed that curb and gutters are necessary, as did Councilwoman Harris. Councilman Helms pointed out that even with the contour, the neighbors might be flooded without the curb and gutters.

Thelma Stack, Hansel Street, was recognized, and said the exit on Hansel Street is dangerous now because of the curve and they should exit on Rachel Street. Charles Williamson, Handsel Street, said they have no objection except that Hansel Street is too dangerous now for them to exit. Mr. Dimmer thanked them and said his wife had already pointed that out, and he can have his engineer put the exit onto Rachel Street. Councilman Hope **MOVED** to amend the motion for plat approval to require the exit to be off Rachel Street rather than off Hansel, seconded by Councilman Helms, with all in favor.

Another man stated his concern about water because Rachel Street has no drainage and he believes they will flood him. Mr. Dimmer said the engineer has plotted the elevations and the site plans require drainage to do toward the railroad. The man said it would have to go uphill to do that. Mr. Ponder recommended the Council require compliance with the Subdivision Ordinance. Councilman Hope did not believe it is wise to change the ordinance even in unusual circumstances since this is in the ETJ. Councilman Helms **MOVED** to deny the request for variance as to Section 3.5 Street Improvements, seconded by Councilman Jessen, with all in favor. Councilman Helms **MOVED** to grant the variance request as to Section 3.10 Sidewalks; seconded by Councilwoman Harris. Councilman Hope said he has to give a reason why, and the City Attorney directed the Council's attention to Section 5.5 which sets forth what would permit a modification of the ordinance. Mr. Helms said it could be said to be due to the size of the road being only 1,000 feet and being a dead-end cul-de-sac at both ends, but when this amendment was not seconded, he withdrew his motion. Councilman Jessen **MOVED** to deny the variance request as to Section 3.10 Sidewalks based on Section 5.5; seconded by Councilman Hope, and carried with four ayes and one nay (Helms). Councilman Jessen **MOVED** to grant the variance as to Section 3.12 Neighborhood Recreation Sites, based on Section 5.5 in that it creates an unnecessary hardship on the developer since the topography and

adjoining areas creates an undue usage of land that is not necessary; seconded by Councilman Helms, and carried with five ayes. Councilman Jessen **MOVED** that the request for variance as to Section 3.15 Street Lights be denied based on Section 5.5; seconded by Councilman Hope, and carried with four ayes and one nay (Helms).

Mt. Holly Habitat for Humanity has requested a wavier by the City of the tap fees for the house on Lee Street. Mr. Ponder said it is a non-profit organization, but if granted others will ask for the same consideration. Councilman Duke **MOVED** to grant the waiver of tap fees in the amount of \$600; seconded by Councilman Helms. Mayor Black said he does not object but wondered if this would be prohibited since the State will not allow the City to waive water and sewer bills to churches, and he also wondered if this would only apply to this house or to all they build. Councilman Jessen said he at first thought it was a great idea but then recalled that the premise of the event is to build it without government handouts. The motion carried with five ayes. Mayor Black encouraged citizens to volunteer for this program.

Mr. Mike Schronce was recognized next. He requested permission to install a septic tank on a lot on the Highway 273 bypass he is considering buying located next to a lot he presently owns. City Manager Ponder stated that the cost for the City to serve this property with gravity sewer line is estimated to be \$126,000. Councilman Hope **MOVED** that Mr. Schronce be allowed to install a septic tank to County specifications until such time as the City provides sewer service; seconded by Councilman Jessen, and carried with all in favor.

Mr. Jeff Fritts, with W. K. Dickson, Engineers, was present to answer questions Council might have about water upgrade projects. He said that small and deteriorated lines are being replaced with 6-inch line. City Manager Ponder had obtained informal bids pursuant to the newly adopted law on bidding process allowing informal bids up to \$100,000. He recommended that Council award the low bid to Tar Heel Construction Co. in the amount of \$95,920.00. This will enable the work on North Main to be completed right away so that DOT can do its scheduled repaving on North Main (Highway 273) afterward. Councilman Hope **MOVED** based on the City Manager's recommendation that the bid be awarded to Tar Heel Construction Co. for the amount not to exceed \$95,920.00; seconded by Councilman Jessen, with all in favor.

Engineering bids had been received and were presented to Council for design of the sidewalks and drainage improvements to be made along Belmont-Mount Holly Road, with the low bid being recommended by the City Manager. Based upon his recommendation, Councilman Hope **MOVED** that the engineering bid for this project be awarded to the low bidder, Frank Cockinos and Associates, in the amount not to exceed \$7,900; seconded by Councilman Duke, with all in favor. Mayor Black cautioned them to take extra care on this project because when the City did sidewalks before there was a lot of

problems with needing backfill and not being wide enough. Mr. Ponder checked the specs, and these will be four feet wide. The motion carried with five ayes and zero nays.

City Manager Ponder had provided Council with a memorandum presenting his findings related to financing for the sludge handling facility improvements. He reported that the interest rate would be less than the interest currently being earned, and that if the Council chooses to pursue this financing, proposals would be solicited, a public hearing would be heard, and approval would have to be obtained from the Local Government Commission. He stated that the City does have the cash on hand to pay for the project, but the \$1.3 million estimated would cut deeply in that fund. Councilman Jessen **MOVED** to set a public hearing for the December 11 meeting to discuss proposals to be obtained by the City Manager for financing sludge handling facility improvements in the amount of \$1,388,000; seconded by Councilman Helms, with all in favor. Councilman Hope **MOVED** to adopt Resolution #11-13-95(a) as presented, declaring its intent to reimburse itself from the proceeds of tax-exempt financing (copy attached); seconded by Councilman Duke, with all in favor.

City Manager Ponder included in the agenda package a copy of the report from the N. C. League of Municipalities pertaining to the new legislation allowing concealed handguns. He said he is particularly interested in a city ordinance prohibiting them on City property because as City Manager he does not want anyone coming into his office with them. City Attorney Michael advised the Council that they can do nothing or if they choose to do so they may pass an ordinance prohibiting concealed handguns on City property. He pointed out that the new State law only applies to concealed handguns carried with a permit, and also that signs would have to be erected notifying anyone entering of the City ordinance prohibiting them. Councilman Jessen inquired about changing the proposed City ordinance to include all concealed weapons and to set penalties. Mr. Michael said the State law as to other concealed weapons has not been changed, and the new State law contains stricter penalties than the City can establish itself. Councilman Jessen **MOVED** to adopt Resolution #11-13-95(b) as presented, adopting a new ordinance to permit the posting of signs prohibiting the carrying of concealed weapons on certain municipal property. This motion was seconded by Councilman Helms, and carried with five ayes and zero nays.

Councilman Duke **MOVED** to authorize the release of Mount Holly's share of State funds to Centralina Council of Governments; seconded by Councilman Jessen, with all in favor.

City Manager presented three budget amendments to the Council, which were approved upon **MOTION** by Councilman Hope, seconded by Councilman Helms, with all in favor. (copy attached)

Tax releases in the amount of \$612.85 were approved upon **MOTION** by Councilman Duke, seconded by Councilman Jessen, with all in favor.

There were no complaints or petitions not on the agenda.

There were no items for closed session.

Mayor Black noted that a small City map that had been sent out shows a small area near Catawba Heights outside the City although it is inside. Mr. Ponder said the map was sent out by Public Works Department and he believes that was an error and is checking on it; he will have it corrected.

Mayor Black appointed Jack & Frances Warren to the Archives Room Committee to work on military displays and assist Bobby & Melanie Black. He asked for other volunteers. Councilwoman Harris volunteered herself and Roger Hawkins, and the Mayor also appointed them to that committee. Mayor Black reminded them they have \$1,000 in the budget, and it should have been drawing interest.

Mayor Black stated he has enjoyed his tenure on the Council and as Mayor, and he encouraged the new Mayor and members of Council to continue to work on growth for the City. He noted that Crescent Resources has agreed to work with the City on growth on the north side of town, and the Gateway Project is poised for growth. He hopes that growth will mean lower tax rates, and he said he would be right down here to ask for it when those areas are developed.

Councilman Jessen congratulated the new members of the Council and encouraged them to work together in the best interest of the City.

Councilman Hope reported that Post 266 had a dinner for East Gaston football coach Earl Lingafeldt, which was attended by Mayor Black and Gail Brotherton, both mayors from Mount Holly and Stanley, honoring the team for a winning season.

Mayor Black reported that the City is officially selling water to Stanley and he and Mayor Brotherton had taken pictures at the tank site. He also said that Mt. Holly was the second largest city in the County until recently when we fell behind Belmont, but that we are fast approaching them to go back into that position.

City Manager Ponder reported that the City Hall renovation is substantially complete, and asked the Council to look it over, and also to let him know what they would like on the walls.

City Attorney Michael commented that he had been sitting at the table with Charles Black for 20 years, and he wanted to commend him for the way meetings were conducted and dignity was always maintained. He also stated that he has respected Councilman Jessen for making the hard motions and difficult decisions that have been necessary. Frank McLean was recognized and said he felt everyone should give Mayor Black and Councilman Jessen a hand for a job well done, at which the audience applauded its concurrence. Mayor Black thanked them and noted that this would be his third

retirement. He has spent 2/3 of this life in some type of service to his country or city and stated he would continue to do so in other ways.

There being no further business, the meeting was adjourned, upon motion by Councilman Duke, seconded by Councilman Jessen, with all in favor, at 10:00 P.M.

Phillip S. Gonda, Jr.
City Clerk

Charles H. Jessen
Mayor
