CITY COUNCIL
REGULAR MEETING
November 11, 2002

CALL TO ORDER BY THE MAYOR

The regular meeting of the City Council of Mount Holly was called to order at 7:00 P.M. by Mayor Black. The following were present:

Mayor Robert D. "Bobby" Black
Mayor Pro-Tem Jim Hope
Councilman Michael Helms
Councilwoman Phyllis Harris
Councilman Frank McLean
Councilman Bryan Hough
Councilwoman Pat Hubbard

Adm. Services Officer Jamie Guffey
Water & Sewer Dir. Don Price
Planning & Zoning Dir. Danny Jackson
City Attorney Kemp Michael
Police Chief Rick Davis
Fire Chief John Ekiatis
Street & Sanitation Dir. Mike Santmire

INVOCATION

The invocation was led by Rev. Todd Wright, First Presbyterian Church.

PLEDGE OF ALLEGIANCE

Boy Scout Troop 59 led the Council and audience in the ceremony of the Pledge of Allegiance. Rick Connell, troop leader, shared a thought for the day: Remember not to take life too seriously because none of us will get out of it alive.

APPROVAL OF THE AGENDA

The agenda was approved with addition of #3 to Consent Agenda, Approval of the Minutes & deletion of NB#1, and addition of NB#3 Acceptance of Hill Street & NB#4 Budget Amendment for Holly Hills, upon motion by Councilman Helms, seconded by Councilwoman Harris, with all in favor.

CONSENT AGENDA

The Consent Agenda was approved upon motion by Councilman Hough, seconded by Councilwoman Hubbard, and approved by unanimous vote. There were three items on the consent agenda:

CA#1. Budget Amendment to move Contingency Funds. To repair City Hall. (copy attached)

CA#2. Appointment of Members to the Planning Commission and the Zoning Board of Adjustments. Reappointment of Carlton Broome and Jack Stevenson for three year terms.

CA#3. Approval of the Minutes of October 14, 2002. Approved as written.

PRESENTATIONS

PR#5 Update on StoneWater Development

Chris Randolph was recognized to give the Council a report on the StoneWater Development. There are now 21 homes from four custom builders, and they now have eight custom builders who are going to build. The tennis courts are finished, and the club house is scheduled to open this month; the pool will open in spring. Mark Friday, a local builder from Mt. Holly, has a beautiful home on the water--it even got recognition awards in the Parade of Homes—that he needs to sell due to his health condition.

PR#1 Introduction of New Employee
City Manager Kraus introduced Kim Wallis, GIS technician, replacing Ken Richardson who moved to a State of North Carolina job. She is from Cabarrus County, has a degree from NC State, and is completing her Masters degree at UNCC.

PR#2 Donation of Automatic External Defibrillator from Mount Holly Fire and Rescue Auxiliary
Fire Chief Ekiatis introduced Amy Cooke, who presented, with other members of the Auxiliary, to Mt. Holly Fire and Rescue a donation of an automatic external defibrillator to go on the new fire engine; it cost about $3,700. Mayor Black and the Council thanked them for the donation. Mayor Black recognized the hard work this group does to support the Fire and Rescue Department members.

PR#3 Public Safety Commendations
Fire Chief Ekiatis, presented commendations to Fire and Rescue Department members Ryan Baker, Mark Almond, Travis Collier, and Ann Bowen. On Oct. 30, 2002, there was a fire in Holly Hills Apartments. They did an outstanding job along with the rest of the department and with the aid of East Gaston VFD, as well as GEMS. Ryan Baker and Mark Almond went into the burning structure to fight the fire and pulled Mary Meares out of her apartment, along with Travis Collier. Ann Bowen, the dispatcher, called the Department to notify them of the call after transferring it to the County, so that they could respond quickly. Although the lady eventually died, their teamwork deserves recognition, and so the Chief read a resolution recognizing their efforts. (Copy attached)

Chief Ekiatis, Mayor Black, Mayor Pro-Tem Hope & Asst. Chief Calder presented medals to Ryan Baker & Travis Collier, the Gallantry Medal, as the first ones to go in and find her, and to Travis Collier, the Medal of Valor for Courage because he went up to help bring her out and treat her. Chief Calder stated that all the men were professionals and this reflects on the training program we have and the good people in our department.

The Mayor and Council welcomed Mr. Michael back after his surgery, saying how glad they were to see him here.

UNFINISHED BUSINESS
UFB#1 To Discuss Maintenance Contract on Water Tank
City Manager Kraus presented a revised contract and the bound book attached to it with the specifications for a maintenance contract on two water tanks. We received e-mails from about ten different cities about using maintenance

contracts; most use this firm. They all said they like the maintenance program. Staff recommends adopting the contract. Kemp Michael said he only had two issues, and someone called him after the last meeting and he told them that it did not define what would be actually done. He and Jamie Guffey do not see anywhere that painting would be done. In addendum three, the payments are made in advance, so there should be no balance due if you terminate the agreement. Councilwoman Hubbard said it is possible that on page one, at the second paragraph from bottom, the painting issue is addressed. Mr. Lee Smallwood was recognized, representing Utility Service Co., Inc., stating they attached the booklet with specifications, and the painting work to be done in the first year is on page six. He stated that his company takes the renovation cost and spreads it out over four years, so the city would owe us money if the contract is terminated early. Mr. Mike Lewis, the vice president, said the contract you are making is that we take full responsibility and there is catch up work to be done now, so we have adjusted the amount you pay the first two years, which is less than what it will cost us to do, in order to make the payments feasible. The value of all the work is spread out over four years but they will be doing the majority of the work in the first two years. Mr. Michael asked if there is any way to get a schedule so that the Council would have that to consider if later they were thinking of terminating early. Mr. Lewis agreed to send such a schedule to you to attach for that addendum.

Motion: Councilwoman Hubbard **MOVED** to approve the contract for maintenance of the I-85 water tank and the North Main water tank with Utility Service Co., Inc., subject to receipt of the fee schedule addendum, seconded by Councilman Hough.
Vote: unanimous vote. CARRIED.

UFB#2 To Discuss Name for Catawba Heights Park
City Manager Kraus said that staff recommends Catawba Heights Neighborhood Park.
Motion: Councilman Helms **MOVEDB** to approve the name for the new park to be Catawba Heights Neighborhood Park, seconded by Councilwoman Harris.
Vote: unanimous vote. CARRIED.

UFB#3 Resolution on Financing Garbage and Fire Trucks
Jamie Guffey stated that Council already approved this financing, but the lender sent its own resolution form for approval with regard to financing the new fire truck.
Motion: Councilman Hough **MOVED** to approve the resolution as presented, contingent on approval by the City Attorney, seconded by Councilwoman Hubbard.
Vote: unanimous vote. CARRIED.
Mr. Michael said he will review it before closing on the loan.

NEW BUSINESS
NB#1 To Amend Zoning Fee Schedules
Deleted.

NB#2 To Discuss Extension of Letter of Credit for Riverfront Subdivision
City Manager Kraus stated he received a request for extension for the letter of credit for twelve months for Riverfront Subdivision, but our ordinance allows six months. Mr. Rice, Squires Enterprises, said this is for time to complete an appropriate fire coverage water line when the subdivision is fully built, but we are behind construction schedule due to the economy. We have recently found out that Crescent Resources is planning development on their tract, and our engineers are talking to theirs about the water line. This may mean a change in the path it will follow.
Motion: Councilwoman Hubbard **MOVED** to extend the letter of credit for Riverfront Subdivision for six months following its current date of Dec. 14, 2002, seconded by Councilman McLean.
Vote: unanimous vote. CARRIED.

NB#3 Acceptance of Hill Street
City Manager Kraus stated that Mr. Harris is building houses on an old right of way he opened and built to our specs. Mr. Santmire has inspected the street and found it meets our criteria.
Motion: Councilman Hough **MOVED** to accept the new section of Hill Street, seconded by Councilwoman Hubbard.
Vote: All in favor. CARRIED.

NB#4 Budget Amendment for Holly Hills
Jamie Guffey received a request that morning from management at Holly Hills. They did not get money from the federal government due them when expected; but now they have received it, so they want to put it in the budget so they can use it.
Motion: Councilman Hough **MOVED** to pass Res. 11-11-02 B, seconded by Councilwoman Hubbard.
Vote: All in favor. CARRIED.

PUBLIC COMMENT
Mayor Black opened the floor for public comment.
None

ROUND TABLE
City Attorney Kemp Michael made a report on the fire station. The attorney for the contractor and he have negotiated; they have a proposal which he has been over with City Manager Kraus. The City is holding about $130,000 out of the contract. The contractor says we have $142,000; we are comparing change orders to determine this. We will deduct the $14,000 cost of grinding the floor down, $2200 adjustment for flashing lights. We would continue to hold seven

items, bolts, louvers, steps replaced, leakage on condensation lines, painting, carpet split in one area, totaling $25,000, and give the contractor a set period of time to make corrections, and If not made, we use this money to get it done on our own. Warranty items would be included in the agreement, but no money is withheld for them. We have a list of subcontractors and the amount owed to them. The contractor's attorney would be escrow agent for that sum and he would disburse only when he obtains a lien waiver from the subcontractor. From this point, we would approve the workmen that the contractor may choose to send out before he sends them out. If we do not settle this and get a written agreement, this will go to arbitration, and that will cost everyone money. City Manager Kraus said some of the warranty items are lights and the intercom. Mr. Michael said when we get it in a written form we will send it out in the weekly memo.
Motion: Councilwoman Hubbard **MOVED** to approve the execution by the mayor after it is prepared by the City Attorney and send it out to us in the weekly memo, seconded by Councilman McLean.
Vote: unanimous vote. CARRIED.

Mayor Black said that Greg Dimmer asked for a change to the solid waste collection policy, and he wanted to have Mike Santmire give us his report. Council agreed. Mr. Santmire said apartments over 8 units must get a dumpster and we do not pick up; but their tipping fee stops. Mr. Dimmer also wanted us to pick up a refrigerator and carpet when our policy is not to pick up from contractors; he says since he is the owner, we should pick it up. Mr. Santmire said that when people pay for removal of bulky items, the county gets that money, but we have to pick it up. To remove appliance costs us about $10. City Manager Kraus said he recommends a fee for pickup of bulky items. Councilwoman Hubbard asked if they plan to have them come in and pay before the pick up. Yes, he did. Mr. Kraus said if they put the items out without paying, they should get a ticket from Shane Gill against the property owner. Council agreed to have Mr. Kraus bring a proposal back to them.

Mayor Black asked if we have a new leaf truck? Mike Santmire said we have started leaf collection. The 1992 truck has been retrofitted, and it was returned today; also, we have sold 2,000 clear bags for leaf collection that are reusable.

Councilman Hough asked what the status of the planting of trees next to the new fire station, which he believes the Council clearly wants. Councilwoman Harris agreed that Council definitely wants it done.

City Attorney Michael was excused early.

Councilwoman Hubbard asked what is going to be done to settle the dispute about wrecker services rotation. This seems to be a sore point, but we have an ordinance; she wondered why we say they have to be in Mount Holly with an office here, why not just anyone who registers, since we don't protect other businesses. Councilman Hope said the City is the principle when cars are picked up. City Manager Kraus said this started before he came here, but apparently Jack's wanted to move to town, and Council passed the ordinance. Danny Jackson said the local people did not like him coming in and taking their business. Now, the new people have met the ordinance but they still do not like it, and the local ones are not complying because they are not answering the calls when they are called. Councilman Helms said we don't want them to have to go to Monroe to get their car. Councilwoman Hubbard asked how to determine how far is too far; we let them go to Stanley. City Manager Kraus said the ordinance does not address where the cars have to be stored. Councilman Hope asked if the City has a lot we could use and charge for storage. Councilman Helms said that is not a bad idea for us to run the impound lot. Councilman McLean said this started a long time ago, and the Council adopted this ordinance knowing the dispute. Mr. McLean asked how many do we have? Chief Davis said three. Councilwoman Harris asked if other towns have an ordinance like ours? No one knew. Mr. Kraus asked if the Chief knew other cities that have an impound lot? Chief Davis said Charlotte does, but he doesn't know about others. City Manager Kraus is going to see what other cities do.

Mayor Black asked if they met with the Golden Gloves people? Mr. Kraus said they want a permanent facility like the old gym and we would have to move out, so they can have a boxing center. Council said No.

CLOSED SESSION

Councilman Hough moved to go into closed session for the purpose of discussing employee of the year, seconded by Councilwoman Harris, with all in favor.

Councilman Hough moved to return to open session, seconded by Councilwoman Harris, with all in favor.

ADJOURN

There being no further business, the meeting was adjourned, upon motion duly made, seconded and carried.

8:30 PM

Clerk

Robert D. Black

Mayor

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cpm