Regular Meeting
City Council
November 11, 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 Mayor Pro-Tem Michael Helms, Councilwoman Phyllis Harris, Councilmen Jim Hope, R. L. Duke, and Andy Stewart, David Hostetler Jr., as well as City Manager Phil Ponder, City Attorney Kemp Michael, a Police Dept. representative, Public Works Director Eddie Nichols, and Planning Director Danny Jackson.

The invocation was led by Rev. Jeremiah Robinson.

Councilman Helms **MOVED** to approve the minutes of October 14, October 28, and November 4, 1996, as written, seconded by Councilman Duke, with all in favor.

The Council first addressed the matter of the donation request by Gaston County YMCA for the proposed new East Gaston facility. Mayor McLean opened the floor for any in the audience who wished to speak in opposition. There were none. Councilman Hope then **MOVED** that the Council commit to expend the sum of $250,000 for road and/or utility extensions to serve the "Gateway Area" including that property to be developed for a YMCA; and that such roads and utilities shall belong to the City of Mt. Holly and shall serve a public purpose; which motion was seconded by Councilman Duke. Councilman Hostetler stated that despite the seeming controversy over the new YMCA facility reported in the media, he and the other Councilmembers were 100% supportive of the YMCA, and he also thanked those in the audience who had come that evening in support of it. He further stated he was happy the Council was able to find a way to contribute to the project and keep the taxpayers in mind also. Councilman Stewart requested that the word "minimum" be added to the motion on the floor. Councilwoman Harris said she is also in support of the Y, and was sorry to hear that people had gotten the wrong impression that the Council was not in support of it. Councilman Hope noted for the record that the Mount Holly community in general and its business leaders such as A & E Thread Mills have also generously supported this project; and that he had received letters both in favor and opposed to this request, but after consideration of all things said felt this decision is for the betterment of the City. Councilman Hope then **AMENDED** his **MOTION** to read: "that the Council commit to expend the minimum sum of $250,000 for road and/or utility extensions to serve the "Gateway Area" including that property to be developed for a YMCA; and that such roads and utilities shall belong to the City of Mt. Holly and shall serve a public purpose; and Councilman Duke accepted the amendment. The amended motion carried unanimously, followed by applause from the audience. The Y representatives thanked the Council. Councilman Hope added that he felt the Council's decision to pay the $250,000 up front was "one better" then the requested $50,000 per year for five years.

Planning Commission appointments were considered next. The Planning Commission has recommended the re-appointment of David Anthony. Councilman Hope asked if the second seat was to be filled as well; the Planning Commission had not made a recommendation for that seat yet. Councilman Duke nominated Carlton Broome for the seat under consideration on the agenda. There were no further nominations, and the nominations were closed. The Council voted by written, signed ballot; the results were four votes for Carlton Broome, two votes for David Anthony. Mayor McLean announced that Mr. Broome was appointed to the Planning Commission seat which expired in September to both boards for a three year term.

A request to close a portion of Bryte Street had been made by Daphne Barton, 320 Bryte Street. Mrs. Barton stated she has lived there 23 years and the street has never been opened. Councilman Harris said her husband had lived in that neighborhood and reports that the street has never been opened, and so she **MOVED** that a public hearing be set for the January 13, 1997, regular meeting to consider closing the portion of Bryte Street from the creek to Vance Street, seconded by Councilman Helms, with all in favor.

City Manager Ponder reported that Councilwoman Harris has raised some questions about the fees charged by the City for street closings adopted a few years ago to pass costs along for the newspaper, etc. She had pointed out that Second Baptist Church was not charged when the streets were closed off Rankin Avenue. Mr. Ponder stated he had checked on this and found it had never been billed by his oversight. He continued that there is no exemption in the policy and no waiver found in the minutes, and he plans to now bill the church. Councilwoman Harris felt it would be in appropriate to bill the church after a year has passed, but it is not fair to charge Mrs. Barton when the church did not pay. After discussion, Councilman Helms **MOVED** to delete the City fees for street closings from the policy, seconded by Councilman Hope. Councilman Hostetler asked Public Works Director Nichols if a lot of people complain about the cost or drop their request when they are told about the costs; he replied, "No." Councilman Stewart expressed his concern about hastily doing away with a standing policy just because of this situation. The vote was taken and the motion failed with two ayes and four nays (Harris, Stewart, Duke, and Hostetler). Councilman Duke agreed with an earlier comment made that the City should forgive the fee for Mrs. Barton since she found the mistake that had been made. Councilman Helms said his position was based on the fact that $280 is not much to the City, and even though the adjoining property owners get the land, the City is no longer at risk to have to pave or maintain the street. Councilman Stewart **MOVED** to waive the normal fee to Mrs. Barton for closing a portion of Bryte Street, seconded by Councilwoman Harris. Councilman Hope asked upon what grounds this waiver was being granted. Councilman Stewart stated it was because she had found the error. Councilman Hostetler recalled a lot of City fees being reviewed at budget time and raised, but this street closing fee was not on the list, but he felt since staff time is used and money is expended for an individual request, the street closing policy should continue to have a fee. Councilman Stewart's motion carried with all in favor.

Mr. Boyce Sherrill had filed with the City Manager a request for the City to extend its extra-territorial jurisdiction (ETJ) to include an area along old N. C. 27 where he, among others, owns property. Mr. Sherrill was recognized, and stated the County is zoning now but they are not doing anything for them, and since they are so near Mt. Holly, and because they would rather deal with Mt. Holly people, they had made this request. Councilman Hostetler asked Mr. Sherrill if they only want zoning or do they want voluntary annexation. Mr. Sherrill said they only want zoning. City Manager Ponder noted for the record that the City's zoning ordinance is essentially the same as the County's. Councilman Helms pointed out that the County would have to approve it even if the City agreed. Councilman Hostetler **MOVED** to table action until the December meeting, seconded by Councilman Duke, with all in favor.

City Manger Phil Ponder presented information to Council regarding informal bids taken for replacing the roof on the old Junior High gym which the City leases. He stated that $40,000 was budgeted for this purpose because it is the City's only indoor recreation facility. He obtained informal bids due to the limited time before bad weather. The low bid is $56,300 by Carve & Sons Roofing. In reply to Councilman Hope's questions, Mr. Helt, the architect who had assessed the needed repairs at the gym, stated that he was familiar with Carver & Sons. There is a one year warranty for labor, and ten year warranty for the materials. The proposal has a 90-day completion, but he said he would try to get less. Councilman Hostetler noted that the Warrior Roofing, Inc. included a ten year warranty for labor which would account for the higher bid, and asked if the City should not try to get the low bidder to negotiate for a longer labor warranty period. Councilman Hope suggested the City should obtain a longer lease from the County than 10 years because of the large amount of money being spent to renovate the building. Mr. Ponder said they only gave the 10 years because of the City's intention to upgrade, and it is the same time period given to Stanley. He also advised that a longer warranty and a shorter contract time may increase the contract price by Carver. Councilman Hope **MOVED** to award the bid to Carver & Sons for roof replacement at the gym in the amount not to exceed $56,300, seconded by Councilman Duke. Mr. Ponder said he will try to get additional labor warranty. Councilman Hostetler suggested they wait to compare prices after Carver gives his price with a 10 year warranty. Motion carried with five ayes and one nay (Hostetler).

City Manager Ponder informed Council that Mr. Charles

Arrowood has requested Council to reconsider paving Second Street in Catawba Heights. When he requested before, not all the residents would sign the petition. Mayor McLean asked the City Manager to obtain an estimate, which he reported to be $19,762 for the section from Henry to Margarette. Councilman Helms said the other residents did not want thru traffic. Mayor McLean stated he wants the City to do it on its own, for reasons of easier access to the water and sewer lines, to clear mosquito breeding areas, and provide a connector to the elementary school. Councilman Helms **MOVED** that the City prepare and pave Second Street from Henry to Margarette on Council's direction, for the benefit of the City as stated by the Mayor, seconded by Councilman Duke. City Attorney Michael said staff has not investigated the right-of-way yet. Councilman Stewart **MOVED** to table action until the December meeting and direct staff to investigate available right-of-way and costs and report back to Council; seconded by Councilman Hostetler, and carried with five ayes and one nay (Duke).

Mr. John McLaughlin, from W. K. Dickson, Engineers, presented its contract to conduct a study and recommend projects for a Twenty Year Water Plan. The City Manager said this would be a portion of the long term Capital Improvements Plan requested by Council. The last water plan was done in 1977, and all but one project have been done. Councilman Stewart **MOVED** to approve the contract as presented with W. K. Dickson for a study and recommended project for a Twenty Year Water Plan, in the amount not to exceed $17,800; seconded by Councilman Helms, with all in favor.

The Council took a two minute recess.

Judi Simac presented a preliminary report on the feasibility of an open space corridor along the Catawba River. Her report covered the area from Dutchman Creek to I-85 along the River. She found that a majority of the property is owned by governmental or business entities. The significant natural features are the Catawba River, Dutchman's Creek, and Fites Creek. The man-made features are Highway 273, Highway 27, the railroad, the water plant, the parks, the central business district. The opportunities are identified as: 1. two parks, River Street and Tuckaseege, with parking, recreational facilities, and restrooms; 2. the City owns property along the river that could be used for a walkway, and fishing/boat landing area; an easement across A&E could extend the walkway; 3. the City might obtain additional land from A&E; 4. and from ICI Chemicals; 5. the "Riverfront" project on Tuckaseege will have a marina, and the City could enter a joint venture for a passive park along Fites Creek; 6. the East Gaston YMCA if building a new facility near I-85 which will have a greenway to the River; 7. the planned Tuckaseege Loop will provide direct access to Tuckaseege Park; and 8. DOT controls the former P&N railway and they support a trolley line. She said the concentration would have to be from Tuckaseege to Riverfront and south to the Y, and then on the north side of Highway 27, along Dutchman Creek and River Street Park. Ms. Simac said there are two state matching funds grant programs for recreational projects. Other options include bonds, dedications of land, and/or capital improvement outlay from the general fund which could be allocated over several years. Councilman Hostetler inquired about the amount of expense the City has put into Ms. Simac's services, to which she replied most had been done within the set hours with the City. Councilman Hostetler said property acquisition would be expensive. Councilwoman Harris stated she had contacted ICI but had not gotten an answer as yet. Ms. Simac said the State already requires a greenway of 50 feet at the River, in which development is restricted, so this corridor could lie within that. Councilman Stewart stated his preference to see a five or ten year plan and proceed in a selective and phased approach. Councilman Hostetler said it is important to know what this study is costing, and to remember other recreational needs. Councilman Stewart said this would be only a part of the overall plan. Mr. Ponder stated the proposal could be considered in the CIP, but the Council must set perimeters. Councilman Hostetler said he did not want a narrow focus in the recreation plan. Councilwoman Harris **MOVED** that Judi Simac prepare a proposal for services to proceed on the development of the corridor, seconded by Councilman Hope, with all in favor.

City Manager Ponder presented a proposed contract from NISS, Inc. for computer consulting services. He recommended two changes, that the proposal be included in the contract and that travel expenses be pre-approved. Councilman Stewart felt this company offered the best proposal, and noted it is a local company. The budgeted amount for consulting and computer purchase is $248,000. City Attorney Michael said there are few items in the contract which need more detail to clarify the intent; he noted the number of hours estimated to be considerably more than the other proposals, with no perimeter in place; he questioned their rate schedule at a flat $100/hr. instead of the usual professional fee schedule based on which personnel is performing a function; and he recommended a bail-out provision since it is an estimated 15 month project. Councilman Hostetler agreed that more information should be provided. The Council agreed to have the City Attorney and City Manager work on a revised contract and bring it back to Council.

The Council agreed to set the regular monthly Council meeting in December on December 4, at 7:30 P.M. because Councilmembers Hostetler, Harris and Stewart will be in San Antonio, Texas, for a convention of the National League of Cities on the regular meeting night. The change was approved upon **MOTION** by Councilman Hope, seconded by Councilman Hostetler, with all in favor.

City Manager Ponder presented two budget amendments, which were approved upon **MOTION** by Councilman Stewart, seconded by Councilman Helms, with all in favor (copies attached).

Tax releases in the amount of $402.68 for tax and 42,759,29 for penalties, totaling $3,161.97, for the period ending 10-31-96, were approved upon **MOTION** by Councilman Duke, seconded by Councilman Helms, with all in favor.

Public Works Director Eddie Nichols has had several inquiries about development due to the Mt.Holly/Stanley Sewer Interconnect project. He and Mr. Michael presented a proposal for a city policy related to sewer connections to this line. Mr. Nichols said that in Item #5, the City has done each of these three options before, and there will be some areas where water service will not be feasible presently. This policy will be helpful to them when negotiating for the right-of-ways. Mr. Nichols also pointed out that it is currently city policy not to charge tap fees to developers because they pay to install the utility lines. Councilman Stewart inquired about the provision in the contract with Stanley about annexations, to which Mr. Michael said that contract said the City has to provide the utilities if it annexes above the meter. Councilman Hope **MOVED** to accept and approve the policy for connection to the Mt. Holly/ Stanley interconnect outside the City limits as presented, seconded by Councilman Duke, with all in favor.

Mayor McLean opened the floor for complaints or petitions not on the agenda. Mr. Woodrow Moore was recognized. He said that his property on old Highway 27 is next to the bridge near Deertrack Subdivision, and he wants to be annexed so he can get water and sewer because he plans to develop the property. He asked what he should do. He also wanted to know how many connections he could have. He has about 25 acres. Mayor McLean referred him to Public Works Director Eddie Nichols.

Councilman Hostetler commended the paint job on the fire hydrants. He suggested that the pier that was hit at West Central Avenue and Main Street be repaired. He noticed the gravel was cleaned up on West Central, and wondered if the curbing bid had come from Stilwell. Mr. Ponder said it did, but was rejected by Council, and he is pursuing other options.

Councilman Hope said the mini-warehouses on Oak Grove were supposed to enter off the by-pass but they have put the entrance on the by-pass. Councilman Hostetler and Mr. Ponder reported that Duke Power Co. could not relocate the power poles without payment, which the property owner refused to do. The property owner said he had to have room for trucks to get in and out and so he put the entrance on the by-pass.

Councilman Helms asked about the status of paving Walley Drive; Mr. Ponder said the bad weather has presented a problem getting that done. Mr. Helms also reported potholes in Deerfield Subdivision; Mr. Ponder said he and Eddie were going out to check.

Councilman Stewart commended Councilwoman Harris for being elected to the Board for the N. C. League of Municipalities at the recent convention in Winston-Salem, N. C.

There being no further business, the meeting was adjourned at 10:15 P.M., upon motion by Councilman Duke, seconded by Councilman Hope, with all in favor.

City Clerk

Frank E. McLeon
Mayor

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