Regular Meeting
City Council
November 8, 1993

The regular meeting was called to order by Mayor Charles B. Black, Jr. at 7:30 P. M. Those present were Councilwomen Lib Nichols and Phyllis Harris, Mayor Pro-Tem Archie Small, Councilmen Bob Jessen, and Jim Hope, as well as Zoning Administrator Gary Roberts, City Manager Phil Ponder, Public Works Director Eddie Nichols, and City Attorney Kemp Michael. Councilman Little was ill.

The invocation was led by Rev. Patrick Womack.

Councilman Jessen **MOVED** to approve the minutes of October 11, 1993, with the following amendment: page three, next to last paragraph-change seconded by to "Small"; seconded by Councilman Hope, and carried with five ayes.

The regular meeting was recessed and public hearings called to order to consider three items. The first was the request to close a portion of "B" Avenue by Jim Cross. He said this would only be the portion west of Meller Street to the dead end. He said there is a water tank on the lot owned by Spray Mills, but he and the other adjoining property owner have agreed to give a right-of-way to the Mill. There were no further comments.

The second was consideration of a request for rezoning approximately seven (7) acres along West Charlotte Avenue from B-3 to R-20 made by the Edna Craig heirs and George L. Huffstetler. Mr. Allen Craig said they would like this area to stay residential. It would include property from 1225 West Charlotte Avenue on the left side and from 1228 West Charlotte Avenue on the right side, and is identified as tax parcels 4.02, 4.01, 4.0, and 3.0 in Book 14, Map 93, and parcels 7 and 8 in Book 14, Map 93A. There were no further comments.

The third public hearing was consideration of a request for rezoning a 1.14 acre tract on Legion Road from R-12 to L-I made by Gastonia Iron Works. Mr. Jerry Pace, President of that company, was present. City Manager Ponder stated that the Planning Commission did not recommend approval of this matter, but he stated that he had not attended the meeting and believes there is some confusion about its use. This property is owned by the City and is located across the road from the company's property. Mr. Pace said he will use the property if it is leased to him by the City for trucks, storage area, and an office trailer. The rest of the City property adjacent to this that they want to lease is already L-I. Mayor Black stated that the Planning Commission recommended that the zoning be conditional use. City Manager Ponder said the City owns the property and whoever it leases the property to would have to use it in conformity with any restrictions contained in the lease. Councilwoman Nichols inquired about Mr. Sewart's complaint about water drainage. Mr. Pace said the water comes across the City's property. Mr. Cagle asked if this road is not a private road. Mr. Pace stated the road is a state road down to the middle of his company's property, and after that it is private property. Mr. Pace said he has asked DOT for speed limit signs, but was refused because it is unpaved. Mayor Black said the trucks should not be backing up into the cemetery. Mr. Pace said he has advised the drivers not to do so, and the turn around will eliminate that. Councilwoman Nichols suggested that some of the timber which will be cut off the land if they lease it could be used to put up a fence beside the cemetery. Mr. Henry Rogers, Legion Road, said the road is blocked a lot now. Jane Rogers said they have hired an attorney to get the trucks not to block the road; it has made her as much as four hours late for work. Mr. Cagle asked if Mr. Pace will be able to use the land for whatever he wants; Mayor Black said if the City leases it to him, the lease will contain restrictions which must be met or the lease would be terminated. Mr. Cagle said the drain must be corrected or the water will run down on Mr. Sewart worse than it already is. There were no further comments. The public hearings were adjourned.

The regular meeting was resumed. As to Item One, Councilman Hope **MOVED** that the portion of "B" Avenue west of Meller Street be closed, seconded by Councilwoman Harris. City Attorney Michael said they must make a finding of fact that no one would be deprived of right-of-way and reserve utility easements. He asked Mr. Roberts if he has had contact with Spray Mills. Mr. Roberts said he did, and they have no objection to this as long as they get a signed right-of-way, and that they chose not to attend the meeting. Mr. Michael said he had been given a signed right-of-way from Cross Developments, Inc. and Franklin Simonds to Spray Mills which in his opinion appeared to be adequate. Councilman Hope amended his motion to adopt Resolution #11-8-93(a), Street Closing Order, as presented and read by the City Attorney; seconded by Councilwoman Harris, and carried with five ayes.

Councilman Jessen **MOVED** to grant the rezoning request for the seven acre tract on West Charlotte Avenue, from B-3 to R-20; seconded by Councilman Small, and carried with five ayes.

Councilman Hope stated that the rezoning of the 1.14 acre on Legion Road is being done so the City can lease that property along with the other property adjoining it. Chuck Carpenter from the Planning Commission said their concerns were the water runoff problem, traffic, and that conditional use would control the use of the property better. Councilwoman Nichols said that due to the fact that the property is owned by the City and it will only be leased with restrictions as to its use, she **MOVED** to rezone the 1.14 acre tract to L-I; motion seconded by Councilman Jessen. Councilman Jessen stated he is confident the restrictions in the lease will control its use, but the water runoff problem will need to be addressed; he did not feel the traffic will be different from now except they will not block the road. Mrs. Rogers said they have no objection if the drainage is fixed and the road is not block anymore. The motion passed by a vote of five ayes.

City Attorney Michael said the terms of the lease have been discussed previously, but Mr. Pace needs to pay for a survey, and he will need an estimate of the timber value as well; he will draft a proposed lease and bring it back to Council.

The voluntary annexation petition by Carlton Broome and Elizabeth Curtis was not properly advertised. However, the City Attorney reported that he had learned from the Institute of Government that any agreement made by Broome and/or Curtis with the City as to sewer service could not be enforced against subsequent owners of their property. Mr. Broome stated he has agreed to tie onto the sewer line with a pump and obtain easements at his expense prior to the sale of the house. The survey showing the existing City limit line is ordered. Mr. Nichols stated that the proposed Woodhill Subdivision will be next to Mrs. Curtis. Mr. Broome intends to develop Woodhill Subdivision beginning next spring, but is not sure when it will be done. This matter was tabled.

John McLaughlin from W. K. Dickson, Engineers, said after meeting with the committee and staff, the contract for engineering services regarding the sludge handling facilities at the wastewater treatment plant has been revised. City Manager Ponder said he and Mr. Nichols suggest using part-time inspection since the project will be at the plant, which lowers the contract by about $31,800.00. Councilman Hope **MOVED** to adopt the revised engineering agreement for services with regard to improvement of sludge handling facilities not to exceed $165,200.00; motion seconded by Councilwoman Nichols, and carried with five ayes.

A proposal for study of expansion of the wastewater treatment plant was considered next. Mayor Black inquired about funding; Mr. McLaughlin said the N. C. Clean Water Bond passed, and they will submit an application for grant funds. Mr. Ponder stated that this study is budgeted in this fiscal year. Councilman Hope requested that they endeavor to not double the work with the expansion and sludge handling improvements, but to consider them together as much as possible. Councilman Hope **MOVED** that the budgeted study be performed; seconded by Councilman Jessen, and passed with five ayes. Mayor Black asked what capacity they will plan; he said at lease six million gallons per day. Mr. Ponder stated he and Mr. Nichols plan to meet with the major industries early in December with respect to this project.

City Manager Ponder stated that the Town of Stanley adopted the water sales agreement between Stanley and Mount Holly, with only one remaining question as to the date it will begin. City Attorney Michael recommends this be written in the contract as the date of written notice from Mayor to Mayor that construction is completed. Mayor Black inquired about the County funding schedule; Mr. Ponder said the County has funded the engineering costs, funding for the construction is included in this fiscal year budget, funding for engineering of the tank will be in the next fiscal year, with construction of the tank after that. City Attorney Michael recommended the agreement be adopted with a correction on page two, paragraph four, next to last line, in that the word "new" be inserted before "customers not located". Councilman Jessen **MOVED** that the Water Sales Agreement between Mount Holly and Stanley be approved and executed with the one correction as stated; seconded by Councilwoman Harris, and carried with five ayes.

Smoking regulations for municipal property was discussed. Councilman Small stated that if the Council passed the proposal, it would have to set aside 20% of all public buildings for smoking areas with good exhaust fans immediately. He said all forms of tobacco should be restricted if smoking is restricted; Councilwoman Nichols agreed. Councilwoman Harris suggested we simply follow the County or State. Councilman Jessen said if we must meet the State requirements there is no need to delay. Councilman Hope wanted to know what this will cost the taxpayers. City Manager Ponder will get a copy of the State and County ordinances and bring them back to Council.

Zip Stowe, Recreation Director, has requested that the trial personnel arrangement in his department be made permanent. He has had three part-time for two months. Mr. Ponder recommended approval. Councilman Jessen **MOVED** to authorize the Recreation Department personnel restructure to three part-time; motion seconded by Councilwoman Nichols, and carried with five ayes.

Mr. Fred Eilskov, for Hoescht Celanese, requested that the City authorize them to elevate a pipe gallery system above public streets adjoining its plant. The plant is rapidly expanding and the utilities are in the way, so they are centralizing and will use a header arrangement. He presented a map showing the proposed routing of the pipes. They will contain cooling water, air, fuel, and raw material. Mayor Black asked if anyone still lives on those streets; there are no houses where the pipes will be, but the two streets they would cross have 12 rental units left down below there on Piedmont owned by Yates Springs. Councilman Jessen inquired about the elevation; 20 feet over the streets where crossing over, and 12 feet otherwise. Councilman Jessen inquired about possibly going down the Duke Power Company power line right-of-way; he said it will not allow the steel pipe so near its lines, and that would also be prevented by the watershed regulations for the Catawba River. Councilman Jessen asked if they can do it without crossing the road; they are studying that, but the warehouse and other things are in the way. Councilwoman Nichols asked about burying the lines; he said that is not permitted because of lack of control for leaks. Councilman Small was concerned that it would be flammable if ruptured; Mr. Eilskov said that is a concern, but the risk is small because the pipe they would use can withstand a hit by a truck, and there would be barricades around the pipe base where it crosses the street. He stated that they have overhead pipe on the site in the plant now and their employees work around them every day, so they keep close inspection, and it is possible to inspect overhead pipe whereas pipe underground cannot be seen. Mayor Black was concerned about children climbing and playing on the pipe; they have considered this and will have barricades on the pipe crossing the road, plus there is really nothing to hold onto. Councilman Hope asked how many feet go along streets; 1700 feet approximately. Mr. Eilskov stated only two things are potentially hazardous--the fuel, which is only piped every other day for a short time, and would be flammable but has no vapor cloud; and "S.I." which is only piped at certain times each day, and is an irritant if contacted. He pointed out that there are gas and oil lines all over the City which we know less about than these because they are hidden from view and not inspected regularly. Councilwoman Nichols **MOVED** to table the matter until more information is provided to the Council. Councilman Jessen pointed out that Hoescht Celanese owns the property on both sides of the street where this work would be done. Councilwoman Harris stated that the people who live in those rental houses have other access by the other road, and would not have to go under the pipes. The motion failed with one aye (Nichols) and four nays. Councilman Hope asked for staff recommendation. City Manager Ponder stated his concern is the safety risk in crossing of the public streets as long as they are public. Mr. Eilskov stated that railroad cars cross city streets with potentially hazardous materials, and the risk from this piping is much less than that. The designing engineer was present and he stated that guardrails would be installed between the road and the pipe bridges where crossing occurs, so a vehicle leaving the road would hit the guardrail not the pipe. He continued that safety is in the best interest of the company. Public Works Director Nichols suggested the company rearrange the route to eliminate at least two bridges and only have one or maybe none. Mr. Eilskov said the plot shown is the most complicated and they are still studying alternatives; they would have at least one, and may have as many as three. The engineer stated that the supports for the bridges are on Hoescht Celanese land and so the company would be liable if children climbed on them and were hurt. Councilman Jessen stated he was not prepared to vote either way on this matter at this time. Mr. Eilskov further stated the company has two guardhouses, with 24-hour guards, and four panning security cameras. Councilman Jessen asked what concerns the company had and what were addressed by it. Mr. Eilskov said the clearance, the guardrails, and the pipe which is seamless pipe, non-corrosive and can withstand 150 lbs. and 400 degrees. He continued that closing a portion of Lee Street is an option they will pursue if the Council wishes, as they intend to purchase the rest of the property out there at some point and will close off the whole area eventually. City Manager Ponder noted the company wants to cross the streets and a variance from the setback requirements. Mr. Roberts said since it is not a principal building he is not sure it comes under the regulations requiring a variance from the Board of Adjustment. Councilman Hope **MOVED** to grant permission to Hoechst Celanese to install overhead piping, cross the street and run along the streets as shown, with the stipulation that the final route must be approved by the City Manager and Public Works Director; motion seconded by Councilman Jessen, and carried with five ayes.

The next matter for consideration was a proposed resolution supporting the Gaston County Health Care Commission. Councilwoman Nichols did not see why Mount Holly needs this. Councilman Small objected to there not being anyone from Mt. Holly on the commission. Councilman Jessen stated that the County Commissioners established this to study how health care is now being handled and how to provide better health care to more people in our count, and it is funded by the Duke Endowment so there is no cost to the taxpayers. Councilman Jessen **MOVED** to endorse and support the purpose of the Gaston County Health Care Commission, seconded by Councilman Hope and carried with three ayes and two nays (Nichols and Small).

City Manager Ponder presented the bids for four police vehicles. Only two responses were received and both are within the budget. The lowest was Tindol Ford at $52,597.52. Dixon Ford bid $52,964.00. Mayor Black stated his opinion that with only $370 difference, and considering Dixon Ford is closer in location and have given us good service for years, it might be acceptable to award the bid to them. The City Manager reminded the Council this was a formal bid process and the statute only allows exception to accepting the low bid for quality, performance or time. Councilman Hope **MOVED** to direct the City Manager to contact the Institute of Government with regard to permission to choose Dixon Ford's bid due to performance because of its location and past service, and to award the bid to Dixon Ford if allowed, but if not, to award the bid to the lowest bidder; motion seconded by Councilwoman Harris and passed with five ayes.

Councilman Small **MOVED** to approve the tax releases dated November 8, 1993, for 1993 taxes in the amount of $7,699.02, seconded by Councilwoman Nichols and carried with five ayes.

There were no complaints or petitions not on the agenda.

Mayor Black reported that the State has turned down the WSII requirement for our area, and he asked the Council to continue to voice our support for WSIV for watershed regulations. He stated that Miles Boyer wrote a letter from Crescent Resources in support of WSIV as well.

Councilwoman Nichols asked the Council for approval for the Recreation staff and coaches to have T-shirts with "Mount Holly" on them. The Council concurred this would be fine if the City Manager has no problem with it being paid from the Recreation budget.

Councilwoman Nichols asked that the Council authorize the concession stands be built so they are ready for next spring season at the Tuckaseege Park fields. The City Manager will get the information and bring this back to Council.

Councilman Small asked Mr. McLaughlin from W. K. Dickson if the change has been made on the Craig Street water line; he said the line will go down Clark Street and Highway 27, so no cut will be made on Globe Street which has recently been paved.

Mayor Black reported a complaint on North Main about the contractor's mess by Ralph Jones; Mr. McLaughlin had two complaints and has notified Gilbert Construction to correct these.

City Manager Ponder reported that the auditor Trent Wilson will be at the Council meeting in December, and he suggested a work session be set with him and the new Council.

Mayor Black introduced the newly elected Councilmembers, Bob Duke and Mike Helms.

The Council took a five minute recess.

The Council went into executive session for attorney-client matter and land acquisition, upon **MOTION** by Councilman Hope, seconded by Councilwoman Nichols, carried with five ayes.

Councilman Hope **MOVED** to come out of executive session, seconded by Councilwoman Harris, and carried with five ayes.

The meeting adjourned at 11:10 P.M. upon **MOTION** by Councilman Jessen, seconded by Councilman Small, carried with five ayes.

Phillip S. Ponder Jr.
City Clerk

Charles B. Black
Mayor

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