

Regular Meeting  
Mount Holly City Council  
October 14, 1991

The meeting was called to order at 7:30 P.M. by Mayor Charles B. Black, Jr. Those present were Councilwomen 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, and the Zoning Administrator Gary Roberts. Councilman Archie Small was absent due to a fire which occurred at his place of employment that day. Former City Manager Greg Young attended the meeting as well for the purpose of supplying any information the Council needed for business to be handled that evening which he had been working on until his resignation.

The invocation was led by Reverend W. Keith Hearn.

The minutes of September 9, 1991, were approved with the following corrections: Page six, second paragraph from bottom, correct the name to Jimmy "Gowans"; and the minutes of September 16 and 23rd were approved as written, upon motion made by Councilman Jessen, with a second by Councilman Duke, carried with five ayes and zero nays.

Mayor Black introduced Bobby Black, who along with his wife, Melanie Black, serves on a committee in charge of the Archives Room at City Hall. They have organized the room and have obtained artifacts from citizens. He announced that he has been contacted by the Executor of the Estate of a deceased citizen of Mount Holly who had made a bequest to the City of Mount Holly for the Archives Room in her Last Will and Testament. He asked the Council what to do with the money, approximately \$1,000.00. It was agreed that a separate line account in the budget should be established. Councilwoman Little moved that the donation from the Estate of Elizabeth Spittle Stroupe in the sum of \$1,000.00 be put into a separate line item account in the City's budget entitled "Archives Room", to be expended upon the recommendations of the Archives Room Committee under the direction of the City Manager; motion seconded by Councilman Jessen and carried with five ayes.

Mr. Yatko appeared before the Council again requesting a variance from the sidewalk requirements in the subdivision ordinance. Councilwoman Little stated that she is aware the development was first discussed over five years ago, but she did not see that anything was actually done until recently. Mr. Yatko said he had provided a written history to the Planning Board, and he felt the subdivision was underway five years ago. Mr. Young said they have installed a 54 inch drain pipe, and have done engineering work in conjunction with the City's studies. Mr. Yatko said they worked on the plans and redid them to include two other developers who later quit and to accomodate the City's intention to enlarge the water and sewer lines. He said he has paid \$22,000 in engineering fees, cleared the right-of-ways and the State has just now given the

water and sewer line approval. Councilman Biggerstaff asked Mr. Young if he had made a recommendation to the Planning Board; he said he gave them his statement of the history of this matter but did not make a recommendation. The Planning Board has considered the matter again after getting the history report and still recommends the sidewalks be required. Councilman Biggerstaff asked for Mr. Young's recommendation. Mr. Young said he had stated in his memo to Council that his recommendation is that the Council consider that the City did hold CYA up periodically while waiting for other developers to come in on the water and sewer improvements and also while the City did two studies. Councilwoman Little asked if the ones who backed out were involved with CYA; he said they were not his people, those were two or three other developers of adjoining tracts of land who kept backing out; but CYA never quit. Councilman Biggerstaff asked Chuck Carpenter if the Planning Board had this information and understood what was being said this evening when they had their meeting; he said they did, and they still want the sidewalks to be required. Mr. Yanko said that this subdivision is three or four miles from the nearest sidewalk and not near downtown, and that CYA did not get notice that the ordinance was being changed or they would have appeared at that meeting, and that they were working with Eddie on the utilities at that time and he never mentioned it. Councilman Biggerstaff moved that the request by CYA for a variance from the sidewalk regulations be denied, seconded by Councilman Jessen and carried with four ayes and one nay (Duke).

Zoning Administrator Gary Roberts presented to Council a proposal for a new ordinance regarding a procedure for imposing civil penalties in zoning enforcement. This would allow a fine of \$50 to be imposed on violators of the zoning and minimum housing codes. Councilman Jessen noted that it reads that each day the violation continues after the 72 hours is a separate offense, and stated that if they would be required to pay another fine for each day, it should be clearly stated on the complaint. City Attorney Michael said the fine might be \$25 if they felt \$50 was too much. Councilman Jessen said the fine is designed to get their attention, so it should be left at \$50. Councilman Biggerstaff moved to set a public hearing for the November 11 regular meeting to consider the adoption of a new ordinance as stated above, and that due notice be given. Councilman Jessen seconded this motion and it carried with five ayes.

A new Resident Selection Policy for tenants at the Holly Hills public housing units was presented by the management. They used a sample provided by HUD, which includes a transfer policy. Councilman Biggerstaff moved to adopt Resolution #10-14-91(a) as presented by the management, entitled "Resident Selection Policy", seconded by Councilwoman Little and carried with five ayes. The budget for Rollins Square Apartments is in process and they are preparing a rent increase. The budget for Holly Hills had been sent to Council prior to the meeting. Councilman Biggerstaff moved to adopt Resolution #10-14-91(b) for approval of the 1991-1992 budget for the Holly Hills Apartments at 635 Noles Drive, seconded

by Councilman Duke and carried with five ayes. Councilwoman Little inquired as to whether or not the audit has been completed by the City auditors on the housing authority; it has not.

Mr. Merlin P. Brown, 1723 North Main Street, was recognized next. He gave the Council a copy of the N. C. code about water and sewer hookups. He said he tries to do things right and has been doing them this way for years, and the County inspector approved it. He said Mr. Nichols has told the City Manager to cut off his water if he does not change the line. He said he cannot dig such a deep ditch because of OCHA regulations. Mayor Black said it was his understanding that there is a question about whether a clean-out tape can be run from the cleanout to the sewer line. Mr. Brown had a diagram and said it will, it passed County inspection, and meets State code. Mr. Nichols said there is another cleanout further which would be around a turn and a tape would not go from that cleanout to the sewer line; he had informed Mr. Brown it was improperly installed and it has not yet been corrected. Mr. Nichols said the line is not in accord with the City's standard details which was submitted to the State for approval and this deviation cannot be used unless the State gives approval. He said it is a tap onto the City's line and he should have used a stub out which was provided. Mr. Brown said State code allows him to put it where he did. Councilman Biggerstaff asked if the County inspects sewer lines; Mr. Nichols said they inspect inside the house but not outside to the City line. Councilwoman Little said the City must require that the standard details be complied with or else throw it all out; and that the engineers said in the report that this will create blockages. Mr. Nichols said that because this has happened, he intends for all permits from now on to be accompanied by standards. He further stated he is not upholding one connection as being better than another; he is simply upholding the standard details which have been submitted to the State and which have been approved by them and must be complied with unless a variance is obtained from the State. Councilman Biggerstaff moved that the City Manager instruct the Public Works Director to dig down to the sewer line and place the stub-out plug needed at the same time the plumber is there to move his line and connect to the said stub-out plug. Councilwoman Little seconded this motion and it carried by five ayes. Mr. Brown said he noticed that the laterals had crushed rock around them and that will make them leak. Mr. Nichols said the engineers have given various requirements from granular sand to small crushed rock for various sites and they also used the manufacturer's recommendations for the site.

Mr. Ben Loftin said he wanted to speak to the Council again about having his water line moved, as he had not been able to make them understand his problem last month. He said the water line from North Main was put in when he was outside the City limits and he paid for the line and paid double rates for water and sewer. Now he is inside the City and his taxes entitle him to consideration; he needs the line moved so when he builds the carwash on North Main he will not need to keep the water line to his house open across that property. He said if the carwash were sold the water line

easement he would have to retain would affect the value of the property and its marketability. He said he is entitled to have the water line come from Lanier Street to his house instead. He had a utilities engineer estimate the cost, which amounted to \$4,500.00. He said if the City had moved the water line when he first asked them to do it, it would not have been so expensive, because it was before the road was paved. Mr. Young said the annexation plan provided water and sewer service for those who did not already have it; Mr. Loftin and several others already had water service, and sewer service has now been provided. Councilmen Biggerstaff and Jessen agreed that the City has complied with its requirements, and this is a matter of the line now being in an inconvenient location for development. Mayor Black noted that Mr. Loftin also has a vacant lot on Loftin Lane and if he builds on it a line will have to be installed for it from Lanier. Councilman Biggerstaff asked Mr. Loftin if there was a negotiating point they could make to resolve this matter; he did not know of any.

The Council took a five minute recess.

Councilman Biggerstaff moved that the City construct a two inch water line out Loftin Lane from Lanier, and that the cost be shared by the City and Ben Loftin, with Mr. Loftin's cost not exceeding \$2,000.00, and that the City will waive one water and one sewer tap fee, for the purpose of proposed business development on North Main and future residential development on Loftin Lane; motion seconded by Councilman Duke and carried with five ayes. Councilman Biggerstaff moved that the above proposed option be available to Mr. Loftin until 5:00 P.M. on Friday, November 8, 1991, before which date and time he must notify the City if he elects to accept the said offer. Councilwoman Little seconded this motion and it carried with five ayes. Mr. Loftin was asked if he understood; he said he did.

Marshall Huffstetler, of the Recreation Commission, said they wished to welcome the Interim City Manager and thanked the Council for getting the contract for work on Tuckaseege Park. He said the Commission was not notified that the bid had been awarded to Halls Grading and did not know if it would be two or three fields (it is three). He said the backstops were to be taken down by the City and kept for later use, but were taken down by the contractor and hauled to the dump. Mr. Young accepted the blame for this, stating that the City did not have manpower to do the work at that time and he did not want to hold up the contractor due to the concern over completing the grading and seeding before the planting season was over. The Commission also requested that a project manager be appointed to keep an eye on the work being done by the contractor; and they asked that a City employee be used. Mr. Huffstetler said they would be glad to check on it in the evenings and report to the City Manager. Mr. Young said GEO Science is hired to do compaction testing, and he has asked the engineer and contractor to move along so they can sow seed this fall. Charlene McRorie asked if these fields will be used only for playing or for practice as well; they will be used for both as time allows, but its use has not been

stipulated by the Council and will be used as the City Recreation Department deems it is needed.

The matter of appointing Planning Board members was tabled until the next regular meeting because of Councilman Small's absence.

A proposal from Westinghouse Environmental and Geotechnical Services was considered regarding removal and land application of alum sludge from the water treatment plant. Mr. Nichols said the permit has been obtained for the waste treatment sludge, and this would be an addition to that permit. The contract provides for the same removal cost as the waste sludge at about \$24,000.00, but there is an additional cost of about \$7,200.00 for pumping, etc. out of the lagoons. He said there is only \$20,000 budgeted. The City Attorney stated the City should impose all the terms and conditions of the existing contract to this agreement by specifically referring to that contract by date and title. Mayor Black asked if the water rates are adequate to cover this cost. Mr. Nichols said that needs to be evaluated. Councilman Biggerstaff moved to approve the changes for removal of alum sludge at the water plant by Westinghouse Environmental and Geotechnical Services for the sum of \$31,200.00, provided that the proposal be reviewed by the City Manager, City Attorney, and Public Works Director and that any language necessary to preserve the original contract terms be inserted prior to returning it to the said company. This motion was seconded by Councilwoman Little and carried with five ayes.

Councilwoman Little noted a letter from Mr. Herschel Ellis at American & Efird Mills requesting the cost recovery amount they pay to the City being changed. Mr. Nichols said they paid more than anyone else this past year. The Council asked for a breakdown of the amounts paid for cost recovery. Councilman Biggerstaff noted that the cost recovery cannot be changed under the contract, and that the time for cost recovery will be up in a couple of years.

The Council discussed the standard details books submitted by the City engineers, and the price to be designated for the resale of these documents. Mr. Nichols said the cost averages to \$16.00 a copy. Councilman Biggerstaff noted that the books can be examined in the City Hall if anyone does not want to buy one. Councilwoman Little asked Mr. Nichols for his recommendation about the books. Mr. Nichols said they are acceptable, although he is sure when he and his staff work with it they may find changes needed, which can be made on the computer and reprinted. Councilwoman Little moved to approve the standard details presented by W. K. Dickson, Engineers, and that a price for resale be set at \$20.00 a copy, which motion was seconded by Councilman Jessen and carried with five ayes.

City Attorney Michael stated that the required survey for voluntary annexation of the Hollar property has been done and a public hearing now needs to be set. Councilman Biggerstaff moved to adopt Resolution #10-14-91(c) and set a public hearing at the next

regular meeting after proper notice for consideration of the annexation of property of Ila Hollar, which was seconded by Councilwoman Nichols and carried with five ayes.

Tax and tag releases of \$2,800.11 for 1990 and \$46.46 for 1989 as presented were approved upon motion by Councilman Biggerstaff, seconded by Councilman Duke, with five in favor.

The floor was opened to complaints or petitions, but there were none.

City Attorney Michael reported that the survey and title search has been completed on the end section of Cove Avenue; he found the easement granted by the Painters in 1965 to be a valid easement. Councilwoman Nichols moved to accept for public street purposes that property described in a right of way and easement to the City of Mount Holly dated April 6, 1965 and recorded in Book \_\_\_\_\_ at Page \_\_\_\_\_, Gaston County Public Registry, and also being identified on map of survey by Tanner and McConnaughey dated October 10, 1991. This motion was seconded by Councilwoman Little and carried with five ayes. Mrs. McRorie thanked the Council, but stated she did not understand what the problem was all along, particularly objecting to having to hire a lawyer herself to find a right-of-way the City already had. Mr. McRorie stated that now that this is a public road, he wants to have something done about people parking cars at the end of Cove Avenue thereby blocking his driveway. This problem was referred to the City Manager and Chief of Police. Councilman Biggerstaff moved that the portion of the street right-of-way accepted by the City that evening be considered a part of and be included in Cove Avenue, which was seconded by Councilman Jessen and carried with five ayes.

Mayor Black stressed the need for the City to protect its watershed rights on Mountain Island Lake, stating that we need to recommend the State adopt at least level three, with regard to development control. Gaston County has voted for level two which is stricter than three, but Mecklenburg County voted for level four. Mr. Nichols, who has attended all the meetings, said comments can still be made to the State until October 31. Mrs. McRorie said the City needs to be strong and protect our water for our children; she wanted them to recommend level two. Councilwoman Nichols moved that the City go on record and write a letter so stating to the County and State its support of Watershed Level Two; motion seconded by Councilman Biggerstaff. Mrs. Hazel Michael said she was concerned that this would be too restrictive since the watershed area covers one mile from the Catawba River. Mr. Nichols said the regulations are very complicated, but offered that he has a map in his office which shows the exact areas which have been designated as "watershed areas" and which will have development control. The motion carried with five ayes.

Mayor Black said he met with Gene Miller and he asked that the City pass a resolution about waste disposal, but the County Chairman has asked that it wait until after the Mayor's Meeting scheduled

shortly.

Mayor Black said advertisement has been made for a new City Manager due to Greg Young's resignation. Mr. Young has taken a position as City Manager for Boone, North Carolina. The City Council has appointed Charles McGinnis as Interim City Manager. The responses to the advertisement are being opened as received and are all being kept so that any Councilmembers may review them. Mr. McGinnis has sorted through and set aside those who meet the qualifications specified. Mayor Black appointed Councilman Biggerstaff and Councilwoman Little to a committee to review the resumes and select four applicants to recommend to the Council. Applications will be received until October 30.

Councilwoman Little had talked with the principal at Ida Rankin Elementary about the City having a recycling center on West Central Avenue. He was interested in a small place just for the children, but was afraid of the traffic if it was for city-wide use. Mayor Black said he will continue to look for a site.

Councilwoman Little asked if something can be done about the sight blockage at the Rankin Avenue bridge. Mr. Nichols said he has asked the company that installed it to come and look at it, and they may be able to move it back some, but he is of the opinion that the majority of the problem is the height of the sides of the bridge itself.

Councilman Jessen welcomed Bob Suttentfield III in attendance for a school paper on government.

Councilman Jessen has had a request by a citizen on Old Mine Road to lower the speed limit to 20 miles per hour and to ask that the police enforce the speed limit. This road is often used as a cut-through.

Councilman Jessen reported a water leak at Dogwood and Dutchman Avenues.

Councilman Biggerstaff said Doyle Lingerfelt has requested a street light be added on Crest Street due to young people using that area for parking.

Mayor Black said he has also had a request for a street light at the Rankin Avenue bridge.

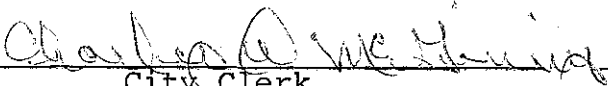
Greg Young said it has been a pleasure serving Mount Holly, and that he would miss them all.

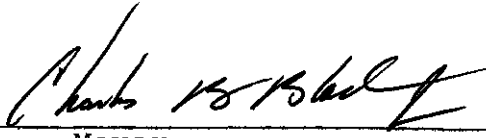
City Attorney Michael showed the Council a map presented by Swag-Nit who is requesting that a City access road easement behind their plant be moved over so they can expand their building. The Council concurred.

Councilman Biggerstaff moved to go into executive session for

attorney-client relations, which was seconded by Councilman Jessen and carried with five ayes. The Council returned to regular session upon motion duly made, seconded and carried.

The meeting was then adjourned, upon motion duly made, seconded and carried.

  
City Clerk

  
Mayor

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Minutes taken by  
Cindy Michael