City Council
Regular Meeting
October 13, 1997

The regular meeting of the City Council of Mount Holly was called to order at 7:30 P.M. by Mayor McLean. The following were present:

Mayor Frank McLean, Jr.	City Manager Phillip G. Ponder, Jr.
Public Works Director Eddie Nichols	Adm. Asst. Sherry Borgsdorf
Zoning Adm. Danny Jackson	City Attorney Kemp Michael
Councilwoman Phyllis Harris	Mayor Pro-Tem Michael Helms
Councilman Andy Stewart	Councilman Jim Hope
Councilman R. L. Duke, Jr.	Councilman David Hostetler, Jr.
Police Officer Kelly Hoyle	

The invocation was led by Rev. Bruce Bradley.

The minutes of August 11, and September 8, 1997, were approved as written upon MOTION by Councilman Stewart, seconded by Councilwoman Harris, with all in favor.

Mayor Black read a proclamation declaring Sunday, October 19, 1997, as Crop Walk Day in Mount Holly. (copy attached)

A public hearing was called to order to consider the request of Woodrow Moore for rezoning of a twenty-five acre tract of land located on Old NC 27, from R-20 to R-12, by Mayor McLean. The hearing had been properly advertised and notice given. The Planning Commission had recommended that the request be approved. The floor was opened to the public for comment, but there was none. The public hearing was closed upon motion by Councilman Stewart, seconded by Councilwoman Harris, with all in favor. Councilman Duke MOVED to approve the rezoning of the Woodrow Moore property on Old NC 27 from R-20 to R-12, seconded by Councilman Stewart, with all in favor.

City Manager Ponder reported staff has looked into the Mr. Larry Kepley's complaint about a dumpster, located at the Twin Oaks Apartments that was causing an odor problem because it is too close to his garage apartment. Mr. Ponder found that the dumpster was in its present location prior to the City's zoning and so the City cannot require it be moved. He stated that even if the owner volunteered to comply with our ordinance, the dumpster would have to sit in the middle of the parking lot which is impractical. He had the county look at it for sanitation reasons, but they said there was no action they could take. Mr. Ponder said he did not recommend the ordinance be amended to reduce the setbacks, so he saw only one option--for the property owner to voluntarily apply for a variance so they can relocate the dumpster. He asked for input from Council. They concurred that he contact the owner and Mr. Kepley to advise them of the only option available.

amendment for $24,000 as presented for the Sewer Fund (copy attached), seconded by Councilman Helms, with all in favor. Councilman Helms MOVED to approve budget amendments to the General Fund and the police department fund as presented (copies attached), seconded by Councilwoman Harris, with all in favor.

City Manager Ponder requested a closed session with Council on two items.

Mayor McLean opened the floor to complaints or petitions not on the agenda. Larry Keply, 303 Beatty Road, and wife, Bonita, were first to speak. The wife purchased the house in 1986; it was in the County then, but since has been annexed. Since they have lived there a nursery opened on one side and on the other side apartments were built. A dumpster is located at the apartments, and the dumpster is located close to their garage apartment steps. Zoning Administrator Jackson said it is at a location which was allowed by the County and is grandfathered. They want the dumpster moved to the edge of the road instead, on Jones Street. Mayor McLean said he could understand their problem, but the dumpster has to be put on a concrete pad. Councilman Hostetler asked for clarification of what the problem is for the City to address. Mr. Jackson said the dumpster is non-conforming; if it is moved, it would have to comply with our code which requires 25 feet from the property line. Councilman Hostetler said they may need a variance. Mayor McLean asked the City Manager to look into this and see what can be done to help them.

Mr. Kepley said they have another issue, involving the nursery, in that he has asked them to put up a privacy fence, but they will not. So, he is putting up his own fence, and the nursery equipment is over the property line. Mayor McLean said that is a matter involving a private property line encroachment and the City cannot get involved in that matter.

Councilman Stewart MOVED to go into closed session for attorney client and personnel reasons, seconded by Councilman Hope, with all in favor.

CLOSED SESSION NOTES
The City Attorney discussed the matter of the Goodwater lawsuit against Mt. Holly, and gave a status report. He requested direction from Council as to next step.

Next item was a personnel matter discussed with Council by City Manager Ponder about a police department arrest error matter.

Councilman Stewart MOVED to go out of closed session and return to regular session, seconded by Councilman Helms, with all in favor.

Public Works Director Nichols presented a proposed engineering contract with W. K. Dickson for three projects, one being the two inch line being run to the Habitat for Humanity. He had decided to combine this project with another project in the budget for this year to make the engineering expense worthwhile. So he had added the six inch water line on West Charlotte Avenue from Main to First, and the Broome Street eighteen-inch relief sewer line (1900 lineal feet). Mr. Nichols said the Broome Street project is fed by Gateway area and Catawba Heights. He had proposals from W. K. Dickson and from DS Atlantic. DS Atlantic's proposal is $49,000, the W.K. Dickson proposal is $40,000 after negotiating the running of the three projects together. He recommended award to Dickson Engineers. He said that Laurene C. Rhyne used to work for O'Brien & Gere and is now with DS Atlantic, and he had worked with her in the past, and they might lower the price some if contacted to combine the projects. Councilman Hostetler asked if this work needs to be done now or could we table action until next month. Mr. Ponder said the work needed to be done now. Councilman Hope said people are quick to pull the trigger when someone stumps their toe, and Dickson Engineers had done good work for a lot of years, and they are familiar with our system. He said he believed problems result from changing engineers. Councilman Stewart felt we may need to establish a relationship with another engineering firm so that we are not in a position of one safe choice. Councilman Hostetler said we may need to get references on new companies, but he would not want to take a new firm without getting references. Councilman Hope MOVED to award the contract to W. K. Dickson for $40,000 for engineering on three projects as outlined by Mr. Nichols, seconded by Councilman Hostetler, with all in favor.

City Manager Ponder said Mr. Dick Beatty had requested a tap for a new building Mr. Beatty has built on his property on Rankin Avenue, at the point where they are ready to occupy. When he found out the new price, he wanted to tie on to his existing line. Our code requires separate buildings be on separate taps, but it can be exempted by Council action. Councilman Stewart inquired as to why we would allow exemption. Ponder said the code has an allowance for that written into it. Mr. Ponder said that evidently Mr. Beatty has contacted councilmembers and gotten approval. Councilman Helms said he agreed to exempt it because the buildings are on one deeded property and have one owner and he pays the whole bill for the whole complex. Councilman Stewart asked if it was because the cost would be more than the meter fee. Stewart felt the procedure in this case was lax and inappropriate. Councilman Hostetler felt it was disrespectful not to contact all the councilmembers to take a straw vote and was upset that he was not contacted. Councilwoman Harris asked the city attorney for opinion. Mr. Michael said the ultimate decision has to be made by the council tonight, although this happens on every board he has ever dealt with when situations like this arise. The staff went out on a limb based on a straw vote in expectation of a positive vote tonight. Councilman Stewart agreed the problem was that he was not contacted and felt this was controversial since the Cherry Street man had to put in the separate meters. Councilman Helms stated that was different because each house was on a separate deed. Councilman Hostetler MOVED to change the policy so that all councilmembers are contacted when a straw vote is taken. Mr. Ponder said because the meetings are once a month, and has been forever, and Mr. Beatty was told to get on the agenda, but did not, and then called the City Manager from the hospital, he felt a need to handle the matter. Motion seconded by Councilman Duke. Motion carried with a vote of three ayes and three nays (Harris, Helms, and Hope), with the Mayor voting aye. Councilman Duke MOVED to deny Mr.

The City Manager stated that the bond referendum for sidewalk and storm water improvements is scheduled for November 4th. The City staff had prepared a brochure with information for the public regarding the bond referendum. Councilman Helms requested a discussion about the referendum. He has gotten a lot of feedback from citizens who feel there are other projects more important than this. He also was concerned that the list is not prioritized, and asked if they must leave it as it is. Mr. Ponder said the paperwork is all approved by the State, and it is very specific. He asked the Local Government Commission that question and they said the City should leave it, but after the referendum a public hearing could be held to consider changing an item on the list. Councilman Helms said the one for Highway 27 does not make sense, because the new bridge will be built, and Highway 273 is to be widened. He did not like the idea of spending money on interest for these. Mr. Ponder said the Council can do what it chooses, but the money must be spent within four years if the bond is approved. Then, the Council could hold public hearings to change items on the list if it chose to do so. No action was taken.

Recreation Director Zip Stowe reported to Council as requested, by memo, regarding the fitness center after reviewing the daily sign up sheets. He made three recommendations: close the center on Saturday, extend the weekday hours to 8:00 P.M., and open at 8:30 A. M. with a close during the middle of the day at 12:30 P.M. He said staffing would cost about $5,400 per year at a salary of $5.15 per hour. Councilman Hostetler said the petition had asked for the center to be open more hours, and that he had asked for a sheet to put out so the users could provide input as to the hours they would like it to be. City Manager Ponder said that was not pursued, but both of them had been approached about early morning hours. Councilman Stewart MOVED to approve the new hours and cost and that a usage report be provided to Council after two months, seconded by Councilwoman Harris, with all in favor. Mayor McLean reported that another treadmill has been added.

Councilman Duke asked that a vote be taken on the question of approval of the variance request by Mr. Dick Beatty. Councilman Harris MOVED to approve the variance request by Mr. Beatty for his property on Rankin Avenue to be served by one meter, seconded by Councilman Hope. Councilman Hostetler stated that he was going to vote against it, not because of the straw vote issue, but because he felt the ordinance should be enforced the same for everyone, and he felt he would have problems later if he were to sell the property with one meter. Motion carried with four ayes and two nays (Duke and Hostetler).

The First Presbyterian Church of Mount Holly, represented by Thomas Springs, asked that they be allowed to put signs in the road right-of-ways to enable people to find them since the by-pass has been completed. They would like to put one on Highway 273 at the fork in the road, and at the underpass, and one near Bimbo's restaurant on Highway 27. They also asked that street signs be put overhead. Councilwoman Harris said the Council had ordered those. Councilman Hostetler MOVED to approve the request, seconded by Councilman Duke, with all in favor. Jeff Fritts, Assistant in public works, stated that the overhead signs had been ordered, and received after a two year struggle, and they are waiting for a contractor to install them since the City does not have the equipment necessary.

Residents on West Henry Street had requested a "Children Playing" sign be erected in their neighborhood near West Henry and First Street. Councilwoman Harris MOVED to approve the request, seconded by Councilman Hostetler. Councilman Helms said he also had a request for a sign on West Main in Catawba Heights. Councilman Hostetler had a request for a sign on East Glendale at the apartments. Councilwoman Harris AMENDED her motion to include these two additional sites, accepted by Councilman Hostetler. Motion carried with all in favor.

Mr. Graylyn Faulkenberry, President of the Deerfield Homeowners Association presented a petition with signatures from the majority of residents that Deerfield Drive be closed on Halloween from 5:30 P.M. to 10:00 P.M. for a neighborhood festival. Mr. Ponder had no objection, but pointed out that the road is long and is the only exit to the neighborhood. He said the City could provide signs and barricades. Councilwoman Harris MOVED to grant the request to close the street except for neighbors, police and firemen in an emergency, seconded by Councilman Helms, with all in favor.

City Manager Ponder presented the bids for patrol cars for the Police Department. Chief Bishop had determined that the low bid met specifications, which is within budget. Councilman Stewart MOVED to award the bid to Earl Tindol Ford in the amount of $77,016 for four vehicles, seconded by Councilman Duke. Councilman Helms noted that some of the department vehicles are out of warranty and inquired about the maintenance and performance expense since having vehicles replaced regularly. Mr. Ponder said there is a lot less down time and the cost for maintenance has been drastically reduced. The motion carried unanimously.

City Manager Ponder had included in the agenda package a memo from Chief Godfrey regarding the bid process and specifications for a new aerial unit for the Fire Department which was budgeted in this fiscal year. There were only two bids and one had 55 exceptions to the specs which he considered unacceptable. He also noted that several companies did not bid, including Freightliner, because the specs were restrictive as a result of the size of the fire department building. Councilman Hostetler asked about Freightliner's comments. Mr. Ponder said that their distributor, Dixie Freight, said the height restriction made the bids higher than they would have been, and kept them from bidding. Councilman Hope asked what will be done with the 1977 Ford unit; it will be advertised for sale in a trade magazine. Councilman Hope MOVED to accept the bid from Triad Fire Equipment (Pierce) in the amount of $392,331.15, seconded by Councilman Duke. Councilman Helms said he is in favor of getting the truck except they are buying a truck to fit the building rather than what they want. Chief Godfrey said the unit is a big improvement because it has steel and a larger pump as well as the 75-foot aerial unit. The aerial is needed because setbacks are increasing where the truck has to be set, and also to be able to reach the roof without being attached to the structure. Mr.

Ponder said this increases the safety to the firefighters. Councilman Stewart noted that another reason we did not buy from Freightliner was we preferred a single source vehicle for maintenance reasons. Mr. Ponder said he had a conference with them and they gave us an opportunity to convince them, but they chose not to bid. Councilman Hostetler said he was glad the unit is being bought and one was found that will fit in the building and that the firemen's safety is an important factor. Councilwoman Harris said she was proud of Chief Godfrey for their mention in the newspaper for participating in an honor guard ceremony to remember firefighters who had died in the last year. Councilman Hope asked if they felt the truck will be useful for 20 years; he said it will be. Mr. Ponder said this will be a lease-purchase over a 10-15 year period, with delivery in about a year. He had budgeted an amount for the first year payment with an estimated five percent interest, but he will be bidding out for the financing. The budgeted amount probably will not be spent in this fiscal year. The motion carried by unanimous vote.

City Manager Ponder said he had obtained plans and specs for an upgrade of the courtyard area beside City Hall by D. S. Atlantic. They received no informal proposals by the deadline. Mr. Ponder had gotten one that day but it was an excessive amount--$55,000. He said the contractors who declined said it was too small or were already busy. He plans to talk with smaller contractors and to extend the time frame in the specs. The Council concurred.

Mr. Ponder had a request from CCOG for the City to pass a resolution supporting their lobbying efforts at the state legislature to have guidelines changed to the piedmont region has a better chance of receiving community development block grant funds, which have been primarily going to the eastern and mountain counties. Councilman Stewart MOVED to adopt Resolution #10-13-97 A supporting that effort, seconded by Councilwoman Harris, with all in favor. (copy attached)

First Gaston Bank had filed an application to have its property at 701 South Main Street rezoned from B-2 to B-3. Councilwoman Harris MOVED to set a public hearing to consider this request at the November 10th regular meeting, seconded by Councilman Helms, with all in favor.

City Manager Ponder presented a proposal from May's Lawn Service to provide grass cutting services; it has no increase for 1998, a 5% increase in 1999, and no increase for 2000, and he recommended they approve it. Councilwoman Harris MOVED to authorize staff to continue to use May's Lawn Service for grass cutting service per the proposal presented, seconded by Councilman Hope, with all in favor. Councilman Hostetler said he had asked that the use of "Roundup" chemical weed killer be reduced especially where erosion is a problem. Mr. Ponder said that change had been made and was included in the 15% increase in the bill last year.

Councilman Stewart said he had nominated Max Rhyne to be a regular inside Planning Commission member, but he has had a change in his work schedule which will require him to work a lot of hours at night and he has asked to remain as an alternate. He asked the Council to move Mr. Gary to the regular position and leave Mr. Rhyne as alternate. City Manager Ponder concurred, but suggested that Hazel Michael be put as a regular Board of Adjustment member and Mr. Gary be an alternate for that board. Councilman Stewart MOVED to move Bill Gary to the regular inside Planning Commission position and leave Max Rhyne as an alternate, and to move Hazel Michael to a regular Board of Adjustment member and Bill Gary as an alternate on the Board of Adjustment, seconded by Councilwoman Harris, with all in favor. Danny Jackson said there is still an opening for an alternate inside member, and Joel Hubbard has volunteered to serve. Councilwoman Harris nominated Joel Hubbard, and there were no other nominations. The nominations were closed. The vote was six ayes and zero nays for Joel Hubbard as alternate inside member. (current list attached)

Mayor McLean recognized the candidates present that evening, namely, Bobby Black, Brian Hough, David Hostetler, and Michael Helms, and himself. He thanked them all for running and wished them the best of luck.

Mayor McLean recognized the police officer on duty that evening, who was Officer Kelly Hoyle.

Councilman Hope thanked everyone for their flowers and phone calls about his daughter, Allison, and said her surgery was successful and she is doing fine.

Councilman Duke asked that old signs on telephone poles be taken down, including one at the corner of Walnut and North Main.

Councilman Hostetler said the gas company has been doing a lot of work in town and he has noticed about ten locations where they need to fix the sidewalk including handicap ramps.

Councilman Hostetler said he had noticed a complaint and a letter had been sent on a property on Piedmont, which is only woods and undergrowth, with no house. He feels there are others that are more prominent and need to be cleaned up, citing a property on South Main Street. He has also had numerous complaints about Ken's Ceramics on Louise Avenue, which has been going on for a long time and he would like to see something done about it.

Councilman Helms said he had a complaint about a ditch that needs to be cleaned out at the corner of Herms and Lee Streets, which has trash, bottles, and lumber in it; he said a screen should be put there so those things do not get into the catch basin.

Councilwoman Harris said a resident has requested a street light at the end of Catawba Drive. Mr. Ponder will check on that.

Councilman Stewart said the North Main Street residents are deeply grateful that DOT has finished paving.

Councilman Stewart said he still gets complaints about trash not being picked up. Councilman Helms said many people have a problem calling, and some feel they should not have to call. Councilman Duke said he had gotten calls also, and he has gone to check and found the whole street had not been picked up. Councilman Hostetler has received the same complaints, and he said he was ready to abandon the phone procedure and go back to the way it was done before. Councilman Stewart said it was done to save money and so not just driving around; we used to get calls that they were driving around not doing anything. Mr. Ponder said the problem is citizens have not gotten used to the system; they have to call a day ahead of the day that their region gets picked up. The staff has prepared the new brochure and magnets and will be distributing them that week. Councilman Helms said he still wants them to pick up others on the same street even if they did not call. Councilman Stewart asked if the City could pick up every day the ones who called the day before, but Mr. Ponder said that would be a problem since Mondays would be too busy after weekend work in the yard.

Councilman Stewart said that at the last CIP meeting he had discussed with Danny Jackson and Eddie Nichols about looking at assessing a fee for requests for water/sewer outside the city, because a lot of time is spent by the staff, and they are paid by taxes from inside residents.

Councilman Hostetler asked if the brochure about the sidewalk bonds would go out in the same package with the trash pickup information. Ms. Borgsdorf said they cannot as that could be interpreted as promoting it which is not allowed. City Manager Ponder said there were 500 information brochures printed on the sidewalk bonds.

City Manager Ponder said he would like to see a consent agenda policy adopted for the council meetings. Councilwoman Harris and Councilman Stewart are in favor of this procedure, since there are usually items that are always adopted. Any councilperson could remove an item from the list at the beginning of the meeting, so that it would be discussed in the regular manner, if they chose. The county commissioners use this procedure, as does the School Board. It is a useful mechanism to expedite meetings in Mr. Ponder's opinion. Councilman Helms said he believes it works well. The Council concurred to have consent items on the agenda.

City Manager Ponder stated that Mt. Holly has a firemen's relief fund, which has a Board that oversees it. One of its members has died, and he asked the Council to think about persons to nominate for appointment to that position.

City Manager Ponder reported to the Council that he had planned to buy the City Hall computers and set up GIS at the same time, but there has been a major crash on one of the computers which has required him to buy the computers now.

There being no further business, the meeting was adjourned upon motion by Councilman Duke, seconded by Councilman Hostetler, with all in favor, at 9:10 P. M.

Phillip D. Condu　　　Frank E. McLean

Clerk　　　Mayor

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