

**CITY COUNCIL
REGULAR MEETING
October 9, 2000**

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 McLean. The following were present:

Mayor Frank McLean

Mayor Pro-Tem Bobby Black

Councilman Michael Helms

Councilwoman Phyllis Harris

Councilman Jim Hope

Councilman Bryan Hough

Councilwoman Pat Hubbard

Adm. Services Officer Jamie Guffey

Public Works Director Eddie Nichols

Planning & Zoning Dir. Danny Jackson

City Attorney Kemp Michael

Police Officer

Fire Chief Ekiatis

INVOCATION

The invocation was led by Rev. Mack Pressley.

PLEDGE OF ALLEGIANCE

Troop 59 Boy Scouts under the direction of Rick Connell led the Council and audience in the ceremony of the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Councilman Helms moved to approve the agenda, seconded by Councilwoman Harris, with one correction, namely, in Consent Agenda #7, omit the word "Alexander" insert "Lee".

MINUTES

Councilman Black **MOVED** to approve the minutes of Sept. 5 and 11, 2000, as written, seconded by Councilman Hough, with all in favor.

PRESENTATIONS

PR#1 Traffic on Alexander Street

This matter was tabled because the presenter, Christie Hargett, was not present.

PR#2 World Population Awareness Week

Mayor McLean read a proclamation declaring the week of October 22-28, 2000 as World Population Awareness Week (copy attached).

PR#3 Curb Cut Adjustment on Oakland Street

Kelly Summey, 130 Oakland Street, provided information about his request, and showed a brief video showing the situation. He requested the City repair the driveway cut at his house. His drive is ten feet wide. There is a two foot swell to prevent flooding. The repairs were begun but stopped. The neighbor's house is on higher ground than his house. Their driveway is located on the other side of their house. The curb stops at one point and the neighbor said that is for a driveway cut, but it has never been a driveway.

The metal iron pin is in place on the corner of his property and which is two feet to the left of his driveway. The bank and the swell is for drainage purposes. A telephone pole is on his property also. The repaired curbing to the side of his driveway is wider than his driveway. He finds this to be illogical and aesthetically displeasing. He is willing to reimburse the City \$350 in the event the neighbor decided to have a curb cut made, up to a time limit. Or, just fix the part in front of his property and leave the neighbor's section alone. Councilman Hough asked where the figure of \$350 came from; Mr. Summey said he just offered that to try to resolve this matter. Mayor McLean said Mr. Summey would receive a response from the City Manager's office within 30 days.

PR#4 Location of New Post Office

Mr. Hunter Roop returned at Council's request. Council asked if there were two public meetings held. He said they attended a City Council meeting in Nov. 9, 1998, and answered questions about time lines and the type of structure, and the public about the site location, and the number of services to be provided. Councilman Hough asked if there were other meetings held to inform the public about the three final sites. Mr. Roop said there is no provision for a second meeting at that time; instead a letter is sent to the highest local official. Councilman Hope said he was disappointed in himself for not asking more questions earlier, and that you did not tell us that construction was proceeding. Mr. Roop said the Post Office has not given a notice to proceed and any work done on that site is the owner's decision as a private property owner. Councilman Hough asked if we would lose funding for the new post office if we try to stop it. Mr. Roop said that he did not mean to put them under pressure, but he meant to inform them that selection of a new site requires going through the funding cycle again. He stated that he needs an alternative site and has not been provided one. The old Food Lion location was looked at and was rejected because it is in a flood zone. Councilman Hough expressed his concern that the process was not followed due to our lack of knowledge of the process, and he wanted to pursue following a process to select a new site. Mr. Roop said he asked Sue Myrick what he could do to improve this situation. He said he cannot seek a new site but is willing to meet with the public. Councilwoman Hubbard asked what determines the funding level, because she is sure that a post office in Charlotte would get higher funding; would it be number served or something else. Mr. Roop said it would get higher funding because they expect to pay more for land there; the front site considered here was priced way over the budget so they had to go with the less visible site. Councilwoman Hubbard said she is very sorry they chose that site because it is very inconvenient for many of our citizens especially in Catawba Heights. Councilman Hope said he would like a construction report from the contractor, and would like a construction schedule. Mr. Wallace said they have cleared the site only. City Manager Kraus asked when they anticipate issuing the notice to proceed; he said he was ready to do it but delayed until he heard from the Council. Councilman Hough asked the Council if they want to pursue this to find out about funding of another site or let this proceed. Councilman Hope, Councilman Helms, and Councilwoman Harris said they feel it will have to proceed as we have no choice and that it is already a done deal. Mr. Roop said he was sorry the process did not go well here but he believes they will be happy with the post office once it gets here.

PR#5 Catawba Heights Volunteer Fire Department Minutes

Motion: Councilman Black **MOVED** to accept the minutes presented from the Catawba Heights Fire Department for approval of its merger with the City fire department and that they be a permanent part of this record, seconded by Councilwoman Harris.

Vote: with all in favor. CARRIED.

UNFINISHED BUSINESS

UFB#1 To Consider Agreement with Gaston County to Extend Sewer Lines to East Gaston High School

Public Works Director Eddie Nichols stated that staff has met over last 30 days or so with the county and school officials; an agreement has been negotiated, except they are still waiting for final wording in paragraph seven. City Attorney Michael said the City would pay to install a sewer line along Taylors Creek from Woodlawn Road to NC 27; from there the County would pay for it. Mr. Nichols said the City's share is budgeted this year. Mr. Michael said the City would lead the project and be reimbursed by the County, and the entire line would be owned by the City. The capacity of line would be large enough to allow for other properties to tap onto it. Any revenues collected would be halved with the County under specific terms set forth in the agreement. The County has not approved it yet, but their staff has approved it. City Manager Kraus said they have appropriated the funds for the project, but just have not approved the agreement yet. Council concurred for them to continue negotiation.

UFB#2 Placement of a Telecommunication Tower

City Attorney Michael said that he and City Manager Kraus want direction from Council to proceed or not; if so, he will further negotiate the City's use of the tower. Councilwoman Hubbard was concerned that it would take a large block of land and after the new station is built, we may use the site for a garage, or if we sell it, that may be a hindrance. She did not feel the revenue would be worth the disadvantage of having it in the way. Councilman Black said it is going to be located somewhere, maybe across the street, so we would have to look at it anyway. He felt it would be good for us to get the revenue if it is going to be built, and staff said that they felt that they could work around it. Councilman Black asked what the revenue would be. The offer was said \$900 per month per City Manager Kraus. Staff is to continue negotiation.

UFB#3 Parking on E. Catawba Avenue

City Manager Kraus said enforcement of the city ordinance prohibiting parking on the right of way off the street has had some unexpected results. Councilwoman Harris asked if we do not have anything on this already; Mr. Kraus said it prohibits parking on the sidewalk but does not mention the grass between the sidewalk and the curb. Councilman Hough asked if we have copies of similar ordinances in other cities; no, but he will get them. Mr. Kraus recommends amending the parking ordinance to clarify this issue.

UFB#4 To Consider Waiving of Water and Sewer Tap Fees for Habitat for Humanity

Motion: Councilman Hough **MOVED** to waive water and sewer tap fees on the Habitat for Humanity house on River Street; seconded by Councilwoman Hubbard.

Vote: all in favor. CARRIED.

UFB#5 To Re-Consider Authorization for PC's BBQ

City Manager Kraus said Zoning Administrator Jackson and the City Attorney reviewed our zoning ordinance and found that the license request by PC's BBQ was not adequately addressed and we have no basis to restrict days and time of operation. Mr. Michael said the privilege license they requested does not fall under the section requiring Council approval anyway. Councilwoman Hubbard asked if this means he can have a BBQ stand all over as long as he gets a privilege license for each site; the reply was affirmative.

Motion: Councilwoman Harris **MOVED** to release the restrictions on the privilege license granted to PC's BBQ, seconded by Councilman Black.

Vote: all in favor. CARRIED.

Councilman Black and Councilwoman Hubbard asked if a zoning amendment is going to be considered so that this can be restricted in the future. Mr. Kraus said he will send this to the Planning Commission for a recommendation to Council. Councilman Black said be sure to include things about time of day and number of days.

UFB#6 To Consider Approval of Preliminary Plat of Riverfront Subdivision Phase III

Tabled until next month.

UFB#7 To Consider Discounting Facility Rental for Long Term Commitments

Recreation Director Zip Stowe said that the adopted fee schedule did not include anything regarding long term rental. The Recreation Commission recommends a \$50 special rate for Sunday events by non-profit organizations that are not fee based, and with them cleaning the building. Mr. Michael said they should delete the phrase "that will benefit the community".

Motion: Councilman Hough **MOVED** to adopt the proposed Sunday Special Rate as an amendment to the Fee Schedule, with the correction by the City Attorney; seconded by Councilman Black.

Vote: all in favor. CARRIED.

Motion: Councilwoman Hubbard **MOVED** that the fee schedule is subject to change at Council's discretion, seconded by Councilwoman Harris.

Vote: all in favor. CARRIED.

The amendment reads: "The City of Mount Holly will allow a special rate of \$50 for Sunday events. The events must be held by a Non-Profit organization. The \$50 fee will cover the cost of utilities, labor and supplies for the building. This agreement will be up for renewal every three months. The building must be cleaned by the organization after each use. The events must not be fee based to receive this special rate. If the event is fee based then the standard rate of \$30 per hour for an organization inside the City limits and \$40 per hour for an organization outside the City limits will apply."

NEW BUSINESS**NB #1 To Consider A Petition for Voluntary Annexation by Riverbend Steam Station**

Petition was received from Duke Energy for voluntary annexation of the steam station property. In anticipation of this item on the agenda, City Attorney Michael had asked the City Clerk to examine the petition for sufficiency, and he has so found. Based upon the signed Certificate of Sufficiency, he had a proposal before Council for a resolution to set the public hearing for the November 13 regular meeting, to consider annexation of the site to be effective on June 30, 2014.

Motion: Councilman Black **MOVED** to approve Res. #10-9-00(A) and (B), seconded by Councilman Hope.

Vote: with all in favor. CARRIED.

NB#2 To Consider Revisions to Paving Contract for Recreation Center Parking Lot

Mr. Nichols stated that because resurfacing streets came in under budget, he recommends Council approve the use of the \$20,000 surplus to pave parking lot at Community Center; Blythe has proposed to do that for \$19,585. Councilman Hope asked if two inches is satisfactory; Mr. Nichols did not feel it will be a heavy traffic area, but he can get a quote for a thicker base. Councilman Hope said he was ready to do it now, so were Councilman Helms and Councilwoman Harris.

Motion: Councilman Hope **MOVED** to proceed with paving the parking area at Community Center with a change to a thicker base at additional cost to be determined at the discretion of Mr. Nichols; seconded by Councilwoman Harris.

Vote: All in favor. CARRIED.

UFB Added Item Fire Department Site on N. Main

Motion: Councilman Hope **MOVED** to exercise our option to purchase property on N. Main St. & Killian St. from Springs & Clark, seconded by Councilman Black.

Vote: all in favor. CARRIED.

CONSENT AGENDA

Councilman Black **MOVED** to accept and approve all eight (8) items on the consent agenda, seconded by Councilman Helms; and unanimously carried. They are:

CA#1. Surplus Two Fire Trucks. The Howe truck which cannot pass pump tests, and the Telesquirt truck, both of which are sitting idle and are no longer needed for backup. The sale will be advertised, and the proceeds will be set aside for future truck purchases.

CA#2. Public Hearing on Guard Rail Standards Amendment to Subdivision Ordinance. Set for the November 13th regular meeting.

CA#3&4. Call for Public Hearing on Rezoning of 116 East Henry, 350 Beatty Drive, and 302 East Henry Street. Set for the November 13th meeting.

CA#5. Modifications to W. K. Dickson Storm Water Inventory Contract. The unit price was increased from \$34.50 to \$40.00 per structure due to actual time necessary to conduct the fieldwork.

CA#6. Acceptance of Water and Sewer for Riverfront Town Homes Phase I. Acceptance contingent upon provision of financial guarantees required under the ordinance; the warranty period begins.

CA#7. Acceptance and Appropriation of COPS Grant for School Resources Officers. Accepted and appropriated to police salaries. Funding is on a three year reimbursement basis.

CA#8. Call for Public Hearing on Closing of Sections of Lee and Piedmont Streets. At the request of Clariant, public hearing is set for November 13th.

PUBLIC COMMENT

Mayor McLean opened the floor for public comment.

Ms. Raunic, 229 Forney Avenue, asked what had been decided about her coming into the City limits. She also complained about the adjoining property needing to be cleaned up. City Manager Kraus stated that she must file application, petition to be annexed, pay the required fees that cover costs such as the survey bill, attorney bill, and advertisement bill for the public hearing. Then a public hearing would be held, and then the Council would consider it. Councilman Hope stated this does not guarantee the annexation would be approved. He asked if the Council must consider every annexation petition. City Attorney Michael said they do not. Mr. Hope said the Council knows it is not feasible to annex that property when she just needs to hire a private garbage collection company.

Motion: Councilman Hope **MOVED** to not consider this property for annexation, seconded by Councilman Black.

Vote: all in favor. CARRIED.

Danny Jackson said Code Enforcement is now under the Fire Department.

Tina Starnes, 131 E. Catawba Ave., said when the City re-did the sidewalks, went around the meter and it was cemented down, and the meter men used a hammer on it, so it needs to be repaired. Also, they planted grass at my driveway on a 6 inch strip instead of putting concrete in it. Eddie will look at it.

ROUND TABLE

City Manager Kraus had Recreation Director Zip Stowe show flooring samples for multi purpose use at the Community Center; wood floors do not allow that, and cement floors are not as safety friendly. Price estimate is \$28,000. The Recreation Commission is planning a fundraiser. Councilman Hope said he wants them to get a good quality so it will last longer, and he wondered how much surface would be covered by this estimate; the reply was that it would be basketball court size. Mr. Stowe said it has a ten year warranty, and tiles can be replaced. Mr. Hope said he feels if the City building is for citizen's use, we should pay for its needs and not have a fundraiser. Councilwoman Hubbard asked which product on the brochure was being done; it is the top one, and he has consulted with facilities in Charlotte and Huntersville about their floors. Councilwoman Hubbard asked who will determine the design; he said the Council or Recreation Commission. Councilman Black said that the Mount Holly school colors are red and white. Councilwoman Hubbard said she agreed with Councilman Hope about the payment for it; Councilman Black agreed as well. \$28,678.00 is the price. The maintenance equipment costs about \$2,000.

Motion: Councilman Hope **MOVED** to approve installation of a new gym floor and maintenance equipment at the Community Center, up to \$30,678, seconded by Councilman Harris.

Vote: all in favor. CARRIED.

Councilman Black asked Mr. Stowe what other items will be needed out there. Mr. Stowe has asked for a conceptual plan from Judi Simac and will have it in about a month, including the 26 acres we may be obtaining from A&E.

City Manager Kraus, Life Saving Crew Chief Caulder, and Fire Chief Ekiatis, want Council to consider a merger of the two departments. Bessemer City and Lowell have already done it and Cherryville is considering it now. Chief Caulder said County funds them by paying them \$15 per call, and after 50 calls, \$7.50 each. They also get about \$2,500 per year from the County. Fundraisers are done by a telemarketing company. The vote of members was unanimous with one abstaining. The land and building is owned by the Life Saving Crew. Fire Chief Ekiatis said the debt to be assumed is \$12,000 per year for the rescue truck; and some of their calls are outside the city. City Manager Kraus said he and Jamie Guffey are reviewing financial data to see if it is cost effective and so he is not ready to make a recommendation. Councilwoman Hubbard asked what the advantage and disadvantage is to the Life Saving Crew; he said more stability financially, members can volunteer with training combined, better response and trained personnel. There is really no disadvantage other than losing the identity of the Crew, which has been there since 1954. Council concurred to proceed with the investigation as to feasibility by City Manager Kraus.

City Manager Kraus and City Attorney Michael met with the architect for the new fire station, and have negotiated a proposed agreement for his services at a cost of 6.6% of the project budget for his fee. Mr. Michael said he checked with City of Gastonia and they saw fees between 7 & 12%, except they got a 5% fee for a joint project with three buildings. He did not know if the City would get a discount if we give him the other station at Riverbend as well. He reminded Council that the contract with Lucia Riverbend VFD has a one year notification in it. If you are ready to make a decision you might have schematic drawings in December. Councilwoman Hubbard asked who provided the estimated cost figure; the architect did. Councilwoman Hubbard asked what would be done if we decide we don't need all these things, would his fee lower if the contract lowers; it would.

Motion: Councilman Hope **MOVED** to approve the execution of the proposed architect agreement with Chet Helt, seconded by Councilman Hough.

Vote: all in favor. CARRIED.

Councilwoman Hubbard asked about the trailers that were burned; the remains need to be removed. The Fire Chief is to follow up on that.

Councilwoman Hubbard said at Food Lion the light is on timer, which is fine in the daytime, but is ridiculous at night. City Manager Kraus will check on that.

Councilwoman Hubbard said to remind the Election Board they said they would move the voting from City Hall to another location.

Councilman Helms said the Aqua Tech is closed up, and between that and Browns Car Lot you cannot see to enter the main road because the signs along there are staggered; City Manager Kraus to check on it.

Councilman Hope said he feels the Oakland Street matter is a neighbor dispute, and we should not get in the middle of that. Councilman Black said she told him she paid for a drive cut; Eddie Nichols said that was for the new one on the other side of the house. Councilman Black said she may want a circular drive later. Mr. Kraus asked the City Attorney if she would have an action if we took away her curb cut; he said it is better to leave it alone, but the City has the right to handle matters in the right of way as it sees fit.

Councilman Black reminded Council of their invitation to the open house at the new YMCA on Oct 22 at 2:00 PM.

Councilman Black said the Crop Walk would be the following Sunday and will begin at the Lutheran Church. He thanked city staff for cleaning up the sidewalks. They expect about 300 people.

Councilman Black said the Downtown Revitalization meeting is a week from tomorrow night, beginning at 6:30 PM to eat and at 7:00 PM for the meeting, to be held at the Community Center.

Councilman Black asked that the City Manager please do something about the tree on Adrian Street that is leaning over the street even though it is on private property, because children are climbing on it, and it appears ready to fall over. Councilwoman Hubbard said someone wants to buy the house, but the owner will not return his phone calls. Councilman Black said the house should be condemned.

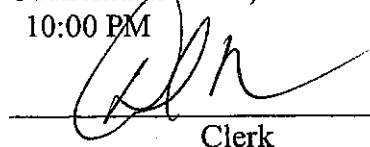
Councilman Black asked what was resolved about the accident at the RR and N Main. Police Chief Davis said DOT spent two days making adjustments on the lights.

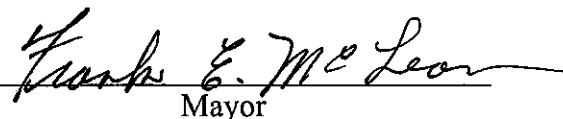
Councilman Black asked the Fire Chief how many calls on rescue calls had been made; we had 44 in a week.

ADJOURN

There being no further business, the meeting was adjourned, upon motion duly made by Councilman Black, seconded by Councilwoman Harris, and carried unanimously.

10:00 PM


Clerk


Mayor
