

**CITY COUNCIL
REGULAR MEETING
October 8, 2001**

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 Brian Hough

Councilwoman Pat Hubbard

Adm. Services Officer Jamie Guffey

Asst. Public Works Dir. Jeff Fritts

Planning & Zoning Dir. Danny Jackson

City Attorney Kemp Michael

Police Chief Rick Davis

Fire Chief John Ekiatis

Street & Sanitation Dir. Mike Santmire

INVOCATION

The invocation was led by Rev. Joe Hardy.

PLEDGE OF ALLEGIANCE

Councilman Hough led the Council and audience in the ceremony of the Pledge of Allegiance.

PRESENTATIONS

PR#2 Recognition of Miss Mount Holly and Her Community Service Projects

Mayor McLean read a resolution in recognition of India Lucas' work during the past year on behalf of local children and in representing our city. (copy attached)

PR#3 Proclamation Commending Cyrus Frazier for Years of Service

Mayor McLean read a resolution in recognition of Cyrus Frazier volunteer service for the past 23 years. (copy attached)

Extra Presentation

Chief Davis presented a recognition plaque for the Springfest Committee from the Special Olympics.

APPROVAL OF THE AGENDA

The agenda was approved with changes requested by the City Manager, as follows: pull off #5 consent agenda to table for 30 days; also NB#5 table for 30 days; add discussion of disaster plan to unfinished business; and add to consent agenda for housing authority approving calculation of performance mandated by HUD; the agenda being approved with said changes upon motion by Councilman Hough, seconded by Councilwoman Hubbard, with all in favor.

MINUTES

Councilman Hough **MOVED** to approve the minutes of September 4, 10, and October 2, 2001, as written, seconded by Councilman Black, with all in favor.

PRESENTATIONS

PR#4 Presentation of School Bond Referendum by Dr. Sadler & Hilton L'Orange

Dr. Sadler and Mr. L'Orange presented to Council information regarding the upcoming school bond referendum. In 1992, a \$59.5 bond referendum was passed in order to replace and remodel schools. In 1996, the State had a referendum from which we received \$20 million. Gaston County has spent about \$100 million in the last ten years on capital improvements. The rest of the money spent came mainly from corporate income tax. We are now seeking an \$89 million bond referendum. Gaston County has 31,000 children at 52 schools, and all will benefit from the bond money. There were two citizen task forces that compiled a needs list, one regarding facilities and one regarding technology. They identified in excess of \$225 million in needs for facilities. Critical needs for technology were also identified. However, the school board determined that such a large amount could not be supported by the general public, and cut its request to \$135 million. It was decided that amount was also too high at this time. They have requested a bond referendum for \$89 million to fund immediate needs. One of the things that must be addressed is maintenance that has been deferred for many years. Additions will be built to accommodate population growth. Technology will be updated. There are some needs also for safety and health issues. Some of the money will be used to assist in the sum needed to build a 600-student elementary school to replace Arlington Elementary, although most of that funding is coming from another source. The East Gaston Feeder Area (Mount Holly & Stanley) will receive \$8,979,781, plus over \$2 million for Catawba Heights Elementary. The principal at each school has the specific list of what will be done at that school, for the benefit of citizens who wish to review the list. Our intent is to provide an optimum learning environment.

Councilwoman Hubbard asked if the amount for Pinewood includes additions; he said no, but there would be money in the capital reserve for that if growth occurs to the extent it is needed. Councilman Hough asked if he heard correctly that this only covers one-third of the needs identified; yes. A man asked if the deferred maintenance items cost so much because it was deferred; yes. City Attorney Michael said that Councilman Helms is on the steering committee, as well as a local resident, Scott Griffin. Another man asked what federal money might be available. Mr. L'Orange said that the only money available from them is related to numbers of students in the free lunch program, and "Z" Bonds for which we do not qualify.

Motion: Councilman Hough read a **RESOLUTION** in support of Gaston County School Bonds; and Councilman Helms **MOVED** for adoption of the same; seconded by Councilwoman Hubbard.

Vote: all in favor. **CARRIED.**

Dr. Sadler thanked the Council for its support, and its leadership in promotion of the bonds.

PR#1 Proclamation on World Population Awareness Week for October 21-27, 2001

Mayor McLean read the proclamation to declare World Population Awareness Week in Mount Holly for October 21-27, 2001. (copy attached)

PR#5 Proclamation for Medical Assistants Recognition Week for October 15-19, 2001
Mayor McLean read the proclamation to declare Medical Assistants Recognition Week for October 15-19, 2001. (copy attached)

PUBLIC HEARINGS

PH#1 To Consider Rezoning of 363 Lanier Avenue from R-12 to R-8 Single Family

Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, and unanimously carried. Mayor McLean recessed the regular meeting and opened the public hearing to consider rezoning of 363 Lanier Avenue from R-12 to R-8 Single Family upon request by William and James Grant.

City Manager David Kraus stated that the zoning map in packet identifies this property as being adjacent to R-8 on one side and R-12 on the other. The Planning Commission recommended approval. There were no comments for or against.

Councilman Helms moved to go out of public hearing, seconded by Councilwoman Harris, and unanimously carried. Mayor McLean adjourned the public hearing and resumed the regular meeting.

Motion: Councilman Helms **MOVED** to approve rezoning of 363 Lanier Avenue from R-12 to R-8 Single Family, seconded by Councilwoman Harris.

Vote: unanimous. CARRIED.

PH#2 To Consider Rezoning of 1800 North Main Street (Freightliner) from R-A and R-12 to H-I.

Councilman Helms moved to go into public hearing, seconded by Councilman Black, and unanimously carried. Mayor McLean recessed the regular meeting and opened the public hearing to consider rezoning of a ten acre tract adjoining Freightliner at 1800 North Main Street from R-A and R-12 to H-I, upon request by Freightliner.

City Manager Kraus stated that Freightliner has acquired 10 acres adjoining its property. The planning commission recommends approval. Councilman Hope asked what they plan to build. Mr. Kraus said they are not building on this tract, and that this is needed to comply with watershed requirements so they can do construction on the existing tract. Robert Blythe, Atty., appeared for Freightliner, and said this would be consistent with the tract already owned by Freightliner. There were no further comments for or against.

Councilman Helms moved to go out of public hearing, seconded by Councilman Black, and unanimously carried. Mayor McLean adjourned the public hearing and resumed the regular meeting.

Motion: Councilman Hough **MOVED** to approve rezoning of the ten acre tract being contemporaneously acquired by Freightliner and immediately adjacent to its existing tract from R-A and R-12 to H-I, seconded by Councilwoman Harris.

Vote: unanimous. CARRIED.

PH#3 To Consider Voluntary Annexation of Ten Acres at Freightliner Facility

Councilman Hough moved to go into public hearing, seconded by Councilman Helms, and unanimously carried. Mayor McLean recessed the regular meeting and opened the public hearing to consider voluntary annexation of a ten acre tract adjacent to the existing Freightliner property, upon petition by Freightliner.

City Manager Kraus reported to the Council that as a consequence of a voluntary petition for annexation received, the appropriate filings have been made, and he has found the petition adequate, and the council set the public hearing for tonight. City Attorney Michael stated that it has been duly advertised. There were no comments for or against.

Councilman Hough moved to go out of public hearing, seconded by Councilwoman Hubbard, and unanimously carried. Mayor McLean adjourned the public hearing and resumed the regular meeting.

Motion: Councilman Hough **MOVED** that, based upon the fact that there is no obligation by the City to provide water or sewer to this site, and the annexation of this site will create no extra cost to the City, Council should approve rezoning of the ten acre tract being contemporaneously acquired by Freightliner and immediately adjacent to its existing tract; motion seconded by Councilwoman Hubbard.

Vote: unanimous. CARRIED.

PH#4 To Consider Revisions to Land Development Plan

Judi Simac, our consultant, asked that this be tabled.

Councilman Helms moved to table, seconded by Councilwoman Harris, and unanimously carried.

UNFINISHED BUSINESS

UFB#1 To Consider Upset Bids for West Henry Street Property

City Manager David Kraus had received two upset bids on the property for sale on West Henry Street. City Attorney Michael said Council is required by state law to advertise again for further upset bids.

UFB#2 Adoption of Disaster Plan

City Manager Kraus stated that all the department heads met to review the emergency response plan prepared by Gaston County several years ago. They have prepared a local policy document that is easier to read. Councilman Hough asked how a citizen would know that the emergency was in effect and we need to evacuate. Mr. Kraus said the city vehicles would have loudspeakers and would also go door to door. Mr. Hough suggested we post on the City's web site, include in the City newsletter, and put a notice in the newspaper that we have this plan, and that any citizen can review the plan at City Hall.

A man in the audience suggested a copy be posted at the public library; Mr. Kraus said it is a public document, so he can do that also.

Chief Ekiatis estimates a cost of \$5,000 for a boom to protect our water intake if there is a spill, but he is still checking on alternatives. Councilman Helms said that the Marine Commission is requiring signage on our water intake facilities, so the city will have to install them. Mr. Helms said that lights and buoys are also being discussed by the Marine Commission. Councilman Black asked if this is going to be a shared cost with Gastonia, the County, and Charlotte-Mecklenburg. Mr. Kraus said he intends to contact them to try to do that if they will. Mr. Helms stated he heard the forestry service may be taking over care of some of the land that Gastonia has in the trust.

The Council took a five minute recess.

NEW BUSINESS

NB#1 To Consider Awarding of Bid for Repairs to Police Department

City Manager Kraus said that Mike Simac, our consultant, has prepared specs for repair of the foundation and concrete slab at the Police Department. We only received one bid. Councilwoman Hubbard moved to table action until the next work session meeting, seconded by Councilman Black, with all in favor. Mr. Kraus stated that during the repairs three execs will be at city hall.

NB added item Fitness Center

Councilman Hough moved to add this item onto the agenda, seconded by Councilman Black, with all in favor.

Recreation Director Zip Stowe said he received from the County a proposed revision to our contract on the old school gym to lease the fitness center in addition for four years. Councilman Hough asked if he knew the average monthly utilities cost. City Manager Kraus said the building utilities have been paid by the school and he did not have that information. Councilman Black asked if we received the grant we applied for; no, we did not. Councilman Hough asked if this means we will have to close the fitness center? Mr. Stowe said we might have to close it until we get the funds to put it over at the community building. Mr. Kraus stated that we do know that the building is in bad shape. He pointed out that we have just learned that the city will get unexpected revenue from the state; we will get intangibles tax money. Councilman Black and Councilman Hope, said no, that would just means we pull less from general fund in this years' budget, and the rest of the Council agreed. Mr. Hough asked if we could move the equipment? Mr. Stowe said we can put it in the front of the old gym, and move aerobics and karate to the Tuckasee building, but some of the equipment belongs to the school. Mr. Hough said we cannot afford to take on the maintenance of that old building.

Mr. Henry Massey, Recreation Committee, was recognized, and noted that the proposal before was to approve \$45,000 for improvements at the Tuckasee community building if we got the grant. He asked if the Recreation Committee raised the money that we did not get in the grant, would Council still allow the \$45,000 to be expended. Mr. Hough asked where that \$45,000 was coming from. Mr. Kraus said it was not in the budget, but

you had agreed to take it from capital reserve. Mr. Black asked how much is in capital reserve; per Jamie Guffey, \$1.4 million that is not already allocated. Mr. Black asked if the City Manager knew of other things for which he would need to ask for additional funding in the near future. Mr. Kraus said no.

Mr. Stowe said the Recreation Committee also had a request to ask you for more tables and chairs at the community building. Councilwoman Harris said we had to borrow tables and chairs from churches for the community dinner last week; please have Zip prepare an inventory and make a list so there will not be any confusion in the future about how many it will accommodate. Mr. Hough, if we only need that many two times a year, maybe we should not spend that money and just borrow them. Mrs. Harris said we have also recommended that a staff person be there for events, and we certainly need that as we saw last Saturday for the Community Dinner because we had no one with a key to adjust the air conditioning. Councilwoman Hubbard asked if Mr. Stowe has money in the budget to buy more tables and chairs. Mr. Stowe said he still has that money. Councilman Hope said he needs to ask the fire marshal what the maximum number of people allowed in the building is, and get it posted.

NB#2 To Consider Improvements on Hawthorne Street

City Manager Kraus has had numerous complaints about the traffic problem on Hawthorne Street at the middle school. The Police and Fire Chiefs had prepared a proposal and presented it to Council in the form of a map. Mr. Kraus was not in favor of it because a left turn is now allowed out of the middle school, but would not be on the proposal. He said that presents a problem for parents who must take children to both schools because Central Avenue is one-way during school traffic hours. One of the crossing guards appeared before Council and stated she did not like the proposal because she believed the two lanes going north would be dangerous. Mr. Kraus will go to the principals next. Councilman Hope suggested they look at making Hawthorne one-way going north during school traffic hours because that would make morning commuters use the bypass instead.

NB#3 To Consider Calling for Public Hearing to Rezone Clariant Property Adjacent to Tuckaseegee Park

Call for public hearing to rezone a 17 acre tract owned by Clariant and adjacent to Fites Creek and the Catawba River, Tuckaseegee Park, Riverfront Subdivision, and the Cloisters Apartments, was made upon motion of Councilman Hough, seconded by Councilwoman Harris, with all in favor.

NB#4 To Consider Naming Boat Landing Access Road to Eddie Nichols Drive

The private road to the boat landing at Mountain Island Lake off of Horseshoe Bend Beach Road needs to be named to be entered into the 911 system. Duke Energy owns the road, and the Riverbend Steam Plant Manager, Ronnie Campbell, intends to name it Eddie Nichols Drive, in honor of our recently deceased Public Works Director. They have asked the City for its support. Mr. Nichols widow, Judy, has consented to the use of his name.

Motion: Councilman Hough made a **MOTION** in support of naming the road from Horseshoe Bend Beach Road to the boat landing Eddie Nichols Drive, seconded by Councilwoman Harris.

Vote: Unanimous. **CARRIED.**

City Attorney Michael reported to the Council that Mr. Campbell & Mr. Hart negotiated with Eddie on the annexation of the steam station, and they were very impressed with him which is why they wanted to honor him in this way.

NB#6 To Consider Fees for Additional Garbage Cans

Street & Sanitation Director Mike Santmire had several requests for additional garbage cans. Gastonia solid waste charges \$45.00 for that, as a deposit, which is refundable if not damaged. In Bessemer City the fee is non refundable. The monthly fee is related to tipping fees at the landfill. Councilman Hope did not believe the City should charge an additional \$4.00 monthly fee because we are not loading more garbage out of here. Councilman Hough asked how many requests he has had; 5 residents, 10 businesses. Councilman Hope felt it would be okay to charge for an extra can, and the others agreed. Councilman Black asked if we already have some extra cans; Yes. Mr. Black suggested we only charge our cost. Councilman Hough suggested refunding a half after six months, or not any after one year. The whole Council agreed to charge for extra cans. Most of the Council said not to make the charge refundable. Several felt we should wait a month to see how many requests we get. Upon motion made by Councilwoman Harris, seconded by Councilman Black, and carried unanimously, this matter was tabled for 30 days. Councilman Black said the schedule maps for pick up are not clear, and people are having trouble remembering; can we get stickers?

CONSENT AGENDA

Councilman Hough **MOVED** to accept and approve all 5 items on the consent agenda, seconded by Councilwoman Harris; and unanimously carried. They are:

CA#1. Approval of Supplemental Appropriation of Life Saving Crew Account Balances. (copy attached)

CA#2. Call for Public Hearing to Rezone Alsace Mill Property from L-I and R-8 to O-I. Request by Pam and Bob Friedl.

CA#3. Call for Public Hearing to Rezone 147 North Main Street from R-10 to B-1. Upon request by Reggie and Dorothy Henkle, who plan to convert their home into a reception hall.

CA#4. Acceptance of Bicycle Helmet Grant. Accepting a \$1,000.00 grant for children's bicycle helmets.

CA#5. Approval of Performance Calculation Mandated by HUD on the Housing Authority. (copy attached)

PUBLIC COMMENT

Mayor McLean opened the floor for public comment.

Ms. _____, stated that when the city paved Second Avenue, they took away the wall, and the water is washing the topsoil up against my house, and under my house.

The Council said the city should replace any water barrier where it was removed when the street was paved.

Randy W. Pope, 302 Cherry Avenue. His statement is as follows: About 27 years ago, my parents moved into 302 Cherry Avenue, and raised three children. When my father died several years ago, my mother deferred maintenance, and it is now beyond that. We have had to get inspections for asbestos and lead. We got bids to do that, but they were high, and I have worked on it myself on my days off. We are toward a conclusion and we had a date for the city to burn the house as a training session for the fire department. I requested notice to know when it would take place. Through a misunderstanding, we did not get that notice, and the date is here upon us, and we are not quite ready. I'd like an extension. My two sisters are in the air force, and they cannot get another leave until Thanksgiving holiday to help me get the rest of our things out of the house.

Councilman Hope said he would like to hear what has happened since the notice was given for Sept. 12. City Attorney Michael stated that this has actually gone on for several years, but with regard to its recent history, on September 5, Officer Baker sent him a letter. Mr. Pope asked for an extension because he could not get off work. We have extended this for a long time, but out of an abundance of cooperation, I prepared an agreement where we set a date that he selected, and he signed it along with me. He had notice and the agreement was an extension of the date on the notice to try to help him out. Mr. Pope stated that since he did not get a confirmation or notice of the new date, he thought that it was not going to happen then. Mr. Michael said there was no reason for another notice since he signed the agreement and picked the date himself. He did not have a recommendation, and said whatever Council wants to do would be fine.

Councilman Hough said it appears that Mr. Pope received a letter on or about Sept. 5th, telling him that on Sept. 12 the house would be burned, and the City had every right to do it that day, but the City Attorney out of kindness extended the date. Councilman Helms said he believes we have legally done what we are required. Mr. Michael said that is true, that there were hearings, and a contract for the burning instead of demolition was done a long time ago. Then we realized there was no asbestos letter, so they worked on that. His mother who owns the house lives in Virginia, so he got a power of attorney. Then the process began again. He came to see me when he got that letter from the code enforcement officer of Sept. 5 and said he could not get off work on the 12th. We agreed to a new date that he selected that gave him an additional 27 days, more than I wanted, but less than he wanted. He has received notice as required.

Councilman Helms asked Mr. Pope if he still has things in the house. Mr. Pope said yes, but also his sisters have things there. Councilman Helms said the house is so bad that it is raining into the house. Councilwoman Harris said that he can't guarantee that his sisters will get here over Thanksgiving holiday, so he needs to remove those things on his own to another place. Councilman Helms said that we also have to consider the neighbors involved, and that the city has bent over backwards. Councilman Helms asked him how long it would take him to put those things in storage somewhere else? Mr. Pope asked for 12 more days. Councilman Hope said he already had 27 more days, and we have other citizens that have to taken care of. Mr. Pope said since it has waited this long, 12 days would not be too much to ask. Councilman Hough said he thought it would. Council declined to give him an extension.

ROUND TABLE

Councilman Black noticed the new business has dog houses out on Main Street. City Manager Kraus said he has sent our code enforcement officer, and they will get them off the sidewalk tomorrow.

Councilman Black asked about the status of the Johnson property on Woodlawn Avenue. Mr. Kraus said that Danny Jackson notified EPA and they are handling the matter.

Councilman Black commended the City crews since he had noticed that the sidewalks look much better.

Councilman Black said the Community Dinner last Saturday went very well, and those who attended were very proud of the facility.

Councilman Hough asked Council to set a date for the work session in November. They agreed to do it Nov. 5, at 6:30 PM.

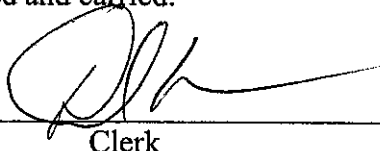
City Manager Kraus asked the Council to set the retreat date. They discussed Saturday afternoons. Councilman Hough asked them to consider a work session instead. They agreed on Nov. 20, Tuesday at 6:30 PM at Kemp Michael's house.

Councilman Helms asked if the road at Riverbend beside the church has been closed yet. Mr. Kraus said we need to put it on for public hearing. Councilman Helms moved to set the public hearing to close a portion of the gravel road, seconded by Councilwoman Harris, and unanimously carried.

ADJOURN

There being no further business, the meeting was adjourned, upon motion duly made, seconded and carried.

10 PM



Clerk



Mayor

cpm