CITY COUNCIL
REGULAR MEETING
September 14, 1998

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 Phyllis Harris
Councilman Michael Helms
Councilman Andy Stewart
Councilman Bryan Hough
Councilman Bobby Black

Adm. Services Dir. Sherry Borgsdorf
Public Works Director Eddie Nichols
Planning & Zoning Dir. Danny Jackson
City Attorney Kemp Michael
Police Officer

INVOCATION

The invocation was led by Rev. Reggie Parker.

PLEDGE OF ALLEGIANCE

Boy Scout Troop 23 led the Council and audience in the ceremony of the Pledge of Allegiance.

MINUTES

Councilman Stewart **MOVED** to approve the minutes of August 10, 1998, as written, seconded by Councilwoman Hough, with all in favor.

PUBLIC HEARINGS

#1 To Consider a Request to Rezone a Lot on 916 West Charlotte Avenue from R-8 SF to B-3 (Continued).
#2 To Consider a Request to Rezone a Lot Located off of West Charlotte Avenue from R-8SF to B-3.
#3 To Consider a Request to Rezone a Lot Located off of West Charlotte Avenue from R-8SF to B-3.

Mayor McLean declared the regular meeting in recess and called a continued public hearing for consideration of a request by Pamela Rikard to rezone a lot on 916 West Charlotte Avenue and called new public hearings for two other adjoining lots, all from R-8 SF to B-3. The tax identification numbers for the three lots are: 03-021-158, -158.01, and -159. Danny Jackson stated that the Planning Commission had voted in favor of all three of the requests and recommended our approval, and that due advertisement and notice has been made. Councilman Helms asked if this is in accord with the land use plan. Mr. Jackson said it is not, however, they did consider that and decided the best use would be to change it to the same as the adjoining property. No comments were offered from the audience for or against. No comments from Council.

Mayor McLean adjourned the public hearing and resumed the regular meeting.

Councilman Helms asked if the Planning Commission is aware of all the potential permitted uses. Mr. Jackson said his submission to them always contains those.
Motion: Councilman Helms **MOVED** upon recommendation of the Planning Commission to approve the three requests of Pamela Rikard for rezoning lots on West Charlotte Avenue identified as 03-021-158, 158.01 and 159, from R-8SF to B-3, seconded by Councilwoman Harris.
Vote: six ayes, zero nays. CARRIED.

UNFINISHED BUSINESS
UFB#1 To Consider Amendment to City Code Regarding Wrecker Rotation.
City Attorney Michael presented two different proposals for a change in this ordinance, Section 14-20.1. The first proposal limits calling rotation wreckers to those with an office in Mount Holly. The second extends the list to include any in Gaston County within five miles of Mount Holly. Councilman Stewart asked if prompt response would be better defined. Mr. Michael said he thought about that, but is aware that the police officers often have knowledge based on what other events had occurred recently and so can better determine that. Councilman Black wondered who would enforce the requirement that they keep an office. Mr. Michael said it would be whoever the City Manager designated, but most likely the police department. Councilman Black felt this would be difficult to enforce. Mr. Abernathy said the State allows them 30 minutes to respond and that is fair. Mr. Michael noted that he proposed an effective date of January 15, 1999 so that they would have an opportunity to comply. Councilman Stewart asked what kind of problems it would cause if there were more companies involved. Councilman Hough asked if the police are have problems now with response time; Chief Bishop said not anything that they haven't been able to work out. Councilman Hough was in favor of keeping the ordinance we have with the detailed definitions; proposal number one.

Motion: Councilman Hough **MOVED** that we adopt the proposal number one seconded by Councilwoman Harris.
Discussion: Mrs. Abernathy said we are asked when they call what our response time will be.
Vote: two ayes, three nays (Stewart, Helms, and Black). FAILED

Councilman Helms said his objection is the enforcement sentence. Council agreed. City Attorney suggested a change.
Motion: Councilman Helms **MOVED** to approve proposal #1 as presented with correction to delete "staffed at least twenty hours per week by personnel", seconded by Councilwoman Harris. (copy attached)
Vote: all in favor. CARRIED.

UFB#2 <u>To Consider Recommendations Regarding West Central Avenue Traffic Safety</u>
Upon request by Ms. Becky Jennings for more safety along West Central Avenue, Public Works Director Nichols and Police Chief Bishop investigated the area. They recommend stop signs at the intersections of Woodhills Drive with W. Central Ave., and Woodhills Drive with Patrick Lane. They also suggested railroad signals and gates at the railroad crossing on West Central Avenue as soon as funds are available.
<u>Motion</u>: Councilwoman Harris, seconded by Councilman Hough, **MOVED** to amend the Traffic Map to place stops signs on Woodhills Drive and on Patrick Lane.
<u>Vote</u>: all in favor. CARRIED.

UFB#3 <u>To Consider Agreement with Gaston County Family YMCA Regarding Final Plat Approval.</u>
City Attorney Michael presented an agreement which would be recorded with the final plat. Public Works Director Nichols showed Council the amended plat which shows the specific tracts of land. The agreement shows the requirements before the plat can be recorded, and before building permits may be issued.
<u>Motion</u>: Councilman Helms **MOVED** to approve the agreement between Mount Holly and Gaston County Family YMCA as presented and identified as Resolution #9-14-98(a), seconded by Councilwoman Harris. (copy attached)
<u>Vote</u>: five ayes, zero nays. CARRIED.

UFB#4 <u>To Consider Feasibility Study Regarding Regional Wastewater Facility</u>.
Mr. Ponder asked for Council input as to their wishes as to whether he should meet with the other cities to proceed with this study. Councilman Stewart felt this is the most important thing before the Council in the next few years and he should proceed. Councilman Hough and Councilman Black agreed. Council concurred.

UFB#5 <u>To Consider Agreement with City of Belmont Regarding Use of Traffic Control Device</u>
The agreement was not ready yet; Belmont's attorney is to prepare it. The unit is arriving next week. Mr. Ponder said he will use the unit until they get the agreement made.

CONSENT AGENDA
Councilman Hough **MOVED** to accept and approve all three items on the consent agenda, seconded by Councilman Black; and unanimously CARRIED. They are:

1. <u>Approve Tax Releases.</u>
   Totaling $73.48 as presented for August 1998.
2. <u>Approve Budget Amendment to Accommodate Police Department Computers.</u>
   (copy attached)
3. <u>Approve Amendment to City Code to Require the Bagging of Residential Garbage.</u>
   (copy attached; new Section #8-6(e) Materials to be Bagged).

Councilman Hough wanted to add that the bags must be tied since it is intended to help the sanitation workers. Mr. Nichols said he intends to use pressure stickers to warn residents two or three times, and then leave the garbage if not bagged with a notice as to the reason why. The agenda was not amended to add the tie requirement.

NEW BUSINESS

NB #1 To Consider Street Closing Petition Pertaining to a Portion of Houston Street.
Phil Ponder said a request to close a portion of Houston Street has been made by Jane and Jimmy Nicholson. There are several legal requirements before action can be taken, including advertising for four weeks. Jane Nicholson, 207 Clegg Street, was recognized, stating she has lived there 25 years. She asked that it be closed so can never be opened up, because it would be used for a cut through. Mr. Michael said they will have to pay $280 to the City as required by the code. The R/W would be investigated to see if anyone would be deprived of reasonable access to their property. A public hearing must be held. If adopted, the City would reserve utility rights of way. Ownership of a closed street reverts to the adjoining property owners. The City may choose not to close the street.
Motion: Councilman Stewart **MOVED** to set a public hearing to consider closing a portion of Houston Street for the November regular meeting, seconded by Councilwoman Harris.
Vote: all in favor. CARRIED.

NB#2 To Consider Change to City Policy Regarding the Use of the Fitness Center
Mr. David Berg, 711 North Main Street, has requested a change in the existing policies in the use of our fitness center. Only persons over 16 are allowed to use the facility. He has called several other facilities, and has found the usual is 14. He wants a change to add to allow 14 to 16 year old to be able to use the facility if accompanied by a parent. Mr. Ponder stated that the policies were established by the Recreation Commission, and he has respected that. He said the Council can make any amendment it chooses. Councilwoman Harris suggested that this be referred to the Recreation Commission for their recommendation before the Council makes a decision. Council concurred.

NB#3 To Consider Resolution Approving the 1998 Comprehensive Improvement Assistance Program (CIAP)
Phil Ponder stated that this year we have been approved for grant funds to upgrade the public housing units at Holly Hills in the amount of $143,775 as specified in the plan.
Motion: Resolution #9-14-98(b) was approved upon **MOTION** by Councilman Stewart, seconded by Councilman Black.
Vote: all in favor. CARRIED.

NB#4 To Set Public Hearing to Consider Cable Television Franchise
Phil Ponder reported that he is ready to present his proposal to Council. Two readings are required by law, so he asked that the first hearing be set, but he wanted time first for Council to review it and to make changes. Mr. Michael pointed out a change to our ordinance will be required.

Motion: Councilman Hough **MOVED** to set a public hearing for the October regular meeting to consider amendment to the cable franchise agreement and to the franchise ordinance, seconded by Councilman Black.
Vote: All in favor. CARRIED.

NB#5 To Consider Engineering Proposals to Initiate Water Line Replacements
Eddie Nichols presented a proposal from DS Atlantic for engineering, administration and construction observation on water line replacement projects on Forest Hills Drive, Forest Drive, Jenkins Street, Woodhaven Drive and Lanier Street, for the sum of $21,300. Councilman Stewart asked how much improvement is expected. Nichols said the engineering is not done, but they anticipate extending the lines, and pressure reducing at certain places, so that homes from Walnut up to Trexler should see an improvement. Councilman Stewart wondered when construction would be expected; Mr. Nichols said next spring or summer. Councilman Hough asked how much was budgeted for this project. Mr. Nichols said the total for engineering and construction together is $138,900 and $80,400 for both places; our estimate for engineering was higher than this contract.
Motion: Councilman Stewart **MOVED** to award the contract to DS Atlantic for engineering services not to exceed $21,300, subject to approval of the contract by the City Attorney, seconded by Councilwoman Harris.
Vote: all in favor. CARRIED.

NB#6 To Consider Bids for New Police Cars
Mr. Ponder said we budgeted for four new police cars. We received three bids. The low bid was $78,180 by Capital Ford, Raleigh, NC. Councilwoman Harris said she would rather accept the bid from a local dealer in Belmont. Councilman Hough asked if you have to accept the low bid, Mr. Ponder said you do not. Councilman Helms asked if they take it to the local dealer for repair. He said that he would. Mr. Ponder said he does not always agree with the state bidding regulations, and it says "best" bid. Councilman
Motion: Councilman Helms **MOVED** to award the bid to Capital Ford for four new police cars, seconded by Councilman Stewart.
Vote: all in favor. CARRIED.

NB#7 To Consider Granting Right of Way to N. C. DOT along Legion Road
Mr. Ponder said that it would be to the City's benefit to grant some right of way to enable this improvement. They are requesting a lot of footage. Mr. Johnny Murdock, from DOT, was present to answer questions. The right of way for Legion Road is now 20 feet, it would afterward be 40 feet. The trees would have to be removed. There are no grave sites within the area requested. This is outside the city limits and is a state maintained road. Mr. Nichols had prepared a video to show the area, and did so. The pavement would not be in the center of the right of way. Mr. Murdock said they have a list in this County of roads to be paved, and do as many as get budget for each year. He was told about the drainage problem and will work on that. Councilman Black and Councilwoman Harris were concerned about the trees and shrubs being lost and if they could be replaced. Mr. Murdock said there is a landscaping department which has a budget and the request could be submitted to them. Mr. Ponder asked that instead of monetary compensation,

DOT do some striping on streets that we have had paved recently. Mr. Murdock said he had asked about that, and they can do it on state roads, but not on city streets.
Motion: Councilman Stewart **MOVED** to authorize granting the right of way as requested, and in return we ask that shrubs and trees be replaced, and the drainage problem be remediated. Motion seconded by Councilman Hough.
Vote: all in favor. CARRIED.
Mayor McLean asked him to see about striping the school zone on the county road.

NB#8 To Consider Appointments to the Planning Commission
Motion: Councilman Hough **MOVED** to accept the recommendation of the Planning Commission and reappoint Ernest Stowe, Jr. and alternate Max Rhyne to the Planning Commission for three year terms ending September of 2001, seconded by Councilwoman Harris.
Vote: all in favor. CARRIED.
Councilman Black asked if there is any recognition in place for their service, since they volunteer and give many hours to this important office.

PUBLIC COMMENT
Mayor McLean opened the floor for public comment.

Marilyn Price, 407 Norton Road. East Gaston Marching Band is holding a golf tournament, and they request permission to temporarily have a banner at the underpass. Council concurred.

Pam Beck, 405 Nivens Cove Road. She gave copies of information to Council about a FERC application by Duke Power Company. She represents the Mt. Island Lake Association. She said Duke Power has applied for permission to grant permits for marinas, with 130 boat slips, they also want a sewer pump out station. The problem arises because there are no gas facilities, so they will fill up with hand held containers. She said they are concerned about spillage, and are asking that the City express its concern about this pollution since the water intake is in that lake. The agencies that have signed off did not consider water quality. The association requests the city send a letter to Mr. Romanecke, since this a small lake and has water intake for Gastonia and Mount Holly. Councilman Stewart asked if to her knowledge has any study been done as to the impact on the water quality. She said Mr. Lynn is at the only agency that is concerned with water quality, and he has not seen the application yet and has not commented on it. Councilman Black asked what Gastonia has done. She said she has not gotten the letter from them but they are going to express concern. Mr. Eddie Nichols said he has not had time to review this material yet. Councilman Stewart said our water quality deserves an inquiry. Councilman Black asked if they will be able to have a gas facility. Councilman Stewart said they will not be able to because of the watershed regulations. He asked that we ask for time to make inquiry. She said the Assocation has filed a motion to intervene. Councilman Helms said the Marine Commission would have time to look at it more in the next month or so, and he said a letter to FERC to request time for us to consider its impact on our water intake would be advisable.

Pam Beck also emphasized the water quality of Mountain Island Lake, and asked the Council to stick to the land use plan for Mt. Holly. It calls for a greenway, preservation of natural areas. She beseeched the Council to apply to Clean Water Trust Fund to purchase that land, and preserve it from housing and industrial development. Also, she reminded them that Operation Clean Sweep was the next Saturday. Mountain Island Marine Commission will be touring the lake in October and the Council and others are invited to join them.

Emily Ferguson, 601 Spring Street. She presented a petition by residents with 152 signatures for a speed limit in Woodland Park subdivision of 20 mph and that signs be installed. Councilman Black **MOVED** to lower the speed limit to 20 mph in Woodland Park Subdivision on all streets effective October 1, 1998, seconded by Councilwoman Harris, with all in favor.

ROUND TABLE

Congratulations to Brian and Gina Hough for the birth of their first daughter, Madeline Caroline.

Councilman Black said Councilwoman Harris and he are meeting with the Area Council about setting up the ceremony for lighting the new Xmas lights. He will suggest it be done right before the Christmas parade.

Councilman Black said the Crop Walk will be October 18th.

Councilman Helms said there are a couple of political signs that are not in compliance with our sign ordinance. We abide by the rules when we run, and we should enforce it.

Councilman Stewart asked if Autumn Woods is going to happen or not. Mr. Ponder said the developers have installed the sewer lines and have invested a lot of money, but they have stopped and are selling.

Councilman Stewart asked about the Holiday Inn Express. Mr. Ponder said the property is now in the hands of bonding attorneys, and he has been told it will open, but he does not know when.

Councilman Stewart said he knows speed bumps are expensive, but they do prevent absent minded speeding, and definitely slow people down. The police cannot enforce all these streets. Mr. Ponder said speeding is a popular crime, and therefore it is much harder to enforce since so many do it. He said that if they are put on one road they would probably have to be put on all 52 miles of our streets. Councilman Black asked if liability is a question. Mr. Ponder said it is because of car damage complaints. Councilman Hough and Councilwoman Harris said they will go look at the ones recently put on two streets in Belmont.

Councilman Stewart has asked for information on attracting industrial properties. He would like to see us pro-actively and aggressively seek them. We should investigate annexing Clariant. Mr. Ponder said that the state regulations are stricter for involuntary annexation. Charlotte has it on its plan for 1999 or 2000. Staff has discreetly approached them about voluntary annexation since we have a lower tax rate than Charlotte. Councilman Helms said you have to look at the whole picture when you do that, because of the services the City would have to pay for on that kind of property.

City Manager Ponder announced an upcoming NLC meeting, which Councilwoman Harris & Councilman Black are going to attend. The Council needs to designate one as its official voting delegate. Councilman Harris was so designated upon Councilman Black's recommendation and by Council concurrence.

City Manager Ponder reported that Catawba Heights VFD has bid a fire truck. They are ready to let bids, but we have not finalized the agreement. We have to issue a letter to the lender about our support. Council concurred that he is authorized to do so.

City Council Ponder reported that Rep. Rayfield informed him we did not get special legislation. Instead, they amended the law to change the method for closing the sanitary district. Mayor McLean is going to send a letter of thanks to Rep. Rayfield.

City Manager Ponder said the Board of Election workers want to use our Council chairs while they are here for voting. Councilwoman Harris said the chairs have been scarred from being moved before, and none of the other polls get special chairs. Mayor McLean said he would have Bob Blankenship move them and to be sure they are not damaged. Concurred.

City Manager Ponder said that our waste policy is that if work is done by a contractor, he must haul off the debris, but if a resident does it, we will haul it. He has explained to Mr. Suttenfield our policy.

Adm. Sherry Borgsdorf said that at 5:30 on Tuesday at Sims Park is the United Way kick off and that at 7:30 our City Manager will be in the dunking booth.

ADJOURN

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

9:55 PM

Phillip S. Ponder — Clerk

Frank E. McLean — Mayor

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cpm