Regular Meeting
City Council
September 13, 1993

The regular meeting was called to order by Mayor Charles B. Black, Jr. at 7:30 P. M. Those present were Councilwomen Lib Nichols and Phyllis Harris, Mayor Pro-Tem Archie Small, Councilmen Bob Jessen, Jim Hope and J. C. Little, as well as Zoning Administrator Gary Roberts, City Manager Phil Ponder, and City Attorney Kemp Michael.

The invocation was led by Rev. J. D. Williams.

Councilman Hope **MOVED** to approve the minutes of August 2, 9, and 16, 1993, with the following amendment: August 9, page three, paragraph two, fourth line, correct to "100,000 gallons . . . ." Motion seconded by Councilman Small and carried by six ayes and zero nays.

The meeting was recessed and a public hearing called to order for consideration of a petition by Reg Robinson for rezoning a one-half acre tract at the corner of North Main and Highland (N. C. 273 By-Pass), from R-8MF to B-3. Mr. Robinson said this parcel was created by the location of the by-pass and is across from the convenience store and fire department and adjoins some apartments. Mr. Roberts said that the Planning Commission has recommended approval, and all notices have been given. There were no further comments.

A second public hearing was called for consideration of a petition for closing an unopened street off Oak Trail as shown on the map attached to the petition by Mr. Wilson. There were no comments.

The public hearings were adjourned and the regular meeting resumed. Councilman Hope **MOVED** to rezone the one-half acre tract owned by Reg Robinson at the corner of Highland and North Main from R-8MF to B-3, seconded by Councilman Jessen with all in favor.

Councilman Small **MOVED** to close the unopened street off Oak Trail adjoining Carson Wilson and Mrs. Robert Caldwell, seconded by Councilwoman Harris, with all in favor.

City Manager Phil Ponder presented a proposed agreement which has been approved by the Local Government Commission regarding the financing of the new police station. Councilman Jessen **MOVED** to approve the North Carolina Installment Financing Agreement with Branch Banking & Trust Company as presented and to authorize its execution by the Mayor and City Clerk, and further to authorize the execution by the Mayor and City Clerk of all closing documents related to the purchase of the property from Duke Power Company and its financing. This motion was seconded by Councilman Little and carried unanimously.

Mr. Ronnie Meeks, Manager of the Housing Authority apartments,

presented a resolution regarding the assessment program. Mayor Black asked if there has been an improvement since IDs have been required; he said there has, and the police have had better cooperation. He said all applicants are screened carefully. Councilman Jessen **MOVED** to approve Resolution #9-13-93(a) approving the Public Housing Management Assessment Program certification for fiscal year ending 6-30-93, which was seconded by Councilman Hope, with all in favor.

Mr. Ronnie Meeks informed the Council that he had applied for a grant from HUD for improvements and has been approved for $42,000 for Holly Hills Apartments. This includes replacing all dead bolt and passage locks on each apartment (three doors each), replacing front and back screen doors with heavy duty security screen doors, replacing all torn and damaged window screens, installing vandal resistant flood lights at each building, and providing side-by-side refrigerators in handicap units to comply with Section 504 requirements. Councilman Jessen questioned the price per lock; Mr. Meeks said he had gotten prices on the deadbolts which cost $35 to 36 apiece. Councilman Hope **MOVED** to adopt Resolution 9-13-93(b) Approving the CIAP budget, and the Certification for a Drug-Free Workplace, for the Holly Hills Apartments, seconded by Councilman Small, with all in favor.

Mayor Black said that Ms. Joy Rankin was not able to be in attendance but had wished to speak to the Council to voice her concern about airport traffic.

Mr. Elwood Smith, E. Charlotte Avenue, stated that the City has the grass in the right-of-way cut on the south side of E. Charlotte Avenue, but not on the north side, and it looks real bad. He would like to see it look better coming into the City from Charlotte. He had talked to Mr. Nichols who had looked at the situation but had not given him an answer except that it is the State's job to have that cut. Then someone came out but they did a bad job of it. City Manager Phil Ponder said Mr. Nichols had contacted the State and they did come out and they did do a lousy job, and he will call them back. Councilman Small said to ask them about a ditch on the north side also, because when it rains the water stands there and is dangerous. Mr. Smith also stated that he also sees transfer trucks hitting that railroad overpass all the time, and one of these days someone is going to get killed. Mayor Black said the State is planning to build a new bridge and the trestle will be elevated.

Mr. H. J. Cross, Jr. requested that a portion of "B" Street be closed, from Meller Street to its dead end. Mr. Roberts said there is a water tank owned by Spray Mills on a lot identified as tax parcel 68 at the dead end, but they have told Mr. Cross they do not object as long as he gives them an easement. The City Manager said this would have to be advertized four weeks. Councilman Hope **MOVED** to set a public hearing for November 8, 1993 regular meeting, to hear this matter; seconded by Councilman Small and carried with all in favor.

W. K. Dickson, Engineers, had recommended approval of Change Order #1 to Contract #2 - N. C. 273 North Water Lines with Gilbert Engineering. It will mean a savings to the City of $1,396.80, and involves a change in the type of pipe being used to go under the creek. The said change order was approved upon **MOTION** by Councilman Jessen, seconded by Councilman Little, with all in favor.

City Manager Ponder presented the bids and his recommendations for purchase of chemicals for the water treatment plant. They were all the low bidder except for the zinc sodium hexametaphosphate, which controls corrosion in the water system, and has been successfully used by the City since 1979; he did not feel it would be wise to change products until the City has done research to prove that another product would be equal. Councilman Jessen **MOVED** to approve the bids for chemicals, seconded by Councilman Small, with all in favor, as follows:

Zinc sodium hexametaphosphate to Eshelman Carolinas at $87.06/cwt;

Chlorine in one ton cylinders to Jones Chemical Co. at $500/ton;

Alum to Peridot Chemicals, Inc. at $157.67/ton;

Liquid Caustic Soda to Jones Chemicals Co. at $161.66/ton;

HFS (fluoride) to Prillaman Chemicals, Inc. at $145/ton.

City Manager Ponder stated that it is his opinion technical assistance will be required when the City's cable franchise renewal comes up. The estimated fee he had received several months ago was $50,000. He proposed that the City combine efforts with the City of Belmont and the City of Gastonia since they are on the same system. Mayor Black asked what our cable franchise revenue is; the City receives $22,000 per year franchise fee. Mayor Black objected to the proposal being considered by some of the local broadcasts to charge cable companies to air their channel, which would be passed on to the customers. Mr. Ponder said there is a lot of litigation pending about cable franchises. Mr. Ponder said we would get the same contract the other two cities get (so the monthly costs to customers would be the same) and we would pay 10% of the bill to the technical advisor, who has quoted a fee of $65,100.00. Councilwoman Nichols and Councilman Hope approved of the idea. Councilman Jessen **MOVED** to enter into an interlocal agreement with Gastonia and Belmont to negotiate with Rice, Williams & Associates for technical assistance at a cost to the City not to exceed $10,000; seconded by Councilman Little, with all in favor.

Mr. Carlton Broome has filed a petition for voluntary annexation for property at 427 W. Central Avenue, identified as his old house and new house and one vacant lot, and Elizabeth Curtis has filed a petition for voluntary annexation for property at 435 W. Central Avenue. Mayor Black said Mr. Broome has not wanted to come into the City for many years and wondered why he is now. Mr. Roberts said he has installed a water line to his new house and has

preliminary approval for the Woodhill Subdivision plat, but does not have final approval as yet. Councilman Hope asked why he is not annexing it all at one time. Mr. Roberts said that he believes it is because Mr. Broome plans to clean off and burn some of the growth on that other property but he cannot do that if it is in the City limits. Mayor Black said he would like to hear from Mr. Nichols about the sewer service to one of the properties before the Council decides. Councilwoman Nichols agreed and moved to table a decision on the annexation until Mr. Nichols is present, seconded by Councilman Hope, with all in favor. City Attorney Michael said the Council may want to have the City Clerk move forward in the meantime. Councilman Hope **MOVED** to adopt Resolution #9-13-93(c) directing the Clerk to investigate a Petition received under G. S. 160A-31 as to Carlton Broome, and Resolution #9-13-93(d) directing the same as to Elizabeth Curtis. This motion was seconded by Councilwoman Nichols, with all in favor. (copies attached)

City Manager Phil Ponder presented a proposed agreement between G.E.O.S.H., Inc. and the cities of Mount Holly, Stanley, Belmont, Lowell, and Dallas for safety consultation services in relation to meeting OSHA regulations. This is a pilot program which may be copied elsewhere in the State. The cost is $75 per full-time employee, or about $6100 for Mount Holly. Councilman Jessen asked what happens if we still get penalized; the City pays. Mr. Jessen inquired about our recourse if that happens. Mr. Ponder said the company has liability insurance, but we would for all practical purposes not have much recourse. He felt there is some measure of comfort in the fact that all these cities will have the same policies implemented. The City Attorney and City Manager found the proposed agreement to be acceptable except it requires payment in full in advance, but they are negotiating for staggered payments. City Attorney Michael stated that the company's liability is not defined by this contract, but by law, as it is on any profession providing a service. Councilman Jessen **MOVED** to enter into a service contract with G.E.O.S.H., Inc. and the other cities, for consulting Re: OSHA regulations, contingent on negotiations so that the fee is not paid in full up front; seconded by Councilman Hope, with all in favor.

Mayor Black opened the floor for any candidates present to introduce themselves. There were:

Merlin Brown, 1723 N. Main
David Rice, Tuckaseege Road
Joel Hubbard, 726 S. Main
Harol Rick, 726 S. Main
Michael Helms, 104 Margin Street
Randy Dills, 232 Highland
Ralph Michael, Pearl Beaty Road

Current councilpersons running are Jim Hope, Lib Nichols, and Archie Small. Mayor Black is once again running for Mayor.

Mayor Black opened the floor to complaints or petitions not on the agenda. There were none.

Mayor Black asked that the committee considering the Hoechst Celanese request meet right away, as he had received a call from the Plant Manager. He also asked the Water Committee to check with Stanley about the interconnect matter.

Mayor Black stated the Council needs to move forward on the matter of sludge holding basins at the sewage treatment facility as the current condition jeopardizes the facility.

Mayor Black said the Water Adjustment Committee has had quite a few complaints, and he observed that there is not a policy requiring a set limit of overage before a matter can be heard. He asked that they not impose a limit of three times overage before a matter can be considered, but consider each matter on a case-by-case basis.

Mayor Black reported that the outage of the cable television was due to a cable having been chewed up by squirrels. Councilwoman Nichols asked if she can deduct it from her bill. Councilman Little said you can if it is off for a certain period of time.

Councilman Hope reported that the renovations at the new Police Department building on East Charlotte Avenue have begun.

Councilman Small asked if the Police Department still calls older citizens every morning. City Manager Ponder said they do, but the last list he had seen only had four names on it.

Councilwoman Harris stated her appreciation to the Mount Holly Police, as well as the Gaston County and Belmont police, and the SBI for their hard work in making an arrest with regard to the recent murder in Catawba Heights.

Councilwoman Harris asked that a trash receptacle be placed at Tuckaseege Park.

Councilwoman Harris inquired as to the status of the flashing signals for the schools. City Manager Ponder stated there was a problem with the specs, and it has been determined that the City will have to hire three different companies to install them. They will be installed at all three schools. Mayor Black asked the City Manager to check into replacing the Pedestrian crosswalk sign in front of City Hall also.

Councilman Little said there are dead trees at the corner of Rankin Avenue and South Hawthorne, and some are on the City right-of-way, and need to be removed.

Mayor Black said the postmistress has stated that the parking lot at the Post Office will be repaved.

The Council took a ten minute recess.

The Council went into executive session for attorney-client purposes upon **MOTION** by Councilwoman Harris, seconded by Councilwoman Nichols, with all in favor. The Council returned to open session upon **MOTION** by Councilwoman Nichols, seconded by Councilwoman Harris, with all in favor.

City Manager Ponder asked for the Council to consider approval of the contract with Caskey Construction for renovations of the new Police Department building. Councilman Hope **MOVED** for approval of the contract as presented and to authorize its execution by the City Clerk and Mayor; seconded by Councilman Little, with all in favor.

Councilman Jessen **MOVED** that the City Clerk and Mayor be authorized to execute an agreement on behalf of the City with Bill Moore, Ken Moore, and Hazeline Moore Massey, which would authorize the use of City sewer for any future development of their property upon which the current sewer line right-of-way is crossing, provided, that the capacity in the sewer line at the time of development is sufficient, that the sewer use ordinance is complied with, and that the tap fees are paid. This motion was seconded by Councilwoman Harris and carried with all in favor.

Mayor Black asked the Council to adjust the water bill for the VFW. The staff has not found any problem, and there is no outside faucet. Councilman Hope **MOVED** to approve the adjustment, seconded by Counciman Little, with all in favor.

The meeting was adjourned upon motion by Councilman Jessen, seconded by Councilwoman Harris, with all in favor, at 10:10 P.M.

Phillip S. Ponder, C.

City Clerk

Charles Black

Mayor

****