

Regular Meeting  
Mount Holly City Council  
September 10, 1990

The Mount Holly City Council regular meeting on September 10, 1990 was called to order at 7:30 P.M. by Mayor Charles B. Black, Jr. Present were Councilwomen Faye Little and Lib Nichols, Councilmen Myles Biggerstaff, Archie Small, Bob Jessen, and R. L. Duke, as well as City Manager Greg Young, City Attorney Kemp Michael, and Police Chief Bishop.

The invocation was led by Reverend Mitchell Murrow.

The minutes of August 13, 1990 were approved upon motion by Councilwoman Little, seconded by Councilman Duke, and carried with six ayes.

Mayor Black recognized a city employee, Police Officer Robert H. Gittens, and gave him a written letter of commendation for his actions on August 1, 1990 in the direct apprehension of a suspected bank robber after searching four hours in the woods behind the bank in 90 degree heat, which suspect has been indicted by a grand jury and awaits trial. Mayor Black also commented that during that time the police officers were without radio contact because of the insufficient system in Gaston County and asked the citizens to support the referendum for communications system improvement.

The floor was opened to complaints or petitions not on the agenda. Mr. Joe Belton, Hickory Grove Road, was recognized. He had been told by Mr. Shook that the City would not allow him to buy the lot next to his house unless sewer is installed, but this would raise the price by about \$6,000, beyond what he can pay. He intends to plant fruit trees. He said he understood the City's position, but asked if there could be something in writing that would protect the City, but allow him to buy this lot. He said he would have to clear off the lot, and would have a sizeable investment in it. City Attorney Michael asked Mr. Shook if the restrictions for that section have been recorded yet; they have not, and none of the lots have been sold yet. Mr. Shook said he can remove this lot from the subdivision and convey it by metes and bounds. Mr. Michael said if the Council so chooses, it could allow him to remove it from the plat, and he could put language on the deed to Mr. Belton restricting it so no sewer would be required from the City. Councilwoman Little moved to allow Mr. Shook to withdraw this lot and to convey it to Mr. Belton without installing sewer as long as the City Attorney approves the restrictive language on the deed to Mr. Belton, so that the City is never obligated to provide sewer to this lot. This motion was seconded by Councilman Biggerstaff, and unanimously carried.

Jessie Fields, 117 Sadler Avenue, said he and his neighbors were appearing to request city water and sewer to be extended on their road. The annexation takes in a portion of Sadler Avenue, but not all of it. Mr. Biggerstaff said they should be annexed to do this, and one of the neighbors had refused the voluntary annexation in the past. Mr. Dewey Hager, 120 Sadler, said if they cannot be annexed to get it, they would like to find out what the cost would be so they can pay for it together. Also present were Ed Birch, 115 Sadler; Patsy Mitchell, 116 Sadler; and Reggie Hartness, 118 Sadler. They said Harold Adams was not there, but has said he wants this also. They were instructed to get a petition for voluntary annexation with 100% signatures, or if they cannot do that, ask the City Manager for an engineer's estimate for the water and sewer line extension which they would pay for.

Henry Massey, 307 Dogwood Drive, was recognized next. He was speaking on behalf of the Recreation Commission, along with Mrs. Springs and Mr. Huffstetler. They would like to have the City concentrate on improving Tuckaseege Park, as it could be a source of pride, and it is easily accessible. It would need tennis courts and lighting and the ballfields worked on. They asked about funding. Mr. Huffstetler said they would like to move ahead, but want guidance from the Council about their perimeters. Mayor Black mentioned that there is \$25,000.00 in the budget, and there still may be matching funds available from a grant program. Councilman Biggerstaff said we should have a good design of what is needed for a multi-use complex. Councilwoman Nichols inquired about \$2,500 in the budget; Mr. Young said that is for the gym and all grounds maintenance. Mrs. Nichols stressed the need for other recreation for older citizens who do not use ballfields. Councilwoman Little agreed. Councilman Biggerstaff moved to authorize the Recreation Committee to spend up to \$5,000 for design work on Tuckaseege Park improvements and bring the plan back to Council, which was seconded by Mayor Pro-Tem Jessen, and unanimously carried.

Mayor Black thanked the VFW 9136 and the Spring Festival Committee for putting up the yellow ribbons around town in honor of the soldiers overseas in the Middle East.

Mr. Jim Lindsay, Blanche Avenue, said there is a lot of water flow onto his property from Low Meadows Greenhouses, and the City Manager has agreed to put in a drainage pipe if he buys it. Secondly, he requested a four way stop to be installed at the corner of Blanche and Smith because of speeding, and his fear for the children playing in the neighborhood. Councilman Biggerstaff moved that the City Manager and Chief of Police review this request and, if it is appropriate, put up a four way stop at the intersection

of Blanche and Smith, which motion was seconded by Councilman Jessen, and unanimously carried.

The Town of Stanley has requested Mount Holly work with them on an emergency water line between Mount Holly and Stanley. Mayor Black appointed Councilwoman Little and Councilman Biggerstaff to the committee to work on this with the Stanley members.

Councilwoman Little moved to approve the request by Denise Heffner to allow her to put yellow ribbons on city vehicles in support of the U.S. Military in Saudi Arabia. Councilman Biggerstaff seconded this motion, and it carried by unanimous vote.

Former Councilman Rick Eldridge was recognized next. Mayor Black told him that the Council had voted at the end of the last meeting to have the car on Cove Avenue put back after it was moved, and ordered a survey be done to be paid for by the City. Mr. Eldridge read a written statement and presented it for the minutes (attached hereto) which included accusations against the City Manager. Councilman Biggerstaff asked if the City Council told him to keep the car removed. Councilwoman Little said they decided later not to do that, and ordered a survey. Councilman Biggerstaff said he publicly wanted to defend the City Manager. Mayor Black stated the the City pays the City Attorney to advise it, and they have listened to his advise, and now the City is paying for a survey. City Manager Young asked to respond, and was allowed to do so. He stated that he has no personal interest in the Cove Avenue car matter, and he thinks Mr. Eldridge does, in that he acted as a real estate agent in the Guin property; and that he has done exactly what the City Council instructed him to do or not do. The Baileys were in the audience. Mr. Bailey said none of his other neighbors are complaining about the car, only Mr. Eldridge and Mr. Guin. Mrs. MCCrory thanked the Council for its help last month, and said she is moved in and that she is glad the City is having a survey done. Councilwoman Little asked the Baileys if a committee from the Council could meet with them to discuss the car; they said no. Mayor Black clarified that the survey ordered by the City will only shoe the right-of-way of Cove Avenue; and further that he knew that the City Manager had paid for his own survey work, which was done on his property.

Mr. Lynn Matti, TransState Construction Co. requested the Council reconsider its liquidated damages. He stated the contract was let on July 31, 1989, and several areas were delayed because of right-of-way problems, some as much as six months. On february 26, the City said they would extend the time, and they went along with the two month extension thinking the City would work with them. City Manager Young said the City chose not to impose the \$200 a day liquidated

damages, but only the out of pocket expenses. City Attorney Michael suggested this matter should not be before the Council, but submitted to the engineer. A representative from W. K. Dickson was there, and said it usually would be, but they are ready for final payment, and the City decides about damages; however, the request should be submitted in writing. Mr. Matti said they had submitted it in writing already, and the Council denied, and he is here to ask them to reconsider. Mr. Pond stated all right-of-ways were obtained by December, 1989, but an extension was already granted; now they want another 30 day extension, but an extension was already granted; now they want another 30 day extension which would eliminate damages, and they claim wet weather for their reason. City Attorney Michael said right-of-way acquisition did not begin any earlier because plans were not sent until a couple weeks prior to bid award, and TransState began with the highway right-of-way work which was the majority of it. Then one of the lines crossed property owned in part by a minor and a guardian had to be appointed. The second tract with a problem was owned by Crescent Land & Timber, who at the end told him they had leased a part of it, so he had to get another signature after that. It was his position no more time should be granted for right-of-way extension. TransState said they are asking for the reason of wet weather because it was January when they were allowed to go back in there. City Manager Young said he would rather have the request and justifications in writing. TransState said they will submit it to the engineer, who will review it and make a recommendation to the City. Councilwoman Little moved to authorize the City Manager to pay TransState approximately \$6,160.00, withholding approximately \$4,800.00 until the matter of damages is settled. Councilman Biggerstaff seconded this motion, and it carried with six ayes.

The Council next considered a proposal for amending the subdivision regulations requiring sidewalks to be installed by the developer in new subdivisions where curb and gutter is required. Gary Roberts reported that this has been reviewed again by the Planning & Zoning Board, and they recommend keeping the sidewalks even on dead end streets and subdivisions with only one road in and out. He had fixed the errors noted previously. Councilman Jessen moved to adopt the sidewalk ordinance designated as Section 6.18 in the subdivision ordinance, as submitted, effective 9/10/90. (copy attached) This motion was seconded by Councilman Duke and carried with five ayes and one nay (Biggerstaff) The City Attorney reviewed the proposed exemption clause, and upon his recommendation, Councilwoman Little moved to add to Section 6.18 the following paragraph: "These sidewalk requirements shall apply to all subdivisions submitted for approval from and after 9/10/90 except for subdivisions when the developer has prior to 9/10/90 met all of the following requirements: 1. Received final plat approval for at least

one phase of the subdivision; 2. Submitted a sketch plan for the whole subdivision; 3. Submitted for final approval a final plat within five years for any remaining phases of the subdivision as shown on the sketch plan."

Mr. Carlton Broome, West Central Avenue, asked the City to allow him to tap onto the sewer line at his new house, and wants permission to allow a second home to tie into the line. Director of Public Works Eddie Nichols said the question has been raised about this being a public or private line if more than one tie onto it, and if it is public, it will have to go through the engineers and have State approval. He has not received the answer from the State. Mr. Broome said he would be paying for the line and then asking the City to take it over and maintain it and give him the tap fee if others tap onto it later. Councilman Biggerstaff moved to grant the request by Carlton Broome to install a sewer line to his new house subject to the State's approval and the line being built to city specifications, with all future taps on said line being approved by the City. Councilman Jessen seconded this motion, and it carried by unanimous vote.

Dumpster pickup service bids were reviewed, with the lowest bid being a new company run by a former employee of BFI (the specs call for a business that has been operated for several years). The next lowest is BFI, whose bid is less than the amount they had previously notified the City they would charge by their letter of notice of an increase. Councilman Jessen asked what this dumpster pickup is costing the City; about \$70,000.00 a year. Mayor Black noted that Mount Holly is the only city in Gaston County that does it. City Manager Young was told Gastonia contracts it. City Attorney Michael asked if the businesses would pay a larger fee if it was not through the City' they probably would. It was suggested that the businesses reimburse the City to save them money. City Manager Young feared that the small businesses will want to have residential pickup, rather than use the dumpsters. No action was taken. The City Manager was asked to check on what other cities nearby are doing, and the Mayor appointed Councilmen Biggerstaff and Jessen to assist the City Manager and Eddie Nichols with a recommendation for the Council about this situation.

Mr. Gary Walls had requested that he be allowed to use garbage containers for his nine apartments on Cavin Avenue in lieu of a dumpster. Mayor Black said this should wait until after the Council decides about dumpster service. City Manager Young said Mr. Walls has just started grading so it can be delayed, but the only time the City has given a variance in the past was when the truck could not access a dumpster on the premises. The Council concurred, and instructed the City Manager to inform him that the city policy must be followed.

Councilman Biggerstaff moved to approve a change order to Lee Construction Company for the Rankin Avenue bridge project to extend the curb and gutter and storm drainage east along Rankin Avenue, so it will join the other for the amount of \$10,780.00. Councilman Small seconded this motion, and it carried with six ayes.

Councilman Biggerstaff moved to grant permission to the Catawba Heights Volunteer Department to hold its annual "Haunted Lane" starting Friday before Halloween and running through Halloween night, located off of Logan Lane, which was seconded by Councilman Jessen, and unanimously carried.

Councilman Biggerstaff moved to adopt the resolution authorizing tax sheltering of member contributions to the retirement system, which was seconded by Councilwoman Little, and passed by unanimous vote.

Councilman Biggerstaff had a request by a resident on Lanier Street that a 35 mph sign be put up right at the city limit, so that perhaps people will not speed down that road. The Council authorized the City Manager to install one there.

Councilman Biggerstaff brought up the police department matters before them. Councilwoman Nichols moved to change the position of lieutenant to captain with no increase in pay, which was seconded by Councilman Biggerstaff, and unanimously carried.

Councilman Biggerstaff moved to authorize a budget amendment to add \$2,000 to the police department to buy cars, which was seconded by Councilman Small, and carried unanimously.

Councilwoman Little moved that the testing before promotion in the police department shall be independently done at an assessment center as recommended by the Police Chief, which was seconded by Councilman Biggerstaff, and unanimously carried.

Councilman Biggerstaff asked the Council if they wanted to respond to the letter from McDonald's about Mr. Sandlin. City Manager Young said John Sandlin had taken another job with another company, and this manager at McDonald's had received a call from Ms. McConnell stating that Mr. Sandlin had not acted properly, and mentioned his conduct at the council meetings as well. Mr. Young had told this manager that he had always found Mr. Sandlin to be helpful and cooperative and had not seen any cause for complaint. The Council agreed, and asked the Mayor to respond by letter stating Mr. Sandlin acted in a professional manner at all the council meetings and did nothing around the Council that would cause McDonald's embarrassment.

Councilwoman Nichols had a request for a big stump to be picked as the resident said he was sick and unable to put it out for Hugo pickup. The council said they do not have access to that machine anymore, and cannot pick up any more large stumps.

Councilman Jessen said the curb on the innerloop has been crashed into at the North Main Street intersection. DOT has been notified.

Councilman Jessen stated that he would like to see the City do something about the recycling plan previously presented. Mayor Black noted that Cramerton has already begun; Councilman Small noted Belmont has a Reynolds aluminum truck at Abbey Plaza that takes cans. Councilwoman Little said Gastonia takes plastic bottles. The Mayor was asked to contact Bob & Judy Sutenfield and get information from them about the program they suggested for Mount Holly.

Councilwoman Little had a request by David Shook to consider whether or not to allow a mobile home sales office at Deerfield Subdivision temporarily, which has been okayed by the Planning & Zoning Board, and she moved that the same be allowed for one year at which time it would have to be reconsidered. This was seconded by Councilman Duke, and carried by unanimous vote.

Councilwoman Nichols asked that the staff follow up on the clean-up orders issued to homeowners recently.

Councilman Duke announced the COG meeting for the following Wednesday at the Lincoln House.

Mayor Black reminded the Council that it needs to consider making the Planning & Zoning Board separate from the Board of Adjustments.

Mayor Black said he got complaints about garbage pickup; that they were told in Catawba Heights to put their trash in plastic bags and take it to the curb. Eddie Nichols said he had talked to them and they had not seen the notice in the newspaper that this was temporary during the Hugo cleanup; but they know now they do not have to do that.

Mayor Black asked the City Manager to talk to Mr. Cupps about his manner of dealing with citizens. City Manager Young said he had talked to Mr. Cupps about this problem right after he was notified about it, and hopes to see an improvement.

Mayor Black asked if a decision had been reached about job placement for Mr. Cupps and Mr. Frank McLean. City Manager Young stated that he had discussed this with them at length,

and beginning the next day, Mr. Cupps would be over Sanitation and Mr. McLean would be over Utilities.

City Manager Greg Young said the water bond referendum matter is outstanding, as is the extraterritorial jurisdiction boundary for the newly annexed North Main/Freightliner area. In addition, he recommended that the City increase the tap fees for one inch or over taps, since the smaller tap fees have already been increased. Councilwoman Little moved to accept the increased tap fees as presented, which was seconded by Councilman Small, and unanimously carried. (copy attached)

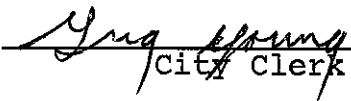
City Manager Young had a proposal from COG to prepare an application for a Community Development Block Grant with the N.C. Economic Community Development Program, and they can begin work on the planning stages for new target areas. Councilwoman Little moved to accept the proposal from COG, which was seconded by Councilman Biggerstaff, and unanimously carried.

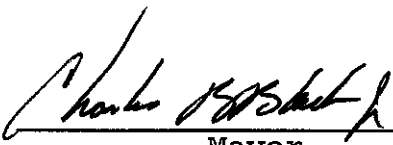
Councilman Jessen asked the Council if they are ready for the city brochure to be printed. The Council agreed that the rough draft is fine, and to go ahead with the printing.

City Manager Young presented a proposal to change the name of one of the two Beatty Drives, preferably the one behind City Hall, since there are no residences there. The Council decided to change the road behind City Hall to Municipal Drive.

Councilwoman Little moved to go into executive session for personnel matters, seconded by Councilman Biggerstaff, and unanimously carried.

At 1:00 A.M., the Council recessed and the executive session was continued until the following Monday, September 17, 1990, at 7:00 P.M. in the Council Room, a special meeting.

  
City Clerk

  
Mayor

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