**City Council**
**Regular Meeting**
**August 14, 2000**

**CALL TO ORDER BY THE MAYOR**
Mayor McLean called the City Council for Mount Holly to order at 7:00 P.M. at City Hall in the Council Room. Those present were:

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| Mayor Frank McLean | Adm. Services Officer Jamie Guffey |
| Councilman Michael Helms | Public Works Director Eddie Nichols |
| Councilwoman Phyllis Harris | Planning & Zoning Dir. Danny Jackson |
| Councilman Jim Hope | City Attorney Kemp Michael |
| Councilwoman Pat Hubbard | Police Chief Davis |
| Councilman Bryan Hough | Fire Chief Ekiatis |
| Mayor Pro-Tem Black | |

**INVOCATION**
The invocation was led by Rev. Jeremiah Robinson, Sr.

**PLEDGE OF ALLEGIANCE**
The pledge of allegiance was led by Scout Troup 59, led by Mr. Philemon.

**APPROVAL OF THE AGENDA**
The agenda was approved as presented upon motion by Councilman Helms, seconded by Councilman Hope, with all in favor.

**APPROVAL OF MINUTES**
Councilman Helms moved to approve the minutes July 10, 2000, as written; seconded by Councilwoman Harris, with all in favor.

**PRESENTATIONS**
PR#2 Acceptance of PARTF Grant Funds
Mr. Walter Israel presented The Parks and Recreation Trust Fund grant in the sum of $49,813.00 to the City of Mount Holly. He encouraged the City to continue to apply; we have applied four times and been awarded twice. He said this grant is a 50-50 matching grant. The funds combined with the matching funds from the City should complete Phase I of "Tail Race Park" at Mountain Island Lake. Mr. Israel noted that Mount Holly is noted for good recreation programs, and he especially recognized the efforts of Henry Massey and Frances Springs.

Motion: Councilwoman Hubbard **MOVED** to adopt Resolution #8-14-00(A) to accept the grant funds and appropriate in the Recreation Department for the development of a park currently called "Tail Race Park"; seconded by Councilwoman Harris.
Vote: six ayes, zero nays. CARRIED.

Councilman Black and Councilwoman Harris who are on the Recreation Committee asked Council to consider renaming the park; the Committee suggests Mountain Island

Lake Park. Councilman Hope said he would like to see Mount Holly in the name. Councilwoman Harris said they will take it back to the Committee for consideration.

PR#1 Report on Catawba Heights Volunteer Fire Department
As directed by the City Council, the City Manager and Fire Chief have been working on uniting the Mount Holly Fire Department with the Catawba Heights VFD. On a prior Saturday, the Board of Directors and members of the CHVFD met to discuss the merger with Chief Ekiatis, City Manager Kraus, and City Attorney Michael.

Chief Ekiatis presented the two new mascots, Pierce and Spartan, Dalmatian puppies donated to the Department. They will be used for educational purposes. The Chief said that being new here, he has spent the last two months getting to know both departments and the men. He has learned a lot about the history of the Catawba Heights VFD. They have voted to merge with the Mount Holly Department. He had prepared organizational charts and was available for questions.

City Attorney Michael reviewed a proposed resolution he had prepared which includes the main items agreed upon between the departments and the dissolution process for the CHVFD. A formal plan will be adopted to transfer all their assets to the City. Their members would become members of the united fire department. The City assumes maintenance of equipment and liabilities of the department, budgeted under the City budget under the supervision of the City Manager. The balance of the VFD monies on deposit will be put in a line item for capital improvements and equipment for that station. Also, the property will be deeded to the City, along with the vacant land around it, with restrictions that it be used for fire services and public safety uses as long as the fire station is used for fire services. He further stated that they have discussed the command structure. In the past, the City Code said the Fire Captain is the highest paid, but at a fire the Chief is in charge, and he is elected by the members. In the new department, the paid Chief will be the highest ranking officer. The other officers will all be volunteers appointed by the Chief. The other paid members would be engineers and not officers. The workman's compensation insurance, retirement fund, and annual payment based on pint system, so the Council must allocate a total of 45 volunteer positions available. All current members would get slots provided they pass the City drug screen test. Current volunteers will be members of the department. Newly applying members are recommended by members but approved by the Chief. The VFD current trucks retain their decals. New trucks would have decals that read Mount Holly Fire Department with the Catawba Heights Station identification in addition. In addition, staff recommends that the Council consider allowing the Fire Department to be first responders to answer personal injury calls and provide assistance until the Rescue Squad arrives. If so, the name of the department would be Mount Holly Fire & Rescue Services. The agreement would be dependent on a successful vote by the membership on August 27th and the legal documents being filed for the dissolution of the Catawba Heights VFD.

City Manager Kraus stated that two assistant chiefs and four captains will be filled from both departments. Both departments will be able to respond anywhere in the City. The effective date is expected to be October 1. City Attorney Michael said that the staff plans to meet with the Mount Holly Fire Department members tonight after the meeting. Councilwoman Hubbard asked if the paid firemen will receive EMT training. Mr. Kraus said that any fireman can train. Councilwoman Hubbard asked why there is a list of health problems in the agenda packet. Mr. Kraus said that shows things the department would be able to handle that it cannot now handle.

Motion: Councilman Hough **MOVED** to adopt Resolution #8-14-00(B) entitled Resolution of Intent to Restructure the Mount Holly Fire Department, which he read; seconded by Councilman Helms. (copy attached)
Vote: six ayes, zero nays. CARRIED.

Mayor McLean recognized the several Catawba Heights VFD members and Chief Cagle who were present.

PR#3 Consider Code Enforcement in the ETJ
Mr. Jack Ferrell owns property on old Hickory Grove Road which is within the ETJ. Next to his property is a vacant lot that has not been maintained, and he is complaining of insects and snakes. Our nuisance regulations are not in the zoning ordinance and so do not apply. Mr. Ferrell also states that the growth blocks his ability to see the road when he comes out of his driveway. Although the County has zoning now, they will not handle this matter because it is in the City ETJ. Mr. Ferrell requested the City either enforce maintenance of the lot or turn it over to the County. City Manager Kraus said he has discussed this matter at length with Zoning Administrator Danny Jackson, and staff would have no objection to dropping the ETJ if Council chooses to do so. Councilman Hough asked what must be done to drop the ETJ, and if there is any disadvantage to doing that. Mr. Kraus said the purpose of the ETJ is to control zoning so that it matches your Code when it is annexed. Councilwoman Harris said that Commissioner Coyle had agreed to sit down with the City and work things out so that the County and City worked together on these things. Mr. Kraus stated that after Mr. Coyle resigned, the matter was sent to Mr. Hurlocker and it has now gone to a consultant who is working on making the codes similar all over the County. Mayor McLean said that this will be looked into and Mr. Ferell will get an answer one way or the other.

**PUBLIC HEARINGS**
PH#1 To Consider Street Closing for Seventh Street
Councilman Helms moved to go into public hearing, seconded by Councilwoman Harris, with all in favor. Mayor McLean recessed the regular meeting and called the public hearing to order for consideration of closing a portion of Seventh Street.

City Manager Kraus stated that the request is by Phil Harris for two portions of Seventh Street which have never been opened to be closed, and that it is not needed for access to adjoining properties. Mr. Harris was recognized, and he stated he wants to buy the property and closing the street will improve the use of the property. Only the one property owner adjoins the street portion being closed on both sides. City Attorney Michael noted that Hill Street will not be closed even at its intersection with Seventh Street.

Melinda Dixon, 328 Piedmont, said she has a large tree next to her house that she does not want cut down, and she does not want houses built right on top of her. She does not want Hill Street to be opened, and she wanted to know if she will be informed if something is going to be done to open it or to develop that property. Teresa May, who lives next door, agreed with Ms. Dixon. Councilman Hope replied that if the owner does something to the property that meets the zoning code, there will not be any notice, he can just get a building permit and do it; but if he wants to do something that does not meet the zoning code, that would require coming to the Council and notice would be sent to adjoining property owners. Public Works Director Eddie Nichols said that the City has a sewer right of way along Hill Street. Councilwoman Harris said the Council is only considering part of Seventh Street tonight, and that if they want Hill Street closed, they would have to petition for that.

There were no other comments either for or against. Councilman Helms moved to go out of public hearing, seconded by Councilwoman Hough, with all in favor. Mayor McLean adjourned the public hearing and resumed the regular meeting.

Motion: Councilman Hope **MOVED** to adopt Resolution #8-14-00(C) to close portions of Seventh Street as identified in the resolution; seconded by Councilwoman Harris.
Vote: five ayes, zero nays. CARRIED.

**UNFINISHED BUSINESS**
UFB#1 To Consider Amendment to the Fee schedule for Non-Profit Usage of Recreation Center
Recreation Director Stowe said that they recommend the same rate as use by profit organizations for fee-based events; for occasional meetings, free; for city sponsored, free. Mr. Kraus said that while staff should open and close the facility, it is not necessary to always have a staff person there for the whole event. The City would reserve the right to require police and staff.

Councilwoman Hubbard was concerned about the amount for private organizations to have to pay, or say for a family gathering. Mr. Stowe said they recommend the fee schedule he stated, and he already has seven rentals. Councilwoman Harris said the schedule of fees was based on recommendation by Carl Baber. Mr. Baber was present and he stated that these fees are common for this area and recoup the cost to operate the facilities or at least the utilities. The Council consensus was for approval, and they asked him to return with a resolution.

Councilwoman Hubbard said she has had requests for a waiver of the $7.00 fee for the fitness room for senior citizens. Mr. Stowe said he has had comments, but they have paid the fee; it is up to the Council. Councilman Black asked if other cities exempt senior citizens. Mr. Stowe said it varies. Councilman Hope asked why we charge it. Mr. Kraus said it is to cover the cost of a staff person. Mr. Stowe said we had hoped to increase the hours it is open. He now has intentions of moving all the equipment to the new building so they can be open from 9:00 AM to 9:00 PM, and the expenses would be cut.

Administrative Assistant Jamie Guffey said the projected expenses for the fitness room when the budget was prepared was $20,000, and the projected fees were $15,000. Mr. Kraus said that since the YMCA opened, there has not been as many users and so the actual fees paid are less. Councilman Hough said they should waive all inside users. Councilwoman Harris suggested that we wait to see how many people will participate after the Y has been open for a while.

Motion: Councilman Helms **MOVED** to waive the fee for the fitness center for inside senior citizens 55 & over; seconded by Councilman Hope.
Vote: six ayes, zero nays. CARRIED.

The Council took a five minute recess.

**NEW BUSINESS**
NB#1 To Consider Resolution Withholding Payment for Unacceptable Construction of YMCA Drive
Motion: Councilman Black **MOVED** to amend the agenda to move NB#1 to Consent Agenda #6; seconded by Councilman Hough.
Vote: six ayes, zero nays. CARRIED.

NB#2 To Consider Medical First Responder Program
Currently the Fire and Rescue Squad and GEMS are responders for medical emergencies, while the Fire Department responds to fire service and auto accidents requiring victim extraction. The City Manager and Fire Chief have decided to change so that the Fire Department is first responder to medical incidents until the Rescue Squad or GEMS arrive, because they have personnel on duty 24 hours a day, every day, and already has four EMTs on staff. All paid fire fighters would be trained as EMTs. The added cost for the City would be for the training, fuel costs, and possibly insurance increase. Staff requested Council support. Council concurred in support of this action.

NB#3 To Consider Revised Personnel Policy
City Manager Kraus presented a revised Personnel Policy to Council for their review and input. He asked that Council consider approval at the September or October meeting.

NB#4 To Consider Creation of a Single Code Enforcement/Fire Inspector Position
City Manager David Kraus recommended to Council that a new position be created in the Fire Department for a fire inspector/code enforcement position. He has conferred with Danny Jackson and Chief Ekiatis. This change would enable the City to perform fire inspections rather than contract with the County to do so, and also to provide an adequate level of code enforcement. This would be funded by the $15,000 previously paid to the County for fire inspections and the current budgeted amounts in the planning department for code enforcement. He would place the position at Pay Grade 17. Councilman Helms asked if he would be hiring a new person; he would.
Motion: Councilman Hough **MOVED** to approve the creation of a new position in the Fire Department at Pay Grade 17 for a code enforcement/fire inspector to be funded as proposed by the City Manager; seconded by Councilman Black.

Discussion: Councilman Helms asked what the salary would be. Mr. Kraus said it would be around $25,000.
Vote: six ayes, zero nays. CARRIED.

The City Attorney and Fire Chief were excused at this time to go to the Mt. Holly Fire Department to meet with the members.

NB#5 To Consider Renaming Administrative Secretary to Assistant City Clerk
City Manager David Kraus stated that he would like to reclassify the position of Administrative Secretary in the City Manager's office to Assistant City Clerk, due to the fact that the duties include maintaining the minute books, and official files of the City, preparing the agenda, preparing daily deposits, providing media notification, and other things that are beyond the duties of a secretary. The pay grade would remain the same.
Motion: Councilman Hough **MOVED** to approve reclassifying the position to Assistant City Clerk with no pay grade change, seconded by Councilman Hubbard.
Vote: six ayes, zero nays. CARRIED.

NB#6 To Consider Paying for Staff Membership in Local Civic Clubs
Councilman Hough stated his belief that if the Council wants our City Manager to be active in the community, we should pay for the membership dues. The Council did not feel this should be required, but that up to two memberships could be paid for.
Motion: Councilman Hope **MOVED** to approve paying for up to two memberships in civic organizations of the administrator's choice; seconded by Councilman Hough.
Vote: six ayes, zero nays. CARRIED.

**CONSENT AGENDA**
Councilman Hough **MOVED** to approve all six items on the Consent Agenda; seconded by Councilman Black, with all in favor. They are:

CA#1 Acceptance and Award of Street Paving Bid Contract. The bids were below budget. Bid awarded to lowest bidder Blythe Brothers for $184,927.30. The unused funds are allocated as $10,000 reserved for pothole maintenance, and $35,000 available for another project at Council's later instruction.

CA#2 Approval of Contract Extension to Complete Sidewalks in Deerfield Subdivision Section 2, Phase 3. The developer has provided a new Letter of Credit as required.

CA#3 Call for Public Hearing on Rezoning for Autumn Woods. The developer requests rezoning of the remaining sections from R-12 and R-10 to R-8CU.

CA#4 To Reappoint Joel Hubbard to the Planning Commission to Fill a Three Year Term Expiring 2003.

CA#5 To Authorize Temporary Signs for the Habitat for Humanity Home Tour. Eight sandwich board signs would be placed along major thoroughfares, along with directional signs to the home sites, during the fund raiser.

CA#6 To Consider Resolution Withholding Payment for Unacceptable Construction on YMCA Drive. Resolution #8-14-00(D) was approved withholding reimbursement due to contractor failure to correct unacceptable block wall, underground culvert, and lack of guardrails.

**PUBLIC COMMENT**
Mayor McLean opened the floor to public comment.

Roy C. Moore, 320 E. Glendale, stated that he lives at the end of a street and that the water line ends there as well. He said the water often smells bad and is not drinkable. He asked that a flush plug be installed so they can clear out the line periodically. Mr. Nichols said they have to take out a meter now to flush it out; it would cost about $500 to install a flush plug. The Council and City Manager agreed to have that done.

Jamie Katsuleris, 224 E. Catawba, said she had several items to speak about. She would like to see roll out garbage rather than having bags set out on the street, because some of the neighbors put it out on Friday for Monday pick up. Next, she showed Council a picture of the debris dumped in Central Park that needs to be cleaned up. Third, she asked that the speed limit be lowered on E. Catawba Street. Fourth, she said there are several properties where the grass is not being cut, and one yard has had an open mud hole for months, and the apartment complex has garbage lying all over the place; she wants these things cleaned up. Mr. Kraus said he has not had a code enforcement officer, but now with the new fire department position, he will be advertising and hire someone as soon as possible.

**ROUND TABLE**
Councilwoman Hubbard said that in April the Council approved a permit for PCs BBQ for Fridays and Saturdays except for Springfest week; she saw that he is now open on Thursdays as well. Mr. Kraus said the Council can instruct him to stop the extra days or pull his license altogether. Councilwoman Hubbard asked if he had to get the same license as a restaurant would. Mr. Kraus said it is the same license, but he has no property tax. Council concurred to require him to comply with the license.

Councilman Black said he has had a lot of complaints about the unkept yards and trash. Mr. Nichols said the garbage is required to be in containers with a lid (up to 3) and bagged. Councilman Black said he would like to see this enforced and maybe tightened.

Councilman Black reminded Council of the Town Meeting on August 22 at the Tuckaseege Center.

Councilwoman Hubbard asked if a final decision has been made on the schedule for work sessions; she thought there would be discussion about having the second meeting half way through the month rather than the week right before. Mr. Kraus said the last understanding he had was the meetings would be the first Tuesday and the second Monday. Councilwoman Harris stated that since she works at night and already takes off for the regular meetings, she may not be able to make the additional meeting sometimes, and before the work sessions were set each month on a date when everyone could be there if possible. She did not want to miss Council meetings, and especially did not want action taken at a work session when she cannot be there. Councilman Black said action could be delayed until the regular meeting the next week. Councilman Hope said that would be fine most of the time, but there may be times we need to take action. City

Attorney Michael said that something came up and needed to be voted on and so was put on the agenda for discussion and action, and Council did not want to repeat that. Second, after having a lengthy discussion, Council did not want to have to do that all over again at the regular meeting before taking action, and it appears if you just vote on something that no discussion has occurred or that the decision is made without public input. Mr. Michael said the Council is free to set up the additional meetings as it wishes; there can be two business meetings, or one business meeting and one workshop. Whatever the Council decides, it must be announced and be consistent. He also mentioned that Council could establish vote by proxy. Councilman Black said that if a council member called him because they could not be at a meeting and asked him to table action, he would honor that request. Councilman Hough said this applies to everyone, not just to Councilwoman Harris. Councilwoman Harris said to leave it as it is and she would work it out.

**CLOSED SESSION**

Councilman Hough MOVED to go into executive session for personnel reasons; seconded by Councilman Black, with all in favor.

Councilman Hope MOVED to return to open session, seconded by Councilman Hough, with all in favor.

Mayor McLean said he had the City Manager's evaluation which he would review with Mr. Kraus the next week.
<u>Motion</u>: Councilman Hope **MOVED** to increase the City Manager's salary to $70,250, retroactive to July 1, 2000; seconded by Councilwoman Harris.
<u>Vote</u>: six ayes, zero nays. CARRIED.

Councilman Hough MOVED to go into closed session for attorney-client privilege; seconded by Councilman Black, with all in favor.

Councilman Hough MOVED to return to open session, seconded by Councilman Helms, with all in favor.

**ADJOURN**

There being no further business before Council, the meeting was adjourned, upon motion by Councilwoman Harris, seconded by Councilman Helms, with all in favor.
10:20 PM

City Clerk

Frank E. McLean
Mayor

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cpm