Regular Meeting
City Council
August 14, 1995

The regular meeting was held in the Mount Holly Junior High cafeteria due to renovations being done at City Hall, and was called to order by Mayor Charles B. Black, Jr. at 7:30 P. M. Those present were Councilwoman Phyllis Harris, Mayor Pro-Tem Bob Jessen, Councilmen Michael Helms, R. L. Duke, and Jim Hope, as well as City Manager Phil Ponder, City Attorney Kemp Michael, Public Works Director Eddie Nichols, Zoning Administrator Danny Jackson, and a Police Department representative. Councilman Small had recently passed away after an extended bout with cancer.

The invocation was led by Rev. John Bowden.

Councilman Helms **MOVED** to approve the minutes of June 12, 1995 as written, and July 10, 1995, with one correction, on the last page, second paragraph, which should read "West Creek Recreation Center" in the blank; motion seconded by Councilman Jessen, with all present in favor.

The Council considered the proposed lease agreement between the City and Gastonia Iron Works. City Manager Phil Ponder stated that Mr. Pace's attorney has asked for a change by reducing the required bond to $2,500 from $10,000 with regard to environmental hazard. At issue before Council was still the questions of whether to lease and then whether to reduce the bond or not. Councilman Hope asked for the City Attorney's comment. Mr. Michael said the City owns the property and the Council has the authority to lease it, and it is in their sole discretion as to whether or not to do so with their only guidance being that they "act in the best interest of the City". Councilman Hope asked him if the City has ever leased property; he said not in the over 20 years he has served, and not ever before that to his knowledge. Mr. Pace was recognized. He stated this has taken two or three years to accomplish getting to this point, and the agreement was prepared with strict guidelines in favor of the City. He stated he has agreed not to do any painting or anything else that will cause contamination, but the matter of a bond was never discussed and his attorney told him the amount was too high since it is a small company. He referred to his letter of June 5th where he is leasing 1.89 acres and will only clear one-half of that. He was under the impression the lease was approved subject to the contract being drawn and presented. Mr. Michael said the Council could not vote on the lease since they had not seen it and only instructed him to prepare a proposal; further, that as to the matter of bond, there is no way to predict how much is enough. Councilman Helms was comfortable with leasing it on the year to year basis so the City is not tied down. Councilman Jessen objected to the bond and wondered if there was a way to let him pledge a C. D. or something so he could get his interest rather than giving the cash to the City, to make the $10,000 more palatable. Mr. Jessen felt that if the City anticipates a cleanup it should not lease it; yet it is just a small piece of that land and the business has been there for at least five years with no trouble. Mr. Pace stated he has EPA certificates that he is not in violation. Councilman Hope did not believe it is in the City's best interest to lease the property and wondered why he does not buy it. Councilman Helms was not in favor of selling the parcel. Mr. Pace inquired as to whether his lease of the property would give him the first option to buy and eliminate a need for bid process if it were sold. Mr. Michael said there is no instance where bids would not be required. Councilman Jessen **MOVED** to approve the lease as written, seconded by Councilman Helms. Mr. Ponder reminded them that certain stipulations must be met, such as the deposit, the insurance, the bond, the right-of-way vacated, and the first years' rent paid. Mr. Michael asked for a change in paragraph 6(a) so that it reads, "No hazardous material including those as defined. . .", and that the Council set a reasonable time within which he must comply and institute the lease or it would be void. Mr. Pace said 90 days would be enough. Councilman Jessen amended his **MOTION** to amend paragraph 6(a) by adding "including those", and to require the company comply with the stipulations within 90 days or the lease will be void, and that it be contingent upon the terms of the lease being complied with before the City executes the agreement; the amendment was accepted by Councilman Helms. Mayor Black noted that the City has this property for expansion of the cemetery, but the City is no longer selling lots. The amended motion passed with a vote of four ayes and one nay (Hope).

A change order for renovations to City Hall was presented by Southern Constructors (copy attached). Mayor Black said he was concerned about the Council chambers being too divided and unfriendly, but he was not in favor of such an expensive revision. Mr. Ponder said he has already given authorization for items A-E which total an addition of $2,043.00 so as not to delay the work, and asked for Council's approval for those as well as guidance for items F-I. Councilman Jessen felt change #H was well worth the additional sum in the long run. Councilman Helms and Hope were opposed to spending $5,000 more dollars to change the council room. The Council concurred to eliminate Item #I. Councilman Duke asked if a swinging door could be added so that one could move from the Council table into the audience without going out into the hall. Mr. Weaver said the table is made so each councilmember is turned to face the audience, and a door would require the end person to get up and step aside, which is possible but not convenient. Councilman Hope felt a 24 inch door would be enough for the occasional walk through, and asked that it be on the exterior wall side. The Council concurred. Councilman Jessen **MOVED** to approve Change Order #1 as presented except to delete Item #I, seconded by Councilman Hope and carried with five ayes.

The Department of Transportation had sent three agreements for signalization for First Street, Central Avenue, and Lee Street railroad crossings. Mr. Ponder reminded the Council the State had asked for 6 crossings two years ago, which was not approved. They have returned with three to be signalized since the Council did not approve closing them. The City's portion is estimated to be $7,500 each with maintenance annually estimated to be $1,000 to $1,500. Mr. Ponder had met with Helen Miyasaki from Hoechst Celanese and she is in agreement with Lee Street; however, this is to be signalized with the bridge improvement project and he recommended the City wait until then. He asked for direction on the other two. Councilman Jessen said he knows West Central crossing is dangerous unless you go slowly or stop, and traffic will probably increase; he felt it might be wise to go ahead and put signals at First Street even though it is not really necessary. Mr. Ponder said the State and/or railroad company has a goal of closing 25% of crossings and signalizing others. Councilman Jessen **MOVED** to signalize First and West Central but table action on Lee Street, seconded by Councilwoman Harris. City Attorney Michael noted that the last sentence in paragraph five of the agreement is not in the City's best interest; discussion followed. Councilman Jessen withdrew his motion and the second was withdrawn as well. No action was taken.

City Manager Ponder reported that the corrections have been made to the traffic map. Councilman Hope **MOVED** to adopt the map as presented as the "Official Traffic Map of the City of Mount Holly" pursuant to the provisions of Section 13-2 of the Mount Holly Code of Ordinances; motion seconded by Councilman Helms, and carried with five ayes.

David Hostetler appeared on behalf of the Revitalization Committee to request permission from Council to change the entrance sign to the City near Interstate 85 on Highway 273. Mr. Hostetler said the 18 members will raise the funds to do this project through a grant. He noted that the existing signs were made by Archie Small and others and he said a plaque will be installed to dedicate the sign to his memory. He had a picture of the proposed sign. It would be lighted with two red brick columns and plantings surrounding it. Danny Jackson has approved replacement of the sign as far as planning and zoning is concerned. They also request the City pay the utility fee on the light. Mayor Black stated he had received a phone call from Cyrus Frazier, our delegate to the County Image Committee asking for a delay of action on this matter until next month so he can appear and be heard. Mr. Hostetler said he did not understand this because he had sent the grant application to the Image Committee three weeks prior and Mr. Frazier is the Chairman. He further stated he had spoken with Mrs. Small and she is in favor of the replacement. He said they plan to put the existing sign up at one of the other entrances that do not have a sign. Councilman Duke moved to table this matter until next month, but there was no second. Councilman Jessen **MOVED** that permission be given for the replacement and that the City pay the utility bill for the light, seconded by Councilman Hope, and carried with four ayes and one nay (Duke).

Zoning Administrator Danny Jackson presented a petition by Hoover Radford for a street closing and reported the fee has been paid.

Councilman Duke **MOVED** to set a public hearing at the October 9 regular meeting to consider closing a portion of Houston Street between Goodson Street and Bonnie Road to its end, seconded by Councilman Helms, and carried with five ayes. (see Res. of Intent attached Res. #8-14-95(a))

Three seats on the Planning Commission are up for appointment in September, two inside and one outside. Councilman Jessen nominated Yates Springs and Bobby Black for reappointment inside and recommended Ernest Stowe, Jr. for outside. Councilman Duke moved to close nominations, seconded by Councilman Hope. Yates Springs was reappointed for a term of three years as an inside member upon a vote of four ayes and one nay (Helms). Bobby Black was reappointed for a term of three years as an inside member upon a vote of five ayes. Ernest Stowe, Jr. was recommended to be reappointed by the County for the outside member for a three year term upon a vote of five ayes.

Councilman Jessen **MOVED** to adopt Resolution #8-14-95(b) approving the agreement with the State for municipal bridge inspections, seconded by Councilman Duke, with all present in favor (copy attached).

A contract for architectural services in the sum of $7,100 for Holly Hills Apartments 1994 CIAP budget was approved upon **MOTION** by Councilman Jessen, seconded by Councilman Hope, with all present in favor. The payment for this fee will come out of the Holly Hills budget. Mr. Ponder found this fee commensurate with the large amount of paperwork HUD requires.

Councilman Hope **MOVED** to adopt Resolution #8-14-95(c) approving the 1995 CIAP grant budget for Holly Hills Apartments in the amount of $119,350; seconded by Councilwoman Harris, and carried with five ayes. (copy attached)

Bids for chemicals for the public works department were opened on August 8th. Public Works Director Eddie Nichols recommended the low bidder on all but the phosphate "Shan-no-cor". He said the same product has been used since 1978 and he believes it has kept the City's system from having elevated copper and lead in its water tests and he could not recommend changing to another product. Councilman Hope **MOVED** to award bids as recommended by Mr. Nichols as follows:

Phosphate--Eshelman Carolinas, $87.06/100 lbs.
Chlorine --Jones Chemical Co., $409/ton
Alum --Peridot Chemicals, $157.67/ton
Caustic --Jones Chemical Co., $336.40/ton
HFS --Prillaman, $154/ton

which was seconded by Councilwoman Harris, and carried with four ayes and one nay (Duke).

A change order was presented by W.K. Dickson, Engineers, for the contract with Trans State Construction Company on the Mt. Holly-Stanley Interconnect Water Line project, for an increase in the sum of $1,060.00 for two new in-line valves, since the old ones could not be located. Upon the recommendation of Public Works Director Nichols, Councilman Hope **MOVED** to approve Change Order #1 dated August 9, 1995, to the Trans State Construction Company contract as presented making the new contract price $272,835.00; seconded by Councilwoman Harris, carried with five ayes. The overall budget for the project is not exceeded by this change order. Mayor Black asked when they expect to the line to be in operation; Mr. McLaughlin said by the end of August.

The Council concurred to go on record in support of the Gaston County United Way 1995 campaign.

Tax releases for insolvents through August 14, 1995, in the sum of $134.91 as presented were approved upon **MOTION** by Councilman Duke, seconded by Councilwoman Harris, with all present in favor.

The floor was opened to complaints or petitions not on the agenda. Hazel Michael was recognized. She again thanked the Police Department for an excellent job in sending three officers to her home when an unidentified elderly woman wandered into her yard who suffers from Alzheimer's disease; she said they did a very well handling the situation. The City Manager will pass this praise on to the department.

Mayor Black stated that due to Councilman Small's demise, he was appointing Councilwoman Harris and Councilman Helms as liaisons with the Volunteer Fire Department. He noted for the record Mr. Small's years of valuable service in that capacity.

Mayor Black inquired about the progress on plans for Catawba Heights. Mr. Ponder said he has set up a meeting with our representative, Mrs. Gaither, to discuss the matter.

Mayor Black asked Council to consider moving the CRO to the bottom of the Police Department building and having the Recreation Department in the bottom of the City Hall. The Council concurred as long as Mr. Stowe agrees.

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

Phillip D. Ponder Jr. — City Clerk

Charles B. Black Jr. — Mayor

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