CITY COUNCIL
REGULAR MEETING
August 13, 2001

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 Bobby Black
Councilman Michael Helms
Councilwoman Phyllis Harris
Councilman Jim Hope
Councilman Brian Hough
Councilwoman Pat Hubbard
Adm. Services Officer Jamie Guffey
Code Enforcement Officer Ryan Baker
Planning & Zoning Dir. Danny Jackson
City Attorney Kemp Michael
Police Chief Rick Davis
Fire Chief John Ekiatis

Eddie Nichols is still in the hospital in Charlotte, although he is now out of intensive care.

INVOCATION
The invocation was led by Rev. Larry Kimal.

PLEDGE OF ALLEGIANCE
Boy Scout Troop 59 led the Council and audience in the ceremony of the Pledge of Allegiance. Scout Master Rick Connell and other troop leaders came with the scouts.

APPROVAL OF THE AGENDA
The agenda was approved with 3 additions on new business per the city manager's request upon motion by Councilman Helms, seconded by Councilman Hough, with all in favor.

MINUTES
Councilman Black **MOVED** to approve the minutes of July 9, 2001, as written, seconded by Councilman Hough, with all in favor.

PRESENTATIONS
PR#1 Discussion of Economic Development
Mike Johnson was not present.

PR#2 Discussion of Satellite Dishes at Holly Hills and Rollins Square
Thomas Lowery was not present.

PR#3 Presentation by Little League
Ladon Dixon appeared before Council to report that the state Little League tournament was held at Tuckaseege Park, lasting four days, and they were assisted by the Mt. Holly Recreation Dept. and the Optimists. We had approximately 2,000 people here. They

wanted to thank Zip Stowe and his staff, and she presented a donation to Mt. Holly Recreation from Greater East Gaston Little League, in the amount of $________.

UNFINISHED BUSINESS

UFB#1 To Consider Adoption of Tree Ordinance

Zoning Administrator Danny Jackson presented a proposal for a tree ordinance that was prepared by himself, the city manager, and the city attorney, based upon input from the Planning Commission and the Council.

City Manager Kraus said this does not prohibit clear cutting; but we feel it is a good beginning. At this point, we have not found a way to word a requirement or incentive to preserve large trees. Councilman Hough said our intent is to prevent clear cutting. Maybe we could discuss later leaving a certain number of existing trees. Councilwoman Harris said we need to be sure Councilmen Hope and Hough understand how small a 2-inch tree really is since they were not at the workshop meeting. Councilman Black asked if the phrase "properly protected from injury" is understood or needs to be defined; Mr. Jackson said they are required to use a landscape architect.

Motion: Councilman Hough **MOVED** to adopt the tree ordinance identified as Section 3.19 to the subdivision regulations as proposed, seconded by Councilman Black.

Discussion: Councilman Helms said this is fine to start, but we should set a definite date to come back to it to improve on it. Councilman Hough asked when? Councilman Helms said perhaps three months. Councilman Hope said we can't enforce future ordinances, so if you want more it should be done tonight.

Vote: Unanimous. CARRIED.

UFB#2 To Consider Annexation Agreement Concerning Kendrick Property

City Manager David Kraus stated that the annexation agreement with the developer of the Kendrick Property is similar to previous annexation agreements, except water and sewer is already available. Turn lanes must be set aside for the entrances by the developer. Mr. Kraus stated that the developer plans to purchase the property after the permits are obtained, so Council may wish to make the effective date at a later time. Councilman Hough asked what happens if someone else buys the property. City Attorney Michael said Council may nullify an annexation prior to the effective date if they so wish. The conditional use if designated tonight would be the new zoning on the property until such time as Council changes it, no matter who owns it. Councilman Helms asked if we still comfortable as far as the water and sewer treatment plants capacity for this subdivision; Mr. Kraus replied yes.

Mr. Bill Rice was recognized, and he stated his company has read the last draft sent to them this afternoon, and they are in agreement with its terms.

Motion: Councilman Black **MOVED** to adopt annexation agreement, Res. #8-13-01A, seconded by Councilman Hope.

Vote: Four ayes, two nays (Harris, Hubbbard).

UFB#3 <u>To Consider Zoning Request for Kendrick Property</u>
City Manager David Kraus said that conditional use zoning requires findings of fact by the council. Danny Jackson said the request is for R-8 Conditional Use. City Attorney Kemp Michael asked Mr. Jackson to make statements as to his opinion on the findings of fact to be considered by the Council.
Finding #1: Mr. Jackson stated this is a single family residential site plan.
Finding #2: Mr. Jackson stated based on the public meetings and staff meetings with the developer, and that traffic studies have been done, and turn lanes at the entrances, it meets the requirements.
Finding #3: Mr. Jackson stated that according to the site plan the requirements have been met, per Section 14.
Finding #4: Mr. Jackson stated that no testimony has been heard that would evidence this development would be an injury to adjoining properties.
Finding #5: Mr. Jackson stated that the current land development calls for low density residential development, and the density per acre in this site plan meets the criteria.
City Attorney Michael said that the Council has held public hearings and would be required to make findings of fact.
Danny Jackson said that if you adopt this zoning, no matter who owns the property, this would have to be complied with unless Council changed the permit.

City Attorney Michael said that the Council needs to separately consider each section.
Section A. Councilman Black moved to find that this conditional use permit meets the requirements of Section A/Finding #1, seconded by Councilman Hope, with all in favor.
Section B. Councilman Hope moved to find that this conditional use permit meets the requirements of Section B/Finding #2, seconded by Councilman Hough, with all in favor.
Section C. Councilman Black had a question about one of the conditions; he thought they were getting a water feature. Mr. Rice said we want to have the same at each entrance, and need to be sure it will all be nice, and not a burden on the homeowners association. Councilman Black said we did not expect it at all seven entrances, we only wanted the main entry to have it. The City Attorney asked if Council wants to define it in the conditional use permit? Councilman Hough said he did not believe we need that; we just want a water feature at the main entry. Councilman Black moved to find that this conditional use permit meets the requirements of Section C/Finding #3, seconded by Councilman Hope, with all in favor.
Section D. Councilman Hope moved to find that this conditional use permit meets the requirements of Section D/Finding #4, seconded by Councilman Black, with all in favor.
Section E. Councilman Hope moved to find that this conditional use permit meets the requirements of Section E/Finding #5, seconded by Councilman Black, with all in favor.
<u>Motion</u>: Councilman Black **MOVED** to adopt the order granting the conditional use permit, Res. #8-13-01B, seconded by Councilman Hope.
<u>Vote</u>: Unanimous. CARRIED.

UFB#4 <u>To Consider Request for Voluntary Annexation for Kendrick Property</u>
Councilman Hope said he wants to be sure they close on the purchase of the property before the annexation. Mr. Rice stated that their closing is a floating date dependent on the State offices granting the permits and also working with the City departments. We

felt the December 31 was a better date. City Attorney Michael said Council needs to set a date it is comfortable with in terms of being able to meet and discuss the withdrawal of the annexation if the property is not purchased.
Motion: Councilman Black **MOVED** to adopt the ordinance to extend corporate limits, Res. # 8-13-01C, seconded by Councilman Hope.
Vote: Three ayes, three nays (Helms, Hubbard, Harris); Mayor McLean voted yes. CARRIED.

UFB#5 To Consider Approval of Grading Contract for Tail Race Park
Recreation Director Zip Stowe stated there is a need for a change order to cover additional piping and silt fences at Tail Race Park, at an additional cost of over $7,000.
Motion: Councilman Hope **MOVED** to approve proceeding on the project at a new sum total of $36,566.00 contingent on a contract being prepared by city attorney, seconded by Councilwoman Harris. Kemp Michael said you should also have an insurance certificate. Councilwoman Hubbard asked if is this in the budget? Mr. Stowe replied that it is in the capital projects budget. Councilwoman Hubbard asked if there a time period for construction? Mr. Stowe said not yet.
Vote: uninimous. CARRIED.

UFB#6 To Consider Adopting N. C. Fire Prevention Code
Chief Ekiatis said the City is handling Level One fire inspection duties. He needs Council to adopt the Fire Code presented, which is Volume V of the NC State Building Code; and fees and fines, same as the County. Councilman Hope asked if there is an appeal process? Mr. Michael said they would have a certain number of days to comply, and if they do not, the officer will issue a citation; they can speak in court at that time if they wish to protest. Councilman Hough asked if we do this how would we save money? Officer Ryan Baker stated we can save money in that the city was paying the county more than my salary. Councilman Hough asked what type of training do you need? He is qualified for Level One, and am almost at Level Two, and will continue to work on Level Three. Councilman Hough asked can we get copies of the county's reports? Yes but they are not up to date.
Motion: Councilman Hope **MOVED** to adopt Chapter 7 Article VIII as the city's fire code, seconded by Councilman Helms.
Vote: unanimous. CARRIED.

The Council took a five minute recess.

NEW BUSINESS
NB#5 To Consider Assigning Contract for Life Saving Crew Fund Raiser
City Manager Kraus said that the City does not allow departments to have fundraisers. The Life Saving Crew still has two years on its contract with a fundraising firm. They have asked that the Ladies Auxilliary be allowed to take over the contract. Lynn Frazier and Grace Summerlin were present to answer any questions. They said that they have over twenty members.
Motion: Councilwoman Hubbard **MOVED** to approve assigning the contract to the Ladies Auxilliary, seconded by Councilwoman Harris.

Vote: unanimous. CARRIED.
The ladies auxilliary representatives announced a Yard Sale to be held on August 18th.

NB#8 To Consider Resolution on YMCA Drive
City Manager David Kraus stated that the City's consultant has recommended that we address the problem of the repair not being done on YMCA Drive yet. Mr. Phil Morgan stated that the Y is committed to resolving this issue. He said that this week they are working on the diversion road to use until the remediation is completed. He believes they are close to resolving the problem with the contractor dispute.
Motion: Councilman Hope **MOVED** to adopt Resolution #8-13-01D, seconded by Councilwoman Harris.
Vote: Unanimous. CARRIED.

NB#1 To Consider Approval of "Piggy-Backing" Bid for Rollout Garbage
Jamie Guffey said that as part of this year's budget, rollout garbage service will begin. We will need to purchase 4,000 carts. We have received one quote; the second company did not quote; the third quote in your packet is a bid for Jasper, Alabama, at $42.00 per cart. We have met the state requirements for piggy-backing a bid, a bid waiver is required. The company is in Charlotte. They will also provide four flippers at $2,500 installed with hydraulics. We anticipate beginning the first week of September 1st. Councilman Hough asked about promotional literature. The company will provide a pamphlet when the cart is delivered. David Kraus said we will send out a newsletter as well. Councilman Hough asked if the ones who will get backyard pickup status get a special letter up front without making them having to sign up again. The carts are less than the budget, the flippers are higher but a better quality, and we only got four instead of five, so they cost the same, $10,000.
Motion: Councilwoman Hubbard **MOVED** to award the bid to Otto Industries, seconded by Councilman Hough.
Vote: unanimous. CARRIED.

NB#2 To Consider Replacement of Hill Street Sewer Line
David Kraus said that the clay sewer pipe between the corner of Hill Street and Piedmont across to Glendale Avenue needs to be replaced with an 8-inch ductile iron pipe, and staff recommends letting the developer install the line at a cost of about half what we would have to pay, and then reimburse him.
Motion: Councilman Hope **MOVED** to authorize the developer to install an 8-inch ductile iron pipe line, and the City reimburse the actual cost for a sum not to exceed $9,800, seconded by Councilwoman Harris.
Vote: unanimous. CARRIED.

NB#3 To Award Financing for New Fire Station
Jamie Guffey stated that he has contacted four institutions to obtain quotes for financing the new fire station. He received three proposals and presented those. We are waiting for Local Government Commission approval to obtain a loan. The earliest we will get approval is October. There is an alternative in that we can take the money out of fund balance, since we are earning less interest than we would pay in interest; however, use of

fund balance is not always wise if you have other capital improvements. Also, we do not know when interest rates on savings might go up. We budgeted $200,000 for payments on a potential loan in this year's budget. Councilwoman Hubbard asked if we get a loan, which do you recommend? Mr. Guffey said he would suggest the ten year term. Mr. Kraus said staff recommends BB&T since it is experienced in North Carolina, and have past credit history with the City. Mr. Kraus said you can pay it off early at a later time if Council were to so choose, out of fund balance.
Motion: Councilman Hough **MOVED** to finance the new fire station with BB&T for 10 ears as proposed, seconded by Councilwoman Hubbard.
Vote: Unanimous. CARRIED.

NB#4 To Authorize Application for Grant to Expand Tuckaseege Park Community
Zip Stowe said the Recreation Committee and his department would like Council to consider consolidating the facilities. We have a problem scheduling and staffing the fitness center in the school building. We would like to put the fitness center at Tuckaseege Park Community Building. He wants to apply for a community foundations grant. We had Chet Helt draw up plans for it. The estimated cost for the whole plan is $70,000. The grant would be $25,000. This would be for a multi purpose room and office, and the fitness center. Recreation Committeeman Henry Massey said we should hear in September the result of the application for the grant. Councilwoman Hubbard asked if we have to pass the budget amendment tonight; that would not be necessary.
Motion: Councilman Hough **MOVED** to authorize the application for the $25,000 grant, seconded by Councilman Hope.
Vote: Unanimous. CARRIED.

NB#6 To Consider Approval of Final Plat Phase III of Riverfront Subdivision
Danny Jackson stated that the Planning Commission recommends approval of the final plat for Phase III of Riverfront Subdivision, contingent upon progress being made towards the water main loop. Mr. Kraus said Council may also want to table this for 30 days. Mr. Kraus stated the developer is required to install a water main loop, and deed the property along Fites Creek to the City, and complete a punch list on the infrastructure. Councilman Hough asked when will you deed to the City the public land? Mr. Rice said when the map is recorded, because the deed is drawn by referencing the map. Councilman Hough asked what are you doing about the water line? Mr. Rice stated that their engineer was nearing completion and they have now found out they need to go nearer to the YMCA line, and so this week they have a meeting with the gas company so the engineer can make the changes required, at which time they will be able to get the letter of credit. They anticipate within a week or two being completed. Councilman Hope said he doesn't like taking things on contingency, and he would rather wait the 30 days.
Motion: Councilman Hope moved to table this matter for 30 days, seconded by Councilman Helms.
Vote: Unanimous. CARRIED.

NB#7 To Consider Supplemental Appropriation for Contingency for Parks Maintenance

Councilman Hough stated that the park on Woodlawn Avenue has not been maintained, and it is an eyesore and dangerous. Councilwoman Hubbard asked if this falls under the new park maintenance person's job. Mr. Kraus said this did not happen overnight, so we need to clean it up before it can be maintained. Councilman Hope said the developers do not give you anything, all this recreation land they set aside just costs us money to maintain.
Motion: Councilman Hough **MOVED** to approve the budget amendment, seconded by Councilwoman Harris.
Vote: unanimous. CARRIED.

NB#9 Waiver of Tap Fee for New Fire Station
Mr. Kraus said the contract for the new fire station includes a $900 tap fee. However, it needs a 2-inch tap which is $3,000.
Motion: Councilwoman Hubbard **MOVED** to waive the tap fee, with the money going in to the fire department contingency, seconded by Councilman Hope.
Vote: unanimous. CARRIED.

NB#10 Pay Range Scales
City Manager Kraus said the City has about 12 employees that now receive the maximum amount allowed by our pay scale, and they do not get a raise every year. Councilman Hough noted that we have not changed the pay scale in about 9 years. Councilman Helms said he agrees we need to upscale, but it still should not go over what the market will bear. Councilman Helms said that, as he had previously mentioned, you can pay merit lump sum bonuses rather than change the pay scale.
Motion: Councilman Hough **MOVED** to approve the proposed new pay range scales, seconded by Councilman Helms.
Vote: unanimous. CARRIED.

NB#11 Change in City Organization
David Kraus said that he believes that Public Works has become too large for one person to supervise. He had spoken with both Eddie Nichols and Jeff Fritts, and he recommended that the Street & Sanitation have a supervisor and Utilities Department have a supervisor. The Council had no objection.

CONSENT AGENDA
Councilman Helms **MOVED** to accept and approve all 3 items on the consent agenda, seconded by Councilman Hough; and unanimously carried. They are:

CA#1. To Adopt Annual PHAS for the Housing Authority.

CA#2. To Adopt $8,700 Supplemental Appropriation for Police Department. Budget amendments to carry over funds from last year to this year.

CA#3. To Award Bid for Annual Repaving Contract. The bid is awarded to the lowest bidder Crowder Construction in the amount of $179,450, with paving list attached.

PUBLIC COMMENT
Mayor McLean opened the floor for public comment.

None.

ROUND TABLE

Councilwoman Hubbard said she agrees with Councilman Hope in that the City really does not want all these open areas to maintain, so we should require the developer to deed the land to the homeowners association.

Councilwoman Hubbard wanted to know why councilmembers got a little map in our agenda packets about property for sale. Mr. Kraus said it is for information only, because we have not gotten the information on what they are asking for the property.

Councilwoman Hubbard stated that Council needs to be at the county land use meeting, but it is the same date as our meeting. Danny Jackson said several have said we should delay our meeting and go to the county one that is to be held at East Gaston High School. Council concurred.

Councilwoman Hubbard said she would like the City to ask Jones Brothers to put up a taxi parking only sign at the front of their building.

Councilwoman Hubbard asked what will happen to the proposed project with fire department for reflective lettering for each house, since they cannot fund raise. Chief Ekiatis said the ladies auxilliary may do that.

Councilman Hope was concerned about school traffic.

Councilman Black asked where are we on negotiations on the property for the water tank because he saw that the church is still have that dirt excavated. Mr. Kraus said that the church has not had a meeting yet about that, and we are checking on it.

Councilman Black asked with regard to the Johnson property on Woodlawn Avenue, did you find out anything about permits? Danny Jackson said state did not find any permits, and they should be coming next week. David Kraus said the City sent a letter that he needs to buy a city permit.

Councilman Black asked about the status of the regional wastewater project. Mr. Kraus said that project died quietly, because they realized it is too expensive to do a regional. Mr. Kraus said we are still 5-10 years away from our need.

Councilman Black suggested the City might want to take a little more time to implement the rollout carts, to give more advance notice. Councilman Hough said citizens were supposed to get a promotional brochure sent out ahead of time. If you put it on the cans, they might not see it. Councilman Hough said he would like to see information about it in the paper first, with some advance notice sent to each house. Councilman Black added that we may need to send the brochure to them ahead. Mr. Kraus said he could have them delivered on September 1 and implement the rollout garbage pickup on October 1.

Mayor McLean said that he had a request that the City move the electric box at the City entrance planting area; it is currently at the corner of Woodlawn Avenue and North Main Street, and he wants it moved to the intersection of North Main and the bypass. No action.

ADJOURN

There being no further business, the meeting was adjourned, upon motion duly made by Councilwoman Harris, seconded by Councilman Hough and carried.

9:45 PM

Clerk

Frank E. McLean

Mayor

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cpm