

Regular Meeting
Mount Holly City Council
August 13, 1990

The regular meeting on August 13, 1990, of the Mount Holly City Council was called to order at 7:30 P.M. by Mayor Charles B. Black, Jr. Present were Councilwomen Faye Little and Lib Nichols, Councilmen ARchie Small, and R. L. Duke, as well as City Manager Greg Young, City Attorney Kemp Michael, and Police Chief Jerry Bishop. Councilman Biggerstaff was absent due to a death in his family, and Mayor Pro-Tem Jessen was out of town.

The invocation was led by Reverend Fred Murphy.

The minutes of July 9, 1990 were approved upon motion by Councilwoman Little, seconded by Councilman Duke, and carried with four ayes.

The floor was opened to complaints or petitions not on the agenda. Mr. Robert A. Ewing was recognized. He has served in the armed forces for thirty years, and is now the Post Commander of Post #9136 of the Veterans of Foreign Wars. He asked the Council to allow them to hold a parade for Veteran's Day (November 11th) on Saturday, November 10th, beginning at the American Legion Building and going to the Junior High School. Councilwoman Little said it would be fine if that group would put it on and take care of police overtime. Councilwoman Little moved to authorize Post #9136 of the VFW to hold a Veteran's Day Parade in Mount Holly, to be coordinated with the street and police departments and the City Manager, which was seconded by Councilman Duke, and carried with four ayes.

Mr. Ronnie Woods, Senior Area Engineer, with Hoechst Celanese-Soutex Works, presented a sketch of a proposed temporary one and one-half inch cable to be bored four to five feet deep under Lee Street. They intend to abandon that later when the new facility is built and will then want to install a four inch conduit under the road. The City Manager had no objection as long as they are careful of the existing utilities. They had no problem with working with the City as the placement. Councilwoman Little moved to approve the request by Soutex for a temporary 1 1/2" cable to be put under Lee Street, and for a 4" permanent conduit to be put under the street later to connect the new building with the existing, at a mutually agreed upon location which would not be in conflict with existing utilities. Councilman Duke seconded this motion, and it carried with four ayes. Director of Public Works Nichols asked why they are not putting in the four inch conduit to begin with. They said that there is not a need for that yet, and it would be better to do the four inch when the building is in place.

Former Councilman Rick Eldridge was recognized next. He represents Charlene McCrory who bought a lot on Cove Avenue. Mr. Eldridge has talked to the City Manager and Mr. Nichols, but

there is a problem in getting the sewer line put in to the double wide being moved onto the lot, because of the car in the way on Cove Avenue. He said this is the car owned by Mr. Bailey which has been considered by the Council in the past. They want the car removed; he felt it should have been done years ago. He said it was taken to court, but dismissed because the City's witnesses did not show up. He said they have had a survey done, and the car is on the right-of-way according to the pictures he had taken recently showing the surveyor's flags in relation to the car. The Council asked the City Attorney to explain the dismissal due to lack of witnesses. Mr. Michael looked at the document Mr. Eldridge had brought, and recalled that the dates indicated were for the first warrant taken in November, 1983, under the city ordinance about having a current licensed tag (the parking ordinance with a 72 hour maximum was adopted later). He said that at that time this was a new "situation" and no one dreamed it would drag on like this. A week prior to court Mr. Bailey bought a current tag, and the car did not have the appearance it does today. It was then in a legal condition, and so Mr. Michael had the case dismissed, rather than waste his and the officer's time in court. In 1986 the Council adopted a new ordinance making it unlawful to park on a city right-of-way over 72 hours, plus they continued to make sure he had the proper licenses and tags. He has kept his insurance and tags in effect all these years. The City had the police note where the car was sitting on the pavement and grass, and sent him notice of the parking ordinance, but he did not move, so a warrant was issued, and the City went to trial with both himself and the officer appearing. The day before court someone slid the car off the pavement, and he testified in court that it was off the pavement, so Judge Carpenter dismissed the case because it was off the pavement. Mr. Michael recalled that the last several times Mr. Guin appeared, he was told that if they would get a survey done showing where the car is located in relation to the recorded right-of-way, the City could use that to go back to court if it is in the right-of-way. Councilwoman Little asked if we had a survey before now. City Manager Young said one has never been done before because the Council never chose to pay for one, and Mr. Guin had not provided one. Mrs. McCrory said Mrs. Bailey told her they were not moving it because the City would not make Mr. Duncan clean up his lot. Mayor Black said we have never had a request from them about that. Councilwoman Little said she was in favor of going ahead and moving the car, and letting Mr. Bailey take whatever action he wanted. City Attorney Michael said that if the McCrorys would just have their surveyor note on the survey where the car is sitting, he could use that. He further said that even a criminal case takes weeks to be heard, and that would not help the McCrorys this week to get moved in. Councilwoman Little suggested that the City move it, since it is in the way of providing utility service. City Manager Young said that he had sent his people out, and that day he had gone out to determine the fall, so the City will know if it can be served by gravity line or not. It may be necessary for them to cross the neighbor which would require them to obtain a right-of-way.

Mayor Black stated for the record that the City has even written to DMV and the Attorney General's office about that car, and everything that can be done legally has been done, until a survey is provided. Councilwoman Little asked if they will be able to get water and sewer or not. City Attorney Michael said that the City provides it, but sometimes if there is no fall, it must be pumped. Councilwoman Little asked if a letter could be sent to Mr. Bailey; but it was decided there is not enough time. Councilwoman Little moved that if Mr. Bailey does not remove the car at the City Manager's request, then the City Manager is directed to instruct the Police Chief to have the car owned by Floyd Bailey parked on Cove Avenue towed away, so the City can install water and sewer on that side of the street to the McCrorys, such removal to be done at the time of the installation of water and sewer service; and the car is to be removed onto the property of Mr. Bailey. Councilman Small seconded this motion, and it carried with four ayes. Mayor Black recommended that a certified letter be sent also to document notice to Mr. Bailey. City Manager Young said he must also collect the tap fee, and the company that locates utility lines must be called to come out before the City can make any connections. In addition, Mr. McCrory said someone is parking in front of their driveway; and if they do not stop, he wanted to know who he should call. The answer is the police.

The regular meeting was recessed and the public hearings were called to order. Proper advertisement and notices had been made. First considered was the request by Clinton Helms, Total Comfort, Inc., for .45 acres on Henry Street to be rezoned from R-12 to B-2. Mr. Helms said this has been a commercial building for at least twenty years. The Planning & Zoning Board has recommended approval. There were no other comments from the Council or audience. The second hearing considered a request by John Grindstaff, 313 Pearl Beatty Road, to rezone from R-A to L-1. He said his business wants to expand and put up office buildings. Councilwoman Little noted that the Planning & Zoning Board had voted to approve this rezoning. City Manager Young said the R-A zone is a holding zone until commercial and industrial development comes along, so the rezoning can be decided on a case by case basis. Mr. Ralph Michael, Pearl Beatty Road, was recognized, and he said he is in favor of the rezoning. There were no other comments. The third hearing considered the petition to close a portion of Central Street located off Rankin Avenue and South Main Street requested by Harold Stroupe. There were no comments. The fourth hearing was regarding a petition to close a portion of Teri Street. Mr. William Crist, Forest Hills Drive, said he and several of the residents were in attendance, and also Dr. Richard Rankin who has property adjoining the proposed closing. This is a fifteen foot portion that has never been opened, and they want it closed so it will not be a through street. It was described on the petition with a map attached. No objections were heard. No other comments were made. The public hearings were adjourned and the regular meeting resumed.

Councilman Small moved to grant the request of Clinton Helms to rezone his property on Henry Street from R-12 to B-2, seconded by Councilwoman Little and carried with four ayes.

Councilman Duke moved to grant the request of John Grindstaff to rezone the property on Pearl Beatty Road from R-A to L-I, seconded by Councilman Small, and carried with four ayes.

Councilwoman Little moved to adopt the Street Closing Ordinance #8-13-90(b) to close a portion of Central Street which was petitioned for by Harold Stroupe. Councilman Small seconded this, and it carried with four ayes.

Councilwoman Little moved to close the fifteen foot section of Teri Street as described in the petition and adopt the Street Closing Ordinance #8-13-909(a), which was seconded by Councilman Duke, and carried with four ayes.

Ms. Debbie Wells, Phoenix Management Services, reported that they have assumed management of the Laurel Hill and Freedom Square units as of July 23, 1990, and are still interviewing for a site manager and still taking applications for maintenance personnel. The residents have been very quiet. Notices were sent out, and also a memo with the rules and regulations. They are reviewing all files to be sure of compliance with the HUD and FmHA regulations. Mayor Black said the park near there has had a lot of vandalism and the police are checking on it, but he wanted PMS to put the tenants on notice that if a family member is found to be contributing to the vandalism it would constitute cause for removal from the units.

Mr. David Shook appeared before the Council next to request six variances from the zoning and subdivision ordinances. Mayor Black noted that some of these were considered on the other section of Deerfield. Item One; he requested to be allowed to sell Lot 12 to the person who owns the next lot, without sewer line service. The water line is there now. Mr. Shook said it is an undesirable lot, and the man wants a larger yard as a buffer, and if he has to install the sewer it would require an eight inch line and manhole at a cost of \$5,000 to \$6,000. Mayor Black, Councilwoman Little, Councilmen Duke and Small agreed that it might be fine now, but later the lot could be sold to someone who would want sewer and the City would be stuck with a problem. Item Two; he asked to use pvc pipe. The City Manager and staff, as well as the Council refused this because the City does not have the equipment to maintain pvc pipe, and so must require ductile iron. Item Three; he wants the City to pay the difference between the eight inch and six inch lines which are normally required. Mr. Nichols said on the first phase the City allowed him to put in eight inch lines on the main lines and six inch lines on the side outfalls, and they recommend this be done again with the City paying nothing. Item Four; The right-of-way that was put on this map was at the request of Boren Clay; but they have re-opened a road across the railroad right-of-way off

West Central Avenue, and have told me they do not want a right-of-way there now. The City Manager said he needs more time to research this matter, as the City might need it to maintain utilities. Councilwoman Little moved to deny Items A, B, and C of the written request from David Shook for Phase Two of Deerfield, and to delay Item D which should be brought back to the Council, and to approve Items E and F. Councilman Duke seconded this motion, and it carried with four ayes.

City Manager Young has had a request by Mr. Walls to use containers, rather than a dumpster at one of his apartment complexes; but the staff has not yet had time to check the layout, so he asked to bring this back at the next meeting.

City Manager Young presented his recommendations for awarding of bids on chemicals on the water and sewer plant. Councilwoman Little moved to accept his recommendations and award the bids as follows: Jones Chemicals--chlorine at \$500.00/ton; liquid caustic soda at \$379.29/dt; and hydrofluosilicic acid at \$165.00/ton. Eshelman Carolinas, Inc.--zinc-sodium hexametaphosphate at \$84.50/cwt. Peridot Chemicals--liquid alum at \$156.42/dt. The motion was seconded by Councilman Small, and carried with three ayes, and one nay (Duke).

City Manager Young presented the street resurfacing bids and his recommendation. He received three bids, with Blythe as low bidder. Councilman Duke moved to award the bid for street resurfacing to Blythe Industries for \$159,321.00, seconded by Councilwoman Nichols, and carried with four ayes.

City Manager Young presented a list from the Police Department of surplus weapons which shall be used as a trade-in for new weapons. Councilwoman Little moved to accept the said inventory and that they be declared surplus equipment for trade-in on new weapons. Councilman Duke seconded the motion, and it carried with four ayes.

Mayor Black commended Officer Gittens for his help at the robbery which took place at the NCNB at Abbey Plaza near I-85.

City Manager Young and Director of Public Works Eddie Nichols presented a proposal which has been made by CYA and American Homes regarding development of their tracts of land lying north of the City. The two companies want water and sewer service and have met with Mr. Young and Mr. Nichols to negotiate a sharing of costs. Mr. Young reported that if they put in an eight inch line, the City might pay the difference to have it increased to a sixteen inch line for a certain section which lies within the loop planned for the City. The City's loop line is already partially constructed, but not in that area. At Dutchmans Creek and Stanley Creek, they want to put in sewer outfall lines, and the City's sewer study calls for a fifteen inch outfall on Dutchmans Creek. A pump station would be needed to pump up to Julia Street, and the City would need the engineers to tell us if

the Woodlawn Avenue lines can handle the added load, and if the elevations will work. The City's sewer study calls for a ten inch outfall line in Stanley Creek, and they propose an eight inch line, so the City might choose to pay the difference. The City Manager had presented this matter in a memo to the Council in two phases, and he recommended that Phase One be done now; and then if it is found to be feasible, to proceed with Phase Two. Mayor Black asked if this would allow service to the house on Woodlawn Avenue; it would not. Mr. Nichols said the City would have to extend the gravity line about five or six hundred feet. Councilwoman Little moved to accept the City Manager's recommendation and approve Phase One at a sum of \$1,900.00 for evaluating the water and sewer extensions in cooperation with American Homes and CYA, and if Phase One proves feasible, they may proceed to Phase Two for \$2,400.00, which motion was seconded by Councilman Duke, and carried with four ayes.

Councilman Duke moved to approve the tax releases for that date, as presented, which was seconded by Councilman Small, and carried with four ayes.

TAX RELEASES
August 13, 1990

Truelove, Denise	1989	4040 Val.	\$18.58
		1 tag	1.00

Mayor Black suggested the Council write letters of appreciation to our legislators regarding the inventory tax bill passed in our favor.

Mayor Black asked if something has been done about the sandblasting being done on cars outside on Lanier Street. Mr. Young did not know what had been done and will follow up on that.

Mayor Black asked that the dead grass be cleared off the sidewalks on Hicks Circle, and the chemical be repeated for the parts that did not die off yet.

Mayor Black discussed the proposal from a contractor to sandblast, clean and paint City Hall. He would like to see it go back to the natural brick with a sealer, except for the damaged wall. The Council agreed, and instructed the City Manager to pursue the cost for that, and for bricking up the courtyard side of the building over the fire damaged wall.

Mayor Black had received a copy of a letter from Dr. Forrester, a County Commissioner, to the Mayor of Stanley, about the installation of an emergency water line, advising him it would be up to the two cities to work that out. The Council agreed to wait and let Stanley contact the City.

Councilman Little asked the City Manager to try to get more water pressure in the new water fountain at the courtyard.

Councilman Small said he noticed they have worked on clearing the visibility at the intersection of Hawthorne Street and Highway 27, but they need to clear out the whole bank to really solve the problem.

Councilwoman Nichols said the residents on Howard Street have complained about some houses there that are in very bad shape, and she asked that this be looked into.

Councilwoman Nichols said she had a request that the underbrush be cleared at the back side of the walking track at the Junior High. City Manager Young said Mr. Springs came up to the city personnel, and told them they were on his land and to get off of it, so he is checking where the line is.

Councilwoman Nichols said the trash truck in Catawba Heights has five men on it and wondered if that was correct. Mr. Eddie Nichols said it is correct because they have two for backyard garbage and two for street trash plus the driver.

Mayor Black said he talked to Ken Young about a right turn lane at Food Lion and they are working on getting the four lane addition on South Main Street.

City Manager Young said he had a rough draft of the city brochure from Ms. Rhyne, and distributed it for the Council to look over.

City Manager Young reminded that the Planning & Zoning Board recommended extending the extra-territorial jurisdiction for the annexation area near Freightliner, and that they want a meeting to go over changes in the proposed conditional use zone ordinance.

The sidewalk ordinance is coming up for consideration in September and the City Manager will send out recommendations.

The revised Land Development Plan needs to be completed and they have asked council members to attend. Councilwoman Little moved that Councilman Small and Councilwoman Nichols work with that committee, seconded by Councilman Duke, and carried with four ayes.

City Manager Young asked the Council if the Christmas Parade is held before the bypass is open, can traffic be detoured onto Summit Avenue? The Council approved.

City Manager Young said he had a proposal from Southern Bell for us to own our own PSAP enhanced 911 system, because the tariff has been lifted. The cost has dropped enormously, and would be \$847.50 for installation. The monthly maintenance is \$1,054.00. Councilman Small moved that this system be obtained by the City, seconded by Councilwoman Little, and carried with four ayes.

City Manager Young stated he is working on bids for dumpster pickup, since BFI announced an increase in September. Mayor Black said Mount Holly is the only city around that picks up industrial dumpsters, and we do not even bill them for anything but the tipping fee.

City Manager Young said that the dinner for the Planning & Zoning Board in honor of F. H. Abernathy, Jr. would be the following Tuesday night.

City Manager Young said that he would like the Council to consider increasing the tap fee for one inch and above taps.

Councilman Duke reported that Brent Moore had gotten his Eagle Scout badge the past Saturday night since completing his project for the City.

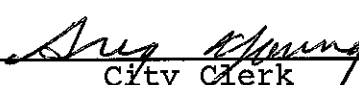
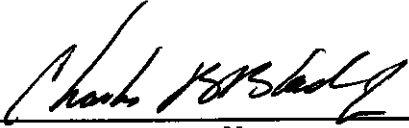
The Council took a five minute recess.

Councilman Small moved to go into executive session for personnel matters, seconded by Councilman Duke, and carried with four ayes.

Councilwoman Little moved to go out of executive session, seconded by Councilman Duke, and carried with four ayes.

Councilman Small moved to authorize the City to survey Cove Avenue and spot the Bailey car on the survey, seconded by Councilwoman Little, and carried with four ayes.

Councilman Duke moved to adjourn, seconded by Councilman Small, and carried with four ayes, at 11:40 P.M.

 _____ City Clerk	 _____ Mayor
