

**CITY COUNCIL
REGULAR MEETING
August 12, 2002**

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 Black. The following were present:

Mayor Robert D. "Bobby" Black

Mayor Pro-Tem Jim Hope

Councilman Michael Helms

Councilwoman Phyllis Harris

Councilman Frank McLean

Councilman Bryan Hough

Councilwoman Pat Hubbard

Adm. Services Officer Jamie Guffey

Asst. Public Works Dir. Jeff Fritts

Planning & Zoning Dir. Danny Jackson

City Attorney Kemp Michael

Police Chief Rick Davis

Fire Chief John Ekiatis

Street & Sanitation Dir. Mike Santmire

Water & Sewer Dir. Don Price

INVOCATION

The invocation was led by Councilwoman Pat Hubbard.

PLEDGE OF ALLEGIANCE

Boy Scout Troop 59 led the Council and audience in the ceremony of the Pledge of Allegiance.

APPROVAL OF THE AGENDA

The agenda was approved as presented, upon motion by Councilman Helms, seconded by Councilman McLean, with all in favor.

MINUTES

Councilwoman Hubbard **MOVED** to approve the minutes of July 8, 2002, as written, seconded by Councilman Hough, with all in favor.

PRESENTATIONS

PR#1 Proclamation Recognizing Ms. Hilary Hall as Teen Miss North Carolina.

Mayor Black read a proclamation in honor of Hilary Hall who was named Teen Miss North Carolina for 2002. (copy attached) The Council joined him in congratulating her. Miss Hall thanked them and spoke about her plans for this year.

PR#2 Proclamation on Clean Sweep.

The week of September 16-29, 2002, has been declared Litter Sweep 2002 by the Governor to clean roadsides all over the state. City Manager Kraus said the city will provide bags and staff will be working on that project along with citizens in this area. Mayor Black said that Aaron Suttentfield has volunteered to be the citizen chairperson. There is an award for the most unusual litter found.

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PR#3 Complaint by Mr. and Mrs. Mintz over Utility Bill.
Not present.

PR#4 Complaint by John Abee concerning Utility Bill.
Not present.

PR#5 Presentation by Spring Fest Committee.

Councilwoman Pat Hubbard stated that the Spring Fest event was rained out on Saturday this year, only the second time in history. However, about 30 citizens worked hard on the week long events that did take place. They have finished their accounting, and had checks to present. A \$100 check for Habitat for Humanity was presented. A \$1,200 check was awarded to Special Olympics from the 5K race. Sue Loftin and Faye Murrow accepted a check for Mt. Holly CRO in the amount of \$7,000.00. Mrs. Loftin said the CRO is especially thankful for this donation during this difficult economic period. Mrs. Hubbard said the majority of the donations came from local businesses, and she said they deserve special recognition for that.

PUBLIC HEARINGS

PH#1 To Consider Closing a Section of Huitt Street

Councilman Helms moved to go into public hearing, seconded by Councilman Hough, and unanimously carried. Mayor Black recessed the regular meeting and opened the public hearing to consider closing a section of Huitt Street upon request by Jimmy Kirby.

City Manager David Kraus stated that this street has never been opened. The property would revert to the adjoining property owners.

Barbara Emmett of 363 Scott Street. I want to be sure I will have my driveway.

Mr. Kirby said he had it surveyed and made sure that her driveway would be on her property, so it is okay now. City Attorney Michael asked Mrs. Emmett to state for the record whether or not she would have access or not if this is closed. She said she would get 21 feet from this and that she believed that would be enough for a driveway.

Councilwoman Harris moved to go out of public hearing, seconded by Councilwoman Hubbard, and unanimously carried. Mayor Black adjourned the public hearing and resumed the regular meeting.

Councilman McLean noticed other lots on the map in the agenda. Mr. Kirby said Dr. Smith owns those and his property fronts on West Catawba and has access from there.

Motion: Councilman Hough **MOVED** to approve Res. #08-12-02A to close a section of Huitt Street as shown on map attached, seconded by Councilman McLean. (copy attached)

Vote: unanimous. CARRIED.

UNFINISHED BUSINESS

UFB#1 To Consider Appointment to Erosion Control Committee

City Manager Kraus said this is a joint effort with the City of Belmont to draft a local ordinance for erosion control, based on the State's ordinance. Fees would pay for enforcement cost. Mayor Black named Michael Helms from Council, Greg Dimmer as local developer, and Zoning Board member, Jack Stevenson, as the planning board official. He still needs a "concerned citizen".

UFB#2 To Consider Resolution in Support of Greenways

Mike Wolfe and two landscape architects from W. K. Dickson appeared before Council. The engineer pointed out that this is a program to offer grants for alternative transportation. The grant is evaluated positively for lower amounts of land to be acquired, more local funding than the minimum, and other factors. The engineer presented a map and a cost estimate, broken down into a four-year plan, with five phases. City Manager Kraus said that TCC and TAC have endorsed this project. Mr. Kraus presented a resolution for consideration by Council. Staff has spoken with three development owners, and got a positive response. He plans to pursue this with costs met from private donation, developer contributions, and city owned property, recognizing that we would not be planning to use revenue funds. Councilwoman Hubbard asked if we have any ballpark figure on maintenance of this project. Mr. Kraus said this may qualify for Powell Bill funds for resurfacing. The engineer said that we maintain the sewer line easement anyway as far as grass cutting, so the extra expense would probably be trash clean-up. Councilwoman Hubbard asked if this would need extra police coverage. Chief Davis said that it would. The engineer suggested a bicycle officer randomly patrolling. The more it is used the more natural security there would be from population. Mr. Price said we have to mow that three or four times a year now. Councilwoman Hubbard asked if we have to get right-of-ways. Mr. Kraus said the developers will give easement, and the others we have to go back to because our current sewer easement is for utilities. The decision on the grants would be forthcoming from the State in October. Councilman Hough said this has a lot of competition, and he was told that this region is only up for \$600,000 of the total amount available. He reported the requests being made by other cities in our county, and some of them were needed for safety issues. Mr. Hough said the developers are willing to cooperate on this because it increases the value of their land and helps them compete in the market with Huntersville and other areas by presenting a quality of life that buyers have come to expect. Councilman Hubbard asked why we are spending our money to pay the engineers for something that we have little chance of getting. Mr. Hough pointed out that the amount was just recently cut from \$3.6 million to \$600,000, and we

did not know that before. Mr. Wolfe noted for the record that they do not get paid unless we get a grant.

Motion: Councilman Hough **MOVED** to adopt Res. 08-12-02B, supporting the transportation enhancement program, seconded by Councilwoman Harris.
Vote Two ayes, four nays. (Helms, McLean, Hubbard, Hope.) **FAILED**.

UFB#3 To Consider Sufficiency Certification & Call for Public Hearing on Annexation for Creekside Estates

Mr. Kraus said that the front section of Creekside Estates was already in the city. The remaining portion of the planned subdivision is not. Greg Dimmer has presented a petition for voluntary annexation.

Motion: Councilman McLean **MOVED** to adopt Res. 08-12-02C, instructing the city clerk to investigate the petition, seconded by Councilman Hough. Mr. Hough said he wanted to make sure this is not granting the annexation; no, it does not.
Vote: unanimous. **CARRIED**.

City Manager Kraus said that in anticipation of council's action, we have investigated this petition. We find that the proper persons have signed the petition, and it is sufficient. Mr. Kraus said he was prepared to give the Certificate of Sufficiency at that time. He asked Council if they would like to set a public hearing.

Motion: Councilman Helms **MOVED** to adopt Res. 08-12-02D, setting the date for public hearing to consider voluntary annexation request by Greg Dimmer to be advertised in the Mt. Holly News for the September regular meeting, seconded by Councilwoman Harris.

Vote: unanimous. **CARRIED**.

NEW BUSINESS

NB#1 To Consider Appointments to Planning and Zoning Commission
 City Manager Kraus said that re-appointments have been recommended by the Planning Commission for expiring terms.

Motion: Councilwoman Hubbard **MOVED** to reappoint George Cauthen, Jr. and Bill Gary to three-year terms on the Planning Commission and Zoning Board of Adjustment, seconded by Councilman Helms.

Vote: All in favor. **CARRIED**.

NB#2 To Consider Approval of Contract for Fire Hydrant Maintenance

City Manager Kraus stated that the fire chief and Don Price have a proposal from Bishop Hydrant Service at a cost of \$35 per hydrant for three years. Mr. Price said the fire department gives a list to him and his department tries to handle it, but with the other maintenance they have, there is often three or four months

before they get to it. The budget has \$36,000 for current maintenance and repair, and this contract would cost about \$18,000. This means the maintenance would get done and our rating would improve. The company was inspect, fire flow test, and map every hydrant during the three-year period. Councilman McLean said we have about 515 hydrants, and he did not believe we have that many bad hydrants that we would need to actually spend \$18,000 a year. He also pointed out that this man is from Tennessee. We have contractors in this area that could do that if you were going that way. He also did not think they should not be tested during this drought. For another reason, he pointed out that if something is broken, our team would have to go out and fix it anyway, because that company would not be here to fix an emergency.

Councilman Hough asked, do we check all our hydrants each year? Yes, the firemen do that. Mr. Hough then asked if we spend \$36,000 every year. Mr. Price said this fund is mainly rolled over every year. Mr. Hough said this sounds like we would be getting 1/3 the work for 1/2 the money. Councilman Helms wondered, since we now have rollout garbage, if the City has personnel that could be trained to do that maintenance and repair. Mr. Price said we were thin on personnel before, and we have 10 pump stations, and other utility maintenance that must be done. Mr. Kraus said city employees would not necessarily have the prior training needed for this kind of work. Ryan Baker found 84 needing repair over 1-1/2 years ago, and they have worked on about half of them.

Mr. Kraus also said it has been discovered that a hydrant that should be in the Cloisters is not, and it will cost us about \$3,000. Councilman Hope asked what is mechanical in the hydrant other than the butterfly valve. Mr. Price said the stem. Councilmen Hough & Hope said we need better statistics before a decision is made on this.

Motion: Councilman Hope **MOVED** to table this item, seconded by Councilwoman Harris.

Vote: All in favor. CARRIED.

NB#3 To Consider Approval to Paint Water Tanks

City Manager Kraus stated that although the water tanks look fine from a distance, it is time to paint. This item is already budgeted. Mayor Black asked if the lettering could be lowered on the I-85 tank so that it can be read at night. Council said cut the lights at night to save money, since it cannot be lit properly due to engineering not taking into consideration lighting the top of it, and we do not have enough land to spread the lights out further. Staff recommends using the middle quote of the three received, because for a nominal additional cost, they include an analysis on placing additional antennas on each tank.

Motion: Councilman Hough **MOVED** to approve, contingent on 10 year warranty, award of contract to paint water tanks to Utility Services, Inc. as recommended

by the City Manager and Don Price, for a sum not to exceed \$38,634.00 and \$36,221.00, seconded by Councilwoman Harris.

Councilwoman Harris, we talked about not putting antennas on these when they were first built, but I cannot remember why. Councilwoman Hope, I think it was airport regulations. Councilman McLean recalled that the Mayor serving then did not want the tanks to look bad. Councilman Helms said he thought it was a liability issue. Mr. Price said 911 antennas are on the one at I-85. He also said that the lights get shot out very often and have to be replaced. Council asked the City Manager to check on how the 911 antennas got there since they do not remember approving that.

Vote: All in favor. CARRIED.

Council all concurred to turn off the lights on the I-85 tank.

NB#4 To Consider Offer to Purchase Land from Fred White

City Manager Kraus stated that between Rollins Square and Mr. White we have a fence, which is not on the property line. There is an area that is eroding due to poor drainage off our property, and he wants to buy the land between the fence and his property so he can fix that drainage problem. He had a survey done. He has offered \$150.00. Councilwoman Hubbard said that is too low. Councilman Helms said if the water is draining off of us onto him, he can come back on us. Mr. Kraus stated that there is a drainage pipe coming off the Rollins Square property off the parking lot and playground. Mayor Black said the fence was put up on what we thought was our line, but it was not. Councilman McLean said Mr. White is planning to fix the drainage and put pipe in there, so he will be spending some money on that, and maybe he is taking that in consideration when he made his offer. Councilman Hope said we need to establish a fair price, such as what we would have to pay him if we were trying to buy it from him. Council asked the City Manager to tell Mr. White to bring back an appraisal showing a bona fide market price.

No action.

CONSENT AGENDA

Councilman Hough **MOVED** to accept and approve all six (6) items on the consent agenda, seconded by Councilman Hope; and unanimously carried. They are:

CA#1. To Surplus Police Cabinets and Donate Said Cabinets to the City of Cherryville Police Department.

CA#2. To Accept Donations of Fitness Equipment to the Mount Holly Police Department. Donations were made by Jill Feldmeyer and Eddie Summerlin.

CA#3. To Consider Acceptance of \$3,500 Grant from Clariant Corporation for Fire and Rescue Training Equipment. The money will purchase a fire simulator, a computer and a power point projector.

CA#4. To Adopt Resolution Approving PHAS Management Operations Certification for Fiscal Year Ending June 30, 2002. Resolution #08-12-02E as required by HUD on the Holly Hills Apartments. (copy attached)

CA#5. To Call Public Hearing to Amend Standard Details. To consider amending the standard details for infrastructure in the subdivision ordinance so that the radius of cul-de-sacs are larger and the distance between fire hydrants is lowered.

CA#6. To Consider Supplemental Appropriation of Police Drug Revenue. (Copy attached.)

PUBLIC COMMENT

Mayor Black opened the floor for public comment.

Mr. Rodney Eppes, 107 S. Hawthorne St. He asked that a letter be sent to request DOT to get Highway 27 paved between 273 and Westland Farm Road. He spoke with a man in Shelby about a year ago when they started paving in Stanley, but they quit before they got to Mount Holly. Councilman Hough said that at the last TAC meeting, the DOT rep indicated that section as one on the list to be done soon.

Mr. Eppes also said he has a pole in his yard, and he would like to have the City put up on it one of those signs that indicate a fine for littering. He spends a lot of time picking up bottles. Please send the police out there for a checkpoint for speeding as well.

Mr. Eppes further stated that at Globe to Craig the stop sign and street sign are grown over by a tree. In addition, coming back up from Woodlawn Haven where Noles crosses Craig it is at an angle, and there are bushes blocking vision at that corner. He suggested that city work crews have a note pad and take notes on these things and turn them in so they can be worked on. These items were referred to Mr. Santmire.

ROUND TABLE

Councilwoman Harris told Mike Santmire about a complaint about trash in the yard at 113 Tomberlin, and told Ryan Baker about duplex apartments on Tomberlin that are a mess.

Councilwoman Hubbard said she believes there is an ordinance violation at S. Main and Crest.

Councilman Hough said we are doing voluntary water restrictions; we need to tell the homeowner's associations at the subdivisions to turn off the sprinklers or set during certain times and to be sure they are turned on the grass instead of wasted on the road.

Mayor Black wondered about Stanley having restrictions; they have mandatory restrictions.

Mayor Black asked Council what response it wishes to make to the presentation from Ms. Moore with United Way at a prior meeting. Council concurred it would be okay to give them business names, and they asked that Chief Ekiatis head our committee. Councilman Hough said he will help out but would not be available to be in charge.

CLOSED SESSION

Councilman McLean moved to go into closed session for the purpose of discussing personnel matters, seconded by Councilman Hope, with all in favor.

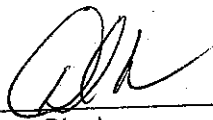
The Council took a five minute break.

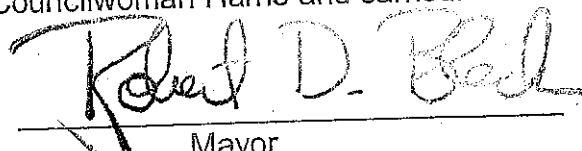
Councilman Hough moved to return to open session, seconded by Councilwoman Harris, with all in favor.

ADJOURN

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

9:30 PM


Clerk


Mayor

cpm