Regular Meeting
Mount Holly City Council
August 12, 1991

The meeting was called to order at 7:30 P.M. by Mayor Charles B. Black, Jr. Those present were Councilwomen Faye S. Little and Lib Nichols, Mayor Pro-Tem Bob Jessen, Councilmen Myles Biggerstaff, R. L. Duke, Archie Small, City Manager Greg Young, City Attorney Kemp Michael, Director of Public Works Eddie Nichols, Police Chief Jerry Bishop, and Zoning Administrator Gary Roberts.

The invocation was led by Reverend Bruce Bradley.

The minutes of July 8 and 29, 1991, were approved as written upon motion made by Councilman Duke, with a second by Councilwoman Little, with all in favor.

Mayor Black read a proclamation designating August, 1991, as Cable Month in recognition of the program sponsored by Cablevision of Mount Holly for scientific research of neuromuscular diseases.

Mr. Gene Hendrix and Mr. Kevin Brooks, representing Blue Cross Blue Shield Insurance Company, addressed the questions of the Council regarding their proposal for hospitalization insurance for city employees. There are two alternatives, one being the standard comprehensive major medical (similar to what is now held by the City through the League of Municipalities), and the second being a P.P.O. Plan (reference being to "preferred provider organization"). The second allows for lower premiums due to established contracts with certain care providers, doctors, clinics and hospitals, to provide services at set fees or at rates with a maximum limit. The employee would not have to use the list, but would be penalized if they did not by having to pay the higher cost. Councilman Small inquired if the pre-existing conditions would be allowed if they switch back to BCBS; they will. He also asked if paid deductibles are credited; they are. City Manager Young said he has had mixed response about the proposals; some like the PPO and some do not want to be told what doctor they have to see. Councilman Jessen asked if they include life insurance on the employee with BCBS; Mr.Hendrix said this was not included in the proposal, but they have a matching bid of thirty-six cents per $1,000 for the employee. Mr. Hendrix said the PPO is a better plan than HMOs because they give you no choice whereas the PPO has a list from which you may choose. They would cooperate with education of the employees as to how the plan works if it is adopted. Councilwoman Nichols asked in what way the education would be handled; they would do this by classes for each department. She asked if they could let the employees choose; it was agreed that it would be best for the Council to decide. From the audience, Hazel Michael inquired as to whether or not the list includes doctors in Gaston County; it does have some, but they have not found as many willing to participate in Gaston County as they have in Charlotte, She also asked if the doctors on the list must treat the employees; Mr. Hendrix said they have contractually agreed to treat the patients in the PPO. Councilwoman Little inquired about the coverage for the voluntary firemen which was not included in the proposals. The Council recognized that the cost for the voluntary firemen is prohibitive and has been so for several years. The Council made inquires about possible alternatives such as separate groups, etc. It was agreed that the City will not be able to continue providing hospitalization insurance for the volunteer firemen, and in fact, it is the last city in this County to do so. The Council discussed how to maintain coverage for the men for a limited time so they will have time to be sure they are covered under other plans before the City cancels their coverage with it, and about COBRA coverage. The Council expressed concern over this matter because of the diligent service the volunteers provide the City, but concurred that since they now cost 27%of the entire bill, there is no longer any choice. It was noted that the volunteer firemen would still be covered under Workmen's Compensation insurance, and that all but two of the men have other insurance already. Councilwoman Little moved that the City accept Plan I for major medical insurance with Blue Cross Blue Shield including all employees and volunteer firemen at $93.53 per individual, and that a meeting be held with the volunteer firemen to advise them that the City will be dropping them from the hospitalization coverage at the end of the year. Councilman Jessen seconded this motion, and it carried by unanimous vote.

The regular meeting was recessed and public hearings called to consider two matters. The first was for consideration of extending zoning in the Freightliner annexation area which has not previously been zoned; the zone would be heavy industrial. Mr. Roberts said the area in question is at present all industrial and includes part of Freightliner, Duke Power and North Point Industrial Park. Mr. Brown was present from Freightliner. There were no comments for or against the proposal.

The second public hearing was for consideration of a proposed amendment to the zoning ordinance for conditional use zoning. This would be used to require that certain land be used for a specific use rather than the broad general uses each zone permits. Site plans would have to be presented and approved; thereby giving the City more control over development. This proposal was recommended by the Planning & Zoning Board. The plan would be recorded in the Register of Deeds and can only be changed by the Council at a public hearing. The developer who applies must obtain a building permit within one year or else start over. Councilwoman Little asked if this allows spot zoning. Mr. Roberts said it is still illegal to spot zone, and it would be easy to spot zone with the conditional use zoning if the Council is not very careful. One of the criteria is that a finding must be made that the use allowed is in the best interest of the neighborhood. Mr. Ralph Michael was recognized, and he stated that he recalled that the man who spoke to the Council from COG said you should not have this unless all the meetings are recorded so there are no mistakes about what is required and what is agreed upon. Councilwoman Little stated that it would be up to the Council to be sure the minutes reflected the specific intent, the agreements, and the exact conditions required, and since all minutes are approved at each meeting by the Council, this should be no problem. Councilman Biggerstaff said the proposal should be set to writing anyway. Because of this concern, an amendment was made to the proposed ordinance so that Section 89.7.3 (sic) would read "shall" instead of "may" and at the end of the first sentence would be added: "which shall be in writing and recorded in the minutes of the City Council meeting." The Council agreed they did not want proposed Section 89.9.1 (sic) included. There were no further comments or questions. The public hearings were adjourned, and the regular meeting resumed.

Councilwoman Little moved to approve the zoning of the Freightliner annexation area which has not previously been zoned to Heavy Industrial, which was seconded by Councilman Biggerstaff, and carried unanimously.

Councilman Jessen asked if it would be necessary to have a second fee charged as stated in proposed Section 89.9.2 (sic); the Council agreed that would go toward another advertisement and sending of notices. After discussion about the appropriate location for the ordinance and specific numbering, Councilman Jessen moved to adopt the proposed new zoning ordinance for Parallel Conditional Use Districts to be in the Mount Holly Code in the Zoning Ordinances as Section 20-96 with the two changes specified above to be made in paragraph 7.3., and the deletion of proposed paragraph 9.1. This motion was seconded by Councilman Duke, and carried by five ayes, and one nay (Small).

Mr. Henry Fowler, III, representing Velma Garner, had provided to Mr. Young an agreement with a contractor for improvements to the two houses on Payne Street. It states that the work will be done by November 7 on the first house, and the second house will be done within five months thereafter. They have made a request to Mr. Young for an extension. City Attorney Michael recommended that this request be held in abeyance until November to see how they do on the first house before giving them another extension.

Councilman Biggerstaff moved to table this matter until the November regular meeting, seconded by Councilwoman Little, with all in favor.

Next, the Council considered the need to appoint members to the Planning Board and Board of Adjustment because of expired and expiring terms. Councilwoman Little nominated Hazel Michael of 203 Pearl Beatty Road to the three year term. Councilwoman Nichols nominated David Anthony, of 103 Houston Street, to the two year term. Nominations were closed and voted upon, with all in favor of said nominations. They shall begin meeting with the Boards in September. The City Manager was instructed to write letters of appreciation to the outgoing members. Mr. Roberts noted that an outside member's term expires in September and two other members terms are expiring soon.

The Council discussed the proposal to separate the Planning and Zoning Board from the Board of Adjustment so that there will be separate persons on each Board. The Boards were done that way because they could not get enough volunteers, but now it is believed that there are enough persons willing to serve to return to two separate sets of members. Councilman Biggerstaff suggested using ex-Planning Board members and others with experience on the Board of Adjustment. Mayor Black noted that this would require an amendment to Section 20-80 of the zoning ordinance. Councilwoman Little felt that five members would be enough for the Board of Adjustment, with four inside and one outside. Mr. Roberts will prepare an amendment to the ordinance and bring it back, and the Mayor will contact the persons the Council suggested might serve.

City Manager Young presented the bids received for chemicals for the water plant, and recommended the lowest bids. Councilman Biggerstaff moved to accept the lowest bids for chemicals, which was seconded by Councilman Jessen, and carried with five ayes and one nay (Duke); as follows: zinc sodium hexametaphosphate--Eshelman Carolinas, $84.50/cwt; chlorine--Van Waters & Rogers, $350.00/ton; liquid alum--Peridot Chemicals, $157.67/ton; liquid caustic soda--Jones Chemicals, $379.20/ton; hydrofluosilisic acid--Jones Chemicals, $178.00/ton.

Mayor Black noted for the record that there were only two bids submitted for paving, so there has been re-advertisement. City Manager Young said the re-bid opening would be the next Tuesday, and they are allowed to accept less than three on the second attempt. He may call a special meeting if needed to award the bid.

The new bids have been obtained for the grading work at Tuckaseege Park. City Manager Young had returned to Bud Lee and Joyner. Councilman Biggerstaff said that he recommends that the grading and fences be done this budget year as Phase I using three fields, so that they can be played on next spring, and then have Phase II for lighting the next budget year, and so on. After some for discussion, Councilwoman Nichols moved that the bid for grading three fields at Tuckaseege Park be awarded to Bud Lee Construction at $39,500 and that $16,775 be appropriated in the budget for fencing to be done by the County with Carl Baber's oversight, to be done in the spring by March, for a total of approximately $56,275 for Phase I to establish playable daylight use of three fields at Tuckaseege Park. Councilman Jessen seconded this motion, and it carried by unanimous vote. Councilman Biggerstaff reminded the City Manager that Bud Lee Construction should be required to repair the seeding in the spring.

Mr. Young reported he has contacted two more persons to have the brickwork done on City Hall, but still has only one bid from Mr. Henderson. Councilman Biggerstaff moved to award the bid of $16,000 to J. T. Henderson to remove the four inch damaged wall and reface the north wall of City Hall and the front of the Police Station. Motion seconded by Councilman Small, and carried with five ayes and one nay (Duke).

The Council reviewed with the City Attorney two proposed ordinances to close the streets in the public housing units, namely Holly Hills Drive and Rollins Square Drive, so that they are no longer public streets. They were made streets so they could be included in Powell Bill funding, but now due to a need for increased security it was decided that they should be closed. A public hearing was duly advertised. The regular meeting was recessed and the public hearing called. Mr. Ralph Michael asked if the mail service will be affected if it is not a public road; it was learned that the units already get their mail at one central location, rather than at the doors. Mr. Nichols asked if this will affect individual utility easements which are laying under the streets; Mr. Michael said that since the City owns the property this is not a problem, and in this case we would not require written easements be given. City Attorney Michael stated that he had found there are no other properties other than the City that are served by these streets. There were no other comments or questions. The public hearing was adjourned, and the regular meeting resumed. Councilman Biggerstaff moved to adopt Street Closing Order #8-12-91(1) for Rollins Square Drive (formerly Freedom Square Drive), seconded by Councilman Small, and unanimously carried. Councilman Biggerstaff moved to adopt Street Closing Order #8-12-91(2) for Holly Hills Drive (formerly Laurel Hills Drive), seconded by Councilman Jessen, and unanimously carried. City Attorney Michael said that "private drive" signs would be put up.

A proposed ordinance was considered to restrict access to the public housing complexes owned by the City. City Attorney Michael said the purpose of this is to make it unlawful for anyone to be present except tenants and authorized personnel and allowed guests under regulations to be adopted by the manager. Vehicles will be required to be registered by tenants and guests. Violators would be subject to arrest and prosecution. The premises involved include the buildings, grounds, driveways, and parking areas. Councilwoman Little said it would still be difficult for the police to determine a bona fide tenant or guest. City Attorney Michael acknowledged this to be the problem, but this ordinance gives the police the power to keep order. He and the City Manager recommended that tenants be registered and that guests be issued guest passes which might consist of four-part carbonless packs, perhaps holding 25 passes; one would stay in the tenant's book, one would go to the guest; one to go in the guest's vehicle, and one to the resident manager's office. They anticipate a need for pictured identification cards for the tenants. The pass would need the date, tenant's signature, unit number, time, and number of hours valid. Anyone could be removed for cause if they create an offense, and they would be connected to the tenant. In this way, if a pattern exists, we have cause for eviction. Mr. Michael found no model for this, but had sent the proposal to a Legal Aid attorney in Gastonia to review, and she had no objections. She has agreed to attend the tenants meeting that will be held for tenants' input. Councilman Biggerstaff moved that Article III, Section 9-21 entitled Restrictions Regarding Access to Public Housing Complexes Owned by the City of Mount Holly, be adopted as presented by the City Manager. This motion was seconded by Councilman Duke, and unanimously carried.

City Manager Young had a written request by Swag-Nit, Inc. that the City turn maintenance of Caldwell Drive back over to the State system due to the fact that they need an extension of that road of about 150 to 180 feet by January, since they are expanding their plant and will be having increased truck freight. This was recommended to Mr. Howe, President of Swag-Nit, by Mr. Dalpiaz with the State. Councilwoman Little moved to adopt the resolution as presented which will place the responsibility for maintenance of Caldwell Drive with the North Carolina Department of Transportation. This motion was seconded by Councilman Duke, and passed by unanimous vote.

The portions of Sadler Road and Lanier Street that are now inside the city limits are in the contract with Yates Construction for paving, and in order to obtain Powell Bill funding, they must be included in the city maintenance system. Councilwoman Little moved to adopt the resolution presented with it's attached Exhibit A as recommended by the City Manager to accept maintenance and responsibility for those portions of Sadler Road and Lanier Street, seconded by Councilman Biggerstaff, with all in favor.

There were no complaints or petitions not on the agenda.

Councilwoman Nichols announced that there will be a Citizens Quorum on Land Use at the Mount Holly Junior High on September 29 between 7:00 and 9:00 P.M.

The Council next considered the budget for the City of Mount Holly for fiscal year 1991-1992. Mayor Black asked if there are any changes since the last memo received by the Council. Mr. Young said he will have to put the volunteer firemen back into the insurance budget. The Council went down the items in the memo. They concurred that mileage should be reimbursed at twenty-five cents per mile, and meals at $7.00 each for employees traveling on city business. The second item regarded employees who have exceeded the held vacation days allowed, which is thirty. The Council agreed that they will not change this policy, and the days over 30 are lost. The third item involves a need for vehicles, one for the Recreation Department and one for the Planning Department. It was decided to bid the two together for two small trucks. The matter of tenant identifications was approved. The Pay in Step Plan appropriations were approved. The last item, number 6, was approved, namely, to increase the water cut off fee to $10.00.

Councilwoman Little asked the City Manager if he has located a site for recycling. Mr. Young said he had two rejections, and has not yet approached the other two names given him.

Councilwoman Little asked about the request from FUNB for $7,000 for sidewalk replacement at it's construction site. After discussion, the Council agreed to have the City Manager write a nice response conveying the Council's negative decision, due to the fact that the City had just replaced those three years ago; but to also mention that this might be negotiated for a rear access installed by them.

Councilman Jessen mentioned a major water leak on North Main Street. Councilwoman Little said there is also one at Mount Holly Spinning.

Councilman Duke asked if any progress has been made obtaining fire hydrant locators for the streets. City Manager Young said he has contacted them, but they are not ready to install.

Councilman Duke asked if an estimate has been obtained for the sidewalk extension on North Main Street; Mr. Young said there has been no action taken on the bid received, which exceeded the budget. Councilwoman Little moved to award the bid for the sidewalk extension on North Main to Dennis Splawn & Sons for an amount not to exceed $8,__________, and that the City Manager prepare an amendment to the budget. Councilman Duke seconded this motion, and it carried unanimously.

Councilwoman Nichols stated that she would like to see an ordinance established that election signs, yard sale signs, and all others be removed right after the date they are advertising. The Council felt this would be hard to enforce except with local persons, but agreed that it would be the City's policy that they be removed within four days after the event, and the City will remove them after that.

Mayor Black informed the Council that he received a report that there were five more accidents this year than last at the Highland Street and East Charlotte Avenue intersection.

Councilwoman Little moved to go into executive session for personnel and attorney-client matters, which was seconded by Councilman Small, and carried unanimously.

The meeting returned to regular session upon motion by Councilman Duke, seconded by Councilwoman Little, with all in favor.

Councilman Biggerstaff moved to adopt the proposed Management Agreement with Priority One for management of Rollins Square and Holly Hills Apartments. This motion was seconded by Councilwoman Little, and passed by unanimous vote.

Councilwoman Little moved to approve the budget for the City of Mount holly for fiscal year July 1, 1991 - June 30, 1992 in the amount of $6,231;,056.00, subject to the amendments the City Manager has been instructed to make. Councilman Duke seconded the motion, with all in favor.

Councilman Biggerstaff moved that city employees be given a five percent increase in salary effective July 1, 1991, seconded by Councilman Small, and unanimously carried.

It was noted for the record that the tax rate was set at the last meeting at forty-six cents per $100 value for ad valorem taxes.

The meeting was adjourned upon motion by Councilman Duke, seconded by Councilman Biggerstaff, with all in favor, at 12:10 A.M.

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City Clerk Mayor

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