

CITY COUNCIL

Regular Meeting

August 11, 1997

The regular meeting of the Mount Holly City Council was called to order by Mayor McLean at 7:30 P.M. Those present were:

Mayor Frank McLean
 Mayor Pro-Tem Michael Helms
 Councilwoman Phyllis Harris
 Councilman Andy Stewart
 Councilman Jim Hope
 Councilman R. L. Duke, Jr.
 Councilman David Hostetler, Jr.

City Manager Phillip G. Ponder, Jr.
 Public Works Director Eddie Nichols
 Administrative Asst. Sherri Borgsdorf
 Zoning Administrator Danny Jackson
 City Attorney Kemp Michael
 Police Department officer

The invocation was led by Rev. Cam Keyser.

The minutes of July 14, 1997, were approved upon MOTION by Councilman Helms, seconded by Councilman Hostetler, with all in favor.

Mayor McLean stated that three speakers would be heard with regard to the issue of whether or not to continue fluoridation of the municipal water system. First, Shari Sprinkle, from Gaston Citizens for Safe Drinking Water, was recognized. She stated that this group is opposed to fluoridation of city water. She acknowledged that their ultimate goal is the same as the city, that is, the safety and well-being of our citizens. She said that over consumption of fluoride does not occur for many years. The group feels fluoridation of city water should be reconsidered at this time because of the large number of items available to consumers which contain fluoride. She asked, "Why take the chance?" She said citizens should decide for themselves whether to take it or not. She stated that California is going to ban it next year, and that 90% of Europe is free of fluoride. Ms. Sprinkle encouraged the Council to be leaders and not wait for others to decide first. She presented a petition with over 600 signatures obtained in less than one week, asking the City to stop adding fluoride, warn water customers that fluoride is added and inform them of the known risks, or allow the citizens to vote on the issue of whether or not to add fluoride to the water system. She asked for a decision that evening, and specifically asked that the people be allowed to vote on the matter.

The second speaker on the matter of fluoridation was Scott Griffin, the State Teacher of the Year, a fifth grade teacher from Ida Rankin Elementary School, who also lives in the city. He stated he has lived and worked here for 25 years, and has been entrusted with our children. He said during last year he has held up Mt. Holly as an example to others in our state, and has brought his students to City Hall to see the democratic process at work. He also stated he often uses stories in the classroom to teach, and told the story about the city slickers who went to the country to take their vast wisdom and share it with them; they came upon a farmer who showed them his farm for

half a day; as they sat under a tree to rest, they said they would have done things differently—big watermelons on little vines, and little acorns on large oak trees did not make sense; until an acorn fell on his head. He said the lesson is they did not get all the information they needed to make an accurate conclusion. He stated he had been reading all week, and had read all the information sent to him by doctors and dentists, and the information Councilman Hostetler had provided which he said scared him, so he wanted to know more about it. After he had finished, he concluded that the information presented by Mr. Hostetler and others was "pseudo-science", selected portions of the facts rather than a presentation of all the facts as in true science. He further stated he had graduate studies in method research, and learned first of all that anything can be "proved" with statistics, giving the example of Sweet-N-Low, which has a warning label for cancer even though it would take a bathtub full of saccharin to produce the risk. He said he is the technology leader at his school, and is familiar with the Internet. He had asked a local physician, Dr. Lee Beatty, to do a search on the Internet with him for the past five years, downloading information from respectable scientific sources. This produced 35 pages of material which he had summarized. (statement attached) Mr. Griffin said that all benefits in this world come with some risks, and essentially the debate is "whom do you trust?" The data is complex and the conclusions can be twisted, but the monitored community water system is supported by respected scientific organizations. He said the pseudo-information presented had been repeated or quoted over and over, the Internet is not a trusted source, and the video presented was not interactive. He stated that he realized his position somewhat impinges on our freedom. He said that in a perfect world kids would all get the fluoride they need in a tablet or whatever at exactly the right dose, but this is not a perfect world. He stated that in the first seven years he taught, he sent children home weekly with problems with their teeth, but now that is not the case. A lot of the children don't get the right dental care even now despite provisions in place for them. He said he feels the Council has made the right decision to continue to fluoridate city water, and compared it to bike helmets and seat belts. He encouraged the Council to pool together to work on issues that need to be done, such as maintaining sidewalks, downtown revitalization, drug abuse, new fire department building, and others.

The third speaker was City Attorney Michael, who had been requested to research the liability concerns associated with municipal water fluoridation. He stated that he was giving a legal opinion only as to whether or not the City has a duty to warn, and his memo to the Mayor and Council had been included in the agenda package, citing his sources. He read his memo aloud for the audience (copy attached with exhibits). He addressed four issues: product liability, duty to warn, recent judicial proceedings in the City of Hendersonville, and if a city can have a local referendum on this matter. He had concluded that the City would not be found negligent for proper fluoridation of its water, that a warning is not required but the decision is strictly in the discretion of the Council, that the judge found that the district court cannot interfere in the decision of issues made by the City Council unless they are violating a law, and that a referendum is not permitted unless the state or legislature authorizes it and the Council so chooses.

Mayor McLean said this concluded the presentations of information to the Council, and that would be all that would be heard that evening. Councilman Hostetler asked if a show of hands could be had for those present in the audience who are opposed to fluoride in the city water; they were many. One woman stood up and asked again that the citizens be allowed to vote, and each person choose whether to take fluoride or not. Mayor McLean said this matter had been decided and there would be no further action taken that evening on the matter. Councilman Helms said that if new information becomes available, he will always be willing to hear it.

Mayor McLean called for the next order of business, which was the introduction of a bond order concerning the construction of \$2,575,000 of sidewalk and drainage improvements. City Manager Ponder read the sworn statement of debt as Finance Officer, which stated that the Net Debt is 1.58%, well under the State limit of 8%. He allowed time for questions, but there were none. He then read the first reading of the bond order authorizing \$2,575 million sidewalk bonds, which would set the hearing for September 8, 1997 at 7:30 P.M. at City Hall. Councilman Stewart MOVED to adopt the bond order, seconded by Councilman Helms. Councilman Hope stated that this is a lot of money, and he understands we want to attract people to move here with good schools and a good appearance, but this is a large debt for 20 years and may require a tax increase of between three and six percent. He stated that he wants to see the sidewalks built, but there are more pressing issues such as widening of Hwy. 273 that will require funding by the City, and he suggested the Council think hard about how they are going to go about doing these improvements. Councilman Stewart said the question is not if we will do it but the method of payment for the work, and because inflationary cost is about 20%, it is beneficial to do it now all at once. He further stated that a tax increase may not be necessary, and that Powell Bill funds can be used for Hwy. 273. He asked Mr. Ponder what the balance of that fund is; it is about \$250,000. Councilman Hostetler asked how much the city spends on maintaining sidewalks now; Mr. Ponder said \$25,000 was spent last year and \$15,000 this year, separate from new construction. Councilman Hostetler supported Councilman Helms' statement that the citizens should be informed and how it would be paid for, whether by tax increase or other means. Councilman Helms said the county has re-valued properties which will likely generate \$140,000 additional revenue for the city which would be a factor in the decision to be made. Councilman Hope also wanted the citizens to see the information about the options available. The vote was then taken on the motion, and the motion carried by unanimous vote.

Diane Pritchett, Priority One Management, presented the PHMAP Certification to the Council for Holly Hills Apartments covering the fiscal year ending 6/30/97. She stated that there are seven criteria for evaluation, with 90% or over being a "High Performer" status, which they have achieved the last three years, and will do so again this year. In fact, she stated they will be published in the Federal Register. Councilman Hostetler MOVED to adopt Resolution #8-11-97(a) for the approval of the PHMAP certification as presented, seconded by Councilman Hope, with all in favor. (copy attached)

Diane Pritchett next presented a resolution to increase the maximum amount of money that can be accumulated in savings for the reserve account at the Rollins Square Apartments in anticipation of future repairs. Currently, savings are being accumulated at the rate of \$1,500 per month, but we are near the maximum previously set. City Manager Ponder recommended this be done to prepare for future needs. Councilman Stewart MOVED to adopt Resolution #8-11-97(b) approving the increase in the maximum amount saved to \$130,000 at Rollins Square Apartments, seconded by Councilman Hostetler, with all in favor. (copy attached)

Councilman Stewart commended Ms. Pritchett and the management company for the public housing apartments, stating that two years before he had only heard bad about the units, but since then he has found they are well-managed, and she is always prepared at council meetings; he wanted the record to show what a great job they are doing.

As instructed by the Council, staff had prepared a proposed travel policy to govern employee travel. Administrator Borgsdorf stated she had covered the three guidelines set by Council: (1) mileage to be reimbursed according to IRS regulations; (2) a maximum of \$30 per day for meals; and (3) receipts required for anything over \$15.00. An expense form was also attached for approval. Councilman Stewart asked that a detailed receipt be provided on housing expenses rather than just a total. Councilwoman Harris inquired about the use of a city credit card. Ms. Borgsdorf said there will be one which will only be used by the City Manager to reserve hotels and airline tickets. Councilman Hope asked what the mileage rate is currently; it is 31.5 cents per mile. Councilman Stewart MOVED to adopt the travel policy with the additional lodging requirement that a detailed receipt be provided so extras such as movies are not included, seconded by Councilwoman Harris, with all in favor.

Habitat for Humanity had sent a letter requesting a waiver of water and tap fees for their next project on Herms Avenue. Councilman Duke MOVED to waive the fees on the Herms Avenue property, seconded by Councilman Hostetler, with all in favor.

City Manager Ponder said that the Local Government Commission has requested a specific resolution be adopted by Council directing him to seek bonds on sidewalks. Councilman Helms MOVED to adopt Resolution #8-11-97 (c) as presented, seconded by Councilman Stewart, with all in favor.

City Manager Ponder reported to Council he has had two requests for voluntary annexation, but staff has not had time to determine the costs of providing city services to those properties. Councilman Hostetler suggested they be told they may be able to tap on at the outside rate if service is available. City Manager Ponder said that one is a subdivision and the city policy is for the developer to pay for utility installation, but the second one is a few homes needing water and he needs to do the calculations. Jeremiah Robinson was recognized and said his property is next to Deertrack Subdivision, and his daughter is wanting to build a house. He said the line is close to them and they do not

want to spend money on a well and septic tank if can be annexed. Mr. Ponder will bring back a report to Council on the costs.

City Manager Ponder said the recent heavy storms caused substantial damage on Lynbrook Drive, including downed trees. The city has a utility line right of way and he plans to clear it off, but was not going to go onto private property to remove anything. He asked for input as to how he should assist the residents. Councilmen Helms, Duke, and Hostetler agreed that the city could help by picking up bulk limbs and trees if moved onto public right of way by the residents, and to communicate with the residents so it could be coordinated. The rest of the Council concurred.

City Manager Ponder reported to Council that Habitat for Humanity has zoning compliance contingent upon availability of water. City staff has determined that there is only a one-inch line there and by law they cannot connect to that. The estimate for extension of a two-inch line is \$23,000 which would serve four properties potentially, including the two for Habitat. Mayor McLean asked if they could run a line from Dutch Avenue, but Mr. Nichols said there is no right of way. Sewer is already available. Councilman Duke MOVED to run the line as proposed, seconded by Councilman Hostetler, with all in favor.

City Manager Ponder reminded the Council of the League of Municipalities' meeting on October 19-21.

Mayor McLean reminded the Council of the Elected Officials Seminar on September 19.

The floor was opened to public comments. Patti Hunnicutt, 110 N. Alexander, was recognized. She said that the re-evaluations of property by the county is still under review and appeal, and asked how the Council could vote on its tax rate without knowing the new valuations. City Manager Ponder stated that he presents the budget in May every year, and it is based on an estimate every year. He had been informed by the county to estimate a 15% increase in valuations, which is what he used. She stated her opinion that it is irresponsible to vote on a new budget and tax rate before they get the new valuations. Mr. Ponder stated that the City is required by law to adopt a budget by July 1. Ms. Hunnicutt said she attends a lot of the county commission meetings and never sees the councilmembers there, and said they should be there to represent the city in things that affect us, and she hoped they will go. Councilman Helms said he usually goes to every county commission meeting, although he had not been able to go to the last one.

Lib Nichols, 601 Tuckaseege Road, said the intersection on the bypass at the Eckerds is dangerous because there is no light, and she asked how they could open before that was finished. Councilman Hostetler said the Council had Mr. Ponder call DOT about that. Mr. Ponder said he was told it is still in engineering in Raleigh and gave him no time line as to when to expect it.

Councilman Stewart inquired about the progress by DOT on North Main Street. Mr. Ponder said they contracted out the concrete work separately from the asphalt work, and would give him no time line. Councilwoman Harris said she got the same answer from Mr. Steinberger at the last TAC meeting.

Councilman Stewart said he has had inquiries from citizens as to whether or not the Council is going to air the council meetings on Time Warner cablevision. Mr. Ponder said he believes that will be available if Council chooses to do so, and that franchise renewal negotiations will begin in September.

Councilman Helms said that he has had comments from businessmen that they have only water and sewer use from one restroom and yet are charged a higher minimum than residential, namely 6,000 gallons instead of 3,000 gallons. Councilman Stewart agreed with Councilman Helms that they should not be penalized. City Manager Ponder said he would calculate the impact such a change would have on the water/sewer fund and report back to Council at the next meeting.

Mayor McLean said the police officers for the evening were Officer Duckworth and Officer Rogers.

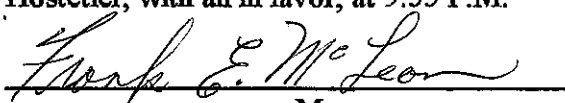
Councilman Duke said Mr. Nixon has locked his dumpster and the people who rent from him have keys to use it, but extraneous people are dumping beside it in the parking lot; he requested this area be policed in some manner.

Councilman Hostetler said that the developer for the shopping center where Eckerds is built, Dick Marshall, said he asked for a traffic light eight months ago, and is just as upset that it has not been done. Councilman Hostetler asked the City Manager to see if the Tuckaseegee entrance could be opened and the Hwy. 273 entrance closed off until the light is installed.

Councilman Hostetler reported that the Image Committee has had two meetings. Amanda and Cecelia Broome, Co-Chair, have prepared a mission statement which was adopted. They propose a Yard of the Month, and have asked for \$45 to purchase a weather resistant sign, and he MOVED to authorize said purchase. Motion seconded by Councilman Duke, with all in favor.

There being no further business, the meeting was adjourned, upon motion by Councilman Duke, seconded by Councilman Hostetler, with all in favor, at 9:35 P.M.


City Clerk


Mayor
