

Regular Meeting
City Council
July 14, 1997

The regular meeting was held at City Hall, and was called to order by Mayor Frank McLean at 7:30 P. M. Those present were Mayor Pro-Tem Michael Helms, Councilwoman Phyllis Harris, Councilmen Jim Hope, R. L. Duke, and Andy Stewart, David Hostetler Jr., as well as City Manager Phil Ponder (who arrived at 8:00 P.M. after attending a Stanley town council meeting), Administrative Services Director Sherry Borgsdorf, City Attorney Kemp Michael, Public Works Director Eddie Nichols, Planning Director Danny Jackson, and a Police Dept. representative.

The invocation was led by Rev. Cyrus Frazier.

The Council unanimously agreed to change the agenda to consider the first item of new business immediately. A grant had been obtained by the City as a result of application by Recreation Director Zip Stowe and Planning Consultant Judi Simac, from the Parks and Recreation Trust Fund Committee, in the amount of \$30,389, requiring matching funds by the City. Councilwoman Harris **MOVED** to accept the grant and authorize expenditure of the matching funds budgeted for the River Street project, and further to authorize execution of the Agreement with N. C. Parks and Recreation Trust Fund; motion seconded by Councilman Helms, with all in favor.

Roy Alexander of the N. C. Parks and Recreation Trust Fund was recognized, and stated that the legislature created the fund and budgeted \$5.5 million this year. 121 cities applied and 54 were funded, of which Mt. Holly was included. Sharon Tibbett, the regional member, helped present a check to the Mayor on behalf of the City of Mount Holly in the amount of \$30,389.00. The Mayor thanked them on behalf of the City.

Mayor McLean read a proclamation honoring the Mt. Holly Veterans of Foreign War for their 50th anniversary. Mr. Bobby Connell accepted a framed copy on behalf of the unit. Seven members were present including Charles Black, a charter member. Mr. Connell led a pledge of allegiance ceremony.

Jack Stevenson, a Planning Commission member, has served as representative on the Gaston County Quality of Natural Resources Committee (QNRC), which meets monthly. He reported to Council regarding the Committee's accomplishments for the 96-97 fiscal year, including hazardous waste collections from residences and the South Fork River Task Force. He encouraged the City to take an active interest in the development of land along the Catawba River, particularly the Crescent Resources land which it plans to sell. He recommended the City request restrictions for protection of the water quality be put on the deeds of conveyance. Councilman Helms noted for the record that the legislature has also funded the Marine Commission that will be regulating Mountain

Island Lake, our water source.

Council went into a public hearing session for consideration of two rezoning requests on South Main Street. The first is for a 1.5 acre tract known as 601 South Main owned by Seaywoods Associates, from H-I to B-3. Mr. Jackson reported that the Planning Commission recommended approval. The property is surrounded by B-3 and B-2 zones. There were no comments from the audience or Council.

The second public hearing was for rezoning a one-quarter acre tract at the intersection of South Main and Highland, from H-I to B-3, owned by Presbyterian Health Services Corporation. This is a remainder portion of their property, the rest of the property already being zoned B-3. The property is surrounded by B-3 and B-2 zones. Mr. Jackson reported the Planning Commission's recommendation of approval. There were no comments from either the Council or audience.

Councilwoman Harris **MOVED** to return to regular session, seconded by Councilman Duke, with all in favor. Councilman Hope **MOVED** to approve the rezoning of the 1.5 acre tract at 601 South Main Street from H-I to B-3, seconded by Councilwoman Harris, with all in favor. Councilman Hope **MOVED** to approve the rezoning of the 1/4 acre tract at the intersection of South Main and Highland from H-I to B-3, seconded by Councilman Duke, with all in favor.

Charles Black, Jr. addressed the matter of fluoridation of the City's water supply. He said he was on the Council when this was decided. They had doctors and dentists and information from the State presented to them at that time, and had a grant from the State to put it in. He said they never had a complaint in the 16 years after that he was on the Board. He stated his belief that it is a good thing, and that one may find anything they want to find on the Internet to support their position.

William C. Satterfield, DDS, from North Carolina Public Health, was recognized upon Council concurrence to hear him. He stated that no matter how many speak, he recommends the Council not listen to the sales pitch but look at the product results. He further stated that the amount of fluoride put in the water is the optimum level in which to reduce tooth decay, and it has done what it was supposed to do. He said the tooth decay still causes loss of teeth in children and adults, and the best results are when given by the age of three. He said fluoridation is one of the four main health assistances given, among immunization, pasteurization, and chlorination. He said it was studied thoroughly before being used, and we now have 50 years of record of safety and ethics. He continued to say that every major health and safety organization in the country supports fluoridation. He said it reduces the cost of dental care. He said this is an important issue because in 1945 the majority of rejections for military service were due to lack of teeth or decayed teeth, and in 1990-1991 when reserves were called for Desert Storm 26% could not serve for dental reasons. He also stated that fluoride gets

attacked every five years or so, on all sorts of grounds, and a task force is usually set up, but it has always come out to the same conclusion, that fluoride is recommended. He suggested that information be checked to be sure it is from a reputable source. He said the Council has several options; to be emotional, or to use poor data and base the decision on economics; or to decide not to fluoridate; or to decide to continue. He said the cost of one tooth restoration is about the same as a lifetime amount of fluoride in the water one person consumes.

Councilman Hostetler thanked Dr. Satterfield for coming, and said he respects his position and information from a dentist's point of view. He said he is aware that information on the Internet can be either good or bad, but he had only used material from reputable sources. The information he had shared with the Council listed 32 studies showing risks including hip fractures in adults over 50 and dental fluorosis in children, as well as lower i.q. in children, and a rare cancer in young men. He stated that it is his opinion that it is not appropriate for fluoride to be applied in mass, as in a municipal water supply, since different persons require different doses. He also pointed out that in 1945 most toothpastes did not have fluoride, and studies have also shown that people have better tooth hygiene and more dental visits, which is the real difference instead of being in the water. He admitted he was skeptical at first, and he was raised to believe fluoride was a good thing to have in water. He further stated that toothpaste tubes even state it is poison if swallowed. Also, he commented that he had learned that 90% of Europe has banned fluoride. He said he agrees that fluoride helps prevent tooth decay, but he does not think people should have to drink it, and the City should not mass medicate with it since it causes problems for some people, including those with kidney disease.

Councilman Hope **MOVED** that the City continue to fluoridate the water supply, seconded by Councilwoman Harris. Discussion followed. Councilman Stewart asked if it is necessary to vote to keep it, or even at all that evening. Councilman Hostetler said he would also like to hear from a specialist in the health field. Councilwoman Harris noted for the record that the woman referred to in his memo was named Becky, and she was President of a woman's club and was representing them and their request, not just hers alone. Councilman Stewart said he appreciated hearing from the dentist, and he feels the use of a chemical should be evaluated every five years or so, and his concern lies in the fact that it is a form of mass medication. He stated he strongly supports the rights of citizens to choose, and is against anything that infringes on personal choice. He said he is aware fluoridation was begun because it was believed to be the right thing to do then, but he feels a responsibility to decide what to do now based on the information available today. He had spoken with a kidney specialist recently about results from studies concerning the effects of fluoride on those with kidney disease. Councilwoman Harris said you can find bad about anything, and there are always a few affected negatively, but there is also a lot of good, and it

outweighs the risk. Councilman Hostetler said he saw no need to vote on the matter that evening, and wished to hear from a health expert. Councilman Helms said he had read over the information provided, and he had talked with a lot of citizens from whom he got about a 50-50 response. He said the matter should be revisited as new information continuously becomes available, just like is done with the land use plan. He further said he is sure the City monitors the water supply and the percentage of fluoride weekly. Councilman Duke said he would like to wait until later to vote on this matter. Councilman Hostetler made a **MOTION** to table until the Council also hears from a health expert, seconded by Councilman Duke, which failed upon a vote of three ayes and three nays (Hope, Helms, and Harris), with a nay vote by the Mayor. Mayor McLean called for a vote on the previous motion of Councilman Hope, which carried by a vote of three ayes and three nays (Stewart, Hostetler, and Duke) with an aye vote by the Mayor. Councilman Helms said if new information is obtained it can be brought back to Council for consideration. Councilman Hostetler asked if those in the audience would give a show of hands of those in favor of taking fluoride out of the water; there were a large number in attendance who raised their hand. Roma Norris stood up and said she lives in Mount Holly and wants pure water and personal choice on fluoride. Another unidentified woman asked that a public hearing be held, and to let the citizens vote on it.

The Council took a five minute recess. Upon returning, Councilwoman Harris stated that someone in the hall had just told her she hoped she was the first to be crippled, and she wanted to respond that no matter whether you are for or against any issue, that kind of comment is uncalled for. Councilman Hostetler asked her to clarify that it was not a council person, which she did. Councilman Hope stated that this matter was discussed at a dinner with three council persons present prior to the meeting, and care should be taken to consider the ethics involved; Councilman Hostetler said at no time had the meetings rules been violated.

Cyrus Frazier was recognized, and stated his appreciation for the sidewalks on North Main Street, but his anxious awaiting for the repair of Highway 273. The City Manager said he has repeatedly contacted DOT about that. Councilman Hostetler thanked Mr. Frazier for his hard work this summer as always on the downtown beautification; that it looks very good as usual. Mr. Frazier said he was happy to do it, but he did not like it when someone comes along behind him and re-does the work. He also said that the crepe myrtle planters at the square need some work, but bricks would be a bad choice because traffic often hits them.

Lib Nichols asked why the sidewalks on North Main sometimes go around the pole and sometimes do not. Mr. Ponder said the City and DOT did not have the authority to move the poles from Duke Power Company, but are trying to get them to relocate the poles.

City Manager Ponder reported the bond counsel feels the paperwork is in order for a bond referendum on the sidewalk

project. The estimated cost is \$2.575 million, for 40,000 feet of sidewalk and related storm drainage and improvements. The debt service would be \$206,624 per year, at five percent interest. Although the report had the project being done by several crews within seven months, he suggested the work be staggered over a couple of years. He stated that the costs for the referendum have been budgeted. The maps which accompany the list will be in Danny Jackson's office (Planning Dept.). The public hearing will be held in September. Councilman Hope said the sidewalks would be nice, but the citizens are asking for taxes to be cut, and this could increase the tax rate by six cents. Councilman Hostetler asked if Powell Bill money may be used to pay for these. Mr. Ponder said it can, although we only get \$220,000 per year and usually do street paving with most of that. Councilman Duke wanted to investigate doing some each year in the budget and not go into such a debt. Councilman Stewart said it could be done that way, but better for all to be able to use a complete system so no one feels slighted; he also said we don't know if it will cause a tax increase or not yet, and he wants the citizens to decide. Councilman Helms said he also wants it to go the people and wants them informed about the cost and any tax rate increase. Mr. Ponder said by September he will have the options prepared for Council to consider. The Council concurred that he continue working on the paperwork for a referendum.

Ms. Yvonne Kirkpatrick reported to Council that her business is doing well, and she has already served clients over sixty hours; she has had no complaints. The Council had the City Attorney prepare a proposed amendment to the City's Code on massage parlors, which he had done. He said licensed massage therapist is added as an exception in Section 11-2. Although there is no State license, the code does not require the license to be by the State. Ms. Kirkpatrick was satisfied that this will enable her to work and prevent abuse by non-qualified persons. Councilman Hostetler **MOVED** to amend our ordinance Section 11-2 as presented; seconded by Councilman Duke, with all in favor. (copy attached)

City Manager Ponder said as a result of the Council's agreement to provide \$400,000 of Stanley's sewer interconnect debt, the City Attorney had drafted a proposed supplement to the Agreement. He reviewed the terms, including assumption of that amount of the debt; a cap on our interest at 3%, and a term of 20 years, with the interest not to begin until the project is completed; Mt. Holly's payments never exceed the revenue from the wastewater treatment for Stanley; Mt. Holly would share in any discount received. Councilman Stewart **MOVED** to approve the Supplement to the Agreement as presented and authorize its execution; seconded by Councilman Helms, with all in favor. (copy attached)

BellSouth Mobility has requested to place an antenna on the Stanley water tank on Highway 27. The funds it would pay are potentially over \$500,000 over a 25 year period. Mr. Ponder had

suggested the money be dedicated solely to maintenance of the tank, but Stanley owns the land and wants half the proceeds. Stanley has approved the placement of the antenna. Derek Boggs and Martha McCrimmon appeared before Council, with pictures of equipment like what will be placed on the tank. City Attorney Michael stated that although Mt. Holly has an easement to place the tank there, it does not have the authority to grant further use of the property to others. Mr. Ponder said the Agreement presented by BellSouth had several blanks, and he is still unsure about types of equipment not specified yet. He wants our engineer to review the plans and inspect the installation, at BellSouth's expense. Mr. Michael said the Agreement will have to be redrawn and the price negotiated, but because of the deadline presented asked for approval of the concept and authorization for staff to complete the agreement and have it executed. Mr. Ponder said he would send it out in a memo prior to execution, for Council review. Mr. Boggs said they propose six exterior mounted antennae, with no penetration, for digital service. Councilman Helms said the City should make sure space is reserved for other things. Councilman Stewart **MOVED** to approve the draft of the agreement to allow the antennae by BellSouth on the Stanley water tank, with the City Manager and City Attorney to complete the Agreement and then are hereby authorized to have it executed; seconded by Councilwoman Harris, with all in favor.

City Attorney Michael introduced the Police office on duty that evening, Derek Summey, whom he had known since Derek was in fifth grade and played basketball on the team he coached. He said they lost only one game in three years thanks to Derek, and he is a good addition to the Department.

The minutes of June 9 and 23, 1997, were approved as written, upon **MOTION** by Councilman Helms seconded by Councilman Duke, with all in favor.

Public Works Director Eddie Nichols presented the paving bids. Only two were received on June 26th, and so it had been re-advertised. He said the low bidder was John Jenkins at \$284,217. City Manager Ponder said both complained that the high figure was due to the short time allowed for completion, and the increase in liquidated damages. John Jenkins offered a deduct of \$4,965 if allowed to move completion to November 1. Councilman Hope **MOVED** upon City Manager's recommendation to award the paving contract to the low bidder John Jenkins with a deduct for completion date of November 1 for an amount not to exceed \$_____, seconded by Councilman Helms, with all in favor. City Manager Ponder presented a budget amendment to accomodate this action, which was approved upon **MOTION** by Councilman Stewart, seconded by Councilwoman Harris, with all in favor. Mr. Ponder reminded the Council that the high balance in the streets fund included the \$250,000 for road improvements for the new YMCA.

The consultants have begun work on the Administration/GIS computer system, and the Police Department computer system is

nearing completion. Mr. Ponder requested Council input for the next phase. The report by NISS, Inc. was included in the agenda packet, and he was available for questions. Councilman Stewart asked if the City would be accepting cards for payments now. Mr. Ashurst said that is set up through the bank, but the system will accomodate it. Ms. Borgsdorf said they are still reviewing all the options. Mr. Ponder said the budget calls for a computer for all the Councilpersons, identified as City property, so that E-mail will be possible between them. Councilmen Hostetler and Stewart said they prefer the "notebook" size, and Councilman Hope agreed. Training is included in the price, and printers will be included as well. Councilman Hostetler said the monthly reports have improved but he hopes the computers will help them to be more user-friendly.

Mr. Ponder stated that the N. C. legislature passed a law requiring cities, or cooperatives, to develop a ten year solid waste management plan. Gaston County funded a consultant to prepare a plan for all the cities that take waste to their landfill, which includes Mt. Holly. He had included in the agenda packet a copy of MSA Consulting Engineers' plan. Although he would prefer more specifics, he found the plan to be sufficient to keep us from being fined by the State for not having a plan, and a lot of data that is time-consuming to accumulate. The deadline was June 30, but he had obtained an extension. Councilman Helms **MOVED** to adopt Resolution #7-14-97(a) approving the Gaston County Solid Waste Management Plan; seconded by Councilman Hope. Councilman Hostetler asked if the City's recycling program was reflected in the plan; Mr. Stewart said it is cited on page 11. Mr. Ponder said the implementation of the plan over the next ten years will be the real issue, and also to see if the State adopts any more regulations. Motion carried with all in favor.

City Manager Ponder reported that the N. C. Senate recently passed a bill called "Clean Water Responsibility Act" which would place tighter restrictions upon discharges into bodies of water, and would impact our water/sewer system. He shared information received by Rep. Rayfield. Although the objective is good, the bill is not based on any data as to costs. It is estimated this would cost \$10 to 15 million, and would require sewer rates be doubled. He would like to see more public education as to the price tag for the rising environmental push. Councilman Harris said at the League of Municipalities meeting, a big concern was that when the sewer rates have to go up, the citizens will call us and not the legislature that passed it. This was initiated because of a problem with the Neuse River, but they cannot make a rule for one place; it has to be for the whole State, she said. She said the League wants the legislature to take the time to study the costs and what a burden this will put on cities. Mr. Ponder said the engineers have informed him that the plans they are working on now will handle a six milligram nitrogen limit but are not sure if it will meet a four milligram limit. He said he will not know the real impact until they set the limit finally and funding is determined, if at all. Councilman Stewart said he is

in favor of clean water but not to the point of bankrupting cities. Mr. Ponder also stated that the State study showed that 85% of the pollution is "non-point pollutants", so all that money would be spent on 15% of the problem. Councilwoman Harris said this has already passed the Senate, and Senator Forrester said he voted for it because it had a lot of good things in it, but he did not say why he did not have them take out the bad parts. Mr. Ponder further stated that there is no data on the fiscal impact, nor on the environmental impact if it is approved. The Council agreed to let the representatives know about their concerns.

Councilman Duke **MOVED** to approve the write-off of uncollectible tax accounts in the amount of \$1,198.10, seconded by Councilman Hostetler, with all in favor.

Mayor McLean said the VFW has requested they be allowed to continue to put up temporary signs for their fish fries on the last week of each month; the Council concurred to allow it.

Councilman Helms asked the City Manager for a clean out of a curb and gutter, and for speed limit enforcement on Highway 273.

Councilman Hope asked if the crews he saw working Saturday were getting overtime. Mr. Ponder said they are; that the City is 20% under staffed presently, but still under budget.

Councilman Duke inquired about the flower planters for downtown; they are on order. He also asked that the speed limit on Nantz Avenue be enforced.

Councilman Hostetler said he also got calls about Nantz Avenue. He asked that the new stop signs on Bell Avenue be monitored as well. He said he would like to see Highway 273 covered on more days. He commended the street maintenance crews.

Councilwoman Harris said she had a request by Pam Smith to go out to Central Park, so she went with Zip Stowe. They want 60 feet more of piping. She agreed that it will cut down on a lot of maintenance. It would be best if it is done while they are already there working. Mr. Nichols said the increase would be \$9,969. Councilman Hostetler reminded him that he would like to see the pipe screened so children don't go in it. Councilman Helms said they did not have a silt fence so they were lucky it did not rain. Councilwoman Harris **MOVED** to approve the additional 60 feet of piping at Central Park for a cost of \$9,969; seconded by Councilman Hostetler, with all in favor.

City Manager Ponder said he had a request by Lloyd Gann with the Gaston County Recreation Commission, for the City to help a private recreational facility on old Highway 27. This is the property that requested to be annexed recently. They have need of repairs from flooding, and since they got us some surplus equipment, they want us to help out. They had wanted to exchange it for the sewer interconnect right-of-way, but the City paid for

that in cash in the belief they would use it to pay for the work needed. Councilman Hope did not believe it would be appropriate to send City personnel outside the City to work. Councilman Helms agreed, but suggested we allow the use of the motograder equipment as long as qualified County personnel uses it. The Council concurred with that.

City Manager Ponder said the last couple weeks the Sanitation Department has gone all over town to pick up yard waste to catch up, and has given brochures where they picked up. Mr. Nichols said this is because only 16% had called in for pick up; and they went to 326 sites. On Wednesday they had picked up white goods at 29 sites, with only 13 called in. They propose to revise the brochure previously sent, and a refrigerator magnet with phone numbers on it, to be delivered by the garbage men. The Council concurred with this plan.

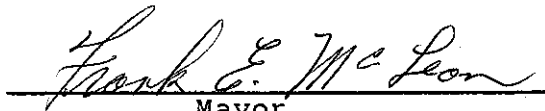
City Manager Ponder said the study for Highway 273 was in the memo; and the ball is now in the City's court. He is concerned that the City has a lot of capital outlay expenses planned already. Councilwoman Harris asked if the Council would approve she and Phil going to meet with Ann Gaither. The Council concurred that they do so.

Councilman Duke **MOVED** to go into closed session for discussion of personnel matters; seconded by Councilwoman Harris, with all in favor. The Council returned to regular open session upon **MOTION** by Councilwoman Harris, with all in favor.

Councilwoman Harris **MOVED** that the City Manager's salary be increased by five percent; seconded by Councilman Helms, 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 10:30 P.M.


City Clerk


Mayor
