Regular Meeting
City Council
July 13, 1992

The meeting was called to order by Mayor Charles B. Black, Jr. at 7:30 P.M. Those present were Mayor Pro-Tem Faye Little, Councilwomen Lib Nichols and Phyllis Harris, Councilmen Archie Small, Bob Jessen, and Jim Hope, as well as Director of Public Works Eddie Nichols, Zoning Administrator Gary Roberts, City Manager Phil Ponder, and City Attorney Kemp Michael.

The invocation was led by Rev. Douglas Bryant.

The minutes of June 8 and 25, 1992, were approved with the following corrections, upon MOTION by Councilwoman Little, seconded by Councilman Small, carried with five ayes (Hope abstained): June 8, page 5, paragraph four, third line from bottom--amend to read "MOVED that the nomination for Jim Hope be unanimous."; June 25, page 1, paragraph 3--change "land package" to "bond package"; June 25, page 1, paragraph 5--"carried with five ayes (Hope abstained). Councilwoman Little then stated for clarification that Mr. Hope's term will run until the next election in 1993, at which time the person who comes in fourth will take Councilman Biggerstaff's seat for the remaining two years of his term.

Mayor Black presented a resolution in appreciation for the many years of service by Councilman Biggerstaff, and it was adopted upon MOTION by Councilwoman Little, seconded by Councilman Jessen and unanimously carried. (copy attached) Councilman Jessen read the resolution over the telephone to Councilman Biggerstaff and his wife in Greensboro. Councilman Biggerstaff thanked the Council and said he missed them and Mount Holly.

The regular meeting was recessed and a public hearing called for consideration of closing a portion of River Street. Gary Roberts pointed out the section to be closed on a map. Gary McManus asked what it means to close the street. City Attorney Michael said River Street would be closed from Dutchman Creek South 128 feet, and that means it would no longer be a public street, and the ownership of that land would revert to the owners on either side of the centerline; a reservation for utility easements would be made by the City. The half which would become part of the City's property known as River Street Park would be subject to use regulations established by the City. The half owned by the Lodge would be private property. Mr. McManus itemized several bad things going on over there and he urged the City, and Police Department, to do whatever it takes to stop this activity and to be aggressive. Carl Stilwell wanted to know if it will be fenced off. Merlin Brown said it will take a lot of police patrol to stop what is going on. Charlene McRorie said there was a drive-by shooting next to the park while she had small children there practicing T-Ball, and she does not feel safe there anymore. Mayor Black stated that the morals of our society are to blame and also the fact that the Police arrest them and they are let go on bond, and even if convicted are released early from jail; he suggested that citizens in the community must organize to watch and report crime, and to go to Court to be sure the Judge does not let them go. Councilman Jessen said that he wants this stopped and assured those present the City will do everything it legally can, and this street closing is a good first step; he also noted that the Police Department report shows between 10 and 15 arrests that are out on bail. City Manager Ponder stated if the street is closed he would install a locked gate, and fence at the end of the parking area to try to keep vehicles off the creek bank; also, the trees would be trimmed for better visibility, and the area would be disked and seeded. Councilman Small suggested a curfew. Mr. McManus said he would like to see police patrol once an hour every day. There were no further comments. The public hearing was adjourned and the regular meeting resumed. Councilwoman Little MOVED to approve the proposal and adopt resolution #7-13-92(a) ordering the closing of a portion of River Street; seconded by Councilman Jessen, with all in favor. (copy attached)

Consideration of the proposed Recreation Ordinance was tabled until the next regular meeting to get a review and recommendation by the Recreation Commission, upon MOTION by Councilwoman Little, seconded by Councilman Hope, with all in favor.

The City Manager was asked to have all department heads at every regular Council meeting.

David Pond, for W. K. Dickson, Engineers, reported to the Council regarding the Jadco-Hughes request. A written report had been provided earlier. He stated the documentation had been reviewed in depth, meetings were held with the Steering Committee, and on site, as well as with EPA. It was their opinion that there is no technical reason why the City should not accept the discharge from Jadco-Hughes, and stated it would not be any more harmful than what is already being received from current industries. He and Eddie Nichols had called and interviewed other cities and sites on the "superfund" list about their concerns and they have found the cleanup to be acceptable as long as there is proper administration. Mayor Black said he cannot vote but "superfund" scares him to death, and the City's plant is in good working order now, and we already have to deal with the clean-up at Sodyeco (Sandoz); he said common sense tells him the response should be "no"; he wants the City to do all it can to preserve clean water for our children. He further reminded the Council that the mill and area around this site did not want to be annexed by Mount Holly; they wanted Belmont, and so he felt they should apply to Belmont now for relief. Councilwoman Nichols said she had read the reports presented and does not think the City should have anything to do with it. Councilwoman Little told Mr. Pond that the questions and answers in his report were juvenile and did not provide the detailed information she wanted, and she felt there should have been a summary of the documents reviewed. Mr. Quigley said that the reports were named and each of them consists of technical data. Mayor Black said the City is responsible for what goes into the Catawba River out of our plant. Mr. Quigley said EPA's process involves working plans to be established ahead of time, and the remedy proposed would keep the groundwater from going into the creek or neighborhood's groundwater. The volumes of documentation are evidence, he said, of the large amount of technical information obtained so that what is there is identified and a working pretreatment can be designed before discharge to the City. The data and design proposed show the discharge would not be harmful to the City's system, he said, and a headworks analysis would make a final determination of whether or not that is true. Councilwoman Little stated that she felt the Council would be leading them on if they let anymore study or negotiation continue and it should be cut off now. Councilman Jessen asked Eddie Nichols how the 35,000 gallons a day relates to the City system; he said it has a 4 million gallons a day capacity, and we are at 3.7 million gallons a day now. Councilman Jessen noted that discharge to the City would cost Jadco-Hughes about half of what the other choice (to treat it on site and discharge to Fites Creek) would cost. He asked why it takes 15 to 30 years. Mr. Quigley said a well would be dug and water would run through the soil and be pumped off to flush the chemicals stuck to the dirt; he continued that they have not hidden the fact that it is cheaper for them to use the City system. Further, he stated there is a real concern that the technical process for treatment will fail, whereas the City's biological system will not. Councilwoman Nichols stated that there are two chemical plants on Fite Creek between this site and the River. Councilman Hope asked when the last date samples were taken was; that was in 1990. He asked how EPA would deal with the same site today if it took samples now; Quigley said the list was set in 1986 and cannot be changed, unfortunately. Councilman Hope then asked what the rate of flow of the groundwater is; toward the creek it is 2-½ gallons per minute. He asked how far down the creek before they get a negative test; about ¼ mile. Mr. Quigley stated that they fully expect to pay the City all fees and costs for the analysis, for tap-on and for discharge, and he felt it was too early for the Council to decide. Councilwoman Little asked if there is water on the site; there is a natural spring which gives about 3 gallons of water per minute. Councilman Jessen said they all agree that this needs to be cleaned up, and stated his inclination is to a negative response, but he thought it would be a disadvantage to say "no" that evening and wanted more information; he stated the Council must be smart and not emotional to do what is best for our environment. Mr. Pond said that of the three feasible options, the discharge to Mt. Holly's sewer plant is the best, and the discharge limits would be set by EPA itself. City Attorney Michael said he did not feel that Jadco-Hughes would be hurt if the City got more information and gave an answer later. Councilwoman Little said she does not think the Council needs to hear any more, and she MOVED to stop the negotiation tonight, that there is no use for further study nor for Jadco-Hughes to address the City any longer on this matter. Motion seconded by Councilman Small. Councilman Hope stated he is concerned about the possibility that turning them away is not the lesser of two evils and did not want a hasty decision to be made. The motion carried with a vote of three ayes and three nays (Jessen, Hope, and Harris), with a vote of aye from Mayor Black.

Board of Adjustment appointments were considered. Councilman Hope stated that experience is important given the responsibility of that Board and the fact that appeals from them are to Court. Mayor Black said Bobby Bishop, Oak Trail Avenue, has volunteered. Councilman Jessen nominated Jerry Miller, Walnut Avenue, and W. W. Moore. Councilman Small nominated Ralph Michael. There is need for one inside, one inside alternate, and one outside alternate. Mr. Lindsay asked that Mr. Hope be allowed to remain as the inside member until an experienced person is found; Councilman Hope agreed to do so, and the Council concurred. City Attorney Michael suggested more than one alternate be appointed since a 4/5 vote is required, and an amendment to the ordinance was discussed but no action was taken. Nominations were closed for an inside alternate and the vote taken: Bishop, one; Michael, one; Miller, three; and Moore; one. Jerry Miller was appointed as inside alternate for a three year term on the Board of Adjustments.

The municipal bond package was discussed. Tim Hemker, W. K. Dickson, Engineers, summarized the eight projects which were the top priorities for water and sewer improvements. They are: W-1--Elevated Water Tanks, North N. C. 273 and Catawba Heights, $1,530,000; W-2--16" Water Main, Northwest Loop, $305,000; W-3--Beatty Road/Ferstl Avenue water line, $105,000; S-1--Catawba River Basin trunk line, $950,000; S-2--Dutchmans Creek trunk line to South Stanley Creek, $395,000; S-3--South Stanley Creek trunk line extension, $580,000; S-4--Dutchmans Creek Relief Sewer, north of Dutch Avenue and west of Wilson Street, $200,000; S-5--Woodlawn Avenue Lift Station Upgrade, $185,000. These eight items total $4,250,000. Mayor Black asked how long it will take to put the elevated tank in use on North Main after the property is obtained and site engineering is done; Mr. Hemker said about 18 months. The Mayor asked the City Manager to explain the bond package to the audience. Mr. Ponder said the water and sewer rates were increased as of August 1 which will generate funds allowing the City to incur up to a $4 million bond package at the present 7% rate; if a lower rate is obtained, the bond package which we can sustain would be higher. A discussion followed about which projects to pull, if necessary, to keep within the budget; S-4 and S-5 were recommended to be pulled off the bond package if necessary. The figures given are conservative estimates. Councilman Hope asked when the referendum can be; Mr. Ponder said 90 to 120 days. Councilman Hope asked what happens if the referendum passes; construction plans and State approval would be obtained taking about 6 months, followed by about 18 months of construction. City Manager Ponder asked if the design of the water tank can be done now and reimbursed out of the project if the bond passes; it can, and the site engineering is presently underway on the elevated tank for North Main. Mayor Black asked what engineering they need to do since the tank is already engineered; he said they do site plans, hydraulics and hook-up to the system. Councilman Jessen MOVED to adopt resolution 7-13-92(b) as presented entitled "Approving the Filing of an Application with the Local Government Commission, Authorizing Publication of a Notice of Intent to File Application, and Finding a Need for Projects to be Financed by the City of Mount Holly, North Carolina, for General Obligation Bonds Consisting of $2,000,000 of Water Bonds and $2,000,000 in Sewer Bonds"; seconded by Councilwoman Little, with all in favor. Councilman Jessen MOVED that the bond referendum be held on the general election date in November (the 3rd); seconded by Councilman Hope, and carried with five ayes and one nay (Little). Councilwoman Little stated that she is in favor of the bond referendum but is of the opinion it will be defeated if held on that date.

The Planning Commission had recommended that lodges be allowed in all business districts but not allowed in any residential district other than R-A and R-20 (where they are already allowed). Councilwoman Little MOVED to accept the recommendation of the Planning Commission; seconded by Councilman Hope, with all in favor.

The proposed North Carolina Housing Agency Risk Retention Pool Agreement was approved contingent upon approval by the City Attorney and the Mayor, and its execution by the Mayor and City Clerk was authorized if such approval be given, upon MOTION by Councilwoman Little, seconded by Councilwoman Harris, and carried unanimously.

The offer by the State for railroad crossing warning devices to be placed at West Central Avenue and the CSX railroad, with the City sharing the cost of installation and maintenance, was considered, but declined, upon MOTION by Councilman Small, seconded by Councilwoman Little with all in favor.

City Manager Ponder stated that a privilege license was granted in error by a new staff member to a pawn shop being operated by Shooter's Express without them appearing to the Council first. The business has the appropriate bonds and state licenses, and the Police Chief reports that he has had no problem with their operation and has given his clearance. Two gentlemen appeared, Paul Collins, being the manager, and Devon Royal, being one of the owners. They were questioned by the Council. Councilwoman Little MOVED to allow Shooters Express to keep its privilege license for operating a pawn shop for pawning of guns only; seconded by Councilman Jessen, with all in favor. They were told that if they decide to pawn other things, they would need to apply again for that.

Tag releases totaling $76.00 and tax releases totaling $1,475.93 for insolvents from 1982-1991, as presented by the Tax Collector, were approved upon MOTION by Councilman Jessen, seconded by Councilwoman Little, with all in favor.

Councilwoman Nichols said that she felt the Council should go on record in support of the Mount Holly Christian Girl's Club, although the City cannot legally financially support it. Councilwoman Little concurred that they are in favor of the priciples of the organization.

City Manager Ponder asked for direction from Council as to its wishes with regard to adjustments to employee salaries, particularly whether they prefer to use the scale he had proposed or to use the five percent "across the board" method. Councilwoman Little was not clear on why the scale would be useful; Mr. Ponder said it puts the City in a better legal position if and when it is before the Labor Board. Mayor Black said that the problem in the past has been a feeling that the scale does not allow for raises to be given to reward hard workers. The City Manager said that he needs to make several revisions to the proposed plan anyway to meet Federal regulations, and will bring it back at that time. Councilman Jessen said he does not like pay plans because he does not approve of governmental bureaucratic automatic raises. Councilwoman Little MOVED to give five percent across the board raises and a one percent Christmas bonus to City employees; seconded by Councilman Small with all in favor. Councilman Hope said he would still like to see consideration given to the water employees who have earned it.

The Council discussed the starting and ending time of council meetings. Councilman Jessen MOVED that City Council meetings will be called to order at 7:30 P. M. and either adjourned or recessed at 11:00 P. M., and any items remaining shall be heard at a continued meeting at a then chosen night that week. This motion was seconded by Councilwoman Harris, with all in favor.

The floor was opened for complaints or petitions. Mr. Merlin Brown stated that two months ago Mrs. Nichols said to get on with the water tank, and he heard someone say the money is appropriated for it, and he wants the water line for North Main run now so he can get water pressure; he said the City is wasting time.

Mr. Lindsay stated that he had documented dates and times that he called the police and they did not respond; he reported one occasion where he saw kids pulling up stop signs; he said he was told they (the police) had taken care of it, but they had not because he was watching the kids do it. This matter was left with the City Manager to handle with the Police Chief.

Mr. Jim Grant said that when the sign ordinance is amended or redone, they should allow the merchants to have input. David Berg agreed that the two biggest problems are the setbacks and the definition of a temporary sign. Zoning Administrator Roberts said the proposal for the new sign ordinance is before the Planning Commission and a public hearing will be held before it is adopted.

Mayor Black stated that the Charlotte Business Center has now opened and he asked the City Manager to have some of the Mount Holly brochures taken over there for display and distribution.

Councilwoman Nichols reported that she has talked to local doctors about the procedure to get new doctors to come to Mount Holly to practice. The Council concurred that this would best be handled by a citizens' committee.

Councilman Small reported a complaint that one man had wood pieces that the City would not pick up as they were too large; but his neighbor got his picked up even though his were larger, after he stated he "knew the Mayor". Mayor Black denied doing anyone a favor like this and supported the Council's instruction to the City Manager that the City's policy should be enforced, namely, no larger than six feet long nor six inches wide will be picked up by the City. City Manager Ponder said when he first came to work here he was inundated with requests for this and he had a crew go around and pick up a lot of them, but now he understood the policy and will enforce it.

Councilman Jessen asked the City Manager to check the water leak problem at Madison and Woodlawn.

Councilman Jessen wanted to consider the matter of the Liberty Life Church sign; he said they should be exempt from the sign ordinance. Zoning Administrator Roberts said his interpretation of the ordinance is that the exemption is for on premises signs. City Attorney Michael said that appeal from interpretations of the Zoning Administrator is to the Board of Adjustments.

City Manager Ponder gave the Council updated information about City employee health insurance, but not all proposals have been received yet. The City now has a 50% increase in premiums due to its claims history; he had budgeted a 25% increase. The volunteer firemen will be out of the coverage in this fiscal year, so he hopes the insurance company will drop the rate after that.

City Manager Ponder asked the Council to make a determination as to commercial waste pickup by the City. The committee proposed that four eight-yard containers be used, one in each quadrant of the City, with a flat fee being charged every business in the amount of $8.56 per month if it does not own its own dumpster. If 90-gallon roll-out containers are used, they cost about $50.00 each, and no one is sure where they could be placed. Councilman Hope said the real problem is that the general public, including County residents, uses them; he stated that he does not feel it is the City's responsibility to provide this service. City Manager Ponder noted that the proposed plan would involve a 25% subsidy by the City. Mayor Black said that Mount Holly is one of only two cities in the County that provide this service for businesses. This matter was taken under advisement.

Councilwoman Little moved to go into executive session for attorney-client and personnel matters, seconded by Councilwoman

Harris, with all in favor. The Council returned to open session upon motion by Councilwoman Little, seconded by Councilwoman Harris, with all in favor.

City Manager Ponder reported that Stepp Construction has requested a two-week extension on its contract which expires on July 27. The engineers have recommended it be given due to the bad weather in June. Councilman Hope said if bad weather is the reason, the City has no choice; but if it is because they pulled one crew off to go to another job, it should not be granted. The Council concurred to take no action presently.

Mayor Black stated that the DMV office will move to Creekside Shopping Center, but they have asked for a 30-day extension of their lease in City Hall. The Council concurred to grant it.

The meeting was adjourned upon motion by Councilwoman Little, seconded by Councilman Jessen and unanimously carried.

Phillip Ponder

City Clerk

Charles B. Black Jr.

Mayor

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