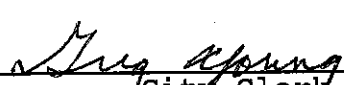
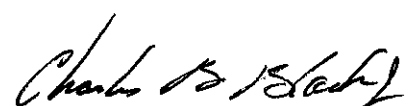


Councilman Duke made a motion to approve the tax releases and insolvent list, with a second by Mayor Pro-Tem Jessen, and all in favor.

The meeting was adjourned at 8:18 P.M.

 _____ City Clerk	 _____ Mayor

Regular Meeting
 Mount Holly City Council
 July 9, 1990

Mayor Charles B. Black, Jr. called the regular meeting to order at 7:30 P.M. in the Council Room. Present were Councilwomen Faye Little and Lib Nichols, Mayor Pro-Tem Bob Jessen, Councilmen Biggerstaff, Archie Small, and R. L. Duke. Also present were City Manager Greg Young, City Attorney Kemp Michael, Director of Public Works Eddie Nichols, Zoning Administrator Gary Roberts, Police Chief Jerry Bishop, and Fire Chief Ray Massey.

The invocation was led by Reverend Preusz from Catawba Heights Wesleyan Church.

Mayor Black issued a proclamation honoring F. H. Abernathy, Jr. upon his retirement as the Chairman of the Planning and Zoning Board and the Board of Adjustment on July 1, 1990. He has served voluntarily for 25 years, and in recognition of his service was given a city pin and a framed copy of the proclamation.

The minutes of June 11 and 12, 1990 were approved, being adopted upon motion by Councilwoman Little, seconded by Mayor Pro-Tem Jessen, and carried with five ayes.

Mayor Black then opened the floor for complaints and petitions not already on the agenda. Ruth Bumgardner Huffstetler, 704 Beatty Drive, was recognized. She spoke for herself and her neighbors, stating that her father owned over 43 acres, and had sold some when the new highway came through. He developed the land and gave a 20 foot right-of-way. People live along this right-of-way. One of the neighbors, Mrs. Harris, says she will close off the road, but they do not want it closed, and they want the "Dead End Road" sign removed which the City put up. Mayor Black apologized for upsetting them, saying that they meant to put up a "No Throughway" sign, but were out of that and so put the other up temporarily until the right one came in.

One of the neighbors asked if they could ask the City to take over that road since they are inside the City now. Mayor Black said they can petition for that, and then the Council must decide whether to accept it or not, and the policy must be followed. City Attorney Michael recited the basics of the policy for them regarding petitions for maintenance of streets in Catawba Heights.

Mr. David Shook, the developer of Deerfield Subdivision, presented a map of another section of Deerfield to the Planning & Zoning Board recently, and he was told that they could not sign it because the Council is going to change the ordinance regarding sidewalks in the new subdivisions. He asked the Council if he must wait for such and comply with it since he was already approved for the whole subdivision, and this is just the final plat for this section. Mr. Abernathy said the intent of the Board was to have more safety, and most cities already require sidewalks in new subdivisions; however, he was of the opinion that if Mr. Shook had presented a plat for the whole subdivision at the beginning, then he would be exempt from any changes made now. Councilwoman Little agreed that he should not be held under any new proposed ordinance. Councilman Biggerstaff recalled that he had presented a preliminary plat for all sections at the beginning and the approval was given then for the whole subdivision.

The regular meeting was recessed, and a public hearing was held to consider a request by Clinton Helms, 117 E. Henry Street, to rezone that property from R-12 to B-2. This has been approved by the Planning & Zoning Board, but Mr. Helms was not present.

A second public hearing was held to consider a proposed amendment to the zoning ordinance recommended by the Planning & Zoning Board to require new subdivisions also to put in sidewalks. Mr. Roberts said the reasons are for safety and recreation. It is proposed to have four feet planting strips between the sidewalk and curb with a four sidewalk. The estimated cost would be \$300.00 per lot for 90 foot lots with sidewalks on both sides; however, the proposed ordinance only requires sidewalks on one side of the street. These requirements would be built within the 60 foot right-of-way, and would even fit in a 50 foot right-of-way, if that is changed later. Councilman Jessen asked why it would only be on one side of the street, he felt the small cost would be worth having them on both sides. Councilman Biggerstaff stated that the City will have to maintain what is installed if the homeowners do not voluntarily do so. Mr. Roberts said the road and curb are about 26 feet wide, with two feet for the two curbs, and then 16 feet for the two strips of grass and sidewalk, which total 44 feet. Mr. Shook said most cities are using fifty foot right-of-ways now. He said that the underground

utilities have to be put in that right-of-way also. Mr. Roberts said they can go on the opposite side of the street, and also underneath if needed.

There were no other comments for the first public hearing. Councilwoman Little moved to continue the public hearing on the matter of Clinton Helms until the next regular meeting, which was seconded by Councilman Duke, and unanimously carried. The Council discussed the matter of the second public hearing further. Councilman Biggerstaff asked Mr. Roberts if the Board made any consideration in the proposed ordinance for small developments or where there is only one way in and out, and the street is not a throughway, in which case he does not think this should be required. Mr. Abernathy said that the traffic is bad, even if it is only one way in and out, and the safety of the residents and children is needed then as well. Mr. Roberts said this only comes into play when the other facts like curb, gutter, and storm drains do. The Council discussed what to do about Mr. Shook's question. The City Attorney stated that they cannot exempt someone from an ordinance that does not exist; he suggested that if an exemption is allowed at any time the Council put a definite time limit within which they would be exempt. The Council agreed that Mr. Shook may proceed under the old ordinance. Councilwoman Little moved to continue this public hearing until the September regular meeting, seconded by Councilman Duke, and unanimously carried. The City Attorney recommended the following language be included in the proposed ordinance with regard to possible exemptions from the sidewalk requirements: 1. final approval of at least one phase has been given, and 2. a preliminary plat for the whole subdivision has been submitted, and 3. a final plat must be submitted within a number of years to be designated by the Council for the rest of the phases to be exempt. Mr. Abernathy agreed that this was a good idea and that a time limit would be an important thing to include.

A request for a public hearing had been received, and Councilman Biggerstaff moved to set a public hearing to consider the request by John Grindstaff to rezone 313 Pearl Beatty Road from R-A to L-I at the next regular meeting, which was seconded by Councilwoman Little, and unanimously carried. The Planning & Zoning Board has recommended that the hearing be held.

The Council next considered agreements between the City and Phoenix Management Services for it to manage the public housing units. Ms. Rita Blackmon, from Raleigh, reviewed the proposal made last month for the Laurel Hill and Freedom Square units. Ms. Debbie Wells, the Senior Property Management stated their intention to hire a local person as site manager at 30 hours per week. The management team, bookkeeping, and site staff would be hired by PMS and its employees or contractors. They would be in place on July 23

or before, if access can be given. While training the site manager, the administrators will fill in with the work load. They will do an audit first thing. She stated PMS has been in this business for nine years, and began in housing subsidized by HUD, and they are familiar with HUD and FmHA regulations. They are the only company in N.C. to have a contract with HUD to manage its properties. Mayor Black said there is a rumor that the rent will automatically be raised \$35.00. She said not so, that they will do evaluations, and the subsidies may be raised, but the tenants will pay according to their individual qualifications pursuant to the regulations. Councilman Small asked if it is true they charge the tenants a service charge if they come to do a repair. She said they do not; but if the repair is due to tenant abuse, then the tenant is required by the regulations to pay it back for the amount of the repair. She further said they have already prepared the notices for the tenants and will meet with them as soon as possible. Mayor Black said that the contract calls for a right to cancel the contract upon 30 days notice by either party. Councilman Duke moved to approve and authorize execution of the three agreements needed to contract between the City and Phoenix Management Services to manage the Laurel Hill and Freedom Square public housing units, which was seconded by Mayor Pro-Tem Jessen, and unanimously carried.

After a short discussion, Councilman Biggerstaff moved to adopt the resolution in favor of the Supplemental Retirement Income Plan of North Carolina for law enforcement officers (the 401K Plan), and/or general employees. Mayor Pro-Tem Jessen seconded the motion, and it carried unanimously.

City Manager Young reviewed the new bids for the fire truck to be purchased. After re-advertisement, the City got four bids. He and the staff recommended the Freightliner truck with the Wolverine apparatus. The Town of Stanley has a Wolverine with the Spartan chassis. The major deviation from the specs is that the door opens a different way. Also, Wolverine requires a down payment when their part is delivered to Freightliner for the apparatus, or a finance charge will ensue. Councilman Biggerstaff noted that this is \$28,000 lower than the last bids. The City Manager had a list of add-ons and deletions which he went over with the Council. Councilman Small asked about delivery; it will be 8 to 9 months. Councilwoman Little moved to award the bid for the new fire truck to Tarheel Fire & Equipment, Inc. as the lowest bid, at an amount of \$158,120.53 with the add-ons and deletions, being a Freightliner chassis and Wolverine apparatus. Councilman Duke seconded the motion. A representative from one of the companies asked to comment; he said his company is the largest builder of Freightliner fire trucks in the world, and they could have underbid that company if the specs had called for a Freightliner, but they

had bid as the specs required. City Manager Young said the specs had been changed because of this man's complaint last month, and they allowed for any chassis or apparatus comparable to the specs. The vote carried the motion unanimously.

City Manager Young asked the Council for direction about the proposed ordinance from the State on procedures and policies for drug testing for law enforcement officers, which would apply to new hirees, lateral transfers, and random tests. The office of First Health on Highway 273 is the only lab certified by the State to do the tests, and this is supposed to be effective as of July 1. Councilman Duke moved to adopt the proposed ordinance, which was seconded by Councilwoman Little. Councilman Small said he would like it to apply to all city employees. City Attorney Michael said he had not reviewed this proposal, and so could not give an opinion, but it did not appear on the surface to be in a condition to adopt as an ordinance. He suggested that since there are officers waiting to be hired that it be implemented as a policy. Further, he informed them that Steve Allred sent out a memo that warned that it is unconstitutional to require all city employees to be drug tested, the ruling has been on public employees, but not on employees of private companies. Councilman Jessen asked why there is a distinction. Mr. Michael said that the law differentiates and specifies the rights of public employees. Councilman Duke amended his motion to adopt the proposal as a drug screening policy for all police department employees hired after July 1, 1990, in harmony with the Drug Screening Administrative rules provided by the Attorney General of North Carolina. This amended motion was seconded by Councilwoman Little, and carried unanimously.

Mayor Black asked the City Manager to check on what has been done about the complaint made last month about the sandblasting of cars in a residential neighborhood.

Mayor Black stated that he got notice that a bill will be introduced in Raleigh about Mount Holly's inventory tax.

The City Manager was asked to get estimates of cost for sidewalks on Tuckasee and North Main Street.

Mayor Black asked that the sidewalks be cleaned off, and the weeds killed in the Adrian area, and Councilman Duke added that the ditches need cleaning out.

Mayor Black said that the new bypass is being held up by the railroad regarding the crossing near A & E.

Mayor Black informed the Council there was another fatality in a car accident at the intersection of Highway 27 and Hawthorne. Councilman Small said he had asked the Chief to

prepare a list of the accidents there in the last year. He said the underbrush and trees need to be cut back from there to the Masonic Lodge because the drivers cannot see up that hill when they are on Hawthorne. Councilman Biggerstaff said most of the problem is from people running that red light. The State is supposed to already have the red lights on delay, so that they are all red at one time for a moment. City Manager Young was asked to request from the State a flashing yellow sign, strobe lights in the red lights, and anything else they think will help. Councilman Small said the brush needs to be cleared out next to Creekside also, and DOT should be asked to put in turn lanes at Creekside as well.

Mayor Black said he had complaints that the chippers are leaving a bunch of stuff. Mr. Nichols said some of the small things the chipper will not take, and the regular garbage is supposed to pick that up. He also said they should heave the machine running when they are only going a short distance to the next stop.

Councilman Biggerstaff reported trees and tree tops down in the right-of-way at Pine and Nims, and asked the City Manager to remove them if they are in the right-of-way.

Councilman Biggerstaff reminded everyone about the Open House at Hoechst Celanese the next Saturday.

Councilman Nichols asked if the proposed city brochure has anything in it about recreation. Mayor Pro-Tem Jessen said there are general comments, but not specific things. She asked that if it is not too late, they add something about the full time recreation department with programs for all ages.

Councilwoman Nichols asked the Police Chief to enforce the no left turn on South Main Street in front of the bank.

Councilman Small asked the City Manager to have the sidewalk on North Main Street cleaned off.

Councilman Small reported to Mr. Nichols he had complaints about water pressure on Hilltop Street, and was told there is only a two inch line from near Bimbo's Restaurant and then only a three-quarter inch line for everyone on Hilltop Street. Mr. Nichols said that is true except part of Hilltop has a one-and-one-half inch water line. Councilman Small asked if the City could bore under Highway 27 and tie into the six inch water line; to which Mr. Nichols replied it can be done at the Council's direction. Councilman Small asked if engineers have to be involved in this. City Manager Young said the State requires that they be involved. The City Manager was asked to get an estimate of cost for a

two inch line bored under Highway 27 to tie into the six inch line for Hilltop Street.

Councilman Duke said he had a complaint that a pile of logs has been left on the side of the road in Woodland Park for over a month. Mr. Nichols said the time has expired for picking up Hugo debris, and the ordinance states the City will only pick up logs up to six inches thick.

Mayor Pro-Tem Jessen asked if the City can do something about the fact that water drains off of Hawthorne Street onto West Central and across Rosie Stowe's yard. City Manager Young said the solution is curb and gutters on her side of the street, or a hump on her driveway (unless it is a great volume of water), or to channel the water another way. Mayor Black said the problem has come about because of the parking lot at the Junior High School.

Councilwoman Little asked Mr. Nichols how the Council can tell if the maintenance has been done at the water Plant as shown on the maintenance report. Mr. Nichols said the initials at the side are the person responsible for that task, and the date listed is when it was done.

City Manager Young reviewed some of the new items on the proposed budget.

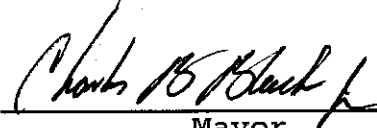
City Manager Young reported that he talked to Ed Garrett, and was told they have withdrawn their offer of \$100,000, and offer \$1,000 tap fee for each lot. Mr. Young had also talked to someone with CYA, and was told by them that they have almost finished a project in Gastonia, and are ready to develop here, and will meet with him soon.

City Manager Young said the extra territorial jurisdiction boundary amendment is still pending and the proposed boundary needs to be established, and then public hearings held.

City Manager Young discussed with the Council when they want to give the dinner honoring F. H. Abernathy, Jr. for the entire Planning and Zoning Board.

Councilman Duke moved for adjournment, seconded by Councilwoman Little, and unanimously carried.


City Clerk


Mayor
