

**CITY COUNCIL
REGULAR MEETING
May 14, 2001**

CALL TO ORDER BY THE MAYOR

The regular meeting of the City Council of Mount Holly was called to order at 7:00 P.M. by Mayor McLean. The following were present:

Mayor Frank McLean

Mayor Pro-Tem Bobby Black

Councilman Michael Helms

Councilwoman Phyllis Harris

Councilman Jim Hope

Councilman Brian Hough

Councilwoman Pat Hubbard

Adm. Services Officer Jamie Guffey

Public Works Asst. Jeff Fritts

Planning & Zoning Dir. Danny Jackson

City Attorney Kemp Michael

Police Chief Davis

Fire Chief Ekiatis

Public Works Director Eddie Nichols is out on sick leave due to chemotherapy treatment for leukemia.

INVOCATION

The invocation was led by Rev. Dennis Knight.

PLEDGE OF ALLEGIANCE

Boy Scout Troop 59 led the Council and audience in the ceremony of the Pledge of Allegiance. Pack Leader Rick Connell shared a thought for the day.

APPROVAL OF THE AGENDA

The agenda was approved with additions as follows: 1)Presentations #3 and #5 are deleted as they will not be here; 2)add recognition of an officer; 3)the Police Dept. wants authorization for a field sobriety class; 4)put items NB#6 & 7 on the consent agenda; 5)add a NB#6 for approval of a demolition; 6)add to the consent agenda a resolution to put the Nextel cellphones on surplus to be sold. These changes were made upon motion by Councilman Helms, seconded by Councilman Black. Councilwoman Hubbard asked if the Council is permitted to ask questions about a matter on the consent agenda; the answer was negative. Councilwoman Hubbard made an alternate motion to make the agenda changes stated by the City Manager except to take the NB#7 Huitt Street off the consent agenda and leave it on the new business, seconded by Councilman Hough, with all in favor.

MINUTES

Councilman Black **MOVED** to approve the minutes of April 3 and 9, 2001, as written, seconded by Councilwoman Hubbard, with all in favor.

PRESENTATIONS

Mayor McLean presented an Officer of the Year award by the Optimist Clubs to Officer Walls, and then he was congratulated by the entire Council.

Mayor McLean presented Citizen of the Year award by the Optimist Clubs to David Kraus, who was then congratulated by the Council.

PR#1 Presentation of Guardian Ad Litem Program

Joanne Cranke, GAL Administrator for Gaston County, was recognized. This is a child advocacy program after they have been removed from their parents, a part of the judicial system. We are forming an advisory board for our program, and hope you will recommend someone from your area to sit on that board. There are about 115 volunteers who act as advocates for children, some of whom are from Mount Holly. The advocate speaks to the court, and works for the judge. Feel free to call me or Rick Eldridge from your area if you have questions or input.

PR#2 Mrs. Jeanne Newhart to Discuss Water Bill

Jeanne Newhart, 407 N. Hawthorne Street, stated that her water usage is usually around 6,000 gallons per month. Then in March she got a bill for 29,000 gallons, then 28,000, and then 20,000. She had a plumber check her house at the City's request and he found no leaks. She has presented her plumber's bill, and her request for relief since there is obviously something wrong. The Mayor said that the City has checked into this and found nothing wrong with the meter. Councilman Black asked what happened when she had a prior request in 1997. There was a leak adjustment but in this case there is no leak. He said she was notified that if she had a leak, she would be referred to the leak adjustment committee. Since she had no leak he had no basis for an adjustment. Council took no action.

PR#4 Kenneth Barker to Discuss Delinquent Property Taxes

Kenneth Barker, 205 Louise Ave. He stated his concern that he would like to pay a default but needs a reasonable amount of time to do so. The Tax Collector stated in her memo that he has had payment agreements in the past, but has not kept them. The City has garnished his checking account for a portion of the amount due. There is still over \$6,000 due in back taxes. He said when they took that money, they got his house payment money. His parents have been ill, and he just opened a new business. He offered to pay \$100 per month. City Attorney Michael pointed out that the City could have foreclosed on the tax lien and sold his property, but refrained from doing that. Councilman Black asked if we have done this on other delinquent taxes; Mr. Michael said the City has garnished wages on others before. Mr. Michael said that Mr. Kraus and the Tax Collector met with Mr. Barker. It is our recommendation that he pay this amount in two payments of one-half each. Councilman Helms said he is from Catawba Heights and knows there are a lot of old people that live out there, and they pay their taxes even though they are on a fixed income; he said he cannot in good conscience allow Mr. Barker not to pay these taxes. Mr. Barker asked if he could have 3 months to pay one-half, and 3 more months to pay the other. Councilman Hough stated that he agreed with Councilman Helms. Mr. Barker said he cannot raise that kind of money in 30 days, this just pushes him down where he cannot pay them at all because he needs to keep his business going to make the money to pay them. Councilman Black said he notices he has three pieces of property; he asked if he has sold or has them for sale to pay these taxes? Councilman Black noticed that it has been over three weeks since staff met with Mr.

Barker and it appears he has not accumulated any amount for a partial payment in those weeks, and he agreed that the staff recommendation should be upheld.

PUBLIC HEARINGS

PH#1 To Consider Rezoning Request for 316 Beatty Drive

Councilman Helms moved to go into public hearing, seconded by Councilman Black, carried by unanimous vote.

Danny Jackson stated that the Planning Commission has recommended approval based on the fact that it is close to the intersection of East Henry Street that is already a commercial zone.

Mayor McLean opened the hearing for comments. None from the audience. Councilwoman Hubbard asked if this would be spot zoning since it is surrounded by residential. Mr. Jackson said there is only one lot between it and the business zone, and the proposal complies with the land use plan.

Councilman Helms **MOVED** to go out of public hearing, seconded by Councilwoman Harris, and unanimously carried.

Motion: Councilman Helms **MOVED** to approve rezoning 316 Beatty Drive from R-12 to B-3 General Business, seconded by Councilwoman Harris.

Vote: unanimous. **CARRIED.**

PH#2 Amendment for Conditional Use Permit for Dutchman's Meadow Subdivisions

Councilman Helms moved to go into public hearing, seconded by Councilman Black, carried by unanimous vote.

Danny Jackson said the request is to allow six-foot side yard setbacks. Planning Commission held its public hearing even though the developer was not present to answer questions, and voted not to approve.

Rick Judson was recognized and asked Council to please be open-minded. He stated: We want 8 feet changed to 6 feet for the side setbacks. This will provide for larger houses on the same size lots. The streets have been paved. The consumers who have been looking at our plans want larger houses. This will increase your tax base by several million dollars at no additional cost to the city. I made a mistake last week when on Tuesday I showed up and I should have been here Monday for the planning commission meeting, and I apologize for that. I have talked to some of the planning members, and they are concerned about a fire because it happened in Charlotte where one house burned and burned the next house because it was too close. That is actually not accurate, it melted some of the vinyl next door due to the intensity of the fire. Our request does not violate the State building codes or fire codes. Mr. Judson then said many customers are also interested in double car garages. Councilman Hope asked if the minimum square foot has been filed in deed restrictions; he said yes, it is 1100 square feet minimum.

Councilwoman Hubbard reminded him that the Council told him earlier that they wanted to see larger houses. Mr. Judson admitted that was true, and also said he has talked with the adjoining property owners and they are in support of his request.

Councilman Helms moved to go out of public hearing, seconded by Councilman Black, unanimously carried.

Motion: Councilman Hubbard **MOVED** to approve the amendment to allow for six foot side setbacks in Dutchman's Meadow, seconded by Councilman Black.

Vote: Five ayes, one nay - Helms. CARRIED.

UNFINISHED BUSINESS

UFB#1 To Consider Awarding Bids on Police Communication Equipment

Chief Davis stated that the City received two bids, both from local companies. Analysis of both bids shows that the low bidder, South Sales Communications, Inc., fails to meet specifications. Mr. Kraus said there is also the problem that we use Vision software, and the South Sales will not run with it. Councilwoman Hubbard asked if the South Sales bid was added onto in order to get the things we need would it be in the same price range as Wireless Communications, Inc.. Steve Chandler, South Sales, was recognized and stated that his company believes that the specs were proprietary and set around the other vendor. He asked that the council table this and call the console company to find out whether his upgrade will work, and he believes it would still be the low price. His prices are good for 60 days. The Wireless representative, Stacy Austin, said their prices are good for 90 days. He stated that his company contacted Vision on our own accord to be sure their equipment would work now and into the future. Chief Davis said he called Vision himself and they told him the South Sales will not run our CAD. City Attorney Michael asked what our deadline is; Mr. Kraus said that the county is supposed to turn over dispatch to us July 1st. Chief Davis said that the shortcomings were provided to South Sales, and their bid remains defective. Mr. Chandler said he had only spoken with the officer, and not the Chief. City Attorney Michael asked Mr. Chandler if he knew whether or not their product will run with our software; he said he would rather the console rep answer that. Councilman Hough felt that because of the other items that are also essential and are also missing from the South Sales bid, the bid should be given to Wireless. The Police Officer said he had a list of items that were not in the bid package; Mr. Chandler said they would comply if it was in the specs. City Attorney Michael suggested that the Chief give a list to South Sales of the deficiencies in writing, and that Mr. Chandler provide a written response to the City Manager before the agenda is printed for the next work session. City Attorney Michael stated that Wireless Communications has the right to also submit a letter stating why its bid should be accepted and to review the other bid as well.

Motion: Councilman Helms **MOVED** to table this matter until the next work session, seconded by Councilwoman Harris.

Vote: unanimous. CARRIED.

Extra Item—Field Sobriety Class for Police Department

Officer Reece said that the field sobriety class is a 32 hour block over 4 days instruction for police officers. They need to observe people who have consumed alcohol. We would like to use the gymnasium at Tuckaseege Park, but wanted to request approval since alcohol will be consumed on city property. This is an attorney general approved officer training program. Councilman Black asked what level of intoxication would be achieved; he was not sure, it will be different levels since it depends on the individual. City Attorney Michael stated that the program will train officers to detect and handle drunk drivers and so is a valid reason if council chooses to waive its policy for this event.

Motion: Councilwoman Hubbard **MOVED** to approve the request to use the gymnasium for a police department field sobriety class, seconded by Councilman Helms.

Vote: unanimous. CARRIED.

UFB#2 To Consider Supplemental Appropriation and Budget Amendments for Parks and Recreation

Recreation Direction Zip Stowe requests supplemental appropriations as follows: 1) Appropriation of \$49,813 in the PARTF Grant Funds and the local share from Capital Outlay into the account Capital Outlay—Mt. Island Lake; 2) Creation of a Capital Project by transferring the money in Capital Outlay-Mt. Island Lake to Capital Projects Fund to establish the Mt. Island Park Capital Project; and 3) Appropriation of \$1,582 in donations into the Park and Recreation Capital Account, to be used for purchase of a new stove at the Tuckaseege Park Center.

Motion: Councilman Helms **MOVED** to approve the three budget amendments, seconded by Councilman Hope. (copy attached)

Vote: unanimous. CARRIED.

UFB#3 Amendment to Subdivision Regulations

Zoning Administrator Danny Jackson stated that per Council's request at the work session, he had prepared an amendment to the subdivision regulations requiring sidewalks on both sides of new residential streets. Councilman Black wanted to see some sidewalks in cul-de-sacs. Councilman Hope agreed, he said that he wants sidewalks on both sides except in the radius circle of the cul-de-sacs. Councilman Black asked what the width requirement is in our code; it is four feet.

Motion: Councilman Hough **MOVED** to call for a public hearing on June 11 to amend the sidewalk requirements in the subdivision ordinance, seconded by Councilman Hope.

Vote: unanimous. CARRIED.

Councilman Black asked what effect this would have on new subdivisions. City Attorney Michael stated that in his opinion this would mean that anyone that has not submitted a preliminary plat and had it approved would be under the new rule. Councilman Black wants the policy to be that way for sidewalks and decorative lighting requirements effective tonight.

Motion: Councilwoman Hubbard **MOVED** that anyone that has not submitted a preliminary plat and had it approved would be under the new rules for sidewalks and decorative lighting effective tonight, seconded by Councilman Hough.

Vote: Unanimous. CARRIED.

NEW BUSINESS**NB#1 Submission of 2001-2002 Annual Budget**

City Manager David Kraus said the State is pulling a considerable amount of money from the cities this year due to its shortfall in its budget. He stated that he was presenting a very tight budget. The biggest concern is that the City would be borrowing a lot from our savings account. This will use 33% of Capital Reserve and 27% of General Fund fund balance. We specifically have proposed to use these funds for capital items so they are non-recurring expense. Councilwoman Hubbard asked if we would still be okay on our fund balance. Mr. Kraus said we would still be way above the 8% required by the state. Mr. Kraus said he is recommending roll out garbage collection. He has kept the water and sewer rates and property taxes the same. However, if fuel costs continue to rise, we may have to raise water and sewer rates at mid-year. He considers this a maintenance budget; there are very few capital items. Councilman Black said the State said cities should plan two budgets, one without the state money, and one with the state money. Mr. Kraus said that if such state funds materialized, he would use that money first to reduce the dip into the fund balance. Jamie Guffey said we will not be earning as much interest on our savings accounts this year either.

Motion: Councilman Helms **MOVED** to set the work session budget meeting for Thursday, May 31, at 6:30 PM at City Hall, seconded by Councilman Black.

Vote: unanimous. CARRIED.

NB#2 To Consider Call for Public Hearing on 2001-2001 Annual Budget

Motion: Councilman Hough **MOVED** to set a public hearing on the next fiscal year budget for June 11, seconded by Councilwoman Harris.

Vote: unanimous. CARRIED.

The Council took a five minute recess.

NB#3 To Consider Creation of Proof Roll Fees

Jeff Fritts stated that the City often has trouble with contractors using our proof roll as a way of determining where they need additional work. We are working on paperwork to give them to be sure they understand what we expect them to do before we do a proof roll, and we also want to charge when we have to keep going out. We would go to check if they have corrected it for the same charge. He recommended that the first proof roll be free, but that the second proof roll would be \$100, and the third would be \$200, and each additional would be a doubled amount of the previous proof roll.

Motion: Councilwoman Hubbard **MOVED** to create proof roll fees as recommended, seconded by Councilman Black.

Discussion: Councilwoman Harris asked if other cities have this type of fee. Mr. Fritts said they do, and they call it "inspection" fees. Councilman Hope said he felt that the suggested amount was too low a figure to get their attention. Councilwoman Hubbard also wondered if those amounts will that annoy them enough. Mr. Kraus said the Council can change the fees at will. Councilman Hope said we should also be making them cap the streets at the end of construction of the subdivision. Mr. Fritts said staff is looking into that and also impact fees are being studied.

Withdrawal: Councilwoman Hubbard withdrew her motion and **MOVED** to table, seconded by Councilman Black.

Vote: Motion to table carried unanimously.

NB#4 Submission of Plat Maps Policy

City Manager David Kraus said that staff is having a problem with the developers submitting multiple maps for sections of the subdivision phases, as phases or sections, etc. City Attorney Michael had discussed this matter with Danny Jackson and they recommend that plats be required to show no less than 20% of the entire subdivision.

Motion: Councilman Helms **MOVED** to call for public hearing to amend the subdivision ordinance to require plats to show no less than 20% of the entire subdivision, to be held on June 11, seconded by Councilwoman Hubbard.

Vote: Unanimous. CARRIED.

Motion: Councilwoman Hubbard **MOVED** to adopt a policy effective immediately that plats be required to show no less than 20% of the entire subdivision, seconded by Councilman Black.

Vote: unanimous. CARRIED.

NB#5 Civil Penalties for Code Enforcement Infractions.

Ryan Baker, Code Enforcement Officer, proposed a fee schedule for civil penalties for code enforcement infractions. He said this action would be taken as the last resort. He stated that first he speaks to the resident at home in person if he can find them. If not, he sends a letter with a warning. After 10 business days, there is a citation issued. These fees are actually low compared to other cities' fees. City Manager Kraus said this does not replace the city's right to bring criminal charges.

Motion: Councilman Hough **MOVED** to adopt this new civil penalty section into our city code, seconded by Councilwoman Hubbard. (copy attached)

Vote: unanimous. CARRIED. City Attorney to provide section number in city code.

NB Extra Item Appropriation of Funds for Demolition

City Manager Kraus stated that that the property that Randy Pope's mother owns at 302 Cherry Street is to be demolished. He has been to see the owner personally. They have the EPA paperwork and health department permit to burn it on May 26. He has sent him the 15-day letter. He has to remove the debris or we will do it and apply a lien.

The other property, the one that used to be a pillow factory, was supposed to be sold in March, so he withdrew his efforts at that time. The sale did not go through, and now he will have to call the contractor again. He requested funds to be appropriated from contingency to remove these structures.

Motion: Councilwoman Hubbard **MOVED** to approve the appropriation of funds, seconded by Councilwoman Harris.

Vote: unanimous. CARRIED.

Extra Item Supplemental Agreement to Interconnect Contract with Stanley

City Attorney Kemp Michael stated that subsequent to the permit request by Buckeye, we submitted a supplement to our interconnect agreement with Stanley. Eddie Nichols, Jeff Fritts, and Mr. Michael agreed that the original document required them to pay their portion of the new sewer plant, but wanted to be sure they understand what the request for 500,000 gallons for Buckeye means; Stanley sent back a change that Stanley would not pay for more than 25% of the new plant. The City Manager for Stanley has moved on in the meantime, and their city attorney has been out due to surgery, but he had called that day. Mr. Windham said that they are concerned and Buckeye is putting pressure on to get their permit. Mr. Michael said Stanley committed to Buckeye before they checked with us even though it is required by the agreement. We welcome Buckeye as a customer, but he sees no reason for Stanley's hesitation to sign the supplement. Next, they have requested a temporary permit to test their lines. He did not believe this concept when they can get the real permit tomorrow if Stanley signs the agreement. Council concurred not to give temporary permit.

NB#7 Huitt Street Water Tank

Jeff Fritts gave the Council the recommended site by W. K. Dickson and the Public Works Dept. for construction of a 2-1/2 million gallon water tank. The property is owned by Second Baptist Church. Mr. Fritts spoke with the pastor to get a feel for availability; he felt the church would probably allow the use of this property, but he asked for a map and sketch. This would be a very large tank. The engineer recommends one-fourth acre. Councilman Hope said they should have all the information together before going to the church with it. Council agreed that they should pursue that site.

CONSENT AGENDA

Councilman Hough **MOVED** to accept and approve all five (5) items on the consent agenda as amended, seconded by Councilman Black; and unanimously carried. They are:

CA#1. To Declare Fire Department Property as Surplus. Funds received will be put into the general fund. (list attached)

CA#2. Approval of Budget Amendments and Supplemental Appropriations. The COPS Grant funds will be appropriated to police salaries. Money would be transferred from the Street Department to the city garage to purchase a pickup truck. (copy attached)

CA#3. Approval of Dutchman's Meadow Final Plat for Phase 1, Map 2. This is the remaining lots in Phase 1, and is contingent upon their providing the appropriate financial fees.

CA#4. To Call for two Public Hearings on Zoning and Annexation of Kendrick Property. Set for next regular meeting.

CA#5. To Consider Establishing Temporary Speed Limit Along NC 27. Speed limit of 25 mph is set for NC 27 from Highway 273 to the city limits in an easterly direction, temporarily until bridge construction and road widening is completed.

PUBLIC COMMENT

Mayor McLean opened the floor for public comment.

Lou Barron, 221 Ferstl Avenue.

Mr. Barron made the following statement: Mr. Odell came to see me Wednesday. He told me his wife is pregnant, and why should I upset her. He said he is unemployed since last fall, but he spends \$60 a week on dog food. I keep having to call the police and animal control. I don't know if you have considered a change to the old ordinance to limit the number of dogs. What would you do if this was happening in one of these new subdivisions? The Code Enforcement Officer that came to check the creek, he can attest that those animals are dangerous. Animal control has recommended that he put them in kennels but he has not. Please consider changing that law.

Wallace Eagle, 220 Ferstl Avenue. I have lived there for 40 years. This dog mess is the worst I have ever seen. They bark continuously. They act like a pack. There are about 10 people age 65 who live around there and we cannot sleep. Councilman Black asked what can be done. City Attorney Michael said that is a county ordinance and they enforce it, and I know they go to court because I have represented defendants on charges from them. Mr. Eagle said Animal Control keeps telling us that their hands are tied. Mr. Eagle also asked that no parking signs be put up on Ferstl Avenue because parked cars in the road causes accidents on that road.

ROUND TABLE

Councilwoman Hubbard thanked city staff for their hard work at Springfest.

Councilwoman Hubbard said that the Gaston Gazette failed to cover any of Springfest at all, even though we sent a schedule of events for eight days, and she found that inexcusable.

Councilman Helms asked police officers to enforce the speed limit in town.

Councilman Black, speaking for the Archives Room committee, said that the Lutheran Church has a display case they would like to donate to the city for the archives room. Accepted.

Councilman Black said he had been asked about the Lentz-Springs house again as to the status of that house. Councilman Hough said in all fairness it looks much better than it did, and he hopes it sells. Councilwoman Hubbard suggested that they paint the other two sides the same color as the two that got painted.

Councilman Hough asked for a status report on the Municipal Planning Survey.

Councilman Hough asked that someone look at the land clearance across from Triangle Service Station, and the silt going into the creek.

Councilman Hough asked if we have settled on a new name for Tailrace Park. Zip Stowe said most people put down Mt. Holly-Mountain Island Park. City Attorney Michael said it might be misleading to have Mountain Island on the sign when they cannot access that lake from that park.

Councilwoman Hubbard stated that the Council needs to know how other cities administer roll out garbage related to elderly and handicap persons.

Mayor McLean said that the city's secretary, Judy Bowen, was getting married the following Saturday.

Mayor McLean announced that Mount Holly will celebrate Flag Day, on June 14th, with an event at City Hall courtyard at 7 PM.

City Manager Kraus reported that Habitat for Humanity wants another free tap; Council said yes.

Motion: Councilwoman Harris **MOVED** to approve a free tap for Habitat for Humanity, seconded by Councilwoman Hubbard.

Vote; unanimous. CARRIED.

City Manager Kraus gave the Council copies of the minutes for closed sessions from January 2000 for your review and approval or changes at the next work session. The newspaper has requested copies of them.

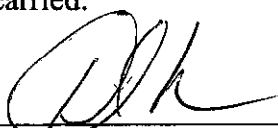
CLOSED SESSION

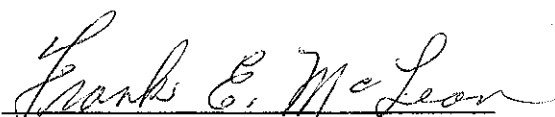
none

ADJOURN

There being no further business, the meeting was adjourned, upon motion duly made, seconded and carried.

10:25 PM


Clerk


Mayor

cpm