

Regular Meeting
Mount Holly City Council
May 11, 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 S. Little, Councilwomen Lib Nichols and Phyllis Harris, Councilmen Myles Biggerstaff, Archie Small, and Bob Jessen, as well as Director of Public Works Eddie Nichols, Police Chief Jerry Bishop, Zoning Administrator Gary Roberts, City Manager Phil Ponder, and City Attorney Kemp Michael.

The invocation was led by Councilman Small.

The minutes of April 13, 1992 were approved upon MOTION by Councilman Jessen, seconded by Mayor Pro-Tem Little, with all in favor.

The regular meeting was recessed and a public hearing called for consideration of an amendment to the zoning ordinance which would place time restrictions on zoning permits issued by the City. Councilwoman Nichols felt that one year is sufficient time; Councilwoman Little agreed stating that they could apply for another permit if necessary after that. Mayor Black said the Planning Board recommended this amendment but would like the Council to delay action until the term "substantial progress" is clarified. Ralph Michael did not believe the City could withdraw a zoning permit as long as a building permit is in effect. Merlin Brown said that you must have an inspection by the County at least once a year to keep a building permit. Councilwoman Little MOVED to amend the zoning ordinance by adding Section 113.1 Expiration of Permits as presented with a correction so that permits shall be void after two years from the date of issuance rather than one year. Because of the many questions that followed, Mrs. Little withdrew her motion. The City Attorney was asked to review the proposal during the meeting and make a recommendation later in the evening. There were no further comments from the audience or Council, and the public hearing was adjourned.

The regular meeting resumed with consideration by Council of street closings following a petition and the public hearing already held, and a revised agreement with Hoechst Celanese for relocation of a fourteen inch sewer force main. Mayor Black asked if anyone will be denied access as a result of the revised street closings as listed in the Street Closing Order presented that evening; they will not according to Eddie Nichols. Mr. Nichols, the City Attorney, and the engineers have reviewed the agreement regarding the relocation of a sewer line, but the Council delayed action on the revised agreement. Councilman Biggerstaff MOVED to adopt the Street Closing Order identified as Resolution #5-11-92(a) including the right-of-way reservation, as

presented, which closes the following: 1. That portion of East Glendale Avenue lying east of the Seaboard Railroad to the Catawba River; 2. That portion of Eighth Street from Alexander Street east to the Catawba River; 3. That portion of Seventh Street from the Seaboard Railroad east to the Catawba River; 4. That portion of East Piedmont Avenue from the Seaboard Railroad to the west side of the right-of-way of Alexander Street; 5. That portion of East Piedmont Avenue from the east side of the right-of-way of Lee Street to the Catawba River; and 6. That portion of Lee Street from East Glendale Avenue north to the southern side of the right-of-way of Piedmont Avenue. This motion was seconded by Councilman Small, and carried unanimously.

Mr. Eilskov from Hoechst Celanese asked the Council to set a public hearing to consider their application to build within the 100 year flood zone due to the fact that there will be fill-in necessary. Councilman Biggerstaff MOVED that a public hearing be set for the next regular meeting on June 8, 1992, and proper notice be given, for consideration of the request of Hoechst Celanese to fill-in and build within the 100 flood year zone of the Catawba River, pursuant to Article 20 Section 150-14.1(a)(10), seconded by Councilman Jessen and passed by unanimous vote.

Sam Gunnells, Manager of the Cablevision of Mount Holly owned by American Television and Communications Corporation, Incorporated asked the Council for approval of the resolution presented transferring its franchise to Time Warner Entertainment Company. His letter to the City Manager dated February 12, 1992, gave the history of the transfer of corporate and asset ownership from ATC to TWE. The franchise ordinance requires City approval of any transfer of the franchise. Mr. Gunnells cited the improvements the company has made since it began operation here, and stated that the staff and management will remain substantially the same. He stated that they are open to input from the public as to programming. A concern about them holding a monopoly was dispelled in that the franchise they hold is not exclusive, and any other company who wishes may also apply for a franchise and be a competitor. Councilman Jessen MOVED for approval of the transfer of the ownership and adoption of the resolution presented identified as Resolution #5-11-92(b), seconded by Councilman Biggerstaff, with all in favor.

City Attorney Michael presented proposed wording for new Section 113.1 of the zoning ordinance. After discussion, Councilwoman Little MOVED that Section 113.1 be adopted as presented by the City Attorney, with a one year limit (verbatim follows), seconded by Councilman Biggerstaff and unanimously carried. The ordinance reads: "Section 113.1 EXPIRATION OF PERMITS. Zoning Compliance Permits shall become void after one (1) year from the date of issuance

unless within such year a Gaston County building permit shall have been issued. If at any time such Gaston County building permit shall lapse, expire, or be revoked, the Zoning Compliance Permit shall become void, and a new Zoning Permit must then be issued prior to the issuance of a new Gaston County building permit."

Upon MOTION by Councilwoman Nichols, seconded by Councilman Biggerstaff, with all in favor, the amended contract with Browning-Ferris Industries of South Atlantic, Incorporated (BFI) for commercial waste collection was adopted, amending the existing contract so that it is renewable each year, but the second and third year will not have more than a 5% increase on the consumer price index.

The Council had reviewed a memorandum with cost estimates and recommendations from W. K. Dickson regarding water pressure problems by some residential customers on North Main Street. Mayor Black supported the engineer's recommendation that the first option is the best and only long term solution. The water tank is already in the planning stage and the City is under a mandate to build it. Mayor Pro-Tem Little agreed that the contract with the County must be complied with and the tank must be built right away. Councilman Biggerstaff MOVED that the City Manager be instructed to proceed with Option 1 to build the elevated water tank and lines on North Main Street, seconded by Mayor Pro-Tem Little, with all in favor. Mayor Black stated that he had notice of potential funding from the State for water and sewer projects for which the City should apply.

A new Article XII in the Zoning Ordinance was adopted entitled "Planning Commission and Board of Adjustment", identified as Resolution #5-11-92(c), upon MOTION by Mayor Pro-Tem Little, seconded by Councilwoman Harris, with all in favor. Training provided by the City for the board members was scheduled for the following Tuesday through Thursday, and another session given by the County on May 26.

Mr. Ronnie Meeks, Manager at Holly Hills Apartments, presented a resolution to write-off uncollectible accounts from the HUD budget, as recommended by the auditor, Trent Wilson. He stated this would not cause him to cease collection efforts, but is a bookkeeping procedure. The resolution identified as #5-11-92(d) was adopted upon MOTION by Mayor Pro-Tem Little per the auditor's recommendation of judgements entered on county records against those on the write-off list if feasible to obtain such. This motion was seconded by Councilman Biggerstaff, with all in favor.

Melissa Williams presented to the Council a proposal for Section 106 of Section 125 Benefits Plan regarding medical insurance. The basic provision allows the premium for the

insurance to be deducted from the employee's gross pay before taxes are taken out, thereby saving on taxes paid by the employee and on the City's FICA payment. Councilman Small said when he looked at this a couple years ago there was a cost; she stated that her company does not charge for this service, and includes free instruction to employees on a one-on-one basis. The employee would have to sign documents to receive this plan. Mayor Black noted that the lower payment of FICA would mean less social security upon retirement; she stated that the difference is minimal. City Manager Ponder said he has seen this plan before and it is a good one but he does not believe the company can physically implement the plan by July 1, and he would recommend that the whole Section 125 be implemented, not just Section 106 of it. Councilman Biggerstaff MOVED that the City Manager get proposals from various companies for this type of plan, seconded by Mayor Pro-Tem Little, and unanimously carried.

Upon petition by the neighbors that 1203 N. Main Street be rezoned, Councilman Biggerstaff MOVED that notice be given and a public hearing be set for June 8, 1992 to consider rezoning 1203 N. Main Street (southwest corner of Jenkins Street) being the old Hollar Garage property, from B-2 to R-10, seconded by Councilman Jessen and passed by unanimous vote. Mayor Black instructed the Zoning Administrator to be sure he notifies and obtains a response from the owner.

Upon recommendation by HUD and the City Manager, Councilman Jessen MOVED to approve resolution identified as #5-11-92(e) Authorizing Membership in the N.C. Housing Authorities Risk Retention Pool, which refers to fire and extended insurance coverage.

The proposed auditing contract from Mr. Trent Wilson for \$15,105.00 (including housing) was adopted as presented, upon MOTION by Councilman Biggerstaff, seconded by Mayor Pro-Tem Little, with all in favor.

Don Rudisill, 206 Stoneridge Drive, requested that the City not charge him a sewer charge for the meter on his irrigation system. He stated that when he installed the system, he was in Catawba Heights and they did not have a sewer charge for that meter, but since annexation the City does charge him. Councilman Jessen recalled that Gaston Federal had asked to have two meters for the same reason when they built, and were turned down; Mayor Pro-Tem Little recalled others as well. Councilman Biggerstaff said that people all over town water their grass and wash their cars, and they pay a sewer charge, so he felt it would not be fair to them; he suggested refunding the seconded meter fee to Mr. Rudisill and putting him on one meter like everyone else. Mr. Nichols had provided a memorandum listing five water customers in Mount Holly who have separate irrigation systems, with separate charges. He said a definite policy

needs to be adopted; he further said that allowing two meters causes problems because it is not fair to other citizens, and there is no way to monitor whether or not it is later hooked up for domestic use illegally. Marshall Gaddis said he pays a sewer charge on his separate meter, but he has had property in Charlotte and Gastonia and neither charged a sewer charge on the irrigation systems. Councilman Jessen MOVED that sewer charges be exempt on separate meters exclusively used on irrigation systems, seconded by Mayor Pro-Tem Little, with five ayes and one nay (Biggerstaff).

Mr. Bill Howard, a representative from the Jadco-Hughes Steering Committee, requested that the City approve its request that it be allowed to discharge groundwater treatment wastewater into the City's system. The property in question is not inside the City limits. Mr. Steve Quigley, consulting engineer, distributed copies of maps and charts. This property lies adjacent to Catawba Heights. From 1971 to 1975 solvents were accepted for reprocessing, and the operators also accepted waste materials which were stored on site. The site was closed by Court order in 1975. The State ordered clean-up which was completed in 1983, during which an on-site landfill was constructed. EPA has the site on the national cleanup list, and the companies that sent waste there were found to be responsible by EPA. Twenty-two companies were identified and have formed the Steering Committee and signed an agreement with EPA. Mayor Pro-Tem Little requested she be given a list of the companies. He continued by stating that contaminated waste removal was completed by 1990. EPA then ordered that certain remedies be made to the site to complete the clean-up. One of those remedies includes the proposal being made presently to the City. The extent of remedial contamination was studied and investigated, and EPA has reviewed and found adequate the plan. A majority of the remaining contamination is in groundwater from ten to twenty-five feet below surface. There are three areas that are shallow and one that is deep (about sixty feet). Councilman Jessen wondered why the contamination has not moved in twenty years if it is in the groundwater. He replied that they were fortunate that the area is flat and the soil is not very permeable; they did test the surrounding neighborhood for contamination, and found acceptable levels. The proposal calls for an estimated 36,000 gallons a day of wastewater, after pretreatment on site, in to the City sewer system. The expected term is thirty years. Councilman Biggerstaff asked if they could state definitely that it will not harm the City system. He said they do not anticipate any damage or any harm to the status of the City's permit, but would assume liability for nay damage caused by their use of the City system. He said the biological process at the plant will complete the breakdown process required. Mayor Black inquired as to why

they were not going to Belmont, since that area objected to being annexed by Mount Holly and petitioned to Belmont for annexation; he said they have inquired there as well, but they were not favorable. Mayor Black asked what the alternatives are. He said the best choice is to discharge into a POTW system; the second choice would be to discharge into creeks and tributaries, which is not desirable since Lake Wylie is under restriction already. Another man stated that from a financial aspect, they expect to bear the cost for the "head works" analyses, the engineering review or any other costs to the City to review the technical aspects, and then for the cost of the discharge itself, monitoring, additional administration and manpower. Councilman Biggerstaff asked if they removed all buried materials; he said they made an exhaustive search and all that was found was excavated and contained. He said all contaminants were identified. The Council agreed to allow our engineer to meet with their engineer and discuss financial arrangements for the technical review, but made no further promises. Upon recommendation by the Planning Commission and Zoning Administrator, Councilman Biggerstaff MOVED to approve the final subdivision plat for the Velma Garner property on Payne Street, provided the Gaston County Environmental Health Inspector approves the property for septic tanks, seconded by Councilwoman Harris, and unanimously carried.

A woman representing Velma Garner's property asked for another extension for completion of the repairs to houses at 191 and 195 and 215 Payne Street to comply with the minimum housing code. An extension has previously been granted. The Zoning Administrator reported that substantial progress has been made on #195 and recommended an extension. Councilman Biggerstaff MOVED to grant a six month extension for completion of the renovation of all three houses, seconded by Councilwoman Nichols, with all in favor. Mayor Pro-Tem Little stated to the woman that she needs to be aware that the Council will probably not grant another extension.

Catherine Horton, representing Mr. and Mrs. Crawford, asked that the City accept and maintain Walley Drive. The residents wish to dedicate a right-of-way and have submitted a petition and the money required under the City policy. Mayor Black recalled that the specifications were given to the builder, Dixon-Jenkins, but they were not complied with and the City refused at that time to take the street over. Mr. Crawford said he spoke to Mr. Moore who worked on the road and who told him he went back out to Walley Drive and did more work after that. Eddie Nichols said he has been out to the site and found that it does not meet our code, and he had a cost estimate from REA Construction in the amount of \$11,751.00 for work needed to comply. He said the street is about 340 feet and there are three houses and one vacant lot on it. The Council concurred that the residents

will need to bring the street to code before the City can accept it and take over maintenance pursuant to City policy, which states that "rights of way dedicated on or after December 31, 1988, must be constructed in accordance with the Mount Holly Subdivision Ordinance before the City will consider acceptance of the right of way for maintenance."

Due to the fact that the City is unable to serve the property, Councilman Biggerstaff MOVED to approve a septic tank permit requested by Galen Cassada for his property on the Catawba River at Dutchmans Creek, motion seconded by Councilwoman Nichols, with all in favor.

Code Enforcement Officer Danny Jackson asked for Civil Penalty to be assessed against James Bennett, 715 South Main Street, for a leaking septic tank. He was notified in January and has not responded. The sewage is coming to the surface. The City Manager was directed to have staff personally contact the owner to determine why he has not complied or responded to the notice, and to try to work the matter out.

City Manager Phil Ponder presented to the Council the proposed budget for 1992-1993 fiscal year.

Mayor Black stated that WSOC TV news had a feature which aired on April 29th that was damaging to Mount Holly's reputation. He said they began with a scene in front of the Welcome to Mount Holly sign and proceeded to contend that this is a haven for the Ku Klux Klan. However, the people they interviewed do not live here and the streets on which they stood are not in Mount Holly. Charlene McRorie and Hazel Michael had heard about it. David Berg suggested they call Channel 3 and complain. Mayor Black had a letter objecting to the news feature and the Council concurred it should be sent to WSOC, as well as Cox Broadcasting, Bill Walker, and Jack Callahan.

As part of negotiation for water and sewer lines in Catawba Heights, free taps were offered to certain property owners, with a deadline of January 1, 1992. There are still three sewer taps that have not been used, and two are requesting they be allowed to do so now. Councilman Biggerstaff MOVED to extend the offer to the three remaining ones, James Beatty, John Beatty, and Timothy Jeffus, until December 31, 1992, seconded by Councilman Small, and carried unanimously.

City Attorney Michael stated that Westinghouse has assigned its rights to our contract for disposal of sludge to S&ME, Inc. He has proposed a response letter dated May 12, 1992, to Henry Guerke, which would acknowledge the assignment but states Westinghouse is not contractually released from its contract obligations. Councilman Biggerstaff MOVED that the City Attorney be authorized to send the proposed letter as

presented, seconded by Mayor Pro-Tem Little, with all in favor.

The floor was opened for complaints or petitions not on the agenda. Mr. Merlin Brown complained that he is not satisfied with the Council not helping him get good water pressure; he wants the City to put a pump out there so he can have good pressure; he said his rights as a citizen are being ignored.

Mr. Ralph Michael said the Council needs to get new microphones so they can hear.

Mr. David Berg said he has talked to the Council about the ladder fire truck before, but the truck is still out of service, hoses are busted, the boom is broken, and the repairs should be made by a reputable firm. The City Manager was directed to find out the status of the ladder truck, and get the repairs made immediately.

Mr. Jim Grant said that one reason they cannot hear the Council is that people sitting in the audience talk. The Mayor told him he was not aware of that and he would call for order if it is called to his attention.

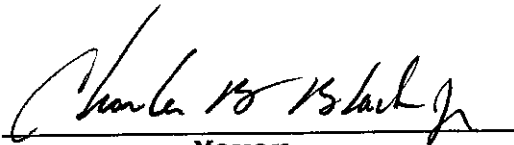
Councilman Biggerstaff presented his letter of resignation to the Mayor and Council, to be effective May 31, 1992. His employer has transferred him to another city. Mayor Black said he knows the circumstances do not allow it, but he wished he could refuse to accept it; that they have served together for many years and he will be missed. Councilman Biggerstaff said he appreciates the opportunity he has had to serve with the Council, and thanked the people of Mount Holly for their confidence in him.

Mayor Pro-Tem Little MOVED to go into executive session for attorney-client purposes, seconded by Councilman Jessen and unanimously carried. The Council resumed regular session upon motion duly made, seconded and carried.

The bids for renovations to the Fire Station were rejected, upon MOTION by Mayor Pro-Tem Little, seconded by Councilwoman Harris, with all in favor.

The meeting was adjourned upon motion duly made, seconded and carried.


City Clerk


Mayor
