

Regular Meeting
City Council
May 8, 1995

The regular meeting was called to order by Mayor Charles B. Black, Jr. at 7:30 P. M. Those present were Councilwoman Phyllis Harris, Mayor Pro Tem Bob Jessen, Councilmen Michael Helms, R. L. Duke, Archie Small, and Jim Hope, as well as City Manager Phil Ponder, Public Works Director Eddie Nichols, City Attorney Kemp Michael, Zoning Administrator Danny Jackson, and a Police Department representative.

The invocation was led by Rev. Wilson Rhoton.

Councilman Hope **MOVED** to approve the minutes of April 10, 1995 as written; motion seconded by Councilman Small, with all in favor.

Mayor Black stated that the Senior Citizens Dinner was attended by many senior citizens in Mount Holly, a good number of whom remember the fall of Berlin 50 years ago. The Mayor had brought his diary from that day and read his notation that he was flying three missions in a B-52 that day and that he flew over the Nazi concentration camps and saw them and the people in them with his own eyes. He said he wanted to note this for the record for young people who may doubt the truth that such a horror really happened.

The regular meeting was recessed by Mayor Black and a public hearing called to order for consideration of annexation under a voluntary petition by Morehead Properties located on North Main Street known locally as the old Nims Estate Property. Mr. Jackson reported that this has been properly advertised and that Mr. Moffat could not be in attendance but asked him to state for the record they are in favor of the annexation. There were no further comments, and the public hearing was adjourned. The regular meeting resumed. Councilman Jessen **MOVED** to adopt the ordinance to annex the Nims Estate property owned by Morehead Properties effective May 31, 1995, as presented in Resolution #5-8-95(a), seconded by Councilwoman Harris, with all in favor. (copy attached)

Mr. Pace appeared before Council to continue the discussion about Gastonia Iron Works leasing real property from the City on Legion Road. Mr. Pace said he will work with the City to do what they request. Councilman Jessen was not in favor of clear-cutting the property, and said he recalled the request originally being for an area to turn trucks around and to place a mobile office building. Mr. Pace said he want to put the office near the road and go back 275 feet deep for the turn around. He said they need room to lay materials for storage until use, but that no painting of the metal would take place on that property. Mayor Black was opposed to the trees being cut, nor did he want any sandblasting or painting to be done on the City property. Councilman Jessen stated the staff would have to be very specific in the document as to what would be done there and bring it back to Council. Mr. Pace stated he

understood and would not have any activity there which would be environmentally hazardous. He also agreed to have the drainage done to Mr. Nichols' satisfaction. Councilman Hope asked if there is a City policy for this; there was not since the City has not leased any property in the last 20 years at least. Mr. Hope said he would rather sell it or keep it than to lease it. Mr. Pace said he is willing to buy the property but the City had refused to sell it. The term was discussed; Mr. Pace asked for 20 to 25 years, but the Council wanted 5 years with a 5 year renew option. The City Manager and City Attorney were instructed to negotiate a lease and bring it back to Council for review.

Rev. Reeder from Calvary Baptist Church appeared before Council to request the City extend the drainage pipe 150 feet on the unopened portion of Margie Street next to the church. He was unable to come last month. Mayor Black told Rev. Reeder that this is not a City street since it has never been opened or accepted by the City for maintenance. Rev. Reeder took exception to this fact and stated it is a public street. City Attorney Michael stated that anyone owning property can divide it into lots and designate streets as public right-of-way and record the plat to make it a dedicated right-of-way, but that does not make it a "City street". It only becomes a City street if it is accepted by the City for maintenance. Mayor Black told Rev. Reeder he has two options, one being to petition the City to open the street and accept it for maintenance under the Catawba Heights Policy, or the second, to petition that this section of street be closed as a right-of-way which, if successful, would vest title in the land to the center of the road to the property owners on each side, except the City would reserve any existing utility easements. Rev. Reeder stated he got a letter from the City authorizing him to pave the property. City Attorney Michael disagreed, and stated that the letter informed him that the City could not prohibit him from paving it as it has no current interest in that street, pointing out that there is a big difference. Rev. Reeder stated he believed it is the City's obligation to extend the drainage since the water comes off City streets. Several councilmembers had been to the property but the consensus of the Council was that their denial of the request last month was appropriate under the present circumstances.

The matter of sludge handling facilities improvement bids was tabled upon **MOTION** by Councilman Jessen, seconded by Councilwoman Harris, with all in favor.

The request by BellSouth to place a communications antenna on the I-85 water tank was denied upon **MOTION** by Councilman Jessen, seconded by Councilman Small, with all in favor.

The preliminary plat for Deertrack Subdivision, Phase III, consisting of 19 lots, was presented for approval. Mr. Jackson reported that the Planning Commission has recommended approval. The preliminary plat was approved upon **MOTION** by Councilman Jessen, seconded by Councilman Small, with all in favor.

The Council next discussed the proposed commitment with Gaston County for use of the landfill. City Manager Ponder stated that the County will raise its rates from \$22.00 a ton to \$24.50 a ton effective July 1, 1995. The current rate has been in effect four years. The County would commit to keep the new rate until it is required to "line" the cells at the landfill to EPA standards, anticipated in 1998. Mr. Nichols has investigated costs by private contractor, BFI, and has found the rate to be \$24.75 a ton. The City would pay more but would save on travel expenses; however, BFI will not commit to that price. Mr. Ponder recommended committing to the County landfill until the fees increase around 1998. Mayor Black reminded the Council that the County has charged the cities to pay for the incinerator that was never built. Mr. Ponder said this subject will only get worse. The liners are not necessary in most soils, but the Federal government has made blanket laws requiring the liners no matter what the soil. Councilman Helms **MOVED** to approve the commitment to the Gaston County landfill until the "lined" cells create an increase to the City over \$24.50 a ton, seconded by Councilman Duke, with all in favor.

The renewal of the contract with BFI for downtown waste container service was discussed. The City pays BFI, but the merchants reimburse the City. This contract would be for one year with two optional years, with a cost price index not to exceed four percent. Councilman Hope **MOVED** that upon recommendation of the City Manager, the contract with BFI be approved as presented, seconded by Councilman Jessen, with all in favor.

City Manager Ponder presented six budget amendments to Council and asked for the Holly Hills budget to be approved as amended. Councilman Jessen **MOVED** to approve the budget amendments as presented, seconded by Councilman Duke, with all in favor. (copy attached). Councilman Jessen **MOVED** to approve Resolution #5-8-95(b) in favor of the Holly Hills budget as presented, seconded by Councilman Hope, with all in favor. (copy attached)

City Manager Phil Ponder reported that the Catawba Heights water tank on West Henry Street has been removed, and that he has received an offer to buy the property including the house remaining. If the Council is interested, he will be required to bid. Frank McLean answered Councilman Jessen's question as to size. There was discussion about use of the property by the City. The Council concurred not to sell the property at this time.

The City Manager presented his proposed 1995-1996 City budget to Council, and is providing a memo detailing each fund. He recommended the public hearing be held at the regular meeting in June. Mayor Black noted that the newspaper had water and sewer rates around the area and Mount Holly was lower than all the others. Mr. Ponder said there is not a water/sewer rate increase, but the sewer plant will need upgrading soon, which is estimated to cost about \$10 million.

Councilman Jessen **MOVED** to set the public hearing to consider the 1995-1996 city budget for the June 12th regular meeting, seconded by Councilman Hope, with all in favor.

Tax releases totaling \$117.02 through May 8, 1995 were approved upon **MOTION** by Councilman Small, seconded by Councilman Duke, with all in favor.

The floor was opened for complaints or petitions not on the agenda. Mr. Charlie Drum was recognized. He said the Street Department refused to remove debris from his property on East Catawba. Mr. Drum said the City Manager and Mr. Nichols had told him they would pick it up even though he told them it was more than one load. He said he cut it into six foot lengths. Now he has been told it is excessive and they will not pick it up. He has removed some of it himself and paid \$37.00 which he felt should be reimbursed. Councilman Jessen asked who had demolished the building; Mr. Drum said he did it himself. Councilman Jessen asked for clarification since there was no contractor. Mr. Ponder said that last fall this subject was discussed and the new regulations by the County prohibiting mixing, and refusal to accept certain things like dirt, bricks, etc. had caused the preparation of a brochure which was sent out to all the citizens in Mount Holly, including the possibility that the City picked it all up. Mr. Drum said he had hauled off the bricks and wants the wood picked up. Councilman Jessen felt this was a matter of miscommunication. Mr. Nichols said he has not been back out there since they removed some of it. Councilman Hope said the Council should back the staff. Councilwoman Harris and Councilman Duke said if they have reduced the amount enough it should be picked up. Councilman Small said he had looked at it that day, and **MOVED** that the remaining be picked up but no reimbursement be made, seconded by Councilman Duke; motion failed with a vote of two ayes and four nays (Jessen, Harris, Helms, and Hope). City Attorney Michael asked Public Works Director Eddie Nichols how much excess there had been; he said 25% or so. Mr. Michael asked Mr. Nichols if he was willing to look at the remainder and make a decision, and when it is the appropriate amount, pick it up. Mr. Nichols said he would be glad to do so. Mayor Black asked for a consensus from the Council for this matter to be handled thusly; four approved, two did not.

Councilman Hope asked Mr. Drum if he had obtained a sign permit when he put up a large sign in his yard; he said he had not.

Councilman Hope commented on the fine job done on the Springfest by the committee, and felt it had been the best yet.

Councilman Small stated that the Recreation Committee wants to know if the City can donate for the ballfield lights at Costner Field. Councilwoman Harris said she attended the meeting held by

the Optimists, and they were going to send someone to the Council, but she said she would speak for them. They need \$10,000 more to get County matching money to pay for the lights. City Attorney Michael said it would be more accurate to refer to it as a "shared cost" since the City uses County properties for recreation also. Councilman Small asked if it could be included in the budget. Councilwoman Harris **MOVED** to approve up to \$10,000 as the City's shared cost for lights at Costner Field. This motion was seconded by Councilman Helms, and carried with five ayes and one nay (Duke).

Councilwoman Harris encouraged her fellow councilmembers to purchase T-shirts from the Police Department and their support of the Torch Run for Special Olympics.

Mayor Black read a proclamation declaring Law Enforcement Torch Run for Special Olympics Day in Mount Holly to be May 21, urging all citizens to support this event. (copy attached)

Councilwoman Harris reported that the concession building is not being used by the Optimists, and the committee has been approached by someone else to use it. They have a meeting with the Optimists to find out why they have not used it, and will report back.

Mayor Black thanked all the many volunteers who helped at Springfest. He said there were good contributions, and he believed it was the biggest crowd ever, and that it is a good thing for the community. He especially thanked Joel and Pat Hubbard. He reported about 400 attended the Senior Citizens Dinner, and the food left over was taken to the Fire Department, Police Department, and Rescue Squad.

City Manager Ponder said there is not an increase on the health insurance, but some employees are upset that Presbyterian Hospital is not on the list. He proposed to work on getting more flexibility, and the Council concurred.

City Manager Ponder stated that he wished to discussed possible sites for a fire station in executive session.

Mayor Black noted for the recorded that some on the Zoning Board feel the bypass should only be a limited access road. He reminded them that the original purpose for the land at the corner of the bypass and Rankin and Tuckaseege was for a shopping center with a four screen theater, a restaurant, and several stores, and he still hopes it comes.

The Council took a five minute recess.

The Council went into closed session upon **MOTION** by Councilman Small for purpose of negotiations of land acquisition, seconded by Councilman Duke, with all in favor.

The Council return to open session upon **MOTION** by Councilwoman

Harris, seconded by Councilman Small, with all in favor.

There being no further business, the meeting was adjourned, upon motion by Councilwoman Harris, seconded by Councilman Duke, with all in favor.

Philip A. Pond.
City Clerk

Frank H. H. H. H.
Mayor
