Regular Meeting
City Council
April 12, 1993

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

The invocation was led by Rev. Robert Arnold.

Councilman Jessen **MOVED** to approve the minutes of March 8, 1993, with the following correction: page four, paragraph two--Jack Stevenson shall be a regular outside member, Bobby Black shall be a regular inside member, and Ernest Stowe, Jr. shall be alternate outside member for the Board of Adjustments, which motion was seconded by Councilman Hope and carried by a vote of five ayes.

Fire Department matters were considered. The Mt. Holly Fire Department Communications Committee Report had been presented to the Council for review prior to the meeting. Mayor Pro-Tem Small said he was in support of the proposals as it would upgrade the department as much as it has been for the last twenty years; he would like them to be able to communicate with others in the County. Eddie Summerlin and Steve Mauney (volunteer firemen), and Andy Godfrey (paid fireman), represented the Fire Department and were available for questions. Mayor Pro-Tem Small noted that the County has now decided to withdraw all payments to cities so the City will not get the $560 per month as anticipated; he asked if we really need 30 pagers. Mr. Summerlin said they are needed to equip Catawba Heights Department to be compatible with Mount Holly. Councilman Jessen asked for a brief summary of the proposal. Mr. Summerlin said that now the fire calls come through 911 to Mt. Holly dispatch, or to the 2424 phone number at the Fire Department. They have to call the County by phone and advise, and then the County calls Catawba Heights or whoever to assist. If they go on the County system, all will be dispatched together, which would be good since we are shorthanded during daytime hours. Also, the radio communications would improve if we are on the same frequency. City Manager Ponder said the manpower response is important and he recommended approval of the proposals. Councilwoman Nichols said she had read and studied the report and was in favor of it, and so **MOVED** to approve the implementation of the Mount Holly Fire Department signing on to the Gaston County Mutual Aid dispatching and the Gaston County Volunteer Fireman's Association Mutual Aid Agreement as presented, seconded by Councilman Little, with all in favor. As to the proposed amendments to the constitution and By-Laws of the Mount Holly Fire Department, City Manager Ponder noted that the organizational structure here was the most unique he had ever seen. He stated that since the City funds the equipment and pays the workmen's compensation, he prefers the City appoint a paid chief so there is more accountability to the City, and to have two assistant chiefs, one a paid fireman, and one a volunteer fireman. He asked for direction from the Council so the changes can be drafted to the constitution and By-Laws. Mayor Pro-Tem Small found the proposed changes to be satisfactory. Councilwoman Nichols **MOVED** that the constitution and By-Laws be amended as proposed, under the direction of the City Manager with input from the Fire Department. This motion was seconded by Councilman Jessen and carried with all in favor.

The regular meeting was recessed and a public hearing called to order to consider the request by Galen Cassada to rezone from H-I to R-10 a three acre tract lying at the north corner of the intersection of Dutchman Creek at the Catawba River. He intends to build a residence. Zoning Administrator Gary Roberts stated proper notice had been given, the Planning Commission recommended approval, and he displayed a map showing the property involved. There were no further comments.

A second public hearing was called to order to consider the request by Wren Homes Inc. for rezoning a 2.5 acre tract on West Catawba Avenue at the corner of Scott Avenue next to the old cemetery, from R-8 to O-I. Proper notice had been given, and the Planning Commission recommended approval. Jack Ferrell was recognized, and stated that four months ago he had been turned down for a business venture on the same corridor that the City said they wanted to stay residential. Mr. Robert Yatko said the property is going to be used for a doctor's office; it will be a brick Georgia colonial style structure, and the property will be restricted for medical office use. Dr. Michael Smith will be having a house built in Deertrack. This matter has come about as a consequence of the committee in Mount Holly working with Gaston Memorial Hospital to have a doctor set up practice in Mount Holly. He said they will put the entrance wherever the City requests. Mr. Benjamin Simpson, Gaston County Schools, said they are glad to see a doctor's office near the school, but the bus entrance is across West Catawba and they would prefer the doctor's office entrance be on Scott Avenue. Mayor Pro-Tem Small asked Mr. Roberts if this would be spot zoning. Mr. Roberts said in his opinion it is not, due to the fact that it is not a sharply different use from the adjoining property, which is a multi-family building, a school and walking track, and a cemetery (three sides), plus next to the cemetery is a dentist's office, the library, and a commercial office building. He said the density and traffic are comparable. There were no other comments. The public hearings were adjourned and the regular meeting resumed. Councilman Hope **MOVED** to approve the request for rezoning to R-10 by Galen Cassada for the three acre tract at the north corner of Dutchman Creek and the Catawba River, seconded by Councilman Little, carried with five ayes. Councilwoman Nichols **MOVED** to approve the rezoning request for the 2.5 acre tract on West Catawba Avenue at the corner of Scott to O-I, seconded by Councilman Jessen; motion failed with a vote of two ayes and four nays (Harris, Hope, Little, and Small).

Next, a delegation from the Jadco-Hughes Steering Committee was heard. Mayor Jick Garland reviewed the history of the site in Catawba Heights which is under an order by EPA for clean-up. He stated that the Committee has two options only, one being to pre-treat and discharge into the Mount Holly sewer system, and the second being to pre-treat and discharge into the creek; the first is the preferred option by EPA and the Committee. It involves aeration and water treatment. The State of North Carolina and EPA have determined, he stated, that the pre-treated discharge would have a negligible effect on Mt. Holly's plant. They believe most of the chemicals will be removed within five years, but the contract with Mount Holly would be required to be thirty years. The Committee would contract to pay for all lines and equipment, all engineering costs, surcharges and fees, supervision, extra personnel, and any other costs or damages. The pretreatment would be done on site and a cut-off valve would be installed. Mr. Garland also stated that some of the companies in the Committee are local such as Uniroyal Chemical and Textron. Mr. Steve Quigley, a chemical engineer for the Committee, stated that the six acre site is just outside the City limits. He described the pre-treatment as occurring by flushing water through the soil, collecting the water, then aerating it, and filtering the air before releasing it. He said this will work on the majority of the chemicals present since they are mainly solvents. He further stated that over 85,000 chemical analyses have been made, and showed the Council a map identifying the samplings taken. Mr. Quigley continued stating that the technology proposed is not new but has been used by EPA at many other sites, some in North Carolina. He also said the levels of contamination are less than some of the industrial discharges the City already receives from other sources. They will comply with the Sewer Use Ordinance and will not violate the Mount Holly permit issued by EPA. The first step would be a "headworks analysis" which the Committee would fund. Mr. Jimmy Kirkland, a representative from the Steering Committee, wanted to emphasize that the approach in this proposal is proven technology presently in use in other areas of North Carolina and the United States, that it has been found to be effective and safe; that the Committee will reimburse all costs to the City, both planning and operational; that they are willing to discuss all matters with the City and staff. Mr. Garland added that a request made to EPA to leave the site alone has been denied. Councilman Hope **MOVED** to direct the City Manager and City Attorney to negotiate with Jadco-Hughes Steering Committee and bring back a report to the May meeting of the Council, seconded by Councilman Little, with all in favor.

Commercial garbage collection procedures were discussed next. Mayor Pro-Tem Small said we have had a few complaints but most are satisfied. City Manager Ponder said some are not paying the $9 per month fee and since this was sent back to the Committee, he has not enforced it. Councilman Jessen asked if the Committee has met; it had not. Councilman Hope repeated his belief that the

City should not be in the commercial garbage collection business at all. Councilwoman Harris reminded the Council that the Committee spent a lot of time on this matter and brought it to the Council and that the vote was unanimous in favor of it. Councilwoman Nichols felt this is the only way to be fair. Councilman Jessen stated this is a fair way to handle it if we do it at all; otherwise we should stop commercial collection altogether. Councilwoman Harris noted that there are 20 or less complaints out of 130 businesses. Councilman Hope stated the Council should decide whether to get out or enforce what was passed that evening; he said the Council will not be able to get everyone to agree no matter which one it chooses. Councilman Jessen asked what problems would ensue if the City stops this pickup. City Manager Ponder said a period of time should be given for them to make other arrangements. Councilman Jessen said cost factors must be considered as well since rollout containers were purchased. Councilman Hope was also concerned that all businesses be given an opportunity to have their own service if they so choose. Mr. Ponder noted that since this is contracted with one firm to pick it all up, it averages out cheaper than if each one individually paid a company to pick up the commercial garbage. Councilwoman Harris **MOVED** to keep the policy as adopted and enforce the fees, seconded by Councilman Little, and carried with four ayes and one nay (Jessen).

A delegation from Shugart Enterprises was heard. Mr. Ed Garrett and Mr. Shugart presented to the Council a plan for a single-family residential development on 135 acres located one-half mile south of Freightliner on the west side of North Main Street and going back to Dutchman Creek. The site plan shows 330 lots, and he said they will build stick built homes with a purchase price ranging from $80,000 to $100,000. Mr. Shugart stated his company has built homes for 25 years in the Winston-Salem area, Greensboro, High Point, and North Davidson. They closed on 164 homes last year, and 75% were in this price range. He noted some drainage areas on the property which they intend to leave in a natural state and they asked to be allowed to cluster lots to achieve this. They intend to build on all sites within three to five years. It is anticipated that 70-75% of the buyers will be young or first-time buyers, and the rest will mostly be retired or adults whose children have left home. He said the City would benefit by an enhanced tax base and a larger population would help the local business district. They need from the City: (1) all the property to be voluntarily annexed, (2) a 3,000 sewer outfall sewer line and pump station will be needed, and they would like the City to obtain the right-of-way, (3) any increase in the size of sewer line over the 8 inches they need would be paid by the City, (4) a portion of tap fees or some other sharing of revenue on the 3,000 feet of sewer line for a specific period of time, (5) rezone the property to allow "cluster" lots so the drainage areas can be left natural (they will adjust the number and size of lots as required), (6) need right-of-way on North Main to make turn lanes into the property and would like the City to obtain that. In addition, they were most concerned about the current thoroughfare plan which shows it would cut through the neck of the subdivision, and he asked that the City get it moved over so that it would not cut through the middle of the proeprty, but would be to one side. The previous owner told him the thoroughfare plan had been adopted but it was not going to the cross the property then; however, since the public hearings have been held and new maps drawn, it is now a large corridor in which the road could be placed. They want a determination now to run near the existing road so that the subdivision would not be destroyed. He stated that Mr. Cobb with DOT has informed him that the placement of the new road is not set in stone and the City can give input as to its movement within the corridor. Mayor Pro-Tem Small asked about the water line; Mr. Shugart said they can tap onto the line on Main Street for the first section, and that City staff has told him there will be enough pressure for the other part after the new water tank is built. City Manager Ponder stated that the thoroughfare route has to be addressed or the rest will not matter. It was agreed that the City Manager, Mr. Shugart, and Councilwoman Nichols would meet with Mr. Cobb from DOT and obtain the alternatives for road placement and the procedure for establishing the route, and would report back to Council.

Mr. Ronnie Meeks, Manager, and Diane Pritchett, the representative from the management company, presented and reviewed line item revisions to the operating budget for fiscal year ending June, 1993, for the HUD project off Noles Drive; presented the 1993-1994 budget for the Noles Drive project, noting that there is not a 40% reserve on hand; asked for permission to apply for a grant for locks, fans, surveillance camera, furniture in the community room, freezers, painting, grading, and paving; and requested approval for resolutions required by HUD and FmHA. Mr. Ponder said the financial condition is not good but is improving. Ms. Pritchett stated that tenants are being screened better, and the fiscal problems which were inherited will take a while to remedy. She also asked that the payment in lieu of taxes be waived for 1993-1994 in the amount of $2,165 so that replacement of appliances can be made. Councilman Hope **MOVED** that Resolution To Approve Budget Revisions for Fiscal Year Ending 6/30/93 (#4-12-93(a)); Resolution Approving Operating Budget for Fiscal Year Ending 6/94 (without a 40% reserve) (#4-12-93(b)); Resolution to Approve Operating Budget (for 1993-1994) (#4-12-93(c)); Resolution Approving the Maintenance Charge for Smoke Detectors (#4-12-93(d)); Resolution Certifying the Re-examination of Incomes of Families in Occupancy (#4-12-93(e)); Resolution Approving a CIAP Application (#4-12-93(f)); and Resolution adopting the goal of awarding at least 20% of the dollar value of the modernization contracts to minority business enterprises (#4-12-93(g)), all be approved as presented, seconded by Councilman Jessen with all in favor (copies attached).

The Council reviewed the road construction bids with Public Works Director Nichols and City Manager Ponder. Mr. Nichols suggested deleting Beaty Road until after the planned water lines are constructed so there will not be utility cuts in the new paving. Mr. Ponder stated that we cannot get Powell Bill funds for paving the lot behind The Leader because it is private property. Councilman Jessen did not want the City to pave private parking lots. Councilman Little said the problem with that lot is that it does not have a good base. Mr. Ponder said the lot was put on the list for consideration because of a complaint by the church next door. Mayor Pro-Tem Small stated that the City has patched and paved portions of lots and alleys in the City before because of our garbage trucks. Councilman Jessen **MOVED** to award the bid to Blythe Industries, but to delete Items 11 and 14, for a sum not to exceed $72,691.95, seconded by Councilwoman Harris, and carried with five ayes. Councilman Hope **MOVED** to accept for maintenance (1) 260 feet of River Street from the current end of the pavement, and (2) West First Street between Cherry and Belton, in Catawba Heights, seconded by Councilman Jessen, and carried with five ayes.

John McLaughlin, from W. K. Dickson, Engineers, reported to the Council the results of the study it made with regard to solids capacity at the sewer plant. Mr. McLaughlin stated the sludge handling at the plant is inadequate, the piping is deficient, and the capacity is too low for proper aerobic digestion. He cited four alternatives: 1. install two new sludge storage tanks with a new pumping facility; 2. in addition, use a gravity belt; 3. in addition, use a belt filter press; or 4. in addition, use centrifugal means to process into dry sludge. The sludge basins must be dredged out as they are at 40 to 60% solid. They recommend alternative one. Councilman Jessen asked how critical the situation is; Mr. Nichols staetd that on February 15 the plant was completely full and because of weather have not been able to obtain permit for land application. The staff is instructed to report to Council with recommendations and cost estimates.

To enable the Town of Stanley to join the Transportation Advisory Commission, Councilman Jessen **MOVED** to approve the Resolution Authorizing Execution of the Memorandum of Understanding (#4-12-93(h)) as presented (copy attached), seconded by Councilwoman Nichols with all in favor.

Councilman Hope **MOVED** that the filing fees for the municipal election remain the same, seconded by Councilwoman Nichols, with all in favor.

Possible graphics for the southern water tank off 273 at I-85 were discussed by the Council. Mr. Nichols said these are needed for the specifications if we are going to go to bid in May; Mr. Michael reminded the Council that Murata Corp. has the right to review them. There were proposed to be used the City seal, simple block-letter name, or an artistic design with name and holly leaves. Councilman Jessen said perhaps public input should be allowed, maybe in the form of a contest. Mr. Michael suggested using the most elaborate proposal now for the specs and then using a change order later to put on the one finally adopted; Mr. McLaughlin said that would be permissible. It was agreed that no graphics would be used on the northern water tank. Councilman

Jessen **MOVED** that the specs call for the City seal (as on its vehicles) to be seen on two sides, with lights, with the understanding that this is only for spec purposes and a final determination will be made later, seconded by Councilman Hope with all in favor.

Councilwoman Nichols **MOVED** to adopt Resolution #4-12-93(i), adopting the 1992-1993 Budget Ordinance for the City of Mount Holly, to comply with the requirement as to form by the Local Government Commission (copy attached), seconded by Councilman Hope, with all in favor.

Budget amendments as presented by the City Manager, were approved upon **MOTION** by Councilman Jessen, seconded by Councilman Hope, and carried with five ayes. They are as follows:
Resolution #4-12-93(j)-
General Fund-Recreation:
Contracted Services, Account #100-620-5-345.00, increase by $3,000.00
Capital Outlay-Equipment, Account #100-620-5-974.00, decrease by $2,500.00
Utilities, Account #100-620-5-413.00, decrease by $500.00
(for increased costs for housekeeping as a result of OSHA inspection, and expansion of services)
Resolution #4-12-93(k)-
General - Police Department:
Purchases from Revenue Fund, Account #100-510-5-233.10, increase by $4,187.00
Misc. Police Revenue, Account #100-000-4-935.01, increase by $4,187.00
(proceeds from federal forfeiture)
Resolution #4-12-93(l)-
General Fund - Police Department:
Postage, Account #100-510-5-210.00, increase by $1,100.00
Utilities, Account #100-510-5-413.00, decrease by $100.00
(inherited costs of providing self addressed stamped envelopes to court system for mailings)
Resolution #4-12-93(m)-
General Fund - Planning and Zoning
Postage, Account #100-490-5-210.00, increase by $2,250.00
Prof. Services-Planning, Account #100-490-5-604.05, decrease by $2,250.00
(additional postage costs associated with: 1. corrective rezonings and 2. watershed regulations)

The matter of consideration of reduction of minimum water charge for commercial customers was tabled.

Tax releases for April 12, 1993, as presented in the amount of $122.75 for 1992 taxes were approved upon **MOTION** by Councilman

Jessen, seconded by Councilman Hope, with all in favor.

The floor was opened for complaints or petitions not on the agenda. Mr. Merlin Brown stated there is not a sign directing traffic to Mount Holly when you come up the ramp at Highway 273 off of I-85 southbound from Charlotte. Councilwoman Nichols said she has complained at TCC and something is supposed to be done about it.

The Council took a five minute recess.

The Council went into executive session for discussion about land acquisition and industrial recruitment, upon **MOTION** by Councilman Hope, seconded by Councilwoman Harris, with all in favor; they returned to open session upon **MOTION** by Councilwoman Harris, seconded by Councilwoman Nichols, with all in favor.

Councilman Hope **MOVED** that the City Manager and City Attorney proceed to negotiate, contract and purchase the land and building owned by Duke Power Company at 125 E. Charlotte Avenue for a sum not to exceed $365,000.00, to be used for a police station; motion seconded by Councilman Little, with all in favor. Police Chief Bishop thanked the Council. The Council decided to forego any environmental study.

Councilwoman Nichols stated that the postmistress at the Post Office told her the property is leased and she cannot get anything else done to the building; but Mrs. Nichols wants something to be done to force the needed improvements. Also, Councilwoman Harris stated that she was told the only way we can get the mailing addresses changed in Catawba Heights from Belmont to Mount Holly is to have the residents sign a petition.

Councilwoman Nichols inquired about the site on South Main where apartments were to be built, but only trees have been cleared. Mayor Pro-Tem Small stated he heard two of the partners had backed out and the one remaining man has two other projects underway already.

The meeting was adjourned upon **MOTION** by Councilwoman Harris, seconded by Councilman Jessen, with all in favor.

City Clerk

Mayor

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