Regular Meeting
City Council
April 8, 1996

The regular meeting was held at City Hall, and was called to order by Mayor Frank McLean at 7:30 P. M. Those present were Councilwoman Phyllis Harris, Mayor Pro-Tem Michael Helms, Councilmen R. L. Duke, Jim Hope, Andy Stewart, and David Hostetler Jr., as well as City Manager Phil Ponder, City Attorney Kemp Michael, Public Works Director Eddie Nichols, Zoning Administrator Danny Jackson and a police representative.

The invocation was led by Rev. Mitchell Murrow.

Councilman Helms **MOVED** to approve the minutes of March 4 and 11, 1996, with the following corrections: March 11--page 7, par. 8: change first sentence to read "Councilman Stewart inquired about whether Councilmembers need to be present when the City Manager discussed budget requests with department heads."; and par. 9: change Hostetler to "Stewart". This motion was seconded by Councilman Duke, with all in favor.

City Manager Ponder reported that the illustrations for the proposed zoning ordinance were expected to be ready by the next week. Councilman Stewart **MOVED** to set a public hearing for May 13, 1996, for consideration of adoption of the proposed new zoning ordinance; seconded by Councilman Hostetler, with all in favor.

Mr. Ray Blackwood, a parent from Pinewood Elementary School PTA, invited the Council and Mayor to attend the Community Dinner on Friday, May 3, beginning at 6:00 P.M. They plan to recognize community service groups and the Man and Woman of the Year.

Danny Jackson reported to Council that the Planning Commission has recommended a public hearing be held to consider a rezoning request by Frank A. Garrison. Councilman Hope **MOVED** to set a public hearing for the May 13 meeting to consider rezoning a lot at 108 Tuckaseege Road from R-8MF to B-2, seconded by Councilwoman Harris. Councilman Stewart asked what use is planned for the property; Mr. Jackson stated the man did not indicate his plan. City Attorney Michael said the owner is not required to give the planned use unless applying for a conditional use permit; otherwise they would be "contract" zoning, which is not allowed. He said the Council would have to assume that any of the permitted uses listed for that zone may be put there. Motion carried with all in favor.

The final plat for Map Two of Phase I of Runnymeade Subdivision was presented. Mr. Jackson stated that the Planning commission has approved the plat subject to meeting the financial guarantee requirements. This section of Phase I would have 36 lots.

City Attorney Michael was recognized. He proposed to Council that it adopt a fee to be charged any developer at the time a financial guarantee is used rather than utilities being installed prior to plat approval. He stated that each time a subdivision plat comes up for approval when the public works are not already installed, a letter of credit for 1` of the estimated cost is required, so that if the work is not done, the City has the means to finish it. Each time this is done, a contract must be prepared and signed between the City and the developer, involving Eddie Nichols, Danny Jackson, Phil Ponder, and himself. He said that most cities have such a fee. City Manager Ponder agreed a fee should be charged especially when they do the subdivision in pieces. Mr. Michael further stated that in large subdivisions, even when they put it all in one letter of credit, when part of the work is done, the developer is prone to come back and ask for a reduction in the letter of credit which requires new paperwork as well. Mayor McLean noted this is only when the developer wants to sell lots before the public works are completed, they do not have to pre-sell the lots. Mr. Nichols said it takes mostly the same amount of time whether it involves 30 lots or 100 lots. Mr. Michael stated that such a fee would not be for plat approval, but only if a letter of credit is requested by the developer so he can pre-sell lots. After discussion, Councilman Hope **MOVED** to enact a user fee in the amount of $500 for any letter of credit requested for undeveloped land, charged to the developer, effective immediately, seconded by Councilman Hostetler. Motion carried with four ayes and two nays (Harris and Stewart).

The final plat for Runnymeade, Phase I, Map Two, was discussed. There were questions involving the side streets connecting with Pine Street and Dunn Street, particularly with regard to a fence located on Dunn. It was the general consensus of the Council that more than one entrance would be necessary for safety reasons so that emergency vehicles or evacuations would be accessible. City Manager Ponder said there have been complaints about opening those streets, but the existing zoning ordinance encourages connections for safety; he stressed the need for the Council to decide what they want the ordinance to accomplish and then stay with that decision. Councilman Hostetler **MOVED** to approve the final plat for Map Two, Phase I, of Runnymeade Subdivision subject to appropriate financial guarantee, seconded by Councilman Duke, with all in favor.

The City's contract with BFI for commercial waste collection expires June 30, and City Manager Ponder as well as Eddie Nichols made recommendations to Council by memo in the agenda package. Mr. Ponder suggested 3 options: get out of the business, rebid the contract, or extend the contract. The City no longer subsidizes the cost, which is billed to the customers. He did not believe it is productive to have the City in the middle, and felt there is enough competition now so they will be able to get a good price without the City's intervention. Mr. Nichols recommended the City renew the contract for one year and use that time to notify the merchants that the City's involvement will end at that time. Councilman Hostetler agreed with the recommendation; he also thanked Ms. Asendorf with BFI for her cooperation with the new noise ordinance about dumpsters, whereas other companies are not. Councilman Hope agreed the City should not spend time dealing with and billing on commercial pick-up any longer. Councilman Stewart agreed and suggested a surcharge be added. Councilman Duke **MOVED** to extend the City contract with BFI for commercial waste collection, and that at its conclusion on June 30, 1997, the City shall cease participating in commercial garbage pick-up, and that notice be given to the commercial users now. Councilwoman Harris seconded this motion, and it carried unanimously.

Councilman Stewart **MOVED** that the items as presented by Police Chief Bishop on list dated March 21, 1996, be declared surplus and allowed to be auctioned on April 17, 1996, seconded by Councilwoman Harris, with all in favor.

The Tour DuPont bike race will be returning to Mount Holly on May 9. The route this time will take them down Highway 27. The Council concurred that permission be given for them to come through town, and the response letter presented by Mr. Ponder was approved. City Manager Ponder said they had asked if Mt. Holly would make a donation of $1500 for a "race within a race" to be held in the area; the Council declined.

City Manager Ponder reported that the readvertisement for the bid for sidewalks between Rose and Marguerette were opened that day. Last year the low bid was $27,500. Since DOT has become involved, they added a considerable amount of drainage requirements, and agreed to pay $50,000 of the project. The low qualifying bid is from Lee Skidmore, Inc. for $136,429.00. Councilman Helms **MOVED** to award the bid for the Catawba Heights sidewalk/drainage project to the low bidder Lee Skidmore, Inc. at a price not to exceed $136,429.00, seconded by Councilman Hope, with all in favor.

Appointment of a member to the Planning Commission/Board of Adjustment to replace the vacancy created by the resignation of Bobby Black was considered next. Danny Jackson provided the submissions for nominations by the Planning Board, namely, Max Rhyne and Sandra Kirkland. Councilmen Hostetler and Stewart inquired about the qualifications of the persons nominated and if they would be allowed to get more information about them before voting. Max Rhyne is an engineer with DOT, and Sandra Kirkland was formerly a planner in Belmont. Councilman Duke nominated Robert Kayton also. Councilman Hope felt the Council should respect the recommendation of the Planning Board and vote that night, so he **MOVED** to appoint Sandra Kirkland, seconded by Councilman Helms. Councilman Hostetler **MOVED** to table action until the next meeting, seconded by Councilman Duke. Motion to table failed with a vote of two ayes and four nays (Hope, Helms, Harris, and Stewart). Councilwoman Harris stated she did not mind waiting until the next meeting if only the two names provided by the Planning Commission are considered, and so she **MOVED** that the nominations be left as Sandra Kirkland and Max Rhyne and closed, seconded by Councilman Hostetler. This motion also failed with a vote of three ayes and three nays (Helms, Hope, and Duke) with a nay vote by the Mayor. After clarification as to procedure, Councilman Hope withdrew his motion appointing Sandra Kirkland, accepted by Councilman Helms. Councilman Hostetler moved to close the nominations (which stood at Max Rhyne, Sandra Kirkland, and Robert Kayton), seconded by Councilman Duke, with all in favor. The vote was called, and upon a vote of 3, over 2 votes for Max Rhyne, and 1 vote for Robert Kayton, Sandra Kirkland was appointed the new member to fill the vacancy of Bobby Black.

City Manager Ponder presented four budget amendments, reviewing each one and answering questions. Councilman Duke **MOVED** to approve the four budget amendments as presented (copies attached), seconded by Councilman Hostetler, with all in favor. Councilman Stewart stated his concern with the large amount spent on copies which were not needed for the zoning ordinance.

Tax releases and penalties through March 31, 1996, in the amount of $17.60 were approved upon **MOTION** by Councilman Duke, seconded by Councilwoman Harris, with all in favor.

Mayor McLean reminded the Council that SpringFest would be April 28 through May 4. The Council discussed the Senior Citizens Dinner regarding whether it should be limited to Mount Holly citizens only. In the past, no one was turned away, and a waiting list was kept. The City has paid $1,000 per year toward the dinner each year, but the cost is usually more. It was agreed that it would be best to continue the procedure as it has been in past years.

Mayor McLean said the Optimists have inquired about leasing the old water department building in Catawba Heights. The Council asked the City Attorney to prepare a proposal. Public Works Director Eddie Nichols said they should be informed that it is served by a septic tank and it does not have a water connection.

Pat Hubbard, Co-Chair of the SpringFest Committee, said there is a new event this year, a concert in River Street Park by the Gaston Community Concert Band, led by Seth Kirby. It will be held on Sunday, April 28, at 2:00 P.M.

City Manager Ponder said the Mt. Holly Fire Department was having a BBQ the next Tuesday night at 7:00 P.M., and had invited the Mayor and Council.

City Manager Ponder presented a proposed contract with W. K. Dickson for engineering services with regard to the Stanley sewer interconnection. Stanley will reimburse the City for these fees per our contract with it. Councilman Helms **MOVED** to approve the contract and authorize its execution, seconded by Councilman

Duke, with all in favor.

City Manager Ponder said the renovation to City Hall is over the estimated cost, and he will need to bring budget amendments to replace the seats in the Council Room audience and for the Mayor's Office. At the Council's request, he had asked the contractor about restructuring the Council table, but the contractor was not interested. The Council asked him to check with another contractor, and to keep it as simple as possible, but they want to be able to see each other and the Mayor.

Mayor McLean informed the Council of an invitation to the Open House on April 11 at the new First Gaston Bank.

Councilman Hostetler announced a plaque by the Chamber of Commerce recognizing the Industry of the Month to be placed in the Archives Room. Those recognized in 1995 were already on the plaque.

Councilman Hostetler asked if the DOT representative has met with the City Manager yet. He had not, but Mr. Ponder said the requested letters had been sent out that day.

Councilman Duke inquired about whether or not the ordinances require cleaning up the Lingerfelt property on South Main Street. Danny Jackson said there is nothing in our ordinance controlling that situation.

Councilman Duke moved to adjourn, seconded by Councilwoman Harris, with all in favor, at 9:30 P.M.

Phillip D. Ponder, Jr. — City Clerk

Frank E. McLean — Mayor

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