

Regular Meeting
City Council
March 14, 1994

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 Archie Small, Michael Helms, R. L. Duke, and Jim Hope, as well as City Manager Phil Ponder, Zoning Administrator Gary Roberts, Public Works Director Eddie Nichols, City Attorney Kemp Michael, and a Police Department representative.

The invocation was led by Rev. Jeremiah Robinson, Jr.

Councilman Duke **MOVED** to approve the minutes of February 14, 1994, with the following correction: page six, fill in the blank with "Michael Roddy"; motion seconded by Councilman Duke, and carried with six ayes.

Mayor Black read a proclamation honoring Frank McLean upon his retirement as utilities superintendent, after 22 years of service for Catawba Heights Sanitary District and the City of Mt. Holly. (copy attached)

Mayor Black read a proclamation honoring Sara Nixon upon her semi-retirement, recognizing her accurate recording of the council meetings in The Mount Holly News, as well as her other contributions in the Personally Mentioned column, as a member of the N. C. Working Press, and N. C. Home Extension. (copy attached)

Roy Warden, Mt. Holly Area Council, announced that the next meeting would be held on Tuesday, April 19, 1994 at 5:30 P.M. in the Presbyterian Church Fellowship Hall, with a panel discussion of downtown revitalization.

Mayor Black stated for the record his objection to the comments made in The Observer the prior Saturday regarding the watershed regulations in the Mount Holly area. He stated that Mt. Holly has gone on record in favor of WS-IV; that WS-IV will protect and yet allow development whereas WS-II would over-regulate.

The regular meeting was recessed and a public hearing called to order to discuss amendments to the watershed regulations previously adopted by the City in order to comply with State guidelines. City Manager Ponder said the State is requiring technical corrections, viz: 1. variances must be reported to the State; 2. definition of "major variance" clarified; and 3. define "cluster development". Gary Roberts had no further comment. There were no comments from the Council and audience. The public hearing was adjourned and the regular meeting resumed. Councilman Hope **MOVED** to accept and adopt the three changes recommended by the Planning & Zoning Board to comply with State regulations for watershed regulations; seconded by Councilman Duke, with all in favor.

The regular meeting was recessed and a public hearing called to order for consideration of a voluntary annexation petition by CEKA, Inc. The property is about 75 acres adjoining West Central Avenue, the railroad, the Springs property, and Taylor's Creek. Proper notices have been given. City Manager Ponder stated he has received the agreement from CSX Railroad allowing the City to install a water line under the railroad and to continue our liability insurance at \$2 million. Mr. Broome, owner of CEKA, Inc., asked that the effective date of annexation be delayed at least 30 days. There were no public comments. Eddie Nichols stated that Phase I of the industrial subdivision will be served by existing sewer line at Taylor's Creek and will connect by 600 feet of line under the railroad to the water line off Central Avenue. There were no comments from Council. The public hearing was adjourned and the regular meeting resumed. Councilman Hope **MOVED** to adopt Resolution #3-14-94(a) as written, an ordinance to extend the city limits of Mount Holly, to be effective April 30, 1994; motion seconded by Councilman Jessen with all in favor. (copy attached)

Next the Council considered a request by Mr. Carlton Broome for the development and voluntary annexation of a residential subdivision off West Central Avenue. The property is owned by him personally and is approximately 25 acres. He has complied with the subdivision ordinance to this point, and now needs approval for his water and sewer from the Council (the State has already approved it). Mr. Roberts stated that the preliminary plat approval has been granted by the Planning Commission. City Manager Ponder stated that there are two concerns: 1. the impact of the annexation; it will create two lots not in the City completely surrounded by the City limits, "a hole"; and 2. Mr. Broome will be installing the water and sewer himself without a letter of credit, but the one year warranty is required and must be backed by a letter of credit. City Manager Ponder focused the Council's attention on the first issue to be considered, namely, whether or not the City would accept a voluntary annexation which would create in effect "a hole" in the city limits. Councilman Jessen stated this is the kind of development he would like to see in Mount Holly and he did not object to the "hole"; Councilman Duke agreed. Councilman Small inquired about the City involuntarily annexing the whole tract; there was no information readily available in that regard. Councilman Hope supported approval of supplying water and sewer for the development whether it was annexed or not. Councilman Jessen felt that position could set a precedent the City would regret later if a developer the Council is not familiar with applied for the same treatment. City Manager Ponder proposed that the matter be tabled until the special meeting to be held the following Monday, at which time a public hearing could be set for the April meeting; the Council concurred.

Fred Sommer, Community Communications, proposed to contract with the City for a page in the historical book about Gaston County being written by Sally Griffin under the direction of the Chamber

of Commerce, at a cost of \$2,300.00. Councilman Jessen **MOVED** not to participate, seconded by Councilwoman Harris, with all in favor.

Mr. Jim Fuller, South Main Street, requested sewer service to his home. To be gravity fed to the Fites Creek outfall line is about 150 to 200 feet; an 8-inch line is estimated to cost \$11,500.00, according to Mr. Nichols. Mayor Black noted there are a couple other houses there that do not have sewer service. Mr. Nichols said there is a line in the street but they would have to pump up to it because of the elevation. The line from Fites Creek could be extended up to them at \$30 a foot but he would have to check the elevation because they may still be too low and have to pump. Mayor Black inquired about funding; Mr. Ponder said contingency funds would have to be used. Councilman Duke **MOVED** to extend sewer service to the Fuller property from the Fites Creek outfall, seconded by Councilman Helms, with all in favor. The City Manager was asked to obtain cost estimates for other owners without sewer service.

Change Order #4 to the water and sewer contract with Trans-State Construction was presented by John McLaughlin, W. K. Dickson Engineers, upon request by the City for an eight inch line extension on Ferstl Avenue to complete the loop on that side of town. City Manager Ponder said the contractor was about \$40,000 under budget, and this section was on the list in the water/sewer study. Councilman Hope **MOVED** to approve Change Order #4 for an increase of \$31,905.00, making the new Contract Price \$1,520,213.50, with an extension of twenty days; seconded by Councilman Jessen, with all in favor. Mr. McLaughlin also reported that the North Main Street water tank is on schedule. Councilman Small asked him if the sewer line going down Woodlawn could not have gone a different way and eliminate the pump station; Mr. Nichols said that was considered but was not economically feasible.

The Council set a special meeting for Monday, March 21, as a joint session with the Planning Commission for discussion of the proposed land development plan.

A proposal by the Mt. Holly Optimist Club was presented by Vance Furr for it to be concessionaire at the Tuckaseege ballfield. They asked for approval based upon them being a non-profit corporation, all monies stay in Mount Holly for the benefit of local youth, and they would employ local teenagers to run the stands. Councilmen Hope, Duke, Small and Jessen approved of the proposal with the proviso that other civic organizations having events there be allowed to handle the concession at those events. City Manager Ponder recommended a brief written agreement between the City and whomever the Council chooses. Councilman Hope **MOVED** to direct the City Manager to negotiate an agreement with the Mt. Holly Optimist Club to be exclusive concessionaire at the Tuckaseege ballfield except when other civic organizations hold events there at which time that civic organization may handle the

concessions under the same terms; seconded by Councilman Helms, with all in favor.

Upon recommendation of the Planning Commission and **MOTION** by Councilman Jessen, seconded by Councilman Hope, carried unanimously, a public hearing was set for the April 11th regular meeting for consideration of an amendment to Section 76 of the zoning ordinance regarding accessory buildings.

Upon recommendation of the Planning Commission and **MOTION** by Councilman Small, seconded by Councilman Jessen, carried unanimously, a public hearing was set for the April 11th regular meeting for consideration of rezoning the property at 703 and 705 Belmont-Mt. Holly Road from R-12 Single-Family to B-2 Neighborhood Business. Richard Bailey had applied on behalf of John and Nancy Fite; one of the properties is the barber shop. Mr. Bailey said there are 11 businesses in that neighborhood, a mobile home across the road, and a traffic count of 8700 vehicles a day. They are not asking for another driveway access.

City Manager Ponder presented a proposed contract between Rice, Williams Associates and the Cities of Mount Holly and Belmont for consulting services in the form of technical analysis of our cable system, for a sum not to exceed \$5,000.00, plus appearances at public hearings and hourly rates for executives. That information will be used in negotiating our cable franchise renewal. He noted that we received franchise fees last year of \$23,000.00. City Attorney Michael stated that the City may be able to get reimbursement for these charges also. Councilman Duke **MOVED** to approve the proposed agreement as presented, with an authorization for Mount Holly's share in the fees not to exceed \$5,000.00; seconded by Councilman Jessen, with all in favor.

Council next considered a written request by ICI Americas Inc. (formerly ICI-Rayca) to install by boring method a two inch PVC line approximately 18-24 inches under Broome Street for cable and sample tubing. Eddie Nichols stated that their pretreatment permit requires installation of a flow meter which must be installed across Broome Street; they need written permission to bore under the street. City Attorney Michael recommended the City retain the right to revoke permission if given. City Manager Ponder suggested we ask them in turn for an easement to run a sewer line to our concession stand at Tuckaseege ballfield. Councilman Jessen **MOVED** that the City Manager write a letter to ICI granting permission to bore under Broome Street for the stated purpose with the City retaining the right to revoke this permit and contingent upon their granting an easement to the City for a sewer service line to the new concession stand; seconded by Councilman Duke, with all in favor.

Budget amendments as presented by the City Manager were approved upon **MOTION** in favor by Councilman Duke, seconded by Councilman Jessen, carried unanimously, as follows:

General Fund - Fire Department: Maintenance & Repair

Equipment, Account #100-530-5-316.00, increase by \$10,000.00; Contingency, Account #100-420-5-789.00, decrease by \$10,000.00. (The aerial unit hydraulics have been malfunctioning and it has been sent to Columbia, S. C., to a certified mechanic to do the necessary repairs.)

General Fund - Fire Department: Volunteer Dept. Requests, Account #100-530-5-103.02, increase by \$500.00; Miscellaneous Revenue, Account #100-000-4-935.5, increase by \$500.00. (Duke Power donated \$500 specifically for VFD.)

General Fund - Police Department: Purchases from Police Revolving Fund, Account #100-510-5-122.10, increase by \$10,250.00; Misc. Police Revenue, Account #100-000-4-935.01, increase by \$10,250.00. (Federal money from drug forfeitures received; required to be spent on law enforcement; most spent on amenities at the new police station such as furniture.)

General Fund - Recreation: Capital Improvements-Ballfield, Account #100-620-5-973.06, increase by \$21,000.00; Contingency, Account #100-420-5-789.00, decrease by \$21,000.00. (Council authorized concession stand.)

Water and Sewer - Sewer: Maint. & Repair-Sewer, Account #300-810-5-334.02, increase by \$7,500.00; Contingency, Account #300-810-5-789.00, decrease by \$7,500.00. (A consequence of necessary replacement of \$12,000 pump at Dutchman's Creek Lift Station and \$8,000 aerator at the WWTP.)

Councilman Duke **MOVED** to approve the tax release list for March 14, 1994, in the amount of \$2,059.67 in taxes for 1993 and \$2.69 in penalties for 1993, totalling \$2,062.36; seconded by Councilman Small, with all in favor.

The floor was opened to complaints or petitions not on the agenda. Mr. Merlin Brown complained that the City has forgotten its workers, citing a letter he had seen from an employee. Mayor Black stated that when he got the letter, he informed the City Manager, but the Council cannot get involved in personnel by State law, and can only hire and dismiss the City Manager; he must handle the rest. Mayor Black also stated that the committee is still reviewing the pay plan and the Council will vote on that when a recommendation is presented. Councilman Jessen objected to unsigned letters, stating that only one side of the story is heard unless you know who all is involved. City Manager Ponder asked to respond for the record. Mr. Ponder stated that: 1. Mr. Brown did not come to him and discuss this or attempt to find out the other side of the story regarding the employee in question; 2. Since he has been City Manager the wages of all employees has been raised twice, both times more than the consumer price index; 3. He has the only key to a "safety suggestion box" which never contains more than one or two safety suggestions, and usually contains 35 to 40 mostly unsigned gripes. He further stated that he has worked hard to get training and better pay for the employees and did not appreciate someone going behind his back rather than coming to his office to complain.

Ralph Michael was recognized next, and he stated that he remembered the Council voting in favor of WS-II for the watershed regulations when it first came up. Mayor Black said he did not recall that, but said he would apologize for his earlier complaint if so; and that the City had public hearings and the decision was in favor of WS-IV and that is how QNRC should represent us.

The Council took a five minute recess.

The Council went into executive session for attorney-client purposes upon **MOTION** by Councilman Duke, seconded by Councilman Helms, with all in favor. The Council returned to regular session upon **MOTION** by Councilman Small, seconded by Councilwoman Harris, with all in favor.

The Council concurred they should not spend tax money for property at old Highway 27, Westcreek Recreation Center.

City Manager Ponder has had two offers for portions of City property off Pinewood Drive, one by Mr. Grant who wants a couple acres for his cattle, another by Rick Eldridge who wants some to be deeded to Habitat for Humanity. The site is an old landfill and there are no records as to what is actually in there. Councilman Small said there were no restrictions when that was used as a landfill. The Council concurred that the City should not approve either one.

The hot dog sale at Catawba Heights Volunteer Department was approved.

City Manager Ponder asked for direction on two street paving matters in Catawba Heights. First, Vance Street was on the street paving list but the last two residences objected to having it paved in front of them so the City did not pave in front of them. Now one of the houses has sold and the new owner wants it paved. Secondly, Second Street was not on state maintenance and falls under the Catawba Heights Policy, and one of the owners refuses to sign the petition for paving, but all the others keep calling to have it done. He asked the Council if they want him to get bids for paving either or both of these. The Council concurred that he should get bids for the Vance Street section, but not for Second Street until all the property owners sign.

The Council concurred that the City Manager should require users of Tuckaseege ballfield to pay a fee to affray lighting costs.

Mr. Ponder referred a variance request by Spray Cotton Mills to the water bill committee, but the three members are split and want clarification as to the whether or not the adjustment policy applies to non-residential users. The Council concurred that the policy does not and was never intended to adjust bills to compensate for water leaks of non-residential users.

City Manager Ponder said he had signs erected at the WWTP that state "No Unauthorized Persons", and he intends to post a memo that this will be enforced, because there are a number of citizens who go out there regularly and involve themselves in the operation of the plant. Mayor Black stated that with the strict OSHA regulations this is necessary. Councilwoman Harris did not see any need for anyone to be there without an appointment. Councilman Hope agreed and **MOVED** that the unauthorized personnel policy be enforced, seconded by Councilman Jessen, and carried with five ayes and one nay (Helms).

City Manager Ponder requested that the Councilmembers inform him when there is information as to personnel that he should know, and stated he will be glad to deal with any situation based upon the knowledge he has.

Mayor Black had been contacted by Morehead Properties asking to meet with him about the Nims property on North Main Street, and he asked the Council if anyone objects to him doing so; they did not.

The meeting was adjourned at 11:20 P.M. upon motion by Councilman Small, seconded by Councilman Hope, with all in favor.

Phillip S. Ponder, Jr.
City Clerk

Charles B. Black
Mayor
