

Regular Meeting
Mount Holly City Council
March 11, 1991

The meeting was called to order at 7:30 P.m. by Mayor Charles B. Black, Jr. Those present were Councilwoman Faye S. Little and Lib Nichols, Councilmen Myles Biggerstaff, R. L. Duke, Archie Small, Bob Jessen, City Manager Greg Young, City Attorney Kemp Michael, Director of Public Works Eddie Nichols, Police Chief Jerry Bishop, and the Zoning Administrator Gary Roberts.

The invocation was led by Reverend Lankford.

The minutes of February 11th were approved with corrections noted by motion made by Councilwoman Little, and a second by Councilman Duke, with all in favor.

Mr. Bud Mullis was introduced by the Mayor to represent the VFW. Mr. Mullis had with him the winner of the Voice of Democracy speech contest sponsored in school by the VFW, Jessica Gore. She also won second place in the district. Ms. Gore read her speech which emphasized not taking democracy for granted.

A resolution was adopted to support the granting of university research status to UNC-Charlotte, upon motion by Councilman Biggerstaff, seconded by Councilman Jessen, with a unanimous vote.

There were no complaints or petitions not on the agenda.

The regular meeting was recessed and the public hearings called to order. The first was for consideration of a request for a change to non-conforming use of property at 806 Belmont-Mt. Holly Road which is zoned R-12, from a pest control business to a balloon/gift shop. Ms. Mary Ray made the request and spoke in favor of it. Mr. Gary Roberts reported he made the appropriate notices, and that Ms. Ray had notified him prior to the 180 days of her intention not to abandon her non-conforming status. There were no other comments from the Council or audience.

The second public hearing was for consideration of a request for rezoning a lot next to Alsace Mill from R-6 to L-1, made by Robert Friedl. The proper notices were given. Mr. Friedl said he wants this changed to make improvements to his business. There were no other comments from the audience.

The public hearings were adjourned, and the regular meeting resumed. Councilwoman Little moved that, based upon a finding that the substituted non-conforming use would have no greater harmful effects upon the surrounding properties

than the existing one and the change is in harmony with the general purpose and intent of the zoning ordinance and is not injurious to the neighborhood or detrimental to the public welfare, the request by Mary Ray to change the non-conforming use at 806 Belmont-Mount Holly Road to a balloon/gift shop be granted, upon the conditions recommended by the planning and zoning board: the sign shall be flat against the building; there shall be no additions to the structure; and there shall be no outside storage allowed. This motion was seconded by Councilman Small, and carried unanimously.

Councilman Duke moved to approve the request by Robert Friedl and rezone the lot adjacent to Alsace Mill from R-6 to L-I, which was seconded by Councilman Jessen, and carried with a unanimous vote.

City Manager Greg Young reviewed with the Council the list of 17 items found to need correction with regard to construction of the new fire truck, having contacted Wolverine and Freightliner in writing. Councilwoman Little felt that the mileage put on the truck to drive it from Canada to Oregon to Michigan, and then to here makes it a used truck, and the price should be adjusted. Mr. Young said it was known at the outset this would be done. The City Manager has withheld payment of any funds, and has been negotiating settlement of the corrections listed; some will be corrected in Michigan, and some in Mount Holly at the Freightliner plant. Councilman Biggerstaff moved that written guarantees for correction of the 17 items listed be obtained before the release of any funds, seconded by Councilwoman Little, with all in favor.

Phoenix Management gave a status report including a financial statement. They have sent tenant eviction notices to five tenants and feel this will help the situation with police calls. They had set a meeting at the conference room next Monday at 5:30 P.M. to go over rules and regulations with the tenants, and Mr. Young will also be attending, and the Council was invited. They intend to stress the importance of keeping drugs and crime out. The FmHA inspection of the Rollins Apartments was good and found in compliance. They now have a full-time maintenance person.

A petition for voluntary annexation by CYA for Deertrack Subdivision property had been submitted to the City Manager. Mr. Yatko was present at the meeting. Mr. Young reported that staff has been reviewing the plans and specifications submitted by CYA's engineers; and they have been informed of the subdivision ordinance requirements including the bond. The City Attorney said that two resolutions would be needed tonight if the Council chooses to proceed. Councilwoman Little asked Mr. Yatko if CYA owns the land yet; he said they do, under the name CYA of Gaston County, Inc. The

petition had been signed by Deertrack, Inc., the developer, which is owned by the same persons; but Mr. Michael had Mr. Yatko also sign the petition as Secretary of CYA. Mr. Michael asked if the property is contiguous to the City's, he said it is, at Julia Street. Councilman Biggerstaff moved to adopt resolution #3-11-91(a), Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31, and #3-11-91(b), Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, As Amended, setting the date at April 8, 1991, seconded by Councilman Jessen, with all in favor. The City Attorney informed Mr. Yatko that he will need to have his surveyor identify on the survey map the line that is contiguous with the City limit line.

Mr. Ron Dimmer requested a public hearing be set to consider rezoning a 1/2 acre lot adjacent to his apartments at 120 Highland Street, from B-1 to R-8. He plans to put additional parking on this lot and clean out the underbrush. He had maps to show the Council where the property lies. Councilwoman Little moved to set a public hearing to consider Mr. Dimmer's requested rezoning for April 8, 1991, seconded by Councilman Biggerstaff, with an unanimous vote. Mayor Black asked him how many driveway cuts he plans; Mr. Dimmer did not know, but said they would be off Highland Street.

Southern Benedictine Society, through its attorney, requested a public hearing to be set to consider rezoning 37 acres it owns along I-85 and the Catawba River from R-A to L-I. He said they have no immediate plans, but want it rezoned now so they will be prepared for offers received. Councilman Biggerstaff moved to set a public hearing to consider the Society's requested rezoning for April 8, 1991, seconded by Councilman Duke, and unanimously carried.

Hoechst Celanese, through its architect and Fred Eilskov, asked the City to grant it: 1. an encroachment agreement for private sewer lines to go under Lee Street at the same place where the permanent telephone line will be placed, from the new building to the company's sewage pretreatment facility; 2. a variance on the requirement for a water meter on a fire protection line; and 3. permission to widen the intersection at Lee Street. Mr. Nichols said he would be sending them a waste survey and would need that completed and would also need profile drawings of the under Lee Street lines. There was discussion about the second item. This line is for an eight inch line for the water sprinkler system, and the company proposed using an alternative, a detector meter. Mr. Nichols said the City has allowed this before, but the drawback is that it does not tell how much was used, only that use occurred. When this has occurred on other lines, a guesstimate has been made of the use and the bill was made from that. The City Manager stated that they would really

like to have a uniform policy for this situation. Councilwoman Little said they should notify us when they use the line; Councilman Biggerstaff said there should be a penalty if the City is not notified; Mayor Black said they should all be treated the same. They also proposed to widen Lee Street about five feet at the intersection, with curb and gutter and asphalt to state specifications, at the Company's expense. Lastly, they referred to a letter from Dr. Teichmann requesting that the City consider paying the engineering cost and waive the tap fees for the proposed water lines on Dutch Avenue and the Company would pay the cost of material and labor. The City Manager said there are several items which are a tremendous drain on the water/sewer fund right now, so he could not recommend any more than the waiver of tap fees. Mr. Eilskov asked if the three inch domestic line to the new facility could be placed soon also. Mr. Young said Yates Construction agreed to allow it to be added on as a change order, but they must have state approval first. Councilman Biggerstaff moved to approve the requests by Hoechst Celanese as follows: 1. the waste treatment line be allowed to go under Lee Street; 2. the water meter for the fire service line is approved to have a detector check value in lieu of water meter; 3. permission be given to widen Lee Street as indicated per city specs for curb and gutter and state specs for asphalt; and 4. the three inch domestic line should be installed at the company's expense with the tap fees to Hoechst Celanese waived, all to be coordinated by the City Manager and Public Works Director. This motion was seconded by Councilman Duke, and unanimously carried.

Mr. Charles Lineberger, Mt. Holly Jewelry & Loan, appeared before the Council regarding his application to move his privilege license for his business to 418 Beatty Drive from Main Street. Councilwoman Little asked the City Attorney if it was appropriate for the Zoning Administrator to go to the Board of Adjustment for interpretation of the B-2 zone uses in this matter. Mr. Michael said the Zoning Officer makes a ruling and the appeal is to the Zoning Board under the ordinance, or he can go to them for an interpretation of the ordinance. Mr. Lineberger said he must move out of his current location before May 8th; he is having a sixty foot by one hundred and twenty-five foot building constructed on Highway 273. Councilwoman Little moved that the transfer of the privilege license of Charles Lineberger's pawn shop be allowed from 117 South Main Street to Highway 273, 419 Beatty Drive, which motion was seconded by Councilman Small, and unanimously carried.

The Council considered the bids received for vehicles which was tabled last month. A representative from Dixon Ford was present to answer questions. Councilman Biggerstaff asked if the bids ruled out GMC, Chevrolet, Dodge, etc. Mr. Young said to do a bid spec one must be selected and the City

allowed for "equal." Councilman Small said he had talked to Mr. Spruill at the Chevrolet place, and he said he did not bid because of the time involved in the paperwork and the 5% bond requirement. Mr. Small objected to the big service body, and questioned the need for overdrive transmission, and felt that a four cylinder would be sufficient. The man from Dixon Ford said the overdrive is standard. Mr. Nichols said the City has bought both kinds of bodies in the past, and found the service body to do better. Councilman Biggerstaff moved to award the bid for dump truck to Dixon Ford at \$23,170, and the Ranger pickup with service body to Dixon Ford at \$11,850, seconded by Councilman Jessen, and carried with five ayes and one nay (Small).

After presentation of a list and request by Chief Bishop, Councilwoman Little moved to declare the weapons on the list as surplus property, seconded by Councilman Duke, and unanimously carried.

City Manager Young presented the renewal of the lease agreement between Gaston County Schools and the City for the old Junior High gym, noting that the County had left out the paragraph about petitioning the County for maintenance funds. Councilwoman Little moved to approve the agreement with the paragraph for maintenance funds being reinserted if the City Manager finds it necessary, seconded by Councilman Jessen, and carried by unanimous vote.

Tax releases for that date were approved upon motion by Councilman Jessen, seconded by Councilman Duke, with all in favor.

TAX RELEASES
March 11, 1991

Blackwelder, Candace	R#15140	Val. 8,520	43.11
		1 tag	1.00
Hubbard, Candy Lynn	R#15169	Val. 7,070	32.52
		1 tag	1.00
Huggins, Ronald & Donna	R#15139	Val. 26,200	<u>120.52</u>
		1990 Taxes released	528.58
		Penalties released	<u>3.92</u>
		Total taxes & penalties	532.50
		Tags released	2.00
N.C. Dept. of Transportation	R#15091	Val. 20,000	<u>92.00</u>
Total 1989 taxes released			92.00

Mayor Black requested the Council to add \$200 to the existing \$800 in the budget for the Senior Citizens Dinner at the Spring Festival in May. Councilman Biggerstaff moved that the budget be amended to increase the Recreation

Special Account by \$200 for the Senior Citizens Dinner, seconded by Councilman Duke, with all in favor.

Mayor Black asked that the Council receive reports for City Council meetings earlier than the Friday before if possible.

City Manager Young reported that A & E Mills is celebrating it's 100th anniversary and is being issued a permit for a carnival. The Council concurred that the City need not do anything if it is on private property to interfere, and sent congratulations. They agreed to allow a banner on the street and on a trailer at the Spring Festival.

Councilwoman Little asked the City Manager if Mr. Roberts' assistant has begun yet; he said he is helping part-time and will be full-time when a new person is hired for the recreation department.

Councilwoman Little had a complaint from Mr. Grant that tractor trailers are going up and down Lanier Street. Mr. Young said the City just annexed the first 200 feet and has not been in control of that as yet. Chief Bishop said Mr. Walker is having big textile machines brought to his shop which he overhauls. Councilman Small asked if that did not violate zoning; Mr. Roberts said he has the matter on his desk now.

Councilman Jessen asked that Mr. Roberts look at an area that needs cleaning out on Belton Avenue over the bridge on the left side. Mr. Roberts said the man has already made some progress, but he will remind him to do more.

Councilman Duke announced the COG meeting for the next Wednesday to be in Monroe.

Councilman Small asked for an update on the lines for Hilltop and Waverly. Mr. Young stated the other utility lines have been located and the work is being scheduled.

Councilman Small stated that a man in Catawba Heights said he was told by the City Manager and Mr. Nichols he would get city water, but now is not; his name is Jerry Patterson, and he lives on Clearwater Lake Road Extension. Mr. Nichols recalled the property, which lies next to the railroad. Mr. Young stated that the engineers were authorized to do the design work, but the title search found there is no recorded right-of-way for that dirt road, making it a private access. According to City policy, he must go out to the public road right-of-way. When they told him that, they thought it was a public road. Councilman Small said his well is gone, and he needs water. Mr. Young said the City has a policy for lines put in on private property, and the Council instructed him to write Mr. Patterson a letter explaining the situation and that policy.

Councilman Biggerstaff noted that the Recreation Committee has stalled with regard to the Tuckasee Park ballfields; they keep asking if they can just do one field. He asked what can be done to get this moving along. Mr. Young said the drawings need to be finalized for the field arrangements. Councilman Small said they have not been able to meet with Zip. Councilman Biggerstaff moved that the City Manager be asked to instruct city staff to bring to the next council meeting their plans and specs, so this matter can proceed, which was seconded by Councilman Jessen, and carried unanimously.

Mayor Black stated that the past Saturday, a recycling and trash center opened near the water plant, the recycling bins take three kinds of glass, newspapers, scrap metal, aluminum cans, and plastic jugs and bottles. The fee schedule for payment of dump trash is posted.

City Manager Young said the City will need a policy for appliance pickups now that the County will no longer take them at the landfill. He has located a company that will take them from the City, but the motors and compressors must be removed first. He suggested they be only picked up on a certain day of the month. The City would have to have them separated and EPA regulations must be met for some of the fluids in them. He recommended the use of Phillips on Highway 27, and to establish two Wednesdays a month for pickup on a call-us basis. Councilman Biggerstaff moved that the City Manager's recommendation be adopted, seconded by Councilwoman Little, and unanimously carried.

City Manager Young had a request from someone to close Main Street in front of City Hall on Sunday, March 24, 1991 from 1:00 to 3:30 P.M. for a victory celebration honoring the returning soldiers. The Council concurred.

City Manager Young stated the League bulletin came in, and said the Governor proposed to withhold 6.2% of the annual payments, and he wanted the Council to be aware of this situation.

City Manager Young reported that the sandblasting of City Hall is done, the water washing is progressing well, and the sealing will be done next.

City Manager Young informed the Council that the window replacement bid is still good. Councilwoman Little moved that the contract for window replacement for City hall be awarded to The Window Man at not to exceed \$17,892.00 for white windows, which motion Councilman Duke seconded, with all in favor.

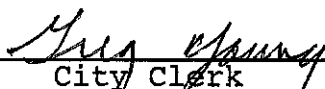
City Manager Young reported that the Mount Holly 911 system would go on line Tuesday, March 12th, at 9:00 A.M.

City Manager Young stated that the City needs school crossing guards, and asked for referrals.

The Council took a five minute recess.

Councilwoman Nichols moved to go into executive session for attorney-client and personnel matters, seconded by Councilman Duke, and unanimously carried.

Upon motion duly made, seconded, and carried, the meeting was adjourned.


City Clerk


Mayor
