

**CITY COUNCIL
REGULAR MEETING
MARCH 9, 1998**

CALL TO ORDER BY THE MAYOR

The regular meeting of the City Council of Mount Holly was called to order at 7:00 P.M. by Mayor McLean. The following were present:

Mayor Frank McLean, Jr.	Adm. Services Dir. Sherry Borgsdorf
Mayor Pro-Tem Phyllis Harris	Public Works Director Eddie Nichols
Councilman Michael Helms	Planning & Zoning Dir. Danny Jackson
Councilman Andy Stewart	City Attorney Kemp Michael
Councilman Jim Hope	Police Officer
Councilman Bobby Black	Police Chief Jerry Bishop
Councilman Bryan Hough	

INVOCATION

The invocation was led by Rev. Doug Peterson.

PLEDGE OF ALLEGIANCE

Mayor McLean led the Council and audience in the ceremony of the Pledge of Allegiance.

MINUTES

Councilman Helms **MOVED** to approve the minutes of February 9, 1998, as written, seconded by Councilwoman Harris, with all in favor.

PRESENTATIONS

#1 Miss Mount Holly

Heather Lankford, Miss Mount Holly, was recognized. She stated that she became involved about 2 years ago in mentoring at Chapel Hill, working with a 14 year old girl who lived with her ill father; her mother was gone. She said she only had time to give her and did not know what else she could give her. The girl thanked her for being with her and told her she had made a big difference in her life. Each child embraces you because you give your time, and they live in circumstances where they do not live in a stable environment. She was helped herself by others through encouragement and advice. Mentors Offer Understanding and Support is an extension of a program already in place in Gaston County. They offer after school transportation to the Lutheran Church on Thursday afternoons; about 18 students are coming now; more would come but they need more mentors. The program needs a van to pick the students up at Mt. Holly Middle School and Rankin Elementary School. They have gotten donations of treats by Bobbies' Baking, and other donations from other local businesses. They hope to involve the whole community in supporting children education and emotionally. It is her desire to see the program to continue even after she is no longer Miss North Carolina.

Carol Featherstone has been helping Miss North Carolina this year. She and her husband are host family for her and she has become a part of our community. In traveling with her, Mrs. Featherstone has found as they go into a lot of small communities, she is impressed with the participation of the citizens at the city council meetings. Lincolnton is the largest scholarship giver; \$7,500 for winner and first runner up. The pageant committee would like to encourage our local girls to participate, and has gone to local businesses for donations to the scholarship fund for the Miss Mount Holly pageant. The Mount Holly pageant committee has increased from 5 members to 22 since she has taken the chair. The committee is asking the City Council to consider contributing to the scholarship fund as well.

#2. "Gaston Together"

Henry Massey came before Council to discuss "Gaston Together: Communities of Excellence", originated by the Chamber of Commerce. The group was formed to bring citizens together to solve problems and make improvements in the Gaston community. The goals include solving community problems by working to eliminate root causes; bringing together talents and opportunities through town meetings and citizen action teams, and to promote community pride. Through the council they plan to assess strengths and to identify problems to implement programs and procedures to solve them. Two groups operate within the group; Communities of Excellence Council, which has 20 people of which he is one and serves as Chair; and Gaston Together Leadership Team. A wide variety of personalities are included from non-profit, and profit endeavors; most of funding is for training for the Leadership Team members to go to town meetings. One is scheduled for East Gaston High on Monday, March 23rd. The Council will consolidate to four or five problems identified from the town meetings, from citizen output. They will also identify good things about our county. The next one is at Southpoint Hi on Tuesday, March 31st. He said an old concept has arisen out of meetings already held; we think the perception of our county is not as strong as it should be. We think we are a lot better than perceived to be; also limited resources for people who are really trying to do good things. Part of his job is to help in getting more funding, more volunteers, and leadership. He encouraged all to attend at least one of the meetings. Mayor McLean echoed his invitation.

#3. Update on YMCA Development Efforts in Mount Holly.

Mr. Robert Whitt appeared on behalf of East Gaston YMCA, with an update on the project. Some time back the City agreed to provide the road for the project. The Y has been working with the utility companies. One of the conditions the city put on it was that the road could be extended on so that it could provide access to other property behind there. Crossing the gas pipeline has been difficult. One of the engineers was present from Cole-Jenest; also Phil Morgan and Steve Crane with the Y were there. Mr. Cole met with the gas company on site; there are at least three gas lines within their right of way. Crescent Resources owns "Gaston Gateway", over 100 acres of land, including the site proposed to be used to build the new Y facility. The Y is purchasing 30 acres. He passed out a map to Council for its review. The site plan presented previously intended to access the Y, and to allow Crescent to open up the rest of its property; initially the road would

hug the northern boundary; but they found that where the road would be crossing the gas pipeline was in a ravine and a considerable amount of fill would be necessary. The gas company usually require crossing at a 90 degree angle, but agreed to allow less on our road, but the amount of fill was a problem. Now, after several meetings, and a big meeting with all parties involved, it has been determined that the Y needs to relocate the road to have a hammerhead end rather than a cul-de-sac. The site plan will have to be modified because of the new location of the road. The Y requested the Council approve in concept this revision of the location of the road and building and ball fields. City Manager Ponder stated the Council will have to approve the plat when it is presented, but the Y needs input now. A discussion has arisen about a possible need for variance because there is an emergency vehicle issue involved with the revised road's end. They are also dealing with several other factors, such as the watershed and topography. Councilman Michael Helms said he was seeing a dead end street, and inquired if it will be possible to extend the street. Mr. Cole said it can be extended to the northern tract; but Crescent has no immediate sale. Mr. Whitt stated that the president of Crescent Resources came to the same meeting and they approved this proposal. Councilman Hough said he had read the material sent him on this matter; and he believed this proposal is consistent with the intent of the Council; he supported the project and felt the City should support it, that it is important to the City. Mayor McLean stated that he thinks the Council is behind it 100%. Eddie Nichols said that the last time the site plan was presented, several council members had a concern that the road serve all this property. However, after talking with the engineers, staff has found the road cannot feasibly circle around and cross the creek and gas lines. The southern portion can be served by Caldwell Drive and the northern portion from this road.

Motion: A **MOTION** for approval of the schematic drawing as to the new location of the road contingent on approval by Crescent Resources, and the staff on technical matter, was made by Councilman Hough; seconded by Councilman Black.

Vote: Six ayes, zero nays. CARRIED.

PUBLIC HEARING

#1 Closing/Signalization of Railroad Crossings

Mayor McLean recessed the regular meeting and called to order the public hearing for discussion of railroad crossings in the city. City Manager Ponder had prepared a short video to show the crossings that currently have no signals. The first shown was First Street crossing, near Rankin Elementary. Mayor McLean said there is no place on the street for cars to line up and no where to go if on the track when a train comes at that location. Second was Central Avenue crossing which goes to the rear entrance of Creekside Shopping Center. Mr. Ponder said it cannot be closed because there is too much traffic using that road. Third was the crossing across from the Police Dept. building connecting Hwy. 27 and Central Avenue. Fourth is the Alexander St. crossing near Massey Hardware. There is street room for cars to line up at this one and it could be signalized. The Lee Street crossing is near the Clariant plant, and DOT has agreed to signalize it only on the main railroad line that runs parallel to Hwy. 27 as part of the

project to build the new bridge on Hwy. 27 across the Catawba River; there are side tracks near there also.

The Mayor opened the floor to citizen comments for or against.

Dr. Lee Beatty was recognized, and he stated that the one on Central Avenue that goes from town to the shopping center is at an angle to the road; in one direction you can see well, but in the other direction you cannot see unless you are already on the track; he feels it is very unsafe and needs a signal. As for the one on First Street; he found that if a car is trying to make a left turn onto Hwy. 27 toward Stanley, only one car can stay there; and there is a hill right there and not a lot of room for error if making a left turn. He thought it is the most unsafe of all of them. He watched it for a while, and found that many people turn in there without looking at all. He personally would like to see it closed.

There were no other comments from the audience.

Councilwoman Harris thanked Dr. Beatty for giving his opinion, since Council had asked for citizen input and advertised the public hearing. She was dismayed that no one else had come to the meeting to comment.

City Manager Ponder said he had a phone call from former Mayor Charles Black; he is opposed to closing the First Street crossing.

Mr. Ponder stated that signals are expensive; \$15-to-20,000 to signal, and then annual maintenance as well. Councilman Hough asked what the cost would be for closing a crossing. Mr. Ponder did not know but said Stanley had recently done it; it seemed to him the railroad would pay for it. DOT has offered to do a study for the City, but the Council has to agree ahead of the study to close at least two crossings if the findings support the need.

Pamela Lee, 168 W. Walnut Ave.; she did not think of the cost of the signals; but one person's life is all it takes to make \$15,000 nothing. She is in favor of putting a signal anywhere needed, and close the ones you cannot signal.

Councilman Black said he got a few phone calls about closing First Street, and what affect it would have on school traffic and traffic on Main Street. If First Street were closed, he wondered if the school system would have someone who could look at this with us to see how traffic could be handled at the Middle School and Rankin Elementary. Mr. Ponder said in past years he has worked with the principals at those schools. Councilman Stewart said it might help Rankin School traffic for cars not to sit there at First Street crossing. Councilman Black said that the only problem is that Central is so narrow that school traffic might be a problem. Councilman Helms said he has had children attend both schools, and he noticed that every time he went there, trucks and such were going on Hawthorne Street and need to be eliminated at least during school hours.

There were no other comments. Mayor McLean adjourned the public and resumed the regular meeting. Mayor McLean said Ann Gaither is going to be in Gastonia on March 24th and he wants several to go with Councilman Harris to show our support for our needed projects.

UNFINISHED BUSINESS

UFB#1 Pot Bellied Pigs

Staff was previously directed to prepare a proposal for amendment to Section 3-11 that would allow one such pet pot bellied pig; Danny Jackson and Kemp Michael had prepared one.

Councilman Stewart said when he read through the copies of ordinances from other cities, he did not notice that the others required the pig be kept inside all the time. He feels that is cruel. Mr. Ponder said the proposal allows for the pig to be outside if it is within the presence or direct control of the owner; similar to the restriction for dogs under the "leash law". Councilwoman Harris said she agreed with Mr. Stewart that she could not vote for something that requires inside or direct control at all times. The leash law is different, she said, using her dogs as an example, which may be in her back yard but she does not have to be with them the whole time as long as they are in a restraint of leash or fence. Councilman Hough said that Mr. Burgin stated they intend to leave Mt. Holly, and they do have their house for sale, and so perhaps our ordinance should be left as it is; he saw no need to change it since it is no longer an issue. He had intended to compromise, but the neighborhood did not want it at all. Mr. Hough recalled that Mr. Burgin said he was going to move, even if the City allowed the pig, because he was concerned the neighbors may sue under the restrictions and he could not bear the legal costs. Councilman Hough said he would want the change like the proposal or not change it. Councilman Hope said he believed the Council consensus was to give them time to move and we have better things to do than continue to chase a pig.

Motion: Councilman Hope **MOVED** to take no action; Councilman Hough seconded.

Discussion: Councilman Helms said he does believe the ordinance needs to be changed; there is potential for a problem even if not a problem right this minute; it will come up again and they will just have to fight the battle again. Councilman Helms asked Danny Jackson if being in a lot is not direct control. Danny Jackson said he felt the intent of the Council was for the person to be with the pig if it were outside. Councilman Hough said he agrees the City should not try to determine what happens in someone's house but outside is different.

Vote: 3 ayes; 3 nays. Mayor McLean voted aye. **CARRIED.**

Councilman Hough asked how long they have to move or remove the pig. City Manager Ponder said that now that formal action has been taken, Danny Jackson would send a letter. We usually give a reasonable amount of time; but the Council can tell staff whatever amount of time it wishes. Councilman Stewart said he remembers Mr. Burgin saying he needed a year; and the Mayor said okay. Councilman Helms said that no one on Council objected to that and so by saying nothing agreed to it. Councilman Hope stated he made the motion he made that night because the intention was to let them have

time to move. Councilman Hough said he believes they did not intentionally violate the ordinance; that it was because they were given the wrong information by Runnymede's agent, so they should get the year. The Council asked City Attorney if they can give an extension. He said that the ordinance is enforced by staff, and it is not a good precedent to change that procedure. Councilman Black said he thought he heard Mr. Burgin say he would do it in 2 weeks if required to but wanted up to a year; he did not think we agreed to that. The Council took no action changing normal enforcement procedure.

UFB#2 Joint Meeting with the Planning & Zoning Commission.

The Planning Commission has requested a joint meeting on April 20 or April 27. Mayor McLean suggested after their commission meeting on April 6th, and Council **CONCURRED**.

City Manager Ponder stated that he also needs to meet with Council on March 23rd and hoped they would meet at 6:00 PM on March 23 for a matter required by the bond counsel, just before going to the town meeting at East Gaston High. Sherry Borgsdorf said the town meeting is going to be televised by Channel 36. Council **CONCURRED**.

CONSENT AGENDA

Councilman Hough **MOVED** to accept and approve all three items on the consent agenda, seconded by Councilman Black; and unanimously carried. They are:

1. Request of Norman Edwards to set a public hearing to consider rezoning a 1.8 acre lot located off of Old Hickory Grove Road from R-12 to B-3.
2. Request of Gaston Health Resources, Inc. to set a public hearing to consider rezoning a 3.09 acre lot located off of Woodlawn Avenue from L-I to B-3.
3. Tax Releases; total of \$609.46 for 1996 and 1997 to date. (copy attached)

NEW BUSINESS

NB #1 Loading Zone/Handicapped Parking in the Downtown Area.

Police Chief Bishop appeared before Council and had entered a memo in the agenda regarding abuse of loading zones and a lack of handicapped parking. He also had a short video of North Main Street, E. Central Avenue; South Main Street; and E. Charlotte Avenue. He recommended that the loading zones on South Main and East Central Avenue be made regular parking spaces. He recommended the loading zones on E. Central and North Main be made handicapped spaces. Councilman Black asked if someone parks in a handicap space, do they get a warning before a ticket. Chief Bishop said it is a state statute and they would follow the statute.

Motion: Councilman Hough **MOVED** to amend the City traffic map pursuant to the Chief's recommendations; Councilwoman Harris seconded.

Vote: six ayes, one nay. **CARRIED**.

City Manager Phil Ponder said he had a written request from Joe Robinson that he be able to use a No Parking cone in front of his business on South Main Street to reserve the space for brides coming in for portrait appointments.

The Council took no action.

Mayor McLean re-appointed Jim and Linda Fuller to the Archives Committee.

NB#2 Variance Requests from Sign Regulations

City Manager Ponder had two requests by non-profit organizations for variance from the sign regulations; one is E. Gaston High, represented by Ms. Neely, who said they want to put signs up one week to advertise a BBQ for April 3 as a fundraiser; and second is the Spring Festival Committee, for its banners and signs. Mayor McLean said be sure to take them down right after. Councilman Stewart said he believed the E. Gaston Hi board signs (14" x 22") are okay; but those big banners from Pepsi are dangerous, because they block the view at intersections and sidewalks. Councilman Hough said they should let the Spring Festival Committee put them up but be sure in a safe location not blocking the view at intersections.

Motion: Councilman Helms **MOVED** to allow the Spring Festival committee to hang its banners and signs; Councilman Hough seconded the motion.

Vote: five ayes, one nay (Stewart). **CARRIED.**

ROUND TABLE

Councilwoman Harris stated she had asked Ann Gaither what the City could do to speed up the process of getting Hwy. 273 widened; and asked her if we should have her come to a meeting with her; she said it is not necessary because there is no money, period. She asked if it would make a difference for Mt. Holly to contribute; Ms. Gaither said maybe if Mt. Holly obtained the right of ways. Ms. Gaither is ready to get off that Board; she is very frustrated right now, but she was just re-appointed. City Manager Ponder said he spoke with Kemp Michael about right of way acquisition; but we feel that would be difficult to do without construction drawings to work from. He would rather DOT obtain the right of way and the City reimburse it for them. They estimated between \$700-and-\$900,000 for right of way acquisition. Mr. Ponder said the project is in the TIP now, but not funded, which is a step up from the unmet needs list. He can contact Shelby to see if they have construction drawings yet. Councilman Stewart asked if there is anyone else we should be contacting? Councilwoman Harris said you can contact representatives, but Ms. Gaither is the one who has to approve the funding.

Councilman Black said the Archives Committee met the prior Tuesday night. Cecelia Broome has agreed to be chairman for next year. She has been previously been involved with the art and history museum in Dallas. One thing we discussed is Open House on May 3rd from 2 to 4, with refreshments. Possibility of putting some archives pictures in Council Room, if council would look at to see if you would agree. Council **CONCURRED.**

Councilman Black said he met with the Beautification Committee Chairman, Cyrus Frazier, the prior Thursday; the trees are to be sprayed. The courtyard flower bed will be redone. He suggested the tree be transplanted.

Councilman Black had a question about parking. Several people have brought up about employees parking in front of the stores. They want to know if parking can be put on the other side of North Main since the bypass has reduced the traffic. Mr. Ponder said that the parking war is between the merchants, who use the spaces in front of the stores themselves. North Main is a DOT road and the request would have to be asked of them. Councilman Hough said perhaps parking meters would deter from parking there all day. Councilman Stewart stated we should ask DOT for parking spaces since that turn lane is not needed now.

Councilman Black asked about the status of the Lentz-Springs house? Mr. Ponder said they put up supports on the porch, and boarded it up, but he does not have a letter yet giving the time frame for the other repairs to bring it to code.

Councilman Hough; noticed police cars enforcing speed limit and appreciate that; have you seen a difference in effect?. Chief Bishop said the department is writing tickets but he is short certified radar operators. Chief Bishop said the City borrowed and used a "Smart Sign" on 273; and it did slow people down.

Councilman Hough commended the fire department; he had a carbon monoxide alarm go off in his house last week, and they came very quickly; were very knowledgeable and helpful.

Councilman Hough said a "children at play" sign for Runnymede Subdivision has been requested by several neighbors. Council **CONCURRED**. Councilman Stewart asked for information about speed humps in roads such as is being used in other places. Mr. Ponder said he would get that.

Councilman Hough asked about the status of agreement with Catawba Heights Volunteer Fire Dept. Councilwoman Harris said the committee does not have information, but we have notified need to get it to us.

City Manager Ponder said that Cy Frazier requests the tree be removed from courtyard. The cost to transplant is \$600 by a company. There is a sewer line under it. If we do it ourselves, we can save the money, but cannot guarantee the results. Council **CONCURRED** that the City do it ourselves.

City Manager Ponder said that regarding downtown garbage pick-up, he has encouraged the merchants to work together; one merchant has refused to pay the fee, and takes his home and puts by the road for us to pick up. We have refused to do that. He does not want to pay the \$9.00. He said he would be here tonight but has not come. Mr. Ponder just wanted Council to be aware of the situation.

City Manager Ponder said the City has had a problem working on dilapidated commercial buildings. He has requested ordinances from other cities.

City Manager Phil Ponder said that Christmas decorations may be purchased at 20% discount. Estimated cost is \$20,000 without discount. He needs a committee to meet to select choice. We had our current ones for 20 years. Councilwoman Harris asked who paid for them before? Eddie Nichols replied the Merchants Association did.

The City Manager reported that special olympics asked if we would be a host city; and pass a resolution to support "Host Town" program. Councilman Hough said he needs more information.

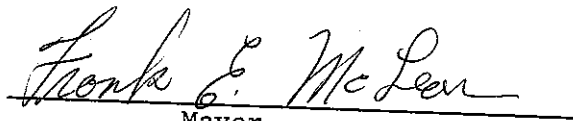
City Manager Phil said he would like to comment about why we not like Lincolnton, or Gastonia. He said they have electric utility sales funds, and are able to subsidize many things that we cannot afford.

City Manager Phil Ponder said he needs Council to continue this meeting until the meeting on March 23 at 6:00 PM.

Motion: Councilman Hough **MOVED** to recess and continue this meeting until March 23 at 6:00 PM. Seconded by Councilman Helms.

Vote: six ayes, zero nays. CARRIED.


City Clerk


Mayor
