Continuation of Regular Meeting
City Council
February 17, 1992

The meeting was called back to order by Mayor Charles B. Black, Jr. at 7:00 P.M. Those present were Mayor Pro-Tem Faye Little, Councilwoman Phyllis Harris, Councilmen Archie Small, Myles Biggerstaff, and Bob Jessen, as well as Police Chief Jerry Bishop, Zoning Administrator Gary Roberts, City Manager Charles McGinnis, and City Attorney Kemp Michael. Councilwoman Lib Nichols was absent due to surgery.

The invocation was led by Councilman Small.

Pursuant to a letter dated January 24, 1992, from Freightliner Corporation to the City, recognizing the extra work required by the Mount Holly Police Department during the recent labor disruption at the plant, the company donated the sum of $2,100.00 to be used by the Police Department for the purchase of needed computer equipment. The donation was accepted and allocated to the stated use upon MOTION by Councilwoman Little, seconded by Councilman Biggerstaff and carried with five ayes.

A proposal for railroad crossing signals to be located at Alexander Street at the CSX railroad crossing was reviewed. Councilwoman Little MOVED to accept the proposal, authorize execution of the agreement presented, and to approve the City's share of the project estimated to be $7,000 with an annual maintenance estimated at $625 per year. This motion was seconded by Councilman Biggerstaff with all present in favor.

Budget amendments as presented by the City Manager were all approved upon MOTION by Councilwoman Little, seconded by Councilman Biggerstaff and carried with five ayes, as follows:

Administration Department:

100-420-5-604.04	increase	$ 16,000
100-000-4-339.00	increase	$ 16,000
100-420-5-753.00	increase	$ 500
100-000-4-339.00	increase	$ 500
100-420-5-973.00	increase	$250,000
100-000-4-100.00	increase	$250,000

Planning Department:

100-490-5-317.00	increase	$ 250
100-490-5-344.00	decrease	$ 250
100-490-5-604.04	increase	$ 5,050
100-490-5-344.00	decrease	$ 1,100
100-490-5-974.00	decrease	$ 3,950

Sewer Fund:

300-810-5-793.03	increase	$ 33,000
300-000-4-100.00	increase	$ 33,000

Police Fund:

100-510-5-233.10	increase $	138
100-510-5-736.00	decrease $	138

Recreation Fund:

100-620-5-973.00	increase $	50,000
100-000-4-592.00	increase $	50,000
700-000-5-973.22	decrease $	50,000
700-000-5-892.00	increase $	50,000

The Final subdivision plat for Swag-Nit/Crescent Resources regarding a four acre lot at the end of Caldwell Drive was reviewed. The Planning Board had recommended approval. The said plat was approved subject to elimination of a 25 foot right-of-way for sewer line, undedicated, subject to review of the City Attorney, upon MOTION by Councilman Biggerstaff, seconded by Councilwoman Little and carried with five ayes.

Mr. Roger Tippett, Creative Dyeing, appeared before the Council with a request to use Elm Street for his service trucks. Gary Roberts had received complaints from residents regarding continued truck traffic although the minutes of January 25, 1988 show one of the conditions for closing Elm Street was that Mr. Tippett would "notify all truck traffic to not use the neighborhood roads." Mr. Tippett said it was his understanding that this referred to tractor trailer trucks and not to his service trucks. Mr. Tony Connard, 201 N. Alexander Street, said he has lived here all his life, and that when the street was closed there were not to be any trucks on Elm Street, but they see 18-wheel trucks all the time. He stated that these trucks do not always stop at the stop signs and they take up too much of the road, plus they are dangerous to the children in the neighborhood. He said they also make a lot of noise, both day and night. Mr. Connard said that Leaksville Woolen Mill had been there for years and never had trucks back in the neighborhood. Councilman Biggerstaff asked Mr. Tippett if he recalled the agreement; he said he did, but that he does not own 18-wheel tractor trailers and if he did they could not get in or out of the fence the way it is situated. In response to Councilman Jessen, he said he has two trucks which are service trucks, and they come in on Highway 27 and go out on Elm; that if any of his drivers are not obeying the law, he will fire them. Councilwoman Little stated that she felt the Council would have to stick to the original agreement. He asked if his pickup truck would be allowed. Councilman Biggerstaff said that a pickup truck would not be probibited under "truck traffic". The Council concurred that Mr. Tippett needs to have all his service truck traffic use Highway 27 and not Elm Street.

The Council reviewed a recommendation by Danny Jackson, Assistant Zoning Administrator, to place on Vernon Miller, 108 Arrow Court, a civil penalty assessment, for failure to keep his premises free of debris, in violation of Sections 8-4 and 8-8. Mr. Miller has been repeatedly cited for violation, and community service workers

have been sent to clean up debris on eight occasions, but he has failed to maintain the premises in a suitable condition. Notice has been given pursuant to the ordinance. Councilman Biggerstaff MOVED to authorize the Zoning staff and/or City Attorney to proceed with assessment of a civil penalty against Vernon Miller, 108 Arrow Court, Tax Code # 3-9-9, for repeated violation of Section 8-4 and 8-8, as provided by the Code. This motion was seconded by Councilman Jessen and carried with five ayes.

The floor was opened to complaints or petitions not on the agenda. Tony Connard, 201 N. Alexander, stated that the Council should also do something about businesses that don't keep up their property. He specifically complained about Creative Dyeing, stating it is an eyesore and is the first business you see coming into Mount Holly from Charlotte. He had photographs of debris stacked up near Dutchmans Creek which he stated will be washed into the creek when spring rains come, and which are marked with hazardous waste labels. Zoning Adminstrator Roberts stated he talked to Mr. Tippett last week about this matter and was told it would be cleaned up; he will follow up on that.

Mr. Steve Howard, 202B Tuckaseege, stated that he and his daughter have made a habit of picking up aluminum cans on Tuckaseege Road to recycle and he would like to see the City get everyone involved in recycling in Mount Holly. Mayor Black told him the Council has been looking at sites for a recycling center, and the City Attorney has been pursuing that, but they are not sure what will happen since the County keeps changing its mind about what it will be doing about a recycling program.

Charlene McRorie, Cove Avenue, asked if there is an ordinance on how long a car can be parked on a street and if so can the car just be towed away instead of that man jerking them and the City around all the time. Chief Bishop said the Council had instructed him to make the end of Cove Avenue a No Parking area and he had ticketed this red car they are talking about but it has not gone to court yet. Mrs. McRorie said now Mr. Bailey has two cars out on the street on Cove Avenue. Chief Bishop said the red car is registered to Mrs. Bailey, and it is not parked in front of his property as the City ordinances allow, but is on down beyond his property. The Council asked the City Attorney what could be done and he asked for permission to leave the room to read over the ordinance while they considered other matters, and report back to them later in the meeting.

David Berg, 711 N. Main Street, stated that he knew the Council could not stop Mr. Beaty from building apartments on Killian Street, but the new conditional ordinance means they can put conditions on the permit, and he felt the Council did not spend enough time considering what conditions to require; he mentioned the fact that a citizen had asked for a fence, but the Council did not discuss that. Mayor Black asked Gary Roberts if there is a buffer; he said there is, but it is vegetation and not a fence. Councilwoman Little said that a woman in the neighborhood said that a fence would not be any better than the vegetation because

the property line is in a creek and you would be able to see over it anyway. Councilman Jessen agreed that a fence would have been of no benefit. Mr. Berg said someone had said that at least it would stop walk-through traffic. Mr. Jessen said he was not convinced that a fence will stop the people who live in the apartments from walking to the creek or across it if they chose to do so. Councilman Biggerstaff inquired about the possibility of the Council requiring the fence to accommodate the neighbors if it would have the same effect as the vegetation; but Mr. Roberts said that most of the vegetation is already there and therefore would be a lower cost.

Mr. Berg also brought up the matter of the old fire trucks; he felt that both the old trucks should be sold, stating that the City does not need them for backup, and they take up room that is needed for other things. He further said that the Old Ford will not start at all; and Old #1 has a pump switch that cannot be engaged from the cab; and the #3 ladder truck has hydraulic fluid leaking, plus the shut off valve in the tower is not fixed. He purported that the equipment is not being maintained and that one of the reasons he left the department is because he felt the safety of the men is being jeopardized. Councilman Small said he had heard some complaints recently and has asked the men to give him a full list of repairs needed. Councilman Biggerstaff said he had personally interviewed the men and had repairs made just a couple of years ago and was told it was all fixed; and all new problems were supposed to be reported and immmediately fixed. He stated that he would like to know who reported these needed repairs, and when and to whom they were reported, and asked for a report to that effect.

The Council took a five minute recess.

Mayor Black stated for the record that the permit application in the R-8 zone considered last week was already allowed by the ordinance, since apartments are permitted in that zone; but the public hearing was for the consideration of conditions to be required of the developer pursuant to a new ordinance adopted in January. He further stated that it seems to have caused a lot of trouble to hold a public hearing when there is nothing the public can say or do to stop the permit from being issued as long as the site plan complies with the zoning ordinance, and perhaps there should not be a public hearing. Councilman Biggerstaff stated that the Council has the right to put those conditions on the permit, and he had thought that the choice of whether to use a berm, or vegetation, or a fence was up to the Council, not the developer. The Council did not have a consensus as to whether the Council can establish that or whether the developer can choose any of the three. Councilman Jessen said it does not matter anyway in the Beaty permit matter because a fence would not do any good in that location. Councilman Biggerstaff said he understood that, but he felt the Council should be very receptive to the quality of life of the people living there. Councilman Jessen agreed that a public hearing does not seem necessary when the law is cut and dried. He further stated that if the viewpoint expressed last

week is the majority public opinion, then the zoning permitted uses should be changed. Councilwoman Little inquired as to why there was no public hearing at the Planning Board meeting; Mr. Roberts said the ordinance does not call for it. He said he could prepare an amendment to the ordinance which would require a public hearing at the Planning Board first and then one at the Council meeting; he was instructed to do so.

City Attorney Michael reported back to the Council regarding the parking matter on Cove Avenue pertaining to a red car. Mr. Michael stated that after the ordinance to accept and maintain the end portion of Cove Avenue was adopted at the October, 1991, meeting, a citizen had complained to the Council about cars being parked at the end of the street and blocking their driveway, which complaint was referred to the Police Chief and City Attorney for a resolution. The Chief erected a No Parking sign at the end of the street, but has been unable to enforce it due to the fact that there is not a motion in the minutes designating how many feet of Cove Avenue are subject to the No Parking restriction. He recommended that this be definitely established by the Council. The Council discussed how much of the street should be restricted. The City Attorney proposed the wording for a new ordinance at the Council's request. Councilman Biggerstaff MOVED to adopt the new ordinance identified as Section 13-41.1 as read effective 2-17-92, which was seconded by Councilwoman Little and carried with five ayes. It reads as follows: "That parking shall be prohibited from the East end of Cove Avenue (as extended by Council action of October 14, 1991) westward to a point at the Northwest corner of Lot Number 14 of the W. O. Pratt land as shown on plat recorded in Plat Book 4, Page 101, of the Gaston County Register of Deeds Office. Cars parked in violation of this ordinance shall be subject to being towed at owner's expense." Mr. and Mrs. McRorie thanked the Council, but expressed another concern that if Mr. Bailey moves the car in front of his house and leaves it on the pavement they will not be able to get around it. City Attorney Michael referred the Council to Section 13-41, but he noticed that the ordinance does not clearly state that it refers to the paved portion of the roadway. Councilman Biggerstaff MOVED to amend the ordinance identified as Section 13-41 by inserting the word "paved" so that it reads thusly: " . . . ten feet of the width of the paved roadway . . .", and to add a sentence at the end of that section that reads as follows: "Cars parked in violation of this ordinance shall be subject to being towed at owner's expense." This motion was seconded by Councilwoman Little and carried by five ayes.

Councilman Jessen received an urgent phone call and was excused.

Mayor Black informed the Council that he has learned that North Carolina will be receiving more funds from the Federal government for roads, and South Main Street is #5 on the County's priority list. He said it needs to be added to the State's list, and this requires Council action, if they really want it to be four-laned. He said the deadline is March 6. Charlene McRorie and David Berg in the audience said they know the people who live along there

will not like it, but the City as a whole needs that section of Highway 273 to be a four-lane all the way through. Councilwoman Little MOVED that the City go on record in support of #5 on the County TIP list and to approve the request for funding for completion of the extension of the four lanes on South Main Street (the southern bypass) from the four lanes at Tuckaseege to the four lanes in Catawba Heights; seconded by Councilman Biggerstaff and carried with four ayes.

Councilwoman Little asked that the Zoning Administrator require the debris be cleaned up at the corner of Rankin and Hawthorne on the Old Chatterbox property.

Councilwoman Little asked that the owners at the Holdsclaw place on South Main Street be asked to clear out the fallen trees in the ravine. Mr. Roberts said he can only require what is within 100 feet of a residence; she asked that he encourage that they do all of it voluntarily, because it is a fire hazard and in warm weather it will be a mosquitoe haven.

Councilwoman Harris said she had a request by people in the Recreation Department to try to get back a storage room in the old junior high gym which is being used by the Fire Department. Mayor Black said it was given to them to use for training and to store training equipment. She asked someone check to see if they are still using the room, and if not the Recreation Department wants to use it.

Councilwoman Harris said Mrs. Willians on American Street said the City is not picking up her tree and shrub limbs from the back alley; Mr. Nichols will check on that.

Mayor Black asked Mr. Roberts to check on having the old building across from the Fire Department cleaned up. Mr. Roberts said he has tried to work with them because the owner is elderly, but the younger relatives he contacted have not taken any action; he will follow up on that.

Councilman Small asked that a new "Do Not Enter" sign be put up at Rankin School on West Central Avenue as the old one is not readable. At this time Councilman Jessen returned.

Councilman Small stated that the new First Union bank that has just been completed looks real nice, but the City needs to regain some parking spaces that were covered over; he said six were lost and we should be able to get at least four back. Two of them were in an area that would now cause a safety hazard because of the driveway into the bank on South Main, Mr. Roberts said. The City Manager will check into it.

Councilman Small said he had a complaint from Carrie's Seafood that Mr. Roberts will not let them replace the lettering on the existing sign to take their old name back; they used to own the restaurant and have recently taken it back over. Mr. Roberts said the sign is non-conforming and must be 15 feet from the right-of-

way for Highway 27 which he had figured to be 60 feet wide. That means the sign would have to be moved back. He said the ordinance says not even the name or letters on the sign can be changed. The Council agreed that the ordinance should require measurement from the pavement rather than the right-of-way line; Mr. Roberts will work on an amendment. Mayor Black said he does not think the right-of-way for Highway 27 is 60 feet wide there anyway, and that Mr. Roberts could check with DOT rather than relying solely on the tax maps.

Councilwman Small said that there is through traffic on Houston Street constantly, even though the developer of the elderly housing complex put up a sign for No Through Traffic. Councilman Biggerstaff said he thought that road was not supposed to be opened through to the other street at all. The City Manager was instructed to find the minutes of the plat approval for that complex and report back to the Council.

Councilman Biggerstaff stated that the complaints for repairs needed on fire equipment need to be made to the City Manager and repairs made promptly. He further asked that the City Manager see that the City properties are cleaned as to debris.

City Manager Charles McGinnis said that the Police Chief has requested approval to put up a new sign for the Police Department; it would be two feet by six feet, lighted, and stand in the natural area in the courtyard, but will not disturb any of the plantings or the monument. Councilwoman Little MOVED that the proposed sign be approved; seconded by Councilman Biggerstaff and carried with five ayes.

Councilwoman Little MOVED to go into executive session for attorney-client matters; seconded by Councilman Biggerstaff with all present in favor.

The Council returned to regular session on MOTION by Councilwoman Little, seconded by Councilman Biggerstaff with all in favor.

Councilwoman Little MOVED to authorize the City Manager to work with the City Attorney to negotiate a contract with the Town of Stanley with regard to an interconnect water line and storage tank to be the sole responsibility of the City of Mount Holly, with the City's share to be $250,000, and to inform the County that the interconnect project has been approved subject to an approved contract being agreed upon; said motion being seconded by Councilman Biggerstaff and carried with five ayes.

The meeting was then adjourned upon motion duly made, seconded and unanimously carried.

City Clerk

Mayor

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