Regular Meeting
City Council
February 8, 1993

The regular meeting was called to order by Mayor Charles B. Black, Jr. at 7:30 P. M. Those present were Councilwomen Lib Nichols and Phyllis Harris, Mayor Pro-Tem Archie Small, Councilmen Bob Jessen, Jim Hope, and J. C. Little, as well as Director of Public Works Eddie Nichols, Zoning Administrator Gary Roberts, City Manager Phil Ponder, and City Attorney Kemp Michael.

The invocation was led by Rev. Cyrus Frazier.

Councilman Jessen **MOVED** to approve the minutes of December 14, 1992, and January 11, 1993, as written, seconded by Councilman Hope and carried by unanimous vote.

June Smith, City Tax Collector, presented the annual report of Assessed Valuation and Property Tax Levies for the fiscal year ending June, 1993. The levy is $1,268,384, of which $1,199,978 had been collected as of January 31, 1993, plus an additional $6,364 taxes have been collected for prior years. Upon her recommendation, Councilman Jessen **MOVED** that April 7, 14, 21, and 28, 1993, be the advertisement dates for tax liens, and that the tax lien sale be held on May 10, 1993; motion seconded by Councilman Small with all in favor.

The regular meeting was recessed and the public hearing called to order to consider amending Sections 120 and 124 of the Zoning Ordinance to consolidate the Planning Commission and the Board of Adjustment. Mayor Black said the splitting of the Boards had been an attempt to put things back the way they had been in the past and it was thought that there were enough volunteers to do it, but it seems now that there are not. Councilwoman Nichols asked why so many alternates are being proposed; Mr. Roberts said five is cited to make use of the existing volunteers. Mr. Ralph Michael, 203 Pearl Beatty Road, asked why this is being changed back, and who recommended it be changed back. Councilman Hope said he had made the motion for the public hearing after a consensus from the Council arose that it is necessary. Ralph Michael said he does not believe it is right for people to have to appear before the Planning Board, and then if they appeal to the Board of Adjustments, they would be in front of the same people. Mr. David Berg, 711 N. Main Street, agreed with Ralph Michael, and further stated that the excuse that there is not enough experience is a lame one, and that they have done a good job and have had no complaints from citizens; he saw no reason to put the Board back together, and wondered why this is being done without even asking the Board of Adjustment for their opinion. Mr. Berg stated his belief that a personality conflict with one person is the real reason. Mr. Berg asked that the Boards be kept apart and compared it to being like a court if you appeal, and the citizen would go back in front of the same people if the Boards are put back together. Councilman Jessen said he had been told that there were problems in reaching decisions due to a lack of experience, that there was confusion. Mr. Berg said there had been some of that, but they had worked hard to approach each problem to do what is best for the City and the citizen. Charlene McRorie, Cove Avenue, stated the City has paid for two days training for the Board, and then the first meeting after that training, they were told they did not need to do some of the things they had been taught to do, and that was the only thing she was confused about; she said if they are now put back together and not allowed to do what they were trained to do, the money was wasted. Councilman Hope said this proposed amendment is not meant to be a slap in the face to any of the Board members. He stated he came off that Board because of Council duties, and an experienced person has not volunteered to serve on the Board of Adjustments; and further that two Board members approached him and asked how to elect a new Chairman. Mr. Berg stated that the Chairmanship is a one year job and he would gladly step down if that will help. Mr. Jack Stevenson, from Dickson Heights Subdivision, volunteered to serve on whichever Board the City would like. Mr. Chuck Carpenter said the Planning Board did not know about this either; that when the Boards were splif, he had recommended that two or three members be moved off the Planning Board to the Board of Adjustments for a couple years until the new ones get more experience, but that was not done. Councilman Jessen asked if both Boards are fully staffed now. Mr. Roberts said that Bobby Black needs to be reappointed and we need a replacement for Jim Hope. There were no further comments, and the public hearing was adjourned. The regular meeting was resumed. Councilman Small **MOVED** that this matter be tabled until the March meeting so that it can be considered at the joint meeting being held later in February. This motion was seconded by Councilwoman Nichols and carried with five ayes and one nay (Jessen). The special joint workshop meeting with the Council and Planning Board and Board of Adjustment was set for February 22 at 6:30 P.M.

Mr. Jack Stevenson stated that the Planning Commission has recommended that the City support the QNRC recommendations to the County Commissioners with regard to House Bill 156, the Water Supply Watershed Protection Act. The State classification for Mountain Island and Lake Wylie Water Shed zones are WSIV (Water Shed Level Four). They recommended that Mountain Island be WSII (which is stricter) with exceptions for public utility activities, and that Lake Wylie be left at WSIV. There has also been discussion that a green-way buffer along Lake Wylie in addition to the WSIV might be requested. Mr. Stevenson reported that the Gaston County Chamber of Commerce and the Developer Associations are opposed to increasing the WSIV standards to WSII on Mountain Island Lake, and felt the City should appeal to the County Commissioners for approval of these recommendations. Mayor Black asked if the City will be able to restrict the water coming from the mountains down the Catawba River. Mr. Stevenson said the water is not regulated by this Act, but the development of the land surrounding it can be influenced. Mr. Roberts said that the WSIV standard for a buffer is thirty feet, but the Planning Board is suggesting that we ask for 150 feet. All development over one acre in size would be controlled and have to be set back 150 feet from the river, and that strip would be maintained in a vegetative state. The County is now preparing an interlocal agreement, and wants the City's recommendations in February. Mr. Stevenson said Belmont has so far elected to handle the watershed regulations in their jurisdiction on their own. Mayor Black said he is in favor of Mount Holly controlling development within its jurisdiction instead of the County; Councilwoman Nichols agreed. Councilman Jessen asked if a decision now to make Mountain Island WSII could be changed later. City Manager Ponder stated he has been unable to talk with Larry Hurlocker, and he felt the Council should discuss this with the Planning Commission and decide if the City wants to be included in the County agreement. No action was taken. It was agreed that this matter would be discussed at a special joint workshop with the Planning Commissions on March 2, 1993, at 6:30 P.M.

Upon recommendation by Danny Jackson, Councilman Hope **MOVED** to grant a 30 day extension needed for Mr. Stamey to be moved out of the property ordered to be demolished at 127B Alsace Street; seconded by Councilman Small with all in favor.

Zoning Adminstrator Gary Roberts reviewed a recommmended schedule for public hearings to be held regarding corrective rezonings in the R-8 zones. The West Side area hearings were held on November 2 and 9, 1992. He said Mr. Gowan is opposed to the R-15 but it most nearly fits the existing structures and services available. Mayor Black suggested that hearings be held on all the areas before action is taken on any one of them. Councilman Hope asked if the Planning Commission had seen this schedule; they have not. The Council concurred that the Planning Commission review the schedule and shorten the timetable if possible.

Budget amendments presented by City Manager Phil Ponder to provide for medical insurance premiums for the volunteer firemen for July and August, 1992, omitted from the budget in error, was approved upon **MOTION** by Councilman Hope, identified as #2-8-93(a), seconded by Councilman Jessen with all in favor, as follows: General Fund-Increase account #100-530-5-106-00 by $2,000; decrease account #100-420-5-789.99 by $2,000.00.

The Planning Commission had recommended that a new fee structure be adopted for applications to the Planning Board. Councilwoman Nichols asked where the money would go; it would continue to go into the general fund to cover advertising and notice requirements. Mayor Black felt the fees were too high and would be a burden on the citizens. Councilman Hope asked why this had been proposed. City Manager Ponder said a report by the City of Statesville revealed that our fee for subdivision review is low and so all the fees were considered. Councilwoman Nichols stated that we have to do what works for Mount Holly. Councilman Jessen **MOVED** to deny the request for a public hearing to consider changing the fee structure; seconded by Councilwoman Nichols, and carried by a vote of three ayes and three nays (Small, Harris, Hope) with an aye vote by the Mayor.

Councilman Jessen **MOVED** to set a public hearing at the next regular meeting after proper notice is given for consideration of amending the zoning ordinance regarding sign regulations, seconded by Councilman Small with all in favor. The proposed changes will also be discussed at the special joint workshop on February 22.

The tax releases for February 8, 1993, were approved upon **MOTION** by Councilman Jessen, seconded by Councilman Small, with all in favor. They were: 1992 taxes in the amount of $191.27; 1992 tags in the amount of $6.00, and 1992 penalties in the amount of $2.15, for a total of $199.42.

The floor was opened for complaints or petitions not on the agenda. Mr. Hudson Jones spoke on behalf of Chapel Baptist Church. He said they do not need a garbage cart, and do not need garbage pickup, as they have not had any garbage to be picked up, and did not want to be charged the $9.00 per month fee. The members take home whatever trash there is, he said. Mayor Black stated that a committee was established to equalize the fee because there was a variety of payments and many complaints about that. The committee recommended that all businesses, civic clubs, and churches pay the same monthly amount. Councilman Small stated that any ideas will be considered, and they will be happy to make a change if a better idea is offered. City Manager Ponder said there have been a lot of complaints in the past because of fragmented and unequal service in the uptown area. The $9.00 fee is to recoup the cost of the four large containers and 90 rollout carts purchased. He stated that everyone he talked to uptown said they do not have much garbage, yet the containers are constantly full. The problem that had to be faced was how to fairly administer the uptown situation of garbage pickup. Mr. Fraley said their church has never had garbage to pick up and they did not ask for a cart. Charlene McRorie said the small businesses are being punished because that group around The Leader store and at Reggie's were having problems; that the rest of the businesses were getting along fine with the dumpsters they had. City Manager Ponder said the dumpster behind City Hall and another behind First Union and Perrigo's building are always full or nearly full. **Mayor Black said the problem is that people outside the City bring** their garbage in and put it in the dumpsters; the real problem is that the County is charging $22 per ton for the City to dump at the landfill. Mr. Reggie Parker, of Mighty Warriors Ministry, said his small church rents space from the Perrigo's and is only there a few hours a week, so it is not fair for them to pay that fee; he suggested charging businesses with a lot of garbage two fees and not charging the ones who have no garbage. Councilman Jessen said he understood their feelings, and he is in the same situation, but the committee was asked to develop an equitable distribution for the cost of commercial garbage collection and this was the decision made after many hours of discussion. Ralph Michael said he was told by Greg Young that if he did not want the

City to pick up his garbage, they would not do it, and he would not have to pay the $3.00 a month residential garbage fee; he said they should also do that for the businesses. Mr. Jim Brown said since garbage pickup is included in their leases from the Perrigos, this fee amounts to charging them twice. Mr. Ponder said he has two other complaints besides these, from the Lions Club, and from Henry Rhyne. Councilman Hope said that some of the businesses in town have their own dumpsters and they were not put on this list, including First Baptist Church; so he suggested that if these people say they have a dumpster to use, namely, the Perrigos, which is included in their lease, perhaps they should not be on this list. Eddie Nichols stated that they surveyed every business downtown, and some said they were sharing with permission, but when they went to the dumpster owner, the owner said only three had permission, namely, the Perrigos, the Glass and Mirror, and one other, and that was why these were put on the list. Jim Hope was asked to join the committee and help consider the complaints; a meeting will be held by the committee.

Mr. David Anthony said the proposed fee schedule is needed because the Zoning Board is running over budget. Councilman Hope said that if subdivision review is the problem, that should be addressed with an increase by itself. Secondly, Mr. Anthony reported seeing unsafe procedures by the sanitation workers in that at peak time on main roads the driver attempts to direct traffic by waiving his arm out the window.

Mayor Black noted that Stanley has gotten free city maps like what had been offered to Mount Holly, and they look real nice and gave good publicity; he felt the City should do that also. He said the proposal had been given to the attorney last year. Mr. Michael said he had been instructed to look into whether or not that company had done other maps in our area; at that time they had not done any others in our area.

Councilwoman Harris requested for the Recreation Commission that the City Manager look into allowing a soft drink machine be installed at the old gym.

Police Chief Bishop requested a budget amendment for use of the money received from federal forfeiture (from drug seizures) in the sum of $3,752.80, so that he can purchase equipment to join the County warrant tracking system, estimated to cost between $2500 and $3500. Councilman Hope **MOVED** to approve the budget amendment identified as resolution #2-8-93(b) and authorize the purchase of the said equipment, which motion was seconded by Councilwoman Nichols with all in favor. The amendment is: General Fund-Increase account #100-000-4-935.01, Misc. Police Revenue, by $3,752.80, and increase account #100-510-5-233.10, Purchases/Police Revolving Fund, by $3,752.80.

City Manager Ponder informed the Council that the cost estimates for improvement of the extra block on First Street in Catawba Heights is $34,385, and for both blocks is $60,000. This can come out of Powell Bill funds. He gave the Council a proposed list for 1993 resurfacing and asked the Council to review it and contact him with any changes or additions.

City Manager Ponder stated that the agreement the Council approved between the City and Hoechst Celanese will need to have a minor change due to the fact that the engineer has found a way to re-route the forced main to keep out of the high traffic area, although a pump station will be necessary. The pump station and its maintenance would be paid for by Hoechst Celanese. There are still 10 houses in the area that would have to run sewer into the pump station. The City would take sewer from the point of the pump station out. He noted that the Lee Street lift station is due for replacement in about five years, and this would make that replacement unnecessary. Eddie Nichols said he has no problem with the change, and stated there are only 8 houses left. The Council concurred that the amendment be prepared, and a copy sent out in memo to them for review.

The Council took a five minute recess, followed by executive session for personnel matters, upon **MOTION** by Councilman Hope, seconded by Councilman Small, with all in favor.
*Council directed staff to advertise for the sale of city property.
The Council returned to regular session* and adjourned without further action, upon motion duly made, seconded and carried.

City Clerk

Mayor

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