Regular Meeting
City Council
January 13, 1992

The meeting was called to order by Mayor Charles B. Black, Jr. at 7:30 P.M. Those present were Mayor Pro-Tem Faye Little, Councilwomen Lib Nichols and Phyllis Harris, Councilmen Myles Biggerstaff, Archie Small, and Bob Jessen, as well as Director of Public Works Eddie Nichols, Police Chief Jerry Bishop, Zoning Administrator Gary Roberts, City Manager Charles McGinnis, and City Attorney Kemp Michael.

The invocation was led by Reverend Cyrus Frazier.

Mayor Black appointed Roy Warden as Chairman of the Spring Festival Committee, and announced that the first meeting for volunteers would be the next Friday at 8:30 P.M.

The Planning Board had recommended that David Anthony be appointed as the fifth member of the Land Development Use Committee. Councilman Jessen stated that he knew Mr. Hope was the Chairman and he does not wish to be replaced. Mr. Yates Springs said the Planning Board has four members and needs five. Councilman Biggerstaff moved to table this matter until the next meeting, seconded by Councilwoman Little with all in favor.

The minutes of December 9, 1991, were approved with the following correction: page 1, paragraph 7: Biggerstaff with "three" children, and Harris with her "nephew", upon motion by Councilwoman Little, seconded by Councilman Jessen and unanimously carried. Councilwoman inquired about an item on page four, asking the City Attorney if he had found out whether or not the City can legally participate in the water and sewer improvements contract with CYA since it did not let the bids. Mr. Michael said he contacted League of Municipalities and they said this is a common circumstance, and although there is no case law about it, they were of the opinion it is permitted.

The regular meeting was recessed and the public hearing called to order. Under consideration was a proposed zoning amendment to Section 85. Mr. Roberts stated this amendment would make multi-family uses in R-8 and R-6 zones conditional uses so that site plans would have to be approved, and certain criteria would have to be met. Councilwoman Little said there is not supposed to be any R-6 zones left. Mr. Roberts reviewed the changes proposed. Councilman Jessen was concerned about the wording in paragraph 85.3(b); although he knew this was there to protect neighborhoods, he felt it was too restrictive and would eliminate multi-family development in Mount Holly. Mr. Roberts said the requirement that it be on a thoroughfare also assists the City in providing services to large numbers of units. Mr. Jim Grant said he has property on Hoover Street on which he plans to develop apartments, and asked if he would be allowed to do so under the proposed amendment. Mr. Roberts said he would not be allowed to as it is proposed because Hoover

Street is not on the thoroughfare plan. Councilman Biggerstaff suggested amending the wording so that this requirement would only apply to large complexes. Mr. Rick Eldridge said the whole zoning ordinance needs to be redone and he did not see why they should hurry into doing this now; that they should wait and do it all at one time. He further stated the zoning should make provisions for all kinds of housing so that people who cannot afford a house can have a nice place to live. He said they should change the language in this proposal. Mr. David Berg said he wants to see the amendment made now and to have the site plans presented to the Planning Board or Board of Adjustment so it can be controlled. Councilwoman Little also thought the street requirement was too restrictive, and further stated she felt the Council should have the final decision on the site plans. Mr. Ralph Michael said that even if you change the wording to complexes over 20 units, someone who wants to get around it could divide the property into pieces and build 20 units on each piece. Mr. Rick Eldridge also objected to the amount of screening required, saying it would isolate the property rather than beautify it. Councilwoman Little said that it should be clear that 20 units means a total of 20 units, even if that is 10 on one floor and 10 on the second. Councilwoman Nichols agreed there was too much required for the screen, and thought they should be able to use one or the other of shrubs or trees. After discussion, Councilman Biggerstaff moved to amend Section 85 of the Zoning Ordinance upon the recommendation of the Planning & Zoning Board as proposed, with the following changes: 85.3 shall read: "The following uses shall be permitted by the City Council upon recommendation of the Planning Commission and subject to a finding that the additional conditions listed below will be met"; and 85.3(b) shall read "Multi-Family developments must not contain more than twenty (20) units unless such development shall have frontage along and direct primary access on a major or minor thoroughfare as shown on the Gaston Urban Area Thoroughfare Plan." This motion was seconded by Councilman Jessen. Councilman Small stated they were being too nit-picky and should have left it as it was written. The motion carried with five ayes and one nay (Small).

The recycling matter was considered next. Mayor Black stated that Mr. Stroupe was asking a large amount for the property next to A & E. Mrs. Marguerite Randall was recognized, and she asked if the City could use pick-up sorting bins like in Charlotte, as she believes there would be more participation with that method. Mayor Black said Mt. Holly cannot afford to do that right now, and that the County is still trying to decide what route to go with. Also, the City is not allowed to take anything it collects for recycling to the County recycling center. The Council discussed a memo from Mr. Roberts with an offer from Mr. Friday for the lot behind City Hall measuring about 80 feet by 100 feet. Mr. Roberts reported that there is a recycling grant which he could apply for that can be used for grading and landscaping. Councilwoman Little noted that the State has mandated a required 25% recycling by 1993, and she moved that the City Attorney proceed to acquire the said lot from Mr. Friday, which was seconded by Councilman Biggerstaff and carried by unanimous vote. Mr. Roberts was instructed to apply for the grant right away.

Director Eddie Nichols requested that the Council decide what style of elevated water tank it wishes so the engineer can proceed. Mr. Nichols said there was also a concrete pedestal tank which is more costly to construct and he recommended that this be bid as an alternate bid to see how much higher it would be. City Attorney Michael reported that he had pursued the primary sites. The northern site across S. R. 1933 from the water plant is owned by Crescent Resources, and they have not yet replied to his request. The southern site behind Shooters Express is not available, as the owner rejected the City's offer stating he has improvement plans in mind which conflict with out plans. Mr. Michael spoke to the owner of the land beside the "U Fil Er Up" gas station, the Southern Benedictine Society, and has sent them the information they requested; their primary concern is with aesthetics. Councilwoman Nichols asked why the property in Catawba Heights cannot be used; it is not large enough and an environmental situation might be involved. Councilman Biggerstaff moved to table this matter until the next regular meeting, seconded by Councilman Jessen and carried unanimously. The final design cannot be done until the sites are acquired. Also, the water and sewer lines to be in the bond package must be identified before a bond referendum date can be set.

Councilman Biggerstaff moved to approve and adopt Ordinance #350200184 and 350200183 regarding speed limits on Highway 273 as presented by the Department of Transportation, seconded by Councilman Nichols and unanimously carried.

Interim City Manager McGinnis brought forward a proposal for a storage garage for the old fire trucks. The new fire truck is too long to fit in the fire station behind another truck. Mr. McGinnis said the existing bids are too old, but informal bids can be obtained. The Council discussed selling the old trucks, but they want to keep the "antique" one. Ralph Michael said it would be cheaper to add onto the existing building. Councilwoman Little moved to have the City Manager look into adding into the existing building so it will hold three trucks at a reasonable price. Councilman Biggerstaff seconded the motion and it carried by unanimous vote.

ICI Rayca Industries had sent a second proposal regarding an entrance/exit on Sports Lane. Mr. Williams said they have now proposed (1) to make road improvements to Sports Lane to widen it up to the driveway; (2) to gravel an area on the right side of Broome Street which would provide parking for about 20 cars; (3) limit the use to between 8 A.M. and 2 P.M. weekdays; (4) have an employee as a ground guide when it is used. Councilwoman Little said she had not gone out there and cannot vote for it until she does. Councilman Small said he sees no problem with it now; the trucks would be at a very slow speed, and the driveway is only a short way along Sports Lane from Broome Street. Councilwoman Little asked if they would be maintaining Sports Lane up to the driveway; they would. Mayor Black said the widening would have to be on their side of the road, as the new ballfields take up all the room on the other side. Discussion followed about the parking space regarding duration of the use by the City and the size of the area. Councilman Jessen moved to accept the proposal by ICI Rayca as presented in its letter to the City dated January 6, 1992, to open a driveway on Sports Lane with the added provisions that it widen Sports Lane to the gate per State and City specifications and maintain that portion, and that it provide an additional 25 parking spaces for a minimum of 10 years for park use. Councilman Small seconded this motion and it carried with five ayes and one nay (Little).

B. R. Williams, 420 Timberlane Drive, had petitioned for Annex Street to be closed. It is a platted unopened street. Councilman Biggerstaff said a sewer line runs down it which the City owns but the owners would agree to give the City a right-of-way, and it discussed to be used as access to the Nims Estate property, but it has other access by means of Main Street. Mr. Rick Eldridge, who lives in Oakcrest Subdivision, said he had two reasons it should not be closed; one that tax parcel 10.03 would have no access, and that they will not give the City a right-of-way across their property for the line unless the City puts in a road to be mutually used by them and it. City Attorney Michael said there are two other possibilities; one being to declare Annex Street a dead end street; and two, to close a triangular piece of Annex Street at the end, but not the whole thing. Councilwoman Little moved to set a public hearing for the next regular meeting after due notice and advertisement, to consider closing all or a portion of Annex Street or in the alternative to consider declaring said street a dead end street; which motion was seconded by Councilman Biggerstaff and carried unanimously. Mr. Roberts will do the notices.

The proposed encroachment agreement between the City of Gastonia and City of Mount Holly regarding their rights-of-way going out to the Mountain Island Lake was reviewed and discussed by the Council. It appears each has already encroached on the other. Mr. McGinnis said he and staff had met with Gastonia officials and this proposal is the result of those negotiations. Mayor Black noted that Mr. Nichols has stated that Gastonia would in actuality not be able to serve pump water from Mount Holly's line. City Attorney Michael said he had reviewed the proposal and found it to be legally sound; he noted that the philosophy is a totally different approach that that which was taken by this Council last year but as long as that is the Council's wish, it is legally fine. He had not yet seen the Exhibits referred to in the agreement. The Exhibit maps had arrived that day in the City Manager's office. Mr. Nichols said the agreement is fine with him and he believes it will be needed. Mayor Black said Gastonia plans to start pumping within ten years. Councilman Biggerstaff was concerned with the indemnity clause on page three, since the City of Mount Holly will not know if Gastonia has caused damage until they start pumping. Mr. Nichols said the main concern was from the dredging which is completed; the survey of the lake bottom is being done by our surveyor; the lake level is controlled by the federal agency. Mr. Michael said the indemnity is for negligence primarily in construction. Councilwoman Little moved to approve and authorize execution of the encroachment agreement between Mount Holly and Gastonia as presented, seconded by Councilman Jessen, with all in favor.

Chief Bishop stated presented a proposal by DCI Terminal Agency so that if something happens to the City's PIN they will provide the information needed until the machine is fixed at no cost to the City. Mr. McGinnis had a proposed Procurement Policy from HUD for the Holly Hills Apartments which it is requiring the City adopt even though the City must already do what it says under North Carolina law. And tax releases dated January 13, 1992, were presented for 1991, taxes of $1,612.19, penalties of $9.06, and tags of $7.00, totaling $1,628.25. The agreement with DCI Terminal, the Procurement Policy, and the said tax releases were approved upon motion by Councilman Jessen, seconded by Councilman Small and unanimously carried.

Mr. Roberts requested the Planning Department be allowed to hire a part-time secretary and requested a budget amendment of $1,000.00. He said Judy does not have time now to do their typing and secretarial work, and he and Danny are doing it. Shay Huggins who works part-time for the Recreation Department would be willing to work the extra hours. The Council decided to wait on this and asked him to put it in his next budget year proposal.

Mr. McGinnis presented the list of surplus property compiled by Director Nichols and Chief Bishop. The slot machine which was confiscated was taken to the landfill. Councilman Biggerstaff moved to declare the combined list as surplus property, seconded by Councilwoman Nichols and unanimously carried. Councilman Biggerstaff moved to dispose of the surplus property by absolute public auction, seconded by Councilman Small and unanimously carried.

Mr. McGinnis presented informal bids he had received or repairs to the heating and air-conditioning and the electrical systems in City Hall. He said he had obtained these as emergency bids due to an immediate fire hazard discovered when the basement and second floor were cleaned out. He had 25 or 30 loads of paper, trash, window frames, etc. taken to the landfill. There are wires exposed and several sets of wires on top of each other. Councilman Biggerstaff stated that although this is a serious matter, he would prefer the City get specs and sealed bids. Mr. Jim Hope was recognized and said he noted several violations in City Hall and felt the City should determine if it wants to invest in correcting them or move toward a new building. Councilwoman Nichols agreed, and stated she would like to see a new building. Councilman Jessen said a new building would be preferable but the City does not have 3 or 4 million dollars for a building and does not even have a site, and does not have the four or five years it would take to plan and construct a new building; he felt the fire hazard should be corrected as soon as possible. Mayor Black said smoke alarms could be installed and fire drills held to keep people safe until the corrections can be made. Mr. McGinnis said he would have to get an engineer to do the specs. Mr. Nichols said W. K. Dickson does not have an electrical engineer but gave him the name of a couple of firms they subcontract with; and the fees are five or six percent of the project cost. Councilman Biggerstaff moved to authorize the

City Manager to hire an engineer on a competitive basis to design specs for electrical upgrade of City Hall and for heating and air-conditioning of City Hall, and to obtain sealed bids for the completion of said work and bring them to Council. This motion seconded by Councilman Jessen and unanimously carried. The Council asked that bids be sought from local contractors if possible.

Police Chief Bishop requested a budget amendment of $369.00 for the purchase of a TDD detector. The new federal law requires that the 911 system be able to talk with Telecommunications-Hearing Impaired. The typewriter is very expensive, and he was informed that this detector would be permissible, as long as the City sets up a transfer of those calls to the County (they have the special equipment). Councilman Biggerstaff moved to authorize the Chief to purchase the TDD detector at a sum not to exceed $375.00 and the City Manager prepare a budget amendment, seconded by Councilman Small and unanimously carried.

The floor was opened for complaints or petitions. Merlin Brown, said he and the other citizens need water up on North Main Street fast.

Mr. David Berg said the road needs to be fixed on North Main Street at the new house near the Methodist Church.

Councilman Biggerstaff stated he would like to see the new fire truck completely equipped and ready for operation by the following Friday; the Council concurred. Councilwoman Little asked why the truck was accepted and paid for if it was not ready; Mr. McGinnis said the inspector was sent and he gave it clearance as to the specs and therefore it was paid for; the items to be installed are minor and were requested by the firemen.

Mayor Black notified the Council of a special called meeting, for interviewing persons for the prospective City Manager position, at 7:00 on January 16, in City Hall, to be an executive session. Councilwoman Little moved to set the said meeting and to adjourn, seconded by Councilman Small and unanimously carried, at 12:05 A.M.

Charlotte McGinnis — City Clerk

Charles B. Black Jr. — Mayor

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