Regular Meeting
City Council
January 11, 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, and Jim Hope, 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. Preusz.

J. C. Little, Jr. was sworn in by Kemp Michael and took his seat as a Councilman. Mayor Black appointed Councilman Little to the Annexation Committee, to the committee negotiating the contract with the Catawba Heights Volunteer Fire Department, and to the committee negotiating the agreement with Stanley for water interconnection.

Mayor Black and City Manager Ponder presented employee awards as follows: Jimmy Haas was given a plaque for being the number one waste water treatment plan operator in the State. Eddie Nichols (Public Works Director) and Bobby R. Setzer, Jr. (fireman) were each given a plaque and a pin for 15 years of service. Lawrence Fletcher (water plant operator) was given a pin for 10 years of service.

The regular meeting was recessed and the public hearing called to order to consider the request for rezoning by Harold Stroupe of property at 152 Oak Grove and a vacant lot adjoining it to the east, from H-I to B-2. Mr. Stroupe stated that he has a contractor who is interested in building a doctor's office there. There is about 2 acres of land. The Planning Commission voted in favor of this matter. There were no other comments.

The second public hearing was called for consideration of a rezoning request by Hugh Paschal for a vacant lot on North Lee, from R-8MF to B-4. Mr. Paschal stated that the lot is behind his other property on which the Paschal Oil Building is located, and that he has owned and used all of this property together for many years. The Planning Commission voted in favor of this request. Councilwoman Nichols asked if the lot faces Lee Street; it does. There were no other comments. The public hearings were adjourned and the regular meeting resumed.

Councilman Hope MOVED to approve the rezoning of 152 Oak Grove and the lot adjoining it to the east from H-I to B-2, seconded by Councilman Jessen, with all in favor.

Councilman Hope MOVED to approve the rezoning of the vacant lot owned by Hugh Paschal on North Lee behind his other property from R-8MF to B-4, seconded by Councilwoman Harris, with all in favor.

Two residents have petitioned for the City to upgrade a portion of

First Street in Catawba Heights and according to the City's policy, they have paid the $50.00 fee and provided a map showing the section between Henry and Cherry Streets. Mayor Black suggested they look into doing First all the way to Belton Avenue so it could be used to get to the elementary school without going out to Belmont-Mt. Holly Road. Councilwoman Nichols MOVED that First Street be opened and upgraded between Henry Street and Belton Avenue, seconded by Councilman Jessen. Mr. Ponder said he estimates the section between Henry and Cherry to cost about $20,000.00, and the other section has not had any deed research or cost estimates made, but he stated he would have those by the next meeting. The motion carried unanimously.

The proposal for amendments to the Mount Holly Fire Department Constitution and By-Laws was considered. Councilman Jessen said that he did not agree with having the City Council involved in approving the volunteer fire department Chief because it is a volunteer organization. Mayor Black said he agreed but that the Chief would be over City employees in certain situations. City Manager Ponder asked that no action be taken until he meets with the Volunteer Fire Department. Councilman Small agreed with Councilman Jessen, but he noted that with the OSHA rules coming, the City will need a paid man in the Chief's position because of all the paperwork, etc. that will be involved. Councilman Small MOVED to table this matter until the City Manager attends a meeting with the Volunteer Fire Department and makes a recommendation as to the proposed amendments, seconded by Councilman Hope, with all in favor.

Zoning Officer Danny Jackson presented liens for the enforcement of the City's ordinance on clearing of weeds and or debris on five sites. His prior memo provided the history of notices, hearings, non-compliance, and billings which have not been paid. Councilwoman Nichols MOVED to authorize liens be placed on the five sites as presented in Resolutions #1-11-93 (a), (b), (c), (d), and (e), seconded by Councilman Little, with all in favor. (copies attached) Those are against Lloyd Truesdale, Jr., Tax Parcel 3-15-97 for $165.00; Jack Luther, Tax Parcel 15-19B-26&27 for $205.00; O. M. Vernon, Tax Parcel 3-23-21&22 for $165.00; Stella Weeks, Tax Parcel 3-6-73 for $55.00; and Floyd Farmer, Tax Parcel 3-17-72 for $60.00.

Discussion of Resolution #5-11-92(c) establishing a separate Board of Adjustment followed. Councilman Hope MOVED to set a public hearing for February 8, 1993, to amend Sections 124 and 120 of the Mount Holly Zoning Ordinance to combine the Planning Commission and Board of Adjustment; with the proposed structure of the combined Board to be as follows: seven inside members, two outside members, and as many as four alternate members both inside and out. This motion was seconded by Councilman Jessen, and carried with six ayes.

The rezoning request by Jack Ferrell for property at 1000 Hickory

Grove Road from R-12 to B-2CU for a restaurant and gift shop was considered next by the Council. Mr. Ferrell's attorney, Jim Atkins, stated that the Planning Commission has now recommended approval following a determination that the Ferrell's will install a tap with a pump onto the City sewer system at his own cost. He stated that DOT has ruled that traffic will not be a problem, and that this conditional use fits within the City's land development plan. They propose to open the gift shop now and install the sewer system hookup within six months after which the restaurant would be opened. They understand that the Council may put whatever conditions it sees fit on the permit, including a fence which has been discussed. City Attorney Michael asked if this property was opened by the Prison Ministries. Mr. Atkins said it was, but it is deeded now to a corporation owned solely by Mr. and Mrs. Ferrell, of which Mr. Ferrell is the President. In response to an inquiry, Public Works Director Nichols stated the City has the capacity to receive the sewage from the proposed restaurant. City Manager Ponder said the City will be happy to accept the tap, but he estimates it will cost $20.00 per foot for 2500 feet to install, which will be expensive for a new operation. Councilwoman Nichols said her work on the land development committee with Councilman Small has focused on trying to keep residential areas residential, so she does not want to see this become business. Councilman Small said he does not want a prime residential area destroyed either, but he had mixed feelings about this particular business. Mr. Atkins said he understood the concerns for preserving residential areas, but that those concerns must be weighed against the rights of the property owner to use his property at its highest and best use, which they feel will benefit the City; he asked that a specific reason be given if the request is denied. Councilman Hope asked how many seats the restaurant will have; there will be about 75. Mr. Ferrell stated that he understands the desire to maintain the community, but he is not going to add onto the building, and the restaurant will not harm the residential neighborhood, but give them a good place to go to eat without having to go to Gastonia or Charlotte. Councilwoman Nichols said it would destroy the house to tear down walls; he said they will not be tearing down the walls, just have the tables in different rooms; he said he plans a homey family-style restaurant. City Attorney Michael stated that the Council must act in good faith and to deny the request would have to make a finding that the land use plan would be harmed by this request for rezoning. Councilwoman Nichols MOVED that this property not be rezoned as requested to keep this as a residential section so the residential nature is upheld, seconded by Councilman Little, and carried with four ayes and two nays (Hope and Jessen).

The final plat for Deertrack Subdivision, Phase Two, containing 44 lots, was presented, after having been reviewed by staff, and was approved subject to the City Manager obtaining the appropriate Letter of Credit, upon MOTION by Councilman Jessen, seconded by Councilman Hope, with all in favor.

An agreement for extension of the lease of the old gym for two years for a recreational facility was reviewed. Councilwoman Nichols inquired about the insurance clause; Mr. Michael said the City is responsible if someone gets hurt at or in the building, so must carry premises liability insurance. Mr. Ponder said the City has the appropriate insurance in place. Councilwoman Nichols MOVED to approve and authorize execution of the lease extension agreement for the old gym with the County, which motion was seconded by Councilman Small, with all in favor. Mayor Black and Councilman Hope were designated a committee to investigate possible other sites for a City recreational facility.

City Manager Ponder stated that the Americans With Disabilities Act requires the City perform a self-evaluation to improve access to jobs and facilities for disabled persons. The report is due January 24, 1993; he is still preparing it, and will have it ready at the February meeting. It covers matters such as handicap restrooms, ramps, sidewalk cuts, etc. An adopted Plan must be in place by January 24, 1995, and must be reviewed by a committee of disabled persons, so he asked for nominations for that committee.

City Manager Ponder informed the Council that the City's share of the upgrade from 8-inch to 12-inch of a portion of the proposed sewer line in Deertrack Phase Two is estimated to be $12,750.00, and requires a budget amendment. Councilman Jessen MOVED to approve Resolution #1-11-93(f), a budget amendment, Water and Sewer Fund, increase account #300-000-4-100.00, Fund Balance, by $12,750.00, and increase account #300-810-5-973.03, Sewer System Improvements, by $12,750.00, to pay for the City's share of the stated upgrade, seconded by Councilman Small, with all in favor.

Councilman Jessen MOVED to approve the tax releases dated January 11, 1993, as presented by the Tax Collector, seconded by Councilman Hope, with all in favor. These were as follows: 1992 taxes--$377.61; 1992 tags--$2.00; and 1992 penalties--$11.67, for a total of $391.28.

Zoning Officer Danny Jackson presented a recommendation to assess civil penalties on Mr. Raymond Dimmer, for violation of Section 8-4, -8, and 20-41.54 of the City Code, for property located at 121 Tuckaseege Road. His memo included his hearings and notices, and he stated he has tried to work with the owner and tenant since January of 1992; that he continues to bring in junk although he sometimes cleans up part of it. He presented pictures of the site. Councilman Jessen MOVED to authorize the assessment of civil penalties against Raymond Dimmer for the stated violations effective January 12, 1993, seconded by Councilwoman Harris. Councilman Small suggested giving him a final notice with one month to clean it up. The motion carried by five ayes and one nay (Small).

There were no complaints or petitions not on the agenda. It was noted that Merlin Brown was in the hospital in serious condition.

Councilwoman Nichols said she had a request by a woman that the

City cemetery road be paved. Mr. Ponder said he had talked with the lady and plans to grade and gravel the road as soon as the weather allows.

Councilman Hope stated the two-hour parking is being abused by persons who work in the stores so that customers cannot find a place to park.

Mayor Black asked for a report on the traffic at the junior high and elementary school. Mr. Ponder said there have been improvements in safety for the children except the flashing lights are not installed yet. Councilman Hope asked if Hawthorne could be made one-way at certain times. Mr. Ponder said it could but it would be difficult since that is a thoroughfare. He said the policemen were told to observe and keep people's speed down, and he felt it would not improve the situation for them to be directing traffic.

Mayor Black said he needs citizen support to get the address changed in Catawba Heights to Mount Holly, and felt it would help us get a better facility and reduce the confusion about being in Mount Holly's city limits.

Councilman Jessen reminded the Council of the offer by the Life Saving Crew to sell the City its building, and stated that the City should give them an answer whether it is yes or no. Mayor Black wondered if it is feasible to use that building since the space behind it is small, and the appraisal was too high. Councilman Jessen felt that the price might be negotiated regardless of the appraisal, and felt the building might be a viable alternative since a new facility is not in the foreseeable future. Councilman Jessen was appointed to contact the Rescue Squad and discuss the matter with them.

City Manager Phil Ponder stated that the six month extension given to Velma Garner on her Payne Street property for compliance to the building code expired in November. A notice that 191 Payne will be condemned was send by certified mail, but the letter was not accepted. He said the records indicate this matter was initiated in 1985, and he asked if the Council wishes them to proceed or stop. The Council concurred that the condemnation procedure for 191 Payne continue.

The Council took a five minute recess.

The Council went into executive session for attorney-client purposes, upon motion duly made, seconded and carried. The regular meeting was resumed and the meeting adjourned upon motion duly made, seconded and carried.

Phillip Ponder

City Clerk

Charles B Black Jr

Mayor

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