Regular Meeting
City Council
December 12, 1994

The regular meeting was called to order by Mayor Charles B. Black, Jr. at 7:50 P. M. Those present were Councilwoman Phyllis Harris, Councilmen Bob Jessen, Archie Small, Michael Helms, R. L. Duke, and Jim Hope, as well as City Manager Phil Ponder, Zoning Administrator Gary Roberts, Zoning Officer Danny Jackson, Public Works Director Eddie Nichols, and a Police Department representative.

The invocation was led by Rev. Roger Grassfield.

Councilman Helms **MOVED** to approve the minutes of November 3 and 14, 1994, with the following corrections: November 14, page two, paragraph 3, enter the sum of "$12,406.31"; page four, paragraph 6, change Presbyterian Church to Baptist Church; motion seconded by Councilman Hope, with all in favor.

The Employee of the Year Award was presented to Judith Bowen by Councilwoman Harris and Councilman Helms. She was nominated by her fellow employees and selected by the committee for this honor.

The following employees were recognized for their years of service to the City and presented certificates or plaques:

Mr. Ray Massey	- 45 years
Mrs. Donna Keepes	- 25 years
Mr. Kemp Michael	- 20 years
Ms. Nan Oakes	- 15 years
Mr. Dewey Hager	- 15 years

Mr. Trent Wilson of Cherry, Bekaert and Holland presented to Council the audit of City accounts for fiscal year 1992/1993. He reviewed each fund balance, stating in each case that the City is in good financial standing, with increases despite changes in the City and changes mandated by the State. He had a short list of minor items which he has asked the City Manager to institute for better bookkeeping practices. The written audit report had already been submitted.

City Manager Ponder asked the Council to consider while Mr. Wilson was still present a proposed amendment to the City Manager's employment contract, which would provide for an interim audit by Trent Wilson in the event of the departure of this key official. This item is at the City Manager's request. A special not a full audit would be in order in such an event not only for the City's protection, but also for the City Manager's. The Council took this matter under advisement.

Mayor Black noted for the record that Mount Holly was the only City in this county that lowered its tax rate. The City will be selling water to Stanley. There are plans for development at I-85 and Northpointe Industrial Park, as well as subdivisions and apartment complexes underway.

Mr. Ponder reported to the Council that CSX Railroad has insisted that the City consider the closing of three crossings in town for safety reasons as a portion of negotiation for moving the crossing to Kendrick Street. This matter has been legally advertised.
The regular meeting was recessed and a public hearing called to order by Mayor Black for consideration of closing three railroad crossings, at First Street, at Alexander, and at the crossover in front of the Police Department. Mayor Black commented that all crossings are dangerous and he is opposed to closing the First Street crossing; he had numerous calls opposed to closing that crossing. Councilwoman Harris said she got a lot of calls against closing First Street, but none on the other two. Councilman Small reported getting calls opposed to closing the First Street and the crossover crossings; he said none should be closed, and that a light is already needed at Central and Highland. Councilman Duke also said he got a lot of phone calls against closing First Street and the crossover, but perhaps Alexander could be closed. Councilman Helms did not believe this decision should be made until after the new bridge and four lane construction on Highway 27 are completed. Councilman Jessen was concerned that what the Council decides about this affects a major industrial development and the railroad is refusing to allow them to cross unless the City gives in. He also had calls opposing the closing of First Street; he wondered if this the final offer the railroad will make. He acknowledged it is hard to break habits, but perhaps the City could close Alexander, since it will probably be closed by DOT anyway, and the crossover. There were no comments from the audience. Mayor Black said that as a taxpayer he does not feel it is right for him to give up his rights in order for the industrial park matter to be settled. Councilman Hope noted that the last letter from CSX did not mention the CEKA matter; Mr. Ponder said they verbally refused to discuss it unless we close these three crossings but the last letter did not mention that. It was Mr. Ponder's opinion that this really is two separate issues, that CEKA has the right to access to its property and the City's railroad crossings are another matter. There being no further comments, the public hearing was adjourned and the regular meeting resumed. The City Manager commented that it has been four years that CEKA and himself have tried to get a suitable crossing from the railroad and he asked for direction from Council as to his further involvement in that matter. CEKA has addressed the governor, legislators, both state and federal, and gotten nothing. He stated that the railroad is "old as dirt" and the most difficult organization to deal with in existence. Mayor Black asked for a recommendation. Mr. Ponder said that there is currently one crossing out there, and the City has not asked for another crossing, only a relocation of that one, plus CEKA has offered to contribute major funds to signalize the crossing. Councilman Duke asked him to offer them closing the Alexander Street crossing, to which the Council concurred.

The regular meeting was recessed and a public hearing called to order for consideration of rezoning a portion of the former Nims Estate from R-8MF to R-10SF. Councilwoman Harris said she wants to hear citizen input. Councilman Small felt it would be more appropriate if Morehead Properties had a representative present. Mayor Black declared the public hearing recessed and continued until the January regular meeting.

The regular meeting was recessed and a public hearing called to order for consideration of corrective rezoning of the Julia Street and American Village Target Areas from R-8MF to R-8SF (copy of map attached). Mayor Black said he had a phone call from a woman in American Street, who was concerned about the setbacks. Mr. Roberts said the setbacks are already in place. There were no further comments. The public hearing was adjourned and the regular meeting resumed. Councilman Jessen **MOVED** to approve the rezoning of the Julia Street and American Village Target Areas as shown on the map presented to R-8SF, seconded by Councilwoman Harris, and carried with six ayes.

The regular meeting was recessed and a public hearing called to order for consideration of rezoning a vacant lot at the southwest corner of Highland Street and Piedmont Avenue from R-8MF to R-8SF. There were no comments. Mr. Ponder reported that the petitioner had withdrawn the request. The public hearing was adjourned and the regular meeting resumed. Councilman Jessen **MOVED** that the matter be dismissed, seconded by Councilwoman Harris, with all in favor.

Mayor Black announced the resignation by Zoning Administrator Gary Roberts as of January 3, 1995. He will be going to a position with Mint Hill. He thanked Mr. Roberts for his years of service and commented that the City feels it has brought him up from infancy since he began as an intern out of college.

Enforcement action against Betty Rick was considered by the Council next. She had a sun room constructed over a wooden deck already in place. She reported medical problems requiring her to have sunlight, submitted a letter from her doctor, and said that her husband has heart trouble. The contractor was present, and he said the permit said it was to be a detached room, but also required that it be on the existing deck which was up against the house. He said the County inspector told him to attach it instead of leaving a couple inch gap. Councilman Small said that with the doctor's letter she should be given clearance by the City. Councilman Hope suggested changing Section 84.4 to change the side setback so that it would not be a special favor to one person but apply to everyone. Councilman Jessen objected to having no side setback for safety and aesthetic reasons, and said zoning rules are for general and not specific situations. Councilwoman Harris said lots of people ignore the rules. Councilman Jessen said that happens because the City does not enforce them. Mayor Black said that is probably true, unless a citizen reports it or it comes to our attention because of a permit. Councilman Hope did not think she should have to remove the room, and thought it would be stupid for her to have built it four inches away from her house. Councilman Jessen asked if a variance could be given. Mr. Ponder said the Board of Adjustment can give variances if it chooses. Danny Garrett, a County inspector, said that the structure being within three feet of the property line violates the State building code. Mayor Black said the neighbors do not object. Councilman Hope said he would like to help her but a new zoning permit cannot be issued without some serious changes and the Board of Adjustment is the place for variances. Councilman Helms **MOVED** to set a public hearing for January 9th to consider a change or elimination of side setbacks in Section 84.4 of the zoning ordinance; motion was seconded by Councilman Duke, with all in favor.

After presentation by John McLaughlin, of W. K. Dickson, Change Order Number One to the Mount Holly-Stanley Interconnect Booster Pump Station electrical contract with Gaston Electrical Contractors, Inc. was approved adding a SCADA system/RTU for control and signal transmission for the sum of $14,356.00 was approved upon **MOTION** by Councilman Hope, seconded by Councilman Helms, with all in favor, making the new total $42,233.00. This item was omitted from the contract and has been re-added at a lower price than before.

Mayor Black noted for the record that the City has the lowest water and sewer rates in Gaston County.

City Attorney Michael reported that the Town of Stanley has acquired a lot on Highway 27 for the water storage tank to be built upon for the interconnect project. The agreement requires them to give a perpetual easement to Mount Holly, with Mount Holly retaining ownership of the tank, lines and apparatus. He noted that they requested a clause whereby the easement will cease if the property is not used for water storage, and that Stanley may use the property for its own uses as long as they do not interfere with the water system. The documents have been submitted to Stanley for approval and execution. Mr. Nichols requested that the agreement require written approval for any use that Stanley might undertake. A man in the audience inquired who would be responsible if someone got injured. Mr. Michael said someone must be at fault first and he knows of nothing Mount Holly will be doing that can cause injury. The Council then discussed with Mr. McLaughlin a correction to the lighting of the water tank at I-85.

Resolution #12-12-94(a) authorizing Holly Hill Apartments to amend its Rent Ranges was approved as presented upon **MOTION** by Councilman Hope, seconded by Councilman Jessen, with all in favor. (copy attached)

Resolution #12-12-94(b) authorizing the write-off of uncollectible accounts in the sum of $238.00 for Holly Hill Apartments for bookkeeping reasons was approved as presented upon **MOTION** by Councilman Jessen, seconded by Councilman Small, with all in favor. (copy attached)

Councilman Hope **MOVED** to amend the Sewer Use Ordinance as presented by Eddie Nichols as required by the State, seconded by Councilman Duke, with all in favor. (copy attached)

Danny Jackson presented five proposed enforcement actions. The first item regarded property owned by Norman Edwards on West Catawba Avenue upon which is a sign in violation of Section 71.7. Mr. Jackson had spoken with Jimmy Edwards and Mr. Edwards was present. Mr. Edwards said the 15 foot requirement from the edge of the right-of-way would put the sign in the middle of the parking lot where it could not be seen. He has been unable to get the width of the right-of-way from DOT because the road is old. He put the sign up 2 or 3 years ago after taking down several old signs; this one is new and neater, and he said it is an improvement to what was there, to which Councilman Jessen agreed. A representative from the oil company who sponsored the sign was present and stated that they had no idea there was a sign ordinance since it is not in the city limits. Councilman Jessen said that since the City is in the middle of changing the sign ordinance, nothing should be done about this until the new ordinance is adopted. Councilman Hope asked the status of the sign ordinance, to which Mr. Ponder said two drafts are with the City Attorney for review. Councilman Jessen **MOVED** to table consideration of sign violations, seconded by Councilman Helms, with all in favor.

The matter pertaining to sign ordinance violation by Larry Henson was tabled by the above motion.

Randy Smith has been cited for violation of Section 72.4 as to an unlicensed vehicle, and he appeared to request time to construct a garage for his antique car. Councilman Helms felt a distinction should be made between unlicensed and antique vehicles, and **MOVED** to grant Mr. Smith a six month extension to construct a garage, seconded by Councilwoman Harris, with all in favor.

Mr. Jackson reported that Howard Brunner was now in compliance and so this matter was dismissed.

Mr. Ressie Pope was cited in violation of Section 72.4, and appearing, he stated he had the vehicle before he was annexed, and he will get a tag and insurance if he has to. Councilman Helms **MOVED** to grant Mr. Pope a six month extension to comply or remove the vehicle, seconded by Councilwoman Harris, with all in favor.

The floor was opened for complaints or petitions not on the agenda. Mr. Galen Cassada asked the City to upgrade and accept for maintenance Dogwood Drive Extension. He stated it is on the Powell Bill maps, although it is not in the original location as shown on the old recorded plat because trees had grown up. He recorded a plat and the City agreed to maintain up to a point. He said he has spent over $3,000 on the road. Mr. Ponder reported that the City has spent $1,961.00. Mr. Nichols said the minimum Powell Bill requirement does not require paving with curb and guttering, and he asked for direction by Council. Councilman Hope **MOVED** to accept and maintain Dogwood Drive Extension up to the edge of the railroad right-of-way as shown on Mr. Cassada's recorded plat for the public right-of-way portion, and that the drainage problem be corrected on the public portion, and that the said portion be placed on the paving list next year to be paved to the same standard as Dogwood Drive. This motion was seconded by Councilman Helms, and carried with all in favor.

Mr. Carlton Broome asked the Council to intercede with CSX Railroad about the Kendrick Street crossing. He said it is on the Powell Bill map for 1989 and has never been officially closed as a public right-of-way, and it should not be gated. Mr. Nichols said it was put on that map by error by the engineers and was removed when the error was pointed out to them, and that the City has never accepted the road for maintenance. Mr. Broome felt that could be used to deal with CSX anyway, and he also had a letter from CSX's attorney which he felt would help if the City would pursue the matter.

The Council next heard from Ms. Rebecca Veazey of the MAPS Group as she presented the results of the pay study and their recommendations. This is a product of the City's contract with the League of Municipalities for this study. There were alternatives presented from which the City may choose. Mr. Ponder reminded the Council they have been advised that the City is behind the pay levels of other cities in the area, and said the Personnel Committee had met with Ms. Veazey. She stated that this is a market approach to pay levels and elaborated on the advantages of a pay plan and its maintenance over the years. A Performance Evaluation System and a revision to the Personnel Ordinance are also being proposed. The Council agreed to conduct a work session at 7:30 P.M. on Thursday, January 5, 1995 to discuss these matters in greater detail.

City Manager Ponder discussed the need to conduct a work session on various utilities related projects. Council agreed to conduct a work session on these matters at 7:00 P. M. on Monday, January 30, 1995.

City Council directed that the collection of loose leaves at curbside be continued through Friday, January 13, 1995.

City Manager Ponder reported that the position being vacated by Zoning Administrator Gary Roberts will be advertised in local newspapers. In the interim, Mr. Ponder indicated that he would attempt to find a consultant to fill in temporarily until a replacement could be found.

Upon **MOTION** of Councilman Small, seconded by Councilman Hope, and unanimously carried, Councilman Duke was appointed delegate, and Councilman Helms was appointed alternate to the Centralina Council of Governments Board of Delegates.

The meeting was recessed into executive session to discuss a personnel matter. The executive session was adjourned and the regular meeting resumed. No action was taken.

Upon motion of Councilman Duke, seconded by Councilman Helms, and unanimously carried, the meeting was adjourned.

Phillip S. Pondy .Q. — City Clerk

Charles B. B. ... — Mayor

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