Regular Meeting
City Council
November 14, 1994

The regular meeting was called to order by Mayor Charles B. Black, Jr. at 7:30 P. M. Those present were Councilwoman Phyllis Harris, Councilmen Bob Jessen, Michael Helms, R. L. Duke, and Jim Hope, as well as City Manager Phil Ponder, Zoning Administrator Gary Roberts, Public Works Director Eddie Nichols, and a Police Department representative. Councilman Small was absent due to being in the hospital.

The invocation was led by Rev. Patrick Womack.

Councilman Jessen **MOVED** to approve the minutes of October 10 and 20, 1994, as presented; motion seconded by Councilman Helms, with all present in favor.

The regular meeting was recessed and a public hearing called to order for consideration of corrective rezoning of the Bell Street Target Area from R-8MF to R-8SF (copy of map attached). Ted Rhyne, Adrian Street, spoke in favor of rezoning. Graham Terry, 224 Adrian, was also in favor. There were no other comments. The public hearing was adjourned and the regular meeting resumed. Councilman Hope **MOVED** to approve the rezoning of the Bell Street Target Area as shown on the map presented to R-8SF, seconded by Councilman Duke, and carried with five ayes.

The meeting was recessed and Mayor Black called to order a public hearing to consideration of a request for rezoning 703 & 705 Belmont-Mount Holly Road, from R-12 to B-2CU, by John Fite, Jr. Mr. Fite has agreed to the conditions recommended by the Planning Commission, and it has recommended approval of the proposal. There were no further comments. The public hearing was adjourned and the regular meeting resumed. Councilman Jessen **MOVED** that the Council make the following findings of fact:

A. The proposed development will not materially endanger the public health or safety if located and developed as proposed;
B. The proposed development meets all required conditions and specifications;
C. The proposed development will not substantially injure the value of adjoining or abutting property unless it is a public necessity;
D. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Mount Holly Land Development Plan;

and further moved that the request for rezoning by Mr. Fite for 703 & 705 Belmont-Mount Holly Road from R-12 to B-2 CU be approved with the following conditions:

1. The property may only be used for any of the permitted uses in the O-I District plus barber/beauty shops and

photography studios;
2. The non-residential square footage of either of the two existing structures may not be increased by more than 50%;
3. If a dumpster is ever used at the site, it will be located outside of the twenty-five foot setback and will be screened on three sides with a six foot high wooden fence;
4. The owner will dedicate up to thirty feet of right-of-way from the center line of the Belmont-Mount Holly Road for the installation of a sidewalk;
5. Compliance with the parking, buffering and setback provisions as shown on the site plan now submitted.

This motion was seconded by Councilman Duke, and carried with five ayes.

Councilman Jessen **MOVED** for adoption of Resolution #11-14-94A as presented, to acknowledge the transfer of the cable television franchise by merger of the company to Time Warner Entertainment-Advance/Newhouse Partnership, although it is not necessary; motion seconded by Councilwoman Harris, with all present in favor. (copy attached)

City Manager Ponder presented to Council the third set of bids for the 1993 CIAP Grant from HUD for repairs to the Holly Hills apartments, which were $10,000 over budget. He reported that the architect, Clinton Gravely, has obtained a variance from HUD as to the materials specified, because one of the contractors stated they are needlessly expensive, which will reduce the total in line with budget. Councilman Hope **MOVED** to authorize the acceptance of the following bids for 1993 CIAP Grant fund repairs to Holly Hills:

Ronald J. Dimmer, Inc.	replace door hardware	$12,406.31;
Davidson Sash & Door, Inc.	window screens	3,011.00;
Davidson Sash & Door, Inc.	replace screen doors	20,546.00;

for a total not to exceed $35,963.31; motion seconded by Councilman Helms, carried with five ayes.

City Manager Ponder informed the Council that CSX Railroad has refused to separate consideration by it to relocate the railroad crossing at Kendrick Industrial Park from consideration by us to close three crossings in town. Mayor Black stated there has only been one fatal accident at First Street and that was a goat when he was a child; he is not in favor of closing it, but said it may need signals. Councilman Duke **MOVED** that a public hearing be held at the December meeting for consideration of the proposal by CSX to close three crossings in town, seconded by Councilman Hope, with all in favor.

Only one bid for four police cars was received by the City Manager, from Dixon Ford, which was opened. Mr. Alex Robinson, from Dixon Ford, objected to the bid being made public in that anyone submitting a bid under a rebid situation would have had access to it. City Manager Ponder stated he could not allow the

City to accept a lone bid which was 20% higher than last year; and reminded the Council that the budget allowed for a ten percent increase in price over last year, which he felt was generous in light of only a three percent inflation. He further commented that he did not know why he only got one bid, but there is no guarantee a lower bid will be received if it is rebid. He informed the Council that acceptance of this bid will necessitate a budget amendment of over $7,000.00. Mayor Black stated that the staff did check on bids from other sources including the County since it was so high, and subsequently found that the bid by Dixon Ford was less than what the County received, per car. Mr. Robinson explained that Ford Motor Company had raised the cost of the cars plus had lowered the "concessions" by $2,000.00. Councilman Duke **MOVED** to award the bid to Dixon Ford for four police cars at a cost not to exceed $64,004.00, and to have a budget amendment brought back before Council, seconded by Councilman Jessen. Councilman Jessen inquired about buying only three cars, but it was determined that with all four having well over 100,000 miles that would not be advisable. Motion carried with all in favor.

Councilman Duke **MOVED** to adopt Resolution #11-14-94B as presented to release funds to COG for grants administration, seconded by Councilman Jessen, with all in favor. (copy attached)

As a part of the plan for the bridge replacement on Highway 27 at the Catawba River, N. C. DOT has requested the City eliminate light signalization at Alexander Street after the bridge is upgraded, and has agreed to pay for signalization at Lee Street at that time. Councilman Duke **MOVED** to accept the stated proposal, seconded by Councilwoman Harris, with all in favor.

The Council set a special meeting for December 6 to consider personnel policies.

Mr. Ronald Tadlock has offered to donate a piece of land at the corner of Central Avenue and Municipal Lane. Eighty percent of the lot lies under Municipal Lane. Mr. Ponder had him mark the corners so the Council could look at it, and told him to submit his deed for review. Councilman Hope **MOVED** to table this matter until the next meeting or until a copy of his deed is received for review, seconded by Councilwoman Harris, carried with five ayes.

Upon recommendation by the Planning Commission, Councilman Jessen **MOVED** to set a public hearing at the next regular meeting in December for consideration of rezoning a vacant lot on the southwest corner of Highland Street and Piedmont Avenue from R-8MF to R-8SF, seconded by Councilwoman Harris, with all in favor.

Councilman Jessen **MOVED** to set a public hearing at the next regular meeting on December 12 for consideration of corrective rezoning The Julia Street and American Village Target Areas from R-8MF to R-8SF, seconded by Councilman Duke, with all in favor.

Councilman Jessen **MOVED** to adopt Resolution #11-14-94C as presented, to establish a lien on tax parcel #3-15-97 for non-payment for mowing of grass twice this year, seconded by Councilman Duke, with all in favor. (copy attached)

Tax releases dated November 14, 1994 totaling $319.82 were approved upon **MOTION** by Councilman Duke, seconded by Councilman Hope, with all in favor.

Councilwoman Harris asked the Council to call for a public hearing to consider corrective rezoning the portion of the Old Nims Property that is R-8MF to R-10. Councilman Helms concurred. Mayor Black asked the City Attorney for an opinion; he will research the issue of the effect of such a rezoning when the owner has "vested rights" and if they object. Councilwoman Harris **MOVED** to set a public hearing at the December 12 meeting to consider rezoning the portion of the Old Nims Property that is R-8MF to R-10, seconded by Councilman Jessen, and carried with five ayes.

There were no complaints or petitions not on the agenda.

Councilman Hope asked for a status report on the Ferrell Property and encroachment request. Mr. Ponder said the staff and attorney have continuously been working on the matter. Mr. Ferrell asked for a three party encroachment agreement, but DOT, per Mr. Lineberger, will not allow the City to sign one unless the line will be turned over to the City; this is not the case, as the line will remain a private line. Without the three party encroachment agreement between him, the City, and DOT, Mr. Ferrell will be required to obtain the permission of all the 25 individuals he will be crossing. Mr. Ponder stated he discussed this matter with Mr. Ferrell and offered him an opportunity to be on the agenda to address the issue, but he declined. Mayor Black said he believes that the City has not held up Mr. Ferrell but has worked with him to every extent it can.

Mayor Black announced the Community Carol Singing to be held on December 4th. Mayor Black also mentioned that the Thanksgiving Dinner for needy ones will be held at the Baptist Church.

Mayor Black appointed Councilwoman Harris and Councilman Helms as the committee this year to select the Employee of the Year from the nomination forms submitted by City employees.

City Manager Ponder reported to the Council he has a cost estimate for installing a sidewalk on Tuckaseege Road from the sidewalk on Main Street to the ballfield, including drainage work, to be $121,000.00. The budget has $60,000 for sidewalks this year in the general fund, with designations already having been made as to its use. When asked for a recommendation, Mr. Ponder said that this is a large sum of money and should not be considered lightly. He recalled that the Council has been petitioned numerous times by citizens on Tuckaseege Road for a sidewalk. He informed the Council that Powell Bill funds may be used for sidewalks as well as paving, and there is currently a considerable amount of money in the Powell Bill reserve; he further said there are funds in general reserve and contingency. Councilman Hope felt it was too expensive and would not be used enough to justify the cost. Councilman Duke was in favor of doing the work. Councilwoman Harris stated her belief the citizens in that neighborhood would use it. No action was taken.

Mr. Ponder reported that DOT has told him they will pave Highway 273 next summer.

There being no further business, the meeting was adjourned upon motion duly made, seconded and carried unanimously, at 9:05 P.M.

Phillip S. Ponder, Jr.
City Clerk

Mayor

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