

Regular Meeting
Mount Holly City Council
November 11, 1991

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

The invocation was led by Reverend Lawrence Britt.

The minutes of August 12, 1991, were approved with the following corrections: Page three, third paragraph, correct the name to Henry Fowler, "III"; Page six, fourth paragraph, correct the date to September "29"; Page 7, third paragraph, correct the name to Dennis "Splawn" and fill in the amount of the bid award; and, the minutes of October 14, 1991 were approved with the following correction: Page three, second paragraph, seventh line, correct word at end to "his", all upon motion made by Councilwoman Little, with a second by Councilman Duke, carried with six ayes.

The tax releases for 1989, 1990, and 1991, in the total sum of \$2,800.11, as specified on the attached list, were approved upon motion by Councilman Biggerstaff, seconded by Councilman Jessen and unanimously carried.

The Mount Holly Civic Committee (which consists of Roy Warden, Nancy Dills, Jack Warren, Marlene Huggins, Toni Simmons and Bud Mullis) presented three American flags to the City with the following statement: "We, the Mt. Holly Civic Committee, on behalf of Mrs. Marjorie Abernathy Arnold, would like to present these three American flags to the City of Mt. Holly. These three flags were used during the military funerals of three of Mrs. Arnold's brothers, all of whom were from this area and served in our armed forces during World War II. The brothers were: Tom William Abernathy, Albert Bill Abernathy, and Fred Robert Abernathy. It would be fitting to occasionally fly these flags on military holidays to remind us all that the freedom we enjoy today had a price, and that price was paid by men like the Abernathys." It was also reported that the Memorial would be in place the next Friday, and they are planning a public presentation. They have raised \$2,000 for the memorial and are still short \$1,000. She said Hazel Chiles won the television at the raffle.

City Manager Charles McGinnis reviewed the bond referendum proposal regarding water and sewer improvements with the Council. The planned date for the referendum is March, 1992. This referendum is a result of the studies done by the engineers and has a separated list of items which the Council will prioritize. There are four alternative plans. It will take 90-120 days for the Local Government Commission to set up the referendum a plan

must be adopted by early December. Councilman Little noted for the record that the total of all items is \$3,838,000, and that the budget includes meeting the payments of that full amount; she also noted that interest is at 8% now so it is a favorable time. Councilman Small was concerned that the water rates might increase to \$1.45 per 1,000 gallons. A memo had been received from Mr. Nichols stating that the increase includes a necessary rate adjustment as well as an increase to cover the proposed additional debt payment. He also noted that the Council has the option of using money from the water and sewer fund balance to reduce the payments, which would reduce the proposed rates. Councilman Biggerstaff agreed that this has all been discussed in workshop to great detail, but he wanted to delay a decision until Mr. Nichols returns so that each project on this list can be analyzed, and to see if the City can obtain 7% financing. Councilman Biggerstaff moved to table this matter until the next special or regular meeting of the City Council, seconded by Councilman Small and passed by unanimous vote.

Councilman Small moved to award the resurfacing bid to REA Construction Company in the amount of \$8,710 for the fire department parking lot and for speed bumps at the Rollins and Holly Hills Apartments. Motion seconded by Councilman Duke and unanimously carried. City Attorney Michael stated that the City should be reimbursed by the budgets at the apartments for the speed bumps.

Subsequent to fighting a fire at Freightliner Corp., some confusion had arisen as to whether a water charge would be assessed the company. The Council felt that there should not be a charge for any water used for fire fighting, and Councilman Jessen moved that any fee for fighting the fire that may have accrued be waived, which was seconded by Councilwoman Nichols and carried with five ayes and one nay (Little). There was some discussion about a master meter being in place there and some fees which had accrued for washing parking lots, but Councilman Biggerstaff noted that those had been reconciled and were a separate issue.

The Council considered the request by American & Efird Mills, Inc. for a standard industrial sewer rate to replace the existing contract based on a percentage of flow and expenses. A memo from Eddie Nichols stated that the City's estimated expenses for fiscal year 1991-1992 indicate a cost of \$.694 per 1,000 gallon and therefore a need to adjust all sewer rates exists. Councilman Biggerstaff stated that the cost recovery contract is in effect until sometime in 1992. Councilwoman Little added that it is State mandated. Councilwoman Little moved to leave the billing for American & Efird Mills as it is under the contract, which was seconded by Councilman Duke and unanimously carried.

The regular meeting was recessed and a public hearing called to order for consideration of adoption of a proposed zoning ordinance regulating satellite dishes. This proposed ordinance was recommended by the Planning & Zoning Board for approval.

Councilwoman Nichols said she has interviewed people who have the dishes and the dealers and found that the citizens who have them bought them so they do not have to pay rent for cable television and that their reception would be hurt, and the dealers said they are coming out with smaller three-foot dishes now. She felt that this is a part of people's personal lives and they should not be prevented. Councilwoman Nichols said that no one would put them in their front yard unless they had to anyway. Merlin Brown said he did not think we should copy Gastonia all the time but do what is right for Mount Holly instead. James Grant wondered who would decide where to put the things. Charlene McRorie said no one would have something ugly in their front yard by choice, so if they do it is by necessity. Councilman Small did not like the fact that anyone who needed the dish in their front yard would have to get a variance which has a \$50 fee. Mayor Black said they should not be regulating heights (he is a ham radio operator). David Berg said the dishes rotate and if you put tall bushes behind them they will block the reception when the dishes are turned. Jim Lindsay, 201 Blanche Avenue, said he had not ever heard of a complaint so why not leave things be; and that we do not need any more rules. There were no more comments and the public hearing was adjourned. The regular meeting resumed. Councilwoman Little moved to accept the Planning & Zoning Board's recommendation and adopt a new zoning ordinance identified as Section 76.8, which motion was seconded by Councilman Duke. Councilman Biggerstaff said he did not feel the wording of the proposal was proper particularly with regard to the size of the plantings. Councilman Jessen said he did not think the dishes are a problem since cable is available and most people use that. The motion was not carried, with a vote of two ayes and four nays (Biggerstaff, Jessen, Small, and Nichols).

The regular meeting was again recessed for two other public hearings which were called to order. The first was for consideration of a proposed amendment to the zoning ordinance to add civil penalties for code enforcement. Mayor Black said it was too harsh as written especially if it affects an elderly person. Councilman Jessen said it needs a "bite" to it as it is designed for those who will not respond to repeated requests by the Zoning Officer, and that he works with those who will cooperate. Councilman Biggerstaff suggested that the proposal be re-worded so that the Council decides if the fine is to be imposed or not. Councilwoman Little objected to the idea of civil penalties altogether. Mr. David Berg stated that the Planning Board had suggested a change that would provide for two notices rather than one before the fine is imposed. Ralph Michael asked the City Attorney to explain what happens if they do not pay the fine. Mr. Michael said that a small claims lawsuit for a money judgment is applied for, and if obtained collection is provided for under the state laws. He said the City goes to Court on these situations now and gets injunctions, etc. and eventually gets compliance but no compensation for the City's staff time and expenses. The main objective is compliance. Councilman Biggerstaff suggested an amendment which the Council considered. Councilman Jessen said he

felt the fifteen days might be a little short. Mr. Roberts said he usually calls them on the phone after he gets the green return receipt card back, to be sure they got what he sent and to discuss compliance with them. Councilwoman Little said if it is imposed it should be a lesser amount or at least the subsequent fines could be a lesser amount. Charlene McRorie asked if the City can clean up what is wrong and charge the owner so that whatever is wrong does not remain that way while you go to Court. Councilman Biggerstaff said that this done now in certain instances like weeds and grass; a lien is put on the property. There were no more comments.

The next public hearing was for consideration of the final ordinance for annexation of the property of Ila Hollar. City Attorney Michael said the voluntary petition was received from Mrs. Hollar and all regulations have been complied with, that advertisement and notices had been made for this hearing. He recommended an effective date of March 31, 1992, to allow time for approval by the Attorney General's office. There were no further comments. The public hearings were adjourned and the regular meeting resumed.

Councilman Biggerstaff moved to adopt Section 143 to the zoning ordinance entitled "Enforcement" which inflicts civil penalties, as presented with the following amendment: Paragraph four, first sentence, change to read "violation still exists the City Council may authorize the issuance of a Civil Citation" This motion was seconded by Councilman Jessen and carried with five ayes and one nay (Little).

Councilwoman Little moved to approve the annexation of the remainder of the Ila Hollar property not previously annexed under Ordinance #11-11-91(a) effective March 31, 1992; seconded by Councilman Jessen and unanimously carried.

The final plat for Deerfield Subdivision, Phase One, Map Two was presented to Council. These two lots were erroneously omitted from Map One. Planning & Zoning Board approval had been obtained. Mr. Nichols had noted that written easement(s) should be obtained for the existing utility lines that are not inside the area of recorded plats but on Mr. Shook's property, which he has agreed to execute. Councilman Biggerstaff moved to approve the said final plat contingent upon the receipt of written and executed easement(s) to the City for the utilities already in place across the remaining property of Mr. Shook not yet shown on final subdivision plat(s), with the effective date being the date of the receipt of said easement(s). This motion was seconded by Councilwoman Little and carried unanimously.

Mr. Gary Morgan appeared to request a variance from the subdivision regulations with regard to a tract containing 4.457 acres on Morgan Road off Arrochem Way. The Planning Board recommended the variance with a contingency that a fifty-foot right-of-way be given to DOT for Morgan Road. The Council looked

at a map of the tract and surrounding area and inquired about the plans for development. Mr. Morgan said he is selling the tract and Mrs. Gloria Horton, realtor for the buyer, said they have staked off one house above the pond, and they have no plans and really no room for another house in that section of the property to the south of Morgan Road. The buyer contemplates selling the section of the property to the north of Morgan Road at some future time, but it would only have room for one house. Councilman Biggerstaff moved to grant Mr. Morgan's request for a variance to be exempt from the subdivision regulations for the sale of his 4.457 acre tract on Morgan Road provided a fifty foot right-of-way be dedicated to DOT. Councilwoman Little seconded this motion and it carried unanimously.

Priority One management for the Rollins Square and Holly Hills Apartments made their report. They are implementing the identification program and it is going well. They have hired a permanent maintenance person. The Rollins Square budget is still pending and she knows it will have a substantial deficit of around \$19,000 or \$20,000, due to the problems they inherited. They will be meeting with FmHA and have it finalized before the December meeting so they requested authorization for the City Manager to give approval. The Council inquired about the maintenance person; he is from Georgia and before that Gastonia; he had background in maintenance at subsidized housing and with administrative duties as well; they may hire him later as site manager. Councilman Biggerstaff requested that they have a background check made by the Chief of Police. Councilman Biggerstaff moved to place the budget for the Rollins Square Apartments on the agenda for the November 18th special meeting at 7:00 P.M., seconded by Councilman Jessen and unanimously carried. They reported that HUD has approved the Holly Hills budget but it is still on the disapproved list until December when the subsidy funds will be available. She said they have about \$20,000 and so will not be in jeopardy waiting until December. The admissions and continued occupancy policy for Holly Hills is outdated and she had revised it to comply with the current HUD regulations, particularly the changes in definitions. Councilman Biggerstaff moved to approve resolution #11-11-91 (b) to adopt the revised admissions and continued occupancy policy for Holly Hills as per HUD guidelines; seconded by Councilman Jessen and unanimously carried. Mayor Black asked the Chief how many police calls they have had since the identification program was started; Chief Bishop said he did not have exact figures but they have decreased dramatically. Priority One again asked that more lighting be installed; Mr. McGinnis said he had an appointment with Duke Power that week.

The Council next considered a proposal to set a public hearing to consider amending the zoning ordinance in order to divide the Planning & Zoning Board and Board of Adjustment so that different people serve on the two boards. Mayor Black said he had requested this so that the Boards will return to the way they used to be, now that there are plenty of volunteers. Councilman Biggerstaff said the Council needs a list of the current members and their

terms, along with the Board's recommendation as to who will serve on which board in the future if this is adopted. The City Attorney was instructed to review the proposed ordinance. Mr. Roberts told Councilman Biggerstaff upon request that there are enough volunteers for the two boards without alternates, but if alternates will be used more volunteers are needed. The Council set a special meeting for January 20, 1992 at 7:30 for both the Council and Planning & Zoning Board to meet and the public hearing is to be held at that time. Mr. Roberts was instructed to do the legal notices for the said public hearing.

Councilman Small submitted the name of Jack Stevenson to serve as an outside member on the Planning & Zoning Board if approved by the County, seconded by Councilman Duke. He was approved by unanimous vote, and his name will be submitted to the County.

Mr. Ron Wright appeared before the Council to offer land for sale to the City located at the end of Oakland Street (off Highway 273), being about 4.66 acres, at the price of \$50,000 which he stated is less than tax value. City water and sewer are available. He thought the City might use it for a park, etc. He wishes to preserve the natural beauty of this wooded tract, and noted that it is zoned so that apartments could be built on it. Councilman Biggerstaff said that with a bond referendum coming up for water and sewer improvements, there is no money for this kind of purchase; none in the budget. Councilman Jessen said the City would like to buy land in the future for a new City complex but this would not be the right location. The Council concurred that they could not accept this offer.

The floor was opened for complaints or petitions. Merlin Brown asked how long it will be before the storage tanks are built. He was told that the bond referendum discussed earlier includes \$1.4 million for two storage tanks. If it is approved, bids can be let and then construction would follow. Ralph Michael said the microphones are better but they still need new ones; he also said the street light he reported has not been repaired. Mr. McGinnis said he had reported two street lights to Duke Power and would follow up on that.

Mayor Black reminded the Council that the December meeting will be at 8:00 P.M.

City Manager McGinnis stated that the newly elected Councilwoman can be enrolled in the four-day school at the Institute of Government for newly elected officials, if she so chooses.

Mr. McGinnis announced the Elected Officials Seminar in Dallas at 6:30 P.M. on November 21.

Councilman Duke announced the COG meeting in Salisbury the next Wednesday.

Councilman Duke asked about the status of the new flags for

downtown. Mayor Black stated that they have been ordered, and the brackets will be installed with the Christmas decorations, and then the flags will be put up when the Christmas decorations are taken down.

Councilman Duke inquired about the blue fire hydrant reflectors. Mr. McGinnis said the work has been ordered but not yet done.

Councilman Jessen asked if anything more can be done regarding Duke Power Company cutting trees on South Main. Councilman Biggerstaff said he had tried but was unsuccessful and the City has no jurisdiction at the location involved.

Councilman Jessen stated that the concrete medians on Highway 273 look bad due to grass and weeds, and asked who is responsible. The State is. He asked if the City can clean them up and bill the State; Mr. McGinnis thought not, but he will ask DOT to clean them up.

Councilwoman Little asked about the status of finding a site for recycling in the City. Mayor Black said he talked to Mr. Stroupe, to Mr. Fortner, and Duke Power. Councilwoman Little said Mr. Friday had told her he may sell the back side of his property to the City which lies behind City Hall and the Police Department on Municipal Drive. The Council instructed Mr. Roberts to determine how much area is needed and what grading, etc. would be necessary for that site.

Councilwoman Little noted that the railroad crossing at Highway 27 and Central Avenue has pavement broken and the ditch is very deep, so that two cars have fallen into and had to be towed out. Mr. McGinnis is to check on temporarily repairing it and having the railroad permanently repair it. The Council also asked Mr. McGinnis to remind the railroad they are to fix the crossing on South Hawthorne which needs a more gradual slope to it.

Mayor Black reported that a section of the P & N Railroad from Gastonia has been purchased and they are still hoping to have a commuter line established from Gastonia to Charlotte through Mount Holly. The old depot building would need about \$150,000 of renovation and some historical societies are working on it, but it may be lost if something is not done right away. Councilwoman Nichols suggested that businesses be approached about contributing to its renovation.

Mayor Black reported that the Gaston Urban Area Thoroughfare Plan public hearing will be held at City Hall on November 18 at 7:30 P.M.

Councilman Biggerstaff stated that he and Mrs. Little still need to meet with the Catawba Heights Volunteer Fire Department.

Councilwoman Nichols asked that Mr. Roberts check again to be sure the dumping being done on Highway 273 next to the new pawn shop is

in compliance.

Councilwoman Nichols moved that the exercise equipment Mrs. Sylvia Cross has offered to donate to the City, valued at \$5,620, be accepted; seconded by Councilman Biggerstaff and unanimously carried. Mr. McGinnis is to write a letter of acceptance and gratitude.

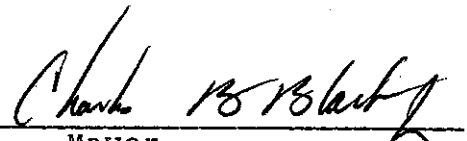
Councilwoman Nichols reported she and Shay Huggins had attended a seminar concerning recreation and has some good ideas for children and will try to have some of them implemented through the Recreation Commission.

Councilman Small stated that the City needs to act immediately to get the new fire truck here and in proper working order; he stated he was told it broke down and is in Charlotte with transmission trouble. Councilman Biggerstaff said a committee of firemen should go and inspect the truck, and he moved that the City Manager be authorized to obtain outside professional assistance, if needed, to inspect the new fire truck to determine if there are any deviations from the specifications and report to the City Council all such found before any more money is paid; and that a committee from the fire department be requested to go and inspect the new fire truck as well. This motion was seconded by Councilman Duke. City Manager McGinnis stated he has made it clear to Wolverine that if the corrections are not made so that the specifications are met, the City will not accept delivery and demand a refund of \$64,000 paid, plus interest, and may invoke the bond. City Attorney Michael reminded the Council that Mr. Ray Massey traveled to inspect the truck last spring and he wrote a memo giving the deviations from the specifications at that time, and that some have been corrected and some have not; he pointed out that some of the minor deviations might be acceptable. He stated that he, Mr. McGinnis, and Mr. Massey had all received phone calls from the contractor that day who is anxious to come to agreement so he can get paid. The motion carried unanimously.

Councilman Biggerstaff moved to go into executive session for attorney-client purposes, seconded by Councilman Duke and unanimously carried.

The regular session was resumed upon motion duly made, seconded and carried. The meeting was then adjourned upon motion duly made, seconded and carried.


City Clerk


Mayor
