Regular Meeting
City Council
November 9, 1992

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, Councilmen Archie Small, 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. Mayor Pro-Tem Little was absent due to illness.

The invocation was led by Rev. Lawrence A. Britt.

The minutes of October 12, 1992, were approved with the following corrections: page four, paragraph three, insert "Jessen"; page five, last paragraph, change Richard P. Rankin to Richard "E." Rankin; upon MOTION by Councilman Small, seconded by Councilman Jessen, carried with five ayes.

The regular meeting was recessed and the public hearings called to order by Mayor Black. The first public hearing was to consider rezoning a target area at Noles Drive and Craig Street. Zoning Administrator Roberts identified the areas to be changed with a map. Some R-8MF would be rezoned to R-8SF, and three lots on Woodlawn would be rezoned from R-20SF and R-8MF to R-15SF. He stated that certified mail notice had been sent to all property owners. The intent of this change is to preserve existing single family neighborhoods. The R-8 zone requires 8,000 square foot lots with 8 foot side setbacks. The R-15 zone requires 15,000 square foot lots, and the three lots involved have water available but no sewer is available. Mr. Jimmy Gowan, 911 Woodlawn, was recognized. He said he has lived there thirty years and has asked for sewer service but never gotten it. He said the three lots on Woodlawn have been changed three times, and he wants them left R-20. He said he had not gotten trash pick-up regularly and the police don't know he is in the City. He said he did not get notice and only heard about this hearing from his son. Mr. Roberts said the notices were sent to property owners per the tax office. Next, Mr. Ronnie Garrison, Alexis, N. C., stated he is opposed to the rezoning. He had attended the Planning Commission meeting and knew the big thing here is opposition to apartments, but wanted to suggest that the property along Highway 27 be rezoned as business. Mr. Jim Grant, Lanier Street, said that he owns property on Hoover Street, that he does not intend to put apartments on it himself but if he sells the land it will sell for more if not restricted to one house; he opposed the rezoning. Chuck Carpenter, Globe Street, spoke in favor of the rezoning of the R-8 MF areas to R-8 SF. He said all the homeowners in that area want this rezoned to keep it single family as it is now. Councilman Hope asked Mr. Roberts who or what prompted this action. Mr. Roberts stated he had noticed apartments being built in single family neighborhoods and the great amount of citizen opposition to them; also, the COG consultant noticed that the

City's zoning maps are areas classified as MF but in reality the neighborhood is single family, and he suggested a change be made. Mr. Hope asked Mr. Roberts if any of the residents had approached him. Mr. Roberts said not many if any came straight to him. Mr. Hope stated he did not wish to change a zone if it is not requested by the citizens. City Manager Ponder stated that the first meeting he attended involved the apartments being built on Killian Avenue and the people around that were very upset; he stated further that eight target areas have been developed and this is just the first one of them, so he asked the Council to tell staff if this is not the direction the Council wishes them to take. Councilman Small said the R-15 rezoning could be omitted from the action taken. He felt the change in the R-8 zone would be an upgrading, and that all the residents he had talked to were in favor of it. Mayor Black said the major purpose is to eliminate apartments being built and he felt that concept should be studied more out of consideration for the many people who cannot afford a house. Councilwoman Nichols said she would like to wait since this was the first time she had heard of opposition, and she wanted to study all eight areas before acting on one. Councilman Jessen said the citizens have made it clear they do not want apartments in their backyard. Mr. David Berg stated that, even though apartments are needed, the City needs protected single-family neighborhoods. Mr. Jim Grant said a lot of people talk against apartments, but young people need them, and if they are kept up right, they are just fine. There were no further comments, the public hearing was adjourned, and the regular meeting resumed. Councilman Jessen MOVED to table this matter until the Council studies all eight areas; seconded by Councilman Hope and carried with four ayes and one nay (Small). Mayor Black said the Council might consider having a public meeting to get citizen input on the target area approach.

The City Council received from the Gaston County Board of Elections a certified copy of the proceedings of said Board of Elections taken on November 5, 1992, evidencing said Board's determination of the results of the canvass of the returns of the special bond referendum held in the City of Mount Holly on November 3, 1992, upon the questions of approving $2,000,000 Water Bonds and $1,400,000 Sanitary Sewer Bonds of said City. After said proceedings had been considered and reviewed by the City Council, Councilman Hope introduced the following resolution, identified as #11-9-92(a), which was read:

> BE IT RESOLVED by the City Council of the City of Mount Holly:
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> Section 1. The City Council of the City of Mount Holly, having received from the Gaston County Board of Elections a certified copy of the proceedings of said Board of Elections taken on November 5, 1992, evidencing said Board's determination of the results of the canvass of the returns of the special bond referendum held in the City of Mount Holly on November 3, 1992, upon the questions of approving $2,000,000 Water Bonds and $1,400,000 Sanitary Sewer Bonds of said City, does

hereby declare and certify the results of said referendum to be the results which are set forth in the following statement of the results of said referendum, which statement has been prepared by said City Council:

STATEMENT OF THE RESULTS of the
SPECIAL BOND REFERENDUM HELD IN THE
CITY OF MOUNT HOLLY, NORTH CAROLINA
ON NOVEMBER 3, 1992,
UPON THE QUESTIONS OF APPROVING
$2,000,000 WATER BONDS AND $1,400,000 SANITARY SEWER BONDS

At a special bond referendum held in the City of Mount Holly on November 3, 1992, 3,696 voters were registered and qualified to vote.

At said referendum 1,389 votes were cast for the order adopted on August 26, 1992, authorizing not exceeding $2,000,000 Water Bonds of the City of Mount Holly, North Carolina, for the purpose of providing funds, with any other available funds, for enlarging, extending and improving the water system of said City, wtihin and without the corporate limits of said City, including the construction of two additional elevated water storage tanks, the construction of additional water mains and lines and the acquisition of any necessary rights of way therefor, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, and 1,068 votes were cast against said order, and that a majority of the qualified voters of said City who voted thereon at said referendum voted in favor of said order.

At said referendum 1,505 votes were cast for the order adopted on August 26, 1992, authorizing not exceeding $1,400,000 Sanitary Sewer Bonds of the City of Mount Holly, North Carolina, for the purpose of providing funds, with any other available funds, for enlarging, extending and improving the sanitary sewer system of said City, within and without the corporate limits of said city, including the construction of additional sewage mains and lines and the acquisition of any necessary rights of way therefor, and authorizing the levy of taxes in an amount sufficient to pay the principal of and interest on said bonds, and 1,054 votes were cast against said order, and that a majority of the qualified voters of said City who voted thereon at said referendum voted in favor of said order.

City Council of the
City of Mount Holly, North Carolina

Section 2. The City Manager and City Clerk of the City of Mount Holly shall file a copy of the foregoing statement of the results of said referendum in his office and shall publish such statement once in the Mount Holly News. A statement in substantially the following form shall be pubished with the foregoing statement:

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun within 30 days after November 11, 1992.

City Council of the
City of Mount Holly, North Carolina

Section 3. This resolution shall take effect upon its passage.

Upon MOTION of Councilman Hope, seconded by Councilman Small, the foregoing resolution entitled "RESOLUTION DECLARING THE RESULTS OF THE SPECIAL BOND REFERENDUM HELD IN THE CITY OF MOUNT HOLLY, NORTH CAROLINA, ON NOVEMBER 3, 1992 UPON THE QUESTIONS OF APPROVING $2,000,000 WATER BONDS AND $1,400,000 SANITARY SEWER BONDS" was passed by a vote of five ayes and zero nays (one absent).

City Manager Phil Ponder asked Council's direction regarding enforcement of the solid waste ordinance. The policy is that contractor's must take away trash from work they do, but the City will pick up trash from work done by the property owner. The problem has been from tree stumps and the like where the owner may have hired a friend or relative to do the work, especially in the case of older citizens. Councilman Hope said it is mainly a judgment call, and older citizens need to be considered. Councilman Small did not feel that if individuals like a friend or relative were used to help, they should have to haul it off themselves. They asked the City Manager what he would suggest. He said, with regard to the questionable cases, he would prefer to pick it up, if the landfill will take it and the staff can pick it up, than to have to go into an investigation. The City would still not be picking up contractor construction jobs. The Council concurred.

The Council next discussed the watershed regulations. Mr. Ponder noted that the cities in Gaston County may develop a committee which would formulate and propose one ordinance to be adopted countywide and administered by the County. The Council concurred that this would be suitable, but they reserved the City's right to determine the classifications within the City limits. There was concern that a classification would be inflicted on Mount Holly which would not allow any development. The deadline is July 1, 1993. It was suggested that Jack Stevenson be our representative.

Based upon the recommendation by the Planning Commission, and Mr. Roberts' statement that water and sewer are not immediately accessible, the final subdivision plat for Lee Hansel's three lots on Highway 27 at Westland Farm Road was approved upon MOTION by Councilman Hope, seconded by Councilman Jessen, with all in favor.

Bea Collier, 330 Highland Street, presented a petition signed by citizens on Highland Street that the Council repeal its decision to rename the bypass. Mr. Ron Johnson, 805 W. Catawba Avenue, who had presented the idea to rename it, stated he had not intended to bother or offend anyone, and he has talked to several and proposed a compromise--instead of renaming the whole by-pass, to rename the part from the intersection of the by-pass with South Main at Rankin Avenue up to its intersection with Summitt Avenue, as this would not affect any homes. Mayor Black stated that he means no disrespect for Dr. Rankin, but he had spent almost twenty years getting a bypass and he said if the bypass is named anything it should remain Highland Street. Kathy Drumm, 242 Summitt, said she wants it to remain Highland. Jane Patrick, who has lived there 45 years, said she wants it to remain Highland, and that she is a friend of Mrs. Rankin who had told her that week she wants it left as Highland. Donald Floyd, 301 Highland, said it would be a burden to change his address on everything, and he wants it left as Highland. Ms. Drew said the citizens were not even notified that a change was being considered, and it should be left as Highland. Bill Clark, 214 Highland, said he had just found out the day before this meeting, and he does not like it; he said it would be confusing as well because of Rankin Avenue being right there. Pam Hollenbeck, 209 Highland, also felt it would be confusing with Rankin Avenue right there, and to have it Highland, and then Rankin Highway, and then South Main. She said she had found out that historically it was called Highland because it was the "high land", and she would rather it all be left Highland. She also stated that her friend lives at 125 Highland and could not come but wants the street to remain Highland. Mr. R. T. Lamm, Captain of the Lifesaving Crew, said he had talked to Dr. Rankin, who felt good that he had been honored in this way. Mr. Lamm said Dr. Rankin is a founding father of the Crew, and still is on the Board, and acting as a consultant for it, and they would like at least that section mentioned by Mr. Johnson to be named for him to honor him. He felt that it was not a problem having the same name as Rankin Avenue since there are other streets in Mount Holly with the same name. Mayor Black stated he has nothing against Dr. Rankin and his service to Mount Holly is well known, but there are others who have served Mount Holly, and are already deceased, such as Dr. Stroupe who came here in 1932 and served the schools voluntarily, and there were Mayors and Aldermen and councilpersons who have all served the City willingly and voluntarily. Mr. Yates Springs said that when the City rewards someone it should be the one who did the most work for it; and further that the City has bypassed Mayor Black many times, but Charles Black worked the most to get the by-pass, even driving to Raleigh many times. Mr. Springs said Dr. Rankin is a great friend of his and so was Dr. Stroupe, but he did not feel it would be wise at the present time to rename the bypass and it should be left as Highland. He suggested that it might be more appropriate to rename it when the whole four-lane bypass is completed in years to come. Bea Collier said they all love Dr. Rankin but they still want the name of the street to stay Highland Street. Councilwoman Harris was in favor of renaming the section proposed by Mr. Johnson so that no houses would be affected but Dr. Rankin would be honored as well. Barry Jessen stated that if you start naming streets for citizens in Mount Holly who have devoted a lot of time and energy to Mount Holly, you'd be able to rename all of the streets, and he felt the street should be left as Highland. Councilman Jessen MOVED to rescind the action taken at the last meeting and leave the name of the by-pass as it was, seconded by Councilwoman Nichols. The vote was two ayes and two nays (Hope and Harris), with one abstain by Councilman Small. He stated he was abstaining because he is a member of the Life Saving Crew. The City Attorney stated that any councilmember may abstain from voting at any time they wish, but an abstention for any reason other than a personal monetary conflict of interest is counted as an aye. Councilman Small chose to leave it as an abstain. Motion carried.

City Manager Ponder presented a budget amendment to Council for implementation of the commercial garbage collection procedures recently adopted. Mayor Black asked how long it will take to recoup the cost; seven to nine years at $9.00 a month. Councilman Small MOVED to adopt the budget amendment identified as Resolution #11-9-92(b) for said implementation, as follows: increase account #100-560-5-974.00, Capital Outlay-Equipment, $4,750.00; decrease account #100-420-5-789.00, Contingency, $4,750.00. Motion seconded by Councilwoman Harris. Councilman Hope asked if bids were let; they were not, but three estimates were obtained. Charlene McRorie as well as the store owner at 121 W. Central objected to being charged $9.00 a month for trash pickup when they have such a small amount. Councilman Small said that many alternatives were considered but having a standard fee was determined to be the fair way to handle the situation. Councilman Jessen said he understood how they feel as he does not have much trash at his business either, but this is a serious problem and continuity is needed. He said this was the best solution he had heard, but he would be glad to consider other ideas if they presented them. Motion carried with five ayes. Mayor Black stated that if anyone had other ideas the Committee would be glad to go over them as this could be changed if a better idea is found.

Councilman Jessen MOVED to approve the budget amendment for sidewalk improvements on North Main and on Woodlawn Avenue, identified as Resolution 11-9-92(c), as follows: increase account #100-560-5-327.00, Sidewalk Maintenance, $6,500.00; decrease account #100-420-5-789.00, Contingency, $6,500.00. Motion seconded by Councilman Hope, with all in favor.

Mayor Black read a proclamation setting November 22 - 28, 1992, as Family Week. (copy attached)

A request for rezoning has been made by Jack Ferrell for property at the corner of Old Hickory Grove Road and West Catawba Avenue, from R-12SF to B-3CU. Jim Atkins, attorney for Mr. Ferrell, stated the two story house would be used for a restaurant and gift shop called "Granny's Old Country Inn & Gifts, Inc.", to be open Wednesday through Sunday for lunch and dinner. The building would not be enlarged. There is a B-3 zone across the road. About sixty neighbors appeared at the Planning Commission meeting, and were in favor. The Planning Commission recommended that the public hearing be held. Councilman Hope MOVED to set a public hearing for consideration of the said rezoning request at the December 14th regular meeting after due notice is given, seconded by Councilman Jessen, with all in favor.

Clarence Moody, 8625 Stoneface Road, Charlotte, applied for a permit to operate an outside flea market at 607 East Charlotte Avenue (at the old Paschal Oil building). He had already received approval from the Board of Adjustments to have auctions in the building, but he would also like to set up tables outside. Councilman Hope asked if this is like the Perrigo's mini-mall. It would be similar only this would be outside. He plans to do this on Saturdays and Sundays. The tables and parking would all be inside the fence. Mr. Roberts stated he believed there would be enough parking area. Councilman Hope MOVED that the license for Clarence Moody to operate an outside flea market at 607 East Charlotte Avenue be approved, based on the action by the Board of Adjustments; motion seconded by Councilman Jessen, with all in favor.

City Manager Ponder was instructed by HUD to have a resolution presented to the Council which has previously been passed but which cannot be found by it, with regard to the Housing Authority. Councilman Jessen MOVED to approve Resolution #11-9-92(d) entitled "Amendment to Part I of the Housing Assitance Payments Contract" as presented, seconded by Councilwoman Nichols, with all in favor. (copy attached)

City Manager Ponder stated he has had requests by citizens for the gate to be put back up across Dogwood Avenue Extension, and another request that it be maintained by the City. Mr. Ponder stated that Powell Bill funds have been received for this street since in the 1970s and he felt it would be inappropriate to block the street with a gate. Mayor Black recalled that the Council had been petitioned for a gate to be put up because of criminal activities that were occurring near the River via that street, but they had been unaware that this street was included in Powell Bill funds. Councilman Hope said he drove out there and found someone has graded and ditched it, and the City should gravel it. He also said the old City plant site and kids were playing there, which is very dangerous. Councilman Hope MOVED that the City place stone on Dogwood Avenue Extension up to the private property line, seconded by Councilman Jessen, with all in favor. The Council concurred that no gate could be allowed there. Mr. Ponder stated he found a contract had been signed for the old plant to be removed, but for some reason the contractor has failed to perform the contract. He asked if the Council would like him to enforce the contract or find another contractor. Councilman Hope recalled Mr. Cassada making some kind of offer, and asked that he be asked what he would propose. Eddie Nichols stated he has other estimates which are cheaper that what Mr. Cassada had offered before. The City Manager was asked to handle this matter.

Zoning Officer Danny Jackson presented a proposed Order for demolition of 127-B Alsace Street, owned by Grady Stamey. He gave photographs of the property to the Council. All appropriate hearings had been held, and he has been in contact several times with Mr. Stamey and his family. Mr. Stamey is elderly and still lives in the house. City Attorney Michael said Mount Holly has torn down a lot of condemned houses but he could not recall ever tearing down one that was owner occupied. He suggested DSS or public housing be considered. Mr. Jackson said public housing in Mount Holly has no vacancies right now, and Mr. Stamey is refusing help at this time, even from his children. They are in favor of getting him out of the house. His daughter suggested that if this were passed, he might do something. Mr. Michael said the demolition date could be set for a future date, and it would be legal to come to Council for an extension later if more time were needed to find another home for Mr. Stamey. Councilwoman Nichols said something should be done immediately for his safety. Councilman Jessen MOVED to adopt Resolution #11-9-92(e), "An Ordinance Ordering the Dwelling at 127-B Alsace Street, Mount Holly, North Carolina, Tax Listing 3-6-92, To Be Demolished and Removed" as presented except that the demolition shall occur no earlier than January 29, 1993. This motion was seconded by Councilman Hope. The Council concurred they do not want to put Mr. Stamey on the street, and they are to be kept informed of the progress in helping Mr. Stamey find another home. Motion carried with five ayes.

Mr. Ponder said the Ctiy Audit is now complete, stating that the delay was caused by his own delays in providing material to the auditor. He said this could be handled at the December meeting or at a special meeting if Council would like Mr. Wilson to go over the budget in more detail. The consensus was to handle it at the December regular meeting.

Tax releases as presented for November 9, 1992, for 1992 in the amount of $809.26, with penalties in the amount of $6.03, and tags released in amount of $34.00, for a total of $849.29, were approved upon MOTION by Councilman Small, seconded by Councilwoman Nichols, with all in favor.

City Attorney Michael stated that the prior week the trial was held regarding three counts against Bill Maskal in Gaston County, and he was found guilty of two felonies and one misdemeanor, relating to his misconduct in dealing with the Housing Authority. The sentencing was set for this date, but Mr. Maskal failed to show up. His potential sentence is twenty-five years. The Assistant District Attorney has stated they plan to try him on the other 25 or so charges still pending against him. Mr. Michael also reported that Danny White pled guilty to obtaining property on false pretenses. The other person who has been charged has not yet been tried.

The Council took a five minute recess.

The floor was opened to Complaints or Petitions not on the agenda. Mr. Jim Grant said that traffic at Pinewood School is very dangerous especially with the trucks that go through there, and he asked if the City could send policemen up there in the morning and afternoon to direct traffic. The City Manager will check on this. Mayor Black said the road is a State Highway so they might have to be involved, and also that the School system is supposed to help with traffic as well.

Mr. David Berg said that he would be glad to buy a roll-out garbage container if the City would switch to that. Mayor Black said that alternative was considered a couple of years ago, and was decided by the Council at that time to not be feasible. The City Manger will check to see if there are new developments in this matter which might make it feasible now.

Councilman Jessen stated that Gaston County has extended the recent Supreme Court case about prayer in schools so that now they are not allowing prayer at football games. He has been asked to obtain approval from the Council for the petition being distributed by citizens to allow prayer in school. The City Attorney said the petition should be before the Council before it decides whether or not to endorse it.

The Council concurred that the department heads should not have to stay for the whole Council meeting if they have finished their matter on the agenda.

Councilwoman Nichols reported that the gym roof is leaking again; the City Manager will handle it.

Mayor Black stated that the new Duke Power office in Mt. Holly will be closed, and the building is being sold to A & E for a personnel office.

Councilwoman Nichols MOVED to go into executive session for attorney-client matters, seconded by Councilman Jessen, with all in favor.

The Council returned to regular session upon motion duly made, seconded and carried.

Councilman Jessen MOVED to approve the budget amendment identified as Resolution #11-9-92(f) to fund OSHA compliance, as follows: increase account #100-420-5-233.07, OSHA Compliance, $10,000.00; decrease account #100-420-5-789.00, Contingency, $10,000.00. This motion was seconded by Councilman Hope, with all in favor.

An Infection Control Bloodborne Disease Policy and Procedure was presented to the Council by the City Manager, as recommended by OSHA. The Council concurred with the policy and did not request any changes. (copy attached)

City Manager Ponder stated that Hoechst Celanese has obtained approval from the State for its new pretreatment facility, and wants the City to relocate a utility line. The Company has offered to pay the City's engineer to do the design work now and does not expect to be reimbursed even if a relocation agreement is never signed; he recommended the City accept the offer. The Council concurred.

The Elected Officials Seminar was announced to be held on November 19th.

The meeting was adjourned upon motion by Councilman Small, seconded by Councilwoman Nichols, with all in favor, at 11:00 P.M.

City Clerk

Mayor

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