Regular Meeting
City Council
October 10, 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, Archie Small, 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.

The invocation was led by Rev. Wilson Rhoton.

Councilman Jessen **MOVED** to approve the minutes of September 12 and 22, 1994, with the following corrections: September 12, add to end of minutes before adjournment that Council unanimously adopted a motion duly made and seconded to not hold a public hearing for closing of railroad crossings and authorized the City Manager to continue to negotiate with the railroad company; September 22, correct date of minutes; motion seconded by Councilman Duke, with all in favor.

Mayor Black thanked the Council and citizens of Mount Holly for their visits, cards, flowers, and especially their prayers, which he was convinced were the reason he is recovering from his extended illness. The Mayor asked them to remember Archie Small in their prayers now as he is battling cancer.

The first public hearing on the agenda was not held as the matter has been resolved with the property owners, Message of Love Church, and Frankie Johnson Sneed, so that the lot sizes do not violate the ordinance, and so the change is no longer needed.

Mayor Black recessed the regular meeting and called a public hearing to order to consider corrective rezoning of property on Lanier Avenue from R-8 MF to R-8 SF (a continued hearing). Mr. Jim Grant requested that his property be zoned so he can keep his cattle. Mr. Roberts said he will be able to do so since it would a "grandfathered" non-conforming use. There were no further comments. The public hearing was adjourned and the regular meeting resumed. Councilman Jessen **MOVED** to rezone the 14 parcels on Lanier from R-8 MF to R-8 SF noting that the property owned by Mr. Grant may continue to be used by him as it is now in use as a "grandfathered" non-conforming use, seconded by Councilman Small, with all in favor. (copy of map attached)

The regular meeting was recessed again by Mayor Black and the public hearing called to order for consideration of corrective rezoning of the South Hawthorne/Rankin Avenue Target Area, from R-8 MF and R-10 to R-8 SF and R-10. Zoning Administrator Roberts reported that the Planning Commission approved the request and proper notice of the hearing had been given. Randy Beaver, 303 Park Avenue, spoke in favor of the rezoning. James Hoffman, 508 Rankin Avenue, requested that "the Chatterbox" lot be left

business. Mr. Roberts said it has been in a residential zone although it was used as a business for years in the past. Mr. Hoffman asked if it is "grandfathered". Mr. Roberts said it would not be if it has not been used as a business for a length of time named in the ordinance; he will have to check on that. Mr. Roberts suggested that matter be handled separately. Councilman Hope inquired as to whether or not Second Baptist Church will still be able to build a new church building on its vacant property; it can. There were no further comments. The public hearing was adjourned and the regular meeting was resumed. Councilman Hope **MOVED** to approve the rezoning of the South Hawthorne/Rankin Avenue Target Area from R-8 MF and R-10 to R-8 SF and R-10 as indicated on the attached map; seconded by Councilman Small, with all in favor. (copy attached)

Mayor Black recessed the regular meeting and called to order a public hearing to consider a proposed amendment to the subdivision regulations regarding family exemptions. Steve Davenport, Benchmark Inc., presented the proposal which adds a subparagraph. The Planning Commission has recommended adoption of the proposed amendment. Mr. Davenport pointed out to the Council that the only time this paragraph can be enforced is when an affected property owner comes to the City for a building permit, at which time the Zoning Officer would see whether or not the regulation has been followed. Mr. Dale Sumpter stated that the amendment is satisfactory to his family. There were no further comments, and the public hearing was adjourned. Upon resuming the regular meeting, Councilman Jessen **MOVED** to approve the amendment to Chapter 17, Article V, Definitions, by adding subparagraph (e). This motion was seconded by Councilman Helms and carried unanimously.

The matter regarding review of plans for City Hall renovations was delayed until the special meeting on October 20th by agreement of the full Council.

The Council next considered civil penalties for zoning violations by Mr. Donald Teague and Mr. Henry Evans. City Manager Ponder reported that he had notified the owners as instructed. Mr. Roberts said Mr. Teague had telephoned and said he could not be in attendance, and he has found there remain two unlicensed and one race car along with a lot of debris and tires in the yard. Mayor Black asked what the ordinance says about cars like that. Mr. Roberts said it requires any unlicensed vehicle be in an enclosed building. Mr. Michael pointed out that this restriction applies in residential zones, and Mr. Teague's property is in a residential zone. Mr. Henry Evans was recognized and stated his tractor is broken after he tried to clear out a pile of dirt left by the people who did the drainage ditch. He has two cars left but he cannot get to them until he can get over the ditch. Also, part of the ditch is lined with car parts. He stated that the area of the ditch with car parts is not his property but he will clean it up if the City wants. He said he would have to cut them up first and then haul them out, after he gets his tractor fixed.

Mayor Black asked him how much time he thought that would take. Councilman Small suggested sixty (60) days. Councilman Hope asked Mr. Evans if 60 days would be enough time, to which he replied that it would. Councilman Small **MOVED** to grant a 60-day extension to Mr. Evans to clean up his property, seconded by Councilman Duke. Councilman Small added to his motion that Mr. Evans fully acknowledged that he has 60 days extension and agreed that would be enough time, which addition was accepted by Councilman Duke. The motion carried unanimously. Mr. Roberts reported that he had been working with Mr. Teague for three years, and has had numerous complaints from the neighbors. Councilman Small noted for the record that the Council had given him extensions of time and had notified him to be present, and he was in favor of assessing the penalties. Councilman Hope asked what would happen if it is done. City Attorney Michael said Mr. Roberts will send a letter notifying Mr. Teague that from a certain day forward he will be charged $50 per day. To get the money requires filing a civil lawsuit. The alternative is a criminal warrant, from which he is likely to obtain a "prayer for judgment continued". However, if he does not then clean it up, he could be jailed. Councilman Jessen **MOVED** to assess civil penalties pursuant to the City ordinance and, if Mr. Teague does not have the violations cleaned up in 10 days thereafter, to authorize the City Attorney to file a criminal warrant, which motion was seconded by Councilman Hope, with all in favor.

The proposed agreement from Gaston County for performing commercial fire inspections required by the State was discussed. Councilman Small objected to paying the County $11,800 for enforcing Volume V of the State Building Code when our taxes should pay for it already. Other inspections are paid for by fees collected, but the County has abolished the fee schedule for Volume V enforcement. City Manager Ponder said he has determined that the City is responsible for the inspections within the City limits and within its ETJ, and may either hire additional staff to do them or pay the County for it. He noted that church inspections will begin this fiscal year as well. Councilman Jessen **MOVED** to approve and authorize execution of the proposed Interlocal Agreement for Code Enforcement as presented, seconded by Councilman Hope, with all in favor.

A public hearing was set for November 14 to consider corrective rezoning of the Bell Street Target Area from R-8 MF to R-8 SF, upon **MOTION** by Councilman Hope, seconded by Councilman Small, with all in favor.

A public hearing was set for November 14 for consideration of a request by John Fite, Jr. to rezone 703 and 705 Belmont-Mt. Holly Road from R-12 to B-2 CU, upon **MOTION** by Councilman Hope, seconded by Councilwoman Harris, with all in favor.

The Council delayed action on the proposed resolution to approve the cable television ownership change, due to merger, under the franchise agreement until the renewal which is coming up shortly.

The City applied for $120,000 Comprehensive Improvement Assistance Program Grant funds for 1994, and HUD has reserved $77,350 for improvements such as ceiling fans, parking area resurfacing, light and plumbing repairs at Holly Hills Apartments. Councilman Jessen **MOVED** to approve the 1994 CIAP budget for Holly Hills by approval of Resolution #10-10-94(a) as presented, and to authorize execution of the documents necessary to obtaining the grant, seconded by Councilman Helms, with all in favor. (copy attached)

John McLaughlin, W.K. Dickson Engineers, reported the opening of six bids received for the one million gallon water tank to be built to complete the Mount Holly/Stanley interconnect project. The low base bid was from Pitt-Des Maines, Inc. of Pittsburgh, PA. for a hydropillar style elevated tank in the sum of $1,030,000. He stated that final, written confirmation of approval by the Division of Environmental Health has not yet been received, and also that the project depends upon adequate funding by Gaston County. The design is similar to the one at Charlotte Motor Speedway which houses a fire station in the base. Councilman Hope **MOVED** to accept the recommendation of the engineer and award the bid to Pitt-Des Maines, subject to the two stated contingencies, seconded by Councilman Duke, with all in favor. Mr. McLaughlin said the tank is over 200 feet high and had to be reported to the FAA, which has notified them it must be lighted and painted with warning markings (orange and black); however, the engineers are negotiating with FAA about the colors for the painted markings since it is well out of the glide paths.

The tax releases for October 10, 1994, in the sum of $542.47 were approved upon **MOTION** by Councilman Small, seconded by Councilman Duke, with all in favor.

There were no complaints or petitions not on the agenda.

City Manager Phil Ponder informed the Council that the TIP meeting would be at 6:00 P. M. on November 1st in Lincolnton.

City Manager Ponder received a letter from the Optimists requesting the use of Tuckaseege Park field to practice football. The field has just been reseeded. The Council denied the request, for this fall, because of the reseeding.

City Manager Ponder provided the Council with a list of 17 current violations of the City's existing sign ordinance, and asked for direction by Council as to enforcement. The Council concurred that he should send out violation letters.

The meeting was adjourned upon motion by Councilman Duke, seconded by Councilman Hope, with all in favor, at 9:00 P.M.

Phillip D. Ponder, Jr.
City Clerk

Frank E. McLean
Mayor

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