

Regular Meeting
City Council
September 14, 1992

The regular meeting was called to order by Mayor Charles B. Black, Jr. at 7:30 P.M. Those present were Mayor Pro-Tem Faye Little, 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.

The invocation was led by Rev. Mitchell Murrow.

The minutes of August 10, 24, & 26, 1992, were approved with the following correction, upon MOTION by Councilwoman Little, seconded by Councilman Small, carried with six ayes: August 26, first page, after paragraph beginning "Present" add a paragraph as follows: "Absent: Bob Jessen."

The regular meeting was recessed and the public hearings called to order by Mayor Black. The first public hearing was to consider an amendment to the zoning ordinance to allow civic/social service/fraternal facilities in B-1, B-2, B-3, and B-4 commercial zones. Mr. Roberts stated these uses are now only allowed in R-20 zones, and the Planning Commission has recommended this be approved. There were no comments from the audience or the Council.

The second public hearing was for consideration of an amendment to the zoning ordinance which would create a new R-8 single family residential zone. Mr. Roberts said the R-8 allows multi-family, but the new zone would not; this was also recommended by the Planning Commission. There were no comments from the audience. Councilman Jessen asked if passing this ordinance will stop apartments from being allowed in the future in R-8 zones. Mr. Roberts said it will not until actual areas are designated as R-8-SF; then apartments would be prohibited for the areas so designated but would still be allowed in the other R-8 zones. He said this amendment establishes such a zone in the ordinance. Councilman Hope asked why multi-family would not be allowed as a conditional use in this zone. Mr. Roberts said the R-8 zone has conditional use provisions for multi-family, and this zone would be established to be different from that. There were no further comments.

The third public hearing was then held at which establishment of zoning in the 29.5 acre tract at Pinewood School was considered. The Planning Commission recommended that this be zoned as R-20-SF; it is contiguous. Mr. Mike Cox was recognized; he asked why it is being zoned now, and said he does not want any trailers allowed. Mayor Black said it is presently under County zoning, but since they asked to be annexed by the City, this would bring it into the City zoning jurisdiction. Mr. Roberts stated that R-20 is the strictest zone and does not allow trailers. There were no further comments, and the Mayor adjourned the public hearings.

The regular meeting resumed. Councilwoman Little MOVED to amend the zoning ordinance, Section 89.2, 90.2, 91.2, and 94.2 so that civic/social service/fraternal facilities are allowed in B-1, B-2, B-3, and B-4 zones (text copies attached); motion seconded by Councilman Hope with all in favor.

Councilwoman Little MOVED to amend the zoning ordinance to create a new R-8 Single Family Residential District identified as Section 85 (text copy attached), with Section 86 R-8 Multi-Family Residential District and Section 87 R-8 Mobile Home Park and Section 88 O-I Office District being amended as presented (text copies attached); seconded by Councilman Jessen, with all in favor.

The 29.5 acre tract at Pinewood School recently annexed by the City was zoned as R-20 upon MOTION by Councilwoman Little, seconded by Councilman Jessen with all in favor.

Because the newspaper notice was not timely published, Councilwoman Little MOVED to reset the public hearing for consideration of closing a portion of Dutchman Avenue to the next regular meeting on October 12, seconded by Councilman Small with all in favor.

Ross and Pat Perrigo had applied for a privilege license to operate a business in the Old Summey Building, and they had been required to appear before Council for approval since the business did not fall clearly into any categories listed. Staff had designated it "second hand business". They will divide it into a mini-mall for sale of crafts and a flea market. The salespersons will rent space from them. They stated they or their agent will be present at all times that it is open. They will lock it at night and on the days it is not open. It is expected to primarily be open on Fridays, Saturdays, and Sunday afternoons. They have several reservations for things such as baked goods and jewelry. They said the small spaces allow small businesses to operate who cannot afford rent on whole buildings. They were appearing before Council to ask for approval of their privilege license. Councilman Hope stated that he knows their reputation and is convinced they will operate a law-abiding establishment, and so he MOVED to allow Ross and Pat Perrigo to operate a mini-mall business in the Old Summey Building; seconded by Councilman Small and carried unanimously.

After explanation from Mr. Hemker from W. K. Dickson, Engineers, that the final quantity adjustments were made to the contract at the completion of the project, Change Order Number One to the contract with Steppe Construction Company for the water line extension to serve Old Hickory Grove Road was approved in the amount of \$4,276.60, upon MOTION by Councilwoman Little, seconded by Councilman Jessen, with all in favor.

Councilman Jessen MOVED to approve the budget amendment to show

receipt of \$6,000 from Jadco-Hughes and payment of \$6,000 to W. K. Dickson, thusly: Increase Account #300-000-4-935.00 Water & Sewer Misc. Rev. by \$6,000.00, and Increase Account #300-81-5-345.00 Contracted Serv. Sewer by \$6,000.00; which motion was seconded by Councilman Hope and unanimously carried.

The bid tabulation for chemicals was presented by the City Manager with his recommendation to use the low bids. Councilwoman Little MOVED that the low bids be accepted, seconded by Councilman Small with all in favor. The awards are:

Shan-o-Corr, \$84.50/ct, Eshelman Carolinas, Inc.

Chlorine, \$350.00/ton, Jones Chemical Co., Inc.

Alum, \$157.67/ton, Peridot

Caustic, \$324.95/ton, Jones Chemical Co., Inc.

HFS, \$178.48/ton, Jones Chemical Co., Inc.

A Resolution to Support AMVETS Post 920's Flag Project was read and adopted and identified as #9-14-92(a) upon MOTION by Councilwoman Little, seconded by Councilman Small with all in favor. (copy attached)

City Manager Ponder reported that Mt. Holly Spinning Mills has offered to pay one-half the cost for replacement of the sidewalk adjoining their property on Woodlawn Avenue. There are specific sidewalks in the budget, but only \$7,500 in the general budget for sidewalk repair. He estimates the cost to be \$5,500.00. Councilwoman Little MOVED that the request by Mt. Holly Spinning Mills be accepted with the City paying one-half and the mill paying one-half the cost for replacing the sidewalk adjoining the mill on Woodlawn Avenue; motion seconded by Councilman Hope, with all in favor. Mr. Ponder asked the Council if they wish him to bump other projects or to make a budget amendment; they chose the latter. Mayor Black asked Mr. Ponder to get an updated bid for the North Main sidewalk section previously authorized.

Certification that completion in accordance with the Deertrack Subdivision plans and specifications has been received from the developer's engineer, and has been reviewed by our staff and engineer. They recommend that the City accept the water and sewer lines, the streets, and storm drains, and that the one year warranty period begin on September 15, 1992. Councilman Jessen MOVED that the City accept the infrastructure for Deertrack Subdivision for ownership and maintenance with the warranty of one year beginning on September 15, 1992, and subject to verification that easements for utilities are provided; motion seconded by Councilman Small with all in favor.

As a consequence of the prior motion, the developer for Deertrack Subdivision has asked that his letter of credit be lowered to just cover the one year warranty. The City Manager was authorized to negotiate the Deertrack Subdivision letter of credit down to the amount necessary to cover the one year warranty upon MOTION by Councilwoman Nichols, seconded by Councilman Jessen, with all in favor.

Mr. Carlton Broome appeared before Council to request a variance from the street right-of-way requirements in the subdivision ordinance. He has subdivided some of his property situated just outside the City limits. The ordinance requires a sixty-foot right-of-way. Mr. Roberts stated that the Council has granted variances for Deerfield and Deertrack Subdivisions, and since the N. C. Department of Transportation is now using 45 and 50 feet for neighborhood street right-of-ways, he and the Planning Commission have recommended that this request be granted. Councilwoman Little MOVED that Carlton Broome be granted a variance from the street right-of-way requirement to allow a fifty-foot right-of-way in his subdivision off West Central Avenue; seconded by Councilman Small, with all in favor. Next, Mr. Broome requested that he be allowed to use gravel roads. He stated that he intends to pave them later, but would like to wait until after he sells some of the lots. Councilman Hope said that since the lots are larger than one acre, he should be allowed to use gravel. Mr. Ponder said that the Planning Commission sent this to Council for interpretation because the ordinance states that the streets must be paved in one place, but says they do not have to be if the lots are over one acre in another place. City Attorney Michael said the general principle in law is that when there is a difference, conflict, or ambiguity in the law, it must be interpreted in a way that is the "least restrictive to the property owner". He suggested that the ordinance may be amended to delete the ambiguity for the future. Councilman Hope MOVED that the ordinance stand as read; seconded by Councilman Small, carried with five ayes and one nay (Little).

Mr. Lee Hansel requested a variance from the lot size requirements in H-I District. His property is at the corner of Highway 27 and Westland Farm Road, and he wants to divide it into four lots, which would cause Lots 1 and 2 therein to be too small for that district. Councilwoman Little MOVED to grant the variance to Lee Hansel to divide his property into four lots so that Lots 1 and 2 are allowed to be less than one acre each. This motion was seconded by Councilwoman Harris and carried by unanimous vote.

Gary Roberts asked that a public hearing be set to consider amending the zoning ordinance at Section 117 with regard to appearance criteria for doublewide manufactured homes. A public hearing for the same was set for the next regular meeting on October 12 upon MOTION by Councilman Jessen, seconded by Councilwoman Harris, with all in favor.

The floor was opened to complaints or petitions not on the agenda. Charlene McRorie, Cove Avenue, stated that her street does not meet the subdivision ordinance; it needs to be widened and needs curb and guttering. Councilman Jessen pointed out that the subdivision ordinance is relatively new and only applies to new developments, not existing ones before it was adopted. Councilwoman Little stated she doubted that the right-of-way for Cove Avenue is wide enough for the paving to be widened. Mayor

Black said that the City used to do street improvements if the owners on each side paid one-third and the City paid one-third.

Councilman Small MOVED that the Catawba Heights Volunteer Fire Department be allowed to have its Haunted House project from October 23-31, seconded by Councilwoman Little, with all in favor.

Councilwoman Nichols said that Faye McCarnes, 133 Oak Trail, reported water going over the culvert and under her house. The City Manager will check on that matter.

Councilwoman Nichols said that Larry's Body Shop moved that trailer that had to be moved, but they put it in the fenced area and did not have it hauled away. Councilman Jessen said he had been told by Larry that he plans to put it on land when he finds some; he stated it is not set up as a residence, and is only parked in the lot, so the City cannot do anything else.

Councilwoman Nichols announced the Land Development Commission meeting to be September 29th at 7:00 P.M., and said the merchants have been invited to give input.

Councilwoman Harris said John Goodnight would like us to try to get a red light at Catawba Drive and Highway 273. The City Manager will check on this.

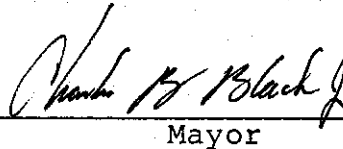
Councilwoman Harris said the Catawba Heights Elementary School has complained that people are turning left out of the school when they should only turn right, and a child was hit. They want the police to give tickets. The City Manager will look into this matter as well.

The Council took a five minute recess.

Councilwoman Little MOVED to go into executive session for personnel and for property acquisition purposes, seconded by Councilman Jessen, with all in favor.

The Council returned to regular session and adjourned upon MOTION by Councilman Small, seconded by Councilwoman Little, with all in favor.


City Clerk


Mayor
