

Regular Meeting
City Council
September 12, 1994

The regular meeting was called to order by Mayor Pro Tem Bob Jessen at 7:30 P. M. Those present were Councilwoman Phyllis Harris, Councilmen 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. Mayor Black was absent due to recuperating at home from an extended illness. City Attorney Michael arrived later.

The invocation was led by Rev. Mitchell Murrow.

Councilman Duke **MOVED** to approve the minutes of August 2 and 8, 1994, as written, seconded by Councilwoman Harris, with all in favor.

Mayor Pro Tem Jessen announced that the City had received a donation from ICI of \$3,000.00 for use at Tuckasee Park recreation facilities.

Mayor Pro Tem Jessen recognized Joel Hubbard and Dennis Dotson, sign ordinance committee members, who presented the citizen committee proposal to Council. They expressed that the proposals demonstrates an attempt to simplify the ordinance and make it easy to use, easily understood by common citizens. They reviewed each and answered questions. The Council took the two proposals under advisement.

The regular meeting was recessed and a public hearing called to order by Mayor Pro Tem Jessen, for continuation of consideration of rezoning a four acre tract on Pearl Beatty Road by Message of Love Church. City Manager Ponder stated that the Planning Commission has directed Mr. Roberts to meet with the City Attorney about conditional use requirements. Mr. Roberts said he had recommended a delay so that he can be sure they are not creating a subdivision and so will not have to build a road, and he is helping them make corrections so will not be in violation. Mr. Michael said the delay does not cause a hardship because they have already put the house on the property. There being no further comments, the public hearing was recessed and Councilman Duke **MOVED** to continue the public hearing until the next regular meeting, seconded by Councilman Small, with all in favor. Councilman Hope and Councilwoman expressed concern over delaying this matter over and over and stressed their expectation this matter will be concluded in October. A Planning Commission member, Hazel Michael, stated that the applicant did not file the site plan until last month, after which it was apparent that correction would have to be made as to the lot size.

A public hearing was called for corrective rezoning of the Summitt/Cove/Highland Target Area to R-8SF from R-8MF. The

Planning Commission recommended some areas shown in green remain multi-family (copy attached). David Hostetler, 123 E. Glendale, said he supports the change to R-8SF, and submitted a petition with 20 signatures in support of the change (copy attached). He requested that his street be made R-10SF so no mobile homes will be allowed. Glen Pastel, 139 Summitt, was concerned about his workshop in his garage. Mr. Roberts said that the ordinance actually states "no backyard workshops"; however, he has been previously instructed to only enforce this if it is operated as a business. Kenneth Medders, Glendale Avenue, stated his support of the change to single-family. There were no further comments, and the public hearing was adjourned. The regular meeting resumed, and Councilman Duke **MOVED** to approve the corrective rezoning of the Summitt Avenue/Cove Anue/Highland Street Target Area from R-9MF to R-8SF, seconded by Councilman Small, with all in favor.

Due to a lack of resolution to the concern by James Grant over his acreage, the corrective rezoning public hearing (continued) was continued until October upon **MOTION** by Councilman Jessen, seconded by Councilman Hope, with all in favor.

As to the request by Dale Sumpter for a variance from the subdivision regulations regarding property off Belton Avenue, Mr. Roberts reported that the City Attorney and he have reviewed the matter and found that the request as submitted cannot be approved. The only requirement for this subdivision is a graded street; Mr. Sumpter wants to dedicate the right-of-way but not put in the road. The Planning Commission has recommended denial. City Attorney Michael stated that some jurisdictions have exemptions for family transfers but Mount Holly does not. He continued that the intent of our ordinance is that a road must be constructed so that the City does not have to do it later when it is wanted. He noted that the policy in Catawba Heights as to taking over streets pertains to existing dedicated rights-of-way at the time of the annexation. He said the question is when, by whom, and to what standard will a road be built in this subdivision, the purpose of our subdivision ordinance being to have it done at the beginning while the developer is ascertainable. Mr. Roberts stated that the family exemption would help Mr. Sumpter, but is not in the best interest of the City; he recommended a delay until the rewrite of the zoning and subdivision ordinance. Councilman Hope stated that although he would like to help Mr. Sumpter, he felt the Council should address this matter for all such situations, and so he **MOVED** that the staff return with a proposal for amending the subdivision regulations to allow family exemption, seconded by Councilwoman Harris, with all in favor.

Councilman Hope **MOVED** to delete Section 71-10(b)(2) of the Zoning Ordinance as to non-conforming signs, seconded by Councilman Small with all in favor.

City Manager Ponder reported that CSX will relocate the railroad crossing on West Central near Kendrick if the City will close three other crossings, namely, at First Street, in front of the

Mount Holly Police Station, and at Alexander Street. CSX also said they estimate eight months to a year to relocate and signalize the crossing, and will not approve CEKA crossing until the signals are operating. Mayor Pro-Tem Jessen recalled that DOT and CSX have repeatedly asked for these closings or to install signals. He **MOVED** to set a public hearing to consider closing the three crossings, to be held at the October regular meeting, seconded by Councilman Helms with all in favor. Councilman Helms stated his belief that this will cause the traffic to bottle at Highway 273.

The matter of assessment of civil penalties at 118 Oakland Road was considered next. City Manager Ponder reported that as of the week prior one car had been removed and some debris has been piled up. The owner is out of town often as a truckdriver. He also noted for the record that the City does not go out looking for violations, but goes out in response to citizen complaint, and the citizen is still upset. He stressed the need to enforce our ordinance especially since the City has worked with the owner since 1991, or people learn that the City really does not care. Mayor Pro Tem Jessen **MOVED** to assess the appropriate civil penalties at 118 Oakland effective immediately, seconded by Councilwoman Harris; motion failed by a vote of two ayes and four nays (Helms, Hope, Duke and Small). Councilman Helms **MOVED** that the owner be here at the next meeting so he can see him face to face if and when this is done, and asked it be on the agenda, and a letter sent to him advising him that we intend to assess the penalty at the October meeting; motion seconded by Councilman Duke, with all in favor.

A dedication plaque at the new Police Station will cost \$550 if aluminum and \$650 if bronze. Councilman Helms asked if the building will continue to belong to the City if all the police forces in the County consolidate; it will. Councilman Small **MOVED** to authorize the purchase and installation of a bronze plaque for the new Police Station building, seconded by Councilman Duke, with all in favor.

City Manager Ponder stated that the bids which came in two months ago on the work associated with the CIAP Grant for public housing have now been adjusted and are within \$1500 of budget for the work, which can be moved from another line in the budget. The work to be done includes screens, flood lights, and dead bolt locks. Councilman Hope **MOVED** to reject all bids, seconded by Councilman Small, with all in favor. Mr. Hope said the bids indicate that the wrong architect is being used. The City Manager stated this has been a major problem in that the grant is for \$42,000, and at first we got no bids; the second time we got only a couple; this third time it was too high. Mayor Pro Tem Jessen suggested we buy the hardware ourselves instead of paying the exorbitant prices. The City Manager said he will try to do it ourselves if HUD will allow it, or he will have to let the money go back because of the deadline; the Council concurred with that recommendation.

City Manager Ponder said he has had numerous complaints in the past month regarding parking downtown. The business owners are parking on the street, reporting each other, and in response to my memo said they would present opposing petitions. There were no petitions presented and no merchants present. Mayor Pro Tem Jessen **MOVED** that the current procedure not be changed, seconded by Councilman Helms, with all in favor. Councilwoman Harris asked the City Manager to look into a complaint that the parking space on West Central next to the dry cleaners is too close to the intersection and causing a traffic danger.

Ronald Dimmer was recognized, and he spoke to the Council as chairman of the Mount Holly chapter of the Gaston County Crime & Drug Task Force. He announced a town meeting to be held on September 15 at 7:00 P.M. at the Mount Holly Junior High, and he encouraged the Councilpersons and police officers to be there along with citizens.

Jack Ferrell requested permission to run a sewer line within the City right-of-way to a manhole at Deerfield Subdivision, a distance of about 190 feet. Mr. Nichols recommended approval contingent upon the specs meeting City requirements, and reimbursement to the developer for tapping on that line. Councilman Small **MOVED** to grant permission to Mr. Ferrell to run a sewer line up Old Hickory Grove Road across the City right-of-way for approximately 190 feet to tie onto the manhole in Deerfield Subdivision, motion seconded by Councilman Duke. City Attorney Michael suggested the motion be amended to say that an encroachment agreement be granted provided it contains conditions required by City regulations. Councilman Small made the said amendment which was accepted by Councilman Duke, and the amended motion carried unanimously.

Mr. Mark Hollar, principal of Mount Holly Junior High, with three members of the Advisory Council, came before Council to request assistance in getting students across the crosswalks. Mr. Hollar stated that he counted 160 students crossing Hawthorne the past Friday afternoon, and 216 that day, without any legal crossing guard. The traffic jam is caused by school traffic. They are concerned that he and the teachers have no legal right to be out in the street to direct traffic, and the safety of the students is at risk. There are almost 700 students there. Mrs. Lancy Rhyne said she has two children who walk across; her suggestion was that a study be made about having it one way traffic during school hours like they do on West Central for Rankin Elementary. Another woman said the drivers get real impatient and go around and it is very dangerous. Mayor Pro Tem Jessen said the Mayor had told him that he is concerned about this and the City has gotten the signals placed, moved the crosswalk, and have two police and crossing guards. Mr. Hollar said they are most grateful for all the City has done, and the school has three staff members at the crosswalks to direct the children, but the traffic is not controlled. The Police Chief had said he cannot have the police

out of the car as they cannot be there every day. Mr. Ponder said the City has been short either one or two crossing guards for two years, and if the police direct traffic it causes a bottleneck at Catawba. Councilman Hope said the problem is that is a City street in the middle of a school campus. Mr. Hollar wondered if it is true the teachers cannot legally go in the street to stop traffic. Mr. Michael said he would have to consult the School Board's attorney, Julie Shovelin. Mr. Joel Hubbard suggested an overhead crosswalk. Mr. Michael suggested that some school staff might choose to take the 3-4 hours training and be hired by the City to be crossing guards. This was accepted as a possibility, and the newspaper will be asked to advertise the need for crossing guards to apply. Mr. Hollar thanked the Police Department and said they always reply promptly.

Mr. David Hostetler submitted a letter requesting permission to plant trees and plants in the Central Park and be reimbursed by the City. Mayor Pro Tem said it is a good idea, but he would have to work within the Beautification Committee which has a budget. Councilman Hope agreed that the City cannot reimburse citizens, but he was sure Cy Frazier would be glad to have the help and the funds can be obtained in the Committee budget to do the work needed.

Councilman Duke **MOVED** to adopt Resolution #9-12-94(a) to request that DOT include a sidewalk on the north side of N. C. 27 a part of the bridge project, seconded by Councilman Helms, with all in favor. (copy attached)

Mr. Ponder presented pictures related to unlicensed vehicles on a vacant lot on Mauney Street owned by Mr. Henry Evans, and asked the Council to consider civil penalties. Councilman Hope requested that the owner be asked to appear at the October meeting and a letter be sent telling him of the Council's intention to assess civil penalties at that time.

Councilman Hope **MOVED** to set a public hearing for October 10th to consider corrective rezoning of the South Hawthorne/Rankin Avenue Target Area from R-8MF and R-10 to R-8SF and R-10, seconded by Councilman Small, with all in favor.

City Manager Ponder presented a draft of a brochure to be sent out to water and sewer customers to provide answers to the most common questions City Hall receives, now that State regulations require some things to be picked up at different times. The Council concurred.

Director of Public Works Eddie Nichols presented a Water Supply Plan which is required by the State; ours indicates we have adequate supply for at least fifty years. The Plan was approved as presented upon **MOTION** by Councilman Duke, seconded by Councilman Helms, with all in favor.

City Manager Ponder presented a proposed agreement with MAPS Group

to develop a new personnel ordinance for the City. He determined it would be better to have the same consultant do that as is handling the merit and pay plan. The cost is \$1800.00. The agreement for services was approved upon **MOTION** by Councilman Hope, seconded by Councilman Helms, with all in favor.

Bids for consulting services for revision of the zoning and subdivision ordinances were considered, one being from COG and one being from Benchmark, Inc. Upon recommendation of staff, Councilman Duke **MOVED** to award the bid to Benchmark as the low bidder and because of a job well done on the watershed regulations; motion seconded by Councilman Helms, with all in favor.

Execution of a release regarding to the Consent Order settlement with Hoechst Celanese was authorized by **MOTION** by Mayor Pro Tem Jessen, seconded by Councilman Hope, with all in favor.

Upon the City Manager's recommendation and as required by HUD, Mayor Pro Tem **MOVED** to adopt Resolution #9-12-94(b) approving the PHMAP certification for the fiscal year ending 6/30/94, seconded by Councilman Hope, with all in favor. (copy attached)

City Manager Ponder reported that 15 traffic citations have been issued for offenses on Belmont-Mt. Holly Road, and an article appeared in the paper, but the Catawba Heights Elementary School is still requesting that the City get DOT to reduce the speed limit. Councilman Duke **MOVED** to request DOT to reduce the speed limit to 25 mph during school hours for morning and afternoon periods in the school zone, seconded by Councilwoman Harris, with all in favor.

The floor was opened to complaints or petitions not on the agenda. Hazel Michael said N. C. is getting stricter on cities about solid waste and landfill regulations, and asked if the City is going to work on recycling. City Manager Ponder said the State had pledged support to provide recycling markets, and a moratorium on aluminum, and a County site is at the City water plant as well as a newspaper recycling bin at the junior high.

Lynn Dunn asked the Council to set a public hearing to consider rezoning all of the Nims property to R-10. Mayor Pro Tem Jessen said the developer has indicated an interest in coming back to the Council with a site plan utilizing the existing zones. Mr. Ponder said the developer has stated he will object to any change in the zone, and they have asked to meet with a couple Councilpersons and the Mayor. The Council concurred that such a conference be set.

City Manager Ponder obtained approval by all to consider a proposed Change Order Number One on the contract with Ronald E. Black, Inc. to add \$765.00 for installatioin of wiring new sampling pumps, and a Change Order Number Two on the contract with Gilbert Engineering to add \$4556.00 for two self-priming sampling pumps. The two changes orders were approved as presented upon

MOTION by Councilman Hope, seconded by Councilman Helms, with all in favor.

A workshop meeting was set for September 22, 1994 at 7:00 P.M. for review of the proposal by the sign ordinance committee.

Councilman Hope suggested that the Council meetings begin at 7:00 P.M. rather than 7:30 P.M.

The Council went into executive session for personnel purpose, upon **MOTION** by Councilman Hope, seconded by Councilman Duke, with all in favor. The Council returned to regular session upon **MOTION** by Councilwoman Harris, seconded by Councilman Duke, with all in favor.

Upon **MOTION** of Mayor Pro-Tem Jessen, seconded by Councilman Duke, and unanimously carried, the City Manager was granted a three (3%) percent pay increase retroactive to July 1, 1994.

There being no further business before Council, the meeting was adjourned.

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.

Phillip S. Ponder, Jr.
City Clerk

Robert D. Jessen
Mayor Pro Tem
