

Regular Meeting
City Council
July 12, 1993

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, Mayor Pro-Tem Archie Small, Councilmen Bob Jessen, Jim Hope, and J. C. Little, 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 Intern Pastor Patrice Womack.

Councilman Jessen MOVED to approve the minutes of June 8, 14, and 28, 1993, with the following amendments: June 14, page nine, paragraph one, add that the flags were donated to the City for all veterans who have lost their lives. Motion seconded by Councilman Little and carried by unanimous vote.

A petition for paving Second Street between Margarett and Henry in Catawba Heights was considered next. Mrs. Jones, and Julia Sullivan for Mrs. Whisnant both spoke in favor of opening the street. Mr. Arrowood said he lives across the street and he would like it to be opened also because water stands on it and the school traffic would be better. Councilwoman Nichols was in favor of opening it. City Attorney Michael said the policy adopted by the Council with regard to these petitions requires a petition be filed, \$50.00 per residential dwelling on that street be paid (it does not matter who pays the fee), a determination that at least a 30-foot publicly dedicated right-of-way exists and a survey done, a cost estimate of the improvement is made by staff, and a determination by Council that the public would be best served if it is opened. He said then it would be put on a list for improvements in the next budget following the final acceptance of maintenance by the City. If it is determined that the road will not be opened, the money paid by them will be refunded. Councilman Hope asked if this petition meets the requirements; Mr. Ponder said only two have signed the petition and only \$100 has been paid. Councilman Jessen asked for a rough estimate of cost; Mr. Ponder said \$15,000 to \$18,000. Mayor Black asked how many residences would be served; Mr. Roberts said six, but four have access by means of Henry or Margarett Streets. Mayor Black noted that the paving contract has already been let for this year. Councilman Small said he would like to see it opened. The Council concurred that the policy must be followed so the petition will not proceed until the appropriate signatures are received and fees have been paid.

Mr. Boyce Sherrill requested a reimbursement of money he spent for an aerial map of his property. City Manager Ponder has refused to make the reimbursement. Mr. Sherrill stated he owns property in Cottonwood Acres and adjoining, and in 1983 he came to get an aerial map, but the City did not have that map on file. Mr. Sherrill said Allen Medlin said the City could get one from the company that did the others for me but he would have to pay for

it; he did this and paid approximately \$1,500.00. He stated he left the aerial map here with Allen for safekeeping and just took copies with him. He came in recently to get another copy and they wanted to charge him \$50.00 apiece for them, to which he objected. He said the City has had the original and has sold copies off it at \$50 each for 10 years and he wants his money back and a part of the fees it has collected. Mr. Ponder said that after investigating the matter with Allen Medlin and Greg Young, he returned the original sepia to Mr. Sherrill since he had paid for that. Mayor Black recalled that the City had contracted with Carden Systems to fly over and take photos and do aerial maps for us but we had not had maps of that area done from the photos in 1983 because it was outside our jurisdiction. He said Mr. Medlin stated that Mr. Sherrill got the map cheaper because he went through the City and got it from Carden who already had the photos from our fly over. The Mayor said Mr. Sherrill is certainly entitled to the sepia since he paid for it. Mr. Roberts said he had not meant to give Mr. Sherrill any trouble but he has been here six years and that map has been in the drawer all that time and he had to check with Mr. Medlin first before he did anything; he said he has given Mr. Sherrill his original sepia and five blue line prints, but the pictures belong to the City because the City paid for the fly over, and this just happened to be on the film. Mr. Sherrill stated he wanted the pictures too and claimed they belonged to him as well. Mr. Ponder said he has thoroughly researched this matter and found that whatever deal was made 10 years ago is unclear now; he said the City has around 70 maps and sells maybe five or six a year, and he did not know if any had been sold of Mr. Sherrill's area. City Attorney Michael asked Mr. Sherrill if he now has his mylar; he said yes. Mr. Michael asked him if he was charged anything for the blue line prints; he said no. Mr. Michael said in his opinion if the map was left here, he knew or should have known it might be used by the City, and the City has no legal obligation to him other than giving him the original mylar. Councilman Jessen asked Mr. Sherrill if he ever discussed with Allen that the City could not use the mylar; he said no. Mr. Jessen said he doubts anyone else has ever wanted a copy of that map. Councilman Hope stated that if Mr. Sherrill dealt with Allen Medlin directly outside of his employment to the City, then he should take this matter up with Mr. Medlin, but if this was a City matter, he felt Mr. Sherrill has gotten what he paid for. The Council concurred and took no further action.

Mr. Carson Wilson, Oak Trail, requested a public hearing be set to consider closing a portion of a street between his property and property of Mrs. Caldwell. Mr. Ponder said the ad has to run five weeks. Councilman Jessen asked if there are any utility problems with this request; there are not. Councilman Jessen **MOVED** to set a public hearing from the September 13 regular meeting to consider closing 30 feet by 150 feet street bordered by Mr. Wilson and Mrs. Caldwell off Oak Trail, seconded by Councilman Small with all in favor.

Mr. Pace, Gastonia Iron Works, asked to lease/purchase some land on Legion Road across from the business from the City. He said he

needs more area (at least 200 feet deep and as wide as the City will allow) for his trucks to park and turn around and to add an office trailer. The street is only 20 feet wide and the neighbors get upset when they are blocked. Mayor Black said he had looked at the property and it is in trees, backs up to A&E Mills and the railroad, and is next to the railroad. He said this business is on the property that Bill Miller used to own, and Mr. Miller put in the water line down that road that all the neighbors use. Mr. Ponder said he has no problem with the request except that part of the property he wants to use is zoned residential (part is already L-I). Mr. Pace said he is willing to petition for the rezoning of whatever he needed to do. Mr. Michael asked if he would be cutting trees to use the property; he would, but it was noted they are mostly pine and scrub trees. Eddie Nichols said there are no more lots to be sold out of the cemetery by the City unless they change their mind, and this is below all of the sold lots. Mr. Pace said the land drops off and stands in water; he said his company would bear all costs. Councilman Jessen **MOVED** that staff and the City Attorney work with Mr. Pace and Gastonia Iron Works and prepare a proposed lease purchase agreement to bring back to Council for approval, seconded by Councilwoman Harris. Mr. Michael asked if they want to get into the purchase aspect or just make it a lease, since a sale requires bidding and so forth. Councilman Jessen amended his motion to a lease agreement without purchase terms, accepted by Councilman Harris, and carried with all in favor.

Upon recommendation from the Planning Commission, Councilman Hope **MOVED** that Jerry Miller be appointed as first alternate, Jim Lindsey as second alternate, and Charlene McRorie as third alternate, seconded by Councilman Jessen with all in favor. Mr. Jack Rhyne has resigned. Councilman Hope **MOVED** to appoint the first alternate Jerry Miller to complete Mr. Rhyne's term which expires September, 1994; motion seconded by Councilman Small with all in favor. Councilman Hope **MOVED** to reappoint John Brinkley to another three year term as an inside member, with his term to expire in July, 1996; motion seconded by Councilman Jessen, with all in favor.

City Manager Ponder stated that the water/sewer bids are all higher than anticipated by a total of \$250,000, and staff is re-evaluating the bids, and have a meeting set with the engineers and the low bidders. He said this was largely due to the creek crossings and fear of rock, which we had estimated at \$16 per foot but the bids came in at \$20 per foot. He could not recommend awarding bids at this time and asked for a special meeting could be held after they negotiate. Mayor Black said this does not affect the two water tanks. The Council concurred for staff to bring back a recommendation.

Mr. Ponder received give proposals for financing the police station building purchase from Duke Power Co. The low bid was with BB&T; this size loan will have to be approved by the Local Government Commission. Councilman Little **MOVED** to authorize the City Manager to negotiate with BB&T for a 15 year fixed rate

mortgage for financing the purchase of the said building, seconded by Councilman Hope, with all in favor.

June Smith, City Tax Collector, asked that certain old tax accounts be written off for bookkeeping purposes. Councilman Jessen **MOVED** to approve the write off of \$896.39 in taxes and \$59.00 in tag fees for a total of \$955.39 as shown on the list presented by Mrs. Smith, seconded by Councilman Little with all in favor. (copy attached)

Mayor Black appointed Councilmen Hope and Jessen and Councilwoman Harris to a committee to study the Pay Plans the City has already paid for and bring a recommendation to Council from them.

The floor was opened for complaints or petitions not on the agenda. Mr. Ralph Michael said he had asked for an updated code book 19 months ago and it has not been done. Mr. Ponder said he and Mr. Roberts keep theirs updated by copies even though it has not been reprinted. City Attorney Michael said he has been reading through the minutes and compiling the list of changes to the ordinances and has not quite finished, then it will go to the printer.

Nancy Dills said the Council is not supportive of business in Mount Holly, and said she never sees them downtown. She felt the City should send out representatives to entice businesses and franchises to come to Mount Holly. Mayor Black stated the City has adopted the revitalization and paid a lot of money to fix up City Hall's exterior, but the merchants have not followed, and are not working together to provide parking. He further stated that the Chamber of Commerce is a good one and they are the ones who know how to approach and entice businesses to come here. Nancy Dills suggested a questionnaire could be sent with the water bills to ask people what stores they would like to see here. Councilman Jessen said he understands the problem and is on her side, but he does not feel it is the City's place to bring business here or keep them in business; he said the major problem is that we are within 10 miles of 3 or 4 malls and this is a bad era for small businesses. Nancy Dills also suggested a fall festival where our merchants only are allowed to present on the street rather than out of towners. Councilman Jessen said he believes the merchants need to get together themselves, and there is also a problem with absentee owners. Mayor Black said he has been in her store and others, and he has found that he cannot get local merchants to volunteer for Spring Fest and had to go outside the City to get volunteers.

Mr. David Berg asked how a minister is invited to give the invocation; he was told that the Ministerial Association sends them.

Councilwoman Harris said the City employee picnic will be July 24 beginning at 2:00, supper at 5:00, dedication of Tuckaseege Park at 7:00. There will be softball and other games. She also announced the Recreation Committee meeting for Wednesday, August 18th.

Councilman Jessen asked if the Council should consider the sign ordinance at a workshop so specific changes can be isolated and recommendations made to the Planning Commission; the Council agreed on a workshop session on August 2nd. He asked if they wanted to consider the Land Development Plan then, but they decided to do that later.

Councilman Jessen asked that the grass and weeds in the medians and sidewalks be destroyed.

Councilman Hope asked for a report on the new doctor's office. Mr. Ponder said there is a delay because of thier appraisal. Mr. Hope wanted the public to know the Council is in support of the new doctor and the current delay is not due to the City.

Councilwoman Nichols said she has had more complaints of low water pressure from Ridge Drive residents. She said it has been checked during the day, and they said it should be checked at night when people are at home.

Councilwoman Nichols asked when the Council would be going to Bessemer City to see its new facilities; they decided to wait until after the workshops.

City Attorney Michael reported that as of the prior Friday, the City owns the site for the south water tank. He further reported that the paperwork had to go all the way to Japan to get an option for the Murata site for the north water tank, but it has been signed. He said whereas some of the other property owners out there have been reluctant, the Japanese stated they felt it was their civic duty to assist us.

City Manager Phil Ponder said that the individuals filing for City Council in the next election must specify if they are filing for a four year term or a two year term.

City Manager Ponder requested two budget amendments due to a requirement from the Local Government Commission that the budget on the Housing Authority be adjusted before they will allow us to sell our bonds. Councilman Jessen **MOVED** to approve the two budget amendments decreasing the Housing Authority budget by \$55 and by \$5,835, seconded by Councilman Hope, with all in favor.

City Manager Ponder stated that a meeting had been set with Stanley regarding the water interconnect for July 22nd at 6:30.

Councilman Small asked if the contract with Catawba Heights Fire Department has been prepared; it has. He said he is ready to meet with them.

The meeting was adjourned upon motion duly made, seconded and carried, at 9:40 P.M.



City Clerk



Mayor
