

Regular Meeting
Mount Holly City Council
June 11, 1990

The meeting was called to order at 7:30 P.M. by Mayor Charles B. Black, Jr. Present were Councilwomen Faye Little, and Lib Nichols, Mayor Pro-Tem Bob Jessen, and Councilmen Myles Biggerstaff, Archie Small, as well as City Manager Greg Young, City Attorney Kemp Michael, Zoning Administrator Gary Roberts, and Police Chief Jerry Bishop.

The invocation was led by Reverend Douglas Bryant, Tuckaseege Baptist.

The minutes of May 14, 1990 were approved as written, upon motion by Councilwoman Little, seconded by Councilwoman Nichols, and carried with five ayes.

The floor was opened to complaints or petitions not on the agenda. Carol Pope, 354 Lanier Avenue, was recognized; she said her neighbor is sandblasting cars outside, and it leaves a bad film on everything, which is dangerous to their health; they want it stopped. Councilman Small said she is referring to Leroy Walker, and it is in the one-mile perimeter as a non-conforming business in a residential zone. Mr. Small said Mr. Walker has had a wrecker and garage for years, but he does not know if that allows him to do body work with sandblasting outside. Zoning Administrator Roberts said he would have to check to see if that was included in a garage use. Mrs. Pope said it should at least be done inside. Mayor Black agreed that it would be a health hazard to sandblast cars outside. The Zoning Administrator and City Manager were asked to handle this matter.

Mr. Terry Nichols said he wanted to file a petition as a dismissed former employee and discuss his grievance in executive session. Councilwoman Little said the Council has not authority to do that, and does not hear personnel matters. Mayor Black said that by State law, the City Manager has the discretion for hiring and firing and the Council cannot interfere.

Mayor Black issued a proclamation declaring August, 1990 as Cable Month because of Cablevision's sponsorship for aid to Muscular Dystrophy victims.

Chuck Cannon, from the Gaston County Health Department, appeared before the Council to give information about chemicals for spraying to kill mosquitoes. Mr. Cannon said in order to effectively control mosquitoes you must have a program, determine the location of the largest density, a truck, and someone licensed to dispense pesticides. Gaston County did not adopt such a program because they are more of

a nuisance than a health hazard in our area. Mecklenburg County Environmental Health and Duke Power both have programs that the Council may consult. Mr. Cannon brought brochures that can be given the public for basic procedures to keep mosquito levels down. There were a lot of citizens present from Nims Avenue. This is near Dutchman's Creek, and they have a bad problem with mosquitoes, they said. Mr. Cannon said if the creek has stagnant places, these should be tested for what kind of mosquito is there, and then the larvae must be killed; fogging does not necessarily do much good. Mr. Cannon said milathyon can be bought over the counter, but its effectiveness is not substantial. He said it would cost thousands of dollars every year to treat for mosquitoes, and that is why it is not common except on the coastal counties. The City Manager was asked to contact Mecklenburg County and Duke Power for information. Mr. Cannon said they can use DEET; but the man said he has done so, but it is absorbed by the skin, and he does not want to keep doing that every day. Mr. Cannon said he would give the City Manager the phone number of an entomologist in Raleigh that may be of help. Gary Roberts asked if he knew of any natural controls that they could stock the creek with, but he did not. Mayor Black said the City will do what it can, but the last time they sprayed years ago, the citizens accused the City of killing things, and it does not want to repeat that experience.

The meeting was recessed and the public hearings called to order (Items #6 through #11 on the agenda). The first public hearing was to consider an amendment to the zoning ordinance regarding parking requirements for off-street spaces at retail establishments from one for 150 square feet to one for every 200 square feet, and from 10 feet by 19 feet to a smaller size. The developer's representative asked for smaller spaces, stating that 18 feet in length is enough, and that perhaps they could provide for spaces on the outer areas of the parking lot to be smaller; he said in Charlotte they are 8 1/2 feet wide and 7 1/2 feet wide for subcompact spaces. Councilman Biggerstaff said he thought he could agree on 18 feet length, but he does not want the narrow spaces so everyone bangs doors. Mayor Black said he found that Gastonia has 9 x 20, Charlotte has 8-12 x 17, and Pineville has 9 x 18. The representative said that even with wide spaces, people who bump doors will bump doors. Councilwoman Little said the spaces at Creekside are 10 feet, and we need that width. A man in the audience said he is handicapped, and he needs a wide space to be able to open his car door all the way. Mr. Roberts said that the requirement for one handicap space for every 50 spaces will not be affected by this change. City Manager Young said they might consider allowing a percentage of smaller lots for parking lots with over 200 or so spaces. Harold Stroupe stated that they would be better off having wider lots

because people will go where they can get in and out easier. There were no other comments.

The second public hearing was then held to consider a request by Tim Tanner for rezoning his property, .25 acre, at 113 Tuckasee Road, from R-8 to B-3. Mr. Tanner had called the Mayor and said he could not come tonight. Councilman Small noted that this would simply extend the B-3 zone, and is next to where the shopping center will be. Mr. Roberts reported that the Planning & Zoning Board recommended approval of this, but he stated that he would not recommend it because the Council would be setting a precedent of changing that neighborhood from residential to business, and the line must be drawn somewhere. There were no other comments.

Next, the public hearing was held to consider an amendment to Section 83.3 of the zoning ordinance. James Tucker said he owns a lot on Lowe Street, and there are mobile homes around there, but he cannot put a double wide there because the lot is vacant and he would not be replacing something. A Mr. Stickler said he owns a vacant lot on Eastwood Street, and wants to put a double wide there, but it is zoned R-12. Councilwoman Little said that this proposed change would still allow double wides and the Board of Adjustment approval for criteria and appearance. Councilman Biggerstaff pointed out that the intent of the ordinance is to upgrade property in the area, not to go down in value. There were no other comments.

The public hearing to consider a rezoning request by Gladys Fite for her .75 acre lot at the corner of Margarette and Belmont-Mount Holly Road from R-12 to B-3 was next. It had always been used for business, and it adjoins Low Meadow Greenhouses. The lady said she does not know why it was zoned residential when it was annexed. There were no other comments.

Then the public hearing to consider the request by Pete Buffin to rezone his .5 acre lot at the corner of N. Main Street and Sadler Road from B-2 to R-12 was held. Mr. Buffin said he wants to build a couple of houses there. Mr. Roberts said he saw no problem in that, and the Planning & Zoning Board recommended approval. There were no other comments.

The next public hearing was to consider the closing of another portion of Central Street. Debbie McConnell stated that as owner of McConnell Fence Co. she wants to object to the closing at this time until the deal with McDonald's closes; then it would be alright with her. She said that it had an option in 1987, but did not close and she wants to keep that easement open if it does not close. Mr. Sandlin, representing McDonald's, said he had no problem with that.

The City Attorney said the Council did not legally have to take action on the matter tonight. Mr. Claude Webster, part owner of the new car wash on the corner of South Main Street and Rankin Avenue, said he does want this closed. Mr. Sandlin assured Ms. McConnell that the rumors that McDonald's is not coming were untrue, and the deal will close. There were no other comments.

The final public hearing was left off of the agenda, and so is unnumbered, but it was properly advertised and notices were sent. A request by Charles Jones to rezone his property, 60 feet by 200 feet, at Mount Holly Farm Supply on Belmont-Mount Holly Road, from R-12 to B-2. Mr. Jones said the woman who owns behind them sold them the property. They will build a new warehouse 50 feet back further than the existing one and tear down the old one. Councilwoman Little asked for and reviewed a list of those who had been notified, and it included the people behind there. No objections have been received, and there were no other comments.

The public hearings were adjourned and the regular meeting resumed. The Council now considered action for each request in the public hearings. As to the first one, City Manager Young recommended that when spaces exceed 150 or 200 in number, we use smaller spaces in the outer spaces. Councilman Biggerstaff moved to change the zoning ordinance to provide for one space for every 200 square feet with regard to off-street parking at retail establishments. Councilwoman Little seconded this motion, and it carried with five ayes.

Councilman Little moved to change the zoning ordinance for off-street parking at retail establishments, so that the size of the space will be 10 feet by 18 feet, and that if there are over 200 spaces, 60% of the spaces will be 10 feet by 18 feet and 40% of the spaces will be 9 feet by 18 feet with the wider spaces being located nearer the building, and the smaller spaces being further from the building. Councilman Jessen seconded this motion, and it carried with five ayes.

Councilman Jessen moved to grant the rezoning request by Tim Tanner changing his property at 113 Tuckaseege Road from R-8 to B-3, seconded by Councilman Small, and carried with five ayes.

Councilwoman Little moved to table the matter regarding a change to Section 83.3 in the zoning ordinance until the Planning & Zoning Board provides a list of recommended criteria to be required. Councilman Jessen seconded the motion, and it carried with five ayes.

Councilwoman Little moved to grant the rezoning request of Gladys Fite changing her property on the corner of Margarette and Belmont-Mount Holly Road from R12 to B-3, seconded by Councilman Jessen, and carried with five ayes.

Councilman Small moved to approve the rezoning of Pete Buffin's property on the corner of North Main and Sadler from B-2 to R-12, seconded by Councilwoman Nichols, and carried with five ayes.

Councilwoman Little moved to table the action regarding the closing of a portion of Central Street until they are notified that the property has been deeded to McDonald's, seconded by Councilman Biggerstaff, and carried with five ayes. Mr. Sandlin asked if they could assume the street would be closed when the deal closes; they said yes.

Councilman Biggerstaff moved to authorize the City Manager to set and hold a public hearing at the next available time after proper advertisement for the closing of the remainder of Central Street (not heretofore considered) requested by Harold Stroupe. Councilwoman Little seconded this motion, and it carried by five ayes.

Councilman Biggerstaff moved that the rezoning request by Charles Jones for property 60 feet by 120 feet off Belmont-Mount Holly Road be granted changing it from R-12 to B-2, which motion was seconded by Councilman Small, and carried with five ayes.

Councilman Biggerstaff moved to set a public hearing at the next regular meeting to consider a rezoning request by Clinton Helms for a .5 acre lot at 117 East Henry Street, seconded by Councilman Jessen, and carried with five ayes.

Councilwoman Little moved to set a public hearing to consider amending the subdivision ordinance requiring sidewalks in new residential subdivisions at the next regular meeting, which was seconded by Councilman Biggerstaff, and carried with five ayes.

Mr. Ed Garrett again appeared before the Council as the Winston-Salem developer for a proposed subdivision off North Main Street. He said that after talking with the City Manager, they were asking for (1) city water, with them installing a six inch line; (2) city sewer for 15 lots near Highway 273; and (3) agreement that a sewer treatment system would be better than septic tanks for the other lots, since city sewer cannot be provided to them at this time. They offer voluntary annexation. Councilman Biggerstaff said he is aware that the goal is for the County to be served by a few large sewer plants, rather than a lot of community systems. Mayor Black asked if they build one, would it empty eventually into Dutchman Creek; they said yes. Mayor

Black suggested that if they were having to run lines to Dutchman Creek anyway, perhaps they could budget a higher amount for city outfall lines to get city sewer. Councilwoman Little asked if the State monitors private systems; they do. Councilman Biggerstaff said it would be better to have city water and sewer, but septic tanks would be the worst alternative. The City Manager, replying to Councilman Jessen, said this outfall project is in the sewer study, but it requires at least 1/2 million dollars, and the City does not have the funds in the budget for that kind of expenditure at this time. Crescent Land did not want to be included in this proposal by Mr. Garrett, and he had not heard from CYA. Mr. Garrett said that tap-on fees would help the City recoup costs; but Councilwoman Little said the City does not have the money to advance/recoup such a large cost. Mr. Garrett said he knows the City has a lot of capacity that he could be using which is reserved to industrial growth at an uncertain future time; by the time that comes, the City would have recouped the cost or have a higher tax base. Councilwoman Little said that his statement is not totally true; that the capacity is not available now. City Manager Young said the County funds were expended for that line, and the City cannot re-nig on the agreement made to have the line installed. Mr. Garrett felt that their offer of \$100,000 was a large sum, and should be seriously considered by the City. Councilwoman Little agreed and said if the two other developers would come in with them, the City might could manage a portion of it now, but cannot undertake 1/2 million dollars less \$100,000. Councilman Jessen asked Mr. Garrett for a timetable. Mr. Garrett said he has a large home building company wanting to buy 100 lots now; about 10 lots would be developed every 3 months. He said the investors will go elsewhere if they are held up too long. He said they usually try to sell 40 per year. The Council asked the City Manager to check with CYA.

Clarence Thompson, 111 Forest Hills Drive, brought a petition for closing a portion of Teri Street, about 15 x 60 feet wide, as shown on attached copies. They want this closed, so that the land across the creek that may be developed cannot use Teri Street for a thruway. Councilwoman Little moved to adopt Resolution of Intent (#6-11-90) and a public hearing be held at the next regular meeting after proper advertisement, which was seconded by Councilman Biggerstaff, and carried with five ayes.

Councilman Biggerstaff moved to adopt Resolution of Intent (#6-11-90-(a)) to close a portion of Central Street as requested by Harold Stroupe, which was seconded by Councilwoman Little, and carried with five ayes.

The Council took a five minute recess.

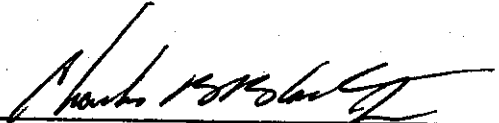
Councilwoman Little moved to go into executive session for personnel and attorney-client matters, which was seconded by Councilman Biggerstaff, and carried with five ayes.

Councilwoman Little moved to go out of executive session, seconded by Councilman Small, and carried with five ayes.

Councilman Biggerstaff moved to continue the regular meeting until the next night, Tuesday, June 12, 1990 at 7:30 P.M., same place, which was seconded by Councilwoman Little, and carried with five ayes.



City Clerk



Mayor