

Regular Meeting
Mount Holly City Council
June 10, 1991

The meeting was called to order at 7:30 P.M. by Mayor Charles B. Black, Jr. Those present were Councilwoman Lib Nichols, Mayor Pro-Tem Bob Jessen, Councilmen Myles Biggerstaff, R. L. Duke, Archie Small, City Manager Greg Young, Director of Public Works Eddie Nichols, Police Chief Jerry Bishop, and the Zoning Administrator Gary Roberts and City Attorney Kemp Michael. Councilwoman Faye S. Little was absent, due to illness.

The invocation was led by Reverend Jeremiah Robinson.

The minutes of May 13 and 29, 1991 were approved as written upon motion made by Councilman Small, and a second by Councilman Duke, with five ayes.

Mayor Black announced that Governor Martin has declared June 29 through July 4 as Celebration for the Troops Week, and the Spring Festival Committee would like to plan a celebration in Mount Holly for July 4th at River Street park for Mount Holly citizens to honor the veterans, including a picnic lunch, watermelon, horseshoes, volleyball, and perhaps a checker tournament. They would like to use the park and have the City provide cleanup. Councilwoman Nichols said the road would need repair first. City Manager Young said he could have it scraped and graveled. Councilman Biggerstaff moved to authorize the use of the River Street Park as stated and the City provide cleanup and repair of the road. This motion was seconded by Councilman Jessen and carried with five ayes. Mayor Black proclaimed the same week as Celebration for the Troops Week in Mount Holly.

Mayor Black said he had attended the centennial celebration for American & Efird this week, and he would like the Council to send a formal resolution of gratitude and thanks to them for choosing Mount Holly. Councilman Biggerstaff moved to authorize the Mayor and Council to execute a resolution drawn by the City Attorney recognizing American & Efird's 100 year celebration. Councilman Duke seconded this motion, and carried unanimously.

Mayor Black stated he met with a Mr. Messer who is interested in establishing a YMCA in the Belmont-Mount Holly area, and he encouraged everyone to fill out forms being distributed to determine the interest in this area, and also let it be known that they would need about ten acres of land, donated if possible.

The regular meeting was recessed, and the public hearings called to order. The first public hearing was regarding a rezoning request by Carl and Mary Rogers, 134 Legion Road,

for about eight-tenths of an acre, from L-1 to R-12. They want their house to be in a residential zone. Proper notice had been given. This is adjoining a residential zone; and the Planning & Zoning Board. There were no comments from the audience or the Council.

The second hearing was for consideration of a rezoning request by Pete Buffin for 108 Lanier Avenue, a seven-tenths acre lot, from B-2 to R-12. He said he wants to build houses there. This adjoins residential, notices have been given, and it was recommended by the Planning Board. There were no comments from the audience or the Council.

The public hearings were adjourned, and the regular meeting resumed. Councilman Biggerstaff moved to approve the Rogers' rezoning on Legion Road from L-1 to R-12, seconded by Councilman Small, and unanimously carried. Councilman Jessen moved to grant the Buffin rezoning on Lanier Avenue from B-2 to R-12, seconded by Councilman Duke, and unanimously carried.

Zoning Administrator Gary Roberts submitted a request for public hearing to consider a proposed amendment to the zoning ordinance for conditional use zoning, which has been recommended by the Planning & Zoning Board. Councilman Biggerstaff moved to hold the public hearing for the same at the next regular meeting after proper notice. Councilman Small seconded this motion, and it carried by unanimous vote.

The Council reviewed the revised sketch plan for a 210-unit apartment complex presented by Greg Allen, the architect for Gene Ratchford. The property is on South Main, and the Council had requested an alignment of the entrance with Carey Street, and a rear entrance on Tuckaseege Road; this has been done. There was discussion about what the City wishes to take in satisfaction of the subdivision ordinance requirement that the developer donate land for a park or money in lieu thereof. The developer wants to designate land for recreational use along the flood plain strip, for a pond, walkways, a playground, and tennis courts, but wants it to be for use of the apartment complex tenants and guests only. They also informed the Council they are in the process of trading a small piece of land with the Fullers who adjoin the complex. The rear entrance road will be built by the developer with the first phase; if they find people using it for a cut-through, they will install speed barriers. The water will be metered on a master meter for the entire complex. Mr. Roberts did not recommend the City take the land for a public park, but take payment in lieu thereof; but the developer wants to take a third option and designate the area on the plat for the complex to use as a green area so no buildings can be constructed there. They requested the Council approve the site plan so they can begin construction drawings. The Council agreed they do not

want the land for a public park. The Council concurred that the site plan is good. The Fullers were asked for their opinion; they said they like the plan, but do not want a public park; they want it to just be a private play area. City Attorney Michael stated he had read through the ordinance and it stated that an area must be dedicated "to the neighborhood" which could be interpreted to mean the subdivision itself excluding the general public. The Council approved the site plan, but left the park question to be negotiated with the developer by the City Attorney and Zoning Administrator.

The Planning Board recommended zoning be adopted in the Freightliner annexation area for the portion that has not yet been zoned under the one-mile perimeter. The Council needs to establish the new one-mile perimeter, but the groundwork is not complete on that yet. Councilman Biggerstaff moved to set a public hearing at the next regular meeting to consider zoning that portion of land now within the new annexation areas of the city limits as of June 30, 1990, seconded by Councilman Small and carried with five ayes.

Councilman Biggerstaff moved to accept the Planning & Zoning Board's recommendation and appoint John Crist to serve on the Land Development Committee, seconded by Councilman Duke, and carried with five ayes.

The Council reviewed Boyce Sherrill's request for a variance to the Mount Holly subdivision regulations. The DOT had given a written statement clearing his request to locate his road less than 125 feet from the other road. Councilman Biggerstaff moved to approve the variance request as recommended by the City Manager, provided he complies with the DOT drawings attached to that statement dated June 7, 1991, (copy attached) seconded by Councilman Duke, and carried with five ayes. City Attorney Michael stated for the record that the Cottonwood Subdivision has residential restrictions on file in Gaston County, and Mr. Sherrill is planning to put a road across one of the lots in that subdivision which he owns; he wanted Mr. Sherrill to understand that the City by granting this variance does not comment either way as to whether or not he will be in violation of those restrictive covenants. Mr. Sherrill said he understood.

City Manager Young said that at the last Planning Board meeting, a request for rezoning by William Stewart was denied by them, and he had been asked to see if the Council will call a public hearing on its own decision. The Council said they could not do so, as the request would require spot zoning.

Zoning Administrator Roberts said that there were two structures condemned years ago, which are owned by Velma

Garner and located on Payne Street. In 1985, her daughter asked for time to repair, and was so granted. Nothing was done, so he reopened the case, but they were granted another extension due to a death in the family. The time has again expired, and they have cut the grass and done some grading. City Attorney Michael said he had a call from this daughter, and they had discussed terms by which the Council might give one more extension, namely: that they provide to Mr. Roberts within ten days a written contract with a contractor showing the extent of work he will do, the cost, the start finish date, and the sequence of construction, and also evidence of availability of funds to pay the contractor. Councilman Biggerstaff moved to authorize the Zoning Administrator to grant up to a 120 day extension provided Mrs. Garner meets the requirements outlined by the City Attorney for the two houses on Payne Street, which was seconded by Councilman Jessen, carried with five ayes and zero nays.

Phoenix Management Systems gave its monthly report. They have one vacancy at Holly Hill, but there is a long waiting list. Several evictions are being handled now by the City Attorney. They have collected \$1,106.00 in outstanding accounts. They had not received written notice from HUD on audit approval as yet, but have sent in the things requested. There is a six month budget for approval because HUD required them to change from the calendar year to a fiscal year. The Council instructed the City Manager to have the auditor review this and make a recommendation at the next special or regular meeting. They have received two bids for new signs, but are waiting for a third.

Ronald and Gail Lynn, 224 Weldon Circle, appeared before the Council to obtain approval for them to be issued a privilege license to operate a jewelry/pawn shop in Mount Holly, as required by the ordinance. After discussion, Councilman Biggerstaff moved to grant permission for the Lynns to be issued a privilege license to operate a jewelry/pawn shop in Mount Holly, seconded by Councilman Small, and carried with five ayes.

City Manager Young stated he contacted four contractors, but only got one bid in writing for rebricking the north wall of City Hall. Councilman Biggerstaff moved to table the matter until the City Manager obtains additional bids, seconded by Councilman Duke, and carried with five ayes.

City Manager Young reviewed with the Council the bids received for grading and seeding the ballfields in Tuckaseege Ballpark. The low bid is \$41,000, but there were questions about the bid which will probably add \$1,000. This covers grading, seeding, erosion control, and repair of the fence. Mayor Black said he had a phone call from Henry Massey who feels the original recommendation of the Recreation Committee is still viable, using the County's help and doing two fields. Mayor Black noted from the list

that there are a lot of Gastonia kids playing here, and the budget is high-\$93,500.00. Councilman Biggerstaff said the kids in this school district should be allowed to play. The recreation Committee representative said the outside kids pay twice the fee as inside kids so the registration fees covers much of the budget. Councilwoman Nichols asked why the City should not just let the County do the two fields. Councilman Jessen stated that we keep getting stuck on whether to do a cheap, quick fix, or plan for the long range and do three fields in phases. Councilman Biggerstaff said the field will have to be graded even if they do two fields because of Hurricane Hugo debris still on it, so the original cost estimate is probably low anyway. He regretted that the City cannot have four fields as originally planned, and stated that it would be a dis-service to cut the four fields down to two. The fields can be lighted and fenced later. He suggested they wait until after the budget workshop to see if the City can afford to phase it. The Council agreed to do that.

Yates Construction Company had applied for a time extension on its contract for installation of the water and sewer lines in the Freightliner annexation area, for the primary reason of rain days. The engineer had reviewed the request and obtained documentation and their recommendation was to grant about one-half of the amount requested, namely, a 25 day extension, with which the City Manager agreed. A representative from Yates Construction said they also hit rock on Lanier and it was near houses, so they have had to go slowly, so they were also requesting more days due to hitting rock. The engineer in attendance said this contract was bid as unqualified because it was known they would hit rock. Councilman Biggerstaff moved to grant a 25 day extension to the said contract with Yates Construction Company based upon the engineer's recommendation, which was seconded by Councilman Jessen, and carried with five ayes.

Councilman Biggerstaff moved to approve the insolvent list and to eliminate from the tax levy the small underpayments and overpayments for the years identified on the report from the tax collector, which was seconded by Councilman Duke, and carried with five ayes.

There were no complaints or petitions not on the agenda.

The Council took a five minute recess.

Mayor Black noted that the bid for the guardrail on Rankin Avenue bridge was \$8,816.00. The City Manager will investigate having DOT have it installed or share in the cost.

Mayor Black stated that the City will not be able to finalize its budget until the State sets its budget due to the fact that they may cut contributions to cities again.

Mayor Black asked that the City Manager request left turn signals off Charlotte Avenue at Hawthorne.

Mayor Black reported several complaints that during the last storm something in the wind or rain killed the trees and flowers in their yard. The environmental and agricultural departments have been notified to check the air quality.

Councilman Duke asked that the City Manager look into having the sidewalk on North Main Street extended up to Walnut Avenue.

Councilman Duke said the residents on Ferstl Avenue have asked that the speed limit be reduced to 20 mph. Mayor Black said they will have to present a petition from all the residents. Councilman Jessen noted that it is a cut-through road and speeders will still speed.

Councilman Small inquired about the delay on the taps on the Hilltop water line. Mr. Nichols said they were pulled away from that work because of other scheduled work, but will get right back to it as soon as possible.

Councilman Small noted that the City is finally putting in a new valve on Highland, but the road has already sunk down.

Councilman Small stated that he had complaints that the grass needs cutting on the Nims homeplace property.

Councilman Small asked that "No Thru Trucks" signs be placed on Globe Street.

Councilwoman Nichols asked that the hole on Hawthorne Street be repaired.

Councilwoman Nichols reminded the City Manager that the rail has not yet been installed on the steps at the old junior high gym.

Councilwoman Nichols asked why Mrs. Hollar has to have a survey done in order to be annexed into the city limits. City Attorney Michael said this is a requirement for all property owners who are voluntarily annexed because it must be established that the property is contiguous to the city limits line and exactly what the property line is for the new property, so that the new city limits line can be established. When the city annexes something, it pays for the survey; but when they voluntarily annex, the property owner pays for the survey.

Councilwoman Nichols said the garbage is still being left on the side of the road and then the truck comes by later to pick it up.

City Attorney Michael stated that the City is supposed to transfer a strip of land between the library and Dr. Shearer's office on West Catawba Avenue to Gaston County as part of the agreement with the County for the water and sewer extensions. He had prepared a quitclaim deed for this lot. Councilman Biggerstaff moved that the Mayor and City Clerk be authorized to execute the said Quitclaim Deed and comply with the agreement, seconded by Councilman Duke, and carried with five ayes.

City Attorney Michael said that Phoenix Management had now hired him to do evictions. He informed the Council that they had previously filed them by themselves without an attorney, and made procedural errors that caused them to have to take dismissals. They then hired an attorney in Gastonia, Tom Kakassy, to refile them. When Mr. Young found this out, he felt this was inappropriate and had the files moved to the City Attorney's office instead. There were five files which have been reviewed, and Mr. Michael found that the HUD hearing requirements had not been complied with before the filing of the evictions. One tenant has moved voluntarily; the remaining four tenants met with Mr. Michael and Mr. Young and he said they have pledged to stop the behavior which led to the eviction filings. He has now established guidelines for the site manager, so that the hearings are held hereafter. Mayor Black asked who will pay these attorney's fees. Mr. Michael said the City pays for them, and is reimbursed by HUD or FmHA under the projects' budgets.

City Attorney Michael also suggested that the Council implement some regulations to control trespassing on the two project sites. He and Mr. Young recommended the following: 1. register autos to show they are owned by the tenant; 2. give tenants guest passbooks so all guests will have a pass; this enables the police to identify trespassers, and the City can also identify tenants who allow guests to misbehave; and 3. issue identification to tenants. The purpose of these rules would be to eliminate people who are only there to make trouble and troublemakers are connected to tenants, so that there is evidence for eviction.

Councilwoman Nichols said Mr. painter at the drug store has asked that the debris behind Greer Cleaners be cleaned up and the grass cut. Mr. Roberts said he has already contacted Mr. Springs about removing the things sitting out there; he has already had the grass cut.

City Manager Young said the speed limit on N.C. 273 request to be lowered to 45 mph was rejected, and they have countered with 50 mph. Councilman Duke moved that the State recommendation of 50 mph for N.C. Highway 273 from .10 miles from SR 2044 to I-85 be approved, seconded by Councilman Biggerstaff, and carried with five ayes.

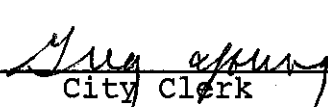
City Manager Young said that he had requests regarding the Gastonia water intake by Duke Power Company to cross our right-of-way with an overhead power line and by Mr. Wilkins to cross the City in five places. The Council concurred that the City Manger and City Attorney should negotiate these matters.

City Manager Young said there has been a lot of water backing up across the MECA property which goes under N.C. 273 down to Nutall, due to the need for a larger pipe under Nutall. An agreement has been signed by Dr. Aizcorbe to go onto his property to install the pipe, which is about 48 feet of 24 inch pipe at a cost of about \$511.20. The Council concurred.

City Manager Young asked the Council if they have considered compensation for the department heads for overtime at Spring Festival. They took no action.

City Manager Young said the League of Municipalities has requested Mount Holly join in protesting House Bill #474, which subjects cities to OCHA finds and the money goes into the state treasury. The City Manger was instructed to draft a letter for the Council to sign.

The meeting was adjourned upon motion made by Councilman Duke, seconded by Councilman Small, and carried with five ayes, at 11:05 P.M.

 _____ City Clerk	*****	 _____ Mayor
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