

who had come to the public hearing could be heard as well on this.

Councilman Duke moved to adjourn, seconded by Councilwoman Little, and unanimously carried.

Greg Young City Clerk Charles B. Black, Jr. Mayor

Regular Meeting
Mount Holly City Council
May 14, 1990

The regular meeting of the City Council was called to order at 7:30 P.M. by Mayor Charles B. Black, Jr. Councilwomen Faye Little, Lib Nichols, Councilmen Myles Biggerstaff, Archie Small, Bob Jessen, and R. L. Duke, as well as City Manager Greg Young, City Attorney Kemp Michael, Director of Public Works Eddie Nichols, Fire Chief Ray Massey, Police Chief Jerry Bishop, and Zoning Administrator Gary Roberts were all present.

The invocation was led by Councilman Small.

The minutes of April 9, 23, and May 7, 1990 were approved as written upon motion by Councilman Biggerstaff, seconded by Councilman Small, and unanimously carried.

Mayor Black recognized several boy scouts in attendance; they had matters on the agenda.

The floor was opened by the Mayor to any complaints and petitions not on the agenda. Mr. J. N. Skidmore was recognized first, of Cedar Street. He said that his problem which he brought to the Council last month has still not been corrected; that the pipe is still stopped up and his yard is ruined. City Manager Young said that he had talked to Mr. Skidmore and was under the impression that this was settled. Mr. Skidmore said they worked across the road, but did not clear out the pipe. The City Manager was instructed to go back out there, and get the matter resolved within the limits of city policy, if he can.

Mr. Allen Norton, 412 W. Charlotte Avenue, said the lots to the rear of his property still have debris from the Hugo hurricane, and he is concerned about fire damage. He asked the Council to do something to force them to clear their lots. He has tried to work with them and be patient, but is requesting the City help since nothing has been done. Mr. Young said that at first they discussed going under the weed ordinance, but he is not sure that covers trees, so he asked for an interpretation by the City Attorney. This matter was delayed while Mr. Michael reviewed the ordinances.

Mr. Larry Hinson, Larry's Body Shop, Belmont-Mount Holly Road, said that he cannot get a building permit from Mr. Roberts because of the restriction the Council put on him several months ago when he was going to add on to his building. Now, the building has been delivered, and is just sitting there. If put up where he originally planned it would be within nine feet of the property line, and he has been told this is not allowed. So, he has decided to add on to his building on the other side, which is not on the property which he had rezoned. He believed this meant he was not under the restrictions placed on him, due to the rezoning. He said he would still put up bushes on the side, but he does not want to do it in the rear because that would increase the thievery that he already has to put up with; and further, he owns the property at the rear of this body shop property. The City Attorney was asked to review this matter, and give an opinion later.

Mrs. Pam Smith, Glendale Avenue, asked the Council to clean out Central park as the grass is cut too high, the creek is a mess, and there is glass and debris all over. She also asked the police to keep a better watch there because there are drug dealing and other bad things happening. The City Manager will work on this.

Mrs. Judy Suttentfield, representing the youth group at the Lutheran Church, petitioned the Council to address recycling and resource recovery now, and not wait for the county to react. They suggested sites be set up at various places around the City, and that a committee handle the sale or pickup of these items to recycling companies. The Council was all in favor of such an idea, but said that they did not know who would take those things. Mrs. Little said her church had to stop taking newspapers because that company quit taking the papers. The Council took the information under advisement.

Councilman Jessen brought Terri Rhyne before the Council with regard to the brochure she is preparing for the City. She had copies of the proposed wording for the copy in it, and asked the Council to review it, and call her with an corrections or suggestions they may have. She got answers

to some of her questions and told them the photography is almost ready.

The public hearings for amendment of the zoning ordinance regarding parking requirements and for rezoning the property of Tim Tanner will have to be held the next month as the advertisement in the paper was not in time to meet the legal standards. They asked anyone in the audience who had come to speak for or against these matters to come forward, but no one did.

Mrs. Gladys Fite has asked for a public hearing to be held to consider rezoning her property from R-12 to B-3, located at Margarett and Belmont-Mount Holly Road. Councilwoman Little moved that a hearing be set for June 11 to consider this request, seconded by Councilman Biggerstaff, and unanimously carried.

Mr. Ed Garrett, a developer from Winston-Salem, was recognized next. He presented a proposal to the Council with regard to property off North Main Street. The owner has bought out the other two owners, and they are planning a subdivision to be called Wellington Ridge. The partnership, Wellington Ridge Developers, had hired Cockinos & Associates to do engineering studies of how to provide water and sewer to the site. There are 135 acres, but the first phase involves 55 acres with 130 lots for stick built houses ranging from \$75,000 to \$95,000. They want city water and sewer service. In meetings which they have held with the City Manager and staff, they have learned that the lines out there will not handle this size development over the reserved capacity for industrial growth. The alternatives he suggested are to build a sewer system that the City would take over; this was denied by the city staff as not feasible. They could put in septic systems, but they would prefer not to do this. They were aware of long range plans by the city for development of water/sewer systems along Dutchman Creek. He has \$100,000.00 budgeted for utility improvement and offered this to the City, if it will go ahead and develop that section of the proposed plan. They would like to use city services on Highway 273 for 15 or so lots near it, which would allow them to get a start on the subdivision. Mayor Black said the projected estimates are 1/2 million, and the tax base is not sufficient to cover this, plus the sewer study was just completed and has not been studied by the Council. Councilwoman Little and Councilman Biggerstaff wondered if the other two developers who have appeared before Council in the past are still interested in sharing in the cost. The City Manager said a partial line could be done in the creek, but it would not be cost efficient. Mayor Pro-Tem Jessen said the City needs quality housing to attract people and industry to our community and they are offering to work with us to get it, so he hoped they would be able to work this out. Councilman

Biggerstaff said this plan is better than the last one presented, and he agreed that the City should try to work it out if possible. Mr. Fisher, from Cockinos Engineering, said there are other alternatives that have not been exhausted; he also noted that the section they are proposing to help develop is Item #3 on the sewer study by Dickson, which the Mayor mentioned. Mr. Garrett said this phase would be a three year project when started. Mr. Garrett asked that the Council consider letting them tap onto the city lines for the 15 houses if they cannot do any of the other. The Council took the matter under advisement.

City Attorney Michael reported to the Council that in his opinion the request by Larry's Body Shop can go back to the Planning & Zoning Board for a recommendation to the Council; or they can refer to the prior council action. There are certain requirements set forth for the rezoning of his property: 1. That he slat the fence; this was a direct requirement for the rezoning as it states. 2. That he plant a buffer; this is because the ordinance requires this for any addition or new structure, and it was not related to the rezoning. It should be put up between the business zone and the residential zone, no matter who owns the property. 3. That he have no entrance or exit on Smith Street. This is up to the Council's discretion. 4. That he have a three sided closure with only the front being open. Mr. Michael said it seems the only difference here is about the rear buffer strip; and his argument is so people can see into the property to hold down robbery, but this is a claim all businesses could make. Mr. Hinson said the biggest problem he had with the neighbors when he rezoned the other side was they thought he was going to close the exit on the highway, and put his driveway on Smith Street, and that he was buying up the neighborhood, neither of which is true, he stated. Councilman Small stated that he believed he should go to the Board of Adjustments if he does not want to put up the rear buffer the ordinance requires. Mr. Michael reminded them that the buffer is trees and shrubbery. Mr. Roberts asked the Council how much of the property line will require a buffer since he owns beside it, and there is already a tree buffer on one side. Mr. Hinson asked if the ordinance says how high the plants have to be; it does not. He said he would plant the buffer, but he will not let it grow high.

Mr. Sandlin, from McDonald's Corporation, petitioned the Council for a public hearing to close the rest of Central Street. Councilman Biggerstaff moved to adopt the resolution of intent (#5-14-90) and set the hearing for June 11, 1990, to consider this matter, which motion Councilman Duke seconded, and which carried unanimously. (copy attached)

Ms. Pam Massey, of Corporate & Community Affairs for Southern Bell, spoke to the Council asking for it's

endorsement of its petition to the FCC to have the right to manufacture and compete with ATT&T and other companies on all levels. They would then be able to deal with 911 systems in a better way. Councilwoman Little moved to adopt the resolution presented in support of removing the restrictions on the Bell Operating Companies. (copy attached) Councilman Duke seconded the motion, and it passed by unanimous vote. Then, she informed the Council of a new plan by Southern Bell called "Community Circle Plan", which offers options to the customer for monthly billing and services. The concept lets the customer determine how far a radius they wish to be able to call without extra charge, and each option has a flat monthly rate. Anything beyond the radius you choose is subject to extra "long distance" charges. Councilwoman Little moved to endorse the Community Circle Plan for residence and business in the Mount Holly area, which was seconded by Councilman Duke, and unanimously carried.

The Council considered a proposed agreement with Aldersgate United Methodist Church for lease and use of its athletic field. Brent Moore, a boy scout who is working on his Eagle Scout merit badge, had fixed the field, and put out gravel about four feet wide for a walking track. They asked that the City pay for the gravel. The terms of the lease were set forth in a letter dated May 1, 1990. City Manager Young said this would be helpful this year, because Tuckaseegee Park is not suitable due to the Hugo damage. There is money in the maintenance & repair account of the Recreation Department. Mr. Moore said he also fixed the baseball field and it is being used for T-ball already. Mayor Pro-Tem Jessen moved that the City accept the terms in the May 1, 1990 letter from Aldersgate, and pay as rental for the field the invoice for gravel put on the track at that church in the amount of \$720.00 plus overdue interest, to be paid out of the recreation maintenance account. Councilman Duke seconded the motion, and it carried unanimously.

Chris Cope, also from Boy Scout Troop 59, said he is working on his Eagle Scout badge, and his plan is to build a 24 foot by 20 foot play area. It would have barrels for kids to climb on, a swing set with three swings, tires in the ground, and would be filled with sand. He would like to do it on Tuckaseegee Park; and he does not need money, only the Council's approval. Councilman Biggerstaff moved that he be authorized to build the play area at Tuckaseegee Park under the approval of his plans by the Recreation Department who will watch for safety features. Councilman Duke seconded the motion, and it carried unanimously.

Councilwoman Little moved to adopt the terms of the letter from Dixie Yarns, Inc. Superior Plant, dated May 8, 1990, for the use of it's ballfield on Tuckaseegee Road, with the

Mayor being authorized to sign it. Councilwoman Nichols seconded this motion, and it carried by unanimous vote.

Charles Jones of Mount Holly Farm Supply 1120 South Main Street, had requested a public hearing to rezone 60 feet by 200 feet from R-12 to B-2, which the Planning & Zoning recommended be held. Mayor Black said he had a complaint that this matter was not heard at the Planning & Zoning meeting. Mrs. Hazel Michael said she is one who complained because they did not even discuss this at the meeting, and she did not hear them vote on it even, but the minutes say they did. Mr. Gary Roberts said he was there, and it was discussed; but it is true that was not a public hearing, and so the public was not asked for comments. Mayor Pro-Tem Jessen moved to set the public hearing for this matter on June 11, 1990, which was seconded by Councilman Small, and unanimously carried.

Pete Buffin had requested a public hearing to rezone a .5 acre lot at the corner of Sadler Road and North Main Street from B-2 to R-12. Councilman Biggerstaff moved to set the public hearing for this matter on June 11, which was seconded by Councilman Duke, and unanimously carried.

The matter of the Gaston County Animal Control Ordinance was tabled because the Council did not receive the proposed ordinance, upon motion by Councilwoman Little, seconded by Mayor Pro-Tem Jessen, and unanimously carried.

Next, the Council discussed the bids for a new fire truck. City Manager Young said two bids were received and opened, and he recommended acceptance of Graumann's bid of \$176,211.00 even though it is higher because they bid according to the specification. He had a list of items to be deleted and added on, making the total \$178,879.00. Councilwoman Little moved to accept the City Manager's recommendation and approve the bid from Graumann for a new fire truck with the amendments as presented for a total of \$178,879.00, which motion was seconded by Councilman Duke. Councilman Biggerstaff asked why Emergency One was different. A man from that company was in attendance, and he said that his company is number one manufacturer of fire trucks in the country, and they had recommended a new series truck, which is designed to meet the new federal regulations for sound control, and the cab seats as many as eight. It has an introductory price discount of \$25,000.00. The specs called for an aluminum body, and his company price makes all aluminum whereas the other makes a steel truck with aluminum shell. They make the entire truck, whereas the other company assembles parts from four manufacturers. He further said they were reluctant to bid at all because the specs called for a Graumann truck, and that was why they only got two bids. He said they expected to be given equal consideration, or they would not have bid, which would have

made the bids have to be re-let. His company, he stated, has a \$5 million liability coverage, service in Durham, and a floating 24 hour service. The man from Graumann spoke next. He stated the City has three of Graumann's trucks, and the Chief wanted to keep the same so parts and training would be standard. He said the Emergency One truck was lighter, and his bid would have been lower if he had bid a lighter truck, but he had gone by the specs. Councilman Small said he likes both trucks, but he prefers the larger engine. City Manager Young said they obviously have a dispute between competitors, but he had reviewed the bids with Ray Massey, and made their recommendation. City Attorney Michael asked the man from Emergency One if he could have bid to the specs. He said the specs called for a Graumann Panther T-C and said no exceptions. Mr. Michael recommended that this be tabled until he could review the bids. Councilwoman Little withdrew her motion; Councilman Duke withdrew his second. The matter was tabled upon motion by Councilwoman Little, seconded by Councilman Duke, and unanimously carried.

Councilman Biggerstaff moved to award the audit of the City's accounts to Cherry, Bekaert & Holland for \$9,900.00, which was seconded by Councilwoman Little, and unanimously carried.

Mayor Black reported that he had received a petition by the residents on Nims Avenue for the City to spray for mosquitoes. Mayor Pro-Tem Jessen said we would need up-to-date information on how safe the new chemicals are, and Councilwoman Little suggested that they call the Gaston County Health Department to get its opinion. City Manager Young said he had checked with other cities, and learned from Harrisburg where to get the equipment and some cost estimates. A fogging machine leases for about \$1,185.00, sells for \$2,900 down to \$1,000.00. A used fogger and truck is available for \$4,400.00. The Chemicals are about \$25.75 per gallon. The Council asked the City Manager to get more information about the chemicals.

Councilman Biggerstaff moved to grant the tax releases for May 14, 1990, with the exception of the third item on page one, #136264, which was erroneously on the list. Councilman Small seconded the motion, and it carried unanimously.

Tax Releases
May 14, 1990

Chappell, Rebecca	R#12698	5240 val.	24.10
		1 tag	1.00
Crowe, Samuel D.	R#12613	23,230 val.	107.86
		1 tag	1.00
Chaudhoy, sarfray	R#12624	5320 val.	50.27
Johnson, Jill	D-234	7230 val.	21.33

Horne, David M. (88)	R#12327	5030 val.	25.45
		1 tag	1.00
Bailey, Angela L.	D-153	6760 val.	19.94
Smith, Jackie L.	R#12670	11,720 val.	53.91
		2 tags	2.00
Bailey, Floyc C. Jr.(88)	D-154	5540 val.	16.35
Marra, Ralph, James & Brenda	R#12617	18,840 val.	86.66
		2 tags	2.00
The Pantry, Inc. #303	R#12387	(see attached)	13.09
Gosnell, Franklin D.Jr.	R#12616	3120 val.	18.41
		3 tags	3.00
Crowe, Samula D. (88)	D-185	4980 val.	14.69
American & Efird Mills	R#12638	302,100 val.	1389.66
Watts, David & Donna	D-277	13,340 val.	39.36
White, Bobby E.	D-279	8760 val.	25.84
O'Donohue, George & Pansy (88)	D-122	3300 val.	9.74
Woodell, Bridget S.	R#12679	8930 val.	41.08
Davis, Kellie D.	R#12621	6820 val.	33.37
Aiken, Bobby & Nell	R#9607	11060 val.	50.88
Charles, Roger Lee	R#12622	1980 val.	11.02
		1 tag	1.00
Graham, Jo Ann	R#12697	9050 val.	45.79
		1 tag	1.00
Fernandez, Helen B.	R#12623	3720 val.	18.82
		1 tag	1.00

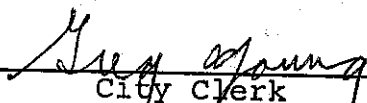
1989 taxes released - \$2,013.04
 1988 taxes released - 104.58
 tags released - 13.00

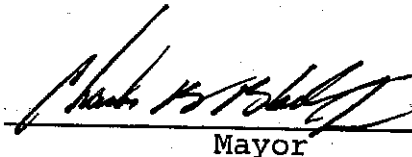
City Attorney Michael reviewed the ordinances with the Council applicable to the problem of the downed trees behind Mr. Norton. He asked Fire Chief Massey if the situation there is a serious fire hazard; he said it definitely is. He asked Mr. Massey if there are many places in town like that; he said there are a few. Mr. Michael recommended they proceed under Section 8-9(a)(b), and the Council instructed the City Manager to have his staff do so.

The Council took a five minute recess.

Upon motion made by Councilwoman Little, seconded by Councilman Biggerstaff, and unanimously carried, the Council went into executive session for attorney-client and personnel matters.

Upon motion duly made, seconded and carried, the Council went out of executive session, returned to regular session, and adjourned.


 City Clerk


 Mayor
