Regular Meeting
City Council
April 14, 1997

The regular meeting was held at City Hall, and was called to order by Mayor Frank McLean at 7:30 P. M. Those present were Mayor Pro-Tem Michael Helms, Councilwoman Phyllis Harris, Councilmen Jim Hope, R. L. Duke, and Andy Stewart, David Hostetler Jr., as well as City Manager Phil Ponder, Administrative Services Director Sherry Borgsdorf, City Attorney Kemp Michael, Public Works Director Eddie Nichols, Planning Director Danny Jackson, and a Police Dept. representative.

The invocation was led by Rev. Vance Hunt.

Mayor McLean read a proclamation honoring the Mount Holy Junior High School Women's Basketball Team, the Lady Hawks, for its undefeated season. (copy attached) The Council joined him in congratulating the team members present.

Mayor McLean read a proclamation recognizing the achievements of Megan Drolet for her performance on the East Gaston High School swim team this year. (copy attached) All the Council members greeted her and thanked her for her dedication to her sport as well as maintaining high academic grades.

Mayor McLean also read a proclamation to recognize the Lady Warriors at East Gaston High School for their record season (copy attached). The entire Council once again shook hands with each team member and congratulated them.

The minutes of March 8 and 10, 1997, were approved as written, upon **MOTION** by Councilman Hope, seconded by Councilman Duke, with all in favor.

The Council heard a presentation by Beth McCorkle, Director of the Lincolnton Downtown Development Association. Mayor Jerry Campbell was unable to come with her. Materials were included in the agenda package outlining the schedule they had followed, their mission statement, and their Plan including objectives, goals, and action steps, as well as committee plans for organization, promotion, design, and economic restructuring. She supports the concept of development as an on-going process which has economic benefits for the city, stating that it does pay for itself. She pointed out that the downtown area is the identity for the city, it is a public place that all citizens own. Their project covers 32 blocks, and over the last four years they have 82 new businesses and property value increases. It is funded by the City of Lincolnton, with the county also funding $12,000 per year. The volunteers are usually professionals. Her approach is proactive, with emphasis on tracking results. Councilman Hostetler asked what Mount Holly might do to prevent a waste of money on an unused plan. Ms. McCorkle recommended at least a part-time person, full-time is preferred if possible. Citizen input is critical. It may be advisable to formally organize as a non-profit entity. She referred them to "Main Street North Carolina", and offered to be of assistance herself as well.

Mayor McLean recessed the regular meeting and called to order a public hearing regarding a rezoning request by Reg Robinson for a 9.28 acre tract at the end of Morris Avenue from R-12 to R-8SF. Danny Jackson reported that the Planning Commission has recommended approval. Mr. Benjamin Miller, 411 Timberlane Drive, was recognized. He wanted to know how many lots Mr. Robinson will be putting on that land, and commented on how poor the drainage is. Mr. Jackson said no site plan has been submitted as yet. Councilman Hostetler asked what the maximum allowed would be; Mr. Jackson said he has not calculated that, but the R-8 allows 8,000 square foot lots. He pointed out that it is in the watershed zone, and those regulations restrict the property more than the City code. City Manager Ponder noted the property is outside the City; Mr. Jackson said Mr. Robinson indicated that he will seek voluntary annexation. Councilman Stewart asked if the City will be able to serve this property; Mr. Ponder said the water line on Morris would be too small to serve any more residences. Councilman Helms said he does not like R-8 zones, and the Council has been having developers use R-10 and R-12. He also objected to some of the permitted uses in the R-8 zone, specifically the Class A mobile homes, and that the setbacks are too close to the road. Councilman Hostetler asked if the Planning Commission has addressed the issue of manufactured home overlay zones yet; Mr. Jackson said they have not. Mr. Helms preferred to table action until Mr. Robinson could be present. Mr. Jackson said Mr. Robinson had planned to be present, and did not know what had happened to him. City Attorney Michael stated that if the public hearing is adjourned, no further testimony would be taken by the Council. Councilman Hostetler was concerned that if the property were sold to someone else, they could do anything in the R-8 zone; he asked if some items could be left out. Mr. Michael said that is not possible, and that the Council cannot make the owner declare their intentional use of the property unless it is a conditional use permit, which the City does not have for R-8 zone. Mr. Jackson reminded the Council that contract zoning is not allowed by North Carolina law. Councilman Stewart was concerned about the density question. Councilman Helms **MOVED** to recess the public hearing until the next regular meeting on May 12th, seconded by Councilman Duke, with all in favor.

Mayor McLean called to order a public hearing regarding a rezoning request by Roger Webb for a .46 acre tract at the end of Adcock Street from R-12 to B-3. Danny Jackson reported that the Planning Commission has recommended approval, if two requirements are met. Mr. Webb stated he was making the request to enlarge the parking area for the business property on the corner of Hwy. 273 and Henry Street. He further stated he will remove two mobile homes and gravel the lot. He agreed to the two requirements, namely, that there be no access from the subject property onto Adcock Street, and that a buffer be established between the property to be rezoned and the surrounding residential lots. There were no further comments. The public hearing was adjourned upon motion by Councilman Duke, seconded by Councilman Hostetler, with all in favor. Councilman Duke **MOVED** to rezone the .46 acre tract as requested by Roger Webb from R-12 to B-3 contingent upon his compliance with the two requirements to buffer next to residential lots and to prevent access from Adcock Street; motion seconded by Councilwoman Harris, and carried unanimously.

Councilwoman Harris reported that at the last Recreation Committee meeting, Wendy Hostetler's request to be considered as a member was discussed, and the committee nominated the following persons to be added as members: Leslie Lambiat, Roger Hawkins, Pam Smith, Wendy Hostetler, and Ray Patterson. Councilman Duke **MOVED** to close the nominations and accept all five as additional new members; seconded by Councilman Helms, with all in favor.

Upon request by Opal Conrad, Councilman Duke **MOVED** to reduce the speed limit on Nantz Avenue from 35 to 25 m.p.h., seconded by Councilman Hostetler, with all in favor.

City Manager Ponder reported that the Mayor and he have met with Archie McGinnis at Gaston County Dyeing Machine Company regarding its request for reimbursement from the City for water line damage in the amount of $3,235.06. Mr. McGinnis is now asking for the City to half the amount with them. Councilman Hostetler felt this would be fair. City Manager Ponder reviewed the course of events with the Council. Councilman Stewart asked if the City acted differently than it usually does or it has acted on other similar occasions; Mr. Ponder said his investigation has found that the City did the work on the day the company requested it be done, and the City employees went to the company to notify them they were beginning work, but the company failed to have employees in the plant to release the pressure, in fact the City employees could locate no one there except the guard. Mayor McLean stated that the City did the work on a Saturday, and could not leave the water off until Monday because there were other customers affected including Anchor Bay restaurant. Councilman Hope stated that he believes the City acted professionally, even went on overtime pay to do it on a Saturday as they asked, and it is not the City's responsibility. Councilman Stewart **MOVED** that the City not reimburse the company for its damages based upon a finding that the City did the work on the day the company requested and the company failed to have an employee on hand; motion seconded by Councilman Duke, and carried with five ayes and one nay (Hostetler).

In response to a request by Gastonia Branch of NAACP, Councilman Stewart **MOVED** to adopt Resolution #4-14-97(a) declaring May 5, 1997 as Non-Violence Day; seconded by Councilwoman Harris, with all in favor. (copy attached)

Ms. Joy Rankin, 221 Lowland Dairy Road, was heard by Council on the matter of a new airport runway proposed at Charlotte-Douglas International Airport. She had presented for the agenda copies of information she had accumulated regarding the noise and emissions pollution levels and their effects. Ms. Rankin objects to the high number and low altitude of flights which are routed over Mount Holly. She feels it violates Mt. Holly's Code, Section 14-11. Mr. Randy Honeycutt, 110 N. Alexander, was also recognized. He said the routes have already been changed and he stated it is not fair for them to exempt rich neighborhoods like Southeast Charlotte and Lake Wylie; he also objected to the Gaston County representative who has just rubber-stamped the plans. He feels the "little people" are being dumped on. Mr. Raymond Loggins, 106 Lowe Street, said he knows Charlotte has to have an airport, but Mt. Holly does not get any money from airport fees and we should not have such a large number of routes over us when some neighborhoods are exempt from any. He also asked that he be given a copy of any new information the City might obtain. Bertie Suttle, 401 S. Main Street, said she works in the health care field, and has children and grandchildren. She moved to Mt. Holly in 1972 to have a better quality of life, but the noise and toxins from the airport concern her, and the studies she had copies of prove a relation between that and many health problems seen in this area. She said landing planes spew out fuel at 10 miles out, and Mt. Holly is only 7 miles away by air. Councilman Hostetler thanked them for bringing the information to the Council, and said the City sent someone to the public hearing held in Mecklenburg County about that matter. He shared their concerns, and stated he would like the City to enforce its noise ordinance, and send a letter of disapproval for the plan. Mayor McLean said the City would want the plan to be fair to everyone; Councilman Hope agreed. Councilman Stewart agreed there is a need to act, but preferred open dialogue and more investigation, so that it is done properly and effectively. Councilman Hostetler said he understands the vote would be taken on April 29, and there is no time for study in depth. Councilwoman Harris asked if they have been to see the Gaston County Commissioners; Ms. Rankin said they did go, but the County voted in favor of the plan. Sherry Borgsdorf said the date for the vote on the proposed Master Plan is April 28th, but that is not the final approval for the plan. Ms. Rankin said that it still puts it in motion and it is hard to stop it after it starts. Councilman Helms said he had spent time out there two days, and he did find that a majority of the flights went over Mount Holly. Ms. Suttles said the Westside citizens group is asking the advisory committee to wait until the EPA studies are finished. Patty Honeycutt, 110 N. Alexander, asked the City to send them a message to let them know we are serious. Mayor McLean appointed two councilmembers, Andy Stewart and David Hostetler, to gather more information, attend the meetings and register the City's objection to more flights being routed over Mt. Holly. Councilman Hope stated the City should respond in an authoritative way since the wheel that squeaks gets greased, as the saying goes. Councilman Hostetler **MOVED** that the Council go on record as objecting to an increase of air traffic over Mt. Holly; seconded by Councilman Duke, with all in favor.

The Council took a five minute recess.

Diane Pritchett, Priority One Management, presented the bids for electrical, roofing, and general contract work funded by the CIAP Grant in the amount of $227,500 from HUD for Holly Hills Apartments. One bid was received for the electrical in the amount of $6,000. Three bids were received for the roofing, with the low bidder being Crimson Eagle, Inc. for $49,000. One bid had been received for general contract, and so it was re-advertised for bids. The bids were handled by Stogner & Kanoy, Architects. The low bid received on second advertisement was from Granco at $110,300, for work including handicap ramps, downspouts, underground drainage and landscaping at erosion points, paint, and stairwells repaired. Ms. Pritchett stated this is under budget and asked for Alternates #1 and #5 to be added to move the mailboxes to the office and pressure washing. Councilman Hope **MOVED** to approve the award of bids to Cherry Electric for $6,000, to Crimson Eagle, Inc. for the roofing in amount of $49,000, and to Granco in amount of $114,450 for base bid plus Alternates #1 and #5; motion seconded by Coucilwoman Harris, with all in favor.

Next, Ms. Pritchett presented the proposed operating budget for Holly Hills Apartments for the fiscal year 1997-1998, totaling $103,250, which is a 7.2% increase. She stated the rental expected is a large increase, up to $53,390, so the subsidy is reduced. Also, the payment in lieu of taxes was $1,200 last year; it will be $4,300 next year. Maintenance and installing of vanities and painting is a big part of the increase. Councilman Hope **MOVED** to adopt Resolution #4-14-97(b) approving the budget as presented, seconded by Councilman Duke, with all in favor.

Upon request by Shugart Enterprises for rezoning of a portion of their proposed subdivision, Councilman Hope **MOVED** to set a public hearing for the next regular meeting, seconded by Councilwoman Harris, with all in favor.

At the request of the auditor, Councilman Hope **MOVED** to approve the write off on the books of uncollected utility accounts for fiscal years of 1987 through 1993, seconded by Councilwoman Harris. City Manager Ponder said that records would be kept so that collection would be made before reconnection would be granted. Council concurred with Councilman Stewart to request staff bring a proposal for the City to begin requiring deposits by businesses.

City Manager Ponder stated that the utility vehicle purchased by the Fire Department two years has been transferred to Public Works. Bids have been taken for a four-wheel drive vehicle for the Fire Department; three bids were received. Mr. Ponder stated that none of the bids included a bid bond. He recommended accepting the low bid of Town & Country Ford for $24,823.20, and waiving the bid bond so delivery can be had by the end of the fiscal year. Councilman Stewart **MOVED** to approve the award of bid and waiver of bid bond per the City Manager's recommendation, seconded by Councilman Duke, with all in favor.

Based on request of the North Carolina Department of Insurance, minor changes were proposed to the contract with the Catawba Heights Volunteer Fire Department, and were prepared by City Attorney Michael. Councilman Helms **MOVED** to approve the amended contract as presented and authorize its execution, seconded by Councilman Harris, with all in favor.

Councilwoman Harris reported that she and Councilman Helms attended the meeting with the City Manager and the Catawba Heights VFD, and they want to begin discussing their contract renewal. Mayor McLean appointed Councilwoman Harris and Councilman Helms to a committee to meet with the VFD for that purpose.

Three budget amendments were approved as presented by the City Manager, upon **MOTION** by Councilman Stewart, seconded by Councilwoman Harris, with all in favor. (copies attached)

Councilman Helms asked the City Manager and Zoning Officer to look into ordinances related to adult usage, hotels and motels, similar to what the County is currently considering.

Councilman Stewart complimented Ms. Pritchett for always being well-prepared and succinct, and he noted that their firm has made improvements at the apartments and handles the budget well.

Councilman Stewart asked about the budget schedule. Mr. Ponder said he will present a budget in May, and the Council should adopt a final budget by the end of June.

Councilman Hostetler asked that the Planning Commission be requested to look at a potential overlay for manufactured homes; they are already considering telecommunications items.

Councilman Hostetler requested that a key be added to the department reports so the Council can understand the abbreviations used.

Councilman Hostetler asked the City Manager to check on the sidewalk at the intersection of Oakland Street and West Catawba Avenue, as he believes it needs to be cut properly for American Disabilities Act compliance.

Councilman Duke requested a resolution be prepared honoring Freightliner truck plant for a milestone of 200,000 trucks.

Councilman Duke said he would like the opportunity to meet the new police officers shortly after they are hired. Councilman Stewart did not see a need to treat the police employees differently from other employees. Mayor McLean said perhaps the new officers could be assigned duty on City Council nights.

Councilman Duke asked about the tickets for the Senior Citizens Dinner during Springfest week; he was referred to the Springfest Committee.

City Manager Ponder stated the Mt. Holly Rotary Club has requested to put up a sign announcing a fundraising event on April 27th, "50 Men Who Cook". Councilman Duke **MOVED** to authorize the temporary sign, seconded by Councilwoman Harris, with five ayes and one nay (Hostetler). Councilman Hostetler said the poles are whipping in the wind with the banners on them and are dangerous.

City Manager Ponder said he plans to place more responsibility on the truck drivers in the Public Works Department, and will give training. They will have supervisory power, and it will affect the pay plan. He asked the Council for any questions or comments. Councilman Helms said it is a good idea as long as personnel is cooperative with the change.

Mayor McLean said that he has been considering a request by Councilman Hostetler for a new committee called the Image Committee. There are seven volunteers already. He asked for comments. Councilwoman Harris felt it would cause a problem with Cyrus Frazier, the Beautification Committee Chair. Councilman Hostetler said that committee only wants six members and focuses on downtown beautification. He is interested in a committee like the one the county has that focuses on trash collection on roadsides, entranceways, and maintaining the entranceways. Councilman Helms suggested each committee list its mission statement so that conflicts could be eliminated. Councilman Stewart believed anytime the City has an opportunity where citizens are willing to volunteer, they should be given an outlet for that spirit. Councilman Hope said it would be all right, but he does not want them "bumping heads". Mayor McLean appointed David Hostetler as Chair of the Image Committee, and appointed Cecelia Broome, Amanda Broome, Linda Fuller, Jim Fuller, and Frances Springs as members.

There being no further business, the meeting was adjourned, upon motion by Councilman Duke, seconded by Councilman Helms, with all in favor, at 10:45 A.M.

Phillip D. Ponder, Jr.
City Clerk

Frank E. McLean
Mayor

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