Regular Meeting
Mount Holly City Council
April 11, 1994

The regular meeting of the Mount Holly City Council was called to order by Mayor Charles B. Black, Jr. at 7:30 P.M. Those present were Councilwoman Phyllis Harris, Mayor Pro-Tem Bob Jessen, Councilmen Archie Small, Michael Helms, R. L. Duke, and Jim Hope, as well as City Manager Phil Ponder, Zoning Administrator Gary Roberts and Public Works Director Eddie Nichols.

The invocation was led by Reverend Doug Bryant.

Mayor Black read two proclamations (attached). The first proclaimed Fair Housing Month. The second proclaimed American Home Week.

The regular meeting was recessed and a public hearing called to consider amending Section 76 of the Zoning Ordinance pertaining to accessory buildings. Mayor Pro-Tem Jessen questioned the need for a ten foot span between the main structure and the accessory structure. Councilman Hope questioned the need of a fourteen foot height limit on accessory structures. Councilman Small questioned the provision in the ordinance requiring at least five feet between the property line and accessory building. Councilman Small felt that if a person had the permission of the impacted neighbor that they should be allowed to vary from this regulation. Mr. Danny Todd, of 156 N. Main Street, did not find the accessory building requirements acceptable for planned construction at his property. The public hearing was adjourned and the regular meeting resumed. Upon motion of Councilmember Jessen, seconded by Councilmember Small, and unanimously carried, Council directed that the Planning Commission review Section 76 of the Zoning Ordinance for revision recommendation.

The regular meeting was recessed and a public hearing called to consider rezoning properties at 701 and 703 Belmont/Mount Holly Road from R-12 SF to B-2 NB. Mr. Dick Bailey, representing Mr. Fite, appeared to speak in favor of the rezoning. Mr. Bailey indicated that it was the property owners intent to locate a low traffic business at this location such as a doctor's office or attorney's office. Mr. Bailey noted that the Planning Commission was recommending denial of the rezoning by a 5-3 vote. Mayor Black and several Councilmembers indicated that Mr. Dick Gaither had contacted them to oppose the rezoning. The public hearing was adjourned and the regular meeting resumed. Upon motion of Councilmember Jessen, seconded by Councilmember Small, and unanimously carried, the rezoning request was denied. Mr. Bailey confirmed that he could have the property considered for a conditional use rezoning without waiting one year.

The regular meeting was recessed and a public hearing called to consider annexation of property adjacent to West Central Avenue. There was no public comment. City Manager Ponder indicated that the City Attorney had requested that Council delay action on this matter until his arrival. The public hearing was adjourned, and the regular meeting resumed. Upon motion of Councilman Duke, seconded by Councilman Helms, and unanimously carried, Council voted to delay action on this matter until the arrival of the City Attorney.

The regular meeting was recessed and a public hearing called to consider a conditional use request to build eight apartment units on North Main Street under Section 86.3 of the R-8 MF District. Mayor Black stated that he objected to apartment development in this area, because it violated the intent of the ordinance. Mr. Danny Todd, of 156 N. Main Street, appeared before Council to present a petition (attached) containing the names of property owners in the area objecting to the request. Mr. Tommy Hopkins, of 101 Cedar Lane, appeared to object to the request, because of potential flooding concerns. Mr. Trull, of 160 N. Main Street, appeared before Council to object to the rezoning, because apartments would degrade this section of the City. Mr. Richard Welch, the property owner, appeared to speak in favor of the request. Mr. Welch indicated that he confirmed that he could build apartments on the property before he bought it. The public hearing was adjourned, and the regular meeting resumed. Upon motion of Councilmember Small, and seconded by Councilmember Helms, Council voted to table the matter until the May regular meeting to seek a Planning Commission recommendation and legal advice on the matter. Councilman Jessen voted in opposition to the motion.

Reverend Kam Keyser appeared before Council representing Habitat for Humanity. Rev. Keyser discussed the goals and objectives of the organization.

Upon motion of Councilmember Duke, seconded by Councilmember Jessen, and unanimously carried, Council approved the final plat for the Craig Subdivision located between N.C. 27 and Noles Drive. Mr. Allen Craig, representing the family, voiced objection to the numerous regulations and requirements associated with dividing property between family members.

City Attorney Kemp Michael and Council Secretary Cindy Michael joined the meeting at this time.

Bids for the Mount Holly-Stanley water system interconnect had been received and opened for three contracts, one for the water line, one for the pump station, and one for electrical. John McLaughlin, W. K. Dickson Engineers, presented the bids and their recommendation to award to the low bidders on each contract, as follows: Water Line to Trans-State Construction Company, for $271,775.00; Booster Pumping Station to Hickory Construction Company for $280,400.00; and Electrical to Gaston Electric Contractors, Inc. for $27,877.00. City Manager Ponder noted that the County will pay the majority of the bill. The bids are within budget, and are complete. Councilman Hope **MOVED** to award the bids as recommended by the engineer, seconded by Councilman Duke. Councilman Small objected to Trans-State although they were the low bidder because he has received complaints about their clean-up work and they have not repaired Woodlawn Road. Mr. McLaughlin stated that the final inspection was just recently done and they were given a list of restoration to be done. Councilman Hope felt that cosmetics are always a problem with utility work, no matter who the contractor is; he asked the engineer if Trans-State's work has been done properly from an engineering standpoint, to which Mr. McLaughlin stated that it has. The motion carried with five ayes and one nay (Small).

The West Central Avenue annexation petition was brought back to table for a vote. City Attorney Michael asked if the effective date has been determined. Mr. Broome asked the Council to give him until July 1. Councilman Jessen **MOVED** to adopt Resolution #4-11-94(a), An Ordinance To Extend the Corporate Limits, as written, to annex the stated property as of June 30, 1994, (copy attached); seconded by Councilman Hope, with all in favor.

Mr. McLaughlin, W. K. Dickson Engineers, also discussed the alum sludge study with Council. The lab analysis has found nothing unusual, but the State has made certain requirements regarding the decant. We have five options: 1. land application of decant; 2. pumping decant to sewer system; 3. use existing pumps to pump by pipe to Mountain Island Lake; 4. use existing pumps to discharge into a wet weather ditch running to Mountain Island Lake; or 5. discharge into a wet weather ditch draining to the Catawba River. The fourth option is the least costly. Any option chosen will still require State approval. Mr. McLaughlin defined alum decant as follows: raw water is drawn from Mountain Island Lake, and alum is added to it at the WWTP to aid settlement of solids in the wastewater, and all is pumped into the lagoons. After settling, the surface water is clear liquid, a relatively clean water called "decant". This has up to now been recycled back into the plant for processing again before discharge, but the State now requires it be discharged differently. Councilman Helms inquired as to the effect of heavy rains. Mr. Nichols said there is slightly more turbidity in the water coming into the plant from the lake then, but it does not affect the process very much. City Manager Ponder asked why the State has made this change. Mr. Nichols said it is their position that the alum sludge lagoons might tend to concentrate bacteriological organisms that were in the water when recycled in the plant. After discussion, Councilman Jessen **MOVED** that the Mayor write a letter to the State department and advise them the Council does not want to comply without futher explanation as to the reason why this is being required; motion seconded by Councilman Duke, with all in favor.

Diane Pritchett, of Priority One Management, appeared before the Council with regard to Public Housing matters. The first matter is an interest rate reduction on the Farmer's Home Administration loan at Rollins Square which reduces the monthly payment from $10,164 to $7,694. This agreement was approved subject to approval of the paperwork by Trent Wilson and the City Attorney upon **MOTION** by Councilman Hope, seconded by Councilman Helms, with all in favor.

Based upon recommendation by Priority One and as a result of $10,000 in unexpected revenues, Councilman Jessen **MOVED** to approve Resolution #4-11-94(b) to Approve Budget Revision #1 for Fiscal Year ending 6/30/94 at Holly Hill Apartments (copy attached), seconded by Councilman Small, with all in favor.

Resolution #4-11-94(c), Resolution to Approve Operating Budget (copy attached) for Holly Hills was adopted upon **MOTION** by Councilman Hope, seconded by Councilman Helms, with all in favor.

Resolution #4-11-94(d) Certifying the Re-Examination of Incomes of Families in Occupancy (copy attached), as required by HUD, was adopted upon **MOTION** by Councilman Hope, seconded by Councilman Jessen, with all in favor.

Councilman Duke **MOVED** to table the Public Housing matter of adopting a revised grievance procedure, and the matter of adopting a revised Lease Agreement, until the next regular meeting, for review by the City Attorney, seconded by Councilman Hope, with all in favor.

Hoechst Celanese has requested it be allowed to paint crosswalks for safety reasons on East Catawba and South Lee Streets at its expense. City Attorney Michael recommended that a location map be attached to the minutes if approved. Councilman Hope **MOVED** that Hoechst Celanese be authorized to paint two crosswalks on East Catawba and two crosswalks on South Lee Streets and erect signage "Pedestrian Walkway" as per the presented site drawing at its expense; seconded by Councilman Duke and carried unanimously. (copy attached)

Tour DuPont Cycling Event will race through Mount Holly on May 13, and they have sent a letter asking for permission to come through town and to accept their liability insurance coverage. They will be using state highways. City Attorney Michael suggested that, since the route is on the state highways, and rather than give permission, the City should express its welcome and that we have no objection to the race coming through our town. Councilman Jessen **MOVED** to instruct the City Mangager to change the response form showing we have no objection and to send it, seconded by Councilman Hope with all in favor.

City Manager Ponder stated that the recommendation by the Council to the County Commission for an outside member to the Board of Adjustment has been returned to him with a statement that they received a protest and requesting that we reconsider. Councilman Jessen **MOVED** to reaffirm our recommendation for the appointment of Jack Stevenson as the outside member on the Board of Adjustment, seconded by Councilman Hope. Mr. Hope stated for the record that the Commission did not reject our recommendation per se but have objected to our having the same members on both the Planning Commission and Board of Adjustment; however, we have contacted the Institute of Government before the action was taken and did not ask for a review of our Ordinance by the County Commission. The motion carried upon a vote of four ayes and two nays (Helms and Duke). Councilman Small noted that we need an alternate outside member so he/she can be learning what's going on before a seat becomes vacant rather than waiting until after. The Council concurred that the Planning Commission would be asked for a recommendation about that.

Tax releases dated April 11, 1994, in the amount of $1,058.23 for 1993 taxes were approved upon **MOTION** by Councilwoman Harris, seconded by Councilman Jessen, carried with five ayes and zero nays.

The floor was opened for complaints or petitions not on the agenda. Mr. Hartsell, 115 Cottonwood Drive, was recognized. He said that the fence height is being enforced on his street, but there are fences all over town that violate the code, such as at Creative Dyeing, Mount Holly Junior High, and 106 N. Main Street; he asked if the City checks or acts on complaints. Mr. Roberts said that if he happens to go past a violation and sees it, he acts on it, but that due to a small staff, they act on complaints primarily. Mr. Hartsell said if he has to comply, then everybody should have to. Lynn Dunn, 500 Lanier, said that she has the same situation; she said that at the last Planning Commission meeting, after her variance was denied, Mr. Stevenson said a change might need to be considered in the ordinance. She asked if this is going to be enforced or can there be a delay until action is taken on the proposed change in the ordinance. City Attorney Michael suggested that Mr. Roberts might want to send a letter to those in violation allowing them a delay until after the Council meeting when the proposed change is heard.

Mr. Wayne Beatty, 1320 Azalea Trail, said he is in favor of the fence ordinance being changed to resolve these problems. He stated that the ordinance calls for a five foot fence on a side yard but that would not be high enough to keep a dog from jumping out. Councilman Duke agreed that it should be changed. Councilman Jessen asked when this matter will be heard. Mr. Roberts said the Planning Commission wants a clarification from the Council as to whether to enforce, amend or delete that section. City Attorney Michael said an amendment or deletion requires a public hearing on that ordinance. Councilman Duke **MOVED** to set a public hearing for the May regular meeting to consider amending Section 104 of the zoning ordinance as to residential fence height requirements; motion seconded by Councilman Jessen, with all in favor.

Mr. Elwood Smith, 701 E. Charlotte Avenue, asked the City to cut the grass and hedges on East Charlotte Avenue between the bridge and River Street and pick up debris. He said he goes as far as he can, but the City does the other side, and he cannot go on the hill. City Manager Ponder said that is on State highway, and although we have our contractor mow at the city entrance welcome sign, we cannot maintain all the State highways. The State cuts it some but not as regularly as we do. The Council discussed this matter and decided that they want the City Manager to have that side at the entrance to the City kept cut by the City also.

Mayor Black had asked Joe Carpenter to plant flowers and plants in the traffic island on South Main Street; the Council concurred. The Mayor and City Manager had scheduled a meeting with Morehead Properties and Christopher Construction later in the week.

Councilman Small asked the City Manager if Mr. Nichols' office can be moved to City Hall. He said that is a possibility. Councilwoman Harris asked Mr. Nichols if he wants to move his office. He said he has been there 18 years and likes the location because of the convenience in getting out to sites in the city, and that is where his people are that he is supervising, but he can move and adjust if asked to do so. Councilman Jessen stated he has never had trouble getting Eddie, and he feels people should make an appointment if they want to see Eddie. Councilwoman Harris, Councilman Small and Mayor Black all stated they have never had trouble getting in touch with Eddie. Councilman Small said he is concerned because they have no breakroom because of the OSHA rule that they cannot eat in the lab. Councilwoman Harris asked if any of them had complained to Mr. Nichols. He said he heard some complaints but no specific requests. Councilman Helms asked if the employees have worked on a space out in the other building; they have cleared out some room in the shop building. Mayor Black felt that Mr. Nichols is a valuable and respected supervisor and should decide where he wants to have his office only subject to the City Manager without interference from anyone else. Councilman Hope agreed. No action was taken.

City Manager Ponder informed the Council that he did not order police cars as was discussed at the retreat because the dealers changed the deadlines for 1994 cars, which we missed.

Councilman Hope stated that he firmly believes that when a vote is taken and a majority rules, the whole Council should support the decision made. Councilman Helms objected to this statement and said that he has the right to go to the Commissioners about anything he wants as a citizen of this County. Mayor Black expressed his desire that all of the Council communicate more among themselves and work together to accomplish the goals established for the good of our City.

Counciwoman Harris moved to adjourn, seconded by Councilman Duke, with all in favor.

Phillip S. Pender, Jr.
City Clerk

Charles B. Black Jr.
Mayor

****