

KINGS MOUNTAIN CITY ELECTIONS - 1987

Issue #3: Oaths, Duties And Responsibilities Of Office

The oath of office that our City Commissioners and Mayor must swear to reads as follows:

“I, (name of person), do solemnly swear or affirm that I will support and maintain the Constitution and Laws of the United States, and the Constitution and Laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as (office title), so help me God.”

N.C. Constitution Article 6 Section 7

Satellite annexation is the taking into the city limits of a piece of property which does not border on any part with the city limit boundary. This annexation entitles the property owner to all of the benefits granted to any other property owner that is inside the city limits. These benefits are police and fire protection, gas, water and sewer, electricity (when not conflicting with another utility company providing the power) and all other rights available. Satellite annexation is good for the city when the advantages of having the property as part of the city limits are equal to or greater than the advantages to the property owner. These advantages must be weighed since the granting of the annexation entitles the property owner to all of the benefits immediately and any agreements made that would give up or surrender any of these benefits would be immediately voided the instant the property owner would want them. These costs of providing these services are not cheap and must be weighed carefully before deciding to annex. Satellite annexation is not good when it favors the property owner over the city and its citizens since it is the citizens who must bear the tax and utility burdens of providing the services to the satellite.

It is every property owner's right to petition for satellite annexation if they desire. It is the granting of the annexation where it is not economically feasible for the city that is wrong. The following account of events earlier this year is meant in no way to portray the property owner as being wrong to ask for satellite annexation. It is meant to show the policy decision as being flawed and the commissioners actions in the decision.

In the spring of this year, a petition of annexation was submitted to the City for the purposes of requesting satellite annexation of a piece of property located north of Kings Mountain on NC 216 -- the Cherryville Highway -- owned by Richard K. Moore and operated as The Ole Country Store. The purpose of the annexation was to enable the store to sell beer and wine (which it could not do unless the property was part of the City).

After the petition was submitted, it was passed on to the Planning and Zoning Board for their recommendation. Prior to the May 12th meeting of the City Commissioners, the Planning and Zoning Board expressed, by letter (that was given to each of the Commissioners and Mayor), their reasons why the petition should be DENIED. A separate report was issued by the Department of Community Development and given to the Commissioners and Mayor and it too spelled out its reasons why the petition should be denied. Both groups reasons were of purely economic and feasibility issues and not based on any issue of personality. These letters are on file.

The Mayor and Commissioners met in a regular public meeting on May 12, 1987 and one of the items on the agenda (along with a similar annexation request by Floyd Goforth) was the Moore petition. As required by statute, a public hearing was called during the course of the meeting giving the audience and Commissioners time to openly discuss the petition. When the

Mayor asked for anyone to speak in favor of the petition, there was no response. After three calls, the Mayor then asked if there were any comments against the petition. At that point, seven people spoke in opposition, several of them presenting petitions to the Mayor and Commissioners with the names of several hundred that were opposed to the annexation. The public hearing was then closed.

The only Commissioner to make any statements was Commissioner Humes Houston, who opposed the granting of the petition on the grounds that it was bad policy and procedure and that it would also set a bad precedent. His argument was clear and he then made a motion to deny the petition. It failed for the lack of a second.

Commissioner Corbet Nicholson then made the motion to approve the annexation. Commissioner Harold Phillips seconded the motion.

The vote was 4 - 1 with Commissioners Corbet Nicholson, Norman King, Fred Finger and Harold Phillips voting in favor of the annexation petition. Commissioner Humes Houston voted against. Commissioner Allen was not present. (Subsequently, the other satellite annexation petition was approved by a 4 - 1 vote with the same roll call).

A few days later, Mr. Moore applied for the permits required since his property was now a part of the City. The first permit was a privilege license to operate the store -- it was approved. The second permit was the privilege license from the City to sell beer and wine inside the city limits. This permit was denied since the City's Planning and Zoning Ordinances require that the property be zoned properly. Since the property had been outside of the City's 1 mile perimeter, it had never been zoned. The permit would then have to wait until after the Planning and Zoning Board zoned the property according to their duties and procedures which would then have to be approved by the Commissioners. The law and statutes are clear on these procedures.

At this point, Mr. Moore left the office only to return later with Commissioner Norman King. Commissioner King asked that the permit be issued. The City employee told Commissioner King that this was against the rules and procedures of the Planning and Zoning Ordinance due to the lack of proper zoning at the store. Hearing this, Commissioner King told the employee to issue the beer and wine sales permit. The permit was then issued. The Ole Country Store, after having obtained all of the required permits from the City and the ABC Board, could now sell beer and wine.

At the September 8, 1987 Commissioners meeting, a similar petition for satellite annexation by Tommy Hall was denied by a vote of 5 - 0. Commissioner Nicholson made the motion to deny and it was seconded by Commissioner Phillips. Remember the May 12th meeting and who made the motions and seconds?

POINT: Election to the office of Mayor and Commissioner is one of the highest compliments that can be paid a candidate. It is a statement by the voters that they believe that the people they have chosen are the leaders they have the most trust in and the ones they believe will faithfully

uphold the honor and dignity of the office. Election also means that the citizens will know that whatever decisions that are made on the issues, the Commissioners vote on them will be the right decision -- the decision that will best protect and serve the interests of all of the citizens. Election also means that they will do nothing that would taint or demean the value of that oath. This would include decisions or actions. It is a solemn oath that is not to be taken lightly.

During the May 12th meeting, Commissioners Nicholson, King, Finger and Phillips had ample opportunity to state their reasons for voting for the annexation petitions. They said nothing. If they had given their reasons, their votes may have had more meaning. Instead, they said nothing even after a member of the audience asked them what would be the City's benefit from the annexation.

The satellite annexation of a property is permanent with the only thing that could possibly change this (to UN-annex) would be a special act in the State Legislature and even then the law is not clear.

Again, we defend every property owner's right to ask for annexation if they desire it. It is only when the costs to the rest of the City and its Citizens are far outweighed by the benefits to the property owner that it is wrong. This is not a test of personalities but only of costs and benefits.

We feel very strongly that the actions of these Commissioners -- Corbet Nicholson, Norman King, Fred Finger and Harold Phillips must be called into question. First, they ignored the reports issued by the Planning and Zoning Board and the Department of Community Development. Secondly, they chose to ignore the wishes of the people who were very adamant in their opposition to the satellite annexation. Thirdly, the demanding of the beer and wine permit issuance by Commissioner King was clearly against the Planning and Zoning Ordinance. We feel that these actions are violations of the oath they all took to uphold and faithfully discharge the duties of office since the annexation petition they granted would only benefit the property owner. The payback to the City would never offset the costs involved both presently and in the future. These Commissioners knew this but chose to ignore it. The Commissioners actions were completely wrong and indefensible.

The Government of the City of Kings Mountain should be something that all of us as citizens both inside the city limits and in the surrounding countryside should be able to take a great deal of pride in. The Government should also reflect the wishes of the people. The Government should be a symbol for other towns and cities to look at with envy and respect. Kings Mountain can have a Government that would be all of these things but only if the citizens express themselves with the only true voice they have -- the vote.

Citizens, you have the choice and the power to change Kings Mountain for the better. Please vote and while voting remember the oath the Mayor and Commissioners have to take. This oath is a pledge to you, the voter and the citizen. You can make the difference between good government and poor government.

PLEASE VOTE!

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