

Regular Meeting
Mount Holly City Council
March 9, 1992

The meeting was called to order by Mayor Charles B. Black, Jr. at 7:30 P.M. Those present were Mayor Pro-Tem Faye Little, Councilwomen Lib Nichols and Phyllis Harris, Councilmen Myles Biggerstaff, Archie Small, and Bob Jessen, as well as Director of Public Works Eddie Nichols, Police Chief Jerry Bishop, Zoning Administrator Gary Roberts, City Attorney Kemp Michael.

The invocation was led by Councilman Small.

The minutes of February 10 and 17, 1992 were approved upon MOTION by Mayor Pro-Tem Faye S. Little, seconded by Councilman Small, with all in favor.

The Council first considered appointments to the Planning Commission and the Board of Adjustment. Mr. Yates Springs, Chairman of the Planning Commission appeared; he stated the Commission did not wish to be divided, but felt that it is the wish of the Council, and so recommended that since the new ordinance calls for seven members on the Planning Board it would be logical to have the Planning Board retain the same members it now has, with the two members whose terms would be ending in September, namely himself and Bobby Black, coming off now. He stated that he does not want to serve on the Board of Adjustment, and that Bobby Black said he would serve on the Board of Adjustment until September, but had not decided about after that. The Council discussed the names of those who have volunteered to serve on the Board of Adjustment. Councilman Small stated that the ordinance calls for a minimum of seven on the Planning Board and he felt the same Board should stay even if it is more than seven, so that their experience will not be lost, and the Council could simply appoint five new people for the Board of Adjustment. Mayor Black agreed that we need to keep those who know what is going on. Mayor Pro-Tem Little NOMINATED Jim Hope, David Berg, James Lindsay, and Charlene McRorie as inside and James Grant as outside members of the Board of Adjustment, effective May 4, 1992; nominations seconded by Councilman Small. There were no other nominations. Mayor Pro-Tem Little moved that nominations be closed, seconded by Councilman Jessen. The vote was unanimous for the named persons. The Council concurred that the new Board of Adjustments will choose its own Chairman. Mayor Pro-Tem Little MOVED that the terms for the said members shall be as follows: Jim Hope and James Grant-three years; David Berg and James Lindsay-two years; and Charlene McRorie-one year; seconded by Councilman Biggerstaff, with all in favor.

Mr. John Kimel appeared on behalf of Johnson & Higgins Carolinas, Inc., the Administrator of the Interlocal Risk Financing Fund of North Carolina for the North Carolina League of Municipalities. He stated that they are aware that the City was formerly covered by insurance with the League, but had left the program. He stated that there were problems with the program in the past, mainly due to poor administration by another company. The program has been adjusted under their new management, and is now in good standing with almost \$11 million on the books. He said they have not had a rate increase in three years, and report to N.C. Department of Insurance quarterly. He stated that many cities including Gastonia have returned to the program. Councilman Jessen reported that he has reviewed the program, and started his report by clarifying statements made last month. He has found that the City is currently covered for errors and omissions by public officials, and that all City properties are covered. Some properties are valued low compared to current replacement cost, but Councilman Jessen said that since this is a "blanket" policy, there are schedules for each property, but the total coverage applies to all or to each one when a claim is made. The policy currently in place expires June 30 except for the public officials policy. He felt that a decision did not need to be made on insurance until budget time, and that the public officials policy could be extended until that time so the expiration dates will be the same. Councilman Biggerstaff asked if the City has been notified of a rate increase or some other notice has come from our current carrier; City Manager Ponder said it has not. Mr. McGinnis said he initiated this matter since the public officials policy expired in April, and in the thirty years he has been in city administration he has never seen worse service from an insurance company than he has seen from the current carrier. The Council asked the City Manager to get an extension on the public officials policy until June 30. This matter was tabled on MOTION by Councilman Biggerstaff, seconded by Councilwoman Nichols, with all in favor.

The next matter was action with regard to the possible closing of Annex Street, following a public hearing which was held in February. Mayor Black stated that his first wish would be that the Council do nothing, and his second choice would be to make it a dead end street. Councilman Biggerstaff MOVED that Annex Street be declared a dead end street to through traffic at the old Nims property line and that proper signs be erected, effective upon adoption; motion seconded by Councilman Small. After discussion, Councilman Biggerstaff added to his motion that, in the event that said Annex Street is ever under consideration to be opened to through traffic, all property owners of adjoining properties be notified in writing, said amendment being accepted by Councilman Small, and the motion with amendment carried unanimously.

Next, the matter of a conditional use permit for 214 apartment units on South Main Street was considered, also following a public hearing held in February. City Attorney Michael reported to the Council that the Planning Administrator would have to address the issue of whether or not the site plan meets our ordinances; he stated that the R-8 District has allowed multi-family for years and the site plan for this project was initially submitted a year ago. In January, the Council adopted a conditional use provision which was added to the zoning ordinance with regard to apartments. This matter has been to the Planning Board and has been approved there. He stated that he has been informed that this site plan meets both the old and new ordinances and he finds no legal reason to withhold the permit. Zoning Administrator Roberts presented the map to the Council, demonstrating the pertinent issues; as previously instructed by the Council, the developer has amended the site plan to align the entrance with Carey Street, to add a connector street with Tuckasee Road, and a recreation area of 4.2 acres has been reserved which shall be retained in private ownership for use of the residents in the complex. Mr. Roberts stated that all zoning requirements, including buffers, have been met, and he had been informed by DOT that they had studied the traffic impact and concluded that it would not require turn lanes. He was given the same answer by Gaston Urban Area Transportation. The project owner has agreed to give a forty foot right-of-way from the center of the right-of-way on South Main Street for future widening and he felt this should be required. Mr. Roberts advised the Council that the water lines must be approved by the State, and the drive connections must be approved by State DOT; they have agreed to pay a sum of money for park use to the City in lieu of donating park land; they must dedicate the "greenway" area permanently so that no building is permitted there. Councilman Biggerstaff wanted more particular information about the buffers. Mr. Roberts said the ordinance gives the developer three options from which to choose. Councilman Jessen noted that the plans call for leaving existing trees where possible. Mr. Greg Allen, the developer's planner said large areas of trees and natural areas are being saved, and where these are too thin, buffer will be added to comply. He said that in winter the buildings would be visible because the trees are not evergreen. The clubhouse was placed near South Main Street because it is a one-story structure and would be in harmony with the adjoining properties. Councilman Biggerstaff asked about the southern portion next to the creek. Mr. Allen said one building next to the sewer line will not have any trees standing between it and the sewer line, but there will be landscaping. Councilman Biggerstaff said that the homeowners on the south do not wish to see the apartments from their homes which have a high market value. Mr. Allen said he did not know of any way to actually screen them totally from view, due to

the fact that the apartments will be on a hill and those houses are on high land but the buffers on the property line lie in the valley. Mayor Black asked about the street width; Mr. Allen said the paved lanes would be eleven feet wide each, but the street is twenty-five feet wide curb to curb. He said they will add speed bumps later if a problem arises with cut-through traffic. Councilwoman Little inquired about the amount of money to be donated for park use. Mr. Doug Arthurs, attorney for Mr. Ratchford, said a formal appraisal has not been made but he proposes \$10,000.00. Councilman Small asked if he would install a turn lane; Mr. Arthurs said Mr. Ratchford is not in a position to do so as there is not currently enough right-of-way in front of the other properties where the turn lane would have to be. They have put in a deceleration lane on the northbound side of Highway 273. Councilman Small stated he still has concern about the traffic. Councilman Biggerstaff asked Mr. Allen if he had not said they would put in a turn lane. Mr. Allen said he had investigated it because of the Council's concern but it was not made a requirement. Councilwoman Nichols asked if a traffic study was done. Mr. Roberts said it was, and he met with the division engineer from DOT who told him it is not going to require a left turn lane. Councilwoman Nichols asked if a traffic light could be installed there; he said it could but that is up to DOT. Councilman Biggerstaff noted there are already a lot of accidents there. Councilman Jessen said that he is just as concerned about the traffic but he is certain that the majority of those accidents are from negligent driving because people are speeding through there or trying to beat someone to the single lane; he did not feel it was the developer's problem to fix the already existing traffic problem on Highway 273. Councilman Biggerstaff requested that he be allowed to hear what the neighbor's have to say. Mayor Black said that the public hearing was already held and so it would not be according to Roberts' Rules of Order, but he would allow three to speak. Mr. Jim Windham, attorney for Dr. and Mrs. Raul Aizcorbe, South Main Street, stated that if this is a matter of a conditional use permit they are concerned that the zoning requirement to provide safe access is met, since there is already a problem and the Planning Board asked for a traffic study. The Aizcorbes think a turn lane should be required if at all possible, and also feel there are significant questions about trees, buffers, etc. that should be answered. They asked that the matter be sent back to the Planning Board for more study, especially since it had a split vote. Mr. Tom Campbell, 814 S. Main St., said that he will be greatly affected, and he moved to Mount Holly because it is a great place to live and he would like it to stay that way. He asked the City Attorney if there is any way to impede this project or is it going to happen no matter what they do. City Attorney Michael with Council's permission stated that this is not a rezoning matter before

the Council, and the zone in which this property lies allows multi-family use; in fact the site plan calls for fewer units than the zoning ordinance allows. He said that Mr. Windham had said the zoning requires safe access, but actually the ordinance specifies safety for off-street parking and the circulation plan and does not refer to public streets that are not within the site plan. He said he did not see anything in the ordinance that requires the developer to install a left turn lane without DOT requiring it and this project is allowed under the zoning ordinance. Mr. Campbell said he believes this project will have a negative impact and there are too many unanswered questions. Mr. Harold Rick, 743 S. Main Street, said the project will mean 600 cars more and he has already had two cars totalled due to the traffic problem, and it takes him 15 minutes to get out of his drive. He stated he has not seen anyone taking a traffic study. Mayor Black said the traffic count was about 12,000 daily. Mayor Pro-Tem Little asked Zoning Administrator Roberts if he originally had the site plan meet all the subdivision ordinance; he said he did, and now they have complied with the new ordinance as well. Councilman Jessen said he does not want to sound insensitive to the neighbors, but the man bought this property already zoned to allow apartments, and although he would like to see a better road on 273, he felt the Council needs to put pressure on DOT to solve the traffic problem, not the property owner. Mayor Black reminded the Council that four lanes had been scheduled to be built a few years ago, but was voted down by the Council sitting at that time. Councilman Biggerstaff MOVED to take a recess and then go into executive session for attorney-client matters for no more than twenty minutes; seconded by Councilwoman Harris, and carried with five ayes and one nay (Small).

The Council returned to regular session upon motion by Mayor Pro-Tem Little, seconded by Councilman Biggerstaff, with all in favor. Upon request by the Council, Mr. Allen displayed to the audience the full set of construction drawings which constitute the "Site Plan" for the 214 apartment units on South Main Street, consisting of several sheets, pointing out to them particular points of interest, including berms, the roadway, and parking lots. Previously, the one sheet "master plan" has been used for display to the audience. He stated that they do not plan to cut trees between the sewer line and the creek on the south side; dumpsters will have six feet fencing on three sides; the rent structure is necessarily high in order to allow the developer to recoup the infrastructures such as parking, the road, club house, utilities and buffers. Councilman Biggerstaff MOVED to adopt the Resolution approving a 214 unit apartment complex submitted by Triangle Real Estate of Gastonia, Inc. to be constructed on South Main Street, identified as #3-9-92(a); seconded by Councilman Jessen. Mr. Arthurs asked that paragraph 4 of the resolution be amended so that the \$10,000

shall be paid simultaneously with the issuance of the building permit. Councilmen Biggerstaff AMENDED HIS MOTION so that the resolution shall be changed thusly, and it was accepted by Councilman Jessen. Motion carried unanimously. (copy attached)

Mr. Fred Eilskov, from Hoechst Celanese, requested the Council consider its petition for closing portions of old Sixth, old Seventh, and old Eighth between East Glendale Avenue and the Seaboard Airline Railroad right-of-way, Alexander south of Piedmont, and Piedmont east of Lee Street to the River. The streets have never been opened; the company owns the property on both sides of these streets. The map they used had the street sections identified and showed blue sections adjoining them which are the properties that Hoechst Cleanese does not own both of which have access by other streets. Mayor Black inquired about city utility lines. Director Eddie Nichols will check into that further. Mayor Pro-Tem Little MOVED that upon payment of advertising and legal costs a public hearing be set to be held the next regular meeting after proper notice is given, for consideration of the closing of portions of Sixth, Seventh, and Eighth east of the Seaboard Railroad, and Alexander south of Piedmont, and Piedmont Avenue east of Lee Street to the River; seconded by Councilman Jessen, with all in favor.

CYA Investments applied for final plat approval for Phase One of Deertrack Subdivision, off old Highway 27, consisting of about forty-five acres. The preliminary plat was approved earlier. Mr. Roberts reported that the Planning Board has approved the final plat, it meets the subdivision ordinance requirements, including water and sewer requirements for which a letter of credit has been submitted. City Attorney Michael asked if the agreement between CYA and the City with regard to upsizing the utility lines has been returned executed; it has. Mr. Michael said he has reviewed the \$367,000 letter of credit and found it to be legally sufficient; it is valid for eleven months. Mr. Yadko said that a lot of the sewer and water lines and storm drains have already been installed. Mr. Nichols stated he has no problem with the plans. Mayor Pro-Tem Little MOVED to approve the final plat with last revision date of January 20, 1992, and the letter of credit for Phase One of Deertrack Subdivision, presented by CYA Investments; seconded by Councilman Biggerstaff, and unanimously carried.

Sue withers, from the Quality of Family Task Force, reported to the Council that the County Commissioners established this task force in the fall of 1990 to establish the current status of families in Gaston County, to review funding sources, and to establish needs and goals for improvement of the quality of family life in Gaston County. There were over sixty recommendations, with nine of the top ten adopted, including a runaway shelter, a homeless shelter,

foster care improvements, health clinic improvements, preschool provisions. They request the cooperation of all county-wide government and businesses, and would like input from them as to the goals and opportunities we see they might attain.

City Manager Ponder had submitted to Council the bid tabulations for two trucks in the public works department. Mayor Pro-Tem Little MOVED to accept the City Manager's recommendation and award the bid for the two trucks to Dixon Ford, namely, Truck #20, for the sum of \$14,833.42, and Truck #7, for the sum of \$15,408.08; seconded by Councilman Small, and carried unanimously.

The bid tabulations and recommendation by W. K. Dickson, Engineers, had been presented prior to the meeting, with regard to a water line extension to the Old Hickory Grove Road area. This is a combination of two projects proposed in the water study dated two years ago, and will eliminate the need for a larger pump station at Rankin Street. It involves twelve inch line, then eight inch line. Mayor Black asked when it would be done if approved; the contractor is ready to go, and the contract has a four month contract period. Mayor Black asked if the pump could be used up on North Main Street to improve pressure temporarily until the water storage tank is built; the engineer said he would check on that, but was doubtful that it would help. Councilman Jessen MOVED to award the bid for water line extension serving old Hickory Grove Road area, W. K. Dickson #91128.10, to Stepp Construction in the sum of \$274,381.20; seconded by Mayor Pro-Tem Little, with all in favor.

The Elected Officials Seminar will be held March 19, 1992.

The Police Department requested that they be permitted to donate some surplus property to the North Carolina Justice Academy for their exclusive use for training needs, namely, thirty holsters, six belts, twenty-one cartridge holders, and three handcuff cases. Mayor Pro-Tem Little asked the Chief to be sure he gets a receipt and keeps it in the department records, and MOVED that the said donation be approved, which motion was seconded by Councilwoman Nichols, and passed by unanimous vote.

Mayor Pro-Tem Little asked Police Chief Bishop to have a patrol in the afternoons at the school to enforce the new no parking zones. Councilwoman Nichols noted some have had trouble parking in front of the old gym in the morning. Mr. McGinnis said the Recreation Dept. will not have any activities on school mornings any longer for safety reasons.

The following budget amendments were approved upon MOTION by Councilman Biggerstaff, seconded by Mayor Pro-Tem Little, with all in favor:

General Fund - Fire Department:

100-000-4-935.05 increase \$500
 100-530-5-103-02 increase 500

Water

300-710-5-345.00 increase \$11,200
 300-000-4-100.00 decrease 11,200

Street and Sanitation:

100-560-5-328.00 increase 3,000
 100-560-5-346.00 decrease 3,000

General Fund:

100-000-4-935.01 increase 1,680.84
 100-510-5-233.10 increase 1,680.84

100-000-4-935.01 increase 2,100.00
 100-510-5-233.10 increase 2,100.00

Police Dept:

100-000-4-935.01 increase 5,373.00
 100-510-5-974.00 increase 5,373.00

Police Dept:

\$7,000 to buy a replacement vehicle for police car in accident, consisting of \$4,873.00 from insurance and \$2,127.00 from capital.

Councilman Biggerstaff MOVED to approve the tag and tax releases in the amount of \$633.61, seconded by Mayor Pro-Tem Little, with all in favor.

Councilman Biggerstaff MOVED to table item #NB5-Leroy Walker property, Lanier Avenue, recommendation, and #NB9-Cablevision Partnership, until the next regular or special meeting; seconded by Councilwoman Nichols, with all in favor.

The floor was opened to complaints or petitions not on the agenda. Mr. Merlin Brown asked if the City can spend some money on the water tank now since they just spent all that money. Mayor Black said the water tanks are still in the planning stage, but they are working on it as quickly as possible.

Mayor Black had been asked to announce a meeting to be held at the Salem Church with regard to a request from the phone company regarding local phone service between Mount Holly and Denver; the Council was not opposed to such service.

Mayor Black stated he spoke to Paul Craig from the Fire Department, and he said they still need to room at the old gym to keep equipment for training. Councilwoman Harris asked if it could be stored at the Fire Department since the Recreation Dept. needs the room to keep the exercise equipment in which was recently donated; but they have no room for it. Councilwoman Nichols suggested going into the room to see how much is actually in it. Councilman Jessen

asked if there might be room in City Hall for storing that equipment so the Recreation Dept. can use the room at the old gym. City Manager Ponder will check on that.

Mayor Black had a request by a company that makes city maps at no cost to the City to do a Mount Holly map. The Council felt this might be difficult since the new annexation areas still need to be added to our master map. City Attorney Michael said the City should be careful what they allow the City's name to be placed upon; the Council asked him to review the proposal.

Mr. Jim Grant said he has noticed the chipper trucks going up and down the street two or three times a day which is wasting gas and time. Mr. Nichols said they are supposed to go along every street like the leaf trucks, once a week, unless they get special calls to the same street. The crew was doing leaves, but that has now stopped. They work five days a week. Mr. Nichols wants to commend the garbage pickup men for their hard work.

Mayor Pro-Tem Little asked Mr. McGinnis if COG could come to Mount Holly to give a course to the new members of the Board of Adjustments. He said either they or the Institute of Government can do so. The City Manager will arrange that and provide ordinances for them as well.

Councilman Jessen noted there are backstops going up at Tuckaseege Park, and said Carl Baber with Gaston County is still willing to work with the City on lights, etc. City Manager Ponder said he had talked to Mr. Baber and will continue to follow up on that so the next phase can proceed.

Mayor Black said the walking track behind the junior high school has flooded areas. Mr. McGinnis said this matter is being worked on as well as the lighting.

Councilman Small reported a fire hydrant that has no blue street indicator on Noles Drive near David Childers' house; which the fire department was looking for the other night when a fire occurred. The City Manger will work on this.

Councilman Small stated that he had understood the garage was to be used for minor repairs and major repairs were to be farmed out to dealers, but the garage is backed up because they are doing major repairs that take days or weeks. He also reported that the helper had to change oil outside in the rain the other day. Mayor Black and Mayor Pro-Tem Little said the assistant is supposed to do oil changes and routine things, so Ray can do the more difficult repairs. The City Manager will check on the backlog of repairs.

Councilman Small commented on the memo from Mr. Nichols with regard to refunding tipping fees to Tucker Building and Holly Florist, which Mr. Goldstein feels should have been paid to him because they did not pay him for using his dumpster. Mr. Nichols stated that the original policy was to charge each business, but the Council changed the policy on November 26, 1990, and was supposed to only bill the dumpster owner, who would in turn have to collect from the users. By error, the City continued to bill the two named businesses under the old policy, and because it had no authority to do so, the amounts after 11-26-90 were refunded. Mr. Nichols said that under the City policy after that date, it was Mr. Goldstein's responsibility to collect from users of his dumpster. Councilman Biggerstaff said he remembers the policy being changed and the reason was that the City could not keep up with who was using what. Mr. Goldstein has now had his dumpster removed. A committee consisting of Councilman Small and the City Manager will investigate the dumpster policy.

Councilwoman Nichols inquired as to whether or not the mess has been cleaned up behind old Grier Cleaners yet. It is not completely cleaned up; the City Manager will follow up on it.

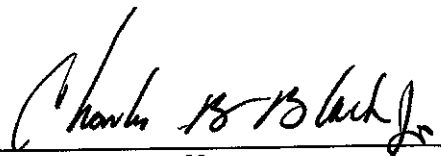
Councilwoman Nichols announced a community Adult Dance for persons thirty years and older, on March 14, 1992; a band will play.

In the matter of Bobby Farrar, City Attorney Michael stated that the EEOC has ruled in the City's favor with regard to the matter of the complaint.

City Manager Ponder said he has received a request by a handicapped woman who lives in an apartment and says she is unable to use the dumpster, requesting that she be allowed to use a can which the City would pick up. After discussion, Councilman Biggerstaff MOVED that the City Manager provide the handicapped and elderly with pickup service when requested; seconded by Councilwoman Nichols, and carried unanimously.

The meeting was adjourned at 11:35 P.M. upon MOTION by Councilman Biggerstaff, seconded by Mayor Pro-Tem Little, with all in favor.


City Clerk


Mayor
