

Regular Meeting
City Council
October 14, 1996

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, Councilmen Jim Hope, R. L. Duke, and Andy Stewart, David Hostetler Jr., as well as City Attorney Kemp Michael, a Police Dept. representative, Public Works Director Eddie Nichols, and Planning Director Danny Jackson. City Manager Phil Ponder was absent due to his father having surgery. Councilwoman Phyllis Harris was absent due to representing the City at a seminar.

The invocation was led by Rev. Bruce Bradley.

Councilman Hope **MOVED** to approve the minutes of September 9, 1996, as written, seconded by Councilman Duke, with all in favor.

Ms. Charlotte Gaston, 507 Dutch Avenue, presented her request for an additional school crossing guard. She is President of the East End Community Watch. A lot of children in the neighborhood walk to school along Highway 27 (West Charlotte Avenue). They are requesting a crossing guard at the intersection of Highway 273 and Highway 27. Councilman Helms agreed it is dangerous and needed at that location. Councilman Stewart pointed out the City cannot put crossing guards at every intersection, but if only one child's life is saved it would be worth it. Councilman Hostetler said the children also cross at Main Street at the railroad tracks, and there used to be a guard there but there is not one now. Councilman Hope noted the Police Chief's report which stated these intersections are controlled by traffic signals and a guard is not needed. He felt the Council should support the Chief's recommendation and so he **MOVED** to deny the request, seconded by Councilman Duke, but failing with a vote of two ayes and three nays (Hostetler, Harris, and Helms). Councilman Duke said the report showed all the students were junior high age and with traffic signals there should be no problem. Councilman Stewart said that Mrs. Gaston had reported that a lot of smaller children are being taken by car because of the danger, and he **MOVED** to place a crossing guard at Highway 273 and Highway 27, seconded by Councilman Helms and carried with four ayes and one nay (Duke).

The matter of planning commission appointments was tabled until a full Board is present upon **MOTION** by Councilman Hope, seconded by Councilman Hostetler, with all in favor. Councilman Hostetler said that Sandra Kirkland has moved so the Council needs to have nominations for two seats.

The matter of donation request by Gaston County YMCA was tabled until a full Board is present upon **MOTION** by Councilman Hope, seconded by Councilman Stewart, with all in favor.

Councilman Hostetler reported that the counter offer by the City to Mr. Hamilton for \$16,333 to purchase property adjoining Central Park has been refused, with his offer for \$22,500 remaining. Although he stated he had further investigated the fair value by contacting at least three other sources which has led him to believe the \$22,500 to be a fair price, Councilman Hostetler **MOVED** not to accept the offer due to a general lack of support for the purchase at that price, seconded by Councilman Helms, with all in favor.

Mr. Vernon Anderson, of Anderson & Anderson, spoke with Council in connection with Creekside Shopping Center. They have received complaints from the tenants about the No Left Turn sign on Highway 27. It is their position that this is harmful to sales. He reported that while speaking with one DOT official, the second DOT official turned left into the shopping center there. He stated that the market is very competitive and they are endeavoring to find a solution which will address the safety issue and make his tenants happy as well. He said there are several options, and he will return when those are finalized and he has a definite request. The Council thanked him for his concern. Councilman Hope stated he was embarrassed by the letter that was sent out for the City, and he said letters should be carefully written so that the statements are accurate, and should be seen by all the Council before they go out when they affect the whole Council. Councilman Hostetler said he had asked the Council if he could write the letter and they agreed, and that the statements were meant to convey our concern about safety and not to be precise as to footage and so forth. Mayor McLean said the City looks forward to an agreeable solution for all parties.

Ms. Doris Rhinehart, 307 Belton Avenue, reported a problem in her neighborhood with teenagers drinking and on drugs and being a nuisance to her and others. She has reported to the police but she said they can't do anything, and that the Police Chief does not like her. She has a No Trespassing sign but might as well not have one, she stated. They scream and yell and have stolen a gas can. She asked for a curfew to get them off the streets. Mayor McLean recommended to her that she swear out a warrant in the Gaston County court. Councilman Stewart stated that a curfew would have to be put in place for the whole City, and this did not seem to him to justify that. Councilman Hostetler said that there has been a problem on River Street, and the City can only respond to events after they occur. City Manager Ponder's report in the agenda packet showed that the police have only had this report two weeks and they are working on it, but will probably have to have community help to be able to catch the troublemakers. Councilman Hostetler suggested they set up a Community Watch.

Diane Pritchett of Priority One Management has applied for and obtained a \$153,000 grant from CIAP to install ceiling fans, purchase refrigerators, improve landscaping, re-roof some units and repair or replace stair railings at Holly Hills Apartments.

Councilman Hope **MOVED** to approve Resolution #10-14-96A as presented accepting the CIAP funding and budget as presented, seconded by Councilman Helms, with all present in favor.

Ms. Pritchett presented bids obtained for heavy duty screens for the upper windows at Holly Hills as part of the already funded CIAP grant monies. Bids were taken twice with only two received. The architect, Stogner & Kanoy, recommends the Base Bid with Alternate No. 2 for a total of \$49,233, bid by Environ, Inc. of Greensboro, N. C. Ms. Pritchett said over the past few years the grants received total over \$300,000 and the apartments are looking much better. She said if funds are available they may do a change order later to get the higher quality screen in Alternate No. 3. The bids are within budget. Councilman Hostetler **MOVED** to accept the low bid of Environ Inc. for \$49,233 as presented, which was seconded by Councilman Duke, with all in favor.

Public Works Director Eddie Nichols reported that the last phase of Deertrack Subdivision is nearing completion. Mr. Yatko has made written request for the City to accept the streets in Phases II and III and the utilities in Phase III. Mr. Nichols stated that the subdivision is substantially in compliance except for some sidewalk work remaining and a few minor items. Councilman Helms **MOVED** to accept the streets in Phases II and III and the utilities in Phase III, contingent upon a letter of credit being provided for the unfinished sidewalks, and upon a 15% letter of credit being provided for the one year warranty period on the streets and utilities, seconded by Councilman Hope, with all in favor.

Public Works Director Eddie Nichols stated that Chris Granelli of First Colony Group has requested the City accept the infrastructure improvements in Phase I of Runnymede Subdivision. Mr. Nichols said this is for Lots 1-7 and 113-118 only (near the front entrance). He stated he finds this section to be substantially complete except for a few minor items and the asphalt problem at the entrance, and recommended accepting them provided a 15% letter of credit is posted for the one year warranty. He said Mr. Granelli had said he would be present, but was not. City Manager Ponder's written report in the agenda recommended tabling action until the drainage and asphalt problem at the entrance is corrected so that the City is not in a possible position of waiting up to 365 days for it to be corrected. Mr. Nichols reported they have met several times with the developer and DOT about the drainage problem, and the City's position is that the entrance must be resurfaced so the water runs into the catch basin. Councilman Hope **MOVED** to table action until the drainage and asphalt problems at the entrance are corrected, seconded by Councilman Duke. Councilman Stewart said he has not received any feedback about the concerns the Council had. Councilman Duke said Mr. Stroupe says it is still a problem. Motion carried with all in favor.

With regard to recent appointments by the Mayor to the Recreation Commission, Councilman Duke pointed out they were not properly appointed in that the Code says they are to be appointed by the Council and Mayor, although he is in favor of the persons named. Councilman Helms said the Code also says there should be seven members but there are a lot more than that. Councilman Hope **MOVED** to table this matter, seconded by Councilman Duke. Councilman Stewart made a **SUBSTITUTE MOTION** to amend the ordinance in Section 2-39 to delete "seven (7) members", with reference to the number of members to be appointed, and to put in lieu thereof "such number of members as the Mayor and Council may elect"; this motion was seconded by Councilman Duke, and carried with a vote of five ayes. Councilman Stewart **MOVED** to appoint Bobby Black and Charlotte Gaston to the Recreation Commission, seconded by Councilman Helms, with all present in favor.

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

Tax releases in the amount of \$61.20 for October 14, 1996, were approved upon **MOTION** by Councilman Duke, seconded by Councilman Stewart, with all in favor.

The floor was opened for Complaints or Petitions not on the agenda. Jerry Baker, Cherry Street Extension, was recognized. He said he has been meeting with Eddie Nichols about the sewer line for his houses. Putting the line in the street would cost \$25,173 plus engineer's fees, which he said he cannot afford. The second option is to give an easement to the City to run the line up the rear yards with individual taps, at a cost of \$12,400 plus engineer's fees. He does not have his plumber's estimate yet for hook-ups. Mr. Nichols said this would be an eight inch line. He said if it was put in the street it could only serve one more house. The City would own and maintain the line after built and approved. Councilman Duke **MOVED** to grant the request by Jerry Baker to extend a sewer line along the rear of this five houses off of the Cason Street line at his expense and option, provided he gives a 15-foot easement to the City and builds the line to City specifications, and that after approval the City would own and maintain the lines, seconded by Councilman Hostetler, and carried with five ayes. Councilman Hostetler **MOVED** to approve a change order to the contract with BRS to accommodate the construction of Jerry Baker's sewer line in the amount of \$12,410 to be paid by Mr. Baker, seconded by Councilman Duke, with all in favor.

Mr. Chris Granelli, First Colony Group, was recognized, and apologized for being late. He stated he has been ill, and appeared to be so. He stated he took the subcontractor out and they finally took a water truck out there and dumped water so he could see the drainage, and it did fail to go into the catchbasin. The contractor located the problems in the asphalt and also looked at the broken pavement, and has agreed to come

back and resurface the problem areas. He requested the Council accept the streets and utilities subject to his putting up the one year warranty bond and release the current letter of credit and start the one year warranty period. Mayor McLean informed him the Council already took action on this matter and tabled approval until the correction is made. Asked for an opinion, City Attorney Michael stated the Council may rescind action taken if one or more wants to change their vote based on new information. Councilman Hostetler said there is still a lot of citizen complaint. Councilman Stewart noted the letter of credit we have is only \$30,000. Mr. Granelli said he cannot use that money while it is tied up in the letter of credit. Councilman Hope asked how long it will take to get the work done. Mr. Granelli said one afternoon. Mr. Hope asked if they cannot do it right away. Mr. Granelli said he has agreed to do it and has scheduled it within two weeks. Mr. Hope suggested he pressure the sub to do it immediately. Councilman Hope **MOVED** to amend the previous motion made that evening on this matter to read that upon the correction of the drainage and asphalt problem at the entranceway to the satisfaction of the City, staff is directed to release the 115% letter of credit, obtain the 15% bond for the one year warranty on infrastructure and begin the one year warranty period at that date, with the City accepting ownership and maintenance at that date of the infrastructure for Map I in Phase I of Runnymede Subdivision, namely, Lots 1-7 and Lots 113-118. This motion was seconded by Councilman Helms. Mr. Nichols stated that he wanted the Council to understand this will not fix all of the drainage problems on North Main Street, only this part of it. Councilman Stewart felt the City should keep its leverage so they will help the City fix the drainage problem; he thought it was going to be a joint effort of City, developer, and DOT. City Attorney Michael said this entranceway is the only drainage problem Runnymede Subdivision has been instructed to make or can be required to do. Mr. Nichols further stated the erosion control measures are in place, and the problem on North Main Street was already there before the subdivision, and was aggravated also by the repaving of North Main by DOT. Mayor McLean reported that he and Eddie had met with Mr. Ledbetter of DOT and the developer, and this project is okay once they fix the entranceway as they say they will. Mr. Nichols reported he had received a response from DOT in the last couple of days and he would send out a memo on it. The vote on the motion was taken and the motion carried with all present in favor. Mayor McLean said DOT has suggested curb and gutter improvements on North Main and a drainage pipe under the road and down to Dutchmans Creek.

Councilman Hostetler reported that the Lentz-Springs house is being looked at the N. C. Historic Preservation Society and he hopes they will be able to save it and have it moved from the new shopping center site on the by-pass. He requested City action to support this endeavor in the form of water and sewer being run to the lot being bought on which the house would be moved. Councilman Helms **MOVED** that the City provide water and sewer service to the site on Fairview at a cost not to exceed \$10,000

contingent on the Lentz-Springs house being saved and moved to that property, seconded by Councilman Hostetler, and carried with four ayes and one nay (Duke). Mayor McLean noted for the record that another house at that location can also be served by that line.

Mayor McLean said the N. C. League of Municipalities has requested support for the road bonds coming up in the November election.

There being no further business, the meeting was adjourned upon motion by Councilman Duke, seconded by Councilman Stewart, with all in favor.

Phillip D. Ponder, Jr.
City Clerk

Frank E. McLean
Mayor
