

Regular Meeting
City Council
September 11, 1995

The regular meeting was held in the Mount Holly Junior High cafeteria due to renovations being made to City Hall, and 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 Michael Helms, R. L. Duke, and Jim Hope, as well as City Manager Phil Ponder, City Attorney Kemp Michael, Public Works Director Eddie Nichols, Zoning Administrator Danny Jackson, and Chief of Police Jerry Bishop.

The invocation was led by Rev. Mitchell Murrow. Pastor Murrow honored Wilson Rhoton, retiring from the Presbyterian Church after 32 years service, and remembered Wayne Preusz who is moving to Greensboro after seven years of ministry in Mount Holly. He thanked all the ministers who serve on the Ministerial Association, particularly for their assistance with the Community Relief Organization.

Councilman Duke **MOVED** to approve the minutes of August 14, 1995 as written, motion seconded by Councilman Hope, with all present in favor.

Mayor Black read a proclamation in support of the local participation in CROP Walk, naming October 15, 1995, as Mt. Holly CROP Walk Day. (copy attached)

Mrs. Brenda Weaver announced National Literacy Month in September. She has been the head librarian at the Mount Holly branch for eight years. Mrs. Weaver will be working at the Belmont branch starting in October and introduced the new Mount Holly librarian, **Bonnae** Bartus. Mrs. Weaver asked for local support of this initiative particularly since North Carolina ranks so low in the nation. The Literacy Council, sponsored by the United Way, is active in Gaston County and needs volunteers, whom they will train to tutor both students and adults. Mayor Black read a proclamation naming September as literacy month in Mount Holly. (copy attached) Mrs. Weaver said the Rotary Club is also working in conjunction with the "Working Together" program.

Police Chief Jerry Bishop spoke to the Council and citizens about a new concept for community policing. Chief Bishop introduced Officer Todd Calhoun, who is a special "Community Services" officer funded by a federal grant. He will work with communities and schools to help them prevent problems and solve bad situations before they get out of hand and into a need for the criminal justice system. He will visit local churches, schools, and civic clubs, as well as community organizations to enable people to get to know him. Chief Bishop also introduced the method of bicycle patrols, showing a short video about how this is particularly effective in narcotics offenses and for "on-foot" criminals. He said their objective is to be more visible and to develop personal

relationships between citizens and officers in hopes of deterring crime in a positive way.

Councilman Hope introduced Coach Earl Lingafeldt from East Gaston High School, and stated he has known him for 20 years, and that he has served in the school system for 30 years. Councilman Hope said that although he may not be everyone's favorite since he is a coach and not a politician, the coach has done a lot of good. Mr. Costner, the principal of East Gaston, was also present. Councilman Hope presented the coach with a resolution in his honor. (copy attached) Mayor Black said that football is a good sport for kids and is good for the community.

The regular meeting was then recessed and a public hearing called to order by Mayor Black for consideration of a request by Triangle Real Estate for a conditional use permit to construct fifty-six one bedroom apartments on its property at 806 South Main Street, in addition to the permit already issued. Danny Jackson stated the company is currently constructing 200 units on that site by previous permit. Mr. Jackson stated that the Planning Commission recommended tabling action until the rear entrance road is completed. The floor was opened for comments. Pat Lanier, 105 Lowe Street, asked if a traffic signal will be installed, if there will be any more apartments allowed after this, and would there be an exit on Tuckaseege; Mr. Jackson did not know about the light, said he could only comment on what has been requested and has not been informed of any further plans, and that there will be an exit onto Tuckaseege from the complex. Pat Barker said there is a blind curve on Tuckaseege and an exit there will cause accidents unless the road is improved. Mayor Black said the Council has now been advised of the problem and the developer will have to make a safe exit. City Manager Ponder stated he has discussed the plans with Mr. Ratchford. Mr. Ratchford said he plans to cut the high bank down to make appropriate visibility. There was discussion about which portion of Tuckaseege is a city street; City Manager Ponder said it is a city street to the exit/entrance into this complex on Tuckaseege, and the city has plans for sidewalk improvements which will require some work in the right-of-way for Tuckaseege. Pat Lanier wanted to know who to call to get the road widened or ask for improvements or for a traffic light. Mr. Bailey, Eastwood Drive, complained that Highway 273 is not wide enough now and the extra traffic this will create will only make it worse; in addition, he was concerned about what type of people will move into one bedroom apartments, as well as the impact on our schools the dense population will have. Mayor Black said that he has worked hard to get Highway 273 four-laned, but it was voted down and now it keeps getting pushed down the list. Councilwoman Harris stated she witnessed a wreck out there and knows something has to be done. Lib Nichols was concerned about additional traffic on Tuckaseege because it is a narrow and winding road. Mr. Steve _____, 202-B Tuckaseege Road, suggested that with the traffic problem being recognized, they should solve the problem before they allow more apartments to be built; he asked about the traffic studies that were done. City Manager Ponder

stated that DOT did the studies when the project was first started and their finding was that with all units requested being built not even a turn lane would be required. Mayor Black said that all the procedures have been followed and all the ordinances have been complied with on this project, and the Council has no authority to stop a property owner from the lawful and permitted use of his property. Mr. Rick, South Main Street, said people have complained about the "No Right Turn" on Rankin Avenue, but he had requested it so he could get out of his driveway. Linda Fuller, 805 South Main Street, asked if the studies are not outdated and need to be done again; she also requested that even if the building is allowed, the Council have the developer wait for safety reasons until the traffic problem is fixed. City Attorney Michael said the City has no basis to override the findings of the State DOT, and cannot deny a building permit that is in compliance when the DOT traffic study report is favorable. Mrs. Fuller said she knew this had been discussed in Charlotte with a development at the Arboreteum, and that the Planning Commission had suggested that the developer wait until the road was widened, and the Council voted on it which showed they had a choice. City Attorney Michael said the Planning Commission in Mount Holly may recommend the same thing, but the Council does not really have the option under any existing ordinance to tell a developer he has to wait with the circumstances presently before us. Mrs. Fuller urged them to use common sense and not develop the property any further. She also stated that he had gotten permission to rent 40 units but has 72 units occupied, and expressed deep concern for their neighborhood and how tired they are of the situation. Pat Barker reminded the Council there is Tuckasee Park with children and parents coming and going which creates a lot of traffic already. Mrs. Fuller said the ordinance or plan says we are not supposed to have more than 15% apartments and we are at that now, so she asked the developer to wait a couple of years. Danny Jackson said the City has done corrective rezonings for some time to eliminate the possibility of multi-family except in a very few areas, but this project was approved before this was done. Councilwoman Harris asked Mr. Ratchford why the street is not done as he had promised. Mr. Ratchford stated the six inches of stone is down, and the paving machines are there but weather has prevented them from paving. He further stated that he had gotten permission to rent 10 buildings, not 40 units, and he has not rented all of the 10 buildings yet. He also said the front section was paved the week he received that permission from Council as he had promised. Mr. Darrell Bailey asked if the Council has the power to deny letting him build one bedroom apartments. Councilman Jessen said it is called multi-family because the structures house more than one family, but the Council cannot control the number of bedrooms in each unit. The City Attorney agreed that the Council has no discretion except to be sure the existing ordinances are complied with. Mr. Bailey asked if the zoning could be changed; Mr. Michael said it can, but a change would not affect this project. Mr. Bill Crist asked if these 56 units are approved, would that exceed the original approval and if so do they not have to start all over in the approval procedure such as traffic studies, etc.

Mr. Doug Arthurs, attorney for Gene Ratchford, said that at the public hearing held by the Planning Commission the prior Tuesday, only one person spoke in opposition, that the Zoning Administrator has found the plan meets the zoning requirements, and that the Planning Commission recommended tabling for paving to be finished. He stated that the exit on Tuckaseege was required by the Council. He further stated that these 56 units would be the end of the project because of the density allowed by the ordinance. City Manager Ponder stated the City will request DOT to do traffic studies again on Highway 273 and hopefully they will make a finding in favor of widening at that time. Mayor Black said it is not as simple as it seems to get the road widened. Councilman Jessen acknowledged the traffic is a problem, and the City disagrees with the DOT finding, but we cannot control Highway 273. Mr. Jessen said although we do control Tuckaseege at the exit, he asked what sort of delay would be acceptable, and asked them to consider what it would take to meet their requirements and who would determine what the "right" requirements are. He stated that he understood what they were saying, and yet also knew that he has to be reasonable on all points including the viewpoint of the developer and owner of the property, because he has "rights" also. Mrs. Richard, Mauney Street, suggested making the developer pay for improvement on Tuckaseege since he is the one making the money on this. Mr. Bailey insisted that the City must have the right to delay these apartments since it controls Tuckaseege Road and there is a traffic problem. Mr. David Rice, Tuckaseege Road, inquired about the bridge if they take Tuckaseege to the other traffic light, as to its weight classification; he has seen a lot of trucks go through there avoiding Highway 273, and the visibility is bad. Mayor Black said the staff will check on that. Pat Lanier asked what criteria they have to meet to get the road widened. Mr. Ratchford said he has requested a traffic signal, but DOT refused. Tim Michael, Eastwood Drive, asked Councilman Hope to comment since he lives near there. Councilman Hope said he is very familiar with the problem since he often has to wait several minutes to turn left out of his street, but the Council and Mayor have been working on this as much as possible, but the State has refused to budget for it. Councilwoman Harris said she does not like it either, and is very frustrated since she goes to the Transportation Board meetings and has worked hard to get this moved up the list only to see it bumped back down time and time again. Bob Wyatt, South Main Street, said since everyone knows it is a problem, they should not make it worse by building more apartments. Mayor Black stated that the State DOT says the traffic is okay, and the Council has to go by the ordinance and cannot just make up reasons to deny a permit. The public hearing was adjourned and the regular meeting resumed. The City Manager was asked to check the traffic studies. Councilwoman Harris said she was not ready to make a decision. Councilman Jessen said since the street is not paved, and the Planning Commission recommended action be tabled, he did not want to take action that night. He wants to see a plan to make the visibility at the exit right. Councilwoman Harris moved to table action on this matter until the exit and paving are completed, seconded by Councilman

Jessen. Councilman Hope said the Commission has not given a final recommendation, only asked for a delay. Councilwoman Harris amended her **MOTION** to read that action be tabled on this matter until a recommendation is received from the Planning Commission, seconded by Councilman Jessen, with all in favor.

The Council next considered the request for approval of the final plat for the third phase of Deertrack Subdivision involving 19 lots in 8.3 acres for single family dwellings. Danny Jackson reported that the Planning Commission recommended approval subject to the applicant providing a financial guarantee for required improvements, and that the Public Works Director had reviewed and approved the details. Councilman Jessen **MOVED** that the final plat for Deertrack Subdivision, Phase III, be approved subject to the provision of a financial guarantee for the required improvements, seconded by Councilwoman Harris, with all present in favor.

A written request by Rufus A. Terry for the City to assume maintenance of a portion of Scott Street at the Bright Star restaurant. Mr. Terry states that this portion of Scott Street is a city right-of-way, and he wants the city to cut the grass and trim the bushes and trees on the right-of-way, since they have done so in the past. City Manager Ponder reported he had found this portion is not on the Powell Bill map and found no record that the City has taken it over for maintenance. Councilwoman Harris said he had called her and all he wants is those things cut back so people can drive down the road to his restaurant. Mr. Ponder said if the City wants to take it over, it can get Powell Bill funds for it, but if they choose this, the staff needs to be directed to look into the status of the road as far as right-of-way, etc. Councilman Hope said this is another example of why Mayor Black's suggestion of shared assessments for road improvement might be a good idea, so that the City would only pay one-third, and that Mr. Terry would have to put it into the right condition before the City would take it over. Councilman Jessen said he thinks the City paved it. Mr. Ponder said that Eddie Nichols believed it was a city street also, but they searched for the acceptance and could not find it. The City Manager was asked to do more research into what the City has agreed to do and what it can do.

City Manager Ponder reported that Priority One Management has made steady progress in improvements to the housing authority apartments, in that the 1992 score was 62.37% which has risen to 90% for the 1994 score (by HUD). Todd Calhoun recently met with the residents and set up a community watch. Mr. Ponder presented a resolution with regard to the federal Public Management Assessment Program. Councilman Jessen **MOVED** to approve Resolution #9-11-95(a) approving the PHMAP Certification for the fiscal year ending 6/30/95 for the Holly Hills Apartments, seconded by Councilwoman Harris, with all in favor. (copy attached)

Upon **MOTION** by Councilman Duke, seconded by Councilman Helms, with all present in favor, City Manager Phil Ponder was designated as

Mount Holly's representative in the Community Partnership Program of the National Organization on Disability. There is no fee involved for membership in this organization which promotes full participation by disabled persons in all aspects of community life. The CPP uses local citizens to eliminate barriers.

City Manager Ponder presented three change orders with regard to City Hall renovations. They are: 1. to laminate a cabinet, add \$250; 2. to install wall covering above the chair rail (in addition to below already approved), add \$1100; and 3. to delete the new carpet in the Public Works Department, subtract \$450. Councilman Hope **MOVED** to approve the said change orders, seconded by Councilman Duke, with all in favor.

The City Manager reported to the Council that Steve Davenport, our consultant from Benchmark, has worked with the Planning Commission on a revised Zoning Ordinance. The last major overall revision was in the 1970s. Staff and the Planning Commission have reviewed it and made recommendations, but they have requested a joint session with the Council to go over it and make corrections before having a public hearing. The joint meeting was set for Monday, September 25th, at 6:30 P.M. at the Police Department.

Mayor Black recognized the candidates in attendance that evening. The candidates for council present were: Lib Nichols, Hazel Michael, David Rice, Jim Hope, and Phyllis Harris. The candidates for mayor were: Frank McLean and Charles B. Black, Jr.

The floor was opened for complaints or petitions not on the agenda. Mr. David Rice suggested that notice for the zoning ordinance public hearing be given sooner and on the water bills so everyone would see it.

City Manager Ponder asked if there will be a candidate's forum. Mrs. Lib Nichols said she did not know yet, but would let him know after September 19th.

Councilwoman Harris said she believed it would be better if the Council was informed ahead of time when a resolution would be before them to honor someone at a Council meeting.

Councilman Jessen **MOVED** to go into closed session for attorney-client purposes, seconded by Councilman Hope, with all present in favor.

Councilman Duke **MOVED** to return to open session, seconded by Councilwoman Harris, and carried with five ayes. No action was taken.

The meeting was then adjourned upon motion duly made, seconded and unanimously carried.

Phillip D. Ponder
City Clerk

Charles B. Black Jr.
Mayor