Regular Meeting
City Council
September 9, 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 Councilwoman Phyllis Harris, Mayor Pro-Tem Michael Helms, Councilmen Jim Hope, R. L. Duke, and Andy Stewart, David Hostetler Jr., as well as City Manager Phil Ponder, City Attorney Kemp Michael, a Police Dept. representative, Public Works Director Eddie Nichols, and Planning Director Danny Jackson.

The invocation was led by Rev. Philip King.

Councilman Hope **MOVED** to approve the minutes of August 12, 1996, as written, seconded by Councilman Stewart, with all in favor.

Mayor McLean read a proclamation in which he designated the week of September 23-29, 1996, as Lions Eye Help Week in Mount Holly. There were five members of the Lions Club present to accept the proclamation.

Mayor McLean recessed the regular meeting and called a public hearing for consideration of the request for rezoning by Shugart Enterprises, Inc. of a 4.14 acre portion of the proposed Autumn Woods Subdivision located off North Main Street, from R-12 to R-8MF. Danny Jackson, the Planning Director, reported that the Planning Commission had approved the request, and noted that the 4.14 acres is a very small part of the overall subdivision. Mr. Skidmore was present for the owner, and stated the wetlands area was larger than estimated, and it needs this additional area in the multi-family portion to make the project feasible. In response to Councilman Hostetler, he said the overall project is only increased by two units with this change. He anticipated construction drawings will begin the next week. Planning Director Jackson said this amendment is to the zoning site plan, and the subdivision process has not yet begun. Councilman Helms asked if the additional water run-off from this change has been taken into account. Mr. Skidmore said that will be handled in the construction drawings, which must be approved by the City and State. There were no further comments. Mayor McLean adjourned the public hearing and the regular meeting resumed. Councilman Stewart **MOVED** to approve the rezoning request by Shugart Enterprises for 4.14 acres as presented to be rezoned from R-12 to R-8MF, seconded by Councilman Duke, with all in favor.

Mayor McLean recessed the regular meeting and called a public hearing for consideration of the request for rezoning by Squires Enterprises, Inc. of a 149 acre tract of the former Dixie Yarn Mill on Tuckaseege Road, from L-I and R-12 to R-10, R-8MF, and B-3CU. Danny Jackson, the Planning Director, reported that the Planning Commission had approved the request contingent upon the developer: a. amends the B-3CU portion of their zoning site plan to add to the list of excluded uses: veterinary services, garden centers or retail nurseries; and b. designates that their conditional use site plan consists of a marina with 200 boat slips, gas, oil and other service items related to the marina, retail shops for boating supplies, but no on-site boating repair or dry storage. The developer, Squires Enterprises, had held a public information meeting on August 20th. Councilman Hostetler inquired about a turn lane into the project off Tuckaseege Road. Margaret Kilton, traffic engineer consultant, said it has not been required but they will consider it. Mr. Jackson said this project is at the rezoning stage and the traffic question will be addressed at the subdivision stage. There were no further comments. The public hearing was adjourned, and the regular meeting resumed. Mr. Jackson reminded the Council it must make certain Findings of Fact if they approve the conditional use portion of the request. City Attorney Michael asked if the developer has agreed to the changes for the plan; Mr. Jackson said it has. Councilman Duke made the **MOTION** to approve the request made by Squires Enterprises, Inc., to rezone the 149 acre site of the former Dixie Yarn Mill property, located off Tuckaseege Road, from L-I and R-12, to R-10, R-8MF and B-3CU, as detailed in Rezoning Plan #15202; and further, that a Conditional use Permit be granted for the B-3 portion of the Rezoning Plan, provided that the site plan shall consist of a marina not to exceed 50,000 square feet in size, with no more than 200 boat slips, gas, oil and other services related to the marina, retail shops for boating supplies, no on-site boating repair and no dry storage; and further, that the issuance of the Conditional Use Permit shall also be contingent upon the developer amending the list of excluded uses by adding veterinary services, garden centers and retail nurseries; and is based upon the following Findings of Fact:

A. The use requested is among those listed as an eligible Permitted or Conditional Use in the District in which the subject property is located or is to be located;
B. That the Conditional Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed; and,
C. That the Conditional Use meets all required conditions and specifications; and,
D. That the Conditional Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,
E. That the location and character of the Conditional Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Mount Holly and its environs.

This motion was seconded by Councilman Stewart, and carried by unanimous vote.

Mayor McLean recessed the regular meeting and called a public hearing for consideration of applying for Community Development Block Grant Funds. This was the second hearing. Mr.

Bill Duston, from CCOG, reported to Council a completed survey of almost every house on Lanier, Sadler, Bentley, Wenda, and Glenn Streets. He had prepared a parcel map showing the economics of the area, which is one criteria, with red dots meaning "over income", shaded lots meaning not interested or no response and so must be counted as "over income", and green dots meaning "low or moderate income". He said the percentage is low, with 51% low/moderate being required, and 80% or more necessary to be competitive. Even with the City paying a portion, he felt the application would not be competitive at all in the first year, and only possibly in the second year. He said the area could be limited to only the primarily green dot areas, but the City would then pay for all the improvements from existing lines out to that area. Councilman Stewart asked if it was his opinion that this would be a good way to spend taxpayers' money. Mr. Duston said it would depend on the payback time, whether or not hook-up would be mandated, and other factors. Councilman Hostetler said there are residents there who need help, and asked if the Health Department could check their water and septic tanks. Mr. Duston said they can. City Manager Ponder noted that this request started with a request by citizens on Wenda, Sadler, and Glenn for help, but those are the streets which are over income and would not qualify for the CDBG funds. Mayor McLean asked Planning Director Jackson for his opinion; he said after seeing the figures he was not in favor of pursuing it. There were no comments from the audience. Mr. Ponder also noted that only Lanier Street area would qualify and they do not want annexation. The public hearing was adjourned and the regular meeting resumed. Councilman Stewart said he would like to help those people from Wenda, Sadler, and Glenn who came before Council, but he did not believe this should be done. Councilman Hope **MOVED** that the City not apply for the CDBG funds because it is not financially feasible, seconded by Councilman Helms, with all in favor. Councilman Hostetler asked that those citizens be informed of the decision. Councilman Stewart asked if there is another option. Mr. Ponder said the City could charge assessments if the majority of the residents voted in favor of it. He will draft a letter to them setting forth the alternatives.

The possible acquisition of approximately one acre of land for expansion of Central Park was discussed next. Councilman Hostetler said the owner did not lower his price, saying that the market analysis done was for residential and not applicable. Mayor McLean said Ron Dimmer told him he had approached the owner a few years ago and the owner was asking $25,000 then. Councilman Duke said with the steep slope he did not feel it is worth that price. Pam Smith was recognized; she had two neighbors with her. She said there is a spring on that property and it really would not benefit the park or neighborhood to have it. She also said traffic would increase and there is no parking. She wanted it to stay a small neighborhood park and for them to work on what they have. She said the City needs to get better lighting, erosion control along the creek, kill the copperheads, keep the grass cut, and so forth. Councilman

Hostetler stated that with all the new developments being built our population is growing, and the City should take this opportunity to buy land and reserve it for park area while there is a chance to do so. Sue Standish, E. Glendale, said she did not think that lot is suitable for park use because it is a gully, has no parking, and is all grown up. Mr. Joel Hubbard was recognized. He said the market analysis he did was based on residential because there were no other park property sales in Gaston County for him to compare. He further stated he was amending his previous statement of value from $16,333 to one-half that because he has learned that there is no way to get sewer from the property without easements across two other properties. He said that may not apply if the land is used for a park, depending on where facilities would be located, if at all. Councilman Duke said this is only a wooded hillside and the residents do not want the park expanded, so he was not in favor. An unidentified man in the audience said they should spend the money on something better. Councilwoman Harris said she has seen pictures of what can be done to improve the existing park, to fix the creek banks, which she preferred over spending the money to buy more land. Councilman Hostetler said he had in mind something similar to Stowe Park in Belmont, which was a hill, but has been terraced and is used for an amphitheater. He said there are other uses for parks than ballfields, such as cultural and art events, and the existing park is too small for that. Councilwoman Harris said it was intended to be a neighborhood park and she **MOVED** that the City not purchase the land, seconded by Councilman Duke. Councilman Helms said he has seen housing developments built in swamps after they were drained, and although he understood why Mr. Hubbard had to amend his analysis, he felt the land is worth $16,300. Councilman Hostetler made a **SUBSTITUTE MOTION** that the City offer to buy the land for $16,333, seconded by Councilman Helms. Councilman Stewart said he had talked to the residents, and he agrees the park should be properly maintained, but this purchase would not be an expense, it would be a capital investment, and this may be the last chance to buy land at that location. The substitute motion carried with a vote of three ayes, three nays (Duke, Harris, Hope) and an aye vote by the Mayor. The City Manager was instructed to present an offer to the owner in the amount of $16,333.00.

The matter of yard waste collection by the City was next on the agenda. Following a suggestion by Councilman Stewart, Mr. Ponder has designated a place on the new voice mail system being installed for citizens to call in to request pick-up. He stated that he and Public Works Director see advantages to the concept, but have isolated four problems to be overcome, namely: education of the public about the policy, what to do about Monday collection since this system would require a call at least one day ahead, what to do during leaf season, whether or not to pick up yard waste next door to a resident who called. He felt the complaints the City has had were mainly due to being 30% low in manpower, and he has responded by allowing some overttime. He plans to prepare an information leaflet and promotional material.

Public Works Director Nichols was in agreement, but concerned that people will call for a while, and then when they see we pick it up anyway, they will quit calling, just as has happened with "white goods". But he agreed that it looks bad for the City not to pick it up. Councilwoman Harris said it is a good idea and should be tried. Councilman Helms said the voice mail will help them plan the routes and operate more efficiently. Mr. Ponder will bring back drafts of the leaflet and promotion.

Councilman Hostetler thanked Public Works Director Nichols for his memo regarding the chemical bid for phosphate, and said his points regarding packaging, bag weights, etc. were valid, and that he values his recommendation; so he **MOVED** to purchase the phosphate Shan-No-Corr from Eshelman Carolinas, Inc., motion being seconded by Councilman Stewart, with all in favor.

Mr. Kerrigan appeared for his wife, Linda Kerrigan, regarding her request for a stop sign at the end of Beatty Road on Highway 273. He also reported cars not yielding. Councilman Helms said he lives on Beatty Road, and he does not think a stop sign is necessary and it would slow down the high amount of traffic that cuts through on Beatty Road. City Manager Ponder reported he had the Police Chief research the number of accidents at that location, and there have been two during the last few years. Councilman Stewart said he travels on Highway 273 and has seen these bad drivers also, but was not in favor of the stop sign. He recommended more patrol and enforcement, and the Council concurred.

Planning Director Danny Jackson reviewed with the Council the proposed ordinance for regulation of "junk" or "nuisance" vehicles. There was some discussion about how the value of the vehicle would be determined; Mr. Jackson said the words of "book value" were copied from the State statute. City Attorney Michael said the real issue is whether or not the vehicle has a current license tag from DMV. Councilman Helms asked how it will be enforced; Mr. Jackson said the City enforces upon receiving complaints. Mr. Michael said the ordinance is drafted within the authority given by the State, and the $100 is what the State statute sets. He further stated the value is determined initially by the Zoning Officer, with the normal appeals, and would ultimately be appealed to a Judge. Councilman Hostetler felt that a "classic car" should not be restricted. Mr. Michael said this ordinance is less strict than the one the City used to have, but it covers all motor vehicles (anything titled by DMV). Mr. Jackson said it only applies within the City limits because it is not a zoning ordinance. The proposal was modeled after ordinances in place in Gastonia, Kannapolis, and other cities. Councilman Stewart **MOVED** to adopt the new Article VI, in Chapter 13 of the City Code, as presented, seconded by Councilman Duke, with all in favor.

A request by Ms. Charlotte Gaston was tabled due to her absence from the meeting.

Mrs. Lorri Layel, 502 Church Street, requested reduction of speed limit along Tuckaseege Road and for "Children Playing" signs to be erected. She said a five year old was struck by a car on August 21, and that another child was almost hit going across the road to get on the school bus. She also reported the present speed limit signs are covered by plants. They have talked to the school and may have the route changed so the children do not cross the road. Judy Thomas, 500 Church Street, said her daughter was the child hit, and she was looking, but the cars go so fast in those curves they cannot see. She wants the speed limit lowered and enforced. City Manager Ponder said he agrees with enforcement and will have the signs cleaned off, but that is a thoroughfare road, and part of it is a State road. Mrs. Thomas asked if a sign could be put up telling people about the bus stop. Mrs. Layel said people usually go faster than the sign says, so if they lower the limit to 25 maybe people will go 35 mph. Councilman Stewart said since Tuckaseege is a thoroughfare he did not feel the limit could be lowered, and it is not a "neighborhood" road so the "Children Playing" sign would not be appropriate, but he was concerned about the safety of the children and hoped the police would enforce the limit more strictly. Public Works Director Nichols said he will request a bus stop warning sign from DOT. Councilman Hostetler **MOVED** to have the bus warning signs put up, and the speed limit signs cleared off, and strict enforcement of the speed limit on Tuckaseege Road, seconded by Councilman Helms, with all in favor.

The Council took a five minute recess.

First Colony Group requested Council approve the final plat for Map 3 of Phase I of the Runnymeade Subdivision. Planning Director Jackson reported that this is the last map for the first phase. The Planning Commission recommended approved contingent on completed infrastructure improvements or financial guarantee being provided. Councilman Stewart inquired about what they plan to do about the heavy erosion onto Main Street when it rains. Chris Greeson was recognized, and he stated that the company has addressed the problem out front to the best of their knowledge, and have met with Natural Resources, followed the State-approved plans and spent thousands of dollars to be good neighbors. He said the water runs as it was designed to do, according to the plans approved by the State, but there is not enough storm drainage on N. C. 273 to catch the water. He said it will improve as the grass is planted and stabilizes. Mr. Greeson then said the plat under consideration is over the ridge and is not in the area having the problem since the water for it runs back to the streams and into Dutchman Creek. City Manager Ponder said DEM did approve the plans, and Erosion Control has been out and they have made all corrections requested. Mr. Greeson said they have done more than asked, and added rip-rap rock, an asphalt rim, straw and seeding. Councilwoman Harris said she went out when it rained and the water did not run to the storm drain. Gail Doss, also with First Colony, said they have met regularly with the Planning Director and erosion control and have done everything they were asked to do, also that they have seeded more than once but an unusual amount of rain has washed it away before it could root. She believes the front area is stabilized and will continue to improve now, but does not know what to do about the storm drain since they installed exactly as the plans said, so it must be a design problem. Mr. Greeson said they are ready to comply with any other reasonable instructions Tony (erosion control) or the State and City give them. In response to Councilman Hostetler, Public Works Director Nichols said the road improvements were inspected and either met or exceeded the City specifications. Councilman Stewart said no matter whose fault it is, he wanted something to be done because it is dangerous for the water to be that deep on Main Street when it rains. City Manager Ponder will endeavor to meet at the site with Tony Johnson and the DOT representative, and developer under rainy conditions to seek a solution to that problem. Councilman Stewart **MOVED** to approve the final plat for Map #3 of Phase I of Runnymeade Subdivision contingent upon financial guarantee being provided, seconded by Councilwoman Harris, with all in favor.

Planning Consultant Judi Simac had provided to Council a variety of options for format for printing of the new zoning ordinance, and appeared before Council for its decision. She received six ayes for option (C)(3).

Steve Crane, branch executive director for the East Gaston YMCA, appeared before Council to share information regarding its proposed new building. He said it has over 2,000 members, with programs involving and serving Mount Holly, Belmont, Stanley, and vicinity schools. He presented a drawing of the facility, and stated they plan to build on a 30-acre site, with access to the Catawba River, now owned by Crescent Resources in the City of Mount Holly near First Health and I-85. They have raised $3¼ million and anticipate another $1 million through private funding. The project was expanded so that it will serve the community for many years without need for additions. They are seeking funding for the other $1 million needed by the municipalities in the service area. Belmont has voted to provide $250,000 over a 5-year period, and they are going to meet with Cramerton and Stanley also. He encouraged an investment by the City in its services to the citizens in the whole area, without the City having to meet maintenance or staffing expenses. He further said the membership is open to all because even low-income may apply for its "scholarships", and he has never known them to turn anyone down. The Council agreed to meet with them again after getting more information, including the utilities the City will have to install, since this matter was not on the agenda.

The Gaston County School Board had agreed to give the City an extended lease until December 2006 for the old gym on Hawthorne Street at the Junior High, and a proposed agreement was included in the agenda package for review. Mr. Ponder said this will enable the City to make much needed repairs. The facility is used by our Recreation Department for indoor activities. Councilman Hope **MOVED** to approve and authorize the execution of the Supplement to Agreement for School-Community Cooperation dated May 20, 1996, as presented, seconded by Councilman Hostetler, with all in favor.

An agreement between the City and the Interlocal Risk Financing Fund of North Carolina was presented. City Manager Ponder said the City bound coverage with them effective July 1, 1996, when its liability insurance coverage was not renewed by the previous company. Councilman Duke **MOVED** to approve and authorize the execution of the Interlocal Agreement for a Group Risk Financing Fund for Risk Sharing between the City and the IRFFNC, seconded by Councilman Hostetler, with all in favor.

City Manager Ponder reported that the Planning Commission has recommended re-appointment of David Anthony when his term expires at the end of September. This is a seat for Planning Commission and Board of Adjustment with a three-year term. Councilman Duke **MOVED** to table action one month to allow Council to make nominations, seconded by Councilman Helms, with all in favor.

Representative John Rayfield has requested the City request NC DOT install a turn lane at the Catawba Heights Baptist Church because of traffic congestion during school hours; a private school is operated at the site. The lane would be similar to the one at Pinewood School. He also requested that the flashing light be moved to encompass that school as well as Catawba Heights Elementary. Councilman Hostetler objected, stating that the money would be better spent on Highway 27 at Hawthorne Street; he felt the Catawba Heights Church School is very visible, is not in a curve and does not have as high traffic volume. He did not want the lights moved, since they warn of the coming crosswalks at the public school and if they were too far away people would not slow down enough; the private school children usually do not walk. Councilwoman Harris saw no problem with the turn lane if the State wants to do it since it is a State road, but was not in favor of moving the flashing light. The Council took no action.

Tax releases dated September 9, 1996, in the amount of $209.64 taxes and $20.96 penalties for a total of $230.60 were approved as presented upon **MOTION** by Councilman Duke, seconded by Councilman Hope, with all in favor.

Councilman Hostetler reported that the there is considerable erosion under the overpass on Highland Street which needs to be addressed by either CSX, DOT, or the City.

Councilman Duke reported he had a citizen request that the City lease the parking lot behind Mt. Holly Furniture, pave it, and use it for downtown parking.

Councilman Hope stated he has had complaints about the walking track at the Junior High School.

Mayor McLean announced he is adding Gary McManus to the Archive Committee.

Upon request by Councilwoman Harris, Mayor McLean added Charlotte Gaston and Bobby Black to the Recreation Committee.

Councilwoman Harris noted for the record that A&E Mills has removed the deed restriction for the Optimist Building, so they can sell the building to anyone.

Councilman Stewart reminded the City Manager to have the Main Street benches bolted down.

Mayor McLean inquired about the status of the rock-falling barrier on Central Avenue. Mr. Ponder said he is still working on finding the right solution to the problem.

City Manager Ponder said the Council must designate a voting delegate for the League of Municipalities business meeting. Councilwoman Harris was so appointed upon **MOTION** by Councilman Duke, seconded by Councilman Hostetler, with all in favor.

There being no further business, the meeting was adjourned, upon motion by Councilman Duke, seconded by Councilwoman Harris, with all in favor, at 11:30 P.M.

Phillip C. Ponder Jr. — City Clerk

Frank E. McLean — Mayor

****