

Regular Meeting
 Mount Holly City Council
 September 9, 1991

The meeting was called to order at 7:30 P.M. by Mayor Charles B. Black Jr. Those present were Councilwoman Lib Nichols, Mayor Pro-Tem Bob Jessen, Councilmen Myles Biggerstaff, R. L. Duke, Archie Small, City Manager Greg Young, City Attorney Kemp Michael, Police Chief Jerry Bishop and the Zoning Administrator Gary Roberts. Councilwoman Faye Little was absent due to the fact she is still recovering from an operation.

The invocation was led by Reverend W. Keith Hearn.

The minutes of August 29, 1991, were approved with the following corrections: on paragraph 3, remove the last sentence; on paragraph 5 use corrected paving bids, upon motion made by Councilman Jessen, with second by Councilman Small, carried with five in favor.

Mayor Black informed those present of a clean up project for a portion of the Catawba River on Saturday, September 21, from 1:00 to 5:00 P.M. as a part of Operation Big Sweep. They will meet at Latta Plantation Park. He also stated that watershed meetings are being held regularly and he asked everyone who possibly can to attend to keep our source of drinking water safe.

A call for a public hearing to amend the zoning ordinance with regard to satellite dish antennae was considered. The proposed ordinance would allow the dishes in residential districts with placement in the side or rear yard for appearance sake. If reception is not possible at those locations, application can be made for a variance. They could be placed on the roof if not over fifteen feet tall. It regulates dealer and commercial placement as well. Mr. Roberts said this is a local ordinance and he used Gastonia's ordinance for an example. Councilwoman Nichols moved to hold a public hearing at the October 10 regular meeting after due advertisement and notices to consider the proposed ordinance. This motion was seconded by Councilman Duke and carried with five ayes.

The Council next considered a request by CYA Developers for a variance from the subdivision regulations with regard to Deertrack Subdivision. They asked for valley curb rather than rolled; for the street right-of-way to be fifty feet rather than sixty; that they be grandfathered from the sidewalk provisions since they started in 1986 before that was adopted. The plan is for site built houses from \$80,000 to \$100,000, and they said sidewalks will add another \$1,000 to the price. They have signed the utilities agreement and the voluntary annexation was adopted. Councilman Jessen said he understood their position on sidewalks but he does not feel a variance would be in the best interest of the City, since the ordinance was put there for the benefit of homeowners and their children, and for drainage. He stated further that people who can afford \$780 to \$820 per month house payments can afford the extra \$5 or \$10 a month. He felt that if the variance is given, the next developer will want the same treatment and so on. Mr. Armstrong said that sidewalks are nice but costly, and their company has developed all over Gaston County and are finishing a 240 lot subdivision in Gastonia now, and none of the subdivisions have

sidewalks, including Glenmere which has housing selling for \$250,000. He said they were always progressing on the plan ever since 1986, but were held up by the City and others, so they should be considered as being in place before the sidewalk ordinance was adopted. Councilman Jessen said that developers of subdivisions did not used to have to pave their streets, and someone has to be the first one. Mayor Black said that he agreed with Mr. Jessen but concessions were made for David Shook at Deerfield Subdivision due to Bill Maskal's mistakes and he made mistakes on this one also. Gary Roberts said the first sketch plan was presented to the Planning Board in 1986 and they got preliminary plat approval then, but there is no sketch in the file of the horizontal street designs. They did get approval for the utilities. The Mayor asked a planning board member in attendance if he recalled this matter. He said he and Yates Springs discussed this and cannot remember the details, but he knows that a variance from the sidewalk regulations must be made by the Council. Mr. Armstrong said he did bring the cut street sheets to Bill Maskal and Eddie Nichols. He said he relied on Bill Maskal who had told him he did not need to attend the meeting, and they only talked on the phone. City Attorney Michael asked him if he believed they had approval of the preliminary plat; he said they did. Mr. Michael asked him if Mr. Maskal ever had an interest in CYA; he said no, he had never met Mr. Maskal until he came to Mount Holly to apply for this subdivision. Mr. Jessen asked for clarification regarding the slope requirement for "hillside" development. These must meet DOT standards, and there is some question about what has been constructed. Mr. Armstrong had his engineer with him, Mr. VanDeliff, C. E., from Charlotte, who stated that he is ready to certify that the streets meet DOT standards. Gary Roberts said he was told by the DOT representative that the streets do not meet their standards, but the ordinance allows for certification by an engineer, putting the responsibility on him. Councilman Biggerstaff said it seems there are two remaining problems to be dealt with, one with the streets and one with the sidewalks. The Council asked for the City Manager's opinion. Mr. Young said he knows the City has been negotiating with CYA off and on since 1986 about the utility lines, which he has now sent to the State for approval. He knows the voluntary annexation has been done. He is aware of the question about the roads, but he felt that if the engineer certified them it would meet the ordinance requirements. He said he was under the belief that those already underway with the process of subdivision approval when the sidewalk ordinance was adopted were not going to be held to it, such as David Shook, and he was of the opinion that CYA started about the same time as Mr. Shook, so he thought the variance for the sidewalks should be considered. Councilman Biggerstaff asked Mr. Young what he had told the Planning Board to do at their meeting. Mr. Young said he was there to recite his knowledge of what has transpired between the City and CYA only. Councilman Biggerstaff felt the City Manager should give a written history to the Planning Board and ask for their recommendation to the Council. CYA asked that this matter not be delayed if possible. Gary Roberts said the Planning Board recommended that the variances requested be granted with the exception of the sidewalk, so perhaps those matters could be handled. City Attorney Michael asked why the Planning Board did not recommend the sidewalk variance. Chuck Carpenter said they agreed sidewalks should be in the new subdivisions. Councilman Jessen moved that the City Council grant the variances requested by CYA Developers for streets to be fifty feet wide,

and to use valley curb, and the slope variances to be granted if the engineer certifies they meet DOT standards, but that the sidewalk variance not be granted at this time. This motion was seconded by Councilman Biggerstaff and carried with five ayes. The City Manager was instructed to give a written report to the Planning Board and ask for a recommendation about the sidewalks.

Councilman Duke moved to reappoint Chuck Carpenter and Jack Rhyne to the Planning & Zoning Board, seconded by Councilman Small and carried with five ayes.

Mayor Black stated for the record that he did not mean anything derogatory last month when he asked that the Planning & Board have different persons than the Board of Adjustment; that he only felt the City should return to the way it used to be since we now have enough volunteers to do so.

Mr. Michael McGee, attorney for Mr. and Mrs. Larry McRorie, was recognized. They requested that the City take over maintenance and responsibility for a portion of Cove Avenue which is paved but not shown as a right-of-way on a recent survey done for the City. Mr. McGee stated that the McRories have bought a house and lot on the left side of Cove Street at the end, and they had a title search and a survey done, which showed they have a right-of-way. During the controversy over a parked car on Cove Avenue, they learned that the City had never taken over that portion of Cove Avenue. Mr. McGee said the subdivision plat in 1937 does not show the end of the street in a definite way. He further stated that an easement across a strip of land on the Heath property was deeded in 1965 to the City of Mount Holly. There is still a question as to whether the McRories have access to their property unless the City takes over maintenance and responsibility for that portion of Cove Avenue as well. He said he has searched the title to this property and can certify that the strip does constitute an easement to the City of Mount Holly. There is currently paving on this portion of the street and the City has been maintaining it. Mr. McGee asked the City Attorney if he knows of a City ordinance which prohibits a subdivision that does not give ingress and egress to the lots. Mr. Michael said now there is but he did not know if there was one in 1937, and the lot the McRories own is not on that subdivision plat. Councilman Biggerstaff asked for the City Attorney's recommendation. Mr. Michael said he and Mr. Young had reviewed the maps and the petition of the McRories and there are side issues and factors which they feel the Council might want to address in executive session; but he would leave that up to the Council's wish. Mrs. McRorie asked that someone please explain to her the legal problem the City is having with this matter. The Council said they would give a definite answer after discussing this matter with the attorney in executive session later.

The final acceptance for the water and sewer improvements contract with Yates Construction for the Freightliner annexation area was reviewed. The engineer and City Manager recommended that the assessment of penalty for the time over-run be for the engineering fees in lieu of the \$200 per day.

Councilman Biggerstaff moved to assess the penalty to Yates Construction in the sum of \$3,763.00, which was seconded by Councilman Duke and carried with five ayes.

Tax and tag releases in the amount of \$2.30 for 1989, \$1.24 for 1988 and \$293.72, as presented by the Tax Collector on September 9, 1991 were approved upon motion by Councilman Biggerstaff, seconded by Councilman Duke and carried with five ayes.

The floor was opened for complaints or petitions not on the agenda. Mr. Merlin Brown said he had asked to be on the agenda but was left off. He complained of very low water pressure, from 12 to 18 pounds, at his home so that they can hardly take a shower, and the washing machine takes 20 minutes to fill up, and his ice maker won't work at all. This started when they moved the pump station and started supplying water up North Main Street. When they started, it sucked all the water out of his house. He said the last fire up there they had to call in a tanker. Mayor Black said the City has been moving along on advice of the engineers and if they build the elevated water storage tanks the water pressure will be fine again. City Manager Young said the City has contracts from the engineers for the elevated tanks, so they are in process. Mr. Young said the moving of the pump station did hurt the water pressure, but the water line up North Main was paid for by the County and they wanted the pump station moved. The elevated tanks are planned for construction one to two years from now. Councilman Biggerstaff asked if there is any temporary measure that the City can take to help those folks living in Mr. Brown's area. Mr. Young said there is nothing the City can do at this point; the homeowners can install pumps on their lines if they wish. The Council asked him to see if he can find any temporary solution by the City. Mr. Young reminded the Council that the engineering contracts were presented in July and have not been authorized by the City as yet because of the budget delay by the State. Councilman Biggerstaff authorized the Mayor to execute the contract for engineering with W. K. Dickson for two elevated water storage tanks, one on North Main, and one in Catawba Heights off Highway 273, seconded by Mayor Pro-Tem Jessen and carried with five ayes.

Mr. Ben Loftin said he has been given sewer service, but they are tying it into the manhole so low he is not sure it will work. He came to the Council about his water lines. He has water access to his property from North Main Street, but the line crosses his vacant lot upon which he intends to build a car wash. He wants a water line to his house from Lanier. Mr. Young said the annexation study plan has been complied with and water was supplied to his residence under that plan. Mayor Black said Mr. Young has checked on the figures and it would cost about \$4,680 for a two inch line about 268 feet to his house. The Council took the matter under advisement.

Two ladies who reside at Rollins Square Apartments presented a petition to the Council. They are asking that the security guards be re-hired by the City. They said they felt safer when they were there and they kept the crime down. They do not believe the City police have the time to watch things enough. Mayor Black accepted the petition for the record; he asked them to allow time for the new plan which the City is implementing this month to work. Chief Bishop said they have been having from 3 to 5 calls at Holly Hills and about 5 calls at Rollins on Saturday night. He said some of the problems are personal arguments between the tenants. The lady said the police don't go behind the apartments and that is where all the drug dealing is going on, and people who live there are afraid to report

the things they see because they are afraid of those people. The manager said they should be able to implement a plan whereby the residents can anonymously report crimes they see so they will not be fearful. City Manager Young said he had received the stickers for the vehicles that day and expected to get the guest passes the next day. The identification machines had been ordered and were expected soon. The regulations will be enforced by the management and the police.

Mr. Tim Cherry, Ridge Drive, was recognized next. He said he and other parents feel the Mount Holly Recreation Department is handled fairly and for the good of the children. The baseball covers several years more than basketball, and they would like it to be extended. Councilman Biggerstaff pointed out that the Optimist Club provides basketball for those higher ages, and that the higher age baseball is under the Little League program; he further said the City has been covering ages that civic organizations do not. Mr. Cherry said they prefer the fairness of the City leagues and would rather it be all City operated.

Priority One Management gave a status report for the public housing units. Councilman Biggerstaff noted the concern about harrassment for tenants who make reports, and said they should be able to make them through the office, and the troublemakers need to be evicted promptly. Ms. Wells said the speed bumps are going up now. They are in favor of the identification program. They were unaware of the petition brought to Council. They believe they will be able to work with the Police Department. City Attorney Michael stated that the new ordinance passed last month allows the police to keep unauthorized persons off the property. She said they have the revised lease forms now, and have already requested more outside lighting from Duke Power Company.

A woman in the audience wanted to know if the public hearing on the Nims property rezoning would be taking place. Mr. Young said that matter was tabled at the Planning & Zoning Board meeting the previous Monday and so no hearing will be held until after the Planning Board makes a recommendation. He stated that a Citizens Meeting has been planned for later in September.

The Council took a five minute recess.

Councilwoman Nichols moved to go into executive session for attorney-client relations, seconded by Councilman Biggerstaff, and carried with five ayes.

The Council returned to regular session upon motion by Councilwoman Nichols, seconded by Councilman Duke and carried with five ayes.

Councilman Biggerstaff moved to authorize the City Attorney to obtain an additional survey and perform a title search of the easement to the City from Harold Painter conveyed in 1965 for Cove Avenue Extension, seconded by Councilman Small and carried with five ayes. The Council stated that it is their consensus that the City will accept maintenance and responsibility for the extended portion of Cove Avenue if the findings are favorable. Councilman Biggerstaff moved to table the request by Mr. and Mrs. McRorie until the next regular meeting or until the next meeting

after the information requested is received, seconded by Councilman Jessen and carried with five ayes.

Mayor Black asked about the progress on recycling sites. City Manager Young said there are two possible sites. The first is behind City Hall, and he has a copy of the survey; the proposal is for a five year lease with the City doing all the clearing, paving and maintenance. The second is property already owned by the City across from Ida Rankin Elementary School where the old water tank was located. The principal has told the Mayor the school would take the site on as a project as far as picking things up around the site. Councilman Biggerstaff said that might be a good place, but suggested fencing. Councilman Jessen agreed, however he was concerned about traffic problems because of the school.

Councilman Biggerstaff stated for the record that the committee met with the volunteer firemen about hospitalization insurance, and 15 of the 24 agreed to voluntarily drop off the City's roll and take the lump sum payment. They were told the offer is only good until August 25, 1992. Basically, they were offered an increase in the yearly bonus to \$600 if they drop by November, 1991, or \$300 if they drop by February. The committee recommends the agreement outlined in the August 22, 1991 memo. Councilman Jessen moved to accept the committee recommendation for gradual removal of the volunteer firemen from the City's hospitalization insurance coverage, seconded by Councilman Duke and carried with four ayes and one nay (Small).

Councilwoman Nichols had complaints that the handicapped cannot park at City Hall because of the brickwork being done. The City Manager was asked to temporarily place a handicap parking sign at the first space in front of the church for handicap parking.

Councilwoman Nichols said there is still a lot of dumping going on next to the new pawn shop building on Highway 273. Mr. Roberts said they are not breaking any law because not placing hazardous materials there. Mr. Young said they have a County permit, but he will request an inspection just to be sure they are in compliance.

Councilman Biggerstaff asked that the neighbors on Oak Trail be notified prior to the construction for their road.

Councilman Small asked that speed control signs be installed at Pinewood Elementary School on school days in the morning and afternoon. Mr. Young will request DOT to install a school zone there.

Councilman Small said that there are not supposed to be trucks on Craig Street, but several are running through there and the police need to go out there to enforce the "No Thru Trucks".

Councilman Small informed the Council that Jim Hope and Anne Berg have offered to serve on the Planning & Zoning Board. Mayor Black said P. D. Smith and Jimmy Gowans have also offered. They need an outside member now and will keep these in mind for the upcoming expiring terms.

Councilman Duke said the American flag over the old water plant is ripped

and needs to be replaced or at least removed.

Councilman Jessen noted that final approval was given for the lights on the bypass, and asked when they will be installed. Mr. Young said Duke Power told him as soon as possible.

Councilman Jessen also noted that the work on Tuckaseege Park ballfield had not started. Mr. Young said he had the pre-construction conference the prior week, and would be giving the proceed order the next day. He stated the County Erosion Control has added a provision to the contract.

Mayor Black asked the City Manager to request a left turn signal on Highway 27 at the underpass.

The Catawba Heights Fire Department was given permission for a Halloween Haunted House beginning October 25, upon motion by Councilman Small, seconded by Councilman Duke and carried with five ayes.

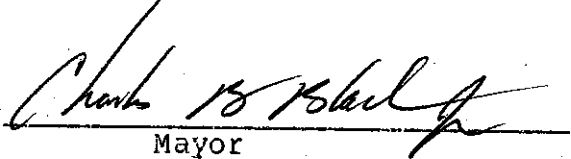
City Manager Young informed the Council that he has had compaction tests done by GEO Science for projects at Oak Trail and Tuckaseege Park, at a cost of \$4,000.00.

City Manager Young said he has gotten a bid from REA Construction for speed bumps but has not received the one from Blythe Industries yet.

After review of the proposed drug testing policy, the Council concurred that it approves for it to be implemented by the City Manager, but requested that a list of employees by job title be compiled to go with it and a copy given to the Council.

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

City Clerk



Mayor
