

Regular Meeting  
Mount Holly City Council  
April 8, 1991

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

The invocation was led by Reverend Mitchell Murrow.

The minutes of March 11, 1991, were approved as written upon motion made by Councilwoman Little, and a second by Councilman Jessen, with all in favor.

The regular meeting was recessed and public hearings called to order. The first was for consideration of a request by Ron Dimmer for the rezoning from B-1 to R-8 of a one-half acre lot adjoining his apartments on Highland Street, which has been approved by the Planning & Zoning Board. Notices had been sent. There were no comments for or against. The second public hearing was for consideration of a request by CYA for annexation of their property called Deertrack Subdivision. There were no comments for or against. The public hearings were adjourned and the regular meeting resumed.

Councilwoman Little moved to rezone the property requested by Ron Dimmer off Highland Street from B-1 to R-8 to be identified as resolution #4-8-91(a). Councilman Biggerstaff seconded this motion and it carried with a unanimous vote.

Councilwoman Little asked a question about CYA's property regarding the survey being properly submitted; it now had been. All notices have been given as required. Councilwoman Little moved to approve the annexation of the property of CYA known as Deertrack Subdivision as set forth in ordinance #4-8-91(b), subject to pre-approval of the U. S. Department of Justice, Attorney General's office, and to be effective June 30, 1991, which motion was seconded by Councilman Biggerstaff, with all in favor. Mr. Yatko asked why it must go to the Attorney General's office, and Mr. Michael replied that this is required by law so that it can monitor the effect of any annexation on the minority voting power in the area.

Phoenix Management Systems gave a status report on Rollins Square and Holly Hill Apartments. They had 30 of the 46 residents attend the tenants' meeting, at which time the City Manager went over the problems being faced due to crime in those areas. The tenants are interested in a Crime Watch program, and PMS has contracted with a security guard service. They are taking bids now for landscaping and a new sign. The changes of names has been approved by HUD and FmHA. They have begun legal process on the evictions. Councilman Biggerstaff asked if the tenants understand they can not live there if they are involved in criminal activity; they felt Mr. Young had made that clear. Councilwoman Little asked if the auditors were aware of the prior problems with the persons who

used to handle the apartments; they said the auditors are aware of the prior problems.

The Gaston County School Board had submitted petitions for annexation of both Pinewood Elementary School and Catawba Heights Elementary School into the city limits of Mount Holly. Councilman Duke made a motion to adopt Resolution 4-8-91(c)(1) directing the Clerk to Investigate a Petition Received, and further moved to adopt Resolution #4-8-91(c)(2) Fixing Date of Public Hearing upon receipt of the Clerk's Certificate of Sufficiency, setting the public hearing for May 13, 1991, subject to approval of the legal description by the City Attorney and proper advertisement, which motion was seconded by Councilman Duke with all in favor.

A petition from residents of Maple Circle was considered which asks the City to take over and maintain a portion of Maple Circle. The City took over State maintained streets in Catawba Heights when it was annexed, but if they were not State maintained, they must follow the policy adopted by the Council before they can be considered for maintenance by the City. This group has submitted a petition, and the \$50 fee has been paid. Councilwoman Little moved that the City Manager proceed under the policy to have the survey done, seconded by Councilman Biggerstaff with all in favor.

The Council considered a proposed contract with W. K. Dickson for design of a water main in the Clearwater Lake Road area. This would extend the water line from a 12 inch line on N. C. 273 along Clearwater Lake Road and serves Old Hickory Grove Road to Deerfield Subdivision. It will replace the pump station at Rankin Street. Councilman Biggerstaff moved to accept said contract (Work # 91128.110) contingent upon its review by the City Attorney, seconded by Councilwoman Little and unanimously carried.

City Attorney Michael asked the engineer if they have received a signed right-of-way from Fontaine; they got an approval letter but not the signed document.

The Council next considered a proposal for the City to participate in water and sewer line improvements which will be made by CYA for its subdivision called Deertrack. The staff estimates that if the City pays to increase the portion of CYA's water line in which the City has an interest, the City's share would be \$49,450.00; and to increase a portion of the sewer line, the City's share would be \$11,000.00. This matter had been discussed at length at the City Council's retreat. Councilwoman Little moved that the City participate in the construction cost of the water and sewer lines at the sections designated by paying for the increase in size at a total cost to the City of approximately \$60,450, contingent upon completion of the annexation of the Deertrack Subdivision property. This motion was seconded by Councilman Duke and passed by unanimous vote.

Councilman Biggerstaff moved to approve tax releases, seconded by Councilman Small and unanimously carried.

#### TAX RELEASES

April 8, 1991

First Union National Bank

R#15121 Val. 8,570

39.42

1 TAG

1.00

|                                  |            |
|----------------------------------|------------|
| 1990 taxes releases thru 3-31-91 | 39.42      |
| PENALTIES RELEASED               | -----      |
| TOTAL TAXES & PENALTIES          | \$39.42    |
| <br>TAGS RELEASED                | <br>\$1.00 |

The floor was opened for complaints or petitions. Mr. Ralph Michael asked the Council to get some better sound equipment so the audience can hear them.

Mr. David Shook asked the Council for a waiver of a requirement under the subdivision ordinance. He had been told to increase the thickness of pavement for the second phase of Deerfield, then was told he did not have to because it was not required in the first phase. Now, the City staff has told him he must put a crushed stone bed under the sewer line which will cost him about \$14,000, when that was not required on the first phase. Mr. Eddie Nichols said the ordinance requires this for PVC pipe sewer lines due to the flexibility of the material. He further stated that this has been done by the City in all the Catawba Heights work the City has done, and it is needed according to our engineers to prevent deflection of the pipe when it is being installed. Mr. Nichols said the City did not require it on the first phase because it was not familiar with PVC pipe at that time. Councilwoman Little asked if ductile iron would be cheaper than the PVC with stone; but they did not know the answer. Councilman Biggerstaff asked the engineer who was present to comment; he stated that the PVC manufacturers and suppliers recommend stone bedding unless select material is available for backfill which usually means sand. Mr. Shook said his engineer says the soil is suitable for laying PVC without stone bedding. Councilwoman Nichols asked if the stone bedding has anything to do with repairs; they said the PVC is more likely to fail without a stone bedding. Councilman Biggerstaff was opposed to the City taking over a line that is more likely to have failure. Mr. Nichols noted that the builder warrants them for one year, but after that the City will be responsible if they are taken over. Councilwoman Little said she could only see waiving this if the City's engineer said the soil is suitable. Councilman Biggerstaff pointed out that soil varies even within one property site. Councilwoman Little moved to deny Mr. Shook's request for a waiver of the requirement for stone bedding under the PVC sewer lines in Deerfield Subdivision, phase two, which motion was seconded by Councilwoman Nichols and carried unanimously.

Mr. Boyce Sherrill was recognized next. He said that he bought a lot in Cottonwood Subdivision in 1976 and cut a street in there to other property he owns. In 1984 he got eleven lots approved by the Zoning Board. Now, he is ready to proceed, and the Zoning Board wants him to move the street over. He said this would be next to impossible due to the huge rocks in the way. Zoning Administrator Roberts said the only map he has found is in 1987; and the subdivision ordinance now requires roads to intersect or be offset 125 or more feet for safety reasons. City Attorney Michael said that Mr. Sherrill's only recourse is to request a variance from the Board of Adjustment.

Mayor Black said he had a request for Woodlawn Road Park to be

renamed Hoover Park to honor Mr. Hoover. The Council will consider it.

Councilman Small asked if it would be possible to replace the two big poles on Main Street at the crosswalk with two nice poles and pedestrian crossing signs. The Council will consider it. He also asked if perhaps the no left turn sign could be removed at First Union National Bank. They decided to wait on this because the bank is going to tear that building down and rebuild.

Councilman Duke asked if there will be a fire hydrant installed on the water lines going to Pinewood School. Mr. Young says there is one now within the State regulated distance; it is at the forestry site.

Councilman Jessen asked Mr. Roberts to investigate a car business that has opened on Highway 27 at the SnoCap and the light.

Councilwoman Little asked if the written response has been received on the requirements for corrections to the new fire truck; it has. She asked if they have said when the truck will be finished; they have not.

City Manager Young stated that the Land Use Plan Committee recommends that the Council use the COG proposal to do the land use study at a cost of \$19,550.00, which is a much lower estimate than before. However, Council, committee, and staff time will be required. Councilman Nichols moved that the COG proposal to do the land use study be approved at a price not to exceed \$19,550, with any hours the City has applying to it. This motion was seconded by Councilman Duke and carried unanimously.

City Manager Young asked the Council to consider holding the public hearing on Monday, April 22, 1991, at 7:30 P.M. at Mount Holly City Hall, as a joint meeting with Stanley, for the matter of the request made to the State legislature for possible extension of the ETJ to two miles. The Council concurred.

Councilwoman Little noted an editorial in the newspaper which cites the legislature for passing the buck and the Governor for being unfair. The article stated that the State should stop passing the burden to the cities for its errors in fiscal responsibility and that it should reinstate inventory and intangibles taxes. She asked the Council to send a letter to the Governor and legislature in support of this position. They concurred.

City Manager Young announced the Elected Officials Seminar for Thursday, April 18.

Mayor Black stated that the Spring Fest committee needs more volunteers and they only have two more meetings. Councilman Small said the Fire Department and Police Department will need to be notified about the plans soon.

The Council took a five minute recess.

Councilman Duke moved to go into executive session for attorney

client matters and personnel purposes, which was seconded by Councilman Jessen and unanimously carried.

The Council returned to regular session upon motion by Councilman Duke, seconded by Councilwoman Little with all in favor.

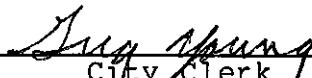
City Manager Young distributed drawings for the Tuckaseege Park ballfields with three ballfields. There were two layouts from the engineer. The Recreation Committee say they are willing to go with two fields if this will help to proceed. Mr. Young recommended the three fields and the layout with the home plates at the corners. The high estimate for grading cost for grading on this would be \$57,000.00. He recommended, however, making the big field 280 feet instead of 300 feet and one of the small fields 180 feet instead of 200 feet to save on that grading cost. A representative from the Recreation Committee said they like the 300 foot field but 280 is regulation. Their first proposal is to do two fields with a 300 foot lighted and a 200 foot unlighted, which plan would require no grading. For future plans, a walking track could be made and the little field could be lighted, restrooms could be added. He said the County could supply a lot of the materials and labor. Their second choice is the three fields, phased. City Manager Young said that the County is willing to do the work, but it would be only as they have time between their projects. The Council asked the City Manager to get the site plan for three fields revised for the smaller size fields and to let bids for the grading.

Mr. Otis Crowder, John Phillips, and Mr. Brown, with Crowder Construction Company, appeared before the Council. They had sent a letter in December about their request for a temporary slope easement at the Mount Holly water intake site; and had not received a response. They stated they need 15 feet at Mt. Holly's pump station to give them access to the work they are doing for Gastonia. They understand there has been miscommunication with Gastonia. The Council said there are no ill feelings with Gastonia. The City Manager expressed his concerns that Crowder or its agents have violated the City's easement in that a backhoe was parked on our line easement, and there have been pylons dug into the City's easement, and that the road has created drainage problems. They said the backhoe was unintentional; and they measured where to put the pylons in the ground to protect Mt. Holly's line, but evidently there is some discrepancy about the measurements. Mayor Black said the City has incurred expenses to protect its interests, and the City's position is that they cannot build on Mt. Holly's easement. Crowder said they have considerable expenses involved in protecting Mt. Holly's line as well. They said the work can be done without the slope easement, but it would be easier with it. They stated the company will execute an indemnity for the City. Mr. Crowder said the company has been operating for 40 years and intends to be a good neighbor. They said they will remove the pylons after the job, or will leave them in and cut them off if the City prefers that. Councilwoman Little moved to go into executive session, seconded by Councilman Duke, with a vote of four ayes and two nays, so the motion was withdrawn. Councilman Jessen said they should put aside the fact that Mt. Holly had no warning about this matter. The Council asked the City Manager for his recommendation; he recommended

denying the request. Councilwoman Little moved to deny the request, seconded by Councilman Biggerstaff and unanimously carried.

Mayor Black stated that there are two seats on the Planning & Zoning Board that must be filled and asked for recommendations.

The meeting was adjourned upon motion by Councilwoman Little, seconded by Councilman Jessen and unanimously carried, at 11:24 P.M.

  
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City Clerk

  
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Mayor

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