CITY OF MOUNT HOLLY

CITY COUNCIL MEETING MINUTES

MONDAY, MARCH 11, 2024

COUNCIL CHAMBERS

7:00 PM

CALL TO ORDER

Mayor Moore called the meeting to order at 7:00 pm. The following were present:

Mayor David Moore	Jonathan Blanton, City Manager
Mayor Pro Tem Lauren Shoemaker	Brian DuPont, Assistant City Manager
Councilman Ivory Craig	Brian Reagan, Police Chief
Councilman Jeff Meadows	Ryan Baker, Fire Chief
Councilman Bryan Hough	Greg Beal, Planning Director
Councilwoman Phyllis Harris	Tony Walker, Streets and Solid Waste Director
Councilman Kenneth Reeves	Robert Stewart, Deputy Utilities Director
Marie M. Anders, City Attorney	Mark Jusko, Recreation Supervisor
Danny Jackson, Consultant	Michelle Wood, Finance Director
Tara Douglas, City Clerk	Alexis Hill, Human Resources Director

INVOCATION

Pastor Jason Marlowe from Tuckaseegee Baptist Church led the Council, staff, and attendees in prayer.

PLEDGE OF ALLEGIANCE

Boy Scout Troop 59 led the Council, staff, and attendees in the pledge of allegiance.

SET THE AGENDA

Mayor Moore entertained a motion to approve the agenda as presented. Councilwoman Harris made a motion to approve the agenda as presented. Mayor Pro Tem Shoemaker seconded the motion.

All Council members present voted in favor. (Motion Carried)

CONSENT AGENDA

1. Approval to install 26 streetlights along Horseshoe Bend Beach Road
2. Approval of Budget Amendments
    a. Installation of 26 streetlights along Horseshoe Bend Beach Road
    b. Museum Proposal Design Services

Draft: 3/11/2024_TD
Approved: 3/25/2024

   c. Greenway Security Cameras

3. Approval of an Amendment to the FY 23-24 Fee Schedule.
4. Approval of the Audit Contract from Martin Starnes
5. Approval to apply for the GCLMPO's Combined Congestion Mitigation and Air Quality (CMAQ) and Carbon Reduction Program (CRP) grant program to support the Dutchman's Creek Pedestrian Bridge project.
6. Approval to apply for the NCLM HBT Wellness and EAP Grant
7. Adopt Resolution of Intent & Call for a public hearing date for April 8th for the Closing of Unopened Rights of Way on Ferstl Avenue
8. Call for a public hearing for review and recommendation to City Council regarding a request by Penler LLC, for a rezoning of a 32.389-acre tract of land at 55 Caldwell Drive, Tax Parcel ID 226178, ID 226181, and ID 226182 from CD-CMF to Amended CD-CMF, comprising 315 apartment units including amenities for those units and a commercial restaurant.
9. Approval of Minutes from the February 12, 2024 Council Meeting
10. Approval of Minutes from the February 12, 2024 Closed Session

Mayor Moore entertained a motion to approve the consent agenda as presented. Mayor Pro Tem Shoemaker made a motion to approve the consent agenda. Councilman Reeves seconded the motion.

All Council members present voted in favor. (Motion Carried)

PRESENTATIONS

1. Presentation by Hager Strategic Solutions ***Bre Hager Wilhelm***

Bre Hager Wilhelm thanked the Mayor and the Council for bringing Hager Strategic Solutions back to represent the City of Mount Holly. Ms. Wilhelm stated that they are very excited about how the last legislative session went. Ms. Wilhelm stated that this next session will be a short session beginning in April of 2024 and they are looking forward to continuing the legislative planning process with the City of Mount Holly. Councilman Meadows thanked Hager Strategic Solutions for their work.

2. CRO Event ***Mike King***

Dave Vanek from the Community Relief Organization (CRO) gave an update to the Mayor and Council. Mr. Vanek stated that he is the President of the Community Relief Organization (CRO). Mr. Vanek stated that the Community Relief Organization (CRO) has been in business for 70 years and started by churches that came together to serve the community in crisis. Mr. Vanek stated that they are basically a food bank. Mr. Vanek stated that the Community Relief Organization (CRO) has served over 2300 households. Mr. Vanek stated that the Community Relief Organization (CRO) has given out approximately $133,000 in rent and utilities support. Mr. Vanek stated that 75% of the food is donated from Second Harvest or from the Mount Holly Food Lion. Mr. Vanek stated that 90% of their financial support comes from individual donors and 20 current churches. Mr. Vanek stated that the upcoming fund raisers are on April 29, 2024 and September 14, 2024.

PUBLIC HEARING

1. Public hearing to consider approval of a third amendment to the development agreement with OMBMH, LLC ***Marie Anders***

Mayor Moore entertained a motion to go out of the regular meeting and into the public hearing. Councilwoman Harris entertained a motion to go out of the regular meeting and into the public hearing. Councilman Reeves seconded the motion.

All Council members present voted in favor. (Motion Carried)

Mrs. Anders reminded the Mayor and the Council that the City of Mount Holly sold the 725 Elm Street property to Olde Mecklenburg Brewery's holding company OMBMH, LLC in March of 2022 pursuant to a development agreement for redevelopment of that site. Mrs. Anders stated that the redevelopment agreement includes a timeline with certain milestones for progress on this project to be a restaurant and beer garden. Mrs. Anders stated that last year Council granted OMBMH, LLC a 12-month extension to close on the construction loan to March 31, 2024 to give OMBMH, LLC enough time to acquire some adjacent property from Duke Energy to add to the plan. Mrs. Anders stated that OMBMH, LLC did purchase the property. Mrs. Anders stated that John Marrino, the owner of OMBMH, LLC met with Mr. Blanton and Mr. DuPont to request an additional 6-month extension on the requirement to close on the construction financing. Mrs. Anders stated that the requested extension would be to September 30, 2024. Mrs. Anders stated that Mr. Marrino has stated that OMBMH, LLC is fully committed to the Mount Holly Restaurant Beer Garden project and is committed to completing construction, receiving a certificate of occupancy by March 31, 2025, and holding a Grand Opening by September 30, 2025 which is the original timeline in the development agreement. Mrs. Anders stated that Mr. Marrino's only request is for an additional 6-month extension on the requirement to close on the construction loan.

Mrs. Anders discussed two optional resolutions for the Council's consideration. Mrs. Anders stated that Option A would extend the construction financing an additional 6 months per Mr. Marrino's request to September 30, 2024, but would leave the remaining timeline alone. Mrs. Anders stated that the second resolution before Council which is called option B would also extend the construction financing an additional 6 months per Mr. Marrino's request to September 30, 2024 but would in addition give authority to Mr. Blanton as your City Manager to extend the requirement to receive a certificate of occupancy by a maximum of 3 months for good cause shown if in fact 6 months is too tight of a timeline to complete construction. Mrs. Anders stated that if OMBMH should run into a construction delay and could show good cause, that this would allow an extension of that deadline for up to 3 months maximum upon good cause shown without having to come back to the Council. Mrs. Anders stated that this was a staff consideration and was not a request from OMBMH, LLC. Mrs. Anders stated that OMBMH, LLC is fully committed to holding a Grand Opening by September 30, 2025 regardless of the Council's decision.

Mr. Marrino spoke to the Mayor and Council regarding his request. Mr. Marrino stated that OMBMH, LLC is committed to this project. Mr. Marrino discussed the occurrences that have changed their internal milestones. Mr. Marrino stated that OMBMH, LLC is completing a project in Ballantyne, NC that should be complete in April of 2024, that will allow them to complete the design phase of the Mount Holly project. Mr. Marrino stated that the bank will not give them financing on another project until the current project is finished. Mr. Marrino stated that OMBMH, LLC will finish the design in parallel with the finalization of the financing in Summer 2024. Mr. Marrino stated that OMBMH, LLC will be the building owner and the tenant which will help contract the timeline. Mr. Marrino stated that the March 31, 2025 date will be tough to reach.

Councilman Craig asked if the airport project will delay any timelines. Mr. Marrino stated that it would not hold up the project and that it is not their project. Councilman Craig asked if the Ballantyne project is like the Mount Holly project. Mr. Marrino stated that it was not similar because OMBMH, LLC does not own the building. Mr. Marrino stated that they are not asking to change the beginning or the end date.

Councilman Meadows stated that OMBMH, LLC presented the City of Mount Holly with the original timelines. Councilman Meadows stated that he is excited for the project. Councilman Meadows stated he would like to see a set of achievable goals. Mr. Marrino stated that he does not know when he will have permits. Councilman Meadows asked Mrs. Anders if she can help us get to a set of reasonable dates. Mrs. Anders stated that there could be some strategic amendments made if the Council chooses. Councilman Hough stated that he would prefer that there not be amendments made on the fly and that we come back at the March 25, 2024 work session meeting so that there could be definitive deliverables ironed out.

Mrs. Anders stated that if the Council is agreeable to staff working with Mr. Marrino to amend the timeline with definitive deliverables, then she would recommend a continuation of this public hearing to the March 25, 2024 work session meeting at 6:30 pm.

Councilman Meadows made a motion to continue the public hearing to consider approval of a third amendment to the development agreement with OMBMH, LLC until the March 25, 2024 work session meeting at 6:30 pm. Councilwoman Harris seconded the motion.

All Council members present voted in favor. (Motion Carried)

Councilman Meadows thanked Mr. Marrino for the significant investment that is being made in the community.

2. Public hearing for a proposed text amendment to amend the Zoning Ordinance Chapter 6 Table of Permitted and Special Uses, Section 6.4, Business, Professional and Personal Services and add Note 36 to Chapter 7: Special Requirement Notes to the Table of Permitted and Special Uses, Section 7.1 Notes to Table to allow Animal Grooming (no overnight boarding) in the B-1 Zoning District and attach special conditions to the use type. Case # TA-24-2. ***Josh Blackwell***

Josh Blackwell stated that this proposed text amendment has been submitted by the applicants, Elizabeth Patton and Baylee Pinkelton. Mr. Blackwell stated that this application would make animal grooming (no overnight boarding) an allowed use-type in the B-1 Central Business District (CBD). Mr. Blackwell stated that it would also provide special conditions that would be applied to the use-type in the B-1 Central Business District, but not in the B-2 and B-3 zones. Mr. Blackwell stated that those special conditions for the B-1 CBD contained in the attached text amendment application are as follows: no outside storage, no overnight kenneling or boarding, no more than 12 animals at the business at one time, all animals obtaining service must be vaccinated to the legal state requirements and have a vet record on file, no animal waste within 25 feet of the property, the retail sale of pet food , pet supplies an pet accessories may be permitted , but can only cover 20% of the gross floor space of the building.

Mr. Blackwell stated that a public hearing was held on March 4, 2024 before the Planning Commission. Mr. Blackwell stated that the Planning Commission recommended by a 5-2 vote that the City Council approve the text amendment to allow animal grooming in the B-1 Central Business District with special conditions.

Mr. Blackwell stated that it is staff's recommendation to deny the proposed text amendment, as submitted, as it is based on historic precedents from the Strategic Vision Plan process that began in 2006, with the establishment of the Downtown Gateway District on Hwy 27, as well as data gathered from other towns.

Mayor Moore entertained a motion to go out of the regular meeting and into the public hearing. Councilman Hough entertained a motion to go out of the regular meeting and into the public hearing. Councilwoman Harris seconded the motion.

All Council members present voted in favor. (Motion Carried)

Councilman Hough stated that he did not hear Mr. Blackwell mention some additional language regarding the distance around this area this use would not be allowed. Mr. Blackwell stated that currently the text amendment would be voted on as is, however there are two different options. Mr. Blackwell stated that the Council could deny the text amendment based on the staff's recommendation and keeping with the prohibitions on animal related services or the Council could approve the text amendment based on the Planning Commission's recommendation. Mr. Blackwell stated that the Council has the authority to approve, approve with changes, or deny the text amendment after the public hearing. Mr. Blackwell stated that the initial public hearing notice was broad enough to allow the Council to modify the Planning Commission's recommendation to include additional stipulations initiated by the Council after the public hearing without further action or further notice so long as there are not substantial changes.

Betsey Patton who resides at 11813 Riverhaven Drive signed up to speak at the public hearing. Ms. Patton stated that she appreciates the opportunity to speak on this topic. Ms. Patton stated that she did not go into the pet grooming business to upset the apple cart in Mount Holly. Ms. Patton stated that this business would bring traffic to the downtown businesses. Ms. Patton stated that dog grooming businesses are similar to hair salon businesses. Ms. Patton stated that the owners would have the opportunity to shop and dine in Mount Holly's downtown area. Ms. Patton handed the Council a copy of a petition showing support for the business.

Mayor Moore entertained a motion to go out of the public hearing and back into the regular meeting. Councilman Meadows entertained a motion to go out of the regular meeting and into the public hearing. Councilwoman Harris seconded the motion.

All Council members present voted in favor. (Motion Carried)

Councilman Reeves made a motion to approve the proposed text amendment with changes that would limit another business of this kind within a ½ mile radius Councilman Meadows seconded with discussion.

Councilman Meadows stated that the public process that we go through works. Councilman Meadows stated that he has never come across a situation where we had a staff recommendation at odds with a citizens' advisory board and the citizens' advisory board is not unanimous. Councilman Meadows stated that this has caused him to pause because he respects staff and the work that they do, and he also respects the citizens' advisory boards. Councilman Meadows stated that this entire discussion has been about the process not the applicant. Councilman Meadows asked Mr. Beal to discuss how we got here. Mr. Beal stated that 250 citizens came together in 2003 to begin the process of putting together the 2006 Strategic Vision Plan. Mr. Beal stated that Deb Ryan was the architect of this plan and one of the recommendations stated that there were a lot of uses that were allowed in the Central Business District that may not be good. Mr. Beal stated that at this time, there was an animal grooming business that was a cause for concern.

Councilman Meadows asked Mr. Beal to go through the code enforcement process that the City had to go through to eliminate what was then a non-conforming business at the time. Mr. Beal discussed the code issues that were dealt with including animal waste on the sidewalk, outside storage issues, and building brick painting. Mr. Beal stated that in 2014 there were some serious code issues with the building itself. Mr. Beal stated that the code issues were finally resolved in 2016.

Councilman Meadows stated that he would like to propose an alternative to Councilman Reeves motion to change the half mile radius to a 3000-foot radius limit with the removal of the 20% retail condition.

Councilman Craig stated that he appreciated the support that the applicants received from the downtown businesses.

Councilman Hough stated that the applicants are nice and genuine people and that it is about the process and public policy. Councilman Hough stated that this change would affect other B-1 district. Councilman Hough stated that the addition of the proposed either half mile or 3000 feet is acceptable to him and that this would support not having another similar business in the area.

Councilwoman Harris stated that she has spoken to the applicant and that she is a good person.

Councilman Reeves stated that he supports Councilman Meadows suggestion of the 3000-foot radius limit and the removal of the 20 % retail condition.

Mayor Pro Tem Shoemaker stated that this was never personal against the applicant. Mayor Pro Tem Shoemaker stated that the Council's responsibility is to look at these items and not at the case in front of us but look at the ramifications of a decision and what could possibly happen over the next 25 years based on a decision. Mayor Pro Tem Shoemaker stated that her concern was what happens if we open the door, but that Councilman Meadows and Mr. Beal have worked together to create a good solution.

Mayor Moore stated that he would like to applaud the applicants.

Councilman Reeves amended the motion to approve the proposed text amendment with changes that would limit another business of this kind within 3000 feet and to remove the 20% retail condition. Councilman Meadows seconded the motion.

All Council members present voted in favor. (Motion Carried)

<u>PUBLIC COMMENT-Three (3) Minute Limit</u>

1. Dennis Eldridge who resides at 301 Old Mount Holly Road in Stanley, NC signed up to speak regarding tow trucks not being allowed to be parked at a residence and is requesting an amendment of this ordinance.
2. James Latham who resides at 448 Augustus Lane signed up to speak about dust on the road from National Gypsum, potholes around Freightliner, and the width of the sidewalks on Woodlawn Road and Hawthorne Road.
3. Gary Brinkley who resides at 176 Tom Sawyer Lane signed up to speak about the taxes. Mr. Brinkley stated that he looked at the GIS to see what the city owns and noticed Veterans Park investments that would fall under the category of wants. Mr. Brinkley requested that the Council speak more publicly about the Veterans Park expansion.
4. Brian Cerilli who resides at 217 Stow Creek Lane spoke regarding the Mount Holly Community Development Foundation. Mr. Cerilli updated the Council and citizens of the upcoming events.
5. William Brooks who resides at 102 Houston Street Mount Holly, NC signed up to speak regarding traffic infrastructure not being properly managed with all of the planned housing coming into Mount Holly. Mr. Brooks asked about plans for a new Mount Holly Middle School in light of the new growth to the area.

CITY OF MOUNT HOLLY

CITY COUNCIL MEETING MINUTES

MONDAY, MARCH 11, 2024

COUNCIL CHAMBERS

7:00 PM

CLOSED SESSION

1. Closed Session Pursuant to N.C.G.S 143-318.11 (a) (3 and 5)

Mayor Moore entertained a motion to go out of the regular meeting and into closed session pursuant to N.C.G.S 143-318.11 (a) (3,4, and 5). Mayor Pro Tem Shoemaker made a motion to go out of the regular meeting and into closed session at 8:15 pm . Councilman Craig seconded the motion.

All Council members present voted in favor. (Motion Carried)

Mayor Moore entertained a motion to come out of closed session and back into the regular meeting. Councilman Hough made a motion to come out of closed session and back into the regular meeting at 9:27 pm. Councilman Meadows seconded the motion.

All Council members present voted in favor. (Motion Carried)

MOTIONS MADE:

1. Councilman Hough made a motion to not pursue the RJD property located at 204 E. Central Avenue. Councilwoman Harris seconded the motion.

All Council members present voted in favor. (Motion Carried)

2. Councilman Hough made a motion to terminate the Mauney contract for 206 E. Central Avenue. Councilwoman Harris seconded the motion.

5 Ayes in favor of the motion and 1 Nay vote by Mayor Pro Tem Shoemaker against the motion. (Motion Carried)

ADJOURN

With no additional items for discussion, Mayor Moore entertained a motion to adjourn the March 11, 2024 Council meeting. Councilman Hough made a motion to adjourn the March 11, 2024 Council Meeting at 9:30 pm. Mayor Pro Tem Shoemaker seconded the motion.

All Council Members present voted in favor. (Motion Carried)

The meeting adjourned at 9:30 pm.