City of Mount Holly
Mount Holly City Council Meeting
Monday, February 13, 2017
Council Chambers
7:00 pm

Call to Order
Mayor Bryan Hough called the meeting to order at 7:00 pm. The following were present:

Mayor Bryan Hough	Danny Jackson, City Manager
Mayor Pro Tem David Moore	Greg Beal, Planning Director
Councilman Jerry Bishop	Ryan Baker, Fire Chief
Councilwoman Carolyn Breyare	Ray Clemmer, Assistant Director of Utilities
Councilman Jeff Meadows	Dave Johnson, Utilities Director/City Engineer
Councilman Jim Hope	Don Roper, Chief of Police
Councilman Perry Toomey	Miles Braswell, Assistant City Manager
Kemp Michael, City Attorney	Africa Otis, Finance Officer

Invocation
Reverend Kendall Cameron, Pastor at Mount Holly First Baptist Church gave the invocation.

Pledge of Allegiance
Councilman Perry Toomey led attendees in the Pledge of Allegiance.

SET THE AGENDA
With no changes to the agenda, Councilman Toomey made a motion to approve the agenda as presented. Councilwoman Breyare seconded the motion. All Council Members voted in favor. Motion carried.

CONSENT AGENDA
1. Approval of Budget Amendment
    - Miles McClellan Preconstruction Activities
    - Linear Park
2. Approval of a Key to the City Policy
3. Approval of a Resolution to Advertise for Unpaid Taxes
4. Approval of a Chairperson for the Planning Commission Chairperson
5. Approval of Fee Schedule to include Fee for Golf Cart Registration
6. Call for public hearing, regarding a request by Samantha Adamson, for a text amendment to the Zoning Ordinance under Article 7, Note 28 Solar Energy Systems.
7. Call for public hearing for a text amendment to Article 6, Table of Permitted Uses and Special Uses for studio uses, Article 9, Signs for flying banners, and Article 10, Landscaping of the Zoning Ordinance.
8. Call for a Public Hearing for the Subdivision & Land Development Ordinance with Tap Amendment
9. Approval of the minutes of the January 9, 2017 Council Meeting
10. Approval of the minutes of the January 23, 2017 Council Work Session Meeting

    Mayor Pro Tem Moore made a motion to approve the consent agenda with one correction to the Key to the City Policy. Councilman Meadows seconded the motion. All Council Members present voted in favor. (Motion carried)

PRESENTATIONS
1. Presentation of a Resolution Honoring Mike Gruno upon Retirement from the City

    Mayor Hough and the City Council presented `Mike Gruno with a resolution and his retirement watch for his 15 years of service with the City.
2. Swearing In of Fire Fighter Jason Jackson

Chief Baker advised that Officer Jackson has been with the City for 9 years but never been officially sworn in or pinned. Mayor Hough administered the Oath of Office to Fire Fighter Jason Jackson was pinned by his father.

3. Presentation of Award to Fire Fighter Ricky Brown for Achieving the Advanced Fire Fighter Certification

Chief Ryan Baker advised that Fire Fighter Ricky Brown has been a fire fighter since 1980 and with the Mount Holly Department since 2011. He advised that Fire Fighter Brown had has achieved his Advanced Fire Fighter Certification.

4. Presentation from the Mount Holly Community Foundation

Mr. Dean came before the City Council to present a generous gift given to the Fire and Police Departments by a resident of Mount Holly that wishes to remain anonymous. He presented the Police Department with $3000 for individual 1st aide kits and the Fire Department with $6000 for new hoods. Both Chief's were present to receive the checks.

PUBLIC HEARING

1. Public hearing for a Conditional District rezoning of Gaston County Parcel ID #'s 220248, 220247, 202002, 202000, 202180, 208655, 208656 and 202179 from R-1 Gaston County to Single Family Conditional District.

Mr. Wilson advised that a Public Involvement meeting held on December 6th and 9 people attended and expressed concerns regarding the potential traffic impact from the proposed development. At this time, Mr. Wilson introduced David Nelson with the development company, Lennar Homes, based out of Florida. Mr. Nelson gave a brief overview of the Imagery on Mountain Island. He advised that this subdivision will target those 55 and older with all the amenities that are attractive to that certain age group such as fitness, boating and an onsite restaurant. There will be a 100 ft buffer around the lake and 76% of the property will be trees, grass and natural area and more than 4 miles of multi-purpose trails. Mr. Nelson further advised that they have agreed to work on a traffic plan for the area to help alleviate traffic concerns.

At this time, Councilman Bishop made a motion to enter into the public hearing regarding a Conditional District rezoning of Gaston County Parcel ID #'s 220248, 220247, 202002, 202000, 202180, 208655, 208656 and 202179 from R-1 Gaston County to Single Family Conditional District. Councilwoman Breyare seconded the motion. All Council Members voted in favor. (Motion carried)

Jeff High, 236 Village Glen Way, Mount Holly

Good evening. Mayor Hough, City Council members, Mr. Jackson, Mr. Beal, ladies and gentlemen, thank you very much for the opportunity to speak to you about our concerns with the proposed development. I'm a member of the Stonewater HOA Board. Tonight, I'm speaking on behalf of the Stonewater community and in support of our neighbors to the North East, at the Bend.

Our community is aware of your due process on issues like this and we have been participating actively in that process. With that said, most of you know that we have some issues that we respectfully ask you to consider very closely as you come to a decision on the proposed annexation and development plan before you. Specifically:

- Trust but Verify – our presentation to the Planning Commission made liberal use to the term "trust but verify." We have certainly been encouraged by the builder's actions to address some of our issues (particularly the intersection of NC16 and Horseshoe Bend Beach Rd). We appreciate that. We would like to trust, but we must verify. As you know, we want to see things in writing, so that any conditional approvals will "run with the land" as the Conditional Zoning District intends.
- Cost-Benefit Analysis -- we know you have a fiscal responsibility to all your constituents and that the revenue from a new development could be attractive to the City. On the other hand, there will be costs associated with this decision. We have been led to believe that a cost-benefit analysis would be conducted to guide you. We have not seen such an analysis. In fact, we find it curious that the "Fiscal Impact" of this plan is listed as "not applicable" and the Finance Director has apparently not reviewed the plan. We hope that is just an oversight. We believe the delay that the Planning Commission has recommended would allow time to complete such an analysis.

- Our relationship with the City -- we are not near the center of the City and there is a perception that we are not yet benefitting from City facilities and activities as much as others. Your participation in a couple of our recent community meetings has definitely helped. We thank you for that, and ask that you continue to work with us. As you know, actions speak louder than words. Furthermore, when you are ready to decide we ask that you consider the old adage "first do no harm." If you do not annex any land, we don't think any of your constituents will be harmed.
- Traffic and Fire Safety -- others will speak to our concerns about traffic and fire safety. We know a new fire station is coming … thank you for that …but you know we've had some fire safety issues in the past. 500 more homes off Horseshoe Bend Beach Rd will just add to the challenges.
- Water Pressure -- as a follow-on to the fire safety issue, we've also had experiences with inadequate water pressure, so we ask that you carefully consider any studies that say the water pressure is adequate now or will be adequate after you add 500 more homes. I'm sure Lennar and their future residents will share our concerns for the need for new booster pumps and a new water tower. We expect that these will show up as costs to the City in your cost-benefit analysis.
- Our Petition -- to demonstrate the conviction of our residents, we are submitting a petition to the City Council for your consideration.
- Summary -- the Stonewater Homeowners Association President will summarize and underscore the position of our community.

Thank you for the opportunity to address you this evening.

Mr. High presented the petition to Mayor Hough to keep on file.

Kathy High-236 Village Glen Way, Mount Holly, NC
Good evening, my name is Kathy High, I live at 236 Village Glen Way, Mount Holly

I would like to introduce the traffic safety data we've collected. We have a couple poster boards which we will leave up for your reference as others speak. We've seen the traffic incident data the Planning staff collected from the City Police Department, and we realize our information is a little different.

We got our information from Mount Holly Fire Chief Ryan Baker and Lucia Riverbend Fire Chief David Toomey since the Fire and Rescue Departments are often the first to respond (and they have the records). As you can see from the poster there were many accidents in 2016 at the intersection of NC16 and Horseshoe Bend Beach Rd.

Of particular note ... most of the responses in 2016 were by Lucia Riverbend Volunteer Fire Department (18 of the 20) ... they are the closest station to us, so they can get there faster. After the new Fire Station is in place, you can imagine that this workload will likely fall on the Mount Holly Fire Department.

Just to underscore the volume of this work and our concern for traffic safety, consider that with 20 accidents over the year, we have had one on average every 18 days ... about every other week. If you also consider the other 33 fire and emergency responses ... we also have one of those about every 10 days.

Now I want to show you a graphic which displays how narrow Horseshoe Bend Beach Rd is. Of course, this just adds to our concerns. We asked both Fire Chiefs about narrow roads. They agreed that for two fire trucks to pass safely on any road, the code says the minimum lane width must be 10 feet. You can see from the graphic that there are many spots where the lanes on Horseshoe Bend Beach Rd are far less than 10 feet wide.

Last week, after the Planning Commission meeting, we noticed others were out measuring the width of Horseshoe Bend Beach Rd ... we welcome that. We know "trust but verify" works both ways.

Christine Remme-522 Horseshoe Drive
Members of the Commission, my name is Christine Remme. I have owned and occupied the lakefront property at 522 Horseshoe Dr. Since 1992. I have traveled Horseshoe Bend Beach Rd. referred to as HBB for 25 years.

In 2013, Gaston County Commissioners refused to grant variances to the Mountain Island Charter School after they learned of the UNSAFE conditions of HBB especially that it is a dangerous.. dead.. end.. road. That set a precedent, a standard, for local government to value the safety of our children even if builders, developers, and a group of foreign landowners, do not.
The Transportation Safety Board, as a contributor to the National Research Council, has a report on file sanctioned by the National Cooperative Highway Research Program. Said Report 362 is entitled, Roadway Widths for Low-Traffic-Volume- Roads. The data was compiled and the report authored by; Mr.'s Zeeger, Stewart and Council of the University of North Carolina …Highway Safety Research Center…. in Chapel Hill.

The report asks: WHAT ARE THE EXPECTED ACCIDENT BENEFITS OF WIDER LANES AND SHOULDERS ON PAVED LOW VOLUME ROADS?

Using a linear model, the report concludes that: lane widths of (11FEET) or greater had significantly lower accident rates compared to (10 FOOT) lane widths. AND In consideration of(10FOOT) lane widths….accident rates were lower when shoulders exceeded (4FEET)… than for shoulders of (3FEET)or less.

Please look at the graphic: HORSESHOE BEND BEACH ROAD LANE WIDTH IS 9FEET WITHOUT ANY SHOULDERS except less than 6 inches at random places. It should be also be noted….that… in places the lanes are… less than 9 feet wide due to decaying asphalt. Those of us who drive HBB everyday are driving on one of the most dangerous types of rural collector roads.

Going back as far as 1978, the Federal Highway Administration called in general for lane widths of 10-12 FEET. However, for minor roads, 9 FOOT lanes are allowed on routes with Average Daily Traffic BELOW 400 vehicles per day.

Traffic on HBB ALREADY exceeds 400 vehicles per day with the existing 420 homes. AS IS Imagery will double the traffic volume exacerbating an already unsafe condition.
Even without additional development, HBB should be altered immediately for SAFETY CONCERNS.

On December 18, 2016 in response to a serious multi vehicle accident near the entrance of Stonewater, HBB was blocked entirely without a shoulder for any traffic to pass. On a personal note, open house guests of ours turned around and went home. Just Imagine if anyone in the Bend needed a fire truck or ambulance at that time?

Fire truck safety codes should be a primary consideration. Chiefs Baker of MT. Holly and Toomey, from Lucia Riverbend which for your information, services the approximate 85 homes at the farthest reach of HBB, can speak to the importance of a MINIMUM, let me stress minimum of 10 FT wide lanes in order for two fire trucks to pass safely. We need to respect our emergency response professionals and give them the lane width and safe road conditions they deserve.

David Toomey-14232 Lucia Riverbend Highway
My name is David Toomey and I live at _____
I have been the Chief of the Lucia Riverbend Fire Station since _____
What you have heard so far with regard to the increase in traffic incidents and emergency calls in the area of Hwy. 16 and specifically on Horseshoe Bend Beach Rd. HBB is absolutely true. Each year the number of calls increases.
Already this year, we have responded to _____calls in this area.

And what you have heard so far with regard to fire truck safety codes is also true. Two trucks passing should have a minimum of 10-foot-wide lanes and preferably with 2-3 ft. shoulders.
Also, what you heard about the incident on 12/18 is true. If any emergency vehicle would have been needed on the backside, there would not have been enough shoulder area for them to get around.
And it is the backside, the Bend, the very end of State Rds. 1912 and 1913 that I am most concerned with. HBB is already, the most dangerous road we travel. Adding more traffic will do nothing but increase the difficulty we already have in reaching this area… and delay the response time. <u>We are talking about a matter of life and death.</u>

I would not recommend adding any traffic to this road. In fact, it would be best if the two dangerous curves were somehow straightened out and lines of sight were improved. But at the very least to protect the safety of my responders and therefore the safety of the citizens of this area, I recommend widening the lanes and adding shoulders before any more traffic is added to the road.

Ian Byrne 225 White Rock Drive-Mr. Byrne shared his concerns regarding the excessive traffic that will be created with approval of the proposed subdivision. He advised that there are 400 signatures on petitions that oppose the annexation and rezoning that come from citizens all over Mount Holly.

Peter Stoffel, 213 Village Glen Way, the lovely Mount Holly, NC
Good evening. My name is Peter Stoffel and I am the President of the Stonewater Homeowners Association. Over the past few minutes, we have brought up several speakers to address the significant concerns with the development plan being proposed. As you evaluate the development plan the first goal must be First, Do No Harm.
Proposed upgrades to the intersection of Horseshoe Bend Beach Road and Highway 16 are still not clear. Without additional improvements our homes become less desirable as a location to commute to jobs in Charlotte; our children's bus ride to school gets even longer; and our community becomes more isolated from the rest of our lovely city. This is real and significant harm.
We are concerned that adding 510 homes, and the additional eight hundred to one *thousand* cars that will come with those homes, to a road that was built decades ago –a road that would not meet the current standards of road construction if it were being built today- is going to harm citizens of Mount Holly.
A reasonable person looking at the plan being presented this evening would conclude that there will be more car accidents as a result of the inadequate improvements being proposed -car accidents that will involve and HARM our loved ones and our children.
We have been meeting with all of the stakeholders in this process. This past Friday Tom Waters and David Nelson said that they are committed to providing a "protected left" onto Highway 16 from Horseshoe Bend Beach Road. (A left turn arrow, if you will.) But if that isn't part of the plan then we have no way to enforce that, and other, promises. That causes real and significant harm.
We have serious concerns about the environmental damage that clearing of the land and construction of the development may cause to all of Mount Holly's drinking water supply. While we believe the River Keeper, who is speaking after me, is better able to speak to those issues, please know that we share those concerns and the potential for any mistakes to cause real harm to Mount Holly.
There are clear benefits to our city to annex and develop the property. We aren't blind to those benefits, and frankly we like them too, but not at the expense of harming current Mount Holly citizens, neighbors and friends. As you just heard, over 400 of those Citizens, neighbors and friends have signed a petition stating that the proposed development plan does not adequately address these causes of harm.
Therefore, we believe your decision must be delayed three to six months for adequate and _detailed_ revisions to be made *and recorded* to the plan. In fact, our position is that improvements to the infrastructure (including both efficiency and safety) need to be made before a huge new load is placed on that infrastructure and before any annexation or building permits are issued. Any other order will compromise the safety of our citizens and our first responders.

On behalf of the residents of Stonewater, thank you for listening giving your consideration to our concerns. You have a tough job and we do appreciate that you are volunteers. Thank you for your service to Mount Holly.

Charles Myers-Lake Keeper for Mountain Island Lake
Mr. Myers advised that he appreciates that the developer is working with Mountain Island Lake. However, the city needs to there is a solid plan for runoff. He also shared concerns regarding the proposed number of docks.

With no one else signed up to speak, Councilwoman Breyare made a motion to close the public hearing and return to open session. Mayor Pro Tem Moore seconded the motion. All Council Members voted in favor. (Motion carried)

Mayor Hough advised that he has a meeting scheduled with Representative Torbett and he will share his concerns regarding the road and the speed limit of the road and talk about the steps that need to be taken with NCDOT. Mayor Hough commented that Council cannot take action tonight. Therefore, Councilman Toomey made a motion to continue the Public Hearing at the March 13th Council Meeting. Councilwoman Breyare seconded the motion. All Council Members voted in favor. (Motion carried)

2. Public Hearing on an Annexation request regarding Gaston County Tax Parcel #'s 220248, 220247, 202002, 202000, 202180, 208655, 208656 and 202179

   Mr. Wilson advised that Staff recommends Council continue the Public Hearing at the March 13th Council Meeting.

   At this time, Mayor Pro Tem Moore made a motion to enter into the public hearing an Annexation request regarding Gaston County Tax Parcel #'s 220248, 220247, 202002, 202000, 202180, 208655, 208656 and 202179. Councilman Meadows seconded the motion. All Council Members voted in favor. (Motion carried) With no one signed up to speak, Councilman Hope made a motion to close the public hearing and return to open session. Councilman Meadows seconded the motion. All Council Members voted in favor. (Motion carried)

   Councilman Toomey made a motion to continue the Public Hearing on an Annexation request regarding Gaston County Tax Parcel #'s 220248, 220247, 202002, 202000, 202180, 208655, 208656 and 202179 until March 13th. Councilwoman Breyare seconded the motion. All Council Members voted in favor. (Motion carried)

3. Public hearing for a text amendment to the Zoning Ordinance under Article 7, Note 14 Automobile Storage; automobile towing and storage; automobile wrecking or junk yards; salvage yards; scrap processing to increase the minimum area to 5 acres

   Mr. Wilson advised that Staff has recognized the need to be proactive and only allow for the above uses to operate in the Heavy Industrial (H-1) zoning district.

   At this time, Mayor Pro Tem Moore made a motion to enter into the public hearing for a text amendment to the Zoning Ordinance under Article 7, Note 14 Automobile Storage; automobile towing and storage; automobile wrecking or junk yards; salvage yards; scrap processing to increase the minimum area to 5 acres. Councilman Meadows seconded the motion. All Council Members voted in favor. (Motion carried) With no one signed up to speak, Councilman Hope made a motion to close the public hearing and return to open session. Councilman Meadows seconded the motion. All Council Members voted in favor. (Motion carried)

   Councilman Bishop made a motion to approve the text amendment to the Zoning Ordinance under Article 7, Note 14 Automobile Storage; automobile towing and storage; automobile wrecking or junk yards; salvage yards; scrap processing to increase the minimum area to 5 acres. (Resolution #02132017A) Councilman Meadows seconded the motion. All Council Members voted in favor. (Motion carried)

NEW BUSINESS

1. Consideration and Approval of a Business Incentive Grant and Budget Amendment for 128 South Main Chophouse

Mr. Beal advised that the Incentive Review Committee voted unanimously to recommend approval of $15,000 Incentive Grant for 128 South Main Chophouse. Mr. Allen was present to represent the Review Committee. Mayor Pro Tem Moore made a motion to approve the Business Incentive Grant and the Budget Amendment for 128 South Main Chophouse. Councilwoman Breyare seconded the motion. All Council Members voted in favor. (Motion carried)

CLOSED SESSION

1. Closed Session - pursuant to N.C.G.S 143-318.11 (a) (3 & 6)

At this time Councilman Bishop made a motion to enter into closed session pursuant to NCGS 143-318.11 (a) (3and 6). Mayor Pro Tem Moore seconded the motion. All Council members present voted in favor. (Motion carried)

Councilman Bishop made a motion to return to open session. Mayor Pro Tem Moore seconded the motion. All Council members voted in favor. (Motion carried)

Upon returning to open session Mayor Pro Tem Moore made a motion to proceed forward with the settlement agreement with Phoenix Consulting LLC in the amount of $15,000. Councilman Hope seconded the motion. All Council Members voted in favor. (Motion carried)

ADJOURN

With no additional items for discussion, Mayor Hough entertained a motion to adjourn. Councilman Toomey made the motion to adjourn the February 13, 2017 Council Meeting. Mayor Pro Tem Moore seconded the motion. All Council members present voted in favor. (Motion carried)

The meeting adjourned at 8:59 p.m.