



January 24, 2022
Council Work Session Meeting

Mayor Bryan Hough
Mayor Pro-Tem Phyllis Harris
Councilman Ivory Craig
Councilman Jeff Meadows
Councilman David Moore
Councilwoman Christina Pawlish
Councilwoman Lauren Shoemaker
Marie Anders, City Attorney
Miles Braswell, City Manager

**CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL WORK SESSION
Location: Council Chambers**



**January 24, 2022
6:30 P.M.
CALL TO ORDER BY THE MAYOR**

INVOCATION

SET THE AGENDA

CONSENT AGENDA

1. Approval of Safer Grant Application
2. Approval of Minutes from the January 10, 2022 Council Meeting Minutes

AGENDA

1. Discussion of Traffic Control Device on North Hawthorne Avenue *Tony Walker*
2. Presentation of Mid-Year Financial Update *Michelle Wood*
3. Discussion of potential amendments to the Mount Holly Noise Ordinance *Elisa Neal*
4. Discussion of an Ordinance would Allow for a Social District in the Downtown Area
Marie Anders/Chief Don Roper

ADJOURN



City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: 1/18/2022
From: Fire Department	Meeting Date: 1/24/2022
Agenda Item to be considered:	
Consideration and Approval to apply for the SAFER Grant	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request :	
The Staffing for Adequate Fire and Emergency Response Grants (SAFER) was created to provide funding directly to fire departments and volunteer firefighter interest organizations to help them increase or maintain the number of trained, "front line" firefighters available in their communities. The goal of SAFER is to enhance the local fire departments' abilities to comply with minimum staffing, response, and operational standards established by NFPA 1710. Request for permission from Council for the Fire Department to apply for the FEMA SAFER Grant. This grant provides funding for new staff salaries and benefits for three years. See the attached documents for more information. This request is to hire six firefighters, and the grant would add two more firefighters per shift. There is no match associated with this grant for the three years. The funding would cover the regular salary and benefits of the firefighters. We would still need to provide gear, uniforms, and initial training.	
Fiscal Impact:	
Will Item affect the current budget	☐ YES ☒ NO ☐ N/A
Reviewed by Finance Director	☒ YES ☐ NO ☐ N/A
Pre-audit Certification required	☐ YES ☐ NO ☒ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$ 0
Budget Code	
Reviewed by City Attorney	☐ YES ☐ NO ☒ N/A
Manager/Staff Recommendation:	
Result of City Council Decision:	

Attachments: Facts sheet with data and dates of the grant.	

Important Dates:

Application Due:	February 4, 2022 at 5pm
Projected Period Start:	June 1, 2022 plus 180 Recruitment Period
Projected End Date:	May 31, 2026
Available Funds:	\$560,000,000.00

Grant Deadline February What are some ineligible expenses in the Hiring category?

Pre-application costs, such as grant writer fees, administrative costs, and indirect costs associated with hiring or rehiring of firefighters

Costs to train and equip firefighters (However, the salaries and benefits of firefighters hired under the SAFER Grant funding while engaged in training are eligible if the department employs the firefighter.)

Uniforms and physicals

Overtime costs (except overtime costs routinely paid as a part of the base salary or the firefighter's regularly scheduled and contracted shift hours to comply with the Fair Labor Standards Act [FLSA])

Salaries and benefits of firefighters who are current employees or were hired before the award date (except under the retention activity)

To fund promotions (e.g., pay a current member a higher salary by placing them in a new SAFER-funded position

If a fire department receives a SAFER Award, how much time does it have to hire the positions?

For all grantees under the Hiring of Firefighters category, a default 180-day recruitment period begins when the application is approved for the award.

The three-year period of performance automatically starts after the 180-day recruitment period, regardless of whether the grantee has successfully hired or rehired the requested firefighters.

**CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL MEETING
MONDAY, January 10, 2021
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	Brian DuPont, Assistant City Manager
Mayor Pro Tem Phyllis Harris	Michelle Wood, Finance Director
Councilman Ivory Craig	Don Roper, Police Chief
Councilman Jeff Meadows	Brian Reagan, Deputy Police Chief
Councilman Moore	Ryan Baker, Fire Chief
Councilwoman Christina Pawlish	Tony Walker, Streets and Solid Waste Director
Councilwoman Lauren Shoemaker	David Johnson, City Engineer/Director of Utilities
Miles Braswell, City Manager	Mark Jusko, Recreation Supervisor
Marie M. Anders, City Attorney	Greg Beal, Planning Director

Invocation

Councilman David Moore led the Council, staff and attendees in prayer.

Pledge of Allegiance

Councilman Ivory Craig led the Council, staff and attendees in the Pledge of Allegiance

SET THE AGENDA

Mayor Hough advised that Closed Session would be removed from the agenda. With no additional changes to the agenda Councilman Moore made the motion to approve the agenda as amended. Councilwoman Pawlish seconded the motion. All Council Members voted in favor. (Motion carried)

CONSENT AGENDA

1. Approval of Budget Amendment
 - 410 East Central Avenue Broker's Commission
 - River Hawk Greenway Branding Project
2. Approval of a Resolution Adopting the North Carolina Records Retention Schedule as Updated and Amended October, 2021
3. Resolution for Intent to Close Park Avenue and Call for Public Hearing
4. Call for a public hearing to consider rezoning a 0.41-acre tract of land, Gaston County Parcel ID # 227246, located to rear and adjacent to Mount Holly Farm Supply, from R-12 SF to B-2 Neighborhood Business.
5. Approval of a Relief Operator Position for the Utilities Department and Associated Budget Amendment
6. Municipal Concurrence for Speed Limit Reduction on a portion of W. Catawba Avenue (SR 2040) maintained by NCDOT
7. Approval of Minutes of the December 13, 2021 Council Meeting
8. Approval of Minutes of the December 20, 2021 Special Meeting

Councilwoman Shoemaker made a motion to approve the consent agenda. Mayor Pro Tem Harris seconded the motion. All Council Members present voted in favor. (Motion Carried)

PRESENTATIONS

1. Presentation of a Donation from South State Bank for the MHPD Memorial Plaza

Janet Sarn and Lance Kirkland from South State Bank came before City Council and the Mount Holly Memorial Plaza Fundraising Committee to present a donation in the amount of \$15,000 to the Mount Holly Police Foundation. Members of the fundraising committee were present to accept the check.

PUBLIC HEARING

1. Public Hearing to Consider a Resolution Closing Portions of S. Lee Street, E. Catawba Avenue and S. Alexander Street

Mr. Beal advised that the petition came to the planning department in June from Clariant Corporation to close portions of the proposed streets that are on their property. He advised that proper posting has been done and all the statutory requirements have been met. While Duke Energy is not an adjacent property owner their property could be affected by the proposed closure and has therefore requested that the decision in regard to the street closing be postponed until the February 14th Council Meeting to allow more time for internal review. Mr. Beal requested that the Council agree to postpone their decision until February 14th to receive further input from Duke Energy.

Councilwoman Shoemaker made a motion to open the public hearing to Consider a Resolution Closing Portions of S. Lee Street, E. Catawba Avenue and S. Alexander Street. Councilwoman Pawlish seconded the motion. All Council Members present voted in favor. (Motion Carried) With no one signed up to speak Councilwoman Shoemaker made a motion to come out of the public hearing. Councilman Meadows seconded the motion. All Council Members present voted in favor. (Motion Carried)

Mayor Pro Tem Harris made a motion to continue the public hearing at the February 14th Council Meeting. Councilman Moore seconded the motion. All Council Members present voted in favor. (Motion carried)

2. Public Hearing for a Traffic Control Device on North Hawthorne Ave

Mr. Walker advised that a petition was received signed by the residence in the Madison Park neighborhood to reduce the speed on North Hawthorne Avenue from 35mph to 25mph. The citizens in this area believe the speed is too high to be less than ¼ mile from a school. The Mount Holly Police Department conducted a study. Chief Roper presented the study stating that on average 1330 vehicles travel the area in one day with the average speed being 29.98 mph. He advised that the top speed recorded as 50mph.

Councilwoman Shoemaker made a motion to open the public hearing to Consider a Traffic Control Device on North Hawthorne Ave. Councilman Meadows seconded the motion. All Council Members present voted in favor. (Motion Carried)

Harper Johnson

203 North Hawthorne

Mount Holly, NC 28120

Mr. Harper commented that Officer McManus collected data and reported that the average speed was 40mph. The fact that Madison Park neighborhood is 35mph is too fast for the community that has small children and close to a school. He further commented that reducing the speed will not combat all the speeding on their street but it is a starting point.

With no one else signed up to speak Councilwoman Shoemaker made a motion to come out of the public hearing. Councilwoman Pawlish seconded the motion. All Council Members present voted in favor. (Motion Carried)

It was the consensus of Council for Staff to bring back a recommendation at the Work Session for discussion.

PUBLIC COMMENT – Three (3) Minute Limit

Kissi Summitt
504 Cherry Street
Mount Holly, NC 28120

Ms. Summitt came before the City Council to remind them of the City Logo “Connecting Community with Nature.” She advised that she has received over 350 signatures in support of sidewalks on Cherry Street. She commented that when she moved to the neighborhood on Cherry Street it was promised that sidewalks would be installed however that has never happened. She further commented that Cherry Street is also used as a cut through and is nearly impossible for her to go on a family walk or walk her children to the nearby school. How does the City claim a logo of “Connecting Community with Nature” when you have to drive to all the community functions because of safety concerns for your family? The property is city owned and it is the City’s responsibility to install the sidewalks as promised. It’s been too long and overdue. Petition with signatures is attached.

Jerry Flora
501 Cherry Street
Mount Holly, NC 28120

Mr. Flora commented that he agrees with the comments made by Ms. Summitt and would like to see sidewalks installed in Cherry Street. He added that he is a recovering heart attack patient and he has to get in his car and drive to the park to go for a walk because of the safety hazards on his road.

OLD BUSINESS

None at this time

NEW BUSINESS

1. Consideration and Approval of Bid for Old Hickory Grove Road Waterline Improvements and Approval of a Budget Amendment to Allocate Funding the Project *Jonathan Wilson*

Mr. Wilson advised that the Old Hickory Grove Waterline Improvements were advertised and put out to bid and the City received 6 bids. Classical City Mechanical Inc was the low bidder with a 15% contingency added to the bid. The bid amount is \$1,796,845.57. Mr. Wilson advised that this project was not budgeted and if Council decides to move forward funding will need to be approved for allocation as well. Councilman Meadows made a motion to approve the Bid for Old Hickory Grove Road Waterline Improvements and Approval of a Budget Amendment to Allocate Funding the Project. Councilwoman Shoemaker seconded the motion. All Council Members voted in favor. (Motion carried)

2. Consideration and Approval of a Resolution to Enter into Contract to Sell the Property Located at 129 South Main Street and Advertise the Contract for Upset Bids.

Mrs. Anders advised that the City has received an offer from RTR Property Management to purchase the property located at 129 South Main Street. The offer is \$200,000 and the terms of the offer include a 5% contingency and a 60-day due diligence period. She advised that there is a statutory process that will have to be met that includes a 10-day upset bid process for anyone that can meet the minimum criteria. Councilman Meadows made a motion to approve a Resolution to Enter into Contract to Sell the Property Located at 129 South Main Street and Advertise the Contract for Upset Bids. Councilwoman Pawlish seconded the motion. The motion carried 4-2 with Mayor Pro Tem Harris and Councilman Moore voting in opposition.

CLOSED SESSION

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

ADJOURN

With no additional items for discussion, Mayor Hough entertained a motion to adjourn. Councilman Craig made the motion to adjourn the January 10, 2022 Council Meeting. Councilman Moore seconded the motion. All Council Members present voted in favor. (Motion Carried)

The meeting adjourned at 7:51 pm.



City of Mount Holly **Action Agenda Item**

To: Mayor and City Council

Date: 11/21/21

From: Tony Walker, Director of Streets

Meeting Date: 01/24/22

Agenda Item to be considered: *Public Hearing for Traffic Control Device on North Hawthorne*

Will this require a public hearing? ☐ NO

Background/Purpose of Request :

On 10/28/2021 a request was made by a citizen from the Madison Park Neighborhood about reducing the speed limit on North Hawthorne Street. Part of the request was for a traffic study to be conducted by Mount Holly Police Department. This study was conducted and the information about the study will be provided by MHPD.

The propose reason for the request was the citizen believes that the current speed is too fast for the neighborhood that's less than ¼ mile from an Elementary and Middle School. The complainant also stated there is a bus stop at the corner of North Hawthorne and Norton Road as well as children walking home from and to school.

The request is to reduce the speed limit to 25 MPH for Madison Park Neighborhood and North Hawthorne Street. Per the Traffic Request Policy notices for public hearing were sent out to the complainant and five residents but also posted in the neighborhood stating the date and time of the Public Hearing.

Fiscal Impact:

Will Item affect current budget	☐ YES	☒ NO	☐ N/A
Reviewed by Finance Director	☒ YES	☐ NO	☐ N/A
Preaudit Certification required	☒ YES	☐ NO	☐ N/A
Capital Project Ordinance required	☐ YES	☒ NO	☐ N/A
Budget Transfer required	☐ YES	☒ NO	☐ N/A
Total City Dollars:	\$		
Budget Code			
Reviewed by City Attorney	☒ YES	☐ NO	☐ N/A

Manager/Staff Recommendation: Staff recommendation 25MPH on North Hawthorne Street.

Result of City Council Decision:

Attachments: Resolution and Surplus Property List



City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: January 19, 2022
From: Michelle Wood	Meeting Date: January 24, 2022
Agenda Item to be considered:	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request:	
Mid-Year Finance Update	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☒ NO ☐ N/A
Reviewed by Finance Director	☒ YES ☐ NO ☐ N/A
Preaudit Certification required	☐ YES ☒ NO ☐ N/A
Capital Project Ordinance required	☐ YES ☒ NO ☐ N/A
Budget Transfer required	☐ YES ☒ NO ☐ N/A
Total City Dollars:	
Budget Code:	
Reviewed by City Attorney	☐ YES ☒ NO ☐ N/A
Manager/Staff Recommendation:	
Result of City Council Decision:	
Attachments:	



City of Mount Holly

FY 2021-2022 MID-YEAR FINANCIAL UPDATE

1-24-2022

General Fund Revenue

Total Collected as of 12/31/2021 - \$10,038,503 (61% of Amended Budget)

- Real & Personal Property Taxes – \$6,621,258
- Motor Vehicle Taxes - \$416,492
- Sales Tax - \$1,274,068
- Franchise Fees – \$284,059
- Fees and Permits - \$454,467
- Investments & Other – \$798,168

General Fund Expenditures

Total Expensed as of 12/31/2021 - \$8,426,686 (51.46% of Amended Budget)

- Legislative - \$101,581
- Administrative - \$699,194
- Administrative Maintenance – \$384,510
- Administrative IT – \$165,941
- Police - \$3,277,896
- Fire - \$1,186,275
- Garage - \$62,631
- Streets - \$1,578,415
- Planning & Zoning - \$179,890
- Parks & Recreation - \$790,353

➤ As of 12/31/2021 we are currently \$1,611,817 revenue over expenditures (16.06%)

Enterprise Fund Revenue

Total Collected as of 12/31/2021 - \$5,645,138 (58% of Amended Budget)

- Water and Sewer Charges - \$ 3,042,250
- Stormwater Charges - \$165,437
- Investments & Other –\$ 1,070,102
- Fixed & Other - \$1,367,349

Enterprise Fund Expenditures

Total Expensed as of 12/31/2021 - \$ 6,253,372 (64% of Amended Budget)

- Utilities Administration - \$1,274,375
- Utilities Administration- Maintenance - \$273,291
- Utilities Administration – IT - \$71,306
- Water - \$ 2,123,335
- Sewer - \$875,076
- Utilities Field Maintenance – \$1,412,674
- Stormwater - \$223,315

➤ As of 12-31-2021 we are currently \$608,234 of expenditures and encumbrances over revenue (10.77%)

Fund Balance

➤ Our unassigned Fund Balance as of December 31, 2021 is \$6,231,271 which is 42.603%

Questions/Discussion

Table 1- General Fund

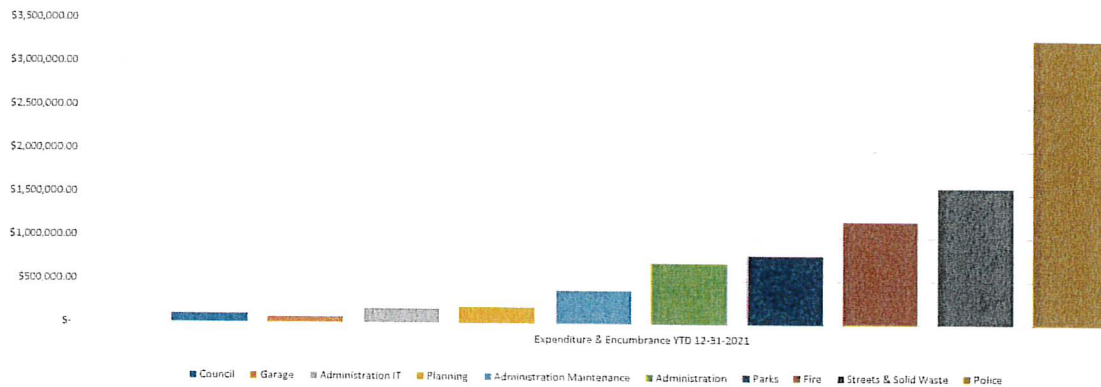
Department	Budgeted Amount	Expenditure & Encumbrance	
		YTD 12-31-2021	Unencumbered Balance
Council	\$ 232,250.00	\$ 101,581.00	\$ 130,669.00
Garage	\$ 189,081.00	\$ 62,631.00	\$ 126,450.00
Administration IT	\$ 264,995.00	\$ 165,941.00	\$ 99,054.00
Planning	\$ 470,979.00	\$ 179,890.00	\$ 291,089.00
Administration Maintenance	\$ 763,432.00	\$ 384,510.00	\$ 378,922.00
Administration	\$ 1,443,274.00	\$ 699,194.00	\$ 744,080.00
Parks	\$ 1,823,940.00	\$ 790,353.00	\$ 1,033,587.00
Fire	\$ 2,903,182.00	\$ 1,186,275.00	\$ 1,716,907.00
Streets & Solid Waste	\$ 2,893,050.00	\$ 1,578,415.00	\$ 1,314,635.00
Police	\$ 5,390,570.00	\$ 3,277,896.00	\$ 2,112,674.00
General Fund Expenditure Total	\$ 16,374,753.00	\$ 8,426,686.00	\$ 7,948,067.00

General Fund Revenue Total	\$	Budgeted Amount	Revenue YTD 12-31-2021	Uncollected to Date
	\$	16,374,753.00	10,038,503.00	6,336,250.00

16.06%

Revenue over Expenditures \$ 1,611,817.00

General Fund Expenditures



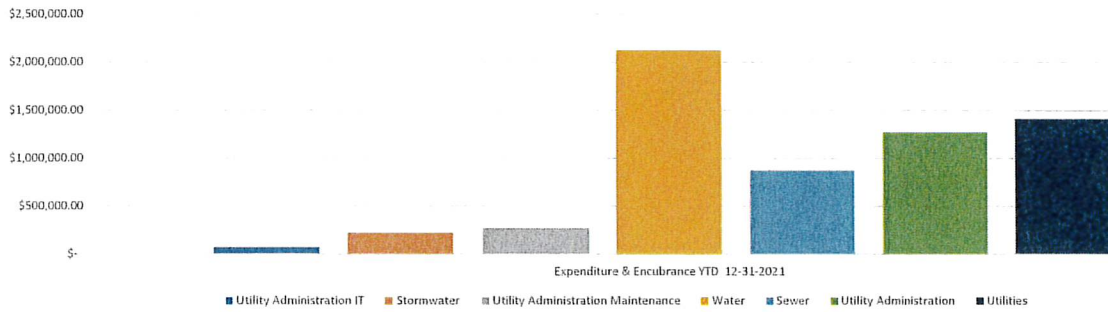
Expenditures vs. Revenue



Table 2- Enterprise Fund

Department	Budgeted Amount	Expenditure & Encumbrance YTD		Unencumbered Balance	
		12-31-2021			
Utility Administration IT	\$ 136,370.00	\$ 71,306.00	\$ 65,064.00		
Stormwater	\$ 359,917.00	\$ 223,315.00	\$ 136,602.00		
Utility Administration Maintenance	\$ 633,400.00	\$ 273,291.00	\$ 360,109.00		
Water	\$ 2,772,094.00	\$ 2,123,335.00	\$ 648,759.00		
Sewer	\$ 1,113,177.00	\$ 875,076.00	\$ 238,101.00		
Utility Administration	\$ 2,316,789.00	\$ 1,274,375.00	\$ 1,042,414.00		
Utilities	\$ 2,262,545.00	\$ 1,412,674.00	\$ 849,871.00		
Enterprise Fund Expenditure Total	\$ 9,594,292.00	\$ 6,253,372.00	\$ 3,340,920.00		
	Budgeted Amount	Revenue YTD 12-31-2021	Uncollected Balance		
Enterprise Fund Revenue	\$ 9,594,289.00	\$ 5,645,138.00	\$ 3,949,151.00		-10.77%
Revenue over Expenditures		\$ (608,234.00)			

Enterprise Fund Expenditures



Expenditures vs. Revenue

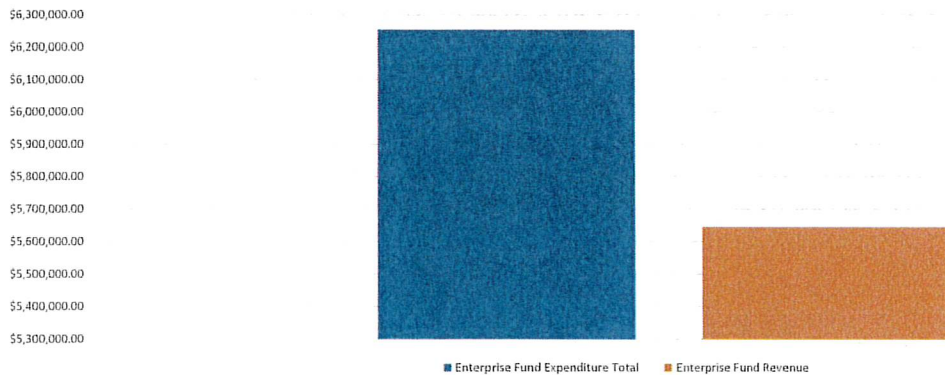


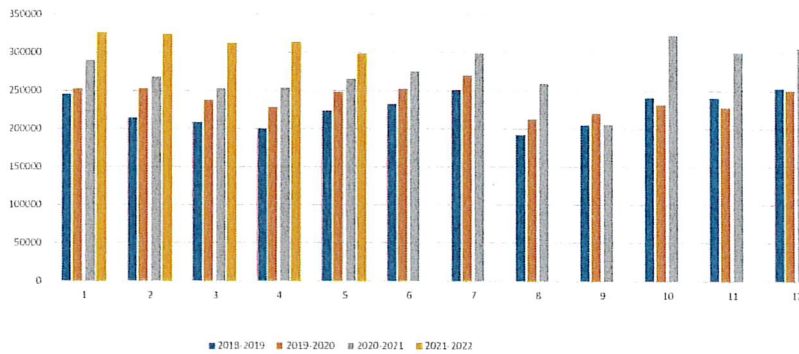
Table 3 - Sales Tax

Reporting Month	10-00-3230-100 2018-2019	10-00-3230-100 2019-2020	10-00-3230-100 2020-2021	10-00-3230-100 2021-2022	PY versus CY	
July	\$ 245,179.94	\$ 252,525.50	\$ 289,562.80	\$ 325,431.14	\$ 35,868.34	Received September
August	\$ 213,931.16	\$ 252,543.80	\$ 267,490.98	\$ 323,552.08	\$ 56,061.10	Received October
September	\$ 208,464.55	\$ 237,523.19	\$ 253,027.25	\$ 311,671.63	\$ 58,644.38	Received November
October	\$ 200,082.36	\$ 228,149.05	\$ 253,743.22	\$ 313,413.37	\$ 59,670.15	Received December
November	\$ 223,862.30	\$ 248,006.08	\$ 264,997.95	\$ 298,098.95	\$ 33,101.00	Received January
December	\$ 232,692.29	\$ 252,171.62	\$ 275,028.91	\$ -		Received February
January	\$ 250,958.71	\$ 269,310.99	\$ 298,362.92	\$ -		Received March
February	\$ 191,896.26	\$ 212,521.47	\$ 259,770.21	\$ -		Received April
March	\$ 205,281.48	\$ 220,544.12	\$ 206,020.86	\$ -		Received May
April	\$ 241,203.41	\$ 231,631.12	\$ 323,131.94	\$ -		Received June
May	\$ 240,661.52	\$ 228,143.87	\$ 300,057.99	\$ -		Received in July
June	\$ 252,771.36	\$ 249,774.73	\$ 305,556.13	\$ -		Received in August
	\$ 2,706,985.34	\$ 2,882,845.54	\$ 3,296,751.16	\$ 1,572,167.17	\$ 243,344.97	\$ 314,433.43 Average
				Budgeted	\$3,173,807	\$ 3,773,201.21 Anticipated Revenue per average

**Sales tax is delayed by 2 months; for instance October distributions are deposited in December
Typically they are received between the 10th and the 15th of each month**

<https://www.ncdor.gov/news/reports-and-statistics/local-government-distributions>

Sales Tax Comparison





City of Mount Holly Action Agenda Item

To: City Council	Date: January 21, 2022
From: Elisa Neal, Planning Technician	Meeting Date: January 24, 2022
<u>Agenda Item to be considered:</u> <u>Discussion of Potential Amendments to the Mount Holly Noise Ordinance</u>	
<u>Will this require a public hearing?</u> ☐ YES ☒ NO	
<u>Background/Purpose of Request:</u>	
A couple of months ago, the Planning Department was asked to evaluate various noise ordinances from towns around the region and compare such to the Mount Holly Noise Ordinance, found within the City Code of Laws. The results of this research found that overall, nearly every noise ordinance was virtually the same, even utilizing the same language and terms. However, one particular noise ordinance came from the Town of Dallas. It stood out because of how it dealt with noise violations coming from various animals, which is relayed in the following text: <u>The keeping of any animal, including but not limited to dogs, cats and/or birds, which habitually and regularly barks, howls, whines, cries, or mews in an excessive manner (EXCESSIVE to be defined as one or more times per minute, each minute, during any one or more continuous ten-minute period) so as to result in the documented annoyance to neighboring residents and which interferes with the reasonable use and enjoyment of the premises occupied by such residents.</u> I have compiled a table that compares various noise ordinance codes between the Town of Dallas and the City of Mount Holly. Codes in red type relay that they are different from Mount Holly's current noise ordinance. Staff looks forward to discussing these findings and taking Council direction on the next steps.	
<i>Fiscal Impact:</i>	
Will Item affect current budget	☐ YES ☐ NO ☒ N/A
Reviewed by Finance Director	☐ YES ☐ NO ☒ N/A
Preaudit Certification required	☐ YES ☐ NO ☒ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☒ YES ☐ NO ☐ N/A
<u>Manager/Staff Recommendation:</u> This is for informational and discussion purposes only. Staff is awaiting direction from City Council, which could involve proper steps in amending the noise ordinance through consultation with MHPD and the City Attorney.	
<u>Result of City Council Decision:</u>	

<i>Attachments: Town of Dallas Noise Ordinance Comparison Table</i>
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§ 91.02 NOISES EXPRESSLY PROHIBITED.

(A) *Unnecessary noise.* In order to maintain peace and quiet at all times, and to keep the residents of the town free from disturbance by loud noises, it shall be unlawful for any person to create or assist in creating, permit, continue or continue to permit any unreasonably loud, disturbing and unnecessary noise, sound or utterance of a character, intensity or duration as to be detrimental to the peace, repose or health of any individual in the town.

(B) *Noises expressly prohibited.*

(1) The sounding of any horn, gong, siren or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal, the creation, by means of any such signal device, of any unreasonably loud and harsh sound, and the sounding of the device for an unnecessary and unreasonable period except upon any police, fire or other emergency vehicle.

(2) The keeping of any animal, including but not limited to dogs, cats and/or birds, which habitually and regularly barks, howls, whines, cries, or mews in an excessive manner (**EXCESSIVE** to be defined as one or more times per minute, each minute, during any one or more continuous ten-minute period) so as to result in the documented annoyance to neighboring residents and which interferes with the reasonable use and enjoyment of the premises occupied by such residents.

(3) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in a manner so as to create loud or unnecessary grating, grinding, rattling or other noise.

(4) The blowing of any steam whistle attached to any stationary boiler, except to give notice of time to begin work or stop work or as a warning of danger.

(5) The discharge into the open air of the exhaust of any steam engines, stationary internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(6) The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.

(7) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, 8:00 a.m. and 6:00 p.m. on Saturdays and 1:00 p.m. and 5:00 p.m. on Sundays for which building permits have been issued or operations not requiring permits, provided all equipment is operated according to manufacturer's specifications and with all standard equipment manufacturers's mufflers and noise reducing equipment in use and in proper operating condition.

(8) The creation of any excessive noise on any street adjacent to any school, institution of learning, library, church, sanitarium or court while same is in session, or adjacent to any hospital, which unreasonably interferes with the working of the institution.

(9) The creation of loud and excessive noise in connection with loading or unloading any vehicle, or by opening and destruction of boxes, bales, crates and containers.

(10) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of any persons in the vicinity thereof, excluding churches using bells and/or for the purpose of calling to service and the local government using chimes and carillon for its clock.

(11) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet or repose of persons in the vicinity thereof.

(12) The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, lecture or public speaking or to any sale, display or advertisement of merchandise, except by specific permit granted by the Town Manager or his or her designee.

(13) The use of any mechanical loud speakers or amplifiers affixed to any vehicle, buildings or other structure or property for advertising or for other purposes except by specific permit granted by the Town Manager or his or her designee.

(14) The firing of any squibs, fire crackers, gun powder or other combustible material in the streets or elsewhere for the purpose of making noise or disturbance except by specific permit granted by the Town Manager or his or her designee.

(15) The conducting, operating or maintaining of any garage or filling station in any residential district or business district so as to cause loud or offensive noises to be emitted therefrom between the hours of 9:00 p.m. and 7:00 a.m.

(C) *General entertainment.*

(1) The use or operation of any musical instrument, phonograph, radio, loudspeaker or any other instrument or sound amplifying device so loudly as to disturb persons in the vicinity thereof shall be unlawful; however, upon application to the Chief of Police or his or her designee, permits may be granted to responsible entities to produce programs in music, speeches or general entertainment. The following guidelines shall be used when a permit is issued.

(a) A maximum of 80 db(A) will be allowed between the hours of 6:00 p.m. and 9:00 p.m. on Mondays through Thursdays, 6:00 p.m. and 11:00 p.m. on Fridays and 2:00 p.m. and 11:00 p.m. on Saturdays, and 1:00 p.m. through 6:00

p.m. on Sundays.

(b) The permit shall be limited to the days and times listed above.

(c) Applications for permits may be obtained at the Town Police Department, Town Hall or online. Applications must be received at least one week prior to the event to be permitted. The permit holder shall agree to cooperate with the Police Department in enforcing the noise control ordinance by being available at the site of the event during the entire time for which a permit has been issued and capable of assisting the police in enforcing the noise control ordinance. Failure of the permit holder to be present or to assist the police in complying with this section will be cause for revocation of the permit.

(d) Measurements will be made at a minimum distance of ten feet from the property line of the property from which the noise is emanating, measurement will be made using an A-weighted decibel meter at peak level over a 30-second period of time.

(e) If upon receipt of a complaint the Chief of Police or his or her designee determines that the manner of use or operation of the sound amplifying device is in violation, a written warning shall be issued. Following issuance of the permit, the permit holder is allowed to receive two written warnings. After these two such warnings, state uniform citation shall be issued to the permit holder and the permit shall be revoked.

(2) Upon the issuance of a state uniform citation, the Chief of Police or his or her designee will revoke the permit issued to the offending party. The revocation of the permit shall be for a period of 12 months, subject to the following appeals process.

(D) *Revocation of permit and appeal.*

(1) All appeals must be filed in writing within ten days of revocation of a permit and submitted to the Chief of Police. The decision of the Chief of Police shall be returned in writing no later than ten days after receiving the appeal.

(2) A final appeal may be filed with the Town Clerk to be heard by the Board of Aldermen at the next regularly scheduled Board meeting.

(3) The decision of the Board of Aldermen shall be final.

(4) Upon its decision, the Board of Aldermen may either ratify the decision of the Chief of Police or issue a probationary permit for a period of six months.

(5) After successful completion of the probation period, the permit holder may reapply for a new permit.

(6) Any violation occurring during the probationary period shall result in the issuance of a state uniform citation and the revocation of the permit for a period of 12 months.

(7) No appeals may be filed for a second offense revocation.

(E) *Exemptions.* The following are exempted from the regulations set forth in divisions (B) and (C) above:

(1) Noises or sounds emanating from scheduled outdoor athletic events;

(2) Noises or sounds of safety signals, warning devices, church or school bells. For purposes of this division, the term **SCHOOL AND CHURCH BELLS** shall include electronic devices or artificial sound reproduction systems intended to sound like bells;

(3) Noises or sounds emanating from any authorized emergency or public safety vehicle; and

(4) Noises or sounds emanating from parades, street fairs, festivals or similar events which are conducted or sponsored by the town.

(Prior Code, § K-II-2) (Ord. passed 6-11-1985; Ord. passed 3-14-2000; Ord. passed 10-8-2013; Ord. passed 6-10-2014)
Penalty, see § 91.99

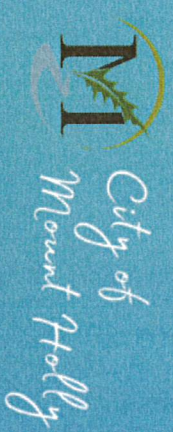
Mt. Holly, NC	Dallas, NC	
d) Pets. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.	(2) The keeping of any animal, including but not limited to dogs, cats and/or birds, which habitually and regularly barks, howls, whines, cries, or meows in an excessive manner (EXCESSIVE to be defined as one or more times per minute, each minute, during any one or more continuous ten-minute period) so as to result in the documented annoyance to neighboring residents and which interferes with the reasonable use and enjoyment of the premises occupied by such residents.	animal sounds/behaviors
Use of vehicle- same Blowing whistles- same Exhaust discharge- same Devices using compressed air- same		
(i) Building operations. The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 6:00 A.M. and 10:00 P.M., on week days except in the case of urgent necessity in the interest of public safety, and then only with a permit from the building inspector; which permit may be renewed for a period of three days or less while the emergency continues. (Amended December 14, 1998)	(7) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, 8:00 a.m. and 6:00 p.m. on Saturdays and 1:00 p.m. and 5:00 p.m. on Sundays for which building permits have been issued or operations not requiring permits, provided all equipment is operated according to manufacturer's specifications and with all standard equipment manufacturer's mufflers and noise reducing equipment in use and in proper operating condition.	
(i) Noises near schools, courts and hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the same is in session, or within one hundred and fifty feet of any hospital, which unreasonably interferes with the working of such institution; provided, that conspicuous signs are displayed in such street indicating that the same is a school, court or hospital street. (k) Noises near churches. The creation of any excessive noise on Sundays on any street adjacent to any church; provided, that conspicuous signs are displayed in such streets adjacent to churches indicating that the same is a church street.	(8) The creation of any excessive noise on any street adjacent to any school, institution of learning, library, church, sanitarium or court while same is in session, or adjacent to any hospital, which unreasonably interferes with the working of the institution.	different hours (+weekends)
Loading and unloading operations- same		next to/ 150ft from hospital
(m) Bells or gongs. The sounding of any bell or gong attached to any building or premises which disturbs the quiet repose of persons in the vicinity thereof.	(10) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of any persons in the vicinity thereof, excluding churches using bells and/or for the purpose of calling to service and the local government using chimes and carillon for its clock.	excludes churches & govt
Hawking, peddling or soliciting- same		
(o) Noises to attract attention. The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show or sale or display of merchandise.	(12) The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, lecture or public speaking or to any sale, display or advertisement of merchandise, except by specific permit granted by the Town Manager or his or her designee.	by permit
(p) Loudspeaker or amplifiers on vehicles. The use of any mechanical loudspeaker or amplifiers on trucks or other moving vehicles for advertising or other purposes except where specific license is received from the police department.	(13) The use of any mechanical loud speakers or amplifiers affixed to any vehicle, buildings or other structure or property for advertising or for other purposes except by specific permit granted by the Town Manager or his or her designee.	permit by police/town manager
Discharging of explosives. The firing or discharging of a gun, squibs, crackers, gunpowder or other combustible substance in the streets or elsewhere, for the purpose of making a noise or disturbance, except by permit from the police department. (Code 1961, § 11-24.)	(14) The firing of any squibs, fire crackers, gun powder or other combustible material in the streets or elsewhere for the purpose of making noise or disturbance except by specific permit granted by the Town Manager or his or her designee.	permit by police/town manager
(q) Garage and filling station; noises at night near residences. The conducting, operating or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 P.M. and 7:00 A.M.	(15) The conducting, operating or maintaining of any garage or filling station in any residential district or business district so as to cause loud or offensive noises to be emitted therefrom between the hours of 9:00 p.m. and 7:00 a.m.	hours difference (11p-7a VS 9p-7a)
(c) Radios, phonographs, etc. The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort or repose of any person or persons in any dwelling, hotel or other type of residence.	(1) The use or operation of any musical instrument, phonograph, radio, loudspeaker or any other instrument or sound amplifying device so loudly as to disturb persons in the vicinity thereof shall be unlawful; however, upon application to the Chief of Police or his or her designee, permits may be granted to responsible entities to produce programs in music, speeches or general entertainment. The following guidelines shall be used when a permit is issued.	11p-7a/ only by permit
Add exemptions?	(E) Exemptions. The following are exempted from the regulations set forth in divisions (B) and (C) above: (1) Noises or sounds emanating from scheduled outdoor athletic events; (2) Noises or sounds of safety signals, warning devices, church or school bells. For purposes of this division, the term SCHOOL AND CHURCH BELLS shall include electronic devices or artificial sound reproduction systems intended to sound like bells; (3) Noises or sounds emanating from any authorized emergency or public safety vehicle; and (4) Noises or sounds emanating from parades, street fairs, festivals or similar events which are conducted or sponsored by the town.	add noise exemptions?



City of Mount Holly Action Agenda Item

To: City Council	Date: 01/18/22		
From: Chief Don Roper	Meeting Date: 01/24/22		
Agenda Item to be considered: Consideration of an Ordinance to designate a Social District in Downtown Mount Holly.			
Will this require a public hearing?	YES	NO	
Background/Purpose of Request: SL 2021-150 authorized municipalities and counties to adopt ordinances designating social districts which would enable establishments with ABC permits to sell alcoholic beverages that could be taken off premise for consumption and into the area designated as a social district.			
Fiscal Impact:			
Will Item affect current budget	YES	☐ NO	☐ N/A
Reviewed by Finance Director	YES	☐ NO	☐ N/A
Preaudit Certification required	☐ YES	NO	☐ N/A
Capital Project Ordinance required	☐ YES	NO	☐ N/A
Budget Transfer required	YES	☐ NO	☐ N/A
Total City Dollars:			
Budget Code			
Reviewed by City Attorney	X YES	NO	☐ N/A
Manager/Staff Recommendation: Staff recommends council proceed with a phased approach consisting of creating one social district consistent with the area already being used to allow alcohol consumption during planned events downtown. This area includes Main St. between Catawba Ave. and Central Ave. The social district would not be continuous, but would be activated only during city sponsored events. Staff further recommends creating an application process to allow organizations and businesses to request the social district ordinance be activated for an event. This phased approach will allow staff to measure the impact on city resources before other social districts are created, or a social district is authorized to operate on a permanent basis.			
It is recommended that council consider enacting this ordinance in time to allow a social district for Spring Fest which is currently scheduled for May 7, 2022.			
Result of City Council Decision:			
Attachments: Presentation by City Attorney			

Social Districts and Outdoor Seating Legislation



1

What are
Social
Districts?

2

Requirements

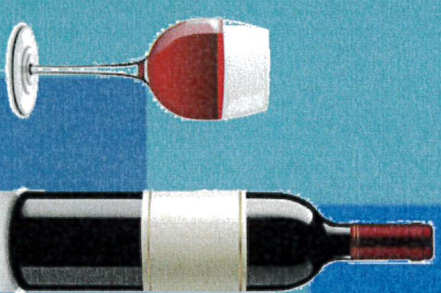
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Extended
Outdoor
Premises

What are Social Districts?

- On September 10, 2021, SL 2021-150 was signed into law authorizing cities and counties to adopt an ordinance designating one or more social districts.
- A "Social District" is defined as an outdoor area in which a person may consume alcoholic beverages sold by a permittee off the permittee's licensed premises or extended outdoor premises.

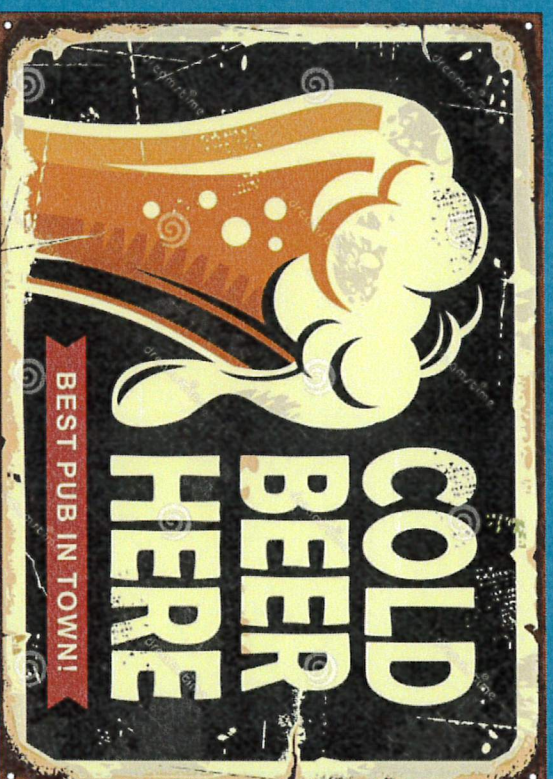
What is a permittee?



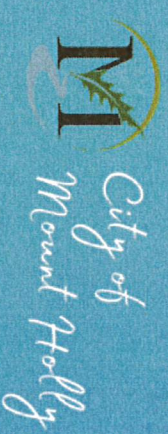
What is a permittee?

An establishment holding any of the following permits:

- On-premises malt beverage permit
- On-premises unfortified wine permit
- On-premises fortified wine permit
- Mixed beverages permit
- Distillery permit



Social Districts and Outdoor Seating Legislation



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Requirements

The City may adopt an ordinance designating a social district.

What are the rest of the requirements?

CITY:
Requirements for
Designation

PERMITTEE:
Requirements for Sale
of Alcoholic Beverages

PATRON:
Requirements for
Possession and
Consumption

Requirements for Designation

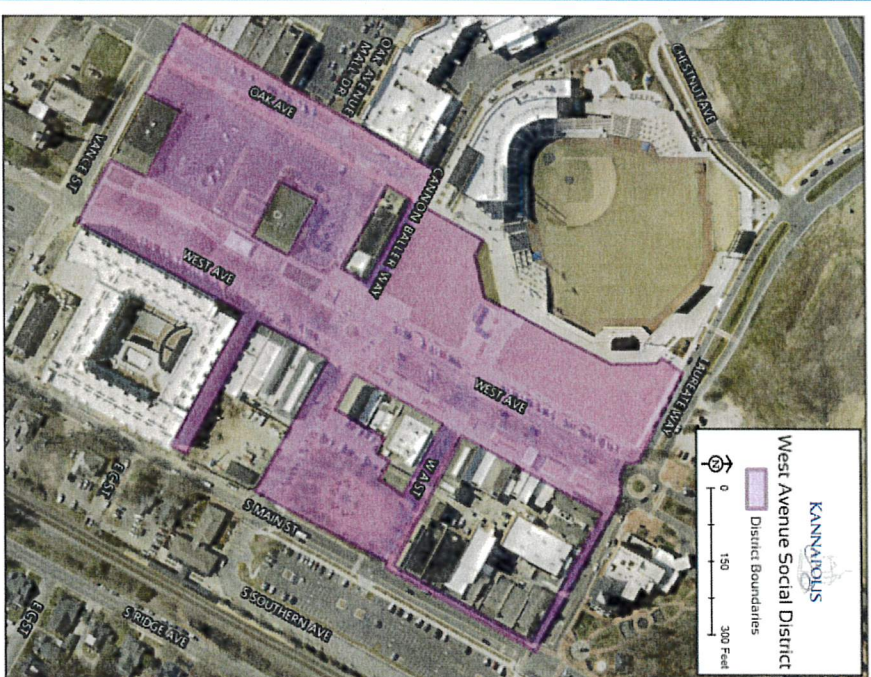
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The social district shall be clearly defined with signs posted in a conspicuous location indicating:

- which area is included in the social district
- the days and hours during which alcoholic beverages may be consumed in the social district
- the phone numbers for ALE and local law enforcement
- a statement that an alcoholic beverage purchased for consumption in a social district shall
 - (i) only be consumed in the social district and
 - (ii) be disposed of before the person in possession exits the social district

2

Continued



Examples

Continued

2

The city or county shall establish management and maintenance plans for the social district and post on its website:

- these plans
- a map of the boundaries of the social district
- days and hours during which alcoholic beverages may be consumed in the social district

3

Before allowing consumption of alcoholic beverages in a social district, the city or county shall submit to the ABC Commission a map of the social district with the boundaries of the social district clearly marked and the days and hours during which alcoholic beverages may be consumed in the social district

Examples:

Kannapolis created the "West Avenue Social District" on September 27, 2021.

- Hours are 10 AM to midnight Monday through Saturday and noon to midnight on Sundays.
- Once the patron leaves the establishment with the drink container the patron cannot enter any other building in the downtown or a vehicle without discarding the drink.

Norwood created the "Downtown Social District" on December 6, 2021.

- Hours are 10 AM to midnight Monday through Sundays.
- Once the patron leaves the establishment with the drink container the patron cannot enter any other ABC licensed establishment in the downtown or a vehicle without discarding the drink.
- Any business without an ABC permit located in or contiguous to the designated social district has the option to participate, or not, in allowing customers with beverages to enter the premises. The establishments allowing patrons to enter with beverages will have a clear label in their window.

Greensboro created the "Downtown Greensboro Social District" in December to be effective March 1, 2022.

- Hours are noon to 9 PM daily.
- Patrons can take a drink into a business that doesn't have an ABC license and gives permission.



Requirements for Sale of Alcoholic Beverages

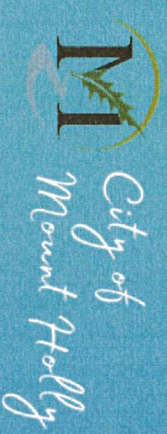
A permittee located in or contiguous to a social district may sell alcoholic beverages for consumption within the social district as follows:

- The permittee shall only sell and serve alcoholic beverages on its licensed premises
- The permittee shall only sell alcoholic beverages for consumption in the social district in a container that meets all of the following requirements:
 - (a) The container clearly identifies the permittee from which the alcoholic beverage was purchased.
 - (b) The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
 - (c) The container is not comprised of glass.
 - (d) The container displays, in no less than 12-point font, the statement, "Drink Responsibly – Be 21."
 - (e) The container shall not hold more than 16 fluid ounces.
- The permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee

Requirements for Possession and Consumption of Alcoholic Beverages

- Only alcoholic beverages purchased from a permittee located in or contiguous to the social district may be possessed and consumed.
- Alcoholic beverages shall only be in containers meeting the requirements previously discussed.
- Alcoholic beverages shall only be possessed and consumed during the days and hours set by the city or county.
- Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in G.S. 18B-1010 (generally, not more than 2 beers or glasses of wine may be sold to one patron and not more than 1 mixed drink may be sold to one patron at a time).
- A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the social district unless the person is reentering the licensed premises where the alcoholic beverage was purchased.

Social Districts and Outdoor Seating Legislation



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Extended
Outdoor
Premises

Expansion of Licensed Premises for Purposes of Outdoor Seating

In addition to designating social districts, a city or county may adopt an ordinance authorizing permittees to use an area that is not part of the permittee's licensed premises for the outdoor possession and consumption of alcoholic beverages sold by the permittee.

Requirements

A permittee holding a permit that allows the on-premises consumption of alcoholic beverages may utilize an area that is not part of the permittee's licensed premises for the outdoor possession and consumption of alcoholic beverages sold by the permittee subject to all of the following requirements:

1-3

4-6

7-9

Requirements

- (1) If the licensed premises is located in a city, an ordinance has been adopted by the city authorizing permittees to expand their licensed premises
- (2) If the property to which the premises will be extended is not owned by the permittee, the owner of the property has provided written permission to the permittee allowing the use of the property for the purpose set forth in this subsection.
- (3) The permittee has provided written notification to the district office of the ALE Division and local law enforcement agency with jurisdiction over the licensed premises.

Continued

- (4) The permittee shall visibly and vertically mark off the extended area so a reasonable person could distinguish between the extended area and any sidewalk or walkway.
- (5) The permittee shall maintain a diagram on the licensed premises detailing the size and location of the extended area. The diagram required under this subdivision shall have the boundaries of the extended area clearly marked, specify the types of barriers used to mark the boundaries of the extended area, and specify the number of tables and seats placed in the extended area.
- (6) The extended area shall not be used to increase the occupant load of the licensed premises. For purposes of this section, "occupant load" is as used in Section 1004 of the 2018 North Carolina Building Code.

Continued

- (7) The extended area shall comply with all applicable laws governing accessibility.
- (8) Except to enter a social district or to reenter the licensed premises, a person shall not exit an extended area with an alcoholic beverage purchased from the permittee.
- (9) Any additional requirements imposed by the ABC Commission through the adoption of rules.

South Main Street Social District

 Downtown Social District

