



January 13, 2020 Council Meeting

Mayor Bryan Hough
Mayor Pro-Tem David Moore
Councilwoman Phyllis Harris
Councilman Charles McCorkle
Councilman Jeff Meadows
Councilwoman Christina Pawlish
Councilwoman Lauren Shoemaker
Kemp Michael, City Attorney
Danny Jackson, City Manager

**CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL**



**January 13, 2020
7:00 P.M.**

CALL TO ORDER BY THE MAYOR

INVOCATION

Minister Peggy Thorns of Peggy Thorns Ministries

PLEDGE OF ALLEGIANCE

Boy Scout Troop 59

SET THE AGENDA

CONSENT AGENDA

1. Budget Amendment for Upper Dutchman's Creek Parallel Sewer Line Project
2. Approval and Adoption for Capital Project Ordinance for the Upper Dutchman's Creek Parallel Sewer Line.
3. Approval and Adoption for Capital Project Ordinance for Wastewater Treatment Plant Regionalization Project
4. Resolution to accept the State Revolving Loan in the amount of \$18,850,000 for the Wastewater Treatment Plant Regionalization Project
5. Approval of Appointment of Perry Toomey to the Planning Commission
6. Approval of a Bond Reduction Request by Lennar for Imagery Phase 1 Map 1-4
7. Approval of a Bond Reduction Request by Lennar for Imagery Phase 1 Map 5-8
8. Approval of a Bond Reduction Request by Lennar for Imagery Phase 1 Map 9-11
9. Approval of the minutes from the September 10, 2019 Special Meeting
10. Approval of the minutes from the October 14, 2019 Council Meeting

PRESENTATIONS

- | | |
|--|--------------------------|
| 1. Swearing In of Firefighters Jake Bonnin and Patrick Craig | <i>Mayor Bryan Hough</i> |
| 2. Promotional Swearing in of Captain Ashton Chaney | <i>Mayor Bryan Hough</i> |

PUBLIC HEARING

1. Public Hearing, regarding a request by Eastwood Homes, for a rezoning of Tax Parcel ID #'s 202122, 181227, 202690, 181214, 225889, 199264 and 180092 from R-1 and RS-12 Gaston County to Conditional District Residential. (Hunter's Ridge) *Jonathan Wilson*
2. Public Hearing, regarding a request by Faison, for Annexation into the City Limits of Mount Holly for Tax Parcel ID # 210776 (Green Meadows)—***postponed until March 9, 2020***
3. Public Hearing, regarding a request by Eastwood Homes, for Annexation into the City Limits of Mount Holly for Tax Parcel ID #'s 202122, 181227, 202690, 181214, 225889, 199264 and 180092 (Hunter's Ridge) *Jonathan Wilson*
4. Public hearing to consider amending Article 7, Special Requirement Notes to the Table of Permitted and special Uses clarifying electronic gaming operations *Brian DuPont*
5. Public hearing for a text amendment to Article 7, Note 13 Day care centers to conform with State requirements *Brian DuPont*
6. Public Hearing for a text amendment to Article 6 and 7 of the Zoning Ordinance for a cigar bar and lounge *Brian DuPont*

PUBLIC COMMENT – Three (3) Minute Limit

OLD BUSINESS

NEW BUSINESS

1. Consideration and Approval for a little free library at Tuckaseege Park *Mark Jusko*
2. Acceptance of the low bidder for the Upper Dutchman's Creek Parallel Sewer Line Project *Dave Johnson*
3. Autumn Woods Traffic Plan *Miles Braswell*

OTHER BUSINESS

CLOSED SESSION

ADJOURN

CONSENT AGENDA



City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: January 2 2020
From: David E. Johnson, PE	Meeting Date: January 13, 2020
Agenda Item to be considered:	
Budget Amendment for Upper Dutchman's Creek Parallel Sewer Line	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request: This is to fulfill The City's obligation as part of the annexation agreement with Lennar to manage the sewage flow from the Imagery Subdivision. Construction should begin this fiscal year to keep on schedule with Lennar's production rate.	
\$1,987,057 Piedmont Utility* \$30,000 Surveying \$20,000 Soil testing \$23,000 Easement \$20,000 Construction admin \$2,080,057 \$ 419,943 Contingency \$2,500,000	
* Piedmont Utility – low bidder; refer to additional Action Agenda item	
NOTE: As per the annexation agreement, Lennar's contribution is \$825,000.	
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 Approve Budget Amendment	
Result of City Council Decision:	
Attachments: None	
Annexation Agreement and Capital Recovery Fee Agreement executed June 2017	

NORTH CAROLINA
GASTON COUNTY

ANNEXATION AGREEMENT
AND CAPITAL RECOVERY FEE
AGREEMENT,
IMAGERY ON MOUNTAIN ISLAND

THIS AGREEMENT, MADE and entered into this 15th day of June, 2017, by and among the CITY OF MOUNT HOLLY, a North Carolina municipal corporation, hereinafter called "City;" MOUNTAIN ISLAND LAKE HOLDINGS INC., a North Carolina Corporation; LITTLE ITALY, LLC, a South Carolina Limited Liability Company; and MOUNTAIN ISLAND II LLC, a South Carolina Limited Liability Company; herein collectively called "Company;" and LENNAR CAROLINAS, LLC, a Delaware limited liability company; hereinafter called "Lennar." Company and Lennar are sometimes referred to collectively as "Applicants."

WITNESSETH:

WHEREAS, Company has filed an annexation petition asking the City to annex approximately 299.604 acres of land with a subdivision name of "Imagery on Mountain Island" hereinafter referred to as "Imagery," as shown on a plat prepared by David B. Boyles, dated September 21, 2016, and sealed on March 22, 2017, and to be recorded in the office of the Gaston County Register of Deeds, to which reference is hereby made for a further description; and,

WHEREAS, Company intends to convey Imagery, following its annexation by City, to Lennar pursuant to a separate purchase and sale agreement subject to the terms therein (the "Lennar Contract"); and,

WHEREAS, on September 23, 2016, Company filed a petition requesting voluntary annexation of the Property, and Lennar (with Company's consent) filed an application for rezoning the Property in accordance with a conditional district zoning plan (the "Zoning Plan"); and

WHEREAS, a public hearing was held by the City on February 13, 2017, on the question of the annexation and rezoning of Imagery; and,

WHEREAS, Lennar desires to develop Imagery and provide municipal services to the same as set forth herein; and,

WHEREAS, the terms of this Agreement are all contingent upon the successful annexation of Imagery into the City of Mount Holly.

NOW, THEREFORE, based upon the terms and conditions set forth herein and in consideration of the sum of Ten Dollars (\$10.00) paid by Applicants to City, the parties do hereby agree as follows:

I. ANNEXATION

- A. Company, as current owner of Imagery, has submitted an annexation petition, as aforesaid, to City requesting voluntary annexation of Imagery into the corporate limits of Mount Holly.
- B. Lennar, as petitioner and contract purchaser, has filed an application with the City, as aforesaid, requesting that Imagery be rezoned in accordance with the Zoning Plan.

- C. In the event that the annexation petition is denied by the City Council, this Agreement shall become null and void and the re-zoning petition shall be deemed withdrawn.
- D. Applicants understand that upon and after the effective date of annexation, City may from time to time, if it shall elect, enact and enforce such zoning ordinances, subdivision ordinances, watershed ordinances, capital recovery fees, tap fees, and meter setting fees and such other ordinances as the City may deem to be in City's best interest.

II. EXTENSION OF WATER LINES, FORCE MAINS, SEWER TRUNK LINES, AND ROAD IMPROVEMENTS

- A. City agrees to construct the following improvements (hereinafter called "City Improvements"):
 1. An 8" diameter parallel sewer line along Dutchman's Creek necessary or convenient to serve Imagery (upsized as required by City) for an estimated distance of 7,000 linear feet at the approximate location shown on Exhibit "A" attached hereto. The stipulated cost of an 8" diameter parallel sewer line, including one-half of right of way acquisition and estimated engineering cost, is \$825,000.00.
 2. Upgrades to Dutchman's Creek Lift Station at the approximate location shown on Exhibit "A," a portion of which are necessary or convenient to serve Imagery and a portion of which are necessary to serve other areas of Mount Holly. The stipulated cost of the additional upgrades necessary to serve Imagery, including one-half of the engineering cost, is \$300,000.00.
 3. Lennar agrees to reimburse City the amount of \$1,125,000.00 representing the total "Stipulated Cost" of Lennar's share of the City Improvements necessary to serve Imagery, payable under the terms and conditions below. Prior to City Council passage of the annexation ordinance, Lennar shall furnish to City a financial guarantee in the form of an evergreen letter of credit or payment and performance bond satisfactory to City in the amount equal to \$1,125,000.00 to guarantee reimbursement to City as set forth herein.
 4. The City Improvements are necessary to serve Imagery once the total number of lots with subdivision final plat approval exceeds 252. City agrees to begin the right of way acquisition and design of the City Improvements at the earlier of: (i) when Lennar gives City notice of its intent to seek subdivision final plat approval of any portion of Imagery that would bring the total number of lots in Imagery to more than 252, or (ii) when City believes in its sole discretion that it is in the best interests of the City to begin the City Improvements and gives Lennar notice of City's intent to begin engineering and design. Once the notice in either event is made, then Lennar has 30 days from the date City notifies Lennar in writing that City first advertises for qualifications for an engineer to design City Improvements to pay to City one-third of the Stipulated Cost and receive a reduction of one-third of its financial

guarantee. Lennar shall have 30 days from the date City notifies Lennar in writing that City first advertises for bids on construction of the City Improvements to pay to City the balance of the Stipulated Cost and receive a return of any remaining financial guarantee on the Stipulated Cost. In the event that Lennar does not pay to City the Stipulated Cost as set forth herein, then City may redeem or make a claim upon the financial guarantee in payment of the Stipulated Cost. Once City has received the Stipulated Cost payments, then City shall pursue construction of the City Improvements and proceed at a pace that reasonably would allow completion of City Improvements within twenty-four months from receipt of the balance of the Stipulated Cost.

5. Upon or after the passage of the annexation ordinance, if Lennar fails to purchase Imagery or no longer wishes to develop more than 252 lots within Imagery, then it may, upon 60 days' notice stating the reason therefor, withdraw the financial guarantee for the Stipulated Cost, subject to the limitation set forth herein below. If Lennar shall withdraw its financial guarantee as allowed above, then City shall not redeem or make a claim under the financial guarantee and City shall be under no obligation to construct the City Improvements. However, City will not give subdivision final plat approval of any portion of Imagery that, upon passage, would bring the total number of lots in Imagery to more than 252 without either the financial guarantee or receipt of payment of the Stipulated Cost. From and after subdivision final plat approval that brings the total number of lots in Imagery to more than 252, or from and after the date that City gives Lennar notice of City's intent to begin engineering and design of the City Improvements, whichever shall first occur, then Lennar may no longer withdraw the financial guarantee for the Stipulated Cost. In addition, Lennar may not withdraw nor give notice of its intent to withdraw its financial guarantee for a period of 60 days following the passage of the Annexation Ordinance. In the event that Lennar withdraws its financial guarantee as allowed herein, but subsequently seeks subdivision final plat approval for any portion of Imagery that brings the total number of lots to more than 252, then before City grants such subdivision final plat approval, the parties shall negotiate and agree upon Lennar's share of the cost of the City Improvements if they have then been completed or provide a financial guarantee for Lennar's negotiated and agreed upon share if the City has not yet constructed the City Improvements.

B. Lennar agrees to construct the following improvements (hereinafter called "Lennar Improvements"):

1. Certain road improvements as set forth on the Zoning Plan for this project, at no expense to City, including: Horseshoe Bend Beach Road, Lucia Riverbend Highway, Highway 16, and entrances serving Imagery.
2. An extension of the existing 12" water main from the first Stonewater entrance from Highway 16 to the third Imagery entrance as shown on the Zoning Plan, at Lennar's sole expense.

3. 8" Force main construction from Imagery Phase 1 pump station to the Stonewater Bay pump Station #1 as shown on the Zoning Plan, at Lennar's sole expense.
- C. All Lennar Improvements will be built in accordance with plans and specifications (collectively, the "Lennar Plans") to be prepared at Lennar's expense by a registered engineer licensed by the State of North Carolina and submitted for approval by the City and the applicable State agencies, which approval by City shall not be unreasonably withheld, conditioned, or delayed. In the event the City fails to approve or reject the Lennar Plans within thirty (30) business days after Lennar's submittal or resubmittal of the same, then the Lennar Plans as submitted shall be deemed approved by the City for purposes of this Agreement. Said plans and specifications shall comply with the standard detail requirements of City. City may employ its engineer to review the plans and assist City with all other engineering issues that may arise regarding project design and change orders. Lennar agrees to reimburse City the reasonable costs of such engineering services. The final decision regarding the diameter, location, and linear feet of the sewer and water extensions shall be made by City; provided however, any increase or change to the diameter, location and/or linear feet of such sewer and water extensions for the benefit of City shall be at City's sole expense.
 - D. Lennar agrees to use commercially reasonable efforts to acquire necessary rights-of-way and temporary construction easements for the Lennar Improvements at its own expense with such assistance by City as Lennar may reasonably require. Lennar shall provide all right-of-way surveys and elevations necessary to design and build Lennar Improvements, all at Lennar's own expense. If condemnation of any easement or right-of-way shall be required, in City's reasonable discretion, then City shall undertake such condemnation at Lennar's expense. Lennar shall be responsible for obtaining all encroachment agreements from the North Carolina Department of Transportation and other utilities, including railroad companies, and any permits required by the State of North Carolina or any federal agencies, all of which permits shall be in the name of Lennar and City unless otherwise agreed by the parties.
 - E. City reserves the right to approve the utility contractor(s) and engineer(s) to be employed by Lennar, which approval would not be unreasonably withheld or delayed. Prior to beginning construction of the Lennar Improvements, there shall be a pre-construction conference to include Lennar, City, and all contractors and engineers. During construction of the Lennar Improvements, Lennar's engineer shall provide an onsite inspector to perform periodic inspections, as needed, in order for Lennar's engineer to certify that all utility extensions were built in accordance with the Lennar Plans approved by City. Lennar shall reasonably cooperate with City's effort to have City's onsite inspector observe critical elements of Lennar Improvements relating to utilities before the same are covered.
 - F. Upon completion of Lennar's Improvements to City's reasonable satisfaction, as certified by Lennar's engineer, City shall accept the same for maintenance (subject to Lennar's below warranty) and ownership shall vest in City. Lennar shall provide to City three "as built" drawings of all Lennar Improvements. Lennar shall warrant all Lennar Improvements, with the exception of the road improvements constructed by NCDOT, to be free from defects in material and workmanship for a period of one (1) year from the date of acceptance by City and Lennar shall provide a financial guarantee of this warranty satisfactory to the City and in accordance with the terms of this Agreement below.

- G. Any amounts to be reimbursed by Lennar to City or City to Lennar shall be payable in full within 60 days of billing.
- H. Lennar shall complete its improvements according to the completion schedule attached hereto as Exhibit "B."

III. PREREQUISITES TO DEVELOPMENT

The parties agree that prior to the effective date of annexation, Lennar may, if it chooses, begin to construct Lennar Improvements upon approval of the Lennar Plans. However, Lennar agrees that it will not seek any building permits for construction of any houses within Imagery prior to any of the following: the effective date of annexation, the effective date of the passage of the Zoning Plan by City, and completion of such Lennar Improvements as required on Exhibit "B."

IV. DEVELOPMENT STANDARDS

- A. The development of Imagery shall be in conformity with City's Subdivision and Land Development Ordinance, hereinafter "Subdivision Ordinance," and zoning ordinance, as hereinafter may amended from time to time, state and federal regulations, and the terms of this Agreement. Lennar may submit subdivision plats for approval incrementally in accordance with City's Subdivision Ordinance and City may require such conditions upon the subdivision final plat approval as it may elect, which conditions may be in addition to but not inconsistent with the applicable zoning of Imagery.
- B. Except as hereinafter set forth, it is agreed that Imagery will be charged utility rates from City, including capital recovery fees, tap fees, and meter fees, at the same rates and fees as may be charged to other residences from time to time in the current city limits of Mount Holly. Except as hereinafter set forth, owners and residents of Imagery will not be charged municipal fees inconsistent with the fees charged to other similarly situated property owners and residents of Mount Holly. The parties agree that the lots within Imagery shall be subject to capital recovery fees in consideration of being annexed into the City of Mount Holly, thus acquiring municipal utilities. This fee requires that houses connecting to municipal water and sewer pay a buy-in fee at the time that service is requested. This capital recovery fee shall be payable by contract as provided herein, notwithstanding that the City's Capital Recovery Fee Ordinance shall hereafter be deemed unenforceable and the fees uncollectable for any reason. If the aforesaid ordinance shall hereafter be deemed unenforceable, then the fee assessed hereunder shall be in the amount of the last fee adopted by City Council prior to the aforesaid ordinance becoming deemed unenforceable. All municipal services will be provided to Imagery as required by the General Statutes of North Carolina and as provided generally to the citizens of Mount Holly. City warrants to Applicants that it has the current water and sewer treatment capacity ("Utility Treatment Capacity") to provide such services to 510 residences and amenities as set forth in the Zoning Plan for this project, and that City will reserve such Utility Treatment Capacity as set forth herein in accordance with this Agreement and the ordinances of the City of Mount Holly. City's reservation of Utility Treatment Capacity for Imagery will be for a period of Seven (7) years from the effective date of the Annexation ("Reservation Term"). Imagery shall receive such Utility Treatment Capacity (without time limitation) for all lots within each subdivision plat that is submitted, approved, and recorded during the Reservation Term. For example, if Imagery should obtain subdivision final plat approval and record such plat one month prior to the end of Imagery's Reservation Term, then the lots contained in such plat will

- D. Time is of the essence in the completion of each and every requirement set forth in this Agreement by Company, Lennar, or City.
- E. All notices required or desired to be given under this Agreement shall be in writing and either (a) hand-delivered, (b) sent by certified mail, return receipt requested, (c) sent via FedEx or similar overnight service, or (d) sent via electronic mail, so long as notice is also provided through either method (a), (b), or (c) as herein described. All notices shall be addressed to the party being noticed, and shall be deemed to have been given (i) when delivered, if by hand deliver, (ii) three (3) business days after deposit in a U.S. Post Office or official letter box, if sent by certified mail, (iii) one (1) business day after timely deposited in a FedEx or similar overnight service depository, or (iv) upon confirmation of receipt by sender if sent via electronic mail. All notices shall be delivered or sent prepaid for the specified service by the party giving notice, and shall be addressed as follows:

COMPANY: LITTLE ITALY, LLC
MOUNTAIN ISLAND II LLC
MOUNTAIN ISLAND LAKE HOLDINGS, INC.
101 North Tryon Street, Suite 1900
Charlotte, North Carolina 28246
Telephone No.: (704) 377-8378
Attn: Robert S. Lilien
E-Mail: rlilien@robinsonbradshaw.com

Copy To: ROBINSON, BRADSHAW & HINSON, P.A.
101 North Tryon Street, Suite 1900
Charlotte, North Carolina 28246
Telephone No.: (704) 377-8326
Attn: Robert C. Sink
E-Mail: rsink@robinsonbradshaw.com

CITY: CITY OF MOUNT HOLLY
400 E. Central Ave.
Mount Holly, North Carolina 28120
Telephone No.: (704) 827-3931
Attn: Danny Jackson, City Manager
E-Mail: dannyjackson@motholly.us

Copy To: MICHAEL, ELTING, & ANDERS, PLLC
124 W. Catawba Ave.
Mount Holly, North Carolina 28120
Telephone No.: (704) 827-5897
Attn: Kemp A. Michael
E-Mail: office@mounthollylaw.com

LENNAR: LENNAR CAROLINAS, LLC
11230 Carmel Commons Boulevard
Charlotte, North Carolina 28226
Telephone No.: (704) 542-8300
Attn: Jon S. Hardy
E-Mail: jon.hardy@lennar.com

Copy To: LENNAR CORPORATION
700 NW 107th Avenue – 4th Floor
Miami, Florida 33172
Attn: General Counsel
E-Mail: mark.sustana@lennar.com

Copy To: ST. AMAND & EFIRD PLLC
3315 Springbank Lane, Suite 308
Charlotte, North Carolina 28226
Telephone No.: (704) 837-2670
Attn: Scott Efird
E-Mail: sefird@stamand-efird.com

In Witness Whereof, the parties hereto have caused the due execution under seal of the foregoing Agreement by authority duly given, the day and year first above written.

CITY:
CITY OF MOUNT HOLLY

COMPANY:
MOUNTAIN ISLAND LAKE HOLDINGS, INC.,
A North Carolina Corporation

By: _____ (SEAL)
Bryan M. Hough, Mayor

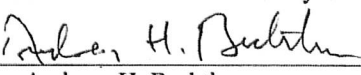
By:  (SEAL)
Name: Robert S. Lilien
Title: President

Attest:

Amy Miller, City Clerk

LITTLE ITALY, LLC,
A South Carolina Limited Liability Company

This instrument has been preaudited
in the manner required by G.S. 18B-702.

By:  (SEAL)
Name: Andreas H. Bechtler
Title: Manager

Name: Africa Otis
Title: Finance Officer

MOUNTAIN ISLAND II LLC,
A South Carolina Limited Liability Company

By: Mountain Island I LLC,
a South Carolina Limited Liability Company,
its member/manager

By:  (SEAL)
Name: Robert S. Lilien
Title: its Manager

LENNAR:
LENNAR CAROLINAS, LLC,
a Delaware limited liability company

By: _____ (SEAL)
Name:
Title:

Copy To: LENNAR CORPORATION
 700 NW 107th Avenue – 4th Floor
 Miami, Florida 33172
 Attn: General Counsel
 E-Mail: mark.sustana@lennar.com

Copy To: ST. AMAND & EFIRD PLLC
 3315 Springbank Lane, Suite 308
 Charlotte, North Carolina 28226
 Telephone No.: (704) 837-2670
 Attn: Scott Efird
 E-Mail: sefird@stamand-efird.com

In Witness Whereof, the parties hereto have caused the due execution under seal of the foregoing Agreement by authority duly given, the day and year first above written.

CITY:
 CITY OF MOUNT HOLLY

COMPANY:
 MOUNTAIN ISLAND LAKE HOLDINGS, INC.,
 A North Carolina Corporation

By:

Bryan M. Hough
 Bryan M. Hough, Mayor

By:

Name: Robert S. Lilien
 Title: President

(SEAL)

Attest:

Amy Miller
 Amy Miller, City Clerk



NAME: MOUNTAIN ISLAND II LLC,
 A South Carolina Limited Liability Company

By:

Name: Andreas H. Bechtler
 Title: Manager

(SEAL)

This instrument has been preaudited
 in the manner required by G.S. 48B-702.

Africa Otis
 159-28000
 6/27/17

Name: Africa Otis
 Title: Finance Officer

MOUNTAIN ISLAND II LLC,
 A South Carolina Limited Liability Company

By: Mountain Island I LLC,
 a South Carolina Limited Liability Company,
 its member/manager

By:

Name: Robert S. Lilien
 Title: its Manager

(SEAL)

LENNAR:
 LENNAR CAROLINAS, LLC,
 a Delaware limited liability company

By:

Jon S. Hardy
 Name: Jon S. Hardy
 Title: V.P.

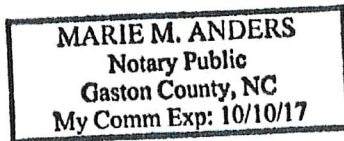
(SEAL)

STATE OF NORTH CAROLINA
COUNTY OF GASTON

NOTARY ACKNOWLEDGMENT

I, Marie M. Anders, a Notary Public in and for said County and State, do hereby certify that Amy Miller personally came before me this day and acknowledged that he/she is City Clerk of the CITY OF MOUNT HOLLY, a North Carolina municipal corporation, and that by authority duly given and as the act of the City Council of the City of Mount Holly, NC, the foregoing instrument was signed in its name by Bryan M. Hough as its Mayor, sealed with its corporate seal, and attested by Amy Miller as its City Clerk.

Witness my hand and notarial seal, this 26 day of June, 2017.

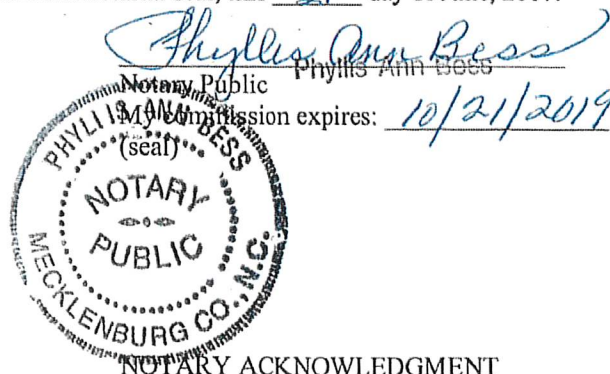


Marie M. Anders
Notary Public
My commission expires: _____
(seal)

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

NOTARY ACKNOWLEDGMENT

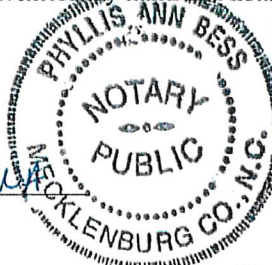
I, Phyllis Ann Bess, a Notary Public in and for said County and State, do hereby certify that ROBERT S. LILIEN personally came before me this day and acknowledged that he is President of MOUNTAIN ISLAND LAKE HOLDINGS INC., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by him on behalf of the said Corporation. Witness my hand and notarial seal, this 21st day of June, 2017.



STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

NOTARY ACKNOWLEDGMENT

I, Phyllis Ann Bess, a Notary Public in and for said County and State, do hereby certify that ANDREAS H. BECHTLER personally came before me this day and acknowledged that he is Manager of LITTLE ITALY, LLC, a South Carolina limited liability company, and that by authority duly given and as the act of the Company, the foregoing instrument was signed in its name by him/her on behalf of the said Company. Witness my hand and notarial seal, this 21st day of June, 2017.



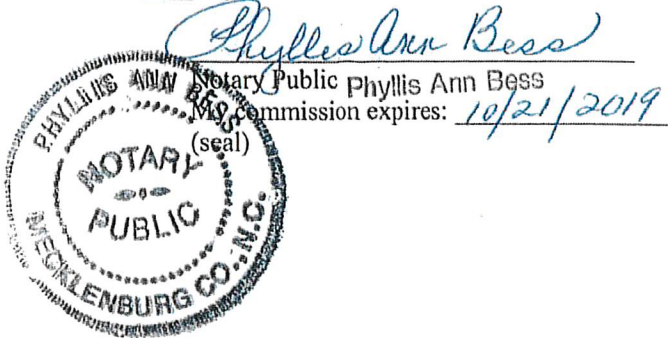
Phyllis Ann Bess
Notary Public
My commission expires: 10/21/2019
(seal)

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

NOTARY ACKNOWLEDGMENT

I, Phyllis Ann Bess, a Notary Public in and for said County and State, do hereby certify that ROBERT/S. LILIEN personally came before me this day and acknowledged that (i) MOUNTAIN ISLAND I LLC, a South Carolina limited liability company, is the member/manager of MOUNTAIN ISLAND II LLC, a South Carolina limited liability company, and (ii) he is Manager of MOUNTAIN ISLAND I LLC, a South Carolina limited liability company, and that by authority duly given and as the act of the companies, the foregoing instrument was signed in its name by him on behalf of the said companies. Witness my hand and notarial seal, this 21st day of Junr, 2017.



STATE OF _____
COUNTY OF _____

NOTARY ACKNOWLEDGMENT

I, _____, a Notary Public in and for said County and State, do hereby certify that _____ personally came before me this day and acknowledged that (s)he is _____ of LENNAR CAROLINAS, LLC, a Delaware limited liability company, and that by authority duly given and as the act of the Company, the foregoing instrument was signed in its name by him/her on behalf of the said Company. Witness my hand and notarial seal, this _____ day of June, 2017.

Notary Public
My commission expires: _____
(seal)

COUNTY OF _____

NOTARY ACKNOWLEDGMENT

I, _____, a Notary Public in and for said County and State, do hereby certify that ROBERT S. LILIEN personally came before me this day and acknowledged that (i) MOUNTAIN ISLAND I LLC, a South Carolina limited liability company, is the member/manager of MOUNTAIN ISLAND II LLC, a South Carolina limited liability company, and (ii) he is Manager of MOUNTAIN ISLAND I LLC, a South Carolina limited liability company, and that by authority duly given and as the act of the companies, the foregoing instrument was signed in its name by him on behalf of the said companies. Witness my hand and notarial seal, this ____ day of Junr, 2017.

Notary Public

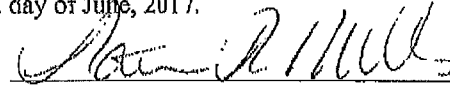
My commission expires: _____

(seal)

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

NOTARY ACKNOWLEDGMENT

I, Patricia R. Mills, a Notary Public in and for said County and State, do hereby certify that Jon S. Hardy personally came before me this day and acknowledged that he is Vice President of LENNAR CAROLINAS, LLC, a Delaware limited liability company, and that by authority duly given and as the act of the Company, the foregoing instrument was signed in its name by him/her on behalf of the said Company. Witness my hand and notarial seal, this 22nd day of June, 2017.



Notary Public

My commission expires: 9-11-21

(seal)

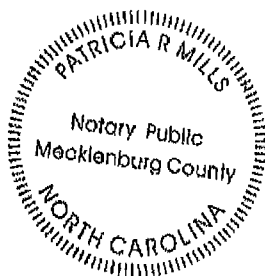


EXHIBIT "B"

- A. Prerequisite Lennar Improvements required to be completed and accepted by City within twenty-four months following the effective date of Annexation:
1. Extension of the 12-inch water main from the first Stonewater entrance to Imagery entrance #1.
 2. Force main connection from the Imagery pump station to the Stonewater pump station #1.
 3. The financial guarantee for completion of items A (1) & (2) above in the amount of \$675,636.00 must be received and approved by City prior to passage of the Annexation Ordinance.
 4. Lennar shall (i) submit Lennar Plans for items A (1) & (2) above for approval by City within 6 months following the effective date of Annexation, (ii) begin construction of these items within 12 months following the effective date of Annexation, and (iii) thereafter diligently pursue completion and acceptance of construction.
- B. Lennar Improvements required to be completed prior to subdivision final plat approval of any portion of Imagery:
1. Prerequisite Lennar Improvements in A above.
 2. Roadway improvements to intersection of Highway 16 and Horseshoe Bend Beach Road/Lucia Riverbend Road, turn lanes and driveway entrances from Horseshoe Bend Beach Road into Imagery, all as shown on the Zoning Plan.
- C. Additional Lennar Improvements required to be completed prior to subdivision final plat approval of any remaining portion of Imagery that, upon passage, would bring the total number of lots in Imagery to more than 252:
1. Extension of the 12-inch water main from Imagery entrance #1 to Imagery entrance #3.
 2. The financial guarantee for completion of items C (1) above in an amount equal to 120% of the construction, engineering and other applicable costs of the same as estimated by Lennar's engineer and approved by City must be received and approved by City prior to City approval of the Lennar Plans for items C (1).

As part of the annexation agreement with Lennar, the City must construct an offsite sewer collection system designed to accommodate the flow from the Imagery project. The pipe size has been increased to provide growth potential in the northern area of the City.

It is my intent to bring a budget amendment to City Council action at the January 13th Regular Meeting. The following would be the cost estimate for the project.

Piedmont Utility was the low bidder and all references have been checked. This company has met all of our requirements and is a qualified bidder. The following is the cost breakdown for the budget amendment.

Upper Dutchman's Parallel Gravity Sewer Line Budget

\$1,987,057	Piedmont Utility
\$30,000	Surveying
\$20,000	Soil testing
\$23,000	Easement
\$20,000	Construction admin
\$2,080,057	+
\$416,011	Contingency 20%
\$2,496,068	419,943 =

Use \$2,500,000 for budget amendment

This project was not budgeted for this fiscal year. This is being accelerated to keep on schedule with the production rate of Lennar.

The Department's CIP included monies in FY '20-'21 and FY '21-'22

This project is of significant size and scope that the construction will span two fiscal years regardless of the start date.

I would appreciate your review and consideration of this request. Please let me know how we should proceed. Thank you.

Dave



City of Mount Holly Action Agenda Item

To: Mayor and City Council

Date: January 2, 2020

From: Africa Otis

Meeting Date: January 13, 2020

Agenda Item to be considered:

Approval and adoption of the Capital Project Ordinance for the Upper Dutchman's Creek Parallel Gravity Sewer Line

Will this require a public hearing?

☐ YES

☒ NO

Background/Purpose of Request:

A Capital Project Ordinance will be established and adopted for the Upper Dutchman's Creek Parallel Gravity Sewer Line project to complete the annexation agreement with Lennar to manage the sewage flow from the Imagery Subdivision. This project will be funded by System Development Fees.

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:	\$ 2,500,000		
Budget Code			
Reviewed by City Attorney	☒ YES	☐ NO	☐ N/A

Manager/Staff Recommendation Approval and adoption of Capital Project Ordinance

Result of City Council Decision:

Attachments:

Capital Project Ordinance for the Upper Dutchman's Creek Parallel Gravity Sewer Line

**CAPITAL PROJECT ORDINANCE FOR THE UPPER DUTCHMAN'S CREEK
PARALLEL GRAVITY SEWER LINE**

BE IT ORDAINED by the Governing Board of the City of Mount Holly, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is for the Upper Dutchman's Creek Parallel Gravity Sewer Line. The project will be funded through system development funding.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Construction	\$2,007,0057
Surveying/Soil Testing	50,000
Easements	23,000
Contingency	419,943
TOTAL	\$2,500,000

Section 4. The following revenues are anticipated to be available to complete this project:

<u>Enterprise Fund Balance</u>	<u>\$2,500,000</u>
TOTAL	\$2,500,000

Section 5. The Finance Officer is hereby directed to maintain within the capital project ordinance sufficient specific detailed accounting records to satisfy all financial reporting requirements.

Section 6. Copies of this capital project ordinance shall be furnished to the Finance Officer for direction in carrying out this project.

THIS ORDINANCE ADOPTED THIS THE 13TH DAY OF JANUARY 2020.

Bryan Hough, Mayor
City of Mount Holly

ATTEST:

Amy Miller, CMC
City Clerk



City of Mount Holly Action Agenda Item

To: Mayor and City Council

Date: January 2, 2020

From: Africa Otis

Meeting Date: January 13, 2020

Agenda Item to be considered:

Approval and adoption of the Capital Project Ordinance for the City of Mount Holly Wastewater Treatment Plant Regionalization Project.

Will this require a public hearing?

☐ YES

☒ NO

Background/Purpose of Request:

A Capital Project Ordinance will be established and adopted for the City of Mount Holly Wastewater Treatment Plant Regionalization Project. This project will be funded by the Clean Water State Revolving Fund for the amount of \$18,850,000.

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:	\$ 18,850,000		
Budget Code			
Reviewed by City Attorney	☒ YES	☐ NO	☐ N/A

Manager/Staff Recommendation Approval and adoption of Capital Project Ordinance

Result of City Council Decision:

Attachments:

Capital Project Ordinance for the City of Mount Holly Wastewater Treatment Plant Regionalization Project

**CAPITAL PROJECT ORDINANCE FOR THE CITY OF MOUNT HOLLY
WASTEWATER TREATMENT PLANT REGIONALIZATION PROJECT**

BE IT ORDAINED by the Governing Board of the City of Mount Holly, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is for the City of Mount Holly Wastewater Treatment Plant Regionalization Project. The project will be funded through the Clean Water State Revolving Fund.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Construction	\$17,028,000
Engineering	1,450,000
<u>Administration Cost</u>	<u>372,000</u>
TOTAL	\$18,850,000

Section 4. The following revenues are anticipated to be available to complete this project:

<u>Clean Water State Revolving Fund</u>	<u>\$18,500,000</u>
TOTAL	\$18,850,000

Section 5. The Finance Officer is hereby directed to maintain within the capital project ordinance sufficient specific detailed accounting records to satisfy all financial reporting requirements.

Section 6. Copies of this capital project ordinance shall be furnished to the Finance Officer for direction in carrying out this project.

THIS ORDINANCE ADOPTED THIS THE 13TH DAY OF JANUARY 2020.

Bryan Hough, Mayor
City of Mount Holly

ATTEST:

Amy Miller, CMC
City Clerk



City of Mount Holly Action Agenda Item

To: Mayor and City Council

Date: January 2, 2020

From: Africa Otis

Meeting Date: January 13, 2020

Agenda Item to be considered:

Adoption of resolution for acceptance of the Clean Water State Revolving Loan for the City of Mount Holly Wastewater Treatment Plant Regionalization Project in the amount of \$18,850,000.

Will this require a public hearing?

☐ YES

☒ NO

Background/Purpose of Request:

On December 12, 2019 the City received letter approving a loan from the Clean Water State Revolving Fund for the City of Mount Holly Wastewater Treatment Plant Regionalization Project (Charlotte Water). Upon acceptance a resolution must be adopted by the governing body accepting the loan. This project will be funded by the Clean Water State Revolving Fund for the amount of \$18,850,000.

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: \$ 18,850,000

Budget Code

Reviewed by City Attorney	☒ YES	☐ NO	☐ N/A
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Manager/Staff Recommendation Approval and adoption of Capital Project Ordinance

Result of City Council Decision:

Attachments:

Resolution for approval for loan assistance from the Clean Water State Revolving fund for the City of Mount Holly Wastewater Treatment Plant Regionalization Project for \$18,850,000.

**RESOLUTION BY GOVERNING BODY OF CITY OF
MOUNT HOLLY**

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a (State Revolving Loan, State Grant, or State Bond Loan) in the amount of \$ 18,850,000 for the construction of The City of Mount Holly Wastewater Treatment Plant Regionalization Project and

WHEREAS, the City of Mount Holly intends to construct said project in accordance with the approved plans and specifications,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOUNT HOLLY:

That the City of Mount Holly does hereby accept the State Revolving Loan, Grant, offer of \$18,850,000.

That the City of Mount Holly does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the loan offer, Section II - Assurances will be adhered to.

That Danny Jackson, the City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Mount Holly has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the January 13, 2020 at the City of Mount Holly, North Carolina.

Danny Jackson, City Manager

Date Submitted: 13-Jan-20

Finance Officer: _____

City Manager:

Department Comments:

Construction for Lennar Annexation Agreement - Set up Capital Project Fund



City of Mount Holly Action Agenda Item

To: City Council From: Brian DuPont	Date: 1-8-20 Meeting Date: 1-13-20
Agenda Item to be considered: Appointment for vacancy on Planning Commission	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request : With the resignation of Ed Olivares in August, the City advertised in the Monthly Newsletter in October and November for interested citizens to apply. The deadline to receive applications was November 15 at 5:00 PM. We also reached out to previous applicants. The City received three applications: 1. Meghan Phillips 2. Robert Reddick 3. Perry Toomey As part of the application process, they were notified that they must attend the January 6th meeting in order to be interviewed by the Planning Commission. The Planning Commission conducted a ballot vote ranking their first, second and third nominations. Perry Toomey received the most first place votes with Meghan Phillips receiving the second most votes.	
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: Planning Commission recommends appointment of Perry Toomey for the vacancy.	
Result of City Council Decision: 	
Attachments: 1. 2. 3.	



City of Mount Holly Action Agenda Item

To: Mayor and City Council From: David E. Johnson, PE	Date: January 6, 2020 Meeting Date: January 13, 2020
Agenda Item to be considered: Reduction of the Irrevocable Standby Letter of Credit posted for Imagery Phase 1 Map 1-4 in accordance with the Subdivision and Land Development Guidelines. . 	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request : <i>Phase1 letter of credit of \$989,335.92 was posted by Lennar Carolinas, LLC on June 21, 2018 and is an evergreen LOC. This phase of the Imagery Project has all the lots improved upon. The top course of pavement has NOT been placed. Lennar is asking for a reduction to 30% of the total amount at this time.</i> <i>If approved, the LOC amount required will be \$296,800.78</i> 	
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: <u>Recommend reduction of the Letter of Credit as requested by Lennar Carolina, LLC.</u>	
Result of City Council Decision: 	
Attachments: LOC, Lennar Carolina's LLC request, Site Inspector approval	



David Johnson <david.johnson@mttholly.us>

Fwd: Imagery Phase 1 Map 1-4 Bond Reduction Request

Derek Dixon <derek.dixon@mttholly.us>

To: David Johnson <david.johnson@mttholly.us>

Fri, Dec 20, 2019 at 8:26 AM

Dave,

I approve of the below request. All infrastructure has been in place and functioning. I have verified the maximum reduction per city ordinance.

\$989,335.92 Reduced to \$296,800.78

----- Forwarded message -----

From: **Michael Neff** <Michael.Neff@lennar.com>

Date: Fri, Dec 20, 2019 at 8:14 AM

Subject: Imagery Phase 1 Map 1-4 Bond Reduction Request

To: Derek Dixon (Derek.dixon@mttholly.us) <Derek.dixon@mttholly.us>

Lennar is requesting a 70% reduction of the LOC for Maps 1-4 at Imagery. All lots have been improved upon, all infrastructure items have been constructed, and in place except for top course asphalt. The original amount is \$989,335.92 and we are requesting it to be reduced to \$296,800.78 per city ordinance.

Attached is the developers agreement for reference.

LENNAR

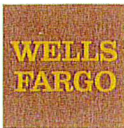
Mike Neff, PE

Land Development Manager
Lennar Carolinas, LLC

michael.neff@lennar.com
www.lennar.com

Cell Phone: 828-550-0958

6701 Carmel Rd., Suite 425
Charlotte, NC 28226



Wells Fargo Bank, N.A.
U.S. Trade Services
Standby Letters of Credit
401 N. Research Pkwy, 1st Floor
MAC D4004-017,
Winston-Salem, NC 27101-4157
Phone: 1(800) 776-3862 Option 2
E-Mail: sblc-new@wellsfargo.com

Irrevocable Standby Letter Of Credit

Number : IS000044270U
Issue Date : June 21, 2018

BENEFICIARY	APPLICANT
CITY OF MOUNT HOLLY (THE "CITY") 400 EAST CENTRAL AVENUE MOUNT HOLLY, NORTH CAROLINA 28120	LENNAR CAROLINAS, LLC 6701 CARMEL ROAD, SUITE 425 CHARLOTTE, NORTH CAROLINA 28226

LETTER OF CREDIT ISSUE AMOUNT USD 989,335.92 EXPIRY DATE JUNE 20, 2019

LADIES AND GENTLEMEN:

PROJECT NAME: IMAGERY PHASE 1, MAP 1-4, LOTS 60-95 AND 172-213 IMPROVEMENTS

WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT IN YOUR FAVOR IN THE AGGREGATE AMOUNT UP TO U.S. NINE HUNDRED EIGHTY NINE THOUSAND THREE HUNDRED THIRTY FIVE AND 92/100 (\$989,335.92), AVAILABLE BY YOUR DRAFT(S) AT SIGHT DRAWN ON US, SIGNED BY THE CITY OF MOUNT HOLLY, AND PRESENTED FOR PAYMENT AT OUR COUNTERS WHEN ACCOMPANIED BY THIS LETTER AND THE FOLLOWING DOCUMENTATION:

THIS ORIGINAL LETTER OF CREDIT WITH ALL AMENDMENTS THERETO AND A STATEMENT ON BENEFICIARY'S LETTERHEAD, DULY AND MANUALLY SIGNED AND DATED ON BEHALF OF BENEFICIARY BY ITS MAYOR OR CITY MANAGER SIGNING AS SUCH CONTAINING THE FOLLOWING LANGUAGE: "THE UNDERSIGNED CERTIFIES THAT LENNAR CAROLINAS, LLC HAS FAILED TO COMPLETE THE IMPROVEMENTS FOR IMAGERY - MAP 1-4, LOTS 60-95 AND 172-213 IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF MOUNT HOLLY CODE, THE TERMS AND CONDITIONS OF THE "IMAGERY SUBDIVISION AGREEMENT, PHASE 1, MAP 1-4, LOTS 60-95 AND 172-213" DATED JUNE 6, 2018, AND THE FINANCIAL ESTIMATE BY APPLICANT'S ENGINEER DATED MAY 30, 2018 AND PREPARED BY DPR ASSOCIATES."

WE HEREBY ENGAGE WITH YOU THAT DRAFT(S) DRAWN UNDER AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE LETTER OF CREDIT WILL BE DULY HONORED BY THE UNDERSIGNED IF PRESENTED BEFORE OUR CLOSE OF BUSINESS ON OR BEFORE JUNE 20, 2019 AT OUR COUNTERS AT EITHER OF OUR FOLLOWING LOCATIONS:

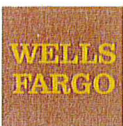
WELLS FARGO BANK, N.A.
U.S. TRADE SERVICES
STANDBY LETTERS OF CREDIT

OR

WELLS FARGO BANK, N.A.,
INTERNATIONAL TRADE OPERATIONS
1525 WEST W.T. HARRIS BOULEVARD

Together we'll go far





401 N. RESEARCH PKWY
WINSTON-SALEM, NC 27101

1ST FLOOR MAC D1109-011
CHARLOTTE, NC 28262-8522

IF DOCUMENTS ARE PRESENTED TO THE CHARLOTTE, NC LOCATION, THEY MUST ALSO BE FAXED BY THE BENEFICIARY TO 844-879-5593 THE SAME DAY IN ORDER TO BE DEEMED A PRESENTATION.

DRAFTS MUST BE DULY AND MANUALLY SIGNED AND MARKED "DRAWN UNDER WELLS FARGO BANK, N.A. LETTER OF CREDIT NUMBER IS000044270U, DATED JUNE 21, 2018" AND MUST BE PRESENTED TOGETHER WITH THE DOCUMENTS AS SPECIFIED. IN THE EVENT THAT ANY DRAFT DRAWN ON THIS LETTER OF CREDIT IS DISHONORED, WE WILL PROVIDE TO YOU WITHOUT DELAY A WRITTEN STATEMENT TO THE REASONS FOR SUCH DISHONOR BY DELIVERING THE STATEMENT TO THE CITY OF MOUNT HOLLY VIA FACSIMILE.

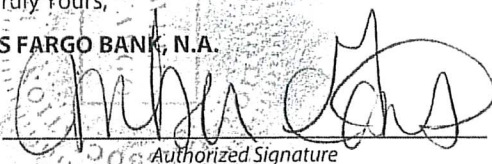
THIS CREDIT SHALL EXPIRE JUNE 20, 2019, PROVIDED THAT IT SHALL BE DEEMED AUTOMATICALLY EXTENDED WITHOUT AMENDMENT FOR AN ADDITIONAL PERIOD OF ONE (1) YEAR FROM THE INITIAL AND EACH FUTURE EXPIRATION DATE UNLESS, NOT LESS THAN SIXTY (60) DAYS PRIOR TO THE THEN-RELEVANT EXPIRATION DATE, WELLS FARGO BANK, N.A. NOTIFIES THE CITY OF MOUNT HOLLY BY CERTIFIED MAIL, OVERNIGHT COURIER, OR OTHER MANNER SHOWING PROOF OR CONFIRMATION OF DELIVERY, THAT THE BANK ELECTS NOT TO EXTEND THIS CREDIT FOR AN ADDITIONAL PERIOD. UPON THE CITY'S RECEIPT OF SUCH NOTIFICATION, THE CITY MAY DRAW ITS SIGHT DRAFT ON THE BANK PRIOR TO THE THEN-RELEVANT EXPIRATION DATE FOR THE UNUSED BALANCE OF THIS LETTER OF CREDIT, WHICH SHALL BE ACCOMPANIED BY THE ORIGINAL LETTER OF CREDIT WITH ALL AMENDMENTS THERETO AND THE CITY'S MANUALLY SIGNED AND DATED WRITTEN STATEMENT ON CITY'S LETTERHEAD THAT "THE CITY OF MOUNT HOLLY RECEIVED THE NOTIFICATION OF WELLS FARGO BANK, N.A.'S ELECTION NOT TO EXTEND THIS LETTER OF CREDIT."

THIS CREDIT IS SUBJECT TO THE INTERNATIONAL STANDBY PRACTICES (ISP98), ICC PUBLICATION NO. 590 AND TO THE EXTENT NOT INCONSISTENT THERewith, ARTICLE 5 OF THE UNIFORM COMMERCIAL CODE OF THE STATE OF NORTH CAROLINA.

Very Truly Yours,

WELLS FARGO BANK, N.A.

By:


Authorized Signature

The original of the Letter of Credit contains an embossed seal over the Authorized Signature.

Please direct any written correspondence or inquiries regarding this Letter of Credit, always quoting our reference number, to **Wells Fargo Bank, National Association**, Attn: U.S. Standby Trade Services

at either 794 Davis Street, 2nd Floor
MAC A0283-023,
San Leandro, CA 94577-6922

or 401 N. Research Pkwy, 1st Floor
MAC D4004-017,
WINSTON-SALEM, NC 27101-4157

Phone inquiries regarding this credit should be directed to our Standby Customer Connection Professionals

1-800-776-3862 Option 2
(Hours of Operation: 8:00 a.m. PT to 5:00 p.m. PT)

1-800-776-3862 Option 2
(Hours of Operation: 8:00 a.m. EST to 5:00 p.m. EST)



6/5/18

**NORTH CAROLINA
GASTON COUNTY**

**IMAGERY SUBDIVISION AGREEMENT
PHASE 1, MAP 1-4, Lots 60-95 & 172-213**

THIS CONTRACT made and entered into this _____ day of _____, 2018, by and between LENNAR CAROLINAS, LLC, a Delaware limited liability company, hereinafter referred to as Developer, and CITY OF MOUNT HOLLY, a North Carolina municipal corporation, hereinafter referred to as City.

WITNESSETH:

WHEREAS, the Developer has petitioned the City for approval of its final plat (the "Plat") for a portion of a subdivision in Riverbend Township, Gaston County, North Carolina, known as Imagery on Mountain Island, said portion being Phase 1, Maps 1-4, consisting of Lots 60-95 & 172-213, prepared by Scott L. Hunter, P.L.S., dated January 26, 2018, and;

WHEREAS, Developer has submitted plans dated _____, hereinafter referred to as the "Plans," to install certain infrastructure that is not yet completed, hereinafter referred to as "Improvements," as required by the City Subdivision Ordinance and as itemized on the Engineering Estimate (the "Estimate") prepared by Hy V. Nguyen, dated May 30, 2018, marked Exhibit "A" and attached hereto and incorporated herein by reference; and,

WHEREAS, Developer has requested, pursuant to the City Subdivision Ordinance, to be permitted to enter into an agreement with the City for completion of the required Improvements and otherwise comply with all the requirements of the Subdivision Ordinance and to provide the City a Performance Bond guaranteeing the timely performance of this Agreement and that all required Improvements shall be made in compliance with the Ordinance; and,

WHEREAS, the Plans have been reviewed by the City and have been found to be in compliance with the City subdivision ordinance and approval of the final plat would be in order upon the execution of this Agreement and the posting of a Performance Bond payable to the City by a surety acceptable to the City in an amount of 1.2 times the Estimate; and,

WHEREAS, Developer has agreed to dedicate all streets, sidewalks, and other Improvements to City at such time as the same are acceptable in accordance with the City Subdivision Ordinance; and,

NOW, THEREFORE, Developer contracts and agrees with the City of Mount Holly, its successors and/or assigns as follows:

1. Developer shall provide City with a Performance Bond effective for a period of two years from the date hereof, in proper form approved by City, in the amount of \$989,335.92, which represents 120% of the Estimate. The Estimate will be signed and will have affixed the Engineer's Seal and will contain the following certification: "The undersigned Engineer certifies to the City of Mount Holly that the Estimate attached hereto has been

given under seal and has been prepared by the undersigned in accordance with generally accepted engineering standards, but the undersigned does not guarantee such costs."

2. All construction and installation of Improvements required under this Agreement shall be certified to City by Developer's engineer as complete in accordance with the approved Plans and specifications and approved by City not later than ninety (90) days prior to the expiration date of the Performance Bond, the expiration date shall be herein after referred to as (the "Completion Date"). Developer will provide digital and two printed sets of "as built" drawings to the City.
3. If Developer foresees the need to request an extension to the Completion Date, then such request for an extension shall be in writing to the Planning Director at least ninety (90) days prior to the original or current Completion Date. City shall allow such requests for extension for good cause shown, provided Developer has made reasonable progress and/or demonstrated due diligence. Such request shall also be allowed due to delays beyond Developer's reasonable control. Any request for extensions of time shall require a Continuation Certificate on the Performance Bond which shall be effective prior to the expiration date of the initial or prior term of the Performance Bond and shall be received by City at least ninety (90) days prior to the Completion Date of the initial or current term of the Performance Bond in such an amount as required by City.
4. That Developer shall maintain all roads within the subdivision until accepted by the City. Upon such acceptance, the roads shall be deemed dedicated to the City and shall thereafter be maintained by City subject to the warranty set forth in Paragraph 7 below.
5. That Developer agrees to maintain all waterlines, sewer lines, hydrants, and connections until accepted by the City. Following acceptance of the waterlines, sewer lines, hydrants, and connections, together with the necessary elements thereto, title to the same shall vest in the City of Mount Holly and shall thereafter be maintained by City subject to the warranty set forth in Paragraph 7 below.
6. That Developer agrees to maintain all other Improvements until accepted by the City. Upon final acceptance by the City of the Improvements, Developer shall be deemed to have dedicated all Improvements to the City, and thereafter City shall own and maintain the same in accordance with City policies, subject to the warranty set forth in Paragraph 7 below.
7. Developer warrants all materials, construction and installation of Improvements required under this Agreement to be free of defects in materials and workmanship for a period of one year from acceptance by the City.
8. Developer acknowledges that City has adopted an ordinance requiring the payment of a capital cost recovery fee payable at the time that water and/or sewer services are provided to a newly built house and this ordinance may be amended from time to time.

6/5/18

9. That Developer agrees to indemnify the City from any costs, liability, demands of any kind, sort or nature relating to the construction, installation, and completion of the above recited Improvements.
10. That the Developer warrants that it is the owner of the lots set forth herein, as above recited and that it has the legal right to enter into this Agreement.

IN WITNESS WHEREOF, Developer has caused this instrument to be signed by its corporate officers as required by law, and the City of Mount Holly has caused this instrument to be duly executed.

LENNAR CAROLINAS, LLC

By: [Signature]

Name: THOMAS JOHNSON

Title: ~~Director~~ OF LAND DEVELOPMENT

CITY OF MOUNT HOLLY, NC

By: _____
Danny Jackson, City Manager

STATE OF NORTH CAROLINA
COUNTY OF GASTON

I, _____, a Notary Public in and for said County and State, do hereby certify that Danny Jackson, City Manager for the City of Mount Holly, personally appeared before me this day and duly acknowledged the execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and Notarial Seal, this the ____ day of _____ 2018.

My commission expires:

Notary Public

STATE OF North Carolina
COUNTY OF Mecklenburg

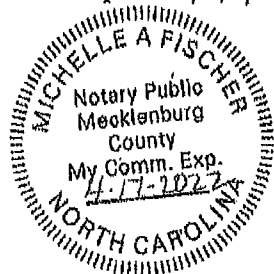
I, Michelle A. Fischer, a Notary Public in and for said County and State, do hereby certify that Thomas Johnson personally came before me this day and acknowledged that he/she is the Director of Land of LENNAR CAROLINAS, LLC, a Delaware limited liability company; that he/she, as Director of Land, being authorized to do so, executed the foregoing instrument on behalf of the company.

Witness my hand and official seal this the 6th day of June, 2018.

My commission expires: 4-17-2022

[Signature]
Notary Public

{00058365 5}





May-18

Financial Estimate Requirements for Developers

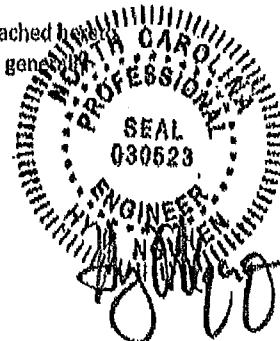
Date: 5-30-18

Development: IMAGERY PHASE 1, MAPS 1-4, LOTS 60-95, & 172-213

Item	Plan Quantity	Unit	Unit Cost	Bonded Quantity	Item Cost
Streets and Sidewalk					
7.0" ABC Base Course	9547	SY	\$15.00	954.7	\$14,320.50
2.0" IM Course	9547	SY	\$14.00	954.7	\$13,365.80
Milling IM Course	9547	SY	\$5.00	954.7	\$4,735.00
1.5" Surface Course	9547	SY	\$12.00	954.7	\$11,456.40
2.0' Valley Gutter	12844	LF	\$27.00	1284.4	\$34,678.80
5.0' Sidewalk	12844	LF	\$25.00	1284.4	\$32,110.00
Street Signs	7	EA	\$500.00	7	\$3,500.00
Barricades	0	EA	\$1,000.00	0	\$0.00
Handicap ramp	25	EA	\$600.00	2.5	\$1,500.00
Drainage/Storm					
Structure Repair	59	EA	\$2,500.00	5.9	\$14,750.00
System clean out	1	EA	\$1,500	1	\$1,500.00
Water					
Test & Chlorinate	1	EA	\$750.00	1	\$750.00
Tap to Test	1	EA	\$100.00	1	\$100.00
Water Repairs	6422	LF	\$100.00	642.2	\$6,422.00
Sewer					
Air Test	1	EA	\$500.00	1	\$500.00
Mandrel Test	1	EA	\$500.00	1	\$500.00
Manhole adjust	39	EA	\$750.00	3.9	\$2,925.00
Repairs	5695	LF	\$100.00	569.5	\$5,695.00
Erosion Control					
Rip Rap	0	Ton	\$75.00	0	\$0.00
Removal of ERSC	2	EA	\$5,000.00	2	\$10,000.00
Seeding & Fertilization	22748	SY	\$3.75	2274.8	\$8,530.50
Miscellaneous					
PS	LUMP SUM	LS	1	511,000.00	\$511,000.00
Forcemain	Existing bond			0	\$0.00
Total Cost of Items					\$824,446.60
120% Financial Guarantee					\$989,335.92

Instructions: Fill in the plan quantity using respective units. The sheet will autofill amounts required.
If you have any questions contact the site inspector.

Note: The undersigned Engineer certifies to the City of Mount Holly that the Estimate attached hereto has been given under seal and has been prepared by the undersigned in accordance with generally accepted engineering standards, but the undersigned does not guarantee such costs.





City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: January 6, 2020
From: David E. Johnson, PE	Meeting Date: January 13, 2020
Agenda Item to be considered:	
Reduction of the Irrevocable Standby Letter of Credit posted for Imagery Phase 1 Map 5-8 in accordance with the Subdivision and Land Development Guidelines. .	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request :	
Phase1 letter of credit of \$534,081.75 was posted by Lennar Carolinas, LLC on September 25, 2018 and is an evergreen LOC. This phase of the Imagery Project has all the lots improved upon. The top course of pavement has NOT been placed. Lennar is asking for a reduction to 30% of the total amount at this time.	
If approved, the LOC amount required will be \$160,224.53	
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: <u>Recommend reduction of the Letter of Credit as requested by Lennar Carolina, LLC.</u>	
Result of City Council Decision:	
Attachments: LOC, Lennar Carolina's LLC request, Site Inspector approval	



David Johnson <david.johnson@motholly.us>

Fwd: Imagery Phase 1 Map 5-8 Bond Reduction Request

1 message

Derek Dixon <derek.dixon@motholly.us>

To: David Johnson <david.johnson@motholly.us>

Fri, Dec 20, 2019 at 8:28 AM

Dave,

I approve of the below request. All infrastructure has been in place and functioning. All lots have been approved upon.

I have verified the maximum reduction per city ordinance.

\$534,081.75 reduced to \$160,224.53

Derek

----- Forwarded message -----

From: **Michael Neff** <Michael.Neff@lennar.com>

Date: Fri, Dec 20, 2019 at 8:19 AM

Subject: Imagery Phase 1 Map 5-8 Bond Reduction Request

To: Derek Dixon (Derek.dixon@motholly.us) <Derek.dixon@motholly.us>

Lennar is requesting a 70% reduction of the LOC for Maps 5-8 at Imagery. All lots have been improved upon, all infrastructure items have been constructed, and in place except for top course asphalt. The original amount is \$534,081.75 and we are requesting it to be reduced to \$160,224.53 per city ordinance.

Attached is the developers agreement for reference.

LENNAR

Mike Neff, PE

Land Development Manager

Lennar Carolinas, LLC

michael.neff@lennar.com

www.lennar.com



Wells Fargo Bank, N.A.
U.S. Trade Services
Standby Letters of Credit
401 N. Research Pkwy, 1st Floor
MAC D4004-017,
Winston-Salem, NC 27101-4157
Phone: 1(800) 776-3862 Option 2
E-Mail: sbic-new@wellsfargo.com

Irrevocable Standby Letter Of Credit

Number : IS000055263U
Issue Date : September 25, 2018

BENEFICIARY

CITY OF MOUNT HOLLY ("THE CITY")
400 EAST CENTRAL AVENUE
MOUNT HOLLY, NORTH CAROLINA 28120

APPLICANT

LENNAR CAROLINAS, LLC
6701 CARMEL ROAD, SUITE 425
CHARLOTTE, NORTH CAROLINA 28226

LETTER OF CREDIT ISSUE AMOUNT USD 534,081.75 EXPIRY DATE SEPTEMBER 24, 2019

LADIES AND GENTLEMEN:

PROJECT NAME: IMAGERY PHASE 1, MAP 5-8 IMPROVEMENTS

WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT IN YOUR FAVOR IN THE AGGREGATE AMOUNT UP TO USD FIVE HUNDRED THIRTY FOUR THOUSAND EIGHTY ONE AND 75/100 (\$534,081.75), AVAILABLE BY YOUR DRAFT(S) AT SIGHT DRAWN ON US, SIGNED BY THE CITY OF MOUNT HOLLY, AND PRESENTED FOR PAYMENT AT OUR COUNTERS WHEN ACCOMPANIED BY THIS LETTER AND THE FOLLOWING DOCUMENTATION:

THIS ORIGINAL LETTER OF CREDIT WITH ALL AMENDMENTS THERETO AND A STATEMENT ON BENEFICIARY'S LETTERHEAD, DULY AND MANUALLY SIGNED AND DATED ON BEHALF OF BENEFICIARY BY ITS MAYOR OR CITY MANAGER SIGNING AS SUCH CONTAINING THE FOLLOWING LANGUAGE: "THE UNDERSIGNED CERTIFIES THAT LENNAR CAROLINAS, LLC HAS FAILED TO COMPLETE THE IMPROVEMENTS FOR IMAGERY - PHASE 1 MAP 5-8, IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF MOUNT HOLLY CODE, THE TERMS AND CONDITIONS OF THE "IMAGERY SUBDIVISION AGREEMENT, PHASE 1, MAP 5-8," DATED SEPTEMBER 17, 2018, AND THE FINANCIAL ESTIMATE BY APPLICANT'S ENGINEER DATED AUGUST 1, 2018 AND PREPARED BY DPR ASSOCIATES."

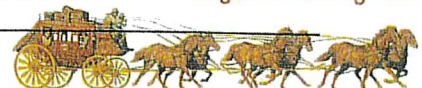
WE HEREBY ENGAGE WITH YOU THAT DRAFT(S) DRAWN UNDER AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE LETTER OF CREDIT WILL BE DULY HONORED BY THE UNDERSIGNED IF PRESENTED BEFORE OUR CLOSE OF BUSINESS ON OR BEFORE 09/24/2019 AT OUR COUNTERS AT EITHER OF OUR FOLLOWING LOCATIONS:

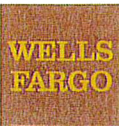
WELLS FARGO BANK, N.A.
U.S. TRADE SERVICES
STANDBY LETTERS OF CREDIT

OR

WELLS FARGO BANK, N.A.,
INTERNATIONAL TRADE OPERATIONS
1525 WEST W.T. HARRIS BOULEVARD

Together we'll go far





401 N. RESEARCH PKWY
WINSTON-SALEM, NC 27101

1ST FLOOR MAC D1109-011
CHARLOTTE, NC 28262-8522

IF DOCUMENTS ARE PRESENTED TO THE CHARLOTTE, NC LOCATION, THEY MUST ALSO BE FAXED BY THE BENEFICIARY TO 844-879-5593 THE SAME DAY IN ORDER TO BE DEEMED A PRESENTATION.

DRAFTS MUST BE DULY AND MANUALLY SIGNED AND MARKED "DRAWN UNDER WELLS FARGO BANK, N.A. LETTER OF CREDIT NUMBER IS000055263U, DATED 09/25/2018" AND MUST BE PRESENTED TOGETHER WITH THE DOCUMENTS AS SPECIFIED. IN THE EVENT THAT ANY DRAFT DRAWN ON THIS LETTER OF CREDIT IS DISHONORED, WE WILL PROVIDE TO YOU WITHOUT DELAY A WRITTEN STATEMENT TO THE REASONS FOR SUCH DISHONOR BY DELIVERING THE STATEMENT TO THE CITY OF MOUNT HOLLY VIA FACSIMILE.

THIS CREDIT SHALL EXPIRE 09/24/2019, PROVIDED THAT IT SHALL BE DEEMED AUTOMATICALLY EXTENDED WITHOUT AMENDMENT FOR AN ADDITIONAL PERIOD OF ONE (1) YEAR FROM THE INITIAL AND EACH FUTURE EXPIRATION DATE UNLESS, NOT LESS THAN SIXTY (60) DAYS PRIOR TO THE THEN-RELEVANT EXPIRATION DATE, WELLS FARGO BANK, N.A. NOTIFIES THE CITY OF MOUNT HOLLY BY CERTIFIED MAIL, OVERNIGHT COURIER, OR OTHER MANNER SHOWING PROOF OR CONFIRMATION OF DELIVERY, THAT THE BANK ELECTS NOT TO EXTEND THIS CREDIT FOR AN ADDITIONAL PERIOD. UPON THE CITY'S RECEIPT OF SUCH NOTIFICATION, THE CITY MAY DRAW ITS SIGHT DRAFT ON THE BANK PRIOR TO THE THEN-RELEVANT EXPIRATION DATE FOR THE UNUSED BALANCE OF THIS LETTER OF CREDIT, WHICH SHALL BE ACCOMPANIED BY THE ORIGINAL LETTER OF CREDIT WITH ALL AMENDMENTS THERETO AND THE CITY'S MANUALLY SIGNED AND DATED WRITTEN STATEMENT ON CITY'S LETTERHEAD THAT "THE CITY OF MOUNT HOLLY RECEIVED THE NOTIFICATION OF WELLS FARGO BANK, N.A.'S ELECTION NOT TO EXTEND THIS LETTER OF CREDIT."

THIS CREDIT IS SUBJECT TO THE INTERNATIONAL STANDBY PRACTICES (ISP98), ICC PUBLICATION NO. 590 AND TO THE EXTENT NOT INCONSISTENT THEREWITH, ARTICLE 5 OF THE UNIFORM COMMERCIAL CODE OF THE STATE OF NORTH CAROLINA.

Very Truly Yours,

WELLS FARGO BANK, N.A.

By:


Authorized Signature

The original of the Letter of Credit contains an embossed seal over the Authorized Signature.

Please direct any written correspondence or inquiries regarding this Letter of Credit, always quoting our reference number, to **Wells Fargo Bank, National Association**, Attn: U.S. Standby Trade Services

at either 794 Davis Street, 2nd Floor
MAC A0283-023,
San Leandro, CA 94577-6922

or 401 N. Research Pkwy, 1st Floor
MAC D4004-017,
WINSTON-SALEM, NC 27101-4157

Phone inquiries regarding this credit should be directed to our Standby Customer Connection Professionals

1-800-776-3862 Option 2
(Hours of Operation: 8:00 a.m. PT to 5:00 p.m. PT)

1-800-776-3862 Option 2
(Hours of Operation: 8:00 a.m. EST to 5:00 p.m. EST)



September 17, 2018
Bam

**NORTH CAROLINA
GASTON COUNTY**

**IMAGERY SUBDIVISION AGREEMENT
PHASE 1, MAP 5, Lots 1-19 and 49-59
PHASE 1, MAP 6, Lots 20-48
PHASE 1, MAP 7, Lots 214, 215 and 243-250
PHASE 1, MAP 8, Lots 216-242**

THIS CONTRACT made and entered into this 17th day of September, 2018, by and between LENNAR CAROLINAS, LLC, a Delaware limited liability company, hereinafter referred to as Developer, and CITY OF MOUNT HOLLY, a North Carolina municipal corporation, hereinafter referred to as City.

WITNESSETH:

WHEREAS, the Developer has petitioned the City for approval of its final plat (the "Plat") for a portion of a subdivision in Riverbend Township, Gaston County, North Carolina, known as Imagery on Mountain Island, said portion being Phase 1, Maps 5-8, consisting of Lots set forth herein above, surveyed by Scott L. Hunter, P.L.S., dated September 5, 2018, and;

WHEREAS, Developer has submitted plans dated September 5, 2018, hereinafter referred to as the "Plans," to install certain infrastructure that is not yet completed, hereinafter referred to as "Improvements," as required by the City Subdivision Ordinance and as itemized on the Engineering Estimate (the "Estimate") prepared by Hy V. Nguyen, dated August 31, 2018, marked Exhibit "A" and attached hereto and incorporated herein by reference; and,

WHEREAS, Developer has requested, pursuant to the City Subdivision Ordinance, to be permitted to enter into an agreement with the City for completion of the required Improvements and otherwise comply with all the requirements of the Subdivision Ordinance and to provide the City a Performance Bond guaranteeing the timely performance of this Agreement and that all required Improvements shall be made in compliance with the Ordinance; and,

WHEREAS, the Plans have been reviewed by the City and have been found to be in compliance with the City subdivision ordinance and approval of the final plat would be in order upon the execution of this Agreement and the posting of a Performance Bond payable to the City by a surety acceptable to the City in an amount of 1.2 times the Estimate; and,

WHEREAS, Developer has agreed to dedicate all streets, sidewalks, and other Improvements to City at such time as the same are acceptable in accordance with the City Subdivision Ordinance; and,

NOW, THEREFORE, Developer contracts and agrees with the City of Mount Holly, its successors and/or assigns as follows:

1. Developer shall provide City with a Performance Bond effective for a period of two years from the date hereof, in proper form approved by City, in the amount of \$534,081.75,

which represents 120% of the Estimate. The Estimate will be signed and will have affixed the Engineer's Seal and will contain the following certification: "The undersigned Engineer certifies to the City of Mount Holly that the Estimate attached hereto has been given under seal and has been prepared by the undersigned in accordance with generally accepted engineering standards, but the undersigned does not guarantee such costs."

2. All construction and installation of Improvements required under this Agreement shall be certified to City by Developer's engineer as complete in accordance with the approved Plans and specifications and approved by City not later than ninety (90) days prior to the expiration date of the Performance Bond, the expiration date shall be herein after referred to as (the "Completion Date"). Developer will provide digital and two printed sets of "as built" drawings to the City.
3. If Developer foresees the need to request an extension to the Completion Date, then such request for an extension shall be in writing to the Planning Director at least ninety (90) days prior to the original or current Completion Date. City shall allow such requests for extension for good cause shown, provided Developer has made reasonable progress and/or demonstrated due diligence. Such request shall also be allowed due to delays beyond Developer's reasonable control. Any request for extensions of time shall require a Continuation Certificate on the Performance Bond which shall be effective prior to the expiration date of the initial or prior term of the Performance Bond and shall be received by City at least ninety (90) days prior to the Completion Date of the initial or current term of the Performance Bond in such an amount as required by City.
4. That Developer shall maintain all roads within the subdivision until accepted by the City. Upon such acceptance, the roads shall be deemed dedicated to the City and shall thereafter be maintained by City subject to the warranty set forth in Paragraph 7 below.
5. That Developer agrees to maintain all waterlines, sewer lines, hydrants, and connections until accepted by the City. Following acceptance of the waterlines, sewer lines, hydrants, and connections, together with the necessary elements thereto, title to the same shall vest in the City of Mount Holly and shall thereafter be maintained by City subject to the warranty set forth in Paragraph 7 below.
6. That Developer agrees to maintain all other Improvements until accepted by the City. Upon final acceptance by the City of the Improvements, Developer shall be deemed to have dedicated all Improvements to the City, and thereafter City shall own and maintain the same in accordance with City policies, subject to the warranty set forth in Paragraph 7 below.
7. Developer warrants all materials, construction and installation of Improvements required under this Agreement to be free of defects in materials and workmanship for a period of one year from acceptance by the City.

September 17, 2018
Bam

8. Developer acknowledges that City has adopted an ordinance requiring the payment of a capital cost recovery fee payable at the time that water and/or sewer services are provided to a newly built house and this ordinance may be amended from time to time.
9. That Developer agrees to indemnify the City from any costs, liability, demands of any kind, sort or nature relating to the construction, installation, and completion of the above recited Improvements.
10. That the Developer warrants that it is the owner of the lots set forth herein, as above recited and that it has the legal right to enter into this Agreement.

IN WITNESS WHEREOF, Developer has caused this instrument to be signed by its corporate officers as required by law, and the City of Mount Holly has caused this instrument to be duly executed.

LENNAR CAROLINAS, LLC

By: [Signature]
Name: Thomas Johnson
Title: Director of Land Development

CITY OF MOUNT HOLLY, NC

By: [Signature]
Danny Jackson, City Manager

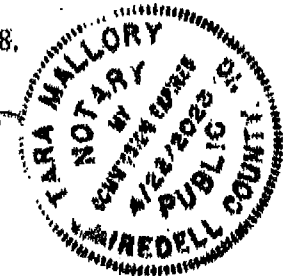
STATE OF NORTH CAROLINA
COUNTY OF GASTON

I, Tara Mallory, a Notary Public in and for said County and State, do hereby certify that Danny Jackson, City Manager for the City of Mount Holly, personally appeared before me this day and duly acknowledged the execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and Notarial Seal, this the 16 day of October, 2018.

My commission expires: 4/22/2023

[Signature]
Notary Public



STATE OF North Carolina
COUNTY OF Mecklenburg

I, Michelle A. Fischer, a Notary Public in and for said County and State, do hereby certify that Thomas Johnson personally came before me this day and acknowledged that he/she is the Director of Land Development of LENNAR CAROLINAS, LLC, a Delaware limited liability company; that he/she, as director of Land development, being authorized to do so, executed the foregoing instrument on behalf of the company.

Witness my hand and official seal this the 24 day of September, 2018.

My commission expires: 4-17-2022

[Signature]
Notary Public



Exhibit A

May-18



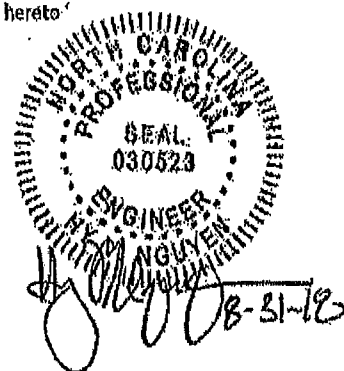
Financial Estimate Requirements for Developers

Date: 8/1/18 Development: Imagery Phase 1 - Map 5-B

Item	Plan Quantity	Unit	Unit Cost	Bonded Quantity	Item Cost
Streets and Sidewalk					
7.0" ABC Base Course	8876	SY	\$15.00	887.6	\$13,314.00
2.0" IM Course	8876	SY	\$14.00	887.6	\$12,426.40
Milling IM Course	8876	SY	\$5.00	887.6	\$44,380.00
1.5" Surface Course	8876	SY	\$12.00	887.6	\$106,512.00
2.0' Valley Gutter	7988	LF	\$27.00	798.8	\$21,567.60
5.0' Sidewalk	7988	LF	\$25.00	798.8	\$19,970.00
Street Signs	3	EA	\$500.00	3	\$1,500.00
Barricades	0	EA	\$1,000.00	0	\$0.00
Handicap ramp	0	EA	\$5,400.00	0	\$5,400.00
Drainage/Storm					
Structure Repair	59	EA	\$2,500.00	59	\$147,500.00
System clean out	6	EA	\$1,500	6	\$9,000.00
Water					
Test & Chlorinate	2	EA	\$750.00	2	\$1,500.00
Tap to Test	2	EA	\$100.00	2	\$200.00
Water Repairs	3994	LF	\$100.00	399.4	\$3,994.00
Sewer					
Air Test	2	EA	\$500.00	2	\$1,000.00
Manhole Test	2	EA	\$500.00	2	\$1,000.00
Manhole adjust	30	EA	\$750.00	30	\$22,500.00
Repairs	4643	LF	\$100.00	464.3	\$4,643.00
Erosion Control					
Rip Rap	0	Ton	\$75.00	0	\$0.00
Removal of ERSC	5	EA	\$5,000.00	5	\$25,000.00
Seeding & Fertilization	9763	SY	\$3.75	976.3	\$3,661.13
Miscellaneous					
Total Cost of Items					\$445,068.13
120% Financial Guarantee					\$534,081.75

Instructions: Fill in the plan quantity using respective units. The sheet will autofill amounts required.
If you have any questions contact the site inspector.

Note: The undersigned Engineer certifies to the City of Mount Holly that the Estimate attached hereto has been given under seal has been prepared by the undersigned in accordance with general accepted engineering standards, but the undersigned does not guarantee such costs.





City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: January 6, 2020
From: David E. Johnson, PE	Meeting Date: January 13, 2020
Agenda Item to be considered:	
Reduction of the Irrevocable Standby Letter of Credit posted for Imagery Phase 1 Map 9-11 in accordance with the Subdivision and Land Development Guidelines. .	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request :	
Phase1 letter of credit of \$351,706.59 was posted by Lennar Carolinas, LLC on November 13, 2018 and is an evergreen LOC. This phase of the Imagery Project has all the lots improved upon. The top course of pavement has NOT been placed. Lennar is asking for a reduction to 30% of the total amount at this time.	
If approved, the LOC amount required will be \$105,551.97	
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: <u>Recommend reduction of the Letter of Credit as requested by Lennar Carolina, LLC.</u>	
Result of City Council Decision:	
Attachments: LOC, Lennar Carolina's LLC request, Site Inspector approval	



David Johnson <david.johnson@motholly.us>

Fwd: Imagery Phase 1 Map 9-11 Bond Reduction Request

Fri, Dec 20, 2019 at 8:29 AM

Derek Dixon <derek.dixon@motholly.us>
To: David Johnson <david.johnson@motholly.us>

Dave,
I approve of the below request. All infrastructure has been in place and functioning. All lots have been approved upon. I have verified the maximum reduction per city ordinance.
\$351,706.54 reduced to \$105,551.97

Derek

----- Forwarded message -----

From: **Michael Neff** <Michael.Neff@lennar.com>
Date: Fri, Dec 20, 2019 at 8:19 AM
Subject: Imagery Phase 1 Map 9-11 Bond Reduction Request
To: Derek Dixon (Derek.dixon@motholly.us) <Derek.dixon@motholly.us>

Lennar is requesting a 70% reduction of the LOC for Maps 9-11 at Imagery. All lots have been improved upon, all infrastructure items have been constructed, and in place except for top course asphalt. The original amount is \$351,706.54 and we are requesting it to be reduced to \$105,551.97 per city ordinance

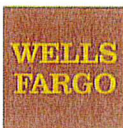
Attached is the developers agreement for reference.

LENNAR

Mike Neff, PE
Land Development Manager
Lennar Carolinas, LLC

michael.neff@lennar.com
www.lennar.com

Cell Phone: 828-550-0958



Wells Fargo Bank, N.A.
U.S. Trade Services
Standby Letters of Credit
401 N. Research Pkwy, 1st Floor
MAC D4004-017,
Winston-Salem, NC 27101-4157
Phone: 1(800) 776-3862 Option 2
E-Mail: sbic-new@wellsfargo.com

Irrevocable Standby Letter Of Credit

Number : IS000061318U
Issue Date : November 13, 2018

BENEFICIARY

CITY OF MOUNT HOLLY ("THE CITY")
400 EAST CENTRAL AVENUE
MOUNT HOLLY, NORTH CAROLINA 28120

APPLICANT

LENNAR CAROLINAS, LLC
6701 CARMEL ROAD, SUITE 425
CHARLOTTE, NORTH CAROLINA 28226

LETTER OF CREDIT ISSUE AMOUNT USD 351,706.59 EXPIRY DATE NOVEMBER 8, 2019

LADIES AND GENTLEMEN:

PROJECT NAME: IMAGERY PHASE 1, MAP 9-11 IMPROVEMENTS

WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT IN YOUR FAVOR IN THE AGGREGATE AMOUNT UP TO USD THREE HUNDRED FIFTY ONE THOUSAND SEVEN HUNDRED SIX AND 59/100 (\$351,706.59).

WE HAVE BEEN INFORMED THAT THE TERM "AGREEMENT" MEANS THAT CERTAIN IMAGERY SUBDIVISION AGREEMENT PHASE 1, MAP 9, LOTS 147-159 AND 114-136; PHASE 1, MAP 10, LOTS 96-113 AND 137-146 AND 160-171; PHASE 1, MAP 11, COMMON OPEN SPACE CONTAINING 3.997 ACRES AND 26.480 ACRES DATED OCTOBER 8, 2018 BY AND BETWEEN LENNAR CAROLINAS, LLC ("DEVELOPER") AND CITY OF MOUNT HOLLY ("CITY").

THIS LETTER OF CREDIT IS AVAILABLE BY YOUR DRAFT(S) AT SIGHT DRAWN ON US, SIGNED BY THE CITY OF MOUNT HOLLY, AND PRESENTED FOR PAYMENT AT OUR COUNTERS WHEN ACCOMPANIED BY THIS LETTER AND THE FOLLOWING DOCUMENTATION:

THIS ORIGINAL LETTER OF CREDIT WITH ALL AMENDMENTS THERETO AND A STATEMENT ON BENEFICIARY'S LETTERHEAD, DULY AND MANUALLY SIGNED AND DATED ON BEHALF OF BENEFICIARY BY ITS MAYOR OR CITY MANAGER SIGNING AS SUCH CONTAINING THE FOLLOWING LANGUAGE: "THE UNDERSIGNED CERTIFIES THAT LENNAR CAROLINAS, LLC HAS FAILED TO COMPLETE THE IMPROVEMENTS FOR IMAGERY - PHASE 1, MAP 9-11, IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF MOUNT HOLLY CODE, THE TERMS AND CONDITIONS OF THE AGREEMENT AND THE FINANCIAL ESTIMATE BY APPLICANT'S ENGINEER DATED SEPTEMBER 21, 2018 AND PREPARED BY DPR ASSOCIATES."

WE HEREBY ENGAGE WITH YOU THAT DRAFT(S) DRAWN UNDER AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE LETTER OF CREDIT WILL BE DULY HONORED BY THE UNDERSIGNED IF

Together we'll go far





PRESENTED BEFORE OUR CLOSE OF BUSINESS ON OR BEFORE 11/08/2019 AT OUR COUNTERS AT EITHER OF OUR FOLLOWING LOCATIONS:

WELLS FARGO BANK, N.A.
U.S. TRADE SERVICES
STANDBY LETTERS OF CREDIT
401 N. RESEARCH PKWY
WINSTON-SALEM, NC 27101

OR

WELLS FARGO BANK, N.A.,
INTERNATIONAL TRADE OPERATIONS
1525 WEST W.T. HARRIS BOULEVARD
1ST FLOOR MAC D1109-011
CHARLOTTE, NC 28262-8522

IF DOCUMENTS ARE PRESENTED TO THE CHARLOTTE, NC LOCATION, THEY MUST ALSO BE FAXED BY THE BENEFICIARY TO 844-879-5593 THE SAME DAY IN ORDER TO BE DEEMED A PRESENTATION.

DRAFTS MUST BE DULY AND MANUALLY SIGNED AND MARKED "DRAWN UNDER WELLS FARGO BANK, N.A. LETTER OF CREDIT NUMBER IS000061318U, DATED 11/13/2018" AND MUST BE PRESENTED TOGETHER WITH THE DOCUMENTS AS SPECIFIED. IN THE EVENT THAT ANY DRAFT DRAWN ON THIS LETTER OF CREDIT IS DISHONORED, WE WILL PROVIDE TO YOU WITHOUT DELAY A WRITTEN STATEMENT TO THE REASONS FOR SUCH DISHONOR BY DELIVERING THE STATEMENT TO THE CITY OF MOUNT HOLLY VIA FACSIMILE.

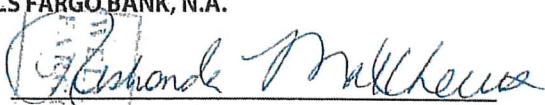
THIS CREDIT SHALL EXPIRE 11/08/2019, PROVIDED THAT IT SHALL BE DEEMED AUTOMATICALLY EXTENDED WITHOUT AMENDMENT FOR AN ADDITIONAL PERIOD OF ONE (1) YEAR FROM THE INITIAL AND EACH FUTURE EXPIRATION DATE UNLESS, NOT LESS THAN SIXTY (60) DAYS PRIOR TO THE THEN-RELEVANT EXPIRATION DATE, WELLS FARGO BANK, N.A. NOTIFIES THE CITY OF MOUNT HOLLY BY CERTIFIED MAIL, OVERNIGHT COURIER, OR OTHER MANNER SHOWING PROOF OR CONFIRMATION OF DELIVERY, THAT THE BANK ELECTS NOT TO EXTEND THIS CREDIT FOR AN ADDITIONAL PERIOD. UPON THE CITY'S RECEIPT OF SUCH NOTIFICATION, THE CITY MAY DRAW ITS SIGHT DRAFT ON THE BANK PRIOR TO THE THEN-RELEVANT EXPIRATION DATE FOR THE UNUSED BALANCE OF THIS LETTER OF CREDIT, WHICH SHALL BE ACCOMPANIED BY THE ORIGINAL LETTER OF CREDIT WITH ALL AMENDMENTS THERETO AND THE CITY'S MANUALLY SIGNED AND DATED WRITTEN STATEMENT ON CITY'S LETTERHEAD THAT "THE CITY OF MOUNT HOLLY RECEIVED THE NOTIFICATION OF WELLS FARGO BANK, N.A.'S ELECTION NOT TO EXTEND THIS LETTER OF CREDIT."

THIS CREDIT IS SUBJECT TO THE INTERNATIONAL STANDBY PRACTICES (ISP98), ICC PUBLICATION NO. 590 AND TO THE EXTENT NOT INCONSISTENT THEREWITH, ARTICLE 5 OF THE UNIFORM COMMERCIAL CODE OF THE STATE OF NORTH CAROLINA.

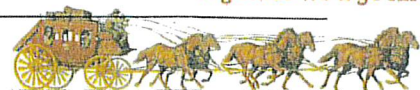
Very Truly Yours;

WELLS FARGO BANK, N.A.

By:


Authorized Signature

The original of the Letter of Credit contains an embossed seal over the Authorized Signature.





Please direct any written correspondence or inquiries regarding this Letter of Credit, always quoting our reference number, to **Wells Fargo Bank, National Association**, Attn: U.S. Standby Trade Services

at either 794 Davis Street, 2nd Floor
MAC A0283-023,
San Leandro, CA 94577-6922

or 401 N. Research Pkwy, 1st Floor
MAC D4004-017,
WINSTON-SALEM, NC 27101-4157

Phone inquiries regarding this credit should be directed to our Standby Customer Connection Professionals

1-800-776-3862 Option 2
(Hours of Operation: 8:00 a.m. PT to 5:00 p.m. PT)

1-800-776-3862 Option 2
(Hours of Operation: 8:00 a.m. EST to 5:00 p.m. EST)



October 8, 2018
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**NORTH CAROLINA
GASTON COUNTY**

**IMAGERY SUBDIVISION AGREEMENT
PHASE 1, MAP 9, Lots 147-159 and 114-136
PHASE 1, MAP 10, Lots 96-113 and 137-146 and 160-171
PHASE 1, MAP 11, Common Open Space Containing 3.997
acres and 26.480 acres**

THIS CONTRACT made and entered into this 8th day of October, 2018, by and between LENNAR CAROLINAS, LLC, a Delaware limited liability company, hereinafter referred to as Developer, and CITY OF MOUNT HOLLY, a North Carolina municipal corporation, hereinafter referred to as City.

WITNESSETH:

WHEREAS, the Developer has petitioned the City for approval of its final plat (the "Plat") for a portion of a subdivision in Riverbend Township, Gaston County, North Carolina, known as Imagery on Mountain Island, said portion being Phase 1, Maps 9-11, consisting of Lots set forth herein above, surveyed by Scott L. Hunter, P.L.S., dated September 11, 2018, and;

WHEREAS, Developer has submitted plans dated September 11, 2018, hereinafter referred to as the "Plans," to install certain infrastructure that is not yet completed, hereinafter referred to as "Improvements," as required by the City Subdivision Ordinance and as itemized on the Engineering Estimate (the "Estimate") prepared by Hy V. Nguyen, dated September 27, 2018, marked Exhibit "A" and attached hereto and incorporated herein by reference; and,

WHEREAS, Developer has requested, pursuant to the City Subdivision Ordinance, to be permitted to enter into an agreement with the City for completion of the required Improvements and otherwise comply with all the requirements of the Subdivision Ordinance and to provide the City a Performance Bond guaranteeing the timely performance of this Agreement and that all required Improvements shall be made in compliance with the Ordinance; and,

WHEREAS, the Plans have been reviewed by the City and have been found to be in compliance with the City subdivision ordinance and approval of the final plat would be in order upon the execution of this Agreement and the posting of a Performance Bond payable to the City by a surety acceptable to the City in an amount of 1.2 times the Estimate; and,

WHEREAS, Developer has agreed to dedicate all streets, sidewalks, and other Improvements to City at such time as the same are acceptable in accordance with the City Subdivision Ordinance; and,

NOW, THEREFORE, Developer contracts and agrees with the City of Mount Holly, its successors and/or assigns as follows:

1. Developer shall provide City with a Performance Bond effective for a period of two years from the date hereof, in proper form approved by City, in the amount of \$351,706.59,

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which represents 120% of the Estimate. The Estimate will be signed and will have affixed the Engineer's Seal and will contain the following certification: "The undersigned Engineer certifies to the City of Mount Holly that the Estimate attached hereto has been given under seal and has been prepared by the undersigned in accordance with generally accepted engineering standards, but the undersigned does not guarantee such costs."

2. All construction and installation of Improvements required under this Agreement shall be certified to City by Developer's engineer as complete in accordance with the approved Plans and specifications and approved by City not later than ninety (90) days prior to the expiration date of the Performance Bond, the expiration date shall be herein after referred to as (the "Completion Date"). Developer will provide digital and two printed sets of "as built" drawings to the City.
3. If Developer foresees the need to request an extension to the Completion Date, then such request for an extension shall be in writing to the Planning Director at least ninety (90) days prior to the original or current Completion Date. City shall allow such requests for extension for good cause shown, provided Developer has made reasonable progress and/or demonstrated due diligence. Such request shall also be allowed due to delays beyond Developer's reasonable control. Any request for extensions of time shall require a Continuation Certificate on the Performance Bond which shall be effective prior to the expiration date of the initial or prior term of the Performance Bond and shall be received by City at least ninety (90) days prior to the Completion Date of the initial or current term of the Performance Bond in such an amount as required by City.
4. That Developer shall maintain all roads within the subdivision until accepted by the City. Upon such acceptance, the roads shall be deemed dedicated to the City and shall thereafter be maintained by City subject to the warranty set forth in Paragraph 7 below.
5. That Developer agrees to maintain all waterlines, sewer lines, hydrants, and connections until accepted by the City. Following acceptance of the waterlines, sewer lines, hydrants, and connections, together with the necessary elements thereto, title to the same shall vest in the City of Mount Holly and shall thereafter be maintained by City subject to the warranty set forth in Paragraph 7 below.
6. That Developer agrees to maintain all other Improvements until accepted by the City. Upon final acceptance by the City of the Improvements, Developer shall be deemed to have dedicated all Improvements to the City, and thereafter City shall own and maintain the same in accordance with City policies, subject to the warranty set forth in Paragraph 7 below.
7. Developer warrants all materials, construction and installation of Improvements required under this Agreement to be free of defects in materials and workmanship for a period of one year from acceptance by the City.

October 8, 2018
amm

8. Developer acknowledges that City has adopted an ordinance requiring the payment of a capital cost recovery fee payable at the time that water and/or sewer services are provided to a newly built house and this ordinance may be amended from time to time.
9. That Developer agrees to indemnify the City from any costs, liability, demands of any kind, sort or nature relating to the construction, installation, and completion of the above recited Improvements.
10. That the Developer warrants that it is the owner of the lots set forth herein, as above recited and that it has the legal right to enter into this Agreement.

IN WITNESS WHEREOF, Developer has caused this instrument to be signed by its corporate officers as required by law, and the City of Mount Holly has caused this instrument to be duly executed.

LENNAR CAROLINAS, LLC

By: [Signature]
Name: Thomas Johnson
Title: Director of Land Development

CITY OF MOUNT HOLLY, NC

By: [Signature]
Danny Jackson, City Manager

STATE OF NORTH CAROLINA
COUNTY OF GASTON

I, Amy R. Miller, a Notary Public in and for said County and State, do hereby certify that Danny Jackson, City Manager for the City of Mount Holly, personally appeared before me this day and duly acknowledged the execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and Notarial Seal, this the 30th day of November, 2018

My commission expires:

08/17/2020

[Signature]
Notary Public

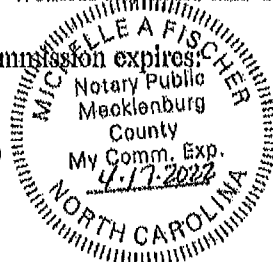
STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Michelle A. Fischer, a Notary Public in and for said County and State, do hereby certify that Thomas Johnson personally came before me this day and acknowledged that he/she is the Director of Land Development of LENNAR CAROLINAS, LLC, a Delaware limited liability company; that he/she, as director of Land development, being authorized to do so, executed the foregoing instrument on behalf of the company.

Witness my hand and official seal this the 26th day of October, 2018.

My commission expires:

00064590



[Signature]
Notary Public

Exhibit "A"

May-18



Date: 9/21/18

Financial Estimate Requirements for Developers

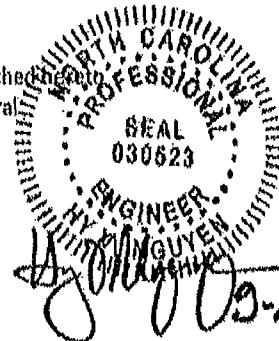
Development: Imagery Phase 1 - Map 9-11

Lots: 96-171

Item	Plan Quantity	Unit	Unit Cost	Bonded Quantity	Item Cost
Streets and Sidewalk					
7.0" ABC Base Course	4778	SY	\$15.00	477.8	\$7,167.00
2.0" IM Course	4778	SY	\$14.00	477.8	\$6,689.20
Milling IM Course	4778	SY	\$5.00	477.8	\$23,890.00
1.5" Surface Course	4778	SY	\$12.00	477.8	\$57,336.00
2.0' Valley Gutter	4300	LF	\$27.00	430	\$11,610.00
5.0' Sidewalk	4300	LF	\$25.00	430	\$10,750.00
Street Signs	3	EA	\$500.00	3	\$1,500.00
Barricades	0	EA	\$1,000.00	0	\$0.00
Handicap ramp	6	EA	\$600.00	6	\$3,600.00
Drainage/Storm					
Structure Repair	46	EA	\$2,500.00	46	\$115,000.00
System clean out	3	EA	\$1,500	3	\$4,500.00
Water					
Test & Chlorinate	2	EA	\$750.00	2	\$1,500.00
Tap to Test	2	EA	\$100.00	2	\$200.00
Water Repairs	2150	LF	\$100.00	215	\$2,150.00
Sewer					
Air Test	2	EA	\$500.00	2	\$1,000.00
Mandrel Test	2	EA	\$500.00	2	\$1,000.00
Manhole adjust	20	EA	\$750.00	20	\$15,000.00
Repairs	3226	LF	\$100.00	322.6	\$3,226.00
Erosion Control					
Rip Rap	0	Ton	\$75.00	0	\$0.00
Removal of ERSC	5	EA	\$5,000.00	5	\$25,000.00
Seeding & Fertilization	5255	SY	\$3.75	525.5	\$1,970.63
Miscellaneous					
Total Cost of Items					\$293,088.83
120% Financial Guarantee					\$351,706.59

Instructions: Fill in the plan quantity using respective units. The sheet will autofill amounts required. If you have any questions contact the site inspector.

Note: The undersigned Engineer certifies to the City of Mount Holly that the Estimate attached hereto has been given under seal has been prepared by the undersigned in accordance with general accepted engineering standards, but the undersigned does not guarantee such costs.



**CITY OF MOUNT HOLLY
MOUNT HOLLY CITY SPECIAL MEETING
Location: Council Chambers**

**City of Mount Holly
Mount Holly City Council Special Meeting
Tuesday, September 10, 2019
Council Chambers
6:30 pm**

Call to Order

Mayor Hough called the meeting to order at 6:30 pm. The following were present:

Mayor Bryan Hough	Danny Jackson, City Manager
Mayor Pro Tem Perry Toomey	Miles Braswell, Assistant City Manager
Councilwoman Carolyn Breyare	David Johnson, City Engineer/ Director of Utilities
Councilman Charles McCorkle	Ryan Baker, Fire Chief
Councilman Jeff Meadows	Mark Jusko, Recreation Supervisor
Councilman David Moore	Tony Walker, Street and Solid Waste Director
Councilwoman Lauren Shoemaker	Don Roper, Police Chief
Attorney Kemp Michael	Greg Beal, Planning Director
	Africa Otis, Finance Director

Invocation

Mayor Pro Tem Toomey led the Council, staff and attendees in prayer.

SET THE AGENDA

With no changes to the agenda, Councilman Moore made a motion to approve the agenda as presented. Councilwoman Breyare seconded the motion. All Council Members voted in favor. (Motion carried)

1. Discussion of Park Bond Projects

Mr. Braswell advised that at the Council Retreat several Parks and Recreation projects were discussed and staff was directed to research the Bond process. He advised that staff has done as directed and has brought in the consultants tonight to present the findings. Nick Lowe and Steve Houser presented their findings on the following projects:

- Veteran's Park Expansion
- New Gym Project
- Bridges at Dutchman's Creek and Fites Creek
- Greenway Crossings

During the discussion of the gym, Mayor Hough clarified that Council would like an additional gym rather than tearing down the old gym and replacing it with a new one. Mayor Hough also advised that more ball fields are needed and a batting cage.

The consultants advised that the Veteran's Park Expansion will be a huge undertaking. The collection of land that will be needed includes twelve parcels of land, seven of the property owners have already been approached about their properties. There was additional discussion in regard to parking and adding more properties for connectivity to downtown.

Each Councilperson was asked to prioritize what they believe is most important need to the City. Their individual priorities are as follows:

Councilman Moore—Gym and Veteran's Park

Councilman Meadows—Greenway crossings

Councilwoman Shoemaker—Bridges, Veteran's Park and Gym

Councilman McCorkle—Gym and Veteran's Park

Councilwoman Breyare—Gym, Bridges and Veteran's Park

Mayor Pro Tem Toomey—Bridges and Gym

Mr. Braswell advised that staff is not asking for a vote tonight. Just clear direction of which has been received.

Adjourn – dm 1 pt 2 822

2. Adjourn

With no additional items for discussion, Mayor Hough entertained a motion to adjourn. Councilman Moore made the motion to adjourn the September 10, 2019 Special Meeting. Councilman Toomey seconded the motion. All Council members present voted in favor. (Motion carried)

The meeting adjourned at 8:22 p.m.

**City of Mount Holly
Mount Holly City Council Meeting
Monday, October 14, 2019
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 Perry Toomey	Miles Braswell, Assistant City Manager
Councilwoman Carolyn Breyare	Ryan Baker, Fire Chief
Councilman Charles McCorkle	Tony Walker, Assistant Streets and Solid Waste Director
Councilman Jeff Meadows	Dave Johnson, Utilities Director/City Engineer
Councilman David Moore	Don Roper, Chief of Police
Councilwoman Lauren Shoemaker	Greg Beal, Planning Director
Kemp Michael, City Attorney	Africa Otis, Finance Director

Invocation

Councilman Charles McCorkle gave the invocation.

Pledge of Allegiance

Boy Scout Troop 59 led attendees in the Pledge of Allegiance.

SET THE AGENDA

Councilman Meadows requested that the Budget Amendment for Basin #3 be moved to New Business as a discussion item. Councilman Moore made a motion to approve the agenda with the amendment stated by Councilman Meadows. Councilman Meadows seconded the motion. All council members voted in favor. (Motion carried)

1. Approval of Liens for Weeds and Grass
 - 102 Maple Drive
 - 109 McLean Street
 - 164 Brookstone Court
 - 510 Belmont-Mount Holly Road
 - 103 Webb Street
2. Approval of Budget Amendments
 - Reimbursable Grant for Technology—Police
 - Fitness Training Mats—Police
 - Clean Water State Revolving Fund—Utilities
 - Source Water Protection Plan—Utilities
 - *Basin #3—Utilities (Item removed and placed under New Business)*
3. Approval of a Resolution Declaring Surplus Property
4. Call for a public hearing to consider amending the Downtown Development Manual for the Downtown Gateway Overlay District to allow for one-story restaurants.
5. Approval of the minutes of the July 8, 2019 Council Meeting
6. Approval of the minutes of the August 26, 2019 Council Work Session Meeting
7. Approval of the minutes of the September 9, 2019 Council Meeting

City of Mount Holly
Mount Holly City Council Meeting
Monday, October 14, 2019
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7:00 pm

Councilwoman Breyare made a motion to approve the consent agenda. Councilman Meadows seconded the motion. All Council Members present voted in favor. (Motion carried)

PRESENTATIONS

1. Presentation in Regard to Fixing Up Freightliner Trucks

Todd Brittain from the Daimler Trucks North America – Mount Holly Truck Manufacturing Plant, requested to repair/refurbish the Freightliner trucks owned by the City at no cost. This is an effort for Daimler to be a good corporate citizen. City Council agreed to allow the repair and thanked Daimler for this outreach.

2. Presentation of the Peace Tree

Dottie Scher, Tenant Fiber Artist and Administrator – Arts on the Greenway, presented the Peace Tree project where artists have been sewing granny squares over past several months in an effort to display them on a tree, in the shape of a Christmas tree. Over 800 squares have been sewn from acrylic yarn, some manufactured in Gaston County.

The Peace Tree will stand approximately 15 feet tall and have a metal dove sculpture placed on top. The Tree will be displayed outdoors from December 21, 2019 to January 4, 2020. The dove will be available for purchase after the tree is disassembled. The blanket will be divided into lap blankets and throws, then donated to shelters for the elderly, children and victims of domestic abuse.

Ms. Scher requested that the City's Building Maintenance Department construct the frame and that the Tree be placed on City property. A location has not been determined at this point.

Mayor Hough made a suggestion that the Farmers Market area downtown may be a good place to display the tree. Ms. Scher stated that the Tree to be near Arts on the Greenway, given an unveiling ceremony and reception will be held at their building.

Councilman Meadows thanked the Arts on the Greenway for their effort to be intentional involved in the Community.

PUBLIC HEARING

1. Public Hearing, regarding a request by Faison, for Annexation into the City Limits of Mount Holly for Tax Parcel ID # 210776 (Green Meadows) –***Postponed until January 13, 2020*** *Kemp Michael*

Marie Anders, City Attorney's Office, stated that the Public Hearing advertisement for the Faison annexation request has taken place, and requested that this Public Hearing be postponed until January 13, 2020.

Councilman Moore made a motion to enter into public hearing regarding a request by Faison, for Annexation into the City Limits of Mount Holly for Tax Parcel ID # 210776 (Green Meadows) Mayor Pro Tem Toomey seconded the motion. All Council Members present voted in favor. There was no one signed up to speak (Resolution #10142019A). At this time, Councilman McCorkle made a motion to continue the public hearing at the January 13, 2020 Council Meeting. Councilman Moore seconded the motion. All Council Members voted in favor. Mayor Hough advised that the public hearing will remain open and continue at the January 13, 2020 Council Meeting.

Council approved Resolution 10142019A postponing the Public Hearing until January 13, 2019.

City of Mount Holly
Mount Holly City Council Meeting
Monday, October 14, 2019
Council Chambers
7:00 pm

2. Public Hearing, regarding a request by Eastwood Homes, for Annexation into the City Limits of Mount Holly for Tax Parcel ID #'s 202122, 181227, 202690, 181214, 225889, 199264 and 180092 (Hunter's Ridge) –***Postponed until January 13, 2020***

Marie Anders, City Attorney's Office, stated that the Public Hearing advertisement for the Eastwood Homes annexation request has taken place, and requested that this Public Hearing be postponed until January 13, 2020.

Mayor Pro Tem Toomey made a motion to enter into public hearing regarding a request by Eastwood Homes, for Annexation into the City Limits of Mount Holly for Tax Parcel ID #'s 202122, 181227, 202690, 181214, 225889, 199264 and 180092 (Hunter's Ridge) Councilman Moore seconded the motion. All Council Members present voted in favor. There was no one signed up to speak (Resolution #10142019B). At this time, Councilwoman Breyare made a motion to continue the public hearing at the January 13, 2020 Council Meeting. Councilman Moore seconded the motion. All Council Members voted in favor. Mayor Hough advised that the public hearing will remain open and continue at the January 13, 2020 Council Meeting.

Council approved Resolution 10142019B postponing the Public Hearing until January 13, 2019.

3. Public Hearing, regarding a request by Hopper Communities, for Annexation into the City Limits of Mount Holly for Tax Parcel ID #'s (Jonas Property)

Councilwoman Breyare made a motion to enter into public hearing regarding a request by Hooper Communities, for Annexation into the City Limits of Mount Holly for Tax Parcel ID #'s (Jonas Property) Councilman Meadows seconded the motion. All Council Members present voted in favor.

A Public Hearing was held regarding the above reference annexation request by Hopper Communities. One person, Michael Winningham, 103 Cottonwood Drive, signed up for Public Comment, with comments that the required water taps, fire hydrants, lock gate was not being carried forward and considered this a "Bait and Switch."

Councilman Moore made a motion to close the public hearing. Councilman Meadows seconded the motion. All Council Members voted in favor. Motion carried.

Mayor Hough asked staff to comment, in which Greg Beal, Planning & Development Director, stated that the original Conditional Zoning Plan that was approved by City Council, which includes all the aforementioned conditions, is still valid and is dependent on the annexation approval. Mr. Beal continued by stating that once the annexation is approved by City Council for the Jonas Tract, the annexation agreement will reference the Conditional Zoning Plan. He added that the plan will be required to be recorded by the developer at the Gaston County Register of Deeds.

4. Public hearing for adoption of the Comprehensive Bicycle Plan.

Nat Heyward with Kimley Horn presented a overview of the Comprehensive Bicycle Plan titled Bike Mount Holly that included the Planning Process, Vision and Goals and then the actual Plan. Inside the Plan, several topics were discussed that consisted of Existing Conditions, Outreach, Facility Recommendations, Prioritization and Policies and Programs.

Council Meadows asked that Mr. Heyward explain the "Touch Points" listed in the presentation. Mr. Heyward stated that there were over 450 people who interacted during the planning process. These points were as follows:

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- Four (4) Steering Committee Meetings
- Two (2) Public Workshops
- One (1) Online Survey that had 319 participants
- Over 7,000 data points collected
- Over 400 comments received

Councilman Meadows asked how many citizens weighed in on the Plan and Mr. Heyward stated that through the survey 319 participated and many comments were received during the Public Workshops. The Steering Committee itself consisted of citizens and City Staff. Mr. Heyward added that this was a citizen led Committee.

Councilman Moore made a motion to enter into public hearing for the adoption of the Comprehensive Bicycle Plan. Mayor Pro Tem Toomey seconded the motion. All Council Members present voted in favor.

A Public Hearing was then held with two (2) people signing up for Public Comment. Jane Love was the first to speak, who stated that she is a Senior Transportation Planner with the Gaston Cleveland Lincoln Metropolitan Planning Organization (GCLMPO) and served on the Steering Committee. She congratulated staff for being awarded a grant from NCDOT Bicycle and Pedestrian Division to fund the Plan. She stated that this process was a good effort and was worthy of approval.

The second person to speak was Laverne Partlow with the Department of Health and Human Services – Public Health. She stated that their goal is to support local governments for different transportation modes. Ms. Partlow served on the Steering Committee, is in support of the Plan and emphasized the importance to adopt the Plan.

Councilman Meadows made a motion to close the public hearing. Councilwoman Breyare seconded the motion. All Council Members voted in favor. Motion carried.

Councilman Meadows made a motion to approve the Comprehensive Bicycle Plan. Councilman Moore seconded the motion. All Council Members voted in favor. Motion carried.

PUBLIC COMMENT – Three (3) Minute Limit

Three (3) citizens signed up to speak, and are as follows:

- 1.) Debra Brown, 225 Moses Rhyne Drive: Her concern was the water/sewer bill rate increase. She gave a letter to City Council and stated her intent of the letter was to request that Council bring the subject of water/sewer rate increase back to the Council Agenda. Ms. Brown stated that she has requested information from the City Manager and he has responded with her information requests in a timely manner and that she appreciated this. Ms. Brown states that \$27.55 is too much to go up at one time. She states that she can provide a petition if that is what it is going to take.
- 2.) Tierre Jeanne-Porter, 108 Chappie Drive: Her comments were on the water/sewer bill that it was too much for a one-time raise. She asked Council to reconsider and bring this topic back to the agenda.

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- 3.) Robert Zwanziger, 104 Daniel Efird: He stated that the entrance to Rhyne's Trace and Rhyne's Estate has sprinklers. He is proud of his neighborhood and that there are now kids in the neighborhood. His wife is a retired nurse and keeps notes. The notes compared water bills from last year to this year, with this monthly bill amounts stated.

NEW BUSINESS

The Approval of Budget Amendment: Basin #3 – Utilities was removed from the Consent Agenda and placed under New Business. Mayor Hough called Dave Johnson, Utilities Department Director and City Engineer to the podium to provide information regarding this item. Several questions were posed to Mr. Johnson, with his response, listed below:

Councilman Meadows asked the question "What brought us to this point?"

Response: The state and the federal governments imposed more stringent nitrogen and phosphorus limits on the discharge from the City's WWTP into the Catawba River. This environmental issue goes back to the mid—1990's. The City was required to meet the new environmental regulations.

In the early 2000's, the regionalization of Mount Holly's, Belmont's and Clariant's WWTP's into a single discharge into the river gained momentum with the goal of limiting financial commitments while adhering to the new environmental regulations. The idea was to eliminate three existing discharges into the river and consolidate the treatment process into one discharge.

The City began studying this issue in 2007 by hiring consultants to evaluate the City's options. It was clear that expanding and upgrading a plant constructed in the 1960's would not be financially acceptable since the upgraded treatment processes and plant capacity would cost up to \$30,000,000. Today, that cost estimate could easily surpass that estimate and may cost up to \$50,000,000.

Based on the professional analysis and input from all, the City Council entered into a Memorandum of Understanding (MOU) with Charlotte Water on January 14, 2013. Essentially, the MOU stated that Charlotte would replace the Mount Holly WWTP with 4 mgd of upgraded treatment and capacity in exchange for the nutrient discharge allocation into Lake Wylie currently assigned to Mount Holly.

From 2013 to 2018, numerous interagency meetings and regularly scheduled Council meetings were held to discuss this interlocal agreement in detail. The agreement regarding the regional sewer interconnect between the City of Mount Holly and the City of Charlotte was executed in 2018.

It is expected that the discharge from the City's WWTP into the river will be terminated and sent to Charlotte Water treatment facilities in 2022.

Councilman Meadows asked the question "Who has been driving this process?"

Response: State and Federal environmental agencies have imposed strict limitations on the quality of discharge from existing wastewater treatment facilities. The lawsuit between North Carolina and South

City of Mount Holly
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Council Chambers
7:00 pm

Carolina combined with new environmental regulations, the City must comply with the imposed regulatory limitations promulgated at the state and federal levels.

Councilman Meadows asked the question “What options do we have?”

Response: Since 1995, the City Council has evaluating all practical options and financial commitments required to meet environmental limitations and meet anticipated future growth. Options included upgrading the plants treatment processes and expanding its capacity to meet future growth. This option could be as high as \$50,000,000.

The interlocal agreement between Mount Holly and Charlotte Water caps the City’s financial obligation at approximately \$18,000,000 which is for 100% of 4 mgd capacity and compliance with the more stringent environmental regulations.

The time for evaluating options ended with the failure of Basin #3. The independent structural engineering evaluation of the failure clearly stated that the WWTP has outlived its useful life.

Councilman Meadows asked the question “Was this included in our wastewater plan as adopted?”

Response: No. Basin # 3 failed almost 2-years ago and only now is the North Carolina Department of Environmental Quality elevating the need to clean-up the basin before contaminants find their way into the river. The State is requiring the City to proceed ahead of the pump station / force main completion schedule.

The budget amendment request of the Council is to fund the basin cleanup and eliminate environmental consequences of doing nothing.

Councilman Meadows asked the question “Please describe the Utility Commission make-up.”

Response: The Mount Holly City Council established a Utilities Committee early on to address the WWTP regionalization issues and the aging of the City’s water and sewer infrastructure. Committee members are citizens appointed by the City Council. The committee is chaired by a citizen member. Council liaison members also attend the meetings. The committee is supported by administrative, utilities, and engineering staff

Councilman Meadows asked the question “What was the Utilities Committee vote on the Interlocal Agreement?”

Response: The Utilities Committee voted unanimously to approve the Charlotte Water interlocal agreement and the Committee Chair presented the vote to the City Council.

Councilman Meadows asked the question “What is the cost for the Mount Holly pump station and force main component of the regionalization plan?”

City of Mount Holly
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Response: The City has been approved for a State Water Infrastructure Authority has approved a Clean Water State Revolving Fund loan of \$18,850,000 at a maximum interest rate of 1.93%. The preliminary design is underway so the final cost will be determined by the estimate of a design-build team. The agreement caps the City's financial commitment.

We fully expect that environmental regulations will continue to evolve and become more stringent which would translate into additional costs for the City IF the City upgraded its existing WWTP. With the Charlotte Water project, the City is assured 4 mgd of WWTP capacity at a defined cost regardless of the environmental issues imposed at the state or federal levels.

Mayor Pro Tem Toomey made a motion to approve the budget amendment for dewatering and removal of contaminants from failed WWTP Basin #3 for \$50,000. Councilman Meadows seconded the motion. All Council Members voted in favor. Motion carried.

OTHER BUSINESS

Mayor Hough advised that the November Council Meeting will be held on November 18th due to the Veteran's Day Holiday

ADJOURN

With no additional items for discussion, Mayor Hough entertained a motion to adjourn. Councilman Moore made the motion to adjourn the October 14, 2019 Council Meeting. Councilman Meadows seconded the motion. All Council members present voted in favor. (Motion carried)

The meeting adjourned at 8:14 p.m.

PRESENTATIONS



City of Mount Holly Action Agenda Item

To: Mayor and City Council Ryan Baker, Fire Chief	Date: January 9, 2020 Meeting Date: January 13, 2020
Agenda Item to be considered: Swearing in of Jake Bonnin and Patrick Craig	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request: Firefighters Jake Bonnin and Patrick Craig have successfully completed their probationary period. They will be sworn in as firefighters will receive their badges.	
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: Oath of Office	



City of Mount Holly Action Agenda Item

To: Mayor and City Council Ryan Baker, Fire Chief	Date: January 9, 2020 Meeting Date: January 13, 2020
Agenda Item to be considered: Swearing in of Ashton Chaney to the position of Captain	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request: With the recent completion the Captain Process Ashton Chaney is being promoted to the position of Shift Captain on B-Shift.	
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: Oath of Office	

Fire Officer

I solemnly swear that I will support and defend the Constitution of the United States of America and the State of North Carolina against all enemies, both foreign and domestic, and I will faithfully and impartially discharge my duties as a fire officer of the City of Mount Holly under the appointment of the City of Mount Holly to the laws of the North Carolina to the best of my skills and abilities, so help me God.

Firefighter

I solemnly swear that I will support and defend the Constitution of the United States of America and the State of North Carolina against all enemies, both foreign and domestic, and I will faithfully and impartially discharge my duties as a firefighter of the City of Mount Holly under the appointment of the City of Mount Holly to the laws of the North Carolina to the best of my skills and abilities, so help me God.

PUBLIC HEARINGS



City of Mount Holly Action Agenda Item

To: City Council	Date: January 10, 2020
From: Jonathan Wilson	Meeting Date: January 13, 2020

Agenda Item to be considered: Public Hearing, regarding a request by Eastwood Homes, for a rezoning of Tax Parcel ID 181227, 0.33 acres; 202690, 3.90 acres; and 180092, 3.24 acres from R-1 Gaston County and Tax Parcel ID's 202122, 19.35 acres; 225889, 49.68 acres; 199264, 24.89 acres; and 181214, 28.14 acres from RS-12 Gaston County to Single Family Conditional District.

Will this require a public hearing? ☒ YES ☐ NO

Background/Purpose of Request: City Staff has been working with Eastwood Homes for over a year in which they have submitted a rezoning request for the above parcels. All seven of the parcels are located under Gaston County Zoning Jurisdiction and total approximately 130.27 acres in size. The applicant wishes to rezone the properties to a Conditional District zoning district to include single family residential as detached homes, multi-family residential townhomes and amenities. The applicant will be requesting permission to develop up to 256 single family homes and 100 townhomes. Additionally, the proposed density of the development is 2.73 lots per acre.

Lot Dimensions & Setbacks:

<u>Minimum Requirements</u>	<u>Single Family</u>	<u>Multi-Family</u>
Lot Size	5,500 square feet	2,000 square feet
Lot Width	50 feet	20 feet
Front Yard	15 feet	15 feet
Side Yard	5 feet	20 foot building separation
Side Yard Corner	10 feet	20 feet
Rear Yard	20 feet	20 feet
Building Height (Maximum)	35 feet	35 feet

The applicant is proposing 90 lots with a minimum lot width of 50 feet to be age targeted; 65 lots with a minimum lot width of 60 feet to be single family; 101 lots with a minimum lot width of 50 feet to be single family; and 100 townhomes.

Open Space & Amenities:

The applicant is required to provide a minimum of 17.8 acres of usable open space. This minimum is derived from the equation of 1 acre of open space per 20 homes. The applicant is providing 30.3 acres of usable open space which does include a 3 acre credit for at least 6,000 linear feet of 10 foot wide paved trail throughout the development. Additionally, the applicant states in Note 3 that there will be a mixture of trail surface throughout the development and that a minimum of 50% shall meet the City's greenway standard. The applicant also notes that all trails shall meet the City's greenway marking system.

The applicant is also proposing an amenity center and sports field which shall encompass 6.3 acres. There are also various locations throughout the development where the applicant has identified active open space. The applicant agrees to install the pool and cabana prior

to the 100th zoning permit being issued by the City of Mount Holly. Applicant also agrees to install all walking trails/parks prior to recording the plat for Phase 2 and that all amenities must be installed before final bonds will be released.

The applicant agrees to provide a minimum 25 foot buffer along the boundary of the property with the exception of road crossings and other minor variations shown on the site plan, in which the requirement is only 15 feet. Additionally, the applicant agrees to maintain an average buffer of 100 feet on all creeks, rivers and wetlands. The applicant does request the ability to grade to a 50 foot buffer where necessary to improve the overall quality of the development.

Architectural Elements:

The applicant is proposing the architectural elements to include a mixture of front porches, stoops and other City approved elements. A mixture of crawlspace, slab and basement foundations depending on topography shall be utilized. Homes requiring a slab foundation shall incorporate a 12 inch brick wrapped foundation. Homes shall utilize a mixture of building materials including brick, stone and fiber cement siding, vinyl shall only be allowed on doors, windows, soffits and trim. All garages shall be carriage style and have windows. The color of garage doors shall be complimentary to house colors. All homes with front facing garages shall have two individual garage bays (rather than a single bay). In addition, all garage doors shall utilize a variety of decorative features including windows, colors and hardware. No two homes of the same style shall be allowed in front of or beside a particular style house.

Additionally, all one-story single family homes shall be constructed to provide a minimum heated floor area of no less than 1,575 square feet. Active adult homes will be constructed to provide a minimum heated floor area of no less than 1,500 square feet. All two-story single family homes will be constructed to provide a minimum heated floor area of no less than 1,950 square feet. All townhomes will be constructed to provide a minimum heated floor area of no less than 1,300 square feet. Heated floor area calculations exclude porches, garages (attached or detached), attics, outdoor access storage areas and all other unheated spaces.

Product examples detailing the architectural elements to be incorporated can be found on page RZ-4 of the Conditional District Zoning Plan.

Vision Plan Compatibility for Residential Annexations:

The Strategic Vision Plan has Design Guidelines for Voluntary Annexations which Staff believes should be incorporated into the Conditional District Zoning Site Plan. The applicant is not meeting the requirements of the Design Guidelines for Voluntary Annexations from the Strategic Vision Plan however these guidelines are enforced via a quid-pro-quo process. Staff believes that under this premise the applicant is fulfilling the Design Guidelines for Voluntary Annexations from the Strategic Vision Plan.

Transportation Impact Analysis:

The applicant did go through the City's Traffic Impact Analysis which was conducted by Kimley Horn, the City's on-call Transportation Engineers. The TIA recommended the following:

1. West Catawba Avenue and Legion Road/Driveway #1:
 - Single southbound egress and single ingress lane along Driveway #1

- Alignment of Driveway #1 with Legion Road to avoid (or minimize) offset
- 2. West Catawba Avenue and Rankin Avenue/Driveway #2:
 - Construction of single lane roundabout
 - Single southbound egress and single ingress lane along Driveway #2
- 3. West Catawba Avenue and South Hawthorne Street:
 - Southbound right-turn lane along South Hawthorne Street with 100 feet of storage and appropriate turn-lane taper that ties into the existing curb return at the existing Mount Holly Middle School driveway
- 4. East Charlotte Avenue (NC 27) and Highland Street (NC 273):
 - Installation of a pedestrian pedestal with push button in northwest quadrant of the intersection (similar to pedestal in northeast quadrant)
- 5. Howie Street and Driveway #3:
 - Single westbound egress and single ingress lane along Driveway #3
- 6. Pedestrian and Bicycle Improvements:
 - Sidewalk along the north side of West Catawba Avenue between Old Hickory Grove Road and the Mount Holly Middle School driveway/Scott Street (approximately 3,800 linear feet)
 - Greenway/multi-use path connections as determined by GCLMPO and City of Mount Holly.
- 7. Rankin Avenue Extension:
 - Applicant should coordinate with GCLMPO, City of Mount Holly and NCDOT staff to determine appropriate alignment and cross-section of the portions of the future Rankin Avenue Extension that crosses through the proposed site, and/or confirm the proposed site does not prohibit construction of the future Rankin Avenue Extension.
- 8. Clearwater Lake Extension:
 - Applicant should coordinate with GCLMPO staff to confirm the Clearwater Lake Extension does not need to be constructed as part of the site, as is currently shown to cross proposed site in the CTP.

The applicant is proposing the following TIA mitigation requirements as identified in Note 40 of the Conditional District Zoning Plan and identified below:

- A. A single southbound egress and single ingress lane along Driveway #1 as well as an alignment of Driveway #1 with Legion Road to avoid (or minimize) offset – Developer proposes to have this completed prior to platting first lot of Phase 1.
- B. A single southbound egress and single ingress lane along Driveway #2 with the construction of a single lane roundabout at the intersection of West Catawba Avenue and Rankin Avenue/Driveway #2 – Developer proposes to have this completed prior to platting first lot of Phase 1.
- C. A right turn lane along South Hawthorne Street with 100 feet of storage and an appropriate turn lane taper into the existing curb at the existing Mount Holly Middle School driveway – Developer proposes to have this completed prior to platting of 100th lot.
- D. Installation of a pedestrian pedestal with push button located in the northwest quadrant of the intersection of NC 27 and NC 273 – Developer proposes to have this completed prior to platting the first lot of Phase 3 or platting 275th lot.
- E. A single westbound egress and single ingress lane along Driveway #3 – Developer proposes to have this completed prior to platting first lot of Phase 3 or platting 275th lot.
- F. Sidewalk along the north side of West Catawba Avenue between Old Hickory Grove Road and the Mount Holly Middle School driveway/Scott Street (approximately 3,800

linear feet) – Developer proposes to have this completed prior to platting first lot of Phase 1.

(***Phasing for TIA mitigation may change based on comments from NCDOT when driveway permits are applied for during design phase or project.)

Water and Sewer Improvements:

All proposed gravity sewer system and potable water main systems shall be dedicated to the City of Mount Holly for ownership and maintenance.

Water:

- The water line shall be looped from the townhome cul-de-sac connecting to the line at the collector intersection with the townhome site.
- An 8-Inch water main loop shall be extended from the connection point at Howie Street to Old Hickory Grove Road.
- To ensure adequate water service and fire flow a 12-inch water main will be installed connecting larger water mains to the east and west of the project site approximately from Clearwater Lake Road to the eastern property line.

Sewer:

- This project contributes sewage to the Dutchmans Creek Pump Station which will have to be upgraded.
- This project will be required to pay a total of \$195,340 in upgrade improvements. This will be due at the time the first zoning permit is to be issued by the City.
- A portion of the existing 12-inch sewer line is not sized to handle the flow generated from this project and will require an 8-inch parallel sewer line of which this project would use approximately 80.8% of the pipe capacity.
- The fair share for the design, permitting and construction costs of a sewer line sufficient in size to accept the flow from this project is \$1,148,976. Payment of this fair share cost shall be as follows:
 - payable at the time the annexation agreement has been executed by the City: 25% or \$287,244;
 - payable at the time the City advertises for design firm RFQ's: 25% or \$287,488;
 - payable at the time of the first closing in the project: 50% or \$574,488.
- A proposed sewer pipe shall be operational before the first closing in Phase 2. The existing 12-inch sewer line will be able to accommodate flows from 176 units.

Public Involvement Meeting Summary:

A Public Involvement Meeting was held on Tuesday, September 24, 2019 from 4:00 P.M. to 6:00 P.M. Notices of the public involvement meeting were mailed to one hundred and one (101) properties that are within two-hundred and fifty (250) feet of the properties, a newspaper ad was placed in the Gaston Gazette and the property was posted at the intersection of West Catawba Avenue and Rankin Avenue notifying the public of the meeting. There were twenty three (23) persons who attended the public involvement meeting. Staff received two comments from attendees at the public involvement meeting. One comment was in regard to the boundary buffer and the other comment was in regard to traffic on Howie Street. The applicant has agreed to the boundary buffer that is in line with the comment and the applicant is addressing all traffic improvements for Howie Street that were identified in the TIA.

Planning Commission:

The applicant requested that the matter be tabled until the February 3, 2020 Planning Commission meeting prior to the Public Hearing being opened. The Planning Commission did however, have the following comments/questions regarding the proposed plan:

- Why does the proposed sidewalk along West Catawba Avenue stop at Scott Street/Mount Holly Middle School driveway;
- Was the anticipated traffic studied and accounted for;
- Will development take place in the floodplain;
- Concerns that the same homes would be repeated throughout the development;
- Garage dominated streets;
- Vehicles not parking in garages and blocking sidewalks;
- Provide a schematic plan for the turn lane on South Hawthorne Street;
- The anticipated build-out of the development.

The Planning Commission did open the public hearing and no persons were in attendance to speak on the matter. The Planning Commission continued the public hearing until the February 3, 2020 meeting at which time the applicant stated a revised plan would be presented addressing the comments heard from the Planning Commission.

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:

The Planning Commission tabled the vote and continued the public hearing until their February 3, 2020 meeting. Staff also recommends that City Council table a decision on the matter and continue the public hearing until the February 10, 2020 City Council meeting.

Result of City Council Decision:

Attachments:

1. Rezoning Application
2. Conditional District Site Plan
3. Supplemental information from the Transportation Impact Analysis

REZONING APPLICATION
CITY OF MOUNT HOLLY, NORTH CAROLINA

Date Filed: _____ Application Number: _____

The undersigned does (do) hereby respectfully make the application and request to the City of Mount Holly to amend the Zoning Map of Mount Holly as hereinafter requested and in support of this application the following facts are shown:

1. The real property, sought to be rezoned, is owned in fee simple by:
Thomas Worth Springs III

Address: 400 W Catawba Ave Mt. Holly, NC 28120
as evidenced by Deed Book (attached) on Page _____ in the Gaston County Registry. There are no restrictions or covenants of record appearing in the chain of title, which would prohibit the property from being put to the use specified in Paragraph five (5) of this application.

2. The real property sought to be rezoned is located at/on
W Catawba Ave on the Left or Right side of the W Catawba Ave
(physical address) (circle one) (street)
between Rankin Road and Legion Road, and has a Tax
(street) (street)

Listing of: Tax Parcel # (attached). Said lot(s) has (have) a frontage of 681 feet and is approximately 98.89 acres in size.

3. A complete legal description of the boundaries of said realty (to be completed by an attorney) is attached to this application along with a survey or tax map of said realty.

4. It is desired and requested that the real property herein described be rezoned from
R1 Gaston County Zone to Mt. Holly Conditional Use Zone.

5. If Conditional Use rezoning is requested, a site specific plan (see Appendix) is hereby attached (check) X Yes or N/A.

6. If the Conditional Use Rezoning is requested, it is proposed that the real property be put to the following use, with the following specific improvements including building sizes and proposed screening in accordance with the attached site plan as mentioned in Paragraph five (5).

See site plan.

7. Attached is a list of all the properties adjacent to the subject property including the owners' name(s) and address and tax book, map, and parcel number of each lot as shown on the Gaston County Tax Maps. Adjacent properties are considered all those immediately or diagonally adjacent to the subject property, including any properties immediately across any creeks, rivers, railroads, highways or other natural or man-made barriers.

Thomas Worth Springs III
Name of Applicant(s)

Owner
Interest of Applicant in Subject Realty:
(Must be the owner if requesting
Conditional Use Rezoning)

Applicant's Address: 400 W Catawba Ave, Mt. Holly NC 28120

Phone Number: 704-827-7791

Signature: Thomas Worth Springs III

INSTRUCTIONS: Applications must be TYPED or LEGIBLE and filed with the City of

Mount Holly Planning and Zoning Department, together with the application fee in the amount of \$ _____ (See Fee Schedule) least 15 days prior to the Planning Commission meeting for initial consideration.

**REZONING APPLICATION
CITY OF MOUNT HOLLY, NORTH CAROLINA**

Date Filed: _____ Application Number: _____

The undersigned does (do) hereby respectfully make the application and request to the City of Mount Holly to amend the Zoning Map of Mount Holly as hereinafter requested and in support of this application the following facts are shown:

1. The real property, sought to be rezoned, is owned in fee simple by: Howard R Walls LTD Trust and Westview LTD (Howard Walls) as evidenced by Deed Book (attached) on Page _____ in the Gaston County Registry. There are no restrictions or covenants of record appearing in the chain of title, which would prohibit the property from being put to the use specified in Paragraph five (5) of this application.

2. The real property sought to be rezoned is located at/on Hickory Grove Road on the Left or Right side of the W Catawba Ave _____
(physical address) (circle one) (street)
between Old Hickory Grove Road and Clearwater Lake Road, and has a Tax
(street) (street)
Listing of: Tax Parcel # (attached) _____ Said lot(s) has (have) a frontage of 60 feet
and is approximately 31.38 acres in size.

3. A complete legal description of the boundaries of said realty (to be completed by an attorney) is attached to this application along with a survey or tax map of said realty.

4. It is desired and requested that the real property herein described be rezoned from R1 Gaston County Zone to Mt. Holly Conditional Use Zone.

5. If Conditional Use rezoning is requested, a site specific plan (see Appendix) is hereby attached (check) X Yes or N/A.

6. If the Conditional Use Rezoning is requested, it is proposed that the real property be put to the following use, with the following specific improvements including building sizes and proposed screening in accordance with the attached site plan as mentioned in Paragraph five (5).

See Site Plan.

7. Attached is a list of all the properties adjacent to the subject property including the owners' name(s) and address and tax book, map, and parcel number of each lot as shown on the Gaston County Tax Maps. Adjacent properties are considered all those immediately or diagonally adjacent to the subject property, including any properties immediately across any creeks, rivers, railroads, highways or other natural or man-made barriers.

Howard Walls
Name of Applicant(s)

Owner
Interest of Applicant in Subject Realty:
(Must be the owner if requesting
Conditional Use Rezoning)

Applicant's Address: 126 Forest Drive Belmont, NC 28012

Phone Number: 704-460-4101

Signature: Howard Walls

INSTRUCTIONS: Applications must be TYPED or LEGIBLE and filed with the City of Mount Holly Planning and Zoning Department, together with the application fee in the amount of \$ _____ (See Fee Schedule) at least 15 days prior to the Planning Commission meeting for initial consideration.

DATE	ISSUED FOR	REV
1/2/2014	Final Submittal for Planning Review	1
1/2/2014	Final Submittal for Planning Review	2
1/2/2014	Final Submittal for Planning Review	3

07-2

Typical Lots

LOT A: 10' x 10' x 10' x 10' (10' x 10' x 10' x 10')

LOT B: 10' x 10' x 10' x 10' (10' x 10' x 10' x 10')

LOT C: 10' x 10' x 10' x 10' (10' x 10' x 10' x 10')

Residential Traffic Circle

Sample Traffic Circle

Typical Sections

Residential Collector Street

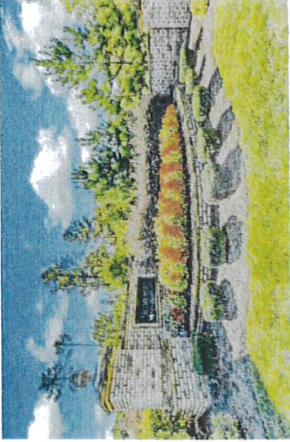
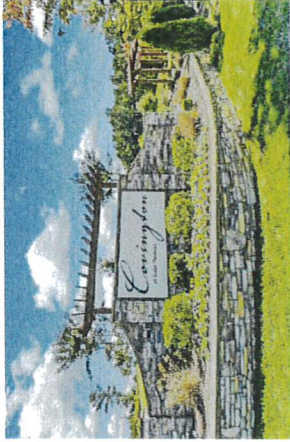
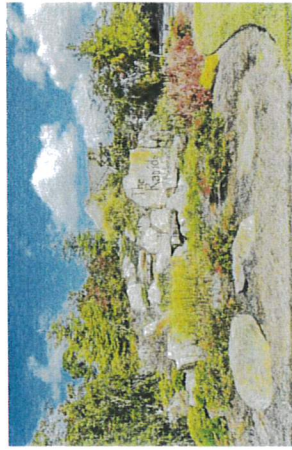
Asphalt Greenway Trail

Desired Street Turn Around

Residential Cul-de-Sac

[illegible]

SAMPLE ENTRYWAY MONUMENTATION



NOTES

- ENTRANCE MONUMENTATION WILL BE DESIGNED AND CONSTRUCTED TO CORRESPOND WITH ARCHITECTURAL AND AESTHETIC STANDARDS OF THE DEVELOPMENT.

DATE	ISSUED FOR	REV
11/20/18	AMC - LIVINGSTON CO. & HUNTERS RIDGE	1
11/21/18	REVISION: LIVINGSTON CO. & HUNTERS RIDGE	2
11/21/18	REVISION: LIVINGSTON CO. & HUNTERS RIDGE	3
11/21/18	REVISION: LIVINGSTON CO. & HUNTERS RIDGE	4
11/21/18	REVISION: LIVINGSTON CO. & HUNTERS RIDGE	5

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www.rjeharris.com	
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Project Manager P. Murphy	Project Engineer P. Murphy
Date August 21, 2018	Date August 21, 2018
Client Eastwood Homes 2057 WESTPORT RD. WESTPORT, FL 32986 P: (774) 421-6541	
Project Hunters Ridge	
Drawing Title Monumentation	
Project No. 11115	Drawing No. 11115-01
Project Name Hunters Ridge	Project Location Hunters Ridge
Project Status RZ-5	

10.0 Mitigation Improvements

Based on the vehicular, pedestrian and bicycle operations analyses performed at each of the identified study intersections, along with review of the auxiliary turn-lane warrants and crash analyses contained herein, the following improvements are identified to mitigate the impact of the proposed development on the surrounding transportation infrastructure:

W Catawba Avenue and Legion Road/Driveway #1

- Single southbound egress and single ingress lane along Driveway #1
- Alignment of Driveway #1 with Legion Road to avoid (or minimize) offset

W Catawba Avenue and Rankin Avenue/Driveway #2

- Construction of a single lane roundabout
- Single southbound egress and single ingress lane along Driveway #2

Alternative Mitigation Option

- Northbound left-turn lane along Rankin Avenue with 100 feet of storage
- Southbound left-turn lane along Driveway #2 with 100 feet of storage
- Eastbound right-turn lane along W Catawba Avenue with 100 feet of storage
- Westbound right-turn lane along W Catawba Avenue with 100 feet of storage

Once the planned Rankin Avenue Extension is constructed by others in the future and extended north of Driveway #2, the Driveway #2 connection to the W Catawba/Rankin Avenue intersection will be removed and converted to a cul-de-sac, and a new driveway connection from the site will be constructed to connect to the Rankin Avenue Extension approximately 1,000 feet north of W Catawba Avenue. This is shown in dashed lines on the site plan in **Figure 3.2**.

W Catawba Avenue and S Hawthorne Street

- Southbound right-turn lane along S Hawthorne Street with 100 feet of storage and appropriate turn-lane taper that ties into the existing curb return at the existing Mount Holly Middle School driveway

An Intersection Improvement project (H150212) to convert this intersection to a roundabout to improve the safety and capacity to this intersection, which is adjacent to two schools, is currently being reviewed for funding as part of NCDOT's strategic prioritization process. Therefore, coordination is recommended with City, GCLMPO and NCDOT staff to determine the appropriate timing and process for installing the recommended southbound right-turn lane as it relates to this potential intersection improvement project.

E Charlotte Avenue (NC 27) and Highland Street (NC 273)

- Installation of a pedestrian pedestal with push button in northwest quadrant of the intersection (similar to pedestal in northeast quadrant)

Howie Street and Driveway #3

- Single westbound egress and single ingress lane along Driveway #3

Study Area Pedestrian and Bicycle Improvements

- Sidewalk along the north side of W Catawba Avenue between Old Hickory Grove Road and the Mount Holly Middle School driveway/Scott Street (approximately 3,800 linear feet)
- Greenway/multi-use path through proposed site to stub and connect to future greenway/multi-use path connections as determined by GCLMPO and City of Mount Holly staff; Applicant should coordinate with these agencies early in the site planning phase to determine the appropriate alignment and cross-section of this greenway or multi-use path.

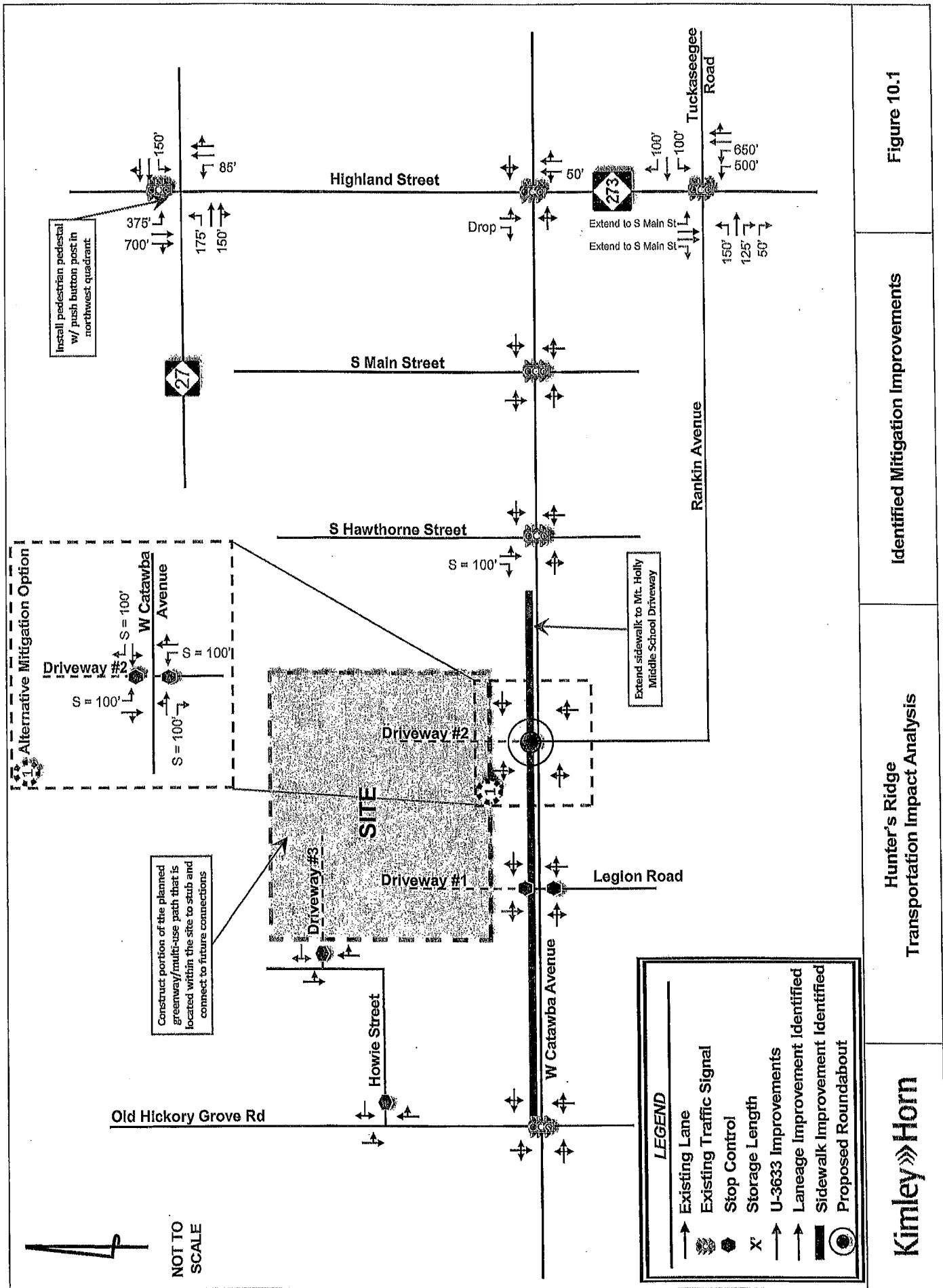
Rankin Avenue Extension

- Applicant should coordinate with GCLMPO, City of Mount Holly and NCDOT staff to determine appropriate alignment and cross-section of the portions of the future Rankin Avenue Extension that crosses through the proposed site, and/or to confirm the proposed site does not prohibit construction of the future Rankin Avenue Extension (current MTP and CTP alignment shown through proposed site). Agency staff should also confirm if the proposed access control, including driveway/intersection spacing, is appropriate for the future minor thoroughfare. This should be completed early in the site planning phase as the potential need to dedicate appropriate right-of-way through the site and/or access control restrictions may have significant impacts to the site design.
- GCLMPO's CTP should be amended to reflect the correct alignment of the Rankin Avenue Extension (reflect the 2045 MTP alignment).

Clearwater Lake Extension

- Applicant should coordinate with GCLMPO staff to confirm the Clearwater Lake Extension does not need to be constructed as part of the site, as is currently shown to cross proposed site in the CTP. If GCLMPO agrees, the applicant should work with GCLMPO staff to amend the CTP to have this extension removed.

The mitigation improvements identified within the study area are shown in **Figure 10.1**. The improvements shown on this figure are subject to approval by NCDOT and the City of Mount Holly. All additions and attachments to the State and City roadway system shall be properly permitted, designed and constructed in conformance to standards maintained by the agencies.





City of Mount Holly Action Agenda Item

To: City Council	Date: January 10, 2020
From: Jonathan Wilson	Meeting Date: January 13, 2020
Agenda Item to be considered: Public Hearing, regarding an annexation request for Tax Parcel ID 181227, 0.33 acres; 202690, 3.90 acres; 180092, 3.24 acres; 202122, 19.35 acres; 225889, 49.68 acres; 199264, 24.89 acres; and 181214, 28.14 acres.	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request: This annexation request is also accompanied by a Conditional District Zoning request by Eastwood Homes. Due to the result of the Planning Commission recommendation and request by the applicant, Staff would suggest that the public hearing be opened and continued until the February 10, 2020 City Council meeting. Staff will present the cost benefit analysis at this time and has not prepared this information at this point due to fact that this analysis is subject to change based on the anticipation of the Conditional District zoning changing.	
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 recommends that City Council table a decision on the matter and continue the public hearing until the February 10, 2020 City Council meeting.	
Result of City Council Decision: _____	
Attachments: 1. Annexation Application 2. Annexation Survey 3.	



CITY of MOUNT HOLLY

Bryan Hough, Mayor
Perry Toomey, Mayor Pro Tem
Carolyn Breyare, Councilwoman
Charles McCorkle, Councilman
Jeff Meadows, Councilman
David Moore, Councilman
Lauren Shoemaker, Councilwoman
Danny Jackson, City Manager

400 East Central Ave. Post Office Box 406, Mount Holly, NC 28120 704-827-3931 704-822-2933 fax www.mtholly.us

PETITION REQUESTING ANNEXATION FOR A
CONTIGUOUS PROPERTY

Date: 4/11/19

To the City Council of the City of Mount Holly:

1. The undersigned owner(s) of real property hereby petition for annexation to the City of Mount Holly of that area described on the Gaston County Tax Map as Parcel (s) 180092, 181214, 181227, 202122, 202690, 225889, 199264, and as shown on the attached survey, if any. (The survey is not required at the time that the petition is filed, but must be supplied prior to Annexation Public Hearing. The survey must show the current city limits of the City of Mount Holly.)

2. The area to be annexed is contiguous to the City of Mount Holly.

3. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for this property. (If zoning vested rights are claimed, indicate below and attach proof.)

Property Owner Name	Property Owner Address	Vested Rights Declared? (yes or no)	Signature
Thomas W. Springs III	400 W. Catawba Mt. Holly 28120	No	<i>Thomas W. Springs III</i>
Howard Walls Trust	126 Forest Dr. Belmont 28012	No	<i>Howard F. Walls</i>
Westview LTD	126 Forest Dr. Belmont 28012	No	<i>Howard F. Walls</i>

Signature of Property Owner

Howard F. Walls

Print Name: Howard F. Walls

Phone Number: 704-460-4101

Email: mbolin30@att.net

Signature of Property Owner

Thomas W. Springs III

Printed Name: Thomas W. Springs III

Phone Number: 704-822-7791

Email: Cathy.springs@gmail.com

Note: If there are more than two (2) property owners, please attach additional signature pages. If property owner is an entity, please ensure the appropriate individual signs this petition on behalf of the entity and includes his or her title. Contact information for each property owner must be provided.



CITY of MOUNT HOLLY

Bryan Hough, Mayor
Perry Toomey, Mayor Pro Tem
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Property Owner Name	Property Owner Address	Vested Rights Declared? (yes or no)	Signature
Thomas Worth Springs III	400 W. Catawba Ave. Mt. Holly NC 28120	No	<i>Thomas W. Springs III</i>

Signature of Property Owner

Print Name: _____

Phone Number: _____

Email: _____

Signature of Property Owner

Thomas W. Springs III

Printed Name: Thomas W. Springs III

Phone Number: 704-827-7791

Email: cathy.springs@gmail.com

Note: If there are more than two (2) property owners, please attach additional signature pages. If property owner is an entity, please ensure the appropriate individual signs this petition on behalf of the entity and includes his or her title. Contact information for each property owner must be provided.



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Property Owner Name	Property Owner Address	Vested Rights Declared? (yes or no)	Signature
Howard R. Walls Revocable Trust	126 Forest Dr, Belmont, NC 28012	No	<i>Howard F. Walls</i>
(Howard Walls Trustee and Westview LTD.			<i>Howard F. Walls</i>

Signature of Property Owner

Howard F. Walls

Print Name: Howard F. Walls

Phone Number: 704-460-4101

Email: mbolin30@att.net

Signature of Property Owner

Printed Name: _____

Phone Number: _____

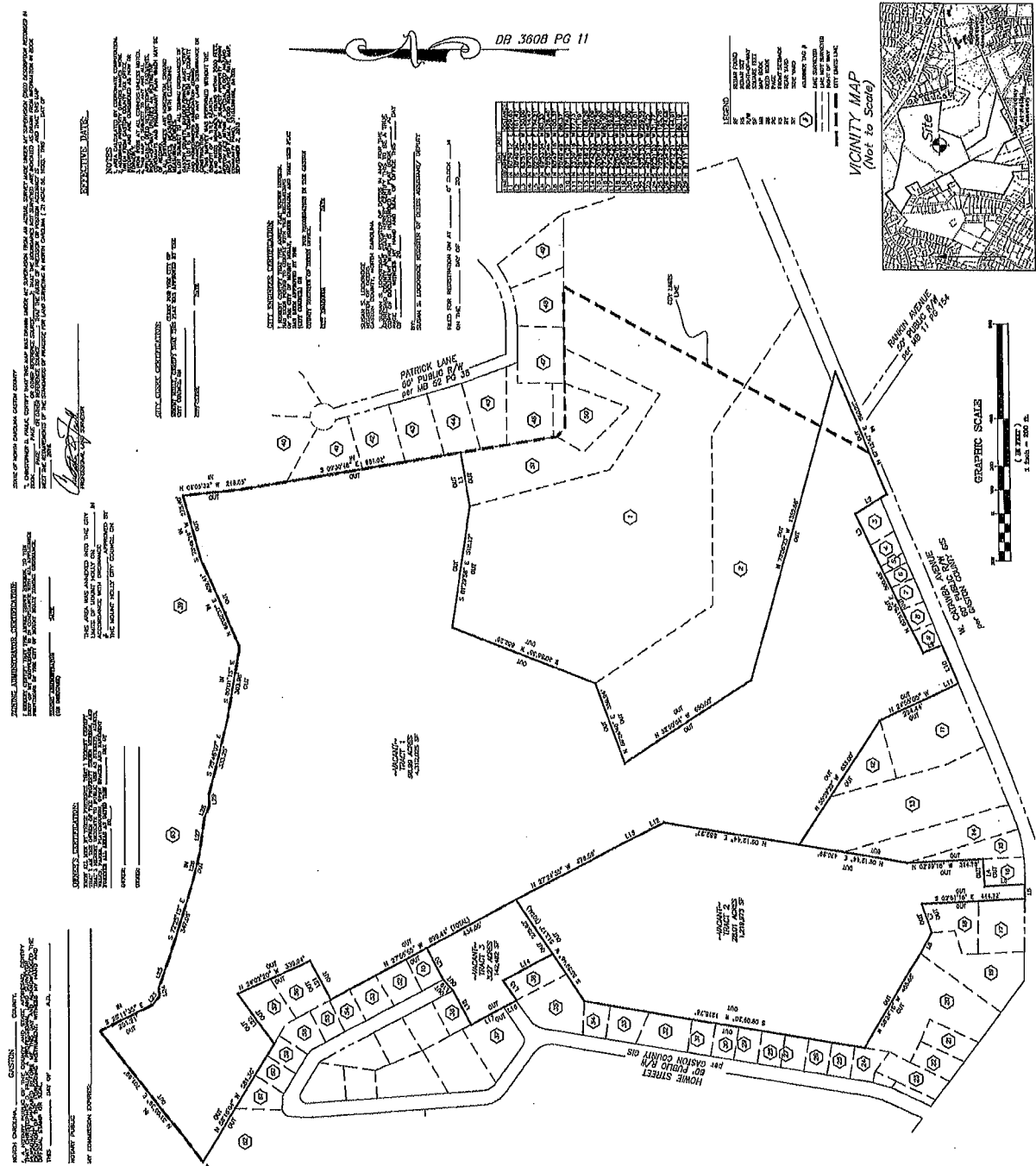
Email: _____

Note: If there are more than two (2) property owners, please attach additional signature pages. If property owner is an entity, please ensure the appropriate individual signs this petition on behalf of the entity and includes his or her title. Contact information for each property owner must be provided.



HUNTERS RIDGE
ANNEXATION SURVEY
Mike Kempy Esq. Wood Homes
2867 Westport Road Charlotte, NC 28208

Job No.	13-16-057
Date	12/17
Proj. No.	COF
Sheet	COS
Scale	1" = 200'
Sheet No.	1
Of	1



NO.	PARCEL #	NAME	DB/PC
1	30018	SPRINGS, EDWIN GREGORY	30018-18
2	30021	SPRINGS, EDWIN GREGORY	30018-18
3	30024	LOUGHRAN, RORY DALE	4402-2352
4	30025	MILES, THOMAS	4300-090
5	30026	REISE CAPITAL MGMT GROUP, LLC	4305-050
6	30027	REISE CAPITAL MGMT GROUP, LLC	4305-050
7	30028	LOVE, JESSIE ALEXANDER	4305-050
8	30029	LOVE, JESSIE ALEXANDER	4305-050
9	30030	LOVE, JESSIE ALEXANDER	4305-050
10	30031	LOVE, JESSIE ALEXANDER	4305-050
11	30032	LOVE, JESSIE ALEXANDER	4305-050
12	30033	LOVE, JESSIE ALEXANDER	4305-050
13	30034	LOVE, JESSIE ALEXANDER	4305-050
14	30035	LOVE, JESSIE ALEXANDER	4305-050
15	30036	LOVE, JESSIE ALEXANDER	4305-050
16	30037	LOVE, JESSIE ALEXANDER	4305-050
17	30038	LOVE, JESSIE ALEXANDER	4305-050
18	30039	LOVE, JESSIE ALEXANDER	4305-050
19	30040	LOVE, JESSIE ALEXANDER	4305-050
20	30041	LOVE, JESSIE ALEXANDER	4305-050
21	30042	LOVE, JESSIE ALEXANDER	4305-050
22	30043	LOVE, JESSIE ALEXANDER	4305-050
23	30044	LOVE, JESSIE ALEXANDER	4305-050
24	30045	LOVE, JESSIE ALEXANDER	4305-050
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26	30047	LOVE, JESSIE ALEXANDER	4305-050
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30	30051	LOVE, JESSIE ALEXANDER	4305-050
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37	30058	LOVE, JESSIE ALEXANDER	4305-050
38	30059	LOVE, JESSIE ALEXANDER	4305-050
39	30060	LOVE, JESSIE ALEXANDER	4305-050
40	30061	LOVE, JESSIE ALEXANDER	4305-050
41	30062	LOVE, JESSIE ALEXANDER	4305-050
42	30063	LOVE, JESSIE ALEXANDER	4305-050
43	30064	LOVE, JESSIE ALEXANDER	4305-050
44	30065	LOVE, JESSIE ALEXANDER	4305-050
45	30066	LOVE, JESSIE ALEXANDER	4305-050
46	30067	LOVE, JESSIE ALEXANDER	4305-050
47	30068	LOVE, JESSIE ALEXANDER	4305-050
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58	30079	LOVE, JESSIE ALEXANDER	4305-050
59	30080	LOVE, JESSIE ALEXANDER	4305-050
60	30081	LOVE, JESSIE ALEXANDER	4305-050
61	30082	LOVE, JESSIE ALEXANDER	4305-050
62	30083	LOVE, JESSIE ALEXANDER	4305-050
63	30084	LOVE, JESSIE ALEXANDER	4305-050



City of Mount Holly Action Agenda Item

To: City Council From: Brian DuPont	Date: 1-8-20 Meeting Date: 1-13-20
Agenda Item to be considered: Public hearing to amend Article 7, Special Requirement Notes to the Table of Uses clarifying electronic gaming operations.	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request : Staff has seen the need to add a Note 32 in Article 7, Amusement Arcades & indoor places of entertainment; including bowling alleys, skating rinks, and indoor theaters. The use is currently permitted under Article 6, Section 6.2, Recreational Uses in the Zoning Ordinance. Amusement arcades have always been permitted and common examples familiar to the people are Chuck E Cheese or Dave & Buster's. However, clearer distinction between these permitted uses and illegal gaming or gambling activities should be incorporated into the City's Zoning Ordinance. The reason is that if the City has to conduct zoning enforcement for illegal activities, then this gives staff stronger documentation when educating the public. Planning Commission unanimously recommended approval of the text amendment.	
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: Recommend adoption of the text amendment.	
Result of City Council Decision: _____	
Attachments: 1. Proposed Note 32 2. NCGS 14-306.4 3.	

Note 32

Amusement arcades & indoor places of entertainment; including bowling alleys, skating rinks, and indoor theaters

- A. Intent: The purpose of this note is to clarify electronic gaming operations also referred to as, but not limited to "internet sweepstake, internet café, game room, video poker". Under North Carolina G.S. 14-306.4, these uses are not to be permitted or considered the same as an amusement arcade.
- B. Amusement Arcades as defined under Section 3.26.1 of this Ordinance are places of entertainment primarily featuring coin-operated gaming machines. This use is permitted in certain zoning districts in Section 6.2, Recreational Uses of this Ordinance and not considered the same as electronic gaming operations
- C. The following terms shall be defined as set forth below and used for determining if an activity is considered illegal under NCGS 12-306.4. All other terms shall have their customary meaning.

- a. **ELECTRONIC GAMING OPERATION:** Any business enterprise where persons utilize electronic machines, including but not limited to computers, gaming terminals, and electronic tables, to conduct games of chance, skill, or dexterity, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or predetermined odds.

Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, adult gaming facilities, electronic gaming machines or operations, fish games, pot o'gold, or cybercafes. This does not include any lottery approved by the State of North Carolina or any nonprofit operation that is otherwise lawful under State law.

- b. **INTERNET CAFÉ.** An internet café is a place where one can use a computer with Internet access, usually for a fee, either per hour or minute; or with a pass for a day or month, etc. It may serve as a regular café as well, with food and drinks being served. This definition does not include internet sweepstake cafes.
- c. **GAME ROOM.** Any place of business that principally operates mechanical games or pay devices or tables for which charge is made either directly or indirectly. Examples, by way of illustration and not limitation, are pool rooms, bowling alleys, billiard halls, amusement centers, video game rooms and the like.
- d. **ELECTRONIC GAMING DEVICE.** Any electronic device (computers, terminals, etc) that is capable of visually displaying information to sweepstake entrants in the form of game play, or simulated game play, including but not limited to:
 - i. A video poker game or any other kind of video playing card game, video bingo game.
 - ii. A video craps game, video keno game, video lotto game, eight liner, pot-of-gold.
 - iii. Video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols not dependent on the skill or dexterity of the player.

- e. INTERNET SWEEPSTAKES. Any game, advertising scheme or plan, or other promotion, which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which is based upon chance.

§ 14-306.4. Electronic machines and devices for sweepstakes prohibited.

(a) Definitions. - For the purposes of this section, the following definitions apply:

- (1) "Electronic machine or device" means a mechanically, electrically or electronically operated machine or device, that is owned, leased or otherwise possessed by a sweepstakes sponsor or promoter, or any of the sweepstakes sponsor's or promoter's partners, affiliates, subsidiaries or contractors, that is intended to be used by a sweepstakes entrant, that uses energy, and that is capable of displaying information on a screen or other mechanism. This section is applicable to an electronic machine or device whether or not:
 - a. It is server-based.
 - b. It uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.
 - c. It utilizes software such that the simulated game influences or determines the winning or value of the prize.
 - d. It selects prizes from a predetermined finite pool of entries.
 - e. It utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.
 - f. It predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.
 - g. It utilizes software to create a game result.
 - h. It requires deposit of any money, coin, or token, or the use of any credit card, debit card, prepaid card, or any other method of payment to activate the electronic machine or device.
 - i. It requires direct payment into the electronic machine or device, or remote activation of the electronic machine or device.
 - j. It requires purchase of a related product.
 - k. The related product, if any, has legitimate value.
 - l. It reveals the prize incrementally, even though it may not influence if a prize is awarded or the value of any prize awarded.
 - m. It determines and associates the prize with an entry or entries at the time the sweepstakes is entered.
 - n. It is a slot machine or other form of electrical, mechanical, or computer game.
- (2) "Enter" or "entry" means the act or process by which a person becomes eligible to receive any prize offered in a sweepstakes.
- (3) "Entertaining display" means visual information, capable of being seen by a sweepstakes entrant, that takes the form of actual game play, or simulated game play, such as, by way of illustration and not exclusion:
 - a. A video poker game or any other kind of video playing card game.
 - b. A video bingo game.
 - c. A video craps game.
 - d. A video keno game.
 - e. A video lotto game.
 - f. Eight liner.
 - g. Pot-of-gold.
 - h. A video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols not dependent on the skill or dexterity of the player.
 - i. Any other video game not dependent on skill or dexterity that is played while revealing a prize as the result of an entry into a sweepstakes.
- (4) "Prize" means any gift, award, gratuity, good, service, credit, or anything else of value, which may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.
- (5) "Sweepstakes" means any game, advertising scheme or plan, or other promotion, which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which is based upon chance.

(b) Notwithstanding any other provision of this Part, it shall be unlawful for any person to operate, or place into operation, an electronic machine or device to do either of the following:

- (1) Conduct a sweepstakes through the use of an entertaining display, including the entry process or the reveal of a prize.
- (2) Promote a sweepstakes that is conducted through the use of an entertaining display, including the entry process or the reveal of a prize.

(c) It is the intent of this section to prohibit any mechanism that seeks to avoid application of this section through the use of any subterfuge or pretense whatsoever.

(d) Nothing in this section shall be construed to make illegal any activity which is lawfully conducted on Indian lands pursuant to, and in accordance with, an approved Tribal-State Gaming Compact applicable to that Tribe as provided in G.S. 147-12(14) and G.S. 71A-8.

(e) Each violation of this section shall be considered a separate offense.

(f) Any person who violates this section is guilty of a Class 1 misdemeanor for the first offense and is guilty of a Class H felony for a second offense and a Class G felony for a third or subsequent offense. (2010-103, s. 1.)



City of Mount Holly Action Agenda Item

To: City Council	Date: 1-8-20
From: Brian DuPont	Meeting Date: 1-13-20

Agenda Item to be considered: Public hearing to amend Article 7, Note 13 Day care centers to conform with State requirements.

Will this require a public hearing? ☒ YES ☐ NO

Background/Purpose of Request : Staff has seen the need to amend Note 13, which regulates day care centers. Our regulations do not conform with the State's requirements on amount of square footage of outdoor activity area per attendee if the total number of children attending exceeds 29. The section below is NC DHHS website:

SECTION 2: OUTDOOR SPACE REQUIREMENTS

NORTH CAROLINA GENERAL STATUTE 110-91(6) AND CHILD CARE RULE .1402 Space Requirements

- ★ There must be 75 square feet of outdoor space per child, or for the number of children indicated by the center's licensed capacity.

- ☒ If licensed for 6 to 29 children inclusive, there must be 75 square feet per child of outdoor play area for the total number of children for which the center is licensed.
- ☒ If licensed for more than 30 children, there must be at least 75 square feet per child of outdoor play area for at least one-half of the total number for which the center is licensed, provided that the minimum amount of space is enough to accommodate at least 30 children.
- ☒ The total number of children on the playground cannot exceed the number of children the space will accommodate at 75 square feet per child.

Planning Commission unanimously recommended approval to Council of the text amendment.

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:

Recommend text amendment adoption

Result of City Council Decision:**Attachments:**

1. Recommended amendment language
- 2.
- 3.

Note 13 **Day care Centers (6 or more)**

- A. An adult or child day care center with six (6) or more attendees shall be operated as a principal use and subject to the following development standards:
1. An indoor activity area shall be provided equivalent to at least twenty -five (25) square feet per attendee.
 2. ~~An outdoor activity area shall be provided equivalent to at least seventy-five (75) square feet per attendee and located outside of the street setback.~~If licensed for 6 to 29 children inclusive, there must be seventy-five (75) square feet per child of outdoor play area for the total number of children for which the center is licensed.
 3. If licensed for more than 30 children, there must be at least seventy-five (75) square feet per child of outdoor play area for at least one-half of the total number for which the center is licensed, provided that the minimum amount of space is enough to accommodate at least 30 children.
 3. Outdoor activity area(s) for children shall be enclosed by a security fence at least four (4) feet in height and located outside the street setback.
 4. Centers in a residential district on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.



City of Mount Holly Action Agenda Item

To: City Council From: Brian DuPont	Date: 1-8-20 Meeting Date: 1-13-20
Agenda Item to be considered: Public hearing to amend Article 6 and 7 of the Zoning Ordinance to allow for a cigar bar and lounge use.	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request : Staff received a Text Amendment Application to allow for this type of use. The applicant is seeking a text amendment to permit a cigar bar and lounge, which would be a place of business that has a dedicated humidor of at least 25 square feet for the storage, sale and smoking of cigars or pipe tobacco on premises. This type of use is regulated through the State as a private club, but must first be permitted by the local agency. Through coordination with the applicant the text amendment would recommend only permitting this use in the B-1 zoning district with a new Note 31 in Article 7. Planning Commission unanimously recommended approval to Council of the text amendment.	
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: Recommend text amendment adoption	
Result of City Council Decision: _____	
Attachments: 1. Application and documents from Applicant 2. Article 6 and 7 text amendment language with Website links to NCGS and NC Division of Health 3.	

NC General Statute

https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_130A/Article_23.pdf

NC Division of Public Health

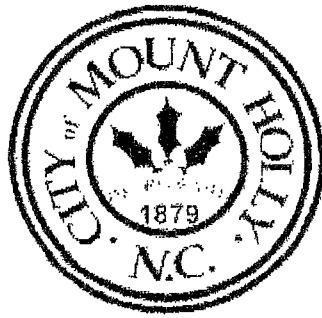
https://www.tobaccopreventionandcontrol.ncdhhs.gov/smokefreenc/docs/H2-FactSheetCigarBar-121809_Final.pdf

Article 6, Section 6.4 Business, Professional and Personal Services

Recommend adding the use, 'Cigar Bar and Lounge' as a new use to be permitted in B-1 only with a Note 31 for regulatory purposes.

Article 7, Note 31 Cigar Bar & Lounge

- A. Cigar Bar and lounge also referred to as smoking lounge means an establishment, which, as one of its principal business purposes, promotes the smoking of tobacco products or other legal substances on its premises. The term "smoking lounge" includes, but, is not limited to: cigar lounges, hookah cafes, tobacco lounges, tobacco clubs, or tobacco bars.
- B. Cigar Bar and lounges are exempt from the North Carolina Smoke-Free Law, NCGS 130A-496(b) if they meet certain requirements regulated through the State.
- C. The accessory uses of on premise sale of alcohol and food is permitted in conjunction with a cigar bar and lounge as long as they are permitted under NCGS Article 23 for the approval of the principal use of a cigar bar and lounge.
- D. A dedicated space for the humidor is required, which is a box or room with constant humidity designed to store cigars or pipe tobacco on the premises. At least 25 square feet of the total square footage of the building should be dedicated to a humidor.



APPLICATION FOR TEXT AMENDMENT
CITY OF MOUNT HOLLY, NORTH CAROLINA

Date Filed: 11/21/2019 Application Number: 11-21-19A

I, the undersigned, do hereby respectfully make a formal application for your review of my request concerning the text amendment described below:

1. The amendment is found in the City of Mount Holly Zoning Ordinance relating to:

Article 6 and Article 7 of the Mount Holly
Zoning ordinance

2. The following statement best describes what you would like the text amendment to reflect:

Article 6 - Create use amendment for a
Cigar bar & lounge

Article 7 - Requesting to add NON PROFIT PRIVATE /
Social club organization to the B-1
Zoning district.

3. Name: Carmen Cocchiola

Address: 115 North Main St. Mount Holly, NC 28120

(860) 575-1235

Phone Number

Carm Cocchiola

Signature of Applicant

INSTRUCTIONS: Applications must be TYPED or LEGIBLE and filed with the City of Mount Holly Planning and Zoning Department, together with the application fee in the amount of **\$250.00 (See Fee Schedule)** at least 10 days prior to the Planning Commission meeting for initial consideration.

North Carolina Smoke-Free Law: Guide for Cigar Bars

What is the smoke-free law?

North Carolina's new smoke-free law prohibits smoking in many public places. As of January 2, 2010, enclosed areas of bars and restaurants must be smoke-free. There is an exception for cigar bars; see below. Under the new law, smoking is also not allowed in enclosed areas of lodging establishments, such as hotels, motels and inns, if the establishment prepares and serves food or drink. A lodging establishment may designate **no more** than 20% of its guest rooms as smoking rooms.

Why was the law passed?

When the N.C. General Assembly passed the new law, it included formal findings explaining that secondhand smoke, or the smoke released from the burning end of a cigarette and the smoke exhaled by the smoker, "has been proven to cause cancer, heart disease, and asthma attacks in both smokers and nonsmokers." In 2006, a report issued by the United States Surgeon General stated that "the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke." This means that breathing in even a small amount of smoke from someone else's cigarette, cigar or pipe could be harmful to you. The new law will protect people from the harm caused by secondhand smoke.

What does the law require me to do?

Beginning no later than 12:00 a.m. on January 2, 2010, a person in charge of a restaurant, bar or lodging establishment that is subject to the new smoke-free law must:

- Post the required no-smoking signs¹ in conspicuous locations,
- Remove indoor ashtrays and other smoking receptacles, and
- Direct any person who is smoking to extinguish the cigarette, cigar or other lighted tobacco item.

Even if a restaurant, bar or lodging establishment is already smoke-free, the venue still must post the required signs and remove any remaining indoor ashtrays.

Are there any restaurants or bars that do not have to follow the law?

Yes. The following types of restaurants and bars are not required to comply with the new smoke-free law:

Cigar bars: In order to qualify for this exception and allow smoking, the cigar bar must satisfy **all** of the following criteria:

- Gross revenue: The bar must generate:
 - 60% or more of its quarterly gross revenue from the sale of alcoholic beverages; and
 - 25% or more from the sale of cigars.
- Humidor: The bar must have a humidor – which is a box or room with constant humidity designed to store cigars or pipe tobacco on the premises.
- Underage: The bar must not allow individuals under age 21 to enter.
- Smoke: Smoke from the bar must not migrate from the bar to an enclosed area where smoking is prohibited under the state law, such as a restaurant.

¹ The Commission for Public Health adopted rules in October 2009. Among other things, the rules give detailed guidance on signage. The rules were finalized on December 17, 2009. Copies of free, downloadable signs and materials are available at www.smokefree.nc.gov or can be downloaded and printed through an office supply or sign store.

- New construction: If the cigar bar begins operation after July 1, 2009, it must be located in a freestanding structure occupied solely by the bar.
- Reporting: The bar must submit quarterly revenue reports to the Department of Health and Human Services, Division of Public Health.

NOTE: See Rules for specific **Cigar Bar** reporting:

<http://tobaccopreventionandcontrol.ncdhhs.gov/smokefreenc/rules.htm>

Non-profit Private clubs and country clubs: In order to qualify for this exception, the club must satisfy **all** of the following criteria:

- Membership: The club must maintain selective members.
- Operations: The club must be operated by the members.
- Restricted service: The club must not provide food or lodging for pay to anyone who is not a member or a member's guest.
- Nonprofit status: The club must either be:
 - incorporated as a nonprofit corporation under state law (found in G.S. Chapter 55A); or
 - exempt from paying federal income tax under federal Internal Revenue Code.

Restaurants that are exempt from the state's sanitation laws: If a restaurant is not required to comply with the state's sanitation laws (found in G.S. Chapter 130A, Article 8, Part 6), it will not be required to comply with the new smoke-free law. For examples and more details, please visit the UNC School of Government Q&A page, www.sog.unc.edu/programs/ncphl/SmokingRegulation/faqs.html.

If my business does not meet all of the criteria to be a cigar bar, do I need to comply with the law?

Yes. If your business does not meet all the criteria above to be considered a cigar bar, as defined by the law, you must comply with the law. You will have to post the required no-smoking signs, remove all indoor ashtrays and smoking receptacles, and direct anyone smoking to extinguish the cigarette, cigar or other item.

How will the law be enforced?

The owner or manager of the establishment is responsible for compliance and is required to direct a person who is smoking to extinguish the lighted tobacco product.

If a restaurant or bar is out of compliance, an employee or member of the public may call the CARE-LINE at 1-800-662-7030 (bilingual services are available in over 150 languages), 7 a.m. - 11 p.m., seven days a week. If calling between the hours of 11 p.m. and 7 a.m., you may leave a message and your call will be returned. Information about potential violations will be shared with local health directors who have responsibility for enforcement in their county. More information about enforcement is available by calling your local health department, by calling the toll-free information CARE-LINE at **1-800-662-7030** or by visiting www.smokefree.nc.gov.

What are the specific penalties for violating the smoke-free law?

Both the individual who continues to smoke in violation of the law as well as the business that fails to comply with the law may receive the following penalties:

- Individual
 - \$50 fine for an infraction
- Business Owner
 - First Violation: Warning
 - Second Violation: Warning
 - Third and Subsequent Violations: Fine of not more than \$200 per violation. Each day on which a violation of this law or rules adopted pursuant to this law occurs may be considered a separate and distinct violation.

Where can I get information about quitting smoking?

Call the N.C. Tobacco Use Quitline which operates from 8:00 a.m. until 3:00 a.m. seven days a week. The toll-free number for North Carolina is **1-800-QUIT-NOW** or **1-800-784-8669**. Quitline services are available to all North Carolinians. Expert Tobacco Quit Coaches can call you back upon request. English, Spanish and other languages are available. All calls are free and confidential.

Private Clubs FAQs

Q: What qualifies a business as a private club?

NCGS 18B- 1000(5) states, *"A private club is an establishment that is organized and operated solely for a social, recreational, patriotic, or fraternal purpose and that is not open to the general public, but is open only to the members of the organization and their bona fide guests."*

Q: We have many tourists traveling through the area that want to come into our private club to eat, is that okay? No.

Rule 2S.0234 states, *"Neither a private club or permittee nor his employees shall:*

- 1. Allow any person who is not a member or bona fide guest of a member to be present as a patron on the premises of a private club; or*
- 2. No private club permittee or his employee shall admit patrons as "house" guests*
- 3. A member shall designate his own guests. If a member accepts a patron as his guest at the behest of the private club permittee or employee, than the Commission shall consider that member to be acting as the permittee's agent."*

Q: Can an employee sign the patron in? No.

Rule 2S.0234(c) states, *"An employee who is also a member of the private club shall not admit a patron as his guest while the employee is on duty."*

Q: Can a Private Club provide lockers for its members? Yes.

N.C.G.S. 18B-1006 states, *"A private club...which has been issued a Brown-Bagging permit may, but is not required to, provide lockers for its members to store their beverages."*

Q: If lockers are provided, are there any rules the establishment must maintain? Yes.

Rule 2S.0403 states, *"A private club brown-bagging permittee shall see that alcoholic beverages are stored in compliance with the following conditions:*

- 1. All alcoholic beverages stored at the club shall be kept in individual lockers that are labeled with the members' names as they appear on the membership roster; lockers shall remain locked when the member is not on the premises;*
- 2. Each locker shall contain a lock that can be opened only with a key, and the key shall be possessed by the individual member when that member is not present on the premises of the club;*
- 3. No member shall store, whether in one or more lockers, more than five liters of fortified wine or spirituous liquor, or five liters of the two combined; five liters of malt beverages; or five liters of unfortified wine upon the premises;*
- 4. Alcoholic beverages belonging to different members shall not be stored in the same locker, except that a husband and wife may store alcoholic beverages in the same locker as long as the total quantity does not exceed the quantities stated above."*

Q: We are opening a new private club, what permits can we obtain?

N.C.G.S. 18B-1001 explains the Kinds of ABC Permits; Private Clubs are eligible for:

On-Premise Malt Beverage; On-Premise Fortified Wine; On-Premise Unfortified Wine; Brown-Bagging Permit; Special Occasions Permit; and Mixed Beverage Permit



OLD BUSINESS

NEW BUSINESS

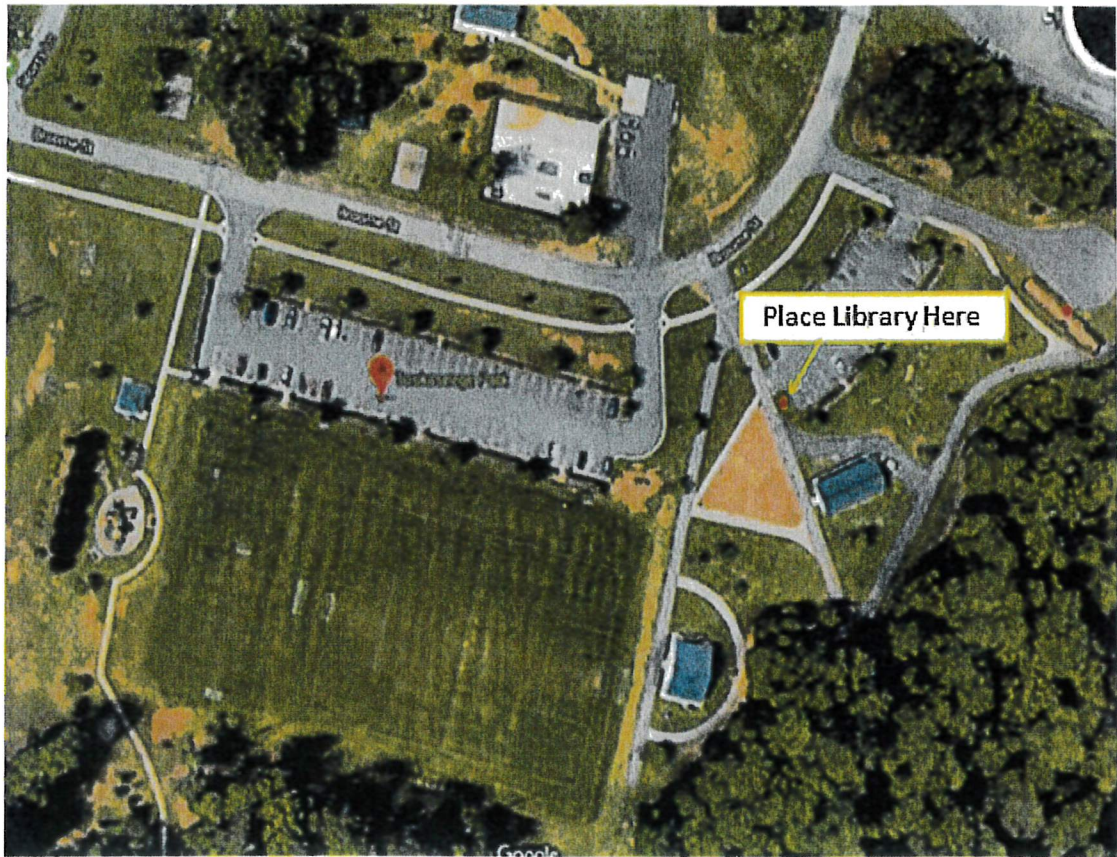


City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: 1-8-2020
From: Mark Jusko	Meeting Date: 1-13-2020
Agenda Item to be considered:	
Consideration and approval for a Little Free Library at Tuckaseege Park	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request: Last fall Mr. David Talbot contacted staff and said he would be interested in building and stocking a little free library at Tuckaseege Park. A little free library is where someone can take a book or leave a book free of charge. There would be no cost to the city to build or stock the library. I have reached out to Cramerton Parks & Recreation, who have a library at one of their parks, and they said it was a very popular amenity. The Parks & Recreation Commission, at their October meeting, unanimously recommended the idea be sent to City Council. I have included an example of what the library may look like and also the approximate location in the park. Mr. Talbot will be in attendance if you have any questions for him.	
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:	
To approve Mr. Talbot to build and stock little free library at Tuckaseege Park	
Result of City Council Decision:	

Attachments: Example picture of little free library, and map showing approximate location.







City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: January 2, 2020												
From: David E. Johnson, PE	Meeting Date: January 13, 2020												
Agenda Item to be considered:													
Accept low bidder for the Upper Dutchman's Creek Parallel Sewer line													
Will this require a public hearing? ☐ YES ☒ NO													
Background/Purpose of Request:													
This is to accept the low bidder to construct the Upper Dutchman's Creek Parallel Sewer line. 12 bids were received with the lowest 2 being as follows:													
	<table border="0" style="width: 100%;"><tr><td></td><td style="text-align: center;">Lump Sum</td><td style="text-align: center;">Contingency</td><td style="text-align: center;">Total</td></tr><tr><td>Piedmont Utility Group, Inc</td><td style="text-align: right;">\$1,887,057.46</td><td style="text-align: right;">\$100,000</td><td style="text-align: right;">\$1,987,057.46</td></tr><tr><td>Hall Contracting</td><td style="text-align: right;">\$2,099,000.00</td><td style="text-align: right;">\$100,000</td><td style="text-align: right;">\$2,199,600.00</td></tr></table>		Lump Sum	Contingency	Total	Piedmont Utility Group, Inc	\$1,887,057.46	\$100,000	\$1,987,057.46	Hall Contracting	\$2,099,000.00	\$100,000	\$2,199,600.00
	Lump Sum	Contingency	Total										
Piedmont Utility Group, Inc	\$1,887,057.46	\$100,000	\$1,987,057.46										
Hall Contracting	\$2,099,000.00	\$100,000	\$2,199,600.00										
Piedmont's references and past work have checked by the staff and this contractor is qualified to perform the work necessary.													
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: Recommend selecting the low bidder Piedmont Utility Group													
Result of City Council Decision:													
Attachments: None													



City of Mount Holly Informational Item

To: Mayor and City Council	Date: January 8, 2020
From: Miles Braswell, Asst. City Manager	Meeting Date: January 13, 2020
Agenda Item to be considered:	
Autumn Woods Traffic Plan	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request :	
Roger Richards, Autumn Woods' Home Owners Association (HOA) president, expressed the HOA's concern during a City Council meeting on the perception that many people were speeding on Autumn Woods Boulevard. The HOA's request was that the City install stop signs within the neighborhood to slow vehicles. Council asked that staff look into this request to determine if measures could be performed to reduce speeding on this street. The following is the Staff team that met to discuss this request and to study if any measures were recommended: • City Engineering: Dave Johnson, City Engineer/Utilities Director • Police Department: Brian Reagan, Deputy Police Chief • Planning Department: Brian DuPont, Assistant Planning Director/Powell Bill Fund Coordination • Streets and Solid Waste Department: Tony Walker, Director of Streets and Solid Waste • Fire Department: Ryan Baker, Fire Chief • Administration: Miles Braswell, Assistant City Manager Data was collected by the Police Department over a fifteen (15) day period and this report is included in the Council Packet and will be presented during the Council meeting. Various methods to remedy the speeding were discussed, that included installing stop signs, a speed limit reduction, speed humps and physical barriers. These options were presented to the City Manager and will be discussed, along with cost estimates, timeline and the funding source during the 01/13/20 Council meeting. Please note that this is an Informational Item and during the Council meeting, Staff will present our data and the course of action.	

<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:	\$ 6,000.00		
Budget Code	27-20-4510-357		
Reviewed by City Attorney	☐ YES	☒ NO	☐ N/A

Manager/Staff Recommendation: Proceeding with the option as presented, unless directed otherwise.

Result of City Council Decision:

None Required – Informational Item Only

Attachments:

- ***Police Department – Autumn Woods Traffic Study***
- ***Presentation with data and course of action***
- ***Draft Street Sign Request Policy***



Don Roper
Chief of Police

Mount Holly Police Department

400 East Central Avenue • Mount Holly, NC • 28120 • (704) 827-4343 • (704) 822-2932

To: Assistant City Manager Miles Braswell

From: Deputy Chief Brian Reagan

Reference: Autumn Woods Traffic Study

The Mount Holly Police Department responds to speed and traffic complaints by conducting traffic studies in the area of the complaint over a ten day period. Once the study is complete, the Patrol Division and/or the Traffic Enforcement Unit perform traffic stops on offenders in the area to educate them on the traffic laws. After two to three days of education, the Patrol Division and/or the Traffic Enforcement Unit begin to take enforcement action on offenders in the area.

One such traffic and speed complaint from the Autumn Woods Subdivision was reported and the Traffic Enforcement Unit conducted an inbound and outbound traffic study on Autumn Woods Boulevard from Sunday, December 1, 2019 through Sunday, December 15, 2019. The Traffic Enforcement Unit utilized the speed monitoring traffic signs and trailer to conduct this study. The results of the study show that during this fifteen day period 12,563 vehicles entered and exited the Autumn Woods Subdivision. The fastest speed recorded during this time period was 53 miles per hour, which occurred on December 3rd at 4:00pm. The following is a breakdown of the data:

- **Total Number of Vehicles: 12,563**
- **Average Number of Vehicles per Day: 837.5**
- **Average Speed: 26.56 mph**
- **Highest Speed: 53 mph**
- **Lowest Speed: 10 mph**
- **Approximately 50% of Vehicles Averaged 0 mph-25 mph**
- **85% of Vehicles Averaged 0 mph-30.4 mph**
- **Time of Day with Most Volume: 4:00pm-6:00pm**
- **Day with Least Amount of Traffic: Sunday (569)**



Don Roper
Chief of Police

Mount Holly Police Department

400 East Central Avenue • Mount Holly, NC • 28120 • (704) 827-4343 • (704) 822-2932

- **Day with Most Amount of Traffic: Wednesday (958)**

(85th percentile speed is the National standard for determining speed limits in certain areas and is used by the North Carolina Department of Transportation.)

Autumn Woods Traffic Plan

1/13/20 Council Meeting

Conducting a Traffic Study

Brian Reagan, Deputy Chief

- The Mount Holly Police Department responds to speed and traffic complaints by conducting traffic studies in the area of the complaint over a ten day period.
- Once the study is complete, the Patrol Division and/or the Traffic Enforcement Unit perform traffic stops on offenders in the area to educate them on the traffic laws.
- After two to three days of education, the Patrol Division and/or the Traffic Enforcement Unit begin to take enforcement action on offenders in the area.

Autumn Woods Subdivision Study

- One such traffic and speed complaint from the Autumn Woods Subdivision was reported and the Traffic Enforcement Unit conducted an inbound and outbound traffic study on Autumn Woods Boulevard from Sunday, December 1, 2019 through Sunday, December 15, 2019.
- The Traffic Enforcement Unit utilized the speed monitoring traffic signs and trailer to conduct this study. The results of the study show that during this fifteen day period 12,563 vehicles entered and exited the Autumn Woods Subdivision.
- The fastest speed recorded during this time period was 53 miles per hour, which occurred on December 3rd at 4:00pm. The following is a breakdown of the data:

3

Traffic Study Results

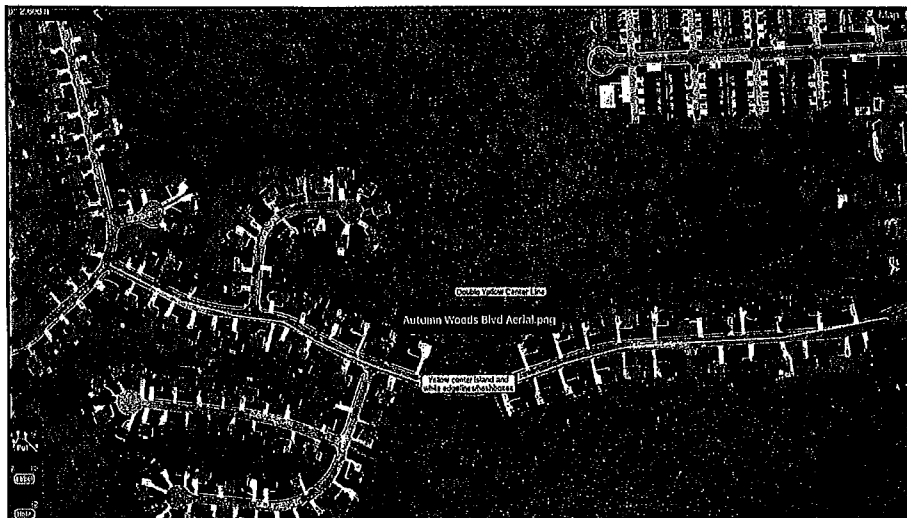
- Total Number of Vehicles: 12,563
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- Approximately 50% of Vehicles Averaged 0 mph-25 mph
- 85% of Vehicles Averaged 0 mph-30.4 mph
- Time of Day with Most Volume: 4:00pm-6:00pm
- Day with Least Amount of Traffic: Sunday (569)
- Day with Most Amount of Traffic: Wednesday (958)
-
- *(85th percentile speed is the National standard for determining speed limits in certain areas and is used by the North Carolina Department of Transportation.)*

4

Improvements to be Implemented

Dave Johnson, PE - City Engineer

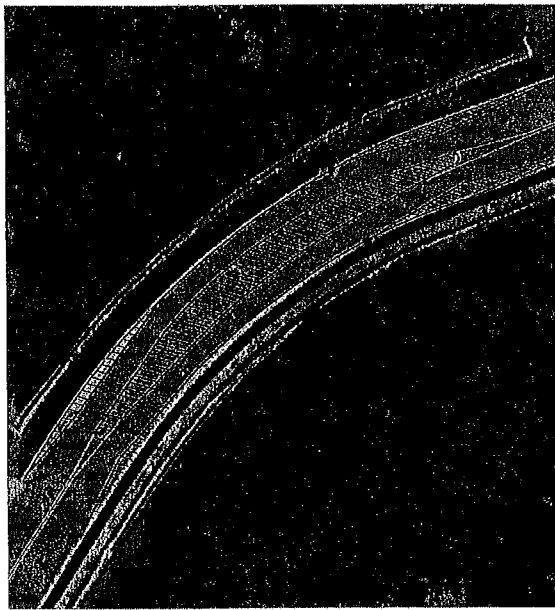
5



Recommended Solution:

- Install 24 lane delineator posts (36" ht)
- Double yellow line entire length of the road
- Yellow hashed center island
- White hashed & white edge lines on either side of road
- Traffic Signs in both directions

6

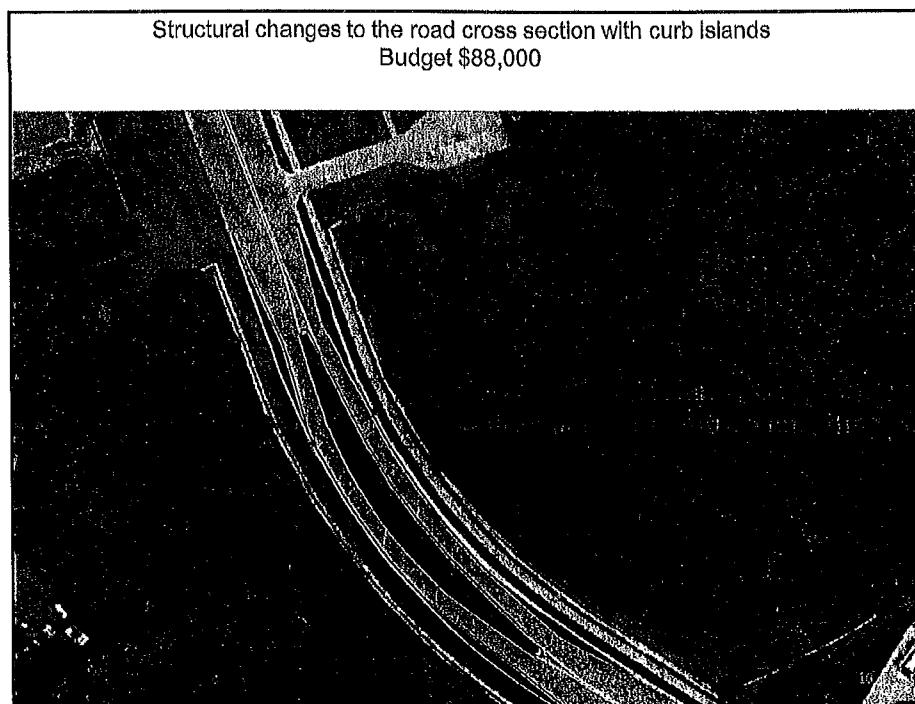
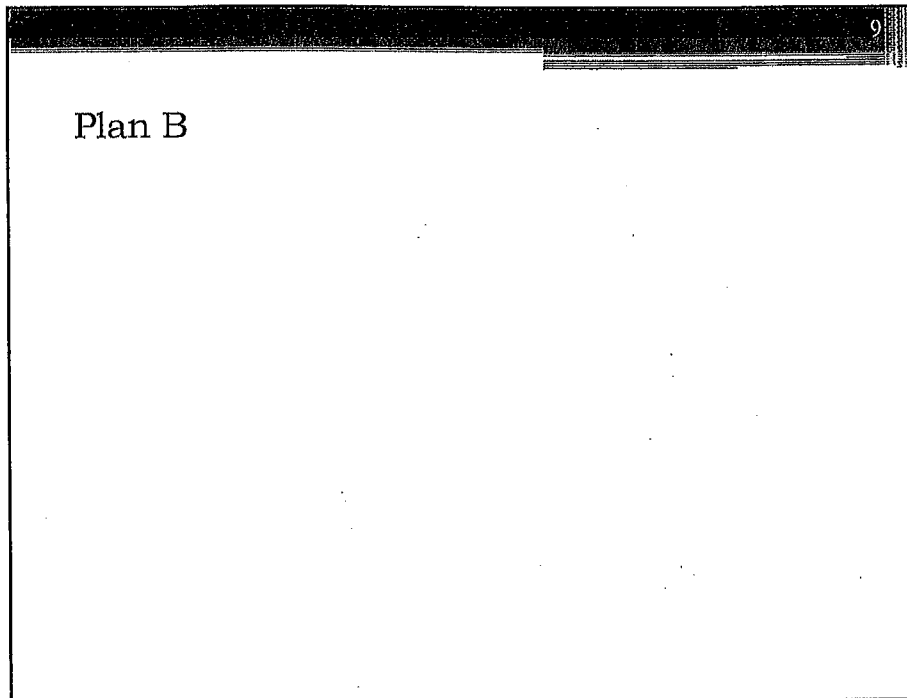


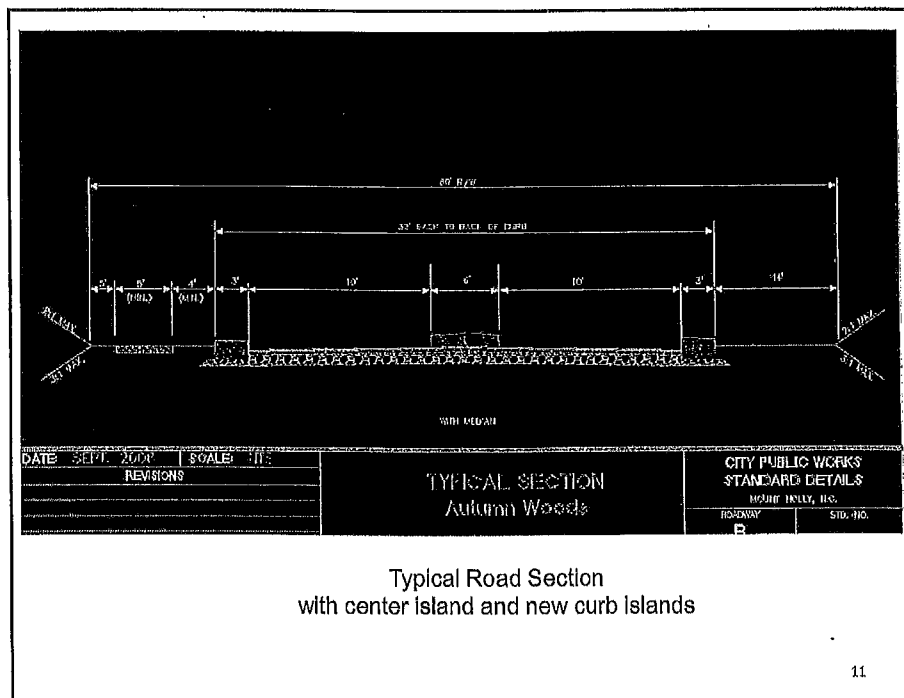
Budget: \$6,000

7

8

After sufficient use, the Traffic Enforcement Unit will conduct an inbound and outbound traffic study on Autumn Woods Boulevard. The results before and after installation will be analyzed for effectiveness.

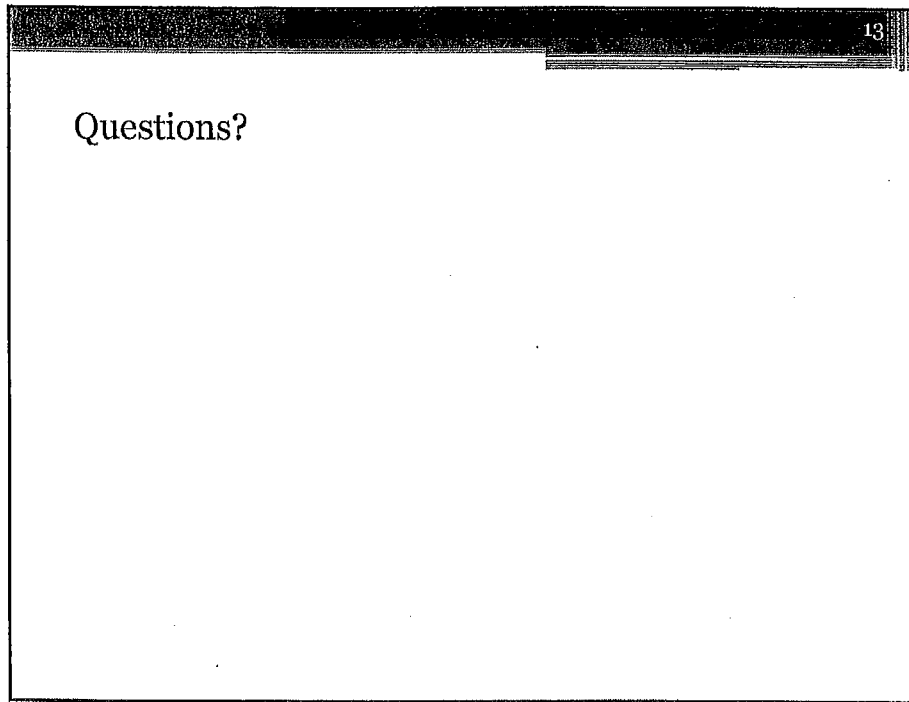




Street Sign Request Policy

Brian DuPont, Asst. Planning Director

- Policy purpose: Establish process to allow residents to request amendments to traffic control devices
- Guidelines assisting Staff to determine appropriate course of action
- In draft form (attached)
- Bringing to Council in near future



Street Sign Request Policy

City of Mount Holly

The purpose of this Policy is to establish a process that allows residents to request or amend traffic control devices in the City. The guidelines in this policy will assist City staff in determining an appropriate course of action upon receiving a request by a citizen.

The City of Mount Holly is required by law to review requests under the Manual for Uniform Transportation Control Devices (MUTCD). The MUTCD is published by the Federal Highway Administration (FHWA) and defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways and private roads open to public travel.

The MUTCD defines traffic control devices as all signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, bikeway, or private road open to public travel by authority of a public agency or official having jurisdiction, or, in the case of a private road, by authority of the private owner or private official having jurisdiction.

The City of Mount Holly does not maintain any signalized intersections and the majority of the traffic control devices on City-maintained streets include signs and pavement markings.

Types of Requests

Additional Traffic Control Devices – When a request is received for additional traffic control devices such as an additional stop sign at an intersection. The request will be reviewed by the Streets and Solid Waste Department (Streets Department) to determine if the request is on a City-maintained street, the request is regulated under the MUTCD and what the appropriate action is required by the MUTCD.

If the Streets Department determines the request is on a City-maintained street and the requirement by the MUTCD is not being met, then the Street Department will coordinate to have the traffic control device installed. If the Streets Department determines the request is on a City-maintained street and the requirement is being met, then the Street Department will deny the request.

If the request triggers an engineer study of the situation, then the applicant will be required to pay the cost of the study before the study is initiated. The engineer study by the City will provide a recommendation based on the type of request made and the guidelines outlined in the MUTCD.

Speed Limit Reduction – When a request is received for a speed limit reduction, the Police Department will place the Radar Trailer in the area to document the motorists speed. Based on that report the Police Department will provide a recommendation.

Signs Not Installed by the City

Children at Play – The MUTCD does not include "CHILDREN AT PLAY" signs or any variation and are not recommended. However, this does not prevent a property owner from installing these signs on their private property in conformance with Article 9, Signs, of the Zoning Ordinance. The following are reasons that the City does not install these signs:

- They are typically designed to look like warning signs, with a black legend on a yellow background. Other warning signs provide information on specific locations of the hazard (intersection, pedestrian crossing, curve, etc.).
- "CHILDREN AT PLAY" signs merely inform a driver that children may be in or near the road.
- Motorists should expect children to be at play in all residential areas, and the lack of signing on some streets may indicate otherwise.
- These signs do not provide guidance to motorists as to a safe speed.
- "CHILDREN AT PLAY" signs could give a false sense of security in letting children play in the roads. In fact, no level of signage could ever protect a pedestrian when they are struck by a vehicle.
- Studies have shown that "CHILDREN AT PLAY" signs do not reduce the speed of traffic or make drivers more observant.
- When a jurisdiction installs signs not in conformance with the MUTCD, it is creating liability for your local agency.

Application and Fee

Any request as part of this policy requires an application to be completed by a resident of Mount Holly. The application will need to include a fee in the amount of \$100.00 for the initial review by City staff. However, if the request triggers the need for an engineer study an additional fee by the applicant will be required prior to initiating the study. The Application is in the Appendix of this Policy.

Public Notification Process

Any request that results in the amendment to an existing traffic control device or installation of a new traffic control device will go before the City Council at a public hearing for review to amend the City's Official Traffic Map.

Public notice will be met through posting of informational signage in the area where the proposed amendment or installation of a traffic control device is requested. If the area is within a neighborhood with a Homeowners Association (HOA), then mailed notice shall also be given to the HOA. Mailed notice by regular mail and posting shall be no less than 10 days nor greater than 25 days from the date of the public hearing before City Council.

Appeals

Any resident may appeal the decision by the City Council within ten (10) days of the date of the public hearing in writing to the City Clerk's Office.

Appendix 1

Application for Street Sign Request Policy

Primary point of contact:

Name: _____ Address _____

Day phone _____

Neighborhood _____ Today's date _____

What is the location(s) of the change you propose and the reason for your request? Attach pages if necessary.

Type of traffic condition change requested (e.g. parking, STOP sign, street striping or markings, traffic direction of flow, etc.):

For Office Use Only

Date Application Received _____

Fee Paid (Yes/No)

OTHER BUSINESS

REPORTS

Mount Holly Parks & Recreation

Monthly Report

Sole Patrol- The Sole Patrol met 19 days during the month of December. The total attendance was 419, with 30 different members attending. They met for a Christmas celebration, monthly birthday party, and exercise.

Fitness Center- The Fitness Center was open 23 days during the month of December. The total attendance was 115, with 32 different members attending. Of the 32, 9 were paying members, 22 were seniors, and there was 1 city employee.

Athletics- Youth basketball practices were held throughout December. Teams practiced at the Old Gym and Tuckasee Community Center. We have 270 children participating on 33 teams.

Free-play basketball at the Old Gym and Tuckasee Community Center was held Monday-Friday from 230-530pm. The average attendance was 33 people.

Pickleball was held Wednesdays from 11am-2pm at the Tuckasee Community Center. We averaged 8 people per session.

Winter lacrosse; that we co-sponsor with Mountain Island Lacrosse, used the Tuckasee Community Center on 3 Sunday afternoons during December. The program runs through the end of January.

Rentals & Special Events- We had one shelter rental at Tuckasee Park last month. The estimated attendance was 50 people.

Special events included the Christmas Parade and Tree lighting that was held downtown on Wednesday December 4. We also hosted Santa Claus here at the Grand Hall on December 5, 6, 12, and 13 from 2-5pm. Santa posed for many pictures with the children.

News & Notes- Registration for spring sports has begun. Spring sports include; girls' volleyball (ages 9-15), soccer (ages 3-16), baseball (ages 7-15), tee-ball (ages 3-6), and girls' softball (ages 7-12).

Parks & Recreation Commission will meet on Tuesday January 28 at 630pm.

Incident Disposition Totals by Offense

MOUNT HOLLY POLICE

(12/01/2019 - 12/31/2019)

Offense:	Arrest/No Supp.:	Arrest/Oth. Agency:	Death of Offender:	Vic. Ref. to Cooper.:	Prosecut. Declined:	Extradit. Declined:	Located Missing:	Unfound.:	Reported:	Actual:	Further Invest.:
0410 - Aggravated Assault	0	0	0	0	0	0	0	0	1	1	1
0420 - Aggravated Assault with Sexual Motives	1	0	0	0	0	0	0	0	1	1	0
0510 - Burglary - Forcible Entry	0	0	0	0	1	0	0	0	3	3	2
0520 - Burglary - Non-Forced Entry	0	0	0	0	0	0	0	0	1	1	1
0630 - Larceny - Shoplifting	0	0	0	0	0	0	0	0	1	1	1
0640 - Larceny - From Motor Vehicle	0	0	0	0	0	0	0	0	3	3	3
0650 - Larceny - Auto Parts & Accessories	0	0	0	0	0	0	0	0	1	1	0
0690 - Larceny - All Other Larceny	0	0	0	0	3	0	0	0	15	15	12
0810 - Simple Physical Assault	0	0	0	0	0	0	0	0	2	2	1
0840 - Simple Non-Physical Assault with Sexual Motive	0	0	0	0	0	0	0	0	1	1	1
0890 - Simple Assault- All Other Simple Assault	0	0	0	0	0	0	0	0	1	1	1
1120 - Fraud - Obtaining Money/Property by False Pretense	0	0	0	0	1	0	0	0	1	1	0
1150 - Fraud - Credit Card/Automated Teller Machine	0	0	0	0	1	0	0	0	4	4	3
1190 - Fraud - All Other Fraud	0	0	0	0	0	0	0	1	2	1	1
1330 - Possessing/Concealing Stolen Property	1	0	0	0	0	0	0	0	1	1	0
1400 - Criminal Damage to Property (Vandalism)	1	0	0	0	1	0	0	0	13	13	11
1790 - All Other Sex Offenses	0	0	0	0	0	0	0	0	1	1	1
1810 - Drug Violations	4	0	0	0	0	0	0	1	6	5	1
1834 - Drug Violations - Equipment/Paraphernalia - Possessing/Concealing	1	0	0	0	0	0	0	1	3	2	1
1890 - Drug Violations - All Other Drug Violations	0	0	0	0	0	0	0	0	1	1	1
2040 - Child Abuse (Non-Assaultive)	0	0	0	0	0	0	0	0	2	2	2

Incident Disposition Totals by Offense

MOUNT HOLLY POLICE

(12/01/2019 - 12/31/2019)

Offense:	Arrest/No Supp.:	Arrest/Oth. Agency:	Death of Offender:	Vic. Ref. to Cooper.:	Prosecut Declined:	Extradit. Declined:	Located Missing:	Unfound.:	Reported:	Actual:	Further Invest.:
2100 - DWI - Alcohol and/or Drugs	4	0	0	0	0	0	0	0	4	4	0
2650 - Escape From Custody or Resist Arrest	0	0	0	0	0	0	0	0	1	1	1
2670 - Trespassing	0	0	0	0	0	0	0	0	1	1	1
2690 - All Other Offenses	0	0	0	0	0	0	0	1	3	2	2
4010 - All Traffic (except DWI)	5	0	0	0	0	0	0	1	15	14	9
4040 - Non-Criminal Detainment (Involuntary Commitment)	0	0	0	0	0	0	0	0	1	1	0
8010 - Missing Persons	0	0	0	0	0	0	2	0	2	2	0
9910 - Calls for Service	0	0	0	0	0	0	0	1	5	4	3
Totals:	17	0	0	0	7	0	2	6	96	90	60

Arrest Status/Disposition Totals by Offense

MOUNT HOLLY POLICE

(12/01/2019 - 12/31/2019)

Offense:	Further Invest.:	Inactive:	Closed/Cleared:	Arrest/No Supp.:	Arrest/No Invest.:	Felony:	Misd.:	Juvenile:	Adult:	Offense:
0630 - Larceny - Shoplifting	0	0	1	1	0	0	1	0	1	1
0810 - Simple Physical Assault	0	0	3	0	3	1	2	0	3	3
0830 - Simple Physical Assault with Sexual Motive	0	0	1	1	0	0	1	0	1	1
1012 - Forgery - Selling/Distributing	0	0	1	0	1	1	0	0	1	1
1190 - Fraud - All Other Fraud	0	0	2	1	1	2	0	0	2	2
1330 - Possessing/Concealing Stolen Property	0	0	1	1	0	0	1	0	1	1
1400 - Criminal Damage to Property (Vandalism)	0	0	1	1	0	0	1	0	1	1
1810 - Drug Violations	0	0	3	3	0	3	0	0	3	3
1834 - Drug Violations - Equipment/Paraphernalia - Possessing/Concealing	0	0	1	1	0	0	1	0	1	1
2100 - DWI - Alcohol and/or Drugs	0	0	4	2	2	0	4	0	4	4
2640 - Contempt of Court, Perjury, Court Violations	0	0	5	1	4	1	4	0	5	5
2690 - All Other Offenses	0	0	2	1	1	0	2	0	2	2
4010 - All Traffic (except DWI)	0	0	8	4	4	0	8	0	8	8
4040 - Non-Criminal Detainment (Involuntary Commitment)	0	0	1	1	0	0	0	0	1	1
Totals:	0	0	34	18	16	8	25	0	34	34

Citation Totals by Charge

MOUNT HOLLY POLICE

(12/01/2019 - 12/31/2019)

Charge:	Number of Charges:
Speeding (Misdemeanor)	2
Speeding (Infraction)	10
Seat Belt	4
DWI	1
No Operator License	5
Driving While License Revoked	5
Expired Registration	13
Inspection	2
Unsafe Movement	1
Failure To Stop (Stop Sign/Flashing Red Light)	3
Running Red Light	8
No Insurance	3
Possess/Consume Alcohol - Passenger	2
Other (Misdemeanor)	2
Other (Infraction)	8
Other (2nd Charge - Misdemeanor)	9
Other (2nd Charge - Infraction)	15
Total:	93

Mt Holly PD
400 E CENTRAL AV MT HOLLY , NC 28120

CFS By Department - All Departments By Date
12/1/2019 - 12/31/2019

MOUNT HOLLY POLICE	Count	Percent
ALARM B	22	1.26%
ALARM R	23	1.32%
ANIMAL COMPLAINT	9	0.52%
ASSAULT AL OCC	6	0.34%
ASSAULT IN PROG	2	0.11%
ASSIST CITY DEPARTMENT	3	0.17%
ASSIST FD/EMS	16	0.92%
ASSIST LE AGENCY	23	1.32%
ASSIST OTHER	2	0.11%
B & E OF BUSINESS IN PROGRESS	1	0.06%
B & E RES AL OCC	7	0.40%
B & E TO VEHICLE ALR OCC	7	0.40%
BANK ESCORT	3	0.17%
CHECK ROADWAY	7	0.40%
CHECK THE WELFARE	25	1.44%
CHILD ABUSE AL OCC	2	0.11%
CHILD CUSTODY	3	0.17%
CIVIL DISPUTE	18	1.03%
COMM SERV SPECIAL EVENT	2	0.11%
COMMUNICATING THREATS	11	0.63%
COURT	7	0.40%
DAMAGE TO PROPERTY	7	0.40%
DEATH INV UNATTENDED	1	0.06%
DIRECT TRAFFIC	2	0.11%
DISCHARGE FIREARM	7	0.40%
DISTURBANCE NATURE UNK	5	0.29%
DOMESTIC ARGUMENT	21	1.21%
DOMESTIC ASSAULT	2	0.11%
DRUGS	1	0.06%
FIGHT MULTIPLE SUBJ	3	0.17%
FOLLOW UP INVESTIGATION	27	1.55%
FOOT PATROL	1	0.06%
FOUND PROPERTY	6	0.34%
FRAUD	8	0.46%
FUNERAL ESCORT	4	0.23%
HANGUP 911	7	0.40%
HARRASSMENT	3	0.17%
HIT & RUN PD	7	0.40%
INDECENT EXPOSURE	1	0.06%
INFORMATION ONLY	18	1.03%
INTOXICATED DRIVER	9	0.52%
JUVENILE	5	0.29%

MOUNT HOLLY POLICE	Count	Percent
K9 DEPLOYMENT	4	0.23%
LARCENY AL OCC	17	0.98%
LARCENY IN PROG	2	0.11%
LOST PROPERTY	1	0.06%
MENTAL COMMITMENT	1	0.06%
MISC CALL	3	0.17%
MISSING PERSON ADULT	1	0.06%
MISSING PERSON JUVENILE	7	0.40%
MV COLLISION PD	33	1.89%
MV COLLISION PI	8	0.46%
NOISE VIOLATION	14	0.80%
OBTAINING WARRANT	1	0.06%
OVERDOSE	3	0.17%
PARKING VIOL	2	0.11%
PERSONAL ESCORT	17	0.98%
PROWLER	7	0.40%
PUBLIC NUISANCE BIKES/SKATEBOARDS/ATV/DIRT BIKES	4	0.23%
PUBLIC SERVICE CALL	9	0.52%
RADAR/TRAFFIC ENFORCEMENT	1	0.06%
RECOVER STOLEN PROPERTY	2	0.11%
SCHOOL RES OFFICER	4	0.23%
SCHOOL TRAFFIC	5	0.29%
SERVE WARRANT	17	0.98%
SEX OFFENSE/RAPE AL OCC	1	0.06%
SOLICITATION	10	0.57%
SPEC ASSIGNMENT TRAFFIC	1	0.06%
SPECIAL ASSIGNMENT	41	2.35%
SPECIAL CHECK	863	49.54%
STALKING	1	0.06%
STOLEN VEHICLE AL OCC	1	0.06%
STRANDED MOTORIST	21	1.21%
SUBJECT WITH A GUN/WEAPON	1	0.06%
SUICIDAL SUBJECT	2	0.11%
SUSPICIOUS PERSON	38	2.18%
SUSPICIOUS VEH OCCUP	41	2.35%
SUSPICIOUS VEH UNOCCUP	34	1.95%
TRAFFIC OTHER	6	0.34%
TRAFFIC STOP	158	9.07%
TRAILER DEPLOYMENT	1	0.06%
TRESPASS	7	0.40%
UNAUTHORIZED USE OF CONVEYANCE	1	0.06%
VANDALISM AL OCC	2	0.11%
VERBAL ARGUMENT	5	0.29%
Total Records For MOUNT HOLLY POLICE	1742	Dept Calls/Total Calls 96.72%

No Units	Count	Percent
ALARM B	2	3.39%
ASSIST LE AGENCY	1	1.69%

No Units	Count	Percent
CHECK THE WELFARE	2	3.39%
CIVIL DISPUTE	1	1.69%
DOMESTIC ARGUMENT	1	1.69%
FOUND PROPERTY	1	1.69%
HANGUP 911	1	1.69%
MV COLLISION PD	1	1.69%
MV COLLISION PI	1	1.69%
NOISE VIOLATION	1	1.69%
NOT AN ACTUAL CALL	2	3.39%
SPECIAL CHECK	36	61.02%
SUSPICIOUS PERSON	1	1.69%
SUSPICIOUS VEH OCCUP	5	8.47%
SUSPICIOUS VEH UNOCCUP	1	1.69%
TRAFFIC STOP	2	3.39%
Total Records For No Units	59	Dept Calls/Total Calls 3.28%
Total Records	1801	

PUBLIC WORKS REPORT

	NOVEMBER	2019	2018	2017
<u>Water</u>				
Daily Average (mgd)		2.5203	2.464	2.520
Daily Maximum (mgd)		3.408	2.920	3.409
Daily Minimum (mgd)		2.226	2.070	2.226
Monthly Total (mg)		75.609	73.930	75.609
Customers				
Inside City Limits		6466	6223	6030
Outside City Limits		486	491	491
TOTAL		6952	6714	6521
<u>Wastewater</u>				
Daily Average (mgd)		2.404	2.289	1.873
Daily Maximum (mgd)		3.155	5.791	2.463
Daily Minimum (mgd)		1.795	1.353	0.838
Monthly Total Flow (mg)		72.113	68.680	56.197
American & Efird Total Flow (mg)		17.086	17.556	18.009
Customers				
Inside City Limits		6056	5823	5635
Outside City Limits		52	53	55
TOTAL		6108	5876	5690
<u>Sanitation</u>				
Number of Customers				
Residential		5584	5434	5236
Commercial / Industrial		153	153	145
Recycling		5686	5545	5346
Garbage Collected (tons)		521.48	501.02	445.17
General Yardwaste (tons)		50.1	82.64	47.47
Chipping (tons)		0	0.00	0.00
Leaves (tons)		78.5	87.00	108.00
Total Yardwaste (tons)		128.6	169.64	155.47
White Goods (tons)		0	0.00	0.00
Recycling (tons)		N/A	121.10	107.37

PUBLIC WORKS REPORT

	DECEMBER	2019	2018	2017
Water				
Daily Average (mgd)		2.501	2.356	2.445
Daily Maximum (mgd)		2.98	2.720	2.919
Daily Minimum (mgd)		2.22	2.040	2.053
Monthly Total (mg)		77.553	73.040	75.852
Customers				
Inside City Limits		6461	6235	6030
Outside City Limits		492	490	491
TOTAL		6953	6725	6521
Wastewater				
Daily Average (mgd)		2.535	2.407	1.907
Daily Maximum (mgd)		3.95	3.996	2.679
Daily Minimum (mgd)		1.64	1.325	1.165
Monthly Total Flow (mg)		78.6	74.632	59.120
American & Efird Total Flow (mg)		12.296	13.096	13.140
Customers				
Inside City Limits		6051	5836	5635
Outside City Limits		53	53	55
TOTAL		6104	5889	5690
Sanitation				
Number of Customers				
Residential		5584	5442	5236
Commercial / Industrial		152	153	145
Recycling		5688	5549	5346
Garbage Collected (tons)		410.84	411.12	488.91
General Yardwaste (tons)		47.38	24.65	46.28
Chipping (tons)		0	0.00	0.00
Leaves (tons)		112.5	119.50	243.00
Total Yardwaste (tons)		159.88	144.15	289.28
White Goods (tons)		0	0.00	0.00
Recycling (tons)		N/A	84.96	106.98