



September 23, 2019 Council Meeting

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

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



**September 23, 2019
6:30 P.M.**

CALL TO ORDER BY THE MAYOR

INVOCATION

SET THE AGENDA

CONSENT AGENDA

Release of Performance Bond for Dutchman's Ridge

AGENDA

1. Presentation of Downtown Commerce *Jonathan Todd*
2. Discussion of proposed Training Facility *Chief Roper/Deputy Chief Reagan*
3. Consideration and Approval of Crosswalk Creations/Pavement Art Program
Miles Braswell
4. Discussion/Update on Park Bond *McAdams*
5. Closed Session Pursuant to N.C.G.S 143-318.11 (a)(3 and 5)
6. Adjourn



City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: August 21, 2019
From: David E. Johnson, PE	Meeting Date: August 26, 2019
Agenda Item to be considered:	
Release the Performance Guarantee posted for Dutchman's Ridge Phase 4 in accordance with the Subdivision and Land Development Guidelines.	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request :	
Phase 4 (Map 4) certified check in the amount of \$88,078.59 was posted by East Dutchman, LLC on February 25, 2016 which represented 30% of the total performance guarantee posted for the project. This phase of Dutchman's Ridge has been completed and all punch list items completed to our satisfaction. The developer has asked for a release of their remaining funds in accordance with State law. We recommend the release of the remaining funds of \$88,078.59. We recommend acceptance of the infrastructure contained within the boundaries of the Dutchman's Ridge Phase 4 (Map 4) project.	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☒ NO ☐ N/A
Reviewed by Finance Director	☐ YES ☒ NO ☐ N/A
Preadit 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 release of the certified funds to East Dutchman, LLC and accept the infrastructure within Phase 4 (Map 4) of the Dutchmans Ridge subdivision.</u>	
Result of City Council Decision:	
Attachments: East Dutchman LLC request to release funds	
Site Inspector, City of Mount Holly approval & acceptance of improvements	

East Dutchman LLC
4301 Fairview Oaks Dr.
Charlotte, N. C. 28211

Mr. Derek Dixon
Site Inspector
City of Mount Holly, N. C.

August 13, 2019,

Dear Derek:

I am requesting you to do a final inspection for Dutchmans Ridge Phase 4. I am also requesting that Mt. Holly release the \$88,078.59 that they have in escrow for this final. Let us know when the next council meeting will be held that the release will be on the councils agenda. Please send the funds to:

East Dutchman LLC
4301 Fairview Oaks Dr.
Charlotte, N. C. 28211

If you need anything else from us, just let me know. Thanks for your help in getting this project done.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Pearson". The signature is fluid and cursive, with the first name "Tom" being more prominent.

Tom Pearson
Manager



MEMO

TO: David E. Johnson P.E.
FROM: Derek J Dixon
DATE: 8/21/19
RE: Dutchman's Ridge Phase 2/Map 4 Bond Release

David,

Phase 2 AKA Map 4 of Dutchman's Ridge is 100% built upon. In 2018 the developer placed the final 1.5" of top course asphalt, repaired curb gutter, and repaired sidewalks. The developer has been issued a reduction of the original bond to 30% of the total bond amount.

The developer has requested the release of the final 30% of the original bond amount. After a final inspection the developer repaired all items that were not to City standards. I have made an final inspection of Phase 2. I have received the as-built drawings and all other required documents from the developer at this time. I approve the release of the final 30% of bonding and move that the City of Mount Holly accept the infrastructure in Phase 2 of Dutchman's Ridge.

Derek J Dixon

Site Inspector



City of Mount Holly Action Agenda Item

To: City Council From: Chief Roper	Date: 9-19-19 Meeting Date: 9-23-19
Agenda Item to be considered: Presentation detailing MHPD police training facility	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request: <i>MHPD currently does not have a location that allows us to conduct various types of state mandated training, including firearms qualification. A location has been identified that is currently being used for K-9 training, and is suitable for expansion that will allow the department to provide the needed training for staff.</i>	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☐ NO x N/A
Reviewed by Finance Director	☐ YES ☐ NO x N/A
Preaudit Certification required	☐ YES ☐ NO x N/A
Capital Project Ordinance required	☐ YES ☐ NO x N/A
Budget Transfer required	☐ YES ☐ NO x N/A
Total City Dollars:	
Budget Code	
Reviewed by City Attorney	☐ YES ☐ NO x N/A

Manager/Staff Recommendation:

Result of City Council Decision:

Attachments:

1. Memo from Chief Roper
2. Aerial view of location
3. Zoning verification letter



Don Roper
Chief of Police

Mount Holly Police Department

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

Memorandum

From: Chief Don Roper

Reference: Police Training Facility

Date: 09-19-19

Training needs and responsibilities are among the most pressing issues faced by law enforcement agencies today. State and federal law, along with a number of court rulings, have set a standard level of training that all police departments are required to meet. Failing to provide adequate and advanced training opens an agency to severe liability.

A great deal of current law enforcement training requires a location outside a classroom that will allow officers the opportunity to practice hands-on techniques such as K-9 training, active shooter, force on force, felony vehicle stops, physical fitness, defensive tactics, firearms qualification, and combat courses. Not having a suitable location to conduct this training requires MHPD to attempt to use another agency's facility.

The MHPD is required to provide continuing firearms and tactical training to all officers. This training, which is mandated by the state, requires a facility capable of allowing officers to complete the training in a safe and secure environment. MHPD currently has to rely on other agencies to allow us to use their training facilities to complete this training. This has caused issues due to having to schedule this use around the other agency's own needs.

MHPD is currently one of the only law enforcement agencies in Gaston County that does not have a dedicated training facility that will allow us to complete our state mandated firearms qualifications.

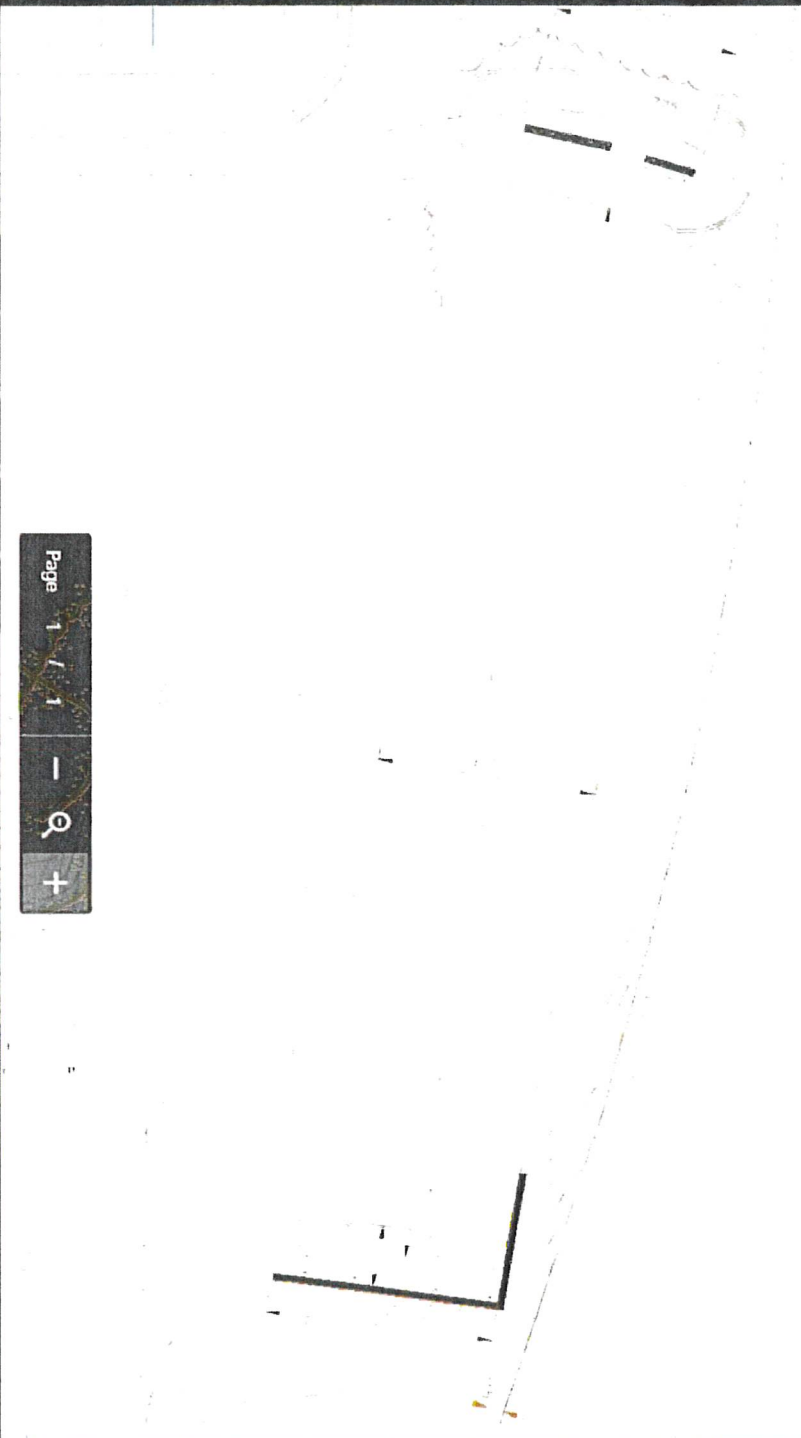
We have identified a location that would be suitable for our needs, and would provide us with the capability to train our officers without having to work around another department's schedule. The location is currently being used as our police K-9 training location, and could be expanded to allow us to complete other required training including firearms qualification. The property is owned by the City of Mount Holly, and is located beside the water treatment plant at 111 Mountain Island Rd. The location is properly zoned for use as a training facility, including firearms training.

The initial startup cost to allow us to begin using this location for additional training would be approximately \$15,000. This would be funded through the use of asset forfeiture funds already obtained by the police department.



Range Area

MOUNT HOLLY POLICE DEPARTMENT PROPOSED SHOOTING RANGE





GREG BEAL, PLANNING DIRECTOR
DEPARTMENT OF PLANNING
& DEVELOPMENT

400 E. Central Ave.
Post Office Box 406
Mount Holly, NC 28120
704-827-3931
704-827-5672 fax
www.mtholly.us

PLANNING
ZONING
ECONOMIC DEVELOPMENT
CODE ENFORCEMENT
GIS TECHNOLOGY

Don Roper
Police Chief
Mount Holly Police Department
400 East Central Avenue
Mount Holly, NC 28120

September 18, 2019

Dear Chief Roper:

This letter serves as zoning verification for the property located at 111 Mountain Island Road, Mount Holly, Gaston County Tax Parcel ID 177763. The 14.15 acre parcel, currently owned by the City of Mount Holly, is zoned, in its entirety, H-1 Heavy Industrial. Manufacturing and industrial-type uses are permitted in the H-1 Heavy Industrial Zoning District, an example being a small portion of this property used as a municipal water treatment plant.

A variety of other uses are permitted in the H-1 district as well. For instance, under Article 6, Table of Permitted and Special Uses, Section 6.4, Recreational Uses, in the Mount Holly Zoning Ordinance, the use **Outdoor Shooting Ranges, Local Government Only**, is permitted in the H-1 Heavy Industrial Zoning District. The use is a permitted use by right, as noted by the "X" symbol. It is not a special use, meaning that it would only require City staff approval, through the Land Use Ordinance process, and it would not require any board approval. The Planning & Development Department would work with any other agencies, if needed, during the approval process. A common example of this would be Gaston County Building Inspections and the Fire Marshal.

The City of Mount Holly notes that there are no zoning violations on record for this property. If you should have any further questions, please feel free to contact me at (704) 951-3012 or at gregbeal@mtholly.us.

Greg Beal

Planning & Development Director



City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: September 19, 2019
From: Miles Braswell, Asst. City Manager	Meeting Date: September 23, 2019
Agenda Item to be considered:	
Crosswalk Creations: Crosswalk / Pavement Art Program	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request:	
During the September 9, 2019 City Council Meeting, staff presented a crosswalk/pavement art program. This presentation consisted of describing the City of Charlotte's Paint the Pavement program and the Town of Chapel's Request for Proposal approach to painting crosswalks. Council discussed the topic and agreed with staff to proceed with a program similar to the City of Charlotte's program. Staff has developed and named our program "Crosswalk Creations" with the draft manual attached for review. The following is included in the document: • Introduction • Eligible Applicants • Eligible Project Types & Locations • Prohibited Locations • Approval Process • Design Requirements • Installation Process & Closing the Street • Maintenance & Repair • Application Checklist • Frequently Asked Questions • Appendix A – Application • Appendix B – Temporary Infrastructure Agreement Staff has reviewed document and their comments have been incorporated. The City Attorney's office also reviewed the document from a legal perspective, particularly focusing on the Temporary Infrastructure Agreement. It is staff's recommendation to adopt the Crosswalk Creations manual.	

<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
<i>Total City Dollars:</i>	\$ 0		
<i>Budget Code</i>	Not Applicable		
Reviewed by City Attorney	☒ YES	☐ NO	☐ N/A

<i>Manager/Staff Recommendation:</i> <u>Adopt the Crosswalk Creations manual.</u>
<i>Result of City Council Decision:</i> _____
<i>Attachments:</i> • <i>City of Mount Holly – Crosswalk Creations draft program manual</i>

Table of Contents

Introduction	1
Eligible Applicants	2
Eligible Project Types & Locations.....	2
Prohibited Locations	3
Approval Process.....	3
Design Requirements	4
Installation Process & Closing the Street	5
Maintenance & Repair	6
Application Checklist.....	6
Frequently Asked Questions (FAQs).....	7
Additional Information.....	7
Appendix A – Application	
Appendix B – Temporary Infrastructure Agreement	

Introduction

The City of Mount Holly is emerging as a place where art and creative places are becoming distinctive components of the community's character. The 2019 Strategic Vision Plan Update, adopted January 2019, set various initiatives centered around arts and placemaking. Some major themes of the Plan involve exploring opportunities for creative spaces, continuing partnerships with local artists, creating a public art commission and drafting public art and mural guidelines. The City believes that this document fits well within the objectives of the Vision Plan by providing citizens and stakeholders the opportunity to participate in placemaking and the public art process throughout Mount Holly (City).

Recently, the City Council and associated art initiatives have expressed interest in incorporating art into our crosswalks to celebrate unique aspects of the City and strengthen community bonds. In response, the City created this manual to guide neighbors, who want to come together to install a "Crosswalk Creations" project within the City maintained right-of-way, which includes designing and painting a crosswalk, sidewalk, neighborhood entrance, or another area within the City right-of-way. This manual explains the process and requirements and provides all of the necessary forms.

It is important to keep in mind that all Crosswalk Creations projects in the public right-of-way become City property. The City has the right to modify, replace, remove, and/or restore any project elements located within City right-of-way. The maintenance and repair of Crosswalk Creations projects is the responsibility of the applicant, per the completed Temporary Infrastructure Agreement between the applicant and the City. The rest of the manual explains this in more detail. Questions regarding this manual should be directed to contactus@mountholly.us

Eligible Applicants

Eligible applicants include neighborhood associations, community organizations, business associations, local schools, non-profits OR individuals sponsored by those listed previously. A primary contact (hereinafter referred to as the applicant) shall be designated as part of the application package. The applicant is responsible for submitting the forms identified in the Application Checklist.

Eligible Project Types & Locations

There are generally five types of eligible Crosswalk Creations projects. If your project idea does not fall within one of the five categories below, please contact city staff at contactus@mountholly.us to discuss your idea. We will give you some helpful tips about appropriate locations for Crosswalk Creations projects.

1. **Crosswalk Murals** – Crosswalk Creations projects may be used to enliven existing marked crosswalks. The most important requirement for this type of Crosswalk Creations project is that the painting CANNOT obscure the crosswalk striping (including any green markings used to denote shared/bicycle crossings). The crosswalk striping is a regulatory traffic control device that is essential to the safe operation of street intersections. Crosswalk murals must “stay within the lines” of the crosswalk to avoid creating confusion for pedestrians and motorists. City staff can help provide more guidance.
2. **Sidewalk Murals** – Sidewalks also make great candidates for the Crosswalk Creations projects within the public right- of-way. Certain special sidewalks (like the stamped sidewalks along North and South Main Street) may not be an appropriate location because of the specific streetscape design requirements for those corridors.
3. **Intersection Murals** – Murals painted in the middle of street intersections have been the most common and popular type of Crosswalk Creations projects in other cities. Low volume residential streets tend to be the best candidates for these. Intersections with traffic signals and/or marked crosswalks are not eligible for this kind of Crosswalk Creations project because such projects may obscure important traffic control markings, potentially confusing motorists.
4. **Midblock Murals** – Crosswalk Creations projects may also be installed in midblock locations. Generally midblock murals are most successful when they are tied to a significant adjacent land use, like a museum, library, park, or other neighborhood-serving land use. Midblock locations involving bike lanes, on-street parking spaces, two-way center turn lanes, etc. may be acceptable locations, but these proposed locations will require additional scrutiny to ensure that the Crosswalk Creations project does not obscure, mimic, or confuse any traffic control device. Midblock murals cannot be used near approaches to signalized intersections (within 200 feet) or in street segments with more than three total vehicular lanes (including center turn lanes) because they may obscure important traffic control markings.
5. **“Live-Ends”** – These are projects that use cul-de-sacs or dead-end streets as a canvas for Crosswalk Creations installations, transforming them into “Live-Ends!” Dead-ends typically make great candidates for Crosswalk Creations projects due to low traffic volumes and the opportunity to enliven infrequently used rights-of-way.

Prohibited Locations

There are places where Crosswalk Creations projects are not a good fit because they may obscure, mimic, or confuse traffic control markings. The following types of locations are not permitted for Crosswalk Creations

projects:

- Portions of the roadway that include school zone markings or railroad markings;
- Approaches to signalized intersections (within 200 feet) as these typically include turn lane arrows, stop bars, etc.;
- Shared-use crosswalks, which are installed with a green color in between the white crosswalk markings to denote a shared pedestrian and bicycle crosswalk, and
- Any other portions of the roadway, in which a Crosswalk Creations project may obscure, mimic, or confuse pavement markings or regulatory devices.
- Any locations, which involve NCDOT right-of-way.

The City shall have the final authority to screen and identify eligible locations and may deny any Crosswalk Creations request for any reason.

Approval Process

To install a Crosswalk Creations project you will need two things; 1) a Temporary Infrastructure Agreement (*this is the approval of your design concept*), and 2) a Special Events Permit (*this is your approval to close down the street to install your project*). Below are the steps to get there:

- **STEP 1: Pre-application Conversation with City Staff**
 - Contact City staff via contactus@mountholly.us before you get started on your application. Your email should include the location(s) you have in mind for your project with a corresponding map. This will allow the City staff to assess the request and put together some helpful guidance. The City will also provide some preliminary guidance on a traffic control plan at this stage.
 - City will normally contact you within 15 business days and, if necessary, will arrange a date/time for an in-person pre-application meeting.
 - Street closures or events that are larger or more complex may also require a Special Event Permit.
- **STEP 2: Gather Neighborhood Support**
 - Because Crosswalk Creations projects create a semi-permanent change to the neighborhood, obtaining community support is an essential part of the process and should be included with your Crosswalk Creations application in Step #3. Applications that do not include documentation of community outreach will not be considered. Full support from every property on the block is not a requirement for a proposal to move forward, but it is important to demonstrate adequate community outreach.
 - **Fronting Businesses & Property Owners:** At a minimum, applicants must demonstrate the support of any businesses and property owners, which front a proposed Crosswalk Creations project.
 - **Neighborhood Organizations:** Applicants must also notify any adjacent neighborhood association, merchants' association or businesses of the proposed Crosswalk Creations location and preliminary design. No formal approval from a neighborhood organization is required, although it is welcomed.
 - **Signatures of Support:** Applicants are also encouraged to obtain signatures of support from nearby property owners, businesses and tenants that are not immediately adjacent to the proposed project. Petitions shall include the name, address and phone number of all those who sign it.
- **STEP 3: Prepare and Submit Your Crosswalk Creations Application**
 - See the Application Checklist and Forms in the Appendix of this manual for more information.

- When developing projects, consider the scale and timeline to ensure the project is within your (or your organization's) capacity. Include a realistic timeline for installation and cleanup, including paint drying time. You will need to have traffic controls in place long enough for your project to dry.
- **STEP 4: Review and Revisions**
 - Upon receipt of a complete application packet (see the Application Checklist and Appendix for application forms), the City will begin its review process. The review may take 30 or more business days to approve, deny, or request revisions to the design concept and application.
 - As part of the review, the project design and content will be evaluated through the City's Public Art Committee. The Public Art Committee is comprised of one (1) City Council liaison, (1) City Staff, (1) City Engineer, (1) Community Development Foundation – Arts Mount Holly member and (1) Citizen.
 - The Public Art Committee will review to approve, deny or request revisions to the design concept and application.
 - The Public Art Committee will present the application and their recommendation to approve or deny to the full City Council during a regularly scheduled meeting.
 - You will also want to start thinking about a date for the installation of your project and submit a Special Events Permit application. Set the installation date out far enough (at least 45 days) to allow plenty of time for the review and revisions of your Crosswalk Creations scheme. That will also give you time to recruit some neighbors to help you complete the project.
- **STEP 5: Get Your Permit and Start Painting!**
 - The City will provide written approval of the application. The applicant is advised to wait for this written approval before any material acquisition or other commitment of any funds to the endeavor.
 - Once your Temporary Infrastructure Agreement and Special Event Permit are approved, you will have everything you need. Gather your materials and your volunteers and get ready for your installation date.
 - Have fun and get the whole neighborhood involved! See "Installation Process & Closing the Street" for more on how to execute your project.
 - All materials and equipment shall be removed from the site after installation is complete.
 - The City will inspect the project, after installation, to ensure compliance with the Temporary Infrastructure Agreement and to ensure the site has been cleaned in an appropriate manner.
 - The City will own the work after inspection and acceptance of the final installation, however maintenance and repair of the painting is the responsibility of the applicant. See "Maintenance & Repair" below.
 - Keep in mind, the City may revoke your Temporary Infrastructure Agreement for any reason at any time.

Design Requirements

- No words, logos, commercial speech, religious message, political message or advertising are allowed.
- The applicant is advised that the visual images are not intended to create a forum for public expression. The City right-of-way is a closed public forum. The City reserves the right to control what is depicted in the City's right-of-way.
- Crosswalks are demarcated by white parallel lines called "stop bars" and must remain intact in the artist's design. The design must be rendered within those white stop bars. The amount of space between the stop bars is a minimum of eight (8) feet in width. The area between the stop bars is the artist's canvas. The selected artist(s) will be free to create simple graphic designs that can be easily produced using a stenciled outline.
- If no crosswalk is present, please discuss with the City the option to place a crosswalk, prior to application

submittal. If approved, the white stop bars will need to be incorporated into the design and painted by the applicant.

- It is important to ensure that Crosswalk Creations projects do not create areas that become slippery when wet. As such, designs must include sufficient blank space (non-painted areas) to ensure adequate roadway grip. Alternatively, the paint may be mixed with walnut shells or “shark grip” grit (chewed up plastic pieces) to add grit and prevent a slip hazard. These materials are readily available, and City staff can help guide applicants seeking to use them.
- The painting may not mimic traffic control devices such as crosswalks or street signage. Yellow and white paint shall be minimized to avoid looking like traffic control devices.
- Applicants must obtain permission for all artwork and imagery to be used. This includes permission to use photos of people and images of artwork and a waiver from each designer/artist to the Visual Artist’s Rights Act (VARA). Applicants must also obtain permission from each designer/artist for the City to use images of their artwork in brochures, on websites, etc.
- Paint must be low toxicity latex paint and must be lead-free. Proposed paint materials must be submitted to the City for review and approval.
- All materials must be used in compliance with all State and Federal regulations and according to manufacturer’s specifications.
- Applicants should have a plan for material and equipment use as well as safe procedures when working with youth. A good resource is the Art and Craft Safety Guide of the U.S. Consumer Product Safety Commission: <https://www.cpsc.gov/s3fs-public/5015.pdf>
- Applicant must clean up and dispose of paint in an appropriate manner. Paint may not be disposed of in the City storm drains, City sewers or waste containers.
- Paint shall be applied in a precise, high quality manner. Accidental spills, paint drips and messy edges must be cleaned up.
- Avoid creating a distraction to motorists. (High reflectivity, kinetic parts, etc.)
- Placement must not obstruct sight distance in accordance with City of Mount Holly’s Engineer.
- Maintain adequate separation/clearance from the street depending on the specific conditions at the proposed location. More separation is generally required at intersections.
- Placement must not impede pedestrian accessible routes in accordance with ADA.
- Installations may not have an appearance that is similar to any traffic control devices or signs including, but not limited to those found in the MUTCD.
- Consistent with City ordinance, no advertisement is allowed. (Signs, logos, sponsorship plaques, etc.)
- Installations must not conflict with any applicable law, ordinance or policy.

Installation Process & Closing the Street

Bringing the neighborhood together to install a Crosswalk Creations project should be a fun community-building experience. That process is just as important as the design of the project and the final result. These requirements help ensure that the installation of Crosswalk Creations projects are fun, safe, and engaging for the neighborhood.

- At a minimum, applicants are encouraged to notify the adjacent property owners and any adjacent neighborhood associations, community organizations, and business associations of the planned installation date and invite them to participate in installing the project.

- Except for projects on sidewalks only, streets must be closed around the Crosswalk Creations project area to provide safe working conditions. Applicants must submit a plan for closing the street. City staff will provide guidance for street closures in accordance with MUTCD, which can be found at <https://mutcd.fhwa.dot.gov/>. No street shall be closed or blocked until specifically approved by the City.
- Crosswalk Creations projects can be accomplished as part of a Special Events permit. Information on requesting closure of the street or intersection under the Block Party Permit process can be found at <https://www.mtholly.us/parks-recreation.php?Parks-Recreation-Special-Events-8>. Please note that Special Events Applications must be submitted a minimum of 30 days in advance of the requested date.
- Keep in mind, on busier streets (thoroughfares) and at signalized intersections you may be required to hire an off-duty police officer(s) to provide traffic control during the installation of your project. That can create additional expense for the applicant.
- The applicant is not authorized to do any excavation or modification to existing signage or pavement markings. The applicant shall be responsible for protecting all public and private facilities placed in the public right-of-way.
- We want to see your great work. Applicants must thoroughly document the installation and final product through photographs and provide those images to the City upon completion.

Maintenance & Repair

- Paintings in the public right-of-way become City property immediately upon completion; however, the maintenance and repair of the painting is the responsibility of the applicant per the completed Temporary Infrastructure Agreement between the applicant and the City. See attached Temporary Infrastructure Agreement for more information.
- The applicant is responsible for all ongoing maintenance of the painted work, including touch-ups, graffiti removal and repainting due to street maintenance or utility cuts.
- The applicant is responsible for repainting after significant wear or completely removing the paint at the end of the permit period using a method to be approved by the City.
- The applicant will bear the cost of all maintenance, repair and removal.
- The City bears no responsibility to repair or replace the project, however the City has the absolute right to change, modify, destroy, remove, relocate, move, replace, transport or restore the project elements located within the City right-of-way in whole or in part, in the City's sole discretion.
- Prior to maintenance and repair, the applicant is required to coordinate with the City through the Special Events Application and related Permit for approval.

Application Checklist

- Application form
- Map of the location(s)
- A color graphical representation of the proposed painting in 8.5" x 11" format. The image shall include dimensions, the imagery, names of the streets, and the name of the designer
- Resumes of the participating designer(s)/artist(s)
- Letter of support from neighborhood organization(s)
- Petition indicating the percentage of abutting property owners support, with as close to 100 % support as possible.
- Visual Artist's Rights Act Waiver signed by each designer/artist
- Completed Temporary Infrastructure Agreement
- Temporary traffic control plan

- Special Events Permit application (necessary to close down the street for most types of Crosswalk Creations projects) – City staff will guide you to the appropriate process during your pre-application conversation.

Frequently Asked Questions (FAQs)

Q: *Who owns the Crosswalk Creations final product?*

A: Paintings in the public right-of-way become City property. The City has the absolute right to change, modify, destroy, remove, relocate, move, replace, transport or restore the artwork located within the City right-of-way in whole or in part, in City's sole discretion. The maintenance and repair of the painting is the responsibility of the applicant per the completed Temporary Infrastructure Agreement between the applicant and the City.

Q: *What if the Crosswalk Creations project becomes faded or is damaged (i.e. graffiti or a utility cut)?*

A: The maintenance and repair of the painting is the responsibility of the applicant per the completed Temporary Infrastructure Agreement between the applicant and the City. The applicant is responsible for all ongoing maintenance of the painted work, including touch-ups, graffiti removal and repainting due to street maintenance or utility cuts. The applicant is responsible for repainting after significant wear or completely removing the paint at the end of the permit period using a method to be approved by the City. The applicant will bear the cost of all maintenance, repair and removal.

Q: *What if we just want to paint the sidewalk instead of the roadway?*

A: The same application process, criteria and approvals apply.

Q: *Is using a professional artist(s)/designer(s) required?*

A: No. Although it is recommended to ensure a high quality finished product, this is not a requirement. Even if a professional is not involved, the same information regarding who will be doing the work and the proposed design is required. The artist/designer does not have to be a citizen of Mount Holly, only the applicant has to be a citizen or associated with the City.

Additional Information

For additional information or questions, please contact contactus@mountholly.us

Appendix A - Forms

DRAFT

CROSSWALK CREATIONS APPLICATION FORM

Date Submitted _____

Title of Project _____

Applicant Name _____

Address _____

City/State/Zip _____

Phone (day) _____

Phone (eve) _____

Email address _____

Project Type & Description

A. **Proposed Location (Intersection, Street Segment, or Sidewalk):** Where/what are you proposing to paint? (Include streets that form the intersection and/or adjacent address(es).) Why were these chosen?

B. **Designer/Artist Selection:** How was/were the designer(s)/artist(s) selected for your project? What criteria did you use for this selection and who was involved in the selection of the designer(s)/artist(s)?

- C. **Design Development:** What was the process for developing the design? Was the community involved? If the process involves youth working with the artist(s) to develop the design, how have they been trained or educated? What are the themes and ideas represented in the design? How do these themes relate to the site, design of adjacent sites and the community?

- D. **Community Involvement:** What was the process for notifying and engaging the community, both in planning the project and, if appropriate, creating the artwork?

- E. **Who will be doing the painting?** Include information on who will be working with the designer/artist to paint the project (e.g., youth—including ages, neighborhood residents, etc.). How are these participants being identified and selected? What materials will you be using? Include information about why these materials were selected, safety precautions that will be taken and method(s) of safely disposing of materials.

- F. **Materials:** What materials will you be using? (Note: only latex paint is allowed for pavement painting.) Include information about why these materials were selected, safety precautions that will be taken and method of safely disposing of materials.

G. **Timeline:** What is your timeline? Include milestones for designer/artist selection, design, fabrication, community engagement, publicity, approvals, installation and celebration.

H. **Maintenance:** What are your plans for ongoing maintenance and final removal? What is needed for maintenance? Who have you consulted in estimating these needs (i.e. art conservator, fabricator, artist)? Who will be conducting maintenance and graffiti removal? How often do you estimate that maintenance will need to occur? How quickly can you respond to requests for graffiti removal? (If you have a maintenance plan, please attach it. The City does not fund ongoing maintenance or removal for such projects).

- I. **Copyright:** What is your copyright agreement with the artist? (If you do not have a copyright agreement with the artist, an example is attached.)
- J. **Traffic Management:** What are your detailed plans for staffing and logistics for managing traffic during installation? Who is responsible for traffic management during the activity? How will this ensure the safety of the participants?

- K. **Public Education:** How will the public be informed about the project? Will there be a plaque-like acknowledgement near the site? Is their information on your website?

- L. **Project Budget:** What is your project budget? (Note: Although the City does not fund such projects, the City does require a budget submittal as a demonstration that the applicant has the capacity to implement the project, has raised the necessary funds and has budgeted for designer/artist fees, insurance and ongoing maintenance.) Include the following information, and include in-kind contributions for key required items.

Artist Fees: _____

Materials/Fabrication: _____

Installation: _____

Liability Insurance: _____

Maintenance: _____

Other: _____

M. **Attachments:** Do not forget to include the other required forms and attachments with your application, and to combine them in one PDF document.

- Images of the final design
- Resumes of participating designer(s)/artist(s), if applicable
- Letter of support from neighborhood organization(s).
- VARA Waiver signed by each designer/artist
- Temporary Infrastructure Agreement

I/We understand that the materials we submit are public information under North Carolina Public Records General Statute 132 and may be shared by the City with members of the public or the media for informational purposes or as otherwise required by the statute. Accordingly, I/we hereby grant a non-exclusive license to the City to make and distribute a limited number of copies of the submitted materials for the purposes of information and/or evaluation of the Project, or as required by North Carolina Public Records General Statute 132.

Signature of Applicant

Date

Waiver of Rights for Artwork Placed upon City Right-of-Way

The provisions of this paragraph shall apply to modify Artist's rights of attribution and integrity as set out in the Visual Artists Rights Act, 17 U.S.C. 106A and 113(d) ("VARA"), and any rights arising under United States federal or state law or under the laws of another country that convey rights of the same nature as those conveyed under VARA, as against the City of Mount Holly ("City") and its agents.

The City has absolute right to change, modify, destroy, remove, relocate, move, replace, transport, repair or restore the artwork located within the City right-of-way in whole or in part, in City's sole discretion.

Project Title: _____

Designer/Artist Signature

Date

Appendix B – Temporary Infrastructure Agreement

DRAFT

Temporary Infrastructure Agreement***Crosswalk Creations*****Owner:** City of Mount Holly**Applicant:** _____

CITY OF MOUNT HOLLY (City) is responsible for, and has authority over, all of the Right-of-Way (R/W) in the City. Anyone wishing to construct or install items within the public R/W must obtain approval and abide by guidelines/specifications developed by the City. Each request is considered on a case-by-case basis to ensure that there is no adverse impact to the public safety or future roadway construction needs.

This agreement was developed to assist with Crosswalk Creations installations to be placed in the rights-of-way that would be installed by the Applicant.

NOW THEREFORE, IT IS AGREED that the City hereby grants to the Applicant, its successors, and assigns, the right and privilege to make this agreement upon the following conditions, to wit:

1. That the City reserves the right to determine all issues related to the review, installation, maintenance, removal and replacement of the said item. If the said item becomes damaged or becomes a safety hazard to the public, the City has the absolute right to change, modify, destroy, remove, relocate, move, replace, transport or restore the project elements located within the City right-of-way in whole or in part, in City's sole discretion.
2. That the said Applicant agrees to comply with the provisions of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, published by the USDOT Federal Highway Administration, should any roadway or walkway, or portion thereof, need to be blocked or closed during installation.
3. The Applicant agrees to maintain the approved Crosswalk Creations installation in accordance with all requirements and guidelines as outlined in the Crosswalk Creations Manual.
4. That the Applicant, its successors and assigns, agree to indemnify and hold harmless the City, its officers and employees, from and against all damage, including injury to persons or damages to property, expenses or other liability which may result from, arise out of, or be brought by reason of the Crosswalk Creations installation. In case any suit or cause of action shall be brought against the City on account of any act, action, neglect, omission or default on the part of the Applicant, its agents, subcontractors, employees and/or patrons, the Applicant hereby agrees and covenants to assume the defense thereof and to pay any and all costs, charges,

attorney fees and other expenses and any and all judgments that may be incurred or obtained against the City.

5. That if the Applicant contracts for installation of this Crosswalk Creations installation, the Contractor must provide General Liability and Auto Liability in the amount of \$1 million per occurrence and Workers' Compensation with Employers' Liability limits of \$100,000 per accident limit, \$500,000 disease per policy limit, and \$100,000 disease each employee limit must be provided by the primary contractor and all subcontractors. Certificates of insurance shall be furnished the City Manager showing the City as an additional insured.

THIS AGREEMENT, made and entered into this the _____ day of _____, 20____, by and between the City of Mount Holly, North Carolina, (hereinafter "City"), and _____, Applicant,

By:

City of Mount Holly

APPLICANT: _____
(Organization Name)

Name: _____
(Print Applicant Name)

Address: _____

Address: _____

Name: _____
(Applicant Signature)

[illegible]

Manager/Staff Recommendation: To provide McAdams with needed direction.

Result of City Council Decision:

Attachments: Community Engagement Summary & Updated plans for Tuckaseege Park multi-use facility and Veterans Park expansion.

CITY OF MOUNT HOLLY

COMMUNITY ENGAGEMENT SUMMARY

DATE	REVIEWED BY	COMMENTS
9-18-19	JDM	See comments



INTRODUCTION

Public input is an essential part of any planning process. The most effective plans are firmly rooted in the realities and visions of the communities that created them. This study summarizes all public input received during a public open house meeting.

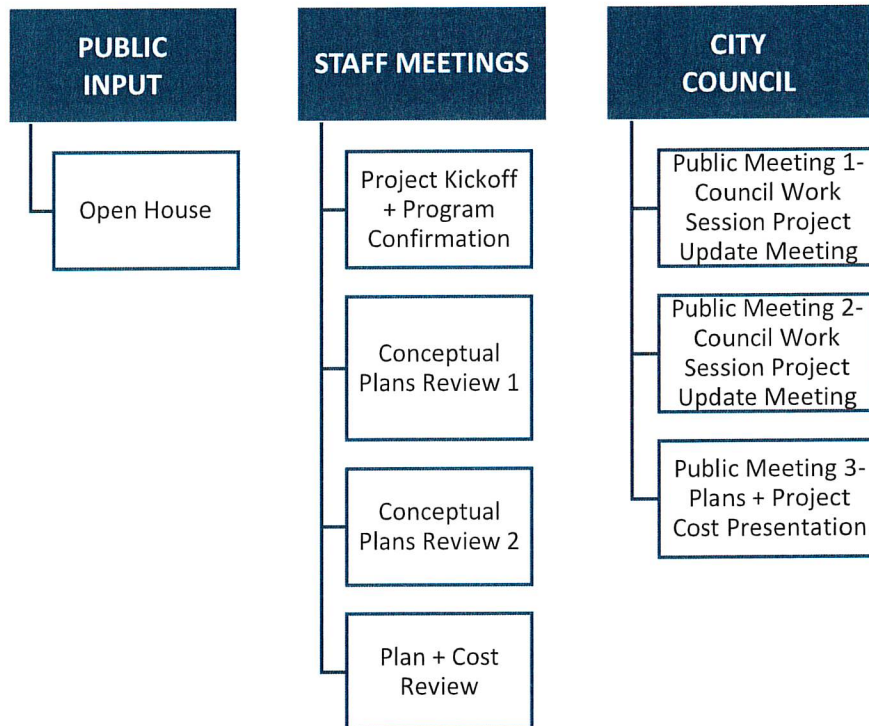


Figure 1 - Outline of community engagement

COMMUNITY INPUT MEETING 1

DATE

September 16, 2019

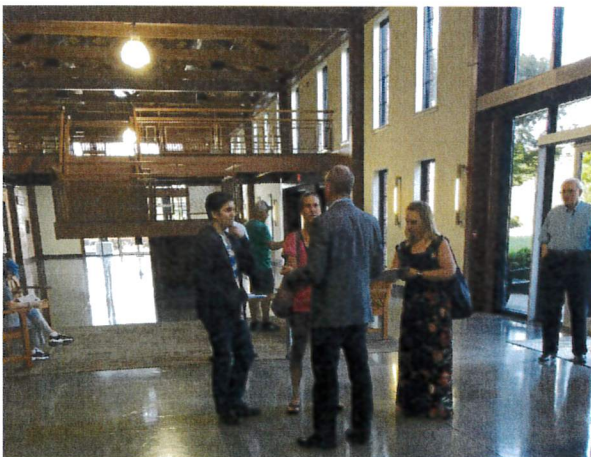
NUMBER OF ATTENDEES

31

PURPOSE

The purpose of the meeting was to gather input from the Public regarding their opinion of the various plans for Veteran's Park, Tuckaseege Park, the proposed Gymnasium building, and Dutchmans Creek and Fites Creek pedestrian crossings. Input focused on greenways and trails, park amenities, and programming of the presented plans.

- > **Veteran's Park** input focused on the proposed program for the park and identified what aspects the community found important. Relevant imagery and the design sketch allowed participants the ability to see how the proposed park expansion would be organized.
- > **Tuckaseege Park** input focused on the proposed 2 options for the park's layout. Option 1 was dependent on the land acquired by the City for park expansion for the new gymnasium. Option 2 allowed for placement of the gymnasium within the existing boundary of the park. Option 2 also examined future phases for park expansion into the existing sanitary sewage treatment plant. The two options created discussion centered around the best location for the gymnasium and potential future park phases.
- > **Gymnasium** building input focused on the proposed building's space program and how it would be organized for the indoor sporting activities and visualized the exterior of the building's facade.
- > **Dutchmans Creek & Fites Creek pedestrian crossings** input focused on two plan options for each crossing and how they would connect to the surrounding neighborhoods and areas. Plan and profile diagrams created opportunities for participants to see where and how these connections would be made.





Mount Holly Parks Bond Project Public Meeting

Monday September 16, 2019

Name	Please print Address	Phone
Karen Fox	KFOX9020@yahoo	704-231-9610
Eddie Wilson	ESCLASSICWILSON@gmail.com	
MARSHALL HUFFSTETTER	Dan HUFFSTETTER@aol.com 704 747-5071	
SHANE NIXON	SNIXON3@airport.com	704-661-82157
PAIGE SISK	ALTOLADY@GMAIL.COM	704-763-4294
Steve Sisk	SSSiskps@yahoo.com	704-763-3085
Melanie Black	melblack@bellsouth.net	704-460-0232
Bobby Black	bobby@robertblackinsurance.com	704 460 0320
Dolores Pearson	dgppearson551@hotmail.com	
Matt Gregory	matman@bellsouth.net	704-996-6358
Cindy Michael	cmichael55@gmail.com	704/747-6877
Robert Brown	rbrown1@carolina.rr.com	704 460-7700
Heather Duke	heatherduke97@gmail.com	847-722-5944
Ethan Duke		
Chelsea Ponzo	crudd49@gmail.com	804-513-0902
Barbara Lawrence	barbeedev@yahoo.com	
Patsy Byrd (+ John)	patsybyrd@yahoo.com	704-820-8457
Dana Rhames	dana.furky@yahoo.com	704 806 2390
Robert Gwizdzinski	rgwizdzinski@hotmail.com	704 827 6322
Jim Hinkle	jhinkle@worthwagroup.com	704.363.8127
Chuck Williams	cwspeedmt@gmail.com	704-827-3069
David A. Moore	dmoore@mtholly.us	980-522-6903
Greg Blackwood	gjbblackwood@gmail.com	704 678 3213
Vince Gloria Brinkman	649 DEERFIELD DR	704-822-9777
Jason Shoemaker	104 Woodstone Dr.	704-616-4806
Jake Benfitt	204 Deerfield Dr	704-678-4487
Doug Briggs	560 2nd St N	704 616 9659
Francis Springs	802 Woodlawn Ave.	704-827-4671
Mary Lima	mlima@astonymca.org	704-822-9622
Paul Bortolussi	213 ASHTON BLUFF CIR.	704-747-7359
Ivanna Bortolussi	ibortolussi@gmx.com	704.747.7364

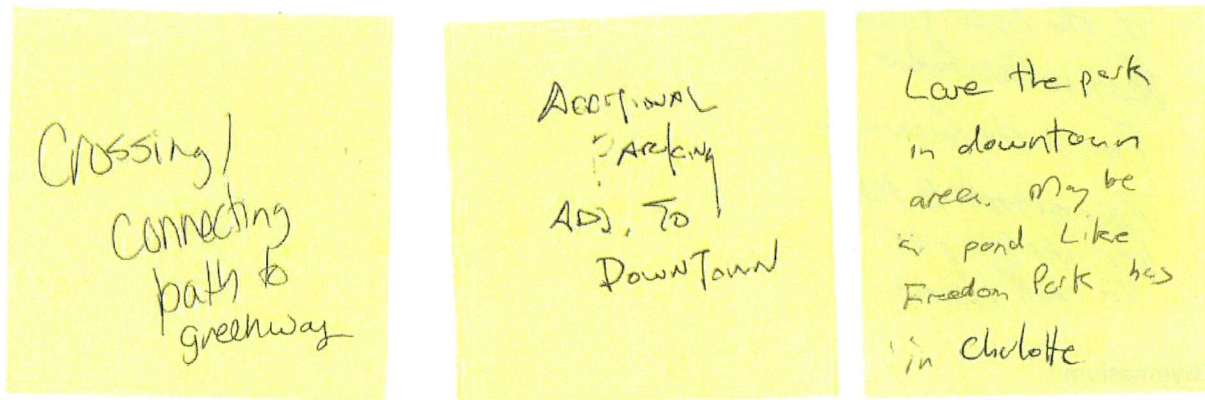
SUMMARY OF FINDINGS

Information from the first community input meeting generally showed support for the programs of all five park and facility enhancement projects. The strongest messages emerging from this meeting included support for greenways and trails as well as positive reaction from the participants for programmatic needs that would be addressed by the Enhancement Projects.

Veteran's Park

Currently the people of Mount Holly use Veteran's Park for its playground and the Veterans Memorial. Many community members liked the plan of the Park expansion making comments such as "Like it!" or "Love the park in downtown area..." They had positive responses to the program of the park and gave additional ideas for features like fountains or a pond, natural play area (added to the Park's playground area), and parking.

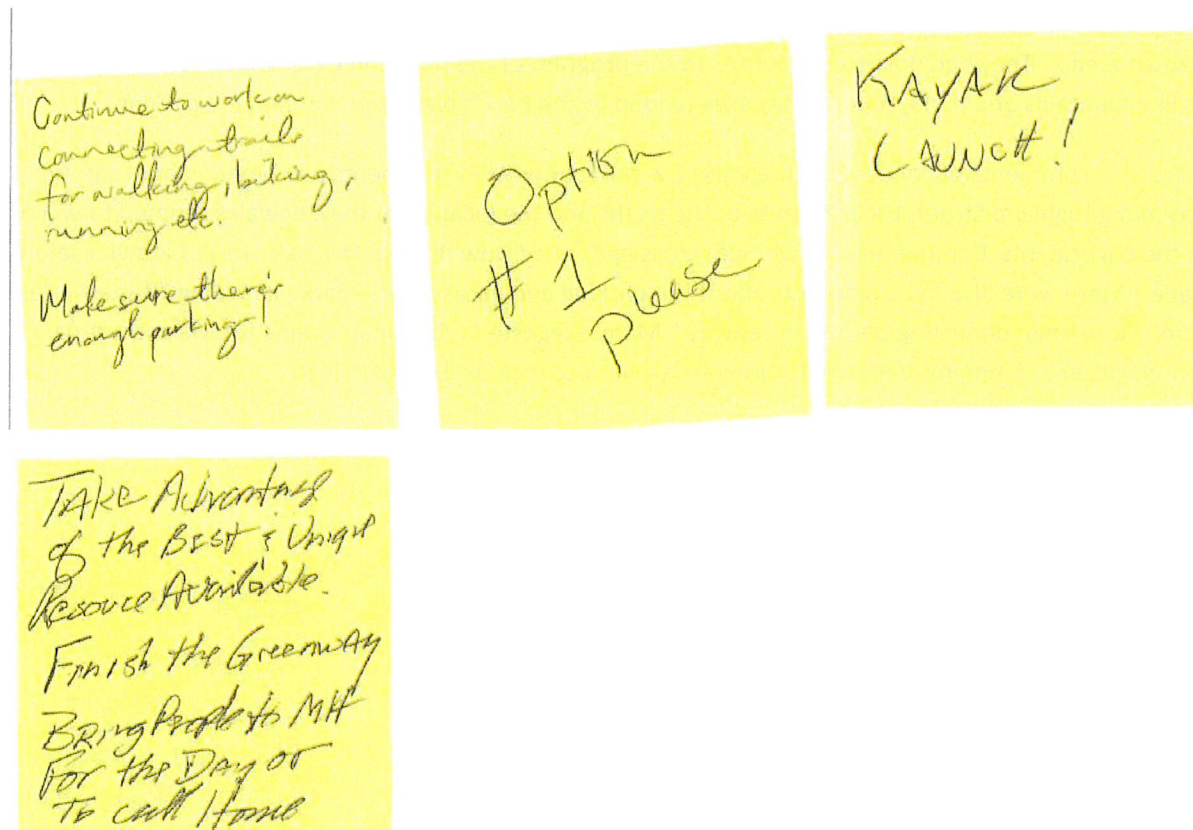
There were also comments of concern for the Park. Overall four written comments were made about safety, especially along Highland Street, the proximity to the traffic and the location of the sidewalks seemed to worry some of the participants. Comments such as "Safe crossing?" and "How do pedestrians cross E. Catawba safely?" were made. There were also five comments about the parking and access to the park. Including "Better access points" and "Crossing/connecting path to greenway." Many suggested additional parking for the current park needs, three citizens commented for the future park's layout to include extra parking.



Tuckasee Park

At Tuckasee Park two options were proposed based on potential land that the City hopes to acquire through the process of Bonds. The first option (acquiring new property for park expansion) was generally the preferred option (the use of space, "room for growth," location, etc.). One person commented saying, "Option #1 please." Option 1 and 2 differed based on the location of the proposed gymnasium and required parking. Though the overall layout of the Tuckasee Park was liked in Option 2, one participant said that the second option was "too crowded w/ (the) gym location." Connecting the park to the overall greenway trail system also had a positive reaction of: "Connecting Trails! Trails! Trails! Greenway/paved."

The current use of Tuckaseegee Park, noted by the participants, was use of the multi-purpose field, skateboarding, playground, and dog park. Many commented that there currently wasn't enough parking and this should be a high priority "Make sure there's enough parking" as well as few said that once a soccer game started the park was "unusable" for others since they too couldn't use the field. Six individuals mentioned that due to the location of the park to the waterfront, they'd really like to have access to the waterfront with options such as a Kayak launch location or possible fishing dock, one commented: "Take advantage of the best & unique resource available."



Gymnasium

Verbally many of the participants seemed to have a positive reaction suggesting that the indoor courts would promote sporting events such as tournaments or the usage from local/nearby College sports teams "...assist in partnering w/ Belmont Abbey College or others" and liked the indoor court design. Overall there were two written comments about additional activity space and use within the proposed Gymnasium building suggesting that though they liked the idea of the indoor courts, they would get more use from the proposed building if it was "more versatile." Suggestions were made to have additional space for ideas such as community meetings, hosting events, or additional exercise class opportunities.

Court size for college basketball to assist in partnership w/ Belmont Abbey or others.

Activity / Meeting Room flooring to not look like sports court so it can be more versatile as community meetings. Wood would be good in here.

Nice to expand to 4 courts to allow for tournament play

Greenway & Creek Pedestrian Crossing

During the Community Input Meeting, many participants remarked on the greenway(s) and creek trails ability to connect the City of Mount Holly. Fourteen individual written comments distributed throughout all five projects included comments pertaining to the greenways and trails. Though there were differing opinions on the location of the greenways and trail connections, access and connection points, the comments made by the participants stated that they wanted additional greenway paths and connections in the City Park and Recreation Enhancement Projects.

Dutchmans Creek Trail

For Dutchmans Creek Trail, the biggest concern was the cost. Though comments differed between changing the surface "Cheaper is better on Dutchmans" vs "Paved surface cheaper is not better..." for a cost difference or if it was necessary to have a bridge for crossing. Comments did confirm "...connect to green space."

CONNECT THE GREENWAYS AND NEIGHBORHOODS ALL TO DOWNTOWN

Paved surface Cheaper is not better due to maintenance make usable to the young families w/ bikes etc

Connect all neighborhoods to the greenway to encourage community to get to parks

Fites Creek Trail

Fites Creek Trail suggested making a connection between the Marina Restaurant area and the greenway, the reaction however varied. Those in support of the Fites Creek trail alignment liked the connection saying: "Great idea connects park to sidewalk & J.R. Cash's—Do this!" Those who did not like the alignment, their comments were based on traffic and safety concerns such as: "Busy traffic road." Overall there were seven comments

about the connection (with differing opinions), two comments about the bridge, and three comments about the road traffic located near the trail.

GREAT IDEA
Connects park
to sidewalks &
J.R. Cash's —
To this!

Build the
Bridge now

Fites

prefer option to
connect to
Tom Sawyer Lane
It extends greenway
And Access to
Marina/Restaurant

COMMENTS FROM INPUT MEETING

The information provided includes direct quotations from the participants from the first community input meeting. Sticky notes were provided for participants to place comments on all five park and facility enhancement projects.

Veteran's Park

- "Any fountain any where?"
- "Make sure walking along Highland provides safety for children walking along"
- "Have speed humps along E. Catawba as they have on Main St in Belmont"
- "Natural play area or ropes course in shady area"
- "Better access points"
- "Crossing/connecting path to greenway"
- "More parking? @ the park"
- "Too close walk way to highland street?"
- "Have to control mosquitos in Veteran's park"
- "Safe crossing?"
- "People travel to ride on other cities greenways I've never traveled to go to someone elses park"
- "How do pedestrians cross E. Catawba safely? A crosswalk? A bridge?"
- "Playground equipment—where is it?"
- "Outdoor venue (space)"
- "Closed in all season shelter"
- "Additional parking adj. to downtown"
- "Larger gathering area"
- "Like it!"
- "More convenient parking"
- "Love the park in downtown area. Maybe a pond like Freedom Park in Charlotte"

Tuckaseege Park

- Kayak Launch
- Kayak Portage. Fishing Dock
- Bigger Skatepark
- "Ditch the building and build a dock & kayak launch at Tuck Park"
- "Take advantage of the best & unique resource available (in reference to the waterfront). Finish the greenway. Bring people to MH (Mount Holly) for the Day or to call home"
- "Place gym at Broom & Tuck Rd. This would get rid of eyesore chemical plant and create street presence."
- "Bigger Skate Park. Make it larger & more friendly to bikes, roller blades, and scooters, etc. More diverse ramps. More to do"
- "Pump track. Large enough for bikers. Skateboarders & others to use. Splitting paths so its more entertaining & multiple people can use it. Make it a loop around so that people can keep going without turning around"
- "Proposed location inside option 2 → Not preferred Option 1 would add trails and more parking to give room for growth"
- "Baseball fields seem to be bigger in this area. Keep a couple soccer and add baseball/softball"
- "Connecting Trails! Trails! Trails! Greenway/paved"
- "Current plan puts fields on top of waste water plant → please be evaluate cost/benefit/time of this as I have seen other towns fail at this"
- "Option 2 is too crowded w/ gym location"
- "(To have a) closed in all season shelter (in order to host events)"
- "Continue to work with connecting trails for walking, biking, running, etc. Make sure there's enough parking"
- "Building is nice but \$ better spent on outdoor activities. #1 Greenway"
- "(Would like to see) More involvement in newer sports rather than soccer and baseball (wants more options besides what field options show)"
- "Connect trails. Urge Duke Energy to get the trail open"

Gymnasium

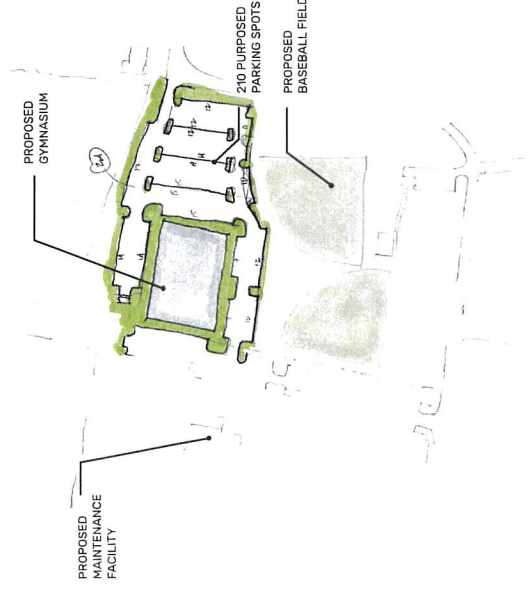
- "Not sure if this would be used with the YMCA so close"
- Would like to have "Activity Meeting Room flooring to not look like a sports court so it can be more versatile as community meetings. Wood would be nice here."
- "Court size for college basketball to assist in partnering w/ Belmont Abbey or others."
- "Nice to expand to 4 courts to allow for tournament play"
- "The multi-use facility seems like a beautiful waste of money"
- "Need all of the sports areas! My grandchildren play rec league"

Dutchmans Creek

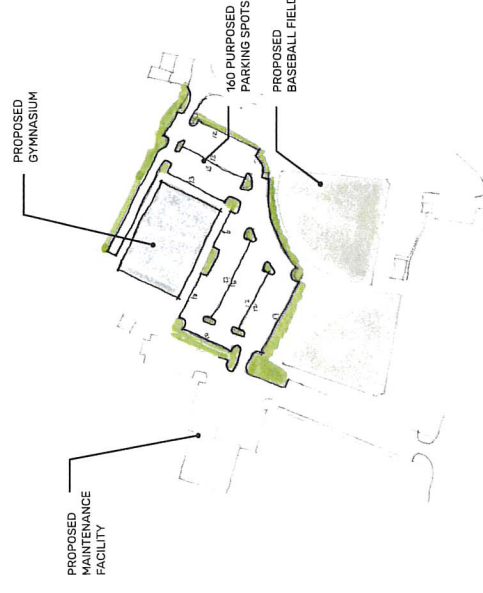
- “Cheaper is better on Dutchman’s”
- “Connect all neighborhoods to the greenways to encourage community to get to parks”
- “Paved surface cheaper is not better due to maintenance make usable to the young families w/ bikes etc.”
- “Whichever less \$ build the bridge connect to green space”

Fites Creek

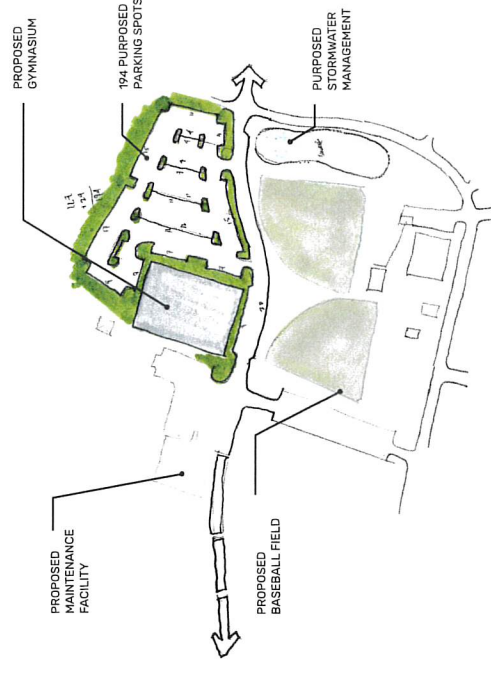
- “Great idea connects park to sidewalks & J.R, Cash’s—Do this!”
- “It would be nice to connect riverfront neighbors to the park”
- “Better experience on this one Tom Sawyer”
- “Build the bridge NOW—Fites”
- “Are we walking & parking in this neighborhood?”
- “Prefer bridge span. Log/tree wash down during heavy rain.” (Was later 2nd by another citizen)
- “Prefer option to connect to Tom Sawyer Lane. It extends greenway and access to Marina/ Restaurant”
- “Connect to Tom Sawyer & M.H. gets additional 1 mile greenway with access to restaurant, Marina & River. A M.H. has 300+ families connect to Tuck Park & Downtown”
- “Doesn’t connect to anywhere?”



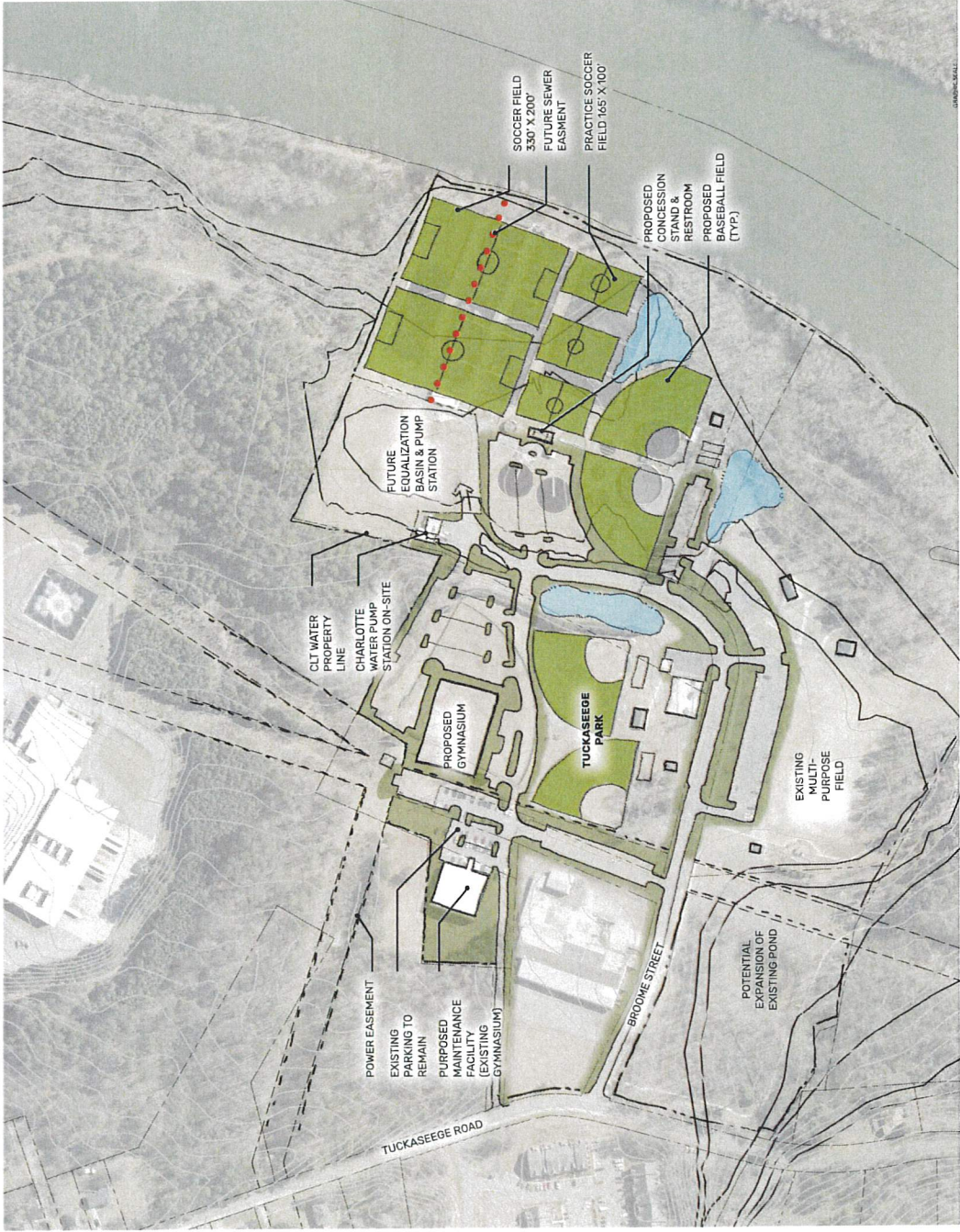
OPTION 1

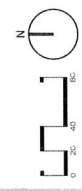
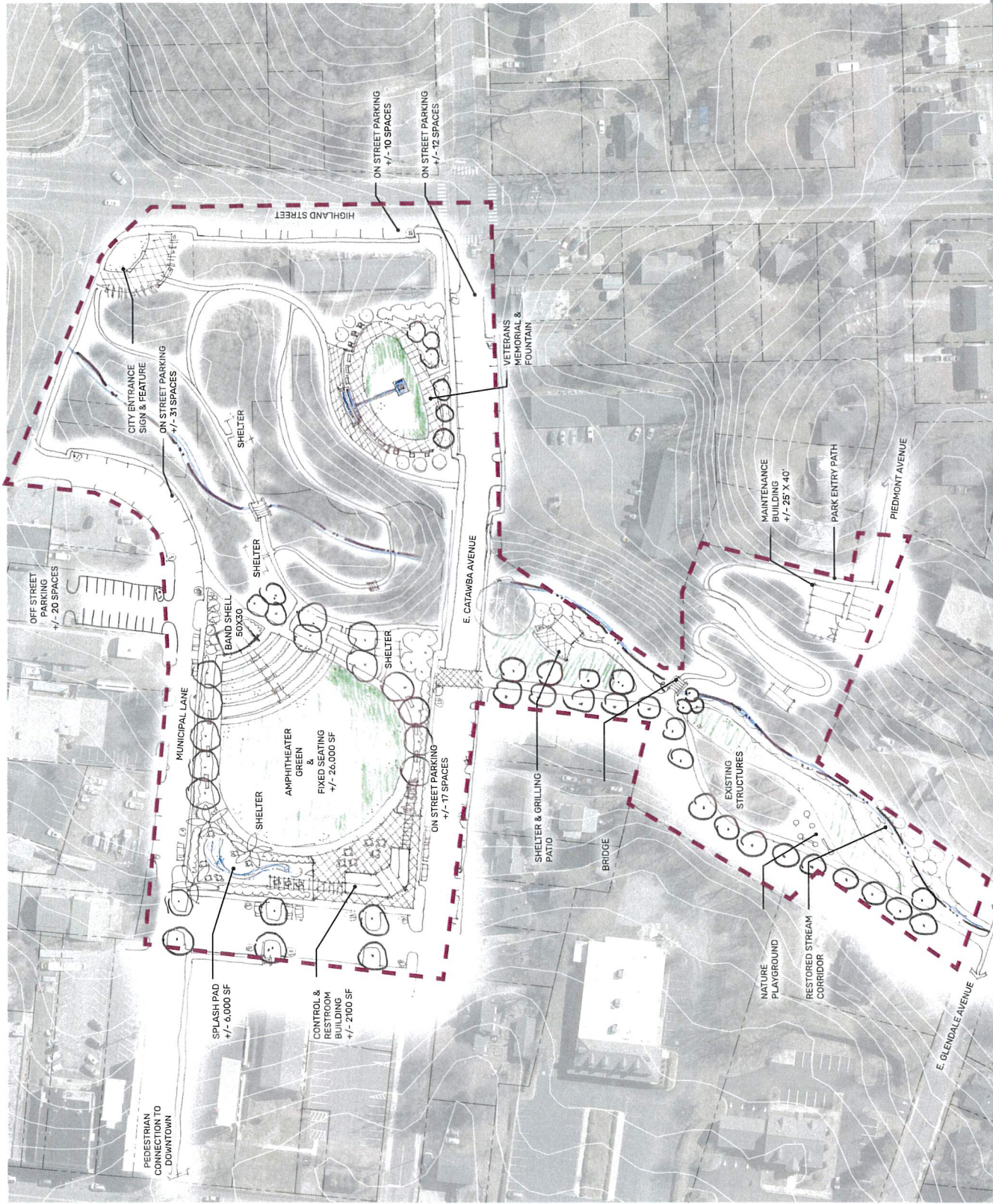


OPTION 2



OPTION 3





CONCEPT PLAN

127 E GLENDALE AVE
MOUNT HOLLY, NORTH CAROLINA 28120