



August 26, 2019
Council Work Session 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**



**August 26, 2019
6:30 P.M.**

CALL TO ORDER BY THE MAYOR

INVOCATION

SET THE AGENDA

CONSENT AGENDA

- Approval of Budget Amendments
 - Belmont Mount Holly Drainage Project--Utilities
 - Park Bond Project- Parks and Recreation
 - State Forfeiture Revenue (Policy and Risk Management Services)-PD
 - State Forfeiture Revenue (Media Special Services)-PD
- Approval of Resolution's to investigate the Annexation Petition, Certificate of Sufficiency and Call for a Public Hearing for Faison-Green Meadows LLC.
- Approval of a Resolution for the Capital Reserve Fund Budget Ordinance
- Approval of a Resolution Declaring Surplus Property
- Approval of a Resolution Declaring Service Weapons Surplus Property

AGENDA

1. Consideration and Approval of Mooreland Oaks Annexation and System Development Fees Agreement *Marie Anders*
2. Discussion of Amending the Golf Cart Ordinance *Chief Don Roper*
3. Closed Session Pursuant to N.C.G.S 143-318.11 (a)(3, 5 and 6)
4. Adjourn

CONSENT AGENDA



City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: August 1 2019
From: David E. Johnson, PE	Meeting Date: August 26, 2019
Agenda Item to be considered: <i>Belmont – Mt. Holly Road Drainage Improvements</i>	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request :	
On March 25, 2019, the City Council approved a budget amendment for \$85,000 to complete the drainage work alleviating the ponding water at the two entrances off of Belmont-Mt Holly Road leading to the Frost Garden Townhomes. The water ponding has been an ongoing nuisance, safety issue, and unsightly. NCDOT has issued the Right-of-Way Encroachment Permit for the work in their ROW. This project did not attract any bidders until late in the fiscal year. We did not have sufficient time to complete the work in FY '18 – '19. The purpose of this request is to seek City Council approval of a budget amendment to fund the drainage improvements at the Frost Gardens Apartment entrances. This project is needed to protect the health, safety, and welfare of our citizens. Budget Amendment and Bid Price: \$ \$81,886.90	
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>Approval of Budget Amendment for completing the drainage improvements on Belmont-Mt Holly Road.</u>	
Result of City Council Decision: _____	
Attachments: None	



City of Mount Holly Action Agenda Item

To: City Council	Date: August 22, 2019
From: Jonathan Wilson, Project Manager	Meeting Date: August 26, 2019
Agenda Item to be considered: Amend budget to appropriate funds for the Parks and Recreation Bond Projects.	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request : The City has entered into a contract with McAdams to perform design services to a 35% construction plan level for four projects that are associated with the Parks and Recreation Bond Referendum. These four projects are; expansion of Veterans Park, Dutchmans Creek Pedestrian Bridge, Tuckasee Park Multi-Use Facility and Fites Creek Pedestrian Bridge. Staff budgeted \$300,000 in this year's budget for this project; however, at the time this figure was prepared, the bond referendum project only included the expansion of Veterans Park. At the June 24, 2019 Council meeting it was determined that the bond referendum project would include the three additional projects noted above. At the July 9, 2019 Council meeting Staff recommended that the City move forward with McAdams to complete this project and Council agreed to move forward with McAdams as the consultant. During the scoping and fee process the initial fee began at \$539,425 to perform design services to a 35% construction plan level for these four projects. After negotiations we arrived at a price of \$465,870 to perform the same scope of work for the four projects. Additionally, Staff included other soft costs that would be covered by the approved \$300,000 in this year's budget. Some of those additional items are bond council, property appraisals, etc. Due to the revised scope of work (three additional projects) approved by Council, Staff is recommending that a budget amendment for the total amount of the McAdams contract be approved. This will result in the original \$300,000 being available for other soft cost items associated with this project. Included as attachments are the work breakdown and fee summary for each project. It is important to note that had the bond referendum project remained to only include the expansion of Veterans Park the project would still be within the approved budget, as the fee for Veterans Park is \$129,510.	
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:	\$ 465,870
Budget Code	10-81-6130-194
Reviewed by City Attorney	☐ YES ☐ NO ☒ N/A
Manager/Staff Recommendation:	

Staff recommends approving a budget amendment for \$465,870 to McAdams for the Parks Bond Referendum Projects.

Result of City Council Decision:

Attachments:

1. Work Breakdown and Fee Summary for all four projects.
2. Budget Amendment

CITY OF MOUNT HOLLY
FY 19-20 Budget Amendment

Account Number	Description	Debit	Credit
10-81-6130-194	Professional Services	\$ 465,870.00	
10-00-3991-000	Fund Balance		\$ 465,870.00
TOTAL		\$ 465,870.00	\$ 465,870.00

Date Submitted: 26-Aug-19

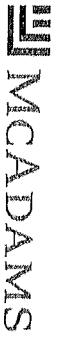
Finance Officer: _____

City Manager: _____

Department Comments:

Appropriation from fund balance for Park Bond Project - Bond Design

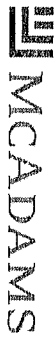
McAdams Bond work



MOUNT, HOLLY PARKS PROJECTS (Fees below pertain to all projects)
Date: August 6, 2019
McAdams Project Number: FCR-19412

Fee Summary

Existing Conditions and Data Review			
A1.10	Project Kickoff and Existing Conditions Review	Existing Conditions + Data Review TOTAL	
		\$9,600	Fixed Fee
Community Input			
D11.75	Community Input + Guidance	Community Input TOTAL	
		\$5,000	Fixed Fee
Project Management			
D11.35	Design Coordination Meetings		
D11.36	Project Management and coordination	Project Management TOTAL	
		\$16,400	Fixed Fee
Utility + Agency Coordination			
E3.10	Agency Coordination	Utility + Agency Coordination TOTAL	
		\$6,000	Fixed Fee
Final Presentation + Approvals of 35% Plans			
D11.66	Presentation to City Council	Final Presentation + Approvals of 35% Plans TOTAL	
		\$900	Fixed Fee
Bond Services			
D11.67	Community Presentations	Bond Services TOTAL	
		\$4,500	Fixed Fee
Reimbursables			
K	Community Presentations	Estimated Reimbursables TOTAL	
		\$1,250	Fixed Fee
MOUNT HOLLY PARKS PROJECTS TOTAL DESIGN COSTS			
		\$45,650	



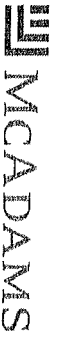
VETERANS PARK - CONSTRUCTION DOCUMENTS (35% SCHEMATIC DESIGN)

Date: August 6, 2019

McAdams Project Number: FCR-19412

Fee Summary

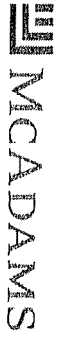
Site Due Diligence			
A4.70	Detailed Surface Water/Wetland Delineation	\$5,500	Fixed Fee
A4.80	Surface Water/Wetland Verification	\$2,800	Fixed Fee
B2.10	Boundary Survey	\$12,800	Fixed Fee
B2.40	Topographic/Location Survey	\$16,000	Fixed Fee
B2.41	Tree Survey	\$400	Fixed Fee
B2.42	Wetland + Stream Location Survey	\$1,830	Fixed Fee
H9.10	Phase I Environmental Site Assessment (PESA)	\$3,200	Fixed Fee
H9.20	Limited Asbestos Survey	\$5,500	Fixed Fee
L1.10	Geotechnical Investigation	\$5,115	Fixed Fee
L2.30	Subsurface Utility (SUE) Markings	\$4,900	Fixed Fee
Site Due Diligence TOTAL		\$56,045	
Concept Plan Refinement + Program Verification			
A1.20	Conceptual Plan Refinement	\$5,500	Fixed Fee
Concept Plan Refinement + Program Verification TOTAL		\$5,500	
Construction Document Services (35% Schematic Plans)			
A4.10	Preliminary Stormwater + Stream Restoration Design	\$5,500	Fixed Fee
D1.10	Landscape Architecture + Park Features Design	\$18,800	Fixed Fee
A3.10	Preliminary Civil + Infrastructure Design + Engineering	\$12,800	Fixed Fee
L1.20	Architectural Design	\$16,500	Fixed Fee
L1.30	Mechanical/Electrical/Plumbing Design	\$4,515	Fixed Fee
L1.40	Structural Design	\$3,500	Fixed Fee
Construction Document Services (35% Schematic Plans) TOTAL		\$58,915	
Estimation of Probable Cost			
L1.50	Opinion of Probable Construction Cost	\$3,850	Fixed Fee
Estimation of Probable Cost TOTAL		\$3,850	
Bond Services			
D11.55	Renderings + Illustrations	\$1,200	Fixed Fee
D11.56	3D Modeling + Animation	\$4,000	Fixed Fee
Bond Services TOTAL		\$5,200	
VETERANS PARK TOTAL DESIGN COST		\$129,510	



TUCKASEE PARK + MULTI-USE FACILITY - CONSTRUCTION DOCUMENTS (35% SCHEMATIC DESIGN)
 Date: August 6, 2019
 McAdams Project Number: FCR-19412

Fee Summary

Site Due Diligence				
B2.40	Topographic/Location Survey	\$6,000	Fixed Fee	
L1.10	Geotechnical Investigation	\$3,500	Fixed Fee	
L2.30	Subsurface Utility (SUI) Markings	\$1,200	Fixed Fee	
	Site Due Diligence TOTAL	\$10,700		
Concept Plan Refinement + Program Verification				
A1.20	Conceptual Plan Refinement	\$4,200	Fixed Fee	
	Concept Plan Refinement + Program Verification TOTAL	\$4,200		
Construction Document Services (35% Schematic Plans)				
A4.10	Preliminary Stormwater + Floodplain Design	\$5,500	Fixed Fee	
D11.30	Landscape Architecture + Park Features Design	\$4,800	Fixed Fee	
A9.10	Preliminary Civil + Infrastructure Design + Engineering	\$10,500	Fixed Fee	
L1.20	Architectural Design	\$112,620	Fixed Fee	
L1.30	Mechanical/Electrical/Plumbing Design	\$25,900	Fixed Fee	
L1.40	Structural Design	\$12,200	Fixed Fee	
	Construction Document Services (35% Schematic Plans) TOTAL	\$169,320		
Estimation of Probable Cost				
L1.50	Opinion of Probable Construction Cost	\$13,750	Fixed Fee	
	Estimation of Probable Cost TOTAL	\$13,750		
Bond Services				
D11.65	Renderings + Illustrations	\$1,200	Fixed Fee	
	Bond Services TOTAL	\$1,200		
	TUCKASEE PARK + MULTI-USE FACILITY TOTAL DESIGN COST	\$189,150		



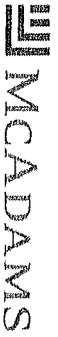
DUTCHMAN'S CREEK PEDESTRIAN BRIDGE CROSSING - CONSTRUCTION DOCUMENTS (35% SCHEMATIC DESIGN)

Date: August 6, 2013

McAdams Project Number: FOR-19412

Fee Summary

Site Due Diligence				
A4.70	Detailed Surface Water/Wetland Delineation	\$2,800	Fixed Fee	
A4.80	Surface Water/Wetland Verification	\$2,800	Fixed Fee	
B2.10	Boundary Survey	\$5,200	Fixed Fee	
B2.40	Topographic/Location Survey	\$5,200	Fixed Fee	
B2.41	Tree Survey	\$400	Fixed Fee	
B2.42	Wetland - Stream Location Survey	\$1,830	Fixed Fee	
L1.10	Geotechnical Investigation	\$3,150	Fixed Fee	
L2.30	Subsurface Utility (SUE) Markings	\$1,750	Fixed Fee	
Site Due Diligence TOTAL		\$25,270		
Construction Document Services (35% Schematic Plans)				
A4.30	Preliminary Floodplain Analysis	\$4,500	Fixed Fee	
D11.30	Landscape Architecture & Park Features Design	\$3,170	Fixed Fee	
G2.20	Greenway + Bridge Schematic Design (35% set)	\$9,600	Fixed Fee	
L1.40	Structural Design	\$3,500	Fixed Fee	
Construction Document Services (35% Schematic Plans) TOTAL		\$20,770		
Estimation of Probable Cost				
L1.50	Option of Probable Construction Cost	\$1,650	Fixed Fee	
Estimation of Probable Cost TOTAL		\$1,650		
Bond Services				
D11.65	Renderings + Illustrations	\$800	Fixed Fee	
Bond Services TOTAL		\$800		
DUTCHMAN'S CREEK PEDESTRIAN BRIDGE CROSSING TOTAL DESIGN COST		\$45,490		



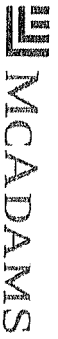
FITES CREEK PEDESTRIAN BRIDGE CROSSING - CONSTRUCTION DOCUMENTS (35% SCHEMATIC DESIGN)

Date: August 6, 2019

McAdams Project Number: FCR-19412

Fee Summary

Site Due Diligence			
AA.70	Detailed Surface Water/Wetland Delineation	\$2,800	Fixed Fee
AA.80	Surface Water/Wetland Verification	\$2,800	Fixed Fee
B2.40	Topographic/Location Survey	\$4,000	Fixed Fee
B2.41	Tree Survey	\$400	Fixed Fee
B2.42	Wetland + Stream Location Survey	\$1,850	Fixed Fee
L1.10	Geotechnical Investigation	\$3,190	Fixed Fee
L2.30	Subsurface Utility (SUE) Markings	\$450	Fixed Fee
Site Due Diligence TOTAL		\$15,278	
Concept Plan Refinement + Program Verification			
GS.25	Detailed Corridor Study	\$9,500	Fixed Fee
Concept Plan Refinement + Program Verification TOTAL		\$9,500	
Construction Document Services (35% Schematic Plans)			
AA.30	Preliminary Flood Plain Analysis	\$4,500	Fixed Fee
D11.30	Landscape Architecture + Park Features Design	\$3,170	Fixed Fee
GS.25	Greenway + Bridge Schematic Design (35% set)	\$3,000	Fixed Fee
L1.40	Structural Design	\$3,500	Fixed Fee
Construction Document Services (35% Schematic Plans) TOTAL		\$15,170	
Estimation of Probable Cost			
L1.50	Opinion of Probable Construction Cost	\$1,650	Fixed Fee
Estimation of Probable Cost TOTAL		\$1,650	
Bond Services			
D11.55	Renderings + Illustrations	\$800	Fixed Fee
Bond Services TOTAL		\$800	
FITES CREEK PEDESTRIAN BRIDGE CROSSING TOTAL DESIGN COST		\$47,090	



ALL PROJECTS - CONSTRUCTION DOCUMENTS (35% SCHEMATIC DESIGN)
Date: August 6, 2019
McAdams Project Number: FDR-19412

Fee Summary

Fee Summary By Project			
1. Fees Across Projects	\$43,650	Fixed Fee	
2. Veteran's Park	\$128,510	Fixed Fee	
3. Tuckasee Park + Multi-Use Facility	\$159,190	Fixed Fee	
4. Dutchmans Creek Pedestrian Bridge Crossing	\$46,499	Fixed Fee	
5. Fites Creek Pedestrian Bridge Crossing	\$47,030	Fixed Fee	
Fee Summary By Project TOTAL			\$465,870



City of Mount Holly Action Agenda Item

To: City Council	Date: 07/15/19		
From: Chief Don Roper	Meeting Date: 08/26/19		
Agenda Item to be considered: Amend budget to appropriate funds from state drug tax fund to purchase items and services not budgeted from general fund.			
Will this require a public hearing? ☐ YES ☒ NO			
Background/Purpose of Request: To supplement 2019/20 departmental budget to purchase additional items and services including Policy and Risk Management Services.			
Fiscal Impact:			
Will Item affect current budget	X YES	☐ NO	☐ N/A
Reviewed by Finance Director	X YES	☐ NO	☐ N/A
Preaudit Certification required	☐ YES	X NO	☐ N/A
Capital Project Ordinance required	☐ YES	X NO	☐ N/A
Budget Transfer required	X YES	☐ NO	☐ N/A
Total City Dollars:	\$8000,00		
Budget Code	10-10-4310-194		
Reviewed by City Attorney	☐ YES	X NO	☐ N/A
Manager/Staff Recommendation: Approve budget amendments as attached			
Result of City Council Decision:			
Attachments: 1. Budget Amendment Form			

CITY OF MOUNT HOLLY
FY 19-20 Budget Amendment

Account Number	Description	Debit	Credit
10-10-4310-194	Professional Services - PD	\$ 8,000.00	
10-10-3843-893	State Forfeiture Revenue		\$ 8,000.00
TOTAL		\$ 8,000.00	\$ 8,000.00

Date Submitted: 26-Aug-19

Finance Officer: _____

City Manager: _____

Department Comments:

Appropriation from State Forfeiture funding to departmental budget for additional attorney services.

To Include Policy and Risk Management Services

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City of Mount Holly Action Agenda Item

To: City Council	Date: 08/05/19		
From: Chief Don Roper	Meeting Date: 08/26/19		
Agenda Item to be considered: Amend budget to appropriate funds from state drug tax fund to purchase items and services not budgeted from general fund.			
Will this require a public hearing? ☐ YES ☒ NO			
Background/Purpose of Request: To supplement 2019/20 departmental budget to purchase additional items and services including Media specialist Services.			
Fiscal Impact:			
Will Item affect current budget	X YES	☐ NO	☐ N/A
Reviewed by Finance Director	X YES	☐ NO	☐ N/A
Preaudit Certification required	☐ YES	X NO	☐ N/A
Capital Project Ordinance required	☐ YES	X NO	☐ N/A
Budget Transfer required	X YES	☐ NO	☐ N/A
Total City Dollars:	\$3000,00		
Budget Code	10-10-4310-199		
Reviewed by City Attorney	☐ YES	X NO	☐ N/A
Manager/Staff Recommendation: Approve budget amendments as attached			
Result of City Council Decision:			
Attachments: 1. Budget Amendment Form			

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58 THROUGH G.S. 160A-58.8

WHEREAS, a petition from Faison-Green Meadows, LLC, requesting annexation of an area described in said petition as tax PID 210776 was received on March 7, 2019, by the City Council of the City of Mount Holly; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City of Mount Holly Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Mount Holly deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mount Holly that:

The City of Mount Holly Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

This _____ day of August, 2019.

Bryan M. Hough, Mayor

Attest:

Amy Miller, City Clerk

CERTIFICATE OF SUFFICIENCY

To the City Council of the City of Mount Holly, North Carolina:

I, Amy Miller, City Clerk, do hereby certify that I have investigated the attached petition to annex tax PID 210776 and hereby make the following findings:

I further find that the area meets the standards for a noncontiguous area as specified in G.S. 160A-58.1(b), in that:

1. The petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area in relation to the primary corporate limits as well as in relation to the primary corporate limits of the City of Stanley.
2. The petition includes the names and addresses of all owners of real property lying in the area described therein.
3. The petition includes the signature of all owners of real property lying in the area described therein, except those not required to sign by G.S. 160A-58.1(a).
4. The nearest point on the proposed satellite corporate limits is no more than three (3) miles from the primary corporate limits of the City.
5. No point on the proposed satellite corporate limits is closer to the primary corporate limits of any municipality other than the City.
6. The satellite area is so situated that the City will be able to provide the same services as are provided within its primary corporate limits.
7. To the extent that the proposed satellite area contains any portion of a subdivision, the entire subdivision is included.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Mount Holly this _____ day of August, 2019.

City Clerk



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
NON-CONTIGUOUS PROPERTY

This petition must have attached a survey of the proposed annexation area and a metes and bounds description.

Date: March 7, 2019

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) #210776, and shown on the attached Survey. Said real property is further described by metes and bounds on the attached Exhibit A. (A survey as well as a metes and bounds description of the proposed annexation area must be attached and must show the nearest distance of the proposed annexation area to the city limits of Mount Holly and must also show the nearest distance of the proposed annexation area to the next closest city's limits.)

2. The area to be annexed is non-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
Faison-Green Meadows, LLC	121 W. Trade St., Ste 2800, Charlotte, NC 28202	No	

Signature of Property Owner
Faison-Green Meadows, LLC

Chris M. Poplin

Print Name: Chris M. Poplin, VP

Phone Number: 704-972-2500

Email: chris.poplin@faison.com

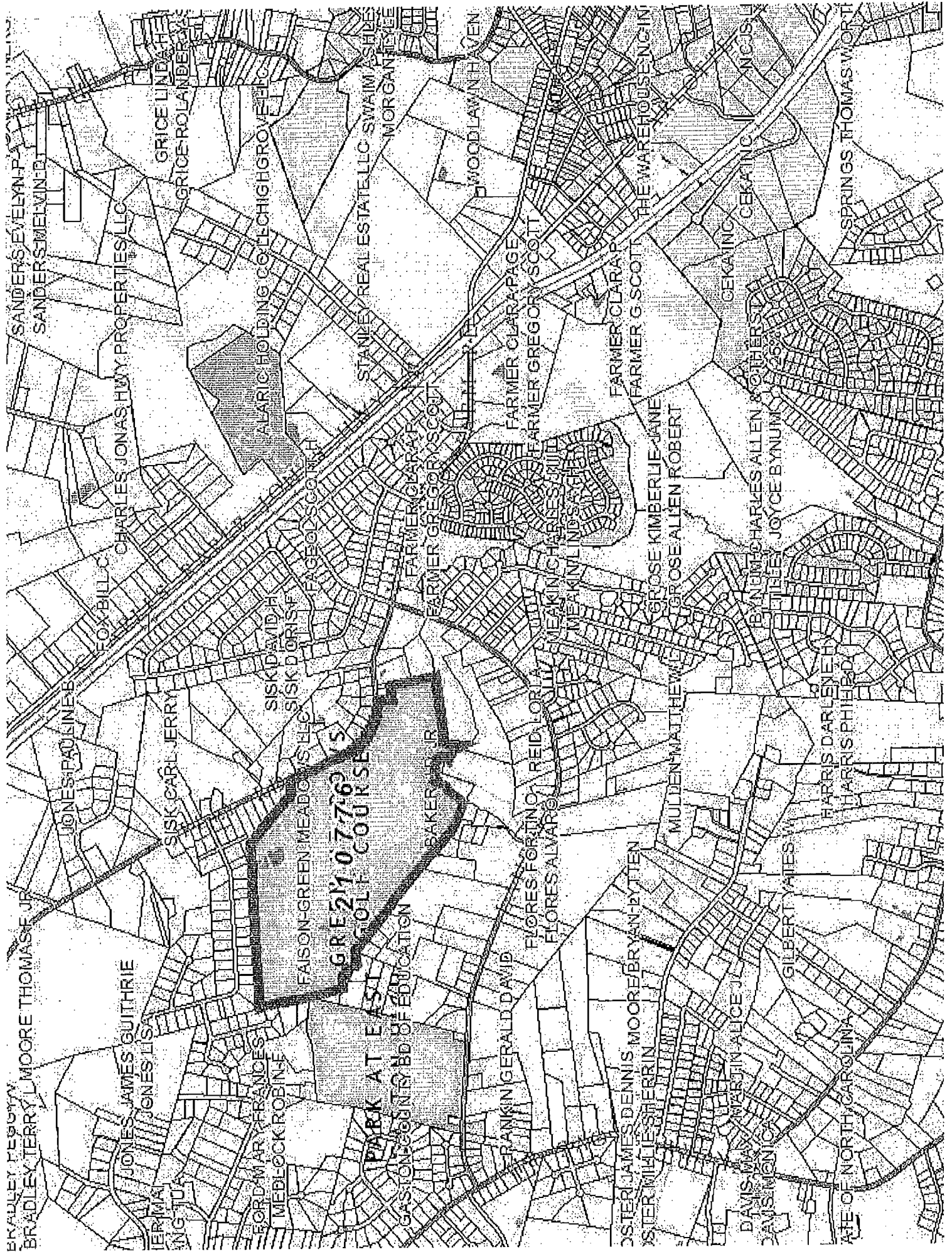
Signature of Property Owner

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.



RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-58 THROUGH G.S. 160A-58.8

WHEREAS, a petition received from Faison-Green Meadows, LLC, requesting annexation of the area described herein has been received; and

WHEREAS, a City Council of the City of Mount Holly has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mount Holly, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Mount Holly Municipal Complex at 7:00 PM on _____.

Section 2. The area proposed for annexation is described as follows: Gaston County tax PID 210776, Deed Book 4218, Page 2438; this property being approximately 157.416 acres and being bounded on the east by the property of Beverly R. & Ricky Lee Wrenn, Linda Grounds, Helen & Jeffrey Trainham, Kathryn Carubba, James Edward Hamilton, Kelly Road, Tommy, R. Henley, and Cheryl D. Hamilton; on the south by property of Thomas Gene & Sharon Gibson, Robert William Stone, J D Baker, Jr., J.D. Baker, Joseph David Baker, Jr. & Patsy Elizabeth Digh, Essie & Franklin Bryan, Wanda B. Brady, Keith James Puckett, Veron Thomas, James W. Wilson, Jr., and Karen Wilson and Linda Cox Smith; on the west by property of Linda Cox Smith, Gaston County Board of Education, David Brian Usery, Michael Dean Usery, Jimmy & Olene Wilson and Michael, & Tina Miller; and on the north by property of Gail S. Drury, Trutzschler Properties, LLC, Glenda Little Rollins, Alan & Susan McMullan, James & Susan Mullis, Kenneth Dail Fuquay, Tracey Elmore & Christopher Scott Groves, Eli William & Gloria Helms Horton.

Section 3. Notice of the public hearing shall be published in the Gaston Gazette, a newspaper having general circulation in the City of Mount Holly at least ten (10) days prior to the date of the public hearing.

Mayor

ATTEST:

Clerk



City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: 8-15-19
From: Africa Otis	Meeting Date: 8-26-19
Agenda Item to be considered: Consideration and approval of a resolution establishing a FY 20 Capital Reserve Fund. 	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request: North Carolina General Statute requires that all systems development fees proceeds be accounted for in a Capital Reserve Fund. 	
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 Resolution Attached	
Result of City Council Decision: 	
Attachments: Resolution	

RESOLUTION OF THE CITY OF MOUNT HOLLY, NORTH CAROLINA ESTABLISHING A CAPITAL RESERVE FUND

WHEREAS, the City of Mount Holly, North Carolina (the “City”) is a municipal corporation validly existing under the Constitution, statutes and laws of the State (the “State”);

WHEREAS, *WHEREAS*, there is a need in the City to provide funds for future capital projects related to its combined water and wastewater system, and to make debt service payments on existing debt related to past capital projects for its water and wastewater system, and *WHEREAS*, NCGS 159-18 authorizes the creation of a capital reserve fund, and *WHEREAS*, NCGS 162A, Art. 8 requires that all system development fee proceeds be accounted for in a capital reserve fund,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOUNT HOLLY, NORTH CAROLINA, AS FOLLOWS:

Section 1. The Governing Board hereby creates a Capital Reserve Fund for the purpose of funding the following capital projects related to the town’s water and wastewater system:

Water Distribution Phase I Engineering Study. This engineering study is for the entire distribution system within the City limits. Water flow and water pressure will be field tested and a City Wide Hardy Cross analysis will be completed. Water line sizes, looped water lines, major transmission line planning and water supply will be the goal of this study.

The 2019-2020 appropriation from the budget ordinance to the CRF is \$150,000, in SDF proceeds.

Collections System Master Planning Phase II. This engineering study will further define constrictions within the City’s sewer system and provide options and schedules on facilities meeting the demands of future customers.

The 2019-2020 appropriation from the budget ordinance to the CRF is \$35,000, in SDF proceeds.

Mud-Valve Replacement. Mud-values located at the Water Treatment Plant are used to open and close the basins and flash mixers for draining and lowering of the water level in each basin. These values have reached their useful life and have to be replaced. These values are essential to the overall management of the Water Treatment Plant.

The 2019-2020 appropriation from the budget ordinance to the CRF is \$90,023, in SDF proceeds.

Inflow and Infiltration. Every sewer system has infiltration and inflow from sources other than from sewage flow. The flow would typically be from streams, groundwater or illegal connections i.e. roof leader connections.

We completed an I & I (infiltration and inflow) study for the North Main study area two years ago. The intent of this project was to establish a more defined I & I study area to be studied of any

significant problems within the collection system. We did find minor issues which were resolved. Our program was to proceed with other areas as budgets and project priorities allowed.

However, I & I become even more important with the eventual sewage discharge to Charlotte Water (CW). All sewer collection systems have I & I and the goal is to eliminate significant issues and minimize the amount of water entering the system.

It is to the City's advantage to find and correct any problems by the time we connect to Charlotte Water because the City would be paying CW to treat stormwater at wastewater rates.

Starting the next phase of our I & I program this fiscal year would permit us time to generate construction/implementation projects outlined in the I & I Study. We would continue this program leading up to the time the sewage discharge is transferred to Charlotte Water. The total estimated cost of this project is \$400,000. The City estimates funding the project through SDF proceeds.

The 2019-2020 appropriation from the budget ordinance to the CRF is \$50,000, in SDF proceeds.

Dutchman's Parallel Gravity Sewer Line Design. The annexation agreement with Lennar included their financial commitment toward building the parallel gravity sewer line and Dutchman's Creek Pump Station improvements.

Lennar agrees to reimburse the City the amount of \$1,125,000 once the above project has been advertised for bids.

As per the agreement, the City improvements are necessary to serve Imagery once the total number of lots with subdivision final plat approval exceeds 252 homes.

Based on Lennar's projections, the project will reach the 252nd unit between February and May 2020.

FY 17-18	Design of the gravity line is underway and should be completed by the end of the fiscal year.
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FY 18-19	Permitting, rights-of-ways acquisition, bidding and commence construction
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FY 19-20	Completion of the parallel gravity sewer line
----------	---

NOTE: This project will probably extend into two fiscal years. The total estimated cost is 3,000,000. The City estimates funding the project through SDF proceeds and developer contributions.

The 2019-2020 appropriation from the budget ordinance to the CRF is \$150,000, in SDF proceeds.

Charlotte Water Regionalization Project.

Section 2. This CRF shall remain effective until all the above-listed projects, and any projects added in the future, are completed. The CRF may be amended by the governing board as needed to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital projects.

Section 3. All motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 4. This Resolution is effective on the date of its adoption.

Upon motion of Council Member _____, the foregoing order titled: **“RESOLUTION OF THE CITY OF MOUNT HOLLY, NORTH CAROLINA ESTABLISHING A CAPITAL RESERVE FUND”** was adopted by the following vote:

AYES:

NAYS:

PASSED, ADOPTED AND APPROVED this 26th day of August, 2019.

STATE OF NORTH CAROLINA)
) SS:
CITY OF MOUNT HOLLY)

I, Amy Miller, City Clerk of the City of Mount Holly, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution titled “**RESOLUTION OF THE CITY OF MOUNT HOLLY, NORTH CAROLINA ESTABLISHING A CAPITAL RESERVE FUND**” adopted by the City Council of the City of Mount Holly, North Carolina in regular session convened on the 26th day of August, 2019, as recorded in the minutes of the City Council of the City of Mount Holly, North Carolina.

WITNESS my hand and the seal of the City of Mount Holly, North Carolina, this the ____ day of _____, 2018.

(SEAL)

City Clerk
City of Mount Holly, North Carolina



City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: August 20, 2019
From: Miles Braswell, Asst. City Manager	Meeting Date: August 26, 2019
Agenda Item to be considered:	
Surplus Property	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request:	
The following attachment contains items that need to be considered surplus.	
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: Declare property surplus per the attachment	
Result of City Council Decision: _____	
Attachments: Resolution and Surplus Property List	

**RESOLUTION OF THE CITY OF MOUNT HOLLY, NORTH CAROLINA FOR
DECLARATION OF SURPLUS PROPERTY AND SALE OF PROPERTY VIA
PUBLIC OR ELECTRONIC AUCTION OR BY MEANS OF EXCHANGE OF
PROPERTY**

WHEREAS, G.S. 160A-267 authorizes the City Council to dispose of surplus property, and authorizes the sale of surplus property by means of private sale, public auction, electronic auction or exchange of property, and

WHEREAS, the City Manager has reviewed the attached list "Attachment A" and declared the items surplus and unusable personal property; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mount Holly does hereby authorize the City Manager to conduct a sale of the surplus and unusable City personal property by means of a private sale, public or electronic auction, or an exchange of property.

Adopted on this 26th day of August, 2019.

SIGNED:

Bryan Hough, Mayor

ATTEST:

Amy Miller, City Clerk

<u>Department</u>	<u>Asset #</u>	<u>Qty</u>	<u>Equipment/ Vehicle Year</u>	<u>Equipment/ Vehicle Make</u>	<u>Model</u>	<u>VIN or Serial #</u>	<u>Description</u>	<u>Known problems</u>	<u>Date to Council</u>
Utilities	798	1	2006	Harben	Jet Vac	1H9X141086C122042	High pressure jetter	Cracked tail light, right marker light cracked	8/26/2019



City of Mount Holly Action Agenda Item

To: City Council From: Chief Roper	Date: 8-20-19 Meeting Date: 8-26-19
Agenda Item to be considered: A resolution to surplus current MHPD duty weapons	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request: <i>The duty weapons currently issued to MHPD officers are nearly ten years old and are due to be replaced. The procedure for trading in the old weapons requires a resolution by City Council that they be declared surplus. These weapons will then be traded in to the Federally licensed firearms dealer for credit toward the purchase of new duty weapons. Funding for the replacement of the current duty weapons was approved in the current budget.</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: <u>Approve resolution to surplus duty weapons</u>	
Result of City Council Decision: _____	
Attachments: <i>Memo from Chief Roper Memo from Deputy Chief Reagan List of MHPD firearm serial numbers to be declared surplus Quote from Craig's Firearm Supply Inc.</i>	



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: Surplus of Duty Weapons

Date: 08-20-19

The currently issued duty weapon at the Mount Holly Police Department is the Glock model 22 .40 caliber handgun. These weapons were purchased in 2009, and have been in use by officers of the department for nearly ten years. Due to the wear of every day carry, along with regular training and qualifying, the typical service life of a police service weapon is approximately 7-10 years. During the budget process the police department requested and was approved funds to accommodate the replacement of our duty weapons.

The required procedure for replacing duty weapons when the old weapons are traded in to the firearms dealer includes the need to have the current handguns declared surplus by the City Council through a resolution. Following this, an agreement with a federally licensed firearms dealer is reached which will allow us to trade in the current weapons for credit toward the price of the new weapons. The dealer will have the new weapons shipped to the MHPD, where they will allow us a period of 90 days to qualify our officers with the new weapons before we are required to turn over the old ones. Once the old weapons are turned over to the firearms dealer, the dealer will issue a detailed surplus property list which includes the serial number of the surplus weapons. The dealer will then provide a signed authorization releasing the City of any liability involving the surplus weapons.

We have obtained a quote and an agreement to trade in our current weapons from Craig's Firearm Supply Inc. in Concord, NC. Craig's is the regional Glock dealer, and regularly accommodates police agencies during the transition of duty weapons. We will purchase 42 new Glock model 45 handguns. The dealer will credit MHPD with \$260.00 for each of the old Glock model 22 handguns traded in. This will considerably reduce the total cost of replacement. The cost of replacement will be \$8,750.00 after trade in.



Don Roper
Chief of Police

Mount Holly Police Department

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

Memorandum

To: Chief D. R. Roper

From: Deputy Chief B. K. Reagan

Reference: Firearms Surplus Information

The attached list of firearms designated for surplus contains forty-one (41) Glock Model 22 pistols currently assigned to and carried by all sworn officers. In addition to these weapons, three (3) H&K USP .45 caliber weapons are also listed that were previously used by multijurisdictional SWAT Team Members. The proceeds obtained from this surplus trade-in amount would offset the purchase of the forty-five (45) new Glock Model 45 pistols requested and approved in the FY19-20 Budget.

Mount Holly Police Department Surplus Firearms Serial Numbers

Glock Model 22 Gen.4		Glock Model 23	H & K USP 45 Cal.
PVD-260	PVD-281	GZF748	25-116891
PVD-261	PVD-281		25-116929
PVD-262	PVD-282		25-116893
PVD-263	PVD-283		
PVD-264	PVD-284		
PVD-265	PVD-285		
PVD-266	PVD-286		
PVD-267	PVD-287		
PVD-268	PVD-288		
PVD-269	PVD-289		
PVD-270	PVD-290		
PVD-271	PVD-291		
PVD-273	PVD-292		
PVD-274	PVD-293		
PVD-275	PVD-294		
PVD-276	PVD-295		
BHEN-889	PVD-296		
PVD-278	PVD-297		
PVD-279	BHEN-887		
BHEN-890	BHEN-888		

0486-2019	
Craig's Firearm Supply Inc.	
Police Distributor	

5620 Concord Pkwy S., Concord, NC 28027	8761 Chapman Highway, Knoxville, TN
Phone 980-258-0444/0445	Phone 1-800-769-2007

tonyl@craigsfirearms.com			
TO:	CAPT DAVID SISK	PHONE:	(704) 951-0069
AGENCY:	MT HOLLY PD	EMAIL:	davisisk@mfholly.us
DATE:	08/15/19	Quote will be honored for	60 days.

A copy of this quote must accompany your purchase order.
EACH MANUFACTURER MUST HAVE A SEPARATE PURCHASE ORDER.
ALL REMINGTON PRODUCTS REQUIRE A SEPARATE PURCHASE ORDER FOR EACH LINE

AGENCIES ARE RESPONSIBLE FOR ALL TAXES **AGENCY ORI NUMBER MUST BE ON ALL PURCHASE ORDERS**

Please do not pay from this quote. Invoice will follow.

PART #	ITEM DESCRIPTION	PRICE	QTY.
PA455S702	GLOCK G45, GLOCK NIGHT SIGHTS, 3 LE MAGAZINES, BACKSTRAP/BEAVERTIAL KIT, GUN LOCK, BORE BRUSH, CLEANING ROD, CASE	\$409.00	32
PA455S702MOS	GLOCK G45MOS, GLOCK NIGHT SIGHTS, 3 LE MAGAZINES, BACKSTRAP/BEAVERTIAL KIT, GUN LOCK, BORE BRUSH, CLEANING ROD, CASE	\$481.00	10
	NC SALES TAX AT THE 6.75% GASTON COUNTY RATE		
	LESS TRADE OF THE FOLLOWING		
	MIXED GENERATIONS, GLOCK G22, GNS, 3 MAGS, ENGRAVED MHPD	-\$260.00	35
	GLOCK G23, GNS, 1 MAG	-\$250.00	1
	H-K USP45, NS, 2 MAGS, LIGHT	-\$330.00	3
	TOTAL		\$8,700.00

AGENCY ACKNOWLEDGEMENT OF TERMS:			
I accept this quote as written:			

Agency representative's Signature:

Agency representative's printed name:						
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Please call with any questions about this quote.

Thank you,						
Tony Lardo						

* Govt. agency prices do not include FET where applicable
 * Prices are due and payable NET 30 days for each invoice
 * Trade-In pistols must be in good, serviceable working order
 * Deductions made if trade-ins are damaged or not as specified

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF MOUNT HOLLY, NORTH CAROLINA**

WHEREAS, the City Council of the City of Mount Holly has been petitioned under G.S. 160A-31 by Alaric Holding Co, LLC, to annex the area described below; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Mount Holly Municipal Complex at 7:00 PM on Monday, April 8, 2019, after due notice by The Gaston Gazette on March 14, 2019; and

WHEREAS, the City Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mount Holly, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Mount Holly as of August 31, 2019:

See attached sheet marked Exhibit "A" for a particular description by metes and bounds incorporated herein by reference.

Section 2. Upon and after August 31, 2019, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Mount Holly and shall be entitled to the same privileges and benefits as other parts of the City of Mount Holly. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Mount Holly shall cause to be recorded in the office of the Register of Deeds of Gaston County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this _____ day of August, 2019.

Mayor

ATTEST:

APPROVED AS TO FORM:

Clerk

City Attorney

EXHIBIT "A"
To the Mooreland Oak Annexation Agreement

BEGINNING at an existing iron pipe or post situate at an eastern corner of the E. Y. Springs property as the same is shown in Deed Book 1442 at Page 887 in the Gaston County Registry; said point of BEGINNING also being situate within the right of way of Old Highway #27, also known as S.R. #1923, a 60 foot right of way; said point of BEGINNING furthermore being a southeastern corner of that property described in Deed Book 908 at Page 496 in the Gaston County Registry; running thence from said point of BEGINNING with Springs line North 75°42'28" West 370.35 feet to an existing iron post on the eastern margin of the J. L. Fite property (Deed Book 1182 at Page 637); thence with Fite's line North 20°39'52" East 261.47 feet to a new iron post at a corner of Fite and at a northern corner of that property described in Deed Book 908 at Page 496 being that same property previously conveyed unto Richard Crump and wife; thence with Fite's northern boundary North 56°18'25" West, continuing with Fite's line and also the northern boundary of the E. R. Craig property as shown in Estate File 77-E-331 and with the Gaston County Dyeing Machine Company property shown in Deed Book 942 at Page 40, a total of 1,188.81 feet to an existing iron pipe; continuing with the northern boundary of the Gaston County Dying Machine Company property line North 63°00'00" West 1,559.96 feet to a new iron pin, that new iron being also a corner of the W.S. Beam property (Deed Book 1286 at Page 637), said new iron pin being situate South 47°26'26" East 17.09 feet from a control monument; thence with Beam's boundary line North 28°06'57" East 132.36 feet to a point at the common corner of Beam and J. R. Smith (Deed Book 1981 at Page 186); thence with Smith's boundary line North 28°06'57" East 62.64 feet to a point at a corner of the Boyce Sherrill property (Deed Book 1312 at Page 92); continuing with Sherrill's southern boundary line North 68°58'49" East 411.99 feet to an existing iron pipe at a western corner of the W.W. Moore property (Deed Book 2269 at Page 229); continuing with Moore's southern boundary line South 63°06'38" East 1,339.76 feet to an existing iron pin at a common corner of Moore and R.C. Bell (Deed Book 1128 at Page 413); continuing with Bell's southern boundary line South 63°06'38" East 10.24 feet to a new iron pin; continuing further with Bell's southern boundary line South 56°18'25" East 1,045.00 feet to a new iron pin situate at a corner of the Halsey property (Deed Book 784 at Page 644) and being a common corner of that property described in Deed Book 468 at Page 434 and Deed Book 478 at Page 424, previously conveyed unto the Richard Loy Crump's successors in interest; thence with Halsey's southern boundary line South 81°09'25" East 139.6 feet to a point on the western margin of the right of way of Old Highway #27; thence with the western margin of the right of way of Old Highway #27, South 07°51'30" West 301.01 feet to a point; thence within the right of way of Old Highway #27, South 10°55'59" West 295.78 feet to an existing iron pin being a common corner of that property described in Deed Book 908 at Page 496 and in Deed Book 460 at Page 165; thence another line within the right of way of Old Highway #27, South 13°50' 33" East 229.88 feet to the point and place of BEGINNING, containing 34.0141 acres. The aforesaid description being taken from an unrecorded survey prepared by David W. Dickson, Registered Surveyor, dated March 7, 1996.

NORTH CAROLINA
GASTON COUNTY

ANNEXATION AGREEMENT
AND SYSTEM DEVELOPMENT FEE
AGREEMENT,
MOORELAND OAKS

THIS AGREEMENT, MADE and entered into this ____ day of July 2019, by and among the CITY OF MOUNT HOLLY, a North Carolina municipal corporation, hereinafter called "City;" ALARIC HOLDING CO., LLC, a North Carolina Limited Liability Company; hereinafter called "Company;" and TRUE HOMES, LLC, a North Carolina Limited Liability Company; hereinafter called "True Homes." Company and True Homes are sometimes referred to collectively as "Applicants."

WITNESSETH:

WHEREAS, Company has filed an annexation petition asking the City to annex approximately 34.691 acres of land with a subdivision name of "Mooreland Oaks" hereinafter referred to as "Mooreland," as shown on a plat prepared by Matthew J. Stikeleather, dated November 2, 2018, and sealed on November 2, 2018, and to be recorded in the office of the Gaston County Register of Deeds, upon successful Annexation, to which reference is hereby made for a further description; and,

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

WHEREAS, on October 1, 2018, Company filed a petition requesting voluntary annexation of the Property, and also 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 April 8, 2019, on the question of the annexation of Mooreland Oaks; and,

WHEREAS, a public hearing was held by the City on May 13, 2019, on the question of the rezoning of Mooreland Oaks, subject to passage of the Annexation Resolution; and,

WHEREAS, True Homes desires to develop Mooreland Oaks 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 Mooreland Oaks 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 Mooreland Oaks, has submitted an annexation petition, as aforesaid, to City requesting voluntary annexation of Mooreland Oaks into the corporate limits of Mount Holly.
- B. Company, as petitioner has filed an application with the City, as aforesaid, requesting that Mooreland Oaks be rezoned from RS-20 Gaston County to Single family Conditional

District, in accordance with the Zoning Plan, effective upon the passage of the Annexation Resolution.

- C. The City may vote upon the annexation of Mooreland Oaks upon approval of this Annexation Agreement.
- D. 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.
- E. 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, system development fees, tap fees, and meter setting fees and such other ordinances as the City may deem to be in City's best interest, and Applicants.
- F. The Parties acknowledge that the requirements for the Single Family Conditional District Zoning are shown on a drawing prepared by DPR Associates, Inc., dated May 17, 2019, entitled the "Annexation & Rezoning Plan, Case #XXX, Mooreland Oaks", a copy of which shall be recorded with the Annexation Resolution.

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"):

Upgrades to Dutchman's Creek Pump Station which are necessary or convenient to serve Mooreland Oaks and a portion of which are necessary to serve other areas of Mount Holly. The stipulated cost of the additional upgrades necessary to serve Mooreland Oaks, including their share of the engineering cost, is \$82,819.00. This payment shall be received by the City at the time the Phase I Plat is submitted for approval by the City and before issuance of the first zoning permit.

- B. At the time the Phase I plat is submitted for approval, True Homes shall have constructed the following improvements ("True Homes Improvements") at its own expense or in the alternative provide a financial guarantee of 120 % of the costs estimated by True Homes Engineer and approved by the City:

1. An extension of the existing 8" gravity sewer from the existing tie in location at the intersection of Antelope Drive and Deertrack Drive to the Mooreland Oaks entrance as shown on the Zoning Plan, at True Homes' sole expense.
2. Water connections at the two (2) entrances as shown on the Zoning Plan, at True Homes' sole expense.

- C. At the time the plat for the 100th lot is submitted for approval, True Homes shall have constructed all transportation items recommended on the Transportation Impact Analysis

prepared by Kimley Horn, signed and sealed on February 14, 2019. The completed construction required for plat approval, shall include a left turn lane at access #2 and a 5 foot wide sidewalk along the project frontage and between two access points. In addition, there shall be constructed at no cost to City, a soft shoulder to be constructed along the project boundary on Old Highway 27. All construction shall be completed prior to plat approval at True Home's expense and shall meet or exceed NCDOT standards or in the alternative True Home shall provide a financial guarantee of 120 % of the costs estimated by True Homes Engineer and approved by the City.

- D. All True Homes Improvements will be built in accordance with plans and specifications (collectively, the "True Homes Plans") to be prepared at True Homes' expense by a registered engineer licensed by the State of North Carolina and submitted for approval by the City and the applicable State agencies. 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. True Homes 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.
- E. Upon completion of True Homes' Improvements to City's reasonable satisfaction, as certified by True Homes' engineer, City shall accept the same for maintenance (subject to True Homes' below warranty) and ownership shall vest in City. True Homes shall provide to City three "as built" drawings of all True Homes Improvements. True Homes shall warrant all True Homes 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 True Homes shall provide a financial guarantee of this warranty satisfactory to the City and in accordance with the terms of this Agreement below.
- F. Any amounts to be reimbursed by True Homes to City or City to True Homes shall be payable in full within 60 days of billing.

III. PREREQUISITES TO DEVELOPMENT

The parties agree that prior to the effective date of annexation, True Homes may, if it chooses, begin to construct True Homes Improvements upon approval of the True Homes Plans. However, True Homes agrees that it will not seek any building permits for construction of any houses within Mooreland Oaks prior to any of the following: the effective date of annexation, the effective date of the passage of the Zoning Plan by City, the payment by True Homes to City of an estimated sum of money equal to the amount of the debt assumption owed by the City to the rural fire department serving the annexed area, and completion of True Homes Improvements or posting a financial guarantee as referred to in Section II, Subsection B.

IV. DEVELOPMENT STANDARDS

- A. The development of Mooreland Oaks 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. True Homes 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 Mooreland Oaks.

- B. Except as hereinafter set forth, it is agreed that Mooreland Oaks will be charged utility rates from City, including system development 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 Mooreland Oaks 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 Mooreland Oaks shall be subject to system development 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 system development fee shall be payable by contract as provided herein, notwithstanding that the City's System Development 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 Mooreland Oaks 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 138 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 Mooreland Oaks will be for a period of Seven (7) years from the effective date of the Annexation ("Reservation Term"). Mooreland Oaks 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 Mooreland Oaks should obtain subdivision final plat approval and record such plat one month prior to the end of Mooreland Oaks' Reservation Term, then the lots contained in such plat will have reserved Utility Treatment Capacity at such time as residences shall be constructed and service shall be requested, subject to the payment of the System Development Fee as outlined above, even if the service is requested after the expiration of the Reservation Term. Mooreland Oaks may, at any time within its Reservation Term, apply in writing to the City Council for an extension of the Reservation Term giving the reasons for such request. In considering the request for the extension, the City Council will review the progress of construction within the subdivision plats previously approved and the remaining water and/or sewer treatment capacity at the time of the request. Such extension, if any, will be in the sole discretion of City Council.

V. FINANCIAL GUARANTEE

- A. Prior to the approval of Plat of Phase I, True Homes shall furnish to City a financial guarantee in the form of an evergreen letter of credit of payment or performance bond satisfactory to City in the amount equal to one hundred and

twenty percent (120%) of True Homes' engineering estimate (which is approved by the City Engineer) of the True Homes Improvements. The True Homes Improvements financial guarantee shall be in the amount of \$168,128.00. 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 of costs 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."

- B. In the event the above-mentioned financial guarantees or any portion thereof are redeemed by the City, all documents pertaining to engineering and design currently owned by True Homes shall be relinquished to the City.
- C. If True Homes fails to purchase Mooreland Oaks, then Company acknowledges that the development of Mooreland Oaks is, nevertheless subject to all liabilities, requirements, terms, and conditions of this Agreement including the Conditional District Zoning Plat approved by the City.
- D. Applicants may convey Mooreland Oaks or portions thereof to their successors and assigns, but such conveyance shall be subject to the terms of this Agreement and the Conditional District Zoning Plan and City shall retain such financial guarantee of True Homes as originally provided hereunder until replaced by the equivalent financial guarantee of such subsequent owner.
- E. If True Homes purchases Mooreland Oaks, then Company shall have no further obligations, liabilities, requirements, terms, or conditions under this Agreement.
- F. If True Homes purchases Mooreland Oaks but then fails to undertake or complete all of the True Homes Improvements or any other conditions of this Agreement in a timely fashion, then City may redeem or make a claim upon the financial guarantee and complete the True Homes Improvements.

VI. MISCELLANEOUS PROVISIONS

- A. This Agreement shall constitute an Agreement for the development of Mooreland Oaks which shall remain in effect notwithstanding transfer of ownership of Mooreland Oaks from and after the date of this Agreement and from and after the effective date of Annexation and shall run with the land. This Agreement shall be recorded at the Register of Deeds of Gaston County along with the Zoning Plan.
- B. None of the parties shall take any action with respect to a default under this Agreement, until the non-defaulting party has given written notice to the defaulting party and the defaulting party has failed to cure the default for a period of thirty (30) days after receipt of such notice.
- C. 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: ALARIC HOLDING CO., LLC
P.O. Box 786
Mount Holly, NC 28120
Telephone No.: 980-827-0512
Attn: Michael A. Smith
E-Mail:

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@mtholly.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

TRUE HOMES: TRUE HOMES
2649 Brekonridge Centre Drive
Monroe, NC 28110
Telephone No.: (704) 779-4126
Attn: Shaun Gasparini
E-Mail: sgasparini@truhomesusa.com

7/3/2019
7/8/2019(b)

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:
ALARIC HOLDING CO., LLC

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

By: Tatyana Yurievna Smith (SEAL)
Name: Tatyana Yurievna Smith
Title: Agent for Michael Alson Smith, Member/Manager
of ALARIC HOLDING CO., LLC

Attest:

TRUE HOMES, LLC

Amy Miller, City Clerk (SEAL)

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

By: Mark Boyle (SEAL)
Name: Mark Boyle
Title: Manager

Name: Africa Otis
Title: Finance Officer

STATE OF NORTH CAROLINA
COUNTY OF GASTON

NOTARY ACKNOWLEDGMENT

I, _____, 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 _____ day of July, 2019.

Notary Public
My commission expires: _____
(seal)

7/3/2019
7/8/2019(b)

STATE OF NORTH CAROLINA
COUNTY OF GASTON

NOTARY ACKNOWLEDGMENT

I, Jill R. Atkins, a Notary Public of Gaston County, North Carolina, do hereby certify that Tatyana Yurievna Smith, Agent for Michael Alson Smith, personally appeared before me this day, and being by me duly sworn, says that he/she executed the foregoing and annexed instrument for and in behalf of Michael Alson Smith, Member/Manager of ALARIC HOLDING CO., LLC, a North Carolina limited liability company, and that by authority given and as an act of the Company, the foregoing instrument was signed in its name by him/her on behalf of the said Company and that her authority to execute and acknowledge said instrument is contained in a separate instrument duly executed, acknowledged, and recorded in Book 5034 at Page 814 in the office the Register of Deeds of Gaston County, North Carolina, and that this instrument was executed under and by virtue of the authority given by said separate instrument naming him/her as Agent; and that Tatyana Yurievna Smith acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of Michael Alson Smith, Member/Manager of ALARIC HOLDING CO., LLC
Witness my hand and official seal this the 16th day of July, 2019.



(Official Seal)

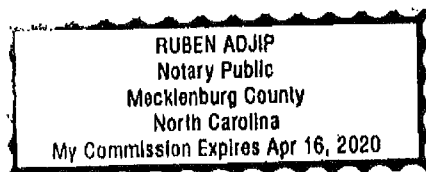

Official Signature of Notary

Jill R. Atkins, Notary Public
My commission expires: 02/11/2024

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

NOTARY ACKNOWLEDGMENT

I, Ruben Adjip, a Notary Public in and for said County and State, do hereby certify that MARK BYCE personally came before me this day and acknowledged that (s)he is MANAGER of TRUE HOMES a NC 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 6th day of August, 2019.




Notary Public
My commission expires: April 16, 2020
(seal)

OK PER
SR

Type: CONSOLIDATED REAL PROPERTY
Recorded: 4/5/2019 12:35:37 PM
Fee Amt: \$26.00 Page 1 of 3
Gaston, NC
Susan S. Lockridge Register of Deeds

BK 5034 PG 814 - 816

Prepared by & Return to: Michael, Elting, & Anders, PLLC 124 West Catawba Avenue, Mount Holly, NC 28120

**NORTH CAROLINA
LIMITED POWER OF ATTORNEY FOR REAL PROPERTY**

I, MICHAEL ALSON SMITH, as Member/Manager of ALARIC HOLDING CO., LLC (Principal), name the following person as my agent:

Name of Agent: TATYANA YURIEVNA SMITH

For purposes of this power of attorney, the "Property" is all of that real property located in Gaston County, North Carolina, and known or identified as follows:

PID#178067 (acreage) 933 Old NC 27 Hwy., Mt. Holly, NC 28120
Deed Book 4081, Page 1676

GRANT OF AUTHORITY

I grant my agent limited authority to act for me with respect to the Property, and all financial transactions relating to the Property. The authority granted to my agent pursuant to this power of attorney expressly includes the following:

1. (A) To negotiate, execute and/or deliver Listing Agreements, Sales Contracts, and the Warranty Deed for real estate containing general warranties or otherwise conveying that real property being identified as: 933 Old NC 27 Hwy., Mt. Holly, NC 28120, in Gaston County, North Carolina, and any other documents that may be necessary to effectuate the sale of the said property; (B) To obtain payoff statements if needed for closing; (C) To receive funds on behalf of the Principal, if any, with respect to the sale of the said premises, and assure the delivery of the same, and from the net proceeds of said sale to invest in a Certificate of Deposit for \$125,000 with a term not exceeding two (2) years in

submitted electronically by "Michael, Elting, & Anders, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Gaston County Register of Deeds.

the sole name of the Principal, Michael Alson Smith, and the balance of the net proceeds shall be payable to the Agent Tatyana Yurievna Smith for her sole use and benefit; (D) To approve of the disbursement of funds with respect to a closing statement; (E) To pay attorney's fees and other fees owed by the undersigned with regard to a sale of the Property to be deducted from the aforesaid proceeds.

2. The authority granted to my agent pursuant to this power of attorney may be exercised by my agent even though the exercise of that authority may benefit the agent.

EFFECTIVE DATE; AUTOMATIC EXPIRATION

This power of attorney is effective immediately. The authority of my agent to act on my behalf pursuant to this power of attorney will automatically expire two (2) years from the date of this power of attorney. Actions taken by my agent on my behalf pursuant to this power of attorney while this power of attorney remains in effect shall continue to bind me even after my agent's authority expires.

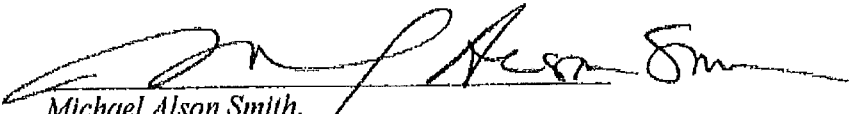
RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid.

MEANING AND EFFECT

The meaning and effect of this power of attorney shall for all purposes be determined by the law of the State of North Carolina.

SIGNATURE AND ACKNOWLEDGMENT

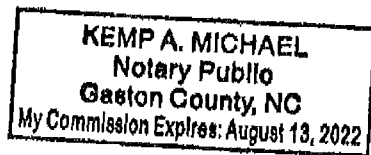
 _____ Date 4 APR 11 P
Michael Alson Smith,
As Member/Manager of Alaric Holding Co., LLC

State of NC, County of Gaston

I certify that the following person personally appeared before me this day, acknowledging to me that he or she signed the foregoing document: Michael Alson Smith, as member/manager of Alaric Holding Co., LLC.

Date: 4/4/19

(Official Seal)



Kemp A. Michael
Signature of Notary Public

Kemp A. Michael, Notary Public
Printed or typed name

My commission expires: 8-13-22

DEPENDABLE DEVELOPMENT, INC.
2649 BREKONRIDGE CENTRE DR., STE. 104
MONROE, NC 28110

Pinnacle

2460
2460

66-1203/631

NUMBER

Pay: *****One thousand ninety dollars and 37 cents

TO THE
ORDER OF

DATE

AMOUNT

8-01-19

\$*****1,090.37

City of Mount Holly

[Signature]

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT.

⑈002460⑈ ⑆053112039⑆1210009534⑈

DEPENDABLE DEVELOPMENT, INC.

NUMBER

2460

7-30-19	July30,2019	Volunteer Fire Dept.	1090.37	.00	1090.37
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8-01-19	2460	1090.37	.00	1090.37
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DEPENDABLE DEVELOPMENT, INC.

2460

(S. Har)



City of Mount Holly Action Agenda Item

To: City Council	Date: 8-22-19
From: Chief Roper	Meeting Date: 8-26-19
Agenda Item to be considered: Discussion of NC law regarding golf carts, and golf cart ordinances, and consideration of expanding current Mount Holly ordinance.	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request: The police department has collected information from several municipalities regarding golf cart ordinances, and has examined the facts surrounding the implementation of the Mount Holly Ordinance. The discussion will examine if the current ordinance could be expanded to include allowing carts to operate on roads with a speed limit of 35 mph or less, and to expand the network of city roadways that would allow golf cart operation within the city. A topic of requiring a liability waiver will also be discussed.	
Fiscal Impact:	
Will Item affect current budget	YES X NO ☐ N/A
Reviewed by Finance Director	YES ☐ NO x N/A
Preaudit Certification required	☐ YES X NO x N/A
Capital Project Ordinance required	☐ YES X 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. Fact sheet regarding golf carts in Mount Holly.
2. Copy of current City of Mount Holly Golf Cart ordinance.
3. Sample Disclaimer, Liability and Assumption of Risk form.
4. Copy of current MHPD process for obtaining golf cart permit.
5. Sample golf cart ordinance.

Golf Cart Ordinance

Ordinance was enacted on February 2, 2017

A total of 28 carts currently registered.

There have been No accidents since the enactment of the ordinance.

Through the research it was discovered that several jurisdictions started with a 25mph maximum speed zone, then increased it at a later time to a maximum of 35mph. (Lincolnton, Stallings)

Multiple citizens have expressed interest in being allowed to commute by golf cart to special events in the downtown area.

Questions

1. Changing the roadways that can be traveled from a maximum speed zone of 25mph to a maximum 35mph speed zone with the exception of any N.C. or U.S. Route. **Carts are allowed to perpendicularly cross but not continuously travel on these routes regardless of speed limit.**
2. Do we want to include a liability disclaimer?

Attachments

- a. Ordinances from Belmont, Forest City & Lincolnton along with Mount Holly's existing ordinances along with amendments made on 02-27-2017.
- b. Copy of Belmont's Liability Disclaimer

Mount Holly 6812002

CHAPTER 13
MOTOR VEHICLES AND TRAFFIC
Article VII. Operation of Golf Carts on Public Streets and Roads

Sec. 13-72. Authority to regulate.

Pursuant to G.S. 160A-300.6, the City is authorized, by ordinance, to require the registration of, and regulate the operation of golf carts upon any public street or road within the City.

Sec. 13-73. Purpose.

The establishment of a golf cart ordinance is necessary to address the interests of public safety. Golf carts are not designed or manufactured to be used on public streets, roads, and highways, and the City in no way advocates or endorses their operation on roads. The City, by regulating such operation, is merely trying to address obvious safety issues, and adoption of this Ordinance is not to be relied upon as a determination that operation on roads is safe or advisable if done in accordance with this Ordinance. All persons who operate or ride upon carts on roads do so at their own risk and peril and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The City has no liability under any theory of liability for permitting carts to be operated on roads under special legislation granted by the State Legislature. Any person who operates a cart must procure liability insurance sufficient to cover the risks involved in using a cart on the roads of the City.

Sec. 13-74. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Golf cart means a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour, as defined by G.S. 20-4.01(12a).

Operate means to drive, or be in physical control of a golf cart that is moving or has its engine on.

Certified golf cart roads are those roads defined in section 13-77 below.

Sec. 13-75. Operation on public streets and roads.

It is unlawful to operate a golf cart on a public street or road within the City unless the following requirements are met.

- (1) The golf cart may only be operated on certified golf cart roads that meet the requirements of section 13-77 below, except as provided in section 13-75(2) below.
- (2) The operator of the golf cart must have a valid, issued registration, issued by the Police Department of the City of Mount Holly in accordance with section 13-76 below.

- 6-10-90
- (3) Any person who operates a golf cart must be responsible for all liability associated with operation of the golf cart and must have liability insurance coverage which will cover the use of a golf cart in an amount not less than required by North Carolina law for motor vehicles operated on public highways in the State of North Carolina, and must carry proof of insurance when operating the golf cart.
 - (4) No person may operate a golf cart unless that person is at least 16 years of age and licensed to drive upon the streets and highways of North Carolina and then, only in accordance with such driver's license. Golf cart operators must carry their driver's license on their person at all times while operating a golf cart on public roads.
 - (5) An operator may not allow the number of people in the golf cart at any one time to exceed the maximum capacity specified by the manufacturer. The operator shall not allow passengers to ride on any part of a golf cart not designed to carry passengers, such as the part of the golf cart designed to carry golf bags. The operator shall not allow any passenger to ride on any part of a golf cart who would be required to ride in a car seat if riding in a car.
 - (6) No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions, and in no instance at a speed greater than 20 miles per hour.
 - (7) No golf cart may be operated in a careless or reckless manner.
 - (8) Golf carts must be operated to the right edge of the roadway and must yield to all vehicular and pedestrian traffic.
 - (9) Golf carts may be operated only during daylight hours, with the exception that golf carts equipped with operating lights meeting the requirements set forth herein may operate between the hours of 7:00 a.m. to 11:00 p.m.: Two operating headlights, one on each side of the front of the golf cart and two operating tail lights, one on each side of the rear of the cart, all four lights must be visible from a distance of 500 feet.
 - (10) Golf carts shall not be operated on any sidewalk, pedestrian walkway, jogging path, greenway, park, or trail, except by City personnel while on City business. Application may be made to the City Manager or his designee for a waiver of this provision for a period of one or two days for the express purpose of undertaking a specific project benefiting a greenway, park, or trail.
 - (11) Golf carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing, or parking of golf carts in an area where parking is not allowed or in any place that impedes the flow of traffic or pedestrian walkways is prohibited.
 - (12) Golf carts must be operated in accordance with all applicable state and local laws and ordinances, including all laws, regulations and ordinances pertaining to the possession and use of alcoholic beverages.
 - (13) Golf carts must have the basic equipment supplied by the manufacturer, including a vehicle identification number. Such equipment must include all safety devices as installed by said manufacturer, including rear view mirror, 50 square inches of reflective tape on the rear or rear triangle reflector of the type required by North Carolina law, and lights if the vehicle is to be operated at any time before sunrise or after sunset, as provided in section 13-75(10) above. In addition, golf carts must start with a key and be equipped with a non-manually operated horn.

Sec. 13-76. Registration, Inspection, and Fee.

- (1) Registration required. No golf cart may be operated on any public street or road within the City unless the golf cart has first been registered with the Police Department of the City of Mount Holly as required herein. The registration shall be renewed thereafter in accordance with the provisions of this section.
- (2) Application. The application for registration shall be made to the Police Chief, or to some other person designated by him or her, on forms provided by the Police Department. Along with the application, the applicant shall provide a valid driver's license and proof of liability insurance as required by section 13-75(4) above. A registration fee in the amount of \$35.00 shall be paid to the City at the time the application for registration is filed or at the time of filing any renewal of the application.
- (3) Inspection. Prior to issuing the initial registration permit, an inspector from the Police Department must perform an inspection at the Police Department, or under special circumstances and with the approval of the Chief, at the location of the golf cart within the city limits of Mount Holly, to determine that:
 - (a) The golf cart is equipped with all mechanical systems and safety equipment required by this article;
 - (b) The brakes on the golf cart are in proper working order; and
 - (c) The golf cart has all of the standard safety features provided by the manufacturer and has not been modified to exceed a speed of 20 miles per hour nor otherwise modified in any way that creates a hazard.
- (4) Issuance and Proof of compliance. If the application is approved, the Police Department will issue a permit sticker to be attached to the golf cart in accordance with the instructions of the Police Department. The permit sticker shall be valid for one year from date of issuance, and may be renewed for subsequent one year periods in the same manner as an application for an initial permit, except that inspections shall only be required for initial issuance of a permit sticker and shall not be required for subsequent renewals. Lost or stolen stickers are the responsibility of the owner and must be replaced before the golf cart is operated on a public road.
- (5) Denial and Revocation. The application for registration of a golf cart may be denied or subsequently revoked by the Chief of Police if he or she determines that:
 - (a) The application contains any material misrepresentation;
 - (b) The golf cart does not meet the definition of a golf cart;
 - (c) The applicant does not have a valid driver's license;
 - (d) The applicant does not have proof of required liability insurance;
 - (e) The golf cart does not have the safety equipment required by this article;
 - (f) The golf cart has been modified to exceed a speed of 20 miles per hour or otherwise modified in any way that creates a hazard;
 - (g) The golf cart is being operated in a manner violating this article, including operation by someone not having a valid driver's license;
 - (h) Failure to pay a penalty as provided in Section 13-78 below; or
 - (i) Other good cause shown including repeated violations of this article.

Sec. 13-77. Certified golf cart roads.

Golf carts may be operated only upon certain public residential streets or segments of public residential streets that have been proclaimed certified golf cart roads in accordance with this section. Maps designating certified golf cart roads will be maintained at the Police Department and at City Hall, and may be inspected upon request.

To certify streets or segments of streets which have not been previously certified as golf cart roads, applicant must apply for certification on a form provided by the Police Department. The Police Chief or his or her designee will review the application and approve or deny certification of the street or street segment as a certified golf cart road based upon the following criteria:

- (1) The street must be a public street located within the City of Mount Holly and not have a posted speed limit of greater than 25 miles per hour;
- (2) The street must be located within a residential neighborhood;
- (3) The street must be reasonably safe for the operation of golf carts in conjunction with existing traffic after looking at all factors, including: width of street, sight distances, horizontal and vertical curvature, intersections, parking, location relative to a school or daycare center, the existence of traffic lights or other traffic control devices, and the speed, volume, and character of motor vehicle traffic using the street; and
- (4) Any other factors that the Police Chief or his or her designee deems necessary when evaluating a particular street.

Sec. 13-78. Enforcement.

Violation of this article shall be an infraction, the maximum penalty for which shall be \$50.00. If the offender fails to pay the penalty within ten (10) days of receiving final written notice of a violation, the penalty may be recovered by the City of Mount Holly in a civil action in the nature of a debt, as provided by section 1-8 of the Mount Holly City Code. Operating a golf cart on a public road or highway in violation of state law, including operating under the influence of an impairing substance (i.e., alcohol or drugs), is a violation of state law, and is also punishable as provided therein.



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 Roper

Reference: Golf Cart Operation: No Headlights

Date: 02-24-17

A proposal was presented to MHPD to prepare an amendment to Mount Holly City Code Chapter 13, Motor Vehicles and Traffic. Article VII, Operation of Golf Carts on Public Streets and Roads.

The current ordinance states:

(9) Golf carts may be operated only during daylight hours, with the exception that golf carts equipped with operating lights meeting the requirements set forth herein may operate between the hours of 7:00 a.m. to 11:00 p.m.: Two operating headlights, one on each side of the front of the golf cart and two operating tail lights, one on each side of the rear of the cart, all four lights must be visible from a distance of 500 feet.

The proposed change presented to MHPD is:

"The golf cart will not be required to have operating headlights as long as the golf cart is not operated after dark."



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 Roper

Reference: Golf Cart Operation: No Driver License

Date: 02-24-17

A proposal was presented to MHPD to prepare an amendment to Mount Holly City Code Chapter 13, Motor Vehicles and Traffic. Article VII, Operation of Golf Carts on Public Streets and Roads.

The current ordinance states:

Sec. 13-75. Operation on public streets and roads.

(4) No person may operate a golf cart unless that person is at least 16 years of age and licensed to drive upon the streets and highways of North Carolina and then, only in accordance with such driver's license. Golf cart operators must carry their driver's license on their person at all times while operating a golf cart on public roads.

The proposed change presented to MHPD is:

"All golf cart operators must possess a valid driver's license, except any driver or operator 18 years of age or older with a medical or physical condition that prevents that individual from being able to obtain a valid North Carolina driver's license. The medical or physical condition must be evidenced with a professionally certified mental phobia or physical condition which, although it prevents them from driving a licensed motor vehicle, would not prevent the safe operation of a golf cart and said certification must be provided from a medical professional. Any driver or operator that is exempt from the requirement of a valid North Carolina license must still present and have on record and while operating a golf cart, a valid North Carolina Identification card."



**Belmont Police Department
City of Belmont
Application Golf Cart Permit**



Disclaimer, Liability and Assumption of Risk

As provided in City of Belmont North Carolina Ordinance, Title VII, "Traffic Code" golf carts are not designed for nor manufactured to be used on public streets and the City of Belmont neither advocates nor endorses the golf cart as a safe means of travel on public streets, roads and highways. The City of Belmont in no way shall be liable for accidents, injuries or death involving the operation of a golf cart. Any person who owns, operates or rides upon a golf cart on a public street, road or highway within the City of Belmont does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.

WITNESS:

Signature

Print Name

Date

OWNER:

Signature

Print Name

Registration Permit #

Date



Don Roper
Chief of Police

Mount Holly Police Department

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

Process for Obtaining Golf Cart Permits

- Complete the golf cart permit application and turn in along with permit fee (\$35.00 permit fee and \$5.00 decal fee, payable to City of Mount Holly) to City Hall between the hours of 8am and 5pm Monday – Friday.
- Owner of golf cart must provide a valid driver's license and proof of insurance at the time of application.
- You must bring the golf cart in which you are applying on the permit to the Mount Holly Police Department during inspection hours.
- Once your application is complete and your inspection is approved, you will be issued a permit bearing your permit number and it will be affixed to the front of the golf cart.

Things to Remember

- Operators must be 16 years old and a license driver. Must have license in your possession when operating golf cart.
- Golf carts can only be operated on a residential street within the City of Mount Holly and not have a posted speed limit of greater than 25 miles per hour.
- Golf carts can only be operated between the hours of 7:00AM -11PM.

Required equipment

- Golf carts must start with a key and be equipped with a non-manually operated horn.
- Golf carts must have the basic equipment supplied by the manufacture, including a vehicle identification number. Such equipment must include all safety devices as installed by manufacture, including rear view mirror, 50 square inches of reflective tape on the rear or rear triangle reflector of the type required by North Carolina law.

All of the following guidelines and regulations are outlined in the Mount Holly City Ordinance in Chapter 13 motor vehicles and traffic.



Don Roper
Chief of Police

MOUNT HOLLY POLICE DEPARTMENT

GOLF CART REGISTRATION

CART REGISTRATION NUMBER:		DATE REGISTERED:		REGISTERED BY:	
CART OWNER:		HOME ADDRESS:			
DATE OF BIRTH:	OPERATOR LICENSE NUMBER:	LICENSE STATE:	HOME TELEPHONE:	CELLULAR TELEPHONE:	
E-MAIL ADDRESS:		EMERGENCY CONTACT:	RELATIONSHIP:	CONTACT'S TELEPHONE:	
CART YEAR:	CART MAKE:	CART MODEL:	CART VIN/SERIAL NUMBER:	POWER TYPE:	
PRIMARY COLOR:	SECONDARY COLOR:	OWNER APPLIED NUMBER/MARKS:		CART VALUE:	
OTHER DISTINGUISHING MARKS:					
COMMENTS:					

The undersigned golf cart owner/operator hereby certifies that the above registration information is true and accurate. The undersigned agrees to comply with the Mount Holly Golf Ordinance in all respects and acknowledges that failure to do so could result in the loss of privilege to operate the golf cart on city streets. In consideration of this registration, the undersigned hereby releases, indemnifies, and holds harmless the City of Mount Holly, its employees, officials, and agents from any and all claims, damages, costs, and expenses arising from the issuance of this registration or arising from the operation of the golf cart on city streets, including, but not limited to, personal injury, death, and property damage.

Read, understood, and agreed to this _____ day of _____, _____.

Golf Cart Owner/Operator

Witness



Don Roper
Chief of Police

Mount Holly Police Department

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

Golf Cart Inspection Checklist

Owner's Name: _____ Owner's OLN: _____

Cart Make: _____ Cart VIN: _____

- ☐ Driver License
- ☐ Proof of Insurance
- ☐ Meets the Definition of a Golf Cart as Defined in Chapter 13 Article VII Sec. 13-74
- ☐ Key Operated
- ☐ Not Modified to Exceed Twenty (20) Miles Per Hour
- ☐ Not Modified In Any Way to Create a Hazard
- ☐ Brakes in Proper Working Order
- ☐ Rear View Mirror
- ☐ Non-Manually Operated Horn
- ☐ Fifty (50) Square Inches of Reflective Tape or Reflective Triangle on Rear
- ☐ All Basic Equipment Supplied by the Manufacturer

☐ PASS ☐ FAIL

Inspector: _____

Date: _____



Don Roper
Chief of Police

Mount Holly Police Department

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Golf Cart Inspection Certificate

Owner's Name: _____ Owner's OLN: _____

Cart Make: _____ Cart VIN: _____

The following golf cart listed above has successfully passed the standardized inspection conducted by the Mount Holly Police Department. The requirements and regulations included in the inspection are outlined in the city ordinance **Article VII Operations of Golf Carts on Public Streets and Roads**. This ordinance was enacted by the city on 02-01-2017.

Inspector: _____

Date: _____