August 8, 2022
Council Meeting

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

CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL MEETING AGENDA

August 8, 2022
7:00 P.M.

CALL TO ORDER BY THE MAYOR

INVOCATION
Reverend Brian Spargo, Pastor at Independent Baptist Tabernacle

PLEDGE OF ALLEGIANCE
Boy Scout Troop 59

SET THE AGENDA

CONSENT AGENDA

1. Approval of Budget Amendment
    - Purchase of 131 East Catawba Avenue
2. Re-Appointment of Gary Neely to the ABC Board
3. Approval of an Interlocal Agreement with NCLM for a Group Self-Insurance Pool for Health Insurance Risk Sharing
4. Approval of an amendment to the lease agreement with Dr. Katherine Peterson
5. Approval of minor changes to the Backflow Cross Connection Control Ordinance (requested by NCDEQ) that includes minor grammatical errors and the addition of one specific type of backflow device to the current ordinance
6. Call for a public hearing to consider amending Section 5.15 Watershed Overlay District of the Zoning Ordinance to allow for density averaging credits as authorized by NC General Statute 143-214.5.
7. Consideration and Approval of a Fee Agreement with outside Council for Code Enforcement Litigation
8. Approval of Minutes of the July 11, 2022 Council Meeting
9. Approval of Minutes of the August 1, 2022 Council Meeting

PRESENTATIONS

1. Swearing In Ceremony for Chief of Police Brian K. Reagan — *Mayor Bryan Hough*
2. Presentation of a Resolution to Recognizing the Mount Holly 10U Baseball Team for their State Championship — *Mayor Bryan Hough*

PUBLIC HEARING

1. Public hearing regarding a proposed text amendment to permit bottle shops to have the option to operate as a private establishment in the B-1 Central Business District made by Jonathan Todd — *Paul Lowe*

PUBLIC COMMENT – Three (3) Minute Limit

OLD BUSINESS

1. Consider and approval of a rezoning application, submitted by Dust Stop Filtration, LLC, for a 7-acre tract of land, located at 1214 W. Catawba Avenue, Parcel ID # 182502, from I-1 Gaston County to LI Light Industrial *Greg Beal*
2. Consideration and approval on the Question of Annexation Pursuant to GS 160A-31 for a petition submitted by Dust Stop Filtration, LLC, for a 7-acre tract of land, located at 1214 W. Catawba Avenue, Parcel ID # 182502 *Marie Anders*
3. Consider and approval of a rezoning application, submitted by CATARHYNE, LLC, for a 4.94-acre tract of land, located at 1212 W. Catawba Avenue, Parcel ID # 221728, and an adjacent 0.31-acre tract of land, Parcel ID # 301676 from I-1 Light Industrial (Gaston County) & OLC Office Light Commercial (Gaston County) to L-I Light Industrial (City of Mount Holly) *Greg Beal*
4. Consideration and approval on the Question of Annexation Pursuant to GS 160A-31for a petition submitted by CATARHYNE, LLC for a 4.94-acre tract of land, located at 1212 W. Catawba Avenue, Parcel ID # 221728 *Marie Anders*

NEW BUSINESS

1. Consideration and Approval of options related to the dwelling located at 147 East Catawba Avenue *Brian DuPont*
2. Consideration and Approval of the Low Bidder for Sandy Ford Road Water Line Loop Project *Jonathan Wilson*

CLOSED SESSION

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

ADJOURN

CONSENT AGENDA

City of Mount Holly
Action Agenda Item

To:	Mayor and City Council	**Date:**	August 1, 2022
From:	Miles Braswell, City Manager	**Meeting Date:**	August 8, 2022

Agenda Item to be considered:

Consent Agenda: 131 East Catawba Avenue (Starnes Property) Purchase – Budget Amendment

Will this require a public hearing? ☐ **YES** ☒ **NO**

Background/Purpose of Request:

During the August 1, 2022 City Council Special Meeting, Council approved the offer to purchase contract from Thomas J. Starnes and Tina Starnes for the property located at 131 E. Catawba Avenue per resolution number 08012022A. The Gaston County GIS parcel # is 123793.

This property was included as a portion of Veterans Park expansion, when being discussed for the 2021 Parks Bond.

The Unassigned Fund Balance is earmarking funds for Veterans Park property purchases, but these funds are not budgeted in FY 22-23, therefore a Budget Amendment is necessary.

Below is a breakdown of the Budget Amendment costs:

- $340,000.00 purchase price
- $34,000.00 construction cost escalation factored at 10% of purchase price. May not have to use this, but need to account for it. Council discussed and agree to allow the City Manager to approve the escalation, up to this 10% amount, without bringing this back to Council for approval
- $2,000.00 closing cost estimate
- $2,500.00 relocation fee
- $11,220.00 real estate broker fee at 3% of purchase price plus construction cost escalation for Sam Kline, Coldwell Banker Commercial MECA
- $11,220.00 real estate broker fee at 3% of purchase price plus construction cost escalation for Roger Hawkins, Hawkins Real Estate Group, Inc.
- $400,940.00 Total Budget Amendment

Fiscal Impact:

Will Item affect current budget	☒ YES	☐ NO	☐ N/A
Reviewed by Finance Director	☒ YES	☐ NO	☐ N/A
Preaudit Certification required	☒ YES	☐ NO	☐ N/A
Capital Project Ordinance required	☐ YES	☒ NO	☐ N/A
Budget Transfer required	☒ YES	☐ NO	☐ N/A
Total City Dollars:	*$400,940.00*		
Budget Code	*Shown on attached Budget Amendment*		
Reviewed by City Attorney	☒ YES	☐ NO	☐ N/A

Manager/Staff Recommendation: Staff recommends approving Budget Amendment.

Result of City Council Decision:_____

Attachments:

- ***Budget Amendment form***

City of Mount Holly
Action Agenda Item

To:	Mayor and City Council	**Date:**	August 4, 2022
From:	Miles Braswell, City Manager	**Meeting Date:**	August 8, 2022

Agenda Item to be considered: Re-Appointment of Gary Neely to the ABC Commission

Will this require a public hearing? ☐ **YES** ☒ **NO**

Background/Purpose of Request: Gary Neely's term on the ABC Commission expired in June. Mr. Neely is willing to serve another 3-year term.

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:
Approval

Result of City Council Decision:

Attachments:

City of Mount Holly
Action Agenda Item

To:	Mayor and City Council	**Date:**	August 4, 2022
From:	Miles Braswell, City Manager	**Meeting Date:**	August 8, 2022

Agenda Item to be considered: Approval of Interlocal Agreement with the NCLM for a Group Self-Insurance Pool for Health Insurance Risk Sharing

Will this require a public hearing? ☐ **YES** ☒ **NO**

Background/Purpose of Request: As part of the budget process, Council approved North Carolina League of Municipalities for our Health Insurance provider. Therefore, the City needs to enter into an Interlocal Agreement with the NCLM.

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:
Approval

Result of City Council Decision:

Attachments:
Interlocal Agreement

City of Mount Holly
Action Agenda Item

To: City Council	**Date:** 8-2-22
From: Brian DuPont	**Meeting Date:** 8-8-22

Agenda Item to be considered: Approval of an amendment to the lease with Kasey Peterson

Will this require a public hearing? ☐ **YES** ☒ **NO**

Background/Purpose of Request: Through partnership with our future tenant and in preparation for the future location of the Historical Society, the steel platform would account for the City's needs as well. The funds for this were identified through the budget process and are accounted for in the adopted FY 22-23 budget. They were also mentioned during the proposed budget highlights at the June 13, 2022 City Council meeting.

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

Manager/Staff Recommendation:
Recommend approval of the amendment

Result of City Council Decision:

Attachments:

1. **Memorandum from City Attorney**
2. **Draft Lease Amendment**
3.

MEMORANDUM

TO: Mayor and City Council, City of Mount Holly

FROM: Marie M. Anders, City Attorney

RE: Proposed amendment to lease with Katherine Rhyne Petersen, DMD, PA

Date: August 3, 2022

The City Council entered into a lease on December 13, 2021, with Dr. Petersen for her family dental practice to be located in a portion of the Mount Holly Municipal Complex downstairs rental space. She is currently in the process of constructing her upfit improvements to the space.

After a thorough review of the plans, City staff recommends requiring Dr. Petersen to add additional work to her upfit improvements for noise abatement and to install roof top steel platform decking and a railing system to support mechanical equipment for the benefit of the future Mount Holly Historical Society location. This additional work would increase her construction costs by $157,952.54 and delay the completion of the upfit improvements to allow for steel fabrication.

Attached is a proposed lease amendment, which states that the City is to pay Dr. Petersen the sum of $157,952.54 to cover the increased upfit construction costs. It also states that the rent abatement for Dr. Petersen is for a period of 12 months, instead of 9 months.

If you approve this lease amendment, then Dr. Petersen will work with her contractor to order the steel right away before there is a price increase, and the steel fabricator will work her into his schedule so that the anticipated completion of her upfits and practice grand opening would be fall 2022.

STATE OF NORTH CAROLINA

NOTARY ACKNOWLEDGMENT

COUNTY OF GASTON

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 ____________, 2022.

____
Notary Public

My commission expires: _________________

(seal)

STATE OF NORTH CAROLINA

NOTARY ACKNOWLEDGMENT

COUNTY OF ______________________

I, ______________, a Notary Public in and for said County and State, do hereby certify that Katherine Rhyne Petersen, DMD personally came before me this day and acknowledged that she is President of KATHERINE RHYNE PETERSEN, DMD, PA, a North Carolina professional corporation, and that by authority duly given and as the act of the company, the foregoing instrument was signed in its name by him/her on behalf of the said company.

Witness my hand and notarial seal, this _______ day of _______________, 2022.

____
Notary Public

My commission expires: _________________

(seal)

City of Mount Holly
Action Agenda Item

To:	Mayor and City Council	**Date:**	August 3, 2022
From:	Doug Shoutd, Division Manager of Wastewater	**Meeting Date:**	August 8, 2022

Agenda Item to be considered:

Consideration of Backflow Ordinance changes.

Will this require a public hearing? ☐ **YES** ☒ **NO**

Background/Purpose of Request:

The Backflow program for the City is put in place to protect the City's water quality and the water infrastructure from pollutants and other contaminants. Recently the City was inspected by the state and there were several wording additions and changes that were requested for us to make for the Ordinance to be compliant with current standards. These changes include definitions, and other clarification sentences.

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:	$ 0		
Budget Code			
Reviewed by City Attorney	☐ YES	☐ NO	☒ N/A

Manager/Staff Recommendation: Staff is requesting City Council approve state required clarification changes to Backflow Ordinance.

Result of City Council Decision:_____

Attachments:

City of Mount Holly
Action Agenda Item

To: City Council **From:** Greg Beal, Economic Development Coordinator, Planning Director	**Date:** August 4, 2022 **Meeting Date:** August 8, 2022

Agenda Item to be considered: Call for a public hearing to consider amending Section 5.15 Watershed Overlay District of the Zoning Ordinance to allow for density averaging credits as authorized by NC General Statute 143-214.5.

Will this require a public hearing? ☒ **YES** ☐ **NO**

Background/Purpose of Request: Per the NC General Statutes, 143-214.5 Water Supply Watershed Protection, jurisdictions have to offer density averaging credits in their respective ordinances. However, a jurisdiction can have more stringent regulations than the State allows. For instance, City Council may wish to restrict density averaging credits to commercial and mixed-use projects only. An important note is that most all residential development is low density, under 24% impervious surface. But, through the use of BMPs or stormwater controls, impervious surface can be increased up to 70% in the Lake Wylie Protected Area Watershed (measured 5 miles from full pond of the Catawba River/Upper Lake Wylie) and up to 50% in the Lake Wylie Critical Area Watershed (measured within the first ½ mile from full pond of the Catawba River/Upper Lake Wylie). This is called the high-density option, which the City instituted under the guidance of NCDENR in 2005.

Commercial projects seeking to develop in the South Gateway have difficulty developing their sites under these stringent requirements in the critical area. On a 14-acre tract, seven acres must be set aside as natural or pervious, with the only other option being to install costly permeable pavers. If density averaging credits were instituted, 6 acres of land, in conservation or in a public park, could be set aside on another property, located in the same watershed critical area. This would give the 14-acre tract, 20-acres to work with, and the developer could now have 10-acres of impervious surface (50% max high-density). The donating tract would remain at 0% impervious surface. Staff has been working with Paul Clark, Water Supply Watershed Protection Coordinator with NCDEQ, and the drafted ordinance must be approved through his division. However, the attached document outlines the requirements of the mandated density averaging credit program; this document references the actual language in the NC General Statutes.

Fiscal Impact:

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

Manager/Staff Recommendation: Staff makes a recommendation to Council to call for a public hearing for the aforementioned text amendment, setting the hearing dates for Tuesday, September 6th before the Planning Commission and September 12th before City Council.

Result of City Council Decision:
Attachments: NC General Statutes 143-214.5(d)(2) Density Averaging Credits

Result of City Council Decision:

Attachments: NC General Statutes 143-214.5(d)(2) Density Averaging Credits

NC General Statutes 143-214.5(d)(2) Water Supply Watershed Protection

Density Averaging Credits

(d2) A local government implementing a water supply watershed program shall allow an applicant to average development density on up to two noncontiguous properties for purposes of achieving compliance with the water supply watershed development standards if all of the following circumstances exist:

(1) The properties are within the same water supply watershed. If one of the properties is located in the critical area of the watershed, the critical area property shall not be developed beyond the applicable density requirements for its classification.

(2) Overall project density meets applicable density or stormwater control requirements under 15A NCAC 2B .0200.

(3) Vegetated buffers on both properties meet the minimum statewide water supply watershed protection requirements.

(4) Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

(5) Areas of concentrated density development are located in upland areas and, to the maximum extent practicable, away from surface waters and drainageways.

(6) The property or portions of the properties that are not being developed will remain in a vegetated or natural state and will be managed by a homeowners' association as common area, conveyed to a local government as a park or greenway, or placed under a permanent conservation or farmland preservation easement unless it can be demonstrated that the local government can ensure long-term compliance through deed restrictions and an electronic permitting mechanism. A metes and bounds description of the areas to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on individual deed and shall be irrevocable.

(7) Development permitted under density averaging and meeting applicable low density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

(8) A special use permit or other such permit or certificate shall be obtained from the local Watershed Review Board or Board of Adjustment to ensure that both properties considered together meet the standards of the watershed ordinance and that potential owners have record of how the watershed regulations were applied to the properties.

MEMORANDUM

TO: Mayor and City Council, City of Mount Holly

FROM: Marie M. Anders, City Attorney

DATE: August 4, 2022

RE: Proposed fee agreement with outside counsel for code enforcement litigation matters

Our staff has been diligently pursuing code enforcement matters and having in my opinion a good amount of success with working with most property owners to gain compliance. Recently, there are some property owners that are refusing to work with staff or are failing to be responsive to come into compliance. I am working with staff to make contact with these property owners to send them letters from me as the City Attorney demanding compliance or else I will seek direction from the City Council as to whether or not to pursue legal enforcement through lawsuits.

The practice of law has become more specialized over time, and my background is in transactional law rather than having a courtroom practice. In the event that the City Council directs me to pursue litigation to enforce the City Code, in my opinion we are more likely to achieve better results in court by hiring outside counsel to assist with those litigation matters. I can recommend Dan O'Shea with the firm of Gray, Layton, Kersh, Solomon, Furr & Smith, P.A., in Gastonia to assist the City with code enforcement litigation matters. He graduated from Charlotte Law in 2016, formerly worked for an insurance defense firm, and now his practice primarily consists of civil litigation for individuals and businesses. He is the current City Attorney for Bessemer City and regularly handles code enforcement litigation matters for their jurisdiction.

Please find attached a proposed fee agreement with Dan O'Shea for representation of the City as outside counsel on code enforcement litigation matters as assigned from time to time. If the City Council would like to hire him to assist with code enforcement litigation matters, the first step would be to approve this fee agreement. Staff and the City Council would continue to alert me as to properties needing legal enforcement of code violations, and I would continue to send letters to property owners to establish contact and seek to gain compliance. In the event that property owners fail or refuse to bring properties into compliance, I would bring each individual property (or a list of properties) before the City Council to seek direction before working with Mr. O'Shea to file any code enforcement lawsuits. Throughout the legal enforcement process, I would continue to be a point of contact for property owners who would like to bring their properties into compliance and resolve their code enforcement matter outside of court. Mr. O'Shea would draft any complaints and make any court appearances necessary to each case.

CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL MEETING
MONDAY, JULY 11, 2022
COUNCIL CHAMBERS
7:00 PM

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

Mayor Bryan Hough	Miles Braswell, City Manager
Mayor Pro Tem Phyllis Harris	Brian DuPont, Assistant City Manager
Councilman Ivory Craig	Brian Reagan, Deputy Police Chief
Councilman Jeff Meadows	Ryan Baker, Fire Chief
Councilman David Moore	Greg Beal, Planning Director
Councilwoman Christina Pawlish	Tony Walker, Streets and Solid Waste Director
Councilwoman Lauren Shoemaker	Jonathan Wilson, Director of Utilities
Marie M. Anders, City Attorney	Mark Jusko, Recreation Supervisor
Kemp Michael, Assistant City Attorney	Michelle Wood, Finance Director

Invocation
Reverend Mark Massey from True Light Tabernacle led the Council, staff and attendees in prayer.

Pledge of Allegiance
Councilwoman Pawlish led the Council, staff and attendees in the Pledge of Allegiance.

Set the Agenda
With no changes to the agenda, Councilman Craig made a motion to approve the agenda as presented. Councilman Moore seconded the motion. All Council Members present voted in favor. (Motion Carried)

CONSENT AGENDA

1. Approval of Budget Amendment
    - Hamilton Property Purchase
2. Approval of a Resolution Declaring the Service Weapons and Badge Carried by Mount Holly Police Chief Don Roper as Surplus and Authorize Award to Him Upon Retirement
3. Approval of an Interlocal Agreement with NCLM for a Group Self-Insurance Pool for Property and Liability Risk Sharing
4. Approval of an Interlocal Agreement with NCLM for a Group Self-Insurance Pool for Workers' Compensation Risk Sharing
5. Approval of an Agreement with NCLM and code contractor American Legal Publishing Corporation for the codification process
6. Approval of an Exemption from General Statutes relating to the hiring of Architects, Engineers, and Surveyors under the requirements of the Mini-Brooks Act for repair to the roof at 500 East Central Avenue
7. Approval of a Resolution Ratifying the Updated Charter of Centralina Regional Council
8. Approval of Final Plat for Azalea Ridge
9. Approval of the Selection of a Stormwater Mapping Consultant
10. Call for a public hearing regarding a proposed text amendment to permit bottle shops to have the option to operate as a private establishment in the B-1 Central Business District made by Jonathan Todd
11. Approval of Minutes of the June 13, 2022 Council Meeting

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

PRESENTATIONS

1. Presentation of a Resolution Awarding out Retiring Police Chief Don Roper his Badge and Service Weapons upon his Retirement

    Mayor Hough presented Chief Roper with a resolution awarding him his badge and service weapons upon his retirement on July 31, 2022. Chief Roper was accompanied by his wife Julie. He thanked the Council and his Staff for the years he served as Chief of Mount Holly.

2. Presentation of the 2023 Gaston County Tax Reappraisal Update

    Representatives from the Gaston County Tax Accessors Office were present to review the upcoming tax reappraisal process. They advised that the last reappraisal process took effect in 2019. The process is governed by State Statute and must take place at least once every eight years. To keep with current market values and to reduce the likelihood of large market changes seen in the 8 years cycle the State has advised that Gaston County needs to move forward with the reappraisal process at the 4-year mark. The reappraisal values will take effect in 2023. The Tax Accessors Office will have the numbers to municipalities before the budget process.

PUBLIC HEARING

1. Public hearing to consider an application, submitted by Johnny H. Denton, for a text amendment to allow automated car washes with conditions in the B-2 Neighborhood Business District *Greg Beal*

    Greg-staff received an application. This does not approve a car wash tonight it approves the process. Read the 5 requirements and added 6 must maintain onsite office

    Mr. Beal advised that this rezoning does not approve the carwash tonight only the process. There are 5 requirements from the Zoning Ordinance as it relates to carwashes and a 6th was added to include must maintain an onsite office. He advised that he Planning Commission voted unanimously to approve.

    Mayor Pro Tem Harris made a motion to enter into a public hearing to consider an application, submitted by Johnny H. Denton, for a text amendment to allow automated car washes with conditions in the B-2 Neighborhood Business District Councilwoman Pawlish seconded the motion. All Council Members present voted in favor. (Motion Carried) With no one signed up to speak Councilman Moore made a motion to come out of the public hearing. Councilwoman Shoemaker seconded the motion. All Council Members present voted in favor. (Motion Carried)

    Councilman Craig made a motion to approve the application submitted by Johnny H. Denton, for a text amendment to allow automated car washes with conditions in the B-2 Neighborhood Business District. Councilwoman Pawlish seconded the motion. All Council Members voted in favor. (Motion carried)

2. Public Hearing on the Question of Annexation Pursuant to GS 160A-31 for a petition submitted by Dust Stop Filtration, LLC, for a 7-acre tract of land, located at 1214 W. Catawba Avenue, Parcel ID # 182502

    Councilwoman Shoemaker made a motion to enter into a public hearing on the Question of Annexation Pursuant to GS 160A-31 for a petition submitted by Dust Stop Filtration, LLC, for a 7-acre tract of land, located at 1214 W. Catawba Avenue, Parcel ID # 182502. Councilwoman Pawlish seconded the motion. All Council Members present voted in favor. (Motion Carried) With no one signed up to speak Councilwoman Shoemaker made a motion to come out of the public hearing. Councilman Moore seconded the motion. All Council Members present voted in favor. (Motion Carried)

    It was the consensus of Council to move forward with the annexation agreement at the August Meeting.

3. Public hearing to consider a rezoning application, submitted by Dust Stop Filtration, LLC, for a 7-acre tract of land, located at 1214 W. Catawba Avenue, Parcel ID # 182502, from I-1 Gaston County to LI Light Industrial

    Mr. Beal advised that the Filtration Company is already water customers and will only need sewer extended to the business.

Councilwoman Shoemaker made a motion to enter into a public hearing to consider a rezoning application, submitted by Dust Stop Filtration, LLC, for a 7-acre tract of land, located at 1214 W. Catawba Avenue, Parcel ID # 182502, from I-1 Gaston County to LI Light Industrial. Councilwoman Pawlish seconded the motion. All Council Members present voted in favor. (Motion Carried) With no one signed up to speak Councilwoman Pawlish made a motion to come out of the public hearing. Councilwoman Shoemaker seconded the motion. All Council Members present voted in favor. (Motion Carried)

Mayor Hough advised that the rezoning and annexation requests for this property will be brought back at the August meeting for approval.

4. Public Hearing on the Question of Annexation Pursuant to GS 160A-31for a petition submitted by CATARHYNE, LLC for a 4.94-acre tract of land, located at 1212 W. Catawba Avenue, Parcel ID # 221728

   Councilwoman Pawilsh made a motion to enter into a public hearing on the Question of Annexation Pursuant to GS 160A-31for a petition submitted by CATARHYNE, LLC for a 4.94-acre tract of land, located at 1212 W. Catawba Avenue, Parcel ID # 221728. Mayor Pro Tem Harris seconded the motion. All Council Members present voted in favor. (Motion Carried) With no one signed up to speak Councilman Moore made a motion to come out of the public hearing. Councilwoman Shoemaker seconded the motion. All Council Members present voted in favor. (Motion Carried)

   Staff recommended delaying until August for approval of the annexation agreement.

5. Public hearing to consider a rezoning application, submitted by CATARHYNE, LLC, for a 4.94-acre tract of land, located at 1214 W. Catawba Avenue, Parcel ID # 221728, from I-1 Gaston County to LI Light Industrial

   Mr. Beal advised that if approved it would be no cost to the city. He added that the Planning Commission voted unanimously to recommend approval.

   Councilwoman Shoemaker made a motion to enter into a public hearing to consider a rezoning application, submitted by CATARHYNE, LLC, for a 4.94-acre tract of land, located at 1214 W. Catawba Avenue, Parcel ID # 221728, from I-1 Gaston County to LI Light Industrial. Councilman Craig seconded the motion. All Council Members present voted in favor. (Motion Carried) With no one signed up to speak Councilwoman Pawlish made a motion to come out of the public hearing. Councilman Meadows seconded the motion. All Council Members present voted in favor. (Motion Carried)

   Mayor Hough advised that the rezoning and annexation requests for this property will be brought back at the August meeting for approval.

PUBLIC COMMENT – Three (3) Minute Limit

There was no one signed up to speak.

OLD BUSINESS

1. Update on Short-term Rentals (Airbnb)

   Mr. Lowe advised that the City currently has regulation in place as it relates to short-term rentals. He advised that the City has policies that require permits for major renovations to properties and staff is taking care of the current situation now that it has been brought to our attention. There is also a noise ordinance in place that would take care of the complaints of loud music and partying. Councilman Craig suggested contacting Airbnb directly and report the recent complaints. Councilman Meadows commented that the public process is working as Staff is handling the situation after the public came forward and reported.

CLOSED SESSION

1. Closed Session Pursuant to N.C.G.S 143-318.11 (a) (3, 5 and 6)

Councilman Meadows made the motion to enter into Closed Session Pursuant to N.C.G.S 143-318.11 (a)(3, 5 and 6) at 7:47pm. Councilman Craig seconded the motion. All Council Members present voted in favor. (Motion Carried)

Mayor Pro Tem Harris made a motion to come out of closed session and back into regular session at 8:17pm. Councilwoman Pawlish seconded the motion. All Council Members present voted in favor. (Motion carried)

Mayor Hough advised that no action was taken during closed session.

ADJOURN

With no additional items for discussion, Mayor Hough entertained a motion to adjourn. Councilwoman Pawlish made the motion to adjourn the July 11, 2022 Council Meeting. Councilman Craig seconded the motion. All Council Members present voted in favor. (Motion Carried)

The meeting adjourned at 8:18pm.

The City of Mount Holly City Council
will hold a Special Meeting on
Monday, August 1, 2022 at 10:00 a.m.

Mayor Hough called the meeting to order at 10:00am. The following were present:

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

Invocation

Mayor Hough led the Council, staff and attendees in prayer.

SET THE AGENDA

Mayor Hough asked for any changes to the agenda. Councilman Meadows made the motion to approve the agenda as presented. Councilman Moore seconded the motion. All Council Members voted in favor. *Councilwoman Pawlish voted in the affirmative from a remote location.* (Motion carried)

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

Councilwoman Shoemaker made the motion to enter into Closed Session Pursuant to N.C.G.S 143-318.11 (a)(3 and 5) at 10:04am. Councilman Meadows seconded the motion. All Council Members present voted in favor. *Councilwoman Pawlish voted in the affirmative from a remote location.* (Motion Carried)

Councilman Moore made a motion to come out of closed session and back into regular session at 10:30am. Councilman Meadows seconded the motion. All Council Members present voted in favor. *Councilwoman Pawlish voted in the affirmative from a remote location.* (Motion carried)

Councilman Moore made a motion to enter into contract to purchase the property located at 131 East Catawba Avenue with changes to the contract to reflect that $2500 will be paid to the property owners for moving expenses, property owners are allowed to take any permanent fixtures and the seller shall have possession of the property for days after closing. (Resolution #08012022A). Mayor Pro Tem Harris seconded the motion. All Council Members voted in favor. *Councilwoman Pawlish voted in the affirmative from a remote location.*

ADJOURN

With no additional items for discussion, Mayor Hough entertained a motion to adjourn. Councilwoman Pawlish made the motion to adjourn the August 1, 2022 Special Council Meeting. Councilman Moore seconded the motion. All Council Members present voted in favor. *Councilwoman Pawlish voted in the affirmative from a remote location.* (Motion Carried)

The meeting adjourned at 10:32am.

PRESENTATIONS

City of Mount Holly
Action Agenda Item

To:	City Council	**Date:**	August 4, 2022
From:	Miles Braswell, City Manager	**Meeting Date:**	August 8, 2022

Agenda Item to be considered: Swearing In Ceremony for Chief of Police Brian K. Reagan

Will this require a public hearing? ☐ **YES** ☒ **NO**

Background/Purpose of Request: Chief Reagan took the position as Chief of Police on August 1, 2022. Mayor Hough will be preforming the Ceremonial Swearing-In at the Council Meeting as Chief Reagan's family and friends will be in attendance.

Fiscal Impact:

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

Manager/Staff Recommendation:

Result of City Council Decision:

Attachments:

1. **Oath**

CITY OF MOUNT HOLLY, NC
CHIEF OF POLICE

OATH OF OFFICE AS REQUIRED BY N.C. GENERAL STATUTE 11-11

"Do you **Brian K. Reagan**, solemnly swear (or affirm) to be alert and vigilant to enforce the criminal laws of this State; that you will not be influenced in any matter on account of personal bias or prejudice; that you will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith; and that you will faithfully and impartially execute and discharge the duties of your office as Chief of Police for the City of Mount Holly, North Carolina, according to the best of your skill, ability and judgment; so help me God."

____
Brian K. Reagan, Chief of Police

Sworn to and subscribed before me
this the 8st day of August, 2022.

____
Bryan Hough, Mayor

Mr. Reagan's position as Chief of Police for the City of Mount Holly, NC, became effective on the 1st day of August, 2022.

City of Mount Holly
Action Agenda Item

To: Mayor and City Council	**Date: 8-2-22**
From: Mark Jusko	**Meeting Date:** 8-8-22

Agenda Item to be considered: Presentation of a Resolution to Recognize of Mount Holly Parks & Recreation 10U Baseball team for their State championship

Will this require a public hearing? ☐ **YES** **X NO**

Background/Purpose of Request The 10U baseball all- stars won the Dixie Youth state championship in Dunn NC on Thursday July 14. The team went 6-0 throughout the tournament. The team was coached by: Jake Hilton, Josh Abernathy, and Matt Thompson. Team members include: Luke Harris, Banks Hilton, Adler Abernathy, Ander Boggs, Parker Smith, Brayden Barnes, Elijah Thompson, Maddox Cobb, Rylan Davis, Cannon Ernst, Chase Goard, and Connor Abernathy.

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

Manager/Staff Recommendation: ***Congrats to the Team!!!!***

Result of City Council Decision:

Attachments:

PUBLIC HEARINGS

City of Mount Holly
Action Agenda Item

To:	City Council	**Date:**	8-3-2022
From:	Paul Lowe	**Meeting Date:**	8-8-2022

Agenda Item to be considered: Public hearing regarding a proposed text amendment, to permit bottle shops to have the option to operate as a private establishment in the B-1 Central Business District made by Jonathan Todd.

Will this require a public hearing? ☒ **YES** ☐ **NO**

Background/Purpose of Request: This proposed text amendment was submitted by Jonathan Todd, who owns the Summit Beer Shop-located at 122 S Main Street, and would permit bottle shops, located in the B-1 Business district, the option of operating as private establishments. If this proposed text amendment is approved, Mr. Todd plans to operate his business as a private establishment. Mr. Todd shared that he is seeking the text amendment to limit the level of regulation he faces as he prepares to add a food service component to this operation. According to the applicant, the modification would provide greater flexibility, reduce costs, & help keep his business competitive with other establishments.

The Planning Commission held a public hearing on Monday, August 1st to consider the matter, and voted 5-2 to recommend a favorable recommendation to City Council. As Commission members discussed the proposal concerns were expressed by some members. Concerns raised included: ensuring that the operation, and future bottle shops if they utilize the private establishment arrangement, were welcoming & open to all people, and the need for regulation-especially as it relates to food service to ensure the health and safety of patrons & guests.

As it relates to bottle shops in the B-1 Central Business District, proposed operations must secure a special use permit (SUP) through the Board of Adjustment. After a SUP is obtained, the applicant would submit a site plan to the Planning Department, pursue a zoning permit through the City, and then obtain any needed permits through the County.

In an effort to provide information to Council, I have included the applicant's response to the Planning Commission questions from July, a FAQ from the State ABC Commission on the topic of private clubs, and a map of B-1 areas in the City.

Staff Recommendation:

Staff recommends that the City Council hold a public hearing to consider the proposed text amendment on Monday, August 8th at 7:00 PM. As it relates to text amendment proposed, staff recommends that City Council approve the request. Staff is supportive of this request, as it will assist an existing business to expand its operations in the City. As bottle shops in the B-1 district require the issuance of a SUP before they can legally operate, staff feels that there are adequate safeguards in place to ensure that the health & safety of patrons are protected and the City's zoning codes & regulations are adhered to. Though staff supports the request, the City Council is free to vote for or against the proposal or if your questions/concerns have not been fully answered, to table action on this item to a future meeting.

Attachments:

1. **Text Amendment Application**
2. **Map of B-1 Areas**
3. **Applicant Response/Information**
4. **Private Club-FAQs-ABC Commission**

APPLICATION FOR TEXT AMENDMENT
CITY OF MOUNT HOLLY, NORTH CAROLINA

Date Filed: 6-17-22 Application Number: ____________

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

1. The amendment is found in the City of Mount Holly Zoning Ordinance relating to: The operation of bottles shops in the B-1 business district

2. The following statement best describes what you would like the text amendment to reflect: That bottle shops have an option to operate as a private establishment in the B-1 business district

3. Name: Jonathan Todd

   Address: 122 S. Main St. Mt. Holly, NC

704-747-7794
Phone Number

Jonathan Todd
Signature of Applicant

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

Jonathan Todd <jonathan@thesummitbeershop.com>
Jul 22, 2022, 12:11 PM (3 days ago)
to me

Good afternoon Paul,

Per your request I am sending you my information around our private club status application. Our pursuit of providing prepared food is why we are requesting a private club status.
Below are a few bullet points highlighting the main reasons backing this decision.

<u>Financial reasoning</u>

- Less upfront investment "restaurant startup, equipment, etc."
- Less Operational cost than a "restaurant"
    - Flexibility of staff and hours of operation (uncertain future industry requirements)(futureproofing)
    - Health requirements on The Summit
    - Additional insurance policies / liability
    - Additional equipment and service requirements

<u>Other reasoning for talking points</u>

- Fewer food trucks on Main Street
- Diversification of business (growth)
- A new long term food option for downtown patrons
- Start small and grow it over time
- Controlling our own destiny

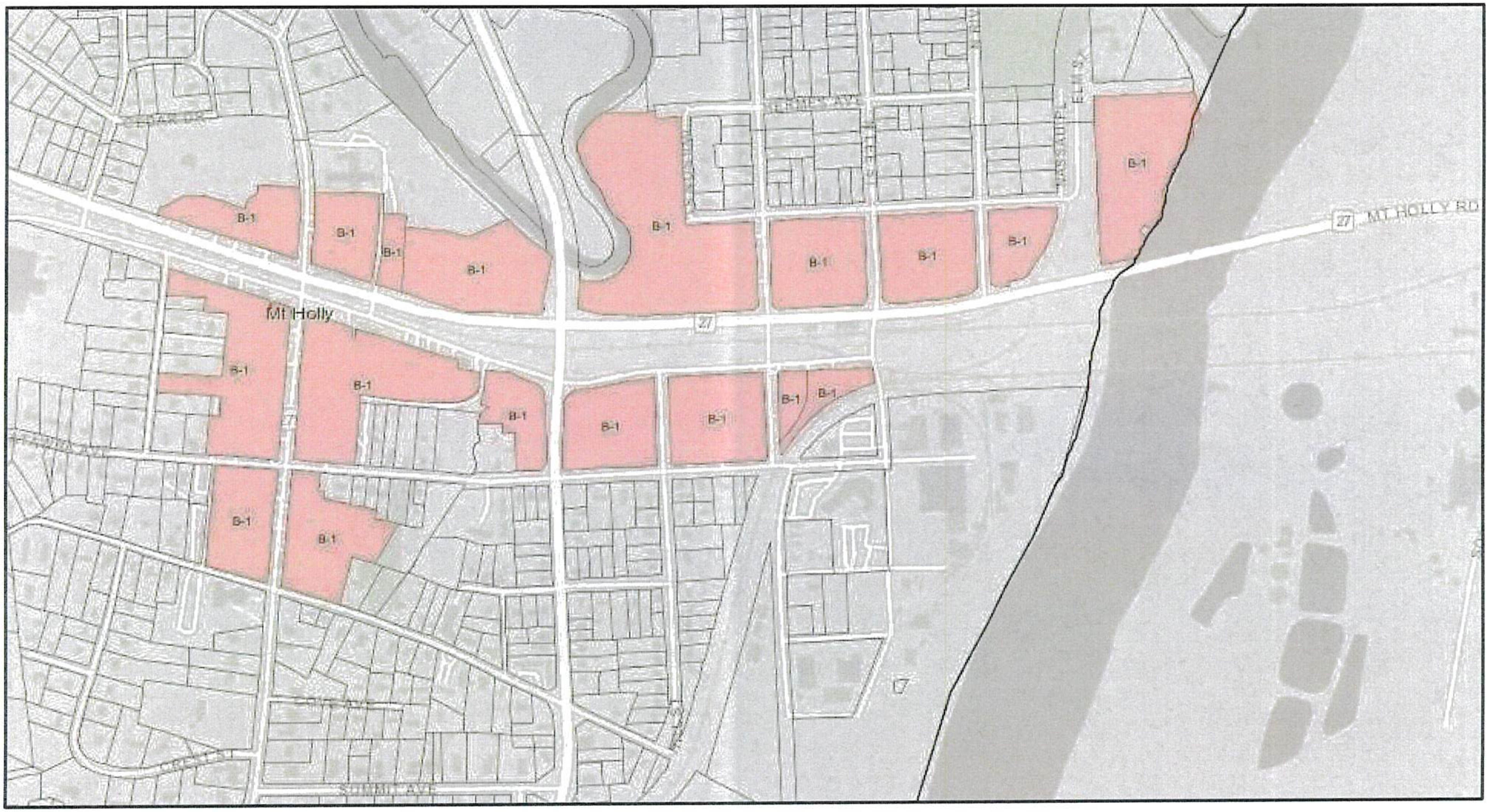
I hope you find this information helpful. Please let me know if you need anything else at this time.

Thank you,

Jonathan Todd
Owner / CEO at The Summit Craft Bottle Shop & Taproom

A 122 S. Main St. Mt. Holly, NC 28120
E Jonathan@thesummitbeershop.com

B-1 Districts



Private Clubs FAQs

Q: What qualifies a business as a private club?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OLD BUSINESS

City of Mount Holly
Action Agenda Item

To:	City Council	**Date:**	August 4, 2022
From:	Greg Beal, Economic Development Coordinator, Planning Director	**Meeting Date:**	August 8, 2022

Agenda Item to be considered: Consideration and approval of a rezoning application, submitted by Dust Stop Filtration, LLC, for rezoning a 7-acre tract of land, located at 1214 W. Catawba Avenue, Parcel ID # 182502, from I-1 Light Industrial (Gaston County) to L-I Light Industrial (City of Mount Holly).

Will this require a public hearing? ☒ **YES** ☐ **NO**

Background/Purpose of Request:

NC Filtration (Dust Stop Filtration, LLC) is a family-owned business, which has been in operation for 17 years. They have three manufacturing plants located in Mount Holly, Belmont and Kershaw, SC. NC Filtration has 180 employees across these three plants. The company manufactures air filtration products for residential and commercial applications. They also manufacture and fulfill orders for Filter Time, which is owned by NASCAR drivers Dale Earhart Jr. and Blake Kock. All of the Filter Time fulfillment is done in the Mount Holly location, along with some of our other production.

NC Filtration, which is currently located in the County's jurisdiction, is interested in receiving City sewer service; they are already a water user. The company utilizes the small, onsite wastewater treatment plant at the neighboring Belmont Textile Machinery Company location, which requires oversight through an operator and permits from the State. The treatment only involves restroom operations for both companies. NC Filtration has petitioned for rezoning and annexation into the city limits of Mount Holly. Public Utilities and other City departments have stated that the cost to serve is negligible, especially since this is contiguous to the city limits (Rhyne's Trace/Rhyne's Estate Subdivision), and the MHFD, in particular, responds to mutual aid calls at this site automatically. Notably, this site would not require extension of any public utilities, only a clean-out for the location, which is at the property owner's expense.

Therefore, the rezoning and annexation would add jobs and services to the City, meeting those Land Use Plan Goals, as well as promoting development and investment in the City. Keeping the zoning consistent with the current County zoning of light industrial was important to the applicant, as well as Planning staff and the Planning Commission.

The Planning Commission held a public hearing regarding this matter at their July 5th meeting. No one from the public attended the public hearing, and staff received no calls on this matter after publishing the required legal notice in the Gaston Gazette, posting the property and notifying adjacent property owners.

Fiscal Impact:

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

Manager/Staff Recommendation: The Planning Commission made a unanimous recommendation that City Council approve the rezoning of the aforementioned 7-acre tract of land, owned by Dust Stop Filtration, LLC, from I-1 Light Industrial (Gaston County) to L-I Light Industrial (City of Mount Holly). The public hearing was held and closed on July 11th before City Council, as Council authorized the drafting of the annexation agreement, a necessary component to approve the rezoning. These rezonings would be contingent upon approval of the annexation agreement by Council, which will follow this item.

Result of City Council Decision:

Attachments: ***Rezoning Application***
Map
Statement of Consistency from Planning Commission

REZONING APPLICATION
CITY OF MOUNT HOLLY, NORTH CAROLINA

Date Filed: 5-25-22 Application Number: 5-25-22A

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

1. The real property, sought to be rezoned, is owned in fee simple by: Dust Stop Filtration LLC
Address: 1 Miller St. Belmont, NC 28012
as evidenced by Deed Book 4807 on Page 0610 in the Gaston County Registry. There are no restrictions or covenants of record appearing in the chain of title, which would prohibit the property from being put to the use specified in Paragraph five (5) of this application.

2. The real property sought to be rezoned is located at/on 1214 West Catawba Ave. (physical address) on the Left or Right (circle one) side of the W. Catawba Ave. (street) between Arctus Ave. (street) and Moses Rhyne Dr. (street), and has a Tax Listing of: Tax Parcel # 182502. Said lot(s) has (have) a frontage of 320 feet and is approximately 7 acres in size.

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

4. It is desired and requested that the real property herein described be rezoned from I-1 Gaston County Zone to L-I & Mount Holly Zone.

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

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

N/A

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

Dust Stop Filtration LLC
Name of Applicant(s)

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

Applicant's Address: 1 Miller St. Belmont, NC 28012

Phone Number: 704-822-4444 Signature: member

INSTRUCTIONS: Applications must be TYPED or LEGIBLE and filed with the City of Mount Holly Planning and Zoning Department, together with the application fee in the amount of $ 400.00 **(See Fee Schedule)** at least 30 days prior to the Planning Commission meeting for initial consideration.

01677
221728
182502
1314
W CATAWBA AVE
216667

Printed On: 7/7/2022

Disclaimer: The information provided is not to be considered as a Legal Document or Description.
The Map & Parcel Data is believed to be accurate, but Gaston County does not guarantee its accuracy. **Values shown are as of January 1, 2019.**

Mount Holly
Connecting Community & Nature

Statement of Consistency

In considering the request associated with petition 5-25-22 A, an amendment of the Zoning Map to Light Industrial (L-I), for a rezoning application, submitted by Dust Stop Filtration, LLC for one tract of land, totaling 7.0 acres, located off of Catawba Avenue, Parcel ID # 182502, the Mount Holly Planning Commission finds the petition to be a reasonable request and in the public interest. It further finds it to be consistent with the Land Use Plan, and related land use documents and initiatives because:

- It provides the provision of both jobs & services within the City.
- It promotes additional development & investment in the City.
- Provides services in support of the Future Land Use Map.

This finding(s) is supported by a 9-0 vote by the Mount Holly Planning Commission during its meeting on July 5, 2022.

Chair, Planning Commission

07-05-2022
Date

City of Mount Holly
Action Agenda Item

To: City Council **From:** Greg Beal, Economic Development Coordinator, Planning Director	**Date:** August 4, 2022 **Meeting Date:** August 8, 2022

Agenda Item to be considered: Consideration and approval on the Question of Annexation Pursuant to GS 160A-31 for a petition submitted by Dust Stop Filtration, LLC, for a 7-acre tract of land, located at 1214 W. Catawba Avenue, Parcel ID # 182502

Will this require a public hearing? ☒ **YES** ☐ **NO**

Background/Purpose of Request: As the previous agenda item focused on the rezoning of this 7-acre property, owned by Dust Stop Filtration, LLC (NC Filtration), and if approved by Council, the rezoning would be contingent on approval of the attached Annexation Agreement and Annexation Ordinance, prepared by City Attorney Marie Anders.

NC Filtration, which is currently located in the County's jurisdiction, is interested in receiving City sewer service; they are already a water user. The company utilizes the small, onsite wastewater treatment plant at the neighboring Belmont Textile Machinery Company location, which requires oversight through an operator and permits from the State. The treatment only involves restroom operations for both companies. NC Filtration has petitioned for rezoning and annexation into the city limits of Mount Holly. Typically, a Cost Benefit Analysis is conducted with voluntary annexations, more common with proposed residential subdivisions. However, for these properties Public Utilities and other City departments have stated that the cost to serve is negligible, especially since this is contiguous to the city limits (Rhyne's Trace/Rhyne's Estate Subdivision), and the MHFD, in particular, responds to mutual aid calls at this site automatically. Notably, this site would not require extension of any public utilities, only a clean-out for the location, which is at the property owner's expense.

Therefore, the rezoning and annexation would add jobs and services to the City, meeting those Land Use Plan Goals, as well as promoting development and investment in the City. Keeping the zoning consistent with the current County zoning of light industrial was important to the applicant, as well as Planning staff and the Planning Commission.

Fiscal Impact:

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

Manager/Staff Recommendation: The public hearing on the Question of Annexation was held and closed on July 11th before City Council, as Council authorized the drafting of the annexation agreement and annexation ordinance, necessary components to approve the rezoning, the previous item.

Result of City Council Decision:	
Attachments:	***Memo from City Attorney*** ***Petition for Annexation*** ***Survey Map*** ***Draft Annexation Agreement*** ***Draft Annexation Ordinance***