



July 10, 2023
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
Danny Jackson, Interim City Manager

**CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL MEETING AGENDA**



**July 10, 2023
7:00 P.M.**

CALL TO ORDER BY THE MAYOR

INVOCATION

Reverend Mark Massey, Pastor at True Light Tabernacle

PLEDGE OF ALLEGIANCE

Boy Scout Troop 59

SET THE AGENDA

CONSENT AGENDA

1. Approval of Liens for Weeds and Grass
 - 224 Adrian Street
 - 103 Webb Street
2. Approval of Final Plat for Mooreland Oaks Phase 2
3. Call for a public hearing for a proposed text amendment to amend Section-3.21 of the Zoning Ordinance (Solid Waste Storage Equipment) to provide standards for screening requirements within the existing section
4. Call for a public hearing for a proposed text amendment to amend Section-5.14-B-2 of the Zoning Ordinance (Residential Downtown-Dimension Requirements) to provide a minimum lot sizes for townhomes
5. Call for a public hearing for a proposed text amendment to amend Section-10.5-C-10-a of the Zoning Ordinance (Street Tree Canopy) to update the language to ensure that street trees are provided via developments
6. Call for a public hearing for a proposed text amendment to amend Appendixes: 1, 2, & 3 of the Subdivision Ordinance
7. Approval of Rules of Procedure for the Public Art Advisory Commission
8. Approval of a Resolution to Support PFAS Litigation
9. Approval of Minutes of the June 26, 2023 Council Work Session Meeting
10. Approval of Minutes of the June 26, 2023 Closed Session

PRESENTATIONS

- | | |
|--|---|
| 1. Presentation on Eagle Scout Project at River Street Park | <i>Mark Jusko and Amelia Hill-Pfeffer</i> |
| 2. Presentation of a Donation from Miss Mount Holly to the MHAA | <i>Jamie Logan</i> |
| 3. Presentation of a Key to the City to Teen Miss Mount Holly Reece Williams | <i>Mayor Bryan Hough</i> |
| 4. Presentation of a Key to the City to Miss Mount Holly Jamie Logan | <i>Mayor Bryan Hough</i> |

PUBLIC HEARING

1. Public hearing for review and recommendation to City Council, to consider an application, submitted by True Homes, for a proposed rezoning of an 89.5-acre tract of land being Tax Parcel #s: 178060, 309482, 309483, 309484, 309462, 309461, 309460, 309459, 309458, 309457, 309456, 309455, 309454, 309453, 309452, 309481, 309480, 309479, 309478, 309477, 309476, 309475, 309474, 309473, & 309472 from Conditional District Single Family, approved on May 13, 2019, to Amended Conditional District Single Family
Brandon Livingston
2. Public hearing for a proposed text amendment to permit lounges to operate in the B-1, Central Business District with certain conditions. If approved, the proposed text amendment would update the following sections of the Zoning Ordinance: 3.26, 6.2, 6.5, & 7.1
Paul Lowe

PUBLIC COMMENT – Three (3) Minute Limit

OLD BUSINESS

NEW BUSINESS

1. Approval of City Mural Policy
2. Consideration and Approval of Dutchman's Creek Blueway Study
3. Consideration and Approval of Wayfinding Master Sign Plan
4. Discussion of Designating Loading/Unloading Zone on Central Ave

Paul Lowe
Greg Beal/McAdams
Greg Beal/Bizzell Design
Greg Beal/Marie Anders

CLOSED SESSION

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

ADJOURN

CONSENT AGENDA



City of Mount Holly Action Agenda Item

To: City Council

Date: 06-28-23

From: Josh Blackwell

Meeting Date: 07-10-2023

Agenda Item to be considered: Request for adoption of two liens for the clearing of grass and weeds.

Will this require a public hearing? ☐ YES ☒ NO

Background/Purpose of Request: Staff is requesting that council adopt two liens to be placed on 224 Adrian Street, Gaston County Parcel ID: 124397 and 103 Webb Street Gaston County Parcel ID: 124316 for the clearing grass and weeds in violation of the City's nuisance ordinance under Section 8-9 of the City Code.

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:

Adopt one lien for 224 Adrian Street, tax parcel #124397 in the amount of \$475.

Adopt one lien for 103 Webb Street, tax parcel #124316 in the amount of \$475.

Result of City Council Decision:

Attachments:

1. Copy of ordinance to place lien on 224 Adrian Street.
2. Copy of ordinance to place lien on 103 Webb Street.

AN ORDINANCE BY THE CITY OF MOUNT HOLLY
ESTABLISHING A LIEN ON CERTAIN REAL PROPERTY
FOR CLEARING OF GRASS AND WEEDS

Drawn by & Return:

City of Mt. Holly, P.O. Box 406, Mt. Holly, NC 28120

WHEREAS, certain abatement of public nuisance proceedings have been initiated by the City of Mount Holly pertaining to a certain lot or parcel located in the City of Mount Holly, North Carolina, and identified as Tax Parcel ID#124316, 103 Webb Street, said parcel being owned by Regina Hampton; and,

WHEREAS, notice of violation was made known to the above-mentioned owner as required by Section 8-8 through 8-14 of the Ordinances of the City of Mount Holly, North Carolina, and the owner has failed to abate the nuisance and the administrator has caused the property to be cleared of the nuisance; and,

WHEREAS, that the actual cost of abated the nuisance has not been paid within 30 days after receipt of the statement of the charges from the City.

NOW, THEREFORE, BE IT RESOLVED, that this Ordinance shall be recorded in the Office of the Register of Deeds for Gaston County, North Carolina, and indexed in the name of the property owner as provided in N.C.G.S. 160A-175(e) and 160A-365, as a lien against the above-described property in favor of the City of Mount Holly for the cost of abating the nuisance, as follows:

Actual cost of clearing	\$ 125.00
Administrative cost	\$ 350.00
Total Lien Due	\$ 475.00

Adopted by the City Council of the city of Mount Holly upon motion duly made, seconded and carried at a properly held meeting on _____ day of _____, 2023.

CITY OF MOUNT HOLLY

By: _____
Mayor

Attest:

City Clerk

AN ORDINANCE BY THE CITY OF MOUNT HOLLY
ESTABLISHING A LIEN ON CERTAIN REAL PROPERTY
FOR CLEARING OF GRASS AND WEEDS

Drawn by & Return:

City of Mt. Holly, P.O. Box 406, Mt. Holly, NC 28120

WHEREAS, certain abatement of public nuisance proceedings have been initiated by the City of Mount Holly pertaining to a certain lot or parcel located in the City of Mount Holly, North Carolina, and identified as Tax Parcel ID#124397, 224 Adrian Street, said parcel being owned by Joye Judy Terry Heirs; and,

WHEREAS, notice of violation was made known to the above-mentioned owner as required by Section 8-8 through 8-14 of the Ordinances of the City of Mount Holly, North Carolina, and the owner has failed to abate the nuisance and the administrator has caused the property to be cleared of the nuisance; and,

WHEREAS, that the actual cost of abated the nuisance has not been paid within 30 days after receipt of the statement of the charges from the City.

NOW, THEREFORE, BE IT RESOLVED, that this Ordinance shall be recorded in the Office of the Register of Deeds for Gaston County, North Carolina, and indexed in the name of the property owner as provided in N.C.G.S. 160A-175(e) and 160A-365, as a lien against the above-described property in favor of the City of Mount Holly for the cost of abating the nuisance, as follows:

Actual cost of clearing	\$ 125.00
Administrative cost	\$ 350.00
Total Lien Due	\$ 475.00

Adopted by the City Council of the city of Mount Holly upon motion duly made, seconded and carried at a properly held meeting on _____ day of _____, 2023.

CITY OF MOUNT HOLLY

By: _____
Mayor

Attest:

City Clerk



City of Mount Holly
Action Agenda Item

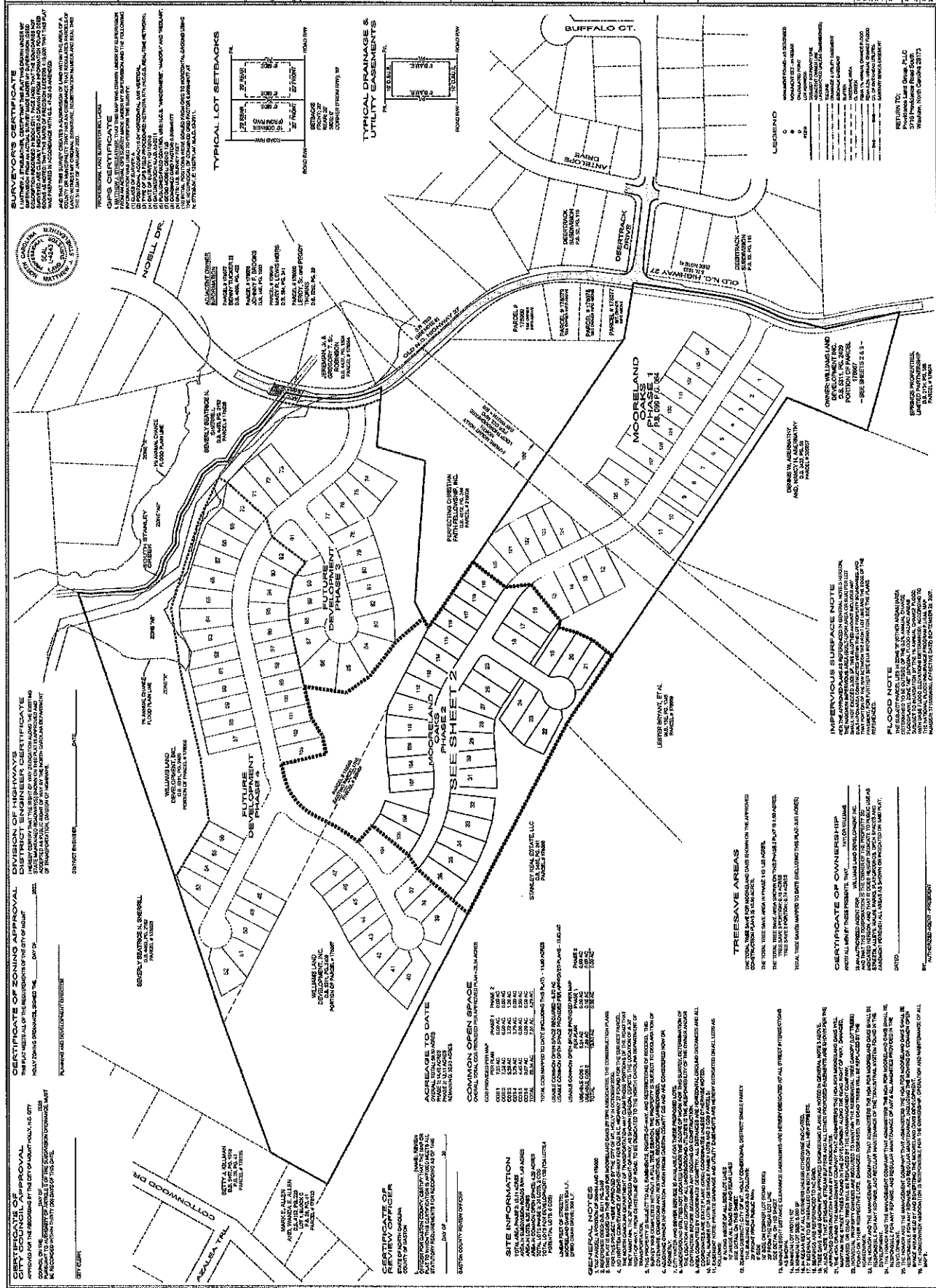
To: City Council	Date: 7-5-2023
From: Brandon Livingston, Planner	Meeting Date: 7-10-2023
Agenda Item to be considered: Approval of Final Plat for Mooreland Oaks Phase 2.	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request: Mooreland Oaks is 59.50 acres with the overall subdivision having 138 lots, six common space lots, and two usable common space lots. Phase 2 will consist of 36 lots, and a portion of two common space lots. Final approval by City Council is contingent on the satisfactory completion & approval of the pending subdivision agreement & financial guarantee. Staff consulted with Professor Jim Joyce with the UNC-Chapel Hill School of Government on a legal interpretation of the Note # 22 condition. Professor Joyce stated that it is not legally necessary to update a rezoning condition, due to a sudden law change, as the only time it would be questioned would be if the City tried to enforce it. The 30-lot rule for a single entrance was changed with Session Law 2021-121 in favor of allowing up to 100 homes on a single entrance. City of Mount Holly Fire Marshal Bob Nightingale has commented that the City would not enforce Note # 22 on the plan for a second entrance after the 30th lot was built, but we would enforce that a second entrance is required before the 101st home is built. Professor Joyce noted that the conditional rezoning would allow for us to update the note to offer clarification and transparency. The revised Note #22 should state the following: 22. First 100 homes in Mooreland Oaks Subdivision to be constructed with no sprinklers. No additional homes, after 100 units, are to be built until the second entrance is constructed. This change follows Session Law 2021-121. The Planning Commission voted unanimously to approve this final plat during their July 3 rd 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

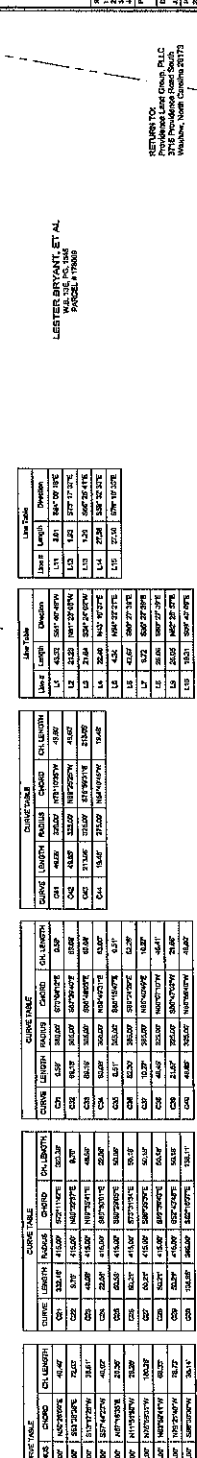
Manager/Staff Recommendation:

Staff recommends a favorable approval of the Mooreland Oaks final plat by City Council on Monday July 10th.

Attachments:

1. Subdivision Plat.



[illegible]



City of Mount Holly Action Agenda Item

To: City Council From: Paul Lowe, Assistant Planning Dir.	Date: 7-5-2023 Meeting Date: 7-10-2023
Agenda Item to be considered: Call for a public hearing for a proposed text amendment to amend Section-3.21 of the Zoning Ordinance (Solid Waste Storage Equipment) to provide standards for screening requirements within the existing section.	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request: This proposed text amendment has been submitted by staff and would provide standards for screening requirements within the existing Section, 3.21. Currently specifications for solid waste storage (dumpster screening) are discussed in Section 3.21, but are found in passing in Chapter 10. The proposed ordinance amendment would better describe the needed screening requirements for dumpsters, and provide these standards in the section where they are discussed. If this call is approved, public hearings will be held by the Planning Commission on August 7 th , and by the City Council on August 14 th . The Planning Commission approved the call for public hearing by a unanimous vote, 9-0, at their meeting held on July 3 rd .	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☐ NO ☒ N/A
Reviewed by Finance Director	☐ YES ☐ NO ☒ N/A
Preaudit Certification required	☐ YES ☐ NO ☒ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☐ YES ☒ NO ☐ N/A
Manager/Staff Recommendation: Staff recommends that the City Council approve the call for public hearing.	
Attachments: 1. Text Amendment Application. 2. Proposed Redlines.	



APPLICATION FOR TEXT AMENDMENT
CITY OF MOUNT HOLLY, NORTH CAROLINA

Date Filed: **6-15-23**. Application Number: **TA-23-9**

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: **amend Section-3.21 of the Zoning Ordinance (Solid Waste Storage Equipment) to provide standards for screening requirements within the existing section.**
2. The following statement best describes what you would like the text amendment to reflect: **This proposed text amendment has been submitted by staff and would provide standards for screening requirements within the existing Section, 3.21.**

Currently specifications for solid waste storage (dumpster screening) are discussed in Section 3.21, but are found in passing in Chapter 10. The proposed ordinance amendment would better describe the needed screening requirements for dumpsters, and provide these standards in the section where they are discussed.

Section-3.21 Solid Waste Storage Equipment (Dumpster Screening)

~~Any business or industrial establishment abutting a residential zoning district, including office districts, and providing solid waste storage equipment shall locate such equipment a minimum of 25 feet from said residential property line and shall enclose said equipment, on all sides with a screening device as described in Ch. 10 of this Zoning Code.~~

~~All dumpsters, or similar equipment-including compactors shall be screened on all sides by a fence or wall of at least eight feet tall & shall be placed at least 25 feet from any property lines, except in the B-1 zoning district & the Downtown Gateway Overlay District. Materials used for fencing/walls must be constructed in a durable fashion with weather resistant materials and be of consistent pattern. Acceptable screening materials are wood, brick, finished concrete, stone, or stamped steel. If a fence is used as a screening element, the finished portion of the fence shall be placed on the outside of the structure. Gates shall be constructed so that dumpsters shall not be visible.~~

~~Dumpsters found in the B-1 district & the Downtown Gateway Overlay District are not required to meet setback requirements, but shall be screened on all sides by a fence or wall of at least six feet. Materials used for fencing/walls must be constructed in a durable fashion with weather resistant materials and be of consistent pattern. Acceptable screening materials are wood, brick, finished concrete, stone, or stamped steel. If a fence is used as a screening element, the finished portion of the fence shall be placed on the outside of the structure. Gates shall be constructed so that dumpsters shall not be visible.~~

~~Exemption. Screening is not required in the HI district, unless the dumpster is located within fifty (50) feet of a residential zoned property, or is visible from any public street rights-of-way, the common elements of any private street or drive, or from existing or planned greenways that are included on any adopted City plan, including the Comprehensive Pedestrian Plan, Comprehensive Pedestrian Plan, or the Park Plan.~~

Trash enclosures, like all improvements made with in the City's limits, are required to be permitted. First applying for & waiting for the issuance of a zoning compliance permit through the City of Mount Holly Planning Department and possibly the application and issuance of a building permit through the Gaston County Building Inspections Department.

3. Name: **Paul Lowe, Assistant Planning Director.**

Address: **400 E Central Avenue Mount Holly, NC 28120.**

704-951-3014

Phone Number

Paul Lowe

Signature of Applicant

INSTRUCTIONS: Applications must be TYPED or LEGIBLE and filed with the City of Mount Holly Planning and Zoning Department, together with the application fee in the amount of **\$250.00** (See **Fee Schedule**) at least 30 days prior to the Planning Commission meeting for initial consideration.

Section-3.21 Solid Waste Storage Equipment (Dumpster Screening)

~~Any business or industrial establishment abutting a residential zoning district, including office districts, and providing solid waste storage equipment shall locate such equipment a minimum of 25 feet from said residential property line and shall enclose said equipment, on all sides with a screening device as described in Ch. 10 of this Zoning Code.~~

~~All dumpsters, or similar equipment-including compactors shall be screened on all sides by a fence or wall of at least eight feet tall & shall be placed at least 25 feet from any property lines, except in the B-1 zoning district & the Downtown Gateway Overlay District. Materials used for fencing/walls must be constructed in a durable fashion with weather resistant materials and be of consistent pattern. Acceptable screening materials are wood, brick, finished concrete, stone, or stamped steel. If a fence is used as a screening element, the finished portion of the fence shall be placed on the outside of the structure. Gates shall be constructed so that dumpsters shall not be visible.~~

~~Dumpsters found in the B-1 district & the Downtown Gateway Overlay District are not required to meet setback requirements, but shall be screened on all sides by a fence or wall of at least six feet. Materials used for fencing/walls must be constructed in a durable fashion with weather resistant materials and be of consistent pattern. Acceptable screening materials are wood, brick, finished concrete, stone, or stamped steel. If a fence is used as a screening element, the finished portion of the fence shall be placed on the outside of the structure. Gates shall be constructed so that dumpsters shall not be visible.~~

~~Exemption. Screening is not required in the HI district, unless the dumpster is located within fifty (50) feet of a residential zoned property, or is visible from any public street rights-of-way, the common elements of any private street or drive, or from existing or planned greenways that are included on any adopted City plan, including the Comprehensive Pedestrian Plan, Comprehensive Pedestrian Plan, or the Park Plan.~~

~~Trash enclosures, like all improvements made with in the City's limits, are required to be permitted. First applying for & waiting for the issuance of a zoning compliance permit through the City of Mount Holly Planning Department and possibly the application and issuance of a building permit through the Gaston County Building Inspections Department.~~



City of Mount Holly Action Agenda Item

To: City Council From: Paul Lowe, Assistant Planning Dir.	Date: 7-5-2023 Meeting Date: 7-10-2023
Agenda Item to be considered: Call for a public hearing for a proposed text amendment to amend Section-5.14-B-2 of the Zoning Ordinance (Residential Downtown-Dimension Requirements) to provide a minimum lot sizes for townhomes.	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request: This proposed text amendment has been submitted by staff and would correct an oversight in the Section-5.14-B-2-which regulates dimensional requirements in the Residential Downtown zoning district. Currently the dimensional standards listed in the Zoning Ordinance for the Residential Downtown (RD) zoning district does not provide standards for townhomes, which are permitted by right in this district. This proposed modification sets the minimum lot width for townhomes developed in RD district at 20 ft. If this call is approved, public hearings will be held by the Planning Commission on August 7 th , and by the City Council on August 14 th . The Planning Commission approved the call for public hearing by a unanimous vote, 9-0, at their meeting held on July 3 rd .	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☐ NO ☒ N/A
Reviewed by Finance Director	☐ YES ☐ NO ☒ N/A
Preaudit Certification required	☐ YES ☐ NO ☒ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☐ YES ☒ NO ☐ N/A

Manager/Staff Recommendation:
Staff recommends that the City Council approve the call for public hearing.

Attachments:
1. Text Amendment Application.
2. Proposed Redlines.



**APPLICATION FOR TEXT AMENDMENT
CITY OF MOUNT HOLLY, NORTH CAROLINA**

Date Filed: **6-15-23**. Application Number: **TA-23-8**

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: **amend Section-5.14-B-2 of the Zoning Ordinance (Residential Downtown-Dimension Requirements) to provide a minimum lot sizes for townhomes.**
2. The following statement best describes what you would like the text amendment to reflect: **This proposed text amendment has been submitted by staff and would correct an oversight in the Section-5.14-B-2- which regulates dimensional requirements in the Residential Downtown zoning district.**

Currently the dimensional standards listed in the Zoning Ordinance for the Residential Downtown (RD) zoning district does not provide standards for townhomes, which are permitted by right in this district. This proposed modification sets the minimum lot width for townhomes developed in RD district at 20 ft.

Section-5.14-B-2-RD, Residential Downtown-Dimension Requirements

(B) *Dimension requirements.*

(2) Minimum required lot width: ~~35-foot single-family lots less than 45 feet wide require alley access to unit parking. Attached housing (i.e., townhouses, live/work units and stacked flats) require access to unit parking.~~ Single family homes: 35 feet, Attached homes (Dwelling, townhome; condominium): 20 feet. Single family lots that are less than 45 feet wide require alleys. Parking for attached homes can be provided on individual lots or via a common parking area.

3. Name: **Paul Lowe, Assistant Planning Director.**

Address: **400 E Central Avenue Mount Holly, NC 28120.**

704-951-3014

Phone Number

Paul Lowe

Signature of Applicant

INSTRUCTIONS: Applications must be TYPED or LEGIBLE and filed with the City of Mount Holly Planning and Zoning Department, together with the application fee in the amount of **\$250.00** (See **Fee Schedule**) at least 30 days prior to the Planning Commission meeting for initial consideration.

-Section-5.14-B-2-RD, Residential Downtown-Dimension Requirements

(B) *Dimension requirements.*

(2) Minimum required lot width: ~~35 feet single family lots less than 45 feet wide require alley access to unit parking. Attached housing (i.e., townhouses, live/work units and stacked flats) require access to unit parking.~~ Single family homes: 35 feet, Attached homes (Dwelling, townhome; condominium): 20 feet. Single family lots that are less than 45 feet wide require alleys. Parking for attached homes can be provided on individual lots or via a common parking area.



City of Mount Holly Action Agenda Item

To: City Council

Date: 7-5-2023

From: Paul Lowe, Assistant Planning Dir.

Meeting Date: 7-10-2023

Agenda Item to be considered: Call for a public hearing for a proposed text amendment to amend Section-10.5-C-10-a of the Zoning Ordinance (Street Tree Canopy) to update the language to ensure that street trees are provided via developments.

Will this require a public hearing? ☒ YES ☐ NO

Background/Purpose of Request:

This proposed text amendment has been submitted by staff and would correct an oversight in the Section-10.5-C-10-a-which regulates the placement of street trees.

The current language states that "Developers may plant canopy trees along all public and private streets." The proposed text amendment would update this language to read-Developers shall plant canopy trees along all public and private streets. This modification would ensure that trees are planted along our roadways-which will help to replace trees lost due to development-while helping to buffer our neighborhoods & developments. Outside of being a listed element in the City's scoring matrix, street trees help to buffer uses, enhance the aesthetics of the City, replace trees that are lost to development, help improve property values, and provide many environmental benefits-including carbon sequestration and providing habitat to animals.

If this call is approved, public hearings will be held by the Planning Commission on August 7th, and by the City Council on August 14th. The Planning Commission approved the call for public hearing by a unanimous vote, 9-0, at their meeting held on July 3rd.

Fiscal Impact:

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

Staff recommends that the City Council approve the call for public hearing.

Attachments:

1. Text Amendment Application.
2. Proposed Redlines.



**APPLICATION FOR TEXT AMENDMENT
CITY OF MOUNT HOLLY, NORTH CAROLINA**

Date Filed: **6-15-23**. Application Number: **TA-23-7**

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: **amend Section-10.5-C-10-a of the Zoning Ordinance (Street Tree Canopy) to update the language to ensure that street trees are provided via developments.**
2. The following statement best describes what you would like the text amendment to reflect: **This proposed text amendment has been submitted by staff and would correct an oversight in the Section-10.5-C-10-a which regulates the placement of street trees.**

The current language states that “Developers may plant canopy trees along all public and private streets.” The proposed text amendment would update this language to read-Developers shall plant canopy trees along all public and private streets. This modification would ensure that trees are planted along our roadways-which will help to replace trees lost due to development-while helping to buffer our neighborhoods & developments. Outside of being a listed element in the City’s scoring matrix, street trees help to buffer uses, enhance the aesthetics of the City, replace trees that are lost to development, help improve property values, and provide many environmental benefits-including carbon sequestration and providing habitat to animals.

Section-10.5-C-10-a-Required Landscaping/Buffer Yards-Street Tree Canopy

(10) *Street tree canopy.*

(a) Developers ~~may~~**shall** plant canopy trees along all public and private streets. The spacing of street trees will be in accordance with the three species size classes listed in § 10.4 of this ordinance, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect.

3. Name: **Paul Lowe, Assistant Planning Director.**

Address: **400 E Central Avenue Mount Holly, NC 28120.**

704-951-3014

Phone Number

Paul Lowe

Signature of Applicant

INSTRUCTIONS: Applications must be TYPED or LEGIBLE and filed with the City of Mount Holly Planning and Zoning Department, together with the application fee in the amount of **\$250.00** (See **Fee Schedule**) at least 30 days prior to the Planning Commission meeting for initial consideration.

-Section-10.5-C-10-a-Required Landscaping/Buffer Yards-Street Tree Canopy

(10) *Street tree canopy.*

(a) Developers ~~may~~ **shall** plant canopy trees along all public and private streets. The spacing of street trees will be in accordance with the three species size classes listed in § 10.4 of this ordinance, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect.



City of Mount Holly Action Agenda Item

To: City Council
From: Paul Lowe, Assistant Planning Dir.

Date: 7-5-2023
Meeting Date: 7-10-2023

Agenda Item to be considered: Call for a public hearing for a proposed text amendment to amend Appendixes: 1, 2, & 3 of the Subdivision Ordinance.

Will this require a public hearing? ☒ YES ☐ NO

Background/Purpose of Request:

The following text amendments to Appendixes: 1, 2, & 3 of the Subdivision Ordinance are proposed by staff to provide clarity, and to make the document easier for both staff & developers to use.

The changes to Appendix 1 would be to add map standards for exempt plats. These are plats that do not create new lots, including recombination plats. Though these modifications can be made solely by deed, many times customers want to submit a plat to have it reviewed & approved by staff. Currently, we do not have standards for exempt plats. This update would provide map standards for exempt plats. The proposal would also update the title of this section from Map Information to Map Standards.

The proposed change to Appendix 2, the current Appendix 9, would to move this section so it follows the updated Map Standards section. This would help both staff & design professionals in locating required plan elements. It would also provide a more logical flow of information. An exempt map certificate, or signature block, would be also added to this section. After the section is moved, subsequent sections will be renumbered.

The change to Appendix 3, would to be the Roadway-Street Lighting section and would clarify that street lights need to be installed at a minimum of every 200 feet. This is included in City's Scoring Matrix & is a common note on development plans. This alteration simply spells out a requirement that developers are currently meeting.

If this call is approved, public hearings will be held by the Planning Commission on August 7th, and by the City Council on August 14th. The Planning Commission approved the call for public hearing by a unanimous vote, 9-0, at their meeting held on July 3rd.

Fiscal Impact:

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

Manager/Staff Recommendation:

Staff recommends that the City Council approve the call for public hearing.

Attachments:

1. Text Amendment Application.
2. Proposed Redlines.



APPLICATION FOR TEXT AMENDMENT
CITY OF MOUNT HOLLY, NORTH CAROLINA

Date Filed: **6-15-23**. Application Number: **TA-23-10**

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: **amend Appendixes: 1, 2, & 3 of the Subdivision Ordinance.**

The following statement best describes what you would like the text amendment to reflect: **The following text amendments to Appendixes: 1, 2, & 3 of the Subdivision Ordinance are proposed by staff to provide clarity, and to make the document easier for both staff & developers to use.**

The changes to Appendix 1 would be to add map standards for exempt plats. These are plats that do not create new lots, including recombination plats. Though these modifications can be made solely by deed, many times customers want to submit a plat to have it reviewed & approved by staff. Currently, we do not have standards for exempt plats. This update would provide map standards for exempt plats. The proposal would also update the title of this section from Map Information to Map Standards.

The proposed change to Appendix 2, the current Appendix 9, would to move this section so it follows the updated Map Standards section. This would help both staff & design professionals in locating required plan elements. It would also provide a more logical flow of information. An exempt map certificate, or signature block, would be also added to this section. After the section is moved, subsequent sections will be renumbered.

The change to Appendix 3, would to be the Roadway-Street Lighting section and would clarify that street lights need to be installed at a minimum of every 200 feet. This is included in City's Scoring Matrix & is a common note on development plans. This alteration simply spells out a requirement that developers are currently meeting.

Subdivision Ordinance

Appendix 1-Mapping Standards-C-Map Information

A) MAP INFORMATION STANDARDS

Information	Sketch Plan	Construction/Site Plan	Final Plat	Exempt Plat
Title Block Containing:				
Name of Development	X	X	X	X
Name of map or plan (sketch plan, preliminary plan, etc.)	X	X	X	X
Owner's name with address and daytime phone number	X	X	X	X
Location (including address, city, township, & state)	X	X	X	X
Date(s) map(s) prepared or revised	X	X	X	X
Scale of drawing in feet per inch (drawing shall not be at a scale of not less than 1" equal to 200')	X	X	X	X
Bar Graph Scale		X	X	X
Name, address, & telephone number of preparer of map	X	X	X	X
Developer's name, address, and daytime phone number (if different from owner's)	X	X	X	X
Information	Sketch Plan	Construction/Site Plan	Final Plat	Exempt Plat
Zoning district(s) within the property & adjacent properties	X	X	X	X
Existing land use within the property & adjacent properties	X	X		X
Plat book or deed book references		X	X	X
Names of adjoining property owners (or subdivisions or developments of record with plat book and or/deed book reference)		X	X	X
Tax map, block, & parcel(s) number	X	X	X	X
Vicinity map showing location of site relative to surrounding area typically drawn in the	X	X	X	X

upper right hand corner, at a scale of 1" = 2000'				
Corporate limits, city lines, and other jurisdiction lines, if any, on the tract	X	X	X	X
North arrow & orientation (North arrow shall be oriented towards top of map where practicable)	X	X	X	X
Floodway and floodway fringe field survey boundaries		X	X	X
Boundaries to be subdivided or developed:				
Distinctly and accurately represented and showing all distances; show bearings and distances and curve data on outside boundaries and street centerlines on preliminary with street centerline ties to boundary	X	X	X	X
Showing locations of intersecting boundary lines of adjoining property	X	X	X	X
Information	Sketch Plan	Construction/Site Plan	Final Plat	Exempt Plat
Tie at least one corner to NC grid and provide grid coordinates where at least one of the two control monuments needed are within 2000' (feet) of the boundary or tied to the nearest street intersections.		X	X	X
Location and description of all monuments, and markers, and control corners			X	X
Existing property lines on tract subdivided. If existing property lines are to be changed, label as "old property lines" and show as dashed lines.	X	X	X	X
Dimensions, location, and use of all existing				

buildings measured at the closest point; distance from buildings to closest property lines; buildings to remain on final	X	X	X	
The name and location of any property or building on the National Register of Historic Places or locally designated historic property		X	X	
Railroad lines and right-of-way	X	X	X	
Water courses, ponds, lakes, or streams	X	X	X	X
Marshes, swamps, and other wetlands	X	X	X	
Areas to be dedicated or reserved for the public or a local jurisdiction		X	X	X
Areas dedicated as common area or open space under control of an owners association	X	X	X	X
Location of floodway & floodway fringe from the Flood Hazard Boundary Maps and cross-section elevations	X	X	X	X

Information	Sketch Plan	Construction/Site Plan	Final Plat	Exempt Plat
Existing and proposed topography of tract and 100 feet beyond property showing existing contour intervals of no greater than 5 feet (2 feet where available) and labeling at least two contours per map and all others at 10 foot intervals from sea level		X		
Proposed lot lines & dimensions; show bearings and distances on final	X	X	X	X
Square footage of all proposed lots under one (1) acre in size; smallest lot indicated		X	X	X
Acreage on all lots over		X	X	X

one acre				
Site calculations including:				
Acreage in total tract	X	X	X	X
Acreage in public greenways and other open space		X	X	X
Total number of lots proposed	X	X	X	X
Linear feet in streets		X	X	X
Area in newly dedicated right-of-way		X	X	X
Lots sequenced or numbered consecutively		X	X	
Street data illustrating:				
Existing and proposed right-of-way within and adjacent to property...				
R/W lines	X	X	X	X
Total R/W width dimension	X	X	X	X
R/W width dimension from centerline of existing public streets		X	X	X
Cul-de-sac R/W radius from center point		X	X	X

Information	Sketch Plan	Construction/Site Plan	Final Plan	Exempt Plat
Existing and proposed streets showing:				
Pavement or curb lines		X		
Pavement width dimensions (face-to-face) (or EP to EP)		X		
Cul-de-sac pavement radius from center point		X		
Existing & proposed street names		X	X	X
Location, dimension, & type of all easements (Existing & proposed)		X	X	X
Utility Layout Plan showing connections to existing systems, line sizes, material of lines, location of fire hydrants, blowoffs, valves, manholes, catch basins, force mains, etc. for the following				
types of utility lines: (not to substitute for construction plans)				
Sanitary sewer		X		
Water distribution		X		
Storm sewer		X		

Natural gas, electric, cable TV		X		
Plan for providing water and sewer service graphic or narrative form	X			

APPENDIX 9.2 **CERTIFICATIONS AND APPROVAL BLOCKS**

The following Certificates, Notes, and Approval Blocks shall appear on the appropriate plans and plats in substantially the following formats:

(Move section from number nine to number two, renumber seceding sections. Also, add the exempt certificate.)

Sketch Plan (Major & Minor):	Sketch Plan Approved
	Planning and Development Director Date:
Exempt Map	Exemption Certificate
	I hereby certify that this plat is exempt in accordance with Section of 1.5 of the City of Mount Holly's Subdivision and Land Development Ordinance and maybe recorded with the Gaston County Register of Deeds Office. Planning Director Date

Construction Plan (Major & Minor):	Construction Plan Approved
	Planning and Development Director Date:

Certificate of City Council Approval: (Final Plat)	Certificate of City Council Approval Approved for the recording by the City of Mount Holly, NC City Council on the _____ day of _____ 20____ pursuant to authority of Article II of the Subdivision Ordinance. Must be recorded within thirty (30) days of this date. _____ City Clerk
Certificate of Zoning Approval: (Final Plat)	Certificate of Zoning Approval This plat meets all the requirements of the City of Mount Holly Zoning Ordinance, signed the _____ day of _____ 20____. _____ Planning and Development Director

Certificates of Survey and Accuracy
I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book ____, page ____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book ____, page ____; that the ratio of precision as calculated is 1:____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this _____ day of _____, A.D., 20____. Seal or Stamp _____ Surveyor _____ Registration # (maximum allowable error: 1:10,000)

Appendix 3-Roadway-Street Lighting

1. The developer shall be required to install decorative street lighting on all streets **at a minimum of every 200 feet**. All lighting shall be installed prior to final acceptance by the City. The City shall not be responsible for maintenance and repair of decorative street lighting. Maintenance and repair of decorative lighting shall be the responsibility of the utility provider, or the homeowner or property owners' association.

2. Name: **Paul Lowe, Assistant Planning Director.**

Address: **400 E Central Avenue Mount Holly, NC 28120.**

704-951-3014

Phone Number

Paul Lowe

Signature of Applicant

INSTRUCTIONS: Applications must be TYPED or LEGIBLE and filed with the City of Mount Holly Planning and Zoning Department, together with the application fee in the amount of **\$250.00** (See Fee Schedule) at least 30 days prior to the Planning Commission meeting for initial consideration.

Subdivision Ordinance

Appendix 1-Mapping Standards-C-Map Information

A) MAP INFORMATION STANDARDS

Information	Sketch Plan	Construction/Site Plan	Final Plat	Exempt Plat
Title Block Containing:				
Name of Development	X	X	X	X
Name of map or plan (sketch plan, preliminary plan, etc.)	X	X	X	X
Owner's name with address and daytime phone number	X	X	X	X
Location (including address, city, township, & state)	X	X	X	X
Date(s) map(s) prepared or revised	X	X	X	X
Scale of drawing in feet per inch (drawing shall not be at a scale of not less than 1" equal to 200')	X	X	X	X
Bar Graph Scale		X	X	X
Name, address, & telephone number of preparer of map	X	X	X	X
Developer's name, address, and daytime phone number (if different from owner's)	X	X	X	X
Information	Sketch Plan	Construction/Site Plan	Final Plat	Exempt Plat
Zoning district(s) within the property & adjacent properties	X	X	X	X
Existing land use within the property & adjacent properties	X	X		X
Plat book or deed book references		X	X	X
Names of adjoining property owners (or subdivisions or developments of record with plat book and or/deed book reference)		X	X	X
Tax map, block, & parcel(s) number	X	X	X	X
Vicinity map showing location of site relative to surrounding area typically drawn in the	X	X	X	X

upper right hand corner, at a scale of 1" = 2000'				
Corporate limits, city lines, and other jurisdiction lines, if any, on the tract	X	X	X	X
North arrow & orientation (North arrow shall be oriented towards top of map where practicable)	X	X	X	X
Floodway and floodway fringe field survey boundaries		X	X	X
Boundaries to be subdivided or developed:				
Distinctly and accurately represented and showing all distances; show bearings and distances and curve data on outside boundaries and street centerlines on preliminary with street centerline ties to boundary	X	X	X	X
Showing locations of intersecting boundary lines of adjoining property	X	X	X	X
Information	Sketch Plan	Construction/Site Plan	Final Plat	Exempt Plat
Tie at least one corner to NC grid and provide grid coordinates where at least one of the two control monuments needed are within 2000' (feet) of the boundary or tied to the nearest street intersections.		X	X	X
Location and description of all monuments, and markers, and control corners			X	X
Existing property lines on tract subdivided. If existing property lines are to be changed, label as "old property lines" and show as dashed lines.	X	X	X	X
Dimensions, location, and use of all existing				

buildings measured at the closest point; distance from buildings to closest property lines; buildings to remain on final	X	X	X	
The name and location of any property or building on the National Register of Historic Places or locally designated historic property		X	X	
Railroad lines and right-of-way	X	X	X	
Water courses, ponds, lakes, or streams	X	X	X	X
Marshes, swamps, and other wetlands	X	X	X	
Areas to be dedicated or reserved for the public or a local jurisdiction		X	X	X
Areas dedicated as common area or open space under control of an owners association	X	X	X	X
Location of floodway & floodway fringe from the Flood Hazard Boundary Maps and cross-section elevations	X	X	X	X

Information	Sketch Plan	Construction/Site Plan	Final Plat	Exempt Plat
Existing and proposed topography of tract and 100 feet beyond property showing existing contour intervals of no greater than 5 feet (2 feet where available) and labeling at least two contours per map and all others at 10 foot intervals from sea level		X		
Proposed lot lines & dimensions; show bearings and distances on final	X	X	X	X
Square footage of all proposed lots under one (1) acre in size; smallest lot indicated		X	X	X
Acreage on all lots over		X	X	X

one acre				
Site calculations including:				
Acreage in total tract	X	X	X	X
Acreage in public greenways and other open space		X	X	X
Total number of lots proposed	X	X	X	X
Linear feet in streets		X	X	X
Area in newly dedicated right-of-way		X	X	X
Lots sequenced or numbered consecutively		X	X	
Street data illustrating:				
Existing and proposed right-of-way within and adjacent to property...				
R/W lines	X	X	X	X
Total R/W width dimension	X	X	X	X
R/W width dimension from centerline of existing public streets		X	X	X
Cul-de-sac R/W radius from center point		X	X	X

Information	Sketch Plan	Construction/Site Plan	Final Plan	Exempt Plat
Existing and proposed streets showing:				
Pavement or curb lines		X		
Pavement width dimensions (face-to-face) (or EP to EP)		X		
Cul-de-sac pavement radius from center point		X		
Existing & proposed street names		X	X	X
Location, dimension, & type of all easements (Existing & proposed)		X	X	X
Utility Layout Plan showing connections to existing systems, line sizes, material of lines, location of fire hydrants, blowoffs, valves, manholes, catch basins, force mains, etc. for the following				

types of utility lines: (not to substitute for construction plans)				
Sanitary sewer		X		
Water distribution		X		
Storm sewer		X		
Natural gas, electric, cable TV		X		
Plan for providing water and sewer service graphic or narrative form	X			

APPENDIX 9.2

CERTIFICATIONS AND APPROVAL BLOCKS

The following Certificates, Notes, and Approval Blocks shall appear on the appropriate plans and plats in substantially the following formats:

(Move section from number nine to number two, renumber seceding sections. Also, add the exempt certificate.)

Sketch Plan (Major & Minor):	Sketch Plan Approved
	Planning and Development Director Date:_____
Exempt Map	Exemption Certificate
	I hereby certify that this plat is exempt in accordance with Section of 1.5 of the City of Mount Holly's Subdivision and Land Development Ordinance and maybe recorded with the Gaston County Register of Deeds Office. Planning Director Date

Construction Plan (Major & Minor):	Construction Plan Approved
	_____ Planning and Development Director Date:

Certificate of City Council Approval: (Final Plat)	Certificate of City Council Approval Approved for the recording by the City of Mount Holly, NC City Council on the _____ day of _____ 20____ pursuant to authority of Article II of the Subdivision Ordinance. Must be recorded within thirty (30) days of this date.
	_____ City Clerk
Certificate of Zoning Approval: (Final Plat)	Certificate of Zoning Approval This plat meets all the requirements of the City of Mount Holly Zoning Ordinance, signed the _____ day of _____ 20____.
	_____ Planning and Development Director

Certificates of Survey and Accuracy

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book __, page __, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book ____, page ____; that the ratio of precision as calculated is 1:____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this ____ day of _____, A.D., 20____.

Seal or Stamp

Surveyor

Registration #

(maximum allowable error: 1:10,000)

Appendix 3-Roadway-Street Lighting

1. The developer shall be required to install decorative street lighting on all streets **at a minimum of every 200 feet**. All lighting shall be installed prior to final acceptance by the City. The City shall not be responsible for maintenance and repair of decorative street lighting. Maintenance and repair of decorative lighting shall be the responsibility of the utility provider, or the homeowner or property owners' association.



City of Mount Holly Action Agenda Item

To: City Council

Date: 7-5-2023

From: Paul Lowe, Assistant Planning Dir.

Meeting Date: 7-10-2023

Agenda Item to be considered: Review & approve rules of procedure for the Public Arts Advisory Commission (PAAC).

Will this require a public hearing?

☐ YES

☒ NO

Background/Purpose of Request: To provide greater structure to the PAAC, staff has developed a draft set of rules of procedure. The proposed rules of procedure addresses attendance, officers, and avoidance of conflicts of interest.

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:

Review & consider approval of the rules of procedure for the PAAC.

Attachments:

1. Draft Rules of Procedure.

Rules of Procedure
Public Arts Advisory Commission (PAAC)
City of Mount Holly

I. Authority

- a. The Public Arts Advisory Commission is permitted to act as an advisory board in support of the City Council per North Carolina General Statutes 160A-146 & 160A-488.
- b. The Public Arts Advisory Commission from here after is referred to as the Commission or the PAAC.

II. Officers

- a. Chair: The Chair shall be elected by a majority vote of the membership of the Commission. This vote should occur at the PAAC's last regularly scheduled meeting each year. The Chair shall preside over meetings, and shall be eligible for re-election for an additional term(s).
- b. Vice-Chair: The Vice-Chair shall be elected by a majority vote of the membership of the Commission. This vote should occur at the PAAC's last regularly scheduled meeting each year. The Vice-Chair shall preside in the absence of the Chair, and at such times, shall have the same powers and duties as the Chair, and shall be eligible for re-election for an additional term(s).
- c. The Commission shall consist of seven (7) regular members. Members of the PAAC should be engaged in an artistic enterprise, a patron/supporter of the arts, or an interested citizen. PAAC members should either be residents of the City or work/have their business location in the City.

III. Rules of Conduct for Members

- a. Members of the Commission may be removed for cause, including violation of the rules stated below.
- b. If, in a calendar year, he/she:
 - 1. Is absent from three (3) consecutive regular meetings, or
 - 2. Has less than a 50% attendance record at regular meetings.
 - 3. The Chair can excuse absences of Commission members. If absolutions are granted, they should be granted at the start of a meeting.
- c. Conflict of Interest:
 - 1. No member may participate in a hearing or an associated vote, if the member has an impermissible conflict which include but is not limited to: a close familial, business or other associational relationship with an affected person or a financial interest in the outcome of the matter.
- d. Ethics Statement read at the beginning of each meeting:
 - 1. In accordance with the Rules of Procedure, it is the duty of every Public Arts Advisory Commission member to avoid conflicts of interest. Does any member have any known conflict of interest with respect to any matters coming before the Public Arts Advisory Committee? If so, please identify the conflict and refrain from any participation in the particular matter involved.

IV. Meetings

- a. Regular: Shall be held at the Municipal Complex in the Council Chambers, at 400 East Central Avenue, Mount Holly, NC at 6:00 PM on the third Wednesday of each month.
- b. Special: Special meetings maybe called at any time by the Chair or City staff if public notice and notice to each member is provided at least 48 hours in advance.
- c. Cancellation: Whenever there is no business to consider before the Commission, or whenever so many regular members notify of inability to attend, that a quorum will not be available, the meeting shall be cancelled. A cancelation notice should be sent out to members, the City Clerk, and all interested parties 48-hours prior to the scheduled meeting.
- d. Quorum: A quorum for all meetings shall be four members.

V. Voting

- a. Requirements: All members, including the Chair, shall vote on all issues unless there is an identified conflict per Section III, Part C. A simple majority is needed to constitute final action on any matter considered by the Commission.
- b. Recusal: If an objection is raised to a member's participation in a hearing and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.
- c. Recused members shall be excused, and shall not sit with Commission members when such item(s) are discussed & considered. Members may rejoin the Commission after an item for which they have been rescued has been addressed.

VI. Hearings/Jurisdiction

- a. The Commission shall hear, consider, and vote & have the authority as an advisory body of the City Council to focus on the following issues & positions: designs for proposed art projects, prioritizing proposed projects & initiatives, to make recommendations to City Council on various art related proposals, to identify future art projects, artists, and opportunities to expand the City's art program, and any additional projects or authority provided/granted by the City Council.

Read, approved and adopted by the Public Arts Advisory Commission of the City of Mount Holly on the _____ day of _____ 2022.

Planning Director

Chair

Date

Date

MEMORANDUM

TO: Mayor and City Council, City of Mount Holly

FROM: Marie M. Anders, City Attorney

RE: PFAS litigation

DATE: July 7, 2023

As you may know, Pat Flanagan with the law firm of Cranfill Sumner has represented the City of Mount Holly from time to time as the City's outside counsel for various litigation matters. He recently contacted Interim Manager Danny Jackson to inform him about ongoing lawsuits that have been filed by municipalities similar to Mount Holly against 3M, DuPont, and other PFAS manufacturers and distributors resulting from contamination in the public water supply. Several of these lawsuits have been consolidated in multi-district litigation that is pending in South Carolina.

Mr. Flanagan believes that based upon the results of testing for PFAS in Mount Holly's water, that it appears that Mount Holly may be eligible to seek recovery from the settlements in this multi-district litigation. He also notes that Mount Holly could also have claims against additional defendants. He is offering to represent the City in seeking funds under these settlements and investigating other potential claims. Please see Pat Flanagan's email attached to this memorandum for further information.

At this time, staff is seeking direction from the City Council as to whether to pursue joining the existing multi-district litigation settlement and also whether to investigate additional claims. I intend to supplement the agenda packet with a draft resolution on Monday which the City Council may consider adopting if you wish to pursue joining the existing settlement and investigating additional claims.



Danny Jackson <dannyjackson@mtholly.us>

PFAS litigation

Patrick Flanagan <phf@cshlaw.com>

Wed, Jun 28, 2023 at 3:45 PM

To: "Danny J. Jackson (dannyjackson@mtholly.us)" <dannyjackson@mtholly.us>

Danny

Good talking to you as usual. As discussed, several hundred lawsuits have been filed by municipalities, counties, and other water supply entities against 3M, DuPont and other PFAS manufacturers and distributors resulting from contamination in the public water supply. These cases have been consolidated in a MDL pending in South Carolina. <https://www.scd.uscourts.gov/mdl-2873/index.asp>. As you can see in the next link testing shows that Mount Holly has PFAS above the proposed EPA limits https://www.ewg.org/interactive-maps/pfas_contamination/map/) and the City may be eligible to seek recovery from the settlements. These will be general funds for the City's use. Higher payouts will be given to municipalities who have filed lawsuits with counsel. There is also the prospect of claims to be brought against additional potential defendants for PFAS as well as for other emerging contaminants such as 1,4,dioxane. There is a 90 day window to sign up to get in on phase 1, otherwise phase 2 won't be until 2027.

The short version is that we would be interested in representing the City in seeking funds for you under these settlements and also to investigate and pursue claims against any additional potential defendants. The only details we would need from the City at this juncture would be any information relating to the testing that appears to have been done in 2019.

Let me know if you have any questions or if you would like us to make a short presentation to your folks. Thanks

Pat

Patrick Flanagan
Attorney at Law

**P +1 7049403419 | F +1 7048315522****2907 Providence Road Suite 200, Charlotte, NC 28211**
Post Office Box 30787, Charlotte, NC 28230**WWW.CSHLAW.COM**

Visit our award-winning NC Workers' Compensation website
www.cshworkerscomp.com

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Introduction

This multidistrict litigation is currently comprised of approximately five hundred cases pending before this Court. Additional cases are expected to be filed or transferred to this Court in the coming months. These cases all involve varied causes of action and claims relating to per- or polyfluoroalkyl substances (PFAS). Plaintiffs generally allege that aqueous film-forming foams (AFFFs) containing perfluorooctanoic acid (PFOA) and/or perfluorooctane sulfonate (PFOS), two types of PFAS, contaminated groundwater near various military bases, airports, and other industrial sites where AFFFs were used to extinguish liquid fuel fires. The plaintiffs allege that they were caused personal injury, a need for medical monitoring, property damage or other economic losses.

The Judicial Panel on Multidistrict Litigation determined that the AFFF cases filed involved common questions of law and fact such that centralization of the cases was appropriate. Weighing a number of factors, the Judicial Panel selected the District of South Carolina as the forum for this litigation. These cases have been assigned to the Honorable Richard M. Gergel for coordinated discovery and pretrial matters

On January 2, 2019, the Court issued Case Management Order (CMO) No. 1, which provides initial details regarding case consolidation and related organizational matters. This CMO, and all issued CMOs, may be found on this website's Orders page. On February 25, 2019, the Court conducted the initial status conference, at which plaintiffs' and defendants' leadership structure and related matters were discussed. Information on this status conference, and other related events, may be found on this website's Current Developments page.

| [Browser Compatibility](#) | [Site Security](#) |



PFAS Testing of Drinking Water Systems

KEY FINDINGS

- 1 PFAS compounds are a class of non-stick, waterproof, stain-resistant compounds used in consumer products and industry. Best known are PFOA, formerly used to make DuPont's Teflon, and PFOS, formerly in 3M's Scotchgard.
- 2 Very low exposure to some PFAS chemicals has been linked to cancer, thyroid disease, weakened childhood immunity and many other health problems.
- 3 Tests of tap water, military bases and industrial sites have found PFAS contamination in more than 2,854 locations in 50 states. Drinking water for up to 200 million Americans may be contaminated with PFAS.

DETAILS

System name: City of Mount Holly

State: North Carolina

Population served: 17,780

PFAS detected:

Chemical	Years tested	Maximum Level (ppt)
PFOA	2019	1.1
6:2FTAB	2019	2.2
Total PFAS	2019	3.3

Source: EWG from <https://www.ewg.org/tapwater/system.php?pws=NC0136020>

Levels listed are for the maximum of each PFAS detected at the time of the tests and do not reflect whether a water system is treating the water to reduce levels.



view report

City of Mount Holly
Mount Holly City Council Work Session Meeting
Monday, June 26, 2023
Council Chambers
6:30 pm

CALL TO ORDER

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

Mayor Bryan Hough	Danny Jackson, Interim City Manager
Mayor Pro Tem Phyllis Harris	Brian DuPont, Assistant City Manager
Councilman Ivory Craig	Brian Reagan, 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
	Michelle Wood, Finance Director

INVOCATION

Councilman Craig led the Council, staff and attendees in prayer.

SET THE AGENDA

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

CONSENT AGENDA

1. Approval of Budget Amendment
 - GASB
2. Approval of Position Allotment
3. Approval of MOU with Gaston County Communications
4. Approval of Contract for Economic Development Services with Better City
5. Approval of an Agreement with the Mount Holly Police Foundation
6. Approval of an Agreement with the Mount Holly Community Foundation
7. Approval of minutes from the June 12, 2023 Council Meeting
8. Approval of the minutes from the June 12, 2023 Closed Session

Councilwoman Shoemaker made a motion to approve the consent agenda. Councilman Craig seconded the motion. All Council Members present voted in favor. (Motion Carried)

AGENDA

1. Presentation of a promotional video for Mount Holly Non-Profit Organizations from the Tourism Development Authority

Mr. Philip McGinnis came before the City Council to present promotional videos funded by the Tourism Development Authority. The following videos were presented:

- Christmas Parade Video—Mayor Hough asked if the tree lighting could be added to the end of the video.
- Community Garden Video—Councilman Meadows asked if they could get a drone perspective next year.
- Miracle on Main—Mr. McGinnis advised that they also promote McAdenville during the holiday season in hopes to lure visitors to Mount Holly.
- Merry Market

Councilman Moore commented that the upcoming fireworks would be an opportunity for some coverage around patriotism and the Police Memorial should also be included. Mr. McGinnis advised that future videos will include promotional information that focus on springfest and the concerts.

2. Presentation of Facilities Condition Assessment of 131 South Main

Mr. Garrie Brinkley introduced the representatives from Creech and Associates. He advised that the Facilities Assessment Committee have met and worked closely with the contractors and have already seen the findings of the study and tonight's presentation.

Three options were suggested by Creech and Associates. First there was an assessment given that addressed the details and the findings of the building located at 131 South Main. The building was built in 1920 and has a basement and a 1st and 2nd floor totaling a square footage of 11,627. The study shows that work is needed to the exterior façade including the doors and windows and the roofing. The interior assessment includes asbestos containing materials, lead paint, mold and moisture. There are also needs for improvement to the mechanical, electrical and plumbing conditions.

Option 1—Lowest impact to the current tenants. The 1st floor would remain as is with the exception of the restrooms and stairs. Repairs would be made to the exterior. The basement and 2nd floors would be demoed and replaced with shell space for future potential uses. The cost of option 1 is \$937,957.

Option 2 Vacate the entire building. Demo all 3 floors and take care of the hazardous material. Repair all the exterior components and replace/repair all mechanical, electrical and plumbing. Upfit the 1st floor with an office space layout and shell space in the basement and 2nd floors. The cost estimate for option 2 is \$1,789,018.

Option 3—Upfit all floors for occupancy. This is the most expensive option but also provides a better return on the city's investment. The building would be completely vacated and all the repairs outlined in the assessment would be made. The estimated cost of option 3 is \$2,724,603.

The recommended option is #3. This sets the building up for continued success. There would be no liability to the city and only adding 3 months to the construction timeline. This option will also shoe a return on the investment.

Mayor Hough questioned the liability of choosing option 1. Councilman Meadows replied that the committee is waiting on an answer in that regard from an environmental consultant. There was discussion concerning the elevator versus a lift and the space and cost associated with each one.

Mr. Brinkley came back to the podium and thanked Creech and Associates for their help with this project. He advised that it was a complicated process and they did a great job. Mr. Brinkley continued with his personal comments. He advised that his preference is option 1. This is the least expensive options and the least amount of impact to the tax payers. He also doesn't

think the city needs to get into the business of renting property and therefore the City Council should listen to the citizens and not uproot the Historical Society.

Mayor Hough advised that the Council stopped the entire process and hired a consultant to do this assessment. He advised that the Council has listened to the citizens and will work together for the right solution with the least amount of impact to our tax payers.

Mayor Hough called for a 5-minute break.

3. Discussion of the City Manager Hiring Process

Ms. Gardner with the Centralina Council of Governments (COG) came before the Council to walk through the city manager hiring process. She advised that she has been working with HR and the Interim Manager in regard to the job description and salary range. The salary range outline in the recent salary study is \$136,000-\$205,000 and this seems to be in line with the compatible surrounding areas. The position will be advertised for approximately 30 days. The COG will screen applicants and start setting up interviews with only the very qualified applicants. Council agreed that interviews would be conducted with a panel made up of 2 Council Members and 3 staff. Councilman Craig and Councilwoman Shoemaker volunteered to sit on the panel. There was discussion of an assessment center. Ms. Gardner advised that an Assessment Center would be an additional cost. Council reserved the right to make decision on the assessment center at a later time. Ms. Gardner commented that the position will be advertised starting right after the July 4th holiday and the City should have a new manager in place by the end of September.

CLOSED SESSION

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

Councilwoman Pawlish made the motion to enter into Closed Session Pursuant to N.C.G.S 143-318.11 (a)(3 and 5) at 8:38 pm. Councilman Moore seconded the motion. All Council Members present voted in favor. (Motion Carried)

Councilwoman Pawlish made a motion to come out of closed session and back into regular session at 9:14 pm. Councilman Craig 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 June 26, 2022 Council Work Session Meeting. Mayor Pro Tem Harris seconded the motion. All Council Members present voted in favor. (Motion Carried)

The meeting adjourned at 9:15 pm.



City of Mount Holly Action Agenda Item

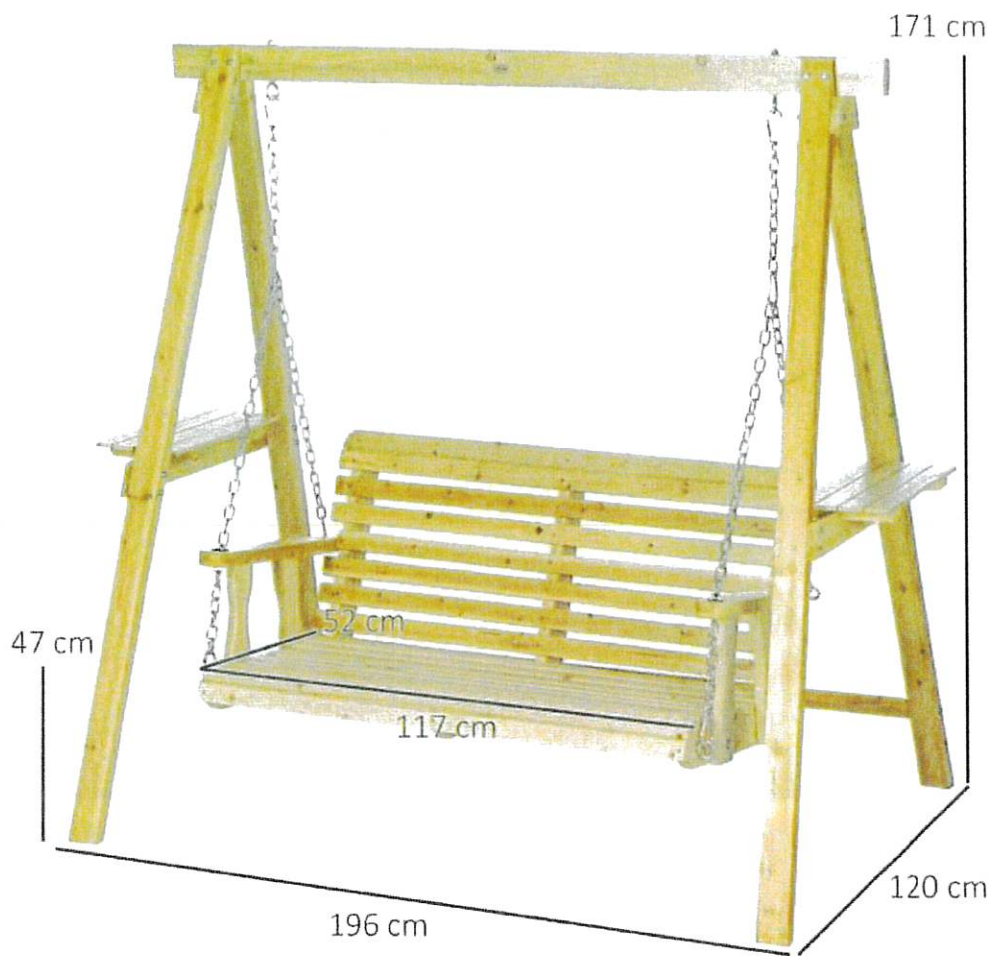
To: City Council From: Amy Miller, City Clerk	Date: July 5, 2023 Meeting Date: July 10, 2023																																				
Agenda Item to be considered: Approval of the Minutes from the June 26, 2023 Closed Sessions																																					
Will this require a public hearing? ☐ YES ☒ NO																																					
Background/Purpose of Request: <i>As per the internal staff policy shared with Council, approval of closed session minutes will be part of the consent agenda. A copy of the minutes will be provided under a separate cover to Council as part of the closed session information packet.</i>																																					
<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td colspan="4">Fiscal Impact:</td></tr><tr><td style="width: 45%;">Will Item affect current budget</td><td style="width: 15%;">☐ YES</td><td style="width: 15%;">☐ NO</td><td style="width: 25%;">☐ N/A</td></tr><tr><td>Reviewed by Finance Director</td><td>☐ YES</td><td>☐ NO</td><td>☐ N/A</td></tr><tr><td>Preaudit Certification required</td><td>☐ YES</td><td>☐ NO</td><td>☐ N/A</td></tr><tr><td>Capital Project Ordinance required</td><td>☐ YES</td><td>☐ NO</td><td>☐ N/A</td></tr><tr><td>Budget Transfer required</td><td>☐ YES</td><td>☐ NO</td><td>☐ N/A</td></tr><tr><td>Total City Dollars:</td><td colspan="3">\$</td></tr><tr><td>Budget Code</td><td colspan="3"></td></tr><tr><td>Reviewed by City Attorney</td><td>☐ YES</td><td>☐ NO</td><td>☐ N/A</td></tr></table>		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
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Total City Dollars:	\$																																				
Budget Code																																					
Reviewed by City Attorney	☐ YES	☐ NO	☐ N/A																																		
Manager/Staff Recommendation: Approval																																					
Result of City Council Decision:																																					
Attachments: 1. Minutes emailed with the closed session information																																					

PRESENTATIONS



To: Mayor and City Council From: Mark Jusko	Date: 7-5-23 Meeting Date: 7-10-23		
Agenda Item to be considered: <u>Presentation On Eagle Scout Project at River Street Park</u>			
Will this require a public hearing? ☐ YES ☒ NO			
Background/Purpose of Request <u>Ms. Amelia Hill- Pfeffer contacted staff earlier this spring about doing her Eagle Scout Project at River Street Park. She would like to build a porch swing for park-goers to enjoy. A porch swing is one of our preferred Eagle Scout projects on our website. She presented the idea to the Parks & Recreation Commission at their meeting on June 27th, and they unanimously recommended this project to City Council. The location within the park is still being vetted. Ms. Hill- Pfeffer will be in attendance to talk about her project in more detail.</u>			
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	X ☐ NO	☐ N/A
Manager/Staff Recommendation: Staff recommends this project for approval			
Result of City Council Decision:			
Attachments: Diagram of porch swing			

Reference image:



Drawing:



City of Mount Holly Action Agenda Item

To: Mayor and City Council From: Mark Jusko	Date: 7-5-23 Meeting Date: 7-10-23
Agenda Item to be considered: <u>Presentation of donation from Miss Mount Holly to the Mount Holly Athletic Association (MHAA)</u> _____ _____ _____ _____	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request <u>Miss Mount Holly, Jamie Logan will be making a presentation to the MHAA. The donation comes from the funds she raised earlier this year from her sneaker drive.</u> _____ _____ _____ _____ _____ _____ _____ _____ _____ _____	
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 X ☐ NO ☐ N/A
Manager/Staff Recommendation:	
Result of City Council Decision: _____	
Attachments:	



City of Mount Holly Action Agenda Item

To: Mayor and City Council From: Amy Miller, City Clerk	Date: July 5, 2023 Meeting Date: July 10, 2023																																				
Agenda Item to be considered: Presentation of a Key to the City to Teen Miss Mount Holly Reece Williams																																					
Will this require a public hearing? ☐ YES ☒ NO																																					
Background/Purpose of Request: Teen Miss Mount Holly Reece Williams will be present to accept the Key to the City from the Mayor and Council.																																					
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Manager/Staff Recommendation:																																					
Result of City Council Decision:																																					
Attachments:																																					



City of Mount Holly Action Agenda Item

To: Mayor and City Council From: Amy Miller, City Clerk	Date: July 5, 2023 Meeting Date: July 10, 2023
Agenda Item to be considered: Presentation of a Key to the City to Miss Mount Holly Jamie Logan	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request: Miss Mount Jamie Logan will be present to accept the Key to the City from the Mayor and Council.	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☐ NO x N/A
Reviewed by Finance Director	☐ YES ☐ NO x N/A
Preaudit Certification required	☐ YES ☐ NO x N/A
Capital Project Ordinance required	☐ YES ☐ NO x ☐ N/A
Budget Transfer required	☐ YES ☐ NO x N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☐ YES ☐ NO x N/A
Manager/Staff Recommendation:	
Result of City Council Decision:	
Attachments:	

PUBLIC HEARINGS



City of Mount Holly
Action Agenda Item

To: City Council	Date: 7-5-2023
From: Brandon Livingston, City Planner	Meeting Date: 7-10-2023

Agenda Item to be considered: Public Hearing to consider an application, submitted by True Homes, for a proposed rezoning of an 59.5-acre tract of land being Tax Parcel #s: 309482, 309483, 309784, 178060, 309452, 309453, 309454, 309455, 309456, 309457, 309458, 309459, 309460, 309461, 309462, 309463, 309464, 309465, 309466, 309467, 309468, 309469, 309470, 309471, 309472, 309473, 309474, 309475, 309476, 309477, 309478, 309479, 309480, & 309481 from Conditional District Single Family, which was previously approved on May 13, 2019, to Amended Conditional District Single Family.

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

Background/Purpose of Request: An application was submitted by True Homes, for a proposed rezoning of a 59.5-acre tract to Amended Conditional District Single Family. These parcels were originally rezoned and annexed into the City in May and August of 2019 for a proposed 134 single family homes, 138 if the right of way for the planned Belmont-Mount Holly Loop is removed, or if the project is canceled, with zoning conditions. The current rezoning request seeks to add three additional lots to the planned development bringing the total lot count to 141. The additional lots will be provided within the existing development. The remaining zoning conditions that were approved in 2019, including the proposed use-single family homes will remain the same.

As a point of information, these parcels were also rezoned in February of 2022 to address open space/offsite improvements that were approved as a part of the 2019 rezoning as the developer was seeking to be able to provide a fee in lieu for a sidewalk when they were unable to obtain an easement from neighboring property owners.

A public involvement meeting was held on June 15th from 4:00-6:00PM at the Municipal Complex. Two individuals attended. One individual had concerns with runoff from the development and the other wanted to make sure that buffers areas were not being encroached.

The Planning Commission voted unanimously to approve this rezoning during their July 3rd 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:
Staff supports a favorable approval by the City Council regarding the petitioner's request to amend the rezoning from Conditional District Single Family to Amended Conditional District Single Family.

Attachments:

1. Rezoning Application.
2. Rezoning Plan.



**MOUNT HOLLY
PLANNING AND DEVELOPMENT**

**Planning Commission
Conditional Rezoning
Application**

Date Submitted: 04/26/2023

Fee: 2-Acres or less \$300.00

Case Number 23-3

2-10 Acres \$500.00

10-25 Acres \$800.00

25-100 Acres \$1,000.00 ✓

100+ Acres \$1,200.00

Provide the required information as indicated below. Pursuant to the Zoning Ordinance, this application will not be processed until application fees are paid; the form below is completed and signed; and all required maps, plans and documents have been submitted to the satisfaction of the Administrator. A pre-application meeting with Planning staff is required. Scheduling for the Planning Board agenda will be based on the determination of a complete application submittal.

Pursuant to Section 14.2 B-2 of the Zoning Ordinance, the undersigned hereby requests Mount Holly to rezone the property described below from the City of Mt. Holly Conditional District Single Family zoning district to the Amended City of Mt. Holly Conditional District Single Family zoning district.

Said property is located 971 OLD NC 27 HWY.

in RIVER BEND Township; Being a total of: ±59.5 acres.

Further referenced by the Gaston County Tax Department as:

Tax Parcel # 309482, 309483, 309784, 178060
309452, 309453, 309454, 309455, 309456, 309457, 309458, 309459, 309460, 309461, 309462,
309463, 309464, 309465, 309466, 309467, 309468, 309469, 309470, 309471, 309472, 309473,
309474, 309475, 309476, 309477, 309478, 309479, 309480, 309481

Additional sheets for tax parcels are available upon request.

Check One:

- ☒ The property requested for rezoning is an entire parcel or parcels as shown on the Gaston County Tax Map.
- ☐ The property requested for rezoning is a portion of a parcel or parcels as shown on the Gaston County Tax Map; a written legal description of the property and/or a map are attached.

Conditional Zoning Requirements:

- ☒ **Zoning Sketch Plan.** A sketch plan illustrating proposed conditions and other pertinent information is required for all conditional rezoning requests. Sketch elements not illustrating proposed conditions are subject to subdivision and site plan review. Refer to Appendix 1, Mapping Standards of the City's Subdivision & Land Development Ordinance.
- ☒ **Zoning Conditions.** Use and/or development conditions must be provided. Complete Page 2 of this application. Refer to uses as listed in Chapter 6 of the Zoning Ordinance.



**MOUNT HOLLY
PLANNING AND DEVELOPMENT**

**Planning Commission
Conditional Rezoning
Application**

Use Conditions

Uses of the property shall be limited to the following uses as listed in Chapter 6 of the City's Zoning Ordinance:

- 1) Dwelling, single-family detached.
- 2)
- 3)
- 4)

Development Conditions

Development of the property shall occur in accordance with the following standards and requirements in addition to those specified in the City's Zoning Ordinance or /and Subdivision & Land Development Ordinance.

- 1) THIS DEVELOPMENT WILL HAVE 141 LOTS. THE LOT COUNT INCLUDES (4) POTENTIAL LOTS IN THE FUTURE MOUNT HOLLY NORTH LOOP THOROUGHFARE; IF THE THOROUGHFARE IS REMOVED OR CANCELLED, THE (4) LOTS MAY BE DEVELOPED.
- 2) ALL OTHER CONDITIONS SPECIFIED IN THE MOORELAND OAKS REZONING, FEBRUARY 2022, WILL BE FOLLOWED.
- 3)
- 4)

YOU OR SOMEONE REPRESENTING YOU MUST BE PRESENT AT THE PUBLIC HEARING

A Conditional Zoning Application must be signed by current property owner(s).

I hereby agree to conform to all applicable laws of the City of Mount Holly and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from Mount Holly Planning and Development may enter the subject property for the purpose of investigation and analysis of this request.

Submitted,

Property Owner Signature

Dixon Pitt / Williams Land Development, Inc.

Name

331 High Street

Mailing Address

Winston-Salem, NC 27101

City, State and Zip Code

336-529-6927 dixonewilliamsdevelopmentgroup.com

Phone Number

Email Address

Owner / Representative / Applicant Signature (if applicable)

Shawn Gasparini, True Home

Name

2649 Breckonridge Centre Dr.

Mailing Address

Monroe NC 28100

City, State and Zip Code

704-779-4126

Phone Number

Email Address

sgasparini@truehomedwa.com



City of Mount Holly Action Agenda Item

To: City Council

Date: 7-5-2023

From: Paul Lowe, Assistant Planning Dir.

Meeting Date: 7-10-2023

Agenda Item to be considered: Public hearing for a proposed text amendment to permit lounges to operate in the B-1, Central Business District with certain conditions. If approved, the proposed text amendment would update the following sections of the Zoning Ordinance: 3.26, 6.2, 6.5, & 7.1.

Will this require a public hearing?

☒ YES

☐ NO

Background/Purpose of Request:

Billy Rick applied for this proposed text amendment to permit lounges to operate in the B-1, Central Business District with certain conditions. If approved, the proposed text amendment would update the following sections of the Zoning Ordinance: 3.26, 6.2, 6.5, & 7.1.

Local Logic Beer, LLC, an established high-end cocktail bar in Monroe, is interested in establishing a location in Mount Holly, more specifically Downtown Mount Holly. Local Logic is looking to locate at 127 S Main Street, but if this text amendment is approved, lounges would be permitted in the entirety of the B-1, if they could meet the standards laid out in the applicant's request.

To facilitate this, a new use, Lounges, would need to be added to the Table of Permitted Uses found in Section 6.5 of the Zoning Ordinance, and Section 6.2 would need to be updated. The applicant is interested in adding this use to the B-1, Central Business District, only. Other portions of the Zoning Ordinance, including-Sections 3.26-Definitions & 7.1-Notes to the Table will be updated, if this proposed text amendment is approved. Regarding the latter provision, Section 7.1, will add additional standards that will apply to the proposed use.

These proposed standards-include: Lounges are permitted to operate no later than 12:00 AM, Lounges operating in the B-1 District shall be located a minimum of 50 feet from any church, school, park, or residentially zoned property & the separation requirement will be measured from property line to property line, Outside storage is prohibited, Live performances & events that occur at lounges must be completely contained within the principal structure of the establishment, limited in scale, ancillary to the primary use, and shall not constitute the level of performance or/and generate the impact(s) that are associated with Dance Halls, as defined in Section 3.26, & Lounges located in the B-1 District are not required to provide off-street parking per Section 8.1-A of the Zoning Ordinance.

As a point of information regarding the addition of various uses to the Table of Permitted Uses, that regularly serve alcohol.

In 2003, liquor by the drink and retail alcohol sales passed by a 2:1 majority, as well as the \$5 million bond referendum for parks and the downtown streetscape project. After the 2003 approval, staff received several requests & interest from developers who were looking to locate-dancehalls, nightclubs, private clubs, and biker bars in the City. Staff felt that since downtown rental rates were so low and the vacancy rate for commercial properties was so high, that without safeguards in place, these types of uses would have a detrimental impact to the vision for downtown Mount Holly. The passage of the dancehalls, nightclubs and lounges ordinance was passed unanimously by City Council, & requires these specified uses to be separated by 300 feet buffer (property line to property line) from any church, public or private elementary or secondary school, child day care or nursery school, public or private two- or four- year college facility, hospital, public park or playground, residentially zoned or residentially used property, public library, & any establishment with an on-premises ABC license.

This essentially was a prohibition on these uses in the Central Business District. Since this time, the City has passed text amendments to allow breweries, microbreweries, distilleries, bottle shops, brewpubs and cigar bar and lounges as a special use or permitted use by right in the B-1 Central Business District, which covers the downtown Mount Holly.

In closing regarding the proposed text amendment, the applicant is only seeking to have the stand-alone use of Lounges added as a permitted use in the B-1 district with certain standards. The separation requirement at the mentioned 300 feet setback & other pertinent requirements for dancehalls and nightclubs would still apply.

The Planning Commission reviewed this case at their July 3rd meeting & voted unanimously, 9-0, to recommend approval of this proposed text amendment.

Fiscal Impact:

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

Manager/Staff Recommendation:

Staff supports approval of this proposed text amendment.

Attachments:

1. Text Amendment Application.
2. Proposed Redlines.
3. Response from Police Department Regarding Proposed Text Amendment.



**APPLICATION FOR TEXT AMENDMENT
CITY OF MOUNT HOLLY, NORTH CAROLINA**

Date Filed: 6/1/23. Application Number: TA-23-6.

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:

To permit lounges to operate in the B-1 district with certain conditions. The proposed text amendment would update the following sections of the Zoning Ordinance: 3.26, 6.2, 6.5, & 7.1.

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

Local Logic Beer, LLC, an established high-end cocktail bar in Monroe, is interested in establishing a location in Mount Holly, more specifically Downtown Mount Holly. To facilitate this, a new use, Lounges, would need to be added to the Table of Permitted Uses found in Section 6.5 of the Zoning Ordinance, and Section 6.2 would need to be updated. We are interested in adding this use to the B-1, Central Business District, only. Other portions of the Zoning Ordinance, including-Sections 3.26-Definitions & 7.1-Notes to the Table will be updated, if this proposed text amendment is approved. Regarding the latter provision, Section 7.1, will add additional standards that will apply to the proposed use. These proposed standards-include: Lounges are permitted to operate no later than 12:00 AM, Lounges operating in the B-1 District shall be located a minimum of 50 feet from any church, school, park, or residentially zoned property & the separation requirement will be measured from property line to property line, Outside storage is prohibited, Live performances & events that occur at lounges must be completely contained within the principal structure of the establishment, limited in scale, ancillary to the primary use, and shall not constitute the level

of performance or/and generate the impact(s) that are associated with Dance Halls, as defined in Section 3.26, & Lounges located in the B-1 District are not required to provide off-street parking per Section 8.1-A of the Zoning Ordinance.

3. Name: Billy Rick

Address 127 S Main St. Mt Holly, NC 28120

704-506-4846
Phone Number

billy.rick@rtrrenovations.com
Email

Billy Rick
Signature of Applicant

INSTRUCTIONS: Applications must be TYPED or LEGIBLE and filed with the City of Mount Holly Planning & Development Department, together with the application fee in the amount of \$250.00-plus \$20.00 per page for each page in the City's Zoning Ordinance that requires updating as a result of the text amendment at least 30 days prior to the Planning Commission meeting for initial consideration.

Proposed Text Amendment to Permit Lounges in the City of Mount Holly

Sections to be Updated

-Section 3.26-Definitions:

Lounge: An establishment which is primarily devoted to the retailing and on-premises consumption of alcoholic beverages (not produced on site), and is licensed by the State to dispense or sell alcoholic beverages. Lounges may also offer food service & provide limited live entertainment & events-which will be completely contained within the principal structure of the establishment. These performances/events will be of limited scale, ancillary to the primary use, and will not constitute the level of performance or/and generate the impact(s) that is associated with Dance Halls, which are defined in this Section.

~~**LOUNGE.** An adult establishment or room in an adult establishment where cocktails are served.~~

-Section 6.2-Rereational Uses (Table of Permitted Uses)

Use Types	Note	R-A	R-20	R-12	R-10	R-8 S F	R-8 M F	R-D	MHMU	O&I	B-1	B-2	B-3	L-I	H-I
Dance halls including night clubs and lounges	24								S		S		S		

-Section 6.5-Retail Trade Uses (Table of Permitted Uses)

Use Types	Note	R-A	R-20	R-12	R-10	R-8 S F	R-8 M F	R-D	MHMU	O&I	B-1	B-2	B-3	L-I	H-I
Liquor stores									X		X	X	X		
Lounge	30										X				
Microbrewery	30								S		S	S	S	X	X

-Section 7.1-Notes to Table. Note # 30. (Update-Note # 24 & New Section to be added: Section 7.1-Note # 30-A-5)

Note 24, Dance Halls, Lounges and Nightclubs.

(A) The use shall be located at least 300 linear feet from a church, public or private elementary or secondary school, child day care or nursery school, public or private two- or four- year college facility, hospital, public park or playground, residentially zoned or residentially used property, public library, any establishment with an on-premises ABC license.

(B) The required distance will be measured from property line to property line.

(C) No two such uses shall be located within 2,000 linear feet of each other; an adult use or any other establishment with amplified music.

(D) See § 3.26(A) for definitions related to a dance hall, lounge and nightclub.

Note 30, Microbrewery, Brewery, Distillery, Bottleshops, & Lounges.

(A) Microbreweries, breweries, distilleries, **bottleshops, & lounges** must comply with the following guidelines as a special use in certain districts.

(5) Lounges.

(a) Hours of Operation: Lounges are permitted to operate no later than 12:00 AM.

(b) Setbacks: Lounges operating in the B-1 District shall be located a minimum of 50 feet from any church, school, park, or residentially zoned property. The separation requirement will be measured from property line to property line.

(c) Outside Storage: Outside storage is prohibited.

(d) Live Performances/Events: Live performances & events that occur at lounges must be completely contained within the principal structure of the establishment, limited in scale, ancillary to the primary use, and shall not constitute the level of performance or/and generate the impact(s) that are associated with Dance Halls, as defined in Section 3.26.

(e) Parking Standards: Lounges located in the B-1 District are not required to provide off-street parking per Section 8.1-A of the Zoning Ordinance.



Paul Lowe <paul.lowe@mtholly.us>

RE: Proposed Text Amendment to Permit Lounges in the B-1 Zoning District

Brian Reagan <brian.reagan@mtholly.us>

Mon, Jul 3, 2023 at 8:38 AM

To: Paul Lowe <paul.lowe@mtholly.us>

Cc: David Sisk <davidsisk@mtholly.us>

Paul,

I don't see any major concerns.

-Brian

Sent from my iPhone

On Wed, Jun 28, 2023 at 9:50 AM Paul Lowe <paul.lowe@mtholly.us> wrote:

Brian & David,

I just wanted to check in. We have a proposed text amendment, the packet is attached, that, if approved, would permit lounges to be operated in the B-1 zoning district. The packet has all of the information in detail, but I have pulled out the proposed definition for lounges below, as well as the development standards that would be placed on the use.

Lounge: An establishment which is primarily devoted to the retailing and on-premises consumption of alcoholic beverages (not produced on site), and is licensed by the State to dispense or sell alcoholic beverages. Lounges may also offer food service & provide limited live entertainment & events-which will be completely contained within the principal structure of the establishment. These performances/events will be of limited scale, ancillary to the primary use, and will not constitute the level of performance or/and generate the impact(s) that is associated with Dance Halls, which are defined in this Section.

(5) Lounges.

(a) Hours of Operation: Lounges are permitted to operate no later than 12:00 AM.

(b) Setbacks: Lounges operating in the B-1 District shall be located a minimum of 50 feet from any church, school, park, or residentially zoned property. The separation requirement will be measured from property line to property line.

(c) Outside Storage: Outside storage is prohibited.

(d) Live Performances/Events: Live performances & events that occur at lounges must be completely contained within the principal structure of the establishment, limited in scale, ancillary to the primary use, and shall not constitute the level of performance or/and generate the impact(s) that are associated with Dance Halls, as defined in Section 3.26.

(e) Parking Standards: Lounges located in the B-1 District are not required to provide off-street parking per Section 8.1-A of the Zoning Ordinance.

The Planning Commission will consider this case on Monday, July 3rd & the City Council will hold a public hearing on this matter at their July 10th meeting.

I wanted to get your feedback on the proposal. Hope that you both are having a good day.

Best Regards,

Paul Lowe
Assistant Planning Director
City of Mount Holly
704-951-3014
paul.lowe@mtholly.us

OLD BUSINESS

NEW BUSINESS



City of Mount Holly Action Agenda Item

To: City Council

Date: 7-5-2023

From: Paul Lowe, Assistant Planning Dir.

Meeting Date: 7-10-2023

Agenda Item to be considered: Review and consider adopting draft mural policy.

Will this require a public hearing?

☐ YES

☒ NO

Background/Purpose of Request: To provide greater structure and predictability to the mural design review & approval process, staff has developed a draft policy which will guide future approvals. The policy addresses both works that are commissioned using public funds & that are located on public facilities, as well murals that are installed on private businesses. Both mural types will be reviewed by the Public Arts Advisory Commission (PAAC) and the City Council under the proposed policy. The review process will be more strenuous for works that are utilizing public funds or will be located on public buildings. The review process for private murals that are located in the public viewshed, defined as any structure (potential mural location) that is visible from any street, public right(s) of way, the common elements of any private street or drive, greenway, planned greenways that are included on any adopted City plan, including the Comprehensive Pedestrian Plan, Comprehensive Pedestrian Plan, or the Park Plan, will be more streamlined. Regarding reviewing private works, staff is not trying to stifle creativity, but trying to ensure that murals implemented throughout the City are inclusive & build on the City's existing mural & public art program.

The PAAC reviewed the proposed policy at their June 21st & voted unanimously to recommend approval of the policy to City Council.

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:

Review & consider approval of the draft mural policy.

Attachments:

1. Draft Mural Policy.



City of Mount Holly

Mural Policy

Adopted ____/____, 2023

Overview

This policy covers two sections (Publicly Fund Projects & Privately Funded Projects) that specifies how each project type is funded, reviewed, and approved within the City of Mount Holly.

Part I-Publicly Funded Projects

Section I-Introduction

With an interest to encourage the development of public art throughout Mount Holly via City lead initiatives & public-private partnerships, the City of Mount Holly has developed this Mural Policy to help provide structure & organization to guide future projects.

- Section II-Goals of Policy-Page #1
- Section III-Funding-Page #-1
- Section IV-Wall Prep-Page # 2
- Section V-Application Submittal-Property Owner Interest-Page # 2
- Section-VI-Artist Selection-Page # 2
- Section-VII-Application Submittal-Concept Approval-Page # 3
- Section VIII-Design Review & Approval-Page # 3
- Section-IX-Artist Agreement & Mural Installation- Page # 3
- Section-X-Applications-Page # 4

Section II-Goals of Policy

The goal of this Policy is to provide guidance to all interested parties regarding the process in which mural projects are managed in the City, to explain each step in the progression, and to ensure that City's process & expectations are clear & transparent. It is the hope of staff that if the City's processes are made clear, that all interested parties will understand the underlying process-helping to minimize misunderstandings, improving transparency-while building upon the City's strong arts programming & excellent array of existing art pieces.

Section III-Funding

The funding for projects will be provided by the City of Mount Holly, and will be funded via the Planning Department's budget. Though the City is interested in expanding the footprint of public art throughout the City, and sees art as a smart investment, the City & staff will look for opportunities for external funding to support future projects. The City is also interested in partnering with Federal, State, and regional art initiatives that could augment opportunities for funding & collaboration. The same is true for non-profits, and motivated patrons of the arts, the City is open to working with all agencies, organizations, and individuals to expand the amount & quality of public art that is found within Mount Holly, though we understand that the City will be chief investor in this endeavor. Though the City will pay for the costs associated with the mural-including: the artist's time, paint, supplies, and equipment, legal fees, and maintenance of the completed work for five years, **the City will not be responsible for the costs associated with prepping buildings for potential mural projects.** This will

be the responsibility of the building owner. This distinction is made to ensure that City's finite resources are used to fund costs directly associated with implementing art in Mount Holly.

Section IV-Wall Prep

Walls should be prepped via both paint & pressure washing, and must be free of peeling paint. Also, the wall itself should be free from cracking, and should be in an overall good condition. Again, it is the responsibility of the property owner to prep their building. A building would need to be prepped before the City will consider any applications for a property. Prepping a wall usually includes: pressure washing the proposed surface, filling any holes or cracks to level uneven surfaces, and priming the wall with a latex primer. The City will utilize a third-party paint contractor, to ensure that walls are free from any outstanding issues & is suitable site for a mural or other artistic work.

In general, smooth surfaces of brick, plaster & concrete offer the best surfaces for murals. Wood and aluminum are not recommended materials for permanent murals. Murals may be painted directly on the final surface, or on panels which are affixed to the wall either before or after painting. It is recommended that a professional artist or painter be retained to prepare a wall on behalf of a property owner. The quality of the surface preparation will determine the quality of the finished product, making this step very important- not only to protect the City's investment but also to ensure that the City & its citizens receive the best possible product possible.

Property owners of buildings located in the Downtown Overlay District should follow the standards outlined in the City's Manual for Development in Downtown Mount Holly when working to prep their buildings.

Section V-Application Submittal-Property Owner Interest

Interested property owners must complete a City of Mount Holly Mural Consideration Application. This application, once completed, can be submitted to the Planning Department. The application informs staff of the property owner's interest in the mural program, and informs & allows property owners to acknowledge their responsibilities associated with participating in the program.

After the application is received, and deemed complete, staff will contact the City's hired paint contractor to determine if a proposed wall or structure has been prepped & is structurally sound to support a mural. After this assessment is complete, and the proposed wall is judged to satisfactory, staff will forward the application to the City's Public Arts Advisory Commission (PAAC), and City Council for consideration as a site for a future mural location.

If a property is ultimately selected as a site for a future mural, property owners would next complete the City's Mural Program Agreement, which is outlined in Section VII of this Policy.

Section VI-Artist Selection

The City will utilize a request for qualification (RFQ) system to locate artists for potential projects. After artists have been identified, staff will consolidate proposals, and present them to the PAAC for review & approval. PAAC members will consider each proposal & will select the best artist(s) for projects. At this stage of the process, artists are not expected to have a final concept designed. The refinement of designs can occur over the next two steps-giving both the property owner & PAAC members comfort & confidence in the design before it is routed to City Council for final approval.

Section VII- Application Submittal-Concept Approval

Once the artist is selected by the PAAC, the artist can start working directly with the property to vet their design proposals. After a design has been agreed upon between the artist & the property owner, a Mural Program Agreement application can be submitted to the Planning Department. This form provides an opportunity for the property owner to formally approve the proposed draft/concept from the artist, and grants staff permission from the property owner to pursue the selected mural project. After this step is completed, staff will consolidate all supporting information regarding a particular mural project site, & route this information to PAAC members-who will consider the proposed design.

Section VIII-Design Review & Approval

To start the design review process, PAAC members will be presented the proposed design at one of their regularly schedule meetings. The artist(s) will be invited to all meetings when their designs are being discussed. PAAC members will work directly with the artist to refine proposed designs until all members feel a comfort with the imagery, tone, and overall design of the planned mural. After agreement has been reached on the proposed design, PAAC members will vote to recommend the design to City Council for final approval. Staff will forward the PAAC's recommendation to City Council, and will present the item before Council. The City Council would then consider the proposed design, & hold a final vote on the matter.

Section-IX-Artist Agreement & Mural Installation

After the final design is approved by City Council, staff can start working with the artist(s), property owner, and the City Attorney to have the artist agreement & easement agreement prepared. Staff, and the others involved in this process, can start working on these items before final approval from City Council, but these deliverables can not be finalized, signed, or recorded until City Council considers the matter. Also, after City Council approves a design, a purchase order can be issued by the City's Finance Department for payment to the artist(s).

The artist agreement should break down all costs associated with the installation, and should be totaled, and a completion date should be specificized. A clause ensuring the satisfaction of the City as well as the need for a final clear coat application to protect the completed work should be added to the agreement. Staff will approve the agreement, and will work with the artist(s) to ensure that it is complete & satisfactory to the City.

Prospective artists should be made aware that funded works can be used in marketing materials produced by the City without any prior approval or compensation provided to the artist.

The easement agreement will be prepared by the City's Attorney, and will need to be signed by the property owners. Easement agreements sometimes require the approval of property owners' lenders, so property owners will sometimes have to complete additional paperwork to have the easement approved. The maintenance of the completed work will be addressed in the easement agreement. After the agreement is approved, it should be recorded in the Register of Deeds.

After these two agreements are in place, the mural can be installed.

After completion, the City can assist with outreach, marketing, & events to promote the newly completed work.

Section-X-Applications



City of Mount Holly

Planning & Development Department
400 East Central Avenue
Mount Holly, NC 28120

City of Mount Holly-Mural Consideration Application

Part 1: Property Owner Interest/Building Consideration

This application outlines the needed information & the responsibilities of private property owners that participate in the City of Mount Holly's Mural Program. This is a two-part agreement. Part 1 allows for the property to enter their property into consideration for a mural, which will ultimately will be determined by the Public Arts Advisory Commission & City Council of Mount Holly. If the property is ultimately selected as a site for a mural, then the property owner would need to complete the second part of this form, the Mural Program Agreement Application. This form allows the selected artist to present the property owner their concept, and have it approved. It also grants staff permission to move forward with mural installation. (FYI: A separate access easement will need to be completed, signed, & recorded before work can commence at any property.)

Mural Location (FOR OFFICE USE)	
Property Address	
Description of Mural Location	
Parcel #(s)	
Property Owner	
Name	
Mailing Address	
City / State / Zip	
Primary Phone	
Email	
Preferred Method of Contact (check one):	☐ Email ☐ Telephone ☐ Mail

Responsibility Statement

The property owner must agree to comply with each of the following terms as consideration for participation in the Mount Holly Mural Program. The application will not be accepted unless the property owner of the property on which the mural is to be located agrees to these terms by initialing each of these items (pending property owner approval of final mural concept).

Initials	Statements
	The proposed mural is a hand-produced work of visual art; the original design is owned by the artist. The mural is an original design, created by the artist. Once the concept is approved, no changes to the concept may be requested by the property owner.
	The property certifies that the proposed mural location has been prepped & is free of deficiencies, and structural issues.
	The property owner must agree that the proposed mural will remain in place, without alterations other than necessary maintenance and repair, for a period of at least five years.
	The City of Mount Holly will be responsible for the maintenance and repair of the mural for a period of at least five years.
	The City of Mount Holly may elect to maintain and repair the mural for up to ten years but is under no obligation to do so.
	If the mural requires maintenance and/or repair, the property owner should contact the Planning Department. The owner must allow for required maintenance and/or repair.
	Prior to installation of the mural, the building owner will be required to grant the City an easement for access to and use of the mural location.
	Neither the building owner nor any tenant will receive compensation for the display of the mural or the right to place the mural on the site.
	The property owner agrees not to hold the City of Mount Holly or any City employees liable for injuries or damages caused by participation in this program.
	Permission is hereby granted to the City and/or the City's designees to visit, inspect, examine, and/or measure my property or take any other steps necessary to determine the fitness or appropriateness of my property for consideration in this program.

Signature of Property Owner for Mural Consideration

I certify that I am the property owner of the property listed in this Agreement, that each of the above initialed items is true, & that by signing below I am bound to each of these terms. Further, I give the City of Mount Holly permission to consider my property for a mural & understand that my signature below does not give permission for a mural to be installed on my property until I approve the concept (Part 2).

Property Owner Name(s) (printed): _____

Property Owner Signature(s): _____ Date: _____



City of Mount Holly

Planning & Development Department
400 East Central Avenue
Mount Holly, NC 28120

City of Mount Holly-Mural Program Agreement Application

Part 2: Concept for Owner's Review

Mural Concept Description [FOR ARTIST]

Artist Name	
Artist Phone #	
Artist Website or/and Email	
Mural Name	

Please use additional sheets, if needed, to provide complete responses to the questions listed below.

Describe the mural concept.

Describe how the mural will be attached to the building wall.

Describe the materials to be used for the mural, the durability of the materials, and any maintenance requirements associated with the materials.

Describe the estimated amount of time ("good weather days") and any equipment that will be required to complete the mural. Describe any potential interference with day-to-day business operations (if any) and a strategy to mitigate interference.

Mural Type (check all that apply)				
☐ Mural painted on exterior building wall				
☐ Mural on aluminum panel, affixed to exterior building wall				
☐ Mural consisting of tile or other material affixed to exterior building wall (Material:_____)				
☐ Other: _____				
Mural Dimensions				
Width	Height	Total Area	Depth	Height Above Grade

Part 2: Signature of Property Owner Confirming Approval of Mural Concept

I certify that I have read, understand, and will abide by the entirety of this Agreement, both the Mural Consideration application, and the Mural Program Agreement. Further, I give the City of Mount Holly permission to move forward with a mural installation on/at my property (pending funding, the availability/interest of artists, weather, & other contributing factors), as described in the above concept.

Property Owner Name(s): _____

Property Owner Signature(s): _____ Date: _____

State of: _____ County of: _____

Sworn and subscribed before me this __ day of _____, 20__ by_____.

 (Seal) _____, Notary Public
 Commission Exp. _____

Part II-Privately Funded Projects

Section I-Introduction

With an interest to encourage the development of public art throughout Mount Holly via City lead initiatives & public-private partnerships, the City of Mount Holly has developed this Mural Policy to help provide structure & organization to guide future projects. While privately funded murals will not receive City funds to complete project implementation, certain review standards will be required prior to project installation. This review of private mural projects will be completed by the Public Art Advisory Commission (PAAC) & by City Council in an effort to ensure that art found in Mount Holly is inclusive & builds on the City's existing mural & public art program.

- Section II-Goals of Policy-Page # 8
- Section III-Funding-Page # 8
- Section IV-Wall Prep-Page # 8
- Section V-Application/Approval Requirements Page # 9
- Section-VI- Mural Installation- Page # 9
- Section-VII-Application- Page # 10

Section II-Goals of Policy

The goal of this Policy is to provide guidance to all interested parties regarding the process in which mural projects are managed in the City, to explain each step in the progression, and to ensure that City's process & expectations are clear & transparent. It is the hope of staff that if the City's processes are made clear, that all interested parties will understand the underlying process-helping to minimize misunderstandings, improving transparency-while building upon the City's strong arts programming & excellent array of existing art pieces.

Section III-Funding

The funding for privately organized projects will be provided by individuals, businesses, and non-profits. The City of Mount Holly will not provide funding to privately funded projects, which do not go through the more strenuous review & approval process that publicly funded projects go through.

Section IV-Wall Prep

It is suggested that walls should be adequately prepped before any murals are installed.

Prepping a wall usually includes: pressure washing the proposed surface, filling any holes or cracks to level uneven surfaces, and priming the wall with a latex primer.

In general, smooth surfaces of brick, plaster & concrete offer the best surfaces for murals. Wood and aluminum are not recommended materials for permanent murals.

Property owners of buildings located in the Downtown Overlay District should follow the standards outlined in the City's Manual for Development in Downtown Mount Holly when working to prep their buildings.

Section V-Application/Approval Requirements

All murals that are planned to be installed in the public viewshed, must be first be approved by the Public Arts Advisory Commission (PAAC), and the City Council. The public viewshed is defined as any structure (potential mural location) that is visible from any street, public right(s) of way, the common elements of any private street or drive, greenway, planned greenways that are included on any adopted City plan, including the Comprehensive Pedestrian Plan, Comprehensive Pedestrian Plan, or the Park Plan.

Proposed murals may be located on sides & rears of buildings. Murals can not be located on the front of buildings.

Interested applicants will complete a Mural Design Review application, and turn it into the Planning Department. Staff will forward the application, after it is deemed complete, to the PAAC for their review. After considering the request, PAAC members will vote on the request, either to recommend approval or denial of the proposed design to City Council for final approval. Staff will then forward the PAAC's recommendation to City Council, and will present the item before Council. The City Council would then consider the proposed design, & hold a final vote on the matter.

Section VI- Mural Installation

After the final design is approved by City Council, the mural can be installed. After completion, the City can assist with outreach, marketing, & events to promote the newly completed work.

Section VII- Application



MOUNT HOLLY PLANNING AND DEVELOPMENT

Mural Design Review Application

Date Submitted: _____

Provide the required information as indicated below & provide a rendering of your proposed mural design.

Name of Applicant: _____

Owner of Property (if different): _____

Phone Number: _____ Email: _____

Property Address: _____

Mailing Address (if different): _____

Parcel # (s): _____ Zoning District: _____

Overlay District(s): _____ Artist(s) Name: _____

Width	Height	Total Area	Depth	Height Above Grade

Initial:

_____ I understand that the proposed mural design will need to be reviewed & approved by both the Public Art Advisory Commission (PAAC) & by City Council.

_____ I understand that proposed murals may be located on sides & rears of buildings. Murals cannot be located on the front of buildings.

_____ I understand that if my property is located in the Downtown Overlay District, I will follow the standards outlined in the City's Manual for Development in Downtown Mount Holly when working to prep their buildings.

Applicant:

Owner of Property (if different):

Name

Name

Signature

Signature

Date signed

Date signed

(Attach additional signature pages as needed.)



City of Mount Holly Action Agenda Item

To: City Council

Date: July 5, 2023

From: Greg Beal, Planning Director

Meeting Date: July 10, 2023

Agenda Item to be considered: Consideration and Approval of Dutchman's Creek Blueway Study

Will this require a public hearing?

☐ YES

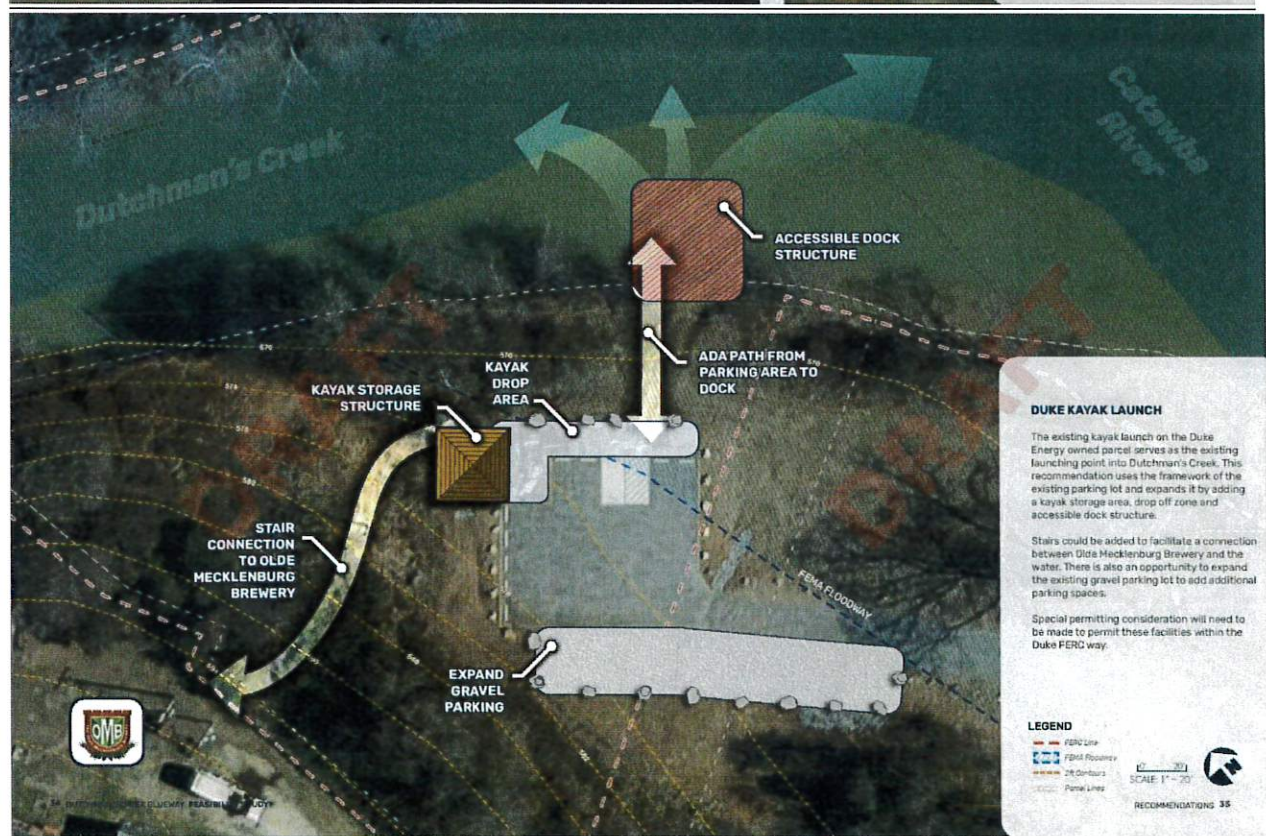
☒ NO

Background/Purpose of Request: The Dutchman's Creek Blueway Feasibility Study is being presented for consideration and recommended adoption. McAdams, was the chosen consultant on this project, and Nick Lowe and his team have worked with the City on several other projects in recent years. The project started out with a Steering Committee meeting on May 11th at the Municipal Complex, followed by a kayak tour of the 2-mile study area. Planning staff members, along with Mark Jusko, Parks and Rec Superintendent, joined the reps from Woodlawn Mill, OMB, Muddy River Distillery and Duke Energy. Our consultants from McAdams, Nick Lowe and Jeremy Wegrzyn, led this and other meetings and correspondence. Tami Styer, Senior Project Manager from Duke Energy, supplied maps showing that Duke Energy controls the shoreline from the Dutchman's Creek Access to past the Woodlawn Mill.

Our biggest hurdle in all of this was the shoreline classification past River Street Park, being all environmental or natural and protected from disturbance. Ms. Styer did state that existing natural areas could be utilized as kayak drop-points and several properties have sandy banks, which would serve this purpose. Nick Lowe directed a key question to the business/property owners, including John Marrino (OMB), Robbie Delaney (Muddy River Distillery) and Camron Gilstrap and Lawrence Black (Woodlawn Mill), and he asked what they were seeking. John Marrino said that he hopes that he could connect to River Street Park through greenway access and would like to work with the City to install stairs or a ramp to the Dutchman's Creek Access Area from 725 Elm Street. He also would like to see a more permanent fixture, such as a concrete ramp at the City-leased kayak launch, near the boat landing, as the existing one is quite eroded. Tami Styer said that those improvements are definitely possible, given the recreational aspect of this 5-acre property. Robbie Delaney said that he loves the idea of a greenway connection along Dutchman's Creek, but he wants to make sure that the greenway bank is protected, given all the flooding that has taken place to prevent a washout. The Woodlawn Mill developers stated that they were just interested in the possibilities for an amenity, such as a greenway and blueway, as they have a 4-acre piece of property fronting Dutchman's Creek.

The feedback at the kickoff meeting, coupled with data research and a follow-up tour of the areas along the creek, analyzing existing conditions, led to the completion of the Dutchman's Creek Blueway Feasibility Study. McAdams will be present at the meeting to cover the highlights of the study itself and go over some of the recommendations.

Please see two key plans from the Study, which have been included in recent updates. The first plan concerns River Street Park and a concrete kayak ramp, since our kayak launch has not held up well with flooding. The second plan shows the Dutchman's Creek Access Area that the City leases from Duke Energy and a recommended ADA kayak launch at this location.



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

Manager/Staff Recommendation: Staff recommends approval of the Dutchman's Creek Blueway Study. Mark Jusko sent the Study to the Parks and Rec Commission for any comments or suggestions, and he received very positive responses, with those agreeing that Dutchman's Creek could be a valuable amenity from a recreational standpoint with the proposed improvements being well-thought-out.

Result of City Council Decision:

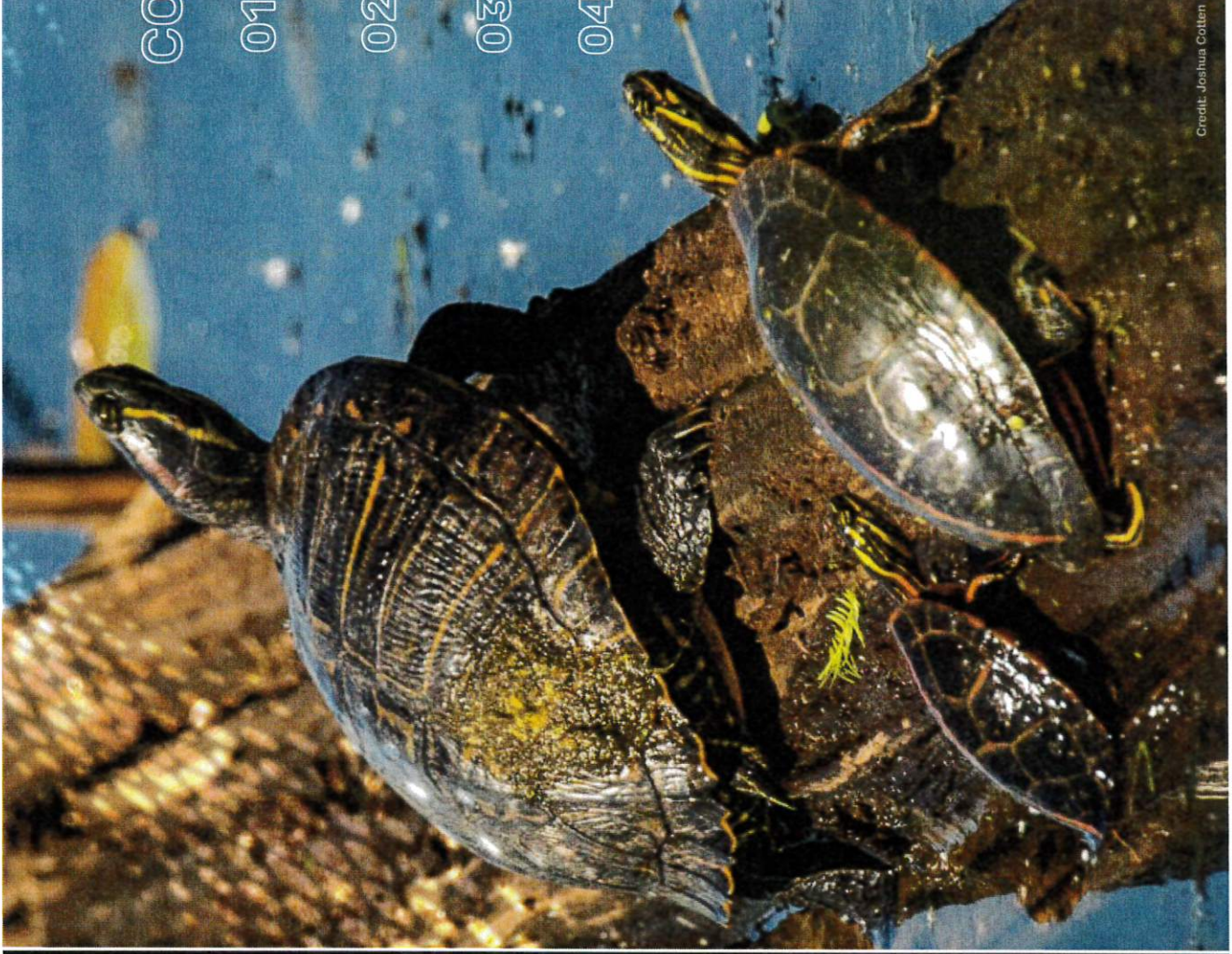
Attachments: *Dutchman's Creek Blueway Study (separate attachment due to size)*



DUTCHMAN'S CREEK BLUEWAY
FEASIBILITY STUDY
FALL 2023

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Credit: Joshua Cotten

ACKNOWLEDGMENTS

Greg Beal - City of Mount Holly
Paul Lowe - City of Mount Holly
Mark Jusko - City of Mount Holly
Michael Godwin - City of Mount Holly
Abigail Miller - City of Mount Holly
Tami Styler - Duke Energy
Cameron Gilstrap - Greer Mill Developer
Robbie Delaney - Muddy River Distillery
John Marrino - Olde Mecklenburg Brewery

City of Mount Holly
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MCA DAMS



01

INTRODUCTION

INTRODUCTION

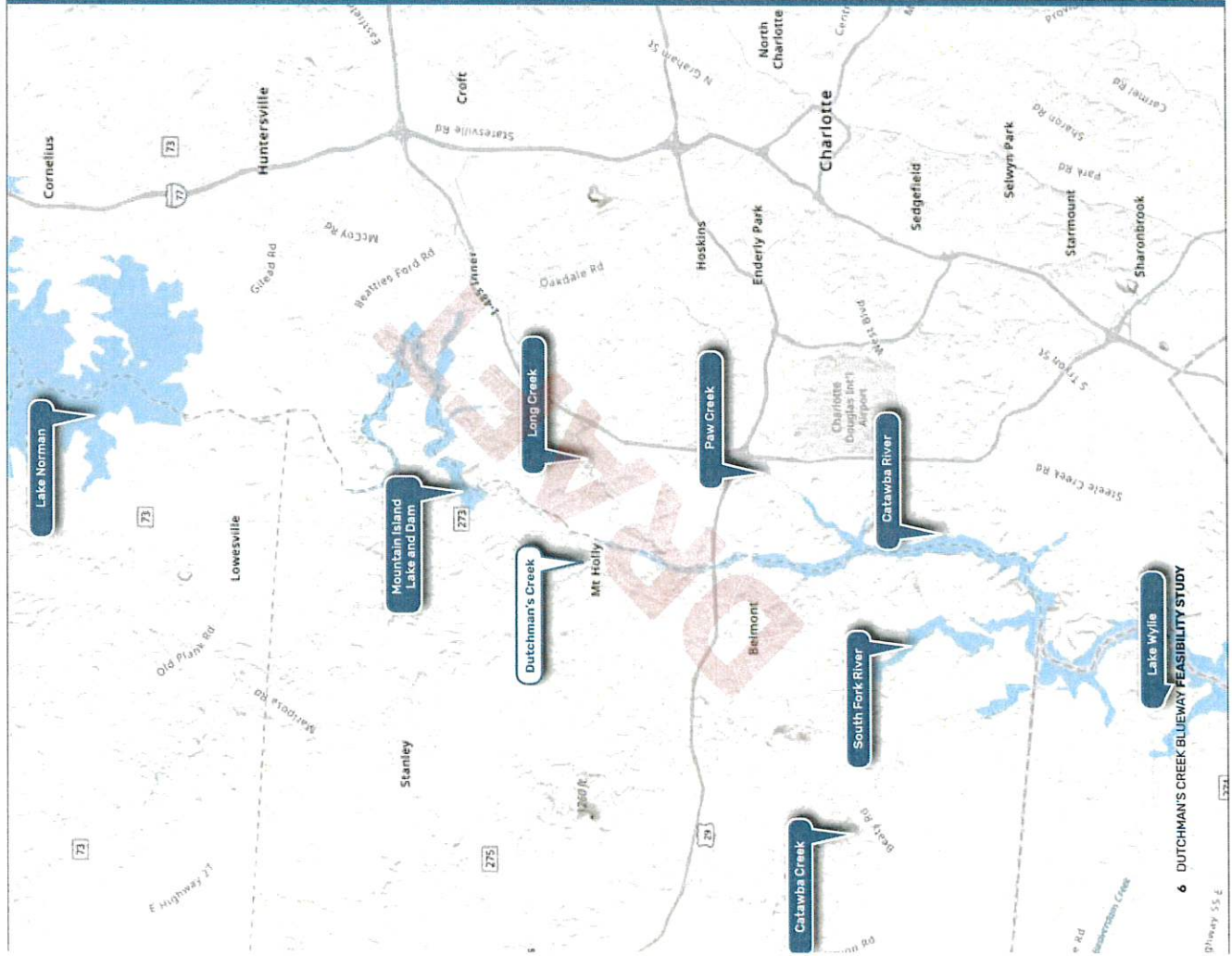
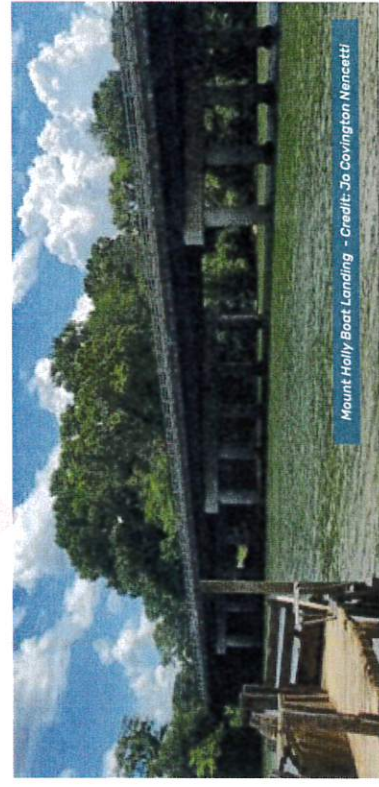
OVERVIEW

BLUEWAYS DEFINED

Blueways are hotspots for recreation and all sorts of activities both in and adjacent to the water, and can be used for boating, kayaking, fishing, or swimming. Dutchman's Creek presents a unique opportunity given the surrounding context, and this document explores the potential experience that could be imagined, in partnership with public and private entities, to demonstrate the significance of activating the waterway. The goals of this plan reflect the needs and desires of the public as well as project stakeholders and should serve as a starting point to imagining an activated waterway.

IN THE CONTEXT OF DUTCHMAN'S CREEK

This study focuses on a 2-mile section of Dutchman's Creek, specifically examining how access can be provided to the creek through local businesses and City-owned properties along the creek corridor. The goal of the plan was to assess current conditions, recommend a system of travel connecting kayakers to businesses, and guide future recreational development along Dutchman's Creek.



PROJECT GOALS

The project goals, collaboratively developed with the stakeholder group and The City of Mount Holly Planning Staff, are as follows:

01

REVITALIZE DUTCHMAN'S CREEK AS AN INVITING SPACE FOR PEOPLE AND ESTABLISH STRONGER CONNECTIONS BETWEEN THE PUBLIC AND THE WATER

02

PRESERVE THE NATURAL AND HISTORICAL FEATURES WHILE CREATING A DISTINCTIVE WATER-BASED RECREATIONAL DESTINATION FOR THE REGION

03

LEVERAGE PUBLIC / PRIVATE DEVELOPMENT PARTNERSHIPS TO ENCOURAGE A WIDE RANGE OF RECREATIONAL USES ALONG THE BLUEWAY

04

INTEGRATE EFFECTIVE BLUEWAY BRANDING AND WAYFINDING STRATEGIES THAT HIGHLIGHT THE DISTINCTIVE FEATURES WITHIN DUTCHMAN'S CREEK

STAKEHOLDER ENGAGEMENT

The planning process commenced with a kick-off meeting involving the City of Mount Holly and a dedicated Steering Committee. The committee consisted of essential City staff members, representatives of businesses and property owners along the study corridor identified by the City of Mount Holly. Duke Energy Lake Management also played a crucial role as a key stakeholder in this study.



PREVIOUS PLANNING EFFORTS

Multiple previous planning efforts were carefully assessed to provide valuable context and relevant information for this study. Each plan is summarized below

2018 STRATEGIC VISION PLAN

The Strategic Vision Plan lays the groundwork for the future City of Mount Holly vision and communicates six core community values that are the basis of all plans moving forward. The values and vision are based on the strategic visioning process conducted by the City in 2003, and The Strategic Vision Plan outlines Mount Holly's strategic goals for achieving its vision. The intent of the Strategic Vision Plan is to be the first part of a five-part community planning process undertaken by Mount Holly beginning in 2006, with the intent of being built upon through various planning efforts today.

Small Town Character

Natural Environment

Visionary Leadership

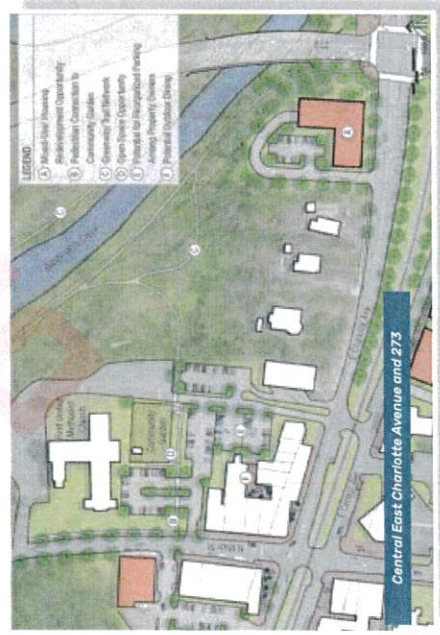
Broad Business Base

Efficient Transportation

Excellence in Education

The Strategic Vision Plan specifically outlines three areas directly relevant to this study, including the North Three Corners/Alsace (Mount Holly Cotton Mill) Development, the North Woodlawn Avenue Mill Development, and the Central East Charlotte Avenue / 273 intersection.

The goals of this plan for these three study locations have been incorporated into this blueprint document, with the plan excerpts located on this page. A full version of the Strategic Mount Holly Vision plan can be found on the City of Mount Holly's website.

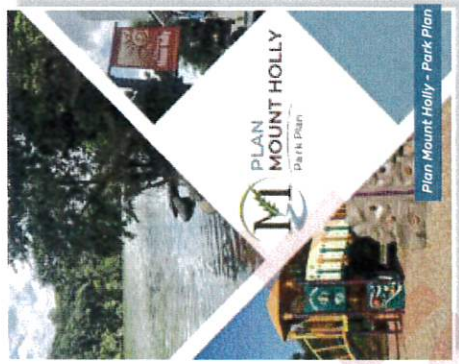


PLAN MOUNT HOLLY - PARK PLAN RIVER STREET PARK

River Street Park is classified as a neighborhood park, and provides residents sports fields, activities, and picnic shelters. This 6.5-acre park offers residents the opportunity to play on playgrounds, a view into Dutchman's Creek, or rent a picnic shelter and grill for the afternoon. Other amenities include a basketball court, volleyball, baseball field, disc golf, slides and riverfront access along Dutchman's Creek for kayaks, canoes, and fisherman.

The stream banks within park property are degraded and need to be restored, and numerous walking paths through the park are no longer adhere to American Disability Act standards. The park has potential, and will connect the future Dutchman's Creek Greenway and the City's recent purchase of several adjacent parcels together providing one continuous recreational experience. The recommendations for renewal at the park which directly influence this feasibility study include:

- *Pave the paths throughout the park to make it safer and more accessible.*
- *Stabilize and add riparian plantings to the bank of Dutchman's Creek, particularly near the kayak launch, to prevent erosion and beautify the riverbank.*
- *Highlight Dutchman's Creek Greenway after construction.*
- *Evaluate an expansion of the park in the new City-owned parcels.*



PLAN MOUNT HOLLY - PARK PLAN WEST NIMS AVE

The City-owned property along West Nims Avenue is a wooded oasis along Dutchman's Creek that would directly benefit the community. The parcel already provides a lightly cleared dirt trail along the creek bank. This 5.2-acre property is owned by the City and is planned to become a neighborhood park in the near future. River access would make this park a desirable place to visit. The proposed plan improvements that would directly benefit this blueway study include:

- *A small trailhead at the entrance location for those desiring access to the river*
- *Formalizing the existing trail system to a paved path material*
- *A dog park with possible water access along the shores*
- *Enhanced seating along the shoreline*
- *An overlook deck and picnic shelter*



CITY OF MOUNT HOLLY - FUTURE LAND USE PLAN

Plan Mount Holly is one process resulting in two plans. The Land Plan will provide a comprehensive strategy for aligning future growth with the various elements of the community itself. Concurrently, a Park Plan will provide a blueprint for future investments in parks, recreation, and open space. Through Plan Mount Holly, the Land Plan and Park Plan directly relate.

In conjunction with the Parks and Recreation plan, the City adopted a policy to respond to information as it's identified during the planning process, whether as part of review of previous or ongoing initiatives, new analysis, or public input collected along the way.

The Plan Mount Holly process focused on a core purpose—to ensure an informed decision, rooted in community values, is used to select a preferred growth strategy. This growth strategy, in turn, provides clear direction for land use, design, and transportation initiatives.



Plan Mount Holly is one process resulting in two plans.

- Plan Mount Holly

DUTCHMAN'S CREEK GREENWAY FEASIBILITY REPORT

According to the strategic vision plan and greenway feasibility report, set forth by the City of Mount Holly, Dutchman's Creek greenway would have numerous benefits to enhance the walkability between downtown and the greater greenway network. In the short term the greenway would preserve and enhance small town character, continue to connect to the downtown core, and further improve connections throughout the city.

Identified to be implemented sometime within 2020 - 2025, Dutchman's Creek Greenway has been explored through feasibility studies and has advanced through to detailed design. In the near future, a pedestrian bridge crossing over Dutchman's Creek will provide a connection to the properties on the northern side of the river. This blueway study looks to capitalize on the planned improvements for this greenway to allow users a visible connection, access points, and other use between the blueway and the planned Dutchman's Creek greenway. The greenway will also connect to other parks and significant sites along the creek.

Several connections to this greenway include but are not limited to linking River Street Park, Veterans Park, and Woodlawn Park, while further enhancing the development of private property at the former Mount Holly Cotton Mill Site and other parcels along the corridor. The established areas of this greenway follow a similar corridor to Dutchman's Creek, and to the greatest extent possible highlights the natural stream corridor while also connecting many of the other private redevelopment opportunities identified within the study.





Credit: Filip Mroz

02

EXISTING CONDITIONS & ECONOMIC OPPORTUNITIES

EXISTING CONDITIONS

GENERAL SITE INFORMATION

This report has been developed to guide planned blueway improvements along the waterway known as Dutchman's Creek, located within the jurisdictional limits of the City of Mount Holly.

CITY-OWNED PARCELS

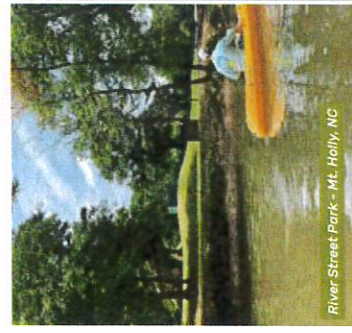
The greater context should first be understood in order to put into perspective the corridor this study aims to evaluate. Below are City-owned parcels that fall just outside the corridor, but are important to consider given they share a connection to the Dutchman's Creek waterbody.

1 Sandy Ford Road

- Size: 18.6 acres (Neighborhood Park)
- Context: adjacent to Dutchman's Creek
- Condition: heavily wooded

2 Pinewood Drive

- Size: 20.2 acres (Community Park)
- Context: adjacent to Dutchman's Creek
- Condition: heavily wooded



3 Mountain Island Rd

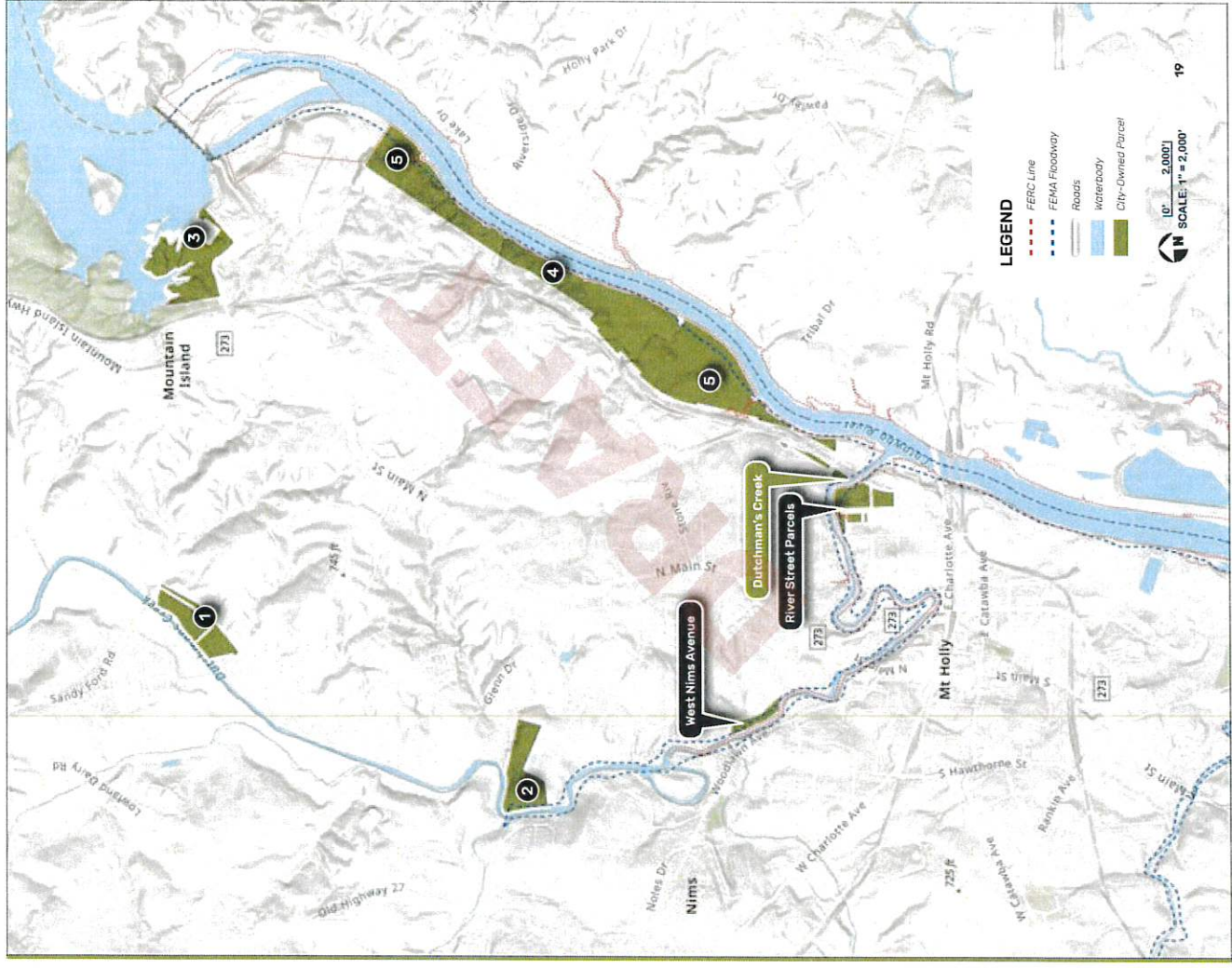
- Size: 311 acres across multiple parcels (Open Space)
- Context: Adjacent to Mountain Island Park at Mount Holly
- Condition: mostly wooded with the exception of a cleared power easement

4 City House Property

- Size: 14.4 acres (Neighborhood Park)
- Context: Adjacent to Dutchman's Creek
- Condition: partially wooded with an existing house

5 Clean Water Mgmt. Trust Fund Land

- Size: 136.7 acres (Open Space)
- Context: Adjacent to Catawba River
- Condition: Planned greenway and conservation space, future park amenities



LEGAL USE / PERMITTING CONSIDERATIONS

Dutchman's Creek lies within FEMA regulatory waters, and any impacts to these streams, associated stream buffers or wetlands must be coordinated with the US Army Corps of Engineers (USACE) and applicable Gaston County agencies. A detailed hydraulic analysis to ensure conformance with floodplain development ordinances will need to be performed in advance to implementing permanent infrastructure within the floodway. In addition, Duke Energy also has federal regulations that enforces development along the shores of Dutchman's Creek.

As part of Duke Energy's licensing agreement with the Federal Energy Regulatory Commission (FERC) for the Catawba-Wataree hydroelectric project, a shoreline management plan dictates development/construction along the shoreline in accordance with normal maximum water surface elevation of 569.4ft at the time this document was written. Any break in this shoreline for waterway improvement is subject to Duke Energy review and approval.

This creek's waters are also protected to remain "navigable-in-fact" waters. Additional information regarding the legal opinion from the North Carolina Department of Justice has been included within the appendix. *EXHIBIT A*

PRIVATE DEVELOPMENT ALONG DUTCHMAN'S

Private development partnerships on parcels abutting Dutchman's Creek will aid in the success as a place for visitors and residents to float, kayak, fish, explore and experience.

NORTH MAIN & EAST CHARLOTTE REDEVELOPMENT

Several parcels have been identified as development opportunities or long-term planning opportunities at the cross-roads of 273 and East Charlotte Ave, as well as the bridge over Dutchman's Creek at North Main Street that should be considered in this study. Both of these roadway bridges are identified as open space opportunities that could enhance the connectivity the blueway provides to the surrounding Core Area Assessment Plan. Other, short-/mid-term enhancements to the North Main and East Charlotte improvements are listed below.

Within the Strategic Vision plan, the City of Mount Holly is considering a pedestrian connection linking the community garden located on the property of the Mount Holly First United Methodist Church to North Main Street. This connection would provide a direct link to the Mount Holly Trail network and a connection to the Dutchman's Creek waterway.



WOODLAWN MILL

The Downtown North Area Plan also identifies the Woodlawn Mill redevelopment as having possible short- and long-term implementation strategies. Plans for connecting to the Historic Mill site should be considered given the proximity to Dutchman's Creek.

Specifically, the plan for private development that has City support desires to establish a makers space for artists and entrepreneurs. The short-term vision incorporates the Mill elements within the spatial design but also would consider the following elements.

- Amenity/gathering space between buildings
- Parking lot with bio-retention
- Connections to Dutchman's Creek pathway
- Woodlawn Avenue streetscape improvements
- Riparian buffer plantings and restoration

The long-term recommendations for this site represent a significant opportunity to establish a phased development approach that will utilize the building for different uses over time. In the future, the phasing and visioning for this space should consider the connection to Dutchman's Creek Blueway, adjacent neighborhoods, and Downtown Mount Holly.

“It is a historic site, and we'd love for it to be something.”

• Brian DuPont
Asst. Planning Director

FIREHAWK BREWPUB

The former firehouse was slated in the short term to provide an opportunity for adaptive reuse or infill development. In 2023 this site was developed into a brewpub, gathering people towards the northern end of the City of Mount Holly, and in close proximity to downtown. As a draw towards this region of the City, the continued success of this culturally significant reuse would greatly benefit from public investment of a blueway and greenway connection to the wooded property.

The old firehouse currently has places for people to sit and gather along the banks of Dutchman's Creek. The location offers views into the creek, complimented by the trickling sounds of water falling graciously over stone. The newly adapted brewery site is in an ideal location and should be considered for active recreation in the long term.

The long-term vision for this site would include the six acres towards the creek, with possible complimentary uses including residential development and unique access to Dutchman's Creek Greenway and Blueway.



Firehawk Brewpub



Firehawk Brewpub

MOUNT HOLLY COTTON MILL - MUDDY RIVER DISTILLERY

Situated proudly along the banks of Dutchman's Creek, The Mount Holly Cotton Mill stands as the oldest remaining cotton mill in Gaston County. In an exciting development, the mill is set to undergo a transformative renovation to become a distinguished distillery. Muddy River Distillery, poised to breathe new life into this historic space, will take over the former mill that ceased operations in the 1970s. As part of the renovation process,



Muddy River Distillery

Muddy River Distillery aims to open its doors to the public in 2024, welcoming visitors to experience their exceptional offerings.

The Mill site is on the National Register of Historic Places (NHRP) and will showcase its history to future guests through the reuse of brick and stonework which was original to the building. The landscape of the future distillery also reinforces the history of the old Mill site. Perched atop the elevated banks of Dutchman's Creek, the building presents a remarkable vantage point that offers a unique opportunity for future guests to engage with and connect to the waterway.



Muddy River Distillery Mill Site

THE OLDE MECKLENBURG BREWERY & BIERGARTEN

Located at the intersection of Dutchman's Creek and the Catawba River, the former Mount Holly Water Treatment Facility was recently purchased with the intent to convert the site into a new brewery. The Olde Mecklenburg Brewery & Biergarten purchased the property in 2022 and anticipates commencing construction at the time this study is written.

The location is anticipated to feature a spacious 7,000 square feet, inviting guests to indulge in a serene and inviting ambiance, reminiscent of the brewery's successful establishment in Charlotte, NC.

The location of the new site on Dutchman's Creek will uniquely provide users an opportunity to explore the riverbank, while grabbing a drink or a bite to eat from the new two-story building. This study will recommend connecting the site to the Creek to provide recreational access.



Olde Mecklenburg Brewery - Charlotte, NC



Olde Mecklenburg Brewery - Rendering Courtesy Gaston Gazette

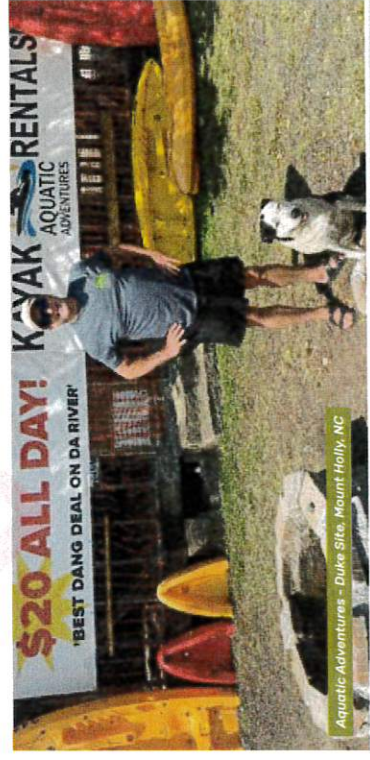
MOUNT HOLLY BOAT LAUNCH & DUTCHMAN'S CREEK KAYAK LANDING

The kayak launch is located on the Catawba River and serves as the closest boat launch with access to Dutchman's Creek. Currently the parcel is owned and maintained by Duke Energy, but the City of Mount Holly has an access agreement with Duke Energy which makes the amenity available to the public free of charge.

The existing wooden pier, which lines the mouth of the boat ramp, makes a perfect fishing location. The ability to stand on the gravel parking lot allows visitors to admire the East Charlotte Avenue Bridge which parallels the train trestle and spans the Catawba River. The location of the ramp and ample parking is a great amenity for Mount Holly residents and visitors. The locally owned outfitter provides first-hand knowledge of the river and creek.

Doug Miller and his dog Roxy manage and operate Aquatic Adventures, the kayak rental outfitter on the property. Doug provides local insight to the Catawba River and Dutchman's Creek, often mentoring visitors on techniques and educating users on the hidden gems that are the best locations to experience along the waterway.

Doug hosts several events throughout the summer including "Moonlight Paddles" which is a group event that provides patrons a nighttime water excursion exploring both the Catawba River and Dutchman's Creek. He also hosts events which are launched from Muddy River Distillery where guests are provided with a kayak at the location of the distillery and float back down to the rental store at the mouth of Dutchman's Creek.



Aquatic Adventures - Duke Site, Mount Holly, NC

LAY OF THE LAND.. ER.. CREEK

The existing facilities and character of the creek are vividly represented through its natural and historic features, providing valuable insights into potential remediation opportunities. The experiences offered by private businesses further contribute to the creek's unique charm. Additionally, this assessment examines the opportunities and obstacles that lie ahead for future blueway development. The specific locations relevant to these aspects are highlighted below, numerical identifier correspond to the existing conditions spread.



Historic Dam Structure



Firehawk Brewpub - Outdoor Seating Near Creek



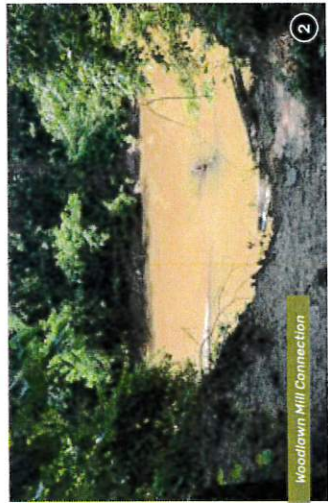
273 Overpass



Natural Stone Feature in Dutchman's Creek



Railroad Over Creek



Woodlawn Mill Connection



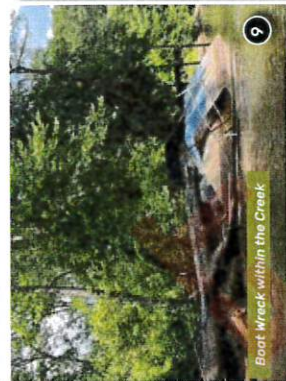
Native and Natural Vegetation Present



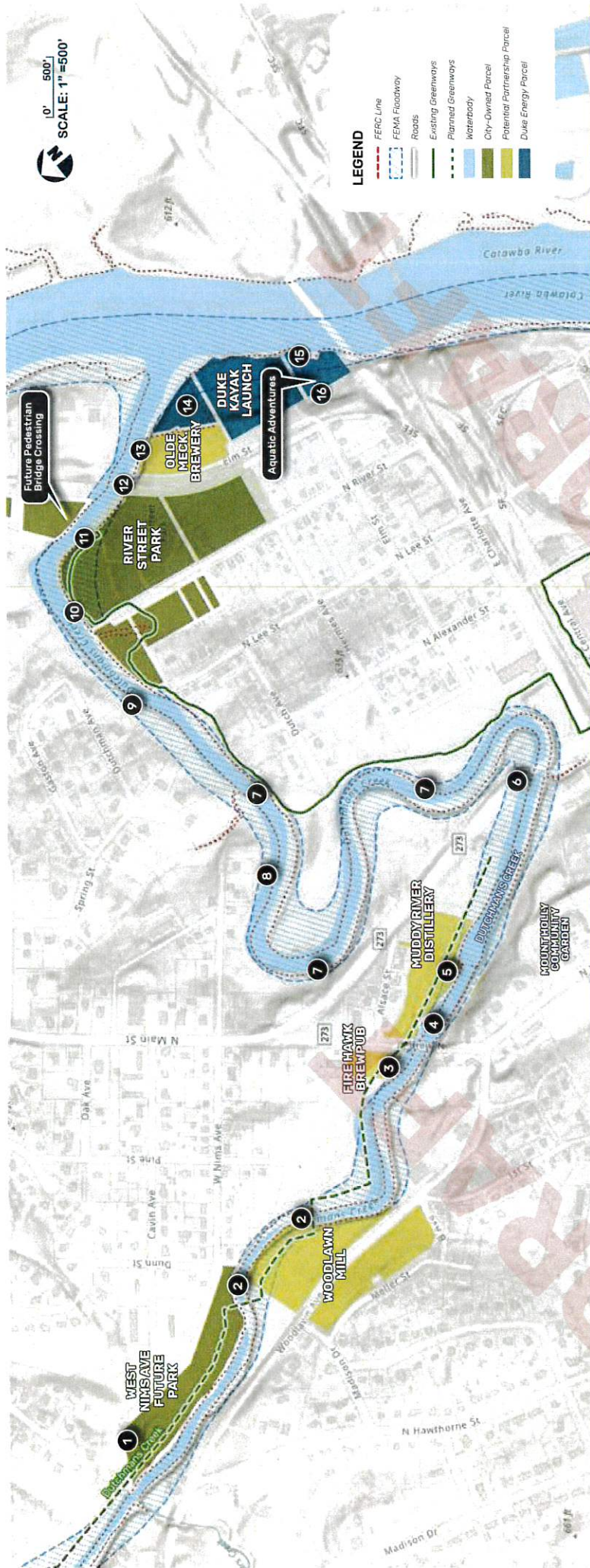
Existing Koyak Launch at River Street Park



Erosion on Private Property



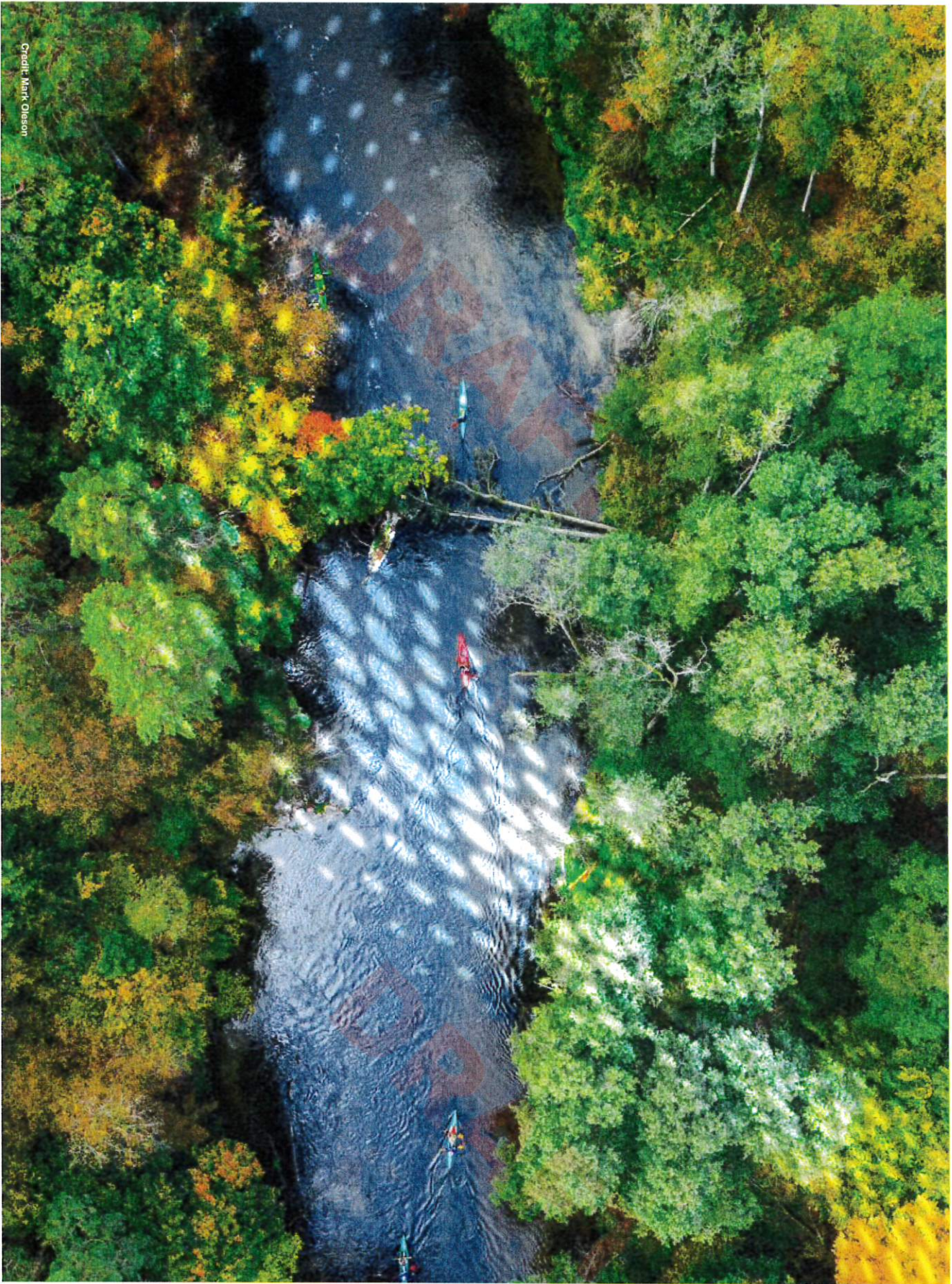
Boat Wreck within the Creek



OPPORTUNITIES & CONSTRAINTS MAP

The following opportunities and constraints, which may impact recreational use on the waterway, were identified based on site visit observations and other evaluations.

- | | | | |
|--|--|---|---|
| <p>1 Connect blueway to West Nims Avenue future park as outlined in the Plan Mount Holly Park Plan.</p> <p>2 Coordinate with Woodlawn Mill redevelopment project to provide access to the blueway. Potential greenway connection dependent on feasibility of multiple pedestrian bridges.</p> <p>3 Connection to Firehawk Brewpub could provide unique experience along creek.</p> <p>4 Historic dam remnant within Dutchman's Creek should be celebrated.</p> | <p>5 Muddy River Distillery connection to Dutchman's Creek.</p> <p>6 Recently replaced Highland Street Bridge (NC-273) may pose a challenge to connect greenway.</p> <p>7 Natural stone features in creek adds to unique experience along Dutchman's Creek.</p> <p>8 Severe bank erosion on private property would benefit from restoration.</p> | <p>9 Sunken boat within Dutchman's Creek is a hazard to the public.</p> <p>10 Existing boardwalk overlook at River Street Park could be converted to a fishing pier.</p> <p>11 Existing kayak launch has washed away. opportunity to replace with a more permanent structure.</p> <p>12 Opportunity to connect greenway from River Street Park under rail line to adjacent uses along the bank.</p> | <p>13 Opportunity to connect users to the Olde Mecklenburg Brewery site.</p> <p>14 Connect to existing boat launch, opportunity to formalize parking lot into waterway trailhead.</p> <p>15 Existing boat launch attracts recreational users to waterway.</p> <p>16 Continue to support and work with local businesses already engaged in water-based recreation.</p> |
|--|--|---|---|



03 RECOMMENDATIONS

RECOMMENDATIONS

ANALYSIS & RECOMMENDATIONS

This analysis incorporates stakeholder engagement, existing conditions and opportunities and constraints listed in the previous chapters viewed through the lens of the goals established with the City of Mount Holly Planning staff to generate facility, greenway, and remediation recommendations along Dutchman's Creek.

GREENWAY

The greenway is an integral part to activating the Dutchman's Creek and provides another opportunity to connect people to the various businesses and destinations on the waterway. This study outlines some of the greenway connections imperative for the success of the blueway.

REMEDICATION

The sunken boat within Dutchman's Creek poses a hazard to recreational users. The boat should be removed, and water quality monitored for toxicity. There are also several locations where the banks of the Creek may

benefit from restoration, a future stream restoration study should evaluate the erosion on private property and work with the owner and all other stakeholders for remediation.

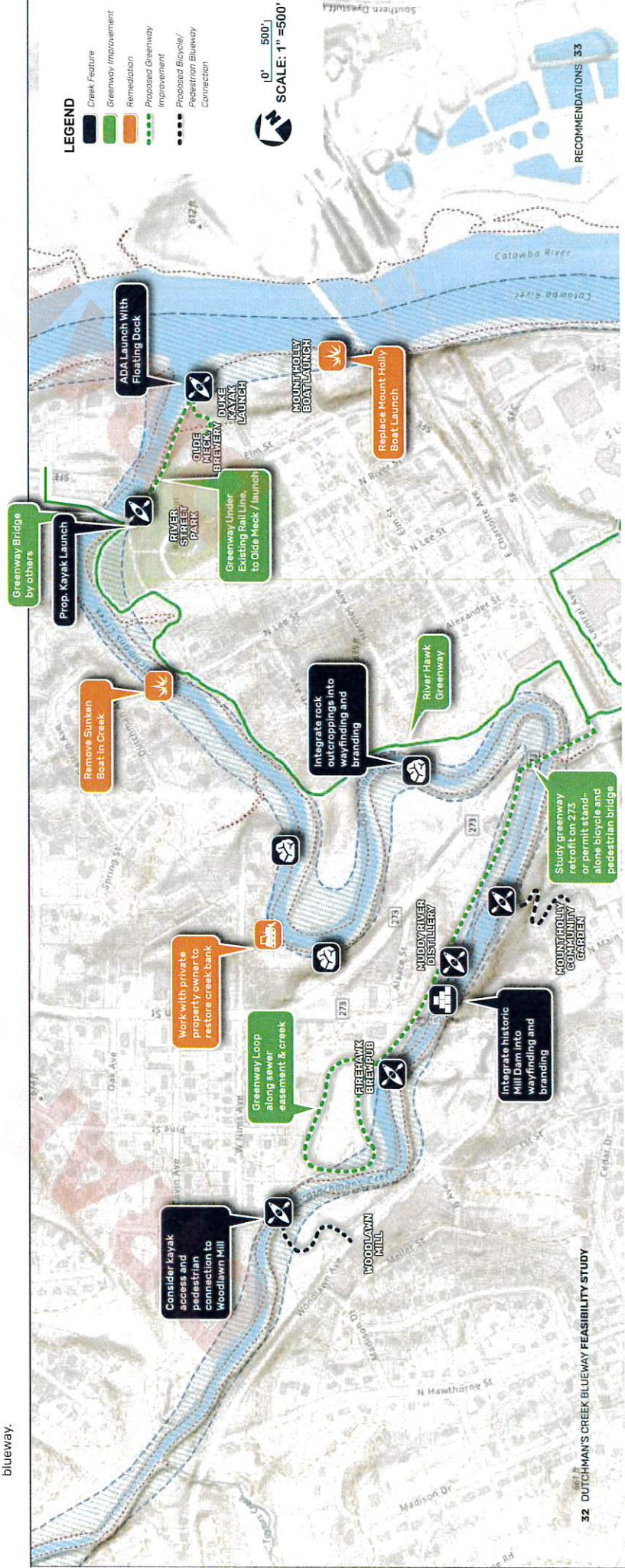
FACILITIES & FEATURES

For the purpose of this study, facilities and creek features that were identified to be integral to the uniqueness experienced within the blueway have been mapped below. Proposed kayak launches and locations have been identified based on complimentary use accessibility and for the parcel, with the understanding that any sort of construction of these facilities faces FEMA floodway, Duke

FERC, and other county or state permitting approvals prior to implementation.

Natural and historic features within the waterway should also be considered to be integral to the wayfinding and branding of the creek. These features are unique to Dutchman's Creek and contribute to the unique character offered.

Signage at trailhead locations should identify the distance and the approximate paddle duration for users to arrive at these features, private development destinations, and launches.



KAYAK LAUNCH FACILITY ALTERNATIVES

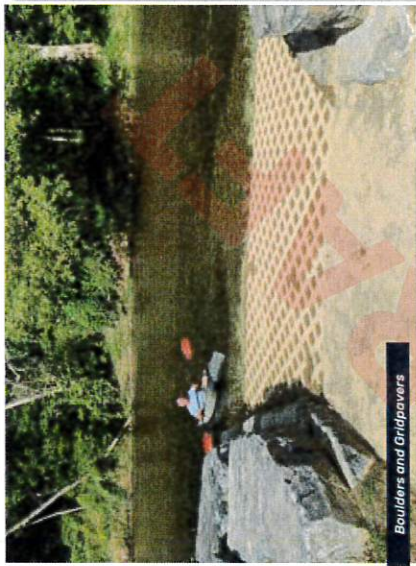
This page functions as an inspiring showcase of various water launches, catering to different preferences and needs. Examples depicted here demonstrate creative integration with the landscape, utilizing naturally occurring materials like stone to harmonize with the surroundings. Other designs feature floating deck structures that extend gracefully into the water, providing alternative options for water access and enjoyment.



Natural Materials Lead Towards Water



Crushed Fines on Shore



Boulders and Gridpavers



Rails and Concrete Steps into Water



Floating Dock with Access Spanning Shoreline

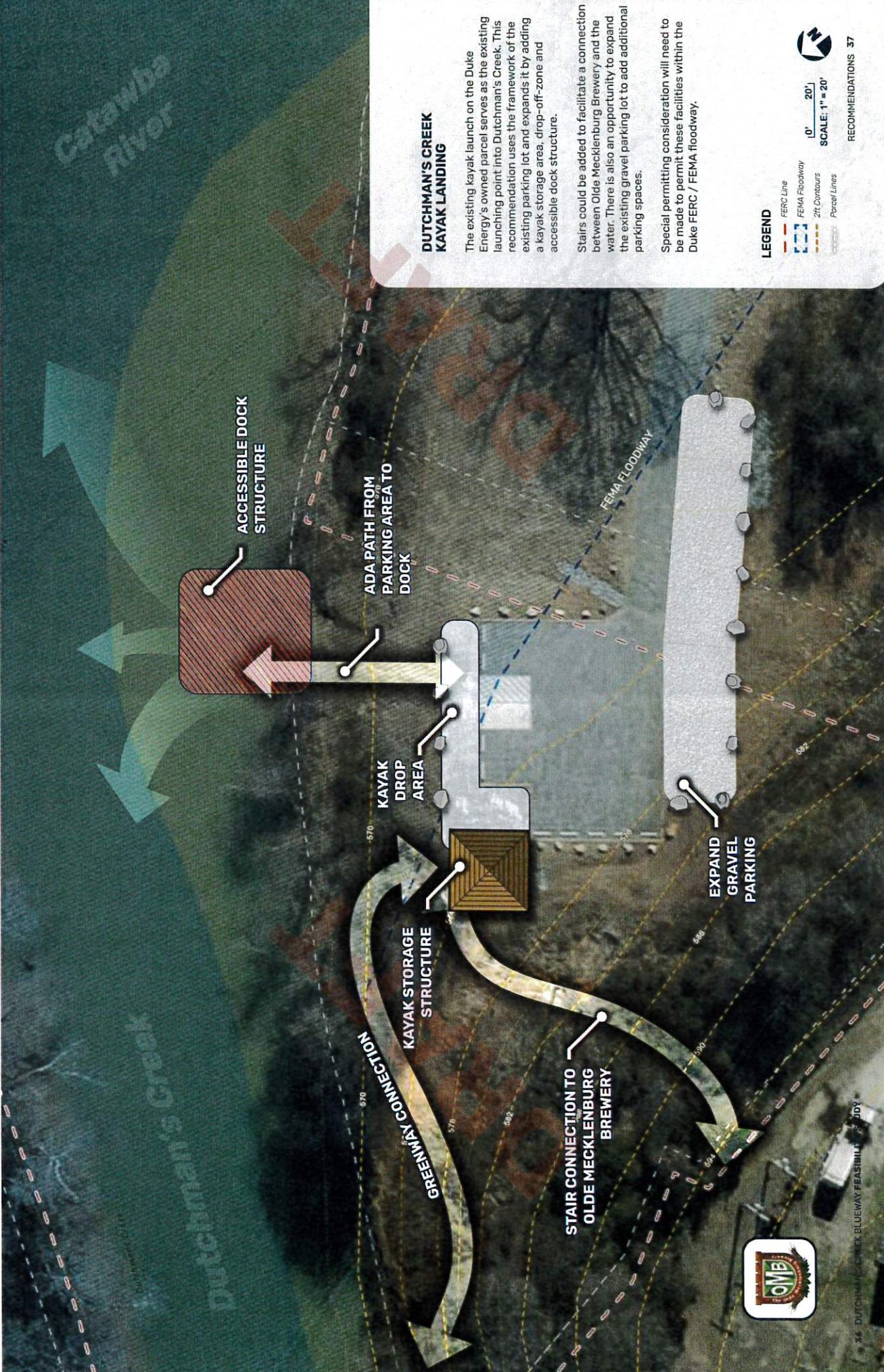


Kayak Storage Area



Natural Materials Adapt to Changing Water Elevation

Catawba River



DUTCHMAN'S CREEK KAYAK LANDING

The existing kayak launch on the Duke Energy's owned parcel serves as the existing launching point into Dutchman's Creek. This recommendation uses the framework of the existing parking lot and expands it by adding a kayak storage area, drop-off zone and accessible dock structure.

Stairs could be added to facilitate a connection between Olde Mecklenburg Brewery and the water. There is also an opportunity to expand the existing gravel parking lot to add additional parking spaces.

Special permitting consideration will need to be made to permit these facilities within the Duke FERC / FEMA floodway.

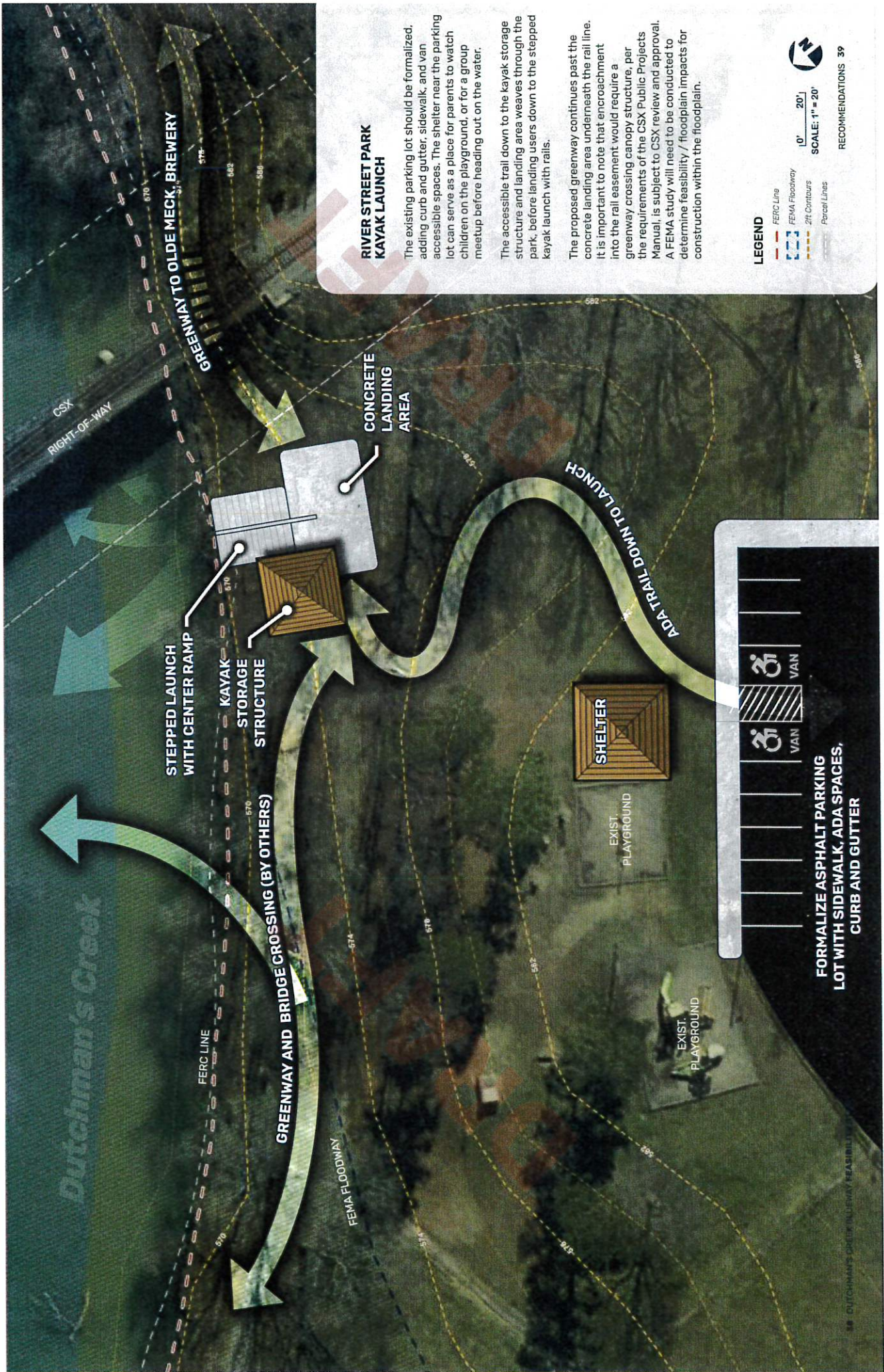
LEGEND

- FERC Line
- FEMA Floodway
- 2ft Contours
- Parcel Lines

0' 20'
SCALE: 1" = 20'

RECOMMENDATIONS 37





RIVER STREET PARK KAYAK LAUNCH

The existing parking lot should be formalized, adding curb and gutter, sidewalk, and van accessible spaces. The shelter near the parking lot can serve as a place for parents to watch children on the playground, or for a group meetup before heading out on the water.

The accessible trail down to the kayak storage structure and landing area weaves through the park, before landing users down to the stepped kayak launch with rails.

The proposed greenway continues past the concrete landing area underneath the rail line. It is important to note that encroachment into the rail easement would require a greenway crossing canopy structure, per the requirements of the CSX Public Projects Manual, is subject to CSX review and approval. A FEMA study will need to be conducted to determine feasibility / floodplain impacts for construction within the floodplain.

LEGEND

- FERC Line
- FEMA Floodway
- 2ft Contours
- Parcel Lines

10' 20'
SCALE: 1" = 20'

RECOMMENDATIONS 39

FORMALIZE ASPHALT PARKING LOT WITH SIDEWALK, ADA SPACES, CURB AND GUTTER

BRAND IDENTITY & WAYFINDING

The branding success of Dutchman's Creek Blueway will be contingent upon the process delivering a strong, positive perception of the experience.

BRAND OVERVIEW

Well implemented brands are much more than a couple of colors making up a logo. A well-designed brand incorporates the very best aspects of what the product may offer and represents many things to many different people. Implemented branding should represent a group, organization, or experience provided. In this instance the entire experience, from what you encounter along the water, the wildlife you happen upon, or the effort required to paddle upstream will best represent the concept behind Dutchman's Creek.



CONVEYING A CLEAR MESSAGE

It is important to anticipate and expect certain uses for the brand including the adaptation for use on informational pamphlets, social media, the web, or signs for wayfinding along the creek. The adaptation will need to convey a clear message that is an honest representation of the brand, to all users, regardless of implementation style.

BRAND IDENTITY / DEVELOPMENT

For Dutchman's Creek, the brand should focus on something that is extremely obvious, it should focus on something that will be a part of the experience for all users, regardless of type of watercraft or recreation choice. The brand should also focus on something that makes Dutchman's Creek unique, what separates this creek and the blueway experience it will provide from all others?

For instance, the brand could be built from the natural character of Dutchman's Creek. The scale is relatively small, allowing for conversation between groups of friends paddling together, and the size of the creek easily facilitates a small wave or head nod to the traveler going in the opposite direction. It's numerous meandering turns, coupled with large boulder outcroppings allows skilled kayakers to slip between, provides an excellent opportunity for photographs or spontaneous interaction. Further up the creek, the stone blocks remnant of the Historic Mill dam which elegantly line the shores near the renovated distillery exemplify Dutchman's unique character.

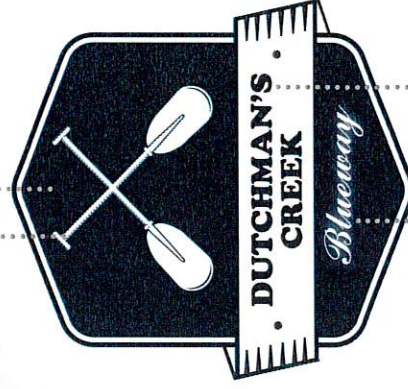
The brand should also consider any adjacent uses or resting areas along the blueway that would add to the experience. Given the context of Dutchman's Creek, and the significant opportunity to brand this blueway, consider the connections of Muddy River Distillery, Olde Mecklenburg Brewery, and Firehawk Brewpub, by way of water-based recreation.

Lastly, and most importantly, the brand identity should embody the core principals of the governing body or organization responsible for its implementation. For example, if the City of Mount Holly were to implement the branding for Dutchman's Creek, the style and execution of the blueway should be a derivative of the City's previous branding efforts.

LOGO / BRANDING DESIGN PRINCIPLES

Symbol quickly helps identify this is for water-based recreation

Badge is easily transferred to a variety of wayfinding and branding material.



Secondary typeface compliments the first, often contains less important information but adds character to piece

Font is large and dominant, easy to read at far distances

WAYFINDING

Wayfinding consists of comprehensive signage, mapping, and marking systems that help inform and educate users as they make their way to and from Dutchman's Creek.

A cohesive system across the corridor will enhance access, provide a sense of security and comfort, educate users on the natural and historic features of the creek, and reinforce the brand/identity of the facility. Below are some considerations to make when designing a wayfinding system.

IDENTITY

A strong wayfinding identity will make the blueway more recognizable and memorable to visitors and local residents alike. Custom designs and graphics should be used to create a unique identity which reflects the goals of the blueway and the character of the region it will serve.



Calasa Trail System- Credit: Avid Trails

PREDICTABILITY

Apply wayfinding in a predictable manner (including sign placement, design, and content) to allow users to quickly understand the information being presented.

For users, this builds trust, increases comfort, reduces stress, and provides a welcoming and low-stress experience as they navigate the blueway.

SIMPLICITY

Present information in a clear, logical, universal way to reach the widest possible demographic. The longer it takes to understand the information presented, the less likely the system will be used or relied upon.



Tate's Landing - Credit: University of Alabama

CONSISTENCY

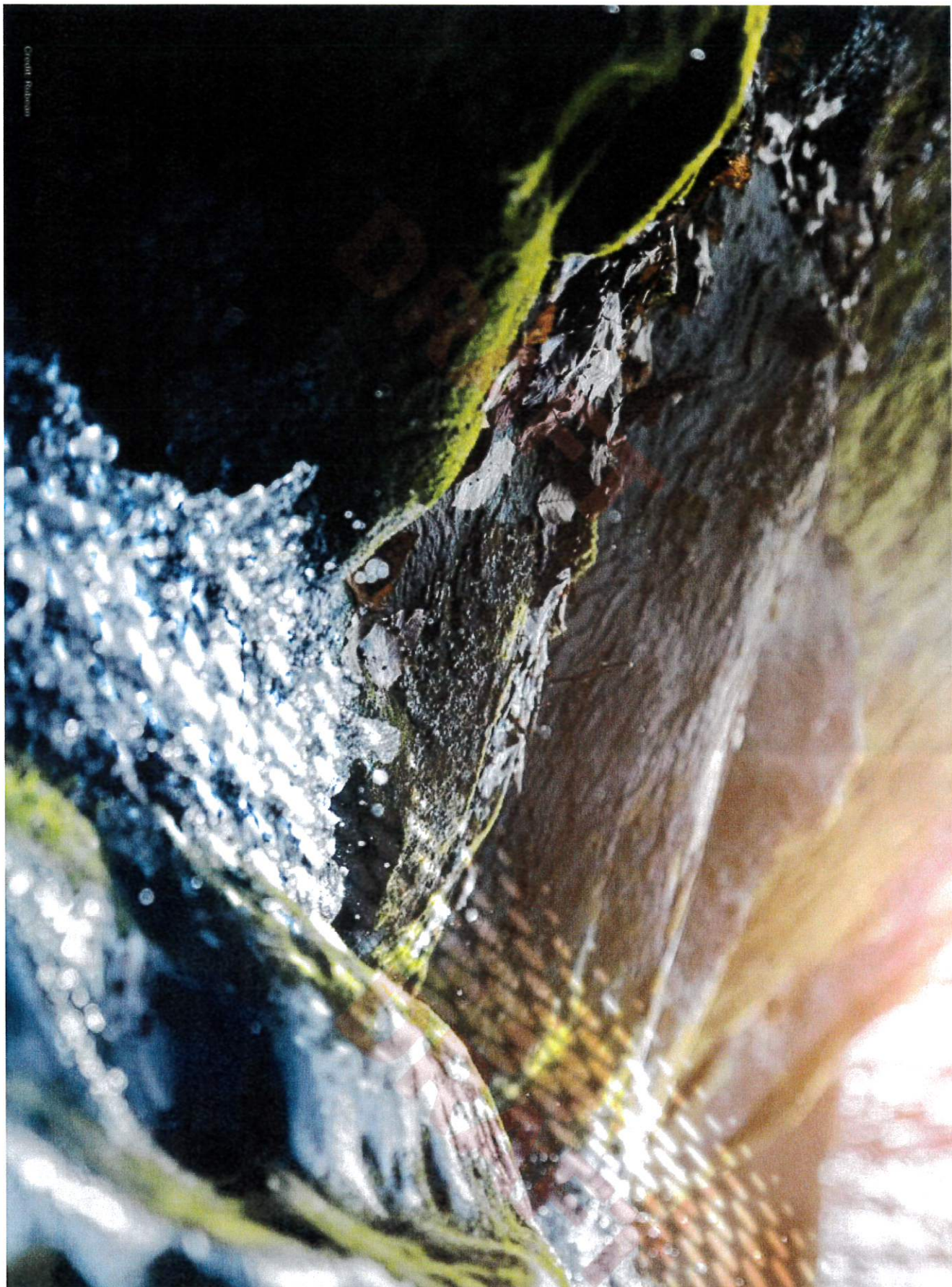
User experience should feel consistent and continuous across the entire blueway. A large sign that is posted at the trailhead parking lot should be within the same style and family as signs along the blueway. This helps in recognition of the wayfinding element as part of the experience and aids in simplifying the process of getting directions to destinations or blueway features.

CONNECTIVITY

A primary function of wayfinding is to connect users to destinations and other routes. It should clearly communicate current locations, access points, adjacent streets, distances, directions, destinations, estimated travel times, and historical / cultural / environmental information where applicable.



Bay Creek System- Credit: Avid Trails



04 IMPLEMENTATION, COST & MAINTENANCE

IMPLEMENTATION, COST & MAINTENANCE

IMPLEMENTATION & ACTION PLAN

The following table provides a summary of action steps to implement the blueway recommendations over the planning horizon. For this table short term is defined as within two years, midterm within the next two to five years, and long term to be implemented within the next ten years.

TASK	ACTION	LEAD	TIME FRAME
1	Adopt the Dutchman's Creek Blueway Feasibility Study. This action allows the study to become the official planning document.	City of Mount Holly Planning Staff	SHORT
2	Pursue engineered plans for the kayak launch at River Street Park, tie in greenway and formalize parking lot at location shown within this study, integrate blueway branding throughout.	City of Mount Holly Planning Staff	SHORT
3	Pursue engineering plans for the kayak launch, greenway connection, and stair connection at the existing Dutchman's Creek Access Area. Partner with Duke Energy and Olde Mecklenburg Brewery, and integrate blueway branding throughout.	City of Mount Holly / Duke Energy / Olde Mecklenburg Brewery	SHORT
4	Host water and non-water recreation events celebrating the waterway at outfitter locations.	Outfitter Business	SHORT
5	Provide temporary pop-up outfitter locations at points of interest along Dutchman's Creek. Specifically, consider working with business owners of the several breweries and distilleries along the creek.	Outfitter / Business Owners	SHORT
6	Continue to partner with private developers and other business owners along Dutchman's Creek. Consider starting a collective to discuss future partnerships, led by the City of Mount Holly, add additional stakeholders as interest grows around the blueway.	City of Mount Holly / Private Business	SHORT
7	Consider programming at River Street Park targeted towards creek-based education. Hold events both in and out of the water to talk about the history, creek biological ecology, and water quality of Dutchman's Creek.	City of Mount Holly	SHORT
8	Consider canoe / kayak races as a programming element for the blueway.	City of Mount Holly / Outfitters	SHORT

TASK	ACTION	LEAD	TIME FRAME
9	Consider a yearly "float parade" event to celebrate and activate the creek. Include all stakeholders to garner support and awareness. Include themes of sustainability and entertainment / activation at River Street Park.	City of Mount Holly	SHORT
10	Publish guides / maps of the blueway and make available to the public (both digitally and in print) to raise awareness of recreational opportunities to visitors and citizens alike.	City of Mount Holly	SHORT
11	Host a stream cleanup event once a year. Advocate for beautification of the riparian corridor.	City of Mount Holly	SHORT
12	Evaluate the existing boat launch on the Catawba River for repair or replacement.	City of Mount Holly	SHORT
13	Monitor Dutchman's Creek corridor for wildlife, perform a baseline assessment documenting presence of terrestrial and aquatic species. Consider hosting a bio-blitz event to identify all present native and invasive species within the creek.	City of Mount Holly / Consultant	SHORT
14	Create a loop trail on the near two-mile sewer easement, develop greenway underneath Main Street, partner with Firehawk Brewpub and Muddy River Distillery. Integrate blueway branding throughout.	City of Mount Holly	MID
15	Work with Woodlawn Mill to develop a kayak launch.	City of Mount Holly	MID
16	Work with Firehawk Brewery to develop a kayak launch.	City of Mount Holly	MID
17	Work with Muddy River Distillery to develop a kayak launch.	City of Mount Holly	MID
18	Study Dutchman's Creek Greenway connectivity, specifically from Highland Street/NC273 intersection to crossing at North Main Street. Utilize the latest NACTO / AASHTO guidelines for signal and signage recommendations regarding this greenway crossing. Utilize plantings, wayfinding and gateway elements to create a signature moment for the City of Mount Holly.	City of Mount Holly	MID
19	Develop an agreement with the United Methodist Church and establish a pedestrian connection down to the Creek.	City of Mount Holly / United Methodist	MID

TASK	ACTION	LEAD	TIME FRAME
20	Start the conversation with private property owners who wish to provide access to Dutchman's Creek regarding public access easement dedication. It is recommended that access easement dedication, maintenance, and liability agreements be implemented between parties prior to facility construction.	City of Mount Holly / Private Developers	MID
21	Connect Dutchman's Creek Greenway to the First United Methodist Church and Mount Holly Community Garden. reconfigure parking lot and integrate blueway branding at all points of connection.	City of Mount Holly	MID
22	Encourage development of private businesses along Dutchman's Creek with uses that complement water-based recreation.	City of Mount Holly / Private Partners	MID
23	Explore and evaluate primitive camp site locations along the shores of Dutchman's Creek. Site selection should include areas of easy shoreline access, where creek banks would not easily degrade.	City of Mount Holly	MID
24	Establish a redevelopment plan for Woodlawn Mill, creating a maker's space for entrepreneurs and artists, provide pedestrian connection down to Dutchman's Creek.	Private Development	LONG
25	Integrate branding to sell the story of Dutchman's Creek as an unique experience for the region. Develop a wayfinding plan and include signage at the Highland/NC-273 gateway moment, vehicular bridge crossings over the creek, and directional destination-based signage along the creek.	City of Mount Holly	LONG
26	Transform existing rental outfitter site into a destination, formalize parking lot area, and consider additional uses at the Duke kayak launch location.	City of Mount Holly / Aquatic Adventures	LONG

PROBABLE CONSTRUCTION COST

There are several types of costs to consider when establishing a project budget including, but not limited to, the following:

COST ESTIMATES

RIVER STREET PARK KAYAK LAUNCH					
ITEM	QTY	UNIT	UNIT COST	PRICE	
DEMOLITION + GRADING	1	LS	\$40,000	\$40,000	
LANDSCAPE	1	LS	\$20,000	\$20,000	
SITE FURNISHINGS	1	LS	\$15,000	\$15,000	
LIGHTING	1	LS	\$80,000	\$80,000	
SHELTER	1	LS	\$75,000	\$75,000	
KAYAK STORAGE RACK	1	LS	\$30,000	\$30,000	
KAYAK LAUNCH STAIR	1	LS	\$30,000	\$30,000	
PARKING LOT IMPROVEMENTS	1	LS	\$20,000	\$20,000	
CONCRETE WALKS	450	SY	\$40	\$18,000	
GREENWAY SECTION	1	LS	\$40,000	\$40,000	
GREENWAY CROSSING CANOPY	1	LS	\$75,000	\$75,000	
WAYFINDING SIGNS	1	LS	\$15,000	\$15,000	
			SUBTOTAL	\$458,000	
			20% CONSTRUCTION CONTINGENCY	\$92,000	
			CONSTRUCTION SUBTOTAL	\$550,000	
			10% DESIGN CONTINGENCY	\$55,000	
			TOTAL	\$605,000	

Please note these are planning-level cost estimates in 2023 dollars and should be refined as more detailed information becomes available throughout the design process. Actual costs will vary based on final project scope and prevailing market conditions for materials and labor forces used. Costs may be escalated to account for inflation based on anticipated build year. These costs do not include any real estate acquisition, permitting fees, or construction engineering and inspection (CEI) services.

DUTCHMAN'S CREEK KAYAK LAUNCH					
ITEM	QTY	UNIT	UNIT COST	PRICE	
DEMOLITION + GRADING	1	LS	\$30,000	\$30,000	
LANDSCAPE	1	LS	\$20,000	\$20,000	
SITE FURNISHINGS	1	LS	\$5,000	\$5,000	
LIGHTING	1	LS	\$60,000	\$60,000	
KAYAK STORAGE	1	LS	\$30,000	\$30,000	
ADA KAYAK LAUNCH	1	LS	\$180,000	\$180,000	
PARKING LOT IMPROVEMENTS	1	LS	\$15,000	\$15,000	
CONCRETE WALKS	40	SY	\$180	\$7,200	
CONCRETE STAIR	80	SY	\$170	\$13,600	
WAYFINDING SIGNS	1	LS	\$15,000	\$15,000	
GREENWAY SECTION	1	LS	\$40,000	\$40,000	
			SUBTOTAL	\$375,800	
			20% CONSTRUCTION CONTINGENCY	\$75,000	
			CONSTRUCTION SUBTOTAL	\$450,800	
			10% DESIGN CONTINGENCY	\$45,000	
			TOTAL	\$495,800	

Please note these are planning-level cost estimates in 2023 dollars and should be refined as more detailed information becomes available throughout the design process. Actual costs will vary based on final project scope and prevailing market conditions for materials and labor forces used. Costs may be escalated to account for inflation based on anticipated build year. These costs do not include any real estate acquisition, permitting fees, or construction engineering and inspection (CEI) services.

FUNDING SOURCES / RECOMMENDATIONS

Though paddle trails and parks can gain some revenue from entry and rental fees, these alone are not enough to sustainably fund, improve, and example recreational assets.

FUNDING OVERVIEW

The section will briefly highlight funding mechanisms for paddle trails, many of which come from the state and local levels. For state-funded programs, the state legislature will have to enable the funding mechanism through a statute or amendment officially. It will then need to allocate a funding source like bonds, sales tax, or appropriations.

In North Carolina, the Parks and Recreation Trust Fund is the primary funding mechanism for recreation. This fund dedicates 75% of the real estate transfer tax to parks and recreation. North Carolina's funding mechanism relies on a statute that dedicates specific revenue in each budget cycle or longer. This approach can be difficult to modify, and it can be politicized. The fund will sunset after a term and requires renewal efforts, but it does offer some security from year-to-year.

NATIONAL, PRIVATE, AND LOCAL LEVEL FUNDING

SOURCE	AGENCY	NOTES
NATIONAL LEVEL		
Rebuilding American Infrastructure with Sustainability and Equity (RAISE)	U.S. Department of Transportation	Formerly known as BUILD and TIGER. Applicant must be state, local, or tribal governments. At least 30% must be used in rural areas. Must have significant impact on nation, region, or metro area. Historically 6% of TIGER funds go to bike/ped projects. Eligible applicants are state or local governments. Applications require cost/benefit analysis. Minimum project size of \$1 million in rural areas; \$5 million in metro.
Federal Land Access Program (FLAP)	Federal Highway Administration (FHWA)	Applicant must be state, county, tribal, or city government that owns or maintains the transportation facility. Project must be located on, adjacent to, or provide direct access to federal lands.
Land and Water Conservation Fund- State Side	National Park Service (NPS) State and Local Assistance Program Division	Eligible applicants include cities, counties, or district authorized to acquire, develop, operate, and maintain park and recreation facilities. LWCF funding is federal but allocated to states to provide matching grants to help communities protect parks and recreation resources. Federal funding is in state of flux and program future is unknown.
NPS Challenge Cost Share Program	National Park Service (NPS) Outdoor Foundation	The Challenge Cost Share Program supports local projects that promote conservation and recreation, environmental stewardship, education, and engaging youth in the outdoors. Local project partners work with National Park Service (NPS) staff to achieve mutually beneficial outcomes. Applications are submitted by NPS staff in collaboration with project partners. Project should be completed within the fiscal year.
NPS Rivers, Trails, and Conservation Assistance	National Park Service (NPS)	Technical assistance for projects demonstrating tangible conservation and recreational results in the near future. Assistance qualifies for in-kind match for many grants.
Recreational Trails Program (RTP)	State agencies vary by state. See https://www.fhwa.dot.gov/environmental_recreational_trails/rtpstate.cfm	Federal funding administered through state agencies via the Surface Transportation Block Grant Program in the Fixing America's Surface Transportation (FAST) Act. RTP provides funds to the States to support a wide variety of trail activities and related facilities, as well as environmental education and safety programs. Eligible applicants include local government and non-profit organizations. Annual cycle typically closes early in calendar year. Funding tied to federal transportation bill. Paved paths typically discouraged

USDA FUNDING RESOURCES

PROGRAM	AGENCY	ELIGIBLE APPLICANTS	AUTHORIZED PURPOSES	TYPICAL AMOUNT
Community Facilities Guaranteed Loan Program	RHS	Public bodies, community-based nonprofit corporations, Federally-recognized Tribes.	Improve, develop, or finance essential community facilities for rural communities in rural areas and cities and towns of fewer than 50,000. Example: This program can be used to develop museums, public restrooms, and multi-use trails in recreation areas.	\$100,000-\$5 million
Water and Waste Loans and Grants	RUS	State and local government entities, private nonprofits,	Build, repair, and improve public water systems and waste collection and treatment systems in rural areas and cities and towns of fewer than 10,000.	Long-term, lowinterest loans. Grants may be available to keep user costs reasonable
Rural Business	RBS	Towns, state agencies, nonprofit corporations, authorities, Federally-recognized Tribes, rural cooperatives.	Targeted technical assistance, training, and other activities leading to the development or expansion of small and emerging private businesses in rural areas. Feasibility studies or economic impact studies for a recreation activity may be eligible.	\$10,000-\$500,000
Rural	RBS	Nonprofit organizations, institutions of higher learning.	Provide support to centers for cooperatives. Eligible work plans can include trail development/maintenance, feasibility studies, marketing, lodging development, business development, strategic planning.	Maximum-\$200,000
Community Connect Grants	RUS	Most state and local governments, Federally-recognized Tribes, nonprofits, for-profit corporations	Helps fund broadband deployment into rural communities as anchor sites for rural communities.	Minimum: \$50,000 Maximum: \$1 million Amounts are published in Notices of Funding Availability and may vary.

SOURCE	AGENCY	NOTES
Transportation Alternatives (TAP or TA SetAside)	State Departments of Transportation	Federal funding administered through state DOTs via the Surface Transportation Block Grant Program in the Fixing America's Surface Transportation (FAST) Act. Eligible applicants include local governments. Provides funding for programs/ projects defined as transportation alternatives, including on- and off-road pedestrian/bicycle facilities, infrastructure projects for improving nondriver access to public transportation and enhanced mobility, community improvement activities, and environmental mitigation. Rails-to-Trails Conservancy maintains a website with detailed information: http://trade.railstotrails.org/index M
Private Foundations and Opportunities		
American Greenways Grants	Kodak & The Conservation Fund	Non-profits eligible. Mapping, ecological assessments, surveying, conferences and design activities, public information.
Doppelt Family Trail Development Fund	Rails-to-Trails Conservancy	Grants to build and improve multi-use trails. Grants range from \$5,000 to \$30,000.
BF Goodrich Outstanding Trails Grant	BF Goodrich Tires	For sustainable and responsible off-roading clubs to help preserve local off-road trails.
NFF Matching Awards Program (MAP)	National Forest Foundation (NFF)	On-the-ground projects that enhance forest health and outdoor experiences on or near National Forests and Grasslands. Can be used to improve recreation resources like trails and bridges, and to engage youth or volunteers in stewardship work. Does not have to be on National Forest or Grassland but must benefit those lands.
REI Stewardship Grants	REI	Stewardship grants for outdoor access. Must be invited to apply by local REI store.
Local Level		
Businesses	Corporate foundations: grants, volunteers Small businesses or business partnerships: co-branding, events, sponsorship	
Non-Profit Organization	Community foundations Non-profit collaborators	
Local Government	Ballot initiative: bonds, levies, granting programs Tax districts, such as resort tax, tax increment finance districts (TIF), improvement districts, renewal districts	

PROGRAM	AGENCY	ELIGIBLE APPLICANTS	AUTHORIZED PURPOSES	TYPICAL AMOUNT
ReConnect Program Grants and Loans	RUS	State and local government entities, Federally-recognized Tribes, nonprofits, for-profit businesses	Financing to construct, maintain, improve, and expand telephone service and broadband in rural areas.	Availability may vary for 100% loan, 50% loan/50% grant, or 100 % grant. Given the varying closing dates for each funding type, applicants will be limited to ONE application for this Funding Opportunity
Business and Industry Guaranteed Loans	RBS	For-profit businesses, nonprofits, cooperatives,	Business conversion, enlargement, repair, modernization or development; purchase and development of land, easements, rights-of-way, buildings, or facilities.	\$1 million-\$25 million
Rural	RBS	Organizations eligible to become Micro enterprise Development Organizations including nonprofits, Federally-recognized Tribes, higher education institutions	Microloans for microenterprise startups and growth through rural microloan revolving funds.	\$50,000-\$500,000



APPENDICES

BLUEWAY DESIGN / PLANNING RESOURCES

Published design and planning resources applicable to this study

PREPARE TO LAUNCH

A resource designed to help facility and trail planners and park and recreation project leaders plan and build or update an access site tailored to the needs of canoeists, kayakers, tubers, stand-up paddlers, or small craft sailors. It guides a reader through the development process from conception to design creation, and provides a variety of launch construction options.



AN ECONOMIC ARGUMENT FOR WATER TRAILS

A helpful resource to communities interested in learning about the economic benefit water trails have provided for cities and towns in the US

An Economic Argument for Water Trails



October 2015

Author:

Editor:

Read, Share, Learn, Grow, Lead, Measure, and Get Ready
Water Management Society

NCGROWTH'S FIELD GUIDE TO BLUEWAYS: LEVERAGING NATURAL ASSETS FOR ECONOMIC DEVELOPMENT

NCGrowth created this Blueway Guide to provide blueway planners with a tool to aid in the creation and enhancement of blueways and to leverage these assets for economic development effectively.



WATER TRAIL PLANNING 101

A guidesheet issued by the National Park Service describing in detail the phases of planning necessary for blueway development.



NATIONAL PARK SERVICE: LOGICAL LASTING LAUNCHES

This publication offers guidance in designing canoe and kayak launches for a variety of access sites. Descriptions, designs, and photos of launches are grouped into eleven chapters, according to type, with focus on the point of entry onto the water.

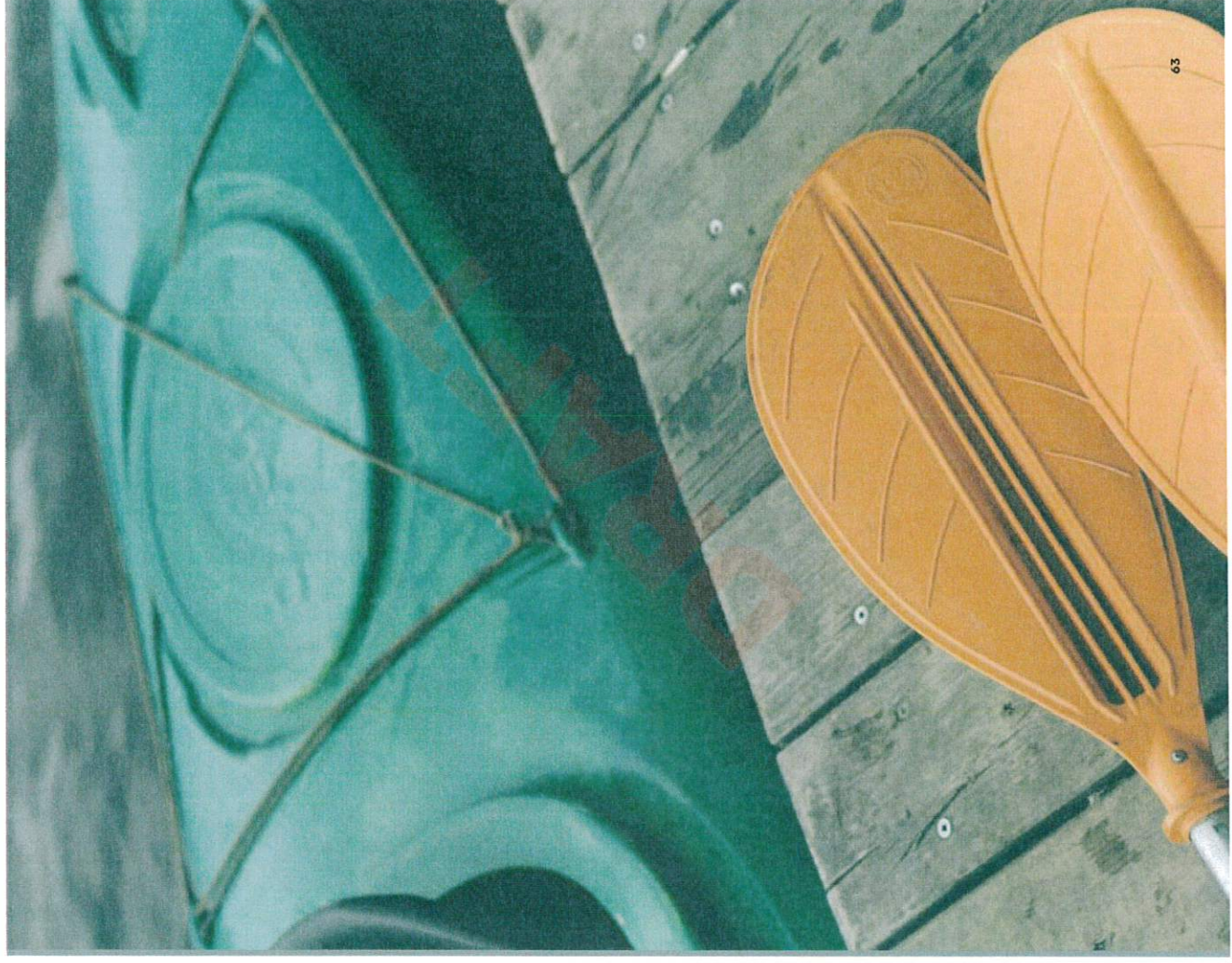
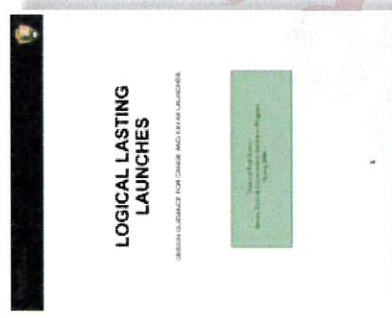


EXHIBIT A: The North Carolina Department of Environment and Natural Resources, Attorney General ruling dated January 20, 1998 regarding the navigable use of waterways without consent of riparian owners as the right of all citizens.



January 20, 1998

Richard B. Whitman, General Counsel

N. C. Departments of Environment and Natural Resources 512 North Salisbury Street Raleigh, North Carolina 27604

RE: Advisory Opinion: Use of navigable-in-fact streams without consent of riparian owners.

Dear Mr. Whitman:

On August 27, 1997, you requested a formal Attorney General's Opinion on the following question:

Do all citizens have the right to travel by boat down the course of North Carolina streams that are navigable in fact by canoe or kayak, without the consent of riparian property owners?

We agreed that the answer to your question should be delayed, pending final resolution of litigation involving the Department of Environment and Natural Resources ("Department" or "DENR"), in which the issue was raised. As you are aware, those five consolidated cases (Whitwright, et al. v. State of North Carolina, et al., New Hanover Co., 91 CVS 840, 816, 1117, 1793) involved whether certain intra-state and interstate in New Hanover County were navigable-in-fact, so as to be subject to public trust rights. Following the State's prevailing at that matter, we discussed whether a formal opinion or an advisory opinion would be the more appropriate response. We advised you that the issuance of an advisory opinion would be preferred, as it was more consistent with the opinion policy of this Office. Having heard nothing further from you, and being aware that you will soon be leaving State service, we provide you with the following advisory opinion.

The answer to your question may be summarized as follows:

Yes. Citizens have the right to travel by "useful vessels" such as canoes and kayaks, "in the usual and ordinary mode" on waters which are in their natural condition capable of such use, without the consent of the owners of the shore.

Under the public trust doctrine, as applied in North Carolina, citizens have the right to use the state's navigable waters for the exercise of public trust rights, without the consent of riparian owners, i.e., the owners of the land adjacent to those waters. Public trust rights are defined by common law, and "include, but are not limited to, the right to navigable, swim, hunt, fish, and enjoy all recreational activities in the watercourses of the State and the right to freely use and enjoy the State's ocean and estuarine resources and public access to the beaches." N.C.G.S. § 1

45.1.

North Carolina follows the modern "pleasure craft test" in determining whether waters are navigable-in-fact, and therefore subject to public trust rights. In *Guthrie v. State of North Carolina*, 342 N.C. 287, 484 S.E.2d 674, 675 (1985), the North Carolina Supreme Court set forth the law of this State governing application of the public trust doctrine to navigable waters. Chief Justice Mitchell, writing for the unanimous Court, explained:

The controlling law of navigability as it relates to the public trust doctrine in North Carolina is as follows: "If water is navigable for pleasure boating it must be regarded as navigable water, though no craft has ever been put upon it for the purposes of trade or agriculture. The purpose of navigation is not the subject of inquiry, but the fact of the capacity of the water for use in navigation." (i.e., at 603-06, 48 S.E. at 688 (quoting *Attorney General v. Woods*, 108 Mass. 436, 440 (1871)). In other words, if a body of water in its natural condition can be navigated by pleasurecraft, it is navigable in fact and, therefore, navigable in law, even if it has not been used for such purpose. Lands lying beneath such waters that are navigable in law are the subject of the public trust doctrine. 342 N.C. at 301, 484 S.E.2d at 682.

The Court concluded that "navigability as fact by useful vessels, including small craft used for pleasure, constitutes navigability in law." (Emphasis supplied.) *Guthrie*, 342 N.C. at 305, 484 S.E.2d at 681, citing *State v. Matthews Island Club*, 100 N.C. 477, 5 S.E. 411 (1888). "The capability of being used for purposes of trade and travel in the usual and ordinary modes is the test, and not the extent and manner of such use." *Guthrie*, 342 N.C. at 300, 484 S.E.2d at 681, quoting *State v. Telford*, 138 N.C. 603, 606, 48 S.E. 586, 587 (1904). Further, "the public have the right to the unobstructed navigation as a public highway for all purposes of pleasure or profit, of all watercourses, whether tidal or inland, but are in their natural condition capable of such use." *Guthrie*, 342 N.C. at 300, 484 S.E.2d at 681, quoting *State v. Baum*, 128 N.C. 900, 904, 38 S.E. 500, 501 (1901).

Over a century ago, in *State v. Matthews Island Club*, a case cited with approval in *Guthrie*, the Supreme Court found "bailly boats, fast-boats and rafts, drawing from eight to eighteen inches of water" to be "useful vessels." 100 N.C. at 479. Although the *Guthrie* Court did not specify what types of vessels it meant by the phrase "useful vessels, including small craft used for pleasure," in our opinion canoes, kayaks, and similar small recreational craft are clearly included within the meaning of those terms. That is the modern trend followed in other jurisdictions which, like North Carolina, apply the "pleasure craft test" for determining navigability. In *Swan Island Hunt Club v. White*, 114 F. Supp. 95, 97 (E.D.N.C. 1953), 47d S.W.2d 100, 106 (1949). These cases were not disturbed by *Guthrie*, and are consistent with its holding. That line of cases found that streams, which become navigable for the floating of logs only during the spring freshets or on a seasonal basis, are subject to an easement in the public for that purpose. *Commissioners of Bureau Co. v. Columbia Lumber Co.*, 118 N.C. 751, 753-54, 21 S.E. 941, 942 (1895); *Guthrie v. Scottish Canadian Timber & Land Co.*, 111 N.C. 547, 553-50, 16 S.E. 692, 693-94 (1902); *McLaughlin v. Hope Mills Mfg. Co.*, 103 N.C. 400, 9 S.E. 307 (1889). The Supreme Court applied the same principle to the upper White Oak River, which was navigable for floating logs, except in the summer, when the waters fell. *State v. White Oak River Corp.*, 111 N.C. 651, 10 S.E.2d 337 (1962).

A separate line of cases known as the "usefulness" cases supports this conclusion. See *Alonzo (River) Nash and Joseph J. Kuo, Reeds to Preserve North Carolina's Estuarine Marshes: The 1985 Legislation*, Private Claims to Estuarine Marshes, *Deputy of Fisheries & Wildlife*, 64 N.C.L. Rev. 565, at 569, n. 106 (1996). These cases were not disturbed by *Guthrie*, and are consistent with its holding. That line of cases found that streams, which become navigable for the floating of logs only during the spring freshets or on a seasonal basis, are subject to an easement in the public for that purpose. *Commissioners of Bureau Co. v. Columbia Lumber Co.*, 118 N.C. 751, 753-54, 21 S.E. 941, 942 (1895); *Guthrie v. Scottish Canadian Timber & Land Co.*, 111 N.C. 547, 553-50, 16 S.E. 692, 693-94 (1902); *McLaughlin v. Hope Mills Mfg. Co.*, 103 N.C. 400, 9 S.E. 307 (1889). The Supreme Court applied the same principle to the upper White Oak River, which was navigable for floating logs, except in the summer, when the waters fell. *State v. White Oak River Corp.*, 111 N.C. 651, 10 S.E.2d 337 (1962).

Thus, citizens have the right to travel by "useful vessels" such as canoes and kayaks, "in the usual and ordinary mode" on waters which are in their natural condition capable of such use. The owner of land adjoining a watercourse has no right to control or interfere with public travel by boat down streams which are navigable in fact. *State v. Telford*, 138 N.C. 603, 606-7, 48 S.E. 586-7 (1904). Even so, this does not affect the right to trespass on the shore. The Supreme Court has stated the rule as follows:

However, the right of navigation gives no license to go and come through and over the riparian owner's land without "let or hindrance." Similarly, those navigating a river have no right, as incident to the right of navigation, to land upon and use the bank at a place other than a public landing without the consent of the owner, for the banks of a navigable stream are private property.

Guthrie v. Albemarle Hospital, 235 N.C. 431, 444, 70 S.E.2d 689 (1952) (citation omitted).

It is not possible to say with confidence how far up a watercourse public rights may extend. At some point, navigability "in the usual and ordinary course" ceases, and public trust rights give way to those of private property. As the Supreme Court ruled in *State v. Baum*, "the line is not prepared to say that a land owner would be liable to criminal prosecution because he happened to put a willowgate across a creek up which otherwise an idle hunter might be able to pole a canoe. . . ." 128 N.C. at 904. Finally, it should be noted that the State may properly exercise its police power to regulate the use of navigable-in-fact waters, to protect the public health, safety, or welfare.

Thank you for your inquiry. Please advise if we may be of further assistance.



City of Mount Holly Action Agenda Item

To: City Council

Date: July 5, 2023

From: Greg Beal, Planning Director

Meeting Date: July 10, 2023

Agenda Item to be considered: Consideration and Approval of Wayfinding Sign Master Plan

Will this require a public hearing?

☐ YES

☒ NO

Background/Purpose of Request: In 2012, the City of Mount Holly was one of the first towns in the entire region to implement a wayfinding sign project, centered around the new Mount Holly Brand "M logo" and tagline, *Connecting Community & Nature*. Through an established committee, the Mount Holly Economic Development Committee, which included eight citizen stakeholders, two Council members (David Moore and Perry Toomey) and two staff members (Danny Jackson and Greg Beal), the wayfinding project was carried forward with Council's unanimous approval.

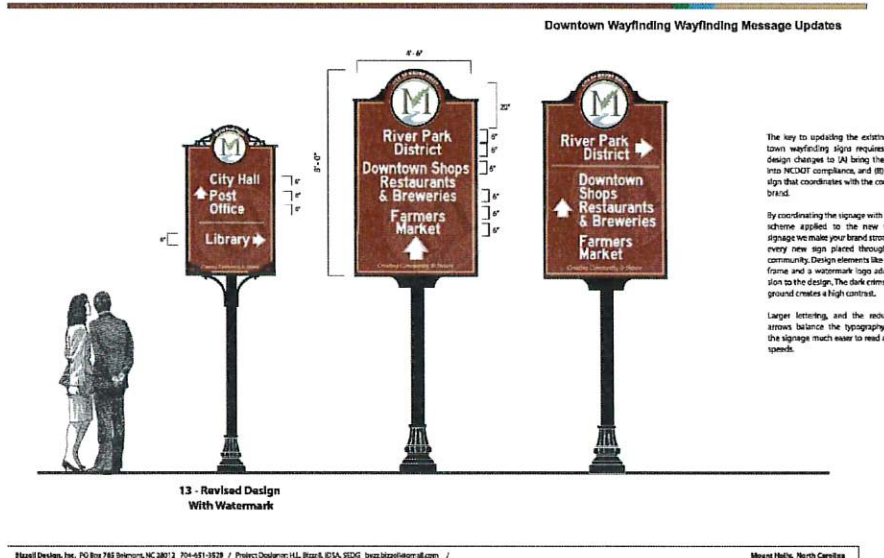
The current green wayfinding signs have a classic look that pays homage to the downtown clock in its design (not necessarily color), which was gifted to Mount Holly by the [Henry] Massey family. After the installation of the wayfinding signs, the City utilized the original schematics and worked with the low-bidder, Sign Connection, to install five gateway entry signs. A significant investment has been made toward branding and wayfinding throughout the City, which has been duplicated by many other municipalities in the area.

Funding was included for a wayfinding project this year. It has not only been ten years since our signs have been updated, but we have discovered that our current signs, even though approved by NCDOT engineers, do not meet the NCDOT standards set forth for other area towns (letter size, for example).

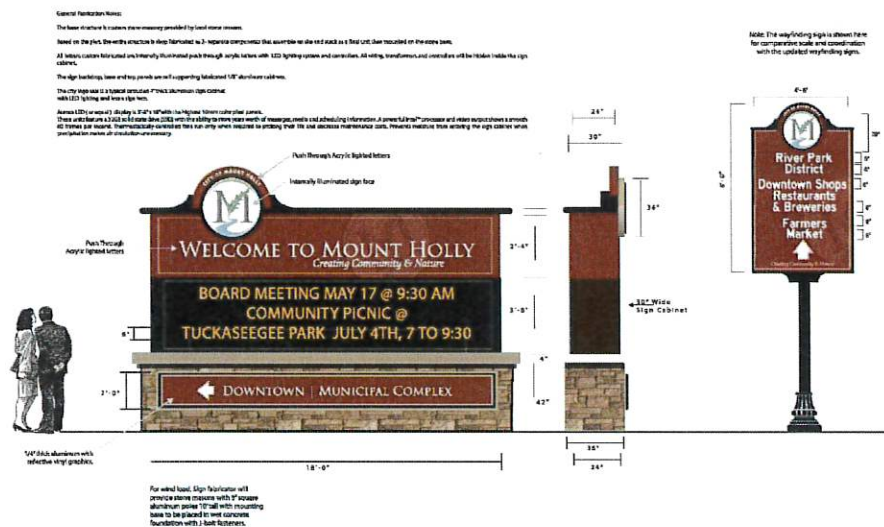
Buzz Bizzell of Bizzell Designs has been hard at work over the past couple of months. At the May 8th Council meeting, City Council gave unanimous approval on having the signs refaced, utilizing a burgundy color with gold trim, which is representative of the gateway entry signs, and is also more in-line with colors that NCDOT prefers, especially at intersections where green, yellow and red are discouraged.

This project has culminated into a completed Wayfinding Master Sign Plan. It takes other components from the 2023 Council Retreat and includes schematics for future budget years. Examples of signs included within the plan are three digital message board signs, which could highlight downtown and community events in the future. An analysis of the downtown kiosk request from the GBA/BOOMA is included. Since the Dutchman's Creek Greenway entrance is not easily recognizable along NC Hwy 27 [East Charlotte Avenue], Bizzell Designs has included a future archway, which fits accordingly with the wayfinding and parking signs.

The project will result in refacing 16 existing signs, and moving 11 of those signs into better locations. There is a call for upsizing wayfinding signs to boulevard-style signs along major thoroughfares, and 12 of those signs are accounted for in the plan and corresponding map. There is funding for 8 of these signs with the adoption of the new budget. No existing wayfinding signs will be utilized. The Plan itself will serve the City for many years to come.



Internally Illuminated Digital Message Welcome Signs / 3 Single Faced Signs Req.



***Please note Creating Connecting Community & Nature is corrected in the final version**

Fiscal Impact:

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

Manager/Staff Recommendation: Staff recommends approval of the Wayfinding Master Sign Plan

Result of City Council Decision: _____
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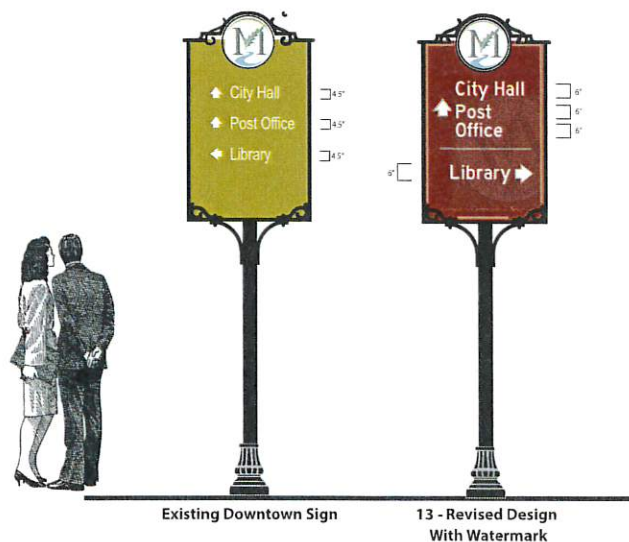
Attachments: <i>Wayfinding Master Sign Plan (separate attachment due to size)</i>
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DOWNTOWN WAYFINDING WAYFINDING GRAPHIC REVISIONS
CITY OF MOUNT HOLLY NORTH CAROLINA
JULY 5, 2023



Downtown Wayfinding Wayfinding Graphic Revisions

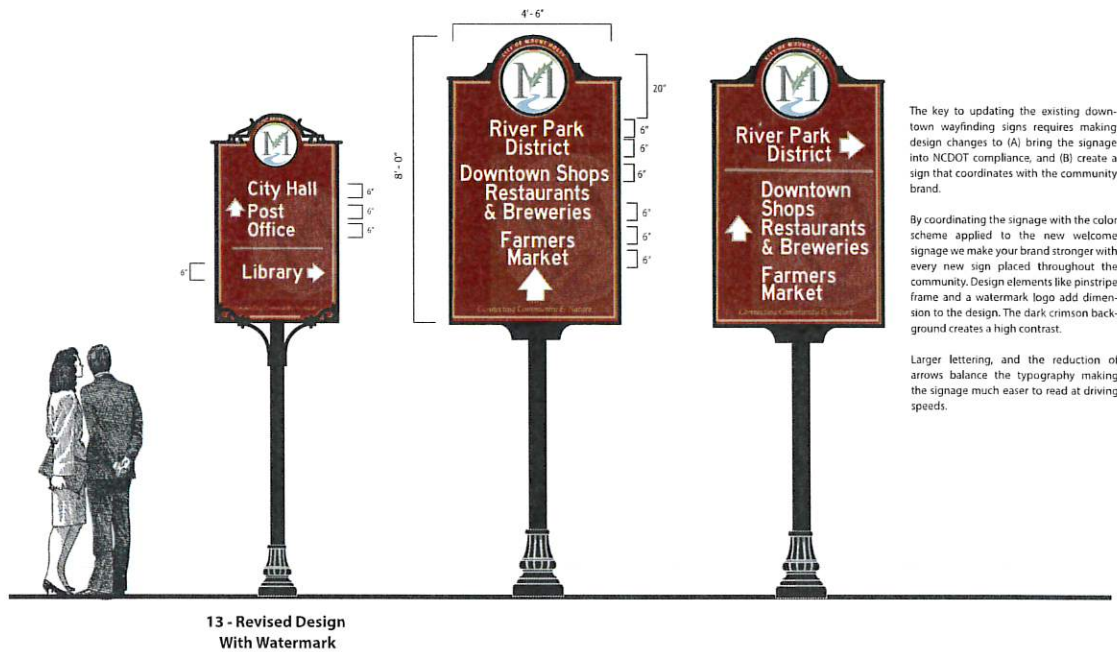


The key to updating the existing downtown wayfinding signs requires making design changes to (A) bring the signage into NCDOT compliance, and (B) create a sign that coordinates with the community brand.

By coordinating the signage with the color scheme applied to the new welcome signage we make your brand stronger with every new sign placed throughout the community. Design elements like pinstripe frame and a watermark logo add dimension to the design. The dark crimson background creates a high contrast.

Larger lettering, and the reduction of arrows balance the typography making the signage much easier to read at driving speeds.

Downtown Wayfinding Wayfinding Message Updates



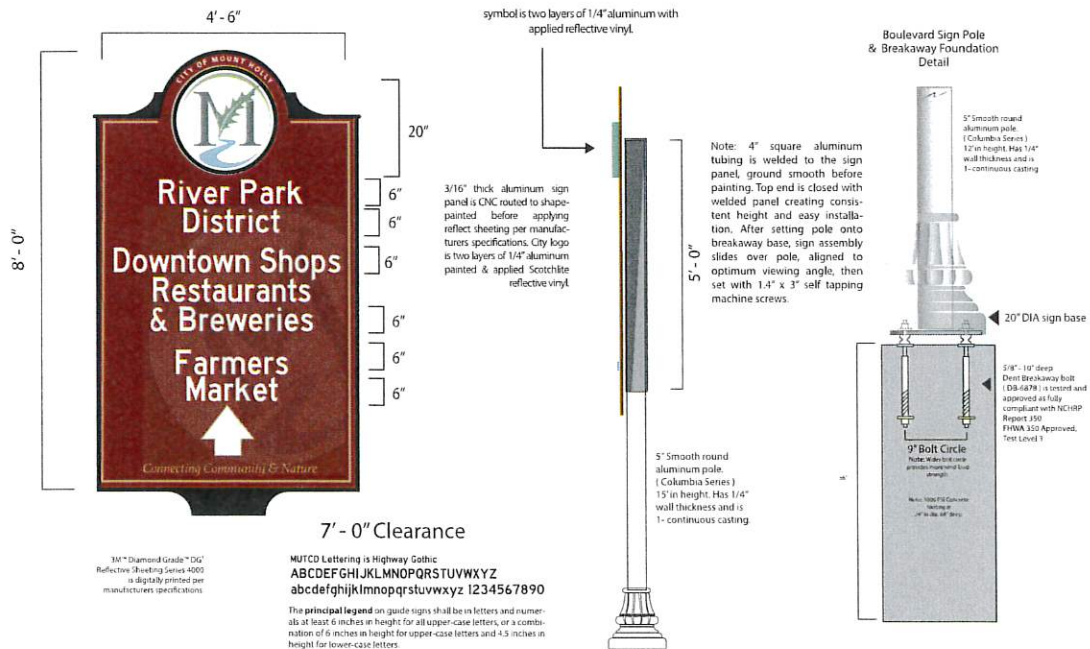
The key to updating the existing downtown wayfinding signs requires making design changes to (A) bring the signage into NCDOT compliance, and (B) create a sign that coordinates with the community brand.

By coordinating the signage with the color scheme applied to the new welcome signage we make your brand stronger with every new sign placed throughout the community. Design elements like pinstripe frame and a watermark logo add dimension to the design. The dark crimson background creates a high contrast.

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Boulevard Post Mounted Wayfinding 35 MPH or Above / Lettering and Message guidelines / Breakaway Mounting Guidelines

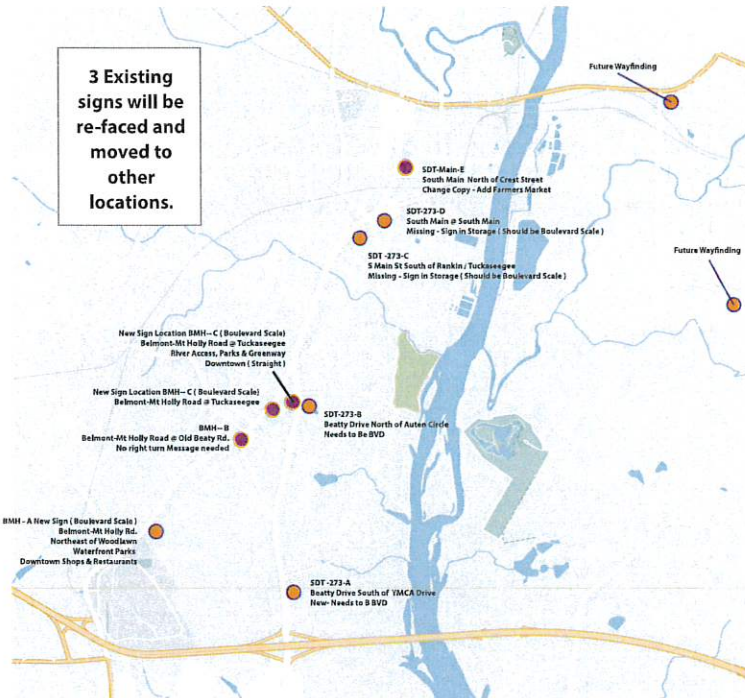
NOTE: ALL DESTINATIONS LISTED ARE CITY OR COUNTY OWNED OR MANAGED PUBLIC, ART, EDUCATIONAL AND CULTURAL FACILITIES.



4- Existing Signs to be refaced with new messaging added.

5- New Boulevard Size Signs to be added.

6- Smaller single position signs added near Tuckasegee Park



Existing Sign Inventory /Location / South of Downtown from I-85 Exit 27 to Glendale / 2 existing Signs / 3 Boulevard Scale / 2- Exchange

SDT-273-A
Beatty Drive South of YMCA Drive
New- Needs to B BVD



SDT-273-B
Beatty Drive North of Auten Circle
Needs to be BVD



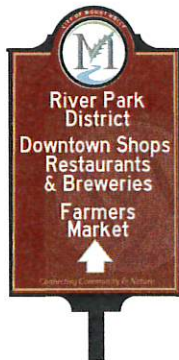
SDT-273-C
S Main St South of Rankin / Tuckasegee
Missing - Sign in Storage (Should be Boulevard Scale)



SDT-273-D
South Main @ South Main
Missing - Sign in Storage (Should be Boulevard Scale)



SDT-Main-E
South Main North of Crest Street
Change Copy - Add Farmers Market



SDT-273-A
Beatty Drive
South of YMCA Drive
New- Boulevard Scale



SDT-273-B
Beatty Drive
North of Auton Circle
New- Boulevard Scale



SDT-273-C
S Main St
South of Rankin / Tuckaseegee
New- Boulevard Scale
Existing Small Sign in Storage



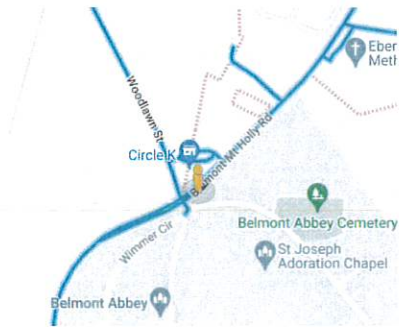
SDT-273-D
South Main @ South Main
New- Boulevard Scale
Existing Small Sign in Storage



SDT-Main-E
South Main
North of Crest Street
Change Copy -
Add Farmers Market
Keep Location

Note: One existing sign is refaced in place
Two Existing signs currently in storage will be refaced and placed in other locations.
One Existing Sign will be removed and refaced and placed in other location.

BMH - A New Sign (Boulevard Scale)
Belmont-Mt Holly Rd.
Northeast of Woodlawn
Waterfront Parks Downtown Shops & Restaurants



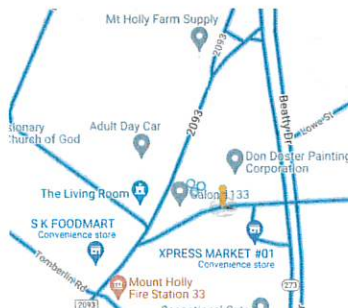
BMH-- B
Belmont-Mt Holly Road @ Old Beatty Rd.
No right turn Message needed



New Sign Location BMH-- C
Belmont-Mt Holly Road @ Tuckaseegee
River Access, Parks & Greenway
Downtown (Straight)



New Sign Location 514- D
Move sign from unmarked Hawthorne Rd.
River Access, Parks & Greenway (Straight)
Downtown (Left)



BMH - A
Belmont-Mt Holly Rd.
Northeast of Woodlawn
New- Boulevard Scale



BMH-- B
Belmont-Mt Holly Road
@ Old Beatty Rd.
No right turn Message needed
Keep Location



BMH-- C
Belmont-Mt Holly Road
@ Tuckaseegee
Use Sign from Storage
Reface Message Panel
New Location



New Sign Location 514- D
Tuckaseegee
@ Beatty Drive
Use Sign from Storage
Reface Message Panel
New Location

320 Catawba

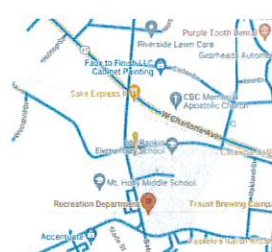
Remove Sign and re-use in better location



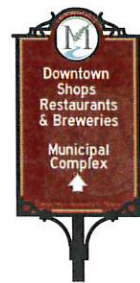
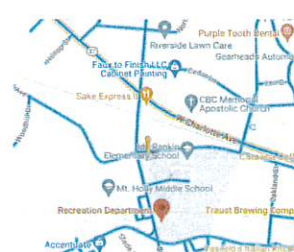
Repositioned Location

Unmarked Hawthorne

Remove Sign and re-use in better location



CHA- 1 Unmarked Hawthorne

Crossing Hawthorne On Catawba Driving East
Downtown Shops & Restaurants
Farmers Market Municipal District.CHA- 1 Unmarked Hawthorne
On Catawba Driving East
From Hawthorne
Reface Existing Sign
Keep Location

Downtown Sign Placement Detail

- Existing Signs
- New Signs

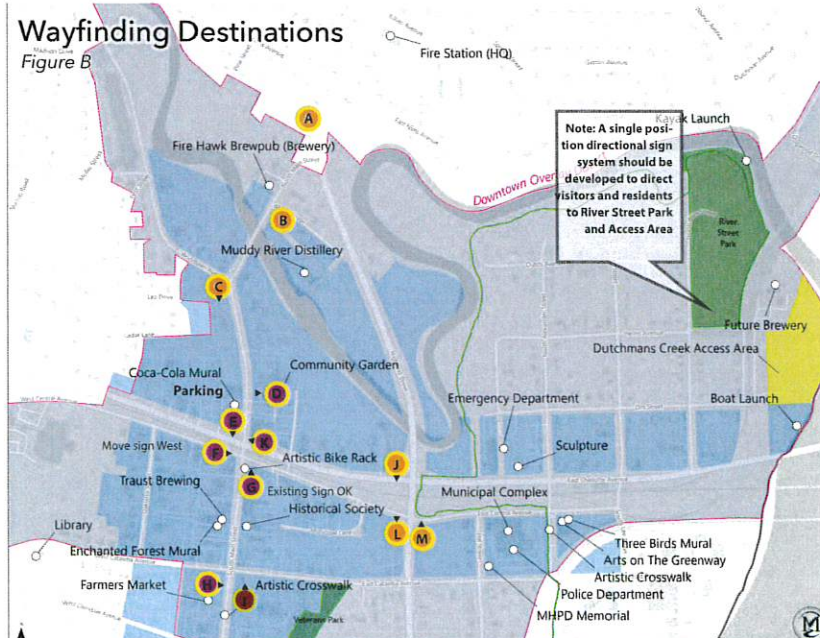
7- Existing Signs to be refaced with new messaging added.

6- New Boulevard Size Signs to be added.

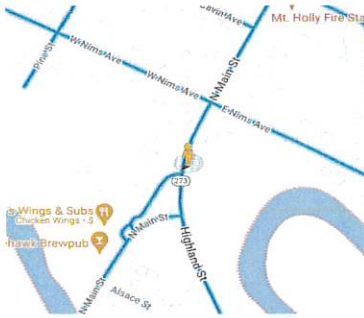
6- Smaller single position signs added.

Wayfinding Destinations

Figure B



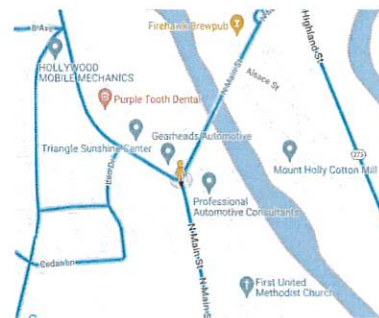
DT-A
North Main Street North of Highland
Replace Existing sign with New Boulevard Scale



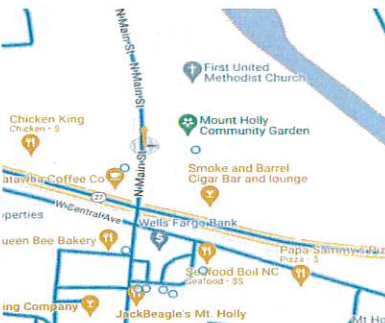
DT-B
North Main Street at Alsace
Move existing DT-A / Reface Old Cotton Mill,



DT-C
North Main Street at Woodlawn
New Reface and position for existing sign.



DT-D
North Main Street at Community Garden
Reface Existing DF sign



DT-E
North Main Street at W. Charlotte Ave
Reface Existing DF sign SF only



DT-F
W. Charlotte Ave. at S. Main
Move Existing Sign to end of fence line Reface



Existing Sign Inventory /Location / Downtown District

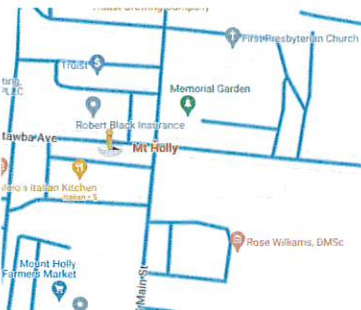
DT-G

North on Main St @ West Central Ave. Note Move sign Back and add Parks & Recreation (Left) and Art on the Greenway (Right)



DT-H

West Catawba Ave at South Main
Move existing sign back from intersection/ reface



DT-I

South Main at East Catawba
Move existing sign back from intersection/ reface



Existing Sign Inventory /Location / Highland Ave. / Municipal Complex Recreation Center / Dutchman Creek Access Area

DT-J

Highland Ave at East Charlotte Ave
New Boulevard Scale Sign



DT-K

East Charlotte Ave and Main Street
Move Existing Refaced Sign



DT-L

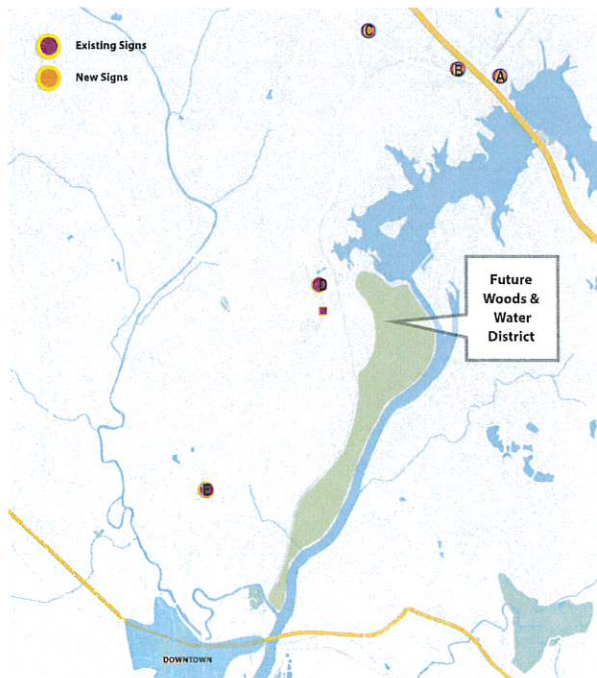
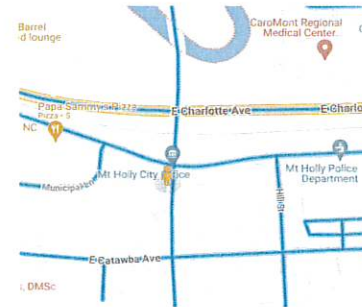
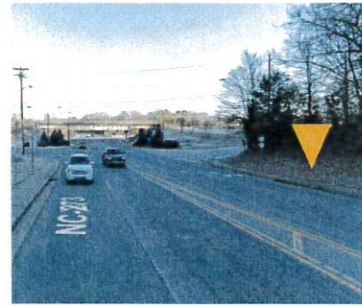
Highland Ave at East Charlotte Ave
New Boulevard Scale Sign



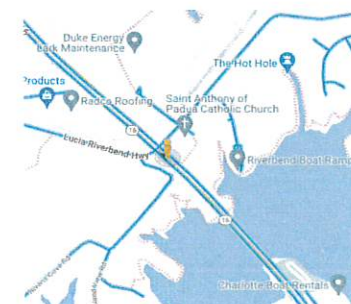




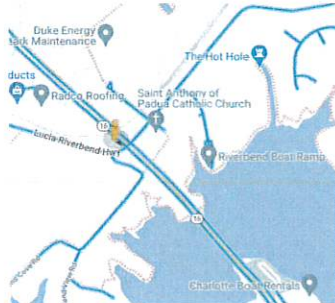
DT-M
Highland Ave at East Charlotte Ave
New Boulevard Scale Sign



MTI-A
HWY 16 West at Lucia Riverbend HWY
New Boulevard Scale Sign



MTI-B
HWY 16 East at Lucia Riverbend HWY
New Boulevard Scale Sign



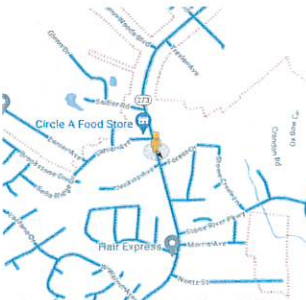
MTI-C
HWY 16 East at Lucia Riverbend HWY
New Boulevard Scale Sign



MTI-D
HWY 273
Reface Existing Sign Left Mt. Island Park, Etc.



MTI-E
HWY 273
Reface Existing Sign New Message



MTI-A
HWY 16 West
at Lucia Riverbend HWY
New Boulevard Scale Sign



MTI-B
HWY 16 East
at Lucia Riverbend HWY
New Boulevard Scale Sign



MTI-C
Lucia Riverbend HWY
at Fire Station
New Boulevard Scale Sign



MTI-D
S.HWY 273
at Mountain Island Road

Reface Existing Sign Left Mt. Island Park, Etc.
Keep Location



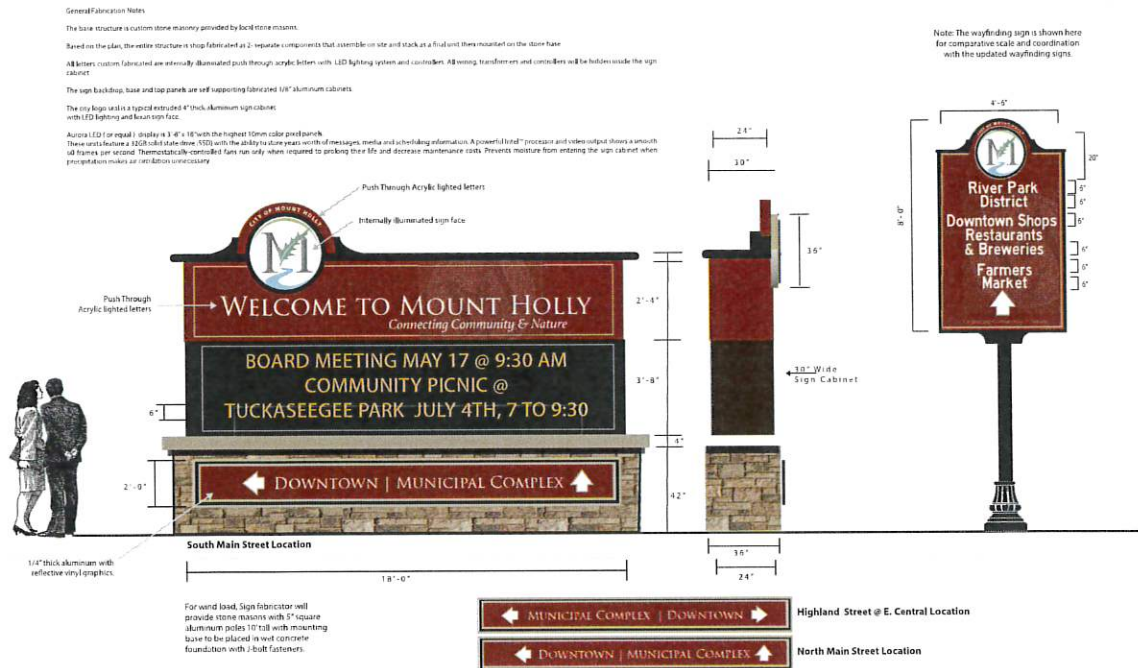
MTI-E
S.HWY 273
at Jenkins Ave

Reface Existing Sign Left Mt. Island Park, Etc.
Keep Location

Internally Illuminated Digital Message Welcome Signs / 3 Single Faced Signs Req.



Internally Illuminated Digital Message Welcome Signs / 3 Single Faced Signs Req.



Internally Illuminated Digital Message Welcome Signs / 3 Single Faced Signs Req.

South Main Street Location



Highland Street @ E. Central Location



North Main Street Location





Preliminary Cost Estimates for suggested fabrications and installation.

16	Reface 5 existing signs in place. Remove, shop refurbish 11 Signs install in new locations	\$12,000.00 Reface 16 Signs \$13,200.00 Remove / Re-install <i>Initial estimate of \$17,000.00 was based on no re-locations of signs.</i> Project Under Contract
12	Fabricate 12 new Boulevard scale wayfinding signs, Install as located per plan.	\$81,600.00 Fabricate Boulevard Signs \$22,000.00 Installation 4-Signs Under Contract
3	Fabricate 3 Digital LED message boards leading people to the downtown district.	\$69,450.00ea Total \$208,350.00 Digital Message Display Signs. (Cost for hardware/controls/signs)
2	Future Projects: Downtown Digital Downtown Kiosks with moving (TV) style graphics rotating through current events.	\$43,000.00 ea - Total \$86,000.0
2	Future Projects: Greenway Trail Head Archway Downtown Alley Archway	\$12,000.00ea - Total \$24,000.00



City of Mount Holly Action Agenda Item

To: City Council Greg Beal, Planning Director	Date: July 5, 2023
From: Marie Anders, City Attorney	Meeting Date: July 10, 2023
Agenda Item to be considered: Discussion of Designating Loading/Unloading Zone on Central Ave	

Will this require a public hearing? ☐ YES ☒ NO

Background/Purpose of Request: Recently staff learned of a situation where a local business owner had no way of dropping-off supplies for her business, as the parking around the Top O' the Line Dry Cleaners was taken. This caused her to park on the sidewalk, which is strictly prohibited. The business owner understands this and approached the City Attorney, the Mayor and perhaps some other Councilmembers about the need to have a loading/unloading zone on Central Avenue that would benefit all businesses in the area.

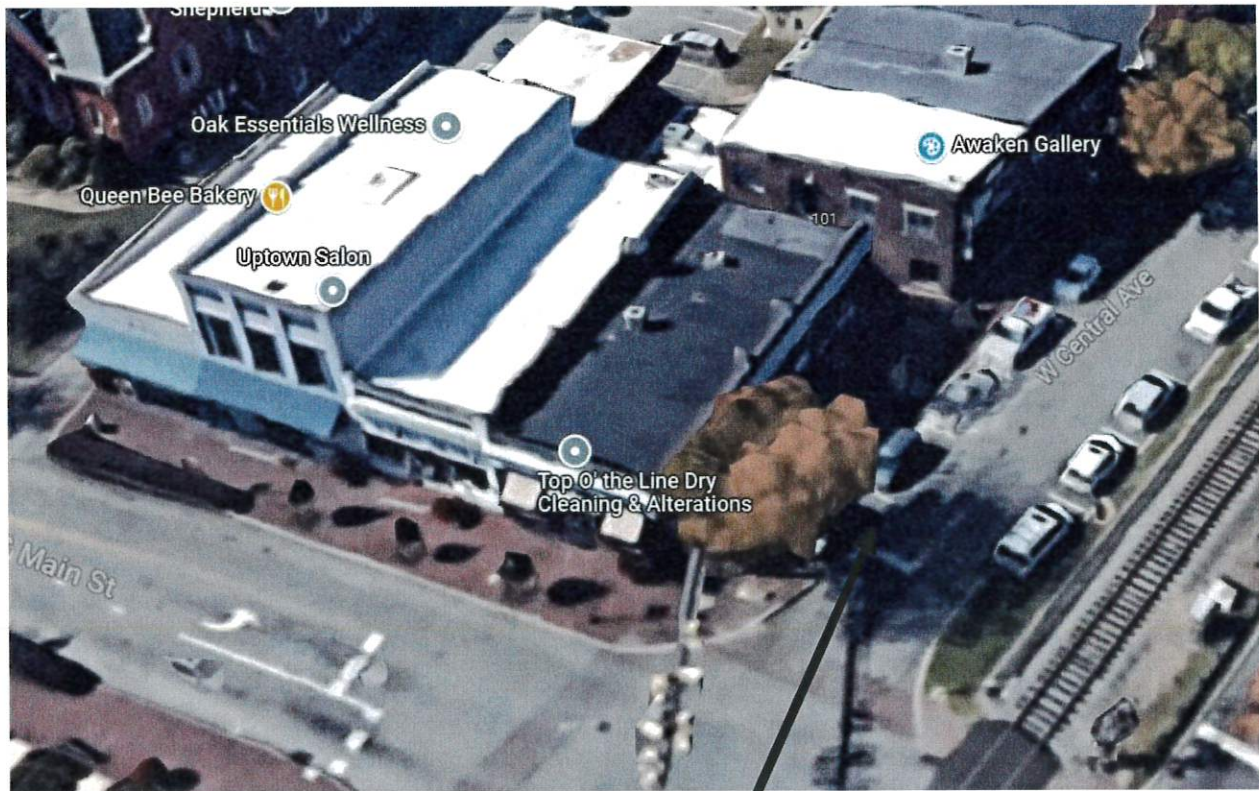
Staff has spoken with City Attorney Marie Anders, and we feel that it is necessary to bring the item to the full Council for discussion and direction.

A possible course of action would be for the City Attorney to prepare an ordinance, which would amend the City Code of Laws to designate one or two parking spaces along West Central Avenue, at the intersection of South Main Street as "30-minute Loading/Unloading Zones." This would be found in the City Code, similar to other designations for no parking within 100 feet of intersections or no parking on Cove Avenue, for example.

Based on research, staff has found that designated loading/unloading zones are across the board when it comes to time limits. We have seen 10 minutes, 15 minutes and 30 minutes. 30 minutes may be appropriate, as at times a single business owner is having to juggle multiple tasks. Also, would one space or two spaces be appropriate? Two spaces may enable larger deliveries and could prevent parking on the street. However, parking spaces are at times a premium and staff does not want to assume that two spaces are needed.

Based on Council's direction, at the minimum, signs will need to be installed, designating the space(s) as loading/unloading zones.





Area of Consideration for Loading/Unloading Zone

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 seeks direction from Council on the course of action to designate loading/unloading zones on West Central Avenue.

Result of City Council Decision:

Attachments:

SIGN UP TO SPEAK AT THE

7/10/2023

Rezoning

This meeting is streamed live on the internet and a recording will be made public on the City Website

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SIGN UP TO SPEAK AT THE

7/10/2023

Text Amendment

This meeting is streamed live on the internet and a recording will be made public on the City Website

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SIGN UP TO SPEAK AT
10-Jul-23
UNSCHEDULED PUBLIC COMMENT

This meeting is streamed live on the internet and a recording will be made public on the City Website

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