



May 14, 2018 Council Meeting

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

CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL



May 14, 2018
7:00 P.M.

CALL TO ORDER BY THE MAYOR

INVOCATION

Tanya [Signature] Varcel
PLEDGE OF ALLEGIANCE

Boy Scout Troop 59

SET THE AGENDA

DM is

CB [Signature]

*Remove Buddy
Rodgers*

CONSENT AGENDA

1. Approval of a Resolution Appointing Tara Mallory Deputy City Clerk
2. Call for a Public Hearing for the 2018/2019 Fiscal Year Budget
3. Release of Letter of Credit for Dutchman's Ridge Phase 3
4. Approval of the minutes of the April 9, 2018 Council Meeting
5. Approval of the minutes of the April 23, 2018 Council Work Session Meeting
6. Approval of the minutes of the April 27, 2018 Special Meeting

LS JM

PRESENTATIONS

1. Recognition of Charles Rogers upon Retirement from the Utilities Department *Mayor Bryan Hough*
2. Presentation of a Proclamation to Recognize May 13th-19th as National Police Officers Memorial Week *Mayor Bryan Hough*
3. Introduction of New Employees *Department Heads*

PUBLIC HEARING

1. Public Hearing for a request by Crescent Resources to rezone 128.17 acre tract of land off of Mountain Island Road, Tax Parcel ID# 213896 from Gaston County R-1 to Light Industrial Conditional District. *Jonathan Wilson*
2. Public Hearing for a text amendment to Section 3.11 Accessory Buildings and Structures, concerning prohibition of shipping containers as accessory buildings. *Jonathan Wilson*
3. Public Hearing for a text amendment to Section 6.4, Business, Professional and Personal Services, to add tattoo parlor as a permitted use in the B-3 General Business District *Jonathan Wilson*
4. Public Hearing regarding a text amendment for the Subdivision and Land Development Ordinance. *Jonathan Wilson*

PUBLIC COMMENT – Three (3) Minute Limit

OLD BUSINESS

NEW BUSINESS

1. Presentation of the Preliminary 2018/2019 Fiscal Year Budget *Africa Otis*
2. Land Development Presentation *Danny Jackson*
3. Discussion of the Adrian Mill Contract *Kemp Michael*
4. Discussion of Alternate Uses for the Massey Building *Danny Jackson*

OTHER BUSINESS

CLOSED SESSION

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

ADJOURN

CONSENT AGENDA

[illegible]



City of Mount Holly Action Agenda Item

To: City Council	Date: May 9, 2018
From: Danny Jackson, City Manager	Meeting Date: May 14, 2018
<u>Agenda Item to be considered:</u> Consent Agenda #2 – Call for a Public Hearing for the 2018/2019 Fiscal Year Budget	
Will this require a public hearing? ☐ YES ☒ NO	
<u>Background/Purpose of Request :</u> Per N.C. Law the City Council is required to set a date for a Public Hearing to consider adoption of the 2018/2019 Fiscal Year Budget. You are hereby being asked to set June 11, 2018 as the date for the Public Hearing to consider adopting the mentioned budget.	
<u>Fiscal Impact:</u>	
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
<u>Manager/Staff Recommendation:</u> Motion to set June 11, 2018 as the date for a Public Hearing to consider adoption of the 2018/2019 Fiscal Year Budget	
<u>Result of City Council Decision:</u> _____	
<u>Attachments:</u>	



City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: May 10, 2018
From: David E. Johnson, PE	Meeting Date: May 14, 2018
Agenda Item to be considered:	
Release the Irrevocable Standby Letter of Credit posted for Dutchman's Ridge Phase 3 in accordance with the Subdivision and Land Development Guidelines.	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request :	
Phase 3 letter of credit of \$133,173 was posted by East Dutchman, LLC on February 25, 2016 and the City Council approved a <u>maintenance</u> guarantee on October 23, 2017 in the amount of \$19,976.	
Since that time, a maintenance bond status is no longer an option as per the State but a <u>warranty</u> guarantee against defects is legally acceptable.	
This phase of Dutchman's Ridge has been completed and all punch list items completed to our satisfaction. The developer has asked for a release of their maintenance LOC in accordance with State law.	
We recommend the release of the maintenance LOC and we accept the infrastructure contained within the boundaries of the Dutchman's Ridge Phase 3 project.	
Fiscal Impact:	
Will Item affect current budget .	☐ YES ☒ NO ☐ N/A
Reviewed by Finance Director	☐ YES ☒ NO ☐ N/A
Preaudit Certification required	☐ YES ☒ NO ☐ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☐ YES ☒ NO ☐ N/A
Manager/Staff Recommendation: <u>Recommend release of the maintenance LOC to East Dutchman, LLC and accept the infrastructure within Phase 3 of the Dutchman's Creek subdivision.</u>	
Result of City Council Decision:	
Attachments: Background documentation, LOC, East Dutchman LLC request	



David Johnson <david.johnson@mttholly.us>

Dutchman's Ridge / warranty release for phase 3

4 messages

Rick Judson <rick@evgroup.net>

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

Cc: Thomas Pearson <tpearson@bellsouth.net>, moonley@eastwoodhomes.com, Allen Nason <anason@eastwoodhomes.com>

Wed, Mar 21, 2018 at 3:59 PM

Dave,

Per our conversation today, I am making a formal request for release of the bond securing the maintenance of infrastructure in Phase 3.

Please advise if additional information is needed from me in order to expedite this matter, and what you think may be the time-line of such release.

Regards,

Rick Judson

Evergreen Group, LLC

704/342-3774 (o)

David Johnson <david.johnson@mttholly.us>

To: Derek Dixon <derek.dixon@mttholly.us>

Wed, Mar 21, 2018 at 4:04 PM

see me on this



David E. Johnson, PE

Utilities Director / City Engineer

Office 704.951.0074 x102

Cell 704.458.1309

[Quoted text hidden]

David Johnson <david.johnson@mttholly.us>

To: Danny Jackson <dannyjackson@mttholly.us>

Cc: Miles Braswell <miles.braswell@mttholly.us>, Derek Dixon <derek.dixon@mttholly.us>

Thu, Mar 29, 2018 at 4:10 PM

Danny - Do we need Council action on releasing this LOC back to the developer?
We have inspected the infrastructure and Phase 3 is an excellent shape and we do not have any problems in releasing this LOC.
Your guidance would be appreciated.

Thanks.

Dave



David E. Johnson, PE

Utilities Director / City Engineer



David Johnson <david.johnson@mitholly.us>

Phase 3 release of LC

2 messages

Thomas Pearson <tdpearson@bellsouth.net>
To: David Johnson <david.johnson@mitholly.us>
Cc: Rick Judson <rick@evggroup.net>

Thu, Apr 5, 2018 at 10:44 AM

I believe we have completed everything for the phase 3 of Dutzman Ridge release of the Letter of Credit in the amount \$19,976. Please copy me on the release to Region Bank so that I can follow up on this. Thanks Tom

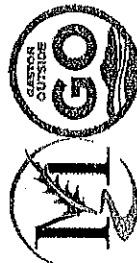
Tom Pearson

Pearson Land Corporation

704-617-7200

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

Thu, Apr 5, 2018 at 11:13 AM



David E. Johnson, PE
Utilities Director / City Engineer
Office 704.951.0074 x102
Cell 704.458.1309
[Rounded text hidden]

Subject: RE: Dutchman's Ridge Map 3 Bond release

To: David Johnson <david.johnson@ntholly.us>, "Michael, Lopez, & Anders, PLLC" <office@mounthollylaw.com>

Cc: Danny Jackson <dannyjackson@ntholly.us>, Miles Braswell <miles.braswell@ntholly.us>, Derek Dixon <derek.dixon@ntholly.us>

Dave and Kemp,

Please find attached a link to the School of Government's Coates Cannon NC Local Government Law Blog on the subdivision performance changes. I researched this issue through the SOG some time ago. While the City can certainly require performance bonds through a LOC or another approved financial guarantee, in case the developer defaults on installing the remaining bonded infrastructure, ongoing maintenance bonds are not allowed by the new statute. The exception to the rule is for stormwater improvements or bmp's (i.e. retention ponds). It may be worth noting that a **one year warrantee against defects**, after City acceptance of the infrastructure, probably should not be looked in the same light as requiring a one-year maintenance bond. If a new sidewalk cracks or roads fails within the one year time period, the City has a one-year warrantee on defects to potentially cover the costs of repair. Our Subdivision Ordinance requires at least a 15% financial guarantee on the total costs of a installation, and I have included that section below from the Subdivision and Land Development Ordinance for more detail. This is just my interpretation, and I hope it is helpful. I would certainly welcome other comments.

<https://canons.sog.unc.edu/subdivision-performance-guarantees-legislative-changes/>

Warranty Against Defects Prior to the approval of the final plat or acceptance by the City of any improvements in any Subdivision, the Subdivider shall furnish to the City a written warranty against defects which shall guarantee the material and workmanship for a period of not less than one (1) year from the date of such acceptance. Such warranty shall be accompanied by a financial guarantee payable to the City equal to at least fifteen percent (15%) of the cost of the installation of such improvements as determined by the Subdivision Administrator. Such financial guarantee shall be in the form of financial guarantee as provided for in Section 4.1 (1) or 4.1 (2) of the Subdivision Ordinance. Upon successful performance of the improvements, as determined by the City Council, for the one-year period, the financial guarantee shall be returned to the Subdivider. Upon the failure of an improvement to perform within the generally accepted standards for the type of improvement as determined by the City Council, the Subdivider shall be notified and given a reasonable period of time to correct the defects. Should the Subdivider fail to act in a timely manner, or otherwise fail to correct the defect(s), the Subdivision Administrator shall find the Subdivider in default and proceed in the same manner as provided for in Section 4.3 of the Subdivision Ordinance.

Greg Beal, CZO

Planning & Development Director

Department of Planning & Development

Planning, Zoning, GIS Technology, Economic Development and Code Enforcement



David Johnson <david.johnson@mttholly.us>

Fwd: Dutchman's Ridge Map 3 Bond release

2 messages

Derek Dixon <derek.dixon@mttholly.us>

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

Tue, Nov 21, 2017 at 8:36 AM

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

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

Date: Wed, Aug 16, 2017 at 10:07 AM

Subject: Fwd: Dutchman's Ridge Map 3 Bond release

To: "Michael, Lopez, & Anders, PLLC" <office@mounthollylaw.com>

Cc: Danny Jackson <dannyjackson@mttholly.us>, Miles Braswell <miles.braswell@mttholly.us>, Greg Beal <gregbeal@mttholly.us>, Derek Dixon <derek.dixon@mttholly.us>

Kemp - Dutchman's Ridge Map 3 will be the first project in some time to go from a performance bond to a maintenance bond. If I remember correctly there were legal issues concerning requiring developer's to post a maintenance bond for 1-year. Please let me know if I can proceed in accordance with our Ordinances and require a maintenance bond. thanks.

Dave



David E. Johnson, PE
Utilities Director / City Engineer
Office 704.951.0074 x102
Cell 704.458.1309

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

From: Derek Dixon <derek.dixon@mttholly.us>

Date: Fri, Aug 11, 2017 at 1:07 PM

Subject: Dutchman's Ridge Map 3 Bond release

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

See attached Memo.

DUTCHMAN'S RIDGE
Warranty LOC

11/21/2017

City Of Mount Holly Mail - Fwd: Dutchman's Ridge Map 3 Bond release

Phone: (704) 951-3012

Fax: (704) 827-5672



From: David Johnson [mailto:david.johnson@mitholly.us]
Sent: Wednesday, August 16, 2017 10:07 AM
To: Michael Lopez, & Anders, PLLC
Cc: Danny Jackson; Miles Braswell; Greg Beal; Derek Dixon
Subject: Fwd: Dutchman's Ridge Map 3 Bond release

Kemp - Dutchman's Ridge Map 3 will be the first project in some time to go from a performance bond to a maintenance bond.

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[Quoted text hidden]
[Quoted text hidden]
[Quoted text hidden]



City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: October 12, 2017
From: David E. Johnson, PE	Meeting Date: October 23, 2017
Agenda Item to be considered: Acceptance of a 1-year maintenance guarantee for Dutchman Ridge Phase 3 Infrastructure Improvements.	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request : The Dutchman Ridge Phase 3 roads and associated infrastructure have been completed, inspected, and approved for maintenance guarantee status. The developer, East Dutchman, LLC, posted a \$19,976.00 letter of credit that will expire on February 25, 2019 which is well over the 1-year maintenance period. We will inspect the infrastructure after 1-year and work with the developer to correct and/or repair any deficiencies. If acceptable at that time, we will seek your approval to accept the infrastructure into the City's system.	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☒ NO ☐ N/A
Reviewed by Finance Director	☐ YES ☒ NO ☐ N/A
Preaudit Certification required	☐ YES ☒ NO ☐ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☐ YES ☒ NO ☐ N/A
Manager/Staff Recommendation: <u>Recommend the Acceptance of the 1-year maintenance guarantee status for Dutchman Ridge Phase 3.</u>	
Result of City Council Decision: _____	
Attachments: supporting documentation	



MEMO

TO: David E. Johnson P.E.
FROM: Derek J Dixon
DATE: 4/4/17
RE: Dutchmans Ridge Map 3 Bond Reductions

David,

Map 3 of Dutchmans Ridge is over 80% built upon. The developer has placed the final 1.5" of top course asphalt, repaired curb gutter, and repaired sidewalks. The developer has requested a reduction of the bond to 30% of the total bond amount. I approve of the bond reduction to 30%.

Derek J Dixon

Site Inspector

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

City of Mount Holly
400 East Central Ave.
Mount Holly, N. C. 28120
Attention: Derek Dixon

RECEIVED
AUG 22 2017

August 17, 2017

CITY OF MOUNT HOLLY
PER

Re: Release of bond for Phase 3 Dutchman Ridge

Derek Dixon:

We have completed all of the requirements for Phase 3 of Dutchman Ridge. We request that this phase be accepted into the town as having fulfilled all of the requirements for street acceptance. Please send to Regions Bank a notice that we have met all obligations in regards to the letter of credit so that it can be canceled and released.

Call me with in questions.

Sincerely,



Thomas D. Pearson
Manager

Cc Rick Judson
Trepp McMahon



201 MILLAM PARKWAY, 15TH FLOOR, BIRMINGHAM, AL 35211
S.W. HUNTER TURNER BUILDING, TELLY 679/871, URBEMIA
PHONE: (866) 828-6928 FAX: (205) 420-6019

DATE: SEPTEMBER 29, 2011 L/C NUMBER: 8510733
AMENDMENT NUMBER: 02

BENEFICIARY:
CITY OF MOUNT HOLLY
100 EAST CENTRAL AVENUE
MOUNT HOLLY, NC 28220

OPENER:
EAST DUTCHMAN, LLC
4301 FAIRVIEW OAKS DRIVE
CHARLOTTE, NC 28211

WE HAVE AMENDED THE CAPTIONED LETTER OF CREDIT AT THE REQUEST THE
OPENER'S REQUEST.

TERMS AND CONDITIONS AS AMENDED:

THIS AMENDMENT IS SUBJECT TO RECEIPT OF BENEFICIARY'S CONSENT. PLEASE
CONFIRM YOUR CONSENT TO US BY COMPLETING THE ENCLOSED BENEFICIARY'S
CONSENT TO THE AMENDMENT FORM BY MAIL.

AMOUNT DECREASED BY: USD 519,076.00
NEW BALANCE: USD 519,076.00

EXPIRATION DATE AMENDED TO: FEBRUARY 25, 2013

THIS AMENDMENT MUST BE ATTACHED TO AND BECOME AN INTEGRAL PART OF THE
ORIGINAL CREDIT. ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

SINCERELY,


AUTHORIZED SIGNATURE

ACCEPT THE TERMS AND CONDITIONS OF THE ABOVE-REFERENCED
AMENDMENT.

DO NOT ACCEPT THE TERMS AND CONDITIONS OF THE ABOVE-REFERENCED
AMENDMENT AND AMI HEREBY RETURNING THE ORIGINAL AMENDMENT TO YOU.

CITY OF MOUNT HOLLY, NC

City of Mount Holly
Mount Holly City Council Meeting
Monday, April 9, 2018
Council Chambers
7:00 pm

Call to Order

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

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

Invocation

Reverend Jonathan Shelor, pastor of Second Baptist Church gave the invocation

Pledge of Allegiance

Boy Scout Troop 59 of the First United Methodist Church in Mount Holly led attendees in the Pledge of Allegiance.

SET THE AGENDA

Mayor Hough advised that Presentations, Item #3 *Recognition of Charles Rogers upon Retirement from the Utility Department* needs to be taken off of the agenda, With no additional changes to the agenda Councilwoman Breyare made a motion to approve the agenda. Councilman Moore seconded the motion. All Council Members voted in favor. Motion carried.

CONSENT AGENDA

1. Approval of a Budget Amendment for Business Incentive Grant for 107 West Central Avenue, Awaken Art Gallery and Studios
2. Call for public hearing for a request by Crescent Resources to rezone 113.79-acre tract of land off of Mountain Island Road, Tax Parcel ID# 213896 from Gaston County R-1 to Light Industrial Conditional District.
3. Call for public hearing, regarding a request by Smith Southeast Development LLC, to rezone 55 Caldwell Drive, Tax Parcel ID #226178; Caldwell Drive, Tax Parcel ID #226181; and Caldwell Drive, Tax Parcel ID #226182 totaling 30.8-acres of land from B-3 General Business to Multi-Family Mixed Use Conditional District.
4. Call for a text amendment to Section 3.11 Accessory Buildings and Structures, concerning prohibition of shipping containers as accessory buildings.
5. Call for a text amendment to Section 6.4, Business, Professional and Personal Services, to add tattoo parlor as a permitted use in the B-3 General Business District.
6. Approval of the minutes of the March 12, 2018 Council Meeting
7. Approval of the minutes of the March 26, 2018 Council Work Session Meeting

Mayor Pro Tem Toomey made a motion to approve the consent agenda. Councilman Meadows seconded the motion. All Council Members present voted in favor. (Motion carried)

PRESENTATIONS

1. Recognition of Miss Outstanding Teen Marissa Garrison

Mayor Hough recognized North Carolina's Miss Outstanding Teen Marissa Garrison. He advised that Mount Holly is proud to have her represent Mount Holly and North Carolina, Miss Garrison expressed her sincere appreciation for the City's support of her roll and talked about her platform of organ donation.

2. Recognition of Detective Fred Tindall upon Retirement from the Police Dept

The Mayor and City Council recognized Detective Fred Tindall for his retirement from the Mount Holly Police Department and presented him with a resolution and the customary retirement watch.

3. Recognition of Mount Holly Police Department Telecommunicators as part of National Public Safety Telecommunications Week

Mayor Hough and the City Council recognized the Mount Holly Police Department Telecommunicators. They were all present to receive the recognition.

4. Introduction of New Employees

Chief Baker introduced the newly hired Firefighters.

5. Presentation of a Donation from the Community Foundation for the use of Greenway Signage and Greenway Benches

Julia Benfield with the Mount Holly Community Foundation came before the City Council to present the city with a donation for the use of signage and benches for the first phase of the greenway. The funds were received through grants from Duke Energy and the Gaston County Impact Grant.

6. Update on the Awaken Art Gallery

Emily Andress came before the Council to thank them for awarding her Art Gallery the Business Incentive Grant. She advised that her gallery is now open and is so grateful and honored to be part of Mount Holly.

PUBLIC HEARING

1. Public Hearing for a rezoning of 309 North Main Street, Tax Parcel ID# 123162 from R-8 Multi Family to B-3 General Business

Mr. DuPont advised that in preparation of the Utilities Department moving to their new location the City is being proactive in asking for rezoning of this property to B-3 General Business in preparation for selling

At this time, Councilwoman Breyare made a motion to open the Public Hearing. Councilman Meadows seconded the motion. All Council Members voted in favor. (Motion carried)

With no one signed up to speak, Mayor Pro Tem Toomey made a motion to close the public hearing. Councilwoman Shoemaker seconded the motion. All Council Members voted in favor. (Motion carried)

Councilman Moore made a motion to approve the rezoning of 309 North Main Street, Tax Parcel ID# 123162 from R-8 Multi Family to B-3 General Business. (Resolution #04092018a) Councilwoman Breyare seconded the motion. All Council Members voted in favor. (Motion carried)

2. Public Hearing on a text amendment for Article 12, 13 and Appendix F, Rules of Procedure of the Zoning Ordinance in regard to Planning Commission and Board of Adjustment

Mr. DuPont advised that this item is a housekeeping issue that will update the zoning ordinance to reflect previous changes made by the Council and eliminating the ETJ.

At this time, Mayor Pro Tem Toomey made a motion to open the Public Hearing. Councilman Moore seconded the motion. All Council Members voted in favor. (Motion carried)

With no one signed up to speak, Councilwoman Shoemaker made a motion to close the public hearing. Councilwoman Breyare seconded the motion. All Council Members voted in favor. (Motion carried)

Councilman Meadows made a motion to approve the text amendment for Article 12, 13 and Appendix F, Rules of Procedure of the Zoning Ordinance in regard to Planning Commission and Board of Adjustment (Resolution #04092018b) Councilman McCorkle seconded the motion. (Motion carried)

3. Public hearing to consider amending Article 5, Section 5.20 South Gateway Overlay District D(C) Parking, to allow for frontage parking for a hotel use

Mr. Beal advised that there is a four (4) story hotel that would like to begin construction and asking for approval of the proposed amendment before they break ground. He advised that this went before the Planning Commission and they agreed unanimously to recommend approval.

At this time, Mayor Pro Tem Toomey made a motion to open the Public Hearing. Councilwoman Shoemaker seconded the motion. All Council Members voted in favor. (Motion carried)

With no one signed up to speak, Councilman Meadows made a motion to close the public hearing. Councilwoman Breyare seconded the motion. All Council Members voted in favor. (Motion carried)

Councilwoman Breyare made a motion to approve the amendment to Article 5, Section 5.20 South Gateway Overlay District D(C) Parking, to allow for frontage parking for a hotel use. (Resolution # 040918c) Councilman Moore seconded the motion. All Council Members voted in favor. (Motion carried)

4. Public hearing to consider amending Article 5, Section 5.20 South Gateway Overlay District, C. Design Regulations, Subsection 3. Building Materials, concerning the use of EIFS building material

Mr. Beal explained that this proposed amendment will allow for a more modern façade then what the current decade old ordinance will allow. He further advised that the use of EIFS building material will be a recommendation in the update to the Strategic Visioning Plan.

At this time, Councilwoman Breyare made a motion to open the Public Hearing. Councilman Moore seconded the motion. All Council Members voted in favor. (Motion carried)

With no one signed up to speak, Councilwoman Shoemaker made a motion to close the public hearing. Mayor Pro Tem Toomey seconded the motion. All Council Members voted in favor. (Motion carried)

Councilwoman Shoemaker made a motion to approve the amendment to Article 5, Section 5.20 South Gateway Overlay District, C. Design Regulations, Subsection 3. Building Materials, concerning the use of EIFS building material. (Resolution #04092018d) Councilman Moore seconded the motion, All Council Members voted in favor. (Motion carried)

NEW BUSINESS

1. Consideration and Approval of a request for authorization to execute Nutrient Allocation Agreement with Charlotte Water

Mr Jackson advised that in conjunction with ongoing waste treatment project he is asking Council for the permission to move forward with the execution of the Nutrient Allocation Agreement with Charlotte Water.

Mayor Pro Tem Toomey made the motion to allow Mr. Jackson to move forward with the execution of the Nutrient Allocation Agreement with Charlotte Water. Councilwoman Breyare seconded the motion. All Council Members voted in favor. (Motion carried)

ADJOURN

With no additional items for discussion, Mayor Hough entertained a motion to adjourn. Councilman Moore made the motion to adjourn the April 9, 2018 Council Meeting. Mayor Pro Tem Toomey seconded the motion. All Council members present voted in favor. (Motion carried)

The meeting adjourned at 8:00 p.m.

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

City of Mount Holly
Mount Holly City Council Work Session Meeting
Monday, April 23, 2018
Council Chambers
6:30 pm

Call to Order

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

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

1.

Invocation

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

SET THE AGENDA

Mayor Hough advised that item #5 under the Agenda will be omitted. Also, #4 will be added to Call for a Public Hearing regarding the System Development Fee Ordinance, #5 will be the Discussion of the MOU with the Foundation, #6 Closed Session for attorney client and #7 Adjourn. With no additional changes, Mayor Pro Tem Toomey made a motion to approve the agenda as amended. Councilwoman Shoemaker seconded the motion. All Council Members voted in favor. (Motion carried).

CONSENT AGENDA

1. Approval of Budget Amendment
 - Streets and Solid Waste Department – Truck # 26, 32 and 57 Repairs
 - Appropriation of State Drug Tax Funds to allow the Police Department to host the Annual Gaston County Police Memorial Service
2. Approval of Surplus Property
 - Fire Department Turnout Gear

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

2. Presentation for the Gaston County Art Guild

Mr. Clyde Davis with the Gaston County Art Guild came before the Council to explain that their building has been sold and they have to find a new home. He advised that they are looking for a new home and are interested in the Massey Building once it is vacated by City Staff. There was discussion regarding the space needed by the Art Guild, the maintenance of the building and a possible lease agreement with the City. Councilman Moore advised that there has been other interest in the building. Councilman Meadows commented that this proposal falls in line with the Art Incubator decision that was made at the Annual Retreat. Councilman Meadows went on to make a motion to move forward with working toward an agreement with the Gaston County Art Guild for the Massey Building to bring back for continued Council discussion. Councilwoman Shoemaker seconded the motion. The motion passed with 4 ayes and 3 nays with Mayor Hough voting to break the tie. Councilwoman Breyare, Councilman McCorkle and Mayor Pro Tem Toomey voted against the motion

1. Discussion of Right of Way Easement with NCDOT for the property at Catawba Heights Fire Station *Kemp Michael*

Mr. Michael advised that NCDOT has offered the City \$11,700 for a small right of way at the Catawba Heights Fire Station. DOT may have to do some paving across the street and this is their standard procedure. Mayor Pro Tem Toomey made a motion to accept the NCDOT offer. Councilwoman Breyare seconded the motion. All Council Members voted in favor. Motion carried.

3. Discussion of Establishing a Public Comment Period for System Development Fee Ordinance

Mr. Jackson advised that the services of Raftilus was selected for a study for the System Development Fee Ordinance. The next step is to establish a process for a public comment period for the System Development Fee Ordinance. Council advised staff to follow normal protocol for the public comment period.

4. Call for a Public Hearing for the System Development Fee Ordinance

Councilman Moore made a motion SDF Marie-the next step is to move forward approval of resolution to call for public hearing for the System Development Fee Ordinance, (Resolution #04232018A) Councilman McCorkle seconded the motion. All Council Members voted in favor. Motion carried.

5. Discussion of an Amendment to the Memorandum of Understanding between the City of Mount Holly and the Community Foundation

Julia Benfield with the Community Foundation came before Council to discuss developing a new MOU between the City and the Foundation. She advised that the Foundation has looked at their goals and determined that green space and nature, arts and the importance of promoting the arts is where the concentration needs to be focused. Councilwoman Shoemaker made a motion to move forward with the development of an updated MOU between the Community Foundation and the City. Councilman Meadows seconded the motion. All Council Members voted in favor. Motion carried.

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

Councilman Moore made a motion to enter into Closed Session - pursuant to N.C.G.S 143-318.11 (a)(3 and 5). Councilwoman Shoemaker seconded the motion. All Council Members voted in favor. (Motion carried)

The time was 7:14 pm

Mayor Pro Tem Toomey made a motion to return to open session. Council Moore seconded the motion. All Council Member voted in favor. (Motion carried) The time was 8:00 pm

Councilman Meadows made a motion to accept the offer of \$950,000 for the Adrian Mill subject to the upset bid process. Councilwoman Shoemaker seconded the motion. All Council Member voted in favor. Motion carried.

Councilman McCorkle made a motion to extend the due diligence time period on the property located at 309 North Main until May 15th with an anticipated closing date of June 1st. Mayor Pro Tem Toomey seconded the motion. All Council Members voted in favor. Motion carried.

7. Adjourn

With no additional items for discussion, Mayor Hough entertained a motion to adjourn. Councilman Meadows made the motion to adjourn the April 23, 2018 Council Work Session Meeting. Councilman Moore seconded the motion. All Council members present voted in favor. (Motion carried)

The meeting adjourned at 8:07 p.m.

**CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL SPECIAL MEETING**

Location: Council Chambers

Monday, April 27, 2018

Council Chambers

3:00 pm

Call to Order

Mayor Hough called the meeting to order at 3:0 pm. The following were present:

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

1.

Invocation

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

SET THE AGENDA

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

Consideration and Approval of a Resolution to Submit an Application for Funding of a Wastewater Treatment Project

Councilwoman Breyare made a motion to approve a Resolution to Submit an Application for Funding of a Wastewater Treatment Project. (Resolution 04272018A)
Councilman Moore seconded the motion. All Council Members voted in favor. Motion carried.

ADJOURN

With no additional items for discussion, Mayor Hough entertained a motion to adjourn. Mayor Pro Tem Toomey made the motion to adjourn the April 27, 2018 Special Meeting. Councilman McCorkle seconded the motion. All Council members present voted in favor. (Motion carried)

The meeting adjourned at 3:03 p.m.

PRESENTATIONS

A RESOLUTION HONORING CHARLES "BUDDY" V. ROGERS
UPON HIS RETIREMENT

WHEREAS, Charles V. Rogers retired from the Mount Holly Utilities Department on March 31, 2018, completing nearly 29 years of outstanding service to the City; and,

WHEREAS, it has been said that 80 % of success is just showing up and based upon that analysis Buddy has been a 100 % success for these many years, becoming arguably the most dependable and dedicated employee within any department of the City; and,

WHEREAS, Buddy almost never missed a day of work, having accumulated an incredible amount of sick leave in excess of one year; and,

WHEREAS, Buddy has a quiet but disarmingly humorous personality, often picking on his friends by making statements appearing to be serious when in fact he was simply putting them on to get a laugh; and,

WHEREAS, Buddy knew every aspect of his job and helped in many different capacities particularly including setting up for special events, assisting with the annual fall leaf pickup, locating city utilities, and operating and maintaining pump and lift stations around the City; and,

WHEREAS, Buddy was a man who took directives and rules to heart, with a possible exception relating to a driving habit which has been corrected, and he is otherwise known for his consistent adherence to the City's regulations particularly relating to wearing hardhats, and can be seen pretty much everywhere wearing his hat, to lunch, while driving, and to other places best not mentioned.

NOW, THEREFORE, BE IT RESOLVED that the City Council and Mayor of the City of Mount Holly do hereby recognize Charles "Buddy" V. Rogers for his faithful and effective service to the City of Mount Holly and for being a model for all who worked with him as what it means to be an employee who will truly be missed and extremely difficult to replace.

This 14th day of May, 2018.

THE CITY OF MOUNT HOLLY

By: _____
Bryan M. Hough, Mayor

Attest:

City Clerk



City of Mount Holly Action Agenda Item

To: City Council	Date: 4-7-18
From: Chief Roper	Meeting Date: 4-14-18
Agenda Item to be considered: Proclamation to recognize May 13-19 as National Peace Officer's Memorial Week.	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request: May 13-19 is established as National Peace Officer Memorial week to honor those law enforcement officers that have died in the line of duty, including 19 from Gaston County.	
Fiscal Impact:	
Will Item affect current budget	YES X NO ☐ N/A
Reviewed by Finance Director	YES ☐ NO ☐ N/A
Preaudit Certification required	☐ YES X NO ☐ N/A
Capital Project Ordinance required	☐ YES X NO ☐ N/A
Budget Transfer required	YES ☐ NO ☐ N/A
Total City Dollars:	
Budget Code	
Reviewed by City Attorney	☐ YES ☐ NO X N/A
Manager/Staff Recommendation:	
Result of City Council Decision:	
Attachments:	
1. Proclamation	

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the law enforcement agency of Mount Holly play an essential role in safeguarding the rights and freedoms of the citizens of Mount Holly; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the police department of Mount Holly has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

NOW, THEREFORE, I, Mayor Bryan Hough call upon all citizens of the City of Mount Holly and upon all patriotic, civil and educational organizations to observe the week of May 13th through May 19th, 2018, as Police Week with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon all citizens of the City of Mount Holly to observe May 15th, 2018, as Peace Officers Memorial Day to honor those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Mount Holly to be affixed.

DONE at the City of Mount Holly this 14th day of May, 2018



City of Mount Holly Action Agenda Item

To: City Council	Date: May 9, 2018
From: Danny Jackson, City Manager	Meeting Date: May 14, 2018
<i>Agenda Item to be considered: Presentations #3 – Introduction of new employees</i>	
<i>Will this require a public hearing?</i> ☐ YES ☒ NO	
<i>Background/Purpose of Request :</i> <i>It is time again to introduce new employees to the City Council. All Department Heads with such employees will be available to do so.</i>	
<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
<i>Manager/Staff Recommendation:</i> N/A	
<i>Result of City Council Decision:</i> _____	
<i>Attachments:</i>	

PUBLIC HEARINGS



City of Mount Holly Action Agenda Item

To: City Council	Date: May 11, 2018
From: Jonathan Wilson	Meeting Date: May 14, 2018

Agenda Item to be considered:

Public hearing for a request by Crescent Resources to rezone 128.17-acre tract of land off of Mountain Island Road, Tax Parcel ID# 213896 from Gaston County R-1 to Light Industrial Conditional District.

Will this require a public hearing? ☒ YES ☐ NO

Background/Purpose of Request :

Staff received an application for annexation and conditional district rezoning from Crescent Communities to rezone the property from R-1 Gaston County to Light Industrial Conditional District to develop an industrial park. The underlying zoning of Light Industrial would apply to the site for setback requirements as well as architectural standards.

The applicant is seeking to divide the property into two tracks of land or building areas with the first being approximately six (6) acres in size and the second being approximately sixty-one (61) acres in size. Additionally, the applicant is planning to set aside approximately 19 acres as open space with a future natural surface trail that would connect to the City's greenway along the Catawba River. The property is bordered to the north by Duke Energy, to the south and east by the City's Clean Water Trust land and to the west by CSX Rail and National Gypsum.

The applicant is proposing one main entrance to the site off of Mountain Island Road with a secondary emergency access point through an existing easement to the site or an alternative location which is yet to be determined. This secondary access point would be identified prior to Construction Plan Approval by the City. Additionally, the applicant agrees to perform a Transportation Impact Analysis Study which shall comply with the City's Transportation Impact Analysis Ordinance prior to Construction Plan Approval. Additionally, under Note 8 the applicant is requesting the City to consider a potential design waiver regarding the length of a cul-de-sac based on site design and having a secondary emergency access during the Construction Plan process. The applicant is also reserving the right to extend rail service by CSX into the site which shall be the responsibility of the applicant to coordinate with CSX via a separate process.

The applicant is proposing to establish a minimum 100' vegetated buffer on delineated jurisdictional streams.

It is important to note that the applicant is also requesting for specific uses to be allowed on the site which are not permitted by right uses in the Light Industrial Zoning District. For a complete list of the proposed allowed uses on the site please refer to the Conditional District Zoning Plan, attached.

During the Planning Commission Public Hearing the topic of noise generated from the site was discussed and the applicant agreed to add Note 19 to the plan which refers to the City's

Code of Laws, Section 14-11 and 14-12 for noise. Additionally, at the Planning Commission Public Hearing, the uses of paper & paper products, chemicals, paints & varnishes were discussed as possibly being uses that the City should not allow. Planning Director Beal as well as the applicant stated that through conversations with Donny Hicks, Gaston County Economic Development Director they learned that these uses are commonly being requested by companies looking to locate in this area. It was also noted that these facilities are generally kept in a very clean manner and there are many safe guards in place to protect the environment.

Lastly, it is important to note that this Conditional District Zoning Application is also accompanied by an Annexation Petition. The applicant is not seeking to move forward with the annexation petition at this point but plans to do so at a later date.

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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Manager/Staff Recommendation:

The Planning Commission made a recommendation to City Council to approve the Conditional District Rezoning request from Gaston County R-1 to Light Industrial Conditional District for Gaston County Parcel ID 213896 contingent upon Note 19 being added and the execution of an annexation agreement.

Result of City Council Decision:

Attachments:

1. Rezoning Application
2. Conditional District Site Plan

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

Date Filed: _____ Application Number: _____

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

1. The real property, sought to be rezoned, is owned in fee simple by:
Crescent Resources Inc.

Address: HWY 273, south of Mountain Island Park and Mountain Island Road, Gaston County, North Carolina
as evidenced by Deed Book 1022 on Page 0772 in the Gaston County Registry. There are no restrictions or covenants of record appearing in the chain of title, which would prohibit the property from being put to the use specified in Paragraph five (5) of this application.

2. The real property sought to be rezoned is located at/on
Mountain Island Road on the Left or Right side of the CSX Railroad
(physical address) (circle one) (street)
between Mountain Island Road and Drywall Drive, and has a Tax
(street) (street)

Listing of: Tax Book 072, Map 005, Parcel 213896. Said lot(s) has (have) a frontage of 91.23 feet and is approximately 128.166 acres in size.

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

4. It is desired and requested that the real property herein described be rezoned from
R-1 Zone to L-1 (CD) Zone.

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

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

Refer to Attached Zoning Plan & Notes

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

Crescent Communities, LLC. Attn: Andrew Baysden

Name of Applicant(s)

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

Applicant's Address: 227 W. Trade Street, Charlotte, NC 28202

Phone Number: (980)321-6024

Signature: Andrew Baysden

SIGN HERE

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 \$5,800.00 (See Fee Schedule) at least 15 days prior to the Planning Commission meeting for initial consideration.

RESOLUTION ADOPTING A STATEMENT OF CONSISTENCY REGARDING A
PROPOSED ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF
MOUNT HOLLY

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-383, prior to adopting or rejecting a zoning amendment, the governing board is required to adopt a statement as to whether the amendment is consistent with the comprehensive zoning plan;

WHEREAS, the City Planning Commission has reviewed a proposed amendment to the official Zoning Ordinance, for the Conditional District Rezoning of 128.17-acres from Gaston County R-1 to Conditional District Light Industrial;

WHEREAS, based on a review of the proposed amendment the Planning Board found that the proposed amendment is consistent with the Mount Holly Comprehensive Land Use Plan and updates and further recommended that the City Council approve the proposed amendment; and

WHEREAS, this Council has reviewed and considered the above written recommendation of the Planning Board and has held a public hearing on the proposed amendment, and this Board desires to adopt a statement describing why the adoption of the proposed amendment is consistent with the Mount Holly Comprehensive Land Use Plan and updates and why the Council considers the proposed amendment to be reasonable and in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE MOUNT HOLLY CITY COUNCIL THAT:

1. This board finds that the adoption of the proposed amendment to The Official Zoning Ordinance of Mount Holly is consistent with the Mount Holly Land Use Plan and updates thereto because the Land Use Plan and updates indicate that:
 - a. To maintain a sustainable environment that will enable the community to develop in a manner which preserves the attractiveness of Mount Holly as a place to live;
2. This Board finds and determines that it is reasonable and in the public interest to approve the proposed amendments because:
 - a. The property is surrounded on three side by industrial property and therefore an industrial zoning classification is in harmony with the surrounding areas.

Adopted this 14th day of May, 2018.

ATTEST:

MOUNT HOLLY CITY COUNCIL

Amy Miller, City Clerk

Bryan Hough, Mayor



City of Mount Holly Action Agenda Item

To: City Council From: Jonathan Wilson	Date: May 10, 2018 Meeting Date: May 14, 2018
Agenda Item to be considered: <i>Public Hearing for a Text Amendment to Section 3.11 Accessory Buildings and Structures.</i>	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request : Planning Staff has recently become aware of certain situations where persons are wishing to utilize shipping containers as accessory buildings (storage buildings). Staff believes that an accessory structure should be permanent in nature, which a shipping container is not. Therefore, Staff would like to request that the City prohibit shipping containers from being utilized as an accessory building. Please see the attachment regarding Section 3.11 Accessory Buildings and Structures proposed 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: The Planning Commission made a recommendation to approve the amendment to Section 3.11 of the Zoning Ordinance prohibiting shipping containers being utilized as accessory buildings and structures for residential and commercial properties.	
Result of City Council Decision: _____	
Attachments: 1. Proposed Section 3.11.	

3.10.2 Fences and Walls in Other Districts

- a. No fence or wall shall be greater in height than eight (8) feet above grade.
- b. Any fence or wall serving as a retaining wall shall be solid cement, masonry or wood and constructed to the standards of the State Building Code. Retaining walls shall be exempt from the maximum height limits.
- c. The capital of a fence post or column may extend up to two (2) feet above the maximum height limit.
- d. No fence or wall shall be constructed within a storm drainage easement which will block or materially impede the flow of stormwater runoff.
- e. All fences or walls constructed prior to the adoption date of this section shall be allowed to remain, subject however, to the non-conforming provisions of Article XI.
- f. All construction of fencing will require that a permit be obtained prior to construction.

Section 3.11 Accessory Buildings and Structures

Accessory buildings and structures shall be exempt from setback and yard requirements provided they are located in accordance with the following requirements: (See Appendix illustration A-2)

- A. Accessory buildings and structures shall not be erected in any required front or side yard or any required street side setback on a corner lot.
- B. Accessory buildings or structures may be located in the rear yard and the portion of the side yard that is not the required setback but in no case shall an accessory building or structure be erected within five (5) feet of the property line not a street line or within five (5) feet of any principal building.
- C. Accessory buildings and structures shall not be erected in either front yard of any double frontage lot as set forth in section (3.13).
- D. No accessory building shall exceed the height limitation of the district in which located.

- E. No mobile home shall be used as an accessory building.
- F. No residential accessory building or structure shall be larger than the principal structure.
- G. No shipping container shall be used as an accessory building for residential or commercial property. Industrial properties may utilize shipping containers as approved by the Planning and Development Department.
- H. Cluster Mailbox:
 - (1) The US Postal Office will work with builders and developers to determine the best mode for mail delivery, prior to extending or establishing delivery service.
 - (2) Evergreen shrubs shall be provided in the vicinity of each Cluster Mailbox(es) to promote high quality appearance and good design. The number, location and height of such landscape material shall be appropriate to the specific location, based on available planting area, topography, and safety considerations, as determined by the Planning Director or designee. The maximum height of any such shrubs located in the public right-of-way or within a sight triangle shall follow Section 3.15.
 - (3) Location of the Cluster Mailbox(es) shall take into consideration and promote non-motorist access as much as possible, as determined by the Planning Director or designee.
 - (4) The following table will help guide the number of required off-street parking spaces based on the number of mailboxes:

Number of Mailboxes	Parking Spaces Required
0-20	1
21-60	2
61-80	3
81-100	4
101 or more	4 plus 1 per each additional 50 mailboxes or portion thereof above 100

Section 3.12 **Corner Lot Frontage**

In all Zoning Districts, the "front" shall be that upon which primary pedestrian access to the principal structure is designated.

Section 3.13 **Double Frontage Lots**

RESOLUTION ADOPTING A STATEMENT OF CONSISTENCY REGARDING A
PROPOSED ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF
MOUNT HOLLY

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-383, prior to adopting or rejecting a zoning amendment, the governing board is required to adopt a statement as to whether the amendment is consistent with the comprehensive zoning plan;

WHEREAS, the City Planning Commission has reviewed a proposed amendment to the official Zoning Ordinance, for shipping containers being utilized as accessory buildings and structures to be prohibited on residential and commercial property;

WHEREAS, based on a review of the proposed amendment the Planning Board found that the proposed amendment is consistent with the Mount Holly Comprehensive Land Use Plan and updates and further recommended that the City Council approve the proposed amendment; and

WHEREAS, this Council has reviewed and considered the above written recommendation of the Planning Board and has held a public hearing on the proposed amendment, and this Board desires to adopt a statement describing why the adoption of the proposed amendment is consistent with the Mount Holly Comprehensive Land Use Plan and updates and why the Council considers the proposed amendment to be reasonable and in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE MOUNT HOLLY CITY COUNCIL THAT:

1. This board finds that the adoption of the proposed amendment to The Official Zoning Ordinance of Mount Holly is consistent with the Mount Holly Land Use Plan and updates thereto because the Land Use Plan and updates indicate that:
 - a. To maintain a sustainable environment that will enable the community to develop in a manner which preserves the attractiveness of Mount Holly as a place to live;
2. This Board finds and determines that it is reasonable and in the public interest to approve the proposed amendments because:
 - a. The use of a shipping container as an accessory building and structure dangerous to the public.

Adopted this 14th day of May, 2018.

ATTEST:

MOUNT HOLLY CITY COUNCIL

Amy Miller, City Clerk

Bryan Hough, Mayor



City of Mount Holly Action Agenda Item

To: City Council From: Jonathan Wilson	Date: May 10, 2018 Meeting Date: May 14, 2018
Agenda Item to be considered: <i>Public Hearing for a Text Amendment to Section 6.4 Business, Professional and Personal Services and Section 5.20, A.</i>	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request : Planning Staff has recently received inquiries regarding the operation of a Tattoo Parlor. Under current state law if a use is not listed in a City's Table of Permitted and Special Uses then the City shall allow the use and find the most appropriate use and allow said use in the appropriate zoning district. With this being the case the Staff would have to classify a Tattoo Parlor as a barber and beauty shop which is allowed in all commercial zoning districts. Staff believes that this use should be allowed only in the B-3 zoning district. Additionally, Staff believes that at this time this use should not be allowed in the South Gateway Overlay District. Therefore, Staff is requesting to prohibit this use in the South Gateway Overlay District by adding the use to the table in Section 5.20, A. Prohibited Uses. Please see the attachment regarding Section 6.4 Business, Professional and Personal Services and Section 5.20 South Gateway Overlay District, A. Prohibited Uses.	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☐ NO ☒ N/A
Reviewed by Finance Director	☐ YES ☐ NO ☒ N/A
Preaudit Certification required	☐ YES ☐ NO ☒ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☒ YES ☐ NO ☐ N/A
Manager/Staff Recommendation: The Planning Commission made a recommendation to approve the amendment to Section 6.4 and 5.20, A of the Zoning Ordinance allowing Tattoo Parlors in the B-3 Zoning District and prohibiting Tattoo Parlors in the South Gateway Overlay District.	
Result of City Council Decision:	

Attachments:

1. Section 6.4
2. Section 5.20, A Prohibited Uses

Section 5.20 South Gateway Overlay District

A. Prohibited Uses

All permitted principal and accessory uses in the underlying general zoning district are allowed, except that the following uses are prohibited, irrespective of the underlying zoning district:

South Gateway Overlay District Prohibited Uses Business, Professional and Personal Services (Section 6.4)	
automobile parking (commercial)	radio, television or communication towers
automobile rental or leasing	recreational vehicle parks or campsites
automobile repair & service (excluding storage of wrecked or junked vehicles)	refrigerator or large appliance repair
automobile storage	repair shops not classified elsewhere
automobile towing & storage services	service stations (not including truck stops)
automobile washing facilities	septic tank service
automobile wrecking or junk yards	shoe repair or shoeshine shops
communicative facilities, including radio & television broadcasting excluding towers that exceed the height limits	tattoo parlors
contractors' facilities with open storage	taxi terminals
drive-in theaters	tire recapping
equipment rental & leasing	truck driving schools
equipment repairs, heavy	truck & utility trailer rental, sale & leasing, light
equipment repairs, light	truck & utility trailer rental, sale & leasing, heavy
freezer lockers	truck washing
private clubs	utility stations & plants

No Units	Count	Percent
CHECK THE WELFARE	1	10.00%
INTOXICATED DRIVER	1	10.00%
K9 DEPLOYMENT	1	10.00%
SPECIAL CHECK	2	20.00%
SUSPICIOUS VEH OCCUP	1	10.00%
SUSPICIOUS VEH UNOCCUP	2	20.00%
Total Records For No Units	10	Dept Calls/Total Calls 0.70%
Total Records	1431	

Mount Holly Parks & Recreation

Monthly Report

Sole Patrol- The Sole Patrol met 21 days during the month of April. The total attendance was 523 with 52 different members attending. They met for a monthly birthday party, exercise, fellowship, and fun.

Fitness Center- The Fitness Center was open 25 days during the month of April. The total attendance was 207, with 47 different members attending. Of the 47, 24 were paid members and 23 were seniors.

Athletics- Spring sports (baseball, soccer, girls' volleyball and softball) started games in April, and will finish up in late May.

Free-play basketball at the Old Gym and Tuckaseege Community Center has been averaging around 26 people per session.

Rentals & Special Events- The shelters at Tucakseege and River Street Park were rented 12 times throughout April. The estimated attendance was 480 people.

Special events in April included : Summer Concert Series on April 6, Food Truck Friday on April 13, Springfest 5K Run on April 28, and the Bee City Education event at Tuckaseege Park on April 28.

News & Notes- Parks & Recreation Commission will meet Tuesday May 22 at 630pm.

The next Summer Concert Series will be May 25 at 7pm. Entertainment will be provided by DJ Johnny B's Beach and Boogie and the Entertainers.

Food Truck Friday will be on June 8. Whiskey Gentry will be providing the entertainment.

Arts in the Park will be held at Tuckaseege Park on Thursday June 14. This is collaboration between the City of Mount Holly, Gaston Arts Council, and Montcross Area Chamber. The event will be held from 430-8pm.

PUBLIC WORKS REPORT

	APRIL	2018	2017	2016
<u>Water</u>				
Daily Average (mgd)		2.500	2.450	2.659
Daily Maximum (mgd)		2.800	2.934	3.551
Daily Minimum (mgd)		2.200	2.159	0.000
Monthly Total (mg)		74.200	73.506	82.437
Customers				
Inside City Limits		6140	5911	5772
Outside City Limits		487	483	483
TOTAL		6627	6394	6255
<u>Wastewater</u>				
Daily Average (mgd)		2.040	2.005	2.243
Daily Maximum (mgd)		3.878	3.022	2.648
Daily Minimum (mgd)		1.104	0.928	1.341
Monthly Total Flow (mg)		61.185	60.148	67.302
American & Efird Total Flow (mg)		19.191	15.107	16.693
Customers				
Inside City Limits		5742	5521	5389
Outside City Limits		54	55	55
TOTAL		5796	5576	5444
<u>Sanitation</u>				
Number of Customers				
Residential		5352	5150	5021
Commercial / Industrial		150	145	146
Recycling		5452	5257	5130
Garbage Collected (tons)		422.93	370.60	376.79
General Yardwaste (tons)		48.01	77.80	70.09
Chipping (tons)		0.00	0.00	0.00
Leaves (tons)		0.00	0.00	0.00
Total Yardwaste (tons)		48.01	77.80	70.09
White Goods (tons)		0.00	0.00	0.00
Recycling (tons)		75.13	81.30	73.71

Business, Professional and Personal Services (continued)

Use Types	N o t e	S I C	R- A	R- 20	R- 12	R- 10	R- 8 SF	R- 8 MF	R D	M H M U	O & I	B- 1	B- 2	B- 3	L- 1	H- 1
laundromats		7215										X	X	X		
law offices		8111								X	X	X	X	X		
locksmith shops, including repair		7699										X	X	X		
medical, dental or related offices		8000								X	X	X	X	X		
medical or dental laboratories		8071								X	X	X	X	X		
mini-storage units or warehouses		4225													X	X
motels & hotels		7011								X		X		X		
motion picture production		7810										X		X		
non-commercial research organizations		8733									X	X	X	X		
office not classified else- where; where no retail business is conducted		0000								X	X	X	X	X		
optometrists & ophthalmologists		8000								X	X	X	X	X		
photocopying & duplicating services		7334										X	X	X		
photo finishing laboratory		7384										X		X		
photography studio		7221								X	X	X	X	X		
picture framing shop		7699										X	X	X		
private clubs		0000												X		
psychologists' offices		8000								X	X	X	X	X		
radio, television or communication towers	16	0000													X	X
real estate offices		6500								X	X	X	X	X		
recreational vehicle parks or campsites		7033													X	
refrigerator or large appliance repair		7623												X		

rehabilitation or counseling services		8300								X	X	X	X	X		
tattoo parlor														X		

RESOLUTION ADOPTING A STATEMENT OF CONSISTENCY REGARDING A
PROPOSED ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF
MOUNT HOLLY

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-383, prior to adopting or rejecting a zoning amendment, the governing board is required to adopt a statement as to whether the amendment is consistent with the comprehensive zoning plan;

WHEREAS, the City Planning Commission has reviewed a proposed amendment to the official Zoning Ordinance, for the use of Tattoo Parlors to be added in the Table of Permitted and Special Uses;

WHEREAS, based on a review of the proposed amendment the Planning Board found that the proposed amendment is consistent with the Mount Holly Comprehensive Land Use Plan and updates and further recommended that the City Council approve the proposed amendment; and

WHEREAS, this Council has reviewed and considered the above written recommendation of the Planning Board and has held a public hearing on the proposed amendment, and this Board desires to adopt a statement describing why the adoption of the proposed amendment is consistent with the Mount Holly Comprehensive Land Use Plan and updates and why the Council considers the proposed amendment to be reasonable and in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE MOUNT HOLLY CITY COUNCIL THAT:

1. This board finds that the adoption of the proposed amendment to The Official Zoning Ordinance of Mount Holly is consistent with the Mount Holly Land Use Plan and updates thereto because the Land Use Plan and updates indicate that:
 - a. To maintain a sustainable environment that will enable the community to develop in a manner which preserves the attractiveness of Mount Holly as a place to live;
2. This Board finds and determines that it is reasonable and in the public interest to approve the proposed amendments because:
 - a. The use was not listed in the Zoning Ordinance and therefore could not be properly regulated.

Adopted this 14th day of May, 2018.

ATTEST:

MOUNT HOLLY CITY COUNCIL

Amy Miller, City Clerk

Bryan Hough, Mayor



City of Mount Holly Action Agenda Item

To: City Council	Date: May 10, 2018
From: Jonathan Wilson	Meeting Date: May 14, 2018
Agenda Item to be considered:	
<i>Public Hearing to amend the Subdivision and Land Development Ordinance.</i>	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request :	
Over the past several months Planning Staff along with the Utilities Staff and City Engineer have worked on several amendments to the Subdivision Ordinance to in an effort to make the Ordinance more "Developer Friendly" and establish a clear development process. Please see the attached table outlining the changes and reasoning for each change specific to its relative Section of the Subdivision and Land Development Ordinance. This is also a combination of the Subdivision and Land Development Ordinance and the Land Development Guidelines in an effort to place all development regulations under one document.	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☐ NO ☒ N/A
Reviewed by Finance Director	☐ YES ☐ NO ☒ N/A
Preaudit Certification required	☐ YES ☐ NO ☒ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☒ YES ☐ NO ☐ N/A
Manager/Staff Recommendation:	
The Planning Commission made a recommendation to approve the proposed amendments to the Subdivision and Land Development Ordinance.	
Result of City Council Decision:	
Attachments: Table of proposed changes.	

This table highlights the proposed changes to the Subdivision and Land Development Ordinance.

Article I: General Provisions	
Section 1.1: Title	Remains the Same.
Section 1.2: Authority	Remains the Same.
Section 1.3: Jurisdiction	Remains the Same.
Section 1.4: Purpose	Under A. state that growth and development must be consistent with “any other City adopted plans.”
Section 1.5: Subdivision Defined	Remains the Same.
Section 1.6: Compliance	Remains the Same.
Section 1.7: Planning & Development Department	Remains the Same.
Section 1.8: Coordination of Plans	Remains the Same.
Section 1.9: Administrative Fee	Remains the Same.
Section 1.10: General Definitions	A definition for “Construction Plan – Plans detailing the manner a builder or contractor uses to make improvements to a property” will be added. A definition for “Site Plan – A plan detailing the proposed improvements to a given lot” will be added. In “Thoroughfare Plan” definition the Gaston-Cleveland-Lincoln Metropolitan Planning Organization was added.
Article II: Subdivision and Site Plan Review Procedure	
Section 2.1: Approval Levels	Remains the Same.
Section 2.2: Subdivision Types	Remains the Same.
Section 2.3: Approval Authority	Allow the Planning & Development Department to approve final plats for Minor Subdivisions.
Section 2.4: Plan and Plat Requirements	Remains the Same.
Section 2.5: Plan and Plat Submittal and Review Periods	Site Plan review time period was changed to “twenty (20) business days to coincide with the Construction Plan review time period. Stated the number of plan sets that must be submitted to (7) for both Site Plans and Construction Plans.

	Require that a set of “approved” construction plans be at the project site at all times. Added the Special Provisions regarding Conditional District Zoning that was found in the Land Development Guidelines.
Section 2.6: Appeals	Remains the Same.
Section 2.7: Effects of Approvals - Prerequisites	Section 2.7.1 added that the need for a Transportation Impact Analysis (TIA) will be determined during the sketch plan review process. Section 2.7.3 state that if approved plans are amended they must be resubmitted for approval. Section 2.7.5 added the process for “As-Built” from the Land Development Guidelines.
Article III: Subdivision Design Standards; Reservation and Dedications; Required Improvements	
Section 3.1: General	Remains the Same.
Section 3.2: Names	Remains the Same.
Section 3.3: Blocks	Remains the Same.
Section 3.4: Lots	Remains the Same.
Section 3.5: Streets and Street Improvements	Added reference to the Transportation Impact Analysis (TIA) as a requirement and factor in the street improvements.
Section 3.6: Drinking Water Improvements	Remains the Same.
Section 3.7: Sanitary Sewer Improvements	Remains the Same.
Section 3.8: Oversized Water and Sewer Facilities	Remains the Same.
Section 3.9: Storm Drainage Improvements	Remains the Same.
Section 3.10: Sidewalk Improvements	Remains the Same.
Section 3.11: Easements	Changed “BMP” to “SCM” and/or “SWM”. Added G. which states that certain easements may be identified as dual use as recreational greenways within the easement.
Section 3.12: Neighborhood	Added that multi-family developments are reviewed in the Zoning Ordinance under Article 7, Note 5 for recreational sites.

Recreation Sites	
Section 3.13: Street Name Signs	Remains the Same.
Section 3.14: Traffic Control Signs and Markings	Remains the Same.
Section 3.15: Street Lights	State that the lighting plans are reviewed during the Construction Plan review process.
Section 3.16: Monuments	Remains the Same.
Section 3.17: Subdivision Entrance Signs and Landscape Medians	Remains the Same.
Section 3.18: Phasing & Lot Numbering	Add that if off-site street improvements are required as part of the project then they must be completed during the first phase of the development.
Section 3.19: Tree Ordinance	Refer to Article 10 Landscaping and Tree Protection from the Zoning Ordinance for tree requirements.
Section 3.20: Mainbox Clusters	Refer to Section 3.11 Accessory Buildings and Structures from the Zoning Ordinance for specific requirements.
Article IV: Guarantee of Required Improvements; Warranty Against Defects	
Section 4.1: Financial Guarantee in Lieu of Immediate Installation for Approval	A. state that the City Engineer shall review and approve securities.
Section 4.2: Duration of Financial Guarantees	Remains the Same.
Section 4.3: Default	Remains the Same.
Section 4.4: Release of Guarantee Security	Refer to the City Engineer as approving the reduction in a security. Add statement that "The City Manager shall reserve the right to release any remaining portion of all or any security posted as the improvements are completed and approved by the City Engineer if said security is less than 20% of the total amount deposited and less than fifty-thousand dollars (\$50,000.00).
Section 4.5: Warranty Against Defects	Refer to the City Engineer approval.
Section 4.6: Final Acceptance	This section comes directly from the Land Development Guidelines.
Section 4.7: Correction of Construction Deficiencies	This section comes directly from the Land Development Guidelines.
Section 4.8: Letter of Credit Checklist	This section comes directly from the Land Development Guidelines.
Article V: Legal Provisions	

Section 5.1: Interpretation, Purpose, Conflict	Remains the Same.
Section 5.2: Repeal and Reenactment of Existing Subdivision Ordinance	Remains the Same.
Section 5.3: Effect Upon Outstanding Construction Plans	Remains the Same.
Section 5.4: Effect Upon New Territory Added to Jurisdiction	Remains the Same.
Section 5.5: Modifications	Remains the Same.
Section 5.6: Amendment	Remains the Same.
Section 5.7: No Liability	Remains the Same.
Section 5.8: Violations; Penalty	Remains the Same.
Section 5.9: Validity	Remains the Same.
Section 5.10: Effective Date	The Effective Date will be replaced with the new Adopted date which will hopefully be May 14 th , 2018.
Appendix	
Appendix 1-10	No changes took place. The information was gathered from the Appendices of the Subdivision Ordinance and the information from Roadways, Water, Sewer and SCM, SWM and Drainage comes from the Land Development Guidelines.
Standard Details	
Roadway Details	Revised detail 104 (Commercial Street)
Water Details	Revised detail 306 (3/4" and 1" Water Connection), 307 (1 1/2" and 2" Water Connection), 308 (3" Water Connection), 309 (4" Water Connection), 321 (Jumper Connection) and added 322 (Utility Crossing Detail)

OLD BUSINESS

NEW BUSINESS

[illegible]



City of Mount Holly Action Agenda Item

To: City Council	Date: May 9, 2018																																
From: Danny Jackson, City Manager	Meeting Date: May 14, 2018																																
<u>Agenda Item to be considered:</u> New Business #2 – Land Development Presentation																																	
Will this require a public hearing? ☐ YES ☒ NO																																	
<u>Background/Purpose of Request :</u> As you already know the South Gateway Plan was adopted as a part of the 2008 Strategic Vision Plan. The primary focus of the plan was commercial development, which would be an economic engine for the area. The South Gateway was also designated as a main entryway for the City of Mount Holly. City staff has been reviewing development plans in the South Gateway and anticipate even more development proposals to review in the not too distant future. Therefore, there are certain circumstances that have presented themselves due to the development in the South Gateway. Miles Braswell and I have met with Dave Johnson, Ray Clemmer (Utilities), Greg Beal, Brian DuPont and Jonathan Wilson (Planning & Transportation), to discuss the circumstances with the development plans. On Monday night you will hear from my staff about the impacts of the South Gateway Plan. We will be seeking input and direction from the City Council. I will tell you up front that you will be faced with a philosophical decision about your approach to development in the long and short term. There might be certain budgetary implications as well. The mentioned impacts will be in the form of land use, utilities, transportation and finance.																																	
<u>Fiscal Impact:</u> <table border="1" style="width: 100%; border-collapse: collapse;"><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>		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
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: Motion to call for a Public Hearing to consider adoption of a South Gateway Area Plan																																	
Result of City Council Decision: _____																																	
Attachments:																																	



To: Mayor and City Council From: Amy Miller, City Clerk	Date: May 11, 2018 Meeting Date: May 14, 2018
<i>Agenda Item to be considered: Discussion of the Adrian Mill Contract</i>	
Will this require a public hearing? ☐ YES ☒ NO	
<i>Background/Purpose of Request : Information was not available at the time of packet preparation. Information will be given to you at the meeting. .</i>	
<i>Fiscal Impact:</i>	
Will Item affect current budget	☐ YES ☐ NO ☐ N/A
Reviewed by Finance Director	☐ YES ☐ NO ☐ N/A
Preaduit 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
<i>Manager/Staff Recommendation:</i> Approval	
<i>Result of City Council Decision:</i> _____	
<i>Attachments: Resolution</i>	



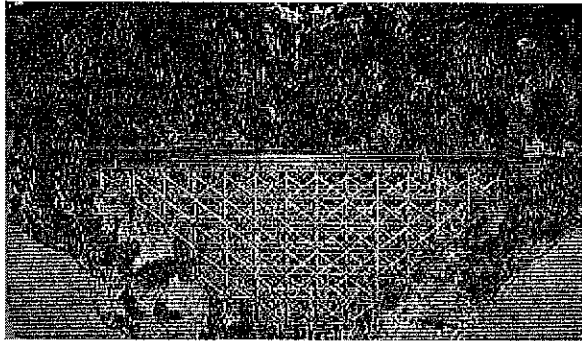
City of Mount Holly Action Agenda Item

To: City Council	Date: May 9, 2018
From: Danny Jackson, City Manager	Meeting Date: May 14, 2018
<u>Agenda Item to be considered:</u> New Business #4 – Discussion of alternate uses for the Massey Building	
Will this require a public hearing? ☐ YES ☒ NO	
<u>Background/Purpose of Request :</u> If you will recall, at the April 23 Work Session you hear a proposal to lease the Massey Building from the Gaston Art Guild. Please see the attached proposal from the Metrolina Model Railroad (RR) Club regarding the use of the Massey Building. Please know that I have not had any conversation with the officers of the Club. Councilman David Moore might be able to provide more details about the matter.	
<u>Fiscal Impact:</u>	
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: N/A	
Result of City Council Decision:	
Attachments:	

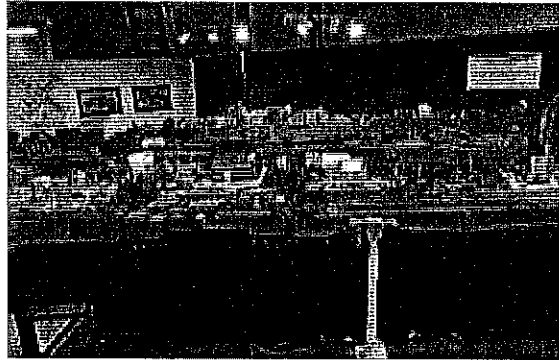
METROLINA MODEL R.R. CLUB

Home of the
French Broad and Catawba Railroad

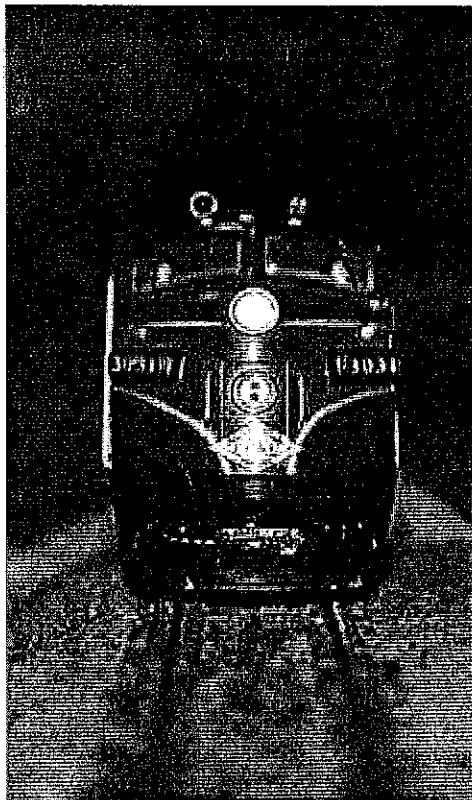
The following photographs are representative of our club layout:



Hand crafted trestle made by a member



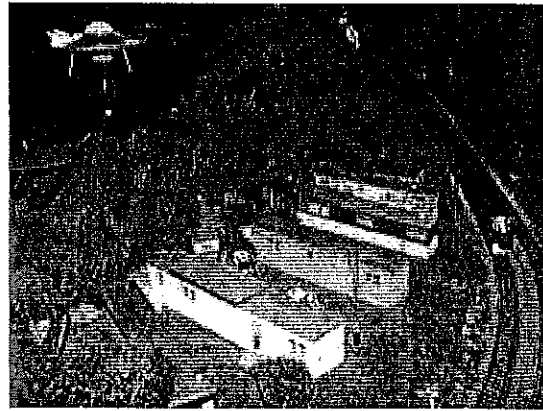
View of walk through, drive-in and carnival modules



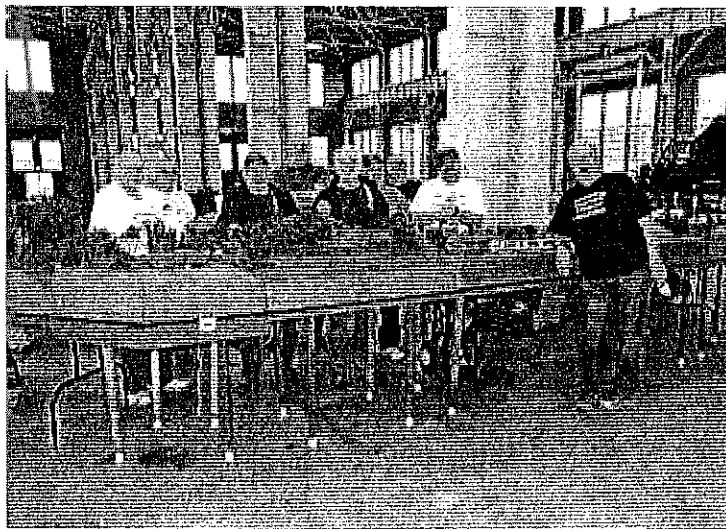
A French Broad and Cawtaba locomotive If a building is lit, there is an interior on display



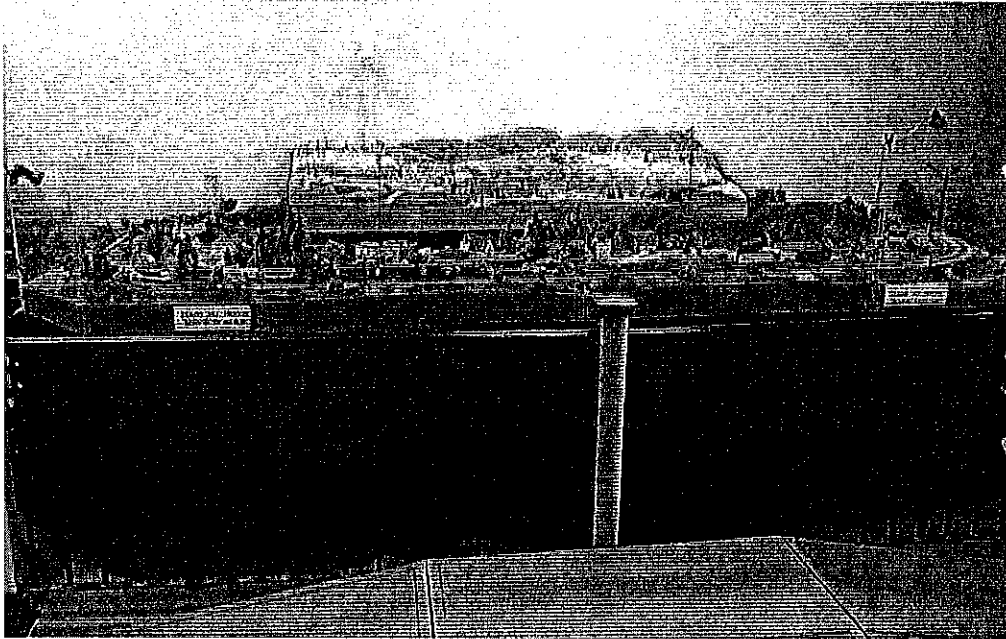
Train on the layout



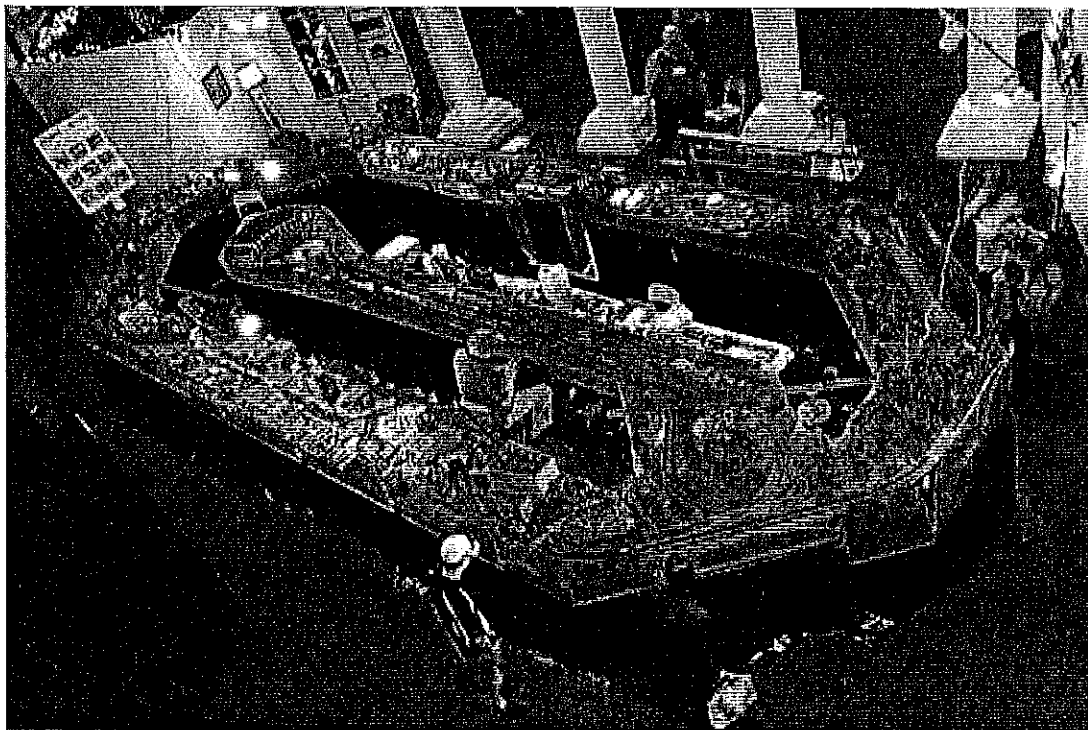
Our trailer park with a alien spaceship above



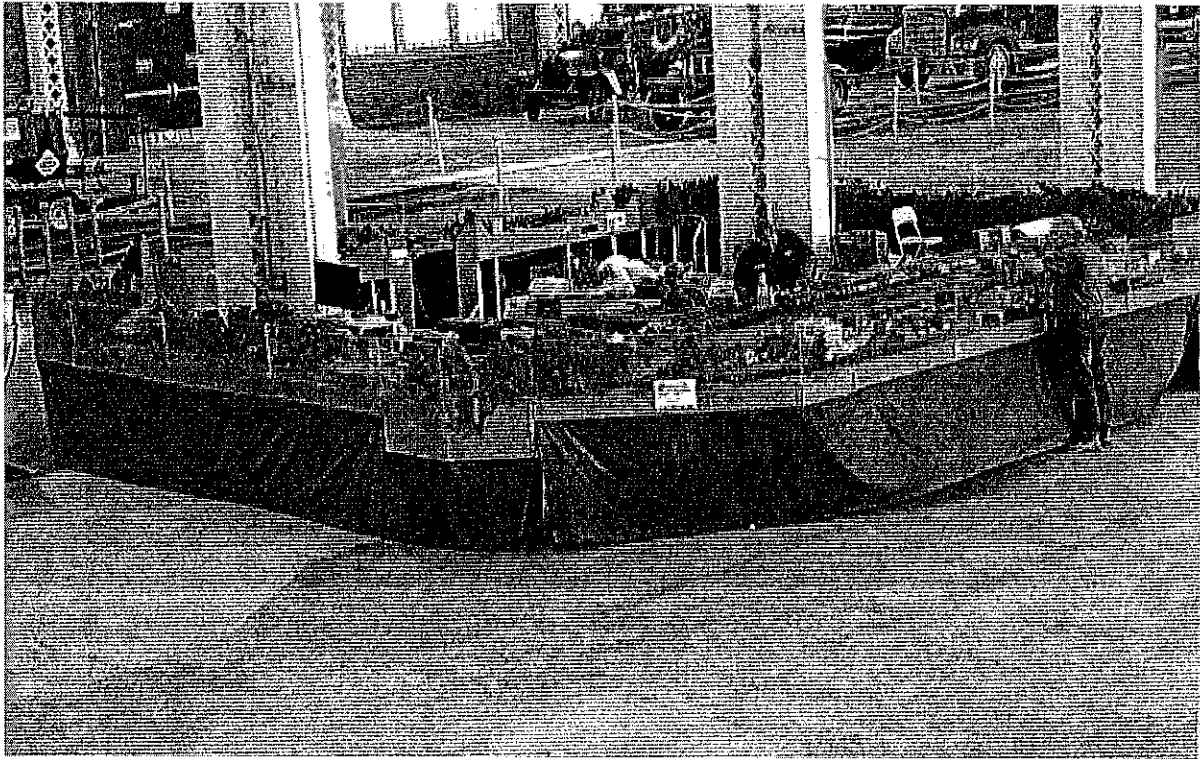
Some of the membership erecting the layout at the NC Transportation Museum



Small layout displayed at Daniel Stowe Botanical Garden, Belmont



2016 Club layout at the Southern Christmas Show, Charlotte



2017 Layout with all Modules displayed at the North Carolina Transportation Museum, Spencer

METROLINA MODEL R.R. CLUB

Belmont/Charlotte, NC

Home of the

French Broad and Catawba Railroad

The Metrolina Model Railroaders want to thank you for considering our model railroad club the opportunity to use/lease part of your South Alexander Street facility. Our club was formed in 1980 with the intent of building a permanent HO scale layout, which we did several times as we moved from location to location in the Piedmont area. The club currently does not have a permanent layout, but has built an HO scale modular layout that is displayed at the Southern Christmas Show in Charlotte and at train shows in this area. The layout can be configured from 14' x 18' to 44' x 26', but is still growing. The modules are stored and transported in two large enclosed trailers. There are photographs of this layout on the Club's web site.

For more information visit <http://metrolinamodelrailroaders.org> or contact a club officer by Email.

THE METROLINA MODEL RR CLUB

We are a group of modelers who have built, maintain and have lots of fun operating a modular HO scale model train layout. All members of the club must be registered members of the National Model Railroad Association (NMRA). Our club models the fictitious **French Broad and Catawba Railroad** set in the era of the mid-1950's. The selection of this time frame allows the use of equipment by the steam enthusiast and/or those whose interest lies in first generation diesels.

The flexibility of a modular layout also gives us the opportunity to display the layout at regional 'Model Train Shows' and special events. The two primary events that have enabled the MMRR Club to showcase our layout are the "Southern Christmas Show" in Charlotte, N.C. in November and the Daniel Stowe Botanical Garden "Holiday Lights at The Garden" presentation in Belmont, NC during the month of December. The club has won numerous awards for quality and presentation.

We have club meetings on the second and fourth Thursday and Sunday of each month. Currently the club has no permanent meeting facility so we are meeting in a round-robin fashion in the homes of our club members that have home layouts. That way we can still get in our train-running time and deal with club matters that need attention. We are pursuing the possibility of finding a more permanent facility so that we can set up the layout in a semi-permanent condition to better facilitate maintenance and any changes or improvements.

We are always looking for new members. If anyone should have an interest in joining our group or attending one of our meetings, please contact any of the club members listed in this brochure for more information. Your dues include NMRA membership.

If you are new to the hobby don't let that keep you away. Our club members have varied modeling interests that cover the entire range of the hobby and abilities from 'beginner' to 'expert' in different aspects of the hobby. We think our club will provide a good environment for you to improve upon your existing skills and develop new ones as well. You might even meet a few new model railroading friends.

Our interest in the Alexander Street facility that your city has available offers the following opportunities for our organization:

- Provide a central location for members to display and operate our module layout
- Share our hobby and expertise in model railroading with the community
- Provide educational experiences in the history of railroading as well as the hobby of model railroading
- Display railroading artifacts and photographs
- Display an operating model railroad for public viewing during community events
- Provide basic to advanced model railroading classes which include topics such as airbrushing, scenery, electronics, and other facets of modeling

Please note our yearly schedule includes participation in the Southern Christmas Show, Daniel Stowe Botanical Garden "Festival of Lights", various events at the North Carolina Transportation Museum, and other local train shows throughout the region.

We look forward to discussing the details of this opportunity further with you and we want to thank you for your time and consideration of our organization. Please contact any of the officers listed below to discuss these matters.

MMRR CLUB OFFICERS:	
President: Rick Beam Email: rbeamatty@gmail.com Phone: 704 867-6363	Vice President: Gil Harris Email: gbh55@aol.com Phone: 908-601-9053
Treasurer: Alan Hardee Email: alanhardee@att.net Phone: 704-868-6976	Secretary: Joe Burden Email: kayakjoe@carolina.rr.com Phone: 704-588-3299

Club Mail Address:

PO Box 2401, Gastonia, NC 28053

Visit our website at:

<http://metrolinamodelrailroaders.org/>

Join our yahoo group at:

<http://groups.yahoo.com/group/MetrolinaModelRailroaders/?yguid=314589603>

Email us at:

MetrolinaModelRailroaders@yahoogroups.com

OTHER BUSINESS

REPORTS

Incident Disposition Totals by Offense

MOUNT HOLLY POLICE

(04/01/2018 - 04/30/2018)

Offense:	Arrest/No Supp.:	Arrest/Ch. Agency:	Death of Offender:	Vic. Ref. to Cooper.:	Prosecut. Declined:	Extradit. Declined:	Located Missing:	Unfound.:	Reported:	Actual:	Further Invest.:
0410 - Aggravated Assault	1	0	0	0	0	0	0	0	2	2	1
0510 - Burglary - Forcible Entry	1	0	0	0	0	0	0	0	4	4	2
0520 - Burglary - Non-Forced Entry	1	0	0	0	0	0	0	0	2	2	1
0630 - Larceny - Shoplifting	0	0	0	0	0	0	0	0	2	2	2
0640 - Larceny - From Motor Vehicle	0	0	0	0	0	0	0	0	7	7	5
0650 - Larceny - Auto Parts & Accessories	0	0	0	0	0	0	0	0	2	2	1
0690 - Larceny - All Other Larceny	2	2	0	0	1	0	0	0	11	11	6
0710 - Motor Vehicle Theft - Automobile	0	1	0	0	0	0	0	0	4	4	2
0790 - Motor Vehicle Theft - All Other Motor Vehicles	0	0	0	0	0	0	0	0	1	1	1
0810 - Simple Physical Assault	5	1	0	1	1	0	0	0	10	10	2
0820 - Simple Non-Physical Assault	0	0	0	0	0	0	0	0	1	1	1
0890 - Simple Assault - All Other Simple Assault	1	0	0	0	1	0	0	0	3	3	1
1015 - Forgery - Using/Uttering	0	0	0	0	1	0	0	0	1	1	0
1120 - Fraud - Obtaining Money/Property by False Pretense	0	0	0	0	1	0	0	0	3	3	2
1140 - Fraud - Unauthorized Use of Conveyance	0	1	0	0	0	0	0	0	1	1	0
1150 - Fraud - Credit Card/Automated Teller Machine	0	0	0	0	0	0	0	0	1	1	0
1170 - Fraud - Impersonation	0	0	0	0	0	0	0	0	1	1	0
1400 - Criminal Damage to Property (Vandalism)	2	0	0	0	4	0	0	0	16	16	9
1530 - Possessing/Concealing Weapons	3	0	0	0	0	0	0	0	3	3	0
1810 - Drug Violations	7	0	0	0	0	0	0	0	7	7	0
1834 - Drug Violations - Equipment/Paraphernalia - Possessing/Concealing	6	0	0	0	0	0	0	0	6	6	0

Arrest Status/Disposition Totals by Offense

MOUNT HOLLY POLICE

(04/01/2018 - 04/30/2018)

Offense:	Further Invest.:	Inactive:	Closed/Cleared:	Arrest/No Supp.:	Arrest/No Invest.:	Felony:	Misd.:	Juvenile:	Adult:	Offense:
0410 - Aggravated Assault	0	0	6	3	3	1	5	0	6	6
0510 - Burglary - Forcible Entry	0	0	2	1	1	1	1	0	2	2
0520 - Burglary - Non-Forced Entry	0	0	1	1	0	1	0	0	1	1
0690 - Larceny - All Other Larceny	0	0	3	2	1	1	2	0	3	3
0810 - Simple Physical Assault	0	0	5	4	1	0	5	0	5	5
1400 - Criminal Damage to Property (Vandalism)	0	0	2	1	1	0	2	0	2	2
1530 - Possessing/Concealing Weapons	0	0	3	3	0	1	2	0	3	3
1810 - Drug Violations	0	0	10	9	1	4	6	0	10	10
1834 - Drug Violations - Equipment/Paraphernalia - Possessing/Concealing	0	0	5	4	1	0	5	0	5	5
1990 - Drug Violations - All Other Drug Violations	0	0	1	1	0	0	1	0	1	1
2100 - DWI - Alcohol and/or Drugs	0	0	3	3	0	0	3	0	3	3
2450 - Drunk and Disruptive	0	0	1	1	0	0	1	0	1	1
2640 - Contempt of Court, Perjury, Court Violations	0	0	4	4	0	0	4	0	4	4
2670 - Trespassing	0	0	1	0	1	0	1	0	1	1
2680 - City Ordinance Violations	0	0	1	0	1	0	1	0	1	1
2690 - All Other Offenses	0	0	3	2	1	0	3	0	3	3
4010 - All Traffic (except DWI)	0	0	5	3	2	0	5	0	5	5
Totals:	0	0	66	42	14	9	47	0	66	66

Citation Totals by Charge

MOUNT HOLLY POLICE

(04/01/2018 - 04/30/2018)

Charge:	Number of Charges:
DWI	2
No Operator License	1
Driving While License Revoked	5
Expired Registration	9
Inspection	1
Unsafe Movement	1
Failure To Stop (Stop Sign/Flashing Red Light)	4
Running Red Light	4
No Insurance	1
Other (Misdemeanor)	7
Other (Infraction)	6
Other (2nd Charge - Misdemeanor)	4
Other (2nd Charge - Infraction)	9
Total:	54

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

CFS By Department - All Departments By Date
4/1/2018 - 4/30/2018

MOUNT HOLLY POLICE	Count	Percent
ALARM B	30	2.11%
ALARM R	40	2.81%
ANIMAL COMPLAINT	4	0.28%
ASSAULT AL OCC	2	0.14%
ASSAULT IN PROG	1	0.07%
ASSIST CITY DEPARTMENT	1	0.07%
ASSIST FD/EMS	19	1.34%
ASSIST LE AGENCY	29	2.04%
ASSIST OTHER	10	0.70%
ATTEMPTED B & E	1	0.07%
B & E BUSINESS AL OCC	4	0.28%
B & E OF BUSINESS IN PROGRESS	1	0.07%
B & E RES AL OCC	5	0.35%
B & E RES IN PROG	2	0.14%
B & E TO VEHICLE ALR OCC	2	0.14%
BANK ESCORT	3	0.21%
CHECK ROADWAY	7	0.49%
CHECK THE WELFARE	24	1.69%
CHILD CUSTODY	1	0.07%
CIVIL DISPUTE	10	0.70%
COMM SERV SPECIAL EVENT	1	0.07%
COMMUNICATING THREATS	5	0.35%
COURT	6	0.42%
DAMAGE TO PROPERTY	10	0.70%
DISCHARGE FIREARM	10	0.70%
DISTURBANCE NATURE UNK	6	0.42%
DOMESTIC ARGUMENT	19	1.34%
DOMESTIC ASSAULT	16	1.13%
DRUGS	8	0.56%
FIGHT MULTIPLE SUBJ	3	0.21%
FOLLOW UP INVESTIGATION	50	3.52%
FOOT PATROL	3	0.21%
FOUND PROPERTY	5	0.35%
FRAUD	2	0.14%
FUNERAL ESCORT	4	0.28%
HANGUP 911	7	0.49%
HARRASSMENT	4	0.28%
HIT & RUN PD	3	0.21%
IDENTITY THEFT	3	0.21%
ILLEGAL DUMPING	1	0.07%
INFORMATION ONLY	53	3.73%
INTOXICATED DRIVER	3	0.21%

MOUNT HOLLY POLICE	Count	Percent
INTOXICATED PEDESTRIAN	1	0.07%
JUVENILE	9	0.63%
K9 DEPLOYMENT	2	0.14%
LARCENY AL OCC	22	1.55%
LARCENY FROM VEHICLE	7	0.49%
LARCENY IN PROG	1	0.07%
LICENSE CHECK	1	0.07%
MENTAL COMMITMENT	3	0.21%
MISC CALL	7	0.49%
MISSING PERSON ADULT	3	0.21%
MISSING PERSON JUVENILE	2	0.14%
MV COLLISION PD	26	1.83%
MV COLLISION PI	4	0.28%
NOISE VIOLATION	22	1.55%
OBTAINING WARRANT	1	0.07%
PARKING VIOL	2	0.14%
PERSONAL ESCORT	11	0.77%
PROWLER	10	0.70%
PUBLIC NUISANCE BIKES/SKATEBOARDS/ATV/DIRT BIKES	5	0.35%
RADAR/TRAFFIC ENFORCEMENT	2	0.14%
ROAD RAGE	1	0.07%
SCHOOL PROGRAM	1	0.07%
SCHOOL RES OFFICER	37	2.60%
SCHOOL TRAFFIC	2	0.14%
SERVE WARRANT	6	0.42%
SOLICITATION	3	0.21%
SPEC ASSIGNMENT TRAFFIC	1	0.07%
SPECIAL ASSIGNMENT	46	3.24%
SPECIAL CHECK	449	31.60%
STOLEN VEH IN PROGRESS	1	0.07%
STOLEN VEHICLE AL OCC	5	0.35%
STRANDED MOTORIST	17	1.20%
SUBJECT WITH A GUN/WEAPON	1	0.07%
SUICIDAL SUBJECT	1	0.07%
SUSPICIOUS PERSON	37	2.60%
SUSPICIOUS VEH OCCUP	58	4.08%
SUSPICIOUS VEH UNOCCUP	56	3.94%
TRAFFIC OTHER	12	0.84%
TRAFFIC STOP	104	7.32%
TRESPASS	9	0.63%
UNAUTHORIZED USE OF CONVEYANCE	1	0.07%
VANDALISM AL OCC	6	0.42%
VERBAL ARGUMENT	8	0.56%
Total Records For MOUNT HOLLY POLICE	1421	Dept Calls/Total Calls 99.30%
No Units	Count	Percent
ALARM B	1	10.00%
ASSIST LE AGENCY	1	10.00%

TO: Danny Jackson, Mayor and City Council, Amy Miller

FROM: Kemp Michael

DATE: May 11, 2018

See attached letter from Thomas Kelly with a request for concessions regarding the old fire station contract. Any substantive changes will require a new contract and readvertising for upset bids. As you recall, his due diligence expires on Tuesday, May 15, 2018. The council may want to take action to hold to the original agreement and see if he terminates the contract, make a counter proposal, or accept his request for reduction in purchase price. This could be discussed in closed session if council chooses.

Kemp,

We have completed a number of inspections on the property at 309 N. Main Street in Mount Holly. There are a few areas requiring attention and we have the following ranges for the cost of the repairs, which include a number of safety and code violations.

Roof	\$41,450 to \$55,275
HVAC	\$25,000 to \$31,900
Electrical	\$19,000 to \$26,374
Plumbing	\$13,000 to \$26,100 (note this depends on the need or not to dig up the drains)
Structural	\$2,500

That is a range between **\$100K** and **\$142K**.

As you may recall, we originally offered **\$335K** and the City countered at **\$350K**. Given the extent of the matters requiring immediate attention, we would like to propose a net purchase price of **\$262,500**. Can the City make that compromise number work? We will have to spend a good deal just to get the building to a baseline of acceptable condition. On top of that we are prepared to make additional investments to improve the building itself and maintain it as a positive addition to the City's on-going impressive growth.

Do you have available times to speak Thursday with myself and one of the other partners? We are also open to extending the Inspection Period and final Closing Date as I know that the City may need time to review this as well.

Thank you,

Thomas

Thomas Kelly
South Cove Partners, LLC
(614) 397-2553

MEMORANDUM

TO: Mayor, City Manager, and City Council of the City of Mount Holly
FROM: Marie M. Anders, Assistant City Attorney
RE: Gaston County Art Guild proposed lease of Massey building
DATE: May 11, 2018

At the April 23, 2018, work session, Clyde Davis with the Gaston County Art Guild (GCAG) appeared before the Council with a request for the GCAG to lease the Massey building. He explained that the non-profit organization currently has an "Arts on Main" program in a building leased by the City of Gastonia, but the building is being sold and the organization is looking for new space. The presentation materials included a copy of the current lease which the GCAG has with the City of Gastonia. The Council directed the City Attorney's office to work with the City Manager and the GCAG to bring forward a proposed lease for the Council to review and discuss.

Please find attached a proposed lease which is based upon the GCAG's prior lease with the City of Gastonia. Mr. Davis has asked for a five year term, due to the fact that the GCAG will need to upfit the building for tenant artist studios, and he believes that with a five year lease the GCAG would have an easier time attracting donors for the upfit investment. Nevertheless, the proposed lease has an early termination provision for the City for any reason upon 90 days' notice and an early termination provision for both parties in the event of default upon 30 days' notice. At the end of the initial five year term, if the lease has not been terminated, it provides an option for the GCAG to extend the lease for a total of five additional one year terms, subject to the early termination provisions. The proposed lease also calls for the GCAG to sublease the property to tenant artists who will pay at least \$1.35 per square foot for studio space. Certain rules to be incorporated into each sublease are attached as an exhibit to the proposed lease with the GCAG. The proposed rent that the GCAG would pay is 90% of the amounts received from the tenant artist subleases. The lease also sets forth an expectation that tenant artists would provide volunteer hours for events, which would include collaborative events with the City or Mount Holly nonprofits. GCAG would be responsible for the cost of the upfit, the maintenance of the interior of the building, and liability and fire insurance. The City would be responsible for the costs of the roof, exterior of the building, HVAC, and the payment of the utilities. No property tax will be owed since the City would be leasing the property to a nonprofit.

Mr. Davis explained to me that the former lease with Gastonia calls for a one year term with the option to renew for successive one year terms because of the fact that the building which the GCAG occupies has been for sale for a long period of time. He also explained that the rental is not market rate, but the intention is that it at least cover the costs of the utilities of the building. He proposes that an essential part of the consideration for GCAG occupying the space is the volunteer time from the tenant artists and the collaboration on arts projects and events that the GCAG could offer to the City and Mount Holly nonprofits. He also gave me an anticipated timeline for GCAG's tenant artist occupancy of the building should the lease be approved—once the City employees move to the new Public Works facility in June or July, the GCAG could begin the upfit of the building and would like to have the artist tenants begin occupying the space by the end of the year.

If the Council wishes to proceed with this lease, the next steps would be to pass a resolution that the Council has determined that the City will not need the Massey building during the term of the lease and give 30 days' public notice in the newspaper of the intention to lease this property.

NORTH CAROLINA

LEASE AGREEMENT

GASTON COUNTY

THIS LEASE, effective as of the ____ day of _____, 2018, by and between the CITY OF MOUNT HOLLY, a North Carolina municipal corporation, as Lessor ("City"), and GASTON COUNTY ART GUILD, a North Carolina nonprofit corporation, as Lessee ("Lessee");

WITNESSETH:

WHEREAS, City is authorized by NCGS 160A, Article 12, to lease property it owns if the Council determines that the property will not be needed by the City for the term of the lease; and,

WHEREAS, City is the owner of certain property located at 500 E. Central Ave., Mount Holly, NC, tax parcel ID # 220660, Mount Holly, North Carolina (the "Property"); and

WHEREAS, the City Council of the City of Mount Holly has determined that the Property will not be needed by the City for its exclusive use during the term of the lease; and

WHEREAS, Lessee wishes to lease the Property for the purpose of an art gallery, a gift shop, and art studios for sublease to artists.

NOW, THEREFORE, in consideration of the terms, conditions and covenants hereinafter set forth, the City does hereby lease to Lessee, and Lessee does hereby lease from the City the Property under the terms and conditions hereinafter set forth:

1. Effective Date – Duration. This lease shall be effective as of the date appearing hereinabove and shall exist and continue, unless sooner terminated as hereinafter provided, for five (5) years from the date as stated above. Initial possession or occupancy of the Property under this Lease shall commence immediately upon the execution of the Lease by both parties and shall continue uninterrupted throughout the duration of the Lease, subject only to the City's rights of entry for inspection and certain maintenance.
2. Rent/Consideration. Lessee shall pay to City as rent for the Property the following amounts (collectively the "Lease Payment"): an amount equal to ninety percent (90%) of all amounts received by Lessee for the sublease of any portion of the Premises ("Gross Sublease Payments"). Lease Payments shall be due monthly on or before the 15th day of each month and shall be determined based upon the receipts from the previous month. Rental Payments shall be accompanied by a detailed report setting forth the Gross Sublease Payments indicating the amount of each payment and the sub-lessee from whom it was received.
3. Option to Renew. Provided that Lessee is not then in default of any of the terms of this Lease and the lease is not otherwise terminated, Lessee shall have the option to extend

this lease for a maximum of five successive one year periods. In order for such extensions to be exercised, Lessee must give written notice to the City of its intent to extend this lease no later than sixty (60) days prior to the expiration of the then existing term. In the event that Lessee extends the Lease as provided in this section, all terms and conditions of this Lease shall continue in effect. The annual lease amount shall be subject to renegotiation for each period said lease is extended.

4. Construction, Alterations or Improvement. Lessee will be responsible for any construction, alterations or improvements necessary for its use of the Property for a gallery and artists' studios. Lessee shall make no alterations, improvements or structural changes of any kind to the Property without the express written consent of the City. At the termination of the lease, Lessee shall, if requested by City, remove or cause to be removed any alterations or improvements installed by Lessee and return the Property to its prior condition, excepting normal wear and tear.
5. Utilities. City shall be responsible for the payment of electric, water, sewer, and natural gas utilities. Lessee shall be responsible for the payment of all other utilities required by the Lessee.
6. Use. Lessee may use the Property for the purposes of an art gallery, artists' studios, classroom space, a gift shop, and arts-related activities and events, providing that there is a resident tenant on premises. Lessee shall not permit the Property to be used for any purpose that will injure or damage the Property. Lessee will not use or keep in Property anything that would in any way adversely affect the terms and conditions of the City's fire insurance coverage. Lessee shall not use nor permit its sublessees to use the Property as a residence. The City may use the Property for events without charge, provided that the City would ask for Lessee's consent to hold events in the Property, which consent would not be unreasonably withheld.
7. Maintenance. Lessee will be responsible for maintaining the interior of the Property.
8. Sales and Use Taxes. Lessee agrees to pay any and all sales, use or other taxes that may be legally due and owing to any governmental agency.
9. Inspection. The City may cause the Property to be inspected at any time.
10. Subleasing/Assignment. It is contemplated by the parties that the Lessee shall sublease portions of the Property for use as artist studios. Lessee agrees that such sub-lessees shall pay rent for leased space as set forth on the schedule which is attached hereto as Exhibit A and incorporated herein by reference. Lessee shall enter into a written sublease with every sub-lessee which shall contain the applicable rent for the space leased and shall incorporate and require compliance with the rules and regulations which are attached hereto as Exhibit B and incorporated herein by reference.
11. Indemnification and Insurance. Lessee agrees to indemnify, hold harmless and defend the City, its officers, agents and employees from and against any and all claims, loss,

damage, liability or expense whatsoever, including reasonable attorney's fees, arising out of or resulting from Lessee's use, occupancy, conduct or management of the Property. Lessee agrees to further indemnify, hold harmless and defend the City, its officers, agents and employees from and against any and all claims, loss, damage, liability or expense, including reasonable attorney's fees, arising out of or resulting from any breach or default on the part of Lessee in the performance of any responsibility or covenant to be performed pursuant to the terms of this Lease, or arising out of or resulting from any act of negligence of Lessee, its officers, agents or employees.

Lessee at its own expense shall carry General Comprehensive Liability insurance in the amount of not less than One Million (\$1,000,000.00) dollars combined single limit for both personal injury and property damage and Fire Legal Liability insurance with an insurance company with an insurance company acceptable to the City and authorized to do business in the State of North Carolina, which policies shall name the City of Mount Holly as an additional insured. Such policies shall further contain provisions that the City will be given thirty (30) days' written notice of any intent to terminate such insurance by either Lessee or the insuring company. Lessee will furnish certificates of insurance evidencing such coverage prior to the effective date of this Lease and upon each renewal of such coverage.

Lessee agrees to purchase workers' compensation insurance in accordance with North Carolina workers' compensation law (three or more employees). Coverage shall be maintained in accordance with statutory requirements with limits of not less than \$100,000 per each accident.

12. Notice. Any notices required or permitted to be given by either party hereunder shall be in writing sent to the persons and addresses below and shall be made and given by either delivering the notice to the persons indicated or depositing the notice in the United States Post Office postpaid addressed to the other party at its last known place of business.

For City: Danny J. Jackson
 City Manager
 400 E. Central Ave.
 Mount Holly, NC 28120

For Lessee: _____

13. Equal Opportunity. Lessee agrees that during the term of this lease and any extended terms, it shall not exclude anyone from participation in, deny anyone the benefits of, or otherwise subject anyone to discrimination because of the person's race, religion, sex, age, color, national origin, or physical or mental handicap.

14. Termination.

(a) In the event that either party shall fail to perform, keep and observe any of the terms, covenants, and conditions herein contained on its part to be performed and shall remain in default thereof for a period of thirty (30) days after written notice from the party not in

default calling attention to such default or condition, the party not in default may declare this Lease terminated and canceled and:

- i. In the case of city, City may take possession of the Property without prejudice to any other legal remedy it might have on account of default.
- ii. In the case of Lessee, Lessee may vacate the Property without prejudice to any other legal remedy it may have on account thereof.

(b) City may terminate this lease at any time with or without cause by giving ninety (90) days' written notice of termination to the Lessee.

15. Waiver of Liability. Lessee shall maintain its own property insurance against theft or damage to any and all personal property that it stores in or about the Property. Lessee assumes all risk and responsibility in connection with the safekeeping of all its equipment and personal property left on the leased premises and furthermore, agrees to hold the City harmless for any damages of whatever nature occurring to said property while it is located on the demised premises. All subleases executed by Lessee for any part of the Property shall include a provision holding the City harmless for the loss or any damages to personal property belonging to the sublessee.
16. No Rights/Benefits to Third Parties. This Agreement is intended to inure only to the benefit of Lessee and City. This Agreement is not intended to create, nor shall be deemed or construed to create, any rights in any third parties.
17. No Doctrine of Construction Against the Drafter. Both Parties acknowledge and stipulate that this Agreement is the product of mutual negotiation and bargaining and that it has been reviewed by legal counsel for both City and Lessee, or both parties have had an opportunity to seek counsel. As such, the doctrine of construction against the drafter shall have no application to this Agreement.
18. Holding Over. If Lessee shall, with the knowledge or consent of the City, continue to remain upon the Property after the expiration of the term of this Lease, then in such case Lessee shall become a tenant at will.
19. Waivers. It is agreed between the parties that no waiver of any term or condition of this Lease shall be construed to be a waiver of any succeeding breach of the same or any other term or condition.
20. Amendments. Any and all amendments to this Lease must be in writing signed by Lessee and the City.
21. Binding on Successors and Assigns. All covenants and agreements of this Lease shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Lessee.

22. Severability. In the event that any provisions herein shall be deemed invalid or unenforceable, the other provisions, hereof shall remain in the full force and effect, and be binding upon the parties hereto.
23. Applicable Law. This Agreement shall be interpreted and enforced according to the laws of the State of North Carolina. Any legal action regarding the enforcement of this Agreement must be filed in the appropriate Court in Gaston County, State of North Carolina, having jurisdiction in the matter.
24. Integrated Contract. Neither party has made any representation or promise, except as contained herein, or in come further writing signed by the party making such representation or promise.
25. Counterparts. This agreement may be simultaneously executed in several counterparts, each of which when so executed shall be deemed to be an original, and such counterparts together shall constitute but one and the same instrument.
26. Miscellaneous. The headings, captions and numbers in this Agreement are solely for convenience and shall not be considered in construing or interpreting any provision in this Agreement. Wherever appropriate in this Agreement, personal pronouns shall be deemed to include other genders and the singular to include the plural, if applicable.

IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first set out above.

CITY:
CITY OF MOUNT HOLLY

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

Attest:

Amy Miller, City Clerk

LESSEE:
GASTON COUNTY ART GUILD

By: _____ (SEAL)
Name:
Title:

STATE OF NORTH CAROLINA

NOTARY ACKNOWLEDGMENT

COUNTY OF GASTON

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

Witness my hand and notarial seal, this _____ day of _____, 20____.

Notary Public

My commission expires: _____

(seal) .

STATE OF NORTH CAROLINA

NOTARY ACKNOWLEDGMENT

COUNTY OF GASTON

I, _____, a Notary Public in and for said County and State, do hereby certify that _____ personally came before me this day and acknowledged that he/she is _____ of GASTON COUNTY ART GUILD, a North Carolina non-profit corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by him/her on behalf of the said corporation.

Witness my hand and notarial seal, this _____ day of _____, 20____.

Notary Public

My commission expires: _____

(seal)

EXHIBIT "A"

SCHEDULE OF RENTS

Rents for artist studio spaces shall be based on a set charge of at least \$1.35 per square foot with a premium charge of \$25 should the studio have a window providing natural light. Each space shall be assigned a monthly rent by the President of the Gaston County Art Guild.

Volunteer time provided by each artist occupying studio space on the Property shall be required. Each artist tenant shall be required to provide a minimum of 8 hours per month devoted to tending the gallery as set forth in Exhibit "B". In addition, each artist tenant is expected to provide additional volunteer time toward maintaining and operating the Gaston County Art Guild and its programs. This includes, but is not limited to, work such as planning, arranging, and hanging sales shows; chairing or serving on committees; managing subtenant matters (when assigned); and other duties necessary for the operation of the Gaston County Art Guild and its programs. Required and expected volunteer work is deemed a part of the consideration provided for occupancy of a studio in the same manner as rent. Failure of any studio occupant to provide said volunteer work or to otherwise adhere to the rules set forth in Exhibit "B" shall be treated in the same manner as failure to pay rent.

The City Manager and the President of the Gaston County Art Guild shall review rents and occupancy rates from time to time, and in consultation with each other may adjust rents of studio spaces up or down based upon supply, demand, operational costs and the continued viability and growth of the Gaston County Art Guild and its programs.

EXHIBIT "B"

Gaston County Art Guild (GCAG) Rules for Tenant Occupancy

1. Space is leased to artists for the purpose of creating works of art. Continued occupancy of each artist's space is contingent on the regular presence of the artist for the purpose of creating art and such other standards as the master tenant, GCAG, may deem appropriate for the continued viability and financial success of GCAG. At the beginning of each artist's sublease from GCAG, a security deposit in the amount of \$50 shall be collected and held in a separate account. Security deposits will be refunded at the termination of the artist's sublease of a studio if vacated in a satisfactory manner. The officers of GCAG will determine the refund.
2. Rent is due in full the first of the month. Rent will be considered late after the 7th day of the month and a late fee of \$15 will be assessed. Failure to pay the rent and late fee will result in a 30 day notice to vacate.
3. All artists shall properly dispose of their waste. No oil paint, solvents, or other non water-soluble materials shall be disposed of through the plumbing waste system. Such solvents, diluents (thinners), turpentine, and any other non water-soluble wastes shall be disposed of off-site in accordance with applicable laws and regulations by carrying away from the premises. Care shall be taken in the handling and storage of any flammable or combustible materials to prevent fire. Oily rags shall be kept in a steel, self-closing oily rag can and disposed of daily. Tenants shall follow standards as set forth in ASTM D7355-10 (Standard Guide for Artists' Paint Waste Disposal in Smaller Commercial and Educational Settings). Tenants shall follow any instructions or directives of the Fire Marshall with respect to handling such materials and all other aspects of occupancy of the space. The use of gasoline, kerosene, or similar petroleum products on the premises is forbidden unless advance permission is granted by the Lessor and Owner. No oil or acrylic paint waste shall be disposed of in a manner that uses the City solid waste system.
4. Occupancy and use of any space in the building shall be in conformity with the Codes of the City of Mount Holly and the laws and regulations of the State of North Carolina.
5. The premises are smoke-free. Any smoking or other use of tobacco products shall be conducted outside the building on the north side at least ten feet from any entrance door.
6. No firearms or other dangerous weapons shall be permitted on the premises in accordance with Mount Holly City Code Sec. 14-23.
7. Artist tenants shall leave parking spaces next to the side entrance of the building available for patrons and visitors. Exceptions are made for loading purposes during actual times of loading/unloading.
8. All art sales on premises shall be run through the gallery sales desk and be subject to a standard minimum gallery commission of fifteen (15%) percent of the sales price whether sold from the gallery, an artist's studio, or any other place on the premises. Any tenant artist found in violation of this rule shall immediately reimburse the gallery the appropriate commission. More than one violation of this policy shall be grounds for eviction without refund of rent or security deposit. Artists are encouraged to sell as much art on premises as possible in order to help maintain the financial viability of GCAG.

9. Food and drink are not permitted in the gallery space except for during special events when food or drink are served as part of such special event. Any food consumed by a tenant should be consumed in a resident studio or other designated area except for special events when food or drink are served as part of such special event.
10. Guests and patrons are not permitted outside the gallery/gift shop/restroom area without a tenant escort, with the exception of special events, open houses, or other designated events when appropriate persons will be monitoring studios, common spaces, and other non-gallery areas.
11. Realizing that guests and patrons will be escorted to artists' studio, artist's space shall be kept in reasonable order and meet all requirements or orders of the Fire Marshall.
12. Artists' studio spaces shall be subject to inspection by the lessor during normal business hours.
13. Each tenant artist shall be required to donate eight (8) hours per month of his or her time to tending the gallery/gift shop or other assigned duties. This obligation of volunteer time is part of the consideration provided by each tenant artist for the use of space and facilities at GCAG in the same manner that monthly studio lease rent payments are made by each tenant artist. Failure to provide said time to the operation of the gallery/gift shop shall be grounds for eviction. Each tenant artist shall sign up for such volunteer time on the calendar provided by the tenant organization group. The artist tenant understands that GCAG is a cooperative business and each tenant is expected to volunteer additional time to chores such as hanging shows, general cleaning of gallery and other common areas, work in support of special events, and other volunteer work as may be reasonably called upon in support of the operation.
14. The tenant artist understands that financial viability of GCAG depends upon utility conservation. Each tenant shall take reasonable care to conserve utilities, such as turning lights off when not in use.
15. During hours when the gallery is not open, each artist tenant shall keep the premises locked from the outside. Sharing a key to the building with anyone shall be grounds for eviction without refund of deposit. If a tenant believes that their key has been lost or stolen, the tenant shall immediately inform Owner (City of Mount Holly) and GCAG.
16. No artist studio or other space on the premises shall be used for domiciliary or similar purpose such as overnight sleeping, cooking, or bathing.
17. Tenant artists shall endeavor to attend and participate in regular tenant meetings.
18. Tenant artists shall use the space with appropriate consideration of other tenants in the building by avoiding: (1) making excessive or disturbing amplified sounds or noise (it is expected that work in some visual arts media by their natures create noise, and permission to work in such media would be granted by the lessor under terms of the lease or other written permission); (2) the generation of noxious fumes (it is expected and accepted that fumes in the appropriate and normal use, handling, and storage of oil paints and solvents customarily used in oil painting and other fumes related to customary artist media may be present on the premises from time to time); and (3) other activities and offensive behaviors that interfere with or inhibit use of the premises by other artists or repulse gallery customers.