



April 25, 2016
Council Work Session Meeting

Mayor Bryan Hough
Mayor Pro-Tem David Moore
Councilman Jerry Bishop
Councilwoman Carolyn Breyare
Councilman Jim Hope
Councilman Jeff Meadows
Councilman Perry Toomey
Kemp Michael, City Attorney
Danny Jackson, City Manager

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



**April 25, 2016
6:30 P.M.**

CALL TO ORDER BY THE MAYOR

INVOCATION

SET THE AGENDA

1. Presentation from Shining Hope Farms *Milinda Kirkpatrick*
2. Discussion of Proposed Bids for the Gateway Signage Project *Miles Braswell*
3. Discussion of Chapter 16 of the Mount Holly City Code
Entitled Streets and Sidewalks *Marie Anders*
4. Closed Session (*pursuant to NCGS 143-318.11 (a) (5 and 6)*)
5. Adjourn



SHINING HOPE FARMS

WHERE SPECIAL KIDS AND HORSES SHINE.



MISSION:

Shining Hope Farms is a 501(c)(3) organization whose mission is to enable children and adults with disabilities to achieve functional goals through the use of equine assisted activities and Hippotherapy. SHF has successfully been in operation since 2002.

OBJECTIVES:

Our ultimate goal is to foster quality of life improvements for children and adults with special needs in Mecklenburg, Gaston, Cabarrus, Lincoln, and Iredell Counties and to serve these individuals without discrimination, including that of finances as 35% of our participants are below 200% of the poverty line. We aim for 85% of these participants to make functional gains during their time in our programs.

LOCATIONS:

We have two locations:

328 Whippoorwill Lane, Mount Holly, NC 28120

3701 Kidd Lane, Charlotte, NC 28216

DID YOU KNOW?

- Our full-time physical therapist is a Hippotherapy Clinical Specialist, **one of less than 100 in the world.**
- The horse's 3-dimensional gait mimics the human gait (or walking) pattern more so than anything else natural or man-made. Our clients (and their muscles) learn this normal pattern just by straddling the horse, **which has led to many of our clients to learning to walk.**
- **92 cents of every dollar** was spent on our programs during our last fiscal year.
- We have achieved the GuideStar Exchange Gold participation level, a leading symbol of transparency and accountability awarded to 360/90,000 nonprofits at the time.

PROGRAMS:

Hippotherapy is a physical, occupational, and speech-language therapy treatment strategy that utilizes equine movement as part of an integrated intervention program to achieve functional outcomes. We served 132 patients in 2014 over the course of 3,000 visits. This service is vital for our community as **we are the only provider offering Hippotherapy in the Charlotte Metro area.**

Therapeutic riding lessons are conducted by a PATH Intl. certified riding instructor. Individuals on horseback participate in games and activities that aid in balance and coordination. Basic riding and horsemanship skills are taught throughout the sessions. We served 83 participants in this program in 2014.

Special Olympics of Gaston and Mecklenburg Counties partners with Shining Hope Farms to provide this program. It involves a lesson program, regional invitational shows, and culminates in the state level competition. Over the course of the program, riding and horsemanship skills are taught and riders are assisted by a PATH Intl. certified riding instructor.

OUTCOMES:

Shining Hope Farms' Mecklenburg and Gaston County locations currently serve over 100 individuals weekly in our Hippotherapy Program, and the majority free of charge. In a previously conducted study at Shining Hope Farms, our participants were assessed to see their functional gains after receiving treatment. The outcome of this study showed that 90% of clients had a significant increase in functional capacity from pre-evaluation to post-evaluation.

TO SEE OUR SERVICES IN ACTION:

vimeo.com/shininghopefarms

Shining Hope Farms

Annual Report Based on Fiscal Year 2014

Shining Hope Farms is a 501(c)(3) organization whose mission is to enable children and adults with disabilities to achieve functional goals through the use of equine assisted activities and Hippotherapy.

Shining Hope Farms

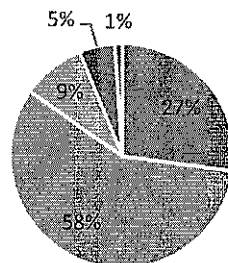
Annual Report Based on Fiscal Year 2014

Financial Report

Total Revenue	\$450,063
Total Expenses	\$422,043
Total Operating Income	
Less Expenses	\$28,020

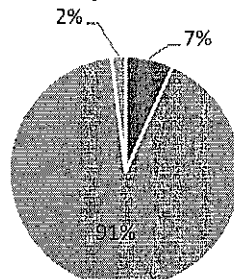
The cost to operate Shining Hope Farms for one day in 2014 was \$1,156

Income

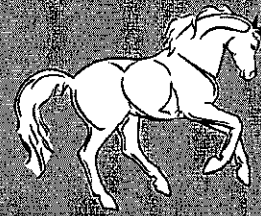


- Contributions
- Therapeutic Riding Related
- Fundraising Events
- Hippotherapy
- Grants

Expenses



- Admin
- Programs
- Fundraising



91 cents of every dollar was spent on our programs

Our Programs

Our programs in 2014 included:

- **Hippotherapy**
This program, conducted by licensed healthcare professionals, provides rehabilitative therapy (occupational therapy, physical therapy, or speech therapy) that uses the equine movement as a treatment tool. The onsite clinics are also used for off-mounted activities to help achieve certain goals. Historically, 85% of our patients who have received treatment have made functional gains helping to improve their quality of life. An emphasis is placed on serving poor and needy families in the community and most of the participants are able to access our program free of charge. In 2014 this program served 85-90 children weekly over the course of 3,000+ treatment visits.
- **Therapeutic Riding**
A PATH Intl. certified instructor conducts these group and private lessons where individuals with special needs are taught goal-based horseback riding and horsemanship skills. The clients also participate in games and activities while horseback riding. The lessons are recreational in nature, but provide many physical, cognitive, and emotional benefits. The riders are assisted by a horse leader and side walkers which provide a safe and enjoyable social environment. In 2014 this program served 45-50 participants weekly.
- **Special Olympics**
Shining Hope Farms trains individuals from Gaston, Lincoln, and Mecklenburg Counties who wish to compete in Special Olympics equestrian competitions. We also host a Regional Invitational show for Mecklenburg, Gaston, and surrounding counties' Special Olympics participants. In 2014 we had 26 participants in this program.

Our Participants

In 2014 we served 216 participants in our primary programs.

Counties Served:

Gaston, Mecklenburg, Lincoln, and Iredell, York, Cabarrus, Spartanburg, Richland, Stanly, Cleveland, and Union

Primary Diagnoses/Disabilities Served/Treated:

Cerebral Palsy, Autism, Down Syndrome, Developmental Disabilities, Brain Injuries, Hypotonia, among others

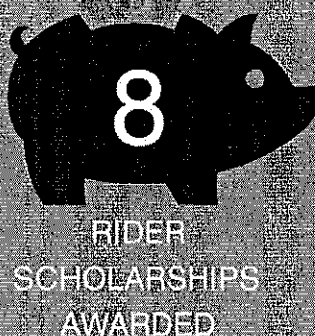
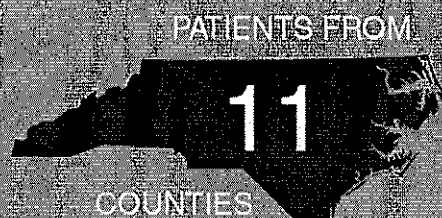
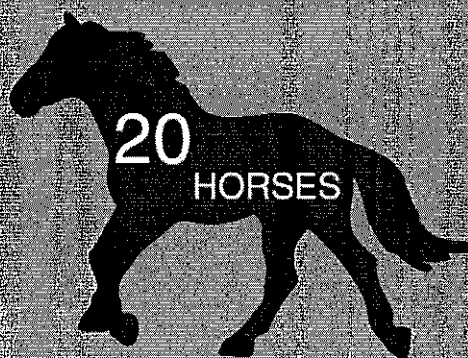
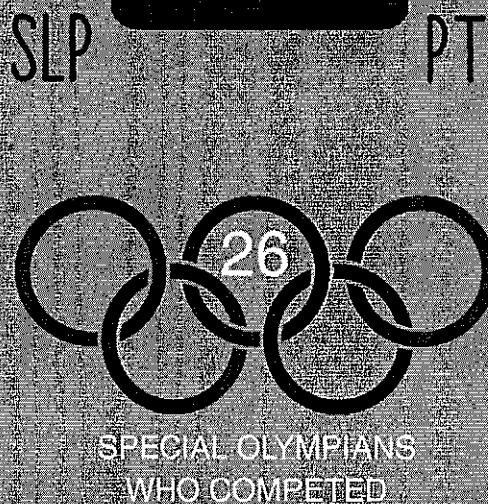
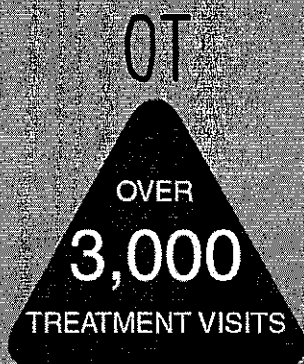
2014 Board of Directors

Kari Pilbeam (Board Chair/Secretary/Treasurer), Delane Clark (Vice-chairman), Beth Lippincott, Bobbie Long, Charmaine Gallagher, Delta Sanders, Clay Thompson, Claire Chadwick, Gina Catoe, Milinda Kirkpatrick (Non-voting Executive Director)

2014 Chief Administrative Personnel

Milinda Kirkpatrick, Executive Director | Jessamyn Farrell, Assistant Director | Jean Penner, Development Director | Debbie Cloy, Program Director

LET'S DO THE NUMBERS, 2014 YEAR IN REVIEW





City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: April 19, 2016
From: Miles Braswell, Director	Meeting Date: April 25, 2016

Agenda Item to be considered:

Gateway Monument Signs – Design, Fabrication and Installation Services – Second Low Bid

Will this require a public hearing? ☐ YES ☒ NO**Background/Purpose of Request:**

During the January 11, 2016 City Council Meeting, Image 360 was approved to design, fabricate and install the five (5) gateway monument signs. The bid documents and our subsequent contract requires that the awarded contractor produce a Performance Bond and a Payment Bond (P&P Bonds) prior to contract execution. Image 360 has never been bonded for a project and began working with their Insurance Agent to help them through the bonding process. After several time extensions by the City to allow Image 360 the opportunity to produce their P&P Bonds, a deadline was issued. This deadline was needed given the timing with how a potential new bid may affect the FY16-17 Budget. Image 360 failed to produce the required Bonds by their April 11, 2016 deadline.

Sign Connection, the second low bid, was contacted and they state their bid still stands as submitted.

The below table lists the original bid results to design, fabricate and install the five (5) signs:

<u>Contractor</u>	<u>Bid (including contingency)</u>
Image 360	\$81,650.00
Sign Connection	\$94,741.31
Craven Sign Services, Inc.	\$123,372.00

A fifteen (15%) percent contingency was added to the base bid above to cover unforeseen conditions during construction. The contingency may only be used by the contractor upon written instructions from the City's Project Manager. Any contingency amount remaining at contract completion will revert to the City.

The below table lists the alternate that was included to relocate the existing sign and remove the Archie Small plaque at the entrance to the City on Highway 273 South, near I-85.

<u>Alternate</u>	<u>Description</u>	<u>Image 360</u>	<u>Sign Connection</u>	<u>Craven Sign Svcs.</u>
1	Existing Hwy. 273 sign (new monument sign location #1) removal and transport to City storage warehouse	\$1,000.00	\$1,050.00	\$22,955.00

It is my recommendation to award the Gateway Monument Sign design, fabrication and installation to Sign Connection at \$95,791.31, which includes the base bid, contingency and alternate 1.

Construction is anticipated during the late summer/fall of 2016 and will extend one hundred (100) calendar days past the Notice to Proceed.

Fiscal Impact:

Will Item affect current budget	☐ YES	☒ NO	☐ N/A
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Reviewed by Finance Director	☒ YES	☐ NO	☐ N/A
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Preaudit Certification required	☒ YES	☐ NO	☐ N/A
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Capital Project Ordinance required	☐ YES	☒ NO	☐ N/A
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Budget Transfer required	☐ YES	☒ NO	☐ N/A
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Total City Dollars:	\$ 95,791.31		
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Budget Code	10-30-4710-550		
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Reviewed by City Attorney	☐ YES	☒ NO	☐ N/A
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Manager/Staff Recommendation: Approval to award the Gateway Monument Sign project to Sign Connection at \$95,791.31.

Result of City Council Decision: _____

Attachments: Bid Form

Project:		Gateway Monument Signs		
Bid Opening Date:		12/1/2015		
Time:		2:30 PM		
Location:		400 East Central Avenue		
		Mount Holly, NC 28120		
		Administration Conference Room		
Company Name:		Craven Sign Services Inc.	Image 360	Sign Connection
Bid Bond:		No	NA	NA
Addendum 1 Acknowledgement		Yes	No	Yes
E-Verify Affidavit (if applicable)		NA	NA	NA
Unit Pricing sheets		Yes	Yes	Yes
Execution of Bid sheet		Yes	Yes	Yes
<u>Item</u>	<u>Description</u>	<u>Amount</u>	<u>Amount</u>	<u>Amount</u>
Base Bid	Location 1	\$ 21,456.00	\$ 14,200.00	\$ 16,476.75
Base Bid	Location 2	\$ 21,456.00	\$ 14,200.00	\$ 16,476.75
Base Bid	Location 3	\$ 21,456.00	\$ 14,200.00	\$ 16,476.75
Base Bid	Location 4	\$ 21,456.00	\$ 14,200.00	\$ 16,476.75
Base Bid	Location 5	\$ 21,456.00	\$ 14,200.00	\$ 16,476.75
Contingency	15%	\$ 16,092.00	\$ 10,650.00	\$ 12,357.56
	Total Bid	\$ 123,372.00	\$ 81,650.00	\$ 94,741.31
Alternate 1		\$ 22,955.00	\$ 1,000.00	\$ 1,050.00

MEMORANDUM

TO: Mayor and City Council, City of Mount Holly

FROM: Marie M. Anders, Assistant City Attorney

RE: Revision to Chapter 16 of the Mount Holly City Code entitled, "Streets and Sidewalks"

DATE: April 21, 2016

As part of staff's comprehensive update of the Mount Holly City Code, attached is a resolution to amend Chapter 16 of the City Code entitled, "Streets and Sidewalks." Changes were made to modernize language and address issues faced by Miles Braswell and the Streets and Solid Waste Department and the Planning and Development Department.

I would like to point out two areas in particular:

- Sections 16-7 through 16-11 regulate electric, telephone, and telegraph lines and poles. Public utilities are regulated by state statute, and municipalities have only a small amount of power to pass local ordinances regulating public utilities. Therefore, the majority of these sections were repealed. Section 16-11 was not repealed, but was revised to add that the City be allowed space in underground conduit systems and poles on streets for low voltage networking cabling.
- A new Section 16-13 was added after discussion with Derek Dixon, Dave Johnson, and Brian DuPont regarding the difficulties which sometimes occur when residential subdivisions are not completely built out before developers leave, and builders years later tear up or cause dirt or debris to fill streets or sidewalks. The City of Gastonia has had success enforcing a similar ordinance.

RESOLUTION TO AMEND SECTIONS OF
CHAPTER 16 ENTITLED, "STREETS AND SIDEWALKS,"
OF THE MOUNT HOLLY CITY CODE

BE IT RESOLVED that the City Council hereby amends Chapter 16 entitled, "Streets and Sidewalks," of the Mount Holly City Code as follows:

Section 16-1 reads as re-written:

"Sec. 16-1. Encroachments.

It shall be the duty of the Planning and Development Director, or his designee, chief of police to notify all persons about to erect any buildings, sidewalks, walls, or fences, or any other structures or improvements near any public streets or alleys ~~the street or any public way or alley~~ not to encroach upon the right of way for such public street or alley, ~~street or public alley~~. If, in the opinion of the city manager, any such encroachment is being or has been constructed upon the right of way for any public street or alley, ~~on any street or public alley~~, he shall cause a survey of the line of such street or alley to be made by a competent surveyor; and, if the survey shall show that the street or alley is encroached ~~obstructed~~ by any such structures or improvements, building, sidewalk, wall or fence, the owner shall be required to pay the costs of the survey and be required to remove all encroachments within ten days of the date of written notice by the city, ~~at once~~. Any owner who shall fail to remove all encroachments within such time period shall, upon conviction, be guilty of a misdemeanor. ~~Every person who shall be found to have encroached on any street or public way or alley by any building, sidewalk, wall or fence and refuses or neglects to remove the same upon notice from the city manager from the date thereof, shall upon conviction, be guilty of a misdemeanor.~~ This ordinance may also be enforced by an appropriate equitable remedy, including an injunction and order for abatement of the encroachment.

This section shall not apply to mailboxes or newspaper boxes which are mounted on a single metal pipe not larger than two inches in diameter (or an equivalent size channel post) or on a single wooden post not larger than four inches by four inches or four and one-half inches in diameter and installed according to U.S. Postal Service requirements. Multiple mailbox installations shall be in conformance with "A Guide For Erecting Mailboxes On Highways," published by the American Association of State Highway and Transportation Officials on May 24, 1984, as amended.

(Code 1961, § 14-1.)"

Section 16-2 reads as re-written:

"Sec. 16-2. Obstructions.

~~It shall be unlawful to obstruct any sidewalk or street with any buggy, wheelbarrow, automobile, truck or other vehicle, chair, bench, open gate, chicken coop, box or other such obstacle. This section shall not apply to baby carriages and invalid chairs rolled on the sidewalks~~

~~in such manner as not to obstruct the same.~~

It shall be unlawful to obstruct any public street, sidewalk, alley, or bridge so as to interfere with pedestrian or vehicular traffic or so as to interfere with the vision of traffic. This section shall not apply to temporary obstructions caused by persons engaged in construction work in accordance with the following sections of this chapter. (Code 1961, § 14-2.)"

Section 16-5 reads as re-written:

"Sec. 16-5. Warnings required for excavations or obstructions.~~Same Protection.~~

Any person excavating or opening any street or sidewalk shall protect the same with a sufficient number of barriers, red flags during the daytime, and red lights at night.

Any person engaged in doing work that creates any dangerous condition or obstruction in the public right of way of any street or sidewalk shall take whatever action is necessary, including the placement of barricades and warning signs or devices, to warn the traveling public of the condition or obstruction. (Code 1961, § 144.)"

Section 16-6 reads as re-written:

"Sec. 16-6. ~~Same~~ Restoration of openings.

All openings made in any street or sidewalk under the provisions of sections 16-4 and 16-5 shall, immediately upon the completion of the work, be filled in and the surface thereof made flush with the adjacent surfaces. Any hard surface, macadam or asphalt removed shall be replaced according to city specifications set forth in the Land Development Guidelines on file with the Planning and Development Director. In case of the failure of applicant to refill or replace according to the city specifications as set out above, the city will perform the work at the expense of the applicant. (Code 1961, § 14-5.)"

Section 16-7 reads as re-written:

"Sec. 16-7. Poles--Permit required.

Repealed.

~~No poles for electric, telegraph, telephone or other purposes shall be placed on any street without a permit therefor being obtained from the city manager. (Code 1961, § 14-6.)"~~

For state law as to the regulation of public utilities generally, see G.S. §§ 62-1 to 62-350. As to the effect of local ordinances on proposed transmission lines, see G.S. § 62-106. As to the regulation of pole attachments owned by municipalities, see G.S. § 62-350.

"Sec. 16-8. ~~Same~~--Limited to one line.

Repealed.

No permit shall be issued for the erection of poles on any street where a line of poles for the purpose of supporting electric, telephone or telegraph wires already exists. (Code 1961, § 14-7.)”

“Sec. 16-9. Same--Agreement between companies.

Repealed.

~~Whenever any electric, telephone or telegraph company shall desire to place lines or wires along any particular street upon which it does not have a line of poles, but upon which street there exists a line of poles owned by another company, then such companies may maintain their wires upon the same poles. If an agreement cannot be reached between the companies owning the poles and the companies desiring to place wires thereon, then the companies may submit the question of compensation to three disinterested persons for arbitration, or they may submit the same to the city council for determination. This section shall apply to poles owned by the city as well as poles owned by companies operating under franchises from the city. (Code 1961, § 14-8.)”~~

“Sec. 16-10. Same--Care and inspection.

Repealed.

~~It shall be the duty of the owners of all poles supporting electric, telephone or telegraph wires to keep the same in a safe condition and, for that purpose, inspect the same once every three months. (Code 1961, § 14-9.)”~~

“Sec. 16-11. Right of city to use utility poles or underground conduits.

One duct in all underground conduit systems shall be provided for the city free of charge for the city's police, or fire alarm telegraph system, and low voltage networking cabling, when required, and the city shall have the use of any and all poles on streets for the same purposes. (Code 1961, § 14-10.)”

A new Section 16-13 is added as follows:

“Sec. 16-13. Creating conditions necessitating special cleaning or repairs.

(a) No person may cause, suffer, or permit any condition to be created in or upon any public street, sidewalk, curb, gutter, or storm drain that necessitates the special cleaning or repair of such street, sidewalk, curb, gutter, or storm drain. Without limiting the generality of the foregoing, the following are specifically prohibited:

- (1) The hauling of dirt, debris, materials removed from the sites of construction or reconstruction of buildings or structures, or waste materials of any kind, in such manner that any portion of such dirt, debris or materials is spilled, lost, dropped or left upon the streets, sidewalks, curbs, gutters, or storm drains.

- (2) The depositing or leaving upon the streets, sidewalks, curbs, gutters, or storm drains of mud, dirt or any other material as a result of the use of trucks, construction equipment or machinery, regardless of whether such materials are spilled, lost or dropped in transit or are deposited upon the surface of the street or public property by the tires or wheels of such trucks, construction equipment or machinery.
- (3) The grading of lots, lands or driveways at elevations higher than the street or sidewalk level or any other acts, neglects or conditions created or allowed to exist upon said lots, lands or driveways which result in mud, dirt, soil, gravel, debris or any other material being washed or otherwise deposited upon a public street or sidewalk or into a public storm drainage system.
- (4) The throwing or depositing in or upon any street, sidewalk, or storm drain of any glass bottle, tacks, nail, wire, cans, or any other substance likely to injure or damage any person, animal, or vehicle.

(b) For purposes of this section:

- (1) Special cleaning or repair of streets, sidewalks, curbs, gutters, or storm drains is necessitated when the condition of such streets, sidewalks, curbs, gutters, or storm drains is such that (i) their use by the public is threatened, limited, or impaired; (ii) the use and enjoyment of property abutting such streets, sidewalks, curbs, gutters, or storm drains is diminished or limited; or (iii) substantial damage is caused to such streets, sidewalks, curbs, gutters, or storm drains or abutting property.
 - (2) Special cleaning or repair includes but is not limited to sweeping, flushing, removal of mud or debris, resurfacing, restoration of gravel and base, or any other extraordinary maintenance measures that are required to restore the street, sidewalk, curb, gutter, or storm drain to the condition that existed prior to the occurrence of the prohibited act.
- (c) If the Streets and Solid Waste Director determines that, as a result of a violation of subsection (a), conditions exist that require special cleaning or repairs, he shall notify any or all persons responsible under subsection (a) of the existence of such conditions and shall order prompt abatement thereof.
- (d) If any person, having been ordered to abate such a condition requiring special cleaning or repairs, fails, neglects, or refuses to abate or remove the condition within the time specified, the Streets and Solid Waste Director shall cause said condition to be corrected or otherwise remedied by having employees or subcontractors of the city accomplish the work requiring special cleaning or repairs. The costs incurred by the city in accomplishing such special cleaning or repairs shall be billed by the city to the

persons responsible under subsection (a). This ordinance may also be enforced by an appropriate equitable remedy, including an injunction and order for abatement."