

Clerk



April 14, 2014
Council Meeting

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

CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL



April 14, 2014
7:00 P.M.

CALL TO ORDER BY THE MAYOR

INVOCATION

Reverend Peggy Thorns, Peggy Thorns Outreach Ministries

PLEDGE OF ALLEGIANCE

Boy Scout Troop 59

SET THE AGENDA

DM 1st PT - 2nd

CONSENT AGENDA

1. Approval of a Resolution to Advertise for 2013 Outstanding Property Taxes
2. Approval of an Amendment to the FOG Ordinance
3. Appointment to the Recreation Commission (Paisley Payton replacement)
4. Approval for the Police Department to Complete the Application Process for the Governor's Crime Commission Grant NB #3
5. Approval of the Submission for an Application to NC Division of Water Resources Grant to Reduce the Non-point Pollution in Dutchman's Creek NB #4
6. Approval of an Ordinance for recording a lien on real property for abatement of a dilapidated structure located at 106 Price Street.
7. Approval to Oppose the Request to call for a public hearing for a text amendment to Section 5.20, South Gateway Overlay District, to allow the use of automobile storage in the South Gateway Overlay District with in a B-3 General Business Zoning District. NB #5
8. Approval of the minutes of the March 10, 2014 Council Meeting

CB 1st JG 2nd - consent

PRESENTATIONS

1. Presentation from the Historical Society's request of a film donation to Duke University Dr. Roy Vogel
2. Recognition and Swearing In of Officers Jonathan Moore and Ronnie Parsons to Police Corporal Mayor Hough
3. Presentation of a Proclamation to Recognize the National Public Safety Telecommunicators Week Mayor Hough

H. Lee Ables

4 Intec of Recreation Commission

PUBLIC HEARING

1. Public Hearing on the 2014 Land Development Guidelines Dave Johnson
2. Public Hearing on the Stormwater Ordinance Dave Johnson
3. Public hearing to consider an application, submitted by Duke Energy Carolinas, LLC, for rezoning the following described non-contiguous territory, requested by petition: BEING a portion of that property containing the Mountain Island Dam and Hydro facilities and being located in Riverbend Township, Gaston County, NC and being more particularly described in enclosed packet materials. Greg Beal
4. Public hearing on the question of the voluntary annexation petition filed by Duke Energy pertaining to the Mountain Island Dam/Powerhouse. Said annexation to become effective June 30, 2014. Kemp Michael
5. Public hearing to consider an application, submitted by Duke Energy Carolinas, LLC, for rezoning of a three tracts of land, comprising 423 total acres, located on Horseshoe Bend Beach Road between Hwy

16 and Holdsworth Drive, Tax Parcel ID #'s 217766, 217767 and 175022, from I-3 (PID 175022) and R-1 Gaston County to H-1 Heavy Industrial. *Greg Beal*

6. Public Hearing for Rezoning at 229 South Hawthorne Street *Jonathan Wilson*

7. Public hearing to consider amending the Subdivision Ordinance to coincide with the Land Development Guidelines update, particularly relating to construction plan submittal (i.e. number of sets), financial guarantees or Letters of Credit being automatic renewal or "evergreen" and being allowed to be reduced or renewed under certain conditions, and final acceptance requirements. *Greg Beal*

PUBLIC COMMENT – Three (3) Minute Limit

OLD BUSINESS

1. Consideration and Approval of an Amendment to the Mount Holly Historical Society MOU *Danny Jackson*

NEW BUSINESS

1. Appointment to the Tourism Development Authority (Phillip Butts)

Danny Jackson

2. Approval of a Contract with Site Solutions for Jack's Place Master Plan and Preliminary Study on the Lot on Hawthorne and Glendale

Derek

OTHER BUSINESS

CLOSED SESSION

1. Closed Session (*pursuant to NCGS 143-318.11 (a) (5 and 6)*)

ADJOURN

NORTH CAROLINA

GASTON COUNTY

CITY OF MOUNT HOLLY

AN AGREEMENT FOR THE
COLLECTION, PRESERVATION,
& DISPLAY OF CITY OF MOUNT
HOLLY ARCHIVES

THIS AGREEMENT, made and entered into this _____ day of _____, 2011, by and between THE CITY OF MOUNT HOLLY, a North Carolina municipal corporation, hereinafter "the City", and THE MOUNT HOLLY HISTORICAL SOCIETY, INC., a North Carolina non-profit corporation, hereinafter "MHHS";

WITNESSETH:

THAT, WHEREAS, most recently MHHS was formed for purposes including but not limited to the collection, preservation, and display of the history of our town contained in photographs, writings, recordings, descriptions, accounts, and artifacts, collectively referred to as "Archives"; and,

WHEREAS, the City has an existing substantial collection of Archives in immediate need of cataloguing and preservation, and anticipates that it will be receiving substantial donations of additional archival materials from time to time; and,

WHEREAS, the City recognizes that it has a responsibility to account for such donations and to provide a suitable repository for their protection and display.

NOW, THEREFORE, the City and MHHS, in consideration of the mutual agreements set forth herein, and for the benefit of those with an abiding interest in the history of our City, do hereby agree as follows:

1. Effective upon the date of this Agreement, and for so long as this Agreement shall not be terminated by either party, and subject to such amendments to this Agreement as may hereafter be agreed between the parties, City does hereby transfer the custody and control of the City's Archives, now owned or hereafter acquired, to MHHS, to be held by them as Custodian for City for the purposes set forth herein.
2. The parties agree that MHHS shall be considered as only a Custodian for the sole benefit of City in receiving any and all future donations of Archives whether made to the City or to MHHS, and all such archival materials shall be deemed to be the sole property of the City, and shall be held and managed by MHHS as set forth herein.
3. MHHS agrees to undertake the task and expense of cataloguing, preserving, and displaying the Archives, and City does hereby let, rent-free, the entire first floor of the old municipal building located at 131 S. Main Street ("the Premises") to MHHS

for such purposes. The City agrees that it will maintain the exterior of the Premises as well as the heating and cooling, electrical, and plumbing systems of the Premises at City's expense. The MHHS shall maintain the interior of the building. The City will pay for all utilities to the Premises for a period of twelve (12) months from the date of this Agreement, and thereafter the parties shall agree from time to time on how such costs shall be borne.

4. MHHS may not cause any of the Archives to be removed from the Premises except for temporary display and with the prior consent of City.
5. The parties agree that the MHHS may maintain their offices within the Premises, and otherwise utilize the Premises for the purposes set forth herein, and that MHHS shall display archives belonging to persons, organizations, and businesses of particular significance to the City. The parties agree that the Mount Holly Tourism Board may maintain an office and display within the Premises. No other organizations may maintain an office within the Premises. The old Council chambers within the Premises shall remain available for the use of MHHS and such other organizations promoting the City of Mount Holly. It is anticipated by the parties that this Agreement shall be amended as needed from time to time.

IN WITNESS WHEREOF, this Agreement has been executed by authority duly given, in duplicate originals, the day and year first above written.

THE CITY OF MOUNT HOLLY

By: _____
Mayor

Attest:

City Clerk

THE MOUNT HOLLY HISTORICAL SOCIETY, INC.

By: _____
President

CONSENT AGENDA



City of Mount Holly Action Agenda Item

To: Mayor and City Council From: Kim Sturgis, Tax Collector	Date: April 11, 2014 Meeting Date: April 14, 2014
Agenda Item to be considered: Approval of a Resolution to Advertise for 2013 Property Taxes	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request : NCGS 105-369(a) requires approval to advertise for delinquent real property tax.	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☐ NO ☐ N/A
Reviewed by Finance Director	☐ YES ☐ NO ☐ N/A
Preaudit Certification required	☐ YES ☐ NO ☐ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☐ N/A
Budget Transfer required	☐ YES ☐ NO ☐ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☐ YES ☐ NO ☐ N/A
Manager/Staff Recommendation: <u>Approval</u>	
Result of City Council Decision: _____	
Attachments: Resolution	



City of Mount Holly Action Agenda Item

To: City Council From: James Friday	Date: April 4, 2014 Meeting Date: April 14, 2014
Agenda Item to be considered: Resolution For Approving Local Water Supply Plan	
In an attempt to further secure the city's wastewater system, the Utility Department would like to add the following amendment to the FOG (<i>Fats, Oils & Grease</i>) Control Ordinance.	
Section C part 3	
All outdoor grease interceptors shall have a locking mechanism on all manhole covers as deemed acceptable by the Pretreatment/FOG Coordinator.	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request :	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☒ NO ☐ N/A
Reviewed by Finance Director	☐ YES ☒ NO ☐ N/A
Pre-audit Certification required	☐ YES ☒ NO ☐ N/A
Capital Project Ordinance required	☐ YES ☒ NO ☐ N/A
Budget Transfer required	☐ YES ☒ NO ☐ N/A
Total City Dollars:	
Budget Code	
Reviewed by City Attorney	☐ YES ☒ NO ☐ N/A
Manager/Staff Recommendation:	
Approve Amendment	
Result of City Council Decision:	

Attachments:	



To: Mayor and City Council From: Mark Jusko	Date: 4-9-2014 Meeting Date: 4-14-14	
Agenda Item to be considered: Appointment to the Parks & Recreation Commission		
Will this require a public hearing? ☐ YES ☒ NO		
Background/Purpose of Request : Paisley Payton recently resigned from her position on the Parks & Recreation Commission. At the March 25 th meeting of the Commission, they unanimously recommended the appointment of Shane Trull to fill the opening.		
Fiscal Impact:		
Will Item affect current budget	☐ YES ☒ NO	☐ N/A
Reviewed by Finance Director	☐ YES ☒ NO	☐ N/A
Preaudit Certification required	☐ YES ☒ NO	☐ N/A
Capital Project Ordinance required	☐ YES ☒ NO	☐ N/A
Budget Transfer required	☐ YES ☒ NO	☐ N/A
Total City Dollars:	\$ _____	
Budget Code	_____	
Reviewed by City Attorney	☐ YES ☒ NO	☐ N/A
Manager/Staff Recommendation:		
Result of City Council Decision: _____		
Attachments:		



City of Mount Holly Action Agenda Item

To: City Council

Date04-08-14

From: Chief Don Roper

Meeting Date:
04-14-14

Agenda Item to be considered: Approval to complete application for Governor's Crime Commission grant

Will this require a public hearing? ☐ YES ☒ NO

Background/Purpose of Request: A preliminary grant request was submitted in February to seek funding for law enforcement projects. The request was accepted and we must complete the application to receive the grant. The grant has a 25% matching provision. The total project amount would be \$17,911.40, with our matching share being \$4,477.86. The funds would be awarded in July.

Fiscal Impact:

Will Item affect current budget	☐ YES	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. Memo from Chief
2. Axon Flex product description
3. Less-lethal article



Mount Holly Police Department

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

Donald R. Roper
Chief of Police

To: Mayor and Members of Council
From: Chief Roper
Reference: Grant Application
Date: 04-08-14

In February, I submitted a preliminary grant request to the Governor's Crime Commission as a way to seek funding for improvements to our law enforcement operations. This step in the process was simply an application to see if the Commission would accept our proposal for use of the grant funds.

We received a package today notifying us officially that our grant application was accepted by the state for the Governor's Crime Commission Grant. The next step for us is to complete the application process.

The grant will be used to purchase 25 body camera systems to be worn by our Patrol Officers, and for purchasing and training Officers to use "less lethal" impact weapons.

The body camera systems will be used similar to the in-car camera systems we currently have in our patrol vehicles. These will allow us to have video and audio of individual citizen contact when the Officer is out of the vehicle. The model we will purchase is the Taser Axon Flex. You can see an example here: <http://www.taser.com/products/on-officer-video/axon-flex-on-officer-video>

The less lethal impact weapon is a tool that is used in dangerous situations that may allow Officers an option other than deadly force. It is similar to a shotgun round that uses a bean bag as a projectile. The bean bag strikes the suspect, incapacitating them without having to use deadly force in certain circumstances. I have trained with these and deployed Officers with them in tactical situations and feel they would be a good addition to our department. We would purchase five of these weapons along with the ammunition needed to train Officers in their use. Here is an article related to the impact weapon:

<http://www.policemag.com/channel/weapons/articles/2002/03/punching-bags.aspx>

The grant breaks down as follows:

Federal grant share: \$13,433.54

Matching share (Mt. Holly's share): \$4,477.86

Total project budget: \$17,911.40

I am requesting Council approval to complete the application process. The application must be completed by April 30 to be considered by the Commission for awarding the funds in July.

Law Enforcement Consumer

English (US/Canada) [change]

PRODUCTS

HOW TO BUY

RESEARCH & SAFETY

TRAINING

SUPPORT

VIDEOS

EVENTS

search...



LAW ENFORCEMENT

ON OFFICER VIDEO



AXON FLEX



AXON BODY



TASER CAM HD



TASER CAM



ACCESSORIES

DIGITAL EVIDENCE
MANAGEMENT

MILITARY SOLUTIONS

Introducing the
Leader's
Pricing Program

AXON flex
\$499

AXON body
\$299

EVIDENCE.com
\$9.95/mo

AXON flex on-officer video

\$499

How to Buy

Tweet 46

Recommend Share 263

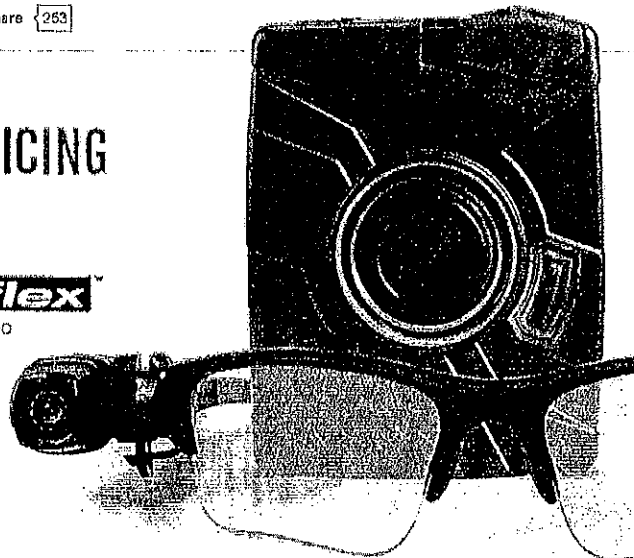
INTRODUCING THE LEADER'S PRICING PROGRAM

AXON flex

Point-of-view on-officer video

\$499

EVIDENCE.com
Now Available for \$9.95/mo



What is AXON Flex?

TASER's AXON Flex is a breakthrough point-of-view video system that improves transparency between law enforcement agencies and their communities, while protecting officers from false claims. 1000's of law enforcement officers' feedback developed AXON Flex, making it the most customer driven officer worn camera solution ever produced. There's no one-size-fits all for law enforcement, so TASER created a multitude of



AXON flex Overview

flexible mounting options to meet each agency's specific needs. Officers can mount AXON Flex on their eyewear, ball cap, collar, helmet, epaulette, body, or simply on the dash of the cruiser. With AXON Flex... you choose!

What to do with the data?

With AXON Flex, the agency chooses what to do with the data. You can download the files locally to your own data storage system, or upload to EVIDENCE.com, TASER's hosted digital evidence management solution. With EVIDENCE.com, you can easily store, retrieve and share your digital evidence... all from one secure location.

Learn about EVIDENCE.COM.

TASER's Cloud Panel at the 2012 IACP

IACP Cloud Panel Research Paper - Summary

IACP Cloud Panel Research Paper

AXON Flex Point-of-View (POV) Video Benefits

- U.S. law enforcement spends approximately \$2 billion each year to resolve claims.
- Agencies deploying POV video report dramatic decreases in complaints – many report 100% decrease in claims (UK Study).



Testimony is interesting. Video is Compelling.

Improves behavior of all parties during police interactions.

Reduces false complaints and lawsuits by accurately capturing video from the officer's perspective.

Saves time and increases efficiency – officers spend more time on patrol with automated workflows that reduce administrative workload.

Pre-event video buffer yields the greatest reduction in complaints and lawsuits when actions leading up to the incidents are recorded.

Low light recording best shows what the human eye actually sees.

Enhances public trust and creates safer communities at a lower cost.

AXON Flex is revolutionizing on-officer-video

AXON Flex = More Options

No other officer-worn camera solution on the market today offers more mounting options than the AXON Flex. Including seamless integration with Oakley Flak Jacket ballistic eyewear.

End-to-End Solution (automated workflows)

AXON Flex video paired with EVIDENCE.com™ services provides agencies with a simple to use, end-to-end solution to manage their data.

The TASER Experience

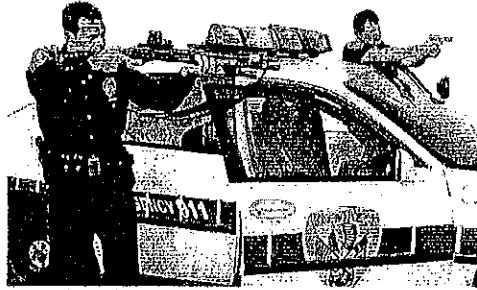
TASER® is the only brand of its kind with a presence in more than 100 countries at more than 16,500 law enforcement agencies. We're committed to providing world-class customer service, support, reliability & training.

Less-Lethal: Bean-Bag Rounds

The 12-gauge bean bag round offers law enforcement an effective and efficient alternative to deadly force.

Like 3 Tweet 0 Share 0 3

March 01, 2002 | by Larkin Fourkiller



Capt. Larkin Fourkiller deploys a bean bag shotgun as Officer Wilbur Lewis provides lethal cover.

Whether it's special operations, riot control, or a first-responder mission, less-lethal force options have played a vital role in securing a safer environment for conducting high-risk police operations. Less-lethal weapons, including chemical agents, diversionary devices, tasers, and bean bag rounds, have all proven successful in de-escalating life-threatening situations, controlling violent offenders, and reducing the use of lethal force by police.

Less-lethal munitions bridge a dangerous gap that has long existed within the police use-of-force matrix. And by exploiting the capabilities of less-lethal weapons and implementing them within a solid tactical framework, police officers can better manage situations that can lead to accusations of "officer-created" jeopardy; for example, a knife-wielding subject. They can also respond appropriately to special circumstances, including perimeter security; chemical munition protection; suicide by cop; animal control; and dangerous, defiant conduct.

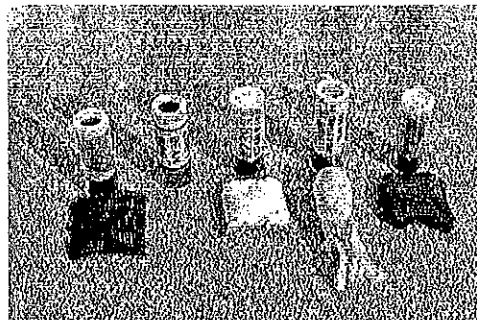
Currently, the most popular less-lethal impact projectile in use on the streets of America is the 12-gauge bean bag round. The popularity of shotgun-launched bean bags can be attributed to a variety of characteristics that makes them extremely attractive as a police alternative to deadly force.

Chief among these is the popularity of the shotgun as a police weapon. It's no secret that the shotgun is a mainstay of the police arsenal and is commonplace in the majority of America's police cars. Also, shotgun proficiency is part of an officer's academy and in-service training.

Another benefit to shotgun-launched bean bags is the cost. In general, 12-gauge bean bag shells are significantly less expensive than other types of specialty impact projectiles. They can even be stored in existing shotgun ammunition holders.

However, it's important to note that even though 12-gauge bean bag rounds are the same size as conventional 12-gauge rounds, they will not cycle in a semi-auto shotgun and are usually fired from a slightly modified pump-action model. However, some departments fire bean bags from semi-autos and cycle them manually.

The familiarity of the shotgun and the less lethal nature of bean bag rounds may lead you to believe that establishing such a weapon system in your department won't require much planning. That's a false assumption. Before implementing a 12-gauge bean bag weapon system at your agency, you need to consider a number of issues, including equipment, who to train, weapon protocol, policy and procedures, and training requirements. The answers to these questions vary between agencies and trainers, but the following information represents basic concepts agreed upon by the less lethal training community.



For easy identification, the shell case of a bean bag round should be translucent and adequately marked.

Choose Your Weapon

There are a number of manufacturers and products that you can choose from for both the bean bag munitions and shotgun.

BUT an off-the-shelf shotgun is not your best choice for a launcher. For optimal shot delivery, your 12-gauge launcher should be equipped with an improved cylinder barrel. Depending on your needs, it can also be augmented with illumination, carrying, and after-market sighting systems.

Once you have the launcher, it's time to consider the ammunition. The shotgun bean bag is a target-specific, flexible, single projectile that is intended as a "point-of-aim, point-of-impact" munition. The bag

itself, usually configured square or oblong, is often constructed of a cotton or nylon blend material filled with approximately 26 to 56 grams of lead shot. Velocity and energy transfer can range anywhere between 230 to 300 feet per second and 71 to 120 foot-pounds, respectively. Some bags have an effective range out to 60 feet.

Although the square bags have proven successful for many years, the newer (oblong) style offers a number of distinct advantages. The more aerodynamic design significantly enhances the projectile's accuracy, effective range, intended impact form, and energy transfer, all of which translate to a safer and more effective munition.

The Versatile Shotgun	
The police shotgun is a vital resource for patrol officers, tactical teams, and crowd control units, both as a less-lethal and lethal force delivery system. As a multifaceted launching platform, the shotgun can fire a wide range of munitions to help you achieve many different objectives:	
Distracting	Flash/Bang
Dislodging	Chemical Agents
Deadly Force	Duckshot, Slugs

Manufacturers of 12-gauge bean bag munitions are numerous, with new companies bringing their own variations to market each year. So prior to purchasing a sizable quantity of a particular bean bag shell, make a comprehensive evaluation of what's available. Your evaluation process should include a review of product specifications, product research (if any), case histories, peer assessments, and self testing.



City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: April 10 2014
From: David E. Johnson, PE	Meeting Date: April 14, 2014
Agenda Item to be considered: <i>Approval to prepare and submit an application for a NC Division of Water Resources Grant to reduce non-point pollution in Dutchmans Creek.</i>	
Will this require a public hearing? YES ☐ NO ☒	
Background/Purpose of Request : NC received approx. \$1.2 million of federal grant monies from the USEPA under the Clean Water Act, Section 319 (h). The NC Division of Water Resources will review grant applications on a competitive basis until May 29, 2014 from groups with an approved Watershed Restoration Plan. Citizen participation and community involvement are strong components of the selection criteria. There is a 40% matching requirement which would be a separate Council action if Mount Holly received grant monies. We would like to use grant monies to build structural BMP's in the downtown area. The project would include citizen input and involvement in deciding on appropriate solutions. The BMP's are intended to treat stormwater runoff before discharging into Dutchmans Creek. The solutions will also further reduce the risk of downtown flooding from low frequency storm events. Grant Application Due May 28, 2014 Grant Award Date August 11, 2014 Project Design and Citizen participation Program finalized in Spring 2015 Project implementation late FY '14-'15 or early FY '15-'16	
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: <i>Approve staff to pursue NC grant monies for improving Dutchmans Creek water quality and downtown area drainage</i>	
Result of City Council Decision: _____	
Attachments:	



City of Mount Holly Action Agenda Item

To: City Council	Date: 4-8-14
From: Brian DuPont	Meeting Date: 4-14-14
Agenda Item to be considered: Adoption of ordinance for recording a lien on real property for abatement of a dilapidated structure located at 106 Price Street.	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request : Staff is requesting Council to adopt an ordinance to record a lien for the demolition of a dilapidated structure at 106 Price Street in the amount of \$7,005.00.	
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:	
Request that City Council adopt the Ordinance for establishing a lien.	
Result of City Council Decision:	
Attachments:	
1. Ordinance	
2.	
3.	

AN ORDINANCE BY THE CITY OF MOUNT HOLLY
ESTABLISHING A LIEN ON CERTAIN REAL PROPERTY
FOR IN REM DEMOLITION

Drawn by & Return:

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

WHEREAS, certain abatement of public nuisance proceedings have been initiated by the City of Mount Holly pertaining to a certain lot or parcel located in the City of Mount Holly, North Carolina, and identified as Tax Parcel ID# 182191, 106 Price Street, said parcel being owned by Heirs of Bobby Dean Cagle & David Darrell Cagle; and,

WHEREAS, as the City of Mount Holly abated the dilapidated structure in accordance with the City Code of Laws Chapter 9 Housing in the amount of \$6,655.00.

WHEREAS, notice and enforcement was conducted in accordance with the City Code of Laws and the property owners did not abate the violations as stated in Chapter 9, Minimum Housing Code, of the City of Mount Holly, North Carolina.

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

Actual cost of clearing	\$ 6,655.00
Administrative cost	\$ <u>350.00</u>
Total Lien Due	\$ 7,005.00

Adopted by the City Council of the city of Mount Holly upon motion duly made, seconded and carried at a properly held meeting on 14th day of April, 2014.

CITY OF MOUNT HOLLY

By: _____
Mayor

Attest:

City Clerk



City of Mount Holly Action Agenda Item

To: City Council From: Brian DuPont	Date: 4-7-14 Meeting Date: 4-14-14
Agenda Item to be considered: Approval to oppose the call for a public hearing for a text amendment to Section 5.20, South Gateway Overlay District, to allow the use of automobile storage in the South Gateway Overlay District with in a B-3 General Business Zoning District.	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request : An application was received by staff requesting a text amendment. The applicant requests to amend the Zoning Ordinance to allow the use of automobile storage in the South Gateway Overlay District for a B-3 General Business District. In 2009, the City Council adopted the South Gateway Overlay District to remove certain uses that were considered inappropriate for the Highway 273 Corridor. These uses were considered too intense for the gateway such as automobile uses, equipment rental, truck stops, etc. The proposed request is not in line with the existing guidelines that have been in place for the last 5 years and would go against what was recommended by the City's Strategic Vision Plan. For this reason, <u>staff does not support calling for a public hearing.</u> Planning Commission made a unanimous recommendation to Council to deny calling for a text amendment because it would conflict with the City's Strategic Vision Plan.	
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: Request that City Council <u>not</u> call for a public hearing for a text amendment.	
Result of City Council Decision: _____	
Attachments: 1. Application 2. Section 5.20 South Gateway Overlay District 3.	



APPLICATION FOR TEXT AMENDMENT
CITY OF MOUNT HOLLY, NORTH CAROLINA

Date Filed: 3-11-14 Application Number: 3-11-14A

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

1. The amendment is found in the City of Mount Holly Zoning Ordinance relating to: Table of Permitted & Special Uses, Section 6.4, SIC 0000, automobile storage.
2. The following statement best describes what you would like the text amendment to reflect: Extend and install privacy fencing in our rear parking area, and install security gate to be used by individuals to store RV's, boats, campers, etc. Area will be professionally managed & maintained by Shooters Express and provide storage rental space for new residents moving into area as well as extra tax revenue for city.
3. Name: Reginald Dean White - Shooters Express
Address: 2 Caldwell Drive, Belmont, NC 28012

704) 827-2428
Phone Number

R.D. White
Signature of Applicant

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

reduced by the Historic Preservation Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period, the Commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site. If the Commission finds that a building or site within a district has no special significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

2. If the Historic Preservation Commission has voted to recommend designation of a property as a landmark or designation of an area as a district, final designation has not been made by the City Council, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Commission for a period of up to one hundred eighty (180) days or until the City Council takes final action on the designation, whichever occurs first.
3. The City Council may enact an ordinance to prevent the demolition by neglect of any designated landmark or any building or structure within an established historic district. Such ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship.
4. An application for a Certificate of Appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Historic Preservation Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

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	taxi terminals
contractors' facilities with open storage	tire recapping
drive-in theaters	truck driving schools
equipment rental & leasing	truck & utility trailer rental, sale & leasing, light
equipment repairs, heavy	truck & utility trailer rental, sale & leasing, heavy
equipment repairs, light	truck washing
freezer lockers	utility stations & plants
private clubs	

Prohibited Uses (continued)

South Gateway Overlay District Prohibited Uses Retail Trade (Section 6.5)

automobile & truck dealers; new and used	mobile home sales & service
automobile parts & supply store	motorcycle sales
boat dealer; sale or repair	newsstands
building supply dealers	pawn shop
farm machinery sales & service	recreation vehicles sales & service
farmer's or produce markets	retail sales & services not classified elsewhere including outdoor storage
flea market	tire dealers & service
fuel oil sales	truck stops

**City of Mount Holly
Mount Holly City Council Meeting
Monday, March 10, 2014
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	Jamie Guffey, Assistant City Manager
Councilman Jerry Bishop	Greg Beal, Planning Director
Councilwoman Carolyn Breyare	James Friday, Director of Utilities
Councilman J. Jason Gowen	Dale Oplinger, Fire Chief
Councilman Jim Hope-absent	Don Roper, Chief of Police
Councilman David Moore	Mike Santmire, Streets and Solid Waste Director
Kemp Michael, City Attorney-absent	

Invocation

Reverend Kendall Cameron of the First Baptist Church in Mount Holly 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 item #7 *Approval of an Amendment to the Mount Holly Historical Society MOU* on the Consent Agenda would be table until the next meeting. With no additional changes Councilman Gowen made a motion to approve the agenda as amended. Councilman Moore seconded the motion. All Council Members present voted in favor. (Motion carried)

CONSENT AGENDA

1. Approval of the Revised Council Meeting Schedule
2. Acceptance of Streets and Infrastructure for Phase 3 of the Kendrick Farms Subdivision
3. Award of Bid for the 2014 Paving Project
4. Approval of Arts in the Alley
5. Approval of the Audit Contract
6. Approval of Planning Commission Reappointments
7. Approval of an Amendment to the Mount Holly Historical Society MOU--**TABLED**
8. Approval of a Demolition Ordinance for 106 Price Street
9. Approval of a Demolition Lien for 117 Tuckasee Road
10. Approval of Lien for 137 East Catawba Avenue for Trash Removal
11. Approval of Budget Amendment (Business Incentive Grants)
12. Approval of the Resolution Directing the clerk to investigate the Annexation Petition of the Mountain Island Dam/Powerhouse Property and Approval of the Certificate of Sufficiency of the annexation petition received from Duke Energy pertaining to the Mountain Island Dam/Powerhouse property.
13. Call for a public hearing on the question of the voluntary annexation petition filed by Duke Energy pertaining to the Mountain Island Dam/Powerhouse. Said annexation to become effective June 30, 2014.
14. Call for a public hearing on the question of the zoning of the Duke Energy property known as the Mountain Island Dam/Powerhouse that is subject to the annexation petition above. The petition is for the zoning of this property to H-I. This area is currently zoned by the county.

15. Call for a public hearing on the zoning of the Duke Energy Riverbend Steam Station property. This property was previously annexed into the City to become effective on June 30, 2014. The petition is for the zoning of the property to H-I. This property is currently zoned by the county.
 16. Call for a Public Hearing for Rezoning at 229 South Hawthorne Street
 17. Call for a public hearing to amend sections in the Subdivision Ordinance, particularly relating to construction plan submittal (i.e. number of sets), financial guarantees or Letters of Credit, being automatic renewal or “evergreen” and being allowed to be reduced or renewed under certain conditions, final acceptance (i.e. inspection process) and required submittal of as-built plans.
 18. Approval of the minutes of the January 13, 2014 Council Meeting
 19. Approval of the minutes of the February 10, 2014 Council Meeting
- Councilman Gowen made a motion to approve the consent agenda. Councilman Moore seconded the motion. All Council Members present voted in favor. (Motion carried)

PRESENTATIONS

1. Presentation from Gaston Youth Connected *Michelle Reese*
Ms. Reese came before the City Council to explain the importance of the Gaston Youth Connected Program. She advised that teen pregnancies have drastically declined over the past few years and explained the impact that Gaston Youth Connected has played in this process. She thanked the Council for their continued support.
2. Presentation from Miss Mount Holly Scholarship Association
Ms. Mount Holly Jasmine Issac and Ms. Mount Holly Outstanding Teen Kaelyn Embler came to be introduced to the City Council. Several other Mount Holly pageant winners we present as well.
3. Recognition of the City of Mount Holly 135 Years Incorporated
Mayor Hough read the resolution and advised that the resolution will be presented to the Historical Society for Founders Day Celebration.

PUBLIC COMMENT – Three (3) Minute Limit

Annette Demarco
108 Summer Wind
Mount Holly, NC 28120

Ms. Demarco came before the Council to share her traffic concerns related to Mountain Island Charter School. She advised that there needs to be a left hand turn lane. She further advised that people do not like to wait and will go to the Duke Plant and turn around; therefore something fatal is going to happen if this issue is not addressed.

Applo Whited
408 Beech Bluff Drive
Mount Holly, NC 28120

Mr. Whited came before the Council to share the concerns and the concerns of the residents in the Stonewater Bay Subdivision regarding a fire station on the North End.

Sean Welch
101 Kestiel Court
Mount Holly, NC 28120

Mr. Welch shared his concerns regarding the fire department at the north end of the city. He advised that it would currently take 10-12 minute response time for fire department. He commented that he would like this issue to be addressed in the next budget.

NEW BUSINESS

1. Consideration and Approval of the 2014 Land Development Guidelines
Mr. Johnson advised that he would like to ask the City Council to call for the public hearing for the 2014 Land Development Guidelines. Councilman Moore made the motion with a second from Councilman Gowen. All Council Members present voted in favor. (Motion carried)
2. Consideration and Approval of the Stormwater Ordinance
Mr. Johnson advised that he would like to ask the City Council to call for the public hearing for

to amend the Stormwater Ordinance. Councilman Moore made the motion with a second from Mayor Pro Tem Toomey. All Council Members present voted in favor. (Motion carried)

CLOSED SESSION

1. Closed Session (*pursuant to NCGS 143-318.11 (a) (5)*)

At this time Councilman Gowen made a motion to enter into closed session pursuant to NCGS 143-318.11 (a) (5). Councilman Moore seconded the motion. All Council members present voted in favor. (Motion carried)

Mayor Pro Tem Toomey made a motion to return to open session. Councilwoman Breyare seconded the motion. All Council members voted in favor. **(Motion carried)**

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

ADJOURN

With no additional items for discussion, Mayor Hough entertained a motion to adjourn. Councilman Hope made the motion to adjourn the March 10, 2014 Council Meeting. Councilman Gowen seconded the motion. All Council members present voted in favor. (Motion carried)

The meeting adjourned at 7:54 p.m.

PRESENTATIONS



City of Mount Holly Action Agenda Item

To: City Council	Date: April 10, 2014
From: Danny Jackson, City Manager	Meeting Date: April 14, 2014
<u>Agenda Item to be considered:</u> <i>Presentations #1 – Historical Society request to donate film to Duke University</i>	
Will this require a public hearing? ☐ YES ☒ NO	
<u>Background/Purpose of Request :</u> <i>Dr. Roy Vogel, representing the Mount Holly Historical Society, is seeking approval from the City Council to donate a film to Duke University. The film in question is a video of Mount Holly dating back to the early 1900's. Apparently the film found by Mr. Vogel is one of five that were made back in the mentioned time period. The Duke University Historical Department already has the other four films in their possession. The Mount Holly Historical Society is recommending that we donate the film. The Historical Society already has a copy of the film for its records.</i>	
<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> <i>Motion to approve the request of the Mount Holly Historical Society, to donate the historic film to Duke University.</i>	
<u>Result of City Council Decision:</u> _____	
<u>Attachments:</u>	



City of Mount Holly Action Agenda Item

To: City Council	Date 04-07-14		
From: Chief Don Roper	Meeting Date: 04-14-14		
Agenda Item to be considered: <i>Recognition of two employees being promoted to Police Corporal</i>			
Will this require a public hearing? ☐ YES ☒ NO			
Background/Purpose of Request: <i>Officers Jonathan Moore and Ronnie Parsons will be promoted to the rank of Police Corporal. These Officers will take the oath of office and be recognized with their family for their accomplishment.</i>			
Fiscal Impact:			
Will Item affect current budget	☐ YES	☒ NO	☐ N/A
Reviewed by Finance Director	☐ YES	☐ NO	☒ N/A
Preaudit Certification required	☐ YES	☒ NO	☐ N/A
Capital Project Ordinance required	☐ YES	☒ NO	☐ N/A
Budget Transfer required	☐ YES	☒ NO	☐ N/A
Total City Dollars:			
Budget Code			
Reviewed by City Attorney	☐ YES	☐ NO	☒ N/A
Manager/Staff Recommendation:			
Result of City Council Decision: _____			
Attachments: 1. Oath of Office			



City of Mount Holly Action Agenda Item

To: City Council	Date 04-04-14
From: Chief Don Roper	Meeting Date: 04-14-14
Agenda Item to be considered: <i>Proclamation to recognize The National Public Safety Telecommunicators Week.</i>	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request: <i>April 13-19 2014 has been designated as The National Public Safety Telecommunicators Week in honor of the men and women whose diligence and professionalism help keep our city safe. I am requesting the Mayor and Council consider a proclamation to recognize the five members of the MHPD Telecommunications staff currently working in our 911 center.</i>	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☒ NO ☐ N/A
Reviewed by Finance Director	☐ YES ☐ NO ☒ N/A
Preaudit Certification required	☐ YES ☒ NO ☐ N/A
Capital Project Ordinance required	☐ YES ☒ NO ☐ N/A
Budget Transfer required	☐ YES ☒ NO ☐ N/A
Total City Dollars:	
Budget Code	
Reviewed by City Attorney	☐ YES ☐ NO ☒ N/A
Manager/Staff Recommendation:	
Result of City Council Decision: _____	
Attachments: 1. Sample Proclamation	

PUBLIC HEARINGS



City of Mount Holly Action Agenda Item

To: Mayor and City Council

Date: April 11 2014

From: David E. Johnson, PE

Meeting Date: April 14, 2014

Agenda Item to be considered:

Adoption of the 2014 Revisions to the Land Development Guidelines

On 4/7/14 the Planning Commission voted to recommend approval of the 2014 Land Development Guidelines

Will this require a public hearing?

☒ YES

☐ NO

Background/Purpose of Request :

Revise and update the 2006 Land Development Guidelines and standard details for City infrastructure improvements and new community designs including: right-of-way improvements, drainage systems, stormwater management facilities or best management practices, water distribution systems and sewer systems by incorporating updated technical criteria, clarifying standard details, promoting better project designs, and by incorporating current land development design approaches which will:

- Reduce vehicle speeds within newly designed residential projects through design
- Improve the quality of the infrastructure prior to turnover and acceptance by the City
- Increase pavement longevity through structural integrity
- Provide design flexibility enhancing creative street layouts for various terrain
- Strengthen the requirements of developer financial guarantees for new projects
- Better define the infrastructure acceptance procedure and requirements
- Clarify the inspection and maintenance requirements for private SWM/BMP facilities
- Reinforce design compliance for watershed district projects for quality and quantity

Fiscal Impact:

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

Manager/Staff Recommendation: Recommend Passing the 2014 Land Development Guidelines as an Appendix to the Subdivision Ordinance

Result of City Council Decision:

Attachments:

Recommended primary revisions to the 2006 Land Development Guidelines
Rev. #1 Land Development Guidelines April 2014 (changes highlighted in yellow)
Driveway and Right-of-Way Permit Application Form (added to the appendix)
List of standard detail changes and revisions
Local residential street design comparison chart
Illustrations of design concepts

2014 LAND DEVELOPMENT GUIDELINES

Recommended - Primary Revisions

2006 Guidelines

2014 Revisions

FINANCIAL GUARANTEE

Refers to the Subdivision Ordinance

Duration of the guarantee shall not exceed 18 months

Release of a portion of the guarantee as improvements are completed and approved by the City

Obtain maintenance bond status with Council approval and submission of "as-built" plans

The irrevocable letter of credit shall be in the form of an "evergreen" or "automatic renewal" guarantee

The guarantee may be reduced to 30% of the total amount **ONLY** after 80% of the homesites are developed

Obtain maintenance bond status with Council approval and submission of "as-built" plans for water, sewer, drainage, BMP's and SWM facilities

AND

Asphalt core report

Asphalt compaction test results

Water and Sewer test results

STREET DESIGN

No street layout guidelines for new subdivisions

The **minimum** design speed is 35 mph on residential collector/non-residential streets

The **minimum** design speed is 25 mph on residential streets (30 mph design is desired)

Asphalt surface course 1-inch

Residential street typical section
28-ft. back of curb to back of curb

Shorten street segments where possible

Realign streets to eliminate through connections to arterial roads

Orient cul-de-sac openings toward pedestrian destinations

Provide traffic calming devices on residential collector roads

Promote lower speeds through horizontal and vertical design approaches

Provide connectivity to adjacent undeveloped properties as needed

The **maximum** design speed is 35 mph on residential collector/non-residential streets

The **maximum** design speed is 25 mph on residential streets

Asphalt surface course 1½-inches

Residential street typical section
24-ft. back of curb to back of curb

STORMWATER MANAGEMENT

Wet ponds are the preferred method of treatment, however, alternate treatment measures as detailed in the NCDENR Storm Water Best Management Practices (BMP) Manual, latest version, shall be used for design purposes of all BMP facilities, may be allowed on a case by case basis

All BMP devices shall be maintained by the property owner or homeowner's association.

The devices shall be routinely inspected to insure the functioning of the facility.

All new development, redevelopment, and post construction measures shall meet or exceed the standards as stated in the North Carolina Division of Water Quality Stormwater Best Management Practices Manual (NCDENR DWQ BMP Design manual)

All BMP and/or SWM devices shall be maintained by the property owner or homeowner's association.

The stormwater management facilities shall be designed for ease of maintenance, access, and aesthetic appearance. All SWM facilities are privately owned, operated and maintained by the property owner or HOA. The construction plans, plat and HOA documents shall include a detailed maintenance and inspection schedule for each proposed BMP and SWM facility.

The peak stormwater runoff discharged from the site shall not be any greater than the pre-development discharge based on 2-yr and 10-yr, frequency 24-hr storm events. The emergency overflow shall be designed to discharge a 50-yr., 24-hour storm event.

The final plat and construction drawings cover sheet shall have a chart delineating the land area distribution including the impervious area for the project with the maximum and permitted impervious surface as per the zoning ordinance

GENERAL NOTES

For all residential streets, the final 1-inch of pavement is not to be placed until after 80% of the homesites are developed, or after a period of one year, whichever case may occur first

For all residential streets, the final 1½-inches of pavement is not to be placed until after 80% of the homesites are developed

APPENDIX

Wet Pond Worksheet

Not included
(Section 3.18 Zoning Ordinance – entrances and exits to City system streets shall require a permit issued by the Public Works Director)

Delete

Driveway and Right-of-Way Permit Application Form

**City of Mount Holly North Carolina
Driveway and Right-of-way Permit Application and Fee**

This application is required for all new connections to City maintained streets and right-of-ways.

Location of Property Requesting New or Modification of Access:

Nearest Public Street or Intersection: _____

Neighborhood or Development Name: _____

Proposed Location and Type(s) of Driveway(s):

Driveway #1 (circle all that apply) New Replacement Residential Commercial/ Other

Exact Distance and Direction to Nearest Public Street Intersection: _____

Driveway #2 (circle all that apply) New Replacement Residential Commercial/ Other

Exact Distance and Direction to Nearest Public Street Intersection: _____

Show proposed driveway(s) on an attached sketch or site plan. This plan must show details of proposed driveways including proposed width of driveway, pipe length and size of driveway culverts, adjacent property lines, driveways on adjacent and opposite properties, existing and proposed buildings, parking areas and roadway features.

I, the undersigned property owner, request access and permission to construct driveway(s) connections to public right-of-way at the above location.

I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by the City.

I agree that the driveway(s) will be constructed as shown on the approved plans.

I agree that the driveway(s) as used in the agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary by the City Engineer.

I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) located on public right-of-way will be reconstructed in accordance with approved construction documents prepared by the City, and I will not be entitled to reimbursement or have any claim for driveway reconstruction by the City.

I agree that this permit becomes null and void if construction of driveway(s) is not completed within 12 months.

I agree to construct and maintain the driveway(s) in a safe manner so as not to interfere with or endanger the public travel and/or impede the flow of stormwater.

I agree to provide if needed during construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with current NCDOT standards and criteria.

I agree to indemnify and hold harmless the City of Mount Holly from all damages and claims for damage that may arise by reason of this construction.

I agree that the City of Mount Holly will assume no responsibility for any damages that may be cause to such facilities, within the road right-of-way limits, constructing the approved improvements.

I agree to provide a Performance and Indemnity Bond, if required, in the amount specified by the City Engineer for any construction proposed on the City of Mount Holly maintained infrastructure,

I agree to notify the City Engineer in writing when the proposed work begins and when it is completed.

I agree that the driveway(s) described in this permit application will be constructed according to the approved driveway permit.

Property Owner Name: _____ Phone: _____

Property Owner Mailing Address: _____

Applicant's Signature: _____ Date: _____

Application Approved by City Engineer: _____ Date: _____

Instructions: City of Mount Holly Driveway Permit Application must include:

1. Two original signed Driveway Application Forms
2. Two sets of site plans or detailed sketch on separate page.
3. Mail or hand deliver application forms and site plans to City Engineer's attention to:
The City of Mount Holly
400 East Central Avenue P.O. Box 406, Mount Holly, NC 28120

To assist Mount Holly property owners with their driveway improvements the City Engineer will provide design assistance to residents on an as needed basis. Note: does not apply to new home construction.

If the new driveway is to be located on a state maintained road, contact the North Carolina Department of Transportation for driveway permit requirements.

Driveways on all City thoroughfare roads must be located for proper sight distance and turning movements.

Driveway Culvert: Reinforced Concrete Pipe-Class III with flared end sections or an approved equal approved by the City Engineer.

Reference: Stormwater Systems Ordinance

(For Official Use Only)

Date Application Received: _____ Application Received by: _____

Permit Fee Received by: Mount Holly Finance Department Name: _____

Is Bond required: _____ Bond Amount: _____ Bond Received by: _____

Inspector: _____ Date Inspected: _____

Permit Fee: Residential: \$25.00

Commercial: \$50.00

Industrial: \$100.00

Supporting Documentation

Land Development Guidelines – Standard Details

2014 List of Revisions

Streets:

Standard No.	Standard Name	Description of Revision
R-100	Typical Section – Residential Street	Reduced pavement width to 20'; revised pavement specifications; added 6-ft easement for street trees
R-101	Typical Section – Residential Street –Ditch Type	Deleted previous R-101 (collector standard), now new residential ditch section, rev pav't specs; 6' easement
R-102	Typical Section – Utility Locations	Revised minimum fill slope to 3:1; 6' Utility and Street Tree Easement
R-103	Typical Section – Residential Collector Street	Deleted previous R-103 (2 or 3 lane divided section) not used; replaced w/ collector section; 6' easement
R-104	Typical Section – Commercial Street	Deleted previous R-104 (raised median 4 ln divided); replace with commercial section 30' pav't; 6' easement
R-105	Typical Section – Dead End Street Turn Around	Added notes; revised dimensions
R-106	Cul-De-Sac	Revised note 2 (misspelling & review agency)

Curb & Gutter:

Standard No.	Standard Name	Description of Revision
R-107	Curb and Gutter	Combined R-107 and R-108 details
R-108	Curb and Gutter Notes	Added construction notes
R-109	Curb Transition – 2'-6" C&G to 2' Valley Gutter	
R-110	Curb Transition – 2'-6" C&G to 1'-6" C&G	
R-111	Curb Transition – Catch Basin Frame In Valley Gutter	Revised note, reference to R-109
R-112	Curb Transition – Catch Basin Placement at Intersection	Revised note, reference to R-109

Sidewalk:

Standard No.	Standard Name	Description of Revision
R-113	Monolithic Sidewalk And Curb Section	
R-114	Concrete Sidewalk	Added 8' width note for business corridors
R-115	Concrete Sidewalk – Expansion Joints	Notes 3 and 4; 4" depth

Driveways:

Standard No.	Standard Name	Description of Revision
R-116	Drop Curb Driveway With Sidewalk Abutting - 2'-6" C&G	Revised width 12' min and 24' max
R-117	Drop Curb Driveway - Monolithic Concrete Curb & Sidewalk	Revised width 12' min and 24' max
R-118	Drop Curb Driveway - Residential w/ Planting Strip - 2'-6" C&G	Revised width 12' min and 24' max
R-119	Residential Driveway for Valley Gutter	
R-120	Drop Curb Driveway - Commercial w/ Planting Strip – 2'-6" C&G	
R-121	Commercial Driveway With Radius and Planting Strip	
R-122	Industrial Driveway	Revised detail name; added note #7

Pavement:

Standard No.	Standard Name	Description of Revision
R-123	Utility Adjustments For Resurfacing	Added note #2
R-124	Pavement Repair for Utilities Cut (Thoroughfares or Industrial)	Added notes, compaction and tack coat
R-125	Pavement Repair for Utilities Cut (Residential)	Added notes, compaction and tack coat

Ramps:

Standard No.	Standard Name	Description of Revision
R-126	Accessible Ramp With Planting Strip – 2'-6" Curb and Gutter	
R-127	Accessible Ramp Without Planting Strip – 2'-6" Curb and Gutter	
R-128	Accessible Ramp With Planting Strip – 2'-0" Valley Gutter	
R-129	Accessible Ramp Standard Placement and General Notes	Added typical intersection layouts
R-130	Truncated Domes Plan and Cross-Section	

Miscellaneous:

Standard No.	Standard Name	Description of Revision
R-131	Culvert Crossings - Residential and Commercial Streets	1) Revised reference to c&g standard number 2) Reference to city engineer; reference to R-132
R-132	Typical Handrail	Reference city engineer

R-133	Dead End Street Barricade and Notes	1) Ref. std R-134 2) note 2, 26' width; note 4
R-134	End Of Roadway Marker	Revised note 1 – MUTCD OM4-3
R-135	Street Name Sign	note 5 – MUTCD reference
R-136	Street Name Sign Installation Locations	
R-137	Road Naming Conventions	
R-138	Typical Alley Sections	

Drainage:

Standard No.	Standard Name	Description of Revision
D-200	Brick Double Catch Basin 15" Thru 36" Pipe	Deleted I-beam detail, replaced with double box; combined 15" thru 36"
D-201 1 of 2	Slab Type Catch Basin 15" Thru 48" Pipe	Replaced with new detail
D-201 2 of 2	Manhole Ring and Cover for Slab Type Catch Basin	Added second detail for R-202
D-202	Riprap Apron At Pipe Outfalls	Revised name; added elevation view and note
D-203	Trench Detail For Storm Drain Pipes	
D-204	Subdrain Detail	Revised notes 1 and 5
D-205	Flared End Section 12" thru 72"	Replaced 2 sheet detail with single detail
D-206	Rip Rap Ditches	Deleted BMP detail – replaced with rip rap ditch detail
D-207	Offset Catch Basin	NEW DETAIL

D-208	Concrete Paved Ditches	NEW DETAIL
D-209	Rip rap Plunge Pool	NEW DETAIL

Water:

Standard No.	Standard Name	Description of Revision
W-300	Valve and fire Hydrant Location	
W-301	Fire Hydrant Installation	
W-302	Fire Hydrant Installation for Water Main in Street	
W-303	Tie Rod & Dead Head Section	
W-304	Areas Required for Concrete Blocking for Tees and Bends	
W-305	Blow-off Assembly	
W-306	¾" & 1" Water connection	Delete common brick; change water meter description; add compaction note
W-307	1 ½" & 2" Water Connection	
W-308	3" Water connection	Remove steps; change water meter description
W-309	4" Water connection	Remove steps; change water meter description
W-310	6" Water connection	Remove steps; change water meter description
W-311	8" Water connection	Remove steps; change water meter description
W-312	Air Release Valve w/ Vacuum Check Unit in Precast MH	Add stainless steel vacuum check

W-313	Street Cross-Section Showing Water Depth	
W-314	Butterfly Valve with Valve Box (16"-24"	
W-315	Gate Valve and Valve Box	
W-316	Tapping Sleeve and Valve	
W-317	Backflow Prevention Reduced Pressure Assembly $\frac{3}{4}$ " – 2"	Add notes; backflow insulation, No PVC, Dielectric Union note
W-318	Backflow Prevention Reduced Pressure Assembly 2½ – 10"	Add notes; backflow insulation, No PVC, Dielectric Union note
W-319	Fire Service Connection	Delete Steps
W-320	Ductile Iron Pipe Bedding	
W-326	Jumper Connection	

Sewer:

Standard No.	Standard Name	Description of Revision
S-400	Precast Reinforced Concrete manhole	Delete Steps
S-401	Manhole Built over Existing Sewer Main	
S-402	Outside Drop Manhole	Delete Steps
S-403	Vented Manhole	Delete Steps
S-404	Cast Iron Frame & Cover	
S-405	Watertight Bolt down Frame & Cover	

S-406	Secured Ring & Cover	
S-407	Sanitary Sewer Cleanout Box	
S-408	Bedding Detail for PVC Sanitary Sewer Pipe	Plastic Manhole Step and Manhole Steel Reinforcing - Delete Detail and renumber
S-409	Deep Sanitary Sewer Connection Detail	New Detail
S-410	Sanitary Sewer Lateral Connection	Add notes about not being located in driveways & connect at 90 deg.
S-411	Creek Crossing pm Piers	
S-412	Creek Crossing on Steel H-Pipes	
S-413	Stabilization at Subaqueous Creek Crossing	
S-414	Ferrous Materials and Joint Requirements for Sewer and Water Line Crossings	
S-415	Concrete Anti-Seep Collar	
S-416	Fence Gate	
S-417	Dry Bore and Jack Encasement and Carrier	
S-418	Pumping Station Front and Side View	
S-419	Pump Station Residential	

Erosion Control:

Standard No.	Standard Name	Description of Revision
EC-500	Gravel and Rip Rap Filter Basin	
EC-501	Temporary Rock Check Dam	
EC-502	Rock Silt Check Dam	
EC-503	Hardware Cloth Stone Inlet Protection	

Mount Holly Land Development Guidelines – Local Residential Streets

The purpose of this chart is to illustrate proposed roadway design changes that would promote safe speeds within residential neighborhoods, reduce stormwater quality and quantity issues, and be more consistent with the watershed protected area overlay districts.

<u>DESIGN CRITERIA</u>	<u>CURRENT</u>	<u>PROPOSED</u>
Design Speed	30 mph	25 mph
Minimum Sight Distance	200-ft	150-ft
Minimum Centerline Radius	200-ft	100-ft
Tangent between Horizontal Curves	----	50-ft
Crown Cross-slope	1/4" per ft	1/4" per ft
Maximum Grade	10%	10%
Minimum Grade w/ valley curb	1%	1%
Minimum Grade w/ swales	----	2%
K Crest / Sag Vertical Curves	20 / 40	20 / 20
Grade @ Intersection	5% in 100-ft	5% in 100-ft
Minimum Intersection Radius	----	25-ft
Sidewalks	5-ft	5-ft
Cul-de-sacs Radii Pav't / ROW	35-ft / 50-ft	35-ft / 50-ft
Maximum Length of cul-de-sac	500-ft	800-ft
Offset Intersections	200-ft	125-ft
Sight Triangle Local to Local	35-ft x 35-ft	35-ft x 35-ft
Sight Triangle Local to Other	35-ft. x 70-ft.	35-ft. x 70-ft.
Total Travel Lanes Width / ROW	24-ft / 50-ft	20-ft / 50-ft
Pavement Section	1"-2"-7"	1½"-2"-7"



City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: April 11 2014
From: David E. Johnson, PE	Meeting Date: April 14, 2014
Agenda Item to be considered: Stormwater Systems Ordinance	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request : Reinforce current laws, ordinances and regulations through the Stormwater Systems Ordinance and define storm drainage system ownership and maintenance responsibilities. Prepare a comprehensive storm drainage ordinance to protect the public health, safety, and welfare by preventing the introduction of potentially harmful materials into the City storm drainage system; by protecting property from potential stormwater damage; by enhancing water quality; by meeting the requirements of the City's NPDES permit; and by establishing administrative and enforcement procedures. Major elements of the ordinance include: 1. Define ownership, operation, and maintenance responsibilities of storm drainage systems within and beyond public rights-of-ways. 2. Expand current laws/regulations requiring any proposed improvements within public rights-of-ways to be permitted by the City. 3. Establish remedies, penalties and enforcement options for violations of any provision of the Stormwater Systems Ordinance. 4. Establish a stormwater prioritization worksheet to evaluate drainage improvement projects	
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 Passing the Stormwater System Ordinance</u>	
Result of City Council Decision: _____	
Attachments: Existing laws strengthened or expanded by this ordinance Pictures illustrating justification for ordinance provisions Stormwater Systems Ordinance Stormwater Prioritization Worksheet	

<u>Existing Ordinances / Laws</u>	<u>Stormwater Systems Ordinance</u> Strengthens and/or expands existing laws / ordinances
<u>Mount Holly Code of Laws</u> Section 8-6 Garbage, Refuse and Waste (d) Other Limitations. No person shall throw, dispose of or sweep from any household, yard, sidewalk or elsewhere, any garbage, rubbish, dirt, refuse or similar matter into a storm drain, manhole, gutter, center strip, any other stormwater conveyance system (ditches, culverts, etc.) or onto a sidewalk or street, but shall deposit the same as herein specified. (4-11-66,1)	<u>Section 23-7 Limitations of Responsibility</u> a. Open Drainage Channel Maintenance- Persons owning or occupying property abutting a drainage ditch or driveway pipe culvert passes shall keep and maintain that part of the drainage ditch and driveway culvert, free from debris, excessive vegetation, and other obstacles that would pollute, contaminate, or retard the flow of water through the drainage ditch system. b. The property owner shall maintain and operate existing privately owned storm drainage systems best management practices and stormwater management facilities, so that such systems will not become a hazard to the use, function, or physical integrity of the stormwater system. c. All existing or proposed drainage facilities such as swales, streams, best management practice facilities, stormwater management facilities, storm drain pipes, inlets, manholes and/or ditches located within privately owned easements or on privately owned property even with a designated public drainage easement unless accepted by the City shall be the legal responsibility for the proper operation and maintenance by the property owner or Homeowners Association.
<u>Mount Holly Code of Laws</u> Section 8-9 Abatement of Public Nuisance (a) The uncontrolled growth of weeds, grass or vines, to a height of eighteen inches (18') or more within one hundred feet (100') of any resident or business.	<u>Section 23-8 Unlawful to obstruct flow of stormwater runoff</u> It shall be unlawful for any person to place, cause to be placed or permit to be placed any obstruction on or within any portion of the city's stormwater drainage system. For the purpose of this section an obstruction shall mean anything which by itself or in conjunction with any other thing or things, impede or tend to impede the flow of stormwater.

Mount Holly Code of Laws**Section 8-14 Charges for Abatement by City; Lien**

(a) The actual cost incurred by the City in removing or otherwise remedying a public nuisance pursuant to Sections 8-12 or 8-13 shall be charged to the owner of the offending property, and the owner shall pay these charges within thirty (30) days after receiving from the City a statement of charges.

Section 23-11 Enforcement and Violations

- a. Civil Penalties Violation of this Ordinance may subject the violator to a civil penalty to be recovered in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days after notice of the violation is issued by the Stormwater Administrator. Civil penalties may be assessed up to the full amount of penalty to which the City is subject for violations of its Phase II Stormwater permit.
- b. Criminal Penalties Violation of this Ordinance may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina law.

Mount Holly Zoning Ordinance**Section 3.1B Curb Cuts in Business, Office and Industrial Districts**

Entrances and exits to public streets shall be placed and constructed in accordance with the "Policy on Street and Driveway Access to North Carolina Highways" adopted by NCDOT, as amended. Entrance and exits to state system streets shall require a permit issued by the Public Works Director.

Schedule of Fees**Driveway Cut Permit Fee**

Residential	\$25.00
Commercial	\$50.00
Industrial	\$100.00

Section 23-9 Driveway and Right-of-way Permit and Maintenance

- a. The City may by this ordinance regulate the size, location, direction of traffic flow, and manner of construction of driveway connections into any public street or alley. The majority of Mount Holly neighborhoods rely on an open ditch drainage system which is ideal for improving water quality of storm drainage runoff before reaching receiving streams. The roadside ditch system functions to meet the intent of the NPDES permit conditions if properly maintained with properly sized driveway culverts serving properly located driveways.
- b. All proposed changes to any drainage facility, structure, or pipe culvert shall be reviewed and approved by the City Engineer as part of the driveway and right-of-way permitting process or subdivision regulations.
- c. In order to ensure consistency in the quality and type of material, the property owner shall use Reinforced Concrete Pipe CLIII with flared end sections or an approved equal. The property owner may purchase and have delivered the pipe and flared end sections to their property and at the request of the property owner have the City install the driveway pipe culvert. This service does not apply to new home construction.
- d. To assist Mount Holly property owners with their driveway improvements, the City Engineer will provide design assistance to residents on an as needed basis

Schedule of Fees

Stormwater Fee \$2.50/ ERU

Section 23-5 Stormwater Fee

Stormwater fees may be determined and modified from time to time by the Mount Holly City Council so that the total revenue generated by said charges and other sources of revenues or other resources allocated by the City Council to the stormwater management utility shall be sufficient to meet the cost of stormwater management services, systems, and facilities, including but not limited to; the payment of the principal and interest on debt obligations, operating expenses, capital layout, nonoperating expenses, provisions for prudent reserves, and other costs as deemed appropriate by the City Council. The following stormwater service charge rates shall apply:

The City Council resolution establishing the monthly service charge for each ERU may reflect the scope of the stormwater management program to be implemented and/or being implemented during the billing period and the actual overall aggregate cost of the stormwater utility. The monthly service charge for each ERU may be amended from time to time by the City Council and pursuant to the City's fee schedule.

Section 23-6 Exemptions and credits applicable to stormwater fee

Except as provided in this section, no public or private property shall be exempt from the stormwater fee or receive a credit or offset against such fee. No exemption, credit, offset or other reduction in stormwater fee shall be granted based on the age, tax or economic status, race or religion of the customer, or other condition unrelated to the stormwater management utility's cost of providing services, systems and facilities. A stormwater fee credit manual shall be prepared specifying the design and performance standards of on-site stormwater services, systems, facilities and activities that qualify for application of a stormwater fee credit, and how such credits shall be calculated. All on-site stormwater systems and facilities shall be maintained and operated by the property owner.

1) *Exemptions.* The following exemptions shall be allowed:

- a. Improved public road rights-of-way which have been conveyed to and accepted for maintenance by the North Carolina Department of Transportation or by the City of Mount Holly and are available for use in common for vehicular transportation by the general public shall be exempt from stormwater fee charges.
- b. Railroad rights-of-way used for trackage and related appurtenances shall be exempt from stormwater service charges. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater fee charges.

Section 23-11. Stormwater Prioritization Worksheet

The stormwater prioritization worksheet is an evaluation of proposed stormwater projects that give the most benefit to the citizens for the amount of dollars expended.

- a. Priority A projects are public right-of-way drainage problems consisting of street flooding, pipe blowouts, drainage structure failure, missing grates/covers, street failure/sinkholes, sidewalk/driveway failure or ditch/ pipe blockage OR Direct right-of-way runoff onto private property causing living space flooding or drainage feature failure within 10 feet of a home or commercial building.
- b. Priority B projects are public right-of-way drainage problems with imminent drainage structure failure or with direct right-of-way runoff onto private property which may cause property damage to non- living space areas i.e. crawl spaces or basements
- c. Priority C projects are public right-of-way drainage problems resulting in pipe/ ditch sedimentation, debris in roadside ditches, minor damage to drainage structures or ditch erosion.
- d. Projects that DO NOT QUALIFY for drainage improvements by the City includes:
 - i. Private property to private property runoff
 - ii. Groundwater
 - iii. Seepage in basements/ crawl spaces
 - iv. Springs
 - v. Yard flooding
 - vi. Standing water
 - vii. Bury pits
 - viii. Downspouts
 - ix. Private drainage systems
 - x. Lack of private drainage systems
- e. Each project shall be prioritized according to the criteria outlined in this section and ranked according to:
 - i. Public health and safety
 - ii. Number of people affected
 - iii. Drainage system damage or lack of drainage system
 - iv. Frequency of problem
 - v. Environmental impact
 - vi. Infrastructure investment protection or conditions of system

Stormwater Systems Maintenance Responsibility – Ditches & Driveway Culverts



With over 30 miles of City roads with ditches used for run off conveyance, it is imperative to delineate the responsibility of maintaining ditches and driveway culverts.

This ordinance would place the responsibility of maintaining the ditch along a property frontage and any driveway culvert with the individual property owner.

This ordinance also provides an option for the City to establish a maintenance program for ditches throughout the City and the cost paid through the stormwater fee.

Stormwater Systems Maintenance Responsibility – Structures and Pipes



The City shall be responsible ONLY for those portions of a drainage system which are in City maintained street rights-of-ways or where constructed within permanent storm drainage easements conveyed to and accepted by the City.

The property owner shall maintain existing privately owned structures adjacent to a drainage channel or connected to a drainage system; so that such structures will not become a hazard to the use, function, or physical integrity of the drainage channel or drainage system.

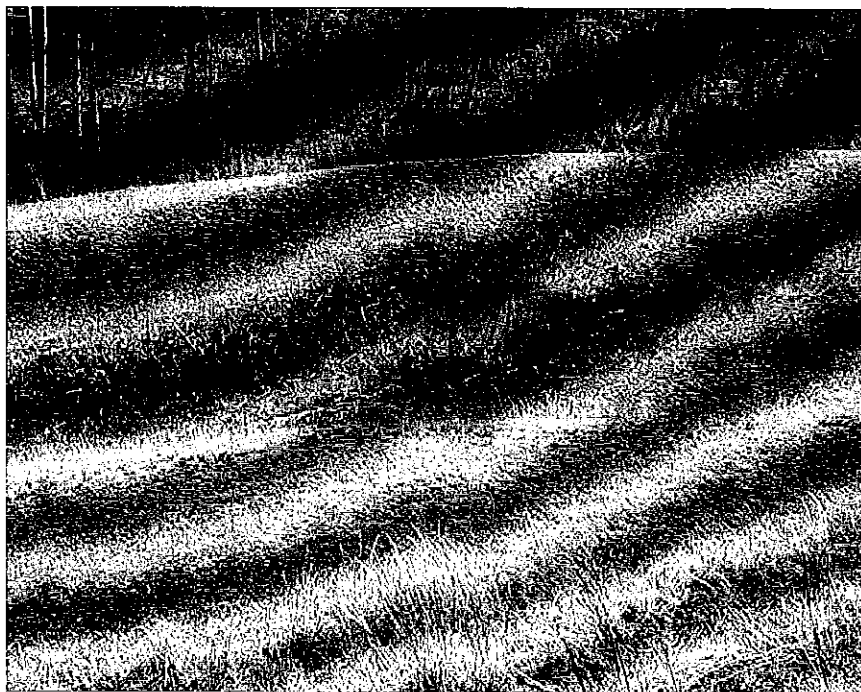
Stormwater Systems Maintenance Responsibility – BMP's & SWM Facilities



This ordinance would place the responsibility of maintaining the ditch along a property frontage and any driveway culvert with the individual property owner.

This ordinance would also place maintenance and operation responsibility for stormwater management facilities and best management practices with the property owner.

Stormwater Systems Maintenance Responsibility – *Enforcement and Violations - Authority to Enforce*



If an existing privately owned, stormwater management and/or best management practice facilities is not properly maintained and inspected or fails to operate according to the approved design the City shall give a 45 day notice of necessary work to correct deficiencies to the property owner. If the necessary work, as determined by the City is not completed within the 45 day notice period, the City will complete the work and assess the property owner for the cost of said work by recording a lien upon the subject property.

Stormwater Systems Maintenance Responsibility – Remedies and Penalties



Civil Penalties Violation of this Ordinance may subject the violator to a civil penalty to be recovered in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days after notice of the violation is issued by the Stormwater Administrator. Civil penalties may be assessed up to the full amount of penalty to which the City is subject for violations of its Phase II Stormwater permit.

Criminal Penalties Violation of this Ordinance may be enforced as a misdemeanor or subject to the maximum fine permissible under North Carolina law.

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Chapter 23 Stormwater Systems

Section 23-1. - Purpose

Section 23-2. - Definitions

Section 23-3. –Establishment of a stormwater department

Section 23-4. - Boundaries and Jurisdiction

Section 23-5. –Stormwater Fee

Section 23-6. –Exemptions and credits applicable to stormwater fee

Section 23-7. –Limitations of responsibility

Section 23-8. –Unlawful to obstruct flow of stormwater runoff

Section 23-9. –Driveways & right-of-way permits and maintenance

Section 23-10. –Illicit Discharge to stormwater systems

Section 23-11. –Stormwater Prioritization Worksheet

Section 23-12. –Enforcement and Violations

Section 23-13. –Remedies and Penalties

Section 23-14. –Severability

Cross Reference – (1) Land Development Guidelines (2) Zoning Ordinance (3) NPDES Permit #NC5000407 (4) NCDENR BMP Manual (5) Mount Holly Code of Laws (6) Fee Schedule

This is an ordinance amending the Code of Laws for the City of Mount Holly by adding Chapter 26 titled “Stormwater Systems”

Section 23-1 Purpose

The purpose of this stormwater ordinance is to protect and promote the public health, safety, and welfare by preventing the introduction of potentially harmful materials into the city storm drainage system; to protect property from potential stormwater damage; to maintain and enhance water quality; to meet the requirements of Mount Holly's National Pollutant Discharge Elimination Permit, and to establish the administration and enforcement procedures through which the purposes can be fulfilled.

The provisions of this ordinance are supplemental to regulations administered by federal and state governments. The city's stormwater management needs are met through programs designed to protect and manage water quality and water quantity before discharge to receiving streams.

The Mount Holly City Council makes the following findings: Stormwater poses a serious threat to public health, safety, and welfare. This threat cannot be eliminated entirely. Factors affecting this threat which are beyond the City's control include: frequency and intensity of precipitation; the topography in and around the City; the types of soils and other geologic structures found in and around the City; body of law established under state and federal authority concerning water rights generally and including but not limited to navigable and non-navigable waters, surface waters, and underground waters; unauthorized interference with the City's stormwater drainage system ; and the amount of impervious surfaces associated with a reasonable level of development. The management of stormwater can reduce this threat through: constructing, operating and maintaining facilities; and regulating and controlling the use and development of land to reduce the adverse effects of stormwater.

Section 23-2 Definitions

1-year, 24-hour storm is the surface runoff resulting from a 24-hour rainfall intensity expected to be equaled or exceeded, on average, once in 12 months and with duration of 24 hours.

Contractor is any person or firm performing or managing construction work at a construction site, including any construction manager, general contractor or subcontractor.

Design manual is a single document or manual or collection of documents and manuals referenced by the city containing policy, criteria, and information, including technical specifications and standards. Refer to the Land Development Manual.

Developed land is property altered from a natural state that contains impervious surface.

Driveway pipe culvert is a storm drainage pipe conveying stormwater runoff in a ditch from one side of an obstruction (i.e. driveway) to the other side.

Flood plain is land area susceptible to being inundated by water during a storm event having a one (1) percent chance of being equaled or exceeded in any given year.

Illicit connection to the City of Mount Holly storm sewer system is any physical connection or other topographical or other condition, natural or artificial, which is not specifically authorized by ordinance or written rule of the City, which causes or facilitates, directly or indirectly, an illicit discharge.

Impervious surface areas are areas within developed land which prevent or significantly impede the infiltration of stormwater into the soil.

MS4- Municipal Separate Storm Sewer Systems

On- site stormwater control facilities means the overall design, construction and maintenance of one or more devices and measures and associated drainage easements, conduits, inlets, channels pipes, ditches, filters, buffers, bioretention areas, and ponds, necessary to collect, convey, store, control and discharge stormwater runoff and pollutants within and from a single property.

Owner is the legal or beneficial owner of the land including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property.

Private drainage systems are all privately owned ground, surfaces, structures or systems, that contribute to or conveys stormwater, including but not limited to, roofs, gutters, downspouts, lawns, driveways, pavement, roads, streets, curbs, ditches, inlets, drains, catch basins, pipes, tunnels, culverts, channels, detention basins, ponds, draws, swales, streams and any ground surface.

Proper operations and maintenance means any action necessary to keep stormwater control measures and devices in proper working condition, so that such facilities will continue to comply with applicable City of Mount Holly Code of Ordinances to prevent safety hazards, public nuisances, and the failure of stormwater control measures and devices to function as intended. Maintenance includes activities identified on approved stormwater management plans, any applicable stormwater operations and maintenance manual, any applicable agreements or certifications to the City, and those activities outlined in the City's Technical Standards Manual and this chapter of the City of Mount Holly Code of Ordinances.

Public stormwater system is a combination of inlets, manholes, pipes, ditches, curbs, headwalls, and/or flared end sections located within public road right-of-ways or within permanent drainage easements conveyed to, accepted by and recorded by the City. Typically most public stormwater systems are designed for a 10-year storm event.

Stormwater Administrator is the person who is designated by the City to manage stormwater services and who is charged with certain duties and responsibilities by the ordinance from which this article derives, or that person's duly authorized representative.

Stormwater is runoff from precipitation that travels over natural or developed surfaces to the nearest stream, other conduit, or impoundment.

Stormwater services include the arrangement of City stormwater quality, quantity, and conveyance facilities in accordance with federal and state laws, and City regulations and rules. Services include but not limited to mapping, planning, construction, operation, maintenance, inspection, administration and regulation of stormwater management systems, impervious surface, and storm drainage conveyance systems.

Stormwater systems means a stormwater conveyance or unified stormwater conveyance system (including without limitation: roads with drainage systems, municipal streets, catch basins, stormwater management facilities, curbs, gutters, ditches, natural or man-made channels, or storm drains), that: is located within the corporate limits of Mount Holly, North Carolina; and/ or is owned and operated by the City; and discharges to waters of the state, excluding publicly owned treatment works, and lawful connections thereto, which in turn discharge into the waters of the state.

Structural BMP is a physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, quantity, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals.

Wetland is any area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Section 23-3 Establishment of a stormwater department

- a. There is hereby established a stormwater department within the Utility Department which shall be responsible for stormwater management programs throughout the City, and which shall provide for the management, protection, control, regulation, use and enhancement of stormwater systems and facilities.
- b. A stormwater hotline shall be maintained by the City for citizen inquiries.

Section 23-4 Boundaries and jurisdiction

The boundaries and jurisdiction of the stormwater department shall extend to the corporate limits of the City of Mount Holly, including all areas hereafter annexed thereto.

Section 23-5 Stormwater Fee

Stormwater fees may be determined and modified from time to time by the Mount Holly City Council so that the total revenue generated by said charges and other sources of revenues or other resources allocated by the City Council to the stormwater management utility shall be sufficient to meet the cost of stormwater management services, systems, and facilities, including but not limited to; the payment of the principal and interest on debt obligations, operating expenses, capital layout, nonoperating expenses, provisions for prudent reserves, and other costs as deemed appropriate by the City Council. The following stormwater service charge rates shall apply:

The City Council resolution establishing the monthly service charge for each ERU may reflect the scope of the stormwater management program to be implemented and/or being implemented during the billing period and the actual overall aggregate cost of the stormwater utility. The monthly service charge for each ERU may be amended from time to time by the City Council and pursuant to the City's fee schedule.

Section 23-6 Exemptions and credits applicable to stormwater fee

Except as provided in this section, no public or private property shall be exempt from the stormwater fee or receive a credit or offset against such fee. No exemption, credit, offset or other reduction in stormwater fee shall be granted based on the age, tax or economic status, race or religion of the customer, or other condition unrelated to the stormwater management utility's cost of providing services, systems and facilities. A stormwater fee credit manual shall be prepared specifying the design and performance standards of on-site stormwater services, systems, facilities and activities that qualify for application of a stormwater fee credit, and how such credits shall be calculated. All on-site stormwater systems and facilities shall be maintained and operated by the property owner.

Exemptions: The following exemptions shall be allowed:

- a. Improved public road rights-of-way which have been conveyed to and accepted for maintenance by the North Carolina Department of Transportation or by the City of Mount Holly and are available for use in common for vehicular transportation by the general public shall be exempt from stormwater fee charges.
- b. Railroad rights-of-way used for trackage and related appurtenances shall be exempt from stormwater service charges. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater fee charges.

Section 23-7 Limitations of responsibility

- a. The City shall be responsible only for the portions of the drainage system which are in City maintained street rights-of-ways or where constructed within permanent storm drainage easements conveyed to and accepted by the City. Repairs and improvements to the drainage system shall be in accordance with established standards, policies, and schedules.
- b. The City's acquisition of storm drainage easements and/or the construction or repair by the City of drainage facilities does not constitute a warranty against stormwater hazards, including, but not limited to, flooding, erosion, or standing water.
- c. The City shall obtain permanent drainage easements from property owners from time to time to ensure conveyance of unimpeded stormwater flow to an acceptable outlet and directly to a receiving water. All storm drainage facilities within a recorded easement conveyed to and accepted by the City shall be owned and maintained by the City.
- d. Open Drainage Channel Maintenance- Persons owning or occupying property abutting a drainage ditch or driveway pipe culvert passes shall keep and maintain that part of the drainage ditch and driveway culvert, free from debris, excessive vegetation, and other obstacles that would pollute, contaminate, or retard the flow of water through the drainage ditch system.

- e. The property owner shall maintain and operate existing privately owned storm drainage systems best management practices and stormwater management facilities, so that such systems will not become a hazard to the use, function, or physical integrity of the stormwater system.
- f. All existing or proposed drainage facilities such as swales, streams, best management practice facilities, stormwater management facilities, storm drain pipes, inlets, manholes and/or ditches located within privately owned easements or on privately owned property even with a designated public drainage easement unless accepted by the City shall be the legal responsibility for the proper operation and maintenance by the property owner or Homeowners Association.
- g. To assist property owners, the City may establish a maintenance program to clean driveway pipe culverts and roadside drainage ditches on a revolving yearly schedule.

Section 23-8 Unlawful to obstruct flow of stormwater runoff

It shall be unlawful for any person to place, cause to be placed or permit to be placed any obstruction on or within any portion of the city's stormwater drainage system. For the purpose of this section an obstruction shall mean anything which by itself or in conjunction with any other thing or things, impede or tend to impede the flow of stormwater.

Section 23-9 Driveway & Right-of-Way Permits and Maintenance

- a. The City may by this ordinance regulate the size, location, direction of traffic flow, and manner of construction of driveway connections into any public street or alley. The majority of Mount Holly neighborhoods rely on an open ditch drainage system which is ideal for improving water quality of storm drainage runoff before reaching receiving streams. The roadside ditch system functions to meet the intent of the NPDES permit conditions if properly maintained with properly sized driveway culverts serving properly located driveways.
- b. All proposed changes to any drainage facility, structure, or pipe culvert shall be reviewed and approved by the City Engineer as part of the driveway and right-of-way permitting process or subdivision regulations..
- c. In order to ensure consistency in the quality and type of material, the property owner shall use Reinforced Concrete Pipe CLIII with flared end sections or an approved equal. The property owner may purchase and have delivered the pipe and flared end sections to their property and at the request of the property owner have the City install the driveway pipe culvert. This service does not apply to new home construction.
- d. To assist Mount Holly property owners with their driveway improvements, the City Engineer will provide design assistance to residents on an as needed basis.

Section 23-10 Illicit discharge to stormwater systems

- a. Any discharge into a City of Mount Holly stormwater system prohibited by the MS4 permit, the terms of which are hereby incorporated by reference, shall be deemed an "illicit discharge" in violation of this Ordinance.
- b. Notwithstanding other requirements of law, as soon as any responsible party has information of any known or suspected illicit discharge, the responsible party shall immediately notify the City.

Section 23-11. Stormwater Prioritization Worksheet

The stormwater prioritization worksheet is an evaluation of proposed stormwater projects that give the most benefit to the citizens for the amount of dollars expended.

- a. Priority A projects are public right-of-way drainage problems consisting of street flooding, pipe blowouts, drainage structure failure, missing grates/covers, street failure/sinkholes, sidewalk/ driveway failure or ditch/ pipe blockage OR
Direct right-of-way runoff onto private property causing living space flooding or drainage feature failure within 10 feet of a home or commercial building.
- b. Priority B projects are public right-of-way drainage problems with imminent drainage structure failure or with direct right-of-way runoff onto private property which may cause property damage to non- living space areas i.e. crawl spaces or basements
- c. Priority C projects are public right-of-way drainage problems resulting in pipe/ ditch sedimentation, debris in roadside ditches, minor damage to drainage structures or ditch erosion.
- d. Projects that DO NOT QUALIFY for drainage improvements by the City includes:
 - i. Private property to private property runoff
 - ii. Groundwater
 - iii. Seepage in basements/ crawl spaces
 - iv. Springs
 - v. Yard flooding
 - vi. Standing water
 - vii. Bury pits

- viii. Downspouts
- ix. Private drainage systems
- x. Lack of private drainage systems
- e. Each project shall be prioritized according to the criteria outlined in this section and ranked according to:
 - i. Public health and safety
 - ii. Number of people affected
 - iii. Drainage system damage or lack of drainage system
 - iv. Frequency of problem
 - v. Environmental impact
 - vi. Infrastructure investment protection or conditions of system

Section 23-12 Enforcement and Violations

Authority to Enforce

- a. The provisions of this Ordinance shall be enforced by the Stormwater Administrator, his or her designee, or any authorized agent of the City. Whenever this section refers to the Stormwater Administrator, it includes his or her designee as well as any authorized agent of the City.
- b. If the property owner neglects the maintenance and/or necessary replacements of a driveway culvert, and said culvert is a hindrance to the conveyance of water runoff within the public road right-of-way, the City shall give a 45 day notice of necessary work to correct deficiencies to the property owner. If the necessary work, as determined by the City is not completed within the 45 day notice period, the City will complete the work and assess the property owner for the cost of said work by recording a lien upon the subject property.

Violation Unlawful

Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this Ordinance, or the terms or conditions of any permit or other *development* or *redevelopment* approval or authorization granted pursuant to this Ordinance, is unlawful and shall constitute a violation of this Ordinance.

Section 23-13 Remedies and Penalties

- a. Civil Penalties Violation of this Ordinance may subject the violator to a civil penalty to be recovered in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days after notice of the violation is issued by the Stormwater Administrator. Civil penalties may be assessed up to the full amount of penalty to which the City is subject for violations of its Phase II Stormwater permit.
- b. Criminal Penalties Violation of this Ordinance may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina law.

Enforcement Options for Failure to Comply

- a. The City Engineer or his/her assignee may issue a stop work order to any person violating any provision of the City's Stormwater Systems Ordinance by ordering all site work stop except that necessary to comply with any administrative order.
- b. The City Engineer or his/her assignee may request the County Permitting/Building Department refrain from issuing any further building permits until outstanding violations have been remedied.

Section 23-14 Severability

If a section, subsection, or part of this article shall be deemed or found to conflict with a provision of North Carolina law, or other pre-emptive legal principle, then that section, subsection, or part of this article shall be deemed ineffective, but the remaining parts of this article shall

STORMWATER PRIORITIZATION WORKSHEET

PROJECT NAME :

Priority A

RIGHT-OF-WAY:

STREET FLOODING ☐

PIPE BLOWOUTS ☐

DRAINAGE STRUCTURE FAILURE ☐

MISSING GRATES/COVERS ☐

STREET FAILURE/SINKHOLE ☐

SIDEWALK/DRIVEWAY FAILURE ☐

DITCH/PIPE BLOCKAGE ☐

PRIVATE PROPERTY (WITH direct R/W RUNOFF):
(adjacent system failure contributes to private property issue)

LIVING SPACE FLOODING ☐

NON-RESIDENTIAL WITH ELECTRICITY ☐

DRAINAGE FEATURE FAILURE WITHIN 10' OF HOUSE ☐

Priority B

RIGHT-OF-WAY:

IMMINENT STRUCTURE FAILURE ☐

HEADWALL DAMAGE ☐

PRIVATE PROPERTY (WITH direct R/W RUNOFF):
(adjacent system failure contributes to private property issue)

CRAWLSPACE/BASEMENT FLOODING ☐

Priority C

RIGHT-OF-WAY:

PIPE/DITCH SEDIMENTATION ☐

DEBRIS IN DITCH ☐

DRAINAGE STRUCTURE MINOR DAMAGE ☐

DITCH EROSION ☐

DNQ (does not qualify)

private property to private property runoff ☐

groundwater ☐

seepage in basements/crawlspaces ☐

springs ☐

yard flooding ☐

standing water ☐

bury pits ☐

downspouts ☐

private drainage systems ☐

lack of private drainage systems ☐

	LOW (x1)	MED (x2)	HIGH (x3)
PUBLIC HEALTH/SAFETY	NEGLECTABLE RISK	POSSIBLE RISK	PUBLIC HAZARD
PEOPLE AFFECTED	INDIVIDUAL	STREET	NEIGHBORHOOD
SYSTEM DAMAGE / LACK OF SYSTEM	NEGLECTABLE RISK	IMMINENT FAILURE	SYSTEM FAILURE OR LACK OF SYSTEM
FREQUENCY OF PROBLEM	EVERY COUPLE YEARS	FEW TIMES PER YEAR	EVERY RAIN EVENT
ENVIRONMENTAL IMPACT	SYSTEM IMPROVEMENT W/NO EFFECT ON WQ		SYSTEM IMPROVEMENT WILL HELP WQ
IMMEDIATE PROTECTION/ CONDITION OF SYSTEM	LESSER PRIORITY	NON-REPAIR = IMMINENT FAILURE	FAILED / NO SYSTEM

PRIORITY RANK

CATEGORY SCORE

RANKED BY

REQUEST DATE



City of Mount Holly Action Agenda Item

To: City Council	Date: April 11, 2014
From: Greg Beal, Planning Director	Meeting Date: April 14, 2014
<u>Agenda Item to be considered:</u> Public hearing to consider an application, submitted by Duke Energy Carolinas, LLC, for rezoning the following described non-contiguous territory, requested by petition: BEING a portion of that property containing the Mountain Island Dam and Hydro facilities and being located in Riverbend Township, Gaston County, NC and being more particularly described in enclosed packet materials.	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request: <u>The City approved annexation of the Riverbend Steam Station in August of 2000. The City received special legislation to delay the effective date of annexation until June 30, 2014. As part of the annexation agreement, the City had the option to annex a portion of the Mountain Island Lake Dam and Power House, but the City had to initiate its intent before last summer. The City Attorney met with Duke Energy officials to initiate the annexation in the spring of 2013. Duke Energy, through their legal counsel, submitted an annexation petition on March 5, 2014 for a portion of the Mountain Island Lake Dam and Power House, which will become effective on June 30, 2014. As the effective date of annexation is approaching, the City took the initial steps of approving a text amendment a year ago to this date for Manufacturing of Hydroelectric Power, Dams and Related Facilities in the H-1 Heavy Industrial Zoning District as a permitted use-by-right. Having the use in the H-1 Industrial District is most appropriate from my discussions with the City Manager and City Attorney. It would now be appropriate to assign the H-1 Zoning to 22.77 acre tract, which currently only has a legal description. Once the final plat is recorded, the County will assign a new Parcel ID # for tax purposes.</u>	
<i>Fiscal Impact:</i>	
Will Item affect current budget	☐ YES ☐ NO ☒ N/A
Reviewed by Finance Director	☐ YES ☐ NO ☒ N/A
Preaudit Certification required	☐ YES ☐ NO ☒ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☒ YES ☐ NO ☐ N/A
Manager/Staff Recommendation: <u>The Planning Commission made a unanimous recommendation that City Council approve the rezoning for a portion of that property containing the Mountain Island Dam and Hydro facilities and being located in Riverbend Township, Gaston County, NC and being more particularly described in enclosed packet materials.</u>	
Result of City Council Decision:	
Attachments: Rezoning Application Map	

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

Date Filed: March 5, 2014

Application Number: 3-5-148

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: Duke Energy Carolinas, LLC

Address: P.O. Box 1007, Charlotte, NC 28201-1007

as evidenced by a number of source deeds 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, Mount Holly, NC (physical address) on the Left or Right (circle one) side of the Mountain Island Road (street), and has a Tax Listing of: Tax Parcel # N/A. Said lot(s) is approximately 22.77 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. See Exhibits A and A-1 Attached Hereto.

4. It is desired and requested that the real property herein described be rezoned from Gaston County Zone to the City of Mount Holly H-1 Heavy Industrial District Zone.

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

N/A

7. Attached is a list of all the properties adjacent to the subject property including the owner's 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. See Exhibit B Attached Hereto.

Duke Energy Carolinas, LLC
Name of Applicant(s)

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

Applicant's Address: P.O. Box 1007, Charlotte, NC 28201-1007

[SIGNATURE ON FOLLOWING PAGE(S)]

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

Mountain Island Power House and Dam

NAME: DUKE ENERGY CAROLINAS, LLC

SIGNATURE: DUKE ENERGY CAROLINAS, LLC

By: 
Name: George W. Christian, Jr.
Title: Director, Land Services

ADDRESS: P.O. Box 1007
Charlotte, North Carolina 28201-1007

with a copy to:

Karol P. Mack, Esquire
Associate General Counsel
Duke Energy Carolinas, LLC
P.O. Box 1321, DEC45A
Charlotte, North Carolina 28202-1321
Street Address: 550 S. Tryon Street, DEC45A
Charlotte, NC 28202

with a copy to:

Maynard E. Tipps, Esquire
K&L Gates LLP
214 N. Tryon Street, Suite 4700
Charlotte, North Carolina 28202

EXHIBIT A
TO REZONING APPLICATION

Legal Description of Mountain Island Powerhouse and Dam
from Annexation Agreement dated August 1, 2000

BEING a portion of that property containing the Mountain Island Dam and Hydro facilities and being located in Riverbend Township, Gaston County, NC and being more particularly described as follows:

TO LOCATE THE POINT OF BEGINNING commence at NCGS Grid Coordinates N = 582154.3333 and E = 1409384.3310; said grid coordinates being also located on the easterly bank of the Catawba River in a southwest boundary of the property owned (now or formerly) by Crescent Resources, Inc. as described in Deed Book 1598 at Page 489 and Deed Book 3146 at Page 175 (Mecklenburg County Registry); thence crossing the River S. 71-19-34 W. 656.97 feet to a point on the westerly bank of the Catawba River at NCGS Grid Coordinates N = 581374.9684 and E = 1410492.3466; thence along the westerly bank of the Catawba River the following two (2) courses and distances: (1) N. 34-32-43 W. 476.50 feet to a point; and (2) N. 51-54-56 W. 533.39 feet to the POINT OR PLACE OF BEGINNING; thence from said point of Beginning N. 40-10-36 E. 356.33 feet to a point lying within the Catawba River in the Gaston-Mecklenburg County line; thence with the Gaston-Mecklenburg County line N. 61-29-02 W. 281.16 feet to a point in said County line; thence S. 65-19-02 W. 1,577.62 feet to a point in the westerly boundary of Mountain Island Lake; thence S. 23-52-18 W. 360.47 feet to a concrete monument; thence S. 73-36-39 E. 547.44 feet to a point; thence N. 71-01-21 E. 534.95 feet to a concrete monument; thence N. 79-46-34 E. 284.00 feet to a concrete monument; thence N. 25-31-06 E. 441.61 feet to a concrete monument; thence N. 40-10-36 E. 148.88 feet to the POINT OR PLACE OF BEGINNING containing 22.77 acres, more or less, as shown on that map entitled "Duke Power Company Addition to Mountain Island Steam Station" prepared by the Duke Power Real Estate Department and dated January 9, 1991, last revised June 10, 1993, reference to which survey is hereby made.

Mountain Island Dam

MOUNTAIN ISLAND

NO NAME





City of Mount Holly Action Agenda Item

To: City Council	Date: April 11, 2014
From: Danny Jackson, City Manager	Meeting Date: April 14, 2014
<i>Agenda Item to be considered: Public Hearing #4 – Consideration of approving the voluntary annexation petition filed by Duke Energy, regarding the Mountain Island Dam/Powerhouse</i>	
Will this require a public hearing? ☒ YES ☐ NO	
<i>Background/Purpose of Request :</i> <i>In the aftermath of approving the zoning of the Mountain Island Dam/Powerhouse, as requested by Duke Energy, the City Council is compelled to consider annexing the subject property in accordance with State Law and based upon an annexation petition being submitted by the property owner. To solidify the process, please see the enclosed Ordinance to Extend the Corporate Limits of the City of Mount Holly. This ordinance has to be approved by the City Council.</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> <i>Motion to approve the Ordinance to Extend the Corporate Limits of the City of Mount Holly, regarding the Mountain Island Dam/Powerhouse.</i>	
<i>Result of City Council Decision:</i> _____	
<i>Attachments:</i> <i>Ordinance to Extend the Corporate Limits of Mount Holly</i>	



City of Mount Holly Action Agenda Item

To: City Council	Date: April 11, 2014
From: Greg Beal, Planning Director	Meeting Date: April 14, 2014
<u>Agenda Item to be considered:</u> Public hearing to consider an application, submitted by Duke Energy Carolinas, LLC, for rezoning of a three tracts of land, comprising 423 total acres, located on Horseshoe Bend Beach Road between Hwy 16 and Holdsworth Drive, Tax Parcel ID #'s 217766, 217767 and 175022, from I-3 (PID 175022) and R-1 Gaston County to H-1 Heavy Industrial.	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request: <u>The City approved annexation of the Riverbend Steam Station in August of 2000. The City received special legislation to delay the effective date of annexation until June 30, 2014. In turn, Duke Energy paid money in lieu of annexation each year on a graduated scale. This benefited both the City and Duke Energy as Duke did not have to pay the full taxes each year, and the City was not charged with providing services to the property. As the effective date of annexation is approaching, the City took the initial steps of approving a text amendment a year ago to this date for Manufacturing of Hydroelectric Power, Dams and Related Facilities in the H-1 Heavy Industrial Zoning District as a permitted use-by-right. Having the use in the H-1 Industrial District is most appropriate from my discussions with the City Manager and City Attorney. It would now be appropriate to assign the H-1 Zoning to the three parcels, comprising 423 acres, which would become effective on June 30, 2014. The largest parcel, PID # 175022, houses the buildings and the coal ash ponds and is 340 acres in size. The City accepts no liability for the coal ash ponds; our Public Utilities and Stormwater staff have been meeting with Duke Energy officials to keep apprised of the cleanup efforts.</u>	
<i>Fiscal Impact:</i>	
Will Item affect current budget	☐ YES ☐ NO ☒ N/A
Reviewed by Finance Director	☐ YES ☐ NO ☒ N/A
Preaudit Certification required	☐ YES ☐ NO ☒ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☒ YES ☐ NO ☐ N/A
Manager/Staff Recommendation: <u>The Planning Commission made a unanimous recommendation that City Council approve the rezoning for three tracts of land, comprising 423 total acres, located on Horseshoe Bend Beach Road between Hwy 16 and Holdsworth Drive, Tax Parcel ID #'s 217766, 217767 and 175022, from I-3 (PID 175022) and R-1 Gaston County to H-1 Heavy Industrial.</u>	
Result of City Council Decision:	
Attachments: Rezoning Application Map	

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

Date Filed: March 5, 2014Application Number: 3-5-14 A

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: Duke Energy Carolinas, LLC

Address: P.O. Box 1007, Charlotte, NC 28201-1007

as evidenced by a number of source deeds 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 Horseshoe Bend Beach Road, Mount Holly, NC (physical address) on the Left or Right (circle one) side of the Horseshoe Bend Beach Road (street) between Highway 16 (street) and Holdsworth Drive (street), and has a Tax Listing of: Tax Parcels #217766, 217767 and 175022. Said lot(s) are approximately 423 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. See Exhibits A and A-1 Attached Hereto.

4. It is desired and requested that the real property herein described be rezoned from Gaston County I-3 Exclusive Industrial Zone to the City of Mount Holly H-1 Heavy Industrial District Zone.

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

N/A

7. Attached is a list of all the properties adjacent to the subject property including the owner's 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. See Exhibit B Attached Hereto.

Duke Energy Carolinas, LLC

Name of Applicant(s)

Owner

Interest of Applicant(s) in Subject Realty:

(Must be the owner if requesting Conditional Use Rezoning)

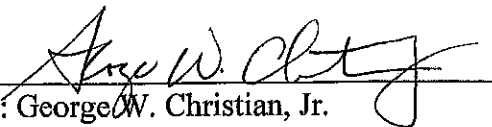
Applicant's Address: P.O. Box 1007, Charlotte, NC 28201-1007

[SIGNATURE ON FOLLOWING PAGE(S)]

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

NAME: DUKE ENERGY CAROLINAS, LLC

SIGNATURE: DUKE ENERGY CAROLINAS, LLC

By: 
Name: George W. Christian, Jr.
Title: Director, Land Services

ADDRESS: P.O. Box 1007
Charlotte, North Carolina 28201-1007

with a copy to:

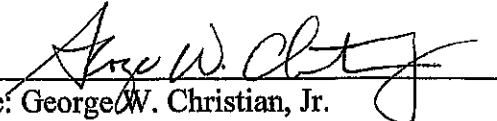
Karol P. Mack, Esquire
Associate General Counsel
Duke Energy Carolinas, LLC
P.O. Box 1321, DEC45A
Charlotte, North Carolina 28202-1321
Street Address: 550 S. Tryon Street, DEC45A
Charlotte, NC 28202

with a copy to:

Maynard E. Tipps, Esquire
K&L Gates LLP
214 N. Tryon Street, Suite 4700
Charlotte, North Carolina 28202

NAME: DUKE ENERGY CAROLINAS, LLC

SIGNATURE: DUKE ENERGY CAROLINAS, LLC

By: 
Name: George W. Christian, Jr.
Title: Director, Land Services

ADDRESS: P.O. Box 1007
Charlotte, North Carolina 28201-1007

with a copy to:

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with a copy to:

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214 N. Tryon Street, Suite 4700
Charlotte, North Carolina 28202

EXHIBIT A
TO REZONING APPLICATION

Legal Description of Riverbend Steam Station
from Petition Requesting Annexation dated October 9, 2000

Commencing on NC grid station "45-EG-5", with NC values based on NAD 83 of North 179,784.43 (meters) and East 429,640.17 (meters), and runs thence North 82-13-49 East 1,017.26 feet to a #5 rebar found on the eastern margin of the right-of-way for NC Highway #16; thence North 62-21-20 East 88.42 feet to a #5 rebar found on the northern margin of the right-of-way for Horseshoe Bend Beach Road (S. R. 1912); thence with the northern margin of Horseshoe Bend Beach Road North 37-04-00 East 77.42 feet to an iron pin; thence, continuing with the northern margin of said road, North 40-00-27 East 174.20 feet to a mag. nail on the north margin of S. R. 1911, thence North 40-01-19 East 32.92 feet to the POINT OF BEGINNING OF THE FOLLOWING DESCRIBED TRACT OF LAND; and running thence with the center of Steam Station Road (S. R. 1911), North 49-53-46 West 900.22 feet to a railroad spike; thence, leaving said road and running thence, North 26-18 West 900.5 feet to an iron pin; thence North 48-24 East passing through an iron pin at a distance of 1,062.2 and continuing for a total distance of 1,165.2 feet to an iron pin; thence North 16-38 East passing through an iron pipe at a distance of 538 feet and continuing for a total distance of 708 feet to a point in the Catawba River; thence South 82-22 East 827.1 feet to a point; thence North 38-52 East 1,362.6 feet to a point in the Catawba River; thence North 62-21 East 605.5 feet to a point in the Catawba River; thence North 42-38 East 896.8 feet to a point on the southern edge of the Catawba River; thence with the southern edge of Mountain Island Lake and the boundary of Duke Power Company's Riverbend Steam Station project at contour elevation 647.5 feet in a northeasterly and then a southeasterly direction as it meanders 6,200 feet more or less to an iron pin on the corner of Crescent Land and Timber Corp. (now or formerly); thence South 12-07 West 2,010.6 feet to a PK nail in the center of the right-of-way of Horseshoe Bend Beach Road (S. R. 1912); thence with the center of said S. R. 1912 in a generally westerly direction the following bearings and distances: (1) North 67-12 West 100 feet; (2) North 70-35 West 180.4 feet; (3) North 71-53 West 217.8 feet; (4) North 74-40 West 100 feet; (5) North 81-40 West 100 feet; (6) North 86-20 West 109.5 feet; (7) North 87-08 West 364.4 feet; (8) North 87-37 West 820.5 feet; (9) South 86-57 West 201.4 feet; (10) South 79-42 West 322.8 feet to a point; thence leaving the center of said road and running thence around the edge of Henderson Cemetery the following bearings and distances: (1) North 5-00 West 221.2 feet to an iron pin; (2) North 5-01 West 117 feet to an iron pin; (3) South 86-00 West 150 feet to an iron pin; (4) South 5-00 East passing through an iron at 192.5 feet to an iron pin and continuing for a total distance of 343.4 feet to a point in the center of the right-of-way of S. R. 1912; thence with the center of S. R. 1912 the following bearings and distances: (1) North 88-22 West 231.8 feet to a point; (2) with the centerline of said S. R. 1912 as it meanders in a westerly direction 1,950 feet to PK nail found being the corner of StoneWater Bay Properties, LLC (Deed Book 2920 at Page 296); thence leaving the centerline of said road North 59-38-41 East 38.86 feet to an iron pin set; thence with the northern edge of the right-of-way for Horseshoe Bend Beach Road (S. R. 1912) the following courses and distances: (1) North 80-17-32 West 177.48 feet to an iron pin set; (2) North 80-32-11 West 50.39 feet to an iron pin; (3) North 82-02-01 West 51.13 feet to an iron pin

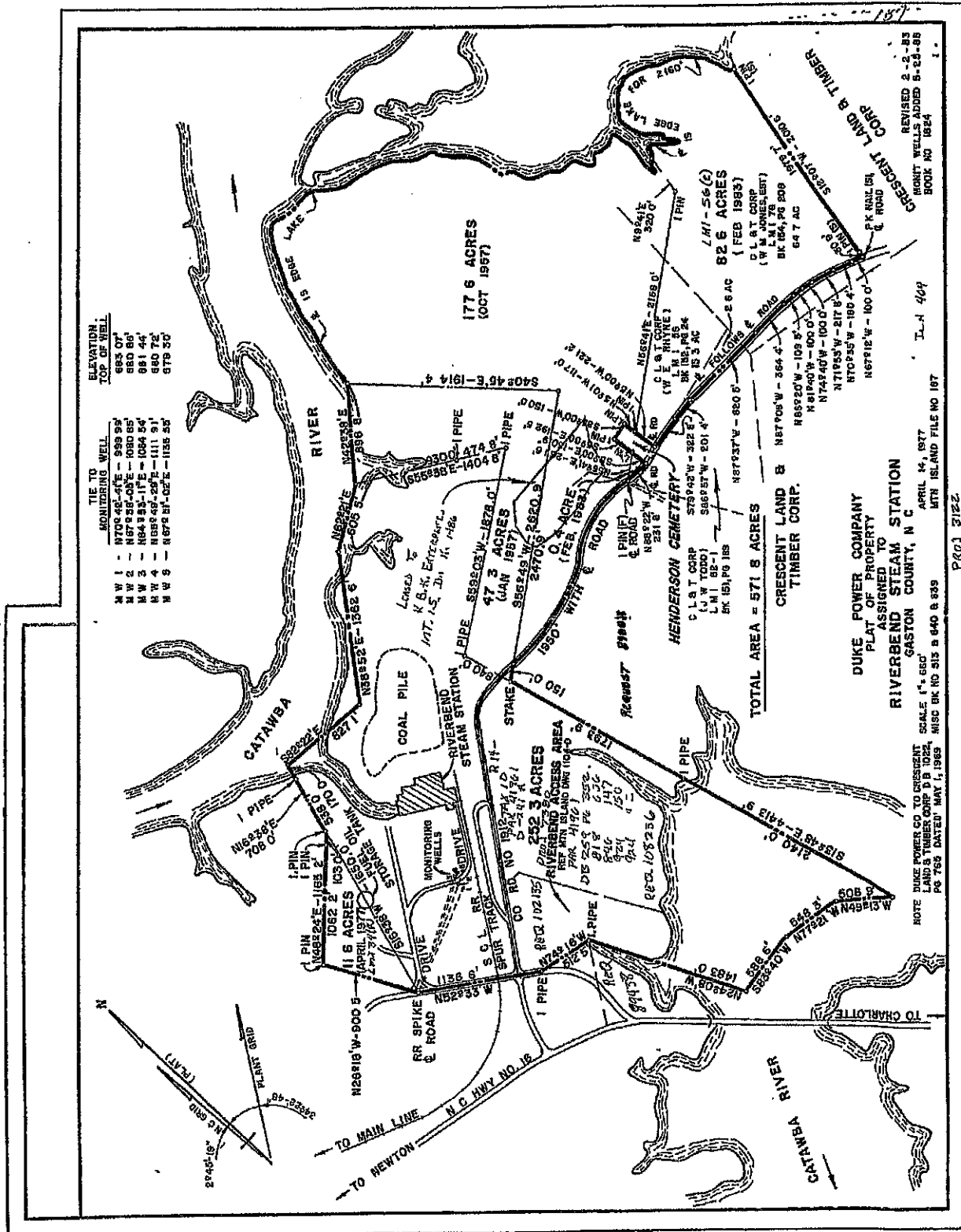
Riverbend Steam Station

set; (4) North 86-02-08 West 52.3 feet to an iron pin set; (5) South 87-07-14 West 53.62 feet; (6) South 77-28-52 West 54.29 feet; (7) South 67-06-31 West 54.46 feet; (8) South 57-02-33 West 53.66 feet; (9) South 50-14-46 West 52.58 feet; (10) South 45-03-23 West 51.59 feet; (11) South 42-43-08 West 50.81 feet; (12) South 41-19-06 West 100.34 feet; (13) South 40-01-19 West 2,120.87 feet to the POINT OF BEGINNING. This description taken from a Duke Power Company plat of property entitled "Riverbend Steam Station" Gaston County, North Carolina, dated April 14, 1997, reference Mountain Island File No. 187. Further reference is made to the plat of StoneWater Bay Properties, LLC recorded in Plat Book 55 at Pages 51 and 52 of the Gaston County Registry and an unrecorded survey by CBS Surveying and Mapping dated April 26, 2000.

Riverbend Steam Station

set; (4) North 86-02-08 West 52.3 feet to an iron pin set; (5) South 87-07-14 West 53.62 feet; (6) South 77-28-52 West 54.29 feet; (7) South 67-06-31 West 54.46 feet; (8) South 57-02-33 West 53.66 feet; (9) South 50-14-46 West 52.58 feet; (10) South 45-03-23 West 51.59 feet; (11) South 42-43-08 West 50.81 feet; (12) South 41-19-06 West 100.34 feet; (13) South 40-01-19 West 2,120.87 feet to the POINT OF BEGINNING. This description taken from a Duke Power Company plat of property entitled "Riverbend Steam Station" Gaston County, North Carolina, dated April 14, 1997, reference Mountain Island File No. 187. Further reference is made to the plat of StoneWater Bay Properties, LLC recorded in Plat Book 55 at Pages 51 and 52 of the Gaston County Registry and an unrecorded survey by CBS Surveying and Mapping dated April 26, 2000.

EXHIBIT A-1
TO REZONING APPLICATION



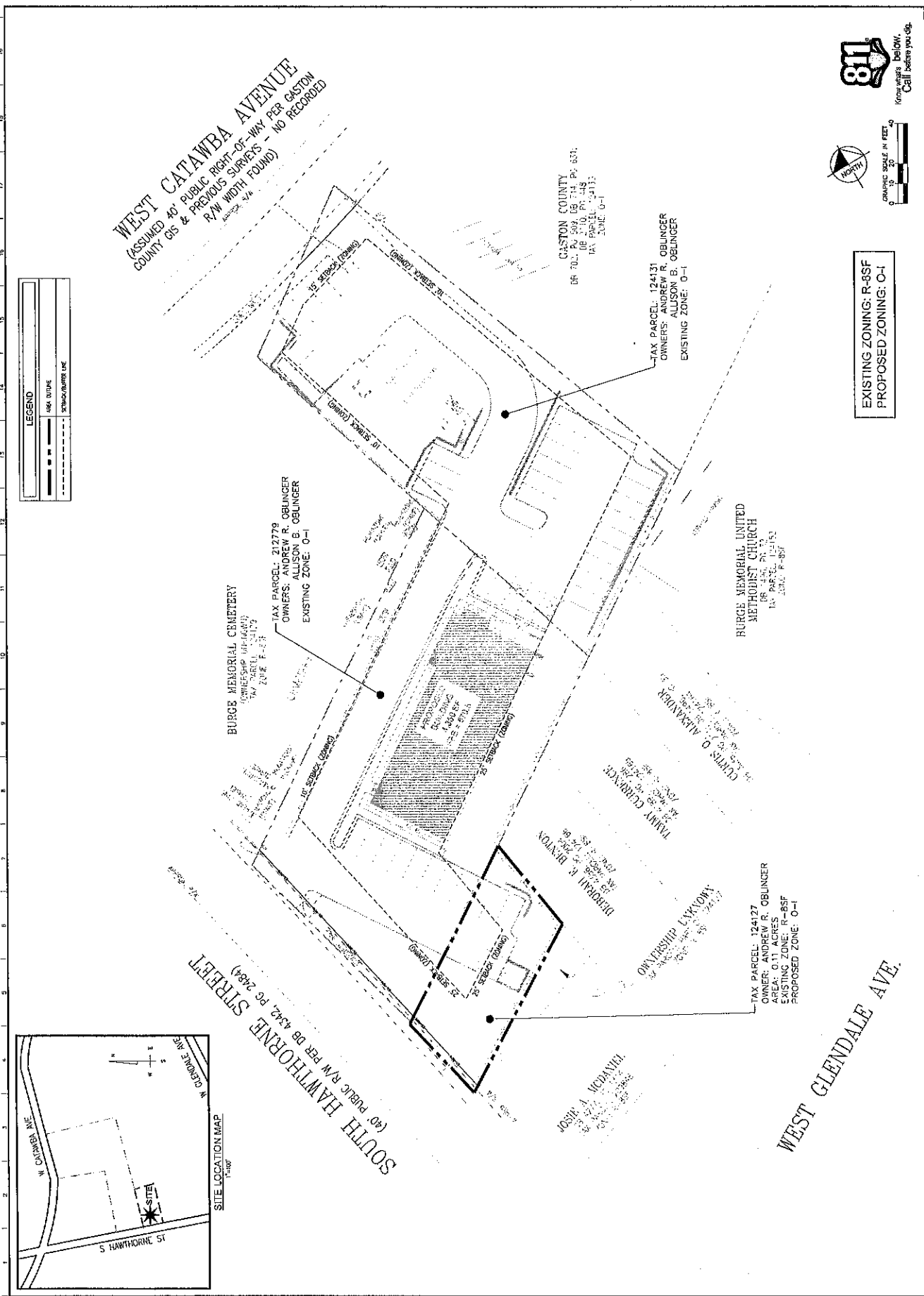
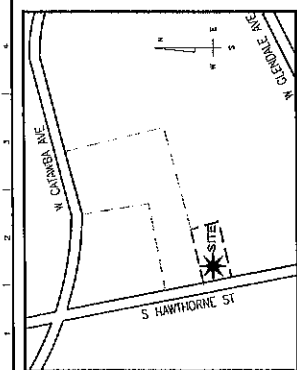
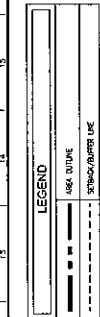


City of Mount Holly Action Agenda Item

To: City Council	Date: 4-9-14
From: Jonathan Wilson, Planner	Meeting Date: 4-14-14
Agenda Item to be considered: <u>Public hearing, regarding a request by Dr. Andrew Oblinger, to rezone a parcel at 229 South Hawthorne Street, Tax Parcel ID #'s 124127, from R-8 Single Family to O-I Office and Institutional.</u>	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request: <u>The applicant, Dr. Andrew Oblinger, was recently granted a Variance by the Mount Holly Board of Adjustment to allow parking in the front yard setback of a proposed new Dentist Office to be located at 227 South Hawthorne Street and 229 South Hawthorne Street. One of the conditions added to the variance is that the applicant obtain a rezoning of the property located at 229 South Hawthorne Street from R-8 Single Family to O-I Office and Institutional which will allow the properties to be combined and the zoning to be compatible. The property in question of rezoning is approximately 0.11 acres in size. It shall be important to note that the property in question for rezoning would have approximately 5 parking spaces located on it and would have to follow screening requirements when developed in the future if approved through the site plan review process.</u>	
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>Please note that the applicant is seeking a general rezoning where no conditions may be added. However, with screening requirements and architectural standards in place, staff feels that the residential character of the neighborhood on South Hawthorne Street will be protected and improved. The Planning Commission made a unanimous recommendation to Council to approve the proposed rezoning of 229 South Hawthorne Street, Tax Parcel ID # 124127 from R-8 Single Family to O-I Office and Institutional which is supported by Staff. Please see the attached map indicating the area proposed to be rezoned, proposed site plan, the rezoning application and elevations of the proposed building facing South Hawthorne Street.</u>	
Result of City Council Decision: _____	
Attachments: <i>Rezoning Application</i> <i>Map</i> <i>Site Plan Submitted by Applicant</i> <i>Building Elevation to front South Hawthorne Street</i>	

[illegible]

EXISTING ZONING: R-8SF
PROPOSED ZONING: O-1



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

Date Filed: 1/28/2014 Application Number: 02/07/14 A

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:
Andrew Oblinger
Address: 247 W. Catawba Avenue, Mt. Holly, NC 28120
as evidenced by Deed Book 4338 on Page 0820 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
229 S. Hawthorne St. on the Left or Right side of the S. Hawthorne St.
(physical address) (circle one) (street)
between W. Catawba Avenue and W. Glendale Avenue, and has a Tax
(street) (street)
Listing of: Tax Book 4338, Map 0820, Parcel 124127. Said lot(s) has (have) a frontage of 45 feet and is approximately 0.11 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-8SF Zone to O-1 Zone.
5. If Conditional Use rezoning is requested, a site specific plan (see Appendix) is hereby attached (check) Yes or X 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).

PAID

N/A

FEB 07 2014

City of Mount Holly

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.

Andrew R. Oblinger

Name of Applicant(s)

owner

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

Applicant's Address: 247 W. Catawba Ave Mt Holly, NC 28120

Phone Number: (704) 466 9883

Signature: [Signature]

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 \$ 300 (See Fee Schedule) at least 15 days prior to the Planning Commission meeting for initial consideration.

HAWTHORNE ST

CATAWBA AVE

GLENDAL AVE

229 South Hawthorne Street

Legend

Roads

Center Road

Frontage Road / Interstate

RT 48

RT 67

RT 273

RT 48

Frontage Road

Railroad

Paved Road

Gravel Road

Gravel Road / Light Rail

Gravel Road / Heavy Rail

Gravel Road / Light Rail

Gravel Road / Heavy Rail

Gravel Road / Light Rail

Gravel Road / Heavy Rail

Gravel Road / Light Rail

Gravel Road / Heavy Rail

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Gravel Road / Heavy Rail

Gravel Road / Light Rail

Gravel Road / Heavy Rail

Gravel Road / Light Rail

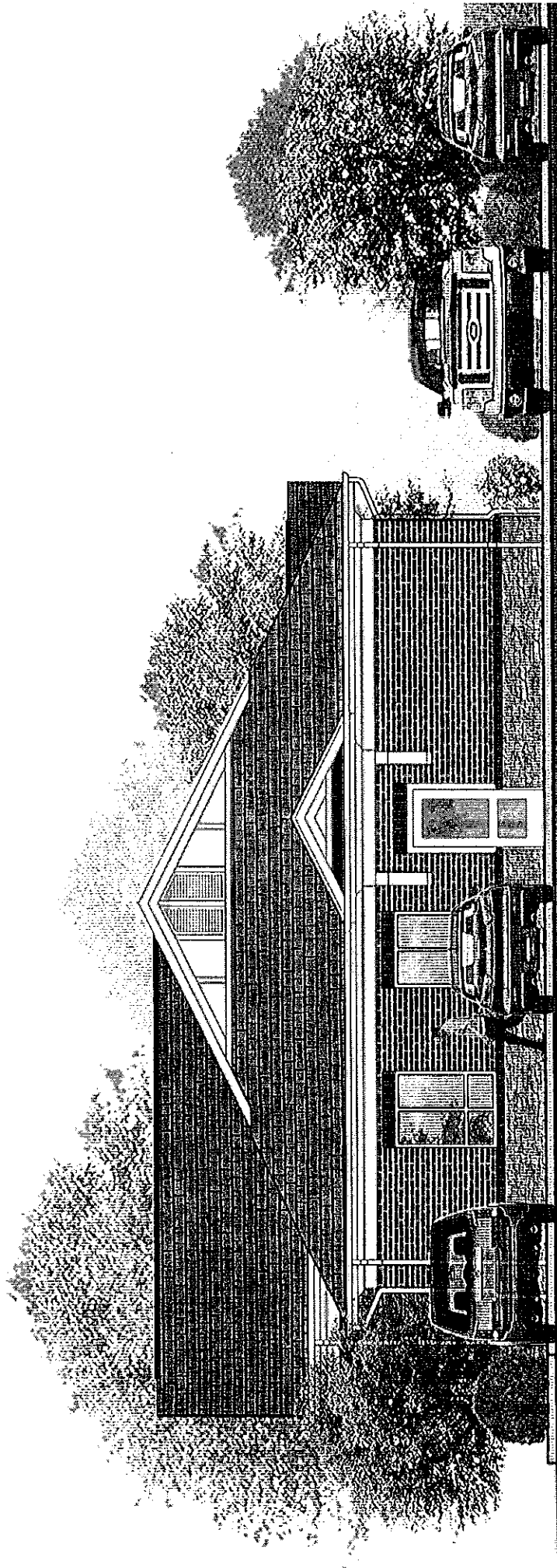
Gravel Road / Heavy Rail

Gravel Road / Light Rail

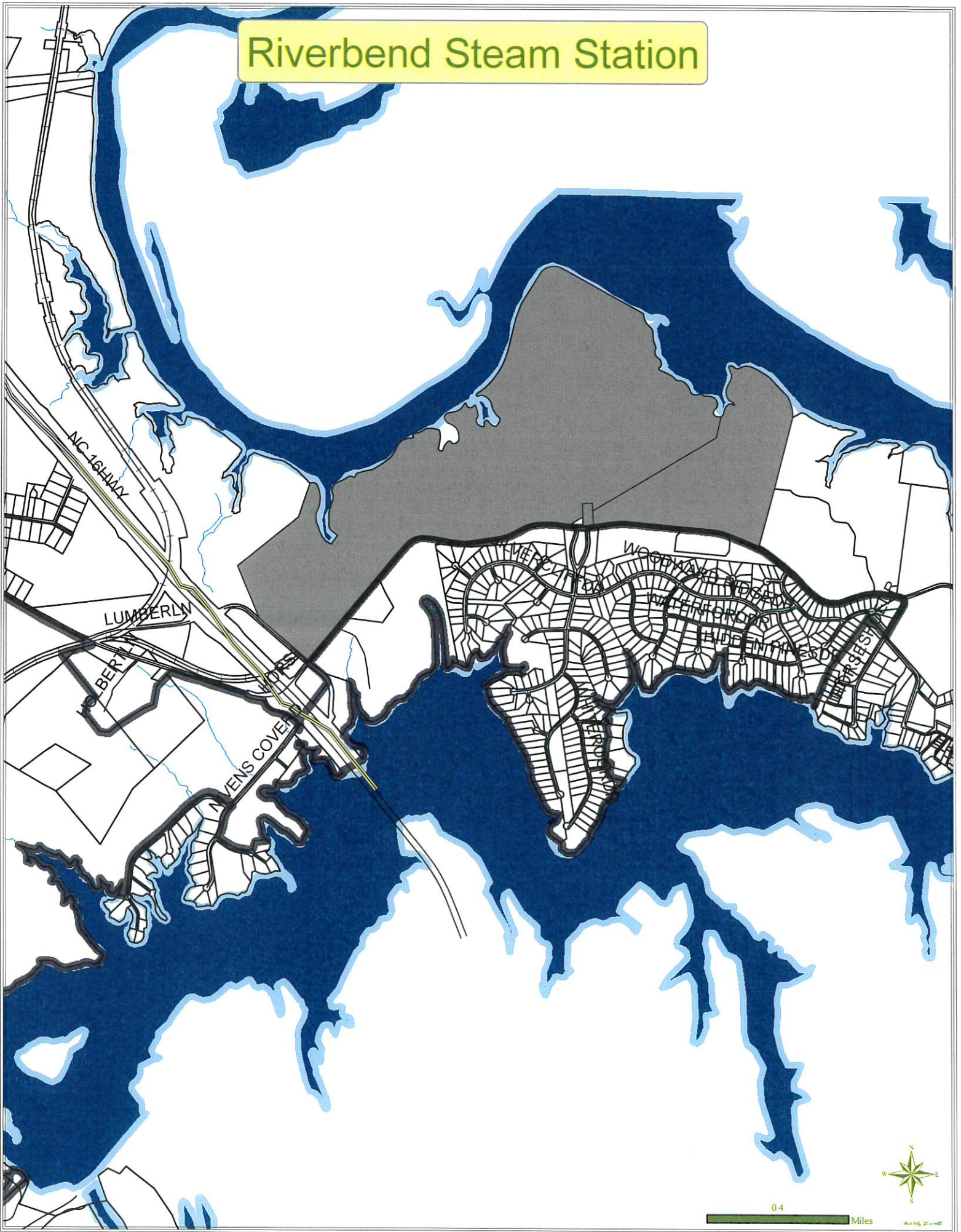


100 Feet

Rev. 06/01/2015



Riverbend Steam Station





City of Mount Holly Action Agenda Item

To: City Council	Date: April 11, 2014
From: Greg Beal, Planning Director	Meeting Date: April 14, 2014
<u>Agenda Item to be considered:</u> Public hearing to consider amending the Subdivision Ordinance to coincide with the Land Development Guidelines update, particularly relating to construction plan submittal (i.e. number of sets), financial guarantees or Letters of Credit being automatic renewal or "evergreen" and being allowed to be reduced or renewed under certain conditions, and final acceptance requirements.	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request: <u>In an effort to adopt the Land Development Guidelines as an appendix to the Subdivision Ordinance, staff has to insure that the text found in the Guidelines, and the Subdivision Ordinance match and therefore, make the following recommendations found in the attached memo.</u>	
<i>Fiscal Impact:</i>	
Will Item affect current budget	☐ YES ☐ NO ☒ N/A
Reviewed by Finance Director	☐ YES ☐ NO ☒ N/A
Preaudit Certification required	☐ YES ☐ NO ☒ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☒ YES ☐ NO ☐ N/A
Manager/Staff Recommendation: <u>The Planning Commission made a unanimous recommendation that Council approve the amendments to the Subdivision Ordinance to coincide with the Land Development Guidelines as presented (please see attached memo).</u>	
Result of City Council Decision: _____	
Attachments: Memo	

MEMO TO: City Council

FROM: Greg Beal, Planning & Development Director

SUBJECT: Subdivision Ordinance Updates

DATE: April 11, 2014

This memo serves as an update on a couple of minor text amendments to the Subdivision Ordinance to match the Land Development Guidelines.

- **Section 2.5:** Change "Plan" to "Site Plans"
- Appendix I Submittal Table:

NUMBER AND TYPE OF MAP TO BE SUBMITTED

<u>MAP</u>	<u>INITIAL REVIEW</u>	<u>PLANNING COMMISSION & CITY COUNCIL REVIEW (EACH)</u>	<u>CITY FILE (AS APPROVED)</u>
Sketch Plan	3 prints (1 reproducible)	-	3 prints (1 reproducible)
Preliminary Plan • Minor • Major	3 prints (1 reproducible) 3 prints (1 reproducible)	- 10 15 prints (1 reproducible)	4 prints (1 reproducible) 4 prints (1 reproducible)
Construction Plans	4 7 sets	-	4 2 sets (as-built) mylar*
<u>Performance Guarantee</u>	<u>1 set of as-built plans for water, sewer and drainage facilities</u>		<u>2 sets as-builts and digital copy of same</u>
Final Plat	3 prints (1 reproducible)	10 prints (1 reproducible)	7 prints; 1 mylar

- 1) All maps shall be drawn to scale. The scale shall not be less than 1" = 200'. Construction plans shall be at a scale of not less than 1" = 50'. Prints may be blue-line or black-line and map size shall be a minimum of 11" X 17" and a maximum of 24" X 36", except that Final Plats shall not exceed an outline dimension of 18" X 24".** The Final Plat prints and mylar for City file shall be copies of the Final Plat as presented for recording. ~~If larger than 8 1/2" X 11" the reproducible may be in the form of a sepia.~~

* ~~Must be certified by Subdivider's engineer.~~ Signed and sealed by Engineer of Record

** Consult Gaston County Register of Deeds for record map requirements.

- **Section 4.1 C Financial Guarantees:** The irrevocable letter of credit shall be in the form of an "evergreen" or "automatic renewal" letter of credit and the Subdivider may request a reduction

to 30% of the total amount deposited only after 80% of the homesites are developed and may release the "evergreen" letter of credit upon approval by the City.

- **Section 4.2 Duration of Financial Guarantees**

- 4) The duration of a financial guarantee shall be of a responsible period to allow for completion and acceptance of improvements. ~~In no case shall the duration of the financial guarantee for improvements exceed eighteen (18) months.~~

- **Section 4.5 Warranty Against Defects**

Final Acceptance

The City will not maintain any newly installed infrastructure until final acceptance of the project is granted by City Council. The one-year warranty period will not begin until final acceptance. The developer may not request final acceptance until all deficiencies have been satisfactorily addressed as determined by the City. It shall be the responsibility of the developer to request final acceptance.

All construction and installation of improvements shall be in accordance with all the city rules, regulations and requirements and the construction plans approved and on file with the City.

All construction and installation of improvements shall be inspected and certified by the Applicant's Engineer as being completed in accordance with the approved plans and specifications. The signed and sealed certification by the Applicant's Engineer shall be for all infrastructure improvements as shown on the approved construction plans and be accompanied with the following information:

1. A set of water, sewer and drainage "as-built" drawings (paper copy) certified by the Engineer of Record and a digital file for use by the City.
2. Asphalt pavement core sampling report signed and sealed by a certified material testing company.
3. Asphalt compaction tests for the surface course; signed and sealed by a certified material testing company.
4. Hydrostatic test shall be in accordance with AWWA C600 standards, latest revision, and in the presence of City inspectors.
5. Chlorine and bacteriological purity for water mains shall be tested by the owners at state proved laboratories, and the certified test results furnished to the City.
6. Air testing, mandrel testing of sewer lines and vacuum testing of sewer manholes shall be done in accordance with current industry standards and requirements. The City Inspector shall be present during the entire testing process.

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6. Air testing, mandrel testing of sewer lines and vacuum testing of sewer manholes shall be done in accordance with current industry standards and requirements. The City Inspector shall be present during the entire testing process.

OLD BUSINESS



City of Mount Holly Action Agenda Item

To: City Council	Date: April 10, 2014
From: Danny Jackson, City Manager	Meeting Date: April 14, 2014
<u>Agenda Item to be considered:</u> <i>Old Business #1 – Consideration and approval of an amendment to the Mount Holly Historical Society MOU</i>	
Will this require a public hearing? ☐ YES ☒ NO	
<u>Background/Purpose of Request :</u> <i>This matter was table from the March 10th City Council Meeting. The Mount Holly Historical Society (MHHS) is petitioning the City Council to amend the current Memorandum of Understanding (MOU) between them and the City of Mount Holly. The amendment involves two (2) features:</i> <i>1-The reference to payment of utilities by the City was amended to continue it indefinitely instead of for the one year in the original agreement.</i> <i>2 – The use of the building for an office by any other entity is now prohibited without prior consent of the City. The original agreement provided that the TDA could utilize space for its office, but that is now eliminated.</i> <i>I have been made aware that the Mount Holly Sports Hall of Fame organization has expressed interest in obtaining space in the MHHS building. It is my understanding that there will be a representative from their organization, in attendance to speak to the matter if needed. The MHHS will have a representative in attendance as well.</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
Manager/Staff Recommendation: <i>Please review the enclosed material associated with this matter.</i>	
Result of City Council Decision: _____	
Attachments: <i>Current and proposed MOU. Copy of the current Guidelines for Donations of Archival Materials</i>	

Mount Holly Historical Society Archive Committee

Guidelines for Donations of Archival Materials

The Mount Holly Historical Society Archives Committee's Mission Statement is as follows:

The archives shall serve as a vehicle to the public to provide materials and objects as well as stories of peoples' lives related to Mount Holly and its surrounding area in order to preserve the story, history, and heritage of Mount Holly so as to educate the public and future generations.

One of the goals of the Mount Holly Historical Society (MHHS) is to collect and preserve historical materials of the Mount Holly area. On behalf of the city of Mount Holly, the MHHS is seeking donations of items owned or used by the area's families which shed light on the way they lived and worked, and which enrich and support the preservation of the history of the Mount Holly area. These donations must comply with the mission statement above.

Materials wanted and Collection categories – Items which are often of historic value are listed below. Please note that this list is not definitive. Other types of documents or items not included here may be of historical value as well.

- Written and/or recorded oral histories relating to the Mount Holly area
- Personal and family materials
- Clothing, household utensils
- Furniture, tools, recreational items
- Letters, diaries, scrapbooks, manuscripts
- Speeches, lectures notes
- Photo albums, photographs, biographical information
- Genealogical information
- Video and audio tapes and other recordings
- Local school yearbooks, newsletters
- Organization and institutional materials
- Articles of incorporation, bylaws, annual reports
- Press releases, advertising materials, posters
- Event materials, invitations, programs,
- Election memorabilia, campaign literature
- Hotel and restaurant tableware and menus
- Postcards, matchbooks

Donating materials to the archives – Donations, originals and/or digital copies, are only accepted on the basis that the items become the property of the city of Mount Holly. Donations are not accepted with conditions of access or retention. Once the city assumes ownership, it reserves the right to dispose of any items which are considered to be unwanted or duplicated. If you have any concerns about your legal rights prior to donating an item, please contact your attorney or other advisor. If you wish to take a tax deduction for the value of the donation, consult your accountant and/or tax attorney.

Conditions of Acceptance - Donations damaged or significantly defaced may not be accepted. Donations beyond the scope of the city's ability to maintain and/or restore may not be accepted. The donor is responsible for making arrangements for the delivery of items to the former Municipal Building at 131 S. Main Street, Mount Holly. The donor must complete and sign a Deed of Gift Form. A MHHS member will review the items to be donated. A donor's contact information and any anecdotal information regarding the donation should be provided.

Procedure - The donor should contact Roy and Christine Vogel, Archive Committee co-chairs, at 704-812-8709 to discuss the item to be donated. Donations will be accepted at the former Municipal Building prior to the monthly board meeting.

We thank you in advance for your willingness to donate your family treasures. They will be protected and meaningfully displayed for your enjoyment and for future generations.

NEW BUSINESS

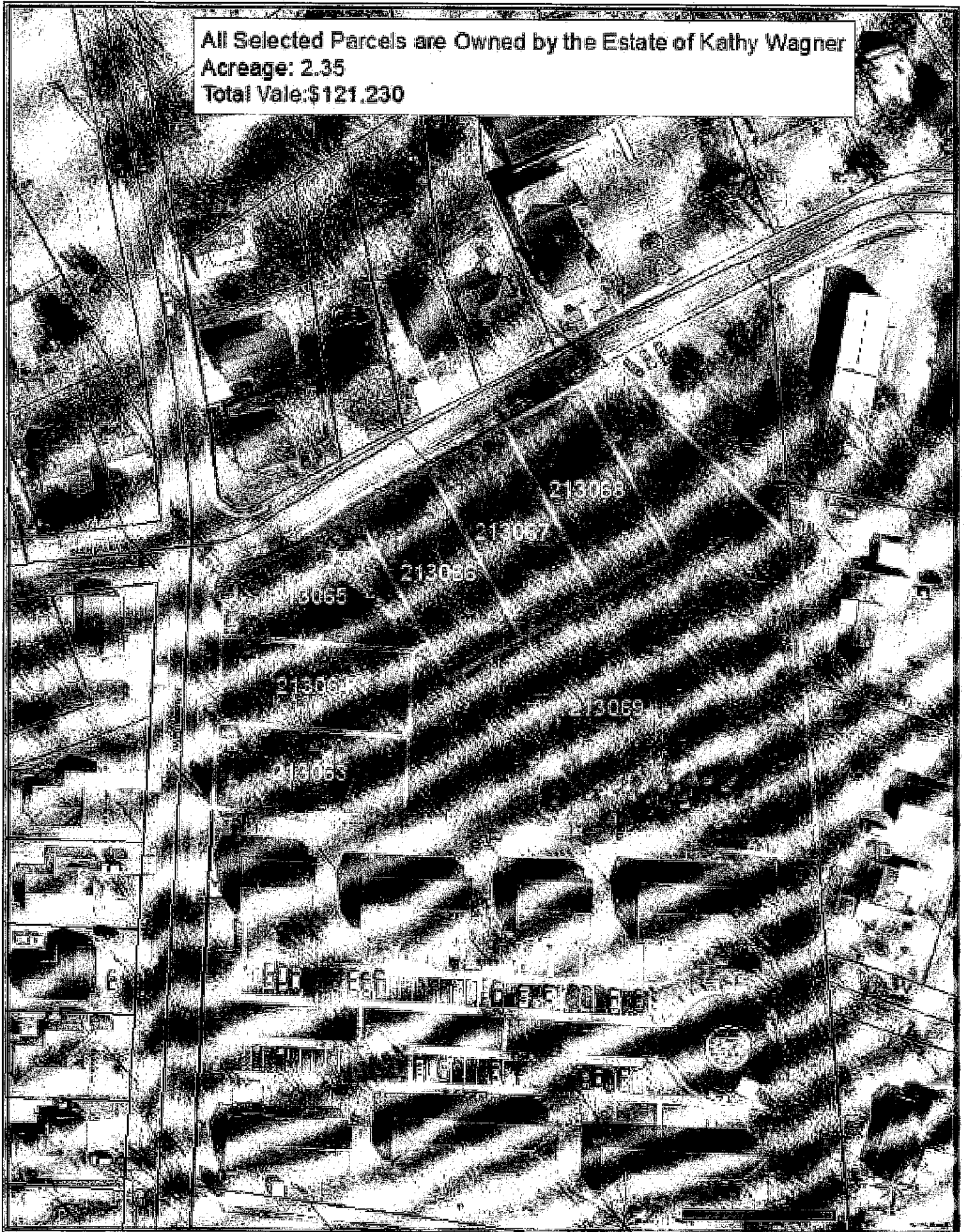


City of Mount Holly Action Agenda Item

To: City Council	Date: April 10, 2014
From: Danny Jackson, City Manager	Meeting Date: April 14, 2014
<u>Agenda Item to be considered:</u> <i>New Business #1 – Appointment to the Tourism Development Authority</i>	
Will this require a public hearing? ☐ YES ☒ NO	
<u>Background/Purpose of Request :</u> <i>In regard to the Tourism Development Authority (TDA), the board term for Mr. Phillip Butts has expired this month. Mr. Butts has taken on a new position with Holiday Inn Express, a position that has taken him away from the site in Mount Holly. Mr. Butts has indicated that he does not want to be reappointed to the TDA. According to Ms. Wendy Foster, TDA Chairperson, the new Manager at the Holiday Inn Express, Mr. Brent Smiley, has indicated that he is willing to serve on the TDA Board as a replacement for Mr. Butts. Ms. Foster will be in attendance at the City Council meeting to speak to the matter and to answer any questions from the Council. According to the State Statute for TDA entities, we are required to appoint someone from the hospitality industry to the TDA Board. The only other option would be someone from Robin's Nest Bed & Breakfast. Ms Robin Williams, owner of Robin's Nest, has already indicated that she is not able to serve on the TDA Board.</i>	
<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: <i>Motion to appoint Mr. Brent Smiley to a 3 year term on the TDA Board.</i>	
Result of City Council Decision: 	
Attachments:	

[illegible]

All Selected Parcels are Owned by the Estate of Kathy Wagner
Acreage: 2.35
Total Vale:\$121.230



OTHER BUSINESS

REPORTS

Mount Holly Parks & Recreation

Monthly Report

Sole Patrol- The Sole Patrol met 21 days during the month of March. The total attendance was 965 with 87 different members attending. They met for their monthly birthday party, they also went for lunches, and met for fellowship and fun.

Fitness Center- The Fitness Center was open 26 days during March. The total attendance was 254, with 44 different members attending.

Athletics- Girls Volleyball practiced throughout March. We have 84 girls on nine different teams. Matches will be played until the middle of May at the Tuckasee Community Center.

Spring Soccer also practiced throughout March. We have 112 children playing on eight different teams. The spring soccer season will go until the middle of May.

Tee-ball and Coach Pitch baseball began practice at the end of March. We have 152 children playing on 13 different teams.

Free-play and the game room at the Old Gym has been averaging about 30 children per session. The program is open Monday, Wednesday, and Friday from 230-530pm.

Rentals & Special Events- The Tuckasee Community Center was rented out twice during the month of March. The total estimated attendance was 250 people. The shelters at Tuckasee Park were rented three times, with an estimated attendance of 120 people.

News & Notes- The Toddler Easter Egg hunt will be held Wednesday April 16 at 10am at Tuckasee Park. This event is co-sponsored by the Mount Holly library.

The next meeting for the Parks & Recreation Commission will be held on Tuesday April 22.

Our first Movies in the Park will be at Tuckasee Park on Friday May 2. We will be showing the movie Monsters University

Incident Disposition Totals by Offense

MOUNT HOLLY POLICE

(03/01/2014 - 03/31/2014)

Offense:	Arrest/No Supp.:	Arrest/Oth. Agency:	Death of Offender:	Vic. Ref. to Cooper.:	Prosecut. Declined:	Extradit. Declined:	Located Missing:	Unfound.:	Reported:	Actual:	Further Invest.:
0510 - Burglary - Forcible Entry	0	0	0	0	1	0	0	0	2	2	1
0520 - Burglary - Non-Forced Entry	0	0	0	0	0	0	0	0	1	1	1
0630 - Larceny - Shoplifting	1	0	0	0	0	0	0	0	1	1	0
0640 - Larceny - From Motor Vehicle	0	0	0	0	0	0	0	0	2	2	2
0690 - Larceny - All Other Larceny	0	0	0	0	0	0	0	0	12	12	7
0810 - Simple Physical Assault	2	0	0	1	2	0	0	2	10	8	2
0820 - Simple Non-Physical Assault	1	0	0	0	0	0	0	0	1	1	0
0890 - Simple Assault- All Other Simple Assault	0	0	0	0	1	0	0	0	1	1	0
1026 - Counterfeiting - Using	0	0	0	0	0	0	0	0	1	1	1
1120 - Fraud - Obtaining Money/Property by False Pretense	0	0	0	0	0	0	0	0	3	3	2
1290 - Embezzlement - All Other Embezzlement	0	0	0	0	0	0	0	0	1	1	1
1400 - Criminal Damage to Property (Vandalism)	1	0	0	0	2	0	0	0	10	10	5
1810 - Drug Violations	5	0	0	0	0	0	0	0	12	12	7
1834 - Drug Violations - Equipment/Paraphernalia - Possessing/Concealing	3	0	0	0	0	0	0	0	3	3	0
1890 - Drug Violations - All Other Drug Violations	0	0	0	0	0	0	0	0	4	4	4
2100 - DWI - Alcohol and/or Drugs	1	0	0	0	0	0	0	0	1	1	0
2650 - Escape From Custody or Resist Arrest	0	0	0	0	0	0	0	0	1	1	0
2690 - All Other Offenses	2	0	0	0	0	0	0	0	2	2	0
4010 - All Traffic (except DWI)	4	0	0	0	0	0	0	0	8	8	0
4040 - Non-Criminal Detainment (Involuntary Commitment)	0	0	0	0	0	0	0	0	2	2	0
8010 - Missing Persons	0	0	0	0	0	0	1	0	1	1	0
9910 - Calls for Service	0	0	0	0	0	0	0	3	6	3	2

Incident Disposition Totals by Offense

MOUNT HOLLY POLICE

(03/01/2014 - 03/31/2014)

Offense:	Arrest/No Supp.:	Arrest/Oth. Agency:	Death of Offender:	Vic. Ref. to Cooper.:	Prosecut. Declined:	Extradit. Declined:	Located Missing:	Unfound.:	Reported:	Actual:	Further Invest.:
Totals:	20	0	0	1	6	0	1	5	85	80	35

Arrest Status/Disposition Totals by Offense

MOUNT HOLLY POLICE

(03/01/2014 - 03/31/2014)

Offense:	Further Invest.:	Inactive:	Closed/ Cleared:	Arrest/No Supp.:	Arrest/No Invest.:	Felony:	Misd.:	Juvenile:	Adult:	Offense:
0630 - Larceny - Shoplifting	0	0	1	0	1	0	1	0	1	1
0810 - Simple Physical Assault	0	0	3	3	0	0	3	0	3	3
0820 - Simple Non-Physical Assault	0	0	3	1	2	0	3	0	3	3
1400 - Criminal Damage to Property (Vandalism)	0	0	1	1	0	0	1	0	1	1
1810 - Drug Violations	0	0	1	1	0	0	1	0	1	1
1834 - Drug Violations - Equipment/Paraphernalia - Possessing/Concealing	0	0	1	1	0	0	1	0	1	1
2100 - DWI - Alcohol and/or Drugs	0	0	4	3	1	0	4	0	4	4
2290 - All Other Liquor Law Violations	0	0	1	1	0	0	1	0	1	1
2640 - Contempt of Court, Perjury, Court Violations	0	0	2	2	0	0	2	0	2	2
2650 - Escape From Custody or Resist Arrest	0	0	1	1	0	0	1	0	1	1
2690 - All Other Offenses	0	0	1	1	0	0	1	0	1	1
4010 - All Traffic (except DWI)	0	0	6	6	0	0	6	0	6	6
4040 - Non-Criminal Detainment (Involuntary Commitment)	0	0	1	1	0	0	0	0	1	1
Totals:	0	0	26	22	4	0	25	0	26	26

Citation Totals by Charge

MOUNT HOLLY POLICE

(03/01/2014 - 03/31/2014)

Charge:	Number of Charges:
Speeding (Misdemeanor)	6
Speeding (Infraction)	29
Seat Belt	3
DWI	3
No Operator License	5
Driving While License Revoked	6
Expired Registration	9
Inspection	14
Unsafe Movement	3
Failure To Stop (Stop Sign/Flashing Red Light)	6
Running Red Light	2
No Insurance	4
Possess/Consume Alcohol - Passenger	1
Failure To Reduce Speed	3
Other (Misdemeanor)	12
Other (Infraction)	9
Other (2nd Charge - Misdemeanor)	26
Other (2nd Charge - Infraction)	12
Total:	153

Calls By Department

April 2014

MOUNT HOLLY POLICE

SPECIAL CHECK	58	17.16%
TRAFFIC STOP	40	11.83%
SPECIAL ASSIGNMENT	15	4.44%
SCHOOL RES OFFICER	14	4.14%
SUSPICIOUS VEH UNOCCUP	13	3.85%
CHECK THE WELFARE	12	3.55%
ALARM R	10	2.96%
FOLLOW UP INVESTIGATION	9	2.66%
SUSPICIOUS VEH OCCUP	9	2.66%
CHECK ROADWAY	8	2.37%
INFORMATION ONLY	8	2.37%
SUSPICIOUS PERSON	8	2.37%
VERBAL ARGUMENT	8	2.37%
NOISE VIOLATION	7	2.07%
FOOT PATROL	6	1.78%
JUVENILE	6	1.78%
ASSIST FD/EMS	5	1.48%
COURT	5	1.48%
DOMESTIC ARGUMENT	5	1.48%
PERSONAL ESCORT	5	1.48%
STRANDED MOTORIST	5	1.48%
ASSIST LE AGENCY	4	1.18%
DRUGS	4	1.18%
HIT & RUN PD	4	1.18%
LARCENY AL OCC	4	1.18%
MV COLLISION PD	4	1.18%
VANDALISM AL OCC	4	1.18%
ASSIST OTHER	3	0.89%
CIVIL DISPUTE	3	0.89%
FOUND PROPERTY	3	0.89%
HANGUP 911	3	0.89%
PARKING VIOL	3	0.89%
PROWLER	3	0.89%
SERVE WARRANT	3	0.89%
TRAFFIC OTHER	3	0.89%
TRESPASS	3	0.89%
ASSAULT AL OCC	2	0.59%
BANK ESCORT	2	0.59%
COMMUNICATING THREATS	2	0.59%
IDENTITY THEFT	2	0.59%
SCHOOL PROGRAM	2	0.59%
ALARM B	1	0.30%
ANIMAL COMPLAINT	1	0.30%
ASSAULT IN PROG	1	0.30%
ASSIST CITY DEPARTMENT	1	0.30%
ATTEMPTED B & E	1	0.30%
B & E RES AL OCC	1	0.30%
B & E RES IN PROG	1	0.30%
COMM SERV SPECIAL EVENT	1	0.30%
DAMAGE TO PROPERTY	1	0.30%
DISTURBANCE NATURE UNK	1	0.30%
DOMESTIC ESCORT	1	0.30%
FRAUD	1	0.30%
HARRASSMENT	1	0.30%
INTOXICATED DRIVER	1	0.30%

LOST PROPERTY	1	0.30%
MENTAL COMMITMENT	1	0.30%
MISSING PERSON ADULT	1	0.30%
MISSING PERSON JUVENILE	1	0.30%
SEX OFFENSE/RAPE AL OCC	1	0.30%
SUBJECT WITH A GUN/WEAPON	1	0.30%
VANDALISM IN PROG	1	0.30%
	0	0.00%

Total Records For MOUNT HOLLY POLICE	338	100.00%
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Total Records	338
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MEMORANDUM

To: Mayor and City Council

From: Kemp Michael, City Attorney

Date: April 14, 2014

RE: Adrian plant

The tax value on the Adrian plant parcel ID#124366 is \$615,154. The tax value of the vacant lot across the street parcel ID#124399 is \$18,000. Total together is \$633,154.

The City's offer to purchase was for \$380,000.00.

American & Efird's counter offer is \$595,000.00.

The appraisal obtained by the City from George Mason is \$460,000.

The demolition estimate is \$220,575.00.

The asbestos removal estimate is \$45,000.00.

JG- 500 a less for property
DM- offer eval. price

Meeting on April 28th

DM 1st JG 2nd

MEMORANDUM

TO: Mayor and City Council
FROM: Kemp A. Michael, City Attorney
DATE: April 14, 2014
RE: Adrian Plant

Danny, the Mayor, and myself met on Thursday, April 3, with representatives of A&E to discuss a proposed purchase agreement of the Adrian Plant. At the meeting, we discussed the proposed agreement I had drafted.

Today, I met with Kristen Hughes, A&E's corporate attorney, and further discussed the proposed agreement. I believe that she and I worked out an agreement, subject to Council and A&E approval. Below is a summary of the main points of this agreement:

1. A&E will do the following at its expense:
 - Disconnect the electrical substation from the Adrian plant which currently provides electrical service to both the Adrian and Madora plants. The City will not have any need for this substation, and will provide its own electrical services at City's expense. The substation will not be included in the land being conveyed to the City although it is located on the edge of the parcel to be purchased, but will remain in place as it currently serves the Madora plant. The agreement will provide that, should it cease to be used as an electrical substation, the City will have the first right to purchase that site (approximately 50 feet by 50 feet). A&E will be granted an easement to cross the subject property to maintain the substation.
 - Provide a new survey of the Adrian property.
 - Prior to closing, remove the overhead trolley used to transport materials from the Adrian plant to the Madora plant.
2. The City will do the following at its expense:
 - Separate the water system furnishing the two plants.
 - Begin performing a Phase I environmental inspection immediately and complete it within 60 days. If it is determined by virtue of the Phase I inspection that additional environmental testing is required (Phase II), then the parties will discuss the City's reason for requesting a Phase II examination. If A&E refuses to allow a Phase II inspection, the City may terminate the agreement and receive back its earnest money (\$5,000). If A&E consents to a Phase II inspection, then A&E will also agree that if any environmental issues are discovered, then A&E will correct such issues at its own expense to the City's reasonable satisfaction. When these problems are corrected, then the City will not be allowed to terminate the agreement because of such corrected issues.

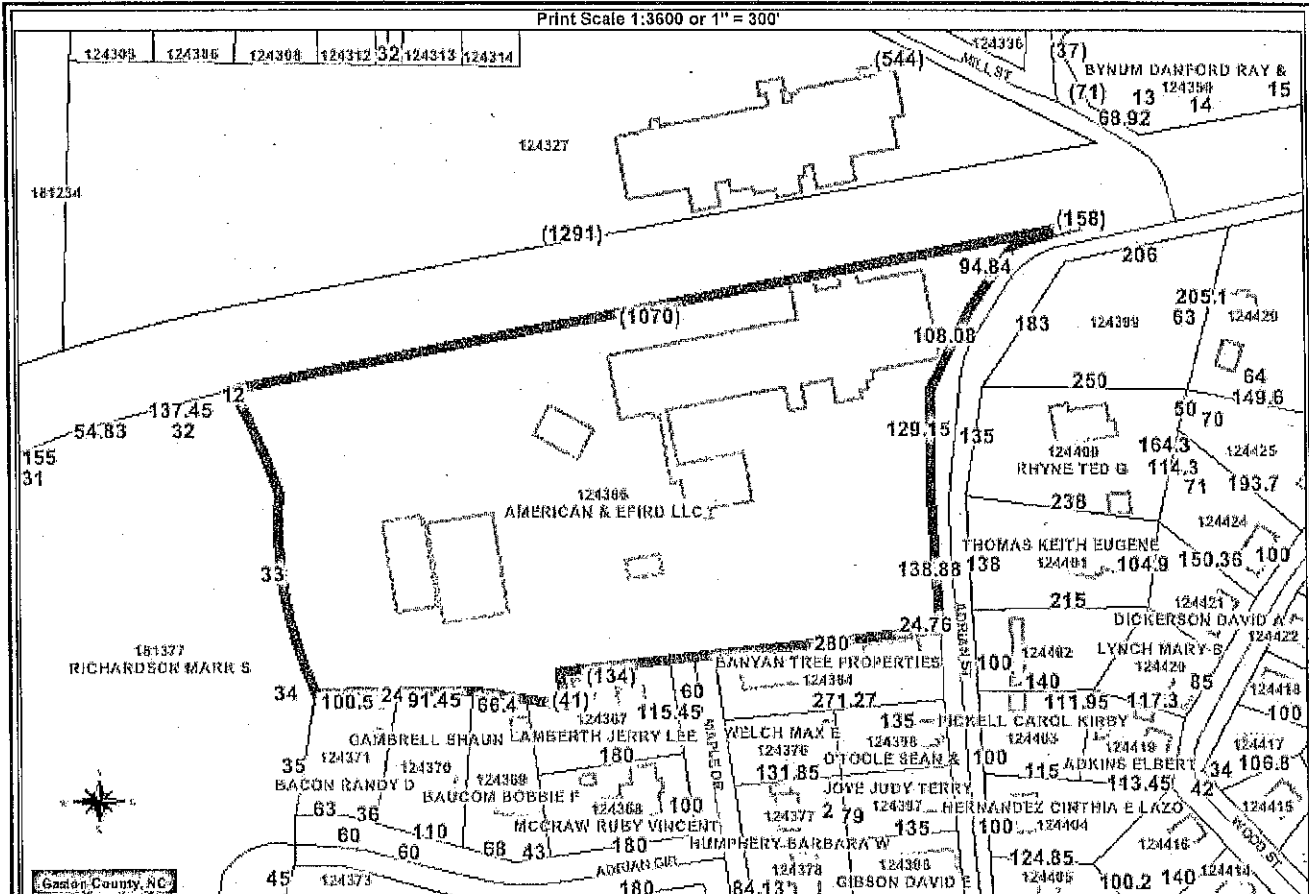
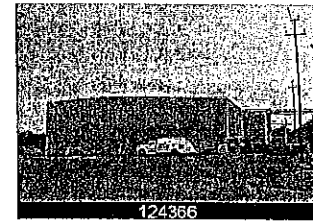


Gaston County, NC

Office of the Director of Revenue, GIS Division

Disclaimer: The Information provided is not to be considered as a Legal Document or Description. The Map and Parcel Data is believed to be accurate, but Gaston County does not guarantee its accuracy.
Values based on last general reappraisal - 2007

Print Date: 2/26/114



PARCEL INFORMATION

PID #: 124366
PIN #: 3596562391
NEIGH.HOOD #: MH006
NEIGH.HOOD NAME: WEST CATAWBA AVE

OWNER ID #: 1608957
CURRENT OWNER 1: AMERICAN & EFIRD LLC
CURRENT OWNER 2:
MAILING ADDRESS 1: 22 AMERICAN ST
MAILING ADDRESS 2:
CITY: MT HOLLY
STATE: NC
ZIP CODE: 28120-2150
JAN1 OWNER 1: AMERICAN & EFIRD LLC
JAN1 OWNER 2:

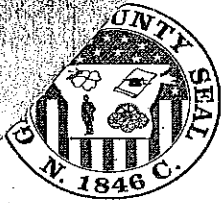
PROPERTY ADDRESS: 214 ADRIAN ST
DEED BOOK: 4584
DEED PAGE: 0013
DEED TYPE: SWD
SALES AMOUNT: 0
DEED RECORDING DATE: 11/07/2011
PLAT BOOK:
PLAT PAGE:
LEGAL DESC 1: ADRIAN PLANT
LEGAL DESC 2:

STRUCTURE CODE #: INDS2
STRUCTURE TYPE: INDUSTRIAL
YEAR BUILT: 1916
SQ FT: 77470

BASEMENT: NO
BEDROOMS: 0
BATHS: 0
MULTI-STRUCTURES: YES
ACREAGE: 8.09

TAX DISTRICT: MOUNT HOLLY CITY
TOWNSHIP CODE: 14
TOWNSHIP DESC: RIVER BEND TOWNSHIP
VOLUNTARY AG DIST: No

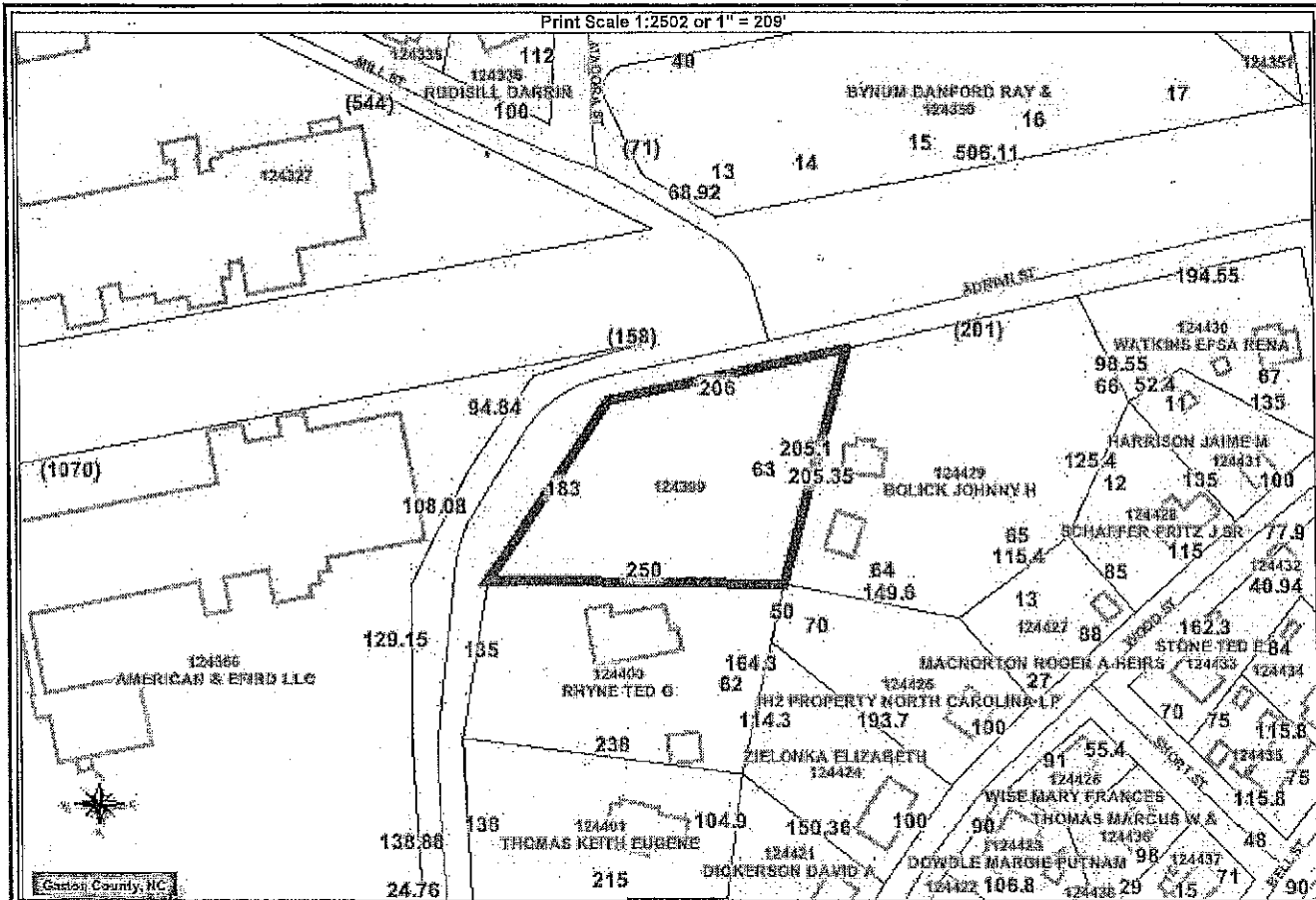
LAND VALUE: \$196,350
IMPV. VALUE: \$418,804
TOTAL VALUE: \$615,154
PRESENT USE VALUE ASSESSMENT: NO



Gaston County, NC
Office of the Director of Revenue, GIS Division
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 Values based on last general reappraisal - 2007
Print Date: 2/18/14



Photo Not Available



★
this one

PARCEL INFORMATION

PID #: 124399
 PIN #: 3596569501
 NEIGH.HOOD #: 3B049
 NEIGH.HOOD NAME: ADRIAN/MADORA VILLAGE

OWNER ID #: 1608957
 CURRENT OWNER 1: AMERICAN & EFIRD LLC
 CURRENT OWNER 2:
 MAILING ADDRESS 1: 22 AMERICAN ST
 MAILING ADDRESS 2:
 CITY: MT HOLLY
 STATE: NC
 ZIP CODE: 28120-2150
 JAN1 OWNER 1: AMERICAN & EFIRD LLC
 JAN1 OWNER 2:

PROPERTY ADDRESS: ADRIAN ST
 DEED BOOK: 4584
 DEED PAGE: 0013
 DEED TYPE: SWD
 SALES AMOUNT: 0
 DEED RECORDING DATE: 11/07/2011
 PLAT BOOK: 011
 PLAT PAGE: 153
 LEGAL DESC 1: ADRIAN PARK
 LEGAL DESC 2: L 63

STRUCTURE CODE #:
 STRUCTURE TYPE:
 YEAR BUILT: 0
 SQ FT: 0

BASEMENT: NO
 # BEDROOMS: 0
 # BATHS: 0
 MULTI-STRUCTURES: NO
 ACREAGE: 0.87

TAX DISTRICT: MOUNT HOLLY CITY
 TOWNSHIP CODE: 14
 TOWNSHIP DESC: RIVER BEND TOWNSHIP
 VOLUNTARY AG DIST: No

LAND VALUE: \$18,000
 IMPV. VALUE: \$0
 TOTAL VALUE: \$18,000
 PRESENT USE VALUE ASSESSMENT: NO