April 12, 2021
Council Meeting

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

Due to COVID-19 restrictions on public gatherings, the City strongly encourages people to watch this meeting on the live stream: www.mtholly.us

CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL MEETING AGENDA

April 12, 2021
7:00 P.M.

CALL TO ORDER BY THE MAYOR

INVOCATION

PLEDGE OF ALLEGIANCE

SET THE AGENDA

CONSENT AGENDA

1. Adoption of Resolutions Regarding Cell Tower Leases for the Highway 27 Water Tank
2. Approval of Minutes of the March 22, 2021 Council Work Session Meeting

PRESENTATIONS

1. Swearing in of Fire Fighters Zech Wiggs, Blake Buchanan, Daniel Love, Noah Boyd and Brandon Potts *Mayor Bryan Hough*
2. Swearing in of Officers Brianna Robinson, John Delaney and Bryan Kale *Mayor Bryan Hough*
3. Presentation of Proclamation for Telecommunicator's Week *Mayor Bryan Hough*
4. Presentation of Advanced Certificates to Detective Lee Faris, Corporal Daniel Ledford and Officer Dawn Todd *Chief Don Roper*

PUBLIC HEARING

1. Public hearing for a text amendment to Article 7, Note 25 Coexisting, Mobile and Temporary Uses to allow detached kitchen containers in the B-1 district *Brian DuPont*
2. Public hearing for a text amendment to Section 5.3 Site Elements for Accessory Buildings of the Manual for Development in Downtown *Brian DuPont*

PUBLIC COMMENT – Three (3) Minute Limit

OLD BUSINESS

NEW BUSINESS

1. Consideration and Approval of Arts on the Greenway Building and Site Improvement Grant Application Process *Dorothy Scher*
2. Discussion of 703 Tuckaseege Road for Legal Action *Brandon Livingston*
3. Discussion of 2021 Downtown Events *Councilwoman Phyllis Harris*

CLOSED SESSION

ADJOURN

CONSENT AGENDA

MEMO

TO: Mayor and City Council

From: Kemp Michael

Date: 4/8/21

RE: Water Tank on Highway 27 near Stanley

This updates my memo dated December 11, 2020.

The Consent Agenda lists adoption of cell tower leases. As you know, we now have a new corral on this tank which will accommodate 36 cell phone antennas. We currently have 3 companies with cell towers on our tank. The status of the leases for these companies are:

1. AT&T (previously BellSouth Mobility) has an original lease dated October 9, 1997, which has been amended 3 times, and is now undergoing a fourth amendment. The fourth amendment includes moving their antennas onto the corral, and paying for half of the corral installation which they have done. They have 6 antennas on our tank, which is the maximum allowed in their lease. The current rental is approximately $30,000 per year, with 13 years remaining and a 15% increase each 5 years.
2. T-Mobile has an original lease from 2016 at $30,000 per year with 3% increase each year, with 20 years to go. T-Mobile is increasing their number of antennas from 3 to 9 and after several months of negotiations has agreed to pay an additional $800 per month rental. T-Mobile has paid for half of the corral installation which was about $30,000. T-Mobile has acquired Sprint.
3. Nextel-Sprint which has now merged with T-Mobile. Their lease was for 15 years at an original rental of $20,000 per year with a 15% increase each 5 years, but it expired 12/24/2020. Any negotiations for an extension of this lease was delayed due to the merger. They have 3 antennas on our tank. I expect to negotiate a new lease, which will be the same or similar to their prior lease for a term not to exceed 25 years. At this time I do not know if they will have a separate lease or be a part of T-Mobile's lease.

The City has 5 of its own antennas on the tank.

In order to move forward with the leases with AT&T, T-Mobile, and Nextel-Sprint it would be appropriate for the Council to adopt the 3 proposed resolutions attached herewith.

The following three resolutions are adopted as part of the Consent Agenda, Item #1:

Resolution # 041221_____

"The City Council hereby reaffirms the terms and conditions of the Lease now in effect with AT&T and authorizes the City Manager to sign the Fourth Amendment to said Lease pertaining to relocation of their antennas to the corral and payment for half of the corral installation, in a form acceptable to the City Attorney."

Resolution # 041221_____

"The City Council hereby reaffirms the terms and conditions of the Lease now in effect with T-Mobile and authorizes the City Manager to sign the First Amendment to said Lease pertaining to relocation of their antennas to the corral and payment for half of the corral installation, with an increase in the number of antennas from 3 to 9 and an increase of $800 monthly to the rental amount, in a form acceptable to the City Attorney."

Resolution # 041221_____

"The City Council authorizes the City Manager to execute a lease with Nextel-Sprint, for a term not to exceed 25 years, and upon the same or similar terms and conditions as the prior lease, in a form acceptable to the City Attorney."

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

City of Mount Holly
Mount Holly City Council Work Session Meeting
Monday, March 22, 2021
Council Chambers
6:30 pm

Call to Order

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

Mayor Bryan Hough	Miles Braswell, City Manager
Mayor Pro Tem Lauren Shoemaker	Don Roper, Police Chief
Councilwoman Phyllis Harris	Brian Reagan, Deputy Police Chief
Councilman Charles McCorkle-absent	Ryan Baker, Fire Chief
Councilman Jeff Meadows	Mark Jusko, Recreation Supervisor
Councilman David Moore	Tony Walker, Street and Solid Waste Director
Councilwoman Christina Pawlish	David Johnson, City Engineer/ Director of Utilities
	Greg Beal, Planning Director
Marie Anders, City Attorney	Michelle Wood, Finance Director

Invocation

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

SET THE AGENDA

With no changes to the agenda, Councilwoman Pawlish made a motion to approve the agenda as presented. Mayor Pro Tem Shoemaker seconded the motion. All Council Members voted in favor. (Motion carried)

CONSENT AGENDA

1. Approval of Budget Amendment to Appropriate Funds for the Design of the MHPD Memorial Plaza
2. Approval of an In Rem Demolition Ordinance for a dilapidated structure at 329 North Lee Street
3. Approval of the March 8, 2021 Council Meeting Minutes

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

PUBLIC HEARING

1. Public Hearing on Disposition of Economic Development Property located at 725 Elm Street

   Ms. Anders advised that at the last meeting Council called for a public hearing on a resolution that the property located at 725 Elm Street be held for disposition of economic development property under NCGS 158-7.1. Mayor Pro Tem Shoemaker made a motion to open the public hearing. Councilman Meadows seconded the motion all Council Members voted in favor. With no one signed up to speak, Councilman Moore made a motion to close the public hearing. Councilman Meadows seconded the motion. All Council Members voted in favor.

   Councilman Meadows made a motion to approve the resolution on Disposition of Economic Development Property located at 725 Elm Street. (Resolution #032221A) Councilman Moore seconded the motion. All Council Members voted in favor. (Motion carried)

AGENDA

1. Presentation of the 2040 Gaston County Vision Plan

   David Williams, Donna Lockett and Gina Shell from Gaston County Planning Department to present the 2040 Gaston County Vision Plan. Mr. Williams advised that they are going around to the county municipalities to present and let them know they have a voice in the process. Ms. Shell is administering an online dashboard with the visioning effort. Ms. Lockett gave an update on the implementation process and reviewed the timeline.

2. Discussion of Parks and Recreation Bond Referendum

   Mr. Wilson advised that since the Council Retreat staff has been working with McAdams on update the cost of the proposed bond projects. He advised that there has been a 7-9% increase in the costs of the projects. Financing options were discussed and staff advised that they recommend moving forward with the GO Referendum process if it is Council's desire to progress forward with the Park and Recreation projects. Council agreed that a downtown park (Veterans Park Expansion) is a huge economic driver for our downtown and the City. Discussion ensued in regard to moving forward with acquiring property in all phases of Veterans Park and the process of pay as you go or financing the property then paying back after the Bond passes. Council's direction was to move forward with acquiring property in all phases of the project and with that being said Councilman Meadows made the motion to acquire the property in all phases of the Park Bond Referendum to include Veterans Park and Fites Creek and reimburse the funds back to the city once the bond passes. Councilwoman Pawlish seconded the motion. All Council Members present voted in favor. (Motion carried)

3. Discussion of Intersection Improvements with CaroMont.

   Mr. DuPont advised that staff received very positive feedback from Caromont in regard to the proposed intersection improvement. He advised that staff is looking for direction on proceeding forward with this project. It was the consensus of Council to wait until we get to the point of moving forward with the project before funding options are discussed.

4. Discussion of Parks and Recreation Maintenance Building

Mr. Jusko advised that before COVID staff brought an estimate of $156,000 for a maintenance building. Since then the project was put on hold but staff would like to include the building in the upcoming budget. Council's direction was to move forward with the budget goals in the upcoming budget but get estimates on a larger building. Mr. Meadows advised that the City could possibly benefit from separating the project out and getting estimates on a concrete pad then a separate estimate on a metal building.

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

Councilwoman Harris makes a motion to enter into closed session pursuant to N.C.G.S 143-318.11 (a) (3,5 and 6). Councilwoman Pawlish seconded the motion. All Council Members present voted in favor. (Motion Carried) Time was 7:38 pm. Councilwoman Harris made a motion to return to open session. Councilwoman Pawlish seconded the motion. All Council Members present voted in favor. (Motion Carried) Time was 8:15 pm.

6. Adjourn

With no additional items for discussion, Mayor Bryan Hough entertained a motion to adjourn. Councilwoman Pawlish made the motion to adjourn the March 22, 2021 Council Work Session Meeting. Councilman David Moore seconded the motion. All Council Members present voted in favor. (Motion Carried)

The meeting adjourned at 8:16 pm.

PRESENTATIONS

City of Mount Holly
Action Agenda Item

To: Mayor and City Council Ryan Baker, Fire Chief	**Date:** April 7, 2021 **Meeting Date:** April 12, 2021

Agenda Item to be considered:

Swearing in of Firefighters

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

Background/Purpose of Request:

Firefighters Blake Buchanan, Brandon Potts, Daniel Love, Zech Wiggs, and Noah Boyd will take their oath of office given by the Mayor. The firefighters will have their badge numbers assigned and pinned.

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: Oath of Office

Firefighter

I solemnly swear that I will support and defend the Constitution of the United States of America and the State of North Carolina against all enemies, both foreign and domestic, and I will faithfully and impartially discharge my duties as a firefighter of the City of Mount Holly under the appointment of the City of Mount Holly to the laws of the North Carolina to the best of my skills and abilities, so help me God.

City of Mount Holly
Action Agenda Item

To: City Council	**Date:** 04/05/21
From: Chief Don Roper	**Meeting Date:** 04/12/21

Agenda Item to be considered: *Officer Swearing In and Badge Pinning*

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

Background/Purpose of Request: *Swearing in and badge pinning of Police Officers Brenna Robinson, John Delaney and Bryan Kale.*

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	X NO	☒ N/A

Manager/Staff Recommendation:_

Result of City Council Decision:

Attachments:

1. Oath

NC General Statutes - Chapter 11 6
Law Enforcement Officer

I, _____, do solemnly swear, that I will be alert and vigilant to enforce the criminal laws of this State; that I will not be influenced in any matter on account of personal bias or prejudice; that I will faithfully and impartially execute the duties of my office as a law enforcement officer according to the best of my skill, abilities, and judgment; so help me, God.

City of Mount Holly
Action Agenda Item

To: City Council	**Date:** 04/05/21
From: Chief Don Roper	**Meeting Date:** 04/12/21

Agenda Item to be considered: Recognition of National Telecommunicator Week.

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

Background/Purpose of Request: *Tammy Earney, Beth Howard, Juli Rush, Stephanie Howell, Anthony Guida and Tim Bevis will be recognized for their outstanding service within the Mount Holly 911 Center.*

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	X NO	☒ N/A

Manager/Staff Recommendation:_

Result of City Council Decision:

Attachments: Resolution

Mount Holly Police Department

400 East Central Avenue • Mount Holly, NC • 28120 • (704) 827-4343 • (704) 822-2932

Don Roper
Chief of Police

Proclamation

National Public Safety Telecommunicators Week

April 11-17, 2021

WHEREAS, emergencies can occur at anytime that require police, fire or emergency medical services; and,

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and,

WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Mount Holly Police Communications Center; and,

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,

WHEREAS, Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and,

WHEREAS, Public Safety Telecommunicators of the Mount Holly Police Department: Tammy Earney, Stephanie Howell, Beth Howard, Juli Rush, Anthony Guida, and Timothy Bevis have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and,

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

THEREFORE, Be It Resolved that the City Council of Mount Holly declares the week of April 11th through 17th, 2021 to be National Public Safety Telecommunicators Week in Mount Holly, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Signed this ___ day of _____, 2018

_____

Bryan Hough, Mayor

City of Mount Holly
Action Agenda Item

To: City Council	**Date:** 04/05/21
From: Chief Don Roper	**Meeting Date:** 04/12/21

Agenda Item to be considered: Recognition of Corporal Ledford, Detective Farris and Officer Todd being awarded the Advanced Law Enforcement Certificate.

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

Background/Purpose of Request: *Corporal Ledford, Detective Farris and Officer Todd will be recognized for being awarded the Advanced Law Enforcement Certificate by the NC Criminal Justice Training and Standards Commission.*

Fiscal Impact:

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

Manager/Staff Recommendation:_

Result of City Council Decision:

Attachments: Framed Certificates

PUBLIC HEARINGS

City of Mount Holly
Action Agenda Item

To: City Council	**Date:** 4-6-21
From: Brian DuPont	**Meeting Date:** 4-12-21

Agenda Item to be considered: Public hearing for a text amendment to Article 7, Note 25 Coexisting, Mobile and Temporary Uses of the Zoning Ordinance to allow detached kitchen containers in the B-1 district.

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

Background/Purpose of Request : Staff received a text amendment application from the owner of 122 South Main Street, to allow an amendment to the Coexisting, Mobile, and Temporary Uses as a Special Use Permit. The amendment requested would regulate detached kitchen containers behind the principal building on properties in the B-1 zoning district. These structures would only be permitted under the requirements outlined in this text amendment and would also require review by the Zoning Board of Adjustment as a Special Use in the Zoning Ordinance under Note 25.

Staff does support this application because of the goals identified in the Strategic Vision Plan under Placemaking, Arts, and Healthy Community chapter. Goal 6.1.1 is a short term goal to create places for additional outdoor dining and Goal 6.1.4 for creative spaces initiative by allowing for creative opportunities where retail incubator spaces co-locate on the same property. This goal even acknowledges that containers are being used for such projects.

Noted Changes:

Section	Change	Staff Comment
A.1.e	Add clarification that uses in B-1 district do not have to provide off-street parking	Off Street Parking in the B-1 district is not required by ordinance and this is consistent with Article 8, Off Street Parking & Loading
B. Definitions	Kitchen Container, detached added along with proposed amendments by applicant	Staff supports these amendments based on SVP goals.
C. Prohibited Conduct, 6 & 8	Add clarification for detached kitchen containers.	Staff added this clarification.
C. Prohibited Conduct, 14	Removed by staff	Staff felt that since this ordinance was adopted in 2004, the time limit has not been an issue and does not see the need for this requirement as it would be unnecessary. Instead the last statement is added to outline that uses maybe operated in perpetuity.

Planning Commission unanimously recommended the text amendment to City Council

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

Manager/Staff Recommendation:

Request that City Council amend Note 25 of the Zoning Ordinance.

Result of City Council Decision:

Attachments:

1. **Application**
2. **Proposed Amendment to Note 25**
3. **Presentation from Applicant**
4. **Strategic Vision Plan goals**
5. **Statement of Consistency**

APPLICATION FOR TEXT AMENDMENT
CITY OF MOUNT HOLLY, NORTH CAROLINA

Date Filed: 2-4-2021 Application Number: 2-4-2021A

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: ARTICLE 7, NOTE 25
COEXISTING, MOBLE + TEMPORARY USES TO ALLOW SHIPPING CONTAINERS TO BE USED AS ACCESSORY STRUCTURES IN B-1 DISTRICT.

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

3. Name: JONATHAN TODD
Address: 122 SOUTH MAIN ST, MT. HOLLY, NC 28120

704-747-7794
Phone Number

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.

2. Definition of text amendment are as follows.

We would like to allow a container to be placed on the property of The Summit and be allowed for the specific use of a commercial kitchen "Restaurant".

Use- This kitchen container will be used to specifically produce food for the guest of The Summit establishment and will also provide online ordering and pick up to the public.

Licensing- The kitchen will be registered as a new business restaurant and be required to meet all Health Food Service requirements set forth by Gaston County Health Food Services Department.

Location- The back portion of the outdoor patio space of The Summit. (27'x14')

Structure Accommodations

- Kitchen container will have utilities permitted through Gaston County and go thru the permitting process.
- We intend on producing a Site plan to identify the location of the kitchen container for approval by local and county zoning.
- Kitchen container will have a roofing system installed to provide protection from the elements and meet all local building code requirements. Roofing system will be constructed of sustainable roofing materials including but not limited to treated lumber framing or steel with a metal, shingle or rubber membrane sheeting.
- Kitchen Container will have 2 coats of a commercial sealer applied to the outside of the container to protect it from the elements. Once sealed a finish decorative coat will be applied to be consistent with the vision of the companies branding.
- Kitchen Container will be equipped with air conditioning and a full commercial kitchen vent hood that is sized per code with fire suppression.

Note 25 Coexisting, Mobile and Temporary Uses
(Adopted on 5-10-04)

A. Intent. To provide greater flexibility in the review and regulation of coexisting uses that seek to operate in the Zoning Jurisdiction of the City of Mount Holly. Each person seeking a Special Use Permit to operate a Coexisting Use, defined as a mobile or temporary business operation that exists together, in the same place, on the same commercially zoned property, as an existing business operation, shall be subject to the rules and procedures outlined in Section 12.6, *Special Use Permits,* of the Zoning Ordinance.

Requirements. Each person wishing to seek a Special Use Permit for a Coexisting Use shall be subject to the following requirements:

1. The applicant shall provide the City of Mount Holly Planning & Zoning Department with the following information:

   a. The shape and dimensions of the lot on which the proposed Coexisting Use, whether it shall be mobile or temporary, is to be erected or conducted;

   b. The location of the said lot with respect to adjacent rights-of-way;

   c. The shape, dimensions, and location of all buildings, existing and proposed, on the said lot;

   d. The nature of the proposed use of the building or land, including the extent and location of the use, on the said lot; this shall include the nature of the merchandise or food that is to be sold.

   e. The location and dimensions of off-street parking and the means of ingress and egress to such space; Each coexisting use is to have five (5) parking spaces dedicated solely to its own customers. It is important to note that the coexisting use may not take away from any required parking of the existing business operation. Coexisting uses in the B-1 district do not have to provide off-street parking; and

   f. The height, dimensions and location of all signage, existing and proposed, on said lot.

g. Any other information which the Zoning Enforcement Officer may deem necessary for consideration in enforcing the provisions of this Ordinance.

It is important to note that the applicant must provide the required information to the City of Mount Holly Planning & Zoning Department no later than twenty days before the next scheduled Board of Adjustment meeting.

2. The applicant is required to appear before the Board of Adjustment for approval or denial of a Special Use Permit for the Coexisting Use, with the owner of the property, on which the proposed coexisting use is to be located. If the property owner is for some reason unable to attend the Board of Adjustment meeting, he may submit a written letter, stating his consent for the Coexisting Use, to the applicant, which shall be made available to the Board.

B. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant: One who applies for a Special Use Permit for a Coexisting Use.

Coexisting Use: A mobile or temporary business operation that exists together, in the same place, on the same commercially zoned property, as an existing business operation.

Food: Solid food and nonalcoholic beverages and only includes foods sold by the piece or by an individual serving. Any such "food" must strictly comply with any regulations as interpreted and administered by the county department of environmental health or any other food code enforcement agency.

Kitchen Container, Detached: Use of a detached container may be located in the B-1 zoning district to be used as a commercial kitchen to specifically to produce food for the patrons of the principal business on the same property. The commercial kitchen must be registered as a restaurant and a separate business from the principal building use.

A. The structure may utilize other pre-fab structures that comply with State Building Code and Gaston County Health Department as a semi-permanent commercial structure.

B. Section 3.11 Accessory Buildings and Structures must be complied with in locating the kitchen container.

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C. Exterior materials for the accessory structure may be metal, but must be painted with at least 2 coats of commercial sealer to protect the exterior. Once sealed a finished decorative coat must be applied.

D. The use must utilize an outdoor patio area that is adjacent to and for shared use between the two businesses located on the same property. The minimum size of a kitchen container must be 160 square feet and the minimum size of a shared outdoor patio area must be at least 200 square feet.

E. Must connect to public utilities permitted through the City and County to avoid generators or other intrusive elements for the operation of the kitchen.

F. Must have a roofing system installed to provide protection from weather that meets all building code requirements. Roofing system shall be constructed of treated lumber or steel framing with metal, shingle, or rubber membrane sheeting. If metal, then must follow Part C above.

G. Must be equipped with air conditioning and full commercial kitchen vent hood that is adequately sized for Fire suppression.

H. At no time can the structure be used for general storage that prevents the operation of the commercial kitchen.

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Merchandise: Items or entertainment as authorized by the Board of Adjustment.

Mobile Use: Any vehicle, trailer, pushcart, or pedal-powered cart, which can by moved with the assistance of a motor or by pushing or pedaling.

Person: Any individual, firm, partnership, association, or corporation. Whenever the word "person" is used in any section in this article prescribing a penalty or fine as applied to a partnership or association, the word shall include the partners or members thereof; such word as applied to corporations shall include the officers, agents, or employees thereof who are responsible for any violation of such section.

Temporary Use: A non-permanent building, tent or stand that can be erected and taken down with relative ease. The Board of Adjustment may require that any such Temporary Use be constructed with consideration given to size, quality and design.

Vendor: A person receiving a Special Use Permit for a Coexisting Use as prescribed under this article.

C. Prohibited Conduct. The following shall constitute unlawful conduct under this article. It shall be unlawful to:

1. Violate any federal, state, county or city law or regulation that pertains to food, beverages, or the selling thereof or that pertains to the operation of the vendor's business in the City of Mount Holly's Zoning Jurisdiction.

2. Fail to permit any lawfully requested inspection by health officials or fail to comply with any lawful request of a police officer or any other City enforcement official.

3. Fail to carry and display at all times the permit issued under this article.

4. Have a Coexisting Use that is not in compliance with the review regulations or any additional special restrictions or conditions stated in the Special Use Permit.

5. Vend in any area other than that space designated by the permit.

6. Leave any stand overnight on any street or sidewalk, park other than in a lawful parking place or in violation of any section of this Code or other city ordinance pertaining to parking, or fail to remove any stand during unmanned hours, if required by the permit. Does not apply to detached kitchen containers in the B-1 district.

7. Leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by the vendor.

8. Sell food or beverages for immediate consumption, unless the vendor has available for public use, the vendor's litter receptacle or a public litter receptacle that is no more than ten feet distant from the person's stand. Does not apply to detached kitchen containers in the B-1 district.

9. Allow any item relating to the operation of the vending business to be placed anywhere other than in, on or under the mobile or temporary use.

10. Offer to sell any goods other than those permitted by the permit.

11. Sound or permit the sounding of any device which produces a loud and raucous noise or engage in any hawking or harassment for the

purpose of attracting the attention of the public to the stand for commercial purposes.

12. Have any advertising, except the posting of prices, the name of the product, and the name of the vendor, if desired.

13. Fail to actually operate the Coexisting Use, for whatever reason, during a period of thirty (30) consecutive days. Such failure shall constitute an abandonment of the site and shall result in revocation of the permit.

14. ~~Operate the Coexisting Use for more than a period of one hundred eighty (180) days. Note that the vendor may apply for an additional one hundred eighty (180) day permit, for the same Coexisting Use, with the Planning Director. Each Special Use Permit for a Coexisting Use shall be for a period of one hundred eighty (180) consecutive days during the calendar year, which shall run from January 1, until December 31.~~

Any permitted vendor or person, who fails to operate his Coexisting Use under the provisions of this Ordinance, shall be subject to action prescribed under Section 15.5 of the Zoning Ordinance.

<u>If a Special Use Permit is approved, then it may be operated in perpetuity if the guidelines of this ordinance, other City Codes, and applicable agency regulations are not violated.</u>

Visuals and Concepts
Presentation

Summit Kitchen Container 2021

Containers and what they can be used for

Artistic Restaurant Creations

Coca-Cola
J.R's
BURGER
Grill
BURGERS
SANDWICHES

THE CORNERS PIZZA
THE CORNERS
GET IT
ORDER
@CORNERSPIZZA

edison's swigamajig
divebar and fishkitchen
order here
order here

FOUNDATION
COFFEE CO
ESPRESSO 3
CORTADO 3.75
CAPPUCCINO 4
LATTE 4.50
CHAI LATTE 4.50
DRIP 2.50 / 3
COLD BREW 4 / 5
NITRO BREW 5
HOT CHOCOLATE 3.75/4
ALT MILK 75
FLAVORS .75

YANKEE
LOBSTER CO.

YANKEE LOBSTER
YANKEE LOBSTER

Corporate Restaurants

Chick-fil-A
DRIVE THRU ONLY

Chick-fil-A

Chick-fil

Chick-fil-A
DRIVE THRU ONLY

Kitchen Line Photos

The Safety Zone
E·T·N
21215
21215
Metallion
INTERFOLDED
FOIL SHEETS

GORHAM

The Safety Zone
E·T·N

21215

Thank You!!

6.1 Placemaking and the Arts

Short Term Recommendations

6.1.1 Create Places for Additional Outdoor Dining

Lead: City of Mount Holly, Private Sector

Continue to identify opportunities throughout downtown and expanded downtown districts for outdoor dining that may include a policy for pop up cafes for temporary conversion of 1-2 on street parking spaces as seasonal outdoor dining space. Often, these places are portable platforms to make the space level with the sidewalk, include a barrier system such as planter pots, temporary bollards, and movable wall panels to shield diners, and movable or umbrella tables for diners. Some opportunities identified in the plan include but should not be limited to:

- Outdoor dining at sidewalk alcove in front of Holland Building along East Charlotte Avenue frontage
- Outdoor dining behind Holland Building
- Exploring the feasibility of Old Kimbrell's Furniture building as a restaurant site with outdoor deck dining
- Creating a space for outdoor dining at the Park and Splash Pad that is also close to the Farmers Market
- Implement outdoor dining in plaza space adjacent to Jack Beagle's Restaurant
- Design and implement outdoor dining along expanded sidewalk along frontage of West Charlotte Avenue at North Main Street; Remove two parking spaces and extend curb

Existing (left) and Potential (center and right) for expanding sidewalk and outdoor dining on West Charlotte Avenue

6.1.4 Mount Holly Creative Spaces Initiative

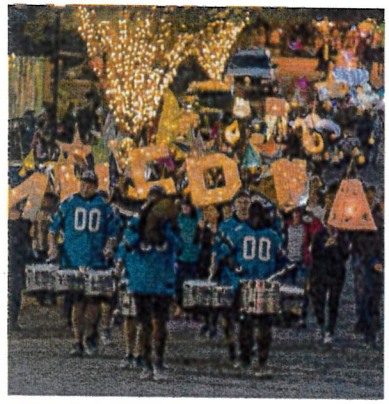
Lead: Mount Holly Economic Development Committee

Creative spaces such as co-working spaces, incubators, makerspace, and hybrid concepts are thriving in the United States. These spaces have witnessed dramatic growth in the last five years and are expected to continue robust growth as businesses and entrepreneurs rethink the traditional work environment. The metro market has existing co-working spaces in communities and neighborhoods throughout the region. The combination of high skilled white collar residents, independent operators who desire flexible space, young professionals emerging from the region's higher education system, and "trailing spouses" who may want unique spaces to work indicates potential for such a product in Mount Holly.

Description: Co-working spaces have moved from what some might consider a fad into a full-blown national trend with over 80% growth in spaces over the last two years. Mount Holly has the opportunity to capitalize on this growth while fostering an environment of creativity in the community. Before delving into the specific recommendations, it is important to begin to define how each of these spaces work, as semantics can sometimes get in the way of truly understanding the purpose of these new models. It is also important to know that, although their definitions are provided below, the fluidity within which they can function in a space is as creative as the very ideas themselves:

Co-working Spaces provide spaces for individuals or small companies to work in a shared environment. Companies can interact with one another in informal ways, form collaborations, or simply share in the creative atmosphere of the space. Co-working spaces may host events and activities but rarely provide formal business coaching.

Examples include Advent, Packard Place, and Hygge in Charlotte; Mojo in Asheville; Flywheel in Davidson; and Deskmag.com (the clearing house for all things co-working).



Retail Incubator Spaces are places where retailers co-locate as well. Many incubators have the desire to "graduate" businesses from the space. The idea of a retail incubator in downtown Mount Holly could be a way to foster independent business development and entrepreneurship. Typically these type of retail spaces happen in two ways. The first is small format retail stores gathered into a single building or grouping of buildings (some communities are even using shipping containers for such projects). The second is the "emporium" model where independent retailers operate within a larger format space with a single point of sale. Both options should be considered in Mount Holly. Examples include:

- Anchor Square – Pascagoula, MS
- The Maze – Americus, GA
- Container Park – Las Vegas, NV
- Explore Popshopolis.com for more information on such places.

Makerspaces are physical locations where people gather to share resources and knowledge. Unlike the spaces described above, makerspaces focus on projects and fabrication. Consequently, makerspaces provide tools and facilities for the makers. While experts or university-affiliated advisors may be available, makers frequently get help from other users. These spaces began to be associated with fields such as engineering, fabrication, computer science, and graphic design. Many makerspaces have higher education partnerships that desire to create an informal combination of lab, shop, and conference room. Frequently, 3-D printers, manual tools, and classroom spaces are associated with makerspace. The Woodlawn Mill offers an ideal location for a makers space in the community.

MOUNT HOLLY

Connecting Community & Nature

Statement of Consistency

In considering the request associated with petition 2-4-2021A, an amendment of the Zoning Ordinance for Article 7, Note 25 Coexisting, Mobile and Temporary Uses to allow detached kitchen containers in the B-1 district, the Mount Holly Planning Commission finds the petition to be a reasonable request and in the public interest. It further finds it to be consistent with the Land Use Plan and Strategic Vision Plan because:

- It promotes the adopted Future Land Use Map that identifies the area for Downtown, which is retail uses.
- It promotes Goal 6.1.1 of the Strategic Vision Plan to create places for additional outdoor dining.
- It promotes Goal 6.1.4 for creative spaces initiative by allowing for creating opportunities where retail incubator spaces co-locate on the same property.

This finding(s) is supported by a unanimous - _____ vote by the Mount Holly Planning Commission during its April 5, 2021.

Amy R. Bishop
Chair, Planning Commission

04-05-2021
Date