



March 14, 2022 Council Meeting

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

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



**March 14, 2022
7:00 P.M.**

CALL TO ORDER BY THE MAYOR

INVOCATION

Peggy Thorns Outreach Ministry

PLEDGE OF ALLEGIANCE

SET THE AGENDA

CONSENT AGENDA

1. Approval of River Park Phase 6 Bond Reduction Request
2. Approval River Park Phase 7 Bond Reduction Request
3. Municipal Concurrence for Speed Limit revision on a portion of NC 273 (Beatty Dr./S. Main St.) maintained by NCDOT
4. Approval of conflict of interest waiver with Parker Poe Adams and Bernstein LLP
5. Approval of Assignment and Assumption Agreement with Penler to take over Emberglow's rights and responsibilities towards Caldwell Drive Extension.
6. Call for a public hearing to consider a rezoning of Tax Parcel #181234 to create a R-12SF zoning for the existing cemetery and a L-I Light Industrial zoning for the remaining portion of the property
7. Call for a Public Hearing for Annexation and Approval of a Resolution Directing the Clerk to Investigate the Petition for Annexation for the property located at Tax Parcel #181234 (Legion Road) and Certify the Sufficiency of the Petition
8. Call for a public hearing for annexation and rezoning for the property on Legion Road
9. Call for a public hearing to consider rezoning a 3.85-acre tract of land, located at 250 N Main Street, Parcel ID #'s 123583, 123586 & 123587, from O&I to CD Commercial-Multifamily
10. Approval of Minutes of the February 14, 2022 Council Work Session Meeting
11. Approval of Minutes of the February 25, 2022 Council Retreat

PRESENTATIONS

1. Presentation of a Resolution Recognizing Charlie Sawyer for his 100th Birthday *Mayor Bryan Hough*
2. Police Department Swearing In of Officers Brenna Robinson, Joe Griffin and Kyle Siek and Promotional Swearing In of Sergeant Jonathan Moore and Sergeant Thomas Bell *Mayor Bryan Hough*
3. Presentation of SHARP Awards *Commissioner of Labor, Josh Dobson*
4. Presentation and Consideration of the Mount Holly River Hawk Greenway Brand/Logo *Destination by Design*
Chief Ryan Baker
5. Presentation of the Fire Department's Annual Report

PUBLIC HEARING

1. Public hearing to consider a modification to the development agreement for 725 Elm Street
Marie Anders

PUBLIC COMMENT – Three (3) Minute Limit

OLD BUSINESS

1. Consideration and Approval of a Budget Amendment for Enterprise Fund Project *David Johnson*

NEW BUSINESS

1. Consideration and Approval of Overhead Lighting on Highway 27 *Jeremy Moss*
2. Consideration and Approval of Public Art Projects as recommended by the Public Art Advisory Commission (PAAC) *Greg Beal*

CLOSED SESSION

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

ADJOURN

CONSENT AGENDA



City of Mount Holly Action Agenda Item

To: Mayor and City Council From: David E. Johnson, PE	Date: March 8, 2022 Meeting Date: March 14, 2022
Agenda Item to be considered: Reduction of the Performance Bond posted for River Park Phase 6 in accordance with the Subdivision and Land Development Guidelines. . 	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request : Phase 6 Performance Bond of \$1,430,497.20 was posted by HDP River Park, LLC. This phase of River Park has over 80% of the lots built upon and the developer has also completed the water, sewer, drainage and road facilities in accordance with the approved construction plans. HDP River Park, LLC is asking for a reduction to 30% of the total amount at this time in accordance with the Subdivision Ordinance. If approved, the Performance Bond amount required will be \$429,149.16 	
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: <u>Recommend reduction of the Performance Bond as requested by HDP River Park, LLC.</u>	
Result of City Council Decision: 	
Attachments: Developer request, Performance Bond, and Site Inspector's approval memo,	

Compose

Important

Sent

Drafts

Spam

Trash

Categories

Social

Updates

Forums

Promotions

_Outbox

Stanley Water

"15-'16 Unresolved

A & E

access thru A&E

Easements

Electrical Issue

pretreatment

PS & FM Project

Stormwater Permit an...

ADA

Aerials

Africa

Annexations

141 acre site

Fwd: River Park Phase 6 Bond Reduction Request

Inbox x



Derek Dixon
to me

See attached Memo

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

From: **Charles Worsham** <cworsham@smithdouglass.com>
Date: Tue, Mar 1, 2022 at 10:00 AM
Subject: River Park Phase 6 Bond Reduction Request
To: derek.dixon@ntholly.us <derek.dixon@ntholly.us>
Cc: Shance Ellis <sellis@smithdouglass.com>, Jennifer Gonzalez <jgonzalez@smithdouglass.com>

Derek,

Thank you again for meeting Shance and I on-site this morning. Please let this email serve as a formal request for a 70% bond reduction. The current bond amount is \$1,430,497.1 and we need approval. Please let me know if you need any additional information and next steps. I will send a separate email request relating to PH 7.

Regards,

Charles Worsham
Vice President Land Development
C: 330.671.3271
cworsham@smithdouglass.com
Mailing Address: PO Box 311, Midland, NC 28107
Physical Address: 4297 NC Highway 24/27 E, Suite B, Midland, NC 28107



PERFORMANCE BOND
Bond No. LICX1184588

KNOW ALL MEN BY THESE PRESENTS, that we, HDP River Park, LLC, a Delaware Limited Liability Company, as Principal, and Lexon Insurance Company, licensed to do business in the State of North Carolina, as Surety, are held and firmly bound unto City of Mount Holly (Obligee), in the penal sum of One Million Four Hundred Thirty Thousand Four Hundred Ninety Seven and 20/100 Dollars (\$1,430,497.20), lawful money of the United States of America, for the payment of which sum, well and truly to be made, the Principals and Surety do bind themselves, their heirs, executors, administrators, and successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the above bounden Principals has entered into a certain written Contract with the above named Obligee, effective the ____ day of _____, 2020 and terminating the ____ day of _____, 2022, for River Park Subdivision Phase 6, Lots 21-42, 57-73, 88-94, 116, 135-145, 148-159, 184-191, 200-207, and more fully described in said Contract, a copy of which is attached, which Agreement is made a part hereof and incorporated herein by reference, except that nothing said therein shall alter, enlarge, expand or otherwise modify the term of the bond as set out below.

NOW, THEREFORE, if Principals, their executors, administrators, successors and assigns shall promptly and faithfully perform the Contract, according to the terms, stipulations or conditions thereof, then this obligation shall become null and void, otherwise to remain in full force and effect. In the event that the Principals have failed to promptly and faithfully perform the Contract, the Surety shall, at its option, either perform the Contract in accordance with its terms and conditions or pay to the Obligee the amount of the bond penalty, or such amount that is necessary to cure such failure to perform. This bond is executed by the Surety and accepted by the Obligee subject to the following express condition:

Notwithstanding the provisions of the Contract, the term of this bond shall apply from 26th day of March, 2020, until 26th day of March, 2022, and will be extended by the Surety by Continuation Certificate annually, until such time as the work has been completed and accepted by the Obligee. However, neither nonrenewal by the Surety, nor the failure or inability of the Principals to file a replacement bond in the event of nonrenewal, shall itself constitute a loss to the obligee recoverable under this bond or any renewal or continuation thereof. The liability of the Surety under this bond and all continuation certificates issued in connection therewith shall not be cumulative and shall in no event exceed the amount as set forth in this bond or in any additions, riders, or endorsements properly issued by the Surety as supplements thereto.

Sealed with our seals and dated this 26th day of March, 2020.

HDP River Park, LLC
(PRINCIPAL)

Witness

Title

Diane Rubright
Witness

Lexon Insurance Company
(SURETY)

James I. Moore
James I. Moore, Attorney-in-Fact Title



MEMO

TO: David E. Johnson P.E.
FROM: Derek J Dixon
DATE: 3/2/22
RE: River Park Phase 6

David,

Smith Douglass has requested a reduction of their financial guarantee for Phase 6 of River Park. 100% of the lots in Phase 6 have been improved upon and home building is complete. Water, sewer, drainage, and roadway items have been constructed per plan and Mount Holly specifications. There is currently top course asphalt and some sidewalk to be constructed. I approve of a 70% reduction of the financial guarantee amount of \$1,430,497.20 to \$429,149.16.

Derek J Dixon

Site Inspector



City of Mount Holly Action Agenda Item

To: Mayor and City Council From: David E. Johnson, PE	Date: March 8, 2022 Meeting Date: March 14, 2022
Agenda Item to be considered: Reduction of the Performance Bond posted for River Park Phase 7 in accordance with the Subdivision and Land Development Guidelines. . 	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request : Phase 7 Performance Bond of \$320,831.04 was posted by HDP River Park, LLC. This phase of River Park has over 80% of the lots built upon and the developer has also completed the water, sewer, drainage and road facilities in accordance with the approved construction plans. HDP River Park, LLC is asking for a reduction to 30% of the total amount at this time in accordance with the Subdivision Ordinance. If approved, the Performance Bond amount required will be \$96,249.31 	
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 reduction of the Performance Bond as requested by HDP River Park, LLC.</u>	
Result of City Council Decision: 	
Attachments: Developer request, Performance Bond, and Site Inspector's approval memo,	

Compose

Important

Sent

Drafts

Spam

Trash

Categories

Social

Updates

Forums

Promotions

_Outbox

Stanley Water

'15-'16 Unresolved

A & E

access thru A&E

Easements

Electrical Issue

pretreatment

PS & FM Project

Stormwater Permit an...

ADA

Aerials

Africa

Annexations

141 acre site

Fwd: River Park Phase 7 Bond Reduction Request

Inbox x



Derek Dixon
to me

See attached Memo

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

From: Charles Worsham <cworsham@smithdouglas.com>

Date: Tue, Mar 1, 2022 at 10:11 AM

Subject: River Park Phase 7 Bond Reduction Request

To: derek.dixon@mitholly.us <derek.dixon@mitholly.us>

Cc: Shance Ellis <sellis@smithdouglas.com>, Jennifer Gonzalez <jgonzalez@smithdouglas.com>

Derek,

Please let this email serve as a formal request for a 70% bond reduction. The current bond amount is \$320,831.04 and would be reduced to \$96,249.31 upon approval. Please let me know and next steps.

Regards,

Charles Worsham

Vice President Land Development

C: 330.671.3271

cworsham@smithdouglas.com

Mailing Address: PO Box 311, Midland, NC 28107

Physical Address: 4297 NC Highway 24/27 E, Suite B, Midland, NC 28107



PERSONALIZE YOUR HOME

GET STARTED



PERFORMANCE BOND
Bond No. LICX1206320

KNOW ALL MEN BY THESE PRESENTS, that we, River Park 131, LLC, as Principal, and Lexon Insurance Company, licensed to do business in the State of North Carolina, as Surety, are held and firmly bound unto City of Mount Holly (Obligee), in the penal sum of Three Hundred Twenty Thousand Eight Hundred Thirty One and 04/100 Dollars (\$320,831.04), lawful money of the United States of America, for the payment of which sum, well and truly to be made, the Principals and Surety do bind themselves, their heirs, executors, administrators, and successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the above bounden Principals has entered into a certain written Contract with the above named Obligee, effective the 13th day of July, 2021 and terminating the 13th day of July, 2023, for River Park Subdivision Phase 7, consisting of Lots 74-87, 95-115, 117-134, 146-147, 160, 192-199, and more fully described in said Contract, a copy of which is attached, which Agreement is made a part hereof and incorporated herein by reference, except that nothing said therein shall alter, enlarge, expand or otherwise modify the term of the bond as set out below.

NOW, THEREFORE, if Principals, their executors, administrators, successors and assigns shall promptly and faithfully perform the Contract, according to the terms, stipulations or conditions thereof, then this obligation shall become null and void, otherwise to remain in full force and effect. In the event that the Principals have failed to promptly and faithfully perform the Contract, the Surety shall, at its option, either perform the Contract in accordance with its terms and conditions or pay to the Obligee the amount of the bond penalty, or such amount that is necessary to cure such failure to perform. This bond is executed by the Surety and accepted by the Obligee subject to the following express condition:

Notwithstanding the provisions of the Contract, the term of this bond shall apply from 13th day of July, 2021, until 13th day of July, 2023, and will be extended by the Surety by Continuation Certificate annually, until such time as the work has been completed and accepted by the Obligee. However, neither nonrenewal by the Surety, nor the failure or inability of the Principals to file a replacement bond in the event of nonrenewal, shall itself constitute a loss to the obligee recoverable under this bond or any renewal or continuation thereof. The liability of the Surety under this bond and all continuation certificates issued in connection therewith shall not be cumulative and shall in no event exceed the amount as set forth in this bond or in any additions, riders, or endorsements properly issued by the Surety as supplements thereto.

Sealed with our seals and dated this 13th day of July, 2021.

Cybereth Southworth
Witness

Sinem Nava
Witness Sinem Nava

River Park 131, LLC
(PRINCIPAL)

[Signature]
Title

Lexon Insurance Company
(SURETY)

[Signature]
James I. Moore, Attorney-in-Fact Title



MEMO

TO: David E. Johnson P.E.
FROM: Derek J Dixon
DATE: 3/2/22
RE: River Park Phase 7

David,

Smith Douglass has requested a reduction of their financial guarantee for Phase 7 of River Park. 100% of the lots in Phase 6 have been improved upon and home building is underway. Water, sewer, drainage, and roadway items have been constructed per plan and Mount Holly specifications. I approve of a 70% reduction of the financial guarantee amount of \$320,831.04 to \$96,249.31.

Derek J Dixon

Site Inspector



City of Mount Holly Action Agenda Item

To: City Council From: Brian DuPont	Date: 3-7-22 Meeting Date: 3-14-22
Agenda Item to be considered: Municipal Concurrence for Speed Limit Reduction on a portion of NC 273 (Beatty Dr./S. Main St.) maintained by NCDOT	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request : The City initiated the process to revise the speed limit from 35 MPH to 45 MPH along NC 273 from Tuckaseege Road to the northern side of Fites Creek. The State conducted a speed limit review and report attached that recommended the revision. NCDOT requires concurrence by Mount Holly to revise the speed limit. NCDOT cannot revise the speed limit without this concurrence since the road is in the City limits. If the concurrence is not approved, then the speed limit would remain at 35 MPH in this location. Staff does not object to this revision to the speed limit.	
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 approval of the concurrence	
Result of City Council Decision: _____	
Attachments: 1. Letter from NCDOT 2. Concurrence Declaration 3. Map 4. Engineering Traffic Investigation	



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

February 14, 2022

County: Gaston

Subject: Certification of Municipal Ordinance for speed limit concurrence on
NC 273 (Beatty Dr./ S. Main St.) inside the Corporate limits of Mount
Holly.

Mr. Miles Braswell
City of Mount Holly
PO Box 406
Mount Holly, NC 28120

Dear Mr. Braswell

I am attaching a certification of Municipal Declaration to enact a speed zone within the corporate limits of Mount Holly. There is a Certification of Municipal Declaration to enact speed zone within the corporate limits of Mount Holly on NC 273. This to establish a revised speed limit of 45 mph on NC 273.

Please have the City Council take action on this ordinance, complete with appropriate signature and seal, and return the document to this office for further handling. This certification is a legal document and if any changes or corrections need to be made, please notify this office.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Touger Yang".

Touger Yang
Assistant Division Traffic Engineer

TY

Attachments

**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1081481

Division: 12 **County:** GASTON

Municipality: MOUNT HOLLY

Type: Municipal Speed Zones

Road: NC 273

Car: 45 MPH

Truck: 45 MPH

Description: Between a point 0.100 mile south west of SR 2044 and a point 0.576 mile north east of SR 2093.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20_____.

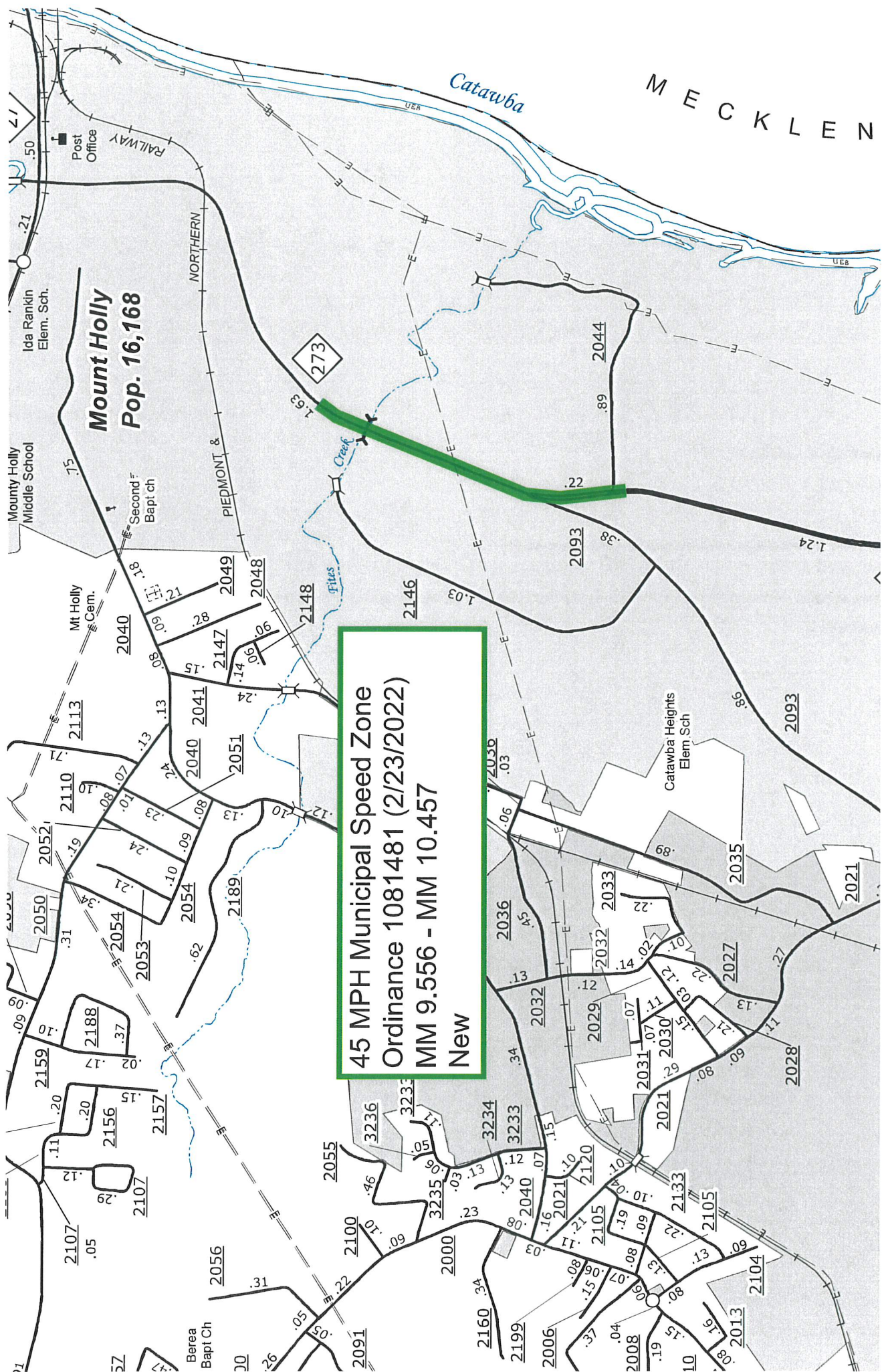
(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



NCDOT TEAAS Ordinance Report

Approval Status: D – division approval pending, R – region approval pending, S – state approval pending, A – approved
Repeal Status: D – division repeal pending, R – region repeal pending, S – state repeal pending, C – repealed.

Ordinance Type Municipal Speed Zones

County	GASTON	Division	12	Old Ordinance Number					
Municipality	MOUNT HOLLY	Ordinance Number	1081481	Effective Date					
Route	NC 273	Car Speed Limit	45	Truck Speed Limit	45	Approval Status	D	Repeal Status	D
Construction Project Number		Begin Milepost	9.566	End Milepost	10.457				
Intersecting Route / Begin Reference Feature	SR 2044	End Reference Feature	SR 2093						

Justification

Description Between a point 0.100 mile south west of SR 2044 and a point 0.576 mile north east of SR 2093.

Long Description

MEMORANDUM

TO: Mayor and City Council, City of Mount Holly

FROM: Marie M. Anders, City Attorney

RE: Request for waiver of conflict of interest from Parker Poe Adams & Bernstein LLP

DATE: March 10, 2022

Scott Leo, attorney with Parker Poe Adams & Bernstein LLP, who has previously served as bond counsel and other financing representation for the City of Mount Holly, contacted me regarding a request for the City Council to waive a potential conflict of interest. His partner, Michael Chen, regularly represents Elevate Textiles, which is the parent company for American & Efird. Mr. Chen has been asked by Elevate Textiles to represent them in negotiations with the City of Mount Holly regarding a schedule of compliance to bring Elevate Textiles (A&E) back into compliance with its wastewater discharge permit issued by the City.

Please see an email enclosed from Scott Leo explaining the nature of the potential conflict of interest with his firm representing Elevate Textiles in this matter. It is likely that the City of Mount Holly will wish to ask Mr. Leo to represent it with future financing needs, including during the decommissioning of the wastewater treatment plant. Miles Braswell and I have discussed this request and do not oppose the City of Mount Holly waiving this potential conflict of interest, and are asking the City Council to approve the waiver of conflict of interest.



Michael, Elting, & Anders, PLLC <office@mounthollylaw.com>

request re: Mount Holly

Leo, Scott E. <scottleo@parkerpoe.com>

Thu, Feb 24, 2022 at 9:26 AM

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

Marie, if you will just present the following for City Council approval, we think this will give us what we need. Thanks again, Scott

Parker Poe Adams & Bernstein LLP represents Elevate Textiles, and has been asked to assist Elevate Textiles in negotiations with the City of Mount Holly regarding a schedule of compliance to bring Elevate back into compliance with the wastewater discharge permit issued by the City ("New Matter"). Because Parker Poe regularly serves as bond counsel to the City of Mount Holly, I am writing to request the City of Mount Holly's consent to our representation of Elevate Textiles in the New Matter in light of our continuing representation of the City of Mount Holly in unrelated matters.

The Rules of Professional Conduct ("Rules"), which govern our conduct as lawyers in situations where two current clients are on opposite sides of a matter, require us to determine, among other things, whether the firm will be able to provide competent and diligent representation to each affected client in spite of the conflict. If so, the firm must obtain consent to proceed from each affected client after full disclosure of the conflict of interest. The Rules also require us to protect any information obtained during our representation of each client and keep it confidential.

Our representation of Elevate Textiles in the New Matter is not related to our work with the City of Mount Holly. As a result, we believe we can continue to protect all confidential information, exercise independent judgment and provide competent and diligent representation to Elevate Textiles and to the City of Mount Holly in their respective matters. In the unlikely event that a dispute arises out of the New Matter that could materially impact our representation of either party, we will reassess our ability to meet the obligations listed above and proceed accordingly. Therefore, we are asking that the City of Mount Holly waive any conflict of interest arising out of our continuing representation of both Elevate Textiles and the City of Mount Holly on their respective matters as described in this email.

We are requesting City Council approval of the consent to the waiver described above on behalf of the City of Mount Holly.

We appreciate your consideration and the opportunity to work with you.

Scott Leo
Partner



620 South Tryon Street | Suite 800 | Charlotte, NC 28202
Office: 704.335.9858 | Fax: 704.335.9738 | map

MEMORANDUM

TO: Mayor and City Council, City of Mount Holly

FROM: Marie M. Anders, City Attorney

RE: Caldwell Drive Extension assignment and assumption agreement

DATE: March 11, 2022

On May 1, 2017, the City of Mount Holly entered into an Agreement for Right of Way ("2017 Agreement") with Emberglow Mt. Holly, LLC ("Emberglow"), regarding the extension of Caldwell Drive, a copy of which is enclosed. Emberglow purchased property on the north side of Caldwell Drive with the intention of constructing an outdoor resort. The current pavement of Caldwell Drive ends before Emberglow's property, and so Caldwell Drive will need to be extended to reach this proposed development. However, the location of the right of way for Caldwell Drive "on paper" in the public record is right over a ravine. Therefore, constructing the extension to Caldwell Drive within the current right of way would be prohibitively expensive. The City of Mount Holly's water tank property is on the south side of Caldwell Drive, across from this proposed development.

The purpose of the 2017 Agreement was for Emberglow to agree to construct the extension to Caldwell Drive at their cost and dedicate the road to the City in exchange for the City granting additional right of way for Caldwell Drive further south across the City's water tank property in order to avoid the ravine. Emberglow also received easements for the new Caldwell Drive Extension from two other adjacent property owners and granted an easement across its property, which easements were all recorded. After the 2017 Agreement was signed, Emberglow decided to no longer pursue the development of the proposed outdoor resort and to instead market the property for sale. As a result, the City has not yet recorded its additional right of way for the extension of Caldwell Drive and Emberglow has not constructed this extension.

Emberglow is now under contract to sell its property to a developer known as Penler, which is taking title to the property under the name of a new entity, Mt. Holly Owner, LLC ("Penler"). Penler intends to develop a multi-family apartment complex and other amenities on this property. Penler has agreed to assume Emberglow's rights and obligations under the 2017 Agreement.

Enclosed is a proposed Assignment and Assumption of Agreement for Right of Way ("Assignment") for Penler to step into Emberglow's shoes and assume Emberglow's rights and obligations under the 2017 Agreement. If you approve this proposed Assignment, then Penler will be responsible for the construction of the extension to Caldwell Drive and Emberglow will be released from that obligation. In order for the City to record its additional right of way, Penler will have to post a performance bond in the amount of 120% of the costs of construction of the road extension and add the City as an additional insured on its liability policy. Penler will have to begin construction of the road within 180 days of City recording its additional right of way and complete construction within 1 year from commencement, unless they ask the City for an extension of time.

NORTH CAROLINA

GASTON COUNTY

ASSIGNMENT AND ASSUMPTION OF AGREEMENT
FOR RIGHT OF WAY

THIS AGREEMENT, made an entered into the _____ day of _____, 2022, by and among EMBERGLOW MT. HOLLY, LLC, a North Carolina limited liability company (hereinafter referred to as "Emberglow"), MT. HOLLY OWNER, L.L.C., a Delaware limited liability company (hereinafter referred to as "Owner"), and the CITY OF MOUNT HOLLY, a North Carolina municipal corporation (hereinafter referred to as the "City").

WITNESSETH:

WHEREAS, Emberglow is the owner of certain real property described as Gaston County tax PIDs 226178 and 226181 (the "Property") (having previously been the owner of PID 209096); and

WHEREAS, Emberglow entered into a certain "Agreement for Right of Way" dated May 1, 2017 and attached hereto as Exhibit A ("2017 Agreement"), with the City regarding the construction of an Access Road to serve the Property in connection with its development of the Property as an Outdoor Resort, an easement for additional right-of-way to be granted by City across City's property described as Gaston County tax PID 184762, and easements granted by other adjacent property owners necessary for the construction of the Access Road, all referred to collectively therein as "Caldwell Drive Extension"; and

WHEREAS, Owner is under contract to purchase Emberglow's property pursuant to a separate agreement and in connection therewith, desires to assume the rights, responsibilities, and obligations of Emberglow under the 2017 Agreement in order to complete the necessary Access Road to the Property; and

WHEREAS, Owner desires to develop the Property as a multi-family apartment complex; and

WHEREAS, capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the 2017 Agreement; and

WHEREAS, City is joining in this Agreement for the purpose of granting its consent to the assignment and assumption of the 2017 Agreement as outlined below.

NOW, THEREFORE, in consideration of the mutual covenants herein set forth and for other valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. City and Emberglow hereby acknowledge and agree that the 2017 Agreement, as set forth on Exhibit A hereto, sets forth the entire understanding between the parties as to the Access Road, and the 2017 Agreement has not been modified or amended except as set forth on Exhibit A hereto.

2. Contemporaneously with the closing of the purchase of the Property, Emberglow hereby assigns and transfers to Owner all of its rights, responsibilities, and obligations under the 2017 Agreement.
3. As of the closing of the purchase of the Property, Owner assumes all of the rights, responsibilities, and obligations of Emberglow under the 2017 Agreement as if Owner had originally entered into the 2017 Agreement. Notwithstanding the foregoing, City agrees that (i) Owner shall not be liable for any acts or omissions of Emberglow under the 2017 Agreement prior to the date hereof, including, without limitation, with respect to those certain obligations of Emberglow pursuant to Section 7 of the 2017 Agreement, and (ii) all references to "Outdoor Resort" in the 2017 Agreement are hereby deleted and in lieu thereof the term "Multi-Family Development" are submitted.
4. As of the closing of the purchase of the Property, City consents to the assignment and assumption of the 2017 Agreement between Emberglow and Owner as aforesaid and hereby releases Emberglow from all responsibilities and obligations under the 2017 Agreement.
5. City acknowledges that it has previously received the rights of way across the "Sanders Tract" (recorded in Book 4909, Page 725), "SBS Tract" (recorded in Book 4909, Page 719), and "Emberglow Tract" (recorded in Book 4909, Page 712), but City has not yet granted the easement across "City Tract" due to the anticipated sale of the Property by Emberglow.
6. City agrees that upon Owner posting a Performance Bond in an amount and in a form acceptable to City equal to one hundred twenty percent (120%) of the costs to construct the Caldwell Drive Extension to guarantee completion of the Caldwell Drive Extension in accordance with the 2017 Agreement and this Agreement, and further, upon Owner delivering to City the declaration page showing its liability insurance in the minimum amount of \$1 million per person, \$1 million per accident, and \$300,000 property damage insuring City as an additional insured, the City shall, within thirty (30) days, cause its easement across "City Tract" to be executed and recorded in the Register of Deeds of Gaston County, North Carolina.
7. The parties agree that except as amended herein, all other terms and conditions of the 2017 Agreement remain in full force and effect.

IN WITNESS WHEREOF, Emberglow and Owner have caused this instrument to be signed by its corporate officers as required by law, and the City has caused this instrument to be executed in accordance with the action of the City Council.

EMBERGLOW MT. HOLLY, LLC,
a North Carolina limited liability company

By: Emberglow Resorts, LLC, a North Carolina
limited liability company, its Manager

By: _____ (SEAL)
Frank W. Reed, III, Manager

STATE OF _____
COUNTY OF _____

I, _____, a Notary Public in and for _____ County
and said State, do hereby certify that _____ personally came before me
this day and acknowledged that he/she is Member/Manager of EMBERGLOW RESORTS, LLC,
which is the Manager of EMBERGLOW MT. HOLLY, LLC, a North Carolina limited liability
company, and that by authority duly given and as the act of the Company, the foregoing
instrument was signed in its name by him/her on behalf of the said Company.

Witness my hand and notarial seal, this _____ day of _____, 2022.

Notary Public

My commission expires: _____

_____, Notary Public
Type or Print Notary Name

My Commission Expires: _____

(Official Seal)

MT. HOLLY OWNER, L.L.C., a Delaware limited liability company

By: _____(SEAL)

Name: _____

Title: _____

STATE OF GEORGIA
COUNTY OF FULTON

I, _____, a Notary Public in and for _____ County and said State, do hereby certify that _____ personally came before me this day and acknowledged that he/she is Authorized Signatory of MT. HOLLY OWNER, L.L.C., a Delaware limited liability company, and that by authority duly given and as the act of the Company, the foregoing instrument was signed in its name by him/her on behalf of the said Company.

Witness my hand and notarial seal, this _____ day of _____, 2022.

Notary Public

My commission expires: _____

_____, Notary Public
Type or Print Notary Name

My Commission Expires: _____

(Official Seal)

THE CITY OF MOUNT HOLLY,
A North Carolina Municipal Corporation

By: _____ (SEAL)
Name: Bryan M. Hough
Title: Mayor

Attest:

Amy Miller, City Clerk

STATE OF NORTH CAROLINA

NOTARY ACKNOWLEDGMENT

COUNTY OF GASTON

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

Witness my hand and notarial seal, this _____ day of _____, 2022.

Notary Public

My commission expires: _____

(seal)

Exhibit A
2017 Agreement

May 1, 2017

NORTH CAROLINA

AGREEMENT FOR RIGHT OF WAY

GASTON COUNTY

THIS AGREEMENT, made and entered into this 1 day of May, 2017, by and between EMBERGLOW MT. HOLLY, LLC, a North Carolina limited liability company (hereinafter referred to as "Emberglow"), and the CITY OF MOUNT HOLLY, a North Carolina municipal corporation (hereinafter referred to as the "City");

WITNESSETH:

THAT, WHEREAS, Emberglow is the owner of (or has a contract to purchase) and desires to develop certain real property ("Emberglow Tract") described as Gaston County Parcel No. 209096, for an Outdoor Resort in accordance with certain plans and specifications ("Development Plans") prepared by Engineering Services, Inc., dated December 30, 2016 and approved by the Mount Holly Board of Adjustments including the special conditions listed thereon; and,

WHEREAS, Emberglow is required by this Agreement to construct an Access Road, at its own expense, to the Outdoor Resort in accordance with City's requirements within the new right of way shown on a survey by C. Clark Neilson, RLS, dated April 20, 2017 as shown Exhibit "A" attached; and,

WHEREAS, Emberglow desires to construct the Access Road to the Outdoor Resort in an easterly direction from the end of the existing pavement located in the vicinity of the northeast corner of Sanders' Tract (as described below) and continuing within the existing, new and/or relocated sixty (60) foot right of way as shown on Exhibit A to the approved entrance to the Outdoor Resort;" and,

WHEREAS, there exists a deep ravine in or near the Emberglow tract and along a portion of the said sixty (60) foot right of way across from the property of the City of Mount Holly which presents an obstacle to construct an entrance into the Outdoor Resort; and,

WHEREAS, Emberglow requests that City provide approximately forty feet (40') of additional public right of way across the front of property owned by the City ("the City Tract") described as Gaston County Parcel No. 184762 to be added to the existing 60 foot public right of way, all as shown on Exhibit A, thus avoiding the expense of filling in the ravine; and City has agreed to provide such additional right of way upon the terms and conditions as set forth herein; and,

WHEREAS, Emberglow requires additional right of way, which the City requires to be dedicated to City, across a portion of the property owned by Sanders Investments Of Gaston, L.L.C. ("the Sanders Tract") described as Gaston County Parcel No. 184761 to avoid the ravine as shown on Exhibit A; and,

WHEREAS, Emberglow further requires a new right of way crossing property owned by Southern Benedictine Society of North Carolina, Incorporated, and Emberglow ("the SBS Tract") described as Gaston County Parcel No. 217515, as shown on Exhibit A, and has agreed to grant the City a right of way easement for the portion of the new Right of Way located on the Emberglow Property.

May 1, 2017

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) each paid to the other and the mutual agreements contained herein, the receipt and sufficiency of which is hereby acknowledged, Emberglow and City hereby agree as follows:

1. Emberglow has acquired, at its own expense and in favor of City, sufficient rights of way across the Sanders Tract and the SBS Tract as shown on Exhibit A, such perpetual easements and right of ways being dedicated to the City of Mount Holly for road and utilities purposes, a copy of said executed Rights of Way are attached hereto and marked Exhibit B and Exhibit C. Emberglow will also grant in favor of the City of Mount Holly a perpetual easement and right of way for road and utilities purposes, a copy of said executed Right of Way is attached hereto and marked Exhibit D.
2. Upon receipt by City of the properly executed original Rights of Way, shown as Exhibit B and Exhibit C and Exhibit D, City shall grant an additional 40 feet of right of way as set forth above and record the right of way from the City and the other Rights of Way referred to above simultaneously, thereby creating Caldwell Drive Extension. Should the gate to the City's water tank need to be moved to accommodate the additional Right of way, then Emberglow shall bare the expense. City shall prohibit public access across Caldwell Drive Extension during construction of the road and development of the Outdoor Resort, during the time period set forth in Paragraph 7, below. Prior to completion of the Caldwell Drive Extension and acceptance by City, Emberglow will be responsible for keeping the area within Caldwell Drive Extension free from debris and in a safe condition and shall indemnify and hold harmless City from any claims for injuries, death or damage to personal property occurring within the proposed Caldwell Drive Extension right of way. Further, until completion and acceptance of the Caldwell Drive Extension, Emberglow shall maintain liability insurance in an amount of \$1 million per person, \$1 million per accident, and \$300,000 property damage insuring City against such claims showing City as an additional insured.
3. Upon completion of requirements in paragraph 2 above, City shall allow Emberglow to construct the Caldwell Drive Extension pursuant to City specifications as set forth on the approved plans, provided Emberglow provide to City a Performance Bond in an amount and in a form acceptable to City to guarantee completion of the Caldwell Drive Extension in accordance with this Agreement.
4. Upon completion of the Caldwell Drive Extension in accordance with City specifications, City shall accept the road as a City street.
5. Upon City's acceptance of Caldwell Drive Extension, Emberglow may petition the City, in accordance with NCGS 160A-299, to close a portion of the original 60 foot right of way, not needed for Caldwell Drive Extension so that only one public right of way route exists to the eastern terminus of Caldwell Drive Extension. Upon receipt of the petition, City shall conduct a hearing in accordance with the statute. If such petition shall be allowed by City Council, then City agrees that it will convey by Quit Claim deed the property

May 1, 2017

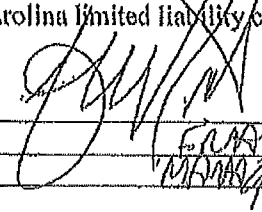
identified on Exhibit A, to Emberglow, for and in consideration of the rights of way acquired by the City from SBS and Sanders, as set forth above. The parties agree that the City will not close the portion of any existing right of way extending from the eastern terminus of Caldwell Drive Extension eastward to the Catawba River. City will retain sufficient easements for any utilities within the portion of the right of way to be closed. (The Survey must show the existing right of way to be closed and the portion after street closure that City will give to Emberglow.)

6. Except as set forth in paragraph 5, City will retain as a public right-of-way all other existing rights-of-way that it may have from Highway 273 to the Catawba River.

7. Emberglow shall begin substantial construction of the Caldwell Drive Extension within 180 days from the date of recording of the City's grant or dedication of the additional 40 feet of right of way across the City Tract as contemplated in Paragraph 2, and complete construction of the same in accordance with this agreement within 1 year of commencement. However, if Emberglow is making substantial progress it may request an extension of the completion date from City, which extension City will not unreasonably withhold.

IN WITNESS WHEREOF, the parties hereto have caused the execution of this agreement by authority duly given, the day and year first above written.

EMBERGLOW MT. HOLLY, LLC,
a North Carolina limited liability company

By:  (SEAL)
Name: Emberglow
Title: Managing Member

THE CITY OF MOUNT HOLLY,
A North Carolina Municipal Corporation

By: _____ (SEAL)
Name: Bryan M. Hough
Title: Mayor

Attest:

Amy Miller, City Clerk

April 28, 2017 (b)

identified on Exhibit A, as described in this paragraph 5 to Emberglow, for and in consideration of the rights of way acquired by the City from SBS and Sanders, as set forth above. The parties agree that the City will not close the portion of any existing right of way extending from the eastern terminus of Caldwell Drive Extension eastward to the Catawba River. City will retain sufficient easements for any utilities within the portion of the right of way to be closed. (****SURVEY must show the existing right of way to be closed and the portion after street closure that City will QC to Emberglow.****)

6. Except as set forth in paragraph 5, City will retain as a public right-of-way all other existing rights-of-way that it may have from Highway 273 to the Catawba River,

7. Emberglow shall begin substantial construction of the Caldwell Drive Extension within 180 days from the date of recording of the City's grant or dedication of the additional 40 feet of right of way across the City Tract as contemplated in Paragraph 2, and complete construction of the same in accordance with this agreement within 1 year of commencement. However, if Emberglow is making substantial progress it may request an extension of the completion date from City, which extension City will not unreasonably withhold.

IN WITNESS WHEREOF, the parties hereto have caused the execution of this agreement by authority duly given, the day and year first above written.

EMBERGLOW MT. HOLLY, LLC,
a North Carolina limited liability company

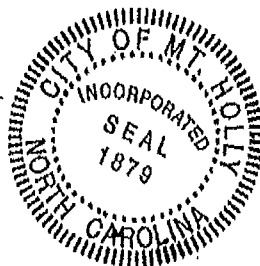
By: _____ (SEAL)
Name: _____
Title: _____

THE CITY OF MOUNT HOLLY,
A North Carolina Municipal Corporation

By: Bryan M. Hough (SEAL)
Name: Bryan M. Hough
Title: Mayor

Attest:

Amy Miller
Amy Miller, City Clerk



May 1, 2017

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

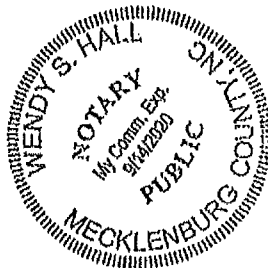
I, Wendy S. Hall, a Notary Public in and for said County and State, do hereby certify that Frank Reed personally came before me this day and acknowledged that he/she is Member/Manager of EMBERGLOW MT. HOLLY, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of the Company, the foregoing instrument was signed in its name by him/her on behalf of the said Company.

Witness my hand and notarial seal, this 1st day of May, 2017.

Wendy S. Hall
Notary Public

My commission expires: 9/14/2020

(Official Seal)



Wendy S. Hall, Notary Public
Type or Print Notary Name
My Commission Expires: 9/14/2020

STATE OF NORTH CAROLINA

NOTARY ACKNOWLEDGMENT

COUNTY OF GASTON

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

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

Notary Public

My commission expires: _____

(seal)

May 1, 2017

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, _____, a Notary Public in and for said County and State, do hereby certify that _____ personally came before me this day and acknowledged that he/she is Member/Manager of EMBERGLOW MT. HOLLY, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of the Company, the foregoing instrument was signed in its name by him/her on behalf of the said Company.

Witness my hand and notarial seal, this _____ day of _____, 2017.

Notary Public

My commission expires: _____

_____, Notary Public
Type or Print Notary Name

My Commission Expires: _____

(Official Seal)

STATE OF NORTH CAROLINA

NOTARY ACKNOWLEDGMENT

COUNTY OF GASTON

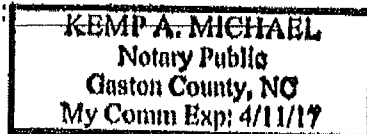
I, Kemp A. Michael, a Notary Public in and for said County and State, do hereby certify that Bryan M. Hough personally came before me this day and acknowledged that he/she is Mayor of the CITY OF MOUNT HOLLY, a North Carolina municipal corporation, and that by authority duly given and as the act of the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

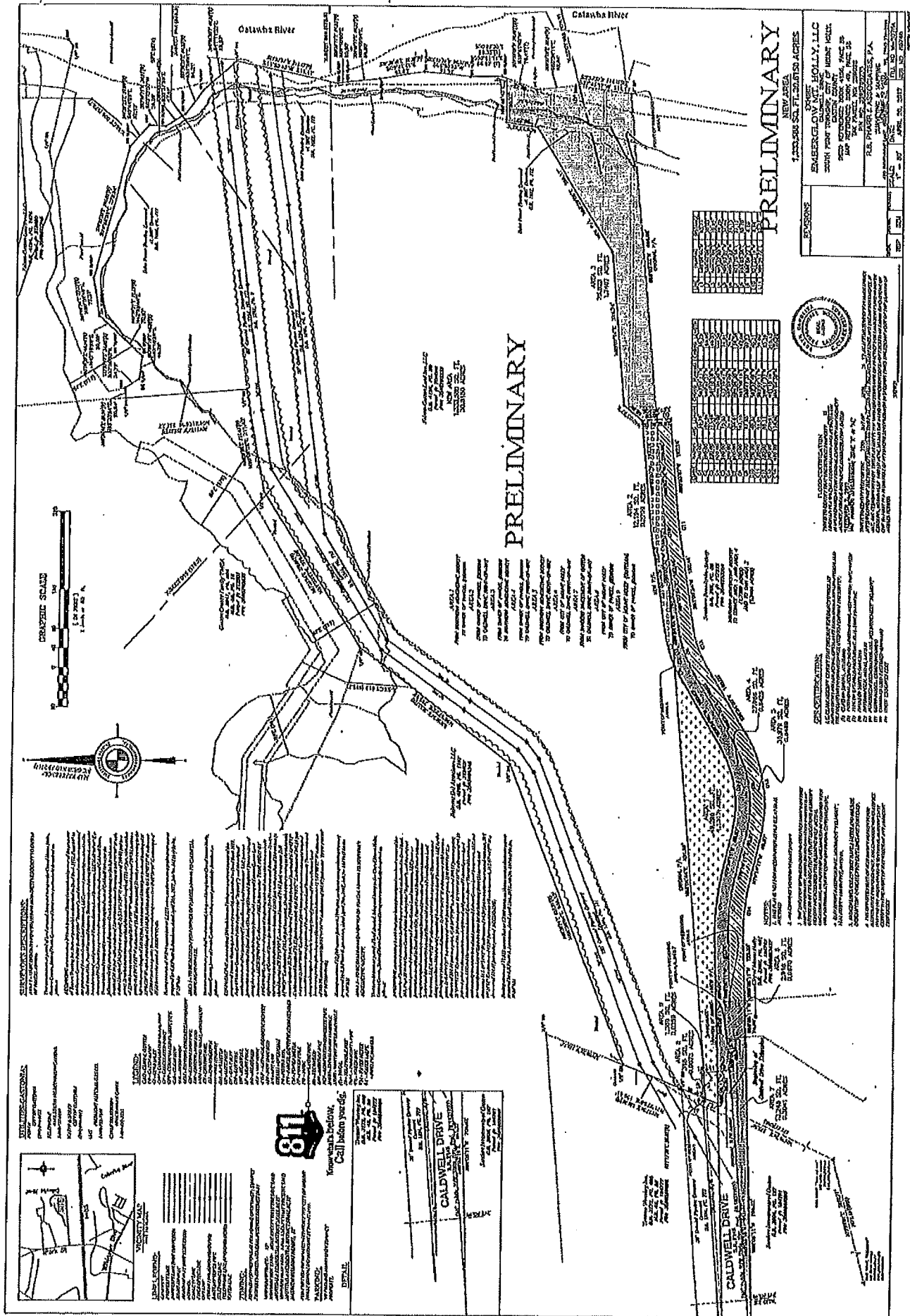
Witness my hand and notarial seal, this 1st day of May, 2017.

Kemp A. Michael
Notary Public

My commission expires: _____

(seal)







City of Mount Holly Action Agenda Item

To: City Council	Date: 3-10-2022
From: Brandon Livingston	Meeting Date: 3-14-2022

Agenda Item to be considered: Call for a public hearing to consider a rezoning of Tax Parcel #181234 to create a R-12SF zoning for the existing cemetery and a L-I Light Industrial zoning for the remaining portion of the property.

Will this require a public hearing? ☒ YES ☐ NO

Background/Purpose of Request: The Utilities Department is going to be doing some work on the cemetery property at the end of Legion Road later this spring (creating a laydown yard). They are looking to have the contract executed in early April and work to begin shortly thereafter. In this first phase, they will be putting up a fence and creating a space to store materials (dirt, stone, etc.).

The goal is to create an R-12SF zoning for the existing cemetery and an L-I Light Industrial zoning for the remaining portion of the property for the storage area/laydown yard.

This is only a call for a public hearing to be heard in April. There is no discussion at this time.

Fiscal Impact:

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

Manager/Staff Recommendation:

Staff recommends a call for a public hearing to be heard in April.

Result of City Council Decision:

Attachments:

1. Rezoning application
2. Annexation application
3. Map of the property

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

Date Filed: March 3, 2022 Application Number: 3-3-22A

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:

City of Mount Holly
Address: 400 E. Central Avenue Mt. Holly, NC 28120
as evidenced by Deed Book 322 on Page 71 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
No Assigned Address on the (Left) or Right side of the W. Catawba Ave.
(physical address) (circle one) (street)

between Rankin Ave and Legion Rd, and has a Tax
(street) (street)

Listing of: Tax Parcel # 181234. Said lot(s) has (have) a frontage of 940 feet and is approximately 20.24 acres in size.

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

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

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

6. If the Conditional 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).

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.

City of Mount Holly
Name of Applicant(s)

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

Applicant's Address: 400 E. Central Ave. Mt. Holly, NC 28120

Phone Number: 704-827-3931

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 \$ (See Fee Schedule) at least 30 days prior to the Planning Commission meeting for initial consideration.



CITY of MOUNT HOLLY

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

400 East Central Ave. Post Office Box 406, Mount Holly, NC 28120 704-827-3931 704-822-2933 fax www.mtholly.us

PETITION REQUESTING ANNEXATION FOR A CONTIGUOUS PROPERTY

Date: March 3, 2022

To the City Council of the City of Mount Holly:

1. The undersigned owner(s) of real property hereby petition for annexation to the City of Mount Holly of that area described on the Gaston County Tax Map as Parcel (s) 181234, and as shown on the attached survey, if any. (The survey is not required at the time that the petition is filed, but must be supplied prior to the Call For Annexation Public Hearing. The survey must show the current city limits of the City of Mount Holly.)
2. The area to be annexed is contiguous to the City of Mount Holly.
3. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for this property. (If zoning vested rights are claimed, indicate below and attach proof.)

Property Owner Name	Property Owner Address	Vested Rights Declared? (yes or no)	Signature
City of Mount Holly	400 E. Central Avenue Mt. Holly, NC 28120	No	

WARNING: THE TITLE TO THE SUBJECT PROPERTY CANNOT BE TRANSFERRED PRIOR TO THE COMPLETION OF THE ANNEXATION PROCESS (which is the Annexation Order adopted by the City Council) OR THE PROCEDURE WILL HAVE TO BE DONE OVER FROM THE BEGINNING.

Signature of Property Owner

Miles Braswell

Print Name: Miles Braswell

Phone Number: 704-827-3931

Email: miles.braswell@mtholly.us

Signature of Property Owner

Printed Name: _____

Phone Number: _____

Email: _____

Note: If there are more than two (2) property owners, please attach additional signature pages. If property owner is an entity, please ensure the appropriate individual signs this petition on behalf of the entity and includes his or her title. Contact information for each property owner must be provided.



REZONING AND ANNEXATION PLAN

No Assigned Address, PID: 181234
Legion Road, Pineview Cemetery

Property Owner:
City of Mount Holly

Site Development Data:
Acreage: 20.24 ac
Parcel ID: 181234
Proposed Zoning: R-12SF, L-I
Existing Zoning: R-1 (UDO)

MEMORANDUM

TO: Mayor and City Council, City of Mount Holly

FROM: Marie M. Anders, City Attorney

RE: Annexation petition on Pineview Cemetery

DATE: March 10, 2022

At last year's Council Retreat, the Council decided to utilize the rear proportion of the Pineview Cemetery tract as a laydown/storage facility for the Utilities Department. This property is currently in the county, and is zoned R-1 under Gaston County. City staff believes it is in the best interests of the City for this property to be annexed into the City and rezoned in preparation for the construction of the laydown/storage facility.

Please find enclosed a petition from Miles Braswell, City Manager, on behalf of the City of Mount Holly to annex this property. If the City Council wishes to go forward with this annexation, the enclosed resolutions may be approved, which will call for a public hearing on the question of annexation at the April 11, 2022, regular Council meeting.



CITY of MOUNT HOLLY

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

400 East Central Ave. Post Office Box 406, Mount Holly, NC 28120 704-827-3931 704-822-2933 fax www.mtholly.us

PETITION REQUESTING ANNEXATION FOR A
CONTIGUOUS PROPERTY

Date: March 3, 2022

To the City Council of the City of Mount Holly:

1. The undersigned owner(s) of real property hereby petition for annexation to the City of Mount Holly of that area described on the Gaston County Tax Map as Parcel (s) 181234, and as shown on the attached survey, if any. (The survey is not required at the time that the petition is filed, but must be supplied prior to the Call For Annexation Public Hearing. The survey must show the current city limits of the City of Mount Holly.)

2. The area to be annexed is contiguous to the City of Mount Holly.

3. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for this property. (If zoning vested rights are claimed, indicate below and attach proof.)

Property Owner Name	Property Owner Address	Vested Rights Declared? (yes or no)	Signature
City of Mount Holly	400 E. Central Avenue Mt. Holly, NC 28120	No	

WARNING: THE TITLE TO THE SUBJECT PROPERTY CANNOT BE TRANSFERRED PRIOR TO THE COMPLETION OF THE ANNEXATION PROCESS (which is the Annexation Order adopted by the City Council) OR THE PROCEDURE WILL HAVE TO BE DONE OVER FROM THE BEGINNING.

Signature of Property Owner

[Signature]

Print Name: Miles Braswell

Phone Number: 704-827-3931

Email: miles.braswell@mtholly.us

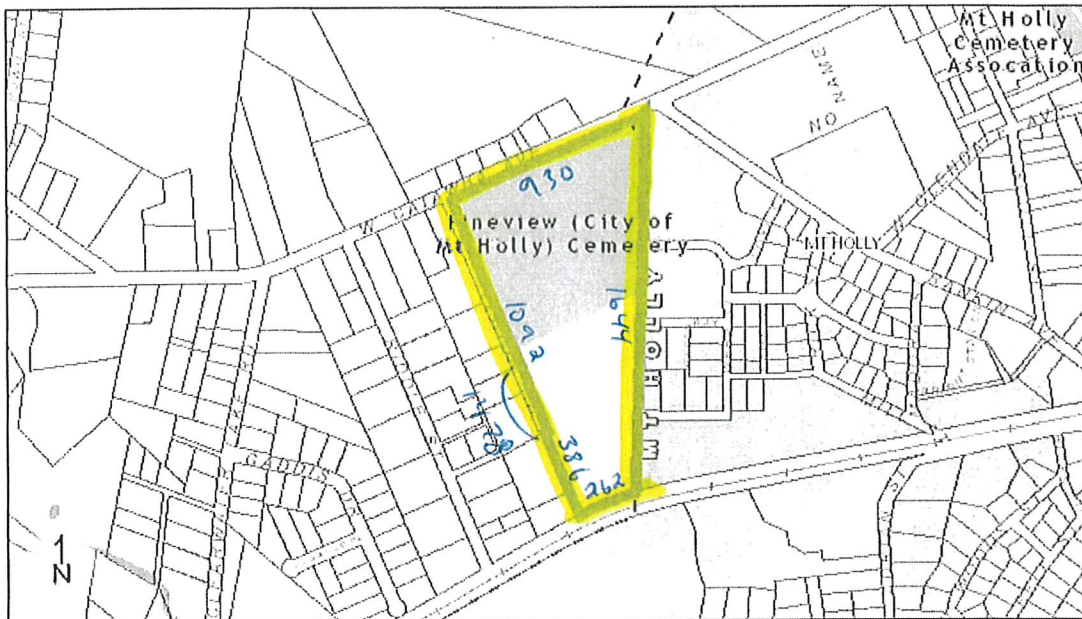
Signature of Property Owner

Printed Name: _____

Phone Number: _____

Email: _____

Note: If there are more than two (2) property owners, please attach additional signature pages. If property owner is an entity, please ensure the appropriate individual signs this petition on behalf of the entity and includes his or her title. Contact information for each property owner must be provided.



Primary Property Address

NO ASSIGNED ADDRESS

Tax Information

PARCEL #: 181234
 PIN #: 3596473342
 CURRENT OWNERS: MT HOLLY CITY OF
 MAILING ADDRESS: PO BOX 406, MT HOLLY,
 NC 28120-0406
 NBHD #: RB008
 NBHD NAME: FITES CREEK
 TOWNSHIP: RIVER BEND TOWNSHIP
 LEGAL DESC: PINEVIEW CEMETERY 14 106
 016 00 000

Tax Information

DEED BOOK: 0322 PAGE: 0071
 DEED RECORDING DATE: 10/23/1936
 SALES AMOUNT: \$0
 PLAT BOOK: PAGE:
 STRUCTURE TYPE:
 YEAR BUILT: 0
 SQUARE FOOTAGE: 0
 VACANT: IMPROVED
 BASEMENT: NO
 BED: 0 BATH: 0 HALF-BATH:
 MULTI-STRUCTURES: NO
 ACREAGE: 20.24
 TAX DISTRICT: COMMUNITY FD
 VOLUNTARY AG DISTRICT: NO
 PROPERTY USE: EXEMPT

Tax Values

MARKET LAND VALUE: \$79,650
 MARKET IMPR. VALUE: \$0
 MARKET VALUE: \$79,650
 FARM DISCOUNT: NO
 EXEMPTION: YES
 TAXABLE VALUE: \$0

Election Information

PRECINCT NAME: MT HOLY II
 POLLING PLACE: CORNERSTONE FAMILY
 WORSHIP
 POLLING ADDRESS: 709 RANKIN AVENUE
 WARD #:
 CONGRESS REPRESENTATIVE:
 CONGRESSIONAL DISTRICT: 14
 HOUSE REPRESENTATIVE: JOHN A.
 TORBETT
 HOUSE DISTRICT: 108
 SENATOR: KATHY HARRINGTON
 SENATE DISTRICT: 43

Parcel Information

CITY LIMITS: NO
 ETJ: NOT IN ETJ
 POLICE DISTRICT: GASTON COUNTY
 FIRE DISTRICT: COMMUNITY
 FLOOD:
 LOCAL WATERSHED: DUTCHMAN'S CREEK
 CENSUS TRACT: 311.02

Disclaimer: The information provided is not to be considered as a legal document or description. The map & parcel data is believed to be accurate, but Gaston County does not guarantee its accuracy. Values shown are as of January 1, 2019. - Document created for printing on 3/10/2022

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S.160A-31

WHEREAS, a petition from Miles Braswell, City Manager of City of Mount Holly, requesting annexation of PID 181234 was received on March 3, 2022, by the City of Mount Holly; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Mount Holly deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mount Holly that:

The City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

This the 14th day of March, 2022.

Bryan Hough, Mayor

ATTEST:

Amy Miller, City Clerk

Motion by:

Seconded by:

Vote:

CERTIFICATE OF SUFFICIENCY

To the City Council of the City of Mount Holly, North Carolina:

I, Amy Miller, City Clerk, do hereby certify that I have investigated the attached petition to annex PID 181234, and hereby make the following findings:

- a. The petition contains an adequate property description of the area proposed for annexation.
- b. The area described in the petition is contiguous to the City primary corporate limits, as defined by G.S. 160A-31.
- c. The petition is signed by and includes addresses of all owners of real property lying in the area described therein.
- d. The petitioner has not declared vested zoning rights on its petition.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the City of Mount Holly, this 14th day of March, 2022.

City Clerk

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31

WHEREAS, a petition from Miles Braswell, City Manager of the City of Mount Holly, requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Mount Holly has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mount Holly, North Carolina, that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Mount Holly Municipal Complex at 7:00 PM on April 11, 2022.

Section 2. The area proposed for annexation is described as follows: BEGINNING at a stake in the center of the Mount Holly-McAdenville Road, 32 feet West of the intersection of center of said road and Rankin Avenue; thence South 2 West 1673 feet to a stake in the center of the Piedmont & Northern Railway track; thence in a westerly direction with said railway track 253 feet to a stake, C. P. Howard's corner; thence North 24 West 1550 feet to a stake in the center of said Mount Holly-McAdenville Road; thence with the center of said road North 66 East 950 feet to the BEGINNING; containing 21.1 acres more or less, and being subject to the right of way of the Piedmont & Northern Railway and of the Southern Power Company right of way. Known locally as tax PID 181234.

Section 3. Notice of the public hearing shall be published in the Gaston Gazette, a newspaper having general circulation in the City of Mount Holly, at least ten (10) days prior to the date of the public hearing.

Bryan Hough, Mayor

ATTEST:

Amy Miller, City Clerk



City of Mount Holly Action Agenda Item

To: City Council Greg Beal, Economic Development	Date: March 9, 2022
From: Coordinator, Planning Director	Meeting Date: March 14, 2022
Agenda Item to be considered: <u>Call for a public hearing to consider rezoning a 3.85-acre tract of land, located at 250 N Main Street, Parcel ID #'s 123583, 123586 & 123587, from O&I to CD Commercial/Multifamily</u>	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request: <u>The owner of the Mount Holly Cotton Mill, Pam Friedl, had the three aforementioned properties rezoned to O&I Office & Institutional from Light Industrial in December 2001. After much discussion over the past several months, in which formal offers were reviewed, Mrs. Friedl has chosen Muddy River Distillery as the end-user and future owner. However, the O&I District only allows for multifamily uses, as well as general office, educational and institutional uses. Therefore, as the owner, she has applied for a rezoning of these properties to Conditional District Commercial/Multifamily within the established Downtown Overlay District. This is exactly the same rezoning process that Council recently approved for the Woodlawn Mill, which is under contract for redevelopment, and 725 Elm Street, which is scheduled to be purchased by OMB on March 15th. The owner has supplied a general development plan, also similar to the conditional plans approved for OMB and the Woodlawn Mill, through the working partnership with the Muddy River Distillery team. Planning staff has worked closely with the commercial broker, Mrs. Friedl and Muddy River partners on the attached conditional plan. Needless to say, the Mount Holly Cotton Mill, one of the oldest standing mills in the entire region, has been identified in various Mount Holly plans as a catalyst project for the North Main Street and Three Corners area.</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>Staff supports a recommendation to City Council to call for a public hearing for the aforementioned proposed rezoning, setting the hearing dates for the April 4th Planning Commission meeting and the April 11th City Council meeting. The Public Involvement Meeting is tentatively scheduled for March 28th from 4:00 pm until 6:00 pm.</u>	
Result of City Council Decision: _____	
Attachments: <u>Application and Conditional Development Plan</u>	

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

Date Filed: 2/28/2022

Application Number: 2-28-22A

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:
FRIEDL PAMELA LINEBERGER

Address: PO BOX 986, MT HOLLY, NC 28120-0986

as evidenced by Deed Book 011E on Page 0514 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
250 N Main St, Mount Holly, NC, 28012 on the Left or Right side of the Main St

(physical address) (circle one) (street)
between Main St and HWY 273, and has a Tax
(street) 123586 (street)

Listing of: Tax Parcel #123583, 123587. Said lot(s) has (have) a frontage of 380 feet and is approximately 3.85 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
O-I Zone to CD- Commercial Zone.

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

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

Refer to attached Rezoning Site Exhibit

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.

Pamela Lineberger Friedl
Name of Applicant(s)

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

Applicant's Address: PO Box 986 Mount Holly NC 28120

Phone Number: 704 773-6485

Signature: Pamela Lineberger Friedl

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 \$500.00 (See Fee Schedule) at least 30 days prior to the Planning Commission meeting for initial consideration.

8. IF MULTI-FAMILY DWELLINGS ARE TO BE CONSTRUCTED, THEY SHALL FOLLOW THE REQUIREMENTS UNDER THE ORDINANCE & ARTICLE 7, NOTE 5 MULTI-FAMILY STANDARDS IN THE CITY OF MOUNT HOLLY ZONING ORDINANCE.
9. THERE SHALL BE NO RESTRICTION ON MAXIMUM SQUARE FOOTAGE OF AREA DEVOTED TO PRODUCTION FOR DISTILLERY OPERATIONS.

1. FLEXIBILITY SHOULD BE ALLOWED WITH PARKING AND BUILDING AREA TO ALLOW CREATIVITY AND COMPATIBILITY WITH THE SURROUNDING NEIGHBORHOOD IN THE DEVELOPMENT OF THIS SITE. ALL USES SHALL CONFORM TO THE MINIMUM OFF-STREET PARKING REQUIREMENTS FOUND IN SECTION 8 OF THE CITY OF MOUNT HOLLY ZONING ORDINANCE EXCEPT THAT OFF-STREET PARKING SHALL ONLY BE REQUIRED FOR INTERIOR BUILDING AREA, OUTDOOR AMENITY SPACES SHALL NOT REQUIRE OFF-STREET PARKING.

2. PERMITTED USES SHOULD TAKE ADVANTAGE OF THE EXISTING PARKING AREA ON THE SITE. HOWEVER, FLEXIBILITY IN THE LOCATION OF THE PARKING ARE WILL BE ALLOWED DURING SITE PLAN REVIEW THROUGH THE TECHNICAL REVIEW COMMITTEE.
3. BUFFERS AND SETBACKS WILL MEET OR EXCEED REQUIREMENTS FOUND IN THE CITY OF MOUNT HOLLY ZONING ORDINANCE.
4. THE DEVELOPABLE AREA, INCLUDING ALL NEW AND/OR RENOVATION OF EXISTING BUILDINGS SHALL CONFORM TO THE MANUAL FOR DEVELOPMENT IN DOWNTOWN MOUNT HOLLY.
5. NO VINYL OR ALUMINUM SIDING SHALL BE ALLOWED ON SITE.
6. DECORATIVE CAPPED LIGHTING SHALL BE REQUIRED TO REDUCE LIGHT POLLUTION TO THE SURROUNDING AREA.
7. THE DEVELOPABLE AREA AND BUILDING FOOTPRINTS CAN BE EXPANDED SO LONG AS IT CONFORMS TO SECTION 5.15.

1. SITE DESIGN DEPICTED SERVES AS A GENERAL GUIDE FOR THE STRUCTURES AND PARKING PROPOSED ON THE SITE. THE FINAL DESIGN AND LAYOUT SHALL BE DETERMINED THROUGH THE CONSTRUCTION DOCUMENTS APPROVAL PROCESS WITH THE CITY OF MOUNT HOLLY.

1. SITE ACREAGE: $+/-3.50$; $+/-0.13$; $+/-0.22$

1. SITE ACREAGE: +/- 3.50; +/- 0.13; +/- 0.22
2. TAX PARCELS: 123583; 123586, 123587
3. EXISTING ZONING: O&I – OFFICE AND INSTITUTIONAL DISTRICT
4. PROPOSED ZONING: CONDITIONAL DISTRICT COMMERCIAL ZONE
5. EXISTING USES: WAREHOUSE & STORAGE
6. PERMITTED USES: DISTILLERY; ALCOHOL RETAIL; INDOOR/OUTDOOR FULL SERVICE BAR/RESTAURANT; MEAT, RETAIL; FOOD & FOOD PRODUCTS; BREWERY; APPAREL SALES; BREW-PUB; WAREHOUSING & STORAGE; FOOD CATERING; INDOOR/OUTDOOR EVENT SPACE; INDOOR/OUTDOOR MARKETS; EQUIPMENT RETAIL; RETAIL COFFEE SHOP; WINERY; CIGAR LOUNGE; RETAIL BAKERY; BOTTLE SHOP
7. OTHER USES OUTLINED IN ARTICLE 6 AND SPECIAL USES FOR THE B-1 CENTRAL BUSINESS DISTRICT, FOUND WITHIN THE CITY OF MOUNT HOLLY ZONING ORDINANCE, ARE ALLOWED.
8. PARKING: AS REQUIRED PER THE ORDINANCE

PRELIMINARY
NOT FOR
CONSTRUCTION

Rehab ENGINEERING, P.C.

401 East Fourth Street, Suite 201

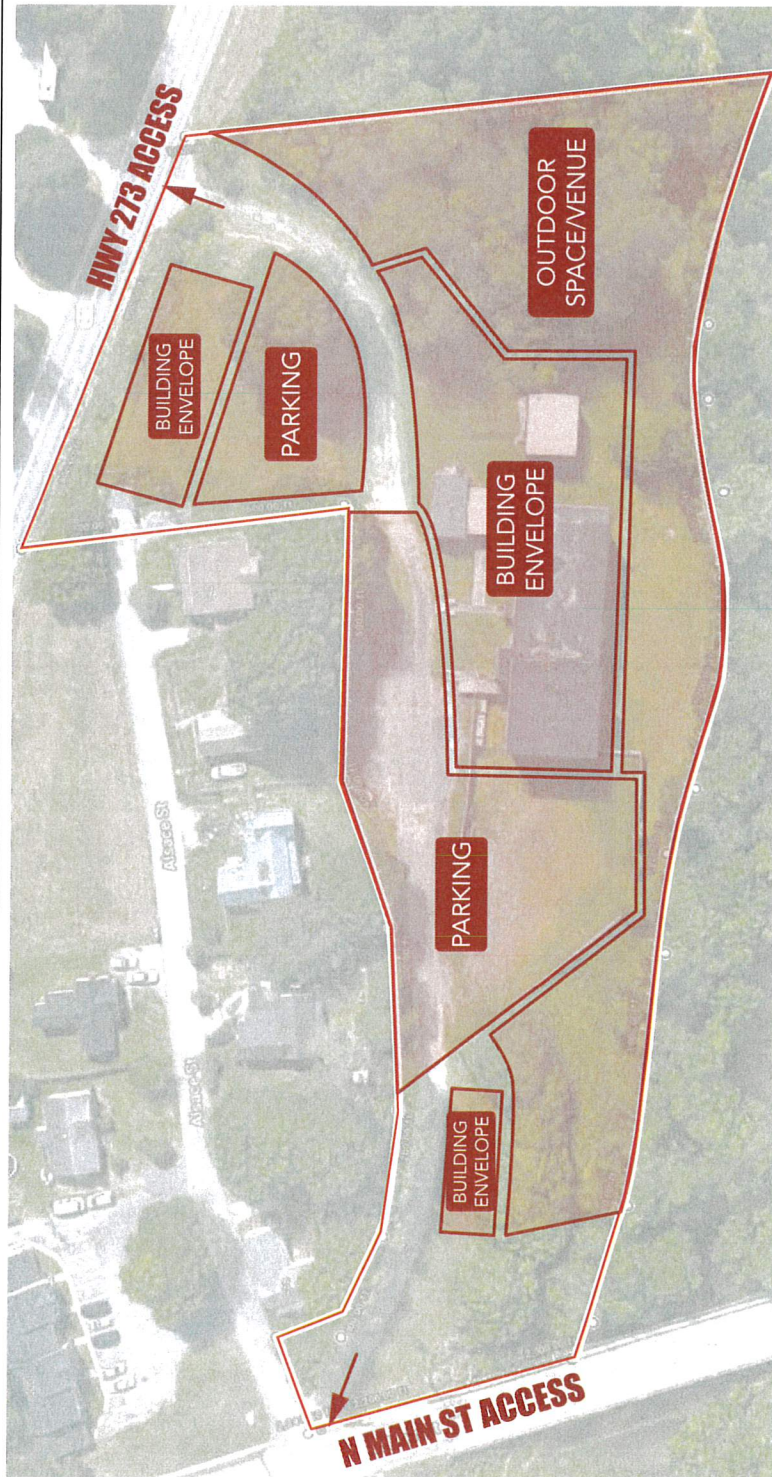
Winston Salem, North Carolina 27101-4111
www.rehabency.com

www.rehab-eng.com

00-336 714 0035

fax 336 722.9872

1 REZONING SITE EXHIBIT 1' = 80'



SHEET:
P35

DESCRIPTION:

PROJECT NAME: _____

Prepared for the City of Mount Holly

PROJECT ADDRESS: 750 North Main St Mount Holly NC 28017

PROJECT NUMBER:	VERSION:
-----------------	----------

77-78	01 - Rezoning Application
-------	---------------------------

2022-03-08 JAD

2022-03-08

**CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL MEETING
MONDAY, February 14, 2022
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	Brian DuPont, Assistant City Manager
Mayor Pro Tem Phyllis Harris	Michelle Wood, Finance Director
Councilman Ivory Craig	Don Roper, Police Chief
Councilman Jeff Meadows	Brian Reagan, Deputy Police Chief
Councilman Moore	Ryan Baker, Fire Chief
Councilwoman Christina Pawlish	Tony Walker, Streets and Solid Waste Director
Councilwoman Lauren Shoemaker	David Johnson, City Engineer/Director of Utilities
Miles Braswell, City Manager	Mark Jusko, Recreation Supervisor
Marie M. Anders, City Attorney	Greg Beal, Planning Director

Invocation

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

Pledge of Allegiance

Councilman Ivory Craig led the Council, staff and attendees in the Pledge of Allegiance

SET THE AGENDA

Mayor Hough asked for changes to the agenda. Councilman Meadows asked that #4 on the consent agenda Call for a public hearing to consider a modification to the development agreement for 725 Elm Street be removed and put under old business. With no additional changes to the agenda Councilman Moore made the motion to approve the agenda as amended. Councilwoman Pawlish seconded the motion. All Council Members voted in favor. (Motion carried) closed session

Mayor Hough realized that closed session needs to include #6 of the N.C.G.S 143-318.11 (a) along with 3 and 5 to discuss personnel. Councilman Moore made a motion to approved the 2nd amended agenda. Mayor Pro Tem Harris seconded the motion. All Council Members voted in favor. (Motion carried)

CONSENT AGENDA

1. Approval of Budget Amendment
 - Police—Allocate funds to replace an existing canine (Hondo)
2. Approval of the Release of Brookline's financial guarantee for Beatty Woods
3. Approval of a letter of credit reduction request by True Homes for Kendrick Farms Phase 4
4. Approval of the Conflict of Interest Policy
5. Approval of Minutes of the January 24, 2022 Council Work Session Meeting

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

PRESENTATIONS

1. Presentation of Springfest Golf tournament proceeds to CRO

Mrs. Cheri Love presented the CRO a check for \$1500 from the proceeds for the Springfest Golf Tournament
2. Special Recognition for Fire Department

Chief Baker recognized Eddie Summerlin for serving 40 years of service as the Assistant Chief of the Volunteer Fire Department. Mr. Summerlin was presented with a golden axe and Mayor Hough presented a resolution in his honor.

3. Presentation on the Mount Holly-Charlotte Water PS and FM Project

Mr. Johnson advised that Charlotte Water is permitted and onsite in the beginning stages of the project. Mr. Johnson introduced representatives from Charlotte Water that were present for the presentation, Angela Charles, Ron Hargrove and Nicole Bartlett. At this time, Mr. Derek Dixon took over the lead on the presentation and gave the details of the project. He advised that the flow from Mount Holly will be pushed to Charlotte and treated. Charlotte Water has mobilized and is clearing the property and erosion control has commenced. The lay down yard has been one of the major challenges with this project however a deal has been worked out with A and E for 5 acres to use as a lay down yard.

PUBLIC HEARING

1. Public Hearing to consider rezoning a 0.41-acre tract of land, Gaston County Parcel ID # 227246, located to rear and adjacent to Mount Holly Farm Supply, from R-12 SF to B-2 Neighborhood Business

Mr. Livingston advises that Mount Holly Farm Supply is requesting that a parcel of property in the back and adjacent to their property be rezoned to change the use so it can be used for additional parking and storage. He advised that the Planning Commission voted unanimously to approve.

Mayor Pro Tem Harris made a motion to open the public hearing to consider rezoning a 0.41-acre tract of land, Gaston County Parcel ID # 227246, located to rear and adjacent to Mount Holly Farm Supply, from R-12 SF to B-2 Neighborhood Business. Councilman Meadows seconded the motion. All Council Members present voted in favor. (Motion Carried)

Andy Kistler, 1010 South Main Street. Mr. Kistler came before Council to express his opposition to the rezoning request. He advised that it would devalue the adjoining property. He also had concerns in regard to the noise it will create and the safety in the area as the Tractor Supply has been broken into in the past.

With no one else signed up to speak Mayor Pro Tem Harris made a motion to come out of the public hearing. Councilwoman Pawlish seconded the motion. All Council Members present voted in favor. (Motion Carried)

Councilman Meadows made a motion to approve the rezoning a 0.41-acre tract of land, Gaston County Parcel ID # 227246, located to rear and adjacent to Mount Holly Farm Supply, from R-12 SF to B-2 Neighborhood Business. Councilwoman Shoemaker seconded the motion. All Council Members voted in favor. (Motion carried)

2. Public Hearing to Consider a Resolution Closing Portions of S. Lee Street, E. Catawba Avenue and S. Alexander Street

Mr. Beal advised that Council continued the Public Hearing from the last meeting to allow Duke Energy more time to research the request.

Mayor Pro Tem Harris made a motion to open the public hearing to consider a Resolution Closing Portions of S. Lee Street, E. Catawba Avenue and S. Alexander Street. Councilwoman Shoemaker seconded the motion. All Council Members present voted in favor. (Motion Carried) With no one signed Councilwoman Shoemaker made a motion to come out of the public hearing. Councilwoman Pawlish seconded the motion. All Council Members present voted in favor. (Motion Carried)

Councilman Moore made a motion to approve closing portions of S. Lee Street, E. Catawba Avenue and S. Alexander Street. Mayor Pro Tem Harris seconded the motion. All Council Members voted in favor. (Motion carried)

3. Public Hearing to Consider a Resolution Closing a Portion of Park Avenue

Mr. Beal advised that the request to close a portion of Park Avenue came from Mr. Dimmer.

Mayor Pro Tem Harris made a motion to open the public hearing to consider a Resolution Closing Portions of Park Avenue. Councilwoman Shoemaker seconded the motion. All Council Members present voted in favor. (Motion Carried)

Cord Taylor, 100 Webb Street-Mr. Taylor came before Council in support of the proposed road closure. Greg Dimmer, 525 Short Street, Stanley NC, Mr. Dimmer came before the Council to thank Council and Staff for the help with the proposed project.

With no one else signed Councilman Moore made a motion to come out of the public hearing. Councilwoman Shoemaker seconded the motion. All Council Members present voted in favor. (Motion Carried)

Councilman Craig made a motion to close the portion of Park Avenue. Councilman Meadows seconded the motion. All Council Members voted in favor. (Motion carried)

4. Public Hearing to consider a proposed rezoning for a 33.69-acre tract, Parcel ID # 178067, located at 933 Old Hwy 27, from Conditional District Single Family to Conditional District Single Family

Councilman Meadows made a motion to open the public hearing to consider a proposed rezoning for a 33.69-acre tract, Parcel ID # 178067, located at 933 Old Hwy 27, from Conditional District Single Family to Conditional District Single Family. Councilman Moore seconded the motion. All Council Members present voted in favor. (Motion Carried) With no one signed Councilman Meadows made a motion to come out of the public hearing. Mayor Pro Tem Harris seconded the motion. All Council Members present voted in favor. (Motion Carried)

Councilwoman Shoemaker made a motion to approve the rezoning for a 33.69-acre tract, Parcel ID # 178067, located at 933 Old Hwy 27, from Conditional District Single Family to Conditional District Single Family. Councilman Meadows seconded the motion. All Council Members voted in favor. (Motion carried)

PUBLIC COMMENT – Three (3) Minute Limit

No one was signed up to speak

OLD BUSINESS

1. Consideration and Approval of a Social District Ordinance *Chief Don Roper/Marie Anders*
Mayor Hough advised that since the last meeting staff has found out that the local nonprofits cannot sell alcohol in a social district, therefore Council agreed to bring this back at a later time once the laws change and the social district will not impact the nonprofits.
2. Call for a public hearing to consider a modification to the development agreement for 725 Elm Street
Councilman Meadows advised that he moved this from the consent agenda just as an update to the public. Mr. Braswell advised that OMB cannot get the parking to fit on the site. Therefore, OMB is proposing to do away with the warehouse and increase the size of the restaurant, kitchen and biergarten. The closing date is set for March 15th. Councilwoman Shoemaker made a motion to call for a public hearing to consider a modification to the development agreement for 725 Elm Street. Councilwoman Pawlish seconded the motion. All Council Members voted in favor. (Motion carried)

NEW BUSINESS

1. Consideration and Approval of amendments to the Backflow and Cross Connection Control Ordinance
Councilwoman Shoemaker made a motion to approve the amendments to the Backflow and Cross Connection Control Ordinance. Councilman Moore seconded the motion. All Council Members voted in favor. (Motion carried)
2. Consideration and Approval of amendments to the Wastewater Enforcement Response Plan
Councilman Moore made a motion to approve the amendments to the Wastewater Enforcement Response Plan. Councilwoman Pawlish seconded the motion. All Council Members voted in favor. (Motion carried)

CLOSED SESSION

1. Closed Session Pursuant to N.C.G.S 143-318.11 (a) (3, 5 and 6)
Councilwoman Shoemaker made the motion to enter into Closed Session Pursuant to N.C.G.S 143-318.11 (a)(3, 5 and 6) at 8:03 pm. Councilman Moore seconded the motion. All Council Members present voted in favor. (Motion Carried)

Councilwoman Pawlish made a motion to come out of closed session and back into regular session at 8:53 pm. Councilman Moore seconded the motion. All Council Members present voted in favor. (Motion carried)

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

ADJOURN

With no additional items for discussion, Mayor Hough entertained a motion to adjourn. Councilman Moore made the motion to adjourn the February 14, 2022 Council Meeting. Councilwoman Shoemaker seconded the motion. All Council Members present voted in favor. (Motion Carried)
The meeting adjourned at 8:55 pm.

CITY OF MOUNT HOLLY
2022 CITY COUNCIL RETREAT
Friday, February 25, 2022
Mount Holly Municipal Complex
Facilitator: Reeves McGlohon

Call to Order—*Mayor Bryan Hough*

Mayor Hough called the 2022 Council Retreat to order at 9:00am.

Ground Rules, Schedule, Parking Lot Items

Councilman Moore gave the Invocation. Mayor Hough advised that #8 on the agenda would be changed to discuss cones blocking public parking and #9 on the agenda would be Wrap up. Councilwoman Pawlish made a motion to approve the agenda as amended. Councilman Meadows seconded the motion. All Council Members voted in favor. Motion carried.

The following was stated as the ground rules:

- No interruptions
- Don't talk over others
- Respect opinions
- Debate ideas not people
- Provide clear direction to staff
- Everybody contributes

Prior Year Priorities/Minutes/Status

Mr. Braswell advised that he is very proud of staff for all that we have gotten accomplished in the past year. He advised that he did not realize everything that has been accomplished until the list was reviewed.

II. WWTP Decommissioning – Property Considerations—*Dave Johnson/McAdams*

Mr. Johnson advised that Charlotte Water has started construction therefore it is time to start the conversations in regard to decommissioning the Waste Water Treatment Plant. He advised that Charlotte Water estimated completion date for the pump station is November 2023 with a project completion date in 2024. Mr. Johnson suggested that Council start thinking about what they would like to see on the property once the decommissioning phase and complete. He suggested budgeting in the upcoming year the funding of a consultant to assist in the process. There was a short discussion regarding the rate structure that Council put into effect a few years ago. At this time, Mr. Johnson introduced Nick Lowe with McAdams to present options for repurposing after the decommission stage. Mr. Lowe presented 2 options. Option 1 was the expansion of Tuck Park to include additional ball fields, tennis courts, kayak launch and storage as well as other amenities. Option 2 was a mixed-use development that would include housing units, retail space, a restaurant and other resident amenities. Council discussed the options and the need for a new gym. It was discussed that the revenue from the residential space could help fund a new gym facility. Council agreed that they want to move forward with option 2. They also agreed to set policy that ABC revenue be set aside for Recreation. These funds will not be earmarked for particular projects but set aside to use for recreation projects. It was also

discussed that Mayor Hough and Mr. Braswell need to meet with A and E management team and discuss the property and the potential of selling their adjoining property to the City.

At this time Council took a 15-minute break.

III. Finance—*Michelle Wood*

A. Revenue Projections—*Michelle Wood/Dave Johnson/Greg Beal*

- Housing Statistics

Ms. Wood reported on the financial status of the City. She advised that the fund balance as of June 30, 2021 was \$17,396,516. Out of that, \$6,507,724 is restricted or assigned. She advised that the estimated unassigned fund balance ending June 30, 2022 is \$7,447,774.

Ms. Wood then reported that the housing growth is estimated an increase of 1.75%. However, she based the projections on the past 5-year growth trend and comes to approximately 4%. The Mayor and Council were very pleased with the approach to growth projections and the information provided from the Finance Department.

- Staffing priorities for FY 22-23 Budget

Ms. Wood reported that management staff was asked to submit requests for additional staffing. In the general there were requests for 19 new employees. After review of the requests, 10 of the positions were considered priority. Mrs. Shoemaker advised that she would like to see a fulltime Economic Development Coordinator included in the upcoming budget. Council agreed that Economic Development and Planning need to be split as the city has gotten too busy for that position to fall to 1 person.

IV. Lunch

A. Working Lunch Item

- a. South Gateway Property Development Plan by Regional Developers – *Charles Saleh / Wes Bawab*

Mr. Charles Saleh came before the Council with his team to present his development plan for his property located in the South Gateway. He presented his plan with building designs and advised that the facility will be an acute medical care campus. He advised that there are hopes the project will be complete before the hospital opens. He further advised that he will need help from the city in regard to moving and upgrading the road. The plans show the retention pond going through the existing road. Mr. Saleh agreed that he would give the land to make the road improvements.

V. Bond Project—*Jonathan Wilson/Michelle Wood*

A. Prioritize

B. Funding considerations for FY 22-23

Mr. Wilson advised that the next step to moving forward with Veteran's Park is finalizing the design and complete the property acquisition. Council discussed the next steps moving forward and decided to move forward with the design of Veterans Park but hold off with any additional property acquisition until the plan is finalized. It was also the consensus not to pursue the Fites Creek Pedestrian Crossing at this time. Council also decided to move forward with the design of the Dutchman's Creek Pedestrian Crossing. Councilman Meadows asked about the

current debt and how it could impact future borrowing for upcoming projects. Discussion ensued regarding funding and asking our state representatives for excess money to help fund this list projects. Councilwoman Shoemaker suggested that proposing these project's as environmental could aide in the funding. Council also directed staff to look into a public/private partnership for the development of the Veteran's Park property.

VI. Historical Society—*Brian DuPont*

A. Discussion of Municipal Complex vacant space

Mr. DuPont presented the idea and information in regard to relocating the Historical Society to the vacant space on the ground floor at the Municipal Complex. He advised that the City would be responsible for moving the historical pieces to the new location and paying for the upfit. Mrs. Anders advised that the Historical Society has worked with a historical consultant in the past and staff could probably contact them to help with the design. Council gave staff direction to move forward with the relocation plans for the Historical Society. The future of the old city hall will be discussed at a later time.

VII. Ransom Hunter Project at Glendale Park—*Mark Jusko*

A. Limbing Trees, Sidewalk, monument sign at foundation

Mr. Jusko gave the historical significance of the property and Ransom Hunter. Mr. Hunter was the first freed slave to own property in Gaston County with the property being located in Mount Holly. Mr. Jusko presented option to improve the property and identify the historical value. Council agreed to limb up the property and add sidewalks and make the property usable. They also directed staff to form an advisory committee to provide other options for the property. Mr. Craig suggested reaching out to the owner of the Honey Hunters for possible funding opportunities. There was also some discussion in regard to the old well that is located on the property and the need to identify the location.

VIII. Public Parking

Mr. Braswell advised that this issue was brought to him by Mayor Pro Tem Harris as a discussion item. Mayor Pro Tem Harris advised that the older population has been calling her in regard to the cones being put in public parking spaces in front of a business to reserve the space for food trucks. They are asking for clarification because a few years ago New Life Church was denied permission to block spaces. Council advised that it is okay to block the spaces.

At this time Mary Blomquist announced the 2022 Mount Holly Summer Nights lineup.

IX. Wrap-Up

Mr. Braswell thanked Staff and Council. He commented that Council gave good feedback and staff is ready to move forward.

Councilman Moore added that the City needs to look into selling plots at the Pineview Cemetery.

Ms. Shoemaker commended staff on the information and presentations.

Mayor Hough commented that staff spend numerous hours preparing for the Retreat and Mr. Braswell and his staff are to be commended for the information and preparedness of the topics. Great job.

IX. Adjourn

With no additional items of discussion, Councilman Moore made a motion to adjourn the 2022 Council Retreat. Councilwoman Pawlish seconded the motion. All Council Members voted in favor. Motion carried. The meeting adjourned at 1:30 p.m. Miles-thanked council and staff. We have all feedback.

Parking Lot Items to be discussed at future meetings:

Mayor Hough and Mr. Braswell talk with A and E management in regard to purchasing property.

Recreation and school board partnerships

Rowing Club

Stand-alone Economic Development Coordinator

Bond-Public/Private Partnerships

Sidewalk from Riverfront to Tuck Park

Strategy for State Funds

Cemetery

Synthetic TIF

PRESENTATIONS



City of Mount Holly Action Agenda Item

To: City Council	Date: March 11, 2022
From: Don Roper, Police Chief	Meeting Date: March 14, 2022
Agenda Item to be considered: Police Department Swearing In of Officers Brenna Robinson, Joe Griffin and Kyle Siek and Promotional Swearing In of Sergeant Jonathan Moore and Sergeant Thomas Bell	
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
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	



Don Roper
Chief of Police

Mount Holly Police Department

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

"I, _____, do solemnly swear (or affirm) 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: March 11, 2022
From: Hannah Rayburn, HR Director	Meeting Date: March 14, 2022
Agenda Item to be considered: Presentation of SHARP Awards	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request: Josh Dobson, NCDOL Commissioner, will be attending the March 14, 2022 City Council meeting. His purpose will be to award the Street/Solid Waste, Public Utilities, Water Plant and WWT Plant their Public Sector SHARP recertifications. We will also have Nelson Edwards and Lori Kees attending from the NCDOL. They are our OSHA Consultants.	
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: N/A	
Result of City Council Decision: _____	
Attachments: 1.	



City of Mount Holly Action Agenda Item

To: City Council Greg Beal, Economic Development	Date: March 9, 2022
From: Coordinator, Planning Director	Meeting Date: March 14, 2022

Agenda Item to be considered: Presentation and Consideration of the Mount Holly River Hawk Greenway Brand/Logo

Will this require a public hearing? ☐ YES ☒ NO

Background/Purpose of Request:

Having chosen Destination by Design (DbD) as the most qualified design firm through a recommendation from the Public Art Advisory Commission on December 13, 2021, and having allocated funding through a budget amendment from Parks and Recreation on January 10th, the Mount Holly River Hawk Greenway Brand Creation Project began soon after. On January 25th, identified stakeholders, which included members of the Mount Holly Community Development Foundation, the FROGS and the Parks and Rec Commission met to discuss important themes and provide feedback on what the River Hawk Greenway means to them. The DbD design team spent the entire day in Mount Holly collecting data and walking various segments of the greenway, as well. We also held our first meeting with the Brand Committee, composed of 7 members of the PAAC and Randi Moore, the chosen rep for the FROGS, and Eddie Wilson, the chosen rep for the Parks and Rec Commission. Keeping the committee small and manageable with a variety of representation is important to any branding project. This process was nearly identical to the Mount Holly Brand Creation Project with the M-logo and tagline, "Connecting Community & Nature," adopted January 2012.

This project required a lot of meetings, at least one a week with the Brand Committee, given the upcoming signage project with the Carolina Thread Trail. While in-person meetings with the consultant were needed, we found that zoom meetings were very beneficial at times and very productive. On Wednesday, March 9th, the Destination by Design team presented the final refinements from the previous week, in which the Brand Committee chose the final brand/logo. It was rare that a committee of nine people can come together with a unanimous voice and state that the consultant, "nailed it." It is important to note that the Brand Committee did not want to choose one, single proposed tagline for the River Hawk Greenway, as there are various hashtags and marketing opportunities with several strong proposals such as Mount Holly River Hawk Greenway: "Go Where the River Takes You" or "Walk the 'Hawk," which received strong support, or "A (or The) River Connects Us."

Also of note, based on the attached renderings, the brand/logo has several mockups, all proposed to be adopted, which the committee found to be helpful. The City's Mount Holly Brand consists of the full brand and M-logo only. Having multiple options will be beneficial depending on how the River Hawk brand needs to be represented (i.e. on t-shirts, hats, print media, signage, etc.)

We are blessed to have a lot of talented people in the City, and the Brand Committee definitely made sacrifices and put in extra work, which resulted in a brand/logo and taglines that will help promote the River Hawk Greenway for years to come. I can also state with confidence, having been with the City for over 20 years, that Destination by Design is one of the best

consultants that has worked on a City project. They are experts in various fields, from graphic design, landscape architecture, planning and marketing, and that is one of the main reasons that they were chosen by the committee out of several firms that submitted for this project.

Fiscal Impact:

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

Manager/Staff Recommendation: The Brand Committee made a unanimous recommendation to City Council that you adopt the Mount Holly River Hawk Greenway Brand/Logo as presented by the Destination by Design team.

Result of City Council Decision:

Attachments: Renderings of the proposed River Hawk Greenway Brand

Brand Committee Members:

Julia Benfield
Dottie Scher
Janice McRorie
Stephanie McLaughlin
Bae Hart
Teresa Rench
Leigh Brinkley
Randi Moore
Eddie Wilson

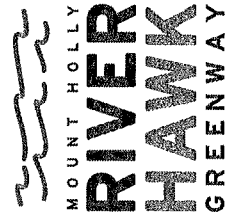
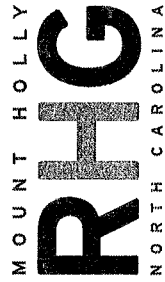
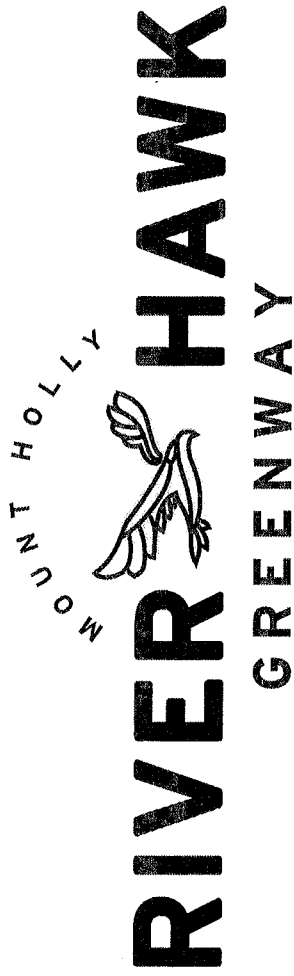
MOUNT HOLLY



RIVER

HAWK

GREENWAY





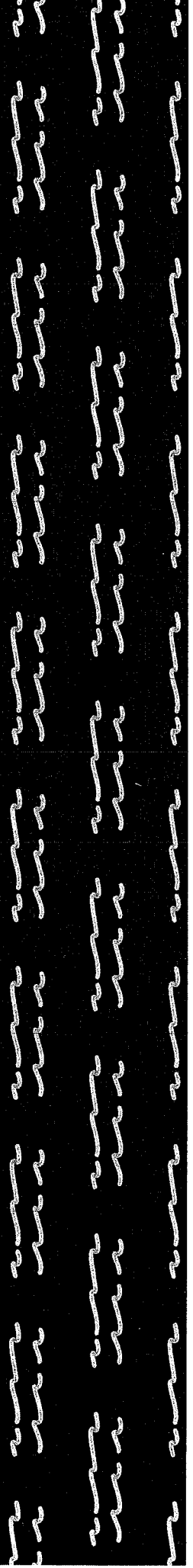
MOUNT HOLLY

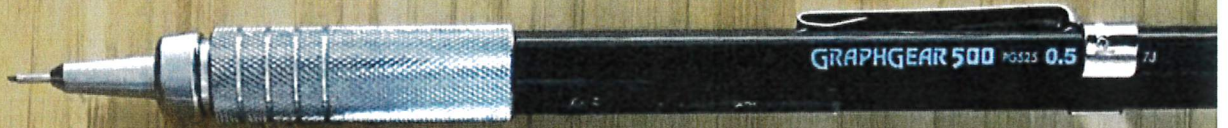
**RIVER
HAWK**
GREENWAY



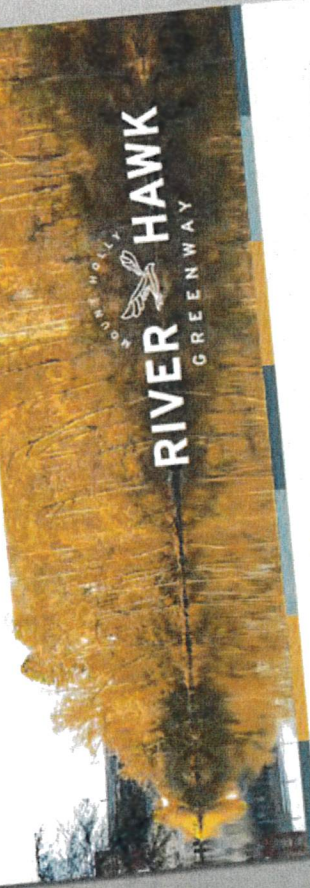
RIVER HAWK

GREENWAY





RIVER HAWK GREENWAY - BRAND PLATFORM



POSITIONING SUMMARY

- Immediately across from Charlotte, the River Hawk Greenway is set apart in the surrounding region by its diversity of features that will span more than 10 miles of riverside trails along the picturesque Catawba River
- The greenway is a system of trails and parks offering a variety of features, surfaces, and activities for visitors to utilize no matter their age, child, or walk of life
- With connections planned from Belmont, across to the Whitewater Center, along Mountain Island Lake and onward into Lincoln
- Clearly the River Hawk Greenway will serve as an important catalyst link for the Carolina Trained Trail
- The River Hawk Greenway is a free, equal opportunity, recreational asset in Mount Holly that unifies the community, promotes vegetation, and attracts business investment

KEY POSITIONING STATEMENT

With over 50 miles of riverfront trails, the River Hawk Greenway will be the longest in the Charlotte metroplex, connecting parks and communities, traversing down rivers and creeks, including a Main Street section through downtown Mount Holly. The River Hawk Greenway provides a unique outdoor recreation experience and connects people with the outdoors.

BRAND ESSENCE

- Connecting Community & Nature

TAGLINE

- "Go Where The River Takes You"
- "The River Connects Us"

HASHTAGS

- @RiverHawk
- #FollowTheRiver
- #RiverHawkGreenway

DESTINATION BY DESIGN PLANNING ENGINEERING COMMUNICATIONS

1000 Peachtree St., Suite 200, Atlanta, GA 30309 | 404.525.1100 | www.destinationbydesign.com

RIVER HAWK GREENWAY - BRAND PLATFORM



STORY THEMES

A Remote And Diverse Environment. The River Hawk Greenway offers a diverse, far-flung journey. Its trails traverse Dutchman's Creek, the banks of the Catawba River to downtown Mount Holly.

A Pristine Water Experience. Situated along the Catawba River and its tributaries, Mount Holly has a deeply rooted connection to the water, providing the opportunity to be out in nature, all while staying close to home.

A Place for Everyone. No matter what age, class, or walk of life, everyone can find their slice of paradise along the River Hawk Greenway. Natural trails, paved trails, and a connection with nature and scenic views provide a sense of discovery, adventure, and more to come.

A Welcoming Destination. The River Hawk Greenway safely brings people together in a serene natural setting. Our community is a healthier, happier, and stronger as a result.

TARGET AUDIENCES

1. Charlotte's urban dwellers, across the river who want to escape the city and enjoy nature
2. Local residents, especially families and youth, to enjoy a healthy lifestyle for the next generation
3. Daytrippers, art lovers, and destination seekers who are looking for an authentic, small town experience within the outdoors

BRAND PILLARS

- Inclusion** - Promoting access and opportunities for everyone
- Health** - A strategy to get people outside and promote healthy and active lifestyles
- Connection** - With nature, with the river, and with each other

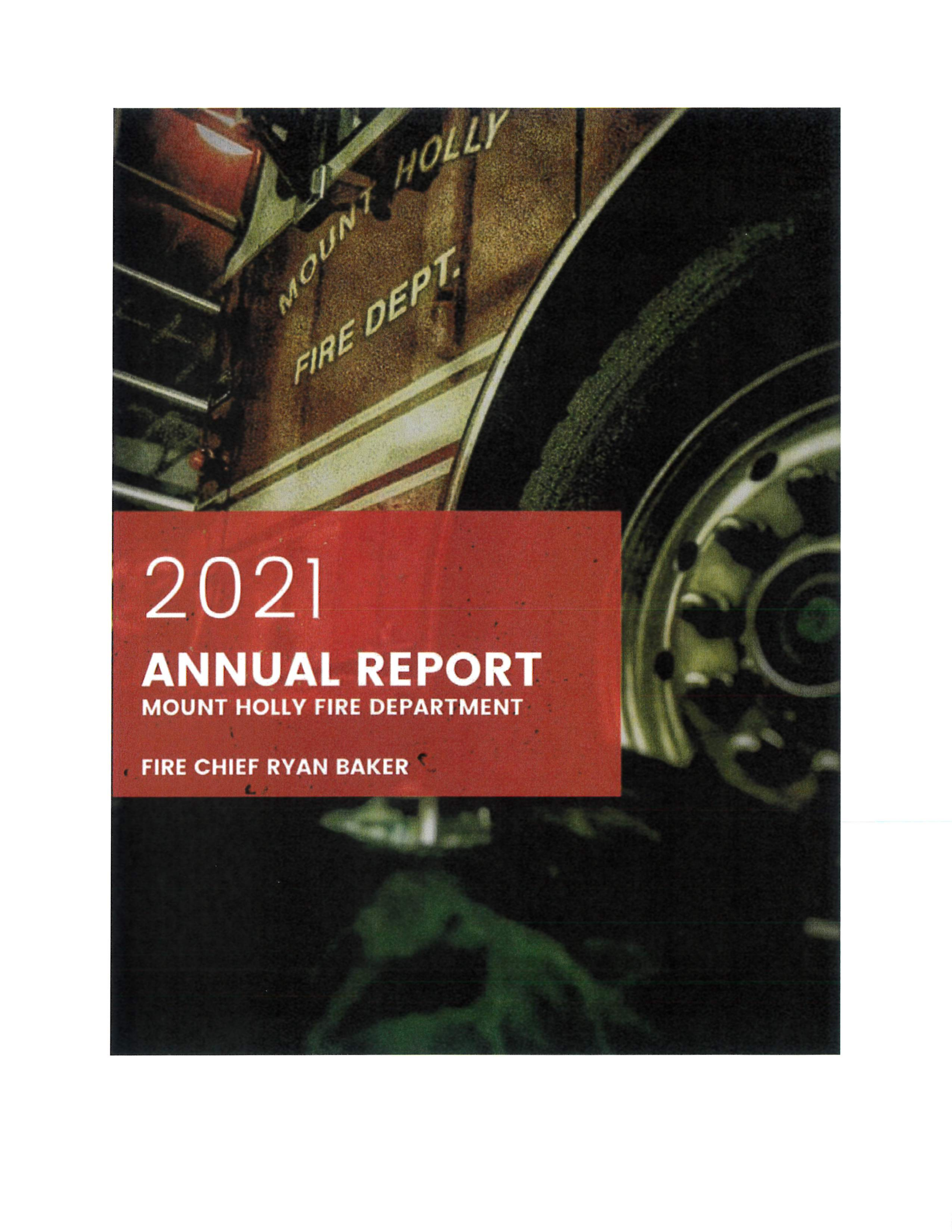
DESTINATION BY DESIGN PLANNING ENGINEERING COMMUNICATIONS

1000 Peachtree St., Suite 200, Atlanta, GA 30309 | 404.525.1100 | www.destinationbydesign.com



City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: 3/9/2022
From: Fire Department	Meeting Date: 3/14/2022
Agenda Item to be considered: Presentation of 2021 Annual Report for the fire department.	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request : Chief Baker will present the 2021 Annual Report for the fire department.	
Fiscal Impact:	
Will Item affect the 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:	\$ 0
Budget Code	
Reviewed by City Attorney	☐ YES ☐ NO ☒ N/A
Manager/Staff Recommendation:	
Result of City Council Decision: _____	
Attachments: 2021 Annual Report	



2021

ANNUAL REPORT

MOUNT HOLLY FIRE DEPARTMENT

FIRE CHIEF RYAN BAKER



TABLE OF CONTENTS

- 3 A Message from the Fire Chief**
- 4 Mission & Vision Statement**
- 5 Personnel Actions**
- 6 Fire Prevention**
- 7 Fire Investigations**
- 8 Fire/EMS Activity Report**
- 10 Training Report**
- 11 Organizational Chart**

A MESSAGE FROM THE CHIEF

I am pleased to present the 2021 Annual Report for the Mount Holly Fire Department.

It has been a busy year for our department. We had 2,455 incident responses, as well as the training, planning, and preparation it takes to operate a department this size.



Fire Chief
Ryan Baker

Without the help of a dedicated team working as one cohesive unit, we would not be able to accomplish what we do daily.

This year we faced many challenges. We navigated through one of the worst pandemics in decades. COVID-19 required us to adjust our way of operating. This included everything from responding to calls to how we maintained staffing levels due to exposures and emergency personnel being affected by the virus.

Our call volume increased in 2021 by more than 28% over the previous year. As our City continues to grow, calls for service will only continue to increase. Our department continually participates in training to provide the highest level of service possible. To facilitate the increase in training, we adjusted the duties of the Administrative Captain to include training and changed the position title to Training/Safety Captain. Standardizing our training has allowed all three shifts to receive the same training.

This year we completed the 2nd phase of our fire hose replacement plan by replacing all of our attack lines. Phase 1 was completed in 2020 when we replaced our supply hoses on our fire trucks.

In closing, I would like to thank the Firefighters of the Mount Holly Fire Department and their families for their dedication to our organization. We are fortunate to have a City Council and Administration that supports our mission to deliver the highest quality emergency services possible to our community with **Pride, Honor, and Integrity.**

Mount Holly Fire Department
Annual Report 2021

MISSION STATEMENT

"Since 1914 Mount Holly Fire Department has provided the highest level of life and property protection. This is achieved through excellent and compassionate service with PRIDE, HONOR, and INTEGRITY."

VISION STATEMENT

"To protect the quality of life for present and future generations through interaction with our community by giving compassionate service in an atmosphere that encourages innovation, professionalism, and diversity."

PERSONNEL ACTIONS

Retirements:

- **Administrative Captain**
 - David Stevens
 - 3/31/2021
 - 26 years of service
- **Firefighter**
 - Ricky Brown
 - 2/26/2021
 - 10 years of service



Captain David Stevens



Firefighter Ricky Brown

Promotions:

- **Shift Captain**
 - Patrick Mayhew
- **Training/Safety Captain**
 - Justin Westbrook



Captain Patrick Mayhew



Captain Justin Westbrook

New Hires:

- **Firefighter** - Kevin Baynard - 3/1/2021
- **Firefighter** - Hayden Kish - 5/16/2021
- **Firefighter** - Robert Heussy - 8/30/2021

FIRE PREVENTION

The department has two Level III Fire Inspectors, Fire Marshal Bob Nightingale and Fire Chief Ryan Baker. The department also has two Fire and Life Safety Educators, Fire Marshal Bob Nightingale and Clint Laughlin. The Fire Marshal fielded 64 complaint calls dealing with various fire code issues, completed 517 inspections, and reviewed 123 plans for occupancy renovations and new construction.



Fire Marshal
Bob Nightingale

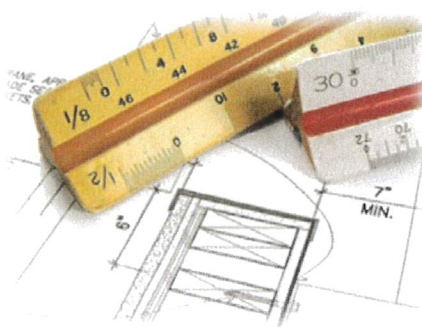


Firefighter
Clint Laughlin

New construction is on the rise. The addition of new businesses/buildings will only increase the number of inspections in the coming year. The department will continue to work closely with business owners, property owners, and contractors to keep the City development moving forward safely.

Along with the high number of inspections completed and our attendance at community events, the department expanded our community outreach and fire safety programs. The department reached over 2,500 people with fire and life safety classes at local schools and other locations. The audience age range was from 4 to 90 years old.

The Fire Marshal also provided inspections/fire coverage at numerous large community events such as the City's 4th of July celebration, concerts, and Food Truck Fridays. In the upcoming year, the department will continue to provide the same level of service the citizens have come to expect.



Mount Holly Fire Department
Annual Report 2021

FIRE INVESTIGATIONS

The Fire Investigation Team consists of two certified Fire Investigators. Their role is to conduct investigations to determine the origin and cause of every fire. Fire investigators demonstrate competence in all phases of fire investigation. This certification is obtained through experience, education, and training in fire and explosion investigation.



Fire Marshal
Bob Nightingale

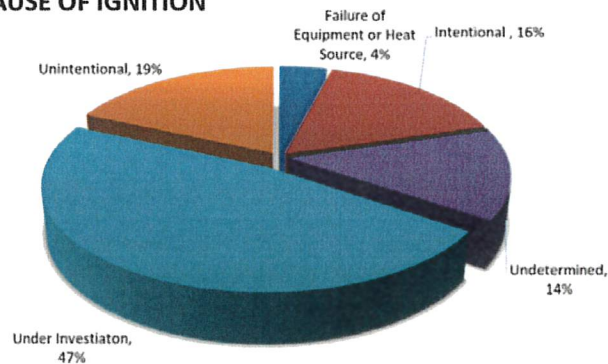


Fire Chief
Ryan Baker

The investigators investigated 49 fires. Of the fire incidents, 23 were classified as Unintentional, 8 were classified as Incendiary (intentionally set), 7 were classified as Undetermined, 9 are still Under Investigation, and 2 were classified as Failure of Equipment or Heat Source.

The estimated pre-fire value for commercial and residential structures the department responded to in the City was \$15,640,170.00. The total fire loss was \$314,400.00. The estimated property saved was \$15,325,770.00.

CAUSE OF IGNITION



CAUSE OF IGNITION	# of INCIDENTS	% of TOTAL
Unintentional	23	47%
Cause Under Investigation	9	19%
Intentional	8	16%
Cause Undetermined After Investigation	7	14%
Failure of Equipment or Heat source	2	4%
Act of Nature	0	0%

FIRE / EMS ACTIVITY REPORT

Total Number of Incidents in 2021: 1,991

Vehicle Accidents - 162	Building Fires - 25	EMS - 686
Service Calls - 121	Good Intent - 233	Diff. Breathing - 230
Gas Leaks - 23	Fire Alarms - 165	Overdose/Narcan - 153
Entrapment/Pin-ins - 13	Brush Fires - 15	Stroke - 56
Event Standby - 12	Rubbish Fires - 11	Diabetic - 40
Carbon Monoxide - 5	Vehicle Fires - 9	CPR - 30
		Water Rescue - 2

Apparatus Responses By Station

Catawba Heights

Station 33

Engine 33 - 854
Engine 331 - 15

Headquarters

Station 34

Ladder 34 - 713
Engine 34 - 355
Brush 34 - 18
Boat 34 - 4

North Station 35

Engine 35 - 355
Ski 1 & 2 - 1

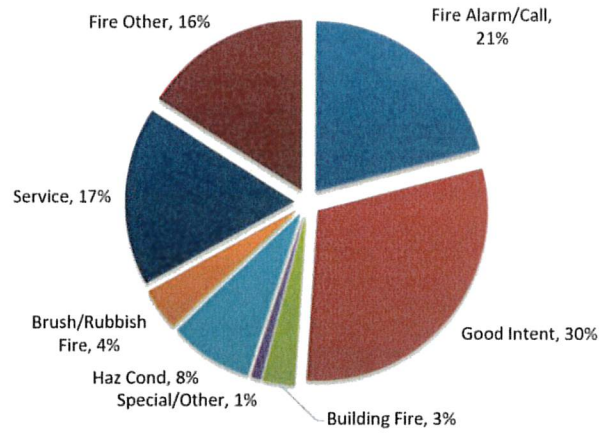
Response Times (Enroute to On Scene)

Station 33 - Catawba Heights - 3 minutes and 26 seconds

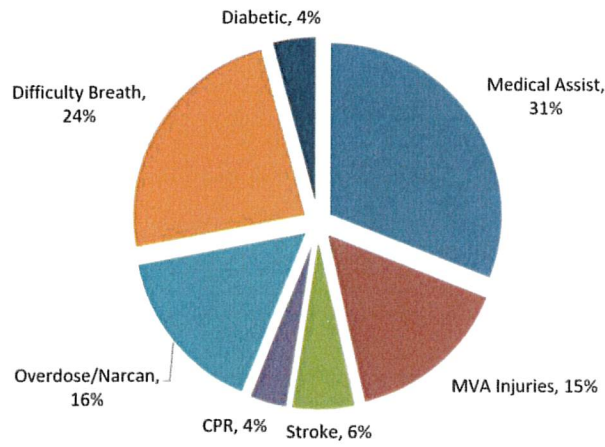
Station 34 - Headquarters Station - 4 minutes and 21 seconds

Station 35 - North Station - 5 minutes and 14 seconds

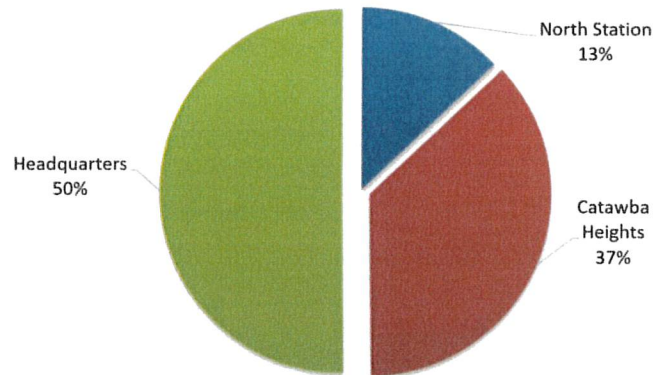
Fire Calls



EMS Calls



Call Volume by City Area



TRAINING REPORT

The fire department provides services in both emergency and non-emergency incidents. Firefighters must be well trained in all operational areas to provide these services. All firefighters are required to perform a minimum of 2 hours of training each day. Daily training includes firefighting, technical rescues, and hazardous material responses. All officers and firefighters must attend 3 hours of continuing education per month to maintain their Emergency Medical Technician certifications.

2021 Training Summary

- 991 classes attended by MHFD personnel
- Firefighters completed 7,625 hours of training

2021 Training Course Highlights

- **Search and Rescue Under Fire** - All firefighters completed 8 hours of search and rescue techniques for trapped victims inside burning buildings. Firefighters performed these drills in life-like conditions presented with high heat and low visibility.
- **Standpipe Operations** - All firefighters completed 8 hours of utilizing Fire Department Connections and Standpipes. This equipment is located inside multi-story buildings.
- **Driver Operator** - 8 firefighters completed the 180 hour Driver Operator course. This course gives an in-depth knowledge of operating fire apparatus.
- **ISO Facility Training** - All firefighters completed 18 hours of required hands-on training inside an approved training center that meets industry standards.

2022 Training Outlook

- **NC Technical Rescue - Vehicle and Machinery Rescue Certification Course**
- **Company Officer Development Course** - An in-depth course created by our department officers to include administrative and fire ground operations. This course will promote continuous growth and progression for our current officers and future officers.
- **Active Shooter and Mass Casualty Incidents** - MHFD will train with Mount Holly Police Department to better prepare for these incidents.
- **Technical Rescue Ropes** - 10 additional firefighters will complete the 120-hour course which will certify them in technical rescue ropes in early 2022.



MOUNT HOLLY FIRE DEPARTMENT



Mayor
Bryan Hough

City Council

Mayor Pro Tem Phyllis Harris, Lauren Shoemaker, Christina Pawlish, David Moore, Jeff Meadows, Ivory Craig Jr.

City Manager
Miles Braswell

Fire Chief
Evan Baker

Training Division
Captain Justin Westbrook

Operations
Deputy Chief Craig Spivey

Fire Marshal Office
Fire Marshal Bob Nighnsale

A-Shift Fire Captain
Captain Scott Furr

B-Shift Fire Captain
Captain Ashton Chaney

C-Shift Fire Captain
Captain Patrick Mayhew

Part-Time Staff

A-Shift Firefighters
Climi Laughlin
Travis Collier
Jason Jackson
Chris Riddle
Zech Wiggs
Harnden Kish

B-Shift Firefighters
Jake Bonnin
Zack King
Patrick Craig
Noah Boyd
Daniel Love
Kevin Baynard

C-Shift Firefighters
Tim Treece
Jason Black
Grant Roberts
Brandon Potts
Blake Buchanan
Robert Housy

Volunteers
Andy Godfrey
Daniel Treece
Elijah Chidster
Josh Johnson Sr.
Chaplin Matt Hill

Volunteer Staff
Assistant Chief Summerlin

PUBLIC HEARINGS

MEMORANDUM

TO: Mayor and City Council, City of Mount Holly

FROM: Marie M. Anders, City Attorney

RE: 725 Elm Street (Old Water Plant) conveyance public hearing

DATE: March 10, 2022

At the July 21, 2021, Council meeting, the City Council approved the sale of 725 Elm St. to OMB Property Holdings LLC ("OMB") for economic redevelopment under NCGS 158-7.1 pursuant to the terms and conditions of an "Agreement for Purchase and Sale of Real Property" and a "Development Agreement." The Development Agreement called for OMB to demolish the existing water treatment plant and related improvements and construction an approximately 5,000 square feet brewery restaurant and biergarten and an approximately 12,000 square feet warehouse.

At the February 14, 2022, in response to a request from John Marrino, Manager of OMB Property Holdings LLC, the Council approved a call for a public hearing on the modification of the Development Agreement. Due to site conditions, OMB now proposes to no longer construct the warehouse, with the expectation that OMB will instead increase the size of the restaurant, biergarten, and parking lot. Section 2.4 of the Development Plan states that "Material modifications to the Development Plan are subject to City Council and regulatory approval." OMB has requested a modification to the Development Agreement to reflect this change in the development plan and revise the Exhibit "B" to reflect the accurate development plan with estimated development budget.

The public hearing to take place at the March 14, 2022, Council meeting was advertised in the Gaston Gazette on March 2, 2022. After the public hearing, if Council chooses to go forward with approving this modification to the Development Agreement, Council may adopt the proposed resolution that follows.

A RESOLUTION TO APPROVE THE CONVEYANCE OF 725 ELM ST., MOUNT HOLLY, NC, IN
ACCORDANCE WITH THE PROVISIONS OF NCGS 158-7.1

WHEREAS, the City Council of the City of Mount Holly ("Council") owns 725 Elm St., Mount Holly, NC, (hereinafter the "Property") and adopted a resolution to hold the Property for disposition as economic development property under NCGS 158-7.1 on March 22, 2021; and,

WHEREAS, the Council issued a Redevelopment Request for Proposals dated March 23, 2021, ("RFP") to develop the property for a restaurant, brewery, brewpub use, which may also include other commercial uses; and,

WHEREAS, the Council selected OMB Property Holdings LLC ("OMB") as the redeveloper based upon OMB's response to the RFP and proposal dated April 19, 2021; and,

WHEREAS, the Council held a public hearing on the question of approval of the conveyance of the Property to OMB pursuant to NCGS 158-7.1 on July 12, 2021, after 10 days' prior notice published in the Gaston Gazette on July 1, 2021; and,

WHEREAS, the Council approved the terms and conditions of the "Agreement for Purchase and Sale of Real Property" and the "Development Agreement" previously presented to Council at the June 28, 2021, regular Council meeting after the public hearing on July 12, 2021; and,

WHEREAS, during its due diligence, OMB discovered that due to site conditions it would not be feasible to construct certain improvements listed in the original Development Agreement, and therefore presented a proposed "Amendment to Development Agreement" at the February 14, 2022, regular Council meeting; and,

WHEREAS, the Council held a public hearing on the question of approval of the conveyance of the Property to OMB with the modified terms as stated in the "Amendment to Development Agreement" pursuant to NCGS 158-7.1 on March 14, 2022, after 10 days' prior notice published in the Gaston Gazette on March 2, 2022; and,

WHEREAS, OMB proposes to acquire the Property to construct a minimum 5,000 square feet brewery restaurant and biergarten; and,

WHEREAS, the probable average hourly wage to be paid to workers by the business to be located at the Property is \$17.79; and,

WHEREAS, the fair market value of the Property is believed to be \$350,000 without being subjected to any covenants, conditions, and restrictions; the fair market value of the Property is believed to be \$165,000 subject to the covenant of OMB to demolish the existing water treatment plant and related improvements; and the consideration to be paid by OMB to purchase the Property is \$200,000, which is not less than the fair market value of the Property subject to the covenants, conditions, and restrictions to be imposed upon the Property by the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mount Holly hereby accepts the proposal of OMB to purchase the Property for economic redevelopment under NCGS 158-7.1 pursuant to the terms and conditions in both the "Agreement for Purchase and Sale of Real Property" and the "Development Agreement" presented to Council at the June 28, 2021, regular Council meeting as amended by the "Amendment to Development Agreement" presented to Council at the February 14, 2022, regular Council meeting; hereby authorizes and directs the City Manager to sign the

aforesaid "Agreement for Purchase and Sale of Real Property", "Development Agreement", and "Amendment to Development Agreement"; and further hereby authorizes and directs the Mayor of the City of Mount Holly to sign a deed to OMB in substantially the same form attached as an exhibit to the "Development Agreement" for the Property upon receipt of the purchase price.

This the 14th day of March, 2022.

CITY OF MOUNT HOLLY

By: _____
Bryan M. Hough, Mayor

Attest:

Amy Miller, City Clerk

AMENDMENT TO DEVELOPMENT AGREEMENT

THIS AMENDMENT TO DEVELOPMENT AGREEMENT (this "Amendment") is made effective as of the ____ day of February, 2022, by and between **OMB PROPERTY HOLDINGS LLC**, a North Carolina limited liability company ("**Developer**") and **THE CITY OF MOUNT HOLLY**, a North Carolina municipal corporation ("**City**").

BACKGROUND STATEMENT

A. Developer and City entered into that certain Development Agreement effective as of July 12, 2021, (the "Agreement") with respect to that certain real property consisting of approximately 2.06 acres located at 725 Elm Street, Mount Holly, Gaston County, North Carolina and being part of Gaston County Tax Parcel 123513 and a portion of 123347, (the "Property"), as more particularly described in the Agreement.

B. In designing the Project, Developer has determined that the 12,000 square foot brewery production support building is not feasible in order to allow for adequate parking for the brewery restaurant and biergarten.

C. Developer and City desire to amend the Agreement to amend the Development Plan set forth in Exhibit B to the Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, Developer and City agree as follows:

1. Change in Development Plan. Developer and City acknowledge and agree that Developer no longer intends to build the 12,000 square foot brewery production support building described in Section 1.5 and Exhibit B of the Agreement.
2. Exhibit B. Exhibit B, "DEVELOPMENT PLAN", to the Agreement is deleted in its entirety and replaced with the amended Exhibit B attached hereto.
3. Counterparts. This Amendment may be executed in multiple counterparts, each of which will be deemed an original but all of which taken together will constitute one and the same instrument. Facsimile and electronic executions and deliveries will have the full force and effect of original signatures.
4. Miscellaneous. Except as specifically amended herein, all remaining terms and conditions of the Agreement shall remain in full force and effect. To the extent of any conflict between the terms and conditions of this Amendment and the terms and conditions of the Agreement, the terms and conditions of this Amendment shall control. Capitalized terms used herein but not otherwise defined shall have the meanings as set forth in the Agreement.

[signatures appear on following page]

IN WITNESS WHEREOF, Developer and City have caused this Amendment to be executed and sealed by their duly authorized representatives on the day and year first above written.

BUYER:

OMB PROPERTY HOLDINGS LLC,
a North Carolina limited liability company

By: _____ (SEAL)
John A. Marrino, Manager

SELLER:

THE CITY OF MOUNT HOLLY, a North Carolina
municipal corporation

By: _____ (SEAL)
Name: _____
Title: _____

1255907

EXHIBIT B
DEVELOPMENT PLAN

Developer plans to design and build a minimum 5,000 square feet brewery restaurant and biergarten and, at the option of Developer, ancillary brewery support buildings, to be used by Olde Mecklenburg Brewery on property currently owned by the City of Mount Holly containing approximately 2.06 acres and located at 725 Elm Street, Mount Holly North Carolina, which property will be purchased from the City of Mount Holly. The Project shall be developed substantially in accordance with plans and specifications to be prepared by Developer and mutually approved by Developer and the City of Mount Holly. Construction will be completed pursuant to the construction schedule set forth in the Development Agreement, and the Project shall be subject to certain restrictions set forth in the Deed for the property to be delivered to Developer by the City of Mount Holly at closing. Development of the Project will include removal of the old water treatment plant, garage, underground cisterns, and related facilities that are currently located on the Property.

Set forth below is an estimated development budget prepared by Developer based on experience from another similar project currently being developed by Developer. After the Development Agreement is finalized and signed, Developer will engage an architect, engineer or similar design professional to design and estimate the costs of the Project.

OMB Property Holdings (OMBPH) and The Olde Mecklenburg Brewery (OMB)

OMB Property Holdings (OMBPH) and The Olde Mecklenburg Brewery (OMB)

FY 2022 - 2023 Investment Budget Mt. Holly Site

Initial Investment Schedule

OMBPH Land Acquisition and WTP Demo Budget

	Size (s.f.)	Unit Cost (\$/s.f.)	Budget (\$)	Completion by
Land Acquisition	88,862	\$2.25	\$200,000	Jan-22
Demolition WTP			\$185,000	Apr-22
Sub-Total			\$385,000	

OMBPH Shell Construction Cost Budget (Shells to be leased to OMB)

	Size (s.f.)	Unit Cost (\$/s.f.)	Budget (\$)	Completion by
Restaurant building (cold dark shell) and site work	7,000	\$225	\$1,575,000	Dec-22
Sub-Total			\$1,575,000	

Upfit Cost/CAPEX Budget (OMB)

	Size (s.f.)	Unit Cost (\$/s.f.)	Budget (\$)	Completion by
Restaurant upfit	7,000	\$300	\$2,100,000	Mar-23
Exterior Biergarten Upfit and Landscaping			\$350,000	
Sub-Total			\$2,450,000	

Total Investment 2022 - 2023	\$4,410,000			
-------------------------------------	--------------------	--	--	--

OLD BUSINESS



City of Mount Holly Action Agenda Item

To: Mayor and City Council

Date: March 8, 2022

From: David E. Johnson, PE

Meeting Date: March 14, 2022

Agenda Item to be considered:

Consideration and Approval of an Enterprise Fund Budget Amendment Request

Will this require a public hearing? YES ☐ NO ☒

Background/Purpose of Request :

There are two components to this budget amendment request.

1. Completion of an expanded AMI (Advanced Metering Infrastructure) fixed base water meter program. This request includes adding 800 cellular remote disconnect valves to the system and the cost of using an outside contractor to expedite the completion of the program.
\$658,557
2. Construction of the Legion Road Public Works Equipment and Material Storage Facility Phase which includes clearing, grading, security fencing, and stone surface. This facility will expand the current public works yard which is reaching its maximum capacity.

Also included in this request is the cost to construct 36 paved parking spaces at Tuck Park. These spaces would be permanent and be available for overflow parking.
\$301,287

Total Budget Amendment Request: \$959,844

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: Approve the budget amendment for the completion of the meter replacement program, Legion Road site improvements and additional parking spaces at Tuck Park

Result of City Council Decision: _____

Attachments: PowerPoint Presentation and Budget Amendment form



Enterprise Fund – Budget Amendment Request For:

1. The completion of an expanded AMI (Advanced Metering Infrastructure) fixed base water meter program

and

2. The construction of the Legion Road Public Works Equipment & Storage Facility including additional parking spaces at Tuck Park



Summary of ARPA Funding and Projects Update from September 27, 2021 Council Presentation

City of Mount Holly was allocated \$5,181,064.35

First allocation was received July 13, 2021 – \$2,590,532.18

We continue to assess the program to ensure compliance.

Therefore funds have not been earmarked for any project

The 2nd ARPA allocation will be received in the calendar year of 2022

Date unknown for release the remaining funds to municipalities

September 27, 2021 Presentation before Council

Priority #1 Implement Water Meter Asset Management Program

FY '21-'22 budget of \$1,200,000 was earmarked for modernizing our water service technology with **AMI (Advanced Metering Infrastructure)** registers.

Utilities & Finance completed an in-depth evaluation of two systems and decided on staying with the Master Meter Multi-Jet Allegro Meter

The approved budget was allocated for equipment and installation currently underway:

Allegro Base Stations (2)

Antenna's with configuration

Repeaters to provide full City coverage (8)

Allegro Registers (AMI Registers)

Installation contractor for registers

Within the current budget, we were able to purchase about 2,700 full body meters **PRIOR** to the vendor's 10% price increase. A savings of approximately \$110,000. We consider this

This meter purchase allows us to replace meters reaching their useful life and would have to be budgeted for during this upcoming fiscal year and subsequent budgets.

Older meters tend to be less accurate reading water usage

Future full body meter replacements will be pushed off until after 2030.

Not within the approved budget or within the scope of the program was the consideration of installing Cellular Remote Disconnect Valves

Completed an analysis of properties (accounts) with repeated turnover or past due payment history i.e. rental units – 800 remote disconnect valves

Allows Finance to cut-off and turn-on meters remotely

Average about 150 cut-offs per month for nonpayment

To expedite the installation of the additional full body meters and the disconnect valves we obtained bids from contractors for the installation work.

Budget Amendment Request to Complete an Expanded Fixed Base Meter System Program :

Purchase 800 Cellular Remote Disconnect Valves \$366,400

Price to install 2,700 meters and the 800 remote cut-off valves
G2 Utilities was the low bid \$292,157

Budget Amendment Request \$658,557

Also seeking Council approval to use G2 Utilities for the installation work

LEGION ROAD SITE IMPROVEMENTS

City Equipment and Storage Yard

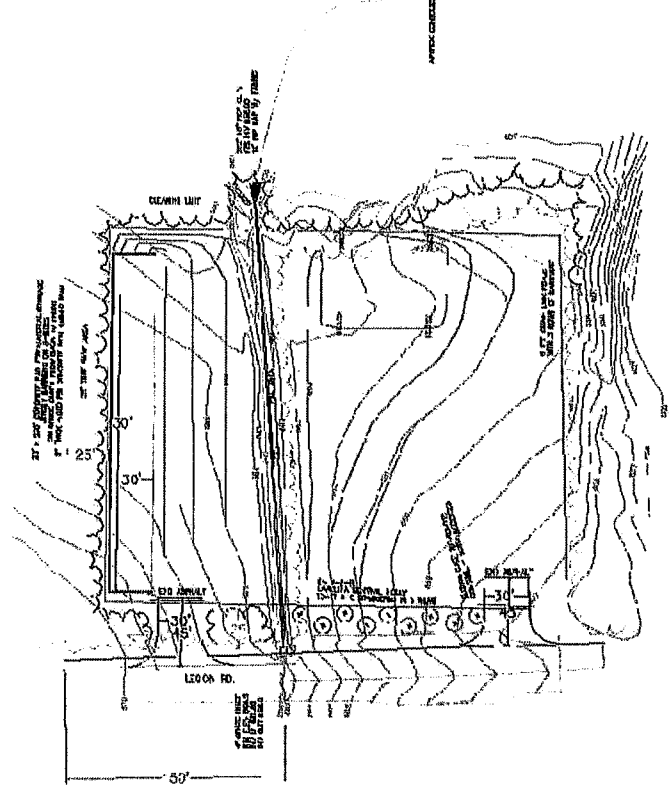
Phase 1

The Public Works staging area has reached its limit and will continue to be problematic as the City Departments grow to meet the needs of the City.

The Legion Road site will utilize City owned property for equipment and material storage and staging.

Improvements on approximately 1 acre of the Legion Road site include:

- Paved entrances
- Drainage improvements
- Grading and stone surface
- Jersey barriers for material storage
- Secure perimeter fencing
- Automatic gates



Additional Parking Spaces at Tuck Park

Due to the overflow parking being temporarily lost at Tuck Center due to the pump station project We were able to add this work to the Legion Road project scope.



Total of 36 additional permanent parking spaces at Tuck Park

Summary of Budget Amendment Request

PROJECT	BUDGET	Encumbered	AVAILABLE
Downtown Waterline Design	300,000	65,000	235,000
Aerial Structural Design	100,000	79,337	20,663
Sandy Ford Waterline Design	100,000	81,000	19,000
TOTAL			274,663
WWTP Repurpose Study		21,000	
Inspection Consultant		75,000	
Legion Road Site --Allocation			178,663
TOTAL			274,663
			Budget Amendment Request
Meter Program	1,200,000		658,557
Legion Road Site+Parking+10% Contingency	\$479,950	Currently Available \$178,663	301,287
TOTAL Budget Amendment Request			\$959,844



Date Submitted: 3/14/2022

Finance Officer: Michelle Wood

City Manager: Miles Braswell

Allocate FB for Legion Road project and AMI water meter program

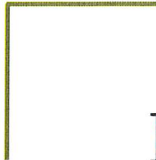
% of Budget after Budget Amendment Approval: 75.324%

NEW BUSINESS



City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: January 3, 2022
From: Jeremy Moss, Building Maint.	Meeting Date: March 14, 2022
Agenda Item to be considered: <i>Consideration and Approval of overhead Lighting on Highway 27.</i>	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request: <i>At the Council work session in September there was a discussion of decorative lighting along the north side of Highway 27 starting at North Lee Street and continuing towards town. Staff has coordinated with Duke Energy on 2 options: Option 1 Twenty-one decorative poles without banner arms and flag mount ~ costing \$720.51 monthly Option 2 Twenty-one decorative poles with banner arms and flag mount ~ costing \$1057.53 monthly With Duke Energy the design, install and operating cost are included in the monthly payment. The light fixtures will be Acorn style and will be an exact match as the light fixtures we have in front of the Municipal Complex in Linear Park.</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: Staff recommends option one, decorative poles with lighting fixture.	
Result of City Council Decision: _____	
Attachments:	



Decorative Street Lighting



Jeremy Moss



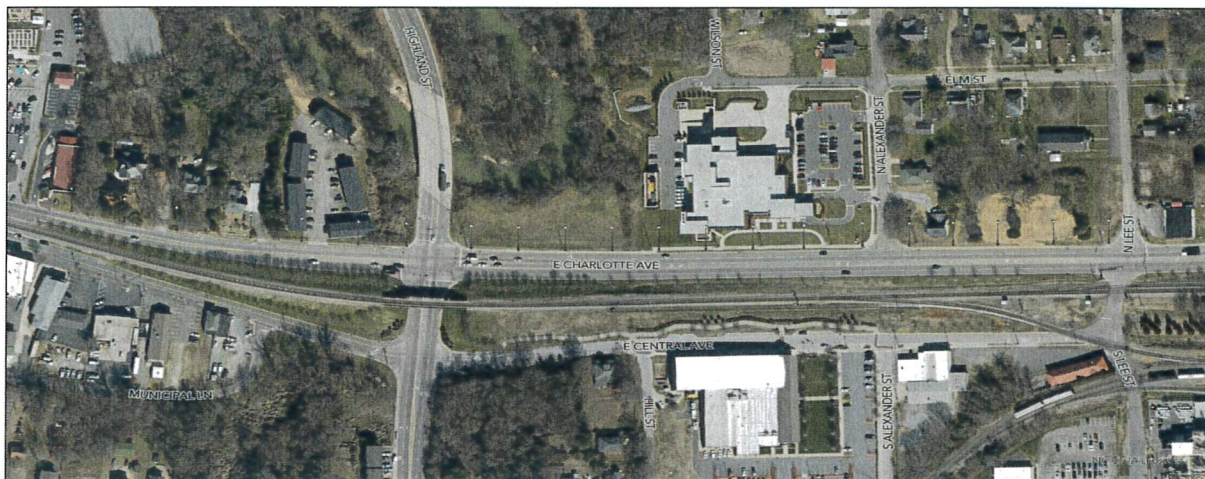
Why talk about
Decorative Street
Lighting?



At the Council work session in September there was a discussion of decorative lighting along the north side of Highway 27 starting at North Lee Street and continuing towards town.



Location – Poles To Be Placed On The North Side Of Highway 27



Location - Aerial View



Details and Benefits



Estimated 21 poles placed about every 89 feet apart.

Duke Energy will design and install

Duke Energy will maintain poles

Lights will match fixtures in front of Municipal Complex

Increased nightscape aesthetics

Imagine Decorative Lighting



Items To Consider

Option One

21 Decorative poles & acorn light fixture	\$318.99
Monthly energy usage	<u>\$401.52</u>
Total monthly cost	\$720.51

Option Two

21 Decorative poles, acorn light fixture, banner arms & flag mount	\$655.83
Monthly energy usage	<u>\$401.52</u>
Total monthly cost	\$1,057.35





City of Mount Holly Action Agenda Item

To: City Council Greg Beal, Economic Development	Date: March 9, 2022
From: Coordinator, Planning Director	Meeting Date: March 14, 2022
Agenda Item to be considered: <u>Consideration and Approval of Public Art Projects as recommended by the Public Art Advisory Commission (PAAC)</u>	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request: <u>For the fiscal year 2021-22, City Council allocated \$50,000 for public art projects that were approved at your August meeting. Subsequently, Council requested that staff work to address the River Hawk Greenway Brand/Logo Project separately. The first two art projects on the fall calendar were artistic bike racks and the Parks and Rec funded greenway brand creation project. We received no interest from artistic bike rack artists in the fall. Requests for Proposals were sent out on January 26th for four projects, which include 1) Mural at 108 South Main Street (Queen Bee Bakery) 2) Mural for 500 East Central Avenue (Arts on the Greenway Building) 3) Outdoor Sculpture at Tuck Park Pollinator Garden and 4) Artistic Bike Racks for downtown and other areas.</u> <u>Having advertised the RFPs on a popular national art call website, the Charlotte Arts and Science Council website, the NC Arts Council website, as well as PAAC members sending these to various local and regional artists, the City received two, quality proposals each for the murals, two, quality proposals for the outdoor sculpture piece at Tuck Park and unfortunately, no submittals (again) for the artistic bike racks. The PAAC spent the past week reviewing the submittals.</u> <u>At the PAAC meeting on Wednesday, March 9th, the group made the following unanimous recommendations:</u> <u>Tuck Park Pollinator Garden:</u> That the project be awarded to Emily Andress and Mac Fab as her piece combines the themes of nature, pollinators and the cultural significance of the area's Native American Heritage. <u>Artistic Bike Racks:</u> Rather than choosing pre-fabricated bike racks that could look store bought, that the City consider working with metal sculpture Jan Craft, the runner-up for the pollinator garden piece. Mrs. Craft designed and fabricated the sculpture in front of the CaroMont Health Emergency Department. Staff has already approached Mrs. Craft about the concept, and she is interested in working together on a proposal for artistic-quality bike racks for Mount Holly. <u>108 South Main Street:</u> That the mural for the south wall of Queen Bee Bakery be awarded to muralist Treazy Treaz for his colorful, nature-themed mural that combines elements of the Lantern Parade. <u>500 East Central Avenue:</u> That the mural for the brick, eastern facing wall of the Arts on the Greenway Building (former Massey Tool Building) be awarded to muralist Sydney Duarte,	

which will be “eye-catching” as one enters Mount Holly’s Downtown Gateway from Charlotte along Hwy 27. This colorful nature-themed piece is reminiscent of Ms. Duarte’s other well-known murals in the Charlotte area.

Please note, per the artists’ submittals and nature of the proposals, the PAAC will be working with each artist, if chosen by Council, to refine these projects. An important point was made by PAAC members in that there are elements of each piece that could use adjusting, perhaps highlighting the river or greenway rather than a downtown clock, for example, which will be displayed on a downtown building. However, the PAAC felt strongly that each project selected, as well as the artist who created them, were quality pieces that will stand the test of time.

Fiscal Impact:

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

Manager/Staff Recommendation: The PAAC made a unanimous recommendation to City Council that you award the art projects as outlined above. Once awarded, proposed costs associated with each proposal will need to be considered given the current budget.

Result of City Council Decision:

Attachments: Tuckaseege Park Pollinator Garden Selection
108 South Main Street Selection
500 East Central Avenue Selection

Public Art Advisory Commission Members:

Julia Benfield
Dottie Scher
Janice McRorie
Stephanie McLaughlin
Bae Hart
Teresa Rench
Leigh Brinkley

Emily Andress and Mac Fab



Emily@awaken-gallery.com



704.630.4368



400 East Central Avenue
Mount Holly, NC 28120

February 24, 2022

Public Art Committee
City of Mount Holly
400 East Central Avenue
Mount Holly, NC 28120

To Whom It May Concern,

We are honored to be considered for the public art sculpture to be installed in Tuck Park.

As a professional artist for 42 years, I have gained the reputation of excellent work along with business acumen that has resulted in public art pieces that came in on budget and on time every time. I have worked with fabricators and engineers to ensure each piece is of the highest quality. A new pre-approved list of artists for public art pieces was created by ASC of Charlotte at the beginning of 2021 and I am honored to say I was selected to be on that roster. Most recently, I was tasked with a \$60k budget to create public art pieces for several Charlotte Mecklenburg Libraries and worked with two Charlotte businesses to do similar pieces for their headquarters. I am currently working on a commission for a piece that will be 5' tall and cast in bronze.

As you will find in this submission, I have a great deal of experience creating the type of layered sculpture I have proposed. It is a unique style that I developed in 2015 that will be in keeping with the purpose of the pollinator garden.

I am honored to be working with Mac Fab who have been working in welding, laser cutting, and fabrication in Mount Holly since 1982. I contacted them in the hopes of continuing the spirit of collaboration that the businesses in our town is becoming known for.

Enclosed you will find our qualifications, project experience, team summary, and appendix.

Thank

Emily Andress
Artist/Owner of Awaken Gallery

The Team of Emily Andress and Mac Fab, Mount Holly

Design Proposal



My design is of a native american woman surrounded by and holding the flower of royalty. As this is for a pollinator garden, I chose colors that bees are purported to be the most attracted. The entire piece is made from laser cut pieces of mild steel which are then welded, painted and sealed. This rough model can be better visualized when seeing examples of my full sized work in this style contained in this packet.

An element that I wish to include will be the shaped of a bee laser cut at her heart. At certain points during the day, the shadow of the bee will be visible amongst the shadows of the flowers. Depending upon the budget, this piece is designed to be approximately 7' tall. It will create a colorful centerpiece in Tuck Park.

Date: March 2, 2022

Subject: Cover Letter/Statement of Interest for 108 South Main Street

Dear Mount Holly Public Art Advisory Commission,

I am excited to submit my proposal for the conceptual artist to install a new mural artwork at 108 South Main Street. The design presented is a draft image and can be adjusted in any way that your team thinks would be best (color, scale, imagery, etc.)

Recently moving to North Carolina from Brisbane, Australia, I have fallen in love with the area and am excited to bring color to new spaces. With 20+ years in the mural world, art has played a pinnacle role in my life, teaching me priceless gems about the values of freedom, friendships, and keeping an out-of-the-box state of mind. This has allowed him to travel the world extensively, leaving a colorful legacy from the deep catacombs of the Paris subway to the dense bio-diversity of the Amazon Jungle.

My artwork is designed to inspire and uplift others. Bringing blank spaces to life with color and fully immersing visitors in the art experience is what I live for. This space is the perfect opportunity for me to use my extensive knowledge, educational background, and experience in mural art installations. My designs were inspired by the building owner's theme to involve representation of the Mount Holly River Hawk Greenway. Greenways and green connections have been a goal of the City and various community organizations, since they were adopted as one of five goals of the 2003 Vision Process.

The role of the conceptual artist is to develop plans and visual concepts. My creative ideas and love of using art to convey a visual statement is exactly what you're looking for. All of my creations are designed with thoughtful messages to make a positive impact on every place and person the artwork comes in contact with. I am excited to add color to Mount Holly while taking visitors on a visual adventure.

Thank you for your time and consideration. I look forward to working with you and your team. If you have any questions or need any additional information, please let me know.

Kind Regards,

Treazy Treaz | Muralist

Phone: 704-451-1524

Email: treazytreaz@gmail.com

1626 Hamilton Street | Charlotte, NC 28206

@treazytreaz



Date: March 2, 2022

Subject: Cover Letter/Statement of Interest for 500 East Central Avenue

Dear Mount Holly Public Art Advisory Commission,

With great enthusiasm and interest, I am submitting my proposal for the conceptual artist to install a new mural artwork at 108 South Main Street. The design presented is a draft image and can be adjusted in any way that your team thinks would be best (color, scale, imagery, etc.)

Bringing blank spaces to life with color and fully immersing visitors in the art experience is what I live for. This space is the perfect opportunity for me to use my extensive knowledge, educational background, and experience in mural art installations. My design is inspired by the town's community, history, the welcoming spirit for people who choose this place to be their home or place of business and the historic downtown that has been preserved and enriched by the distinctive character of the small town feel.

The role of the conceptual artist is to develop plans and visual concepts. My creative ideas and love of using art to convey a visual statement is exactly what you're looking for. All of my creations are designed with thoughtful messages to make a positive impact on every place and person the artwork comes in contact with. I am excited to add color to Mount Holly while taking visitors on a visual adventure.

Thank you for your time and consideration. I look forward to working with you and your team. If you have any questions or need any additional information, please let me know.

With Gratitude,

Sydney Duarte | Muralist + Interactive art installation artist

Owner of Duarte Designs

Phone: 704-451-1524

Email: duartesydney@yahoo.com

1626 Hamilton Street | Charlotte, NC 28206

www.thetravelinggypsy.org

@traveling_gypsy & @duarte_designs



OTHER BUSINESS

REPORTS

Mount Holly Parks & Recreation

Monthly Report- February 2022

Sole Patrol-

The Sole Patrol met 20 days during the month of February. The total attendance was 339, with 31 different members attending. Their activities included walking, corn hole, and shuffleboard. They also had a Valentine's Day celebration.

Fitness Center-

The Fitness Center was open 20 days throughout February. The total attendance was 119, with 24 different members attending.

Athletics-

Our youth basketball season finished up on Saturday February 19.

Free-play basketball for youth is open at the Old Gym on Mondays-Thursdays after school, and adult free-play basketball is available at the Tuckaseegee Community Center. We have been averaging 22 participants for both sessions

Free-play pickleball was held Tuesdays and Thursdays from 1-3pm at the Tuckaseegee Community Center. We had a total of 19 visits by 8 different players.

Rentals & Special Events-

There were three rentals of the Tuckaseegee Community Center in February. The estimated attendance was 130 people.

News & Notes-

Spring sports practices will begin the first week of March.

Parks & Recreation Commission is scheduled to meet Tuesday March 22 at 630pm.

Incident Disposition Totals by Offense

MOUNT HOLLY POLICE

(02/01/2022 - 02/28/2022)

Offense:	Closed By Arrest:	Closed/Offh. Means:	Death of Offender:	Prosecut. Declined:	Cust. Oth. Jurisdic.:	Vic. Ref. Cooper.:	Juv. No Custody:	Not Applic.:	Unfound.:	Reported:	Actual:	Further Invest.:
13A - Aggravated Assault	1	0	0	0	0	0	0	4	0	4	4	3
13B - Simple Assault	3	1	0	0	0	0	1	7	0	8	8	4
13C - Intimidation	0	0	0	0	0	0	0	1	0	1	1	1
220 - Burglary/Breaking & Entering	0	1	0	0	0	0	0	6	0	6	6	5
23F - Theft From Motor Vehicle	0	1	0	0	0	0	0	4	0	4	4	3
23G - Theft of Motor Vehicle Parts or Accessories	0	0	0	0	0	0	0	1	0	1	1	1
23H - All Other Larceny	0	0	0	0	0	0	0	6	0	6	6	6
240 - Motor Vehicle Theft	2	0	0	0	0	0	0	3	0	3	3	1
26A - False Pretenses/Swindle/Confidence Game	0	1	0	0	0	0	0	3	0	3	3	2
26B - Credit Card/Automatic Teller Machine Fraud	0	0	0	0	0	0	0	1	0	1	1	1
26F - Identity Theft	0	1	0	0	0	0	0	1	0	1	1	0
26G - Hacking/Computer Invasion	0	1	0	1	0	0	0	0	0	1	1	0
280 - Stolen Property Offenses	0	1	0	0	0	0	0	1	0	1	1	0
35A - Drug/Narcotic Violations	3	1	0	0	0	0	0	5	0	5	5	1
35B - Drug Equipment Violations	1	2	0	0	0	0	0	4	0	4	4	1
520 - Weapon Law Violations	1	0	0	0	0	0	0	2	0	2	2	1
90C - Disorderly Conduct	0	0	0	0	0	0	0	2	0	2	2	2
90D - Driving Under the Influence	2	0	0	0	0	0	0	2	0	2	2	0
90F - Family Offenses, Nonviolent	0	1	0	0	0	0	0	3	0	3	3	2
90J - Trespass of Real Property	1	1	0	0	0	0	0	2	0	2	2	0
90Z - All Other Offenses	3	4	0	0	0	0	0	10	0	10	10	3
90Z.01 - Traffic Violations	7	1	0	0	0	0	0	10	0	10	10	2

Incident Disposition Totals by Offense

MOUNT HOLLY POLICE

(02/01/2022 - 02/28/2022)

Offense:	Closed By Arrest:	Closed/Ofh. Means:	Death of Offender:	Prosecut. Declined:	Cust. Oth. Jurisdic.:	Vic. Ref. Cooper.:	Juv. No Custody:	Not Applic.:	Unfound.:	Reported:	Actual:	Further Invest.:
90Z.03 - Court Violations	4	0	0	0	0	0	0	5	0	5	5	1
90Z.05 - Found Property	0	1	0	0	0	0	0	2	0	2	2	1
90Z.06 - Involuntary Commitment	0	1	0	0	0	0	0	1	0	1	1	0
90Z.11 - Call For Service	0	7	0	0	0	0	0	11	1	12	11	4
90Z.13 - B&E to Motor Vehicle	0	1	0	0	0	0	0	5	0	5	5	4
90Z.14 - Larceny after B&E	0	0	0	0	0	0	0	4	0	4	4	4
90Z.15 - Damage to Property <\$500.00	0	1	0	0	0	0	0	3	0	3	3	2
Totals:	28	28	0	1	0	0	1	109	1	112	111	55

Arrest Race/Sex Totals by Offense

MOUNT HOLLY POLICE

(02/01/2022 - 02/28/2022)

Primary Offense:	White Male:	Black Male:	Indian Male:	Asian Male:	White Female:	Black Female:	Indian Female:	Asian Female:	Juven.:	Adult:	Resd.:	NonRes.:	Arrests:
13A - Aggravated Assault	1	1	0	0	0	1	0	0	0	3	1	2	3
13B - Simple Assault	0	1	0	0	0	1	0	0	0	2	0	2	2
240 - Motor Vehicle Theft	1	0	0	0	0	0	0	0	0	1	1	0	1
520 - Weapon Law Violations	0	1	0	0	0	0	0	0	0	1	0	1	1
90D - Driving Under the Influence	2	0	0	0	0	0	0	0	0	2	1	1	2
90J - Trespass of Real Property	0	1	0	0	1	0	0	0	0	2	0	2	2
90Z - All Other Offenses	1	0	0	0	1	1	0	0	0	3	3	0	3
90Z.01 - Traffic Violations	2	0	0	0	0	0	0	0	0	2	2	0	2
90Z.03 - Court Violations	1	1	0	0	2	1	0	0	0	5	1	4	5
90Z.06 - Involuntary Commitment	1	0	0	0	0	0	0	0	0	1	1	0	1
90Z.13 - B&E to Motor Vehicle	1	0	0	0	0	0	0	0	0	1	0	1	1
Totals:	10	5	0	0	4	4	0	0	0	23	10	13	23

Citation Totals by Charge

MOUNT HOLLY POLICE

(02/01/2022 - 02/28/2022)

Charge:	Number of Charges:
Speeding (Infraction)	12
No Operator License	8
Driving While License Revoked	8
Expired Registration	2
Inspection	1
Unsafe Movement	1
Failure To Stop (Stop Sign/Flashing Red Light)	2
Running Red Light	2
No Insurance	1
Other (Misdemeanor)	1
Other (Infraction)	9
Other (2nd Charge - Misdemeanor)	2
Other (2nd Charge - Infraction)	15
Total:	64

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

CFS By Department - Select Department By Date
For MOUNT HOLLY POLICE 2/1/2022 - 2/28/2022

MOUNT HOLLY POLICE	Count	Percent
ALARM B	17	1.06%
ALARM R	21	1.31%
ANIMAL COMPLAINT	2	0.12%
ASSAULT AL OCC	3	0.19%
ASSAULT W/ WEAPON	1	0.06%
ASSIST FD/EMS	20	1.25%
ASSIST LE AGENCY	14	0.87%
ASSIST OTHER	6	0.37%
ATTEMPTED B & E	2	0.12%
B & E BUSINESS AL OCC	1	0.06%
B & E RES AL OCC	6	0.37%
B & E TO VEHICLE ALR OCC	3	0.19%
B & E VEHICLE IN PROGRESS	1	0.06%
CHECK ROADWAY	9	0.56%
CHECK THE WELFARE	20	1.25%
CHILD ABUSE AL OCC	1	0.06%
CIVIL DISPUTE	13	0.81%
COMMUNICATING THREATS	3	0.19%
COURT	6	0.37%
DAMAGE TO PROPERTY	5	0.31%
DEATH INV UNATTENDED	2	0.12%
DISCHARGE FIREARM	8	0.50%
DISTURBANCE NATURE UNK	1	0.06%
DOMESTIC ARGUMENT	18	1.12%
DOMESTIC ASSAULT	6	0.37%
DRUGS	5	0.31%
FOLLOW UP INVESTIGATION	34	2.12%
FORGERY	1	0.06%
FOUND PROPERTY	4	0.25%
FRAUD	11	0.69%
FUNERAL ESCORT	6	0.37%
HANGUP 911	9	0.56%
HARRASSMENT	2	0.12%
HIT & RUN PD	6	0.37%
HIT & RUN PI	2	0.12%
INFORMATION ONLY	32	1.99%
INTOXICATED DRIVER	5	0.31%
INTOXICATED PEDESTRIAN	2	0.12%
JUVENILE	16	1.00%
K9 DEPLOYMENT-TRACKING	1	0.06%
K9 DEPLOYMENT-VEHICLE SEARCH	1	0.06%
LARCENY AL OCC	25	1.56%

MOUNT HOLLY POLICE	Count	Percent
LARCENY IN PROG	1	0.06%
LOST PROPERTY	1	0.06%
MENTAL COMMITMENT	1	0.06%
MISSING PERSON JUVENILE	2	0.12%
MV COLLISION PD	27	1.68%
MV COLLISION PI	2	0.12%
NOISE VIOLATION	11	0.69%
OBTAINING WARRANT	11	0.69%
PARKING VIOL	11	0.69%
PERSONAL ESCORT	5	0.31%
PICK UP PROPERTY	1	0.06%
PUBLIC NUISANCE BIKES/SKATEBOARDS/ATV/DIRT BIKES	5	0.31%
PUBLIC SERVICE CALL	11	0.69%
RECOVER STOLEN PROPERTY	2	0.12%
ROAD RAGE	1	0.06%
SCHOOL PROGRAM	1	0.06%
SCHOOL RES OFFICER	6	0.37%
SCHOOL TRAFFIC	5	0.31%
SEARCH WARRANT	1	0.06%
SERVE WARRANT	13	0.81%
SHOOTING IN DWELLING	1	0.06%
SOLICITATION	2	0.12%
SPECIAL ASSIGNMENT	21	1.31%
SPECIAL CHECK	824	51.34%
STALKING	1	0.06%
STOLEN VEHICLE AL OCC	2	0.12%
STRANDED MOTORIST	17	1.06%
SUICIDAL SUBJECT	4	0.25%
SUSPICIOUS PERSON	36	2.24%
SUSPICIOUS VEH OCCUP	44	2.74%
SUSPICIOUS VEH UNOCCUP	47	2.93%
TRAFFIC OTHER	6	0.37%
TRAFFIC STOP	108	6.73%
TRESPASS	14	0.87%
UNAUTHORIZED USE OF CONVEYANCE	3	0.19%
VANDALISM AL OCC	2	0.12%
VERBAL ARGUMENT	4	0.25%
Total Records For MOUNT HOLLY POLICE	1605	Dept Calls/Total Calls 100.00%
Total Records	1605	

PUBLIC WORKS REPORT

	JANUARY	2022	2021	2020
Water				
Daily Average (mgd)		2.783	2.528	2.685
Daily Maximum (mgd)		3.158	3.139	3.751
Daily Minimum (mgd)		2.219	2.144	2.180
Monthly Total (mg)		86.291	78.371	83.254
Customers				
Inside City Limits		7013	6689	6490
Outside City Limits		510	490	492
TOTAL		7523	7179	6982
Wastewater				
Daily Average (mgd)		2.385	2.498	2.650
Daily Maximum (mgd)		2.951	3.302	3.888
Daily Minimum (mgd)		1.173	1.828	1.420
Monthly Total Flow (mg)		73.936	77.442	82.150
American & Efird Total Flow (mg)		13.762	16.636	16.571
Customers				
Inside City Limits		6552	6263	6073
Outside City Limits		59	50	56
TOTAL		6611	6313	6129
Sanitation				
Number of Customers				
Residential		6077	5846	5604
Commercial / Industrial		149	152	153
Recycling		6183	5929	5710
Garbage Collected (tons)		455.57	465.91	512.10
General Yardwaste (tons)		43.12	38.59	51.96
Chipping (tons)		0.00	0.00	0.00
Leaves (tons)		18.50	11.25	12.20
Total Yardwaste (tons)		61.62	49.84	64.16
White Goods (tons)		0.00	0.00	0.00
Recycling (tons)		NA	NA	NA