



March 13, 2017 Council Meeting

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

**CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL**



**March 13, 2017
7:00 P.M.**

CALL TO ORDER BY THE MAYOR

INVOCATION

**PLEDGE OF ALLEGIANCE
Boy Scout Troop 59**

SET THE AGENDA

CONSENT AGENDA

1. Release of a \$24,750 Letter of Credit for Stonewater Bay Phase 4 Map 1 posted by David Weekly Homes
2. Call for public hearing for rezoning and annexation for Holly Springs Subdivision
3. Call for public hearing, regarding a request by Southern Roots, for a text amendment to the Zoning Ordinance under Article 7, Note 28 Solar Energy Systems
4. Approval of Budget Amendments
 - Police—Federal Forfeiture Funds to Upgrade Equipment
 - Admin—Reimbursement from the MHCDF for the Christmas Tree
5. Approval of the Audit Contract
6. Approval of a Resolution Declaring Surplus Property-Donation of Fire Equipment to Hunter Huss Fire Protection Technology Program
7. Approval of the minutes from the Council Retreat
8. Approval of the minutes of the February 13, 2017 Council Meeting
9. Approval of the minutes of the February 27, 2017 Council Work Session Meeting

PRESENTATIONS

1. Introduction of New Employees *Department Heads*
2. Presentation to Honoring Miranda Pennington upon her Retirement from the *Mayor Bryan Hough*
City with 30 years of Service

PUBLIC HEARING

1. Public Hearing regarding a request by Samantha Adamson, for a text amendment to the Zoning Ordinance under Article 7, Note 28 Solar Energy Systems. *Jonathan Wilson*
2. Continued Public hearing for a Conditional District rezoning of Gaston County Parcel ID #'s 220248, 220247, 202002, 202000, 202180, 208655, 208656 and 202179 from R-1 Gaston County to Single Family Conditional District. *Jonathan Wilson*
3. Continued Public Hearing on an Annexation request regarding Gaston County Tax Parcel #'s 220248, 220247, 202002, 202000, 202180, 208655, 208656 and 202179 *Jonathan Wilson*
4. Public Hearing for a text amendment to Article 6, Table of Permitted Uses and Special Uses for studio uses, Article 9, Signs for flying banners, and Article 10, Landscaping of the Zoning Ordinance. *Brian DuPont*

PUBLIC COMMENT – Three (3) Minute Limit

OLD BUSINESS

1. Consideration and Approval of Phase II of Rhyne's Trace Subdivision
2. Consideration and Approval of Meadow Brook Estates

Kemp Michael

Kemp Michael

NEW BUSINESS

1. Consideration and Approval of a donation of baseball scoreboards from Mount Holly Athletic Association (MHAA)
2. Discussion of Zagster (Bike Sharing program) at Tuckaseege Park

Mark Jusko

Mark Jusko

OTHER BUSINESS

CLOSED SESSION

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

ADJOURN

CONSENT AGENDA



City of Mount Holly Action Agenda Item

To: Mayor and City Council

Date: March 6, 2017

From: David E. Johnson, PE

Meeting Date: March 13, 2017

Agenda Item to be considered:

Release of the Irrevocable Standby Letter of Credit posted for Stonewater Bay Phase 4 Map 1 on March 4, 2011 by Weekley Homes, LP. (David Weekley Homes)..

Will this require a public hearing?

☐ YES

☒ NO

Background/Purpose of Request :

Phase 4 Map 1 letter of credit of \$33,501.60 was posted by Weekley Homes, LP and subsequently approved for a reduction to \$24,750.00. This irrevocable standby letter of credit was for the installation of sidewalks.

Sidewalks have been completed in accordance with City standards and criteria. This infrastructure was inspected and punch lists completed to the satisfaction of the City staff.

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 release of the Letter of Credit to Weekley Homes, LP

Result of City Council Decision:

Attachments: None



MEMO

TO: David E. Johnson P.E.
FROM: Derek J Dixon
DATE: 2/24/17
RE: Stonewater Bay Phase 4 Map 1

David,

After careful inspection I approve of sidewalk and trees within place at Stonewater Bay phase 4 map1. This fulfills the items that are covered by David Weekly homes LOC currently held.

David Weekley Homes

Charlotte Division Office
11430 N. Community House Road
Suite 275
Charlotte, NC 28277
704-972-4200
FAX: 800-393-9968

February 23, 2017

David Johnson, PE
Town of Mount Holly
400 East Central Avenue
Mount Holly, NC 28120

Re: Request for Surety Release in Stonewater Bay

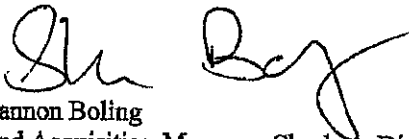
Mr. Johnson:

We would like to formally request for our surety to be released in the Stonewater Bay Community.
To be specific it is for Phase 4 Map 1.
We were lacking sidewalks on four lots and that work was completed last year.
Total amount for the bond was \$24,750.

If you have any questions, please do not hesitate to contact us at the division office.

Sincerely,

DAVID WEEKLEY HOMES


Shannon Boling
Land Acquisition Manager -Charlotte Division

Cc: Jack Thomas, Hopper Communities

Atlanta ♦ Austin ♦ Charleston ♦ Charlotte ♦ Dallas/Ft. Worth ♦ Denver ♦ Greater Hilton Head ♦ Houston
Indianapolis ♦ Jacksonville ♦ Orlando ♦ Panama City ♦ Phoenix ♦ Raleigh ♦ Salt Lake City ♦ San Antonio ♦ Tampa



Copyright © 2013 David Weekley Homes - All Rights Reserved.

**Amendment To
Irrevocable Standby Letter Of Credit**

Number : IS0000137
Amendment Number : 002
Amend Date : February 19, 2013

BENEFICIARY

CITY OF MOUNT HOLLY
ATTN: LISA W. HAGOOD, PE
400 EAST CENTRAL AVE.
MOUNT HOLLY, NORTH CAROLINA 28120

APPLICANT

Weekley Homes LLC
ATTN: BILL GUNTRUM
1111 NORTH POST OAK ROAD
HOUSTON, TEXAS 77055

LADIES AND GENTLEMEN:

AT THE REQUEST AND FOR THE ACCOUNT OF THE ABOVE REFERENCED APPLICANT, WE HEREBY AMEND OUR IRREVOCABLE
STANDBY LETTER OF CREDIT (THE "WELLS CREDIT") IN YOUR FAVOR AS FOLLOWS:

- EXPIRY DATE EXTENDED TO 03/04/2014.

- THE AMOUNT OF THIS LETTER OF CREDIT IS DECREASED BY USD 8,751.60. THE CURRENT AVAILABLE AMOUNT
OF THIS LETTER OF CREDIT NOW TOTALS USD 24,750.00.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

THIS AMENDMENT IS TO BE ATTACHED TO THE ORIGINAL WELLS CREDIT AND IS AN INTEGRAL PART THEREOF.

Very Truly Yours,

WELLS FARGO BANK, N.A.

By: 

Authorized Signature

The original of the Letter of Credit contains an embossed seal over the Authorized Signature.

Together we'll go far





Please direct any written correspondence or inquiries regarding this Letter of Credit, always quoting our reference number, to **Wells Fargo Bank, National Association**, Attn: U.S. Standby Trade Services

at either One Front Street
MAC A0195-212,
San Francisco, CA 94111

or 401 Linden Street
MAC D4004-017,
Winston-Salem, NC 27101

Phone inquiries regarding this credit should be directed to our Standby Customer Connection Professionals

1-800-798-2815 Option 1
(Hours of Operation: 8:00 a.m. PT to 5:00 p.m. PT)

1-800-776-3862 Option 2
(Hours of Operation: 8:00 a.m. EST to 5:30 p.m. EST)

Consent to Amendment **002** on Standby Letter of Credit No. **IS0000137** is required to become effective.
Please date and sign below and return an originally signed copy to us at our office located:

at either One Front Street
MAC A0195-212,
San Francisco, California 94111
or Fax to 415-296-8905.

or 401 Linden Street
MAC D4004-017,
Winston-Salem, NC. 27101
or Fax to 336-735-0950.

☐ Amendment accepted in its entirety

☐ Amendment rejected in its entirety

Date

Authorized Signature - CITY OF MOUNT HOLLY

()

Telephone Number

Printed Name of Authorized Signer



Irrevocable Standby Letter Of Credit

Number IS0000137
Issue Date: March 4, 2011

Beneficiary	Applicant
CITY OF MOUNT HOLLY ATTN: LISA W. HAGOOD, PE 400 EAST CENTRAL AVE. MOUNT HOLLY, North Carolina 28120	WEEKLEY HOMES, L.P. ATTN: BILL GUNTRUM 1111 NORTH POST OAK ROAD HOUSTON, Texas 77055

Letter of Credit Issue Amount USD 33,501.60

Expiry Date March 4, 2012

Ladies and Gentlemen:

At the request and for the account of the above referenced applicant, we hereby issue our Irrevocable Standby Letter of Credit (the "Wells Credit") in your favor in the amount of USD 33,501.60 (Thirty Three Thousand Five Hundred One and 60/100 U.S. Dollars) available with us at our above office by payment against presentation of the following documents:

1. A draft drawn on us at sight marked "Drawn under Wells Fargo Bank, N.A. Standby Letter of Credit No. IS0000137."

2. The original of this Standby Letter of Credit and any amendments thereto.

3. Beneficiary's signed and dated statement worded as follows:

"The undersigned, an authorized representative of the beneficiary of Wells Fargo Bank Letter of Credit No. IS0000137, hereby certifies that the amount of the draft accompanying this statement represents the amount required to be paid to beneficiary on account of the default of Weekley Homes, L.P. under the Stone Water Phase 4 Map 1 Sidewalk Surety Bond/Letter of Credit Reduction Estimate, for 51 total lots dated February 24, 2011 and Weekley Homes, L.P. has been given written notice describing the event or condition of such default in reasonable detail; and the default has not been cured."

In the event of partial drawings where multiple drawings are not prohibited, Wells Fargo Bank, N.A. shall endorse the original of this Letter of Credit and return it to the beneficiary.

If any instructions accompanying a drawing under this Letter of Credit request that payment is to be made by transfer to an account with us or at another bank, we and/or such other bank may rely on an account number specified in such instructions as that of the beneficiary's without any further validation.

We hereby engage with you that each draft drawn under and in compliance with the terms and conditions of this Letter of Credit will be duly honored if presented together with the documents specified in this Letter of Credit at our office located at One Front Street, 21st Floor, MAC A0195-212, San Francisco, California 94111, Attention: US Trade Services, Standby Letters of Credit on or before the above stated expiry date, or any extended expiry date if applicable.

This Irrevocable Standby Letter of Credit sets forth in full the terms of our undertaking. This undertaking is independent of and shall not in any way be modified, amended, amplified or incorporated by reference to any document, contract or agreement referenced herein other than the stipulated ICC rules and governing laws.

Except as otherwise expressly stated herein, this Standby Letter of Credit is subject to The International

Together we'll go far





Practice 1998, International Chamber of Commerce Publication No. 590.

Very Truly Yours,

WELLS FARGO BANK, N.A.

By: Sharon Peace Smoot
Authorized Signature

The original of the Letter of Credit contains an embossed seal over the Authorized Signature.

Please direct any written correspondence or inquiries regarding this Letter of Credit, always quoting our reference number, to Wells Fargo Bank, National Association, Attn: U.S. Standby Trade Services

at either One Front Street
MAC A0195-212,
San Francisco, California 94111

or 401 Linden Street
MAC D4004-017,
Winston-Salem, NC. 27101

Phone inquiries regarding this credit should be directed to our Standby Customer Connection Professionals

1-800-798-2815 Option 1
(Hours of Operation: 8:00 a.m. PT to 5:00 p.m. PT)

1-800-776-3862 Option 2
(Hours of Operation: 8:00 a.m. EST to 5:30 p.m. EST)





City of Mount Holly Action Agenda Item

To: City Council

Date: 3/9/2017

From: Jonathan Wilson

Meeting Date: 3/13/2017

Agenda Item to be considered:

Call for a public hearing, regarding a request by C2 Design Development, for a rezoning and annexation of Tax Parcel ID #'s 202122, 202120, 199264 and 181214 from R-12 Single Family to Single Family Conditional District and Tax Parcel ID # 181227, 180092 and 202690 from R-1 Gaston County to Single Family Conditional District.

Will this require a public hearing? ☒ YES ☐ NO

Background/Purpose of Request: An application was received by staff requesting a rezoning.

Four of the properties are currently located in the Mount Holly ETJ and three properties are located in Gaston County's zoning jurisdiction. All of the properties combined are approximately 130.27 acres in size. The applicant wishes to rezone the properties to a Conditional District to include Single Family Residential as detached homes. The applicant will be requesting permission to develop 347 single family homes.

Additionally, the applicant is requesting annexation for all 7 properties.

Fiscal Impact:

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

Manager/Staff Recommendation:

The Planning Commission recommend to City Council to a call for public hearing for a rezoning and annexation of approximately 130.27 acres from R-12 Single Family and R-1 (Gaston County Zoning) to Single Family Conditional District on April 3rd and 10th. Staff expects to hold the public hearings in April however if there are any unforeseen delays regarding the applicant submitting the required information Staff would recommend to hold the public hearings on May 1st and 8th.

Result of City Council Decision:

Attachments: Rezoning Application
Annexation Application
Map

REZONING APPLICATION
CITY OF MOUNT HOLLY, NORTH CAROLINA

Date Filed: _____ Application Number: _____

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

1. The real property, sought to be rezoned, is owned in fee simple by:
Thomas Worth Springs III
Address: 400 W Catawba Ave Mt. Holly, NC 28120
as evidenced by Deed Book (attached) on Page 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
 W Catawba Ave on the Left or Right side of the W Catawba Ave
(physical address) (circle one) (street)
between Rankin Road and Legion Road, and has a Tax
(street) (street)
Listing of: Tax Parcel # (attached). Said lot(s) has (have) a frontage of 681 feet
and is approximately 98.89 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
R1 Gaston County Zone to Mt. Holly Conditional Use Zone.
5. If Conditional Use rezoning is requested, a site specific plan (see Appendix) is hereby attached (check) X Yes or N/A.
6. If the Conditional Use Rezoning is requested, it is proposed that the real property be put to the following use, with the following specific improvements including building sizes and proposed screening in accordance with the attached site plan as mentioned in Paragraph five (5).

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.

Thomas Worth Springs III
Name of Applicant(s)

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

Applicant's Address: 400 W Catawba Ave, Mt. Holly NC 28120

Phone Number: 704-827-7791

Signature: Thomas Worth Springs III

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) least 15 days prior to the Planning Commission meeting for initial consideration.

INSTRUCTIONS: Applications must be TYPED or LEGIBLE and filed with the City of Mount Holly Planning and Zoning Department, together with the application fee in the amount of \$_____ (See Fee Schedule) at least 15 days prior to the Planning Commission meeting for initial consideration.



CITY of MOUNT HOLLY

DANNY JACKSON, ASSISTANT TO THE CITY MANAGER
COMMUNITY DEVELOPMENT

131 South Main Street
Post Office Box 406
Mount Holly, NC 28120
704-822-2938
704-822-2933 fax
www.mtholly.us

PLANNING
ZONING
CODE ENFORCEMENT
PARKS AND RECREATION
GIS TECHNOLOGY
PUBLIC HOUSING

PETITION REQUESTING ANNEXATION

Date: 8/12/16

To the City Council of the (City/Town/Village) of Mount Holly:
(name of governing body)

1. We the Undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the (City/Town/Village) of _____.
2. The area to be annexed X is contiguous or _____ is not contiguous (check one) to the (City/Town/Village) of Mount Holly and the boundaries of such territory are as follows:

*INSERT MEETS AND BOUNDS DESCRIPTION

- * To Include Parcel # 181227 Thomas W. Springs III*
- **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 termination of vested rights previously acquired for this property. (If zoning vested rights are claimed, indicate below and attach proof.)

NAME	ADDRESS	VESTED RIGHTS DECLARED? (YES OR NO)	SIGNATURE
Thomas Springs III	400 W. Catawba Av. Mt Holly, NC 28120	No	<i>Thomas W. Springs III</i>

- * The City of Mount Holly may wish to require a meets and bounds description and/or map.
- ** This is one possible format for zoning vested rights declaration. This language may require modification to reflect the requirements of the municipal zoning vested rights ordinance, if any.

ADDITIONAL ATTACHMENTS MAY BE USED



CITY of MOUNT HOLLY

DANNY JACKSON, ASSISTANT TO THE CITY MANAGER
COMMUNITY DEVELOPMENT

131 South Main Street
Post Office Box 406
Mount Holly, NC 28120
704-822-2938
704-822-2933 fax
www.mtholly.us

PLANNING
ZONING
CODE ENFORCEMENT
PARKS AND RECREATION
GIS TECHNOLOGY
PUBLIC HOUSING

PETITION REQUESTING ANNEXATION

Date: 8/12/16

To the City Council of the (City/Town/Village) of Mount Holly :
(name of governing body)

1. We the Undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the (City/Town/Village) of _____.
2. The area to be annexed X is contiguous or _____ is not contiguous (check one) to the (City/Town/Village) of Mount Holly and the boundaries of such territory are as follows:

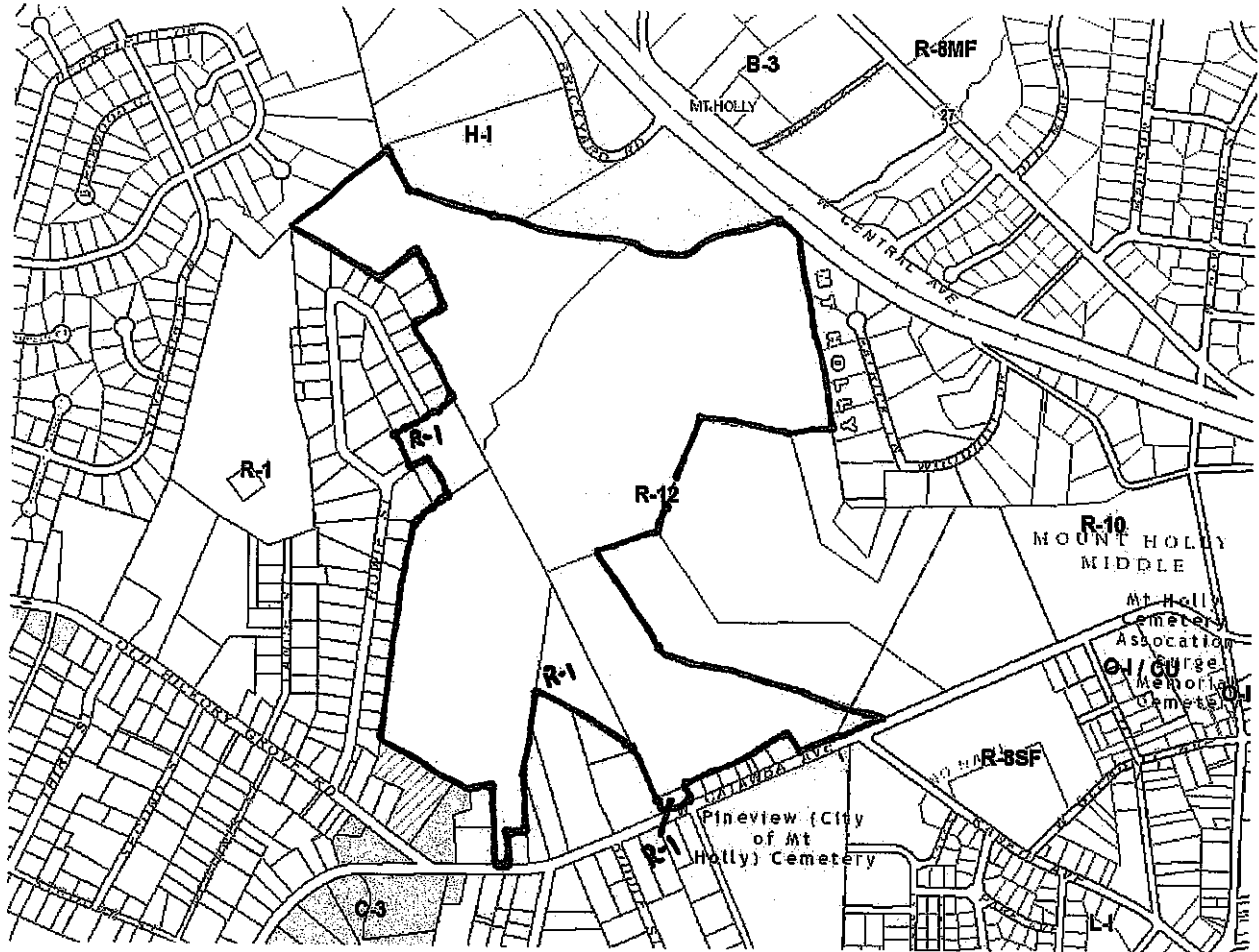
*INSERT MEETS AND BOUNDS DESCRIPTION

- **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 termination of vested rights previously acquired for this property. (If zoning vested rights are claimed, indicate below and attach proof.)

NAME	ADDRESS	VESTED RIGHTS DECLARED? (YES OR NO)	SIGNATURE
Howard R Walls	126 Forest Drive Belmont, NC 28012	No	<i>Howard R Walls</i>
			<i>Westview Ltd.</i>

- * The City of Mount Holly may wish to require a meets and bounds description and/or map.
- ** This is one possible format for zoning vested rights declaration. This language may require modification to reflect the requirements of the municipal zoning vested rights ordinance, if any.

ADDITIONAL ATTACHMENTS MAY BE USED



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, 2015.



City of Mount Holly Action Agenda Item

To: City Council From: Jonathan Wilson	Date: 3-7-2017 Meeting Date: 3-13-2017
Agenda Item to be considered: Call for a Public Hearing for a Text Amendment to Article 7, Note 28 Solar Energy Systems.	
Will this require a public hearing? ☐ YES ☐ NO	
Background/Purpose of Request : Staff received an application for a Text Amendment to the Zoning Ordinance from ReNu Energy Solutions regarding Article 7, Note 28 Solar Energy Systems. This item is only to "Call" for a Public Hearing and the topic will not be discussed at the meeting.	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☐ NO ☒ N/A
Reviewed by Finance Director	☐ YES ☐ NO ☒ N/A
Preaudit Certification required	☐ YES ☐ NO ☒ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☐ YES ☐ NO ☐ N/A
Manager/Staff Recommendation: The Planning Commission made a recommendation to City Council to "Call" for a public hearing regarding a text amendment to Article 7, Note 28 of the Zoning Ordinance.	
Result of City Council Decision: _____	
Attachments: 1. Text Amendment Application submitted by ReNu Energy Solutions.	



**APPLICATION FOR TEXT AMENDMENT
CITY OF MOUNT HOLLY, NORTH CAROLINA**

Date Filed: February 27th, 2017 Application Number: _____

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

1. The amendment is found in the City of Mount Holly Zoning Ordinance relating to: Note 28: Solar Energy Systems, Section B, definition of Solar Energy System, Small and Section C (4) Number of Allowed Small Solar Energy Systems

2. The following statement best describes what you would like the text amendment to reflect: Section B, Definition of Solar Energy System, Small:

An accessory solar collection system that generates energy from sunlight for direct consumption on the subject property and/or for interconnection to the electric utility power grid to offset energy use on the subject property, in accordance with current state net-metering laws. A Solar Energy System, Small consists of up to 80 modules or framed units, inverters, required electrical equipment to interconnection the system to the utility grid.

*** See Additional Text on second page***

3. Name: ReNu Energy Solutions

Address: 4324 Barringer Drive Suite 108 Charlotte, NC 28217

704-525-6767

Phone Number

[Signature]
Signature of Applicant

INSTRUCTIONS: Applications must be TYPED or LEGIBLE and filed with the City of Mount Holly Planning and Zoning Department, together with the application fee in the amount of **\$250.00 (See Fee Schedule)** at least 20 days prior to the Planning Commission meeting for initial consideration.



**APPLICATION FOR TEXT AMENDMENT
CITY OF MOUNT HOLLY, NORTH CAROLINA**

Date Filed: February 27th, 2017

Application Number: _____

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

1. The amendment is found in the City of Mount Holly Zoning Ordinance relating to: Note 28: Solar Energy Systems. Section B. definition of Solar Energy System. Small and Section C (4) Number of Allowed Small Solar Energy Systems

2. The following statement best describes what you would like the text amendment to reflect: Section C(4) Number of Allowed Small Solar Energy Systems: a. Front yard, front facade, and front roof slope placement is prohibited, except for Zone B-3; b. Side yard and rear yard placement allows a maximum of 4 ground mounted small solar energy systems per side or rear yard; c. Side and rear roof slope placement allows a maximum of 5 roof mounted small solar energy systems per roof slope.

3. Name: ReNu Energy Solutions

Address: 4324 Barringer Drive Suite 108 Charlotte, NC 28217

704-525-6767

Phone Number

[Signature]
Signature of Applicant

INSTRUCTIONS: Applications must be TYPED or LEGIBLE and filed with the City of Mount Holly Planning and Zoning Department, together with the application fee in the amount of **\$250.00 (See Fee Schedule)** at least 20 days prior to the Planning Commission meeting for initial consideration.



City of Mount Holly Action Agenda Item

To: City Council

Date: 3-6-17

From: Chief Roper

Meeting Date:
3-13-17

Agenda Item to be considered: Budget amendment to transfer \$15,000 in federal asset funds received by Mt. Holly into the Police Dept. operations budget to upgrade worn equipment, and purchase additional items.

Will this require a public hearing? ☐ YES ☒ NO

Background/Purpose of Request: MHPD was awarded asset forfeiture funds following a federal investigation. We have been using these funds to supplement our budget for the purpose of upgrading equipment. The duty gear currently used by our officers is more than ten years old, and is worn. New duty gear would be purchased for all sworn officers. Physical fitness training uniforms would be provided for officers. The regional swat team is replacing the sidearm of team members. We will use these funds to replace the sidearm of our officer on the team.

Fiscal Impact:

Will Item affect current budget	X YES	☐ NO	☐ N/A
Reviewed by Finance Director	X YES	☐ NO	☐ N/A
Preaudit Certification required	☐ YES	X NO	☐ N/A
Capital Project Ordinance required	☐ YES	X NO	☐ N/A
Budget Transfer required	X YES	☐ NO	☐ N/A
Total City Dollars:	\$15,000.00		
Budget Code	10-10-4310-298		
Reviewed by City Attorney	☐ YES	☐ NO	X N/A

Manager/Staff Recommendation:

Approve budget amendments as attached

Result of City Council Decision:

Attachments:

1. Estimate for duty gear
2. Budget Amendment Form

Replacement Duty Gear

34 Safariland Duty Holsters - \$3568.30

34 ALS Holster Guards – \$328.50

34 Safariland Duty Magazine Pouches - \$833.00

34 Safariland Cuff Cases - \$746.30

34 Safariland Duty Belts - \$1989.00

34 Streamlight Weapon Lights – \$4301.00

34 M-XATT Radio Clips - \$997.65

1 Sig Sauer P226 9mm – \$657.12

1 Duty Holster for Sig P226 – \$99.99

1 Double Magazine Pouch for Thigh Holster – \$21.49

1 Thigh Holster for Sig P226 – \$124.99

1 Duty Belt Double Magazine Pouch - \$18.99

34 Sets of Physical Training Gear – \$1195.50

Total = \$14881.83

CONTRACT TO AUDIT ACCOUNTS

Of City of Mount Holly, NC
Primary Governmental Unit

Mount Holly Tourism Development Authority

Discretely Presented Component Unit (DPCU) if applicable

On this 27th day of February, 2017,

Auditor: Martin Starnes & Associates, CPAs, P.A. Auditor Mailing Address: _____

730 13th Avenue Dr. SE, Hickory, NC 28602

Hereinafter referred to as The Auditor

and City Council (Governing Board(s)) of City of Mount Holly, NC
(Primary Government)

and Mount Holly Tourism Development Authority : hereinafter referred to as the Governmental Unit(s), agree as follows:
(Discretely Presented Component Unit)

1. The Auditor shall audit all statements and disclosures required by generally accepted accounting principles (GAAP) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit (s) for the period beginning July 1, 2016, and ending June 30, 2017. The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion will be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).
 2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with generally accepted auditing standards. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards*, (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit and auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC CPA Board).
- County and Multi-County Health Departments: The Office of State Auditor will designate certain programs that have eligibility requirements to be considered major programs in accordance with OMB Uniform Guidance for the State of North Carolina. The LGC will notify the auditor and the County and Multi-Health Department of these programs. A County or a Multi-County Health Department may be selected to audit any of these programs as major.
3. If an entity is determined to be a component of another government as defined by the group audit standards - the entity's auditor will make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
 4. This contract contemplates an unqualified opinion being rendered. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
 5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he has met the requirements for a peer review and continuing education as specified in *Government*

Primary Governmental Unit

Mount Holly Tourism Development Authority

Discretely Presented Component Units (DPCU) if applicable

Auditing Standards. The Auditor agrees to provide a copy of their most recent peer review report regardless of the date of the prior peer review report to the Governmental Unit and the Secretary of the LGC prior to the execution of the audit contract (See Item 22). **If the audit firm received a peer review rating other than pass**, the Auditor shall not contract with the Governmental Unit without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to Government Accounting Standards or if financial statements are not prepared in accordance with GAAP and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment..

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to the State and Local Government Finance Division (SLGFD) within four months of fiscal year end. Audit report is due on: October 31, 2017. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay must be submitted to the secretary of the LGC for approval.
7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor will make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report must include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. **Invoices for services rendered under these contracts shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the LGC.** (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work must be submitted by email in PDF format to the Secretary of the LGC for approval. The invoices must be sent via upload through the current portal address: <http://nctreasurer.slgfd.leapfile.net> Subject line should read "Invoice – [Unit Name]. The PDF invoice marked 'approved' with approval date will be returned by email to the Auditor to present to the Governmental Unit for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. In consideration of the satisfactory performance of the provisions of this contract, the Primary Governmental Unit shall pay to the Auditor, upon approval by the Secretary of the LGC, the fee, which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. (Note: **Fees listed on signature pages.**)
10. If the Governmental Unit has outstanding revenue bonds, the Auditor shall include documentation either in the notes to the audited financial statements or as a separate report submitted to the SLGFD along with the audit report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor should be aware that any other bond compliance statements or additional reports required in the authorizing bond documents need to be submitted to the SLGFD simultaneously with the Governmental Unit's audited financial statements unless otherwise specified in the bond documents.

11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the client or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board as soon as practical after the close of the accounting period.
12. If the audit firm is required by the NC CPA Board or the Secretary of the LGC to have a pre-issuance review of their audit work, there must be a statement added to the engagement letter specifying the pre-issuance review including a statement that the Governmental Unit will not be billed for the pre-issuance review. The pre-issuance review must be performed **prior** to the completed audit being submitted to the LGC. The pre-issuance report must accompany the audit report upon submission to the LGC.
13. The Auditor shall electronically submit the report of audit to the LGC as a text-based PDF file when (or prior to) submitting the invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the SLGFD by any interested parties. Any subsequent revisions to these reports must be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings, by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and other lawful purposes of the Governmental Unit without subsequent consent of the Auditor. If it is determined by the LGC that corrections need to be made to the Governmental Unit's financial statements, they should be provided within three days of notification unless another time frame is agreed to by the LGC.

If the OSA designates certain programs to be audited as major programs, as discussed in item #2, a turnaround document and a representation letter addressed to the OSA shall be submitted to the LGC.

The LGC's process for submitting contracts, audit reports and invoices is subject to change. Auditors should use the submission process in effect at the time of submission. The most current instructions will be found on our website: <https://www.nctreasurer.com/slq/Pages/Audit-Forms-and-Resources.aspx>

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be varied or changed to include the increased time and/or compensation as may be agreed upon by the Governing Board and the Auditor
15. If an approved contract needs to be varied or changed for any reason, the change must be made in writing, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee. This amended contract needs to be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract, and then must be submitted through the audit contract portal to the Secretary of the LGC for approval. The portal address to upload your amended contract is <http://nctreasurer.slgfd.leapfile.net> No change shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.
16. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit should be attached to the contract, and by reference here becomes part of the contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract will control. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item #25 of this contract. Engagement letters containing indemnification clauses will not be approved by the LGC.

17. Special provisions should be limited. Please list any special provisions in an attachment.
18. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU must be named along with the parent government on this audit contract. Signatures from the DPCU Board chairman and finance officer also must be included on this contract.
19. The contract must be executed, pre-audited, physically signed by all parties including Governmental Unit and Auditor signatures and submitted in PDF format to the Secretary of the LGC. The current portal address to upload your contractual documents is <http://nctreasurer.slgfd.leapfile.net> Electronic signatures are not accepted at this time. Included with this contract are instructions to submit contracts and invoices for approval as of November 2016. These instructions are subject to change. Please check the NC Treasurer's web site at <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx> for the most recent instructions.
20. The contract is not valid until it is approved by the LGC Secretary. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. **The audit should not be started before the contract is approved.**
21. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
22. **E-Verify.** Auditor **shall comply** with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor **shall require** such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.
23. Contractor hereby certifies that Contractor, and all subcontractors, are not on the Iran Final Divestment List ("List") created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58. Contractor shall not utilize any subcontractor that is identified on the List.
25. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted: (See Item 16 for clarification).

SIGNATURE PAGES FOLLOW

Contract to Audit Accounts (cont.)

City of Mount Holly, NC

Primary Governmental Unit

Mount Holly Tourism Development Authority

Discretely Presented Component Units (DPCU) if applicable

City of Mount Holly, NC

- FEES

Year-end bookkeeping assistance – [For audits subject to Government Auditing Standards, this is limited to bookkeeping services permitted by revised Independence Standards]

Audit \$31,850

Preparation of the annual financial Statements \$4,900

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee.

The 75% cap for interim invoice approval for this audit contract is \$ 27,562.50

** NA if there is to be no interim billing

Communication regarding audit contract requests for modification or official approvals will be sent to the email addresses provided in the spaces below.

Audit Firm Signature:

Martin Starnes & Associates, CPAs, P.A.

Name of Audit Firm

By Amber Y. McGhinnis, Senior Audit Manager

Authorized Audit firm representative name: Type or print

Amber Y. McGhinnis

Signature of authorized audit firm representative

Date February 27, 2017

amcghinnis@martinstarnes.com

Email Address of Audit Firm

Governmental Unit Signatures:

City of Mount Holly, NC

Name of Primary Government

By Bryan Hough, Mayor

Mayor / Chairperson: Type or print name and title

Signature of Mayor/Chairperson of governing board

Date

By N/A

Chair of Audit Committee - Type or print name

N/A

**

Signature of Audit Committee Chairperson

Date N/A

** If Governmental Unit has no audit committee, mark this section "N/A"

City of Mount Holly, NC

PRE-AUDIT CERTIFICATE: Required by G.S. 159-28

(a)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act. Additionally, the following date is the date this audit contract was approved by the governing body.

By Africa E. Otis, Finance Officer

Primary Governmental Unit Finance Officer:

Type or print name

Primary Government Finance Officer Signature

Date

(Pre-audit Certificate must be dated.)

africa.otis@motholly.us

Email Address of Finance Officer

Date Primary Government Governing Body
Approved Audit Contract - G.S. 159-34(a)

City of Mount Holly, NC

Mount Holly Tourism Development Authority

**** This page to only be completed by Discretely Presented Component Units ****

FEEES

N/A

N/A

**** NA if there is to be no interim billing**

Page 6 of 8

Primary Governmental Unit

Mount Holly Tourism Development Authority

Discretely Presented Component Units (DPCU) if applicable

Steps to Completing the Audit Contract

1. Complete the Header Information – NEW: If a DPCU is subject to the audit requirements as detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not issued for the DPCU and is to be included in the Primary Government's audit, the DPCU must be named with the parent government on this Audit contract. The Board chairman of the DPCU also must sign the Audit contract.
2. Item No. 1 – Complete the period covered by the audit
3. Item No. 6 – Fill in the audit due date. For Governmental Unit (s), the contract due date can be no later than 4 months after the end of the fiscal year, even though amended contracts may not be required until a later date.
4. Item No. 8 – If the process for invoice approval instructions changed, the Auditor should make sure he and his administrative staff are familiar with the current process. Instructions for each process can be found at the following link. <https://www.nctreasurer.com/slgl/Pages/Audit-Forms-and-Resources.aspx>
5. Item No. 9 – NEW: Please note that the fee section has been moved to the signature pages, Pages 5 & 6.
6. Item No. 16 – NEW: It is now expected that an engagement letter will be attached to the contract. Has the engagement letter been attached to the contract submitted to the SLGFD?
 - a. Do the terms and fees specified in the engagement letter agree with the Audit contract? *"In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract will control."*
 - b. Does the engagement letter contain an indemnification clause? **The audit contract will not be approved if there is an indemnification clause – refer to LGC Memo # 986.**
7. Complete the fee section for BOTH the Primary Government and the DPCU (if applicable) on the signature pages, please note:
 - The cap on interim payments is 75% of the current audit fee for services rendered if the contracted fee amount is a fixed amount. If any part of the fee is variable, interim payments are limited to 75% of the prior year's total audit fee. If the contract fee is partially variable, we will compare the authorized interim payment on the contract to 75% of last year's actual approved total audit fee amount according to our records. There is a report of audit fees paid by each governmental unit on our web site: <https://www.nctreasurer.com/slgl/Pages/Non-Audit-Services-and-Audit-Fees.aspx> - Auditors and Audit Fees.
Please call or email Darrus Cofield at 919-814-4299 darrus.cofield@nctreasurer.com if you have any questions about the fees on this list.
 - For variable fees for services, are the hourly rates or other rates clearly stated in detail? If issued separately in an addendum, has the separate page been acknowledged in writing by the Governmental Unit?

Primary Governmental Unit

Mount Holly Tourism Development Authority

Discretely Presented Component Units (DPCU) if applicable

- For fees for services that are a combination of fixed and variable fees, are the services to be provided for the fixed portion of the fee clearly stated? Are the hourly rates or other rates clearly stated for the variable portion of the fee? (Note: See previous bullet point regarding variable fees.)
 - If there is to be no interim billing, please indicate N/A instead of leaving the line blank.
8. Signature Area – There are now 2 Signature Pages: one for the Primary Government and one for the DPCU. Send the page(s) that are applicable to your Unit of Government. Make sure all signatures have been obtained, and properly dated. **The contract must be approved by Governing Boards pursuant to G.S. 159-34(a).** NEW - If this contract includes auditing a DPCU that is a Public Authority under the Local Government Budget and Fiscal Control Act it must be named in this Audit contract and the Board chairperson of the DPCU **must also sign** the Audit contract in the area indicated. If the DPCU has a separate Audit, a separate Audit contract is required for the DPCU.
9. Please place the date the Unit's Governing Board and the DPCU's governing Board (if applicable) approved the audit contract in the space provided.
- a. Please make sure that you provide email addresses for the audit firm and finance officer as these will be used to communicate official approval of the contract.
 - b. Has the pre-audit certificate for the Primary Government (and the DPCU if applicable) been signed and dated by the appropriate party?
 - c. Has the name and title of the Mayor or Chairperson of the Unit's Governing Board and the DPCU's Chairperson (if applicable) been typed or printed on the contract and has he/she signed in the correct area directly under the Auditor's signature?
10. If the Auditor is performing an audit under the yellow book or single audit rules, has year-end bookkeeping assistance been limited to those areas permitted under the revised GAO Independence Standards? Although not required, we encourage Governmental Units and Auditors to disclose the nature of these services in the contract or an engagement letter. Fees for these services should be shown in the space indicated on the applicable signature page(s) of the contract.
11. Has the most recently issued peer review report for the audit firm been included with the contract? This is required if the audit firm has received a new peer review report that has not yet been forwarded to us. The audit firm is only required to send the most current Peer Review report to us once – not multiple times.
12. After all the signatures have been obtained and the contract is complete, please convert the contract and all other supporting documentation to be submitted for approval into a PDF file. Peer Review Reports should be submitted in a separate PDF file. These documents should be submitted using the most current submission process which can be obtained at the NC Treasurer's web site – <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>.
13. NEW: If an audit is unable to be completed by the due date, an Amended Contract should be completed and signed by the unit and auditor, using the new "Amended LGC-205" form (Rev. 2015). The written explanation for the delay is now included on the contract itself to complete, and must be signed by the original parties to the contract.



Koonce, Wooten & Haywood, LLP
CERTIFIED PUBLIC ACCOUNTANTS

SYSTEM REVIEW REPORT

To the Partners of Martin Starnes & Associates, CPAs, P.A.
and the Peer Review Committee of the North Carolina Association
of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. (the firm) in effect for the year ended December 31, 2014. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As a part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. in effect for the year ended December 31, 2014, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Martin Starnes & Associates, CPAs, P.A. has received a peer review rating of *pass*.

Koonce, Wooten & Haywood, LLP

Koonce, Wooten & Haywood, LLP

May 21, 2015

Raleigh
4060 Barrett Drive
Post Office Box 17806
Raleigh, North Carolina 27619
919 782 9265
919 783 8937 FAX

Durham
3511 Shannon Road
Suite 100
Durham, North Carolina 27707
919 354 2584
919 489 8183 FAX

Pittsboro
10 Sanford Road
Post Office Box 1399
Pittsboro, North Carolina 27312
919 542 6000
919 542 5764 FAX



City of Mount Holly Action Agenda Item

To: Mayor and City Council Ryan Baker, Fire Chief	Date: March 9, 2017 Meeting Date: March 13, 2017
Agenda Item to be considered: Designation of surplus items for Hunter Huss Fire Tech Class	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request : We have old gear that has expired and equipment that is no longer used. Hunter Huss High School has a Fire Tech program that students can take as a class. This equipment can still serve a purpose for the students.	
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: Items to be declared.	

**RESOLUTION OF THE CITY OF MOUNT HOLLY, NORTH CAROLINA FOR
DECLARATION OF SURPLUS PROPERTY AND SALE OF PROPERTY VIA
PUBLIC OR ELECTRONIC AUCTION OR BY MEANS OF EXCHANGE OF
PROPERTY**

WHEREAS, G.S. 160A-267 authorizes the City Council to dispose of surplus property, and authorizes the sale of surplus property by means of private sale, public auction, electronic auction or exchange of property, and

WHEREAS, the City Manager has reviewed the attached list "Attachment A" and declared the items surplus and unusable personal property; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mount Holly does hereby authorize the City Manager to conduct a sale of the surplus and unusable City personal property by means of a private sale, public or electronic auction, or an exchange of property.

Adopted on this 13th day of March, 2017.

SIGNED:

Mayor Bryan Hough

ATTEST:

Amy R. Miller, City Clerk



Mt. Holly Fire Department



P.O. Box 406, 433 Killian Ave, Mount Holly, N.C. 28120
Office: 704-822-2927 - Fax: 704-822-1234

Declaration of surplus equipment

2/10/17

The following is being declared surplus by Mount Holly Fire Department:

**6- Bullard Rescue Helmets
2 -water can fire extinguishers
4 -1 ½ fog nozzles
4-composite traditional firefighter helmets
1-small Scott AV-2000 SCBA mask
3-vinyl hydrant bags
13-pairs of "out of date" firefighting gloves
19-miscellaneous sized and type of fire extinguishers**

Ryan S. Baker, Fire Chief

Mount Holly Fire Department

CITY OF MOUNT HOLLY
2017 CITY COUNCIL RETREAT
Friday, February 3rd
Mount Holly Municipal Complex

Mayor Hough called the meeting at 9:00 a.m.

Finance

System Development Fee Schedule of yearly breakdown since 2007
Continue with First Tryon

Economic Development

End contract with Buxton
Staff establish a protocol working with Jennifer Stanton and bring it back to Council
More aggressive to get the development in.
Change the plan for the gateway.
Get catalyst project.
Upfit water plant for distillery with business incentives.
Continue support of Economic Develop Grant Funds (does not have to be sitting in a fund).

ETJ

Wait until Springs property is developed and then revisit the issue.

Real Estate

Determine uses for top 4 proposed disposal properties.
Discussion of Massey Building—leasing is an option
End contract with Robbie McClure.
Meet Jennifer in a work session meeting.
Proposal for acquire properties for downtown park area

Capacity Fee

Staff determine fee and bring back
Move forward with Ordinance as proposed

Wastewater

Move forward with Plan B
Meet with John Torbett
Attorney needs to take time on contract

Round Table

Video Recording-Bring back how much and capability

Transit-Railroad owns it and it will be a viable options.. MPO and transportation planners keep an eye on it.

Recreation-A and E a couple of years down the road. Parking map put 100x100 feet for a lease agreement. Get with John Boyer and talk about connecting to the greenway. David Moore will follow up

Key to City Policy-Salisbury policy on the February consent agenda.

Multiple vehicle ordinance-city employees need to be looking for code enforcement instead of waiting for s complaint. Pro active instead of reactive.

Fencing ordinance—Work with Greg on fencing ordinance. look at work session

Citizens Academy—No

Bands downtown during summer months-yes and rain options.

Lights on trees in front of Visileos and landscaping-Ask Billy for some type of easement to allow us to maintain the trees and shrubs in front of building.

Park Events-look into events once we get a dog show, use the park for more events.

Special Use Permits-Look over at Special Use Ordinance and bring back to a work session.

Council together as at team-do municipal training as a team instead of a one on one basis. Future training can look at doing it together.

ABC money is going into Fund Balance. Should be a line item and designating for a special purpose.

With no additional items for discussion, Mayor Hough entertained a motion to adjourn. Councilwoman Breyare made the motion to adjourn the 2017 Council Retreat. Mayor Pro Tem Moore seconded the motion. All Council members present voted in favor. (Motion carried)

The retreat adjourned at 2:10 p.m.

**City of Mount Holly
Mount Holly City Council Meeting
Monday, February 13, 2017
Council Chambers
7:00 pm**

Call to Order

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

Mayor Bryan Hough	Danny Jackson, City Manager
Mayor Pro Tem David Moore	Greg Beal, Planning Director
Councilman Jerry Bishop	Ryan Baker, Fire Chief
Councilwoman Carolyn Breyare	Ray Clemmer, Assistant Director of Utilities
Councilman Jeff Meadows	Dave Johnson, Utilities Director/City Engineer
Councilman Jim Hope	Don Roper, Chief of Police
Councilman Perry Toomey	Miles Braswell, Assistant City Manager
Kemp Michael, City Attorney	Africa Otis, Finance Officer

Invocation

Reverend Kendall Cameron, Pastor at Mount Holly First Baptist Church gave the invocation.

Pledge of Allegiance

Councilman Perry Toomey led attendees in the Pledge of Allegiance.

SET THE AGENDA

With no changes to the agenda, Councilman Toomey made a motion to approve the agenda as presented. Councilwoman Breyare seconded the motion. All Council Members voted in favor. Motion carried.

CONSENT AGENDA

1. Approval of Budget Amendment
 - Miles McClellan Preconstruction Activities
 - Linear Park
2. Approval of a Key to the City Policy
3. Approval of a Resolution to Advertise for Unpaid Taxes
4. Approval of a Chairperson for the Planning Commission Chairperson
5. Approval of Fee Schedule to include Fee for Golf Cart Registration
6. Call for public hearing, regarding a request by Samantha Adamson, for a text amendment to the Zoning Ordinance under Article 7, Note 28 Solar Energy Systems.
7. Call for public hearing for a text amendment to Article 6, Table of Permitted Uses and Special Uses for studio uses, Article 9, Signs for flying banners, and Article 10, Landscaping of the Zoning Ordinance.
8. Call for a Public Hearing for the Subdivision & Land Development Ordinance with Tap Amendment
9. Approval of the minutes of the January 9, 2017 Council Meeting
10. Approval of the minutes of the January 23, 2017 Council Work Session Meeting

Mayor Pro Tem Moore made a motion to approve the consent agenda with one correction to the Key to the City Policy. Councilman Meadows seconded the motion. All Council Members present voted in favor. (Motion carried)

PRESENTATIONS

1. Presentation of a Resolution Honoring Mike Gruno upon Retirement from the City
Mayor Hough and the City Council presented Mike Gruno with a resolution and his retirement watch for his 15 years of service with the City.
2. Swearing In of Fire Fighter Jason Jackson

Chief Baker advised that Officer Jackson has been with the City for 9 years but never been officially sworn in or pinned. Mayor Hough administered the Oath of Office to Fire Fighter Jason Jackson was pinned by his father.

3. Presentation of Award to Fire Fighter Ricky Brown for Achieving the Advanced Fire Fighter Certification

Chief Ryan Baker advised that Fire Fighter Ricky Brown has been a fire fighter since 1980 and with the Mount Holly Department since 2011. He advised that Fire Fighter Brown had achieved his Advanced Fire Fighter Certification.

4. Presentation from the Mount Holly Community Foundation

Mr. Dean came before the City Council to present a generous gift given to the Fire and Police Departments by a resident of Mount Holly that wishes to remain anonymous. He presented the Police Department with \$3000 for individual 1st aide kits and the Fire Department with \$6000 for new hoods. Both Chief's were present to receive the checks.

PUBLIC HEARING

1. Public hearing for a Conditional District rezoning of Gaston County Parcel ID #'s 220248, 220247, 202002, 202000, 202180, 208655, 208656 and 202179 from R-1 Gaston County to Single Family Conditional District.

Mr. Wilson advised that a Public Involvement meeting held on December 6th and 9 people attended and expressed concerns regarding the potential traffic impact from the proposed development. At this time, Mr. Wilson introduced David Nelson with the development company, Lennar Homes, based out of Florida. Mr. Nelson gave a brief overview of the Imagery on Mountain Island. He advised that this subdivision will target those 55 and older with all the amenities that are attractive to that certain age group such as fitness, boating and an onsite restaurant. There will be a 100 ft buffer around the lake and 76% of the property will be trees, grass and natural area and more than 4 miles of multi-purpose trails. Mr. Nelson further advised that they have agreed to work on a traffic plan for the area to help alleviate traffic concerns.

At this time, Councilman Bishop made a motion to enter into the public hearing regarding a Conditional District rezoning of Gaston County Parcel ID #'s 220248, 220247, 202002, 202000, 202180, 208655, 208656 and 202179 from R-1 Gaston County to Single Family Conditional District.

Councilwoman Breyare seconded the motion. All Council Members voted in favor. (Motion carried)

Jeff High, 236 Village Glen Way, Mount Holly

Good evening. Mayor Hough, City Council members, Mr. Jackson, Mr. Beal, ladies and gentlemen, thank you very much for the opportunity to speak to you about our concerns with the proposed development. I'm a member of the Stonewater HOA Board. Tonight I'm speaking on behalf of the Stonewater community and in support of our neighbors to the North East, at the Bend.

Our community is aware of your due process on issues like this and we have been participating actively in that process. With that said, most of you know that we have some issues that we respectfully ask you to consider very closely as you come to a decision on the proposed annexation and development plan before you. Specifically:

- Trust but Verify – our presentation to the Planning Commission made liberal use to the term "trust but verify." We have certainly been encouraged by the builder's actions to address some of our issues (particularly the intersection of NC16 and Horseshoe Bend Beach Rd). We appreciate that. We would like to trust, but we must verify. As you know, we want to see things in writing, so that any conditional approvals will "run with the land" as the Conditional Zoning District intends.
- Cost-Benefit Analysis -- we know you have a fiscal responsibility to all your constituents and that the revenue from a new development could be attractive to the City. On the other hand, there will be costs associated with this decision. We have been lead to believe that a cost-benefit analysis would be conducted to guide you. We have not seen such an analysis. In fact, we find it curious that the "Fiscal Impact" of this plan is listed as "not applicable" and the Finance Director has apparently not reviewed the plan. We hope that is just an oversight. We believe the delay that the Planning Commission has recommended would allow time to complete such an analysis.

- Our relationship with the City -- we are not near the center of the City and there is a perception that we are not yet benefitting from City facilities and activities as much as others. Your participation in a couple of our recent community meetings has definitely helped. We thank you for that, and ask that you continue to work with us. As you know, actions speak louder than words. Furthermore, when you are ready to decide we ask that you consider the old adage "first do no harm." If you do not annex any land, we don't think any of your constituents will be harmed.
- Traffic and Fire Safety -- others will speak to our concerns about traffic and fire safety. We know a new fire station is coming ... thank you for that ...but you know we've had some fire safety issues in the past. 500 more homes off Horseshoe Bend Beach Rd will just add to the challenges.
- Water Pressure -- as a follow-on to the fire safety issue, we've also had experiences with inadequate water pressure, so we ask that you carefully consider any studies that say the water pressure is adequate now or will be adequate after you add 500 more homes. I'm sure Lennar and their future residents will share our concerns for the need for new booster pumps and a new water tower. We expect that these will show up as costs to the City in your cost-benefit analysis.
- Our Petition -- to demonstrate the conviction of our residents, we are submitting a petition to the City Council for your consideration.
- Summary -- the Stonewater Homeowners Association President will summarize and underscore the position of our community.

Thank you for the opportunity to address you this evening.

Mr. High presented the petition to Mayor Hough to keep on file.

Kathy High-236 Village Glen Way, Mount Holly, NC

Good evening, my name is Kathy High, I live at 236 Village Glen Way, Mount Holly

I would like to introduce the traffic safety data we've collected. We have a couple poster boards which we will leave up for your reference as others speak. We've seen the traffic incident data the Planning staff collected from the City Police Department, and we realize our information is a little different.

We got our information from Mount Holly Fire Chief Ryan Baker and Lucia Riverbend Fire Chief David Toomey since the Fire and Rescue Departments are often the first to respond (and they have the records). As you can see from the poster there were many accidents in 2016 at the intersection of NC16 and Horseshoe Bend Beach Rd.

Of particular note ... most of the responses in 2016 were by Lucia Riverbend Volunteer Fire Department (18 of the 20) ... they are the closest station to us, so they can get there faster. After the new Fire Station is in place, you can imagine that this workload will likely fall on the Mount Holly Fire Department.

Just to underscore the volume of this work and our concern for traffic safety, consider that with 20 accidents over the year, we have had one on average every 18 days ... about every other week. If you also consider the other 33 fire and emergency responses ... we also have one of those about every 10 days.

Now I want to show you a graphic which displays how narrow Horseshoe Bend Beach Rd is. Of course, this just adds to our concerns. We asked both Fire Chiefs about narrow roads. They agreed that for two fire trucks to pass safely on any road, the code says the minimum lane width must be 10 feet. You can see from the graphic that there are many spots where the lanes on Horseshoe Bend Beach Rd are far less than 10 feet wide.

Last week, after the Planning Commission meeting, we noticed others were out measuring the width of Horseshoe Bend Beach Rd ... we welcome that. We know "trust but verify" works both ways.

Christine Remme-522 Horseshoe Drive

Members of the Commission, My name is Christine Remme. I have owned and occupied the lakefront property at 522 Horseshoe Dr. Since 1992. I have traveled Horseshoe Bend Beach Rd. referred to as HBB for 25 years.

In 2013, Gaston County Commissioners refused to grant variances to the Mountain Island Charter School after they learned of the UNSAFE conditions of HBB especially that it is a dangerous.. dead.. end.. road. That set a precedent, a standard, for local government to value the safety of our children even if builders, developers, and a group of foreign landowners, do not.

The Transportation Safety Board, as a contributor to the National Research Council, has a report on file sanctioned by the National Cooperative Highway Research Program. Said Report 362 is entitled, Roadway Widths for Low-Traffic-Volume- Roads. The data was compiled and the report authored by; Mr.'s Zeeger, Stewart and Council of the University of North Carolina ...Highway Safety Research Center.... in Chapel Hill.

The report asks: WHAT ARE THE EXPECTED ACCIDENT BENEFITS OF WIDER LANES AND SHOULDERS ON PAVED LOW VOLUME ROADS?

Using a linear model, the report concludes that: lane widths of (11FEET) or greater had significantly lower accident rates compared to (10 FOOT) lane widths. AND In consideration of(10FOOT) lane widths....accident rates were lower when shoulders exceeded (4FEET)... than for shoulders of (3FEET)or less.

Please look at the graphic: HORSESHOE BEND BEACH ROAD LANE WIDTH IS 9FEET WITHOUT ANY SHOULDERS except less than 6 inches at random places. It should be also be noted....that... in places the lanes are... less than 9 feet wide due to decaying asphalt. Those of us who drive HBB everyday are driving on one of the most dangerous types of rural collector roads.

Going back as far as 1978, the Federal Highway Administration called in general for lane widths of 10-12 FEET. However for minor roads, 9 FOOT lanes are allowed on routes with Average Daily Traffic BELOW 400 vehicles per day.

Traffic on HBB ALREADY exceeds 400 vehicles per day with the existing 420 homes. AS IS Imagery will double the traffic volume exacerbating an already unsafe condition. Even without additional development, HBB should be altered immediately for SAFETY CONCERNS.

On December 18, 2016 in response to a serious multi vehicle accident near the entrance of Stonewater, HBB was blocked entirely without a shoulder for any traffic to pass. On a personal note, open house guests of ours turned around and went home. Just Imagine if anyone in the Bend needed a fire truck or ambulance at that time?

Fire truck safety codes should be a primary consideration. Chiefs Baker of MT. Holly and Toomey, from Lucia Riverbend which for your information, services the approximate 85 homes at the farthest reach of HBB, can speak to the importance of a MINIMUM, let me stress minimum of 10 FT wide lanes in order for two fire trucks to pass safely. We need to respect our emergency response professionals and give them the lane width and safe road conditions they deserve.

David Toomey-14232 Lucia Riverbend Highway

My name is David Toomey and I live at _____

I have been the Chief of the Lucia Riverbend Fire Station since _____

What you have heard so far with regard to the increase in traffic incidents and emergency calls in the area of Hwy. 16 and specifically on Horseshoe Bend Beach Rd. HBB is absolutely true. Each year the number of calls increases.

Already this year, we have responded to _____ calls in this area.

And what you have heard so far with regard to fire truck safety codes is also true. Two trucks passing should have a minimum of 10 foot wide lanes and preferably with 2-3 ft. shoulders.

Also what you heard about the incident on 12/18 is true. If any emergency vehicle would have been needed on the backside, there would not have been enough shoulder area for them to get around.

And it is the backside, the Bend, the very end of State Rds. 1912 and 1913 that I am most concerned with. HBB is already, the most dangerous road we travel. Adding more traffic will do nothing but increase the difficulty we already have in reaching this area... and delay the response time. We are talking about a matter of life and death.

I would not recommend adding any traffic to this road. In fact it would be best if the two dangerous curves were somehow straightened out and lines of sight were improved. But at the very least to protect the safety of my responders and therefore the safety of the citizens of this area, I recommend widening the lanes and adding shoulders before any more traffic is added to the road.

Ian Byrne 225 White Rock Drive-Mr. Byrne shared his concerns regarding the excessive traffic that will be created with approval of the proposed subdivision. He advised that there are 400 signatures on petitions that oppose the annexation and rezoning that come from citizens all over Mount Holly.

Peter Stoffel, 213 Village Glen Way, the lovely Mount Holly, NC

Good evening. My name is Peter Stoffel and I am the President of the Stonewater Homeowners Association. Over the past few minutes we have brought up several speakers to address the significant concerns with the development plan being proposed. As you evaluate the development plan the first goal must be First, Do No Harm.

Proposed upgrades to the intersection of Horseshoe Bend Beach Road and Highway 16 are still not clear. Without additional improvements our homes become less desirable as a location to commute to jobs in Charlotte; our children's bus ride to school gets even longer; and our community becomes more isolated from the rest of our lovely city. This is real and significant harm.

We are concerned that adding 510 homes, and the additional eight hundred to one *thousand* cars that will come with those homes, to a road that was built decades ago—a road that would not meet the current standards of road construction if it were being built today—is going to harm citizens of Mount Holly.

A reasonable person looking at the plan being presented this evening would conclude that there will be more car accidents as a result of the inadequate improvements being proposed—car accidents that will involve and HARM our loved ones and our children.

We have been meeting with all of the stakeholders in this process. This past Friday Tom Waters and David Nelson said that they are committed to providing a “protected left” onto Highway 16 from Horseshoe Bend Beach Road. (A left turn arrow, if you will.) But if that isn't part of the plan then we have no way to enforce that, and other, promises. That causes real and significant harm.

We have serious concerns about the environmental damage that clearing of the land and construction of the development may cause to all of Mount Holly's drinking water supply. While we believe the River Keeper, who is speaking after me, is better able to speak to those issues, please know that we share those concerns and the potential for any mistakes to cause real harm to Mount Holly.

There are clear benefits to our city to annex and develop the property. We aren't blind to those benefits, and frankly we like them too, but not at the expense of harming current Mount Holly citizens, neighbors and friends. As you just heard, over 400 of those Citizens, neighbors and friends have signed a petition stating that the proposed development plan does not adequately address these causes of harm.

Therefore, we believe your decision must be delayed three to six months for adequate and detailed revisions to be made *and recorded* to the plan. In fact, our position is that improvements to the infrastructure (including both efficiency and safety) need to be made before a huge new load is placed on that infrastructure and before any annexation or building permits are issued. Any other order will compromise the safety of our citizens and our first responders.

On behalf of the residents of Stonewater, thank you for listening giving your consideration to our concerns. You have a tough job and we do appreciate that you are volunteers. Thank you for your service to Mount Holly.

Charles Myers-Lake Keeper for Mountain Island Lake

Mr. Myers advised that he appreciates that the developer is working with Mountain Island Lake. However, the city needs to there is a solid plan for runoff. He also shared concerns regarding the proposed number of docks.

With no one else signed up to speak, Councilwoman Breyare made a motion to close the public hearing and return to open session. Mayor Pro Tem Moore seconded the motion. All Council Members voted in favor. (Motion carried)

Mayor Hough advised that he has a meeting scheduled with Representative Torbett and he will share his concerns regarding the road and the speed limit of the road and talk about the steps that need to be taken with NCDOT. Mayor Hough commented that Council cannot take action tonight. Therefore Councilman Toomey made a motion to continue the Public Hearing at the March 13th Council Meeting. Councilwoman Breyare seconded the motion. All Council Members voted in favor. (Motion carried)

2. Public Hearing on an Annexation request regarding Gaston County Tax Parcel #'s 220248, 220247, 202002, 202000, 202180, 208655, 208656 and 202179

Mr. Wilson advised that Staff recommends Council continue the Public Hearing at the March 13th Council Meeting.

At this time, Mayor Pro Tem Moore made a motion to enter into the public hearing an Annexation request regarding Gaston County Tax Parcel #'s 220248, 220247, 202002, 202000, 202180, 208655, 208656 and 202179. Councilman Meadows seconded the motion. All Council Members voted in favor. (Motion carried) With no one signed up to speak, Councilman Hope made a motion to close the public hearing and return to open session. Councilman Meadows seconded the motion. All Council Members voted in favor. (Motion carried)

Councilman Toomey made a motion to continue the Public Hearing on an Annexation request regarding Gaston County Tax Parcel #'s 220248, 220247, 202002, 202000, 202180, 208655, 208656 and 202179 until March 13th. Councilwoman Breyare seconded the motion. All Council Members voted in favor. (Motion carried)

3. Public hearing for a text amendment to the Zoning Ordinance under Article 7, Note 14 Automobile Storage; automobile towing and storage; automobile wrecking or junk yards; salvage yards; scrap processing to increase the minimum area to 5 acres

Mr. Wilson advised that Staff has recognized the need to be proactive and only allow for the above uses to operate in the Heavy Industrial (H-1) zoning district.

At this time, Mayor Pro Tem Moore made a motion to enter into the public hearing for a text amendment to the Zoning Ordinance under Article 7, Note 14 Automobile Storage; automobile towing and storage; automobile wrecking or junk yards; salvage yards; scrap processing to increase the minimum area to 5 acres. Councilman Meadows seconded the motion. All Council Members voted in favor. (Motion carried) With no one signed up to speak, Councilman Hope made a motion to close the public hearing and return to open session. Councilman Meadows seconded the motion. All Council Members voted in favor. (Motion carried)

Councilman Bishop made a motion to approve the text amendment to the Zoning Ordinance under Article 7, Note 14 Automobile Storage; automobile towing and storage; automobile wrecking or junk yards; salvage yards; scrap processing to increase the minimum area to 5 acres. (Resolution #02132017A) Councilman Meadows seconded the motion. All Council Members voted in favor. (Motion carried)

NEW BUSINESS

1. Consideration and Approval of a Business Incentive Grant and Budget Amendment for 128 South Main Chophouse

Mr. Beal advised that the Incentive Review Committee voted unanimously to recommend approval of \$15,000 Incentive Grant for 128 South Main Chophouse. Mr. Allen was present to represent the Review Committee. Mayor Pro Tem Moore made a motion to approve the Business Incentive Grant and the Budget Amendment for 128 South Main Chophouse. Councilwoman Breyare 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 & 6)

At this time Councilman Bishop made a motion to enter into closed session pursuant to NCGS 143-318.11 (a) (3and 6). Mayor Pro Tem Moore seconded the motion. All Council members present voted in favor. (Motion carried)

Councilman Bishop made a motion to return to open session. Mayor Pro Tem Moore seconded the motion. All Council members voted in favor. (Motion carried)

Upon returning to open session Mayor Pro Tem Moore made a motion to proceed forward with the settlement agreement with Phoenix Consulting LLC in the amount of \$15,000. Councilman Hope seconded the motion. All Council Members voted in favor. (Motion carried)

ADJOURN

With no additional items for discussion, Mayor Hough entertained a motion to adjourn. Councilman Toomey made the motion to adjourn the February 13, 2017 Council Meeting. Mayor Pro Tem Moore seconded the motion. All Council members present voted in favor. (Motion carried)

The meeting adjourned at 8:59 p.m.

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

City of Mount Holly
Mount Holly City Council Work Session Meeting
Monday, February 27, 2017
Council Chambers
6:30 pm

Call to Order

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

Mayor Bryan Hough	Danny Jackson, City Manager
Mayor Pro Tem David Moore	Miles Braswell, Assistant City Manager
Councilman Jerry Bishop	David Johnson, City Engineer/ Director of Utilities
Councilman Jim Hope	Ryan Baker, Fire Chief
Councilman Perry Toomey	Mark Jusko, Recreation Supervisor
Councilman Jeff Meadows	
Councilwoman Carolyn Breyare	Don Roper, Police Chief
Attorney Kemp Michael	Greg Beal, Planning Director
	Africa Otis, Finance Officer

Invocation

Councilman Jim Hope led the Council, staff and attendees in prayer.

SET THE AGENDA

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

CONSENT AGENDA

1. Approval of a Resolution Requesting NCDOT Reduce the Speed Limit on Horse shoe Bend Beach Road to 35 MPH (Resolution #22717A)

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

AGENDA

1. Presentation from the Ida Rankin Robotics Team
The Ida Rankin Robotics Team presented their competition routine to the City Council.
2. Public Hearing on Amendments to the Subdivision and Land Development Ordinance the establishment of a tap fee assessment for connections to the municipal water and sewer systems

Mr. Michael advised that since last August there has been a change in the City's ability collect system development fees. There are other fees that can be added to the fee schedule that can be assessed for all new customers for expanding existing residential, commercial, institutional or industrial facilities.

At this time, Mayor Pro Tem Moore made a motion to enter into the public hearing for Amendments to the Subdivision and Land Development Ordinance the establishment of a tap fee assessment for connections to the municipal water and sewer systems. Councilman Meadows seconded the motion. All Council Members voted in favor. (Motion carried) With no one signed up to speak, Councilman Hope made a motion to close the public hearing and return to open session. Councilman Meadows seconded the motion. All Council Members voted in favor. (Motion carried)

Councilman Toomey made a motion to approve the Tap Fee Assessment. Mr. Michael advised that the Utility Committee met and recommends hiring a consultant to help determine what the fee will be. Councilman Toomey rescinded his motion. Mayor Pro Tem Moore made a motion to continue the public hearing on amendments to the Subdivision and Land Development Ordinance the establishment of a tap fee assessment for connections to the municipal water and sewer system at the April 10, 2017 Council Meeting. Councilman Toomey seconded the motion. All Council Members voted in favor. Motion carried.

3. Public Hearing on Amendments to the Subdivision and Land Development Ordinance the establishment of an allocation period for municipal water and sewer capacity for lots in subdivisions with plat approval

Ms. Anders advised that the proposed ordinance will allow the City to establish an allocation period for water and sewer capacity for new subdivisions approved by the City. This time period will be recorded as part of the plat approval process.

At this time, Councilman Bishop made a motion to enter into the public hearing for Amendments to the Subdivision and Land Development Ordinance the establishment of an allocation period for municipal water and sewer capacity for lots in subdivisions with plat approval. Mayor Pro Tem Moore seconded the motion. All Council Members voted in favor. (Motion carried) With no one signed up to speak, Councilman Hope made a motion to close the public hearing and return to open session. Councilman Meadows seconded the motion. All Council Members voted in favor. (Motion carried) Councilman Toomey made a motion to continue the public hearing on amendments to the Subdivision and Land Development Ordinance the establishment of an allocation period for municipal water and sewer capacity for lots in subdivisions with plat approval at the April 10, 2017 Council Meeting. Councilman Bishop seconded the motion. All Council Members voted in favor. Motion carried.

4. Public Hearing on Amendments to the Subdivision and Land Development Ordinance Requirements for Conditional Use Districts, Street Sign and Light Standards

Mr. DuPont advised that the proposed amendments to the Subdivision and Land Development Ordinance will reflect more how the City is already operating for developments.

At this time, Mayor Pro Tem Moore made a motion to enter into the public hearing for Amendments to the Subdivision and Land Development Ordinance the establishment of a tap fee assessment for connections to the municipal water and sewer systems. Councilman Meadows seconded the motion. All Council Members voted in favor. (Motion carried) With no one signed up to speak, Councilwoman Breyare made a motion to close the public hearing and return

to open session. Councilman Hope seconded the motion. All Council Members voted in favor. (Motion carried)

Councilman Bishop made a motion to approve the amendments to the Subdivision and Land Development Ordinance Requirements for Conditional Use Districts, Street Sign and Light Standards. (Resolution #22717B) Councilman Hope seconded the motion.

5. Plat Review and Possible Approval of 18.62 acres known as Rhyne's Trace Subdivision, Parcel# 210430

Mr. DuPont advised that the developer for Rhyne's Trace Subdivision has requested approval of 18.62 acres. He advised that the developer has not paid the bond and produced a letter of credit. There was discussion regarding approval with the contingency of the tap fee allocation and the establishment of a capacity allocation. It was the consensus of Council to direct the developer to move forward with the bond and the letter of credit and bring back to Council for approval.

6. Consideration and Approval of a Resolution Providing for the Issuance of \$1,938,000 General Obligation Refunding Bond, Series 2017

Mr. Jackson advised that Carter Bank and Trust came in with the low bid at 1.95%. Councilman Meadows made a motion to approve the Resolution Providing for the Issuance of \$1,938,000 General Obligation Refunding Bond, Series 2017. (Resolution #22717C) Mayor Pro Tem Moore seconded the motion. All Council Members voted in favor. (Motion carried)

7. Discussion of Amending the Golf Cart Ordinance

Chief Roper advised that a proposal was made to discuss making a few changes to the recently approved golf cart ordinance. The changes include allowing a person to operate a golf cart with no valid driver's license to operate a golf cart with certification provided by a medical professional and allowing golf carts to operate with no working headlights as long as the golf cart is not driven after dark. Councilman Bishop made a motion to approve the proposed changes to the golf cart ordinance. Councilman Meadows seconded the motion. All Council Members voted in favor with the exception of Councilwoman Breyare. (Motion carried with a 5-1 vote)

8. Adjourn

With no additional items for discussion, Mayor Hough entertained a motion to adjourn. Councilman Toomey made the motion to adjourn the February 27, 2017 Council Work Session Meeting. Councilwoman Breyare seconded the motion. All Council members present voted in favor. (Motion carried)

The meeting adjourned at 7:28 p.m.

PRESENTATIONS

PUBLIC HEARINGS



City of Mount Holly Action Agenda Item

To: City Council From: Jonathan Wilson	Date: 3-7-2017 Meeting Date: 3-13-2017
Agenda Item to be considered: <i>Public Hearing for a Text Amendment to Article 7, Note 28 Solar Energy Systems submitted by Samantha Adamson.</i>	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request : Staff received an application for a Text Amendment to the Zoning Ordinance from Samantha Adamson regarding Article 7, Note 28 Solar Energy Systems. Staff has met with the applicant and drafted revised language to Note 28 Solar Energy Systems that both staff and the applicant have agreed upon.	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☐ NO ☒ N/A
Reviewed by Finance Director	☐ YES ☐ NO ☒ N/A
Preaudit Certification required	☐ YES ☐ NO ☒ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☐ YES ☐ NO ☐ N/A
Manager/Staff Recommendation: The Planning Commission made a recommendation to City Council to approve the presented text amendment to Article 7, Note 28 of the Zoning Ordinance and that the amendment is consistent with the intent of the Land Development Plan.	
Result of City Council Decision: _____	
Attachments: 1. Text Amendment Application submitted by Samantha Adamson. 2. Language to be amended in Note 28, C. Small Solar Energy Systems, 4 Number of Allowed Small Solar Energy Systems.	



APPLICATION FOR TEXT AMENDMENT
CITY OF MOUNT HOLLY, NORTH CAROLINA

Date Filed: 1-18-17

Application Number: _____

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

1. The amendment is found in the City of Mount Holly Zoning Ordinance relating to: ARTICLE VII - Note 28 - C, 4c - Small Solar Energy Systems
2. The following statement best describes what you would like the text amendment to reflect: Number of solar panels that may be placed on a single dwelling will be subject to an engineer's written approval, and installation can only be conducted by a licensed and insured solar panel installation company. Solar panels must not compromise the structural integrity of the dwelling, and may be placed upon any roof slope determined to be structurally sound by a trained professional installer.
3. Name: Samantha Adamson
Address: 142 Houston St. Mt. Holly NC 28120

(704) 891-2438
Phone Number

Samantha Adamson
Signature of Applicant

INSTRUCTIONS: Applications must be TYPED or LEGIBLE and filed with the City of Mount Holly Planning and Zoning Department, together with the application fee in the amount of \$250.00 (See Fee Schedule) at least 15 days prior to the Planning Commission meeting for initial consideration.

and/or for inter-connection to the electric utility power grid to offset energy use on the subject property, in accordance with current state net-metering laws.

Special Use Permit: Requirements for Special Use Permits may be found in Article XII, specifically, Section 12.6 of the Zoning Ordinance.

- C. Small Solar Energy Systems: The following shall constitute the criteria and requirements associated with a Small Solar Energy System.
1. Small solar energy systems shall be permitted as an accessory use by right in all zoning districts, subject to the requirements set forth in this Ordinance, except for L-1 and H-1. Solar energy systems include ground, pole and roof mounted systems.
 2. Energy: The energy generated by the small solar energy system shall be used primarily for direct consumption on the subject property and/or for inter-connection to the electric utility power grid to off-set energy use on the subject property, in accordance with current state net-metering laws.
 3. The construction of the small solar energy system shall be in accordance with an approved zoning permit from the City of Mount Holly and building permit from Gaston County.
 4. Number of Allowed Small Solar Energy Systems:
 - a) Front yard, front façade, and front roof slope placement is prohibited.
 - b) Side yard and rear yard placement allows a maximum of 4 ground mounted small solar energy systems per side or rear yard.
 - c) ~~Side and rear roof slope placement allows a maximum of 5 roof-mounted small solar energy systems per roof slope.~~ Side and rear roof slope placement shall be determined by a licensed engineer certifying that the structural integrity of the structure can support the required number of solar panels needed. Solar panels must not compromise the structural integrity of the structure and may be placed in any configuration on a side or rear roof slope.
 - d) Front roof slope placement shall be determined by a licensed engineer certifying that the structural integrity of the structure can support the required number of solar panels needed. Solar panels must not compromise the structural integrity of the structure and may be placed in any configuration on the front roof slope provided that the structure is a minimum of one-hundred (100) feet from the street. Additionally, the licensed engineer must state that the angle of any front roof slope

placement of a solar panel will not produce a glare directed towards the street.

5. Setback: Ground or pole mounted solar energy systems shall be placed so that no individual component of the solar system may extend into the side or rear setback. Solar energy systems may be placed no closer than 10 feet from the rear lot line (except on double frontage lots as defined in Section 3.13 of this Ordinance) and 10 feet from side lot lines. Ground or pole mounted solar energy systems shall not be allowed in the front yards of residential properties.
6. Ground Mounted Small Solar Energy Systems:
 - a. The total height of the solar energy system, including any mounts shall not exceed 12 feet above the ground when orientated at maximum tilt. If the solar energy system is intended to provide power for outdoor lighting, the system shall not extend higher than the permitted height of the structure to which it is attached and/or inter-connected to.
 - b. The solar energy system shall be mounted onto a pole, rack, or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components and withstand adverse weather conditions.
 - c. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.
 - d. Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road when it creates a nuisance or safety hazard.
 - e. It shall be demonstrated that the small solar energy system shall not unreasonably interfere with the view of, or from, sites of significant public interest such as a public park, a state designated scenic road, or historic resources.
 - f. Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection to system components and/or the local utility power grid.
 - g. No ground mounted small solar energy systems shall be affixed to a block wall or fence.

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

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-341, prior to adopting or rejecting a zoning amendment, the governing board is required to adopt a statement as to whether the amendment is consistent with the comprehensive land use plan;

WHEREAS, the City Planning Commission has reviewed a proposed amendment to the Ordinance, the text amendment would be to reflect the requirements for the use of solar energy systems;

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

WHEREAS, this Council has reviewed and considered the above written recommendation of the Planning Commission and has held a public hearing on the proposed amendment, and this Council has determined that the proposed amendment is consistent with the Mount Holly Comprehensive Land Use Plan.

Adopted this ____ day of _____, 2017.

ATTEST:

MOUNT HOLLY CITY COUNCIL

Amy Miller, City Clerk

Bryan Hough, Mayor



City of Mount Holly Action Agenda Item

To: City Council

Date: 3-7-2017

From: Jonathan Wilson

Meeting Date: 3-13-2017

Agenda Item to be considered: Public Hearing, regarding a request by Lennar Carolinas, LLC, for a rezoning and annexation of Tax Parcel ID #'s 220248, 220247, 202002, 202000, 202180, 208655, 208656 and 202179 from R-1 Gaston County to Single Family Conditional District.

Will this require a public hearing?

☒ YES

☐ NO

Background/Purpose of Request: City Staff has been working with Lennar Carolinas, LLC who submitted a rezoning request for the above parcels. All eight properties are located in Gaston County's zoning jurisdiction. All of the properties combined are approximately 298 acres in size. The applicant wishes to rezone the properties to a Conditional District zoning district to include Single Family Residential as detached homes and various types of amenities. The applicant will be requesting permission to develop up to 510 single family homes for active adults. The community will be restricted to those 55 years and better. Homesites would range between 55', 65', 75' and 100' in widths.

The developed lots would range in size as noted below and on the site plan:

<u>Lot Width:</u>	<u>Minimum Lot Size:</u>	<u>Proposed Lot Width Table:</u>
55'	7,150 square feet	162 Lots
65'	8,450 square feet	153 Lots
75'	9,750 square feet	163 Lots
100'	15,000 square feet	32 Lots

The minimum setbacks for all four lot sizes are:

Front Yard: 20 feet from ROW

Side Yard: 5 feet

Corner Side Yard: 10 feet from ROW

Rear Yard: 20 feet (internal lots); 35 feet (external lots)

Building Height: 40 foot maximum *If building height is more than 35' then front and side yard setbacks will have to be increased a minimum of 2.5 feet for every 1' vertical above 35' in height.*

A Public Involvement Meeting was held on Tuesday, December 6, 2016 from 3:30 P.M. to 6:30 P.M. Notices of the public involvement meeting were mailed to thirty-eight (38) properties that are within two-hundred and fifty (250) feet of the properties and a newspaper ad was placed in the Gaston Gazette, notifying the public of the meeting. There were nine (9) persons who attended the public involvement meeting. Staff and the applicant received comments from those who attended the meeting regarding the potential traffic impact from the proposed development and concerns for the intersection of Highway 16 and Horseshoe Bend Beach Road.

A Public Hearing was held on February 6, 2017 before the Planning Commission. The Planning Commission made a recommendation to the City Council to continue the Public Hearing until March so that more information could be provided to Staff and the Public. On February 13, 2017 City Council held a public hearing and voted to continue the public

hearing until March so that more information could be provided to Staff and the Public.

The applicant is providing a minimum of 25.5 acres of usable common open space which was arrived at by the equation of the number of lots divided by 20 which equals 25.5. Additionally, the applicant is proposing the following amenities to be located in the common open space: six (6) waterfront common open space areas, one of which will have approximately 100 docks and parking area and another with a canoe/kayak launch ramp; the remaining four (4) waterfront common open space areas are planned to be passive recreation areas. There are three (3) main amenity areas which the applicant is proposing to locate a sit-down restaurant, short-term stay bed and breakfast, spa and salon and a bank atm kiosk. The three (3) main amenity areas are approximately 13 acres. Additionally, the applicant is proposing a trail system throughout the development which will be a combination of materials from 10' wide asphalt paved trail, and natural surface trail. The trail system will be marked according to the City's Trail Marking Ordinance, Section 3.12, Neighborhood Recreation Sites – Emergency Response Requirements for Trail System. The applicant is also wishing to have the ability to construct a fenced, pave-asphalt, etc. boat/rv storage facility on the property as shown on the plan. The location of this facility as shown on the plan would be at the western point of the property along Horseshoe Bend Beach Road. The applicant will provide screening/landscaping for this facility which complies with Article 10 of the Zoning Ordinance.

The applicant is proposing to include a mixture of architectural elements which include a mixture of front elevations incorporating porches, stoops and other City approved elements, a mixture of crawlspace, slab and basement foundations depending on topography, with the focus in minimal steps and elevation changes and mixed materials elevations including brick, stone, fiber-cement siding, vinyl windows, soffits and trim. No vinyl siding would be permitted as a primary material.

The Strategic Vision Plan has Design Guidelines for Voluntary Annexations which Staff believes should be incorporated into the Conditional District Zoning Site Plan. The applicant is not meeting the requirements of the Design Guidelines for Voluntary Annexations from the Strategic Vision Plan however these guidelines enforced via a quid-pro-quo process. Staff believes that under this premise the applicant is fulfilling the Design Guidelines for Voluntary Annexations from the Strategic Vision Plan. Particularly, the Conditional Notes 11, 13, and 19 fulfill this objective.

The applicant is requesting under "Conditional Notes" #19 F. the ability to request for a "modification" for the required 5' sidewalk along the project frontage. Under the Subdivision and Land Development Ordinance an applicant may request a modification of the ordinance requirements from City Council. The Subdivision and Land Development Ordinance requires under Section 3.10 Sidewalk Improvements #1 the applicant must install sidewalk along the frontage of a road or street. Staff is offering a compromise under this requirement if granted by City Council for the applicant to only be required to construct sidewalk along the frontage from Entrance #1 west to the edge of their property and from Entrance #3 southeast until the existing road veers away from the property. The applicant has agreed to this compromise as noted on the site plan.

The applicant submitted a Traffic Impact Analysis which was conducted by Ramey Kemp & Associates who are Transportation Engineers. On Friday (2-3-17) the applicant submitted additional information in the form of a revised technical memorandum to their Traffic Impact Study. The revised Traffic Impact Study – Technical Memorandum provided additional information and analysis for the development. This technical memorandum took new traffic

counts at the intersection of NC 16 and Lucia Riverbend Highway/Horseshoe Bend Beach Road. These new traffic counts were obtained on January 4, 2017 during the peak hours (7:00-9:00 AM and 4:00-6:00 PM). In comparing the new traffic counts to the older traffic counts, some turn movements decreased in volume while others increased. The conclusion of the Traffic Impact Study – Technical Memorandum completed by Ramey Kemp & Associates, Inc. stated that “analysis based on the 2017 traffic counts showed similar results as the TIS. Minor increases in delay and queues are expected by the site traffic. No offsite roadway improvements are recommended.”

Staff requested that the applicant provide written documentation from NC DOT regarding the Traffic Impact Analysis. Caleb Whitby, Assistant District Supervisor with Division 12, District 1 stated the following:

“After reviewing the Little Italy (now Imagery on Mountain Island) Traffic Impact Study (TIS) we have no problems with what you are recommending. No improvements to the intersection with NC 16 will be required by the development, and the driveways can be constructed as stated in the manual after we receive and approve a driveway permit.”

NCDOT, Division 12 also submitted a letter to the applicant indicating that if the Highway 16 and Horseshoe Bend Beach Road/Lucia Riverbend Road intersection improvements are made they will study the intersection to determine the best level of service for signal revisions.

The applicant is proposing to construct offsite traffic improvements and under Note 11 on the site plan the applicant has stated the following:

“The development shall be subject to any street improvement recommendations identified on the NCDOT’s approved TIA. The petitioner shall provide the following voluntary measures.

A. A left turn lane at Horseshoe Bend Beach Rd. into the proposed development, at project entrance #1, with 50’ storage, 75’ bay taper, and related approach/departure taper. As part of this work, petitioner will re-grade the area south of the Stonewater second entrance to improve the sightline at that intersection. A memorandum of understanding and a temporary access and grading easement will be necessary from the Stonewater H.O.A.

B. Realignment of the existing 90-degree turn at Horseshoe Bend Beach Rd. into a full T-intersection with a stopping condition on existing Horseshoe Bend Beach Rd. going north.

C. Improving/providing a right turn lane at Horseshoe Bend Beach Rd. going westward at HWY 16 intersection, with full lane back to Pump Station Road.

D. Improving/providing a left turn lane on HWY-16 going southward onto Horseshoe Bend Beach Rd. at the intersection, with 200’ full width storage and taper back to tie to existing widened pavement on Hwy 16.

E. If the Mountain Island Charter School (MICS) provides adequate funding, then the petitioner shall manage for MICS the installation of a dual left turn lane from Hwy 16 onto Lucia Riverbend Road and a dual receiving lane and appropriate taper all as approved by NCDOT provided it is accomplished at the same time as the other improvement in items A-D above.

F. All improvements in A-E above will be started concurrent with paving of phase one of the development and prior to final plat approval for phase one.

The applicant submitted a sketch plan of the proposed offsite roadway improvements at the Highway 16 and Lucia Riverbend Highway/Horseshoe Bend Beach Road intersection which is included in the packet.

The applicant is also requesting permission to gate up to 15% of the lots in the community and build those roads as privately owned and maintained roads, as shown on the plan. The

applicant has shown the proposed gate location on the site plan.

At the Planning Commission meeting on February 3rd and at the City Council meeting on February 13th members of the Stonewater community and surrounding community in the County spoke at the public hearing. This group of citizens stated the following concerns:

- Stressed that the City verify what the applicant wants to construct and have it noted on the site plan
- Belief that the traffic study was inadequate and did not show the true traffic situation on Horseshoe Bend Beach Road and the Highway 16 intersection
- Traffic accidents in the area
- Horseshoe Bend Beach Road safety issues due to the narrowness of the road
- Potential environmental issues from the construction of the development
- The applicant's proposed intersection improvements are not enough to improve the safety of the Highway 16 & Horseshoe Bend Beach Road/Lucia Riverbend intersection.

Additionally, the applicant is requesting annexation for all 8 properties in which the request will be heard by City Council.

Fiscal Impact:

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

Manager/Staff Recommendation:

The Planning Commission recommend to City Council to approve the Conditional District Zoning plan as presented and that the rezoning is consistent with the intent of the Land Development Plan.

Result of City Council Decision:

Attachments:

1. Rezoning Application
2. Conditional District Site Plan
3. Common Open Space Exhibit
4. Additional traffic improvement information submitted by Applicant

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

Date Filed: 9-23-16 Application Number: 09152016A

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:
- Little Italy, LLC; Mountain Island II, LLC and Mountain Island Lake Holdings, Inc.**
- Address: 601-703 Horseshoe Bend Beach Rd.

as evidenced by Deed Book ___ on Page ___ 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.
See attached Map for Deed Books & Page numbers.

2. The real property sought to be rezoned is located at/on 601-703 Horseshoe Bend Beach Rd. on the Left side of the Road
(physical address) (circle one) (street)

between _____ and _____, and has a Tax
(street) (street)
Listing of: Tax Parcel # _____ Said lot(s) has (have) a frontage of 3138 feet
and is approximately 299.85 acres in size.
PINs: 4529411738, 4529218173,
529111261, 4529003670, 4519814957,
4519920718, 4529030144

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

4. It is desired and requested that the real property herein described be rezoned from
R-1 (Gaston) **Mt. Holly "Residential Conditional District"**
_____ Zone to _____ Zone.

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

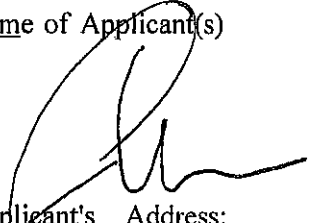
6. If the Conditional Use Rezoning is requested, it is proposed that the real property be put to the following use, with the following specific improvements including building sizes and proposed screening in accordance with the attached site plan as mentioned in Paragraph five (5).

Approximately 510 unit single family subdivision for active adults. The community will be restricted to those 55 years and better. Requesting annexation, appropriate zoning and utilities from Mt. Holly. Homesites to be 55', 67', 75' and 100' wide fronts with extensive trail system and other amenities.

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.

Lennar Carolinas, LLC

Name of Applicant(s)



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

Signature: See Attached Exhibit for
Owners' Signatures

Applicant's Address: 11230 Carmel Commons Blvd. , Charlotte, NC 28226

David Nelson, david.nelson@lennar.com

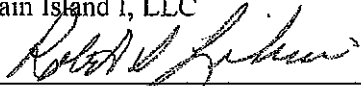
Phone Number: 704-309-3288

INSTRUCTIONS: Applications must be TYPED or LEGIBLE and filed with the City of Mount Holly Planning and Zoning Department, together with the application fee in the amount of **\$300.00 (See Fee Schedule)** at least 15 days prior to the Planning Commission meeting for initial consideration.

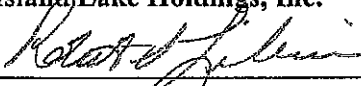
We, the undersigned, are the owners of the property which is the subject of rezoning application number 09152016A filed on September 23, 2016, and do hereby make and consent to such application and annexation into the City of Mount Holly, North Carolina.

Mountain Island II, LLC

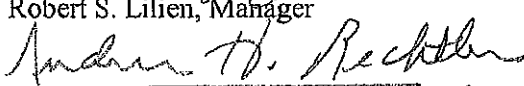
By: Mountain Island I, LLC

By: 
Robert S. Lilien, Manager

Mountain Island Lake Holdings, Inc.

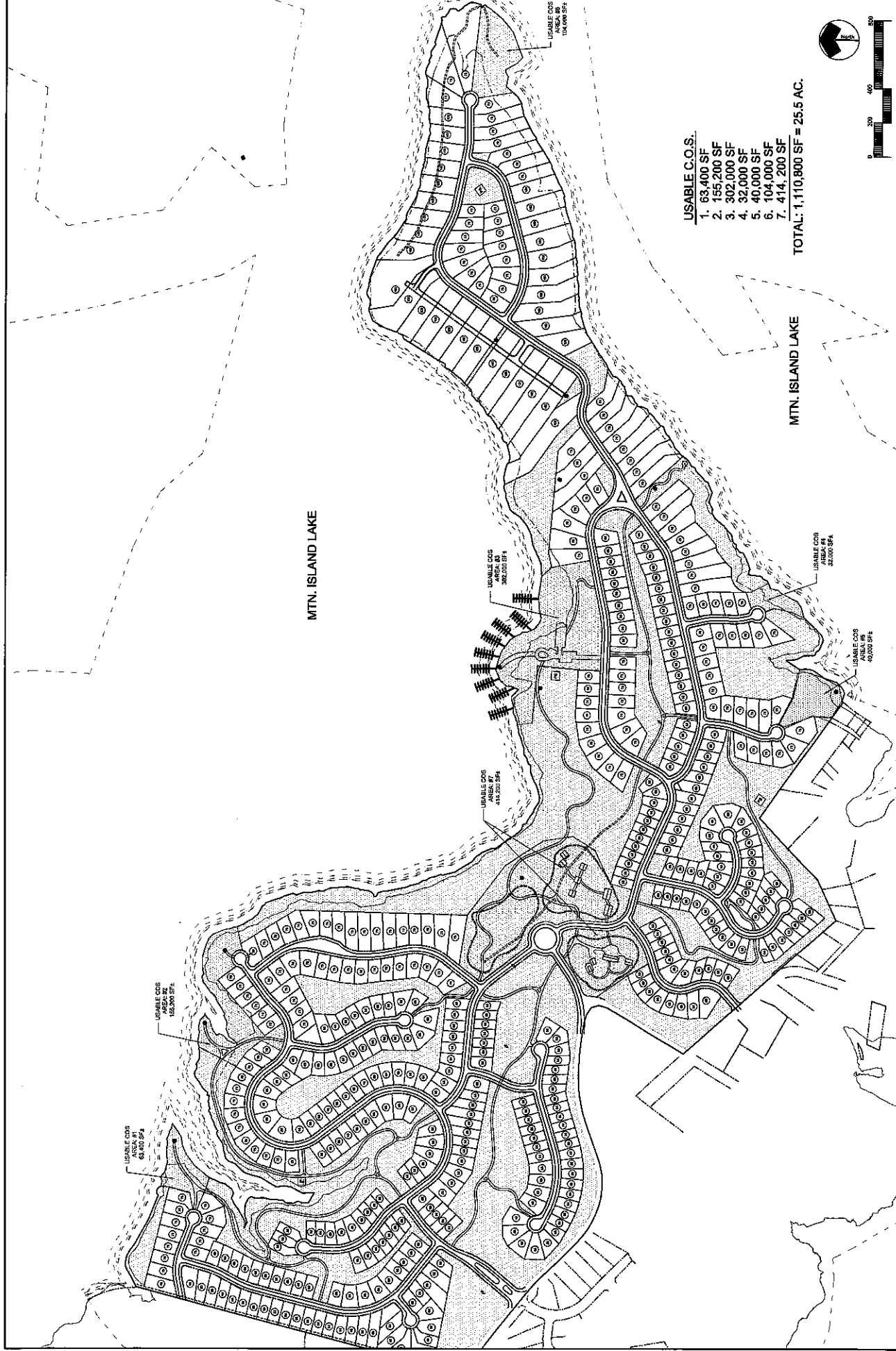
By: 
Robert S. Lilien, President

Little Italy LLC

By: 
Robert S. Lilien, Manager

ANDREAS H. BECHTLER, MEMBER

Contact Information for Robert S. Lilien:

Robinson Bradshaw & Hinson, P.A.
101 North Tryon Street, Suite 1900
Charlotte, North Carolina 28246
Direct Number: (704) 377-8378



Project Name
LITTLE ITALY / 13007

Client
LENNAR CAROLINAS LLC

Project Number
EXH-1

Scale
1" = 200'

USABLE COMMON OPEN SPACE

IMAGERY ON MTN ISLAND

MT. HOLLY, GASTON COUNTY, NORTH CAROLINA

LENNAR CAROLINAS LLC

DPR landscape architecture
civil engineering
planning

DPR Associates, Inc. is an Equal Opportunity Employer. Minorities and women are encouraged to apply. DPR is an Equal Opportunity Employer. Minorities and women are encouraged to apply.

NO.	DATE	BY	DESCRIPTION
1	10/1/2017	JAC	ISSUED FOR PERMIT
2	10/1/2017	JAC	ISSUED FOR PERMIT
3	10/1/2017	JAC	ISSUED FOR PERMIT
4	10/1/2017	JAC	ISSUED FOR PERMIT
5	10/1/2017	JAC	ISSUED FOR PERMIT
6	10/1/2017	JAC	ISSUED FOR PERMIT
7	10/1/2017	JAC	ISSUED FOR PERMIT
8	10/1/2017	JAC	ISSUED FOR PERMIT
9	10/1/2017	JAC	ISSUED FOR PERMIT
10	10/1/2017	JAC	ISSUED FOR PERMIT
11	10/1/2017	JAC	ISSUED FOR PERMIT
12	10/1/2017	JAC	ISSUED FOR PERMIT
13	10/1/2017	JAC	ISSUED FOR PERMIT
14	10/1/2017	JAC	ISSUED FOR PERMIT
15	10/1/2017	JAC	ISSUED FOR PERMIT
16	10/1/2017	JAC	ISSUED FOR PERMIT
17	10/1/2017	JAC	ISSUED FOR PERMIT
18	10/1/2017	JAC	ISSUED FOR PERMIT
19	10/1/2017	JAC	ISSUED FOR PERMIT
20	10/1/2017	JAC	ISSUED FOR PERMIT

Project Name
LITTLE ITALY / 13007

Client
LENNAR CAROLINAS LLC

Project Number
EXH-1

Scale
1" = 200'



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

February 6, 2017

Tom Waters
Provident Land Services, Inc.
6707 Fairview Road, Ste. B
Charlotte, NC 28150

Subject: Hwy 16, Horseshoe Bend, and Lucia / Riverbend Road Improvements

Dear Mr. Waters,

In response to your February 2, 2017 e-mail titled "Hwy 16 Exhibit 1-6-17", and your request for NCDOT's concurrence to proposed road improvements shown in the exhibits. Also, as part of that you asked for conformation that NCDOT would be responsible for the signal revisions.

This is to advise that NCDOT is in agreement proposed improvements that are exhibited in the February 2, 2017 e-mail, and as long as these improvements are made, NCDOT will be responsible for the signal revisions. NCDOT will study the intersection to determine the best level of service for the signal revisions. That could be a split street option or could be protected lefts. Whichever is determined to the best overall operation for the intersection.

I you have any other questions, please let me know.

Sincerely,

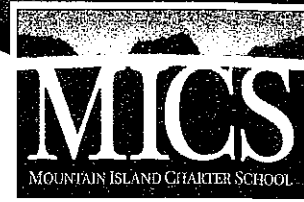
G. R. Spangler
District Supervisor

GRS

Cc: Mr. M. E. Stafford, PE
Mr. Byron Engle, PE
File

Mountain Island Charter School

Promoting academic excellence, positive character, service and leadership



March 6, 2017

TO: Lennar Carolinas, LLC
11230 Carmel Commons Boulevard
Charlotte, NC 28226
Attn: David Nelson

Dear Mr. Nelson,

Please let this letter serve as confirmation of the intention of Mountain Island Charter School (MICS) to reach an agreement with Lennar Carolinas, LLC ("Lennar") under which Lennar's roadway contractor will manage MICS's specified portion of Hwy 16/Lucia intersection improvements, all in accordance with paragraph 11.E of the Conditional Notes to Mount Holly and the attached drawing (specifically, the second left northbound turn lane on Highway 16 and the corresponding receiving lane on Lucia-Riverbend Road).

These improvements will substitute for offsite road improvements otherwise required in connection with the next phase of construction for MICS's facilities. Under Bid 17-011, preliminary funding of \$420K has been allotted for the offsite road improvements, and will be funded as part of a larger bond for our next phase of construction. We understand this amount is a preliminary estimate, but expect the amount to be made available to Lennar's roadway contractor will be for a similar amount. The final amount will be determined based on final plans and specifications prepared by the engineer for MICS and approved by NCDOT.

BB&T Capital Markets, our partner in this financing, is in agreement that these funds are part of our projected project costs and such costs are eligible to be financed on a tax-exempt basis as part of the upcoming bond financing for this project.

MICS appreciates this opportunity to work with Lennar and NCDOT to benefit all who use this intersection with these improvements.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Pledger", is written over a horizontal line.

Kelly Pledger
Board Chair - MICS

A North Carolina School of Distinction

14516 Lucia Riverbend Highway
Mount Holly, NC 28120
(704) 827-8840 p 704-827-8675 f
www.micharter.org

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

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-341, prior to adopting or rejecting a zoning amendment, the governing board is required to adopt a statement as to whether the amendment is consistent with the comprehensive land use plan;

WHEREAS, the City Planning Commission has reviewed a proposed Zoning Map amendment, the Zoning Map amendment would be to reflect the Conditional District Zoning of Gaston County Parcel ID #'s 220248, 220247, 202002, 202000, 202180, 208655, 208656 and 202179;

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

WHEREAS, this Council has reviewed and considered the above written recommendation of the Planning Commission and has held a public hearing on the proposed amendment, and this Council has determined that the proposed amendment is consistent with the Mount Holly Comprehensive Land Use Plan.

Adopted this ____ day of _____, 2017.

ATTEST:

MOUNT HOLLY CITY COUNCIL

Amy Miller, City Clerk

Bryan Hough, Mayor



City of Mount Holly Action Agenda Item

To: City Council From: Jonathan Wilson	Date: 3-8-17 Meeting Date: 3-13-17
Agenda Item to be considered: Annexation request regarding Gaston County Tax Parcel #'s 220248, 220247, 202002, 202000, 202180, 208655, 208656 and 202179.	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request: The applicant for Imagery on Mountain Island Conditional District zoning has also petitioned the City for annexation of the properties that would make up this development. If the annexation and conditional district zoning are approved then the development would consist of 510 single family homes for those 55 years and older. The applicant is also proposing various amenities such as a possible restaurant, day spa, bed and breakfast and common dock are to name a few of those amenities. Staff has compiled a cost associated with providing the development with City Services on a yearly basis. This information is included in the agenda packet as Attachment 3. Staff has also compiled the potential revenue associated with this development if it were to be annexed into the City of Mount Holly. This information is included in the agenda packet as Attachment 4. Please note that this information is an estimate. The cost of services is based on the current cost of services provided to Mount Holly Citizens. The estimated revenue is based on a conservative estimation of property values.	
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 approving the annexation request contingent upon executing a mutually agreeable annexation agreement.	
Result of City Council Decision: _____	
Attachments:	
1. Annexation Petition 2. Annexation Survey 3. Cost to provide City Services 4. Anticipated Revenue from Development 5. Developers response to Strategic Vision Plan requirements for Voluntary Residential Annexation request	



TO: Mount Holly Mayor and City Council

FROM: Jonathan Wilson, Planner

DATE: March 8, 2017

RE: Cost of Services Analysis for Imagery on Mountain Island Development

Parks and Recreation:

No additional cost would be anticipated by the Parks and Recreation Department if the development were annexed.

Police Department:

The service level for the Police Department can be addressed through the proposed departmental growth that has been discussed as part of a department strategic plan which includes increases in resources over a multi year period. Believes that the proposed increase will be sufficient to cover any additional calls for service associated with this annexation.

Fire Department:

On the effective date of annexation by the City of Mount Holly, all residents, businesses, and property owners in the annexation area will receive service on substantially the same basis and in the same manner of services that are provided in the rest of the City prior to annexation. The property will be served by the station located off of 10109 Rozzelles Ferry Road. The estimated call volume for this annexation once built could increase the call volume by one hundred sixty (160) calls per year. This area will fall within the response time area within four (4) minutes. Once the new fire station is built Mount Holly Fire Department can serve this proposed annexation with that station and staffing. There would be an increase in fuel and departmental supplies due to the increase in calls for service. **The estimated amount of increase would be six thousand dollars (\$6,000.00).**

Engineering/Utilities:

The Utilities Department has calculated the following as the "Imagery on Mountain Island Annexation Request – Annual Utilities Department Operation and Maintenance Cost:"
\$277,585

Streets and Solid Waste:

Annexation Costs to the Department:

Disposal Fees: \$10,873.20
(\$10,873.20 = Refuse, \$2,519.40 = Recycling, \$1,285.20 = Yard Waste)

Capital: \$606,100.00

(\$56,100.00 = Rollout Containers, \$275,000.00 = Automated Refuse
Truck, \$275,000.00 = Automated Recycling Truck)
Employees: \$85,236.65
(2 Streets and Solid Waste Worker II Employees)
Total: \$702,209.85

Planning and Development:

Current staffing levels could handle the increased workload for the planned development however with knowledge of future growth the department would need to hire a full time code enforcement officer/zoning officer which would be addressed through departmental growth in the yearly budget process.

Total Anticipated Expenses: \$985,794.85



TO: Mount Holly Mayor and City Council

FROM: Jonathan Wilson, Planner

DATE: March 8, 2017

RE: Anticipated Revenue Analysis for Imagery on Mountain Island Development

General Fund Revenues

Property Tax:

The Property Tax is calculated by taking the total average home value and dividing that number by one-hundred and multiplying by the current tax rate.

Average Home Value: Estimated at \$330,000 (conservative estimation)

Total Home Value for Development: $\$330,000 \times 510 = \$168,300,000.00$

Property Tax: $\$168,300,000.00 / 100 \times .53 = \underline{\$891,990.00}$

Personal Property Tax:

The Personal Property Tax is calculated by taking the real property tax value and multiplying it by the current rate of Mount Holly which is 8% and dividing it by one-hundred then multiplying by the current tax rate.

Home Value: \$168,300,000.00

Estimated percentage of homes that may have personal property: 0.08

Personal Property Tax: $\$168,300,000.00 \times 0.08 / 100 \times .53 = \underline{\$71,359.20}$

Sales Tax:

The Sales Tax is calculated by taking the total home value and multiplying by the tax rate of 0.002.

Home Value: \$168,300,000.00

Estimated Sales Tax Rate Factor: 0.002

Sales Tax: $\$168,300,000.00 \times 0.002 = \underline{\$336,600.00}$

Beer & Wine Tax:

The Beer & Wine Tax is calculated by the total population multiplied by \$4.76 which is the per capita factor.

Population: $510 \times 2 = 1,020$

Per capita factor: \$4.76

Beer & Wine Tax: $1,020 \times \$4.76 = \underline{\$4,855.20}$

Powell Bill Funds:

The Powell Bill Funds are calculated based on the population multiplied by \$20.03 which is the per capita factor.

Population: 1,020

Per capita factor: \$20.03

Powell Bill Funds: $1,020 \times \$15.78 = \underline{\$20,430.60}$

Tipping Fees:

The Tipping Fees are calculated by the total number of homes multiplied by the current landfill rate.

Number of Homes: 510

Current Landfill Rate: \$9.50

Tipping Fees: $510 \times \$9.50 = \underline{\$58,140.00}$

Vehicle License Tag Tax:

The Vehicle License Tax is calculated by the number of vehicles multiplied by \$5.00 per vehicle.

Estimated Number of Vehicles: 2 per home

Per vehicle: \$5.00

Vehicle License Tax: $1,020 \times \$5.00 = \underline{10,200.00}$

Zoning Permit:

The City currently charges \$100.00 for a single family home zoning permit.

Zoning Permit Fee: \$51,000.00

Right-of-Way Permit:

The City currently charges \$25.00 for a residential Right-of-Way permit.

Right-of-Way Permit: \$12,750.00

Total Estimated General Fund Revenue: \$1,457,325.00

Enterprise Fund Revenues

Stormwater Fee:

The City currently charges a fee of \$2.50 per home for stormwater management.

Monthly Stormwater Fee: \$1,275.00

Annual Stormwater Fee: \$15,300.00

Water Meter Fee:

The City currently charges a fee of \$300.00 per home for a 3/4" water meter which is standard for a single family home.

Water Meter Fee: \$153,000.00

Former Water System Development Fee:

The City previously charged \$2,288.00 per home (3/4" water service) which is standard for a single family home.

Former Water System Development Fee: \$1,166,880.00

Former Sewer System Development Fee:

The City previously charged \$2,309.00 per home (4" sewer service) which is standard for a single family home.

Former Sewer System Development Fee: \$1,177,590.00

Average Water and Sewer Monthly Bill:

The average water and sewer monthly bill is \$41.25.

Average Water and Sewer Monthly Bill: \$21,037.50

Average Water and Sewer Annual Revenue: \$252,450.00

Total Estimated Enterprise Fund Revenue: \$2,765,220.00

Total Estimated Revenue (at build-out): \$4,222,545.00

The City of Mount Holly Strategic Vision Plan has Design Guidelines for Voluntary Annexations which have been addressed below by the applicant.

Key Point #1 – New development should reflect Mount Holly's DNA

1. Occupiable front porch of at least 50 square feet.

Applicant Response: A mixture of front elevations incorporating porches, stoops and other elements will be constructed.

2. Crawlspace foundation of at least 24" high.

Applicant Response: Mixture of crawlspace, slab and basement foundations depending on topography. Slab foundations will have a minimum of 12" masonry border. Active adult buyers prefer homes with minimal steps and elevation changes.

3. Siding of brick, stone, stucco, wood hardiplank, or wood shingles, the treatment of which shall be consistent among the front and side facades. Aluminum or vinyl siding allowed as trim, windows, doors and overhangs.

Applicant Response: Mixed material elevations including brick, stone, fiber-cement siding with vinyl windows, soffits and trim will be constructed.

Key Point #2 – New development should protect and preserve Mount Holly's natural amenities while also providing usable open space

1. One acre usable open space for every 20 homes.

Applicant Response: 25.5 acres are required under this calculation. Approximately 110 acres of common open space (37% of the site) with approximately 5 miles of trails, six waterfront parks and extensive natural areas are incorporated.

2. 100' undisturbed buffer strip along both sides of all creeks, rivers and lakes.

Applicant Response: 100' undisturbed lakefront buffer, most within common open space will be protected. Up to 200' undisturbed buffer in certain locations. More than 10% of the site is undisturbed.

3. Retain 10% of the entire site in pre-construction condition.

Applicant Response: More than 10% of the site will remain undisturbed.

4. Preserve at least a third of the large, maturing trees (those having a caliber of 18" or greater).

Applicant Response: Large undisturbed areas with special attention paid to heritage tree locations will be preserved where possible.

5. No clear cutting or massive site grading will be allowed. Only site grading needed to construct streets, sidewalks, utilities, building pads, and a 30 foot clear zone around the foundation will be allowed.

Applicant Response: Site will be developed under the low-density option with built upon area of less than 24%. High hazard double row silt fencing and other intensive sedimentation and erosion devices to be used to protect water quality.

Key Point #3 – New development should be built around great streets.

1. Minimum 5' sidewalks on both sides of the street.

Applicant Response: 5' sidewalks on both sides of all streets will be constructed.

2. Minimum 6' wide planted strip between the sidewalk and the road on both sides of the street.

Applicant Response: 6' wide planted strip between the sidewalk and the road on both sides of the street.

3. 3" caliper street trees every 40' OC on both sides of the street.

Applicant Response: 3" caliper street trees every 40' OC on both sides of the street.

4. Low level decorative lighting located at a minimum every 200'.

Applicant Response: Low level decorative lighting located at a minimum every 200'.

5. No more than 20% of the garage doors facing the street.

Applicant Response: Garage doors with windows and decorative trim elements will be incorporated. Active adult buyers prefer front loading garages for ease of access and perceived safety.

6. Maximum driveway width of 12' within 20' of the street.

Applicant Response: Maximum driveway width of 12' within street right-of-way.

Key Point #4 – New development should connect with Mount Holly's existing street and trail network.

1. Stub and pave streets to the adjacent parcel line if undeveloped.

Applicant Response: Streets will be stubbed to adjacent parcels.

2. Whenever possible, all new annexations should have more than one vehicular entry and exit point.

Applicant Response: 3 entry/exit points. Reworked hard/dangerous curve on Horseshoe Bend Beach Road into safer T intersection with roundabout into Imagery community.

3. All entry/exits must contain at least 2 exit lanes in addition to an entry lane.

Applicant Response: All entry/exits will contain at least 2 exit lanes in addition to an entry lane. Voluntary Highway 16 intersection improvements and voluntary left turn lane into community northern entrance.

Applicants Additional Considerations:

Community restricted to adults 55 years and better

Active adults create lower impact on schools, roads and public infrastructure

Community focused on environmental sensitivity to site and Mountain Island Lake

Extensive open space including >5 miles of trails and 6 waterfront parks

Preserved Little Italy buildings incorporated into amenity village with emphasis on art theme

More than 3 miles of shoreline with minimum of 100' undisturbed buffer, many areas have larger buffer

Enhanced sedimentation and erosion control measures to reduce runoff and dissipate storm water discharge

Site development in smaller phases with street construction and lot development done separately to reduce impacts



City of Mount Holly Action Agenda Item

To: City Council From: Brian DuPont	Date: 3-7-17 Meeting Date: 3-13-17
Agenda Item to be considered: Public hearing for a text amendment to Article 6, Table of Permitted Uses and Special Uses for studio uses, Article 9, Signs for flying banners, and Article 10, Landscaping of the Zoning Ordinance.	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request: Planning and Development staff have recognized the need for certain amendments in the Zoning Ordinance. For Article 6 amendments there are varying types of studio uses that would not be permitted in the City. Dance studios are already permitted, but any other studios such as martial arts or music studios have to be applied to this use based on a recent Supreme Court case. In order to avoid making interpretations like these for other studio uses, staff is proposing an addition of the studio use. Article 9 is an amendment to the Sign Ordinance to prohibit flying banners, which are a type of banner that stand upright. They are commonly referred to as sail sign or tear drop banners. The previous sign ordinance did not permit these types of banners because of the safety issues they were causing and staff is only looking to implement their prohibition as before. Other banners are still permitted with this proposed amendment. Article 10 is an overall update to the Landscaping Article to improve how to require buffers under different circumstances. Staff has recognized that one buffer requirement for all situations is not ideal and that the requirements for screening need to be raised or lowered on a case by case basis. A majority of these recommendations are already used by Gaston County and other municipalities in the county. Planning Commission was recognized under Section 10.2, Administration as the 'Tree Advisory Commission' to review and make recommendations relative to trees. The Planning Commission unanimously recommended approval of these amendments.	
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 that City Council approve the text amendments to Article 6, Article 9, and Article 10 of the Zoning Ordinance and recognize the Statement of Consistency included.	
Result of City Council Decision: 	
Attachments: 1. Articles for Amendment 2. Statement of Consistency for City Council 3.	

Article 6, Table of Permitted and Special Uses

Section 6.3 Education and Institutional Uses

Use Types	N o t e	S I C	R- A	R- 20	R- 12	R- 10	R- 8 SF	R- 8 MF	R D	M H M U	O & I	B- 1	B- 2	B- 3	L- 1	H- 1
schools, including public schools & private schools, having a curriculum similar to those given in public schools	12	8211	X	X	X	X	X	X	X	X	X		X	X		
schools, specialty training, such as cosmetology, vocation or trade services, not elsewhere classified, where no retail, wholesale, or repair is conducted	12	8249									X		X	X		
specialty hospitals		8069								X	X	X	X	X		
Studios		0000								X		X	X	X		

*

Article 9, Signs

Section 9.8 Prohibited Signs in All Zones

The following signs and/or sign features shall be prohibited in all zones:

- A. Mobile signs;
- B. Off-premise advertising sign;
- C. Obscenity signs;
- D. Home occupation signs;
- E. Inflatable signs and balloons;
- F. Pole Signs;
- G. Roof signs that extend higher than the top of the roof;
- H. Rotating or moving signs;
- I. Abandoned signs;
- J. Streamers, pennants, and tag signs or similar signs or devices except when attached to a permitted temporary sign;
- K. Any sign which emits any noise or odor;
- L. Freestanding signs which overhang any part of a building;
- M. Flashing or blinking signs or simulated traffic or public safety signs;
- N. Billboards with an electronic message display system;
- O. Signs in a public right-of-way;
- P. Handbills/Flyers; and
- * Q. Flying, Teardrop or Sail Banners.

Article X Landscaping & Tree Protection

10.1 Purpose and Intent

It is the purpose of this chapter to preserve, protect and promote the health, safety and general welfare of the public by providing for the regulation of the planting, maintenance and removal of trees located on roadways, parks and public areas owned or controlled by the city and on new developments and alterations to previous developments on private property. These regulations will not prohibit any individual resident of Mount Holly from removing or pruning any tree on his or her property, nor will they prohibit harvesting timber in accordance with G.S. 160A-458.5. The purpose and intent of these regulations is to establish minimum standards for preservation of existing and the planting of new trees and vegetation in order to:

- Better control soil erosion
- Reduce the hazards of flooding
- Stabilize the ground water tables
- Absorb carbon dioxide
- Provide shade for cooling
- Screen noise, dust, and glare
- Enhance property values
- Provide architectural interest and human scale
- Preserve, protect, and enhance the natural environment
- Maintain and/or improve aesthetic values
- Promote a diversity of species in the urban forest

10.2 Administration

Tree advisory commission:

The city council may establish a tree advisory commission. This commission may from time to time make recommendations relative to trees to the City Council, City Manager or authorized representative and perform other duties as designated in this chapter. The Tree advisory commission shall be composed of the members currently serving on the Planning Commission, City Staff and any other members the Mayor of Mount Holly may appoint.

10.3 Definitions

As used within this ordinance, the following terms shall have the meanings set forth in this section:

Alternative Methods of Compliance: Alternate tree planting plans, plant materials, planting methods, or reforestation may be used where unreasonable or impracticable situations would result from application of the tree planting and preservation requirements.

Appeal: A request to a higher authority as a result of a decision determined by the Administrator or governing body, elected or appointed.

Caliper: Diameter measurement of tree-trunk taken at 6 inches above ground level for trees up to and including trees 4 inches in caliper. For larger trees, measurement of caliper shall be taken at 12 inches above ground level.

Canopy: The uppermost spreading branchy layer of a tree.

Canopy Cover: The area that falls within a tree's drip line.

Canopy Tree: A tree, either single or multi-stemmed (i.e., in clump form) that has a height of at least ten (10) feet and is of a species which, at maturity, can be expected to reach a height in excess of fifty (50) feet under normal growing conditions in the local climate.

Clear Cut: Felling and removal of all trees from an area. Typically an indiscriminant removal of trees except in the case of silviculture harvesting where tree removal is followed up with a forest replanting or regeneration effort to keep the land forested.

Cluster of Trees: A group of trees gathered together in their natural state.

DBH (Diameter Breast Height): The diameter of a tree 4.5 feet above the average ground level.

Deciduous: Plants or trees that lose their leaves annually.

Developer: A person or company who engages in development activities as defined below.

Development: The act, process or state of erecting buildings or structures, or making improvements that require submittal of a non-residential site plan, a minor subdivision plan, or a major development plan as required in the City of Mount Holly Subdivision Ordinance.

Development permits: A permit issued by the planning director that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

Drip Line: An imaginary vertical line extending from the outermost portion of the tree canopy to the ground.

Evergreen: Plants or trees that retain their leaves throughout the year.

Existing Tree Canopy: Tree canopy that existed for at least 2 years prior to development as evidence by the Town or County aerial photography and/or satellite imagery.

Exotic/Invasive Species: An alien species that becomes established in natural or semi-natural ecosystems or habitats and threatens native plants and when such species spread they threaten biological diversity. Invasive species include English Ivy-Hedera helix, Chinese Wisteria-Wisteria sinensis, Japanese Wisteria-Wisteria floribunda, Japanese Honeysuckle-Lonicera japonica, Kudzu-Pueraria Montana, and non-native bamboo.

Grading or Land Disturbing: Any use of land by any person that results in a change of the natural cover or topography and that may cause or contribute to sedimentation or soil compaction.

Heritage Tree: Any tree that is listed in the North Carolina Big Trees List, the American Forest Association's Champion Tree list or any tree that would measure eighty (80) percent of the points of a tree on the North Carolina Big Trees List.

Land clearing: The large scale indiscriminant removal of trees, shrubs, and undergrowth with the intention of preparing real property for non-agricultural development.

Large Maturing Tree: A tree whose height is greater than 50 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen. See also Canopy Tree.

Medium Maturing Tree: A tree whose height is 25-50 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen.

Native Species: Refers to a tree species whose geographic range during pre-colonial times included the Piedmont of North Carolina, and can be found at the NC Division of Forest Resources.

Parking Lot: Any area or tract or partial tract of land used for the storage or parking or vehicles.

Parking Lot Plantings: Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

Planting Strip: A ground surface located outside of any public right-of-way that is free of impervious cover and/or paved material and is reserved for landscaping purposes.

Planting Yard: A planting yard is a strip of land (of various widths) provided along the perimeter of a site for the installation of plant material in a combination of canopy trees, and/or under story trees and shrubs.

Pruning: The cutting off or removal of dead or living parts of a tree or shrub. See ANSI standards for recommended pruning practices.

Shrub: A woody plant of relatively low height, having several stems arising from the base and lacking a single trunk; a bush.

Site Plan: A plan depicting the proposed development of a property, in terms of the location, scale and configuration of buildings and other features.

Small Maturing Tree: A tree whose height is less than 25 feet at maturity and meets the specifications of "American Standards for Nursery Stock" published by the American Association of Nurserymen.

Specimen Tree: A tree or group of trees considered to be an important community asset due to its unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance as determined by the City. Examples include large hardwoods (e.g., oaks, poplars, maples, etc.) and softwoods (e.g., pine species) in good or better condition with a dbh of twenty-four (24) inches or greater, and smaller understory trees (e.g., dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a dbh of ten (10) inches or greater.

Stand: A group of trees of sufficiently uniform and/ or complimentary species composition, age, and condition that they may be considered homogenous unit for management purposes.

Street Tree: A tree planted within or adjacent to a public right-of-way as required by the city.

Sustainable: Capable of being continued with minimal negative long-term effects on the environment, the economy, and on residents' quality of life.

Topping: The inappropriate removal or cutting back of major portions of a tree by any pruning practice resulting in more than 25% of the foliage and limbs being removed. This includes any pruning that leads to disfigurement of the normal shape of the tree. Topping is also referred to as "heading," "stubbing," "rounding," or "dehorning".

Tree Inventory: The gathering of accurate information on the health and diversity of the community forest on a development site or within Mount Holly.

Tree Protection Zone: The critical root and tree protection zone is defined as the critical area above and below ground with a radius equivalent to one foot outside of the drip line.

Tree Save Area: An area measured in square feet containing existing healthy tree canopy in a single-family subdivision or an area containing existing or mitigated off site

healthy tree canopy in a commercial development. The area may include up to five (5) feet beyond the drip line of the tree.

10.4 Landscaping Materials

A. Small Maturing Trees (Up to 25' Height)

Japanese Maple	Flame Amur Maple
Purpleblow Maple	Autumn Briliaance Serviceberry
Eastern Redbud	Flowering Dogwood
Kousa Dogwood	Rutger's Hybrid Dogwood
Greenleaf Holly	Crape Myrtle
Foster Holly	Little Girl Hybrid Magnolia
Little Gem Mognolia	Magnolia
Saucer Magnolia	Snowgoose Japanese Flowering Cherry
Okame Cherry	Akebono (Daybreak) Yoshino Cherry

B. Medium Maturing Trees (25-50' Height)

Trident Maple	Paperbark Maple
October Glory Red Maple	Red Sunset Red Maple
Legacy Sugar Maple	Legacy Sugar Maple
Dura-Heat River Birch	European Hornbeam
American Hornbeam	Autumn Gold Dinkgo
East Palatka Holly	Savannah Holly
Crape Myrtle	Southern Magnolia
Galaxy Magnolia	Black Gum
Carolina Cherrylaurel	Japanese Flowering Cherry
Yoshino Cherry	

C. Large Maturing Trees (50+' Height)

Armstrong Red Maple	Bowhall Red Maple
Bonfire Sugar Maple	Commemoration Sugar Maple
Green Mountain Sugar Maple	Autumn Blaze Freeman Maple
Fairmont Ginkgo	Magyar Ginkgo
Princeton Sentry Ginkgo	Rotundilobo Fruitless Sweetgum
Southern Magnolia	Dawn Redwood
Sawtooth Oak	White Oak
Southern Red Oak	Overcup Oak
Nuttall Oak	Willow Oak
Shumard Oak	Baldcypress
Allee Elm	Athena Elm
Drake Elm	Green Vase Japanese Zelkova
Village Green Japanese Zelkova	

10.5 Required Landscaping/Buffer Yards

Buffer yards are natural areas of specified widths that serve as a visual screen between different zoning districts. Buffer yards shall be of different types, based upon the relationship between the two (2) land uses where the buffer yard is to be located and may include natural plantings, a wall, fence or berm. The width of the buffer yard and the density of plantings shall increase as the difference in intensity between adjacent zoning districts increases. Minimum buffer yard dimensions shall be measured horizontally; minimum buffer yard widths shall be measured from the respective property line. Where buffer yards turn at property corners, the length measurements determining plant quantities shall not be required to overlap.

10.5.1 Landscaping and Buffer Yard Requirements

Screening and buffering shall be required under the following situations:

A. When a lot is:

1. In an industrial District abuts a lot in a Residential District, screening must be provided on the Industrial lot in the form of a Type E Screen/Buffer; of
2. In a Commercial District abuts a lot in a Residential District, screening must be provided on the Commercial lot in the form of a Type D Screen/Buffer; or
3. In an Office District abuts a lot in a Residential District, screening must be provided on the Office lot in the form of a Type C Screen/Buffer; or
4. In a Residential District abuts another lot which contains a multifamily development, screening must be provided on the lot containing said multifamily development in the form of a Type C Screen/Buffer; or
5. Containing a use subject to the issuance of a non-residential SUP or CD that abuts a lot in residential district the approval body may stipulate a version of Type A, B or C Screen/Buffer be provided on the SUP or CD lot.

B. When the front yard of a lot developed in an Industrial District is located directly across a public street from a Residential District; screening, at a minimum, must be provided on the Industrial lot at a minimum in the form of a Type B Screen/Buffer. In lieu of said screen, all principal and accessory structures and off-street parking facilities must be set back in the front yard at least one hundred (100) feet from the edge of the road right-of-way.

C. For open-air storage, or an unenclosed structure consisting of a roof, but no walls used for storage of materials, products, wastes or equipment associated with business or industrial uses located in any zoning district within one hundred (100) feet of the street right-of-way, screening must be provided so as to materially

screen said storage or storage in the form of a berm, wall or fence or an appropriate amount of natural plantings so as to provide the necessary amount of screening.

- D. Except as provided in Section 10.5.1A4 screening shall not be required between any two (2) lots which contain principal residential uses.
- E. Screening and buffering shall be provided as otherwise called for in this Ordinance.
- F. A minimum of Type A buffer shall be required for any non-residential use abutting a Residential District unless otherwise indicated in this Ordinance.

10.5.2 Buffer Yard Composition Standards

Buffer yard widths and landscaping shall meet or exceed the following standards:

Table 10.5.2-1 Type A Buffer Yard					
Option	Width (FT)	Fence or Berm Required?	Minimum # Canopy Trees Per 100 Linear Ft.	Minimum # Understory Trees Per 100 Linear Ft.	Minimum # Shrubs Per 100 Linear Ft.
1	10	No	2	2	15
2	8	No	3	3	20
3	5	Yes	2	2	15

Type A Buffer Yard

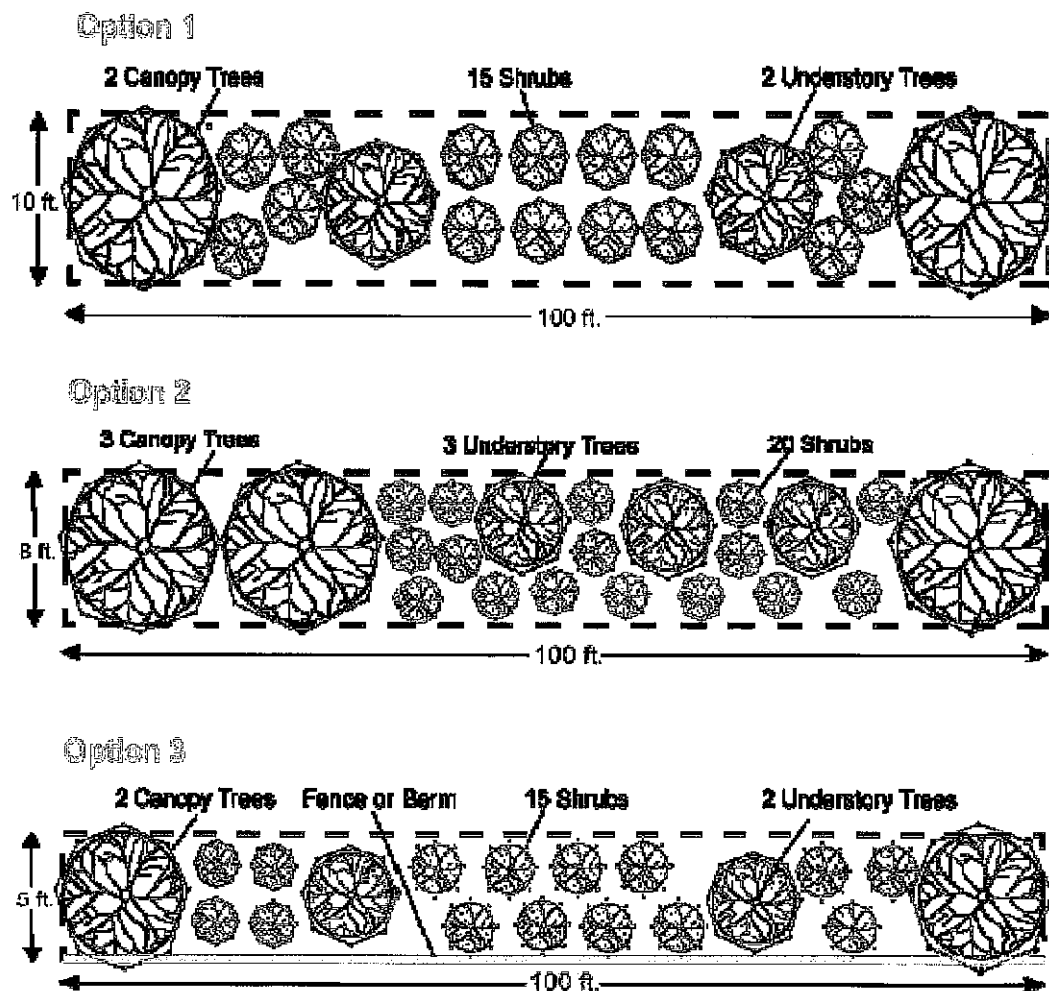


Table 10.5.2-2 Type B Buffer Yard					
Option	Width	Fence or Berm Required?	Minimum # Canopy Trees Per 100 Linear Ft.	Minimum # Small Maturing Trees Per 100 Linear Ft.	Minimum # Shrubs Per 100 Linear Ft.
1	20	No	3	3	25
2	10	No	4	4	35
3	5	Yes	3	3	25

Type B Buffer Yard

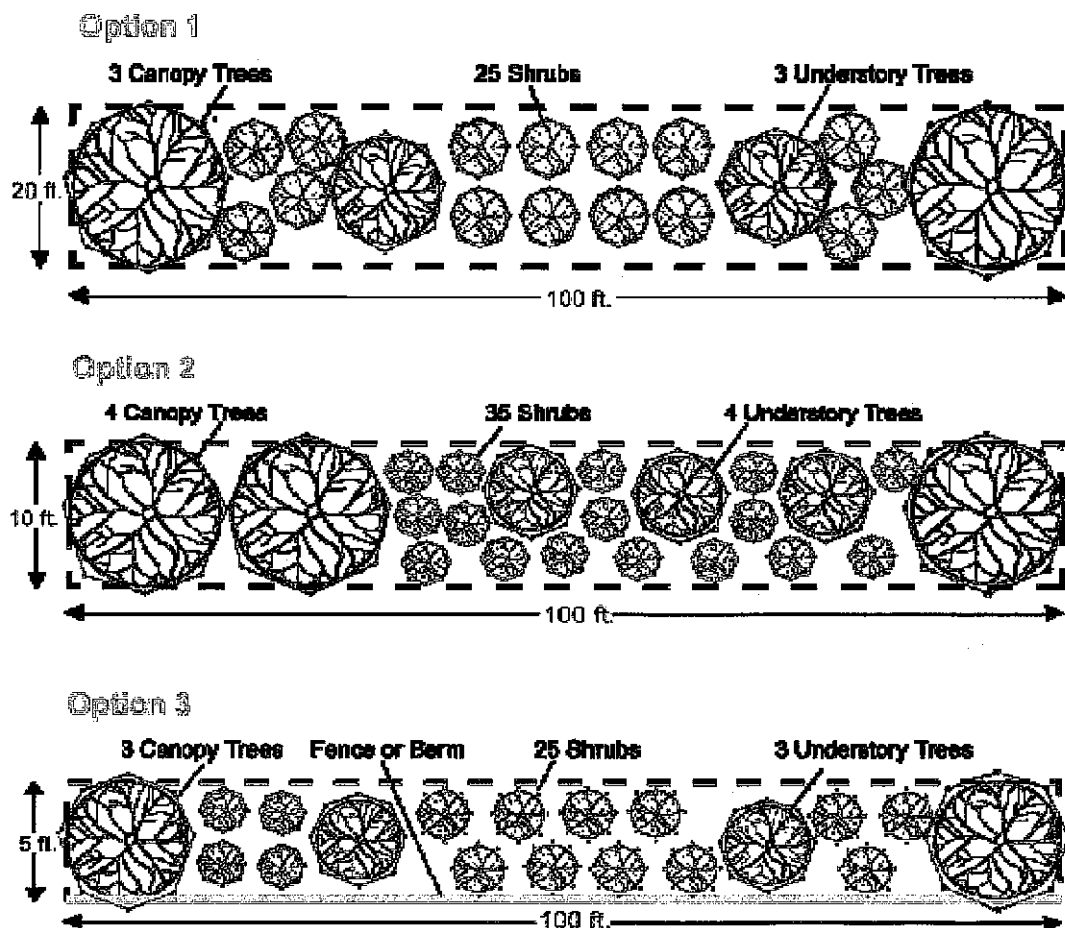
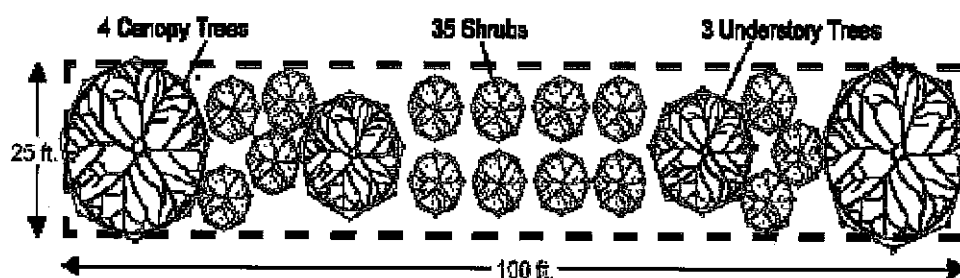


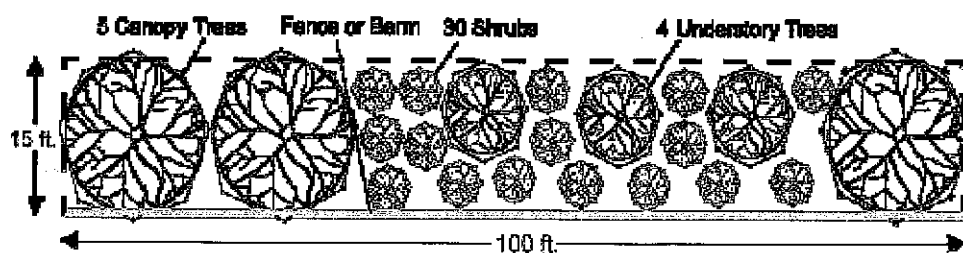
Table 10.5.2-3 Type C Buffer Yard					
Option	Width	Fence or Berm Required?	Minimum # Canopy Trees Per 100 Linear Ft.	Minimum # Small Maturing Trees Per 100 Linear Ft.	Minimum # Shrubs Per 100 Linear Ft.
1	25	No	4	3	35
2	15	Yes	5	4	30
3	10	Yes	4	3	30

Type C Buffer Yard

Option 1



Option 2



Option 3

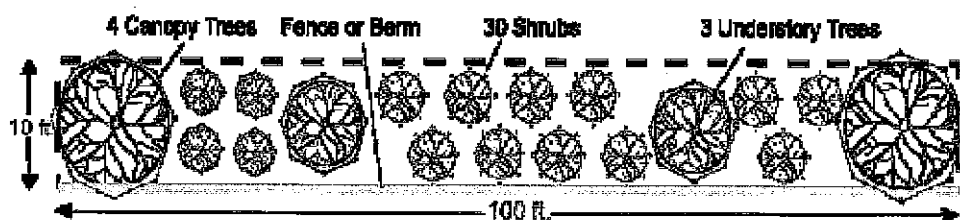
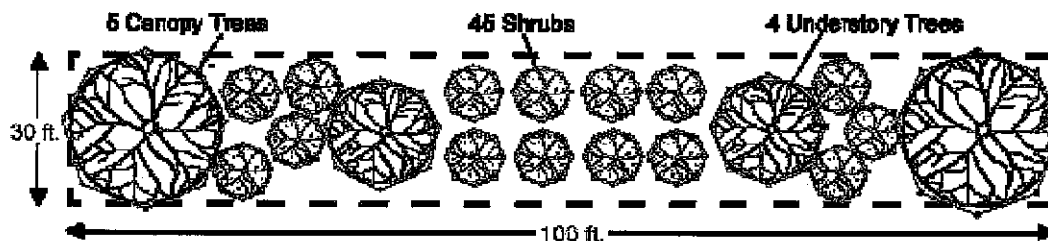


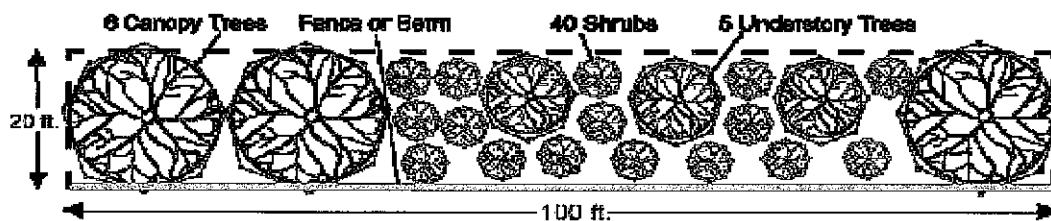
Table 10.5.2-4 Type D Buffer Yard					
Option	Width	Fence or Berm Required?	Minimum # Canopy Trees Per 100 Linear Ft.	Minimum # Small Maturing Trees Per 100 Linear Ft.	Minimum # Shrubs Per 100 Linear Ft.
1	30	No	5	4	45
2	20	Yes	6	5	40
3	15	Yes	5	4	40

Type D Buffer Yard

Option 1



Option 2



Option 3

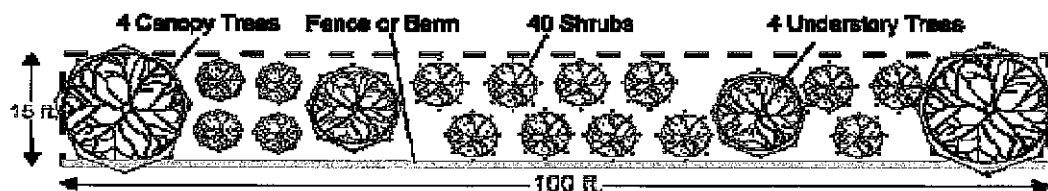
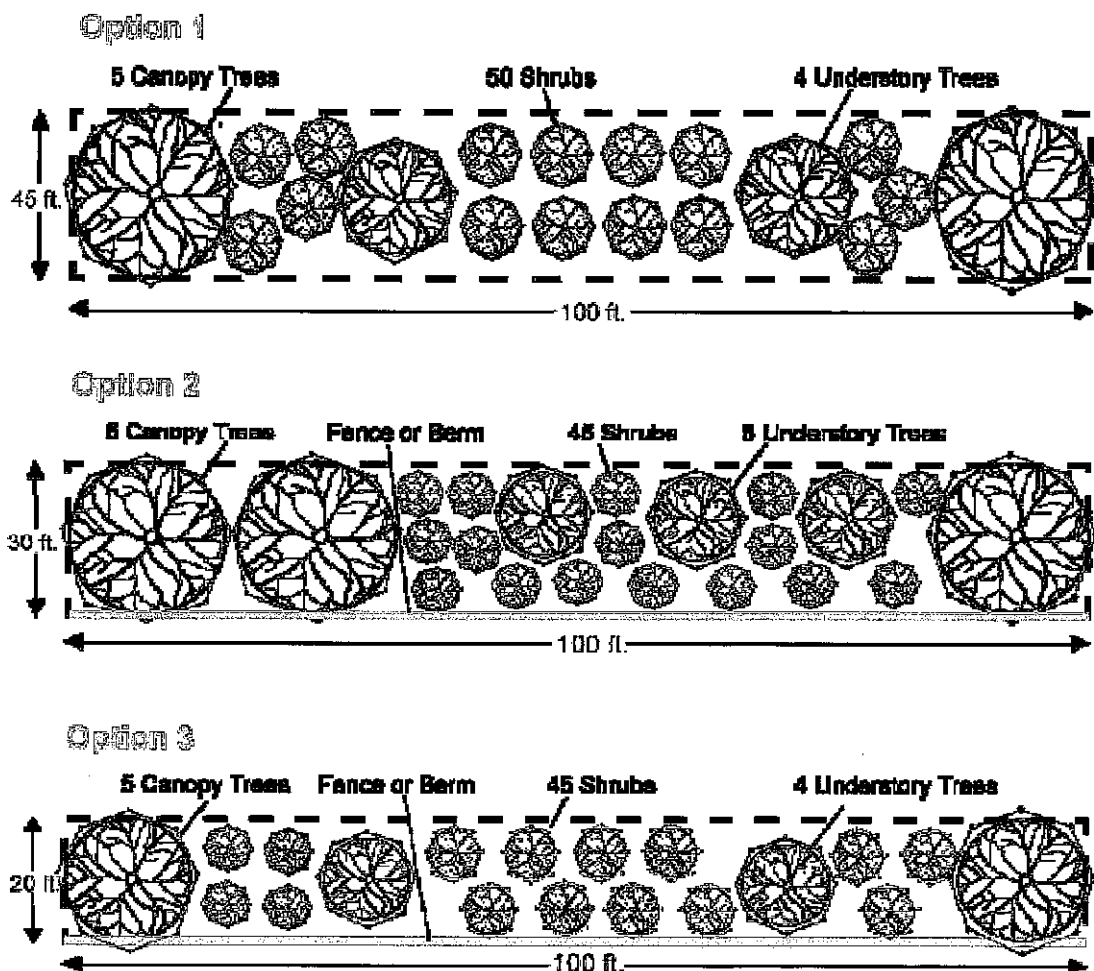


Table 10.5.2-5 Type E Buffer Yard					
Option	Width	Fence or Berm Required?	Minimum # Canopy Trees Per 100 Linear Ft.	Minimum # Small Maturing Trees Per 100 Linear Ft.	Minimum # Shrubs Per 100 Linear Ft.
1	45	No	5	4	50
2	30	Yes	6	5	45
3	20	Yes	5	4	45

Type E Buffer Yard



10.5.3 Other Buffer Yard Standards

A. Prohibited Uses

The construction of any building or the placement of any mechanical equipment within a buffer yard shall not be permitted except for equipment necessary for the provision of utilities. Active recreational uses, such as ball fields, swimming pools and tennis courts, or other active structured recreational uses, or circulation drives or parking lots shall not be allowed within the buffer yard area.

B. Permitted Uses

The following other uses may be permitted in a buffer yard area provided that none of the required plant material is eliminated, the intended screening is accomplished, the total width of the buffer yard is maintained, and all other requirements of this Chapter are met:

1. Sculpture, outdoor furniture.
2. Open space areas (provided that none of the uses listed in Subsection A above are located within the buffer yard area).
3. Walls, fences and driveways connecting to an adjoining property.

C. Existing Vegetation

Existing healthy vegetation may be counted toward the required buffer yard. The landscape plan submitted for approval shall indicate the number, type, size and location of such plant materials. Existing vegetation that the Administrator deems "unhealthy" and not likely to materially serve as a screening agent for the foreseeable future, may be disqualified as counting towards the required buffer.

D. Application Toward Setback Requirements

Buffer yard areas shall be counted towards meeting applicable building setback areas.

E. Standards for Walls and Fences

Fences used for buffering purposes shall be constructed in a durable fashion with weather resistant wood and be of consistent pattern. All materials used in the construction of a fence shall be designed and intended for such use.

Notwithstanding the foregoing, the Administrator may approve a buffer fence constructed of other materials provided the materials and finish used will provide generally the same degree of opacity, durability, and aesthetic compatibility with adjoining residential areas as weather resistant wood. A finished side of all walls

or fences shall face the common property line boundary. No wall or fence used as part of a buffer shall be less than six (6) feet or more than eight (8) feet in height above grade unless approved by the administrator.

F. Standards for Berms

All berms shall be planted with both shrubs and ground covers so as to leave no bare earth. All shrubs shall be a species that can be expected to materially buffer the development site within five (5) years of planting. The slope of a berm shall be of a grade so that it is suitable for maintenance and soil stability while taking into consideration the type of plantings and ground cover that will be utilized but in no case shall a berm be less than three (3) feet in height. The use of *Pueraria lobata* (kudzu) for berm ground cover is not permitted nor is any other nuisance veining plants that have a tendency to spread to other properties.

G. Location of Buffer Yard

With the exception of buffering required for open storage any buffer yard required by this section shall be located along the side and/or rear property lines of the lot(s) containing the use subject to buffering. If buffering is required along the right-of-way, it shall be located behind such right-of-way.

H. Evergreen Shrubs

For all buffer yards, at least fifty (50) percent of the required shrubs must be of an evergreen species.

I. Interior Plantings of Parking Lots

This requirement shall be met for all parking areas with more than 10 parking spaces.

The parking lot shall be landscaped with canopy trees as required by this Section at the rate shown below. This requirement shall be initiated by the initial use or development of the property. Canopy trees shall be provided at a rate of one canopy tree for each ten (10) parking spaces. After the first two trees, any fractional remaining number of spaces over five (5) shall require one (1) additional tree. Required canopy trees shall be distributed throughout the parking area and shall be located within or adjacent to parking lots as tree islands, at the end of parking bays, inside medians or between rows of parking spaces. Canopy trees must be a minimum of ten (10) feet in height and two (2) inches in diameter, measured six (6) inches above grade a planting. When mature, a canopy tree should be at least fifty (50) feet in height and have a minimum crown width of thirty (30) feet. A list of approved tree species can be found in Section 10.4 of this Ordinance.

In addition, in any case where ten (10) parking spaces are added, whether required or not, the entire parking lot including existing parking areas shall be landscaped if the total number of parking spaces on the lot equals more than ten (10) parking spaces. Canopy trees must be planted directly adjacent to parking areas or located in a parking lot planting strip. If a parking lot planting strip is constructed, then the strip must be a minimum of two hundred seventy-four (274) square feet with a minimum width of eight (8) feet.

If parking lot lighting is installed in a landscaped island, then the lighting should be designed to accommodate the trees planted in the island.

The use of differing species around the parking area is encouraged to promote diversity in the overall urban tree canopy. The use of existing vegetation to satisfy this requirement is encouraged. Existing trees may receive this credit however; they must meet the requirements stated above for species and minimum diameter and height requirements. Supplemental plantings may be required in addition to native materials.

J. Street Tree Canopy

Developers are required to plant canopy trees along all public and private streets. Trees shall be spaced at a minimum average of 30 feet on-center. Trees shall be planted parallel to the street within a well-defined planting strip of consistent width (minimum of 6 feet) located between the curb and sidewalk, or in tree wells located in the sidewalk. Tree selections shall be provided for in accordance with Section 10.4 found in this Ordinance. This subsection shall apply to all street frontages not identified in subsection 10.5.1 of this Ordinance.

If street trees are part of the plan or tree preservation is shown, then residential tree canopy may be waived upon review by the Planning Director.

K. Residential Tree Canopy

Each lot shall provide canopy trees selected from Section 10.4 in accordance with the following schedule:

<u>Lot Size</u>	<u>Required # of Canopy Trees</u>
Less than 7,999 sq ft	1 Front Yard, 1 Rear Yard
8,000-20,000 sq ft	2 Front Yard, 2 Rear Yard
More than 20,000 sq ft	3 Front Yard, 3 Rear Yard

The use of differing species to be planted in residential yards is encouraged to promote diversity in the overall urban tree canopy. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental plantings may be required in addition to native materials. Existing healthy canopy trees

over 6" in caliper may be counted towards fulfilling this requirement, provided that tree protection measures are used and maintained during construction. If there is a question regarding the health of a tree that cannot be resolved between the City of Mount Holly and the developer, the City may require that the developer hire a Certified Arborist to examine the tree in question. Required street trees may be counted towards the fulfillment of this requirement. All other trees required under this subsection shall be planted within the private lot.

The Developer shall submit a Landscaping Plan when said Developer submits any required plans for development which will take place within the City Limits or ETJ of the City of Mount Holly. A Developer will not receive any permits or plan approvals from the City of Mount Holly until they have satisfied all provisions found within this Ordinance.

10.6 Preservation of existing vegetation during construction

Protective barricades shall be placed around all trees designated to be saved, prior to the start of development activities or grading.

Protective barricades shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, stockpiled soil or other construction debris. Construction traffic, storage of vehicles and materials, and grading shall not take place within the protective areas of the existing trees.

A tree protection plan shall be submitted with the landscape plan as part of the construction documents showing how the trees will be protected from the land disturbing activities.

10.7 Planting Standards

1. All new plant material shall be of good quality, installed in a sound, professional manner and meet the standards set forth in the American National Standards Institute (ANSI) A300 standards. Contractor shall warrant all new plant material for 1 year from time of installation.
2. All trees shall be properly guyed or staked and mulched in accordance with accepted practices in the landscape industry.
3. Where large maturing trees are required and overhead utility lines exist, small maturing trees planted 1 per 30 lineal feet shall be substituted with the approval of the Planning Director.
4. In no instance will the City of Mount Holly be responsible for the maintenance of any vegetation unless such vegetation is located on property owned by the City of Mount Holly. At installation, large maturing trees shall not be less than 10' in height with a minimum 2" caliper. Small maturing trees shall be a minimum of 1-

1/4" caliper and have a minimum height of 8'. Installation and construction practices shall be utilized which preserve and replace existing topsoil or amend the soil to reduce compaction. New trees to be planted shall come from the list of approved species found in Section 10.4 of this ordinance. At installation, evergreen trees shall not be less than 8' in height with a minimum 2" caliper.

5. At installation, small shrubs shall be a minimum 18" in height and medium or large shrubs a minimum 30". Installation and construction practices shall be utilized which preserve existing topsoil or amend the soil to reduce compaction.
6. No plants shall be planted within the sight distance triangle at an intersection, or driveway access points unless an unobstructed view between 30" and 84" of height is maintained.
7. Existing vegetation may be applied toward the requirements of this ordinance upon approval of the Planning and Development Director.
8. A minimum of fifty (50) percent of new trees must be native species, and sites with more than twenty (20) trees required will have to install multiple species pursuant to the Tree Ordinance Guidelines.

10.8 Revisions to Approved Landscape Plans

Due to seasonal planting problems and/or a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting plans may be approved by the Planning and Development Department if:

1. There is no reduction in the quantity of plant material.
2. There is no significant change in size or location of plant materials.
3. The new plants are of the same general category (i.e., shade tree, ornamental tree, evergreen, or shrub) and have the same general design characteristics (mature height, canopy cover) as the materials being replaced.

10.9 Inspection of Sites

Planning and Development staff and authorized representatives of the City may periodically inspect sites subject to the provisions of this ordinance.

If, through inspection, it is determined that a person has failed to comply or is no longer in compliance with the provisions of this ordinance, a notice to comply shall be served upon that person by registered mail with return receipt or other means by the City. The notice shall set forth that which will be necessary to comply with the ordinance.

The City shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance and for this purpose may enter at reasonable times upon the property, public or private, for the purpose of inspecting the site(s) subject to the provisions of this ordinance. No person shall refuse entry or access to any staff or authorized representative, of the City who requests entry for the purpose of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with that representative while in the process of carrying out official duties.

A certificate of occupancy for the development shall not be issued unless the landscaping required under this section is installed in accordance with these standards and in accordance with the approved site plan or subdivision plat.

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

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-341, prior to adopting or rejecting a zoning amendment, the governing board is required to adopt a statement as to whether the amendment is consistent with the comprehensive land use plan;

WHEREAS, the City Planning Commission has reviewed a proposed amendment to the Ordinance, the text amendment would be to reflect the requirements for Article 6 to include studio uses, Article 9 to prohibit banners in the form of flying or tear drop, and Article 10 Landscaping buffer requirements;

WHEREAS, based on a review of the proposed amendment the Planning Commission found that the proposed amendment is consistent with the Mount Holly Comprehensive Land Development Plan and further recommended that the City Council adopt the proposed amendments; and

WHEREAS, this Council has reviewed and considered the above written recommendation of the Planning Commission and has held a public hearing on the proposed amendment, and this Council has determined that the proposed amendment is consistent with the Mount Holly Comprehensive Land Use Plan.

Adopted this ____ day of _____, 2017.

ATTEST:

MOUNT HOLLY CITY COUNCIL

Amy Miller, City Clerk

Bryan Hough, Mayor

OLD BUSINESS

NEW BUSINESS



City of Mount Holly Action Agenda Item

To: Mayor and City Council From: Mark Jusko	Date: 3-7-17 Meeting Date: 3-13-17
Agenda Item to be considered:	
Consideration and Approval of a donation of baseball scoreboards from Mount Holly Athletic Association (MHAA).	
Will this require a public hearing? ☐ YES X ☐ NO	
Background/Purpose of Request : <i>The Mount Holly Athletic Association (MHAA) was established in order to support Mount Holly Parks & Recreation, to be somewhat of a "booster club". They have raised funds to date through taking gate admissions to our SWAC tournaments and t-shirt sales. Recently the MHAA expressed interest to the City that they would like to purchase and donate two outdoor baseball scoreboards for two of our fields at Tuckaseege Park. The City would have to cover the cost of installation of the scoreboards, and has gotten a quote on what it would take to have the scoreboards installed. The issue to work through is that the installation of the scoreboards was not originally budgeted for during this current year. Jason Maggs, the current President of MHAA, is scheduled to be at the meeting if you have any questions for him. The Parks & Recreation Commission unanimously was in favor of covering the cost of the installation of the scoreboard if monies were available. Mr. Jackson can speak to the funding source.</i>	
Fiscal Impact:	
Will Item affect current budget	☐ YES X ☐ NO ☐ N/A
Reviewed by Finance Director	☐ YES X ☐ NO ☐ N/A
Preaudit Certification required	☐ YES X ☐ NO ☐ N/A
Capital Project Ordinance required	☐ YES X ☐ NO ☐ N/A
Budget Transfer required	☐ YES X ☐ NO ☐ N/A
Total City Dollars:	\$ _____
Budget Code	_____
Reviewed by City Attorney	☐ YES X ☐ NO ☐ N/A
Manager/Staff Recommendation: Staff supports the recommendation of the Parks & Recreation Commission and approve the covering of the cost of the installation of two scoreboards at Tuckaseege Park.	
Result of City Council Decision: _____	
Attachments: None	



City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: 3-7-17
From: Mark Jusko	Meeting Date: 3-13-17
Agenda Item to be considered:	
Discussion of Zagster (Bike Sharing Program) at Tuckaseege Park	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request : Gaston County Travel and Tourism has recently partnered with Zagster, a bike sharing company. They are looking to place 50 bikes throughout Gaston County, where residents could purchase time or rent the bikes for recreational purposes. Twenty two bikes will be placed at Poston Park and Dallas Park, two Gaston County Parks. Travel and Tourism has reached out to us, Belmont, Cramerton, Belmont Abbey, and Gastonia to see if we would like to purchase 5 bikes. At this time I believe only Gaston County Parks & Recreation has agreed to have the 22 bikes at both Poston and Dallas Park. The cost to purchase the bike is \$1800/year, for a total of \$9000 for the five bikes per year. Zagster will deliver the bikes and stands, they are also the company that people will rent the bikes through. 97% of the rentals come through their mobile app. Zagster will cover the insurance, service the bikes as needed, and replace them after a few years. Zagster says we will receive a portion of the rental proceeds, but it will not be enough to cover our expenses of purchasing the bikes. We may be able to sell sponsorships to help cover the costs. This information was taken to the Parks & Recreation Commission at their February meeting, and they unanimously recommended to not proceed with this proposal. Staff is seeking direction from Council.	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☒ NO ☐ N/A
Reviewed by Finance Director	☐ YES ☒ NO ☐ N/A
Preaudit Certification required	☐ YES ☒ NO ☐ N/A
Capital Project Ordinance required	☐ YES ☒ NO ☐ N/A
Budget Transfer required	☐ YES ☒ NO ☐ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☐ YES ☒ NO ☐ N/A
Manager/Staff Recommendation:	
Result of City Council Decision:	
Attachments: Zagster- Bike Share Gaston County	

OTHER BUSINESS

REPORTS

Mount Holly Parks & Recreation

Monthly Report

Sole Patrol- The Sole Patrol met for 20 days during the month of February. The total attendance was 713, with 61 different members attending. They met for a Valentines party, monthly birthday party, exercise, and fun.

Fitness Center- The Fitness Center was open 24 days during the month of February. The total attendance was 181, with 48 different people attending. Of the 48, 27 were seniors, 17 were paying residents, and 4 were city employees.

Athletics- Youth basketball finished up their tournament season on February 24.

Free-play basketball at the Old Gym and Tuckaseege Community Center averaged around 46 participants per day.

Rentals & Special Events- The Tuckaseege Community Center was rented one time during the month of February. The estimated attendance for this rental was 150 people. The shelter at Tuckaseege Park was rented one time with an estimated attendance of 30 people.

Mount Holly Parks & Recreation teamed up with Discover You for the annual Daddy/Daughter Day. The event drew close to 175 people who enjoyed a breakfast, crafts, and music.

News & Notes- Mount Holly Parks & Recreation will be hosting a SWAC 12u boys basketball sectional tournament the weekend of March 10-12. We will also be hosting a SWAC 10u girls basketball state tournament the weekend of March 17-19.

Spring sports (baseball, soccer, and girls' volleyball) will be practicing throughout the month of March. Games will begin at the beginning of April.

Parks & Recreation Commission will be held Tuesday March 28 at 630pm.

Incident Disposition Totals by Offense

MOUNT HOLLY POLICE

(02/01/2017 - 02/28/2017)

Offense:	Arrest/No Supp.:	Arrest/Oth. Agency:	Death of Offender:	Vic. Ref. to Cooper.:	Prosecut. Declined:	Extradit. Declined:	Located Missing:	Unfound.:	Reported:	Actual:	Further Invest.:
0200 - Rape	0	0	0	0	0	0	0	0	1	1	1
0410 - Aggravated Assault	2	0	0	0	0	0	0	0	2	2	0
0510 - Burglary - Forcible Entry	1	0	0	0	0	0	0	0	4	4	2
0520 - Burglary - Non-Forced Entry	0	0	0	0	0	0	0	0	2	2	2
0630 - Larceny - Shoplifting	0	0	0	0	0	0	0	0	3	3	2
0640 - Larceny - From Motor Vehicle	0	0	0	0	0	0	0	0	2	2	1
0660 - Larceny - From Buildings	0	0	0	0	0	0	0	0	1	1	1
0690 - Larceny - All Other Larceny	1	0	0	0	1	0	0	1	11	10	6
0710 - Motor Vehicle Theft - Automobile	0	1	0	0	0	0	0	0	1	1	0
0810 - Simple Physical Assault	2	0	0	0	2	0	0	0	6	6	2
0820 - Simple Non-Physical Assault	1	0	0	0	0	0	0	0	1	1	0
0890 - Simple Assault- All Other Simple Assault	0	0	0	0	0	0	0	0	1	1	1
1015 - Forgery - Using/Uttering	0	0	0	0	0	0	0	0	1	1	0
1120 - Fraud - Obtaining Money/Property by False Pretense	0	0	0	0	0	0	0	0	1	1	1
1190 - Fraud - All Other Fraud	0	0	0	0	0	0	0	0	3	3	3
1400 - Criminal Damage to Property (Vandalism)	2	1	0	0	0	0	0	0	15	15	9
1520 - Selling/Distributing Weapons	0	0	0	0	0	0	0	0	2	2	2
1530 - Possessing/Concealing Weapons	0	0	0	0	0	0	0	0	2	2	2
1550 - Using Weapons (Illegal Discharge)	0	0	0	0	0	0	0	0	1	1	1
1790 - All Other Sex Offenses	0	0	0	0	0	0	0	0	3	3	1
1810 - Drug Violations	6	0	0	0	0	0	0	0	27	27	20
1834 - Drug Violations - Equipment/Paraphernalia - Possessing/Concealing	4	0	0	0	0	0	0	0	4	4	0

Incident Disposition Totals by Offense

MOUNT HOLLY POLICE

(02/01/2017 - 02/28/2017)

Offense:	Arrest/No Supp.:	Arrest/Oth. Agency:	Death of Offender:	Vic. Ref. to Cooper.:	Prosecut. Declined:	Extradit. Declined:	Located Missing:	Unfound.:	Reported:	Actual:	Further Invest.:
1835 - Drug Violations - Equipment/Paraphernalia - Transporting	0	0	0	0	0	0	0	0	1	1	1
1890 - Drug Violations - All Other Drug Violations	1	0	0	0	0	0	0	0	19	19	18
2650 - Escape From Custody or Resist Arrest	3	0	0	0	0	0	0	0	3	3	0
2670 - Trespassing	1	0	0	0	0	0	0	0	1	1	0
4010 - All Traffic (except DWI)	10	0	0	0	0	0	0	1	11	10	0
4020 - Suicide	0	0	0	0	0	0	0	1	2	1	1
4040 - Non-Criminal Detainment (Involuntary Commitment)	1	0	0	0	0	0	0	1	5	4	0
9910 - Calls for Service	1	0	0	0	0	0	0	0	8	8	1
Totals:	36	2	0	0	3	0	0	4	144	140	78

Arrest Status/Disposition Totals by Offense

MOUNT HOLLY POLICE

(02/01/2017 - 02/28/2017)

Offense:	Further Invest.:	Inactive:	Closed/ Cleared:	Arrest/No Supp.:	Arrest/No Invest.:	Felony:	Misd.:	Juvenile:	Adult:	Offense:
0410 - Aggravated Assault	0	0	2	2	0	1	1	0	2	2
0520 - Burglary - Non-Forced Entry	0	0	1	1	0	1	0	0	1	1
0640 - Larceny - From Motor Vehicle	0	0	3	3	0	1	2	0	3	3
0690 - Larceny - All Other Larceny	0	0	1	1	0	1	0	0	1	1
0810 - Simple Physical Assault	0	0	2	0	2	0	2	0	2	2
0820 - Simple Non-Physical Assault	0	0	5	1	4	0	5	0	5	5
1400 - Criminal Damage to Property (Vandalism)	0	0	1	1	0	0	1	0	1	1
1810 - Drug Violations	0	0	7	6	1	6	1	0	7	7
1834 - Drug Violations - Equipment/Paraphernalia - Possessing/Concealing	0	0	2	2	0	0	2	0	2	2
1890 - Drug Violations - All Other Drug Violations	0	0	2	2	0	1	1	0	2	2
2100 - DWI - Alcohol and/or Drugs	0	0	1	1	0	0	1	0	1	1
2640 - Contempt of Court, Perjury, Court Violations	0	0	5	1	4	0	5	0	5	5
2650 - Escape From Custody or Resist Arrest	0	0	2	2	0	0	2	0	2	2
2670 - Trespassing	0	0	1	0	1	0	1	0	1	1
4010 - All Traffic (except DWI)	0	0	5	5	0	0	5	0	5	5
Totals:	0	0	40	28	12	11	29	0	40	40

Citation Totals by Charge

MOUNT HOLLY POLICE

(02/01/2017 - 02/28/2017)

Charge:	Number of Charges:
Speeding (Infraction)	11
Seat Belt	1
Passenger Seat Belt - Juvenile	2
DWI	1
No Operator License	2
Driving While License Revoked	4
Expired Registration	14
Inspection	2
Failure To Stop (Stop Sign/Flashing Red Light)	1
Running Red Light	2
No Insurance	2
Possess/Consume Alcohol - Passenger	1
Failure To Reduce Speed	1
Other (Misdemeanor)	1
Other (Infraction)	7
Other (2nd Charge - Misdemeanor)	4
Other (2nd Charge - Infraction)	17
Total:	73

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

CFS By Department - Select Department By Date
For MOUNT HOLLY POLICE 2/1/2017 - 2/28/2017

MOUNT HOLLY POLICE	Count Per Type	Type Percent for Dept
ALARM B	29	1.82%
ALARM R	34	2.13%
ANIMAL COMPLAINT	9	0.56%
ASSAULT AL OCC	5	0.31%
ASSAULT IN PROG	1	0.06%
ASSIST CITY DEPARTMENT	6	0.38%
ASSIST FD/EMS	14	0.88%
ASSIST LE AGENCY	24	1.50%
ASSIST OTHER	23	1.44%
ATTEMPTED B & E	3	0.19%
B & E BUSINESS AL OCC	2	0.13%
B & E RES AL OCC	5	0.31%
B & E RES IN PROG	6	0.38%
B & E TO VEHICLE ALR OCC	4	0.25%
BANK ESCORT	6	0.38%
CHECK ROADWAY	18	1.13%
CHECK THE WELFARE	17	1.07%
CHILD ABUSE AL OCC	2	0.13%
CIVIL DISPUTE	13	0.82%
COMM SERV SPECIAL EVENT	7	0.44%
COMMUNICATING THREATS	8	0.50%
COURT	9	0.56%
DAMAGE TO PROPERTY	4	0.25%
DEATH INV UNATTENDED	1	0.06%
DIRECT TRAFFIC	1	0.06%
DISCHARGE FIREARM	8	0.50%
DISTURBANCE NATURE UNK	2	0.13%
DOMESTIC ARGUMENT	23	1.44%
DOMESTIC ASSAULT	8	0.50%
DRUGS	11	0.69%
FIGHT MULTIPLE SUBJ	6	0.38%
FOLLOW UP INVESTIGATION	37	2.32%
FOOT PATROL	4	0.25%
FORGERY	1	0.06%
FOUND PROPERTY	8	0.50%
FRAUD	6	0.38%
FUNERAL ESCORT	4	0.25%
HANGUP 911	5	0.31%
HARRASSMENT	9	0.56%
HIT & RUN PD	1	0.06%
IDENTITY THEFT	2	0.13%
INFORMATION ONLY	50	3.13%

MOUNT HOLLY POLICE	Count Per Type	Type Percent for Dept
INTOXICATED DRIVER	4	0.25%
INTOXICATED PEDESTRIAN	4	0.25%
JUVENILE	9	0.56%
K9 DEPLOYMENT	3	0.19%
LARCENY AL OCC	17	1.07%
LARCENY FROM VEHICLE	3	0.19%
LARCENY IN PROG	1	0.06%
LOST PROPERTY	1	0.06%
MENTAL COMMITMENT	6	0.38%
MISC CALL	3	0.19%
MISSING PERSON JUVENILE	2	0.13%
MV COLLISION PD	22	1.38%
MV COLLISION PI	2	0.13%
NOISE VIOLATION	7	0.44%
OBTAINING WARRANT	5	0.31%
OVERDOSE	2	0.13%
PARKING VIOL	12	0.75%
PERSONAL ESCORT	14	0.88%
PROWLER	7	0.44%
PUBLIC NUISANCE BIKES/SKATEBOARDS/ATV/DIRT BIKES	4	0.25%
RADAR/TRAFFIC ENFORCEMENT	1	0.06%
RECOVER STOLEN PROPERTY	1	0.06%
ROAD RAGE	1	0.06%
SCHOOL PROGRAM	2	0.13%
SCHOOL RES OFFICER	55	3.45%
SCHOOL TRAFFIC	2	0.13%
SEARCH WARRANT	3	0.19%
SERVE WARRANT	16	1.00%
SOLICITATION	4	0.25%
SPEC ASSIGNMENT TRAFFIC	1	0.06%
SPECIAL ASSIGNMENT	32	2.01%
SPECIAL CHECK	600	37.62%
STOLEN VEHICLE AL OCC	1	0.06%
STRANDED MOTORIST	15	0.94%
SUBJECT WITH A GUN/WEAPON	1	0.06%
SUICIDAL SUBJECT	3	0.19%
SUSPICIOUS PERSON	48	3.01%
SUSPICIOUS VEH OCCUP	40	2.51%
SUSPICIOUS VEH UNOCCUP	36	2.26%
TRAFFIC OTHER	9	0.56%
TRAFFIC STOP	136	8.53%
TRESPASS	9	0.56%
UNAUTHORIZED USE OF CONVEYANCE	2	0.13%
VANDALISM AL OCC	1	0.06%
VERBAL ARGUMENT	12	0.75%
Total Records For MOUNT HOLLY POLICE	1595	Dept Calls/Total Calls 100.00%

Total Records 1595

PUBLIC WORKS REPORT

	JANUARY	2017	2016	2015
Water				
Daily Average (mgd)		2.303	2.478	2.320
Daily Maximum (mgd)		2.660	40.650	2.960
Daily Minimum (mgd)		1.960	2.000	1.620
Monthly Total (mg)		71.380	76.824	71.920
Customers				
Inside City Limits		5888	5761	5614
Outside City Limits		485	483	495
TOTAL		6373	6244	6109
Wastewater				
Daily Average (mgd)		2.223	2.587	2.104
Daily Maximum (mgd)		3.773	3.427	2.797
Daily Minimum (mgd)		1.319	1.600	1.070
Monthly Total Flow (mg)		68.928	80.209	65.230
American & Efird Total Flow (mg)		12.832	14.929	16.044
Customers				
Inside City Limits		5501	5378	5234
Outside City Limits		56	55	59
TOTAL		5557	5433	5293
Sanitation				
Number of Customers				
Residential		5139	5037	4892
Commercial / Industrial		147	148	150
Recycling		5249	5139	4978
Garbage Collected (tons)		359.90	341.98	344.04
General Yardwaste (tons)		35.03	27.13	41.60
Chipping (tons)		0.00	0.00	0.00
Leaves (tons)		16.00	5.47	0.00
Total Yardwaste (tons)		51.03	32.60	41.60
White Goods (tons)		0.00	0.00	0.00
Recycling (tons)		84.90	95.63	71.76