

**City of Mount Holly  
Mount Holly City Council Meeting  
Monday, March 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                   |

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**Invocation**

Reverend McCorkle, Pastor at ?? Mount Holly First Baptist Church gave the invocation.

**Pledge of Allegiance**

Boy Scout Troop 59 of the First United Methodist Church in Mount Holly led attendees in the Pledge of Allegiance.

**SET THE AGENDA**

Mayor Hough advised that Item #2 on the Consent Agenda, Call for public hearing for rezoning and annexation for Holly Springs Subdivision, will be removed from the agenda. With no additional changes to the agenda Mayor Pro Tem Moore made a motion to approve the agenda as amended. Councilman Meadows seconded the motion. All Council Members voted in favor. Motion carried.

**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, regarding a request by Southern Roots, for a text amendment to the Zoning Ordinance under Article 7, Note 28 Solar Energy Systems
3. Call for a public hearing in connection with potential installment financing for a Fire Station and Public Works Facility as well as the 2007 installment debt
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 the minutes from the Council Retreat
7. Approval of a Resolution Declaring Surplus Property-Donation of Fire Equipment to Hunter Huss Fire Protection Technology Program
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

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

## **PRESENTATIONS**

### **1. Introduction of New Employees**

Department Heads introduced newly hired employees to the City Council.

### **2. Presentation to Honoring Miranda Pennington upon her Retirement from the City with 30 years of Service**

Mayor Hough and the City Council honored Miranda Pennington by presenting her with a watch and a resolution upon her retirement of 30 years of service to the City of Mount Holly.

## **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.**

Mr. Wilson advised that Ms. Adamson has applied for a text amendment that would allow a number of solar panels placed on a single family dwelling as certified by an engineer. Ms. Adamson came forward and commented that the proposed text amendment would allow for additional solar panels than what is currently regulated by the ordinance. The proposed changes would require approval by a certified engineer and it must not compromise the structural integrity of the dwelling.

At this time, Councilman Bishop made a motion to enter into the public hearing for a text amendment to the Zoning Ordinance under Article 7, Note 28 Solar Energy Systems. Councilwoman Breyare seconded the motion. All Council Members voted in favor. With no one signed up to speak, Councilman Bishop made a motion to close the public hearing and return to open session. Councilman Toomey seconded the motion. All Council Members voted in favor. (Motion carried)

Councilman Bishop made a motion to approve the proposed text amendment to the Zoning Ordinance under Article 7, Note 28 Solar Energy Systems. Councilman Meadows seconded the motion. All Council Members voted in favor. (Motion carried)

### **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.**

Mr. Wilson advised that since the last meeting the developer has tweaked the plans to correspond with the direction from the last meeting.

At this time, Councilman Hope made a motion to continue the 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. Councilman Meadows seconded the motion. All Council Members voted in favor.

Jeff High  
236 Village Glen Way  
Mount Holly

Good evening. Mayor Hough, City Council members, Mr. Jackson, thank you very much for the opportunity to speak with you tonight on behalf of the Stonewater community.

At the public hearing last month we mentioned a few issues that we asked you to consider very closely as you come to a decision. As a reminder, they included:

- [Traffic and Safety](#) -- we spent much of our time speaking about these issues. Since the last meeting, we've met with several parties to work on solutions to our concerns. In short, our discussions with Lennar, the Mountain Island Charter School and NCDOT resulted in all the right rhetoric and commitments that we needed to hear and see. We appreciate, and are encouraged by, the efforts of all those groups. As an aside, we would also like to publicly acknowledge the support and assistance of State Representative John Torbett who met with us and others to add his advice and assistance.
- [Our Petition](#) -- we are withdrawing our petition today since it was based specifically on the traffic and safety issues which appear to be addressed.

However, we did mention a couple other issues for the City Council to consider, outside the responsibility of Lennar and/or the Planning Commission.

- [Water Pressure](#) -- as we mentioned at the last meeting, we are concerned that the water pressure will be adequate after 500 more homes are added to the North end of the City. I learned at my first conversation with Fire Chief Baker that the City has booster pumps to increase pressure when a fire or other issue

(like a broken main) takes a load on the system. So I recently visited the water treatment plant to see how the booster pumps work. I understand the pumps are used to raise the water level in the existing tower to increase pressure.

I found out that the pump kicks on almost instantaneously when triggered, but it does require a human in the loop to push the button when he or she notices a drop in the water level. I was told that, when there is a fire, the Fire Department is supposed to call the water plant to make sure the pressure is good, but apparently that does not always happen. Therefore, the need to have a person in the loop at the water plant seems a little risky if the operator on duty is away from the console to attend to other matters, like he was the day I visited. The engineer in me thinks maybe there is another solution, and, if so, it might require some funding.

I'm also aware that a new larger capacity booster pump is being considered for the North end of the City until a new water tower is built. I learned that there is a quote for a new pump, but it is not yet in the budget; hopefully it will be next fiscal year. Likewise the planned new water tower is not in any budget, or even any long term projection, that I could find. We expected that the proposed Imagery development would increase the need for the new pump and the new water tower, and that these items would show up in your cost-benefit analysis, but I didn't see them.

Peter Stoffel will address the cost-benefit analysis and our other issues.

Thank you for the opportunity to address you this evening.

Peter Stoffel 226 Village Glen Way, Mount Holly ...

Good evening. My name is Peter Stoffel, and I am the President of the Stonewater Homeowners Association. As Jeff said, I will address our remaining issues and summarize our position.

- [Cost-Benefit Analysis](#) -- perhaps because we mentioned it at the last meeting, we've noticed that your read-ahead package (starting on page 68) did list some expected costs and revenues associated with the Imagery development. The revenues projected paint a pretty rosy picture, and, at first blush, they appear to more than cover the costs projected. However, the costs look like they only include operating costs, not capital costs like the new water tower, for example. We must defer to your judgment, but the numbers we see don't appear to show the whole picture, so we are asking you to examine this closely. We, as well as all your constituents, as concerned citizens and tax payers, are counting on the City Council to make sure the benefits exceed the costs.
- [Our relationship with the City](#) -- last month, we thanked you for participating in a couple of our recent community meetings and for working with us. We asked you then to consider the old adage "first do no harm." Now, as you get close to making a decision, we ask that you be more proactive in supporting our quest for improvements. The traffic and safety issues are a good example. We will look for your support to make sure all the commitments are kept. Furthermore, we are looking forward to the new Fire Station, a future park on our side of Hwy 16, and a new water tower, all of which will improve our community and continue to improve our relationship with the City.
- [Environmental concerns](#) -- we have consistently said that we support the concerns others have raised, and will raise, about the quality of our lake and our drinking water. Mayor Hough, at your first meeting with our community, you made a convincing argument that with the annexation of any property into Mount Holly, the City has a better chance to enforce all the applicable environmental rules and regulations. We view that as a very good thing. We are trusting that you will do just that, but as you know, we will be watching to verify that you do.

So our bottom line is this ... whatever decision you make tonight, or when you are ready in the future, we believe it will not mark the end, but rather, the beginning of the process. We want to partner with you, and all the parties who have been involved, to make sure this development, and any future developments in our area, represent a win-win for everyone.

We've used a few catch phrases in our presentations to you. Our final comment is this ... "our expectations are high, but so is our resolve" ... we are involved, we are organized, and we are energized. We are not going away ... that is not a threat, but a promise ... we hope you see that as a positive thing. Let's stay on the same team and do great things for Mount Holly.

Our final request of you is this: when you are ready to make your decision on the annexation and the conditional zoning district, please do it in public with a roll-call vote so we can see exactly who is committed to what.

Thank you again for your service to our City and the opportunity to speak to you tonight.

My name is Christine Remme. I live at 522 Horseshoe Dr.

While NCDOT has approved widening the rural collector road known as Horseshoe Bend Beach Rd. or HBB from 9 ft. lanes to 10 ft. lanes, (the minimum standard to meet fire truck safety codes), this work will not start until late 2020.

Already we have seen an increase in double axel truck traffic due to the approved build out of the final phase of Stonewater. These trucks cannot fit within 9ft lanes without shoulders.

Until such time that the road is widened, we want to emphasize that all Gaston County residents deserve to have optimal response time for fire and emergency vehicles. We offer that any permission, to willfully increase traffic, especially truck traffic, could detrimentally effect emergency response time. I have other safety concerns besides just the inadequacy of HBB.

On Feb. 7, 2017 area media outlets shared research from Duke University published in the journal Environmental Science and Technology, reporting that the selenium levels in Mt. Island Lake fish were remarkable and just slightly under the EPA danger threshold. Selenium occurs naturally and can be concentrated in coal ash. It can cause deformities, growth problems and even death in fish and other animals.

In communication with the lead scientist, Jessica Brandt, I quote from her: there is a risk that dredging the lake bed will release (re-oxidize) trace metal elements from the sediment into the water column. I am certain our lake and river keepers will keep us all informed about the danger associated with dredging Mt. Island Lake as it affects the region's VITAL WATER SUPPLY.

Finally just as important as it is to address the safety of the roads and the potential risk to the drinking water, I want to speak about the safety record of Lennar Builders. Within 15 minutes of googling this subject, I found:

\*In 2015 The Army Corps of Engineers fined Lennar \$30,000 for polluting Florida Wetlands at its Concord Station Project. The violation affected freshwater wetland habitats within the Anclote River watershed.

\*In Oct. 2009 Lennar settled with the EPA for violation of the Clean Air Act paying a \$182,500 fine for introducing particulates at 5 construction sites in Maricopa Country AZ.

\* A 2014 report from the city of Indio CA. cited Lennar Homes for compromised "secondary containment" issues.

\*IN 2006 Lennar shared in a \$900,000 fine in Roseville CA for its part in failing to control storm water runoff at its WestPark community

\*As recently as Dec. 2016 OSHA levied \$90,000 in fines against 4 sub-contractors hired by Lennar Builders in construction of its Kendall Square housing project.

\*In 2008 Lennar was fined \$515,000 by San Francisco Bay Area Quality Management District for its failure to maintain asbestos monitoring equipment resulting in the release of asbestos fibers in the air and water. There is no safe level of exposure to asbestos fibers according to peer reviewed science.

To Mt. Holly, as a bedroom community to Charlotte, it is important to note that ordinary citizens such as myself, along with traffic and road experts, first responders, scientists, the EPA, the Army Corps are offering up factual evidence to you that the proposed development of Imagery poses potential risks to: the safety of our existing roads, our water, and a compromise to the life and death response time for citizens of Gaston County.

Chuck Myers- Catawba River Keeper

Mr. Myers came before Council to request that the boat slips not be allowed to increase to 143 slips.

Councilman Toomey made a motion to close the public hearing and return to open session. Councilwoman Breyare seconded the motion. All Council Members voted in favor. (Motion carried)

David Nelson with Lennar Homes advised that they are the 3<sup>rd</sup> largest home builder in the nation. He advised that they will continue to work with neighbors and staff. He further advised that 76% of the property will continue as natural area and approximately 50 acres will remain untouched. There will be 4 miles of trails and 100 boat slips.

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*

Mr. Wilson advised that staff has compiled a cost benefit analysis based on 510 single family homes.

At this time, Councilman Meadows 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. Councilman Bishop seconded the motion. All Council Members voted in favor. With no one signed up to speak, Councilwoman Breyare 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 move forward with the annexation agreement. Councilman Bishop seconded the motion. (Motion carried)

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.

Mr. DuPont advised that Planning and Development Staff is trying to be proactive in asking for the proposed text amendments for the future development. Mr. DuPont reviewed the proposed changes.

At this time, Mayor Pro Tem Moore made a motion to open the 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. Councilman Meadows seconded the motion. All Council Members voted in favor. With no one 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 Pro Tem Moore made a motion to approve the 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. (Resolution #031317A) Councilman Bishop seconded the motion. All Council Members voted in favor. (Motion carried)

### **PUBLIC COMMENT – Three (3) Minute Limit**

No one was signed up to speak

### **OLD BUSINESS**

1. Consideration and Approval of Phase II of Rhyne's Trace Subdivision

Councilman Meadows made a motion to approve Phase II of Rhyne's Trace Subdivision. Councilman Bishop seconded the motion. All Council Members voted in favor (Motion carried)

2. Consideration and Approval of Meadow Brook Estates

Councilman Meadows made a motion to approve Meadow Brook Estates. Councilman Bishop seconded the motion. All Council Members voted in favor. (Motion carried)

### **NEW BUSINESS**

1. Consideration and Approval of a donation of baseball scoreboards from Mount Holly Athletic Association (MHAA)

Mr. Jusko advised that several months ago a Booster Club was formed through the Mount Holly Athletic Association. The Booster Club has raised funds through gate admission and t-shirt sales for the purchase of baseball scoreboards. Mr. Jusko advised that this is not a budgeted item and therefore needs consensus from the Council to move forward with the donation of the scoreboards. The City Council gave their consensus to move forward with the baseball scoreboards.

2. Discussion of Zagster (Bike Sharing program) at Tuckaseegee Park

Mr. Jusko advised that Gaston County Travel and Tourism reached out to the Recreation Commission with a request to purchase a total of 5 bikes through Zagster and rent the bikes for approximately \$1800 per year. Council was not interested.

3. Consideration and Approval of a Budget Amendment Appropriating ABC Funds for:
  - Downtown Special Events
  - Market Street Lighting
  - Installation of Scoreboards

Mr. Jackson advised that staff is seeking approval of a budget amendment for the additional downtown events, market street lighting for the event downtown and the installation of scoreboards. Councilman Bishop made a motion to appropriate \$50,000 from ABC Funds to cover the cost of the proposed items. 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 Bishop made the motion to adjourn the March 13, 2017 Council Meeting. Councilman Hope seconded the motion. All Council members present voted in favor. (Motion carried)

The meeting adjourned at 8:06 p.m.