

**MINUTES OF THE MEETING OF
THE BOARD OF COMMISSIONERS
TOWN OF MINT HILL, NORTH CAROLINA
APRIL 9, 2015**

The Board of Commissioners of the Town of Mint Hill met in regular session on Thursday, April 9, 2015 at 7:00 p.m. in the Mint Hill Town Hall.

ATTENDANCE

Mayor: Ted H. Biggers, Jr.
Commissioners: Lloyd Austin, Carl M. Ellington, Richard Newton and Katrina (Tina) W. Ross
Town Attorney: Kevin M. Bringewatt
Town Manager: Brian L. Welch
Planning Director: John Hoard
Police Chief: Tim Ledford
Town Clerk: Michelle Wells Farrar

CALL TO ORDER, INVOCATION AND PLEDGE

Mayor Biggers called the meeting to order, ruled a quorum present and the meeting duly constituted to carry on business. Following the invocation offered by Commissioner Ellington, Mayor Biggers led the Pledge of Allegiance to the Flag of the United States of America.

ORDER OF BUSINESS

Addition, Deletion or Arrangement of Agenda Items: The March 7-8, 2015 Retreat Minutes and *Item 8 Private Streets and Gated Communities* were pulled from the agenda.

Approval of Minutes March 12, 2015 Regular Meeting: Upon the motion of Commissioner Austin, seconded by Commissioner Ross, the Board unanimously approved the minutes of the March 12, 2015 regular meeting.

Consent Agenda: (a) Accept February and March Tax Collector's Report; (b) Accept February Treasurer's Report and Financials; (c) Accept Streets of Morgan Run Subdivision for Maintenance- Amadeus Drive, Monogramm Lane, Ferzon Lane and Bask Court; (d) Adopt Resolution to Donate Computers to Johnson C. Smith University and, (e) Recognize "Armenian Martyrs Day" by Proclamation: Upon the motion of Commissioner Austin, seconded by Commissioner Ross, the Board unanimously approved Consent Items a, b, c, d and e. (Copy filed with minutes of record.)

Public Hearing on #ZC14-14, Filed by The Town of Mint Hill, To Allow a Text Amendment Regarding Family Care Home Distance Separation: Mr. Hoard told the Board the purpose of the text amendment was to establish a minimum separation distance of 2,640 feet (.5 miles) between Family Care Home facilities and create a Family Care Home development option. In a memo to the Board, he outlined the Text Amendment:

Family Care Home (SR Residential District-Table of Permitted Uses)

*Add 7.1.13 cross reference

Add Section 7.1.13- Establish minimum distance

Add Family Care Home Subdivision (CD Residential District-Table of Permitted Uses)

*Add 7.2.32 cross reference

Add new Section 7.2.32 –Specify development shall follow subdivision requirements

Add Family Care Home Subdivision to Section 2.4 Terms Defined in this Ordinance.

Family Care Home Subdivision

A subdivision development consisting of four or more residential lots, subdivided in accordance with the Mint Hill Subdivision regulations, created for the purpose of permitting Family Care Homes in close proximity with one another. The development shall be owned and operated by a single entity.

STATE STATUE

*§ 168-22. Family care home; zoning and other purposes. (a) A family care home shall be deemed a residential use of property for zoning purposes and shall be a permissible use in all residential districts of all political subdivisions. No political subdivision may require that a family care home, its owner, or operator obtain, because of the use, a conditional use permit, special use permit, special exception or variance from any such zoning ordinance or plan; provided, **however, that a political subdivision may prohibit a family care home from being located within a one-half mile radius of an existing family care home.** (b) A family care home shall be deemed a residential use of property for the purposes of determining charges or assessments imposed by political subdivisions or businesses for water, sewer, power, telephone service, cable television, garbage and trash collection, repairs or improvements to roads, streets, and sidewalks, and other services, utilities, and improvements. (1981, c. 565, s. 1; 1993 (Reg. Sess., 1994), c. 619, s. 1; 1999-219, s. 3.2.)*

Commissioner Austin asked how the ½ (.5) mile was measured. Mr. Hoard said it was measured by a straight line from the property line.

There being no public comments, Mayor Biggers closed the Public Hearing on #ZC14-14.

Public Comments: None.

Discussion of Private Streets and Gated Communities: The item was pulled from the agenda.

Discussion and Decision on #ZC14-13 Regarding a Public Park Text Amendment and Public Involvement Policy: Mr. Hoard reviewed the proposed text amendment:

Section 2.4 Terms Defined in This Ordinance

Delete “Park” definitions and replace with the following:

Town Park –A facility operated by the Town of Mint Hill that is open to the public for outdoor active recreational uses, including, but not limited to: ball fields, swimming facilities, and which

contains improvements designed specifically for such active recreational uses. Such Facilities may also contain improvements designed for passive recreational uses.

***Park**-A facility operated by an entity, other than the Town of Mint Hill, that may or may not be open to the general public for outdoor active recreational uses, including, but not limited to: ball fields, swimming facilities, camping facilities, and which contains improvements designed specifically for such active recreational uses. Such Facilities may also contain improvements designed for passive recreational uses.*

***For Town Parks, add to Section 5.2, Table of Principal Permitted Uses, and list BR (By-Right) under the R, O-A, I and DO- A & B districts.**

***For Parks, cross reference existing 7.2.15 Nonresidential Use in the Residential Zoning District**

Mr. Hoard presented the Board with a Draft Notification Policy- Town Land Purchase:

Minimum Notification*post contract to purchase*

- Notify by letter adjoining property owners (within 200' of site)
- Provide notification on Town website
- Installation of sign (similar to rezoning sign) on proposed site.

(Town may opt out of the minimum notification if acreage is minimal)

Optional Notification *the following notifications are optional. Staff will implement all or specific notification options as directed by Board of Commissioners

- Advertise in newspaper
- Public workshops at Town Hall
- Announcement in quarterly newsletter
- Information booth at Madness Festival
- Notification letters beyond 200'

Additionally any applicable ordinance provisions shall be followed (e.g. under current ordinance requirements, a PIM is sometimes required for Non-residential By-Right Developments if traffic impacts meet thresholds stated in the ordinance).

Commissioner Ross asked if it was possible to post the rezoning signs perpendicular to the street and make them two sided. Manager Welch said yes and agreed to make that standard for all parcels applying for a rezoning.

Upon the motion of Commissioner Ellington, seconded by Commissioner Newton, the Board unanimously adopted #ZC14-13 Public Park Text Amendment along with the Public Involvement Policy.

Discussion and Decision on #ZC15-1, Filed by William Gray, Requesting a Rezoning from R to I-G (CD) for Property Located at 11131 and 11207 Blair Road to Allow Construction of a Storage Facility: Mr. Hoard stated the Planning Board had unanimously given a favorable recommendation at the March 16, 2015 meeting with the following recommendations:

1. Add the following Zoning Plan notes:
 - No outdoor storage shall be allowed in conjunction with the facility with the following exceptions: boats, cars, motorcycles, trailers, motor homes, pickup trucks and similar type and size vehicles. Outdoor storage is restricted to the areas designated as outdoor storage on the Zoning Plan
 - Landscaping associated with the screening and buffer shall be maintained in a good and healthy condition
 - Street trees will be maintained by the property owner
 - Development of the site will be governed by the Zoning Plan as well as the applicable provisions of the Unified Development Ordinance
 - Lighting shall be fully shielded and downwardly directed.
2. Correct I-G zoning to read, I-G (CD).
3. Small maturing street tree should be considered due to the existing power lines along Blair Road
4. Indicate future R/W for Blair Road (118')
5. ~~A sidewalk easement may be required~~ A sidewalk easement will be granted if required
*modified by the Board during the meeting on April 9, 2015

The Board discussed the three houses on the properties. The process of phasing the anticipated storage facility was discussed in regard to rezoning only one parcel until the second phase was ready to build. The applicant stated they would be required to implement buffers for the other parcel and modify erosion control plans, if they sought to rezone only one parcel at a time. The applicant was asked why they requested to split the zoning on one parcel and the applicant stated they would use the rental house for income. The applicant would need to come before the Board if they were to do anything not listed on the site plan.

Upon the motion of Commissioner Austin, seconded by Commissioner Ellington, the Board approved #ZC15-1 with Staff and Planning Board recommendations.

Discussion and Decision on Article V, Section 28 (Mint Hill Code)- Permit for Commercial Vehicles: Manager Welch gave back ground information on the history of Article V, Section 28 stating residents had complained about construction traffic utilizing existing Town maintained streets. The revised Ordinance would provide Staff the flexibility to address this on an “as needed” basis not just on specific streets. The revised Ordinance would provide an enforcement mechanism to address the issues.

He offered to answer any questions on the Amendment Recommendation to Section 28, Article 5:

Sec. 28-149. - Prohibition.

- (a) It shall be unlawful for any person to drive upon any town maintained street, without first obtaining a ~~special~~ Temporary permit, a vehicle that:
- (1) Exceeds 30 feet in length or 80 inches in width;
 - (2) Has a commercial license plate as required by the state department of motor vehicles;

(3)Has three or more axles; and

(4)Is a property-carrying vehicle licensed for a gross vehicle weight of 32,000 pounds or more.

(b) The streets to which subsection (a) of this section applies are ~~the following~~: the town-maintained street with a posted No Construction Traffic sign.

~~(1) Central Drive.~~

~~(2) Hannon Road.~~

(Code 1983, § 7-37)

Sec. 28-150. -- Exceptions.

~~This article shall not apply to a vehicle that enters upon such a street for the sole and exclusive purpose of loading or unloading of materials, performing work of a temporary nature, or gaining access to other streets that are not otherwise accessible in the area for the same purposes, or to a vehicle that is in fact actively engaged at the time in a governmental or public purpose in carrying out its activities.~~

(Code 1983, § 7-38)

Sec. 28-151. - Permits.

Permits to operate vehicles under section 28-149 shall be secured from the ~~town clerk~~ at least 48 hours ~~before actual use~~ Public Works Director. The permits will have limits in reference to time of day, number of days required, and related items. Permits are subject to rejection or approval depending on the circumstances and or special provisions.

(Code 1983, § 7-39)

Sec. 28-152. - Remedies.

In addition to the remedies provided in G.S. 160A-175, police officers of the town shall have the authority to issue a \$50.00 citation for each day of a violation of this section. This shall not preclude the issuance of an arrest warrant, when appropriate, nor preclude any other lawful enforcement action.

The Board asked how a builder could comply with the proposed ordinance. Manager Welch stated a builder would apply for a permit issued by the Town. If a builder was constructing a new neighborhood and simply chose to use streets connected to an existing neighborhood, instead of the newly constructed roads in the subdivision, then the Town would now have a way to prohibit them from doing so. Accessibility would be reviewed when the permit application was received by the Town. Currently, there was no fee associated with the permit as it would merely serve as notification to the Town. The fine for non-compliance would be \$50 per day.

Upon the motion of Commissioner Ross, seconded by Commissioner Newton, the Board unanimously adopted changes to Article V, Section 28 (Mint Hill Code) - Permit for Commercial Vehicles.

Other Business/Council Matters: Commissioner Austin attended Town Hall Day with Commissioner Ellington; it was very informative and successful.

Commissioner Ross attended the Mint Hill Chamber of Commerce Luncheon titled “Creating Vibrant Communities”, the speaker was Pat Riley of Allen Tate. She attended the Mint Hill Historical Society meeting and they were very involved in the planning of Discover Mint Hill on May 2, 2015. She and Commissioner Newton attended Opening Day at the Mint Hill Athletic Association Complex; she noted Commissioner Newton did a nice job welcoming everyone and providing the invocation. She reminded everyone of the Relay for Life at Veterans Park on May 15th. She gave the report from the Mint Hill Volunteer Fire Department meeting. The Mint Hill Volunteer Fire Department (MHVFD) responded to 218 EMS calls and 87 Fire calls in February for a total of 305. In March, they responded to 266 EMS calls and 81 Fire calls for a total of 347. The year-to-date total was 975. Three applicants wishing to join the Mint Hill Volunteer Fire Department had submitted applications for membership. The old #8 had been sold and a new Tahoe had been ordered. They had 2,839 training hours in the first quarter. She asked if the Town had any new information on The Bridges at Mint Hill. Manager Welch said he had traded voicemails with Chris Thomas. She said it was critical now because Belk may be sold and they were the main commitment. She asked about the legislative annexation and Manager Welch said the Bill was submitted and letters had been mailed to residents. He had a few phone calls and most had been very receptive; if the owner spent any money on garbage removal they would save money by being annexed by the Town. He had not received any push back yet and didn’t expect any from the legislator. She asked about the Noise Ordinance update; Manager Welch stated Chief Ledford was still working on the draft Noise Ordinance.

Commissioner Ellington expressed regret over missing the Mint Hill Athletic Association Opening Day. He had a previous commitment and thought it was the first one he had missed. He attended the Mint Hill Historical Society meeting, the Planning Board meeting and Town Hall Day.

Commissioner Newton attended the Mint Hill Athletic Association Opening Day. He informed the Board that Centralina Council of Government (CCOG) would be charging .24 per capita for a total of \$5,950 for 2015/2016. CCOG was rolling out CONNECT Our Future that would help students find occupations that fit their personalities.

Manager Welch reminded everyone of the Budget Workshop, to discuss department budgets and external agency funding request, scheduled for Tuesday at 6 p.m. at Town Hall. He introduced Steve Frey, the new Town Engineer, who previously worked in the private sector as well as Charlotte-Mecklenburg Storm Water for 5-6 years. Rarely did one sit in an interview and have a mental list of duties for someone to perform, and before you get them out of your mouth they expressed previous experience with the same duties; he was very pleased to have Steve join the Town. Mr. Frey expressed gratitude and the Mayor welcomed him on behalf of the Board.

Culminating his announcements, Brian introduced his and Bethany’s son, Naylen Bradshaw, to the Board and Town Residents. Manager Welch said his son was the newest Mint Hill resident and in 18 years Naylen would be registered to vote. Mayor Biggers asked Bethany, to please

bring their son forward to meet the Board so he could formally welcome Naylen Welch to the meeting.

Adjournment: Upon the motion of Commissioner Ellington, seconded by Commissioner Austin, the Board unanimously agreed that the meeting be adjourned. Mayor Biggers adjourned the meeting at 7:32 p.m.

Michelle Wells Farrar, CMC, Town Clerk