

**MEETING OF THE BOARD OF COMMISSIONERS
TOWN OF MINT HILL, NORTH CAROLINA
MINT HILL TOWN HALL
4430 MINT HILL VILLAGE LANE
DECEMBER 10, 2015
7:00 P.M.**

1. CALL TO ORDER
2. INVOCATION AND PLEDGE OF ALLEGIANCE
3. ADDITION, DELETION OR ARRANGEMENT OF AGENDA ITEMS
4. APPROVE MINUTES OF NOVEMBER 12, 2015 REGULAR MEETING
5. CERTIFICATION OF 2015 MUNICIPAL ELECTION RESULTS FOR MINT HILL
6. OATHS OF OFFICE:
 - (A) MAYOR
 - (B) COMMISSIONERS
7. COMMENTS FROM MAYOR AND COMMISSIONERS
8. ELECTION OF MAYOR PRO TEMPORE
9. MAYORAL APPOINTMENTS
10. TEN-MINUTE RECESS FOR RECEPTION HONORING ELECTED OFFICIALS
11. PUBLIC HEARING ON #ZC15-9, FILED BY WENDELL LONG, REQUESTING TAX PARCELS 139-121-13, 139-121-09 AND 139-121-24 TO BE REZONED FROM R TO I-G
12. PUBLIC HEARING ON #ZC15-10, FILED BY THE TOWN OF MINT HILL, REQUESTING A TEXT AMENDMENT TO DOWNTOWN CODE
13. PUBLIC COMMENTS**
14. APPOINT TRUSTEES FOR FIREFIGHTER RELIEF FUND
15. APPOINTMENTS TO THE BOARD OF ADJUSTMENT
16. CONSIDER ADOPTING CHANGES TO NOISE AND PEDDLING ORDINANCES; ACTION DEEMED APPROPRIATE
17. OTHER BUSINESS/COUNCIL MATTERS
18. CLOSED SESSION FOR REAL ESTATE
19. ADJOURNMENT

** IN ACCORDANCE WITH NORTH CAROLINA GENERAL STATUTES AND/OR LOCAL ORDINANCES, A PUBLIC HEARING IS REQUIRED/SCHEDULED ON THIS AGENDA ITEM. PUBLIC COMMENTS RELATED TO THIS ITEM HAVE BEEN OR WILL BE HEARD DURING THE SCHEDULED PUBLIC HEARING. TIME ALLOTTED EACH SPEAKER MAY BE LIMITED DUE TO LENGTH OF AGENDA. **UP TO ONE HOUR HAS BEEN RESERVED FOR COMMENTS FROM THE PUBLIC ON MATTERS OF GENERAL INTEREST, OR AGENDA ITEMS OTHER THAN THOSE FOR WHICH A PUBLIC HEARING IS REQUIRED AS NOTED ABOVE. INDIVIDUALS WISHING TO SPEAK UNDER "PUBLIC COMMENTS" MUST SIGN UP (ON THE SHEET PROVIDED IN THE LOBBY) PRIOR TO THE MEETING BEING CALLED TO ORDER. SPEAKERS WILL BE LIMITED TO TWO MINUTES PER PERSON, AND RECOGNIZED IN THE ORDER IN WHICH THEY SIGN UP.*

**MINUTES OF THE MEETING OF
THE BOARD OF COMMISSIONERS
TOWN OF MINT HILL, NORTH CAROLINA
NOVEMBER 12, 2015**

The Board of Commissioners of the Town of Mint Hill met in regular session on Thursday, November 12, 2015 at 7:00 p.m. in the Mint Hill Town Hall.

ATTENDANCE

Mayor: Ted H. Biggers, Jr.
Commissioners: Lloyd Austin, Carl M. Ellington and Richard Newton
Town Manager: Brian L. Welch
Deputy Town Manager: Lee Bailey
Planning Director: John Hoard
Town Engineer: Steve Frey
Police Chief: Tim Ledford
Town Clerk: Michelle Wells
Absent: Katrina (Tina) W. Ross

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: *A Holiday Schedule Modification* was added before Other Business/Council Matters.

Approval of Minutes from the October 8, 2015 Regular Meeting: Upon the motion of Commissioner Austin, seconded by Commissioner Ellington, the Board unanimously approved the minutes of October 8, 2015 Regular Meeting.

Consent Agenda: (A) Accept Grove Hall Avenue (Grove Hall Subdivision) for Maintenance; (B) Accept September Treasurer's Report and Financials; (C) Accept September Tax Collector's Report; (D) Approve Architectural Contract for The Brief Road Athletic Facility, and Authorize Manager to Execute Contract; (E) Approve Design Contract for the Beaver Dam Culvert Project, and Authorize Manager to Execute Contract; and, (F) Accept October Tax Collector's Report: Upon the motion of Commissioner Austin, seconded by Commissioner Newton, the Board unanimously accepted the Consent Agenda. (Copy filed with minutes of record.)

Public Comments: None.

World Pancreatic Cancer Day Proclamation: Upon the request of Mayor Biggers, Manager Welch read the following Proclamation:

WHEREAS, in 2015, an estimated 48,960 people will be diagnosed with pancreatic cancer in the United States and 40,560 will die from the disease; and,

WHEREAS, pancreatic cancer is one of the deadliest cancers, it is currently the fourth leading cause of cancer death in the United States and is projected to become the second by 2020; and,

WHEREAS, pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just seven percent; and,

WHEREAS, when symptoms of pancreatic cancer present themselves, it is generally late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 93 percent of pancreatic cancer patients die within the first five years; and,

WHEREAS, approximately 1,200 deaths will occur in North Carolina in 2015; and,

WHEREAS, pancreatic cancer is the 7th most common cause of cancer-related death in men and women across the world; and,

WHEREAS, there will be an estimated 367,000 new pancreatic cancer cases diagnosed globally in 2015; and,

WHEREAS, the good health and well-being of the residents of Mint Hill are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

NOW, THEREFORE, BE IT RESOLVED that I, Ted H. Biggers, Jr. by virtue of the authority vested in me as Mayor of the Town of Mint Hill, do hereby proclaim November 13, 2015 as

WORLD PANCREATIC CANCER DAY

in the Town of Mint Hill, North Carolina and commend its observance to all citizens.

Mayor Biggers presented Ms. Baily and Ms. Townsend with the proclamation.

Discussion and Decision on #ZC15-7, Filed by Keith Paris, Requesting Conditional Zoning Approval to Allow a Private Street with Entry Gate on Volte Drive in the Cheval Subdivision: Planning Director Hoard stated the Planning Board had given a favorable recommendation and offered to answer any questions. The Board had no questions for Mr. Hoard.

Upon the motion of Commissioner Newton, seconded by Commissioner Austin, the Board unanimously approved #ZC15-7.

Discussion and Decision on #ZC15-8, Filed By The Town Of Mint Hill, Requesting A Text Amendment To The Unified Development Ordinance To Comply With The S.L. 2015-86 Regarding Residential Design Standards: Planning Director Hoard stated the Planning Board had given a favorable recommendation and then offered to answer any questions. The Board had no questions for Mr. Hoard.

Upon the motion of Commissioner Austin, seconded by Commissioner Ellington, the Board unanimously approved #ZC15-8.

Appointment of Three Directors to the Alliance of South Charlotte Communities Board of Directors: In the memo to the Board, Deputy Manager Bailey stated:

The Bylaws stated the following:

3.03 Right to Appoint Directors. Each Member's governing body shall annually appoint three directors to the Board of Directors consisting of: one elected official from the Member's governing body, one at-large selection and the Member's chief administrative officer or his designee.

The current Mint Hill Directors were:

Elected Official	Lloyd Austin
At-Large Business Member	Tony Long
Town Manager or designee	Lee Bailey

Mayor Biggers recommended having Commissioner-Elect Dale Dalton, Tony Long and Lee Bailey as the 2016 Directors.

Upon the motion of Commissioner Ellington, seconded by Commissioner Austin, the Board unanimously agreed to appoint Commissioner-Elect Dalton, Tony Long and Lee Bailey to The Alliance of South Charlotte Communities Board of Directors.

Holiday Schedule Modification: Upon the motion of Commissioner Ellington, seconded by Commissioner Newton, the Board unanimously agreed to cancel the second meeting in November and December.

Other Business/Council Matters: Commissioner Newton attended the Fantastic Sam's Ribbon Cutting and stated it was very nice.

Commissioner Ellington attended the Fantastic Sam's Ribbon Cutting and the Planning Board meeting.

Commissioner Austin attended the Fantastic Sam's Ribbon Cutting and reminded everyone of the upcoming Veteran's Breakfast on Saturday the 14th at Philadelphia Presbyterian Church at 8 a.m.

Deputy Manager Bailey stated Commissioner Austin had been a part of economic development before the Alliance had been created. He expressed his gratitude to Commissioner Austin for his involvement.

Chief Ledford stated the next Coffee with a Cop would be held December 1st at Showmars from 9-10 a.m.

Mayor Biggers stated Mint Hill had lost a wonderful resident, Betty Ross (wife of the late Ralph Ross). He stated he and the community would miss her.

Adjournment: Upon the motion of Commissioner Austin, seconded by Commissioner Ellington, the Board unanimously agreed that the meeting be adjourned. Mayor Biggers adjourned the meeting at 7:13 p.m.

Michelle Wells, CMC, Town Clerk



**2015 GENERAL ELECTION
11/03/2015
ABSTRACT OF VOTES
FOR
MECKLENBURG COUNTY, NORTH CAROLINA**

INSTRUCTIONS

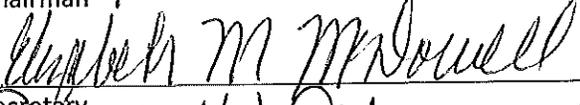
The county board shall prepare abstracts of all the ballot items in triplicate originals. The county board shall retain one of the triplicate originals, and shall distribute one each to the city or town clerk for the municipality and the State Board of Elections. The State Board of Elections shall forward the original abstract it receives to the Secretary of State. (GS § 163-182.6)

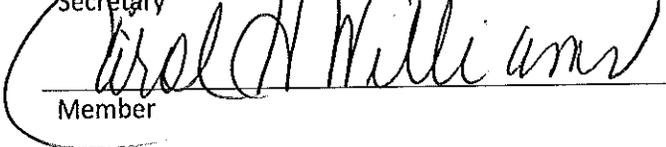
**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG**

The County Board of Elections for said county, having opened, canvassed, and judicially determined the original returns of the election in the precincts in this county, held as above stated, do hereby certify that the above is a true abstract thereof, and contains the number of legal ballots cast in each precinct for each office or referendum named, the name of each person or choice voted for, their party affiliation (where applicable), and the number of votes cast for each person or choice for the item named.

This is the 10th day of November, 2015.



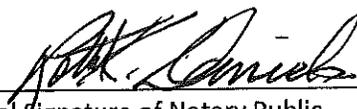
 Chairman


 Secretary


 Member

This day personally appeared before me, MARY POTTER SUMMA, Chairman of the County Board of Elections, who being duly sworn, says the abstract of votes herein contained is true and correct, according to the returns made to said Board.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this the 10th day of November, 2015.



 Official Signature of Notary Public

ROBERT K. DANIELS

 Printed/Typed Name of Notary Public

My Commission Expires: 12/22/2015

(Seal)

November 03, 2015 General Election Results by Contest

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
CITY OF CHARLOTTE MAYOR	Edwin B. Peacock III	REP	38,019	31,544	6,032	415	28
	Jennifer Roberts	DEM	41,749	32,613	8,813	282	41
CITY OF CHARLOTTE CITY COUNCIL AT-LARGE	Write-In (Miscellaneous)		112	93	19	0	0
	Pablo Carvajal	REP	30,517	25,070	5,067	355	25
	John K. Powell, Jr.	REP	37,158	30,688	6,044	401	25
	David Michael Rice	REP	27,246	22,568	4,358	301	19
	Julie Eiselt	DEM	44,419	35,436	8,605	344	34
	Claire Green Fallon	DEM	41,352	33,020	8,012	291	29
	Vi Lyles	DEM	42,807	33,605	8,847	318	37
	James (Smuggie) Mitchell	DEM	37,406	29,214	7,891	270	31
	Michael Zyrkow (Write-In)		5	5	0	0	0
	David Howard (Write-In)		13	13	0	0	0
CITY OF CHARLOTTE CITY COUNCIL DISTRICT 1	Write-In (Miscellaneous)		746	603	129	11	3
	Patsy Kinsey	DEM	7,740	6,541	1,132	63	4
	Scott Addison (Write-In)		14	14	0	0	0
	Parker Cains (Write-In)		6	6	0	0	0
	Mark Sprinkle (Write-In)		6	6	0	0	0
	Billy Maddalon (Write-In)		313	292	21	0	0
	Write-In (Miscellaneous)		212	157	53	2	0
	Justin Dunn	REP	1,839	1,489	332	18	0
	Al Austin	DEM	7,190	5,371	1,767	47	5
	Write-In (Miscellaneous)		6	6	0	0	0
CITY OF CHARLOTTE CITY COUNCIL DISTRICT 2	Eric Wayne Netter	REP	1,656	1,381	264	10	1
	LaWana Mayfield	DEM	5,325	4,229	1,067	25	4
	Write-In (Miscellaneous)		14	11	3	0	0
	Michael P. O'Hara	REP	2,486	2,150	301	34	1
	Greg Phipps	DEM	6,259	4,897	1,329	30	3
	Write-In (Miscellaneous)		9	9	0	0	0
	John Autry	DEM	5,688	4,687	961	38	2
	Write-In (Miscellaneous)		69	59	7	3	0
	Kenny Smith	REP	12,034	9,666	2,215	152	1
	Yogeshwar Hari (Write-In)		11	11	0	0	0
CITY OF CHARLOTTE CITY COUNCIL DISTRICT 3	Write-In (Miscellaneous)		249	192	53	4	0
	Ed Driggs	REP	9,779	7,859	1,833	78	9

November 03, 2015 General Election Results by Contest

Tuesday, November 10, 2015
Page 2 of 4

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
CITY OF CHARLOTTE CITY COUNCIL DISTRICT 7	Chris Turner	DEM	4,439	3,262	1,135	39	3
	Write-In (Miscellaneous)		7	7	0	0	0
	Angela Ambrose		12,824	10,389	2,344	75	16
CHARLOTTE-MECKLENBURG SCHOOLS BOARD OF EDUCATION AT-LARGE	Janeen Bryant		21,270	17,491	3,599	164	16
	Larry Bumgarner		21,964	17,812	3,936	198	18
	Elyse Dashew		29,955	24,091	5,586	255	23
	Ericka Ellis-Stewart		36,922	29,315	7,333	249	25
	Levester Flowers		11,530	9,326	2,108	84	12
	Mary T. McCray		27,709	21,452	6,017	221	19
	Jeremy Stephenson		23,701	18,483	4,918	277	23
	Amelia Stinson-Wesley		14,979	11,752	3,058	156	13
	Write-In (Miscellaneous)		453	368	81	4	0
	Chuck Travis		1,938	1,408	524	5	1
	Kurt Nass (Write-In)		12	12	0	0	0
	Write-In (Miscellaneous)		114	65	47	2	0
	TOWN OF CORNELIUS BOARD OF COMMISSIONERS	Denis P. Bilodeau		1,202	861	339	1
Jim Duke			1,582	1,130	447	4	1
Dave Gilroy			1,609	1,192	410	7	0
Michael (Mike) Miltich			1,425	1,028	395	2	0
J.R. Mount			269	211	57	1	0
Thurman Ross			1,493	1,049	437	7	0
Woody Washam, Jr.			1,925	1,371	549	4	1
Write-In (Miscellaneous)			40	28	12	0	0
John M. Woods			922	800	111	11	0
Rick Short (Write-In)			8	8	0	0	0
Rusty Knox (Write-In)			45	45	0	0	0
Steve Gentry (Write-In)			5	5	0	0	0
Write-In (Miscellaneous)			69	49	20	0	0
TOWN OF DAVIDSON BOARD OF COMMISSIONERS	Stacey M. Anderson		812	696	109	7	0
	Michael V. Angel		559	503	53	3	0
	Beth Cashion		897	768	122	7	0
	Jim Fuller		843	740	93	10	0
	Rodney Graham		778	671	96	11	0
	Brian Jenest		739	643	86	10	0

November 03, 2015 General Election Results by Contest

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
TOWN OF DAVIDSON BOARD OF COMMISSIONERS	Rusty Knox (Write-In)		39	39	0	0	0
	Dave Martin (Write-In)		14	14	0	0	0
	Margo Williams (Write-In)		15	15	0	0	0
	Connie Wessner (Write-In)		22	22	0	0	0
	Joseph Morrow (Write-In)		8	8	0	0	0
	Write-In (Miscellaneous)		15	9	6	0	0
	John Aneralla		2,807	2,070	720	14	3
	Jill Swain		1,951	1,397	531	21	2
	Write-In (Miscellaneous)		7	6	1	0	0
	Melinda Bales		2,026	1,469	538	17	2
TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS	Dan Boone		2,149	1,583	548	17	1
	Phil Carey		1,368	998	354	16	0
	Sharon Eskridge		1,277	919	346	10	2
	Mark Gibbons		2,339	1,698	627	11	3
	Charles S. Guignard		2,070	1,595	467	7	1
	Rob Kidwell		2,214	1,623	573	16	2
	Sarah R. McAulay		1,676	1,176	479	19	2
	Jeff Neely		1,518	1,086	421	11	0
	Danny Phillips		2,567	1,877	671	18	1
	Toni Primiano		526	386	138	2	0
TOWN OF MATTHEWS BOARD OF COMMISSIONERS	Leonard Richardson III		949	717	225	7	0
	Nick Walsh		1,570	1,178	386	4	2
	John Novak (Write-In)		12	8	4	0	0
	Write-In (Miscellaneous)		30	20	10	0	0
	Robert Guy Powell III		280	182	95	3	0
	James P. (Jim) Taylor		1,679	1,245	405	29	0
	Write-In (Miscellaneous)		10	10	0	0	0
	John F. Higdon		1,324	976	321	27	0
	Gina Hoover		1,014	777	222	15	0
	Christopher L. Melton		1,323	970	328	25	0
TOWN OF MATTHEWS BOARD OF COMMISSIONERS	Jeff A. Miller		1,224	885	314	25	0
	John Ross		1,275	952	296	27	0
	Nobie Thrasher		728	544	175	9	0
	John Urban		1,284	964	294	26	0
	Larry Whitley		1,111	787	312	12	0

November 03, 2015 General Election Results by Contest

Tuesday, November 10, 2015
Page 4 of 4

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
TOWN OF MINT HILL MAYOR	Write-In (Miscellaneous)		25	14	5	6	0
	Ted Biggers		1,605	1,319	276	9	1
TOWN OF MINT HILL BOARD OF COMMISSIONERS	Write-In (Miscellaneous)		53	41	9	3	0
	Lloyd D. Austin		790	665	120	5	0
TOWN OF PINEVILLE MAYOR	Dale Dalton		967	823	142	2	0
	Carl (Mickey) Ellington		1,103	909	184	9	1
TOWN OF PINEVILLE TOWN COUNCIL	Harry Marsh		323	264	55	4	0
	Alan McKenzie		533	436	95	2	0
TOWN OF PINEVILLE TOWN COUNCIL	Richard (Fig) Newton		1,135	925	202	7	1
	Katrina (Tina) Weaver Ross		1,229	985	234	10	0
TOWN OF PINEVILLE TOWN COUNCIL	James Stapleton		301	229	68	4	0
	Write-In (Miscellaneous)		13	11	2	0	0
TOWN OF PINEVILLE TOWN COUNCIL	John (Jack) Edwards		498	462	28	7	1
	Melissa Davis (Write-In)		9	9	0	0	0
TOWN OF PINEVILLE TOWN COUNCIL	Write-In (Miscellaneous)		19	16	2	1	0
	Deborah B. Fowler		339	308	24	6	1
TOWN OF PINEVILLE TOWN COUNCIL	L.R. (Les) Gladden		312	285	22	4	1
	John Harless		99	94	5	0	0
TOWN OF PINEVILLE TOWN COUNCIL	Chris McDonough		280	255	19	6	0
	Adam Perkins		53	52	0	1	0
TOWN OF PINEVILLE TOWN COUNCIL	David Phillips		374	343	25	5	1
	Jonathan James Rutkowski		43	42	1	0	0
TOWN OF PINEVILLE TOWN COUNCIL	Judianna Tinklenberg		250	233	12	5	0
	Juliet Van Dyke		259	242	13	4	0
TOWN OF PINEVILLE TOWN COUNCIL	Melissa Davis (Write-In)		90	88	2	0	0
	Write-In (Miscellaneous)		5	3	0	1	1
TOWN OF PINEVILLE TOWN COUNCIL	Shawna Steele		9	6	3	0	0
	Write-In (Miscellaneous)		1	1	0	0	0
TOWN OF PINEVILLE TOWN COUNCIL	Kathy Ann Heyse		11	8	3	0	0
	Write-In (Miscellaneous)		0	0	0	0	0
MECKLENBURG COUNTY BOARD OF COMMISSIONERS 4 YEAR TERMS	Yes		31,136	24,531	6,312	265	28
	No		60,393	48,468	11,343	529	53



STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

OATH OF OFFICE FOR TOWN COMMISSIONER
TOWN OF MINT HILL, NORTH CAROLINA

I, _____, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith; and, that I will faithfully perform the duties of the office of Commissioner, on which I am about to enter, according to my best skill and ability, so help me, God.

Sworn to and subscribed before
the undersigned this 10th day of
December 2015.

Notary Public

My commission expires:



PUBLIC HEARING

CASE:	ZC15-9
EXISTING ZONING	R
REQUEST:	I-G
APPLICANT:	WENDELL LONG
PROPERTY OWNER	WENDELL LONG AND BARRY GAMBER
LOCATION	ALBEMARLE AND ARLINGTON CHURCH ROAD
TAX MAP NUMBER	139-121-09, 139-121-13 AND 139-121-24

APPLICATION SUMMARY:

The applicant is requesting approval to rezone tax parcels 139-121-09, 139-121-13 and 139-121-24 from R to I-G district.

Please note the request is for by-right zoning. A Zoning Plan is not connected with the petition. Conditions are not permitted with by-right rezoning. The properties are governed by the Unified Development Ordinance.

A list of permitted uses for the I-G district is attached.

MEETING DATES:

Public Hearing	Thursday, December 10, 2015
Planning Board	Monday, December 21, 2015
Board of Commissioners	Thursday, January 14, 2016

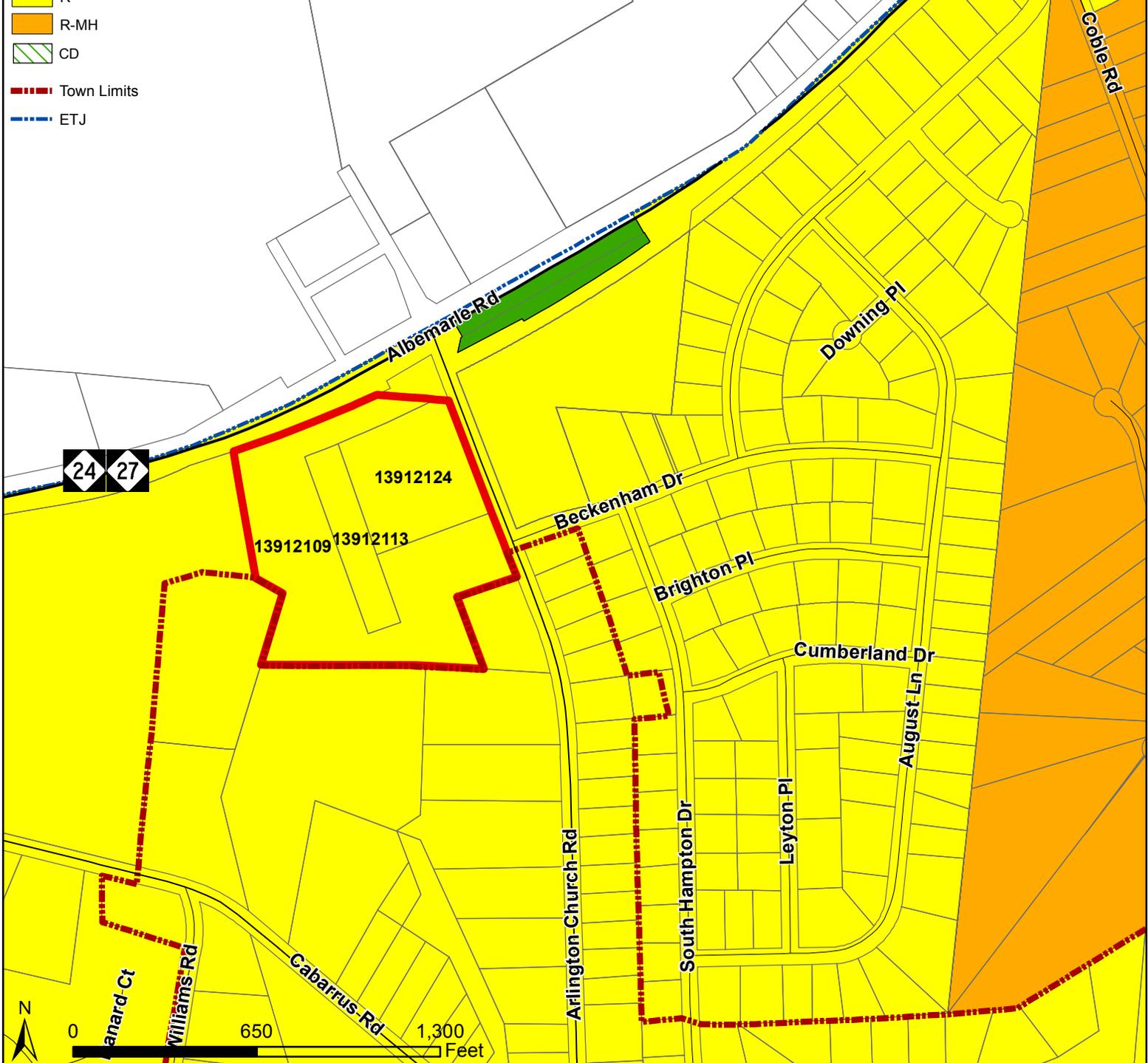
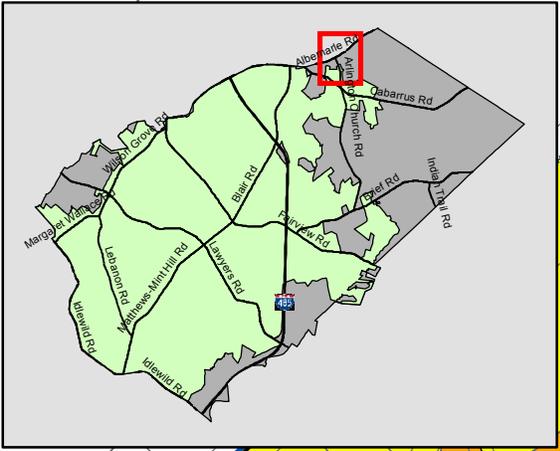
STAFF CONTACT:

Planning Staff
704-545-9726

ZC15-9

Existing zoning: R
Proposed zoning I-G
Site acreage approximately 15.56 acres

- B-D
- B-G
- B-P
- DO-A
- DO-B
- I
- I-G
- O-A
- PUD
- R
- R-MH
- CD
- Town Limits
- ETJ



I-G, General Industrial District	Permitted Uses
By-Right	Parking Garages; Radio and Television Stations; Truck Terminals; Governmental Essential Services Class 1; Post Offices; Public Garages, Service Buildings and Yards; Laboratories, Analytical, Experimental and Testing; Laboratories, Medical and Dental; Printing Plants, including Blueprinting and Photo Processing; Shops for Building Trades; Sign Painting; Storage Warehouse and Yards; Wholesaling with Outside or Inside Storage; Contractor Offices without Accessory Storage; Financial Institution; Office, Medical Services and Professional and Business; Outpatient Wellness Center; Brewery Tap Room; Retail Nurseries
Special Requirements	Car Wash (automatic and self service); Commercial Parking Areas; Animal Hospital (indoor kennel only); Lumber or Building Material Yards
Conditional District zoning required	Automobile Body Shop, Repair Shop, Service Station, Towing and Wrecker Service, Sales and Rental (including trucks, boats, motorcycles, manufactured homes and RVs); Truck Washing Facility; Bus or Train Passenger Terminal; Bus Stations; Heliport/Helistop; Radio, Telephone and TV Broadcast Tower and/or Station (other than telecommunication towers); Railroad Terminal and Yard; Transit Station; Truck Stop; Medical Education Center; Governmental Essential Services Classes 2-4; Flammable Liquids and Gases, Bulk Storage; Heavy Industrial Farm Equipment Sales and Service; Industrial Heavy Equipment Bulk Storage Yard; Junkyard and Salvage Yard; Machine, Metal and Woodworking Shop; Manufacturing, Processing or Fabrication; Mining; Mini-Warehouse; Moving and Storage Facilities; Crematorium; Health Centers; Hospitals; Orphanages; Physical Rehabilitation Hospitals; University/Teaching Hospitals; Personal Health Clinic; Firing Range; Nursing Homes and Rest Homes; Assisted Living; Convenience Store; Dry Cleaning/Laundry Plant; Dry Cleaning/Laundry Service Outlet; Restaurant; Restaurant with in-car dining; Restaurant with Drive Through; Retail Sales & Services (Less than 10,000 square feet gross floor area and not otherwise defined/listed)



PUBLIC HEARING

CASE:	ZC15-10
REQUEST:	TEXT AMENDMENT (DOWNTOWN CODE)
APPLICANT:	TOWN OF MINT HILL

SUMMARY:

The Board Retreat was held this past March. Staff was directed at this meeting to draft several amendments to the Downtown Code.

- Prohibit meters on the front elevation of new buildings facing Matthews-Mint Hill Road and Lawyers Road.
- Specify a requirement to use the green enclosure box for backflow.
- Require sod for new developments in the Downtown.

TEXT AMENDMENT:

4.4 Shopfront Building:

D. Techniques.

(2)

4.5. Workplace Building:

D. Techniques:

(3)

All rooftop equipment, utility boxes, transformers, meters, and similar structures must be screened from public view. The rooftop equipment shall be screened in building material that matches the structure or is visually compatible with the structure. Meters shall not be located on the building elevation facing Matthews-Mint Hill Road or Lawyers Road nor should the meters be installed in the yard area between building and said roads. The backflow enclosure box shall be green in color and screened.

8.1 Types of Landscaping:

Add D.

TYPE D (SOD REQUIREMENT). This type functions as the required ground cover for lawn areas exposed to public view. To this end sod shall be installed in a manner consistent with best practices prior to the certificate of occupancy being issued, including planting strips for newly constructed public streets. Exceptions may be authorized by the administrator when temporary ground cover is required for erosion control purposes (e.g. outparcels)

MEETING DATES:

Public Hearing	Thursday, December 10, 2015
Planning Board	Monday, December 21, 2015
Board of Commissioners	Thursday, January 14, 2016

STAFF CONTACT:

Planning Staff
704-545-9726

Memo

To: Mayor and Board of Commissioners
From: Michelle Wells
Date: November 25, 2015
Re: Trustees for the Firefighters' Relief Fund

The State requires that Trustees for the Firefighters' Relief Fund be appointed as follows: Two appointments by the Volunteer Fire Department; two appointees by the Town (for municipal fire district) or County (for the VFD fire district established by the County); and one appointed by the Insurance Commissioner.

In December 2014, Mrs. Tina Ross was appointed to a one-year term and Mr. Dick Lamb was appointed to a two-year term expiring December 2016. The 2015 appointee will serve the standard two-year term expiring December 2017.

Memo

To: Mayor and Board of Commissioners

From: Candice Everhart

Date: December 1st, 2015

Subject: Board of Adjustments

The following terms for the members of Board of Adjustments will expire December 31, 2015:

Member, Gary Isenhour

Member, Ronald Rentschler

Member, June Simpson Hood

There have been a total of four Board of Adjustments meetings held throughout the term served by the members listed above. Of the four Gary Isenhour has attended four, Ronald Rentschler has attended four, and June Simpson Hood has attended four.

There is one vacant position for an Alternate due to the resignation of Charlie Burdick. There is one vacant position for an ETJ Alternate Member to be filled.

Memo

To: Mayor and Board of Commissioners

From: Brian L. Welch

Date: December 3, 2015

Re: Amendment to Peddling Ordinance

Over the past several months we have received complaints revolving around aggressive solicitors operating within the public right of way. Specifically, they are approaching vehicles in intersections and oftentimes are not completely out of the roadway before the light changes allowing vehicular movement. If continued unchecked, this has the potential for disaster.

Staff researched what other municipalities have done to address this situation and discovered specific authorization granted by NCGS 20-175. The following text illustrates the additions Staff is recommending. The changes/new language are in italics AND underlined. The new language is almost verbatim with current State law so Staff does not anticipate any legal hurdles. You will note the new ordinance provides for an application potential solicitors may request from the Police Department. Chief Ledford and Attorney Bringewatt are finalizing this document and we will get the BOC a copy for your information as soon as it is ready.

Staff hereby recommends that the Board amend Article VI—Peddlers, Hawkers and Solicitors to include changes made to Section 8-143 and the addition of Section 8-147 as provided with this memo.

- **ARTICLE VI. - PEDDLERS, HAWKERS AND SOLICITORS^[4]**

- **Sec. 8-143. - Organizations excluded from certain subsections of this article.**

Except as provided in subsection 8-147, Additional Provisions regarding Pedestrians Soliciting Rides, Employment, Business or Funds upon Highways or Streets, below, this article shall not apply to solicitation for charitable, civic, religious, patriotic or governmental purposes by persons who serve without compensation or remuneration. For clarity, subsection 8-147 below is intended to apply, to all solicitations by pedestrians, specifically including, without limitation, solicitation for charitable, civic, religious, patriotic or governmental purposes by persons who serve without compensation or remuneration.

(Ord. No. 643, § 29-1, 9-12-2013)

- **Sec. 8-144. - Solicitors and peddlers.**

(a)

Purpose. The purpose of this section shall be to protect the health, safety and general welfare of the public by regulating the business activities of solicitors and peddlers.

(b)

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

Business means the business carried on by any person who is a peddler or solicitor as defined in this section.

Peddlers, whether referred to as peddlers or hawkers, means and includes any person who travels by any means from place to place or door-to-door of residences with an inventory of goods, wares, or merchandise who sells or offers to sell the same at retail and who delivers the identical goods, wares, or merchandise.

Residence means and includes every separate living or dwelling unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

Solicitors, whether referred to as solicitors or canvassers, means and includes any person who travels by any means from place to place or door-to-door of residences for the purpose of taking or attempting to take orders for goods, wares, merchandise or services, whether for present or future delivery or performance.

(c)

License required. It shall be unlawful for any person to engage in business as a peddler or solicitor within the town limits without having first completed and filed an application and obtained a license from the Town of Mint Hill Police Department. Applicants shall be at least 18 years of age. The license shall be in the form of an "identification badge" that shall be displayed by the applicant in accordance with subsection (k) below.

(d)

Term and renewal of license. A license issued pursuant to this section shall:

(1)

Expire 90 days after the issuance thereof.

(2)

Be renewable for additional 90-day periods upon application submitted to the chief of police no later than 14 days prior to the expiration of the preceding term, accompanied by a fee as provided in the town's schedule of rates and fees, and duly approved by the chief of police or his designee.

(e)

Application. An application pursuant to this section shall be made on a form supplied by the chief of police or his designee and shall contain or be accompanied by the following:

(1)

The name, address, and telephone number of the applicant and, if a corporation, the name and registered agent of the corporation and the address of the registered office of the corporation as filed with the Secretary of State.

(2)

The name, address, and telephone number of the individual having management or supervisory authority over the applicant's business, if applicable, during the time that it is proposed to be carried on in the town and credentials authorizing the applicant to carry on business as an agent or representative of the principal.

(3)

A physical description of the applicant.

(4)

A state-issued driver's license or identification card bearing a photograph and the date of birth of the applicant.

(5)

If a vehicle is to be used, a complete description of the vehicle including make, model, color, and license number.

(6)

A description of the goods or services to be sold or offered for sale.

(7)

Evidence that the applicant has complied with any relevant state or local business license requirements.

(8)

The time period or periods during which business is proposed to be carried on in the town.

(9)

A fee as provided in the town's schedule of rates and fees to cover the costs of processing and investigating the application and issuing the license.

(10)

A complete statement by the applicant of any conviction for a felony or any crime involving fraud, deceit, or the receiving or possessing of stolen goods.

(11)

A statement by the applicant consenting to a criminal background check.

(12)

Any other information that the chief of police deems necessary to determine the character and ability of the applicant to comply with the requirements of this section.

(f)

Procedure and standards for issuance. Prior to the issuance of a license under this section, a criminal background check may be required which may include a search of local and state criminal records to determine if the applicant has a history of criminal convictions or crimes by use of the Division of Criminal Information Network (DCI). Any such background check shall be completed at the earliest practical time not to exceed 14 days from date of submittal of a completed application. As part of any such background check, the applicant shall be photographed and fingerprinted by the Mint Hill Police Department. In determining the acceptability of an application, the chief of police or his designee may consider any factors presented in the application or in any staff report relating to the application concerning the past record and ability of the applicant to perform the conditions of this section in a manner which serves the public interest. Tangible evidence that the applicant has done one or more of the following shall constitute valid reasons for disapproval of an application:

(1)

Has been convicted of a felony or any crime involving fraud, deceit, the receiving or possessing of stolen goods, or moral turpitude.

(2)

Has made willful misstatements or fraud in the application or the application is incomplete.

(3)

Has committed prior violations of ordinances relating to peddlers, solicitors, vendors and the like.

(4)

Any other tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare.

Prior to the denial of a license based upon criminal history record information received from the DCI, the town shall verify the existence of the record by either obtaining a certified public record or by submitting a fingerprint card of the individual to the criminal information and identification section for verification that the criminal history record belongs to that individual.

(g)

Denial of license. An application may be denied if it is found that granting the license would not be in the public interest. An applicant denied a license under this section shall receive a written statement outlining the grounds on which the denial is based. The applicant then may appeal the denial of the license to the town manager within 15 days after the date of the written denial. In response to the appeal, the town manager may take such action as (s)he shall deem to be necessary. The findings and determination of the town manager shall be final.

(h)

Prohibited conduct. No peddler or solicitor shall engage in the business of peddling or soliciting except between the hours of (i) 9:00 a.m. and (ii) the earlier of (a) 9:00 p.m. or (b) sunset unless invited by the an adult resident of the residence to be at the residence before or after said time, or as otherwise further limited by the terms of the license.

(i)

Revocation of license. The chief of police or his designee may revoke a license issued pursuant to this section if he finds that the licensee has:

(1)

Willfully misrepresented or provided false information in the license application.

(2)

Been convicted of a felony or any crime involving fraud, deceit, the receiving or possessing of stolen property, or moral turpitude.

(3)

Been convicted of any offense or engaged in any activity that would be grounds for denial of issuance of the license.

(4)

Failed to comply with any terms or conditions of the license.

(5)

Conducted the business licensed in an unlawful way or in such a way as to constitute a hazard to the health, safety, morals, or general welfare of the public.

(6)

Has failed to comply with any requirement of this section.

(j)

Notice and hearing. Before revocation of a license, the chief of police or his designee shall notify the licensee of his intent to revoke the license and the reasons therefor and shall afford the licensee a reasonable opportunity to appear and be heard on the question of such revocation. After the hearing, the chief of police shall notify the license holder in writing of his

decision and the reasons therefor. A decision of the chief of police to revoke a license may be appealed to the town manager in accordance with the provisions of subsection (g).

(k)

Display and possession of license and identification. Any person doing business as a peddler or solicitor shall have a license issued pursuant to this section with him at all times (s)he engages in the business for which the license is held. Each license issued under the provisions of this article shall be carried at all times by the licensee when he or she is engaged in business allowed under the permit. It shall be unlawful for such licensee to fail or refuse to exhibit such license when requested to do so by a police officer. Upon request of any customer, state or local revenue agent, or law enforcement agent or officer, a peddler or solicitor shall provide a valid driver's license, a special identification card issued under G.S. 20-37.7, a military identification, or a passport bearing a physical description of the person named, reasonably describing the peddler or solicitor. If the peddler or solicitor is a corporation, it shall, upon request of any customer, state or local revenue agent, or law enforcement agent or officer, give the name and registered agent of the corporation and the address of the registered office of the corporation, as filed with the Secretary of State.

(l)

Penalties. Any person found to be in violation of the requirements of this section shall be guilty of a misdemeanor, punishable as provided in G.S. 14-4.

(Ord. No. 643, § 29-2, 9-12-2013)

- **Sec. 8-145. - Sale of merchandise on streets, sidewalks and parking lots.**

(a)

Permits generally. Unless having obtained a permit issued pursuant to this section, no person shall peddle, sell, barter, trade or auction merchandise of any description on any street, sidewalk, pedestrian way or public parking lot in the town.

(1)

Special occasion permits. The town manager or his designee may issue nonexclusive special occasion permits not to exceed eight hours in duration for purposes which are directly related to an occasion such as a parade, festival or promotional activity occurring in the town. Any such permit issued by the town manager must specify the effective date, the hours of duration, the merchandise to be sold, the name of the person selling the merchandise and the name of the person owning the merchandise for sale, if different, along with each such person's address and telephone number.

(2)

Street vendor permits. The town manager or his designee may issue nonexclusive permits for the sale of merchandise by a vendor from a cart in the area of the town known as the downtown municipal service district, provided that such merchandise shall be limited to hot dogs, sausages, bagels, pastries, candy, prepackaged sandwiches, chips, cookies, crackers, biscuits, popcorn, nuts, pretzels, other snack foods, ice products, ice cream, milk

products, frozen yogurt, hot and cold beverages (containing no alcohol) and other related food and beverage items. Street vendor permits may be issued as provided in this chapter and as further authorized by the town's schedule of rates and fees. A copy of the town schedule of rates and fees is located in the office of the town clerk and is incorporated by reference herein.

(b)

Definitions. The following definitions shall apply in this section:

Cart. Any portable vending device, pushcart or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the department of motor vehicles, which is used for displaying, storing or transporting merchandise offered for sale by a vendor and which does not exceed four feet in width, six feet in length, and five feet in height (excluding any canopy or cover).

Sidewalk or pedestrian way. An improved walk or passageway intended for use by pedestrians and located between the curblines of the street, or between the lateral lines of a roadway if there is no curb, and the adjacent property line.

Vending business. The business of selling or offering for sale merchandise from a cart on or along a sidewalk or pedestrian way.

Vendor. The person engaged in the selling or offering for sale of merchandise from a cart on or along a sidewalk or pedestrian way.

(c)

Application. Any person desiring to operate a vending business within the downtown [municipal service district of] the town shall prepare and file an application with the town manager or his designee which shall contain the following information:

(1)

The name, address, and telephone number of the proposed vendor, and the name, address, and telephone number of the owner (if different from the vendor) of the cart to be used in the operation of the vending business.

(2)

The type of food and/or beverage to be sold and/or served from the cart.

(3)

The proposed sidewalk or pedestrian way location(s) of the cart(s) for which the permit is sought.

(4)

The proposed days and hours of operation of the vending business.

(5)

The number of carts proposed to be operated by the vendor, and a description and photograph or drawing of the cart(s) proposed to be used.

(6)

The location and description of off-street cart storage facilities.

(7)

The methods and routes for transporting the cart(s) to and from the sidewalk or pedestrian way location(s) and the storage facilities identified above.

(8)

The names, addresses and percentage of stock owned by each shareholder in any corporate vendor or cart owner, the names, addresses and percentage interest of each partner in any partnership vendor or cart owner, and the names, addresses and percentage interest of each member in any limited liability company vendor or cart owner.

(9)

Evidence of adequate insurance or other form of security to hold the town, its officers, agents, employees and taxpayers, harmless from any and all claims arising out of the operation of the vending business, in such amounts and forms as shall comply with subsection (d)(2) below as determined by the town manager in consultation with the town attorney.

(10)

An indemnity agreement, approved by the town attorney, whereby the vendor and cart owner, if different, agree to indemnify and hold harmless the town, its officers, agents, employees and taxpayers, from and against any and all claims arising out of the operation of the vending business.

(11)

Such additional information as may be required by the town manager or his designee to determine compliance with this section and/or to demonstrate that the applicant has the financial ability to satisfy the requirements hereof.

(12)

A fee as provided in the town's schedule of rates and fees to cover the costs of processing and investigating the application and issuing the permit.

(d)

Issuance of permit. No permit for the operation of a vending business may be issued unless the application is complete and unless the following requirements are met:

(1)

A certificate of inspection or compliance as required by any applicable health regulations and evidence of compliance with the fire code, all of which must be filed with the town clerk before any merchandise sales are made from any cart.

(2)

Proof of an insurance policy, issued by an insurance company licensed to do business in the state and acceptable to the town manager, protecting the vendor, cart owner (if different), and the town, its officers, agents, employees and taxpayers, from and against any and all claims for damages to property and bodily injury, including death, which may

arise from operation of the vending business, which must be filed with the town clerk before any merchandise sales are made from any cart and annually thereafter. Such policy shall be a general liability policy naming the vendor as insured in an amount not less than \$500,000.00 per occurrence and \$1,000,000.00 aggregate combined single limit for bodily injury, personal injury and property damage. The policy shall specifically provide that the insurer shall provide written notice to the town at least 30 days prior to cancellation, termination or modification of any of the coverage provisions.

In determining the acceptability of an application, the town manager or his designee also may consider any factors presented in the application or in any staff report relating to the application concerning the past record and ability of the applicant to perform the conditions of this section in a manner which serves the public interest.

(e)

Denial of permit. A permit may be denied if it is found that the granting of the permit would not be in the public interest. Such would be the finding if, for example, the application fails to include all of the information required by subsection (c), if the requirements of subsection (d) are not met, or if the applicant proposes operation of a vending business at a location prohibited by subsection (f).

Any applicant denied a permit to operate a vending business shall receive a written statement outlining the grounds on which the denial is based. The applicant then may appeal the denial of the permit to the town board of commissioners within 15 days after the date of the written denial. In response to the appeal, the town board of commissioners may take such action as it shall deem to be necessary. The findings and determination of the town board of commissioners shall be final.

(f)

Permitted locations. No cart location shall be permitted except as authorized by the town's schedule of rates and fees. Additionally, no cart location shall be permitted:

(1)

Within 50 feet of the principal public entrance of any food service business not owned by the vendor which sells substantially the same merchandise proposed to be sold by the vendor, except by written permission of the food service business whose entrance is affected.

(2)

At any location which does not provide a clear passageway for pedestrians of at least four feet in width.

(3)

Within ten feet of an entrance to any building, except by written permission of the business whose entrance is affected.

(4)

Within 50 feet of any driveway entrance to any police or fire station or within 25 feet of any other driveway.

(5)

At any location where it would obstruct either pedestrian traffic at crosswalks or sight clearance at intersections.

(6)

Within 25 feet of any bus stop sign.

(g)

Prohibited conduct. No vendor shall do any of the following:

(1)

Vend on any street, sidewalk or pedestrian way beyond the location approved in the permit or in any area where vending is otherwise prohibited.

(2)

Vend between 11:00 p.m. and 6:00 a.m. or at any hours not allowed by permit.

(3)

Leave any cart unattended.

(4)

Store, park or leave any cart overnight on any street, sidewalk or pedestrian way.

(5)

Sell merchandise for immediate consumption unless there is a convenient litter receptacle available for customer use.

(6)

Leave any location without first removing and disposal of all trash or refuse remaining from sales made by the vendor.

(7)

Allow any items related to operation of the vending business to be placed anywhere other than in, on, or under the cart.

(8)

Set up, maintain or permit the use of any table, crate, carton, rack or any other device to increase the selling or display capacity of the cart.

(9)

Solicit or conduct business with persons in motor vehicles.

(10)

Sell anything other than that merchandise for which a permit has been issued.

(11)

Sound or permit the sounding of any device which produces a loud or raucous noise, or use or operate any loud speaker, public address system, radio, sound amplifier, or similar device which attracts the attention of the public.

(12)

Vend without the insurance coverage specified in subsection (d)(2) above.

(13)

Allow the cart or any other item relating to the operation of the vending business to lean against or otherwise be supported in any manner by any building or other structure without the owner's permission.

(14)

Permit advertising on any cart except such as to identify the name or type of merchandise being sold, the name of the vendor, and the applicable prices.

(15)

Vend or operate in any manner inconsistent with the terms of a valid permit.

(h)

Permit revocation. The town manager or his designee may revoke a permit issued pursuant to this section if he finds that the vendor has:

(1)

Deliberately misrepresented or provided false information in the permit application.

(2)

Violated any applicable provision of the Town Code or any county health department regulations.

(3)

Operated the vending business in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare, specifically including the failure to keep the sidewalk, pedestrian way and surrounding areas clean and free of refuse.

(4)

Failed to maintain any health, business or other permit or license required by law for the operation of the vending business.

(5)

Failed to use the permit fully in accordance with its terms within 90 days after issuance or within 15 days after notice of nonuse during the permit term.

(6)

Failed to qualify for a privilege license or a determination that either of the requirements set forth in subsection (d) above no longer is met.

(7)

By reason of background, financial condition, or conditions relating to the vending business, failed to render acceptable service to the public.

(8)

Failed to comply with any terms or conditions of the permit.

Before revocation of a permit, the town manager or his designee shall notify the vendor of his intent to revoke the permit and the reasons therefor and shall afford the vendor a reasonable opportunity to appear and be heard on the question of such revocation. After the hearing, the town manager shall notify the permit holder in writing of his decision and the reasons therefor. A decision

of the town manager to revoke a permit may be appealed to the town board of commissioners in accordance with the provisions of subsection (e).

(i)

Reservation of rights. The town reserves the right to require any vending business permitted under this section to cease part or all of its vending business within any location or locations in order to allow for construction, maintenance or repair of any street, sidewalk, utility or public building by the town, its agents or employees, or by any other governmental entity or public utility, and to allow for use of the street, sidewalk or pedestrian way in connection with parades, civic festivals and other events or a temporary nature as permitted by the town. In addition to those events described in subsection (h) above, the town also reserves the right to revoke any permit if the town manager or his designee determines that no permit should be granted to any applicant for a particular location within the downtown municipal service district.

(j)

Term, transfer, modification and renewal. Nonexclusive permits issued in accordance with the provisions of this section shall:

(1)

Be issued for the period beginning July 1, and expiring June 30 of each year.

(2)

Be in addition to any applicable annual privilege license required pursuant to applicable law.

(3)

Be subject to modification at any time deemed necessary by the town manager or his designee for protection of the public interest.

(4)

Be renewable for additional one-year periods upon application submitted to the town manager no later than April 30 preceding the June 30 expiration date and duly approved by the town manager or his designee for another one-year term.

(5)

Be nontransferable in any manner. Sale of a cumulative majority of stock in a corporate vendor or cart owner, if different, and sale of a cumulative majority interest in a partnership or limited liability company vendor or cart owner, if different, shall be deemed a transfer of permit which is prohibited.

(Ord. No. 643, § 29-3, 9-12-2013)

• **Sec. 8-146. - Peddlers refusing to leave.**

Any peddler or hawker of goods or merchandise who enters upon premises owned or leased by another and willfully refuses to leave such premises after having been notified by the owner or possessor of such premises, or his agent, to leave the same, shall be guilty of a misdemeanor.

(Ord. No. 643, § 29-4, 9-12-2013)

• **Sec. 8-147. – Additional Provisions regarding Pedestrians Soliciting Rides, Employment, Business or Funds Upon Highways or Streets.**

(a) No person shall stand in any portion of the State highways, except upon the shoulders thereof, for the purpose of soliciting a ride from the driver of any motor vehicle.

(b) No person shall stand or loiter in the main traveled portion, including the shoulders and median, of any State highway or street, excluding sidewalks, or stop any motor vehicle for the purpose of soliciting employment, business or contributions from the driver or occupant of any motor vehicle that impedes the normal movement of traffic on the public highways or streets: Provided that the provisions of this subsection shall not apply to licensees, employees or contractors of the Department of Transportation or of any municipality engaged in construction or maintenance or in making traffic or engineering surveys.

(c) [intentionally omitted]

(d) Except as provided in subsection (e) below, all persons are prohibited from standing on any street, highway, or right-of-way excluding sidewalks while soliciting, or attempting to solicit, any employment, business, or contributions from the driver or occupants of any vehicle. For clarity, this subsection is not intended to prohibit any person from engaging in the distribution of newspapers on the non-traveled portion of any street or highway except when those distribution activities impede the normal movement of traffic on the street or highway. Additionally, this subsection does not permit additional restrictions or prohibitions on the activities of licensees, employees, or contractors of the Department of Transportation or of any municipality engaged in construction or maintenance or in making traffic or engineering surveys except as provided in subsection (e) of this section.

(e) Notwithstanding the foregoing a person may stand in, on, or near a street or State roadway, within the local government's municipal corporate limits, to solicit a charitable contribution if the requirements of this subsection are met.

A person seeking authorization under this subsection to solicit charitable contributions shall file a written application with the local government. This application shall be filed not later than seven days before the date the solicitation event is to occur. If there are multiple events or one event occurring on more than one day, each event shall be subject to the application and permit requirements of this subsection for each day the event is to be held, to include the application fee.

The application must include:

(1) The date and time when the solicitation is to occur;

(2) Each location at which the solicitation is to occur; and

(3) The number of solicitors to be involved in the solicitation at each location.

This subsection does not prohibit a local government from charging a fee for a permit, but in no case shall the fee be greater than twenty-five dollars (\$25.00) per day per event; said fee to be set by the Town Board of Commissioners

The applicant shall also furnish to the local government advance proof of liability insurance in the amount of at least two million dollars (\$2,000,000) to cover damages that may arise from the solicitation. The insurance coverage must provide coverage for claims against any solicitor and agree to hold the local government harmless.

A local government, by acting under this section, does not waive, or limit, any immunity or create any new liability for the local government. The issuance of an authorization under this section and the conducting of the solicitation authorized are not considered governmental functions of the local government.

In the event the solicitation event or the solicitors shall create a nuisance, delay traffic, create threatening or hostile situations, any law enforcement officer with proper jurisdiction may order the solicitations to cease. Any individual failing to follow a law enforcement officer's lawful order to cease solicitation shall be guilty of a Class 2 misdemeanor.