MINUTES OF THE MEETING OF THE
BOARD OF COMMISSIONERS
TOWN OF MINT HILL, NORTH CAROLINA
MARCH 10, 2016

The Board of Commissioners of the Town of Mint Hill met in regular session on Thursday, March 10, 2016 at 7:00 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE
Mayor: Ted H. Biggers, Jr.
Commissioners: Dale Dalton, Carl M. Ellington, Richard Newton and Katrina (Tina) Ross
Town Manager: Brian L. Welch
Deputy Town Manger: Lee Bailey
Planning Director: John Hoard
Police Chief: Tim Ledford
Town Clerk: Michelle Wells

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: *Charlotte-Mecklenburg School Discussion* was added after Discussion and Decision on #ZC16-1.

Approve Minutes of the February 11, 2016 Regular Meeting: Upon the motion of Commissioner Ross, seconded by Commissioner Newton, the Board unanimously approved the minutes of the February 11, 2016 Regular Meeting.

Consent Agenda: (A) Accept January Treasurer's Report and Financials; (B) Accept 2015 Audit Reports; and, (C) Accept February Tax Collector's Report: Commissioner Ross asked for Item (B) Accept 2015 Audit Reports to be pulled for discussion.

Upon the motion of Commissioner Ross, seconded by Commissioner Ellington, the Board unanimously approved Items (A) and (C) on the Consent Agenda. (Copy filed with minutes of record.)

Commissioner Ross asked about page 43, Note 2, #6 Claims, Judgments and Contingent Liabilities which stated:

> *At June 30, 2015, the Town was a defendant to various lawsuits. In the opinion of the Town's management and the Town attorney, the ultimate effect of these legal matters will not have a material adverse effect on the Town's financial position.*

Manager Welch and Attorney Bringewatt both stated there were no judgments, claims or contingent liabilities of which they were aware.

Item (B) would be placed on an upcoming agenda after further research.

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Mayor Biggers recognized and presented a Town pin to Cameron Ligon in attendance from Boy Scout Troop 65 of Philadelphia Presbyterian Church. Mr. Ligon was working toward his Citizenship in the Community Merit Badge.

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Public Hearing on #ZC16-2 to Request an Exemption to the Downtown Code, Filed by Meeting Street Companies, LLC, for Tax Parcels 135-385-24 to 135-385-55 and 135-384-01 to 135-384-23: Planning Director Hoard referenced his Memo:

The applicant is requesting an Exception to the Downtown Code—specifically 4.3(2) B.1

Sixty-five (65) percent of residential building walls shall be of brick or stone; a maximum of thirty-five (35) percent of front and rear facades may be of wood clapboard, wood shingle, wood drop siding, primed board, wood board and batten, cementitious fiber board, masonry stucco or approved vinyl. End walls of corner units shall be brick. Exceptions to the provisions of this Ordinance (except for Permitted Uses and Excluded Uses) may be approved as a Conditional District rezoning approval by the Board of Commissioners upon a recommendation by the Planning Board. In granting a Conditional District rezoning approval as an exception to these provisions, the Board shall first determine that:
a. No practical design alternatives exist; and
b. The variations/exceptions requested are consistent with the purpose and intent of this District as well as Section 1.2 General Building Design Guidelines.

Abe Lehman, Meeting Street Companies LLC stated they had built similar products in Charlotte, Charleston, Cornelius, Davidson, Concord, Dilworth and Myers Park. The proposed product would work very well with the neighborhood; the townhomes would be 1950-2100 square feet with a master bedroom located on the first floor and a two car garage. They would decrease the number lots from 56 to 44 to allow for slightly larger houses. The price point for the proposed units would be in the low 200's but have sold in various areas from the upper 190's to the 700's. The anticipated construction would be around 20 per year until all 44 units were completed. The proposed buildings would meet all of the architectural requirements listed in the UDO except the 65% brick requirement. Fiber Cement materials (Hardieplank ColorPlus) would be used on the exterior of the houses. High quality details including architectural 30 year shingles, 18" all brick foundation, water table, recessed front doors, operational shutters, dormers, partial and full front porches with metal roofs, dentil molding, iron railings, round downspouts and landscaping make the product successful.

Commissioner Newton asked if the applicant had any pictures of the back of the units. Mr. Lehman stated he would email them to the Planning Staff for distribution to the Board. He indicated the units were 24 feet wide and had a 20x22 garage.

Mayor Biggers asked if he could have the pictures for the Planning Board meeting. Mr. Lehman agreed to provide pictures for Planning Board meeting and the next Board of Commissioners meeting.

Commissioner Ellington asked if the foundation was completely brick. Mr. Lehman said yes.

There being no further questions from the Board, Mayor Biggers opened the Public Hearing on #ZC16-2.

Jerry Saunders, 5810 Whitehawk Hill Road, stated he had lived in Brighton Park for ten years. He expressed his desire for the Board to support this project by allowing the exception. He stated his house was in the direct line of sight from the property referenced and it would be an improvement to his community and home value.

John Skeen, 5328 Soaring Eagle Lane, stated he was excited to see the units built and for the houses to be finished. He hoped the new homes would encourage finalization of the paving of the streets.

Jan Cochrane, 5835 Whitehawk Hill Road, stated she thought the product was very nice and she liked it. She thought it fit the neighborhood and area well.

Bob Cornagie, 5944 Whitehawk Hill Road, stated the product would fit in well and he appreciated the townhomes would be grouped in 4's instead of 5's, 6's and 8's.

Richard Fida, 6932 Evans Road, stated he fully supported the project as the size of the structure fit perfectly. He liked that the number of lots would be decreased from 56 to 44 because that meant less traffic.

Roger Tassel, 5747 Whitehawk Hill Road, stated the product was very nice; he strongly supported the project.

There being no further questions from the public, Mayor Biggers closed the Public Hearing on #ZC16-2.

Public Comments: None.

Discussion and Decision on #ZC16-1, Filed by Sam's Real Estate Requesting a Conditional Zoning to Allow a Car Wash for Property Located at 9230 Lawyers Road, Tax Parcel Number 135-221-09: Planning Director Hoard referred the Board to his MEMO:

> *4.11 acres was rezoned January 13, 2005 (ZC04-10) from R to B-G (CUD). June 14, 2007 a Conditional Use Permit (CUP07-5) was issued to allow a restaurant and 18,000 square feet of retail space. The approved CUP expired.*
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> *February 14, 2013 Family Dollar was approved (ZC12-13) on 1.05 acres of the 4.11 acre site.*
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> *The applicant was requesting Conditional District Zoning to allow a car wash. Please refer to the Zoning Plan for more information.*
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> *Conditional District decisions shall be made in consideration of identified relevant adopted land use plan. Conditional District rezoning was a legislative procedure under which the Board of Commissioners had the authority to increase, tighten, add, vary, modify or waive specific conditions or standards. In approving a petition for the rezoning of property to a Conditional District the Board of Commissioners may request reasonable and appropriate conditions.*

At the February 15, 2015 meeting, the Planning Board unanimously sent a favorable recommendation.

Commissioner Newton visited the location in Huntersville; the Staff was very nice / professional and the facility was extremely clean. He noted the manager of the facility lived in Mint Hill.

Commissioner Ellington visited the Old Monroe Road location and the chamois did a beautiful job. They even washed the car mats.

Upon the motion of Commissioner Ellington, seconded by Commissioner Ross, the Board unanimously approved #ZC16-1.

Charlotte-Mecklenburg School Discussion: Mayor Biggers had heard some elected officials had contacted State officials regarding Charlotte-Mecklenburg Schools (CMS). He had not been involved in those discussions and was not previously aware of them. He noted he and Mayor Jim Taylor, Town of Matthews, had discussed options. He wanted to reiterate that Paul Bailey, the CMS representative for District 6, was a strong supporter of neighborhood schools. He had not heard any information regarding forced busing. Mayor Biggers stated the discussions he had been aware of, and involved in, had been with other Towns and seeking information with the appropriate people. He stated he was sure the Town Board would make decisions that were best for the Town if/when there was a time to make decisions. He had seen Commissioner Ross on the news earlier in the evening.

Commissioner Ross stated Tina Terry, WSOC-TV, had approached her about an email sent by Mayor Biggers, later it was discovered it was sent by Mayor Taylor, stating the Town of

Matthews was considering passing a resolution. Commissioner Ross stated she had heard others were pursuing the idea of establishing a school system through the LGC. She felt it was too early to decide because CMS had not released their plans yet.

Mayor Biggers stated the northern towns had passed resolutions in support of neighborhood schools. He stated he had not emailed anyone regarding this issue with CMS. He stated he had attended a function in Matthews where Paul Bailey was present and they were voicing support of neighborhood schools. He stated right now everything was speculation only and nothing had been confirmed.

Other Business/Council Matters: Commissioner Dalton stated he had attended the Athletic Park meeting at Town Hall on March 8th; the public turnout was great. He reminded everyone there would be a second meeting on the Athletic Park on Saturday, March 12, 2016 at the Mint Hill Athletic Complex. He attended the Biz Expo presented by the Chamber of Commerce.

Commissioner Ross attended an Arts and Science meeting and two representatives were needed from the Town. She thought of asking Mint Hill Arts and Pottery 51. She attended the Chamber of Commerce Luncheon, Coffee with a Cop, the Southern Alliance meeting, the Athletic Park meeting, Biz Expo, Business After Hours and would attend the Quad Alliance meeting on March 31, 2016 in Matthews. The Mint Hill Fire Department had 246 EMS and 73 Fire calls for service, in February, for a total of 319. The year-to-date total was 643 calls for service. There were 739 training hours.

Commissioner Ellington attended the Mint Hill Historical Society meeting where they discussed building a barn. He also attended the Planning Board meeting and the Biz Expo.

Commissioner Newton attended the Chamber of Commerce Luncheon and the Biz Expo. The Park and Recreation Committee meeting had been cancelled for February.

Adjournment: Upon the motion of Commissioner Newton, seconded by Commissioner Ellington, the Board unanimously agreed that the meeting be adjourned. Mayor Biggers adjourned the meeting at 7:40 p.m.

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Michelle Wells, CMC, Town Clerk