

**MINUTES OF THE MEETING OF
THE BOARD OF COMMISSIONERS
TOWN OF MINT HILL, NORTH CAROLINA
MARCH 6-7, 2015**

The Board of Commissioners of the Town of Mint Hill met in called session on Friday and Saturday, March 6-7, 2015 beginning at 1:00 p.m. at The Hut in Pineville, North Carolina.

ATTENDANCE

Mayor: Ted H. Biggers, Jr.

Commissioners: Lloyd Austin, Carl M. Ellington, Richard Newton and Katrina (Tina) W. Ross

Town Manager: Brian L. Welch

Deputy Town Manager: Lee Bailey

Planning Director: John Hoard

Town Clerk: Michelle Wells Farrar

Mayor Biggers called the meeting to order, ruled a quorum present and the meeting duly constituted to carry on business. He stated the purpose of the called meeting was to hold a two-day retreat for the Board to provide Board members an opportunity to discuss and take action as deemed appropriate on short-term and long-term planning for the Town of Mint Hill. The Mayor and Commissioners were provided with an outline of various topics for discussion in which Board members had expressed interest. The outline was modified slightly to accommodate outside speakers.

Presentation and Discussion on Grass Swales Versus Curb and Gutter in the Goose Creek Basin (Rusty Rozzelle and Don Cecarelli)

Mr. Rozzelle, Charlotte Mecklenburg Storm Water Services, presented a PowerPoint. The Town of Mint Hill had five creeks in the Town sphere: Clear Creek, McAlpine Creek, Irvins Creek, Duck Creek and Goose Creek. He gave the example of 1" of rain falling on an acre of woods would produce no runoff. If the same amount fell on an acre of asphalt it would produce over 27,000 gallons of runoff. An increase of volume plus an increase of velocity equals a change in the natural stream hydrology. He listed the non-point source pollutants as: sediment, bacteria, toxic and mineral metals, pesticides, fertilizers and petroleum products. Unstable stream channels and nonpoint source pollutants caused degraded water quality conditions and were the biggest threats to the Carolina Heelsplitter.

The Town Curb and Gutter requirements were not in conflict with the Post-Construction Ordinance. Rain gardens used with curb and gutter still provided for infiltration. He then outlined and provided pictures of enhanced and grass swales. The Board discussed detention ponds, enhanced swales, grass swales and ditches.

Mr. Don Ceccarelli, Charlotte Mecklenburg Storm Water Services, stated although the term ditch and swale were often used interchangeably; the ditch was v-shaped and would not be considered a swale. Enhanced swales and grassed channels require infiltration. Maintenance was typically performed by the homeowner but they could petition the Town to take them over if they were on a Town maintained street. He reviewed the 3 to 1 slope for both enhanced and grassed swales along with the Infiltration Considerations as noted in the Best Management Practices (BMPs) manual.

The Board discussion included determining which agency would be responsible for the enforcement of the method of chosen for the development. If the Town was ultimately responsible for the systems then would the Town have the final authority of what types of systems were used? The Town really would look at the maintenance cost associated with the different types of systems because tax money would be paying for the repairs. The systems would be monitored for effectiveness. The Department of Environment and Natural Resources had no value reduction for grass swales. Mr. Rozzelle didn't think the Board would want to remove the swale option; better to keep the option but not require it. The Board continued the discussion and thought swales were better on larger lots as to allow for more trees and planting areas. Swales used in developments with smaller lots would leave very little room in the front yard. The Board agreed swales were good when the lot was flat and larger because of the aesthetics, function and cost.

Mr. Hoard reminded the Board that applicants could request a curb and gutter exemption with the current ordinance.

Concluding the discussion, the Board agreed there was no need to amend the ordinance at this time since the exemption was an option but the majority of the Board felt curb and gutter was the best practice.

Family Care Homes

Mr. Hoard said the State allowed municipalities to regulate distance separation up to a half-mile but this would require a text amendment. The text amendment would specify the one-half mile separation in the BR Residential District. Staff also proposed a new term to the definition section which was as follows:

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.

The Board asked about an existing development on Thompson Road; would it still be in compliance if the Board pursued the amendment. Mr. Hoard stated the development had already been approved for 4 houses. The amendment would prohibit entities from buying several distressed homes in neighborhood and operating family care homes. He reminded the Board that the people wouldn't be treated for mental illness; alcohol or drug abuse; maternity care; professional nursing care under continuous medical supervision; lodging, when the personal assistance and supervision offered for the aged and disabled were not needed; or, who pose a direct threat to the health or safety of others. Many towns and cities enforce a distance separation such as Charlotte, Raleigh, Wilmington and Matthews. A Group Home would be interchangeable with a Family Care Home and would have no more than six mentally or physically disabled persons and a care giver.

Concluding the discussion, the Board agreed by consensus to have Staff prepare a text amendment to come before the Board regarding separation for Family Care Homes and the creation of a Family Home Subdivision definition.

Discussion About Higher Density Residential Development Outside of Downtown

The Unified Development Ordinance didn't allow for higher density residential development outside of downtown currently. The Board discussed the narrow roads and challenges they place on the fire, police and public works departments along with the waste collection provider. The example for the discussion was the property on Margaret-Wallace Road brought to the Board via the January Developers Workshop. The Board discussed the office/retail concept versus the patio home design. Mr. Hoard said the applicant had recently stated there was no market for the office retail concept and there was no clear decision as to if they would pursue this at all. He said they had also entertained the idea of a conservation easement or park. The Board discussed the need for recreational activities in this area and the abundance of foot traffic. The concern was the foot traffic may contribute to loitering.

There had been others interested in developing active adult communities outside of downtown. The Board was asked if they wanted to place a mechanism on the books to allow for pinwheel/common-wall communities. It could be achieved through conditional rezoning and authorized based on individual site plans. The Board contemplated how many units per acre; the quality of the project versus the increased density; and, the appeal of rural small town feel versus a patio home development. The discussion reiterated downtown was created to allow higher density and downtown wasn't first come-first serve but instead was careful placement. Lower quality construction was mentioned and it was countered with the prohibitive land cost for that type of construction. The Board wanted projects and developments they would be proud of. Other possible projects along Lawyers and Matthews-Mint Hill Roads were mentioned and would be perceived as an asset if the Board chose to allow higher density outside of Downtown. The Matthews-Mint Hill corridor was perceived by many residents as slated to become commercial in the future because of the bank, veterinarian hospital and physicians offices but the Board didn't have any plans for commercial. The duplexes allowed at Davis Trace were called into question but it was clarified that twenty percent of a conventional subdivision could have a zero lot line. It was noted Mint Lake Village was approved as an office/apartment rezoning and many residents would find that unsettling now.

Concluding the discussion, the majority of the Board agreed to leave the ordinance as it was currently written.

Presentation by Arts and Science Council

Robert Bush, President of the Arts and Science Council (ASC), spoke to the Board about the Mint Hill Plan. He spoke of the ASC investments, cultural vision plan, cultural life task force, the goals of the task force recommendations, short-term stabilization strategies, long-term stabilization strategies, recommended private sector investment increases, recommended public sector investment increases, the ASC progress to-date, changes in the ASC governance, paradigm shift(old/new models), cultural life task force recommendation for the Town of Mint Hill and ASC proposed FY16 investment from the Town of Mint Hill.

The ASC hoped to secure \$1.30 per resident, by 2020, which would be approximately \$42,000 for the Town of Mint Hill. They would ask for gradual increases until the full funding was in

effect. They would be asking for \$16,000 for next fiscal year, instead of the \$10,000 budgeted by the Town this year.

The Board asked how services/events were allocated. Mr. Bush said the priority would be given to the underserved areas. The programming would be directed more toward the areas that have deficits. Building relationships with the Town would allow ASC to serve the needs in the community. The Board thanked Mr. Bush for attending.

Branding for the Town and Economic Development

Deputy Manager Bailey supplied the Board with numerous Gateway and Direction sign examples. The discussion centered on the need to have signs on Interstate 485 along with the major thoroughfares (Matthews-Mint Hill Road and Lawyers Road). The Board was encouraged to speak with the legislators at Town Hall Day (March 18, 2015) about the interstate signs similar to the ones that say "Welcome to Matthews." Motif/logo suggestions for the local signs included having a horse's head or mint leaf logo. It was even suggested to have the signs placed in a bed of mint. The seven locations identified for Downtown signs were: Highway 51 (North) at Interstate 485; Highway 218 at Interstate 485; Lawyers Road at Bain School Road. Idlewild Road at Interstate 485; Highway 51 at Idlewild Road; Lawyers Road at Lebanon Road; and, Wilgrove-Mint Hill Road at Albemarle Road. The cost associated with the signs/poles/landscaping was discussed.

Manager Welch would gather more information, including quotes/pricing, for the Board.

The economic development conversation addressed attracting new businesses to Mint Hill. Existing retail/shopping centers were reviewed as some commissioners felt concern about the empty storefronts. Vital statistics about the residents of the Town could be found on our website and the additional information requested could and would be linked to the website. The need for entrepreneurs was ongoing but many businesses were interested in relocating to Mint Hill. The leasing costs associated with bringing the businesses to Mint Hill were between the tenant and the owner. The Board expected more businesses to make Mint Hill their home because the economy was getting better and because Mint Hill was adding new residents.

The Board was encouraged to send website "items of interest" to Ms. Sheryl Smith.

Plans for the "Circle" in Front of Town Hall

Mayor Biggers hoped a water feature (fountain) would be placed in the circle along with a concrete pad to accommodate a Flag Plaza. The raised wall around the water feature could blend into the Flag Plaza. He suggested a lit fountain with water streamed from a low angle across the fountain. He suggested a permanent Christmas Tree holder in the middle of the fountain. The cost and maintenance of a fountain was discussed. The Board had many ideas of what style of fountain would be most appealing in front of Town Hall.

The Board agreed to submit fountain concepts/designs to Manager Welch.

Next Sidewalk Phase(s)

Manager Welch had identified several areas for sidewalk construction. Wilson Grove Road had two sections (342 feet and 352 feet) identified. Highway 218 at Highway 51, near Earps, would require a section of 62 feet. Lawyers Road at Somerset Plaza had a section (465 feet) identified. Matthews-Mint Hill Road to Lebanon Road had two identified sections (2200 feet and 695 feet). Two sections (544 feet and 846 feet) were identified along Idlewild Road. Four sections (540 feet, 2312 feet, 200 feet and 280 feet) were identified along Matthews-Mint Hill Road.

The Board had received appreciation from many residents regarding the on-going sidewalk projects. They were supportive of the plans presented. It was noted along Lebanon Road (heading toward Matthews-Mint Hill Road) there was a section that may be worth investigating.

Concluding the discussion, the Board agreed by consensus to build as many sidewalk sections as possible with the money budgeted for their construction.

The Board agreed by consensus to recess the meeting and reconvene at 9 a.m. on Saturday, March 7, 2015.

Mayor Biggers resumed the meeting at 9 a.m. on Saturday, March 7, 2015. Mayor Biggers, Commissioners Ellington, Newton and Ross were in attendance along with Town Staff.

Discussion about Property Located at Matthews-Mint Hill Road and Idlewild Road (“Sam’s Mart”)

Mayor Biggers stated he, Commissioner Ellington and Manager Welch had met with a representative for the owner of the Sam’s Mart property located at Matthews-Mint Hill Road and Lawyers Road. During the discussion, they learned the owner had created a visual site plan which may include two restaurants or one restaurant and a bank. The prospect of the one-story buildings elicited a positive reaction as a restaurant(s) would be nice. The parcel closest to the residential section would be low impact. The representatives were anxious get started.

The Board discussed the roundabout and the necessary approvals needed with NCDOT for the two parcels. The discussion covered the possible opposition from the neighbors about the light and sound but they agreed approval would be based on the restaurants closing at a reasonable time and not being an “all night” facility. Any design would have to go through a re-zoning process. The representative wanted to see if the Board would be receptive to this design concept before pursuing it any further. The Board agreed they’d like to see formal plans and suggested the possibility of a gateway sign, landscaped corner, trees in the parking lot and decorative street lights provided by the owner of the property.

Upon the motion of Commissioner Ross, seconded by Commissioner Newton, the Board agreed they were unanimously receptive to the concept with controls, decorative lights, a decorative gateway sign and restricting closing of the businesses to a reasonable time.

Idlewild Roundabout Update

NCDOT would be working jointly with the Town to provide sidewalks and decorative street lights at the roundabout site. NCDOT experienced a few glitches with right-of-way but the roundabout would be constructed in the Summer of 2016.

Manager Welch had been in talks with the Town of Matthews in regard to the sign in the middle of the roundabout. Each side of the sign would identify the Town residents would be entering.

Snow Removal Policy Discussion

Board members were presented with information regarding the winter weather procedures. The Public Works department received information from various news and media sources. If inclement weather were in the forecast the Public Works personnel would begin working around the clock in 12-hour shifts until the streets were clear. Heavily traveled streets, called Priority 1 streets, would be salted/plowed first. The Town streets consist of nearly 130 miles of roads; once the Priority 1 streets were cleared then work would begin on minor thoroughfares. Residential streets would be plowed only after the main roads had been cleared. In the event of damage to mailboxes, by a snow plow, the resident should call Town Hall and the incident would be investigated. The trucks and plows typically respond in the different quadrants of the Town during a snow/ice event. If during inclement weather, after hours or on a weekend, a resident should see a downed tree then they should report it to 911.

Park Policy Discussion

The Board asked for an update on the Armed Forces Museum. Staff had been told the Armed Forces Museum Board was non-existent. The Town would not be bound by any plans made by the Armed Forces Museum Board; there was no formal agreement.

The Purple Heart organization had raised money for the monument. The money was earmarked for missions, however, and couldn't be used for the monument. They would be obtaining a quote and would come to the Board for guidance on completing the project. The "Purple Heart Memorial" may need site work and concrete donated by the Town to finish the project.

The radio tower should be moved by July of 2015 but it was possible that a slight extension would be given if needed. The tower site area may be used by Mint Hill Fire for training.

The softball field at Veterans Park had always been first-come first-serve. The Board could certainly decide to change it and allow reservations. The Board stated that since many individuals and groups used it without reservations then they would not change the policy.

The possibility of an amphitheater was discussed in great detail. It was decided that although both parks would benefit; the Veterans Park would be the priority due to Mint Hill Madness. The Board had many ideas on size and appearance. The Board agreed to submit amphitheater concepts/designs to Manager Welch.

The topic of weddings/memorial services/funerals was mentioned. The Town enforced rules, already in place by way of minor and major event applications, if we were aware of the event. Ultimately, the Town tried to minimize injury and liability but as the land owner the Town

would be contacted if injury occurred. The incident would then be investigated by the Town and the Town insurance provider.

The topic of a splash feature was proposed in the round rink area at Wilgrove Park. The splash features were very popular but must be designed and inspected just like a swimming pool. They were very expensive to install and maintain. The Board agreed to possibly pursue this at a later date.

The topic of future park expansion was addressed. Currently the Town was working on the Brief Road property purchased in conjunction with the PARTF grant. The property owned by Ms. Mills was discussed as a possible park because the area was underserved. The liability of the pond, the cost of the property, and the accessibility to the Morris Park HOA area may be things the Board would want to strongly consider before pursuing the property. Could Mecklenburg County purchase the property and develop it? Possibly, however, 11 acres may be too small for them to pursue.

The topic of the Greenway System was addressed. Staff could get an update for the Board but greenways were essentially the dedication of land to the system. The Town had been focused on providing sidewalk accessibility in the last few years.

The topic of a dog park was approached. Most town run dog parks were just fenced areas with no fee. The park could be as simple or elaborate as the Board wanted it to because the tower would be removed this calendar year.

Process for Developing Property on Brief Road

The Brief Road property would take approximately two or three years to develop. The Town would seek a Request for Proposal (RFP) and a Construction Manager at-Risk. The Board would select the professionals they would like to work with and they would hold the public meetings. Attorney Bringewatt would advise the Board in the process. The projected cost of the total project would be in the millions; phases would be shown and the Town could do as many phases as they wished at a time. The Town would obtain a loan to pay for the project. The preliminary ideas would be for at least one turf field and additional rectangle fields for sports such as football, lacrosse and soccer. Once the project was completed the Town would maintain the project and perhaps the Mint Hill Athletic Association would contribute to the upkeep. The location and traffic at the site may trigger a traffic study where safety precautions may be required.

The consensus of the Board was to refer to the project as an Athletic Park.

Bridges at Mint Hill Update

Manager Welch shared what he knew about the Bridges at Mint Hill in his memo to the Board. He had contacted Chris Thomas but had not spoken to him in person. The preliminary surveying for the force sewer line along Lawyers Road and for the roundabout at Lawyers/Bain School Roads had been completed. The design for the regional lift station was nearly complete and the developer had paid several hundred thousand dollars toward the project.

The Board expressed irritation and frustration at the delays; Steele Creek had been developed in two years and it had been 12 years since the Bridges at Mint Hill had been announced. The frustration was understood but the Town had no real alternatives. Although the project approval eliminated the option of having a lawn/automotive area they could skirt that and place a facility that wouldn't be pleasing to the Town.

The Board agreed by consensus to have Manager Welch contact Chris Thomas and retrieve as much information as possible from the "source". Mayor Biggers would contact the Belk representatives to obtain any additional information.

Commissioner Austin arrived.

Possible Request for Legislative Annexation of Contiguous Neighborhoods

Pleasant Valley, Iron Gate and Plantation Falls were the three neighborhoods highlighted by Manager Welch that were contiguous with the Town limits. The annexation would have no impact on the ability to provide services to them. The immediate costs would consist of street lights and trash service. The individual home owners, already contracting for trash collection, would see a reduction in their tax burden as they currently paid a fire and police service district tax.

The Board agreed by consensus that Manager Welch should continue to look into this possibility.

Discussion on Noise Ordinance

The Board had been contacted by residents about the current noise ordinance. In many cases, living in close proximity to properties that emit loud and disturbing noise could cause a hardship for the surrounding properties. If a new ordinance was to be accepted then the Mint Hill Police Department would have an opportunity for better enforcement and tougher penalties. Chief Ledford stated the current ordinance was subjective which made it hard to enforce. He stated the Town of Matthews used the City of Charlotte's ordinance as a guide to enhance the way they dealt with noise complaints. Manager Welch had spoken with Attorney Bringewatt and he was happy with adapting their ordinances to fit Mint Hill. Chief Ledford stated Matthews had modified the Charlotte ordinance slightly. He recommended the Board go with a finite number as to reduce the subjectivity. The noise meters would need to be purchased and calibration would be required.

The Board discussed the hours the ordinance would be applied, the appropriate decibel level, issuing of permits for restaurants or outdoor entertainment, what amplified sound really meant and where the sound would be measured from.

The Board agreed by consensus that Chief Ledford should draft an ordinance for their review.

Downtown Code Text Changes

The Downtown Code was adopted on July 18, 2002; Staff requested guidance in regard to several items.

The Board discussed the placement of meter boxes and appropriate screening. The Board agreed by consensus that meter boxes would be screened from public view from a public street and/or sidewalk.

The Board discussed backflow preventer options in regard to color and screening. The Board agreed by consensus that they should be dark green and screened.

The Board discussed Best Management Practices (BMP) for Stormwater. The ordinance had previously required underground detention but was modified to accommodate other developments. The Town must have a list of BMP options that were acceptable to the Town. The Board discussed things they would like to eliminate as options. The Board agreed by consensus that Staff should present a list of BMPs for Board approval.

The Board discussed the Street Tree preference. The October Glory Maple was prone to a black fungus and it may be more beneficial for the developer to choose from a list of acceptable trees approved by the Board. The Board was receptive to a list of approved street trees and to be clear the property owner was responsible for them for perpetuity.

The Board discussed fences; primarily the material, location, screening and height of the fences. The Board agreed by consensus to allow the planning staff to do additional research and then submit information to the Board.

The Board agreed by consensus to require sod in commercial and residential developments located in downtown.

Assisted Living Centers in Downtown

A text amendment may be necessary to determine the building type of an assisted living center. The three current building types were Shopfront Building, Workplace Building and Civic Building. The Board discussed a specific project that had been proposed by Carillon Assisted Living on Lawyers Road. An assisted living center created a challenge because of the typical building shape. The Board discussed the possibility of an exchange of property to allow the center to be closer to the road along with other opportunities.

The Board agreed by consensus to have Staff speak to the applicant about continued interest and what could be done to receive conditional zoning approval.

Sign Ordinance Discussion

Mecklenburg County administered the sign ordinance for the Town of Mint Hill. Staff would only respond when there was a complaint made against a sign. Illegal portable signs received the largest amount of complaints. Staff would remove the sign if it were located in the right-of-way or the owner would be contacted if on private property. The Board was shown pictures of on structure, ground mounted and freestanding signs allowed and currently used in Town. The Board was also given a complete copy of the sign ordinance.

The Board asked about the temporary signs on private property that weren't removed. Staff explained that Environmental Court was so backlogged that typically the cases were thrown out.

95% of the violators complied with the ordinance but occasionally there were those who chose not to comply. Often times, the violators never applied for a sign permit from the County or the permit was issued in error. Historically, the Town had allowed new businesses to have extra or additional signage for up to one month.

The Board discussed the advantages and disadvantages of extending the policy of allowing businesses to have additional signs longer than one month especially if it were a directional sign. Staff told the Board that most owners didn't ask for any extension after the one month period. A concern was expressed that not all businesses had the same opportunity since the policy was unwritten.

Concluding the discussion, the majority of the Board agreed to leave the ordinance as it was currently written.

Commissioner Comments and Wrap Up

Commissioner Ellington stated he felt the retreat had been very beneficial. Commissioner Newton stated this had been his first retreat and he felt it had gone very smoothly and that everyone was on the same page. Commissioner Austin commented he would look forward to reviewing the items that were going to be amended by the Board. Mayor Biggers thanked the Staff for their time, effort and willingness to prioritize projects they would like to see in Mint Hill.

Upon the motion of Commissioner Ellington, seconded by Commissioner Newton, the Board unanimously agreed that the meeting be adjourned. Mayor Biggers adjourned the meeting at 2:42 p.m.

Michelle Wells Farrar, CMC, Town Clerk