

**MINUTES OF THE MEETING OF
THE BOARD OF COMMISSIONERS
TOWN OF MINT HILL, NORTH CAROLINA
October 11, 2018**

The Board of Commissioners of the Town of Mint Hill met in regular session on Thursday, October 11, 2018 at 7:00 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Mayor: Ted H. Biggers, Jr.

Commissioners: Mike Cochrane, Dale Dalton, Carl M. Ellington and Richard Newton

Town Attorney: Kevin Bringewatt

Town Manager: Brian L. Welch

Town Engineer: Steve Frey

Planning Director: John Hoard

Police Chief: Tim Ledford

Deputy Fire Chief: John Phillips

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 Dalton, 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: None.

Approve Minutes of the September 13, 2018 Regular Meeting: Upon the motion of Commissioner Newton, seconded by Commissioner Ellington, the minutes of September 13, 2018 were approved.

Consent Agenda: (A) Approve Sewer Easement with Charlotte Water; (B) Approve NCDOT Resolution to Acquire Quail Park Drive and Leisure Garden Lane for Town Maintenance; (C) Accept the Revision of the November and December 2018 Meeting Schedule for the Board of Commissioners; (D) Accept September Tax Collector's Report; and, (E) Accept August Treasurer's Report and Financials: Upon the motion of Commissioner Ellington, seconded by Commissioner Cochrane, the consent agenda was approved as presented.

Public Comments:** None.

Small Business Saturday Proclamation: Upon the request of Mayor Biggers, Commissioner Cochrane read the following proclamation:

Whereas, the government of Mint Hill, North Carolina celebrates our local small businesses and the contributions they make to our local economy and community; according

to the United States Small Business Administration, there are currently 30.2 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, are responsible for 65.9 percent of net new jobs created from 2000 to 2017; and,

Whereas, small businesses employ 47.5% of the employees in the private sector in the United States; and,

Whereas, 90% of consumers in the United States say Small Business Saturday has had a positive impact on their community; and,

Whereas, 89% of consumers who are aware of Small Business Saturday said the day encourages them to Shop Small all year long; and,

Whereas, 73% of consumers who reportedly Shopped Small at independently-owned retailers and restaurants on Small Business Saturday did so with friends or family; and,

Whereas, the most reported reason for consumers aware of the day to shop and dine at small, independently- owned businesses was to support their community (64%); and,

Whereas, Mint Hill, North Carolina supports our local businesses that create jobs, boost our local economy and preserve our communities; and,

Whereas, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now, Therefore, I, Ted H. Biggers, Jr., Mayor of Mint Hill, North Carolina do hereby proclaim, November 24,2018 as:

SMALL BUSINESS SATURDAY

And urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Discussion and Decision on #ZC18-9 Filed by Meritage Homes, Requesting Conditional District (CD) Rezoning to Permit a Planned Residential Community, Up to 81 Lots, Located West of Walter Nelson Road, West of Twilight Drive and South of Birchhill Road, Portion of Tax Parcel # 135-312-02: Planning Director Hoard presented the Board with the following memo:

The applicant, Meritage Homes, is proposing a residential development with up to 81 single family lots. The site is 46.25 acres. The lot standards requested with this petition include a minimum lot size of 6,600 sq. ft. The typical lot width is 55'. The setbacks are 20' front, 5' side (aggregate 15') and a 20' rear yard. The development will connect to Twilight Drive, Birchhill Road and Walter Nelson Road.

The applicant is requesting Conditional Zoning to permit flexibility regarding the lot standards specified in the Conservation Subdivision Ordinance. The Ordinance requires a minimum 12,500 sq ft lots. The minimum lot width is 80'. The setbacks are 30' front, 8' side and 30' rear.

Conditional District decisions shall be made in consideration of identified relevant adopted land use plan. Conditional District rezoning is a legislative procedure under which the Board of Commissioners has 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.

PLAN CONSISTENCY:

ZC18-9 appears to be consistent with the Land Use Plan. Although the Land Use Plan primarily emphasizes single family, large (20,000 sq. ft.) lots, the Land Use Plan includes guidance pertaining to cluster regulations. The clustering regulations described in the Land Use Plan closely resembles the development pattern presented with this petition, specifically the "density neutral" component.

Upon the motion of Mr. Gatz, seconded by Mr. Hendrix, the Planning Board unanimously made a favorable recommendation on ZC# 18-9, filed by Meritage Homes, conditioned on the improvement of Walter Nelson Road as agreed to between the Town and Meritage Homes, for 81 single family lot subdivision, located west of Walter Nelson, west of Twilight Drive and south of Birchhill Road, Parcel Number 135-312-02 pt.

Recommended Consistency Statement

ZC18-9 is consistent with the Land Use Plan. Although the Land Use Plan primarily emphasizes single family large (20,000 sq. ft.) lots, the Plan includes guidance pertaining to cluster regulations. The cluster regulations described in the Land Use Plan closely resembles the development pattern presented with this petition, specifically the "density neutral" component.

Therefore, ZC18-9 is found to be reasonable and in the public interest, based on the information presented and reviewed with this petition, and because:

Density neutral component (no more than 2 units per acre).

The preservation of open space

The perimeter buffers

Upon the motion of Commissioner Dalton, seconded by Commissioner Ellington, the Board unanimously approved #ZC18-9 Filed by Meritage Homes, Requesting Conditional District (CD) Rezoning to Permit a Planned Residential Community, up to 81 Lots, Located West of Walter Nelson Road, West of Twilight Drive and South of Birchhill Road, Portion of Tax Parcel # 135-312-02 with the statement of consistency.

Consider Adopting Additions to the Animal Control Ordinance: The following information was given to the Board:

***Background:** While laws pertaining to trespass would normally deter adults from interacting with a potentially dangerous dog on another's property, children of certain ages lack the discretion and reason to discern what constitutes inappropriate or unlawful behavior when considering whether to enter another person's property or when to interact with animals. This particular ordinance would reduce the risk associated with an "attractive nuisance" of a potentially dangerous dog on a person's property by making access more difficult for children.*

Additionally, the public sidewalks and right of ways will feel safer and more welcoming.

PROPOSED LANGUAGE: Section 3-69(a) of the Animal Control Ordinance is to be modified and supplemented with the following term.

(10) Maintaining a Potentially Vicious Dog in the front yard that is not secured by fencing or another structure permitted by law. An electric fence, tether, or other leash is not a sufficient restraint for purposes of this subsection, unless the owner or caretaker is present in the front yard attending to the dog.

Section 3-3 of the Animal Control Ordinance is to be modified and supplemented with the following definition.

Potentially Vicious Dog: A Potentially Vicious Dog is a dog that substantially conforms with the characteristics of the following breeds as defined the American Kennel Club: (a) the American Staffordshire Terrier; (b) the Bull Terrier; (c) the Chow Chow; (d) the Rottweiler; and (e) the Staffordshire Bull Terrier. A Pit Bull is also a Potentially Vicious Dog, being a dog that substantially conforms to the standards established by the American Kennel Club for American Staffordshire Terriers or Staffordshire Bull Terriers, or substantially conforms to the standards established by the United Kennel Club for American Pit Bull Terriers. A description of all Potentially Vicious Dog breeds is to be kept on file with the Town Clerk.

The Mecklenburg County Animal Control Ordinance was referenced (filed with minutes).

Attorney Bringewatt stated the proposed changes went above and beyond the current ordinance to provide an early step to ensure potentially vicious dog were prohibited from the front yard.

Manager Welch said Staff recommended the Board adopt the new language as a supplement to eliminate any nuisances.

Mayor Biggers said it would stop vicious dogs that had already attacked several individuals and injured/killed a few dogs. He noted this was a human problem and not a dog problem.

Upon the motion of Commissioner Cochrane, seconded by Commissioner Newton, the Board unanimously approved:

Section 3-69(a) of the Animal Control Ordinance is to be modified and supplemented with the following term.

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Other Business: Commissioner Cochrane said he was very proud of our Police, Fire and Public Works. He said he attended the Bells Across America and the 9/11 ceremony. He reported the Chamber of Commerce was going to ensure they could enhance the Town Events. He stated the Senior Citizen Christmas Party would be held December 1, 2018 at Independence High School. He encouraged everyone to attend the Public Information Meeting about the bond referendum on October 17, 2018 at 6:30. He wanted to publicly thank the Public Works Department for cleaning up after mother nature and the mess left behind.

Commissioner Ellington stated he attended the 9/11 ceremony. He stated the Mayor had represented Mint Hill well at the recent ribbon cutting at Novant Mint Hill; the facility was state of the art.

Commissioner Dalton attended the 9/11 ceremony. He praised the Fire, Public Works and Public Works for their work during Hurricane Florence and Michael. He attended the Novant ribbon cutting. He stated the first bond Public Information Meeting on October 3, 2018 was excellent and thanked Manager Welch for such a good presentation. Commissioner Dalton stated the Police Citizen Academy had been a tremendous learning experience and he admired all they did. He reminded the audience that the Shred Event and Canine Carnival were being held on Saturday, October 13, 2018.

Commissioner Newton attended the Bells Across America. He praised Public Works for their work during the hurricanes.

Deputy Fire Chief Phillips stated the Fill the Boot Campaign would be held on Saturday from 9-1. He stated funds would benefit those afflicted with Muscular Dystrophy in our area.

Chief Ledford reiterated the Canine Carnival was to be held on Saturday, October 13, 2018.

Fire Department Chairman Mullis thanked the Board for their support of the Fire Department.

Mayor Biggers encouraged everyone to come to Jimmie's restaurant tomorrow because WBT-Radio would be showcasing Mint Hill. He also reminded everyone to get out and vote on November 6, 2018. He stated this was a critical election and voters needed to educate themselves and to vote carefully.

Closed Session for Approval of September 13, 2018 Closed Session Minutes and for a Real Estate Matter: Upon the motion of Commissioner Dalton, seconded by Commissioner Newton, the Board voted to move into Closed Session. No announcement was expected about the Closed Session meeting.

The Board returned to Open Session.

Adjournment: Upon the motion of Commissioner Cochrane, seconded by Commissioner Ellington, the Board unanimously agreed the meeting be adjourned. Mayor Biggers adjourned the meeting at 7:46 p.m.

Michelle Wells, CMC, Town Clerk