

**MINUTES OF THE MEETING OF  
THE BOARD OF COMMISSIONERS  
TOWN OF MINT HILL, NORTH CAROLINA  
MARCH 12, 2020**

The Board of Commissioners of the Town of Mint Hill met in regular session on Thursday, March 12, 2020 at 7:00 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

**ATTENDANCE**

Mayor: Brad Simmons  
Commissioners: Mike Cochrane, Dale Dalton, Patrick Holton and Tony Long  
Town Attorney: Kevin Bringewatt  
Town Manager: Brian L. Welch  
Town Engineer: Steve Frey  
Planning Director: John Hoard  
Fire Chief: David Leath  
Police Chief: Tim Ledford  
Town Clerk: Michelle Wells

**CALL TO ORDER, INVOCATION AND PLEDGE**

Mayor Simmons 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 Simmons led the Pledge of Allegiance to the Flag of the United States of America.

**ORDER OF BUSINESS**

**Addition, Deletion or Arrangement of Agenda Items:** Items A and E of the Consent Agenda were removed.

**Approve Minutes of the February 7-8, 2020 Retreat Minutes and the February 13, 2020 Board of Commissioners Regular Meeting:** Upon the motion of Commissioner Cochrane, seconded by Commissioner Holton, the Board unanimously approve February 7-8 Retreat Minutes and the February 13, 2020 Regular Meeting.

**Consent Agenda: (A) ~~Accept New Date and Time of the Park and Recreation Meetings;~~ (B) ~~Accept February Tax Collector's Report;~~ (C) ~~Accept January Treasurer's Reports and Financials;~~ (D) ~~Approve Resolution Concerning Exchange of Property with BYFIRO-RENZASAI Mint Hill, LLC;~~ (E) ~~Approve Contract Award for Town Hall and Police Department Generator Project;~~ (F) ~~Acceptance of Mint Hill Commons Streets;~~ (G) ~~Approve Resolution Concerning Sale of Personal Property to Kershaw County, South Carolina;~~ and, (H) ~~Accept Mint Hill Historical Society's Request for the Noise Ordinance Waiver During the Mint Hill Rodeo;~~ Upon the motion of Commissioner Dalton, seconded by Commissioner Cochrane, the Board unanimously approved the consent agenda Items B, C, D, F, G and H.**

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Mayor Simmons welcomed Trey Yarbrough, Trent Dominick, Luca Jenkins, Christian Wolfe, Jack Strand, Braden Garcia and Holden Smith of Boy Scout Troop 65, Philadelphia Presbyterian Church, and presented them with a lapel pin.

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**Public Hearing on #ZC20-1, Filed by Dennis Terry, Bloc Design, for Mecklenburg County, to Rezone Property Located at 8320 Mayerling Drive for a Park, Tax Parcel #135-131-01\*:**

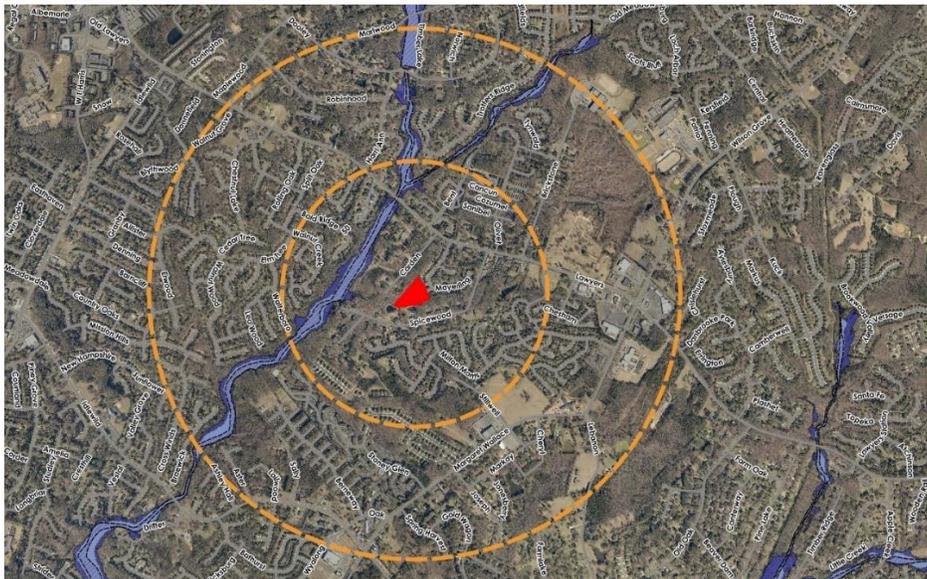
Planning Director Hoard submitted the following memo to the Board of Commissioners:

The applicant is seeking approval for a park. Refer to the attached Zoning Plan to review the park design.

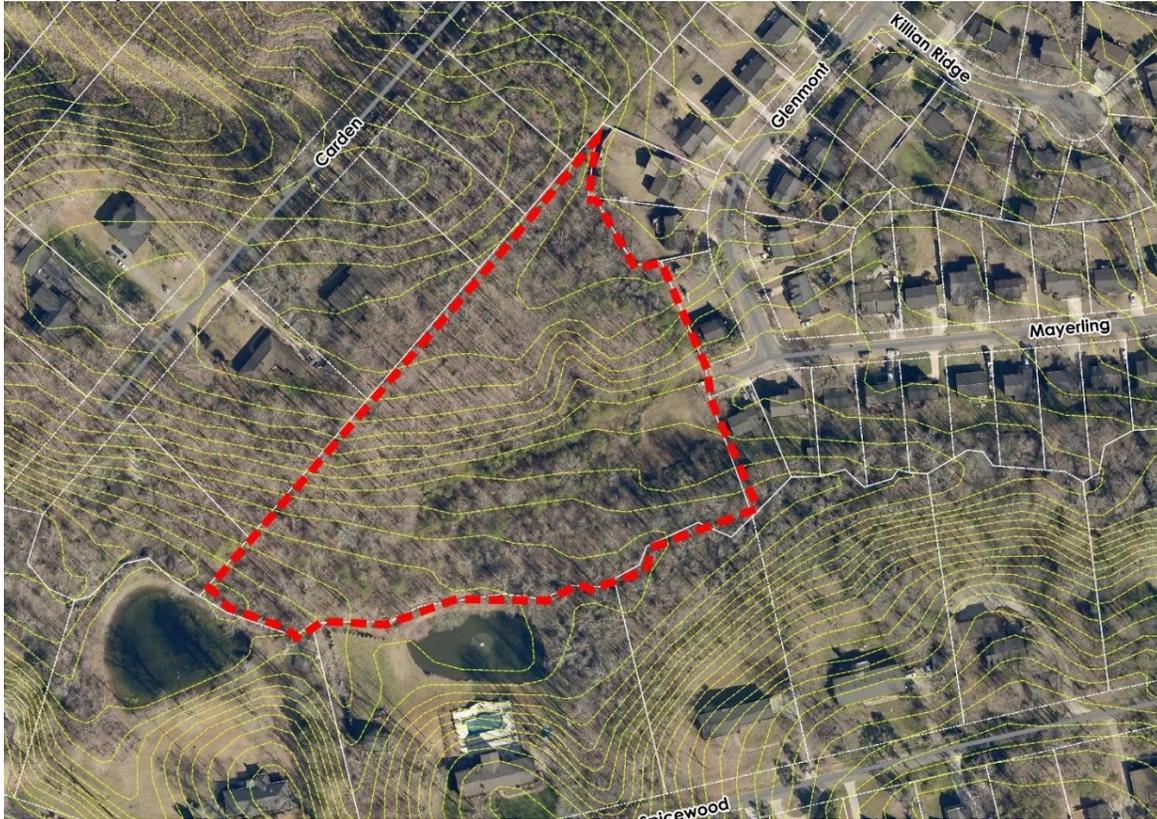
Park : A facility operated by an entity, other than the Town of Mint Hill, that may or may not be open to the general public for outdoor active recreational uses, including, but not limited to: ball fields, swimming facilities, camping facilities, and which contains improvements designed specifically for such active recreational uses. Such facilities may also contain improvements designed for passive recreational uses. (See Section 7.2.15, Nonresidential Use in the Residential Zoning District.)

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.

Mr. Collin Brock, Bloc Design, 2923 S Tryon Street, #320, Charlotte, North Carolina 28203, presented a PowerPoint for the Board.



## Context Map



- 5.47 AC
- Zoned R
- Requesting R-CD
- Access off Mayerling Drive

## Brief Project History



- Began design in 2018

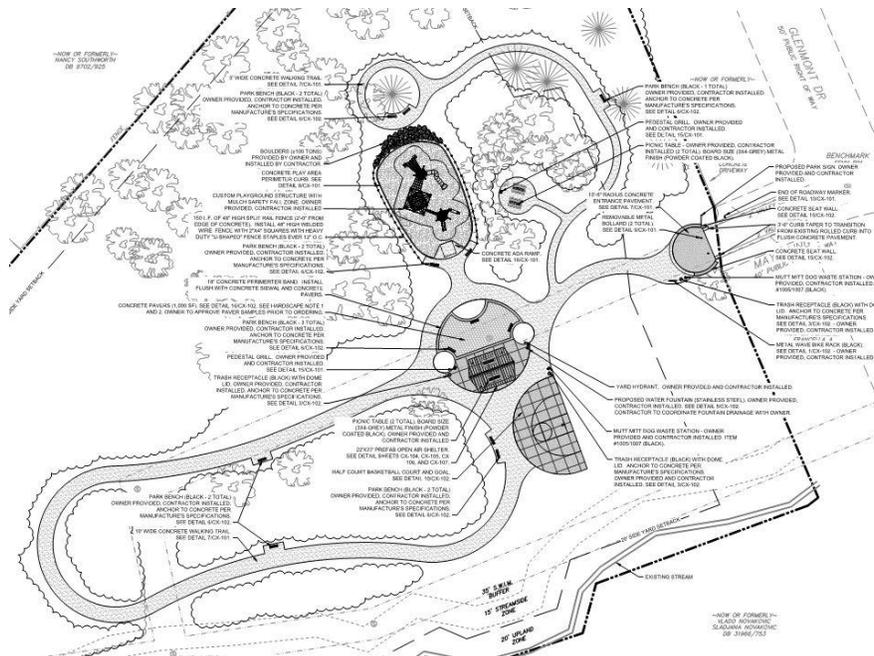
- On hold 2018-2019
- Grew in scope with new shelter, walking trails, and basketball
- Max Budget of \$500k
- Re-engaged designers Sept 2019
- Playground selection

### 4.1.3 NEIGHBORHOOD PARKS

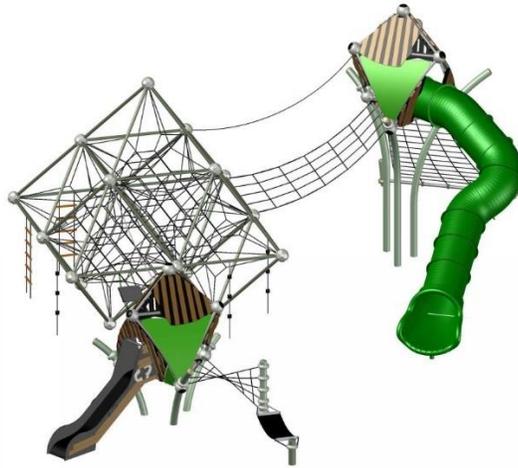
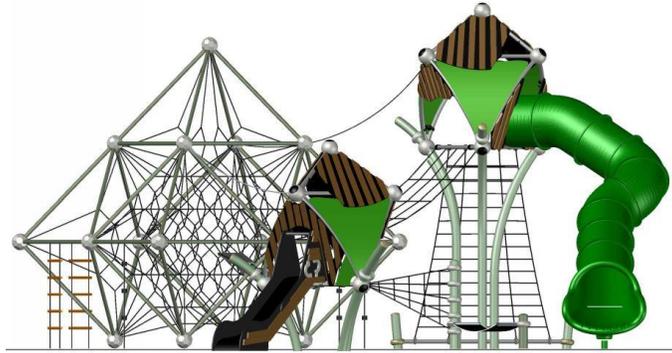
Neighborhood parks shall be a minimum of 2 to 20 acres in size and shall serve the immediately adjacent, local neighborhood. Each citizen living within this area shall have access to a neighborhood park by walking no more than a standard city block distance of six blocks. Neighborhood parks shall serve a population standard of one and a half (1.5) acres/1,000 persons. There will be no parking lots or restroom facilities provided at neighborhood parks. Amenities will be informal in nature and may include picnic shelters, benches, multipurpose fields, 1/2 basketball and volleyball courts, and walking trails among other amenities. The 100-foot perimeter buffer requirement of regional and district parks is desired but not mandated.



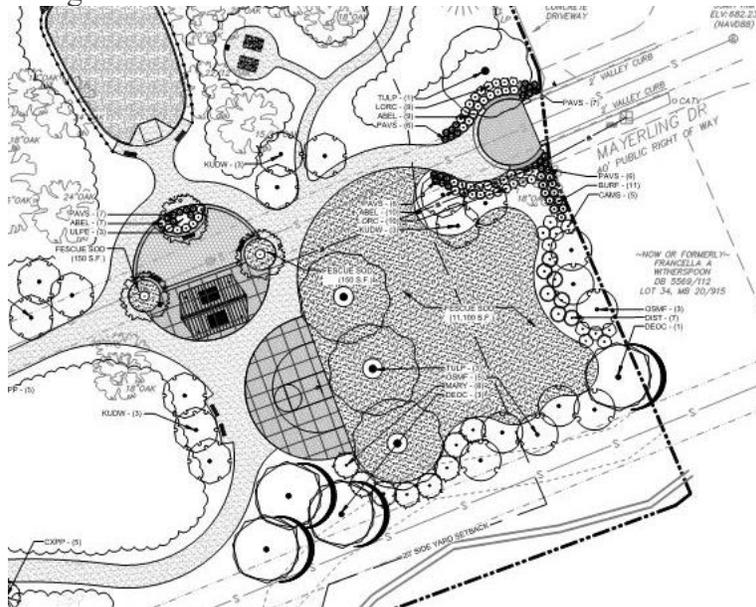
Current Site Plan



Proposed Playground Structure



Landscape Buffer Enlargement



## Shelter



Commissioner Dalton asked how the County would keep non-neighbors out of a neighborhood park. Mr. Brock stated, to his knowledge, there had been no real issues at any of the neighborhood parks. He said ultimately law enforcement would handle any issues at a neighborhood park. He said the half-court basketball court typically deterred older individuals from using the facilities as they were looking for full court games. Commissioner Dalton asked the capacity of the park. Mr. Brock stated the park was envisioned to provide recreation for +/-50 homes within walking distance to the park.

Commissioner Holton asked about the total cost related to the park. Mr. Brock stated there were about \$400,000 in the site planning and about \$250,000 in equipment provided by Mecklenburg County. Commissioner Holton asked about the timeline associated with opening the park. Mr. Brock stated they hadn't realized the plan would need to come before the Mint Hill Board of Commissioners and they had hoped to have already started on the project. He stated they hoped to open the park in late summer.

Commissioner Cochrane asked where the closest comparable park was located; the concept seemed new to him. Mr. Brock said he wasn't sure, but Bloc Design had completed one at Sharon Road West, recently. Mr. Brock estimated there were a half dozen around Mecklenburg County, so this was a relatively new concept. Commissioner Cochrane asked had there been any issues or concerns related to disturbances at the park referenced previously. Mr. Brock said no, there had been no issues.

Mayor Simmons noted the irony that Mecklenburg County Park and Recreation was waiting on the Town of Mint Hill for a decision; the Town of Mint Hill had been waiting on Mecklenburg County to build a park in this area for three or four decades. He found great irony in the fact that Mint Hill was holding Mecklenburg County up; he asked for it to be recorded in the minutes.

There being no questions or comments from the Board, Mayor Simmons opened the Public Hearing.

There being no questions or comments from the public, Mayor Simmons closed the Public Hearing.

**Public Hearing on #ZC20-2, Filed by Jonathan Reed, Paragon Landscape Management, to Rezone Property Located at 13216 Albemarle Road from B-G to B-G (CD), Tax Parcel # 137-153-07 and 137-153-21\*:** Planning Director Hoard submitted the following memo to the Board of Commissioners:

The applicant is seeking approval to open a Contractor Office with Accessory Storage in the existing building at 13216 Albemarle Road (formally Killingsworth's location).

The current zoning is B-G. The applicant's business is a landscaping company. Landscaping is an unlisted use in the Table of Permitted Uses (Sec. 5.2). Based on conversations with the applicant, Contractor Offices with Accessory Storage was determined to be a compatible listed use. Contractor Offices with Accessory Storage requires a CD in the B-G district.

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.

Mr. Reed, Paragon Landscape Management, 5322 Rozzelles Ferry Road, Charlotte, North Carolina 28214, stated they were relocating a business previously located in Charlotte along with their thirty employees. He stated there would be a light footprint and that there would be no retail use as all of the materials would be used for business use. The warehouse would house the tools and equipment.

Mayor Simmons asked if he had met with the neighbors adjacent to the property. Mr. Reed said he had met with the neighbors and they were very welcoming.

There being no questions or comments from the Board, Mayor Simmons opened the Public Hearing.

There being no questions or comments from the public, Mayor Simmons closed the Public Hearing.

**Public Comments\*\*:** None.

**Other Business/Council Matters:** Chief Leath updated the Board on the Coronavirus. He stated the Charlotte-Mecklenburg Emergency Operations Center (EOC) had been updating the Chief and he had been passing information along to the Board. He stated there were two infected individuals in Mecklenburg County, two in Lancaster County and one in Cabarrus County. Governor Roy Cooper had requested that organizers of events that drew more than 100 people should cancel or offer the events online. The events included large gatherings where the individuals were less than 6 feet apart. They included but weren't limited to conferences, sporting events, faith-based events and other large gatherings. If you needed medical care and suspected you had contracted COVID-19, call your health care provider; the call would allow them to take steps to keep other people from getting exposed. NC DHHS recommended individuals experiencing fever and cough to stay at home and not go out until their symptoms had completely resolved. NC DHHS recommended residential establishments for the vulnerable, elderly or sick should restrict visitors. End of life care would be an exception. He stated protocols were being updated continuously. He stated First Responders needed protective equipment and there would be a shipment arriving tomorrow. He reiterated the symptoms of the virus: fever, cough and lower respiratory symptoms.

Commissioner Cochrane asked the Chief to please reiterate what an individual should do if they thought they had contracted the virus. Chief Leath stated if an individual suspected they had contracted COVID-19, to please call their health care provider first to ensure the best care for themselves and others. Chief Leath stated there was no medicine to combat the virus and there was no vaccine. He said the fever usually lasted one to two days and included a cough.

Commissioner Holton stated the Mint Hill Shred Event along with the Mint Hill Library Meet and Greet had been cancelled due to the virus. The Charlotte St. Patrick's Day celebration and major sports activities had also been cancelled.

Mayor Simmons noted that Mint Hill Athletic Association had also postponed the activities to help combat the spread of the virus in the community. He stated Governor Cooper had asked everyone to use social distancing which meant to maintain a distance of at least six feet between individuals.

Commissioner Dalton thanked Chief Leath for the update. He said there had been no February Planning Board meeting. He stated the Mint Hill Historical Society was looking for volunteers for the barn raising. He stated the Mint Hill Rodeo would be held on April 24<sup>th</sup> and 25<sup>th</sup> and any

questions should be directed to the Mint Hill Historical Society. He reminded everyone of the Masonic Lodge breakfast to be held on Saturday, March 14, 2020.

Commissioner Holton thanked the Board, Town Staff and residents of the Town for their support for his recent loss. He greatly appreciated everyone for their kind words and thoughts.

Mayor Simmons stated there would be a Public Hearing on #ZC19-8, Filed by Christy Montgerard, at the April 9<sup>th</sup> Board of Commissioners meeting because many in the Town had reached out and would like to speak on the application. He stated the Board wanted everyone to feel heard; therefore, they would be hosting another Public Hearing on the request. He stated there would also be at least one developer at the workshop before the 7 p.m. meeting.

**Adjournment:** Upon the motion of Commissioner Cochrane, seconded by Commissioner Dalton, the Board unanimously agreed the meeting be adjourned. Mayor Simmons adjourned the meeting at 7:33 p.m.

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Michelle Wells, CMC, Town Clerk