



TOWN OF CORNELIUS

Cornelius Town Hall

BOARD OF COMMISSIONERS

January 6, 2020

Agenda

PRE-MEETING - 5:45 PM

- North Mecklenburg Economic Mobility Collaborative
- Agenda Review
- Closed Session

TOWN BOARD - 7:00 PM

1. CALL TO ORDER
2. DETERMINATION OF QUORUM
3. APPROVAL OF AGENDA
4. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE
5. MAYOR/COMMISSIONERS/MANAGER REPORTS
6. CITIZEN CONCERNS/COMMENTS
7. PRESENTATIONS
 - A. Cornelius 2020 Census
8. PUBLIC HEARING AND CONSIDERATION OF APPROVAL
 - A. Historic Property Designation - Cornelius Elementary Ag Building
 - B. TA 02-19 Breweries
9. CONSIDERATION OF APPROVAL
 - A. Northcross Drive Extension - NCDOT Municipal Agreement
 - B. Bond Reimbursement Resolution
 - C. Redevelopment Bond Extension
10. CONSENT AGENDA
 - A. Approve Minutes - Closed Session
 - B. Approve Minutes - Regular Meeting
11. COMMISSIONER CONCERNS
12. ADJOURNMENT

Please note that to speak during **CITIZENS CONCERNS/COMMENTS** or **PUBLIC COMMENT**, please use the signup sheet provided before the Board meeting and list your name, address and topic. Each speaker will be allowed 3 minutes to speak. A "hard stop" will occur after 3 minutes for each speaker. Any information displayed must be submitted to the Town Clerk within 48 hours prior meeting.

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: January 6, 2020

To: Mayor and Board of Commissioners

From: Andrew Grant, Town Manager


Action Requested:

John Quinn, Diane Means and Janice Hinton will present the mission of the North Mecklenburg Economic Mobility Collaborative.

Manager's Recommendation:

Hear presentation.

ATTACHMENTS:

Name:	Description:	Type:
 PPT-2020 JEQ to Town Board of Commissioners_final.pdf	NMEMC	Presentation



NMEMC- The Challenge

Metro-Charlotte ranked last, 50th out of 50, in 2014 National Economic Mobility Study.

- ▶ North Mecklenburg has a shortage of affordable housing.

Gentrification threatens displacement and number of affordable housing units.

One quarter of North Meck families are housing cost burdened.

Competitive Economic Disadvantage for area businesses.

- ▶ A review of the 2011 Catalyst Study* produced minimal progress on the 13 recommendations.

NMEMC- Observations

- ▶ Business-As-Usual will not improve the results.
- ▶ Social Services Organizations generally do not collaborate as well as their clients need.
- ▶ Client-center collaboration creates innovation and improves outcomes.
- ▶ No backbone organization exists in North Meck to track outcomes trends on factors that support upward economic mobility.
- ▶ Charlotte has responded with the Leading on Opportunity Task Force and a creation of a new organization to focus the city on the integrated systems that enable upward mobility.
- ▶ Charlotte has increased their focus on affordable housing, creating wider understanding of historical housing segregation and raising multi-million dollars.
- ▶ Charlotte is complex, and their focus does not include the North Meck towns.

NMEMC

- ▶ A committee was formed in the Fall, 2018 to explore economic mobility in the North Meck towns
- ▶ Diverse perspectives and skills were recruited
- ▶ Ada Jenkins Center has served as the committee incubator with two directors actively leading

NMEMC- Focus Areas

- ▶ Affordable Housing
- ▶ Access to Affordable Health Care
- ▶ Adequate Transportation
- ▶ Cradle to Grave Education and Training
- ▶ Availability of Quality Childcare and Pre-school
- ▶ Local Living Wage Employment Opportunities,
Job Training, Apprenticeships

NMEMC Values

- ▶ Be neighbor-centered
- ▶ Be innovative
- ▶ Focus on both equity and justice
- ▶ Build relationships and collaborations

NMEMC- Operating Model

- ▶ **Analyze** available data and seek expert input
- ▶ **Identify** system opportunities, gaps, and barriers
- ▶ **Prioritize** areas of focus
- ▶ **Convene** social services, government, resources, and client-focused facilitators to innovate within prioritized systems
- ▶ **Mobilize** resources and support to implement recommendations
- ▶ **Track** and build accountability for execution
- ▶ **Improve** quality of outcome data related to economic mobility
- ▶ **Advocate** and share insights on system issues to governments, social services organizations and other stakeholders

NMEMC Plans

- ▶ Launch event on Jan 30th at 6:30pm, Cornelius Town Hall
- ▶ Communicate to and seek stakeholder support
- ▶ Transform from a Launch Committee to an Operating Board of Directors governance
- ▶ Recruit, organize and launch working groups dedicated to specific topic areas.
- ▶ Be data-focused, and drive improved measurement and analysis
- ▶ Complete 501(c)3 processes to ensure neutrality and to remain fully unbiased
- ▶ Continue to partner with Charlotte LOO to share best practices and learning

NMEMC- Two Hypothetical Examples

- ▶ Create more capacity for affordable pre-school, after-school and day care
 - ▶ Supports economically disadvantaged families
 - ▶ Puts next generations on improved educational path
 - ▶ Provides for parents in their pursuits of capability improvement through education and training
- ▶ Understand and reduce the impacts of the "Benefits Cliff"
 - ▶ Acts as a barrier to short term economic improvement
 - ▶ Is a result of government policies' unintended consequence
 - ▶ Solutions are feasible and necessary



NMEMC

Thank you for the AJC support of our incubation.

▶ Thank you in advance to the Towns of North Mecklenburg County for your involvement and support.



REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: January 6, 2020

To: Mayor and Board of Commissioners

From: Andrew Grant, Town Manager

Action Requested:

Hold a Closed Session to:

- Discuss a contractual matter under attorney-client privilege;
- Discuss a real estate acquisition matter; and
- Discuss a personnel matter.

Manager's Recommendation:

Hold a Closed Session.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: January 6, 2020

To: Mayor and Board of Commissioners

From: Andrew Grant, Town Manager




Action Requested:

Sean Herndon is representing the Town for the 2020 Census and will give an update on the process.

Manager's Recommendation:

Hear presentation.

ATTACHMENTS:

Name:	Description:	Type:
 MeckCounts-2020-Talking-Points-General-Audience-10.17.19.pdf	Talking Points	Backup Material
 Approved-English-MeckCounts-2020-Fact-Sheet.pdf	FAQ	Backup Material
 how-census-invites-everyone.pdf	How to respond to Census	Backup Material



MeckCounts 2020 Speaker's Resources:

Talking Points for General Audiences

Here are some talking points for speaking to general audiences of people who we want to complete the census - as opposed to audiences of stakeholders or partners. These are more focused on how they can complete the 2020 Census and why it's important. We also have talking points for stakeholder audiences along with a full Communications Toolkit.

- Make it count! Complete the 2020 Census.
- The census is **convenient, safe** and **required**.
- It is also extremely **important**, because it will help shape the future of Mecklenburg County!
- In the weeks leading up to Census Day on April 1, 2020, everyone will receive a census letter in the mail.
- When you receive this mailing, **please respond**. It only takes a few minutes to ensure you and your family are counted.
- Everyone counts – from newborns to senior citizens!
- This census will be **completed online**. There will also be phone and paper options. *Additional information to tailor for specific audiences:*
 - The online and phone options will be in English and 12 other languages.

- The census will also have print and video language guides in 59 languages including American Sign Language, braille, and large print guides.
- When you respond, answer based on where you were living and who lived with you on April 1.
- The U.S. Census Bureau will keep your information **confidential and secure**.
- The census is extremely important because it brings resources to the community. Here are some examples of how.
- The U.S. Government distributes **hundreds of billions of dollars** in federal funds each year based on census data.
 - *Supporting fact:* In 2016, North Carolina received nearly \$24 billion dollars through federal spending programs guided by census data. On a per-capita basis, this is more than \$2,000 per North Carolina resident per year.
- Local organizations and businesses use census data to **plan for the future** of our community.
 - *Supporting fact:* Charlotte Area Transit System used census data to help redesign the entire bus network. The result has been improved connections to employment and better service to low-income populations.
- Census data are used for drawing **electoral districts** at all levels of government.
 - *Supporting fact:* Our number of seats in the U.S. House of Representatives is based on census data. North Carolina currently has 13 seats; we may gain an additional seat if the 2020 count is complete. In 2010, North Carolina likely missed gaining a congressional seat by only 15,800 people.

- ***Final call to action:*** Here's what you can do to help ensure a complete count.
- **Complete the census** for yourself and your family.
- Help **spread the word** about the importance of the census to your friends and family.
- Learn more at www.meckcounts2020.com.

MeckCounts²⁰²⁰

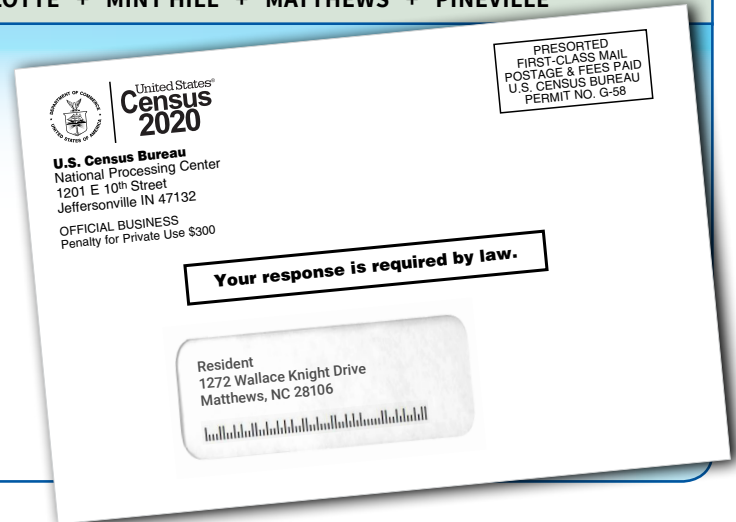
United States[®]
Census
2020

– Make it count for our community by completing the 2020 Census –

DAVIDSON + CORNELIUS + HUNTERSVILLE + CHARLOTTE + MINT HILL + MATTHEWS + PINEVILLE

Make It Count! Complete the 2020 Census.

The census is a count taken every 10 years of every person in the United States.



How? Why?

In the weeks leading up to **Census Day on April 1, 2020**, you will receive your census letter in the mail. When you receive this mailing please respond. It only takes a few minutes to ensure you and your family are counted.

You can help shape the future of Mecklenburg County!



H HEALTHCARE

The healthcare you and your neighbors receive is impacted by the census. North Carolina received **billions of dollars** in federal funding for programs like Medicaid, Medicare, child health insurance and nutrition assistance in fiscal year 2016 based on formulas that incorporate census data.



E EDUCATION

The resources kids need, including teachers, textbooks and other educational expenses, are supported by federal dollars distributed using census data. North Carolina received more than **\$2.3 billion** in fiscal year 2016 for programs for students in pre-k through college.



T TRANSPORTATION

The highways and rails that carry people around our community receive federal transportation funding distributed using census data. North Carolina received **\$2 billion** dollars in highway funding and transit grants in fiscal year 2016. Census data also inform long-term transportation planning.

More About the U.S. Census

The census is convenient.

Your household will receive a letter asking you to respond. The online response will be in 13 languages. There will also be phone and paper options in English and Spanish.

The census is safe.

The U.S. Census Bureau is required to keep respondent information confidential and secure.

The census is required.

The U.S. Census is required by the U.S. Constitution. Everyone counts – from newborns to senior citizens. Make It Count!

**If we are under-counted in 2020,
we will lose funding for
our community.**

Make It Count!

MeckCounts2020.com



Frequently Asked Questions

What is the census?

The census is a count taken every 10 years of every person in the United States. It is required by law and conducted by the U.S. Census Bureau. The next census is in 2020.

When does the census take place?

Census Day is April 1, 2020, but in mid-March most people will receive a letter asking them to respond.

How do I complete the census?

The 2020 Census will be online. If you can't complete it online, you can participate by phone or request a paper copy. Instructions for phone and paper options will be part of the census letter.

Why is a complete and accurate census count important?

Having a complete count will help you, your family, and your neighbors receive more resources and have a stronger voice in the future of our community.

What languages will be offered?

The online and phone response options will be in English and 12 other languages. The U.S. Census Bureau will also have print and video language guides in 59 languages including American Sign Language, braille, and large print guides.

What are the benefits of the census?

The census brings resources to the community. Here are some examples of how.

The U.S. Government distributes hundreds of billions of dollars in federal funds each year based on census data.

FACT: In fiscal year 2016, North Carolina received nearly \$24 billion through 55 federal spending programs guided by data derived from the 2010 Census. On a per-capita basis, this is more than \$2,000 per North Carolina resident per year.

Local organizations and businesses use census data to plan for the future of our community.

FACT: The Charlotte Area Transit System (CATS) relies on census data to make informed decisions regarding transit services. Most recently they used census data to determine the likelihood that people in certain areas would use transit, and used that information to redesign the entire bus network. The result has been improved connections to employment areas and better service to low-income populations.

Our number of seats in the U.S. House of Representatives is based on census data.

FACT: North Carolina currently has 13 seats; we may gain an additional seat if the 2020 Census count is complete. In 2010, North Carolina likely missed gaining a congressional seat by only 15,800 people.

What if I don't complete the census?

The U.S. Census is required by the U.S. Constitution. If a household has not responded by the end of April, a census taker will visit the home to collect responses. These in-person visits will begin in May.

Will my personal information be safe?

Your responses will be safe, secure, and protected by federal law. Answers can only be used to produce statistics—they cannot be used against you in any way. The census will protect your data through the safest and best practices available.

What will I be asked?

- How many people are living or staying at your home.
- Whether the home is owned or rented.
- The sex, age and race of each person in the home.
- Whether a person in your home is of Hispanic, Latino, or Spanish origin.
- The relationship of each person in your home.

You will not be asked about your citizenship status.

Why am I being asked about race and origin?

This information helps federal agencies monitor compliance with anti-discrimination provisions, such as the Voting Rights Act and the Civil Rights Act.

What is MeckCounts 2020?

It is a local campaign to ensure that every resident of Mecklenburg County is counted in the 2020 Census. It is led by the **Mecklenburg County Complete Count Committee**, a diverse group of community members.

How can I help ensure a complete count?

The **Complete Count Committee** is looking for trusted people and organizations to help get the word out about the importance of the census. For more information visit MeckCounts2020.com.

Can I work for the census?

The **U.S. Census Bureau** is recruiting for a variety of temporary jobs. To learn more go to www.2020census.gov/en/jobs.html.

For more Frequently Asked Questions and details, visit MeckCounts2020.com.



In the census, every person matters and should be counted.

Make It Count!

MeckCounts2020.com



How the 2020 Census will invite everyone to respond

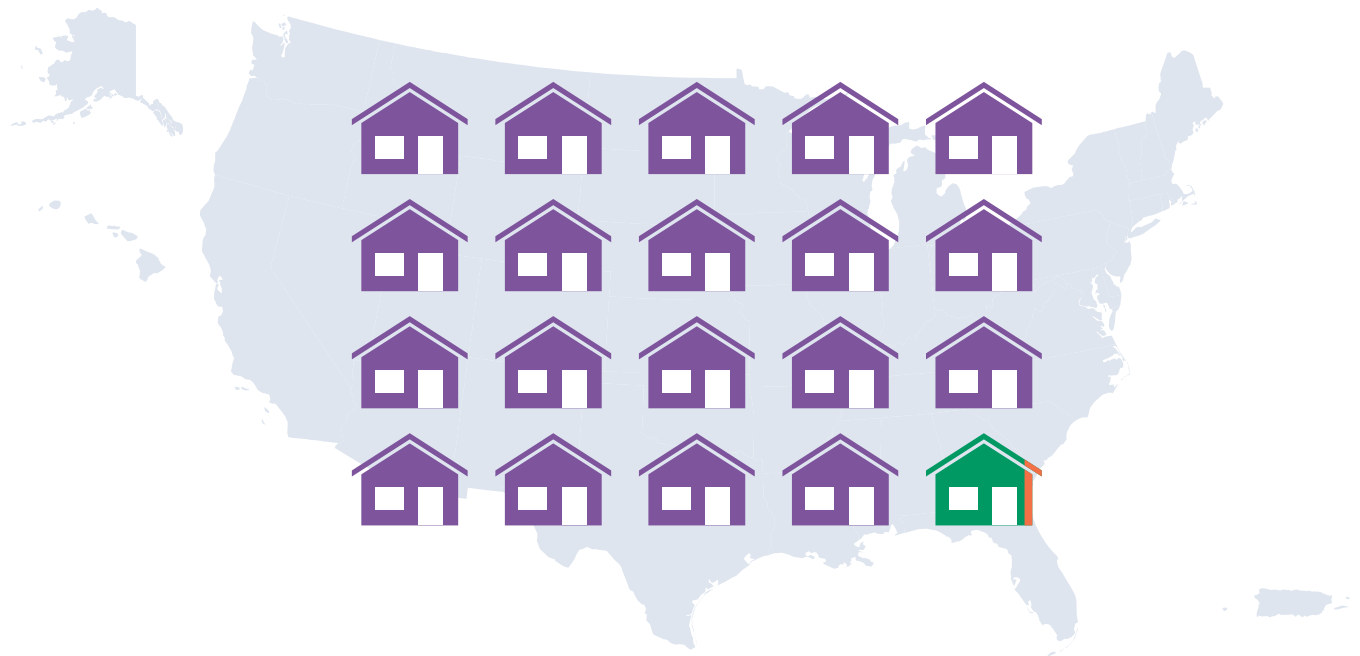


Every household will have the option of responding online, by mail, or by phone.

Nearly every household will receive an invitation to participate in the 2020 Census from either a postal worker or a census worker.



95% of households will receive their census invitation in the mail.



Almost 5% of households will receive their census invitation when a census taker drops it off. In these areas, the majority of households may not receive mail at their home's physical location (like households that use PO boxes or areas recently affected by natural disasters).



Less than 1% of households will be counted in person by a census taker, instead of being invited to respond on their own. We do this in very remote areas like parts of northern Maine, remote Alaska, and in select American Indian areas that ask to be counted in person.

(This is separate from our follow-up efforts; census takers will visit all households that were invited to respond on their own and haven't.)

Note: We have special procedures to count people who don't live in households, such as students living in university housing or people experiencing homelessness.

How the 2020 Census will invite everyone to respond



What to Expect in the Mail

When it's time to respond, most households will receive an invitation in the mail.

Every household will have the option of responding online, by mail, or by phone.

Depending on how likely your area is to respond online, you'll receive either an invitation encouraging you to respond online or an invitation along with a paper questionnaire.

Letter Invitation

- Most areas of the country are likely to respond online, so most households will receive a letter asking you to go online to complete the census questionnaire (or to respond by phone).
- We plan on working with the U.S. Postal Service to stagger the delivery of these invitations over several days. This way we can spread out the number of users responding online, and we'll be able to serve you better if you need help over the phone.

Letter Invitation and Paper Questionnaire

- Areas that are less likely to respond online will receive a paper questionnaire along with their invitation. The invitation will also include information about how to respond online or by phone.

WHAT WE WILL SEND IN THE MAIL	
On or between	You'll receive:
March 12-20	An invitation to respond online to the 2020 Census. (Some households will also receive paper questionnaires.)
March 16-24	A reminder letter.
	If you haven't responded yet:
March 26-April 3	A reminder postcard.
April 8-16	A reminder letter and paper questionnaire.
April 20-27	A final reminder postcard before we follow up in person.

We understand you might miss our initial letter in the mail.

- Every household that hasn't already responded will receive reminders and will eventually receive a paper questionnaire.
- It doesn't matter which initial invitation you get or how you get it—we will follow up in person with all households that don't respond.

REQUEST FOR BOARD ACTION

 **Print**

Date of Meeting: January 6, 2020

To: Mayor and Board of Commissioners

From: Aaron Tucker- Assistant Planning Director

Action Requested:

The Cornelius Historic Preservation Committee voted to recommend that the Cornelius Town Board approve the landmark designation of the Cornelius Elementary School Ag Building.






The Mecklenburg Historic Landmarks Commission also voted to recommend the Cornelius Elementary School Ag Building receive landmark designation. The Agricultural (Ag) building at Cornelius Elementary School is one of a collection of buildings in Mecklenburg County that were built as a part of the New Deal under President Franklin Delano Roosevelt. There are two Ag buildings in Huntersville that were designated as Historic Landmarks in 1992 (Huntersville Elementary and Long Creek Elementary). The Landmarks Commission did not have jurisdiction in Cornelius in 1992 and that is the likely reason that our AG building was not included at the same time with the Huntersville designations. The building is owned by Charlotte Mecklenburg Schools(CMS). CMS takes no position to advocate or oppose historic designation status on its properties.

While the building and grounds are eligible for designation, the attached ordinance proposes designation for the building only.

Manager's Recommendation:

Approval of an Ordinance to designate the Cornelius Elementary School Agricultural Building as an historic landmark.

ATTACHMENTS:

Name:	Description:	Type:
 Cornelius_Ag_Bldg_Cover.pdf	Cornelius Ag Building Cover	Backup Material
 Cornelius-Ag-Bldg-SR-2.2.pdf	Ag Building Report	Backup Material
 RES-Designation_of_Cornelius_Elementary_Ag_Building.doc	Designation Ordinance	Ordinance
 Mecklenburg_County_Cornelius_Cornelius_HS_Ag_Bldg_HPO_Response_1.18.19.pdf	SHPO Letter	Backup Material
 Cornelius_Ag_Building.pdf	Staff Presentation	Presentation

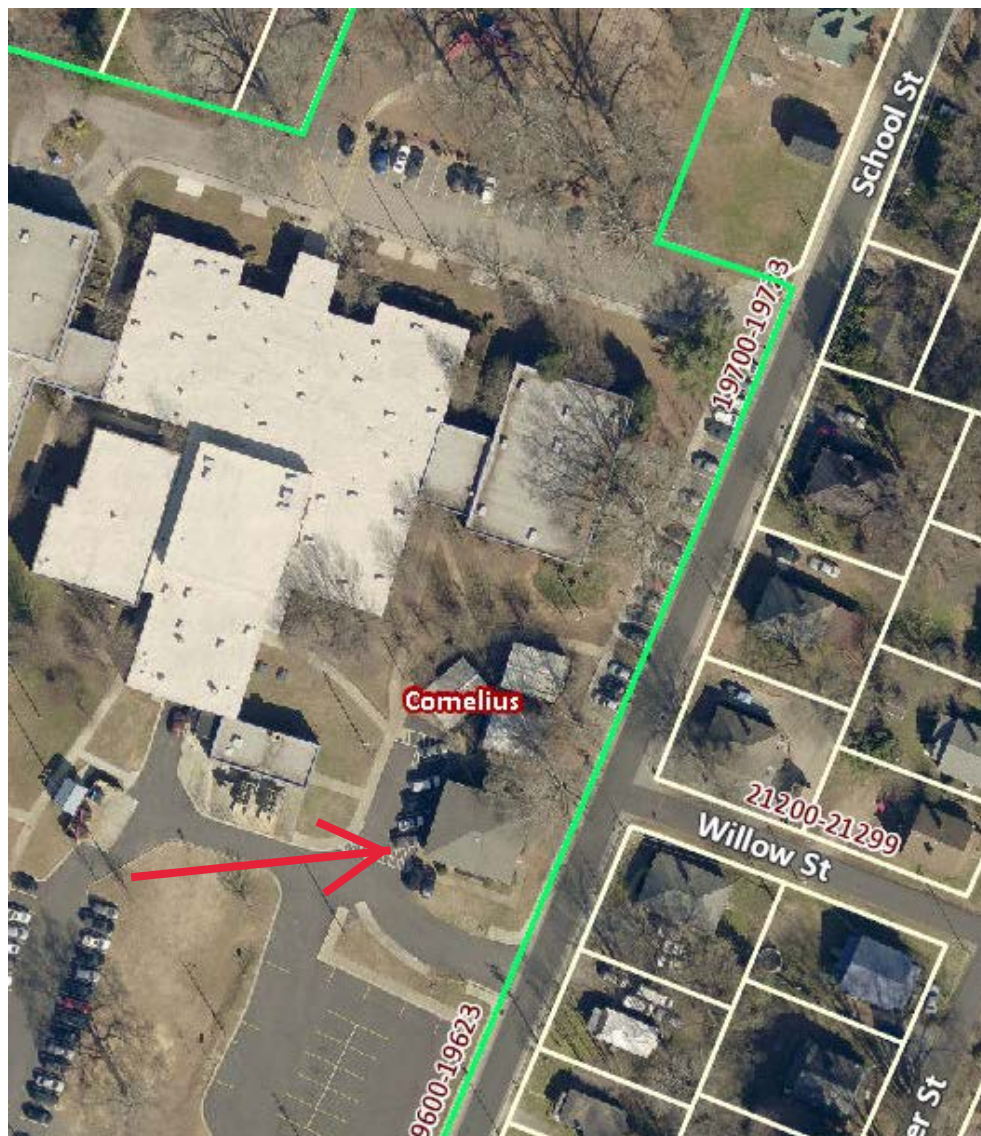
Cornelius High School Agriculture Building
21126 Catawba Avenue



c. 1960

The Cornelius High School Agriculture Building is one of two surviving agriculture buildings of the four that were erected in Mecklenburg County in 1937-38 and funded by the P.W.A. The school building illustrates the efforts of the Mecklenburg County School System to assist farmers and aspiring farmers to gain the knowledge and skills demanded by an increasingly complex era of agricultural practice. The Cornelius High School Agriculture Building was designed by Willard G. Rogers, an architect of local and regional importance, and is a sophisticated example of a Classical Revival style institutional structure used for educational purposes in Mecklenburg County.

The Charlotte-Mecklenburg Historic Landmarks Commission has voted to recommend to the Town of Cornelius that the exterior of the school building and approximately .22 acres of land be designated a local historic landmark.





**Survey and Research Report
On The
Cornelius High School Agriculture Building**

October 30, 2018



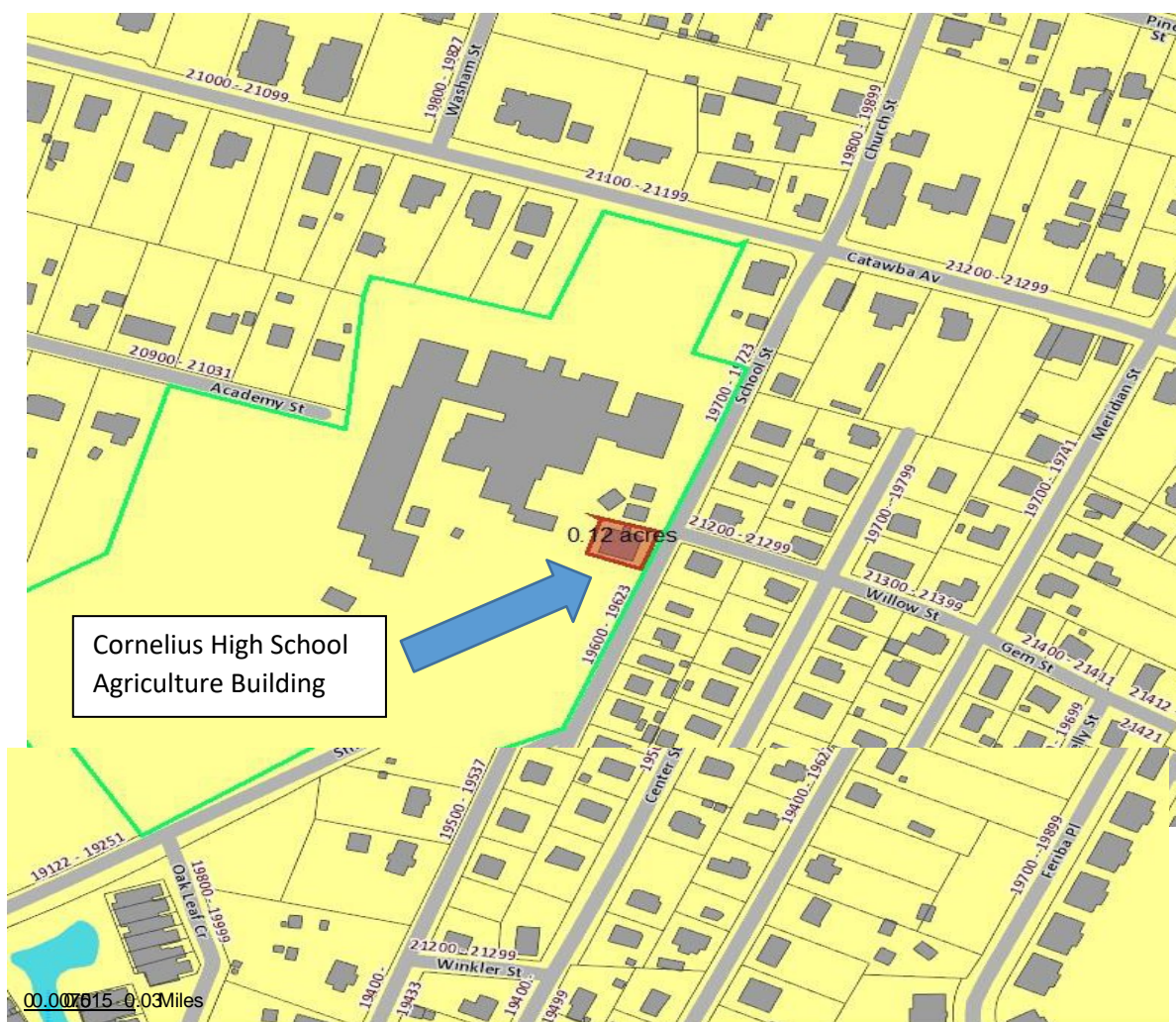
Cornelius High School Agriculture Building (c. 1960)



Cornelius High School Agriculture Building (2018)

1. **Name And Location Of The Property.** The Cornelius High School Agriculture Building is located on the Campus of the Cornelius Elementary School at 21126 Catawba Avenue in Cornelius, North Carolina.
2. **Name And Address Of The Present Owner Of The Property.**

Charlotte Mecklenburg Board of Education
P.O. Box 30035
Charlotte, N.C. 28230
3. **Representative Photographs Of The Property.** The report contains representative photographs of the property.
4. **Map Depicting The Location Of The Property.** This report contains a map depicting the location of the property.



5. Current Deed Book Reference To The Property. The most recent deed to the property is recorded in Deed Book 22025 at Page 514. The tax parcel number of the property is 00520129.

6. A Brief Historic Sketch Of The Property. The report contains a brief historical sketch of the property prepared by Dr. Dan L. Morrill.

7. A Brief Physical Description Of The Property. The report contains a brief physical description of the property prepared by Dr. Dan L. Morrill.

8. Documentation Of Why And In What Ways The Property Meets The Criteria For Designation Set Forth In N.C.G.S. 160A-400.5.

a. Special Significance In Terms Of Its History, Architecture, And/Or Cultural Importance. The Charlotte-Mecklenburg Historic Landmarks Commission judges that the Cornelius High School Agriculture Building possesses special significance in terms of Mecklenburg County. The Commission bases its judgment on the following considerations:

- 1) The Cornelius High School Agriculture Building is one of two surviving agriculture buildings of the four that were erected in Mecklenburg County in 1937-38 and funded by the P.W.A.
- 2) The Cornelius High School Agriculture Building illustrates the efforts of the Mecklenburg County School System to assist farmers and aspiring farmers to gain the knowledge and skills demanded by an increasingly complex era of agricultural practice.
- 3) The Cornelius High School Agriculture Building was designed by Willard G. Rogers, an architect of local and regional importance.
- 4) The Cornelius High School Agriculture Building is a sophisticated example of a Classical Revival style institutional structure used for educational purposes in Mecklenburg County.

b. Integrity Of Design, Setting, Workmanship, Materials, Feeling, And/Or Association. The Charlotte-Mecklenburg Historic Landmarks Commission judges that the physical description of the Cornelius High School Agriculture Building included in this report demonstrates that the Cornelius High School Agriculture Building meets this criterion.

- 1) Location: The Cornelius High School Agriculture Building retains a degree of integrity in reference to its location, as the building remains at its original site of construction.
- 2) Design: Changes to the exterior of the Cornelius Agriculture Building have affected the building's historical integrity. The original front door and sidelights have been replaced with a slab door and brick in-fill. Of the original six windows on the upper story of the façade of the building, three have been removed along with their masonry sills and in-filled with brick. The opening for a fourth window has been partially in-filled with brick to accommodate a shorter window. On the basement level, six short windows along with sills have been removed and in-filled with brick. Despite these changes, the façade retains a good degree of its historic character. Most notable is the surviving hipped-porch supported by original tapered posts and pilaster, with surviving brick cheek walls. The west elevation is largely intact, with the exception of the northmost window opening on upper story, which has been in-filled with brick. On the east elevation the northmost window opening on upper story has been in-filled, and a large opening in the basement level has been partially in-filled with brick and a modern slab door. On the rear elevation all of the windows and sills have been removed and the openings have been in-filled with brick. The third window opening from the east elevation on the upper story has been expanded to contain a metal door connecting to a fire escape. Four large HVAC grills have been

cut into the rear elevation. Despite these changes to the building, the Cornelius Agriculture Building has retained sufficient design integrity for local historic landmark status. The building's materials and form have largely been retained. Even in-filled, the window openings convey the original design of the fenestration.

3) **Setting:** The Cornelius High School Agriculture Building is located on the campus of the Cornelius Elementary School. While the other buildings on the campus date from the late 20th century, the Cornelius High School Agriculture Building is somewhat isolated to the south of the newer buildings and the streetscape along School Street has retained a reasonable degree of historic integrity.

4) **Workmanship:** The Cornelius High School Agriculture Building retains its primary form and many of its exterior architectural features demonstrating workmanship.

5) **Materials:** The Cornelius High School Agriculture Building retains many of its exterior architectural features demonstrating a good retention of historic materials.

6) **Feeling:** The Cornelius High School Agriculture Building retains a high degree of historic feeling as an early-twentieth-century school building.

7) **Association:** The Cornelius High School Agriculture Building does not claim historic relevance based on association.

9. **Ad Valorem Tax Appraisal.** The Commission is aware that designation would allow the owner to apply for an automatic deferral of 50% of the Ad Valorem taxes on all or any portion of the property that becomes a designated "historic landmark." The Cornelius High School Agriculture Building is exempt from the payment of Ad Valorem taxes.

Date Of The Preparation Of This Report: October 30, 2018 (updated 12-01-19)

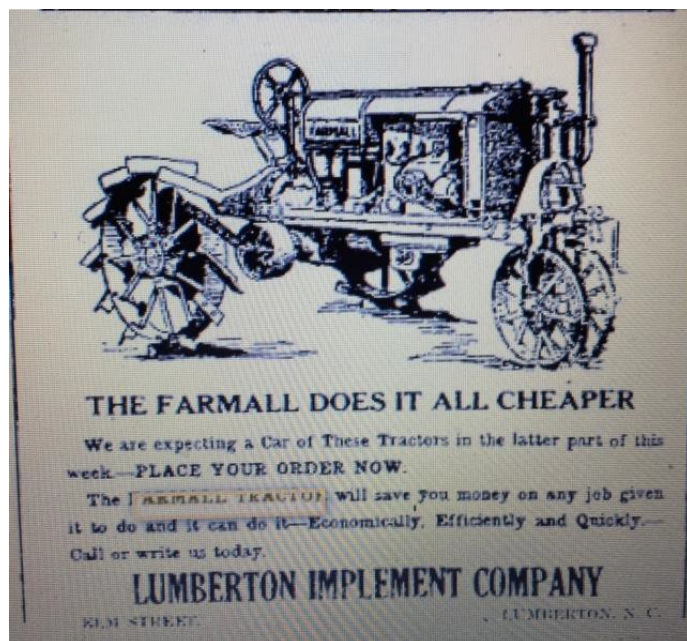
Prepared By: Dr. Dan L. Morrill (updated by Stewart Gray)

A Brief History Of The Cornelius High School Agriculture Building

**Dr. Dan L. Morrill
October 30, 2018**



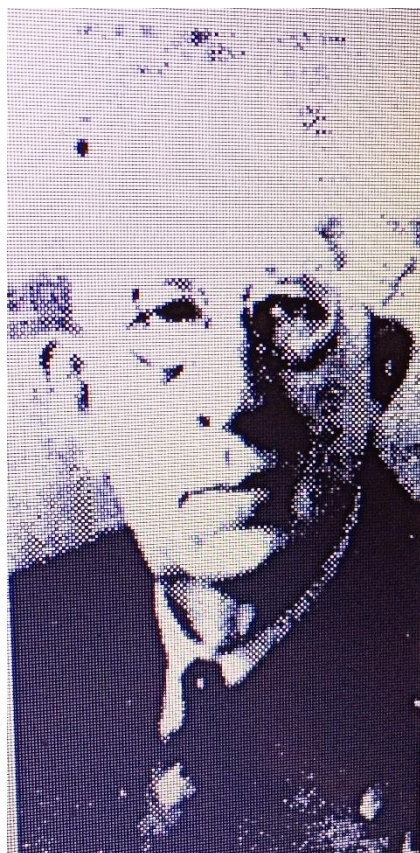
The special significance of the Cornelius High School Agriculture Building is best understood within the context of major changes that were impacting agricultural education in the United States during the 1920s and 1930s. Educators could not ignore the technological innovations that were transforming the rural landscape. Because of the introduction of mechanized farm equipment, such as International Harvester's Farmall tractor in 1924, agriculturalists, to be successful, had to broaden and deepen their understanding of mechanics and other scientific and technological subjects.¹ The discovery and production of chemical fertilizers and herbicides meant that farmers could no longer rely exclusively upon the techniques for preparing and enriching the soil that had been passed down from generation to generation. "The new tools required more specialized skills from farm operators," writes historian Paul K. Conkin.² Rural electrification also had a profound impact upon the daily routine of farm life and contributed greatly to the need for new learning. In 1935, three percent of North Carolina farms had electricity. By 1940, the number had risen to twenty-four percent.³ School systems had no choice but to prepare farmers for this novel age. Educators throughout North Carolina and the United States as a whole responded to the need for curricular adjustments in agriculture. They erected buildings to accommodate the students, both teenagers and adults, who needed to learn how to survive in the modern era. The Mecklenburg County Schools was no exception. On June 8, 1936, the Mecklenburg County Board of Education approved the creation of an Agricultural Department at Cornelius High School.⁴



President Roosevelt's New Deal programs assisted local school systems by co-funding the construction of schools, including agriculture buildings. On February 20, 1937, Charlotte businessman John L. Grice, Director of the Fourth North Carolina District of the Public Works Administration (PWA), announced that the PWA had approved Federal funding for "four new agriculture buildings" in Mecklenburg County. The Mecklenburg County Schools would contribute \$4,299 in money and materials for each building, and Washington would provide \$3,084 for each. The agriculture buildings would be erected at Berryhill High School, Matthews High School, Derita High School, and Cornelius High School. "The

buildings," said the *Charlotte Observer*, "will be the first of their kind to be constructed in Mecklenburg County, though many have been erected in various parts of this district and others.⁵ Only the Cornelius and Matthews buildings of the original four are extant.

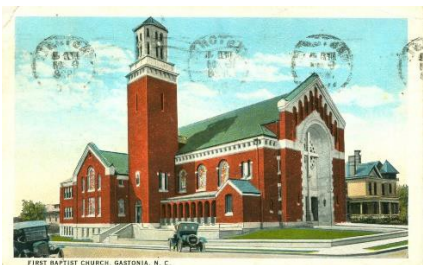
The architect of the Cornelius High School Agriculture Building was Willard G. Rogers (1864?-1947).⁶



Interestingly, the contract approved by the Mecklenburg County Schools was not with individual architects. It was instead with Charlotte Architects Associated (CAA), an organization that included all architects in the city.⁷ The Board of Education left the selection of architects for each project to Charlotte Architects Associated. One can infer that the Mecklenburg County Schools were seeking to assure that all architects would be awarded an equitable share of the work at a time of severe economic distress such as the Great Depression. Contractual arrangements stipulated that architects would receive four percent of the total construction costs for design and two percent for supervision.⁸ Construction of the Cornelius High School Agriculture Building began in September 1937.⁹

Willard G. Rogers had a long and distinguished career in Charlotte and its environs. A native of Cincinnati, Ohio, Rogers first worked in his father's firm, lived for several years in Atlanta, and came to Charlotte in 1900. In 1905, he joined with Charles Christian Hook (1870-1938) in forming the partnership Hook & Rogers. In 1916, Rogers established his own office and continued to design notable structures throughout the Piedmont.¹⁰ They included the Catawba County Court House in Newton, the Haywood County Court House

in Waynesville, the First Baptist Church in Gastonia, a remodeling of the Charlotte Masonic Temple on South Tryon Street, and the Wilder Building and the Southern Manufacturers Club in center city Charlotte. Rogers also prepared plans for noteworthy homes, including the Lemuel Harvey House in Lincolnton, the B. G. Thompson House in Greensboro, and the A. E. White House in Lumberton.¹¹



First Baptist Church In Gastonia.



Catawba County Court House.



Haywood County Court House.

W. G. Rogers had ancestors who had been important architects, even nationally. His grandfather, Isaiah Rogers, had played a major part in designing the U.S. Treasury Building in Washington, D.C.¹² It is not surprising that Rogers excelled in drawing plans for structures in revivalist and traditional styles, such as the Classical Revival style Cornelius High School Agriculture Building. Certainly, the fact that W. G. Rogers was the architect contributes to the special historical and cultural significance of the Cornelius High School Agriculture Building.



Cornelius Elementary Class 1948.



Cornelius High School Graduating Class 1948.



Celebration Of Rural Electrification In North Carolina During The Great Depression.

Four New Deal agriculture buildings survive in Mecklenburg County. In addition to the Cornelius High School Agriculture Building, there is one at the former site of the Huntersville High School, one at the former location of the Long Creek High School, and another at the former site of the Matthews High School. The form, features, scale, and style of these four structures are strikingly similar. All are one-story, frame buildings, clad in brick laid in running bond. All have raised basements. All have entrance porticos in the middle bay of the front facade. All have regularly punctuated double hung sash windows. All are Classical Revival style. Archival photographs of destroyed Mecklenburg County agriculture buildings reveal that they too were similar architecturally. One might argue that the Public



Huntersville High School Agriculture Building



Long Creek Agriculture Building



Matthews High School Agriculture Building



Pineville High School Agriculture Building



Derita High School Agriculture Building



Oakhurst High School Agriculture Building

Works Administration provided a standard plan for buildings it co-funded. Disproving that contention was architect Charles Connely's design for the Berryhill High School Agriculture Building.¹³ It resembled a residence. A more likely explanation for the similarity of design of all but one of the agriculture buildings erected in Mecklenburg County was the influence exercised by Charlotte Architects Associated and the Mecklenburg County Board of Education. Not allowing architects to bid individually for projects increased opportunities for standardization.



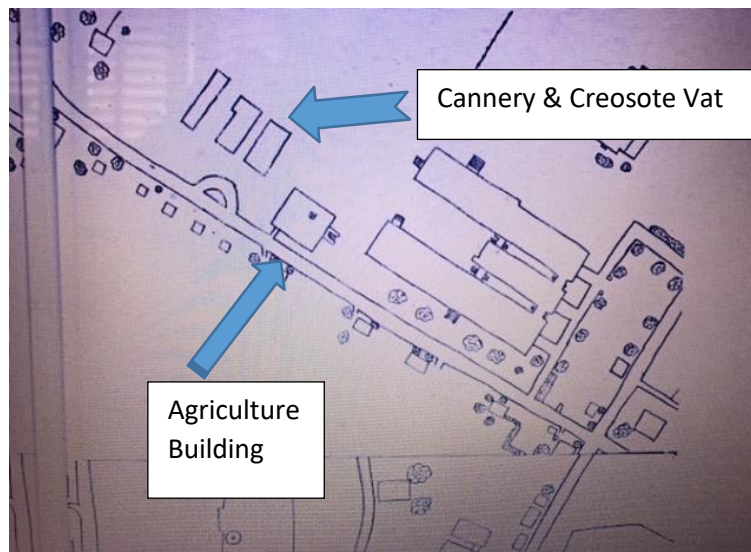
Berryhill High School Agriculture Building

Edward Basil Bost (1933-Present) graduated from Cornelius High School in 1951, which was its final year of operation. All male students, including Bost, had to take four years of classes in the Agriculture Building. Bost remembers his teacher, C. O. Davis, with great respect. According to Bost, “C. O. Davis knew everything, and he taught it to us.” “Mr. Davis prepared us for life as we live it.” “It was not just agriculture,” says Bost, “in the bottom of the building, that was all shop.” Woodworking, welding, and other trade skills were part of the curriculum. The shop had band saws, lathes, joiner planers, whole board planers, metalworking tools. “I probably learned more in that building,” declares Bost, “than I did in all of the high school buildings.” Bost established and maintained a vegetable garden as a class project. He even learned how to castrate pigs and cows. In the shop he learned how to build cedar chests and other woodworking projects.¹⁴

Behind the Cornelius High School Agriculture Building was a cannery. Mr. Davis and the students ran the facility. Farmers would bring vegetables and fruits there to be canned. This was the only way to preserve perishables in the days before home freezers. “The cannery had the whole setup,” explains Bost, “with the steamers and cookers, peelers and cutters, and everything; and the farmers would bring their goods in and can right there.” Mr. Davis and the students also operated a Creosote Vat. Its principal purpose was the production of durable fence posts for enclosures on the farm.¹⁵ The 1947 *Cornelian*, the yearbook of Cornelius High School, reported the accomplishments of the Agriculture Department that year. Among them was: “Sponsored and financed a 20-foot creosote vat for constructing building materials and posts.” The Agriculture Building is “where we were prepared for life,” says Bost.¹⁶



C. O. Davis, Agriculture Teacher at Cornelius High School (1948).



Map of Cornelius High School (1947).



Cornelius High School. Auditorium Center. Elementary School Right. High School Left.



Freshman Class Picture (1948). Edward Basil Bost Is Second From Left On First Row.

Note: *Charlotte-Mecklenburg Schools did not provide permission for access to the interior of the Cornelius High School Agriculture Building nor did the owner give written permission for landmark designation for the interior of the building. Staff recommends historic landmark designation of the*

exterior of the Cornelius High School Agriculture Building and a parcel of land running along the western edge of right-of-way of School Street, extending from the School Street right-of-way in perpendicular lines that are 15 feet from the southernmost and northernmost portions of the Cornelius High School Building and that extend 15 feet beyond the westernmost portions of the Cornelius High School Agriculture Building, and a line connecting the western ends of the aforementioned perpendicular lines.

**Physical Description
Of The Cornelius High School
Agriculture Building**



The Classical Revival style Cornelius High School Agriculture Building is located on the campus of Cornelius Elementary School at 21126 Catawba Avenue in Cornelius, N.C. It originally stood to the immediate rear of the building that housed high school classrooms at the Cornelius School.¹⁷ The main or upper floor contained two classrooms. The shop occupied the entire basement level.¹⁸

The Agriculture Building occupies a gently eastward-sloping, mostly treeless, site to the immediate west of School Street. It is a north-facing, one-story, wood-frame, red brick-clad building laid in running bond. It is surmounted by a hipped roof of architectural shingle. The Agriculture Building has deep soffits. It is seven bays wide and seven bays deep. All windows are double-hung sash. Those on the first floor are 6/6, have masonry sills, masonry keystones and lentils, and are topped by brick laid in a soldier course with a masonry keystone at the center. The windows on the raised basement are smaller. They are also 6/6. A soldier brick course marks the dividing line between the main floor and the raised basement and circumvents the entire building.





The entrance to the main floor of the Cornelius Agriculture Building is at the center of the northern façade. Two tapering attenuated wooden columns with Tuscan capitals support a rectangular portico with a hipped roof of architectural shingle. Pilasters of identical design flank a replacement front door. Metal handrails and brick cheek walls with masonry caps flank seven masonry steps that rise to the portico floor.

The Cornelius High School Agriculture Building has experienced some modification since the 1960s, but the overall form and Classical Revival features of the building have been retained. All of the windows on the rear of the building have been infilled with brick, except for one, which has been replaced with a solid door. A metal stairway leads from that rear door to ground level. Four large openings containing metal HVAC grates have been cut into the rear wall. A door near the back of the eastern façade originally provided access and egress to and from the shop. It has been narrowed with brick infill, and a replacement solid door has been installed. The main floor front window on the eastern

façade has been infilled with brick. The main floor front window on the western façade has been partially infilled with brick, and a 2/2 window has been installed. As for the front façade, three windows have been infilled with brick, and the one immediately east of the front portico has been partially infilled with a 3/3 window added. Finally, a wooden panel covers the front basement window on the western façade of the building.





**These Berryhill High School students
are working in a shop very much like
the shop that operated at the Cornelius High School
Agriculture Building.**

¹ North Carolina made its first commitment to vocational public education in 1911. The General Assembly provided funding for the establishment of ten "Farm-Life Schools" to teach agriculture and home economics. Between 1911 and 1917, twenty-one Farm-Life Schools opened in North Carolina. A major impetus for vocational education occurred in February 1917, when Congress passed the Smith-Hughes Act, thereby sending Federal money to the States to support instruction in agriculture, home economics, trade and industrial education, distributive education, occupational information and guidance, and vocational rehabilitation. Agricultural classes were not limited to high school students. Instruction was also given to farm children who had dropped out of school and to farmers and farm women who felt the need for instruction and information on farming. Home economics and agriculture science departments were established in existing high schools. Students were encouraged to have joint projects. Educators stressed that a farm family should be a unit working together in the closest harmony. No less important was the establishment of extension programs in institutions of high education, such as North Carolina State. (See "The Federal Government and Vocational Education in the South," *The High School Journal*, Vol. XXVIII, March-April, 1945, No. 2, p. 65-85.

² Paul K. Conkin, *A Revolution Down On The Farm. The Transformation of American Agriculture since 1929* (Lexington: University of Kentucky Press, 2008), 100.

³ See <https://www.ncpedia.org/rural-electrification>

⁴ *Minutes of the Mecklenburg County Board of Education*, July 8, 1936. Hereinafter cited as *Minutes*.

⁵ *Charlotte Observer*, February 21, 1937. There were earlier Agriculture Buildings in Mecklenburg County. These were the first PWA-funded Agriculture Buildings erected in Mecklenburg County. There was an earlier structure erected at Oakhurst High School (see *Minutes*, January 5, 1937).

⁶ *Charlotte Observer*, December 25, 1936; April 9, 1937. *Minutes*, March 10, 1937; April 22, 1937. Rogers's death certificate gives birth date as "abt. 1864."

⁷ *Charlotte Observer*, November 6, 1936; January 6, 1937.

⁸ *Minutes*, January 6, 1937.

⁹ *Charlotte Observer*, August 30, 1937.

¹⁰ <http://ncarchitects.lib.ncsu.edu/people/P000246>

¹¹ *Charlotte Observer*, April 10, 1938. <http://ncarchitects.lib.ncsu.edu/people/P000246>

¹² *Charlotte Observer*, April 10, 1938. <http://ncarchitects.lib.ncsu.edu/people/P000246>

¹³ *Charlotte Observer*, December 25, 1936; April 9, 1937. *Minutes*, March 10, 1937; April 22, 1937.

¹⁴ Interview of Edward Basil Bost by Dr. Dan L. Morrill, September 18, 2018. Hereinafter cited as *Interview*.

¹⁵ *Interview*.

¹⁶ *Cornelian*, 1947

¹⁷ The Cornelius School contained grades one through twelve.

¹⁸ *Interview*.

“CORNELIUS HIGH SCHOOL AGRICULTURE BUILDING” (LISTED UNDER TAX PARCEL NUMBER 00520129 IN THE MECKLENBURG COUNTY TAX OFFICE, CHARLOTTE, NC AS OF OCTOBER 1, 2019 AND INCLUDING THE EXTERIOR OF THE 1937 CORNELIUS HIGH SCHOOL AGRICULTURE BUILDING AS SHOWN ON THE ATTACHED MAP). THE PROPERTY IS OWNED BY CHARLOTTE-MECKLENBURG SCHOOLS AND IS LOCATED AT 21126 CATAWBA AVENUE, CORNELIUS, NC.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the Board of Commissioners of the Town of Cornelius, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 6th day of January 2020, on the question of designating a property known as the Cornelius High School Agriculture Building as an historic landmark; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at a public hearing held on the 9th day of December 2019, on the question of designating a property known as the Cornelius High School Agriculture Building as an historic landmark; and

WHEREAS, the Cornelius High School Agriculture Building is one of two surviving agriculture buildings of the four that were erected in Mecklenburg County in 1937-38 and funded by the PWA; and

WHEREAS, the Cornelius High School Agriculture Building illustrates the efforts of the Mecklenburg County School System to assist farmers and aspiring farmers to gain the knowledge and skills demanded by an increasingly complex era of agricultural practice; and

WHEREAS, the Cornelius High School Agriculture Building was designed by Willard G. Rogers, an architect of local and regional importance; and

WHEREAS, the Cornelius High School Agriculture Building is a sophisticated example of a Classical Revival style institutional structure used for educational purposes in Mecklenburg County; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the Cornelius High School Agriculture Building

possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the Cornelius High School Agriculture Building is owned by Charlotte-Mecklenburg Schools.

NOW, THEREFORE, BE IT ORDAINED by the members of the Board of Commissioners of the Town of Cornelius, North Carolina:

1. That the property known as the “Cornelius High School Agriculture Building” (listed under Tax Parcel Number 00520129 in the Mecklenburg County Tax Office, Charlotte, NC as of October 1, 2019 and including the exterior of the 1937 Cornelius High School Agriculture Building as shown on the attached map) is hereby designated as an historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at 21126 Catawba Avenue, Cornelius, NC. Exterior features are more completely described in the *Survey and Research Report on the Cornelius High School Agriculture Building (2018)*.
2. That said exterior is more specifically defined as the historic and structural fabric, especially including all original exterior architectural features.
3. That said designated historic landmark may be materially altered, restored, moved or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.
4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.
5. That a suitable sign may be posted indicating that said property has been designated as a historic landmark and containing any other appropriate

information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the historic landmark known as the Cornelius High School Agriculture Building be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the Town Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.
7. That which is designated as a historic landmark shall be subject to Chapter 160A, Article 19, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the 6th day of January, 2020.

Woody Washam, Jr., Mayor

ATTESTED:

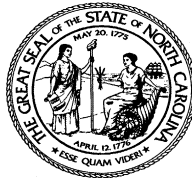
APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Town Attorney

Exhibit A





**North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary Susi H. Hamilton

Office of Archives and History
Deputy Secretary Kevin Cherry

January 18, 2019

Stewart Gray
Preservation Planner
Charlotte-Mecklenburg Historic Landmarks Commission
2100 Randolph Road
Charlotte, NC 28207

RE: Proposed Designation of the Cornelius High School Agriculture Building, 21126 Catawba Avenue, Cornelius, Mecklenburg County

Dear Mr. Gray:

Thank you for the report we received on the proposed designation of the Cornelius High School Agriculture Building located at 21126 Catawba Avenue in Cornelius. We have reviewed the report and offer the following comments.

The Cornelius High School Agriculture Building possesses special local significance in the areas of education and architecture. As stated in the designation report, this PWA-funded agricultural education building, erected between 1937 and 1938, was among the first of its type in Mecklenburg County. The building is a significant reminder of how Mecklenburg County's rural and agricultural landscape were shaped by the technological advances of the early 1900s, and the correlative shift in the educational curriculum to prepare local youth for industrialized farming practices. The Cornelius High School Agriculture Building also possesses special local significance for architecture, as an excellent local example of a modestly interpreted Classical Revival style PWA building and a significant local example of the work of a regionally important architect, Willard G. Rogers.

We have shared recommendations with staff for minor changes to the report. With the recommended revisions, the designation report will provide the Charlotte-Mecklenburg Historic Landmarks Commission and the local governing board sufficient information to determine whether the Cornelius High School Agriculture Building possesses the requisite special significance and integrity for landmark designation.

Landmark designation means the community recognizes the property is worthy of preservation because of its special significance to the local community. Any substantial changes in design, materials, and appearance to the property is subject to the design review procedures of the preservation commission.

If the local governing board wishes to extend the Commission's design review authority to significant features of the interior, the owner must give written consent. The designation ordinance must specify the features and describe the nature of the Commission's design review authority over them.

Thank you for the opportunity to comment on the report. Please note, our comments are advisory only and therefore, nonbinding. Once the governing board has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission, it should proceed in the same manner as would otherwise be required for an amendment to the zoning ordinance. Once the decision has been made, please return a completed copy of the enclosed form to our office.

This letter serves as our comments on the proposed designation of the Cornelius High School Agriculture Building. Please contact me at 919-814-6575 should you have any questions about our comments.

Sincerely,

A handwritten signature in blue ink that reads "Amber E. Stimpson". The signature is fluid and cursive, with a large loop at the end of the last name.

Amber E. Stimpson
Local Preservation Commissions / CLG Coordinator

CC: Commission Chair

Enclosure

Ag Building

Potential Historic Landmark Designation





Ag Building

- Location: 21126 Catawba Ave (on Cornelius Elementary Property)
- This building is part of a collection of similar buildings in Mecklenburg County
- Built as part of the New Deal under President Franklin D. Roosevelt
- Used for Agricultural Education when Cornelius Elementary was the high school
- Since this building is owned by CMS and is already tax exempt



- The Town's Historic Preservation Committee voted to designate the Ag building.
- On December 9, 2019 the Mecklenburg County Historic Landmarks Commission voted to designate the Ag building as a Historic Landmark.
- This does not include the land under the building, only the building itself.

Mecklenburg County Historic Landmarks Commission

- Stewart Gray is the Senior Preservation Planner and the staff liaison for the Town of Cornelius.
- Stewart Gray will explain the process for designation.

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: January 6, 2020

To: Mayor and Board of Commissioners

From: Becky Partin, Senior Planner

Action Requested:

In 2019, Governor Cooper signed the "Craft Beer Distribution and Modernization Act" (HB363) into law. The law allows microbreweries to produce and sell up to 100,000 barrels of malt beverages annually.

The Planning Board unanimously recommends changes to the definitions, use table, and uses permitted with conditions in the Land Development Code, in accordance with HB363:

- Modify the definition of a microbrewery to be an establishment where up to 100,000 barrels of beer and malt beverages are made on the premises and sold/distributed. The current limit is 15,000 barrels.
- Modify the definition of a large brewery to be an establishment where 100,000 or more barrels of beer and malt beverages are made on the premises and sold/distributed.
- Remove large brewery as a use allowed in Business Campus.

Manager's Recommendation:

Approve an Ordinance to amend Land Development Code, Chapters 2, 5 and 6 as presented.

ATTACHMENTS:

Name:	Description:	Type:
 ORD-TA_02-19_Breweries.pdf	ORD TA 02-19 Breweries	Ordinance
 HB_363.pdf	House Bill 363	Backup Material
 TA_02-19_Breweries.pdf	Staff Presentation	Presentation

**AN ORDINANCE TO AMEND THE TOWN OF CORNELIUS
LAND DEVELOPMENT CODE**

WHEREAS, the Town Board of Commissioners on March 19, 2018 adopted an ordinance which regulates the classification and use of property within its zoning jurisdiction, including its extra-territorial jurisdiction; and,

WHEREAS, proper statutory notice of public hearing on the issue of amending the Cornelius Land Development Code has been provided through advertisement in a newspaper of general circulation in the Town; and,

WHEREAS, the Planning Board of the Town of Cornelius has recommended that the Town Board of Commissioners amend the Cornelius Land Development Code; and

WHEREAS, a public hearing on the amendment has been held by the Town Board of Commissioners on January 6, 2020.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius, North Carolina that the following chapters of the Land Development Code be amended as shown in Exhibit A:

- Chapter 2, Definitions
- Chapter 5, Zoning & Use Regulations
- Chapter 6, Uses with Conditions

Adopted this 6th day of January, 2020.

Woody T. Washam, Jr., Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Town Attorney

Exhibit A

TA 02-19: Breweries

MODIFY Section 2.6, Definitions, as follows:

Brewery, Large

An establishment where beer and malt beverages are made on the premises at an annual rate of ~~15,000~~ 100,000 or more barrels (~~~465,000 gallons~~) per year and may contain a taproom.

Brewery, Micro

An establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than ~~15,000~~ 100,000 barrels (~~~465,000 gallons~~) per year. The brewer may sell to a retailer or directly to a customer.

MODIFY Section 5.4.2, Table of Uses as follows:

<u>Use Category</u>	<u>RP</u>	<u>GR</u>	<u>NR</u>	<u>NMX</u>	<u>WMX</u>	<u>TC</u>	<u>VC</u>	<u>HC</u>	<u>BC</u>	<u>CO</u>	<u>IC</u>
Brewery, Large (100,000+ barrels)									PC		PC
Brewery, Micro (up to 100,000 barrels)				CZ	CZ	PC	PC	PC	PC	PC	PC

MODIFY Section 6.2.8, Brewery, Micro

- A. Production cannot exceed ~~15,000~~ 100,000 barrels (~~~465,000 gallons~~) of beer per year.
- B. Shall provide a taproom, except if located in IC.
- C. Outdoor storage of goods and materials shall not be permitted in the Neighborhood Mixed Use, Town Center, Village Center Districts, or Waterfront Mixed Use.
- D. Outdoor storage of goods and materials used in assembly, fabrication, or processing in the Business Campus, Corporate Office, and Highway Commercial Districts shall be screened from view, and shall not exceed twenty-five percent (25%) of the gross floor area of all buildings on a lot.
- E. ~~Must not operate outside the facility between the hours of 9:00 PM and 7:00 AM.~~
- F. A Type 'A' screening buffer is required where a microbrewery is adjacent to a residentially zoned property.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SESSION LAW 2019-18
HOUSE BILL 363

AN ACT TO CONFIRM THE STATE'S SUPPORT OF THE THREE-TIER SYSTEM FOR DISTRIBUTION OF MALT BEVERAGES AND THE FRANCHISE LAWS, TO MAKE ADJUSTMENTS TO MODERNIZE THE EXEMPTIONS TO THE THREE-TIER SYSTEM, AND TO PROMOTE THE GROWTH OF SMALL AND MID-SIZED INDEPENDENT CRAFT BREWERIES.

Whereas, the General Assembly reaffirms its support of the Beer Franchise Law and the three-tier system for the distribution of malt beverages and finds that the Beer Franchise Law and the three-tier system does all of the following:

- (1) Promotes consumer choice and product variety by providing a platform that enables new malt beverage products to come to market that might not otherwise be available to the consumer. These laws encourage wholesalers to make investments in their businesses necessary to expand distribution of new products and to allow large and small breweries alike an opportunity to enter the market through independent distribution. Wholesaler investments include adding resources such as warehouses, personnel, vehicles, equipment, merchandise, and marketing. Consumers have access to an exceedingly wide array of malt beverage products, unlike other industries that foster closed distribution networks and vertical integration.
- (2) Promotes the growth of the craft beer industry by providing suppliers with access to markets outside of the brewery. Brewers that use wholesalers are able to instantly access and utilize a wholesaler's established infrastructure in markets they may not otherwise be able to enter. Smaller breweries further benefit because wholesalers are able to act independently to carry all brands, from large and small suppliers. The goal of these laws is to allow brewers of all sizes to fairly compete in the marketplace and to access retailers of all sizes.
- (3) Helps ensure that the industry, as a whole, complies with the alcohol laws of this State. A wholesaler must remain independent and free from unfair conduct to promote responsible sales and marketing practices. Wholesaler independence also promotes and maintains fair dealing among industry participants. Ultimately, these measures protect consumers and the public from abuses that might occur absent the three-tier system.
- (4) Promotes a vibrant marketplace that carefully balances fair competition with health and public safety concerns. The Beer Franchise Law and the three-tier system ensure that all three tiers operate independently and on a level playing field so that no one participant or sector of the industry becomes too dominant over the others. These laws allow for fair checks and balances in the beer industry. Wholesaler independence further creates a transparent and accountable distribution system that assists in identifying improper marketing practices and potentially unsafe products when issues arise and provides brewers that engage a wholesaler with an established means to access new markets.



- (5) Prevents vertical integration of the manufacturing, distribution, and retail tiers. This still occurs in other countries today where adverse health and public safety effects are observed. The historical three-tier system model incorporated a deliberate regulatory structure that prevents monopolization. However, as the number of beer industry participants has grown substantially, it is necessary to make important adjustments to the three-tier system to promote the overall success of the beer manufacturing industry in North Carolina by recognizing the different stages of brewery development.
- (6) Assists in collecting excise taxes, particularly from nonresident suppliers. While self-distributing resident breweries are required to remit excise taxes directly to the Department of Revenue, wholesalers collect and remit the excise tax on malt beverages on behalf of resident and nonresident suppliers to the Department of Revenue, totaling approximately \$140 million in excise taxes each year to the State.
- (7) Promotes local regulatory control, temperance, and moderate consumption of malt beverages. The three-tier system in particular incorporates features to promote healthy competition in the marketplace while minimizing overly-aggressive marketing practices, such as limits on quantity discounts, requirements of nondiscriminatory treatment among wholesalers and retailers, and limits on advertising and promotional materials. The three-tier system also provides clear chain of custody for products in distribution, which enables law enforcement to easily track products in the marketplace when issues arise.
- (8) Provides a vital platform that promotes product safety for consumers. Malt beverage distributors invest heavily in infrastructure, such as modern warehouses and vehicles, that maintain product integrity during distribution. There are also strict record-keeping requirements, which enable wholesalers to readily track malt beverage products sold in the market for prompt return in the event of a product recall.
- (9) Encourages wholesalers, under the Beer Franchise Law, to invest capital and labor for suppliers of all sizes, large and small, to expand into new markets with new products. Unfair or arbitrary termination is prohibited, but suppliers who are subject to the Beer Franchise Law are still afforded the ability to terminate a distribution agreement for good cause. The Beer Franchise Law inhibits forced consolidation among wholesalers. The three-tier system also affords small retailers the same market access opportunities to the same wide selection of brands that other large-scale retailers have, and on equal terms.

Whereas, the General Assembly also reaffirms its support of the craft beer industry and makes the following findings:

- (1) The current small-brewery provisions of Chapter 18B of the General Statutes were intended to foster the growth of small craft breweries while simultaneously protecting wholesalers from the risk of economic uncertainty. Since the adoption of those provisions, however, the craft beer industry has seen exponential growth. The craft beer industry now provides a significant source of high-quality manufacturing and service employment and wages and generates significant tax revenue for the State. In addition, the growth of the craft beer industry has resulted in significant positive secondary impacts on the economy through increased business to a myriad of suppliers to the craft breweries, resulting in even greater employment and tax revenue for the State's citizens.
- (2) It is in the best interest of the State to continue supporting the entrepreneurial spirit and economic growth driven by the craft beer industry. Yet it remains

vital to preserve the integrity of the State's three-tier system. Today, mid-sized independent breweries possess only a fraction of the malt beverage market in light of increased consolidation and globalization of large suppliers. Consequently, the growth of these mid-sized independent breweries promotes economic development, employment and wages, and significant tax revenue without the same risks of harm that the three-tier system is designed to minimize.

- (3) In view of these new market realities, the existing small brewery provisions of Chapter 18B of the General Statutes warrant revision. Specifically, recognition for a new category of breweries, Mid-Sized Independent Breweries, is needed to reflect the market's evolution, foster the continued growth of the craft beer industry, promote consumer choice, ensure access to market, and promote stable and healthy competition in the malt beverage industry in this State. The following legislative enactments are expressly intended to further these purposes.

Whereas, the General Assembly finds that regulation of the malt beverage industry and the objectives sought to be achieved by this act fall squarely within the authority granted to the State by the 21st Amendment to the United States Constitution and the inherent police powers of this State; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-100 reads as rewritten:

"§ 18B-100. Purpose of Chapter.

This Chapter is intended to establish a uniform system of control over the sale, purchase, transportation, manufacture, consumption, and possession of alcoholic beverages in North Carolina, and to provide procedures to insure the proper administration of the ABC laws under a uniform system throughout the State. This Chapter shall be liberally construed to the end that the sale, purchase, transportation, manufacture, consumption, and possession of alcoholic beverages shall be prohibited except as authorized in this Chapter. If any provision of this Chapter, or its application to any person or circumstance, is determined by a court or other authority of competent jurisdiction to be invalid or unconstitutional, such provision shall be stricken and the remaining provisions shall be construed in accordance with the intent of the General Assembly to further limit rather than expand commerce in alcoholic beverages, and with respect to malt beverages, unfortified wine, and fortified wine, the remaining provisions shall be construed to enhance strict regulatory control over taxation, distribution, and sale of alcoholic beverages through the three-tier regulatory system and the franchise laws imposed by this Chapter.

Except as provided in this Chapter, local ordinances establishing different rules on the manufacture, sale, purchase, transportation, possession, consumption, or other use of alcoholic beverages, or requiring additional permits or fees, are prohibited."

SECTION 2. G.S. 18B-1104(a)(8) reads as rewritten:

- "(8) Obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale ~~only up to 50,000 barrels of malt beverages manufactured by the brewery.~~ brewery per year to unaffiliated retail permittees. The authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than ~~25,000–100,000~~ barrels of malt beverages produced by it per year. The barrelage limitations set forth in this subdivision apply regardless of the number or type of permits that may be issued to a brewery under this Chapter. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the brewery, and malt beverages produced under

subdivision (6a) of this subsection, at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision under a different trade name than that used at the brewery shall also offer for sale at that location a reasonable selection of competitive malt beverage products. A sale at any additional retail location under this subdivision shall not be considered a wholesale sale for the purposes of Article 13 of this Chapter. Except as provided in G.S. 18B-1116(b), the Commission shall have no authority to grant an exemption to or otherwise allow a brewery permittee more than the three additional retail locations authorized by this subdivision. Malt beverages manufactured by a supplier permittee that owns five percent (5%) or more of a brewery permittee acting under the authority granted in this subdivision shall be included in determining whether the brewery permittee complies with the barrelage limitations set forth in this subdivision."

SECTION 3. G.S. 18B-1116 reads as rewritten:

"§ 18B-1116. Exclusive outlets prohibited.

...

(b) Exemptions. – The Commission may grant exemptions from the provisions of this section. Any exemption entered by the Commission in which any brewery or any officer, director, or affiliate of the brewery has a direct or indirect financial interest in the business of any retailer beyond the number of additional retail locations authorized by G.S. 18B-1104 shall prohibit the brewery's malt beverages from being sold to or purchased by that retailer. In determining whether to grant an exemption, the Commission shall consider the public welfare, the quantity and value of articles involved, established trade customs not contrary to the public interest, and the purposes of this section.

...."

SECTION 4. G.S. 18B-1300 reads as rewritten:

"§ 18B-1300. Purpose.

Pursuant to the authority of the State under the Twenty-First Amendment to the United States Constitution, the General Assembly finds that regulation of the business relations between malt beverage manufacturers and importers and the wholesalers of such products is necessary to:

- ...
- (5) Prevent unfair or unlawful trade practices by enabling wholesalers to refuse to participate in such practices without fear of arbitrary or unlawful retribution from suppliers.
 - (6) Provide wholesalers with rights and remedies in addition to those existing by contract or common law.
 - (7) Govern all agreements between suppliers and wholesalers, including any renewals or amendments.
 - (8) Protect wholesalers against unfair treatment by suppliers.
 - (9) Preserve investments made by wholesalers in franchise agreements through minimization of arbitrary termination.
 - (10) Promote consumer choice by ensuring an independent wholesale distribution tier that enables wholesalers to distribute competing products of other suppliers.
 - (11) Prevent vertical integration of the malt beverage market."

SECTION 5. G.S. 18B-1305(a1) reads as rewritten:

"(a1) Termination by a Small Brewery. – A brewery's authorization to distribute its own malt beverage products pursuant to G.S. 18B-1104(a)(8) shall revert back to the brewery, in the absence of good cause, following the fifth business day after confirmed receipt of written notice

of such reversion by the brewery to the wholesaler. The brewery shall pay the wholesaler fair market value for the distribution rights for the affected brand. For purposes of this subsection, "fair market value" means the highest dollar amount at which a seller would be willing to sell and a buyer willing to buy at the time the self-distribution rights revert back to the brewery, after each party has been provided all information relevant to the transaction. This subsection only applies to a brewery that sells to consumers at the brewery, to wholesalers, to retailers, and to exporters fewer than 25,000 barrels of malt beverages produced by it per year. Malt beverages manufactured by a supplier permittee that owns five percent (5%) or more of a brewery permittee shall be included in determining whether the brewery permittee complies with the barrelage limitations set forth in this subdivision. For purposes of this subsection, the term "barrel" is as defined in G.S. 18B-1104."

SECTION 6. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

SECTION 7. This act does not apply to any exemption order or amendment thereto entered by the Alcoholic Beverage Control Commission prior to the effective date of this act, or to any such exemption order or amendment that is renewed or reissued by the Commission after the effective date of this act.

SECTION 8. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 21st day of May, 2019.

s/ Daniel J. Forest
President of the Senate

s/ David R. Lewis
Presiding Officer of the House of Representatives

s/ Roy Cooper
Governor

Approved 1:35 p.m. this 30th day of May, 2019

TA 02-19: Breweries



Background

- On May 30, 2019 Governor Cooper signed into law H.B. 363, “Craft Beer Distribution & Modernization Act”
 - An Act to confirm the State’s support of the 3-tier system for distribution of malt beverages and the franchise laws, to make adjustments to modernize the exemptions to the 3-tier system, and to promote the growth of small and mid-sized independent craft breweries.
- The brewery may sell, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 100,000 barrels of malt beverages produced by it per year.

Current Definitions

- Brewery, Large - An establishment where beer and malt beverages are made on the premises at an annual rate of 15,000 or more barrels (~465,000 gallons) per year and may contain a taproom.
- Brewery, Micro - An establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (~465,000 gallons) per year. The brewer may sell to a retailer or directly to a customer.

Current Use Table

P - Permitted By Right
PC - Permitted w/ Supp.
Conditions

S -Special Use Permit Required
CZ - Conditional Zoning Approval
Required

A - Accessory Use Only
AC - Accessory w/ Supp.
Conditions

<u>Use Category</u>	<u>RP</u>	<u>GR</u>	<u>NR</u>	<u>NMX</u>	<u>WMX</u>	<u>TC</u>	<u>VC</u>	<u>HC</u>	<u>BC</u>	<u>CO</u>	<u>IC</u>
Brewery, Large									PC		PC
Brewery, Micro				CZ	CZ	PC	PC	PC	PC	PC	PC

Current Conditions

BREWERY, LARGE

- A. Outdoor storage of goods and materials used in assembly, fabrication, or processing shall not exceed twenty-five percent (25%) of the gross floor area of all buildings on a lot.
- B. A Type 'A' screening buffer is required where a large brewery is adjacent to a residentially zoned property.

BREWERY, MICRO

- A. Production cannot exceed 15,000 barrels (~465,000 gallons) of beer per year.
- B. Shall provide a taproom, except if located in IC.
- C. Outdoor storage of goods and materials shall not be permitted in the Neighborhood Mixed Use, Town Center, Village Center Districts, or Waterfront Mixed Use.
- D. Outdoor storage of goods and materials used in assembly, fabrication, or processing in the Business Campus, Corporate Office, and Highway Commercial Districts shall be screened from view, and shall not exceed twenty-five percent (25%) of the gross floor area of all buildings on a lot.
- E. Must not operate outside the facility between the hours of 9:00 pm and 7:00 am.
- F. A Type 'A' screening buffer is required where a microbrewery is adjacent to a residentially zoned property.

Recommendation

Change the barrel production limit in current definitions & remove large breweries from BC district:

- Brewery, Large - An establishment where beer and malt beverages are made on the premises at an annual rate of ~~15,000~~ 100,000 or more barrels (~~~465,000 gallons~~) per year and may contain a taproom.
- Brewery, Micro - An establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than ~~15,000~~ 100,000 barrels (~~~465,000 gallons~~) per year. The brewer may sell to a retailer or directly to a customer.

P - Permitted By Right PC - Permitted w/ Supp. Conditions	S -Special Use Permit Required CZ - Conditional Zoning Approval Required						A - Accessory Use Only AC - Accessory w/ Supp. Conditions				
	<u>RP</u>	<u>GR</u>	<u>NR</u>	<u>NMX</u>	<u>WMX</u>	<u>TC</u>	<u>VC</u>	<u>HC</u>	<u>BC</u>	<u>CO</u>	<u>IC</u>
Brewery, Large									PC		PC
Brewery, Micro				CZ	CZ	PC	PC	PC	PC	PC	PC

Proposed Conditions

BREWERY, LARGE

- A. Outdoor storage of goods and materials used in assembly, fabrication, or processing shall not exceed twenty-five percent (25%) of the gross floor area of all buildings on a lot.
- B. A Type 'A' screening buffer is required where a large brewery is adjacent to a residentially zoned property.

BREWERY, MICRO

- A. Production cannot exceed ~~15,000~~ 100,000 barrels (~~~465,000 gallons~~) of beer per year.
- B. Shall provide a taproom, except if located in IC.
- C. Outdoor storage of goods and materials shall not be permitted in the Neighborhood Mixed Use, Town Center, Village Center Districts, or Waterfront Mixed Use.
- D. Outdoor storage of goods and materials used in assembly, fabrication, or processing in the Business Campus, Corporate Office, and Highway Commercial Districts shall be screened from view, and shall not exceed twenty-five percent (25%) of the gross floor area of all buildings on a lot.
- ~~E. Must not operate outside the facility between the hours of 9:00 pm and 7:00 am.~~
- F. A Type 'A' screening buffer is required where a microbrewery is adjacent to a residentially zoned property.

**AN ORDINANCE TO AMEND THE TOWN OF CORNELIUS
LAND DEVELOPMENT CODE**

WHEREAS, the Town Board of Commissioners on March 19, 2018 adopted an ordinance which regulates the classification and use of property within its zoning jurisdiction, including its extra-territorial jurisdiction; and,

WHEREAS, proper statutory notice of public hearing on the issue of amending the Cornelius Land Development Code has been provided through advertisement in a newspaper of general circulation in the Town; and,

WHEREAS, the Planning Board of the Town of Cornelius has recommended that the Town Board of Commissioners amend the Cornelius Land Development Code; and

WHEREAS, a public hearing on the amendment has been held by the Town Board of Commissioners on January 6, 2020.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius, North Carolina that the following chapters of the Land Development Code be amended as shown in Exhibit A:

- Chapter 2, Definitions
- Chapter 5, Zoning & Use Regulations
- Chapter 6, Uses with Conditions

Adopted this 6th day of January, 2020.

Woody T. Washam, Jr., Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Town Attorney

TA 02-19: Breweries

MODIFY Section 2.6, Definitions, as follows:

Brewery, Large

An establishment where beer and malt beverages are made on the premises at an annual rate of ~~15,000~~ 100,000 or more barrels (~~465,000 gallons~~) per year and may contain a taproom.

Brewery, Micro

An establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than ~~15,000~~ 100,000 barrels (~~465,000 gallons~~) per year. The brewer may sell to a retailer or directly to a customer.

MODIFY Section 5.4.2, Table of Uses as follows:

Use Category	RP	GR	NR	NMX	WMX	TC	VC	HC	BC	CO	IC
Brewery, Large (100,000+ barrels)									PC		PC
Brewery, Micro (up to 100,000 barrels)				CZ	CZ	PC	PC	PC	PC	PC	PC

MODIFY Section 6.2.8, Brewery, Micro

- A. Production cannot exceed ~~15,000~~ 100,000 barrels (~~465,000 gallons~~) of beer per year.
- B. Shall provide a taproom, except if located in IC.
- C. Outdoor storage of goods and materials shall not be permitted in the Neighborhood Mixed Use, Town Center, Village Center Districts, or Waterfront Mixed Use.
- D. Outdoor storage of goods and materials used in assembly, fabrication, or processing in the Business Campus, Corporate Office, and Highway Commercial Districts shall be screened from view, and shall not exceed twenty-five percent (25%) of the gross floor area of all buildings on a lot.
- ~~E. Must not operate outside the facility between the hours of 9:00 PM and 7:00 AM.~~
- F. A Type 'A' screening buffer is required where a microbrewery is adjacent to a residentially zoned property.

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: January 6, 2020

To: Mayor and Board of Commissioners

From: Wayne Herron, AICP

Deputy Manager

Action Requested:

NCDOT has provided the municipal agreement for the Northcross Drive Extension project.

The agreement notes the costs breakdown and responsibilities for the NCDOT and the Town. The agreement notes the following:


- Total Project Costs = \$15,213,500
- Town Required Match = \$2,512,000
- Town's First Payment Upon Execution of Agreement = \$489,000
- Town's Second Payment (prior to construction authorization) = \$2,023,000

The Town must provide concurrence to construction cost prior to NCDOT awarding the construction contract. If the project costs exceed the available funds, the Town will be responsible for 50% of the costs of any overages.

Manager's Recommendation:

Approve the NCDOT Municipal Agreement for Northcross Drive Extension.

ATTACHMENTS:

Name:	Description:	Type:
 NCDOT_Municipal_Agreement_-_DRAFT.pdf	NCDOT Municipal Agreement	Backup Material

NORTH CAROLINA

**TRANSPORTATION IMPROVEMENT PROJECT –
MUNICIPAL AGREEMENT (RECEIVABLE)**

MECKLENBURG COUNTY

DATE: 11/22/2019

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: U-5108

AND

WBS Elements: ROW 42370.2.2

CON 42370.3.3

FEDERAL-AID NUMBER: STBGDA-1001 (078)

TOWN OF CORNELIUS

THIS MUNICIPAL AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Town of Cornelius, a local government entity, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Department has plans to make certain street and highway constructions and improvements within the Municipality under Project U-5108, in Mecklenburg County; and,

WHEREAS, the Department and the Municipality have agreed that the municipal limits, as of the date of the awarding of the contract for the construction of the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly, including but not limited to, the following legislation: General Statutes of North Carolina (NCGS), Section 136-66.1, Section 160A-296 and 297, Section 136-18, and Section 20-169, to participate in the planning and construction of a Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the parties to this Agreement have approved the construction of said Project with cost participation and responsibilities for the Project as hereinafter set out.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE OF THE PROJECT

1. The Project consists of construction of the Northcross Drive Extension from the end of Northcross Drive (SR 2316) to Westmoreland Road (SR 2430) in Cornelius.

PLANNING AND DESIGN

2. The Department shall prepare the environmental and/or planning document, and obtain any environmental permits needed to construct the Project, and prepare the Project plans and specifications needed to construct the Project. All work shall be done in accordance with departmental standards, specifications, policies and procedures.

RIGHT OF WAY

3. The Department shall be responsible for acquiring any needed right of way required for the Project. Acquisition of right of way shall be accomplished in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

UTILITIES

4. The Municipality shall be responsible for the relocation and adjustment of all municipally-owned utilities in conflict with the Project and shall exercise any rights that it may have under any franchise to effect all necessary changes, adjustments, and relocations of communications and electric power lines; underground cables, gas lines, and, and other pipelines or conduits; or any privately- or publicly-owned utilities.
 - A. Said work shall be performed in a manner satisfactory to the Department prior to the Department beginning construction of the Project. The Municipality shall make every effort to promptly relocate said utilities in order that the Department will not be delayed in the construction of the Project.
 - B. The Municipality shall make all necessary adjustments to house or lot connections or services lying within the right of way or construction limits, whichever is greater, of the Project.
 - C. The Department, where necessitated by construction, will make vertical adjustments of two (2) feet or less to the existing manholes, meter boxes, and valve boxes at no expense to the Municipality.

- D. The Department shall not be liable for any work that the Municipality undertakes with respect to said utility relocation.

UTILITY RELOCATION BY DEPARTMENT

5. If the Municipality requests the Department to include the relocation and/or adjustment of municipally owned utilities in its construction contract provisions, and the Department agrees, then a separate utility agreement will be prepared to state the cost estimate and the reimbursement terms. The Municipality shall reimburse the Department all or a portion of the costs associated with said relocation, in accordance with NCGS 136-27.1. Reimbursement will be based on final project plans and actual costs of relocation.

CONSTRUCTION

6. The Department shall construct, or cause to be constructed, the Project in accordance with the plans and specifications of said Project as filed with, and approved by, the Department. The Department shall administer the construction contract for said Project.

MAINTENANCE

7. Upon completion of the Project:
- A. The Department shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the "Policy on Street and Driveway Access to North Carolina Highways", and departmental criteria.
 - B. The Department will maintain the extension portion of Northcross Drive until such time that the Municipality annexes the extension. Once the extension portion is annexed by the Municipality, the Municipality will maintain the extension.
 - C. The Municipality, at no expense to the Department, shall assume all maintenance responsibilities for sidewalk and release the Department from all liability relating to such maintenance.

COSTS AND FUNDING

8. Subject to the availability of federal funds, the Department shall utilize up to Eleven Million Eight Hundred Seventy Thousand Four Hundred Dollars (\$11,870,400) for the Right of Way (ROW)

and Construction (CON) phases of the project. Subject to the availability of state funds, the Department shall utilize up to Eight Hundred Thirty-One Thousand One Hundred Dollars (\$831,000) for the Right of Way (ROW) and Construction (CON) phases of the project. The Department and the Municipality shall participate in the non-federal match as detailed in the FUNDING TABLE below. Costs that exceed the total available funding will be shared between the Department (50%) and the Municipality (50%).

FUNDING TABLE

Phase	Fund Source	Federal Amount 80%	Non-Federal Match 20%	Additional Participation	TOTALS
ROW	STBGDA	\$955,000	\$238,750 (S)	\$261,250 (S)	\$1,455,000
		\$1,499,000	\$374,750 (L)	\$114,250 (L)	\$1,988,000
Subtotal (ROW)		\$2,454,000	\$613,500	\$375,500	\$3,443,000
CON	STBGDA	\$9,416,400	\$331,100 (S)	N/A	
			\$2,023,000 (L)	N/A	
Subtotal (CON)		\$9,416,400	\$2,354,100	N/A	\$11,770,500
Subtotal (Federal)		\$11,870,400			
Total Available Funding					\$15,213,500

- A. Upon partial execution of the Agreement, the Municipality shall submit a check for \$489,000 to the Department's Division Engineer to cover their participation in the local match of the ROW phase of the project.
- B. Prior to the Department requesting authorization for the Construction phase, the

Department shall request a check from the Municipality in the amount of \$2,023,000 to cover their participation in the local match of the Construction phase.

- C. Upon completion of the Project, the Department will calculate the actual costs of the work and will bill the Municipality 50% of any ROW or CON costs that exceed the total available funding of \$15,213,500. Reimbursement to the Department shall be made within sixty days of invoicing by the Department. The Department shall charge a late payment penalty and interest on any unpaid balance due in accordance with G.S. 147-86.23. If actual costs are less than \$15,213,500, the Department will return to the Municipality the overpayment.
- D. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment herein above provided, NCGS § 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by NCGS § 136-41.1 until such time as the Department has received payment in full under the reimbursement terms set forth in this Agreement.

COMMUNICATION AND COORDINATION BETWEEN DEPARTMENT AND MUNICIPALITY

- 9. The Department shall confer with the Municipality on an ongoing basis to communicate project cost estimates as they are developed, and receive acknowledgement in accordance with the following provisions:
 - A. Prior to awarding the construction contract, the Department shall inform the Municipality of contract amount and shall receive written acknowledgement of the costs from the Municipality.
 - B. If during construction of the Project, the Department determines that costs will exceed 4% of the awarded construction contract, then the Department shall immediately notify the Municipality.

ADDITIONAL PROVISIONS

- 10. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.

11. To the extent authorized by state and federal claims statutes, each party shall be responsible for its respective actions under the terms of this agreement and save harmless the other party from any claims arising as a result of such actions.
12. All terms of this Agreement are subject to available departmental funding and fiscal constraints.
13. This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein.
14. The parties hereby acknowledge that the individual executing the Agreement on their behalf is authorized to execute this Agreement on their behalf and to bind the respective entities to the terms contained herein and that he has read this Agreement, conferred with his attorney, and fully understands its contents.
15. The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.
16. A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.
17. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED upon that the approval of the Project by the Department is subject to the conditions of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

TOWN OF CORNELIUS

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____ DATE: _____

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

BY: _____
(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

Town of Cornelius

Attn: Mr. Andrew Grant

PO Box 399

Cornelius, NC 28031

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: January 6, 2020

To: Mayor and Board of Commissioners

From: Julie Niswonger, Finance Director

Action Requested:

In November 2018, the voters approved \$24 million for transportation bonds and the Town reasonably expects to receive the proceeds from the sale of the general obligation bonds once a portion of the bonds have been sold in FY 20.


The Town has received notification from NCDOT that a portion of the capital costs associated with Northcross Drive (right-of-way acquisition) will be payable to NCDOT once the agreement has been approved by the Board. The Town will advance money from funds currently on hand to pay for the capital expenditures and the Town intends, and reasonably expects, to reimburse itself for the Capital Expenditures from a portion of the proceeds of the sale of the bonds.

This reimbursement resolution must be approved within 60 days from the time the Town makes the payment for the capital costs associated with the bonds. If the resolution is not authorized, the Town will lose the ability to reimburse itself from the bond proceeds.

Manager's Recommendation:

Approve Reimbursement Resolution.

ATTACHMENTS:

Name:	Description:	Type:
 Reimbursement Resolution - Cornelius GO Transportation Projects 2020.pdf	\$24M Bond Reimbursement Resolution	Cover Memo

RESOLUTION REGARDING THE INTENT OF THE TOWN OF CORNELIUS, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH TRANSPORTATION PROJECTS FROM THE PROCEEDS OF TAX EXEMPT OBLIGATIONS

WHEREAS, the Board of Commissioners of the Town of Cornelius, North Carolina (the “Town”) has determined that it is in the best interests of the Town to pay the costs of transportation projects approved by the voters of the Town at a referendum held on November 6, 2018 (the “Projects”);

WHEREAS, the Town reasonably expects to receive the proceeds of the sale of tax-exempt obligations (the “Obligations”) to finance the Projects;

WHEREAS, the Town desires to proceed with the Projects and will incur additional capital expenditures (the “Capital Expenditures”) in connection therewith before the issuance of the Obligations; and

WHEREAS, the Town will advance money from funds currently on hand to pay for the Capital Expenditures and the Town intends, and reasonably expects, to reimburse itself for the Capital Expenditures from a portion of the proceeds of the sale of the Obligations;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Cornelius, North Carolina as follows:

Section 1. ***Official Declaration of Intent.*** The Town presently intends, and reasonably expects, to reimburse itself for the Capital Expenditures incurred and paid by the Town on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The Town reasonably expects to issue the Obligations to finance the costs of the Projects and the maximum principal amount of Obligations expected to be issued by the Town to pay for the costs of the Projects is \$24,000,000.

Section 2. ***Compliance with Regulations.*** This Resolution is a declaration of official intent of the Town under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the Town’s intent to reimburse itself for the Capital Expenditures from proceeds of the Obligations.

Section 3. ***Itemization of Capital Expenditures.*** The Finance Officer of the Town or her designee, with advice from bond counsel, is hereby authorized, directed and designated to act on behalf of the Town in determining and itemizing all of the Capital Expenditures incurred and paid by the Town in connection with the Projects during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of issuance of the Obligations.

Section 4. ***Effective Date.*** This Resolution is effective immediately on the date of its adoption.

STATE OF NORTH CAROLINA)
) SS:
COUNTY OF MECKLENBURG)

I, *Lori Harrell*, Town Clerk of the Town of Cornelius, North Carolina, *DO HEREBY CERTIFY* the attached to be a true and correct copy of a Resolution entitled, **“RESOLUTION REGARDING THE INTENT OF THE TOWN OF CORNELIUS, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH TRANSPORTATION PROJECTS FROM THE PROCEEDS OF TAX EXEMPT OBLIGATIONS”** adopted by the Board of Commissioners of the Town of Cornelius, North Carolina at a regular meeting held on the 6th day of January, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, this the ____ day of January, 2020.

(SEAL)

Town Clerk
Town of Cornelius, North Carolina

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: January 6, 2020

To: Mayor and Board of Commissioners

From: Julie Niswonger, Finance Director

Action Requested:

The Board previously adopted a bond order for the Town of Cornelius for Town Center Redevelopment Bonds in the amount of \$4,000,000. These bonds were approved by the voters as part of the November 2013 bond referendum.

These bonds are the last remaining portion of the 2013 bond referendum and this bond order is effective until November 5, 2020.

Due to significant community and stakeholder involvement in the projects to be financed with the bonds and the schedule for design of such projects, the Town will not be in a position to issue the bonds until after November 2020.

The next step of this process is to seek approval from the Local Government Commission to extend the bond order for three years.

Manager's Recommendation:

Approve Resolution

ATTACHMENTS:

Name:	Description:	Type:
Resolution to proceed with extension - Cornelius (extension of 2013 bond order).pdf	Resolution to Proceed with Extension of General Obligation Town Center Redevelopment Bond Order	Cover Memo

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF CORNELIUS,
NORTH CAROLINA TO PROCEED WITH PROPOSED EXTENSION OF GENERAL
OBLIGATION TOWN CENTER REDEVELOPMENT BOND ORDER**

WHEREAS, the Board of Commissioners of the Town of Cornelius, North Carolina (the “Board”) previously adopted the following bond order of the Town of Cornelius, North Carolina (the “Town”), which order was for the following purposes and in the following maximum amount:

\$4,000,000 of bonds to pay the costs of public facilities and infrastructure improvements for the purpose of revitalizing the historic Cornelius area (within one mile radius of the intersection of Catawba Avenue and Main Street), including the acquisition, renovation, construction, reconstruction, improving, providing, furnishing and equipping of community activity and arts centers, outdoor water park, outdoor amphitheater, public gathering spaces, and related amenities, streetscape improvements and beautification of public areas, and the acquisition of any necessary land, rights-of-way and easements;

WHEREAS, such bond order was approved by the voters on November 5, 2013 and is currently effective until November 5, 2020;

WHEREAS, due to the process of community and stakeholder involvement in the projects to be financed with the bonds and the schedule for design of such projects, the Town will not be in a position to issue the bonds until after November 2020;

WHEREAS, the Board has determined that the Town should seek approval from the Local Government Commission of a three-year extension of such bond order during which time the Town expects to issue the bonds;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Cornelius, North Carolina as follows:

Section 1. Authorization to Seek Approval of Extension. The Town Manager and the Finance Director, or their respective designees, are hereby directed to proceed with the process of the extension of the above-described bond order and provide the Local Government Commission such information as may be required for the approval of such extension.

Section 2. Effective Date. This Resolution is effective on the date of its adoption.

STATE OF NORTH CAROLINA)
) SS:
COUNTY OF MECKLENBURG)

I, *Lori Harrell*, Town Clerk of the Town of Cornelius, North Carolina, *DO HEREBY CERTIFY* the attached to be a true and correct copy of a Resolution entitled, **“RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF CORNELIUS, NORTH CAROLINA TO PROCEED WITH EXTENSION OF GENERAL OBLIGATION TOWN CENTER REDEVELOPMENT BOND ORDER”** adopted by the Board of Commissioners of the Town of Cornelius, North Carolina at a regular meeting held on the 6th day of January, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, this the ____ day of January, 2020.

(SEAL)

Town Clerk
Town of Cornelius, North Carolina

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: January 6, 2020

To: Mayor and Board of Commissioners

From: Lori Harrell, Town Clerk


Action Requested:

Review the minutes from 12/16/19 - Closed Session.

Manager's Recommendation:

Approve minutes.

ATTACHMENTS:

Name:	Description:	Type:
 12-16-19_Closed_Session.docx	Closed Session Minutes	Backup Material

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: January 6, 2020

To: Mayor and Board of Commissioners

From: Lori Harrell, Town Clerk


Action Requested:

Review the minutes from 12/16/19 - Regular Meeting.

Manager's Recommendation:

Approve minutes

ATTACHMENTS:

Name:	Description:	Type:
 12-16-19_Regular_Meeting_draft.pdf	Regular Minutes	Backup Material



BOARD OF COMMISSIONERS

December 16, 2019
MINUTES

PRE-MEETING – 5:45PM

❖ ElectriCities System Study

Don Mitchell with ElectriCities introduced AJ Molner and Steve Phillips with Southeastern Consulting Engineers. Mr. Molner presented their system study results and recommendations. He outlined the performance criteria of the existing substation and explained that it does not have the capacity to reliably serve the existing customer base and provide for future growth. The electrical deficiencies were identified and proposed changes to construct a new substation, renovate the Zion Avenue substation and constructing an alternate path from the new substation to the existing system were recommended with a construction timeline and cost estimate summary.

Commissioner Duke questioned why the Town has never looked at the system until now. Manager Grant stated those reasons remain unclear but that the substation fire in 2011 was an eye opening experience and that the current state of the system is a major concern.

❖ Closed Session

Mayor Washam called for a motion to go into Closed Session to discuss a contract matter under attorney-client privilege.

*Commissioner Miltich made a motion to go into Closed Session at 6:43PM.
Commissioner Sisson seconded the motion and it passed unanimously, 5-0.*

Upon return from Closed Session, Mayor Washam dismissed everyone at 6:57PM to go downstairs for the 7:00PM meeting.

REGULAR MEETING – 7:00PM

1. CALL TO ORDER

Mayor Washam called the meeting to order at 7:05PM.

2. DETERMINATION OF QUORUM

All commissioners were present for the meeting.

3. APPROVAL OF AGENDA

*Commissioner Miltich made a motion to approve the agenda as presented.
Commissioner Bilodeau seconded the motion and it passed unanimously, 5-0.*

4. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Dave Vieser led the pledge after a moment of silence was observed.

5. MAYOR/COMMISSIONERS/MANAGER REPORTS

Commissioner Duke reported on the following:

- Attended the PARC Commission meeting that where the PARC Department's CIP (Capital Improvement Projects) for FY21 was discussed.

Commissioner Miltich reported on the following:

- Participated in the Davidson Cornelius holiday parade on Dec. 2nd and enjoyed distributing candy to the kids along the route.
- Attended the Cornelius Lemley Fire and Rescue annual awards dinner and enjoyed witnessing the brotherhood of the firefighters recognizing one another for their accomplishments and time served.
- Attended the Dec. 9th ribbon cutting at Native Cueticals, a new CBD Oils company.
- Participated in the Davidson Town Board's swearing in ceremony on Dec. 10th along with other Cornelius representatives.
- Attended the Dec. 12th Nativity Festival luncheon held at the Church of the Ladder Day Saints in Huntersville where different nativity scenes were on display.
- Attended the Dec. 13th Newsmaker Breakfast featuring the economic outlook of the region. The next couple of years looks good.
- Spoke at the Dec. 16th Certificate of Need application public hearing for Atrium Lake Norman Hospital.
- Will be attending the I-77 Corridor Study Stakeholder meeting to be held at the Charles Mack Center on Dec. 17th (10AM-12PM). CRTPO is looking at the entire corridor from Statesville to the South Carolina/North Carolina border, including the feeder roads and how it impacts each community.

Commissioner Sisson reported on the following:

- Chamber report – attended the North Mecklenburg Christmas Parade on Dec. 2nd on behalf of the Lake Norman Chamber as the outgoing chairperson; a ribbon cutting at Native Cueticals CBD Oils was held on Dec. 9th; on Dec. 10th at CoCo Couture the Chamber announced a new women's networking program called Lake Norman WINS and the first meeting will be held on Jan. 14th at Greentree Financial located at 19720 Jetton Road (8:30AM), the meeting is for all women Chamber members and non-members can attend up to 3 times; and attended the Lake Norman Chamber annual business Afterhours on Dec. 12th.
- Upcoming Chamber events – ribbon cutting at Urban Air Adventure Park will take place on Dec. 28th (10AM); Focus Friday on Jan. 17th (8:30AM) featuring "Meet your New Town Commissioners" from Cornelius and Huntersville (no new commissioners for Davidson); and the annual Lake Norman awards banquet will be held on Jan. 17th at the Peninsula Club.

Manager Grant reported on the following:

- Town Hall will be closed on Christmas Eve, Christmas Day and New Year's Day for the holidays.
- The next Connecting Cornelius evening event will be held on Jan. 16th at Barley Market (6:30PM).

- Cornelius Police Department's annual toy drive was held on Dec. 14th where toys that were collected were wrapped and distributed to local families in need.
- Senior Christmas luncheon hosted by the Cornelius Police Department was held on Dec. 6th

Mayor Washam reported on the following:

- Attended and spoke at the Atrium Certificate of Need public hearing held in Charlotte this morning. It is part of the process for establishing a need for the 30 beds that have been requested.
- Participating in the North Mecklenburg Christmas Parade was a joy to behold. Don and Bridget Rainey were this year's parade grand marshals representing Cornelius.
- Attended the annual Senior Christmas lunch hosted by the police department.
- Cornelius Lemley Fire Rescue award recipients for years of service were Matthew Greco (5yrs.), Brad Blackmon (10yrs.), Ashton Chaney (10yrs.), David Chaney (10yrs.), EJ McCormick (10yrs.), Andrew Bridges (15yrs.), Rick Roy (15yrs.), John Lang (20yrs.), and Guerry Barbee (25yrs.). The firefighter of the year was awarded to Mel Kelly.
- Had the honor of administering the oath of office to Davidson's Mayor Rusty Knox on Dec. 10th.

6. CITIZEN CONCERNS/COMMENTS

Manager Grant suggested the Board amend the agenda to hear item 8A before 7A as all of the citizens signed up to speak were regarding agenda item 8A.

Commissioner Miltich made a motion to amend the agenda and hear item 8A before 7A. Commissioner Bilodeau seconded the motion and it passed unanimously, 5-0.

8. PUBLIC HEARING

A. REZ 10-19 Washam Potts Townhomes Public Hearing #1

Mayor Washam called for a motion to reconvene public hearing #1 for REZ 10-19.

Commissioner Miltich made a motion to reconvene the public hearing. Commissioner Ross seconded the motion and it passed unanimously, 5-0.

Asst. Planning Director Aaron Tucker gave the staff presentation for the rezoning request to build 27 townhomes on 6.82 acres located at 10212 Washam Potts Road.

Deputy Town Manager Wayne Herron gave an overview of the rezoning rules and regulations according to State statute that the Town must abide by when considering rezoning cases. He explained the reasoning behind the two different zoning designations on Washam Potts Road.

Commissioner Miltich stated that in reviewing the project with the Transportation Advisory Board, it was interesting to note that townhomes typically generate less daily trips than single family homes.

Mayor Washam invited the applicant to speak.

Attorney Susan Irvin representing Blue Heel Development introduced Matt Gallagher with Blue Heel and Jay Henson with Henson Foley. Attorney Irvin explained that as a result from the community input, the plan has been revised to include: a 50' proposed undisturbed buffer, as well as a 35' undisturbed buffer, a pedestrian path that will connect to the greenway, the removal of the gazebo from the rear of the property and the addition of a dog park in the front area. The proposed 44.9% open space exceeds the Code requirement of 20%. All of the townhomes will be two-story and include a garage.

Commissioner Bilodeau asked if street lights in the development would penetrate the buffer. Attorney Irvin stated that with the undisturbed buffer it is not likely to impact the adjacent properties. Deputy Manager Herron added that the Code requires photometric plans along with construction documents and light bleed over at the property line is not permitted.

Mayor Washam invited the public to speak and the following comments were made:

Gretel Howell – 20305 Ketch Ct., stated that she is the real estate agent representing Joann Hipp who is the land owner of the property being rezoned. She read a letter from Ms. Hipp expressing her feelings on what her property means to her, the disappointment in her neighbors' objections to the development of her property and their expectation that she should leave her property as is. Her social security and the sale of her property are her only sources of income. She asked that the opposing residents in Oakhurst and Glenridge give her the same respect and consideration that she and her husband gave to the developments of which they now reside.

Kevin Hurd – 10142 Alliston Taylor Ct., asked the Board to consider reviewing and updating the Land Use Plan before considering the project or to consider increasing the 30' buffer to 50'.

Paul McDougall – 10213 Washam Potts Rd., expressed his concerns with the traffic impacts the project will have on Washam Potts. He stated that the project does not fit with the existing community and questioned if the street into the development was adequate for emergency vehicles to turn around on.

Robert Fabros – 10125 Meadow Crossing Ln., stated that the size of the proposed townhomes will impact area traffic. He expressed his concerns with pedestrian and bicycle safety, as well as if the sewer lines could adequately service the development.

David Lemasson – 10138 Allison Taylor Ct., expressed his concerns with the over populated area and asked the Board to consider 2 units per acre and look at revising the Land Use Plan.

Kori Lemasson – 10138 Allison Taylor Ct., expressed her concerns with the townhomes negatively impacting their property values, the view from their backyard, and the additional traffic to Washam Potts. She urged the Board to look at the Land Use Plan and consider additional buffers in the dog park area. Matt Gallagher with

Blue Heel explained how the berm and landscaping will create the buffer for the dog park.

Joe Bost – 10117 Washam Potts, expressed his concerns with the conditional zoning process and requirements.

Dave Gilroy – 22836 Torrence Chapel Rd., stated that he was happy to support the neighbors and believes that Deputy Herron's slides framed it really well. He stressed the importance of striking a balance between development and landowner rights. He urged the Board to relook at the Land Use Plan.

Heidi Peters – 9517 Renick Dr., expressed her concerns with the new proposed dog park and who will regulate it. She implored the Board to deny the rezoning as the townhomes do not fit the area.

Abby Wyatt – 19028 Oakhurst Blvd., asked for clarification on the transportation comments made by staff. Deputy Manager Herron explained that in North Carolina transportation solutions are much larger than one developer is able to do; therefore, as part of the Charlotte Regional Transportation Planning Organization (CRTPO) Cornelius submits transportation projects every year and that's how road improvements happen. So by law, the Town cannot hold up development rights because of inadequate transportation issues; however, the Town does have control over the Land Use Plan and can make land use less dense until transportation infrastructure catches up.

Cory Peters – 9517 Renick Dr., stated that the Board needs to look at the Land Use Plan, make a determination and do the right thing.

There being no other public comments, Mayor Washam called for a motion to close public hearing #1.

Commissioner Miltich made a motion to close the public hearing. Commissioner Bilodeau seconded the motion and it passed unanimously, 5-0.

7. PRESENTATIONS

A. NCDOT Project Delays and Town CIP

Deputy Manager Herron gave the background on NCDOT's cash balance problem and an overview of the STIP P4.0 and 5.0 projects that are impacted by the funding shortfall across the state. Manager Grant identified the Town's CIP projects that are impacted and explained that the 5 year financial forecast will need to be revised. Manager Grant also explained that much information about the projects is subject to change. Deputy Manager Herron stated that the bonus allocation projects remain on schedule.

9. PUBLIC HEARING AND CONSIDERATION OF APPROVAL

- A. Historic Property Designation – Cornelius Elementary Ag Building
Mayor Washam called for a motion to open the public hearing.

Commissioner Miltich made a motion to open the public hearing. Commissioner Ross seconded the motion and it passed unanimously, 5-0.

Mayor Washam stated that the public hearing has been advertised; however, the Mecklenburg Historic Landmark Commission and staff are finalizing the details in preparation for final consideration. Therefore, they are requesting that the public hearing be continued until Jan. 6th.

Commissioner Miltich made a motion to continue the public hearing until Jan. 6th. Commissioner Bilodeau seconded the motion and it passed unanimously, 5-0.

10. CONSIDERATION OF APPROVAL

- A. PARC Commission Appointments

Troy Fitzsimmons gave an overview of the PARC Commission reappointments of Trey Fouche, Andrew Heywood and David Rusk.

Commissioner Miltich made a motion to approve the PARC Commission reappointments as presented. Commissioner Bilodeau seconded the motion and it passed unanimously, 5-0.

- B. FY2021 Budget Calendar

Finance Director Julie Niswonger gave an overview of the FY21 budget calendar.

Commissioner Bilodeau made a motion to approve the FY21 budget calendar as presented. Commissioner Duke seconded the motion and it passed unanimously, 5-0.

- C. Resolution Regarding NCDOT Project Delays

Deputy Manager Herron gave an overview of the Resolution addressing the Cornelius transportation projects delayed by NCDOT's funding shortfall.

Commissioner Bilodeau made a motion to approve Resolution #2019-00948 addressing NCDOT's funding shortfall as it relates to various Cornelius transportation projects. Commissioner Ross seconded the motion.

Commissioner Bilodeau then suggested that additional language be added to address the Town's safety concerns.

Commissioner Miltich made a motion to amend the motion and include the additional language as suggested. Commissioner Bilodeau seconded the motion and it passed unanimously, 5-0.

Resolution #2019-00948 is hereby made part of the minutes by reference.

11. CONSENT AGENDA

A. Approve Minutes – Dec. 2nd

(Approved 5-0)

*Commissioner Ross made a motion to approve the Consent Agenda as presented.
Commissioner Miltich seconded the motion and it passed unanimously, 5-0.*

12. COMMISSIONER CONCERNS

No concerns were expressed.

13. ADJOURNMENT

There being no further business to discuss, Commissioner Sisson made a motion to adjourn at 8:53PM. Commissioner Duke seconded the motion and it passed unanimously, 5-0.

Approved this 6th day of January, 2020.

Woody Washam, Jr., Mayor

Lori A. Harrell, Town Clerk