



TOWN OF CORNELIUS

Cornelius Town Hall

BOARD OF COMMISSIONERS

February 3, 2020

Agenda

PRE-MEETING - 5:45 PM

- **Asset Forfeiture Funds Discussion**
- **FY20 Operating and Capital Goals Update**
- **Agenda Review**

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. **MAYORAL PROCLAMATIONS**
 - A. **The Four Chaplains of the Dorchester**
8. **PUBLIC HEARING AND CONSIDERATION OF APPROVAL**
 - A. **REZ 10-19 Washam Potts Townhomes PH #2**
9. **CONSIDERATION OF APPROVAL**
 - A. **Transportation Advisory Board Appointments**
 - B. **Northcross Drive Extension (U-5108) Donation of Property to NCDOT**
 - C. **FY20 Operating Budget Amendment**
 - D. **Resolution to Acquire Real Property for Safety Improvements**
10. **CLOSED SESSION**
 - A. **Real Estate Acquisition Matter**
11. **CONSENT AGENDA**
 - A. **Approve Minutes - Closed Session**
 - B. **Approve Minutes - Regular Meeting**
12. **COMMISSIONER CONCERNS**
13. **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: February 3, 2020

To: Mayor and Board of Commissioners

From: Kevin Black, Police Chief

Action Requested:


The Cornelius Police Department is requesting board approval, in the form of a budget amendment, to utilize asset forfeiture funds to purchase needed equipment for effective operational response. We are requesting the sum of \$272,400 for the purchase of two additional patrol vehicles, two replacement boat engines, equipment needed to better prepare our officers for active shooter type incidents, update aging SWAT equipment, additional operational equipment, and training aids needed to prepare our officers for the upcoming 2020 Republican National Convention (RNC).

Chief Black will provide an overview of asset forfeiture funds, eligible uses, and the request.

Manager's Recommendation:

Hear presentation.

ATTACHMENTS:

| Name: | Description: | Type: |
|--|------------------|--------------|
|  PD_2020_Budget_Amendment_(Final).pdf | Asset Forfeiture | Presentation |



Asset Forfeiture & Equitable Sharing

Asset Forfeiture

- Department of Justice and Department of Treasury Forfeiture Programs
- Removes the tools of crime from criminal organizations
- Deprives wrongdoers of the proceeds of their crimes
- Recover property that may be used to compensate victims
- Deter Crime

Equitable Sharing

- A benefit of asset forfeiture
- The sharing of federal forfeiture proceeds with cooperating state and local law enforcement agencies
- Enhances cooperation among federal, state, local and tribal law enforcement agencies
- Provides valuable, **additional** resources to participating state and local law enforcement agencies

How does Cornelius Police Department receive these funds?

- Through adoption
 - The investigation involves the violation of federal law or crosses into federal jurisdiction
 - Local case(s) is then adopted federally
 - Federal government prosecutes the case under federal law
- Through direct participation on a Federal Task Force
 - Assignment of an officer to a Federal Task Force
 - Any case in which the officer participates and results produce a federal forfeiture, the police department is eligible for a percentage of the proceeds of the forfeiture

Use of Shared Funds

- Shared funds shall be used by law enforcement agencies only
- For law enforcement purposes only
- Supplement and enhance agencies resources

Supplantation

- Shared funds must be used to increase or supplement the resources of the receiving state or local law enforcement agency.
- Shared funds shall not be used to replace or supplant the appropriated resources of the recipient.

Supplantation Example

A police department receives \$100,000 in federal sharing money only to have their budget cut by \$100,000. In this instance, the police department has received no direct benefit from equitable sharing whatsoever. Rather, the city or town as a whole has received the benefit of the equitable sharing.

Past Asset Forfeiture Expenditures

Over the past five years Cornelius Police Department spent over \$788,000 in asset forfeiture funds for items including but not limited to:

- Automated External Defibrillators (AED)
- Tasers
- Patrol Rifles
- SWAT equipment including body armor, hostage rescue phone, gas masks, etc.
- Officer Down Trauma Kits
- Crowd Control Equipment and Training Gear

Past Asset Forfeiture Expenditures

- Police Canine
- Patrol Vessels
- Police Radios
- Spillman RMS/CAD System
- Many other small items currently in use

2020 Planned Expenditures

- General items we are requesting to purchase:
 - Ford Police Interceptor Utility Marked Police Vehicles (2)
 - Replacement Boat Engines for Marine 1
- Additional Equipment for Patrol including:
 - Bank Battery Chargers for Police Radios
 - Patrol Rifles
 - Drone
 - Ballistic Shields
 - Crime Scene Kits

2020 Planned Expenditures

- Additional SWAT Equipment including:
 - Replacement Rifles
 - Night Vision Optics
 - Gas Mask with communication capability
- Additional Training Equipment
 - Simunition Guns and safety equipment for Active Shooter Training
 - Crowd Management Equipment (in preparation for RNC)
 - Chemical Munitions for Crowd Management (in preparation for RNC)

Total amount of asset forfeiture funds being requested for this budget amendment is \$272,400



Questions?

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: February 3, 2020

To: Mayor and Board of Commissioners

From: Andrew Grant, Town Manager


Action Requested:

Hear an update on the FY20 operating goals and capital projects.

Manager's Recommendation:

Hear update.

ATTACHMENTS:

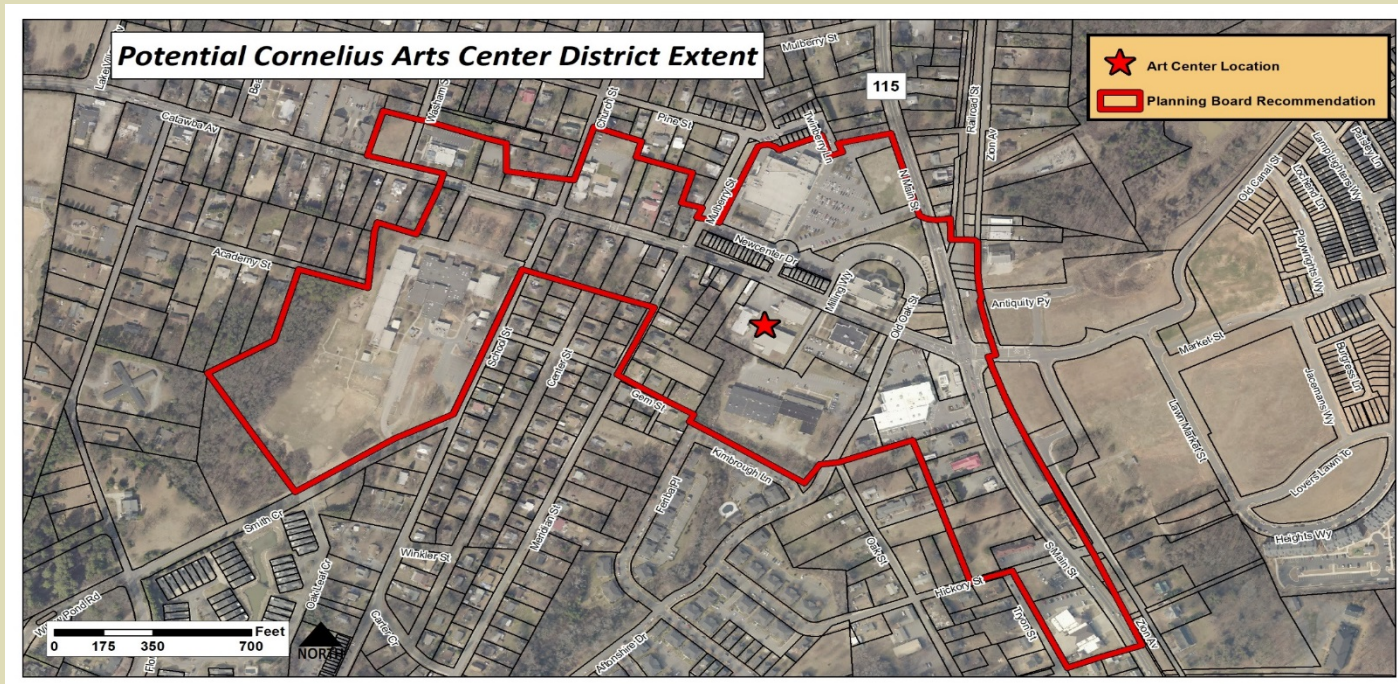
| Name: | Description: | Type: |
|--|-------------------|--------------|
|  Capital and Goal Update to BOC.pdf | FY20 Goals Update | Presentation |



**FY 20 Projects Update
Operational Goals and Capital
February 3, 2020**

Arts District Planning

- Planning Department and Planning Board established proposed arts district boundary and continues to work on land uses and development standards
- Work will continue in FY 21



Planning Updates

- Downtown Block Plan- will be converted to arts district plan
- Evaluate small area plans for updates- staff is recommending land use updates to hot spots
- Strategic Neighborhood Investment- Smithville
- LUESA Electronic Plan Review- working with the County to develop the new system
- Jetton Rd. Extension grants- staff continues to work on achieving grant eligibility

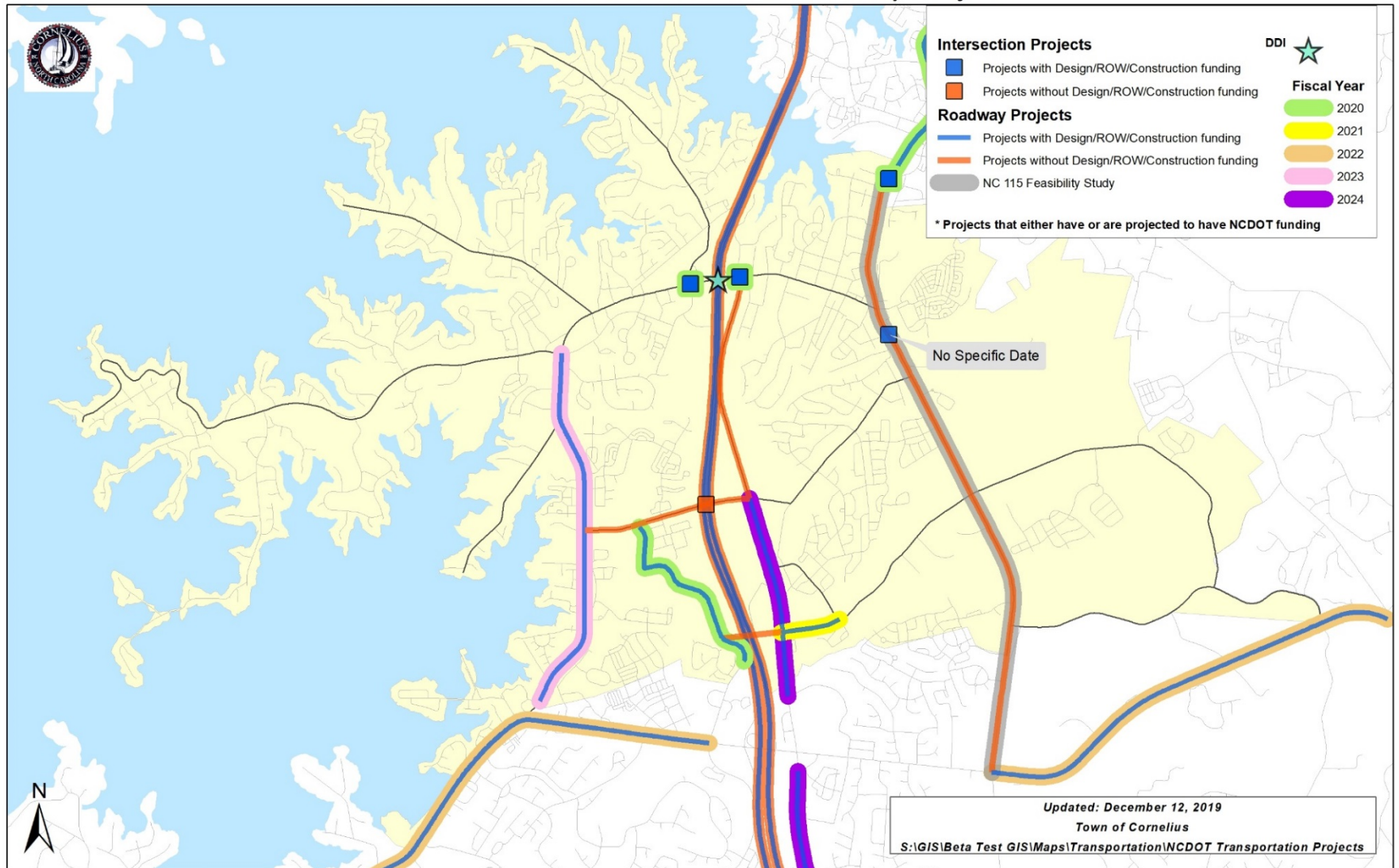
Town Roads Bond-Funded Projects

- Nannie Potts - Construction underway
 - Completion scheduled summer 2020
- Bailey/Hwy. 115 – Bid out this winter
 - Scheduled for 9-12 months of construction. Most of the lane closure will occur during summer break
- Gem St. Extension – Finalizing design and ROW underway summer/fall
 - Construction to start beginning of 2021

Nannie Potts Lane



Active NCDOT Intersection and Roadway Projects *



Road Project Update

- Bonus Allocation Projects will remain on schedule. Utilities/construction commencing in 2020
 - Northcross Drive Extension
 - Torrence Chapel Roundabouts
 - Catawba/US 21 Dual Roundabouts
 - Potts/NC 115 Roundabout

Road Project Update

- Delayed Road Projects:
 - West Catawba Avenue widening delayed to FY 23
 - US 21 widening (Home Depot to Westmoreland Rd) delayed to FY 24
 - Hickory Street/NC 115 Intersection (No specific date for delay)
- Town is working with NCDOT to advance these projects-Resolution passed, staff conversations with Division 10

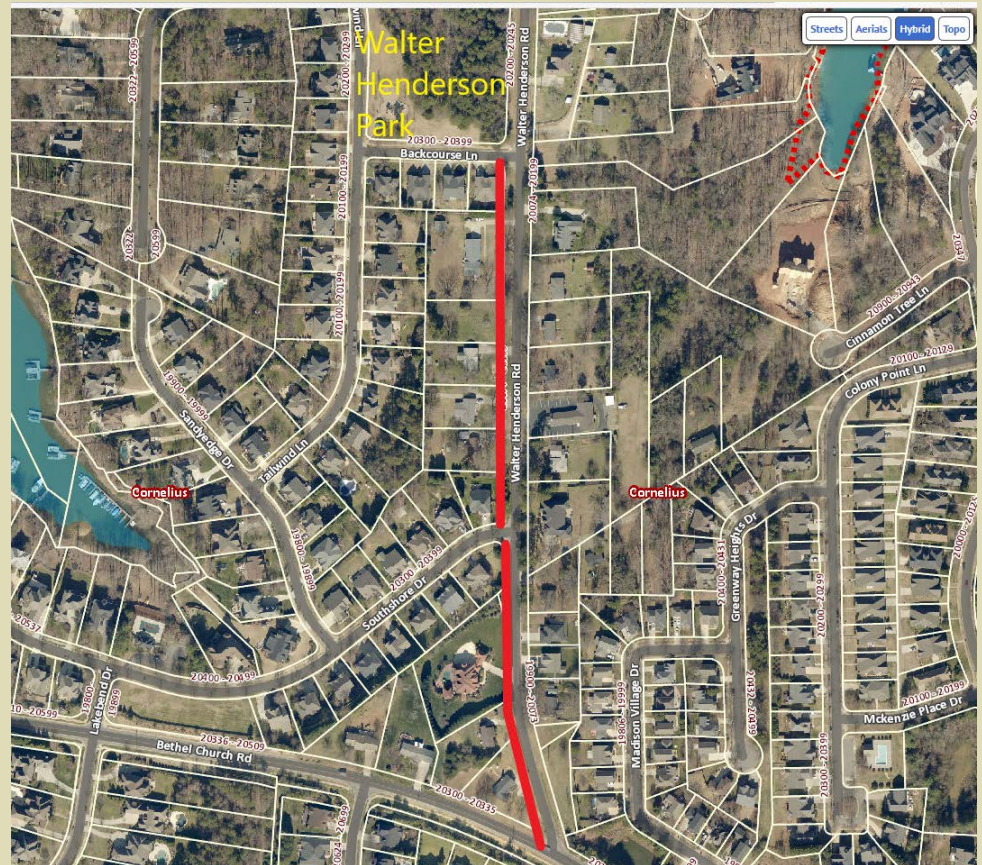
NCDOT Road Projects

Town of Cornelius
2021-2025 Capital Improvement Plan Summary
January 23, 2020

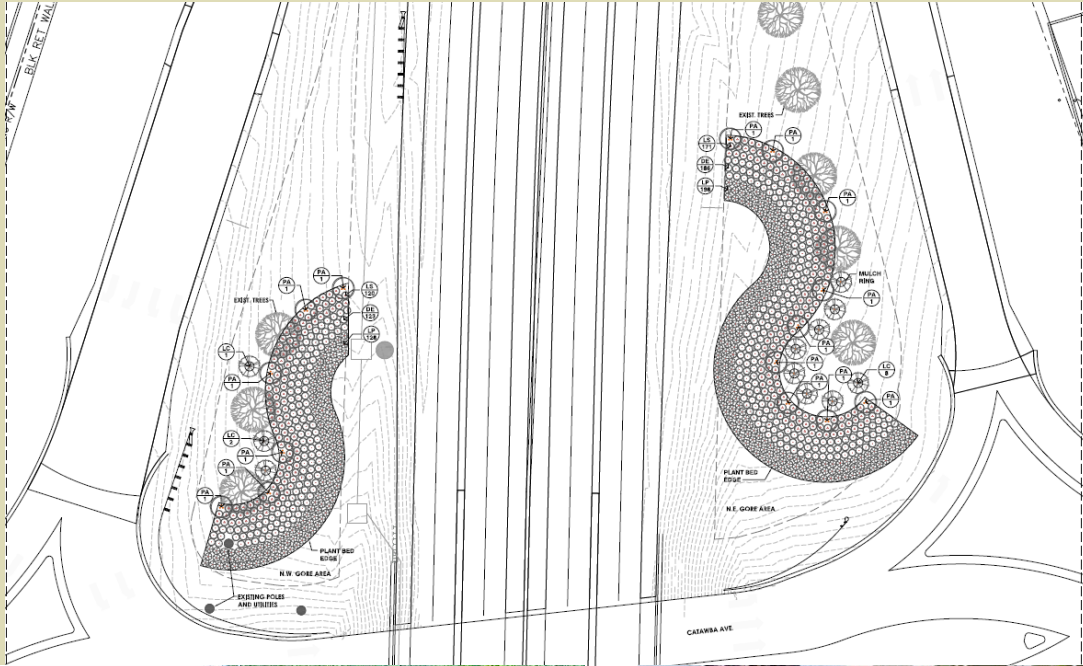
| DESCRIPTION | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | Future | Total |
|-------------------------------------|-----------|------|-----------|-----------|------|------|-----------|------------|
| Hwy 21 Dual Roundabouts | - | - | - | - | - | - | - | - |
| Hwy 21 Widening (A) | - | - | - | - | - | - | 1,700,000 | 1,700,000 |
| Hwy 115- Hickory St. | - | - | 1,040,782 | - | - | - | - | 1,040,782 |
| Hwy 115-Potts St.-Davidson St. | - | - | - | - | - | - | - | - |
| 2013 Road Bond Proj. Est. Increases | - | - | 5,500,000 | - | - | - | - | 5,500,000 |
| Northcross Dr. Extension | 2,512,000 | - | - | - | - | - | - | 2,512,000 |
| Torrence Chapel Rd. West Cat. Ave. | - | - | - | - | - | - | - | - |
| West Catawba Phase II | - | - | - | - | - | - | 5,833,800 | 5,833,800 |
| West Catawba Phase II- STI | - | - | - | 1,200,000 | - | - | - | 1,200,000 |
| Westmoreland Interchange | - | - | 2,000,000 | - | - | - | - | 2,000,000 |
| | 2,512,000 | - | 8,540,782 | 1,200,000 | - | - | 7,533,800 | 19,786,582 |

Street Resurfacing/Sidewalks

- Lake House Point - completed in summer 2019
- New Sidewalk for Walter Henderson Road - construction planned to start March 2020



DDI Aesthetics



- Town is waiting for Sugar Creek Construction to finish last of the drainage work in the gore areas. Sugar Creek's schedule for completion is late spring
- Anticipate planting-fall 2020
- Recommend funds move to FY21

Smithville Lane Drainage



- Improve drainage along Smithville Lane
- Project complete by the end of February

Crosswalk Safety Improvements (TAB)



- TAB recommendations implemented
- Flashers at North Main St. (Veteran's Monument)
- Signage at Potts Barber Shop

Garbage Services

- 3 bids received January 24th
 - Republic Services
 - Waste Pro
 - Waste Connection
- Staff evaluating bids

Smithville - Washam

Greenway and Westmoreland Road MUP- Willow Pond Stream Restoration

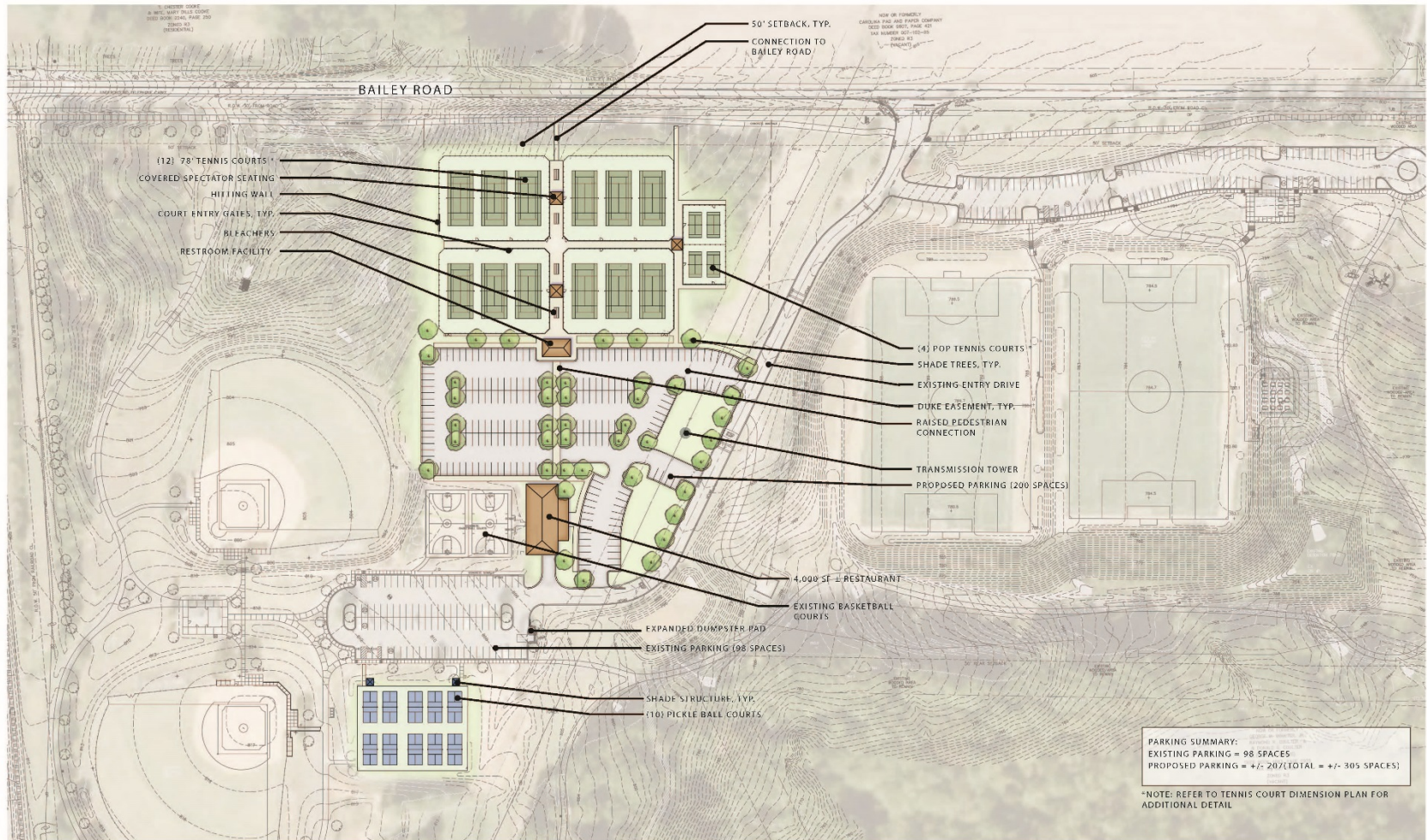
- Scope: 1.8 miles of greenway from Catawba Ave to Westmoreland Road and 0.7 multi-use path; approx. $\frac{3}{4}$ mile stream restoration
- Schedule:
 - Design ongoing
 - ROW FY 20/21 *waiting NCDOT ROW authorization
 - Construction FY 21/22



PARC Capital Update

- Bailey Rd. Park Tennis and Pickleball Complex/Smithville JV Washam Elementary Linear Park \$1M
 - Staff recently received a revised proposal to develop the facility. Staff is evaluating.
 - PARC has been prequalified for \$150,000 USTA Grant for this project

Bailey Rd. Park Tennis and Pickleball Complex



Develop park cost share partnerships for facility improvements

- Mecklenburg County installing way-finding signage on Antiquity Greenway and will maintain the Greenway
- Discussing Partnership with CMS for renovating Bailey Middle Track
- Bailey Rd. Park Tennis and Pickleball Complex

Plum Creek Greenway



**0.5 miles +/-
from Hough HS
multi-use path
to existing
South Prong
Rocky River
Greenway in
Davidson-
Opening May
2020-
Mecklenburg
County to
maintain
greenway**

Park Improvements

\$25K FY 20



Improve Program Offerings



- Offered Art in the Park, a free outreach program offered in spring and fall at Robbins Park with 300 participants
- Added several art classes including Advanced Watercolor, Teen Drawing & Painting, and Home School Art
- Coordinating with Mecklenburg County to provide Therapeutic Recreation programming in the spring

Admin/Finance

- HR Director (\$53,500 half year)- New HR Director began on January 27th
- Operational budget cuts – departmental supplies, legal fees, banking charges, travel, and network maintenance (reduction of \$130,000; 1.6%)

FY 2020 Vehicles

- Seven Police Ford Interceptors - (PO issued) \$400K



Crash Data Retrieval Tool

- Purchased to solve fatal and serious disabling injury crashes \$7K



Video Surveillance Program

- Maintain existing cameras (total 100), with focus on replacing antiquated cameras, access points, and expanding the infrastructure/fiber: \$50K



IT Update

- 2019-2020 replacement of 35 computers
- Implement SKYPE for Business-Microsoft Teams product has been implemented

Electricities

- To date, no vehicle accidents or personal injuries
- Continuity of Service is at 99.99%
- Main Street Utility Line
 - Project Underway to bury lines along Main St. to Mulberry St around Town Hall. Project to be completed in Spring 2020

Main Street Utility Burial



FIRE FY 2020 OPERATIONAL AND CAPTIAL UPDATE

February 3rd, 2020

FY2020 GOALS

- Make up Shortfall from County due to Town Annexations
 - Town annexed most land west of 115
 - This annexation caused a \$29,000 decrease in fire taxes collected by the county
 - Town of Cornelius funded the FY20 Goal request to fully fund the shortfall of \$29,000

FY2020 GOALS

- Maintain and Replace Aging Non-Capital Fire Equipment \$20,000
 - This goal was funded to bring this portion of our budget to \$40,000.
- Some of the recent new equipment purchased in FY20 includes:

Small Equipment

- Mustang Gas Clamps – \$1030 per clamp. All apparatus are now outfitted with a Mustang Gas Clamp.
- Inflatable Rescue Boat - \$5000 – used in Lake Cornelius for the YMCA as well as other small bodies of water and community ponds. Purchased used with a 5 year warranty at a fraction of the price of a new one (\$12,000).
- Currently receiving quotes for motor – funds are being kept in reserve until we can purchase the motor.



Small Equipment

- Grip Hoist - \$2500 – Used for remote winching operations.
- Replaced 5" Supply Hose – Fifteen 100' sections, Four – 50' sections \$11,000
 - Replaced one entire truck of hose - 1200' - that was over fifteen years old and kept three sections as spares in the event we have a section fail.
- EMS Suction Units – \$1900
 - All models are now the same throughout the fleet – older models were obsolete and we were unable to buy parts for them and they would no longer hold a charge for continued operation. This included 3 new units
- Command Console - \$7,000 constructed, shipped and installed.

Small Equipment

- DeWalt Equipment – \$850
 - Replace broken or hardly working Recue 4 equipment, including:
 - ½" Impact Wrench
 - Drill
 - Reciprocating Saw
 - Bits, blades, impact socket
- Training Technology Improvements - \$5300
 - Replaced seven year old Macbook
 - Thirteen year old projector
 - Thirteen year old A/V Hub
 - Thirteen year old A/V Sound Board
 - Thirteen year old speakers & accessories



FY2020 CAPITAL GOALS

- FIRE BOAT 4 CRITICAL REPAIRS \$95,000
 - The preliminary findings of the study states - Main sizes throughout the “finger areas” are often 6 inches and pressures/volume do not meet what is required to extinguish a structure fire. Fire extinguishment relies on adequate volume and pressure of water to overcome the fire load in a building.
 - If the pressure and volume are insufficient, water must be located from somewhere else. The fireboat is an excellent example of compensating for insufficient water capacity. ***CPSM looked at cross-staffing the rescue and fireboat as part of the final system design.***
 - The road network (narrow, winding roads), dead-end lines, and inability to loop or otherwise improve the water delivery requires additional planning, staffing, and equipment from Cornelius and the other Towns.
- Currently in talks with multiple Marine Service Companies in an attempt to provide multiple bids on the repair work.

Cain Center

- Additional operational funds for audit, accounting, insurance, communication, and software (\$24,600)
- Part-time Program Coordinator (\$33,400 one time request)

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: February 3, 2020

To: Mayor and Board of Commissioners

From: Andrew Grant, Town Manager

Action Requested:

American Legion Post 86 Commander Gene McKinney will give an overview of the significance in recognizing the first Sunday in February as the Four Chaplains of the Dorchester.

Manager's Recommendation:

Mayor Washam to execute a Proclamation recognizing Feb. 8th as the Four Chaplains of the Dorchester.

ATTACHMENTS:

| Name: | Description: | Type: |
|--|--------------|-----------------|
|  Four_Chaplains_Day.pdf | Proclamation | Backup Material |

***MAYORAL PROCLAMATION
FOUR CHAPLAINS DAY***

WHEREAS, on February 3, 1943, the U.S.A.T Dorchester carrying 902 service men, merchant seamen and civilian workers was hit by a torpedo fired from a German submarine; and

WHEREAS, the Dorchester sank beneath the Atlantic's frigid waters in a matter of 20 minutes; and

WHEREAS, through the panic and pandemonium Army chaplains Lt. George L. Fox, Lt. Alexander D. Goode, Lt. John P. Washington, and Lt. Clark V. Poling brought hope in despair and light in darkness by providing calm to the frightened, aid to the wounded and guidance to the disoriented; and

WHEREAS, when distributing life jackets to the men and assisting them into rafts, they selflessly gave their life jackets up to four young men; and

WHEREAS, as the ship went down, survivors in rafts witnessed the four chaplains arms linked together, offering prayers and singing hymns; and

WHEREAS, of the 902 men aboard the U.S.A.T Dorchester, 672 died including the four chaplains whose extraordinary faith, courage and selflessness displayed on that day would be posthumously honored with the Distinguished Service Cross and Purple Heart on December 19, 1944; and

WHEREAS, every year American Legion posts nationwide commemorate the selfless acts of the Four Chaplains on or near February 3rd.

NOW, THEREFORE, I, Woody Washam, Jr., Mayor of Cornelius, do hereby proclaim February 9, 2020 as

Four Chaplains Day

in Cornelius and encourage all citizens from every faith to remember the supreme service to humanity, heroism under fire, and interfaith assistance given to the 902 service men on February 3, 1943 aboard the Dorchester.

Woody Washam, Jr., Mayor

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the Town of Cornelius on this 3rd day of February, 2020.

REQUEST FOR BOARD ACTION

 **Print**

Date of Meeting: February 3, 2020

To: Mayor and Board of Commissioners

From: Aaron Tucker, Planning Director

Action Requested:

Matt Gallagher of Blue Heel Development, LLC is seeking to develop 27 single family attached homes (townhomes) on the 6.82 acre property located at 10212 Washam Potts Road. The townhomes are proposed to each have 4 bedrooms and 3 baths.

The Planning Board reviewed the case at its January 13th meeting and unanimously recommended approval. The Planning Board also requested the applicant move the units back from Washam Potts Road. The plan reviewed by the Planning Board showed a distance of 32' from edge of pavement to the first property lot line.

The applicant has recently submitted an alternate proposal that will push the lots back to approximately 42' from the edge of pavement on Washam Potts Road. Staff anticipates recommending approval with the conditions noted in the attached Staff Report and Ordinance and will have a full plan review completed prior to Monday's public hearing.

Manager's Recommendation:

Conduct Public Hearing #2 and consider approval of an Ordinance to amend the zoning map with conditions and a Resolution declaring that REZ 10-19 is consistent with the Town's Land Use Plan and reasonable in the public's interest.

ATTACHMENTS:

| Name: | Description: | Type: |
|--|--------------------------------------|-------------------|
|  rezoning_application_signed_CURRENT.pdf | Application | Backup Material |
|  Blueheel_Washam_Potts_Zoning.pdf | Zoning Map | Backup Material |
|  Blueheel_Washam_Potts_LU.pdf | Land Use Map | Backup Material |
|  Blueheel_Washam_Potts_Vicinity.pdf | Vicinity Map | Backup Material |
|  Blueheel_Washam_Potts_Property.pdf | Property Map | Backup Material |
|  REZ_10-19(TB)_Washam_Potts_Townhomes_Staff_Report.pdf | Staff Report | Cover Memo |
|  Washam_Potts_Site_Plan.pdf | Site Plan | Backup Material |
|  Washam_Potts_Color_Rendering.pdf | Color Site Plan | Backup Material |
|  Consistance_V2.pdf | Planning Board Consistency Statement | Cover Memo |
|  Ordinance_on_Rezoning_Property_REZ_10-19_(Washam_Potts_Townhomes).pdf | Ordinance | Ordinance |
|  RESOLUTION_OF_THE_TOWN_OF_CORNELIUS_BOARD_REZ_10-19_(Washam_Potts_Townhomes)_Consistency_Statement.pdf | Resolution | Resolution Letter |
|  REZ_10-19_Washam_Potts_Townhomes.pdf | Staff Presentation | Presentation |
|  REZ_10-19_Washam_Potts_Townhomes_Applicant.pdf | Applicant Presentation | Presentation |



TOWN OF CORNELIUS

Planning Department

PO Box 399 | Cornelius, NC 28031 | Phone: 704-896-2461 | Fax: 704-896-2462

Staff Only:

Date Rec'd: _____

Rec'd by: _____

Case #: _____

LAND DEVELOPMENT APPLICATION FORM

1. Application Type

- | | ✓ | Fee | | ✓ | Fee |
|---------------------------------|--------------------------|-------|---------------------------------|-------------------------------------|-------|
| • Sketch Plan/Plat (Major Sub): | <input type="checkbox"/> | _____ | • Conditional Zoning (CZ) | <input checked="" type="checkbox"/> | 1,250 |
| • Preliminary Plat (Major Sub): | <input type="checkbox"/> | _____ | • Special Use Permit (SUP) | <input type="checkbox"/> | _____ |
| • Final Plat (Major Sub): | <input type="checkbox"/> | _____ | • Major Architectural Variation | <input type="checkbox"/> | _____ |
| • Construction Documents: | <input type="checkbox"/> | _____ | • Minor Architectural Variation | <input type="checkbox"/> | _____ |
| • General Rezoning | <input type="checkbox"/> | _____ | • Other: _____ | <input type="checkbox"/> | _____ |

Fee Total: 1,250

2. Project Information

Date of Application: 8/15/19 Name of Project: TBD - Infill Townhomes on Washam Potts
Location: 10212 Washam Potts Road Property Size (acres): 6.82 # of Units/Lots: 27
Current Zoning: NR Proposed Zoning: CZ
Current Land Use: single family home Proposed Land Use: single family attached homes (townhomes)
Tax Parcel Number(s): 00509313

3. Contact Information

Blue Heel Development, LLC

Owner, Applicant, or Developer

9606 Bailey Road, Suite 265

Address

Cornelius, NC 28031

City, State Zip

704-634-5140

Telephone

Fax

Signature

Print Name

Date

Email - matt@blueheeldevelopment.com

Henson Foley

Agent(s) (Engineer, Architect, Etc.)

8712 Lindholm Dr #202A

Address

Huntersville, NC 28078

City, State Zip

704-875-1615

704-875-0959

Telephone

Fax

Signature

Print Name

Date

Email - jay@hensonfoley.com

4. The following items may also be required to be considered part of a complete application, please check all that apply on this list:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Signed "Original" application | <input checked="" type="checkbox"/> Illustrative (color) site/sketch plan for presentation purposes with same layers as described above |
| <input checked="" type="checkbox"/> Project Fee(s) - See Fee Schedule | <input type="checkbox"/> Architectural elevations, Perspective Renderings, and Architectural Review Board Checklist may include multiple pages and must be drawn to scale by an architect. Include all primary and accessory buildings (all building sides), an illustrative color package, and black and white w/dimensions. Other architectural elements/features of the site such as gazebos, trellis's, garden walls, retaining walls, or other items over 4-feet in height must also be included (NOT REQUIRED, BUT OPTIONAL FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS). |
| <input checked="" type="checkbox"/> Written Summary/Description of Request can be on company letterhead. Shall include requested use or uses, sq. feet of non-residential space, or density and number of units/lots for residential, or any other applicable information. For CZ's, must also describe any variations proposed from the Land Development Code | <input type="checkbox"/> Charlotte Water Capacity Assurance Review Application Provide copy with application, and send original to CW. |
| <input checked="" type="checkbox"/> Property Survey (at least one copy), including existing buildings, topography, wetlands, streams, vegetation (trees over 18" in diameter), and other natural features. | <input type="checkbox"/> Illustrative (color) elevations for presentation purposes for all items described above, as well as perspective (3D) renderings and photograph examples |
| <input checked="" type="checkbox"/> Site/sketch plan (at least one copy), may contain multiple pages and must be drawn to scale by an engineer or landscape architect. Shall include locations of buildings and/or lots, streets, parking, proposed grading, landscaping/screening, open space, watershed/storm water information, associated storm water measures, and proposed utilities and lighting. Shall also include general information from adjoining lots | <input checked="" type="checkbox"/> Digital Files of all items listed above |

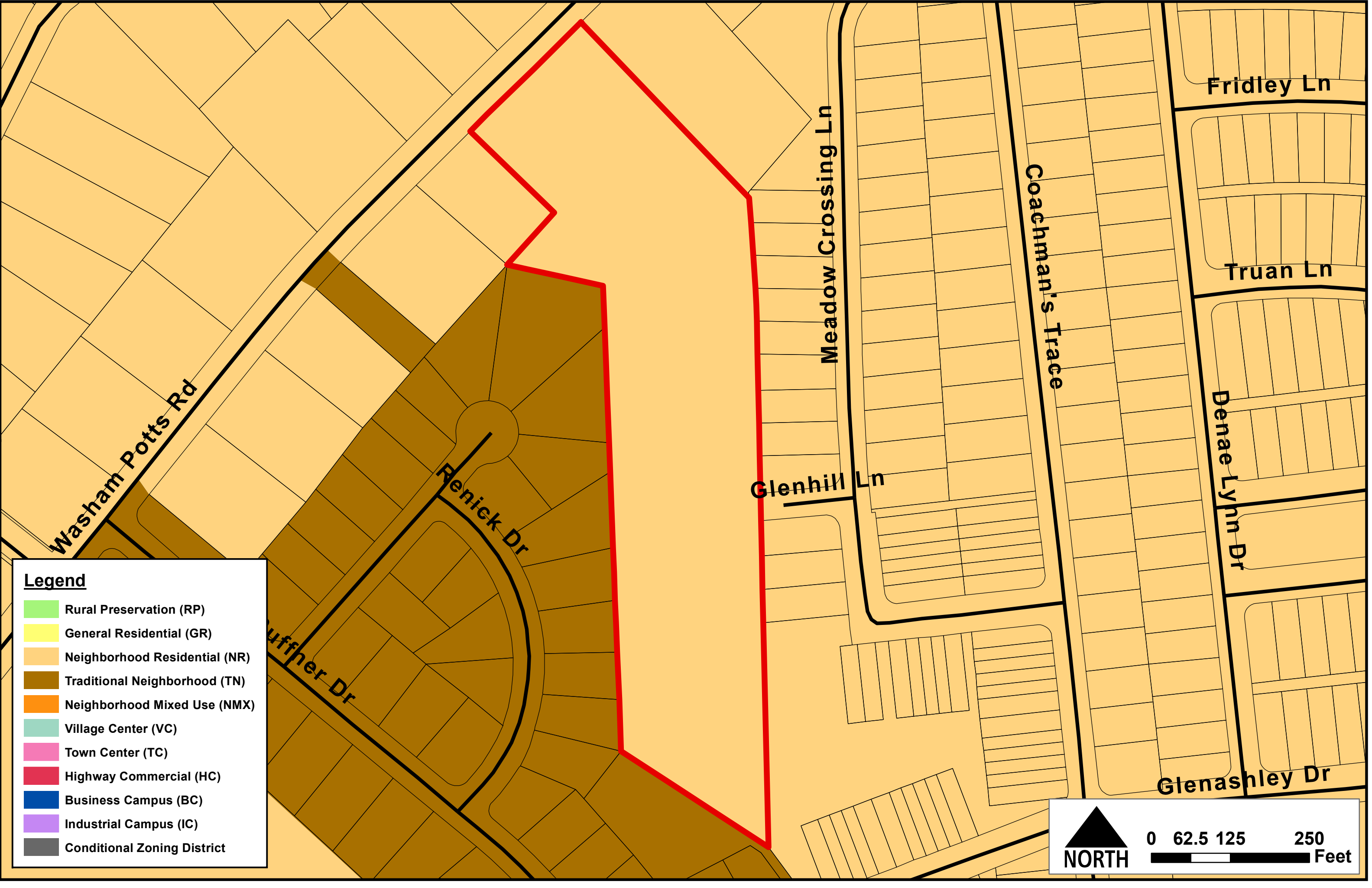


Written Summary
August 28, 2019

The existing parcel is vacant. This project proposes 27 townhome units each with 4 bedrooms and 3 baths. There will be 2 parking spaces per unit for a total of 54 parking spaces.

Sincerely,

Jay Henson, ASLA
HensonFoley

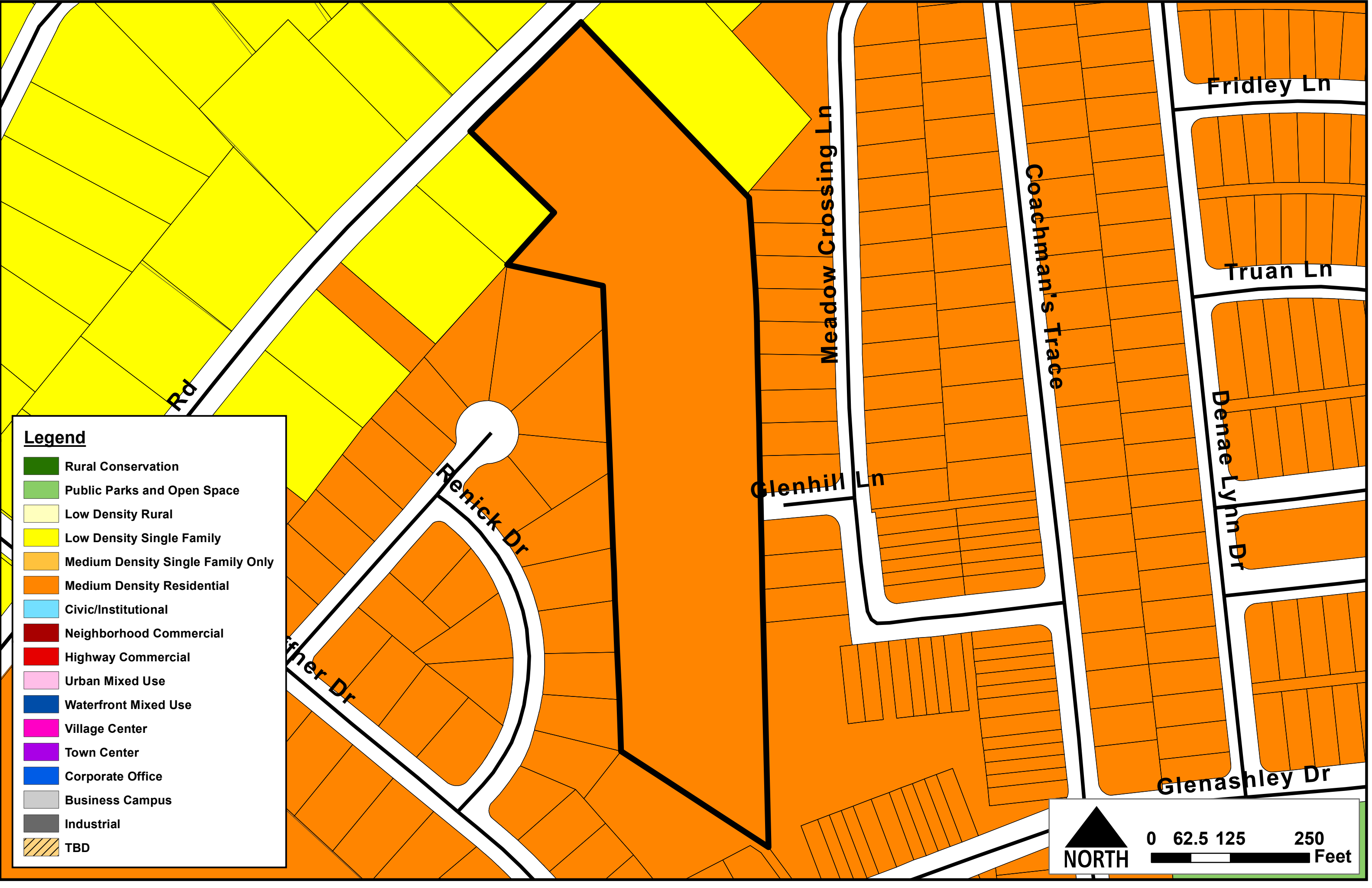


Legend

- Rural Preservation (RP)
- General Residential (GR)
- Neighborhood Residential (NR)
- Traditional Neighborhood (TN)
- Neighborhood Mixed Use (NMX)
- Village Center (VC)
- Town Center (TC)
- Highway Commercial (HC)
- Business Campus (BC)
- Industrial Campus (IC)
- Conditional Zoning District

NORTH

0 62.5 125 250 Feet

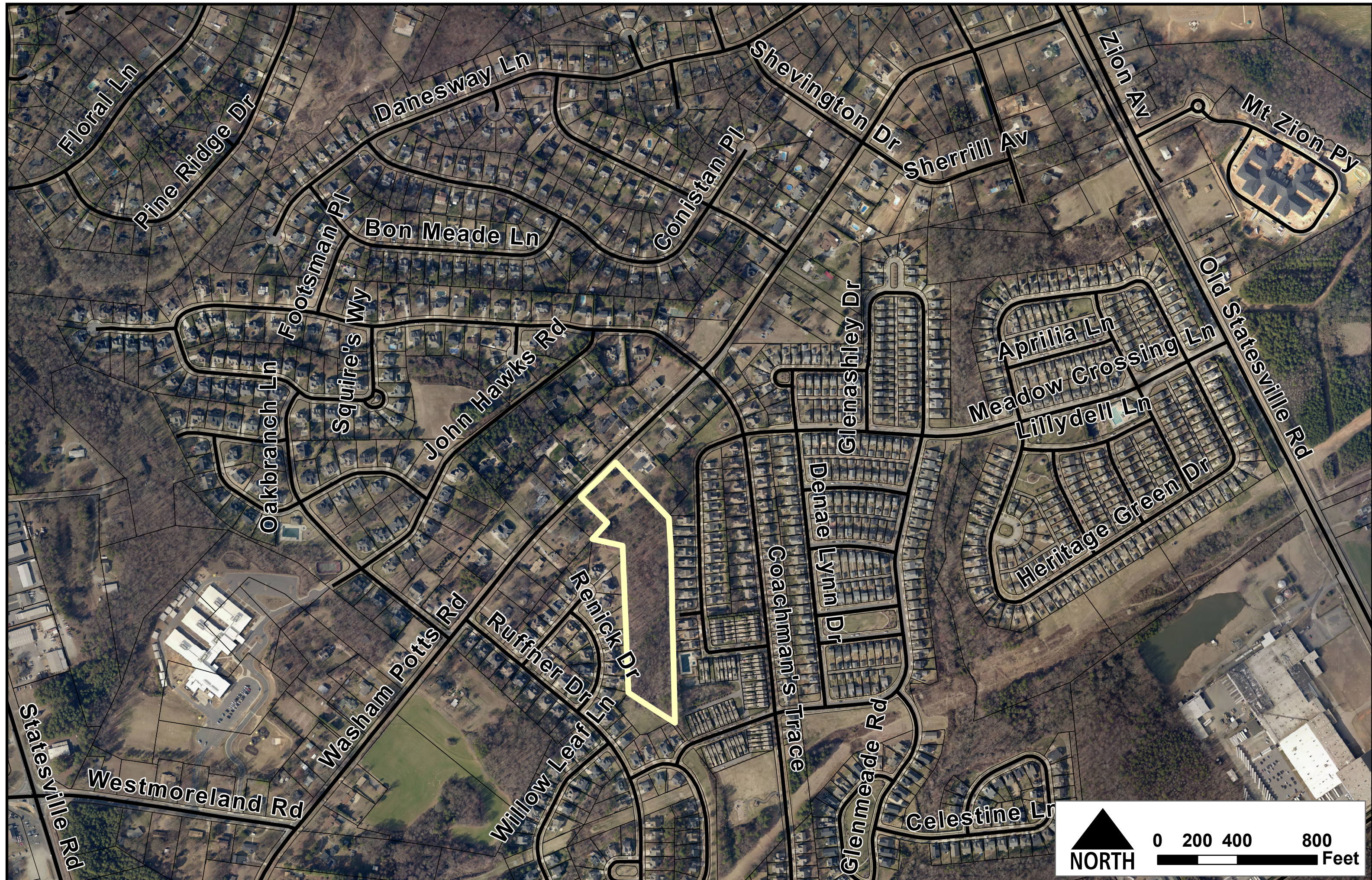


Legend

- Rural Conservation
- Public Parks and Open Space
- Low Density Rural
- Low Density Single Family
- Medium Density Single Family Only
- Medium Density Residential
- Civic/Institutional
- Neighborhood Commercial
- Highway Commercial
- Urban Mixed Use
- Waterfront Mixed Use
- Village Center
- Town Center
- Corporate Office
- Business Campus
- Industrial
- TBD

NORTH

0 62.5 125 250 Feet





Washam Potts Rd

Allison Taylor Ct

Ruffner Dr

Penick Dr

Meadow Crossing Ln

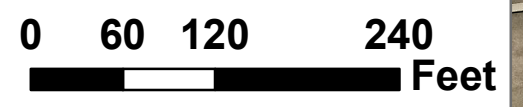
Glenhill Ln

Coachman's Trace

Denae Lynn Dr

Truan Ln

Fridley Ln





REZ 10-19
Washam Potts Townhomes

Conditional Zoning Request

Town Board Meeting
February 3, 2020

OWNER/APPLICANT: Blue Heel Development, LLC
9606 Bailey Rd.
Suite 265
Cornelius, NC 28031

AGENT: Henson Foley
8712 Lindholm Dr.
202 A
Huntersville, NC 28078

PROPERTY LOCATION: 10212 Washam Potts Rd.
(PID#: 00509313)

PROPERTY SIZE: 6.82 acres total

CURRENT LAND USE: Single Family Home

PROPOSED LAND USE: Single Family Attached Homes (townhomes)

EXISTING ZONING: NR (Neighborhood Residential)

PROPOSED ZONING: CZ (Conditional Zoning)

EXISTING CONDITIONS:

1. Description of Adjoining Zoning and Land Uses – This property has approximately 245 feet of road frontage along Washam Potts Road. To the north are single family homes that are zoned NR (Neighborhood Residential). To the south and west this parcel directly touches the Oakhurst development zoned TN (Traditional Neighborhood). Properties to the east are zoned NR (Neighborhood Residential) and are part of the Glenridge development. Both Oakhurst and Glenridge were developed in the late 1990's and early 2000's. In 2014, the Town adopted two different land use designations on Washam Potts based on existing development in the area. .
2. Topography – The property has a continuous slope towards the back end of the property. The back end of the property also includes a spring and wetlands.
3. Vegetation – The majority of this property is covered with tree canopy. The applicant has is proposing undisturbed buffers as noted on the plan using existing trees towards the required buffer.

4. Infrastructure – The applicant has provided a Charlotte Water Capacity Assurance form to ensure water and sewer capacity is available for the site. Currently, water and sewer access is available.

STAFF COMMENTS:

1. Project Overview – Matt Gallagher of Blue Heel Development, LLC is seeking to develop 27 single family attached homes (townhomes) on the property located at 10212 Washam Potts Road. The townhomes are proposed to each have 4 bedrooms and 3 baths.
2. History - This site has one single family home that was built in 1936.
3. Land Use Plan Consistency – The Land Use Plan adopted by the Town Board on January 6th, 2014 designates this property as “Medium Density Residential,” which allows a maximum of 4 dwelling units an acre. This plan is consistent with the land use plan at 3.9 units per acre.
4. Pre-Development Review Committee – The sketch plan was presented to the PDRC on March 4, 2019. The plan proposed had 31 townhomes shown. The PDRC was generally supportive of the proposed development but asked that the applicant follow the Land Use Plan policy pertaining to density (4 units per acre).
5. Community Meeting – The applicant held the required community meeting on Thursday, November 7, 2019. Around 20 citizens attended the meeting. They were concerned about the number of townhomes as well as traffic on Washam Potts. The residents in the Oakhurst neighborhood that abut the property had concerns about the buffer requirement and asked if a larger buffer could be provided.
6. Transportation Advisory Board - The meeting was held on Tuesday November 19, 2019. The Board analyzed the capacity for the number of proposed townhomes on Washam Potts and determined that the added traffic won't be detrimental to the area.
7. Town Board Public Hearing #1 – The meeting was held Monday November 18, 2019. The applicant asked for a continuance do to a change in board members from the recent election on November 6th. The board continued the public hearing to Monday December 16, 2019. The citizens that were in attendance voiced concerns about the buffers, traffic, school overcrowding, the number of proposed units, and the type of housing being proposed.
8. Planning Board- The meeting was held on Monday January 13, 2020. The citizens that were in attendance voiced concerns about the buffers, the number of proposed units, and how close the townhomes were to Washam Potts Road. The board voted unanimously to recommend approval with conditions, but added an additional condition to have the developer look at moving homes back away from Washam Potts Road. The applicant is currently proposing a site plan that shows additional distance and landscaping between the homes and Washam Potts Road per the Planning Board's request.

STAFF RECOMMENDATIONS:

Staff is currently reviewing the current site plan. Staff anticipates recommending approval of the project with the following conditions listed below:

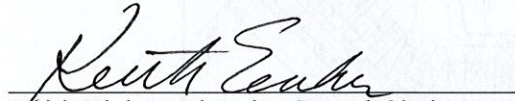
1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
4. The US Postal Service has notified the Town that all future subdivision approvals must utilize a community mail delivery system. Locations and details of the proposed community mailboxes must be included in the Construction Documents, and must be reviewed and approved by the Post Master for this area. The applicant(s) must provide the Town with written confirmation that the local Post Master is in agreement with the proposed box locations.
5. Buffer areas not identified as undisturbed areas shall be designed and planted in accordance with the type "A" buffer planting requirements of the Land Development Code. Amenities required as part of the improved open space requirements may not encroach into the required perimeter buffers.
6. All undisturbed buffer areas are to be retained. An evergreen planting strip must be installed along the buffer area in addition to the undisturbed buffer. Amenities required as part of the improved open space requirements may not encroach into the required undisturbed buffers.
7. The maximum height of the townhomes must be 26'. This is to be measured from grade to the pitch of the roof.
8. The pedestrian bridge that connects the proposed new public street sidewalks Glenhill Lane shall be maintained by the Washam Potts Townhome's HOA and shall provide lighting in accordance with the Town of Cornelius lighting policy and the Land Development Code.
9. The applicant will construct a 5' sidewalk along Washam Potts Road for the entire length of the site.

**REASONABLENESS AND CONSISTENCY
OF PROPOSED ZONING MAP AMENDMENTS**

REZ 10-19 Washam Potts Townhomes

Blue Heel Development LLC, applicant, initiated the process to rezone and develop the property located at 10212 Washam Potts Road (PID 00509313), which consists of 6.8 acres, to *Conditional Zoning District* as shown on *Exhibit A*, and to use the property in accordance with the conditions set forth in *Exhibit B*.

The Planning Board considers the proposed plan to be reasonable and consistent with the Town of Cornelius Land Use Plan "Medium Density Residential" category in that townhomes are a primary land use that serves the greater community and the proposed plan is in the public interest.


Keith Eicher, Planning Board Chair

January 13, 2020

Exhibit A

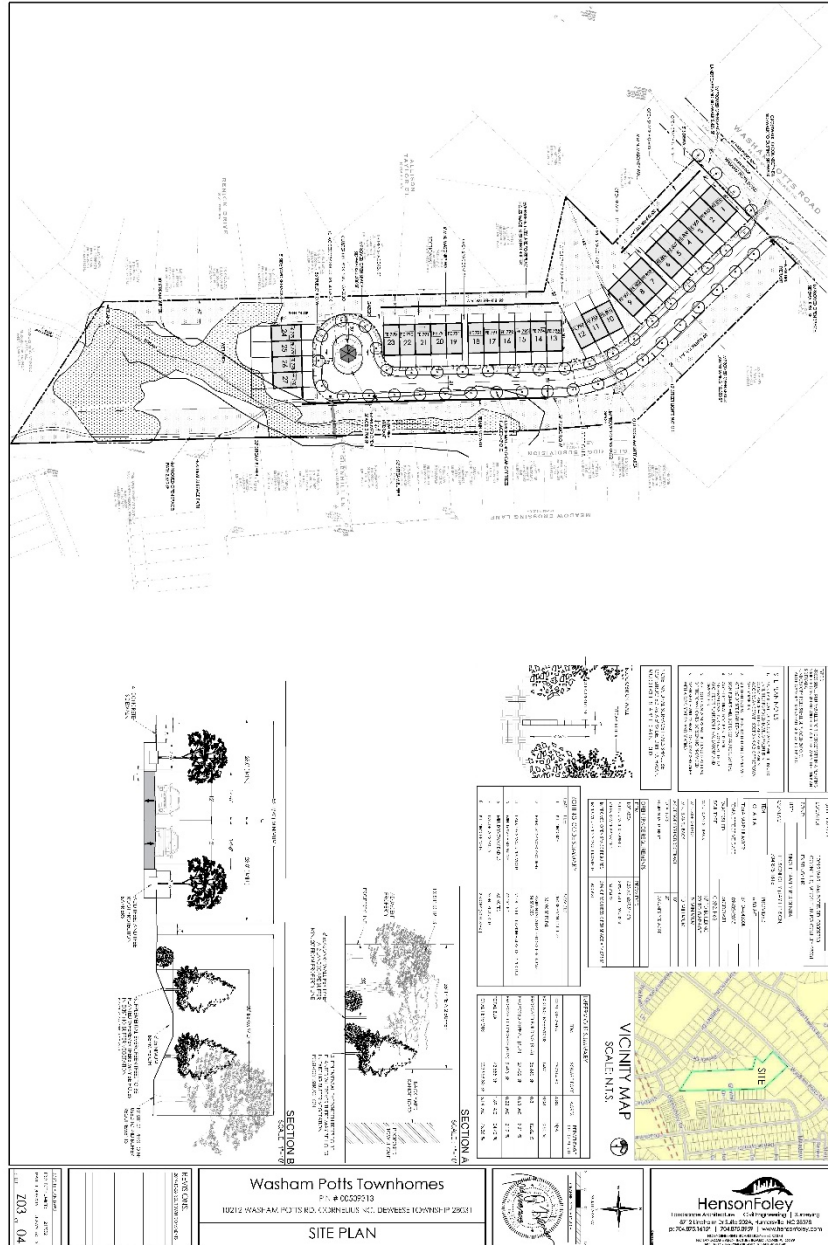


Exhibit B

Conditions of REZ 10-19

1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
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6. All undisturbed buffer areas are to be retained, but shall be supplemented, if necessary, with evergreen plantings. Amenities required as part of the improved open space requirements may not encroach into the required undisturbed buffers.
7. The maximum height of the townhomes must be 26'. This is to be measured from grade to the pitch of the roof.
8. The pedestrian bridge that connects the proposed new public street sidewalks Glenhill Lane shall be maintained by the Washam Potts Townhome's HOA and shall provide lighting in accordance with the Town of Cornelius lighting policy and the Land Development Code.
9. The applicant will construct a 5' sidewalk along Washam Potts Road for the entire length of the site.
10. The applicant shall look at allowing more space between Washam Potts Road and the proposed homes.

AN ORDINANCE TO AMEND THE TOWN OF CORNELIUS ZONING MAP

REZ 10-19 Washam Potts Townhomes

WHEREAS, the Town of Cornelius has received an application requesting that the zoning classification of parcels of land subject to the zoning regulations of the Town be reclassified; and

WHEREAS, notice of public hearing on the question of the reclassification of the subject parcels has been provided through posting of the property; and

WHEREAS, notice of public hearing on the question of the reclassification of the subject parcels has been provided through advertisement in a newspaper of general circulation in the Town; and

WHEREAS, property owners contiguous to the subject parcels have been notified by first class mail of the public hearing on the question of the reclassification; and

WHEREAS, a public hearing on the question of the reclassification of the subject parcel has been held by the Board of Commissioners of the Town of Cornelius.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF CORNELIUS THAT:

Tax Parcel Number 00509313 consisting of approximately 6.82 acres located at 10212 Washam Potts Road, be reclassified as *Conditional Zoning (CZ) District* as shown on *Exhibit A* and as further subject to the conditions shown on *Exhibit B* attached hereto and incorporated herein by reference.

Adopted this the 3rd day of February 2020.

Woody T. Washam, Jr., Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Town Attorney

Exhibit A

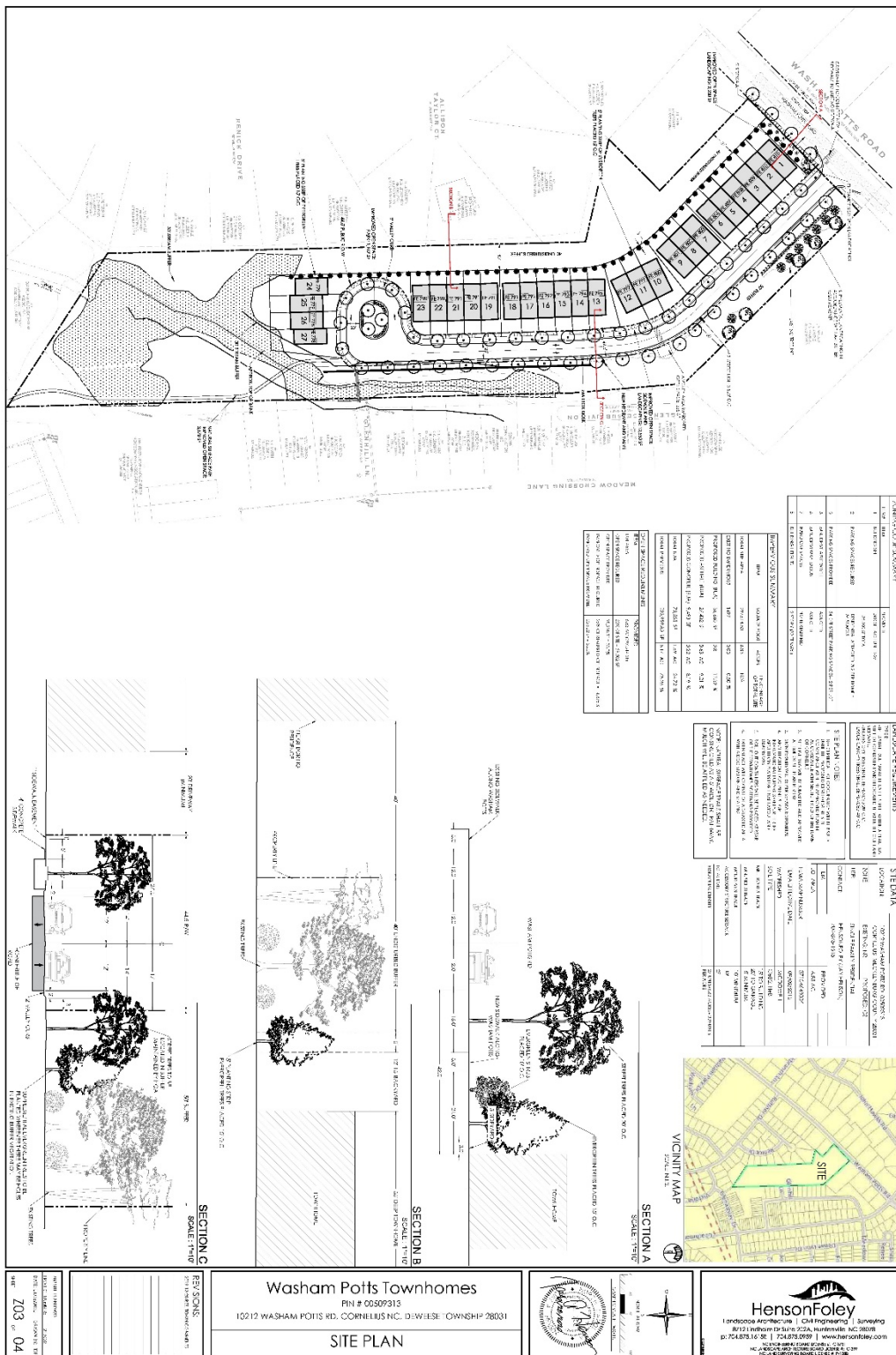


Exhibit B

Conditions of REZ 10-19

1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
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5. The 50' eastern buffer areas shall be designed and planted in accordance with the type "A" buffer planting requirements of the Land Development Code where no existing vegetation exists. All other areas of the 50' buffer shall remain undisturbed, except where construction of retaining walls, pedestrian connections, and sewer connections are required and shall require additional landscape screening as necessary. Amenities required as part of the improved open space requirements may not encroach into the required perimeter buffers.
6. The 40' western buffer area shall remain undisturbed. A 5' evergreen planting strip must be installed in addition to the undisturbed buffer area. Amenities required as part of the improved open space requirements may not encroach into the required undisturbed buffers.
7. The maximum height of the townhomes must be 26'. Height shall be measured as defined in the Land Development Code.
8. The pedestrian bridge that connects the proposed new public street sidewalks to Glenhill Lane shall be maintained by the Washam Potts Townhome's HOA and shall provide lighting in accordance with the Town of Cornelius lighting policy and the Land Development Code.
9. The applicant will construct a 5' sidewalk along Washam Potts Road for the entire length of the site.

**RESOLUTION OF THE TOWN OF CORNELIUS BOARD OF
COMMISSIONERS PERTAINING TO THE REASONABLENESS AND
CONSISTENCY OF PROPOSED ZONING MAP AMENDMENTS**

REZ 10-19 Washam Potts Townhomes

WHEREAS, Matt Gallagher of Blue Heel Development, LLC, applicant, initiated the process to rezone the property located at 10212 Washam Potts Rd. (PID #: 00509313), which consists of 6.82 acres, to *Conditional Zoning District* as shown in *Exhibit A*, and to use the property in accordance with the conditions set forth in *Exhibit B*; and

WHEREAS, in accordance with the provisions of North Carolina General Statutes 160A-382 and 383, the Town Board has considered the reasonableness and consistency of rezoning the above described property and adopts the following statement.

NOW, THEREFORE, BE IT RESOLVED, by the Town of Cornelius Board of Commissioners that the rezoning is consistent with the Town's adopted comprehensive land use plan as proposed and is reasonable and in the public interest because the Land Use Plan categorizes this property as Neighborhood Commercial. A daycare and after school are considered appropriate uses in the Neighborhood Commercial category.

Adopted this 3rd day of February 2020.

Woody T. Washam, Jr., Mayor

ATTEST:

Lori A. Harrell, Town Clerk

APPROVED AS TO FORM:

Town Attorney

Exhibit A

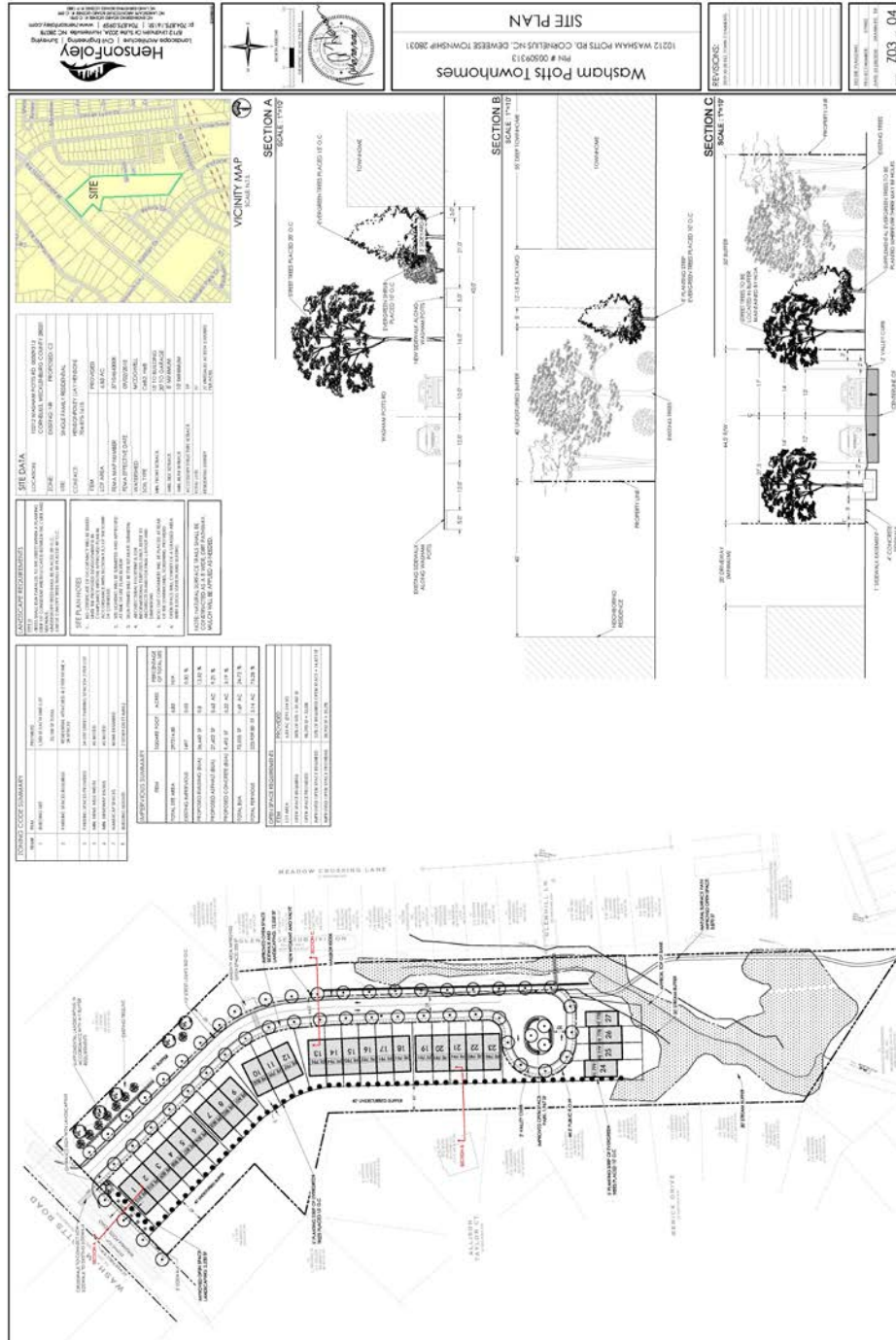


Exhibit B

Conditions of REZ 10-19

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9. The applicant will construct a 5' sidewalk along Washam Potts Road for the entire length of the site.

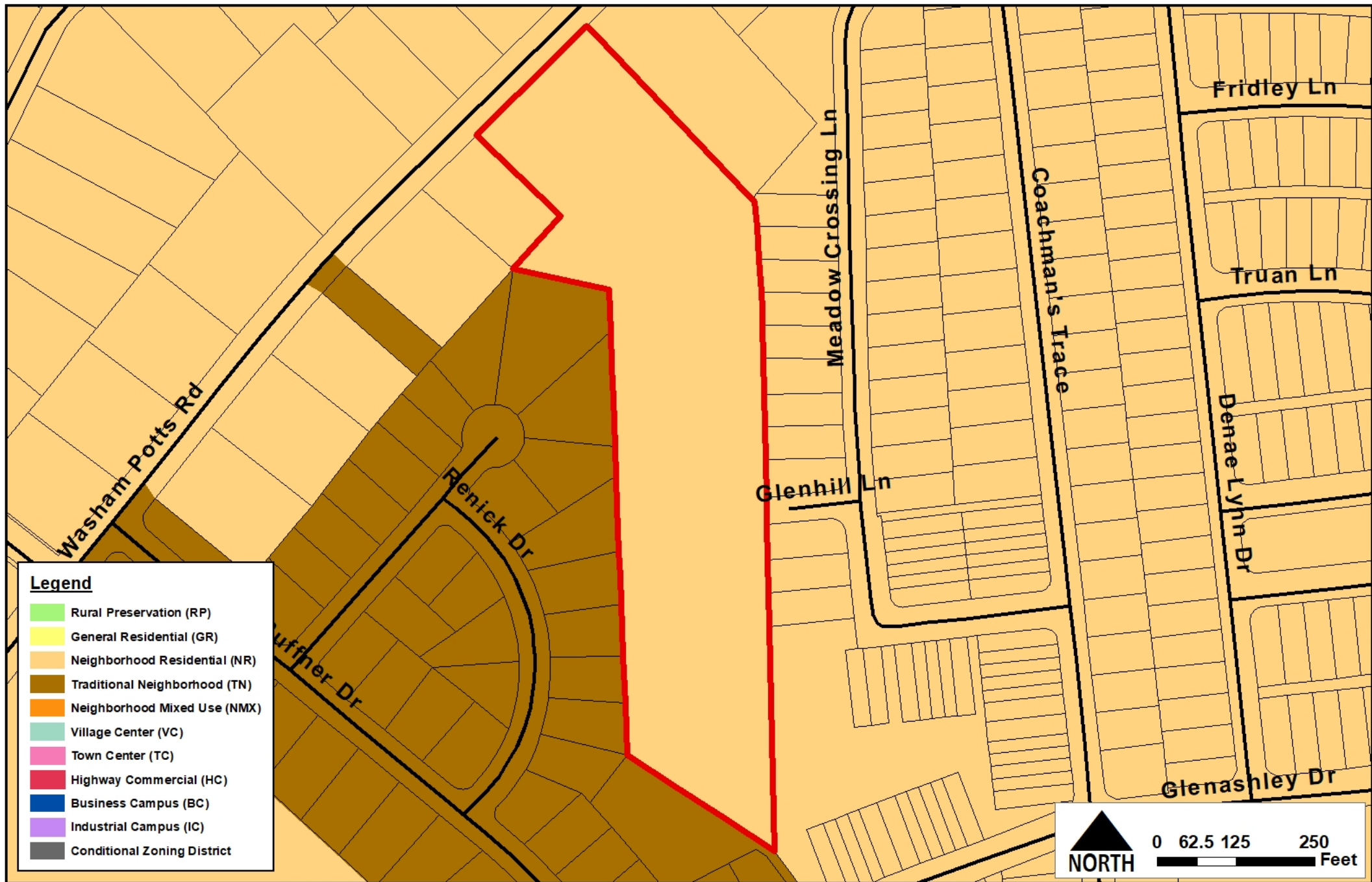
Washam Potts Townhomes

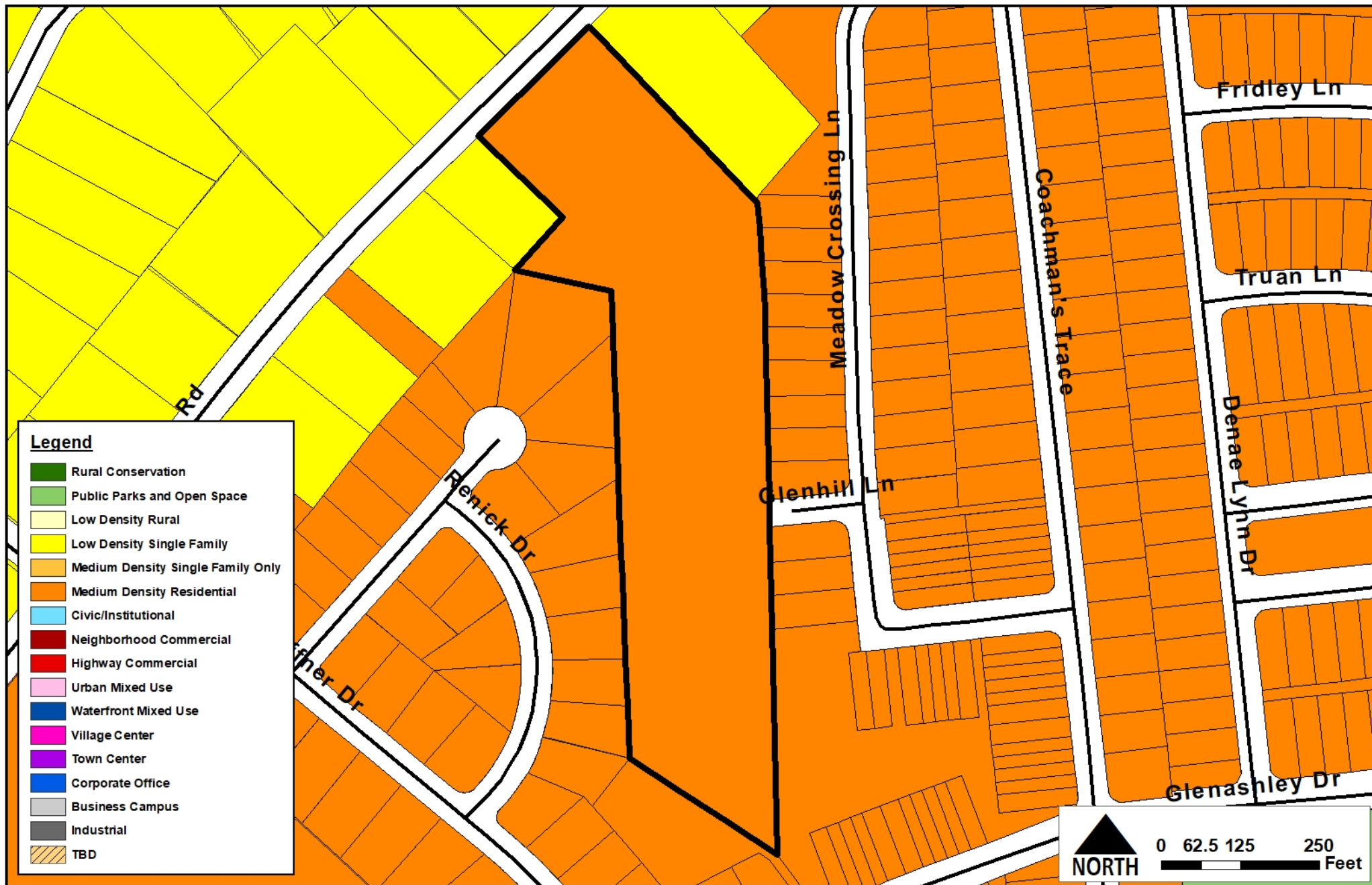
REZ 10-19

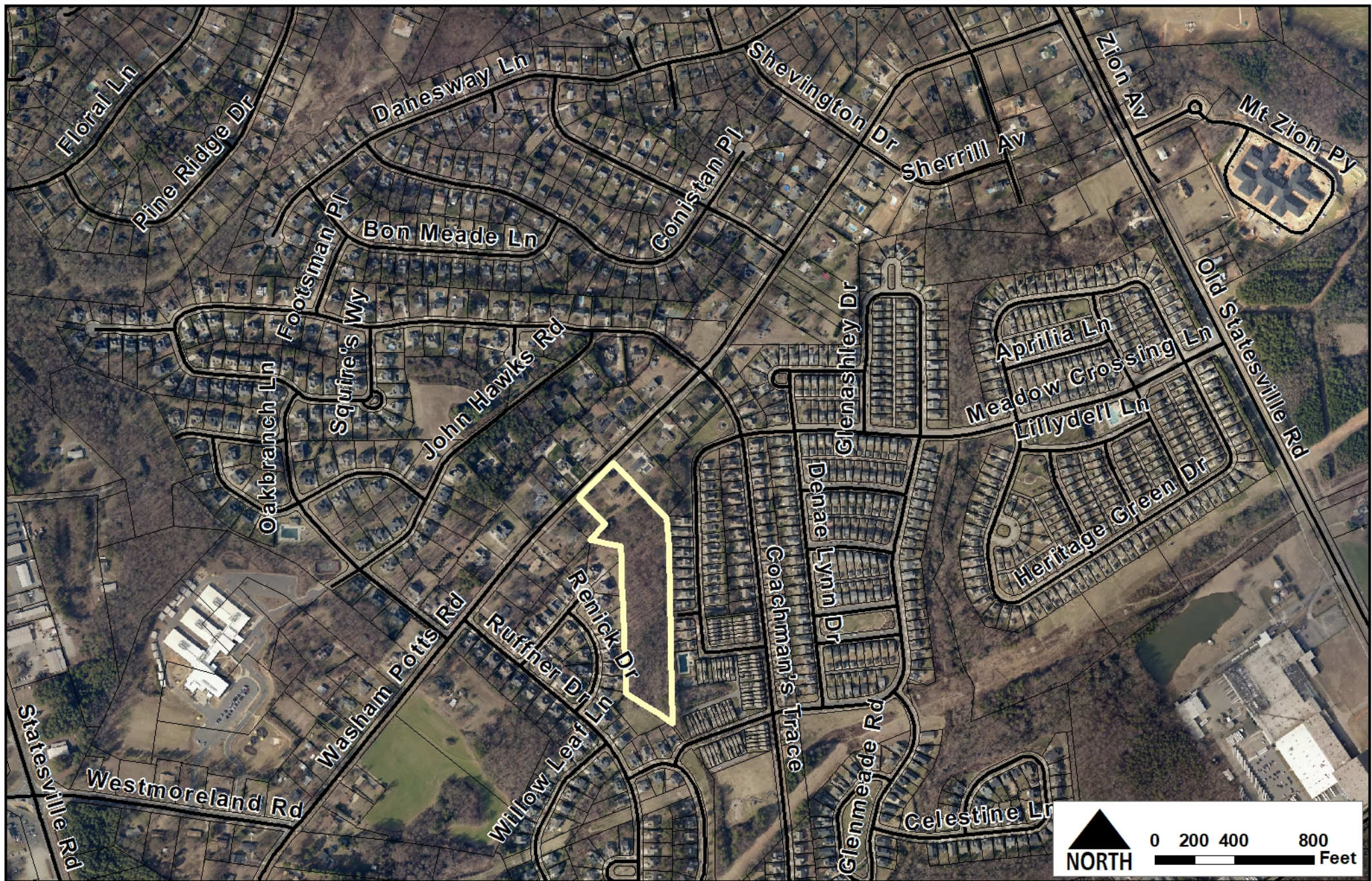


REZ 10-19 Washam Potts Townhomes

- Location: 10212 Washam Potts Road (PID#: 00509313)
- Property size: 6.82 acres
- Existing Zoning: NR (Neighborhood Residential)
- Proposed Use: 27 Townhomes
- Land Use Plan allows townhomes as a Primary Land Use.

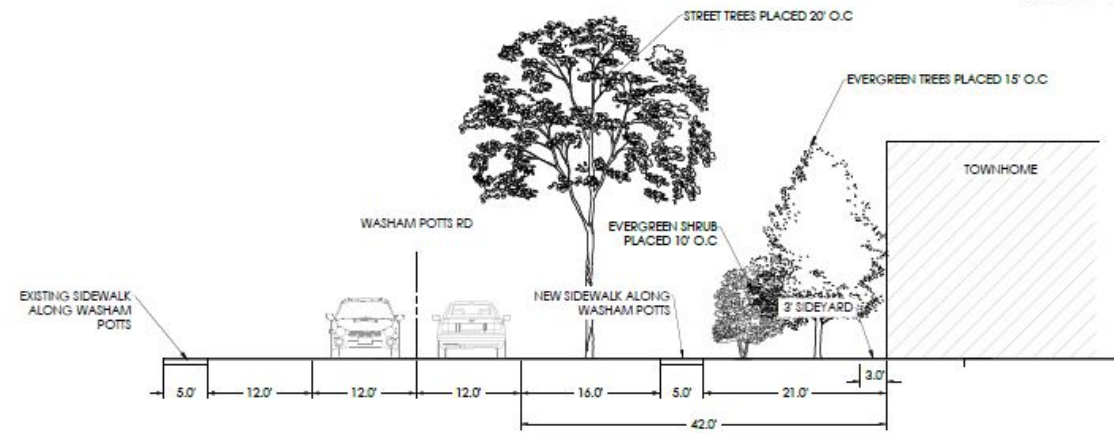






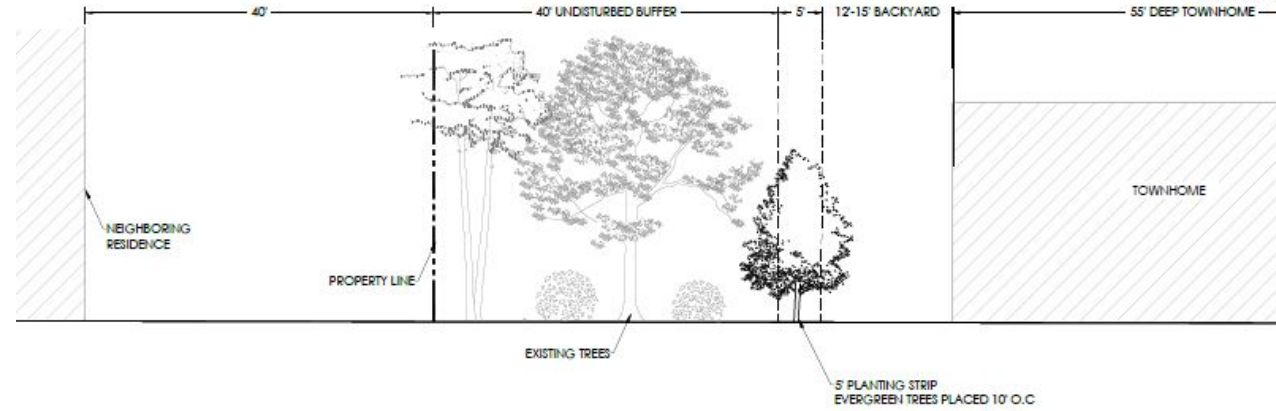


SECTION A
SCALE : 1"=10'



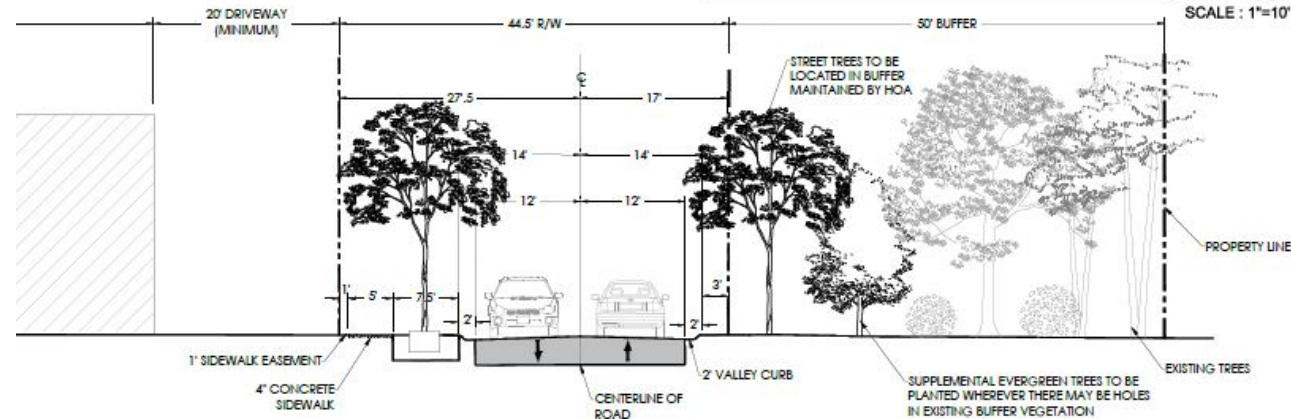
SECTION B

SCALE : 1"=10'



SECTION C

SCALE : 1"=10'



REZ 10-19 Washam Potts Townhomes

- PDRC – May 28th
- Community Meeting – November 7th
- Town Board public hearing #1 – November 18th meeting was continued to December 16th
- Planning Board - January 13th 2020
- Town Board public hearing #2 and potential final decision – February 3rd 2020

REZ 10-19 Washam Potts Townhomes

Staff recommends approval of this project based on consistency with the Land Use Plan and the Land Development Code, subject to the following conditions:

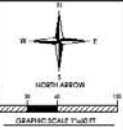
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REZ 10-19 Washam Potts Townhomes

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REZ 10-19 Washam Potts Townhomes

7. The maximum height of the townhomes must be 26'. Height shall be measured as defined in the Land Development Code.
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Washam Potts Townhomes
PIN # 03309313
10212 WASHAM POTTS RD., CORNELIUS NC, DEWEES TOWNSHIP 28031

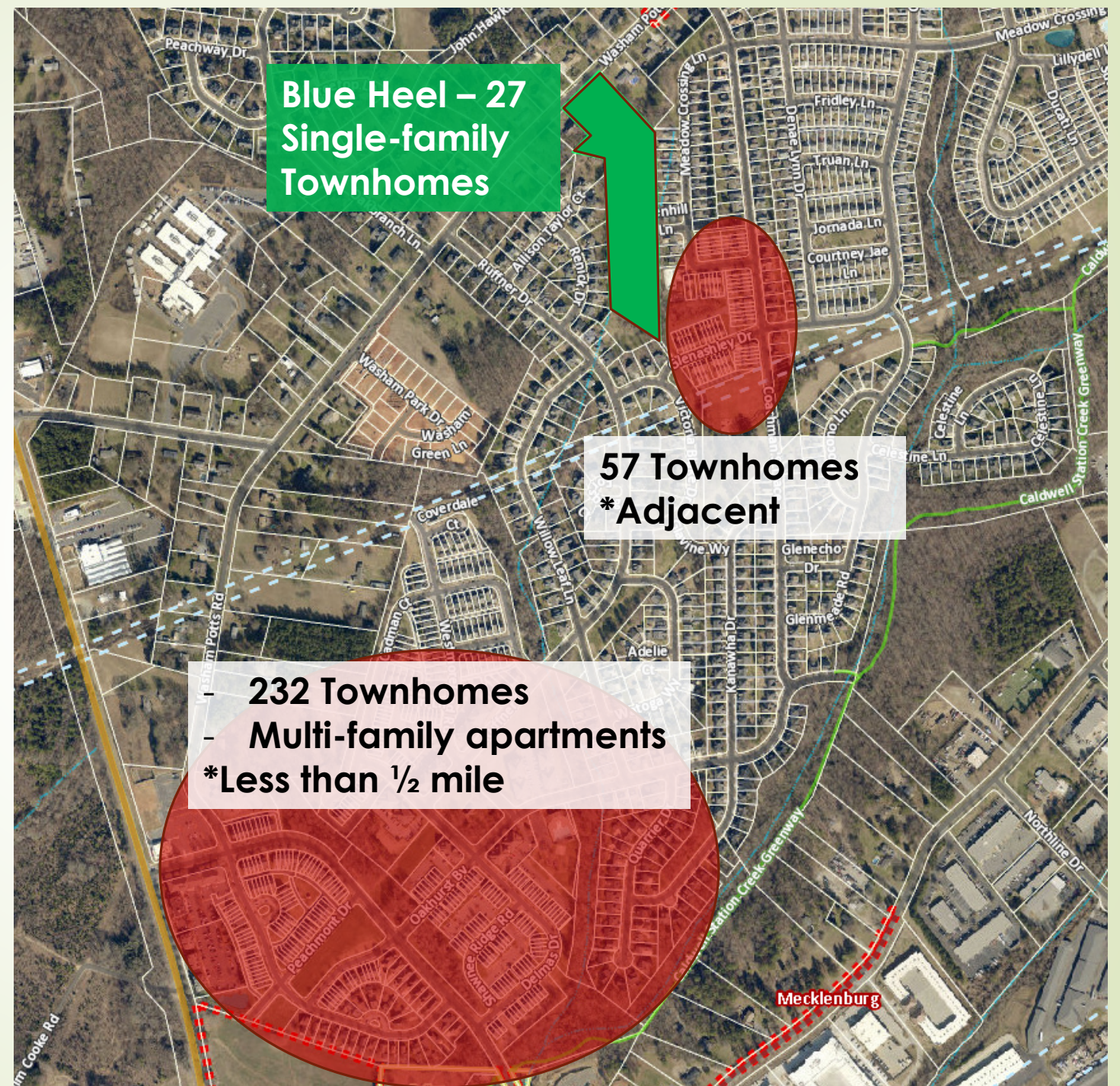
| REVISIONS: | |
|------------|--------------------|
| 2019-10-28 | REV. TONY COMMENTS |
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Blue Heel – Washam Potts

Property Location





PROJECT EVOLUTION

February 2019

- Initially considered 20 single-family detached houses
- **More traffic:** 73 more cars per day (30% more)
- **Less Buffers/open space:**
 - 30' buffers, disturbed with a wall
 - Larger impacted lot area/footprints
 - Less open space
- **No Washam Potts add'l setback/landscaping:**
 - 10' Setback from Washam Potts right of way
 - One row of street trees only
 - No additional street buffer/landscaping
 - No additional side buffers
 - No entrance monument
- Gazebo included
- Lower price point



February 2020 - Changes to Plan

Addressing Commissioner Concerns and Adjacent Owner Requests

- Single-family attached
- **Less traffic** – 73 Less cars per day (approx. 30% less)
- **More open space/buffers**
 - West Buffer – **40-foot undisturbed** plus **5-foot** evergreen plantings
 - East Buffer – **50-foot** including street trees
- **Setback from Washam edge of pavement from 31' feet to 42'**
 - Add **street monument** with landscaping at corner
 - **Two extra rows** of evergreen plantings along Washam Potts (in addition to street trees)
- Removal of gazebo (open/park space in circle)
- Removal of dog park
- Pedestrian only connection to Glenhill Lane

Buffers not sufficient

Road is only 8' from creek

Road is too close to property line

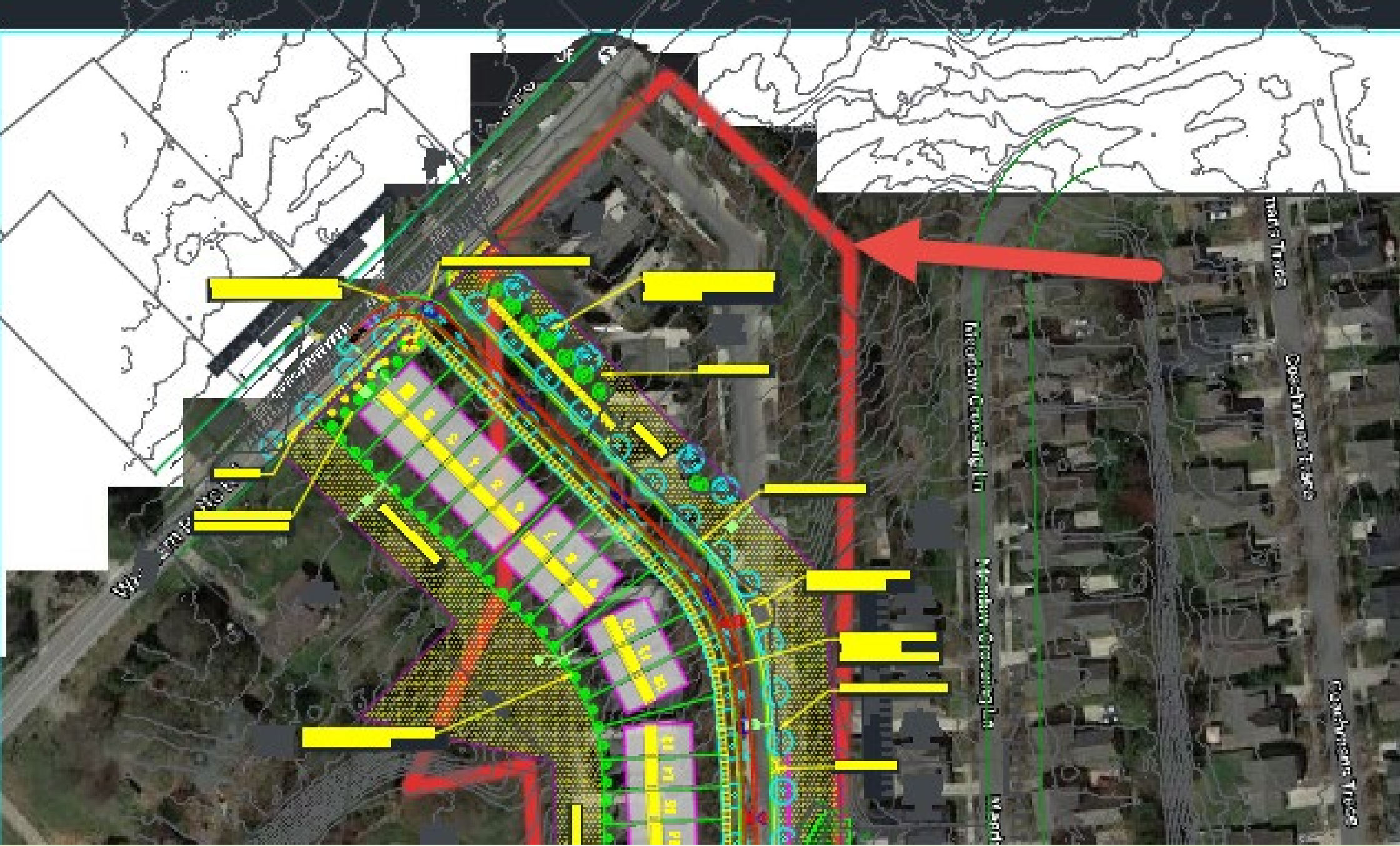
No significant setback
off Washam

Houses located in stream

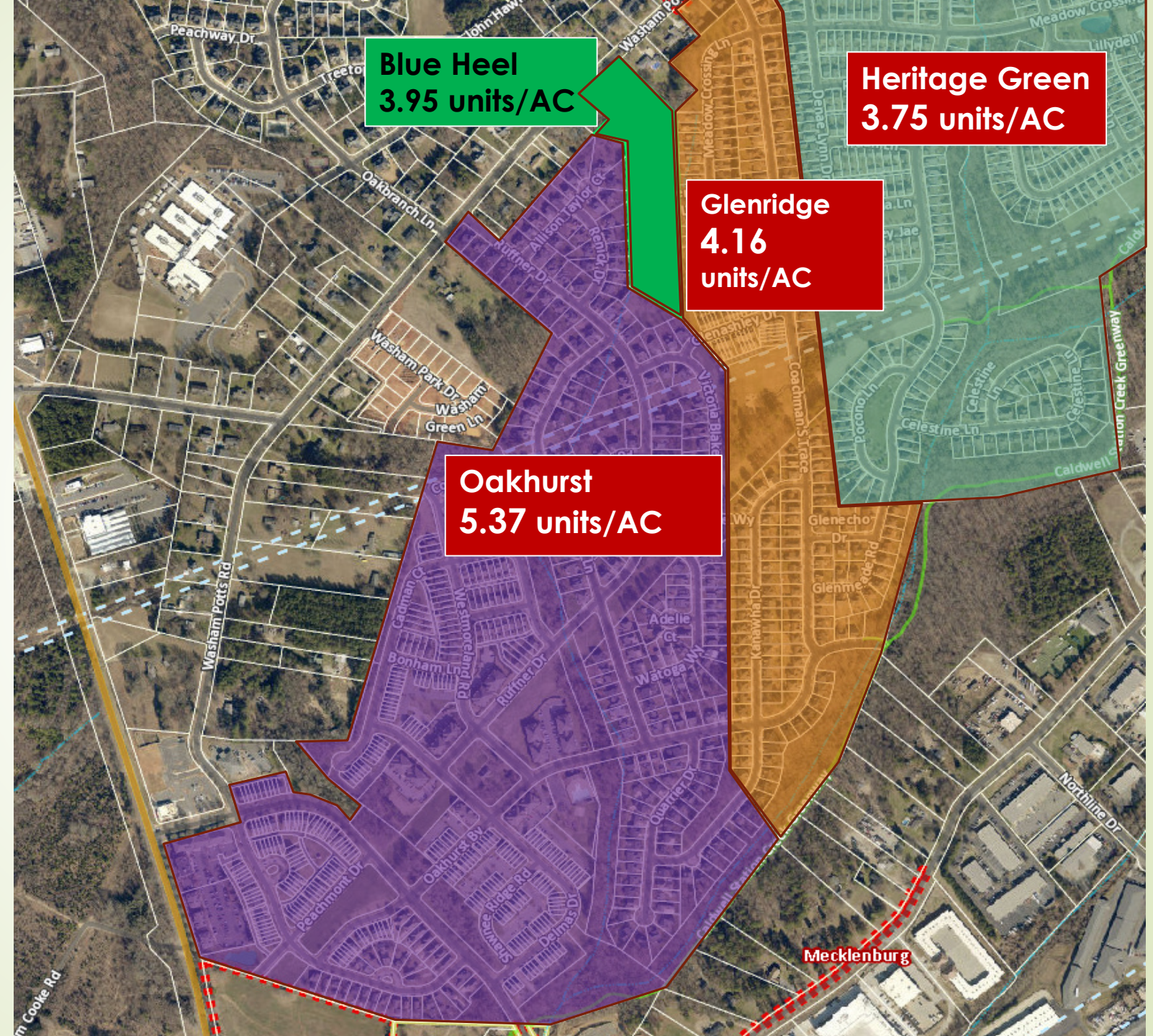
Cul-de-sac is not
correct size

Missing planting strip,
Sidewalk easement,
right of way





Surrounding Area Density



St. Phillips Square Cornelius





Townhomes and Multi-Family Housing in the Area



57 Townhomes
1400 SF

Detached 1 car
garage in backyard



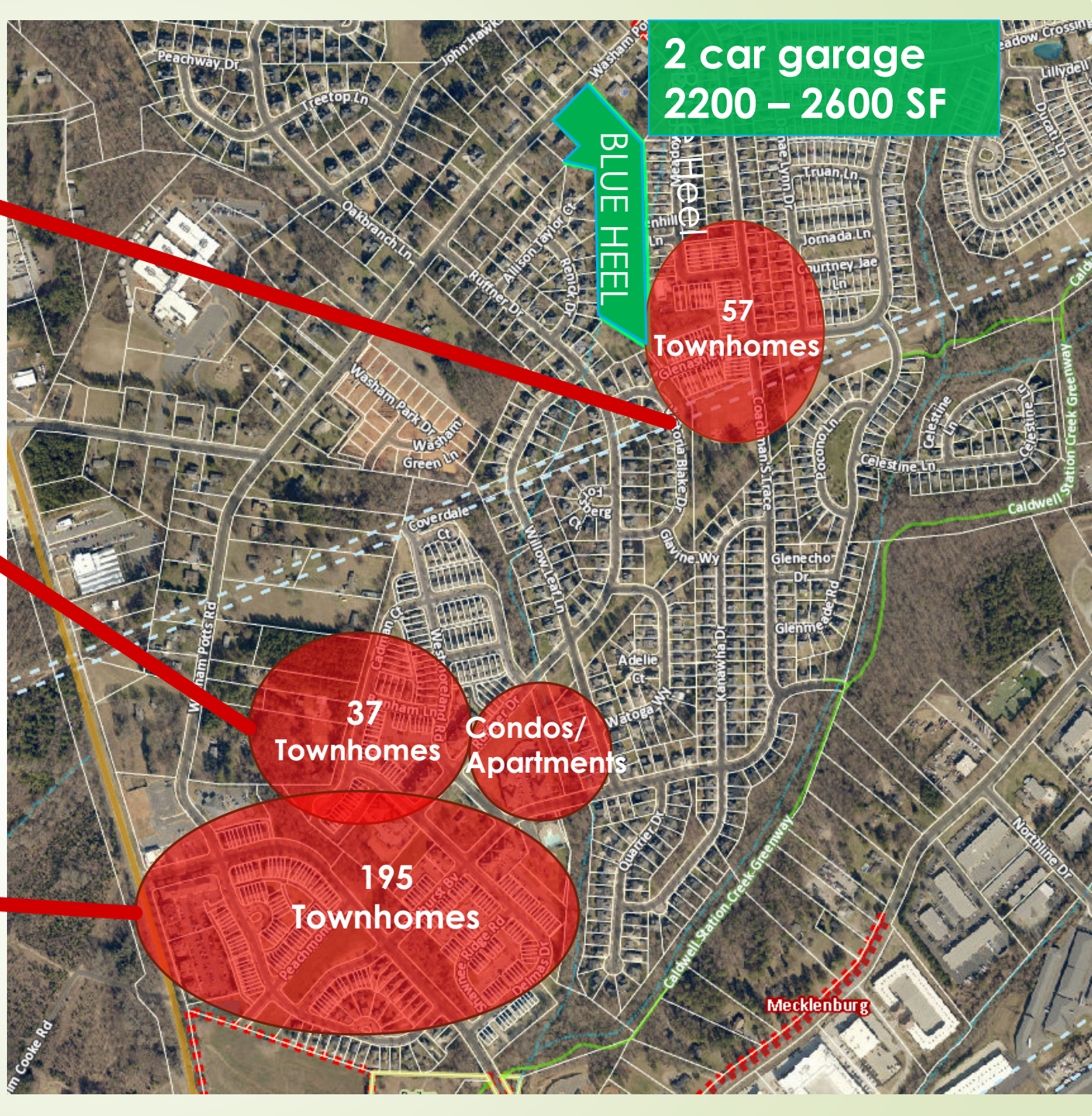
37 Townhomes
1400 SF

Parking spots/lot in
backyard



195 Townhomes
1400 – 1800 SF

Driveway and lot
parking in backyard



2 car garage
2200 – 2600 SF

BLUE HEEL

57
Townhomes

37
Townhomes

Condos/
Apartments

195
Townhomes

Mecklenburg

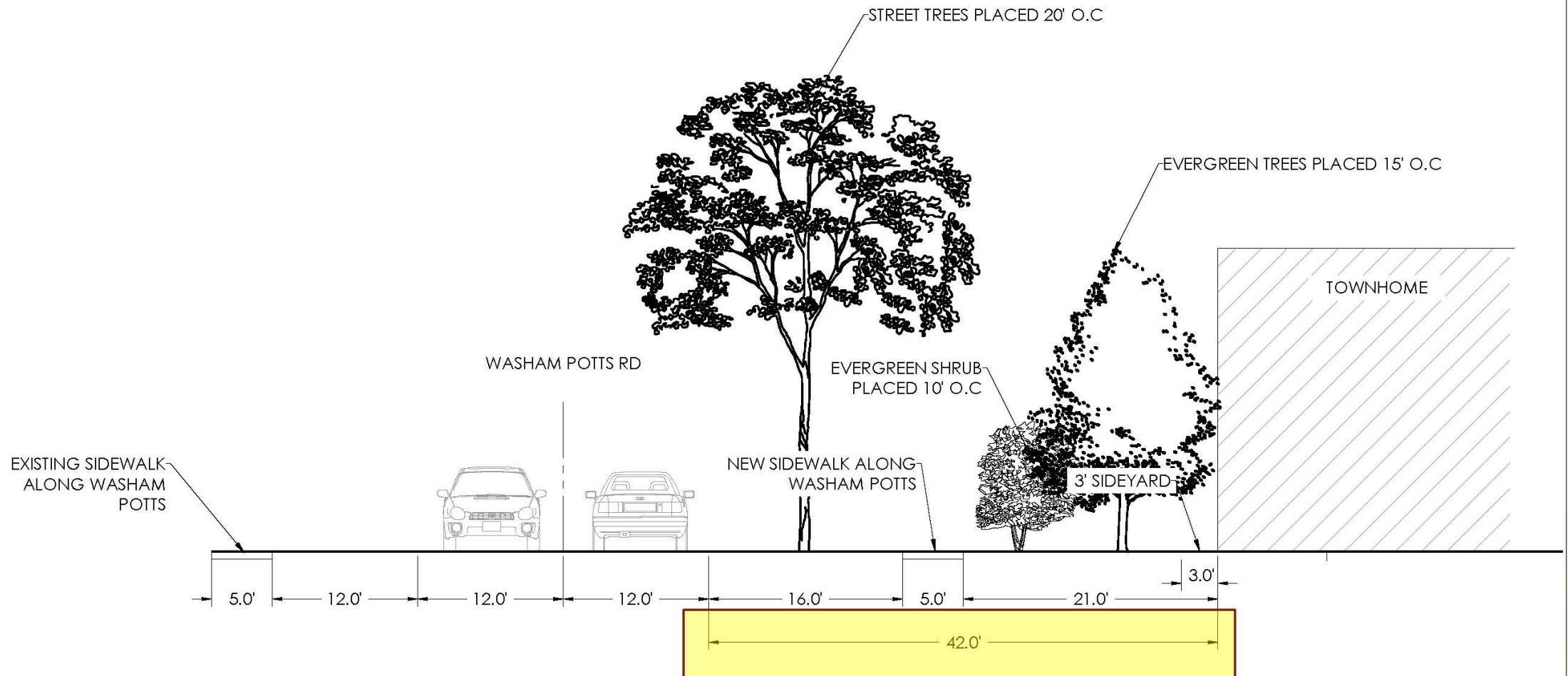


Planning Board Recommended Approval

Distance from Home to Edge of Pavement increased to 42 Feet (from 31)

SECTION A

SCALE : 1"=10'



Added Entrance
Monument and
Landscaping

2 rows of evergreen
plantings

A-1 buffer to the east



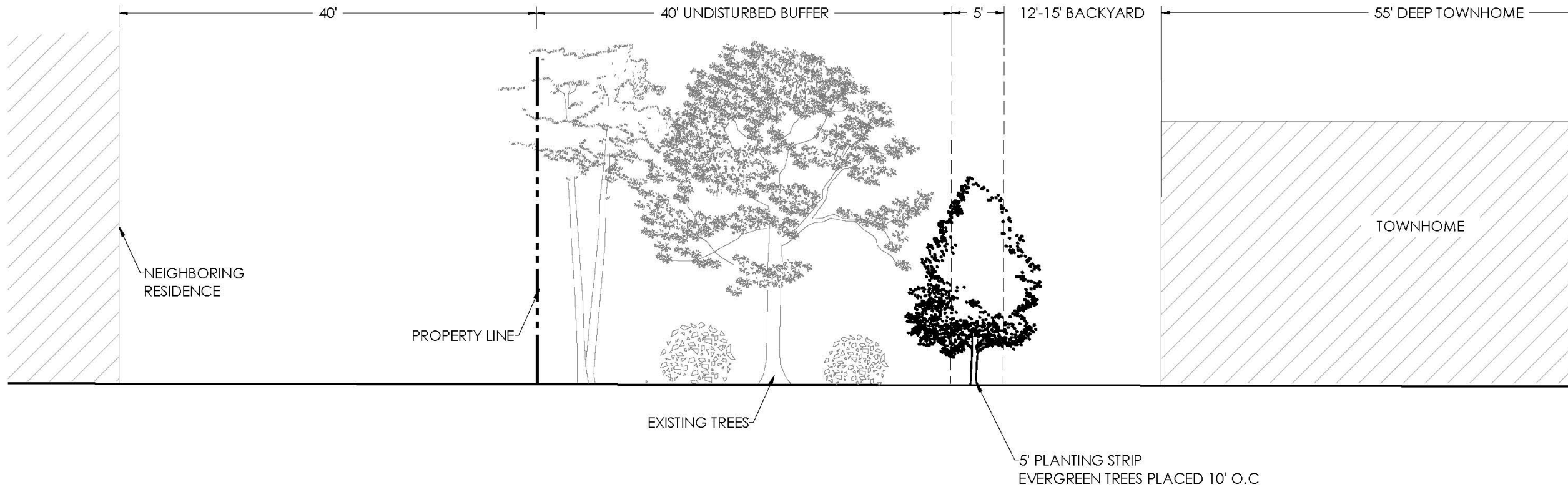


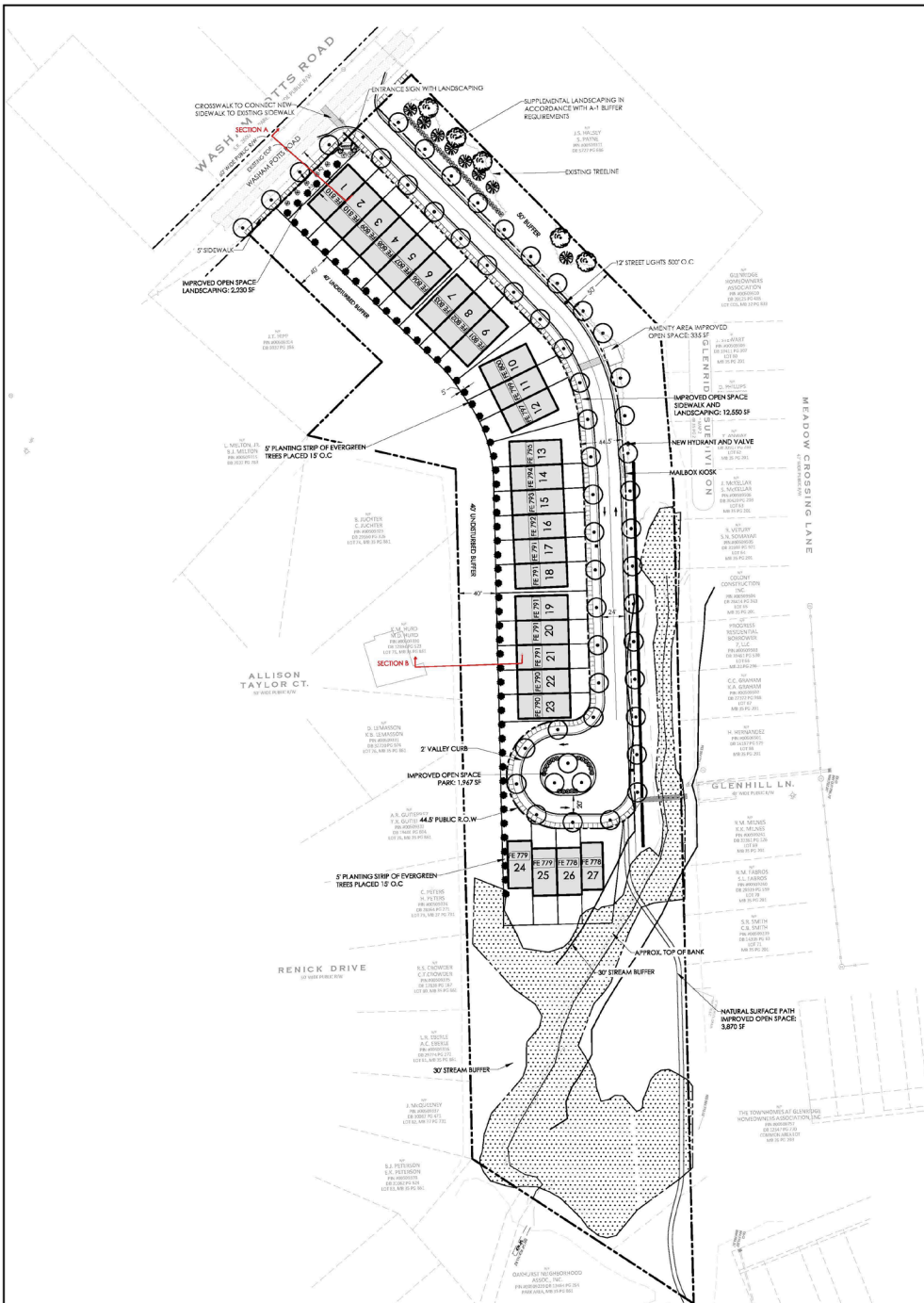
Additional Buffer Information

West Buffer Rendering

SECTION B

SCALE : 1"=10'





LANDSCAPE REQUIREMENTS

TITLE: J
JONES SHALL BE PARALLEL TO THE STREET WITH A PLANNING
SIP OF CONSENT WITH LOCATED BETWEEN THE CURB AND
SIDEWALK.
-UNDERSTORY TREES SHALL BE PLACED 20' O.C.
-LARGE CANOPY TREES SHALL BE PLACED 40' O.C.

SITE PLAN NOTES

1. NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED
UNTIL THE PROPOSED DEVELOPMENT IS IN
CONFORMANCE WITH THE APPROVED PLAN IN
ACCORDANCE WITH SECTION 9.5.2 OF THE TOWN
OF CORNELIUS.
2. SEE LIGHTING WILL BE SUBMITTED AND APPROVED
AT TIME OF SITE PLAN REVIEW.
3. SIGN FURNISH WILL BE PER SITE ARIE SUBMITAL.
4. ARCHITECTURAL FOOTPRINT IS FOR
NEIGHBORHOOD PURPOSES ONLY. REFER TO
ARCHITECTS PLANS FOR FINAL LAYOUT AND
DIMENSIONS.
5. ROLL OUT CONTAINERS WILL BE PLACED AT REAR
OF THE TOWNHOMES. SCREENING PROVIDED.
6. OPEN SPACE WILL CONSIST OF A GRADED AREA
WITH A DOG SHED AND SEATING.

NOTE: NATURAL SURFACE TRAILS SHALL BE
CONSTRUCTED AS A 5' WIDE DIRT PATHWAY.
MULCH WILL BE APPLIED AS NEEDED.

SITE DATA

LOCATION: 10212 WASHAM POTTS RD 00509313
CORNELIUS, MECKLENBURG COUNTY 28031
ZONE: EXISTING: NR PROPOSED: CZ
USE: SINGLE FAMILY RESIDENTIAL
CONTACT: HENSONFOLEY (JAY HENSON)
704-875-1615

| ITEM | PROVIDED |
|-----------------------------|--|
| LOT AREA | 6.83 AC |
| FEMA MAP NUMBER | 3710444300K |
| FEMA EFFECTIVE DATE | 09/02/2015 |
| WATERSHED | MCDOWELL |
| SOIL TYPE | CeB2, HeB |
| MIN. FRONT SETBACK | 15' TO BUILDING 20' TO GARAGE |
| MIN. SIDE SETBACK | 5' MINIMUM |
| MIN. REAR SETBACK | 10' MINIMUM |
| ACCESSORY STRUCTURE SETBACK | 10' |
| TOTAL LOTS | 27 |
| RESIDENTIAL DENSITY | 27 UNITS/ACRES = 3.90 UNITS PER ACRES |

OPEN SPACE REQUIREMENTS

| ITEM | PROVIDED |
|------------------------------|--|
| LOT AREA | 6.83 AC (297,314 SF) |
| OPEN SPACE REQUIRED | 20% OF SITE = 59,503 SF |
| OPEN SPACE PROVIDED | 98,298 SF = 33.05% |
| IMPROVED OPEN SPACE REQUIRED | 25% OF REQUIRED OPEN SPACE = 14,875 SF |
| IMPROVED OPEN SPACE PROVIDED | 20,932 SF = 35.25% |

ZONING CODE SUMMARY

| ITEM | ITEM | PROVIDED |
|------|-------------------------|--|
| 1 | BUILDING SIZE | 1,300 SF EACH UNIT 1-27 33,100 SF TOTAL |
| 2 | PARKING SPACES REQUIRED | RESIDENTIAL ATTACHED @ 2 PER HOME = 54 SPACES |
| 3 | PARKING SPACES PROVIDED | 54 OFF STREET PARKING SPACES = 2 PER LOT |
| 5 | MIN. DRIVE ASIDE WIDTH | AS NOTED |
| 6 | MIN. DRIVEWAY EASELS | AS NOTED |
| 7 | HANDICAP SPACES | NONE REQUIRED |
| 8 | BUILDING HEIGHTS | 2 STORY (20 FT MAX.) |

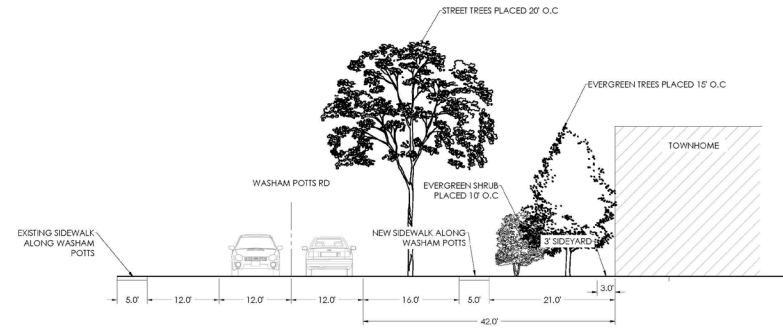


VICINITY MAP
SCALE: N.T.S.

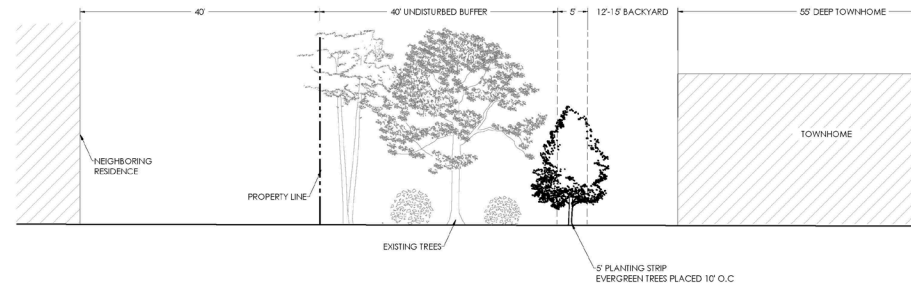
IMPERVIOUS SUMMARY

| ITEM | SQUARE FOOT | ACRES | PERCENTAGE OF TOTAL SITE |
|-------------------------|---------------|-------|-----------------------------|
| TOTAL SITE AREA | 297,314.00 | 6.83 | N/A |
| EXISTING IMPERVIOUS | 1,497 | 0.03 | 0.50 % |
| PROPOSED BUILDING (BLU) | 36,640 SF | 0.8 | 12.32 % |
| PROPOSED ASPHALT (BUA) | 27,402 SF | 0.63 | 9.21 % |
| PROPOSED CONCRETE (BUA) | 9,453 SF | 0.22 | 3.19 % |
| TOTAL BUA | 73,555 SF | 1.69 | 24.72 % |
| TOTAL PERVIOUS | 223,959.80 SF | 5.14 | 75.28 % |

SECTION A
SCALE: 1"=10'



SECTION B
SCALE: 1"=10'



HensonFoley
Landscape Architecture | Civil Engineering | Surveying
8772 Lindholm Dr Suite 202A, Huntersville NC 28078
P: 704.875.1615 | F: 704.875.0999 | www.hensonfoley.com
NC LICENSED LANDSCAPE ARCHITECT # 6539
NC LICENSED CIVIL ENGINEER # 10152

North Arrow
Graphic Scale 1"=40.0 FT
Professional Seal of Jay Henson, License No. 10152

Washam Potts Townhomes
PIN # 00509313
10212 WASHAM POTTS RD, CORNELIUS NC, DEWEES TOWNSHIP 28031
SITE PLAN

REVISIONS:

| |
|-------------------------------|
| 2019-10-28 REV. TOWN COMMENTS |
| |
| |
| |
| |
| |
| |
| |
| |
| |

202 SITE PLANING:
PROJECT NUMBER: 219000
DATE: 01/25/2023 DRAWN BY: ISF
Z03 OF 04

OPEN SPACE INFORMATION

| | |
|------------------------------------|--------------|
| Lot Area | 6.83 Acres |
| Open Space Required in NR | 20% |
| Open Space Provided in CZ | 32.4% |
| Improved Open Space Required in NR | 25% |
| Improved Open Space Provided in CZ | 41.5% |

ADDITIONAL BUILDING INFORMATION

| | |
|-------------------------|--|
| Building Size | 1,300-1560 sf building footprint; 2200-2600 sf area |
| Parking Spaces Required | 54 (Garage not required) |
| Parking Spaces Provided | 54 Garage parking spaces |
| Building Height | 2 story (26 ft.) |



Improved Traffic Conditions

Traffic Comparison

| Single Family Homes | |
|----------------------|-----------|
| UNITS | 20 |
| TRIPS @ AM PEAK HOUR | 20 |
| TRIPS @ PM PEAK HOUR | 22 |

| Townhomes | |
|----------------------|-----------|
| UNITS | 27 |
| TRIPS @ AM PEAK HOUR | 15 |
| TRIPS @ PM PEAK HOUR | 19 |

11/19/2019 Trip Generation Table

| Land Use [ITE Code] | | | Daily | AM Peak Hour | | | PM Peak Hour | | |
|-----------------------------|----|-----|-------|--------------|------|-------|--------------|------|-------|
| | | | | Enter | Exit | Total | Enter | Exit | Total |
| Single-Family Housing [210] | 20 | DUs | 237 | 5 | 15 | 20 | 14 | 8 | 22 |
| Townhomes (Low-Rise) [220] | 27 | DUs | 164 | 4 | 11 | 15 | 12 | 7 | 19 |

References:

Trip Generation, 10th Edition, Institute of Transportation Engineers, Washington, DC. 2017.

Key Takeaways from Transportation Advisory Board Meeting

- Current Zoning: 20 SF Homes = 237 trips
- Proposed: 27 TH = 164 trips
- Washam Potts is at NCDOT's Level of Service (LOS) D
- LOS D is not 100% roadway capacity
- **At LOS D, Washam Potts is under capacity**

Summary

- **Meets Cornelius's Comp Plan recommendation – up to 4 units/acre**
- **Transportation Advisory Board Recommendation**
- **Planning Board Recommendation**
- **Less traffic than 20 single family detached**
- **Changes:**
 - More open space/buffers
 - 40' western buffer with 5' planting; 50' eastern buffer
 - 2 more rows of evergreen plantings on Washam Potts
 - Landscaped entrance monument
 - 42' from edge of pavement
 - Remove dog park and gazebo
 - Pedestrian connection to Glenhill Lane
- **Higher price point/Buyer profile**
- **Property rights – adjacent and nearby townhome projects**

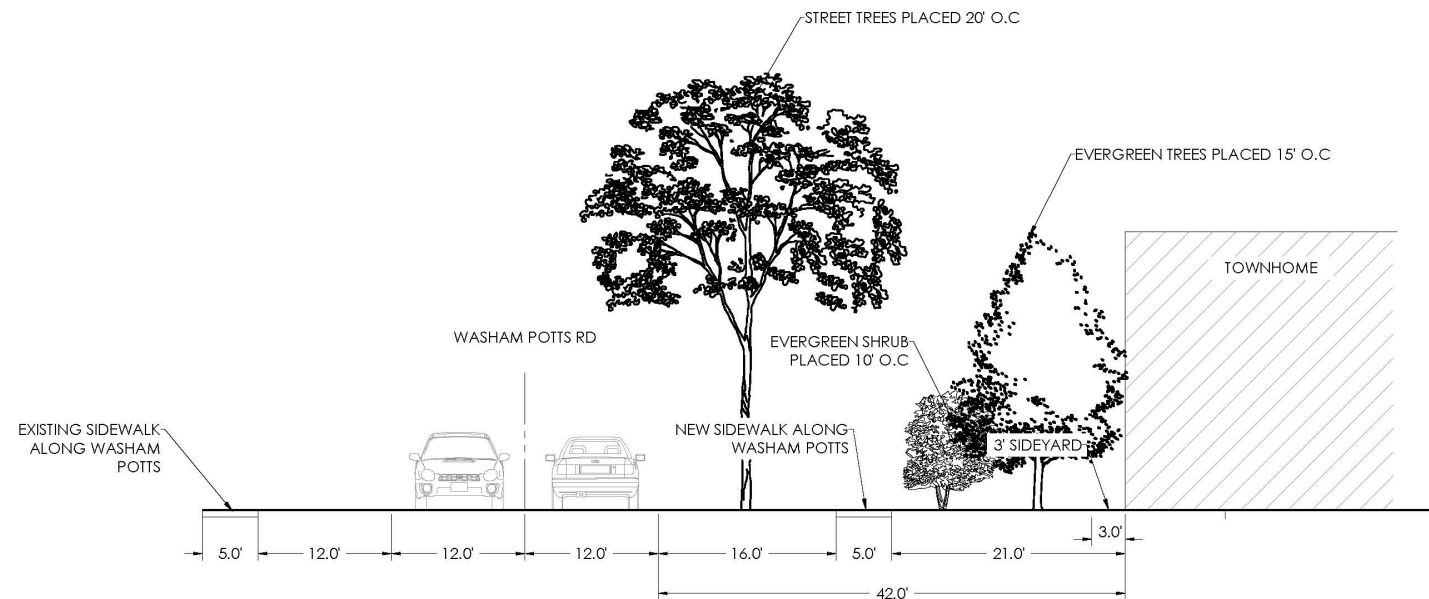


QUESTIONS?

Buffer Renderings

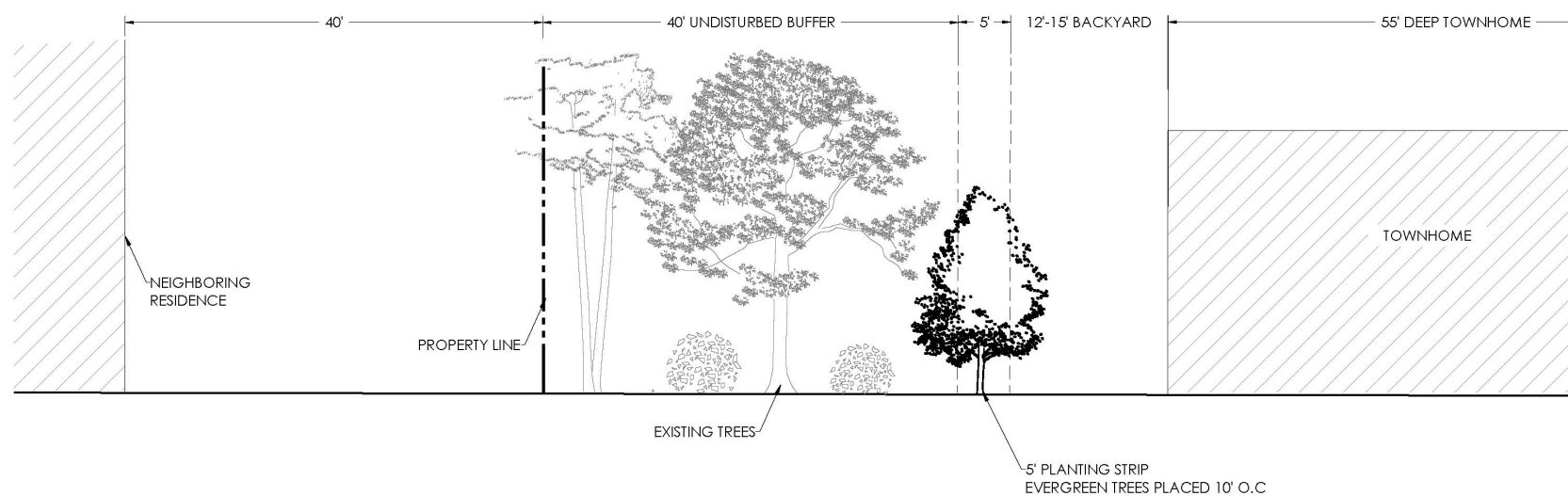
SECTION A

SCALE : 1"=10'



SECTION B

SCALE : 1"=10'



REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: February 3, 2020

To: Mayor and Board of Commissioners

From: Aaron Tucker, Planning Director

Action Requested:

The following persons are recommended by Chair, Lou Raymond, for reappointment to the Transportation Advisory Board for terms to expire in 2022:

- Seat #1: Maria Carr
- Seat #2: Joy Dean
- Seat #3: John Eberle
- Seat #4: John McAlpine
- Seat #5: Lou Raymond
- Seat #6: Dave Vieser

All of these individuals have served one term on this Board since 2018. Each member is allowed to serve two, two year terms.

Manager's Recommendation:

Approve the Transportation Advisory Board reappointments as presented.

ATTACHMENTS:

| Name: | Description: | Type: |
|--|--------------|------------|
|  TAB_Member_List_2020.pdf | Roster | Cover Memo |

**TRANSPORTATION ADVISORY BOARD
(TAB)**

| APPOINTEES | | | | |
|--------------------------|----------------------|------------------------|-----------------------|--|
| Appt. Term | Name | Address | Contact Number | Email Address |
| 2/20 - 2/22 | Maria Carr | 21409 Crown Lake Drive | 704-663-9171 | marieLCarr@bellsouth.net |
| 2/20 - 2/22 | Joy Dean | 20301 Church Street | 704-451-2766 | miamidean@att.net |
| 2/20 - 2/22 | John Eberle | 8747 Westwind Point | 704-699-7639 | eberle.john@gmail.com |
| 2/20 - 2/22 | John McAlpine | 21124 Crealock Place | 704-749-4609 | macmcalpine@gmail.com |
| 2/20 - 2/22 | Lou Raymond | 21211 Pumila Court | 704-604-8793 | lourlkn@gmail.com |
| 2/20 - 2/22 | Dave Vieser | 18327 Harborside Drive | 704-614-2869 | davidvieser@gmail.com |
| ELECTED OFFICIALS | | | | |
| | Commissioner Miltich | | 704-896-0999 | mmiltich@cornelius.org |
| | Commissioner Duke | | 704-895-7765 | jduke@cornelius.org |
| TOWN STAFF | | | | |
| | Aaron Tucker | Planning Director | 704-896-2461 | atucker@cornelius.org |

REQUEST FOR BOARD ACTION

 **Print**

Date of Meeting: February 3, 2020

To: Mayor and Board of Commissioners
From: Wayne Herron, AICP
Deputy Manager

Action Requested:

As part of the Northcross Drive Extension project with NCDOT (U-5108), the Town has committed to the donation of three tracts of land to be utilized as part of the right-of-way for the project. The right-of-way donation includes a deed, construction easement and voluntary donation for each property.

The properties being donated are as follows:










1. Westmoreland roundabout right-of-way
2. Westmoreland approach to roundabout right-of-way
3. Eagle Ridge right-of-way at Westmoreland Athletic Complex

NCDOT has combined the forms for items #2 and #3. so only two sets of donation forms are attached.

Manager's Recommendation:

Approve documents for donation of right-of-way to NCDOT for the Northcross Drive Extension project (U-5108).

ATTACHMENTS:

| Name: | Description: | Type: |
|---|---|-----------------|
|  RAB_Deed.docx | Westmoreland Roundabout Right-of-way Donation Deed | Backup Material |
|  RAB_Utility_Donation.docx | Westmoreland Roundabout Right-of-way Donation Temporary Construction Easement | Backup Material |
|  RAB_Voluntary_Form.doc | Westmoreland Roundabout Right-of-way Donation Voluntary Form | Backup Material |
|  WestmorelandRoundabout_ROW.jpg | Westmoreland Roundabout Right-of-way Donation Map | Backup Material |
|  WAC_Deed.docx | Northcross Drive Extension Right-of-way Donation at Westmoreland and Eagle Ridge Way Deed | Backup Material |
|  WAC_Utility_Donation.docx | Northcross Drive Extension Right-of-way Donation at Westmoreland and Eagle Ridge Way Temporary Construction Easements | Backup Material |
|  WAC_Voluntary_Form.doc | Northcross Drive Extension Right-of-way Donation at Westmoreland and Eagle Ridge Way Voluntary Form | Backup Material |
|  NorthcrossExtROW_Westmoreland.jpg | Northcross Drive Extension Right-of-way Donation at Westmoreland Map | Backup Material |
|  NorthcrossExtROW_EagleRidge.jpg | Northcross Drive Extension Right-of-way Donation at Eagle Ridge Way Map | Backup Material |

Revenue Stamps \$ 1.00

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY James T. Culp CHECKED BY David Pleasants

The hereinafter described property ☐ Does ☒ Does not include the primary residence of the Grantor

RETURN TO: David Pleasants, R/W Agent
5616 Old Town Ln.
Gastonia, NC 28056

NORTH CAROLINA
COUNTY OF Mecklenburg
TAX PARCEL 00541101

TIP/PARCEL NUMBER: U-5108 034
WBS ELEMENT: 42370.2.2
ROUTE: Northcross Dr./Westmoreland Dr.

THIS FEE SIMPLE DEED, made and entered into this the 3rd day of February 20 20
by and between Town of Cornelius, a North Carolina municipal corporation
21445 Catawba Avenue
Cornelius, NC 28031

hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of North Carolina, 1546 Mail Service Center, Raleigh, NC 27611, hereinafter referred to as the Department;

WITNESSETH

That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum of \$ 1.00 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE that certain property located in Cornelius Township, Mecklenburg County, North Carolina, which is particularly described as follows:

Point of beginning being N 40°23'36.5" E, 120.331 feet from -Y6- Sta 18+00 thence to a point on a bearing of N 81°24'25.4" W 124.710 feet thence to a point on a bearing of S 51°29'24.2" W 68.959 feet thence to a point on a bearing of S 3°38'22.9" W 43.896 feet thence to a point on a bearing of N 73°4'25.7" E 190.290 feet thence to a point on a bearing of N 8°53'51.4" W 12.866 feet returning to the point and place of beginning, being 0.189 acres more or less.

IN ADDITION, and for the aforesated consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:

Temporary Construction Easement described as follows:

Point of beginning being N 40°23'36.5" E, 120.331 feet from -Y6- Sta 18+00 thence to a point on a bearing of N 8°53'51.4" W 16.353 feet thence to a point on a bearing of N 84°34'27.6" W 121.379 feet thence to a point on a bearing of S 65°1'42.2" W 57.524 feet thence to a point on a bearing of S 3°38'22.9" W 27.708 feet thence to a point on a bearing of N 51°29'24.2" E 68.959 feet thence to a point on a bearing of S 81°24'25.4" E 124.710 feet returning to the point and place of beginning, being 0.056 acres more or less.

It is understood and agreed that the DEPARTMENT shall have the right to construct and maintain the cut and/or fill slopes in the above-described areas until such time that the property owners alter the adjacent lands in such a manner that the lateral support of the cut and/or fill slopes is no longer needed. Any additional construction areas lying beyond the right of way limits and beyond any permanent easement areas will terminate upon completion of the project. The underlying fee owner shall have the right to continue to use the Temporary Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

SPECIAL PROVISIONS. This deed is subject to the following provisions only:

The undersigned property owners request that the Department enter upon our lands outside the right of way to the extent necessary for the reconnection of our driveway and we will have no further claim as a result of said reconnection.

The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Mecklenburg County Registry in Deed Book 28604 Page 614 .

The final right of way plans showing the above described right of way are to be certified and recorded in the Office of the Register of Deeds for said County pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

The Grantors acknowledge that the project plans for Project # 42370.2.2 have been made available to them. The Grantors further acknowledge that the consideration stated herein is full and just compensation pursuant to Article 9, Chapter 136 of the North Carolina General Statutes for the acquisition of the said interests and areas by the Department of Transportation and for any and all damages to the value of their remaining property; for any and all claims for interest and costs; for any and all damages caused by the acquisition for the construction of Department of Transportation Project # 42370.2.2 , Mecklenburg County, and for the past and future use of said areas by the Department of Transportation, its successors and assigns for all purposes for which the said Department is authorized by law to subject the same.

TO HAVE AND TO HOLD the aforesaid premises and all privileges and appurtenances thereunto belonging to the DEPARTMENT, its successors and assigns in FEE SIMPLE, or by easement as indicated, for the past, present and future use thereof and for all purposes which the said Department is authorized by law to subject the same.

And the GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, or by easement as indicated, that the title thereto is marketable and free and clear of all encumbrances, and that the GRANTORS will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is hereby conveyed subject to the following exceptions: Restrictive covenants and easements of record, government regulations, and the lien of property taxes for the current year.

COUNTY: Mecklenburg WBS ELEMENT: 42370.2.2 TIP/PARCEL NO.: U-5108 034

IN WITNESS WHEREOF, GRANTOR, pursuant to a resolution dated _____, has caused this instrument to be signed in its corporate name by its MAYOR, its corporate seal hereto affixed, and attested by its CITY CLERK, by order of the Raleigh CITY COUNCIL, this the day and year first above written.

This instrument does not transfer the herein described interests unless and until this document is accepted by an authorized agent of the Department of Transportation.

Town of Cornelius

BY: _____, Mayor of Town of Cornelius

(CORPORATE SEAL) ATTEST: _____, Clerk of the Town of Cornelius

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

| | |
|-----------------|---|
| (Official Seal) | North Carolina, _____ County |
| | I, _____, a Notary Public for _____ County, North Carolina, certify that _____ personally came before me this day and acknowledged that he/she is the CLERK of the TOWN OF <u>Cornelius</u> , and that by authority duly given, the foregoing instrument was signed in its name by its MAYOR of the TOWN OF Cornelius, sealed with its corporate seal, and attested by _____ as its TOWN CLERK. |
| | Witness my hand and official seal this the _____ day of _____, 20 ____. |
| | _____ Notary Public |
| | My commission expires: _____ |

**AGREEMENT FOR ENTRY – SETTLEMENT
WITH PERMANENT UTILITY EASEMENT RIGHTS**

Prepared By: James T. Culp
RETURN TO: David Pleasants
5616 Old Town Ln.
Gastonia, NC 28056

| | |
|---------------------------|-----------------------------------|
| STATE OF NORTH CAROLINA | TIP/PARCEL NO.: <u>U-5108 034</u> |
| <u>Mecklenburg</u> COUNTY | WBS ELEMENT <u>42370.2.2</u> |

THIS AGREEMENT made this 3rd of February, 2020, by
Town of Cornelius, a North Carolina municipal corporation
21445 Catawba Ave., Cornelius, NC 28031
(hereinafter referred to as “Owners”); and the Department of Transportation, an Agency of the State of
North Carolina (hereinafter referred to as the “Department”);

WITNESSETH

It is hereby acknowledged that by instrument dated February 3, 2020, the undersigned Owners reached an agreement with the Department to settle the right of way claim for the highway project for the WBS Element referenced above. This instrument includes a description of property rights to be conveyed to the Department in fee simple and/or by easement. The property to be conveyed is further delineated upon the plans for this highway project.

By execution of this Agreement, the undersigned Owners hereby agree and consent to allow the Department, its employees, officials, agents, assigns, and contractors, as well as utility companies and all others deemed necessary by the Department, to enter upon that property to be conveyed to the Department for the purpose of carrying out the work, construction, utility relocations or utility encroachments for this highway project. It is expressly understood that this right of entry shall not be deemed a trespass on, or taking of, the Owners’ property. The OWNERS DO HEREBY EXPRESSLY WAIVE any and all claims arising from any entry made pursuant to this agreement and being in the nature of a trespass, taking, or an inverse condemnation. This waiver applies to the Department, its employees, officials, contractors, agents, assigns and/or licensees, as well as to utility companies and all others deemed necessary by the Department to enter the property for the purposes set forth herein.

It is understood and agreed that this Agreement includes the right to use the Permanent Utility Easement, if any, shown on the DEPARTMENT’S plans for the installation and maintenance of utilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents, assigns, and licensees (including, without limitation, public utility companies) shall have the right to construct and maintain in a proper manner in, upon and through said premises utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress.

This Agreement terminates upon recordation of the deed conveying the above-referenced right of way and/or easement(s), or upon the recording of a Memorandum of Action as provided in Article 9, Chapter 136 of the General Statutes of North Carolina.

TIP/PARCEL NO.: U-5108 034 COUNTY: Mecklenburg

IN WITNESS WHEREOF, GRANTOR, pursuant to a resolution dated February 3, 2020, has caused this instrument to be signed in its corporate name by its MAYOR, its corporate seal hereto affixed, and attested by its CITY CLERK, by order of the Raleigh CITY COUNCIL, this the day and year first above written.

This instrument does not transfer the herein described interests unless and until this document is accepted by an authorized agent of the Department of Transportation.

Town of Cornelius

BY: _____, Mayor of Town of Cornelius

(CORPORATE SEAL) ATTEST: _____, Clerk of the Town of Cornelius

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

| | |
|-----------------|---|
| (Official Seal) | North Carolina, _____ County |
| | I, _____, a Notary Public for _____ County, North Carolina, certify that _____ personally came before me this day and acknowledged that he/she is the CLERK of the TOWN OF <u>Cornelius</u> , and that by authority duly given, the foregoing instrument was signed in its name by its MAYOR of the TOWN OF Cornelius, sealed with its corporate seal, and attested by _____ as its TOWN CLERK. |
| | Witness my hand and official seal this the _____ day of _____, 20 ____. |
| | _____ Notary Public |
| | My commission expires: _____ |



JAMES H. TROGDON, III
SECRETARY

DATE: February 3, 2020
WBS ELEMENT: 42370.2.2
FA PROJECT: STBGDA-1001(078)
TIP/PARCEL: U-5108 034
COUNTY: Mecklenburg
DESCRIPTION: Northcross Dr. Extension from End of Northcross Dr. to Westmoreland Dr

Property Owner Acknowledgement of the Terms for the Voluntary Donation of Property to the North Carolina Department of Transportation.

The undersigned property owner and/or the undersigned property owner's legal representatives freely acknowledge their desire and willingness to voluntarily transfer their ownership of privately-owned real property to the North Carolina Department of Transportation for the benefit of the above sited public transportation project without receipt of just compensation. It is further agreed and acknowledged by the undersigned property owner and/or the property owner's legal representative that the property owner and/or legal representative has been advised that he/she is entitled to have an appraisal made on his/her property to determine just compensation and the owner releases the Department from this obligation and waives any compensation in exchange for the donation of property as right of way in full settlement of his/her claim. The purpose of this document is to ensure compliance under Title 23 of the United States Code of Federal Regulations (CFR), Subchapter H (Right-of-Way and Environment), Part 710 (Right-of-Way and Real Estate), Subpart E (Property Acquisition Alternatives), Subsection .505 (Real Property Donations).

Town of Cornelius

(CORPORATE SEAL)

BY: _____, Mayor of Town of Cornelius

ATTEST: _____
 _____, Clerk of the Town of Cornelius

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY:

| | |
|----------------------------|---|
| <div>(Official Seal)</div> | North Carolina, _____ County |
| | I, _____, a Notary Public for |
| | _____ County, North Carolina, certify that |
| | _____ personally came before |
| | me this day and acknowledged that he/she is the CLERK of the TOWN OF <u>Cornelius</u> , and that by authority duly given, the foregoing instrument was signed in its name by its MAYOR of the TOWN OF Cornelius, sealed with its corporate seal, and attested by _____ as its TOWN CLERK. |
| | Witness my hand and official seal this the _____ day of _____, 20 ____. |
| | _____ Notary Public |
| | My commission expires: _____ |

Right-of-way Dedication for Westmoreland Roundabout



-  Right-of-way
-  Temporary Construction Easement
-  Current Parcels



Revenue Stamps \$ 1.00

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY James T. Culp CHECKED BY David Pleasants

The hereinafter described property ☐ Does ☒ Does not include the primary residence of the Grantor

RETURN TO: David Pleasants, R/W Agent
5616 Old Town Ln.
Gastonia, NC 28056

| | | |
|---|--------------------|--|
| NORTH CAROLINA | TIP/PARCEL NUMBER: | <u>U-5108 022</u> |
| COUNTY OF <u>Mecklenburg</u> | WBS ELEMENT: | <u>42370.2.2</u> |
| TAX PARCEL <u>00507118 and 00507166</u> | ROUTE: | <u>Northcross Dr./Westmoreland Dr.</u> |

THIS FEE SIMPLE DEED, made and entered into this the 3rd day of February 20 20
by and between Town of Cornelius, a North Carolina municipal corporation
21445 Catawba Avenue
Cornelius, NC 28031

hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of North Carolina, 1546 Mail Service Center, Raleigh, NC 27611, hereinafter referred to as the Department;

WITNESSETH

That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum of \$ 1.00 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE that certain property located in Cornelius Township, Mecklenburg County, North Carolina, which is particularly described as follows:

Point of beginning being S 80°32'0.8" E, 139.041 feet from -Y6- Sta 10+00 thence along a curve 105.118 feet and having a radius of 1230.136 feet. The chord of said curve being on a bearing of S 86°38'34.3" W, a distance of 105.086 feet thence to a point on a bearing of S 89°5'27.2" W 31.393 feet thence to a point on a bearing of S 88°37'52.8" E 103.163 feet thence to a point on a bearing of N 80°58'36.4" E 42.293 feet thence to a point on a bearing of N 73°54'32.8" W 8.959 feet returning to the point and place of beginning, being 0.010 acres more or less.

IN ADDITION, and for the aforesated consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:

Permanent Drainage Easement described as follows:

Point of beginning being S 61°20'59.8" W, 117.951 feet from -L- Sta 92+00 thence to a point on a bearing of S 88°14'33.9" E 19.370 feet thence to a point on a bearing of N 3°7'14.9" E 10.910 feet thence to a point on a bearing of N 3°7'14.9" E 10.081 feet thence to a point on a bearing of S 89°8'25.9" W 21.275 feet thence to a point on a bearing of S 2°11'46.5" E 20.062 feet returning to the point and place of beginning, being 0.010 acres more or less.

Said Permanent Drainage Easement in perpetuity is for the installation and maintenance of drainage facilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said premises a drainage facility with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said drainage facility and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said drainage facility, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress.

It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above-described Permanent Drainage Easement area(s). It is further understood and agreed that Permanent Drainage Easement shall be used by the Department for additional working area during the above described project. The underlying fee owner shall have the right to continue to use the Permanent Drainage Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

Permanent Utility Easement described as follows:

Point of beginning being S 1°39'17.0" E, 29.532 feet from -Y6- Sta 10+00 thence to a point on a bearing of S 89°5'27.2" W 100.213 feet thence to a point on a bearing of S 2°8'11.9" E 37.563 feet thence to a point on a bearing of N 87°51'48.1" E 293.005 feet thence to a point on a bearing of S 6°45'11.8" E 8.759 feet thence to a point on a bearing of N 83°14'48.2" E 20.000 feet thence to a point on a bearing of N 6°45'11.8" W 8.759 feet thence to a point on a bearing of N 78°37'48.3" E 21.101 feet thence to a point on a bearing of N 73°54'32.8" W 91.073 feet thence to a point on a bearing of N 73°54'32.8" W 2.229 feet thence to a point on a bearing of S 80°58'36.4" W 42.293 feet thence to a point on a bearing of N 88°37'52.8" W 103.163 feet returning to the point and place of beginning, being 0.233 acres more or less.

Said Permanent Utility easement in perpetuity is for the installation and maintenance of utilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said premises a utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress. It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above-described Permanent Utility Easement area(s). It is further understood and agreed that Permanent Utility Easement shall be used by the Department for additional working area during the above described project. The underlying fee owner shall have the right to continue to use the Permanent Utility Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

Temporary Construction Easement described as follows:

Point of beginning being N 32°38'42.9" W, 138.436 feet from -L- Sta 92+00 thence along a curve 3.085 feet and having a radius of 4.375 feet. The chord of said curve being on a bearing of N 3°7'14.9" E, a distance of 3.022 feet thence to a point on a bearing of N 3°7'14.9" E 37.141 feet thence to a point on a bearing of S 22°58'41.1" W 55.594 feet thence to a point on a bearing of S 4°3'45.7" W 142.351 feet thence to a point on a bearing of N 89°8'25.9" E 21.275 feet thence to a point on a bearing of N 3°7'14.9" E 152.980 feet returning to the point and place of beginning, being 0.076 acres more or less.

It is understood and agreed that the DEPARTMENT shall have the right to construct and maintain the cut and/or fill slopes in the above-described areas until such time that the property owners alter the adjacent lands in such a manner that the lateral support of the cut and/or fill slopes is no longer needed. Any additional construction areas lying beyond the right of way limits and beyond any permanent easement areas will terminate upon completion of the project. The underlying fee owner shall have the right to continue to use the Temporary Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

SPECIAL PROVISIONS. This deed is subject to the following provisions only:

The undersigned property owners request that the Department enter upon our lands outside the right of way to the extent necessary for the reconnection of our driveway and we will have no further claim as a result of said reconnection.

The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Mecklenburg County Registry in Deed Book 26414 Page 346 .

The final right of way plans showing the above described right of way are to be certified and recorded in the Office of the Register of Deeds for said County pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

The Grantors acknowledge that the project plans for Project # 42370.2.2 have been made available to them. The Grantors further acknowledge that the consideration stated herein is full and just compensation pursuant to Article 9, Chapter 136 of the North Carolina General Statutes for the acquisition of the said interests and areas by the Department of Transportation and for any and all damages to the value of their remaining property; for any and all claims for interest and costs; for any and all damages caused by the acquisition for the construction of Department of Transportation Project # 42370.2.2 , Mecklenburg County, and for the past and future use of said areas by the Department of Transportation, its successors and assigns for all purposes for which the said Department is authorized by law to subject the same.

TO HAVE AND TO HOLD the aforesaid premises and all privileges and appurtenances thereunto belonging to the DEPARTMENT, its successors and assigns in FEE SIMPLE, or by easement as indicated, for the past, present and future use thereof and for all purposes which the said Department is authorized by law to subject the same.

And the GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, or by easement as indicated, that the title thereto is marketable and free and clear of all encumbrances, and that the GRANTORS will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is hereby conveyed subject to the following exceptions: Restrictive covenants and easements of record, government regulations, and the lien of property taxes for the current year.

COUNTY: Mecklenburg WBS ELEMENT: 42370.2.2 TIP/PARCEL NO.: U-5108 022

IN WITNESS WHEREOF, GRANTOR, pursuant to a resolution dated February 3, 2020, has caused this instrument to be signed in its corporate name by its MAYOR, its corporate seal hereto affixed, and attested by its CITY CLERK, by order of the Raleigh CITY COUNCIL, this the day and year first above written.

This instrument does not transfer the herein described interests unless and until this document is accepted by an authorized agent of the Department of Transportation.

Town of Cornelius

BY: _____, Mayor of Town of Cornelius

(CORPORATE SEAL) ATTEST: _____, Clerk of the Town of Cornelius

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

| | |
|-----------------|---|
| (Official Seal) | North Carolina, _____ County |
| | I, _____, a Notary Public for _____ County, North Carolina, certify that _____ personally came before me this day and acknowledged that he/she is the CLERK of the TOWN OF <u>Cornelius</u> , and that by authority duly given, the foregoing instrument was signed in its name by its MAYOR of the TOWN OF Cornelius, sealed with its corporate seal, and attested by _____ as its TOWN CLERK. |
| | Witness my hand and official seal this the _____ day of _____, 20 ____. |
| | _____ Notary Public |
| | My commission expires: _____ |

**AGREEMENT FOR ENTRY – SETTLEMENT
WITH PERMANENT UTILITY EASEMENT RIGHTS**

Prepared By: James T. Culp
RETURN TO: David Pleasants
5616 Old Town Ln.
Gastonia, NC 28056

| | | |
|---------------------------|-----------------|-------------------|
| STATE OF NORTH CAROLINA | TIP/PARCEL NO.: | <u>U-5108 022</u> |
| <u>Mecklenburg</u> COUNTY | WBS ELEMENT | <u>42370.2.2</u> |

THIS AGREEMENT made this 3rd of February, 2020, by Fe
Town of Cornelius, a North Carolina municipal corporation
21445 Catawba Ave., Cornelius, NC 28031
(hereinafter referred to as "Owners"); and the Department of Transportation, an Agency of the State of North Carolina (hereinafter referred to as the "Department");

WITNESSETH

It is hereby acknowledged that by instrument dated February 3, 2020, the undersigned Owners reached an agreement with the Department to settle the right of way claim for the highway project for the WBS Element referenced above. This instrument includes a description of property rights to be conveyed to the Department in fee simple and/or by easement. The property to be conveyed is further delineated upon the plans for this highway project.

By execution of this Agreement, the undersigned Owners hereby agree and consent to allow the Department, its employees, officials, agents, assigns, and contractors, as well as utility companies and all others deemed necessary by the Department, to enter upon that property to be conveyed to the Department for the purpose of carrying out the work, construction, utility relocations or utility encroachments for this highway project. It is expressly understood that this right of entry shall not be deemed a trespass on, or taking of, the Owners' property. The OWNERS DO HEREBY EXPRESSLY WAIVE any and all claims arising from any entry made pursuant to this agreement and being in the nature of a trespass, taking, or an inverse condemnation. This waiver applies to the Department, its employees, officials, contractors, agents, assigns and/or licensees, as well as to utility companies and all others deemed necessary by the Department to enter the property for the purposes set forth herein.

It is understood and agreed that this Agreement includes the right to use the Permanent Utility Easement, if any, shown on the DEPARTMENT'S plans for the installation and maintenance of utilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents, assigns, and licensees (including, without limitation, public utility companies) shall have the right to construct and maintain in a proper manner in, upon and through said premises utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress.

This Agreement terminates upon recordation of the deed conveying the above-referenced right of way and/or easement(s), or upon the recording of a Memorandum of Action as provided in Article 9, Chapter 136 of the General Statutes of North Carolina.

TIP/PARCEL NO.: U-5108 022 COUNTY: Mecklenburg

IN WITNESS WHEREOF, GRANTOR, pursuant to a resolution dated ____February 3, 2020____, has caused this instrument to be signed in its corporate name by its MAYOR, its corporate seal hereto affixed, and attested by its CITY CLERK, by order of the Raleigh CITY COUNCIL, this the day and year first above written.

This instrument does not transfer the herein described interests unless and until this document is accepted by an authorized agent of the Department of Transportation.

Town of Cornelius

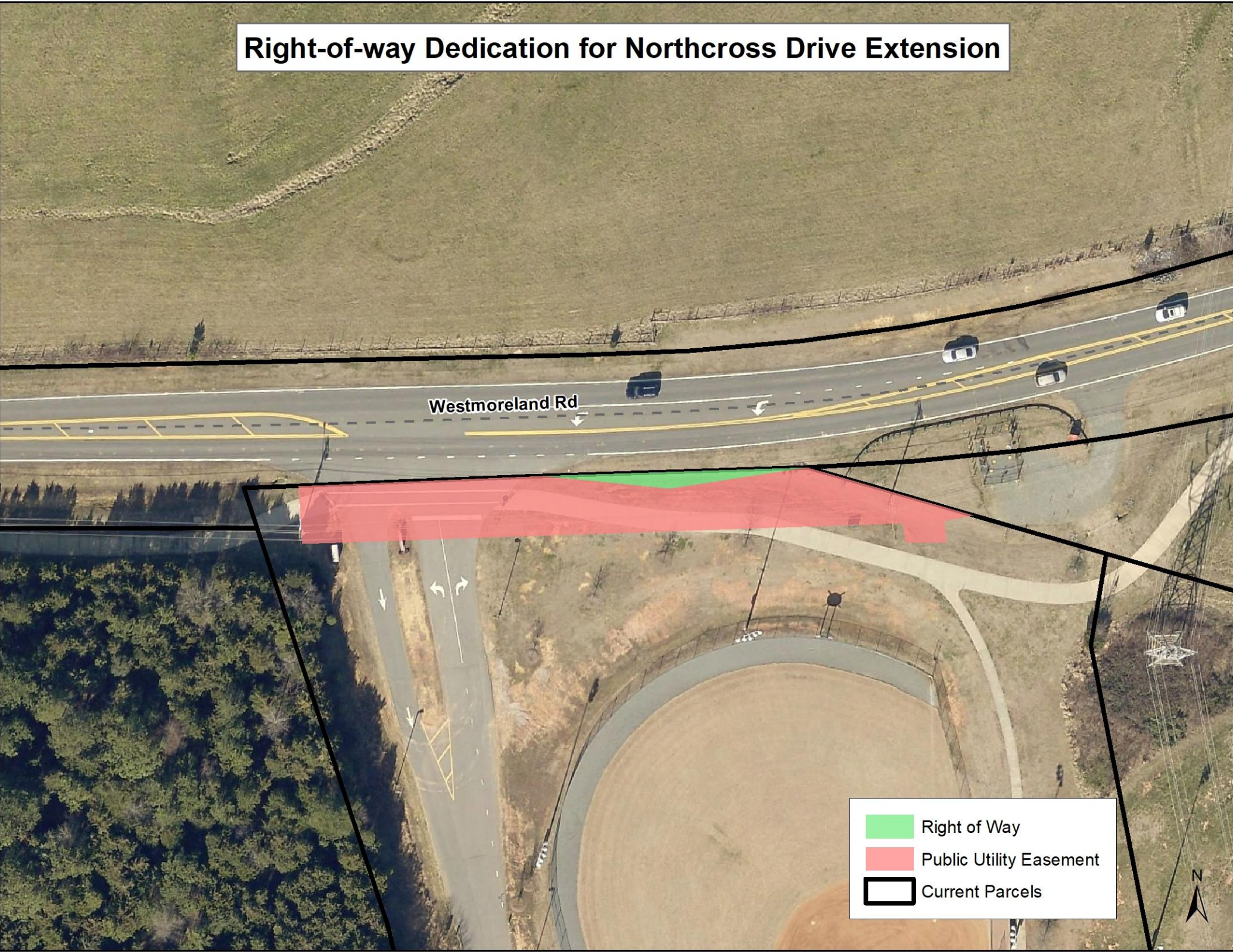
BY: _____, Mayor of Town of Cornelius

(CORPORATE SEAL) ATTEST: _____, Clerk of the Town of Cornelius


ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

| | |
|-----------------|---|
| (Official Seal) | North Carolina, _____ County |
| | I, _____, a Notary Public for |
| | _____ County, North Carolina, certify that |
| | _____ personally came before |
| | me this day and acknowledged that he/she is the CLERK of the TOWN OF <u>Cornelius</u> , and that by authority duly given, the foregoing instrument was signed in its name by its MAYOR of the TOWN OF Cornelius, sealed with its corporate seal, and attested by _____ as its TOWN CLERK. |
| | Witness my hand and official seal this the _____ day of _____, 20 ____. |
| | _____ Notary Public |
| | My commission expires: _____ |

Right-of-way Dedication for Northcross Drive Extension



Westmoreland Rd

-  Right of Way
-  Public Utility Easement
-  Current Parcels

Right-of-way Dedication for Northcross Drive Extension

Eagleridge Way Ln

Westwind Point Dr

- Public Drainage Easement
- Temporary Construction Easement
- Current Parcels

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: February 3, 2020

To: Mayor and Board of Commissioners

From: Julie Niswonger, Finance Director

Action Requested:

On tonight's budget amendment, we have an item to amend the asset forfeiture fund in the amount of \$272,400. The expenditures include the following:

- 2 patrol vehicles \$116,400
- Replacement boat motors \$35,500
- Field operation equipment \$47,500
- Special weapons and tactics team equipment \$33,000
- Training equipment \$40,000

Manager's Recommendation:

Approve an Ordinance to amend the FY20 budget as presented.

ATTACHMENTS:

| Name: | Description: | Type: |
|---|----------------------------|------------|
|  Amend_FY20_#3.pdf | Asset Forefiture Amendment | Cover Memo |

TOWN OF CORNELIUS
AN ORDINANCE AMENDING
THE OPERATING BUDGET FOR
FISCAL YEAR 2019-2020

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF
COMMISSIONERS OF THE TOWN OF CORNELIUS:**

SECTION 1. The following amounts are hereby authorized for all appropriations, expenditures and inter-fund transfers necessary for the administration and operation of the Town of Cornelius for the fiscal year beginning July 1, 2019 and ending June 30, 2020 in accordance with the following schedule of accounts heretofore established for this Town:

SCHEDULE A: GENERAL FUND

| | Original Budget | Previous Amendment 12/2/2019 | This Amendment 2/3/2020 | Change |
|---|---------------------|------------------------------------|-------------------------------|------------------|
| General Fund Revenues | | | | |
| Ad Valorem Taxes | \$ 16,090,128 | \$ 16,090,128 | \$ 16,090,128 | |
| Local Option Sales Tax | 3,841,700 | \$ 3,841,700 | \$ 3,841,700 | |
| Utility Franchise Tax | 1,905,280 | \$ 1,905,280 | \$ 1,905,280 | |
| Powell Bill Allocation | 777,233 | \$ 777,233 | \$ 777,233 | |
| Other Taxes and Licenses | 554,333 | \$ 554,333 | \$ 554,333 | |
| Unrestricted Intergovernmental | 1,269,370 | \$ 1,269,370 | \$ 1,269,370 | |
| Restricted Intergovernmental | 731,108 | \$ 731,108 | \$ 731,108 | |
| Permits and Fees | 828,100 | \$ 828,100 | \$ 828,100 | |
| Sales and Services | 186,460 | \$ 186,460 | \$ 186,460 | |
| Investment earnings | 250,500 | \$ 250,500 | \$ 250,500 | |
| Donations | 20,000 | \$ 20,000 | \$ 20,000 | |
| Micellaneous | 19,300 | \$ 51,286 | \$ 51,286 | |
| Debt Issued | 1,000,000 | \$ 1,000,000 | \$ 1,000,000 | |
| Appropriated Fund Balance | (1,381,129) | \$ (1,062,770) | \$ (790,370) | \$ 272,400 |
| Total General Fund Revenues | \$26,092,383 | \$26,442,728 | \$26,715,128 | \$272,400 |
| General Fund Expenditures | | | | |
| Governing Board | \$ 77,931 | \$ 77,931 | \$ 77,931 | |
| General Government | 1,804,186 | \$ 1,804,186 | \$ 1,804,186 | |
| General Services | 650,506 | \$ 650,506 | \$ 650,506 | |
| Police | 7,119,938 | \$ 7,151,924 | \$ 7,424,324 | \$ 272,400 |
| Communications | 693,463 | \$ 693,463 | \$ 693,463 | |
| Fire Operations | 1,759,241 | \$ 1,759,241 | \$ 1,759,241 | |
| Animal Control | 194,627 | \$ 194,627 | \$ 194,627 | |
| Public Works | 1,358,085 | \$ 1,458,085 | \$ 1,458,085 | |
| Powell Bill | 970,500 | \$ 1,188,859 | \$ 1,188,859 | |
| Solid Waste/Recycling | 2,099,390 | \$ 2,099,390 | \$ 2,099,390 | |
| Stormwater | 336,000 | \$ 336,000 | \$ 336,000 | |
| Planning / Land Development | 627,660 | \$ 627,660 | \$ 627,660 | |
| Tourism | 444,064 | \$ 444,064 | \$ 444,064 | |
| Art Center | 620,505 | \$ 620,505 | \$ 620,505 | |
| Parks, Arts, Recreation, and Culture | 3,066,800 | \$ 3,066,800 | \$ 3,066,800 | |
| Transfer to Capital Project Funds/ 911 Fund | 1,072,874 | \$ 1,072,874 | \$ 1,072,874 | |
| Debt Service | 3,196,613 | \$ 3,196,613 | \$ 3,196,613 | |
| Total General Fund Expenditures | \$26,092,383 | \$26,442,728 | \$26,715,128 | \$272,400 |

SCHEDULE B: ELECTRIC FUND

Electric Fund Revenues

| | Original Budget | Previous Amendment 12/2/2019 | This Amendment 2/3/2020 | Change |
|-------------------------------------|---------------------|------------------------------------|-------------------------------|-------------|
| Sales and Services | \$ 6,692,359 | \$ 6,692,359 | \$ 6,692,359 | |
| Fund Balance | - | \$ - | \$ - | |
| Miscellaneous | 10,000 | \$ 15,055 | \$ 15,055 | |
| Total Electric Fund Revenues | \$ 6,702,359 | \$ 6,707,414 | \$ 6,707,414 | \$ - |

Electric Fund Expenditures

| | | | | |
|---|---------------------|---------------------|---------------------|-------------|
| Electric Department | \$6,702,359 | \$6,707,414 | \$6,707,414 | |
| Total Electric Fund Expenditures | \$ 6,702,359 | \$ 6,707,414 | \$ 6,707,414 | \$ - |

SCHEDULE C: 911 FUND

911 Fund Revenues:

| | | | | |
|--------------------------------|-------------------|-------------------|-------------------|-------------|
| 911 Fee Revenue | \$115,182 | \$115,182 | \$115,182 | |
| Fund Interest Earnings | \$1,650 | \$1,650 | \$1,650 | |
| 911 Appropriated Fund Balance | \$0 | \$0 | \$0 | |
| Total 911 Fund Revenues | \$ 116,832 | \$ 116,832 | \$ 116,832 | \$ - |

911 Fund Expenditures:

| | | | | |
|------------------------------------|-------------------|-------------------|-------------------|-------------|
| 911 Department | \$116,832 | \$116,832 | \$116,832 | |
| Total 911 Fund Expenditures | \$ 116,832 | \$ 116,832 | \$ 116,832 | \$ - |

SECTION 2. An ad valorem tax rate of \$.222 per \$100 of assessed valuation is hereby established as the official tax rate for the Town of Cornelius for the fiscal year 2019-20. This rate is based on an estimated valuation of \$7,156,768,213 and an estimated 98.5% percent collection rate, which is at least the collection rate expected during the 2018-19 fiscal year.

SECTION 3. In accordance with G.S. §159-9 and G.S. §159-15, the Town Manager shall serve as the budget officer and is hereby authorized to reallocate appropriations among the objects of expenditure under the following conditions:

- a. The Town Manager may transfer amounts between line-item expenditures even among departments as believed to be necessary and prudent.
- b. He may not transfer any amounts between funds, except as approved by the Board of Commissioners in the Budget Ordinance as amended.

Adopted this the 3rd day of February, 2020.

Woody T. Washam Jr., Mayor

SEAL

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Karen Wolter, Town Attorney

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: February 3, 2020

To: Mayor and Board of Commissioners
From: Tyler Beardsley, Assistant Town Manager

Action Requested:

The Town has investigated the high accident intersection of Old Jetton Road and Jetton Road over the past several years. Based on the crash history data, the majority of the accidents occur from drivers from Old Jetton Road going left onto eastbound Jetton Road or going straight from Old Jetton Road into the shopping center across Jetton Road. The Town's solution to reduce accidents at this intersection is to make the Old Jetton Road approach of this intersection into a right turn only instead of full movement, thereby addressing the public safety need. The Town will do this by installing a concrete median and signage that will not allow the left or straight movements.


In order to install this median, the Town must acquire 499 sq. ft. of Right-of-Way and 2,000 sq. ft. of Temporary Construction Easement from the property owner, Kimco, Inc. The Town and property owner have not been able to agree on the property acquisition and the Town is now in a position to start the eminent domain process.

This resolution is an official action by the Town Board authorizing the eminent domain action as well as declaring the public purpose for the eminent domain action.

Manager's Recommendation:

Approve a Resolution to acquire real property for safety improvements.

ATTACHMENTS:

| Name: | Description: | Type: |
|---|-----------------------|-------------------|
|  RES-Acquire Real Property for Safety Improvements.pdf | Acquire Real Property | Resolution Letter |

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF CORNELIUS,
NORTH CAROLINA TO ACQUIRE REAL PROPERTY REQUIRED FOR SAFETY
IMPROVEMENTS TO THE INTERSECTION OF
OLD JETTON ROAD AND JETTON ROAD**

WHEREAS, the intersection of Old Jetton Road and Jetton Road in the Town of Cornelius (the “Intersection”) has proven to be among the most dangerous intersections in Town; and

WHEREAS, the Town conducted research and confirmed that between 2013 and 2019, there were 44 accidents at the Intersection. The Town’s research further confirmed that 70.45% of the accidents at the Intersection involved drivers either making a left turn from Old Jetton Road onto Jetton Road or from proceeding straight from Old Jetton Road across Jetton Road; and

WHEREAS, the Town has determined that in order to improve the safety of the Intersection while minimizing the impact on nearby businesses and citizens, it is in the public’s best interest to restrict movement from Old Jetton Road onto Jetton Road to “right turn only” by constructing certain road improvements to include a median on Old Jetton Road (the “Safety Improvements”); and

WHEREAS, the statutory powers for the Town of Cornelius include the power to acquire real property (N.C. Gen. Stat. § 160A-610); including the power of eminent domain (N.C. Gen Stat. Chapter 40A); and

WHEREAS, the Town has made offers to purchase property necessary for construction of the Safety Improvements based on the appraised market value of the property and has negotiated in good faith to reach a settlement with property owners; and

WHEREAS, the Town has verified that a portion of the property located at 19825 North Cove Road, Cornelius, NC 28031, PIN 005-121-55, is needed to construct the Safety Improvements as depicted on the map attached hereto as Exhibit A (the portion to be acquired is referred to as the “Property”).

NOW, THEREFORE, BE IT RESOLVED, upon the conditions of these recitals incorporated herein, by the Board of Commissioners of the Town of Cornelius:

1. The Board hereby approves of the execution of its power of eminent domain for the acquisition of the Property, if through negotiation and settlement these areas needed cannot be acquired by mutual consent.
2. The Board hereby authorizes the Town Manager, acting on the advice of counsel, to take any actions necessary to effect the provisions of this Resolution.
3. This Resolution shall take effect upon its adoption.

Approved this 3rd day of February, 2020.

Woody Washam, Jr., Mayor

Lori A. Harrell, Town Clerk

Town Attorney

SURVEY NOTES
1. ALL DISTANCES SHOWN ARE HORIZONTAL MEASUREMENTS.
2. NORTH ORIENTATION AND GRID COORDINATES ARE NC GRID NAD 83/2011.
3. THIS MAP IS PREPARED FOR RECORDATION AS PER G.S. 47-30.
4. ZONING INFORMATION, IF SHOWN, IS AS PROVIDED BY THE CORNELIUS ZONING DEPARTMENT.
5. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL TITLE SEARCH, INCLUDING ANY EASEMENTS AND/OR RIGHT OF WAYS NOT SHOWN HEREON.
6. THE PURPOSE OF THIS EXHIBIT IS TO DEDICATE RIGHT OF WAY TO THE TOWN OF CORNELIUS. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT TRACT.

REFERENCES

1. DEED BOOK 26910, PAGE 92 (SOURCE OF TITLE)
2. MECKLENBURG COUNTY TAX MAPPING
3. MAP BOOK 55, PAGE 502
4. MAP BOOK 25, PAGE 304

CURRENT ZONING INFORMATION

EXISTING ZONING: VC

MECKLENBURG COUNTY

APPROVED IN ACCORDANCE WITH THE ENGINEERING REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE TOWN OF _____, MECKLENBURG COUNTY, NORTH CAROLINA.

MECKLENBURG COUNTY STAFF DATE

CERTIFICATE OF APPROVAL FOR RECORDING

I CERTIFY THAT THIS PLAT IS NOT WITHIN A DESIGNATED PUBLIC WATER SUPPLY WATERSHED.

DATE WATERSHED ADMINISTRATOR, TOWN OF CORNELIUS

REVIEW OFFICER'S CERTIFICATE

I, _____, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OF PLAT, TO WHICH THIS CERTIFICATE IS AFFIXED, MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER DATE

NORTH CAROLINA


I, TERRY M. DENNIS JR., CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

 L-4242
PROFESSIONAL LAND SURVEYOR REGISTRATION NUMBER

NORTH CAROLINA

I, TERRY M. DENNIS JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 26910, PAGE 92); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____ PAGE _____; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION LICENSE NUMBER AND SEAL THIS 10TH DAY OF APRIL, A.D., 2019.

 L-4242
PROFESSIONAL LAND SURVEYOR LICENSE NUMBER

SUBDIVISION NOTE

THE SUBDIVIDED PROPERTY IS CONSIDERED A LARGER COMMON PLAN OF DEVELOPMENT AND THEREFORE WILL BE SUBJECT TO THE APPLICABLE PORTIONS OF THE TOWN OF CORNELIUS POST-CONSTRUCTION STORM WATER ORDINANCE DURING DEVELOPMENT AND REDEVELOPMENT (INCLUDING EXPANSION).

PLAT PURPOSE STATEMENT

THE PURPOSE OF THIS EXHIBIT IS TO DEDICATE RIGHT OF WAY TO THE TOWN OF CORNELIUS.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN, WHICH IS LOCATED IN THE JURISDICTION OF THE TOWN OF CORNELIUS AND THAT I HEREBY ADOPT THIS PLAN WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, PRESERVE AND PROTECT ALL SIGNIFICANT TREES OVER 18 INCHES DIAMETER IN THE TREE AND ROOT PROTECTION AREA, PLANT SUPPLEMENTARY TREES IF REQUIRED, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER SITES AND EASEMENTS, TO PUBLIC OR PRIVATE USES AS NOTED. ONCE STREETS HAVE BEEN ACCEPTED BY THE TOWN OR THE STATE, STREET TREES SHALL BE MAINTAINED AND CARED FOR BY THE PROPERTY OWNER ADJACENT TO THE TREE, EXCEPT IN SUBDIVISIONS WHERE THE PROPERTY OWNERS ASSOCIATION PROVIDES MAINTENANCE AND CARE. PRIOR TO STREET ACCEPTANCE, THE DEVELOPER SHALL BE RESPONSIBLE FOR ENSURING MAINTENANCE AND CARE. MAINTENANCE SHALL INCLUDE REPLACEMENT AND TRIMMING AS NECESSARY. FURTHERMORE, I HEREBY DEDICATE ALL SANITARY SEWER, STORM SEWER, AND WATER LINES THAT ARE LOCATED IN PUBLIC UTILITY EASEMENTS OR RIGHTS-OF-WAY TO THE TOWN OF CORNELIUS AND CHARLOTTE WATER.

DATE OWNER(S)

| CURVE | ARC LENGTH | RADIUS | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|------------|--------|-------------|---------------|--------------|
| C1 | 131.04 | 278.36 | 28°58'18" | S 44°50'08" W | 129.83 |
| C2 | 72.55 | 278.36 | 14°56'00" | S 23°52'59" W | 72.35 |
| C3 | 98.14 | 620.00 | 9°04'09" | N 84°59'59" E | 98.04 |
| C4 | 36.75 | 25.00 | 84°13'18" | S 51°32'53" W | 33.53 |
| C5 | 28.65 | 620.00 | 2°38'51" | N 87°17'36" W | 28.65 |
| C6 | 72.01 | 62.50 | 66°00'43" | N 38°44'34" E | 68.09 |
| C7 | 20.00 | 620.00 | 1°50'54" | S 89°32'29" E | 20.00 |
| C8 | 20.00 | 278.36 | 4°07'03" | N 14°21'27" E | 20.00 |
| C9 | 46.87 | 42.50 | 63°11'31" | N 60°09'10" E | 44.53 |
| C10 | 18.82 | 298.36 | 1°36'48" | N 14°36'35" E | 18.81 |

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 09°55'40" W | 6.67 |
| L2 | N 00°05'06" W | 11.82 |
| L3 | N 03°05'06" W | 22.28 |
| L4 | S 88°15'04" E | 20.65 |
| L5 | S 73°35'01" E | 20.00 |

Jetton Village 1672, LP
DEED BOOK 26910 PAGE 92
MAP BOOK 55 PAGE 502
PARCEL ID: 001-101-29

RIGHT OF WAY AREA DEDICATED
499 Square Feet

BEING A PORTION OF DEED BOOK 26910, PAGE 92, SUBJECT TO ELECTRIC EASEMENT RECORDED IN DEED 19590, PAGE 51 AND LANDSCAPE EASEMENT RECORDED IN DEED BOOK 6859, PAGE 347. AREA BY COORDINATE METHOD.

Ark Ventures, Inc.
DEED BOOK 21663 PAGE 251
MAP BOOK 25 PAGE 304
PARCEL ID: 001-472-12

LEGEND

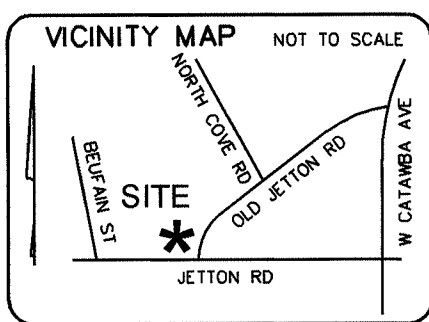
- RIGHT OF WAY AREA DEDICATED
- RIGHT OF WAY AREA DEDICATED
- TEMPORARY CONST ESMT
- TIE LINE
- EXISTING RIGHT OF WAY PER REFERENCES
- EXISTING EASEMENT
- N.C.G.S. 47-30
- MAP BOOK / PAGE
- CONTROL CORNER



Dewberry Engineers Inc.
9300 HARRIS CORNERS PARKWAY
SUITE 220
CHARLOTTE, NC 28269
PHONE: 704.509.9918
FAX: 704.509.9937
NC LICENSE No.: F-0929

CURRENT PROPERTY OWNER
Jetton Village 1672, LP
3333 NEW HYDE PARK ROAD
POST OFFICE BOX 5020
NEW HYDE PARK, NY 11042-0020

PLAT PREPARED FOR
Town of Cornelius
POST OFFICE BOX 399
21445 CATAWBA AVENUE
CORNELIUS, NC 28031



| NO. | DATE | REVISIONS | BY | CHK | SUPV | APP'D |
|-----|------|-----------|----|-----|------|-------|
| 1 | | | | | | |

| | | |
|--|-----------------------|---|
| RIGHT OF WAY DEDICATION PLAT FOR Town of Cornelius | | |
| SCALE: 1"=20' | DRAWN BY: MARK DENNIS | TOWNSHIP / CITY: |
| DATE: APRIL 10, 2019 | JOB NUMBER: 50112568 | LOCATED IN THE TOWN OF CORNELIUS, DEWESE TOWNSHIP, MECKLENBURG COUNTY, NORTH CAROLINA |
| GRAPHIC SCALE 0 10 20 40 80 120 | | |

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: February 3, 2020

To: Mayor and Board of Commissioners

From: Andrew Grant, Town Manager

Action Requested:

Hold a Closed Session to discuss a real estate acquisition matter.

Manager's Recommendation:

Closed Session.

ATTACHMENTS:

| Name: | Description: | Type: |
|--------------------------|--------------|-------|
| No Attachments Available | | |

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: February 3, 2020

To: Mayor and Board of Commissioners

From: Lori Harrell, Town Clerk


Action Requested:

Review the minutes from Jan. 21st - Closed Session.

Manager's Recommendation:

Approve minutes.

ATTACHMENTS:

| Name: | Description: | Type: |
|---|------------------------|-----------------|
|  01-21-20_Closed_Session.pdf | Closed Session Minutes | Backup Material |

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: February 3, 2020

To: Mayor and Board of Commissioners

From: Lori Harrell, Town Clerk

Action Requested:

Review the minutes from Jan. 21st - Regular Meeting.

Manager's Recommendation:

Approve minutes

ATTACHMENTS:

| Name: | Description: | Type: |
|--|-----------------|-----------------|
|  01-21-20_Regular_Meeting_draft.pdf | Regular Minutes | Backup Material |



BOARD OF COMMISSIONERS

January 21, 2020
MINUTES

PRE-MEETING – 5:45PM

❖ Agenda Review

Manager Grant gave an overview of the 7PM meeting agenda.

❖ Closed Session

Mayor Washam called for a motion to go into Closed Session to discuss a contract matter, a real estate acquisition matter and consult with attorney under attorney-client privilege.

Commissioner Miltich made a motion to go into Closed Session at 5:54PM.

Commissioner Ross seconded the motion and it passed unanimously, 5-0.

Upon return from Closed Session, Manager Grant stated that the Feb. 6th planning session will include discussion regarding the Town's Land Use Plan and potential updates to it. Mayor Washam dismissed everyone to go downstairs for the 7:00PM Regular meeting.

REGULAR MEETING – 7:00PM

1. CALL TO ORDER

Mayor Washam called the meeting to order at 7:09PM.

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 Duke seconded the motion and it passed unanimously, 5-0.

4. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Washam 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 on Jan. 9th.
- Attended the Essentials for Municipal Government session on Jan. 10th.
- Participated in the Focus Friday held on Jan. 17th at the Chamber.

Commissioner Ross reported on the following:

- Will be attending the next Visit Lake Norman meeting.
- Charlotte Restaurant Week will be taking place this week.
- A soccer tournament will be held this weekend at Bailey Road Park.

Commissioner Bilodeau reported on the following:

- Attended the North Carolina Transportation Summit in Raleigh on Jan. 8th & 9th. The focus was on automotous and electric vehicles and keynote speaker Tony Seba, the author of Clean Disruption and Rethinking X, gave a powerful speech on where we will be 5-10 years.
- Attended the 2020 CRTPO orientation meeting in Mooresville.
- Attended the ASC Board meeting on Jan. 15th where the discussion focused on the ramifications of the bond referendum not passing, the impact it will have on the agencies that rely on the Arts and Science Council and the anticipated 50% funding reductions to those agencies.
- Attended the Focus Friday meeting at the Chamber.

Commissioner Miltich reported on the following:

- Met with Commissioner Bales (Huntersville) and Commissioner Michael (Davidson) on Dec. 18th to discuss MEAC.
- Attended the TCC (the staff portion of CRTPO) meeting on Jan. 2nd.
- Attended the 2020 CRTPO orientation.
- Attended the CRTPO meeting on Jan. 15th where the Federal Government performance based planning and programming requirements/targets were discussed. Elected to serve as the 2020 CRTPO chairperson.
- Attended the Connecting Cornelius evening event on Jan. 16th.
- Attended the Focus Friday meeting at the Chamber.

Commissioner Sisson reported on the following:

- Attended the Chamber's 32nd Annual Awards Gala on Jan. 17th; Sweet Dreams Mattress received two awards; Richard Pappas will be the 2020 Chamber chairperson.
- Optimize Chiropractic ribbon cutting will be held on Feb. 8th (12PM-2PM)
- The first Lake Norman WINS meeting was attended by 80 women. Their second meeting will be held on Feb. 11th (8:30AM).
- Power Luncheon will be held on Feb. 20th (11:30AM) at Northstone Country Club with keynote speaker Mark Johnson, NC Superintendent of Public Instruction.
- Business After Hours will be held on Feb. 20th (5:30PM) at the 19th Tee Lounge at Langtree Village, Mooresville.

Manager Grant reported on the following:

- Public Works crews are working on their final round of leaf collection between Jan. 21st – 31st; Republic Service will continue their weekly pick up of 20 bags.
- Black History Month Celebration will be held on Feb. 1st (1PM-3PM) and an art exhibit by Charlotte artist Kevin Harris will be on display.
- Connecting Cornelius morning event will be held on Feb. 3rd (8:30AM) at Harvey's.
- 2020 Primary Election – Early voting at Town Hall will be begin on Feb. 13th thru Feb. 29th.

Mayor Washam reported on the following:

- Attended the HIS Ministry Winter Ball.
- Connecting Cornelius evening event held on Jan. 16th was very well attended.

6. CITIZEN CONCERNS/COMMENTS

No public concerns or comments were expressed.

7. PUBLIC HEARING AND CONSIDERATION OF APPROVAL

A. REZ 11-19 O'Reilly Auto Part Store

Mayor Washam called for a motion to open public hearing #2 for rezoning case REZ 11-19 O'Reilly Auto Parts. The public notice is attached hereto.

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

Planning Director Aaron Tucker gave the staff presentation on the rezoning request located at 19425 Statesville Road is to construct a 7,200sf commercial building for retail auto part sales. He gave an overview of the site plan and stated that the Planning Board and staff recommend approval with 3 conditions.

Mayor Washam invited the applicant to speak.

Larry Bearden thanked staff for their guidance through the process. He stated that if the project is approved, construction would begin in approximately 45-60 days.

Mayor Washam invited the public to speak. There being no public comments, he called for a motion to close the public hearing.

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

Commissioner Miltich made a motion to approve Ordinance #2020-00726 to amend the Land Development zoning map with 3 conditions. Commissioner Sisson seconded the motion and it passed unanimously, 5-0.

Ordinance #2020-00726 is hereby made part of the minutes by reference.

Commissioner Miltich made a motion to approve Resolution #2020-00951 declaring REZ 11-19 is consistent with the Town's Land Use Plan and is reasonable in the interest of its citizens. Commissioner Sisson seconded the motion and it passed unanimously, 5-0.

Resolution #2020-00951 is hereby made part of the minutes by reference.

8. CONSIDERATION OF APPROVAL

A. Land Development Code Advisory Board Appointments

Deputy Manager Herron gave an overview of the LDCAB appointments.

Commissioner Miltich made a motion to approve the reappointments of Bob Bruton, Joe Dean, Karen Tovar, Laura Pegram, and appoint Kevin Meyers to the LDCAB as presented. Commissioner Sisson seconded the motion and it passed unanimously, 5-0.

B. Resolution Authorizing the Sale of Certain Real Property

Asst. Manager Beardsley gave an overview on the offer to purchase received for the Town's former Public Works building. He explained that by accepting the offer, the upset bid process will begin.

Commissioner Miltich made a motion to approve Resolution #2020-00952 accepting the \$570K offer to purchase Town owned property and start the upset bid process. Commissioner Sisson seconded the motion and it passed unanimously, 5-0.

Resolution #2020-00952 is hereby made part of the minutes by reference.

C. Catawba/US 21 Dual Roundabouts (C-5621) – Transfer of Maintenance Responsibility of Holiday Lane to NCDOT

Deputy Manager Herron explained the transfer of maintenance request for Holiday Lane as part of NCOT's Hwy. 21/Catawba intersection improvement project.

Commissioner Ross made a motion to approve Resolution #2020-00953 to transfer the maintenance of Holiday Lane over to NCDOT. Commissioner Miltich seconded the motion and it passed unanimously, 5-0.

Resolution #2020-00953 is hereby made part of the minutes by reference.

D. Torrence Chapel Triple Roundabouts (C-5906) – Transfer of Maintenance Responsibility of Liverpool Parkway to NCDOT

Deputy Manager Herron explained the transfer of maintenance request for a portion of Liverpool Parkway as part of NCDOT's Torrence Chapel/West Catawba intersection improvement project.

Commissioner Duke made a motion to approve Resolution #2020-00954 to transfer the maintenance of a portion of Liverpool Parkway over to NCDOT. Commissioner Miltich seconded the motion and it passed unanimously, 5-0.

Resolution #2020-00954 is hereby made part of the minutes by reference.

9. CONSENT AGENDA

- A. Approve Minutes – Closed Session Jan. 6th (Approved 5-0)
B. Approve Minutes – Regular Meeting Jan. 6th (Approved 5-0)

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

10. COMMISSIONER CONCERNS

No concerns were expressed.

11. ADJOURNMENT

There being no further business to discuss, Commissioner Miltich made a motion to adjourn at 7:35PM. Commissioner Sisson seconded the motion and it passed unanimously, 5-0.

Approved this 3rd day of February, 2020.

Woody Washam, Jr., Mayor

Lori A. Harrell, Town Clerk