

**STATE OF NORTH CAROLINA
COUNTY OF GASTON
TOWN OF CRAMERTON**

August 20, 2020

The Board of Commissioners for the Town of Cramerton met on Thursday, August 20, 2020 at 6:00 p.m., as a hybrid meeting consisting of in person attendance at the Community Center and virtual meeting via Zoom.

Call to Order and Determination of Quorum. Mayor Cauthen, Commissioner Abernathy, Commissioner Atkinson, Mayor Pro Tempore Koutsoupas, Commissioner Neeley, and Commissioner Rice were present.

Staff Present: David Pugh, Town Manager; Attorney Karen Wolter; and Chief Adams were present in person. Josh Watkins, Planning Director; Eric Smallwood, Parks and Recreation Director; and Wilene Cunningham, Town Clerk attended via Zoom.

Invocation and Pledge of Allegiance. Commissioner Neeley provided the invocation and the pledge of allegiance was given by all.

Adoption of Agenda for this meeting: Commissioner Rice asked to add the proclamation for the 100th anniversary of the 19th Amendment to the United States Constitution. A motion was made by Commissioner Neeley to adopt the amended agenda. The motion was seconded by Commissioner Rice. The vote passed 5 to 0 in favor.

Public Comment (in-person and electronic): Mayor Cauthen read the rules regarding the past public hearings and action to be taken on those public hearings.

Charles Long, 221 Pine Street, Belmont, North Carolina asked if he could read into the record his electronic comment. He was advised he could.

” Subject: Legal Liability for jointly owned ponds

MT Land and City of Cramerton,

Mitchell Sprinkles and I would like to voice our concerns regarding possible legal action, in the event a resident or resident’s child be injured or drowned in one of our ponds. Both bodies of water have boundaries that extend over into the property of the new development. We respectfully request that a 100’ buffer, same as light commercial, be applied to the property lines that border the ponds. And we also request that fencing would be installed as well. We believe the extended buffer will provide an “out of sight, out of mind” aspect to the potential problem, and the fencing would deter the more adventurous children from attempting to swim.

Thank you for your consideration. We would be glad to comment on the matter at the Thursday night meeting.”

He continued that he felt the question regarding the possible issue of drowning needed to be addressed. He said he and Mr. Sprinkle own most of the water but the developer owns about forty (40) percent of the shore line and some of the water in the pond. He read a legal opinion addressing “attractive nuisances”. An attractive nuisance consists of pools, hot tubs, ponds, etc. as being attractive to children. If a child is injured as a result due of the attractive nuisance then the property owner is liable for such injury even if the child does not have permission to be on the property. The rationale is that as a child they are not able to understand the law as an adult would, or exhibit an adult level of impulse control.

No other electronic public comments were received per Attorney Wolter.

Proclamations

- a. Proclamation recognizing The Lissencephaly Foundation, Inc. Awareness Day as September 8, 2020.** Mayor Cauthen read this proclamation into the record.

- b. **Proclamation in honor of the 100th Anniversary of the 19th Amendment to the United States Constitution.** Copies of the signed proclamations will be placed in the minutes book.

Consent Agenda (Action Item): Consider approval of the consent agenda.

- c. **Minutes**

- i. **August 6, 2020 meeting minutes.** A motion was made to approve the consent agenda as proposed by Commissioner Neeley. The motion was seconded by Commissioner Rice. The vote was 5 to 0 in favor.

Old Business

- d. **Planning & Zoning**

- i. **MT Land Annexation Consideration**

1. **Action Item:** Consider approval of the voluntary annexation request from Palmetto Bluff Company, LLC to annex approximately 479 acres off of S. New Hope Road, Parcel ID's 222767, 222768, and 216850. A portion of Parcel ID 222767 is within the Town of Cramerton's Extra-territorial Jurisdiction; the remainder of the land is currently under Gaston County's Zoning Jurisdiction, but within the Town's future annexation area. *Note: This action is being taken in accordance and compliance with NC Law. The Cramerton Board held the official public hearing for the Palmetto Bluff Company, LLC annexation request at the August 6, 2020 meeting, and has waited at least 24 hours to consider adoption. Cramerton has also continued to take public comment on this item and will read any additional comments into the record on this section of the agenda.* A motion was made by Commissioner Atkinson to approve the voluntary annexation request from Palmetto Bluff Company, LLC to annex approximately 479 acres off of South New Hope Road, Parcel ID's 222767, 222768, and 216850. A portion of Parcel ID 222767 is within the Town of Cramerton's Extra-territorial Jurisdiction; the remainder of the land is currently under Gaston County's Zoning Jurisdiction, but within the Town's future annexation area. The motion was seconded from Commissioner Neeley. The vote was 5 to 0 in favor.

- ii. **MT Land Conditional Rezoning Consideration**

1. **Action Item:** Consider approval of MT Land, LLC's request for a conditional rezoning of approximately 479 acres off of S. New Hope Road for a mixed-use development. This rezoning request would allow for up to 1070 single family homes, of which no more than 275 units can be attached townhomes, 80,000 square feet of retail/commercial uses, 100,000 square feet of office uses, and 70 acres of business park/light industrial use. *Note: This action is being taken in accordance and compliance with NC Law. The Cramerton Board held the official public hearing for the MT Land LLC conditional rezoning request at the August 6, 2020 meeting, and has waited at least 24 hours to consider adoption. Cramerton has also continued to take public comment on this item and will read any additional comments into the record on this section of the agenda.* Attorney Wolter stated no other comments were received other than the one read into the record by Mr. Long earlier in the meeting. Mayor Pro Tempore Koutsoupas asked about prior conditions that were discussed at the last meeting. The Planning Director stated the following items have been added or adjusted per the information provided at the August 6th public hearing meeting. Per the memo the following items were included: 1) Site Development Data – reorganized section on allowable square footage per area for clarity; no substantive changes made. 2) Section 1H and 1I – added these two items that had been previously been staff conditions. 3) Section A – revised to delineate between the dwelling, single-family detached and the dwelling, attached single family development uses. 4) Section 6A(ii) – added a 25-foot buffer between residential lots and nonresidential uses located within Areas B. 5) Section 9C – clarified that the greenway will be constructed by the developer at the developer's expense, and will be

constructed to the Town's standards. 6) Site Plan – updated the technical data sheets to include a greenway standard; this standard was taken from the approved plans for the Riverlink greenway, and will be used as the template for the greenway within this development. Attorney Wolter asked the developer if they were agreeable and amendable to the above clarifications. Bridgett Grant stated they were agreeable and amendable to the stated changes. Commissioner Rice asked about the pond. Attorney Wolter stated that there is no liability for the town as this water amenity is located on private property. Mayor Pro Tempore Koutsoupas asked if the developer would follow the same 50-foot stream pond buffer with a minimum of 30 feet. The Planning Director said if NC DENR deems this body of water to require this buffer then the state minimum is 30 feet and NC DENR will determine the applicability of the stream buffer. There is already a 25' foot buffer that will be along the edge of the pond before you reach water. A motion was made by Commissioner Rice to approve MT Land, LLC's request for a conditional rezoning of approximately 479 acres off of South New Hope Road for a mixed-use development. This rezoning request would allow for up to 1,070 single family homes, of which no more than 275 units can be attached townhomes, 80,000 square feet of retail/commercial uses, 100,000 square feet of office uses, and 70 acres of business park/light industrial use. The motion was seconded by Commissioner Neeley. The vote was 5 to 0 in favor.

2. **Action Item: Consider adopting a consistency statement regarding the MT Land Conditional Rezoning request.** Mayor Cauthen read the consistency statement into the record. A motion was made by Mayor Pro Tempore Koutsoupas to adopt a consistency statement regarding the MT Land Conditional Rezoning request. The motion was seconded by Commissioner Rice. The vote was 5 to 0 in favor. A copy of the signed consistency statement will be placed in the minutes book.

e. **Parks & Recreation**

i. **Cramerton Parks and Recreation Updated Master Plan**

1. **Action Item: Consider approval of the Cramerton Parks and Recreation Updated Master Plan.**

Note: This action is being taken in accordance and compliance with NC Law. The Cramerton Board held the official public hearing for the Cramerton Parks and Recreation Updated Master Plan at the August 6, 2020 meeting, and has waited at least 24 hours to consider adoption. Cramerton has also continued to take public comment on this item and will read any additional comments into the record on this section of the agenda. No comments were received. A motion was made by Mayor Pro Tempore Koutsoupas to approve the Cramerton Parks and Recreation Updated Master Plan. The motion was seconded by Commissioner Abernathy. The vote was 5 to 0 in favor.

Agenda Items NOT Requiring a Public Hearing

f. **Board of Commissioners**

i. **Community Committee Application**

1. **Action Item: Consider the appointment of Olivia Smallwood to the Community Committee (replacing Zach Hooper, term ending November 30, 2021).** Mayor Cauthen explained that Olivia Smallwood is already an alternate member of the Community Committee and with this action would become a voting member and maintain her status. Commissioner Neeley made the motion to appoint Olivia Smallwood to a voting member with her term ending November 30, 2021. The motion was seconded by Commissioner Abernathy. The vote was 5 to 0 in favor.

2. **Action Item: Sherry Larkins appointment to Community Committee alternate position to replace Olivia Smallwood**

(alternate term ending November 30, 2021). A motion was made by Commissioner Neeley, to appoint Sherry Larkins to the Community Committee alternate position with her term ending November 30, 2021. The motion was seconded by Commissioner Abernathy. The motion was 5 to 0 in favor.

ii. Cramerton Historical Society (CHS)

1. **Action Item: Consider granting the following Town artifacts “on-loan” to CHS:**

- Stuart W. Cramer “double desk”
- 2 Cabinets from Cramer Mansion (Charlotte location)

Mayor Cauthen said the double desk is currently at Town Hall. Commissioner Atkinson stated the Cramerton Historical Society would like to move the double desk along with other artifacts to the museum and will be set up as Mr. Cramer’s office. The set up can be viewed from the outside by the public and will look like a “working office”. Items would be in a locked area. Commissioner Atkinson stated these items can be considered as a gift; a loan; or a permanent loan which loans it to the Cramerton Historical Society for an extended period of time then it belongs back to the rightful owner. Attorney Wolter stated she will review the documents. Commissioner Atkinson said he would like a copy of the Cramerton Historical Society lease. The Town Manager said a copy of the lease was given to Mr. Leazer. Commissioner Atkinson asked that Public Works help the CHS group move it. The Town Manager said the desk comes apart naturally. Mayor Pro Tempore Koutsoupas asked about the two cabinets from the Cramer mansion. They are in the town hall and they need some work to the lead glass panes and would be used for display purposes only.

Manager’s Report

The ABC search committee and planning zoning committee timeline was presented. Commissioner Atkinson asked about the application process. The town clerk will receive the applications and make copies and distribute to the appropriate ad hoc committee. The ad hoc committees will then choose who they would like to interview. The ABC Board ad hoc committee will meet on September 17th at 4:00 p.m. The Planning and Zoning Board will meet at 3:00 p.m. on September 21st. Applicants to be interviewed will be contacted in order to schedule this on their calendars.

The Town Manager asked if the Board would want to consider continuing the Board meetings as Zoom meetings while under Phase II of the Governor’s office. The Town Manager thanked Design Tech for their assisting in setting up the Community Center room.

General Staff Reports (as needed)

- **Update from Two Rivers Utilities, Mr. Mike Bynum:** Report to be put in minutes book.
- **Police Department:** Chief Adams stated he had no updates. Commissioner Neeley stated she has received a request from Mr. Elmore in the Timberlake neighborhood regarding installation of stop signs and/or speed humps. She said she reminded Mr. Elmore that this topic was discussed several years ago following a traffic impact study. The portable radar sign has been put out in that neighborhood recently as a proactive measure due to the school year beginning.
- **Fire Department:** Chief Foulk stated a firefighter finished his certification program today. Thirty (30) out of thirty-two (32) firefighters are certified. Two firefighters are currently in high school.
- **Parks and Recreation Department:** Mr. Smallwood said that the bridge contractor is going to replace ten (10) pieces of decking and will be adding two (2) anchor points at each board at the Lakewood Bridge. Sanding is a possibility to smooth out the transition between the boards. Replacement of the bridge boards will occur next week. Commissioner Abernathy thanked staff for following up on this item. Commissioner

Abernathy asked about the timeline for the extension of the trail using gravel at the Riverlink Greenway. Mr. Smallwood stated because of Colonial Pipeline's guidelines they will not allow any deviation from the original plan and will not allow gravel to be temporarily placed. Staff will need to meet to discuss this further.

- **Planning and Zoning Department:** The next Planning and Zoning meeting will be held in September via Zoom to discuss the New Style Communities proposed project of approximately 37 lots. The preliminary project name is Courtyards at New Hope and will be similar to the Courtyards at Cramerton project. The homes will be age 55 restricted. The Planning Director stated he is working with Gaston County about the renaming of the project due to the similarity of the project name and it is still in the review process.
- **Attorney Update:** No update.
- **Town Clerk:** No update.

Topics of Discussion for Each Commissioners

Commissioner Neeley thanked to staff for all their hard work regarding MT Land. She reminded everyone to wear their masks and make sure to cover both your mouth and nose; maintain social distancing of six (6) feet; and wash your hands for twenty (20) seconds.

Commissioner Rice thanked staff for their hard work as the MT Land Project has been a long process and is the biggest project in the history of the town geographically and a big win for the town. The Courtyards at New Hope will be another good project for the town.

Mayor Pro Tempore Koutsoupas thanked staff for the setup of the community center for the public meetings. He thanked everyone for all their hard work with MT Land.

Commissioner Abernathy voiced her appreciation of all the hard work that staff has put forth and for the setup for tonight's meeting and the availability of staff to answer questions. She said it was important to hold this meeting in person and for others to be able to attend. She thanked staff for the news about the bridge on the Lakewood side of Goat Island. She said she would like to receive an update at the next meeting about the wayfinding signs and a timeline.

Commissioner Atkinson thanked staff for setting up tonight's meeting space. He thanked the Planning Director and staff for working on the MT Land Project for years. He asked if any comments had been received regarding the Veterans Memorial plaza update. The Town Manager said no negative comments were received and Mr. Fankhauser has been asked to prepare bid documents.

Mayor Cauthen gave his thanks to staff and stated that town staff continues to deliver high level performance even through the current challenges and developments. He stated he is impressed with our staff continuing to deliver high level work and the town is blessed to have such high caliber professionals .

Adjournment: A motion was made by Commissioner Neeley to adjourn the meeting at 7:16 p.m. The motion was seconded by Commissioner Abernathy. The was 5 to 0 in favor.

Mayor William Cauthen

ATTEST:

Wilene Cunningham, Town Clerk