

MINUTES OF THE MINT HILL PLANNING BOARD MEETING
July 17th, 2017

The Mint Hill Planning Board met in regular session on Monday, July 17th, 2017 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Chairman: Tony Long

Members: Brad Simmons, Roy Fielding, Scott Fandel and Chip Todd

ETJ Members: Roger Hendrix and Tom Gatz

Staff: John Hoard

Clerk to the Board: Candice Hawkins

CALL TO ORDER AND INVOCATION

Chairman Long called the meeting to order at 6:30 p.m., declared a quorum present and the meeting duly constituted to carry on business. Mr. Simmons gave the invocation.

ORDER OF BUSINESS

Approval of Minutes of May 15th, 2017 Regular Meeting: Upon the motion of Mr. Gatz, seconded by Mr. Hendrix, the Board unanimously approved the minutes of the May 15th, 2017 Planning Board meeting.

Additions or Deletions of Agenda Items: None.

Reports of Committees, Members and Staff: None.

Old Business:

- A. **Discussion and Recommendation on #ZC17-3, Filed by Keith Paris, for a Text Amendment to authorize golf cart use on public streets with a maximum speed limit of 25 miles per hour:** Mr. Hoard stated, after the unfavorable recommendation from Planning Board, it went to the Board of Commissioners and they deferred it at their next meeting. The Attorney took a glance at it and made further changes. What the Attorney tried to do was align it closer to the North Carolina model ordinance. He addressed the concerns about liability insurance and provisions on administration as far as registration and such. The Attorney's suggestion was to get it closer to the model ordinance.

Mr. Gatz said, the second sentence hits it on the head with saying "Golf carts are not designed or manufactured to be on public streets, roads or highways." This was the consensus we took away from it last time. Do we know how liability insurance is covered in North Carolina? Mr. Hoard said, there are different liability insurances that can be taken out. One for golf course use only and the other is for roadways and such just like what you would have on a car.

Mr. Gatz said, what is a controlled access facility? Mr. Hoard said, I circled that myself.

This is a model ordinance so I believe that refers to railroad crossings and such.

Mr. Gatz said, there needs to be something that requires them to put down their liability insurance number on the registration. Mr. Hoard said, I've looked at some of the beach towns that have this and their paperwork does have that on there.

Mr. Gatz asked, can you be issued a DUI while driving a golf cart? Mr. Hoard said, it is my understanding that once you're using it on the streets then you are subject to the same laws as everyone else.

Mr. Gatz asked, does it counter it when it says the maximum penalty shall be \$500? Mr. Hoard said, I'm not sure, surely it doesn't. I will make sure to follow up on that.

Mr. Hendrix said, the low speed electric owners vehicles you can be given a DUI and everything else. Who is going to be the person doing the enforcement? Mr. Hoard said, this is a conversation we're beginning to have. For years, both Chiefs haven't like this. When we removed the part about administration they became more susceptible to it. If the Town really wants this then, I have said the Planning Department would step up to the plate and take the administrative side into our hands. We would give them a registration sticker and from there the enforcement will be the Police Department.

Mr. Hendrix asked, could Code Enforcement take care of the registration? Mr. Hoard said, yes they could. We all work together so it doesn't make too much of a difference.

Mr. Simmons said, understanding rule number one saying a golf cart may not be driven on any roads or streets over 25mph, I assume this is to keep them from cutting through yards to get from one 25mph road to another. In rule number two it says golf carts may cross a road with speed limits greater than 25mph or a sidewalk, but then in number fourteen it says they may cross over a sidewalk. Which is it? Mr. Hoard said, I would say in the cases where they have to cross a sidewalk then they can. Driving on a sidewalk is something different.

Mr. Simmons said, I just want to go on record as reading the same thing as Mr. Gatz in the first paragraph.

Mr. Fielding asked, does along the sidewalk mean beside it or on it? Mr. Hoard said, it means on the sidewalk.

Mr. Simmons said, prime example in Brighton Park can they drive on the walking paths? Mr. Hoard said, if that happens actually that is private so people could drive those on there and it would be up to the HOA to police that. Any private roads currently could use golf carts.

Mr. Fielding said, I'm concerned about kids under the age of sixteen hopping on the golf carts and driving them. It would be less likely for a kid underage to drive a car than a golf cart. Mr. Hoard said, I don't disagree with that statement.

Mr. Fandel asked, is Chief Ledford on board with this or will he just accept it if it's passed? Mr. Hoard said, I don't think the Chief would be a cheerleader for the ordinance, but I he has accepted it the way it's written.

Mr. Fandel asked, as far as liability goes, the Town would not be responsible for deaths, injuries, etc, correct? Mr. Hoard said, we would have people sign a liability waiver when they register their golf cart.

Mr. Todd said, my concern always has been the kids that are underage. We can have as many rules and regulations, but I don't think the kids are going to obey them necessarily.

Mr. Hendrix said, from the people I've spoken with, the golf carts are already being driven and if anything this is giving at least some regulations to it. I'm not the biggest fan of this, but it at least would give some substance to what is and is not permitted.

Mr. Hendrix made a motion for a favorable recommendation on #ZC17-3, Filed by Keith Paris, for a Text Amendment to authorize golf cart use on public streets with a maximum speed limit of 25 miles per hour. Mr. Simmons seconded it and the Board entered into more discussion.

Mr. Fielding said, I would rather not give a favorable recommendation on this. I still have a problem with this and I think the Mayor and Commissioners should be left to make the ultimate decision. We are giving a recommendation and mine is unfavorable.

Mr. Gatz said, I agree with Mr. Fielding. Nothing has really changed from our issues that we had last time. If the Board of Commissioners would like to pass it, then they can.

Mr. Long asked for a vote. In favor of the motion was Mr. Fandel. Opposed to the favorable recommendation were Mr. Gatz, Mr. Long, Mr. Fielding and Mr. Todd. With three in favor of a favorable recommendation and four opposed, the Board gave an unfavorable recommendation.

New Business: None.

Other Business: None

Adjournment: Upon the motion of Mr. Simmons, seconded by Mr. Fandel, and unanimously agreed upon, Chairman Long adjourned the meeting at 6:59 p.m.

Candice Hawkins
Program Support Assistant