

**MINUTES OF THE MEETING OF
THE BOARD OF COMMISSIONERS
TOWN OF MINT HILL, NORTH CAROLINA
DECEMBER 11, 2014**

The Board of Commissioners of the Town of Mint Hill met in regular session on Thursday, December 11, 2014 at 7:00 p.m. in the Mint Hill Town Hall.

ATTENDANCE

Mayor: Ted H. Biggers, Jr.
Commissioners: Lloyd Austin, Carl M. Ellington and Katrina (Tina) W. Ross
Town Attorney: Kevin M. Bringewatt
Town Manager: Brian L. Welch
Deputy Town Manager: Lee Bailey
Planning Director: John Hoard
Fire/EMS Director: David Leath
Police Chief: Tim Ledford
Town Clerk: Michelle Wells Farrar
Absent: Richard Newton

CALL TO ORDER, INVOCATION AND PLEDGE

Mayor Biggers called the meeting to order, ruled a quorum present and the meeting duly constituted to carry on business. Following the invocation offered by Commissioner Ellington, Mayor Biggers led the Pledge of Allegiance to the Flag of the United States of America.

ORDER OF BUSINESS

Addition, Deletion or Arrangement of Agenda Items: Item (d) Modify Fee Schedule was removed from the agenda by the Town Manager.

Approval of Minutes of November 5, 2014 Economic Alliance Meeting and the November 13, 2014 Regular Meeting: Upon the motion of Commissioner Austin, seconded by Commissioner Ross, the Board unanimously approved the minutes of the November 5, 2014 Economic Alliance meeting and the November 13, 2014 regular meeting.

Consent Agenda: (a) Accept October Tax Collectors Report; (b) Reception of Petition #ZC14-13, Proposing Text Amendment of By-Right Public Park; and, (c) Reception of Petition #ZC14-14, Proposing Text Amendments to Family Care Home Distance Separation: Upon the motion of Commissioner Austin, seconded by Commissioner Ellington, the Board unanimously approved Consent Items a, b and c. (Copy filed with minutes of record.)

Public Hearing on #ZC14-10, Filed by Truliant Federal Credit Union, Requesting a Text Amendment to Section 6.5.10, Permitted Modification of Size or Number of Permitted

Signs: The Applicant requested a continuance of the Public Hearing for #ZC14-10 to the January 8, 2015 Meeting.

Public Hearing ZC14-12, Filed by Jeff Carter, requesting Conditional Zoning approval for a drive-thru restaurant for property located at Brighton Park Drive and Matthews-Mint Hill Road, a Portion of Tax Parcel Number 195-182-31: Beth Middleton, Stiles Corporation, stated the property was located at Brighton Park Drive, Matthews-Mint Hill Road and Hawthorne Drive. The landscaping and brick would be consistent with the existing buildings and the drive-thru would face the parking lot.

Commissioner Ellington asked where the dumpster would be located. Ms. Middleton stated it would be located in the corner of the property near Brighton Park Drive and Hawthorne Drive. Commissioner Ross asked if the dumpster area would be brick and Ms. Middleton said it would be the same brick used on the building. She would verify the dumpster enclosure was to be attached to the building and let the Board know at the January 8, 2015 meeting.

Commissioner Ross asked about changes to the existing sidewalk. Ms. Middleton said the sidewalk would continue down Hawthorne Drive. Commissioner Ross asked if the panel boxes would be screened and Ms. Middleton said they would be screened. Commissioner Ross asked that Ms. Middleton let the Board know if the dumpster was indeed to be attached to the building.

Attorney Bringewatt asked about cross referencing the lights on the diagram so the Board could see the entire design. Ms. Middleton agreed to bring the additional information to the January meeting.

There being no further comments, Mayor Biggers closed the Public Hearing for #ZC14-12.

Appointments to the Board of Adjustment: Mr. Bobby Reynolds and Mr. Charlie Burdick had terms for the Board of Adjustment to expire on December 31, 2014. Upon the motion of Commissioner Ellington, seconded by Commissioner Austin, the Board unanimously voted to reappoint Bobby Reynolds and Charlie Burdick to the Mint Hill Board of Adjustment with their terms expiring December 31, 2017.

Mrs. Debi Powell (the ETJ member) had a term set to expire on December 31, 2014, too. Upon the motion of Commissioner Ellington, seconded by Commissioner Austin, the Board unanimously recommended that Mrs. Powell be appointed by Mecklenburg County to serve on the Board of Adjustment with her term expiring December 31, 2017.

Appointment of Town's Representatives to Firefighters' Relief Fund: North Carolina requires that Trustees for the Firefighters' Relief Fund be appointed as follows: two appointments by the Volunteer Fire Department; two appointments by the Town (for municipal fire district) or County (for VFD fire district established by the County); and one appointment by the Insurance Commissioner. The State has recently requested that all appointments, including

those made by the Town, be updated. Historically, the Town's two appointments have included a citizen at large and the Town's liaison to the Fire Department.

For the past several years, the Board's liaison to the Department had been Commissioner Ross and the citizen at large had been Dick Lamb of McEwen Lake Lane.

Upon the motion of Commissioner Ellington, seconded by Commissioner Austin, the Board unanimously appointed Tina Ross (Town Board's liaison to MHVFD) to a one year term and Dick Lamb to serve a two-year term as Trustees for the Firefighters' Relief Fund.

Public Comments: Carol Hull, 5518 Spearmint Drive, stated she was the Vice President of the Mint Hill Women's Club and wanted to invite residents to join them for service and social activities. There would be a card party and silent auction held at the Kerr Building at Philadelphia Presbyterian Church on February 24, 2015 from 1-4 and they would appreciate the support of the community. They used funds raised by the club to make donations to Central Piedmont Community College (for college scholarships), Mint Hill Fire and Ambulance Service, Idlewild Volunteer Fire Department, Mint Hill Arts, Mint Hill Library, Bain School restoration project, Pottery 51, needy families and many more worthy causes

Mayor Biggers thanked Mrs. Hull and the Mint Hill Women's Club for the good work they did for the community.

Discussion and Decision on #ZC14-11, Filed by John Thomas of Sustainable Design Consultants, Inc., Requesting a Text Amendment to Section 6.2.4 Related to Curb and Gutter: Mr. Hoard stated the Planning Board had given a favorable recommendation at the November 17, 2014 meeting. He added that Town Staff was requesting a deferral of the decision until the Public Works Department, Mecklenburg County and Town Staff could come together to discuss the proposed Text Amendment. The Town was currently advertizing for an Engineer and it should be early Spring when that individual would begin.

Commissioner Ross asked why the applicant was seeking a text amendment instead of asking for an exemption for a specific development. Mr. Hoard said there were many options (variance/conditional zoning/text amendment) and text amendment was chosen by the applicant. She asked if the Town was in violation of regulations in the Goose Creek Watershed. Mr. Hoard said the Town Ordinance was written based on State and Federal guidelines.

Commissioner Austin asked how the Public Works felt about the proposal. Mr. Hoard said the Public Works Department disagreed with the text amendment and preferred curb and gutter because of the maintenance.

Mr. John Thomas, Sustainable Design Consultants, Inc., outlined the Administrative Manual. He reviewed the impacts of Storm Water on Water Quality, the Purpose of the Design Manual, Plan Review and Construction Process, BMP Design Values and Pollutant Removal Efficiency and Generalized Storm Water Treatment Train Removal Efficiencies. He concluded by saying he had been doing this for 40 years and the ordinance needed to be modified to ensure good engineering practices.

Commissioner Ross asked if Mr. Thomas had said the Bio Treatment systems were half the cost of traditional systems. Mr. Thomas said, in the long term, the Bio Treatment systems were the most cost effective. She asked why he chose the option of a text amendment instead of a variance. He replied that the local design standard was an issue that needed to be addressed. The design standard conflicts with the ordinance. Mr. Thomas said the project he was working on was off of Bain School Road and would have 12 lots.

Manager Welch said Town Staff was requesting additional time to speak with Mecklenburg County Water Quality.

Commissioner Ellington said “regarding #ZC 14–11, I understand and appreciate the fact that the Mecklenburg County Water Quality staff has been and will continue to be our storm water and water quality experts. They've guided us through some very complex issues and negotiations in the Goose Creek Basin over the last several years.

However, when it comes to Town maintained streets, sidewalks and public infrastructure, the Town Public Works Department is in charge. We have to respect and defer to their expertise when it comes to street maintenance and the best use of local tax dollars and Powell Bill funds.

In an effort to balance water quality requirements and Town infrastructure maintenance, I think that we need advice from a Town Engineer. The Town is currently in the process of hiring a new professional engineer position and should be filled by late February 2015.”

Upon the motion of Commissioner Ellington, seconded by Commissioner Austin, the Board unanimously agreed to table ZC 14–11 until the first regular meeting in May 2015 to allow time for the Town Engineer to review the applicant’s proposal and coordinate with the Water Quality staff at Mecklenburg County.

Other Business/Council Matters: Commissioner Ross listed the 2015 Officers for the Mint Hill Volunteer Fire Department. They were David Leath (Chief), John Phillips (Deputy Chief), Tommy Moore (Assistant Chief 11) and David Phillips (Assistant Chief 12). The Fire Captains elected were John Ferguson, Will Heybrook, Brian Houser and Mark Thomas. The EMS Captains elected were Scotty Carriker and Andy Tinson. The appointed VFD Representative for the Firefighter’s Relief Fund was Luther Fincher. She reported the MHVFD had responded to 222 EMS calls and 98 Fire calls for the month of November for a total of 320. Truliant Credit Union had presented the MHVFD with a check for \$1000.

Commissioner Ross attended the Charlotte-Mecklenburg Park and Recreation meeting for Stevens Creek Nature Preserve, Mecklenburg County Storm Water meeting, Senior Citizens Christmas Party, Blessed Assurance Ribbon Cutting and Art Around the Block. The Mint Hill Historical Society Christmas Tea’s had been successful and had sold out. She invited residents to attend the Black and White Theater Company Presentations at Spotlight Performing Arts Academy in Mint Hill.

Commissioner Ellington had attended the Planning Board meeting and the Christmas Tree Lighting.

Commissioner Austin stated he had attended the Christmas Tree Lighting which was very nice. He was still attending Economic Alliance meetings and was enjoying the progress they were making.

Attorney Bringewatt wished everyone a Merry Christmas.

Manager Welch thanked the Public Works Department for their efforts in regards to the Christmas Tree Lighting. They had done a great job. He thanked Deputy Manager Bailey, Mrs. Sheryl Smith and Ms. Michelle Farrar for their help with the event.

Mayor Biggers thanked the Clear Creek Elementary choir for the wonderful performance. The crowd at the Christmas Tree Lighting was delighted by the choir. He wished everyone a Merry Christmas and a Happy New Year.

Closed Session to Approve Minutes from November 13, 2014 and Personnel Matter: The Board agreed by consensus to move into Closed Session. No announcement was expected.

The Board returned from Closed Session.

Adjournment: Upon the motion of Commissioner Ross, seconded by Commissioner Austin, the Board unanimously agreed that the meeting be adjourned. Mayor Biggers adjourned the meeting at 8:27 p.m.

Michelle Wells Farrar, CMC, Town Clerk