

**MINUTES OF THE MEETING OF  
THE BOARD OF COMMISSIONERS  
TOWN OF MINT HILL, NORTH CAROLINA  
NOVEMBER 13, 2014**

The Board of Commissioners of the Town of Mint Hill met in regular session on Thursday, November 13, 2014 at 7:00 p.m. in the Mint Hill Town Hall.

**ATTENDANCE**

Mayor: Ted H. Biggers, Jr.

Commissioners: Lloyd Austin, Carl M. Ellington, Richard Newton and Katrina (Tina) W. Ross

Town Attorney: Kevin M. Bringewatt

Town Manager: Brian L. Welch

Deputy Town Manager: Lee Bailey

Fire/EMS Director: David Leath

Town Clerk: Michelle Wells Farrar

**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 Ross, 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:** A Closed Session, to consult with the Town Attorney and to discuss a Personnel Matter, was added to the agenda.

**Closed Session:** Upon the motion of Commissioner Ross, seconded by Commissioner Ellington, the Board unanimously agreed to move into Closed Session to consult with the Town Attorney and to discuss a Personnel Matter. .

Upon the motion of Commissioner Ross, seconded by Commissioner Ellington, the Board unanimously agreed to return to Open Session at 7:47 p.m.

Commissioner Austin stated he had been in the news lately. He apologized to the Mint Hill Police Department (MHPD) because they had to respond to a noise ordinance complaint at his home on November 1, 2014; he hadn't intended to cause any problems and was very sorry they had to respond to his home. He stated he completely supported the MHPD. He stated he was sorry for his actions and the things said that evening. He apologized for any embarrassment he had caused the Town. He also apologized to the Board of Commissioners for everything he had caused the Board to go through. He concluded by saying he was sorry for what he had done.

**Approval of Minutes of October 23, 2014 Regular Meeting:** Upon the motion of Commissioner Ellington, seconded by Commissioner Ross, the Board unanimously approved the minutes of the October 23, 2014 regular meeting.

**Consent Agenda: (a) Accept August Treasurer's Report and Financials; (b) Consider Revising the November and December 2014 Meeting Schedule for the Board of Commissioners; and, (c) Accept Streets of Portofino and Telfair Subdivisions for Maintenance- Isabella Place, Ardenetti Court, Odell Heights Drive, Morris Park Drive (Portion), Telfair Meadow Drive (Portion), Deer Track Court (Portion), Brangus Lane (Portion) and Barnard Street (Portion):** Commissioner Ross asked that Item (a) Accept August Treasurer's Report and Financials be pulled for discussion.

Upon the motion of Commissioner Austin, seconded by Commissioner Ellington, the Board unanimously approved Consent Items b and c. (Copy filed with minutes of record.)

Commissioner Ross asked a few questions about Item (a) Accept August Treasurer's Report and Financials. Why were the reports delayed from August? Manager Welch said the auditors were conducting the audit and needed to be present when the bank statements were opened. Why were several items (e.g. workers compensation, insurance and property liability and dues) showing as almost fully exhausted this early in the year? Manager Welch said many items were paid in one lump sum. Why was the budgeted amount for the supplies and materials for the parks almost depleted? Manager Welch said usually paper goods for the parks were purchased in bulk. Why did the Town pay 155% of the monies budgeted for Animal Control? Manager Welch stated the fees shown were for last year's calls and they were paid as a onetime fee; the amount shown was billed in August for the last year's calls. Did the Town have a remaining balance of 1.4 million in tourism? Manager Welch said that was a running total of all funds and was shown incorrectly on the report due to a software error. She concluded by asking what the "deficiency of revenue before transfers" and "deficiency of revenue after transfers" really meant. Manager Welch said the Finance Director, Naida Sergel, had given him a very "accountant like" answer and he would email the answer after he conferred with Ms. Sergel.

Commissioner Ellington asked how much the Town paid per Animal Control call. Manager Welch said it was approximately \$104 per dispatched call.

Upon the motion of Commissioner Ross, seconded by Commissioner Newton, the Board unanimously approved Item a. (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 December 11, 2014 Meeting.

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Wesley Joyner, Star Scout, from Troop 35 was in attendance to fulfill the requirement for the Merit Badge. Mayor Biggers presented him with a Town lapel pin.

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**Public Hearing 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. John Thomas., Sustainable Design Consultants, Inc., stated he was an experienced planner and

landscape architect. He presented a PowerPoint (see attached) in which he highlighted the efficiency and effectiveness of the storm water runoff management system. He described the differences in dispersed and concentrated flows. Then he explained grass swales in regard to the velocities, depth, flow, shape, slope and use of a trench drain. He noted driveway channels with removable grates helped in the ease of cleaning. He stated bioretention areas took care of water quality, added to the aesthetics of landscaped areas and handled storm water. He showed many Low Impact Design graphics that illustrated better techniques for enhanced water quality.

Commissioner Ellington asked if sidewalks would be included (there were none shown on the slides presented) in the subdivisions. Mr. Thomas said, yes sidewalks are almost always required on at least one side of the road. There would be enough room between the sidewalk and the road to use the filtration system.

Mayor Biggers asked if the text amendment was to waive curb and gutter in the Goose Creek watershed area. Mr. Thomas answered yes. Mayor Biggers asked, if curb and gutter was waived, would there be strict water quality controls for proposed subdivisions. Mr. Hoard said the Town would defer to Mecklenburg County because they are the administrators of our storm water management.

Mayor Biggers asked how the Town was allowed to require curb and gutter in Goose Creek areas currently. Manager Welch said the two biggest issues in that area were buffers and amount of impervious surface; theoretically eliminating curb and gutter would decrease the impervious surface. The water must be treated by an allowable treatment method. Mr. Thomas said they must meet the Mecklenburg County requirements and they would do the modeling for water quantity and water pollution. Manager Welch said the Federal Government regulates all Phase II requirements. Mayor Biggers asked if the goal was to have the same amount of discharge before and after the development was built. Yes, Mr. Thomas said, he had been implementing these systems for 40 years and he could only think of one water basin, in one development, because they were capturing for a 100 year storm. He reiterated that through biofiltration systems they could show where the water was going. The idea was to diffuse the water.

Commissioner Austin asked if the proposal would affect the downtown overlay. Mr. Thomas said the developers could choose a Low Impact Development (LID) but they could still install curb and gutter.

Commissioner Ross said it was her understanding that curb and gutter protected the road edges. Mr. Thomas said that was a theory; asphalt and concrete have different expansion and contraction ratios. The edge between the two will break down over time. The swales help the water leave the road quickly.

There being no further comments, Mayor Biggers closed the Public Hearing on #ZC14-11.

**Public Comments:** None.

**Consider Adoption of Resolution of Intent to Annex 9801 Brief Road (Tax Parcel #139-302-15):** The property located at 9801 Brief Road was purchased in conjunction with the Parks and

Recreation Trust Fund (PARTF) grant. Commissioner Ross asked if there were any adjoining properties that should be considered. Manager Welch said the regulations for annexation had become stringent and it was almost impossible to annex.

Upon the motion of Commissioner Austin, seconded by Commissioner Ellington, the Board unanimously adopted the resolution of intent to annex 9801 Brief Road.

**Other Business/Council Matters:** Commissioner Austin stated he had attended the Veteran Breakfast and enjoyed it. He appreciated the way the Town supported the veterans. He attended the Cornerstone event on Veterans Day.

Commissioner Ross reported the Mint Hill Volunteer Fire Department (MHVFD) had responded to 242 EMS calls and 79 fire calls for the month of October for a total of 321. She indicated there were 2915 year-to-date calls. She said 86 percent of their firefighters attended training in the past month and they were being trained in Ebola protocol. She had attended the opening of the Aldi grocery store, the Economic Alliance meeting, Art Around the Block, Veterans Breakfast and the Truliant Ribbon Cutting.

Commissioner Ellington stated he had attended the opening of Aldi, Veterans Breakfast and would be attending the Planning Board meeting.

Commissioner Newton stated he had attended the Economic Alliance, Veterans Breakfast and the opening of Aldi.

Manager Welch stated the stakes placed near the Bridges of Mint Hill site were for sewer lines but he didn't have any further information.

Mayor Biggers said several of his high school friends had attended the Veteran Breakfast. The friends volunteered to go Vietnam straight out of high school and he was finally able to "welcome them home". He asked that Allen Barwick, one of the friends in attendance, be kept in prayer as he was on a respirator at Pineville CMC. Mayor Biggers thanked the Town Staff and wives of the Board for helping with the Veterans Breakfast. He said it did your heart good to see the ladies and gentlemen that had served our nation.

The Christmas Tree lighting would be held December 4, 2014 at 7 p.m.

Casey Taylor was again performing intern duties and would be helping in the finance department.

**Adjournment:** Upon the motion of Commissioner Ross, seconded by Commissioner Ellington, the Board unanimously agreed that the meeting be adjourned. Mayor Biggers adjourned the meeting at 8:25 p.m.

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Michelle Wells Farrar, CMC, Town Clerk