

**MINUTES OF THE MEETING OF  
THE BOARD OF COMMISSIONERS  
TOWN OF MINT HILL, NORTH CAROLINA  
OCTOBER 9, 2014**

The Board of Commissioners of the Town of Mint Hill met in regular session on Thursday, October 9, 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  
Planner: John Hoard  
Police Chief: Tim Ledford  
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 Newton, 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:** None.

**Approval of Minutes of September 11, 2014 Regular Meeting:** Upon the motion of Commissioner Austin, seconded by Commissioner Ellington, the Board unanimously approved the minutes of the September 11, 2014 regular meeting.

**Consent Agenda: (a) Accept July Treasurer's Report and Financials; (b) Accept Street Improvement Project Bid and Award Contract; and, (c) Accept Request form Mint Hill Events, Inc. to extend Mint Hill Madness Hours:** Commissioner Ross asked for two of the items be pulled for discussion.

**(a) Accept July Treasurer's Report and Financials:** Commissioner Ross asked Manager Welch what the policy was regarding the distribution of money to outside agencies. Manager Welch stated there was no formal policy; External Agency funding was requested by the individual agencies. Typically, he said, the larger agencies wait until later in the year, to ask for distribution, so the Town revenue had been received. Commissioner Ross asked when the Town received payment in the General Fund. Manager Welch said Sales Tax revenue was received monthly, Utility Tax was received quarterly, the majority Property Tax monies were received in the months of December and January and Beer and Wine Tax was twice a year and ABC Tax was once a year, in May. Commissioner Ross asked which agencies received the \$17,000

donation from the Tourism Fund. Manager Welch said he thought Mint Hill Arts and Pottery 51 had received those distributions; he would verify and email the Board with the information.

Upon the motion of Commissioner Ross, seconded by Commissioner Ellington, the Board unanimously approved (a) Accept July Treasurer's Report and Financials. (Copy filed with minutes of record.)

(b) Accept Street Improvement Project Bid and Award Contract: Upon the motion of Commissioner Ross, seconded by Commissioner Ellington, the Board unanimously approved (b) Accept Street Improvement Project Bid and Award Contract. (Copy filed with minutes of record.)

(c) Accept Request from Mint Hill Events, Inc. to extend Mint Hill Madness Hours: Commissioner Ross asked if the Board was extending the noise ordinance for this one event (Mint Hill Madness). Manager Welch said yes, it was a request to extend the noise ordinance for this one event because after the fireworks the vendors still had people lined up. The extension would allow the crowd time, after the fireworks, to begin concluding their activities.

Upon the motion of Commissioner Austin, seconded by Commissioner Ross, the Board unanimously approved (c) Accept Request form Mint Hill Events, Inc. to extend Mint Hill Madness Hours. (Copy filed with minutes of record.)

**Presentation of Proclamation Recognizing Kilah Davenport Day:** At the Mayor's request, Commissioner Ross read the following proclamation:

**WHEREAS**, National Child Abuse and Neglect Data System reports that in 2012 there were over 3 million reports of child abuse in the United States; and,

**WHEREAS**, a report of child abuse is made every 10 seconds; and,

**WHEREAS**, more than four children will die each day as a result of child abuse and approximately 70 percent of those children will be under the age of 4, in every socioeconomic level; and,

**WHEREAS**, the abuse and subsequent death of Kilah Davenport spurred North Carolina legislation (called Kilah's Law) to double the penalty to a minimum of 125 months in jail for the person caring for a child under the age of 16 years old who inflicts serious bodily injury either intentionally or as the unintentional result of an assault; and,

**WHEREAS**, Kilah's Law has also been signed into federal law to be used as a framework for other states to strengthen their child abuse penalties; and,

**WHEREAS**, Kilah Davenport lost her battle due to her injuries on March 13, 2014 and her short life will be remembered as the catalyst for a greater national dialogue about child abuse and how to protect our children; and,

**WHEREAS**, October 18, 2014 will be a day of events scheduled to raise awareness and funding and to remember the impact a blond curly-headed child has made on so many lives.

**NOW, THEREFORE**, I, Ted H. Biggers, Jr., Mayor of the Town of Mint Hill, do hereby proclaim October 18, 2014 as

**“KILAH DAVENPORT DAY”**

in the Town of Mint Hill, North Carolina, and residents are encouraged to continue the efforts to educate people about the pervasiveness of child abuse, research opportunities to contribute to the efforts, or to simply show kindness to children.

Mayor Biggers stated he was proud to sign his name to the Kilah Davenport Day proclamation. He said it would be something good to come out of something terrible.

**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:** Mayor Biggers said Truliant Federal Credit Union had asked for a continuance of the Public Hearing for #ZC14-10 to November 13, 2014.

**Special Presentation by Chief Tim Ledford Recognizing Captain Scott Hall for Obtaining the North Carolina Advanced Law Enforcement Certification:** Mayor Biggers recognized Mint Hill Police Chief Tim Ledford to make a special presentation. Chief Ledford recognized Captain Scott Hall of Mint Hill Police Department (MHPD) who recently completed necessary classes/training to earn the nationally recognized North Carolina Advanced Law Enforcement Certification. Chief Ledford stated Captain Hall was born in Charlotte on July 18, 1968 to Skip and the late Joyce Hall. He has two sisters and a brother. He was a graduate of Garinger High School. In 1987, Captain Hall began classes at Central Piedmont Community College to study fire science. He came to his senses and began pursuing law enforcement, as his father did in 1960's and 1970's. In 1992, he joined the Mecklenburg County Sheriff's Department then joined the Locust Police in 1996. On September 28, 1996, he married the wonderful Joan Hathcock who supported him in law enforcement. In 2001, he joined the Stanley County Sheriff's Department. After learning of the inception of the Mint Hill Police Department, he applied for employment at MHPD and accepted the position in March of 2003. On August 22, 2004, a precious baby (the apple of his eye) named Lilly was born to he and Joan. Captain Hall has received many hours of training to include General Instructor Certification, Firearms Instructor, Taser Instructor, Rapid Deployment Instructor, and Simmunition Force-on-Force Instructor, as well as many leadership and management schools. He was promoted to Captain in July of 2004. Chief Ledford said Captain Hall was his “go to” person and he was a great asset to the Mint Hill Police Department as well as the Town of Mint Hill. He has the well being of the Department and officers in mind at all times. Chief Ledford presented the certification to Captain Hall and stated it was an honor to work with him. Chief Ledford and Board members congratulated Captain Hall on the accomplishment.

Captain Hall appreciated the support given in the Department. He stated he came in on the “ground floor” of the Mint Hill Police Department and it had been an adventure and a challenge. He stated it was an honor to work for Mint Hill and he hoped to stay here several more years.

**Public Comments:** None.

**Presentation from Charlotte Mecklenburg Schools Representative:** Representative Paul Bailey, District 6, introduced Ms. Marinn Bengel, Chairman for the “Together 4 Meck” campaign. He said he had attended the MECKED Breakfast earlier in the day where Governor Jim Hunt was the keynote speaker. Governor Hunt had commented that Ms. Bengel might “up end” him when speaking about the “Together 4 Meck” campaign and Representative Bailey said he felt the same way after hearing her speak today. Therefore, he said he would go first and then let Ms. Bengel speak to the issue. On November 4, 2014 Mecklenburg County voters would be asked to vote on a sales tax increase of one-quarter cent to fund education, arts, libraries and jobs. If the referendum passed, recruitment and retention of great staff, faculty and teachers would be possible. It would strengthen arts, science and history programs, provide for 21<sup>st</sup> century library services and support job creation. He stated because District 6 was conservative, and viewed fiscal prosperity, he had struggled with the decision but Mecklenburg County would have an opportunity to step forward to show the community education was important. He repeated what Governor Hunt had said; a teacher could go to South Carolina and make \$41,000 out of school where it would take you 15 years in Charlotte-Mecklenburg Schools (CMS). Fifty-Two percent of teachers in CMS have second jobs. The graduation rate for CMS had increased in the last five years and had surpassed the state average. CMS was getting better and he wanted it to be the best school system in North Carolina and the nation.

Ms. Marinn Bengel said it had been an exciting day to discuss the campaign. She stated voter should care about a quarter cent increase because it would benefit CMS (80% of the total revenue would go to teacher and staff salaries), Central Piedmont Community College (monies received would go to Staff salaries), Arts (field trips related to the science and history curriculum) and the Charlotte-Mecklenburg Libraries (monies would provide for larger collections). All of these groups had lost funding in the last few years. She stated as a mom of CMS students, she was concerned about the 18 teachers, or 10%, that had left her school for other states; this was happening in many schools. She stated education was at the bubbling point and it was time for voters to decide if we cared enough to invest in these institutions. She stated food, gas and medicine would not be assessed the quarter-cent increase if the local sales and use tax was approved by voters. She closed by saying education was the cornerstone of our economic development. The campaign would be out educating the community and the votes would count.

**Discussion and Decision on #ZC14-9, Filed by Matthew Kiger of Security Vault Works, Inc., Requesting a Rezoning to Allow an ATM for Property Located at 7114 Brighton Park Drive:** Mr. Hoard reiterated the drive-thru component of the request would be decided by the Board. He stated the Planning Board had given a favorable report but recommended repositioning the ATM between the ABC store and the Harris Teeter. He hadn’t spoken to the applicant to see if they were willing to agree to the recommendation.

Mr. Kiger stated it took Harris Teeter more than three months to approve the ATM at the current location. The upper parking lot was leased to Harris Teeter and they get to decide where the ATM may be placed. Steps would be added in front of the existing Truliant Bank to link the parking lot together.

Mayor Biggers wanted to clarify that Harris Teeter wanted them to be further away from their front parking spaces. Mr. Kiger said yes.

Commissioner Newton asked how many spaces would be used and Mr. Kiger answered eleven. Commissioner Newton asked if they would still be able to comply with the parking lot requirement if eleven spots were removed. Mr. Hoard said yes, they would.

Commissioner Ross asked why at the last meeting they were told eleven to thirteen parking spaces would be used. Mr. Kiger said eleven would be for the ATM and two additional would be used for striping.

Mayor Biggers asked if the Board had a right to place the ATM since parking lots were considered private property. Attorney Bringewatt stated the decision the Board would be making was for the drive-thru ATM at the location Mr. Kiger, the applicant, had requested.

Commissioner Ross asked if the traffic pattern was contrary to normal as the rendering indicated. Mr. Kiger apologized for the architectural error and said the arrows were reversed on the drawing.

Upon the motion of Commissioner Austin, seconded by Commissioner Ellington, the Board unanimously approved request #ZC14-9, filed by Matthew Kiger of Security Vault Works, Inc., requesting a rezoning to allow an ATM for property located at 7114 Brighton Park Drive.

**Other Business/Council Matters:** Commissioner Ross asked about the Mint Hill Madness financials/budget report. She asked who paid for the rides for Mint Hill Madness. Manager Welch said the ride vendor was promised a certain amount and once they met or surpassed the set amount, they kept the money. She asked about a fee of \$500 and Manager Welch said it was the fee associated with having the Shriners at the event. She asked if the volunteer groups were paid and Manager Welch stated the individuals who parked vehicles were paid. Mint Hill Athletic Association received direct funding from the vendors. Commissioner Ross asked about the \$5000 previously attributed to the Beauty Pageant. Was the pageant not associated with Mint Hill Madness? Manager Welch said there was a conflict with other pageants therefore they couldn't hold it in the month of May; it was a separate event. She asked why it had shown on the financials for the Chamber of Commerce when they ran Mint Hill Madness. Manager Welch said he wasn't sure; it may have to be discussed with the Chamber. Commissioner Ross asked if the Town would continue to pay the \$20,000 donation annually. Manager Welch said it was budgeted but perhaps the Town would sponsor the fireworks instead. He invited them to discuss any Mint Hill Madness questions further with Ms. Sheryl Smith. Commissioner Ross attended Coffee with a Cop and said the residents seemed pleased to see them out amongst the general public. She indicated she would be attending the North Carolina League of Municipalities meeting Sunday-Tuesday in Greensboro. She reported The Mint Hill Volunteer Fire Department (MHVFD) responded to 213 EMS calls and 57 fire calls for the month of August for a total of 270. She stated there were 221 EMS calls and 85 fire calls for the month of September for a total of 306. She indicated there were 2594 year-to-date calls. The MHVFD expressed their sincere

appreciation for the ATV and they had it painted red. The MHVFD “Fill the Boot” Campaign had surpassed their goal by raising \$7,251.17 two weeks ago.

Commissioner Ellington stated he wasn’t able to attend the Planning Board meeting but was updated by Mr. Hoard. He did attend the Employee Appreciation in September and had a great time. He thanked the Town employees for all they did.

Commissioner Newton stated he had attended the Centralina Council of Governments meeting where Career Headlight was discussed. The Career Headlight was an innovative new web-based career tool designed to match your skills/interest (compiled by survey answers) with in-demand careers, identify the certificates and degrees required for those careers along with the salaries, and locate the educational institutions offering the desired programs. Companies and businesses would be able to recruit prospective employees in the future.

Chief Ledford introduced three new police officers. Errol Wedra had recently retired from Garden City, New Jersey. Brandon Bostwick had previously been with the Kill Devil Hills Police Department. Graham Lawrence was a Mint Hill native and new to law enforcement. Chief Ledford said he was happy to have them at the MHPD. Mayor Biggers said Officer Mast had done lawn maintenance for him and found him to be a reliable employee.

Mayor Biggers said his mother, Alice Biggers, had needed the Mint Hill Fire Department last Thursday for a suspected heart attack. She told the Mayor they treated her very well, felt like family and calmed her down. Fortunately, it wasn’t not a heart attack but a severe Urinary Tract Infection. She was admitted for the infection and her heart medicine was adjusted. She stayed in the hospital for nearly a week but was home now and feeling better. He thanked the community for their thoughts and prayers.

**Closed Session to Approve Closed Session Minutes:** Upon the motion of Commissioner Austin, seconded by Commissioner Ross, the Board unanimously agreed to move into Closed Session. No announcement was expected. (Minutes of Closed Session prepared and filed under separate cover.)

**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 7:46 p.m.

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Michelle Wells Farrar, CMC, Town Clerk