



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, MAY 12, 2015**

The Town Council of the Town of Pineville met in Regular Session on Tuesday, May 12, 2015 at 6:30 p.m. at the Hut Meeting Facility in Pineville.

ATTENDANCE

Mayor: Jack Edwards
Mayor Pro-Tem: Melissa Davis
Town Council Members: Les Gladden, Debbie Fowler and David Phillips
Town Administrator: Haynes Brigman
Planning Director: Travis Morgan
Town Planner: Julia Zweifel
Town Clerk: Barbara Monticello

CALL TO ORDER

Mayor Edwards called the meeting to order at 6:30 p.m. and welcomed those in attendance. Those wishing to speak were asked to sign the speaker list.

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Town Manager Haynes Brigman.

MOMENT OF SILENCE

Mayor Edwards called for a moment of silence for the following individuals: Margaret Sams (passed) and Leo Kuhn (passed) a resident of the Cottages. Mayor Edwards also asked everyone to recognize the service men and women overseas and their families left behind. He also reminded the public of a Memorial Service for veterans on Sunday, May 17th at 2:00 p.m. at the Hut. Mayor Edwards asked Lt. Corey Copley to come forward to introduce the newest police officer to the group. Lt. Copley welcomed and introduced the newest member of the Pineville Police force, Mr. Corey Whiteford.

ORDER OF BUSINESS:

Adoption of the Agenda:

Mayor Pro Tem Melissa Davis moved to adopt the agenda with no changes. Council Member Debbie Fowler seconded the motion and there were ayes by all to adopt the agenda as is.

Approval of Minutes for the Regular and Closed Session Meetings of April 14, 2015: Mayor Edwards called for a motion on the Regular and Closed Session minutes of the April 14, 2015 Council Meeting. Mayor Pro Tem Melissa Davis asked that one stipulation be added to the minutes regarding the Parks and Recreation mobile unit. She asked that the mobile unit only be used for arts and environmental programs. The change will be made and incorporated into the minutes of April 14, 2015. Council Member Les Gladden moved to approve the minutes with the change. Council Member Debbie Fowler seconded the motion and there were ayes by all to approve the minutes with the change.

Consent Agenda: The following items were included: a) *Financial Report ending 4/30/15 (provided by Richard Dixon); b) Approval of Tax Refunds (Karen Bennett); and c) Proclamation for National Public Works Week (Barbara Monticello).*

Mayor Pro Tem Davis moved to approve the Consent Agenda with Council Member David Phillips seconding the motion. There were ayes by all and the Consent Agenda was adopted as is.

PUBLIC COMMENT: Mr. Al Baskins came before Council to speak. He mentioned an article in the newspaper regarding the widening of I485 and wanted to know why Pineville did not participate during any of these meetings that had been going on for the last 16 months. He added that it showed a lack of concern for the town.

Mayor Edwards responded that the Council appoints certain board members to represent the town on county boards and commissions. In this particular case there was a mix-up, which has been corrected. He assured Mr. Baskins that someone would be at the meetings from now on.

PUBLIC HEARINGS:

- A. **Public Hearing** for a request to increase the height of the cell tower located on Lancaster Highway. Council Member Debbie Fowler moved to open the first public hearing at 6:35 p.m. Council Member Les Gladden seconded the motion and there were ayes by all. Planning and Zoning Director, Travis Morgan, noted that this was a continuation of a Public Hearing from March but reminded anyone that was going to speak that they needed to be sworn in. Four representatives of the applicant, along with Travis Morgan and Caroline Ervin were all sworn in. Mr. Morgan noted that the applicant was requesting to increase the height of the cell tower from 156 ft. to 176 ft. high and their CUP requires them to come back before Council for approval of any changes.

Mr. Morgan continued, stating there had been a lot of concern regarding the structure and safety of the tower with additional height added to it, along with a 10'X12' equipment pad. The structural report was redone and reduced some of the capacity from 106.1% down to 96.3% after some re-engineering. However, the structural report hinges on four assumptions that:

1. The tower was built to manufacturers' specifications
2. The tower has been maintained to specifications
3. The configuration of antennas etc. is as specified
4. Strengthening modifications will be performed as specified

The insurance that was requested at the previous meeting was included in the information put together by the applicant as well as a second party analysis of the tower. However, Mr. Morgan stated that he was just recently made aware of an FCC ruling that would allow the applicant to make alterations to the tower without having to seek approval from the board. There was nothing included in the packet distributed to the board because it was completed before the information was made available. Mr. Morgan added that there was no time to discuss this new information with the town's attorney but the attorney had recommended proceeding with the public hearing.

Council members asked additional questions regarding the use of other towers in the area, where the specs for the building as well as tower maintenance logs are kept, and the effective date of the insurance. Before turning the floor over to the applicant to respond, however, Caroline Ervin of The Ervin Companies, was given the opportunity to speak. Ms. Ervin introduced herself as manager of Park Ridge Seven, a property management group for several properties in the area. She noted that Duke Energy had several power lines near the property and if the tower were to fall, it would knock out power for several businesses in the area. With that tower being so old and several other ones in the area that could be used instead, she recommended not allowing an additional 20 feet be added to the tower.

Representatives for Crown Castle spoke next with attorney, Bobby Sullivan, speaking first. He explained that the FCC rule was brand new and just took effect. They notified Mr. Morgan as soon as they became aware of it. The new rule states that certain modifications are not subject to permitting and if it was determined that this modification fell under that ruling, they could move ahead with their modifications without approval. Paul Hughey from Crown Castle stated the company had people living within a mile of the tower to ensure that it is maintained. As for the question regarding the effective date of insurance on the tower, he stated that the insurance renews each April 1st so they provided Council with a copy of the most recent renewal. Bob Hill with T-Mobile of Mt. Pleasant, SC, stated that the companies first

option is to always go with a co-location first and even though there were about 14 other towers in the general area, the proposed one was still the best option because it presented the least amount of interference than any of the other towers in the area. Additionally, they had a partnership with Duke Energy and Progress Electric where they were located on several of their power structures as well, so they have to be maintained to the strictest conditions. When asked if other carriers would participate on the tower, Mr. Hill replied that they would not.

Blake Bartok, a licensed engineer contacted by Crown Castle, spoke about the report he prepared for them stating that if the changes on the report were made by Crown Castle, he was confident the tower would be safe. He did not know what the current capacity of the tower was in its existing state when asked. Council Member Les Gladden asked what the date of the FCC ruling was. Attorney Sullivan responded that it was adopted in January but effective in April and essentially stated that if a company was not making a substantial change to the tower, a permit would not be required so that the process could be streamlined.

Mr. Morgan stated that there was not enough time to read through the information and analyze it and that the town's attorney saw some gray areas in the information presented to him that he wanted to address. He did not want to continue the hearing for another month because he wanted to keep the process moving as well as go with the suggestions of the town's attorney.

When asked several more questions, Mr. Bartok replied that he had not been out to the site himself but representatives from the company had been to it and had climbed the tower. He added that he was very comfortable that the new design would be safe. Mr. Morgan asked him if he was comfortable with the additional equipment on the pad at the base of the tower. Mr. Bartok replied that his analysis was strictly of the tower and not with the base. Council Member Debbie Fowler wanted to know about wind speeds and ice loads on the tower to which Mr. Bartok responded that the report included wind speeds without ice and with ice. Mr. Hill added that the towers can ice up and fall off, similar to when a tree ices up, but that wind speeds are generally reduced with ice events and tend to be higher in summer when there is no icing. She then wanted to know what would happen if trees iced up and broke off. Mr. Hill responded that it would deflect off the tower. Mr. Hughey added that they never had a tree take a tower down.

Hearing no further questions or comments, Council Member David Phillips moved to close the public hearing at 7:16 p.m. Council Member Les Gladden seconded the motion and there were ayes by all to close the public hearing. Mayor Edwards asked Council if they were comfortable with making a motion or continue the hearing until June to hear what the town's attorney had to say. Council Member Phillips was ready to make a motion and moved to deny the request to expand the height of the tower based on the danger to people, businesses and motorists. Mayor Pro Tem Davis seconded the motion and there were ayes by all to deny the request.

- B. Public Hearing** to consider a change to the storm water fee and interlocal agreement with Mecklenburg County. Council Member Debbie Fowler moved to open the hearing at 7:18 p.m. Council Member Les Gladden seconded the motion and the hearing was opened. Town Manager, Haynes Brigman stated he was recommending a change to storm water fees that the county collects on residents monthly water bills. The fee is based on the amount of impervious surface on a resident's property. Currently, there was a two-tier system in place, where the county collected the fees and turned them over to the town. In order to make a change to the agreement, however, the county and town would have to meet jointly but the proposed change to the agreement would make it easier for the town to make changes without having to get the county involved.

Mr. Brigman was recommending moving from a two-tiered system to a four-tiered one. In making this change, 76% of the properties in town would not see an increase in their storm water fee. Mostly commercial properties and those with over 5,000 sq. ft. of impervious surface would pay a higher monthly fee. Pineville resident, Hegla Hess, asked if Charlotte Water would have to measure each property to determine who paid what. Mr. Brigman responded that they use aerial maps to determine the size but property owners can appeal it with the county if they feel it is incorrect.

There were no further questions or comments. Council Member Les Gladden moved to close the public hearing with Council Member David Phillips seconding the motion. There were ayes by all and the public hearing was closed at 7:25 p.m. Council Member Gladden then moved in favor of the changes to the fee structure and agreement with the

county. Council Member Fowler seconded the motion and there were ayes by all in favor of both changes.

- C. **Public Hearing** to consider prohibiting parking on Feldfarm Lane. Council Member Fowler moved to open the third and final public hearing at 7:26 p.m. Council Member Phillips seconded the motion and there were ayes by all. Planning and Zoning Director, Travis Morgan, stated that Feldfarm Lane was a very wide but short road. There have been numerous complaints from the businesses in the area that trucks are parking on this street making it difficult for motorists to see around them when pulling out of a lot onto the street. The trucks are parked there overnight and are often left running for long periods of time. Trucks had previously been parking in a lot of an out parcel near the mall but were recently told they could no longer park there which was most likely the reason why they moved to Feldfarm Lane. To line both sides of the street with "No Parking" signs would cost roughly \$2800, he added.

A business owner representing other businesses from that area, spoke regarding the problems with the trucks parking on the street, the inability to see when pulling out of the lot and the times when trucks have parked on both sides of the road. She noted that clients of the businesses in the area cringe when they have to pull out of the lot and added that someone owning a personal vehicle has also been parking there. Additionally, there is a daycare that was located at the end of the road. Council Member Les Gladden added that the trucks leave oil on the road as well as contribute to the deterioration of the roads. There were no further questions or comments so Council Member Fowler moved to close the public hearing with Council Member Phillips seconded the motion. There were ayes by all and the public hearing was closed at 7:36 p.m. Council Member Les Gladden moved to approve "No Parking" signs on both sides of the road along Feldfarm Lane. Council Member Debbie Fowler seconded the motion and there were ayes by all.

OLD BUSINESS:

None.

NEW BUSINESS:

- A. **Arts and Science Council Presentation.** Mr. Robert Bush, President of the Arts and Science Council, gave a presentation on the findings of its fourth county-wide Cultural Vision Plan completed in its 54-year history. He reviewed expanding programs in Pineville, how the town benefits from its partnership with ASC and the amount of money invested in the arts, sciences and history programs in the south Mecklenburg County area. He noted that Pineville was one of its most successful partnerships the ASC had. He reported additional findings from the Cultural Life Task Force that was charged with developing the Cultural Vision Plan including looking at public/private partnerships, developing a funding model for the future and the recommending short and long term stabilization strategies. Some changes to the ASC itself were recommended and some of them have already been implemented with others expected to take place in the near future. The task forces' recommendation for the Town of Pineville was increase its funding donation from \$10,000 per year to \$20,479. In turn, the ASC would increase grant funding for area programs, increase field trips, increase In-School Programs as well as Out-of-school time programs.
- B. **Update from James K. Polk (Scott Warren)** – Mr. Warren from the James K. Polk Historic Site, had a previous engagement and was unable to attend the meeting.
- C. **Update from the Main Street Merchants Association (Bill McConnell)** – Mr. Bill McConnell reported on the last Merchants Association Meeting. They adopted a dues program where each business would contribute \$120 annually. The merchants were all busy preparing for their 4th Annual Crops and Shops Festival on Saturday, May 16th. There were a total of fourteen vendors confirmed to be in attendance on opening day. Additionally, a new restaurant will be coming to the downtown area along with a craft beer tasting room later this summer.
- D. **Budget Amendment (Haynes Brigman)** – Mr. Brigman stated a budget amendment was being presented to Council that contained three changes:
1. Moving \$300,000 from Cultural & Tourism to Reserve Fund to pay Mecklenburg County for ball fields
 2. Moving revenues from an insurance claim to purchase new vehicle

3. To allocate money paid by Cookout (in lieu of storm water fees) to put toward plantings along NC51

There were no questions or comments. Council Member Les Gladden moved to approve the budget amendment with Council Member Debbie Fowler seconding the motion. There were ayes by all and the budget amendment passed.

- E. Budget Presentation (Haynes Brigman)** Manager Brigman introduced the budget to Council and members of the audience explaining the step-by-step process in creating a budget using a Power Point presentation. He explained how the town gets its revenues, what expenditures it incurs during a fiscal year and the reason for any shortfalls. The 2015-16 fiscal year will see a dramatic decrease in revenues, which he explained was from decisions and legislation passed down from Raleigh. Due to a county-wide tax revaluation, the town will lose approximately \$230,000 in revenues, along with the ability to collect business license taxes that would amount to roughly \$600,000 and a redistribution of sales tax revenue resulting in another \$74,000 loss in revenue for a total reduction of close to one million dollars.

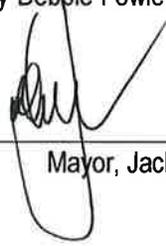
He further explained that all towns were facing these same issues but Pineville was hit harder than most municipalities in North Carolina due to its very large commercial tax base. He explained that the lost revenues would have to be made up somehow, either through a decrease in services provided to residents or an increase to fees charged to residents or a combination of both. He reviewed several options including instituting solid waste fees and motor vehicle fees which most other towns in the county already had in place. He provided examples of how much the average citizen would have to pay if these fees were instituted and also how commercial businesses would not be impacted by either of those fees. He did not think that residents wanted to see a reduction in any of the services that were provided to them such as police and fire protection, solid waste collection or parks and recreation programs that were offered. He then showed an example of how a .03 cent ad valorem tax increase would impact the average Pineville resident demonstrating that a tax increase would actually turn out to be less than if a vehicle and solid waste fee were implemented. Not only would it be cheaper for the average citizen but fairer because businesses would also have to pay increased taxes. He concluded stating that the next step was to set a public hearing for next month's meeting.

- F. Schedule Three Public Hearings: (Haynes Brigman)** – Mr. Brigman stated that not only did they need to set a public hearing for the budget but two additional public hearings for an amendment to a CUP for Ipex, Inc. and an amendment to our R-O-W Ordinance. Council Member Debbie Fowler moved to set all three public hearings on June 9, 2015. Council Member David Phillips seconded the motion and there were ayes by all and the Public Hearings were all set for June 9, 2015.

Mr. Brigman also mentioned that the Cone Mill court case was heard by a judge. The fines had accumulated to \$188,000 but nothing has been paid to date nor has the owner cleaned up the property. The judge requested a mediator to help work out a solution so the town will move forward with that. He added that next week was junk pickup week when residents should set out whatever junk they wanted to get rid of and our Public Works team would come around each day to pick it up.

ADJOURNMENT

With no further business a motion was made by David Phillips and seconded by Debbie Fowler to adjourn the meeting at 9:04 p.m.



Mayor, Jack Edwards

ATTEST:


Barbara Monticello, Town Clerk