



**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
TUESDAY, JUNE 9, 2015**

The Town Council of the Town of Pineville met in Regular Session on Tuesday, June 9, 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 6:28 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 Council Member David Phillips.

**MOMENT OF SILENCE**

Mayor Edwards called for a moment of silence but there was no one specifically mentioned. Mayor Edwards also asked everyone to recognize the police and fire departments as well as service men and women overseas and their families left behind. He announced that the Pineville Volunteer Fire Department was having a fundraiser BBQ on Saturday from 11:00 a.m. until 5:00 p.m. and encouraged residents to support their local firemen. Lt. Corey Copley came forward to introduce the newest police officer to the group, Christian Chandler.

**ORDER OF BUSINESS:**

**Adoption of the Agenda:**

Council Member Les Gladden 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 Meeting of May 12, 2015:** Mayor Edwards called for a motion on the Regular Meeting minutes of May 12, 2015. Council Member David Phillips moved to approve the minutes with Council Member Debbie Fowler seconding the motion and there were ayes by all to approve the minutes as is.

**Consent Agenda:** The following items were included: a) *Financial Report ending 5/31/15 (provided by Richard Dixon)*; b) *Approval of Tax Refunds (Karen Bennett)*; c) *Resolution No. 2015-08 in Support of LWCF (Kristy Detwiler)*; and d) *Proclamation for Oak Grove Baptist Church (Barbara Monticello)*. Council Member David Phillips moved to approve the Consent Agenda with Council Member Debbie Fowler seconding the motion. There were ayes by all and the Consent Agenda was adopted as is.

**PUBLIC COMMENT:** Amelia Stinson-Wesley asked to speak first since she needed to leave to attend another meeting. She announced that she was running for a Board of Education at-large seat and asked for the support of the group.

Resident, Jerome Bell representing GraceLife Memorial Church, stated that the church had been in existence for 112 years and wanted to give back to the community. The church was hosting GraceFest, a free community event featuring music, a petting zoo, games, face painting and food and will be held on Saturday, June 20<sup>th</sup> from 4:00-7:00p.m.

### **PUBLIC HEARINGS:**

- A. Public Hearing – To Hear a Request to Amend CUP.** Planning Director, Travis Morgan stated that in order to hold the public hearing, anyone giving testimony would need to be sworn in. He and the applicant, Ed Miedzybrocki, were both sworn in. Mayor Pro Tem Melissa Davis moved to open the public hearing at 6:40 p.m. with Council Member Debbie Fowler seconding the motion. There were ayes by all and the public hearing was opened.

Mr. Morgan stated that the request was a simple, straight forward one from a long-term business in town that was a Class II manufacturing company requesting a 10,040 sq. foot addition to their facility located at 10100 Rodney St. In 2000, Council had voted to allow Ipex USA, LLC an expansion to one of their other buildings on their site. Because there is a Conditional Use Permit (CUP) for the property, each time a change is made, it must be approved by the Town Council. The request was actually a combination of three requests that totaled 10,040 sq. feet. The applicant was advised to present it in that way so they would only have to go before Council one time as opposed to three.

Council Member David Phillips asked if any of the expansions would be on road frontage to which Mr. Morgan replied that it would not. Mayor Pro Tem Melissa Davis asked about the noise level and hours of operation. Mr. Miedzybrocki replied that it was a 24 hour, 7-day-a week operation, Monday through Friday. He did say there was some noise generated from blowers that could be heard from a distance of about 200 feet away, but because they were located in the industrial area, there were no private residences around. The additional square feet would not generate more traffic, only house additional equipment for the business. Council Member Les Gladden wanted to be sure the applicant understood the street-scaping requirements. Mr. Miedzybrocki acknowledged that he did and that he had no problem with complying with the requirements.

There were no further comments or question so Council Member Les Gladden moved to close the Public Hearing. Council Member David Phillips seconded the motion and the Public Hearing was closed. Council indicated that they were ready to make a motion on the request. Council Member Gladden moved to approve the request for adding an additional 10,040 sq. feet to the facility, with Mayor Pro Tem Davis seconding the motion. There were ayes by all and the motion passed unanimously.

- B. Public Hearing – To Amend the Utility Right of Way Ordinance.** Council Member Debbie Fowler moved to open the second Public Hearing with Mayor Pro Tem Davis seconding the motion. There were ayes by all and the second Public Hearing was opened at 6:51 p.m. Town Manager, Haynes Brigman, stated that a utilities R-O-W ordinance had been passed in 2008 but it needed to be updated to include current standards and fees. Permit fees needed to be collected to repair cuts in the road or damage to sidewalks when utility companies come in to the town to do work. There was a large book of standards from the City of Charlotte which the town was going to adopt as part of the original ordinance.

There were no questions or comments so Council Member David Phillips moved to close the Public Hearing. Council Member Debbie Fowler seconded the motion and the Public Hearing was closed at 6:55 p.m. Council Member Gladden moved to approve the addition of standards and fees to the Town's Utility R-O-W Ordinance. Council Member Fowler seconded the motion and there were ayes by all in favor. Motion passed unanimously.

### **OLD BUSINESS:**

- A. Crown Castle Tower Extension Request Update.** Town Manager, Haynes Brigman, stated that Council had voted last month to deny the request by Crown Caste to add additional height to the cell tower located behind the Waldhorn Restaurant located on Lancaster Highway regarding it as a safety concern. The applicant did not make a strong

enough case that the tower would still be safe with the additional height added to it. At that meeting, the applicant had stated that the FCC had made a new ruling that superseded town regulations but our attorney did not have enough time to review and analyze it. Since that time, two different attorneys that were consulted by the town, determined that the FCC ruling, indeed, superseded the town's rule. Mr. Brigman wanted to formally let everyone know that the town had been overruled and in case anyone saw work being done on the tower, they would understand why. A letter reversing the town's original decision will be sent out to the applicant and neighboring properties to let them know that the extension to the tower will occur.

### **NEW BUSINESS:**

- A. **Public Hearing for the Proposed 2015-2016 Municipal Budget.** Council Member Debbie Fowler moved to open the Public Hearing on the proposed 2015-2016 Budget. Mayor Pro Tem Melissa Davis seconded the motion and there were ayes by all to open the Public Hearing at 6:55 p.m. Town Manager, Haynes Brigman, stated he was going to make a presentation on the budget. He highlighted and reviewed each department's budget, sources of revenue for and expenses of the town, as well as the General, Enterprise and Restricted funds. This year the town would be faced with a large loss in revenues, due mostly, he explained, to recent legislation that no longer allowed municipalities to collect a privilege license fee from businesses. The fairest way to recoup some of that lost revenue without giving up the services residents were used to, was for all parties to share in a \$.03 tax increase. Mayor Edwards stated that Council put in many long hours reviewing and tweaking the budget to find ways to cut expenses. Council Member David Phillips added that no one on the Council wanted to see a tax increase. It was the last thing they wanted but it was the fairest way to make up for some of that lost revenue. Resident, Sue Compana, thanked Mr. Brigman for his clear and informative presentation. She stated that Pineville gave a lot to its residents. To demonstrate just how much money the town would be losing, Council Member Gladden gave an analogy stating that the Fire Department's budget was equal to the amount of revenue that will be lost from collecting Business License taxes. With that said, Council Member Fowler moved to close the public hearing with Council Member Phillips seconding the motion. There were ayes by all and the Public Hearing was closed at 7:25 p.m.

Council Member Les Gladden moved to approve the FY2015-16 Budget, with Council Member Debbie Fowler seconding the motion. There were ayes by all and the FY2015-16 Budget was passed unanimously.

- B. **Tax Rate/Electric Adoption** – Mr. Brigman stated that Pineville's tax rate and electric rates need to be adopted separately from the budget itself. The tax rate was set at \$0.35 per \$100 of valuation and the electric rates were set to remain the same as they currently are. There would be no increase in electric rates this year. Mayor Pro Tem Melissa Davis moved to adopt both the tax and electric rates with Council Member David Phillips seconding the motion. There were ayes by all and the tax and electric rates were adopted unanimously.
- C. **Storm Water Fee and Interlocal Agreement Adoption** – Mr. Brigman stated that storm water fees would need to be adopted and that the interlocal agreement with Mecklenburg County needs to be changed so that the two boards can operate independently. Responding to a comment made by Council Member Debbie Fowler about Mecklenburg County keeping some of the storm water fees, he explained that there were actually two storm water systems: one for major waterways and another for minor systems. The fees, however, only applied to the minor storm water system with the storm drains. Mayor Pro Tem Davis moved to adopt the storm water fees and changes to the interlocal agreement with Council Member Gladden seconding the motion. There were ayes by all and the motion passed unanimously.
- D. **Update from the Main Street Merchants Association** – Mr. Bill McConnell gave an update on the last Merchants Association meeting. A total of 13 parties attended, including the Mayor, Melissa and Julia. He introduced the newest merchant, Mr. Malone, who will be doing cell phone repairs on Dover St. He reported that the Crops and Shops festival went well and the Farmer's Market kicked off nicely. There were a total of 13 or 14 committed vendors and the market would be open on Saturdays from 8:00 a.m. until noon.

Mr. McConnell continued recognizing two honors that the Town of Pineville recently received: One was noted that Pineville was the best suburb of Charlotte for young Professions while the other gave Pineville top honors for being

the best place to start a new business.

- E. FY15 Budget Amendment** -- Mr. Brigman stated that normally at the end of one fiscal year the town does a budget amendment to clean up any changes to expenditures for the current budget year. There were four amendments to be made, three of which were in the contract services area of different departments. The fourth one was adjusting the utilities expenditures under Cultural & Tourism due to overruns on the irrigation line serving Jack Hughes Park. Public Works had been filling their Street Sweeper and water tanks throughout the year using this line as well as irrigating the lawn of the Police Building. The Public Works Department is no longer using this line to fill their trucks and watering the grass at the Police Building has been scaled back.

Since 3 of the 4 budget amendments fell in the category of Contract Services, Mayor Edwards asked what services Woolpert would be offering the town to make up for the poor job they did with the Part F grant. Mr. Brigman stated they would have staff go back and review it again and assist us in the future if we apply again for the Part F grant. Mayor Edwards requested that it be on the record and in writing. Mayor Pro Tem Davis was disappointed with the overages in the budget in some of the departments. She requested a breakdown of the bills from Woolpert, as well as for contracts and professional services.

Council Member David Phillips moved to approve the budget amendments with Council Member Les Gladden seconding the motion. There were ayes by all and the FY15 Budget Amendment passed unanimously.

- F. Storm Water Billing Audit Contract** – Mr. Brigman stated that the town had little insight or say on how the storm water fee is calculated and collected so he suggested that the town contract with a third party vendor to be sure that the revenues that are being collected are correct. There is no cost to contract with this vendor but they will collect 45% of any new revenues they find for three (3) years. Council Members had questions regarding the procedures and the company. Mr. Brigman responded that the company would go back to Mecklenburg County if there were differences in the amount of fees collected but the town would also have to assist them. They would only get paid on any new fees collected, not from past fees and if they found no problems at all, they would not get paid. The company had been in business for about ten years, other towns have used them and it should take about six months to complete the project. There were no further questions so Council Member Gladden moved to approve the contract with Mayor Pro Tem Davis seconding the motion. There were ayes from all and the audit contract was approved.

- G. Proposed Increase in Tournament Fees at Jack Hughes Park** -- Parks and Recreation Director, Kristy Detwiler stated she compared our tournament fees with that of other towns in the area and, although we were in line with some of the other towns, she felt Jack Hughes Park was more superior to any of the other facilities. Most places also charged a non-refundable deposit to use their facility. She was proposing an increase to the usage fees of Jack Hughes Park. Mr. Brigman asked if she thought she would lose any current teams that play there now to which Ms. Detwiler replied that some had already been made aware of it but that she didn't think she would lose any. There were certainly enough other teams looking to use the facility if we did happen to lose any.

Council Member Phillips wanted to be sure there were no issues with police having to go down there but if it got to that point, the company renting the fields may have to supply their own security. He also wanted to be sure that any companies with current contracts already in place, were not charged the new rates. The new rates would only be for anyone signing a contract after the new rates were adopted. Mayor Pro Tem Davis wanted to be sure the residential rates were not changing to which Ms. Detwiler responded that would remain the same and fees for hourly tournaments would not be affected by the rate increase either.

Mayor Pro Tem Davis moved to adopt the proposed tournament fees with Council Member Gladden seconding the motion. There were ayes by all and the new fees were adopted.

- H. Staff Updates: 1) Manager's Report** – Mr. Brigman provided an update on the Cone Mill property. A judge heard the case and referred it to a mediator which was scheduled for May 28<sup>th</sup>. The town's attorney experienced a death in her family so the hearing with a mediator was postponed.

NCDOT was heading a storm water project on Main Street of which most of the work was going to be done after 7:00 p.m. Workers should only work at night if more than one lane is closed or if workers have to cross the street but they can only get their fill material during the day. Additionally, a sewer project through parts of "old town" (Cone Ave./Hill St.) has just begun as well. The project will likely last a few months and Mr. Brigman asked for patience as Charlotte Water makes these very important repairs.

Mayor Edwards added that there had been a lot of break-ins reported recently. He had talked to Officer Boyter about setting up some neighborhood watch group meetings. He would like to start with "old town" and then work through the rest of the town. He asked residents to stay tuned for additional information which would be posted on the website and published in the next newsletter.

**ADJOURNMENT**

With no further business to discuss, a motion was made by David Phillips and seconded by Debbie Fowler to adjourn the meeting at 8:10 p.m.



ATTEST:

*Barbara Monticello*  
Barbara Monticello, Town Clerk

*[Signature]*  
\_\_\_\_\_  
Mayor, Jack Edwards