



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, OCTOBER 13, 2015**

The Town Council of the Town of Pineville met in Regular Session on Tuesday, October 13, 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 Clerk: Barbara Monticello

CALL TO ORDER

Mayor Edwards called the meeting to order at 6:29 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 Mayor Pro Tem, Melissa Davis.

MOMENT OF SILENCE

Mayor Edwards called for a moment of silence and asked everyone to remember our public safety officers from both the police and fire departments.

Park and Recreation Director, Kristy Detwiler, introduced Erin Hamilton, the new Athletic Coordinator.

ORDER OF BUSINESS:

Adoption of the Agenda:

Mayor Edwards stated that a Closed Session was scheduled after the regular meeting pursuant to GS 143-318.11.(5)(6). Council Member Les Gladden moved to adopt the agenda with the change to add discussion of the second item [GS 143-318.11.(5)] to the Closed Session. Council Member David Phillips seconded the motion. There were ayes by all and the agenda was adopted with the addition of a second discussion item (5) in Closed Session. There were ayes by all.

Approval of Minutes for the Regular and Closed Session Meetings of September 8, 2015: Mayor Edwards called for a motion on the Regular and Closed Session Meeting minutes of September 8th. A motion was made by Council Member Debbie Fowler and seconded by Council Member David Phillips to approve both sets of minutes as is. There were ayes by all and the minutes were approved as is.

Consent Agenda: The following items were included: a) *Financial Report ending 9/30/15 (provided by Richard Dixon); and b) Approval of Tax Refunds (Karen Bennett);* Council Member Debbie Fowler moved to approve the consent agenda with Council Member Les Gladden seconding the motion. There were ayes by all and the Consent Agenda was adopted as is.

PUBLIC COMMENT: Public comments were made under the Public Hearings section of the agenda and under individual headings of some of the other topics listed on the agenda.

PUBLIC HEARINGS:

A. Joint Public Hearing (with Planning Board): to hear a request to re-zone multiple properties throughout town (*Travis Morgan*). Council Member Les Gladden motioned to open the first Public Hearing. Council Member Debbie Fowler seconded the motion and there were ayes by all to open the hearing. Planning Director, Travis Morgan, stated that the town currently had 16 different zoning designations which was a lot for a small town so he was proposing to reduce them down to just 12. There were multiple parcels in town that could be re-zoned to be more consistent with other parcels in the area and with current uses. The zoning designation OC (office commercial) can be re-zoned to B4 which would be more consistent with the other parcels in the area. Additionally, there were several residential parcels zoned R15 which he recommended re-zoning to R 44 which would require larger lot sizes if new homes were developed on the property. He added that the Table of Use chart would also be changed to reflect the 12 zoning districts and that the Planning Board had no major issues regarding the proposed changes. He asked for feedback from Council.

Council Member David Phillips asked if the residential property owners that were being changed from R15 to R44 were notified. Mr. Morgan responded that the largest property owners received a letter and a half page ad was published in the newspaper as well. Mr. Thomas White of the Pineville Planning Board asked if the changes made to the subdivision ordinance would be covered in a motion at the same time the re-zonings were voted on. Mr. Morgan stated that it would automatically be covered but the motion should notate that the subdivision ordinance was included with the rezoning ordinance.

Mr. White had a concern about the subdivision ordinance regarding the contiguous platting requirement. He stated that there might be a situation where it was necessary for a developer to plat a piece of property out of sequence and wanted staff to reconsider that section of the ordinance or add some sort of an appeals process. Mr. Morgan stated that if they needed to hold off on making a decision they could. Town Manager, Haynes Brigman, stated that he preferred to do one vote all at once for both the re-zoning and subdivision ordinance changes or they would have to call for a second public hearing. He recommended that we approve the re-zonings and ordinance changes with the condition that language be added stating that it would be up to staff's discretion to allow the developer to plat property that is not contiguous with another piece of property that was already platted depending on the situation. Everyone was comfortable with that.

At 6:52 p.m. 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.

Mr. Jim Knowles, Planning Board Chair, called for a motion to open the Planning Board Meeting stating that they were prepared to make their recommendation to council on the re-zoning and subdivision ordinance changes. Four members of the Planning Board were in attendance: Jim Knowles, Paul Sullivan, Thomas White and Chris McDonough. Amelia Stinson-Wesley was absent. Mr. Knowles called for a recommendation. Mr. White recommended the re-zonings, along with the subdivision ordinance changes, including a change to the contiguous plat requirements, be approved. Member Paul Sullivan seconded the motion and there were ayes by all to approve the changes. A motion was made and seconded to close the Planning Board Meeting at 6:53 p.m.

Council was ready to consider and vote on the Planning Board's recommendation. Mayor Pro Tem Davis asked if we had done our due diligence and contacted property owners. Mr. Morgan indicated that we had done the required ad in the newspaper along with mailers. Council Member Phillips added that he had actually met with one of the property owners himself. He then moved to approve the rezoning and subdivision ordinance updates with the revisions stated earlier. Mayor Pro Tem Davis seconded the motion and there were ayes by all.

B. Public Hearing: for a request to amend the animal ordinance to include regulations pertaining to Dangerous Dogs (*Travis Morgan*). A motion was made by Council Member Fowler and seconded by Mayor Pro Tem Davis to open the

public hearing at 6:55 p.m. Mayor Edward prefaced the hearing with a statement that there had been a lot of misinformation going around regarding the town's intent to regulate dangerous dogs. He wanted to make it clear to all in attendance that the ordinance was not intended to be negative to dogs or one specific breed but to have more control of people that mistreat or do not take care of their animals. The desire to strengthen the regulations of dangerous dogs was at the request of council for the safety of both residents and animals.

Mr. Morgan reiterated that the ordinance was not a ban on animals but revisions to clarify what a dangerous dog is and be able to take action against the owners. Council Member Les Gladden added that there were some incidents that occurred where the same pit bull got loose on different occasions chasing residents down. He explained to the audience that for each call that is made to animal control, which is handled through the county, the town was being billed \$120. To save a substantial amount of money, the procedures were changed so that our police officers respond to an animal call first and handle it if they are able to but as it stands now, our officers did not have authority to do much of anything and strengthening the ordinance would give them some recourse to hold careless owners accountable. He thought that because of the number of people that showed up for the hearing, the number of calls received by the town and the vast presence of the news media that the situation was blown way out of proportion.

Town Manager, Haynes Brigman, stated that with the proposed changes to the ordinance, the town wanted to be sure it covered all its bases and was doing its due diligence by holding the hearing and obtaining feedback from those in attendance. He stated that because there were so many people signed up to speak on the matter, each person would be allotted three minutes to speak and that he would be the time-keeper. Quite a few people were signed up to speak regarding the animal ordinance, including those from various animal groups such as the Humane Society. Most just expressed their concerns against making the ordinance breed-specific (pit bulls) and were in favor of making the pet owner more accountable with many offering their assistance in crafting the ordinance. Others offered tips and suggestions, along with other resources, that could be utilized in putting the ordinance together.

Mayor Edwards thanked everyone for the input and their time. He motioned to close the Public Hearing at 7:57 p.m. with Mayor Pro Tem Davis seconding the motion. There were ayes by all and the hearing was closed.

- C. Public Hearing:** for the purpose of hearing comments pertaining to the intent of the Town of Pineville to purchase property located at 436 & 439 Cone Ave. (*Haynes Brigman*). Mayor Pro Tem Davis moved to open the third and final public hearing. Council Member Phillips seconded the motion and there were ayes by all to open the hearing at 7:59 p.m. Mr. Brigman announced that the Public Hearing was to inform people that the town had planned to purchase the Cone Mill property. Mr. Brigman gave a brief explanation of the history of the mill being vacant for 25 years with numerous violations on it amounting to over \$200,000 worth of fines and being in and out of court with the owner only to have the case dismissed. The property owner had agreed to donate the property to the town with the town taking over the loan payments on the property as well any fines that may be due the EPA and costs to clean up the property of any potential hazardous waste.

Resident Alicia Bell of 14026 Greenbirch Drive asked what the potential cost was expected to be including clean-up costs, any liens, back taxes and fines. The best guess estimate was approximately \$2.1 million dollars for property that was about 28 acres and valued at \$5.8 million dollars. Mr. Brigman added that the ideal scenario would be to close within 30 days, start the clean-up immediately and then put it on the market to get it re-developed as quickly as possible but that could still take some time. However, once the property is out of the owner's hands, it will make it a lot easier and quicker to move things along. Additionally, once the property was cleaned up, the value of it will increase significantly.

There were several other comments and questions from concerned residents including whether the mill had been declared historic. It was explained that the mill had never technically been declared historic because there were newer sections of the mill that were masking the historical elements underneath. The owner was attempting to bring it back to the original façade but so much of the historical value was lost when the original bricks were stripped and taken off the building, that it would be difficult to designate it as historical. Planning Board Member and resident, Thomas White, was very grateful that council had the ability to be able to do something with the building which has been vacant and an eyesore for so long.

At 8:36 p.m. Council Member Phillips moved to close the Public Hearing. Council Member Gladdens seconded the motion and there were ayes by all to close the hearing.

Mr. Bill McConnell was given the opportunity to report on the last Downtown Merchants meeting stating that International Minute Press had moved into its new building on Main Street and celebrated with a Grand Opening. Global restaurant was expected to open sometime during the first week of November and the old gun shop was expected to close on Friday. He announced that Pintville opened to a good crowd with food trucks expected from Wednesday through Saturday.

The Pineville Pilot and Merchants Association sponsored a Candidates Forum at the Dorchester with a great turnout. Main Street businesses were planning to have tent and sidewalk sales on the weekend the town was having its Fall Festival – October 16th and 17th. Some of the merchants were raffling off prizes with the purchase of a \$5 ticket to help benefit Camp Care, a program for kids with cancer.

OLD BUSINESS:

- A. Speed Bumps for Marine and Kenmore Drives – (Haynes Brigman)** Mr. Brigman reviewed three types of speed bumps that were requested to be installed on Marine and Kenmore Drives. Each ranged in price from \$2,300 to \$9,500 per bump. After reviewing each type, he asked which one council members preferred. Mayor Pro Tem Davis stated that she was totally against the bolt down type and that there was no need to install the pedestrian type so she was ok with the poured asphalt type. Ms. Dannette McConnell of 116 Kenmore Drive spoke on the need for speed bumps because there were children that play in the area and because their neighborhood deserved what other neighborhoods already had. She liked the speed bumps that were on Cone Avenue but Council Member Phillips explained to her that the type that were installed on Cone Avenue would not necessarily stop cars from speeding. The other two types of speed bumps were more effective in slowing vehicles down but were not as attractive as the pedestrian type.

There was still quite a bit of discussion on the speed bump issue but to avoid taking up any more time on the subject, a motion was made by Council Member Gladden and seconded by Council Member Phillips to set aside up to \$9,200 to install two to four asphalt speed bumps. There were ayes by all and the motion passed to set aside the money.

NEW BUSINESS:

- A. Road Contract Approval – (Haynes Brigman).** Mr. Brigman explained that we had gone out to bid for road paving throughout town. Three contractors bid on the project but one did not provide a performance bond and the other two did not bid according to the specifications that were listed. This will mean that the project would have to be sent out again to be re-bid. Mr. Brigman explained that he would like to advertise the bid electronically on the town's website for 7 days and requested approval from Council to move forward in this fashion. Council Member Phillips asked if we could move on the bids once they were received but Mr. Brigman explained that they were required to be presented and awarded at a formal Council Meeting.

A brief discussion followed as to what streets were slated to be paved to which Mr. Brigman responded that Council had previously indicated they wanted a mix of both commercial and residential streets. Council Member Gladden pointed out that there were storm water issues over by Towne Center and he wanted them looked at by Public Works first before any paving is done there. Council Member Phillips then moved to approve electronic advertising for the paving bids. Council Member Debbie Fowler seconded the motion and there were ayes by all.

- B. Police Department Loan Payoff – (Haynes Brigman) – Town Manager, Haynes Brigman,** stated that with priorities constantly shifting, he and the Finance Director had to rethink an earlier decision to pay off the debt on the new police building. At that time, it had been determined to be in the best interest of the town to pay it off with reserve funds. However, in light of recent property acquisitions currently in the works, postponing the payoff makes more sense now. Keeping the fund balance at a high level during the purchase period for the properties under consideration, would be

more advantageous in order to get a lower interest rate of 2.8%. Council Member Gladden agreed it was a better move to be able to spend the money on the mill purchase so he moved to postpone paying off the debt on the police building. Mayor Pro Tem Davis seconded the motion and there were ayes by all to postpone it.

- C. Reschedule Date of November Council Meeting – (Haynes Brigman)** – Manager Brigman stated that one of the council members would not be available on November the 10th and suggested the Council Meeting be moved to Thursday, November 12th. No one opposed changing the date to the 12th. Council Member Fowler moved to change the November Council Meeting to November 12th. Mayor Pro Tem Davis seconded the motion and there were ayes by all.
- D. Resolution to Set Standards for Interconnecting Generators: (Haynes Brigman)**. Mr. Brigman stated that he had received several inquiries from residents about installing solar power to their homes. The state had done away with tax credits for individuals installing alternate power methods but the federal credits were still available so there had been a push recently by solar energy companies to install solar panels. However, the town had not put together any plans or regulations to monitor these types of alternate energy programs. It was important to establish guidelines so he contacted Electricities who recommended that we adopt their interconnection and installation requirements as a way to have something in place for people to follow. This would ensure that these other sources of power, namely solar power, be installed correctly and without negative impact to the town. A resolution had been crafted to adopt Electricities policy to have something in place for residents to follow. Council Member David Phillips moved to adopt the resolution with Council Member Debbie Fowler seconded the motion. There were ayes by all and the resolution was adopted.
- E. Discussion Regarding Charlotte Symphony at Rockin' & Reelin': (Haynes Brigman)**. Mr. Brigman stated that the Charlotte Symphony had been part of the Rockin' & Reelin' series line-up since 2002 but that there was some concern recently over the cost of having them perform. Pineville was the only town that did not charge people a fee to hear the symphony play and it cost the town \$12,700 a year to have them do so. He added that it was the town's second largest event after Fall Fest and that it brought in over 1,000 people. Mayor Pro Tem Davis stated that she thought the cost to the town would be better spent on a dog park or splash pad and that we were the only town that provided the symphony for free. She asked how many people from town actually attended the event.

Resident Alicia Bell asked if there was some way to offset the cost like charging an admission fee. She stated that it was a highly attended event with a variety of people attending. She suggested charging a fee of \$5.00 or charging by the car load. Mr. Brigman responded that it would be difficult to do that in a park environment since it was so open. There wouldn't be a way to keep people out or keep them from hearing it at a distance. Council Member Gladden stated that it might be possible to charge them as they enter the park.

Council Member Phillips was not prepared to make a decision to cut out the symphony from the program at that time. He was afraid there would be too many disappointed residents. He saw it as an opportunity to draw people in to Pineville. Mayor Edwards stated that the salute they do to honor veterans was worth the cost to see them perform as they recognized each of the branches of the military. Resident Jerome Bell expressed concern over canceling the symphony at this time just when the town was hitting great heights with new businesses coming into its downtown; it was a way to take advantage of showing off the town to outsiders.

Resident Chris McDonough asked if it helped increase the money brought in for Culture and Tourism. Mr. Brigman responded that it had. Mr. McDonough was in favor of keeping the symphony, especially if the desire was there by the people to see it. Park and Recreation Director, Kristy Detwiler, confirmed that it was a popular and well-attended event and asked that Council consider keeping in the line-up. Mayor Pro Tem stated that more creativity was needed in finding ways to offset the cost or at least ask for donations. Another suggestion was seek large corporation sponsorship for the event. Resident Lorraine Hayes added that it would be a mistake to end the program; she considered it a "gift" from the town and to have such an event spoke very highly of the town.

Council Member Les Gladden suggested that the program not be cut but that the Parks & Recreation Department do more in asking for donations and seeking additional sponsorships. He moved to keep the program with the

stipulations just noted. Council Member Debbie Fowler seconded the motion and there were ayes by all.

- F. Staff Updates: 1) Manager's Report** – Mr. Brigman reminded everyone that the coming weekend was the town's Fall Festival weekend and encouraged all to attend the event. He also noted that the Annual Fishing Tournament for kids had to be rescheduled due to inclement weather. At 9:45 p.m. Mayor Edwards called for a five minute recess before moving into closed session.

Closed Session: At 9:50 p.m. Council Member David Phillips moved to enter Closed Session with Mayor Pro Tem Davis seconding the motion. There were ayes by all to enter Closed Session. Mr. Brigman gave a brief update regarding an employee incident that had occurred earlier in the week and the possible ramifications to the town as a result of it. He also provided them with a status on a recent property purchase.

A situation with a Department Head was discussed with options presented. Each option was considered with each council member stating their concerns until a consensus was reached on how to best handle the problem.

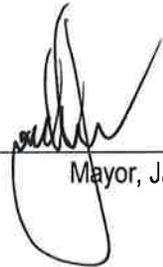
ADJOURNMENT

With no further business to discuss, a motion was made by Council Member Les Gladden and seconded by Council Member David Phillips to end the Closed Session and adjourn the meeting at 11:30 p.m. There were ayes by all and the meeting was adjourned.

ATTEST:



Barbara Monticello, Town Clerk



Mayor, Jack Edwards