



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
THURSDAY, NOVEMBER 12, 2015**

The Town Council of the Town of Pineville met in Regular Session on Thursday, November 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 Manager: Haynes Brigman
Planning Director: Travis Morgan
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 Manager, Haynes Brigman.

MOMENT OF SILENCE

Mayor Edwards called for a moment of silence for Bobby Crump who passed. He also mentioned that he had attended two veteran's celebrations held over the last couple of days and asked that everyone remember those that have served.

ORDER OF BUSINESS:

Adoption of the Agenda:

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

Approval of Minutes for the Regular and Closed Session Meetings of October 13, 2015: Mayor Pro Tem Melissa Davis noted the changes needed on page 4 of the minutes and asked that the minutes specify that asphalt speed bumps were the type that were selected for installation on Marine Drive. Council Member Debbie Fowler moved to approve the minutes with the changes. Council Member Les Gladden seconded the motion and there were ayes by all.

Consent Agenda: The following items were included: a) *Financial Report ending 10/31/15 (provided by Richard Dixon)*; b) *Approval of Tax Refunds (Cyndi Hunnycutt)*; and c) *Resolution No. 2015-18 for Surplus Items (Barbara Monticello)*. Mayor Pro Tem Davis asked if the two items listed as surplus were vehicles or just the engines from the vehicles. Mr. Brigman responded that they were just the engines which were still good but the remainder of the vehicles could not be salvaged so they were brought to the junk yard to be used for parts. Council Member Les Gladden moved to approve the Consent Agenda with Council Member David Phillips seconding the motion. There were ayes by all and the Consent Agenda was approved.

Mayor Edwards asked Lt. Corey Copely to introduce the newest officer to the Pineville police force. Mr. Bobby Cook was introduced to all. Lt. Copely explained that Mr. Cook had come from Cleveland County having 11 years of experience as a police officer in Belmont. Mr. Cook was welcomed by all.

PUBLIC COMMENT: Mr. Carmelino Pelleriti wanted to make the public aware of some alleged sexual misconduct taking place at the local K-Mart store. Information about the case was brought to their corporate offices but the case was closed. Town Manager, Haynes Brigman, recommended he speak with the Pineville Police Department.

OLD BUSINESS:

A. Amendment to Animal Ordinance -- (Travis Morgan): Planning Director, Travis Morgan, stated that he was proposing only one change to what was originally presented last month on the Animal Ordinance. There had been confusion between front and side yards so the wording was clarified to say that "the keeping of animals within any front and side yard area...shall be prohibited." The other proposed changes from the previous month were kept in place: defining the meaning of "dangerous" and including a section that specifies that: "Animals identified as dangerous when kept outdoors shall be constrained to the rear yard only within a solid fence enclosure of not less than six feet in height and continuously maintained as to prevent escape of said animals." If an individual already had a fence enclosure but is less than six feet in height, it will not be "grandfathered" in. The fence will have to be redone at a height of six feet. In both cases the "penalty shall be per violation and per day".

Council Member Les Gladden had a concern about item (D) under section 90.040, Restraint of Animals, pertaining to public parks and the length of leashes. After some discussion, the consensus was to add something in the ordinance to restrict the length of a leash at public parks to no more than six feet. This will be added under item D, *Public Parks*. Council Member Gladden moved to approve the proposed changes to the Animal Ordinance, along with the addition to restrict the leash length. Council Member Phillips seconded the motion and there were ayes by all.

B. Road Contract Approval: (Haynes Brigman). Manager Brigman stated that the town had to re-bid the paving contract for town roads since the last set of submissions were incorrect. Two of the three contractors that originally bid on the project also re-bid on it, this time submitting their bids correctly. Red Clay and Blythe were the two bidders, with staff recommending awarding the bid to Blythe as the lower bidder. Even though Blythe may be able to start some of the work now, the majority of it would most likely take place in the spring when the weather is warmer. They will only charge one mobilization fee, however. Council Member Gladden had some concern with manholes as there had been issues with them in the past and asked Mr. Brigman to double check with Charlotte Water to be sure it will not be a problem this time.

Mayor Pro Tem Phillips asked if Blythe was going to use the "reclamation" process on this project. Mr. Brigman said they would just be using the traditional milling and paving process. Mr. Phillips recommended they use the "reclamation" process at least on the commercial roads or they might be torn up faster than expected. Mayor Pro Tem Davis agreed that Mr. Brigman should look into the cost of using the new "reclamation" process as well. Mr. Brigman stated that they should go ahead and award the bid to Blythe and then find out about the reclamation process afterwards. There was also concern for the Towne Centre area because of flooding that has occurred there in the past as well as on Leitner Drive.

Council Member Les Gladden moved to award the bid to Blythe, adding that the Manager check on using the reclamation process and paying special attention to the Towne Centre and Leitner areas. Council Member David Phillips seconded the motion and there were ayes by all.

NEW BUSINESS:

A. Audit Presentation: Ms. Ko Tang Cha-Moses of Martin-Starnes & Associates reviewed the audit findings with Council and issued a modified opinion, which she stated was the best opinion that can be given. She explained a new auditing standard pertaining to the state's retirement system. Overall, the town was in sound financial standing.

- B. NCDOT I-485 Express Lanes Project Update:** Mr. Warren Cooksey, Director of Outreach for the NC DOT was present to provide an update on the 485 Express Lanes Project. Flyers regarding the project were distributed, along with a sign-in sheet as this was one of many public hearings that were scheduled by NCDOT and they wanted to keep record of those in attendance. He explained the reason for constructing the toll express lanes was because adding traditional, extra, general purpose lanes just didn't work. It has been shown in other areas of the country where these lanes have already been built, that the traffic flows smoother, especially during peak travel times. The plan that was adopted by the Charlotte Regional Transportation Planning Organization in 2014, called for one express lane in either direction between I-77 and U.S. 74 to relieve congestion during peak travel times. Construction is slated for 2017. He showed potential access and exit points on a map. Council Members asked what the cost would be for the tolls. Mr. Cooksey stated that the cost would vary depending on the time of day and the demand for use. Signs would show what the current fee would be to travel the express lanes at any given time. A person could set up an account for \$20 and get a "transponder" box which is placed inside the car. When passing through the toll booth, the fee would be picked up by the transponder box and then charged to the person's account, similar to the Sunpass used in Florida. The account can be reloaded with additional funds when needed. Additional public meetings will be scheduled sometime in 2016.
- C. Budget Amendment:** (*Haynes Brigman*). Mr. Brigman stated there were three parts to the budget amendment: a) debt payment would be postponed until a later date to show money in the bank for other purchases; b) to have money to cover expenses for the Cone Ave. purchases; and c) to cover the expenses to purchase the Post Office property – electric funds will be used for the actual purchase. Hearing no questions or comments, Council Member, Les Gladden moved to approve the Budget Amendment, seconded by Council Member Debbie Fowler. There were ayes by all and the Budget Amendment passed unanimously.
- D. Employee Personnel Policy Update:** (*Tihisha Sharif*). Human Resources director, Tihisha Sharif, reviewed the major changes to the employee handbook stating that the biggest change was with the hiring ranges. With ranges in place, the policy is not as open-ended as it was previously, yet it still left some discretion to the manager should an exceptional candidate be found that might require being hired outside the starting range. Council stated they be notified first before anyone is hired outside the range.

Some of the other changes included:

- The term "probationary period" was changed to "introductory period". If an introductory period is extended for any reason, the most an employee could get at that point would be a 4% increase.
- Reclassification – if an employee is demoted, their salary would decrease but if an employee is reclassified, they would keep their current salary.
- The number of holidays increased to 12 days to keep it consistent with the state's schedule.
- Vacation leave was adjusted to accommodate long-term employees and to be comparable to other towns in the area.
- Streamlined the disciplinary process which was too lengthy; policy now allows for skipping steps when personal conduct has been determined to be detrimental in nature.
- Travel and Expense policy has been updated to follow standards of the GSA for the Charlotte area; policy hadn't been updated since 1987.

Council had comments and questions but wanted to take more time in reading through the handbook to provide feedback at the next Council Meeting. Any additional comments or concerns should be sent to Tihisha Sharif prior to the next month's meeting.

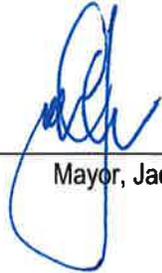
- E. Staff Updates:** Mr. Brigman reminded Council of the town's upcoming events in the near future.

At 10:28 p.m. Mayor Edwards called for a recess before moving into Closed Session. Council Member Debbie Fowler had to leave the meeting at this time. At 10:45 p.m. Council Member Les Gladden moved to enter Closed Session with Council Member David Phillips seconding the motion. There were ayes by all and they entered Closed Session. A discussion took place regarding a personnel item. Each Council Member provided feedback to the Town Manager

but a consensus was not reached due to the departure of Council Member Debbie Fowler. Once her comments were received, a consensus will need to be reached by Council.

ADJOURNMENT

There being no further business to discuss, Council Member Gladden moved to exit Closed Session and adjourn the meeting at 1:15 a.m. Council Member Phillips seconded the motion and there were ayes by all to adjourn.



Mayor, Jack Edwards

ATTEST:



Barbara Monticello, Town Clerk

