



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, MARCH 8, 2016**

The Town Council of the Town of Pineville met in Regular Session on Tuesday, March 8, 2016 at 6:30 p.m. at the Hut Meeting Facility in Pineville.

ATTENDANCE

Mayor: Jack Edwards
Mayor Pro-Tem: David Phillips
Town Council Members: Les Gladden, Debbie Fowler and Christopher McDonough
Town Manager: Haynes Brigman
Planning Director: Travis Morgan was absent
Town Clerk: Barbara Monticello

CALL TO ORDER

The meeting was called to order by Mayor Edwards at 6:30 p.m. He welcomed those in attendance and asked those that wished to speak to sign the speaker list.

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Council Member Chris McDonough.

MOMENT OF SILENCE

Mayor Edwards called for a moment of silence for the following individuals who passed: Bryson McSweeney, Michelle Vick Radford's son and Sheldon Boyd. He also asked that everyone remember Nancy Reagan and his friend that is very sick, Chip Wells.

ORDER OF BUSINESS:

Adoption of the Agenda:

Council Member Les Gladden requested that a discussion be added to the agenda on lifting restrictions on the B3 zoning district. Mayor Edwards recommended that Travis Morgan be in attendance. Town Manager, Haynes Brigman, recommended that language reflecting the changes be presented to council if there was a consensus. He asked that the item be added to the end of the "New Business" section of the agenda as Item I. Council Member Debbie Fowler moved to approve the agenda with the addition. Mayor Pro Tem David Phillips seconded the motion and there were ayes by all.

Approval of Minutes for the Regular Meeting of February 9, 2016: Council Member Les Gladden moved to approve the minutes from the Council Meeting of February 9, 2016. Council Member Debbie Fowler seconded 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 02/29/16 (provided by Richard Dixon)*; b) *Resolution No. 2016-03 for Surplus Items (Barbara Monticello)*; and c) *Fee Update for R-O-W Ordinance (Haynes Brigman)*. Mr. Brigman reminded Council that they had passed an ordinance in 2015 to address companies coming into town doing cuts in pavements and road borings. The fees will better align with the type of work that is being done. Council Member Les Gladden moved to approve the Consent Agenda with Mayor Pro Tem David Phillips seconding the motion. There were ayes by all and the Consent Agenda was approved.

PUBLIC COMMENT:

Mr. Jack Cover of the Queen City Model Yacht Club, stated that the club met on Saturdays at Lake Park to race radio-controlled sailboats on the water. He noted that some of the members of the club were retirees that find it difficult to launch their boats into the water. Some of the boats are 4 to 8 feet long and weigh between 7 and 25 pounds. He was before Council to ask if a temporary bulkhead could be installed to make it easier for them to launch their boats and reduce the possibility of falling into the lake.

Mr. Brigman stated that a proposal for a pier at the lake was actually on the agenda for discussion later in the evening and that the plans included a small bulkhead to be built into the side of the pier. Mayor Edwards asked that Mr. Cover to leave his contact information with the clerk.

Council Member Debbie Fowler took the floor to speak about the speed bumps that were recently installed on Marine and Kenmore Drives. She did not believe they were installed correctly or the incorrect ones were installed because they were very steep and a motorist would have to stop before going over them. Discussion followed regarding the installation of the speed bumps, whether they were installed correctly and whether an engineer oversaw the installation. Mr. Brigman stated that our Public Works Director was presented with the specs for installation and had been out at the site to be sure they were done accordingly. Our employees had also added asphalt to them to soften them up as well as paint them to save money. Council Member Gladden added that the town saved about \$5,000 by doing some of the work themselves.

SET PUBLIC HEARING:

- A. **A Request to Set a Public Hearing for April --** Mr. Brigman stated that a public hearing for a new hotel behind the Bi-Lo grocery store was being requested for April. Council Member Gladden moved to set the Public Hearing date for April 12, 2016 and was seconded by Council Member Debbie Fowler. There were ayes by all and the public hearing date was set.

OLD BUSINESS: None

NEW BUSINESS:

- A. **Update from Barry Gullet:** Mr. Barry Gullet, Director of Charlotte Water, provided an update on the projects his department was involved in around town such as the sewer replacement project in old town and finishing up with some paving on Boatwright. There is a water main leaking on Dorman Road but to fix it would mean that several thousand people would have to go without water and they didn't want to leave that many people without water. His department was still trying to pinpoint exactly where the leak and the best approach for repairing it. Once that was determined, his department would alert the town as to when the repairs would begin. With Polk Street closed due to the bridge repair, there was a lot of concern that traffic would become a nightmare. A recommendation was made to Mr. Gullet to consider making repairs at night. There is also a \$40 million force-line project planned to extend from Carowinds to Pineville that will start soon.

Mr. Gullet also talked about the quality of Charlotte water being good and safe to drink. His staff is well-trained with the highest levels of training necessary. They also do extensive testing of the water. He wanted to be sure that water customers had access to the data regarding the water they drink so he distributed pamphlets to be kept at Town Hall for anyone wanting to know more about the quality of the water. There was a lot of work behind the scenes, including an advisory committee, that goes into making the water as high quality as it is. He offered town staff an opportunity to tour the McAlpine Plant. Mr. Brigman asked what had happened to the plans to reduce the odor emitted from the wastewater treatment plant that were discussed the previous year. Mr. Gullet responded that it was part of this large force-line project that was about to begin but he didn't know where it fell on the timeline.

- B. **Update on Downtown Merchants Association – (Bill McConnell).** Mr. Bill McConnell provided an update on recent Downtown Merchant activity. Their last meeting was held at Pintville and it was the first time that dues were collected

from the members. He noted that Wendy Favreau at Unwind (tea shop) would be offering ceramics classes. They are gearing up for the annual Crops and Shops Celebration on May 14th which marks the official start of the Farmer's Market which generally runs through September. They have a number of confirmed participants: Jack Thrower, Don Eury, Ray Alexander (honey), Lane Wise (homemade honey, jelly, etc.), Backyard Produce, Burton Farms, Susie Q's Farm (eggs, pork, chicken), Rich Hill Farms, Boiled Peanuts and Z Bear Jams. Luna will have their annual tent sale and there will be sidewalk sales from the other businesses. They also plan to have a "Touch-a-Truck" event from the Fire Department. He stated he was working with the town manager on getting a budget; he was seeking \$8500 to cover everything for the event. Mr. Brigman added that the money would cover the costs of advertising the event as well as providing music throughout the day, suggesting they plan a line item for the future.

Mayor Pro Tem David Phillips was in favor of supporting the merchants. Council Member Gladden asked if they had expanded the merchants association any further than their immediate area. Mr. McConnell responded that they had tried to get both Mama's Coffee House and the new window place to participate but neither have shown up for any of the meetings. Council Member Gladden agreed that a line item on the budget should be planned for them next budget cycle.

- C. **Lake Park Sidewalk Project** -- (*Haynes Brigman*). Mr. Brigman stated that plans were drawn up to replace the western section of the inadequate sidewalk along the lake at Lake Park. The plan proposes a pier, made of composite materials. Staff's recommendation was to go with the lower quote at \$234,182. The project would be paid for using a portion of stormwater funds combined with culture and tourism money. Council Member Debbie Fowler asked if the quote included an engineer to be sure the job was done correctly. Mr. Brigman replied that the Army Corps of Engineers would be on-site and that Mecklenburg County would be responsible for inspecting it to be sure it was done correctly. Council Member Chris McDonough asked about putting in a bulkhead. Mr. Brigman stated that a small one was being proposed right by to the pier which was a great location and the perfect opportunity to install it since a request was made for one earlier in the evening.

Council Member Les Gladden noted that the two bids provided were \$12K apart and that he did not see where one of the bids had even mentioned "composite" as the material to be used. Mr. Brigman explained that neither contractor fully understood what the town wanted – one contractor included composite in his quote and the other did not. Mayor Pro Tem Phillips commented that there was constant upkeep with composite material but it did come with a 25 year warranty. After some brief comments regarding backfill costs, Council Member Les Gladden moved to approve the contract for \$234,182, seconded by Council Member Chris McDonough. The vote was 3-1 in favor of the contract, with Council Member Debbie Fowler dissenting as she was not confident that the job would be done correctly. Park and Recreation Director, Kristy Detwiler, stated that she hired DPR Engineers to look at the project and draw up the plans. She also offered to ask if they would oversee the project. Mr. Brigman asked Ms. Fowler if she would feel more comfortable if the contract was approved with a clause that an engineer would be hired to inspect the work. Council Member Fowler agreed.

Council Member Les Gladden restated the motion to approve the contract with the stipulation that 20% of the payment be withheld until the project was inspected by engineers. Motion was seconded by Council Member Fowler and there were ayes by all for the amended motion.

- D. **Urban Archery Season** -- (*Haynes Brigman*) we completed our first year with the extended Urban Archery Season in place. The clerk stated that it seemed to go fairly smoothly but wanted to be sure the map was updated for the next season as a few of the spots on the previous map were not quite accurate. Council Member Gladden stated that there were habitual violators hunting in town and that some had registered to hunt on property that wasn't even on the map. The clerk stated there was no way of knowing whose property was indicated on the map and that if someone came in with permission from the land owner, she expected that the hunters abide by the rules posted on the registration form – one of which was to hunt only in the green areas indicated on the map enclosed with the registration papers. Council Member Gladden requested that we tighten up on the monitoring of this program and suggested that someone in the police department help us to come up with and enforce the rules.

Mayor Pro Tem David Phillips moved to approve the Urban Archery Program for another season seconded by Council

Member Les Gladden adding that before the season starts, that addresses that correspond with the map be listed or coordinated in some with the map so that registrations aren't granted for properties not listed on the map. There were two ayes from Mayor Pro Tem Phillips and Council Member Gladden and two nays from Council Members Debbie Fowler and Chris McDonough. Mayor Edwards broke the tie with a "yes" vote, making the final vote, 3 in favor and 2 against. Motion passed.

- E. Approval of Budget Calendar -- (Haynes Brigman)** Mr. Brigman stated that he had come up with some proposed dates for Budget Workshops. All workshops would be held at the Police Department Training Room on the second floor at 5:30 p.m. Council Members all seemed to be fine with the dates. Council Member Debbie Fowler moved to approve the dates with Mayor Pro Tem Phillips seconding the motion. There were ayes by all and the dates for budget workshops were approved. The clerk was instructed to enter the dates on the town's website and bulletin board.
- F. Electricities Operations Agreement – (Haynes Brigman)** Mr. Brigman stated that the town operated under the umbrella of Electricities which provides assistance and resources to many towns with electric departments. The town would be utilizing their services, under an agreement, to manage our electric department due to the departure of the department manager. There is a similar arrangement with the towns of Huntersville and Cornelius. Mr. Brigman had already communicated this to our employees, who were guaranteed their employment as long as they can pass the pre-employment checks, drug testing, and vehicle tests. The HR component of the electric department was also being turned over to Electricities.

There were several questions from members of the audience. Resident, Melissa Davis wanted to know how their employment could be guaranteed. Mr. Brigman stated that under the agreement, they would be guaranteed employment for at least 12 months as long as they passed all the pre-employment testing. There was a very small possibility that they could be transferred to Cornelius or Huntersville but there was more opportunities for advancement as well. Resident, Jerome Bell, was concerned that if these employees were put into a "pool" of employees, they may not be able to respond to an emergency as quickly as they currently do. Mr. Brigman stated that the department would still be maintaining a 40 minute response time – that condition would remain in place, as well as a guarantee of at least five employees in Pineville at all times.

Mr. Bell also asked how this change would affect Pineville rates as they had the best rates in the area. Mr. Brigman replied that the town would still set electric rates and that Electricities projected no rate increases for the next four years. He added that the change would not add any costs to the town; there might actually be some cost savings though. Council Member Les Gladden added that we would still provide vehicles and equipment to the department and maintain ownership of them. Electricities also had a school which linemen could attend. Council had all read over the agreement and agreed that it was a win-win situation for all. The transition would be effective beginning April 7th. Council Member Les Gladden moved to accept the agreement and move forward with the change. Council Member Chris McDonough seconded the motion and there were ayes by all and the agreement was approved.

- G. Budget Amendment – (Haynes Brigman)** Manager Brigman explained that at the end of each year, there were usually some changes that needed to be made to the budget that weren't originally expected. He reviewed each of these changes with Council and accounted for them in the budget amendment that was presented in their packets. Council Member Chris McDonough moved to approve the amendments with Council Member Les Gladden seconding the motion. There were ayes by all and the budget amendment passed.
- H. Staff Update: 1) Manager's Report –** Mr. Brigman provided an update on the Cone Mill. The removal of chemicals was expected to be completed by the end of the week. There was nothing unexpected with that part of the project. The next step would be the removal of asbestos. Three contractors had been contacted to quote the job. Duke owns the old substation and any removal of asbestos would be on them. However, the transformers there and the generator behind the Dover Street house would need to be inspected and analyzed. It could take anywhere between 18 to 36 months to get the transmission point moved but Electricities was helping us with the clean-up of that area.

Mr. Brigman also noted that 16 town streets were slated to be paved by the end of the fiscal year. Paving would begin in May and take about 3 to 4 weeks to complete all 16 streets. We would be reaching out to Charlotte Water to adjust

the water valves and street manholes. Mayor Pro Tem David Phillips remarked that it looked as though they were getting ready to redo the paving on Boatwright and Fisher Roads to begin March 14th and asked that they try to coordinate Fisher/Boatwright at the same time.

Park and Recreation Director, Kristy Detwiler, spoke on behalf of a Park Board Member. The member wanted the town to start recognizing centenarians in town – maybe have cake, ask them for tips on staying healthy or invite them to the town's Health and Wellness Fair.

- I. **Change in the B3 District** (*requested to be added by Les Gladden*) – Council Member Les Gladden stated that regulations were put in place to prevent car dealerships from coming down Polk Street and closer to the downtown area. Now that the overlay district regulations were in place, he thought maybe it was time to relax the restrictions in the B3 district – loosen up related uses, etc. After some discussion, the consensus of council was to bring some language back to council at next month's meeting. Council Member Debbie Fowler asked if it had to go through the Planning Board to which Mr. Brigman replied that a Joint Public Hearing would have to be held with the Planning Board and that it should be scheduled for April. Mayor Pro Tem Phillips moved to set the Public Hearing for April 12th with Council Member McDonough seconding the motion. There were ayes by all to set a Joint Public Hearing for April 12, 2016.

ADJOURNMENT

A motion was made by Mayor Pro Tem David Phillips and seconded by Council Member Debbie Fowler to adjourn the meeting. There were ayes by all and the meeting adjourned at 9:02 p.m.

ATTEST:

Barbara Monticello
Barbara Monticello, Town Clerk

Jack Edwards
Mayor, Jack Edwards