



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
OCTOBER 11, 2011**

The Town Council of the Town of Pineville met in regular session on Tuesday, October 11, 2011 at 6:30 p.m. at The Hut Meeting Facility in Pineville.

ATTENDANCE

Mayor: George C. Fowler
Mayor Pro-Tem: David Phillips
Town Council Members: Libby Boatwright, Debbie Fowler and Jim Eschert
Town Administrator: Mike Rose
Zoning Administrator: Kevin Icard was absent
Town Planner: Travis Morgan was absent
Town Clerk: Barbara Monticello

CALL TO ORDER

Mayor Fowler called the meeting to order at 6:34 p.m. and welcomed those in attendance. Town Administrator, Mike Rose invited anyone wishing to speak on an agenda item to sign the speaker list.

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was lead by Mayor Pro Tem David Phillips.

MOMENT OF SILENCE

Mayor Fowler called upon Captain Bill Connell to give a status on the condition of ex-Pineville police officer, Dan Martin, who suffered a massive heart attack. Captain Connell reported that Mr. Martin had made a remarkable recovery in a very short amount of time and had even stopped by the police department for a visit.

Mayor Fowler then called for a moment of silence for the following individuals: Council Member Jim Eschert's sister who has been very ill was improving and his friend, Robert Byrum, who recently underwent a heart transplant, was out of the hospital; Mecklenburg County Board of Commissioner's chair, Jennifer Roberts' mother (passed); town employee, Cliff Hunt (health declining) and Dane Curtsinger (improving).

ORDER OF BUSINESS

ADOPTION OF THE AGENDA

There being no changes to the agenda, Mayor Pro Tem David Phillips moved to adopt the agenda with Council Member Libby Boatwright seconding the motion. There were ayes by all to approve the agenda as is.

Approval of Minutes for the Regular and Executive Session Meetings of September 13, 2011: Mayor Fowler called for a motion on the minutes from the Regular and Executive Session Meetings of September 13, 2011. Council Member Debbie Fowler moved to approve both sets of minutes with Council Member Eschert seconding the motion. There were ayes by all to adopt the minutes as is.

Adoption of the Consent Agenda: *The following items are included: a) Proclamation for Community Planning Month; b) Tax Refunds for Hungry Howie's and Adams Outdoor Advertising; c) Set Public Hearing Date for November (CUP-2011-01).* It was the consensus of Council that since the November Council Meeting fell on Election Day, the next Council Meeting and Public Hearing be changed to November 15th. A motion was made by Council Member Boatwright and seconded by Council Member Fowler to approve the Consent Agenda as is, along with the change in date of the next Council Meeting. There were ayes by all.

OLD BUSINESS:

None

NEW BUSINESS:

- A. K-9 Program Update** – *Police Department staff will be present to discuss a proposal for the implementation of a K-9 program.*

Pineville Police Chief, Rob Merchant, stated that Pineville had a K-9 Unit many years ago and wanted to start another one for the last 7 or 8 years. He stated it would be a great Public Relations tool. K-9 Units have played an important part in locating missing children and seniors and instrumental in assisting officers in searching and tracking suspects. They are also able to clear a building and help secure perimeters quickly. He stated that Officer Bradshaw had been selected to be the dog's handler because he had been trained and is a certified handler who has worked extensively with canines in other positions he's held in the past. Chief Merchant noted that it would cost about \$20,000-21,000 to get the program started because of the training involved, which would require lodging and meals for the officer. There is also a lot of special equipment needed, as well as a vehicle, food, and vet care for the dog. However, he added, a local vet has offered to pay for any expenses the dog incurs with the exception of the initial visit.

Officer Bradshaw was also in attendance to answer questions raised by Council. Council Member Eschert wanted to know where the animal would be housed and if it would be kept inside or outside. Officer Bradshaw stated that the dog would become part of his family and be kept inside with them. Council was also concerned if the dog turned out to be aggressive. Officer Bradshaw stated that part of the training and handling includes the screening process. The vendor stands behind his dogs which come with a two year warranty in addition to being fully screened. If the town was not happy with its performance, the vendor would replace the dog.

Mayor Pro Tem Phillips wanted to know what shift the dog would be working. Chief Merchant hadn't made any definite decisions but thought it would be 10 hour shifts with

four days on and four days off, rotated throughout all the squads. There were several additional questions from Council regarding the daily training and grooming the handler would have to deal with, whether the dog would be sworn, whether it would train with the SWAT team, insurance on the dog, and the type of vehicle the department would need to accommodate it. Chief Merchant responded that the handler would be compensated for any overtime he worked training and/or grooming the dog which equated to roughly 30 minutes per day. Officer Bradshaw indicated that the dog would be a sworn police dog and that it would be trained to work with the SWAT team. Chief Merchant added that insurance would be carried on the dog and that a Tahoe was being considered for transportation. He pointed out that the Towns of Matthews and Mint Hill, along with the CMPD, all currently had K-9 Units and with the new police facility almost completed, the time was right to start our own K-9 Unit.

There being no further questions or comments, Council Member Boatwright moved to approve the K-9 Unit with Mayor Pro Tem Phillips seconding the motion. There were ayes by all to approve the K-9 Unit.

B. Concealed Handgun Ordinance – *Staff will provide an update of S.L. 2011-268, the omnibus gun rights bill as it pertains to municipalities' authority to regulate guns in parks..*

Town Administrator, Mike Rose, wanted to make Council aware of a recent law regarding firearms in parks. The town's code currently prohibits firearms in parks but Session Law now allows for concealed firearms in parks. He read sections of the new law to Council but added that municipalities could adopt an ordinance to prohibit carrying concealed weapons only in the following areas: "a playground, an athletic field, a swimming pool, and an athletic facility."

Council Member Boatwright asked about Lake Park. Mr. Rose replied that he had already checked with the town's attorney who advised that the town would not be able to ban permitted individuals from carrying concealed firearms who happened to be walking around the lake or sitting in the park but could ban them in the playground and athletic field areas. Mayor Pro Tem Phillips asked why the town couldn't control firearms under its local ordinance since it was town-owned property and if the ordinance had to be posted in the park. Mr. Rose pointed out that the term "unit of government" included towns and that the ordinance did have to be posted.

Discussion continued regarding the safety of children and families. It was pointed out that even though parks are often family-oriented facilities, crime rates in secluded greenway areas are high and that people have the right to protect themselves when in these areas. The concern was that if someone became hostile, they might start shooting at people in the stands at Jack Hughes Park. Staff was in need of direction to develop a revised ordinance to be consistent with state law while maintaining a safe environment for families. Council directed staff to revise the ordinance to ban concealed weapons where the state allows us to. Mr. Rose stated that something would be put together to present to Council at its November meeting since the new law actually goes into effect December 1st.

C. Sidewalks on South Polk Street – Consideration of the Town participating in addition of sidewalks along South Polk Street.

Mr. Rose reminded Council that about two years ago, the Towne Center (Food Lion) was required to make improvements along their section of the road to include sidewalks and trees but because Charlotte-Mecklenburg Utilities was planning for major work in that area, the requirement was postponed until the work was completed. Staff later confirmed that the project was no longer scheduled to take place and notified the developer about fulfilling their requirements.

In reviewing their plans, staff identified the potential to extend the sidewalk approximately another 60 feet beyond where the developer was required to make improvements. Additionally, a small portion of the sidewalk at Lowry Street could be extended, allowing for a pedestrian crosswalk at the intersection of Lowry and South Polk Streets. Staff discussed this with the contractor, who provided an estimate of \$9,000-10,000 to complete this work at the same time as the original project. The cost for this portion of the work would be paid for by the Town utilizing Powell Bill funds. The scope of the work would include grading and removal, 5' concrete sidewalks (including a 10' stretch across the street) and 2 ADA ramps at both corners.

Mayor Pro Tem Phillips noted it was a good time to do the project but added that if the project exceeded the \$10,000, he would like staff to bring it back before Council. Mayor Fowler requested Mr. Rose email Council the final cost once it had been determined. Hearing no further comments or questions, Council Member Boatwright moved to proceed with the sidewalk project, not to exceed \$10,000 with the final cost to be sent to Council. Motion was seconded by Council Member Fowler and there were ayes by all.

D. Staff Updates – 1) Calendar of Events.

Mr. Rose reviewed the upcoming events reminding Council of the Historic Blast from the Past Preservation Excellence Award ceremony on October 12th and Fallfest on October 14th and 15th.

Two other issues were noted: curbing along Polk Street and Dorman Road was beginning to deteriorate and would be discussed with Barry Moose of NCDOT and candidate's campaign signs were being taken. Mr. Rose advised that the police department was aware of it and monitoring the situation as much as possible.

ADJOURNMENT

At 7:24 p.m. a motion was made by Council Member Boatwright and seconded by Council Member Fowler to adjourn the meeting. There were ayes by all.

Attest:


Barbara Monticello, Town Clerk


George C. Fowler, Mayor