



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, JUNE 12, 2012**

The Town Council of the Town of Pineville met in regular session on Tuesday, June 12, 2012 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: Debbie Fowler, Melissa Davis and Les Gladden
Town Administrator: Mike Rose
Planning Director: Kevin Icard
Town Planner: Travis Morgan
Town Clerk: Barbara Monticello

CALL TO ORDER

Mayor Fowler called the meeting to order at 6:30 p.m. and welcomed those in attendance. Those wishing to speak on an agenda item were invited to sign the speaker list.

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was lead by Council Member, Debbie Fowler.

MOMENT OF SILENCE

Mayor Fowler called for a moment of silence for the following individuals: town employee, Hub Cranford (hospitalized); Jack Lee's Mother, Jessie (passed); Bill Crump (passed); and town employee, Karen Bennett, who was back at work after being hospitalized.

ORDER OF BUSINESS

Adoption of the Agenda:

There was one addition to the agenda, which was an addition of a proclamation to the Consent Agenda. Council Member Debbie Fowler moved to adopt the amended agenda with Council Member Les Gladden seconding the motion. There were ayes by all to approve the agenda with the addition.

Approval of Minutes for the May 8, 2012 Regular Council Meeting and Budget Workshop of May 16, 2012:

Mayor Fowler called for a motion on two sets of minutes from the Regular Council Meeting of May 8th and the Budget Workshop of May 16th. Town Administrator, Mike Rose, noted that the Budget Workshop Minutes were not yet available but would be by the next council meeting. Council Member Les Gladden moved to approve the minutes from May 8th as is. Council Member Melissa Davis seconded the motion and there were ayes by all to adopt the minutes as is.

Adoption of the Consent Agenda: The following items are included: a) *Tax Refunds*; b) *Proclamation Designating July as Park and Recreation Month*; c) *set public hearings*; and d) *Proclamation Celebrating 104th Birthday of Hattie Horne*. There being no changes to the Consent Agenda, a motion was made by Council Member Debbie Fowler and seconded by Mayor Pro Tem David Phillips to approve the Consent Agenda as is. There were ayes by all.

OLD BUSINESS:

None

NEW BUSINESS:

A. Public Hearing – FY 2012-13 Town Budget – Review and discuss proposed budget. At 6:35 p.m. Council Member Debbie Fowler moved to open the Public Hearing which was seconded by council Member Melissa Davis. There were ayes by all to open the Public Hearing. Town Administrator, Mike Rose, stated that Council had met last month at a workshop to discuss the budget which he was presenting to them. He stated it was a balanced budget with no increase in taxes recommended. He did indicate, however, that the budget reflected a 5% increase in electric rates. There were also some capital items included with the budget such as police vehicles that needed to be replaced, but overall it was a conservative but sound budget. Mayor Fowler stated that Council Members still had concerns with the budget and requested more time to review and discuss it. Mr. Rose suggested they agree on one or two dates during the last week of June to discuss it and then take a vote. The consensus was to schedule time on both June 26th and 27th at 6:00 p.m. If they did not finish their discussion on the 26th, they would meet again on the 27th to finalize it. Council Member Debbie Fowler moved to set the meetings for June 26th and 27th at the Hut (later changed to the Pineville Telephone/Electric Bldg.). Mayor Pro Tem Phillips seconded the motion. There were ayes by all. Mayor Pro Tem Phillips then moved to close the public hearing at 6:37 p.m. which was seconded by Council Member Gladden. There were ayes by all.

- B. Budget Amendments:** – *Review and take action on proposed budget amendments for FY2011-2012.* Council Member Fowler noted two corrections to the Budget Amendments for FY2011-2012: The title should read: "Telephone Funds" in lieu of "General Funds" and the amount in the "To" column under Non-Reg Operating Revenue should read "\$340,000" in lieu of "\$350,000". Council Member Les Gladden moved to approve the Budget Amendment with the changes with Mayor Pro Tem Phillips seconding the motion. There were ayes by all.
- C. Tax Rate/Electric Rates:** *Set tax rate for FY2012-2013 at \$0.32 per \$100 valuation and amend Electric Rate Schedule.* Mr. Rose noted that without the Budget getting approved, there was no point in setting either the tax rate or the electric rates until the issues with the budget were resolved. This item will be deferred until June 26/27th.
- D. Ordinance No. 2012-03** – *An ordinance amending the business license regulations.* Mr. Rose advised Council that Ann Wilson, Finance Director, was available to discuss Ordinance No. 2012-03 regarding business license changes. Ms. Wilson explained that the Business License Ordinance was being amended to coordinate with state statutes and to update our fees accordingly. The biggest change, she noted, was to restaurants which could only be charged \$5.00 if they had less than five seats. If they had 5 or more seats, they would be charged a flat fee of \$85.00 and that would be the maximum they could be charged. Ms Wilson also explained that there were two schedules of fees: businesses specifically listed on Schedule B pay the amount shown on the schedule; all others fall under Schedule A which uses a calculation based on gross receipts to determine the actual fee. Hearing no further comments, Mayor Pro Tem Phillips moved to approve the amended business license ordinance which was seconded by Council Member Davis. There

were ayes by all in favor of approval.

- E. Budget Ordinance** – *Adopt the FY2012-2013 Budget and corresponding Budget Ordinance.* Mr. Rose again stated that this item would have to be presented at the meeting scheduled for June 26th/27th.
- F. Request to Modify Storm Water Detention Requirements** – *Representatives for CMS are requesting a modification to the underground detention requirement for the Pineville Elementary School development site.* Planning and Zoning Director, Kevin Icard, stated that Pineville Elementary School was currently under construction and that they had a closed detention requirement to store water on-site. The school had contacted Mr. Icard in April and he, along with Public Works Staff and Mecklenburg County Stormwater representatives, met to assess the situation. A letter was sent to Brian Cannella stating that Pineville staff did not agree with the open retention area. Because this falls under the town's Overlay District requirements, an appeal is being made to the Town Council. He then turned the floor over to Kevin Gorman and Brian Canella of Site Solutions.

Both gentlemen introduced themselves stating they were with Site Solutions. They noted that the school was designed back in 2008 or 2009 at which time they did agree to close the retention ponds but have since experienced problems with the closed ones and were requesting a waiver to do a wetland type system instead. The underground detention system was very costly to maintain because the clay soil tends to clog the soil media which they estimated would need to be totally replaced in 5 to 10 years.

They presented slides depicting the proposed storm water wetland stating it would be decorative, a better fit for the property and provide the best water quality. Maintenance has changed over the years regarding water retention/detention and CMS will have dedicated, trained staff taking care of these types of areas.

Council Members voiced their concerns about CMS keeping the area maintained when the town has had trouble in the past with them not even cutting the grass. Council was also concerned about the wetlands attracting mosquitoes but Site Solutions representatives stated that it was a misconception; that wetlands actually attract dragonflies that eat mosquitoes. Council Member Davis was concerned that it would be a safety issue with the children at the school. Site Solutions stated that it would actually be educational for children to learn about wetland conservation. They compared it to being no more a safety hazard than the town's own lake at Lake Park. Mayor Fowler wanted to know if it was a cost issue that was driving the request for the change but Site Solutions stated it would probably cost more to maintain the open detention area because contractors were required to maintain them for up to a year after construction was completed.

The discussion continued with the focus on ensuring that CMS maintain the area. Council Member Les Gladden suggested the use of a bond that could be called in if the area was not maintained properly and regularly. Mr. Rose added that anything could be bonded if both sides agreed to it. CMS agreed to discuss the idea with its attorneys and come back at a later date with another presentation, hopefully with a bond and an agreement.

- G. CCAC Presentation** -- *Lee Baumgarten, Executive Director, ^{was on} will be on hand to discuss the past year and upcoming events with CCAC.* Mr. Baumgarten was given the floor to make his

presentation. He stated that the downtown core of Pineville had a lot of potential and that the last two years with the spring festival celebrating the opening of the Farmer's Market was proof of that. He was happy that the town was in favor of the event and stressed the importance of continuing to support the initiative. He noted that having music at the event was a big plus and was hoping for more support with music as well.

Mr. Baumgarten reviewed highlights from the past year, noting the amount of recognition the CCAC had received, along with several awards. Additionally, they have developed ties with all the local university art departments by delivering \$1,000 to each of them for their "Chalk it Up" performances during the Wells Fargo Community Celebration. He stressed the importance of continuing to work together and thanked the town for its support.

- H. **Ordinance Updates** – *Discussion of proposed changes to several ordinances.* Town Administrator, Mike Rose, noted that some of the town's ordinances dealing with code enforcement issues may need to have some tweaking but didn't want to make them too detailed yet detailed enough so there would be little room for judgment. Mayor Pro-Tem David Phillips stated that the majority of code enforcement ordinances have to be enforced with a common sense approach.

Mr. Rose agreed that a common sense approach was necessary but that the town would need an ordinance it would be comfortable with in case they were called on an item. He wanted to be sure that ordinances and the enforcement of them were consistent and that if they needed to be fixed, now would be the time to do them. Mr. Icard briefly highlighted some of the newer recommendations such as restricting the use of fences as clothes lines to dry clothes on and making sure that trash receptacles are not left out in front of homes. He stated that the ordinances would be cleaned up and brought back to the next Council Meeting and then presented formally to Council for adoption.

- I. Mr. Rose reviewed the upcoming events for the next couple of months and noted that the taped version of the Ethics Training Webinar was now available for viewing anytime between then and the end of October.

ADJOURNMENT

A motion was made by Council Member Melissa Davis and seconded by Council Member Debbie Fowler to adjourn the meeting at 8:57 p.m. There were ayes by all and the meeting was adjourned.

ATTEST:


Barbara Monticello, Town Clerk


George C. Fowler, Mayor