



**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
TUESDAY, AUGUST 14, 2012**

The Town Council of the Town of Pineville met in regular session on Tuesday, August 14, 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: Position is vacant at this time  
Planning Director: Travis Morgan  
Town Clerk: Barbara Monticello

**CALL TO ORDER**

Mayor Fowler called the meeting to order at 6:33 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, Melissa Davis.

**MOMENT OF SILENCE**

Mayor Fowler called for a moment of silence for the following individuals: Police Chief Rob Merchant's mother (recently diagnosed with cancer); and ex-town employee, Cliff Hunt (cancer progressing). A fundraising golf tournament was recently held to raise money for the family to pay for funeral expenses.

**ORDER OF BUSINESS**

**Adoption of the Agenda:**

There was one addition to the agenda: Resolution 2012-07, Terminating Payment of Employee's Family Health Coverage, which was added as item D under New Business. Council Member Debbie Fowler moved to adopt the amended agenda with Council Member Melissa Davis seconding the motion. There were ayes by all to approve the agenda with the addition.

**Approval of Minutes for the July 10, 2012 Regular Council Meeting and Executive Session:** Mayor Fowler called for a motion on the minutes from the Regular Council Meeting and Executive Session of July 10, 2012. Council Member Les Gladden moved to approve the minutes with Mayor Pro Tem David Phillips 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) a) *Tax Refunds*; b) *Tax Collector's Settlement for FY 2012*; c) *Order for Collection of Taxes*; d) *Resolution to Execute Charlotte-Mecklenburg Regional Housing Consortium for 2013, 14, and 15*; e) *Set Public Hearings*. There being no changes to **Section A** of the Consent Agenda, a motion was made by Mayor Pro Tem David Phillips and seconded by Council Member Debbie Fowler to approve **Section A** of the Consent Agenda as is. There were ayes by all.

**Section B** of the Consent Agenda included the following item: *Approval to move forward with the Mercer Group Agreement to search and recruit a new Town Manager.* At this point Mayor Fowler asked resident, Jim Eschert, to come forward as he signed up to speak. Mr. Eschert directed his questions to Council wanting to know who is running the town, how much the Mercer Group was being paid to recruit a new manager and how Mr. Morgan got promoted to Planning and Zoning Director. Council Member Melissa Davis responded that each department was designated a Council Liaison. Mr. Eschert stated it was a poor way to run the town and recommended that the town's attorney be present at the meetings to ensure they were being held correctly. Ms. Davis responded that they did not have much time or much of a choice since both Kevin Icard and Mike Rose resigned and were not fired. Mayor Fowler stated it was not the time for such a discussion and thanked Mr. Eschert for his comments.

Mayor Fowler explained that the Consent Agenda had been broken down into three sections: **A, B and C.** **Section A** had already been voted on and he was now calling for a vote on **Sections B and C.** Council Member Debbie Fowler moved to approve **Section B** of the Consent Agenda with Mayor Pro Tem David Phillips seconding the motion. There were ayes by all to approve **Section B.**

**Section C** of the Consent Agenda included the following item: *Approval to move forward with the promotion of Travis Morgan to Planning Director/Zoning Administrator with an annual salary of \$60,720.* Mayor Pro Tem David Phillips moved to approve the promotion and salary. Council Member Les Gladden seconded the motion. The vote was 3 in favor (Mayor Fowler, David Phillips and Les Gladden) and 2 against (Melissa Davis and Debbie Fowler). Motion to approve the promotion/salary passed 3-2.

#### **OLD BUSINESS:**

*None*

#### **NEW BUSINESS:**

- A. Purchase of 409 Park Ave.** - Planning Director, Travis Morgan, explained that the property located at 409 Park Avenue had been in foreclosure due to the death of the owner but was recently purchased by the Historic Landmarks Commission. The home was slated for demolition as determined by the Code Enforcement Inspector but Thomas White of 408 Park Ave. was interested in purchasing it. Mr. White had expressed his interest in purchasing the property in a letter to the Town requesting that the demolition order be rescinded. The purchase was pending the decision of Council to allow Mr. White a total of 18 months to bring the property up to code and into compliance. Both Council Members Melissa Davis and Les Gladden were in favor of Mr. White redoing the home but wanted to see substantial progress on the outside of the property first and suggested that it be pressured washed as soon as possible. Mr. Thomas indicated he would clean up the outside first and if he could not bring it up to compliance in 18 months, he would be out the money he paid for it.

Mayor Pro Tem David Phillips was upset how the HLC purchased the property and did not pay the lien that was associated with the property. The town lost out on the money it put into maintaining the property until the HLC purchased it. Mr. Morgan noted that the lien on the property was not caught and someone did not do a lien search on the property but he indicated that the HLC was aware that the town was upset over it. Council Member Les Gladden moved to approve rescinding the demolition order and allowing Mr. White a total of 18 months to bring the property into compliance. Mayor Pro Tem Phillips seconded the motion and there were ayes by all.

- B. Resolution Appointing a Designee to Sign ABC Opinion Forms per GS 18B-904** – Town Clerk, Barbara Monticello, stated that with the departure of the Town Administrator, it was necessary to designate someone the authority to sign off on ABC Opinion Forms. Law required this to be done by resolution, as the name of the authorized individual is kept on file at the Alcoholic Beverage Control Commission office in Raleigh. Only that individual or the person in the position named is permitted to sign the form. She did not care who was designated as long as that individual was in the office so she didn't have to spend a lot of time tracking someone down to sign a form. After a brief discussion, Council Member Les Gladden moved to appoint the Planning Director (currently Travis Morgan) as the individual responsible for signing the forms. Council Member Debbie Fowler seconded the motion and there were ayes by all.
- C. Resolution in Support of the NCDOT Draining Project along NC51 through the Center of Town** – Planning Director, Travis Morgan, explained that the NCDOT had completed a study indicating that the storm drains along the center of town on NC51 were not sufficient to accommodate a heavy rainfall and was contributing to the problem of flooding in the area. Recognizing the problem, they have now agreed to correct it with the installation of new pipes and more storm water drains. They will also pay for the project but in order to get the funding they need to begin the project, they need a resolution in support of the project along with documentation such as letters, photos, etc. showing the need to correct the recurring flooding. He noted that staff was in favor of the project to alleviate the flooding issues but was concerned because the town recently renovated the sidewalks and NCDOT will just patch the work they do. Most of the work will be in the Right-of-Ways but adding an additional nine storm drains nearly doubles the amount that is there now. Mr. Morgan was not sure when the project was supposed to begin but would try to avoid the work being done during the time of major holidays or cold weather. Mayor Pro Tem Phillips moved to approve Resolution No. 2012-06 in favor of the project with Council Member Debbie Fowler seconding the motion. There were ayes by all.
- D. Resolution No. 2012-07 Terminating Payment of Employees' Family Health Insurance** -- Mayor Fowler remarked that there was a resolution on the table for consideration regarding an insurance matter that was voted on many years ago. Mayor Pro Tem David Phillips stated that he had just received the information earlier and moved to table the resolution until next month to allow him more time to research it. Council Member Les Gladden was also in favor of tabling the item until next month. Both Council Members Melissa Davis and Debbie Fowler were not in favor of tabling the item. Since the vote was split, 2 in favor and 2 not in favor of tabling, Mayor Fowler was called upon to break the tie. Mayor Fowler voted in favor of tabling the resolution until next month. Motion passed 3-2 to table the resolution.
- E. Discuss Issue of Department Heads being required to Live Inside Town Limits** – Mayor Fowler called Pat Larocca to the podium who had signed up to speak on this matter. Ms. LaRocca stated that she supported the Mercer Group in recruiting a new town administrator but she recommended they not put the requirement in to live in town because it limits the pool of talent from which to choose and is an outdated condition for employment. She thanked Council for allowing her the time to speak.

Council Member Melissa Davis stated that she personally would like to see Department Heads live in town. She noted that some employment advertisements published in the League's newsletter required the candidate to live in or have the ability to move to the town. She would prefer that the advertisements state that it is "required" to live in town but would settle for the ads stating "preferred" to be from town or move to town within a reasonable time. Mayor Fowler stated that it would be unreasonable to make it a requirement as some people would stand to lose as much as \$100,000 on the sale of their homes. He wanted to be clear that it was the best candidate with the best qualifications that they wanted for the town.

Ms. Davis stated that the Town Administrator really needed to live in Town as well as the Public Works Supervisor so that person could be available should something happen. If an employee lived in town they would likely have more of a vested interest in the town than someone that didn't. Mayor Pro Tem Phillips stated that he tended to lean that way, too, but the bottom line was that they wanted the best person for the job and if it came down to two equal candidates and one was willing to move to town and the other not, the one willing to move to town would be the best candidate. He, too, believed the Public Works Director should live in town but being too friendly with the residents would not be a good idea either. Mayor Fowler reminded the group that a motion was needed to make it official. Council Member Gladden asked for clarification if the motion was just for Department Heads or for all future positions to which Council Member Davis responded, "all positions". It was agreed that qualifications were what they wanted first with a preference to live in town but not mandatory. Council Member Davis moved to have all future job advertisement read that it is "preferred but not required" that the candidate live in town. Council Member Debbie Fowler seconded the motion and there were ayes by all.

**F. Staff Updates** – 1) *Update on Downtown Development (Barbara Monticello)*; 2) *Set date for Ethics Webinar*; 3) *Calendar of Events*. Town Clerk, Barbara Monticello, was discouraged by the comments stated earlier. She did not agree that just because an individual lived outside the town they worked for did not mean they did not have as much interest in what happened in the town as someone that did. She had initiated interest in the economic development of the downtown area and wanted to be more involved with it even though she did not live in town. She stated there were two organizations that could provide assistance to the town in its efforts to increase economic development along Main Street: one was the Council of Governments (COG) and the other was the NC Downtown Development Association. Since the town was already a member of COG, we would most likely get reduced rates on whatever assistance they could provide to us but in order to determine the scope of the project and the fees involved, it would be necessary to meet with them. The NCCDA deals only in downtown development and provided specific information and fees associated with their program. Ms. Monticello was looking for approval to move forward with one of these organizations but cautioned that without a town administrator, it may not be the best time to go full-swing into the project. Council Member Les Gladden motioned to move forward with the program as far as we can until such time that we are in a better position to take on the project. Council Member Melissa Davis seconded the motion and there were ayes by all.

Ms. Monticello reminded the Council that the deadline to take the Ethics Training was approaching quickly and Council would need to settle on a date soon. Council Members would check their schedules and let the clerk know when to schedule the training. Mayor Fowler reminded the Council that James Mercer of the Mercer Group would be meeting with each of them on August 15<sup>th</sup> regarding the recruitment of a new town administrator.

#### ADJOURNMENT

A motion was made by Mayor Pro Tem David Phillips and seconded by Council Member Les Gladden to adjourn the meeting at 7:39 p.m. There were ayes by all and the meeting was adjourned.

ATTEST:

  
Barbara Monticello, Town Clerk

  
George C. Fowler, Mayor