



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, OCTOBER 9, 2012**

The Town Council of the Town of Pineville met in regular session on Tuesday, October 9,, 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 and Melissa Davis. Les Gladden was absent.

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 Mayor Pro Tem David Phillips.

MOMENT OF SILENCE

Mayor Fowler called for a moment of silence for the following individuals: Cliff Hunt, former employee of the town (recently passed); Police Chief Rob Merchant's mother (recent surgery and currently undergoing chemo); Captain Bill Connell (returned to work after recent surgery); and Officer Josh Harb (surgery).

ORDER OF BUSINESS

Adoption of the Agenda:

Mayor Fowler stated that along with the revisions that were already noted on the agenda, he also wanted to add a real estate item to the Executive Session in addition to the personnel item already listed. Council Member Debbie Fowler moved to approve the agenda with the change. Mayor Pro Tem Phillips seconded the motion and there were ayes by all to adopt the agenda with the change.

Approval of Minutes for the Regular & Executive Session Meetings of September 11, 2012 : Mayor Fowler called for a motion on the minutes from the Regular Council Meeting of September 11, 2012. However, minutes from the Executive Session that followed have not been made available (clerk not in attendance). Council Member Melissa Davis noted a correction needed to the spelling of a last name under the MOMENT OF SILENCE section of the minutes. Council Member Debbie Fowler moved to approve the regular session minutes with the correction noted and Council Member Melissa Davis seconded the motion. There were ayes by all to adopt the regular session minutes with the correction of the spelling of the name, McGee.

Special Recognition:

- A. *Proclamation Declaring October as National Domestic Violence Awareness Month.*** Mayor Fowler introduced Mr. Bill Coy of United Family Services who was present to speak briefly about domestic violence.

He stated that currently there were only 29 beds available for victims of abuse but in December an 80-bed facility would be opening. United Family Service representatives were traveling to each of the communities to collect proclamations in support of the efforts to make the public more aware of the problem of domestic violence in our society. He thanked Council for their support.

- B. *Connie Green-Johnson, Candidate for County Commissioner, District 6.*** Mayor Fowler introduced Dr. Hal Markowitz who was in attendance to speak on behalf of Connie Green-Johnson who was attending a Lions Club Meeting in Mint Hill. Dr. Markowitz stated that Ms. Green-Johnson was in support of three main issues: to be fiscally conservative, support health and human services and achieve quality education. With 160,000 people in district 6, it is the most conservative of all the districts. Ms. Green-Johnson considers herself to be a conservative democrat.

Consent Agenda: The following items were included: *a) Multiple tax refunds; b) Budget Amendment (JAG Grant); c) Approval of New Records Retention Schedule (Resolution No. 2012-08); d) Approval of Salary Ranges; e) Set Public Hearing (Nov.13, 2012).* Mayor Fowler called for comments on the Consent Agenda. There being no comments, Council Member Debbie Fowler moved to approve the consent agenda as is, with Council Member Melissa Davis seconding the motion. There were ayes by all to approve the Consent Agenda as is.

OLD BUSINESS:

- A. *CONNECT Presentation*** - Approval of Memorandum of Understanding for Membership in the CONNECT Consortium and Appointment of Elected Official and Alternate and Senior Staff and Alternate to attend Consortium Meetings.

Mayor Fowler stated that Jennifer Roberts had been present at the last Council Meeting to present the CONNECT vision which includes a consortium of elected officials, planners and other senior staff that would meet periodically to discuss and plan for growth throughout the region. One of the biggest issues facing the area is sharing water resources. Council Member Debbie Fowler stated that she would be willing to serve as the elected official representing Pineville and Council Member Melissa Davis was willing to serve as alternate. Likewise, Planning Director, Travis Morgan will represent Pineville as senior staff. He will attend meetings as time permits and Town Clerk, Barbara Monticello will serve as the alternate should he be unable to attend.

There being no other comments, Council Member Debbie Fowler moved to approve the Memorandum of Understanding, along with the representatives and alternates chosen, seconded by Mayor Pro Tem David Phillips. There were ayes by all.

NEW BUSINES:

- A. *Approval of Bid for Paving Contract*** -- Review and Approve Bid Contract for Road Paving Project.

Mayor Pro Tem David Phillips stated that he and Council Member Gladden had discussed the two streets in the Traditions neighborhood, Juanita Drive and Marie Lane that are in need of repair. The two streets are not owned by the town and had not been taken over from the developer, Brad Bowman. However, since the streets are in need of repair and other streets in that area were on the list to be repaired, it would be wise to consider doing them at the same time. Blythe Construction was the low bidder at \$116,000.00 and since they came in lower than expected, it would be a good opportunity to have the two additional streets repaved. The question remained as to whether the town could even pave them since it hadn't technically taken them over. Council directed Planning Director, Travis Morgan, to explore the possibility of the town paving the two roads in the Traditions neighborhood.

Council Member Debbie Fowler moved to approve the bid by Blythe Construction for \$116,000 to pave Willow Ridge, Kettering, Johnston, Olive, Cone, James and Fisher streets. Council Member Melissa Davis seconded the motion and there were ayes by all.

B. New Business License Fees – Set Business License Fees for Electronic Sweepstakes as an Accessory Use Only and for Paid Parking Facilities Based on Fees Charged by Other Towns.

Planning Director, Travis Morgan presented a proposal to increase two business license fees. This does not change the Zoning Ordinance at all but was a proactive step to have the fees in place once the Zoning Ordinance is updated. He had done a comparison on what other towns were charging for similar categories. The two fees he was requesting consideration for were: the fee for paid parking lots is currently \$50 but he was proposing to change it to 5% of gross sales plus \$2,000 per location; the fee for a sweepstakes machine is currently only \$12 – \$25 but he was proposing to change it to \$1,000 per machine plus \$2,500 per location.

There was no discussion on the matter so Mayor Pro Tem Phillips moved to approve the fees for both. Council Member Debbie Fowler seconded the motion and there were ayes by all to approve both fees.

C. Outdoor Animal Permits – Approval of Outdoor Animal Permit and Associated Permit Fee.

Planning Director, Travis Morgan, explained that the town's language on its current animal ordinance just needed to be cleaned up a bit to strengthen and clarify it, as well as set a fee to allow outdoor animals. The permit was designed to be as simple as possible, yet reflect what the town code allows. The permit is good for three or more dogs or cats as well as outdoor animals. Wild animals of any sort are prohibited. A copy of the proposed permit form was attached to the information distributed to each Council Member and was good for one calendar year with a fee proposed of \$10.00.

Mayor Pro Tem Phillips stated he had received a call from a resident regarding the spot on his property where he proposed to locate a cage. He may have to move it further back in the yard, however, since the ordinance stated that it can *only* be in the back yard. Mr. Morgan also noted that the ordinance spelled out the number and type of animals allowed per acre and that the cages, coops or hutches must be kept clean and sanitary and were subject to inspections. There being no other comments or questions, Council Member Melissa Davis moved to approve the permit, fee and changes to the ordinance. Council Member Debbie Fowler seconded the motion. There were ayes by all.

D. Approval of Purchase of Police Vehicles -- Mayor Pro Tem Phillips apologized to the rest of Council for the misunderstanding that took place regarding two police vehicles that were purchased. He had failed to communicate to them that he approved the purchase of the two vehicles – a Ford Taurus and a Ford Explorer SUV – even though they had been approved in the budget back in June. He made the decision as liaison to the Police Department in the absence of a Town Administrator. Council Member Davis stated that she had some concerns regarding the SUV, particularly the gas and expenses that may be associated with it. She requested that any vehicle purchases be approved by all of Council before actually making the purchase. Council Member Fowler moved to approve the purchase of the vehicles, seconded by Mayor Pro Tem Phillips. There were ayes by all.

E. Staff Updates -- 1) Calendar of Events; 2) Local Transportation Planning Groups Under State Ethics Act.

Chief Merchant introduced the newest member of the Police Department, Michelle Neely, who was sworn in last Friday. Town Clerk, Barbara Monticello, reviewed the calendar of upcoming events with Council and noted that new legislation now requires any members of transportation planning boards to participate in ethics training that would be in addition to the regular ethics training that elected officials receive. This affected Mayor Fowler since he is a member of MUMPO. Clerk will provide Mayor with additional information.

Resident Mark Matthews of the Traditions Neighborhood was recognized by Mayor Fowler to speak. Mr. Matthews pointed out that the information that was being circulated concerning the recruitment of a new Town Administrator seemed to be inconsistent with what was voted on by the Council. The language on the recruiting material seemed to make it sound as though it were mandatory for the new person to live in town when in actuality the Council agreed that it was "preferred but not mandatory". Mayor Fowler reiterated the position of Council was to find the best person for the position. He thanked Mr. Matthews for his comments.

At 7:25 p.m., Mayor Fowler called for a break prior to the start of the Executive Session. In addition to a personnel item scheduled to be discussed at the Executive Session, Mayor Fowler asked that a real estate item also be added. The regular session of the Council Meeting ended, the clerk was excused and an Executive Session was held pursuant to NCGS 143-318.11(6) and (5).

Clerk was not present at the Executive Session and minutes of the Executive Session have not been made available.

ADJOURNMENT

ATTEST:


Barbara Monticello, Town Clerk


George C. Fowler, Mayor