



**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
TUESDAY, NOVEMBER 13, 2012**

The Town Council of the Town of Pineville met in regular session on Tuesday, November 13, 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: Les Gladden, Debbie Fowler and Melissa Davis

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 6:29 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 individual: Tammy Spruill who has cancer. A benefit to raise money for her will be held on Sunday, November 18<sup>th</sup>.

**ORDER OF BUSINESS**

**Adoption of the Agenda:**

Mayor Fowler stated that he wanted to add an Executive Session to the agenda for the purposes of discussing a personnel item per NCGS 143-318.11(6). Mayor Pro Tem Phillips moved to approve the change to the agenda to add the Executive Session. Mayor Pro Tem Phillips moved to approve the agenda with the change. Council Member Debbie Fowler 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 October 9, 2012 :** Mayor Fowler provided the group with a copy of the minutes from the Executive Session which were not previously available and called for a motion on both sets of minutes from October 9, 2012. Council Member Debbie Fowler moved to approve both sets of minutes with Council Member Melissa Davis seconding the motion. There were ayes by all to adopt the Regular and Executive session minutes.

**Special Recognition:**

- A. *Resolution in Support of Kilah's Law.*** Mayor Fowler introduced Patti Freeman, who had responded to the call for help regarding a child that had fallen. However, after examining the child's body, it was

determined that she had been severely beaten by her step-father, Kirby Davenport, and was 90% brain damaged. Ms. Freeman was in attendance to ask for support of Kilah's Law, which would make the punishment for such abuse much tougher than it currently is. If convicted, the abuser would get a sentence of 44-96 months in prison which is equivalent to the sentence for animal abuse and with good behavior, that individual could conceivably be released from prison after serving just 2 to 4 years. The new law proposes a sentence of 25 years to life. The "Justice for All" Coalition supports the proposed law and was looking for a total of 100 municipalities to approve the resolution in support of the law. If Pineville signed the resolution, it would be the 22<sup>nd</sup> municipality to support the proposed law. After reading the Resolution in Support of Kilah's Law, Council Member Les Gladden moved to approve it with Mayor Pro Tem Phillips seconded it. There were ayes by all in favor of passing the resolution.

- B. Community Partner of the Year/SAFE KIDS Award.** Mayor Fowler congratulated Kristy Detwiler and Jennifer Honaker on being awarded the **Community Partner of the Year/SAFE KIDS** award by the Safe Kids Charlotte-Mecklenburg General Coalition. Ms. Detwiler noted that through a grant from SAFE KIDS, Carolinas Medical Center and Pineville were able to partner together to provide aquatics training for 30 children.

**Consent Agenda:** The following items were included: a) *Mecklenburg County Tax Refunds*; b) *Budget Amendment*; c) *Ordinance No. 2012-05 Amending Business License Fee Schedule to Add Electronic Sweepstakes and Paid Parking Lot Fees as Previously Set*; d) *Amendment to Military Leave Section of Employee Handbook*; and e) *Set Public Hearing for December (none)*. Council Member Debbie Fowler asked about a discrepancy in the Business License fees that were discussed at the last Council Meeting. At the last meeting the fees were discussed as being 5% of the gross sales but the Ordinance now showed 6%. Planning Director, Travis Morgan, stated that he originally thought that 5% was the amount that business licenses were calculated at but had come to find out through the Finance Director that it was actually 6% that licenses were calculated at, and to be consistent with that, it had been changed to 6%. Council Member Les Gladden then moved to approve the consent agenda as is, with Mayor Pro Tem David Phillips seconding the motion. There were ayes by all to approve the Consent Agenda as is.

#### **OLD BUSINESS:**

None.

#### **NEW BUSINESS:**

- A. Public Hearing --** to Amend CUP for Mercedes Benz to allow for Additional Display Vehicles at Front of Building and Emblem Displayed on Tower.

Mayor Fowler stated that the hearing was quasi-judicial in nature and asked that anyone speaking at the hearing to come forward and be sworn in. Both Travis Morgan and John Fryday of Fryday and Doyme were sworn in. At 6:44 p.m. Council Member Debbie Fowler moved to open the Public Hearing with Council Member Melissa Davis seconding the motion. All were in favor and the hearing was opened.

Planning Director, Travis Morgan, stated that this was a request from Mercedes Benz to revise their CUP and that no new information could be presented after the hearing. There were two revisions being requested: the first was to amend the number of spaces in the front of the building permitted to display new vehicles for sale and second was to allow the Mercedes emblem to be displayed on the tower space. The applicant was seeking to increase the number of cars allowed for display out in front of the building from six to twelve. Mr. Morgan requested that the site plan be defined more to show two vehicles per parking space and more evenly dispersed. He recommended that the employee parking lot be relocated to the left-hand lot and be for customers and/or employees only. He explained that at

the time of building, the emblem was not allowed to be displayed where it was being proposed but that regulations had changed over time and it would now be permitted. Staff had no objection to it being displayed.

John Fryday of Fryday and Doyme Architects explained that his company was the original architect for the building. He stated that one of the biggest problem the Mercedes dealership was experiencing was that most people don't realize it's a car dealership because there are few cars out front and no logo to identify that it's a Mercedes dealership. Since the sign ordinance has changed, Mercedes has requested to add their logo to make it easier for people to identify with. Additionally, if they could double the amount of cars allowed in the front, more people would recognize that it was a dealership.

Council Member, Les Gladden stated that originally no parking was allowed in the front of the building and that Mercedes had claimed that they didn't need to display cars in front because the cars sold themselves. He remarked that an agreement had been signed between the town and Mercedes but Mercedes was not following the agreement and, yet, was still asking for more. He recommended that they meet with Travis Morgan to iron out landscaping and parking issues that still need to be addressed and understand that the town has given a lot to allow them to build here so they need to get on board with some things they need to come into compliance on before a decision will be made. Mayor Fowler added that a decision regarding cars out front and the signage would be decided at the next Council Meeting. At 6:58 p.m. Council Member Gladden moved to close the public hearing seconded by Mayor Pro Tem Phillips. All were in favor and the public hearing was closed.

- B. Recreational Needs Study - Presentation by Kristy Detwiler on a needs analysis for Pineville Parks and Recreation Department.** Parks and Recreation Director, Kristy Detwiler, stated that when the town had a Master Plan Study done, it did not include a Master Plan for the Parks and Recreation Department. A Master Plan is something needed in order to secure grant funding. On several grants that the department had applied for, it lost out on at least 20 points because we did not have a Master Plan in place for Parks and Recreation. To correct this issue, Kristy met with Tristan McMannis and Peter Tatge from ESP, who were present to review a proposal for a Needs Assessment which is needed before a Master Plan can be done.

Tristan McMannis introduced himself and explained the reasons why a Master Plan was important and a bit about the process which included an assessment which takes about 3 to 4 months to complete and then the actual Master Plan which takes an additional 2 to 3 months with the entire project taking just over six months to totally complete.

Discussion continued on why this had not been included with the original Master Plan study that had been done years ago, the cost of this project and whether or not it had been budgeted for. Council Member Gladden was the only one with a copy of the entire proposal and other Council Members wanted to see and read the proposal before deciding on it. Additionally, they wanted to know where the money would come from to fund the project. Ms. Detwiler explained that the proposal was too long to include in the packets so a summary of it was included but Council Member Davis said she wanted to read and understand the whole proposal before voting on it. Mayor Fowler stated that action on this item be delayed until the next Council Meeting.

- C. Discussion of Administrative Support Specialist/Receptionist Job Description/Duties.** Mayor Fowler asked Council whether the open position of Administrative Support Specialist/Receptionist should be filled now or at a later date. Council Member Les Gladden explained that he had met with

Department Heads to discuss what the job entailed and determined that the open position should be posted now as opposed to later and that the requirement of notary public be added to the job description. Other duties were discussed including Human Resources responsibilities which Council Member Gladden stated should be kept solely under the HR person. The rest of Council agreed that HR functions should be kept to HR only. Council Member Debbie Fowler stated that the posting should be done in accordance with the new salary ranges (\$26,624 – 37,265) but it was then suggested that salary be left open for negotiation. Council Member Davis moved to post the position internally, on the website and beyond just the town website, with Mayor Pro Tem David Phillips seconding the motion. There were ayes by all.

- D. Staff Updates:** 1) *Proposed Changes to the Floodplain Regulations (informational); and 2) Calendar of Events.* Planning Director, Travis Morgan, stated that changes were being proposed to the floodplain regulations. Pineville is growing and the flood levels are affected by this. In order to keep insurance rates low, FEMA is making changes -- revising flood maps and definitions. Once the changes are finalized by Mecklenburg County, they will officially be presented in the form of a text amendment to the Town Code so it can reflect the county's. This was just being presented as an informational item. The Grand Opening Celebration for the new Town Hall in Mint Hill was mentioned and any of the swings at the park that were tagged should be given back to the individuals who had paid for them. Council Member Les Gladden provided an update on some of the items he was overseeing: the contract for road improvements should be signed soon with work to begin around the beginning of December; the only vehicles that haven't had the new town logo put on them were the telephone vehicles as there was discussion about additional advertising to be done on them; and he had forgotten to ask Kristy Detwiler about two swings at the park that hadn't yet been replaced. Mayor Pro Tem David Phillips reported that he had a discussion with Chief Merchant about having a Council Member involved with the interview/hiring process.

At 8:12 p.m. Mayor Pro Tem David Phillips motioned to move out of regular session. Council Member Debbie Fowler seconded the motion and there were ayes by all. A short break was taken. At 8:30 p.m. Council Member Melissa Davis moved to enter into Executive Session with Council Member Les Gladden seconding the motion. There were ayes by all and Council entered Executive Session pursuant to NCGS 143-318.11(6).

Several personnel issues were discussed regarding: the Public Works Department; the Electric and Telephone Departments; take home vehicles; a Police Department matter; exempt vs. non-exempt status; overtime, on-call and vacation pay; and a payroll matter.

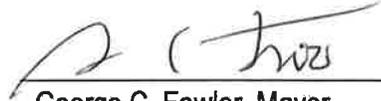
At 9:09 p.m. Mayor Pro Tem Phillips moved to exit the Executive Session. Motion was seconded by Council Member Fowler. There were ayes by all and the Executive Session was closed. At 9:10 p.m., Council Member Davis moved to go back into Regular Session with Council Member Fowler seconding the motion. There were ayes by all to enter back into Regular Session.

#### **ADJOURNMENT**

It was noted that Fred Godley, owner of Cone Mill, would be removing some auxiliary walls as he is seeking historical designation on his building to make his property more saleable. If anyone should happen to call and inquire about it that is what he is doing to the building. Council Member Gladden moved to adjourn the meeting at 9:15 p.m. which was seconded by Council Member Davis. There were ayes by all and the meeting was adjourned.

ATTEST:

  
Barbara Monticello, Town Clerk

  
George C. Fowler, Mayor