



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, JANUARY 8, 2013**

The Town Council of the Town of Pineville met in regular session on Tuesday, January 8, 2013 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

Planning Board Members: Jim Knowles, Tristan McMannis and Paul Sullivan. Jack Lee was absent.

Town Clerk: Barbara Monticello

CALL TO ORDER

Mayor Fowler called the meeting to order at 6:31 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 Les Gladden.

MOMENT OF SILENCE

Mayor Fowler called for a moment of silence for the following individuals: Pastor Jason Coley (passed); Pauline Faulkenberry (passed); Mayor Fowler's grandson, Chandler (hospitalized with pneumonia); and Mark Henderson (passed). Before moving on to other business, Sue Campana, who resides at the Cottages, commented on the Pineville Newsletter that some of the items presented in it are already over by the time residents receive it and she also asked that contact information for Council and Town Hall be included in it as well.

ORDER OF BUSINESS

Adoption of the Agenda:

Planning Director, Travis Morgan, noted that under Old Business, Mercedes Benz had once again requested a delay on the vote to amend their CUP. Council requested that Mr. Morgan convey to the applicant that the vote would not be delayed again and that a vote would be taken at the next Council Meeting in February. Council Member Debbie Fowler moved to adopt the agenda with the change. Council Member Les Gladden seconded the motion and there were ayes by all.

Approval of Minutes for the Regular & Executive Session Meetings of December 11, 2012: Mayor Fowler called for a motion on both the Regular and Executive Session Minutes. Mayor Pro Tem David Phillips moved to approve both the Regular and Executive Session minutes from December 11, 2012. There were ayes by all and the minutes were approved as is.

Consent Agenda:

The following items were included: *a) Annual Appointments; b) Budget Amendment; and c) Set Public Hearing for*

text amendment. Mayor Pro Tem David Phillips stated that he had spoken with Mark King about being on the Planning Board and that he was interested. He nominated Mr. King as a candidate for the Planning Board. Council Member Debbie Fowler noted that the budget amendment that was being presented had an error in it and needed to be corrected. Council Member Melissa Davis moved to approve the Consent Agenda with those changes. Council Member Les Gladden seconded the motion and there were ayes by all.

Joint Public Hearing:

Text Amendment Submitted by Mirsa 2 LLC – *Applicant was requesting to amend the definition of Recreation Center to allow for indoor soccer with additional outdoor sports facilities (excluding open outdoor storage) not to exceed the related indoor square footage and to allow for such use in the B-3 district.* Council Member Debbie Fowler moved to open the public hearing at 6:44 p.m. Mayor Pro Tem David Phillips seconded the motion and public hearing was opened. Planning Director, Travis Morgan, stated that an indoor sporting facility wanted to set up business on North Polk St. and he had worked on clarifying the definitions of a Health/Fitness facility, a recreational center and a recreational complex to help distinguish the difference between them all. The updated definitions were indicated in red in the handout inside the Council packets.

Greg Evangelist, representative for the applicant, spoke before Council. He stated the applicant wanted to establish an indoor soccer center for training and teaching special techniques. The facility would not be open to the public but interested parties would have to join as members. It would be available for both adults and kids and there may be times when the facility would be used for birthday parties for kids. The applicant was planning on up fitting the building as well as putting in high quality turf for a professional presentation. Mr. Evangelist also indicated that there may be some adult league play. Mr. Morgan stated that parking and all other zoning requirements would need to be met. He would need to review and approve the plans for the facility and the parking lot to ensure the proper flow of traffic as well as the correct number of parking spaces needed based on the square footage of the building. The soccer facility was only one of four tenants that would share the parking lot and there was concern that there would not be enough parking for all. Mr. Morgan responded that staff would work to ensure there would be plenty of parking for all tenants. Council Member Fowler moved to close the public hearing with Council Member Gladden seconding the motion. There were ayes by all and the public hearing was closed at 7:02 p.m.

OLD BUSINESS:

A. Mercedes Benz – Request to Amend CUP -- *Mercedes Benz requested a second delay of the vote until the February Council Meeting. Vote will be re-scheduled for the February 12, 2013 Council Meeting.*

NEW BUSINESS:

A. Discussion of Landlord Registration: *Discussion regarding the possibility of registering landlords similar to a recent enactment by the City of Charlotte.* Planning Director, Travis Morgan, stated that Charlotte recently updated their landlord ordinance so that every landlord must register their rental properties with the city. There is no fee to register but the 3 or 4% that are causing problems will have to pay a fine. Once they are registered, they will be provided a certificate that is to be posted at the clubhouse, office or in the living room window. If problems arise, landlords will have to set up a remedial action plan and the property will be monitored. Mr. Morgan continued, stating that there was no clear cut way outlined for enforcing the ordinance and that Charlotte was going to handle this on a case-by-case basis. Code Enforcement covers the civil issues and we use every option to contact homeowners. If there are problems at a

particular home, a lien is placed on the property. There are currently only two properties in town that are problematic and are being monitored closely.

Mayor Pro Tem Phillips acknowledged that he understood the ordinance was to target high crime areas but wanted to know if the ordinance pertained to loud music. Mr. Morgan stated that whatever triggered a call to the police would fall under this ordinance. Council Member Les Gladden stated that he would like to see the town have a requirement that landlords register and to fine those that don't. This triggered some discussion on who would be responsible for the registrations and what would happen to the homes that were problems. Mr. Morgan stated that he would have to work with the Pineville Police Department but that they would oversee the problems and follow the format that the City of Charlotte does. Our town code would need to be amended to enact such an ordinance, however.

Discussion continued with Police Chief Rob Merchant stating that the department already flags the residences that are problems. Dispatchers can access the owner database and contact the owners in the middle of the night if necessary. The landlords that don't register would be the problem ones because there would be no way to contact them. Mayor Fowler requested that Mr. Morgan meet with Police Chief Merchant to work out something to present to Council by the next Council Meeting.

B. Discussion and/or Action to Purchase Additional Police Weapons: *Discussion regarding the possibility of purchasing additional weapons for Pineville Police Department.* Council Member Les Gladden noted that with the recent news about possible future gun restrictions, the price of guns will increase considerably. He was concerned because the Pineville Police Department was in need of new guns and did not want to spend extra money for them. Delivery for new gun orders is running about 180 days out; he suggested to place the order for new guns now before a price increase occurs, budget for them during the upcoming budget cycle so the money would be there when the guns are actually delivered in 180 days.

Mayor Fowler asked the rest of Council if they were comfortable with that suggestion. They wanted to be assured that they did not have to pay for the guns up front. Chief Merchant stated that was correct. They could buy the guns now and pay for them later. Their current weapons were nine years old and there is newer technology now. Some models have lights on them now and most of the officers are favoring that type. Money received from drug busts could be used to fund the new weapons. Council Member Gladden stated that drug money came in and out of the department often and that the money could be used as things came up. He did not want to put restrictions on it as it makes it more difficult to use it if conditions are placed on it. However, since the Finance Director, Ann Wilson, got first notification when that money is received, he requested that she notify Council as soon as it comes in. Council Member Gladden moved to approve the request to replace police guns and place the order for news ones as soon as possible. Mayor Pro Tem Phillips seconded the motion and there were ayes by all to move forward.

Mayor Fowler called for a break at 7:35 p.m. before moving into Executive Session.

EXECUTIVE SESSION

At 7:50 p.m. Council Member Les Gladden moved to enter into Executive Session with Council Member Debbie Fowler seconding the motion. There were ayes by all and Council entered Executive Session. Several personnel issues were discussed at length in the Closed Session. At 10:50 p.m. Council Member Debbie Fowler moved to exit the Executive Session, seconded by Council Member Melissa Davis. There were ayes by all.

Council Member Fowler then moved to enter back into Regular Session with Council Member Gladden seconding the motion. There were ayes by all and Council entered back into Regular Session. Council Member Gladden stated that in regards to the Public Works and Parks and Recreation budgets, they were not out of money. Staff made it sound more desperate than it actually was. Because of the recent shift of some employees from Public Works to the Parks and Recreation Department, the clothing budgets got mixed up but has since been straightened out.

Council Member Gladden continued with his report noting that the cost of a permanent Christmas tree and some mulch would be about \$1500, not \$5,000. Mayor Pro Tem Phillips stated that Finance Director, Ann Wilson, had told

him that P-card expenditures were going through the roof. Council Member Gladden stated that Public Works was spending a lot more money on equipment but that they have needed this equipment for a long time. Additionally, there were A/C units at the Belle Johnston Center that needed to be replaced.

Lastly, Council directed the clerk to research the cost of filing cabinets with locks that will be located in the Mayor's office so that Council Members could store memos, notes and other information in the cabinets.

ADJOURNMENT

At 11:30 p.m., Council Member Debbie Fowler moved to adjourn the meeting with Council Member Melissa Davis seconding the motion. There were ayes by all and the meeting was adjourned.

ATTEST:


Barbara Monticello, Town Clerk


George C. Fowler, Mayor