



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, FEBRUARY 12, 2013**

The Town Council of the Town of Pineville met in regular session on Tuesday, February 12, 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, Paul Sullivan and Jack Lee.

Town Clerk: Barbara Monticello

CALL TO ORDER

Mayor Fowler called the meeting to order at 6:32 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 (revised)

Mayor Fowler called for a moment of silence for the following individuals: Bob McConnell (cancer); James Morris (passed) wife (ill); Margaret Sams (ill); Ms. Pearl Satterfield who just turned 103 years old was not doing well; Debbie Brown's dad (passed) and Cindy Stone Cope (passed).

ORDER OF BUSINESS

Adoption of the Agenda:

Council Member Debbie Fowler moved to adopt the agenda as is with Mayor Pro Tem Phillips seconding the motion. There were ayes by all to adopt the agenda as is.

Approval of Minutes for the Regular & Executive Session Meetings of January 8, 2013: Mayor Fowler called for a motion on both the Regular and Executive Session Minutes. Council Member Melissa Davis moved to approve both the Regular and Executive Session minutes from January 8, 2013. Council Member Fowler seconded the motion and there were ayes by all to approve the minutes as is.

Consent Agenda:

The following items were included: a) *Budget Amendment (NCDOT Project and Appropriation of Parks and Recreation Funds)*; b) *Resolution for Food Collection Day*; c) *Contract for Audit Services (Martin and Starnes)*; d) *Agreement to give David Phillips Check Signing Authority*; e) *Agreement to Employ US ISS Agency, LLC*; and f) *Set Public Hearings for Flood Plain Ordinance and Huntley Glen Sub Division*).

Council Member Les Gladden moved to approve the Consent Agenda as is. Council Member Debbie Fowler seconded the motion and there were ayes by all to approve the Consent Agenda as is.

Joint Public Hearing:

Text Amendment for proposed Auto Leasing in the B-3 District (TX2013-02) – *A request by Enterprise Rent-A-Car to separate auto leasing from auto sales and to revise auto leasing requirements in the B-3 Zoning District.* Council Member Debbie Fowler moved to open the public hearing at 6:36 p.m. Mayor Pro Tem David Phillips seconded the motion and public hearing was opened. Planning Director, Travis Morgan, stated that the applicant was seeking a text amendment to the Zoning Ordinance to separate vehicle leasing from other auto-related items.

Enterprise Rent-A-Car, who currently occupies space in Pineville, was looking to expand into a larger area along Polk St. One of the goals of the Planning Department, however, was to move away from vehicle sales along that road and bring more retail into the district. The site that Enterprise was considering was where the old 84 Lumber facility used to be. Since it was the town's intention to move away from this use, staff worked with the applicant to limit the number of properties that would be eligible for this use should any other applicant request it. The following additional restrictions were placed on the use:

- Only 5 cars can be displayed in front of the building (or side lot since it's a corner lot)
- A 15,000 pound weight limit on the vehicles that can be rented
- Applicant must comply with overlay district architectural requirements

Mr. Chas Poteat spoke on behalf of the Enterprise Corporation, stating that the largest truck they had was 14,000 pounds with some of their newer trucks at about 16,000 pounds which makes up about 20% of their fleet. Mr. Morgan clarified that the text change, if granted, would apply to any property in the B-3 Zoning District. Council Member Fowler asked if a Conditional Use Permit could be done to which Mr. Morgan replied that it could but that in the interest of time, it was being done as a use permitted by right requiring only the Planning Board's recommendation and Council's approval.

Council Member Les Gladden had several comments. He preferred to see this request as "conditional" as would Council Member Fowler. Without conditions placed on it, anyone could come in and do whatever. He wanted to be sure the applicant was aware of all the architectural requirements necessary to bring the property into compliance with the overlay district requirements. Council Member Fowler wanted to be sure that the back of the property would be screened since that is where the bulk of the vehicles would be stored.

At 6:52 p.m. Council Member Les Gladden moved to close the public hearing. Mayor Pro Tem David Phillips seconded the motion and there were ayes by all to close the hearing.

OLD BUSINESS:

A. Mercedes Benz – *Request to Amend CUP to allow for additional cars to be parked out front and to display the Mercedes emblem.* Planning Director, Travis Morgan, stated that Mr. John Fryday was present to answer questions if needed. Mercedes Benz was requesting an amendment to their CUP to allow for additional cars to be displayed in front of the building as well as allowing their emblem to be displayed. He added that all four findings of fact needed to be met in order for Council to approve the request.

C. Update on Proposed Ordinance for Landlord Registration: Planning Director, Travis Morgan, provided an update to Council on the possibility of instituting an ordinance for landlords to register their contact information similar to an ordinance that the City of Charlotte had done recently. He was working with Police Chief, Rob Merchant, on finalizing the details as they were trying to streamline the process for Pineville's needs. He should have something by next Council Meeting. A property would be considered a problem if three calls were made to the police department. Council Member Melissa Davis wanted to know if domestic calls were considered problem calls. Mr. Morgan stated that Charlotte did not include them and he did not think it would be a good idea to include them as they did not want to discourage people from calling the police when they were needed.

Council Member Gladden wanted all landlords that rented property to register whether calls were made to the police department or not. It would make it easier to track the owners down if they were needed. Mr. Morgan explained that it would create a lot more records to keep track of and it would be punishing all landlords for the offenses of a few bad ones but agreed to continue to work out a reasonable solution with Chief Merchant.

NEW BUSINES:

A. Discussion on Engineering Services for the Town -- Review Submitted Proposal. Mr. Morgan asked the Board to consider contracting for engineering services on an "as-needed" basis for large projects such as subdivisions. Mr. Brad Bowman, developer of the Traditions subdivision, has requested back bond money still being held on a final tract of land. Mr. Morgan added that he did not have the qualifications or experience to inspect the roads or storm drains to be sure they were constructed to code. Previously, Mecklenburg County was responsible for providing engineering services but is no longer going to provide the service. He had obtained and presented a proposal for certified engineering services from a third party which he asked Council to consider. Having a third party review the work would alleviate both himself and Public Works from making those determinations since they were not qualified to do it and would expedite the process of getting bonds released back to developers.

Council Member Gladden added that when the county was doing it, they released bonds back to the developer before the roads were even completed. He wanted to have our own engineer inspect the roads first especially with a development like Parkway Crossing.

Council Member Debbie Fowler moved to approve the engineering contract on an as-needed basis with Council Member Melissa Davis seconding the motion. There were ayes by all to approve the contract.

B. Staff Updates: (a) *Calendar of Events*; (b) *Town Hall Day*; and (c) *Filing Cabinet Update*. Town Clerk, Barbara Monticello informed Council that Town Hall Day would be held on March 27th. She provided an update on information she collected on filing cabinets for Council's use. Mayor Pro Tem Phillips stated he would rather have a 3-drawer filing cabinet than a 2-drawer one and Council Member Davis was in favor of getting basic, black cabinets with keys. Council Member Gladden gave an update on the progress of Pineville Market Days to be held in May. Mayor Fowler introduced two town employees: Tihisha Sharif of Human Resources and Stephanie Puzzo who was recently hired to cover the front desk at Town Hall.

Mayor Fowler called for a break at 7:59 p.m. before moving into Executive Session.

EXECUTIVE SESSION

At 8:18 p.m. Council Member Debbie Fowler moved to enter into Executive Session with Mayor Pro Tem Phillips seconding the motion. There were ayes by all and Council entered Executive Session. Human Resources Director, Tihisha Sharif, was present to discuss personnel issues occurring within the Pineville Police Department. These issues were discussed at length in the Closed Session. At 10:28 p.m. Council Member Debbie Fowler moved to exit the Executive Session, seconded by Council Member Les Gladden. There were ayes by all.

Council Member Fowler then moved to enter back into Regular Session with Mayor Pro Tem Phillips seconding the motion. There were ayes by all and Council entered back into Regular Session. Council Member Gladden informed Council on some storm water issues: one by Industrial Drive and the other by Paul Gross's property. The first would require a budget amendment; the second could be done in house. Mayor Fowler explained that there was no need to do a budget amendment as there was already money budgeted for storm water issues.

Mayor Fowler continued, stating he wanted preliminary budget information from Department Heads in early March. He wanted to get all of their capital requests first. He also did not feel that the budget was itemized enough. Council Member Gladden added that they were going to have to get serious about what to do with some of the town property that was just sitting vacant. Right now the police and fire departments were both utilizing the vacant houses on Dover Street for training purposes but Council would have to give serious consideration about what to do with all the properties.

ADJOURNMENT

At 10:54 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