



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, JANUARY 14, 2014**

The Town Council of the Town of Pineville met in regular session on Tuesday, January 14, 2014 at 6:30 p.m. at the Hut Meeting Facility in Pineville.

ATTENDANCE

Mayor: Jack Edwards

Mayor Pro-Tem: Melissa Davis

Town Council Members: Les Gladden, Debbie Fowler and David Phillips

Town Administrator: Haynes Brigman

Planning Director: Travis Morgan

Town Clerk: Barbara Monticello

Also present were Planning Board Members: Jim Knowles, Paul Sullivan, Jack Lee and Thomas White

CALL TO ORDER

Mayor Edwards called the meeting to order at 6:26 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 Edwards.

MOMENT OF SILENCE

Mayor Edwards called for a moment of silence for the following: Betty Crump (passed); employee, Jill Knox's mother, Gaynelle Crump (passed) and employee, Aaron Parks' wife's grandfather (passed). Council Member Gladden asked that we remember Jack Crump and the rest of the family and Mayor Edwards asked that we remember the troops overseas.

ORDER OF BUSINESS

Adoption of the Agenda:

Council Member Debbie Fowler motioned to adopt the agenda as is. Council Member David Phillips seconded the motion and there were ayes by all.

Approval of Minutes for the Regular Session of December 10, 2013: Mayor Edwards called for a motion on the Regular Minutes from December 10, 2013. Council Member Les Gladden moved to approve the minutes as is with Council Member David Phillips seconding the motion. There were ayes by all to approve the minutes as is.

Consent Agenda: The following items were included: a) *Financial Report Ending 12/31/13 (Mickey Hicks)*; b) *Approval of Tax Refunds (Karen Bennett)*; c) *Approve Budgeted Purchase of Van (Gary Creech)*; d) *Set Meeting Dates for 2014*; and e) *Approve Final Invoice for Paving Kenmore and Marine Drives*. Town Administrator, Haynes Brigman, asked that item "c" regarding the purchase of a vehicle be removed as there was some confusion regarding the budgeting of this item. Mayor Pro Tem Melissa Davis expressed concerns over the recent paving job and asked

that item "e", the invoice for payment, be withheld until the job is corrected. Mr. Brigman stated that the invoice had already been paid but that he would be in contact with the contractors to come back and correct the deficiencies. Ms. Davis asked that no further payments be issued to them for any work and that item "e" be removed from the Consent Agenda. Council Member Les Gladden stated that there was no more work for them to do because they had finished the project. Council Member David Phillips moved to approve the Consent Agenda with the removal of items "c & e". Mayor Pro Tem Davis seconded the motion and there were ayes by all.

JOINT PUBLIC HEARINGS:

A. Text Amendment for Tattoo & Piercing in the B-P District (Travis Morgan) - Motion was made and seconded to open the Public Hearing to hear a request for a tattoo & piercing shop to go into the B-P District. Planning and Zoning Director, Travis Morgan, stated that there were four areas in town zoned as B-P: Carolina Place Mall, the Food Lion plaza, Parkway Crossing and the backside of Carolina Crossing. The applicant already had several locations in malls throughout the Carolinas. Mr. Morgan had talked to the managers of the anchor stores at Carolina Place Mall to get their feedback on having a tattoo shop within the mall. All managers that he spoke with were fine with the idea.

On January 6, 2014, the informational meeting was held with the Planning Board. There was a lot of productive feedback generated from that meeting. Since this would be a new use in town, they needed to consider where the most apt place with the most regulations would be to locate the business. The Planning Board had indicated that the mall location would be the preferred location because it is specially regulated with defined hours. They wanted the business to be limited solely to the mall location. By specifying acreage, square footage and shopping center, Mr. Morgan was able to craft language that would limit the business to the mall location. Additionally, the business is regulated by the health department. Mr. Morgan added that the applicant was present to answer any questions.

Council Member Gladden asked if the out parcels at the mall were included as part of the permitted location. Mr. Morgan responded that they were not and the business was tied only to the center mall portion. Council Member Debbie Fowler wanted to be sure it could not be located at the Towne Center to which Mr. Morgan replied that it could not go in that location. Council Member Gladden wanted to be sure their hours were restricted and that they could not make their own hours. Sometimes midnight sales were held there which has caused problems in the past that late at night. Mr. Morgan stated that the mall would set the hours but the town could also set them if need be. Council Member Phillips wanted to know if the business could be located in the G-I District. Mr. Morgan replied that it could go in the G-I District. He then turned the floor over to the applicant.

Michelle McMasters introduced herself as Operations Manager of Déjà vu and added that she held a Masters Degree in Organizational Development. Their business was trying to change the view of the tattoo industry by making it more professional. She gave statistics that one in four people now have tattoos and that it has become more main stream than ever. Their company goes through a rigorous hiring process to obtain professionals. They did not want to be a problem or considered a bad tenant. Their employees don't want to stay open past 9:00 either, especially after putting in a full day. In Fayetteville, Winston-Salem and Greensboro, employees try to be out by 9:00. Occasionally they may have to stay a little later to finish a tattoo but for the most part, they do things professionally.

She continued, stating that their facilities were nicely finished with expensive chairs and equipment because they want to change the way people think about the tattoo business. They want the experience of getting a tattoo or piercing to be similar to going to a salon. Their facilities are referred to as studios, not tattoo parlors and they want to have as many of them in as many malls as possible as it's the way of the future.

Mitchell Brown then introduced himself as the owner and founder of the business. He explained that he wanted to change the way tattoo shops do business – he wanted to make an experience out of it by going above and beyond the basics. This was not just another tattoo parlor but a business run by professionals recruiting the best of the best. He asked if parents would rather see their kids get tattooed from a professionally run studio in a mall which is

heavily regulated or some small parlor off the beaten path with little to no regulations.

Council Member Phillips wanted to know what the storefront would look like. Ms. McMasters pulled up one of their current stores in one of the other malls on her laptop and displayed the picture for all of Council to see. Mr. Brown explained that it's a typical glass-front with conventional logo and branding characteristics. There is a front counter where the customer would be greeted by a young man or woman and walls separating the tattoo areas. They purchased expensive chairs and have the latest auto clave and ultrasonic cleaners to sterilize all their equipment. All their properties are managed by professionals and there have been no reported police calls to date at any of their facilities. Mr. Phillips also wanted to know if they had been designated a specific location in the mall as yet, to which Mr. Brown replied that he thought it was in the spot where the old Academics store was.

Council Member Gladden asked if any of their studios had closed to which Mr. Brown replied that they had not. He added that they needed to submit a business plan to mall officials which had to be reviewed by 5 or 6 VP's before it was approved. They also had a "no-compete" clause in their contract. Mayor Pro Tem Davis asked why they were interested in Pineville and not Concord or South Park Malls. Mr. Brown replied that he would love to be able to get into either one of those malls but Concord did not have the space they needed and the South Park Mall was not owned by either of the realty companies he deals with and preferred to keep his business with the ones he already deals with.

Ms. Davis also wanted to know if there was a limit to what part of the body they pierced. Ms. McMasters said they took a personal approach to their business because she has a young child and considers how other parents would react to their children coming home with piercings so they keep it simple – mostly ears and noses. They won't do "scarification", they won't split tongues and they won't do it to anyone 18 or younger unless accompanied by an adult and both the parent and child must have ID's. Additionally, they will not do any controversial tattoos such as racial ones or gang-related ones. If a person requests privacy, the curtains are drawn all around the booth so that body parts are not seen.

Discussion continued regarding the tattoo artists themselves, the wearing of gowns and gloves and the reason for two different company names. The tattoo artists are screened for drugs and given customer service training. Additionally, they were permitted by the health department. Each artist must display their permits at all times and were subject to internal inspections. Michelle McMasters stated that the artists were not required to wear gowns but did have to wear bibs and gloves. If Pineville wanted them to wear gowns, they would certainly take it into consideration. Also, the reason for two company names, Signature Soulz and Déjà vu is because one did more retail business than the other. Signature Soulz, the one that did more clothing and jewelry, was the one slated for Pineville.

Council Member David Phillips asked if they could make it a conditional use. Mr. Morgan replied that they could but in the interest of time, they were requesting it be by right. Council could regulate it more by making it site specific. Mr. Phillips wanted to know that if they chose to do that, would it then be regulated by the square footage to which Mr. Morgan replied affirmatively that the square footage could be regulated to make it more site specific. Hearing no further questions or comments, Council Member Gladden moved to close the public hearing with Council Member Phillips seconding the motion. There were ayes by all and the public hearing was closed at 7:28 p.m. The Planning Board was not ready to make its recommendation and chose to wait until their next meeting to do so.

Motion was made and seconded to open the second Public Hearing for an indoor recreation center. Mr. Morgan stated that the applicant wanted to put an indoor sports center in the Centrum Shopping Center which was located in the OC District. The applicant also wanted it to be permitted by right and was looking to go into the spot where Petsmart used to be. Mayor Pro Tem Davis stated that her main concern was with parking but later realized that there was plenty of parking where they wanted to go. Mr. Morgan agreed that there was ample parking.

He added that in the interest of time, the applicant chose the route of requesting it as a use permitted by right

because it was the easiest and quickest way to get approval. This request was similar to one done earlier for North Polk St. There were no specific concerns from the Planning Department so he suggested that if the Planning Board was ready to make their recommendation, they could close the Public Hearing and do so. However, Planning Board Chairman Knowles stated they would like to discuss it at their next regular meeting. Council Member Debbie Fowler asked if there were a lot of injuries associated with this activity. Being on the Pineville Volunteer Fire Department, Council Member Les Gladden responded to the question in the affirmative. He asked the applicant if their business was similar to the Sky High Sports. The applicant replied "yes". Hearing no further comments, Council Member Les Gladden moved to close the Public Hearing with Mayor Pro Tem Davis seconding the motion. There were ayes by all and the Public Hearing was closed at 7:40 p.m.

A motion was made and seconded to open the third and final Public Hearing for an amendment to the Floodplain Ordinance. Mr. Morgan stated this was a routine amendment to the Floodplain Ordinance to change the date on the floodplain maps from 2009 to 2014. The maps are reviewed and updated periodically by FEMA and this most recent update was in favor of the town because some of the flood plain levels have gone down. There being no questions or comments, Council Member Debbie Fowler moved to close the public hearing with Mayor Pro Tem Davis seconding the motion. There were ayes by all and the Public Hearing was closed at 7:43 p.m. Planning Board Chair, Jim Knowles stated he wanted to wait until the next Planning Board Meeting to make a recommendation.

OLD BUSINESS:

A. CCAC Space Recommendations – (Haynes Brigman). As instructed at the last Council Meeting, Town Administrator, Haynes Brigman, spoke with Lee Baumgarten of the Civic and Cultural Arts Center of Pineville regarding his space needs as his current location was being sold. They toured both the 306 and 402 Dover Street houses. Mr. Baumgarten indicated that both spaces could be utilized – one for office space and the other for studio/gallery space. Mr. Brigman indicated that significant repairs were needed at both buildings at a cost of roughly \$300,000 and added that both buildings were listed as historical.

He also looked into the space available at 320 Main Street which is up for lease through Bill McConnell. Retail space outside the center of town runs anywhere from \$12 to \$20 per square foot, with the average rent being between \$2500 and \$5000 per month. The Well on the corner of Main and Church Streets is also an option but he was unable to get in touch with the owner.

Discussion continued regarding the options for the Civic and Cultural Arts Center. Mr. Brigman said that some of the work on the two Dover Street houses could be done by our Public Works personnel but that a contractor would need to be hired for the majority of it and permits pulled for any of the work that was done. Council Member David Phillips also reminded the Board of the transformer that sits in the back of one of the properties. He also reminded them that this was still not a permanent fix for the CCAC but a two to three year one and if the town was going to invest that much money in these two buildings, the town should have more say, involvement and control over what they do. Council Member Gladden agreed and added that if the town didn't have some involvement in it, then it should cut its ties with the CCAC. Mr. Phillips stated that they should be "self-sustained" and if we are giving them support then we should be able to see some records that show they have generated memberships and funds.

Mayor Edwards commented that cities don't necessarily own the arts but they do support the arts. He would like to see them open more because they never seem to be open during the day and would like to know what direction they were going in. Town Administrator Brigman suggested a meeting with another Council Member, Mr. Baumgarten and himself. Mayor Pro Tem Davis suggested looking into the Town of Matthews because they were heavy into the arts. The consensus of the group was to table this item until more information was received. Council Member Gladden moved to table the item with Council Member Phillips seconding the motion. There were ayes by all to table the item.

NEW BUSINES:

A. Presentation by CMUD – Mr. Barry Gullet, Director of Charlotte-Mecklenburg Utilities was in attendance to make a presentation regarding current issues at CMUD. Mr. Gullet stated he had been director for about 3 or 4 years and wanted to give some information about what has been going on with water and sewer issues. He pointed out that CMUD operates off of revenue generated by water and sewer bills. They did not make a profit and any money earned was re-invested into the system. Parts of the system were 100+ years old and were in need of replacement or repairs. Our drinking water currently comes from Mountain Island Lake and Lake Norman but it has been calculated that the area would run out of water around the year 2050 so they were working to figure out ways to make the water last longer. They were doing this by working with the regional planning group, CONNECT, which was headed by COG.

Mr. Gullet explained that CMUD had a seven-member advisory committee made up of representatives of each of the towns and headed by Ralph Massera of Matthews. The committee met on a monthly basis and was used as a sounding board for ideas. Meetings are open to the public. The Charlotte Mecklenburg Utilities Department had a ten-year rate plan that would balance the water and sewer rates over the next ten years with modest increases planned for each year. Mr. Gullet concluded by taking questions from the Board.

B. Appointments – (*Haynes Brigman*). Mr. Brigman noted that Jim Knowles' seat was up for reappointment and that there was an open position on the Planning Board as well. Council Member Debbie Fowler moved to re-appoint Jim Knowles to the Planning Board, seconded by Council Member Les Gladden. There were ayes by all. Mayor Pro Tem Melissa Davis recommended Amelia Stinson-Wesley to fill the open spot. Council Member Fowler moved to nominate Amelia Stinson-Wesley to the Planning Board, seconded by Mayor Pro Tem Davis. There were ayes by all.

Mr. Brigman also noted there was a vacant seat on the Board of Adjustment and the alternate's seat had expired. Mayor Edwards stated that Mr. Christopher McDonough had applied for the Planning Board position but may be interested in the Board of Adjustment spot. After Mr. Brigman explained that the BOA was responsible for hearing appeals and variances, Mr. McDonough decided to give it a try. Council Member Les Gladden moved to nominate Chris McDonough for the open spot on the Board of Adjustment and for the alternate position on the Planning Board. He added that he would like to leave the alternate spot on the BOA open at this time. Council Member Debbie Fowler seconded the motion and there were ayes by all.

Regarding the Telephone Board, Council Member Phillips recommended putting new members on the board due to the age and health of some of them currently on the board. Town Administrator, Haynes Brigman, stated he would like to research the board a little more before a decision was made. Council Member Debbie Fowler asked if the current members would remain on until new people were chosen because their terms had expired in December. Mr. Brigman responded that Council could extend their terms until a decision was reached. Council Member Gladden moved to extend the terms of the expiring members of the Telephone Board and table the item until the February Meeting. Council Member Phillips seconded the motion. There were ayes by all.

The vacancy that existed on the Citizens Transit Advisory Group was not filled at this time with a possible candidate to be named next month. Mr. Brigman commented that Kristy Detwiler was our representative on the Arts and Science Council but her term expired. She was still interested in participating on this board, however, if Council wanted to nominate her again. Council Member Fowler moved to nominate Kristy Detwiler again for another term on the Arts and Science Council. Council Member Gladden seconded the motion and there were ayes by all.

Previous Mayor, George Fowler, was the elected official representing Pineville on the MUMPO committee but his term expired in December and another elected official needed to be named as the new representative for 2014. Council Member Fowler nominated Les Gladden for MUMPO. Mayor Pro Tem Davis seconded the motion and there were ayes by all. The Metropolitan Transit Committee representative was typically the mayor. Council Member

Fowler moved to nominate Mayor Jack Edwards as the new town representative for the MTC. Council Member Gladden seconded the motion and there were ayes by all.

Nominations for the town's COG representative were discussed. Town Administrator Brigman said he would be happy to be the town's representative but he would not be entitled to cast a vote for the town should one be needed on an issue. Council preferred that an elected official be nominated so that we would be able to have a say on important items that come up. Council Member Phillips moved to nominate Melissa Davis as the town's COG representative with Haynes Brigman as the alternate. He would attend those meetings where a vote was not necessary while Ms. Davis would attend the ones requiring a vote. Council Member Fowler seconded the motion and there were ayes by all.

David Phillips had been the town's representative on the Mecklenburg County Planning Committee and was willing to continue being the representative for the town. Council Member Fowler moved to nominate David Phillips again for this position, with Mayor Pro Tem Davis seconding the motion. There were ayes by all to nominate David Phillips for the Mecklenburg County Planning Committee.

Council Member Fowler moved to nominate Mayor Jack Edwards as the town's representative to Electricities with Council Member Gladden seconding the motion. There were ayes by all. Council Member Gladden moved to appoint Mecklenburg County to act as Tax Collector on behalf of the town. Council Member Fowler seconded the motion and there were ayes by all. As for the town's attorney, the consensus was to hold off naming one until the February meeting.

C. Meeting Rules and Procedures Policy (*Haynes Brigman*) -- Town Administrator Haynes Brigman stated that currently, the town did not have a procedure for the structure of its meetings as to what was allowed and what was not allowed. He presented a "Meeting Rules and Procedures Policy" which he stated was generated to establish standards for how meetings should flow. It includes the addition of a "Public Comment Period" at each Council Meeting and it would govern how the town meetings are run. Council could make amendments to the rules but it brings structure to how the meetings are conducted. Mr. Brigman opened the floor for questions and comments. It was the consensus of the Board to bring it back in February for adoption. Council Member David Phillip moved to take action on this item at the February Council Meeting. Council Member Debbie Fowler seconded the motion and there were ayes by all.

D. Consideration of Repair of Drainage Issue on Eden Circle (*Discussion Item*) -- Mr. Brigman alerted Council to a problem with improper drainage on Eden Circle stating that there have been issues with standing water and mosquitoes breeding because of it. Engineers for the town (Denver Tolver and MJ Namin) have estimated the cost to correct the drainage problem to be approximately \$213,500 but this project was not budgeted for this year. Council Member Gladden explained that this was a two-fold project which would use well over half of our storm water funds but suggested that half the project be done this fiscal year and the other half of the project in the next fiscal year. Mr. Brigman added that the top portion of the road by the homes should be done first and that one of the recommendations was to bring up the dirt to raise the elevation. There is also a tree in that area that can be removed. Mayor Pro Tem Davis agreed and stated that Public Works needed to keep the ditch clean. There was no further discussion on this item.

E. Resolution in Support of Library for Pineville (*Melissa Davis*) -- Mayor Pro Tem Davis noted that she was working to get a library in town and that one of the requirements was to have a business plan in place as well as support from the rest of Council. She wanted to be sure all of Council was on board with having a library and presented Resolution No. 2014-01 in Support of a Local Library for their consideration. Council Member Phillips moved to approve the resolution with Mayor Pro Tem Davis seconding the motion. There were ayes by all in favor of the resolution supporting a local library.

F. Request to Consider Becoming an Urban Archery Town (Haynes Brigman) -- Town Administrator Brigman stated he received an email from Alan Brown of the Metrolina Urban Archery Alliance with a request for the town to consider becoming an Urban Archery Town. What this does is extend the deer hunting season by two months (January and February) by way of bow and arrow. It's a way to control the deer population as well as allow hunters an additional means to hunt. If the town decided to do this, it would not be effective until 2015. There were questions and concerns from some council members who felt there wasn't sufficient information to make a decision on the subject. Mayor Pro Tem Davis moved to table this item until a representative could be present to answer questions. Council Member Phillips seconded the motion. There were ayes by all to table the item.

G. Staff Updates: a) *Ethics Training*; b) *Website Update*; c) *Calendar of Events/Proposed Dates for Town Events*. Town Clerk, Barbara Monticello, reminded Council that after every election, two hours of ethics training was required for elected officials. She did not have information for any upcoming webinars as yet but would advise Council once the information was made available. Mr. Brigman advised Council that the town would be moving forward with a new website design and was looking for input from Council Members, staff and citizens. He invited any citizens interested in being on the website committee to contact him. Park and Recreation Director, Kristy Detwiler, reviewed proposed dates for town events. Mayor Pro Tem Davis would like to see a downtown event and asked that the Memorial Day Celebration not coincide with Flint Hill's Memorial Celebration. Discussion ensued regarding the Farmer's Market and the opening day celebration with the businesses on Main Street. The event and market started out with a lot of interest but has fizzled out and there was some question as to whether to continue with it or not. No decision was made on it. There was also discussion on the date set for the 2015 Tree Lighting. Some felt the date of December 6th was too late and asked Ms. Detwiler to check with Public Works to see if their schedule could accommodate the Tree Lighting the week before Thanksgiving.

Before adjourning the meeting, Council Member David Phillips noted that the Pineville Police Department was doing some excellent work, especially the K-9 Unit, which was being used quite a bit. The overall professionalism has improved and he appreciated all that they do.

ADJOURNMENT

There being no additional business to discuss, Mayor Pro Tem Davis moved to adjourn the meeting at 9:08 p.m. with Council Member Debbie Fowler seconding the motion. There ayes by all and the meeting adjourned.



Mayor Jack Edwards

ATTEST:

Barbara Monticello, Town Clerk