



**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
TUESDAY, FEBRUARY 11, 2014**

The Town Council of the Town of Pineville met in regular session on Tuesday, February 11, 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

**CALL TO ORDER**

Mayor Edwards 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 Mayor Pro Tem, Melissa Davis.

**MOMENT OF SILENCE**

Mayor Edwards called for a moment of silence for the following: Town Employee, Joe Watson (heart by-pass surgery); Town Employee, Jennifer Honaker's grandfather (passed); Doris Bridges (passed) and Butch Dudley (passed). Mayor Edwards asked that we remember the troops overseas and their families left behind.

**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 January 14, 2014:** Mayor Edwards called for a motion on the Regular Minutes from January 14, 2014. Council Member Debbie Fowler moved to approve the minutes as is with Council Member Les Gladden 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 1/31/14 (Mickey Hicks/Richard Dixon)*; b) *Approval of Tax Refunds (Karen Bennett)*; and c) *Approve Budget Amendment for Police Department*. Council Member David Phillips motioned to approve the Consent Agenda as is. Council Member Les Gladden seconded the motion and there were ayes by all to approve the Consent Agenda as is.

**OLD BUSINESS:**

**A. Text Amendment for Tattoo & Piercing in the B-P District (Travis Morgan)** - Planning and Zoning Director, Travis Morgan stated that a text amendment for a tattoo & piercing shop in the B-P District was before Council for their consideration. Since they had met the last time, the only new thing added as a result of earlier discussions, was item A, limiting the number of tattoo & piercing establishments to just one per property or tax parcel. All other items remained the same. Mr. Morgan stated that the Planning Board had met and made their recommendation to approve the amendment with a 3-1 vote and now it was time for Council to vote.

Council Member Phillip's concern was how often they would open beyond the regular mall hours. Mr. Morgan stated that they would abide by mall hours and that someone representing the mall management was supposed to attend the meeting but due to the weather, did not make it. Mr. Morgan added that this could be added as an additional regulation. The applicant stated that the only time they may stay open later is at Christmas as some malls actually require it. He added that if someone were to come in later in the evening for a tattoo, they would have to schedule an appointment to come back as all studios are closed out by 9:30 p.m.

Mayor Pro Tem Davis stated that people here were not happy about a tattoo establishment going into the mall and there had been some negative comments about it. Mr. Brown, representing Déjà vu, replied that for every negative comment there had been positive ones as well. He had several display boards showing what some of his other studios in other malls looked like. He pointed out the sterilization room with ultra sonic cleaners. He stated that mall management had asked that he refrain from locating the work booths near the window. Additionally, he handed out "service menus" for Council to look at showing the services they offer, prices for their services and products and a history of the company. Any signage that they hang in the window would most likely be to advertise financing for tattoos, aftercare products, and/or the advertising of full-body piercing.

Mayor Pro Tem Davis asked about the types of piercings that they do and was under the impression from the previous meeting that certain parts of the body would not be pierced but Michelle McMasters, also representing the applicant, clarified that piercing is a big part of their business and that some piercers make more than the tattoo artists. The majority of piercings are done on the ears and nose but there has been one piercing in the last 4 or 5 months done elsewhere on the body. Those are rarer. There are, however, certain tattoos that the company won't allow such as gang-related ones or tear drops by the eye. They wanted to stress that everyone has the option of privacy so each booth will have curtains.

The question was asked of the applicant if they were allowed to set up shop in a different zoning district, would they be willing to do that. Mr. Brown, who developed the concept behind Déjà vu, stated that he preferred to have a site in a mall run by General Growth Properties because he has been dealing with them for many years and is most comfortable with them. The whole idea of Déjà vu is to take the mystique out of tattooing, remove it from the back alley and put it in malls where it is safer, more regulated and professional. The idea is to make tattooing more upscale for the people who aren't comfortable going to that back alley to have one done. His concept was not meant for a back alley.

Mayor Jack Edwards stated he had 14 tattoos, his wife had a tattoo and some of his children have them. Every one of the Mayor's tattoos has a meaning behind it and meant something special for him. He added that the perception of tattoos has changed dramatically and that it sounded as though this company was a class operation. Council Member Gladden stated that if this company were put in a different zoning location, it could become a "free-for-all" with little regulation. If they did locate themselves in the mall, it would be more heavily regulated and a safer place for kids to go to get a tattoo or piercing. Those that really want tattoos are going to seek out the places that do them wherever they may be located so it may as well go in the mall. This company was intentionally choosing the mall to locate themselves at – they are going beyond the norm to make it safer for all. They're making an effort to do it correctly.

Council Member David Phillips moved to approve the text amendment with conditions A through D listed on the Planning Director's memorandum of 2/11/14 but also adding stipulation E – that the company be required to go by

the same hours as the mall. Normal mall hours should be adhered to and are permitted to increase only during holiday shopping times as the mall allows. Council Member Les Gladden seconded the motion. There were two votes in favor of the text amendment: David Phillips and Les Gladden. There were two votes against the text amendment: Melissa Davis and Debbie Fowler. There being a tie, Mayor Jack Edwards voted in favor of the text amendment and the motion passed 3-2.

**B. Text Amendment Recreation Center in the O-C District.** (Travis Morgan) Planning Director, Travis Morgan, announced a second text amendment for a Recreation Center in the O-C District. The Public Hearing had been held last month but there was no new information to present to Council. The amendment was to add Recreation Center as a use permitted by right in the O-C district. There were no further questions but Council Member Les Gladden wanted to be sure the applicant understood the sign ordinance and that they were not entitled to extra signage or be tempted to put signage along the fence on 485. The applicant acknowledged his concern about signage. Council Member Gladden moved to approve the text amendment for a Recreation Center to be permitted by right in the O-C district. Motion was seconded by council Member Debbie Fowler and there were ayes by all to approve the amendment.

**C. Text Amendment for Floodplain Ordinance Update.** (Travis Morgan). The next text amendment to be heard was a simple date change on the Floodplain Ordinance. The date change was necessary to correspond with a recent change to the flood maps making them effective, 2/19/14. There were no changes to the original proposal so Council Member Debbie Fowler moved to approve the amendment with Council Member David Phillips seconding the motion. There were ayes by all and the amendment was approved.

**D. Appointments –** (Haynes Brigman) Three appointments were carried over from last month. Town Administrator, Haynes Brigman, stated he had made a proposal for the Telephone Board but wanted to get Council's consensus on it first before making a final decision. Mayor Pro Tem Davis suggested that they meet with the current Telephone Board Members before doing anything to give them the opportunity to know what was being proposed. Mr. Brigman agreed and recommended selecting just two Council Members to meet with the current Telephone Board Members so that a Special Meeting would not have to be called. Mayor Jack Edwards and Mayor Pro Tem Melissa Davis were selected and all agreed to table the item until the next Council Meeting.

There being no other questions or comments about the other two appointments, Council Member Les Gladden moved to approve both Jennifer Braganza for the Citizen's Transit Advisory Group and Janelle Lyons of the law firm, Cranfill, Sumner & Hartzog as the town's attorney. Council Member David Phillips seconded the motion and there were ayes by all.

**E. Meeting Rules and Procedure Policy** (Haynes Brigman). Mr. Brigman had presented a Meeting Rules and Procedure Policy at the last Council Meeting but was carried forward to this meeting giving Council more time to review it. There being no questions or comments on the policy, Council Member Debbie Fowler moved to approve the policy with Council Member Les Gladden seconding the motion. There were ayes by all.

#### **NEW BUSINES:**

**A. Presentation by County Assessor's Office –** Mr. Ken Joyner introduced himself as the new County Assessor who started with Mecklenburg County on October 1, 2013. One of the responsibilities he's charged with is to rebuild trust in that office and the process of assessing properties after the 2011 revaluation debacle. His plan was to visit all the towns in Mecklenburg County to explain the vision of his office and to try and "right the ship" to bring it back to an acceptable level. Pierson's Appraisals started work in October to review every taxing neighborhood as a result of a bill that was passed in July. After re-assessing about 2/3 of the parcels, more have gone down and some have gone up. If a refund is due a taxpayer, interest will be paid from the date the taxes were paid and the refund will be paid to the person owning the property at the time those taxes were paid. Work has been conducted from the northern part of the county to the southern with completion expected by 2015.

Both Mayor Pro Tem Davis and Council Member Fowler stated that the interest was killing the town and that many businesses have filed an appeal because the town had been paying out refunds for the last three years. Mr. Joyner stated that the commercial areas were being done at the same time, along with special neighborhoods, but they were doing the best they could and as quickly as they could. Some of the refunds were going over multiple years rather than just one year. Council Member Gladden asked if they were reassessing properties at the 2011 values to which Mr. Joyner replied that they were and also taking into consideration any additions made to the properties. Mr. Joyner concluded his presentation and stated that he would take the Town's concern about the interest back to the office and if we needed him to come back, he agreed that he would.

**B. Update from Bill McConnell on Downtown Merchants Association** -- Mr. Bill McConnell representing the Downtown Merchants Association provided an update on their meeting that was held last week. Thirteen people turned out for the meeting and two new merchants were introduced. Teresa Godschalk of Kiki's Kottage will be moving into 320 Main St. and was targeting a March 1<sup>st</sup> opening date. This will be a multi-merchant establishment specializing in furniture and home décor. Nine vendors have already committed to participating. Additionally, Piper Boutique is moving into the old gun shop and will sell women's accessories.

The old Antique Bank is undergoing major renovations and should be ready to lease on May 1<sup>st</sup>. Mr. McConnell stated the merchants were still hopeful to have a farmer's market and felt it could do better if located back on the Main St., possibly cut back to one day a week or at least have some tables out on the sidewalks if Council is OK with that. Mayor Pro Tem Davis was concerned that if it were located in the parking lot on the corner of Main and Dover that it would take away parking for the merchants along the main street. Mr. McConnell clarified that it would only take up a small portion of the lot or just the first row of spaces, not all of them. Mayor Edwards commented that staff had already spent a lot of time trying to recruit vendors in the past. Mr. McConnell responded that some changes would have to be made and details worked out but he thought it could work.

**C. Resolution No. 2014 -02 to Declare Certain Property Surplus** -- Town Clerk, Barbara Monticello, explained that the town had more items to dispose of through the public auction site and before they could be sold, they needed to be declared surplus. Council Member David Phillips moved to approve Resolution No. 2014-02 with Council Member Les Gladden seconding the motion. There were ayes by all.

**D. Budget Calendar (Haynes Brigman)** -- Town Administrator, Haynes Brigman, stated that he made up a calendar of proposed dates for Budget Workshops. However, due to a scheduling overlap, one of the dates had to be changed. Dates for the budgeting process were stated as follows: first Budget Workshop will be Tuesday, March 4<sup>th</sup>, second Budget Workshop will be Wednesday, April 2<sup>nd</sup> and the third Budget Workshop will be Thursday, April 17<sup>th</sup>. On Tuesday, May 13<sup>th</sup> the proposed budget will be introduced to Council and on Tuesday, June 10<sup>th</sup> the public hearing will be held for the Budget. All were in agreement. Mayor Pro Tem Davis moved to approve all dates with the one change as presented. Council Member Phillips seconded the motion and there were ayes by all to approve the dates.

**E. PCAA Partnership (Discussion Item)** -- Mr. Brigman advised Council that the Town had been approached by PCAA members about a possible partnership. They would operate as their own 501C3 non-profit organization but with support from the Town. Since losing their fields with the new elementary school, they did not have the funds to construct new fields, nor did they have a home base. They were seeking assistance from the town for construction of the fields in return for bringing youth athletics under the umbrella of Pineville Parks and Recreation. A proposed agreement was included in their packets for consideration. Mr. Brigman added that this was just a starting point and that details would still need to be worked out.

A lengthy discussion followed concerning how much input the town would have regarding program choices and money spent; costs to build the fields; the changeover to Cal Ripkin form of play; insurance costs; fundraising; and other sports such as soccer or volley ball. Representatives from PCAA were present: Shorty Sams, the president of

PCAA and Chris Deliner. Mr. Sams indicated his purpose was to keep kids playing and off the streets. Council Members had some concerns: Mayor Pro Tem Davis was very concerned about the projected cost to construct the fields, how many kids that were a part of PCAA actually lived in Pineville, and whether it would be necessary to hire another person to maintain the fields. Additionally, their reputation in the past was not always the best in the eyes of Pineville residents, nor was their accounting practices. Mr. Sams understood that there was this perception years back but stressed that things had changed and their bookkeeping had improved and was now an open book. The kids from Pineville would also receive a discounted rate for joining. Kristy Detwiler of Pineville Park and Recreation added that better marketing would be done to get more kids from town to join and that this opportunity would fit in perfectly with the Park and Recreation Master Plan.

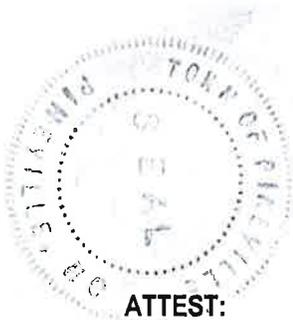
Brooke Morris of the PCAA added that two fundraisers were held during the year; one in the spring and one in the fall. Last year they raised over \$15,000. Any money raised could be used for the construction of the fields or lighting for the fields. They could also help with running tournaments for the town. Council Member Debbie Fowler stated that she would like to see another Pineville person on the board. Mr. Brigman stated that there were still a lot of details to work out. He would work on cleaning up the construction cost figures and flushing out the details so the agreement could be brought back in March for a vote. All were in agreement.

**F. Marketing Plan for Telephone Department (Haynes Brigman).** Mr. Brigman explained that the company that is redoing our website, Granite Sky, also drew up a marketing plan for Pineville Telecommunications. However, the president of the company, Mia Holshauser, was unable to come to the meeting tonight due to the weather. She will be back in March to do a formal presentation. Council Member, David Phillips, wanted to be sure that we weren't going to get off schedule or move too fast too soon because the first of the two-year contracts for service are about to expire and they needed to be sure to retain those customers. Council Member Les Gladden was concerned that our branding didn't change because all the vehicles had just been branded with the new logo and he didn't want to see any of that change again. Mr. Brigman agreed and wanted to be sure all of our branding was cleaned up and consistent.

**G. Staff Updates: a) Manager's Report (Haynes Brigman).** Mr. Brigman informed the group that the kick-off meeting for the website had been postponed until February 18<sup>th</sup> due to the weather. He also stated that our new Finance Director, Richard Dixon, started on January 27<sup>th</sup>. Additionally, he was working on a Purchasing/Bid Policy to bring before Council and getting an Advisory Board together for the Park and Recreation Master Plan.

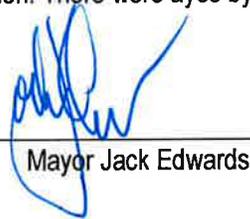
#### **ADJOURNMENT**

There being no additional business to discuss, Council Member Les Gladden moved to adjourn the meeting at 9:11 p.m. with Council Member David Phillips seconding the motion. There were ayes by all and the meeting adjourned.



**ATTEST:**

  
Barbara Monticello, Town Clerk

  
Mayor Jack Edwards