



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, SEPTEMBER 9, 2014**

The Town Council of the Town of Pineville met in Regular Session on Tuesday, September 9, 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 6:31 p.m. and welcomed those in attendance. Those wishing to speak were invited to sign the speaker list.

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Les Gladden.

MOMENT OF SILENCE

Mayor Edwards introduced Pineville's newest officer, Adam Roberts. He also called for a moment of silence for the victims of 9/11 as well as any troops overseas and their families left behind.

ORDER OF BUSINESS:

Adoption of the Agenda:

There being no changes to the agenda, Council Member Les Gladden moved to approve the agenda with Council Member David Phillips seconding the motion. There were ayes by all and the agenda was adopted.

Approval of Minutes for the Regular and Closed Sessions of August 12, 2014: Mayor Edwards called for a motion on the Regular and Closed Session minutes of August 12, 2014. Council Member David Phillips moved to approve the minutes with Mayor Pro Tem Melissa Davis 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 8/31/14 (provided by Richard Dixon); b) Proclamations for Constitution Week and Public Power Week; c) Resolution No. 2014-11 for Surplus Items; d) Tax Refund; and e) Police Vehicle Quotes Approved under Capital Improvement.* Mayor Pro Tem Davis asked for clarification on the police vehicles that the quote provided was for the vehicles and not the equipment. Town Administrator, Haynes Brigman, responded that the quote was for the vehicles only. Mayor Pro Tem Davis moved to approve the Consent Agenda as is with Council Member David Phillips seconding the motion. There were ayes by all and the Consent Agenda was approved as is.

PUBLIC COMMENT: None

PUBLIC HEARING:

- A. **Public Hearing for an Amendment to the Plan for Carolina Sportsplex on Dorman Road.** Council Member Les Gladden moved to open the Public Hearing on the Carolina Sportsplex. Council Member David Phillips seconded the motion and there were ayes by all to open it. Planning Director, Travis Morgan, stated the public hearing was quasi-judicial in nature so all speakers were asked to come forward to be sworn in. Mr. Morgan, along with four members of the audience were sworn in, including Dan Saltrick, who was representing the applicant.

Mr. Morgan began by stating that the representatives of Carolina Sportsplex had previously submitted a plan which had been approved but because the NCDOT was requiring them to relocate their entrance on Dorman Road to just south of the Baker residence, it changes the site plan for a conditional zoning so the applicant was required to go before Council once again. The Baker residence has since been acquired by the Charlotte Soccer Academy and staff was requesting that the two properties be incorporated together. The Baker residence would also have to be rezoned from R-12 to RMX. Any of the conditions that were approved on the first plan should be intact and not have changed at all, including any screening and buffering, turn lanes, sidewalks, street trees, etc. but staff was concerned because the plan was now showing a gravel driveway with no curbs or gutters. There was nothing to prevent visitors from parking on the grass. Additionally, the property is made up of a total of five different parcels and one of the conditions Mr. Morgan requested be set before any permits are pulled or signage put up, is that the premises be uniform with one address set up.

Council Member David Phillips asked if just the change in zoning was being considered that evening because it looked as though the plans had changed considerably since the first set of plans were approved. Mr. Morgan stated that the public hearing was not just for the rezoning but the amendment to the driveway as well but that it appeared there were several changes to the plan. Some items now appeared that they would be built in the future as opposed to being built now and the driveway was now being shown as gravel when the approved plan showed asphalt with curbs and gutters. He also noted that it appeared that the overflow parking lot was removed to which Mr. Morgan concurred.

Mayor Pro Tem Melissa Davis asked what would happen with the newly acquired property. She was concerned about what would happen with the house. Mr. Saltrick replied that as part of their agreement, the occupant could remain in the house until the end of the year with no definite plan to demolish the home. Council Member Les Gladden asked for clarification as to what the applicant was looking for. Mr. Morgan stated that it was everything presented on the plan that was in front of them. Council Member Gladden stated that there were drastic changes on the plan that was now being presented compared to the original plan which had been approved months ago. He added that a lot of parking had been removed and that there was no reason to change anything other than the location of the driveway entrance.

Ms. Davis added that Council had just received the driveway detail that evening and that it was not enough time to review and consider it. Mr. Gladden expressed his disappointment over how much time had been spent in getting the details of the plan correct and now it was all different and not what had been approved. Mr. Phillips was just as disappointed stating that the Charlotte Soccer Academy was not giving them what was promised to them. Mayor Edwards concurred.

Mr. Saltrick explained that things were being phased in, rather than all being built immediately with the fields being fast-tracked to get them completed first so the kids could start playing on them as quickly as possible. The buildings would follow, but would be done in phases. He continued stating that they've had to work through getting a lot of approvals and going through the Brownfields Program took some time and with the environmental issues the land had, it was costing more than expected. Council Members made it clear to Mr. Saltrick that the owners were well aware of all those issues when they originally sought approval but that they should not pull a "bait and switch" tactic by promising a state-of-the-art facility but delivering a very down-graded version. Council Member Gladden was adamant that the program would be stopped immediately if the Town did not get what was originally promised.

Mr. Saltrick agreed to meet with his client to draw up a final set of plans. Mr. Morgan announced that the Public Hearing would be continued and would resume at the next meeting. Council Member Gladden added that Council did not want

to see partial plans; they wanted to see the whole, final plan before making any decisions. He also added that the additional 50 feet of natural buffer be undisturbed and that where parts of the property were unscreened, he wanted to see heavy screening.

Residents were then invited to speak. Sue Campana of the Cottages asked Mr. Morgan to explain what "conditional approval" meant. Mr. Morgan stated that if something was not stated specifically in the conditional approval, then it could not be built. Regina Carnavos, also of the Cottages, was concerned about the elderly drivers, the speeders and the already heavy amount of traffic on Dorman Road stressing that it will only get worse. Mayor Pro Tem Davis reminded the group that she did not vote in favor of the complex and still believes it will be a traffic nightmare.

Several residents of Carolina Village voiced their concerns about being able to see the equipment from the back of their homes, being sure there will be sufficient buffer between them and the soccer fields and ensuring that any overflow parking doesn't come on to any of their properties.

Council Member David Phillips moved to continue the Public Hearing until October 14, 2014. Council Member Debbie Fowler seconded the motion and there were ayes by all to continue the hearing until next month.

PUBLIC HEARING:

B. Public Hearing for a Proposed Change to the Town of Pineville's Charter. Council Member Debbie Fowler motioned to open the second Public Hearing with Mayor Pro Tem Davis seconding the motion. There were ayes by all and the Public Hearing was opened. Town Administrator, Haynes Brigman, explained that the town had been operating for many years as a Manager-Council form of government but our Charter indicates that we are a Mayor-Council form of government. As the town grew so did the need for a professional manager to run the day-to-day operations. As part of a formality, the charter should reflect the way we operate so the change is being proposed now. This change would not have an impact on the budget and it would still allow Council the authority to appoint an interim manager should the permanent manager leave. There were no further questions or comments so Council Member Fowler motioned to close the Public Hearing. Council Member Phillips seconded the motion; there were ayes by all and the Public Hearing was closed.

OLD BUSINESS:

A. Discussion of Vehicle for Purchase for Park and Recreation Department. Town Administrator Brigman reminded the group that this item had been on the agenda last month. Mayor Pro Tem Davis explained that she had obtained clarification that the Ford 250 was intended for hauling mowing and landscaping equipment and that the larger truck was best for doing that. There was no further discussion on the topic. Mayor Pro Tem Davis moved to approve the purchase of the vehicle with Council Member Fowler seconding the motion. There were ayes by all and the motion passed unanimously.

NEW BUSINESS:

A. Parks Master Plan Update – Carl Armanini from Woolpert was in attendance to give an update on the Park Master Plan project. Mr. Armanini reviewed the key elements of the plan using a Power Point Presentation. He noted that expansion of the Belle Johnston Community Center was high on the priority list per responses from the resident's survey that were sent out. Some other key elements reviewed in his presentation were to include a basketball court at Jack Hughes Park, provide internet access at Lake Park and the Belle Johnston Center, as well as adding an aquatic element to the park whether it be a splash pad or community pool. Also included in his report was the possibility of having a fishing pier or dock on the lake, improvements to the playground area and parallel parking along Lake Park Drive. One of the conveniences of being so close to the state line was the ability to connect major greenways in NC with greenways in SC allowing for additional partnerships to be formed. Mayor Pro Tem Davis asked if the grant would be ready to present in February. Mr. Armanini was not able to guarantee that it would be but stated that it "should be" ready to be presented.

- B. Introduction of New Solid Waste Regulations -- (Haynes Brigman)** – Town Administrator, Haynes Brigman, stated that he and Travis Morgan had worked on developing a Solid Waste Plan to address problems with multi-family developments. There are several different types of multi-family developments throughout town including apartment homes and town homes both with and without garages. We currently have one community receiving back door service even though their complex had been developed with dumpster stations. It has become necessary to develop a uniform policy to use when moving forward so that this is no longer an issue but the question remains whether to make the policy retroactive to, or grandfather in, the newer communities.

Council Member Les Gladden had concerns for the homes that have back alleys for trash pickup. Often the alleys get damaged by the trucks that come in to pick up the trash. Mr. Morgan responded that the newer alleys were meeting proper street specifications and that it made a difference as to whether they were public or private roads. There were additional questions particularly with the Water Oak subdivision and Pineville Forest. Water Oak already has dumpster pads and could easily convert back to dumpster service but Pineville Forest does not have the room for dumpster pads. Additionally, there are subdivisions that do not have garages and some with one car garages where the rollout cart won't fit. Both Council Members Gladden and Fowler remarked about the damaged alley ways in some of the communities which will need to be addressed at some point. Mr. Brigman recommended that private roads use their own trash provider. He stated he would bring back a new and clean version of the policy to the next meeting.

- C. Proposed Amendment to Vehicle Take Home Policy – (Haynes Brigman)** – Town Administrator, Haynes Brigman, stated that a change to the Personnel Policy regarding take home vehicles for sworn officers was being proposed. The policy currently prohibits anyone from taking home a vehicle if they live more than 25 miles from the town limits. He wanted to offer those officers that live more than 25 miles some other options. One option would be to designate a drop-off lot for their vehicle and another would be to participate in a payback program for vehicle usage outside of the 25 mile requirement. If a drop-off lot were chosen, it would have to be approved by the Town and the owner to be sure the lot was safe and secure. The officer would have to drive his own vehicle to the drop-off lot, which would be within the 25 mile limit, and drive the take-home vehicle from there. If the payback option was used, the officer would pay the town back, via payroll deductions, the difference between how far they actually live minus the 25 mile allowance. They would pay it back according to the approved reimbursement rate used by the IRS.

Council Member David Phillips was not against changing the policy or increasing the mileage allowed because he understood that it shows a police presence in the neighborhood giving residents a sense of security. Council Member Debbie Fowler mentioned the off-duty usage of vehicles and the complaints received about Pineville officers being seen in other towns such as Albemarle and Monroe. Mayor Pro Tem Melissa Davis was against changing the policy, stating that 25 miles was sufficient and fair. She preferred that officers live closer to town. Council Member Gladden felt that police officers should be treated differently and that other communities allowed more than the 25 miles for take-home vehicles. Council Member Phillips was concerned that it might cause morale issues and that he would hate to lose good officers that had been with the town for a long time.

Mayor Edwards called for a motion on the item. Council Member Gladden moved to approve the proposed changes with Council Member Phillips seconding the motion. Council Members Fowler and Davis dissented, leaving a tie of two in favor and two against the proposed changes. Mayor Edwards voted in favor of the changes and the motion passed 3-2 to approve the changes to the Vehicle Take Home Policy for sworn officers.

- D. Downtown Merchants Association Update -- (Bill McConnell)** – Bill McConnell thanked Council for their support of the downtown efforts and provided an update on the merchants Fall Fest plans. He stated there would be pumpkins, live music, hayrides, and food vendors and asked if they could use both the municipal lot on Dover and Main Streets and the old police building lot for their festivities. They intended to have their banners put up about two weeks prior to the event and requested a police officer there to help people cross the street. Mr. McConnell would coordinate with Chief Merchant if need be. Mr. McConnell introduced the newest business to join the downtown merchants, **Fresh Start Transitions which helps people in transition from one lifestyle to another, such as downsizing to a smaller home.**

- F. **Staff Updates – (a) Manager's Report (Haynes Brigman); (b) Calendar of Events.** Mr. Brigman provided an update on the cemetery fence which will have to totally be replaced at a cost of roughly \$19,000. Insurance only paid out \$12,000 so the difference will be covered by the Cemetery Fund. He also reported that there was a delay in starting the ball fields at the elementary school due to the land transfer from Mecklenburg County to CMS. The field installation should now begin in November or December but in order for the fields to be ready by spring, rye grass will need to be used which will later be replaced with Bermuda grass.

Mr. Brigman also provided a status of Cone Mill stating there were open and active zoning violations on the property that began in October of 2013. The owner of the property was served with a court order to appear before a judge on September 19th. The fines to this point have accumulated to over \$65,000. The EPA has been trying to address contaminated, buried debris issues on the property.

Mr. Brigman also reported that the town had gotten 100% participation in the health screenings portion of the Wellness Program. The results will shed light on the health conditions of its workforce and show the areas for improvement. Additionally, Finance Director, Richard Dixon, was instituting a Purchasing Policy for the Town to better track expenditures from each department. It will also provide more insight and oversight of the overall town expenditures.

Police Chief Merchant informed the group that the police department had undergone an audit that resulted in no deficiencies being found -- record-keeping had been found to be good and officer's behaviors were found to be on the level. His department was looking into using body cameras. They were considering getting 12 of them using asset forfeiture money to purchase them.

Mayor Edwards asked for a recess at 8:45 p.m. before entering Closed Session.

CLOSED SESSION

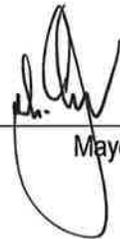
A motion was made and seconded to enter into Closed Session at 9:05 p.m. A brief discussion took place regarding the status of evaluations done on an employee. The conversation turned to a traffic related issue that needed to be addressed in conjunction with a possible economic development project.

REGULAR SESSION

A motion was made and seconded to exit the Closed Session and enter back into Regular Session. Council Member Debbie Fowler moved to approve spending up to \$50,000 for a traffic study which was seconded by Council Member Les Gladden There were ayes by all and the motion was approved unanimously.

ADJOURNMENT

At 10:00 p.m. Council Member Fowler moved to adjourn the meeting with Council Member Phillips seconding the motion. There were ayes by all and the meeting adjourned.



Mayor, Jack Edwards

ATTEST:



Barbara Monticello, Town Clerk