



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

The Town Council of the Town of Pineville met in Regular Session on Tuesday, October 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

CALL TO ORDER

Mayor Edwards called the meeting to order at 6:32 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 Eagle Scout, Mike Martin.

MOMENT OF SILENCE

Mayor Edwards called for a moment of silence for the following individuals: Ike Dellinger (deceased); Betty Frye (deceased); Susie Rowell (deceased); Courtney King (deceased); Henry Jones (deceased); Jack Lee's sister-in-law (deceased); Town Manager, Haynes Brigman's grandmother (deceased) and Helen Stewart (ill).

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 as is.

Approval of Minutes for the Regular Session of September 9, 2014: Mayor Edwards called for a motion on the Regular minutes of September 9, 2014. Mayor Pro Tem Melissa Davis clarified an item on page 2, paragraph 4 of the minutes regarding a home on Dorman Road. Council Member Debbie Fowler moved to approve the minutes with that change. Mayor Pro Tem Davis seconded the motion and there were ayes by all to approve the minutes with the change.

Consent Agenda: The following items were included: a) *Financial Report ending 9/30/14 (provided by Richard Dixon)*; b) *Proclamation for Kilah Davenport Day*; c) *Resolution No. 2014-13 for Surplus Items*; d) *Tax Refund*; and e) *Approval of Bank Financing for Public Works Truck*. Council Member David Phillips moved to approve the Consent Agenda as is with Council Member Les Gladden seconding the motion. There were ayes by all and the Consent Agenda was approved as is.

PUBLIC COMMENT: None

PUBLIC HEARING:

A. Continuation of Public Hearing for an Amendment to the Plan for Carolina Sportsplex on Dorman Road.

Council Member Debbie Fowler moved to open the Public Hearing with Council Member David Phillips seconding the motion. There were ayes by all and the Public Hearing was opened. 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 three representatives of the Carolina Sportsplex were sworn in: Dan Saltrick, Matt Langston and R. A. Orsborn.

Mr. Morgan reminded everyone that the reason for the hearing was because NCDOT required that the driveway to the Sportsplex be moved 300 feet to the north to make it safer and that this was a continuation of the hearing from last month. Mr. Morgan noted that the parking lot had been turned back to asphalt the way it appeared on the approved plans and the screening/buffering was also turned back to how it originally appeared when the plans were approved. That would include the 50 feet of undisturbed natural landscaped buffer, screening along the entire northern property boundary, and for those sections within the buffered landscaping that were less than fifty (50) feet wide, additional screening would be added except for the Duke Power easements. Council Member Les Gladden wanted the representatives from the Sportsplex to be clear that he wanted a minimum of six foot of height on the buffer, whether it was evergreens or a fence and that the buffer should extend from Dorman Road all the way to the back of the property. Additionally, the Baker property was currently being used to store trucks and other equipment and he wanted all of it to be removed as the property is residential and should not be used for storage or excess overflow parking.

Mr. Morgan continued stating that all the curbing had been restored except for a portion that was highlighted in green. He added that something should be added to prevent overflow parking in that area such as shrubs. Sidewalks will be added to connect with Carolina Village and the parking spaces were also restored but not to the amount on the original plan, but the applicant still met the minimum requirements. The plan did include phases to the project with the final phase slated to go through December, 2015. Mr. Morgan reiterated that the property was made up of several parcels but he wanted the property to reflect one address. This led to questions from Council on why there was a delay in installing the sidewalks and signage for the property. Mr. Morgan thought it was probably due to budget constraints but would have to defer the questions to the applicant for the reason.

There were additional comments from Council Members regarding water runoff, concern for the privacy of the residents in Carolina Village and the number of restrooms in the complex. Council Member David Phillips asked if the two-story facility was still pending. Mr. Morgan responded that it was but that he had it on his desk for review. It was the main Clubhouse including restrooms, with a smaller restroom planned for construction later on. Mr. Morgan clarified for a resident that the main entrance to the complex was being moved to just south of the house that sits on the Baker property.

Council Member Phillips had some concerns about possible parking along Dorman Road but Mr. Morgan said that parking there was prohibited, that citations would be issued if anyone parked there and it would be noted on the plan as a condition. Mr. Dan Saltrick, representing the Carolina Sportsplex, stated that a certain amount of parking passes would be distributed to each team for parking access and this was typical for most tournaments. Addressing the sidewalks, Mr. Saltrick stated that it was an unexpected cost causing budget issues but that they would put them in prior to the Certificate of Occupancy being issued. As for the multiple properties having one address, he explained that it was a timing issue to get everything in place at the same time but the address they would ultimately use would be 13333 Dorman Rd.

Mayor Pro Tem Davis wanted to be sure they added the vertical curb back in that was previously on the plan. Mr. Saltrick responded that it was and Council Member Phillips asked if adding additional evergreen screening would be a problem to which Mr. Saltrick responded that it would be added wherever necessary. Responding to a comment from Council Member Gladden, the attorney for the Sportsplex clarified that they had no right to tell Duke Energy to screen their own property. Mayor Edwards asked Manager Brigman to check with Duke Energy to see what their plans were

for that piece of their property. Council Member Phillips also asked about the parking agreement between the Sportsplex and the church and what would happen if the church were to change hands. Mr. Saltrick replied that they currently had a written agreement with them and that a new agreement would be negotiated if the property changed hands. Mayor Pro Tem Davis wanted assurance that the Port-a-Johns would be out of sight to which Mr. Saltrick responded that they would be. Mr. Morgan reiterated that the Baker property would remain as a residential parcel until January 1st. Council Member Gladden stated that all the equipment that was being stored on the Baker property had to be removed and asked if it would be a problem for them to remove it. Mr. Saltrick stated that it would not be a problem to remove it.

Having no further 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. Mayor Edwards proceeded to read the Findings of Fact into the record and asked Council to consider each one when making their decision:

- The use will not materially endanger the public health or safety if located where proposed and developed according to plan.
- The use meets all required conditions and specifications.
- The use will not substantially injure the value of adjoining or abutting properties unless the use is a public necessity.
- The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in conformity with adopted plans.

Mr. Morgan reminded Council that they were voting on the rezoning of the Baker and Duke Energy properties to RMX(CD), Conditional District, along with the change in location of the entrance.

Council Member Les Gladden wanted to address their sign issue and stated since they were going to complete the sidewalks and get the parcels combined into one address, the Town would allow them to go ahead and put their sign up. He did not want them to let the timing of combining the parcels hold them up from installing the sidewalks. He was willing to allow them to install their sign at the same time they installed the sidewalks and gave them 12 months from the date of the meeting (October 14, 2014) to have the properties combined into one address. With that said, he motioned to approve the rezoning to RMX-CD with all curbing restored to the way it was on the original, approved plans, all screening to be at least six feet high and filled in wherever necessary and signage and sidewalks installed before issuance of the Certificate of Occupancy. Additionally, the Sportsplex had 12 months from October 14, 2014 to have all the parcels combined and under one address. Council Member David Phillips seconded the motion and there were ayes by all.

OLD BUSINESS: None

NEW BUSINESS:

- A. Downtown Merchants Association Update** – Mr. Bill McConnell gave an update on the Downtown Merchants Association stating that their last meeting was well-attended including several town staff members and Council Member David Phillips. He thanked Town Council Members for their support and allowing the merchants to be involved with the Fall Fest on Main Street. As of that time, he had a total of 18 participating vendors including businesses, arts and crafts and food vendors. A table would be set up to sell sheets of Fall Fest ride tickets for \$20 and for every sheet sold, a free pumpkin was included. The Pooch Parade was set to begin at 10:00 a.m. and Sam Beard and Dalton Damell were manning the hay rides, along with help from several volunteers.
- B. Update from Signature Waste -- (Joe Swinford)** – Town Administrator, Haynes Brigman, introduced Joe Swinford, owner of Signature Waste. Mr. Swinford stated he wanted to meet with Council to provide an update on solid waste services to the Town of Pineville. He has been the town's waste provider for the past four years. He had met with Town Manager, Haynes Brigman, who had informed him that he was putting out an RFP for waste services. Mr.

Swinford stated he had not heard of anyone that was unhappy and asked that if there were any problems, to let him know so they could be fixed.

He continued stating that he had been in the solid waste business for many years and wanted to keep his company small so that he could cater to smaller municipalities giving them more personalized service than the bigger waste companies could. He had not increased his fees at all and did not charge fuel surcharge fees like the other companies did. He had met with both the Cottages and the Water Oak communities to resolve some of their issues and he asked that Council consider him again for another year. Mayor Pro Tem Davis stated some of her concerns especially with the limited amount of yard debris they were able to pick up and that in some cases it required two trips in two weeks' time to pick up one pile of debris. Mr. Swinford explained the reason was because yard debris was picked up in a small pickup truck as opposed to a large truck and that he preferred to have a smaller fleet of vehicles because they were easier to maintain. He thanked council and asked that they consider keeping him as their garbage provider.

Council Member David Phillips remarked that he didn't get complaints like Mayor Pro Tem Davis did but that he supported the contract with Signature Waste because they were the only company that did not attach a fuel surcharge fee to the contract. His concerns were more with how to handle trash and recycle pick-up for multi-family units such as apartment complexes and townhome units.

- C. **Update from CMS/Sales Tax Referendum** – Dennis Queen, CMS Community Superintendent, South, informed the audience that there would be a referendum on the ballot in November proposing a ¼ cent sales tax hike that would go toward public education. If approved, it would be an additional \$135M more per year. CMS would get 80% of that which would be distributed to support employees as well as teacher salaries. He was looking for support for the sales tax increase from the public, stating that it was important to do the best we could for our schools, teachers and education in general.
- D. **2014 Char-Meck Sustainability Report Card** – Meg Fencil from Sustain Charlotte, a small, non-profit organization, was in attendance to report on how the Charlotte area compares to other urban areas throughout the country. A study was done using 9 dimensions of sustainability: Air Quality, Energy Use, Equity & Empowerment, Food, Jobs & Income, Land Use, Transportation, Waste, and Water Use. She briefly describe each category and reviewed how the Charlotte area compared nationally in each of those areas. From this a “report card” was drawn up to better see the comparisons. The report card had a mix of grades with Charlotte faring better than the national average in some categories, faring about the same as the national average in other areas and falling short of the national average in the remaining areas. It is the mission of Sustain Charlotte, that by making the public aware of this data, it will help to inspire wiser choices for a healthier, more sustainable future.
- E. **Proposed Project at Lake Park** (*Jennifer Honaker*) -- Town Athletic Coordinator, Jennifer Honaker, introduced Eagle Scout, Michael Martin, of Harrison United Methodist Churches' Troop 502. Mr. Martin was proposing to build a bocce ball court at Lake Park as his Eagle Scout project. He went through his entire presentation explaining how he would construct it, the materials he would use to construct it and the approximate cost to construct it. A handout was provided in the council packets with all the information laid out so that Council could follow along. Mayor Pro Tem Davis complemented Mr. Martin on his presentation and asked him some additional questions regarding the project. The exact location of where the court would be located was discussed and Mr. Martin assured Council that there would not be a lot of maintenance or upkeep involved with the court. Town Administrator, Haynes Brigman, responded to a question from Council Member Gladden, stating that there was money available in the Cultural and Tourism Fund to pay for the project. With that said, Council Member Les Gladden motioned to approve the project, seconded by Council Member Debbie Fowler. There were ayes by all and the motion passed.
- F. **Resolution No. 2014-14** – (*Haynes Brigman*). Mr. Brigman stated that there were times when a municipality could exempt itself from going out to bid for professional services such as engineering or design work, citing the Mini Brooks Act. When the projects are estimated to cost less than \$50,000, municipalities can exempt themselves by resolution. Resolution No. 2014-14 was prepared so that the town could contract with an engineer to design a new road configuration at Main St., Johnston Dr. and Childers Ave. at an estimated cost of \$23,000. The town has

solicited bids from two engineering firms but will select the contractor with the best qualifications as well as cost. Council Member David Phillips moved to approve the resolution with Council Member Debbie Fowler seconding the motion. There were ayes by all and Resolution No. 2014-14 was passed.

- G. **Resolution No. 2014-15 – (Haynes Brigman).** Mr. Brigman stated that the same situation existed regarding the design renovations of the Belle Johnston Restrooms. Resolution No. 2014-15 was prepared so the town could exempt itself from having to bid out the project which is expected to cost about \$8,000. The town has contacted three contractors and architects and will select the one with the best qualifications as well as cost. Council Member Debbie Fowler moved to approve Resolution No. 2014-15 with Mayor Pro Tem Davis seconding the motion. There were ayes by all and Resolution No. 2014-15 was passed.
- H. **Ordinance No. 2014-03 - (Haynes Brigman).** Mr. Brigman explained that at last month's meeting, a Resolution of Intent was presented and passed to move forward with changing the town's form of government to a Council-Manager form of government. We had already been operating as such and this was just a formality that needed to be done. Council Member Les Gladden moved to approve the ordinance with Council Member David Phillips seconding the motion. There were ayes by all and the ordinance was passed. The town's charter will now be changed to reflect the amendment.
- I. **Budget Amendment – (Haynes Brigman).** Town Manager, Haynes Brigman, explained a budget amendment presented to Council from various departments including a request from the Police Department to use restricted funds to purchase new police equipment including rifles. Police Chief Rob Merchant answered questions from Mayor Pro Tem Davis stating that he planned to have all officers rifle certified and that the body cameras were for a pilot program. Cameras would be switched off as shifts change. Mayor Pro Tem Davis moved to approve the Budget Amendments with Council Member Gladden seconding the motion. There were ayes by all and the budget amendment was approved.

Mayor Edwards asked Scott Warren of the Polk Site to speak before moving on to Staff Updates. Mr. Warren gave a quick account of a fire that occurred at the Cooking Building on the grounds and thanked the Pineville Volunteer Fire Department for their quick response and ability to contain the fire to prevent further damage. They believe the fire was caused from an ember still smoldering after a cooking demonstration that had taken place earlier in the day. The damage amounted to about \$50,000 but was all repairable.

- J. **Staff Updates:** Mr. Brigman gave a quick report stating that he was in the process of preparing an RFP to replace the engineering services that were recently lost by the town and that a presentation of the 2013-14 audit was being set up for Council. Additionally, he informed the group that a mock OSHA inspection was held and the smaller items will all be corrected by each department and the bigger items would be handled by professional services.

ADJOURNMENT

At 8:55 p.m. Council Member Phillips moved to adjourn the meeting with Council Member Fowler seconding the motion. There were ayes by all and the meeting adjourned.



Mayor, Jack Edwards

ATTEST:



Barbara Monticello, Town Clerk

