



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, NOVEMBER 18, 2014**

The Town Council of the Town of Pineville met in Regular Session on Tuesday, November 18, 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 in attendance: Finance Director, Richard Dixon and Park and Recreation Director, Kristy Detwiler

CALL TO ORDER

Mayor Edwards called the meeting to order at 6:30 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 Council Member Debbie Fowler.

MOMENT OF SILENCE

Mayor Edwards called for a moment of silence for the following individuals: Tammy Miller Stanley (deceased); Helen Stewart (ill); Council Member Debbie Fowler's mother (surgery). He also asked that service men and women and public safety officers be remembered as well.

ORDER OF BUSINESS:

Adoption of the Agenda:

There being no changes to the agenda, Mayor Pro Tem Melissa Davis 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 October 14, 2014: Mayor Edwards called for a motion on the Regular minutes of October 14, 2014. There being no changes, Mayor Pro Tem Davis moved to approve the minutes as is with Council Member David Phillips seconding the motion. There were ayes by all and the minutes were approved as is.

Consent Agenda: The following items were included: a) *Financial Report ending 10/31/14 (provided by Richard Dixon); b) Approval of Tax Refunds (Karen Bennett); c) Resolution No. 2014-16 for Surplus Items (Barbara Monticello); d) Purchase Approval for Email Backup System (Haynes Brigman); and e) MTC Advocacy Goals (Haynes Brigman).* Council Member Debbie Fowler asked that it be identified how each of the surplus items would be disposed of, whether it was discarded, auctioned or donated. Town Manager Haynes Brigman, responded that a column would be added to the resolution's exhibit page that would indicate the method of disposal for each of the items listed. Council Member Phillips

moved to adopt the consent agenda with no changes. Mayor Pro Tem Davis seconded the motion and there were ayes by all.

PUBLIC COMMENT: Mayor Edwards recognized resident, Sue Campana of the Cottages. Ms. Campana thanked Council for the beautiful decorations along the main streets of town.

PUBLIC HEARING:

- A. **Public Hearing for a Conditional Zoning Proposal for a Mazda Dealership on Polk St. (Travis Morgan).** 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 at 6:35 p.m. Planning Director, Travis Morgan, stated the public hearing was to hear and take comments from the public regarding a request for a new Mazda Car dealership on Polk St. The proposed site was the 4.78 acre parcel between Car Max and the Cadillac dealership. The square footage for the proposed building was showing on the plan at roughly 32,000 square feet with the possibility of increasing the size to around 42,000 square feet in the future. Mr. Morgan added that the business would operate under a conditional zoning application.

Mr. Morgan stated there would be benefits to the town from this project including the implementation of sidewalks, along with the widening of and improvements to Cadillac St. and the resolution of some drainage issues in that area. The overlay district regulations in place would require certain architectural details on the building which would be constructed primarily of brick. Bringing the building closer to the street, along with the architectural detailing will help draw the eye to see the building first. The applicant requested that six cars be permitted on display out in front of the building. The area behind the building would meet parking requirements be used for vehicle storage.

Staff recommended there be no parking or loading/unloading of cars along N. Polk or Cadillac streets as it would cause too many traffic problems and, although it was tight, the plan shows that a large, freight delivery truck would be able to do a 3 point turn in the delivery area. Additionally, it was recommended that there be wide sidewalks with trees, 8 inch vertical curbing and landscaping around the six display vehicles and a more decorative fence or retaining wall in lieu of metal security poles to prevent the six display vehicles from encroaching into the sidewalks. Mr. Morgan recommended these poles be prohibited altogether.

Mr. Morgan confirmed to Council Member Gladden that the elevated displays of vehicles would not be permitted and there would be a maximum of six cars that could be displayed in the front and only in the designated areas shown on the plan. Any violation in regards to the number of display vehicles, the location of the display vehicles or the loading/unloading of vehicles on either Cadillac or Polk Streets will constitute a zoning violation and be fined as such. Council Member Phillips questioned whether another dealership would have to go before Council if they were to go into that spot. Mr. Morgan replied that they would be required to go before Council. Council Member Gladden asked that the section on the plan that was intended for customer parking be marked and highlighted as such, along with a notation about having only six vehicles at a time out for display. Additionally, Mr. Gladden added that the bushes should be evergreens at a minimum height of two feet when planted. Mr. Morgan noted there was a green, banding wedge on the side of the building which was discussed with regards to use and colors. Town Manager Brigman suggested that the entire green area be counted as part of their signage and limited it to only one other coordinating, neutral color.

The floor was turned over to Mr. John Fryday of Fryday and Doyne Architects. Mr. Fryday stated that the building was intended to resemble a set of smaller buildings brought closer to the street with varying degrees of transparency from one end to the other. The showroom was designed to look like a storefront along a main street. There will be sidewalks along both Polk and Cadillac Streets with the entrance to the business on Cadillac St. He presented a rendition of what the building would look like and answered questions from Council Members. He concluded by stating that he did not have a problem with any of the requirements that Mr. Morgan had discussed with him. Council Member Gladden asked that the dumpster enclosure be constructed with materials that match the main building. He added that he would allow some flexibility with moving the trees back a little to open up the visibility corridor and asked that Mr. Morgan work with

him on revising that part of the plan.

Council Member Phillips added that he appreciated Fryday and Doyne taking the time to discuss details with staff and Council Members beforehand to work out any differences before it was discussed at the Council Meeting. It made the process a lot smoother and seemed to work for all. With that said, Council Member Phillips motioned to close the public hearing with Council Member Fowler seconding the motion. There were ayes by all and the public hearing was closed at 7:04 p.m. Mayor Edwards called for a vote. Council Member Phillips moved to accept the conditional zoning inclusive of all the staff comments and all of the stipulations that were just discussed at the meeting. Mayor Pro Tem Melissa Davis seconded the motion and there were ayes by all. The conditional zoning permit was approved unanimously.

OLD BUSINESS:

- A. Presenting Refined Version of Previously Presented Trash Policy for Multi-Family Dwellings (Haynes Brigman).** Town Manager, Haynes Brigman, stated that this administrative policy had been presented previously at the September Council Meeting but had been reworked and was being presented again for approval. The reason for the policy was because there was no consistency on how multi-family developments were being serviced for their solid waste removal. The policy outlined the services each residential type of dwelling would receive as well as provide a "grandfather" clause for existing multi-family developments that do not meet the new policy requirements. Essentially single family residences would receive two rollout carts – one for trash, the other for recyclables. Townhomes with garages and/or back alleys would also receive two carts and townhomes without alleys or garages would be required to privatize their trash pickup. The policy also addressed condominiums, apartment complexes and commercial establishments. Properties located on private roads would be required to sign a waiver releasing the town of any responsibility for road maintenance or repairs.

Discussion began with a question regarding corner lots and what was considered the "front" yard. Clarification was requested on the definition of what a front yard is. Mayor Edwards commented that he has seen numerous trash cans that sit out in front of homes all week and are never removed from the curb. Mr. Brigman responded that the policy did address that and the carts would need to be removed and stored in a garage or behind the house. Council Member Gladden asked what fines would be associated with any of the violations to the policy. Mr. Brigman responded that the standard fines for civil penalties listed in the town's code would apply.

The question was raised as to whether the back alleys were constructed to state standards and would be able to withstand the heavy-duty trash trucks that would be coming in and out of them. Mr. Morgan stated that they were designed to be able to handle the heavy trucks. Mayor Pro Tem Davis asked that the policy address those that are unable to roll their carts to the curb and would require back door service. Mr. Brigman agreed to revise the policy to include what was requested and discussed and would present it again at the next Council Meeting.

NEW BUSINESS:

- A. Audit Presentation – (Ko Tang Cha- Moses).** Mayor Edwards stated that it was important to present a summary of the recent audit that was performed by Martin, Starnes & Associates, CPA's. Ms. Ko Tang Cha-Moses of Martin Starnes, provided a power point presentation of their findings highlighting the top three revenues and expenditures of the General Fund as well as highlighting the electric fund and ILEC and CLEC funds of the Pineville Telephone Company. There were no questions or comments regarding the audit.
- B. Update from the James K. Polk Site -- (Scott Warren).** Scott Warren, Manager of the James K. Polk Historic Site, provided a brief update on their Grand Re-Opening Celebration for the recently renovated museum which was attended by Mayor Pro Tem Melissa Davis and Town Manager, Haynes Brigman. He noted that 644 people attended the celebration and invited the audience to check out the new museum. He added that the Pineville Volunteer Fire Department had recently responded to a fire at their cooking house and worked quickly to minimize any damage to the building. He was grateful for their quick actions and wanted to thank them by having a luncheon for them on

December 5th.

- C. **Request for New Telephone Equipment** (*Haynes Brigman*). Mr. Brigman informed Council of some IPTV hardware equipment problems Pineville Communications was experiencing. Nine boxes that broadcast the channels to customers were starting to fail and they could no longer obtain parts to replace the current system. Once the system goes, all SD and HD channels will be lost. This was unexpected and unforeseen and was, therefore, not budgeted for during budget preparation time. Department Head, Gary Creech, obtained an estimate for software that would replace about half of the nine boxes they currently had at a cost of \$36,000. There would not be a budget amendment for this year but the remainder would be budgeted for the next fiscal year. Mr. Brigman was looking for Council approval to move forward with the purchase of this new equipment.

Council Member David Phillips remarked that it was odd that the boxes would be obsolete after only three years of IPTV service. Mr. Brigman responded that when they first started the IPTV, a very common, easy-to-obtain, lower cost product was selected but it had been out on the market for a while so it wasn't a new product. The Telephone Department did have spares but never expected this many of the boxes to go out. Council Member Phillips moved to approve the purchase of new equipment for \$36,000. Council Member Gladden seconded the motion and there were ayes by all.

- D. **Request for New Position in Public Works** (*Chip Hill*). Town Manager, Haynes Brigman, spoke on behalf of Public Works Director, Chip Hill, who was on vacation. During the 2014-15 fiscal year budget preparations, Mr. Hill had requested three new employees but was granted only one but with the promise that Council would re-visit the issue mid-year. He was requesting another employee due to a heavy load of storm water projects that were coming up. Council Member Les Gladden moved to approve the addition of a staff member to Public Works. Mayor Pro Tem Davis seconded the motion and there were ayes by all.

- E. **Request for Dog Park and Splash Pad for Park & Recreation** (*Kristy Detwiler and Carl Arminini*) – Park and Recreation Director, Kristy Detwiler, stated that the Park & Recreation survey results indicated that the top two features that residents wanted to see included at Lake Park were a water feature and a dog park. Carl Arminini of Woolpert Associates was in attendance to present renderings of where the two features would be placed at the park along with the costs associated for each feature. Ms. Detwiler stated that if we were to get the fund from the PartF grant, the town would have to commit to half the amount of the cost of the two features which equated to \$361,460.

There were a few questions from Council Members about the size of the splash pad, what the ground would consist of and if the town was still on schedule with the application process. Mr. Arminini replied that the splash pad would be approximately 120 feet across with total square footage being anywhere from 12 to 15K square feet. The ground could be mulch, grass or stone and a Special Meeting would need to be called for December 2, 2014 to review an Executive Summary before the next Council Meeting to get on track. All were in agreement with the Special Called Meeting set for December 2, 2014. With that stated, Council Member Gladden moved to proceed with the request for a splash pad and dog park at Lake Park, committing the town to pay ½ the cost of the project at \$361,460 if the grant was awarded to the town. Council Member Phillips seconded the motion and there were ayes by all.

- F. **Discuss and Set Public Hearing for Code Amendment** (*Haynes Brigman*) – Mr. Brigman stated that an amendment to the town's Code of Ordinances was being requested to include additional weapons under Section 130.03, **Discharge of Weapons**. The proposed change would include any type of bow which would not be allowed to be discharged within 300 feet of any occupied structure, etc. and would only be allowed to be discharged on private property and with proper approval from the property owner. Mr. Brigman was introducing the amendment during this November meeting so that a public hearing could be set for the December meeting on December 9th. Council Member Gladden requested that the amendment also state that it would necessary to obtain written permission from the property owner to hunt on another's property and that hunting be restricted on all town property. Council Member Debbie Fowler moved to set the Public Hearing for December 9, 2014. Council Member Gladden seconded the motion and there were ayes by all.

G. Staff Updates: Nothing

Mayor Edwards called for a five minute recess before moving into Closed Session.

Closed Session: *Discussion of matters pursuant to NCGS 143-318.11(6).* At 8:21 p.m. Council Member Gladden moved to enter into Closed Session with Council Member Phillips seconding the motion. There were ayes by all to enter into Closed Session. A lengthy discussion took place regarding a personnel issue within the Police Department. A consensus was reached and a motion made and seconded to end the close session and return to open session.

ADJOURNMENT

At 9: 50 p.m. Council Member Gladden moved to adjourn the meeting with Council Member Phillips seconding the motion. There were ayes by all and the meeting adjourned.



ATTEST:


Barbara Monticello, Town Clerk



Mayor, Jack Edwards