



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, FEBRUARY 10, 2015**

The Town Council of the Town of Pineville met in Regular Session on Tuesday, February 10, 2015 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 6:30 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 Mayor Edwards.

MOMENT OF SILENCE

Mayor Edwards called for a moment of silence for the following individuals: Rita Satterfield (passed); Alene Catoe (passed) and Ruth Rea (passed). Mayor Edwards also recognized the men and women of our fire and police departments that put their lives on the line for us each day.

ORDER OF BUSINESS:

Adoption of the Agenda:

Council Member Les Gladden moved to adopt the agenda with no changes, seconded by Council Member David Phillips. There were ayes by all and the agenda was adopted as is.

Approval of Minutes for the Regular and Closed Session Meetings of January 13, 2015: Mayor Edwards called for a motion on the Regular and closed Session minutes of the January 13, 2015 Council Meeting. Mayor Pro Tem Melissa Davis noted changes that were needed to be made to the names of the individuals mentioned in the Moment of Silence. Additionally, the name under the Public Comments section should read "Bill" Phillips in lieu of "Jim" Phillips and the library he had built was not a "tree" library but a "free" library. There being no other changes necessary, Council Member Debbie Fowler moved to approve both sets of minutes with the changes. Mayor Pro Tem Melissa Davis seconded the motion; there were ayes by all and the minutes were approved with the noted changes.

Consent Agenda: The following items were included: a) *Financial Report ending 1/31/15 (provided by Richard Dixon)*; b) *Approval of Tax Refunds (Karen Bennett)*; c) *Resolution No. 2015-02 for Surplus Items (Barbara Monticello)*. Council Member Les Gladden 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 adopted as is.

PUBLIC COMMENT: None.

PUBLIC HEARINGS:

A. Public Hearing to Amend Town Code to Include Additional Regulations Pertaining to Massage Parlors and Lewd Acts. Council Member Debbie Fowler moved to open the Public Hearing at 6:36 p.m. with Mayor Pro Tem Melissa Davis seconding the motion. There were ayes by all and the Public Hearing was opened. Town Manager, Haynes Brigman, stated that regulations pertaining to massage parlors and lewd acts were needed because loopholes existed in state regulations that did not allow our police to take action against violators. With the additional regulations in place, it would make it easier for police to prosecute violators. The changes would take effect in March, once ordinances were adopted. There was one question from the public asking if the regulations would apply to the mall. Mr. Brigman indicated they would be. Mayor Pro Tem Davis asked if the enforcement of the regulations would come from Code Enforcement or through the Police Department. Mr. Brigman responded that it could come from both – the last incident involving a massage parlor was done by both departments. Hearing no further questions or comments, Council Member 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 6:41 p.m.

OLD BUSINESS:

- A. Outstanding Appointment to Board of Adjustment.** Manager Brigman noted that there was still one appointment to be made for the Board of Adjustment because earlier attempts to contact the current board member were unsuccessful. He has finally contacted and expressed an interest in continuing on the board. Council Member Les Gladden moved to re-appoint Joseph Yarber to the Board of Adjustment. Council Member Debbie Fowler seconded the motion and there were ayes by all.
- B. Amendment of the Town Code Pertaining to the Discharge of Weapons** (*Rob Merchant/Haynes Brigman*). Town Manager, Haynes Brigman, noted that a public hearing was held last month regarding additional regulations pertaining to the discharging of bow and arrows. The ordinance was before the board tonight for adoption. There was discussion to extend the 300 foot limit to 500 feet and a request from Council Member Les Gladden to clarify that every person needs written permission from the property owner to be able to hunt on that person's property. Mr. Brigman stated that the changes could be stated in a motion but that the ordinance could still be adopted that evening. Council Member David Phillips moved to adopt the ordinance with the two changes – 300 feet changed to 500 feet and written permission be granted to each individual that hunt's on someone else's property. Council Member Gladden seconded the motion and there were ayes by all.
- C. Amendment to Town Charter from Two to Four Year Terms for Council Members** (*Haynes Brigman*). Manager Brigman stated that an ordinance was being presented to change from two to four year staggered terms for Council Members. The top two vote getters in the next election will serve four years while the lower two will serve for only two years. Hearing now comments or questions, Mayor Pro Tem Melissa Davis moved to approve the change with Council Member Les Gladden seconding the motion. There were ayes by all and the motion passed.

NEW BUSINESS:

- A. Update from James K. Polk Historic Site** (*Scott Warren*). Mr. Warren noted two events that were scheduled for the month of February – an historic tatting demonstration on the 13th and the 27th of February from 2:00 to 4:00 p.m. He also stated that materials from the fire that took place in the cook's house have been ordered but would be several weeks before it was all completed.
- B. Update on Downtown Merchants Association** (*Jennifer Fagan/Adele Mahan*). Ms. Jennifer Fagan and Ms. Adele Mahan both gave a presentation regarding the last Downtown Merchants Associate meeting. They thanked council for attending their last meeting and stated that it was the largest meeting they had since they started. They were very

excited about having a Farmer's Market again this coming season. They had a total of nine committed vendors for the market. The spring kick-off was planned for Saturday, May 16th and the market will be open from 8:00 a.m. until noon every Saturday through September. The market would be held at the Town Hall parking lot on the corner of Main and Dover Streets. They planned to have bread, jams, flowers, plants, herbs, vegetables and fruit. They planned to have a market banner over Main Street that they wanted to keep up all season, yard signs and promotional marketing cards in all the shops to pass out to customers to promote the market. Council Member Les Gladden cautioned them to be sure all signage is removed when the market ends for the day. He also wanted to be sure the vendors were committed to showing up each week as they have had a history of showing up one or two times and then never again.

- C. **Resolution No. 2015-03 in Support of Livable Communities** (*Haynes Brigman*) – Mr. Brigman stated that two presentations had been given to Council regarding the Livable Communities plan and now Mecklenburg County was looking for support of the plan in the form of a resolution. The resolution would not commit the town to any financial obligations; it only seeks support for the Livable Communities plan that offers a vision for how partnerships, strategies and community engagement can help the County as a whole. There were no comments or questions. Council Member Gladden moved to adopt Resolution No. 2015-03 in support of the Livable Communities Plan. Mayor Pro Tem Melissa Davis seconded the motion and there were ayes by all. Resolution was adopted unanimously.
- D. **Set Public Hearing for Cell Tower** (*Travis Morgan*) – Planning and Zoning Director, Travis Morgan, stated that T-Mobile had made a request to increase the height of the cell tower located behind the Waldhorn Restaurant. He requested that a public hearing be set for the next meeting on March 10th. Council Member Debbie Fowler moved to set the Public Hearing for March 10, 2015. Motion was seconded by Mayor Pro Tem Davis and there were ayes by all.
- E. **Staff Update:** 1) *Manager's Report*; 2) *Calendar of Events*; 3) *Town Hall Day* – Manager Brigman provided an update on the Bocce Ball Court project previously initiated by an Eagle Scout. He was planning to begin construction in either March or April. The court had to be ADA accessible so it could not be placed where it was originally intended so it was going to be moved to the left side where it would be accessible. He further mentioned that the police department was in need of an undercover vehicle which it planned to purchase from insurance money. The Planning Department was getting ready to accept the roads in Traditions. Planning Director, Travis Morgan, along with Public Works Director, Chip Hill, were working together to make sure they were in good shape to accept. Mr. Morgan added that they were not 100 % up to standards but that they would be using available bond money to correct the worst parts of them with the remainder getting corrected with Powell Bill reimbursement funds at a later date. Mayor Edwards reminded everyone about the Valentine's Banquet to be held on Friday the 13th at the Belle Johnston Center. He also reminded Council about Town Hall Day on March 18th.

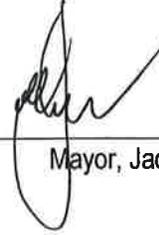
Closed Session: At 7:07 p.m. Mayor Edwards called for a ten minute recess before moving to closed session. A motion was made and seconded at 7:28 p.m. to enter Closed Session *pursuant to NCGS 143-318.11(4,5 &6)*. Discussions took place for the next 2 ¾ hours pertaining to economic development, real estate and personnel issues. Regarding the economic development issue, a consensus of council was to put a previously discussed project on hold but move forward with other plans that had also been discussed using public/private partnership funds to achieve the goal. A piece of real estate was discussed, with Council providing direction to the manager on how to proceed with it. A Personnel matter was discussed at length with a consensus of Council eventually reached to begin implementation of a program. Discussion of the Manager's evaluation was postponed until March. At 10:15 p.m. Mayor Pro Tem Davis moved to exit Closed Session and return to Regular Session. Motion was seconded by Council Member Phillips and there were ayes by all to return to Regular Session.

Regular Session: Once in open session, Council Member Gladden stated he would like for signs to be placed at the park to indicate a 10:00 p.m. closing and no parking for the townhome residents nearby. Mayor Pro Tem Davis stated she wanted to have an RFP done for trash pickup to which Council Member Phillips stated that he had not had any complaints about Signature Waste and that they try to work with the town as much as possible. Ms. Davis still wanted to give others a

chance to bid for the contract. After brief discussion, the consensus of Council was to have the Town Manager clean up the wording on the current contract, make it more detailed and renegotiate the terms with Signature Waste.

ADJOURNMENT

At 10:35 p.m. a motion was made and seconded to adjourn the meeting. There were ayes by all and the meeting adjourned.



Mayor, Jack Edwards

ATTEST:



Barbara Monticello, Town Clerk

