

**MINUTES OF THE MEETING OF THE
TOWN COUNCIL
TOWN OF PINEVILLE, NORTH CAROLINA
OCTOBER 21, 2008**

The Town Council of the Town of Pineville met in regular session on Tuesday, October 21, 2008 at 6:30 p.m. at The Hut Meeting Facility in Pineville.

ATTENDANCE

Mayor: George Fowler
Mayor Pro-Tem: Libby Boatwright
Town Council Members: Les Gladden, Jim Eschert, and David Phillips
Town Administrator: Mike Rose
Town Clerk: Barbara Monticello
Planning and Zoning: Kevin Icard and Travis Morgan

CALL TO ORDER

Mayor Fowler called the meeting to order at 6:36 p.m. and welcomed those in attendance. Town Administrator Mike Rose invited anyone wishing to speak on an agenda item to sign the speaker list.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Fowler called upon Council Member David Phillips to lead the Pledge of Allegiance to the Flag.

Mayor Fowler called for a moment of silence for the following individuals: Town employee Cliff Hunt (hospitalized), Johnsie Miller (passed), Red Ferris' wife (passed) and the Ferris family, TJ Atkins (passed), Will McGee (passed), Scott Hinson's dad (passed), Gary Hinebaugh's dad (passed) and County Commissioner, Varlerie Woodard.

ORDER OF BUSINESS

Adoption of the Agenda: Upon the motion of Council Member David Phillips, seconded by Mayor Pro Tem Libby Boatwright, Council voted unanimously to adopt the agenda for the October 21, 2008 meeting. There were ayes by all.

Approval of Minutes for the previous Regular Town Council Meeting of September 9, 2008: Mayor Fowler called for a motion on the minutes from the September 9, 2008 Regular Council Meeting. Council Member Gladden noted that in the first paragraph on page three, the sentence should read that the business was located "next door" to Mr. Coogan's property, not "across the street". Then Council Member Gladden moved to approve the minutes with the correction. Mayor Pro Tem Boatwright seconded the motion and there were ayes by all to approve the minutes with the correction.

Special Recognition: a) *Sgt. Dan Martin – Graduate of the FBI National Academy – 233rd Class:* Chief Rob Merchant stated that Sgt. Dan Martin had graduated from the FBI National

Academy which is a prestigious honor. Not everyone is selected to attend and only two other Pineville Police officers have achieved this honor as well.

CONSENT AGENDA

The following items are included: a) *Planning Board Appointments*; b) *Budget Amendment*; and c) *Reimbursement Resolution—JDH Park*; d) *Hazard Mitigation Plan Annual Revision*; e) *Set Zoning Public Hearing Date*. There being no discussion, a motion was made by Mayor Pro Tem Boatwright and seconded by Council Member Jim Eschert to approve the Consent Agenda. There were ayes by all.

PUBLIC HEARINGS

Council Member Jim Eschert moved to reopen the Public Hearing that was continued from last month. Mayor Pro Tem Boatwright seconded the motion. There were ayes by all and the Public Hearing was re-opened.

- A. *Zoning Text Amendment (TX-2008-06)* – submitted by the Town of Pineville proposing a change to the Pineville Zoning Ordinance at Article V regarding signs as it relates to real estate signage. Town Manager Mike Rose stated that staff was requesting to formally withdraw its request to amend the sign ordinance at this time. They would like to take more time to work with builders to come up with a better plan that works for everyone. Howard McConnell of Arden Homes invited Council and anyone opposing the idea of real estate signs to join in on the discussions. He stated that signs are necessary since home sales are really down right now. A letter regarding real estate signs from builder, Brad Bowman, was also submitted for the record. Judy Osborne also wanted to speak on the subject but Mayor Fowler recommended that they discuss their concerns with staff since the request was being withdrawn. Mayor Pro Tem Boatwright moved to approve the request to withdraw the application for amendment. Council Member Eschert seconded the motion and there were ayes by all to withdraw the application. Mayor Pro Tem Boatwright then moved to close the Public Hearing which was seconded by Council Member Gladden. There were ayes by all.

OLD BUSINESS

- A. *Amendment to Conditional Use Permit (CUP-2008-03)* – submitted by Coogan's Landscaping Company (Thomas Coogan) the owner of the property located at 800 Main Street. The applicant is requesting to amend the Conditional Use Permit for the following tax parcel #205-021-02 to allow for storage of equipment and vehicles on the property. Mr. Icard noted that additional information was distributed to both the applicant and Council Members at the same time. He reviewed what had transpired at the last meeting and remarked it was now time for Council to make its decision on the request. Their options were: a) to deny the request; b) to approve the request or c) to approve the request with conditions. Mr. Icard reviewed some of the potential conditions one of which was to have a fence that was higher than six feet. He pointed out that fences could go as high as 12 feet. Council had several questions of Mr. Icard regarding the restrictions. Both parties had been given a copy of the potential restrictions just before the meeting started. If restrictions were placed on the CUP, they would follow the property, not the owner. The

number of vehicles and type of equipment that could be stored on the property could be restricted as could the hours of operation.

Mr. Thomas Odom, Jr. introduced himself, stating that in his absence, his father had been at last month's council meeting to represent Mr. Coogan. He stated that a list of their proposed restrictions was sent to Town Manager, Mike Rose. The list included a limit of 8 vehicles, 4 trailers, 10 pieces of equipment, the proposed hours of operation and types of landscaping materials that would be stored on the premises.

There was additional discussion and questions from Council including hours of operation, employee parking, fencing, equipment usage and limits, size of storage area, materials to be stored, lighting concerns, number of vehicles to be stored, dumpster size and pick up times. Mayor Fowler suggested compiling a list of all the conditions since there were many and to notify the speakers at last month's meeting of any changes. Town Administrator, Mike Rose, advised that Council could approve the request with conditions at tonight's meeting, and present a finalized list of conditions at November's meeting as part of the minutes. With that said, Council Member Gladden moved to approve the CUP with conditions that would be finalized for the November meeting. Mayor Pro Tem Boatwright seconded the motion and there were ayes by all.

The list of conditions as discussed at the October 21, 2008 Town Council Meeting are as follows:

1. No more than 8 vehicles (pick-up trucks, medium duty, single axle dump trucks), 4 trailers and 10 pieces of miscellaneous equipment consisting of skid sterns, mini excavators and dingo trenchers can be stored overnight
2. No bulldozers
3. Single axle trucks only
4. Employees must park in the screened area
5. Storage area not to exceed one acre
6. 50% of screened storage area can be used to store customary materials used for construction, landscaping and irrigation consisting of but not limited to building materials, bricks, stones, materials for hardscapes, planting materials and plants, none of which can exceed the height of the fence
7. 8 foot wooden fence around entire back area
8. No storage is allowed within 200 feet from NC51 to the gate
9. Hours of operation will be Monday through Saturday from 7:00 a.m. until 7:00 p.m. during the winter and 7:00 a.m. until 8:00 p.m. during Daylight Savings Time; no operation on Sundays
10. No running of equipment, deliveries, or garbage pick up before 7:00 a.m.
11. If lighting will be used, a plan must be submitted to staff
12. If shed is constructed, it will be at 24X24 feet and must meet all floodplain requirements, should be designed with a residential character (minimum 6/12 pitch roof, minor decorative trim if height exceeds fence height), any bay doors shall not open toward properties located on Brian Circle, be of a muted color such as earth tones and no bright, reflective metal shall be permitted
13. All evergreen trees planted in 20 foot buffer shall be selected from the Zoning Ordinance's Landscaping Approved List (selecting trees that will grow in shaded, flood prone areas)

At this time, Mayor Fowler strayed from the agenda and asked Kelly Alexander to say a few words. Mr. Alexander stated that he had been appointed to the General Assembly and he was there to assist and serve the residents of Pineville because he is their representative. He urged everyone to “talk early and to talk often” and to get out and vote.

B. Jack D. Hughes Memorial Park: Phase II – *Brief update on proposed revisions to the plans for the Jack D. Hughes Memorial Park Plan, Phase II and request to proceed with construction documents.*

Town Administrator Mike Rose stated that Andrew Pack from Woolpert was back to explain a revision to the plan previously presented at the last council meeting. Mr. Pack stated that there was a small change to the plan as a result of a meeting with the stakeholders that included individuals from the American Legion, the Soft Ball League and representatives from On Deck. From the group that met, the consensus was to change the originally planned girl’s softball field into a practice field instead. The stakeholders felt that since a field bigger than 225 feet could not be put in that space, it would be better served as a practice field. Plus, there are no other facilities in Mecklenburg County that are like this, making it a first class operation that would be in great demand.

There were some concerns from Council. Mayor Pro Tem Boatwright stated that she hated to lose a field while Council Member Phillips was concerned with the possibility that the park was being built for outsiders rather than Pineville residents and that they might be shut out from using their own facility. The conversation continued with Council discussing the pros and cons of having a practice field vs. a softball field. Mike Rose stated that the need for fields is great; the town had been offered money in the past to build fields but avoided taking the money so that there would be no obligation to anyone, thereby setting the priority for usage, giving Pineville residents first choice.

Mayor Fowler asked Mr. Rose what action he would like from Council. Mr. Rose stated he wanted to have the construction plans finalized and needed to know if the consensus was to have a softball field or a practice field. More discussion followed including the suggestion of having a multi-purpose use field. Parks and Recreation Director, Kristy Detwiler, admitted she was not sold on the idea of having a practice field until she sat in on the meeting. Andrew Pack concluded the discussion by stating that he would look at all the options and the pricing of each option so that they could be compared.

NEW BUSINESS

A. Town Facility Master Plan – *Representatives from Fryday & Doyne will present findings and proposed options of the facility needs assessment.* Town Administrator Mike Rose introduced John Fryday and Tim Johnson of Fryday & Doyne who had a presentation to make on a new, proposed Government Center. Mr. Fryday passed out a handout with five options for consideration for new town services. The options were reviewed via a Power Point presentation. Mr. Fryday pointed out the advantages and disadvantages of each option as he showed views of how each would look from the street. He stated that they would be at Town Hall on Monday, October 27th and again on Wednesday, October 29th from 9:30 a.m. until noon and again from 3:00 p.m. until 4:30 p.m. to discuss in a more detailed manner each of the options. He invited

Council Members to stop by with any questions or concerns and to indicate which options they were interested in.

C. FACTAct Red Flag Policies – Presentation of draft Identity Theft Prevention Program as required by the Federal Trade Commission. Town Administrator, Mike Rose, explained that the Federal Trade Commission is requiring creditors with utility customers to institute an identity theft program by November 1, 2008 to help protect customer information from being stolen. He, Ann Wilson, Gary Creech, Jill Knox and Keith Davis went to Raleigh for a meeting on the subject and to help develop a plan for the town. In the future, they'll be working with the top three credit agencies to see credit reports and will take steps to mitigate any potential problems. Keith Davis has offered to train the customer service representatives to spot any red flags. Mr. Rose was looking for Council to adopt the policy so it would be in place by the November 1st deadline.

Council Member Les Gladden moved to approve the plan which was seconded by Mayor Pro Tem Boatwright. There were ayes by all.

D. Staff Update – 1) Water pressure reduction valves: Mr. Rose reported that he had met with Charlotte Mecklenburg Utilities on some areas of town around Lakeview, Lynnwood, and Mallard where the water pressure is too low for fire protection and residents would be responsible for installing water pressure valves. He stated that a plumber would need to be hired first to determine if one was needed and the estimated cost would be anywhere from \$100 to \$150 to install the valves. Mayor Pro Tem Boatwright offered that where she lived, they estimated that it would cost each unit \$100.00. Mayor George Fowler noted that each home may be different and he asked how many homes were affected by this. Mr. Rose indicated that the problem existed on Linwood, Lakeview and Mallard. Mayor Fowler noted the possibility of possibly helping with the cost in some way or hiring the plumber to do an estimate of each home. He asked the Town Administrator to look into it further.

2) *Tree Lighting Ceremony:* Town Administrator Mike Rose announced that the annual tree lighting event would be held on November 22nd. Council Member Gladden suggested doing more advertising to get the word out and ask merchants if they're interested in staying open later.

3) *November Council Meeting Schedule:* Mr. Rose noted that the next Town council meeting is scheduled for November 11th but it is also Veteran's Day and the town offices are closed for the holiday. He asked if council wanted to keep the meeting as is on the 11th or move it to another day. Mayor Pro Tem Boatwright moved to move the November Council meeting to November 18th. Council Member Gladden seconded the motion. There were ayes by all

ADJOURNMENT

There were no additional comments and a motion was made by Libby Boatwright and seconded by David Phillips to adjourn the meeting at 9:39 p.m. Ayes by all.

Barbara Monticello, Town Clerk

George C. Fowler, Mayor