

**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
APRIL 14, 2009**

The Town Council of the Town of Pineville met in regular session on Tuesday, April 14, 2009 at 6:30 p.m. at The Hut Meeting Facility in Pineville.

ATTENDANCE

Mayor: George C. Fowler

Mayor Pro-Tem: Libby Boatwright

Town Council Members: Les Gladden and David Phillips. Councilman Eschert was absent.

Town Administrator: Mike Rose

Planning and Zoning: Kevin Icard. Travis Morgan was absent.

Town Clerk: Barbara Monticello

CALL TO ORDER

Mayor Fowler called the meeting to order at 6:33 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 Les Gladden to lead the Pledge of Allegiance to the Flag.

Mayor Fowler called for a moment of silence for the following individuals: Jimmy Childers and Ken Downs, both of whom passed away last month; families of those in a recent car accident; fireman, Mike Cox's newborn child, Avery; Charles Baker (ill); Ollie Satterfield (ill); George Thrower (surgery); Councilman Phillip's brother, Mike (recovering); Councilman Eschert's co-worker, Jerry Wood (ill); Councilman Gladden's mother, Pat (doing better); town employee, Cliff Hunt (ill); Sam Long who lost his wife; Representative, Becky Carney (heart attack); employee John Blackwell (lost his wife) and Matt Flanagan (deployed to Iraq).

ORDER OF BUSINESS

Adoption of the Agenda: There being no changes to the agenda, Councilman David Phillips moved to approve the agenda. Mayor Pro Tem Libby Boatwright seconded the motion. There were ayes by all.

Approval of Minutes for the previous Regular Town Council Meeting of March 10, 2009: Mayor Fowler called for a motion on the minutes from the March 10, 2009 Regular Council Meeting. Mayor Pro Tem Boatwright stated there was one correction to be made to the spelling of Mike Gerin's name. It should be Gerin, not Geron. Council Member Les Gladden moved to approve the minutes with that correction, which was then seconded by Mayor Pro Tem Boatwright. There were ayes by all to approve the minutes with one correction.

CONSENT AGENDA

The following items are included: *a) Set Zoning Public Hearing Date for Netherby Subdivision Rehearing Request; b) Set Budget Public Hearing Date; c) Proclamation for Armenian Martyrs Day; d) Proclamation for Municipal Clerk's Week; and e) Proclamation for Nurses Week.* Town Administrator, Mike Rose, stated that a rehearing for the Netherby Subdivision was scheduled for the May 12, 2009 at 6:30 p.m. at the Hut and the Budget Public Hearing was scheduled for June 9, 2009, also at 6:30 p.m. at the Hut. Mayor Fowler asked Town Administrator, Mike Rose, if a court reporter would be in attendance at the rehearing for the Netherby Subdivision Request. Mr. Rose indicated that he would check on it. There being no additional comments on the Consent Agenda, Mayor Pro Tem Boatwright moved to approve it. Councilman Phillips seconded the motion and there were ayes by all.

PUBLIC HEARINGS

None

OLD BUSINESS

- A. Update on Way Finding Signs** – *a presentation by Staff.* Planning Director, Kevin Icard, gave a brief overview of the progress of the proposed Way Finding Sign System using a Power Point Presentation to show where potential signs would go and what they would look like. He noted that existing signs could potentially be removed and replaced by the newer signs that would have up to 4 destinations allowed for display on any one sign. The NCDOT requires a map to show where the signs would go and a standard symbol for an arrow must be used on the signs. If a Duke Power pole is used or if anything is in the NCDOT right-of-way, the Town would need a utility encroachment easement. No one knew for sure if the blue signs, displaying a large “H” for “Hospital” would be required to stay or not but if the NCDOT required it to, then the Town would work around it.

Councilman Gladden asked if the signs were still going to be used by developers as originally intended. Mr. Icard indicated that they would be. Councilman Phillips wanted to know if only the ground mounted signs could be used. Mr. Icard stated that either the ground mounted or pole mounted signs could be used – he was just presenting the different options that were available. He would check on the durability of using vinyl letters and how long they would last in fluctuating weather conditions. He added that only one sided signs were being considered and that the total cost for the signs would be between \$14,000 and \$20,000.

Mr. Icard continued stating that a long list of businesses could not be listed on the signs such as hotels, restaurants or specific retail establishments – only destination points. Staff is currently working on the easement agreements and the fee to charge to be listed on the sign. Mayor Fowler had some concerns as well. He wanted to be sure the Town would be in compliance with its Ordinance and Master Plan and if staff would be able to determine what would be allowed on the signs and what would not be allowed. Town Administrator, Mike Rose assured the Mayor that the Town would be in compliance and Mr. Icard stated he would make a list of those items that would be allowed on the signs and those that would not so that there would be no confusion. There were no additional questions or comments.

NEW BUSINESS

A. Heavy Equipment Tax – 1) *Presenting a new Ordinance to Collect Taxes on the Leasing of Heavy Equipment*; 2) *A Resolution Authorizing the Town Administrator to enter into an Interlocal Agreement with Mecklenburg County to Collect the tax*; and 3) *The Interlocal Agreement between Pineville and the County*. Mr. Rose explained to Council that recent legislation was enacted to repeal the property tax on certain heavy equipment leased or rented on a short-term basis. However, to offset the revenue lost as a result of the new law, local governments may levy a new tax on the gross receipts of short-term rentals of such equipment. In order to be able to do this, however, an Ordinance needs to be adopted, along with a Resolution authorizing the Town Administrator to enter into an Interlocal Agreement with the County to collect this tax. More than 50% of the business must be engaged in the short-term leasing of heavy equipment to be able to collect the tax from the business.

Even though there are not many of these type businesses in Pineville and no data is available to track how much revenue would be lost, staff still recommended that an ordinance be in place to avoid the potential for a lot of equipment leasing companies to set up shop in Pineville since there would be no taxes to pay. At least this way, it would allow the town to recoup some of the lost revenue.

Mayor Pro Tem Libby Boatwright moved to approve the ordinance to enact the new tax along with the resolution for the Town Administrator to enter into the interlocal agreement for the collection of the tax. Councilman Gladden seconded the motion and there were ayes by all.

Staff Update – 1) *Memorial Dedication Ceremony*; 2) *Town Hall Day*; 3) *Budget Workshop Reminder*; 4) *PCAA Opening Day*. Town Administrator, Mike Rose, reminded the group that the Town would be holding its tribute to Pineville veterans on Sunday, May 24th at 1:30 p.m. at the Hut. He also reminded them of Town Hall Day which was scheduled for Wednesday, May 6th. The schedule would be tight because Electricities wanted to give an update during a breakfast meeting scheduled at 8:30 in the morning followed by a presentation of a Resolution of Support by CATS also scheduled for sometime in the morning. The legislative dinner was schedule for later that night making it difficult to get up to Raleigh for 8:30 a.m. and stay all day until dinner at night. Everyone would be too tired to last the entire day so Mr. Rose would check into the possibility of Electricities doing their breakfast the following morning on the 7th or even possibly holding a separate breakfast update for Pineville and some of the other towns coming from this area.

He also stated that the first of three budget workshops would be coming up on Thursday, April 23rd to discuss capital items. The other two workshops are scheduled for May 26th and 28th at 6:00 p.m. at the Hut. The PCAA would not be doing their traditional opening day this year. Instead they would be having a Spring Fling to coordinate with the schools on April 25th at 10:00 a.m.

Mr. Rose brought to the attention of Council, two bills up for legislation. The first is regarding utilities regulation on pole attachments and who we allow on our lines. The legislation tries to circumvent the federal laws and takes it out of the hands of the municipalities. It also prevents municipalities from having access to any stimulus money set aside for telecommunications. If a dispute arises on what to charge for being on these

poles, it will go back to the Utilities Commission. The second is referred to as the Level Playing Field Bill but what it does is take the ability of towns that offer DSL/Broadband/cable services away from them, making it illegal for towns to offer communication services. He wanted to be sure Council was aware of these two bills in case action is necessary in the future.

ADJOURNMENT

A motion was made by Libby Boatwright and seconded by Les Gladden to adjourn the meeting at 7:48 p.m. There were ayes by all.

Barbara Monticello, Town Clerk

George C. Fowler, Mayor