

**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
JUNE 9, 2009**

The Town Council of the Town of Pineville met in regular session on Tuesday, June 9, 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, David Phillips, and Jim Eschert.

Town Administrator: Mike Rose

Planning and Zoning: Kevin Icard and Travis Morgan were both absent.

Town Clerk: Barbara Monticello

Planning Board Members: Jim Knowles, Terie Davis, Paul Sullivan, Tristan McMannis and Jack Lee.

CALL TO ORDER

Mayor Fowler called the meeting to order at 6:28 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 Jim Eschert to lead the Pledge of Allegiance to the Flag.

Mayor Fowler recognized long-time resident, Margaret Long, who thanked Council for a very nice Memorial Service. Mayor Fowler then called for a moment of silence for the following individuals: Jim Eschert's mom (passed); town employees, Jaymes Holden (ill) and Cliff Hunt (ill); Dennis Madden (passed); George Thrower (ill, but improving) Ollie Satterfield (improving); Jerry Woods (passed); Tilly Boatwright (hospitalized); Charles Baker (passed); and Jack Lee's mom (ill).

ORDER OF BUSINESS

Adoption of the Agenda: There being no changes to the agenda, council Member David Phillips moved to adopt the agenda with Mayor Pro Tem Libby Boatwright seconding the motion. There were ayes by all and the agenda was adopted unanimously.

Approval of Minutes for the previous Regular Town Council Meeting of May 12, 2009, the Executive Session of May 12, 2009, and the Budget Workshops from April 23, 2009 and May 26, 2009.: Mayor Fowler called for a motion on the minutes from the last Regular Council Meeting, the Executive Session and two Budget Workshops. Council Member Les Gladden moved to approve all sets of minutes which were seconded by Council Member Eschert. There were ayes by all and all sets of minutes were approved unanimously with no changes.

CONSENT AGENDA

The following items are included: *a) Board of Adjustment Appointment; b) Contribution to Carolina Water Fowl; c) Approval of New Municipal Records Retention Schedule; and d) Set Zoning Public Hearing Dates.* Mayor Pro Tem Boatwright moved to approve the Consent Agenda with no changes, seconded by David Phillips. There were ayes by all.

PUBLIC HEARINGS

- A. Joint Public Hearing for Proposed Text Change** – *submitted by the Town of Pineville for proposed changes to the Pineville Zoning Ordinance as it relates to the length of time considered for nonconforming uses of structures and land and to provide further information about allowable Sight Triangles on town maintained streets.* Mayor Fowler stated there would be a Joint Public Hearing with information being presented by Zoning Administrator, Kevin Icard. Councilman Jim Eschert moved to open the Public Hearing which was seconded by Mayor Pro Tem Libby Boatwright. There were ayes by all. Mr. Icard explained that the town was proposing to change the time on nonconforming uses on land and structures from 180 days to 90 days. He noted that attorneys had said it was legal to make the change and he provided court documentation to show that in one case, the judge did not contest the city using a 90 day period of time. He added that the majority of businesses that would be affected by this new rule were located on major thoroughfares and not consistent with the goals in place for the town. As the Ordinance reads now, some properties are being left unattended to for too long. The proposed change would ensure that the owner of the property moved quickly to get another tenant in place because after 90 days, the facility could no longer be used as it was previously.

Council Member Les Gladden asked how current situations would be handled to which Mr. Icard replied that it would only affect those businesses that were in that situation when the text change actually came into place. Councilman Eschert asked if the owner would be addressed to let him know he has 90 days to find a tenant. Mr. Icard indicated that they would be contacted.

Mr. Icard discussed the next item regarding Sight Triangles stating that currently town-maintained roads require a 35' x 35' sight triangle. Nothing is allowed in this area to obstruct a motorist's vision when entering or exiting an intersection. State roads require a 10' x 70' sight triangle. A change to this requirement is being proposed because the town's Zoning Ordinance changed. With the Zoning Ordinance change, houses are being built closer to the street making the requirements for a sight triangle too big. The change would affect mainly new developments. When the zoning changes were made, staff did not realize this would be a problem until now. Developers are bringing this to their attention as homes are going up in new subdivisions. Staff was proposing to change the requirements to a 25' x 25' sight triangle on some streets, with a 10' x 10' sight triangle for alleys. Examples of all the current and proposed sight triangles were included in a packet of information given to each Council Member.

Councilman Phillips asked if this would help with the issue of cars parking too close to the intersection of the road. Mr. Icard stated that the regulation prohibiting cars from parking 15 feet from an intersection is still in place and still applies. Councilman Eschert questioned if shrubbery would be allowed. Mr. Icard stated that it could be no more than

2 feet high. Councilman Eschert was concerned about the entrance to his development and asked if it could be checked and then he asked how traffic circles would be affected by the changes. Mr. Icard said that they would not be affected at all. This concluded the discussion and Councilman Gladden moved to close the Joint Public Hearing, which was seconded by Mayor Pro Tem Boatwright. There were ayes by all.

OLD BUSINESS

None.

NEW BUSINESS

- A. Public Hearing – Presentation of FY 2009-2010 Town Budget** – Review and discuss proposed budget. Councilman Eschert moved to open the next Public Hearing, which was seconded by Mayor Pro Tem Boatwright. There were ayes by all to open the Public Hearing at 6:51 p.m.

Mr. Rose stated that anyone wishing to speak on the budget may do so. Staff had been working on the budget since January and was being conservative with the revenues generated. Even though there would be smaller revenues generated, the town was still maintaining its services. He presented a balanced budget with no tax increase but the town would be monitoring what happens at the state level and try to keep expenses down. He continued, stating that the town would still like to move forward with two projects: the expansion of Jack Hughes Park, which is funded by Cultural and Tourism money and the new police facility which is desperately needed. He added that there would be no salary increases.

The Telephone/Electric Department budgets were a little tougher to balance. In order to balance the Electric budget, an increase of 5.2% was being proposed. Mr. Rose noted that all energy companies were being faced with the same issues. There were no questions or discussion and Mayor Pro Tem Boatwright moved to close the Public Hearing at 6:56 p.m., with Council Member Gladden seconded the motion. There were ayes by all.

- B. Budget Amendments** – Review and take action on proposed budget amendments for FY2008-2009. Mr. Rose stated that a budget amendment was needed as there was \$94,000 worth of damage done to one of the fire trucks. The insurance transaction needed to be accounted for and would show as revenue coming in and expenses for repairs going out, creating a wash. Councilman Jim Eschert moved to approve the budget amendment, which was seconded by Mayor Pro Tem Boatwright. There were ayes by all.
- C. Tax Rate/Electric Rates** – Set tax rate for FY 2009-2010 at \$0.32 per \$100.00 valuation and amend Electric Rate Schedule. Mr. Rose stated that the tax rate need to be adopted as did the electric rate schedule. He added that there is a separate rider that now applies to electric customers for renewable energy which the town would absorb. He did not want electric customers to have to pay higher rates and an additional fee on top of that. Councilman Gladden moved to approve the 2009-2010 Budget at \$0.32 per \$100 value and the electric rate increase of 5.2%. Mayor Pro Tem Boatwright seconded the motion and there were ayes by all.

D. Budget Ordinance – Adopt the FY 2009-2010 Budget and corresponding Budget Ordinance. Mr. Rose reminded Council that not only did the tax rate need to be adopted but the Budget and Budget Ordinances as well. A motion was made by Mayor Pro Tem Boatwright and seconded by Councilman Phillips to adopt the Budget and Budget Ordinance. There were ayes by all.

E. Quitclaim Deed Request/Historic Landmark Commission – Review and take action on a request from the Historic Landmarks Commission for a quitclaim deed for a portion of property located near 330 Main St. Mr. Rose explained that the Historic Landmarks Commission purchased both the 316 and 330 buildings along Main St. Their intention is to put deed restrictions on the buildings so they cannot be torn down and then put them back on the market for sale. However, there is a piece of the back corner of the property at 330 Main St. that is actually owned by the town. By doing a Quitclaim Deed and Easement, they will be able to have clear title to the property. North Carolina law allows the town to do this so that the Landmarks Commission can move forward with the purchase of the property. Agreeing to the request allows the Town Administrator to sign the Quitclaim Deed. A motion was made by Mayor Pro Tem Boatwright and seconded by Councilman Gladden. There were ayes by all.

F. Resolution for Financing RFP – Consideration of a resolution authorizing the Finance Director to proceed with an RFP to lending institutions for the financing of Jack D. Hughes Park improvements. Mr. Rose stated that the Town was ready to consider bids for the financing of Jack D. Hughes Park improvements. He wanted to put the ad out for bids this week for competitive financing from banks with June 29th as the deadline for requests. Andrew Pack from Woolpert would have a short list of contractors ready by July 12th and a public hearing would be held on July 14th at the next Town Council Meeting. Mr. Rose was looking for direction from Council to put out an RFP. Councilman Phillips moved to approve that an RFP go out for the financing of Jack D. Hughes Park. Councilman Eschert seconded the motion and there were ayes by all.

Mr. Rose informed Council that he had met with Fryday and Doyme regarding the elevation proposal for the new police facility. He asked Council to let him know a date and time that works best for all of them to come by and view the elevation plans.

ADJOURNMENT

A motion was made by Libby Boatwright and seconded by Les Gladden to adjourn the meeting at 7:10 p.m. There were ayes by all.

Barbara Monticello, Town Clerk

George C. Fowler, Mayor