

**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
AUGUST 11, 2009**

The Town Council of the Town of Pineville met in regular session on Tuesday, August 11, 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  
Zoning Administrator: Kevin Icard  
Town Planner: Travis Morgan  
Town Clerk: Barbara Monticello

**CALL TO ORDER**

Mayor Fowler called the meeting to order at 6:26 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 us into the Pledge of Allegiance.

Mayor Fowler called for a moment of silence for the following individuals: Wally Satterfield (passed); town employees, Jaymes Holden who was back at work after he was hospitalized 13 weeks ago and Cliff Hunt who recently moved to be closer to family; Van Wingate, David Phillip's sister who is doing much better; Les Gladden's mom who is doing well; George Thrower (improving); Tilly Boatwright (improving); Ollie Satterfield (doing better); Hegla Hess' father (passed); and James White (not doing well).

**ORDER OF BUSINESS**

**Adoption of the Agenda:** There being no changes to the agenda, Mayor Pro Tem Libby Boatwright moved to adopt the agenda with Council Member Les Gladden 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 July 14, 2009**  
Mayor Fowler called for a motion on the minutes from the last Regular Council Meeting. Council Member David Phillips moved to approve the minutes which were seconded by Council Member Jim Eschert. There were ayes by all to approve the minutes as is.

## **CONSENT AGENDA**

**The following items are included:** *a) Order for Collection of Taxes; and b) Set Zoning Public Hearing Date.* Town Administration, Mike Rose, asked that the Zoning Public Hearing that was being requested for the September 8<sup>th</sup> meeting be moved to the October 13<sup>th</sup> meeting as more time was needed. There were no other changes to the Consent Agenda so Mayor Pro Tem Boatwright moved to approve it with the one change. Council Member Les Gladden seconded the motion and there were ayes by all.

## **PUBLIC HEARING**

**A. Public Hearing for Amendment to Conditional Use Permit** – *submitted by Egan Realty Services on behalf of Clearwire, for the real property located at 12109 Lancaster Highway, identified as Tax Parcel ID 221-511-03. This property is located behind the Waldhorn Restaurant and is owned by the Town of Pineville. The request is to allow for the co-location of services on the existing cell tower, including the addition of ground equipment facilities.* Mayor Fowler asked those that would be speaking to come forward to be sworn in. Planning Director, Kevin Icard and Leslie Gorey of Clearwire, were both sworn in by Mayor Fowler. A motion was made and seconded with ayes by all to open the Public Hearing.

Ms. Gorey introduced herself and stated that she had been sworn in. She stated that Clearwire was seeking to install a microwave dish at 122 feet up on the tower and ground equipment on a 3 x 3 foot slab to provide high speed internet service to customers in the area. There were no questions so Mr. Icard presented his information.

He stated that this request was for a co-location on the existing pole. The dimensions were supplied on a set of plans previously distributed to all Council Members. The applicant would need to meet all the requirements and the burden is on them to prove they have met them all. There is a portion of fencing currently around the existing ground equipment that would need to be expanded and replaced to accommodate the additional ground equipment but it would not interfere in any way with the equipment that is already there. They would simply need to cut the fence and redo that section of it.

Mayor Fowler wanted to be sure that this was just part of the requirements from 1996 that nothing else could be located on the tower without approval from the board. Council Member Gladden indicated it was part of the Zoning Board procedures. Mr. Icard clarified that the Planning Board no longer has to review amendments to CUP's; just the Town Council needs to approve them. Council Member Jim Eschert asked if this would in any way be in conflict with our recently approved Utilities Ordinance but Mr. Icard stated that the ordinance would apply more for residential right-of-ways than in this case. Mr. Eschert's concern was with the vegetation that was growing there – there seemed to be a lot of it. Mr. Icard agreed to contact AT&T or have our Public Works department clean it up. There were no further questions or comments. A motion was made and seconded with ayes by all to close the Public Hearing.

## **OLD BUSINESS**

**A. Awarding of Bid/Jack D. Hughes Park Phase II** – *Consideration and selection of bids received for the proposed renovations of Jack D. Hughes memorial Park, Phase II.*

*Approval of bid and authorization to let the contract.* Town Administration, Mike Rose, stated that he was looking for Council to formally award the bid to complete Phase II of the Jack D. Hughes Park renovations to T.K. Browne Construction Company. He noted that the Local Government Commission approved the town's request for financing at their last meeting and the closing on the loan had to take place by tomorrow or the town would lose the interest rate given at the time of the bidding. Construction was slated to begin on August 17<sup>th</sup>. He was looking to have Council accept the bid, award the contract and authorize him to enter into any construction contracts, as well as sign the loan documents with BB&T.

Council Member Phillips asked if the old field would still be available to for use during construction. Mr. Rose indicated that it would and he would make sure there is access to it. The anticipated date of completion is expected to be the middle of June, 2010 and they are the same company that completed Phase I of the project. Mr. Rose added that mandatory meetings were scheduled for every other week to keep them on track. There were no further questions and Mayor Pro Tem Boatwright moved to accept the bid, award it to T.K. Browne and authorize the Town Administrator to enter into any additional contracts and/or agreements for the project, as well as sign the closing documents for the loan. Council Member Eschert seconded the motion and there were ayes by all.

## **NEW BUSINESS**

- A. **CONNECT** – *A presentation by COG and resolution for consideration in support of their regional vision.* The representative for COG had not yet arrived at the meeting so item B was heard next.
  
- B. **Historic Landmarks Commission** – *Presentation by Dr. Dan Morrill of the HLC regarding the National Historic Register.* Mr. Dan Morrill of the Historic Landmarks Commission spoke regarding the importance of keeping the commercial downtown district and mill community within Pineville in tact historically. He suggested that a good way to protect the historic value of the property is to list it on the National Historic Registry. This insures that restrictions are put on the property to prevent it from ever being torn down or destroyed. However, in order to do this, it is necessary to go through rigorous environmental steps and a study must be done with costs incurred by the town.

If the property does get listed on the registry, however, there are tremendous tax credits for both private and commercial properties, but at least 51% of the owners would have to support the listing on the registry. It would be advantages for these properties to have the designations attached to them. Dr. Morrill went on to say that both downtown Matthews and Davidson are listed in the National Registry.

Mayor Fowler wanted to know if both the downtown area and the mill village could be done together or if they had to be done separately. Dr. Morrill explained that the distance between the commercial core area and mill homes was too great to be considered one historic district so they would need to be listed separately. Mayor Fowler was in favor of getting the mill village listed first but the town did not yet have a projected cost for the study of this area. Mr. Rose suggested getting a price on what it would cost to complete the study on the mill village area as well as the downtown core, and then bring it back to Council later. Council Member Gladden asked if 51% of the owners from each of the two

areas had to agree to the listing or 51% of owners combined in both areas. Dr. Morrill clarified that it would be for each of the areas but it should be determined prior to having the study done so that money isn't wasted if the majority decided against it. Mayor Fowler suggested having the meetings at the Hut Meeting Facility with Dr. Morrill present to answer any questions. It was the consensus of Council to wait until the proposal for the study was submitted for the mill village area before proceeding any further.

- A. CONNECT** – At this time, the Executive Director of COG, Mr. Al Sharp, had arrived. Mr. Sharp was present to introduce the concept of CONNECT, a regional vision to deal with issues that have a major impact on the Bi-State area. A number of local governments have already embraced this vision and Mr. Sharp was out spreading the word to get other towns on board. The CONNECT vision includes 17 counties in both North and South Carolina. It's a collaborative effort to create regional actions for common goals to deal with population growth which puts a strain on natural resources, transportation needs, and utility infrastructures. To deal with such growth issues, Centralina Council of Governments, the Catawba Regional Councils of Government, and the Charlotte Regional Partnership have banded together to establish this process.

The process is based on six CORE values derived from 40 common values and themes found in our region's adopted public policies and plans:

- 1) Sustainable, well-managed growth
- 2) Increased collaboration among jurisdictions
- 3) Strong, diverse economy
- 4) Safe and healthy environment
- 5) High quality educational opportunities
- 6) Enhanced social equity

Behind each CORE value are visions, policies and practices which municipalities can embrace and take part in to help achieve success. Jennifer Roberts is the Chair of the CONNECT Council which is the primary policy body made up of representatives from specific organizations including Centralina COG, Catawba Regional COG, Charlotte Regional Partnership, Chambers of Commerce, Foundation of the Carolinas, Urban Institute, Lee Institute and rotating Environmental Organizations.

Mayor Fowler stated that Pineville always wanted to be a team player but that the City of Charlotte seems to always control what happens since they are a major player. He can see this vision working as long as both the larger and smaller towns and cities work together to make the best of our resources. Mr. Sharp commented that they purposely did not go to the City of Charlotte first so that the smaller towns did not think they were being forgotten. Council Member Gladden added that he was only on board with it if Charlotte was on board with it since they are the major player with the biggest say on issues. Mayor Fowler added that he understood this was being done in the spirit of cooperation but he would have to reconsider if it went astray somehow. Council Member Gladden moved to adopt the resolution in support of the vision. Council Member Eschert seconded the motion. Council Member Phillips, however, presented a substitute motion to hold off on a vote until later when more information was obtained and more municipalities were on board with it. Mayor Pro Tem Boatwright seconded the motion and there were ayes by all to hold off.

Mr. Sharp stated that CONNECT wouldn't be presented to Charlotte until after the municipal election, sometime in December or January. Mr. Rose requested a list of all the towns that have already adopted the vision and stated that Council wanted the opportunity to look into this more before making a decision.

- C. Acceptance of Roads in Carolina Crossing/Agreement with Developer --** *Consideration of accepting roads in the Carolina Crossing Subdivision contingent on final repairs to the roads as per approved agreement.* Mr. Rose explained that Carolina Crossing had received approval 5 to 6 years ago for their development which is nearing completion very soon. They were seeking agreement from the town to accept the roads for maintenance. However, since that time, road standards have changed and what was approved and considered acceptable back then is no longer acceptable today.

He continued to explain that the town had been out on several occasions to look at the roads but found them to be substandard in about 60 different areas. These areas must be redone but Ryan Homes' concern is that if they go ahead and make all the improvements, they fear the Town may not accept them. They want assurance that once the corrections are made, the town will take over the roads. An agreement had been drawn up that gives them 90 days to make the improvements, with one 30-day extension allowed.

They were looking for the town to sign off on this agreement but Council had concerns with this. They wanted to know what assurance they had that the roads would even be fixed properly to come out with a better product than what was already there. Council Member Gladden reviewed photos that were taken of some of the problem areas and was very concerned about the poor construction of the roads. Even if fixes were done, he did not think they would last and he could foresee this being a big expense to the town in the future. Some of the sections appeared that they would need to be ripped out and totally redone and unless they were done correctly from the start, he was uncomfortable signing the agreement.

Mr. Rose suggested that someone representing the town, such as someone from the asphalt company that the town uses, go around in the complex to spell out exactly what needs to be done. Someone with asphalt experience or even an engineer should explain to Ryan Homes the extent of the work that needs to be done before the town would commit to taking over the maintenance of the roads. He agreed to put this item back on the agenda for next month's Town Council meeting and perhaps have that person at the meeting to discuss the correct way to repair the problems.

- D. Staff Updates – (1) Personnel Policy –** Copies of the revised Personnel Policy were distributed to each Council Member. Mr. Rose indicated that no action was needed on it at this time. He also explained that the job description for the part-time Human Resource Analyst position was completed and a job posting would be put out this week and then an ad in the paper if there were no internal candidates that apply for it. Mayor Fowler wanted to be sure that each employee got a copy of the new personnel manual and signed off on it that they received it. Mr. Rose agreed.

*(2) NCLM Annual Conference --* Mr. Rose also stated that a new educational sign was installed in the town's rain garden at Town Hall and he reminded Council that the North Carolina League of Municipalities Annual Conference was being held in Greenville, NC from October 25 to the 27<sup>th</sup>.

There were no further comments or discussion. Mayor Pro Tem Libby Boatwright moved to adjourn the meeting, which was seconded by Council Member David Phillips. There were ayes by and the meeting adjourned at 8:03 p.m.

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George C. Fowler, Mayor

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Barbara Monticello, Town Clerk