

**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
OCTOBER 13, 2009**

The Town Council of the Town of Pineville met in regular session on Tuesday, October 13, 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 and Town Planner: Travis Morgan were both absent

Town Clerk: Barbara Monticello

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 us into the Pledge of Allegiance.

Mayor Fowler called for a moment of silence for the following individuals: Johnny Mack Satterfield (ill) and family (wife Ollie, passed), town employee, Jana Vinke's dad (passed), Jimmy Bridges (passed), James White (ill with cancer), Sue Rowe (ill), Frank Honniker (surgery), George Fowler (outpatient surgery), David Phillip's friend, Andy Molach (ill with cancer), and George Thrower (ill with cancer).

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 Jim Eschert 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 September 8, 2009

Mayor Fowler called for a motion on the minutes from the last Regular Council Meeting. Council Member Les Gladden stated that a correction needed to be made on page 4 under the "Discussion of Ordinance Regarding Cars for Sale". The last sentence should read, "Main Street" in lieu of "South Blvd." He then moved to approve the minutes with corrections which Mayor Pro Tem Boatwright seconded. There were ayes by all to approve the minutes with corrections noted.

CONSENT AGENDA

The following items are included: *a) Set Zoning Public Hearing Date to November 10, 2009 to amend a Conditional Use Permit and Site Plan to allow for a new restaurant. A motion was made by Councilman Gladden and seconded by Councilman Phillips to adopt the Consent Agent as is. There were ayes by all.*

PUBLIC HEARING

Netherby Subdivision Request – Submitted by the Town of Pineville as required by the NC Superior Court, to rehear the Subdivision Request by Mr. Earl Coulston/Blue Ridge Company for the Netherby Subdivision located off Lakeview Drive, Pineville, NC. *Attorneys for the applicant have requested to reschedule the hearing for November 10, 2009.* Town Administrator, Mike Rose, indicated that the town's attorneys stated that this was the final time the hearing would be rescheduled. It would be held on November 10th but would not be rescheduled after that. Mayor Pro Tem Boatwright moved to reschedule the hearing to November 10th. Motion was seconded by Councilman Eschert. There were ayes by all.

OLD BUSINESS

- A. Ordinance Regarding Cars for Sale** – *submitted by The Town of Pineville to discuss individual vehicle sales on vacant and commercially zoned lots.* Town Administrator, Mike Rose acknowledged that more cars are being parked along vacant and commercially zoned properties and left out for sale. He stated that it's a practice that the town wanted to manage so an ordinance was put together and was now being presented before Council. The ordinance would fall under Chapter 40 of the Code of Ordinances and be added under the heading of "Parking and Display of Sales in Public Places." Mr. Rose reiterated that the intent of the ordinance was not to eliminate the sale of vehicles by individuals but to regulate it where necessary.

There were several questions from Council Members which sparked a discussion. Several issues were brought up particularly regarding employees and businesses that may have a vehicle for sale. Council pointed out the need for more specific places and timeframes of where and when a vehicle could be parked for sale. Mr. Rose agreed as did Mayor Fowler. Requested changes to the ordinance included:

- that the vehicle needed to be located in designated parking spaces
- that vehicles cannot be parked in unimproved areas
- that vehicles can only be parked during regular business hours

Councilman Gladden stated that he would like to go ahead and adopt the ordinance now provided the changes are made. He moved to adopt the ordinance with the changes noted above. Mayor Pro Tem Boatwright seconded the motion. Councilman Eschert preferred to see the final version before a vote was taken but was comfortable with the changes and moving forward with it. There were ayes by all to adopt the ordinance with the changes discussed.

NEW BUSINESS

- A. **New Police Facilities Update** (*information item*). Town Administrator, Mike Rose, stated that the town met with Mecklenburg county Building Standards to review construction documents that included more design and detail. There were very few major concerns except that with a recent water flow test, the Fire Marshall thought that the building may need a water pump. Mr. Rose said that he would contact Charlotte Mecklenburg Utilities to check for any problems in the lines. If there were any, CMUD would fix the problem and a water pump would most likely not be necessary.

Mr. Rose had asked Fryday and Doyne to give him an idea of preliminary pricing for the construction but very few construction companies wanted to provide preliminary bids. One company estimated the cost to be between \$6 and \$6.4 million. Fryday and Doyne will be getting another estimate from a high end company which may be as high as \$7 to \$7.5 million. However, since it is still a very competitive market, chances are good that the cost would be less than that. Mr. Rose continued stating that the rest of the construction documents would be finished and then the project would be put out to bid in November if Council was still willing to move forward. The bid tabulations should be back and presented to Council sometime in December or January.

A discussion ensued regarding the cost of the project. Councilman Phillips was concerned that since the preliminary bid came out at \$6 million, would other companies just assume that the town would be willing to pay \$6 million for a new building and set their bids based upon that figure. Mr. Rose believed that because the market is so competitive right now, that shouldn't happen. Council Member Gladden suggested that the bids extend beyond the general area. If the request for bids was sent out statewide, we may have a better chance at securing an even better bid from areas that are worse off.

Mr. Rose added that they would be doing a prequalification meeting like they had done with Jack Hughes Park so that everyone was aware of the requirements. Councilman Gladden agreed that a prequalification meeting was necessary. Council Member Jim Eschert stated that moving forward with the project sends a clear message to the public that the town is committed in this project.

- B. **Staff Updates** –(1) *Update on West Pineville Small Area Plan* – Mr. Rose stated that the study for the Small Area Plan for West Pineville was underway and the first committee meetings would be held this month.

(2) *Fall Fest* – Mr. Rose reminded Council that the town will have a booth at this year's Fall Fest which is October 16th and 17th. Pineville Telephone and Electric will also be included with the hybrid electric vehicle on display in front of the booth.

Mayor Fowler asked about the street project at Carolina Crossings. Mr. Rose indicated that Planning Director, Kevin Icard and Public Works Supervisor, Bobby Howington, had been going through the community monitoring the project but a full inspection still needed to be done.

Also discussed was the date of November 21st for the annual tree lighting event and the possibility of having to set it up differently to get it farther back from the road. Scott Warner from the Polk site had also been in to discuss the different things they wanted to

do in connection with the town. Councilman Gladden asked when the plants were expected to be in for the new welcome sign. Mr. Rose stated that the plants had been ordered and would most likely be planted next week. There have been a lot of positive comments on the new sign.

There were no further comments or discussion. Mayor Pro Tem Boatwright moved to adjourn the meeting, which was seconded by Council Member Les Gladden. There were ayes by and the meeting adjourned at 7:25 p.m.

George C. Fowler, Mayor

Barbara Monticello, Town Clerk