

**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
NOVEMBER 10, 2009**

The Town Council of the Town of Pineville met in regular session on Tuesday, November 10, 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 Attorney: Robin Currin  
Town Clerk: Barbara Monticello

**CALL TO ORDER**

Mayor Fowler called the meeting to order at 6:27 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 us into the Pledge of Allegiance.

Mayor Fowler called for a moment of silence for the following individuals: Johnny Mack Satterfield who is ill himself and who has lost his wife, daughter and grandson in a short period of time; George Thrower (ill with cancer) and Leon Neely (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 October 13, 2009** Mayor Fowler called for a motion on the minutes from the last Regular Council Meeting. Council Member Les Gladden moved to approve the minutes as is. The motion was seconded by Council Member Jim Eschert and there were ayes by all to approve the minutes from the October 13, 2009 meeting.

**CONSENT AGENDA**

**The following items are included:** *a) Budget Amendment – Telephone Department; b) Resolution— Interconnecting Small Generator Systems; c) Set Zoning Public Hearing Dates; d) Tax Refund for BB&T Equipment Finance Corp.* Town Administrator Mike Rose explained to Council that the tax refund, although a large sum of money, never really impacted our budget. Occasionally the county will overcharge and make some errors that need to be corrected. We never had the money to refund back but in order to correct the error, the county had to pay us the amount and then we had to refund it back to BB&T Equipment Finance Corp. Council understood and a motion was made by Mayor Pro Tem Libby Boatwright and seconded by Council Member David 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. Mayor Fowler stated that the item that was up next was a court-ordered rehearing for the Netherby subdivision request. He reviewed all the requirements of the quasi-judicial hearing with those in attendance so they were aware of the procedures. He then asked anyone that was giving testimony to come forward to be sworn in. Thirteen individuals came forward, placed their hands on the bible and were sworn in by Mayor Fowler: Jim Knowles, Don Eury, Don Spence, Jonathan Guy, Robert Gladden, Mary Rutherford, Joe Waters, Scottie Earnheart, Bob Young, John Carmichael, Derrick Boyte, Kevin Icard, and Pradeep Singh. Mayor Pro Tem Boatwright moved to open the Public Hearing which was seconded by Council Member Les Gladden. There were ayes by all to open the Public Hearing.

Both sides presented testimony with the hearing lasting several hours. Some members of the audience that wanted to speak at the hearing left before they were able to do so since the hearing lasted so long. A copy of the complete transcript of the hearing is made part of these minutes as Exhibit A, along with a list of all the exhibits entered into evidence at the hearing, labeled as Exhibit B.

Mayor Pro Tem Boatwright moved to close the public hearing at 10:13 p.m. Motion was seconded by Councilman Eschert and the vote was unanimous to close the public hearing. Mayor Fowler stated that since there was a lot of information presented at the hearing, the decision would be deferred until the December 8<sup>th</sup> meeting. He asked for a motion to defer the vote. Councilman Les Gladden moved to defer the vote until the December 8<sup>th</sup> Council Meeting, which was seconded by Mayor Pro Tem Boatwright. There were ayes by all. Mayor Fowler called for a ten minute recess before reconvening to finish the meeting.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

- A. Staff Updates** –(1) *November Schedule.* Mr. Rose advised Council of the upcoming Veteran’s Day holiday and the Thanksgiving holiday on both Thursday and Friday, November 26<sup>th</sup> and 27<sup>th</sup>. He stated that town offices would be closed. He reminded them that the annual tree lighting would be held on Saturday, November 21<sup>st</sup> and that the stage would be reworked to keep people further away from the street. Church St. would also be closed to vehicular traffic. Pineville Fire Department’s Christmas party will be held on December 7<sup>th</sup> at the Longhorn Steak House Restaurant. The fire department was also having its annual Open House on the 14<sup>th</sup> from 10:00 a.m. until 3:00 p.m.

Mr. Rose also mentioned that Ann Swallow from the National Historic Registry would be in town on November 19<sup>th</sup> to assess Main St. and the mill village section of Pineville to determine if it qualifies to be given the National Historic designation.

There were no further comments or discussion. Councilman Les Gladden moved to adjourn the meeting, which was seconded by Mayor Pro Tem Libby Boatwright. There were ayes by and the meeting adjourned at 10:32 p.m.

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George C. Fowler, Mayor

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Barbara Monticello, Town Clerk