

**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
January 12, 2010**

The Town Council of the Town of Pineville met in regular session on Tuesday, January 12, 2010 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: Debbie Fowler, 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 6:24 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: Leon Neely (ill); George Thrower (ill); Johnny Mack Satterfield (ill); Tim Jacobs (open heart surgery); and Bill Inman (ill). Police Chief Rob Merchant asked that FBI agent, Jerry Senatore (ill with cancer) be remembered as well.

**ORDER OF BUSINESS**

**Adoption of the Agenda:** There being no changes to the agenda, Council Member Debbie Fowler moved to approve it with Councilman 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 December 8, 2009 and the Swearing in Ceremony Minutes of December 8, 2009:** Mayor Fowler noted that an addendum labeled as Exhibits A, B and C, was included as part of the minutes. He then called for a motion on the minutes from the last Regular Council Meeting and the Swearing in Ceremony. Council Member David Phillips moved to approve the minutes as is, with Council Member Libby Boatwright seconding the motion. There were ayes by all to approve both sets of minutes from the December 8th meetings.

**Appointment of Mayor Pro Tem:** Mayor Fowler called for nominations for Mayor Pro Tem. Council Member Debbie Fowler moved to nominate David Phillips, which was seconded by Libby Boatwright. There were ayes by all to elect David Phillips as Mayor Pro Tem. Mayor Fowler noted that Libby Boatwright had served as Mayor Pro Tem for 14 years. He thanked her for her years of service as Mayor Pro Tem and asked for her continued support on the board.

**Special Recognition:** Mayor Fowler stated that the Boy Scouts of America would be celebrating their 100<sup>th</sup> anniversary in February and that they were planning on attending the Council meeting

on the 9<sup>th</sup> to present the colors and conduct the pledge of allegiance. A proclamation has been written up to recognize their anniversary which he would like to present to them at the next meeting. Council Member Libby Boatwright moved to approve the proclamation which was seconded by Council Member Debbie Fowler and there were ayes by all to approve it.

Mayor Fowler also recognized Lt. Corey Copley who recently graduated from the FBI National Academy bringing the total Pineville FBI graduates to four.

### CONSENT AGENDA

The following items are included: a) *Annual Appointments*; b) *Set Zoning Public Hearing Dates*. A motion was made by Council Member Libby Boatwright and seconded by Mayor Pro Tem David Phillips to adopt the Consent Agent as is. There were three ayes: Libby Boatwright, David Phillips and Jim Eschert and one nay: Debbie Fowler, with the majority voting to adopt the Consent Agenda.

### OLD BUSINESS

None

### NEW BUSINESS

- A. Small Area Plan Update** – *Presentation by Planning staff on the status of the plan, key issues identified and the schedule for potential adoption. (see Attachments).* **INFORMATION ITEM.** Planning Director, Kevin Icard, spoke about the small area plan for the “western” section of Pineville which is mostly zoned as GI currently. He stated that a Steering Committee had been formed and Councilman Eschert had participated on the committee. They have been working with the Centralina Council of Governments to determine ideas for future growth in this area. He stated that some great information had come out of the meetings and with it a map was drawn up to show potential future land uses for the area. As motorists enter from South Carolina, a gateway area with a retail component would be beneficial. A large portion of the area would be best suited for business parks with some light manufacturing type businesses or flex office spaces. A small section of the area might include a residential section with some mixed use development included. Mr. Icard stressed that no zoning classifications on these properties have changed and if any were to change, they would need to go through the normal rezoning process. This plan was just a guide for future potential land uses. He indicated that this Small Area Plan would be presented on January 14<sup>th</sup> to the Planning Board at an informational meeting and then the plan would be presented on February 9<sup>th</sup> at a Joint Public Hearing and recommendations be made in March.
- B. Main Street Improvement Project** – *Overview presentation by staff of potential improvements to the streetscape along Main Street including cost estimates (see attachments)* **INFORMATION ITEM.** Town Administrator, Mike Rose, reminded Council that they had discussed improving the sidewalks along Main Street during the last budget process with an estimated cost of about \$100,000. Staff met to take a closer look at the project and discovered there was more to it than just some concrete. The project would impact electric lines as well as CMUD water lines and when they realized the scope of the project, they contacted Mecklenburg County engineers to look into the project in more depth. They would look at everything in greater detail from the railroad

tracks to Church St. with improvements to include trees, storm water, bike lanes, on-street parking and possibly improvements to the alley ways. Since the business owners were making improvements to their buildings, it would make sense to update the streetscape as well for a much needed face-lift to the downtown area, but it would cost more like \$280,000 to \$290,000 rather than \$100,000 as originally thought. Mr. Rose explained that \$100,000 of that money would come out of the storm water fund and more would come out of the Powell Bill money but that money would also be needed to make other road improvements as well.

Mr. Rose wanted to be sure this plan was of interest to Council before it was put out to bid. Council member Libby Boatwright couldn't see how all of this could fit in the Main Street area – the road, bike lanes and wide sidewalks. Mr. Rose responded that the widths of the vehicle travel lanes would not be changed. Mr. Icard added that on the north side of the street, the sidewalk was very wide and a portion of that could be scaled down to accommodate what they envisioned but at no time would the sidewalks be less than 15 feet wide.

Council Member Libby Boatwright noted that since CMUD had started their repairs a month ago, the streets in the old section of Pineville have been very torn up and look awful. Mr. Rose responded that the streets needed to be repaired even before CMUD came in to do the work. Councilman Eschert cautioned that just paving over the road does not solve the problem because it could create bigger issues but the road needed to be scraped down and paved correctly to avoid further problems.

Questions and comments about the improvements along Main Street continued particularly regarding the bike lanes, crosswalks, and the possibility of additional parking behind the buildings. Mayor Pro Tem Phillips asked if the access driveways to the Police Department would be lost. Mr. Rose indicated that they would but some reconfiguration might be able to be done to possibly keep one of them if it was necessary. Mayor Fowler wanted to know if all the items brought up regarding the improvements would be included in the bid or if it be changed later. Mr. Rose stated that they would get it as close to the bid amount as possible with the ability to change if needed. Mayor Pro Tem Phillips noted that the project appeared to be about \$50,000 short on the funding. Mr. Rose replied that there would be enough money in reserves to use without hampering any other efforts.

Council Member Boatwright moved to approve moving forward with the bid process. Council Member Fowler seconded the motion and there were ayes by all to proceed with the bidding process.

- C. Request for RFP for Financing of New Police Facility** – *consider adoption of a resolution to proceed with financing RFP and to set Public Hearing Date for February.* Mr. Rose explained that with the prequalified bidding completed for the new police facility, it was now time to put an RFP out for the financing of the project. Mr. Rose reiterated that approval of the documents does not commit the town to borrow the money or move forward, it simply allows staff to proceed to the next step to acquire the information necessary to make the final, informed decision about constructing a new police facility. If approved, any proposals sent from the banks would be presented to

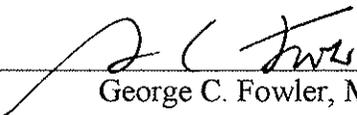
Council and a Public Hearing would be set in February to consider the information and determine whether to move forward with the project. He explained that this process was required by the Local Government Commission (LGC) just as it was for the financing of Jack Hughes Park.

Council Member Fowler asked if ten days would be enough time for the bid proposals. Mr. Rose said it should be enough time but an additional week may be added if necessary. Mayor Pro Tem Phillips asked if interest rates would be locked in for 60 days or if it could be changed to 90 days. Mr. Rose replied that when they had gone through the process for the financing of Jack Hughes Park, they found that there were more competitive rates with a shorter term and that banks would not likely allow a longer timeframe. Council Member Libby Boatwright moved to approve the signing of the resolution for financing bid proposals and to set the Public Hearing date to February 9, 2010. Council Member Jim Eschert seconded the motion and there were ayes by all.

**D. Staff Updates:** (1) *2010 Census:* (1) Town Clerk, Barbara Monticello spoke to Council regarding a subcommittee that she is part of for the 2010 Census. She reported that by law, a population count was required to be taken every ten years. The Census Bureau kicked off its 2010 campaign earlier in the month and her subcommittee of local town representatives was charged with raising awareness of the importance of the US Census and increasing the national average response rate of 67%. She asked for the support and backing of Council to help in these efforts in whatever way possible – through local events, newsletter articles or proclamations.

(2) *Ethics Training/Code of Ethics:* (2) Town Administrator, Mike Rose, informed Council that new legislation requires all municipalities to adopt a Code of Ethics to guide the behavior and actions of its governing board. It also requires all elected officials to receive a minimum of two hours of training each year and both must be completed by January 1, 2011. The NC League of Municipalities is currently designing a template Code of Ethics which can be used as a guide when the board draws up their own and training is being offered throughout the year to all elected officials. Staff will keep Council informed of the various areas where the training will be offered.

There was no further business and a motion was made by Mayor Pro Tem Phillips to adjourn the meeting at 7:21 p.m. Council Member Boatwright seconded the motion and there were ayes by all to adjourn.

  
George C. Fowler, Mayor

Attest:

  
Barbara Monticello, Town Clerk