

**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
March 9, 2010**

The Town Council of the Town of Pineville met in regular session on Tuesday, March 9, 2010 at 6:30 p.m. at The Hut Meeting Facility in Pineville.

**ATTENDANCE**

Mayor: George C. Fowler

Mayor Pro-Tem: David Phillips

Town Council Members: Libby Boatwright, Debbie Fowler, 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 6:29 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**

The Pledge of Allegiance was lead by Council Member Debbie Fowler.

**MOMENT OF SILENCE**

Mayor Fowler called for a moment of silence for the following individuals:

Johnny Mack Satterfield (passed) and his family; Gaynell Crump (fell); former town employee, Cliff Hunt (seizures); Leon Neely (ill); Podge Marze (ill); Ann Parks (surgery) and Jerry Coley (passed).

**ORDER OF BUSINESS**

**Adoption of the Agenda:** There were no changes to the agenda. Mayor Pro-tem David Phillips moved to adopt the agenda as is, with Council Member Debbie Fowler seconding the motion. There were ayes by all to adopt the agenda as is.

**Approval of Minutes for the previous Regular Town Council Meeting of February 9, 2009 and the Executive Session:** Mayor Fowler called for a motion on the minutes from the last Regular Council Meeting and the Executive Session. Council Member Libby Boatwright moved to approve both sets of minutes. Council Member Debbie Fowler seconded the motion and there were ayes by all to approve both sets.

**Special Recognition:**

None

**CONSENT AGENDA**

**The following items are included:** a) *Deposit Account Resolution and Authorization – SunTrust Bank;* b) *Tax Refunds for Bombay Grille and SS Blackstock, Inc.;* c) *Set Zoning Public Hearing Dates.* A motion was made by Council Member Libby Boatwright and seconded by Council Member Jim Eschert to adopt the Consent Agent as is. There were ayes by all to adopt the consent agenda with no changes.

**PUBLIC HEARINGS**

None

**OLD BUSINESS**

**A. Conditional Use Permit (CUP-2010-01)** – *submitted by Andrew Whiteaker, Zoning Manager for PetSmart, Inc. to allow for indoor only animal boarding at 10200 Centrum Parkway, zoned Office Commercial (O-C) requiring a Conditional Use Permit.* Pineville Town Planner, Travis Morgan, stated that a proposal submitted by PetSmart for a pet hotel was before Council for their consideration. He reminded Council that the Public Hearing had taken place at the last Council Meeting and asked for any additional questions or comments. Mayor Fowler asked if there were any changes that staff recommended. Mr. Morgan replied that everything was in order and no changes were recommended by staff at this time. With that stated, Council Member Boatwright moved to approve the Conditional Use Permit for Petsmart for indoor boarding and the Findings of Fact as submitted. Mayor Pro Tem David Phillips seconded the motion and there were ayes by all to approve CUP-2010-01.

**B. Joint Public Hearing: Small Area Plan** – *Submitted by the Town of Pineville for the “Western” portion of Pineville including land that is bound by (North of Highway 51, (West of) Downs Circle, (East of) Nations Ford Road & (South of) Amon Lane. Majority of land is zoned General Industrial but Town Council will vote on proposal from Centralina Council of Governments as contracted by the Town to help with future growth plans for the area.* Zoning Administrator, Kevin Icard, stated that he was before Council to request approval of a Small Area Plan. He noted a few items that were highlighted in his staff report. Area #1 should be a showcase area highlighting retail and residential; connectivity is a key element in the development process; limit any development in the floodplain areas and keep the greenways. The next step for the Planning Department would be to develop new zoning classifications for the areas that were included in the

study which may include Employment Centers or Office Light Manufacturing offering flex office space. He added that they would be revising the overlay districts to come up with new requirements. He estimated that it would be at least 3 to 6 months before anything would be presented to the Planning Board and likely October or November before the text amendments and Zoning Map changes were completed.

Council Member Boatwright asked if there had been any opposition from property owners. Mr. Icard indicated that he met with Mr. Miller, one of the biggest land owners in the study area. After discussing the plan with him in some detail, Mr. Miller did not have a problem with it but no one else had come forward with questions or concerns. Council Member Fowler asked about the purple dotted lines. Mr. Icard explained that they were proposed new streets demonstrating the vital need for connectivity in the area. He added that their placement on the map was not set in stone but could change if necessary. Mayor Pro Tem David Phillips wanted to be sure Mr. Icard had made every attempt to notify landowners and if he was comfortable with it. Mr. Icard indicated that he was. Council Member Eschert, who also served on the Steering Committee, added that originally the group thought there might be a problem with that at first, but that wasn't the case.

Mayor Fowler wanted to recognize former Council Member, Les Gladden, who made the rest of Council aware of the need to get this study done and new zoning designations in place. He also stated that he was very impressed with the process that took place and the Steering Committee's time and efforts put forth in developing the Small Area Plan. Council Member Eschert added that he wanted to thank Bill Duston with the Council of Governments for heading up the project. With that stated, he motioned to accept the Planning Board's recommendation to approve the Small Area Plan for the western section of Pineville. The motion was seconded by Council Member Libby Boatwright and there were ayes by all to adopt it.

- C. Consideration of Bid/Pineville Police Facility** – *Consideration of bids received for the proposed construction of a new police facility.* Mayor Fowler stated that with some of the financial concerns from the last meeting, Mayor Pro Tem David Phillips had come up with some ideas from his perspective to bring to the table for changes on the proposed police facility. He believed that with some of these changes, they could still build a nice police facility, achieve the objectives originally intended but save some money in the process.

Mr. Rose stated that the bids that had been presented previously would need to be rejected. They had already met with the architects to develop a punch list of items that could be revised without having to change too much. Mayor Pro Tem Phillips added that there should be a substantial savings, not just a few dollars. He noted that there were things that could be cut out of the current plans but added at a later date if need be without having to redo the entire set of building plans. The deadlines were very narrow and if the town could save money and only be a couple of months behind schedule then it would be worth it. Council Member Eschert wanted to know how long it would take to do the revisions. Mr. Rose indicated about two to three months before it would be ready to go back to Council. Council Member Debbie Fowler moved to reject all prior bids. Mayor Pro Tem Phillips seconded the motion and there were ayes by all.

## **NEW BUSINESS:**

- A. Carolina Thread Trail** – *Consideration of Resolution No. 2010-05 to adopt the Carolina Thread Trail Master Plan for the town and its citizens. The Carolina Thread Trail is a regional network of greenways and trails that will reach 15 counties.* Mr. Icard stated that he and Kristy Detwiler, Pineville Parks and Recreation Director, were before Council to ask for their support in adopting the Master Plan for the Carolina Thread Trail which is a connection of trails and greenways that will eventually connect 15 counties. He reminded Council that a resolution was adopted in November 2008 supporting the concept and now they were looking for approval to adopt their Master Plan. A map of the trail of greenways was distributed to Council for their reference.

Mr. Icard noted that private donations, along with some public funding, would be used for grants to enable towns to purchase land to create greenways. He added that the group involved with the project was advised to respect landowners rights and that they were not entitled to use eminent domain simply to create green space. He acknowledged Ms. Detwiler for doing a lot of the leg work and attending all of the Thread Trail meetings. Council Member Eschert moved to adopt the Carolina Thread Trail Master Plan which was seconded by Council Member Boatwright. There were ayes by all in favor of adoption.

- B. MTC Legislative Agenda** – *Consideration of the Metropolitan Transit Commission's Legislative Work Plan.* Mr. Rose explained that CATS and MTC had drawn up a work plan to establish goals and they had hoped to approach the state for transit funding. They wanted to show a united front of all the Mecklenburg County towns to present the goals as a group as a whole. They were looking for support of the plan from local government officials. Council Member Libby Boatwright moved in support of the plan which was seconded by Mayor Pro Tem David Phillips. There were ayes by all to support the plan.

- C. Census Proclamation** – *Consideration of a Proclamation Declaring March, 2010 as "Census Awareness Month".* Town Clerk, Barbara Monticello, stated that in addition to the support of Council in promoting Census awareness, she was looking to have them declare March as "Census Awareness Month". She noted that the Charlotte City Council had just passed a similar proclamation. Council Member Debbie Fowler moved to adopt the Census proclamation which was seconded by Council Member Libby Boatwright. There were ayes by all to adopt the proclamation.

- D. Staff Updates** – *(1) Workshop Schedule.* Mr. Rose indicated that there were actually two additional items to update Council on that were not listed on the agenda. He then turned the floor over to Mr. Icard, who stated that the Planning Coordinators Committee was having their annual luncheon on April 23rd for all elected officials. The Town of Matthews was hosting the luncheon this year and he would be doing a presentation as well as Code Enforcement Director, Jim Bartle. All were invited and lunch would be provided between 11:45 a.m. until 1:30 p.m.

Mr. Rose stated that he received a letter from the Town of Huntersville that they would be hosting a legislative dinner on March 25<sup>th</sup> for our local representatives out of Raleigh. All the county commissioners were invited as well. He stated he would like a head count of anyone interested in attending. He added that Town Hall Day was scheduled this year for June 16<sup>th</sup>.

Mr. Rose explained that it was that time of year again to start preparing for the budget. He was looking to have a preliminary one at the end of March or the beginning of April to get an overview of the needs for the coming fiscal year, but that he was still waiting for some figures to come in. After a brief discussion, Council decided that 6:00 p.m. on Tuesday, March 30<sup>th</sup> worked best for them.

**ADJOURNMENT:**

There being no further questions or comments, Council Member Libby Boatwright moved to adjourn the meeting at 7:16 p.m. Council Member Debbie Fowler seconded the motion and there were ayes by all to adjourn.

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George C. Fowler, Mayor

Attest:

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Barbara Monticello, Town Clerk