



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
May 11, 2010**

The Town Council of the Town of Pineville met in regular session on Tuesday, May 11, 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
Planning Board Members: Jim Knowles, Paul Sullivan, Terie Davis, Tristan McMannis and Jack Lee
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

The Pledge of Allegiance was lead Council Member Jim Eschert.

MOMENT OF SILENCE

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

Bobby Gumms (ill); Kitty Price's mother (cancer); Council Member Jim Eschert's sister (broke hip); Priscilla Satterfield (heart procedure); Ann Parks (ill); Charlotte City Council Member, Susan Burgess (ill); and former Mecklenburg County Sheriff, John Kelly Wall (passed).

ORDER OF BUSINESS

Adoption of the Agenda: Town Administrator, Mike Rose, noted two changes to the agenda: he requested that Item C, a tax refund, be added to the consent agenda and under Item #9D, he requested that an update on Way Finding Signs be added in with Staff Updates. Council Member Libby Boatwright moved to approve the agenda with the two changes, with Council Member Debbie Fowler seconding the motion. There were ayes by all to approve the agenda with the changes.

Approval of Minutes for the previous Regular Town Council Meeting of April 13, 2010:

Mayor Fowler called for a motion on the minutes from the last Regular Council Meeting. Council Member Debbie Fowler moved to approve the minutes with Council Member Libby Boatwright seconding the motion. There were ayes by all to approve the minutes as is.

Special Recognition:

- A. Odyssey of the Mind World Finals – The Pineville Team will represent NC to compete at the world finals at Michigan State University.* Mayor Fowler introduced the coach of the Odyssey of the Mind team, Janice Deal. Ms. Deal gave a brief description of the program and a history of the team and their advancement to the finals. She introduced each member noting that this year's team happened to be all girls and all fifth graders. Mayor Fowler stated that he was very proud of the team and of Pineville Elementary. He also recognized another Pineville fifth grader whose artwork had been chosen to be exhibited in Washington, D.C.
- B. Pineville Heritage Day – Proclamation honoring the history and heritage of North Carolina and Pineville.* Mayor Fowler also recognized Pineville Elementary's Heritage Day Celebration that is remembered with a proclamation each year that he presents to them on the last day of the school year. Council Member Jim Eschert moved to approve the proclamation, which was seconded by Council Member Libby Boatwright. There were ayes by all.
- C. National Police Week – Proclamation honoring police officers during the week of May 9 – 15th, 2010.* Mayor Fowler recognized Chief Merchant of the Pineville Police Department as well as Mayor Pro Tem, David Phillips, who is also a Charlotte-Mecklenburg Police Officer, for the service they provide to citizens every day. Chief Merchant stated that he and his officers were very proud to serve the Town of Pineville. Mayor Pro Tem Phillips stated that this was the time of year when those that were killed in the line of duty were remembered. The City of Charlotte recently held a Memorial Service with over 500 people in attendance. Council Member Debbie Fowler moved to approve the proclamation with Mayor Pro Tem Phillips seconding the motion. There were ayes by all.
- D. National Public Works Week – Proclamation recognizing May 16-22, 2010 as National Public Works Week.* Mayor Fowler also reminded Council and the audience that it was time to recognize our Public Works employees for the job they do in keeping the town safe, running smoothly, and looking good. Council Member Boatwright encouraged citizens to recognize both police officers and public works employees when they see them around town. She motioned to approve the proclamation which was seconded by Council Member Fowler. There were ayes by all.
- E. Kevin Icard –* Mayor Fowler recognized Planning Director, Kevin Icard for graduating from the Municipal Administration course. Mr. Rose stated that he had been through the course which was a 7 week intense program that covers all aspects of city administration. He noted that Mr. Icard was one of 67 that graduated from this program which took him

away from his family but he did it willingly to improve what he could do for the town. Mayor Fowler congratulated him as did the rest of Council.

CONSENT AGENDA

The following items are included: a) *Set Budget Public Hearing Date;* b) *Consideration of CATS Bus Route request;* and c) *Tax Refund for Sportscaster Bar and Grille.* A motion was made by Council Member Libby Boatwright and seconded by Council Member Debbie Fowler to adopt the Consent Agenda with the addition of the tax refund, item C. There were ayes by all to adopt the consent agenda.

PUBLIC HEARINGS

- A. Request to Amend Conditional District Plan** – *submitted by John Wieland Homes and Neighborhood, for property known as the McCullough Neighborhood and located on NC 51. The applicant is requesting a modification to the project notes, to limit and reduce the number of multi-family residential units, revise conditions for regulating garage locations to complement architectural vernacular. Applicant is also requesting to update lot mixture to allow a reduction of multi-family lots in favor of single family lots while remaining under the original approved density and the maximum number of allowed units approved by the Town of Pineville as part of the original zoning to RMX (CD). (See Attachment) ACTION ITEM.*

A motion was made by Council Member Libby Boatwright and seconded by Council Member Debbie Fowler to open the Public Hearing at 6:45 p.m. There were ayes by all to open the Public Hearing. Planning and Zoning Director, Kevin Icard, stated that this was a Joint Public Hearing with both the Planning Board and members of Council in attendance to hear a request for an amendment to a previously approved plan for John Wieland Homes. He added that it had been about two years ago since there has been a rezoning.

He gave a quick update of the status of the sales at the John Wieland subdivision and noted that it was one thing to have a plan in 2006 when the market was strong and another thing to have that same plan now in 2010 with a very different market. His staff report indicated in red the requested changes John Wieland was seeking to their original plan. One such change would be to reduce the number of multi-family units but increase the number of single-family homes, keeping the total number of units the same. They would also like to reduce the four-foot offset requirement on front-loaded garages but did not specify by how much. They would still use brick fronts on the homes, however. Additionally, they were seeking to have zero lot lines for interior lots where the side setback requirement is currently 6 feet to allow for larger backyard space. Garages of interior units would be attached similar to townhomes with a firewall down the middle.

Their request, he noted, included changing up the lot sizes to have variations throughout the development but keeping the total amount of units the same at 734. Mayor Pro Tem Phillips asked what the number of single-family homes was versus multi-family homes. Mr. Icard stated that 367 multi-family units and 367 single-family units were proposed

for a total of 734 units, which was not a deviation from the original amount of total units proposed. He added that Planning Board members were invited to hold their informational meeting at the Wieland Homes Sales Center so that they could get an idea of how the community looks so far.

Council Member Jim Eschert wanted to know if the request for zero lot lines applied to front-loaded garages while Mayor Pro Tem Phillips wanted to know if the homes would have detached garages. Mr. Icard indicated that the zero lot lines were for the lane-loaded garages only and that they were detached garages. Planning Board member, Paul Sullivan wanted to know if the offset on front-loaded garages changed from what was discussed at the informational meeting and noted that it appeared the driveways had also changed. Mr. Icard responded that the offsets would not be four feet but would vary per elevation. The driveways, he explained, would have to be a minimum of 20 feet from the back of the sidewalk to the garage so that a car could be parked without overlapping into the sidewalk. Those were the only changes from the informational meeting.

Mr. Icard introduced Andrew McCoy who was present to speak about the requested changes. Mr. McCoy stated he was the Vice President of Construction and lived in Weddington, N.C. Mr. McCoy gave an account of the progress of the development since its inception several years ago. One of the things they were seeking was the ability to intermix products and vary lot sizes so there would be a variety of single-family homes mixed with multi-family homes. They also wanted to introduce a new product which would be more efficient and economical but not as expensive to build. He explained that the new product would have porches and some offsets. To increase the usable size of the back yard, they proposed moving the rear-loading garages on interior lots to the lot line so they would be attached but have a firewall between them.

Council and Planning Board members had concerns specifically with the rear driveways and the front-loading garages. Mr. McCoy stated that the rear driveways were set with the normal 20 foot radius and an 18 foot alley way, which he noted was larger than most, and should be sufficient space to maneuver. He did not specify a definite number of units that would have the front-loaded garages when asked, but stated that the intention was to have more flexibility in the lot sizes and design mix of the homes depending on the demand. When asked about a specific measurement for offsets on the front-loading garages, he responded that an offset would be utilized and there would not be any garages that would be straight or flush with the rest of the façade. They did not have a specific number to be applied to these homes but would just use common sense when building them.

Mayor Pro Tem Phillips moved to close the Public Hearing at 7:10 p.m. Council Member Libby Boatwright seconded the motion and the Public Hearing was closed. Mr. Icard concluded stating that the requests would go back to the Planning Board for a recommendation and then back to Council in June for a final decision.

B. Consideration of Minority Business Participation Policy/Resolution – Pursuant to G.S. 143-128.2, a public entity shall establish prior to solicitation of bids the good faith efforts that it will take to make it feasible for minority businesses to submit successful bids or proposals for the contracts for building projects. (See Attachment) ACTION

ITEM.

Council Member Debbie Fowler moved to open the second Public Hearing, seconded by Council Member Boatwright. There were ayes by all to open the hearing at 7:11 p.m. Mr. Rose explained that a policy and resolution were before Council to consider adopting that ensures the town makes a reasonable effort to consider minority businesses for building projects. Mr. Rose added that the town is already doing this but it would be better to have a formal document in place as recommended by town attorneys, Poyner and Spruill, who helped put the policy together. He noted that the intent was to give women-owned and other minority businesses a fair opportunity to bid on town building projects. Adopting the policy would provide guidelines and fulfill NC State statute requirements. A motion was made by Council Member Boatwright and seconded by Council Member Fowler to close the Public Hearing at 7:19 p.m. There were ayes by all and the hearing was closed. Council Member Boatwright motioned in favor of adopting the policy and resolution. Motion was seconded by Council Member Fowler and there were ayes by all.

OLD BUSINESS

None

NEW BUSINESS

- A. Consideration of Bids/Fire Truck – Consideration of bids for the purchase of a new fire truck. (See Attachment) ACTION ITEM.** Mr. Rose stated that a recent state inspection revealed the need for a new pumper truck. From that, a request was made to add it into the budget. The town went through the sealed bid process using a truck committee to put the specs together for the bid package. Two companies bid on the project and both met the specifications requested: Marion Fire Apparatus and Pierce Manufacturing. However, with three additional options that the Fire Department had wanted on the truck: 1200 foot LDH, snow chains, and a Passenger Side Intake, Marion Fire Apparatus was the low bidder at \$339,610. With the same options, the Pierce unit would cost \$342,103. It was recommended that the truck be purchased from Marion. Mr. Rose explained that the first step would be to accept the bid and the second would be to adopt a reimbursement resolution which does not commit the town to purchasing the unit but allows it recoup costs if purchased. Council Member Boatwright asked if Council could adopt the resolution in the full amount of \$350,000 even though the cost of the truck is less than that amount. The reason was because the truck does not come fully equipped. She asked Fire Chief, William Griffin to explain.

Chief Griffin explained that fire trucks typically are not purchased fully equipped because it would be too costly to include all the equipment in the specs. He explained that it was cheaper and better to go to the equipment dealers directly and in the past he has never purchased a vehicle that was fully equipped. He estimated the cost to equip the truck to be an additional \$27,000 to get it fully functioning and in service. That, plus the amount of the cost of the truck itself, would exceed the \$350,000 total allocated for the purchase. He intended to make up the difference utilizing grant opportunities and holding fundraisers. He was confident that he and his team would be able to raise enough money to equip the truck.

Mayor Fowler asked why the price of the equipment was not part of the spec package to begin with. He hoped that purchasing the truck would not create problems within the department. Chief Griffin replied that there had been some miscommunications and acknowledged that there had been internal issues over the truck but he would stand behind the truck committee. Council Member Fowler remarked that she had never heard of Marion before and asked if they had been around long. Chief Griffin replied that they had been around for about 40-45 years. Mayor Pro Tem Phillips was concerned because the budget is already tight and they did not want to go above \$350,000 but Chief Griffin reiterated that he was confident that the rest of the money could be raised for the equipment.

There were additional questions from Council. Council Member Eschert commented that he had heard the truck would be used as a backup. Chief Griffin explained that it would be a third truck with the ability of being a first line truck. The other two pumper trucks are 2005 models and if either one of them is out of service for maintenance, they would be down to just one truck which would not be adequate so the third truck would have to be able to handle the load. He assured Council that they would do whatever it took to get the truck equipped properly to function sufficiently. He concluded by thanking Council for even allowing his department to talk about getting a truck.

Council Member Libby Boatwright moved to accept the Marion bid and funding up to \$350,000 with any excess funds going toward equipping the truck. Council Member Debbie Fowler seconded the motion and there were ayes by all.

B. Reimbursement Resolution – *Consideration of Resolution No. 2010-08 by the Town declaring its intent to reimburse itself from one or more tax-exempt financings for the purchase of a Fire Truck.* Mr. Rose had explained previously that by adopting this resolution, it gave the town the ability to utilize revenues generated from the installment purchase contracts to reimburse monies spent on the purchase of the truck prior to securing any financing. Council Member Boatwright moved to adopt Resolution No. 2010-08 declaring the town's intention to reimburse itself. Mayor Pro Tem Phillips seconded the motion and there were ayes by all.

C. Hazard Mitigation Plan – *Consideration of the revised Hazard Mitigation Plan/Resolution.* Mr. Icard stated that the last time the Hazard Mitigation Plan was updated was in 2005. It was necessary again to adopt the updated plan and resolution because without it, the town would not be eligible for federal funding should a disaster occur. He noted that this was a multi-jurisdictional plan and all the towns within Mecklenburg County had worked on it. A consulting firm had also helped with the plan and all the towns split the cost to pay for the service. Action plans for each of the towns have been included and have been reduced from 26 to 13. He reviewed the 13 action plans that had been established for Pineville and added that goals must be achieved although it was not necessary to achieve all of them.

Mr. Icard also spoke about the importance of purchasing flood insurance. The town, he noted, was part of the Community Rating System. Under this system, the town was rated

Class 6 which entitles residents to a 20% reduction in premiums for flood insurance. He would like to get the town down to a Class 5 rating, as well as advertise and promote the purchase of flood insurance.

Mayor Fowler asked about the Subdivision Ordinance. Mr. Icard responded that it did need to be updated and, with the help of a summer intern, he would review other ordinances to see what could be changed. He would then have Centralina Council of Governments (COG) review the draft copy for their input. Mayor Fowler also recognized Mr. Icard for the excellent job he did on the Planning Coordinators Meeting.

Council Member Boatwright moved to adopt the updated Hazard Mitigation Plan and corresponding resolution which was seconded by Council Member Fowler. There were ayes by all.

D. Staff Updates – (1) *Budget Workshop Schedule*. Mr. Rose reminded Council that two additional budget workshops were scheduled for May 13th and May 17th at the Hut at 6:00 p.m. (2) *Memorial Day Tribute*. Mr. Rose reminded Council of the upcoming annual tribute to Pineville veterans which was scheduled for Sunday, May 30th. (3) *Town Hall Day*. Mr. Rose stated that Town Hall Day was scheduled for Wednesday, June 16th and the Mecklenburg County Delegation Dinner would also be held that evening. He added that it was a good opportunity to get with legislators. (4) *Way-finding Signs*. Mr. Icard provided Council with an update on the way-finding sign project. He explained that a total of 17 signs would be posted that would be done in phases. The first phase would consist of five signs for a cost of \$2800 and sign posts costing an additional \$1500. A sign was planned for the telephone and electric companies but he added that it would be revised to include both the post office and fire department as well.

ADJOURNMENT:

There being no further questions or comments, Council Member Libby Boatwright moved to adjourn the meeting at 8:19 p.m. Council Member Debbie Fowler seconded the motion and there were ayes by all to adjourn.



George C. Fowler, Mayor

Attest:



Barbara Monticello, Town Clerk