



**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
June 8, 2010**

The Town Council of the Town of Pineville met in regular session on Tuesday, June 8, 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 6:30 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:

Bobby Gumms (ill, but doing better); Phyllis Knight (ill); Mayor Fowler's friend, Hugh Wentz (cancer); Charlotte City Council Member, Susan Burgess (very ill); Gaynell Crump (physical therapy); Thelma Crump Moore (nursing home); Margaret Feist (ill); and Council Member Eschert's sister (broken hip but improving).

**ORDER OF BUSINESS**

**Adoption of the Agenda:** There being no changes to the agenda, Mayor Pro Tem Phillips moved to adopt it with Council Member Boatwright seconding the motion. There were ayes by all to approve the agenda as is.

**Approval of Minutes for the previous Regular Town Council Meeting of May 11, 2010 and the Budget Workshop of May 13, 2010:** Mayor Fowler called for a motion on the minutes from the last Regular Council Meeting and the budget workshop. Council Member Debbie Fowler moved to approve both sets of minutes with Council Member Jim Eschert seconding the motion. There were ayes by all to approve the minutes as is.

## **CONSENT AGENDA**

**The following items are included:** a) *Tax Refund for Wells Fargo Home Mortgage;* b) *Set Zoning Public Hearing Date.* A motion was made by Council Member Libby Boatwright and seconded by Mayor Pro Tem David Phillips to adopt the Consent Agenda as is. There were ayes by all.

## **OLD BUSINESS:**

- 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.*

Mayor Fowler recognized Planning and Zoning Director, Kevin Icard. Mr. Icard stated that John Wieland Homes was seeking to amend their Conditional District Plan and that the Pineville Planning Board held their regular meeting on May 20<sup>th</sup> to give their recommendation after the Joint Public Hearing was held at the May 8<sup>th</sup> Town Council Meeting. The Planning Board's recommendations were in favor of:

- Reducing the multi-family units and increasing the single-family ones
- Reducing the 4 foot offset requirement on front garages to a minimum 1 foot offset
- Driveways be a minimum of 20 feet long
- Zero lot lines for garages with alley fed lots
- Varying the lot sizes in the development

He also noted staff's recommendations:

- Staff was all for the plan to increase single-family residents
- Planning Board members were uncomfortable without a specific number on the offset requirement so they proposed a one-foot offset which staff agreed with.
- The applicant asked for a clarification on the front porches because the Planning Board recommended that 50% of the front façade of the building be front porch but Staff felt that 70%-100% of the façade, not including the garage, should be front porch
- Staff was not against the zero lot lines on lots with rear loaded garages

Council Member Jim Eschert asked if there was a set requirement for the size of the front porches. Mr. Icard responded that a functioning front porch is typically 8' x 6' but if Council requested a specific size, they could incorporate it as part of the conditions. Council Member Libby Boatwright was concerned about the one foot offset on front loaded garages. She stated that the four foot requirement was done for a reason – they didn't want to have to see people's garages or have cars parked in driveways hanging

over the sidewalk. She wanted to know if there would be a homeowners association that would enforce rules and regulations in the neighborhood. Mr. Feezor of John Wieland Homes indicated that each homeowner would be responsible for their properties and that there was some language in the covenants the allowed for cooperative maintenance but being deeded properties there would be no HOA.

Mayor Pro Tem David Phillips was concerned about the attached garages that would be on the zero lot lines and who would be responsible for the maintenance on them if they were to share a common roof. Mr. Feezor indicated that the situation would not happen that often where there would be combined garage with a shared roof. It would only be for a few of the corner lots to give homeowners a little more backyard space. Mayor Pro Tem Phillips asked that a limit be placed on the number of homes that could have attached garages. He also would like to see a limit on the number of homes that would have the one-foot offset on front loaded garages and the 20 foot long driveways. He had done some calculations on the sizes of some trucks and SUV's and found that they would not totally fit in a 20 foot driveway. He would like to see a longer driveway and was hoping that Wieland Homes wasn't "downsizing".

John Feezor of Wieland Homes noted that they were actually adding a product that was larger with more square footage and added that some people just didn't care for alley fed garages. The new model was called the "Habersham" with 2,900-3,000 sq. feet. It was a popular model that has sold well in their other developments such as Bridgemill and Bridgehaven. That style of the home was just more efficient to build while still being able to stay in the \$300,000 range. John Wieland Homes, he continued, would work within the guidelines proposed by the town.

After discussing some additional compromises, Council Member Boatwright moved to approve the amendment to the Conditional District Plan with the following specific conditions:

1. The number of multi-family units be reduced from 55% to 50% with 367 single family homes and 367 multi-family homes.
2. There must be a minimum of a one (1) foot offset on front loaded garages on homes with 2,800 sq. feet or larger on lots less than 80 feet in width.
3. There must be a minimum of a 21 foot long driveway from the garage to the edge of the sidewalk.
4. Zero lot lines are acceptable on rear loaded garages but attached garages with a common firewall and roof must be limited to corner and adjacent lots only.
5. Porches must be between 70 – 100% of the actual front façade of the home excluding the garage portion with a minimum of six (6) feet in depth.

Council Member Debbie Fowler seconded the motion and there were ayes by all.

## NEW BUSINESS

### **A. Public Hearing – FY2010-2011 Town Budget – Review and discuss proposed budget.**

Council Member Debbie Fowler moved to open the Public Hearing at 7:05 p.m. Council Member Jim Eschert seconded the motion and there were ayes by all to open the hearing.

Town Administrator, Mike Rose, presented the 2010-2011 town budget noting that it was 31.5 million dollar balanced budget – 4.5 million dollars less than last year's. He added that there would not be a tax increase this year and the tax rate would remain the same at 32¢ per \$100 of valuation. The town would continue to provide the day-to-day services as it always has but scaled back on some of its capital items such as equipment, large projects and police vehicles. The town would continue to use the equipment it already has. The use of departmental supplies was also reduced.

A 5% electric rate increase was being proposed, however, due to an increase in the wholesale cost of electricity. The town has always absorbed the increase in wholesale costs in the past because there has always been an increase in load but because there has been a decrease in load the past two years, the town has had to pass this cost on to customers. Renewable energy costs, he noted, were not being passed on but paid by the town. Council Member Libby Boatwright wanted to be sure that residents knew that the discount is still available to them if their bill was paid by the 10<sup>th</sup> of the month. There being no further questions or comments, Mayor Pro Tem Phillips moved to close the Public Hearing at 7:08 p.m. Council Member Fowler seconded the motion and the Public Hearing was closed.

### **B. Budget Amendments -- Review and take action on proposed budget amendments for FY 2009-2010.**

Mr. Rose stated that budget amendments were typical before the close of any fiscal year. Amendments to the 2009-2010 budget included line item shifts from one department to another but there was no money adjusted out of the reserve funds. He was asking for Council's approval to make these budget amendments by June 30<sup>th</sup>. Council Member Fowler moved to approve the budget amendments. Mayor Pro Tem Phillips seconded the motion and there were ayes by all.

### **C. Tax Rate/Electric Rate – Set tax rate for FY 201-2011 at \$0.32 per \$100 valuation and amend Electric Rate Schedule.**

Mr. Rose stated that it was necessary to first adopt the tax rate and then adopt the electric rate increase for the FY201-2011. Council Member Eschert moved to approve both rates. Council Member Boatwright seconded the motion and there were ayes by all to adopt both the tax rate and new electric rates.

### **D. Budget Ordinance – Adopt the FY2010-2011 Budget and corresponding Budget Ordinance.**

Mr. Rose stated that the actual budget for the FY2010-2011 also needed to be formally adopted by Council. Council Member Debbie Fowler moved to adopt the budget and corresponding Budget Ordinance for FY2010-2011. Mayor Pro Tem Phillips seconded the motion and there were ayes by all.

**E. Staff Updates – 1) Town Hall Day; 2) Council Meeting Schedule; 3) Code of Ethics and Ethics Training Schedule.**

Mr. Rose stated that Council would be leaving early for Raleigh on June 16<sup>th</sup> for Town Hall Day. Council Members agreed to meet at Town Hall at 8:00 a.m. so they could all ride together.

Mr. Rose noted that it was Council's option whether to hold a meeting in July or not. Council decided not to hold a Council Meeting in July and announced that the next scheduled Council Meeting would be Tuesday, August 10<sup>th</sup> at which time there would be a Zoning Public Hearing.

Mr. Rose reminded Council that they still needed to complete 2 hours of Ethics training and that an Ethics policy would need to be adopted by the end of the calendar year. He stated that he would have a proposed policy drafted for the August meeting and requested the Town Clerk check into the possibility of the League of Municipalities providing an in-house ethics training session for Council Members.

**ADJOURNMENT:**

There being no further questions or comments, a motion was made and seconded to adjourn the meeting at 7:19 p.m. There were ayes by all.

  
George C. Fowler, Mayor

Attest:

  
Barbara Monticello, Town Clerk