

**MINUTES OF THE MEETING OF THE  
TOWN COUNCIL  
TOWN OF PINEVILLE, NORTH CAROLINA  
FEBRUARY 12, 2008**

The Town Council of the Town of Pineville met in regular session on Tuesday, February 12, 2008 at 6:30 p.m. at The Hut Meeting Facility in Pineville.

**ATTENDANCE**

Mayor: George Fowler

Mayor Pro-Tem: Libby Boatwright

Town Council Members: Les Gladden, Jim Eschert, and David Phillips

Town Administrator: Mike Rose

Planning and Zoning Staff: Kevin Icard and Travis Morgan

Planning Board Members: Jim Knowles, Terie Davis, Kelly Turner, Paul Sullivan and Debbie Osborne

Town Clerk: Barbara Monticello

**CALL TO ORDER**

Mayor Fowler called the meeting to order at 6:31 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 the Pledge of Allegiance to the Flag.

Mayor Fowler called for a moment of silence for the following people: Cole Stallings (passed) and the Satterfield Family, Johnsie McCoy (ill), Joe Waters (ill), Bill Connell of Pineville PD (sister passed), Jimmy Childers (ill), Charles Yandell (ill), Kenny Downs (ill), County Engineer, MJ Namin (hospitalized).

**ORDER OF BUSINESS**

**Adoption of the Agenda:** Upon the motion of Mayor Pro Tem Libby Boatwright, seconded by Council Member David Phillips, the Council unanimously voted to adopt the agenda for the February 12, 2008 meeting. Ayes by all.

**Approval of Minutes for the previous Regular Session Meeting of January 8, 2008:** Mayor Fowler called for a motion on the minutes from the January 8, 2008 Regular Council meeting. A motion was made by Council Member Les Gladden and seconded by Council Member David Phillips to approve the minutes as presented. Ayes by all.

## **CONSENT AGENDA**

**The following items are included:** a) *Set Zoning Public Hearing Dates;* b) *Board of Adjustment Appointments.* A motion was made by Mayor Pro Tem Libby Boatwright and seconded by Council Member Les Gladden to approve the Consent Agenda. Ayes by all.

**JOINT PUBLIC HEARINGS:** a) *Public Hearing #1 – Rescind Conditional Use Permit Plan (CUP2008-01)* – Submitted by Thomas Alsop, for property located at 710 Main Street further recognized as Tax Parcel 205-021-05.

Mayor Pro Tem Libby Boatwright moved to open the Public Hearing, seconded by Council Member Les Gladden. There were ayes by all. Mayor Fowler stated that the Public Hearing was Quasi Judicial in nature which required anyone speaking to be sworn in. He stated that the first Public Hearing was to rescind a Conditional Use Permit, submitted by Mr. Tom Alsop. Both Mr. Alsop and Planning Director, Kevin Icard was sworn in by Mayor Fowler. Mr. Icard stated that Mr. Alsop's property was originally zoned R-7C, residential with some commercial uses permitted. At the time, a Conditional Use Permit was required for office use but the property has since been rezoned to RMX which does not require a Conditional Use Permit, allowing the current zoning requirements to stand. Should Mr. Alsop ever decide to tear down his building, he would need to meet all the architectural requirements in place for Zoning District RMX, residential mixed use, if the Conditional Use Permit is rescinded. Mr. Icard stated that staff had no issues with rescinding his CUP.

Mayor Fowler asked if the applicant was fully aware of what would be required of him if he chooses to redo the home. Mr. Icard indicated that he had discussed it in detail with the applicant and that the applicant was fully aware.

Mr. Alsop was called upon to speak. He stated his name and address for the record. He added that he had been sworn in and that he had purchased the property located at 710 Main Street in October of 1999, after which he had obtained a Conditional Use Permit to use the space for office purposes. He explained that if the CUP were lifted, it would give the property a little more flexibility in what it could be used for. He wanted to make it easier for future development although he did not have any specific use in mind for the future. After a few additional questions were asked, Mayor Pro Tem Libby Boatwright moved to close the public hearing, seconded by Council Member Les Gladden. There were ayes by all.

Public Hearings #2 and #3 were scheduled next for presentation. Due to technical difficulties with the image projector, however, the Council decided to move to the "New Business" section of the agenda until the problem could be resolved.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

***A. Utility Right-of-Way Use Ordinance – An ordinance intended to provide for reasonable***

*regulations for the use of public right-of-ways was presented for discussion.*

Town Administrator, Mike Rose, stated that a lot of progress has been made in getting utility lines and cables buried underground resulting in less power outages, for the aesthetic value, and to get utility poles out of front yards. Currently, there is no ordinance in place to protect the progress that has been made in this area from other utility companies coming in and putting up power lines in the front of houses. Since other utility companies cannot be denied access to the use of the Right-of-Ways, a formal ordinance will be introduced at the March Council Meeting in an effort to prevent this from happening. The town is not seeking to deny other utilities from coming in to do their work, but to do it under the town's own rules and regulations. This new ordinance would apply to gas, water, sewer, and storm water – anything that is done in the public R-O-W. Mr. Rose added that contractors would be required to get a permit from us first. The focus would be on residential areas mostly because they require regular maintenance and repair. The ordinance would address how these repairs would need to be made.

Mayor Fowler asked if more information would be forthcoming at the March Council Meeting. Mr. Rose affirmed that it would and that Gary Creech and the Town Attorney would both review the ordinance first before presenting it to Council. Council Member Gladden asked if the ordinance would apply to cell towers. Mr. Rose indicated that it did not include cell towers but that he would check into adding them to the ordinance.

***B. Staff Updates – 1) New Town Facilities Update:*** Mr. Rose continued with an update to Council on the progress of securing new town facilities. A proposed timeline was attached to the agenda materials to show what steps will be taken to determine our space needs. Questionnaires would be sent to department heads and a tour of two other town facilities was planned. Responses to the questionnaires are due back in April and a preliminary budget presented to Council by June or July. Les Gladden asked if the Police Department could be fast-tracked since they are sitting on a prime piece of real estate to which Mr. Rose replied that the architects were asked to keep all aspects of the project in mind.

Mr. Rose concluded his update by reminding everyone that the Senior Valentine Party was scheduled for Friday at 6:00 p.m.

Mayor Fowler called for a short recess while maintenance was being performed on the projector. At 7:12 p.m. the meeting resumed with another moment of silence for those that lost their lives in the shootings of the Town Council in Missouri and for Council Member Gladden's mother, Pat.

**JOINT PUBLIC HEARINGS:** *b) Public Hearing #2 and #3 – Text Amendment (TX-2008-01) and the adoption of the Small Area Plans as the updated Pineville Future Land Use Plan – Submitted by the Town of Pineville. Staff is requesting to amend the Pineville Zoning Ordinance and requesting to have a rezoning (RZ-2008-01) heard concurrently with the proposed The Small Area Plans, which have become the updated Land Use Plan.*

With the equipment now functioning, Mayor Pro Tem Libby Boatwright moved to open Public Hearings 2 and 3. The motion was seconded by Council Member David Phillips and there were ayes by all.

Planning Director, Kevin Icard proceeded with his Power Point presentation explaining that the Public Hearings were for a rezoning and text amendments consisting of five overlay districts. He noted that all of this information was on the town's website and that Travis Morgan also had extra CD copies of the overlay districts. He added that the Planning Board would make its recommendation at its next meeting on February 21, 2008. Mr. Icard explained the process that he and Mr. Morgan had gone through to get to the point they were at. He stated that an informational meeting had been held to introduce the public to the plans, a joint workshop had been held with the Planning Board and Council Members to fine tune the plans, the changes that had been made as a result of these meetings, and finally the Public Hearing. He hit on the major points that were discussed in the workshop and the changes that resulted from it. The slides that were presented stated how residential and commercial property owners would be affected by the changes and listed exactly what was being approved.

Principle Planner, Travis Morgan, added that there was no rezoning of any districts – just additional restrictions “floating” on top of the existing districts which would set the limits for future development. Site designs and architectural details will regulate how a new structure will look. Mr. Morgan also reviewed the changes he made as a result of the workshop. He concluded by inviting members of the public to view the website for more details or to stop by Town Hall.

Mayor Fowler opened the floor for comments. Ms. Leslie Dellinger of 113 Franklin Street stated she had lived in Pineville for 14 years and thought there were some good ideas in the plan. However, she stated that the plan to make Franklin Drive a cut-thru to the industrial area would have a negative impact to Franklin Park and Traditions residents. She continued to say that she didn't think the use of speed bumps or signs would alleviate the problem of speeders. She listed several reasons she felt that using Cranford Drive as a connector road would be a better choice and she asked that the Town reevaluate their plan to use Franklin Drive as a connector.

Mr. Morgan stated that one of the objectives of the plan was to strive for interconnectability and it was not intended as a cut-thru but for safety reasons. Council Member Gladden responded that he remembered that the Town had agreed at one time never to make Franklin Drive a connector road and that it would make more sense to use Cranford as a connector. The discussion continued with Mr. Morgan explaining that one access for 100 acres of development is not a good idea but that another plan could be designed so there wouldn't be a straight, direct cut-thru. He and Mr. Icard had until March to work on it. Mayor Fowler brought up that the previous developers plans were denied because of the design to have traffic flow through that area.

## **ADJOURNMENT**

Hearing no additional comments, a motion was made by Libby Boatwright and seconded by Les Gladden to close the Public Hearing and adjourn the meeting at 7:43 p.m. Ayes by all.

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Barbara Monticello, Town Clerk

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George C. Fowler, Mayor

