



**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
SEPTEMBER 14, 2010**

The Town Council of the Town of Pineville met in regular session on Tuesday, September 14, 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  
Planning Board Members: Jim Knowles, Paul Sullivan, Terie Davis, Tristan McMannis and Jack Lee.

**CALL TO ORDER**

Mayor Fowler called the meeting to order at 6:36 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 Mayor Pro Tem David Phillips.

**MOMENT OF SILENCE**

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

Mayor Pro Tem David Phillip's brother-in-law (passed); James Morris (intensive care); Council Member Jim Eschert's brother Ray (improving) and sister Lorraine (doing much better); Jerry Cook (ill); George Thrower (ill); Maryann Creech's daughter's husband's sister, Elizabeth Lee (passed); Thelma Crump Moore (ill); victims of the 9/11tragedy; Donnie Melton (passed); Council Member Boatwright's neighbor, Kathy Herman (ill).

**ORDER OF BUSINESS**

**Adoption of the Agenda:** Town Administrator Mike Rose added two staff items to the agenda. Council Member Debbie Fowler moved to adopt the agenda with the changes. Council Member Jim Eschert seconded the motion and there were ayes by all to approve the agenda with changes.

**Approval of Minutes for the previous Regular Town Council Meeting and the Executive Session of August 10, 2010:** Mayor Fowler called for a motion on the minutes from the last Regular Council Meeting as well as the Executive Session minutes. Mayor Pro Tem Phillips moved to approve both sets of minutes with Council Member Boatwright seconding the motion. There were ayes by all to approve the minutes as is.

**CONSENT AGENDA**

**The following items are included:** a) *Set Zoning Public Hearing Date.* There were no public hearing dates to set for October so a motion was made and seconded to adopt the Consent Agenda as is. There were ayes by all.

**JOINT PUBLIC HEARING: Text Change (TX-2010-01) Continued** -- Submitted by Pavilion 51, LLC, for proposed changes to the Zoning Ordinance to allow for Automotive Service Stations in the B-4 District as a Conditional Use with Special Regulations. Changes are proposed to Section 6.4.1 Table of Uses, Table 6.1 Use Classifications, Automobile Service Stations in the B-4 District from “\_\_\_” to “CS” and 6.5.9 Automobile Service Station.

Mayor Fowler noted that this was a continuance of the Public Hearing from last month and called for a motion to re-open the public hearing. Mayor Pro Tem David Phillips moved to open the Public Hearing at 6:43 p.m. which was seconded by Council Member Debbie Fowler. There were ayes by all.

Planning and Zoning Director, Kevin Icard, noted that there had been a lot of confusion at last month’s meeting so he reviewed the information again to come up with a new classification to be more in line with what the applicant was looking to do. The category “Automotive Light Repair Store” with special regulations was added, which would break out the tire, battery and oil lube stores from the existing “Automotive Service Station”. This category, in turn, was modified to remove both the retail stores and vehicle repair portions.

Additionally, a definition for “Light Automobile Repair Store” was added to describe retail stores that install necessary accessories such as tires, wheels, brakes and similar items. The Use Matrix Table will still show “Automotive Service Station” as existing in the BP and GI districts.

Council Members still expressed some concern. They wanted to know if a new business came in after the current business vacated, if they would be able to continue to operate the same type of business. Mr. Icard clarified that it would depend on when a new business came in to the property. If they came in at less than 90 days, they could continue to operate the same type of business. He added that if they planned on making any changes, they would need to go before Council. When asked about why this business use was removed from this district previously, Mr. Icard stated that the current emphasis in Pineville was not necessarily to prohibit a use from taking place, but to concentrate on the architecture of the building and the proper streetscape design so that it would fit in without being obvious what type of business it was. He added that there are so many restrictions in place now that it would be difficult for anyone to design a building that was not in keeping with the town’s Master Plan.

There was additional discussion before Mr. Wesley Walls of Pavilion 51, LLC, gave a short power point presentation describing what the proposed business would look like. When he completed his presentation, Mayor Fowler stated that the Planning Board would make their recommendation at its next meeting on September 23<sup>rd</sup> and then it would come back to Council for a vote in October. Council Member Libby Boatwright moved to close the Public Hearing at 7:18 p.m. The motion was seconded by Council Member Debbie Fowler and there were ayes by all to close the hearing.

**OLD BUSINESS:**

None

## NEW BUSINESS:

- A. Armed Forces Museum and Archives of the Carolinas** – Representative of a proposed Armed Forces Museum will make a presentation promoting a new facility.

Town Administrator, Mike Rose informed Council that he had been contacted by Kathy Willsbach regarding a proposed museum to be built to honor service men and women of all of the branches of the armed forces. He introduced Sanford England who had come to the meeting to present the proposal and give general information on the project.

Mr. England discussed how the project developed over 2 ½ years ago with a group of veterans that wanted to create a memorial to honor all branches of the armed forces. The site that was chosen is in Mint Hill at the NC218 exit off of 485. The site was chosen because of the large population of veterans in the area and the proximity to a Korean War Memorial that is there as well.

The museum will cover a 250 year period of time, be educational and have travelling exhibits all in an effort to inspire patriotism. The group is hoping for a 14 to 18 month start date and will be hosting a fundraising activity scheduled on October 30<sup>th</sup> at the Levine Senior Center. Mayor Fowler thanked Mr. England for his service to our country and for including all branches of the armed forces in the proposed museum. Council Member Libby Boatwright also thanked Mr. England and added that it was important that children learn about the history of our country.

- B. Recycling Program** – Mecklenburg County officials will be present to introduce a new marketing program to encourage greater recycling efforts.

Mr. Rose stated that there was no county representative to make the presentation so he would briefly explain the program. He reminded Council that last spring there was a recycling contest with Coca Cola and Harris Teeter partnering to promote more recycling. They would like to start the contest again with the “kick off” beginning in October utilizing radio, television and direct mail to promote the program. Each week a \$100 gift card to Harris Teeter will be awarded to a lucky individual who recycles correctly. Mr. Rose added that someone may still come in October to promote the program.

- C. Civic and Cultural Arts Center of Pineville** – Lee Baumgarten, Executive Director of CCAC will present an overview of the group’s accomplishments and plans for the upcoming year.

Mr. Baumgarten presented an update to Council on the activities of the Arts Center, which he noted had been up and running for almost three years. The support of individuals, businesses and the town has been very successful and he is trying to get matching funds from other sponsors as well, as there is still a lot of overhead. In three years time the group has contacted and connected with many corporations and he foresees that within two years, the arts center will be a fully functioning facility.

He noted several successful art programs that were held previously and mentioned that an art exhibit would be coming to the center in November as well as a project involving Charlotte-Mecklenburg teachers in art. Council was asked about the participation of Pineville residents versus outside participation. Mr. Baumgarten stated that not as many Pineville kids had come to the summer program as last year but more were starting to come in. He invited Council to an exhibit scheduled that weekend to spotlight children’s art from the summer program.

- D. Public Power Week** – staff will present a Proclamation declaring October 3-9, 2010 as Public Power Week and discuss promotional activities.

Mr. Rose stated that the week of October 3<sup>rd</sup> through October 9<sup>th</sup> was Public Power Week and a

proclamation was drawn up to honor the workers who keep our town up and running. Council Member Debbie Fowler moved to approve the proclamation which was seconded by Mayor Pro Tem David Phillips. There were ayes by all to adopt the proclamation.

**E. Staff Updates – (a) NCLM Conference; (b) Ethics Training Session; (c) Day of Caring; (d) Tree Lighting Event.**

Mr. Rose reminded Council that if they were interested in attending the NCLM Annual Conference to be held later in October, they would need to let either the Clerk or himself know, as the deadline to register was approaching. He also reminded them that the Ethics training webinar had been ordered and was ready to view. Council members decided on September 29<sup>th</sup> to view the webinar at 5:30 p.m. at the Pineville Telephone/Electric Building located at 118 College St. The Clerk agreed to send out an email reminder to each Council Member.

Mr. Rose also informed Council that the annual tree lighting event would be held on Saturday, November 20<sup>th</sup>.

Lastly, he explained the “Day of Caring” program sponsored by ElectriCities. Public Officials would assist a representative from ElectriCities in promoting energy education to selected individuals by providing information on energy efficient techniques to make some simple, cost-saving changes. He asked Council to consider this program for some time in October or November and noted that Representative Kelly Alexander wanted to be a part of this project as well. Council Member Boatwright suggested that a presentation could be made to the seniors at the Hot Lunch Program. Mr. Rose added that ElectriCities was also scheduled to do a presentation at the next Community Meeting.

**ADJOURNMENT:**

There being no further questions or comments, Mayor Fowler stated that a break would be held at 8:30 p.m. before the Closed Session began.

The meeting reconvened at 8:45 p.m. when Libby Boatwright moved to go into Executive Session. Debbie Fowler seconded the motion and there were ayes by all. At 10:00 p.m. Debbie Fowler moved to adjourn the Executive Session and move back into regular session. Jim Eschert seconded the motion and there were ayes by all. Council Member Libby Boatwright moved to approve both a Personal Relationship Policy and Relationship Agreement Form with one correction to the wording. Council Member Jim Eschert seconded the motion and there were ayes by all.

A motion was made and seconded to adjourn the regular session at 10:05 p.m. There were ayes by all.

  
George C. Fowler, Mayor

Attest:

  
Barbara Monticello, Town Clerk