



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
OCTOBER 12, 2010**

The Town Council of the Town of Pineville met in regular session on Tuesday, October 12, 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 Jim Eschert.

MOMENT OF SILENCE

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

George Thrower (passed); Council Member Jim Eschert's brother Ray (rehabbing) and sister Lorraine (doing much better); Mayor Pro Tem David Phillip's brother-in-law (passed); Jerry Cook (improving); Kathy Herman (passed); Thelma Crump Moore (out of hospital); Terrance Robertson (passed) ; Council Member Libby Boatwright's coworker, Dan McCall's mother (passed); Bonnie Knowles (stroke) and her son (heart attack); James Morris (coming home from hospital); town employee, Amanda Sain's mother (passed), Floyd Elkins (ill); and Renee Moore Hicks (cancer).

ORDER OF BUSINESS

Adoption of the Agenda: Council Member Debbie Fowler moved to adopt the agenda with Mayor Pro Tem Phillips seconding the motion. There were ayes by all to approve the agenda as is.

Approval of Minutes for the previous Regular Town Council Meeting and the Executive Session of September 14, 2010: Mayor Fowler called for a motion on the minutes from the last Regular Council Meeting as well as the Executive Session minutes. Council Member Libby Boatwright moved to approve both sets of minutes with Council Member Fowler 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 November so a motion was made and seconded to adopt the Consent Agenda as is. There were ayes by all.

JOINT PUBLIC HEARING: *None*

OLD BUSINESS: *Text Change (TX-2010-01)* -- 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.

Planning and Zoning Director, Kevin Icard, stated that he was before Council to get their vote on a proposed text amendment submitted by Pavilion 51, LLC. He noted that the Planning Board had met and recommended approval of the amendment, as did staff. He reviewed the major changes to the text amendment including separate definitions for the “Automobile Service Station” and “Light Automobile Repair Store” classifications and the “Discontinuance of Use” section which had the biggest change to it. He stated three reasons for staff’s recommendation: 1) there are new ordinances in place to regulate and control the uses; 2) architectural requirements are in place to ensure the best design for the building in that section of town; and 3) with the conditional requirement in place, detailed plans regarding the facility would come back before Council for a Conditional Use Permit ensuring complete compliance with all standards.

Council Member Libby Boatwright asked if Findings of Fact would have to be considered in this particular case. Mr. Icard indicated they would. She was not comfortable that this use was removed from this section of town previously and was now being put back in. Mr. Icard stated that the current emphasis was more on the streetscape and architectural detail and not so much on the use as it was in the past. At that time, the mindset was to eliminate all automotive but current trends are to concentrate on architectural details so the use blends in and is not as noticeable as it was previously. Mayor Fowler was concerned that we were moving backward and not forward. Mr. Icard pointed out that Council still had the final say on the matter.

Council Member Eschert was concerned that having a gas station with pumps sitting back from the road would make it more secluded, and therefore, more prone to late-night robberies. Hours of operation were also a concern. With gas being available late at night, it could become a safety issue. Mayor Pro Tem Phillips wanted to know how the uses would be monitored and what would prevent some of these establishments from turning into an all-day oil changing place? Discussion continued at length with the general consensus being that the majority of Council was not comfortable moving forward with the text change. Council Member Boatwright stated she did not think this text change was in the best interest of the town and moved to deny the zoning text change. Mayor Pro Tem Phillips seconded the motion.

Discussion continued with Council Member Fowler stating that at one point these automotive uses had been allowed all over town but with new regulations in place, they had been removed from many of the districts. Since the applicant had to come before Council for a Conditional Use Permit, the design of the building would have to be 100 % to their liking anyway so she was in favor of the text amendment. Mr. Rose added that at one point the Town was inundated with automotive uses which were allowed in a wide range of areas but are only allowed in a couple of areas now. A roll call vote was taken: Council Member Eschert – aye; Council Member Fowler – nay; Council Member Boatwright – aye; and Mayor Pro Tem Phillips – aye. The vote was 3-1 in favor of denying the applicant’s request for a text change amendment.

NEW BUSINESS:

A. Presentation of Bids – Consideration of bids received for the proposed construction of the Pineville Police Headquarters.

Town Administrator, Mike Rose, explained that original bids for the new police facility were rejected by Council but that Fryday and Doyne worked, along with Mayor Pro Tem Phillips, to redesign the facility in an effort to trim some of the cost. They were before Council to present a scaled-down version that was over \$1 million less than the previous design.

During the second round of bidding, eight bids were received from reliable, professional companies with all bidders being pre-qualified. The bid tabulations were included in Council's packet of information. It showed Randolph Builders as the low bidder. Three alternate projects and their related costs were also listed. Staff recommended that the Town go with all three of the alternates: up-fit bay building, rear canopy and screen wall and concrete pavement in lieu of asphalt. Even with the cost of the three alternates, Randolph Builders were still the low bidders, noted Mr. Rose. The \$4.5 million cost, however, did not include moving the department, the 911 system or furnishing the building. Some portions of that would come out of 911 and storm water monies, where allowable.

Mr. Rose continued, stating that the building was still a very good-looking, functional building and funding was already approved by the Local Government Commission. RFP's for funding had already gone out the first time, with Suntrust offering the lowest interest rate of 3.59%. Mr. Rose added that the rate may even be more favorable now.

Council Member Boatwright noted that for Alternate #3, Randolph Builders' estimate was way below the others and asked if it was a typo. Mr. Rose stated that Randolph Builders acknowledged that they made a mistake when submitting the figures but stated that they would stand by the amount quoted. Mr. Rose remarked that Fryday and Doyne, along with Tom Polito of Public Works, would all be working to ensure that the job gets done correctly.

Council Member Boatwright recognized Mayor Pro Tem David Phillips for the hard work he put into scaling down the costs. The rest of Council expressed their appreciation to him as well. With that stated, Mayor Pro Tem Phillips moved to approve awarding the bid, along with all three alternate projects, to Randolph Builders and moving forward with the project contingent on finalizing the funding for it with \$541,000 to come from the Fund Balance, Storm Water and 911 funds. Financing is not to exceed \$4.5 million and a grand total of expenses not to exceed \$5 million. Council Member Libby Boatwright seconded the motion and there were ayes by all.

B. 2010 COPS Hiring Program Grant – Staff will present information on the grant awarded the Police Department through the COPS Hiring Program.

Mr. Rose stated that back in 2009 Pineville had applied for a grant through the COPS Hiring Program for funding for additional police officers but was not awarded the money. More funding became available for 2010 and Pineville has now been awarded enough money to hire two new officers. The funding would pay for the salary and benefits of the two police officers for three years after which we would be required to keep both positions for at least 12 months.

Mr. Rose noted that this grant would allow the town to get a jump on what will be needed down the road anyway due to growth. By the fourth year the town would be responsible for all costs of the new employees including salary, benefits, uniforms and equipment. Staff was recommending approval of the grant.

Chief Merchant stated that his department works between 125-130 cases per month, and while they don't physically have room, the new officers would help to fill in the gaps. There would be some lateral transfers of current employees to the investigation unit while the new employees took on street patrol. Mayor Pro Tem Phillips asked if additional vehicles would be needed. Chief Merchant said they would make it work for now. Three of his officers were currently assigned to the community policing program and he was convinced that this program was one of the reasons the town received the grant. Mayor Pro Tem Phillips was in agreement that the town was in need of these additional officers. Council Member Boatwright moved to accept the grant which was seconded by Council Member Debbie Fowler. There were ayes by all.

- C. Proposed Fee Schedule and Tournament Guidelines for Jack D. Hughes Park** – Staff will present a proposed Facility Reservation Fee Structure and general information regarding the use of the sports fields at Jack D. Hughes Park.

Mayor Fowler welcomed Jennifer Honaker and Kristy Detwiler who were in attendance to propose policies, procedures and fees for the new Jack D. Hughes Park facility. Ms. Detwiler explained that they had researched other parks and recreation departments as well as other local rental facilities to come up with the proposed fee structure, policies and procedures. She added that they would like to reassess the fees again in six months to be sure they're set correctly. Mr. Rose stated that since this is new to the town, we would probably run into some obstacles before procedures and fees are set correctly. Council Member Boatwright asked if both concession stands would be contracted out to which, Ms. Honaker responded that they would.

A lengthy discussion ensued amongst all Council Members regarding the proper fees to be charged. There were concerns regarding the fees for the Youth Instruction Camps, the best way to handle gate fees, and the possibility of some of the fees not being adequate when compared to the cost of the upkeep. The general consensus was to add a percentage of the registration to the fee for Youth Instructional Camps. When reviewing gate fees, several options were presented including a per-person cost, a flat fee, a tiered structure and a percentage fee. A 20% gate fee was being proposed but several Council Members thought it would be difficult to track and collect. Ms. Honaker said she was comfortable and could handle the collection of the gate fees.

The conversation turned to how much practice time vs. actual play time the fields would receive. The concern was that the town would really need to stay on top of field maintenance to ensure they stay in good condition and do not deteriorate. Mayor Pro Tem Phillips did not think that the cost to rent one of the fields for three hours was enough to cover the cost to clean and maintain it but Ms. Honaker cautioned that if the fee were increased, the town would price themselves out of the market. Mr. Rose added that the tournament fees should help to subsidize any money that may be lost to field use for practices. All agreed that maintenance would be a major factor. There was also some question as to how often the fields should be dragged. Mayor Fowler expressed deep concern over allowing any practices on the fields for fear that they would get as run down as they did in the past. Ms. Honaker stated there were several things that could be done during the practice to limit the wear and tear on the fields.

The discussion continued focusing next on fair playtime for all. There was concern expressed that some organizations or groups would have more play time on the fields than others, especially if they didn't have any affiliation or connection to Pineville. The question was also raised about whether or not the fields would be left open for residential use. Council Member Boatwright stated that restrictions would have to be kept on the park and it would have to be locked or it would be like leaving the Hut open. Mayor Pro Tem Phillips just wanted to be sure there would be fair playtime for all on the fields.

Ms. Honaker reminded Council that without any fees in place, nothing could be scheduled. She added that this was a starting point and the fees could be adjusted down the road but she was getting many inquiries and could not begin to schedule anything without some sort of fee structure in place first. The general feeling was to reverse the fees for the softball fields and the stadium fees and add the percentage fee to the youth camps. Mr. Rose added that the town was currently seeking a part-time maintenance person for the park that would work a week-to-week schedule depending on the field activity. Council Member Eschert wanted to know what type of food would be offered at the concession stands. Ms. Honaker stated that there were no grills inside so it would be third-party, standard concession-type, prepared foods.

Council Member Eschert brought up one additional point related to the rental of facilities. He was unaware that Council Members had use of the Hut for free but he didn't feel that Council should be entitled to this. Since Council is compensated, he felt that they should at least pay what employees pay to rent the facility. After some discussion, it was suggested that Council be entitled to one free rental during the year and pay the employee rate for any rentals thereafter. It was also noted that the Fire Department held their Awards Banquet at the Hut free of charge. The consensus of Council was to revisit Council fees.

D. Staff Updates – (a) Fall Fest

Mr. Rose reminded Council that Fall Fest was scheduled for October 15th and 16th. The Mudd Dawgs were having their tournament at Jack Hughes Park on the 23rd along with the Fire Department's Annual Fishing Tournament.

ADJOURNMENT:

There being no further questions or comments, Council Member Debbie Fowler moved to adjourn the meeting. Council Member Libby Boatwright seconded the motion and there were ayes by all to adjourn the meeting at 9:00 p.m.


George C. Fowler, Mayor

Attest:


Barbara Monticello, Town Clerk