



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

The Town Council of the Town of Pineville met in regular session on Tuesday, December 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: Absent
Town Planner: Absent
Town Clerk: Barbara Monticello

CALL TO ORDER

Mayor Fowler called the meeting to order at 6:38 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 Libby Boatwright.

MOMENT OF SILENCE

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

Council Member Libby Boatwright's sister, Mary Patterson (passed) and husband, Don (outpatient surgery); Margaret Long (ill/respiratory ailments); Town Code Officer, Aaron Parks' wife, Karen (sprained ankle); Renee Moore Hicks (improving); Council Member Eschert's brother and sister (improving); co-worker, Jerry Bragg (passed) and two others are having surgery; Carmelita Feist (brain aneurism); and Mr. Eshert's nephew, Grayson (appendicitis); Jerry Cook (improving); Thelma Moore (ill); Bonnie Knowles (Pineville Rehab); James Morris (improving); Floyd Elkins (ill); and Pat Gladden (macular degeneration).

ORDER OF BUSINESS

Adoption of the Agenda: There being no changes to the agenda, a motion was made by Council Member Boatwright and seconded by Council Member Fowler to adopt the agenda as is. There were ayes by all.

Approval of Minutes for the Regular and Executive Sessions of the Town Council Meeting of November 9, 2010: Mayor Fowler called for a motion on both sets of minutes from the last Regular Council Meeting of November 9, 2010. Council Member Debbie Fowler moved to approve both sets, with Mayor Pro Tem Phillips seconding the motion. There were ayes by all to approve both sets of minutes as is.

CONSENT AGENDA

The following items are included: a) *Budget Amendments*; b) *Set Public Hearing Dates*. There were no public hearing dates to set for January. Council Member Libby Boatwright moved to approve the consent agenda as is and was seconded by Council Member Debbie Fowler. There were ayes by all.

PUBLIC HEARINGS:

A. Yandell Street Closing – Consideration of an Order to Close Yandell Street as authorized by NCGS 160A-299. A Resolution of Intent was passed by Council on November 9, 2010, establishing a public hearing date for December 14, 2010. Town Administrator, Mike Rose, stated that a Public Hearing was necessary when closing a street. He displayed a map showing town property highlighted in yellow, the location of the new police facility and where Yandell Street lies in relation. He noted that the entrance to Jack Hughes Park was redone and Yandell Street no longer serves a purpose. The only property that may be affected by the closing is one owned by Tommy Therell. He had been notified, however, by certified mail of the intent to close the street. It was also advertised four consecutive weeks in the newspaper as well as the property being posted.

Both Mayor Pro Tem David Phillips and Council Member Jim Eshert shared the same concern. They wanted to know if it would be possible to name another street, “Yandell Street”, in the future since there is a lot of Pineville history behind the name. Mr. Rose replied that it certainly was possible to do that. With that said, Council Member Boatwright moved to close the public hearing at 6:51 p.m. which was seconded by Council Member Debbie Fowler. There were ayes by all and the public hearing concluded.

Mayor Pro Tem Phillips moved to approve the order to close Yandell St. Council Member Boatwright seconded the motion and there were ayes by all.

B. Historic Landmarks Designation: Ordinance No. 2010-02.

Council Member Debbie Fowler moved to open the Public Hearing at 6:53 p.m. with Council Member Jim Eschert seconding the motion. There were ayes by all.

Mr. Rose reminded Council that in November of 2007, the Historic Landmarks Commission designated the exterior of the buildings on the north side of Main Street as historic landmarks. The Historic Landmarks Commission has since purchased two of the buildings – the Bargain Corner and the Civic and Cultural Arts Center of Pineville. They would like to amend the original ordinance to now include the interior of the buildings as well. Stewart Gray from the Historic Landmarks Commission was present to answer any questions.

Council Member Boatwright asked that if someone were to buy the buildings and wanted to redo them, would they need to redo them to code because there was no handicapped access to either of the buildings. Stewart Gray advised that a change of use would trigger whether current codes would need to be followed, not necessarily a new owner. If the new owners continued to use it the way it was currently being used, they would not need to change it to code. They would only have to change it to current codes if they changed the use of the buildings. He believed that access through the back of the building would be possible for a handicapped individual, but Mr. Rose agreed to follow up on it.

At 6:59 p.m., Mayor Pro Tem Phillips moved to close the Public Hearing which was seconded by Council Member Boatwright. There were ayes by all to close the Public Hearing. Council Member Eschert then moved to approve the amendment to the ordinance to include historic designations to the interiors of the two buildings located at 316 and 330 Main Street. Mayor Pro Tem Phillips seconded the motion. There were ayes by all.

OLD BUSINESS: *None*

NEW BUSINESS:

- A. Street Improvement List** – *Staff will present a priority list of necessary street improvements for Council's consideration.*

Mr. Rose stated that he and Public Works Supervisor, Bobby Howington, had ridden through town to assess the condition of the streets. A list had been drawn up and distributed to Council Members showing those streets that are in need of repair on a priority basis. He added that \$120,000 had been budgeted for the current fiscal year for street repairs. The two biggest problem areas are the Park Lake neighborhood including Mallard Drive, Park Lake Drive and Park Lake Court along with Lowery Street, which connects Polk Street with Johnston Drive and is where Pineville Elementary School is located.

Mr. Rose stated that preliminary estimates fall around the \$120,000 range but that the town wanted to move away from simply repaving the street as opposed to milling it level and then paving it, which makes for a much better job. He mentioned that the product, Flex Pave, holds up well, and was proposing they use it for the repairs.

Mr. Rose noted other streets that are in need of repair: Fisher and James Streets, Olive Street, Cone Avenue, Lakeview Drive, Lynwood Lane and Dover Street. He also mentioned that Cadillac Street could be added to the list. A complete list of all streets in need of repair with the condition of each would be drawn up as they prepare for the 2012 Fiscal Year. The next step would be to put the job out to bid after the New Year for Park Lake and Lowery Street so the work could begin when the weather turns warmer. He added that CMUD should be done making their repairs to the water lines.

Mayor Fowler wanted to be clear that Mallard and Lowery were priorities, while Council Member Fowler asked about Franklin and Brian Circle. Mr. Rose responded that Mallard

Mallard and Lowery were the first on the list but that if there was any money left over, they would like to proceed with some of the other streets on the list. He agreed to check on the condition of both Franklin and Bryan Circle which were not on the list. Mayor Pro Tem Phillips was concerned about the chipping of the curbing on Cone Avenue. Mr. Rose said that would also be checked, although he added that storm water funds were tight. Council Member Boatwright wanted to know if it would be better to repave Lowery Street after Pineville Elementary School lets out. Mr. Rose agreed that it would and noted that it should be able to be completed during the month of June just after school lets out but before the new fiscal year begins.

Additional comments lead to a discussion about the gap in the sidewalks along NC 51. Mr. Rose stated that it would be a great connection to finish the sidewalk all the way down to Main St. and that the town was looking into the possibility of having the sidewalk set back away from the road but that would require getting easements through that area. The hardest part, he noted, would be to have sidewalks along the bridge over the creek.

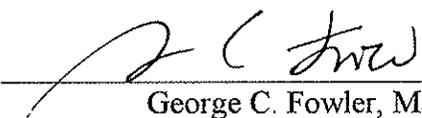
B. Staff Updates – a) New Employees; b) Police Groundbreaking Ceremony; c) Council Christmas Photo.

Mr. Rose noted that the town recently hired three new employees: Karen Bennett in the Finance Department, Richard Lemieux who will man the fields and grounds at Jack Hughes Park and Front Desk Receptionist, Talece Hunter. He invited Council to come and meet the new employees.

Mr. Rose noted that the contracts with Randolph Builders for the new police facility had been worked out and he was just waiting for the performance bond which he didn't expect for another week or so. He added that a ground breaking ceremony was planned for early January.

ADJOURNMENT:

There being no further business, Council Member Boatwright moved to adjourn the meeting. Council Member Fowler seconded the motion and there were ayes by all to adjourn at 7:21 p.m. A small holiday reception followed the meeting along with a group photo of Council in front of the town's Christmas tree.


George C. Fowler, Mayor

Attest:


Barbara Monticello, Town Clerk