



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
JANUARY 18, 2011**

The Town Council of the Town of Pineville met in regular session on Tuesday, January 18, 2011 at 6:30 p.m. at The Hut Meeting Facility in Pineville. The meeting was originally scheduled for January 11th but was postponed until the 18th due to inclement weather.

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 6:27 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:

Renee Moore Hicks (condition unchanged – bone biopsy done); Council Member Boatwright's husband, Don (doing well); Council Member Eschert's brother, sister and nephew (all improving); Jerry Cook (ill); Thelma Moore (ill); Bonnie Knowles (Pineville Rehab); James Morris (improving); Floyd Elkins (condition unchanged); Congresswoman Gabrielle Giffords and the other victims of the tragedy in Tucson, Az.; Earl Osborne (heart problems); Mayor Fowler's sister-in-law, Pat Stevens (hospitalized for dehydration); and former town employee, Cliff Hunt (more seizures).

ORDER OF BUSINESS

Adoption of the Agenda: There being no changes to the agenda other than the change in date of the meeting, a motion was made by Council Member Fowler and seconded by Council Member Eschert to adopt the agenda as is. There were ayes by all.

Approval of Minutes for the Regular Town Council Meeting of December 14, 2010: Mayor Fowler called for a motion on the minutes from the last Regular Council Meeting of December 14, 2010. Council Member Libby Boatwright moved to approve them, with Council Member Debbie Fowler seconding the motion. There were ayes by all to approve the minutes as is.

CONSENT AGENDA

The following items are included: *a) Annual Appointments; b) Tax Refund Request for REI, Inc.; and c) Set Public Hearing Dates.* There were no public hearing dates to set for February. Council Member Debbie Fowler moved to approve the consent agenda as is. Council Member Libby Boatwright seconded the motion and there were ayes by all to approve the Consent Agenda.

PUBLIC HEARINGS: *None*

OLD BUSINESS: *None*

NEW BUSINESS:

- A. Sierra Club** – *A representative from the Sierra Club has requested an opportunity to discuss the proposed garbage incinerator project presented to Council by Mecklenburg County Solid Waste in August 2010.*

Town Administrator, Mike Rose, introduced Mr. Bill Gupton from the Sierra Club who was present to discuss the town's endorsement of the changes to the county's Solid Waste agreement to include a bio-energy plant to convert waste to energy. Mr. Rose stated to Council that Mr. Gupton was just present to speak and that no action was necessary at this time.

Mr. Gupton stated he was a volunteer for the Sierra Club, the oldest and largest environmental group in the U.S. and he was currently chairman of the Mecklenburg County division. When the group first heard of the Re-Venture project, the idea of converting waste into energy seemed like a good one. However, after researching the project further, the Sierra Club has taken the stance of being against the incineration of trash. The group had contacted numerous industry leaders and experts and found that there were health, safety and environmental issues with burning trash.

The group is also concerned about an incinerator being located on the banks of the Catawba River where trash will be burned for the next 20 years. When the Sierra Club checked with Mecklenburg County, they discovered that no review/study of the potential health and environmental risks from burning trash had ever been conducted. He added that the proposed site of the project, the old Clariant Corporation off of Mt. Holly-Huntersville Road, is a known Superfund site that had disposed of chemical waste for many years. The group was concerned about any additional pollutants getting into the river.

Mr. Gupton stated that the project, as it was presented to council last year, is different than it is today. About 400 trucks are expected to deliver normal, household trash daily to Ambler Drive off of Graham Street where it will be trucked to the Clariant site. Re-

Venture originally said they would be using state-of-the-art equipment but has since gone with a company in Oklahoma which has never built a gasification facility before. The company had three deadlines to meet prior to 12/31/10 but failed to meet any of them and no permits have been submitted as yet. The facility was expected to start operating by December 2012 but it will not be ready now until sometime in 2013.

Other such facilities in the area have either shut down because of cost and the air pollution it caused (UNCC) or the idea was abandoned entirely (proposed site off Arrowood Road). Mr. Gupton continued, stating that other states have restrictions on where these type of facilities can be located. Incinerators cannot be within three miles of such places as churches, schools, hospitals, nursing homes or neighborhoods. With the proposed Re-Venture facility, he noted there are 25 public schools and 20-22 neighborhoods within a 3.8 mile radius of the facility.

Mr. Gupton continued, noting the many health risks that incineration would cause including the release of dioxins into the air which are cancer causing agents. The air could be harmful to children causing asthma or COPD and other lung problems in adults. He stressed the need to find alternative solutions to burning trash and cited several examples of how other cities have encouraged residents to recycle more. He wanted to be sure that citizens were made aware and got an opportunity to be heard, urging public hearings to address the issue.

Mr. Gupton answered several questions from Council Members. When Mayor Fowler asked why we were left with these circumstances, he replied that the person who sold the project was a sales person with no experience with any of the items, no RFP's had gone out and no one bothered to ask questions. Mayor Fowler also asked what the Sierra Club's position was on nuclear energy to which Mr. Gupton replied that it was too costly. He stated that wind and solar energies were the way to go and added that North Carolina had enough wind off of its coast to produce sufficient energy for the state. Mayor Fowler thanked Mr. Gupton for speaking on the subject.

B. Fire District Plan – *Representatives from Mecklenburg County will discuss a proposal to create Fire Tax Districts.*

Mr. Rose introduced Jim Bartl who was in attendance to discuss Fire Tax Districts. Mr. Bartl thanked the board for the time to speak. He stated he was the Director for Code Enforcement for Mecklenburg County and that a presentation was made in December before the County Commissioners to use their authority to create six Fire Tax Districts for the ETJ's of all the Mecklenburg County towns, except Matthews which did not have an ETJ.

Mr. Bartl cited a report done in 2008 by a national fire service expert. The report listed 19 recommendations, one of which was to replace its current funding mechanism. Expenses for volunteer fire departments keep escalating and Newell Fire Department recently withdrew from the county. It's a subject that has been discussed for many years but has become "unworkable". They need to get this set up now and in place before it gets any worse. The proposal is for the County Board to set the tax rate, collect the funds and then turn them over to the towns. This would make it more of a town-centered focus and

allow for fire services to be better aligned for future planning and growth. It would also make the level of service and costs more equitable. There would also be full funding for fire departments.

A lengthy discussion was triggered by questions from Council Members regarding the amount of the tax and how it might affect current residents. There was concern that if the taxing district included the area within the town limits as well as the ETJ, residents would be taxed twice for this service. Council also mentioned that Pineville was in a unique situation because Carolina Fire backed up Pineville's ETJ area. Council Members also noted that the ETJ would expire in 2014. They wanted to know what would happen if the town opted not to extend it. Mr. Bartl agreed there were unusual circumstances with Pineville but thought that it could be worked out with the county. If Pineville opted not to renew the ETJ agreement for that area, it could be given to the City of Charlotte.

Mayor Pro Tem David Phillips asked who was responsible for setting the tax rate for these special districts, while Council Member Debbie Fowler asked about the Police Tax Districts. Mr. Bartl responded that the County had the authority to set the tax rate but the towns would make recommendations. The county would also collect the taxes but it would not get a percentage for collecting it. It may, however, shift the costs of some fee based items to the servicing districts. He added that the idea to modify the Police Taxing Districts to include fire service had come up but that it could not be done because the original legislation did not include fire service.

Additional questions arose. Council Member Eschert asked if the town would be liable if it contracted with Carolina Fire for fire service and they failed to meet their obligation. Mayor Fowler indicated that it would. Council Member Boatwright asked how quickly they would need to get involved to which Mr. Bartl responded that the county was looking for a response by the end of February so that fire tax districts could be set up for the budgeting process and be created by 7/1/11.

Pineville's Volunteer Fire Chief, Bill Griffin, approached the podium to speak. He agreed that the situation was complicated due to another fire department servicing the town's ETJ. He also noted that there was a small section of the ETJ that is actually serviced by the City of Charlotte and that made it even more complex. He agreed to get with the State of North Carolina within the next couple of weeks to check on what is needed to possibly change the fire districts as they are actually set by the state. Mayor Fowler directed Town Administrator Rose to get whatever information was still out there to Council so they could get some direction by the end of February. *

C. Staff Updates – a) Town Code of Ordinances; b) Revised Personnel Manual; c) Police Facility Ground Breaking; d) Delegates Dinner.

Mr. Rose updated Council on the re-codification of the Town Code of Ordinances. Once the project is complete, the town codes will be online for the public to view and Council would need to re-adopt the new code. A copy of the proposed changes to the town's personnel manual was distributed to each Council Member. Mr. Rose noted that a lot of what was in it were legal requirements while other policies were discretionary ones. He

* It should be noted that the term "Sphere of Influence" should have been used in place of ETJ as Pineville does not have an ETJ.

asked that Council review it and to contact him or Tihisha Sharif in the Human Resources Department if they had any questions or comments. He would like to bring it before Council in February for adoption. Moving on to the new police facility, he suggested that in lieu of a ground breaking ceremony, Council might consider a Ribbon Cutting Ceremony instead. Since Randolph Builders had already started work on it and because the planned Ground Breaking Ceremony had to be cancelled due to inclement weather, it would make more sense. Council agreed. Mr. Rose reminded Council of one last item, the Delegates Dinner that was being held on the 19th of January.

Mayor Fowler called for a break at 8:13 p.m. before moving into Executive Session. At 8:27 p.m. Council Member Boatwright moved to enter into Executive Session. Council Member Eschert seconded the motion and there were ayes by all. At 8:35 p.m. Council Member Boatwright moved to exit the Executive Session and move back into Regular Session. Council Member Eschert seconded the motion and there were ayes by all, after which, Council Member Boatwright moved to approve the purchase of a piece of property. Council Member Eschert seconded the motion and there were three ayes in favor, with Mayor Pro Tem Phillips abstaining from the vote.

ADJOURNMENT:

There being no further business, Council Member Boatwright moved to adjourn the meeting. Mayor Pro Tem Phillips seconded the motion and there were ayes by all to adjourn the meeting at 8:45p.m.


George C. Fowler, Mayor

Attest:


Barbara Monticello, Town Clerk



**EXECUTIVE SESSION MINUTES FOR THE
PINEVILLE, NC TOWN COUNCIL MEETING
OF JANUARY 18, 2011**

The Town Council of the Town of Pineville met in executive session on Tuesday, January 18, 2011, at The Hut Meeting Facility in Pineville.

ATTENDEES:

Mayor George Fowler
Mayor Pro Tem David Phillips
Town Council Members Libby Boatwright, Jim Eschert, and Debbie Fowler

CALL TO ORDER

Mayor Fowler called the Executive Session to order.

EXECUTIVE SESSION

At 8:27 p.m. Council Member Boatwright moved to enter into Executive Session under North Carolina statute NCGS143-318.11(5). Council Member Eschert seconded the motion and there were ayes by all. A real estate matter was discussed with consensus to move forward on the item.

ADJOURNMENT

At 8:35 p.m. Council Member Boatwright moved to exit the Executive Session and move back into Regular Session. Council Member Eschert seconded the motion and there were ayes by all.

Barbara Monticello, Town Clerk

George C. Fowler, Mayor