

**MINUTES OF THE MEETING OF THE
TOWN COUNCIL
TOWN OF PINEVILLE, NORTH CAROLINA
MARCH 11, 2008**

The Town Council of the Town of Pineville met in regular session on Tuesday, March 11, 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
Town Clerk: Barbara Monticello

CALL TO ORDER

Mayor Fowler called the meeting to order at 6:34 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 David Phillips to lead the Pledge of Allegiance to the Flag.

Mayor Fowler called for a moment of silence for the following people: Johnsie McCoy (passed), Tony Walker's dad (passed), Kate Plyler, Assistant Town Manager of Matthews (passed), the two firemen from Salisbury killed in the line of duty, Victor Isley and Justin Monroe, two college students recently killed, Cole Stallings (passed), Desmond Cole's mother (passed), and Charles Yandell (ill). Jim Knowles, son-in-law of Johnsie McCoy thanked everyone for their prayers and concerns.

Mayor Fowler recognized Kelly Alexander, who is running for State Representative in the 107th District to fill a vacancy created by Pete Cunningham who is retiring. Mr. Alexander stated that he lived in the northern part of the district and although he may not be able to fix every problem, he promised to always listen. He stated that he will pay more attention to transportation issues and the problem of gangs. He concluded by stating that this would not be the last time we saw him.

Mayor Fowler then recognized James (Bill) Phillips from the Pineville Art Guild who thanked the town for its support and use of the recreational facilities. He also wanted to thank the staff from Mike Rose to the receptionist at Town Hall for all their help, and especially Kristy Detwiler, who deserved to be "Employee of the Year".

ORDER OF BUSINESS

Adoption of the Agenda: Upon the motion of Mayor Pro Tem Libby Boatwright, seconded by Council Member Les Gladden, the Council unanimously voted to adopt the agenda for the March 11, 2008 meeting. Ayes by all.

Approval of Minutes for the previous Joint Planning Board and Town Council Meeting of February 5, 2008 and the Regular and Executive Session Meetings of February 12, 2008:

Mayor Fowler called for a motion on three sets of minutes from the February 5th Planning Board/Council Workshop and the March 11, 2008 Regular Council and Executive session meetings. Council Member David Phillips asked about the term “hard tack” and the type of material it was. Zoning Director, Kevin Icard and Planner, Travis Morgan both indicated that it was a type of stucco. Hearing no further comments, David Phillips moved to approve all sets of minutes. Motion was seconded by Council Member Les Gladden and there were ayes by all.

CONSENT AGENDA

The following items are included: *a) Set Zoning Public Hearing Dates; b) Tax Refund (Fred Stubblefield Jr.); c) Lease Agreement with NC Department of Justice.* Council Member Gladden asked if the lease agreement had any financial stipulations to it but Chief Merchant indicated that it did not. A motion was made by Mayor Pro Tem Libby Boatwright and seconded by Council Member Jim Eschert to approve the Consent Agenda. Ayes by all.

JOINT PUBLIC HEARINGS *(None)*

OLD 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 the ordinance was in a draft version and was designed to have other utilities provide the same level of service that the town does when it comes to maintaining right-of-ways with such things as burying utility lines. Overhead lines would not be permitted except under the town’s discretion and every effort will be made to get equipment boxes in the back and side yards to help maintain appearance standards. If sidewalks are excavated, they will need to be replaced. A master permit would be required so that we could monitor where these underground utilities are located. The ordinance will be fine tuned to provide for enforcement issues and penalties. Mr. Rose asked that if any Council Members had questions regarding the ordinance to contact him before the next meeting.*

NEW BUSINESS

A. Request to Rescind Conditional Use Permit Plan (CUP-2008-01) – *Submitted by Thomas Alsop for property located at 710 Main Street further recognized as Tax Parcel 205-021-05. The applicant has requested to remove the Conditional Use Permit on his property allowing the underlying Zoning District to function. Any future development would be required to follow the RMZ (Residential Mixed-Use District) and the proposed applicable Overlay District. Mayor Fowler recognized Planning and Zoning Director, Kevin Icard. Mr. Icard stated that the*

Planning Board made their recommendation at their February 21st meeting. The vote was unanimous to rescind the CUP. He added that Mr. Alsop understood all the requirements if any changes were to be made to his property. Mayor Pro Tem Libby Boatwright moved to approve rescinding the CUP which was seconded by Council Member Les Gladden. There were ayes by all and the motion passed unanimously.

B. Request for 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 asking to hear this rezoning concurrently with the proposed, The Small Area Plans, that will be the updated Land Use Plan.

C. Rezoning Request (RZ-2008-01) – Submitted by the Town of Pineville. Staff is proposing to establish five overlay districts that will supplement the regulations of the zoning ordinance. All current underlying zoning classifications will remain and all properties in the corporate limits of Pineville will be affected.

Town Administrator, Mike Rose, recommended that three different motions be made: one to adopt the Zoning Text Amendment, one to adopt the Small Area Plans and one to amend the Zoning Map. A motion to lift the moratorium would not be needed as it would automatically expire on March 12, 2008. Mayor Fowler recognized Planning and Zoning Director, Kevin Icard. Mr. Icard stated that, after a year's worth of work, the Planning Board had made its recommendation at their meeting on February 21, 2008, to approve rezoning and adopting the town's Official Zoning Map, apply the new overlay districts, adopt the new Zoning Ordinance and lift the moratorium. Staff had worked with Council Members, Planning Board Members and the town's attorneys to finalize the details of the plan. He thanked Paul Sullivan for his help in providing a lot of information for the section covering daycare facilities. He asked for a provision that if there were any grammatical errors, they could be changed without having to go through a Public Hearing.

Mayor Fowler thanked Kevin Icard and Travis Morgan for their hard work. Mayor Pro Tem Libby Boatwright stated that with the Residential Overlay District, she had a problem with not being able to use vinyl siding in the construction of houses and believed that some nice houses could be built using it. Town Planner, Travis Morgan, noted that the issue was brought to staff's attention and that they had come up with a suggestion. He distributed a handout describing vinyl siding options and reviewed it with the Board. Council Member Les Gladden asked if these requirements would be for all areas. Mr. Morgan indicated that it was only for residential areas. Mr. Gladden added that he would like to see a limit of no more than 25% of the front of the house using vinyl. Mayor Pro Tem Boatwright stated that she could agree to that. Mr. Icard added that it could be done conditionally or permitted with special regulations and inserted into the Overlay District so it wouldn't have to come before Council.

Mayor Pro Tem Libby Boatwright moved to adopt the zoning text amendments with changes discussed at the meeting, seconded by Council Member Les Gladden. Council Member Jim Eschert congratulated the Planning Staff on their hard work. There were ayes by all and the motion passed unanimously. Mayor Pro Tem Libby Boatwright then moved to approve the Small Area Plans as amended and presented at the meeting, including the provision to allow vinyl siding with special regulations in the Residential Overlay Districts and allowing for any

grammatical errors to be corrected without a Public Hearing. Council Member David Phillips seconded the motion and there were ayes by all. Motion passed unanimously. Lastly, Council Member Eschert moved to adopt the Overlay Districts and to adopt the Official Overlay Zoning Map which was seconded by Council Member Les Gladden. There were ayes by all and the motion passed unanimously. The moratorium will automatically be lifted at midnight.

D. Presentation by the “Community Civic & Cultural Center of Pineville”—An overview of goals.

Mayor Fowler recognized Lee Baumgarten who spoke on behalf of the Community Civic & Cultural Center of Pineville. He stated that the arts and sciences steering committee had been working since 2005 to develop a solid organization where all groups, both civic and cultural, can work out of. He stated that the organization will respond to the types of programs the community wants and added that an art competition for kids was already underway.

He continued with his presentation, stating that the organization would have a non-profit status, include a business center, and have a Board of Advisors to focus on growth and development and continue to network with other businesses for support. The organization was awarded a grant that was soon to expire if they did not have a location to work out of and some funding to back the project. The group proposed using a vacant building located on Dover Street to house the organization and was looking for financial support from the town to get their project started. They also proposed using the Fire Department to act as their fiscal agent for the committee.

The vacant house on Dover Street would need to be brought up to code and a study was currently being done to determine how much it would cost to get that building operational. Terie Davis, a member of the steering committee, noted that the house was a perfect fit for the project since it would go along with the proposed downtown redevelopment. The committee was looking for Council to give the Town Administrator, Mike Rose, direction to investigate where the money could come from for a donation to the center. Council Member Les Gladden moved to give Mr. Rose the approval to check for funds for a possible donation. Mayor Pro Tem Libby Boatwright seconded the motion. There were ayes by all.

E. Staff Update: New staff member; library and Yandell property updates.

Town Administrator, Mike Rose, introduced Aaron Parks, a new employee assuming the position of Code Enforcement Inspector. Kevin Icard noted that he had already tagged 22 junk vehicles and issued 3 notices of violation.

Mr. Rose updated Council on the possibility of a library branch to be located in Pineville. The Library Committee met with Mr. Brown and there have been some positive steps forward. Ideally, the committee would like to see a branch open in the downtown area.

Mr. Rose reported that although there are still no concrete plans on the Yandell property, the Town continues to be in constant communications with the Yandell Group and to work with John and Laura on different ideas.

ADJOURNMENT

Hearing no additional comments, a motion was made by Libby Boatwright and seconded by Les Gladden to adjourn the meeting at 8:12 p.m. Ayes by all.

Barbara Monticello, Town Clerk

George C. Fowler, Mayor