



**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
SEPTEMBER 13, 2011**

The Town Council of the Town of Pineville met in regular session on Tuesday, September 13, 2011 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 6:35 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.

**SPECIAL RECOGNITION**

Mayor Fowler announced a change in the order of the agenda. He wished to move the "Special Recognition" item up so police officers in attendance could leave immediately following the presentation to check on an ex-fellow officer hospitalized in an emergency situation. He called upon Captain William Connell to make the presentation. Officer William Wright was presented with a plaque for saving the life of a woman who was unresponsive in her parked car. Officer Wright received a standing ovation from those in attendance.

**MOMENT OF SILENCE**

Council Member Libby Boatwright led the group in a special prayer for ex-Pineville policeman, Dan Martin, who suffered a massive heart attack earlier during tactical training for other officers. Following the prayer, Mayor Fowler called for a moment of silence for him and his family and the following individuals:

Anyone who was involved or lost a loved one in the 9/11 attacks (this year marked the 10<sup>th</sup> anniversary of the tragedy); Council Member Jim Eschert's sister (was hospitalized and now in need of liver transplant); his cousin who passed just before celebrating his 60<sup>th</sup> wedding anniversary; and his friend, Robert Byrum, who recently underwent a heart transplant.

Additionally, a moment of silence was held for Bonnie Knowles who passed. Mayor Pro Tem David Phillips was happy to announce that he became a grandfather as his daughter gave birth to a 5.5 lb. baby girl.

## **ORDER OF BUSINESS**

### **ADOPTION OF THE AGENDA**

There being no changes to the agenda, Council Member Libby Boatwright moved to adopt the agenda with Council Member Debbie Fowler seconding the motion. There were ayes by all to approve the agenda as is.

### **Approval of Minutes for the Regular and Executive Session Meetings of August 9, 2011:**

Mayor Fowler called for a motion on the minutes from the Regular and Executive Session Meetings of August 9, 2011. Mayor Pro Tem David Phillips moved to approve both sets of minutes with Council Member Boatwright seconding the motion. There were ayes by all to adopt the minutes as is.

**Adoption of the Consent Agenda:** *The following items are included: a) Proclamation in Recognition of the 10<sup>th</sup> Anniversary of the 9/11 Terrorist Attacks; b) Proclamation in honor of Constitution Week; c) Set Public Hearing Date (none).* There were no changes to the Consent Agenda. A motion was made by Council Member Boatwright and seconded by Council Member Fowler to approve the Consent Agenda as is. There were ayes by all.

**PUBLIC HEARING:** ***Historic Landmark Designation** - The Town of Pineville will consider adopting an ordinance designating as an Historic Landmark a property known as "Park Avenue" (listed under Tax Parcel Numbers 22107109, 22107110, 22107111, 22107112, 22107113, 22107114, 22107115, 22107116, 22107117, 22107201, 22107202, 22107203, 22107204, 22107205, 22107206, 22107207, 22107208, 22107209 as of July 1, 2011, and including the exteriors of the buildings and the parcels of land listed under the above Tax Parcel Numbers in the Mecklenburg County Tax Office, Charlotte, North Carolina).*

Mayor Fowler announced there was a Public Hearing to consider the homes along Park Avenue as an Historic Landmark. Council Member Debbie Fowler moved to open the Public Hearing seconded by Council Member Jim Eschert. There were ayes by all and the Public Hearing was opened at 6:50 p.m.

Mr. Rose stated that in the past few years, the town had been working hard to preserve and protect the history of the town with the help of the Charlotte-Mecklenburg Historic Landmarks Commission. He noted that several buildings along Main St. have already been declared landmarks and that both the town's "mill village and commercial district" had recently been named to the National Register of Historic Places. Tonight's Public Hearing was to consider the homes along Park Avenue as historic landmarks as well because of their distinct and well-preserved architectural features. The Town previously held an informational meeting in April to give residents an opportunity to learn more about the designation and to ask questions.

Stewart Gray from the Charlotte-Mecklenburg Historic Landmarks Commission was in attendance to answer any additional questions. He stated that Pineville's mill village was an important element in the town's history because it was the best preserved mill village in

Mecklenburg County. Having both the national and local designations provides an opportunity for dual tax benefits from the state and federal government. Council members wanted to be sure that homeowners understood any restrictions that would be placed on their properties. Mr. Gray clarified that the designation from the National Register of Historic Places does not put any limitations or restraints on the properties but it did have incentives for the homeowners. However, with the local designation from the Historic Landmarks Commission, the law requires that any physical changes to the property have to be approved by the commission. Any time a permit is required for any type of renovation to the home, the Historic Landmarks Commission would have to review and approve it. This would apply to exterior changes only, not interior ones.

New roofs or HVAC units would not require review but if the siding of the home were to be replaced, a committee would need to review it. The committee, he stated, was made up of architects and members of the Landmarks Commission. This was just an additional layer of design review that homeowners would need to deal with but was necessary to preserve the historic character of the neighborhood. Each change would be considered on a case-by-case basis but the committee would be pragmatic in their decisions so as not to put a burden on the neighborhood.

Council Member Eschert wanted to know how long the average review took and what would happen if there was any damage done to the property. Mr. Gray stated that the committee had to give an answer within 90 days but that the majority of the reviews are done as quickly as one day to one month. The committee did not have to review normal maintenance performed on a home or any repairs made to the home if it was damaged. Council Member Boatwright asked if a porch had been damaged, would it need to be put back the way it was. Mr. Gray responded that the homeowner had the option to repair it the way it was or present a new plan to the committee for review.

Mayor Pro Tem Phillips asked about a sheds and fences. Mr. Gray stated that if a permit was needed, that would be the mechanism to trigger a review by the committee so whatever changes required a permit, the committee would also need to review them.

Janice St. Clair stated that she lived on Juanita Drive but co-owned a home on Park Avenue with her sister who did not keep her informed as to what was happening. She was not aware that the homes were being considered for an historic landmark designation. Mr. Gray offered to provide her with information. Another attendee in the audience stated that he had been somewhat confused because there were actually two different designations which both came at the same time making it difficult to distinguish between the two. Mr. Rose clarified that there were, indeed, two different designations – one on a national level with no restrictions placed on the home and one on a local level with an additional level of review needed before any alterations to the exterior of the home could be made.

Maurice (Morris) Howard, who also owned a home on Park Avenue, was concerned that the HLC would take over his home in some way and just wanted to know what the HLC was going to do with his home.

Mr. Gray stated that having the Historic Landmark designation is a positive thing and nothing would happen to his home. If Mr. Morris chose to do nothing with his home, he would still be

entitled to a tax break. The designation is put in place to preserve what is there which, in turn, encourages investment in the neighborhood. Mayor Fowler and Council Member Libby Boatwright both added that the HLC was trying to preserve the area not tear it down and without infringing on the rights of the property owners.

Mayor Pro Tem David Phillips was not comfortable that all homeowners had been notified and asked that the public hearing be kept open and each homeowner notified by certified mail. Mr. Rose stated that the public hearing would have to be continued with a definite date set that evening. It was the consensus of the board that the public hearing be continued to the November meeting. Mr. Gray added that if anyone had questions, they were welcomed to meet with him. A motion was made and seconded at 7:40 p.m. to continue the public hearing to the November meeting. There were ayes by all.

### **OLD BUSINESS:**

- A. New Vehicle Purchases for Pineville Electric and Public Works** – tabled from last meeting. Mr. Rose identified the vehicles still needed for both the Electric and Public Works Departments. Each of the departments is in need of two new vehicles with a possibility that one of the old Public Works vehicles could be used at the Parks and Recreation Department. Mayor Pro Tem Phillips suggested that next year one list of all needed vehicles be drawn up and to negotiate a better deal when purchasing multiple vehicles. Mr. Rose acknowledged that a more consistent process was needed.

Council Member Eschert moved to approve the new vehicles with Council Member Fowler seconding the motion. There were ayes by all to approve the purchases.

### **NEW BUSINESS:**

- A. Mecklenburg County Parks and Recreation** – *Jim Garges, Director Mecklenburg County Parks and Recreation Department will update council on the status of projects and capital improvements planned for the County and answer any questions.*

Mr. Garges began his presentation by stating that with the downturn in the economy, his department lost over 188 full-time employees and several community centers that had poor attendance were closed but that the County was slowly rebounding from this. The Department was doing well and was growing.

Capital construction projects would all be considered together and then ranked on a point basis. The county decides how much money is on a bond and the projects with the highest points will get the money. He stressed that it was essential to continue to preserve land as 5% of the bond money is designated for open land. \$6.5 million goes to the acquisition of open space so it was important to obtain parcels of open space. Mr. Garges indicated that the future of the Parks and Recreation Department looked bright.

He handed out copies of an economic study that explained how parks and recreation generated money as well as listed the health and environmental benefits of parks and recreation. The report also broke down the financial impact that tourism had on the parks with more than \$53million generated from visitors to our local parks.

Council Member Eschert asked if the county worked with schools in joint ownership projects because Pineville Elementary School was going to be rebuilt. However, it would not be rebuilt with any fields. The local athletic association currently uses the fields that are there but once they're gone, there will be no fields for them to play on. Mr. Garges responded that the county had a strong working connection with CMS. He believed the county could work something out but would need to sit down with the school to determine how to get it done. Mr. Garges agreed to call Mr. Rose to discuss the situation. Council thanked Mr. Garges for his presentation and any help he could give them with getting fields built for the PCAA.

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

Mr. Baumgarten stated that the center had been doing very well. They had 44 kids in the last summer class and had to turn some away. The group was currently looking for additional space to accommodate more students. People were coming from all over Mecklenburg County to partake in various programs such as the Team Leadership Program, Paint 'til You Drop event and photography classes. The Team Leadership Program was designed to teach teens how to present themselves and improve their presentation skills.

Additionally, Wells Fargo was sponsoring a completion with kids from different schools and Carolinas Medical Center asked for 100 paintings from the group to display at the hospital. The CCAC also hosted a class presented by the Charlotte-Mecklenburg Historic Landmarks Commission regarding the Importance of Small Towns and it was planning a street drawing contest using chalk for teens 13-19 years old. Mr. Baumgarten added that Piedmont Natural Gas donated 8 computers to the CCAC and a collection of old cameras was also donated to them. Council thanked Mr. Baumgarten for his presentation.

**C. Landscape Plan** – *Travis Morgan will present a proposed Landscape Plan for properties owned by the Town of Pineville.*

Town Planner, Travis Morgan spoke about the importance of maintaining new and existing landscaping on properties owned by the town. He drew up a watering schedule for trees and shrubs on all town-owned property and will work together with the Public Works Department to carry it out. He also would devise a plan for any new plant materials to ensure that they are being planted correctly and maintained properly. He acknowledged Mayor Fowler's concern about dead trees and confirmed that they would be replaced. Mr. Morgan wanted to avoid any further plant materials from dying and stated that he would come up with a policy to prevent that from happening. Council thanked Mr. Morgan for his presentation.

**D. Public Power Week - Staff will present a proclamation declaring October 2-8, 2011 as Public Power Week and discuss promotional activities.**

Mr. Rose noted that the week of October 2<sup>nd</sup> – 8<sup>th</sup> was Public Power Week and a proclamation was drawn up to honor it. Additionally, promotional give-a-ways were ordered to hand out to public power customers during that week. Council Member Debbie Fowler moved to approve the proclamation which was seconded by Mayor Pro Tem Phillips. There were ayes by all to approve the proclamation in support of Public Power Week.

**E. Staff Updates – 1) NCLM Annual Conference; 2) James K. Polk State Historic Site Update; 3) Tree Lighting Ceremony.**

Mr. Rose advised Council that if anyone was interested in attending the NCLM Annual Council, to let him or the Town Clerk know and arrangements will be made. The conference was being held in Raleigh from October 23<sup>rd</sup> to the 25<sup>th</sup>.

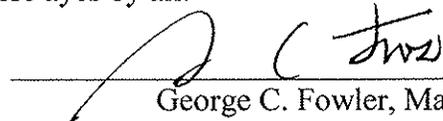
The James K. Polk Site was opening a new exhibit called *Rounders to Baseball*, which traces the history of baseball from its origins as an English game called Rounders to the first professional ball game played during President Polk's administration. The event was being held on Saturday, October 1<sup>st</sup> from 1:00 a.m. until 4:00 p.m.

Mr. Rose polled Council on which day they would like to have the tree lighting ceremony – Saturday, November 19<sup>th</sup> before Thanksgiving or Saturday, December 3<sup>rd</sup> right after Thanksgiving. The decision was split so it was decided that since the date was already published in the CCAC's flyer, it would be November 19, 2011.

Additionally, Mr. Rose mentioned Fall Fest which was scheduled for October 14<sup>th</sup> and 15<sup>th</sup> and that a Public Meeting was scheduled for Thursday night, September 15<sup>th</sup> at 7:00 p.m. to discuss the widening of 485. The event was being held at the Hixon Building on Ballantyne Corporate Place. Phase III of the Wayfinding signs project which includes signage by the hospital would be completed soon.

**BREAK BEFORE EXECUTIVE SESSION:**

Mayor Fowler announced that there would be a break at 8:35 p.m. before the Executive Session began. At 8:55 p.m. a motion was made and seconded to exit the Regular Session and move into Executive Session. There were ayes by all.

  
George C. Fowler, Mayor

Attest:

  
Barbara Monticello, Town Clerk

**PINEVILLE, NC TOWN COUNCIL MEETING  
EXECUTIVE SESSION OF SEPTEMBER 13, 2011**

The Town Council of the Town of Pineville met in executive session on Tuesday, September 13, 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  
Town Administrator, Mike Rose  
Town Clerk, Barbara Monticello – Was not in attendance.

**CALL TO ORDER**

Mayor Fowler called the Executive Session to order.

**EXECUTIVE SESSION**

At 8:55 a motion was made and seconded to enter into Executive Session under North Carolina statute NCGS143-318.11(5). There were ayes by all.

The Council conducted a performance evaluation with the Town Administrator.

**ADJOURNMENT**

At 12:01 a.m. a motion was made by Council Member Fowler and seconded by Council Member Eschert to adjourn the Executive Session. There were ayes by all.

  
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George C. Fowler, Mayor