



**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
NOVEMBER 15, 2011**

The Town Council of the Town of Pineville met in regular session on Tuesday, November 15, 2011 at 6:30 p.m. at The Hut Meeting Facility in Pineville. The meeting was changed from November 8<sup>th</sup> to the 15<sup>th</sup> due to Election Day being on the 8<sup>th</sup>.

**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 was absent  
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.

**SPECIAL ANNOUNCEMENT**

Mayor Fowler wished to recognize Boy Scout Troop 55, from Meyers Park Presbyterian Church, who were in attendance. He asked each of the boys to come forward as he announced their names: Mack Craig, Sam Guptill, Thomas Williams, Will Handy and Troop Counselor, Patrick Hoffer. Mayor Fowler thanked them for all that the Boy Scouts do and for coming to the meeting.

**MOMENT OF SILENCE**

Mayor Fowler remarked that former Pineville Police Officer, Dan Martin who suffered a massive heart attack, was doing well and being called a "walking miracle" today. Mayor Fowler then called for a moment of silence for the following individuals: former town employee, Cliff Hunt (Hospice called in); Floyd Elkins (passed); Thelma Crump (ill); and Reesa Brock (ill). Planning Director, Kevin Icard, mentioned he had just been diagnosed with Type I diabetes. Council Member Libby Boatwright added that she would like to recognize any veterans in honor of Veteran's Day. She asked any veterans in the audience to stand to be recognized. Four individuals stood as the audience applauded them in thanks.

## **ORDER OF BUSINESS**

### **ADOPTION OF THE AGENDA**

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

**Approval of Minutes for the Regular Session of October 11, 2011:** Mayor Fowler called for a motion on the minutes from the Regular Council Meeting of October 11, 2011. Mayor Pro Tem David Phillips moved to approve the minutes. Planning Director, Kevin Icard, noted a correction that needed to be made on the last page to the DOT representative's name which should be Moose, instead of Nuess. Council Member Eschert seconded the motion with the change. There were ayes by all to adopt the minutes with the change.

**Adoption of the Consent Agenda:** *The following items are included: a) Hazard Mitigation Plan; b) Budget Amendment; c) Set Public Hearing Date; d) Ordinance Amending Chapter 110, Business Regulations; e) Adoption of New Discount Policy.* A motion was made by Council Member Boatwright and seconded by Mayor Pro Tem Phillips to approve the Consent Agenda as is. There were ayes by all.

### **PUBLIC HEARINGS:**

- A. Historic Landmark Designation (CONTINUED)** – *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).*

Council Member Debbie Fowler moved to open the Public Hearing which was seconded by Mayor Pro Tem Phillips. Town Administrator, Mike Rose, reminded the group that the town held an informational meeting back in May and the first part of the Public Hearing was held in September. The Public Hearing had been continued from September to this meeting to give everyone an opportunity to be notified of the hearing, to fully understand what the designation will mean and to express any comments they may have. He noted the strong effort by the town to preserve its heritage and history by use of local historic designations as well as designations by the National Register of Historic Places. He added that both Dr. Dan Morrill and Stewart Gray of the Historic Landmarks Commission were in attendance to answer any questions.

Mr. Maurice Howard, who owns a home on Park Avenue, was recognized to speak. He stated there were 18 houses on the street but did not believe three of them should be considered "historic landmarks" because two of the homes had burnt down and one was in such bad shape that it was about to fall down. He was not sure why these would be considered historic if they were now just shells of a house.

Mr. Gray addressed the question posed by Mr. Howard. He stated that they were still part of the original mill community and very distinctive. The "mill" lifestyle was active through the 1960's and homes can be considered historic if they are over 50 years. Dr. Morrill added that the homes were built as part of the community as a whole, which still displays distinct streetscape features from Earl Sumner Draper, a prominent landscape architect of the time. Mr. Gray explained that the home in total disrepair could either be torn down and rebuilt or torn down leaving just the lot as part of the designation.

Hearing no other questions or comments, Council Member Boatwright moved to close the Public Hearing at 6:49 p.m. Council Member Eschert seconded the motion and there were ayes by all to close the Public Hearing.

Mr. Rose stated there was an ordinance before Council adopting the historical designation. Council Member Libby Boatwright moved to approve the Ordinance No. 2011-02 approving historical designation to the homes on Park Ave. Motion was seconded by Council Member Jim Eschert. There were ayes by all and the ordinance was approved unanimously. Council Member Debbie Fowler wanted to know if homeowners still had questions, could they get contact the Historic Landmarks Commission or Town Hall. Dr. Morrill said they could call the Landmarks Commission for any information they may need.

**B. Request for a Conditional Use Permit (CUP-2011-01) – submitted by Carolina Sportsplex, LLC, requesting they be allowed to construct a private soccer facility at 1333, 13317 & 13433 Dorman Road, on three parcels of land close to the North Carolina/South Carolina state line.**

A motion was made and seconded to open the Public Hearing. Mayor Fowler asked anyone that was going to speak to step forward to be sworn in. The following individuals were sworn in: *Pineville Planning Director, Kevin Icard; Matt Langston of Landworks Design Group, P.A.; Daniel Saltrick of Harrell, Saltrick & Hopper; Robert Smith and Chris Powell, also from Harrell, Saltrick & Hopper.*

Mr. Icard introduced himself as Planning Director for the Town of Pineville, N.C. and stated that he resides in town. He handed out a "Citizens Guide to a Conditional Use Permit Hearing" so that attendees could understand and follow the procedures for granting a Conditional Use Permit. He noted that all information that was presented was considered evidence in this quasi-judicial hearing. He explained that following the conclusion of the hearing, the Council would make a decision at the next meeting based on the "findings of fact" that were presented at the hearing. He noted a correction to the agenda which listed the requestor as "Charlotte Sportsplex" which he stated should read, "Carolina Sportsplex".

He continued, explaining that the applicant was proposing six private soccer fields to be constructed on 69 acres of vacant land that was currently zoned as R-12, residential. The property is bordered on the north by Dorman Road with the property on the opposite side of the road owned by Holt Earnheart and zoned R-12. The subdivision, Carolina Village, borders the eastern side of the property. On the western side of the property, there is a small church, a large vacant parcel of land and the Almond Glen subdivision located in

South Carolina with property recently acquired by the Catawba Lands Conservancy bordering the west side.

Mr. Icard explained that because the Pineville Zoning Ordinance did not specifically have a designation for "a soccer field complex", the next closest use he determined to be "Country Club", which is allowed by a Conditional Use Permit. The building has not yet been designed because the property is still under contract for purchase pending the outcome of the hearing. However, he added, the Overlay District regulations currently in place would ensure that all aspects of the building would be in line with requirements set forth including a brick building with symmetrical windows and detailed cornices and trim. Since Dorman Road is a state road, the NCDOT has already given a preliminary OK for a right and left turn lane but current travel lanes must be increased from 11 to 12 feet wide. He noted that the applicant would go into detail on any traffic concerns but added that they had planned to hire off-duty police officers to help direct traffic.

Mr. Icard discussed the calculations for the required number of parking spaces and stated that the applicant would meet the minimum parking requirements. Mr. Icard also addressed water and storm water issues, stating that the county engineer had met with him to say that the applicant would be in a position to meet all storm water regulations. Landscaping requirements would also have to be met as was noted on their preliminary plans under "Development Standards".

Continuing, Mr. Icard noted that Duke Power had a major transmission line running through the property. They had expressed an interest in purchasing a piece of the property for an electrical substation and an easement agreement would be in place to connect a driveway to it. A portion of the site plan was labeled "Future Expansion Area" which the applicant had no immediate plans for but wanted to have the option to possibly expand in the future without having to come back for Council approval. If the area was not used for additional parking or another facility, it could be sold for single family residences. He added that measures were in place to ensure there would be no cut through of traffic to the single family residences that are in Carolina Village.

Lighting concerns were addressed. Since the fields would be used for night play, lights would only be allowed to shine on the fields and parking lots and in no other areas. Mr. Icard stated that the closest field would be 800 feet from the Cottages and 700 feet from Carolina Village, both significantly further than the fields at Jack Hughes Park are from residences there. It would now be up to the applicant to bear the burden of proof in meeting all requirements and conditions set forth.

Several questions were posed. Mayor Fowler asked about the land owned by the Catawba Land Conservancy. Mr. Icard responded that the property was landlocked and that an easement agreement would allow access through the property. If approval was granted for the sportsplex, the survey of the property would be recorded at the Register of Deeds. Mayor Fowler wanted to know if the approval goes with the property to which Mr. Icard replied that it did. If approval was granted but the purchase did not go through for some reason, the CUP would need to be rescinded so the property would revert back to the original zoning of R-12. He clarified for Mayor Pro Tem Phillips that the applicant had a purchase agreement for the property contingent on the approval of the CUP. They

could still back out of the purchase if necessary. Mayor Pro Tem Phillips was not comfortable with the designation of Country Club for this type of facility noting that neighborhoods with country clubs usually allowed residents to join as part of the membership but the proposed soccer facility was a private club. Mr. Icard stated he had to go by the guidelines of the Zoning Ordinance using a designation he deemed was the closest to the proposed use and while it was not a perfect match, it fit better than any of the other categories listed in the Use Classification. Council Member Eschert asked if the classification "Sports Facility" could be added to the Zoning Ordinance. Mr. Icard replied that he was working on adding categories in the future.

Mayor Pro Tem Phillips wanted to know if the CUP was approved, would the applicant have to come back before Council for additional approvals. Mr. Icard responded that building elevations, road improvements, etc. would all have to come back before staff for approval prior to the Certificate of Occupancy being issued. There were no additional questions from Council Members so Mr. Icard turned the floor over to Dan Saltrick.

Mr. Saltrick stated he was Vice President of Harrell, Saltrick & Hopper, a design and construction solutions group located at 8016 Tower Point Drive in Charlotte. Mr. Saltrick explained that his firm was hired by the applicant for the project and was working together with Matt Langston, from the planning, engineering and architectural firm of Landworks Design Group, PA, also of Charlotte. Together they would plan the design of the proposed sportsplex, which would be the home for the Charlotte Soccer Academy, the largest soccer club in Charlotte. With that said, he turned the floor over to Brad Wylde, Executive Director of the Charlotte Soccer Academy.

Mr. Wylde stated he was with the Charlotte Soccer Academy located in Matthews, N.C. and his position oversees the operations of the academy which is the largest youth organization in the region having 1700 active players ranging from 4 to 18 year olds. They employ 13 full-time coaches and 18 part-time coaches providing all levels of play, including national level programs, as well as offer financial aid for memberships to the club. Some of the directors were working with the Charlotte-Mecklenburg schools providing clinics for disabled and special needs children. He noted that the proposed location for the sportsplex was ideal because a lot of its members were from the Pineville area. Following his introduction, he turned the floor over to architect, Matt Langston of Charlotte.

Mr. Langston noted that because this was such a large site to develop, they wanted to preserve the harmony of the land as well as make it compatible with regulations by mitigating any impact the facility would have on the neighboring communities. They've already met with Mecklenburg County officials on storm water issues and DOT to establish a protocol for traffic to contain as much of the traffic flow as possible on site as well as hire officers to help direct traffic. They planned to have 350 feet of buffer and to hire state-of-the-art lighting consultants to prevent light spill off.

Additionally, he noted, there had been some illicit dumping of trash on the property; that would stop once the site was developed. The Duke substation would act as buffer and an additional buffer would be created at the South Carolina border. They did not want to be a burden on the town; all trash would be handled commercially. They wanted to provide

a well-rounded facility that would complement the surrounding area and be a good neighbor to nearby communities as well as be fully compliant with all Pineville, CMUD, County and State regulations.

Mayor Pro Tem Phillips asked about the hours of operation and if any adult games would be played at the facility. Mr. Wylde replied that there would be training sessions until 9:00 p.m. and that it was predominately a center for youth. He added that they currently play at several different locations including Davey Park and Audrey Kell but their main office would be relocating to the new facility from Matthews. When asked if the club had tried to purchase land elsewhere, Mr. Wyde responded that they had not tried to purchase elsewhere but that the Pineville site was one of three locations being considered. Mayor Pro Tem Phillips wanted to know if the parcel that Duke Energy was interested in was definite. Mr. Wylde responded that it was and Mr. Langston added that the conditional plan would lock that in. Mr. Rose also stated that parcel of land was not for purchase.

Mr. Eschert asked when the games would actually be played. Mr. Wylde stated that practices would run Monday through Thursday and league games and tournaments, including teams from out of the area, would be held on Saturdays and Sundays around noon or 1:00 p.m. He indicated that a large portion of the property was inaccessible but that fencing and video cameras would be installed for security reasons.

Mayor Fowler wanted to know how soon construction would start if granted approval. Mr. Langston explained that a lot of time had been spent checking out the grading and changes in elevation but once those issues were ironed out and construction permits obtained, they were hoping to open the facility in January, 2013. Mayor Fowler then asked if being granted approval was the only thing they needed to which Mr. Langston replied that there was nothing else needed but the approval of Council. Responding to a signage question from Mayor Pro Tem Phillips, Mr. Satrick replied that the name on the signage for the facility would be "Carolina Sportsplex".

There being no further questions or comments, Mayor Pro Tem Phillips moved to close the public hearing at 7:50 p.m. seconded by Council Member Eschert. There were ayes by all and the public hearing was closed. Mr. Langston distributed copies of his power point presentation to the board members at which time Mayor Fowler announced that it would be placed on December's agenda for action.

A member of the audience asked when the public could speak on the issue. Mayor Fowler acknowledged Sue Campagna stating that anyone that wished to speak on an agenda item should have signed up by 6:30p.m. Ms. Campagna stated that she was sorry; she was not familiar with the correct procedure and did not realize she needed to sign up to speak on the matter. Mayor Fowler asked her to come forward to speak. She stated her name as Sue Campagna living at the Cottages which is a 55+ community. She was concerned about all the traffic the facility would generate; possibly hundreds of cars coming out at one time and the older adults that would be entering or exiting the Cottages onto Dorman Road on a regular basis. Mr. Langston addressed her concerns explaining that the lanes would be made wider, plus there would be a dedicated right turn lane and another left turn lane to get out of the traffic and allow for some stacking of vehicles. Ms. Campagna expressed additional concerns with year-round play, the use of loud

speakers and sanitary sewer issues to which Mr. Langston responded they were working with CMUD to put in a pump station to avoid any sewer problems.

Jean Martin, also from the Cottages, took the floor and stated that she, too, did not know the proper procedures for speaking at a public hearing and wanted to be heard. She stated she moved to Pineville six years ago from South Carolina and was also concerned about the seniors leaving a gated community with the additional traffic on the road. She was against the facility and everything she had moved here for.

Mayor Fowler thanked them for their comments and stated it was time to move to the next agenda item.

### **OLD BUSINESS:**

- A. Concealed Handgun Ordinance** – *Consideration of a revision to Pineville's Code of Ordinances, Section 93.03, Weapons Prohibited. Staff will review proposed changes to the ordinance as discussed at the October Council Meeting as it pertains to municipalities' authority to regulate handguns in parks.*

Town Administrator, Mike Rose, reminded Council that they had discussed the new law at last month's council meeting allowing concealed handguns in parks, effective December 1<sup>st</sup>. Our current ordinance prohibits any weapons in town parks or town property and would be inconsistent with state law if left without revisions. Proposed changes to the ordinance were before Council which would still prohibit concealed handguns from certain buildings and portions of the park but not the entire park. Concealed handguns would still be prohibited in Town Hall, the Fire Department, the Telephone and Electric building, the Hut and the Belle Johnston Center and they can also be prohibited on the ball fields, playgrounds and seating areas but signs must be posted where they are prohibited. All other weapons can be banned which our ordinance does. However, provided the individual has a permit, it would still be legal to have a handgun in a vehicle. There being no further comments, Council Member Boatwright moved to approve the amendments as stated in Ordinance 2011-04, seconded by Mayor Pro Tem Phillips. There were ayes by all and the ordinance was adopted.

### **NEW BUSINESS:**

- A. Presentation of Pineville Street Condition Study** – *A representative from US Infrastructure of Carolina, Inc. will present their findings of the 2011 Pavement Condition Survey completed for the Town.*

Planning and Zoning Director, Kevin Icard, introduced Steve Lander from US Infrastructure. The town had contracted with them to do a survey of road conditions in Pineville. US Infrastructure drove through town one day and had drawn up a detailed report which Mr. Lander was about to present. Mr. Lander stated he was employed by USI, had been a civil engineer for 19 years, and the company was experienced, having surveyed 18,000 miles of roadway for 40 municipalities. The town's survey was conducted in September with 15 miles of roadway inspected.

Mr. Lander reported that for rating a street's condition, USI used a Pavement Condition Rating (PCR) developed by the DOT which sets the standard for pavement ratings. The average rating for North Carolina municipalities is an 80 but Pineville scored very low at 68.5. About 27% of the roads in Pineville were recommended for resurfacing while the remainder needs at least some maintenance or resurfacing.

Mr. Lander reviewed the different types of pavement distresses that can occur including cracking, raveling, bleeding, rutting and patching. In addition to full-depth patching and resurfacing a large percentage of the roadways, he also recommended crack sealing and preventative maintenance to avoid having to put out so much money at one time for road repairs in the future. Mayor Fowler thanked him for his report and commented that he hoped it was something they could do over a period of time because the expense to repair all the streets at one time would be well over \$1million.

**B. NCMPAI Lighting Rebate Program** – *Consideration of a resolution to establish and offer a lighting rebate program to promote renewable energy and energy efficiencies.*

Town Administrator, Mike Rose, stated that a resolution was before Council to consider a commercial lighting rebate program. The resolution was developed by Electricities and distributed to all NCMPAI customers in an effort to implement options for renewable energy as required by law. Commercial businesses would replace their old lighting with new, energy efficient lighting and be reimbursed for 50% of the cost up to \$25,000 by the town who would then be reimbursed by Electricities. He added that Ashley Furniture was ready to move on this program and had all the paperwork filled out. There were no further comments and Council Member Boatwright moved to approve the resolution. Council Member Fowler seconded the motion and there were ayes by all.

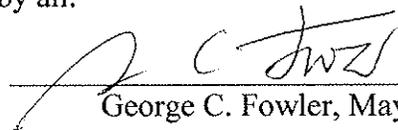
**C. Staff Updates** – *1) Calendar of Events.*

Mr. Rose reviewed the upcoming events reminding Council of the annual Tree Lighting event on November 19<sup>th</sup> at 6:30 p.m. He also stated that the Fire Department's Christmas dinner would be on December 5<sup>th</sup> at Longhorn Steakhouse at 6:30 p.m. and lastly, he noted that the next Council Meeting would be held on December 13<sup>th</sup> with the swearing in of the new board members.

**ADJOURNMENT**

At 8:37 p.m. a motion was made by Council Member Fowler, seconded by Council Member Boatwright to adjourn the meeting. There were ayes by all.

Attest:   
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Barbara Monticello, Town Clerk

  
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George C. Fowler, Mayor