



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
APRIL 10, 2012**

The Town Council of the Town of Pineville met in regular session on Tuesday, April 10, 2012 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: Debbie Fowler, Melissa Davis and Les Gladden

Town Administrator: Mike Rose

Planning Director: Kevin Icard

Town Planner: Travis Morgan was absent

Town Clerk: Barbara Monticello

Planning Board Chair, Jim Knowles

Planning Board Members, Tristan McManis, Paul Sullivan, Terie Davis and Jack Lee

CALL TO ORDER

Mayor Fowler called the meeting to order at 6:40 p.m. and welcomed those in attendance. Those wishing to speak on an agenda item were invited 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: Tye Crump (passed); Bucky Howard (passed); Marie Ott (hospitalized) and Bobby Harris' Mother-In-Law (passed).

ORDER OF BUSINESS

Adoption of the Agenda:

There being no changes to the agenda, Council Member Les Gladden 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 March 13, 2012: Mayor Fowler called for a motion on three sets of minutes from the Regular Council Meeting of March 13th, the Executive Session minutes of March 13th and the Executive Session minutes from March 28th. There was a correction needed on page one of the Regular Meeting Minutes under Moment of Silence: the name should read Leon Neely. On page two, the type of dog should read: Belgian Malinois. There being no additional corrections to the minutes, Council Member Debbie Fowler moved to approve them with Council Member Melissa Davis seconding the motion. There were ayes by all to adopt the minutes with the corrections.

Special Recognition:

1. *Alyson Grossman-Traw – District Court Judge Candidate* – Ms. Grossman-Traw was not in attendance.
2. *Tom Davis – NC District Seat 92 Candidate* - Mayor Fowler opened the floor to Tom Davis, a candidate for NC District Seat 92. Mr. Davis said a few words regarding his primary issue of education reform in North Carolina.
3. *Proclamations: Nurses Week, Municipal Clerk's Week, Armenian Martyrs Day* - Mayor Fowler recognized three proclamations for Nurses Week, Municipal Clerk's Week and Armenian Martyrs Day. There being no comments or questions, Council Member Debbie Fowler moved to approve them all with Mayor Pro Tem Phillips seconding the motion. There were ayes by all.

Adoption of the Consent Agenda: The following items are included: a) *Tax Refund for Helen McAfee Threatt*; b) *Cell Tower Contract*; c) *Contract for Audit Services*; and d) *Set Public Hearing Dates*. There being no changes to the Consent Agenda, a motion was made by Council Member Debbie Fowler and seconded by Council Member Les Gladden to approve the Consent Agenda as is. There were ayes by all.

PUBLIC HEARING:

- A. *Rezoning Request RZ 2012-02*** -- Submitted by Carolina Sportsplex, LLC requesting rezoning of property currently zoned R-12 (Minimum 12,000 square foot single family lots) Zoning District to RMX-CD (Residential Mixed-Use with a Conditional District) for a recreational complex. The property is located at 13333, 13317 & 13433 Dorman Road, Pineville, NC 28134.

Council Member Debbie Fowler moved to open the Public Hearing at 6:50 p.m. with Mayor Pro Tem Phillips seconding the motion. There were ayes by all in favor of opening the Public Hearing. Planning Director, Kevin Icard explained that the hearing was to address a request to rezone property off of Dorman Road. The applicant had been successful in making a text change to the Pineville Zoning Ordinance to allow for recreational complexes and now wanted to rezone the property from R12 to RMX-CD. They were proposing a 25,000 square foot soccer complex with a two-story building with concession stands. The building had not yet been designed but with Overlay Districts in place, it would ensure that the required architectural details and standards be met.

The applicant would also have to meet all DOT requirements since Dorman Road is a state-maintained road. It would require designated left and right turn lanes as well as widening of the travel lanes. Staff would also require that all road improvements be in place before a C/O is issued. A 1500 foot driveway is planned which should be a sufficient length so that traffic doesn't back up into the main road. About 650 parking spaces are planned with an area for any overflow parking.

The applicant had also met with LUESA regarding the location for a wet pond and post-construction storm water requirements, as well as any landscaping requirements. No landscaping had been shown on the plan but the town's ordinance requires it so if approved, it will all be added on to the plan. Mr. Icard indicated that the big, blank area at the top of the plan was actually 22 acres that Duke Energy had decided they wanted so a sub-station could be constructed there. That would mean there would be no access from the soccer complex into Carolina Village.

This 22 acre parcel is not part of the rezoning request and would remain as R-12 zoning classification with the exception of a small piece of land which would be sold to the applicant if all of their land was rezoned. This would be the proposed location for their signage. In this zoning district they would only be allowed a 3 X 4, 12 square-foot, ground mounted sign, but staff would consider allowing them a 50 square-foot sign to be in line with other commercial establishments. Council Member Les Gladden stated that the applicant should be made to conform to the rest of the signage in the area, which he stated was 15 square feet for residential subdivisions. Mr. Icard then noted that The Cottages were allowed three or four 25 square-foot signs. Council Member Gladden remarked that perhaps a "happy medium" could be met between the two sign sizes. Mr. Icard agreed the issue would be brought before the Planning Board.

Mr. Icard continued, noting that there was a small creek with a swim buffer requirement that could not be touched that created a natural buffer along the south western portion of the property. The Duke Energy property would provide a large buffer from any residences, with the closest being 800 feet from the corner of the closest soccer field. Because of the grading differences in the land, there is about a 40 to 60 foot drop from Dorman Road that would naturally mitigate some of the noise that would be generated from the kids playing soccer. Additionally, the backside of the property butts up against property recently purchased by the Catawba Land Conservancy so there would be no further development in that area.

Members of the audience were given an opportunity to speak. Jennifer Honaker, both an employee and resident of the town, spoke in support of the soccer facility stating that Pineville Parks and Recreation has partnered with the Charlotte Soccer Club for the last four years and the camps have been very successful. Continued partnerships with them would allow the town to provide additional resources and programs to youths. Council Member Melissa Davis asked what type of partnerships could be formed with a private organization. Ms. Honaker stated that private clubs have more funding than municipalities do and that we could utilize their coaches as well as provide more opportunities for special needs kids who participate in the Special Olympics.

Council Member Davis also wanted to know if anyone had spoken with Ms. Baker who owns property near the proposed soccer fields. Mr. Icard stated that he had talked with the son who indicated that he wouldn't mind if the soccer academy wanted to purchase his property as well. He owned about one acre of land which had increased in value recently. Mr. Icard noted that there would be no effect from lighting or any other impact on property. Ms. Davis asked if that property could be rezoned, to which Mr. Icard responded that it could be rezoned or subdivided if the owners chose to do that.

Matt Langston of Landworks Design Group stated that the pastor from the nearby church was in attendance and wanted to speak. He introduced Pastor Matt Woodhouse who stated he was from the Abundant Church located on Dorman Road. Pastor Woodhouse had met with both Brad and Jim of the Charlotte Soccer Academy personally to discuss the possibility of them being neighbors. After meeting with them, he had no concerns about their organization and was very excited to have them as neighbors. He believed it would be a benefit to the Pineville Community because the soccer academy would give young people something to do and would keep them off the streets. It would also help bring families together. Mayor Pro Tem Phillips asked the pastor if he had any concerns with tournaments being conducted on Sundays but Pastor Woodhouse stated it was not an issue.

The next person Mr. Langston introduced to speak was Brad Wylde, executive director with the Charlotte Soccer Academy. Mr. Wylde stated that the Charlotte Soccer Academy was a non-profit organization funded by private investors with about 1700 competitive players and 2500 recreational players. He noted that soccer was not a cheap sport so their organization offered scholarships as well as financial aid. They followed strict guidelines, asked participants to sign a Code of Conduct and prohibited the use of alcohol as well as employ off-duty police officers to work on-site at major tournaments. Council Member Gladden asked if scholarships would be tied in with Pineville children if they needed them. Mr. Wylde responded that they would and that other programs could be offered as well.

Discussion continued with additional questions asked of Mr. Wylde by both the Council and Planning Board members ranging from when tryouts were held to environmental studies done on the property to the number of tournaments held each year. Mr. Wylde informed the group that tryouts were held in both the fall and the spring with single games held on weekends and two tournaments a year were held over two weekends in August and February. Four hundred teams compete annually utilizing eight different sites. Even though they were a non-profit organization they were still required to pay property taxes and both a Phase I and II environmental study had been done on the property. Mr. Icard added that this property had been a court-ordered sale for the past eight years with taxes building up on the property. Mecklenburg County was eager and ready to sell it.

Additionally, the size of the buffer area and screening were discussed. The Planning Board had suggested that if a screened fence were used along with a 20 foot buffer, they could add a few more parking spaces. It is anticipated that the back lot would fill faster than the front lot because the main fields are located there. Council Member Gladden wanted this issue to be fine-tuned more. Mr. Icard noted that at the bottom of the plan there was a note that the plan was not finalized and could be approved contingent on certain criteria.

Deena Neely from Musco Lighting spoke next. She had samples of what the lighting would look like and made a presentation on how much the technology of field lighting had changed. There are 2,000 ways the lighting could potentially be set up and 70% of the light goes directly on the fields. These are the same type of lights currently being used at Jack Hughes Park having internet-based controls and 25 year warranties. Musco would perform any maintenance on the lights.

Following Ms. Neely's presentation, Jim Beck, a Traffic Engineer with DRMP, gave his presentation regarding a traffic impact study conducted in November 2011. The study was conducted mid-week during the day and showed there would be no significant impacts if the turn lanes were installed with sufficient stacking distance. Discussion followed with Council Members Gladden and Davis asking questions of Mr. Beck regarding the length of the turn lane, maximum number of cars that could stack without problems and the day/time the study was conducted. Ms. Davis indicated that the results seemed a little on the low side and both wondered if the study should have been conducted on a Saturday when there was a steady flow of traffic coming from South Carolina to shop at the mall. Mr. Beck replied that the study was conducted at the peak traffic hours, which is still going to be higher than the steady hourly flow of traffic on a Saturday.

Matt Langston turned to the issue of noise control noting that the topography naturally directs any noise away from Dorman Road. The natural vegetation in the area also helps to buffer any noise,

especially with Duke Energy owning the 22 acres to the north. These items, coupled with the fact that there will be no public announcement system and strict rules in place for spectators and players, should be enough to comply with all noise regulations. All town architectural requirements will also be met and they were adding screened fencing as well. He also added that these games would draw people to stay overnight in town hotels and eat in town restaurants with a portion of that money going back to the town's Parks and Recreation Department. He reminded the group that the property had been used as a dumping ground in the past and was located just downstream from a sewage treatment plant. His client would put in a pressure system to pump any sewage up to the plant.

Mr. John Horn of Duke Energy Land Management spoke next regarding the change in the amount of property the company acquired which was just north of the proposed sportsplex. Duke Energy wound up taking more property than they originally intended because of some issues with an old survey template that did not match up with a new survey that was done on the property. Between rethinking growth needs, the topography of the land, and the survey mix up, Duke decided to take all the land to the back line. Working closely with staff and the soccer association, there had been a lot of give and take with the acquisition of the land and getting the deal closed had been a tedious process.

Sue Campana of 13232 Old Compton Ct. in the Cottages, spoke in favor of the complex noting that progress cannot be stopped. There were a lot of active seniors living at the Cottages with grand children who may enjoy watching the games and she would rather see the property go to our young people to give them something to do. She thanked Council.

Jerome and Alicia Bell of 14026 Green Birch Drive had concerns with traffic on Dorman Road that would be generated from the games. They also wanted to know what the benefits for their community and kids would be and would their kids be able to utilize any green space in the complex. Council Member Les Gladden noted that the builder of that community, Lennar Homes, was responsible for making sure there was some green space available to its residents. Mr. Icard noted that the builder was working with the Planning Department in getting their recreational space opened to its residents. Mr. Wylde also added that there would be green space for the citizens of Pineville to use and enjoy with wide sidewalks as well that could be used as walking trails.

Shelby Thomas of 10050 Bishops Gate Blvd. in the Cottages was concerned about the "round-about" on Dorman Rd. and the lack of landscaping around it, the trucks that have trouble negotiating it, and the eyesore that it has become. She believed that Dorman Road should be widened and that a traffic light was needed there. Mr. Icard stated that the "round-about" issue was #94 on the DOT's list of 307 projects to do and that there were 93 other projects ahead of that one, adding that Dorman Road was a state-maintained road.

Recapping, Mr. Langston noted the concerns regarding traffic and the impact it may have over a weekend. Mayor Pro Tem Phillips foresees issues with 5:00 traffic while Council Member Gladden wanted to see 50% more than what the state requires for stacking lanes while driving south on Dorman Road. With that stated, Mayor Pro Tem Phillips moved to close the Public Hearing with Council Member Debbie Fowler seconding the motion. There were ayes by all to close the Public Hearing at 9:03 p.m.

OLD BUSINESS

None

NEW BUSINESS

A. Citizen Request: Ms. Sara Sweet has requested to speak to Council regarding the decision to declare vehicles on her property as nuisance vehicles and related issues. Ms. Sara Sweet was given the floor to speak about recent violation letters she has received. Ms. Sweet stated that she was in attendance to appeal the nuisance vehicle citations she received as well as respond to allegations of feeding stray cats. She stated that the cats are in her vehicle on her property and that she is pro life when it comes to people and animals. She believes in spaying and neutering stray cats, vaccinating them and finding homes for them if possible. She believed she was being unfairly targeted and that neighbors were ganging up on her and being hateful toward her because she loves animals.

Questions and answers between Ms. Sweet and Council Members transpired for some time with several Council Members commenting to Ms. Sweet that they have seen as many as 15 cats at one time in her yard and that neighbors were complaining of flower gardens being destroyed, cat feces in their yards or paw prints on the hoods of their vehicles. Neighbors and Council Members were tired of it and wanted it to stop. They advised Ms. Sweet that there was a leash law in Pineville, pets must be tagged and vaccinated against rabies and that no more than 3 pets were allowed.

Ms. Sweet countered that there was no leash law in effect for cats, all hers were spayed or neutered and up-to-date with their vaccinations and that other people's dogs have defecated on everything as well. She would not risk her pets' lives on collars that may choke them and that there was no proof her cats were destroying gardens. Council Members indicated they would take action if necessary because the town had documentation and photographs. Ms. Sweet responded that it was fine and the town could arrest her if need be but she was not going to be run off. She would seek an injunction against the town if she had to.

B. Citizen Request: Ms. Judy Hackney requests to speak on the recent efforts to catch feral cats. Ms. Sonya Schneider approached the podium to speak. She stated that she volunteered with animal control and suggested that Pineville look into having managed cat colonies which are disease-free and flea-free. If the stray cats are not colonized, the same things will happen over and over again. Mr. Mike Hackney of 270 Eden Circle stated that people have dropped off unwanted pets on the back side of Eden Circle and that Sonya's idea was a solution to the problem. Feral cats can be turned around. He explained the story of his cat recently getting caught in one of the town's traps and not being allowed to take his pet back because it did not have an ID tag on and he could not prove it was his cat. He stated that cats cannot be kept on a leash and if you put a break-away collar on them, it's gone in just three hours because they got caught on tree limbs, etc. He hoped that Council would consider Ms. Schneider's proposal to colonize the stray cats.

C. Staff Updates: a) Public Informational Meeting on the Widening of 485; b) PCC Luncheon Reminder; c) Annual Junk Run; d) Ethics Webinar, May 16th. Town Administrator, Mike Rose, noted that Pineville was hosting an informational meeting on the widening of 485 on April 17th at

the Hut. Additionally, he reminded Council of the PCC Luncheon on April 20th as well as the town's annual Junk Run during the week of April 23rd through the 27th. Residents can put out any old items they want to get rid of and the Public Works Department would be by to pick it up. If any of the Council Members were interested in attending the Ethics Webinar, it was being held on May 16th between 10:00 a.m. and noon. Mayor Fowler stated there would be a short break before moving into Executive Session. Regular Session ended at 9:20 p.m.

Clerk was excused from the Executive Session.

ATTEST:



Barbara Monticello, Town Clerk



George C. Fowler, Mayor

**EXECUTIVE SESSION MINUTES FOR THE
PINEVILLE, NC TOWN COUNCIL MEETING
OF APRIL 10, 2012**

The Town Council of the Town of Pineville met in executive session on Tuesday, April 10, 2012, at The Hut Meeting Facility in Pineville.

ATTENDEES:

Mayor George Fowler
Mayor Pro Tem David Phillips
Town Council Members Debbie Fowler, Melissa Davis and Les Gladden
Town Administrator, Mike Rose
Town Clerk, Barbara Monticello was not in attendance

CALL TO ORDER

Mayor Fowler called the Executive Session to order at 9:45 p.m. A motion was made by Council Member Debbie Fowler and seconded by Mayor Pro Tem David Phillips to open the Executive Session.

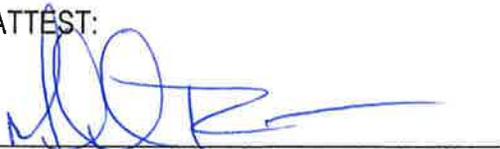
EXECUTIVE SESSION

Discussion took place regarding a personnel issue.

ADJOURNMENT

A motion was made by Council Member Les Gladden and seconded by Council Member Debbie Fowler to close the Executive Session at 11:00 p.m. There were ayes by all and the meeting was adjourned.

ATTEST:



Town Administrator, Mike Rose



George C. Fowler, Mayor