



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, MARCH 12, 2013**

The Town Council of the Town of Pineville met in regular session on Tuesday, March 12, 2013 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: Les Gladden, Debbie Fowler and Melissa Davis

Town Administrator: Position is vacant at this time

Planning Director: Travis Morgan

Planning Board Members: Jim Knowles and Mark King.

Town Clerk: Barbara Monticello

CALL TO ORDER

Mayor Fowler called the meeting to order at 6:31 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 Council Member Melissa Davis.

MOMENT OF SILENCE

Mayor Fowler called for a moment of silence for the following individuals: Miss Pearl Satterfield (passed); Bob McConnell (passed); a close friend to Mayor Fowler (has cancer); Pat Stewart (passed); Tommy Poteat (passed); Mickey Creech (hospitalized); and four residents of the Cottages who have passed in the last month. Town employee, Travis Bennett and his wife just had a baby girl.

ORDER OF BUSINESS

Adoption of the Agenda:

Council Member Debbie Fowler moved to adopt the agenda as is with Mayor Pro Tem Phillips seconding the motion. There were ayes by all to adopt the agenda as is.

Approval of Minutes for the Regular & Executive Session Meetings of February 12, 2013: Mayor Fowler called for a motion on both the Regular and Executive Session Minutes. Council Member Les Gladden moved to approve both the Regular and Executive Session minutes from February 12, 2013. Council Member Debbie Fowler seconded the motion and there were ayes by all to approve the minutes as is.

Consent Agenda:

The following items were included: *a) Tax Refunds; b) Resolution No. 2013-01; c) Budget Amendment; d) Appointment of Alternates for Town Boards; and e) Set Public Hearings for April (none).* Council Member Les Gladden asked to remove Item B from the Consent Agenda and then moved to approve all items except that one.

Mayor Pro Tem Phillips seconded the motion and there were ayes by all to approve the consent agenda for all items except Item B.

Council Member Les Gladden moved to approve the Consent Agenda as is. Council Member Debbie Fowler seconded the motion and there were ayes by all to approve the Consent Agenda as is.

Special Recognition:

Mayor Fowler introduced Scott Warren of the Polk State Historic Site. Mr. Warren was in attendance to make a brief presentation regarding Pineville Appreciation Day which was planned for May 4th. He stated that the President James K. Polk Historic Site wanted to thank the community for their support by having Pineville Appreciation Day where residents can enjoy a free hotdog lunch between 12:00 and 1:00 p.m. All they needed to do was to bring by a Pineville Electric bill, their copy of *Pineville Today* or some other document proving Pineville residency and they were welcome to the lunch.

Mr. Warren also stated that a total of \$130,000 was received to make renovations to the site. They hoped that the renovations would be ready by November 2nd which was the birth date of President Polk. Mayor Fowler thanked him for coming to the meeting and for having the Appreciation Day for residents.

Joint Public Hearing:

Conditional Zoning Petition – *for property on Dorman Road, northwards along the state line identified by tax parcel #221-101-01; applicant is seeking to amend the prior residential subdivision, Huntley Glen (informational).* Council Member Debbie Fowler moved to open the public hearing which was seconded by Council Member Melissa Davis. Planning Director, Travis Morgan, stated that a subdivision known as Huntley Glen had been approved back in 2005 or 2006. It did not come before Council as it was a simple 146 lots that were permitted by right. The housing slump hit and it was never built. New owners of the land were seeking to amend the original plan to include townhomes and smaller lots to include more single family residences. They were seeking a Conditional Zoning which is a new variation of a Conditional Use Permit (CUP), which follows legislative procedures to keep thing streamlined and moving quickly through the process.

The basic proposal was to rezone the land from R12 to RMX to include 162 single family homes and 68 townhomes. The homes will have front loading garages but will require a more decorative door as well as fulfill the front porch requirements. The layout of the community is much better than the original plan and allows for more open space. Although there are always some traffic and buffering issues, improvements were planned for Dorman Road on both the north and southbound lanes to include turn lanes. The existing vegetative buffer that exists by the Cottages will be maintained but supplemental landscaping will be added. Front porches on the homes at a minimum of six feet in depth are required as well as a one-foot offset on the garages. A minimum of two façade materials must be used with vinyl, hardy plank, brick and stone allowed. Mr. Morgan stated that for a conditional use, two findings are needed: the community must conform to town plans and the developer must reasonably address traffic concerns or issues.

Mayor Pro Tem Phillips asked what the primary reason for the rezoning was. Mr. Morgan responded that it was to allow for townhomes as the development was going to be all residential with no commercial component in it. Representatives for the owner were available to discuss the project and answer any questions. Renderings of the three single family home styles were presented along with a rendering of the townhomes although they were still being designed. Greenway that would be part of the Mecklenburg

County Thread Trail and pocket parks were planned for the community. The NC DOT wanted a right turn lane into the community and a left turn lane, which should stack about 6-8 vehicles.

There was discussion regarding a blind curve along Dorman Road and a very sharp left turn that could cause multiple accidents along with the amount of traffic that would be generated around 5:00-5:45 p.m. especially if the new soccer facility goes in on Dorman Road. The traffic engineer, Jake Carpenter, stated that the soccer facility was not taken into consideration because the NC DOT did not know about it. Council Members suggested that additional improvements on Dorman Road be considered.

Mr. Tom Waters then spoke on behalf of the owners stating that 90 lots had already been graded but that they wanted to restore the site and bring it into compliance according to the current overlay districts. He understood there were concerns regarding the traffic on Dorman Road and the buffer between that development and the Cottages because those concerns were addressed previously at community meeting. Mayor Pro Tem Phillips wanted to know more about the meeting. Mr. Waters explained that the meeting was held at the Hut and that over 100 letters were sent to homeowners and HOA's. He wasn't sure if the sign-up sheet that was provided in the council packet represented all the individuals who had attended the meeting or only those who had actually spoke at the meeting. He was not sure who the builder would be on this project as yet.

Additional concern was also expressed regarding the possibility of others cutting through that development to reach Regent Park which is nearby. The possibility of using a fence as additional buffer and to keep people from cutting through was discussed. The topography of the land was not the greatest and there were storm water issues to consider. Mr. Waters stated that they had already met with Mecklenburg County about permits and the concept had been OK'd but he also stated that the topography of the land was definitely a challenge. Taking everything that had been started in the community and totally erasing it would be too costly so they were hoping to take what was started and improve upon it.

Council Member Gladden stated that the town's standards for a porch would stand while Council Member Davis suggested that vinyl not be used as a building material on the houses. She asked that hardy plank be considered instead of vinyl. Council Member Gladden also suggested that they only build single family residences and consider not building the townhomes. Mr. Waters agreed to check with the property owners to see if they would consider not having the townhomes.

The floor was opened for public comment. Mrs. Sue Campana of the Cottages expressed concern that the townhomes will back up to their community and the traffic will create problems. The road is already falling apart; there are dangerous curves and slow moving elderly drivers. The plans to build more homes are moving too fast without addressing the issues. Hearing no other comments, Council Member Gladden moved to close the public hearing with Council Member Fowler seconding the motion. There were ayes by all and the public hearing was closed at 7:27 p.m.

OLD BUSINESS:

A. Mercedes Benz – *Request to Amend CUP to allow for additional cars to be parked out front and to display the Mercedes emblem.* Mayor Fowler announced that Mercedes Benz filed notification that they wanted to officially withdraw their request.

B. Proposed Auto Leasing Text Change – a text amendment requested by Enterprise Rental Company to separate auto leasing from auto sales in the B-3 Zoning District (action item). Planning Director, Travis Morgan, stated that the Planning Board held its meeting on February 21st and recommended approval for the text change with special regulations and two revisions: 1) the total weight of any vehicle to be leased was modified to 16,400 pounds; and 2) the applicant must meet overlay district requirements.

Council Member Davis commented that she liked the idea that Enterprise stated they like to hire Pineville residents whenever possible and that they intended on spending between \$700,000 and \$1,000,000 in renovations. Mayor Pro Tem Phillips noted that the property had remained vacant for years and it would be a benefit to the town to have the building occupied and updated. He thought that there were enough safeguards in place not to have an excess amount of car leasing establishments along Polk St. Several additional questions were asked by Council Members Gladden and Fowler regarding the number of vehicles to be stored, screening and the concern for having an open sea of cars displayed. Mr. Morgan indicated that only five cars would be allowed to be displayed in the front and sides of the building and that the definitions were clearly defined. Mayor Pro Tem Phillips moved to approve the text change with Council Member Gladden seconding the motion. There were ayes by all and it was approved unanimously.

C. Proposed Ordinance for Landlord Registration – Ordinance No. 2013-01 proposes that landlords register their contact information with the town. Planning Director, Travis Morgan, provided an update to Council on instituting an ordinance for landlords to register their contact information similar to an ordinance that the City of Charlotte had done recently. He streamlined and polished the ordinance tailoring it the Town's needs. The ordinance was tied to two charts: one was a list of activities that qualify as a disturbance call and the other was determining the threshold of calls that would trigger the ordinance to require a landlord to register.

Council Member Melissa Davis asked if Mr. Morgan's department (Planning and Zoning) would be involved in overseeing the ordinance in any way. Mr. Morgan stated that it would be administered through the police department since it involved criminal activity and it would be up to Chief Merchant to choose who he thought should handle it. They would need to keep track of the threshold and when it was reached so the owner could be notified to go in and register. Only those landlords that have reached the threshold of disturbance calls would need to register.

Mayor Pro Tem Phillips explained that Chief Merchant had gone home sick and there was no one there to discuss the two charts which his department was working up to determine the threshold so the ordinance was not 100% completed. Council Member Debbie Fowler moved to table this item until next meeting. Council Member Les Gladden seconded the motion and there were ayes by all to table it until April.

NEW BUSINES:

A. Ordinance Amending Flood Plain Regulations – Ordinance No. 2013-02 amends and updates the Flood Plain Ordinance as needed. Travis Morgan stated that he had already alerted Council in November of some changes that were being considered regarding the Flood Plain Ordinance. Our County representative, Mr. Bill Tingle, had submitted the changes as part of routine maintenance of the ordinance. Mr. Morgan was in favor of the changes as it reduced some confusion and provided clarification from the previous wording of the ordinance. Council Member Debbie Fowler moved to approve the changes to the ordinance with Council Member Melissa Davis seconding the motion. There were ayes by all in favor of the changes.

B. Quality of Life Presentation – Presentation by Mecklenburg County on the Quality of Life Study. Mr. Bill McCoy of UNC Charlotte stated that the 2012 Quality of Life Study was completed and just published. He, along with Assistant County Manager, Mr. Timothy Tibbs and Dr. Olin Forrested all played a part in the study. Together they presented their findings from the study that included information from many Neighborhood Statistical Areas across the county, not just within the City of Charlotte as past studies had done. In the past only 173 Neighborhood Statistical Areas were considered in the study using 4 dimensions, 20 variables and three rankings: stable, transitioning and challenged. The 2012 study included a total of 464 neighborhoods using 8 dimensions, 80 variables and no single ranking used. With so much data available now, a dashboard tool can be installed on any town's website for the public to be able to pull up and view almost any data on any neighborhood. Training on the dashboard would be available if needed. Mayor Fowler thanked each of the attendees for their presentation.

C. Discussion on Grass Cutting/Edging. Council Member Les Gladden asked Public Works Director, Chip Hill to review the department's property maintenance schedule for the summer and the areas that the department maintains. A lengthy discussion followed regarding who is responsible for maintaining the sidewalk areas, R-O-W areas and commercial areas of town. Some areas of town such as Lakeview to Lake Drive, Lakeview to Eden Circle and areas of Cone Ave. are cut and maintained twice a year by our Public Works Department. Mayor Pro Tem Phillips added that there were certain areas in the Traditions neighborhood that the HOA will no longer maintain. There did not seem to be consistency on who is supposed to maintain what areas and disagreement over whether grass growing over the sidewalk is considered growing up or growing out and if it qualifies as overgrown and something that can be enforced. Mayor Fowler stated that a clear cut policy was necessary and asked Travis Morgan to establish an ordinance to clarify exactly who will be responsible for what.

D. Staff Updates: (a) *Update on Park and Recreational Needs Assessment Survey;* b) *Calendar of Events;* and c) *Election Filing Fees.* Parks and Recreation Director, Kristy Detwiler, provided an update on the Needs Assessment and Survey. Survey would be mailed out in two weeks and would be available on the website as well as paper copies that will be available at Town Hall, the Belle Johnston Center and the Telephone/Electric building. Town Clerk, Barbara Monticello informed Council that she needed to let the Board of Elections know what our filing fees would be for the 2013 municipal election in November. Council agreed to keep the fees as is.

Mayor Fowler called for a break at 9:30 p.m. before moving into Executive Session.

EXECUTIVE SESSION

At 9:45 p.m. Council Member Debbie Fowler moved to enter into Executive Session with Council Member Les Gladden seconding the motion. There were ayes by all and Council entered Executive Session. Mayor Pro Tem Phillips provided an update to the rest of the Council Members on the progress of a Police Department project.

At 11:15 p.m. Council Member Fowler moved to end the Executive Session with Mayor Pro Tem Phillips seconding the motion. There were ayes by all to exit the Closed Session. Council Member Fowler then moved to enter back into Regular Session with Council Member Davis seconding the motion. There were ayes by all and Council entered back into Regular Session. A discussion regarding what bands should play at October's FallFest took place. Several bands were suggested and the amount of money to be spent for

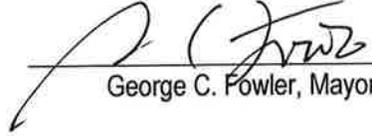
the bands was also discussed: \$500 for a lower level band, \$1,000 for the mid-range level band and no more than \$1,500 for a top-level band.

ADJOURNMENT

At 11:30 p.m., Council Member Gladden moved to adjourn the meeting with Council Member Debbie Fowler seconding the motion. There were ayes by all and the meeting was adjourned.

ATTEST:


Barbara Monticello, Town Clerk


George C. Fowler, Mayor