



**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
TUESDAY, APRIL 9, 2013**

The Town Council of the Town of Pineville met in regular session on Tuesday, April 9, 2013 at 6:29 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

Town Clerk: Barbara Monticello

**CALL TO ORDER**

Mayor Fowler called the meeting to order at 6:29 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 Debbie Fowler.

**MOMENT OF SILENCE**

Mayor Fowler called for a moment of silence for the following individuals: Wellene Griffin (hospitalized) and Gayenell Crump (hospitalized).

**ORDER OF BUSINESS**

**Adoption of the Agenda:**

Mayor Fowler noted a change to the agenda, adding item B under New Business for a Resolution. There being no objections to this, Council Member Debbie Fowler moved to adopt the agenda with this change. Council Member Les Gladden seconded the motion and there were ayes by all to adopt the agenda with the addition of item B.

**Approval of Minutes for the Regular & Executive Session Meetings of March 12, 2013:** Mayor Fowler called for a motion on both the Regular and Executive Session Minutes from March 12, 2013. Council Member Melissa Davis noted one change to be made under the Moment of Silence from last month. "Connie" Poteat should read, "Tommy" Poteat. Council Member Debbie Fowler moved to approve both sets of minutes with the change. Mayor Pro Tem David Phillips seconded the motion and there were ayes by all to approve the minutes with the change.

### **Consent Agenda:**

The following items were included: a) *Nurses Week*; b) *Municipal Clerks Week*; c) *Lyme Disease Awareness Month*; and d) *Resolution to Support Current Funding for Parks and Recreation*. Council Member Les Gladden moved to approve the consent agenda as is with Council Member Debbie Fowler seconding the motion. There were ayes by all to approve the consent agenda as is.

### **OLD BUSINESS:**

**A. 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.* Planning Director, Travis Morgan stated that the applicant was looking to rezone the property from R-12 to RMX (CD) with special conditions on a previously approved plan for a housing development along Dorman Road. The previously approved plan was from another developer but the development was never built and the land has since been sold to a new owner. A new and improved plan has been drawn up which included more architectural details than the prior plan, which would still be good to use if the new plan was not approved.

Mr. Morgan stated that the Planning Board had reviewed the plans at their last meeting and recommended approval with conditions:

- Right turn lane into development to be extended 70' with additional taper length
- Public and private road widths increased by one foot (from 10' to 11' and from 11' to 12')
- Minimum of 50' separation from property line and maintenance of an undisturbed area of 20' from the proposed townhomes and the Cottages
- Clarify requirements for townhome units and restrict use of vinyl to accent or minor trim materials only
- All units to have a setback garage of at least 1'
- All units to have a functional front porch across the façade that is a minimum of 6' deep (except for the 16' wide
- 28' wide townhomes will meet single family standards
- 16' wide townhome blocks will have varied architectural features such as bay windows, porches, arched windows, shutters, etc., in compliance with the overlay district but some may or may not have porches to avoid one long apartment style porch
- 16' townhomes with no porch will have a brick façade
- All town and county ordinances will be met including parking and engineering

There were some questions from Council such as when the original plan was approved and if the rezoning needed to be approved first and then the project. Mr. Morgan answered that the old plan was from 2004 and that the easiest and more streamlined process would be to approve both at the same time. There were some additional concerns as to what might happen if a special permit were not granted to cross the wetlands in order to build the townhomes but Developer, Tom Waters, was confident that the permit would be granted to them. Council Member Les Gladden wanted to be sure that the townhomes would not get built in with the single family residences but Mr. Morgan assured him that they would not be able to do that. If the new plan did not get approved then the old plan would still be valid to use.

A rendition of how the topography would look with the closest townhome to the Cottages was shown to illustrate the significant grade change from where the Cottages are situated to where the townhome would be. There is 20 feet of existing heavy vegetation that would remain as much as possible along with the significant drop in grade that would contribute to the buffer between the two. Mr. Waters added that with such rough terrain in that area, it would also be a natural barrier against any foot traffic.

Council Member Les Gladden stated that the new plan was a significant improvement over the old plan and that a developer was bound to come in to develop that land one way or another and traffic would still be a problem no matter what. He would rather go with a much better plan such as this one than to risk what could come in and be developed. With that stated he moved to approve the rezoning from R-12 to RMX CD which was consistent with our long-range adopted plans that are currently in place. Council Member Melissa Davis seconded the motion and there were ayes by all.

**B. Grass Cutting/Edging Ordinance – Ordinance No. 2013-03 amending Chapter 91 for High Grass and Weeds.** At the last Town Council Meeting Mr. Morgan was asked to address grass hanging over sidewalks and curbs in the Town's High Grass and Weeds Ordinance. In order to initiate the discussion, Mr. Morgan used one inch as the limit before someone would be considered in violation of the ordinance. Council Members differed on what they thought would be the right amount to set the limit at. One inch was too restrictive for Council Member Davis while Council Member Gladden thought three inches would be more in line of what they had in mind. Council Member Fowler proposed that the ordinance read six inches as the limit. The discussion continued with questions raised on how wide the top of the curb was and comments about neighbors going back and forth at each other.

Mayor Pro Tem Phillips questioned whether we even had to strengthen the ordinance because after looking at it, the ordinance already addressed the issue and to put an exact amount on it would hurt them in the long run. He believed the best way to deal with it would be to use a general rule of thumb. Council Member Gladden clarified that what had triggered the issue was that some of these areas of both state and residential streets were being maintained by the town and others were not. He wanted there to be uniform treatment of the planting strips between the sidewalk and curbs. The task had grown too big for our Public Works Department to maintain and wanted each property and homeowner to maintain this part of their property. He would be okay with the wording remaining as is but wanted to be sure people would know to do this especially since they had gotten used to the town doing it for so long.

Mr. Morgan recommended that some of the wording be revised so that this part of the ordinance would read simply: all sidewalks and curbs will be kept free and clear of grass, weeds, vegetation and other debris. Between putting an article in the newsletter and door hangers on the homes or businesses where the town was maintaining the planting strips, it should be sufficient notice to property owners. All agreed so Mayor Pro Tem Phillips moved to revise the wording on the ordinance which was seconded by Council Member Gladden. There were ayes by all.

## **NEW BUSINES:**

**A. Recycle and Win Presentation – representatives from Mecklenburg County and Red Moon Marketing will be presenting the Recycle and Win Program for 2013.** Jim Bailey representing Coca Cola and Derrick Harris of Mecklenburg County presented the *Recycle and Win* program and stated that it would be conducted as it had been in the past. Residents would be mailed labels to put on their recycle bins and

representatives would look only in the recycle bins with these labels to determine if that particular household had recycled properly. If so, people will win a \$50 gift card to Harris Teeter. The program would run from May until November. They had planned to give out 500 prizes during this time. This program, they noted, was catching on in bigger cities and has been adopted by some of them. The town just needed to provide them with the addresses of the single family residences in Pineville so labels could be mailed to the residents.

**B. Resolution No. 2013-03 – Supporting Local Government.** Mayor Fowler noted that with all of the proposed legislation coming down the pike, he thought it was a good idea to forward a resolution to Raleigh to show that we support local government rule similar to resolutions that were sent by Matthews and Mint Hill. Mayor Pro Tem Phillips agreed and moved to approve the resolution. Council Member Gladden seconded the motion and there were ayes by all. The clerk was directed to forward the resolution to House Speaker, Thom Tillis and all the Mecklenburg County Delegates.

**C. Staff Updates:** (a) *Calendar of Events*; (b) *S.O.S. Campaign*; and (c) *Electricities Conference in Asheville*. Clerk Monticello reminded Council of upcoming events including the PCC Luncheon, Pineville's annual junk pickup week and the PCAA's Spring Fling Opening Day. Mayor Fowler noted that with the governor's new proposed budget, the James K. Polk site was slated to be closed. He explained the recent campaign to "Save Our Site" by the Polk Historic Committee and a petition for signatures to keep the site open. Clerk Monticello also reminded Council of the upcoming Electricities Conference to be held in Asheville in August. She would go ahead and book the conference and rooms for all.

Mayor Fowler called for a break at 7:39 p.m. before moving into Executive Session.

### **EXECUTIVE SESSION**

At 7:59 p.m. Council Member Debbie Fowler moved to enter into Executive Session with Mayor Pro Tem Phillips seconding the motion. There were ayes by all and Council entered Executive Session. Mayor Pro Tem Phillips gave an update on an on-going police matter. When discussion concluded, Council Member Debbie Fowler moved to exit the closed session and enter back into regular session. Mayor Pro Tem Phillips seconded the motion and there were ayes by all to enter back into regular session.

### **REGULAR SESSION**

A situation with parking on Cone Avenue brought up by Council Member Davis was discussed. Vision is being blocked by cars parked on the street creating a dangerous situation. Children are out playing and run into the street in that area. Additionally, there has been no police presence in "old town". She would like to see police through that area at least once a day as well as the parking addressed. Mayor Pro Tem Phillips stated he would talk with Chief Merchant on enforcement on Cone Avenue.

Council Member Fowler brought up an issue regarding items being out for sale along the sidewalks. The enforcement is not uniform with some businesses allowed to put items out for sale while other cannot. Council Member Gladden stated that some of the businesses such as Lowes and the Home Depot had conditional agreements that allowed sales of some products out on their sidewalks but he would address the matter with Code Enforcement.

Council Member Gladden noted that he would be on vacation the week of April 22<sup>nd</sup> while Mayor Pro Tem Phillips informed the group the he had a vacation planned during the June Council Meeting. Mayor Fowler stated he would like to have one more budget workshop in mid May and then wrap up the budget at the end of May to be voted on at the June Council Meeting.

**ADJOURNMENT**

At 10:35 p.m., Council Member Fowler moved to adjourn the meeting with Council Member Davis seconding the motion. There were ayes by all and the meeting was adjourned.

  
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Mayor George C. Fowler

**ATTEST:**

  
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Barbara Monticello, Town Clerk