

**MINUTES OF THE MEETING OF THE  
TOWN COUNCIL  
TOWN OF PINEVILLE, NORTH CAROLINA  
JUNE 10, 2008**

The Town Council of the Town of Pineville met in regular session on Tuesday, June 10, 2008 at 6:30 p.m. at The Hut Meeting Facility in Pineville.

**ATTENDANCE**

Mayor: George Fowler  
Mayor Pro-Tem: Libby Boatwright  
Town Council Members: Les Gladden, Jim Eschert, and David Phillips  
Town Administrator: Mike Rose  
Town Clerk: Barbara Monticello  
Planning and Zoning: Kevin Icard and Travis Morgan

**CALL TO ORDER**

Mayor Fowler called the meeting to order at 6:33 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**

Mayor Fowler called upon Council Member David Phillips to lead the Pledge of Allegiance to the Flag.

Mayor Fowler called for a moment of silence for the following people: Charles Yandell (passed) and family, Lilly Mae Brewer (passed) and Ollie Satterfield (ill) and the rest of the Satterfield family.

**ORDER OF BUSINESS**

**Adoption of the Agenda:** Upon the motion of Mayor Pro Tem Libby Boatwright, seconded by Council Member Jim Eschert, the Council unanimously voted to adopt the agenda for the June 10, 2008 meeting. There were ayes by all.

**Approval of Minutes for the previous Regular Town Council Meeting of May 13, 2008 and the May 20<sup>th</sup> and 22<sup>nd</sup> Budget Workshops:** Mayor Fowler called for a motion on the minutes from the May 13, 2008 Regular Council Meeting and the two Budget Workshops held on May 20<sup>th</sup> and 22<sup>nd</sup>. Mayor Pro Tem Libby Boatwright moved to approve all sets of minutes, which were seconded by Council Member David Phillips. There were ayes by all.

**Special Recognition:** Mayor Fowler recognized Council Member David Phillips who explained that his volunteer Cold Case Homicide Unit recently received an award presented to them by the FBI Director in Washington, DC. The unit is unique in that it utilizes retired volunteers working

side-by-side with active investigators to help solve cold case murders. The unit was being honored for the amount of time they've put into clearing 28 cases since it's formation in 2003.

### **CONSENT AGENDA**

**The following items are included:** *a) Renewal of Energy Agreement with ElectriCities; b) Acceptance of Roads at Carolina Crossing; c) Set Zoning Public Hearing Dates (none).* Mayor Fowler noted that there were no public hearings scheduled for July. Council Member Gladden asked that the Acceptance of the Roads at Carolina Crossing be pulled from the agenda until the parking situation is addressed. Mayor Fowler acknowledged that it would be. Council Member Gladden then motioned to approved the Consent Agenda with items *a and c* only. Mayor Pro Tem Libby Boatwright seconded the motion to approve the Consent Agenda. There were ayes by all.

### **PUBLIC HEARINGS**

*(None)*

### **OLD BUSINESS**

- A. Conditional Use Permit** – *for property located at 10500 Industrial Drive for Red Clay Properties to allow a Material Recovery Facility on the property for concrete recycling.* Mayor Fowler noted that the Public Hearing had been held in May, all evidence had been presented and comments made and it was now time for a vote on this item. Mayor Pro Tem Libby Boatwright moved to deny the request for a Conditional Use Permit for a Material Recovery Facility based on the Findings of Fact. Council Member Gladden seconded the motion. There were ayes by all to deny the request.
- B. Proposed Text Change** – *to the Pineville Zoning Ordinance for changes to Section 2.6, relating to Conditional Uses.* Planning Director, Kevin Icard, stated that the Planning Board held their meeting on May 29<sup>th</sup> regarding the changes to the Zoning Ordinance relating to Conditional Uses. The Planning Board's recommendation was to not approve the changes. They would still like to hear and decide on requests for Conditional Uses. Mr. Icard suggested that Council approve the changes contingent upon additional attorney review to determine, what, if anything, the Planning Board can do. Council Member Gladden asked if our attorneys were the ones that advised us to change the procedure to have Council hear and consider CUP's. Mr. Icard indicated that it was and that Council could hear all CUP requests or the Planning Board could hear all of them or even the Board of Adjustment but that you could not have more than one board hearing, reviewing and deciding the outcome of CUP's. Council Member Gladden moved to approve the change contingent upon the review and advice of the town attorney. David Phillips seconded the motion. Mayor Pro Tem Boatwright added that Council did appreciate all the hard work from the Planning Board and everything they do for the Town. There were ayes by all.
- C. Proposed Changes to the Subdivision Ordinance** – *submitted by the Town of Pineville to update items related to floodplain requirements in the town.* Mr. Icard stated that the Planning Board did recommend approval of the changes to the Subdivision Ordinance

related to floodplain requirements as outlined by FEMA. Council Member David Phillips moved to approve the changes which were seconded by Mayor Pro Tem Boatwright. There were ayes by all.

## **NEW BUSINESS**

**A. Public Hearing** – *to review and discuss the Town Budget for FY 2008-2009.* Mayor Fowler called for a motion to open the Public Hearing. Council Member Les Gladden moved to open the Public Hearing which was seconded by Mayor Pro Tem Boatwright. There were ayes by all to open the hearing. Hearing no comments regarding the town budget for FY 2008-2009, Council Member Jim Eschert moved to close the Public Hearing. Council Member Les Gladden seconded the motion and there were ayes by all.

**B. Budget Amendments** – *to the FY 2007-2008 budget.* Town Administrator Mike Rose stated that an amendment to the current fiscal year's budget was being proposed for an increase in sanitation expenses. However, additional revenue generated from Privilege Licenses has already been collected to offset this increase and maintain a balanced budget. There were no further comments and Mayor Pro Tem Boatwright moved to approve the amendment which was seconded by Council Member Phillips. There were ayes by all.

**C. Tax Rate/Electric Rates** – *Set tax rate for FY 2008-2009 and amend Electric Rate Schedule* - Town Administrator, Mike Rose stated that the tax rate would be set at \$0.32 per \$100.00 and the electric rate would be increased by 2.5 %. Mayor Pro Tem Boatwright moved to approve the tax and electric rates. Council Member Eschert seconded the motion and there were ayes by all.

**D. Budget Ordinance** – *Adopt the FY 2008-2009 Budget and corresponding Budget Ordinance.* Mr. Rose indicated that it was necessary to legally adopt the budget by ordinance in order for it to become the "official" recorded budget of the town. Council Member Gladden moved to adopt the budget and Budget Ordinance, which was seconded by Mayor Pro Tem Boatwright. There were ayes by all.

**E. Staff Update** – Mr. Rose stated there were no public hearings scheduled and no significant agenda items scheduled for July. He suggested that the July Council Meeting be cancelled and the next official Council Meeting be held August 12, 2008. All Council Members were in agreement.

## **ADJOURNMENT**

There were no additional comments and a motion was made by Libby Boatwright and seconded by Les Gladden to adjourn the meeting at 6:56 p.m. Ayes by all.

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Barbara Monticello, Town Clerk

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George C. Fowler, Mayor