



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, MAY 10, 2016**

The Town Council of the Town of Pineville met in Regular Session on Tuesday, May 10, 2016 at 6:30 p.m. at the Hut Meeting Facility in Pineville.

ATTENDANCE

Mayor: Jack Edwards
Mayor Pro-Tem: David Phillips
Town Council Members: Les Gladden, Debbie Fowler and Christopher McDonough
Town Manager: Haynes Brigman
Planning Director: Travis Morgan
Town Clerk: Barbara Monticello

CALL TO ORDER

The meeting was called to order by Mayor Edwards at 6:30 p.m. He welcomed those in attendance and asked those that wished to speak to sign the speaker list.

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Town Manager Haynes Brigman.

MOMENT OF SILENCE

Mayor Edwards called for a moment of silence for the following individuals who passed: Richard Sheltra & his family, Ronny Ott, Becky Perkins, Jackie Lear Moore, and Welleen Griffin. He also asked to have a moment of silent for those that are ill or less fortunate and for our police and firemen.

ORDER OF BUSINESS:

Adoption of the Agenda:

Motion made by Mayor Pro Tem David Phillips; seconded by Council Member Debbie Fowler to adopt the agenda as is. There were ayes by all and the agenda was passed as is.

Approval of the Minutes from the April 12, 2016 Regular Meeting:

Motion was made by Council Member Les Gladden and seconded by Council Member Debbie Fowler to approve the minutes as is. There were ayes by all and the minutes were approved as is.

Consent Agenda:

The following items were included: a) *Financial Report as of 04/30/16 (provided by Richard Dixon)*; b) *Resolution No. 2016-05 for Surplus Items (Barbara Monticello)*. Council Member Debbie Fowler moved to approve the Consent Agenda with no changes. Mayor Pro Tem Phillips seconded the motion and there were ayes by all and the Consent Agenda was adopted as is.

Special Recognition:

Remembering Richard Sheltra – Mayor Edwards spoke about fallen firefighter, Richard Sheltra. He was overwhelmed with the outpouring of sentiment from the community, the support from other fire departments around the state and country and

the wonderful service put on by Forest Hills Funeral Home.

Fire Chief, Mike Gerin, also thanked the community for all their support, the Town Manager, Haynes Brigman, Police Chief, Rob Merchant and his police force, along with Parks and Recreation Director, Kristy Detwiler and Public Works Director, Chip Hill. Additionally he thanked the Town Council for their support.

PUBLIC COMMENT:

Mark Matthews of 821 Traditions Park Dr. read a thank you note on behalf of John Rae and his family for the dedication of the Pineville Memorial Ball Fields.

Mr. Bill McConnell, Secretary of the Downtown Merchants Association, gave an update on merchant activities. The Crops & Shops Festival kicks off this Saturday at 8:00 a.m. with 13-15 farmer's market vendors expected to participate along with the Luna Tent sale and other sidewalk sales. There will be a jazz band and a bluegrass band, and merchants will be collecting money for the Richard Sheltra fund.

PUBLIC HEARINGS:

Mayor Pro Tem David Phillips motioned to open the public hearing, Council Member Chris McDonough seconded the motion and the public hearing was opened at 6:43 p.m. Being a joint public hearing, the Planning Board also opened their meeting as well. There was a quorum of four members: Chairman Jim Knowles, Vice Chair Paul Sullivan, and members Thomas White and Jerome Bell. Amelia Stinson-Wesley was not in attendance.

- A. Joint Public Hearing Regarding Restrictions in the B-3 District** (*Travis Morgan*) – Planning Director, Travis Morgan, stated that the Planning Board held an informational meeting on April 28, 2016 to discuss relaxing auto uses in the B-3 zoning district. Staff reviewed the Table of Use Chart as well as the regulations for this zoning district and made the decision to lump taxi and limo services in with auto leasing. Our ordinance started as a basic use ordinance. However, in 2008 staff created an overlay district with design standards to be used as a strategic development tool since there were some negatives associated with automobile uses such as seeing car hoods popped open or open bay doors exposing the sights, sounds and smells associated with auto repairs. Acreage requirements were later put in place. Additional proposed changes by staff were highlighted in red in the handout included in the Council packet of information: taxis and limos were grouped together under auto leasing in the table of use chart; each site was required to be conditionally approved by Council (this would not be a permitted use by right); and the minimum lot size for leasing vehicles was eliminated. The Planning Board was generally in favor of the proposed changes except for some concerns of “over saturation” of auto-related uses. The floor was opened for discussion.

Council Member Les Gladden asked about screening of the façade. Mr. Morgan stated that anywhere that the parking lot can be seen, was an area that needed to be screened. Mr. Jerome Bell of the Planning Board asked what happened to the clause about being “grand-fathered” in – it appeared to have been taken out. Mr. Morgan replied that he had reworded it but the wording may not be exactly right. Several were in agreement that the sentence should be put back in. It was agreed that under section 6.5.7, item C, the sentence shall read as is with the following attached: “...or be considered a grand-fathered use.”

Mayor Edwards was concerned that the Polk Street corridor would never get cleaned up if the town reversed its course after 14 or 15 years of trying to limit auto uses. Mr. Morgan tried to put it into perspective by explaining that the reason they were there was to discuss what it was that Council wanted to see. Was it that they didn't want to see the “auto” use at all, no matter what --- or was it that the use didn't really matter as long as the building looked like what they wanted it to look like because our regulations were actually a hybrid of both. The Mayor was still unclear as to how the area would get redeveloped if they continued to allow the same use in that area?

Members of the Planning Board gave their perspectives. Mr. Thomas White explained that our overlay district requirements were very specific and that it would take a considerable amount of money to get some of the current

structures to meet those requirements such as having to use specific building materials and architectural design elements. Some situations would require new or upgraded sidewalks and/or road improvements, all of which would require a lot of money. Not just any investor could afford to do that so with form-based regulations in place, such as with our Overlay District requirements, it would naturally weed out those investors that didn't have the money to invest in such a large project. Although the town may not want to see auto uses in this area, it would benefit from getting new or refurbished and nicely designed structures with the possibility of new or upgraded sidewalks and/or road improvements. Chairman Jim Knowles added that it allowed for some give and take from both the developer and the town. The town would allow a use they may not be crazy about but in return would get a nice end product and the developer would not invest a large amount of money unless they were serious and committed to their business.

Additional concerns were expressed. Mayor Pro Tem David Phillips asked why on page 2, section 6.5.34, item "h" was crossed out? He noted that they had just voted to put that safeguard in place. Mr. Morgan stated that it could be added back in. Chairman Knowles was concerned that the old Golf Village was a large piece of land that someone might want to redevelop into a car dealership. After some additional discussion on the matter, the consensus of the Planning Board was to put item "h" back into the zoning ordinance.

Mr. Bell moved to close the Public Hearing for the Planning Board, seconded by Mr. Sullivan. There were ayes by all to close the public hearing. Mayor Pro Tem Phillips moved to close the Public Hearing for Council, seconded by Council Member Gladden. There were ayes by all and the Public Hearing was closed.

The Planning Board members indicated they were ready to make a recommendation. Paul Sullivan moved to open the Planning Board Meeting with Jerome Bell seconding the motion. There were ayes by all to open the meeting. Motion was made by Paul Sullivan, seconded by Jerome Bell to recommend the proposed text changes with the following: change the wording on Sections 6.5.7 (c), 6.5.34 (j) and 6.5.41(a) to include "...or be considered a grandfathered use" and add item "h" back into Section 6.5.34. There were ayes by all and the motion passed 4-0. Jerome Bell moved to close the Planning Board meeting with Paul Sullivan seconding the motion. There were ayes by all and the Planning Board meeting was closed at 7:40 p.m.

With Council back in its regular session, Council Member Chris McDonough moved to approve the text revisions with the additions added by the Planning Board exactly as stated above. Mayor Pro Tem David Phillips seconded the motion and there were ayes by all.

- B. Reset Public Hearing Date to June 14, 2016 for Budget – (Haynes Brigman)** Mr. Brigman stated it was necessary to reschedule the Public Hearing for the Budget for June 14, 2016 to allow for the proper advertising of it. Council Member Debbie Fowler moved to reschedule the Public Hearing to June 14, 2016 with Council Member Gladden seconding the motion. There were ayes by all and the Public Hearing for the Budget was rescheduled for June 14, 2016.
- C. Reset Public Hearing Date to June 14, 2016 for Hotel Request – (Travis Morgan)** Mr. Morgan stated that GAI Consultants were not ready for their Public Hearing and requested that it be re-scheduled for June 14, 2016. The Public Hearing was to hear a request for a Woodsprings Suites Hotel to be located at 10942 Park Road. Council Member Les Gladden moved to reset the Public Hearing to June 14, 2016. Mayor Pro Tem David Phillips seconded the motion. There were ayes by all and the Public Hearing was reset.
- D. Request to Set Public Hearing for Proposed Apartment Complex – (Travis Morgan)** Mr. Morgan stated that a Public Hearing needed to be set for June 14, 2016 to receive comment on a proposed Apartment. Mayor Pro Tem David Phillips moved to set a Public Hearing for June 14, 2016. Council Member Chris McDonough seconded the motion and there were ayes by all to set the Public Hearing for June 14, 2016.
- E. Request to Set Public Hearing for Proposed Townhome Project – (Travis Morgan)** Mr. Morgan again stated that there was a proposed townhome project that also needed to have a Public Hearing set for June. Council Member Les Gladden moved to set the Public Hearing for June 14, 2016. Council Member Chris McDonough

seconded the motion and there were ayes by all to set the Public Hearing for June 14, 2016.

OLD BUSINESS:

- A. Guidelines for 5K Races** – (*Kristy Detwiler*) Parks and Recreation Director, Kristy Detwiler, stated that she had taken comments from others and developed an agreement based on some of those comments. She passed out copies of the agreement to all council members. It stated that there would only be three (3) races per year allowed with one of them being the James K. Polk 5K Race held each year and it would be restricted to non-profit organizations. Additionally, there would be a fee for the use of the roads, applicants would have to use an approved course, and insurance would have to be provided to us. Council Member Debbie Fowler asked that a change be made on page 2, item “g” of the agreement so that it read that insurance must be presented to Parks and Recreation Department four (4) weeks “prior” to the event, not “within” four (4) weeks of the event. The change will be made.

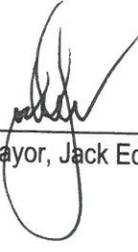
Discussion followed regarding the number of entrants and whether the fee of \$500 was sufficient to cover the costs if there were a lot of entrants to the race. The consensus from Council was to limit the number of entrants to 800 and keep the cost at \$500. Mr. Brigman added that if a race got too large, the town would have the option of refusing to allow the race to go on. Council Member Les Gladden moved to allow 5K races with the changes discussed. Council Member Chris McDonough seconded the motion and there were ayes by all to approve the request.

NEW BUSINESS:

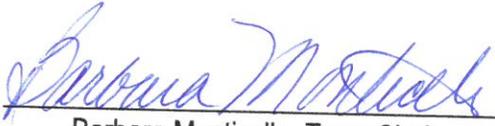
- A. Right-of-Way Request for Carolina Thread Trail** – (*Travis Morgan*) – Mr. Brigman explained that back in 2015 there was discussion regarding an easement agreement with Mecklenburg County for access to the Thread Trail at the end of Lake Drive. The issue was not with the agreement itself but with the easement which needed to be corrected because the way it is proposed on the exhibit, it cuts right through the town’s proposed dog park. Council asked that the easement be corrected to show it going straight, and also that it include details for parking. Council did not want to delay the approval process so a suggestion was made to approve the agreement with stipulations. Mayor Pro Tem Phillips moved to approve the agreement with the stipulation that the easement be changed. Council Member Chris McDonough seconded the motion and there were ayes by all. Council Member Fowler requested a copy of the agreement once the easement was corrected.
- B. Introduction of the FY2016-17 Town Budget** – (*Haynes Brigman*)—Manager Brigman gave a PowerPoint presentation of the proposed 2016-17 budget. He started the presentation with a look back at the 2015-16 fiscal year and moved to examining some of the changes from the state, shortfalls of some of our revenues and the increases in expenses that continue to impact our budget. He concluded stating the budget presented was a balanced one with no major cuts to programs or services, no tax increase, no electric rate increase but concern for future projects due to the increase in costs outpacing revenue growth. Council thanked the manager and Finance Director for their time in preparing the budget.
- C. Staff Update: 1) Manager’s Report** – Mr. Brigman provided an update on town projects. Paving on about 15 town roads was beginning shortly and the completion of Eden Circle and Cone Avenue was finally approaching. There will also be curb and gutter and sidewalk repairs as well. Speedbumps are planned to be installed on Osprey Drive. He reminded Council of a Special Called Meeting for May 12, 2016, at the Telephone Building at 118 College St. The meeting is scheduled to begin at 5:00 p.m. He also noted that the town had applied for money from the state for the Johnston Road realignment project. Work was starting on the Lake Drive side of the park to install the proposed fishing pier at Lake Park. This section of the park will be unavailable for use during this time.

ADJOURNMENT

A motion was made by Council Member Les Gladden, seconded by Council Member Debbie Fowler to adjourn the meeting. There were ayes by all and the meeting adjourned at 8:42 p.m.



Mayor, Jack Edwards

ATTEST: 

Barbara Monticello, Town Clerk

