



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, JUNE 14, 2016**

The Town Council of the Town of Pineville met in Regular Session on Tuesday, June 14, 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
Planner: Brandon Hackney
Town Clerk: Barbara Monticello

CALL TO ORDER

The meeting was called to order by Mayor Edwards at 6:31 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 people recently killed in Orlando, two area firemen that lost their lives, and the many police, fire and military people serving our country to protect us.

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.

Approval of the Minutes from the May 10 Regular Meeting and the May 12, 2016 Special Called Meeting:

There were no changes to either sets of minutes so a motion was made by Council Member Chris McDonough and seconded by Council Member Les Gladden to approve both sets as is. There were ayes by all and both sets of minutes were approved as is.

Consent Agenda:

The following items were included: a) *Financial Report as of 05/31/16 (provided by Richard Dixon)*; b) *Resolution No. 2016-06 for Surplus Items (Barbara Monticello)*; and c) *Two sets of tax refunds (Cyndi Hunnicutt)*. Council Member Les Gladden moved to approve the Consent Agenda with no changes. Mayor Pro Tem David Phillips seconded the motion and there were ayes by all and the Consent Agenda was adopted as is.

Special Presentation:

Pineville Volunteer Fire Depart– Mayor Edwards turned the floor over to Fire Chief, Mike Gerin, for a presentation of the Fire

Department's budget. He passed out a sheet of paper to Council Members which broke down the figures representing funds that made up their budget as well as the expenditures. Page one was a summary as of 05/31/16 and showed their actual cash on hand. The sheet also showed the amount the department had from some CD accounts that they have been maintaining for several years. Those funds were intended to be used only in the event of a catastrophe and had been started before Mr. Gerin had become fire chief.

He continued, explaining that a check was written from Town Hall to cover payroll and that the fire department used their money to purchase things like cleaning supplies, refurbishing trucks or other vehicles, gym equipment, etc. Mayor Edwards read from the handout all the other things the fire department paid for out of their funds. He also stated that the \$78,000 shown on the paperwork was their actual cash on hand and that the town needed to help fund the Fire Department.

PUBLIC COMMENT:

Ms. Carol Doyle stated that she lived in Pineville Forest and actually paid \$5,000 extra to have a view of the lake at Lake Park but it was so overgrown that the view was blocked. She asked if it were possible to have some of the brush thinned out there so that her view of the lake was restored. Mayor Edwards asked her who had charged her extra for the lake view. Ms. Doyle responded that the builder, Portrait Homes, did. He had spoken with Scott Futter who oversees the park grounds but was reluctant to cut down any trees. Council Member Chris McDonough stated that he also lived at Pineville Forest and knew there were about 6 or 7 other residents with similar complaints but he wanted to sit down with Scott Futter and work something out. There were no other audience members that wanted to speak under the public comments.

PUBLIC HEARINGS:

Mayor Edwards stated that they were about to open the public hearing regarding the Woodsprings Hotel. Since there were so many people signed up to speak on the subject, Mayor Edwards asked that speakers keep it short, orderly and specific. If there were multiple people that wished to speak from the same community, he asked that one person be appointed as the spokesperson for that particular community. He also reminded speakers that they had a three minute limit. With that said, Council Member Les Gladden moved to open the public hearing, seconded by Mayor Pro Tem David Phillips. There were ayes by all and the hearing was opened at 6:53 p.m.

- A. Joint Public Hearing Regarding a Proposed Woodsprings Hotel (Travis Morgan)** – Planning Director, Travis Morgan, stated that all requests for hotels were conditional and site plan specific which meant that it had to be presented before Council. He added that there was an existing Extended Stay hotel already next to the site of the proposed one to be located at 10942 Park Rd. which was directly behind the Bi-Lo Supermarket. The site was a challenging one because of the property's irregular triangular shape. The proposed building would be set back on the property as far as possible to fit in the back corner of the lot away from the homes on Osprey. That would still leave roughly a 1/3 of an acre for an out parcel to be developed at a later time. This would not be in compliance with the ordinance and there was no guarantee of what or when the Park Road fronting development would take place.

The applicant's plan called for 122 rooms in a three-story building which equated to 43.5 units per acre. However, the maximum density per town regulations was 40 units per acre so the applicant requested that council consider an increase of 3.5 units per acre. Additionally, some of the applicant's lighting exceeded the town's photometric limits. The applicant did meet all parking regulations for both the larger and smaller parcels. There is a private drive that serves the current Extended Stay hotel and would also serve the proposed building. The feasibility of the new access from the private access had not been explored. Twenty feet of buffer is required since it butts up again a residential neighborhood. The applicant was proposing a 6 foot fence and additional trees along the buffer.

Mr. Morgan added that he takes into consideration both the applicant's and the residents' comments when reviewing such requests. Some of the concerns of the residents included:

- Impact property values negatively
- Amount of crime generated from existing similar use at Extended Stay.

- Three story building – can look down onto their homes/property
- Two extended stay type hotels in one location
- Traffic concerns
- Destruction of existing vegetation

Council Member Les Gladden wanted the audience to know that with this type of zoning, some businesses have the right to come in and build without seeking zoning approval. A doctor's office could be built with four stories and it could be perfectly legal and the applicant would not have to seek permission or hold a public hearing. However, in this case, with this type of business, the audience knows up front what is intended to be built in the space and the town still has some say and control on what and how it is built. Residents would at least know what they would be up against whereas with some other businesses that are permitted by right, residents would not have the luxury of knowing what was going to be built in that space and by whom.

At this point the floor was turned over to the applicant for comment. GAI consultant, Doug Kelly, stated that the site was unusual due to its triangular shape and while the building would normally be pulled up closer to the street, it was actually moved back into the corner as the building was actually being adapted to the site. Additionally, the entire hotel market was growing quickly in this area. The site would be buffered on the south side with a 600-800 foot wood, stockade fence, a large canopy of trees and landscaping material. He believed the proposed hotel would have less of an impact on the community than if a regular retail commercial use were to come in to the site. Regardless of what goes in the site, it will have an impact on the community.

The applicant agreed to look at bringing the lighting down in the areas where it exceeded the limit. Mr. Kelly remarked that their hotel was at the higher end of the extended stay-type hotels and they anticipated getting a lot of professionals from the hospital to stay there. As for the traffic concerns, he stated that we all faced that issue. The applicant was also willing to sit down with the homeowners and review vegetation concerns to see what could be saved of the existing plant material.

Mathew Downs of Liberty Properties out of Orlando, FL., stated that he had been developing hotels for the last ten years and was well aware of the residents' concerns. The product they offer is for working professionals and will give them a better option of a place to stay. With the growth in Pineville, he was confident that their product will satisfy the demand that's out there. They also work to build relationships with the local police departments. Additionally, they were not related to the existing Extended Stay hotel that is already there.

Mayor Edwards asked what their nightly rates would likely be. Mr. Downs responded that the rates would probably be in the \$90-\$100 range and weekly rates would run about \$300 to \$400. Mayor Pro Tem David Phillips asked where they had other hotels located at. Mr. Downs replied that they had opened some in Clearwater and Tampa, Florida which had been opened since February 2016. Council then inquired about the long term management of these hotels and expressed concern that long term quality management could not be guaranteed to address crime concerns in the future. Mr. Downs stated they were not the type of company to "build-and-run". Mayor Pro Tem David Phillips asked if they still owned those hotels. Mr. Downs stated they no longer owned any of the Value Plan Hotels that they had opened in the past to which Mayor Pro Tem Phillips remarked that it appeared that they did seem to build-and-run. Additional questions were asked by other Council Members regarding the number of rooms and the accessibility of the rooms. Responding to these questions, Mr. Downs, stated that 122 rooms was about the standard size for these type of hotels and that access was by key card only and from the inside; there was no outside entrances. Additionally, there are 20 security cameras used on site.

Other concerns were raised by Council including whether the applicant had met with homeowners, the need for more concrete plans for the out parcel and/or the possibility of selling it and the long-term plans for the site. There was concern for their previous product being sold off and what would happen if the new product didn't do well and was also sold off. The town would then be stuck with the building. The floor was then turned over for public comments.

Barbara Hollers of Rail Tye Place spoke on behalf of the homeowners of the Tynes community. The proposed hotel butts up to her property and there would only be about 20 feet between her property and the hotel. Having one Extended Stay hotel was bad enough but two would be not be good. The occupancy tax collected versus the cost to police the hotel would not be worth it.

Paula Maczak represented the Quality Suites hotel located on Pineville-Matthews Road. She asked Council to consider "how much is too much". Paul Rosetti of 5 Vista Circle stated he had nothing against the Woodsprings Hotel but an increase of 114% in rooms also means there would be a 114% increase in the need for police protection. With his property being ten feet from their property line, he has seen a lot of litter and charcoal grills not being extinguished. He, too, asked if the "gain for Pineville exceeded the need for police"? Former Mayor of Pineville, Doug Tyndall, asked the applicant to consider constructing their hotel across from the Pineville Police building as there was a lot of land there. The traffic problem in Pineville was already unbelievable and he didn't think the town had the infrastructure to handle any more. There was enough crime already from the hotel that was there and the town didn't need anymore.

Shari Martin's property at 10411 Osprey Drive, backs up to the property in question. Putting in another hotel would hurt their property values, take away any privacy they might now enjoy and attract an undesirable clientele. As it is now, there are parties in the parking lot at 2:30 p.m. in the afternoon.

Christine Blamer was signed up to speak but had to leave before she was called upon.

Annette Tucker of 10909 Copperfield Drive lives directly behind the proposed hotel. She has been a resident of Pineville for 29 years and believes that Pineville has enough hotels already.

Rick Wilson and Mathew Davis both represented the applicant and stated that the names of the guests were run through the sex offenders registry so they would be aware of any such guests staying in their hotels.

Charles Brightbarton, president of the Park Ridge Community, stated he had been a resident for 30 years and was representing 600 homes from that community as well as the Lexington, Falcon Ridge and Copper Ridge communities. He spoke on their behalf stating that they were not in favor of this hotel.

Mayor Edwards thanked everyone for coming and for being concerned and involved. There were a few additional comments between Council and audience members. Mayor Edwards did point out to everyone that the Quality Suites hotel that is not considered an extended stay type hotel had almost as many calls for police service as the Extended Stay hotel had.

Council Member Les Gladden moved to close the public hearing, seconded by Mayor Pro Tem David Phillips. There were ayes by all and the public hearing was closed at 8:52 p.m. Council Member Gladden then moved to deny the request for a Woodsprings Hotel. Mayor Pro Tem Phillips seconded the motion and there were ayes by all to deny it.

Mayor Edwards recognized Melissa Davis who asked for an update on the park construction and why it hadn't been completed. Town Manager, Haynes Brigman, stated that the construction company did not have all the permits they should have had so they were told to stop work until they obtained all the required permits.

- B. Public Hearing for a Townhome Project – (Travis Morgan)** Council Member Debbie Fowler moved to open the second hearing. Council Member Chris McDonough seconded the motion and there were ayes by all to open the second public hearing at 9:00 p.m. Mr. Morgan stated that townhomes were allowed by right in the areas they were proposing to go into but because the number of units exceeded 100, the plan would need to go before the town council. The community would be located on 13 acres of land between Dover Street and Oakley Avenue. This would be made up of multiple parcels of land, not one. Trash would be collected via private dumpster, not handled individually with public roll outs.

Mr. Morgan stated that the applicant had met with staff and worked to design a site that met the ordinance(s) and this development would help improve the street network for future town growth and traffic improvement. The plan was designed in a grid network of streets and alleys with on-street parking and rear-loaded garages. The applicant volunteered elevations or would supply additional elevations that would meet town recommendations.

If the project was approved, there would have to be significant improvements made to Oakley, Johnston, and Dover that would benefit the Town. Oakley in particular is not a safe road and does not meet minimum standards today as-is. The applicant would be responsible for improvements along roadways adjacent to their properties and providing additional right of way upon completion of new and improved roads. The town would need to acquire additional property on Oakley Avenue at the intersection of Main Street that would require several existing pine trees to be cut down. Mr. Morgan noted the these trees and the Oakley connection to the proposed project have been the only items identified as areas of concern from two properties: 129 Main Street and 106 Oakley Ave. Input from citizens and other businesses had been positive.

There were several people in attendance that wanted to address this project. The applicant, G-VEST, wanted to make this project work for all – the client they were representing as well as the residents and businesses in the area.

Wayne St. John, has owned a business on the corner of NC51 and Oakley Avenue for nine years. He was in favor of progress but not in favor of improvements to Oakley Avenue. He would rather see it privatized or closed and expressed concern over additional traffic on Oakley. Mr. St. John would rather the Town purchase additional properties at the end of Oakley to connect to South Polk Street Instead. Mr. St. John did not want to see the large, old pine trees destroyed. Another representative for Kingswood, located at 106 Oakley Avenue stated that Oakley was already a deathtrap trying to get in and out of it and asked Council to consider alternate options to leave the existing Oakley connection on Main Street as-is.

Brian Hedgepath, also of Kingswood stated that six businesses would be affected by this proposed development and asked that other options be considered other than what is currently being purposed.

Inez Serventi, another business owner at 106 Oakley, stated that clients came from all over to use their services but she was really concerned about the traffic and how the clients will get in and out of Oakley. She asked for access to be from Polk Street and not Main Street.

Discussion continued regarding Oakley Avenue with one resident commenting on all the water, storm water and sewer issues the town has had on Main Street. He was concerned that with all the growth, we wouldn't have the infrastructure to support it. Mr. Brigman said that it was up to the developer to ensure the infrastructure was in place but he agreed that Oakley was dangerous and that was why the town was in favor of making it better. Additional concerns regarding parking on Oakley Avenue, along Childers Lane and shared parking arrangements with the United Methodist Church were also discussed. It wasn't clear, however, from the plans if parking along Childers Lane was included as part of the count to meet the minimum parking requirements or it wasn't. The question was also raised that if parking provided by the church was included in their count, then shouldn't the parking along Childers Lane also be included? The possibility of creating more parking on top of the drainage retention area along Childers was brought up as a possibility as well.

Mr. Gladden noted that an alternate exit from Oakley to South Polk would be cost prohibitive and require the condemnation of additional properties that could be avoided and this alternate exit would not correct existing Oakley/Main Street safety issues. It was determined that two access points on Main Street other than land locked Dover Street connection would be required, and staff could make the final decision as to where the access point will be designated for the east side of the project.

Council Member Les Gladden proposed keeping the public hearing open since there was no definite resolution to these issues. However, Council Member Chris McDonough moved to close the public hearing with Council Member Debbie Fowler seconding the motion. There were three in favor of closing the public hearing and one (Les

Gladden) against closing the hearing. There was additional discussion on the motion that Council could still move forward with the plans for the project as long as planning worked together with the applicant to tweak the plans to come up with solid parking and street access plans. With that said, Council Member Gladden amended the motion to close the public hearing and move forward with plans for a townhome community, with the ability to tweak it as necessary. Council Member Chris McDonough seconded the motion and there were ayes by all and the public hearing was closed at 10:48 p.m.

NEW BUSINESS:

- E. **K-9 Retirement and Proclamation** – Mayor Edwards announced that he was changing the agenda to accommodate an officer that was ready to go on vacation. Nearing 11:00 p.m., the officer had been waiting all night for his K-9, Raffa, to be declared “retired” on the advice of his veterinary due to his age and health conditions. Raffa was brought into Council Chambers as the Mayor read his retirement proclamation, presented it to Officer Bradshaw and stated that Raffa would be retired to his care.
- A. **Main Street Merchants Update** – (*Bill McConnell*) Mr. Bill McConnell gave an update on the Downtown Merchants activities. They raised a total of \$966 for the Sheltra Foundation. A new business, A&R Workshop just opened. They will be doing DIY projects in a lounge environment. The Farmer’s Market was continuing to do well with vendors selling corn, peaches, blueberries and more. Their next meeting will be Tuesday, July 5th.

PUBLIC HEARINGS:

Moving back to Public Hearings, a motion was made by Council Member Gladden and seconded by Council Member Fowler to change the public hearing for a proposed apartment complex to August 9th. There were ayes by all and the public hearing for a proposed apartment complex was changed to August 9th.

- C. **Public Hearing to Adopt FY2016-17 Budget** – (*Haynes Brigman*) Council Member Chris McDonough moved to open the public hearing to adopt the FY2016-17 budget. Council Member Debbie Fowler seconded the motion and the public hearing was opened at 11:06 p.m. Manager Brigman stated that a public hearing was necessary in order to adopt the coming year’s budget. He gave a quick update on the proposed FY2016-17 budget. There were no comments or questions. Mayor Pro Tem David Phillips moved to close the public hearing with Council Member Les Gladden seconding the motion. There were ayes by all and the public hearing was closed. A motion was then made by Mayor Pro Tem Phillips and seconded by Council Member Gladden to adopt the budget. There were ayes by all and budget was adopted as is.

NEW BUSINESS:

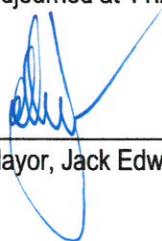
- B. **Set Tax Rate/Electric Rates** – (*Haynes Brigman*) Manager Brigman stated there would be no increase to the tax rate nor an increase in electric rates for the year. The ad valorem tax rate was set at \$0.35 per \$100 of valuation. Council Member Gladden moved to approve the rates, seconded by Council Member Fowler. There were ayes by all to set the tax rate at \$0.35 and accept the electric rates with no increase.
- C. **FY2016 Budget Amendment** – (*Haynes Brigman*) Mr. Brigman stated that at the end of each fiscal year it was necessary to amend the budget to allow for adjustments. The end-of-the-year budget amendment was presented before Council. Council Member Gladden asked why there was an overage on the salary line of the Park and Recreation Department. Finance Director, Richard Dixon, responded that it was due to overtime worked in the department. There were no further questions and a motion was made by Mayor Pro Tem Phillips and seconded by Council Member Fowler to approve the budget amendments. There were ayes by all and the budget amendment passed unanimously.
- D. **Dover Street Electric Substation Relocation**—(*Haynes Brigman*) Mr. Brigman stated that the substation located on Dover Street was going to be relocated behind the Parks and Recreation maintenance building by Jack Hughes Park at a cost of 2.371 million dollars and would be handled by Electricities. There was an agreement before

Council to consider and adopt. Council Member Debbie Fowler stated she would like the agreement to be effective July 1, 2016 as the project was budgeted for FY2016-17. Mr. Brigman and the rest of Council agreed. Council Member Les Gladden motioned to approve the agreement with Mayor Pro Tem David Phillips seconding the motion. There were ayes by all and the agreement was approved unanimously.

- E. **K-9 Proclamation, Retirement and Sale** – (*Haynes Brigman*) Mr. Brigman stated that K-9 Raffa had been retired earlier but there was still one detail that needed to be taken care of. The sale of the dog had to be approved by Council. Council Member Gladden moved to approve the sale of Raffa for \$1 to Officer Bradshaw, seconded by Mayor Pro Tem Phillips. There were ayes by all and the sale was approved unanimously.

ADJOURNMENT

A motion was made by Mayor Pro Tem Phillips, seconded by Council Member Gladden to adjourn the meeting. There were ayes by all and the meeting adjourned at 11:25 p.m.



Mayor, Jack Edwards

ATTEST:



Barbara Monticello, Town Clerk

