



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, SEPTEMBER 13, 2016**

The Town Council of the Town of Pineville met in Regular Session on Tuesday, September 13, 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

Mayor Edwards asked Council Member Les Gladden to lead the group in the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Edwards called for a moment of silence for the Shelby Police Officer who was killed in the line of duty (Tim Brackeen), and the police, fire fighters and military troops that serve our country each and every day.

ORDER OF BUSINESS:

Adoption of the Agenda:

Motion made by Council Member Chris McDonough and seconded by Council Member Debbie Fowler to adopt the agenda as is. There were ayes by all and the agenda was approved.

Approval of the Minutes from the Regular Session Meeting of August 9, 2016:

Council Member Les Gladden moved to approve the minutes with no changes. Council Member Debbie Fowler seconded the motion and there were ayes by all to adopt the agenda as is.

Consent Agenda:

The following items were included: a) *Financial Report as of August 31, 2016*; b) *Resolution No. 2016-08 for Surplus Items*; c) *Proclamation for Constitution Week*; d) *Proclamation for Public Power Week*; e) *Tax refunds (Cyndi Hunnicutt)*; and f) *Set Public Hearing for Buffer Amendment for Proposed Office Building*. 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 to adopt the Consent Agenda as is.

PUBLIC COMMENT:

Bill Phillips reminded everyone that Council had previously approved a small, library book-exchange box outside of his house on Cone Ave. a couple of years ago. He reported that everything was going well with it and that it was very popular. The little library practically takes care of itself and he just wanted to say “thanks” to Council for allowing him to install it in his yard. Mayor Pro Tem Phillips added that he had heard there was some 3,000 or so exchanges that have taken place since the library had been built.

Melissa Davis of Cone Ave. expressed concern over the way the sale of the lots on Eden Circle was handled. She researched it but could not find any MLS listing for them and saw no “For Sale” signs posted on the property. She thought it was a great disservice to the residents of town not to have a chance to bid on them. Not enough advertising was done in case the people in that neighborhood were interested in purchasing one of the lots.

Council Member Chris McDonough asked who else expressed interest in the lots to which Ms. Davis replied that her son, Cody Davis and another resident were interested. Mayor Edwards added that Planning and Zoning Director, Travis Morgan, was given incorrect information by the realtor but he asked that further discussion on this item be held until later as it was scheduled for discussion later on the agenda.

OLD BUSINESS:

- A. Update from DFI Consultants – (Haynes Brigman).** Mr. Andrew Trump of DFI Consultants provided an update on the goals to increase diversity of retail and office uses in the downtown corridor, promote more evening activity and provide multi-family housing while creating public/private partnerships to help accomplish the goals. Council instructed them to refine their plans to align with future development. They presented an interesting and somewhat different plan than the month prior showing some townhomes, green space, library and Town Hall on the mill site along with additional multi-family residences, retail and office space throughout the downtown corridor. They proposed to keep the Yandell site with its townhomes but reconfigure it to include more homes along with some commercial for a mixed use development. They also proposed another connector road from Oakley Avenue to S. Polk Street.

Laura Yandell, owner of the property where the townhome reconfiguration was proposed, was not at all happy and expressed her disappointment that no one thought to include her in on the conversations regarding these new plans. Town Manager, Haynes Brigman, did say that he had reached out to their developer to discuss it with them but apparently they did not want to discuss any other plans. Mayor Edwards explained that the town usually deals with the developer and not necessarily the individual owners of the land. He apologized but the intent was not to hide anything from her or anyone.

The question was asked why DFI was discussing areas other than the mill. Mr. Brigman replied that it was because Council had directed them to go beyond the scope of the mill property to consider the areas around it as well since the town owned so much of that land. A developer may find it more attractive to purchase the land on the whole side of the street to develop rather than just a portion of it so they were told to include all the properties on the (south) west side of Dover Street. Mr. Trump added that their proposed plan had provided more flexibility and also eliminated the need for the storm drain easement access or retention ponds as they could easily be located on the mill property if there was consideration from GVEST in partnering with the Town through DFI to work something out. The Town and DFI wanted to know if GVEST was interested in discussing a partnership or deal of some kind but GVEST explained that they had already made a huge investment in the property, the plans were drawn up and approved and the financing was in place for the Yandell property as it was originally presented. They were ready to proceed once they received easement permission from the town. They had too much invested in the project to wait another two years to see what may or could happen so they were reluctant to want to talk to anyone about changing their plans.

Mayor Edwards added that there have been so many reams of plans that have gone nowhere. Here was a plan in place ready to go, why wait another two or three years for something to happen or risk having this plan fall through? Someone needed to put a shovel to the ground. There was a lot of discussion regarding the pros and cons of the plan DFI just presented as well as the plan already in place for the townhome project. Some members

of Council were for the DFI plan and others were in favor of allowing GVEST to move on with their project.

- B. GVEST – Storm Water Easement Request – (Haynes Brigman/Travis Morgan)** Mr. Brigman stated that in order for GVEST to move forward with the townhome project, they needed two storm water easements. One of them was off of Oakley Ave. which was not a problem but the second one on Dover by the Town Hall is more of a challenge. GVEST was favoring coming in on the south side of Town Hall while staff was in favor of them coming in on the north side of the building. However, Norfolk Southern owns that portion of the parking lot and to obtain an easement from them is more difficult. Plus, if the entire property along Dover St. is sold to a developer, it may pose a threat to what they envision in that space and the Council did not want to jeopardize the sale by allowing the easement on the south side of the property.

At the last Council Meeting, Mr. Brigman had asked that GVEST exhaust all their options before Council made their decision on whether to grant them the easement or not. That included contacting the railroad to see if an easement would be granted on the north side of the building. However, they did not contact Norfolk Southern so it was still unknown what the possibility was of being granted the easement on the north side of the building.

After some discussion it was decided that the town should approach Norfolk Southern about the easement as they might have a better chance of getting some action than GVEST. Council instructed both Mr. Morgan and Mr. Brigman to contact the railroad as soon as possible to negotiate an easement. If the town was successful in communicating with Norfolk Southern and an easement was granted, Council would have to have a Special Called Meeting before the next Council Meeting to officially approve the request for GVEST so they could get started on their project as that was the only thing holding them back from commencing work.

Council Member Les Gladden moved to the GVEST request for storm water easements until Norfolk Southern is contacted. Council Member Chris McDonough seconded the motion and there were ayes by all.

- C. Negotiated Sale of Lots (Travis Morgan)** – There were a lot of questions from Council regarding the sale of the lots on Eden Circle. Mr. Brigman had asked Mr. Morgan to find someone to sell the lots for us which he had done back in April/May. A contract had been signed with Mr. Vickers from Keller Williams Realty. A confirmation email from Mr. Vickers stating he would post the real estate ads was sent to Mr. Morgan on May 2nd but it hadn't been determined until sometime around August 11th that nothing had actually been advertised. Questions were raised as to why the properties had not been advertised, why residential lots were being sold by a commercial realtor and why the property was just now being advertised at a price of \$209,000 when we were supposed to be taking bids on the parcels.

Mr. Morgan explained that the realtor neglected to advertise them as was stated in his email. As soon as Mr. Morgan was aware that the lots had not been advertised correctly, he met with Mr. Vickers to straighten it out and that is when Mr. Vickers finally posted the ads for the properties. Mr. Morgan stated the original intent was to drum up interest to sell all the lots to one buyer to avoid being left with any. A commercial land realtor was selected because a multiple lot sale would most likely be purchased by a developer rather than an individual for that many lots. The tax value of the property was used as a starting basis to attract the highest and best offers for the lots. Council was disappointed and unhappy with the service and instructed Mr. Morgan to terminate the contract with Mr. Vickers. Mr. Morgan stated that there was a revised offer from GVEST. There were two potential buyers with bids for all but one lot (258 Eden Circle). The stand-alone parcel at 258 Eden was removed from the bids for an individual sale at a potentially higher price. Mr. White had bid \$5K each for 8 interior lots and GVEST revised their offer to match that amount, \$5K each for the less developable 4 contiguous outer lots, leaving one lot left to sell. Staff supported releasing the Eden lots for sale for the highest and best bid per North Carolina General Statutes. If approved Mr. Morgan stated that after the bids were formally received and properly advertised in the newspaper, council would select the winning bidder(s). Council Member Les Gladden moved to accept the proposal knowing that additional upset bids, particularly on 258 Eden, could be possible. Mayor Pro Tem Phillips seconded the motion and the vote was 3-1 in favor of accepting the offers. Council Member Debbie Fowler was the dissenting vote.

NEW BUSINESS:

- A. Change Date of November Meeting (Haynes Brigman)** – Mr. Brigman noted that with Election day being the same date as our Council Meeting, November 8th, he thought it best that it be moved to the following Tuesday which would be November 15th. Additionally, due to personal reasons, one of the Council Members is not able to make the October meeting on October 11th so it, too, was moved back to October 18th. Mayor Pro Tem Phillips moved to approve the change for November, seconded by Council Member Chris McDonough. There were ayes by all and November's Council Meeting will be held on November 15th. Council Member Chris McDonough moved to approve the change in October's meeting to October 18th, seconded by Council Member Debbie Fowler. There were ayes by all and October's meeting will be held on October 18th.
- B. Update from Downtown Merchants Association (Bill McConnell)** – Mr. Bill McConnell gave an update on Merchant activities. The Farmer's Market closed on September 10th to the best season they've had so far. Participation in the Merchants Association is increasing with 29 companies onboard with at least half attending the meetings each month. Because of the growing membership, they wanted to create a simple business guide with a map. Minute Man agreed to produce them. At their next meeting on October 4th, two new merchants will be introduced.
- C. Clean-Up of Cone Mill (Haynes Brigman)** – Mr. Brigman reminded Council that there was an open and active EPA case on the mill property that the town needed to get cleaned up. The barrels and drums have been removed so they now had to turn to the more problematic materials – the ones buried underground, which were estimated to cost anywhere from \$750,000 to \$1M to clean up. Mr. Brigman was in the process of developing an RFP for the clean-up of this material but wanted approval from Council before proceeding. He is currently researching EPA grants which has a maximum award of \$200K but they were also highly competitive.

Council Member Chris McDonough wanted to know if the EPA had a timeframe in which the work had to be completed but Mr. Brigman replied that as long as we were making progress and showing the EPA that we were moving forward with the cleanup, that was really what they wanted to see. He wanted to be sure Council was prepared to move forward. Questions were raised as to the type of equipment used to remove the hazardous materials, when the grant needed to be applied by and whether DFI could assist with the grant application. Mr. Brigman replied that whatever company was chosen to remove the materials, it all had to be treated as though it was hazardous. The grant should be applied for at the same time the RFP was being done so we would know how much money we needed to complete the project. DFI agreed to help with the grant process. The consensus from Council was to move forward with the next phase of cleanup.

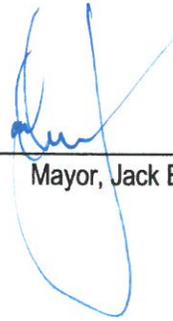
- A. Staff Update: 1) Manager's Report (Haynes Brigman)** – Before Mr. Brigman provided his report, Council Member Les Gladden let everyone know that Kristy Detwiler, Parks and Recreation Director, received the grant for a dog park and splash pad. We will be awarded \$361,420 for this project and we were the only town in Mecklenburg County that received this Part F grant. Everyone was happy as this was a tremendous accomplishment for Kristy. The grant will be awarded in November.

Mr. Brigman also noted that the contractor finally received permits to complete the pier project at Lake Park. A permit for the pier itself, was still required.

Duke Energy has already given preliminary approval for the relocation of the electric substation to Jack Hughes Park and new electric lines will be installed around the Carolina Place Mall beginning in October. Fall Fest will be coming up on October 14th and 15th. The Polk Street bridge is just about completed but DOT indicated there was still some paving and sidewalks to be worked on and they wanted all of it to be done before opening the bridge back up which is supposed to be renamed, "The Richard Sheltra Bridge". Lastly, Mr. Brigman reminded all that there would be a Telephone Board Meeting at the Telephone Building on September 29th, followed by a two-hour Ethics Training class for elected officials.

ADJOURNMENT

A motion was made by Council Member Les Gladden, seconded by Mayor Pro Tem David Phillips, to adjourn the meeting at 9:42 p.m. There were ayes by all and the meeting was adjourned



Mayor, Jack Edwards



ATTEST:

Barbara Monticello, Town Clerk

