



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

The Town Council of the Town of Pineville met in Regular Session on Tuesday, December 13, 2016 at 6:30 p.m. at the Huting Facility in Pineville.

**ATTENDANCE**

Mayor: Jack Edwards

Mayor Pro-Tem: David Phillips

Town Council Members: Les Gladden, Debbie Fowler and Christopher McDonough

Interim Town Manager: Leamon Brice

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**

Council Member Chris McDonough led the group in the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mayor Edwards asked Lt. Corey Copley to introduce the newest police recruits to the Council and audience. Both Jacob Miller and Carson Heath were introduced to the group. Mayor Edwards wished everyone a Merry Christmas and Happy New Year and called for a moment of silence for the police, fire and military troops that help keep us safe every day. Council Member Chris McDonough added that he had attended the annual Christmas Party for the Pineville Fire Department and spoke with the father of fallen fire fighter, Richard Sheltra. Mr. Sheltra asked that Mr. McDonough convey his thanks for all the town does.

**ORDER OF BUSINESS:**

**Adoption of the Agenda:**

Council Member Chris McDonough moved to approve the agenda with Council Member Debbie Fowler seconding the motion. There were ayes by all and the motion passed unanimously.

**Approval of the Minutes from the Regular Meeting of November 15, 2016 and the Special Called Meeting of November 3, 2016:**

Mayor Pro Tem David Phillips moved to approve both sets of minutes. Council Member Chris McDonough seconded the motion and there were ayes by all to approve the November 15<sup>th</sup> and November 3<sup>rd</sup> minutes with no changes.

**Consent Agenda:**

The following items were included: a) *Financial Report as of November 30, 2016; and b) Set Public Hearing Date for Proposed Hyundai Dealership.* Council Member Les Gladden moved to approve the consent agenda as is. Council Member Chris McDonough seconded the motion and there were ayes by all to approve the consent agenda.

## **PUBLIC COMMENT:**

**Melissa Davis** of Pineville, wanted to know who authorized the town attorney to be at the last meeting and who would be paying for the expense of having her at the meeting? No one was quite sure who had authorized her to be at the meeting but indicated that it was probably the previous manager and that the town would be paying for her time to be there.

Additionally, she was not happy about the lack of progress with the park project – the 90 day project has turned into a seven month one. She wanted to know why the town allowed this to go on and who was overseeing the project? She has complained about it at every meeting and asked for updates but has not received any. She stated that the residents living in the area were fed up with it already and that the town owed it to them to provide an update on the situation.

## **PUBLIC HEARING:**

- A. Public Hearing for a Proposed Apartment Complex on NC 51 and Downs Road (Travis Morgan).** Mr. Morgan stated that the hearing included a proposed rezoning of the property from R44, Single Family dwellings to RMF, Residential Multi-family dwellings to allow for an apartment complex, which would also be considered “conditional”. The complex would consist of a total of 288 units made up of some apartments and some town homes; about 80% of the units would be 1 and 2 bedrooms with 20% being 3 bedrooms. The applicant, MESA Capital, was requesting consideration of a higher density than what is currently allowed under the town’s ordinance, as well as relief from the parking requirements. The density requested was .8 over the maximum 10 units per acre currently allowed. The development would be done in two phases: phase I did not include enough parking per town requirements. If more parking was actually needed, however, phase II would then be constructed with additional parking. A rendition of the complex was on display showing a good portion of the back of the property adjacent to industrial zoning as having extra parking if needed.

Staff had a number of concerns, especially with the lack of details not provided on the plan. Parking was certainly a concern, along with vehicle stacking concerns, landscaping plan not in compliance with town standards, no streetlights, benches or sidewalks shown on the plan and not requesting the recommended zoning designation of RMX which staff felt was a better choice for the property. Council had concerns as well, also noting the inadequate landscaping plan and the lack of sidewalks and streetlights. Mayor Pro Tem Phillips stated that the project seemed “rushed” while Council Member Gladden felt as though the applicant had been ignoring the recommendations and comments of the Planning and Zoning Director from the start, especially since the number one requirement is making sure there is enough parking. Council Member Gladden added that Pineville already had a 46% apartment rate which was way over what was considered a “healthy” ratio of apartments to single family homes of between 20 to 30%.

Council Member Gladden moved to open the Public Hearing at 7:07 p.m. Mayor Pro Tem Phillips seconded the motion and there were ayes by all to open the public hearing. Mr. Colin Brown, Land Use Attorney for MESA Capital, spoke regarding the request for the complex. Mr. Brown explained that Pineville’s standard for parking requirements was quite high and they did not want to spend a lot of time and money on plans without hearing from the officials first. They wanted to get an idea of how the main decision-makers felt about the project in general before they spent any more money on high-end, expensive plans.

After additional discussion, Attorney Brown just wanted to know if MESA should pursue the project or not – that’s really all they were trying to decide because if they didn’t have a shot at getting the approval for the complex, they didn’t want to spend additional money going any further. Council Member Gladden stated that having less parking than is required was not an option and that he couldn’t live with a nearly 50% rate of apartments in town. He motioned to deny the zoning request for RMF. The motion died for lack of a second.

Council Member McDonough wanted to see some sort of a compromise but also admitted that it was not healthy to have such a high apartment rate. Mayor Pro Tem Phillips did not want MESA to think it was personal against them nor did he want the current owner of the property, the Baynard Family, to think it was personal to them but that

they wanted to do what was in the best interest of the town. Attorney Brown thanked the council for the open dialog. Mayor Pro Tem Phillips moved to close the Public Hearing with Council Member McDonough seconding the motion. There were ayes by all and the Public Hearing was closed. Council Member McDonough then moved for a withdrawal of the applicant's request with the possibility of rescheduling at a later date. Council Member Gladden seconded the motion and there were ayes by all.

#### **OLD BUSINESS:**

- A. **Update on Eden Circle Lots** (*Travis Morgan*) — Planning and Zoning Director, Travis Morgan, provided an update on the sale of the vacant lots on Eden Circle. Two of the remaining lots, #262 and #264 did not have upset bids on them so these two lots could be closed out if council accepted the bids. The remaining lots, #258 and the block of eight, #'s 233, 263, 265, 267, 269, 271, 273 and 275 did have upset bids on them so they will have to be re-advertised until there are no further bids on them. Council Member Les Gladden moved to accept the bid on lots #262 and 264. Council Member Chris McDonough seconded the motion; the vote was 3-1 with Council Member Debbie Fowler not in favor of accepting the offers. Motion passed.

It was also reiterated that closing costs should be paid by the purchaser and all lots are sold as is. Mr. Morgan also recommended that the sale of lots should close in 30 days and if a bid should fall through, lots will be awarded to the next highest bidder. Mayor Pro Tem Phillips moved to include that as part of the stipulations of the sale, seconded by Council Member Les Gladden. There were ayes by all.

#### **NEW BUSINESS:**

- A. **Update on Downtown Merchants Association** (*Bill McConnell*). Mr. McConnell provided an update on the Downtown Merchants most recent activities including a Pop-up Artisan Market that was held the day of the town's Tree Lighting Event. There were over 45 crafters and vendors selling their goods. Their website got over 8,000 hits. In the future, the merchants would like to charge a fee to the vendors to cover the cost of police protection, a banner and any other advertising. He reported that Christie's on Main won first prize for the best decorated tree with Kiki's Kottage and Fresh Transitions winning 2<sup>nd</sup> and 3<sup>rd</sup> place.

Mr. McConnell introduced two of the newest merchants on Main Street – Gloria Gazara with "Cherished" where local artisans' works are featured and Amy Fortes of the "Flipside Corner Grind".

- B. **Annual Audit Presentation** (*Richard Dixon*) – Mr. Dixon introduced Kotane Moses from Martin Starnes and Associates who performed the town's annual audit. She did a brief Power Point Presentation on their findings. An unmodified opinion was issued to the town, which is the best that can be awarded. She thanked the town and Mr. Dixon's staff for providing the necessary information and for allowing them to conduct the audit.
- C. **DFI Update** (*Leamon Brice*). Mr. Brice turned the floor over to Andrew Trump of DFI to give the latest update on the DFI project. Mr. Trump tried to develop something with GVEST but they were not able to mesh plans to make it work for both parties. The timing of the plans was just off too much but there may be some potential to work something out in the future.

At this time, they were proposing about 66 townhomes at the mill site with about 61 accessory units such as apartments or studios over garages and 94 multi-family units. Also included would be a new town hall, a library and/or other public entity. While there may be some value in saving parts of the mill, it's not clear at this time if it would be a candidate for historic designation.

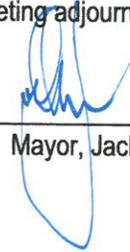
The next steps would be to send out an RFQ for an architectural team to do some renderings sometime around the beginning of January. The cost for this should be in the vicinity of \$10,000-\$15,000 with a Master Plan to be completed sometime in the early summer. Mr. Brice stated that a motion would need to be made to approve spending the additional money for this purpose. Mayor Pro Tem David Phillips moved to approve moving forward with a design team not to exceed \$15,000. Council Member Debbie Fowler seconded the motion and there were

eyes by all.

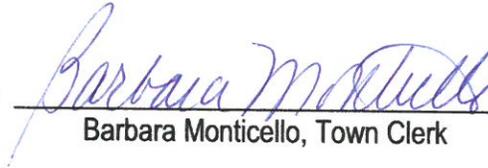
- D. **Budget Amendment** (*Leamon Brice/Richard Dixon*). A budget amendment was presented for consideration for the purchase of workstations for 911-PSAP backup requirements. Additionally, a portion of unspent paving money was appropriated to complete a paving project in FY2016 along with funds from Cultural and Tourism allocated to complete the Lake Park sidewalk project. Mayor Pro Tem Phillips asked if there was some sort of penalty clause that could be put into the contract for the Lake Park project due to all the issues and problems that have caused so many delays. Mr. Brice said he would have to check the contract but there was a meeting scheduled with the contractor, Parks and Recreation Director, Kristy Detwiler and Public Works Director, Chip Hill for the following day that he wanted to try and sit in on but wasn't sure if he would be able to. Council Member Les Gladden moved to approve the budget amendment with Council Member Chris McDonough seconded the motion. There were ayes by all and the budget amendment was approved.
- E. **Staff Update: 1) Manager's Report** (*Leamon Brice, Interim Manager*) – Mr. Brice stated that the newly hired HR manager was due to start next Monday and that interviews were being scheduled with candidates for Town Manager. He noted that Planning Director, Travis Morgan, was working hard to get grant money for the Johnston Road realignment project. He and Travis also spoke to GVEST about the road realignment. Mr. Brice was going to try to make the meeting with the park contractor but if not he would try to reset the meeting for another time so that he could meet with Alec Fite, the contractor.

**ADJOURNMENT**

At 9:33 p.m., Council Member Les Gladden moved to adjourn the meeting with Council Member Chris McDonough seconding the motion. There were ayes by all and the meeting adjourned.

  
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Mayor, Jack Edwards

ATTEST:

  
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Barbara Monticello, Town Clerk

