



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, JANUARY 10, 2017**

The Town Council of the Town of Pineville met in Regular and Closed Session on Tuesday, January 10, 2017 at 6:30 p.m. at the Hut ting 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

The Pledge of Allegiance was led by Mayor Pro Tem David Phillips.

MOMENT OF SILENCE

Mayor Edwards asked for a moment of silence for the victims of the Fort Lauderdale Airport shooting, the ill and less fortunate, police, fire and rescue workers along with military personnel.

ORDER OF BUSINESS:

Adoption of the Agenda:

Mayor Pro Tem David Phillips moved to approve the agenda with Council Member Chris McDonough seconding the motion. There were ayes by all and the motion passed unanimously.

Approval of the Minutes from the Regular Meeting of December 13, 2016:

Council Member Debbie Fowler moved to approve the minutes of December 13, 2016 with no changes. Mayor Pro Tem David Phillips seconded the motion and there were ayes by all to approve the minutes with no changes.

Consent Agenda:

The following items were included: a) *Financial Report as of December 31, 2016*; and b) *Proclamation for School Choice Week*. Council Member Les Gladden moved to approve the consent agenda as is. Council Member Debbie Fowler seconded the motion and there were ayes by all to approve the consent agenda.

PUBLIC COMMENT:

None.

PUBLIC HEARING:

- A. **Public Hearing for a Proposed Hyundai Dealership** (*Travis Morgan*). Mr. Morgan stated that the hearing was for a proposed Hyundai Dealership that would be located just off the ramp of 485 coming into Pineville on Polk Street. It was a 9.5 acre site so it met the minimum acreage requirements for a car dealership. A Power Point presentation was given showing the site plan and some of the issues with it. An abandoned R-O-W goes through the property as does a major sewer line.

The building would be constructed of all brick and the customer entrance would be from Cadillac St. A special entry feature at the corner of Polk and Cadillac Streets was planned but not yet defined. The minimum number of parking spaces is determined by the number of employees but the minimum was not specified on the plan. The total amount, however, including the spaces in the parking deck, was 803.

Mr. Morgan had some concerns regarding the plan. There were several curb cuts along Cadillac Street for a customer entrance, employee entrance and special entrance to an out-parcel building. He believed it was not safe to have that many curb cuts in a row so close together. Since a fire hydrant was not located nearby, one would have to be located on the site. Additionally, he had concerns about water drainage and that a potential detention pond could develop on the corner of the two streets where the special feature was planned. The building seemed to front interstate 485 more so than Polk St. Even though the front of the building faces Polk St., where the front and side corners of the building meet, there is an elevated, glass-enclosed, multi-story area that would act to showcase the cars. That part of the building seems to sit at the highest point on the lot so when driving on 485 and exiting at Polk Street, it would be very visible.

With no additional comments from Mr. Morgan, Mayor Pro Tem Phillips moved to open the Public Hearing. Council Member Chris McDonough seconded the motion and there were ayes by all to open the Public Hearing. Mayor Pro Tem Phillips asked if there would be a sidewalk on Polk Street to which Mr. Morgan responded that there was a five foot wide one proposed but not a ten-foot wide one. Council Member Les Gladden asked if the building could be brought down lower off the hill. Mr. Morgan responded that, though the site had some tough issues to deal with, the building could be re-worked on the site to bring it closer to the corner of Cadillac and Polk Streets. It might cost more to relocate sewer lines, etc. but it could be done.

Cottages resident, Sue Campana, expressed her disappointment of seeing another car dealership come to town. Mr. Morgan noted that the property was zoned B4, Highway Business and that any general use business would be allowed to go into that spot but that it was conditional for car dealerships. The question was asked about the out-parcel building and what it was being used for with the general thought being that it was already being used for an inventory of new cars.

John Fryday of Fryday and Doyne, architects for the site, was given the opportunity to speak. Mr. Fryday stated he was frustrated because the site had significant issues including a steep hill, water/sewer lines, a gas line and R-O-W. They worked long and hard to make the site work and make the details of the building so they fit entirely within the town's overlay district regulations and to meet both Pineville's and Mecklenburg County's standards.

One of the curb cuts from Cadillac St. was for an access controlled entrance for higher end cars to be stored in the existing building. Access to this out building would be strictly by employees. He stated that the fire hydrant situation was not unusual and they had other sites where the hydrants were maintained privately. Hyundai would be widening Cadillac St. and taking care of the resurfacing all at their own expense. The sidewalk should have been shown at ten feet but was incorreced shown on the plan at five feet. Mr. Fryday reiterated that it was just a difficult site to develop especially with no open retention allowed.

Council Member Les Gladden had concerns that, because of the size of the parcel and placement of the new building, a second but separate business could be set up on the property and there wouldn't be much that the town could do about it. Another business on the site would mean more signage and possible storage of more cars and the town wanted to keep that from happening.

Mayor Pro Tem Phillips also had concerns. He liked the look of the new building but didn't like the idea of keeping the old buildings. Discussion continued regarding the old building, what it was being used for, and the town's belief that the placement of the new building was an issue. Mayor Pro Tem Phillips noted that no one from Hyundai was in attendance and asked why, to which Mr. Fryday responded that he was the one that asked them not to attend. He maintained that the lot, the parking and the building met all the criteria required by the town and they spent a lot of time making sure the architectural details met all of the overlay district requirements as well. Given the topography of the lot, the sewer line running through the property and storm water concerns, he thinks they have given the town the best product possible while town staff argued that the placement of the new building could be brought down closer to Polk and Cadillac Streets but it would require spending more money to relocate the utilities.

Hearing no further questions or comments, Council Member Gladden moved to close the public hearing. Council Member Fowler seconded the motion and the public hearing was closed at 7:58 p.m. Mayor Edwards stated to Mr. Fryday that the location of the new building has been and still was the major issue. Mayor Pro Tem Phillips did not want to vote on the proposal that evening. Council Member Gladden asked Council not to settle for something they didn't like. The consensus was to continue to try and work something out and to table the item until further notice. Council Member Debbie Fowler moved to table the item until further notice, seconded by Council Member Les Gladden. There were ayes by all and the item was tabled.

OLD BUSINESS:

- A. **Final Update on Eden Circle Lots (Travis Morgan)** — Planning and Zoning Director, Travis Morgan, provided the latest update regarding the vacant lots on Eden Circle. He reported that Sandra Vinton that previously bid on many of the properties has withdrawn all of her bids. She was no longer interested in pursuing any of them. Mr. Morgan provided the two choices: to have the properties go back to original bidders or legally pursue Ms. Vinton to follow-through with the sale. The general consensus of the board was not to pursue Ms. Vinton but turn the lots back to the original bidders. After some discussion, it was recommended by Council Member Gladden to award lot #258 to Cody Davis for \$10,500 and lots #262 and 264 for \$5,000 each. Lots 233, 263,265,267,269,271,273 and 275 would all be awarded to Thomas White for a total of \$25,000. There were no objections and Council Member Gladden motioned to award lot #258 to Cody Davis for \$10,500 and lots #262 and 264 for \$5,000 each and the other lots as were stated on Mr. Morgan's Staff Report. Council Member Chris McDonough seconded the motion and there were ayes by all.

NEW BUSINESS:

- A. **Board Appointments (Barbara Monticello)**. Interim Town Manager, Leamon Brice, stated that Clerk Monticello had done the work on determining what seats were due to expire on town and county boards and had made recommendations provided to council in their packets as follows:

CURRENT PLANNING BOARD MEMBERS (members highlighted in yellow have expired terms and are eligible for reappointment):

Jim Knowles (3 years – term expires 12/16). Mr. Knowles has expressed interest in continuing to serve on this board. If re-appointed, his term would run until 12/19.

Amelia Stinson-Wesley (3 years—term expires 12/16) – Ms. Stinson-Wesley has indicated that she would like to continue serving on this board. If re-appointed, her term would run until 12/19.

Jerome Bell – (3 years – term expires 12/17)

Paul Sullivan (3 years – term expires 12/18) – Mr. Sullivan's term has not expired but he just recently resigned from this board as he has moved out of Pineville; Recommend moving an alternate into this spot – first alternate **Judianna Tinklenberg (term to expire 12/18)**

Thomas White (3 years – term expires 12/18).

Ms. Judianna Tinklenberg is currently first Alternate with Mr. William Chaney as second Alternate.

CURRENT BOARD OF ADJUSTMENT MEMBERS (members highlighted in yellow have expired terms and are eligible for reappointment):

Jennifer Braganza (3-year term expires 12/16) – Ms. Braganza has expressed interest in continuing to serve on this or any other boards. If re-appointed, her term would expire 12/19.

Joe Yarber (3 years – term expires 12/17).

Mark Matthews (3 years – term expires 12/17).

Paul Sullivan (3 years – term expires 12/18). Mr. Sullivan’s term has not yet expired but he recently resigned from this board as he has moved out of Pineville. Since there are no alternates for the Board of Adjustment, it is recommended that the second alternate from the Planning Board be moved into this spot –second alternate, **William Chaney (term to expire 12/18)**. Mr. Chaney has confirmed his interest in serving on this board.

Thomas White (3 years – term expires 12/18).

ALTERNATES: There are currently no alternates on this board. However, Mr. Gary Wright of 126 Lynwood Lane, expressed interest in and agreed to be the alternate for both the Planning Board and Board of Adjustment. Mr. Wright has lived in Pineville since 1981, is retired after 38 years working various aspects of engineering for municipal governments including Charlotte and Rock Hill.

TELEPHONE BOARD: The Telephone Board will consist solely of Town Council Members, the Town Manager and Telecommunications Director.

Terms for the following positions all expired at the end of 2016 – therefore, appointments or reappointments are necessary for all:

<u>Committee</u>	<u>Current</u>	<u>Proposed</u>
CITIZENS TRANSIT ADVISORY GROUP:	Jennifer Braganza term expired 12/16	Jennifer Braganza
ARTS and SCIENCE COUNCIL:	Kristy Detwiler, term expired 12/16	Kristy Detwiler
CRTPO (MUMPO) REPRESENTATIVE:	Jack Edwards, term expired 12/16	Mayor Jack Edwards (S/B Elected Official)
MTC REPRESENTATIVE:	Jack Edwards, term expired 12/16	Mayor Jack Edwards
CENTRALINA COG DELEGATE:	Haynes Brigman, term expired 12/16	Chris McDonough
MECKLENBURG COUNTY PLANNING COMMITTEE:	David Phillips, term expired 12/16	David Phillips/Chris McDonough (alternate)
ELECTRICITES:	Jack Edwards, term expired 12/16	Jack Edwards (main) Vacant/New Town Mgr? (alt)
TAX COLLECTOR:	Mecklenburg County, term expired 12/16	Mecklenburg County
TOWN ATTORNEY:	Janelle Lyons, term expired 12/16	Janelle Lyons

Judianna Tinklenberg was recommended as the replacement to take over the remainder of Paul Sullivan's term on the Planning Board, with both Jim Knowles and Amelia Stinson-Wesley recommended for re-appointment. Jennifer Braganza was recommended for reappointment on the Board of Adjustment with William Chaney recommended to fill the seat vacated by Paul Sullivan. With Haynes Brigman now gone, Council Member Chris McDonough will take over as the COG delegate since he has been attending the meetings anyway. Mayor Jack Edwards will remain as the Electricities delegate but there will be no alternate. All other current appointees will be reappointed. Mayor Pro Tem Phillips moved to approve the recommendations as stated with Council Member Chris McDonough seconding the motion. There were ayes by all and the motion passed unanimously.

Mr. Brice noted that there were still two more appointments that needed to be made in February; a representative to the Solid Waste Board and reappointments to the Park Advisory Board.

B. Budget Amendment (Richard Dixon). Finance Director, Richard Dixon explained the amendment which was to transfer funds to the 911 PSAP Fund per our auditor's request. Mr. Dixon explained that this was basically a timing difference with the 911 Report due September 1st but the report gets reviewed by the board in March. With that said, Council Member Les Gladden moved to approve the amendment with Mayor Pro Tem Phillips seconding the motion. There were ayes by all and the budget amendment was approved.

C. Staff Update: 1) Manager's Report; 2) Calendar of Events. Interim Manager, Leamon Brice, updated the group on the park project stating that he had received a schedule from the contractor, Alec, and that Denver was going to start going to the inspections to be sure the work was done correctly and to keep the project moving along.

Mr. Brice had sent out an RFQ for the Johnston Road Realignment which was expected in on Wednesday, January 11, 2017. He will also be working on an RFQ to remove the hazardous debris containing asbestos from the Cone Mill property. In conjunction with that, he will be seeking a Brownfields Agreement but needs assistance from someone familiar with those types of agreements. Once a Brownfield Agreement is in place, it will enhance the town's position in selling the property and it will be cheaper than paying environmental fines. Mr. Brice will check with DFI for assistance in obtaining the Brownfield Agreement. Resident Thomas White, noted that once you get a Brownfield Agreement, some land use restrictions may apply to the areas where asbestos was found.

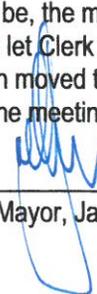
At 8:31 p.m. Mayor Edwards called for a five minute recess before going into Closed Session.

CLOSED SESSION

At 8:50 p.m. Council Member Chris McDonough moved to open the Closed Session, seconded by Council Member Debbie Fowler. Two items were discussed during the meeting: one relating to the sale/purchase of assets relating to a business entity served by the town and the other a personnel matter. At 10:03 p.m. Mayor Pro Tem Phillips moved to close the Closed Session with Council Member Fowler seconding the motion. There were ayes by all and Closed Session ended.

ADJOURNMENT

Back in Open Session, Mayor Pro Tem Phillips noted that he may not be able to make the next meeting although he didn't want to miss any meetings. All agreed that if need be, the meeting would be changed to the following week on Tuesday, February 21st. Mayor Pro Tem Phillips to let Clerk Monticello know if it will be necessary to change the meeting date. At 10:06 Council Member Gladden moved to adjourn the meeting with Mayor Pro Tem Phillips seconding the motion. There were ayes by all and the meeting adjourned.



Mayor, Jack Edwards

ATTEST:



Barbara Monticello, Town Clerk

