



**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
TUESDAY, MARCH 14, 2017**

The Town Council of the Town of Pineville met in Regular Session on Tuesday, March 14, 2017 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

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 6:29 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 two young cub scouts, Holden and TJ.

**MOMENT OF SILENCE**

Mayor Edwards asked for a moment of silence to remember our police, fire fighters and military, along with the Sheltra family as it gets closer to the one year anniversary of Richard's death.

**ORDER OF BUSINESS:**

**Adoption of the Agenda:**

Hearing no comments regarding the agenda, a motion was made by Council Member Debbie Fowler and seconded by Council Member Chris McDonough. There were ayes by all and the agenda was adopted as is.

**Approval of the Minutes from the Regular Meeting of February 21, 2017 and the Special Called Meeting of February 28, 2017**

Mayor Pro Tem David Phillips moved to approve both sets of minutes with no changes. Council Member Debbie Fowler seconded the motion and there were ayes by all to approve the minutes as is.

**Special Recognition**

Cub Scout Leader, Andy Woligowski, gave a brief overview of Cub Scout Pack 007 explaining that the group met at the United Methodist Church each Monday night. Their pack had been responsible for some of the plantings at Pineville Memorial Ballfields. Four of the scouts: Holden Woligowski, TJ Williams, Jesse Brooks and Jacob Palmer were in attendance to present an overview of another project they recently took on: recycling. In order to earn patches and belts, the boys were required to participate in a community project. Each of the boys took turns explaining the steps involved with

selecting the project, identifying issues and making suggestions for change, identifying areas such as Belle Johnston and the ballfields that could do more to recycle. Mayor Edwards commented that Pineville had one of the lowest recycling rates of all of the Mecklenburg County towns and thought the presentation was right on target to demonstrate that point. The boys were thanked and given a standing ovation for their presentation.

**Consent Agenda:**

The following items were included: a) *Financial Report as of February 28, 2017*; b) *Proclamation for Pineville Classics Week*; c) *Audit Contract* d) *Municipal Election Filing Fees*; e) *NCLM Health Forms*; f) *Request Public Hearing in April for Hyundai Dealership* and g) *Tax Refund*. Council Member Chris McDonough moved to approve the consent agenda with Council Member Debbie Fowler seconding the motion. There were ayes by all to adopt the Consent Agenda as is.

**PUBLIC COMMENT:**

**Melissa Davis** – Resident, Melissa Davis, spoke about the fence at the dog park. Some other residents had commented to her that the decorative aluminum fence looked as though some small dogs could get through the rungs. Parks and Recreation Director, Kristy Detwiler, clarified that there would not be a separate area for the small dogs; it would be one combined area for all dogs but she would check on the fencing issue.

Mrs. Davis also asked about the painting of the parking lot lines which were not done well because it had rained. Mayor Edwards recognized that there was a problem and stated that the spaces would be realigned and restriped at both the Hut and the park.

Hearing no additional comments, the floor was turned over to Planning and Zoning Director, Travis Morgan to conduct two public hearings.

**PUBLIC HEARINGS:**

**A. Public Hearing for Carolina's HealthCare Systems – (Travis Morgan)** Mr. Morgan gave some background regarding the request from Carolina's HealthCare Systems stating that when the hospital had their last expansion in 2007, they were required to implement a traffic study and construct road improvements. The study indicated that with the anticipated growth in the area, traffic improvements would be necessary in the general area around the intersection of NC51 and Park Road. At this time, three turning lanes remain uncompleted out of recommended traffic improvements from the prior traffic study. Recent traffic counts have not reached projected levels noted in the traffic study. CHS is seeking an amendment to their conditional plan to allow a cash payment in lieu of performing the remaining required traffic improvements. Mr. Morgan also explained that CHS has additional building entitlements on the site under the approved 2007 conditional plan that have not been constructed. Under the existing conditional plan, completion of the traffic improvements is a condition to CHS's permission to construct the remaining building entitlements on the site. The amendment to the conditional plan, if approved, also would permit CHS immediately to begin the permitting process, and subsequent construction, of the remaining building entitlements on the site granted in the 2007 conditional site plan, in addition to allowing and accepting the cash contribution in lieu of, and releasing CHS from, all of the required traffic improvements.

Council Member Les Gladden moved to open the public hearing with Council Member Chris McDonough seconding the motion. There were ayes by all and the public hearing was opened. Mr. Morgan continued, stating that the estimated cost for these improvements was \$2.6 million which the hospital has agreed to pay the Town. This money would allow other much needed improvements such as sidewalks and pedestrian crosswalks that we might not get otherwise. However, he noted, that since NC51 and Park Road were both NCDOT controlled, it would be a NCDOT project and not a town project. The Town could turn the money over to NCDOT to actually construct the project or projects in the area. NCDOT also has been involved in discussions about design matters and is aware of the conceptual terms of this amendment and agreement by the Town to accept funds in lieu of CHS constructing the 2007 recommended traffic improvements. NCDOT also reviewed and agreed to Kimley-Horn's opinion of probable construction costs, reflected in the \$2.6 million payment. What NCDOT eventually constructs at the intersection will not necessarily reflect what was proposed in the 2007 traffic study.

Concerns by Council Members were raised – that enough money was factored in for the project, that DOT would drag their feet on the project and that there was no assurance that the project would be done at all. Mr. Morgan explained that he had preliminary conversations with the DOT and that they were in favor of the project and also currently applying for additional grant money for the intersection and highway 51 improvements. If they were granted the funds, they would have to meet deadlines and move quickly. Conversations with the NCDOT have been favorable he added. Council Member Gladden wanted more control of the funds to do more of what the town wanted to see rather than what the DOT wanted to do.

Mayor Edwards asked representatives from Kimley-Horn, who were also present, what they thought since they had a closer relationship with the DOT than the town. Their response was that they weren't sure but if money is awarded to them, there will be deadlines to meet. The DOT was overloaded with projects but has become steadier lately. Interim Manager, Leamon Brice, added that the town could sit down with the DOT and stipulate that if they didn't complete the job within a specific period of time, they would not get paid.

The question was raised if they could just vote on accepting the money from the hospital at this point and then decide later on the details of how to proceed with the project. Mr. Morgan indicated that they could do that. Council Member Les Gladden moved to approve the amendment of the conditional plan and to accept the money from the hospital in the amount of \$2.6 million dollars with staff's recommendations and future conversations with the NCDOT and in lieu of doing the actual road improvements. Council Member Chris McDonough seconded the motion and there were ayes by all.

At 7:09 p.m. Council Member 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.

- B. Public Hearing for Audio Masters – (Travis Morgan)** Mr. Morgan stated that Audio Masters was relocating from their current address by Harbor Freight Tools on Polk St. to where Subway used to be located on Polk St. Audio Masters sells car speakers which is permitted by right at this location. However, the installation of the car stereo speakers is considered vehicle servicing and that is only allowed with conditional approval.

Mayor Pro Tem Phillips moved to open the Public Hearing with Council Member Debbie Fowler seconding the motion. There were ayes by all and the Public Hearing was opened at 7:11 p.m. Mr. Morgan stated that Audio Masters wanted to stay in Pineville as they have been a business in town for a lot of years but the installation of the equipment makes for the conditional use. His staff report recommended four restrictions: 1) *only car accessories can be installed – no gas, batteries, tires or painting to be done*; 2) *all work must be performed inside only*; 3) *no overnight storing of vehicles in the front lot – front lot for customer use only*; and 4) *no delivery, service or box trucks in the front parking lot*.

Mr. Morgan also stated that the size of the space they were moving to is about 2500 square feet with an option to expand another 2500 sq. feet if they needed to. Council Member Les Gladden asked if they were aware of all signage regulations. Mr. Adam Hodge from Audio Masters responded that they were aware. Council Member Chris McDonough asked about noise levels for testing the equipment. Mr. Hodge stated there was a special room with extra insulation for air compressor usage or any other loud equipment. Mayor Edwards noted that they had been in Pineville for a number of years and asked if we had encountered any problems with them or if any of their neighbors had complained about them in the past. Mr. Morgan replied that there haven't been any problems with them.

Council Member Les Gladden moved to approve the relocation of Audio Masters with the four recommended restrictions set forth by town staff. Mayor Pro Tem David Phillips seconded the motion and there were ayes by all. Motion passed unanimously. Council Member Debbie Fowler moved to close the Public Hearing, seconded by Mayor Pro Tem Phillips. There were ayes by all to close the Public Hearing at 7:19 p.m.

#### **OLD BUSINESS:**

- A. **Budget Amendment for Road Repairs (Chip Hill)** – A Budget Amendment at the last council meeting but Council wanted more information regarding the reason for the amendment. Public Works Director, Chip Hill, was in attendance and gave a Power Point presentation regarding stormwater issues in the Ridgely Green neighborhood. Camera shots showed that a pipe installed around 2007 had collapsed in four different places. A class 4 pipe was used and is almost totally collapsed; a class 3 pipe should have been used. If this is not fixed soon, the road will collapse.

Council Member Les Gladden asked if the quote that was provided included both curb and gutter. Mr. Hill replied that it did include both, plus a little added buffer, all of which would come out of stormwater funds. Council Member Gladden asked the Finance Director, Richard Dixon, if this would hurt us financially. Mr. Dixon indicated that there was enough money in the stormwater fund to cover the expenses and still be in good shape. Council Member Debbie Fowler asked that the residents be notified when the work would begin well in advance. Mr. Hill stated that door hangers would be used to let residents know. Mayor Pro Tem David Phillips moved to approve the budget amendment for pipe/road repairs, seconded by Council Member Debbie Fowler. There were ayes by all and the budget amendment passed unanimously.

#### NEW BUSINESS:

- A. **Resolution Requesting Naming of Bridge – (Mayor Edwards)** Mayor Edwards explained that the paperwork was filed to have the recently reconstructed bridge over Little Sugar Creek renamed in honor of Richard Sheltra. Additionally, a resolution of support from the Council was required to submit along with the application and letters of support from the community. Council Member Debbie Fowler moved to approve the resolution with one slight change to the wording (*fighting in lieu of responding*). Mayor Pro Tem David Phillips seconded the motion and there were ayes by all to pass the resolution.

- B. **Amending Ordinance No. 2017-01 to Allow Alcohol at Certain Town Events – (Kristy Detwiler)** Parks and Recreation Director, Kristy Detwiler, stated that during the Rockin' and Reelin' concerts, residents had been bringing in coolers with alcoholic beverages in them but that nothing had been done by the town so long as they didn't appear intoxicated. She was proposing an amendment to the town's ordinance to allow alcohol at certain events such as the Rockin' and Reelin' concerts. Interim Manager, Leamon Brice, added that people had been bringing alcohol to these events even though it was not allowed but it would be better to allow it within reason.

Police Chief, Rob Merchant, asked if the ordinance was just for certain events. Ms. Detwiler explained that a resolution would be drawn up each year specifying which events are covered under the ordinance for that particular year. Chief Merchant did not see an issue with it. At one point, the idea of putting something together for an evening on Main Street was discussed but decided against. Mayor Pro Tem David Phillips just wanted to be sure Main Street was not covered under the ordinance. Council Member Les Gladden moved to approve the ordinance amendment to include alcohol at certain events. Council Member Chris McDonough seconded the motion and there were ayes by all.

- C. **Adoption of Resolution No. 2017-01 – (Kristy Detwiler)** Ms. Detwiler stated that since the ordinance was just amended to approve alcohol at certain events, the resolution was drawn up to name the specific events that the amendment would apply to for the 2017 season. Council asked to also include the two FallFest dates on the resolution which were not originally on it: October 20 & 21, 2017. Council Member Chris McDonough moved to approve the resolution with the addition of the two FallFest dates. Council Member Les Gladden seconded the motion and there were ayes by all to approve the resolution.

- D. **Update and Budget Amendment for Lake Park Project – (Leamon Brice)** –Mr. Brice explained, through a Power Point presentation, exactly where the town stood with the Lake Park project. The project was just not handled correctly from the start and, as different problems were discovered, it just snowballed into a bigger problem causing the town to go over the budgeted amount for the project. The bottom line, however, was that Council had two options to consider: Option #1 would be to pave the road and build the pier at a cost of \$294,851; or Option #2

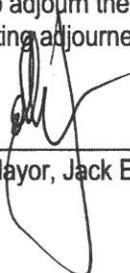
to pave the road and complete the sidewalks at a cost of \$175,296. The Powell Bill funds were slim but it was up to Council to decide if they wanted to use them or not.

Mayor Pro Tem Phillips was against the pier from the start so he was in favor of Option # 2 but wanted to know where the money was coming from. Mr. Brice stated that \$90K would come from Storm Water funds and the other \$90K would come out of Culture and Tourism. This would not include the parking for the dog park. That would be a separate budget coming from the Part F grant money. Council Member Les Gladden was also in favor of scratching the pier and going with Option #2. Mayor Pro Tem Phillips moved to go with Option #2, seconded by Council Member Gladden. There were ayes by all to go with Option #2, to pave the street and complete the sidewalk.

- E. **Staff Update:** 1) *Manager's Report:* Mr. Brice had prepared a written Manager's Report for Council and briefly highlighted some of the items on it, namely that he and the Finance Director had begun meeting with department heads on their budgets, clean-up of the mill continues and he was in the process of obtaining a quote for the community storm water basin.

**ADJOURNMENT**

Having no further business, Mayor Pro Tem Phillips moved to adjourn the meeting which was seconded by Council Member Debbie Fowler. There were ayes by all and the meeting adjourned at 8:04 p.m.

  
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Mayor, Jack Edwards

ATTEST:

  
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Barbara Monticello, Town Clerk

