



**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
TUESDAY, APRIL 11, 2017**

The Town Council of the Town of Pineville met in Regular and Closed Session on Tuesday, April 11, 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 6:31 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 Edwards.

**MOMENT OF SILENCE**

Mayor Edwards asked for a moment of silence for Council Member Debbie Fowler's sister-in-law, Kim Earnhardt (passed). He also asked that we remember fallen fire fighter, Richard Sheltra, as we approach the one year anniversary of his death for which a memorial service will be held on April 5<sup>th</sup> and 6<sup>th</sup>. He also reminded us to keep the police, fire and military service men and women in our thoughts and prayers.

After the moment of silence, Mayor Edwards was pleased to announce that a new town manager, Ryan Spitzer, was hired and would start work on May 8<sup>th</sup>. Mayor Edwards also thanked Council and Leamon Brice for their help in making the selection.

**ORDER OF BUSINESS:**

**Adoption of the Agenda:**

Hearing no comments regarding the agenda, a motion was made by Mayor Pro Tem David Phillips and seconded by Council Member Les Gladden. There were ayes by all and the agenda was adopted as is.

**Approval of the Minutes from the Regular Meeting of March 14, 2017 and the Special Called Meeting of March 28, 2017**

Council Member Les Gladden 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.

### **Consent Agenda:**

The following items were included: a) *Financial Report as of 03/31/17*; b) *Resolution for Surplus Items*; c) *Proclamations for National Police Week, Public Works Week and Municipal Clerk's Week*. 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:**

**Scott Warren** – Scott Warren of the James K. Polk Historic Site reminded Council and the audience of their second annual Music, Dance and BBQ Festival that they were having on May 6<sup>th</sup> from 11:00 a.m. until 3:00 p.m. He encouraged all to attend as part of their fundraising efforts.

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

### **PUBLIC HEARINGS:**

**A. Public Hearing for Hyundai Dealership – (Travis Morgan)** At 6:37 p.m. Council Member Debbie Fowler moved to open the Public Hearing, seconded by Council Member Chris McDonough. There were ayes by all and the hearing was opened. Planning Director, Travis Morgan, stated that this public hearing was a continuation of a previous one from earlier in the year. A new car dealership was being proposed across from Car Max on property that consisted of approximately 9.5 acres along North Polk St. Mr. Morgan reviewed the applicant's previous plan and explained that staff wanted to see a better site plan and elevations that met zoning and overlay standards.

In addition to the new 44,000 square foot building being proposed, there is an existing building consisting of another 74,000 square feet which the owners want to keep. As proposed this would be the largest dealership in Pineville. There were a total of 480 parking spaces which more than exceeded the required number of spaces required.

Mr. Morgan then compared the old plan with the revised plan that the applicant was presenting. He noted that sidewalks were added to both Polk and Cadillac Streets, additional R-O-W was provided to allow for the sidewalks and the high tower closest to I-485 was shortened. He pointed out that the site plan was improved but that there was still much staff opposed such as architectural details including windows and cornices that did not meet overlay standards. Additionally, he felt that the corner of the lot was not being utilized in the best way possible. While the proposed park could be nice, he thought more could be done with it and additional details noted on the plan were not provided. Screening shrubs were also needed along the front but were not shown on the plan as requested. He was in agreement with the traffic study that was conducted and the suggested improvements to be made. The developer, however, felt that the town should pay for half of the improvements of Cadillac Street. He again emphasized there were many items the applicant had not properly addressed to meet or exceed the ordinance.

Mike Doyne of the Fryday and Doyne Architectural firm spoke on behalf of John Fryday who was ill. He reviewed the revised plans in more detail and answered questions of council. While the revised plans were an improvement, there were still concerns. Mayor Edwards noted that he liked aspects of the Mill style detail of the previous parking deck but did not like the revised elevations particularly the solid brick wall areas. Mr. Doyne responded that although the rendering did not show it, the bottom of the bay doors were actually glass. Council Member Gladden echoed the Mayor's remarks, stating that they still had a lot of work to do to meet the overlay requirements.

The architects, with the help of their engineers, were able to figure out a way to split the stormwater into two systems and still make it fit on the property. The plan showed that the stormwater pipe would run under the driveway. Council was concerned about paving over it but Fryday and Doyne's engineer stated that the pipe would be about 9 feet underground and it would be fine to pave over it. There was still some confusion, however, on whether the old building would remain or be taken down. Staff and council understood from Mr. Fryday that the building would be eliminated but Mr. Doyne knew nothing about the building being removed.

Additional concerns were brought up, particularly if the property could be subdivided or have more than one brand of vehicle represented on it. Mr. Morgan indicated that either was possible. Council was in favor of putting conditions on the plan to prevent either of those situations from occurring as they still believed there was some underlying intention to have more than one dealership located on the property. All agreed, however, that there was still work to be done on the plan before council would approve it. Mr. Morgan wanted to be sure to keep the lines of communication open and to have the full 30 days to redline the plan after submittal.

Mayor Edwards asked for comments from the public. Melissa Davis of Cone Ave. expressed that she would rather not have another car dealership in town. The only other comment was from Mr. Doyne who stated he still had not seen a copy of staff's review and asked for one. Hearing no further comments, Council Member Chris McDonough moved to table the item once again. Council Member Les Gladden seconded the motion and there were ayes by all to table the item.

#### **OLD BUSINESS:**

- A. **Resolution No. 2017-04 in Support of the NCDOT Project for Pedestrian Improvements** (*Travis Morgan*) – Mr. Morgan stated that at the last Council Meeting, Council voted to accept a payment in lieu option from Carolinas Healthcare Systems conditional plan street improvements. The North Carolina Department of Transportation had verbally agreed to make pedestrian improvements at the intersection of NC51 and Park Road. They were asking for formal acknowledgment of the town's intent to give the DOT \$1M for that project. A resolution was drawn up stating the town's intention and was being presented before council.

Council asked that a couple of revisions be made to the resolution, namely that no funds be released until plans are underway and that the total \$1M be used for pedestrian improvements at the intersection of NC51 and Park Road, and for sidewalks and other improvements going North along Park Rd. as far as the money will allow. With that stated, Council Member Les Gladden moved to approve Resolution No. 2017-04 with those changes. Mayor Pro Tem David Phillips seconded the motion and there were ayes by all to approve it with the changes.

#### **NEW BUSINESS:**

- A. **Capital Project Budget for the PART F Grant for Park** – (*Richard Dixon*) Mr. Brice explained that by working up a Project Budget, the dog park and splash pad projects could be tracked much easier by Richard. It's a tool for him to use to be able to closely monitor the project and make disbursements accordingly so that things don't get off track. Mr. Brice was recommending that Council approve the Project Budget. Council Member Les Gladden moved to approve the Project Budget for the Dog Park and Splash Pad projects. Council Member Chris McDonough seconded the motion and there were ayes by all to approve it.
- B. **Staff Update: 1) Manager's Report:** Mr. Brice reviewed his Manager's Report with Council highlighting the following items: An IT assessment had been completed and a recommendation made that the town contract with one company for all its IT needs. Currently the town contracts with two individuals for this service. Mayor Pro Tem Phillips asked that, based on the quotes that come in, Mr. Brice consider an in-house IT person to do the work. Mr. Brice stated that we would make a comparison and consider it from there.

Mr. Brice also stated that we were waiting for ADA cut-outs for the dog park and that's what was holding up the Grand Opening.

Mayor Edwards called for a five minute break before entering into Closed Session. At 8:46 p.m. Council Member Chris McDonough moved to open the Closed Session with Council Member Debbie Fowler seconding the motion. There were ayes by all and the Closed Session was opened.

A discussion took place for about an hour regarding real estate issues. When council came to a consensus they provided direction to the Interim Manager, Mr. Leamon Brice, on the next steps.

**ADJOURNMENT**

Council Member Chris McDonough moved to go back into Open Session and adjourn the meeting at 9:50 p.m.  
Mayor Pro Tem David Phillips seconded the motion and there were ayes by all to adjourn the meeting.



A handwritten signature in black ink, appearing to read "Jack Edwards", is written above a horizontal line.

Mayor, Jack Edwards

ATTEST: A handwritten signature in blue ink, appearing to read "Barbara Monticello", is written above a horizontal line.  
Barbara Monticello, Town Clerk