MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, JUNE 13, 2017

The Town Council of the Town of Pineville met in Regular Session on Tuesday, June 13, 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
Town Manager: Ryan Spitzer
Planning Director: Travis Morgan
Planner: Brandon Hackney was absent
Town Clerk: Barbara Monticello

CALL TO ORDER
The meeting was called to order by Mayor Edwards at 6:32 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 Town Manager, Ryan Spitzer

MOMENT OF SILENCE
Mayor Edwards called for a moment of silence. He asked those in attendance to remember the service men and women in the military as well as the fire and police men and women that serve our country. He added that Fire Chief Mike Gerin, along with 30 other firefighters, was making a 625 mile bicycle trek to visit the homes of fallen fire fighters.

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 Mayor Pro Tem David Phillips to adopt the agenda as is. There were ayes by all and the agenda was adopted as is.

Approval of the Minutes from the Regular Meeting of May 9, 2017: Council Member Les Gladden moved to approve the minutes with no changes. Council Member Chris McDonough 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 05/31/17; b) Resolution No. 2017-05 for Surplus Items ; and c) Proclamation for Sir John A. MacDonald-Canada Day:* Council Member Debbie Fowler moved to approve the Consent Agenda with no changes. Council Member Chris McDonough seconded the motion and there were ayes by all.

PUBLIC COMMENT:

Tom Stinson-Wesley – Mr. Stinson-Wesley introduced himself as the Senior Pastor at Pineville United Methodist Church. He wanted to thank the town for providing trash service to the churches for free for as many years as they did. It was very generous of the town to provide that service and he understands that it cannot be done any longer, but if ever the town found itself in a position where they can provide this service again, he would be very grateful for that opportunity.

Amelia Stinson-Wesley – Mrs. Stinson-Wesley stated that she, too, was Pastor at United Methodist Church but was before Council to provide a quick recap of the recently formed, new Airport Community Roundtable. She wanted residents and officials to know that if they have concerns about airport noise, to let her know so that she can communicate it to the group which will work towards suggestions and solutions to improve the situation. The group is due to meet again in July.

Sue Campana – Ms. Campana brought up the issue of the illegal turns being made out of the lot by BJ's exiting onto S. Polk St. She had mentioned this situation several times but it's still happening and was afraid that there will be an accident there soon. Council instructed Travis Morgan or Chip Hill to talk to Shaun Epperson at DOT to see what could be done.

PUBLIC HEARINGS:

A. **Public Hearing for a proposed Rehab Center** – *(Travis Morgan)* Planning and Zoning Director, Travis Morgan, stated the applicant, The Blanchard Institute, had withdrawn their application for a rehabilitation center in Pineville. This was the choice of the property owner who had decided not to allow the company to locate their business at that location.

B. **Public Hearing for a proposed Hyundai Dealership** – *(Travis Morgan)* Mayor Pro Tem David Phillips moved to open the Public Hearing for a Hyundai Dealership to be located on North Polk Street. Council Member Chris McDonough seconded the motion and there were ayes by all to open the Public Hearing at 6:40 p.m. Mr. Morgan reviewed some of the facts regarding the property and request for a Hyundai dealership. It will be the largest dealership in Pineville with two buildings totaling approximately 118,000 square feet on 9.5 acres of land.

The previous plan submitted showed the service bays in the front of the building but the current plan moved them to the rear. The elevations were much improved since the last plan was submitted. Staff approved the elevations presented on this new plan. There were bigger windows, more cornice heights and an entry feature clock tower. Their signage will still have to meet the requirements – they are allowed up to a total of 300 square feet of signage. All drop-off of vehicles will be done on the property, not on Cadillac Street.

There were several questions/concerns from Council Members. Mayor Pro Tem Phillips was concerned about what the existing building was going to be used for. Mr. Morgan responded that he thought it was covered storage for Hyundai vehicles. Architect John Fryday of Fryday and Doyne, stated there would be other brands of cars stored in the building as well. Council Member Les Gladden asked if storage was allowed in the B4 district to which Mr. Morgan replied that it wasn't.

Discussion continued regarding the existing building – whether it would be considered an accessory use of the main building, a secondary use of some kind, whether cars would be sold out of the building or whether it would be some other business leasing space out of that building. Mr. Morgan stated that it would be hard to police what is going on inside the building but as long as the property was not sub-divided for another dealership, he was OK with it. Mayor Pro Tem Phillips did not want to see exotic cars being stored in the building and it turning into another retailer for these cars.

This discussion continued for some time. Mayor Pro Tem Phillips stated that nowhere on the plan did it specify what that building was going to be used for. He wanted it clarified on the site plan what it would be used for. His belief was that if other brands of vehicle were stored there then this could not be considered a single-use car dealership even if it were under the same group – the Hendricks Group. Facilities and Construction Director, Nicholas Berndt, stated that the intention was not to turn the building into another dealership but to inspect cars

upon delivery, prep or "make ready" cars for delivery to new owners and simply to store excess inventory whether it be Mercedes, Mazdas or Hyundais. Mayor Pro Tem Phillips was not convinced and felt there was more to it. The lot was full of cars now which was illegal and he did not believe there was any intention to move them. He was not satisfied with the answers provided and the discussion as to whether this was considered a single-use site continued.

At 8:02 p.m. Council Member Chris McDonough moved to close the Public Hearing which was seconded by Council Member Les Gladden. There were ayes by all and the Public Hearing was closed. Attorney Janelle Lyons clarified that there was a disagreement in how Mayor Pro Tem Phillips saw the definition of "single-use" and how the applicant saw the definition. The conditions for this site were reviewed for everyone's benefit:

- Trees upon planting must be 2' X 4' tall
- Cadillac Street improvements will be 100% completed by applicant including milling, resurfacing and paving to bend in the road
- Both buildings must be completed before Certificate of Occupancy is issued
- No sales or customers permitted inside the accessory building
- No subletting of building, no subdividing of property permitted
- Hyundai dealership has control over the accessory building

With the conditions stated, Council Member Chris McDonough moved to approve the Hyundai dealership with all of the conditions stated above and to be stated on the site plan. Council Member Les Gladden seconded the motion. There were ayes from Council Members Debbie Fowler, Chris McDonough and Les Gladden and one nay from Mayor Pro Tem David Phillips. Motion passed 3-1.

OLD BUSINESS:

A. **Update from DFI on Mill Project** – *(Andrew Trump).* Mr. Andrew Trump of the Development Finance Initiative group provided an update on the Mill project. They have been reaching out t, as well as, hearing from developers, contractors and brokers so there is a lot of interest out there to develop the site. Cole, Jeness and Stone out of Charlotte did a conceptual drawing showing a mix of townhomes, a municipal building and retail space.

One of the biggest issues is that parking is a constraint in the area, along with the railroad running along the property. However, DFI will continue to reach out to developers and come up with other scenarios besides the one they showed that evening. They are also looking at the benefits of having an historical designation vs. not having an historical designation, as well as proposing a "Quiet Zone" from the train whistle at certain times.

NEW BUSINESS:

A. **Update from Main Street Merchants** – *(Bill McConnell).* Mr. Bill McConnell of the Downtown Merchants Association stated that the group had met last week. Susan Rosenblatt and John Visconti from GVEST showed the group the site plan for the townhome project that they hope to break ground on this summer. He added that David Weekley Homes would be doing the construction of the townhomes. The Farmer's Market opened with the best crowd they've ever had and there were over 50 crafters participating in the pop-up artisan market.

B. **Appoint Ryan Spitzer to the NCMPA1 Board of Commissioners**—*(Barbara Monticello)* – Town Clerk, Barbara Monticello, stated that with the departure of the last town manager, a vacant spot for an alternate Commissioner on the NCMPA1 Electricities Board needed to be filled. The consensus of Council was to appoint the new manager, Ryan Spitzer, to take his place. Council Member Les Gladden moved to appoint Ryan Spitzer to the NCMPA1 board. Council Member Debbie Fowler seconded the appointment and there were ayes by all. Clerk Monticello administered the Oath of Office to Mr. Spitzer and he was sworn in as the new First Alternate Commissioner of the NCMPA1 board. Mr. Spitzer then signed the Oath of Office.

C. **Set Tax Rate, Electric & Phone Rates:** *(Richard Dixon)* Mr. Richard Dixon stated that the tax rate would increase

from $0.35 to $0.38 cents per $100 worth of valuation on the property. Electric rates would remain the same but there would be a $2.00 per line increase in telephone fees. With that stated, Council Member Chris McDonough moved to approve the rates with Council Member Les Gladden seconding the motion. There were ayes by all and the fees were adopted.

D. **Adopt FY2017-18 Budget** – *(Richard Dixon)* – Mr. Dixon stated that there were two adjustments to the budget since it was presented in May – one increase to Public Safety (Fire Department) and the Emergency Service Fund was now included in the budget. Council Member Les Gladden noted a correction he requested to be made on the Budget Message that Interim Manager Leamon Brice had developed. He asked the word "average" be changed to "maximum" when stating increases for employees. He did not want it to read that employees would receive an "average" of a 3% raise but that they could receive "up to a maximum" of 3%. Manager Spitzer added that he would attach a statement regarding a new plan for a stipend per Fire Chief Gerin. Mayor Pro Tem Phillips moved to approve the budget with Council Member Chris McDonough seconding the motion. There were ayes by all and the FY2017-18 Budget was adopted with no additional changes.

E. **FT2017 Budget Amendment** – *(Richard Dixon)* – Mr. Dixon explained the Budget Amendment was to appropriate Police funds generated from the Shop with a Cop program, Federal Restricted funds and the Department of Justice salary reimbursements for overtime. Additionally, funds from the ILEC telephone account needed to be appropriated to the CLEC telephone account to cover a projected shortfall. Mayor Pro Tem David Phillips moved to approve the budget amendment with Council Member Les Gladden seconding the motion. There were ayes by all and the Budget Amendment was approved.

F. **Present New Street Light Specifications** – *(Travis Morgan)* – Mr. Morgan stated that the light fixtures currently used in town would no longer be available, plus he suggested while changing over to a different style, the town should also consider moving to LED lighting. He showed Council one with a universal base that would fit a number of different heads. He also had samples of the ones he was recommending the town use from this point on. They were glass fixtures which last a lot longer and distribute the light better. Council seemed to be in favor of his choices and recommendations. Mayor Pro Tem Phillips did suggest he check out a local store in town that he does business with to see if they carry the same fixture to get a quote on it from them.

G. **Staff Update:** Manager Spitzer reported on the following items: The Fire Station building was found not to be structurally safe. He will have a report on it soon. About 200 feet of the fence at the new dog park will have to be moved as it does encroach on private property. Interviews will be conducted on the four firms that bid on the IT contract. He was currently looking at the Splash Pad bids that had come in. They will be reviewed by Kristy, Chip and two members of the Park Advisory Board on June 20th.

Closed Session: Mayor Edwards called for a break before moving into Closed Session. At 9:56 p.m. Mayor Pro Tem David Phillips moved to enter Closed Session, seconded by Council Member Debbie Fowler. There were ayes by all. Mayor Edwards noted they were in closed session to discuss NCGS 143-318.11(5) and (3). Both a legal matter and a real estate issue was discussed with Town Attorney, Janelle Lyons.

Council reached a consensus on both items and Ms. Lyons provided recommendations for next steps moving forward on both issues. At 10:30 a.m. Mayor Pro Tem Phillips moved to exit Closed Session and move back into Open Session. Council Member Les Gladden seconded the motion and Council entered Open Session once again. Once back in Open Session, Council Member Les Gladden moved to approve $56,000 for Attorney Lyons to handle a legal matter. Council Member Chris McDonough seconded the motion and there were ayes by all. Mayor Pro Tem Phillips then moved to approve $725,000 to purchase some property with up to $9,000 to be used for closing costs on this real estate transaction. Council Member Chris McDonough seconded the motion and there were ayes by all.

ADJOURNMENT

Mayor Pro Tem David Phillips moved to adjourn the meeting at 10:51 p.m. Council Member Debbie Fowler

seconded the motion and there were ayes by all to adjourn the meeting.

Jack Edwards, Mayor

ATTEST: Barbara Monticello

Barbara Monticello, Town Clerk