



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, AUGUST 8, 2017**

The Town Council of the Town of Pineville met in Regular Session and Closed Session on Tuesday, August 8, 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

Town Clerk: Barbara Monticello

CALL TO ORDER

The meeting was called to order by Mayor Edwards at 6:30 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 Carter Nelson of the United Pineville Methodist Church chapter of Boy Scouts.

MOMENT OF SILENCE

Mayor Edwards called for a moment of silence for Jack Crump (passed), previous manager of the town for many years. He also 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 fallen fire fighter, Richard Sheltra, was going to be recognized at a national event in Emmitsville, Md. in October.

ORDER OF BUSINESS:

Adoption of the Agenda:

Hearing no comments regarding the agenda, a motion was made by Council Member Chris McDonough and seconded by Council Member Les Gladden 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 and Closed Session Meetings of June 13, 2017: Council Member Les Gladden moved to approve the 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) Resolution No. 207-06 for Surplus Items; and b) Change October's Meeting date to October 17th.* Council Member Debbie Fowler moved to approve the Consent Agenda with no changes. Mayor Pro Tem David Phillips seconded the motion and there were ayes by all.

PUBLIC COMMENT:

Al Baskins – Resident Al Baskins expressed his dissatisfaction with the lack of progress being made at the mill and stated it looked worse now than it had before. Town Manager, Ryan Spitzer, explained that before our employees could go in to clean things up, all the asbestos had to be cleaned up and abated. Mayor Pro Tem Phillips added that we were trying to get to the point where we could clean it up better once the asbestos was cleared out. Mayor Edwards remarked that the EPA and DNR had stated that employees could not do any clean-up until the asbestos was removed.

Jeff Clark – Business Owner and General Manager of the Pineville Ice House, Jeff Clark, introduced himself and stated that they were looking to do a 14-15K sq. foot expansion to the business. They were trying to get it onto the September agenda.

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.

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 talking to about a dozen private developers to get their feedback on redeveloping the mill. There was an interest from some of the developers in preserving historic buildings but few of them knew of the characteristics of the Cone Mill. DFI encouraged them to have a tour of the facility along with showing them the conceptual drawing by Cole, Jeness and Stone out of Charlotte showing a mix of townhomes, a municipal building and retail space. DFI was seeking the feedback from these private sector investors.

Some of the developers expressed a lot of confidence in downtown Pineville especially if there would be civic anchors at the site such as a Town Hall or a library while others were skeptical that Pineville would support the project. There was no clear-cut consensus of what the site should be developed into but all agreed that connectivity to the downtown was very important and that parking could potentially be an issue along with the railroad running along the property.

Discussion then turned to whether it would be better to rehab the mill or tear it down completely. Mr. Trump indicated that most of the response came from those that considered rehabbing the mill. His initial thoughts about it were to reuse it as well. However, after much discussion some council members thought that it might wind up costing a lot more to rehab the building than to tear it down completely. Mayor Pro Tem Phillips had leaned toward reuse of the building but thought it might attract a developer wanting to put a brewery in or something similar whereas Council seemed to lean toward wanting a Town Hall and a mix of residential there.

Mr. Trump clarified that if the building or parts of it were declared historic, there would be significant tax credits that would be more attractive to developers but the town would not be able to benefit from them. If the town decided to move in that direction, he suggested it be started sooner rather than later as the process takes about two years to get approved. The question arose as to who would initiate the process to which Mr. Trump responded that either the town or the developer could but it would have to start as soon as possible. Council directed Mr. Trump to recommend someone with expertise to come in and evaluate the potential for historic designation.

Mr. Trump responded to a question for resident, Melissa Davis regarding the reason it has taken 18 months to get this far when the original plan estimated it would only take about 12 months. Mr. Trump indicated that between the change in town management and negotiations with G-VEST, the process was slowed down. Additionally, Mayor Pro Tem Phillips stated that the issue with the stormwater from the Yandell townhomes still wasn't resolved either. The plan was to have all stormwater filter to an area on the mill property but according to Mr. Trump that might be a negative to the town if it were done that way. Planning Director, Travis Morgan, stated that if the proposed plan to have stormwater run-off filtered to the mill property turned out to be too expensive or a hindrance to the sale of

the property, they did not have to go with that plan. They could revert back to the plan for a stormwater run-off basin at the corner of Childers and Dover St.

NEW BUSINESS:

- A. Approval to Temporarily Relocate the Merchants Dumpster – (Ryan Spitzer).** Town Manager, Ryan Spitzer, noted that Childers Lane would have to be shut down during the construction of the townhomes across from Town Hall. When that is done, the merchants on the south side of the street would need to have their garbage dumpster relocated because garbage trucks would not be able to access the spot where it is now in back of the shops on Childers Lane. He suggested that the dumpster be relocated to the lot next to Town Hall. However, he would require it to have a fence around it with a lock. Council Member Les Gladden asked that the dumpster be placed on a solid surface so that the garbage truck doesn't ruin the lawn when it goes to collect the garbage from the dumpster. He moved to approve the relocation of the dumpster to the lot next to Town Hall but to place it where the Public Works Director instructed them to place it and to have a fence around it within two weeks. Council Member Chris McDonough seconded the motion and there were ayes by all.
- B. Approval of the Contract with Alfred Benesch & Company for Splash Pad—(Kristy Detwiler) –** Parks and Recreation Director, Kristy Detwiler, introduced Jeff Ashbaugh from Alfred Benesch & Company. Mr. Ashbaugh gave a quick rundown of how the project will flow. The question was raised about putting something in the contract about completing the job in a timely manner. Mr. Ashbaugh replied that it was easy to include it in the contract but there were performance and payment bonds already in place in the contract that will help to insure construction on a timely basis.
- Mr. Ashbaugh stated that Benesch & Company will be responsible for the design part of the project while Vortex will be supplying the components that make up the splash pad. They have a good working relationship with each other. The design phase of the project is estimated to cost \$68,150 with the construction part of it estimated to be \$621,850. Town Manager Spitzer will be overseeing the project with any payments or change orders going through him. Engineering and project management will go through Benesch & Company. Benesch would also like to engage the community for input on the elements they would like to see on the splash pad. The design stage usually takes about 6 months with the construction about another 5 to 6 months putting the completion of the project at August or September of next year provided everything went on schedule.
- Council Member Les Gladden moved to award the contract to Benesch & Company. Council Member Chris McDonough seconded the motion and there were ayes by all.
- C. Award Bid for Pineville Substation at JHP – (Tim Kopacz) –** Electric Manager, Tim Kopacz, stated that invitations to bid went out to seven bidders for the construction of the electrical substation at Jack Hughes Park. Only three of the seven actually bid on the project with Sumter Utilities coming in as the lowest bidder. The estimated cost for equipment and materials was \$414,000 with \$470,000 as the estimated cost of the substation, putting the total cost about \$76,000 under the original estimate. The underground circuits will be done under a separate contract and plans will be coordinated with the GVEST townhome project and the mill development. Mr. Kopacz added that Southeastern will oversee the entire project. Mayor Pro Tem Phillips moved to award the bid to Sumter Utilities out of Sumter, SC with funds coming out of Electric monies, not tax payer's money. Council Member Debbie Fowler seconded the motion and there were ayes by all.
- D. Resolution No. 2017-07 for Project Budget for Splash Pad – (Richard Dixon) –** Mr. Dixon explained they had planned to do Project Budgets for any large project moving forward. This was just the start of that plan to ensure all the expenses are captured. Richard will track and provide information quarterly on the status of the project. Council Member Les Gladden moved to approve Resolution No. 2017-07 for Project Budget Splash Pad. Council Member Chris McDonough seconded the motion and there were ayes by all.
- E. Resolution No. 2017-08 – (Richard Dixon) –** Mr. Dixon stated that we would be doing the same Project Budget tracking for the Johnston Drive road realignment. Mayor Edwards stated that something was incorrect with the

money amounts on this resolution and had to be corrected. Mr. Dixon stated he would re-do it and that it would be handled just like the other resolution. Mayor Pro –Tem Phillips moved to approve Resolution No. 2017-08 for the Project Budget for the realignment of Johnston Drive. Council Member Les Gladden seconded the motion and there were ayes by all.

F. **Brunch Bill Ordinance No. 2017-02 (Ryan Spitzer)** – Mr. Spitzer explained that recently the General Assembly gave towns the option of selling alcohol earlier on Sundays beginning at 10:00 a.m. He checked with other towns in Mecklenburg County and most of them have approved it. There was little discussion on it and most agreed that it should be passed. Council Member Debbie Fowler moved to approve the sale of alcohol at 10:00 a.m. on Sundays with the appropriate ABC license. Council Member Les Gladden seconded the motion and there were ayes by all.

G. **Order of Collection of Taxes – (Ryan Spitzer)** – Mr. Spitzer explained that every year as a matter of formality the town must accept into town records the Tax Collector's Settlement and designate Mecklenburg County as having the authority to collect taxes on our behalf. Council Member Debbie Fowler moved to appoint Mecklenburg County to collect the town's taxes and accept the 2017 Tax Collector's Settlement. Council Member Les Gladden seconded the motion and there were ayes by all. Council Member Les Gladden added that he would like the town to request a list of who they collect taxes from as he did not think we were getting all the tax money we were entitled to.

Council Member Fowler mentioned a salary survey that she wanted to discuss because there were some employees making more than the maximum for their range but Mr. Spitzer suggested they have a separate meeting to discuss that topic. He acknowledged there were a handful of employees that were over the maximum for their range but he had contacted COG to take a look at the salaries and ranges. Mayor Edwards directed Council to have a separate meeting on the topic.

H. **Staff Update:** Manager Spitzer reported on the following: The Fire Department extended an invitation to Council to attend a memorial to add Richard Sheltra's name to a wall for fallen fire fighters in Washington, D.C. on October 7th and 8th. They must let him know before September 8th if they plan to attend because they will need to obtain security clearance. The closing for two pieces of property owned by the Yandell's was taking place on August 11th. He was still discussing another property by a different owner which the town intended to purchase as well. Kimley-Horn was working on a plan to obtain grant money from the state to help out with the road realignment project. The Fire Department was working on a sending out proposals to secure their building.

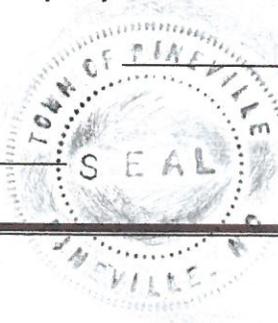
Closed Session: At 8:27 p.m. Mayor Edwards called for a five minute break before moving into Closed Session. At 8:55 p.m. Mayor Pro Tem David Phillips moved to enter Closed Session, seconded by Council Member Les Gladden. There were ayes by all. Mayor Edwards noted they were in closed session to discuss NCGS 143-318.11(5) and (4). Matters relating to real estate and economic development were discussed with Andrew Trump of DFI. Council needed to provide direction on how to proceed with some property. Different scenarios were presented but Council needed to come to a consensus on it. After some discussion on the matter, Council reached a consensus on how to move forward with two items specifically and directed Mr. Trump in this way. Mr. Trump departed and Council moved to the next item for discussion.

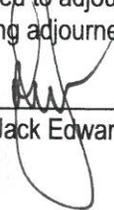
ADJOURNMENT

Consensus of Council was to investigate the item further and directed the Town Manager in the next steps. At 10:20 p.m. Council Member Chris McDonough moved to exit the Closed Session, seconded by Council Member Les Gladden. There were ayes by all. Council Member Les Gladden moved to adjourn the meeting, seconded by Council Member Chris McDonough. There were ayes by all and the meeting adjourned.

ATTEST:


Barbara Monticello, Town Clerk




Jack Edwards, Mayor