MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, OCTOBER 17, 2017

The Town Council of the Town of Pineville met in Regular Session and Closed Session on Tuesday, October 17, 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
Planning Board Members: Amelia Stinson-Wesley, Jim Knowles and Thomas White

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 Council Member Les Gladden.

MOMENT OF SILENCE
Mayor Edwards spoke about attending a national tribute to fallen firefighters as they honored our own, Richard Sheltra. He asked that everyone take a moment to remember firefighters and police officers as they put their lives out on the line for us every day, as do our military.

ORDER OF BUSINESS:

Adoption of the Agenda:
Hearing no changes to the agenda, a motion was made by Council Member Debbie Fowler and seconded by Council Member 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 September 12, 2017 Council Member Chris McDonough asked that the wording on page one, regarding the Mayor's comment about the Polk St. bridge be changed to read: "that the Department of Transportation was going to present a proclamation on October 5th naming the Polk Street Bridge in honor of Richard Sheltra." There were no additional comments. Council Member Les Gladden moved to approve the minutes with the change, with Council Member McDonough seconding the motion. There were ayes by all and the minutes were approved.

Consent Agenda:
The following items were included: *a) Finance Report for September, 2017; b) Resolution No. 2017-13 in Support of School Bonds for 2017 and c) Request to set Public Hearing to Accept Roads in Carolina Village.* Council Member Les Gladden

wanted to be sure that Public Works had an opportunity to get over to Carolina Village to be sure the roads were acceptable before the Public Hearing. Public Works Director, Chip Hill, acknowledged that he would. Council Member Chris McDonough moved to approve the Consent Agenda with Council Member Gladden seconding the motion. There were ayes by all and the Consent Agenda was approved as is.

PUBLIC COMMENT:

Bolyn McClung of Olive Street in Pineville, spoke about the importance of school bonds for the Charlotte-Mecklenburg School system. He explained that a number of new schools could be built and additions constructed on existing schools that would help relieve a lot of the overcrowding currently being experienced. He noted that it was the biggest school bond ever but there would be no tax increase in Mecklenburg County with this bond. He thanked the public and appreciated their vote.

Jane Shutt – Ms. Shutt, founder of Pineville's Neighbor's Place, stated that on October the 28th they were planning their second annual "Potato Drop" with an estimated 40K pounds of potatoes being delivered to the old police building parking lot so that they could be bagged and given to families in need. Volunteers were needed to help bag potatoes. Additionally, Ms. Shutt stated that there would be a Prayer Breakfast on November 1st at 7:00 a.m. at Park Place Restaurant and that her non-profit organization was partnering with Pineville Police to help out with their "Shop with a Cop" program.

Bill McConnell of the Downtown Merchants Association stated they have been experiencing a number of positive things lately, namely that some of the businesses were either staying open later and/or opening up on Sundays which was a good thing. He stated something like that had never happened before. The merchants will be putting up Christmas lights to line the outside of their buildings to make downtown look more festive for the holidays. He reported that the Corner Grind re-opened after a car went through their front window. They will be open on Friday and Saturday nights as well. On October 24th at 6:30 p.m. there was going to be a candidate's forum at the James K. Polk Masonic Lodge and Kits Craft Beers was hosting a Meet and Greet with the candidates on October 23rd and 30th.

PUBLIC HEARINGS:

A. Joint Public Hearing for Proposed Micro-brewery – *(Travis Morgan)* Planning and Zoning Director, Travis Morgan, stated this was a Joint Public Hearing between the Planning Board and Town Council. 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.

Mr. Morgan continued, stating that the applicant was looking to make a text change to consider the use of a micro-brewery in the B3 zoning district, in the old Golf Village property. A micro-brewery produces small batches of craft beers and they have become very popular recently throughout the state. The state's threshold for considering a micro-brewery vs. a full-scale brewery was 25K barrels. The applicant would be producing less than that but the town did not have a classification for the production of small batches of beer.

Mr. Morgan also pointed out that these micro-breweries have been a catalyst for growth in other towns. Council had a set of conditions and a definition in front of them to consider. The objective for this use was to simplify the process and encourage the use but not put a specific limit on the number of barrels that can be produced but just to keep it the same as the state's limit. One of the factors that distinguishes a micro-brewery from a full-scale brewery is that the beer is sold on site. Additionally, there is generally a tasting room/bar, a restaurant or food component and/or banquet/event and/or outdoor space. The applicant would need to meet two out of three of these elements. Staff was proposing to also allow them in the GI and B4 districts but there might also be some interest in the DC district from the train tracks to Polk Street but with conditions.

At this time the Planning Board opened their meeting at 6:58 p.m. and the floor was opened for questions and comments. Mayor Pro Tem Phillips was concerned about food trucks. If there were food trucks on site, that might deter restaurants from wanting to open a business in the area. He would like to get away from using food trucks. Discussion took place regarding the pros and cons of allowing food trucks. Mayor Edwards noted that food trucks

became an issue in the downtown area but have been limited to just being allowed on Wednesday and Thursdays with two downtown businesses alternating days with each other.
Parking was also discussed along with the size of the outdoor space and making some changes to the language to clarify certain points. When the discussion ended, it was decided that the language would be changed to "bar/tasting room, event/outdoor space, and restaurant/food options" keeping it more general, rather than specific. The applicant would be required to meet two out of the three conditions above and that the outdoor space would be at a ratio of 2 to 1 and be required to be fenced in. Mr. Morgan asked if the Planning Board felt comfortable in making a recommendation at that point. They indicated that they were.

Thomas White of the Planning Board moved to approve the changes to the wording that were discussed and recommended approval to the Council. Amelia Stinson-Wesley seconded the motion and there were ayes by all on the Planning Board to recommend approval. A motion was also made and seconded to approve the minutes from the last Planning Board Meeting of October 28, 2017. There were ayes by all and the motion passed. Amelia Stinson-Wesley moved to close the Planning Board Meeting with Thomas White seconding the motion. There were ayes by all and the Planning Board adjourned at 7:29 p.m.

Council Member Gladden moved to approve the applicant for a micro-brewery with changes to the wording discussed previously. Council Member Chris McDonough seconded the motion and there were ayes by all to approve the micro-brewery with changes discussed. A motion was then made and seconded to close the Joint Public Hearing.

B. **Public Hearing for a Proposed Expansion to Ice House ---------** *(Travis Morgan)* Council Member Debbie Fowler moved to open the Public Hearing with Mayor Pro Tem Phillips seconding the motion. There were ayes by all and the Public Hearing was opened at 7:34 p.m. Mr. Morgan stated that the second public hearing was to hear a request for an expansion to the Ice House skating rink. It's a site-specific, conditionally approved site requesting to add an additional skating rink. The facility was used for training and recreational skating. There was an issue with losing some of the parking but it was worked out with the Hampton Inn. They have a shared parking agreement for 15 additional spaces, along with their 186 onsite parking spaces. Staff had given preliminary approval pending final elevations to come before council.

The applicant, Jeff Clarke, made a Power Point presentation showing the proposed addition and explaining that the facility had to look like a recreational building so that people could identify with it. The addition had to be made to blend in with the existing building and working together with Mr. Morgan, they were able to achieve a nice looking addition. Mr. Clarke's presentation was very thorough and provided a lot of insight into the skating business. One council member had also visited the facility and worked hard with the applicant on making the addition look good. They had commented that it had come a long way and as long as the Planning Director was comfortable in working on the final details with the applicant to come into full compliance, the council would approve the expansion that evening. Mr. Morgan acknowledged that he was.

Council Member Gladden moved to approve the expansion with the condition that the Planning Director, Travis Morgan, work with the applicant on final details. Mayor Pro Tem Phillips seconded the motion and there were ayes by all to approve the expansion. A motion was made and seconded to end the second Public Hearing. There were ayes by all and the second Public Hearing concluded.

C. **Public Hearing to Declare Certain Property for Economic Development --** *(Ryan Spitzer)* A motion was made by Mayor Pro Tem Phillips and seconded by Council Member McDonough to open Public Hearing #3. There were ayes by all and the Public Hearing was opened. Town Manager, Ryan Spitzer, explained that North Carolina General Statutes allowed for towns to declare certain property for Economic Development. In order to do that, however, a public hearing was required and a resolution drawn up at the next Council Meeting. If the town chose to declare certain property for economic development, it would allow the town some ability to put restrictions on the property. The town could limit the type of use on a property and put time limits on when the project would need to be completed by.

Mr. Spitzer displayed a map of the proposed properties to be declared for economic development. Doing this also allows the town not to be forced to take the highest bidder on a piece of property. There may be a developer that is willing to pay more for a property with a less-than-desirable plan for the property but another developer might offer less but have a top-notch plan for development more in line with town objectives. The town would be able to choose the lower amount offered in return for a superior product.

There were no questions or comments from the public and council was in favor of it. Council Member Fowler moved to close the public hearing at 8:28 p.m. with Mayor Pro Tem Phillips seconding the motion. There were ayes by all and the public hearing concluded. The next step would be to present a resolution at the next council meeting to formally declare the properties for economic development.

OLD BUSINESS:

A. **Clarification of Police Recruitment Pay** – *(Ryan Spitzer).* Manager Spitzer reminded Council of the Agreement for Police Department New Hires that was presented to them last month. In checking further into the proposal, he found that the Department of Labor would not allow the town to do as they proposed in the agreement. The town could not require a new recruit to sign a contract for employment but have to pay back any money if they chose to leave before the end of the contract. The town could pay them a stipend for their housing or food while attending the academy, but it could not pay them a salary and make them sign a contract. All were in agreement that it was so difficult to recruit police officers now due to recent incidents publicized on the news that they were willing to have a few recruits start together and go through school together and be paid about 10% less than a starting officer in exchange for hiring them first before any other police departments had the opportunity.

NEW BUSINESS:

A. **Splash Pad Designs** – *(Kristy Detwiler).* Kristy Detwiler, Parks and Recreation Director, reminded the group that a study done back in 2013 for the Park Master Plan indicated that the top two things residents wanted to see at the park was a dog park and splash pad. Three splash pad options were presented to the public for them to vote on the style they liked best and which of the features they liked best. People chose option # 1 for the "style" they liked best (kidney shaped) but liked the specific features that option #'s 2 and 3 had. She turned the floor over to a representative from Alfred Benesch and Company who showed a Power Point presentation to the audience displaying the different layout styles and features that were presented to residents. The company was hoping to have all it's permitting by spring.

After the presentation several issues were discussed regarding use of the splash pad, whether it would be staffed, whether to charge a fee for use, and the possibility of renting it out. All of those issues will be worked out by the time the splash pad opens but it could be subject to change as time goes on and staff determines that changes are necessary. Council also agreed they liked the kidney shaped design more. Mayor Edwards asked to have "something" more to present for the next Council Meeting.

B. **Budget Amendment** *(Ryan Spitzer)* – Mr. Spitzer explained that the Budget Amendment was for projects already completed. They were projects that were planned for last year but completed this year. Money was being reallocated for new radios for the Fire Department and Shop With a Cop program, and money was also being reallocated from ILEC to CLEC for the Telephone Department. These were all housekeeping items to clean things up. Council Member Gladden moved to approve the Budget Amendment with Council Member McDonough seconding the motion. There were ayes by all and the Budget Amendment was approved.

C. **Staff Update:** Town Manager, Ryan Spitzer, reported on the asbestos removal from the mill. Eight contractors walked through to get a better idea of the work needed. Their proposals were due on Friday.

Three firms for town IT services will be brought in on November 1st for a meeting.

Council each got a listing of taxes collected by the county which Council Member Gladden had requested. The list

will be reviewed and checked to determine that taxes are being collected correctly.

Mr. Spitzer also reported that with downtown electrical improvements, two parking spaces will be lost due to an electrical gear box that will have to be installed.

Lastly, he will be meeting with the county on November 8th to re-negotiate the annexation agreement for our sphere of influence as well as discuss possible policing of our ETJ.

Mayor Edwards called for a break before entering Closed Session.

Closed Session: At 9:35 p.m. a motion was made and seconded to open the Closed Session Meeting. There were ayes by all and the Closed Session was opened. A confidential item under NCGS 143-318.11 (1) was discussed along with two separate personnel issues. A motion was made and seconded to come out of Closed Session at 11:10 p.m.

ADJOURNMENT

At 11:11 p.m. Council Member Chris McDonough moved to adjourn the meeting, seconded by Mayor Pro Tem Phillips. There were ayes by all and the meeting adjourned.

Jack Edwards, Mayor

ATTEST: Barbara Monticello

Barbara Monticello, Town Clerk