



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, FEBRUARY 13, 2018**

The Town Council of the Town of Pineville met in Regular Session and Closed Session on Tuesday, February 13, 2018 at 6:30 p.m. at the Hut Meeting Facility in Pineville.

ATTENDANCE

Mayor: Jack Edwards
Mayor Pro-Tem: David Phillips
Council Members: Debbie Fowler, Melissa Davis and Joe Maxim
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 6:29 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

Council Member Joe Maxim led the group in the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Edwards called for a moment of silence to remember a friend of his, Diana Popwell (passed). He also asked that everyone remember those that serve our country in both the military and on our streets.

ORDER OF BUSINESS:

Adoption of the Agenda:

There were no changes to the agenda. A motion was made by Mayor Pro Tem David Phillips and seconded by Council Member Debbie Fowler 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 January 9 and the Special Closed Session Meeting of January 23, 2018.

There was one change that needed to be made to the minutes of the regular session meeting of January 9, 2018. On page 4 regarding the splash pad restrooms, the minutes should reflect that the men's bathroom will have two stalls and one sink. There were no other corrections to be made. Council Member Debbie Fowler moved to approve the minutes with the change with Council Member Melissa Davis seconding the motion. There were ayes by all and the minutes were approved.

Consent Agenda:

The following items were included: a) *Finance Report as of 1/31/18*; b) *Resolution for Surplus Items*; c) *Set Public Hearing for Miller Road Abandonment* and d) *Set Public Hearing for Sign/Lighting Ordinances*. No changes to the Consent Agenda were proposed. Council Member Debbie Fowler moved to approve the Consent Agenda as is with Council Member Melissa Davis seconding the motion. There were ayes by all and the Consent Agenda was approved.

PUBLIC COMMENT:

Jane Shutt – Ms. Shutt provided an update from the Pineville Neighbor's Place. Both in January and in February they were able to assist several people with getting their electric bills paid. They were glad to be able to provide assistance to these families and thanked Pineville Electric for working with them.

PUBLIC HEARINGS:

A. New Industrial Subdivision with Warehouse and Cul-de Sac – (Travis Morgan). A motion was made and seconded to open the Public Hearing. There were ayes by all and the hearing was opened to hear a request for an Industrial Subdivision to be located at 10080 Industrial Drive. Although an industrial subdivision is allowed by right, the applicant was before the board for three reasons:

1. To seek approval for up to a 525,000 sq. ft. warehouse on a single parcel by a single occupant
2. To seek approval for a 1,246 foot long cul-de-sac exceeding the maximum allowable length of 1,000 feet
3. To seek approval to subdivide and rezone a tract of land south of the access drive to RMX (residential mixed-use) for future potential residential subdivision of the Cranford/Miller property.

Because of these factors, the request must go before the board. There will be a total of six lots with lot #1 the largest and where the warehouse is proposed to be situated. The applicant has met the required amount of parking spots with 115, along with 61 loading spaces (with 9 actually required). A traffic study was required and the general, overall road work is acceptable. However, at the intersection of Industrial Drive and Polk St., the traffic backs up at the train tracks so additional footage is needed for vehicle stacking. This has been addressed with the applicant who has agreed to put forth an additional \$50K worth of improvements in that area.

Applicant is also looking to subdivide the property for a possible residential subdivision. There is a large, undisturbed vegetative area that would serve as a suitable buffer between the two districts if the land were subdivided. The building will be all warehouse except for a small portion on the right hand corner which will be a small office.

Mayor Pro Tem David Phillips was concerned about traffic and how many vehicles the new warehouse would generate, along with a new residential development. Mr. Morgan responded that the traffic study took into consideration future growth, including the possibility of a new residential subdivision, and the study still found the road capacity to be adequate. No noise will be generated from the tenant as it should be strictly a warehouse with basic distribution of stored goods. The applicant was not sure what the tenants hours of operation will be just yet, but should have that information at a later date.

Council Member Melissa Davis was concerned that a manufacturing plant could wind up in one of the other vacant parcels but Mr. Morgan stated that any manufacturing must go through council first and that the applicant did not intend to use it for that purpose. The owner of the business located next door to this property was concerned that their road was only going to be 12 feet from his door and the amount of trucks the business would generate was also a concern. Additional business owners in the adjacent areas also voiced their concerns about the traffic, trucks parking along the street constantly and roads being torn up. There was also some concern about the railroad – in one instance a train was stuck on the tracks and none of the businesses could exit the complex at the end of the day. Mr. Spitzer stated that Norfolk Southern would be starting maintenance on their train crossings in March beginning in Chester, SC. From there, they will work their way up to crossings in NC and begin work on them.

The discussion continued with the concerns reiterated, especially with the trucks from the other businesses parking on the street and the amount of traffic that would add to the already congested area. One business owner did not think the traffic study was an accurate account of the traffic issues in that area. The Police and Public Works Departments were instructed to monitor the traffic and parking situation in the Industrial Drive area and put "No Parking" signs up along the road if necessary. The owner of that business also requested that a fence be installed along the property on Industrial Drive. The applicant was agreeable to installing a fence. Mr. Morgan clarified that traffic lights in the area were controlled by the NCDOT, not the Town of Pineville so we had no control over them. He also confirmed that any proposal for a Class II manufacturing plant would have to go before the board for approval.

Council Member Melissa Davis was concerned about any noise that could be generated, especially if the warehouse was only partially filled and the tenant decided to store equipment in the remainder of the warehouse or a manufacturing operation came into one of the other parcels. The applicant stated that their intention for the use of the building was strictly for storing goods. Mr. Morgan also added that the noise ordinance could always be strengthened but not everyone was completely satisfied. Additional information was requested particularly as it related to noise, along with more details of the traffic study.

Mayor Edwards suggested the Public Hearing be continued to the March 13th meeting. Council Member Melissa Davis moved to continue the hearing until March 13th with Mayor Pro Tem David Phillips seconding the motion. There were ayes by all and the hearing was continued.

OLD BUSINESS:

- A. Proposed Ordinance Updates** – (*Travis Morgan*) Planning and Zoning Director, Travis Morgan, stated that inside the board's packet of information was the updates he made to the ordinances that were discussed at the last meeting, specifically trailer parking and allowances for increasing the size of a driveway in the front yard to reduce on-street parking. Mayor Edwards asked about rental homes and limiting the number of vehicles allowed. He believed that allowing 8 cars in a 4-bedroom home was excessive. Mr. Morgan admitted that it wasn't that easy to figure out regulations that would be fair to everyone. If a long-time resident collected antique cars and only had two bed-rooms, did they want to punish that person vs. someone with a lot of vehicles? It was very difficult to regulate but Mr. Morgan would try to come up with something more reasonable.

Council Member Melissa Davis was concerned about multiple homes being built on one lot and multiple families living under one roof in a small home. Also, there are homes where the landscaping equipment is parked in the driveway while their cars are parked in the street. Mayor Pro Tem Phillips stated that if a vehicle is tagged and your driveway allows it, they should be able to park it in their driveway. Everyone agreed that it was very difficult to come up with a way to limit the number of vehicles while being fair to everyone. Suggestions were made such as limiting the number of vehicles based on the number of bedrooms listed on the tax records and/or issuing special permits for those people that collect antique vehicles. A member of the audience asked if the rules would be enforced uniformly to which Mayor Edwards replied that it had to be developed in such a way that everyone was being treated the same.

Town Manager, Ryan Spitzer, stated that one complaint started it and that after October, the town stopped enforcing it until it could be revised. He was recommending that the ordinance have no less than 1.5 cars per bedroom. All agreed there was more work to be done on the parking ordinance. Mayor Edwards asked that each council member meet with Mr. Morgan to provide input on the ordinances.

NEW BUSINESS:

- A. Audit Contract** (*Richard Dixon*) – Finance Director, Richard Dixon, stated that bids were sent out for audit services but there were no responses. He was fine with staying with Martin Starnes and Associates for the town's financial audit. The letter outlined pricing for the next several years but the contract for the current audit year would remain the same as last year. Each year the audit contract has to be approved per the Local Government Finance regulations. The letter outlined proposed fees for the next few years but that they were not definite.

Council Member Melissa Davis asked Mr. Dixon if he had experienced any issues with Martin, Starnes. Mr. Dixon replied that he didn't. The question was also asked why the increase in fees? Was it because there was more work for them to do or simply increasing their fees? Mr. Dixon stated that because of the GASB requirements, there was more work to do so the fees increased. There being no other comments or questions, Mayor Pro Tem Phillips moved to approve the audit contract with Council Member Debbie Fowler seconding the motion. There were ayes by all and the contract for the FY2017-18 was approved.

- B. Urban Archery** (*Ryan Spitzer*) – Mr. Spitzer stated that with all the growth in town and the many restrictions in

place, the property where hunting is allowed during the Urban Archery season is very limited and is mostly located on Miller-owned property. A new map was generated showing just where folks can hunt legally and will be used for the next Urban Archery season should council decide to continue with the program. Town Clerk, Barbara Monticello, added that only two individuals had come in during the past Urban Archery season to sign up to hunt. There being no other comments, Council Member Melissa Davis moved to approve another Urban Archery season in Pineville. Council Member Joe Maxim seconded the motion and there were ayes by all.

- C. **Work Session Discussion** (*Ryan Spitzer*) Mr. Spitzer stated that with an extended agenda of topics for discussion on Council's agenda, it might be wise to consider having a Work Session in the later half of the month. Having a work session would allow council to work some issues out prior to the next meeting so that the meeting moves along at a smoother pace. Days and times for these Work Sessions were discussed and the 4th Monday of each month was decided upon as the day for these Work Sessions. They will start at 6:00 p.m. and be held at the Pineville Telephone/Electric Building located at 118 College St. on an "as needed" basis. Council Member Joe Maxim moved to set the Work Session date as the 4th Monday of the month at 6:00 p.m. at Pineville Telephone/Electric. Mayor Pro Tem David Phillips seconded the motion and there were ayes by all.
- D. **Staff Update:** Manager Spitzer reported that an appraiser for the Cone Mill property had been out at the site and the report was pending. Norfolk Southern plans to start work in March on the railroad crossings starting in Chester, SC and working their way up to the two crossings in Pineville. They will let him know about a week before work is to begin in Pineville. There will be road closures but not for an extended amount of time. The road will be closed between 2-4 hours for prep work and another 6-8 hours for the actual repair work. Once we receive notification of the work, detour plans will be posted on our website.

The Pineville Fire Department passed their final building inspection and received a C/O to move into the building. The PCAA is gathering information to get over to the county for their March 7th meeting. Once the meeting is over, the town should know where they stand with funding for the outdoor lights at the ballfields. The Police Department passed their surprise OSHA visit. We were able to supply all the information they asked for. We weren't issued any fines but a couple of areas to be mindful of.

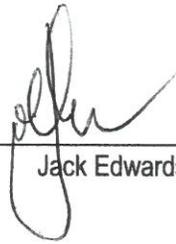
He met with GVEST regarding the townhome project and opening Johnston Drive. Johnston won't be paved until March 9th and will be closed until that time. He added that what was approved on the original plans have changed since then. The town now had more requirements than before so the developer has to re-work their plans. In addition to a lot of rain, the paving was also delayed because the gas line needed to be re-routed which they were still waiting on Piedmont Natural Gas to do. With a lot of the infrastructure never being mapped out and having no plans to work with, it's difficult to know what is underground. This has caused the workers to hit gas lines, etc.

Mayor Edwards reminded the audience that the Pineville Players were performing over the next couple of weekends and that the annual Valentine Banquet was super. He called for a 10 minute break before moving into Closed Session.

Closed Session: At 9:25 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. Two items were discussed – both pertaining to real estate matters in conjunction with economic redevelopment. Andrew Trump of DFI was in attendance for the first item and provided direction to the group on what the next steps would be. More progress was being made on the second real estate item that was discussed. The general feeling amongst all was that the town was moving closer to solidifying a deal. Mr. Spitzer will move forward with Council's recommendations.

ADJOURNMENT

At 11:00 p.m. a motion was made and seconded to exit the Closed Session. Council Member Melissa Davis moved to adjourn the meeting with Council Member Debbie Fowler seconding the motion. There were ayes by all and the meeting adjourned at 11:01 p.m.



Jack Edwards, Mayor

ATTEST: 
Barbara Monticello, Town Clerk

