



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

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

Planning Board Members: Jim Knowles, Amelia Stinson-Wesley, Eric Fransen, Scott Goldsmith and alternate, William Chaney.

**CALL TO ORDER**

The meeting was called to order by Mayor Edwards at 6:33 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**

Town Manager, Ryan Spitzer, led the group in the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mayor Edwards called for a moment of silence to remember Linda Cranford who passed. He also asked that everyone remember those that serve our country; both public safety and military personnel.

**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 Melissa Davis 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 February 13, 2018 and the Work Session Meeting of February 26, 2018.**

Council Member Melissa Davis asked that one change be made to the regular minutes pertaining to her concern that no manufacturing be allowed in the Industrial Subdivision being proposed on Industrial Drive. There were no other corrections to be made. Council Member Melissa Davis moved to approve the minutes with the change with Mayor Pro Tem David Phillips seconding the motion. There were ayes by all and the minutes were approved with the correction.

**Consent Agenda:**

The following items were included: a) *Financial Report as of 2/28/18*; b) *Resolution for Surplus Items*; and c) *Set Public Hearing for proposed town home project at 508 Main St.* Council Member Joe Maxim moved to approve the Consent Agenda as is with Council Member Debbie Fowler seconding the motion. There were ayes by all and the Consent Agenda

was approved.

### **PUBLIC COMMENT:**

**Laura Yandell** – Ms. Laura Yandell, interim president of the Downtown Merchants Association, introduced two new merchants: Mr. Aravind Duggirala is the new owner of Pintville and Umarin and Todd Davos, purchased the Corner Grind. She was one of the previous owners of Sunflower Baking Company, having several restaurants throughout the Charlotte area. She has since sold that business so that she and Todd could start something new. Their new restaurant should be open in a few weeks and will be called, The Corner Café. They will start out with a breakfast and lunch menu and possibly do dinners on Friday and Saturdays. Anthony Williamson, of the All American Barber, will be retiring and a new salon will be opening in its place. Chiropractor, Steve Henderson, may move back to his old spot on Dover St.

**Jane Shutt** – Ms. Shutt of the Pineville Neighbor's Place, gave a quick update on the many families they have helped in Pineville recently, especially assisting with payments of their heating bills. The group's next project will be to surprise teachers with homemade treats for Teacher's Appreciation Week.

### **PUBLIC HEARINGS:**

**A. Continuation of Public Hearing for New Industrial Subdivision with Warehouse and Cul-de Sac – (Travis Morgan).** Planning and Zoning Director, Travis Morgan, reviewed the request for a new industrial subdivision on Industrial Drive. The hearing was continued from last month since there was a lot of public feedback. He went over some of the major concerns from the last meeting:

1. The possibility of a **manufacturing** business moving into the subdivision and the noise it would create. The applicant has agreed not to permit any manufacturing unless they go before Council for approval.
2. **Noise** that might be generated from any operation that chooses to move onsite was a concern for some. It was not the intention of the applicant to generate noise. The business is a warehouse for the storage of food. There is heavy vegetation along the southern border of the property which will remain. The current buffer is between 500 – 900 feet to the new street being proposed. The ordinance only requires 100 feet of buffer. The applicant has also agreed not to allow noise producing equipment without the specific approval of Council.
3. **On-street parking** was a big concern amongst the other businesses in the area. The town has agreed to post no parking signs where identified as well as have better patrolling by police officers in the area. The applicant will specify in any of their leases that no on-street parking be allowed. Additionally, the applicant has agreed to narrow the street from 16 foot lanes to 13 foot lanes to make it more difficult to park on the street if all parties were in favor of doing so.
4. **Road strength** for the connection of roadway from the new road to the existing road was of concern to some. Mr. Morgan stated that town road standards have improved with wider and deeper asphalt bases. There will be an asphalt to asphalt connection and it will meet all new road specifications.
5. A **fence** was requested along the property line, which the applicant has agreed to install.
6. The proximity of the **truck turning radius** to the existing property to the south was an issue for that property owner. However, the property owner may have confused the property line stakes with the location of the new road because when all measurements were taken on-site, it was found that the neighboring property was actually closer to Industrial Drive than it was to the new road. Additionally, there was 30-33+/- feet of buffer on each side of the road allowing for plenty of room for turns while not encroaching upon neighboring property.
7. **Traffic** was also a major concern from the last meeting. Mr. Morgan turned it over to the applicant to address

in more detail but first, Council Member Melissa Davis had a concern about the entrance and asked if the applicant would consider doing a 50-foot concrete pad at the entrance. The applicant agreed to do it.

Chris Todd of the Timmons Group explained that they used a program called Auto Turn to determine if a truck can make a turn within a certain distance. The size of a truck is plugged into the program and it determines if that truck can make the turn. In this case, they used the largest sized truck for the study and it had no problems making the turn. Mr. Shawn McDonnell stated that their client, Lance-Snyder, intended the building as a warehouse for the storage of snack food only. He assured the group there was no other intended use for the proposed warehouse. He continued, stating that the traffic study was something that was federally mandated and adopted by the NCDOT.

Lance will have 30 employees working 3 shifts, none of which will be during peak times: 6:15 a.m. to 2:15 p.m.; 2:15 p.m. to 10:15 p.m. and 10:15 p.m. to 6:15 a.m. When an actual count of employee movement was provided by Snyder, it was found that the volume of traffic that they generated, was far less than what the traffic study allows for. In the morning peak hours, they generated 12.4% of the volume of traffic allowed by the study and in the evening peak hours they only generated 9.2% of the volume of traffic allowed.

One of the business owners asked what would happen if the numbers weren't accurate. He found it hard to believe that with 60 bays on the building, that only 19 trucks would be in and out. He asked what recourse he would have if trucks were parked outside. The trucks from the lumber company have destroyed Rodney Street. Council Member Debbie Fowler replied that if Lance-Snyder was planning on being open 24 hours, she didn't think trucks would be lined up on the street waiting to get inside. Town Manager, Ryan Spitzer, stated that the town had purchased "No Parking" signs and were driving through the area to determine where to install them to alleviate some of the parking issues and congestion along the road.

The discussion continued with comments and concerns regarding the condition of Rodney Street, maintaining the infrastructure and the traffic study. Mayor Pro Tem Phillips asked Chief Merchant to be sure his crew check the area often after the signs have been installed. Town Manager, Ryan Spitzer, reminded everyone that the railroad crew would be coming to Pineville soon to perform repairs on the two crossings in town.

Hearing no further comments, Council Member Joe Maxim, moved to close the public hearing with Council Member Debbie Fowler seconding the motion. There were ayes by all and the public hearing was closed at 7:23 p.m. Mayor Edwards asked if there was a motion on the warehouse. Mayor Pro Tem Phillips moved to approve the industrial subdivision with the revisions discussed. Council Member Joe Maxim seconded the motion and there were ayes by all.

**B. Joint Public Hearing with Pineville Planning Board** to hear proposed changes to the town's sign and lighting ordinances. Council Member Melissa Davis moved to open the public hearing with Council Member Debbie Fowler seconding the motion. There were ayes by all and the hearing was opened at 7:26 p.m.

Planning & Zoning Director, Travis Morgan, stated that he was before both boards to present proposed changes to the sign and lighting ordinances of the town. Signage had to be updated due to a recent court ruling that signs must now be "content neutral" and tied to material, time, place and size. This took some reworking of the ordinance as it was challenging with the new ruling in place. He also clarified window signs to allow more flexibility for signs that are two feet or more behind the glass, clarified restrictions on flashing signs and established a maximum brightness that a sign can be. "Now Hiring" signs are difficult to regulate and can now only be used as part of window signage. Mayor Edwards asked Mr. Morgan if most of the changes were as a result of the new court ruling to which Mr. Morgan replied that they were.

Mr. Morgan opened the discussion up to the Planning Board but there were no additional comments from any of the members so he moved on to the Lighting Ordinance. Changes made to the Lighting Ordinance were necessary due to the information/terminology being outdated. More and more businesses and residences are going with LED lighting so the terminology had to be changed to reflect terms relating to LED lighting such as revising the term "watts" to "lumens" to reflect more current technology. The LED displays have come down in price making it more affordable for businesses and homeowners to switch over to using them. Because LED displays can be very bright, especially at night, he met with a contractor to set brightness guidelines.

The ordinance does not allow any flickering of lights but will allow for display changes on message signs but he turned to the Planning Board to determine how frequently those messages can change. He did not want message signs changing instantaneously so as to be a distraction to motorists but he did want to allow for such businesses as gas stations to be allowed to change their signs when the price of gas changes. The recommendation from the Planning Board was to allow 5 minutes in between message changes. The ordinance was also amended for both the downtown area as well as the BP district to allow for decorative lighting all year round. Dave and Buster's at the mall has "halo-effect" lighting but in the BP district, this lighting must be shielded. The lights in the downtown area must be white. Mayor Pro Tem Phillips asked if it was mandatory that all businesses have them. Mr. Morgan stated that it was difficult to make it mandatory but council could specify that all the lights be of a certain color, tone and/or brightness. Council Member Melissa Davis thought that the lights should all be the same color white in the downtown area.

Mr. Morgan asked the Planning Board if they had any other comments or a recommendation. The Planning Board stated they would like the lights in the DC (downtown corridor) all in the warm white color. Mayor Edwards asked who would determine the brightness of the lights. Mr. Morgan answered that there was a gun that can measure how bright a light is or they could ask a sign company to determine the brightness of a light. Scott Goldsmith of the Planning Board moved to accept the changes to the lighting ordinance with the additional requirement for warm, white lights in the downtown corridor district. William Chaney seconded the motion and there were ayes by all to adopt the sign and lighting ordinance changes. There were ayes by all members of the Planning Board.

Mayor Pro Tem Phillips moved to close the Public Hearing for the Sign and Lighting Ordinances. Council Member Debbie Fowler seconded the motion and there were ayes by all to close the public hearing at 7:45 p.m. Council Member Joe Maxim then motion to adopt the changes to the sign and lighting ordinances, seconded by Mayor Pro Tem Phillips. There were ayes by all and the motion passed.

Council Member Melissa Davis moved to open the Public Hearing for the Disposal of Real Property, seconded by Council Member Debbie Fowler. There were ayes by all and the hearing was opened. Town Manager, Ryan Spitzer, stated that the old police property located at 300 Main Street was being sold to York Development who had plans for a three-story building to include retail, commercial and apartments on the top level. An agreement had been worked up and revised which the town attorney had reviewed and was good with it. Mr. Spitzer stated that council would need to approve their site plan within 150 days or ownership of the property reverts back to the town. Additionally, there would be no out of pocket expenses for the town. Both the developer and the broker were in attendance so if Council had any further questions for them, they would be happy to answer them.

Mayor Edwards asked why the name on the contract was Carolina Investments and not York Development. The developer stated that York Development was owned 100% by Carolina Investments. Mr. Spitzer added that the entrance to the Public Works facility would need to be re-configured to allow for additional parking in that area. Someone in the audience asked how many apartments were going to be on the top floor and where 300 Main Street was. Mr. Spitzer replied that it was the lot where the old police building was and that there would be 28 apartment units on the top floor of the new building.

The discussion continued with residents voicing their concerns about parking during the construction, whether there would be a right-hand turn lane from Church St. onto Main St., and where the town's Christmas tree would be located. Mayor Edwards responded by stating to everyone that there were going to be issues that will make people unhappy but the town was doing the best it could while undergoing such growth. Council Member Joe Maxim asked that the developers keep the lines of communication open so that we can communicate any issues that may arise to our residents. Mayor Pro Tem Phillips was concerned about all the projects happening at once. Mayor Edwards reiterated that there were going to be issues until everything is completed which will take time; it's all part of growth.

Council Member Debbie Fowler moved to close the public hearing, seconded by Mayor Pro Tem Phillips. There were ayes by all to close the public hearing at 8:14 p.m. Mayor Pro Tem Phillips moved to approve the purchase agreement with Council Member Melissa Davis seconding the motion. There were ayes by all to approve the purchase agreement with York Development.

**OLD BUSINESS:** None

**NEW BUSINESS:**

- A. **Staff Update (Ryan Spitzer)** – Mr. Spitzer reported that the request for funding PCAA ballfield lights was on the county's agenda for March 20<sup>th</sup>. The topics for the next Work Session on 3/26/18 included reviewing a set of splash pad designs; discussion of providing police and fire service to the ETJ area, and on-street parking. He reminded Council that the first budget workshop would be on April 2<sup>nd</sup> and that he was trying to have them all completed by the end of April. The town purchased 100 "No Parking" signs and they would be put up on Rodney St. during the next few days. He informed the group of an article that appeared in the *Charlotte Observer* about the A&R Workshop located on Main St. in Pineville. The business was so successful that it opened a total of 77 locations across the country.

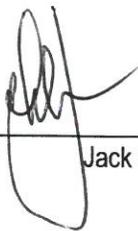
Travis Morgan provided an update regarding the townhome project across from Town Hall. He had met with GVEST and David Weekley Homes and had a long discussion with them. A few of their models have been approved so they could start pre-selling them. Additionally, the Planning & Zoning section of the website shows the latest plans and projects throughout town. Mayor Edwards added that on April 7<sup>th</sup>, the town was sponsoring the Paws in the Park event at Lake Park and the Sheltra Run/Walk would be held on the 28<sup>th</sup> of April. .

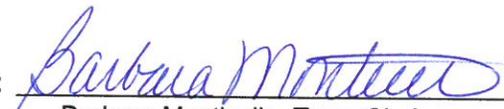
AT 8:22 p.m. Mayor Edwards called for a short break before moving into Closed Session.

**Closed Session:** Pursuant to NCGS 143-318.11(5), Mayor Pro Tem Phillips motioned to enter Closed Session, seconded by Council Member Fowler. There were ayes by all and Council entered Closed Session at 8:45 p.m. Andrew Trump of DFI was in attendance to give an update on the most recent developments on an economic development project. Several scenarios were discussed, none of which came without risks so Council will have to consider all the options carefully. Mr. Spitzer mentioned one additional option which Council will also now need to consider as well.

**ADJOURNMENT**

At 10:13 p.m. a motion was made and seconded to exit the Closed Session and adjourn the meeting. There were ayes by all and the meeting adjourned.

  
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Jack Edwards, Mayor

ATTEST:   
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Barbara Monticello, Town Clerk

