



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, APRIL 10, 2018**

The Town Council of the Town of Pineville met in Regular Session and Closed Session on Tuesday, April 10, 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 6:30 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

Town Clerk, Barbara Monticello, led the group in the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Edwards called for a moment of silence to remember Betty Osborne (passed) and her family. He also asked that everyone remember the police, fire and military personnel that serve our country.

ORDER OF BUSINESS:

Adoption of the Agenda:

Hearing no changes to the agenda, a motion was made by Mayor Pro Tem Phillips 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 March 13, 2018 and the Regular and Closed Meetings of the Work Session of March 26, 2018.

There were a couple of corrections that needed to be made to the minutes. One correction had already been made under the ETJ Discussion, to correct a sentence that did not make sense. The section was deleted. The other correction also pertained to the ETJ Discussion and restated what Council Member Maxim had to say regarding volunteer fire departments becoming more "extinct" to better explain his thoughts on the subject. Council Member Melissa Davis moved to approve the minutes with the stated corrections. Council Member Joe Maxim seconded the motion and there were ayes by all. Motion passed 4-0.

Consent Agenda:

The following items were included: a) *Financial Report as of 3/31/18*; and b) *Proclamations for National Police Week, Public Works Week and Municipal Clerk's Week*. Mayor Pro Tem David Phillips 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 4-0.

PUBLIC COMMENT:

Jane Shutt – Ms. Shutt of the Pineville Neighbor's Place, gave an update on the group's activities. She thanked Pineville Electric for working closely with them to help families in need from getting their power turned off. She spoke of the many new developments going up in town but noted that many of them are too expensive for a good portion of the population and that the area is in need of reasonably priced homes. There will be a Community Partners meeting on June 14th to collaborate on ideas and the needs of the community. If anyone was interested in volunteering, she asked that they contact her for more information.

Scott Warren – Scott Warren of the James K. Polk State Historic Site gave an update on the upcoming events: on April 21st they planned an open-hearth, hands-on cooking lesson from 10:00 a.m. until 2:00 p.m. On May 19th they will be holding the biggest fund-raising event of the year, their "Music, Dance and 'Cue" from 11:00 a.m. until 3:00 p.m. There will be beer and barbeque for sale as well as music and dancing. He encouraged all to come out and support the event.

PUBLIC HEARINGS:

A. Public Hearing for Proposed Townhome Project -- (Travis Morgan). Mayor Pro Tem Phillips moved to open the public hearing for a proposed townhome development on the corner of Cranford Drive and Main Street. Council Member Debbie Fowler seconded the motion and there were ayes by all to open the hearing at 6:42 p.m. Planning and Zoning Director, Travis Morgan, stated that the applicant was looking to put in a small, 20-unit townhome development on the corner of Cranford Drive and Main Street. Representatives on behalf of Kinger Homes were seeking approval to modify the minimum street frontage and buffer requirements.

Difficulties with the site made it harder to meet the minimum requirements. A display of the site plan and landscaping plan was shown. Storm water features were located at the back of the development; roads will be private as well as the trash pickup. The building materials and architectural features as well as street-scaping and sidewalk requirements were all being met. There were a few front-loaded garages shown on the plan which Mr. Morgan noted that staff preferred to see rear-loaded ones as well as all-brick facades. There were additional recommendations noted on his staff report. The floor was opened for comments.

Mr. Ray Phillips spoke first asking if residents in the neighboring areas were notified of this project. Mr. Morgan replied that all surrounding residents were sent notification. Mr. Phillips noted that he did not receive notification. He wanted to know if a fence was going to be put up. He was concerned about the storm water pond which backed up to his property. He stated that he has enough problems when it rains because his yard floods and was concerned that the storm water feature may overflow into his yard causing even more flooding. Additionally, it could become a breeding ground for mosquitoes. He added that the sewer line was located about one foot in the ground and was not big enough to accommodate more usage. He then asked if the town had considered the traffic as it was already difficult to get out on to Main Street. Mr. Morgan stated that a requirement for a fence could be added to the plan but that the project wasn't large enough to warrant a traffic study.

Mr. Larry Lock spoke on behalf of the applicant stating that Charlotte Water has serviced the lines there and that a survey of the sewer line was done showing there was an 8-inch pipe that was between 5 and 8 feet in the ground. Charlotte Water has stated that the line was big enough to accommodate this new development. He added that regulations prohibited them from having a wet pond or a dry hole for storm water purposes. They can have a rain garden or a surface sand filter but Mecklenburg County had some very strict regulations when it comes to storm water requirements and how the basins are made and what they look like. The applicant had a verbal OK from Charlotte Water but was awaiting written approval from them.

Discussion continued regarding the storm water issue and concerns of standing water. Mr. Lock stated that during construction there would be standing water but it would be treated. After the construction, however, there should be no standing water. He added that the applicant had to have an agreement with the county to control and fix any problems that arise with the storm water basin but after building is completed, it would be an HOA

responsibility. Additionally, the county had a team of inspectors that go out and inspect the BPM's each year. Conversation continued regarding the close proximity of the garbage dumpster to Mr. Phillip's property and the possibility of it smelling in the heat of the summer and if two dumpsters was sufficient for all the units. There were additional concerns about the development being very tight with the 20 units in a small area, parking getting out of hand and garbage trucks trying to maneuver in and out. A question was raised about utilities being in the reduced buffer area. Mr. Lock stated that they were hoping to use the main entrance for utilities as there were none proposed in the reduced buffer area.

Mr. Paul Sagadin addressed the issue of the size of the development, stating that they had already scaled back on the size of the community to get a better product at a good price-point. They wanted a particular style of home with the master bedroom on the first floor and the two other bedrooms on the second floor. They tried to reconfigure the plan for all units to have rear-loaded garages but with one group of them, if they did that, there would be no room to get anything in the garages. Another concern brought up was that the people in the townhomes would be able to look out of their second-story windows right down into the neighbors' yards.

Members of the audience voiced their concerns as well. Heather Burnell of the Traditions neighborhood noted that even though it was stated that there would be no parking on Cranford Drive, people were already doing it. Mr. Les Gladden of Lynwood Lane did not think there was enough parking and was concerned about the reduced, 5-ft. buffer. Hearing too many concerns, Mayor Edwards stated that the Public Hearing would be continued until some of these issues were resolved. Mayor Pro Tem David Phillips moved to continue the public hearing with Council Member Melissa Davis seconding the motion. There were ayes by all and the motion passed 4-0. Mayor Edwards suggested that Mr. Morgan get with Mr. Phillips regarding his concerns and look at the buffer situation. Mayor Pro Tem Phillips requested the elevations of the front-loaded units be sent to him.

B. Public Hearing for a Proposed Single Family Residential Subdivision (Travis Morgan). At 7:57 p.m. a motion was made and seconded to open the second Public Hearing. Mr. Morgan explained that the larger tract of land owned by Mr. Miller and adjacent to the industrial subdivision on Industrial Drive was being looked at for a 320 unit single family subdivision. The Public Hearing was being held for two reasons: anything over 100 units must go before the town council and because a small portion of the property in the northwest quadrant is being proposed for a re-zoning from GI (General Industrial) to RMX (Residential Mixed Use). The applicant is proposing 320 single family rowhome styled units with rear-loaded garages on 143 acres with a density of 2.3 units per acre. The area is comprised of a lot of flood plain. There will be four parking spaces per household – two in the garage and two in the driveway. Roads and alleys will be public and well as the trash service. A 100 foot area of Sugar Creek will be dedicated to the Greenway. A road connecting to Industrial Drive is planned as well, to provide a second means of exiting the development. A traffic study had been completed.

Planning & Zoning Director, Travis Morgan, reviewed the plans with the group stating that there would be as much screening as possible from the Dillenger property including fences and berms. He also understood many being concerned about traffic congestion in the area but a traffic study that had been conducted found no improvements were needed. All units will be rear-loaded, with full front porches with railings. Lots are narrow but deeper with the homes being 24 feet wide by 60 feet deep with all elevations posted on the website. The floor was turned over for public comment.

Mr. Thomas Werner representing Taktec & Wrico businesses expressed concern about the residential neighborhood butting up against the industrial park. He suggested that maybe some fencing could be put up to prevent kids from coming in to the industrial area. He noted that originally the berm was going to be six feet but if it could be higher, that would be even better, along with the fence. Council Member Melissa Davis asked Mr. Werner if he thought noise would be an issue for the people in this neighborhood. Mr. Werner replied that he did and the people in these houses would have to hear the noise especially if the company did decide to expand. Council Member Joe Maxim asked what that expansion might look like. Mr. Werner replied that there were no definite plans as yet – they wanted people to be able to do what they wanted but still be a good neighbor but after all, it is an industrial park and there is a good chance they will expand.

Mayor Pro Tem Phillips expressed that the town was creating its own problems; these issues were discussed and he didn't see any reason why we had to change it. He was against the re-zoning of the additional piece of property and stated the plan called for a "ton of houses" in that area. He did not want the town to bend over backwards for to accommodate a developer.

A number of members from the audience expressed their concerns. Mr. Charles Walsh of 416 Marie Way wanted to know who would enforce the ingress and egress issues to which Mr. Morgan suggested he call the town. He also wanted to know if the traffic report was posted online to which Mr. Morgan replied that it was. Mr. Walsh added that people from the industrial park will be cutting through the development to get to NC51 to travel back to South Carolina. Mrs. Judy Phillips asked whether the schools could handle this many more kids. Mayor Edwards replied, "no, the school system could not handle the growth". Ms. Heather Burnell asked about installing speed bumps and stop signs to prevent speeding through the neighborhood. The applicant stated that the intentionally designed the layout of the subdivision to be winding with stop signs to discourage people from cutting through.

Mayor Edwards stated the concern is trying to get out of Cranford and on to NC 51, especially if traveling north. It was dangerous and difficult at any time of day. Everyone's concern was for the traffic. A traffic light was discussed at either Cranford or Franklin but in order to do that, there would need to be a left-hand turn lane from NC51 and there was not enough R-O-W to get a turn lane configured into the road layout. There was no easy solution to the traffic concerns. Council Member Melissa Davis suggested the applicant reduce the number of homes by building larger homes on larger lots. Mayor Pro Tem Phillips agreed and stated that applicant was trying to put as many homes as possible in. The applicant responded that they were just trying to match the needs of the younger generation that wanted more walkability to and from their downtown area.

Mayor Edwards once again stated that the concerns needed to be hashed out more and asked for a motion to continue the public hearing until the following month. Council Member Joe Maxim moved to continue the Public Hearing with Council Member Melissa Davis seconding the motion. There were ayes by all to continue the hearing. Motion passed 4-0.

Mayor Edwards asked to hear the PCAA New Business item first before moving to the Old Business Splash Pad item because it was late and most of the kids had left already.

NEW BUSINESS:

- A. Discussion of Funding for PCAA Field Lighting** (*Ryan Spitzer*). Manager Spitzer stated that PCAA had come before the board previously requesting funding from the town to put up field lighting so their members could practice later into the evening hours. Mecklenburg County approved paying \$100,000 toward the lights and they were before Council requesting \$50,000 from the town. They would put in the remaining \$50,000 for a total cost of \$200,000 for installation of the lights. He added that our donation would come out of the Contingency Fund so that a budget amendment would not have to be done.

Council Member Melissa Davis noted that the lights had already been purchased because they were being stored in the parking lot of the Hut. She asked how PCAA was able to purchase the lights without the funding. Mr. Spitzer replied that they were able to secure a loan. She also asked about CMS not being able to commit to whether there were plans for an expansion at the school as the town had already put \$300,000 into the project and she didn't want to see that money get wasted. Mr. Spitzer stated that CMS had said there were no plans for expansion. He added that the school would need to give us one year's notice if they decided to expand. Ms. Davis also stated that she was offended by Paul Boyd's comments at the January meeting and took what he said as a threat to council's seats on the board.

Several people spoke on behalf of the PCAA and demonstrated their support for the organization and the lighting project. Mr. Paul Boyd expressed his heartfelt thanks to the board for sending the letter to the county for their donation and to the town for their support and all they have done for them. He added that they would not be in front of the board for Phase III.

Mayor Pro Tem Phillips stated he has always been supportive of the PCAA but he wanted to see where the town stood with its budget before making any commitment. He also asked that in the future, PCAA go after more sponsorships from businesses. Council Member Maxim also was supportive of PCAA; he wants his kids to play with the organization but asked that they acknowledge more responsibility in funding themselves. He stated that there was a lot of frustration and some of the dialog between the town and the PCAA was not always professional. He hoped for better communications in the future and didn't want anyone walking away with the impression that PCAA was a hostile organization. Mr. Boyd was sorry for the comment he made; he didn't mean to make it sound as though it was a threat. There was a lot of frustration on everyone's part and "venom" thrown back at them from Council. Mayor Edwards called for a motion as to whether the town would donate the money or not. Mayor Pro Tem Phillips moved to allocate \$50,000 to PCAA. Council Member Joe Maxim seconded the motion. Vote was three (3) in favor and one (1) opposed with Council Member Davis against the donation. Motion passed 3-1.

OLD BUSINESS: None

- A. Approval and Vote on Splash Pad Design (Ryan Spitzer).** Manager Spitzer stated that he was presenting the design plans for the new splash pad. He noted there would be 14 features installed initially running across the pad to include 2 spray loops, 4 geysers, 4 jet streams, bobble, frog, leaf and side winder. There will be a fence going around it and improvements to the sidewalks. Additionally, three (3) trees will need to be taken out. An additional \$20,000 was put into the CIP to fund more features should they decide to add more in the future. The Splash Pad should be completed in the late summer/early fall.

Council Member Joe Maxim asked if it would be open to general use. Mr. Spitzer replied that it would be but that it could also be rented out at certain times. No more than 100 people could be on the pad at one time. The urinals and sinks will all be automatic. In answer to Mr. Maxim's question regarding the impact on our insurance, Mr. Spitzer stated that there would not be an impact as most carriers preferred a splash pad to a swimming pool. There was a total of \$722,000 from the grant money for use on both the dog park and splash pad and we will likely use all of it. A motion was made by Council Member Maxim and seconded by Council Member Davis to approve the splash pad design. There were ayes by all and the motion passed 4-0.

- B. Staff Update (Ryan Spitzer)** – Mr. Spitzer reported that we were one to two weeks out with the railroad crossing repairs. The site prep usually take a day and the repairs done the next day, weather permitting. He was scheduled to meet with an engineer before they actually come on-site to do the work.

Mr. Spitzer continued stating that the sidewalks in front of Town Hall were poured earlier that day and that part of the parking lot would be closed again as they needed to do some boring underneath the railroad. He would be meeting with Mr. Goode on Monday to make the switch on the houses due to the Johnston Road Realignment project. Piedmont Gas still had not been out to the site yet and Town Planner, Brandon Hackney's last day was April 20th as he accepted a position in Brunswick County. Mr. Spitzer reminded Council about the 4th Monday of month for the Council Work Session. Two items for discussion will be a road abandonment on behalf of Pulte Homes and the ETJ Contract from the county.

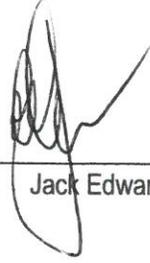
Mayor Edwards noted that the electric linemen received a "Certificate of Excellence" and Mayor Pro Tem Phillips shared with the group positive comments made from other Parks and Recreation departments that attended a tournament at Jack Hughes Park.

AT 9:54 p.m. Mayor Edwards called for a short break before moving into Closed Session.

Closed Session: Pursuant to NCGS 143-318.11(5), at 10:05 p.m. a motion was made and seconded to enter Closed Session. There were ayes by all and the Closed Session was opened. Mr. Andrew Trump was in attendance for the Closed Session to discuss an economic development project in the downtown area. Council provided direction to have Town Manager, Ryan Spitzer and Andrew Trump from DFI move forward with the plans discussed during the meeting.

ADJOURNMENT

At 11:27 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.



Jack Edwards, Mayor



ATTEST: _____
Barbara Monticello, Town Clerk

