



**MINUTES OF THE
TOWN COUNCIL WORK SESSION OF
MONDAY, April 23, 2018**

The Town Council of the Town of Pineville met in a Work Session on Monday, April 23, 2018 at 6:00 p.m. at the Pineville Communications Bldg. at 118 College St. in Pineville.

ATTENDANCE

Mayor: Jack Edwards

Mayor Pro-Tem: David Phillips

Council Members: Melissa Davis and Joe Maxim; Council Member Debbie Fowler was absent

Town Manager: Ryan Spitzer

Planning Director: Travis Morgan

Town Clerk: Barbara Monticello

Representatives from Kinger Homes and Meritage Homes

CALL TO ORDER

The meeting was called to order by Mayor Edwards at 6:05 p.m. A motion was made by Council Member Joe Maxim and seconded by Melissa Davis to open meeting. There were ayes by all and the meeting was opened.

DISCUSSION ITEMS:

- A. Discussion of Proposed Townhome Subdivision at 508 Main St.** – Planning and Zoning Director, Travis Morgan, introduced the applicants, Paul Sagadin and Andrew Polonus, who were present on behalf of Kinger Homes. A site plan was distributed to all showing the layout of the proposed community which was made of up 20 townhome units.

The applicant reviewed each of the concerns from the previous Town Council Meeting including the trash dumpster, amenities offered, relocation of the Traditions marker, HOA dues, price point for the units, parking, landscaping and buffers and BMP storm water and sewer concerns. The applicant addressed each of those concerns:

- Dumpster unit will be in an enclosed area and have a lid on it.
- There really isn't enough room for amenities but there will be "open space"
- There isn't enough space to relocate the Traditions marker but Mr. Morgan is working with Traditions to see if there is a spot that will work for it.
- HOA dues will most likely be in the high 100's to low \$200's.
- The price point of the units will most likely be mid to high \$200's; possibly \$300.
- Applicant stated they were at 130% (over and above) what is needed; each unit will have a two-car garage, plus there will be additional spots for overflow.

Mayor Pro Tem Phillips stated that even though there were two car garages, he didn't think they could be counted as spaces as the homeowners could not be forced into using their garages. The last thing anyone wants to see is cars parking on either side of the road. The applicant didn't know how to make more parking in an already tight situation. Mr. Phillips suggested cutting down on the number of units. The applicant stressed they already had a small piece of property and had scaled back from the original plan; they could not cut it down anymore. Council Member Joe Maxim added that his HOA did mandate that people use their garages. The applicant asked that he

be sent a copy of the HOA documents so he could see how it was written in their by-laws. Mr. Morgan asked if the BMP could be removed but the applicant responded that the rules had changed on removing the BMP so they couldn't do that. Council Member Melissa Davis asked about putting a cap on rental units to which the applicant replied that most HOA's did have that requirement in their by-laws.

Mr. Sagadin continued, stating that they were still waiting on something in writing from Charlotte Water regarding the sanitary sewer line being able to accommodate additional homes. Landscaping is planned all around the entire back end by the BMP. As for what fencing would be used between the townhome units and Mr. Ray Phillips' property, Mr. Morgan stated he had a difficult time pinning him down to what he would prefer – he seemed to be more concerned with the water issue – standing water and breeding mosquitos.

Mr. Andrew Polonus spoke regarding the storm water pond saying that it was not 100% designed as yet but it would be engineered as best as it could be to do what it needed to do. The question was asked how they would ensure it would work the way it should. Town Manager, Ryan Spitzer, stated that Mecklenburg County Storm Water had inspectors that would inspect it on a regular basis to be sure it was working properly. Mr. Morgan added that Mr. Phillips was thinking that the standing water issue would be worse after the construction than before but it was actually going to be better. Mr. Spitzer asked if they had explored the possibility of an underground retention to which the applicant replied that they did check into it extensively but the storm drain was too shallow for that.

In response to a question regarding the elevations, the applicant stated that some units would be all brick while others would be a mix of brick and hardi-plank. Council Member Joe Maxim liked the idea of all-brick units because it matched the downtown esthetics but the applicant thought all brick can become too stale and wanted to use some variation on the units. He agreed, however, to work up two schematics to demonstrate the difference.

Council Member Maxim also stated he would feel more comfortable scaling back two more units to a total of 18 instead of 20. He asked that the applicant find more space for people to congregate. Mayor Pro Tem Phillips added that townhomes usually had a little more outdoor space but these had so little. The applicant stated that urban development just had less green space and that people were accustomed to having balconies.

Lastly, there was a brief discussion regarding staff's recommendation to have the sidewalks within the R-O-W. Applicant wanted to have them as part of the easement. Mr. Morgan asked what the benefit was to having them in the easement vs. the R-O-W. The applicant stated for general maintenance purposes and for total ownership but staff wanted to make it a requirement that the sidewalk be included with the R-O-W.

The applicants concluded their presentation by reviewing all the items that were addressed:

1. Location of BMP – can't do anything about
2. Removing or making unit #'s 12 and 20 narrower
3. Sidewalks in R-O-W vs. Easement
4. Benches on the corner
5. Check into HOA wording for garage usage
6. Buffers – landscaping and fence
7. Trash Concerns
8. Allow 10 feet for utilities with tall evergreens
9. Obtain official letter from Charlotte Water regarding sewer pipe

- B. Discussion of Proposed Single Family Residential Subdivision at 460 Marie Way** -- Mark Eisenbeis and Chris Todd were in attendance on behalf of Meritage Homes to address concerns raised at the April 10th Council Meeting. They had tried to contact the gentleman that was at the Council Meeting speaking on behalf of Wrico/Griffith to discuss the 100 foot buffer with him but they were unable to connect with him. They were hoping the owner would allow them to build the berm half on their property and half on the applicant's property. There is a 60-80 foot utility easement that no planting is permitted on nor is a fence allowed to be built on it. They were

planning on keeping a group of trees along the eastern side and may want to put a fence there but they were open to suggestions. Mayor Pro Tem David Phillips wanted to know who has the responsibility of the berm if it falls on both properties. Planning Director, Travis Morgan, stated that our ordinance did not specify who is responsible – it was more or less a first come, first serve type of situation. Mayor Pro Tem Phillips wanted something in writing that the Wrico/Griffith Company was willing to work with Meritage homes on the berm issue. Mr. Morgan suggested that if a fence were going to be built on the eastern side of the property, it would be better in front of the tree buffer.

Council Member Joe Maxim realized that buyers had some responsibility to do their due diligence on property that they purchase but asked that the applicant just be up front and transparent with buyers as to what is around them. Council Member Melissa Rogers added that she also wanted buyers to be aware of the industrial park backing up to the subdivision because she just didn't want people calling and complaining about noise.

A total of 320 single family units was planned for the community and it was of concern to some. The land is zoned RMX which, by right, could have retail, commercial, residential, grocery stores – a total of 75 different uses as permitted by the town's zoning ordinance. The applicants addressed the issue stating that 300 single family homes could actually generate lower traffic than a larger commercial establishment. Their density was lower than some of the neighboring communities especially for the size of the property. Their density was at 2.2 homes per acre. Council Member Joe Maxim noted that the Traditions neighborhood was already highly dense and the concern was more about getting in and out of the subdivision. He thought 300 homes was an impactful number and that he would be more comfortable with a figure closer to 290 units. Mayor Pro Tem Phillips asked the applicant if they were planning future expansion or if the homes would be built in phases. The applicant's plan showed five phases although there could be a 6th one.

The applicant purposely designed the layout of the development so there would be a lot of twists and turns hoping to discourage some from using the neighborhood as a cut-thru from Main St. to Industrial Dr. and vice versa. Another suggestion was to introduce stop signs at several intersections; Mr. Morgan will meet with the applicant to figure out strategic intersections to locate the stop signs. The applicant stated they were proposing a chain link fence along the route of the rail road tracks. Council Member Davis asked about the train stopping on Industrial to load and unload. Mr. Spitzer stated that a train was prohibited from blocking a road for more than 20 minutes.

The applicant asked Council if they were comfortable with the product with a price point at the high \$200's to low \$300's. Council was in favor of it. It was agreed that if the applicant and town worked together to promote a "silent train", its chances of being successful were better. Council Member Melissa Davis commented that with the homes only being 24 feet wide, it was going to look like a row of trailers. The applicant stated that it was like any other house except they took the garage and just put it in the back. The applicant wasn't sure what the HOA dues would be yet but the community would have full amenities, including pool, cabana and playground. That concluded their presentation.

- C. Staff Updates:** Mr. Spitzer updated the group on providing police service to the ETJ district. A five-year agreement with the county was ready to be signed with a lump sum payment of \$565,000 made to the town each year for providing police services. He had a meeting planned with the county to settle the annexation agreement which they would like to pass by July 1st.

Mayor Pro Tem David Phillips stated he was concerned to have a five year agreement because of the growth the town was experiencing. He didn't think we could cover that area along with increasing areas of the town itself. None of the officers he talked to thought it was a good idea. He added that the residents were not in favor of it either and it was just not a good idea right now.

Council Member Melissa Davis noted that while that there was visibility of police in the retail areas, there was still not enough in the neighborhoods and she stated they needed to ride through more often. Mr. Spitzer assured her that if you got an additional officer, visibility would increase, not decrease. She was still not in favor of it. Nor was Mayor Pro Tem Phillips who stated that maybe if they considered doing it annually but not doing it as a five-year

contract. Mr. Spitzer stated there was no point in sitting down with the county then to sign an annexation agreement if the consensus was not in favor of policing the area. Council Member Joe Maxim was in favor of it and Council Member Debbie Fowler was absent. Mayor Pro Tem Phillips suggested Mr. Spitzer sit down with her to get her opinion on it.

Mr. Spitzer continued stating that he was working with Mr. Goode to swap properties with him (Luna House for Owee BBQ). He asked council for their thoughts on the parking that will be at the end of Johnston once the street is re-aligned. The idea was to have the parking for employees during the day but open for public use at night. There were no objections to this. Mr. Spitzer recommended that the parking behind Owee BBQ also be kept as parking, along with the lot that Luna uses. There will be parallel parking on the old Childers Lane. He will also look at opening the driveway between the Flower Diva and Owee BBQ lot. Planning Director, Travis Morgan, added that the CRTPO was still reviewing the construction drawings for the road re-alignment but once the final plans were approved, construction would move faster.

Mayor Edward made one last comment. He reminded Council that Pineville will be celebrating its 150th birthday in 5 years and it was something they might all want to think about.

ADJOURNMENT: A motion was made and seconded to adjourn the meeting at 9:09 p.m. There were ayes by all and the meeting adjourned.



Jack Edwards, Mayor

ATTEST:



Barbara Monticello, Town Clerk

