



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, MAY 8, 2018**

The Town Council of the Town of Pineville met in Regular Session and Closed Session on Tuesday, May 8, 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
Town Clerk: Barbara Monticello

CALL TO ORDER

The meeting was called to order by Mayor Edwards at 6:32 p.m. Anyone that wished to speak on an item was asked to sign the speaker's 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 Mike Williams, a reserve police officer that had worked for the town years ago. Officer Williams was killed in a motorcycle accident while on his way to his daughter's college graduation. Also, the brother of Pineville Firefighter Tony Jennings, was also killed in a motorcycle accident (Chris Jennings). He asked that everyone remember them and their families, as well as all 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 April 10, 2018 and the Regular and the Work Session of April 23, 2018.

Hearing no comments or changes to minutes, Mayor Pro Tem Phillips moved to approve all sets of minutes. Council Member Debbie Fowler seconded the motion and there were ayes by all to approve all sets of minutes as is. Motion passed 4-0.

Consent Agenda:

The following items were included: a) *Financial Report as of 4/30/18*; b) *Resolution for Surplus Items* and c) *Tax Refund*. 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 4-0.

PUBLIC COMMENT:

Jack Thrower – Mr. Thrower spoke about the Farmer’s Market beginning June 2nd. He also asked developers to have consideration for where they place their retention ponds.

Claudia Schuler – Ms. Schuler stated she signed a petition to have a speed bump on Lowry St. which should be a priority since the school is right there with kids playing baseball and basketball. The petition was submitted to Travis Morgan. Mayor Edwards asked that he meet with Ms. Schuler regarding the petition.

Bill McConnell – Mr. Bill McConnell spoke on behalf of his wife, Laura Yandell, acting president of the Merchants Association, who was unable to make the meeting. He introduced two new merchants in the downtown area. Dominic Paolo and his cousin will move into the spot vacated by the chiropractor who is moving back into his old spot vacated by Malone who moved to be with ailing family members. They also have a cell phone repair business. He also introduced Catherine Hornsby who moved into Anthony’s barber shop and also runs a hair salon called Tailored.

PUBLIC HEARINGS:

A. Public Hearing to Consider Entering into an MOU with Lending Tree – *(Ryan Spitzer)* Town Manager, Ryan Spitzer, stated that there would be a short presentation by Andrew Trump of DFI to explain the process the town used to get to this point. He stated that a Public Hearing was not required but he wanted the town to be transparent as to their intentions for developing the mill property. He explained to the audience that an MOU stood for Memorandum of Understanding which starts the formal process of putting the sale in motion.

Mr. Trump gave some background regarding DFI, which stood for Development Finance Initiative, an affiliate of the School of Government which the town hired to act as advisor to guide the town in a complicated process of selling and developing the mill site. Mr. Trump outlined the many steps taken, including clean-up of the site, developing a vision for the site and finally developing a plan for the site, to putting out an RFQ (Request for Qualifications) to solicit qualified candidates whose ideas aligned most with what the town was looking for. Once the field was narrowed down and one development partner was selected, the MOU was drawn up which establishes both parties intent to partner together for a successful deal. This was just the first step in getting to a binding agreement with Lending Tree, the Master Development Agreement. Once both parties agree on a plan for the site and earnest money is paid to the town, the Master Development Agreement is signed, showing that Lending Tree is committed to the project and the sale moves forward.

At this time, Mr. Spitzer introduced Claudette Parham of Lending Tree. Ms. Parham introduced herself as the Chief Human Resources Officer as well as the Chief Information Officer for Lending Tree, a company that provides loans and other financial products. Currently, Lending Tree operates out of Ballantyne with about 450 employees. They chose the mill site for its historic value and great location situated close to the downtown area. Knowing that traffic is always an issue, they will strive to find the best possible outcome for all. They have made great strides in establishing community partnerships as well as community engagement. They are a company that believes in “giving back” and they were happy to be a part of the Pineville community.

Mr. Spitzer added this property will be the corporate headquarters for their business. They now have 150 days to evaluate the site and come up with a development plan, after which the MDA is initiated making the deal binding. Money is then put in escrow once a site plan is agreed upon and the MDA signed. Another public hearing will be held at that time. He stated that the offer for the site was \$3.5 million. Mayor Pro Tem David 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 at 7:08 p.m.

Bill McConnell stated that 17 merchants supported the idea of Lending Tree coming to the area. He asked that Council consider developing more parking before development begins and that there was a need for cross-walks so if there was any way to put pressure on the NCDOT to get crosswalks, it would be very much appreciated.

Bill Baskins stated Pineville didn't need any more townhomes. The plan for the mill property showed about 80 units to be built on the property. Mayor Edwards stated to Mr. Baskins that he was looking at an old plan which had not been approved. There were no plans for townhomes at this time.

At 7:15 p.m., Council Member Melissa Davis moved to close the public hearing. Council Member Debbie Fowler seconded the motion and there were ayes by all to close the Public Hearing. Motion passed 4-0. Mayor Pro Tem Phillips added that he understood Mr. Baskin's concerns about more townhomes but assured him that no plan had been approved as yet. He didn't think the final plan would include townhomes although it could change. Council Member Debbie Fowler moved to approve the MOU with Lending Tree. Council Member Melissa Davis seconded the motion and there were ayes by all to approve it. Motion passed 4-0.

B. Public Hearing for Proposed Townhome Project -- (Travis Morgan). Mr. Morgan stated that this was a continuation of the hearing held last month. He wanted to clarify storm water ponds for the public. He explained there were wet ponds and dry ponds; the applicant's proposal was for a dry pond. Wet ponds stay wet permanently but dry ponds are only wet temporarily and are designed to filter and slow storm water before reaching the creek. They are necessary features to help control flooding. Storm water features are regulated by the county as a way to manage flooding and drainage issues.

Mr. Morgan continued highlighting notes from the last meeting:

- The applicant's new plan went from 20 units down to 18
- The buffer was increased to 20 feet
- The new plan now has 30% more open space
- The plan calls for 14 rear-loaded garages and 4 front loaded ones
- All units are three bedrooms
- A total of 59 parking spaces are required; the plan shows a total of 76 spaces provided including garage parking
- Confirmation that all notices were sent out to adjacent properties
- Privacy issues addressed with large evergreens and/or fence
- Trash dumpster will be contained in a brick enclosure
- No flood lights to reflect into Ridgely Green neighborhood
- Staff requesting additional R-O-W be dedicated to the town or DOT

Council Member Joe Maxim asked Mr. Morgan if the applicant agreed to the three recommendations he made on his staff report. Both Mr. Morgan and the applicant responded "yes". Council Member Melissa Davis expressed her concerns with the planting strip possibly blocking the visibility of motorists, lack of parking, lack of green space (they did add more green space, but that's all it was; no additional amenities), the water pressure and ability of the sewer pipe to handle the waste water. The applicant responded that Charlotte Water had not confirmed the water pressure was adequate, but that it would all be in the letter they were expecting to receive from Charlotte Water. Additionally, they will include garage parking as part of the HOA rule requirements.

Council Member Joe Maxim asked whether there would be a cap on the number of rentals that would be allowed. The applicant responded that the HOA would put a cap on rentals. He also wanted to know if the applicant would be willing to participate in residential concerns after the sale of the home takes place. Would they be willing to hear out concerns of new buyers as well as the complaints of neighboring communities? Council Member Melissa Davis wanted to be sure any bulky items left out by the trash were picked up in a timely manner and not sitting by the dumpster for weeks. She also didn't want to see any street parking; she wanted to be sure there would be enough room for emergency vehicles to get through. Mayor Pro Tem Phillips didn't want the neighboring communities to be forgotten and asked that the developer build a relationship with them. He, too, was concerned about the planting strip and asked for a right-hand turning lane from Cranford Drive on to Main St. to ease some of the traffic along with a request to move the dumpster so it doesn't smell up Mr. Phillips' home. He was not comfortable making a decision until they got the letter from Charlotte Water regarding the pipe size and water

pressure. Mr. Maxim agreed with him.

Council Member Debbie Fowler noted that the retention pond at the elementary school did go down, but wanted to know if anyone inspects them. Mr. Morgan replied that the county does go out at least once a year to inspect them. The applicant added that there would be scheduled maintenance on the storm water pond and that they did require an inspection at least once a year. Hearing no further comments, Council Member Joe Maxim moved to open the Public Hearing, seconded by Council Member Debbie Fowler. There were ayes by all and the Public Hearing was opened at 8:04 p.m.

Mr. Ray Phillips spoke against approving the townhome project noting that the dumpster would be right at his back door, an old sewer line not capable of handling all the new homes, and parking on the street as the reasons for not wanting it. He asked Council not to approve the plan. Mayor Edwards remarked that the issue of garbage had come up three or four times during the public hearing, but he has had no complaints from any other developments with dumpsters. Council Member Debbie Fowler asked if the new plan included a fence along Mr. Phillips property. Mr. Morgan replied that he would need to confirm with Mr. Phillips if he wanted a fence, plantings or both. Council Member Davis asked if the fence would be six feet high. Mr. Morgan replied that it would be, but then taper down so as to keep the sight triangle clear. The applicant stated that they needed to come to an agreement on whether there would be a fence or not. Council Member Joe Maxim wanted to clarify that the town did not own this property or the property following this hearing and that our zoning regulations allow for commercial development on both of these parcels. He wanted to be clear that the only reason these projects came before Council was because of building frontage requirements and buffer considerations as well as the number of proposed units and rezoning, otherwise Council would not have had the opportunity to guide the development of these two projects.

Hearing no further comments, Council Member Melissa Davis moved to close the public hearing, seconded by Mayor Pro Tem Phillips. There were ayes by all and the public hearing ended at 8:19 p.m. Discussion began amongst Council Members; some seemed to be in favor of the townhomes, some were not. More discussion took place; a decision could not be made it was tabled again until next month.

C. Public Hearing for a Proposed Single Family Residential Subdivision (Travis Morgan). Again, this was a continuation of a public hearing for a conditional zoning request from last month and once again Mr. Morgan provided an overview of the project stating that the applicant was before the board because their number of proposed units exceeded 100. The county considers this project low impact because there is a maximum impervious area of 24 percent or less. They did reduce the number of units from 320 down to 299 from the last meeting. Additionally, the berm adjacent to WRICO will be 5' or 8' depending on whether they can work something out with them. Chain link safety fence has been added to the back of the homes along the railroad tracks, along with 8' evergreen trees and 6' evergreen shrubs. The size of the amenity area was increased to 2.5 acres as well as 7 acres dedicated to the Sugar Creek Greenway. To minimize cut through traffic, several different traffic-calming strategies will be used – winding roadways, narrowing intersections and numerous stop signs at specific intersections will all be used to help curtail cut-through traffic. The applicant was also contributing \$75K toward road improvements as well as \$25K to the Quiet Communities RR Project.

Mayor Pro Tem Phillips asked when rezoning of the G1 parcel needed to be done and if it could be done at the same time. Mr. Morgan responded that it could be done at the same time. Council Member Melissa Davis wanted to know if the applicant was able to connect with WRICO regarding the berm but they have still not heard back from them despite several attempts to reach them. Ms. Davis still had concerns with the traffic study and the need for a right-hand turn lane off of Cranford Drive. She was concerned for the people living there and the trouble they experience getting onto NC51 in the morning when there is traffic. The applicant commented that when the traffic study was originally done for their proposed development, it was done using a total count of 350 units which was what was being proposed at that time but their unit count has come down considerably since the study was done.

Discussion took place regarding the NCDOT and NC51. Council Member Maxim spoke with DOT representative, Scott Cole regarding the possibility of improvements on NC51. Mr. Cole was non-committal about any

improvements to NC51. Mr. Morgan noted that he's had discussions with DOT as well, and according to them, is not currently feasible.

Hearing no further comments, Council Member Melissa Davis moved to close the public hearing with Council Member Joe Maxim seconding the motion. There were ayes by all and the public hearing was closed. Mayor Edwards called for a vote on the development. Council Member Joe Maxim moved to approve the plan but motion died for a lack of a second.

Discussion started again. Mayor Pro Tem Phillips stated the only way he would vote for this project was if there was a gate controlling residents coming in and out. Council Member Melissa Davis stated she was not against the project, but still concerned about traffic. Mr. Phillips clarified that he was not against the project, but that there were too many units that the infrastructure could not support. Mayor Edwards commented that he didn't think there was going to be a vote tonight with one council member for the project and another one against the project. At this point, Mr. Bailey Patrick addressed council stating that he has done business in Pineville for two decades and that he represented the owner of the property, Jack Miller. He's been working with Mr. Miller for years to get just the right project for his tract of land and the town was not going to get a better product at this density anywhere else. The applicant had complied with all of council's requests. There could be endless discussion on it and the traffic but the traffic isn't going away. Council Member Debbie Fowler added that a good portion of the traffic comes up from South Carolina anyway and that there was nothing that can be done to stop it. Council Member Davis asked how long the project was expected to take before it was totally complete. The applicant responded that it was scheduled on a 5-year plan.

Hearing no further questions, Mayor Edwards asked again if there was a motion. Council Member Joe Maxim moved to approve the 299 single family homes and conditional rezoning on two adjacent parcels with the mentioned conditions. Council Member Debbie Fowler seconded the motion. Mayor Pro Tem Phillips and Council Member Melissa Davis voted against the project. With the vote at two for and two against, Mayor Edwards cast his vote in favor of the project. The vote was 3 in favor and 2 against; motion carried and the project was approved with the stipulation that the applicant met all the conditions and recommendations in the staff report including:

- Rezoning the southern portion of current parcel #20507112 from G-I to RMX
- Rezoning future road connection parcel #20508109 from G-I to RMX
- Install traffic calming measures at intersections including stop signs and narrowed roads as identified by staff
- Meet all architectural requirements
- Provide Greenway access and dedication (generally 100' swim buffer area)
- All construction traffic to use Industrial Drive entrance
- All town and county regulations are met and adhered to
- Dedicate \$25,000 to railroad quiet zone improvement project
- Dedicate \$75,000 to road improvements

D. Public Hearing for FY2018-19 Budget (*Ryan Spitzer*). Town Manager, Ryan Spitzer, gave an overview of the budgeting process for the year explaining that four budget work sessions were held in April to get to where they were that evening. He reviewed increases as well as decreases in all departments, noting that Public Safety was always the largest part of the budget coming in with an overall increase of 8% from last year mainly due to capital projects. There was a 3% increase in solid waste fees and an 11% proposed increase with the current medical insurance although the numbers were not yet final for insurance costs. No increase in electric rates was being proposed nor any increase in taxes or any other fees. Two new positions were approved; one accounting analyst and a contractor position to inspect projects to be sure they are done to specifications.

Council Member Joe Maxim moved to open the Public Hearing for the budget, seconded by Council Member Debbie Fowler. There were ayes by all and the Public Hearing was opened. There were no questions or comments from the public. Council Member Joe Maxim moved to close the Public Hearing, seconded by Council

Member Debbie Fowler. There were ayes by all to close the Public Hearing.

OLD BUSINESS: None

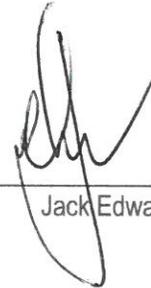
NEW BUSINESS:

- A. Budget Amendment** (*Richard Dixon*). Finance Director, Richard Dixon, presented a budget amendment for Council's consideration. An amendment was necessary to transfer funds for the Johnston Road Realignment capital project since the grant money expected for this project has been limited to just road improvements within state roads. Money received previously from CMC Pineville for their road improvements, should help offset general fund transfers. There were no comments or questions. Mayor Pro Tem Phillips moved to approve the budget amendment with Council Member Melissa Davis seconding the motion. There were ayes by all and the budget amendment was approved 4-0.
- B. Staff Update** (*Ryan Spitzer*) – Mr. Spitzer reported that the Arts and Science Council was funding the cost of providing live music from local artists at Unwind Tea and Coffee. The sessions will be from 7:00 p.m. until 9:00 p.m. on Thursday evenings throughout June.

Mr. Spitzer stated that they would be putting bids out for the splash pad equipment very soon and that work on the RR crossing was supposed to be taking place any day. He noted that the last Monday of the month was Memorial Day so no work session would be held then but rather on Tuesday, May 29th. Mayor Edwards stated that he would not be available that evening as he was headed for the State and Town Dinner in Raleigh with Council Member Maxim who was also attending the event. It was later decided that no work session would be held this month.

ADJOURNMENT

At 10:28 p.m. a motion was made and seconded to adjourn the meeting. There were ayes by all and the meeting adjourned.



Jack Edwards, Mayor

ATTEST:



Barbara Monticello, Town Clerk