



**MINUTES OF THE
TOWN COUNCIL WORK SESSION OF
Monday, July 22, 2019 · 6:00 P.M.
Pineville Telephone Bldg.
118 College St., Pineville, NC**

The Town Council of the Town of Pineville, NC, met in a Work Session on Monday, July 22nd, 2019 at 6:00 p.m. at the Pineville Telephone Building at 118 College St., in Pineville NC.

ATTENDANCE

Mayor: Jack Edwards

Mayor Pro-Tem: David Phillips

Council Members: Melissa Davis, Debbie Fowler and Joe Maxim via conference call.

Town Manager: Ryan Spitzer

Town Clerk: Barbara Monticello

Planning Director, Travis Morgan

Human Resource Director, Domessa Froneberger

CALL TO ORDER

Mayor Edwards called for a motion to open the meeting at 6:04 p.m. Council Member Debbie Fowler moved to open the meeting, seconded by Mayor Pro Tem David Phillips. There were ayes by all and the meeting commenced.

DISCUSSION ITEMS:

- A. **Presentation by CATS** – Jason Lawrence of the Charlotte Area Transit System (CATS) presented a recap of the long-range transportation plans for the Light Rail. Future plans for the Light Rail include a segment going from Matthews to the Airport and on to Belmont. Planning for the Silver Line and North Bus lines will begin in the fall. The 2030 Transportation Plan includes extending the Light Rail to Pineville and Ballantyne. He stated there was a lot of interest in Pineville and Ballantyne for the Light Rail to connect the region – this brings opportunities for mixed-use developments in both Pineville and Ballantyne. It is estimated to take about 8 – 10 years to begin building this section of Light Rail. A comparison of geographies shows both Pineville and Ballantyne as large areas that would benefit from having a light rail connection.

CATS has had meetings to obtain public feedback on the Light Rail extension with the 1st meeting being back in April, the second one in May and a third and final one in June. Carolina Place Mall was more the center of where people wanted to see the Light Rail go. In Ballantyne, the focus was to have access to both sides of 521 – enough to justify stops for either side of the light rail tracks. This would be considered an extension of the Blue Line to Pineville and Ballantyne but what CATS was looking to determine, was on which side of the Carolina Place Mall the station should be located. Should it be located closer to the 485 side of the mall or more toward downtown and the greenway? In order to determine this, CATS will need to eliminate any environmental issues in the way. The public would like to see the line go closer to the downtown and greenway area instead of the 485 side. Ballantyne wanted more of residential integration as they have plans to develop more corporate office parks. CATS will go to the MTC to make a recommendation and if approved, it will go on the thirty-year plan. For Pineville, the recommendation was to align the Light Rail to parallel 485 – but on the other side of the Carolina Place Mall closer to downtown and the greenway. For Ballantyne they will keep both options open for now. If extended to Pineville and Ballantyne, the Light Rail would need three car trains. They also plan improved bus

service in Pineville in an attempt to make smaller changes now with the bus service before the larger changes with the Light Rail take place. The plan includes the Silver Line from Matthews to Belmont. Council Member Melissa Davis wanted to know if there were any concerns about the Mall staying open. Jason answered that all retail is going through changes with malls and retail struggling. That will probably continue for a while as malls reinvent themselves to align better with current economic conditions. However, the Mall is still healthy enough to warrant an extension of the Light Rail.

Council Member Melissa Davis expressed concern about the cost of the project and the crime that may arise with having light rail. She stated there were some people that did not want it. She asked if there was any way to get crime statistics to see if the Light Rail generates more crime. Mayor Pro Tem David Phillips commented that it does not make sense to go west to east instead of north to south when traffic is heaviest going that way. Does not make sense to do this now. Jason responded that Mecklenburg County has the ¼-cent sales tax that helps with the funding while South Carolina does not. There is money in North Carolina but South Carolina does not have the funds so it's better to do it now that there is money. Council Member Melissa Davis stated she would hate to see us put money into it and not have the ridership needed. Both Council Member Davis and Mayor Pro Tem Phillips voiced concern that much of the future transportation plans, especially with the 485 express lanes, by-passed Pineville and would not really be serving the Pineville community. Mayor Pro Tem Phillips asked how big of a hub would be at the Mall. Mr. Lawrence replied that the design of the station and how it looks would be up to Pineville.

- B. Discussion of Baynard Property** – Travis Morgan, Planning and Zoning Director, stated that the Baynard Property along Downs Road and NC 51 was before Council again. However, he added that if the only thing that council had a headache over with the previous presentation was the rental property issue, that has been resolved. Kaplan has pulled out of the contract and are no longer part of the plan. There is now a builder interested in doing the project as sales, not rentals. Shaun Tooley of Land Design, was interested in moving forward with the project since there was now momentum with it and to get approval while there was still the interest.

Mr. Tooley stated that they were still proposing 175 units, although that number may go down just a bit. Lot sizes would increase slightly, with 20-21 ft. townhouses. All units would be for sale; no rentals. Mr. Bill Baynard, owner of the property, said all contractors they had spoken with were in favor of the sale of the units. The preferred builder has no problems with the architectural requirements and plans showed they were well above the parking minimums. Elevations would be very similar to what had already been proposed by Kaplan but he planned to work with Mr. Morgan if any changes were needed. They were looking for approval with the exact agreement and plans as before but with no rentals.

Ron Corrao, with Capstone Companies, stated that they took councils feedback form the previous meeting and will not entertain any rental proposals. Council Member Melissa Davis noted that owners could not be prevented from renting out their units. Mr. Corrao stated that the HOA would control the number of rental units allowed in the development. Council Member Joe Maxim added that McCullough was allowed 10% of the units to be rentals and it was the HOA that controlled it, not the builders. Mayor Edwards noted that legislators in Raleigh were about to change all that and that we had better get used to it.

Lot owner, Bill Baynard, commented that the biggest challenge with the site will be the rock removal. Council Member Joe Maxim added that he wanted builders to be aware of the architectural requirements and asked that they be sure the regulations are met. Shaun Tooley stated that the elevations that were previously presented is what they would work with although there may be some minimal adjustments made. Travis will be keeping a strict eye on the architectural details of the units. Mr. Corrao stated that getting the plans approved up front would benefit all and make it easier for a builder to come in and start building without having the project be delayed any further by having to have it approved. All the legwork would be done. Bill Baynard commented that the condition of the contract states that they will build according to approved plans.

Council Member Melissa Davis asked if the garages would be larger to accommodate two cars and the roll out containers for waste removal. Travis stated that was correct. Mr. Tooley stated that these would be public streets,

so they had the option of either private or public trash collection. Town Manager, Ryan Spitzer, commented that the contract notes specify private collection but that may change depending on what the turn radius winds up being for the garbage trucks. Mayor Pro Tem David Phillips asked if the builders had seen the elevation requirements. Mr. Tooley and Baynard both stated that the builders had seen them and they have no problem with them. Council Member Debbie Fowler wanted to know if we were asking for both a rezoning and conditional use for this project. Travis stated that they were. There are several parcels put together to make up this property. Bill Baynard stated that the property is actually made up of six parcels that are all owned by him. Some of the property is currently zoned R44 and some of it is zoned G1. The developer is seeking to rezone the property to RMX, residential mixed use. Mr. Tooley added it should not take more than two years for the builders to complete this community.

Council Member Melissa Davis asked if there would be a phase 2 since there appeared to be a road stub on the plans. Both Mr. Tooley and Baynard stated that there were no plans for a phase 2 in the project but there might possibly be some road connectivity. Council Member Melissa Davis asked if there were any concerns regarding the businesses that are in the area like the body shop, Herlocker and the landscaping business? She asked if the builder had any concerns about that. Mr. Tooley stated that the builder is experienced and can make it work with existing surroundings. Ms. Davis then asked what the price point would be. Mr. Tooley stated they were looking at \$250 to \$300 thousand dollars per unit to which Ms. Davis commented that it would be nice to have working class housing for police, firemen, teachers, etc. and not have prices escalate as they have in Chadwick Park.

The conversation moved towards affordable housing for working class people and the possibility of offering incentives or discounts to community service workers. Council Member Joe Maxim cautioned that, that sort of a conversation needed to be framed very carefully to make sure how that would work. He stated we are evaluating this project through what has happened with other projects in the past and that we should figure out how to address reoccurring themes and bad experiences we have had with previous builders. He suggested that we have the builders come to public hearings to assure the town that they are on the same page as the town council and residents. Council Member Debbie Fowler stated that in the past we have had trouble with infrastructure and roads not meeting our standards. She asked if a portion of the units be more standard and not as high end as some of the others in order to keep the prices low. Mr. Tooley noted that there were programs very similar to that, like the House Charlotte Program. Council Member Joe Maxim asked if we could work with the county to get an inventory of programs that are available. Town Manager Ryan Spitzer stated that he would talk to the county and builders as well, to see what programs are available.

Mayor Edwards stated that we need to eliminate all of these issues before we have a Public Hearing. Mayor Pro Tem David Phillips stated that he is comfortable with the plans as they are. Council Member Fowler remarked that all of her questions had been answered. Bill Baynard asked if we could bring the builder in at the August 26th Work Session. All were in favor of having them at the next Work Session. Mr. Spitzer offered that we could then schedule a Public Hearing for the September Council Meeting. Council Member Melissa Davis stated that traffic is still a concern of hers. She asked if this project would be done before the planned road improvements or after. Both Travis and Ryan stated that most likely they would be going on at the same time. Council Member Melissa Davis then stated that traffic would be the biggest issue facing them at the public hearing. She stated that the builder's reputation would need to be top notch in order for the public to be convinced that traffic will not continue to be an issue with this project.

C. Resolution of Support for NCDOT Bicycle and Pedestrian Planning Grant (*Travis Morgan*) Planning Director, Travis Morgan, stated that town planner, Brian Elgort, was applying for a Bicycle and Pedestrian Planning Grant offered by the NCDOT. It's a population-based grant and with our population just under 10,000, NCDOT would cover 90% of the cost with the town only having to pay the remaining 10%. The grant pays for consultants that are prequalified by NCDOT, to draw up plans. The estimated cost for the consultants is between \$40,000 and \$50,000. The application would go in front of the TCC committee of which Mr. Morgan is a member and then through the MTC of which Mayor Edwards was a member. However, a resolution of support was needed from council to complete the package.

Council Member Melissa Davis was happy to hear that Brian was working on a grant as she believes more employees should be utilizing grants to help offset the cost of some projects. Mr. Spitzer stated that the plans would be for the whole town, not just a portion of it. Council Member Debbie Fowler moved to approve the Resolution #2019-07 in support of the grant. Mayor Pro Tem David Phillips seconded the motion and there were ayes by all. Motion passed unanimously.

D. Discussion on Purchasing Property from Norfolk Southern Railroad (Ryan Spitzer) Mr. Spitzer stated that he had been working with a land attorney to research ownership of several properties along Dover St. What started out as determining ownership of one sliver of land turned out to be more complicated than that due to no title searches being done at all, titles being passed down to family members when there were no rights to do so, or missing information altogether leaving some of the parcels of land questionable as to who actually owns them.

Mr. Spitzer then started talks with Norfolk Southern Railroad to purchase the sliver of land that bisects two properties that the town owns but the railroad is reluctant to sell just that sliver of land – they wanted to sell several other parcels to the town at \$9/sqft. The town could try to purchase just the sliver that was needed or purchase all of the property while trying to negotiate a better price per sqft. If the town did purchase R-O-W from them, it couldn't build on it but it could put parking on it which would be valuable. He added that if the town couldn't prove ownership, then it would be considered the railroad's property. After some discussion, all agreed that it was a mess that needed to be cleaned up and it was probably best to purchase as much of the property as possible. Mr. Spitzer and the land attorney felt they could get all of the property totaling about 4 acres for about \$300,000 and council was in agreement to authorize him to negotiate with the railroad for the property.

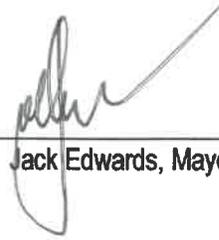
E. Discussion on Insurance Coverage for Retirees (Ryan Spitzer) Mr. Spitzer stated that there were concerns from Council Member Debbie Fowler regarding the benefits offered to retirees. She had drawn up a list of items she wanted to review including how much has been paid out to current retirees, what accounts they were being paid out of, a list of current employees with 20+ years of experience who will be eligible for retiree benefits and copies of separation letters authorized by the previous Mayor. All of that information was collected and put together in a packet for the other council members. Additionally, clarification of Parts A, B, C & D of the Medicare plan was provided along with an explanation of supplemental insurance coverage and a sampling of what some other towns do.

Discussion centered around the special arrangements made in the past, why some employees were entitled to benefits when others were not, and what to do about future retirees. All agreed that the arrangements made in the past were wrong but they had little recourse since some of those arrangements were in writing. It would not be worth spending money to fight them in court with the odds of losing so high. The best thing to do was to focus on what to do with future retirees. Mr. Spitzer stated he would work with Human Resources and the town attorney to come up with a policy of some type that will be fair to all. Council Member Debbie Fowler asked that, if possible, at least two options be presented so Council has a choice.

Several other items were briefly discussed:

- Splash pad – another walk-thru of items that needed to be fixed will be done on 7/25/19 at 9:00 a.m.; missing roof specs that were due to Council Member Davis who would still like to see concrete and roofs fixed
- Concern of the quality of workmanship of recent concrete work
- Lack of Downtown Merchant's meetings lately
- Mr. Spitzer will supply Council Member Davis the costs to outfit a CMPD police car
- Transitioning to time clocks
- Informational Session on Districting to answer residents' questions will be held at the Hut from 6:30 p.m. until 8:00 p.m. on July 30, 2019

ADJOURNMENT: Having no further business to discuss, Council Member Debbie Fowler moved to adjourn the meeting, seconded by Mayor Pro Tem David Phillips. There were ayes by all and the meeting adjourned at 9:16 p.m.



Jack Edwards, Mayor

ATTEST: 
Barbara Monticello, Town Clerk

