MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, July 14, 2020 – Held Virtually (from Pineville Communications Bldg.)

The Town Council of the Town of Pineville met in Regular Session on July 14, 2020 at 6:30 p.m. via Zoom.

ATTENDANCE
Mayor: Jack Edwards
Mayor Pro-Tem: Melissa Rogers Davis
Council Members: Joe Maxim, Les Gladden, Amelia Stinson-Wesley
Town Manager: Ryan Spitzer
Planning & Zoning Director: Travis Morgan
Finance Director: Richard Dixon
Town Clerk: Barbara Monticello

CALL TO ORDER
Mayor Jack Edwards called the meeting to order at 6:31 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG Town Clerk, Barbara Monticello, led the Pledge of Allegiance.

MOMENT OF SILENCE
Mayor Edwards asked for a moment of silence for resident Margaret Long, who recently passed. He also asked for prayers for Lt. Toby Calhoun, who was exposed to Covid-19. He asked that everyone remember our troops, first responders, police, fire and our military men and women.

ORDER OF BUSINESS:

Adoption of the Agenda:
Council Member Les Gladden made a motion to adopt the agenda as is. Mayor Pro Tem Melissa Davis seconded the motion and there were ayes by all. Motion passed 4-0.

Approval of the Minutes: of the Council Work Session April 27, 2020, Council Meeting of June 9, 2020 and Council Work Session of June 22, 2020.

Mayor Pro Tem Melissa Davis asked that one correction be made to page 5 of the Work Session Minutes of 4/27/2020. She then made a motion to accept the minutes with the correction. Council Member Joe Maxim seconded the motion. There were ayes by all and the minutes were approved with the correction.

Consent Agenda:
The Consent Agenda consisted of the following items: *a) Finance Report as of 6/30/2020;* Council Member Joe Maxim made a motion to accept the Consent Agenda and Council Member Amelia Stinson-Wesley seconded the motion. There were ayes by all and the motion passed 4-0.

PUBLIC COMMENT:
Meeting was held remotely. Comments were emailed to the Town Clerk to be read in to the record. Jane Shutt of Pineville Neighbors Place joined the meeting via ZOOM and gave a summary of the number of people that they have helped this

year, along with the amount of money they were able to assist people in need with. Additionally, she provided the figures for the number of people their food pantry was able to serve, along with the number of meals served to children in need. Ms. Shutt thanked the community for their support, and added that they had received several substantial monetary donations and continue to work with Crisis Assistance to provide as much assistance to those in need as possible. The Covid-19 virus has affected everything with both emotional and economic devastation ongoing.

Mayor Edwards stated there were two letters to read into record. 1) Beam Construction built the Pineville elementary school and are requesting their bond monies be given back. 2) Mike Deppen, local resident, regarding garbage issues with Waste Pro.

Public Hearings:

A. Patio-style Town Homes on Dorman Road – *(Travis Morgan)* Council Member Les Gladden made a motion to open the hearing. Council Member Joe Maxim seconded the motion and the public hearing opened.

Travis Morgan, Planning and Zoning Director, gave an overview of the project, which is a Conditional Plan Amendment request. There was some discrepancy with the acreage size that was settled with a survey that clarified it. Changes to the previous plan submitted show revised items in RED. Twenty-three units are proposed, along with five-foot sidewalks. Both the town and county will inspect the underground storm water system that is proposed.

The Parking has been revised with a new plan bringing the parking closer to the units and adding a few additional spaces. Elevations were shown with variations in the roofing to break up the roofline. There is a dumpster facility on site used by the Laurels and Havens. The plan is for everyone to share it. The pick-up schedule will be increased if necessary. Council Member Les Gladden asked if there was a formal agreement in place. Director Morgan said an agreement was in place with shared easements and he is comfortable with what is in place.

Mr. Morgan also noted that there was a letter of support from the Cottages that was received previously. The community supports residential over office use although there were concerns with storm water which will be part of the final review by both the Town and the County. The Cottages were also requesting a fence as there were concerns with the hill in the back of the community. The applicant is fine with installing a solid fence, either wood or vinyl.

Mayor Edwards read into record, an email from Richard Carbonara of the Cottages with their concerns:
1) Storm Water ordinance – Mr. Carbonara requested a copy of the final written approval for the storm water system.
2) Fence - Cottages requested a 6-foot fence separating the two properties; wood or vinyl is acceptable.
3) Parking – Cottages requested there be sufficient parking along with curb and gutter.

A question arose about the siding on the end of the units. The front and rear elevations showed fiber cement but it wasn't specified what the material will be on each of the ends of the units. Director Morgan stated he would be sure it is clarified that the sides and ends should be cement fiber as well. As for the parking, the required number of parking spaces is 29. They have 41 spaces in the plan so they are well above what is needed.

Richard Carbonara spoke via Zoom reiterating their concerns:

1) Clarification on parking
2) Storm water drainage and issues with heavy rain

Mayor Pro Tem Melissa Davis made a motion to exit the Public Hearing for the Town Homes and was seconded by Council Member Amelia Stinson-Wesley. There were ayes by all and the motion passed to end the Public Hearing at 7:04 p.m.

Mayor Pro Tem Melissa Davis made a motion to open the Hyundai Dealership Public Hearing. Council Member Joe Maxim seconded the motion and the second Public Hearing opened.

B. Hyundai Dealership (*Travis Morgan)* Director Morgan presented another conditional zoning request for a Hyundai Dealership at 10518 Cadillac Street. He pointed out the revised notes in yellow on the current plan showing five display cars

permitted.

Hyundai will be making a payment in lieu of street improvements. Hyundai will pay for paving to be done by the town and the town will pave the entire section at one time instead of the dealership doing half and the town doing the other half.

The existing metal building in the rear will be refaced with a faux brick material in the front while the rest will be painted as shown on the plan. Shrubs will exceed the minimum height requirement of 4 feet from Cadillac Street to the I-485 ramp. Staff prefers some type of holly and will have the final approval of the planting material.

Hyundai will pay $5,000 toward a new sign for the town. There will be no changes to the elevations shown on the plan presented at this meeting, but the lighting plan had been revised to be more in line with other dealerships in the area. The plan showed an updated sign graphic with benches and sidewalks added. There will be no "South Charlotte" wording on their main sign, but the plan showed where Hyundai of South Charlotte will appear on the building itself.

Council Member Amelia Stinson-Wesley asked how much space there would be between the Town sign and the Clock Tower. Director Morgan estimated it to be about 40 feet. Mr. Morgan pointed out that the plan was for a 44,000 square foot facility, not 55,000 square feet as was stated in the TIA (traffic study) Report. Architect, John Fryday, revised the plans after this set was sent out to the town.

Council Member Les Gladden wanted clarification on the shrubs along the front, as it did not appear that they were going all around the front. Director Morgan stated that it would be the full stretch from Cadillac Street wrapping around the front along Polk Street to the ramp at I-485 and it would have the four-foot evergreen shrubs as discussed.

Mayor Pro Tem Melissa Davis advised that the dealership is going to be in Pineville, not Charlotte. She does not want to see "South Charlotte" on the building as was the case with Council Member Stinson-Wesley.

Nick Berndt, via Zoom, shared that it was part of their branding. Across the street, there was Mercedes of South Charlotte as well as Mazda of South Charlotte -- it is their brand which they spent a significant amount of money investing in it. Council Member Joe Maxim understood why they were moving to Pineville, but having to use their business branding name. From a business standpoint it made sense as it was just part of their branding package. That is a branding associated with their business.

A lengthy discussion followed with members of council pointing out that the brand was Hyundai, not South Charlotte and putting South Charlotte on their building when they were actually in Pineville was slighting the town. Arguments for both sides of the issue were presented and other options offered, but no acceptable resolution was reached for either of the parties so the item was tabled.

Council Member Amelia Stinson-Wesley made a motion to exit the Public Hearing and Mayor Pro Tem Melissa Davis seconded the motion. There were ayes by all and the Public Hearing was closed at 7:48 p.m.

NEW BUSINESS:

A. Council Vote on Three Public Hearing Items:

1) Vote on Beacon Development Warehouse (*Travis Morgan*) Mr. Morgan referred to the site plan and noted the different phases of development that will take place. The finalized traffic study was provided and reviewed. He reviewed the two options with the Coley property: Option A utilizing an existing easement and Option B utilizing a temporary easement. Staff preferred option B.

Issues with neighboring properties were ironed out: for the Hammonds owning the horse farm directly across the street from the connector road, their driveway will be relocated and there will be fencing with gates and 6 to 8-foot evergreens proposed. For the Kimbrells, they were offered a dollar amount for additional landscaping which they were agreeable to. Council Member Les Gladden asked if these items were part of the town's requirements for this conditional use as part of approval process? He just didn't want the town to be setting itself up for a possible lawsuit.

Mr. Morgan stated that the conditional process was flexible and as long as it was agreeable to board members, homeowners and developers, it was o.k.

Council Member Les Gladden asked if the town could be dragged into court by adding these stipulations to the conditional use process?

Property owner, Ken Hammond, stated his concerns over the entrance so they wanted a significant buffer to protect themselves from traffic on Downs Road. He appreciated what was offered but believed he would still need to invest more to get the full protection he and wife, Denise, felt they needed. In order to close the loop on the agreement, he had asked to tie the payments into the conditional use approval process. Jon Morris of Beacon Development stated that within 60 days of closing, they would write a check to the Hammonds and set up the landscaping for the Kimbrells. Mayor Pro Tem Melissa Davis asked that we document that the Kimbrell's were happy with the agreement.

Director Morgan stated the clarification on elevations were included in the packet. Beacon provided elevations to correspond to site plans. In addition, ordinance requirements were all being met. Mayor Pro Tem Melissa Davis asked Mr. Morgan if he was comfortable with the agreement and wanted to know who would be working on getting the easement from the Coley's to which Mr. Morgan replied that, "everyone that can help to get that extra footage is welcome to help".

Jon Morris of Beacon Development confirmed that Carolina Logistics Park would be the name of the development.

Council Member Les Gladden asked about the plan for construction of the connector road. Discussion ensued regarding the timing of construction of the road, which end to start with, when to issue C/O's and what the best way to handle construction of the road would be. Several suggestions were made but Director Morgan offered that after the first building's Certificate of Occupancy were issued, no other C/O's be issued until the connector road was complete, with the Nations Ford side of the road to open before the Down's Road side opens. Beacon was agreeable to this. He also assured that all public roads would be bonded so if Beacon were to go bankrupt, the money would be there to complete the roads.

Mayor Edwards asked for a motion. Council Member Les Gladden made the motion to approve the warehouse complex and Council Member Joe Maxim seconded it. There were ayes by all and the warehouse complex was approved.

2) **Vote on Patio Style Homes on Dorman Road** – Town Manager, Ryan Spitzer, asked to be sure that it was noted on the plan that elevations needed to be cement fiber all the way round the buildings. Mayor Pro Tem Melissa Davis made a motion to approve the Patio Homes with Council Member Amelia Stinson-Wesley seconding it. Ayes by all; motion for Patio Homes was approved unanimously.

3) **Vote on Hyundai Dealership** – Council Member Joe Maxim recommended tabling this item. Council Member Joe Maxim motioned to table this item with Council Member Amelia Stinson-Wesley seconding it. Ayes by all. This item was tabled until the July Work Session.

B. Vote on the Waiver by Electricities - Town Manager Ryan Spitzer explained that Electricities wanted to email our invoice for our wholesale power instead of mailing it to us. It was just a matter of Council approving it and filling out and returning the paperwork. Council Member Joe Maxim made a motion to approve with Council Member Amelia Stinson-Wesley seconding it. Ayes by all, motion passed.

C. Discussion of County Resolution – *(Ryan Spitzer)* Manager Spitzer explained that Council had to make a decision on whether visitors wear masks inside our buildings and in our parks. He noted that Governor Roy Cooper had extended Phase II of the reopening plan until August 7th. Council discussed the item and consensus was that anyone coming in to Town Hall will need to wear facemasks as well as at the Park if social distancing cannot be done. Spanish and English signs will be posted at the Park.

Mayor Pro Tem Melissa Davis made a motion to institute these requirements in Pineville. Council Member Amelia Stinson-Wesley seconded the motion. There were ayes by all and the motion passed. It will be a requirement that once inside Town

Hall and any other town-owned or maintained building when they are opened to the public, as well as in our parks going forward.

D. **Budget Amendment** – *(Richard Dixon)* Financial Director, Richard Dixon, explained the amendment was to transfer operating funds from ILEC to CLEC funds. Hearing no questions or comments, Council Member Les Gladden made a motion to approve the amendment. Council Member Amelia Stinson-Wesley seconded the motion. There were ayes by all and the motion passed.

E. **Staff Report** – *(Ryan Spitzer)*. Mr. Spitzer discussed the following items during his staff report:

- New Fire Department Ladder Truck –Spoke with Atlantic, plus attorney sent a letter to them as well. There is a follow-up meeting with them tomorrow. They were able to fix the portion of the truck that was damaged but the town would like the entire portion replaced.

- PPE – We are getting 200 masks from the County. We have also received $124,000 from them to purchase PPE and to help offset any technology and/or staff expenses related to Covid-19.

- Hired Maintenance Worker for Public Works. In process of drug testing and background check now. He is also in the process of calling back potential candidates for the Parks and Recreation Director's position. Recruitment for a new Police Chief is also taking place now and the Human Resources Director's position was also posted.

- Discussion of alcohol sales after 10:00 p.m. due to Coronavirus. Reason behind this was due to younger people going out to bars and consuming alcohol later at night increasing the chances for spreading the virus. Council wanted to know thoughts of the other towns in the area before making a decision to go along with the proposal or not.

****CLOSED SESSION:** At 9:49 p.m. a motion was made and seconded to enter Closed Session. *Pursuant to NCGS 143-318.11(5&6)*, one real estate issue was discussed at length as was one personnel item.

ADJOURNMENT: At 11:01 p.m., a motion was made and seconded to end the Closed Session and adjourn the meeting There were ayes by all and the meeting adjourned.

Mayor Jack Edwards

ATTEST:

Barbara Monticello, Town Clerk