



**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
TUESDAY, APRIL 8, 2014**

The Town Council of the Town of Pineville met in regular session on Tuesday, April 8, 2014 at 6:30 p.m. at the Hut Meeting Facility in Pineville.

**ATTENDANCE**

Mayor: Jack Edwards

Mayor Pro-Tem: Melissa Davis

Town Council Members: Les Gladden, Debbie Fowler and David Phillips

Town Administrator: Haynes Brigman

Planning Director: Travis Morgan

Town Clerk: Barbara Monticello

Planning Board Members: Chairman Jim Knowles and members Amelia Stinson-Wesley and Thomas White were present; members Paul Sullivan and Jack Lee were absent.

**CALL TO ORDER**

Mayor Edwards called the meeting to order at 6:30 p.m. and welcomed those in attendance. Those wishing to speak were invited to sign the speaker list.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

The Pledge of Allegiance was led by David Phillips.

**MOMENT OF SILENCE**

Mayor Edwards called for a moment of silence for those that were ill and fighting overseas. Mayor Pro Tem Melissa Davis asked those in attendance to remember Scottie Earnhardt who passed away.

**ORDER OF BUSINESS**

**Adoption of the Agenda:**

There being no changes to the agenda, Mayor Pro Tem Davis moved to approve it with Council Member Les Gladden seconding the motion. There were ayes by all and the agenda was adopted as it.

**Approval of Minutes for the Regular and Closed Sessions of March 11, 2014:** Mayor Edwards called for a motion on the Regular and Closed Session Minutes from March 11, 2014. Council Member David Phillips moved to approve the minutes as is with Council Member Les Gladden seconding the motion. There were ayes by all to approve both sets of minutes as is.

**Consent Agenda:** The following items were included: a) *Financial Report Ending 3/31/14 (Richard Dixon)*; b) *Proclamations for: Municipal Clerk's Week and National Police Week*; c) *Resolution No. 2014-04 Declaring Surplus Property*; d) *Resolution No. 2014-05 Supporting Legislative Action on Coal Ash in NC*; e) *Purchase of New Vehicle for Administration*; f) *Approval of CCAC Invoice* and g) *No Parking Ordinance for Lakeview Drive and Eden Circle*. Town Administrator, Haynes Brigman, had provided information on three specific vehicles for Council's consideration and approval regarding the purchase of a new vehicle for Town Hall employees. The vehicles and pricing proposed were all

based on North Carolina State Contract pricing. Mayor Pro Tem Davis still had issues with the purchase of an SUV vehicle for Town Hall employees and asked Mr. Brigman to consider a smaller, more economical one. Council Member Les Gladden stated that there may be a situation when someone would need to be taken around town and would prefer to be in a larger, more comfortable vehicle. Ms. Davis stated that it wasn't the price of the vehicle that bothered her but the size. She did not think Administration needed such a large vehicle that didn't get good gas mileage. Council Member Fowler stated that all the other departments had them and Council Member David Phillips stated he did not want to go on a long trip such as to Raleigh in a small vehicle with 4 other individuals should they decide to attend Town Hall Day or some other event. He suggested giving the Administration Department some leeway in the type of vehicle they purchased but to limit the amount spent on it. He wanted a large enough vehicle to be able to easily get in and out of. He motioned for the Town Administrator to look into getting the Chevy Equinox and if not available, to come back before Council for additional direction. Council Member Gladden seconded the motion and there were ayes by all.

**PUBLIC COMMENT:** There were no questions or comments from the Public.

**PUBLIC HEARINGS:**

**A. Joint Public Hearing:** *Text Amendment to the Pineville Zoning Ordinance to amend acreage and building size requirements as they relate to car sales and dealerships (Travis Morgan).* Planning and Zoning Director, Travis Morgan, stated that the applicant was looking to amend regulations relating to car dealerships along Polk Street. Current regulations require the lot to be a minimum of 10 acres and the building a minimum of 35,000 square feet but the applicant was proposing a lot size of 6 acres and the building size be a minimum of 28,000 square feet.

An informational meeting was held by the Planning Board on March 20, 2014 to discuss the history regarding the regulations on both the architecture and allowable uses along Polk Street as well as the town's intention to restrict the number of car dealerships along Polk St., both in the past and with the possibility of introducing additional requirements. Staff made changes to remove both the BP and GI districts from allowing car dealerships in those zoning districts and limiting them to only the B3 and B4 districts.

Mr. Morgan believed that the ten-acre minimum was put in place to prevent the smaller, used-car dealers to set up their businesses on one or less acre lots using older residences as their sales offices. He stated both the pros and cons of having another car dealership along Polk Street and added that the overlay district requirements that were in place would help guarantee a higher quality building, additional screening, landscaping and new sidewalks.

Council Member, Les Gladden, wanted to be sure the applicant was familiar with and would abide by the strict regulations set out in the overlay district. Mr. Morgan affirmed that the applicant was aware of them. Mr. Gladden did not want to allow car dealerships to line Polk Street like the ones on South Blvd. and Independence Hwy. Discussion continued with additional questions and comments from Council. Council Members were concerned that there was already a lot of car dealerships along Polk Street and just like all the furniture stores that were once in town, they would close up one-by-one leaving empty and abandoned buildings and lots. Design of these buildings was so specific to car dealerships that no other businesses can easily and reasonably go in and convert the building to suit their use. Consequently, the buildings sit vacant, rendering them useless.

Mr. Morgan stated that once a building was vacated, there was a period of three months for non-conforming uses to go back into the same space for the same use. Council Member Gladden added that there were multiple tools that could be used to limit the things that Council did not want to see developed in the area, but he wanted to give the applicant a chance to explain their project as they may have a plan to build something nicer than what was currently on the property now. Mayor Pro Tem Melissa Davis stated that the bottom line was that it was still a car dealership.

Mr. Morgan added that the town's Overlay District requirements would not allow an average car dealership be built there. The intention of the Overlay requirements was to produce a building that if ever vacated, would be easily converted to another use other than a standard dealership. Planning Board Chair, Jim Knowles, noted that taking

that use out of the BP and GI districts further limits the number of car dealerships coming to town. He agreed that the area being proposed, could wind up looking a lot nicer than what was currently there.

The applicant, Kent Jones, stepped to the podium to address Council's concerns. He stated that he represented Pineville Properties and was fully aware of all the Overlay District regulations. His client stood ready to meet all the goals and make efficient use of the land by reducing the car lot size and having plenty of property screening. His client was relocating their corporate staff to Pineville from Fort Mill and wanted to be part of the community. He believed that with a smaller lot and building, the property could be more easily re-purposed for another use should something happen with his client.

The shape of the lot being long and narrow was also a concern especially in regards to used cars and the use of elevated ramps to showcase the vehicles. Council Member Gladden asked how they planned to address that. Mr. Jones responded that with a new sidewalk, a lot of screening and an attractive building pulled closer to the road, it should draw the eye more toward the building than the cars. Architect, Daniel Priest from Charlotte, stated that a portion of the site was owned by the state and there was a tapered part of the property where they were proposing to display the vehicles. Mr. Gladden stated that a lot of applicants try to circumvent the town's ordinances and wanted to know how vehicles would be highlighted? Mr. Priest stated that people are doing more online shopping which has reduced the number of visits to showrooms significantly from 7 down to less than 2 visits.

A second applicant, Mr. Jim Plyler, who was selling the 4.78 acre lot between Carnax and the Cadillac dealership, was piggybacking off of Mr. Jones' request to reduce the acreage of the lot size as well, but to an even smaller amount to accommodate his lot. He's been trying to sell the lot for a couple of years and has had to turn down two offers from dealerships because the acreage of the lot did not meet the minimum size requirement for that use. He asked that the town consider reducing the requirement to 4.5 acres.

Planning Board Chair, Jim Knowles, had not known that the company was planning to make Pineville their headquarters and wanted to know about how much of the space was intended for offices. The applicant responded about 6,000 square feet would be used for corporate offices. When asked if the Board was prepared to make its recommendation, Mr. Knowles stated that the board was not aware that this was going to be a corporate headquarters and wanted to discuss their options more but that a decision would be made by the next Council meeting.

There being no further questions or comments, Council Member Les Gladden moved to close the Public Hearing at 7:40 p.m. with Council Member David Phillips seconding the motion. There were ayes by all to close the Public Hearing.

**B. Public Hearing:** *Text Amendment to the Pineville Town Code to update speed limit regulations and to provide consistency of terminology as it relates to town roads (Haynes Brigman).* Council Member David Phillips moved to open the second Public Hearing at 7:42 p.m. Mayor Pro Tem Davis seconded the motion and there were ayes by all. Town Administrator, Haynes Brigman, stated that in responding to a resident request about speed limits in town, he realized the traffic code contradicted itself so it needed to be corrected and consistent. The changes included the following:

- Revised discrepancy of lowest speed limit in town
- Revised standard residential district speed limit to be less than commercial districts
- Revised lowest permitted town speed limit to 15 mph from 25
- Added statement that 35 mph is the town speed limit unless otherwise posted

He continued stating that the speed limit in some areas of town needed to be less than 25 mph and that it would be corrected. There were no questions or comments from the public or from any Council Members. Council Member Gladden moved to approve the text changes. Council Member Phillips seconded the motion and there were ayes by all to approve the changes.

## OLD BUSINESS:

- A. **Mecklenburg Co. Field Construction Agreement** (*Haynes Brigman*). Mr. Brigman reported on his discussions with Mecklenburg County on the construction of three "T-Ball" fields on the lots by Pineville Elementary School. An estimated 1,000 kids could use these fields but primary use of them would be by the PCAA. This would be a two-phased project with some financial assistance from Mecklenburg County but Mr. Brigman could not say how much. Mecklenburg County would have ownership of the property. Included in Council's packet was a sample agreement.

Mr. Brigman listed the pros and cons of entering into an agreement with the county but stated that Mecklenburg County did not want to commit to an amount until they knew how much the town would put into it. It was up to the Town to show how committed it was to this project. The first phase of the project would be to have the fields built so the kids could start playing on them at a cost of \$460,000. Phase II would be added to the county's capital plan and include additional items such as lighting and concession stands.

Mayor Pro Tem Davis was uncomfortable with signing an agreement with Mecklenburg County without knowing how much was at stake. She wanted to look into partnering with other organizations. A discussion ensued between Ms. Davis and the other Council Members regarding the benefits of having an agreement with Mecklenburg County. Most of the infrastructure was already in place which was a big savings right there but if a decision was not made quickly, the county would just partner with someone else to have the fields built and the town would lose the opportunity. After a lengthy discussion, Council Member David Phillips moved to join Mecklenburg County in an agreement for the construction of Phase I ball fields at a cost of \$460,000 with the town's offer to pay \$325,000 of that amount. Council Member Les Gladden amended the motion to sign an agreement with Mecklenburg County but start negotiations for our share of the cost at \$300,000. Mr. Phillips agreed to the amended motion and Council Member Gladden seconded the motion. Both Council Members Phillips and Gladden were in favor of the motion and Mayor Pro Tem Davis and Council Member Debbie Fowler voted against the agreement leaving a tie of 2 in favor and 2 against. Mayor Edwards stated that building these fields would give children something to do so he voted in favor of the agreement making the vote 3-2 in favor of signing the agreement with Mecklenburg County.

- B. **PCAA Proposed Agreement** (*Haynes Brigman/Jennifer Honaker*) - Mr. Brigman stated that the previous agreement with PCAA was reviewed and tweaked and the latest version was being presented before Council for their consideration. Mayor Pro Tem Davis added that she and Jennifer sat down with representatives from the PCAA and reviewed every by-law with them. The town will have two votes and a \$10,000 commitment to the PCAA. Maintenance costs were brought down considerably as PCAA will be responsible for all maintenance including fence repairs, etc. Mr. Brigman added that any changes to the resident's discounted fees or physical changes to the field must be brought before the Pineville Town Council for approval. Council Member Fowler asked if the Board positions, specifically the community advocate, be spelled out more so that it is clear in the agreement. Jennifer Honaker agreed to revise it so that it is clearer in that section of the agreement. Council Member David Phillips moved to accept the agreement with the noted amendments. Council Member Les Gladden seconded the motion and there were ayes by all.
- C. **Cemetery Plot Additions** (*Haynes Brigman*) – Mr. Brigman gave a follow-up report on the request for additional cemetery plots by Mr. Eubanks. Mr. Eubanks had a sonar test done and the report was provided to Council in their packets. The test showed no existing caskets in the area. Additionally, funeral homes were contacted to try and determine if any plots had been sold in the past but they could not determine with certainty that no plots had been sold. Mr. Bill McConnell added that Mr. Eubanks had strong family ties in Pineville and would be very grateful for the opportunity to purchase additional plots for family members.

There were no further questions or comments by Council so Mr. Brigman recommended that he determine what the legal costs would be to draw up a deed and check the market rates for the price of plots. Council Member Les Gladden moved to approve the request for up to 4 additional lots with Mayor Pro Tem Melissa Davis

seconding the motion. There were ayes by all to approve the request.

**NEW BUSINESS:**

**A. Downtown Merchants Association Update – (Bill McConnell).** Mr. Bill McConnell gave an update on the downtown businesses. He invited anyone that was interested to attend their meetings on the first Tuesday of every month at 5:00 p.m. The association was working on a brochure which will feature the services of the businesses on Main Street. A new roof was installed on the units from 319 to 325 Main St. and all of the units on the east end had been rented. Even though the town was not sponsoring the Crops and Shops Spring Festival this year, the merchants wanted to continue it. They had selected May 24<sup>th</sup> (later changed to May 17<sup>th</sup>) for the event which will include Don Eury and Jack Thrower selling produce along Main St., a tent sale by Luna and a gallery crawl by the CCAC. Mr. McConnell stated that the merchants wanted to try this on their own, taking the responsibility off town staff but they were still in need of financial assistance and asked if town regulations could be relaxed for that day.

There being no discussion on the subject, Council Member Phillips moved to approve a monetary donation not to exceed \$1,000 for the purpose of a Crops and Shops Festival. Council Member Fowler seconded the motion and there were ayes by all.

**B. Reschedule November Council Meeting (Haynes Brigman)** – Town Administrator, Brigman, noted that there was a discrepancy with the date of the November Council Meeting which fell on Tuesday, November 11<sup>th</sup> which was Veteran’s Day and a town holiday with offices closed. Council decided to move the meeting to the following week on Tuesday, November 18<sup>th</sup>. Council Member Debbie Fowler moved to approve the change in date of the meeting to November 18<sup>th</sup> with Council Member David Phillips seconding the motion. There were ayes by all.

**C. Appointment of Parks Advisory Board (Haynes Brigman)** – Mr. Brigman explained that the Park and Recreation Department was forming a Park Advisory Committee as part of the Comprehensive Master Plan requirements. Park Director, Kirsty Detwiler, had compiled a list of interested candidates from various neighborhoods throughout town. However, she noted that two neighborhoods were not represented (Traditions and Carolina Village) but she would continue to search for members to represent those areas in the future. Mayor Pro Tem Melissa Davis moved to appoint the members listed (and incorporated as part of these minutes) as the Pineville Park and Recreation Advisory Committee. Council Member David Phillips seconded the motion and there were ayes by all.

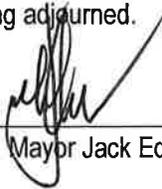
**D. Staff Updates – (a) Manager’s Report (Haynes Brigman)**—Mr. Brigman reminded Council that the last budget workshop was on April 17<sup>th</sup> at 5:00 p.m. at the Pineville Police Training Room. He also commented on a recent news report regarding potholes in town stating that there was a lot of misinformation in the report.

**ADJOURNMENT**

At 9:13 p.m. Council Member David Phillips moved to adjourn the meeting with Council Member Debbie Fowler seconding the motion. There were ayes by all and the meeting adjourned.

ATTEST:

  
Barbara Monticello, Town Clerk

  
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Mayor Jack Edwards

