



**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
TUESDAY, June 9, 2020 – Held Virtually (from The Hut, 413 Johnston Dr.)**

The Town Council of the Town of Pineville met in Regular Session on June 9, 2020 at 6:00 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 Manager, Ryan Spitzer, led the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mayor Edwards asked for a moment of silence for the police departments across the nation because of recent negative press, noting that they were under pressure and needed support right now. He asked that everyone remember our troops, first responders, police, fire and our military men and women.

**ORDER OF BUSINESS:**

**Adoption of the Agenda:**

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

**Approval of the Minutes of the Council Meeting and Closed Session of May 12, 2020.**

Mayor Pro Tem Melissa Davis asked that the name Michelson be changed to Nicholson. She then made a motion to accept the minutes with the name correction. Council Member Amelia Stinson Wesley 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 5/30/2020*; b) *Tax Refunds*. Council Member Joe Maxim made a motion to accept the Consent Agenda and Council Member Les Gladden 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 a \$45,000 grant and continue to work with Crisis Assistance. They are looking to open sometime in July.

**Milady Meadows** introduced herself as she has volunteered for the County's Parks and Recreation Commission. She and her family moved here within the past year. She is a wife and a mom as well as a full-time student majoring in environmental science. She is looking forward to meeting everyone and working on the P&R Commission.

Mayor Edwards thanked her for volunteering for this spot and to arrange, through Town Clerk Barbara Monticello, to come to the Council Meeting in August.

### **Public Hearings:**

**A. Beacon Development - Kings Grant** – Council Member Les Gladden made a motion to open the hearing for Beacon Development. Mayor Pro Tem Melissa Davis seconded the motion and the public hearing opened @ 6:45 p.m.

Travis Morgan, Planning and Zoning Director, gave an overview of the project. The project is 240 acres between Nations Ford Road and Downs Road. It is a total of 3.5 million square feet with ten buildings within the development. Conditional notes were updated since the last meeting. They were still working on a lighting plan. The connector Road lines up with the Hammonds property across the street. They all met and agreed on screening and buffer for the Hammond property. They discussed fencing, wall or berm – to be to be refined at the next meeting.

The BMP's will be wet ponds and handled like HOA's for the maintenance of them. A lengthy discussion on the esthetics of BMP's and keeping them maintained was discussed. Beacon has the entire property now; it is not going to be a rock crushing facility as was originally thought. Mr. Morgan noted that the Coley property was not interested in selling their home at this time. There is a 100-foot buffer around this property with standard screenings and a clause that allows them to sell their property to developers if they change their mind.

Council provided positive feedback on the elevations of the buildings, with building #2 being the main showpiece in the complex. Mayor Pro Tem Melissa Davis asked if it needed to be noted on the plan that there would be no chain link fence around the BMP's. Travis assured Council that yes, it will be noted and also noted in the minutes. Council Member Joe Maxim asked Mr. Morgan if the comments/notes were to his satisfaction. Mr. Morgan stated yes, although he did not want the notes to be open ended so now that they have been closed, he is o.k. with the language now.

Council Member Joe Maxim said he was pleased with the overall project but asked if everyone felt that the instructions for tenants were clear? Was a clear set of rules/regulations established for tenants so they were aware of what was allowed? Director, Travis Morgan said he felt the regulations were clear.

Council Member Les Gladden stated that there was too much flexibility in what the buildings would look like so at the bottom of Page one, he would like to see a set of elevation plans that show what they were going to build. Mr. Morgan said they would work on something in the notes to show the renderings are the intent of what is to be built and identify which elevations belong to which buildings.

Council Member Les Gladden noted that the Feeder Roads with parking corrals showed they were 20 feet away from the connector road but asked to increase that to 50 – 75 feet instead of 20 feet.

Jon Morris introduced himself stating he had been with Beacon for many years and was overseeing this project. He stated that Beacon intended to improve the road with curb and gutter along Downs Rd. They've discussed a lot of the storm water issues and feel they will dramatically improve the flooding conditions there. Council Member Les Gladden said he still had concerns about the flexibility in design of the buildings. They have not technically designed the buildings as of yet so what they could do is list out the building materials they planned to use such as using concrete, accented with paint; or significant use of glass; tiles inlayed into concrete. He realized Beacon was still months away from actively designing the buildings but they should be able to provide materials they will use to construct the buildings.

Council Member Les Gladden asked if Jon Morris was the developer. Mr. Morris responded that he was and that Beacon

had built all the buildings in Metrolina Park and their intent was to build the building in this complex as well, although they may sell a lot to someone else for them to construct on it. Council Member Gladden suggested it be noted on the plan how each building should look with the most visible buildings needing more detailed requirements than one that cannot be seen from the road.

Craig Flemming addressed the elevation question noting that Beacon's design intent was depicted in the renderings but the established base building materials were concrete and tile inlay making for a long-term sustainable building. Jon Morris stated they would write a narrative of the design intent to provide some reassurance to council so the project could get approved. Mr. Morgan added that it was not just the building materials that were important but the architectural designs as well. Mr. Morris said there were ways to articulate designs and strengthen them up as long as Mr. Morgan could assist with the language.

Craig Flemming added that each building would be its own entity with its own design. Mr. Morris asked Craig Fleming to produce a front elevation, back elevation, and side elevations for the town. They should be able to come up with something in the next week. Craig assured him that was absolutely possible.

Jon Morris stated that regarding the maintenance of the wet ponds, they would inspect the ponds monthly and also when it rains heavily and with regards to the 75-100 foot parking off the connector road, they would agree to more than 20 feet but not quite 75-100 feet as that is a lot. They had restrictions in their leases about parking but stated that they could work on an agreed upon amount. He added that there would be no chain link fencing around the BMP's.

Council Member Amelia Stinson Wesley asked about the adjacent property owners and if Beacon has had conversations with them. Mr. Morgan responded that they had met at the Hammonds property and were working it out. They were looking at relocating the existing driveway but it was still a work in progress. Jon Morris noted they still had a way to go with working something out – they were not quite there yet with the Hammonds as there was not enough room to do a berm in some areas. The Hammonds would like a fence and landscaping. Beacon was going to relocate their driveway to the south. Mr. Morris stated that Beacon would pay for berms and landscaping and then discuss the fencing.

The Hammonds were in attendance via ZOOM. Mr. Hammond stated that he and his wife were pro development, pro Pineville. They had a sizable investment; low intensity use at the farm that they own across from the proposed development. Mr. Ken Hammond continued, stating that Beacon had ½ of a mile of frontage on Downs Road and their connector road just happened to fall exactly in front of their driveway. He believed there would be a ton of traffic staring them in the face. He and his wife run an educational farm camp with a lot of kids and they just wanted to help protect the kid's safety and their investment. What Beacon was considering reasonable was not exactly what they thought was reasonable. Safety is a priority and all they were asking for was that Beacon do something substantial to protect them and they believed their request was a reasonable one.

Jon Morris stated there was a lot of topography on the section by building #4. Ken Hammond asked to see the elevation of that building. Council Member Les Gladden asked Mr. Hammond if they planned to keep Travis Morgan in the loop of conversation with Beacon. Jon Morris stated they would copy Travis on the emails as they wanted to be as transparent as possible.

Ken Hammond was concerned what the impact of the project and the traffic would have on the value of their property. Mr. Morris responded that Pineville did not want driveways on Downs Road so they eliminated three driveways and the location of the connector road was pushed on them by DOT. He reiterated that they would keep Travis in the loop and keep trying to work something out. Denise Hammond added that they were not against development, but that they were pro safety.

Mayor Pro Tem Melissa Davis mentioned several times that traffic would be going out to Nations Ford Road and asked if there was a way to limit certain vehicles from coming out onto Downs Road? Director Travis Morgan replied that because it was a public road, it would be difficult as it would be an enforcement issue and a challenge for sure.

Council Member Amelia Stinson Wesley asked if it can be a one-way road and who had the authority to make it one. Council Member Les Gladden said he had thought of that as well, although it could make matters worse by doing that.

Mayor Edwards noted that everyone was talking about the same thing and that all Beacon, the Kimbrells and the Hammonds needed to do was to work it out. Council Member Joe Maxim stated Beacon would price out the specifications and continue to work something out. He then asked Danny Kimbrell for his comments.

Danny Kimbrell agreed with the Hammonds; he, too, was concerned about the entrance way, the traffic and safety concerns. Council Member Joe Maxim suggested getting together with Ken Hammond and the Kimbrell's next Monday or Tuesday to continue to work something out. Mr. Morgan offered his assistance in coming up with an agreement as he would like to see the issue resolved by the next meeting.

Council Member Les Gladden then asked Beacon if they had checked road detail for Pineville, noting that the Town's specifications were different from the County's. Sidewalks, under layment, all must conform with Pineville's specifications. Town Clerk Barbara Monticello advised that the Town's website was recently updated with the most recent updates to these specifications.

Council Member Joe Maxim made a motion to close the Public Hearing. Mayor Pro Tem Melissa Davis seconded the motion to close the Public Hearing at 8:04 p.m.

- B. Public Hearing for a Request for Parking on Eagleton Down Road (Travis Morgan).** A motion was then made and seconded to open the second Public Hearing for Eagleton Downs. Director Travis Morgan said the developer for Lot #2, on Eagleton Downs Road, was requesting that parking be allowed in front of the building which faces Downs Road. They are proposing to install shrubs along the Downs Road portion to screen the parking on the Downs Road side. Council Member Les Gladden asked if the screening bushes should be on Eagleton Downs Road. Mr. Morgan responded that it should but that it just was not shown on the graphic. He noted that installing a street light at the intersection of Eagleton Downs and Downs Road would be valuable for the town and for motorists along Eagleton Downs and Downs Road.

Council Member Les Gladden asked Lawrence Sheehan if he heard and understood the request for a street light at the intersection. Lawrence Sheehan then asked if they were required by code to which Mr. Morgan answered yes, they were required by code. Mr. Sheehan then stated that they would put them in. He advised Council not to worry about it as they will take care of it.

Council Member Les Gladden made a motion to close the 2<sup>nd</sup> Public Hearing @ 8:15 p.m. and Council Member Joe Maxim seconded the motion. There were ayes by all. Council Member Les Gladden then moved to approve parking in the front of the building with street lights; parking and proper landscaping/lighting. The motion was seconded by Council Member Amelia Stinson Wesley. There were ayes by all and the motion passed.

#### **NEW BUSINESS:**

- C. Appointment of Volunteer to the Park and Recreation County Commission:** Council Member Joe Maxim requested moving Item C up on the agenda to appoint Milady Meadows to the position of volunteer to the Mecklenburg County Parks and Recreation Commission. This would eliminate her need to have to sit through another hearing. Ms. Meadows had introduced herself earlier to Council. Council Member Joe Maxim made a motion to nominate Milady Meadows and it was seconded by Council Member Les Gladden. There were ayes by all and the motion passed.

#### **PUBLIC HEARINGS:**

- C. Public Hearing for FY20-21 Budget - (Ryan Spitzer).** Mayor Pro Tem Melissa Davis moved to open the hearing and Council Member Amelia Stinson Wesley seconded the motion. There were ayes by all and the motion passed to open the final Public Hearing of the evening.

Town Manager Ryan Spitzer gave a presentation on the budgeting process and an overview of what has transpired over the last several months. After meeting with department heads, reviewing their needs, assessing them and making cuts where necessary Mr. Spitzer and Finance Director Richard Dixon, met with the department heads to look for operational needs, along with Council's goals to be sure they were all aligned. He noted that the town also had the option of doing

budget amendments during the year due to COVID19. By law, the town has to have a budget adopted by July 1<sup>st</sup> but a vote could be taken that evening if Council was ready to do so, 24 hours after the meeting or at June's Work Session. Mr. Spitzer then reviewed the following with Council:

- General Fund
- Enterprise Funds
- Restricted Funds, such as Powell Bill, storm water, 911 Emergency, cultural and tourism funds, which can only be used for certain things.

Capital purchases over \$5,000 are generally one-time expenses.

Mr. Spitzer reviewed the Budget Impacts for FY21. The revenue was projected to be \$650,000 less than last year's fiscal year due to:

- COVID19
- 2 Retirements
- New positions in the budget
- Elimination of a position
- Commitment to pay employees at least \$15.00 an hour.
- Beginning stages of new Town Hall – footings, slabs need to be in place before the winter weather.
- Increase in service demands due to growth – new developments including solid waste.
- Public Safety – Pineville has a large police force due to large commercial base we have.
- Infrastructure and investments
- Utility investments – PCS & Electric – extending services to new developments.
- Implementation of plans – mobility, sidewalks, bike lanes, parks and recreation expansion.

There will be increased permitting fees from the County. Pineville's tax rate remains at .33 per \$100 of value. Also, there was no electric rate increase again this year, the 4<sup>th</sup> in a row.

Moving to medical insurance, Mr. Spitzer stated that the town was lucky enough to experience a decrease in our premiums. Council Member Les Gladden asked how the insurance people know when employees come on or come off our insurance plans. Manager Spitzer advised the insurance company is notified of when someone leaves or drops off our insurance plan.

Mr. Spitzer continued, stating that projects listed in red will be postponed or delayed until January. Those items will be revisited later in the year to see if Council wants to fund them if our revenues come in higher than expected.

A Police Captain's position was put in the budget at \$73,000. Mayor Pro Tem Melissa Davis asked that it be noted in the minutes that when selecting an interim captain, the process go through an outside company to choose the best candidate. Mr. Spitzer stated that ISS would be doing it.

Council member Les Gladden was not in favor of ISS doing the selection because he felt they knew who they would want and they will favor one person over another. Mr. Spitzer responded that ISS would be setting up a panel and a process but that they, themselves, would not be doing the interviews. They are just setting up the process to select an interim captain.

Council Member Joe Maxim reminded the group of the requirements they discussed for the new chief's position. They will require the new police chief to do a top down within 6 months of being hired.

There was confusion over what they all had agreed upon at the last meeting. Mayor Edwards reminded Council that they approved an interim captain's position. Council Member Amelia Stinson Wesley asked if it would cost \$3,000 to do this interim process to which Mr. Spitzer responded that was correct. Mayor Pro Tem Melissa Davis wanted to be sure that it was clear the process had to be done from the outside, not inside. Manager Spitzer explained that the position was put in the budget but that council had time to make those decisions.

Mayor Edwards asked if there were any other comments from the public on the budget but there were none. Council Member Joe Maxim, however, wanted to know if the pending decision for Elations, ADP and etc. were include in this budget? Mr. Spitzer advised that it did not include those items. Mayor Edwards added that if they made the decision not to have the Fall Festival and Rockin' and Reeling, etc. then they should have the funds needed for those programs.

Council Member Joe Maxim made a motion to end the Public Hearing on the Budget. Council Member Les Gladden seconded the motion and the Public Hearing for the Budget closed at 9:30 p.m.

#### **NEW BUSINESS:**

- A. Vote on the Eagleton Downs Parking Request** - This item was already done following the end of the Public Hearing for it.
- B. PARC Master Plan Extension – (Ryan Spitzer).** Mr. Spitzer stated that a full-blown cost analysis was done on three projects and currently there was an LWCF grant available for a town that purchases property for recreational purposes. This is a dollar for dollar match on the grant and, if awarded, a conceptual plan would need to be developed within three years of being awarded the grant. Council needed to vote to include funds for this project in the upcoming FY21 budget. The project will continue to grow in price due to inflation. Mr. Spitzer stated that the grant was just to buy the land; not to construct the expansion. Council would need to approve the plan with the park expansion.

Council Member Les Gladden asked if we were locked into this agreement or can we change it. Parks and Recreation Director, Kristy Detwiler, explained that as long as it is used for recreational purposes, the plan could be changed. Council Member Joe Maxim noted that it would be beneficial to lock in pricing while interest rates were low.

Mayor Edwards then asked how many acres the project included. Manager Spitzer stated it was 12.6 acres. Council Member Amelia Stinson Wesley asked if the plan was ready to roll. Mr. Spitzer advised that this was just a conceptual plan. The land next to the park is for sale. The land has to be for sale to be eligible for the grant. The property is not ideal for housing development, as only about 5.5 acres of the parcel is developable. The property appraised for \$360,000 but the owners were selling it for \$350,000. It's listed in Mecklenburg County records as Parcel number 22109101.

The CIP plan needed to be approved to show that the town was in favor of the project. Manager Spitzer provided a suggested wording for the motion, after which, Mayor Pro Tem Melissa Davis moved to give Kristy Detwiler the authority to write and apply for the grant, the approval of the conceptual design for the park expansion and approval for funding of this project to purchase parcel #22109101. Council Member Amelia Stinson Wesley seconded the motion. There were ayes by all and the motion passed.

- D. Employee Satisfaction Survey – (Human Resources Director Dornessa Froneberger).** Referring to the previously discussed Employee Satisfaction Survey, Manager Spitzer stated it came down to two companies: Culture Amp vs. Talent Keepers. He suggested doing two during the first year.

Council Member Les Gladden asked if these were typically done annually? Council Member Joe Maxim said they are done annually with a follow up for the first year and then annually thereafter. He then asked Dornessa if she felt comfortable assessing the data herself? Manager Spitzer stated that either he or Dornessa would need to look at what it entails to analyze the results but it was probably not a good idea for him to do it since it may be about him.

Discussion took place amongst Council Members asking questions about the plans and comparing the two. When asked which one Ms. Froneberger favored, Mr. Spitzer responded that she liked Culture Amp. The only difference between the two was that Talent Keepers would have someone to interpret the data but he thought that they could

find someone separately to interpret the data if need be. Council Member Joe Maxim agreed that it would be good to budget a round number to include someone to interpret the results.

Council Member Amelia Stinson Wesley motioned to approve going with the company Culture Amp to administer employee surveys. Council Member Joe Maxim seconded the motion. There were ayes by all and the motion passed.

- E. Adopt Tax Rate/Electric Rates/Phone Rates and all other Town Fees - (Ryan Spitzer).** Mr. Spitzer noted that along with the budget, all rates and fees need to be adopted as well. The tax rate will remain at \$0.33 per \$100 of valuation. Mayor Pro Tem Melissa Davis asked for a correction to the wording regarding rental fees at the Belle Johnston Community Center and then inquired as to whether sponsorship fees had increased. Mr. Ryan Spitzer advised that they had not raised any fees for the Belle Johnston Community Center.

Mayor Pro Tem Melissa Davis moved to accept the tax rate, electric fees, and town fees with the condition that banner fees, scoreboard fees at Jack Hughes Park were reviewed and adjusted if necessary. Council Member Les Gladden seconded the motion and the rates for the FY20-21 Budget were officially adopted.

- F. Adopt FY 20-21 Budget (Ryan Spitzer).** There were no additional comments or questions on the budget. Council Member Joe Maxim made a motion to accept the FY20-21 Budget and Council Member Amelia Stinson Wesley seconded the motion. There were ayes by all and the FY20-21 Budget was passed.

- G. Staff Update (Ryan Spitzer)** Mr. Spitzer stated that the proposed dates for the Splash Pad opening were Monday through Friday for campers, Wednesday's 8 – 1:30 only and then Wednesdays 2 – 7 for the public as well as Saturday and Sundays. After Phase three passes, the schedule would be Monday through Friday for Pineville residents and all-day Saturday and Sunday. The maximum number of kids in the splash pad at any given time would be limited to 25.

A lengthy discussion followed regarding the logistics of opening the Splash Pad. In the end, Council realized there were just too many risks involved and too much liability at stake to even open the Splash Pad at all. The consensus of Council was not to open the splash pad at all until cleared to move into Phase three of the Governor's Orders regarding the Covid-19 pandemic.

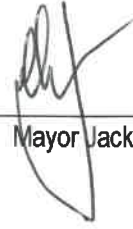
Additional items discussed under Staff Updates were:

- Discussion on new date for Council Retreat. Council Member Les Gladden does not want to have the Council Retreat at The Hut and suggested getting a meeting room as we have in the past. Manager Spitzer suggested mid to late September for a new date for the retreat. He'll check on some dates.
- Discussed new ladder truck for the fire department. It needs a complete replacement of the ladder section. Council consensus was to replace the entire ladder section.
- Splash Pad will not open until Phase three of the Covid-19 Orders.

A break was called for at 11:07 before moving into Closed Session.

**\*\*CLOSED SESSION:** At 11:15 p.m. a motion was made by Mayor Pro Tem Melissa Davis and seconded by Council Member Amelia Stinson-Wesley to enter Closed Session. Pursuant to NCGS 143-318.11(6), one personnel issue was discussed at length and two additional ones thereafter.

**ADJOURNMENT:** At 12:05 a.m. Council Member Joe Maxim motioned to end the Closed Session and adjourn the meeting with Council Member Amelia Stinson-Wesley seconding the motion. There were ayes by all and the meeting adjourned.



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Mayor Jack Edwards

**ATTEST:**   
Barbara Monticello, Town Clerk

