



**MINUTES OF THE  
TOWN COUNCIL WORK SESSION OF  
Monday 4/27/2020 - 6:00 P.M.  
(Meeting held remotely via Zoom)  
200 Dover Street, Pineville, NC**

The Town Council of the Town of Pineville, NC, met in a Work Session on Monday April 27, 2020 @ 6:00 p.m. The meeting was held remotely using Zoom.

**ATTENDANCE**

Mayor: Jack Edwards

Mayor Pro-Tem: Melissa Davis

Council Members: Amelia Stinson Wesley, Les Gladden and Joe Maxim

Town Manager: Ryan Spitzer

Town Clerk: Barbara Monticello

Planning & Zoning Director: Travis Morgan

**Also Present:** Representatives from Beacon Development: Jon Morris, John Orsborn, Andrew Eagle, Pete Kidwell, Jim Harley and Tom Miller, representing the Miller Family.

**CALL TO ORDER**

Mayor Jack Edwards called the meeting to order at 6:03 p.m. Mayor Pro Tem Melissa Davis moved to open the meeting and Council Member Joe Maxim seconded it. There were ayes by all and the meeting was opened. The Mayor then called upon Planning and Zoning Director, Travis Morgan, to begin the discussion on Kings Grant Warehouse Project.

**DISCUSSION ITEMS:**

**A. Kings Grant Warehouse Project by Beacon Development-** (*Travis Morgan*) Planning Director, Travis Morgan, stated that their plan had been updated since the last meeting with the biggest change being that Martin-Marietta was no longer interested in the side of property along Nations Ford Rd. Additionally, all curb cuts that appeared on the previous plan have been eliminated along Downs Rd. except for the connector street. The project consists of approximately 240 acres and due to its size, the project needs to go before Council. It is made up of several parcels with all residential properties except for one (Coley) currently under contract. This is shown on page RZ2.0 of the rezoning plan. The Traffic Study (TIA) needs some updating as it reflects information from the prior plan. The traffic study will need to be updated to correspond with the current plan that shows one access point.

Staff is in support of the new plan with one access point but it does not align with another road, which is what the town would like to see. Sidewalks are shown on one side of the street; staff was recommending there be sidewalks on both sides of the street as well as decorative lighting. Mr. Morgan continued, stating that he had concerns regarding any future outdoor storage. He was looking for more details to define what the outside storage might include.

Buffers are shown on the plan with a 100 ft. buffer off the Miller property. The right-of-way that is on Nations Ford Road belongs to Charlotte and anything on that side would need to align with their standards, but Mr. Morgan did not know what their standards were. There was a provision in the plan that if some of the remaining single-family homes decided to sell at a later date and be included in the proposed plan, they could do so. The proposal was to combine all the parcels and rezone them to General Industrial Conditional Development (G-I CD) with primary uses made up of approximately

80% warehouse, 12% production and 6% office space. Mr. Morgan opened the floor to questions/comments from Council.

Council Member Joe Maxim asked for confirmation that the five-point access that was on the traffic study was being superseded by the new plan. Mr. Morgan indicated that was correct. The traffic study was done before the new plan so it would need to be updated to coincide with the new plan. Council Member Maxim expressed concern for the flow of traffic on Downs Road and wanted to be sure the traffic study would be updated as he was interested in seeing any new recommendations or comments generated by the study. He had some issues with the connector road not aligning with another road and wanted to discuss this further.

Jon Morris of Beacon Development wanted to talk about the decorative lighting that Mr. Morgan wanted to see. He stated that the lights that Pineville required were very expensive, at \$10,000 apiece. This would be a several hundred thousand dollar hit to their budget. He added that the buildings would be well lit and perhaps they could work out a compromise.

Council Member Amelia Stinson Wesley wanted to know what Beacon's vision was of the connector road if they didn't want it to connect with Eagleton Downs? Mr. Morris replied that what they had put on the plan was their vision. Beacon Development really liked the layout of the new plan they drew up and if the connector road aligned with Eagleton Downs, it would destroy what they had worked very hard to put in place. Council Member Les Gladden stated that Council was firm on the placement of the connector road and didn't think aligning it with Eagleton Downs was going to impact their plan that much. Mr. Morris respectfully disagreed with that. He believed it impaired their site plan and they hadn't gotten any feedback from NCDOT on the placement of it. Where they located it on the plan worked fine and they had worked really hard on it.

Mr. Morgan remarked that we would have to see what the DOT's threshold is for a traffic light and added that he had heart burn over having trucks entering right where the horse farm was located. Jeff Orsborn of Beacon Development stated that the connector road actually aligned with an undeveloped parcel (horse farm) and whoever developed it would probably connect to their road. He added that aligning with Empire didn't make sense. Council Member Maxim noted that the horse farm serviced special needs children and his concern now was that there was more traffic than originally thought.

Mayor Pro Tem Melissa Davis asked if Beacon had talked with the two residences next to the horse farm; the Kimbrells? Pete Kidwell of Beacon responded that they had approached them previously with the first plan but not on the recent plan. They had indicated they were not interested at all in selling. Mayor Pro Tem Davis then asked how their plan was affected by the Coley property not selling to them? Mr. Kidwell responded that the new plan did not include that property and they just had to work around it. Mayor Pro Tem Melissa Davis stated that the traffic and conditions of the road were a concern for her as well as the flooding that often takes place there.

Mr. Morris stated that in talking with NCDOT, they would like to think of Nations Ford Road as their main entrance with Downs Road being more for employee traffic. Mayor Pro Tem Melissa Davis reiterated that traffic was still a concern with the possibility of it backing up or people using it as a cut through; it was still a concern.

Jeff Orsborn stated that section of the road will have three lanes plus curb and gutter, along with plantings. There will be a catch basin from the upper end by where the school buses are stored which will discharge into a BMP. He asked Mayor Pro Tem Davis what flooding issues there were. She responded that Mr. Kimbrell had brought up the flooding and that it has gotten worse after the first building went up.

Mr. Orsborn stated that all storm water ponds would discharge back into the creeks and had started to do research on that now. The BMP by the connector road discharged into the ditch and they had a way to divert it to the McCullough Branch flood area. Mr. Morris stated that water did pour off of both the Harley and Miller sites. John Orsborn stated there was a pipe under Downs Road that he had just gotten a picture of today but it wasn't usable and no one even knew it was there. They were the ones who found the pipe. Mr. Morris added that water would not flow any faster than it was flowing before, but that they would be controlling it better now. The problem was not having BMP's on those sites right now.

Council Member Les Gladden didn't think that what they were planning would work. He has been there during the time when it floods and what they would be doing, would make the ground more pervious and that would create a serious problem. Dumping all that water there would just make it flood. Council Member Amelia Stinson-Wesley agreed that the flooding in that area was horrible and doing that would only exacerbate the issue more.

Jon Morris commented that the best place to divert the water is into Flood Plains and stated that's what the ordinances were for. Their plan had been engineered and approved. They couldn't make the situation worse because they had to abide by the ordinances to improve it. Council Member Les Gladden just wanted Mr. Morris to be aware of what the town wanted so he wouldn't be liable for any problems that might occur. He wanted to know the detail – what the current plan was for that area. Mr. Morris replied that the entire western side would have curb and gutter and that would be a dramatic improvement but they didn't plan sidewalks because it was an old parcel that would require Right-of-Way in order to improve it which was difficult to acquire. Additionally, there's less of a chance of pedestrians walking on that side of the road so no sidewalks were planned. Council Member Gladden offered that the town might be able to help get some R-O-W to make sure sidewalks and stormwater improvements would be continuous along the remaining Coley residential property along Downs Road to which Mr. Morris replied that any help would be appreciated as they wanted to do the project right.

Council Member Gladden also added that the town would be looking for concrete aprons on the entrances to the warehouse complex and asked if it would be a problem for them. Jeff Orsborn replied that they just needed to get buy-in from the NCDOT on that because they had made him change out the concrete one time and knows just how difficult that can be with them. Mr. Morris added that it would be difficult to negotiate with NCDOT as they do not like using concrete. Mr. Gladden stated that he thought the town would wind up getting that road anyway, not the DOT.

Jon Morris stated that Martin Marietta was gone They were no longer interested in developing parcel F which makes it easier for Beacon to develop it with them gone. Mr. Morgan wanted to touch on the elevations and outdoor storage issue. Mr. Morris stated that for the outdoor storage, he could put the same conditions on it that he did for the Lance/Campbell Warehouse they had done earlier. Some of the things they had stored in other outdoor spaces were AC units, pipe, wood, granite but added that at their Metrolina Warehouse complex, they had about 10-12 tenants and none had any outdoor storage. Mr. Morgan stated they could work on language similar to what they had done on the Lance/Campbell warehouse.

Council Member Les Gladden asked if the applicant was aware that the parking lot had to be screened. Mr. Morgan replied that they were aware of it and that the next plan that came to him for review would have the landscaping on it. Mr. Orsborn added that they were well-aware of the landscaping/screening requirements.

Mr. Morris asked what everyone thought of the building elevations? He was pleased when he saw the renderings in the packet and called it one of the better business parks that he's seen. All agreed they were nice looking buildings.

Mayor Pro Tem Davis expressed some concern that the town would wind up with a large warehouse and no tenants due to the situation with businesses shutting down due to Covid-19. Craig Fleming, of Beacon, stated that their offices have never been busier and, if anything, this was the perfect time for this development and added, "you don't want to be stuck with a lot of space and either do we."

Mr. Morris explained that with the pandemic in full swing, there would be increasing inventory to have on hand for that type of situation and that three things would come out the pandemic experience: internet adoptions, increase in inventories and the re-manufacturing of goods in America. Council Member Amelia Stinson Wesley commented that was a good analysis and thanked him for it. Mayor Edwards asked if there were any other questions.

Council Member Les Gladden stated there were quite a few things on the permitted manufactured goods zoning use to address. Director Travis Morgan agreed and wanted to dive in to it in more detail. He noted that Class 1 manufacturing was permitted but that Class II was not and they would need to drill down on that more specifically. Council Member Les Gladden would like to see the road open on the Nations Ford side for construction and added that it needed to be determined when that road will open. Mr. Morgan asked the question as to when Beacon thought the road might be

functional. Mr. Morris responded that their intent was to build the connector road first in Phase I but Mr. Morgan pointed out in his staff report under item #10B, that the developer was to complete the connector road during the next phase after the development of area A.

Council Member Les Gladden asked if we shouldn't clarify the alignment issue first before talking about the stub road? Council Member Amelia Stinson Wesley was concerned, Mayor Pro Tem Melissa Davis was concerned, and Council Member Joe Maxim were all concerned with the issues on Downs Road and were pushing for a greater prominence on Nations Ford Road. Council Member Les Gladden just wanted the roads aligned as Mr. Morgan had requested from day one. Mayor Edwards asked that the road be streamlined a bit more. Jon Morris then asked Jeff Orsborn to spend a lot more time on what Downs Road will look like before the next meeting.

Mr. Morris asked Council what their thoughts were on the stub road going south. Mr. Morgan stated that the road didn't need to be a public dedicated road. It could be an internal driveway road between buildings 8 and 10. Mr. Morris stated we would not want a stub as a public road and we would like to have flexibility in where the stub road goes as it acts as an insurance policy since the town doesn't know what will be on the Miller portion of the property. We may need it as a relief valve and the only reason it's there is because of the unknown of what could happen. The location of it can move; that part is flexible.

Discussion moved to lighting. Jon Morris agreed that they wanted the street lights to look nice but Pineville's decorative light poles were very expensive. Mayor Edwards asked if Travis would work with Jon on options. Council Member Les Gladden asked that they address sidewalk issue as well. He asked if Council could discuss it further with Mr. Morgan who agreed.

Council Member Amelia Stinson Wesley asked about the Nations Ford Road side and deferring to Charlottes rules. She wanted to know if anyone knew what Charlotte's regulations were. Mr. Orsborn shared that Chapter 19 of the Charlotte City Code did not require sidewalks along Nations Ford Road, nor did they require lighting. Mayor Pro Tem Melissa Davis said they'll need to talk with Travis more about lights but she wasn't sure that sidewalks were needed along the Nations Ford side. Council Member Joe Maxim said he was open to acceptable alternatives for lights. He felt stronger about the sidewalks as they are more important for him. Mr. Morgan agreed that they needed to look at this more. Priority wise he would like to see decorative lights first along Downs Road, then the created road, and lastly on Nations Ford Road. Mr. Morris agreed that they wanted to make it a walkable, safe area as well.

Council Member Les Gladden asked about the three-lane road and where it would be? Mr. Morgan responded that it would be on Downs and Nations Ford Roads and he would work to get additional details on that. Jeff Orsborn stated it would be 26 ft. of asphalt that would widen out to 3 lanes on each end of road with 30 ft. of asphalt at the end. Jon Morris added that they didn't want trucks parked on the streets at night. The connector road will have no parking on it so 30 ft. should be a good size. Mayor Pro Tem Melissa Davis agreed, adding that people complain about it with the Campbells warehouse.

- B. Road Abandonment** – Planning and Zoning Director, Travis Morgan, stated that Jeff Cropp from the Dodge Dealership asked the town to write a letter supporting them in taking the stub road by the dealership. According to an email received by the DOT, the first right of refusal was to prior property owner. The 2<sup>nd</sup> right of refusal goes to the adjacent property owner and the 3<sup>rd</sup> right of refusal would then go to the Town. Dodge therefore had higher standing. The town would need to write a letter and could include recommended conditions such as the recommended survey done by Thomas White.

Council Member Les Gladden asked what they planned on doing with it? Mr. Morgan stated that they just wanted control to maintain and their conditional approved plan prohibited use by the dealership for cars. Both Council Member Amelia Stinson-Wesley and Mayor Pro Tem Melissa Davis supported Mr. White's survey and their request but Council Member Gladden warned that they may be jumping the gun on it as Karen Hall's sister owned that piece of land and suggested contacting her first to be sure she didn't want it. If not, then there should be no development on or any cars allowed on it. This should be a condition on that piece of property. Mr. Morgan suggested putting a barrier up and removing the asphalt.

Mayor Edwards asked if there was any other business to discuss. Town Manager Ryan Spitzer asked to discuss the Electric Rider which he had sent to Council earlier. Council Member Amelia Stinson-Wesley and Mayor Pro Tem Melissa Davis both found the information long and difficult to understand so Mr. Spitzer provided a summary for council members – it was an economic rider for those electric customers that have a choice in either choosing Pineville Electric or another electric provider. As an incentive to choose Pineville, we would offer discounts over 4 years, with year one at 30%, year two at 20%, year three at 10% and year four at 5% as a way to keep customers with us. This could be offered to businesses as well. This program is what Electricities uses in Cornelius and it was something that Council would need to vote on. When asked if the program was competitive, Mr. Spitzer replied that it was.

Mr. Spitzer gave an update on the following:


- The fire department was ready to burn one of the white houses on Dover St. on May 9<sup>th</sup>. He will be letting those people in to collect the things they wanted from home.
- Police officers were thankful for recommending Hazard Pay for them during this time.
- Mecklenburg County would be lifting some restrictions from the Stay-at-Home Order on April 29<sup>th</sup> – some mayors of the other towns were sending letters to the EOC to lift the order on the 29<sup>th</sup>. Mr. Spitzer stated that each town can do their own thing and the majority of the towns want the orders lifted but they also want to stay in alliance with the governor's orders. He will send Council a comparison sheet listing the County's vs. State's Stay-at-Home Orders. Council Member Joe Maxim asked if there was any feedback from Atrium Hospital to which Mr. Spitzer stated they recommended staying the course until May 8<sup>th</sup>. Mayor Edwards added that FEMA was also recommending that towns hold off opening back up. Council Member Maxim stated that it would be helpful to have the comparison chart. Mr. Spitzer added that both Atrium and Novant have reported a leveling off of new cases.

Council Member Les Gladden asked about the effect this would have on future meetings and specifically the June Council Meeting. Mr. Spitzer replied that there would still be a Stay-at-Home order in effect with no more than ten people at any gathering. Social distancing, or staying at least six feet apart from each other, would also still apply. We would still have to have a Conference Call, ZOOM, or Facebook live feed so the public could provide comments if they had any. Council Member Gladden was eager to get back together in person. Mayor Edwards said to plan on it for the June Council Meeting. Mr. Spitzer stated that Council could meet in person on May 12<sup>th</sup> if they chose to but there would need to be some sort of access to allow the public to join in on the meeting. The consensus of Council was to have the final May 4<sup>th</sup> Budget Meeting held via ZOOM but the May 12<sup>th</sup> Budget Wrap-up meeting held in person with only Council in attendance.

Council will look over the comparison chart and decide the next day what route they want to take. Mr. Spitzer will provide feedback to Council on the EOC meeting that was scheduled for later in the week. He also advised that all play grounds would remain closed and reopen in Phase 2. Council can call him with questions because it was very confusing. Furniture stores were the biggest change to open up in Phase 1.

Both Mayor Pro Tem Melissa Davis and Council Member Joe Maxim agreed with lessening the restrictions on the 29<sup>th</sup> but Council Members Les Gladden and Amelia Stinson-Wesley both stated that there needed to be some clarity on these things because it was all very confusing. Mr. Spitzer will provide the comparison sheet and any other additional information to Council.

Council Member Amelia Stinson Wesley made a motion to adjourn the meeting with Mayor Pro Tem Melissa Davis seconded the motion. All agreed and the meeting adjourned at 8:29 p.m.

  
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Jack Edwards, Mayor

ATTEST:



Barbara Monticello, Town Clerk

