



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, May 14, 2019**

The Town Council of the Town of Pineville met in Regular Session on Tuesday, May 14th, 2019 at 6:30 p.m. at the Hut Meeting Facility in Pineville.

ATTENDANCE

Mayor: Jack Edwards
Mayor Pro-Tem: David Phillips
Council Members: Debbie Fowler, Melissa Davis and Joe Maxim
Town Manager: Ryan Spitzer
Planning & Zoning Director: Travis Morgan
Town Clerk: Barbara Monticello

CALL TO ORDER

The meeting was called to order by Mayor Jack Edwards at 6:31 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Joe Maxim led the group in the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Edwards asked for a moment of silence for our police, fire and first responders, as well as our military. This was National Police Week and Mayor Edwards noted the two officers that were recently shot – one in Mooresville and one in Georgia. He also mentioned the passing of Lee Bumgardner, long-time resident and artist of Pineville.

ORDER OF BUSINESS:

Adoption of the Agenda:

Mayor Pro Tem David Phillips, moved to adopt the agenda with Council Member Debbie Fowler seconding the motion. There were ayes by all and the agenda was adopted as is.

Approval of the Minutes from the Regular and Closed Session Meetings of April 9th, 2019 and the Work Session Minutes of April 22, 2019.

Council Member Melissa Davis moved to approve both sets of minutes, seconded by Council Member Debbie Fowler. There were ayes by all and the motion passed 4-0.

Consent Agenda:

The Consent Agenda consisted of the following items: a) *Financial Report as of April 30, 2019*; b) *Proclamations for Heritage Day and Retirement of Principal Brian Doerer (Barbara Monticello)*. c) *Change date of August council meeting to August 6th, 2019*; and d) *Resolution for Surplus Items*. Council Member Debbie Fowler moved to approve the Consent Agenda as is, with Council Member Melissa Davis seconding the motion. There were ayes by all and the motion passed 4-0.

PUBLIC COMMENT:

Stephanie Moore – She and her husband have lived in Pineville for the last 7 years but for the last 3 years they no longer feel safe in Pineville because of a neighbor that has terrorized them and others living on the street. They have endured everything from verbal threats to explosions and car shootings and they're tired of it. She stated that Council just turned their heads on the matter and the Pineville Police doesn't do anything about it.

Karen Long—Long-time resident, Karen Long, spoke for the first time at a council meeting. She has been a resident for a long time and has dealt with many different people in town. She loves this town and its people and wants town officials to clean things up in town because no one has done anything about any of the problems in town.

Jane Shutt – Executive Director of Pineville Neighbors Place, Jane Shutt, shared an update that they served 232 meals to residents in need last month, as well as help with rent and utilities amounting to \$18,000. She voiced concern regarding affordable housing in Pineville. On Monday, June 10th at 7:00 p.m. there will be a meeting for anyone interested in exploring ways to promote affordable housing in Pineville.

Neil Reed - Resident Neil Reid, spoke in support of neighbors on Cone Avenue about the deplorable situation that they have all had to endure with the neighbor that was terrifying them all. He was scared that the neighbor will knock on his door next. The situation was getting out of hand and he thinks the neighbor is crazy. He commented that the Pineville Police are not doing anything about this crazy individual and people are terrified.

Members of the Council addressed the situation on Cone Avenue with the audience, stating that they were not turning a blind eye to the situation. They have spent hours in several meetings trying to work this issue out and they had done everything they could legally. The person has been arrested several times but once he gets released to the county, Pineville has no control over what happens after that and he continues to be released. Mayor Pro-Tem David Phillips stated he didn't mind taking criticism but doesn't want people putting down our Police Department. He continued, stating the town has spent hours trying to work this out. He stated he cared about everyone in Pineville, assuring the public that everything that can be done is being done.

Police Chief Merchant addressed the public about the complaints on Cone Avenue. He stated that this was a mental health issue and that the state of NC provides no funding for mental health. Planning and Zoning Director Travis Morgan, stated that Zoning-wise, they had an open case on him for posting threatening signs but that was all they could do legally. Mayor Edwards stated again that they had several meetings over this issue and the man is supposed to be moving out, after which, he hoped the situation would finally end.

Town Manager Ryan Spitzer, requested to move on to the Public Hearing for the FY19-20 budget.

PUBLIC HEARING: A motion was made and seconded to open the public hearing for a presentation on the FY2019-2020 Budget (*Ryan Spitzer*) – Town Manager, Ryan Spitzer gave an overview of the budgeting process for the year, stating that 4 budget workshops were held in April with each Department Head presenting their budget at one of those meetings. He proceeded to give a Power Point presentation on the budget, highlighting important projects that are planned for each department:

- **Mobility Plan-** Money had been budgeted for a Mobility Plan to connect all neighborhoods with the downtown area. Additionally, all towns were mandated to become ADA compliant so funds were set aside for an ADA plan to get town facilities, sidewalks, etc. to where they need to be.
- **Electric Department** - Projects budgeted for the upcoming year include finishing the Carolina Place Mall Project, substation improvements, new residential development, Industrial Drive infrastructure, storage lot for electrical equipment, SCADA – technology for substation, and AMI – automated meters.
- **Administration:** funds to begin plans for a new Town Hall have been budgeted in the Administration Department.
- **Fire Department:** Funds have been set aside for 2 new engines for the Fire Department, and planning for a future, new fire station.

- **Public Works:** projects that fall under the Public Works Department include constructing a right-hand turn lane on Lowry St. and the mobility plan.
- **Culture and Tourism-** repair sidewalks over the next two years. Implement Park Master Plan.
- **Storm Water Fund** – funds set aside for a new street sweeper.

In addition to these capital improvement projects, there are also IT Improvements that need to be made, a Chevy Tahoe budgeted for the Fire Chief, as well as a ladder truck and equipment, 4 new police vehicles and a new bobcat budgeted for Public Works.

Facility Improvements include the sidewalk repair at Lake Park and on Main Street, as well as paving Lynnwood Lane and Lakeview Dr. A new roof is planned for the Belle Johnston Community Center along with a new ADA compliant playground at Lake Park. Design costs for a new Town Hall are estimated at \$862,500 along with infrastructure estimates of \$500,000.

Mayor Edwards asked for questions or comments from council on the budget. Mayor Pro Tem David Phillips expressed appreciation to Mr. Spitzer and Mr. Dixon for their hard work in preparing the budget. Council Member Melissa Davis voiced her appreciation of the more detailed, conservative budgeting that was done. An explanation was provided of why the Fire Department budget showed a decrease; it was not a matter of taking away their budget but showing their contribution toward the funding of a new fire truck. Council Member Debbie Fowler stated that she, too, appreciated the work that was done on the budget.

A member of the audience asked about the Mill project with Lending Tree. Mr. Spitzer explained that Lending Tree is still under an MOU with the town until 6/4/19, after which Lending Tree will either continue with the sale of the Mill or walk away from the deal.

Town Manager Ryan Spitzer also advised that the ¼% sales tax increase did not pass but will be brought up again next year. Council Member Joe Maxim moved to close the Public Hearing with Council Members Debbie Fowler and Melissa Davis seconding the motion. There were ayes by all and the Public Hearing was closed at 7:55 p.m.

OLD BUSINESS:

- A. **Proposed Amendment to the Town Code for On-Street Parking** (*Travis Morgan*) Planning and Zoning Director Travis Morgan reviewed the latest proposed changes to the on-street parking. The amendment is to both the town code and the zoning ordinance. The latest revisions increased the size of the vehicles from 80 inches in width to 90 inches and increased the weight to 10,000 lbs. Council Member Debbie Fowler asked if Planning Board approval was needed. Mr. Morgan advised that correspondence via email with Planning Board members produced only one tweak, which was the 48-hour time limit. Council Member Joe Maxim thanked Travis for the update and asked how it would be handled if there were cars parked on both sides of the road and there wasn't at least 15 feet of clearance. Mr. Morgan responded that both cars would be cited. Council Member Joe Maxim then asked who would be enforcing the 15 ft. clearance issue. Travis answered that Planning and Zoning would enforce the issue during business hours and the police would be enforcing it after hours. Town Manager Ryan Spitzer clarified that business hours were 8am to 5pm with Planning and Zoning being responsible and after business hours would be the responsibility of the Police Department. Mayor Edwards asked if tractors would not be allowed to park on city streets, to which Mr. Morgan replied "correct". Mayor Pro Tem David Phillips moved to the changes to the parking code and Council Member Melissa Davis seconded the motion. There were ayes by all and the motion passed 4-0.

NEW BUSINESS:

- A. **Update on The Splash Pad-** Lester Barnes from Benesh and Tony Heyes from Fairway were on site with Public Works Director, Chip Hill. They provided an update on the Splash Pad at Lake Park. The opening date

of the Splash Pad has been bumped up due to 70 days of rain, affecting more than 35 of their work days. There was a lot of mucking after rains which has only slowed production. They now anticipated the opening date to be either June 21st or June 28th. Work is behind about 30 days.

Council Member Melissa Davis asked what the hold was? She noted that they originally were given an opening date of May of last year, then changed to September, then to October and then to May and now it's June. She understood the rain but also walks the park everyday and wanted to know why only 3 or 4 people were working the site previously but today there were 10 people working at the site. She added that they were supposed to supply monthly progress reports to council and they have only received one. Ms. Davis asked why it was taking so long to get this project completed?

Lester Barnes with Benesh, stated the permitting process took about 3 months with multiple rounds of reviews. Some things were not to code and 3 resubmittals of the plan were made. Then there was a change in the Code of Standards and the plans had to be resubmitted again for the new code. Miscommunication with permitting and issuing permits was challenging as there were eight different agencies looking at the project. Public Works Director Chip Hill stated every inspection they've encountered, they passed. We were given the green light to start the project on September 4th of last year. Town Manager Ryan Spitzer allowed us to start prior to receiving the permits and that was a great advantage for us.

Mayor Edwards asked how much pipe was put down? Director Chip Hill replied about 3 to 5 miles of pipe was laid. Council Member Davis expressed her disappointment in the project with the completion date being pushed back so many times. She asked if additional charges would be incurred for the time it was taking this project is to be completed. Town Manager Ryan Spitzer advised the project is still within the budget. Council member Joe Maxim asked if there was any risk to the date of June 28th. Tony Heyes with Fairway explained that they were at the mercy of the weather at this point. Council Member Melissa Davis stated that whatever it took to complete the job, we were in favor of it. Discussion concluded.

- B. Vote on Solid Waste Contract (Ryan Spitzer)** – Mr. Spitzer explained that two bids were obtained for solid waste services with one being Signature Waste, our current trash provider, and the other Waste Pro. Council had decided to go with Waste Pro with the contract price set at \$600,000. Waste Pro will provide the same schedule for trash pickup on Wednesday each week and recycling every other Wednesday. Delivery of new trash cans with contact information and a new pickup schedule will be placed at each household. Council Member Melissa Davis asked if churches count as other areas we pick up from and was advised by Town Manger Ryan Spitzer that we don't pick up from churches. She then thanked Mr. Spitzer for negotiating a better rate with Waste Pro. Mr. Spitzer stated that the new contract would allow extra time for emergency and other employees that work later shifts to collect their carts after being serviced.

Town Manager Spitzer advised that the Waste Pro contract was for five (5) years with an additional option of renewing for two years if we chose to do so. Their hours of operation will be 8:00 a.m. until 5:00 p.m. Monday through Friday and if there are missed pickups, they will be addressed as Waste Pro is subject to fines which could increase if the misses continue. Council Member Melissa Davis asked about the procedure for bulky item pick up. Mr. Spitzer stated that it was simply a call to the company by 3 p.m. for pickup of a bulky item the next service day. Waste Pro will begin serving the town as of July 1, 2019. Council Member Melissa Davis moved to accept the contract with Waste Pro and Mayor Pro Tem David Phillips seconded it. There were ayes by all and the Waste Pro contract was accepted.

- C. Vehicle Use Policy - (Ryan Spitzer)** Town Manager Ryan Spitzer stated that a new Transportation Policy was being proposed for transporting non employees in town owned cars. It was agreed that town would not transport anyone if it were not a town-sponsored event. The policy would allow for employees of the town to take spouses or partners with them to conferences, however.

Pro Tem Mayor David Phillips asked if employees travelling to and from work would be allowed to drop off and pick up children at school providing it was along the way to work. He also asked if the transportation of the

seniors for the trips would be allowed. Town Manager Ryan Spitzer indicated that the senior trips were fine because the trips were town-sponsored. It will also be allowed to drop off/pick up children at school as long as it is on the way to work. Spouses travelling with an employee to attend an out of town conference in a town owned vehicle is also permitted. Mayor Pro Tem Mayor David Phillips reiterated that the dividing line is town sponsored events. Council Member Joe Maxim moved to accept the policy with changes as discussed and Mayor Pro Tem David Phillip seconded the motion. There were ayes by all and the policy was approved.

D. **Staff Update:** Town Manager Ryan Spitzer provided an update on the following:

- See Click Fix App on Town of Pineville website-download free app, go on town website and report any problems throughout the town. Fixit Pineville is the app
- Brownfields – State approved the mill site as a Brownfield-eligible site with no problem. Mylar maps sent to state and once they are signed the property will be a Brownfields site.
- Telecom Board Meeting scheduled for May 16th at 3:30 p.m. JSI study received today and will be presented at the Telephone Board meeting.
- Contracts that are expiring will also be addressed/discussed at the Telephone Board Meeting.
- Work Session scheduled for Tuesday, May 28th.

ADJOURNMENT: Having no further business, Mayor Pro Tem David Phillips moved to adjourn the meeting with Debbie Fowler seconding the motion. There were ayes by all and the meeting adjourned at 8:43 p.m.



Mayor Jack Edwards

ATTEST:



Barbara Monticello, Town Clerk

