



**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
TUESDAY, SEPTEMBER 10, 2019**

The Town Council of the Town of Pineville met in Regular and Closed Session on Tuesday, September 10, 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**

Mayor Jack Edwards called the meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG (DP)**

Mayor Pro Tem David Phillips led the group in the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mayor Edwards asked for a moment of silence for our troops, first responders, police, fire and our military men and women. He asked those in attendance to remember the Martin family, for their loss of Police Officer Dan Martin, who recently passed, the baby left in a car recently who also passed, and the terrorist acts of 9/11. Also, keep the people affected by Hurricane Dorian in the Bahamas and along the East Coast in your thoughts and prayers.

**ORDER OF BUSINESS:**

**Adoption of the Agenda:**

Council Member Debbie Fowler moved to adopt the agenda with Council Member Melissa Davis seconding the motion. There were ayes by all and the agenda was adopted as is.

**Approval of the Minutes from the Regular & Closed Session Council Meeting of August 6, 2019 and the Work Session of August 26, 2019.**

Mayor Pro Tem David Phillips moved to approve the minutes, seconded by Council Member Debbie Fowler. There were ayes by all and the minutes were approved.

**Consent Agenda:**

The Consent Agenda consisted of the following items: a) *Finance Report as of 8/31/19* b) *Proclamations for Constitution Week and Public Power Week*. Council Member Debbie Fowler moved to approve the consent agenda as is, seconded by Council Member Melissa Davis. There were ayes by all and the motion passed 4-0.

**PUBLIC COMMENT:**

Resident, **Al Baskins**, spoke on the Mill stating that the Town needs to take care of the property. The Town has Code Enforcement out there writing tickets to everyone else for tall grass but the town was not taking care of the property as grass was growing on top of the building. He stated the Mill was the biggest eyesore in Pineville that was holding the town up from moving forward. The Mill was more important to residents than districting, but it was keeping residents in the dark about what was happening with it. He stressed the importance of residents being informed so they know who to vote for. He stated the town was being unfair to residents by not telling them what was happening with the Mill. He stated it was time to tear it down and holding secrets from the public was not what residents wanted because they need to know what is happening.

**Jane Shutt** of Pineville Neighbors Place spoke on the upcoming 4<sup>th</sup> Annual Potato Drop on October 5<sup>th</sup>, 2019. They will have 40,000 pounds of potatoes to be distributed to soup kitchens, etc. They need volunteers to help bag the potatoes. Pineville Neighbors heard that some people may have issues with them assisting Sterling Elementary students as they are in need of help as well as those from Pineville Elementary School. She stated that 84% of the assistance goes to Pineville but 2/3 of volunteers are from outside Pineville.

**Tom Stinsen-Wesley**, Pastor of Pineville United Methodist Church, invited everyone to join them for Civil Servant Sunday, this Sunday at 9 a.m. and 11 a.m. at the gym sanctuary to honor those who serve among us and serve our community. Special Guest will be TJ Whiteley of Pineville Police Department. They will also have a blood drive going on the same day and all are welcome.

Mayor Edwards commented on what Mr. Baskins stated earlier regarding the Mill and discussions of the property. North Carolina State Statutes do allow for discussions in closed sessions but only on limited topics. Real estate issues, particularly with regards to economic development, fall within those guidelines so we're not doing anything in secret, but in accordance with the law and the law requires things to be done correctly and step by step.

**PUBLIC HEARING:** None

**OLD BUSINESS:**

- A. **Retiree Benefits** (*Ryan Spitzer*): Town Manager, Ryan Spitzer, stated that if an employee was hired prior to September 1<sup>st</sup> and had 25 years of service, those employees would receive \$150 toward their health insurance after turning 65. If they were hired after September 1<sup>st</sup>, 2019 there will be no retiree benefits paid. Council Member Joe Maxim asked Finance Director Richard Dixon if there were any special requirements or obligations the town needed to deal with due to these changes? Mr. Dixon replied that we just have to report the change to the auditors. Council Member Joe Maxim moved to approve the revisions to retiree benefits with Council Member Melissa Davis seconding the motion. There were ayes by all and the motion passed unanimously.

**NEW BUSINESS:**

- A. **Miller Road: two resolutions to consider as Miller Road runs adjacent to the State Line.** Planning and Zoning Director, Travis Morgan, provided some background on this issue. Originally this was a State Road which turned left but was rerouted after Pulte Home Company started building. The Right-of-Way was never abandoned and we need to clean it up with the alignment of the road. North Carolina DOT wants to abandon this road to the town of Pineville. The Town would then turn the road over to Pulte and Pulte would improve it and then bond the road before turning it back over to the town of Pineville once all roads are completed in the McCullough subdivision. To ensure road improvements are performed to standards and all requirements such as sidewalks, street lights, etc. are met, the project must be bonded. These would all be improvements for the town. Resolution No. 2019-08 represents the first part of the process of NCDOT abandoning the road to the town.

There is a large, old Oak Tree where the sidewalks are planned and the goal is to attempt to save the tree.

Drawings have been approved and the bond is set from that. Council Member Joe Maxim asked when the final layer of hot mix asphalt was expected? Mr. Morgan stated that it had to do with timing. Normally they would put the top coat on right before turning the street over to the town and correct any damage before turning it over. Mr. Maxim then voiced concern as water is not able to reach the storm drains with the road as is now and he was afraid it would be a problem that just continues. Travis then stated that instead of approving the one road, it could be lumped with the rest of the roads being built so they can all be approved at once, unless council wants to do it separately.

Mayor Pro Tem David Phillips asked if Miller Road fed into another neighborhood or cut into Regent Park? A member of the audience stated that it was gated off now and that no one could get through. Council Member Joe Maxim asked Travis what he thought the prognosis would be on the old, massive oak tree. Travis stated that the property behind the tree was going to be a park, so moving the sidewalk 10 feet to save the tree was not a big deal. Hearing no further discussion, Council Member Debbie Fowler moved to accept Resolution #2019-08. Mayor Pro Tem David Phillips seconded the motion and there were ayes by all.

- B. Resolution No. 2019-09** – Resolution No. 2019-09 is the second part of process where Miller Rd. is turned over to Pulte Homes. Jeremy Huntsman, of Pulte Homes, spoke regarding this resolution and stated that as long as resolutions are in place they can bond the project. They just did not want to move forward without knowing if the road would be turned over to them. He added that they would do whatever they could to save the oak tree. Council Member Debbie Fowler moved to pass this resolution with Mayor Pro Tem David Phillips seconding the motion. There were ayes by all and Resolution No. 2019-09 passed unanimously.
- C. Edifice Contract** (*Ryan Spitzer*) Town Manager, Ryan Spitzer, stated that Edifice was a construction management company for at risk properties that had come to the last Council Work Session to do a short presentation for Council on their role as construction managers. They have done many schools, libraries and government buildings and have a good knowledge of project management. The new Town Hall will be next to the Police Building. They will act as our project manager as the town is not experienced in this sort of thing. This project, a combination of a Town Hall and Library, is an 11.5 million dollar project which is the guaranteed maximum price. If project costs exceed this amount, Edifice becomes responsible for the additional costs. Council Member Melissa Davis asked if our town attorney had looked over the contracts to which Mr. Spitzer responded that she had. Council Member Melissa Davis moved to accept the Edifice contract with Council Member Joe Maxim seconding the motion. The contract was accepted by all and the motion passed.
- D. Creech and Associates** (*Ryan Spitzer*) Town Manager, Ryan Spitzer, stated that Creech and Associates was also at the Work Session as the architects for the Town Hall/Library project. He noted a few changes that had been made to their contract since that meeting: under article 12 on page 22, 2 public meetings were added so that we can get an understanding from the public's perspective as to what they want to see in a Town Hall/Library. Three sketches of what the building and area will look like will be revealed to the public to get their opinion. We will then update our contract to reflect any changes.

Article 4 on page 14, if Council decides to do this, it will make this a green project. The additional costs include \$25,000 to commission and \$63,000 to do lead work and paperwork. Most libraries are now lead-certified. Council Member Melissa Davis asked if there would be fees associated with the two public meetings. Ryan replied that there would be no charge for the public meetings. Creech and Associates take 8.5 % of the total cost, which would be a fee of \$977,500. Mayor Edwards then asked Ryan to explain the LEED Certification and how it effects our cost.

Mr. Spitzer replied that it adds an additional \$63,000 to the cost of the project. Council Member Joe Maxim asked if being lead-certified would give us a better shot at landing any grants? Mr. Spitzer responded that he wasn't really sure but would check on it. Council Member Melissa Davis wanted to know if the process would take 6 months for the design work and 15 months for construction to which Mr. Spitzer replied that was correct. Hearing no further comments, Council Member Davis moved to accept the changes to the contract with Joe Maxim seconding the motion. There were ayes by all and the motion passed 4-0.

**E. Prequalification Resolution (Ryan Spitzer)** Mr. Spitzer stated that this was an update to our policy to state our intention to prequalify sub-contractors used in building the new Town Hall. Mayor Pro Tem David Phillips moved to accept this update and Council Member Debbie Fowler seconded the motion. There were ayes by all and the motion passed.

**F. Review/Approve Contract for Storm Water Issues (Ryan Spitzer)** Mr. Spitzer advised the group of the storm water issues on Lynnwood Lane and Lakeview Drive. To improve the storm water flow, the town needs to have design work and survey work done. We put an RFP out to bid and LaBella was the only company that responded with a bid for the project. The bid totals came in at \$149,000 for the project and \$12,000 for the surveys. Mayor Pro Tem David Phillips asked if the sidewalks were still within the design plan. Mr. Spitzer stated that they will still be in the design work, but we did not have to install them just yet.

Council Member Melissa Davis asked what impact this would have on any development in back of this area. Mr. Spitzer stated that we could have them pay for some of this as the project is designed to accommodate run off from them. Mayor Pro Tem David Phillips asked when the project would start. The representative from LaBella stated that they could start tomorrow with letters going out and then the bid project going out in mid spring of 2020. The surveyor would be able to start in 3 to 4 weeks. Council Member Melissa Davis moved to accept the contract and Council Member Joe Maxim seconded the motion. There were ayes by all and the motion passed.

**G. Work Session Dates for November and December, 2019 (Ryan Spitzer)** Mr. Spitzer announced that the work session dates for November and December of 2019 were being changed to one week earlier due to the meeting falling in holiday weeks.

**H. Staff Update (Ryan Spitzer)** – Town Manager, Ryan Spitzer, reported on the following items:

- Reviewed Electricities Survey with Council. Electricities conducted a survey on electric customers with results showing a confidence level of 95% with an overall rating of 92.7% with customer service included. North Carolina Public Power Agents had an 83.3% average across the state. Competitors, such as Duke Energy, only had an average of 80.1%. We did better than other power agencies around the state.
- Work Session is scheduled for September 23, 2019. Electricities will present Pineville Systems Study at that meeting.
- Town Hall Meeting Wednesday, September 11, at the Hut Meeting Facility. Town Manager Ryan Spitzer will answer questions residents may have on districting and other topics if time allows.
- News – Blue/green algae has been detected at the lake at the park. It is not a total infestation of the algae but only located in a small area. What is there will die off with the first frost so no further action is needed.

Mayor Edwards requested a ten-minute break at 7:28 p.m. before moving in to the Closed Session.

**CLOSED SESSION:** Melissa Davis moved to enter Closed Session at 7:50 p.m. seconded by Council Member Joe Maxim. A lengthy discussion took place regarding personnel issues with town employees in several departments. Directives were given to Town Manager, Ryan Spitzer, along with expectations for improvement on their performance. A retreat-type meeting was suggested for further discussion on the matter. At 10:20 p.m. Council Member Melissa Davis moved to exit Closed Session, seconded by Mayor Pro Tem Phillips. There were ayes by all and the Closed Session ended.

**ADJOURNMENT:** At 10:21 p.m. Council Member Debbie Fowler moved to adjourn the meeting with Council Member Joe Maxim seconding the motion. There were ayes by all and the meeting adjourned at 10:21 p.m.



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Mayor Jack Edwards

ATTEST:

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Barbara Monticello, Town Clerk