



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, OCTOBER 8, 2019**

The Town Council of the Town of Pineville met in Regular Session on Tuesday, October 8, 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
Finance Director: Richard Dixon
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 (MD)

Council Member Melissa Davis 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 State Trooper who was recently hit and paralyzed, as well as Bobby Gums Sr., Beverly Furr and former resident, Jamie Brewer Ellis, all who recently passed.

ORDER OF BUSINESS:

Adoption of the Agenda:

Mayor Edwards announced a change to the agenda; he requested to add two public hearings under the Consent Agenda for the next council meeting. Mayor Pro Tem David Phillips made a motion to adopt the agenda with changes. Council Member Debbie Fowler seconded the motion and there were ayes by all. Motion passed 4-0.

Approval of the Minutes from the Regular & Closed Session Council Meeting of September 10, 2019 and the Work Session of September 23, 2019.

Council Member Melissa Davis noted two changes on page 3 of the September 10th set of minutes. Council Member Debbie Fowler moved to approve the minutes with corrections, seconded by Council Member Melissa Davis. 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 9/30/19*. Mayor Edwards called for a change to add two public hearing announcements for next month: 1) for the potential sale of the Mill Property and 2) to purchase property from Norfolk Southern Rail Road. There were ayes by all and the motion passed 4-0.

PUBLIC COMMENT:

Susan McDowell, County Commission for District 6, Susan McDowell, spoke on the ¼ cent sales tax that will be on the November referendum ballot for Mecklenburg County. She was in attendance to raise awareness that Early Voting will begin next week on the 16th. The ¼ cent sales tax is to increase funding for parks, arts and education. Certain items such as prescription drugs and gasoline, however, will not be taxed. Ms. McDowell acknowledged that this will be an uphill battle for the Arts and Science Council but it is needed for a better Mecklenburg County. She left flyers on the table near the door.

Jane Shutt of Pineville Neighbors Place reported that, to date, they have helped 804 people with over \$68,000 in financial assistance and served 661 people with food assistance from their food pantry. The Potato Drop was held last Saturday and Jane thanked council for their support, as well as that of Pineville Electric for their help. They have partnered again with the Pineville Police and have begun their holiday fundraising drive – Shop with a Cop – to collect monetary donations, as well as new toys to help children in need.

NEW BUSINESS:

- A. Amending Town Code to Remove Criminal Enforcement** -- Planning Director, Travis Morgan, spoke regarding an amendment to the Town Code. It currently reads that violators of the zoning portion of the code can receive Criminal Penalties such as \$50.00 fine or Class 3 Misdemeanor. The terminology in our code is 20 to 30 years old and is no longer used so he is proposing to eliminate the penalties for the zoning portion of the Town Code as it is no longer needed. Council Member Joe Maxim moved to approve the change with Council Member Debbie Fowler seconding the motion. There were ayes by all and the motion passed 4-0. Mayor Edwards then added that there was a new law from Raleigh and they were cracking down on towns with this wording in their ordinances so we wanted to remove it before it became an issue.
- B. PCAA Tapping Fees** – Paul Boyd, President of PCAA , apologized for being at the meeting because the organization tries only to spend within their means but they recently found themselves in a position of needing extra money to pay for an unexpected expense that came up. Now he was before Council asking for financial assistance to cover the expense.

He noted that enrollment had gone up 11% in 2018 and there was a record number of registrations, 63 of them from Pineville. He noted that the PCAA had been fund raising over the last 4 to 5 years to make up for losing the fields when they built the new school. They've raised \$207,000 since 2015 and are being fiscally responsible with the funds. However, they miscalculated the costs of the new bathrooms they are having installed because the quote from the contractor for sewer tapping fees was \$1,500 to \$2,000. No one had actually contacted Charlotte Water to find out what the true cost for the sewer tapping fees were, and when they finally applied for them, they were considerably more at over \$10,000. Apparently, their contractor hadn't done sewer taps in a long while and had no idea that it would cost that much.

Mr. Boyd stated that they had wanted to install bathrooms because they would qualify for three large tournaments that would bring in a lot of money. They could not host the tournaments, however, without bathroom facilities. Additionally, when trying to tie into the sewer line, there were no maps showing where the lines were and it turned out that they were located under the asphalt. It costs an additional \$4,600 to dig through asphalt. After all was said and done, tap fees turned out to be \$17,000, which PCAA already paid, and the additional \$4,600 in digging fees, all of which Mr. Boyd was seeking reimbursement for.

Council Member Melissa Davis said she was impressed on the growth of the PCAA but disappointed that they did not do their due diligence in checking on the true costs of tapping fees. The town had given \$300,000 up front to the PCAA and that she could not believe that their contractor did not know the cost of tapping fees. She is not opposed to loaning PCAA the money but is against just giving them \$17,000.

During the conversation with an exchange of information between Mr. Boyd and Council Member Davis, it was stated that changes had been made to the PCAA by-laws and that Erin Hamilton from the Parks and Recreation Department, was no longer President of the association. There had also been some change to the by-laws. Council Member Davis stated she didn't know anything about the changes. Ms. Hamilton stated she had talked to the Mayor about the changes but that it did not have to come before council. Town Manager Ryan Spitzer said everyone had gotten a copy of the changes that were made.

Council Member Davis asked about the building improvements and what that \$25,000 had been spent on. Paul Boyd advised he would investigate and let Ms. Davis know what it was for. Council Member Davis asked Mr. Boyd if they had applied for any grants. Mr. Boyd indicated that they looked into one grant that really didn't have a large amount of funding attached to it. They did not want to apply for the small amount of money that may have taken away from those that needed it more so they made a decision not to apply for it.

Mayor Pro Tem David Phillips said he was glad to see the bathrooms going in. In reviewing the expense report, he asked if we charged PCAA to use our fields at Jack Hughes Park. Erin Hamilton indicated that they did pay us to use the fields. Mayor Pro Tem Phillips suggested offsetting some of the \$17,000 by not charging the PCAA to use our fields. He also thought that something could be worked out with the grounds maintenance fee of \$13,000 but Mr. Boyd stated that a 3rd party had to do it because chemicals were used on the fields that required a licensed person to administer. Mr. Phillips suggested putting that service out for bid next season. Mr. Phillips asked if PCAA was footing the bill for the travel teams? Mr. Boyd responded that the Rec kids did not subsidize the Travel kids. Mayor Pro Tem Phillips stated that because there were no capital projects coming up, the town could give the PCAA \$7,000 now, along with the \$10,000 the town normally donated to them each year. We would just be giving it to them early. He stated that it was easier on council to give PCAA the entire \$17,000 that way. He asked Town Manager, Ryan Spitzer and Finance Director, Richard Dixon if we had enough to cover that amount. Mr. Phillips suggested waiving the fees for using the Jack Hughes Park fields.

Council Member Joe Maxim was in favor of waiving PCAA's \$8,000 fees for use of Jack Hughes Park fields. Council Member Maxim asked why PCAA had to foot the bill for the \$4,600 extra costs for plans that Charlotte Water did not have? He asked Mr. Boyd if he had any idea why those plans were outdated? Mr. Boyd was not sure what happened – but when the school was built, they tapped the sewer out the other way and that's when they discovered that the pipe went across asphalt not just dirt. Council Member Maxim asked Mr. Boyd if he had information on what the impact would be to Pineville if we did host the three major tournaments in town? Did he have any idea how much money it would generate for Pineville but Mr. Boyd really wasn't sure of the numbers. Council Member Maxim stated that he thought it was a wise move to go from a full-blown concession stand to a scaled-back, pavilion style facility as it demonstrated fiscal responsibility

Council Member Melissa Davis asked why the tournaments were not played at Jack Hughes Park to which Mr. Boyd stated that those fields were usually booked far in advance. Council Member Davis wanted Council Member Maxim to know that Pineville wasn't responsible for water and sewer maps. Joe then asked if the town could charge Charlotte with updating of the maps to avoid issues like this in the future. Mayor Edwards asked what the consensus of council was at that point. Council member Melissa Davis commented that she was in favor of loaning the money to PCAA and willing to look at waiving the fee for the use of the Jack Hughes Park fields. Mayor Pro Tem David Phillips said he was in support of providing money to the PCAA. Council Member Joe Maxim stated that we should support the request as presented and give \$17,000 to the PCAA. He added that council would appreciate updates on the project more frequently.

Council Member Debbie Fowler wanted clarification that Mr. Boyd was asking for the full amount of \$17,484. Mr. Boyd responded that it was correct. Council Member Melissa Davis asked where the money would come from. Would it come from Culture and Tourism or would it come from contingency funds? Town Manager Ryan Spitzer stated this was council's decision to make – we use Culture and Tourism for many things. Ms. Davis stated that we had already spent \$350,000 and we had to be more diligent with tax payers money. She said she was ok with \$10,000 coming out of Culture and Tourism and suggested we discuss the field rental

fees at a work session. Council Member Joe Maxim said he would like to see project and cost updates more often. Mr. Boyd promised to be here at next months' meeting to give an update. Joe said he was for the \$10,000 coming out of Culture and Tourism as well as possibly waiving the \$8,000 used for playing on Jack Hughes Park fields. Joe said he was also OK. with reimbursing the additional \$5,000 for having to dig through asphalt to connect the sewer line.

Council Member Melissa Davis made a motion to allow PCAA \$10,000 from Culture and Tourism funds then revisit the \$8,000 fee for Jack Hughes Park field rentals at a work session. Joe Maxim seconded the motion and it passed 4-0.

- C. **RESOLUTION TO PAY FOR CONSTRUCTION OF NEW TOWN HALL** (*Ryan Spitzer*) Town Manager, Ryan Spitzer, stated that the IRS required that we do a resolution stating that we can wrap certain fees into the financing of a new Town Hall. The resolution was being presented before council. There were no comments or questions from council. Council Member Debbie Fowler moved to approve the Resolution and Mayor Pro Tem David Phillips seconded the motion and it passed 4-0.
- D. **CONTRACT FOR NEW TOWN HALL FINANCING** (*Ryan Spitzer*) Town Manager, Ryan Spitzer, stated that Finance Director, Richard Dixon, had met with a couple of firms to help us get through the LGC process – Waters and Company was only charging us \$35,000 to do this, which is less than most other companies. A letter with their proposal was included in the packet of information for Council but there were no questions or comments . Mayor Pro Tem David Phillips made a motion to accept the contract and Council Member Joe Maxim seconded the motion. Motion was approved 4-0.
- E. **BUDGET AMENDMENT** (Richard Dixon) Mr. Dixon stated that there were actually two budget amendments he was presenting before Council: one for the replacement of consoles for telecommunications in the Police Department using 911 Fund Reserves and one for the new mowing contract approved in fiscal year 2020 using Public Works salaries to pay for the mowing contract. Mayor Pro Tem David Phillips moved to approve the budget amendments and Council Member Melissa Davis seconded the motion. There were ayes by all and the motion passed.
- F. **Staff Update** (*Ryan Spitzer*) – Town Manager, Ryan Spitzer, reported on the following items:
- We are well above state average for Customer Service in Electric. Sheet distributed to council explaining their excellent customer service rating at Electric Department.
 - October 15th @ 6:30 will be the second Town Hall meeting on Districting.
 - Mr. Spitzer announced that they would not be moving forward with AML study – will use the funds instead to replace poles, make upgrades to substations, etc.
 - Leadership Team for new Town Hall will be held Thursday, October 10th @ 2 p.m. Leadership Team being formed; if anyone was interested in being on the team, let Ryan know. Public Workshops on design of new Town Hall with tentative dates of October 24th and December 10th. Design for new Town Hall takes about three months and will be voted on by January 26th, 2020. We will not be going with a LEED certification. We will design some energy efficient measures but the cost to do the LEED would be \$100,000 more. The county is doing away with this as it has become very costly.
 - Lastly, we will be getting rid of the two houses on Dover Street. An RFP can be put out to take them and move them somewhere else, or we will demolish them. The Fire Department can burn them down. Ryan will be in touch with the Fire Department to demolish them.
 - Fall Festival is October 18th and 19th and the Halloween Bash at Jack Hughes Park will be October 26th.
 - Work sessions moved up one week in both November and December.
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ADJOURNMENT: At 7:50 p.m. Council Member Melissa Davis moved to adjourn the meeting with Council Member

Debbie Fowler seconding the motion. There were ayes by all and the meeting adjourned at 7:50 p.m.



Mayor Jack Edwards

ATTEST: 
Barbara Monticello, Town Clerk

