



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

The Town Council of the Town of Pineville met in Regular Session on Tuesday, January 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  
Town Clerk: Barbara Monticello

**CALL TO ORDER**

The meeting was called to order by Mayor Jack Edwards at 6:29 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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 Curt Tillman and Tracy Pope Cavin (deceased) as well as our police, fire and first responders and our military.

**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 agenda was adopted as is.

**Approval of the Minutes from the Regular and Closed Session Meetings of December 11, 2018 and the Work Session Minutes of November 11, 2018.**

Two corrections were requested: add the comment made by resident Danny Kimbrell regarding flooding on Downs Rd. in the Regular Minutes of 12/11/18 and add that radios and equipment were both changed out at no cost to the town under the section regarding Police Radios in the Work Session Minutes of 11/27/18. Council Member Melissa Davis moved to approve both sets of minutes with the corrections, seconded by Mayor Pro Tem David Phillips. 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 December 31, 2018 and b) Proclamation for School Choice Week*). Council Member Debbie Fowler moved to approve the Consent Agenda as is, with Council Member Joe Maxim seconding the motion. There were ayes by all and the motion passed 4-0.

**PUBLIC COMMENT:**

**Jane Shutt** –Jane Shutt of the Pineville Neighbors Place provided an update on their activities to date: they've served 383 people in 2018 with assistance in food, rent and utility bills. Ten senior citizens at the Pineville Rehab and 171 children from Pineville and Sterling Elementary Schools enjoyed a happier holiday due to the generosity of those that donated to the Shop with a Cop program. Pineville Communications and Electric assisted with a food drive and collected over 500 lbs. of food. She thanked everyone for their support and reminded the group that they hold a Prayer Breakfast once a month at 7:00 a.m. at Park Place Restaurant. Additionally, Pineville Neighbors Place will be holding their first fundraiser dinner on March 7<sup>th</sup> from 6:30 p.m. to 8:00 p.m. at Pineville United Methodist Church. Contact Jane for tickets or to be a sponsor.

**Andy Waligowski**– Resident, Andy Waligowski had questions about the proposed districting. Mayor Edwards asked him to hold his questions until we got to that part of the agenda and then he would be able to speak on the subject.

**OLD BUSINESS:**

- A. Gym Floor at Community Center (Kristy Detwiler)** – Parks and Recreation Director, Kristy Detwiler, stated that our insurance representative sat down with her and Finance Director, Richard Dixon, to review whether they would pay for any part of a new gym floor. Insurance will pay for a new floor with everything we had prior to the water damage except the deductible and a blower should we decide to go with a floating floor system and purchase a blower to keep the moisture down. Three quotes were obtained for a floating floor, one of which was cheaper than a fixed floor. Council Member Melissa Davis wondered why a floating floor would be cheaper than a fixed floor but no one seemed to know why that would be.

Two of the floating floor quotes were cheaper than the third, but the reason for that was that the company with the higher quote uses maple, a better quality of wood and included a blower to circulate air to keep moisture down. The other two did not. All three of the individuals that came to look at the floor did not think there would be a lot of damage to the slab flooring when they go to do the work. Council just didn't want there to be any additional surprises in the cost of the flooring and they wanted assurance that this would not happen again.

Manager Spitzer stated that we had ordered larger gutters to accommodate heavy rain and had scheduled a group to come out to redo the moisture barrier. Mayor Pro Tem Phillips asked about using other flooring materials such as PVC. Ms. Detwiler stated that PVC flooring would need to be replaced a lot sooner than a traditional wood floor. They are only guaranteed for 10-15 years, whereas wood floors should last about 25 years. Additionally, if a vinyl floor was used, there would be a two-inch gap at the seams. Mr. Spitzer believed that if we went with a fixed floor, we would probably still have moisture problems. Council Member Davis asked how long, from start to finish, the project would take. Ms. Detwiler stated that she was told it would take about six weeks to replace the floor.

Council Member Debbie Fowler asked if we needed to do a budget amendment to which Mr. Spitzer replied that we would need to. Finance Director, Richard Dixon, stated that the funds in the Culture & Tourism account could cover the cost. Council Member Davis asked who would oversee the project. Mr. Spitzer stated that either he would or the Public Works Director, Chip Hill. Mayor Pro Tem Phillips noted that he didn't see anything in the information provided about a warranty for the floor and asked Ms. Detwiler why she felt better about one contractor over another; if one had a better warranty over the other wouldn't we want to go with that contractor? Ms. Detwiler replied that the one that was more expensive had 29 years of experience in the business, although Carolina Sports Floor had also been in business more than 20 years.

Council Member Melissa Davis wanted to be sure that the quote was all-inclusive and that the floor was done right as well as maintained regularly as it should be. Mayor Pro Tem Phillips asked that if we turned the quote over to the insurance company, would it cause any issues? Mr. Spitzer stated that it wouldn't because the insurance company had already agreed to pay for it. Hearing no further comments, Council Member Melissa Davis moved to approve Sports Flooring as the contractor to install the floor, seconded by

Council Member Debbie Fowler. There were ayes by all and the motion passed 4-0. Council Member Fowler added that she would like to know what the warranties were and Mayor Pro Tem Phillips stated that if they found any substantial issues with the slab, he would like Ms. Detwiler to come back before Council to address it before proceeding any further.

#### **NEW BUSINESS:**

- A. Fire Department Presentation (Mike Gerin/Matt Honaker)** – Fire Chief, Mike Gerin, thanked Council for allowing the Pineville Volunteer Fire Department to speak at the meeting. He introduced Matt Honaker, who gave a brief presentation on a ladder truck they intended to purchase for the department. He went through the steps the department took in order to get to this point. A 7-member committee was formed to take a look at five ladder truck manufacturers to determine the best truck for the department. It was a year long process but they selected Pierce, a company they were very familiar with, having purchased trucks from them previously.

Pierce builds their trucks bumper to bumper, they provide a reputable warranty, the crew likes the motor/transmissions used in their trucks and most of all, if a truck needs servicing, they are located within a 25-mile radius of Pineville. They went with a heavy duty, mid-mount, ladder truck because it covers a larger scrub area and can maneuver more easily, especially in the smaller alleys that some of the newer communities have. Most ladder trucks average 3 sections; this one has 5 and is the only truck that can go 20° below ground level. The crew had decided on a functioning truck vs. a luxury truck with heated seats, etc. It will take 15-16 months to build.

The Council had already appropriated \$1.2 million dollars in the current budget to purchase the new ladder truck. However, the truck with the equipment they need to add on to the truck totals \$1,325,140, leaving a balance of \$125,140 needed to purchase the truck. Mayor Edwards had gone to Atrium Hospital to see about them donating toward the cost of the difference but they wouldn't. Fire Chief, Mike Gerin, stated that they were offered \$90,000 for the truck they have now but if they sold it and got the money up front, they would be down one truck. Mayor Pro Tem Phillips, as well as the rest of council, was not in favor of him selling the truck just yet and leaving the town short a truck. The safety of the residents was more important. Council Member Melissa Davis asked that Chief Gerin try writing a letter to the hospital again seeking assistance from them.

Mayor Pro Tem David Phillips motioned to approve another \$60K for the cost of the truck itself. The remainder of the money needed for the equipment would be budgeting for the next budget cycle. Council Member Debbie Fowler seconded the motion and there were ayes by all to fund an additional \$60K toward the cost of the ladder truck.

- B. Ordinance Conflict (Travis Morgan)** –Planning and Zoning Director, Travis Morgan, stated that on-street parking was becoming a problem and there were confusing sections of the Town Code and the Zoning Ordinance on this issue. If changes were necessary to the Zoning Code, it would first go through the Planning Board for recommendations and then to Council for approval. Clarification is needed in section 72.14 of the Town Code, Vehicles in Excess of 80 Inches and with section 7.21.2 of the Zoning Ordinance, Commercial Vehicles.

Currently, the town allowed tractors to be parked in driveways but the proposed change states that "No residentially-developed lot may be used as the base of operation for any freight hauling truck". Therefore, tractor trailer parking is prohibited on streets.

Mayor Edwards asked about large tow trucks. Mr. Morgan replied that unless it was specifically mentioned, it would be prohibited. Council Member, Melissa Davis, asked about box trucks. Mr. Morgan stated that we had put a limit on their size. Manager Spitzer stated that he would like to include "equipment" in addition to the word "vehicle" in the first sentence of the Town Code under section 72.14 and Section 7.21.2 of the

Zoning Ordinance. Mayor Edwards also stated that he was concerned about emergency vehicles such as a fire truck, trying to get through Cone Ave. or Olive St. Fire Chief, Mike Gerin, stated that it definitely could be a problem but thankfully they haven't had any yet. Mayor Edwards added that we may need to add additional restrictions if parking continues to be a problem. Mr. Morgan stated that if need be, they could start restricting parking on certain streets.

Even though Council Members had the option of voting on the change to the Town Code now, they agreed that they would prefer to vote on both at the same time after the Planning Board made their recommendations at the Joint Public Hearing. Until then, Mr. Morgan will make any adjustments discussed during this meeting.

- C. **Consider Resolution of Intent for Districting/Additional Council Members** (*Ryan Spitzer*) Town Manager, Ryan Spitzer, explained that council was considering increasing the number of council members as well as forming voting districts. He gave a Power Point presentation that laid out each step of the process so that members of the audience could understand how it worked and the timeline for each step. What Council had to vote on at this meeting was whether to sign a Resolution of Intent to move forward with this process.

If they voted in favor of passing the resolution, the next step would be to advertise the town's intent to move forward, hold a public hearing and then adopt an ordinance amending the changes to the charter. The Council can choose to put the issue to a vote of the people or it can choose not to but if the second option is chosen, a notice will need to be published in the newspaper stating that the ordinance has been adopted and summarizing its intent. The public has the option of petitioning for a referendum to put the issue to a vote of the people. The petition must be filed with the clerk no later than 30 days after adoption of the ordinance. In order for the petition to be valid, a total of 10% of the registered voters of the town need to have signed it or 5,000 voters, whichever is less.

There were questions and comments from members of the public as to how this came about and why it was just now being proposed and never mentioned previously. One member of the audience stated he had served on council for 10 years and the subject had been brought up then and had been an issue before. He also brought it up to Council Member Melissa Davis when she was campaigning door-to-door. Council Member Debbie Fowler also stated that previous Councils had discussed it in the past. Mayor Pro Tem David Phillips stated that he was the one who suggested it because he wanted fair representation for all residents.

Questions and discussion continued with many residents voicing their opinions against districting. It was a lot to digest for some people who wanted more time to research and understand the districting process. Council had to determine at the meeting how they wanted to be districted. There were several options they could choose from but the resolution had to specifically state which option they wanted to pursue. Some residents felt this was being done too hastily and asked why it needed to be done immediately. Mayor Pro Tem David Phillips stated that he wanted to have it done by the next election because if it wasn't done now, it would never get done. Council Member Debbie Fowler stated that it would guarantee that one person represents each area of town and that the resolution was just to begin moving the process forward.

North Carolina General Statutes require that districts be looked at every ten years to coincide with the Census to reevaluate in case district boundaries needed to be redrawn. Resident Boly McClung stated that to do this now, before the next Census, would look very suspicious because the demographics of Pineville have changed drastically. Some didn't think it made sense to spend all the time to split into districts now when it would just need to be redone next year anyway. Others felt that districting would divide the town more causing each district to want what was best for them and not what was in the best interest for the town as a whole. There were concerns on how the town could be broken into districts yet remain unified.

After much discussion, council member Debbie Fowler moved to adopt the resolution with option "C" under GS160A-101(6)c as the way the town would be divided. Option C reads: "The city shall be divided into single-member electoral districts; so that each member represents the same number of persons as nearly as



possible, except for members apportioned to the city at large; and candidates shall reside in and represent the districts according to the apportionment plan adopted, but all candidates shall be nominated and elected by all the qualified voters of the city." Mayor Pro Tem Phillips seconded the motion. The vote was 3 in favor and 1 against with Council Member Joe Maxim being the dissenting vote. Motion passed and a public hearing was set for Tuesday, February 12, 2019.

**D. Staff Update:** Mr. Spitzer provided an update on the following:

- Dump trucks removing soil from old mill site; Duke is doing remediation work there.
- RFQ's went out for new Town Hall/Library - 6 architect submissions were received; forming committee to include himself, Travis Morgan, two Mecklenburg County representatives including one from the library to review submissions within the next 30 days. Mayor Edwards asked that someone from Council be included on that committee as well.
- Telecom Board Meeting scheduled for 1/10/19 at 3:30 p.m. Mayor Pro Tem Phillips unable to attend. Will look into having the meeting on an alternate date so everyone can attend.
- Splash Pad on track to open in May but taking more time because the county is treating it as a pool; county was missing engineered drawings and had to come out and inspect backflow preventer; also had to re-engineer a drainage pipe.
- Work Session scheduled for 1/28/19 to review districting in depth; discuss project manager at risk; and HRA benefits

**ADJOURNMENT:** Having no further business, Council Member Debbie Fowler moved to adjourn the meeting with Mayor Pro Tem Phillips seconding the motion. There were ayes by all and the meeting adjourned at 9:12 p.m.



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Mayor Jack Edwards

**ATTEST:**



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Barbara Monticello, Town Clerk

