



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, NOVEMBER 12, 2019**

The Town Council of the Town of Pineville met in Regular Session on Tuesday, November 12, 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 6:28 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG (JE)

Mayor Jack Edwards 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 spoke of two Veterans' Day programs he attended and reminded everyone to remember our Veterans today and every day.

ORDER OF BUSINESS:

Adoption of the Agenda:

Mayor Edwards requested two changes to the agenda: to add two items after the Public Hearings – declaring designations on real estate property owned by the town. Council Member Melissa Davis made a motion to adopt the agenda with the two 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 Council Meeting of October 8, 2019 and the Work Session and Closed Session Meetings of, October 28, 2019.

Council Member Melissa Davis requested clarification to a section on page 2 of the October 8th set of minutes. Council Member Debbie Fowler moved to approve the minutes with corrections, seconded by Mayor Pro Tem David Phillips. 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 10/31/19.* b) *Tax Refund.* Council Member Melissa Davis made a motion to adopt the agenda with Council Member Debbie Fowler seconding the motion. There were ayes by all and the motion passed 4-0.

PUBLIC COMMENT:

Jane Shutt of Pineville Neighbors Place invited everyone to a Pineville Community Party this Thursday, November 13th, at 10:30 a.m. for an hour. The speaker will be Bobby French from Pineville Elementary School. Next Tuesday evening Pineville Neighbors Place, along with the Pineville Police Department, will host an Active Shooter Class at Pineville United Methodist Church at 6:00 p.m. The event is free and pizza will be served for all who attend. Jane reminded everyone the Pineville Neighbors Place is looking for financial donations for Shop With A Cop as well as new toys for those children in need of Christmas gifts. Jane thanked the Town for the \$4500 donation they gave to Pineville Neighbors Place. They have helped 153 different families that have needed assistance since July of this year. She thanked the entire community for their ongoing support.

Dan Sachs, resident of Pineville, spoke regarding the letter he received from Pineville Telephone advising that Pineville will no longer be providing TV services. He stated he is sorry to see that this is happening and understands why they have to shut the service down. He says he will miss Pineville Telephone and their fine service.

PUBLIC HEARINGS:

A. Real Estate Items: *(Ryan Spitzer)*

2. Public Hearing for Property Purchase from Norfolk Southern Railroad - Town Manager Ryan Spitzer introduced Real Estate Attorney, John Buben, and announced that the Public Hearing regarding the Rail Road Property will be postponed to a later date.

1. Public Hearing for the Sale of the Cone Mill *(Ryan Spitzer)* Town Manager Ryan Spitzer advised we must have a Public Hearing to announce the town's intention to sell the mill property to a developer that wishes to remain anonymous at this point. In addition, we now have to dedicate the site as an economic site as well as a downtown development site.

Mr. Spitzer stated that the developer is expecting to make a \$30 million dollar investment in this property. The site will be developed in two phases: Phase I will be an 80K square foot office building. Phase II will include retail and restaurants but will be developed at a later date. However, there are no concrete plans in place for this phase as of yet. The developers want the town to invest 3.3 million dollars for infrastructure improvements including water, sewer, utilities, road widening, sidewalks, etc.

Infrastructure costs, such as installing water and sewer, expanding Dover Street, and other road updates are estimated to be about \$1.9 million, with another \$1.3 million estimated for demolition of the site. The remainder will be for traffic-related items such as traffic signals that may be needed, etc. We will reimburse the developer as they demolish the site. Before we can do that, however, two designations need to be made to the site: GS 160A-458.3 allows the town to reimburse the developer for demolition costs and GS 158-7.1 states the area has been declared for economic development which allows the town to bring utilities to the site. Any material changes to the agreement must be brought back for another Public Hearing. The rehabilitation and revitalization designations are necessary to move forward with the development.

Council Member Debbie Fowler made a motion to open the Public Hearing. Council Member Joe Maxim seconded the motion and the Public Hearing was opened. Mayor Pro Tem David Phillips asked when they anticipated demolition to begin? Mr. Spitzer stated they could start the demo immediately and that was the reason for designating the property for Downtown Development. If we didn't do that, it would take at least six months for the town to demolish the site since we are required to go through the bidding process.

Mayor Pro Tem David Phillips asked Attorney Buben when he anticipated the contract would be signed? Attorney Buben said it should be done before the next Council Meeting. Mayor Pro Tem Phillips just wanted to be sure since he and Council Member Debbie Fowler were part of the process since it began and wanted to see the project through before they both came off the board. Council Member Joe Maxim asked if the demolition costs were firm, to which

Manager Spitzer replied that they were. Attorney Buben added we would not pay more than what was stipulated in the agreement.

Town Manager Ryan Spitzer advised that several bidders had walked through the site and determined the costs to rehabilitate the buildings. The majority of the buildings were not structurally safe so it was easier to demolish them than to try to rehabilitate them to make them safe. Council Member Joe Maxim asked if the items they were taking action on at this meeting were needed in order to move forward to which Mr. Spitzer replied that they were.

Council Member Debbie Fowler moved to close the Public Hearing, seconded by Mayor Pro Tem David Phillips. There were ayes by all and the Public Hearing was closed at 6:56 p.m. Council Member Debbie Fowler moved to declare the site as a Downtown Development area, along with it being an Economic Development area. Mayor Pro Tem David Phillips seconded the motion. There were ayes by all and the vote was unanimous.

Council Member Debbie Fowler then motioned to give Attorney Buben and Town Manager, Ryan Spitzer, authority to continue negotiations with the developer. Council Member Melissa Davis seconded the motion and there were ayes by all.

B. Public Hearing for Dodge Dealership Expansion (Travis Morgan). Council Member Debbie Fowler made a motion to open the Public Hearing and Council Member Melissa Davis seconded the motion. There were ayes by all. The Public Hearing opened at 6:59 p.m.

Planning Director, Travis Morgan explained that the Dodge Dealership was requesting to expand into the space where the old Carolina Pumping was located; they are interested in utilizing that lot which they own. He explained that anything with a conditional use needed to go before council. They will be using the space for additional parking for their vehicles. If granted approval, it will give us street trees, curbing and sidewalks. He continued, stating that the Town was also asking for improvements along Cadillac Street and that the Zoning Ordinance required the parking lot be screened.

Current plans include evergreen shrubs to screen the parked cars. He clarified that it would still be one dealership – there were no plans to make it two separate dealerships. However, Dodge was requesting a two-year extension to put in the required trees, sidewalks, curbs, etc. Typically we ask to have this done immediately but they are requesting a two-year postponement with a bond in place to ensure they do as they stated within the two years.

There is an existing building on the property of which Council Member Davis asked about. She asked the applicant what they meant by “temporary” regarding the use of the building? Jeffrey Cropp, representing the Dodge Dealership, replied they would like to use it to store parts. Council Member Debbie Fowler wanted to know what would happen if they wanted to build a new building. Mr. Morgan replied that any new structure needed to come back before council. Council Member Melissa Davis asked if they could take down the existing building and put in more parking. Mr. Morgan replied that they could do that without needing approval from council. Ms. Davis asked if the 2-year extension included everything: curbing, sidewalks, the landscaping and the lighting? Mr. Morgan replied that it did.

Mayor Pro Tem David Phillips asked if the new parking lot would be asphalt. Travis stated that it probably wouldn't be and most likely it will be left as a gravel parking lot. It was discussed with the owner, to keep the landscaping in place and put a travel lane in, moving the vehicles back just a bit. Travis stated that they were planning to keep the screening along the front portion, the vegetation that exists there now.

Mayor Pro Tem David Phillips asked if they unloaded cars along Cadillac Street. Mr. Morgan replied that they did. Mr. Phillips then stated that he saw them unloading cars today on Polk Street. Council Member Melissa Davis stated that she wanted to be sure the building was used for storing parts and not for sales. Jeffrey Cropp stated that they were only going to be storing parts there. Melissa wants to be sure nothing except parts storage is what the building is used for.

Council member Joe Maxim voiced concern about bonds. It was the one thing that ensures that everything that was supposed to be done gets done and in a timely fashion. Council Member Debbie Fowler asked if the bond was to the

town or to the County. She was concerned that the County would give back bond money without town approval which, she noted, had happened in the past. Mr. Morgan responded that additional safeguards were put in place to ensure that does not happen again. She then asked if there were bonds for curbs and gutters. Travis responded that there were different types of bonds but that we could request one that specifies everything. Council Member Melissa Davis wanted to confirm the lot would just be gravel. Travis responded that was correct. Melissa then asked if all of this had to be completed within the two-year extension. Travis responded in the affirmative.

Comments were made by Judy Osborne and Billy Baskins before closing the Public Hearing after which Council Member Debbie Fowler made a motion to close the Public Hearing, seconded by Mayor Pro Tem David Phillips. There were ayes by all and The Public Hearing closed at 7:27 p.m.

Mayor Jack Edwards asked Travis why the screening could not be done now. Mr. Morgan stated that the applicant had requested to keep the chain link fence for now. Council was in agreement to keep the two-year timeframe as is. Council Member Melissa Davis asked when the two-year term started -- was it from the time of the vote? Mr. Morgan responded "yes".

Mayor Pro Tem David Phillips made a motion to approve the expansion and use of the parking lot in the rear of the building. Council Member Melissa Davis seconded the motion. There were ayes by all and the request for approval to use the back parking lot for storing vehicle inventory was approved with a two-year extension to put in all required improvements.

NEW BUSINESS:

- A) **Audit Presentation** – Kotane Cha Moses and Morgan Coley of Martin Starnes and Associates presented their audit findings. They issued an unmodified opinion – the best rating that can be issued, noting an increase of 5% in Fund Balance and a total increase in expenditures of 14.5% with the largest increases in Public Safety, Culture and Recreation and Transportation. Council thanked them for their presentation.
- B) **Sale of Fire Ladder Truck** – Town Manager Ryan Spitzer Explained to the group that the town was in the process of buying a new fire truck that should be ready in April 2020. The Town of Hudson is interested in purchasing our old truck for \$150,000 to be paid in two parts: ½ to be paid in the 2020 FY and ½ to be paid in next fiscal year. Fire Chief, Mike Gerin, provided background on how this transaction came about. Ryan added that the town was selling the truck in "as is" condition.

Council Member Melissa Davis made a motion to approve the sale and payment agreement and Council Member Debbie Fowler seconded the motion. There were ayes by all and the motion passed 4-0.

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

- On Monday, demolition of sidewalks around the lake began and concrete will be poured. Scott Futter will be overseeing the project and will be receiving weekly schedules and updates. Concrete will be thicker in the areas where Fall Fest vendors drive on it and regular thickness where the gators use it.
- Looked into the cost of a Shred Event for the town and obtained three quotes with \$200 per hour or \$600 for a 3-hour event as the best price obtained. The consensus of council was to set an event up for a day possibly in April.
- Ryan obtained quotes on Time Clocks per council's request. The quotes were included in Council's packet of information. They are looking at KRONOS as an option but council can discuss it further at the November Work Session, as well as discussing COLA and Merit increases.
- The ASC community gathering and luncheon at United Methodist Church scheduled for November 16th has been cancelled.

- Tree Lighting will be held back at the old Police Department lot and is scheduled for December 7th.
- Ryan will check with Tammy Vachon of Pineville Telephone on rescheduling the next Telephone Board Meeting.

Mayor Edwards called for a five-minute break at 7:57 p.m. before moving to the closed session.

CLOSED SESSION: At 8:15 p.m., Council Member Melissa Davis moved to enter Closed Session with Council Member Debbie Fowler seconding the motion. There were ayes by all and the Closed Session commenced. A personnel issue was discussed at length.

ADJOURNMENT: At 10:44 p.m., Council Member Debbie Fowler moved to come out of Close Session and enter back into Open Session. Mayor Pro Tem David Phillips seconded the motion and there were ayes by all. Once back in Open Session, Council agreed to discuss the Manager's goals at the November Work Session. Council Member Debbie Fowler moved to adjourn the meeting at 10:45 p.m. with Council Member Melissa Davis seconding the motion. There were ayes by all and the meeting adjourned at 10:45 p.m.



Mayor Jack Edwards

ATTEST:


Barbara Monticello, Town Clerk