

**COUNCIL MEETING  
AGENDA**

**Pineville Meeting Hut  
Tuesday, December 10, 2019  
6:30 p.m.**



**PINEVILLE TOWN COUNCIL AGENDA  
PINEVILLE HUT MEETING FACILITY  
TOWN OF PINEVILLE, NORTH CAROLINA  
TUESDAY, DECEMBER 10, 2019  
6:30 P.M.**

- 1) Call Meeting to Order:**
  - a) Pledge Allegiance to the Flag: (JM)**
  - b) Moment of Silence:**
- 2) Adoption of Agenda:**
- 3) Approval of the Minutes from the: Regular and Closed Session Meetings of November 12, 2019.**
- 4) Consent Agenda: a) Financial Report as of November 30, 2019 (Richard Dixon; b) Accept 2019 Municipal General Election Results into Record (Barbara Monticello)**
- 5) Public Comment:**
- 6) Old Business: None**
- 7) Recognition of Outgoing Board Members (Mayor Edwards) – Presentations to outgoing members Debbie Fowler and David Phillips.**
- 8) Swearing in Ceremony:**
  - A. Oath of Office for Mayor – Town Clerk Monticello will do the honor of swearing in Mayor Edwards.**
  - B. Oath of Office for New Council Members – Mayor Edwards will do the honor of swearing in new Council Members, Les Gladden and Amelia Stinson-Wesley**
- 9) New Business:**
  - A. Appoint Mayor Pro Tem – Board to nominate/vote for a new Mayor Pro Tem**
- 10) Adjournment:**



*Please join us for light refreshments*



*If you require any type of reasonable accommodation as a result of physical, sensory, or mental disability in order to participate in this meeting, please contact Barbara Monticello, Clerk of Council, at 704-889-2291 or [bmonticello@pinevillenc.gov](mailto:bmonticello@pinevillenc.gov). Three days' notice is required.*

*Happy  
Holidays*

# **MINUTES**

**Minutes from the Town  
Council Regular and  
Closed Session Meetings of  
November 12, 2019**



**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 13<sup>th</sup>, 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 Stames 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 16<sup>th</sup> has been cancelled.

- Tree Lighting will be held back at the old Police Department lot and is scheduled for December 7<sup>th</sup>.
- 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.

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Mayor Jack Edwards

**ATTEST:** \_\_\_\_\_  
Barbara Monticello, Town Clerk



# **CONSENT AGENDA ITEMS**

- a) Finance Report as of 11/30/19*
- b) Accept Official Election Results*

Town of Pineville  
Budget vs. Actual  
11/30/2019

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
<b>Revenues</b>			
Property Tax	\$ 8,166,295	\$ 2,484,493	30.42%
Prepared Food Tax	675,000	373,729	55.37%
Room Occupancy	610,000	243,039	39.84%
Franchise Tax	900,000	244,605	27.18%
Sales Tax	1,400,000	512,275	36.59%
Storm Water	405,000	147,523	36.43%
Powell Bill	180,000	104,200	57.89%
Other	1,179,815	808,674	68.54%
Sale of Fixed Asset	3,500,000	-	0.00%
Appropriated F/B - Restricted Police	205,000	205,000	100.00%
Appropriated F/B Cultural and Tourism	88,185	88,185	100.00%
Total	\$ 17,309,295	\$ 5,211,724	30.11%
<b>Expenditures</b>			
Governing Board	\$ 121,500	\$ 132,444	109.01%
Administration	5,550,835	321,639	5.79%
Human Resources	201,083	65,337	32.49%
Zoning	368,222	128,991	35.03%
Police	5,268,789	2,175,842	41.30%
Fire	1,034,100	447,932	43.32%
Public Works	771,215	291,288	37.77%
Storm Water	431,375	121,306	28.12%
Powell Bill	892,413	46,761	5.24%
Sanitation	600,000	191,576	31.93%
Recreation	592,578	264,570	44.65%
Cultural/Tourism	1,373,185	602,153	43.85%
Cemetery	4,000	-	0.00%
Contingency	100,000	-	0.00%
Total	\$ 17,309,295	\$ 4,789,840	27.67%

Town Of Pineville

Johnston Road Realignment  
11/30/19

	FY17	FY18	FY19	FY20	Total Project	Project Budget
<b><u>Road Realignment Revenue</u></b>						
DOT grant	-	-	-	-	-	-
General Fund Balance					1,957,000	1,957,000
Total Road Realignment Revenue	-	-	-	-	1,957,000	1,957,000
<b><u>Road Realignment Expense</u></b>						
Land/Building	-	731,228	6,586	-	737,814	725,000
Engineering	-	74,089	47,278	31,459	152,825	307,000
Construction	-	-	-	-	-	925,000
Total Road Realignment Expense	-	805,317	53,863	53,863	890,639	1,957,000

**Town Of Pineville**  
**Splash Pad/Dog Park**  
**11/30/19**

	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>	<b>Total Project</b>	<b>Project Budget</b>
Cultural & Tourism Reserves	-				361,460	361,460
Part F Grant	-	-	129,465	231,995	361,460	361,460
Transfer from Cultural & Tourism					50,000	50,000
<b>Total Part F Grant Revenue</b>	<b>-</b>	<b>-</b>	<b>129,465</b>	<b>231,995</b>	<b>772,920</b>	<b>772,920</b>
<b>Part F Grant Expense</b>						
6201.7200.70	32,656	61,816	324,720	92,495	511,687	772,920
6201.7400.70			275,132		275,132	
<b>Total Part F Grant Expense</b>	<b>32,656</b>	<b>61,816</b>	<b>599,852</b>	<b>92,495</b>	<b>786,819</b>	<b>772,920</b>

Town of Pineville  
Electric Fund  
11/30/2019

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Electric	14,438,143	6,781,444	46.97%
Expenditures			
Administration & Billing Support	488,739	228,095	46.67%
Purchased electricity	8,863,296	3,543,912	39.98%
Operations and Maintenance	5,086,108	681,022	13.39%
Total	<u>14,438,143</u>	<u>4,453,029</u>	<u>30.84%</u>

Town of Pineville  
ILEC Telephone Fund  
11/30/2019

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
<b>Revenues</b>			
Revenues	1,464,345	632,722	43.21%
Telephone Reserves	1,210,450	1,210,450	100.00%
Total Revenue	<u>2,674,795</u>	<u>1,843,172</u>	68.91%
<b>Expenditures</b>			
Operating Transfer Out	357,749	357,749	100.00%
Operating Expenses	1,266,996	506,408	39.97%
Plant under Construction	<u>1,050,050</u>	<u>50,663</u>	<u>4.82%</u>
Total	<u>2,674,795</u>	<u>914,820</u>	34.20%

Town of Pineville  
CLEC Telephone Fund  
11/30/2019

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Revenue	1,033,604	515,295	49.85%
Transfer from ILEC	357,749	357,749	100.00%
Total	<u>1,391,353</u>	<u>873,044</u>	62.75%
Expenditures			
Operating Expenses	1,255,953	581,538	46.30%
Plant under Construction	<u>135,400</u>	<u>2,750</u>	<u>2.03%</u>
Total	<u>1,391,353</u>	<u>584,287</u>	41.99%

# Memorandum

**To:** Mayor and Town Council  
**From:** Barbara Monticello  
**Date:** 12/4/2019  
**Re:** Consent Agenda Item



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The county issues the official results of the municipal elections after they are held in November which Council is then required to approve. Attached are those results for your review and approval.

*Action Item: Approve the official results of the Municipal Election of November, 2019.*



# November 05, 2019 General Election Results by Contest

Friday, November 15, 2019  
Page 4 of 4

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
TOWN OF PINEVILLE MAYOR	John (Jack) Edwards		856	744	106	6	0
	Melissa Davis (Write-In)		11	7	4	0	0
TOWN OF PINEVILLE TOWN COUNCIL	David Phillips (Write-In)		5	3	2	0	0
	L.R. (Les) Gladden		507	449	55	3	0
	Bolyn McClung		358	299	55	4	0
	Christopher C. McDonough		375	324	51	0	0
TOWN OF STALLINGS COUNCIL DISTRICT 04	Amelia Stinson-Wesley		557	472	80	5	0
	Heather Grooms		16	13	3	0	0
TOWN OF STALLINGS COUNCIL DISTRICT 06	Shawna Steele		15	11	4	0	0
	Steven Avers		22	17	5	0	0
MECKLENBURG COUNTY LOCAL SALES AND USE TAX	Billy Birt, Jr.		9	7	2	0	0
	For		51,630	38,492	12,664	419	55
TOWN OF DAVIDSON PUBLIC FACILITIES BONDS	Against		69,684	53,856	15,069	666	93
	Yes		1,947	1,358	575	13	1
TOWN OF DAVIDSON SALE OF CONTINUUM	No		856	628	278	10	0
	For		2,633	1,843	767	21	2
TOWN OF PINEVILLE CHARTER AMENDMENT	Against		169	140	27	2	0
	Yes		508	422	81	5	0
	No		542	478	62	2	0



**2019 GENERAL ELECTION  
11/05/2019  
ABSTRACT OF VOTES  
FOR  
MECKLENBURG COUNTY, NORTH CAROLINA**

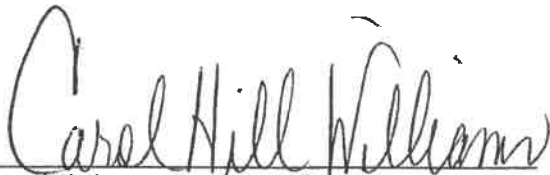
**INSTRUCTIONS**


The county board shall prepare abstracts of all the ballot items in triplicate originals. The county board shall retain one of the triplicate originals, and shall distribute one each to the city or town clerk for the municipality and the State Board of Elections. The State Board of Elections shall forward the original abstract it receives to the Secretary of State (GS § 163A-1173)


**STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG**

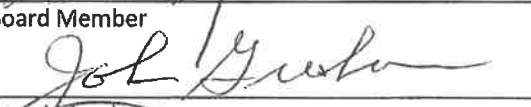
The County Board of Elections for said county, having opened, canvassed, and judicially determined the original returns of the election in the precincts in this county, held as above stated, do hereby certify that the attached is a true abstract thereof, and contains the number of legal ballots cast in each precinct for each office or referendum named, the name of each person or choice voted for, their party affiliation (where applicable), and the number of votes cast for each person or choice for the item named.

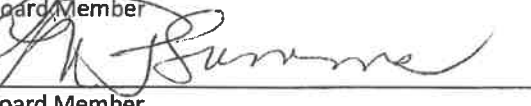
This is the 15th day of November, 2019.

  
Board Chair

  
Board Secretary

  
Board Member

  
Board Member

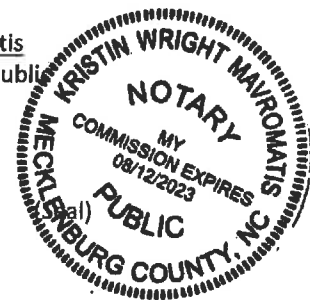
  
Board Member

This day personally appeared before me, Carol Hill Williams, Chairman of the County Board of Elections, who being duly sworn, says the abstract of votes herein contained is true and correct, according to the returns made to said Board.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this the 15th day of November, 2019.

  
Official Signature of Notary Public

Kristin Wright Mavromatis  
Typed Name of Notary Public



My Commission Expires: 12 August 2023

**Presentation to Outgoing  
Board Members by  
Mayor Edwards**

# **Swearing in of Mayor and New Council Members**



### Oath of Office

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as \_\_\_\_\_ so help me God."

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Signature

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Date

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Barbara Monticello, Town Clerk

## **NEW BUSINESS**

### **A. Appoint Mayor Pro Tem**

# **ADJOURNMENT**