



**MINUTES OF THE  
TOWN COUNCIL WORK SESSION OF  
Tuesday, May 28<sup>th</sup>, 2019 - 6:00 P.M.  
PINEVILLE Telephone/Electric Bldg.  
118 College St., Pineville, NC**

The Town Council of the Town of Pineville, NC, met in a Work Session on Tuesday, May 28th, 2019 at 6:00 p.m. at the Pineville Telephone/Electric Building at 118 College St., in Pineville NC.

**ATTENDANCE**

Mayor: Jack Edwards  
Mayor Pro-Tem: David Phillips  
Council Members: Melissa Davis, Joe Maxim and Debbie Fowler  
Town Manager: Ryan Spitzer  
Town Clerk: Barbara Monticello  
Planning Director, Travis Morgan  
Finance Director, Richard Dixon

**CALL TO ORDER**

Mayor Edwards called for a motion to open the meeting at 5:58 p.m. Council Member Debbie Fowler moved to open the meeting, seconded by Mayor Pro Tem David Phillips. There were ayes by all and the meeting commenced. Mayor Edwards then requested a change to the Agenda to allow Caroline Ervin to speak regarding the proposed Greenway Project that would run through her property.

**DISCUSSION ITEMS:**

- A. **Caroline Ervin-** Caroline Ervin, on behalf of Park Ridge Seven, LLC, spoke about the Greenway that is now being proposed to go through her property at Park Road and Carolina Place Parkway. Mecklenburg County first voted in 2013 to build the Greenway that eventually is supposed to go up and down the East Coast. The trail is to be built so that someone riding a bike or in a wheelchair could easily access and use the trail. The trail was originally supposed to come out closer to Haverty's and Ethan Allan so that it wouldn't go through her property but that has now changed. When she asked Mecklenburg County why the change was made, she was told that it was a matter of cost and that it was less expensive to move the trail through her property. She asked council to pass a resolution to consider moving the crossing back to the original location near Havertys and Ethan Allen Furniture instead of through Park Road. It is a safety issue and it was her intention to put a new fire station on that property.

The Mayor asked Planning Director, Travis Morgan, to weigh in on the matter of the Greenway. Mr. Morgan explained that the Greenway runs to and connects with Little Sugar Creek and the McAlpine Creek. Staff's position is not to get involved in such matters and prefers to leave it up to the Greenway Board to decide. It was his understanding that the Board wanted the crosswalks at intersections and that is why it was moved. Travis felt the Mayor and Council would have more power to convince the Greenway Board to move the Trail; perhaps write a letter or develop a resolution. The Mayor then stated he would need direction from council. Mayor Pro-Tem David Phillips asked that with the cross over to Park Road, where would it tie into McAlpine Creek? He replied

that it would tie in to the McAlpine Creek just north of BJ's near the car place. Council thanked Ms. Ervin and advised that they would take it under consideration.

- B. Townhome Project** – Planning Director, Travis Morgan, explained that developers were interested in the piece of property across from McCullough on NC51 and Downs Rd. They were proposing a 175-unit townhome rental community that was originally zoned R44 with one-acre home sites. Since the unit count is over 100 and a rezoning of the property necessary to RMX, it must go before Council. The buffer at the north end of the property is zoned G1. Both Council Members Melissa Davis and Debbie Fowler stated they would personally like to meet with Travis to look at the plans. Travis has the drawings and will let everyone know when they can meet.

Mr. Morgan continued, stating that he was still working through the traffic study. There will be two main entry points from NC 51. There will be a right-hand deceleration lane into the property and on the NE Corner by Downs Road, Mr. Morgan is favoring a three-lane cross section. There will be room for on-street parking, as well as pad parking. The center green area and the layout are both fine and trash removal will be through a private service since the alleys will be built the way they would like them. Architectural details such as railings, porches, etc. are being worked out. Brittany Lins with land attorneys, K&L Gates, stated that the Kaplan team was the developer of the property and provided an overview of the proposed development.

Ms. Lins introduced Nathan Kaplan who stated that the firm was started by his grandfather in 1952 and grew from there. They are Master Plan developers focusing on quality, high-end products. All units will have alley fed garages, front porches, 175 units with 6.5 units per acre with a linear park along NC51 and a BMP dry pond on the north end. These will be 2 and 3 bedroom units and they're favoring leasing the units as opposed to selling them but they are not 100 % committed to this. They have developed a mix of both single-family homes and town homes for both sale and rent. Landscaping and architecture details are being worked out with Travis. There will be a total of 787 parking spaces which is well over the required number of 547 spaces. Additionally, Kaplan units have large garages, no vinyl siding and will be high-end, luxury units with a landscaped buffer and linear park along NC51.

Mayor Edwards stated that Council preferred to see more detailed, in-depth elevations, not necessarily renderings and asked what the price point of the town homes would be, whether they be sold or leased. Brian Ford stated they had not yet fine-tuned the price but could possibly be over \$400,000 to purchase and \$1800 to \$2000 per month to rent. This is \$150 to \$200 more than what Charleston Row leases their units for. Each building will have 20- ft. driveways and will be very high end.

Discussion turned to the push back that the Kaplan Team might receive at the public hearing for presenting a town home product as well as a leased product. Joe Maxim noted that he received feedback from taxpayers that do not want any more town homes in Pineville. Mayor Edwards agreed and added that the group will face issues at the public hearing if the units are rentals.

Council Member, Joe Maxim, asked if the area on the right would be a total dry pond. Brian Ford stated that it would be but it would need to be well-maintained, as well as compliment the road frontage like the McCullough property does. Shaun Tooley addressed the issue of rental communities having more crime as being a false perception because if the rent is higher the tenants would have to make a certain income per year to afford to live there. He added that the Kaplan company were long term holders – meaning they remained owners for years. Mayor Pro Tem Phillips asked what the deciding factor was, not to have their other two developments as rentals? Nathan Kaplan stated the market changed since the recession and there were more high-end renters out there now. Shaun Tooley stated that people get more comfortable when they see the type of renters coming in.

Mr. Morgan noted that Downs Road and NC51 was a major corner coming in to town and that he would not advocate for single family homes on that corner. Plus, they would need to take into consideration what

would be proposed on the Miller-Harley properties. It would be better to see a residential product here than a warehouse or something similar, especially with a trailway coming in near this site. Also, new sidewalks would have to be installed so there would be an added improvement to the town.

Council Member Melissa Davis was not in favor of rental units and she was confused by the traffic study. She asked if there was going to be a Phase II to this project. Mr. Kaplan stated that there had been just some preliminary talks about a second phase. Mr. Morgan referenced the Herlocker piece of property as the possible second phase, not the Harley property. Nathan Kaplan stated the rentals would make the numbers work better than selling the units. He stated they own 100% of the units and would be bringing in a large property management company. Mr. Morgan added that the beauty of having private trash service is that you can negotiate to have smaller trucks come in to collect the trash.

Council Member Debbie Fowler asked if the main streets would be public roads to which Mr. Morgan replied yes, they would be. She asked if there would be on street parking allowed. Mr. Morgan commented that he liked the plan as it was because of the additional parking. Melissa Davis stated she was not opposed to the property being developed but was against rentals and she again referenced the traffic study. Mayor Pro Tem David Phillips asked why the traffic study was stopped at 5:20 p.m. when the traffic was still backed up at 6:30 p.m.? They were not getting true numbers by ending the study that early. Nathan Kaplan noted that traffic studies typically use standards when they are conducted.

Mr. Morgan spoke of 3 elements each row of town homes will have – a front facing gable, a masonry façade, and a porch but Council Member Davis still had 2 concerns – the traffic and rental units. She did not believe the traffic study was accurate and she had concerns regarding the surrounding neighbors -- warehouses, a body shop, cow pastures and a horse farm. Mr. Kaplan stated they wanted the property to be high-end and they were working hard to get it that way. He was confident that they would be successful in making it the premier property they envisioned.

Mr. Bill Baynard spoke, stating that this property was family owned land and that he had been approached by numerous people proposing warehouses or other commercial-type facilities on the property but that this seemed to be the best alternative for this property. He thought this was what Pineville wanted. Council Member Davis stated that she appreciated Baynard's concern for the town and that she liked the product, but was against the idea of rentals and was concerned about the traffic study not presenting accurate findings. Mayor Pro Tem David Phillips asked about the timeframe for rezoning because he was hesitant to change the zoning; if Capstone chose to sell the property, the town could wind up with a product of lesser quality. Mr. Morgan stated that if they sold the property, whoever bought it would have to follow the same rules, plans and decisions as they are now. Mr. Shaun Tooley replied that the initial intent was to be on the July agenda.

Mr. Tooley asked the best way to educate the public on the product they were proposing. Council Member Joe Maxim stated that the sooner they were able to educate them, the better and preferably before the Public Hearing. Mayor Edwards added that they should get in touch with HOA's and continue to work things out through these work sessions but not be too ambitious with their dates. Mr. Tooley stated this forum was very helpful to get things worked out first. It was a good platform that he wished other towns would use. Council Member Davis requested that all of this information be posted online as the education at these meetings was important as well.

- C. **Mall Signage** – Susan Barwick, representing Carolina Place Mall, spoke regarding their proposed Pylon sign facing 485 and the color change they made from blue to red in the sign, along with a new tenant listing of the larger stores. She explained that they did not add names to the monument signs but they were added to the pylon sign. She also stated the size of the sign did not change and they were just trying to stay competitive with other sites.

Planning and Zoning Director, Travis Morgan, recapped the signage proposal. He appreciated the additional details Ms. Barwick provided, including the placement of the sign which had been up in the air. He did note that the size of the signs did actually increase: the sign along NC51 was 38 feet tall, and 129.94 sq. ft. in overall



size, up from the previous rendition at 108.32 sq. ft. The I-485 sign increased in size from 416.76 sq. ft to 537.26 ft. although it was shortened to 70 ft. tall. The NC51 sign, although slightly over the allowable height, would be acceptable but the I-485 sign, because of its' size, would be harder to defend. This would be the first time in 15 years that a sign request exceeded the size limit. The best approach would probably be a text amendment to the ordinance so that if others came in, they would be able to increase the size of their signs as well but without a change that is opened to all, it would be very difficult to defend why the Mall could have such a large sign but no one else was able to. Council Member, Melissa Davis, stated that she knew of at least one business that would come in and ask for a larger sign. It's not just the signage that is the problem with the mall, it's a safety issue as well. Susan stated the mall was upgrading security systems and cameras and replacing chillers for the AC system. She and her sign contractor, Integrated Signs, felt that the new signage would help direct customers to the mall that may not be aware that it's there. She was hoping that the ordinance could be changed. Aaron Anderkin of Integrated Signs, stated that the large, pylon sign was a valuable asset and that his company ran into this a lot in other towns, cities, etc. Mayor Edwards reiterated that Council's biggest concern was the other merchants and asked how we were to do this fairly and honestly for all merchants? Aaron Anderkin stated that the sign is justified because of the number of retailers that don't have signage. Council Member Davis was opposed to the interstate sign. Carolina Place Mall is a destination place, and Ms. Barwick noted that South Park Mall were the top of the line merchants. Having signage just reminds people that we are here.

Mayor Pro Tem David Phillips commented that the town was just going back to what we had before and council was big on getting those signs out of the air. We would just be back tracking on something that we've just corrected. Coming into town, the signs were an eyesore along North Polk Street and Council did not like it. That is why we made signage stricter. There was concern that the town would get complaints from those on the other side of 485. Ms. Barwick asked if there was any way to write the text amendment to limit exposure to only a few situations based on the number of stores, the size, etc.

Mayor Pro Tem Phillips asked if the smaller stores took offense to the same larger stores being advertised on all signs. Ms. Barwick stated that the larger stores drive the people in. Council Member Davis reminded her that the signs tonight were larger than first presented. Mr. Anderkin stated that the reason was because the tenants were added to the sign. Joe Maxim added that approval for the NC 51 sign was close but the I-485 sign still had issues. Mayor Edwards stated that we just don't know how to word it fairly. Mr. Anderkin stated that if they couldn't have both signs, then they didn't want any. Mr. Spitzer suggested council discussing the issue amongst themselves and Mr. Morgan over the next month or two. Mayor Edwards stated there are over 1200 commercial customers in Pineville. Mr. Spitzer responded that we could draft something to isolate just the mall and work on it further, possibly adjusting some of the other zoning designations and tweak it but not destroy the progress we have already made. Council Member Davis pointed out that we couldn't have it look like we made a change just for the mall. Susan asked if there was anything else council needed from them on the NC51 sign. Mr. Morgan stated there was nothing else at this time.

**D. Employee Handbook-** (Dornessa Froneberger) As part of the contract for reviewing the town's compensation program, HR consultant Susan Manning, also reviewed the town's employee handbook. Her recommended changes to the handbook included:

- Addition of an organizational chart
- Update certain benefits for current employees
- Update certain benefits for retired employees
- Add a voluntary shared leave policy
- Page 51 was reworded with more detail
- Page 52 provided clarification on the choices

HR Director, Dornessa Froneberger, stated that with the HRA benefit, no retirees would be eligible for this benefit, only current employees. It effects 6 employees now and an additional 4 that are upcoming. A question was asked about Christmas falling on a Saturday and if employees still got three days off. Mr. Spitzer responded

that we followed the State's schedule and that we would have Friday, Monday and Tuesday off when that scenario occurred.

Ms. Froneberger reviewed the proposed Voluntary Shared Leave Policy on page 71 with Council stating that although we had short-term disability in place, some employees exhaust that time if they have a serious medical issue and other employees have offered to donate some of their time to the sick employee. A person would have to have used all of their available leave before another person could donate time to them.

Additional items discussed were:

- Page 11, if a new employee were hired up to the midpoint of their range, no council approval is needed but if hired over the midpoint, it would go to council for approval. Consensus was to leave this as is.
- Page 55, clarification needed for item #3; not sure what it means
- Page 52, wording needs to be changed; not worded correctly
- Page 51 is missing dental insurance
- Page 18, should the title be two AA's or three AAA's

Mr. Spitzer stated that the changes would be made and sent to Council.

- D. Storm Water Project** – Town Manager, Ryan Spitzer, reviewed with Council what would be necessary to correct the flooding issues on Lynnwood Lane and costs associated with the project. Council had requested to possibly roll this into the cost of the project to pave Lynnwood Lane and Lakeview Drive and combine it as one project. To correct the problem, the estimated cost would be over \$2million which could be fully funded and completed in one year, done in two phases over two years, take out the sidewalk portion of the project and do it at a later date or stick to the original scope of the project and only do the paving of the roads.

Council Member Debbie Fowler asked if a change to the budget needed to be made. Mr. Spitzer stated that a budget amendment could be done. Council Member Davis asked if a new development went in, if we could recoup any money from them. Mr. Spitzer indicated that we could recoup some of it. We could back out the sidewalk portion of the project and tell the developer that they would need to contribute to the cost.

- E. Contracting out mowing:** Mr. Spitzer stated that the Public Works Department was down three people and didn't foresee that changing in the near future. A suggestion had been made to check out what the cost would be to contract out the lawn mowing portion of the job. A quote had been obtained from T-N-T Lawn Service who is local and does special jobs for Code Enforcement for the town. He added that Council could pick and choose the items they wanted to parcel out to a third party since the Public Works Department was down three people. After reviewing the quote in more detail and discussing with Council the items that could be done in house, Mr. Spitzer agreed to go over the quote again to remove items that were discussed, clean it up and present a revised estimate to Council at its June meeting.

- F. Comments on the budget:** Mayor Pro Tem David Phillips stated he was good with what they had done but a resident pointed out to him that it was not really a \$0.03 lower tax rate because taxes were still increasing due to the revaluation and most properties increasing significantly in value. Council may want to reduce the tax rate even more. Mr. Spitzer stated they could go down another three cents but no more than that. Council Member Debbie Fowler asked if the voting districts would be on the ballot in November? Ryan stated that it would be on the ballot but not in force until 2020 and that the ¼ cent sales tax would be presented next year as well. After some discussion the consensus was to reduce the tax rate by another two cents, for a total reduction of \$0.05. Mr. Spitzer will check into a \$0.05 reduction in the current tax rate and get back to council with his findings.

Council Member Melissa questioned the Electric budget and stated that she did not recall there being discussion of an \$80,000 increase in the electric budget. She had checked her notes and the only notation she had was for an additional employee at a cost of \$110K; she stated she could not find any notes related to an \$80K increase. She believes the budget was discussed in full but the \$80,000 was never discussed and was not happy about how it happened. The issue will be looked into.

**CGI Video Promotions** – Mr. Spitzer gave a brief explanation of CGI; they do videos of towns to put on their websites. He was approached by the National League of Cities who endorsed this company and who does it for free. Ryan will check on how often the videos can be changed out. Council Member Melissa Davis was o.k. with it.

**ADJOURNMENT:** There being no further business to discuss, a motion was made and seconded to adjourn the meeting at 9:50 p.m.



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Jack Edwards, Mayor

**ATTEST:**



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Barbara Monticello, Town Clerk

