



**MINUTES OF THE
TOWN COUNCIL WORK SESSION OF
Monday, August 26, 2019 - 6:00 P.M.
Pineville Police Bldg.
427 Main Street, Pineville, NC**

The Town Council of the Town of Pineville, NC, met in a Work Session on Monday, August 26, 2019 at 6:00 p.m. at the Pineville Police Building located at 427 Main St. in Pineville NC.

ATTENDANCE

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

CALL TO ORDER

At 6:01 p.m. Mayor Pro Tem David Phillips moved to open the meeting, seconded by Council Member Melissa Davis. There were ayes by all and the meeting commenced.

DISCUSSION ITEMS:

- A. **Districting – (Ryan Spitzer) Town Manager, Ryan Spitzer, stated this was the last step in the districting process before the issue is put to a vote. An ordinance still needed to be passed stating the town’s intention to add two members to its board and to form voting districts. A Resolution also needed to be passed at the same time to call for a special election for residents to vote on the issue. The question will be put to referendum on the November ballot. The town’s charter will be amended *only* if a major of the qualified voters vote in favor of it. Hearing no questions or comments, Mayor Edwards called for a motion.**
- 1) **Ordinance No. 2019-02 – Council Member Debbie Fowler moved to adopt Ordinance #2019-02 recommending changes to the town’s charter. Council Member Melissa Davis seconded the motion. There were ayes by all and Ordinance #2019-02 passed.**
- 2) **Resolution No. 2019-11 – Council Member Debbie Fowler moved to adopt Resolution #2019-11 calling for a special election on the issue. Mayor Pro Tem David Phillips seconded the motion. There were ayes by all and the Resolution passed 4-0.**
- B. **Discussion of Baynard Property at NC51 and Downs Road – Bill Baynard introduced Mattamy Homes as the proposed builder of a townhome project on the corner of NC51 and Downs Road. He wanted to give Council an opportunity to ask any questions of them and turned the floor over to Mr. Jerry Whalen, VP of Land Acquisitions for Mattamy Homes in the Charlotte market. He gave a very brief introduction of Mattamy Homes, stating that they had been around for 40 years with markets in Canada and the United States. They are the largest builder in Canada with varied price points. They build quality homes using hardi plank siding along with stone or brick materials as well as detailed front doors and garages.**

Ron Corrao of Capstone Companies, Inc. began his part of the presentation regarding the town home project when Council Member Melissa Davis asked him when his materials were due to Travis. She was disappointed that Capstone had not committed to getting their information to Travis in a timely manner, yet, Mr. Corrao had called Council Members asking them to commit to this project now that the units would be for sale and not for rent. She noted that this was the fourth meeting on the same property and he knew what information was needed and when, yet it was still turned in late with a plan that differed from the one that was discussed and approved earlier. Ms. Davis stated that she did not want this to happen again. It did not give the Planning Director, Travis Morgan, or any of us, the time needed to review the proposal.

Mr. Baynard stated that minor modifications only became apparent recently and were more difficult than anticipated taking longer than expected. Council Member Davis stated that the bottom line was that Capstone did not get their information to Travis in enough time which is a waste of Council's time because they did not do as promised. Plus, there were quite a few changes from what was in the original plan. She reiterated that she did not want this to happen again. She added that Mr. Morgan had 30 days to review a plan before a Public Hearing is held and, therefore, needed all plans prior to that thirty-day window.

Council Member Debbie Fowler asked about the driveways stating that at the last meeting, they were shown as being longer on the original plan. Mayor Pro Tem Phillips had the same concern and wanted to see them at 22 feet long as they were shown on the first plan. Planning and Zoning Director Travis Morgan explained to them that the details on the plan, driveways and elevations are all now part of what needs to be ironed out. Mr. Morgan wanted to be sure he had enough time to review the plans. The matter was closed, the applicant dismissed and nothing further discussed.

- C. **10,000 Pineville-Matthews Road - (Planning Director Travis Morgan)** Planning Director, Travis Morgan, gave a quick overview of the property stating that it is located beside Walgreens. It was formerly a tire store which ceased operations in 2018. Sales and service of automobiles is no longer permitted in that district but the applicant is looking to bring that use back to that property. Mr. Morgan stated that the building and site need to meet the overlay district requirements as it currently has no sidewalks and no landscaping. Nor does it allow parking in the front. Additionally, requirements now state the building needs to be brick and the bays are still in the front area, which is no longer permitted. Travis also said that the grade of this property is an issue as well.

Planning would like to see the parking lot in the back of the building and the dumpster screened or secured in some way. The applicant is seeking to do a brick veneer but leave the parking lot in the front of the building. Council Member Debbie Fowler asked if a Public Hearing was needed to which Mr. Morgan replied that it would be.

Mr. Jim Tredwell of NTB (National Tire and Battery) stated that they would not be changing the footprint of the building – they would be keeping it as it was but upgrading it with a brick façade, installing a proper ADA path and making a safer environment. Improvements to the rear of the building would include a secure dumpster along with a safe, clean environmentally friendly tire corral. They are currently exploring other options for an easy ADA compliant ramp as the one shown on their plan was cumbersome. Other improvements include underground storage or drywell – some type of drainage system.

Mr. Radoslav Nedleuv, also of NTB, spoke of erosion control and proper drainage, as well as repaving and restriping the front parking lot. Mayor Jack Edwards asked if anyone from ADA had seen their proposal, to which Mr. Nedleuv stated that they had not. He explained that a section of the sidewalk did not meet ADA standards due to the topography. Council Member Melissa Davis asked about them meeting their parking count requirements because they will lose parking spaces if they cannot use the back portion of the parking lot if it is not their property. Mr. Morgan responded that the parking would have to be worked out with a neighboring business with some type of easement or agreement to utilize other's spaces, plus follow a landscaping plan for the property.

Mayor Pro Tem David Phillips asked how many bays were in the front of the building. Mr. Morgan replied that there were six bays there. Council Member Melissa Davis asked what type of brick they would be using. Mr. Tredwell replied that it would be Quick Brick. Travis stated they would still be using the bays in the front for auto use and that needed to be addressed. Council Member Melissa Davis asked about previous violations at that property and if they had been resolved. Travis stated it has been an on-going issue with high weeds and grass on the property but has since been worked out. Mayor Pro Tem David Phillips asked if there had been sign violations in the past. Mr. Morgan stated that there had been. Mr. Phillips asked if NTB was going back into this property and if so, why did they leave to begin with. The applicant stated it would be some company under the NTB brand, perhaps Tire Kingdom, but he was not sure which of those companies would be the final choice to go in there.

Mayor Pro Tem Phillips asked if they needed to talk with council regarding signage. Travis stated that if they were asking for anything over and above the norm, they would; otherwise the standard zoning regulations and allowances would apply. The only issue may be the freestanding sign. Council Member Joe Maxim requested that they run a clean operation, being mindful of code issues. Mr. Tredwell stated that tasteful signs would be installed as they do not allow big signs anymore. Mr. Morgan was concerned that the town be consistent in what it will allow. If they did allow this use to apply to this property, then we needed to be consistent with any other properties that may request the same thing. Council Member Davis stated that the rendering was not impressive and asked if they could improve it more.

Town Manager, Ryan Spitzer, stated that the building was not the issue at this time – it was whether Council would even consider allowing this use again for this property. Council needed to decide if that use can go back in to that space. Mayor Pro Tem David Phillips stated he was not opposed to letting this business come back into the space. He just wants to be sure whoever goes in, understands the sign regulations. Council Member Joe Maxim then asked about the brick façade – is it real brick or is it fake brick made to resemble real brick. Travis then stated that it depends on the product. Some of them are better than others. The building design should reflect Pineville's heritage. Council Member Melissa Davis stated that we want to see the town improved with nicer buildings, sidewalks, landscaping and other such improvements. Mr. Morgan reminded Council of the process; we have to look at the concerns from the board and determine:

#1) Can this business be reestablished? If so, then:

#2) The applicant needs to provide detailed site plans, elevations, landscaping plans, etc. all at least 30 days ahead of a public hearing.

Council Member Melissa Davis could not think of any other type of business that would or could fill that location. Mr. Morgan stated that the zoning for the property was B3; any use permitted for that district could just go in to that space but the building was designed specifically for an auto-related business so it narrows the field of what business will want to utilize the space. Council Member Davis was hesitant to give approval because of the concern that nothing would be done with the property after approval was given. The property could sit empty for months or even years. The applicant stated that he was ready to commence immediately with this project. Mayor Pro Tem David Phillips stated that he was good with this business going back in there – with a little more focus on updating the brick façade on the front as well as along the side of the building.

Mayor Edwards asked for a consensus on what council wanted to do and if there were any issues with the auto use going back into this location. There were no issues except Council Member Debbie Fowler voiced her concern that she was OK with it as long as it was just for this property and Council Member Davis asked that they work closely with Travis to keep to the regulations. Consensus was yes, auto use can go back into this location. Council Member Debbie Fowler said we should try to get an easement or agreement with the property next door for parking. Council Member Melissa Davis stated she wanted to see improvements and asked that the applicant clean up the issue with the back-property line and determine property boundaries. Travis Morgan concluded with his comments; "we'll flush out all the details, meet with the county and do everything according to plan".

- D. **Edifice, Inc. - (Ryan Spitzer)** Mr. Spitzer stated that he went through the RFP process and chose Edifice as our Construction Manager (CM) at risk to build the new Town Hall and Library. He turned the floor over to Mark Carlista, who introduced himself stating he had 22 years with Edifice specializing in at risk construction management. They have done 44 CM at risk projects, including police departments, fire departments, Town Halls and libraries along with others. Mark Carlista's role is that of team leader during the pre-construction services phase of the project. There will be a Project Manager and an onsite Superintendent (field operations) who will work with Creech & Associates, the chosen architects, to be sure the job is completed correctly and timely. They will be reporting to council on schematic design, design development, as well as budgets, construction documents and the process of going out to bid for various parts of the project. They will be qualifying bidders to be sure they are fiscally strong, have bonded projects under their belt and are capable of doing the job.

Council Member Melissa Davis asked for assurance that once they take the project on, they will take care of everything so that Council doesn't have to worry about it because a project of this size, was scary. She wanted to be sure it was done right. Mr. Carlista reassured her that Edifice worked hard to minimize any issues as much as possible as evidenced by their accomplishments and references. He added that it was a 14-15 month project and they would advise council if a sub-contractor becomes involved. Council Member Davis asked for assurance that the job would be completed in a timely manner. Mr. Carlista assured her that if the project was not completed on time, the fault is on them and subject to a fine which was stated in the contract. Mayor Pro Tem David Phillips asked if they knew what the library will need. Mr. Carlisa stated they will work with the architect and the library to be sure they get what is needed. Ms. Davis asked about an engineer. Town Manager, Ryan Spitzer, responded that Creech and Associates had that covered. Mayor Edwards asked if our attorneys had reviewed the contract to which Mr. Spitzer responded that they had.

- E. **Creech and Associates (Ryan Spitzer)** Mr. Spitzer introduced the architects for the new town hall and library, Creech and Associates. Mr. Brent Green introduced himself as the Lead Designer for the project. He specified that they only designed civic and governmental type structures. Michael Supino will be the manager for this project. They will be meeting with town and library officials to be sure they understand our needs. They also retain employees from Brightspots, consultants for libraries, as part of their staff. Council Member Melissa Davis informed them that keeping council up-to-date was a top priority.

Mr. Spitzer advised that Council's packet included two documents – the first being a Proposal of costs of the project and the second is the Contract for Services. Mayor Pro Tem David Phillips wanted to know at what point we had to identify where the Town Hall will be located. Everyone agreed that it should be identified as soon as possible. Mr. Green further explained that the structure would be a total of approximately 40,000 square feet with the first-floor housing a 20,000 square foot Library and the second-floor also with 20,000 square feet for the Town Hall. Mr. Spitzer, said that Pineville Telephone might come to the Town Hall with a customer service area established in our building. Council Member Melissa Davis asked if the 14-15 month time window was from start to finish. Mr. Green advised that was just for building the structure; it was more like a two-year period with one year for design and the other for buildout. Mr. Spitzer stated that he was meeting with the County Manager on September 6th to discuss funding for the library portion of the project.

- F. **Insurance Discussions (Ryan Spitzer)** - Town Manager Ryan Spitzer went over the proposed revisions to the employee handbook with council as stated in his memo in the council packet. When discussing how many insurance contracts for retirees were out there for previous employees, Mr. Spitzer stated there was one true contract and one email agreement for two past employees but they needed to remain as is. Council Member Debbie Fowler advised of a typo error on Page 51 at the bottom of the page. She stated it should read "A, B or Medigap", not "A, B and Medigap". Under Section 3A, she asked to add "continuous service". Mr. Spitzer state that he would have the document cleaned up and presented again for final consideration at the next Town Council Meeting.

Finance Director, Richard Dixon, stated that he and Ryan would be talking with Finance person this week for the new town hall in preparation for having everything in order to report to the Local Government Commission (LGC). Planning and Zoning Director, Travis Morgan, commented on the greenway. He would like to get a crosswalk at Carolina Place Parkway to link the pedestrian walkway to the greenway. To support these improvements, however, it will cost approximately \$45,000 to reconfigure the connection. He was looking for support from Council in securing the funds to complete this project but wanted to let council know prior to commencement of the work. A question was raised regarding the two dates for work sessions in both November and December since they both fall during a major holiday week. Town Manager Spitzer advised that council could vote on changing the workshop dates at the September Council Meeting. They should set dates for both November and December but they can always be canceled if there is no business to conduct.

ADJOURNMENT:

Having no further business to discuss, Mayor Pro Tem David Phillips moved to adjourn the meeting, seconded by Council Member Debbie Fowler. There were ayes by all and the meeting adjourned at 8:03 p.m.



Jack Edwards, Mayor

ATTEST:



Barbara Monticello, Town Clerk

