



**MINUTES OF THE
TOWN COUNCIL WORK SESSION OF
MONDAY, JANUARY 28, 2019 · 6:00 P.M.
PINEVILLE POLICE BLDG., 427 MAIN ST.**

The Town Council of the Town of Pineville, NC, met in a Work Session on Monday, January 28, 2019 at 6:00 p.m. at the Pineville Police Bldg. at 427 Main St. in Pineville.

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
Town Attorney, Janelle Lyons

CALL TO ORDER

Mayor Edwards called the meeting to order at 6:13 p.m. He stated that no comments would be entertained during this meeting as the Public Hearing for Districting would be held at the February Council Meeting on February 12th at 6:30 p.m. at the Hut Meeting Facility where the public would then be able to speak on the subject. A motion was made by Mayor Pro Tem David Phillips and seconded by Council Member Debbie Fowler to open the meeting. There were ayes by all and the meeting was opened.

DISCUSSION ITEMS:

- A. CM at Risk (Ryan Spitzer)** – Town Manager, Ryan Spitzer, wanted to make Council aware of a construction method that's being used to help cut down on risks to the town, especially with large-scale projects. Construction Management at Risk is one such method that Charlotte, Mint Hill and Davidson have all used at some point and were pleased with the outcomes. Essentially, the town would go out for bid for both the architect and the construction firm and hire both at the same time so they could work in unison on the project.

The town would get a price for the project from the construction management firm and if they go over that amount, they would be responsible for the overages. Hiring both firms at the same time also helps to cut down on the time between design and construction. If they see that costs are escalating, they have to work with each other to cut costs wherever feasible to meet the agreed upon cost. If they hire a sub that we know we have had a difficult time with in the past, the town would still have to go out for bid on them and has the right to refuse anyone they feel would not be in the best interest of the town.

Council Member Joe Maxim asked if the town had the final say on which construction materials to use. Mr. Spitzer responded that we would since they would be working for the town. He asked the rest of council had they felt about using this method. All agreed to be in favor of using this type of construction method.

- B. HRA Policy (Ryan Spitzer)** – Mr. Spitzer explained that our employee handbook was not clear on the HRA part of the benefit for retirees and that it could be interpreted two different ways. Our HR Department Head believes that

retirees with 25+ years of service with the town are entitled to the same HRA benefit that regular employees enjoy. In other words, retirees would have up to \$6,000 of their medical expenses paid for by the town. When premiums started to rise dramatically, the town opted to go to a high deductible plan to save money. To help mitigate the high cost of the deductible for employees, the town set up an HRA which would pay up to \$6,000 in medical costs to the employee. When the employee handbook was written, however, the town didn't even have an HRA. Mr. Spitzer's interpretation of the policy was that it intended to offer health insurance to retirees with 25+ years of service but not the HRA part of it since it wasn't in place at the time the handbook was written.

There are a total of 7 employees and retirees that qualify for the 25+ years of service right now with the potential for 6 more becoming eligible in the near future. This would equate to a total of \$78,000 of potential liability for the town. He was proposing that the handbook be changed to clarify that the HRA portion of the benefits was intended for active employees, not retirees and asked council members if they wanted to include this benefit to retirees and employees or just current, active employees?

Council Member Joe Maxim stated that he thought it seemed like an abrupt decision to make. After we just got done doing a compensation study, it looks as though we're now taking something away for bringing employee pay up to market value. Mayor Edwards considered it a slap in the face to the employees who were hard working and the ones in which the town was trying to retain. Mayor Pro Tem David Phillips, who recently retired, noted that he gets to keep his insurance from the City of Charlotte but he is responsible for his deductibles. Mr. Spitzer stated that the language in the handbook was ambiguous and still needed to be changed. Town Attorney, Janelle Lyons, added that all the handbook said was that, "all employees will have the same benefits".

Mr. Spitzer clarified that nothing was being taken away from current, active employees. Retirees would still have their insurance and premiums paid, just not the HRA part of it. They would be responsible for their deductibles. He suggested that as of the new FY beginning July 1, 2019, that the benefit be eliminated altogether for retirees. Council was in agreement. Attorney Janelle Lyons stated that she would draft something for the next Council Meeting to be discussed further.

- C. Continuation of Discussion on Districting/Revising Number of Council Members – (Ryan Spitzer) –** Mr. Spitzer stated that the public hearing regarding districting in Pineville will be held at the next Council Meeting on February 12, 2019, when the public will have a chance to weigh in on the subject. A formal vote by Council will be taken at the March Council meeting. Mr. Spitzer explained to council that they needed to decide during the meeting on how many council members they wanted to have. Mayor Pro Tem David Phillips suggested moving to 6 members with 4 districts and 2 at large. Then he asked if 3 districts and 3 members at large could be done to which Mr. Spitzer replied that it could.

Mr. Spitzer explained that normally the districts would be determined by Census data but the last Census was back in 2010 and the Census tracks/zip codes did not line up with the town's boundary lines. Both he and Attorney Lyons suggested the best option for determining districts would be to use a house count. A lengthy discussion ensued regarding the best figure to use when trying to calculate districts fairly, whether it be the Census figure, house count or a population count issued by the NCSOG (NC School of Government). More questions arose as to whether to wait until the next Census to be taken in 2020 or go with old data from 2010. Some counts may be more accurate than others but an exact count will never be able to be determined.

Ms. Lyons suggested that if the town was having trouble deciding on a method to use, they might want to consider hiring a consulting firm or the SOG to assist with determining the best way to form the districts. Council Member, Joe Maxim, asked what the cost to the town would be to go through the districting process. Mr. Spitzer stated that if we drew up the districts ourselves, the only cost would be staff time. However, if Council decided to go with a consulting firm or the SOG, then there would be a cost associated with that. Precincts would be determined by the Board of Elections. If Council proceeded with districts and a petition was filed to put it to referendum for a vote, the district maps would need to be sent to the BOE by June 14th of this year. A vote on this issue could not be held at a time other than during the regular election cycle which is in November.

Council Member, Joe Maxim, had concerns that this whole process was being done too hastily and wanted to be sure that Council wasn't making a mistake and that everyone fully understood what was going on. He believed this process had to be done carefully and methodically so there would be no unintended consequences down the road. Mayor Pro Tem Phillips disagreed and asked why everyone had heartburn over this issue. He simply wanted all of Pineville to have fair and equal representation. He believed it would make for more diversity on Council. He asked Mr. Spitzer to remind Council of the option they had chosen at the January 8th Council Meeting. Mr. Spitzer responded that Council adopted Option C, to have districts with equal number of persons with candidates residing and representing their district but nominated and elected by all the qualified voters of the city. Council Member Melissa Davis added that the issue was brought up in October but was put on the back burner; it wasn't something they just thought about. Council Member Joe Maxim remembered that it was brought up in a conversation but he did not remember there being a directive to initiate anything.

The only issue Mayor Edwards had was with using old data from almost ten years ago. He wanted to use fresh, more current data because of all the new housing developments that have gone up in the last ten years. Ms. Lyons again reiterated that the best option would be to hire a consultant to figure it out but there would be costs involved. She and Town Manager, Mr. Spitzer, will research methods of forming districts and companies that specialize in this sort of thing so a more educated decision could be made. Right now, however, they needed to decide on the number of council members they wanted to have. Once that was determined, then the dividing of the districts could commence.

Mayor Pro Tem Phillips wanted to know if another council could come in and do away with the districts after they were in place. Mr. Spitzer stated that there was nothing that would bound this mode of election; another council could change it again using the same steps they were currently taking. Council Member Maxim stated that was exactly why people needed to be engaged and needed to fully understand the process and the reason for doing it. He wanted everyone to be able to see the entire package, including what the districts would look like so they could make an educated vote, but the districts did not have to be drawn before the ordinance was voted on in March. That is what he was having concerns about.

Mayor Edwards asked how many council members the board wanted to move to. The consensus was that 6 would be the right amount to have to align with our population. This number would be indicated on the ordinance that will go before Council for a vote in March. There will be six Council Members and a Mayor. Attorney Lyons suggested that if the town decided on having the SOG help with forming districts, they should be in attendance at the next few meetings. If the ordinance is passed and there is no referendum, the districts need to be sent to the Board of Elections by June 14th. Mr. Spitzer added that they should know at the end of the meeting in March if the districts will need to be drawn by June 14th or not. Council Member Melissa Davis moved to have a six-member board with Mayor Pro Tem Phillips seconding the motion. There were ayes by all and the motion passed.

ADJOURNMENT: There being no further business to discuss, a motion was made and seconded to adjourn the meeting at 7:51 p.m.



Jack Edwards, Mayor

ATTEST:



Barbara Monticello, Town Clerk

