



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, SEPTEMBER 11, 2018**

The Town Council of the Town of Pineville met in Regular Session and Closed Session on Tuesday, September 11, 2018 at 6:30 p.m. at the Hut Meeting Facility in Pineville.

ATTENDANCE

Mayor: Jack Edwards was absent
Mayor Pro-Tem: David Phillips
Council Members: Debbie Fowler, Melissa Davis and Joe Maxim
Town Manager: Ryan Spitzer
Planning Director: Travis Morgan
Planner: Brian Elgort
Town Clerk: Barbara Monticello

CALL TO ORDER

The meeting was called to order by Mayor Pro Tem David Phillips at 6:30 p.m. Mayor Edwards was not in attendance due to recent surgery. Anyone that wished to speak on an item was asked to sign the speaker's list.

PLEDGE OF ALLEGIANCE TO THE FLAG

Council Member Debbie Fowler led the group in the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Pro Tem Phillips recalled that 17 years ago one of the worst tragedies ever occurred on US soil and he asked that none of us ever forget what happened on 9/11 and those that are still suffering the after effects of the tragedy. He asked that we take a moment to remember those that lost their lives that day, as well as residents Earl Osborne who was a POW and recipient of three purple hearts, Elaine Spurrier and Bob Butts from the Park Lake Community who all recently passed.

ORDER OF BUSINESS:

Adoption of the Agenda:

Council Member Joe Maxim moved to adopt the agenda as is. Council Member Debbie Fowler seconded the motion and there were ayes by all to adopt the agenda as is.

Approval of the Minutes from the Regular and Closed Session Meetings of August 14, 2018 and the Work Session Meeting of August 27, 2018.

There was one item that needed to be corrected on the August 14th set of minutes. The name of the construction company that won the bid for constructing the splash pad had to be corrected to "Fairwood" in lieu of "Fairlawn". Council Member Melissa Davis moved to approve the minutes with that correction, seconded by Council Member Debbie Fowler. There were ayes by all and the minutes were approved with the correction.

Consent Agenda:

The Consent Agenda consisted of the following items: a) *Resolution No. 2018-08 for Surplus Items*; b) *Financial Report as of August 31, 2018*; c) *Proclamations for Constitution Week and Public Power Week*. Council Member Debbie Fowler moved to approve the Consent Agenda with Council Member Joe Maxim seconding the motion. There were ayes by all and the motion

passed 4-0.

PUBLIC COMMENT:

Tom Stinson-Wesley – Senior Pastor, Tom Stinson-Wesley, of the Pineville United Methodist Church invited everyone to help them celebrate the founding of their church 140 years ago. Special events will be held on Friday, September 21st, Saturday, September 22nd and Sunday, September 23rd, from noon until 3:00 p.m. He invited the entire community to come out and celebrate.

Amelia Stinson-Wesley – Amelia Stinson-Wesley, also a pastor, explained that she represented Pineville on the Airport Quality Control Committee, a quasi-judicial board that makes recommendations to the FAA regarding noise and operational procedures. There have been no noise complaints from any of the residents of Pineville. She asked anyone that had any questions or concerns regarding flight paths or noise to contact her and she would be happy to relay their concerns to the committee.

Kevin Kendrick – a resident of Pineville and volunteer at Pineville Neighbors Place, gave a summary of their efforts to date, stating they have helped a total of 210 individuals with rent, heating and cooling costs and housing assistance. He reminded the community that Pineville Neighbor's Place would be holding their 3rd annual Potato Drop at 9:00 a.m. at their new location at 10725 Industrial Drive on October 6, 2018. They are also in need of volunteers, reading tutors and food pantry items that can be dropped off on their front porch. Volunteers can sign up on their website.

OLD BUSINESS:

- A. **Agreement to Exchange Property/Resolution No. 2018-09** (*Ryan Spitzer*). Mr. Spitzer stated that an agreement had been drawn up between Mr. Goode and the town for the swap of properties so the realignment of Johnston Drive could take place. Mr. Goode eventually plans to knock down the Luna House and rebuild a commercial office building that will meet all the minimum requirements of the town code. Planning and Zoning Director, Travis Morgan, stated that he must meet both town and county requirements as well as our downtown overlay district requirements. He was looking for the swap to take place sometime in November but Mr. Spitzer is working with Mr. Goode's lawyer to work out a reasonable timeframe for the swap to take place based on a construction milestone. In the meantime, we will continue to rent to OooWee BBQ for at least six months after the swap is made. He is not opposed to the idea of moving the green house to another location but it would have to be done at a very reasonable cost.

Council Member Debbie Fowler moved to approve the resolution and agreement with the exception of the section regarding the R-O-W which cannot be turned over by November and granting the town manager the authority to negotiate a later timeframe than November, 2018 for the swap to take place. Mayor Pro Tem David Phillips seconded the motion and there were ayes by all.

NEW BUSINESS:

- A. **Appointments to Boards** (*Barbara Monticello*) Town Clerk, Barbara Monticello, stated that there was a vacancy on the Planning Board due to a resignation that needed to be filled, along with a spot on the Arts and Science Council and the Charlotte-Mecklenburg Storm Water Advisory Committee. The recommendation was to move the alternate Planning Board Member, William Chaney, to the permanent seat to fill that vacancy and leave it with one alternate. McCullough resident, Greg Record, was being recommended to fill the vacancy on the Arts and Science Council and Randy Smith to fill the vacancy on the Mecklenburg County Storm Water Advisory Committee. Mayor Pro Tem David Phillips remarked that he was thankful for anyone that volunteers on any of the boards. There was no opposition so Council Member Debbie Fowler moved to appoint the three mentioned above. Council Member Melissa Davis seconded the motion and there were ayes by all. Mr. William Chaney will move into a permanent seat on the Planning Board, Mr. Greg Record was appointed as the new Arts and Science Council representative and Mr. Randy Smith will represent Pineville and the southern towns on the Charlotte-Mecklenburg Storm Water Advisory Committee.

- B. Bonding Procedure Clarification (Travis Morgan)** – Planning and Zoning Director, Travis Morgan explained that changes to the town's bonding procedures were needed so that they would better align with the NCGS, specifically NCGS 160-372-g(3). Clarification and specifics are needed in the ordinance to give credit when bonds are placed or renewed. This bond credit is for inspected and approved infrastructure that is already in place.

The NC General Statutes do not expressly detail bond reductions but the Town of Pineville is the only town in the area that does not provide for bond reductions/credit, in part or whole. We have not previously given credit to infrastructure already in place or completed since the road default in Carolina Village. A recent challenge by GVEST prompted him to consult with attorneys, Johnston, Allison & Hord, for their opinion on the matter. Additionally, a flow chart was provided to each council member which Mr. Morgan reviewed with them, noting that there was a difference between a construction bond and a maintenance bond. Johnston, Allison & Hord had also provided recommended changes to our ordinance with the highlights of those changes listed below:

- 1) Maximum performance guarantee (Bond) of estimated improvements to 125% (no changes needed).
- 2) At performance guarantee (Bond) placement or reevaluation the same 125% applies **but only for remaining incomplete items at time of final plat.**
- 3) 100% build out and inspected top coat of asphalt are requirements for determination of completeness for road acceptance.
- 4) Maintenance bonding increased to 25% (from 15%) for one year after acceptance of the total infrastructure costs.
- 5) Performance guarantee (Bond) reduction of non-road items such as sidewalks, drains, etc., before the usual 3-year bond term is up must be approved by the Town and County and shall further be inspected and pipes videoed **at the sole expense of the developer.**
- 6) Town and County will have to be extra diligent on inspections as a result. The plus side is the final coat of asphalt shall be done last and continuously at the direction and acceptance of the Town.

Council Member Joe Maxim had some questions regarding the new procedures. He wanted to know what would happen with the Maintenance Bond if, after two years, the job wasn't complete. Mr. Morgan responded that it would either be re-evaluated, reissued or recalled. He then asked if the revisions to the ordinance would apply to any developer with a development in progress now to which Mr. Morgan replied that it would.

Council Member Debbie Fowler stated that the county had made some poor decisions in the past to give bond money back and the town had to suffer from it. She wanted to be sure the county knew the town had to approve the site as well as them before giving any bond money back. She added that, at least now we had an engineer to go out and inspect the work.

Mr. Morgan agreed to make the changes and get started on the official text amendment for the Subdivision Ordinance.

- C. Staff Update:** Mr. Spitzer provided an update on the following:

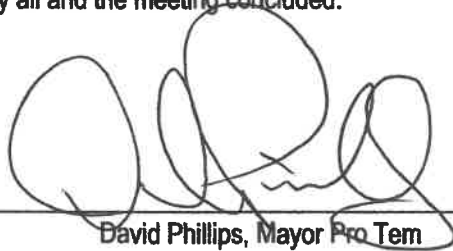
- Mr. Spitzer stated that there would be a Work Session for September 24, 2018 to review a new Mercedes Benz dealership
- Cone Mill Site
- Finalizing and connecting sidewalks all the way down NC51
- Engineered the turn lane on Franklin and were waiting on the \$75K from the develop who agreed to chip in that amount for the work
- Currently signing contract to redo sidewalks and connect to parking lot at Lake Park
- Advised Council and residents of an upcoming, informational session, Livable Meck, at the Hut on September 25th from 5:30 p.m. until 7:00 p.m. to obtain input on amenities for Mecklenburg County

- York Developers requested a 45 day extension for their due diligence on the old police lot (to time it with Lending Tree's due diligence due date)

At 7:10 p.m. Mayor Pro Tem Phillips called for a recess before moving to Closed Session.

CLOSED SESSION: Upon the motion of Council Member Debbie Fowler and a second by Council Member Joe Maxim, Council unanimously agreed to enter into Closed Session. Once in Closed Session, two lengthy discussions took place regarding two different personnel items. At 11:45 p.m. a motion was made and seconded to exit the Closed Session and re-enter Open Session.

ADJOURNMENT: Once back in Open Session, Council Member Debbie Fowler moved to adjourn the meeting at 11:46 p.m., seconded by Council Member Joe Maxim. There were ayes by all and the meeting concluded.


David Phillips, Mayor Pro Tem

ATTEST: 
Barbara Monticello, Town Clerk

