|  |  |
| --- | --- |
| Pineville, NC Logo |  |
| **meeting of the Town Council**  |
| **town hall council chambers** |
| **TUESDAY, JULY 11, 2023, AT** **6:30 PM** |
|  |
| **Minutes** |

**CALL TO ORDER**

Mayor Jack Edwards called the meeting to order @ 6:30 pm.

Mayor: Jack Edwards

Mayor Pro Tem: Ed Samaha

Council Members: Les Gladden, Chris McDonough

Town Manager: Ryan Spitzer

Town Clerk: Lisa Snyder

Planning & Zoning Director: Travis Morgan

Absent: Council Member Amelia Stinson-Wesley

**PLEDGE ALLEGIANCE TO THE FLAG**

Council Member Les Gladden led everyone in the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mayor Jack Edwards asked for a moment of silence for our first responders, firemen, police officers, our military and the family that lost someone today from the accident on I-485, apparently was hit by a truck, and we had someone who was injured earlier today. Please pray for their families and loved ones.

**ADOPTION OF AGENDA**

Council Member Les Gladden proposed that the Public Comment section be moved and put after item #10. He said that this downtown development never did go through procedures, nobody ever filed an application for buildings 1, 2, or 3. With that said, the procedures, such as public hearing, were also skipped. It never happened. He thinks that the general public needs to be given a chance to speak about it. If it would have went through the normal process, the fact that our ordinance says only four stories is as far as you can go, would have come up. The public needs to have a chance to give their feedback on it. Typically, the builder completes the application and as far as he knows, LIV never filled out an application to bring this to us to be discussed. We have rules set down that have not been applied to this particular project. Due process did not take place on either one of them. They never asked Travis to do a traffic count and multiple other things that never were tended to, and he does not know how this all got skipped.

Town Manager Spitzer advised council that they can move Public Comment if they wish, or they can do it twice. Mayor Pro Tem asked the attorney about what Council Member Gladden said. Attorney Katie Barr commented that she did not look into the due process part of this, however, immediately she did not see a problem with the procedures as far as public comment is concerned, but she would have to do more research. She added that this particular project falls under economic development. It does not fall under the same procedure and has the added layer of a purchase agreement. There are several different statutes that purchases can fall under.

Council Member Gladden agreed that it’s under economic development but still has to go through the process, so they aren’t running wild with their process. It wasn’t followed this time for some reason. Attorney Barr disagreed with Council Member Gladden. It doesn’t fall under the same procedure, necessarily, if someone wanted to buy a piece of property to put a residence on, that they bought from the Town. This has the added layer of having a purchase agreement on top of it that has terms within the purchase agreement and whether or not those were fallen to the letter, we can talk about another time. It certainly has come in front of council, conditionally approved, and is in front of council tonight because of the parking requirements and ratio. It really is up to Council to make their own determination on what they want to do from here.

Council Member Gladden reiterated that in the economic development area, it gives us the leeway, but we also need to be able to hear everybody’s thoughts on it. The public has not been given that opportunity. Economic development has nothing to do with that. It says that we have the right to do special things in special areas. It does not say you shouldn’t go through the process to make sure things are done correctly. That’s his problem. There’s a lot of questions about why that due process was not done. We had a very similar project come in as closer to the downtown merchants, and it went out the door quickly. We are treating people differently like we are right now. We need to be careful about that. It sets a precedent as it opens up a door for a lot of people to walk through. You can’t tell them no when you told him yes.

Mayor Pro Tem Ed Samaha made a motion to accept the agenda and comments as presented, with a second made by Council Member Chris McDonough. All ayes. (***Approved 3-0*).**

**APPROVAL OF MINUTES**

The Minutes of the Town Budget Meetings #1, 2, 3, 4, 5 and 6, the minutes of Town Council Meeting June 13, 2023, and the minutes of the Work Session of June 26, 20233 were presented for approval. Mayor Pro Tem Samaha noted that the year was incorrect in Budget Meetings 1 through 4. Because he had advised the Town Clerk prior to the July 11th meeting of those errors, the Town Clerk had made the corrections on the original copies. Council Member Gladden moved to approve the minutes with those corrections noted, followed by a second made by Council Member Chris McDonough. All Ayes. (***Approved 3-0)***

**AWARDS & RECOGNITION**

Mayor Edwards welcomed our newest Police Officer Michael Soto. His family attended his swearing in ceremony and photos were taken to celebrate him as becoming a new police officer for the Town of Pineville. Chief Hudgins announced that hiring in law enforcement is a big challenge right now. It’s not guaranteed that they will make it through the academy. Five people did not make it and Officer Soto made it. We are really proud of him and all his efforts. He thanked council for nice bonuses to give our officers and really good pay raises and make it competitive. What we couldn’t do this time last year, we can do now.

**BOARD REPORTS & PUBLIC COMMENT**

**Pineville Library, Garrette Smith, Branch Manager.** Garrette Smith gave a presentation and update to council on the library since they moved to Pineville. The community has responded positively to our presence here in Pineville. Young children and their families truly enjoy coming to the library. She gave a shout out to Matt Jakubowski, Heather Creech, Erin, and Jordan, of the Parks and Recreation Department for their collaboration with the library. There has been a steady increase in Teen programs. Crafting, book clubs and tech programs are the most popular with the adults. They have offered 377 programs, with an average of 55 programs per month. Since their opening on December 9, 2022, 62,000 items have been checked out and circulated. She summarized with the following quote: “The more you read, the more you will know. The more that you know, the more places you’ll go.” – Dr. Seuss.

**Eric Fransen, Pineville resident.** Mr. Fransen attended to support the downtown development. This is the perfect thing to add to continue to grow. We know, we are not growing, we’re dying. He asked council to please vote yes so we can continue to go forward and continue to make wonderful what it was and still is.

**Melissa Davis, Pineville resident.**  Mrs. Davis asked questions that have been circulating to the Police Chief regarding the ETJ, which he already addressed several. Does each shift currently have three on patrol and also a sergeant and a lieutenant. Does the department currently utilize zones. If so, how many zones do we currently have including the new area. It seems response will have to increase until the positions are filled. Once again, the Town was asked to accommodate a developer. We’re moving our Fire Department and Post Office to less than ideal locations and for what. The moves will affect the entire town. A council member provided an update with incorrect information on a private social media page. Questions were asked and never answered. Keep in mind who you are elected to represent. The majority of feedback has been adamantly opposed to this project. For the record, she stated that she did not vote for the project. The PSA has changed six times or more since I was on council.

**Laura Stout, Pineville resident.** Ms. Stout has lived in Pineville her entire life and has lived in a mill house. She recently visited a town in Ohio, similar to the Town of Pineville, and noticed that they had small plaques on their downtown buildings stating what the building originally was. She thought this would be a good thing for Pineville to do in regard to our 150th anniversary.

**Staci McBride, Pineville Neighbors Place (PNP)**. Ms. McBride stated that she recently completed 90 days with PNP, and things are going well. PNP finished their four-week budget class in May, and they had their highest level of completions to date. They will continue to offer these classes to help our neighbors develop budgets and plan for a better future. She added that is amazing how many people they reach in the community. Their volunteers have been busy! They have prepared over 4,000 of the red mesh bags needed for the annual potato drop scheduled for October 14th. They are planning to fill 1,000 backpacks for students at both Pineville Elementary schools for the start of the school year.

**David Phillips, Pineville resident.** Mr. Phillips stated that he has lived in Pineville since he was six years old and is now in his sixties. The big issue with the residents of the Town is the lack of transparency and the mindset of council. He believes there is nothing in the economic development plan where there is any requirement to make any type of concessions to a developer. He appreciates the work they do but in this particular process, nothing has been done right. One of the key things in the code of ethics is transparency.

**Camille Roberts, Habitat for Humanity.** Ms. Roberts is the Pineville Storage Manager for Habitat for Humanity. They are located near Carolina Place and have been there since 2017. She loves her job. One of the misconceptions of their organization is that they give away homes and they do not give them away. It makes home ownership affordable. Their restores are their largest single donor each year. A lot of the items are donated, and they are really particular about what they accept. The items sold at their store are discounted. Their goal for 2023 is to build 72 homes in Pineville.

**CONSENT AGENDA**

(#6) Resolution 2023-08 for updating Charlotte Regional Transportation Organization Voting Structure

(#7) Resolution 2023-07 for Surplus items

(#8) Proclamation for Parks and Recreation Month

(#9) Proclamation for the Town of Pineville’s 150th Anniversary

Council Member Gladden moved to accept the Consent Agenda as presented followed by a second made by Council Member McDonough. All ayes. (***Approved 3-0***)

**OLD BUSINESS**

**LIV Development.** The proposed developers said that they cannot make the 2.35 spaces work; they typically have 1.6; they want to have the parking count right and hear the council’s concerns. They have tried to reduce the original footprint and density but lose efficiency and quality with that. They pride themselves with building a quality product. They are offering some concessions, which include paving the lot on Main Street, they’ve added 1,200 feet of commercial in building 2, paving the parking lot across College Street, which will increase the parking by 105 additional spaces. They feel this will be good for the businesses downtown.

Council Member McDonough asked them what their total investment is, to which they replied, $75 million dollars. Council Member Gladden asked if they had submitted their application, and to whom they submitted it to. They replied that they emailed Travis Morgan. Council Member Gladden replied that it was worthless since it didn’t go through the process. The developers disagreed and said that Mr. Morgan approved elevations and five stories.

Council Member Gladden didn’t say that it is a bad project, we can use a little something like this. Everything is being done in their favor and not in the Town’s favor. Council Member McDonough asked what the build-up time is, is it months or years, to which they replied typically 18 months before they have their first unit, then 12 months lease up.

Town Manager Spitzer shared the original proposal two months ago which included Buildings 2 and 3 with 172 units and 284 parking spaces, which meant 1.65 parking spaces per unit. Council heard the presentation from them that stated in the PSA that had a public hearing, back during the early stages of Covid, in the PSA laid out the mechanism for building structure 1, which they did, and the mechanism for when they would bring back the other buildings, and at that point it was three buildings to council for approval, and they made those three buildings down to two. The PSA that was voted on and approved by council did have those steps in it.

Mr. Spitzer added during the previous motion, for Buildings 2 and 3, that the developer must provide 2.3 parking spaces per unit and those parking spaces had to be built on that parcel that had buildings 2 and 3 would be on. That equates to roughly 6 parcels that are currently downtown. Those parking spaces could not be compact and had to follow our Town ordinance on parking spaces, and the developer would pave, stripe, and install curb and gutter on the two parcels across the street that their engineers say they can get 100 sets of parking spaces. Those spaces would still be owned and controlled by the Town for the downtown shops and anyone else that would go downtown. Once that was done, LIV and US Developments went back, and they decided that they could not make the 2.35 parking spaces work. Staff did a look at what our current apartments have, as far as parking, and they range from 1.4 parking spaces per unit up to 1.9 parking spaces per unit (all built prior to current ordinance being adopted). When town staff looked at this, they thought a good compromise would be 2 spaces per unit which would be 344 spaces that they would put on 2 and 3.

When we started talking about this with LIV and US Developments, they had their engineers come back with 150 parking spaces on the parcels that buildings 2 and 3 would be on, if the Town could sell them .06 acres on what would be he Grower’s Outlet property that we purchased. Our first goal is to make sure that our departments have the right space for their tasks, that they do on a daily basis, into the future. We believe that we may be able to sell them the .06 acres so that they can get the 350 spaces for more than 2 spaces per unit. The Town would sell them that property for $500,000. The Town paid roughly just over $300,000, and if we sell them .06 acres, they have agreed to pay the Town $500,000.

In the event that we can’t sell them the .06, they would purchase as much property as they could of that .06 acres, and then pay a per parking space fee for the number of parking spaces they could not build. This would equate to $500,000. The Town would get the $500,000 no matter what. LIV would still follow and still construct, per the last motion, the 117 spaces across the street, for the downtown merchants. Staff came up with this for council’s consideration.

Mayor Pro Tem Samaha made the following motion: I move that the proposed site plan and architectural renderings for the development by LIV/US Developments on Parcels 20501202, 20501203, 20501215, 20501204, 20501205, 20501206 and 20501207 be approved, subject to compliance with the following conditions, which conditions are revised from the previous motion made at the May 9, 2023, Town Council meeting:

1. The parking ratio for Buildings 2 and 3 must be revised to provide for a minimum of 2.0 parking spaces per unit to be located within both (i) the parcels on which the buildings will be constructed, and (ii) an approximate 0.6 acre portion (to be surveyed and further identified) of the adjacent parcels located at 313 North Polk Street, and identified by Parcel #20501212 and Parcel #20501217, which portion will be sold from the Town to LIV/US Developments for a purchase price of $500,000 (subject to compliance with all applicable laws and ordinances). In the event the Town is unable to identify and sell LIV/US Developments any or all of the 0.6 acre portion of the adjacent parcels, then in lieu of having a minimum of 2.0 parking spaces per unit, LIV/US Developments must provide as many parking spaces as possible that can be located (using sound design and engineering principles) within both (iii) the parcels on which the buildings will be constructed, and (iv) within the portion of the adjacent parcel(s) sold to LIV/US Developments (if any), with a minimum ratio of 1.65 parking spaces per unit (but also achieving as close to a 2.0 parking space per unit ratio as possible taking into consideration the actual acreage within the adjacent parcel purchased, if any, without being required to decrease the currently contemplated footprint of buildings 2 and 3), and pay to the Town a total of $500,000 to be allocated first towards the purchase price of the adjacent parcel (if any portion is sold to LIV/US Developments) and the remaining amount being deemed sufficient to compensate the Town for non-compliance with the Town’s regular parking-ratio ordinances. The approved parking ratio can be accomplished by reducing the number of units in the buildings, or increasing the number of parking spaces within the parcels on which Building 2 and 3 are located, or on the portion of land sold to LIV/US Developments, if any, or a combination of the above,
2. Parking spaces shall not be compact parking spaces and must adhere to the Town’s ordinances and codes.
3. The developer will pave, stripe for as many spaces as possible or as close to 117 parking spaces given final engineering documentation to maximize parking and install curb and gutter on Parcels 20501415 and 20501414, for use as public parking. These parcels will remain owed by, and in control of the Town of Pineville, and not used for overnight parking.

Council Member McDonough seconded the motion. (***Motion passed 2-1 with Samaha and McDonough in favor and Gladden in opposition to the parking requirement and the five stories***)

**NEW BUSINESS**

**#11 Vote for exemption from Mini Brooks Act for inspection of the Greenway.**  Mayor Pro Tem Samaha moved to approve with a second made by Council Member McDonough. All ayes. (***Approved 3-0***)

**#12 Vote for exemption for Mini Brooks Act for construction administration of the Greenway.** Council Member Gladden moved to approve with a second made by Council Member McDonough. All ayes. (***Approved 3-0***)

**#13 Contract for CM@R services with Edifice for utility facility at 313 N Polk Street.** Council Member Gladden moved to approve with a second made by Council Member McDonough. All ayes. (***Approved 3-0***)

**#15 Vote for exemption from the Mini Brooks Act for the construction administration and inspection for the Cone Mill Memorial.**  Mayor Pro Tem Samaha moved to approve with a second made by Council Member McDonough. All ayes. (***Approved 3-0***)

**#14 Vote for the exemption of Mini Brooks Act for engineering services for the temporary relocation of PCS and Electric Departments to Cone Mill**. Council Member Gladden moved to approve with a second made by Mayor Pro Tem Samaha. All ayes. ***(Approved 3-0***)

**#16 Contract for architectural services for utility facility at 313 N Polk Street (David Lucore**) Mr. Lucore advised that RFQ’s were solicited from engineering firms and receivedsix proposals and brought in three firms for interviews. We selected Stewart, Cooper, Newell, as the architect of choice. Their fee is not to exceed the amount of $1.295,200 dollars. Their fee was derived from a percentage of the estimated building cost as we go through the process and we will refine that number, that’s why he is asking for a “not to exceed amount”. There was general discussion regarding the breakdown of costs. This is similar to what their fee was for the Fire Department.

Council Member Gladden feels that the dollar amounts are too high for two steel buildings and concrete pads. Mayor Pro Tem Samaha and Mayor Edwards concurred. Council Member Gladden asked if they would consider other ideas. Mayor Pro Tem Samaha would like to walk the property with the architects. Mayor Edwards asked to Table this to the next Council Meeting. All ayes. (***Agreed to table to next council meeting 3-0***)

**#17 Contract with Greg Icenhour, Mid Atlantic Associates, for REC Program.** Mayor Pro Tem Samaha moved to approve with a second made by Council Member Gladden. All ayes. (***Approved 3-0)***

**Manager’s Report**. Mr. Spitzer reported that we are progressing pretty quickly on architecture of the Fire Department. The preliminary designs are in his office and council is welcome to see them.

He also noted that Town Clerk Lisa Snyder will be receiving her CMC (Certified Municipal Clerk) certification at the end of this month. She is required to be a member of the International Institute of Municipal Clerks (IIMC) for two years and completed and passed four weeks of classes to accomplish this.

Mr. Spitzer gave an update on Lowry Street. The survey work has been done and they still feel they can get it done before school starts. Planning Director Morgan gave an update on Phase Two of the Johnston Road project.

Town Clerk Snyder gave an update to Council on the plans for the Town’s 150th anniversary of incorporation. The Town was officially incorporated on February 28, 1873. The committee is making plans for events to be scheduled during the Annual Fall Fest on Saturday, in and around the Town Hall and Jack Hughes park locations. She presented a proposed logo, created by Pineville resident, Vicki Bryant, to use on any souvenirs for Council’s approval. Council agreed that they liked the large logo but wanted the North Carolina initials to be added to Pineville.

There was also general discussion about a logo for the Town of Pineville. Ms. Snyder stated that Council Member Stinson-Wesley had requested that she come up with a Town Slogan. Ms. Snyder, along with the creative help of the Town’s HR Assistant, Kayla Patone, created “I Feel Pine.” Council Member Gladden suggested that we use the one that was used a long time ago that simply said, “Pville.” He also wanted an investigation on the plaques idea on buildings that have historical value.

The 150th committee meets twice a month and Ms. Snyder will give a report at the next meeting on what the committee is doing.

**ADJOURNMENT**

Mayor Pro Tem Samaha made a motion to adjourn followed by a second made by Council Member Gladden. (***Approved 3-0***) The meeting was adjourned at 8:55 pm.

|  |  |  |
| --- | --- | --- |
|  |  |  |
|  |  | **Jack Edwards** |
| **ATTEST:** |  |  |
|  | **Lisa Snyder, Town Clerk** |  |