



MINUTES

CALL TO ORDER

Mayor Jack Edwards called the Meeting to Order at 6:30 p.m.

Pledge Allegiance to the Flag (JE)

Moment of Silence

Mayor Jack Edwards mentioned Joanne Porter Payne, who recently passed. He asked that we honor our First Responders, military men and women and those who keep us safe. He asked that we hope for a smooth election without the turmoil witnessed recently.

ADOPTION OF AGENDA

A Motion was made and seconded to adopt the agenda as is. Motion passed 4-0..

APPROVAL OF THE MINUTES

1. Approval of Minutes from 9/8/20 Council Meeting. A motion was made by Council Member Les Gladden, seconded by Joe Maxim, to approve the minutes. 4-0 motion passed.
2. Approval of Minutes from Work Session Meeting of 9/28/20. Motion made by Council Member Les Gladden, seconded by Council Member Joe Maxim to approve these minutes. Passed 4-0.

CONSENT AGENDA

3. Revenue Report and Financial Reports as of 9/30/20 (*Richard Dixon*) Council Member Joe Maxim made a motion to approve, Mayor Pro Tem Melissa Davis seconded the motion. Motion passed 4-0.

SPECIAL RECOGNITION

4. FEMA AWARD - (*Travis Morgan*) Director Morgan advised Council that Pineville had received an award from FEMA for achieving a good flood rating. Mayor Jack Edwards thanked both Travis and Brian Elgort for their work on this project.

PUBLIC COMMENT

Jane Shutt, of Pineville Neighbors Place, sent in her comments. In September, they have assisted almost 300 people with \$63,000 in rent and utilities. They received a Phase 2 grant from United Way for \$25,000. They have exhausted the \$125,000 received from the County and are hoping to receive more money from them. She thanked our community partner, Campbell's Foods, for their recent donation of almost 900 pounds of food. Elevation Church Blakeney donated 8 cases of snack bags and teacher gifts, and US Bank donated \$2,000 at their grand opening last week.

Shop with a Cop is coming up. Ms. Shutt stated they are accepting donations of money and new toys to benefit children at Pineville Elementary School, as well as Sterling Elementary School.

Jane thanked Council and the community for the ongoing support of Pineville Neighbors Place.

PUBLIC HEARING

5. **Public Hearing** - Public Hearing to hear a request to allow outdoor storage for Lowes Home Improvement (*Travis Morgan*) Council Member Les Gladden made a motion to open the Public Hearing. Council Member Amelia Stinson Wesley seconded the motion and the Public Hearing was opened.

Director Travis Morgan gave an update on the site plan for Lowe's to allow for outdoor storage. They have a large parking lot that is used for storing mulch, play sets, etc. The plan is to take some of these things and bring them to

the side along with screening and to be more in line with what is permitted in our ordinance. They will move all of that to one side back right corner of parking lot. No comments from anyone that was sent notices in the surrounding area.

Council Member Les Gladden asked if the swing sets and sheds would be limited to the eleven parking spaces? Director Morgan replied that was correct. Mayor Pro Tem Melissa Davis asked if Mr. Morgan was comfortable with the vegetation that Lowe's came back with on their plan. Mr. Morgan replied that he was and if landscaping didn't take for some reason, then they can screen using a fence.

Mayor Pro Tem Melissa Davis asked if the Green Giant were hardy evergreens to which Mr. Morgan replied they were hardy and should be fine. They are not as disease prone as the Leland Cypress Trees.

Council Member Joe Maxim asked if Lowes had any objection to the 10-foot screening wall. Director Morgan said they were OK with it but would like to try using vegetation first before going to fencing. It is giving them another option with the fence if the landscaping does not take.

Council Member Amelia Stinson-Wesley stated that she liked the greenery.

A Lowe's representative in attendance virtually stated the trailers that were in the parking lot now, were supposed to be moved by next week. Mr. Morgan advised that Lowe's can put the buffer in now as there was no need to wait until the trailers were moved. There were no further questions or comments.

Council Member Joe Maxim made a motion to close the Public Hearing. Council Member Amelia Stinson-Wesley seconded the motion and the Public Hearing was closed.

OLD BUSINESS

6. **Baynard Property** - (*Travis Morgan*) - Continue discussion on plans for a townhome community on the corner of NC51 and Downs Rd. (**INFORMATIONAL**). Planning Director, Travis Morgan, stated this was a continuation of a discussion for a new community of 175 town homes proposed for the corner of NC51 and Downs Road. This is a conditional zoning request to change zoning from R44 & G1 to RMXCD.

Since Stanly Martin Homes requested a reduced buffer, staff recommended more evergreens, a fence or a wall. A fence has since been added to the current plan but staff would like it indicated on the plan what type of fence would be going in.

- Other staff recommendations included: getting rid of some of the insidious trees and replace with large evergreen hedges as they are a better bet than canopy trees.
- There are two entrances into the complex - one off Downs Road and one off NC51. The plan called for 50 feet of stacking but the town was recommending the stacking lane be longer than the minimal requirement - about three car lengths or 66 feet of stacking.

Council Member Les Gladden stated he would like to see the stacking lanes even longer, at 100 feet.

- Mr. Morgan stated that the elevations on this current plan had not been updated, but that he had spoken to Stanly Martin about having railings on the bottom porches, as well as the type of fence and planting materials on the northern buffer.
- Confirm the turn lane length at the Downs Road entrance.

The lot plan was typical, with setbacks and a 20-foot rear parking pad for each unit. The roads showed typical dimensions and turn radius for trash service. Other small items to be addressed per notes on Mr. Morgan's staff report.

Mayor Pro Tem Melissa Davis asked if the Traffic Study done prior to Covid-19 was being used and if residents could view it online. Director Morgan stated it should be online but he would refresh the page. Council Member Amelia Stinson-Wesley asked that we make sure it's clear that the traffic report was an old one but we were using it because it reflects more accurate traffic counts based on traffic prior to the Stay-at-Home Order. She asked that we also make sure the number of units was noted online.

Council Member Joe Maxim stated the buffer and the reason for the buffer was a quality of life amenity. He asked if there was a fence that absorbed more sound than another? Mr. Morgan stated he was not sure if one fence was

better than another. He stated he was looking at it from a lighting perspective rather than a sound perspective. Mr. Morgan will do further research on the fence and noted that most of the recent fences have been vinyl but some were wood.

Council Member Les Gladden did not think the size of the garages would work. Most weren't large enough for a truck. He also noted that 1/3 of the units did not have sidewalks with them. He asked that Council look hard at what was on the plan - the inside looked good but once you get to the outer units, it appeared that the plan fell apart. Director Morgan stated that the zig zag sidewalks would have to be tied into the units with parking pads to the rear. Council Member Les Gladden thought there was too much crammed into too little and the driveway/garage plans were just too small.

Director Morgan advised the units would be constructed of fiber cement, not vinyl siding. The Center Green was a good park feature, but the units that border NC51 will need to be redone as no fire trucks could get through the narrow alleys.

Council Member Joe Maxim stated there were a handful of important reviews that needed to take place with regards to emergency vehicle passage, having proper truck turning radius and ensuring that each unit has connectivity to the sidewalks. Council Member Les Gladden stated something different had to be done to have a road in front of the units that border Downs Road and NC51. He asked if there would be any decks off the back? Mr. Morgan replied that none had been proposed. He noted that a full civil set of engineered plans would be required for final review. Units will be Individually plated and they were currently working on HOA/development notes. He reassured Council that he would get things revised before the next meeting.

Council Member Joe Maxim suggested it may be wise to compare the lot sizes with the ones in McCullough. He stated that parking, driveway lengths, and sidewalks, all needed to be addressed.

NEW BUSINESS

7. **Council Vote** on Lowe's Home Improvement Request for Outdoor Storage (**ACTION ITEM**) Council Member Les Gladden made a motion to approve the Lowe's plan for outdoor storage. Council Member Amelia Stinson-Wesley seconded the motion. Council requested no rental equipment allowed to be stored in sight - all must be behind the screening. Motion passed 4-0.
8. **Discussion of Property located at 320 Main St. (Ryan Spitzer)** **ACTION ITEM** Town Manager, Ryan Spitzer, reminded Council that just before the pandemic began, Laura Yandell had requested the town quit-claim the deed to 320 Main St. back to the Yandell family. Apparently, it was inadvertently deeded to the town, along with the parking lot behind the building. Neither party was aware that this had occurred until someone wanted to purchase it from the Yandell family and found that it was actually owned by the town. Mr. Spitzer stated that the town could quit claim it back to the Yandells. The town had asked to have some issues fixed on other Yandell properties. The top corner windows on the building at the corner of Main and Dover Streets need to be fixed, along with getting the sidewalks in to the town R.O.W.

Laura Yandell stated that the parking lot was deeded to the town back in 1969 and she didn't think Mr. Yandell intended for the town to have the building, just the back parking lot. She was hoping the town would get this quit claimed back to the Yandell family so they could sell the space that is currently Kiki's Kottage. She was looking into making the plywood currently on the windows into murals. Laura Yandell requested that it be deeded back to WA Yandell and Associates.

Council Member Les Gladden asked if we had a surveyor look at it. Mr. Spitzer stated that we had not done that. Council Member Les Gladden stated that all were assuming that WA Yandell didn't intend this to be the case but it may not have been a mistake. Mayor Pro Tem Melissa Davis stated it would have surprised her if they did intend to give it to the town.

Council Member Joe Maxim stated it is a matter of practicality - it will cost the town more to fight this than what it may be worth to us. Mayor Jack Edwards stated that in order to get the property quitclaimed back to the Yandell family, they would need to put windows in. Mr. Spitzer added that the person that looked at replacing the windows did not think it was a good idea to put new windows in for fear of ruining the structural integrity of the building so that is why the ply wood is back up on the windows. Mr. Morgan stated that the windows on the front of the building

looked really nice and perhaps whoever did them could also do the corner windows. Laura Yandell stated that the person was retired and no longer in business.

Mayor Pro Tem Melissa Davis stated she could not imagine them just giving the property over to the town. She suggested reaching out to Mary Ann Creech who would have been town manager at the time to see what she recalls; then draw up a contract between the Town and the Yandells to quit claim the deed and fix the windows and sidewalks.

Council Member Joe Maxim stated Laura Yandell was open to this arrangement. This was brought to Council as a clerical error so the best path forward was to proceed with a contract to clean all this up as. It was something that needed to be addressed.

Mayor Edwards stated that if the town wanted to update its Main Street, we need assurance that windows will be put in before we agree to quit claim the building back to the Yandells. Council Member Joe Maxim stated the town would not be out any money if we quit-claimed the building back to the Yandells and the sidewalks back into the town ROW, along with windows in the building. Council Member Les Gladden requested that a current survey be done on the property as to what exactly will be turned back over to the Yandells. He asked that it be done as quickly as possible.

Council Member Joe Maxim made a motion and then amended his motion to approve the quitclaim deed with the stipulation that sidewalks go back into the town ROW, windows will be replaced and a property survey done on the building that will be quitclaimed. Mayor Pro Tem Melissa Davis seconded the motion and it passed 4-0.

9. **Resolution No. 2020-04** - (~~Travis Morgan~~, Brian Elgort) Support for and Adoption of the Mecklenburg County Multi-Jurisdictional Hazard Mitigation Plan (**ACTION ITEM**) Town Planner, Brian Elgort, explained that the resolution was drawn up in support of and with the intent to adopt the Hazard Mitigation Plan, which the Town has been a participant of since 1987. With the adoption of this resolution, it will help to accelerate this process.

Council Member Amelia Stinson-Wesley asked Mr. Elgort how often we did this. Mr. Elgort explained that every five years the Hazard Mitigation Plan was updated. Council Member Les Gladden made a motion to accept the Resolution in support of the Hazard Mitigation Plan, with Mayor Pro Tem Melissa Davis seconding, the motion. Motion passed 4-0.

10. **Discussion Regarding Town's Membership to COG** - (Ryan Spitzer) (**INFORMATIONAL/ACTION**) Manager Spitzer reviewed information pertaining to the Council of Government (COG), explaining that over the last couple of years the Mayor had received letters from towns dropping out of COG. We use COG more as a communication hub simply because their fees for services are generally higher than most. After some discussion it was decided that the benefit of networking was still a good one and that Council Member Stinson-Wesley should be given the opportunity to continue to attend the COG Meetings to give her more time to assess additional benefits.
11. **Discussion of CARES ACT Funds** (Ryan Spitzer) (**INFORMATIONAL**) Mr. Spitzer advised Council that the town received a total of \$121,000 from the County for the CARES ACT. We have spent about \$78,000 and have a balance of about \$42,000. His intent was to use the rest of the funds to purchase UVA lights and HVAC sanitizing systems. The cost of these upgrades is approximately \$45,000. The \$45,000 purchase of UVA lights/HVAC services would include the Hut, Police Building, Town Hall, Public Works and the Telephone/Electric Building. If there is a balance of CARES ACT Funds once we've installed these upgrades, we can donate to Jane Shutt, of Pineville Neighbors Place. Mr. Spitzer advised that 360 degree Zoom Meeting Cameras have also been purchased, along with a new television set for Zoom Meetings. CARES ACT Funds were used for these purchases. Council Member Joe Maxim stated he is in favor of putting in the UV/HVAC systems.

STAFF UPDATE

Town Manager, Ryan Spitzer, provided updates on the following

- Rock crushing at the mill site begins tomorrow.
- Ground breaking soon on new Town Hall/Library project
- Last four bid openings will be opened tomorrow; we are still within budget
- Electrical bid openings taking place

- Talking to developer's attorney on the old police lot on Wednesday, October 28th. We should have a Purchase and Sales Agreement after that meeting for the November Council Meeting.
- Susan Allen, our new Human Resources Director, started today, Monday October 26th. She comes with eleven years of municipal experience.
- Still working on hiring new Parks and Recreation Director. Extended an offer without agreement on salary, so the position is not filled at this time.
- Insurance Commissioner Mike Causey presented the Fire Chief's Award to our Fire Chief, Mike Gerin, for saving a life at a concert.

Mayor Jack Edwards stated we would be posting our taped meetings on our website, which he thinks is a good idea. Mayor Pro Tem Davis was not opposed to the idea. Council Member Joe Maxim wanted to be certain that background setting was as professional as possible. Our set up is not conducive to being taped as it is not a professionally polished look. Council Member Amelia Stinson-Wesley disagreed, stating the current setup with tables and chairs at six feet apart showed that the town was doing its part to keep the spread of the Covid-19 virus at bay. She feels people should see that we are doing things properly and safely.

With no additional business or comments, the Mayor asked for a ten minute recess before moving into Closed Session.

CLOSED SESSION: Discussion of matters pursuant to NCGS 143-318-11 (3, 5&6) One Legal Item, One Real Estate Item and Two Personnel Items for Discussion

OPEN SESSION: Once back in Open Session, Council Member Stinson-Wesley moved to sign the agreement between Pierce and the Town regarding a recent purchase of a new ladder truck for the Fire Dept., seconded by Mayor Pro Tem Davis. Motion passed 4-0.

ADJOURN: Motion made by Council Member Gladden to adjourn the meeting at 11:14 pm, seconded by Council Member Maxim. Ayes by all and the meeting adjourned.

Mayor Jack Edwards

ATTEST: _____
Barbara Monticello, Town Clerk