



TOWN COUNCIL REGULAR MEETING
PINEVILLE HUT MEETING FACILITY
TUESDAY, APRIL 13, 2021 AT 6:30 PM

MINUTES

CALL TO ORDER

Mayor Edwards called the meeting to order at 6:29 p.m.

PRESENT:

Mayor Jack Edwards
Mayor Pro Tem Melissa Davis
Council Member Joseph Maxim
Council Member Amelia Stinson-Wesley
Council Member Les Gladden

Pledge Allegiance to the Flag

Mayor Edwards lead the group in the Pledge of Allegiance.

Moment of Silence

Mayor Edwards asked for a moment of silence for Melvin Milton who recently passed. He asked that our police and firefighters be protected and safe considering the unrest in the law enforcement arena lately.

ADOPTION OF AGENDA

Motion made by Council Member Gladden, Seconded by Council Member Maxim to adopt the agenda as is.

Voting Yea: Mayor Pro Tem Davis, Council Member Maxim, Council Member Stinson-Wesley, Council Member Gladden. Motion passed 4-0.

APPROVAL OF THE MINUTES

1. **Approval of the minutes from the March 9, 2021 Regular Council Meeting and the March 22, 2021 Work Session Meeting.**

Motion made by Council Member Stinson-Wesley, Seconded by Mayor Pro Tem Davis to adopt both sets of minutes as is.

Voting Yea: Mayor Pro Tem Davis, Council Member Maxim, Council Member Stinson-Wesley, Council Member Gladden. Motion passed.

CONSENT AGENDA

2. **Revenue and Finance Reports as of 03/31/21** (*Richard Dixon*).
3. **Proclamations** (*Barbara Monticello*) - Four proclamations will be presented for approval: Clerk's Week, Public Works Week, Police Week & Telecommunicator's Week
4. **Resolution for Surplus Items** (*Barbara Monticello*) - Resolution No. 2021-06 will be presented for police vehicles and PW equipment.
5. **Tax Refunds** - (*Richard Dixon*) - Per Mecklenburg County Tax Office, two tax refunds will be submitted for approval.

Motion made by Council Member Maxim, Seconded by Council Member Stinson-Wesley to approve the consent agenda as is.

Voting Yea: Mayor Pro Tem Davis, Council Member Maxim, Council Member Stinson-Wesley, Council Member Gladden. Motion passed 4-0 to approve the Consent Agenda as is.

PUBLIC COMMENT

Ms. Jane Shutt of the Pineville Neighbor's Place announced that they were happy to have found a new place to conduct their business. They have moved to a new location at 561 N. Polk St. with more space than they had before.

Their annual fundraiser will be held next week online. Please check it out on the Pineville Neighbor's Place website.

PUBLIC HEARING

Three Public Hearings were held.

- 6. Public Hearing for Ipex** (*Travis Morgan*) - to consider a rebuild and expansion of existing pipe manufacturing facility (**INFORMATIONAL**).

Motion made by Council Member Maxim, Seconded by Council Member Gladden to open the public hearing for IPEX.

Voting Yea: Mayor Pro Tem Davis, Council Member Maxim, Council Member Stinson-Wesley, Council Member Gladden. There were ayes by all and the first public hearing was opened.

Travis Morgan, Planning & Zoning Director stated that the hearing was for an expansion to the business located at 10100 Rodney St. The expansion would be at 10320 Rodney St. made up of approximately 7.6 acres which would be added to their existing 140,000 sq. ft. existing building. Ipex is considered a Class II manufacturer - they manufacture pipe.

Parcel # 10230 sits right in the middle of their parcels but is not owned by them. Should they want to improve it, the total square footage would be 455,000K. They would need to complete the sidewalks and provide the necessary landscaping as well.

The height limit on any of the buildings is 55 feet high. Any additional silos are not to exceed 65 feet tall. Council Member Les Gladden asked if there were any restrictions on where silos could be located. Mr. Morgan stated that as long as it was located on the side or rear of the building, there was no specific distance limit of where a silo could be located.

Mayor Pro Tem Melissa Davis just wanted to be sure that any noise be kept under control and maintenance on the machinery kept up. Mr. Morgan reassured her it was noted on the plan under #7.

Council Member Joe Maxim asked Mr. Morgan if his recommendations were acceptable to Ipex to which Mr. Morgan replied that that were and that the company had been easy to work with. The project manager for Ipex stated that they took the comments about the noise very seriously and that they were sparing no cost to sound-proof the building and it will be a closed-door operation with air conditioning. They will be manufacturing molding out of this office.

There were no further questions or comments. **Motion made** by Council Member Gladden, Seconded by Mayor Pro Tem Davis to end the Public Hearing at 6:47 p.m.

Voting Yea: Mayor Pro Tem Davis, Council Member Maxim, Council Member Stinson-Wesley, Council Member Gladden voted to end the Public Hearing for Ipex.

- 7. Public Hearing for Beacon Partners** (*Travis Morgan*) - to consider changes to their previously approved plan for Pineville Logistics Center (**INFORMATIONAL**).

Motion made by Council Member Maxim, Seconded by Council Member Stinson-Wesley to open the Public Hearing for Beacon Development.

Voting Yea: Mayor Pro Tem Davis, Council Member Maxim, Council Member Stinson-Wesley, Council Member Gladden. Vote was unanimous to open the Public Hearing for Beacon Development.

Mr. Morgan stated that the Public Hearing was for a Conditional Zoning Request for revisions to Beacon's original plan for the Carolina Logistics Park located between Nations Ford Rd. and Downs Rd. They were requesting three amendments to their original plan:

- 1) Add additional/larger signage
- 2) Add additional front yard parking for passenger vehicles. Original plan had 943 spaces; they would like to increase that to 1647 spaces.
- 3) Original plan did not call for tractor trailer parking but request is to add 12 spots for tractor trailer parking.

Mr. Morgan stated that there were 41 spaces in the front that he would prefer to see removed. John Morris of Beacon Partners stated that they had missed that on their plan and that those spaces would be removed.

Beacon was proposing a large, 18-foot tall art piece for signage on the Nations Ford Road entrance. They proposed using old farm implements found on the property to create an art piece to pay tribute to the farmland they're building on and to create interest. On the Downs Road side of the site, they proposed a CLP sign at 6 feet x 6.3 feet. Mr. Morgan reminded them they could only have a sign at 50 feet maximum. Mr. Morris agreed that the sign did not need to be more than 50 feet tall so they will keep it at that.

Mr. Morgan continued, stating that 6-7 foot tall, large evergreens would be used to screen the trailer parking but that staff supported elevated elevations. Responding to a question from Council Member Stinson-Wesley, Mr. Morgan stated that Building #2 was the flagship building and Building #4 had a similar look but not quite to the level of Building #4. He was in favor of Beacon changing Building #2 to mirror the look of #4. Beacon representative, Craig Fleming, noted that the renderings were more generic but that in person, it would look nicer because there would be more windows and glazing than what was shown on the plan.

Mr. Morgan clarified that the screening on the trailers would be 6-7 foot-tall evergreens planted 8 feet on center. Council Member Les Gladden requested they add screening on Building #10 at the top parking lot with the tractor trailers that are there as well, using large trees. John Core of Beacon Partners, added that Southern Magnolias and other large, 8-foot trees would be screening that trailer lot.

The discussion centered around whether this artwork was considered a sign or simply artwork. Mr. Morgan wanted to be sure that if another applicant requested similar signage, council would need to be able to justify why they allowed it for Beacon but not for anyone else. As long as Council could justify why they allowed this piece, he was OK with it. Mayor Edward noted that the CLP logo at the top of the artwork was so small that people wouldn't notice it or even know what it means. Council Member Stinson-Wesley added that if you could use proportion as a way to approve it, that might help since the CLP was a small portion of a larger piece of artwork. Council Member Gladden suggested making it more of a dedication to the families that owned and farmed on the land. Mr. Morgan proposed using all of that as a way to justify approval of the sign/art piece – the scale/size, general intent of the sign as a piece of artwork especially using historical pieces. Using the size of the sign/artwork vs. the acreage would also help to put it more in line with what is allowed with shopping mall signage.

John Morris of Beacon Partners asked if the CLP logo could stay or would have to go. Mr. Morgan stated that as long as it stays as shown on the underside of the art piece, it should be OK. The consensus of Council was that it should be done with easements and not with separate parcels.

Mr. Larry Shaheen commented that he didn't see any sidewalks along the connector road. Mr. Morris stated that there were sidewalks along both sides of the road but may be difficult to see over ZOOM. Mr. Shaheen stated that he was going on record that he was not in favor of the signage and he was made to remove the signage he had. He did not think that Pineville was handling signage fairly and because it was Amazon, they were allowed a larger sign while he had to remove his sign. Council Member Gladden clarified that Mr. Shaheen was upset because he wasn't allowed to have two signs and they were now allowing it for Beacon.

With no further discussion, Council Member Les Gladden moved to close the Public Hearing, seconded by Mayor Pro Tem Melissa Davis. There were ayes by all and the hearing ended. Council requested a vote be taken right then. Mayor Edwards agreed and asked for a motion. Council Member Les Gladden moved to approve the amendments to the Carolina Logistics Park with the following conditions:

- As agreed, the 12 tractor trailer spaces would go away
- Restrictions on the signage as discussed
- Extra screening required where necessary

Council Member Joe Maxim seconded the motion and Mayor Edward polled each council member for a vote:

Mayor Pro Tem Davis = yes
 Council Member Maxim = yes
 Council Member Stinson-Wesley = yes
 Council Member Gladden = yes

Motion passed unanimously.

8. Public Hearing (Travis Morgan) - to present and consider several revisions to the Town Code of Ordinances (INFORMATIONAL):

Mayor Pro Tem Melissa Davis moved to open Public Hearing #3 for Town Code revisions. Council Member Amelia Stinson-Wesley seconded the motion and the hearing was opened.

Mr. Morgan explained that the proposed changes to the Town Code were more house-keeping type items that included the following:

- 1) **Section 72.99** - Update fines to a \$50 minimum so unpaid fines could be collected through the Debt-Setoff program
- 2) **Section 10.12** - Update definition of "Computing Time" to move more toward a federal standard
- 3) **Update Town Code** - referencing NCGS Chapter 160A to 160D necessary for all municipalities to change their codes to reflect recent legislation
- 4) **Section 72.19** - Update parking of large vehicles from 1 1/2 tons to 6 tons; to address tractor trailers parking in lots overnight

Council Member Stinson-Wesley asked if the last item pertained to the ½ dozen trailers that were parked in the Monkey Joe's parking lot to which Mr. Morgan replied that it did, along with the ones that were parking in a vacant restaurant lot at Centrum Pkwy. There was little discussion on these items so the motion was made by Council Member Gladden to close the Public Hearing, seconded by Council Member Maxim. There were ayes by all and the Public Hearing ended.

OLD BUSINESS - None

NEW BUSINESS

9. Vote on Public Hearing for IPEX - Once Public Hearing has closed, Council may vote on the issue.

Mayor Edwards asked for a motion on the IpeX expansion project and proceeded with a roll call vote. Council Member Gladden moved to approve the expansion project for IpeX, seconded by Mayor Pro Tem Davis. A roll call vote was taken:

Mayor Pro Tem Davis = yes
 Council Member Maxim = yes
 Council Member Stinson-Wesley = yes
 Council Member Gladden = yes

Motion passed unanimously to approve the IpeX expansion project.

10. Vote on Public Hearing for Beacon Partners - once Public Hearing has ended, Council may vote on the item. Vote was taken directly after the hearing (see above).

11. Vote on Public Hearing for Town Code revisions - once the Public Hearing has ended, Council may vote on the items:

- 1) Increase fines to a minimum of \$50 at Section 72.99
- 2) Revise definition of "Computing Time" at Section 10.12

- 3) Change references to NCGS Chapter 160A to Chapter 160D
- 4) Revise Parking of large vehicles from 1 1/2 tons to 6 tons at Section 72.19

Council Member Maxim moved to approve all four of the Town Code revisions presented, seconded by Council Member Stinson-Wesley. A roll call vote was taken:

Mayor Pro Tem Davis = yes
Council Member Maxim = yes
Council Member Stinson-Wesley = yes
Council Member Gladden = yes

Motion passed unanimously to amend all four of the Town Code revisions presented as is.

12. **Electricities Resolution No. 2021- 07** (*Ryan Spitzer*) - Consider resolution to decommission the Catawba Nuclear Plant (**ACTION ITEM**). Mr. Spitzer explained that the town was a part of the NCMPA1 for electric generation/purchasing of power from Nuclear Power plants. As part of that group, the town is required to set aside money to decommission the Catawba Nuclear Plant but North Carolina limits what the money can be invested in by the NCMPA1. Electricities is trying to pass legislation that would allow investment in other funds that would have a better rate of return and, in turn, potentially reduce power costs. They have asked participants for their support in this endeavor and the resolution is to show that support.

Hearing no discussion on the matter, Council Member Gladden moved to approve Resolution No. 2021-07 supporting Electricities in their efforts to allow further investment options with funds set aside for the decommissioning of the Catawba Nuclear Plant. Motion was seconded by Mayor Pro Tem Davis. A roll call vote was taken by Mayor Edwards:

Mayor Pro Tem Davis = yes
Council Member Maxim = yes
Council Member Stinson-Wesley = yes
Council Member Gladden = yes

Vote was unanimous to support Electricities in their efforts. Resolution No. 2021-07 passed 4-0.

13. **RESOLUTION NO. 2021-08** (*Ryan Spitzer/Travis Morgan*) - A resolution in opposition to the Zoning changes proposed in HB401 and SB349 (**ACTION ITEM**). Mayor Edwards spoke about legislation currently proposed to limit control of zoning requirements and allow multi-unit housing in every zoning district that is zoned for single family dwellings. This legislation would eliminate the ability for municipalities to determine what is right for their communities and reduce home rule even further. A resolution opposing this, Resolution No. 2021-08, was drawn up to be sent to all sponsors of this bill expressing Council's concern and opposition to it. Council Member Amelia Stinson-Wesley stated that both the NCLM and the Carolina Regional Council (formerly COG) also expressed their opposition to this legislation.

Hearing no further discussion on the matter, Council Member Maxim moved to approve Resolution No. 2021-08 in opposition to proposed legislation to reduce Zoning requirements in all municipalities. Council Member Stinson-Wesley seconded the motion. A roll call vote was taken:

Mayor Pro Tem Davis = yes
Council Member Maxim = yes
Council Member Stinson-Wesley = yes
Council Member Gladden = yes

Vote was unanimous to approve the resolution opposing proposed legislation to reduce Zoning requirements in all municipalities.

STAFF UPDATE

14. **Manager's Report/Staff Reports.** Mr. Spitzer reported on the following:
 - There will be siren testing at the nuclear plant tomorrow in case any calls about it are received
 - Resolutions circulating regarding the possibility of changing the election from this year to next year would mean a change in the timeframe of council member's terms

- Pineville PD is partnering with the library to bring a mobile unit here tomorrow at the parking lot of the Hut
- Council Member Gladden unable to make the April 29th Budget Meeting so the CIP can be discussed at the meeting of April 22nd if Council would like to do it then
- US Developments did a Phase I inspection on the old police lot and hit a gaseous element which caused them to request an extension to June 1st of their due diligence period
- Public Works Director, Chip Hill, reached out to our NCDOT rep regarding the Franklin St. repairs needed. They indicated this should have been done by now but was not sure why it hadn't been
- Asked Council if they wanted to put an RFP out on the mill site or wait to hear from US Developments. Mayor Pro Tem Davis requested to discuss at next Work Session Meeting on April 29, 2021. Brief discussion ensued regarding cleaning up of the corner area of the site, moving fence back and removing power poles from the site where the memorial is proposed. Mayor requested Council make a decision on the site for the memorial so it can be blocked off since various cars and trucks are parking in that lot. Mr. Spitzer asked for a decision on selling a piece of that lot to Mr. Brown.
- Council Member Gladden noted grass growing up around the orange fence on Leitner Dr. Requested something be done about it
- Council Member Gladden asked Zoning Director, Travis Morgan, to check the townhomes on the corner of Main and Cranford Dr. as he did not think they were constructing the elevations that were approved on their plan
- Brief discussion regarding construction traffic cutting through on Cranford Dr. which they should not be doing. Mr. Spitzer figuring out best way to handle. Talking to Meritage Homes about putting up a barricade that PD would enforce if construction traffic still using Cranford to cut through.

15. Calendar of Events for April/May

Mayor Edwards asked for a five-minute break at 8:52 p.m. before moving into Closed Session. At 9:06 p.m. motion was made by Council Member Maxim and seconded by Mayor Pro Tem Davis to enter the Closed Session. Motion passed 4-0.

CLOSED SESSION

16. **Discussion of matters pursuant to NCGS 143-318.11 (3) to consult with attorney on a legal matter** – Town attorney was consulted on a legal matter pertaining to Planning & Zoning.
17. **Discussion of matters pursuant to NCGS 143-318.11 (6), a personnel issue** – Discussion took place regarding an issue brought up by an employee. Once discussion concluded, the board had a consensus on which steps to take moving forward.

Council Member Gladden moved to end the Closed Session, seconded by Council Member Stinson-Wesley. There were ayes by all. The Closed Session ended and Council was back in Open Session.

OPEN SESSION

Once back in Open Session, Council Member Stinson-Wesley moved to allow attorney to send letter to employee to resolve the employee issue. This was seconded by Council Member Gladden. There were ayes by all and the motion passed unanimously.

18. **Discussion on the Employee Handbook (Ryan Spitzer/Linda Gaddy)** - Council to review, discuss and vote on any changes to the Employee Handbook (**ACTION ITEM**) **Roll call vote required**. Due to the discussion in Closed Session, it was recommended to hold off on further discussion or revisions to the Employee Handbook until a later date.

ADJOURN

Council Member Joe Maxim moved to adjourn the meeting at 10:26 p.m., seconded by Council Member Amelia Stinson-Wesley. Motion passed 4-0 to adjourn the meeting.

Mayor Jack Edwards

ATTEST: _____

Barbara Monticello, Town Clerk