

Mayor
Jack Edwards

Mayor Pro Tem
Ed Samaha

Town Manager
Ryan Spitzer



Town Council
Les Gladden
Amelia Stinson-Wesley
Chris McDonough

Town Clerk
Lisa Snyder

WORK SESSION MINUTES
MONDAY March 27, 2023 @ 6:00 PM
TOWN HALL COUNCIL CHAMBERS

The Town Council of the Town of Pineville, NC, met in a Work Session on Monday, March 27, 2023, at 6:00 p.m.

ATTENDANCE

Mayor: Jack Edwards
Mayor Pro-Tern: Ed Samaha
Council Members: Amelia Stinson Wesley, Les Gladden & Chris McDonough
Town Manager: Ryan Spitzer
Planning & Zoning Director: Travis Morgan
Town Clerk: Lisa Snyder

CALL TO ORDER

Mayor Jack Edwards called the meeting to order at 6:00 p.m. Council Member Amelia Stinson-Wesley made a motion to open the meeting and Council Member Les Gladden seconded the motion. There were ayes by all, and the meeting opened.

DISCUSSION ITEMS:

LIV Design Proposal for College & Church Streets. Travis Morgan outlined changes/updates to the proposal: Building number changed from 3 buildings to 2 buildings along the north side of College Street. Units were noted but there was not a bedroom count. We need a bedroom-type proposal to help determine appropriate parking. Some parking is expanded into the railroad right-of-way. We will likely need an agreement with the railroad and determine who will pay for it.

Mr. Morgan discussed commercial space, stating that one of his main concerns is that parking is so close to Polk Street, with backups at busy times. Need to confirm sidewalks width. For elevations, he recommends compliance with the downtown overlay & maintain the side with the overlay. He also recommends more brick to overlay standards. More brick detailing & foundation detailing like that at Town Hall. In addition, he recommends all black type windows rather than the mix of white and dark windows as shown. Mr. Morgan opened up the discussion for questions.

Stephen Rosenburgh, US Development, believes that they have done what Travis wants them to do, including the right-of-way for parking. They have 5,000 feet on the plan for commercial. He then introduced LIV Design Consultant, Estes Macklamore. They are headquartered in Birmingham, Alabama.

They pride themselves in design. They want to meet the requirements and to far exceed any of their expectations.

Council Member Les Gladden asked if there were changes to the original plan. Town Manager Ryan Spitzer said he'd have to meet the site plan that they presented. The stipulation is that they still need to meet the requirements of the downtown overlay. In the original contract they needed 74 spaces, one per unit. The rest of the building was not talked about in the contract.

Council Member Gladden then asked if they had run the parking calculations. Planning Director Morgan replied yes, with one space per bedroom for the first building. Mr. Rosenburgh said that they put together a plan design with a parking scenario that is the same for buildings 1, 2 and 3. Council Member Gladden said that they don't even come close to meeting parking, there won't be any compact spaces. If they would do what's called for in our book, that's 576 spaces. If you come to downtown now, all of our parking lots are full on every Friday and Saturday night.

Why would we take away from our existing businesses to give to them now? Council Member Gladden continued to disagree with Mr. Rosenburgh, and he said they are going to kill the downtown businesses because there will be zero parking from his apartments. We have to guarantee our businesses will have parking. Mr. Rosenburgh said that they have addressed the parking and have adequate parking.

Planning Director Morgan stated that there is a parking ratio count in the ordinance. It's usually 1.5 spaces per unit. As a general rule, he would start with the total number of bedrooms rather than the unit count and the number of cars. The bedroom count is 377 bedrooms. Mr. Rosenburgh said it is 1.5 spaces per unit, not 1.5 spaces per bedroom. He stated that the redevelopment negotiation was clear that it was 1.5 and superseded the ordinance. He would not have agreed to 240 apartments if there were no parking. Director Morgan said the total parking count is 430 and is all-inclusive.

Council Member Gladden asked Mr. Rosenburgh how many parking spaces are on his property. Mr. Rosenburgh's belief was it included the Town's space on that right-of-way now and on-street parking. Council Member Gladden said only on Main Street and building #1. It showed a police lot and a two-story office building behind it. That was his original plan, or selling point, per Council Member Gladden. Mr. Rosenburgh absolutely did not agree with Council Member Gladden.

John Woodard, with McAdams Engineering in Charlotte, said the existing parking is about 1.5 spaces per unit now. On Church Street and south side of building one on Main Street they would be adding four spots there that aren't there today. There are eight spaces on Main Street, serving retail. There are approximately forty spaces near the railroad.

Mayor Pro Tern Ed Samaha stated that, five years later, the downtown merchants have become successful. People are parking on lawns in the back areas. The dynamics have changed. There needs to be a parking garage to keep up with the growth of Pineville.

Mr. Rosenburgh said he thinks the issue is that when they first came to discuss this, the parking ratios wouldn't work for an urban development, so because it was economic development, we viewed this as a mixed-use project, which it is, therefore, they proceeded with 1.5 units for the 240. They've been consistent with that, and it hasn't changed.

Planning Director Morgan went over the downtown overlay again. Council Member Amelia Stinson-Wesley said the downtown overlay can be used as a base. Council Member Gladden asked about green space and how it applies to this project. Planning Director Morgan suggested that nothing is dedicated to green space in the plans and will have to look at stormwater plans. Mr. Rosenburgh noted that storm water is underground near buildings #2 and #3.

Jonathan Woodard added that the intent with regard to the max density for a firetruck, the idea is to have a typical back curb, which will support a fire truck, a typical sidewalk will be graded for the 8,000 lb. requirement. It won't look like a driveway, it will look like a typical sidewalk, but it will meet fire requirements. Council Member Chris McDonough asked about the Fire Department being developed into a parking lot and might be the best thing. Mr. Rosenburgh stated that it could, and the Town would make that decision. Their idea was to balance the streetscape. Mayor Pro Tern Samaha expressed concern regarding how bad parking already is and how much worse it will get with continued growth.

Town Manager Spitzer added that we didn't purchase the property with the intent of putting any kind of development, so he'll have to check the statute. Mayor Pro Tern Samaha stated he is happy with Travis' recommendation, but we need to figure out the parking. Manager Spitzer reminded Council that, by the contract, they have 30 days to give a response. Council Member Gladden asked Mr. Morgan to look at those on-street parking widths and see what theirs are.

Council Member Amelia Stinson-Wesley asked what would be required by the railroad. Planning Director Morgan replied that anything that is existing, is grandfathered in, and as long as there's no new project, the standard protocol would be to expect he would imagine to expect some sort of lease agreement and annual fee, on a yearly basis, and usually recomputed anywhere from every three years to every thirty years. In front of old Town Hall, it was the same rate for quite a long time and it was \$737 on a yearly basis, something like that. If they want to raise it more, he wouldn't know exactly what that amount is.

Mr. Rosenburgh went back and reviewed the contract and the 30 days, and they are more than happy on whatever time we need, and the parking clearly shows the parking with the 240 units, and asked that Council consider approving it, subject to it satisfying the improvements upon approval by the Planning Director, to proceed.

The Mayor asked Planning Director Morgan what he needs from the developer at this point. Mr. Morgan said the design stuff, town specifications, technicalities, elevations, configurations for the parking and driveways. The developer said they could get this information to Mr. Morgan before the end of next week. The Mayor asked who would contact Norfolk Southern and Manager Spitzer answered that is done by the developer. Council Member Stinson-Wesley wants to see the full recommendation.

The Mayor stated there are some points of contention with parking, which is the biggest thing, as it is horrible right now and it's not going to get better. The developer asked if the Mayor would approve with the Planning Director's requirements. Mayor and all Council members agreed to wait upon Mr. Morgan's approval. Manager Spitzer said he will try to work through this for the April 11th Town Council meeting.

On-Street Parking. Planning Director Travis Morgan said a resident had complained at our community meeting about parking on both sides of existing narrow roads on Olive and Cone Avenue. Enforcement, especially after hours, has been an issue and will continue to be an issue. The easiest way is to prohibit parking there, particularly on Cone Avenue. Council Member Gladden asked if they all have a driveway and he replied "yes." Mr. Morgan also added that there is also a Community Beautification grant that may have targeted funds available to help. The Mayor sees more of a problem on Olive Street. Council Member Gladden said parking is not being enforced. Mayor asked if the fire department has been contacted. Planning Director Morgan said he could send a letter to everyone on that street and remind them to please abide by the 15-foot rule. Council Member Stinson-Wesley would like Mr. Morgan to send the letter to those involved first and see what happens. All Council and the Mayor agree to send the letter first.

Accessory Dwellings. Planning Director, Travis Morgan. A citizen expressed concern and interest in accessory dwelling units, a/k/a mother-in-law suites. He recommends clarifying the ordinance for these. He crafted a proposed ordinance to address this to include size of the structure. The proposed ordinance (page 2) outlined. He expects more of these in the future. There are some in Old Town. There have been no complaints since they were built. Council Member Stinson-Wesley mentioned a house on Brian circle that was built and asked if that applies. Planning Director Morgan advised it would not address this & this is not A-typical. They are typically used for an extended, older family member. Council Member McDonough asked what happens if the owner sells and a new buyer comes in. Mr. Morgan advised that the new owner has to reside on the property and could rent out the back property. The Mayor added that the legislature is taking away more and more of our rights, and one day we will have no control on what we do. Council Member Stinson-Wesley asked if they can have the back property and something about the garage. Manager Spitzer answered if the garage is attached, it's a yes. If the garage isn't attached, to which Mr. Morgan replied, "no". Mr. Morgan said he just put in the bare minimum, and they still have to come in and get approval. This would be a text amendment to the ordinance, then to go to the Planning Board.

Medic Resolution 2023-3. Manager Spitzer said the first page was pretty standard, like other towns. On page two, what the town is asking for. (1) provide us with the same call data so they can see the same things as the Medic does, (2) dispatched to all calls in the jurisdiction, (3) briefings periodically to keep in communication with each other, (4) town deficiencies and strive to rectify, (5) call-specific data. Manager Spitzer concluded that basically, he wants them to break down the infrastructure. Council Member Stinson-Wesley wants to add something specific to #4 defining a time frame to define promptly. Town Manager Spitzer advised we can add that to Resolution 2023-3 and present it at the April Council meeting.

The Mayor asked for a brief break before going in to closed session. Council Member Gladden moved to go into closed session with a second made by Council Member Chris McDonough at 8:01 p.m. All ayes.

Upon returning from Closed Session, pursuant to NCGS 143-318-11 (3) attorney-client privilege, to vote to approve the settlement for Independence Auto lawsuit against the Town of Pineville. Council Member Gladden moved to approve with a second made by Mayor Pro Tern Samaha. All ayes. **(Approved 4-0)**

Council Member Amelia Stinson-Wesley moved to adjourn followed by a second made by Council Member Chris McDonough. All ayes and the meeting adjourned at 8:27 pm.

Jack Edwards, Mayor

ATTEST:

Lisa Snyder, Town Clerk