



## **MINUTES**

### **CALL TO ORDER**

Mayor Jack Edwards called the meeting to order @ 6:32 pm.

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

Absent: Council Member Les Gladden

### **PLEDGE ALLEGIANCE TO THE FLAG**

Town Clerk Lisa Snyder led everyone in the Pledge of Allegiance.

### **MOMENT OF SILENCE**

Mayor Jack Edwards asked for a moment of silence for Les Gladden as his father passed away recently, please remember him in your prayers. Also please remember our police and fire departments. Give them a thank you whenever you see them and give them a hug if you desire.

### **ADOPTION OF AGENDA**

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

### **APPROVAL OF MINUTES**

The Minutes of the Town Council Meeting on April 11th, 2023, the Work Session on April 24th, 2023, were submitted for approval. Mayor Pro Tem Samaha moved to approve the minutes with a second made by Council Member Amelia Stinson-Wesley. All Ayes. (**Approved 3-0**)

### **CONSENT AGENDA**

Consent Agenda items, the Financial Report, Proclamations for National Public Works Week and National Police Week, and Resolution 2023-05 to award Richard Miller's service badge and weapon for his retirement, and Resolution 2023-04 for Surplus items were approved by a motion made by Council Member McDonough with a second made by Council Member Stinson-Wesley. (**Approved 3-0**)

### **AWARDS & RECOGNITION – none**

## BOARD REPORTS & PUBLIC COMMENT

**Jordan Williams.** Jordan Williams gave a brief report on the upcoming Arts in the Park event planned for Saturday, May 20<sup>th</sup> from 10:00 am to 6:00 pm. They'll have parking onsite, food trucks, ice cream vendors, Italian ice vendors, children's zone, a variety of entertainment and over 70 handmade arts and crafts vendors, children's art show, splash pad will be open, interactive dance group. They look forward to seeing everyone out.

### PUBLIC COMMENT

Gerry Pope said that she has lived in Pineville for 56 years, she lives on Cone Avenue and loves the town and loves her neighbors. She has seen a lot of changes in Pineville over the years, some have been fantastic. She said that this one scares her a bit and feels deep down inside that the proposed building does not match our Town. We always have traffic and congestion, there's not many ways to get in and out of Pineville. She asks us to think long and hard about this.

### PUBLIC HEARING

Council Member McDonough moved to go into Public Hearing regarding Carolina Logistics Park, with a second made by Mayor Pro Tem Samaha. All ayes.

Planning & Zoning Director Travis Morgan presented a proposed plan amendment for Carolina Logistics Park to the existing approved conditional use plan. The proposed amendment is to add a driveway to allow for that access point. Downs Road is an NCDOT Road so any modifications to that, in that area, have to go to NCDOT for approval. The impact on the Town would take a little bit of pressure off of Carolina Logistics Drive. Beacon Partners were in attendance to answer any questions.

Council Member Stinson-Wesley asked if the petitioner would be interested in setting aside about an acre dedicated for any future municipal use. Beacon Partners replied that they are encumbering all the usable area, so probably no, at this time, unless there's a specific utility need.

Mayor Pro Tem Samaha asked if most of their traffic comes from Westinghouse? Beacon Partners answered that their traffic study shows most of their traffic coming from Westinghouse going along Carolina Logistics Drive and Nations Ford Road, which mainly are 18-wheelers coming from 77. The 51 route is not ideal coming from 77; so about 80% on Nations Ford.

Former Council Member Melissa Davis, asked from the audience, there was a comment brought up at the last meeting, is there any concern regarding the hill there, and if a tractor-trailer is pulling out slowly and turning, and people fly down that road, and the car that's speeding, could hit it? Beacon partners replied that the location of the driveway is intentionally set as far south that they can put it to give them the proper deceleration lane, and the safety is enhanced, he did not have concerns.

Mayor Pro Tem Samaha moved to close the Public Hearing followed by a second made by Council Member Stinson-Wesley. All ayes.

Mayor Pro Tem Samaha moved to open the Public Hearing regarding the proposed towing ordinance with a second made by Council Member McDonough. All ayes.

Chief Hudgins had received some reports from officers that there are some problems with the towing practices that have become abused, and a gentleman had come to Council to complain about the towing practices within the town. He approached the manager of the property to offer some solutions to some homeless people who were camping in their cars or on the property. Our officers asked them to stop some of their practices, including booting and towing cars that were occupied and then charging the people in the car \$200 to remove the boot. There's only one sign, with four entrances to the property, that indicates when and how they should park in the parking lot. He did not take our offer to help to try and resolve that matter. Currently we don't have the authority to enforce signing and booting of occupied cars so we drafted an ordinance so they have authority to enforce tow companies and properties to properly display signs setting the ground rules of when and where you should park. The penalties would be the civil penalties that we typically use for violations of town ordinances.

Council Member McDonough asked what if the property owners say they didn't know about it. Chief Hudgins said they will work with Mr. Morgan and will put out the notice to all of the property owners and then put everyone on notice before they take any action against tow companies or property owners before the ordinance gets passed.

Council Member Stinson-Wesley asked if Town Manager Spitzer is satisfied with the language related to towing. He replied that this pertains to private parking lots so the town parking lots we have some leeway.

Council Member Stinson-Wesley moved to close the Public Hearing on the towing ordinance with a second made by Mayor Pro Tem Samaha. All ayes.

## OLD BUSINESS

**Vote on proposed LIV Development.** Town Manager Spitzer stated that this is a continuation of three or four meetings with this development. This project stems from a PSA and a public hearing on February 9, 2021. We have been working on it for many years now. There are 172 units in each of the buildings with 1.65 parking spaces per unit. In addition, they would pave the parking that is across the road, but the Town will still own it to get us through the development stages.

Because the applicant wants the buildings together, architectural renderings for buildings 2 and 3 were displayed for Council. These have been approved by Staff. Town Manager Spitzer added that there was always a vision, since the 90's, for a connection to Arby's. Council has since decided they would like to move the Fire Department to that property. Now there is no room for that connection. This is why the plan went from three buildings to two buildings. A motion in the affirmative has to be made tonight and can have conditions that need to be met.

Mayor Edwards read the proposed motion: "I make a motion that the proposed site plan and architectural renderings for the development, by LIV/US Developments, on Parcels 2050202, 20501203, 20501215, 20501204, 20501205, 20501206, and 20501207, be approved, subject to compliance with the following conditions:

- (1) The parking ratio for Buildings 2 and 3 must be revised to provide for a minimum of 2.35 parking spaces per unit to be located within the parcels on which the buildings will be constructed. This can be accomplished by reducing the number of units in the buildings to achieve the required parking ratio or increasing the number of parking spaces within the parcels on which Buildings 2 and 3 are located, 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 or stripe for a maximum of 117 parking spaces and install curb and gutter on parcels 20501415 and 20501414 for use as public parking. These parcels will remain owned by and in control of the Town of Pineville and not used for overnight parking.

Mayor Pro Tem Samaha moved to accept the motion as stated with a second made by Council Member McDonough. All ayes. (**Approved 3-0**)

## NEW BUSINESS

**Purchase of right-of-way for Lowry.** Town Manager Spitzer reported that bids were received last Friday for constructing a right-hand turn lane off of Lowry onto South Polk Street. In the meantime, they have to clear up an easement issue for the right turn lane. NCDOT requires us to redo the signal and crosswalks in this area. When the NCDOT put in the traffic lights, they did not obtain right-of-way when they put in the sensors into the pavement. Since they didn't get the right of way when they did that, the NCDOT is now requiring the Town to purchase and get that right-of-way easement in order to complete this project.

They have been in talks with the property owner, he is willing to give us an easement for \$7,500. He doesn't believe that we should have to purchase it, because none of this project is going on that side of the road. He is in discussions with the district engineer to see if he can get the traffic portion of NCDOT not to make us buy the right-of-way.

Town Manager Spitzer wants to do this while schools is out to limit the effects on school traffic. Construction is to start in late-May and be done before school is back in session. He asked Council to give him the approval to execute the easement contract that he needs.

Mayor Pro Tem Samaha moved to authorize the Town Manager to execute the documents to purchase the right-of-way easement with a second made by Council Member Stinson-Wesley. All ayes. **(Approved 3-0)**

**Vote on Towing Ordinance.** Council Member McDonough moved to approve the Ordinance as stated with a second made by Council Member Stinson-Wesley. All ayes. **(Approved 3-0)**

**Participate in CDBG Program.** Town Manager Spitzer reviewed this program (Community Development Block Grant) with Council and advised that every three years we have to renew our contract to participate. The County receives guaranteed money from the federal government and distributes to localities to do work. This is how we got our sidewalks constructed on South Polk and are getting our outdoor gym equipment, through the CDBG program. It's easier for us to partner with the county because they have the resources. We can partner with the COG, who manages this and helps us with the legwork and resources. It's a good resource to participate in. We have been successful.

Council Member Stinson-Wesley moved to agree to continue to participate in the CDBG program with Mecklenburg County, with Mayor Pro Tem Samaha providing a second. All ayes. **(Approved 3-0)**

**Vote on Beacon Public Hearing.** Planning & Zoning Director Travis Morgan reviewed the elements of the hearing with Council. He is satisfied with their designs and requirements for the DOT. The traffic study looks to be sufficient.

Council Member Stinson-Wesley moved to continue this until we can have the conversation about any municipal use, with Mayor Pro Tem Samaha providing a second. All ayes.

**Manager's Report.** Mr. Spitzer reported that the contract was signed today with Lakeview and the work will start next week and hope to have it finished by August.

Pineville residents will be receiving a mailer from the US Postal Service, and a survey, looking for comments where they'd like to see the post office building moved. They are looking at two sites but want to hear from the residents.

Mayor Edwards announced a five-minute recess before going into Closed Session pursuant to NCGS 143-318-11(5) – purchase of property for substation location.

Mayor Pro Tem Samaha moved to go into Closed Session with a second made by Council Member Stinson-Wesley. All ayes.

Council Member Stinson-Wesley made a motion to leave closed session with a second made by Mayor Pro Tem Samaha. All ayes.

### ADJOURNMENT

Council Member Stinson-Wesley made a motion to adjourn followed by a second made by Mayor Pro Tem Samaha. **(Approved 3-0)** The meeting was adjourned at 8:20 pm.

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Jack Edwards

ATTEST: \_\_\_\_\_  
Lisa Snyder, Town Clerk