

**COUNCIL MEETING
AGENDA**

**Pineville Meeting Hut
Tuesday, March 12, 2019
6:30 p.m.**



**PINEVILLE TOWN COUNCIL AGENDA
6:30 P.M. - PINEVILLE HUT MEETING FACILITY
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, MARCH 12, 2019**

1) Call Meeting to Order:

- a) **Pledge Allegiance to the Flag:** *(JE)*
- b) **Moment of Silence:**
- c) **Recognition of Pineville Volunteer Fire Dept.** *(Video Presentation)*

2) Adoption of Agenda:

3) Approval of the Minutes from the: Regular and Closed Session Meetings of February 12, 2019 and the Work Session of February 26, 2019

4) Consent Agenda: a) *Financial Report as of February 28, 2019;* b) *Resolution No. 2019-02 for Surplus Items;* c) *Tax Refund;* and d) *Troy Fultz, resident volunteer for Census Committee*

5) Public Comment:

6) Old Business:

- A. **Districting** *(Ryan Spitzer/Mayor Pro Tem Phillips)* – Council vote to send to referendum to be put on November ballot **(ACTION ITEM)**.

7) New Business:

- A. **Urban Archery** *(Ryan Spitzer)* – each year the board must decide if it wants to continue to participate in the program for the next year **(ACTION ITEM)**.
- B. **Adoption of Records Retention Schedule** *(Barbara Monticello)* – Approval required to adopt the changes to the Records Retention Schedule by the Department of Natural and Cultural Resources reviews **(ACTION ITEM)**.
- C. **Resolution No. 2019- 03 in Support of ¼ Cent Sales Tax** *(Mayor Edwards)* – Council adopt resolution supporting a local sales tax of ¼ cent **(ACTION ITEM)**.
- D. **Staff Update:**
 - 1) *Manager's Report*
 - 2) *Calendar of Events*

8) Closed Session: *Discussion of matters pursuant to NCGS 143-318.11(4), economic development*

9) Adjourn

If you require any type of reasonable accommodation as a result of physical, sensory, or mental disability in order to participate in this meeting, please contact Barbara Monticello, Clerk of Council, at 704-889-2291 or bmonticello@pinevillenc.gov. Three days' notice is required.

MINUTES

**Minutes from the Regular
& Closed Sessions of
February 12, 2019
and
the Work Session Minutes
of February 26, 2019**



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, FEBRUARY 12, 2019**

The Town Council of the Town of Pineville met in Regular and Closed Session on Tuesday, February 12, 2019 at 6:30 p.m. at the Hut Meeting Facility in Pineville.

ATTENDANCE

Mayor: Jack Edwards

Mayor Pro-Tem: David Phillips

Council Members: Debbie Fowler, Melissa Davis and Joe Maxim

Town Manager: Ryan Spitzer

Planning & Zoning Director: Travis Morgan

Planner: Brian Elgort

Town Clerk: Barbara Monticello

Planning Board Members: Jim Knowles, Eric Fransen, Thomas White and William Chaney

CALL TO ORDER

The meeting was called to order by Mayor Jack Edwards at 6:33 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Council Member Melissa Davis, led the group in the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Edwards asked for a general moment of silence for our police, fire and first responders and our military men and women. He noted that the Fire Department recently held their Awards Banquet which was phenomenal.

ORDER OF BUSINESS:

Adoption of the Agenda:

Council Member Melissa Davis moved to adopt the agenda as is, with Council Member Debbie Fowler seconding the motion. There were ayes by all and agenda was adopted as is.

Approval of the Minutes from the Regular Meeting of January 8, 2019 and the Work Session Minutes of January 28, 2019.

A correction regarding the discussion on the town's HRA policy was requested. The minutes should clarify that the HRA benefit will no longer be offered to retirees beginning 7/1/19. Council Member Debbie Fowler moved to approve both sets of minutes with the above correction. Mayor Pro Tem Phillips seconded the motion and there were ayes by all.

Consent Agenda:

The Consent Agenda consisted of the following items: a) *Financial Report as of January 31, 2019*. Mayor Pro Tem David Phillips moved to approve the Consent Agenda as is. Council Member Debbie Fowler seconded the motion and there were ayes by all. Motion passed 4-0.

PUBLIC COMMENT:

Jane Shutt –Jane Shutt of the Pineville Neighbors Place provided an update on their activities to date: they served 77 people in need during the month of January with assistance in food, rent and utility bills. Pineville Neighbors Place will be holding their first fundraiser dinner on March 7th from 6:30 p.m. to 8:00 p.m. at Pineville United Methodist Church. Contact Jane for tickets or to be a sponsor.

PUBLIC HEARINGS:

a) Joint Public Hearings with Planning Board for Proposed Text Amendments (Travis Morgan):

- 1. Applicant Request for Off-premise Signage** – Text Amendment Request for Off-premise Signage for Landlocked Parcels. Planning and Zoning Director, Travis Morgan, stated that the request was being made by the applicant, Sherri Hartsell, who was representing a company proposing to go into the old Dick's Sporting Goods location just off of NC51 between Office Depot and Jerod's. Dick's Sporting Goods is relocating into the space at the Carolina Place Mall vacated by Macy's. The address of the old parcel of land is 9600 Pineville-Matthews Road and it sits back off the street so the site is land-locked with no street frontage to utilize to advertise their business so the request is being made to allow a sign on Jerod's property.

Mr. Morgan noted that Dick's went into the location prior to Jerod's being built. Our ordinance doesn't currently allow for a sign so the request is being proposed as a text amendment to apply not only to this property but to similar land-locked parcels. He wanted to be sure to craft something that was fair and reasonable while limiting any liability to the town so the amendment would apply only to the B4 zoning district. Any sign that might be erected at the site would be a ground-mounted monument sign. Mr. Morgan went on to review proposed guidelines from his staff report.

A motion was made and seconded to open the Joint Public Hearing with the Planning Board at 6:46 p.m. Mr. Morgan stated that Sherri Hartsell was in attendance to answer any questions should council have any. Council Member Melissa Davis asked if an agreement between Jared's and the new tenant was reach. Mr. Morgan indicated that they had worked something out. Mayor Edwards asked if approved would other similar situations have to go through Council. Mr. Morgan indicated that it would just need to go through him for approval. Mayor Pro Tem David Phillips wanted to know how it would affect Jared's allotment of signage. Mr. Morgan stated that the old Dick's sign would have to come down but Jared's should be fine as long as they agreed on the ground-mounted monument sign. Responding to a question by Council Member Davis, Sherri Hartsell stated that Jared's and Dick's were not owned by the same entity.

Hearing no further questions or comments, Council Member Debbie Fowler moved to close the public hearing, seconded by Mayor Pro Tem Phillips. There were ayes by all and the Joint Public Hearing ended at 6:52 p.m.

At this point, Chair Jim Knowles called the Planning Board to order at 6:53 p.m. He asked for questions or Comments of which there were none. Board Member William Chaney moved to recommend approval of the text amendment to allow off-premise signage for land-locked parcels. Board Member Eric Fransen seconded the motion and there were ayes by all. Mayor Pro Tem David Phillips moved to approve the text amendment for signage, seconded by Council Member Debbie Fowler. There were ayes by all and the motion passed unanimously.

- 2. Proposed Text Amendment for Non-Conformities** – Mr. Morgan indicated that the next item was more a matter of general house-keeping to clean up the section of the zoning ordinance pertaining to non-conformities. There was no real change but more clarification on non-conforming uses. He provided an example that if any new car dealerships want to set up shop on Polk St., they would need to go before council. If one of the other auto shops on Polk St. moves out, there is a 90-day limit to put another auto use in that spot before they are no longer permitted to do so. Most other towns give businesses a limit of one year so this was stricter than most. Additionally, if more than 50% of the tax value of a

nonconforming structure is damaged, it may not be repaired or replaced except in accordance with current zoning requirement and as approved by the Planning Director. The Zoning Ordinance was vague and these changes just make it clearer. Having no additional comments, Council Member, Melissa Davis moved to open the Public Hearing at 7:00 p.m., seconded by Council Member Debbie Fowler. There were ayes by all and the second Public Hearing was opened. Council Member Davis asked if these changes had anything to do with properties on Polk St. and NC 51 that, after one year, still have not put in the required side-walks, lighting, landscaping and screening. Mr. Morgan indicated that it did. Ms. Davis then asked if it would apply to Fifth/Third Bank property. Mr. Morgan stated that the property would be in a holding pattern until they came in for a permit to start construction. At that time, they would not be able to obtain a permit until they came into compliance with current zoning requirements such as landscaping, streetscaping, and signage before the non-conforming property can be built on or a nonconforming structure is reoccupied.

Council Member Joe Maxim asked about our ordinance being in conflict with properties with historical designation. Mr. Morgan responded that if the property was an historical conditional property, it would not be affected unless it goes back in front of council but if there was more than 50% of damage to the property, it would need to go in front of council but as long as they made sustained, continuous progress, they would be fine.

Using the tax value of a piece of property or structure to determine the percentage of damage is fine until it comes to signage. Since signs do not hold a tax value, the actual value of the sign will be used in determining the percentage of damage to a nonconforming sign. Therefore, nonconforming signs damaged by more than 50% of their value, shall not be rebuilt or repaired unless in conformance with zoning regulations.

Mayor Pro Tem David Phillips wanted to know if text amendments were dated. Mr. Morgan replied that they weren't. Mayor Pro Tem Phillips moved to exit the Public Hearing with Council Member Melissa Davis seconding the motion. There were ayes by all and the Public Hearing concluded. Planning Board Chair, Jim Knowles, asked if there were any comments or questions before making their recommendation. Hearing none, Board Member, Eric Fransen, motioned to recommend the proposed changes to nonconformities, seconded by William Chaney. There were ayes by all to recommend the proposed changes regarding nonconformities.

Council Member Joe Maxim, moved to approve the proposed changes for nonconformities with Council Member Melissa Davis seconding the motion. There were ayes by all and the changes were approved unanimously.

- 3. Proposed Text Amendment for Determining Parking Calculations** – Mr. Morgan stated that he was proposing a text amendment to the way parking requirements for new businesses, etc. have been calculated in the past. Previously, staff had to take the word of the applicant regarding the number of employees working in a facility which was the method used in calculating the number of parking space required for that use. Mr. Morgan was uncomfortable with that method and proposed eliminating employee-based calculations. Instead, he was proposing to use square footage of the gross floor area and easily measured characteristics such as the number of bedrooms in a hotel, etc. He broke it down into categories to make it easier to find in the ordinance including calculations for residential uses, commercial uses, industrial and civic uses and tried to make it as thorough as possible.

Council Member Melissa Davis moved to open the Public Hearing regarding off-street parking calculations. Mayor Pro Tem Phillips seconded the motion and there were ayes by all to open the public hearing at 7:17 p.m.

Mayor Pro Tem Phillips asked if the new method of calculating parking spaces was used for a recently approved warehouse on Downs Road. Mr. Morgan responded that it was. Planning Board Chair, Jim

Knowles asked if the new calculation process was for new facilities and existing ones like the Lakeview Living Center. Mr. Morgan stated that moving forward it would be for new facilities; the Lakeview Living Center was currently a nonconforming. Additionally, it did not pertain to conditional approvals.

Mayor Pro Tem Phillips moved to close the Public Hearing at 7:22 p.m. Council Member Melissa Davis seconded the motion and there were ayes by all to close the Public Hearing. The Planning Board made their recommendation in favor of the new calculation method with Mr. Chaney moving to approve the new plan as presented and Mr. Fransen seconding his motion. There were ayes by all. Council Member Melissa Davis then moved to approve the text amendment revising the method of calculating off-street parking. Mayor Pro Tem Phillips seconded the motion and there were ayes by all to approve the change.

4. **Proposed Amendment to the Town Code for On-Street Parking** – Mr. Morgan stated that the next text change was both for the Zoning Ordinance and the Town Ordinance regarding on-street parking. Mr. Morgan stated that the town recently made some changes to the regulations pertaining to parking on the front yard and now he was proposing changes to clarify on-street parking to prohibit vehicles larger than 80" wide from parking on the street. Regular passenger vehicles can continue to park on the street. Trailers, material and equipment are also prohibited from being parked on the street.

There has to be a line to distinguish between residential and commercial vehicles and since vehicles seem to be increasing in size, the weight limit was increased from 5,000 lbs. to 7,000 lbs. Cars parked on the street are one thing but some of the larger vehicles and trucks are difficult to see around. The intent is not to deny people a place to park but for safety reasons, restrictions need to be in place. The 15 feet of unobstructed clearance still needs to be maintained.

Mayor Pro Tem David Phillips moved to open the Public Hearing, seconded by Council Member Joe Maxim. There were ayes by all and the Public Hearing was opened at 7:31 p.m.

Mayor Pro Tem David Phillips stated that pickup trucks were being made bigger now and some families will feel the affect if they are not allowed to park on the street. He asked if there was 15 feet of clearance on Cone Ave. Mr. Morgan stated that he thought there was but some other streets like Eden don't have the 15 feet of clearance for emergency vehicles to pass through. Mr. Phillips stated he understood the concern but there were some people out of compliance and he was concerned that they would need to get new vehicles. Mr. Morgan stated that the town has tried to allow for more vehicles to be parked in the front yard and has enlarged the area that vehicles are permitted to be parked on in the front.

Planning Board Member, Thomas White, added that Pineville was in a transitional period and there was more of a need now, than in the past, for larger vehicles. He asked if Powell Bill funds allowed for expanding the size of the road. Mr. Morgan stated that if we had a new road being built or a repair to a road, that's when we would look at widening a road but it would be ranked with other road projects and then decided upon which projects require immediate attention vs. those that may be more of a wish than a need.

Mayor Jack Edwards stated that the town code already had the 80" rule that did not permit vehicles over that size to be parked on the street. He added that the town was not going after anyone but simply clarifying the rules and enforcing them. There are also concerns with ladder trucks trying to get through the street and it just becomes more difficult. Mr. Jim Knowles of the planning Board understood the concern about vehicles parked on the road but safety is the biggest concern here. Neighbors just need to be aware of where they are parking since some of our streets are so narrow. Mr. Morgan reiterated that it was a difficult situation and he tried to remedy it by allowing more parking in the front yard.

Council Member Melissa Davis, asked who was responsible for enforcing the 15-foot rule. Mr. Morgan responded that if it were in the Town Code, generally it's a police matter. The first incident is usually a warning, not a citation. He thought both the Planning and Zoning Department and the Police Department

have issued warnings. Council Member Davis stated that a warning from the Police Department might carry more weight than one issued from the Code Enforcement Officer.

The floor was opened up to resident, Lane Wise, who stated he had a large family and drove a large, 12-passenger van which he's been parking on the street for 20 years but is now no longer able to. He also drives a pickup truck which is 91 inches wide, as well as a tractor trailer as he drives a truck for a living. He can't downsize with the size of his family and is concerned about the 80-inch rule and wanted to work something out. Mr. Morgan stated that the intent was to settle on a reasonably sized vehicle that could be parked on the road and not be a safety issue.

Town Manager, Ryan Spitzer, stated that Mr. Morgan would revisit the proposed text amendments to allow passenger vehicles to park on the road and would work on changing the wording for semi-trucks. Council Member Davis asked that he also revisit the section regarding parking of contractor vehicles performing repairs at a home or doing a painting or remodeling job on the home. Mr. Spitzer added that the town was trying to resolve the issue of neighbors parking on either side of the road, not leaving at least 15 feet of clearance between the them. The issue becomes who was parked there first and sometimes it can't be determined so both have to be written up with warnings.

Mayor Pro Tem David Phillips moved to close the public hearing at 8:04 p.m. seconded by Council Member Joe Maxim. There were ayes by all and the hearing was closed. Mayor Edwards recommended this item be tabled until the April Council Meeting.

PUBLIC HEARINGS:

- b) **Public Hearing on Districting (Ryan Spitzer):** A hearing to obtain feedback on the proposal to increase the number of Town Council Members from 5 to 7 and to change the mode of election from "At Large" to "Districts".

Mayor Edwards announced that there were several people that wanted to speak on the issue so he was limiting each speaker to 3 minutes. He asked that each speaker identify who they were and give their address for the record. Town Manager Spitzer, added that no vote would be taken tonight but that it was just a hearing to obtain citizen comment. Mr. Spitzer reviewed the proposed ordinance with the audience and stated that the ordinance could be adopted no earlier than the next Council Meeting and no later than 60 days after the public hearing. Council Member Melissa Davis moved to open the public hearing, seconded by Council Member Debbie Fowler. There were ayes by all and the public hearing was opened at 8:07 p.m.

The following individuals on districting:

1. Barbara Manning – 415 Ridgely Green Dr.
2. Mike Deppen – 618 Ridgely Green Dr.
3. Alan Rosero – 8631 McCullough Club Dr.
4. Nikki Perry – 15724 Weeping Valley Dr.
5. Andy Waligowski – 15149 Country Lake Dr.
6. Toni Grove – 9811 Whispering Willow Ct.
7. Kevin Kendrick – 15712 Country Lake Dr.
8. Jim Eschert – 116 Mallard Dr.
9. Bill Ryan – 12503 Short Lane
10. Dan Sachs – 10149 Bishops Gate Blvd.
11. Andrea Blosser – 13119 Jacks Lane
12. Richard Carbonara – 13300 Old Compton Ct.
13. Bolyn McClung – 115 Olive St.

Comments from residents listed above included the following:

- Wait until the 2020 census before moving forward with districting
- Allow people to vote on it
- Support changing the number of board members
- Not enough information/feeling of being rushed into doing this
- Council can table a decision on street parking for months but ram districting down our throats
- Questioning whether it is fiscally responsible to do this now/why no mention of districting previously
- Pool of candidates already narrow; limiting it more by moving to districts
- Where is money coming from to hire consultants to draw districts
- What is driving this; why is this a burning issue
- You can achieve diversity in a more constructive way
- The system as it is does work; don't need to make it worse
- A thank you to Council for what they do; keep up the good work
- Why now, why the rush? No reason to rush this
- Districting never mentioned in any previous minutes
- Doesn't make sense not to wait until the 2020 Census; costlier to hire consultants to draw up districts
- Appalled at using rooftop count and not the Census count; halt the process and take time to understand the process

Mayor Edwards stated that Council may or may not respond to the comments and questions. Council Member Joe Maxim stated publicly that all four board members were for Pineville together; they were all working in the best interest of the town so that everyone benefits. It was pointed out that due to the actions of Council Member Melissa Davis, the DOT was looking at potholes and getting them fixed on the roads that are state-maintained and DOT has also agreed to do a study to improve Main St. to demonstrate that they were all working together for the betterment of Pineville.

Mayor Pro Tem David Phillips stated that he did not intend to make comments but decided to. He explained that he's wanted to propose districting before he ended his career on Council and that it had nothing to do with the Census. It's a process that we are going through right now and there is a path that needs to be followed with timeframes and deadlines that have to be met. A petition can be signed by residents to put it to a vote; if people want this to go to a vote, then sign this petition. He apologized to the members of the audience if he came across as "scolding them but he wasn't. Mayor Edwards interjected and asked everyone to please calm down. Mayor Pro Tem Phillips continued stating that the process has to be done and completed within a certain timeframe and that is why everyone is feeling rushed. Once you begin the process, the timelines have to be adhered to. Council Member Melissa Davis moved to close the public hearing, seconded by Council Member Joe Maxim. There were ayes by all and the public hearing ended at 8:53 p.m. Mayor Edwards called for a short break.

OLD BUSINESS: *None*

NEW BUSINESS:

- A. **Audit Contract** (*Richard Dixon*) – Finance Director, Richard Dixon, stated he had two actions items, the first being the second-year renewal of a five-year contract with Martin Starnes and Associates for audit services. Council Member Melissa Davis asked about the total cost for the year and if the amount in section C of the agreement represented the total cost for their services. Mr. Dixon indicated that it was. Mayor Pro Tem Phillips moved to approve the audit contract, seconded by council Member Davis. There were ayes by all and the audit contract was adopted.
- B. **Budget Amendment** (*Richard Dixon*) – Mr. Dixon's second item was a budget amendment to reallocate funds to adjust line items. Repairs to a sink hole had to be made; the town received grant money for an AMI study; and money was moved from Culture and Tourism to the Dog Park and Splash Pad. Council Member

Joe Maxim moved to approve the budget amendments as presented, seconded by Council Member Melissa Davis. There were ayes by all and the budget amendment was approved.

C. Staff Update: (Ryan Spitzer) – Town Manager, Ryan Spitzer, updated Council on the following items:

- He received comments on the EMP and is currently working on it; DEQ sent Brownfields Report with comments as well and DFA has confirmed that the developer will not have any liability
- Addressed comments on FaceBook regarding contaminated soil; there are no contaminants in the ground as of now; the only recommendation was that there be no residential development on the mill property
- CI has mobile unit at PD; new system was delivered today
- Splash Pad – still waiting for backflow to be signed off on – the person at the county that signs off on it is on vacation; still planning to be open by May 27th, Memorial Day weekend; all materials are here and being stored so as soon as approval is granted, we'll be ready to move on it. Council Member Joe Maxim asked if there had been any cost changes to which Mr. Spitzer replied that there hadn't been any

Mayor Edwards called for a ten-minute break before moving into Closed Session.

CLOSED SESSION: At 9:15 p.m. a motion was made and seconded to enter Closed Session. There were ayes by all and Council was in Closed Session. An on-going real estate transaction was discussed and a request considered by Council. At 9:51 p.m. Mayor Pro Tem Phillips moved to exit Closed Session and reenter Open Session. Council Member Debbie Fowler seconded the motion. There were ayes by all.

Once Council returned to Open Session, Council Member Debbie Fowler moved to approve the extension of Lending Tree's MOU another 60 days until 4/5/19. Council Member Melissa Davis seconded the motion and there were ayes by all to extend the contract another 60 days.

ADJOURNMENT: Having no further business, Council Member Debbie Fowler moved to adjourn the meeting with Mayor Pro Tem Phillips seconding the motion. There were ayes by all and the meeting adjourned at 9:53 p.m.

Mayor Jack Edwards

ATTEST: _____
Barbara Monticello, Town Clerk



**MINUTES OF THE
TOWN COUNCIL WORK SESSION OF
MONDAY, FEBRUARY 26, 2019 · 6:00 P.M.
118 COLLEGE ST., PINEVILLE, NC**

The Town Council of the Town of Pineville, NC, met in a Work Session on Monday, February 26, 2019 at 6:00 p.m. at the Pineville Telephone Co. located at 118 College St. in Pineville.

ATTENDANCE

Mayor: Jack Edwards
Mayor Pro-Tem: David Phillips
Council Members: Melissa Davis and Joe Maxim
Council Member Debbie Fowler was absent
Town Manager: Ryan Spitzer
Town Clerk: Barbara Monticello
Planning Director, Travis Morgan

Attendees: Susan Barwick, representing Carolina Place Mall and Jeffrey Cropp, representing Mills Automotive Group.

CALL TO ORDER

Mayor Edwards called the meeting to order at 6:00 p.m. A motion was made by Council Member Joe Maxim and seconded by Council Member Melissa Davis to accept the agenda as is. There were ayes by all and the meeting was opened.

DISCUSSION ITEMS:

- A. Request for Signage (Travis Morgan)** – Planning and Zoning Director, Travis Morgan, stated that Susan Barwick of the Carolina Place Mall, was in attendance to request new and more signage than what zoning or their conditional plan allows. The request is for a new, 38-foot tall sign along NC51 and the proposed signage along 485 is substantially bigger than what is allowed at 73'2" tall and approximately 416.76 sq. ft. wide. Mr. Morgan added that the wayfinding signs within the property were also being revised. He stated to Council that there were two choices on how to handle the request: it could be done as a text amendment or Council could conditionally approve a sign package but if they did that, they could possibly get pushback from other businesses. The town would need to have clear, well-defined reasons for approving the mall and no one else.

Ms. Barwick was given the floor to speak. She stated that the Carolina Place Mall was looking to have better signage, better exposure from NC51 and some exposure on the 485 side of the property. They have very little exposure from 485 and they wanted people to know where they are. They want to be competitive and entice people in and having fresh, updated signage would help. Malls are struggling right now and they need all the help they can get.

Council Member Melissa Davis' biggest concern was that if they allowed the mall to have more signage, then Council would have to allow others to have it as well and the goal of the town was to reduce signage as much as possible. She continued stating that visibility was not their biggest issue; it was safety. She then asked Ms. Barwick if there were two different colored signs or if the one sign was going to change colors. Ms. Barwick responded that the monument sign would change colors. Council Member Joe Maxim agreed that if they allowed the signage for one, they would have to allow it for all.

Mr. Morgan advised that the safer way to go would be a text amendment. It would be more equitable doing it that way. Something could be crafted specifically for the BP district but he would have to take a look at how many properties would be affected. Originally, the BP district was for properties over 20 acres so something would need to be crafted very specific so that it could be defended if challenged. Council Member Joe Maxim thought it would be tricky to do that unless square footage was attached to it in some way. Mayor Edwards asked if the 485 sign was the biggest issue. Mr. Morgan acknowledged that it was. Council Member Davis wanted to know why a sign wasn't erected when the mall was built and added that she didn't want to see sign after sign after sign.

Ms. Barwick explained that she respected Pineville's sign ordinance but malls were struggling these days and they just want to do whatever they can to help the stores stay in business. Signage is just one piece of what needs to be done. Mr. Morgan fully understood and stated that malls were on the minds of a lot of planners these days because of the uncertainty of what the future holds for them with online shopping being so popular today. Council Member Davis could not understand how the mall could be built without any sidewalks in place. Once again she cited safety as the number one issue with the Carolina Place Mall. Mr. Spitzer stated that with the greenway coming through that area, there will be connectivity and there should be crosswalks with that project from Leitner over to the mall.

Mr. Morgan stated that he would work to tailor the text amendment very narrowly so as not to saturate the area with sign after sign. Mayor Pro Tem Phillips would like to see something worked out to help the mall as well as Centrum Plaza. Ms. Barwick asked if a decision could be made that night. Mr. Morgan stated that if the sign was below 50 sq. ft., they were fine, but anything above what is allowed has to first be presented to the Planning Board and then hold a Joint Public Hearing on the matter before it could be considered for approval. Both Mayor Edwards and Town Manager, Ryan Spitzer, acknowledged that there wasn't enough time to get them approved and constructed by the time Dicks Sporting Goods had their grand opening. Mr. Morgan added that their sign was 10 feet over what was allowed but if they could fit it all in 50 sq. ft. they wouldn't need approval. Ms. Barwick was not sure if they could reduce it that much; the font on the sign could not be less than 4" tall or people would not be able to read it. Mayor Edwards suggested Ms. Barwick get with Mr. Morgan and the sign company to see if there was something that could be worked out to get directional signage approved quicker.

- B. Mills Automotive (Travis Morgan)** – Mr. Morgan stated that the Mills Automotive Group (new Dodge dealership) was requesting additional parking in the back of their lot where Coastal Carolina Concrete Pumping used to be. They simply want to use this area for vehicle storage; no customers would be brought back in that area. Since this was a conditionally approved, any such changes need to go before Council. They are looking to improve the narrow lot between Cadillac Street and the railroad tracks. The standard sidewalks, trees, and screening will still be required but they are also requesting a 3-year waiver on installation of those items. The Mills Automotive Group is also interested in the triangular wedge of land by the old road stub which the town has also been interested in acquiring from the NCDOT. Additionally, Electricities is interested in the building vacated by the concrete company to store electric poles and other equipment in.

The floor was turned over to Jeffrey Cropp, representing the Mills Automotive Group. Mr. Cropp stated that the company had done all sorts of forecasts and studies before acquiring the property that they currently occupy but they still didn't know what they would be up against once they opened the business. The feedback they were getting from customers and their vendors is that the lot is very tight and the trucks were having a hard time making the deliveries. They currently have 403 parking spaces but because of all the brands represented at the dealership, there just isn't enough room to maneuver. Half of their current inventory is being stored at their Fort Mill property and the time it is taking a car to be brought up from Fort Mill is taking too long for customers.

Mayor Edwards asked how many cars they think could fit in the additional space and if they planned on screening it. Mr. Cropp replied that he didn't know but thought about 250-275 vehicles could fit in the space and they would screen the area if they had to. There was concern about what might go in that area in the future. Mr. Cropp stated that was one of the reasons he spoke to Travis so much was to find out what could go in that area. Council Member Melissa Davis just wanted to be kept in the loop as to what goes in that space. Town Manager, Ryan Spitzer, stated that the town's electric department was interested in the property to store telecommunications and electrical transformers, etc. in behind a fenced area.

Mayor Edwards asked if a conditional use be set up for the parking lot to come back later to council for approval use afterwards. Mr. Morgan replied that council could put conditions on one lot or the other lot or both. Council indicated that they wanted to have the screening done as soon as possible but they could wait on the sidewalks being installed. Council Member Davis asked Mr. Cropp to approach the owner of the builder to let him them know they may have a use for the building. Mr. Spitzer added that they needed to consider the rail dust that would accumulate on the cars stored there.

A brief discussion regarding the fence took place with Mr. Morgan advising council that they could approve whatever type of fencing they wanted. He will work on the terminology for the main parcel, what the screening will be and also how the landscaping should be. He will work with the Mills Group to work out a resolution.

C. Staff Update: Mr. Spitzer provided an update on the following items:

1. Splash Pad – concrete sidewalk was poured; Vortex will begin once the mud dries. The number of rain days and delays needs to be calculated since there has been so much rain.
2. Reviewed concept drawings for new gym floor to determine the which one Council liked most; decided on logo without the North Carolina underneath.
3. Census Committee – Mr. Spitzer asked if any Council Members were interested in participating on the committee. Mecklenburg County requested a council member be on the committee but would accept a resident if no council member volunteered. Council wanted to know more about the meetings and their obligations before agreeing to participate on it. The clerk agreed to find out more information from the county on how much time would be involved in being on the committee. Council Member Maxim stated that if no council member wanted to be on the committee, he had a resident in mind that would volunteer to be on it.
4. The Arts and Science Council's Culture Block program will be installing are work around the park.
5. Sales and Use Tax - Mayor Edwards reported that he was successful in getting a bill drafted to approve a ¼ cent sales and use tax for Pineville which will be on the ballot in November. A resolution of support will be presented to Council at the next Council Meeting in March. The estimated revenue that will be generated is expected to be about \$2.6 million and can be used for sidewalks and street improvements.

ADJOURNMENT: There being no further business to discuss, a motion was made by Mayor Pro Tem Phillips and seconded by Council Member Melissa Davis to adjourn the meeting at 8:33 p.m. There were ayes bay all and the meeting adjourned.

Jack Edwards, Mayor

ATTEST:

Barbara Monticello, Town Clerk

CONSENT AGENDA ITEMS

- a) Financial Report as of 2/28/19*
- b) Resolution No. 2019-02 for
Surplus Items*
- c) Tax Refund*
- d) Census Volunteer, Troy Fulz*

Town of Pineville
Budget vs. Actual
2/28/2019

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Property Tax	\$ 6,475,000	\$ 6,651,871	102.73%
Prepared Food Tax	625,000	367,544	58.81%
Room Occupancy	590,000	347,626	58.92%
Franchise Tax	900,000	533,892	59.32%
Sales Tax	1,200,000	941,476	78.46%
Storm Water	405,000	242,143	59.79%
Powell Bill	201,760	207,614	102.90%
Other	1,426,735	1,285,811	90.12%
Appropriated F/B - Cultural Reserve	68,000	68,000	100.00%
Appropriated F/B - Restricted Police	166,000	166,000	100.00%
Appropriated F/B General	682,925	682,925	100.00%
Total	\$ 12,740,420	\$ 11,494,903	90.22%
Expenditures			
Governing Board	\$ 210,861	\$ 197,757	93.79%
Administration	792,274	440,908	55.65%
Zoning	329,513	206,341	62.62%
Police	5,142,487	3,549,465	69.02%
Fire	2,097,600	1,841,416	87.79%
Public Works	711,005	430,351	60.53%
Storm Water	422,488	284,221	67.27%
Powell Bill	594,000	446,327	75.14%
Sanitation	437,750	272,727	62.30%
Recreation	576,139	300,506	52.16%
Cultural/Tourism	1,334,503	946,236	70.91%
Cemetery	4,000	927	23.18%
Contingency	87,800	-	0.00%
Total	\$ 12,740,420	\$ 8,917,180	69.99%

Town Of Pineville
Johnston Road Realignment
2/28/19

	FY17	FY18	FY19	Total Project	Project Budget
<u>Road Realignment Revenue</u>					
DOT grant	-	-	-	-	
General Fund Balance				1,957,000	1,957,000
Total Road Realignment Revenue	-	-	-	1,957,000	1,957,000
<u>Road Realignment Expense</u>					
Land/Building	-	731,228	6,586	737,814	725,000
Engineering	-	74,089	32,018	106,107	307,000
Construction	-	-		-	925,000
Total Road Realignment Expense	-	805,317	38,603	843,920	1,957,000

Town Of Pineville
Splash Pad/Dog Park
2/28/19

	FY17	FY18	FY19	Total Project	Project Budget
Cultural & Tourism Reserves	-			361,460	361,460
Part F Grant	-	-	74,017	361,460	361,460
Total Part F Grant Revenue	-	-	74,017	722,920	722,920
Part F Grant Expense					
6201.7200.70	32,656	61,816	117,509	211,981	722,920
6201.7400.70			118,754	118,754	
Total Part F Grant Expense	32,656	61,816	236,263	330,735	722,920

Town of Pineville
Electric Fund
2/28/2019

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Electric	12,989,851	8,393,042	64.61%
Expenditures			
Administration & Billing Support	468,371	324,463	69.27%
Purchased electricity	9,146,980	5,556,777	60.75%
Operations and Maintenance	3,374,500	1,086,380	32.19%
Total	<u>12,989,851</u>	<u>6,967,619</u>	<u>53.64%</u>

Town of Pineville
ILEC Telephone Fund
2/28/2019

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Revenues	1,604,540	1,058,000	65.94%
Telephone Reserves	1,510,610	1,510,610	100.00%
Total Revenue	<u>3,115,150</u>	<u>2,568,610</u>	82.46%
Expenditures			
Operating Transfer Out	499,357	-	0.00%
Operating Expenses	1,216,043	745,343	61.29%
Plant under Construction	<u>1,399,750</u>	<u>54,193</u>	<u>3.87%</u>
Total	<u>3,115,150</u>	<u>799,536</u>	25.67%

Town of Pineville
CLEC Telephone Fund
2/28/2019

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Revenue	999,254	742,652	74.32%
Transfer from ILEC	499,357		0.00%
Total	<u>1,498,611</u>	<u>742,652</u>	49.56%
Expenditures			
Operating Expenses	1,347,211	835,263	62.00%
Plant under Construction	<u>151,400</u>	<u>-</u>	<u>0.00%</u>
Total	<u>1,498,611</u>	<u>835,263</u>	55.74%



RESOLUTION NO. 2019-02

**RESOLUTION OF THE TOWN OF PINEVILLE, NORTH
CAROLINA DECLARING SURPLUS ITEMS FOR SALE
VIA ELECTRONIC AUCTION AND/OR DISPOSAL VIA
DONATION OR RECYCLE**

WHEREAS, G.S 160A-265 authorizes the Town Council to dispose of surplus property and G. S. 160A-270 (c) authorizes the sale of surplus property by means of electronic auction; and

WHEREAS, the Town Manager, along with Department Heads, have declared surplus and unusable personal property as listed in "Exhibit A";

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Town Council hereby authorize the Town Manager to dispose of the listed items by utilizing the on-line internet auction services of Public Surplus and/or Gov Deals and the Town Clerk to dispose of other surplus items via donation or recycling of such items. The Town Manager and Town Clerk shall have the right to add or delete from the properties listed and any items not sold may be disposed of by any other means available, including sale at public auction, donation to non-profit organization, or destruction, whichever is deemed to be in the best interest of the Town.

Adopted this _____ day of March, 2019.

SEAL:

Mayor Jack Edwards

ATTEST:

Barbara Monticello, Town Clerk

EXHIBIT "A"

Surplus Property for Auction, Donation, Recycling, Destruction, Sale

Surplus Items

QTY	DEPT	DESC	Vin/Model/Serial #	How Disposed Of	Effective Date	
1	PD	2006 Dodge Charger	Vin# H504959	Online Auction	03/12/19	
1	PD	2009 Ford Crown Vic	Vin # X109330	Online Auction	03/12/19	



Pineville Town Hall
P.O. Box 249
Pineville, NC 28134
Telephone: 704-889-2291

Memorandum:

Date: March 6, 2019
To: Mayor Edwards and Town Council
From: Finance Department
Re: Tax Refund

Please approve the following tax refunds during the March 2019 council meeting. Total refund due \$475.80

Approval _____ **Date** _____

PINEVILLE Refunds

Tax Year	Bill Number	Source Type	Adj #	Adj Reason	Date of Adj	Refund Recipient Name	Refund Address Line 1	City	State	Zip	Refund Amount (\$)	Fire District
2017	0007661368-2017-2017-0000-00	BUS	574177	Listed In Error	2/13/19	ALDI INC (NC) SBY 107	PO BOX 460049	HOUSTON	TX	77056	475.80	
Total											475.80	

Memorandum



To: Mayor and Town Council

From: Barbara Monticello

Date: 3/7/2019

Re: Consent Agenda: Census Committee Volunteer

Mecklenburg County requested the name of a volunteer to participate on the Complete Count Committee for 2020. They indicated they would like to have a Council Member participate on this committee but if unable to commit, they would take a resident.

It is difficult for Council Members to take part in a committee that requires a sizable time commitment such as this, therefore, Council Member Joe Maxim has recommended resident, Troy Fultz, to participate on this Committee.

OLD BUSINESS

A. Districting

Memorandum



To: Mayor and Town Council

From: Barbara Monticello

Date: 3/8/2019

Re: Old Business: Charter Amendment Procedures/Timeline

Attached are the procedures/timeline for Charter Amendments by Ordinance. Currently, we are at Step #6 where Council has the option of making the proposed ordinance amending the charter only effective upon the vote of the people, or approve it and it becomes effective if no petition is filed by the voters within 30 days.

If Council chooses the first option, to subject the ordinance to a vote of the people, a resolution must be drawn up calling for a special election and must be adopted at the same time as the ordinance amending the charter. However, the caveat to this is, the election can only be held at the same time as another election is being (See #3 of section IV) and the ordinance and resolution cannot be adopted more than 90 days before the election.

In other words, if Council opts to have the election in November with the other municipal elections, the ordinance and resolution cannot be adopted any earlier than at its August Council Meeting. Additionally, if the charter amendments are approved, they do not go into effect until the election held in November, 2021.

CHARTER AMENDMENT BY ORDINANCE
PROCEDURES AND FORMS

The governing body of a city, town or village has a limited authority to amend the municipal charter by ordinance in order to implement certain types of charter changes. Charter amendments by ordinance are restricted to the options set out in G.S. 160A-101: the name of the municipality, the style of the corporation, the style of the governing body, the term of office of governing body members, the number of governing body members, the mode of election, the type of election, the selection of the mayor and the form of government. Any Charter amendment not authorized by G.S. 160A-101 must be accomplished by local act of the General Assembly.

Charter amendments by ordinance may be initiated either by the governing body or by citizen petition. The procedure to be followed in each of these situations is outlined below. The full text of the statutes should be consulted prior to implementing these procedures.

I. INITIATION OF CHARTER AMENDMENT BY GOVERNING BODY

A. RESOLUTION AND HEARING

G.S. 160A-102

1. The governing body first adopts a resolution of intent to consider an ordinance amending the charter. The resolution must briefly but completely describe the proposed amendments and refer to the pertinent provisions of G.S. 160A-101. See Form #1.
2. At the time the resolution of intent is adopted, the governing body calls a public hearing on the proposed charter amendments. The hearing must be set for some date between 10 and 45 days after adoption of the resolution. See Form #1.
3. Notice of the public hearing is published at least once in a newspaper having general circulation within the municipality. The notice must contain a summary of the proposed amendments and it must be published at least 10 days prior to the date set for the hearing. See Form #2.
4. The public hearing is held and interested persons are afforded the opportunity to be heard if they so desire.
5. No earlier than the next regular meeting of the governing body and no later than 60 days after the date of the hearing, the governing body may adopt an ordinance amending the charter to implement the proposed amendments. See Form #3.

6. The governing body has two options:

- A. It may make the ordinance effective only upon approval by a vote of the people. If this option is chosen, Steps 7 through 9 below should be followed in addition to the preceding Steps 1 through 5.**
- B. If the governing body chooses not to make the ordinance subject to an approving vote of the people, the ordinance is still subject to a referendum petition, and Steps 10 through 14 below should be followed in addition to the preceding Steps 1 through 5.**

B. SPECIAL ELECTION ORDERED BY GOVERNNG BODY

G.S. 160A-102; 163-287

- 7. If the governing body chooses to make the ordinance subject to a vote of the people, it must pass a resolution at the same time it adopts the ordinance. The resolution calls a special election for the purpose of submitting the ordinance to a vote and sets the date of the election within 90 days of the adoption of the ordinance. The date selected for the election must also be a date that is permitted by G.S. 163-287. See additional discussion on this issue in item 3 of Part IV. See Form #5. A copy of the resolution should be forwarded without delay to the appropriate Board of Elections.**
- 8. The governing body is required by G.S. 160A-102 to publish a notice of the special election in accordance with G.S. 163-287 at least 45 days before the election. See Form #6. Note that G.S. 163-287 requires the Board of Elections to publish the notice as well.**
- 9. If the ordinance is approved in the special election, follow the steps in Part III below.**

C. REFERENDUM BY PETITION

G.S. 160A-102, -103

- 10. If the governing body chooses not to make the ordinance subject to an approving vote, it must publish a notice within 10 days after adoption of the ordinance stating that the ordinance has been adopted and summarizing its contents. See Form #4. If no referendum petition is filed pursuant to G.S. 160A-103 within 30 days after the publishing of the notice, the ordinance becomes effective at that time and the steps in Part III below should be followed. However, if a petition is filed, follow Steps 11 through 14, below.**

11. In order to be valid, a referendum petition must be filed with the municipal clerk no later than 30 days after publication of the notice of adoption of the ordinance. The petition must contain the signatures and residence addresses of 10% of the total number of registered municipal voters (according to the most recent figures certified by the State Board of Elections) or 5,000 voters, whichever is less. The petition must be addressed to the governing body and must identify the ordinance to be submitted to a vote.
12. Upon receipt of a valid petition, the governing body calls for a special election on a date permitted by G.S. 163-287. See Form #5. A copy of the resolution calling for the election should be forwarded without delay to the appropriate Board of Elections.
13. Notice of the election is published by the Board of Elections no less than 45 days prior to the special election as provided in G.S. 163-287. See Form #6.
14. If the ordinance is approved in the special election, follow the steps in Part III below.

II. INITIATION OF CHARTER AMENDMENT BY CITIZEN PETITION

G.S. 160A-104

1. Citizens may on their own accord bring forth proposed charter amendments and may initiate a referendum on the proposals by petition. To be valid, the petition must contain the signatures and residence addresses of 10% of the total number of registered municipal voters (according to the most recent figures certified by the State Board of Elections) or 5,000 voters, whichever is less. The petition must briefly but completely describe the proposed amendments and refer to the pertinent provisions of G.S. 160A-101. It may not propose changes in the alternative or more than one integrated set of charter amendments.
2. Upon receipt of a valid petition, the governing body must call a special election on the proposed amendments, to be held on a date permitted by G.S. 163-287. See Form #7. A copy of the resolution calling for the election should be forwarded without delay to the appropriate Board of Elections.
3. The governing body is required by G.S. 160A-104 to publish a notice of the special election in accordance with G.S. 163-287 at least 45 days before the election. See Form #8. Note that G.S. 163-287 requires the Board of Elections to publish the notice as well.
4. If the proposed amendments are approved in the election, the governing body must adopt an ordinance amending the charter to put them into effect. See Form #9. The ordinance should be filed in accordance with Part III below.

III. ORDINANCE FILING REQUIREMENTS

G.S. 160A-111; 120-30.9F

1. Once the ordinance becomes effective, the municipal clerk must file a certified true copy of the Charter amendments with the Secretary of State's office and the Legislative Library.

N.C. Department of the Secretary of State
Land Records Management Section
P.O. Box 29626
Raleigh, N.C. • 27626-0626

Phone: (919) 807-2207; Fax: (919) 807-2285
www.secretary.state.nc.us/land/ThePage.aspx
landrecords@sosnc.com

Legislative Library
300 N. Salisbury Street
Raleigh, N.C. 27603-5925
Phone: (919) 733-9390; Fax: (919) 715-5460
www.ncga.state.nc.us/library/index.html

2. Municipalities located in 40 designated counties were previously subject to the preclearance requirements of Section 5 of the federal Voting Rights Act. In June 2013 the United States Supreme Court declared Section 4 of the Voting Rights Act unconstitutional. That ruling made Section 5 unenforceable.

IV. RULES ON THE TIMING OF CHARTER AMENDMENT PROCEEDINGS

G.S. 160A-102, -104, -107, -109; 163-287

1. The governing body may not commence proceedings to initiate a charter amendment under G.S. 160A-102 between the time of filing of a valid initiative petition under G.S. 160A-104 and the date of any election called pursuant to that petition.

2. Initiative petitions may not be filed (a) between the time the governing body initiates proceedings under G.S. 160A-102 by publishing a notice of hearing on proposed charter amendments and the time proceedings have been carried to a conclusion either through adoption or rejection of the proposal or lapse of time; (b) within 18 months following the effective date of an ordinance amending the charter; or (c) within 18 months following the date of any election on charter amendments that were defeated by the voters. These restrictions only apply to petitions concerning the same subject matter.
3. G.S. 163-287, as amended by SL 2013-381, provides that a special election may be held only at the same time as any other State, county or municipal general election or at the same time as the primary election in any even-numbered year. In light of the requirement in G.S. 160A-102 that the date of an election ordered by the governing body be set within 90 days of the adoption of the ordinance amending the charter, particular attention must be paid to the timing of the commencement of the process to initiate the charter change. It must be scheduled so that the date of the adoption of the ordinance (which is the same time the resolution calling for the special election is adopted) is within 90 days of an election date permitted by G.S. 163-287.
4. Any amendment affecting the election of municipal officers shall be finally adopted and approved at least 90 days before the first election for mayor or governing body members held thereunder.
5. Charter amendments adopted by ordinance must remain in force for at least two years after the beginning of the term of office of the officers elected thereunder.

NEW BUSINESS

- A. Urban Archery**
- B. Adoption of Records Retention Schedule**
- C. Resolution No. 2019-03 in Support of ¼ Cent Sales Tax**
- D. Staff Update:**
 - 1) Manager's Report*
 - 2) Calendar of Events*

Memorandum

To: Mayor and Town Council

From: Barbara Monticello

Date: 3/7/2019

Re: **New Business:** Renewal of Urban Archery Program



Urban Archery

The intention of the Urban Archery Season is to enable cities, town, and villages to reduce the urban deer population through increased hunter opportunity. Hunting during the Urban Archery Season is allowed ONLY in designated areas of participating municipalities and only by way of bow and arrow.

The Urban Archery Season is available for cities, towns and villages that submit to the Wildlife Resources Commission by April 1 of each year a letter of intent to participate in the season. A map clearly defining the area included in the season should also accompany the letter of intent.

The Urban Archery Season does not obligate private landowners to allow hunting on their property, nor does it eliminate the ethical requirement for obtaining permission from the land - owner before hunting. Hunters are legally required to obtain written permission to hunt on posted property.

The Town has participated in this program for the last several years. Both participation in the program and the area where hunting is permitted has dwindled each year. There was only one participant that registered for the 2019 season; the map where hunting was permitted this past season is enclosed for your review.

ACTION ITEM: Council must decide if they wish to continue to participate in this program.



Deer Urban Archery Season Renewal Form

February 1, 2019

(January 11 - February 16, 2020)

Town of Pineville
Ryan Spitzer, Town Manager
PO Box 249
Pineville, NC 28134

The intention of the Urban Archery Season is to enable cities, towns, and villages to reduce the urban deer population through increased hunter opportunity. Hunting during the Urban Archery Season is allowed ONLY in participating municipalities.

<i>Please update any contact information that differs from above.</i>	Name of Municipality: <u>Town of Pineville</u>	County: <u>Mecklenburg</u>
	Name of Representative: _____	
	Address: _____	
	Phone #: _____	

Do you wish to participate in the 2020 Deer Urban Archery Season (January 11 – February 16, 2020)? Yes No

It is Wildlife Management policy to provide a complete list of participating municipalities to the hunting public in the Regulations Digest. Please indicate the phone number and/ or website to be listed in the 2019-2020 Inland Fishing, Hunting, and Trapping Regulations Digest (Please Print)

Phone Number: _____

Website: _____

Are there any changes to the map submitted with your participation letter? Yes No

If "Yes", please attached a new map to this form. (No larger than 11"X17")

Please print and sign the name of the representative for the Town of Pineville

Name of Representative: _____

Signature: _____

Thank you for your interest in the management of our state's wildlife resources. Please complete and return this form by mail to:

Shauna Glover, Program Support
Wildlife Management Division
1722 Mail Service Center
Raleigh, NC 27699-1700

Or email: shauna.glover@ncwildlife.org

David T. Cobb, Ph.D., Chief
Wildlife Management Division
(919) 707-0050

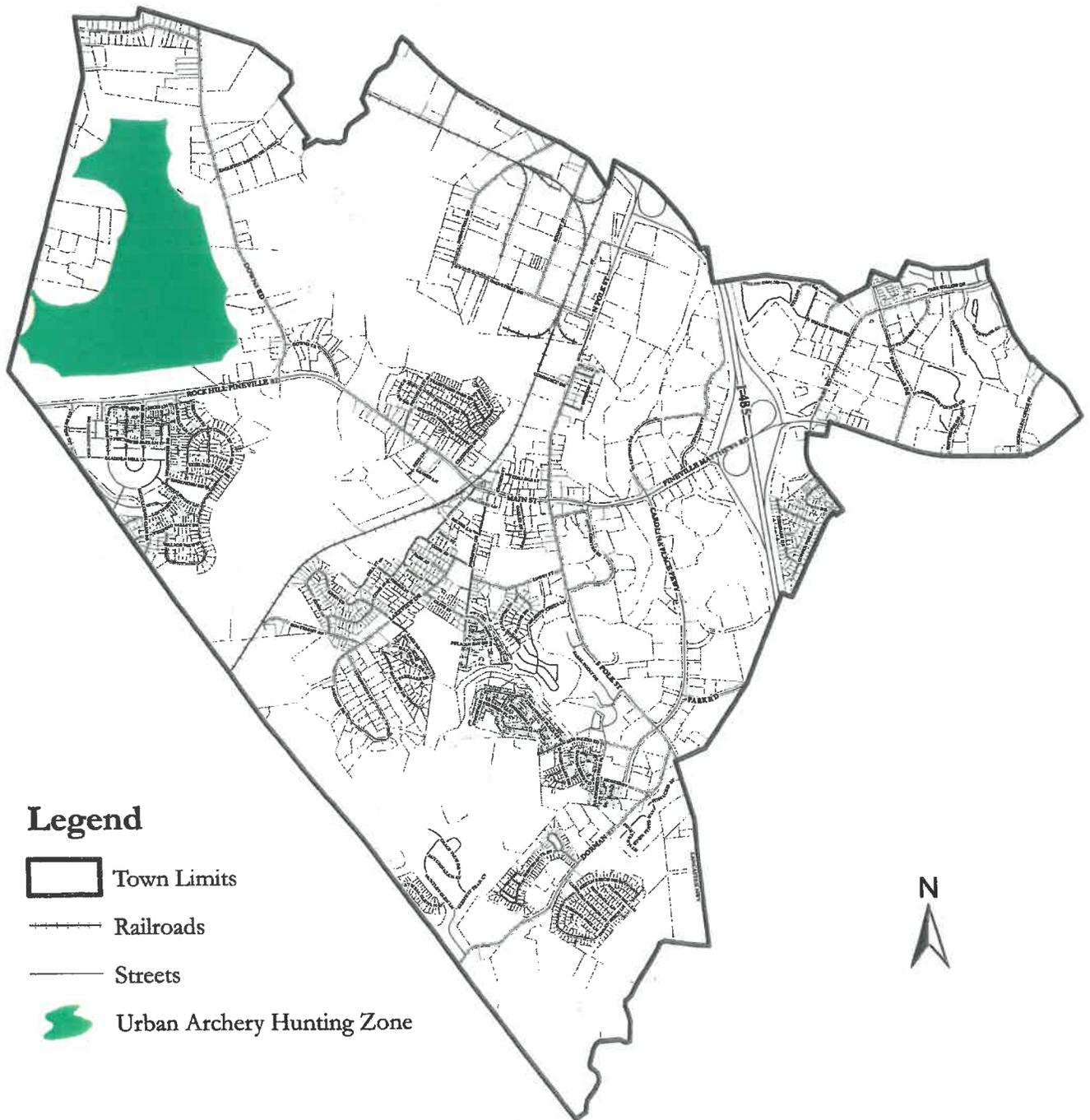
Applications must be received by April 1, 2019

URBAN ARCHERY

TOWN OF PINEVILLE
MECKLENBURG COUNTY, NC



- * Urban archery hunting zones are highlighted on the map in green.
- * Each zone is 500 feet from any building footprint, street, and railroad centerline



Memorandum



To: Mayor and Town Council

From: Barbara Monticello

Date: 3/7/2019

Re: **New Business:** Records Retention and Disposition Schedule

The Government Records Section of the North Carolina Department of Cultural Resources has recently amended sections of the Municipal Records Retention and Disposition Schedule. Any changes to the schedule must be adopted by Council. The changes to the schedule are attached for your reference. They include:

“The universal update covering General Records is taking the form of a General Local Records Retention Schedule. When adopted, it supersedes the following standards on *all* local schedules published prior to March 1, 2019:

- Administration and Management Records
- Budget, Fiscal, and Payroll Records
- Geographic Information System (GIS) Records
- Information Technology Records
- Legal Records
- Personnel Records
- Public Relations Records
- Risk Management Records
- Workforce Development Records

To adopt this schedule, the governing board should take action in a regular open meeting—typically as part of the consent agenda or by resolution. The signature page to the schedule should then be signed by the Clerk, Manager, or other Executive Officer; and by the head of the governing body.”

Action Requested: Council approve and adopt the amended Records Retention and Disposition Schedule.

2019 Local Government Agencies General Records Retention and Disposition Schedule

The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. The local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. ***Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.***

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when "*reference value ends.*" All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "*destroy when reference value ends.*" If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction "*destroy when reference value ends.*"

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes the general standards in all previous local government retention and disposition schedules and is to remain in effect from the date of approval until it is reviewed and updated.

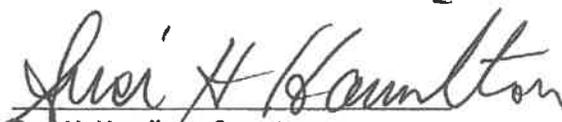
APPROVAL RECOMMENDED

Municipal/County Clerk or Manager
Title: _____


Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Head of Governing Body
Title: _____


Susi H. Hamilton, Secretary
Department of Natural and Cultural
Resources

Municipality/County: _____



**RESOLUTION NO. 2019-03
A RESOLUTION IN SUPPORT OF LEVYING A
MUNICIPAL ONE-QUARTER PERCENT SALES AND USE TAX**

WHEREAS, the General Assembly of North Carolina is considering enacting the “first one-quarter cent (1/4¢) municipal sales and use tax” for the Town of Pineville, contingent on a referendum in which the majority of those casting ballots voted for the levy of the tax; and

WHEREAS, as of July 1, 2015, cities and counties across North Carolina were no longer permitted to collect a Business License (Privilege) tax, amounting to over \$600,000 in lost revenue for the town; and

WHEREAS, area residents and visitors are traveling into and through Pineville, as well as moving to Pineville in greater numbers than ever before, creating more traffic and wear and tear on the roads; and

WHEREAS, in order to support the growth and create a sustainable, economic-environment that continues to attract businesses and people to the region, as well as improve their quality of life, the Pineville Town Council has identified the need to institute a sales and use tax; and

WHEREAS, a sales and use tax, combined with ad valorem taxes, would help significantly with the construction of much-needed side-walks and other street improvements; and

WHEREAS, the additional revenue from this tax can and will only be used for infrastructure projects.

NOW, THEREFORE, BE IT RESOLVED, that the Pineville Town Council endorses the idea of establishing a ¼ cent sales and use tax in lieu of increasing ad valorem taxes to meet these unfunded needs, and encourages the citizens of Pineville to vote their approval in the scheduled referendum on November 5, 2019.

Adopted this the _____ day of _____, 2019

TOWN OF PINEVILLE:

Jack Edwards, Mayor

Debbie Fowler, Council Member

David Phillips, Mayor Pro Tem

Joe Maxim, Council Member

Melissa Davis, Council Member

ATTEST:

Barbara Monticello, Town Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

3rd
Version
3/4/19

S

D

BILL DRAFT 2019-MCxf-86 [v.4]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

03/01/2019 10:16:47 AM

Short Title: Pineville Local Option Sales Tax.

(Local)

Sponsors: Senator Marcus (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE LEVY OF A MUNICIPAL ONE-QUARTER PERCENT
3 SALES AND USE TAX.
4 The General Assembly of North Carolina enacts:
5 SECTION 1. Subchapter VIII of Chapter 105 of the General Statutes is amended by
6 adding a new Article to read:
7 "Article 47.
8 "First One-Quarter Cent (1/4¢) Municipal Sales and Use Tax.
9 "§ 105-540. Short title.
10 This Article is the First One-Quarter Cent (1/4¢) Municipal Sales and Use Tax Act.
11 "§ 105-541. Levy.
12 (a) Authority. – If the majority of those voting in a referendum held pursuant to this
13 Article vote for the levy of the tax, the governing body of the municipality may, by resolution
14 and after 10 days' public notice, levy a local sales and use tax at a rate of one-quarter percent
15 (1/4%) in addition to any other State and local sales and use taxes levied pursuant to law.
16 (b) Vote. – The governing body of the municipality may direct the county board of
17 elections to conduct an advisory referendum on the question of whether to levy a local sales and
18 use tax in the municipality as provided in this Article. The election shall be held on a date jointly
19 agreed upon by the governing body of the municipality and the county board of elections and
20 shall be held in accordance with the procedures of G.S. 163A-1592.
21 (c) Ballot Question. – The form of the question to be presented on a ballot for a special
22 election concerning the levy of the tax authorized by this Article shall be:
23 " FOR AGAINST
24 Local sales and use tax at the rate of one-quarter percent (1/4%) in addition to all other State
25 and local sales and use taxes for the purposes of constructing and improving public infrastructure
26 and public facilities."
27 "§ 105-542. Administration.
28 Except as provided in this Article, the adoption, levy, collection, administration, and repeal
29 of the additional taxes authorized by this Article shall be in accordance with Article 39 of this
30 Chapter. References to "county," "counties," or "board of county commissioners" within Article
31 39 of this Chapter shall be interpreted as referring to "municipality," "municipalities," or
32 "governing body of the municipality," respectively, for purposes of the tax authorized by this
33 Article. G.S. 105-468.1 is an administrative provision that applies to this Article. A tax levied
34 under this Article does not apply to the sales price of food that is exempt from tax pursuant to



1 G.S. 105-164.13B or to the sales price of a bundled transaction taxable pursuant to
2 G.S. 105-467(a)(5a).

3 **"§ 105-543. Distribution and use.**

4 (a) Distribution. – The Secretary shall, on a monthly basis, distribute to each taxing
5 municipality for which the Secretary collects the tax the net proceeds, as defined in G.S. 105-472,
6 of the tax collected in that municipality under this Article. If the Secretary collects local sales or
7 use taxes in a month and the taxes cannot be identified as being attributable to a particular taxing
8 municipality, the Secretary shall allocate the taxes among the taxing municipalities in proportion
9 to the amount of taxes collected in each municipality under this Article during that month and
10 shall include them in the monthly distribution. Amounts collected by electronic funds transfer
11 payments are included in the distribution for the month in which the return that applies to the
12 payment is received.

13 (b) Use. – A municipality may use the net proceeds of a tax levied under this Article for
14 construction and improvement of public infrastructure and public facilities."

15 SECTION 2. This act applies to the Town of Pineville only.

16 SECTION 3. This act is effective when it becomes law.

March

2019



Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
25	26	27	28	1 PINEVIL	2 LE PLAY	3 ERS
				←————→		
4	5	6	7	8	9	10
11	12 Council Meeting 6:30 pm @ the Hut – Adopt District Ord.	13	14	15	16	17  <small>Happy St. Patrick's Day!</small>
18	19	20 ASC Culture Blocks Community Dinner 6pm-7:30 pm @ the HUT	21	22	23	24
25 Council Work Session @ 6pm @ Tel Bldg.	26	27	28	29	30	31
1	2	3	4	5	6	7

Notes:



April

2019



Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
25	26	27	28	29	30	31
1 Budget Meeting 5:30 pm @ PD Training Room	2	3	4	5	6 Paws in the Park 10am-3pm	7
8 Budget Meeting 5:30 pm @ PD Training Room	9	10	11	12	13 Easter Egg Hunt at the Park 11:00am	14
15 Budget Meeting 5:30 pm @ PD Training Room	16 Budget Meeting 5:30 pm @ PD Training Room	17	18	19	20	21 Easter
22	23	24	25	26	27 PCAA Spring Fling 9am-4pm	28
29	30	1	2	3	4	5

J U N K W E E K

Notes:



BUDGET MEETING SCHEDULE 2019

Meetings will begin at 5:30 p.m. at the PD Training Room, dinner will be served for each of these meetings.

1. Monday, April 1, 5:30 p.m.
2. Monday, April 8, 5:30 p.m.
3. Monday, April 15, 5:30 p.m.
4. Tuesday, April 16, 5:30 p.m.

CLOSED SESSION

*Discussion of matters pursuant
to NCGS 143-318.11(4)
(Economic Development)*

ADJOURNMENT