

**COUNCIL MEETING
AGENDA**

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



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

1) Call Meeting to Order:

- a) **Pledge Allegiance to the Flag: (MD)**
- b) **Moment of Silence:**

2) Adoption of Agenda:

3) Approval of the Minutes from the: Regular Meeting of January 8, 2019 and the Work Session of January 28, 2019

4) Consent Agenda: a) *Financial Report as of January 31, 2019*

5) Public Comment: *(Members of the public may sign up at the meeting to speak on items other than Districting. Please indicate what topic you wish to speak on. Three-minute limit.)*

6) Public Hearings:

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

- 1. Applicant Request for Off-premise Signage – (Travis Morgan) Text Amendment Request for Off-premise Signage for Land-locked Parcels (ACTION ITEM).**
- 2. Non-Conformities – (Travis Morgan) Proposed Zoning Text Amendment Clarification (ACTION ITEM).**
- 3. Proposed Text Amendment for Parking Calculations (Travis Morgan) Proposed Amendment for Calculation for Parking Spaces (ACTION ITEM).**
- 4. Proposed Amendment to the Town Code for On-Street Parking (Travis Morgan) Pertaining to Vehicles/Equipment Over 80 Inches Wide (ACTION ITEM).**

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 (including mayor) to 7 (including mayor) and to change the mode of election from “At Large” to “Districts”. Members of the public may sign up at the meeting to speak only on the number of board members and districting during this time. Council may or may not respond to your questions/comments. Three-minute limit.)

7) **Old Business:** *None*

8) **New Business:**

A. **Audit Contract** (*Richard Dixon*) – each year the board must approve the contract with a signed copy returned to Martin Starnes & Associates. (***ACTION ITEM***).

B. **Budget Amendment** (*Richard Dixon*) – a budget amendment to appropriate funds for a new fire truck, splash pad and misc. (***ACTION ITEM***).

C. **Staff Update:**

1) *Manager's Report*

2) *Calendar of Events*

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

10) **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
Session of January 8, 2019
and
the Work Session Minutes
of January 28, 2019**



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, JANUARY 8, 2019**

The Town Council of the Town of Pineville met in Regular Session on Tuesday, January 8, 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
Town Clerk: Barbara Monticello

CALL TO ORDER

The meeting was called to order by Mayor Jack Edwards at 6:29 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Pro-Tem, David Phillips, led the group in the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Edwards asked for a moment of silence for Curt Tillman and Tracy Pope Cavin (deceased) as well as our police, fire and first responders and our military.

ORDER OF BUSINESS:

Adoption of the Agenda:

Mayor Pro Tem, David Phillips, moved to adopt the agenda 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 and Closed Session Meetings of December 11, 2018 and the Work Session Minutes of November 11, 2018.

Two corrections were requested: add the comment made by resident Danny Kimbrell regarding flooding on Downs Rd. in the Regular Minutes of 12/11/18 and add that radios and equipment were both changed out at no cost to the town under the section regarding Police Radios in the Work Session Minutes of 11/27/18. Council Member Melissa Davis moved to approve both sets of minutes with the corrections, seconded by Mayor Pro Tem David Phillips. There were ayes by all and the motion passed 4-0.

Consent Agenda:

The Consent Agenda consisted of the following items: a) *Financial Report as of December 31, 2018 and b) Proclamation for School Choice Week*). Council Member Debbie Fowler moved to approve the Consent Agenda as is, with Council Member Joe Maxim seconding the motion. There were ayes by all and the motion passed 4-0.

PUBLIC COMMENT:

Jane Shutt –Jane Shutt of the Pineville Neighbors Place provided an update on their activities to date: they've served 383 people in 2018 with assistance in food, rent and utility bills. Ten senior citizens at the Pineville Rehab and 171 children from Pineville and Sterling Elementary Schools enjoyed a happier holiday due to the generosity of those that donated to the Shop with a Cop program. Pineville Communications and Electric assisted with a food drive and collected over 500 lbs. of food. She thanked everyone for their support and reminded the group that they hold a Prayer Breakfast once a month at 7:00 a.m. at Park Place Restaurant. Additionally, 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.

Andy Waligowski– Resident, Andy Waligowski had questions about the proposed districting. Mayor Edwards asked him to hold his questions until we got to that part of the agenda and then he would be able to speak on the subject.

OLD BUSINESS:

- A. Gym Floor at Community Center** (*Kristy Detwiler*) – Parks and Recreation Director, Kristy Detwiler, stated that our insurance representative sat down with her and Finance Director, Richard Dixon, to review whether they would pay for any part of a new gym floor. Insurance will pay for a new floor with everything we had prior to the water damage except the deductible and a blower should we decide to go with a floating floor system and purchase a blower to keep the moisture down. Three quotes were obtained for a floating floor, one of which was cheaper than a fixed floor. Council Member Melissa Davis wondered why a floating floor would be cheaper than a fixed floor but no one seemed to know why that would be.

Two of the floating floor quotes were cheaper than the third, but the reason for that was that the company with the higher quote uses maple, a better quality of wood and included a blower to circulate air to keep moisture down. The other two did not. All three of the individuals that came to look at the floor did not think there would be a lot of damage to the slab flooring when they go to do the work. Council just didn't want there to be any additional surprises in the cost of the flooring and they wanted assurance that this would not happen again.

Manager Spitzer stated that we had ordered larger gutters to accommodate heavy rain and had scheduled a group to come out to redo the moisture barrier. Mayor Pro Tem Phillips asked about using other flooring materials such as PVC. Ms. Detwiler stated that PVC flooring would need to be replaced a lot sooner than a traditional wood floor. They are only guaranteed for 10-15 years, whereas wood floors should last about 25 years. Additionally, if a vinyl floor was used, there would be a two-inch gap at the seams. Mr. Spitzer believed that if we went with a fixed floor, we would probably still have moisture problems. Council Member Davis asked how long, from start to finish, the project would take. Ms. Detwiler stated that she was told it would take about six weeks to replace the floor.

Council Member Debbie Fowler asked if we needed to do a budget amendment to which Mr. Spitzer replied that we would need to. Finance Director, Richard Dixon, stated that the funds in the Culture & Tourism account could cover the cost. Council Member Davis asked who would oversee the project. Mr. Spitzer stated that either he would or the Public Works Director, Chip Hill. Mayor Pro Tem Phillips noted that he didn't see anything in the information provided about a warranty for the floor and asked Ms. Detwiler why she felt better about one contractor over another; if one had a better warranty over the other wouldn't we want to go with that contractor? Ms. Detwiler replied that the one that was more expensive had 29 years of experience in the business, although Carolina Sports Floor had also been in business more than 20 years.

Council Member Melissa Davis wanted to be sure that the quote was all-inclusive and that the floor was done right as well as maintained regularly as it should be. Mayor Pro Tem Phillips asked that if we turned the quote over to the insurance company, would it cause any issues? Mr. Spitzer stated that it wouldn't because the insurance company had already agreed to pay for it. Hearing no further comments, Council Member Melissa Davis moved to approve Sports Flooring as the contractor to install the floor, seconded by

Council Member Debbie Fowler. There were ayes by all and the motion passed 4-0. Council Member Fowler added that she would like to know what the warranties were and Mayor Pro Tem Phillips stated that if they found any substantial issues with the slab, he would like Ms. Detwiler to come back before Council to address it before proceeding any further.

NEW BUSINESS:

- A. Fire Department Presentation (Mike Gerin/Matt Honaker)** – Fire Chief, Mike Gerin, thanked Council for allowing the Pineville Volunteer Fire Department to speak at the meeting. He introduced Matt Honaker, who gave a brief presentation on a ladder truck they intended to purchase for the department. He went through the steps the department took in order to get to this point. A 7-member committee was formed to take a look at five ladder truck manufacturers to determine the best truck for the department. It was a year long process but they selected Pierce, a company they were very familiar with, having purchased trucks from them previously.

Pierce builds their trucks bumper to bumper, they provide a reputable warranty, the crew likes the motor/transmissions used in their trucks and most of all, if a truck needs servicing, they are located within a 25-mile radius of Pineville. They went with a heavy duty, mid-mount, ladder truck because it covers a larger scrub area and can maneuver more easily, especially in the smaller alleys that some of the newer communities have. Most ladder trucks average 3 sections; this one has 5 and is the only truck that can go 20° below ground level. The crew had decided on a functioning truck vs. a luxury truck with heated seats, etc. It will take 15-16 months to build.

The Council had already appropriated \$1.2 million dollars in the current budget to purchase the new ladder truck. However, the truck with the equipment they need to add on to the truck totals \$1,325,140, leaving a balance of \$125,140 needed to purchase the truck. Mayor Edwards had gone to Atrium Hospital to see about them donating toward the cost of the difference but they wouldn't. Fire Chief, Mike Gerin, stated that they were offered \$90,000 for the truck they have now but if they sold it and got the money up front, they would be down one truck. Mayor Pro Tem Phillips, as well as the rest of council, was not in favor of him selling the truck just yet and leaving the town short a truck. The safety of the residents was more important. Council Member Melissa Davis asked that Chief Gerin try writing a letter to the hospital again seeking assistance from them.

Mayor Pro Tem David Phillips motioned to approve another \$60K for the cost of the truck itself. The remainder of the money needed for the equipment would be budgeting for the next budget cycle. Council Member Debbie Fowler seconded the motion and there were ayes by all to fund an additional \$60K toward the cost of the ladder truck.

- B. Ordinance Conflict (Travis Morgan)** – Planning and Zoning Director, Travis Morgan, stated that on-street parking was becoming a problem and there were confusing sections of the Town Code and the Zoning Ordinance on this issue. If changes were necessary to the Zoning Code, it would first go through the Planning Board for recommendations and then to Council for approval. Clarification is needed in section 72.14 of the Town Code, Vehicles in Excess of 80 Inches and with section 7.21.2 of the Zoning Ordinance, Commercial Vehicles.

Currently, the town allowed tractors to be parked in driveways but the proposed change states that "No residentially-developed lot may be used as the base of operation for any freight hauling truck". Therefore, tractor trailer parking is prohibited on streets.

Mayor Edwards asked about large tow trucks. Mr. Morgan replied that unless it was specifically mentioned, it would be prohibited. Council Member, Melissa Davis, asked about box trucks. Mr. Morgan stated that we had put a limit on their size. Manager Spitzer stated that he would like to include "equipment" in addition to the word "vehicle" in the first sentence of the Town Code under section 72.14 and Section 7.21.2 of the

Zoning Ordinance. Mayor Edwards also stated that he was concerned about emergency vehicles such as a fire truck, trying to get through Cone Ave. or Olive St. Fire Chief, Mike Gerin, stated that it definitely could be a problem but thankfully they haven't had any yet. Mayor Edwards added that we may need to add additional restrictions if parking continues to be a problem. Mr. Morgan stated that if need be, they could start restricting parking on certain streets.

Even though Council Members had the option of voting on the change to the Town Code now, they agreed that they would prefer to vote on both at the same time after the Planning Board made their recommendations at the Joint Public Hearing. Until then, Mr. Morgan will make any adjustments discussed during this meeting.

- C. **Consider Resolution of Intent for Districting/Additional Council Members** (*Ryan Spitzer*) Town Manager, Ryan Spitzer, explained that council was considering increasing the number of council members as well as forming voting districts. He gave a Power Point presentation that laid out each step of the process so that members of the audience could understand how it worked and the timeline for each step. What Council had to vote on at this meeting was whether to sign a Resolution of Intent to move forward with this process.

If they voted in favor of passing the resolution, the next step would be to advertise the town's intent to move forward, hold a public hearing and then adopt an ordinance amending the changes to the charter. The Council can choose to put the issue to a vote of the people or it can choose not to but if the second option is chosen, a notice will need to be published in the newspaper stating that the ordinance has been adopted and summarizing its intent. The public has the option of petitioning for a referendum to put the issue to a vote of the people. The petition must be filed with the clerk no later than 30 days after adoption of the ordinance. In order for the petition to be valid, a total of 10% of the registered voters of the town need to have signed it or 5,000 voters, whichever is less.

There were questions and comments from members of the public as to how this came about and why it was just now being proposed and never mentioned previously. One member of the audience stated he had served on council for 10 years and the subject had been brought up then and had been an issue before. He also brought it up to Council Member Melissa Davis when she was campaigning door-to-door. Council Member Debbie Fowler also stated that previous Councils had discussed it in the past. Mayor Pro Tem David Phillips stated that he was the one who suggested it because he wanted fair representation for all residents.

Questions and discussion continued with many residents voicing their opinions against districting. It was a lot to digest for some people who wanted more time to research and understand the districting process. Council had to determine at the meeting how they wanted to be districted. There were several options they could choose from but the resolution had to specifically state which option they wanted to pursue. Some residents felt this was being done too hastily and asked why it needed to be done immediately. Mayor Pro Tem David Phillips stated that he wanted to have it done by the next election because if it wasn't done now, it would never get done. Council Member Debbie Fowler stated that it would guarantee that one person represents each area of town and that the resolution was just to begin moving the process forward.

North Carolina General Statutes require that districts be looked at every ten years to coincide with the Census to reevaluate in case district boundaries needed to be redrawn. Resident Bolyn McClung stated that to do this now, before the next Census, would look very suspicious because the demographics of Pineville have changed drastically. Some didn't think it made sense to spend all the time to split into districts now when it would just need to be redone next year anyway. Others felt that districting would divide the town more causing each district to want what was best for them and not what was in the best interest for the town as a whole. There were concerns on how the town could be broken into districts yet remain unified.

After much discussion, council member Debbie Fowler moved to adopt the resolution with option "C" under GS160A-101(6)c as the way the town would be divided. Option C reads: "The city shall be divided into single-member electoral districts; so that each member represents the same number of persons as nearly as

possible, except for members apportioned to the city at large; and candidates shall reside in and represent the districts according to the apportionment plan adopted, but all candidates shall be nominated and elected by all the qualified voters of the city." Mayor Pro Tem Phillips seconded the motion. The vote was 3 in favor and 1 against with Council Member Joe Maxim being the dissenting vote. Motion passed and a public hearing was set for Tuesday, February 12, 2019.

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

- Dump trucks removing soil from old mill site; Duke is doing remediation work there.
- RFQ's went out for new Town Hall/Library - 6 architect submissions were received; forming committee to include himself, Travis Morgan, two Mecklenburg County representatives including one from the library to review submissions within the next 30 days. Mayor Edwards asked that someone from Council be included on that committee as well.
- Telecom Board Meeting scheduled for 1/10/19 at 3:30 p.m. Mayor Pro Tem Phillips unable to attend. Will look into having the meeting on an alternate date so everyone can attend.
- Splash Pad on track to open in May but taking more time because the county is treating it as a pool; county was missing engineered drawings and had to come out and inspect backflow preventer; also had to re-engineer a drainage pipe.
- Work Session scheduled for 1/28/19 to review districting in depth; discuss project manager at risk; and HRA benefits

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 9:12 p.m.

Mayor Jack Edwards

ATTEST: _____
Barbara Monticello, Town Clerk



**MINUTES OF THE
TOWN COUNCIL WORK SESSION OF
MONDAY, JANUARY 28, 2019 - 6:00 P.M.
PINEVILLE POLICE BLDG., 427 MAIN ST.**

The Town Council of the Town of Pineville, NC, met in a Work Session on Monday, January 28, 2019 at 6:00 p.m. at the Pineville Police Bldg. at 427 Main St. in Pineville.

ATTENDANCE

Mayor: Jack Edwards
Mayor Pro-Tem: David Phillips
Council Members: Melissa Davis, Joe Maxim and Debbie Fowler
Town Manager: Ryan Spitzer
Town Clerk: Barbara Monticello
Planning Director, Travis Morgan
Finance Director, Richard Dixon
Town Attorney, Janelle Lyons

CALL TO ORDER

Mayor Edwards called the meeting to order at 6:13 p.m. He stated that no comments would be entertained during this meeting as the Public Hearing for Districting would be held at the February Council Meeting on February 12th at 6:30 p.m. at the Hut Meeting Facility where the public would then be able to speak on the subject. A motion was made by Mayor Pro Tem David Phillips and seconded by Council Member Debbie Fowler to open the meeting. There were ayes by all and the meeting was opened.

DISCUSSION ITEMS:

- A. CM at Risk (Ryan Spitzer)** – Town Manager, Ryan Spitzer, wanted to make Council aware of a construction method that's being used to help cut down on risks to the town, especially with large-scale projects. Construction Management at Risk is one such method that Charlotte, Mint Hill and Davidson have all used at some point and were pleased with the outcomes. Essentially, the town would go out for bid for both the architect and the construction firm and hire both at the same time so they could work in unison on the project.

The town would get a price for the project from the construction management firm and if they go over that amount, they would be responsible for the overages. Hiring both firms at the same time also helps to cut down on the time between design and construction. If they see that costs are escalating, they have to work with each other to cut costs wherever feasible to meet the agreed upon cost. If they hire a sub that we know we have had a difficult time with in the past, the town would still have to go out for bid on them and has the right to refuse anyone they feel would not be in the best interest of the town.

Council Member Joe Maxim asked if the town had the final say on which construction materials to use. Mr. Spitzer responded that we would since they would be working for the town. He asked the rest of council had they felt about using this method. All agreed to be in favor of using this type of construction method.

- B. HRA Policy (Ryan Spitzer)** – Mr. Spitzer explained that our employee handbook was not clear on the HRA part of the benefit for retirees and that it could be interpreted two different ways. Our HR Department Head believes that

retirees with 25+ years of service with the town are entitled to the same HRA benefit that regular employees enjoy. In other words, retirees would have up to \$6,000 of their medical expenses paid for by the town. When premiums started to rise dramatically, the town opted to go to a high deductible plan to save money. To help mitigate the high cost of the deductible for employees, the town set up an HRA which would pay up to \$6,000 in medical costs to the employee. When the employee handbook was written, however, the town didn't even have an HRA. Mr. Spitzer's interpretation of the policy was that it intended to offer health insurance to retirees with 25+ years of service but not the HRA part of it since it wasn't in place at the time the handbook was written.

There are a total of 7 employees and retirees that qualify for the 25+ years of service right now with the potential for 6 more becoming eligible in the near future. This would equate to a total of \$78,000 of potential liability for the town. He was proposing that the handbook be changed to clarify that the HRA portion of the benefits was intended for active employees, not retirees and asked council members if they wanted to include this benefit to retirees and employees or just current, active employees?

Council Member Joe Maxim stated that he thought it seemed like an abrupt decision to make. After we just got done doing a compensation study, it looks as though we're now taking something away for bringing employee pay up to market value. Mayor Edwards considered it a slap in the face to the employees who were hard working and the ones in which the town was trying to retain. Mayor Pro Tem David Phillips, who recently retired, noted that he gets to keep his insurance from the City of Charlotte but he is responsible for his deductibles. Mr. Spitzer stated that the language in the handbook was ambiguous and still needed to be changed. Town Attorney, Janelle Lyons, added that all the handbook said was that, "all employees will have the same benefits".

Mr. Spitzer clarified that nothing was being taken away from current, active employees. Retirees would still have their insurance and premiums paid, just not the HRA part of it. They would be responsible for their deductibles. He suggested that it start on July 1, 2019 and anyone hired prior to that date would still get it but anyone new would not. Attorney Lyons stated that she would draft something for the next Council Meeting to be discussed further.

- C. Continuation of Discussion on Districting/Revising Number of Council Members – (Ryan Spitzer) – Mr. Spitzer** stated that the public hearing regarding districting in Pineville will be held at the next Council Meeting on February 12, 2019, when the public will have a chance to weigh in on the subject. A formal vote by Council will be taken at the March Council meeting. Mr. Spitzer explained to council that they needed to decide during the meeting on how many council members they wanted to have. Mayor Pro Tem David Phillips suggested moving to 6 members with 4 districts and 2 at large. Then he asked if 3 districts and 3 members at large could be done to which Mr. Spitzer replied that it could.

Mr. Spitzer explained that normally the districts would be determined by Census data but the last Census was back in 2010 and the Census tracks/zip codes did not line up with the town's boundary lines. Both he and Attorney Lyons suggested the best option for determining districts would be to use a house count. A lengthy discussion ensued regarding the best figure to use when trying to calculate districts fairly, whether it be the Census figure, house count or a population count issued by the NCSOG (NC School of Government). More questions arose as to whether to wait until the next Census to be taken in 2020 or go with old data from 2010. Some counts may be more accurate than others but an exact count will never be able to be determined.

Ms. Lyons suggested that if the town was having trouble deciding on a method to use, they might want to consider hiring a consulting firm or the SOG to assist with determining the best way to form the districts. Council Member, Joe Maxim, asked what the cost to the town would be to go through the districting process. Mr. Spitzer stated that if we drew up the districts ourselves, the only cost would be staff time. However, if Council decided to go with a consulting firm or the SOG, then there would be a cost associated with that. Precincts would be determined by the Board of Elections. If Council proceeded with districts and a petition was filed to put it to referendum for a vote, the district maps would need to be sent to the BOE by June 14th of this year. A vote on this issue could not be held at a time other than during the regular election cycle which is in November.

Council Member, Joe Maxim, had concerns that this whole process was being done too hastily and wanted to be sure that Council wasn't making a mistake and that everyone fully understood what was going on. He believed this

process had to be done carefully and methodically so there would be no unintended consequences down the road. Mayor Pro Tem Phillips disagreed and asked why everyone had heartburn over this issue. He simply wanted all of Pineville to have fair and equal representation. He believed it would make for more diversity on Council. Council Member Melissa Davis added that the issue was brought up in October but was put on the back burner; it wasn't something they just thought about. Council Member Joe Maxim remembered that it was brought up in a conversation but he did not remember there being a directive to initiate anything.

The only issue Mayor Edwards had was with using old data from almost ten years ago. He wanted to use fresh, more current data because of all the new housing developments that have gone up in the last ten years. Ms. Lyons again reiterated that the best option would be to hire a consultant to figure it out but there would be costs involved. She and Town Manager, Mr. Spitzer, will research methods of forming districts and companies that specialize in this sort of thing so a more educated decision could be made. Right now, however, they needed to decide on the number of council members they wanted to have. Once that was determined, then the dividing of the districts could commence.

Mayor Pro Tem Phillips wanted to know if another council could come in and do away with the districts after they were in place. Mr. Spitzer stated that there was nothing that would bound this mode of election; another council could change it again using the same steps they were currently taking. Council Member Maxim stated that was exactly why people needed to be engaged and needed to fully understand the process and the reason for doing it. He wanted everyone to be able to see the entire package, including what the districts would look like so they could make an educated vote, but the districts did not have to be drawn before the ordinance was voted on in March. That is what he was having concerns about.

Mayor Edwards asked how many council members the board wanted to move to. The consensus was that 6 would be the right amount to have to align with our population. This number would be indicated on the ordinance that will go before Council for a vote in March. There will be six Council Members and a Mayor. Attorney Lyons suggested that if the town decided on having the SOG help with forming districts, they should be in attendance at the next few meetings. If the ordinance is passed and there is no referendum, the districts need to be sent to the Board of Elections by June 14th. Mr. Spitzer added that they should know at the end of the meeting in March if the districts will need to be drawn by June 14th or not. Council Member Melissa Davis moved to have a six-member board with Mayor Pro Tem Phillips seconding the motion. There were ayes by all and the motion passed.

ADJOURNMENT: There being no further business to discuss, a motion was made and seconded to adjourn the meeting at 7:51 p.m.

Jack Edwards, Mayor

ATTEST:

Barbara Monticello, Town Clerk

CONSENT AGENDA ITEMS

a) Financial Report as of 1/31/19

Town of Pineville
Budget vs. Actual
1/31/2019

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Property Tax	\$ 6,475,000	\$ 6,506,027	100.48%
Prepared Food Tax	625,000	367,544	58.81%
Room Occupancy	590,000	315,101	53.41%
Franchise Tax	900,000	533,892	59.32%
Sales Tax	1,200,000	776,677	64.72%
Storm Water	405,000	206,649	51.02%
Powell Bill	201,760	207,614	102.90%
Other	1,356,947	955,269	70.40%
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	572,925	572,925	100.00%
Total	\$ 12,560,632	\$ 10,675,697	84.99%
Expenditures			
Governing Board	\$ 210,861	\$ 192,832	91.45%
Administration	792,274	387,296	48.88%
Zoning	329,513	182,905	55.51%
Police	5,140,987	3,206,535	62.37%
Fire	2,037,600	527,295	25.88%
Public Works	711,005	374,852	52.72%
Storm Water	410,488	258,065	62.87%
Powell Bill	594,000	320,978	54.04%
Sanitation	437,750	239,000	54.60%
Recreation	469,851	267,169	56.86%
Cultural/Tourism	1,334,503	857,761	64.28%
Cemetery	4,000	927	23.18%
Contingency	87,800	-	0.00%
Total	\$ 12,560,632	\$ 6,815,617	54.26%

Town Of Pineville
Johnston Road Realignment
1/31/19

	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		731,228	725,000
Engineering	-	74,089	27,653	101,742	307,000
Construction	-	-		-	925,000
Total Road Realignment Expense	-	805,317	27,653	832,970	1,957,000

Town Of Pineville
Splash Pad/Dog Park
1/31/19

	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	276,643	371,115	722,920
Total Part F Grant Expense	32,656	61,816	276,643	371,115	722,920

Town of Pineville
Electric Fund
1/31/2019

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Electric	12,984,851	7,427,103	57.20%
Expenditures			
Administration & Billing Support	468,371	293,111	62.58%
Purchased electricity	9,146,980	4,887,216	53.43%
Operations and Maintenance	3,369,500	839,951	24.93%
Total	<u>12,984,851</u>	<u>6,020,278</u>	46.36%

Town of Pineville
ILEC Telephone Fund
1/31/2019

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Revenues	1,604,540	930,082	57.97%
Telephone Reserves	1,510,610	1,510,610	100.00%
Total Revenue	<u>3,115,150</u>	<u>2,440,692</u>	78.35%
Expenditures			
Operating Transfer Out	499,357	-	0.00%
Operating Expenses	1,216,043	644,971	53.04%
Plant under Construction	<u>1,399,750</u>	<u>54,193</u>	<u>3.87%</u>
Total	<u>3,115,150</u>	<u>699,165</u>	22.44%

Town of Pineville
CLEC Telephone Fund
1/31/2019

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Revenue	999,254	661,475	66.20%
Transfer from ILEC	499,357		0.00%
Total	1,498,611	661,475	44.14%
 Expenditures			
Operating Expenses	1,347,211	719,973	53.44%
Plant under Construction	151,400	-	0.00%
Total	1,498,611	719,973	48.04%

Public Hearings

A) Joint Public Hearings with Planning Board:

- 1. Applicant Request for Off-premise Signage**
- 2. Non-Conformities**
- 3. Text Amendment for Parking Calculations**
- 4. Amendment to Town Code for On-street Parking**

B) Public Hearing for:

- 1. Districting**

Memorandum

To: Town Council and Planning Board
From: Brian Elgort
Meeting Date: 2/12/2019
Re: Text Amendment for Off Site Signage for Landlocked Parcels (*Joint Public Hearing/Action Item*)

PLANNING BOARD DISCUSSION:

The Planning Board was open to the concept of the proposed text amendment and understood its value, though they questioned why this route was followed rather than using a variance. There were concerns about contract obligations and how involved the Town would be in writing / negotiating these agreements. The Planning Board also wanted to clarify that the landlocked parcel owner can have only 1 such agreement active – they read the presented language as meaning a parcel owner could only enter into such an agreement once and then never again, even if the initial agreement were to lapse.

Staff Update: Staff felt that a text amendment was the best and most fair route rather than a variance. Staff feels there was not strong grounds for a variance as the issue was self-created through the original subdivision and not unique to only this property. Staff clarifies that the intent is to have only one offsite sign rather than number or details of the contract or contracts.

BACKGROUND:

Landlocked parcels are uncommon in the Town of Pineville. The parcel owned by the applicant (9600 Pineville-Matthews Rd) was formerly occupied by Dick's Sporting Goods, which has since moved to the mall. Dick's Sporting Goods was allowed to build and have a sign on the adjacent parcel (PID #20709512) where Jared The Galleria of Jewelry is located. The existing sign is now nonconforming after the subdivision for the front Jared property. Any new occupants of the former Dick's would not be allowed to change the existing sign. The former Dick's Sporting Goods is over 500 feet from Pineville-Matthews Road; it shares a driveway with Jared The Galleria of Jewelry and Office Depot.

PROPOSAL:

Applicant requested: Sherri Hartsell, on behalf of Sebanc-N-Car Investment Co LLC, has requested consideration of allowing landlocked, single tenant buildings in the B-4 zoning district to share a monument sign with an adjacent property that has street frontage.

5.4.4 Highway Business (B-4) and Planned Business Signs (B-P)

Permitted Sign Type(s) ¹	Specific Applicability	Maximum Area	Maximum Height	Maximum Number
Wall ²	Front street facing or primary façade	2 sqft for each linear foot of wall frontage or 5% of wall whichever is greater.	n/a	n/a
Wall ²	Secondary Street	1 sqft for each linear foot of building facing side street	n/a	n/a
Window	Window glass area	25% of interior window and/or door area	n/a	n/a
Projecting	Traditional post-and-arm style wall mounted	24 sqft	n/a	1
Awning	Single color awnings only	Permitted as part of allowable wall signage	See note 3	n/a
Monument or Ground Mounted ^{3,4}	Properties that can meet all freestanding sign requirements	50 sqft	7 ft	1

¹ Combined square footage of all signs shall not exceed 300 square feet.

² Wall Signs may project a maximum of 24" from the wall to which it is mounted. Secondary street wall signage allowances shall not be combined onto the front façade, however front or secondary signage may be transferred onto rear or similar façades. Multiple tenants located inside a single B-P zoned parcel of land over 100,000 gross square feet may utilize a 2:1 ratio for each building façade with the limitation that no façade may exceed 300 square feet of signage.

³ Sign must be placed a minimum of 5' inside property lines, outside of any sight triangle, and not within any existing or future sidewalk area. One ground mounted or monument sign is permitted. In the event of a double-sided sign, only one side shall be used to figure the square footage.

⁴ If the owner of a landlocked B-4 zoned parcel containing a single tenant building reaches a written agreement with an adjacent B-4 zoned parcel owner with street frontage, a Monument or Ground Mounted sign that includes signage for the landlocked parcel may be erected on the adjacent parcel with street frontage so long as all of the following conditions are met in their entirety:

- The new Monument or Ground Mounted sign will adhere to and be in compliance with all applicable sign regulations.
- The new Monument or Ground Mounted sign shall not exceed the limitations or maximums for a single parcel (i.e. one per property, maximum sign area of 50 sqft. shareable between agreeing properties).
- Neither property may retain any nonconforming signs of any kind.
- There may be no freestanding signs on the landlocked parcel.
- The landlocked parcel shall only have one such offsite sign.
- The written agreement between the parcel owners must be notarized and submitted to the Planning Director or their designee.
- The entirety of the proposal must be approved by the Planning Director or their designee.

STAFF COMMENTS:

Staff has reviewed the proposal and tried to narrowly word the proposal to limit its affect to the town as little as possible. You can imagine if every business was allowed an offsite sign the corners and main roads would be completely saturated and compromise fairness, visibility, and aesthetics. The "Landlocked B-4 Properties" map provided to you indicates all of the parcels that could potentially be impacted by this amendment. The text amendment requires the removal of any existing nonconforming signs and would produce a sign reminiscent of multi-tenant signs that exist on other parcels across Pineville while remaining within the existing sign restrictions for a single parcel.

PROCEDURE:

This is the public hearing for Council and/or Planning Board to gain input from staff, public, and the applicant about the proposal. This meeting is to familiarize you with the applicant's request and to hear any public comment. This follows standard legislative approval process. There are no findings of facts needed. If you have all the information needed to make a decision you may; at your discretion, close the public hearing and make a vote.

Pineville

PLANNING & ZONING

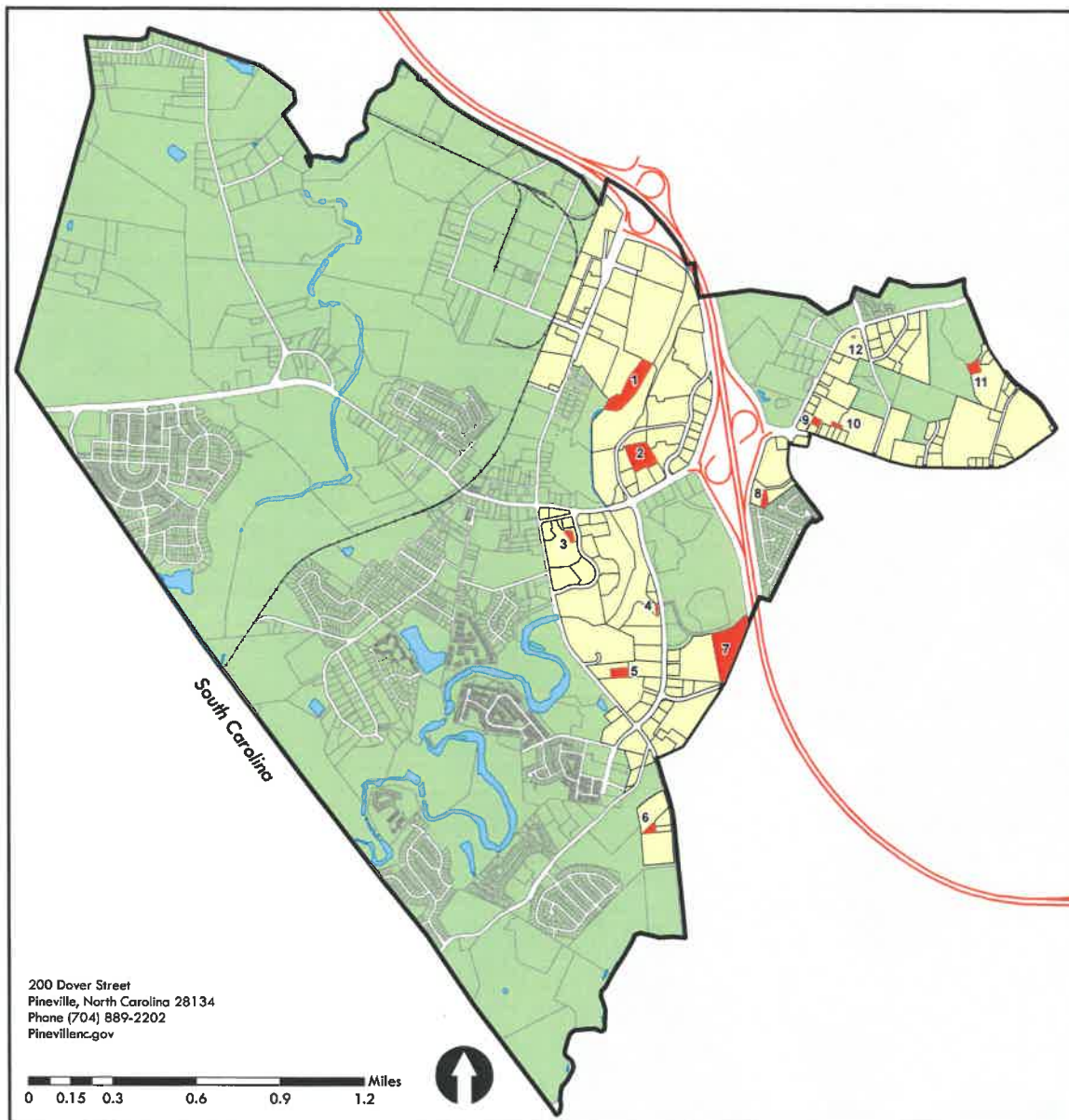
North Carolina

Landlocked B-4 Properties

Updated September 24, 2018

- 1: Undeveloped parcel sandwiched between Public Storage and Little Sugar Creek floodplain.
- 2: Dick's Sporting Goods parcel in question.
- 3: Portion of strip mall (Scrubs & More Uniform Store and Aaron's - which both have signage on Pineville Towne Market multitenant sign.
- 4: City of Charlotte property within utility ROW.
- 5: Town-owned property that appears to be an electrical substation.
- 6: Portion of the CubeSmart Self Storage parking lot.
- 7: Portion of Sam's Club.
- 8: Undeveloped parcel sandwiched between the Extended Stay and another undeveloped parcel.
- 9: Fun Outdoor Living - adjacent parcels do not have space to erect a monument sign save for the Park 51 Center Shops which already has a non-conforming multi-tenant sign.
- 10: Turtle Car Wash, which has a non-conforming, offsite sign on the Pizza Hut parcel.
- 11: Taipei South restaurant, which is already on the Johnston Road Plaza multitenant sign.
- 12: Dynasty Cleaners - adjacent large parcel already has a non-conforming multitenant sign.

This map may not represent the most current information available and may be revised without prior notice to the user.



Memorandum



To: Town Council and Planning Board

From: Travis Morgan

Date: 2/12/2019

Re: **Nonconformities Zoning Ordinance Text Amendment** (*Joint Public Hearing*)

PLANNING BOARD DISCUSSION:

The Planning Board requested that Staff review the various timelines referenced in the nonconformities to see if any of them could be shortened, with an emphasis on minimizing opportunity for nonconforming uses and structures to be allowed to continue or persist. Concern was expressed regarding how these regulations might unduly burden local entrepreneurs versus larger corporations that could more easily afford to address any issues of nonconformity. The Planning Board questioned how signs could be accurately valued (2.8.7-C).

Staff Update: Nonconforming use limitation to 90 days is as short as we can go upon our research. Limiting any other timeline such as for nonconforming structures is feasible. The time tables for other items are reasonable common averages that staff feels would hold up in court. Staff agrees that the value of nonconforming signs is difficult. Staff has revised after reviewing Raleigh's ordinance to put the value at the original purchase price. This is to set a definitive number and the burden of proof on the applicant.

BACKGROUND:

The Nonconformities section (2.8) in the *Pineville Zoning Ordinance* has not been updated in some time. Staff feels it is appropriate to update clarify the language. This is also an opportunity to make sure staff is administering the ordinance as you deem appropriate.

PROPOSAL:

Please see the attached revisions –strikethrough will be removed; highlighted text is to be added.

STAFF COMMENTS:

Staff believes that the proposed changes will help to eliminate confusion and enforce a clearer understanding of the Town's administration of nonconformities. Our long-term goals have always been eliminate or to bring into compliance all nonconformities. Staff has built in a relief mechanism for structures in the way of allowing applicants to apply for conditional site plan approval as well. Nonconforming uses are typically more regulated in trying to remove existing not permitted uses within 90 days after the use is ceased.

PROCEDURE:

This is the joint public hearing. This meeting is to familiarize you with the proposal and to hear comment and suggestions. If there is no additional questions or comment council may close the public hearing. After the hearing is closed Planning Board shall offer a recommendation. After the recommendation Council may vote on the proposal following standard legislative approval process.

2.8

NONCONFORMITIES

2.8.1 General Intent and Exceptions

The purpose of this Article is to regulate and limit the continued existence of uses and structures legally existing prior to the effective date of this Ordinance or any amendment subsequent thereto, but not to encourage its survival. Such nonconformities shall not be expanded or extended or changed in any manner, except as provided for in this Article. Creation of any nonconformities after the effective date of this Ordinance shall not be permitted.

2.8.2 Nonconforming Zoning Uses

- A) Nonconforming zoning uses or activities may continue only in accordance with the provisions of this Section.
- ~~B) A nonconforming use may be extended through any portion of a completed building that, when the use was made nonconforming by this Ordinance, was originally designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building.~~
- B) No structural changes shall be made in any structure occupied by a nonconforming use except as follows:
 - 1) Structural changes ordered by an authorized governmental official in order to insure the safety of the structure.
 - 2) Maintenance and repairs to keep a structure in sound condition or to bring the property into zoning compliance.
 - 3) The structural changes necessary to convert the nonconforming use to a conforming use.
 - 4) An existing nonconforming residential use located in any non-residential district such as Business (B) or Industrial (G-I) may however, be resumed if vacated, enlarged, or altered, provided that no additional dwelling units result there from. Any such enlargement or alteration shall be in compliance with all applicable zoning regulations such as yard requirements as required in the R-7 District and Residential Overlay District.
- ~~C) Said structure and its accompanying use may be moved to another location on the lot so long as the structure and the use meets all applicable requirements of the district.~~
- ~~D) A nonconforming use may be changed to another nonconforming use only in accordance with a permit issued by the Board of Adjustment as indicated in Section 2.1.3 of this Ordinance.~~
- E) When a nonconforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
- F) If a nonconforming use is discontinued, ceased, closed, or similar for ninety (90) days or more, the use shall not be allowed to re-establish. All new uses in said structure shall established thereafter shall be conforming.
- G) If a nonconforming use is removed or destroyed (i.e., receives damage to an extent of more than fifty (50) percent of its replacement cost at the time of destruction tax value), it may not be allowed to reestablish. If a nonconforming use is thereafter a use conditionally permitted in that zoning district, a petition

may be filed to the Town Council following normal conditional site plan approval process as specified in this Ordinance.

H) Nonconforming single-family uses are excluded from F and G above.

2.8.3 Nonconforming Structures

A) A nonconforming structure is a structure the size, dimensions, location, or similar of which was lawful prior to the adoption, revision, or amendment to this Ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district in which it is located.

- 1) In no instance shall a nonconforming structure that poses a health or safety hazard (such as structures in flood prone areas) be altered or expanded in a way that increases the nonconformity.
- 2) Unless otherwise prohibited; a nonconforming structure is permitted a onetime expansion of twenty five percent (25%) of the existing heated gross square feet of the structure provided the entire property meets all zoning, sidewalk, landscape, and architectural requirements. Under no other circumstances may a nonconforming structure be enlarged or altered in a way which increases its nonconformity except as to bring the structure and property into zoning compliance.
- 3) A nonconforming structure may also request alterations meeting the intent of this ordinance following the conditional zoning site plan approval process

B) Natural Disaster or Destruction

Unless otherwise specified in below subsections a) or b), if a nonconforming structure or nonconforming portion of a structure is destroyed to an extent of more than ~~sixty (60)~~ fifty (50) percent of its ~~replacement cost~~ tax value at the time of destruction, it may not be replaced or repaired except in accordance with ~~a permit~~ current zoning requirements as approved by the Planning Director. ~~A structure or portion thereof, which is destroyed to such extent, may be reconstructed to the same degree of nonconformity provided that substantial and sustained reconstruction begins no later than six (6) months from the date of loss. If substantial and sustained reconstruction does not occur within this period, the structure, or portion thereof, may not be reconstructed.~~

- 1) In no instance shall a nonconforming structure that poses a health or safety hazard (such as structures in flood prone areas) be rebuilt if destroyed to an extent of more than fifty (50) percent of its tax value at the time of destruction
- 2) Unless otherwise prohibited; If the nonconforming structure is part of a multifamily (i.e. apartment) development, the structure maybe rebuilt to the size and location before destruction provided the architectural and streetscape requirements are met.
- 3) Unless otherwise prohibited; If the nonconforming structure is occupied by an approved conditional zoning plan, the structure

can be rebuilt to the allowances of the approved plan or brought before the Town Council for modification.

C) **Vacancy**

If a nonconforming structure is vacant or not actively utilized for three hundred and sixty-five (365) days or more, the parcel on which the structure is located will be required to conform to all current zoning requirements such as: landscape, streetscape, and signage before the nonconforming structure is reoccupied.

D) **Relocation of Nonconforming Structures**

Should a nonconforming structure be moved for any distance ~~on the lot of record~~, it shall ~~either~~ thereafter be made to conform with all applicable provisions of this Ordinance ~~or be moved to a location on the lot of record more in conformance with this Ordinance.~~

2.8.4 Nonconforming Lots of Record

A) In any district where a lot of record has been legally recorded on a plat filed with the Mecklenburg County Office of the Register of Deeds and is nonconforming with current zoning requirements, that lot, use or structure, shall not be developed or expanded until that lot is made conforming.

B) In any district where a lot of record has been illegally recorded on a plat filed with the Mecklenburg County Office of the Register of Deeds that lot shall not be developed, redeveloped, or expanded until that lot is made conforming.

2.8.5 Discontinuance of Nonconforming Adult Oriented Businesses

2.8.6 Replacement of Nonconforming Manufactured Homes

2.8.7 Nonconforming Signs

Any sign existing prior to the adoption of this Ordinance, which does not conform to the provisions set forth in this Ordinance, shall be considered legally nonconforming. Such signs shall not be altered, enlarged, or extended.

A) **Maintenance Permitted**

Nothing in this chapter shall prevent the ordinary maintenance repair of a nonconforming sign or replacement of a broken part of a nonconforming sign. The nonconforming condition of a sign shall not be increased or cause a previously conforming sign to become nonconforming. Whenever any nonconforming sign or part thereof (including the copy) is altered, replaced, converted or changed, the entire sign must immediately comply with the provisions of this Chapter.

B) **Shopping Center Signs**

Existing nonconforming shopping center signs with five (5) or more tenant panels may maintain and update tenant sign panels in harmony with the original condition so long as no changes to the existing condition such as height, size, style, or structure are made.

- C) **Excessive Damage or Destruction**
Nonconforming signs, ~~which~~ **that** are destroyed or damaged by fifty (50) percent or more of their value, shall not be rebuilt or repaired except in conformance with this Chapter.
- D) **Vacancy**
When the establishment to which a sign is related ceases or is vacated, the sign shall be classified as 'obsolete', and such sign, including all of its attendant supports, frames, and hardware, shall be removed within one hundred eighty (180) days of the cessation or vacating of the use or establishment unless such sign is used by a new use or establishment on the premises in accordance with all other provisions of this Chapter.
- E) **Expansions, Revisions, and Additions**
~~If there is an expansion of the heated square footage of an existing business, or a change in use to an existing building (except multi-tenant buildings), and there were one or more on-premise nonconforming signs which advertised the former or current business or use, any new signs and all new sign faces for the new use or business must meet all sign requirements for the district.~~
New, altered, or similar signs for any building, use, business or expansion shall be signs in compliance with this ordinance. Existing nonconforming signs may remain if unaltered but shall count against all new sign allowances. Such as: An existing nonconforming free standing sign must be removed prior to any new free standing sign. If existing nonconforming signs exceed the sign square footage currently allowed, no new signs shall be allowed.

Memorandum



To: Town Council and Planning Board

From: Travis Morgan

Date: 2/12/2019

Re: **Off-Street Parking Requirements Update** (*Joint Public Hearing/Action Item*)

PLANNING BOARD DISCUSSION:

The Planning Board expressed concern about how the updated requirements might affect existing uses such as the Pineville Rehabilitation & Living Center.

Staff Update: Pineville Rehab is conditionally approved and nonconforming to current ordinance so the parking changes wouldn't really affect them as they would remain nonconforming. Should Pineville Rehab want to expand or change their approved plan they would need to go before Council the same before or after the proposed text amendment. It is not staff's intent to make any conforming properties nonconforming. Calculations in some categories is too vague or very subjective. Most all regular businesses will be unaffected unless for expansions. Same with larger conditionally approved developments. Staff relied on common established zoning and normal industry standards where possible.

BACKGROUND:

The Off-Street Parking Requirements in the *Pineville Zoning Ordinance* have not been substantially updated in more than 10 years. Some of the existing requirements rely on confusing and difficult-to-calculate standards. Namely, staff believes that using a business's employee count as a standard for calculating parking space requirements is subject to fluctuation over time and is difficult to document and apply consistently.

PROPOSAL:

Staff recommends eliminating all employee-based calculations and using the following to calculate required parking:

- Square footage of gross floor area
- Use-specific, easily measured characteristics (i.e. number of bedrooms in a hotel/motel)

Additionally, the uses and their parking requirements will be divided under easier to find use-specific headers: "Residential Uses", "Commercial Uses", "Industrial Uses", and "Civic Uses". Doing so will make the ordinance easier to interpret and allow staff to introduce catch-all categories that should help diffuse issues that may arise in the future.

STAFF COMMENTS:

Staff believes that the proposed replacements are easier to interpret, calculate, and enforce. This will reduce confusion for developers and make reviewing applications a smoother process.

PROCEDURE:

This is the joint public hearing. This meeting is to familiarize you with the proposal and to hear comment and suggestions. If there is no additional questions or comment council may close the public hearing. After the hearing is closed Planning Board shall offer a recommendation. After the recommendation Council may vote on the proposal following standard legislative approval process.

EXISTING Table 4.1-1 Off-Street Parking

<u>Use</u>	<u>Parking Requirements</u>
Single-Family / Duplex	Two (2) spaces per dwelling unit.
Multi-Family	Efficiency Units - 2.5 Spaces / Unit 1 or 2 Bedroom Units - 3.0 Spaces / Unit 3+ Bedrooms Per Unit -3.25 Spaces / Unit (Over flow parking shall be evenly spaced throughout any development) Dwellings designed specifically for the Elderly or Disabled - 1.25 Spaces / Unit
Rest Homes/Nursing Homes	One (1) per employee during the shift of greatest employment plus one (1) per vehicle used in the operation plus one (1) space per four (4) beds, plus one (1) space per visiting doctor.
Home Occupation	One (1) space for each employee who does not reside on-premises plus the required spaces for the residential dwelling unit plus one (1) space for each three hundred square feet of gross floor area devoted to the home occupation (up to a maximum of three such spaces.)
Rooming / Boarding	One (1) space per room rented in the dwelling unit plus the required spaces for the dwelling unit.
Family Care Home	Four (4) spaces per family care home.
Amusement Park	One (1) space for every three persons that the facilities are designed to accommodate when used to the maximum capacity plus one (1) space per employee during the shift of greatest employment.
Animal Shelter	One (1) space per employee during the shift of greatest employment plus one (1) space for each vehicle used in the operation. In addition, in order to accommodate visitors,

one additional space per ten (10) required spaces shall be provided with a minimum of five (5) and a maximum of ten (10) such "visitor" spaces being required.

Auditorium / Assembly Hall

One (1) space per four (4) spectator seats (or spectator capacity in the largest gymnasium or assembly hall) plus one (1) space per employee during the shift of greatest employment.

Auto / Boat Sales

Four (4) spaces for each salesperson plus one (1) space per each other employee during the shift of greatest employment. These spaces shall be in addition to those used for vehicle/boat display purposes. If repair and/or auto/boat body services are provided on-site, these shall be computed separately.

Auto Repair/Body Shop

One (1) space per employee during the shift of greatest employment plus three (3) spaces per service bay. Service bays shall not be considered as being off-street parking spaces.

Auto Service Station

One (1) space located away from pumps for each fuel nozzle plus three (3) spaces for each service bay plus one (1) space for each employee during the shift of greatest employment.

Bank / Financial Inst.

One (1) space per two hundred-fifty (250) square feet of gross floor area, plus one hundred (100) linear feet of queuing area per drive-in window plus two (2) spaces per automatic teller.

Barber / Beauty Shop

Three (3) spaces per barber, or beautician

Bed and Breakfast

One (1) space per guest bedroom plus one (1) space per employee on the shift of maximum employment.

Bowling / Golf Course

Two (2) spaces per bowling lane, batting range or golf hole plus one (1) space per employee during the shift of greatest employment plus one (1) space per vehicle used in the operation.

Bus Terminal

One (1) space per one hundred-fifty (150) square feet of waiting area.

Campground

One (1) space per camp site plus one (1) space per employee during the shift of greatest employment plus one (1) space per vehicle used in the operation.

Car Wash	One (1) space per employee during the shift of greatest employment; and reserve spaces equal to five times the number of washing bays at the facility or capacity of the mechanical washing system (for automatic car washes), whichever is greater.
Cemetery	One (1) space per employee during the shift of greatest employment plus parking on private internal roads with room for cars to pass parked cars on said roads.
Church/Place of Worship	One (1) space for each four (4) seats in the sanctuary. Where seats consist of pews or benches, each twenty (20) inches of a pew or bench shall be considered as one seat.
College / University	One (1) space for each three (3) students plus one (1) space per employee during the shift of greatest employment.
Day Care	One (1) space per employee during the shift of greatest employment plus one space per each ten (10) children the business is capable of handling.
Day Care, Home	One (1) space plus additional required parking spaces for the residential dwelling.
Doctor's Office	Two (2) spaces per patient treatment or examination room (or similar patient treatment space) plus one (1) space per doctor practicing at the clinic or office plus one (1) space per each additional employee during the shift of greatest employment.
Funeral Home	One (1) space per three (3) seats in the chapel(s), plus one space for each employee during the shift of greatest employment. In addition, off-street parking area shall be provided to accommodate a minimum of thirty (30) passenger vehicles for the purpose of forming a funeral procession.
Golf Courses	One (1) space for the largest number of employees per shift plus four (4) spaces per hole plus one (1) space for each vehicle used in the operation (excluding golf carts).
Hospital / Clinic	Two (2) spaces per bed, not including bassinets.
Hotel / Motel	.75 space per each sleeping unit plus one space for each 200 square feet of public meeting area and restaurant space.
Indoor Recreation Facility	One (1) space per one-hundred (100) square feet of water; plus one space per tennis or racquetball court (outdoor or

indoor) and one (1) space per two-hundred (200) square feet of exercise area not otherwise calculated for parking purposes.

Indoor Theater	One (1) space per employee during the shift of greatest employment plus one (1) space for each three patron seats.
Laboratories	1.2 spaces per employee during the shift of greatest employment.
Library, Museum, Art Gallery	One (1) space per employee during the shift of greatest employment plus one space per vehicle used in the operation plus one space per two (2) patron seats; or one (1) space per three auditorium or similar spectator seats, whichever is greater.
Manufactured Goods, Class 1 and 2	One (1) space per employee during the shift of greatest employment plus one (1) space per vehicle used in the operation. In order to accommodate visitors, one additional space for each twenty (20) required spaces shall also be required.
Miniature Golf / Driving Range	One (1) space per employee during the shift of greatest employment plus three (3) spaces per hole. If an amusement arcade is provided on-site, parking requirements for it shall be computed separately.
Mini-Mart	One (1) space for each two hundred (200) square feet of gross floor area plus two (2) spaces for each fuel nozzle.
Mini-Warehouses/Indoor Storage	One (1) space per ten (10) storage units plus one (1) space per employee during the shift of greatest employment.
Office, Public or Private	One (1) space per three hundred (300) square feet of office area.
Outdoor Sales or Display Area (3,000 sq ft or less)	One (1) space per 750 square feet
Outdoor Sales or Display Area (over 3,000 sq ft)	One (1) space per 1,000 square feet
Post Office, Town Hall	One (1) space per employee during the shift of greatest employment plus one (1) space for each two hundred (200) square feet of gross floor area.
Public Safety Substations	One (1) space for each employee during the shift of greatest employment.

Recreation Facility, Outdoor	One (1) space for each three (3) persons that the facilities are designed to accommodate when fully utilized (if such a measurement can be made), plus one (1) space two hundred (200) feet of gross floor area used in a manner not susceptible to such calculation.
Restaurant	One (1) space per one hundred (100) square feet of gross floor area; or one space for each employee during the shift of greatest employment plus one (1) space per each three (3) customer seats, whichever is greater. If drive-in window service is provided, a reservoir area equal to at least three (3) spaces per drive-in window shall be provided.
Retail Service/Repair	One (1) space per one hundred-fifty (150) square feet of gross floor area.
Retail Uses (General)	One (1) space per five hundred (500) square feet of gross floor area.
School for the Arts	One (1) space per two students during the shift of greatest enrollment. If an auditorium is provided for performances, parking spaces for this shall be computed separately.
Schools, Public & Private	One (1) space per staff member plus 1.6 spaces per classroom; or one (1) space for each three seats used for assembly purposes, whichever is greater.
Shopping Centers	One (1) space per two-hundred fifty (250) square feet of gross floor area.
Warehouse	One (1) space for each two (2) employees plus one (1) space for each five thousand (5,000) square feet of warehouse
Wholesale Sales	One (1) space per employee during the shift of greatest employment, plus one (1) space for each vehicle used in the operation plus one (1) space for each six-hundred (600) square feet of retail display or wholesale cash and carry area.

PROPOSED Table 4.1-1 Off-Street Parking

<u>Use</u>	<u>Parking Requirements</u>
<u>RESIDENTIAL USES</u>	
Single-Family / Duplex	Two (2) spaces per dwelling unit.
Multi-Family	
Efficiency Units	Two-and-a-half (2.5) spaces per dwelling unit.
One (1) or Two (2) Bedroom Units	Three (3.0) spaces per dwelling unit.
Three or more (3+) Bedrooms Per Unit (Over flow parking shall be evenly spaced throughout any development).	Three-and-a-quarter (3.25) spaces per dwelling unit.
Dwellings designed specifically for the Elderly or Disabled.	One-and-a-quarter (1.25) spaces per dwelling unit.
Rest Homes / Nursing Homes	One (1) space per dwelling unit.
Home Occupation	One (1) space per residential unit, plus one (1) space per three hundred and fifty (350) square feet of office / business space.
Rooming / Boarding	One (1) space per room rented in the dwelling unit plus the required spaces for the dwelling unit.
Family Care Home	Four (4) spaces per family care home.
Day Care, Home	One (1) space plus additional required parking spaces for the residential dwelling.
<u>COMMERCIAL USES</u>	
General Commercial, except as listed below	One (1) space per five hundred (500) sq. ft.
Amusement Park	One (1) space per three hundred (300) square feet of GFA, plus one (1) space per three hundred (300) square feet outdoor facilities.
Animal Hospital / Animal Services	One (1) space per three hundred (300) square feet

COMMERCIAL USES - CONTINUED

Automobile / Motorcycle / Boat Sales	One (1) space per two hundred (200) square feet
Auto Repair / Service / Body Shop	One (1) space per three hundred (300) square feet of GFA. Service bays shall not be considered as being off-street parking spaces.
Bank / Financial Institution	One (1) space per two hundred fifty (250) square feet , plus one hundred (100) linear feet of queuing area per drive-in window, plus two (2) spaces per automatic teller.
Barber / Beauty Shop	One (1) space per three hundred (300) square feet
Bed and Breakfast	One (1) space per guest bedroom, plus one (1) space for resident manager / owner.
Bowling	Five (5) spaces per lane, plus one (1) space per five hundred (500) square feet
Campground	Three (3) spaces per camp site.
Car Wash	Two (2) spaces per bay / stall, plus two (2) stacking spaces per bay / stall.
Day Care	One (1) space per three hundred (300) square feet
Funeral Home / Crematorium	One (1) spaces per seat in the chapel or per two (2) feet of bench area, plus One (1) space per five hundred (500) square feet for all other areas. In addition, off-street parking area shall be provided to accommodate a minimum of thirty (30) passenger vehicles for the purpose of forming a funeral procession.
Gas Station	One (1) space for each two hundred (200) square feet plus two (2) spaces for each fuel nozzle.
Golf Courses / Miniature Golf / Driving Range	Five (5) spaces per green, plus one (1) space per five hundred (500) square feet for other buildings.

COMMERCIAL USES - CONTINUED

Hotel / Motel	One (1) space per bedroom , plus one (1) space for each two hundred (200) square feet of public meeting area and restaurant space.
Office, Public or Private	One (1) space per three hundred (300) square feet of office area.
Outdoor Sales or Display Area	One (1) space per seven hundred fifty (750) square feet outdoor area. Indoor area or buildings calculated separately.
Recreation Center	One (1) space per one hundred (100) square feet of pool or similar; plus, one (1) space per two hundred (200) square feet of building area not otherwise calculated for parking purposes.
Recreation Complex or Outdoor Sport area	One (1) space per two thousand (2,000) sq. ft. of outdoor field or sport area, plus one (1) space per four (4) seats or one (1) space per six (6) feet of bench area. Buildings are calculated separately.
Restaurant	One (1) space per one hundred (100) square feet. If drive-in window service is provided, a reservoir area equal to at least three (3) spaces per drive-in window shall be provided.
Theater / Cinema	One (1) space for each three (3) patron seats.

INDUSTRIAL USES

Industrial, except as listed below	One (1) space per five hundred (500) square feet .
Manufactured Goods, Class 1 and 2	One (1) space per four thousand (4,000) sq. ft. of manufacturing and/or storage area, plus one (1) space per three hundred and fifty (350) square feet of office / business space.
Mini-Warehouses	One (1) space per fifteen (15) units plus standard office parking for offices.
Warehouse	One (1) space per four thousand (4,000) sq. ft. of manufacturing and/or storage area, plus one (1) space per three hundred and fifty (350) square feet of office / business space.

CIVIC USES

Civic, except as listed below	One (1) space per four hundred (400) sq. ft.
Auditorium / Assembly Hall / Amphitheater	One (1) space per four (4) seats, every two (2) feet of bench area shall be considered a seat. Other square feet shall be counted separately.
Bus Terminal	One (1) space per one hundred-fifty (150) sq. ft. of waiting area. Other areas calculated separately.
Cemetery	Three (3) spaces per acre of land utilized as grave space.
Church / Place of Worship	One (1) space per four (4) seats, every two (2) feet of bench area shall be considered a seat for main chapel or sanctuary space. One (1) space per three hundred (300) square feet shall be used for all other GFA
College / University	One (1) space per six hundred (600) square feet of building area (excluding dorms), plus one (1) space per dorm room.
Hospital / Clinic	One (1) space per three hundred (300) square feet
Library, Museum, Art Gallery	One (1) space per three hundred (300) square feet
Post Office, Town Hall	One (1) space per three hundred (300) square feet
Recreation Facility, Public	One (1) space per three hundred (300) square feet per building area.

Square Feet Parking Calculation: Square feet used for parking calculations shall be the total gross square feet inclusive of all space measured inside the outer wall or walls of a building, structure, or similar.

Memorandum



To: Town Council and Planning Board

From: Travis Morgan

Date: 2/12/2019

Re: **Tractor Trailer Street Parking Clarification** (*Joint Public Hearing/Action Item*)

PLANNING BOARD DISCUSSION:

The following issues came up during discussions with the Planning Board:

- The Planning Board recommended changing the title of Town Code 72.14 to “VEHICLES IN EXCESS OF 80 INCHES IN WIDTH” to eliminate confusion about the dimension possibly referring to the length of the vehicle.
- Concerns were expressed regarding how 7.21.2 might affect personal vehicles.
- Questions were raised regarding how we define “commercial vehicles”.
- The Planning Board wondered how we would regulate painters or other such professionals that might be doing work on a house but that wouldn’t have access to or require building permits.
- Concerns about enforcement of these policies were raised.

Staff Update: Staff agrees with clarifying the definitions of passenger/residential vehicle vs. commercial vehicle: see updated and new definitions. Regular house work such as painting that would not really need a permit should be safe in that a regular construction truck or van should not exceed a 14 person van size or be more than 7,000 pounds.

BACKGROUND:

Staff has found possibly conflicting town code requirements with on-street tractor trailer parking. Section 72.14 states any vehicle over 80 inches (6’8”) wide is prohibited from long term parking but tractor portion of tractor trailers are permitted on individual lots. The 80 inch on-street rule has an exemption for loading or unloading, point of destination, and repairs. Staff feels this needs clarification to avoid misinterpretation. The 15-foot free and clear road pavement rule still applies. Staff wanted to update the 5,000-pound rule and distinguish between residential or passenger vehicles and commercial vehicles a little better

TOWN CODE(existing):

72.14 VEHICLES IN EXCESS OF 80 INCHES.

~~—(A) It shall be unlawful for any person to park any vehicle which shall have a width in excess of 80 inches upon any of the streets of the town, for a continuous period of time longer than 30 minutes.~~

~~—(B) This section shall not apply to motor vehicles momentarily stopped for the purpose of taking on or discharging passengers, or loading or unloading freight, at a point of origin or destination, nor shall it apply to motor vehicles accidentally and unavoidably disabled; provided, the parking or stoppage is necessary for emergency repairs, to permit the vehicle to be put in operating condition.~~

72.04 PARKING.

(16) On any street where there is less than 15 feet of unobstructed roadway as measured from the side of the vehicle facing the street.

ZONING ORDINANCE:

7.21.2 Commercial Vehicles

~~On any lot of less of than one (1) acre in size which is located in a residential subdivision of more than ten (10) lots, commercial vehicles which may be parked on an overnight basis shall be limited to school buses, vans and pick up trucks (if no greater than 5,000 pounds).—~~

~~This requirement shall not be interpreted to prohibit vehicles from loading and unloading household goods in any Residential District for a period of up to twenty four (24) hours nor shall this restrict the overnight parking of freight truck tractors without trailers on any such lot.~~

~~No residentially developed lot may be used as the base of operation for any freight hauling truck.~~

STAFF COMMENTS:

Staff has heard more and more complaints from residents about on-street parking in general but also specifically on narrow collector type streets such as Cone Ave. Staff recommends upholding the 80-inch-wide vehicle prohibition but also recommends painting yellow curbs to prohibit all on-street parking at narrow critical collector roads that are primary paths for emergency responders either now or in the future.

Staff also recommends limiting what can be parked on roads within the town (where permitted). Limiting on street parking where permitted to basically passenger vehicles staff feels is needed for safety, visibility, and to preserve neighborhood feel and control homes used as base of business operations. Staff would also note the 5,000-pound limit. Some dually trucks and SUV's can run 6,000 pounds (3 tons) or more. Please see below staff recommendation and updates:

Proposed:

TOWN CODE:

72.14 ON STREET PARKING AND VEHICLES IN EXCESS OF 80 INCHES IN WIDTH.

(A) It shall be unlawful for any person to park any vehicle, trailer, material, or equipment which shall have a width in excess of 80 inches, and/or any commercial vehicle, and/or any vehicle over seven thousand (7,000) pounds upon any of the streets within the town, for a period of time longer than 30 minutes.

(B) Section A shall not apply to vehicles used in association with any government approved roadway or utility project such as road repaving or where specifically designed and approved for on street commercial vehicle parking/loading as approved by Pineville Town Council.

Definition added:

Commercial Vehicle: Any vehicle or equipment other than a customary residential four door passenger car, pick-up truck, Sport Utility Vehicle (SUV) or passenger van over 14 passengers, and/or is over seven thousand pounds, and/or is over eighty inches wide.

ZONING ORDINANCE:

7.21.2 Commercial Vehicles

For any residential use or residential zoned property, commercial vehicles shall be prohibited unless where otherwise stated in the Town Code. *See also Town Code 72.04.*

This requirement shall not be interpreted to prohibit vehicles from loading and unloading household goods within any residential property limited to a period not to exceed twenty-four (24) hours *or vehicles in association with an active construction project with valid and approved building permits.*

No residentially-developed lot may be used as the base of operation for any freight hauling truck.

Definition added:

Commercial Vehicle: Any vehicle or equipment other than a customary residential four door passenger car, pick-up truck, Sport Utility Vehicle (SUV) or passenger van over 14 passengers, and/or is over seven thousand pounds, and/or is over eighty inches wide.

PROCEDURE:

This is the joint public hearing between Council and Planning Board. The Town Code is a stand-alone ordinance and does not require Planning Board review but any input is welcome. Planning Board recommendation is needed for Zoning Ordinance amendments. This is the public hearing for Council and/or Planning Board to gain input from staff, public, and the applicant about the proposal. This meeting is to familiarize you with the applicant's request and to hear any public comment. This follows standard legislative approval process. There are no findings of facts needed. If you have all the information needed to make a decision you may; at your discretion, close the public hearing and make a vote.

NCDOT Definitions

(2a) Class A Motor Vehicle. – A combination of motor vehicles that meets either of the following descriptions: a. Has a combined GVWR of at least 26,001 pounds and includes as part of the combination a towed unit that has a GVWR of at least 10,001 pounds. b. Has a combined GVWR of less than 26,001 pounds and includes as part of the combination a towed unit that has a GVWR of at least 10,001 pounds.

(2b) Class B Motor Vehicle. – Any of the following: a. A single motor vehicle that has a GVWR of at least 26,001 pounds. b. A combination of motor vehicles that includes as part of the combination a towing unit that has a GVWR of at least 26,001 pounds and a towed unit that has a GVWR of less than 10,001 pounds.

(2c) Class C Motor Vehicle. – Any of the following: a. A single motor vehicle not included in Class B. b. A combination of motor vehicles not included in Class A or Class B.

§72.04 PARKING

- (A) No person shall stop, stand or park any vehicle or equipment except as directed by a police officer or traffic control device in any of the following places:
- (1) On a sidewalk;
 - (2) Within an intersection, or within 20 feet thereof;
 - (3) On a crosswalk;
 - (4) Within 30 feet of any flashing beacon, stop sign or traffic control signal;
 - (5) No vehicle shall park within 50 feet on either side of any street approaching any railroad crossing;
 - (6) Alongside or opposite any street excavation or obstruction, when the stopping or standing or parking would obstruct traffic;
 - (7) Upon any bridge or other elevated structure;
 - (8) Within 15 feet in either direction of the entrance to a hotel, hospital or any public building where the street is so marked;
 - (9) On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street;
 - (10) In front of or having any portion of a vehicle directly across the street from a public or private driveway, except as otherwise provided in this chapter;
 - (11) In front of any motion picture theater, except bicycles;
 - (12) Within 15 feet of a fire hydrant, or within a designated fire lane;
 - (13) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station, or similarly within 75 feet of the entrance where marked;
 - (14) At any place where signs, yellow painted curb, or similar markings prohibit parking;
 - (15) Within any designated fire lane;
 - (16) On any street where there is less than 15 feet of unobstructed roadway as measured from the side of the vehicle facing the street.
- (B) The following shall apply to all off-street parking for property developed for single family detached, duplex, triplex or quadruplex dwelling units:
- (1) *Front yard parking.*
 - (a) Parking, driveways, and vehicle paths shall be on improved surfaces only.
 - (b) An improved driveway shall not exceed 25% of the area of the defined front yard unless as paved by concrete or asphalt in one single contiguous driveway, then the driveway area shall be allowed to be expanded to a maximum of 35%. Driveways wide enough to accommodate two parked cars are encouraged.
 - (c) Passenger vehicles, recreational vehicles, semi-trailer truck (cab only), golf carts, utility trailers, and boats or box trucks of twenty feet in length or less are permitted. All other vehicles or equipment (i.e., heavy equipment, backhoes, tractors, and similar) are prohibited in the front yard.
 - (d) *FRONT YARD* is defined as the space extending along the most forward-facing foundation of a building façade or roofed porch of a residential unit and measured outward from the closest corner or edge to meet the side property lines then forward to the meet street or right-of-way of the lot on which the unit is officially addressed or where the front door faces, as determined by the planning director.
 - (2) *Side yard.*
 - (a) Parking, driveways, and vehicle paths shall be on improved surfaces only.
 - (b) Parking of passenger vehicles, recreational vehicles, semi-trailer truck (cab only), golf carts, utility trailers, and boats or box trucks of twenty feet in length or less are permitted.
 - (c) *SIDE YARD* is defined as a space measured from foundation of a side façade of a residential unit measured outward to meet the nearest side property line(s) and stopping at the front and rear yards.

- (3) *Rear yard.* No more than one junk vehicle or junk equipment item such as tractor or four wheeler (see also Chapter 91 of the town code) may be parked in the rear yard.
 - (a) Parking in the rear yard is permitted if concealed/screened with evergreen landscaping or minimum six-foot-high solid wood, vinyl, or masonry fencing for all vehicles and equipment from the public right of way and adjacent properties. Except as detailed below.
 - (b) Rear yard required parking screening is not required for working tagged antique vehicles, or rear yard parking on an improved surface such driveway
 - (c) *REAR YARD* is defined as the space extending along the most rear-facing facade foundation measured directly outward from the furthest rear edge(s) of a residential unit to meet the side yard property line and backward to meet the rear property boundary.
 - (4) *Vacant lots.* Parking of passenger vehicles, recreational vehicles, golf carts, utility trailers, and boats or box trucks of twenty feet in length or less are permitted on vacant lots in residential zoned property as screened and improved under town code or zoning ordinance.
 - (5) *Minimum parking.* Minimum of two (2) parking spaces. Each measured a minimum of nine feet by eighteen feet (9'x18').
 - (6) *Maximum number.* The maximum number of vehicles and/or equipment allowed to park in the *front yard* shall be the greater of either of the following options: two (2) OR one and a half (1.5) rounded down per bedroom per property.
 - (7) *Fully Enclosed Structures.* Minimum parking counts shall include fully enclosed garage structures, so long as the roll out trash cans have an area to be stored aside from a parking space. The maximum parking count shall exempt vehicles in fully enclosed garage structures.
 - (C) For purposes of this section, *IMPROVED* means surfaced with concrete, asphalt, gravel or any other material commonly used for the parking of vehicles, but not including grass or dirt.
 - (D) This section adopts the U.S. Department of Transportation definition of passenger vehicle to mean cars and trucks used for passengers; the term here excludes buses, commercial vehicles, recreational vehicles and trains.
 - (E) The prohibitions of this section shall not apply:
 - (1) In conjunction with special events involving family or social gatherings, provided such events do not occur more frequently than once a month; except for weekly Sunday church events, and provided the Town is made aware and confirms the event prior; or
 - (2) To emergency and public service vehicles whose operators are performing services for which they are responsible, nor do these prohibitions apply to vehicles belonging to persons under contract with the city to perform a public service.
 - (F) This section is effective June 12, 2018.
- (1995 Code, § 40-139) (Ord. 12, passed 1-11-2000; Ord. 2004-02, passed 9-14-2004; Ord. 2007-02, passed 6-12-2007) Penalty, see §10.99

ORDINANCE NO. 2019-01

AN ORDINANCE AMENDING CHAPTER 72
AT SECTION 72.14, TO CLARIFY
LANGUAGE AND ADD DEFINITION TO
STRENGTHEN AND ENHANCE
PARKING REGULATIONS

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PINEVILLE, NORTH CAROLINA:

SECTION 1. That Chapter 72, Stopping, Standing and Parking; at Section 72.14, VEHICLES IN EXCESS OF 80 INCHES, is amended as follows:

§72.14 ON STREET PARKING AND VEHICLES IN EXCESS OF 80 INCHES IN WIDTH.

(A) It shall be unlawful for any person to park any vehicle, trailer, material, or equipment which shall have a width in excess of 80 inches, and/or any commercial vehicle, and/or any vehicle over seven thousand (7,000) pounds upon any of the streets within the town, for a period of time longer than 30 minutes.

(B) Section A shall not apply to vehicles used in association with any government approved roadway or utility project such as road repaving or where specifically designed and approved for on street commercial vehicle parking/loading as approved by Pineville Town Council.

Definition added:

Commercial Vehicle: Any vehicle or equipment other than a customary residential four door passenger car, pick-up truck, Sport Utility Vehicle (SUV) or passenger van over 14 passengers, and/or is over seven thousand pounds, and/or is over eighty inches wide.

SECTION 2. This section of the Ordinance shall become effective on _____, 2019.

ADOPTED this _____ day of _____ 2019.

Mayor, Jack Edwards

ATTEST:

Town Clerk, Barbara Monticello

Memorandum



To: Mayor and Town Council
From: Ryan Spitzer
Date: 2/8/2019
Re: Creating Voting Districts – Public Hearing

Overview:

At the February 12, 2018 Town Council Meeting, Town Council will only be taking Public Comments on the matter. There will be no votes and there does not need to be any discussion. State Statute requires that Town Council cannot vote on an Ordinance until at the earliest 30 days after the Public Hearing or at most 60 days after the Public Hearing. This means Council could vote on the Ordinance establishing districts at the March or April Council Meeting.

Below are the next steps in the process (we are currently on step 4, which is highlighted).

1. Council must first adopt a “resolution of intent” to consider an ordinance to amend the charter. Resolution briefly but completely describes the proposed amendments and references the provisions of G.S. 160A-101.
2. At the time when resolution of intent is adopted, Council calls for a public hearing on the proposed amendments. Hearing must be set between 10-45 days after resolution is adopted.
3. Notice of public hearing must be published at least once in a newspaper of general circulation and must contain a summary of the proposed changes. Notice to be published at least 10 days prior to public hearing.
4. **Hold public hearing and allow public to speak on the subject.**
5. Council can then adopt an ordinance stating the amendments to be implemented no earlier than at its *next regular meeting* and *no later than 60 days after the date of the public hearing*.
6. At this point, Council has two options:
 - a) The ordinance becomes effective only upon approval by a vote of the people, **OR**
 - b) Adopt the ordinance, publish the ordinance in a newspaper of general circulation within 10 days of adoption, summarizing the changes to the charter. If no referendum petition is filed within 30 days after

publishing the notice, the ordinance becomes effective. (This is the option we chose when changing the terms and form of government a few years ago).

If option A is chosen, amending charter by ordinance and the ordinance has been advertised and a referendum petition *is filed*, then the following steps are taken:

1. A referendum petition must be filed with the clerk no more than 30 days after the publication of the notice of adoption of the ordinance. Petition must contain the signatures and addresses of **10% of the total number of registered municipal voters** (as 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.
2. Upon receipt of a valid petition, the governing body calls for a special election on a date permitted by G.S. 163-287. A copy of the resolution calling for the election must be forwarded to the Board of Elections as soon as possible.
3. Notice of the election is published by the Board of Elections no less than 45 days prior to the special election.

If ordinance is approved in the special election, clerk files a certified true copy of the Charter amendments with the Secretary of State's office and the Legislative Library.

If option B is chosen where the Council chooses to put the ordinance to a vote of the people, the following steps need to be taken:

- (1) A resolution must be passed at the same time the Ordinance is adopted. The resolution calls a special election for the purpose of submitting the ordinance to a vote. Send resolution to Board of Elections as soon as possible.
- (2) Set the date of the election within 90 days of the adoption of the ordinance.
- (3) The date submitted for the election must also be a date permitted by G.S.163-287
- (4) Notice of special election must be advertised in accordance with G.S. 163-287 at least 45 days before the election. Board of Elections is required to publish notification as well.
- (5) If the ordinance is approved at the Special Election, the clerk files a certified true copy of the Charter amendments with the Secretary of State's office and the Legislative Library.



NORTH CAROLINA

ORDINANCE NO. 2019-02
AN ORDINANCE AMENDING THE CHARTER OF THE
TOWN OF PINEVILLE, NC, TO ADOPT A CHANGE IN
THE NUMBER OF COUNCIL MEMBERS AND THE
MODE OF ELECTION TO FORM DISTRICTS

BE IT ORDNANED by the Town Council of the Pineville, NC:

Section 1. Pursuant to G.S.160A-101 and 160A-102, the Charter of the Town of Pineville, NC, as set forth in Chapter 296 of the 1965 Session Laws of North Carolina, as amended, is hereby further amended to provide that the Town shall now operate with six (6) members and a Mayor on its governing board, along with single-member electoral voting districts; council members shall be apportioned to the districts so that each member represents the same number of persons as nearly as possible, except for members apportioned to the city at large; and candidates shall reside in and represent the districts according to the apportionment plan adopted, but all candidates shall be nominated and elected by all the qualified voters of the town in accordance with Part 2 of Article 7 of G.S. Chapter 160A and any charter provisions not in conflict therewith.

Section 2. The Town Clerk shall cause a notice to be duly published, stating that an ordinance amending the Charter to change the number of council members and mode of election to form voting districts has been adopted. Subject to any referendum petitioned for and conducted pursuant to G.S. 160A-103, this ordinance shall be in full force and effect from and after _____, 2019.

Adopted this ____ day of _____, 2019.

Mayor

ATTEST:

Clerk

Approved as to Form:

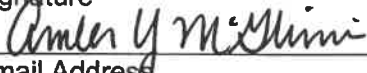
Attorney

NEW BUSINESS

- A. Audit Contract**
- B. Budget Amendment**
- C. Staff Update:**
 - 1) Manager's Report*
 - 2) Calendar of Events*

SIGNATURE PAGE

AUDIT FIRM

Audit Firm Martin Starnes & Associates, CPAs, P.A.	
Authorized Firm Representative (typed or printed) Amber Y. McGhinnis	Signature 
Date 01/24/19	Email Address amcghinnis@martinstarnes.com

GOVERNMENTAL UNIT

Governmental Unit Town of Pineville, NC	
Date Primary Government Unit Governing Board Approved Audit Contract (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
Mayor/Chairperson (typed or printed) John (Jack) Edwards, Mayor	Signature
Date	Email Address jedwards@pinevillenc.gov

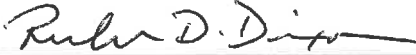
Chair of Audit Committee (typed or printed, or "NA") NA	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

(Pre-audit certificate not required for charter schools)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer (typed or printed) Richard D. Dixon, CPA, Finance Director	Signature 
Date of Pre-Audit Certificate	Email Address rdixon@pinevillenc.gov

The	Governing Board Town Council
of	Primary Government Unit Town of Pineville, NC
and	Discretely Presented Component Unit (DPCU) (if applicable) NA

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name Martin Starnes & Associates, CPAs, P.A.
	Auditor Address 730 13th Ave Dr SE, Hickory, NC 28602

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/19	Audit Report Due Date 10/31/19
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Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).

2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit performed under the requirements found in Subpart F of the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

County and Multi-County Health Departments: The Office of State Auditor will require Auditors of these Governmental Units to perform agreed upon procedures (AUPs) on eligibility determination on certain programs. Both Auditor and Governmental Unit agree that Auditor shall complete and report on these AUPs on

eligibility determination as required by OSA and in accordance with the instructions and timeline provided by OSA.

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC staff within four months of fiscal year end. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.

9. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 12).

10. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

12. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

13. The Auditor shall submit the report of audit in PDF format to LGC Staff when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit Report Reissued Form (available on the Department of State Treasurer website). These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC staff.

If the OSA designates certain programs to be audited as major programs, as discussed in Item 2, a turnaround document and a representation letter addressed to the OSA shall be submitted to LGC Staff.

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

15. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to charter schools). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

16. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 26 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

17. Special provisions should be limited. Please list any special provisions in an attachment.

18. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the parent government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

19. The contract shall be executed, pre-audited (pre-audit requirement does not apply to charter schools), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

20. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

21. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

22. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

23. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

24. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

25. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

26. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 16 for clarification).

27. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>.

28. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

FEES FOR AUDIT SERVICES

For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Governmental Auditing Standards* (as applicable). Bookkeeping and other non-attest services necessary to perform the audit shall be included under this contract. However, bookkeeping assistance shall be limited to the extent that the Auditor is not auditing his or her own work or making management decisions. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience necessary to oversee the services and accept responsibility for the results of the services. Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. The Auditor shall maintain written documentation of his or her compliance with these standards in the audit work papers.

Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter, but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8, 9, and 12 for details on other allowable and excluded fees.

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees below. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee. Should the 75% cap provided below conflict with the cap calculated by LGC staff based on the prior year audit fee on file with the LGC, the LGC calculation prevails.

20 NCAC 03 .0505: All invoices for services rendered in an audit engagement as defined in 20 NCAC 3 .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law.

PRIMARY GOVERNMENT FEES

Primary Government Unit	Town of Pineville, NC
Audit	\$ See fee section of engagement letter
Writing Financial Statements	\$ See fee section of engagement letter
All Other Non-Attest Services	\$ N/A
75% Cap for Interim Invoice Approval	\$ 32,137.50

DPCU FEES (if applicable)

Discretely Presented Component Unit	NA
Audit	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval	\$

**SIGNATURE PAGE – DPCU
(complete only if applicable)**

DISCRETELY PRESENTED COMPONENT UNIT

DPCU NA	
Date DPCU Governing Board Approved Audit Contract (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)	Signature
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA") NA	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE
(Pre-audit certificate not required for charter schools)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed) NA	Signature
Date of Pre-Audit Certificate	Email Address

Remember to print this form, and obtain all required signatures prior to submission.

PRINT



Report on the Firm's System of Quality Control

To the Shareholders of Martin Starnes & Associates CPAs, P.A. and the
Peer Review Committee, North Carolina Association
Of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Martin Starnes & Associates CPAs, P.A. (the firm) in effect for the year ended December 31, 2017. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act and an audit of an employee benefit plan.

As part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Martin Starnes & Associates CPAs, P.A. in effect for the year ended December 31, 2017, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Martin Starnes & Associates CPAs, P.A. has received a peer review rating of *pass*.

Koonce, Wooten & Haywood, LLP

Koonce, Wooten & Haywood, LLP

May 3, 2018

Raleigh
4050 Barrett Drive
Post Office Box 17806
Raleigh, North Carolina 27619

919 782 9265
919 783 8937 FAX

Durham
3500 Westgate Drive
Suite 203
Durham, North Carolina 27707

919 354 2584
919 489 8183 FAX

Pittsboro
10 Sanford Road
Post Office Box 1399
Pittsboro, North Carolina 27312

919 542 6800
919 542 5764 FAX

**TOWN OF PINEVILLE
BUDGET AMENDMENT**

WHEREAS, the Governing Board of the Town of Pineville, North Carolina adopted on the 12th day of June, 2018, the Town of Pineville budget for the fiscal year beginning July 1, 2018 and ending on June 30, 2019; and

WHEREAS, it is appropriate to amend the accounts in the fund listed for the reasons stated;

NOW, THEREFORE, BE IT ORDAINED by the Governing Board of the Town of Pineville, North Carolina, that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as shown and that the total amounts are herewith appropriated for the purposes shown.

Section 1: To amend the General Fund, the appropriations are to be changed as follows:

Department	Number	Decrease	Increase
Fire - Capital Outlay Truck	5300		60,000
Park & Rec - Capital Outlay Improvements	6200		106,288
Police - Departmental Supplies	5100		1,500
Stormwater	5705		12,000
Total			179,788

Section 2: To amend the General Fund, the estimated revenues are to be changed as follows:

	Number	Decrease	Increase
Appropriated Fund Balance	2990		110,000
Insurance Refunds	3350		56,288
Misc Revenue	3010		1,500
Stormwater Reserves	5705		12,000
Total			179,788

To amend appropriations for additional costs of ladder truck and gym floor.

To amend appropriations for donation received by Police department from the Baseball Development Academy, LLC.

To amend appropriations for costs of sink hole repair near Lake Park Drive.

Section 3: To amend the Electric Fund, the appropriations are to be changed as follows:

Department	Number	Decrease	Increase
Electric	8380		5,000

Section 4: To amend the Electric Fund, the estimated revenues are to be changed as follows:

	Number	Decrease	Increase
Misc Revenue	3350		5,000

To amend appropriations for AMI study funds received from Electricities.

Section 5: To move budget from Cultural & Tourism to the Dog Park/Splash Pad fund.

	Number	Decrease	Increase
Dog Park/Splash Pad	6201		50,000
Cultural Tourism	6300	50,000	

Section 6: To move budget between ILEC line items.

Department	Number	Decrease	Increase
6120.3700.32			1,900
6120.2100.32		1,000	
6120.2300.32		900	
6720.2100.32			40,000
6710.1100.32		40,000	
Total		41,900	41,900

Adopted this 12th day of February, 2019

Town of Pineville, North Carolina

John Edwards, Mayor


ATTEST:

Barbara Monticello
(Seal)

February

2019



Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
28	29	30	31	1	2	3
4	5	6	7	8 Valentine Bnqt. @ Belle Johnston @ 6:00 pm	9	10
11	12 Council Meeting @ 6 pm at Hut – PH for Ord on Charter Amendment	13	14 	15	16	17
18	19	20	21	22 PINEVIL	23 LE PLAY	24 ERS 
25 Council Work Session @ 6:00 pm at Tele Bldg.	26	27	28	1	2	3
4	5	6	7	8	9	10

Notes:



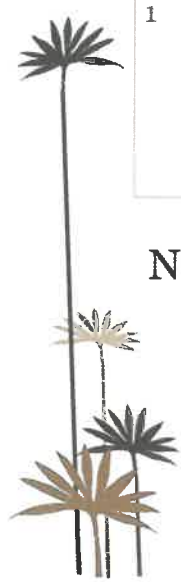
March

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  Happy St. Patrick's Day!
18	19	20	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:



CLOSED SESSION

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

ADJOURNMENT