

**COUNCIL MEETING
AGENDA**

**Pineville Meeting Hut
Tuesday, September 10, 2019
6:30 p.m.**



**PINEVILLE TOWN COUNCIL AGENDA
6:30 P.M. - PINEVILLE HUT MEETING FACILITY
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, SEPTEMBER 10, 2019**

- 1) **Call Meeting to Order:**
 - a) **Pledge Allegiance to the Flag: (DP)**
 - b) **Moment of Silence:**
- 2) **Adoption of Agenda:**
- 3) **Approval of the Minutes from the:** Regular & Closed Session Meetings of August 6, 2019 and the Work Session of August 26, 2019.
- 4) **Consent Agenda:** a) *Finance Report as of 08/31/19;* b) *Proclamation for Constitution Week & Public Power Week*
- 5) **Public Comment:**
- 6) **Public Hearing:** *None*
- 7) **Old Business:**
 - A. **Retiree Benefits – (Ryan Spitzer)** Council to decide and vote on benefits for retirees. **(ACTION ITEM).**
- 8) **New Business:**
 - A. **Resolution No. 2019-08 (Travis Morgan)-** in Support of NCDOT Abandoning Miller Rd. to Town of Pineville. **(ACTION ITEM).**
 - B. **Resolution No. 2019-09 (Travis Morgan) -** declaring Town of Pineville’s Intention to Abandon Miller Rd. to Pulte Home Company, LLC. **(ACTION ITEM).**
 - C. **Edifice Contract (Ryan Spitzer) –** final review and vote to approve contract for At Risk management services. **(ACTION ITEM).**
 - D. **Creech & Associates (Ryan Spitzer) –** final review and vote to approve contract for architectural services for new town hall/library. **(ACTION ITEM).**
 - E. **Prequalification Resolution (Ryan Spitzer) –** Establishes a policy to pre-quality subcontractors for At Risk projects. **(ACTION ITEM).**

F. Review/Approve Contract for Storm Water Issues (Ryan Spitzer) – Contract from LaBella Associates for stormwater issues on Lynnwood Ln. and Lakeview Dr. **(ACTION ITEM)**.

G. Work Session Dates for November and December, 2019 (Ryan Spitzer) – dates for the Work Sessions for November and December have been changed to the 3rd Monday of the month due to the 4th Monday being a holiday week. **(INFORMATIONAL)**.

H. Staff Update:

- 1) *Manager's Report*
- 2) *Calendar of Events*

9) **Closed Session:** *Discussion of matters pursuant to NCGS 143-318.11(6), Personnel Issues*

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 Town
Council Meeting August 6,
2019 and Town Council
Work Session August 26,
2019**



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, August 6, 2019**

The Town Council of the Town of Pineville met in Regular and Closed Session on Tuesday, August 6, 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 was not in attendance for the meeting but was part of the audience)

Town Clerk: Barbara Monticello

CALL TO ORDER

Mayor Jack Edwards called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG (BM)

Town Clerk Barbara Monticello led the group in the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Edwards asked for a general moment of silence for our troops, first responders, police, fire and our military men and women. Mayor made mention of several losses: Garry Earnheart, Libby Boatwright's brother, Ed Boyd, and Martha Donohue all recently passed. The Mayor also made mention of the loss one of his personal friends' son at the age of 22.

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 the agenda was adopted as is.

Approval of the Minutes from the: Regular Council Meeting of July 9, 2019 and the Work Session of July 22, 2019.

Council Member Melissa Davis noted a correction in the Work Session minutes regarding a set of roof specs that she was waiting on; not an invoice. Council Member Debbie Fowler moved to approve the minutes with the correction, seconded by Council Member Davis. There were ayes by all and the minutes were approved with the correction.

Consent Agenda:

The Consent Agenda consisted of the following items: a) *Tax Refund*; b) *Resolution for Surplus Items*. Council Member Debbie Fowler moved to approve the consent agenda as is, seconded by Mayor Pro Tem David Phillips. There were ayes by all and the motion passed 4-0.

PUBLIC COMMENT: None

PUBLIC HEARING:

A. **Public Hearing on Creating Districts and Two Additional Council Members** (*Ryan Spitzer*): Council Member Debbie Fowler motioned to open the Public Hearing and Mayor Pro Tem David Phillips seconded the motion. There were ayes by all and the Public Hearing opened at 6:35 p.m. Town Manager, Ryan Spitzer, reminded the audience of what had transpired so far on the subject of districting. A previous Public Hearing stating Council's intention to move forward to split Pineville into districts was held several months back with much opposition. Council rethought their decision and realized the fairest way to go about this process was to put it to a vote of the people. This public hearing was to gain any additional feedback from residents before moving forward. On August 26th, Council will vote on an ordinance to send to the Board of Elections to formally be put on the ballot in November. Information sessions will be held in September and October for anyone that still has questions about the process. The exact dates to be announced. Mr. Spitzer will also contact HOA's to speak with them separately if needed.

Toni Grove of the Willowhurst community spoke regarding her opposition to districting in Pineville. She listed five reasons why, in her opinion, districting would not be good for Pineville:

- **We are too small.** There are seven small towns in Mecklenburg County, of which Pineville is the smallest. Her research, using the 2010 census, showed that only Stallings has gone to districts because it is divided between both Mecklenburg and Union Counties. All of the others, although larger than Pineville, have no districts.
- **Artificial Boundary Lines.** She feels districts create a culture of division.
- **It limits the pool of candidates** – by requiring them to live in a particular district.
- **It could jeopardize the democratic process** by having appointed council members rather than elected ones. She provided an example that if no one ran in a district, council would have to elect a member to represent that district, thereby resulting in an unelected representative.
- **Consider the cost.** This would be tedious, time consuming and expensive, whether staff was charged with dividing the town into districts or a third-party consultant hired to do it.

She ended her comments thanking all members of Town Council for listening to her.

Council Member Joe Maxim requested, for clarification, that Council was in agreement that no one from Pineville should draw up districts. Town Manager Spitzer added that data from the 2020 Census would be used to divide the town into districts if the vote passed at the election but Council still had to approve the districts regardless. Council Member Debbie Fowler suggested we utilize the services of COG in helping to form the districts since we are a paying member. Mayor Edwards reminded everyone that council decided to do what the people wanted and that council will vote on August 26th for the issue to go to the Board of Elections to be placed on the November 5th ballot for a vote. This is what the public wanted and they will have the issue to vote on in November. Mr. Spitzer stated the dates for the next information sessions will be posted on Facebook, Next Door and the town website and would be held sometime in September or October. Council Member Debbie Fowler moved to close the Public Hearing and Mayor Pro Tem David Phillips seconded the motion. There were ayes by all and the Public Hearing was closed at 6:50 p.m.

OLD BUSINESS:

A. **Mowing Contract** (*Ryan Spitzer*): Town Manager, Ryan Spitzer, stated that he attempted to solicit four contractors for mowing town properties with only one proposing a bid because the others were unable to do it with current staffing. TNT was the only contractor able to provide a bid/estimate. He reviewed the numbers, stating that 6 cuts at a total of \$41,000 was about equal to the salary & benefits of a full time Public Works employee so we would be close to breaking even with the costs. Council Member Debbie Fowler asked about the robots that were put in place to mow the lawn at the Police Department. Mr. Spitzer advised that they were about \$10,000 each and we needed to make a decision soon regarding whether we will purchase them or not.

Council Member Debbie Fowler asked if the contract was just for one year. Town Manager, Ryan Spitzer, confirmed that it was a one-year contract but we could control the number of times the contractor cuts the lawn. Having a third party do the mowing would free up Public Works to do other projects including additional maintenance of town buildings and storm water projects. Council Member Melissa Davis requested that it be stated in the minutes that Public Works was not going to be hiring another employee at this time. Town Manager Spitzer confirmed that they would not be hiring an additional employee. Mayor Pro Tem David Phillips moved to approve the mowing contract with Council Member Melissa Davis seconded the motion. There were ayes by all and the motion passed unanimously.

NEW BUSINESS:

Tax Collectors Settlement for Fiscal Year 2019 and Order of Collection for Tax Year 2019 Mayor Jack Edwards advised that it is standard procedure to adopt into the record the tax settlement statement and then name Mecklenburg County as our Official Tax Collector. Mayor Pro Tem David Phillips moved to accept the tax collector's settlement for fiscal year 2019 and named Mecklenburg County as our official tax collector. Council Member Melissa Davis seconded the motion and there were ayes by all.

B. Staff Update (*Ryan Spitzer*) – Town Manager, Ryan Spitzer, reported on the following items:

- Encouraged all to go over to the Park for National Night Out after leaving the meeting.
- August 26th – Council Work Session to vote on resolution/ordinance for a referendum on districting at the Police Building at 6:00 p.m.
- August 15th – Telephone Board Meeting at 3:30 at the Telephone Building.
- Encouraged people to use See, Click, Fix on the town's website.
- Part F – People from the State came to close out the splash pad grant. Impressed with the way it looked and the size of it. There were no issues with it; grant was signed off on and town will be reimbursed its portion of the grant funds.

Mayor Edwards requested a five-minute break at 6:57 p.m. before moving in to the Closed Session.

CLOSED SESSION: Council Member Melissa Davis moved to enter Closed Session at 7:10 p.m. seconded by Mayor Pro Tem David Phillips. An on-going economic development item was discussed. The consensus of Council was for Mr. Spitzer to move forward and negotiate to the best of his ability. At 8:30 p.m., Council Member Debbie Fowler moved to exit Closed Session, seconded by Mayor Pro Tem Phillips. There were ayes by all and the Closed Session ended.

ADJOURNMENT: Having no further business, Council Member Debbie Fowler moved to adjourn the meeting with Mayor Pro Tem David Phillips seconding the motion. There were ayes by all and the meeting adjourned at 8:31 p.m.

Mayor Jack Edwards

ATTEST: _____
Barbara Monticello, Town Clerk



**MINUTES OF THE
TOWN COUNCIL WORK SESSION OF
Monday, August 26, 2019 · 6:00 P.M.
Pineville Police Bldg.
427 Main Street, Pineville, NC**

The Town Council of the Town of Pineville, NC, met in a Work Session on Monday, July 22, 2019 at 6:00 p.m. at the Pineville Police Building located at 427 Main St. in Pineville NC.

ATTENDANCE

Mayor: Jack Edwards

Mayor Pro-Tem: David Phillips

Council Members: Melissa Davis, Debbie Fowler and Joe Maxim

Town Manager: Ryan Spitzer

Town Clerk: Barbara Monticello

Planning Director, Travis Morgan

Finance Director, Richard Dixon

CALL TO ORDER

At 6:01 p.m. Mayor Pro Tem David Phillips moved to open the meeting, seconded by Council Member Melissa Davis. There were ayes by all and the meeting commenced.

DISCUSSION ITEMS:

A. **Districting** – *(Ryan Spitzer)* Town Manager, Ryan Spitzer, stated this was the last step in the districting process before the issue is put to a vote. An ordinance still needed to be passed stating the town's intention to add two members to its board and to form voting districts. A Resolution also needed to be passed at the same time to call for a special election for residents to vote on the issue. The question will be put to referendum on the November ballot. The town's charter will be amended *only* if a major of the qualified voters vote in favor of it. Hearing no questions or comments, Mayor Edwards called for a motion.

1) **Ordinance No. 2019-02** – Council Member Debbie Fowler moved to adopt Ordinance #2019-02 recommending changes to the town's charter. Council Member Melissa Davis seconded the motion. There were ayes by all and Ordinance #2019-02 passed.

2) **Resolution No. 2019-11** – Council Member Debbie Fowler moved to adopt Resolution #2019-11 calling for a special election on the issue. Mayor Pro Tem David Phillips seconded the motion. There were ayes by all and the Resolution passed 4-0.

B. **Discussion of Baynard Property at NC51 and Downs Road** – Bill Baynard introduced Mattamy Homes as the proposed builder of a townhome project on the corner of NC51 and Downs Road. He wanted to give Council an opportunity to ask any questions of them and turned the floor over to Mr. Jerry Whalen, VP of Land Acquisitions for Mattamy Homes in the Charlotte market. He gave a very brief introduction of Mattamy Homes, stating that they had been around for 40 years with markets in Canada and the United States. They are the largest builder in Canada with varied price points. They build quality homes using hardi plank siding along with stone or brick materials as well as detailed front doors and garages.

Ron Corrao of Capstone Companies, Inc. began his part of the presentation regarding the town home project when Council Member Melissa Davis asked him when his materials were due to Travis. She was disappointed that Capstone had not committed to getting their information to Travis in a timely manner, yet, Mr. Corrao had called Council Members asking them to commit to this project now that the units would be for sale and not for rent. She noted that this was the fourth meeting on the same property and he knew what information was needed and when, yet it was still turned in late with a plan that differed from the one that was discussed and approved earlier. Ms. Davis stated that she did not want this to happen again. It did not give the Planning Director, Travis Morgan, or any of us, the time needed to review the proposal.

Mr. Baynard stated that minor modifications only became apparent recently and were more difficult than anticipated taking longer than expected. Council Member Davis stated that the bottom line was that Capstone did not get their information to Travis in enough time which is a waste of Council's time because they did not do as promised. Plus, there were quite a few changes from what was in the original plan. She reiterated that she did not want this to happen again. She added that Mr. Morgan had 30 days to review a plan before a Public Hearing is held and, therefore, needed all plans prior to that thirty-day window.

Council Member Debbie Fowler asked about the driveways stating that at the last meeting, they were shown as being longer on the original plan. Mayor Pro Tem Phillips had the same concern and wanted to see them at 22 feet long as they were shown on the first plan. Planning and Zoning Director Travis Morgan explained to them that the details on the plan, driveways and elevations are all now part of what needs to be ironed out. Mr. Morgan wanted to be sure he had enough time to review the plans. The matter was closed, the applicant dismissed and nothing further discussed.

- C. **10,000 Pineville-Matthews Road** - *(Planning Director Travis Morgan)* Planning Director, Travis Morgan, gave a quick overview of the property stating that it is located beside Walgreens. It was formerly a tire store which ceased operations in 2018. Sales and service of automobiles is no longer permitted in that district but the applicant is looking to bring that use back to that property. Mr. Morgan stated that the building and site need to meet the overlay district requirements as it currently has no sidewalks and no landscaping. Nor does it allow parking in the front. Additionally, requirements now state the building needs to be brick and the bays are still in the front area, which is no longer permitted. Travis also said that the grade of this property is an issue as well.

Planning would like to see the parking lot in the back of the building and the dumpster screened or secured in some way. The applicant is seeking to do a brick veneer but leave the parking lot in the front of the building. Council Member Debbie Fowler asked if a Public Hearing was needed to which Mr. Morgan replied that it would be.

Mr. Jim Tredwell of NTB (National Tire and Battery) stated that they would not be changing the footprint of the building – they would be keeping it as it was but upgrading it with a brick façade, installing a proper ADA path and making a safer environment. Improvements to the rear of the building would include a secure dumpster along with a safe, clean environmentally friendly tire corral. They are currently exploring other options for an easy ADA compliant ramp as the one shown on their plan was cumbersome. Other improvements include underground storage or drywell – some type of drainage system.

Mr. Radoslav Nedleuv, also of NTB, spoke of erosion control and proper drainage, as well as repaving and restriping the front parking lot. Mayor Jack Edwards asked if anyone from ADA had seen their proposal, to which Mr. Nedleuv stated that they had not. He explained that a section of the sidewalk did not meet ADA standards due to the topography. Council Member Melissa Davis asked about them meeting their parking count requirements because they will lose parking spaces if they cannot use the back portion of the parking lot if it is not their property. Mr. Morgan responded that the parking would have to be worked out with a neighboring business with some type of easement or agreement to utilize other's spaces, plus follow a landscaping plan for the property.

Mayor Pro Tem David Phillips asked how many bays were in the front of the building. Mr. Morgan replied that there were six bays there. Council Member Melissa Davis asked what type of brick they would be using. Mr. Tredwell replied that it would be Quick Brick. Travis stated they would still be using the bays in the front for auto use and that needed to be addressed. Council Member Melissa Davis asked about previous violations at that property and if they had been resolved. Travis stated it has been an on-going issue with high weeds and grass on the property but has since been worked out. Mayor Pro Tem David Phillips asked if there had been sign violations in the past. Mr. Morgan stated that there had been. Mr. Phillips asked if NTB was going back into this property and if so, why did they leave to begin with. The applicant stated it would be some company under the NTB brand, perhaps Tire Kingdom, but he was not sure which of those companies would be the final choice to go in there.

Mayor Pro Tem Phillips asked if they needed to talk with council regarding signage. Travis stated that if they were asking for anything over and above the norm, they would; otherwise the standard zoning regulations and allowances would apply. The only issue may be the freestanding sign. Council Member Joe Maxim requested that they run a clean operation, being mindful of code issues. Mr. Tredwell stated that tasteful signs would be installed as they do not allow big signs anymore. Mr. Morgan was concerned that the town be consistent in what it will allow. If they did allow this use to apply to this property, then we needed to be consistent with any other properties that may request the same thing. Council Member Davis stated that the rendering was not impressive and asked if they could improve it more.

Town Manager, Ryan Spitzer, stated that the building was not the issue at this time – it was whether Council would even consider allowing this use again for this property. Council needed to decide if that use can go back in to that space. Mayor Pro Tem David Phillips stated he was not opposed to letting this business come back into the space. He just wants to be sure whoever goes in, understands the sign regulations. Council Member Joe Maxim then asked about the brick façade – is it real brick or is it fake brick made to resemble real brick. Travis then stated that it depends on the product. Some of them are better than others. The building design should reflect Pineville's heritage. Council Member Melissa Davis stated that we want to see the town improved with nicer buildings, sidewalks, landscaping and other such improvements. Mr. Morgan reminded Council of the process; we have to look at the concerns from the board and determine:

#1) Can this business be reestablished? If so, then:

#2) The applicant needs to provide detailed site plans, elevations, landscaping plans, etc. all at least 30 days ahead of a public hearing.

Council Member Melissa Davis could not think of any other type of business that would or could fill that location. Mr. Morgan stated that the zoning for the property was B3; any use permitted for that district could just go in to that space but the building was designed specifically for an auto-related business so it narrows the field of what business will want to utilize the space. Council Member Davis was hesitant to give approval because of the concern that nothing would be done with the property after approval was given. The property could sit empty for months or even years. The applicant stated that he was ready to commence immediately with this project. Mayor Pro Tem David Phillips stated that he was good with this business going back in there – with a little more focus on updating the brick façade on the front as well as along the side of the building.

Mayor Edwards asked for a consensus on what council wanted to do and if there were any issues with the auto use going back into this location. There were no issues except Council Member Debbie Fowler voiced her concern that she was OK with it as long as it was just for this property and Council Member Davis asked that they work closely with Travis to keep to the regulations. Consensus was yes, auto use can go back into this location. Council Member Debbie Fowler said we should try to get an easement or agreement with the property next door for parking. Council Member Melissa Davis stated she wanted to see improvements and asked that the applicant clean up the issue with the back-property line and determine property boundaries. Travis Morgan concluded with his comments; "we'll flush out all the details, meet with the county and do everything according to plan".

- D. **Edifice, Inc. - (Ryan Spitzer)** Mr. Spitzer stated that he went through the RFP process and chose Edifice as our Construction Manager (CM) at risk to build the new Town Hall and Library. He turned the floor over to Mark Carlista, who introduced himself stating he had 22 years with Edifice specializing in at risk construction management. They have done 44 CM at risk projects, including police departments, fire departments, Town Halls and libraries along with others. Mark Carlista's role is that of team leader during the pre-construction services phase of the project. There will be a Project Manager and an onsite Superintendent (field operations) who will work with Creech & Associates, the chosen architects, to be sure the job is completed correctly and timely. They will be reporting to council on schematic design, design development, as well as budgets, construction documents and the process of going out to bid for various parts of the project. They will be qualifying bidders to be sure they are fiscally strong, have bonded projects under their belt and are capable of doing the job.

Council Member Melissa Davis asked for assurance that once they take the project on, they will take care of everything so that Council doesn't have to worry about it because a project of this size, was scary. She wanted to be sure it was done right. Mr. Carlista reassured her that Edifice worked hard to minimize any issues as much as possible as evidenced by their accomplishments and references. He added that it was a 14-15 month project and they would advise council if a sub-contractor becomes involved. Council Member Davis asked for assurance that the job would be completed in a timely manner. Mr. Carlista assured her that if the project was not completed on time, the fault is on them and subject to a fine which was stated in the contract. Mayor Pro Tem David Phillips asked if they knew what the library will need. Mr. Carlisa stated they will work with the architect and the library to be sure they get what is needed. Ms. Davis asked about an engineer. Town Manager, Ryan Spitzer, responded that Creech and Associates had that covered. Mayor Edwards asked if our attorneys had reviewed the contract to which Mr. Spitzer responded that they had.

- E. **Creech and Associates (Ryan Spitzer)** Mr. Spitzer introduced the architects for the new town hall and library, Creech and Associates. Mr. Brent Green introduced himself as the Lead Designer for the project. He specified that they only designed civic and governmental type structures. Michael Supino will be the manager for this project. They will be meeting with town and library officials to be sure they understand our needs. They also retain employees from Brightspots, consultants for libraries, as part of their staff. Council Member Melissa Davis informed them that keeping council up-to-date was a top priority.

Mr. Spitzer advised that Council's packet included two documents – the first being a Proposal of costs of the project and the second is the Contract for Services. Mayor Pro Tem David Phillips wanted to know at what point we had to identify where the Town Hall will be located. Everyone agreed that it should be identified as soon as possible. Mr. Green further explained that the structure would be a total of approximately 40,000 square feet with the first-floor housing a 20,000 square foot Library and the second-floor also with 20,000 square feet for the Town Hall. Mr. Spitzer, said that Pineville Telephone might come to the Town Hall with a customer service area established in our building. Council Member Melissa Davis asked if the 14-15 month time window was from start to finish. Mr. Green advised that was just for building the structure; it was more like a two-year period with one year for design and the other for buildout. Mr. Spitzer stated that he was meeting with the County Manager on September 6th to discuss funding for the library portion of the project.

- F. **Insurance Discussions (Ryan Spitzer)** - Town Manager Ryan Spitzer went over the proposed revisions to the employee handbook with council as stated in his memo in the council packet. When discussing how many insurance contracts for retirees were out there for previous employees, Mr. Spitzer stated there was one true contract and one email agreement for two past employees but they needed to remain as is. Council Member Debbie Fowler advised of a typo error on Page 51 at the bottom of the page. She stated it should read "A, B or Medigap", not "A, B and Medigap". Under Section 3A, she asked to add "continuous service". Mr. Spitzer state that he would have the document cleaned up and presented again for final consideration at the next Town Council Meeting.

Finance Director, Richard Dixon, stated that he and Ryan would be talking with Finance person this week for the new town hall in preparation for having everything in order to report to the Local Government Commission (LGC). Planning and Zoning Director, Travis Morgan, commented on the greenway. He would like to get a crosswalk at Carolina Place Parkway to link the pedestrian walkway to the greenway. To support these improvements, however, it will cost approximately \$45,000 to reconfigure the connection. He was looking for support from Council in securing the funds to complete this project but wanted to let council know prior to commencement of the work. A question was raised regarding the two dates for work sessions in both November and December since they both fall during a major holiday week. Town Manager Spitzer advised that council could vote on changing the workshop dates at the September Council Meeting. They should set dates for both November and December but they can always be canceled if there is no business to conduct.

ADJOURNMENT:

Having no further business to discuss, Mayor Pro Tem David Phillips moved to adjourn the meeting, seconded by Council Member Debbie Fowler. There were ayes by all and the meeting adjourned at 8:03 p.m.

Jack Edwards, Mayor

ATTEST:

Barbara Monticello, Town Clerk

CONSENT AGENDA ITEMS

- a) Finance Report as of 8/31/19*
- b) Proclamation for Constitution Week & Public Power Week*

Town of Pineville
Budget vs. Actual
8/31/2019

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Property Tax	\$ 8,166,295	\$ 37,729	0.46%
Prepared Food Tax	675,000	-	0.00%
Room Occupancy	610,000	63,241	10.37%
Franchise Tax	900,000	-	0.00%
Sales Tax	1,400,000	-	0.00%
Storm Water	405,000	38,398	9.48%
Powell Bill	180,000	-	0.00%
Other	1,179,815	93,323	7.91%
Sale of Fixed Asset	3,500,000		0.00%
Appropriated F/B - Restricted Police	205,000	205,000	100.00%
Appropriated F/B Cultural and Tourism	88,185	88,185	100.00%
Total	\$ 17,309,295	\$ 525,876	3.04%
Expenditures			
Governing Board	\$ 121,500	\$ 36,982	30.44%
Administration	5,550,835	126,543	2.28%
Human Resources	201,083	14,449	7.19%
Zoning	368,222	68,638	18.64%
Police	5,268,789	772,147	14.66%
Fire	1,034,100	207,388	20.05%
Public Works	771,215	109,934	14.25%
Storm Water	431,375	31,087	7.21%
Powell Bill	892,413	18,748	2.10%
Sanitation	600,000	48,008	8.00%
Recreation	592,578	91,789	15.49%
Cultural/Tourism	1,373,185	314,873	22.93%
Cemetery	4,000	-	0.00%
Contingency	100,000	-	0.00%
Total	\$ 17,309,295	\$ 1,840,585	10.63%

Town of Pineville
Electric Fund
8/31/2019

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Electric	14,438,143	2,476,851	17.15%
Expenditures			
Administration & Billing Support	488,739	96,764	19.80%
Purchased electricity	8,863,296	1,000,836	11.29%
Operations and Maintenance	5,086,108	252,897	4.97%
Total	14,438,143	1,350,498	9.35%

Town of Pineville
ILEC Telephone Fund
8/31/2019

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Revenues	1,464,345	195,511	13.35%
Telephone Reserves	1,210,450	1,510,610	124.80%
Total Revenue	<u>2,674,795</u>	<u>1,706,121</u>	63.79%
Expenditures			
Operating Transfer Out	357,749	357,749	100.00%
Operating Expenses	1,266,996	342,305	27.02%
Plant under Construction	<u>1,050,050</u>	<u>229,220</u>	<u>21.83%</u>
Total	<u>2,674,795</u>	<u>929,274</u>	34.74%

Town of Pineville
CLEC Telephone Fund
6/30/2019

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Revenue	1,033,604	167,366	16.19%
Transfer from ILEC	357,749	357,749	100.00%
Total	<u>1,391,353</u>	<u>525,115</u>	<u>37.74%</u>
Expenditures			
Operating Expenses	1,255,953	198,072	15.77%
Plant under Construction	<u>135,400</u>	<u>43,763</u>	<u>32.32%</u>
Total	<u>1,391,353</u>	<u>241,835</u>	<u>17.38%</u>

Town Of Pineville
Johnston Road Realignment
8/31/19

	FY17	FY18	FY19	FY20	Total Project	Project Budget
<u>Road Realignment Revenue</u>						
DOT grant	-	-	-		-	
General Fund Balance					1,957,000	1,957,000
Total Road Realignment Revenue	-	-	-		1,957,000	1,957,000
<u>Road Realignment Expense</u>						
Land/Building	-	731,228	6,586		737,814	725,000
Engineering	-	74,089	47,278	27,474	148,840	307,000
Construction	-	-			-	925,000
Total Road Realignment Expense	-	805,317	53,863	53,863	886,654	1,957,000

Town Of Pineville
Splash Pad/Dog Park
8/31/19

	FY17	FY18	FY19	FY20	Total Project	Project Budget
Cultural & Tourism Reserves	-				361,460	361,460
Part F Grant	-	-	129,465	91,241	220,706	361,460
Transfer from Cultural & Tourism						50,000
Total Part F Grant Revenue	-	-	129,465	91,241	582,166	772,920
Part F Grant Expense						
6201.7200.70	32,656	61,816	324,720		419,192	772,920
6201.7400.70			275,132	69,314	344,446	
Total Part F Grant Expense	32,656	61,816	599,852	69,314	763,637	772,920

Town of Pineville
Expense Report (Budget vs. Actual)
For the Month Ending August 2019

	Budget	Current Month	Year -To-Date	Encumbrances	Budget Available
Governing Board Expenses	121,500.00	8,349.11	36,982.09	-	84,517.91
Administration Expenses	5,550,835.00	67,535.26	126,542.68	4,550.36	5,419,741.96
Zoning Expenses	368,222.00	45,528.59	68,638.16	-	299,583.84
Police Expenses	5,268,789.00	403,936.97	772,146.58	219,710.99	4,276,931.43
Fire Expenses	1,034,100.00	75,219.53	207,388.26	-	826,711.74
Streets Expenses	771,215.00	62,252.98	109,933.70	48,126.80	613,154.50
Storm Water Expenses	431,375.00	17,465.88	31,087.26	17,000.00	383,287.74
Powell Bill Expenses	892,413.00	5,780.00	18,748.25	23,156.00	850,508.75
Cemetery Expenses	4,000.00	-	-	-	4,000.00
Sanitation Expenses	600,000.00	48,008.02	48,008.02	-	551,991.98
Recreation Expenses	592,577.53	51,605.20	91,789.33	1,460.00	499,328.20
Cultural/Tourism Expenses	1,373,185.00	78,018.45	314,872.58	-	1,058,312.42
Contingency Expense	100,000.00	-	-	-	100,000.00
Total General Fund Expenses	17,108,211.53	863,699.99	1,826,136.91	314,004.15	14,968,070.47

Memorandum



To: Mayor and Town Council

From: Barbara Monticello

Date: 9/5/2019

Re: Consent Agenda Item: Proclamations

CONSTITUTION WEEK

Constitution Week is celebrated every September and a proclamation is presented each year as a reminder to Americans of the anniversary of the drafting of the Constitution of the United States. This year our Constitution will be 232 years old and with September 17th designated as Citizenship Day, it's the perfect time to reflect upon the privilege of being an American.

PUBLIC POWER WEEK

The attached proclamation recognizes the advantages city-owned electric utility services provide to its many customers across the area. More than 70 public power communities serve more than 500,000 residential, commercial, and industrial customers in North Carolina alone. Electricities plays a key role in reminding us to recognize the hard work and effort of employees that provide reliable electricity, excellent customer service and the prompt restoration of service by promoting October 6-12, 2019 as Public Power Week. As in the past, Pineville Electric will be celebrating with promotional give-a-ways during the week as we pay tribute to those that keep the power going.



**A PROCLAMATION BY
THE MAYOR OF PINEVILLE, NC,
IN HONOR OF CONSTITUTION WEEK,
2019**

WHEREAS, September 17, 2019 marks the two hundred and thirty-second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is a privilege and a duty of the American people to commemorate the anniversary of the drafting of this magnificent document with appropriate ceremonies and activities, and;

WHEREAS, all citizens are urged to study the constitution and its historical importance to the people of this great nation, and;

WHEREAS, reflect upon that privilege of being an American with all the rights and responsibilities with which that privilege comes, and;

WHEREAS, Public Law 915 guarantees the issuance of a proclamation each year by the President of the United States of America designating September 17th through September 23rd as Constitution Week, and;

NOW, THEREFORE, I, MAYOR JOHN EDWARDS, DO NOW PROCLAIM, September 17th through September 23rd, 2019 as

CONSTITUTION WEEK

AND, ask our citizens to reaffirm the ideals that our forefathers had in 1787 when drafting this brilliant document by cautiously protecting the freedoms it guarantees each of us.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the **GREAT SEAL OF PINEVILLE** to be affixed on this 10th day of September in the year of our Lord two thousand and nineteen.

Mayor John (Jack) Edwards



PUBLIC POWER WEEK

October 6-12, 2019

Powering Strong Communities

TOWN OF PINEVILLE PROCLAMATION DECLARING OCTOBER 6-12, 2019 AS PUBLIC POWER WEEK IN PINEVILLE, NC

WHEREAS, the Town of Pineville provides reliable electricity to its citizens; and

WHEREAS, the citizens of Pineville are consumers and owners of their public power systems and exercise local control over utility operations and policies; and

WHEREAS, our employees are dedicated to serving the neighborhoods of Pineville; and

WHEREAS, our electric system is a community asset that contributes to the well-being of citizens by providing safe and reliable power, excellent local customer service and economic development opportunities; and

WHEREAS, our community is one of more than 70 public power cities and towns in North Carolina, and more than 2,000 public power systems in the United States;

I, THEREFORE, DO NOW HEREBY PROCLAIM the week of October 6TH through October 12TH, 2019 as "Public Power Week" in an effort to promote public power and those who work in our cities and towns to provide the best possible electric service for our citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the **GREAT SEAL OF PINEVILLE** to be affixed on this 10TH day of September in the year of our Lord two thousand and nineteen.

Mayor Jack Edwards

OLD BUSINESS

A. Retiree Benefits (Action Item)

Memorandum



To: Mayor and Town Council
From: Ryan Spitzer
Date: 9/5/2019
Re: Employee Handbook Revision – Retiree Healthcare

Overview:

Council has wanted to review the section of the Handbook regarding Retiree Health Benefits. The two changes that are reflected in this section:

1. Employees hired before September 1, 2019 will remain as they are now. These employees, after they turn 65 and are eligible for Medicare will then receive up to a \$150 stipend. These retirees must be employee by the Town continuously for 25 years.
2. Employees hired after September 1, 2019 will not receive any retiree health benefits.

The changes from the August Work Session have been reflected in the new document.

Attachments:

Personnel Handbook Section

Post-retirement Medical Benefits Policy

1. Preamble.

The Town of Pineville Post-Retirement Medical Benefits Plan (the “Plan”) is intended to provide medical benefits to certain eligible retired employees.

2. Effective Date.

The Plan was initially adopted by the Pineville Town Council on June 27, 2000. The Plan has been restated effective September 10, 2019, to incorporate all prior amendments. This Plan is hereby amended and restated, effective September 10, 2019.

3. Eligibility.

To be eligible for Post-Retirement Medical Benefits, the employee must be an active participant in the Town’s Medical Plan prior to September 10, 2019, and must thereafter continuously remain a participant in the Town’s Post-Retirement Medical Benefits Plan. If an employee fails to either timely elect coverage or drops Post-Retirement Medical Benefits coverage, such employee shall not be permitted to enroll or re-enroll in such Plan at a later date. Participants in the Post-Retirement Medical Benefits Plan shall be given the opportunity to change coverage options, if other options are available to retirees during the Plan’s open enrollment period. Subject to the general rules relating to all Participants, additional requirements governing Post-Retirement Medical Benefits are set forth in the following paragraphs:

A. Pre-Medicare Eligible. Employees hired prior to September 10, 2019 who have participated in the Town’s Medical Benefits Plan, and have 25 years or more of continuous service are eligible for the Town’s Medical Benefits Plan upon retirement until they reach Medicare eligible age. Employees hired after September 10, 2019 will not be eligible for the Town’s Medical Benefits Plan upon retirement.

B. Medicare Eligible. Subject to meeting the general eligibility rules set forth above, the following employees and former employees will be eligible for benefits under the Plan when they are eligible for Medicare:

(i) Employees hired before September 10, 2019 and are eligible for the Town’s Medical Benefits Plan and are participating in the Town’s Retiree Medical Benefits Plan will lose the Town’s Retiree Medical Benefits Plan coverage on their 65th birthday. Upon reaching their 65th birthday, they will be eligible to receive a monthly stipend up to a \$150 to reimburse some of the cost of their individual coverage through their spouse’s medical plan or other coverage available. Such coverage can include Medigap. What was once known as Medicare Supplement, Medigap covers some deductibles, co-insurance, co-insurance payments and other costs not covered by Medicare Parts A & B. Medicare A & B is the original Medicare.

(ii) Employees hired after September 10, 2019 and that are eligible for the Town’s Health Insurance Plan as an active employee will not be eligible for the Town’s health insurance plan or Medicare stipend upon retirement or termination of employment.

C. Spouse and Dependents.

(i) The spouse and/or dependents of employee's described in 3.A. are eligible to participate in the Town's health insurance plan until the employee's coverage terminates on their 65th birthday. The Town does not participate in the cost of spouse/dependent coverage whether for current employees or retirees. The employee must pay 100% of the spouse/dependent coverage.

EMPLOYEE BENEFITS

Employer Sponsored Benefits for Current Employees and Their Eligible Family Members

All full-time and part-time current employees working at least 30 hours a week are eligible for all group health benefits as applicable to the respective plans. For more comprehensive information on the various plans offered please see the Human Resources Department for more details, including but not limited to any medical plan benefits including vision and prescription subject to deductibles, health reimbursement accounts, health savings accounts, life insurance, death benefits, short term disability, long term disability and supplemental coverage insurance through outside vendors, as available, and if the employee elects to pay all premiums through payroll deductions.

The Town pays the entire premium for benefit plans for its current employees with the exception of the supplemental coverage.

Because of the complexity of the Town's Health and Welfare Benefits separate summary plan descriptions describe each benefit in detail.

All employees who elect to cover dependents in the medical and dental plans will have premiums deducted from their weekly paychecks. Only those employees who are grandfathered in and covered by the health benefits plan prior to May 15, 1990 will have their family coverage paid by the Town.

The employee handbook gives an overview of the plans and explains who is eligible based upon employee status and hours worked. Please understand that this general explanation is not intended to provide you with all the details of these benefits. Therefore, this handbook does not change or otherwise interpret the terms of the official documents. Your rights can only be determined by referring to the full text of the official plan documents, which are available for examination in the Human Resources Department. To the extent that any information in this handbook is inconsistent with the official plan documents, the provisions in the official document will govern in all cases. The Town also reserves the right to change, terminate or add benefit plans as needed without notice to employees as applicable by law.

Employer Sponsored Benefits for Retired Employees with 25 or More Years of Continuous Service hired before September 10, 2019

Any employee hired before September 10, 2019 with continuous service of 25 years or more with the Town of Pineville who is retiring from the North Carolina Retirement System, will be eligible for the Town to pay the full cost of medical coverage available pursuant to the summary plan descriptions available to retirees until they reach the age of 65 and/or becoming Medicare eligible. Employees hired after September 10, 2019 will not be eligible for the Town's Medical Benefits Plan upon retirement.

Once the retired employee reaches age 65 and/or becomes Medicare eligible age, they will no longer be eligible for the Town's Post-Retirement Medical Benefits coverage. However, the Town agrees to provide a monthly stipend up to \$150 toward Medicare A, B, or Medigap on behalf of the retirees. It is the



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

responsibility of the retiree to obtain Medigap on their own. In order for the Town to provide a monthly stipend up to a \$150 monthly towards the cost of Medicare A, B, or Medigap, the retiree must provide the Town with adequate documentation.

Beginning July 1, 2019, retirees are not eligible for any health reimbursement account benefits. The Town will not cover the cost of any medical coverage for retirees' spouses or other family members.

The employee handbook gives an overview of the plans and explains who is eligible based upon employee status and hours worked. Please understand that this general explanation is not intended to provide you with all the details of these benefits. Therefore, this handbook does not change or otherwise interpret the terms of the official documents. Your rights can only be determined by referring to the full text of the official plan documents, which are available for examination in the Human Resources Department. To the extent that any information in this handbook is inconsistent with the official plan documents, the provisions in the official document will govern in all cases. The Town also reserves the right to change, terminate or add benefit plans as needed without notice to employees as applicable by law.

Continuation Coverage Rights for Cobra

The Town of Pineville is in full compliance with the Consolidated Omnibus Budget Reconciliation Act (COBRA). As required by law, the Town will provide all eligible employees and their dependents an initial Cobra Notification explaining their rights under the Act. For additional information on Continuation of Cobra Rights employees may contact the Human Resources Department for full disclosure.

HIPAA Notification Rights

The Town of Pineville is in full compliance with the Health Insurance Portability and Accountability Act (HIPAA). If you would like information on your rights you can contact the Human Resources Department for full disclosure.

NEW BUSINESS

- A. Resolution No. 2019-08**
- B. Resolution No. 2019-09**
- C. Edifice Contract**
- D. Creech & Associates**
- E. Prequalification Resolution**
- F. Review/Approve Contract for Storm
Water Issues**
- G. Work Session Dates for November and
December, 2019**
- H. Staff Update**
 - 1) Manager's Report**
 - 2) Calendar of Events**

Memorandum



To: Town Council

From: Travis Morgan

Date: 9/10/2019

Re: Miller Road Resolution Abandonment and Improvement

Proposed:

Miller Road alignment has been shifted from the old golf course days to current McCullough subdivision alignment. Pulte needs to realign the right of way to match existing road configuration. It is a state road. NCDOT wishes to abandon to Town. NCDOT requires resolutions (see attached). Town would then abandon to Pulte to improve. Pulte would then improve the road then turn over as a Town road as part of road network as planned in the rest of McCullough.

Proposed Process:

- *The Town will acquire Miller Road from the State of North Carolina.
- *The Town will then turn over ownership of Miller Road to Pulte Home Company, LLC.
- *Pulte Home Company, LLC will post a Bond Guarantee and then make improvements to the road to bring into compliance with the Town of Pineville Zoning Ordinance, including adding curb, paving, trees, and streetlights to match the other sections of Miller Road that have been improved in the surrounding subdivision
- *The Town of Pineville will then reacquire Miller Road from Pulte.

STAFF COMMENTS:

Staff supports the realignment and abandonment as a state road IF the road is dedicated to the town after improvement to current zoning and public works standards. Public Works and engineering must approve all plans and inspections. A bond to guarantee the work must be in place prior to signed resolutions being released.

Benefit to the town is Miller Road would be improved whereas otherwise it would not since the majority is not technically within the subdivision.

PROCEDURE:

Resolution is needed from the town to NCDOT to make next steps in the process. NCDOT and Staff has helped craft the resolution and conditions to safeguard the Town.

I am writing to you on behalf of, Pulte Homes. Our team is in the process of developing McCullough Subdivision located on NC 51 in Pineville and are in the final stages of land development for the North Carolina section. The purpose of this letter is to ask the Town of Pineville for assistance to abandon a section of Miller Farm Road from the North Carolina Department of Transportation (NCDOT) to Pulte Home Company, LLC (PHC). This section of Miller Farm Road has been realigned as Miller Road during the construction process and no longer serves any residents.

The process to abandon the roadway is outlined as follows:

- Approve a resolution asking the NCDOT to transfer ownership of Miller Road (from NC 51 to PHC property) and Miller Farm Road to the Town of Pineville.
- Approve a resolution abandoning Miller Farm Road to Pulte Home Company, LLC as we are currently the owner of the underlying property.

It is our understanding during meetings with the Town of Pineville that this can be done in one meeting by placing conditions on each resolution. PHC proposes the following conditions for these resolutions:

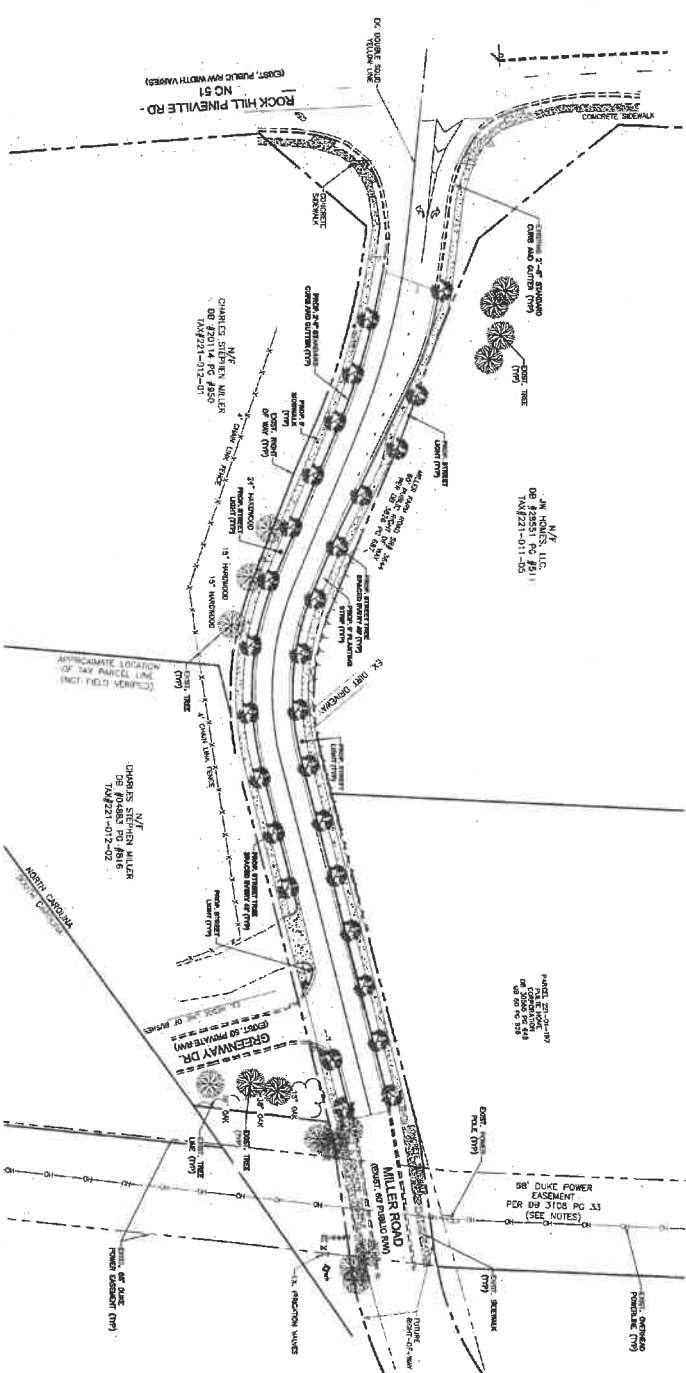
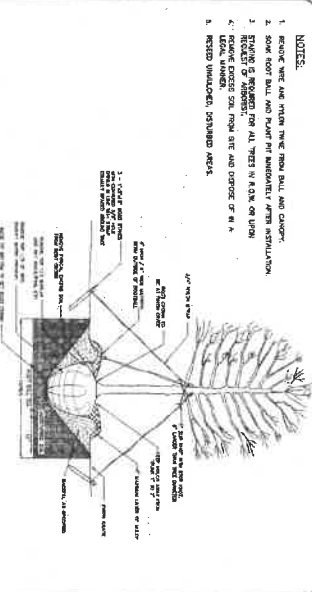
- PHC will improve Miller Road from NC 51 to McCullough Subdivision.
- PHC will bond for these improvements until such time that the final lift of HMA has been placed. The final lift of HMA is expected to be placed immediately after construction to aid in drainage of this section of roadway.

CITY OF CHARLOTTE
LAND DEVELOPMENT STANDARDS
PLANNING DEPARTMENT

TREE PLANTING
 (FOR SINGLE AND MULTI-STEM TREES)

NOT TO SCALE

40.01



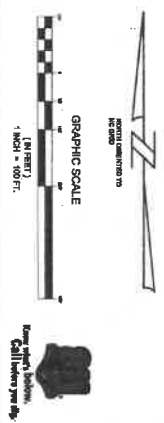
STREET PLANTING SCHEDULE

STREET NAME	BOTANICAL NAME	COMMON NAME	SIZE	QTY
MCCULLOUGH MILLER ROAD	ACER RUBRA	CORNER QUANTITY	7" CALIBER	80

STREET TREE CALCULATIONS

STREET NAME	CENTERLINE LENGTH (FEET)	REQUIRED NO. OF TREES (BASED ON 10' SPACING)
MCCULLOUGH MILLER ROAD	415	28

TOTAL STREET LENGTH - CENTERLINE LENGTH: 415'
TOTAL STREET LENGTH - TOTAL STREET LENGTH - INTERSECTION LENGTH - COMMERCIAL DRIVEWAY LENGTH: 415'
REQUIRED NUMBER OF TREES - TOTAL STREET LENGTH: 28
REQUIRED NUMBER OF TREES - COMMERCIAL DRIVEWAY LENGTH: 0
REQUIRED NUMBER OF TREES - TOTAL STREET LENGTH: 28



LANDSCAPING PLAN

MCCULLOUGH MILLER ROAD

TOWN OF PINEVILLE, NC

PROJECT INFORMATION:

PROJECT NUMBER:	110
DATE:	10/22/14
DRAWN BY:	JK
CHECKED BY:	JK
PROJECT NAME:	110
OWNER:	FULTE HOME COMPANY, LLC

L110

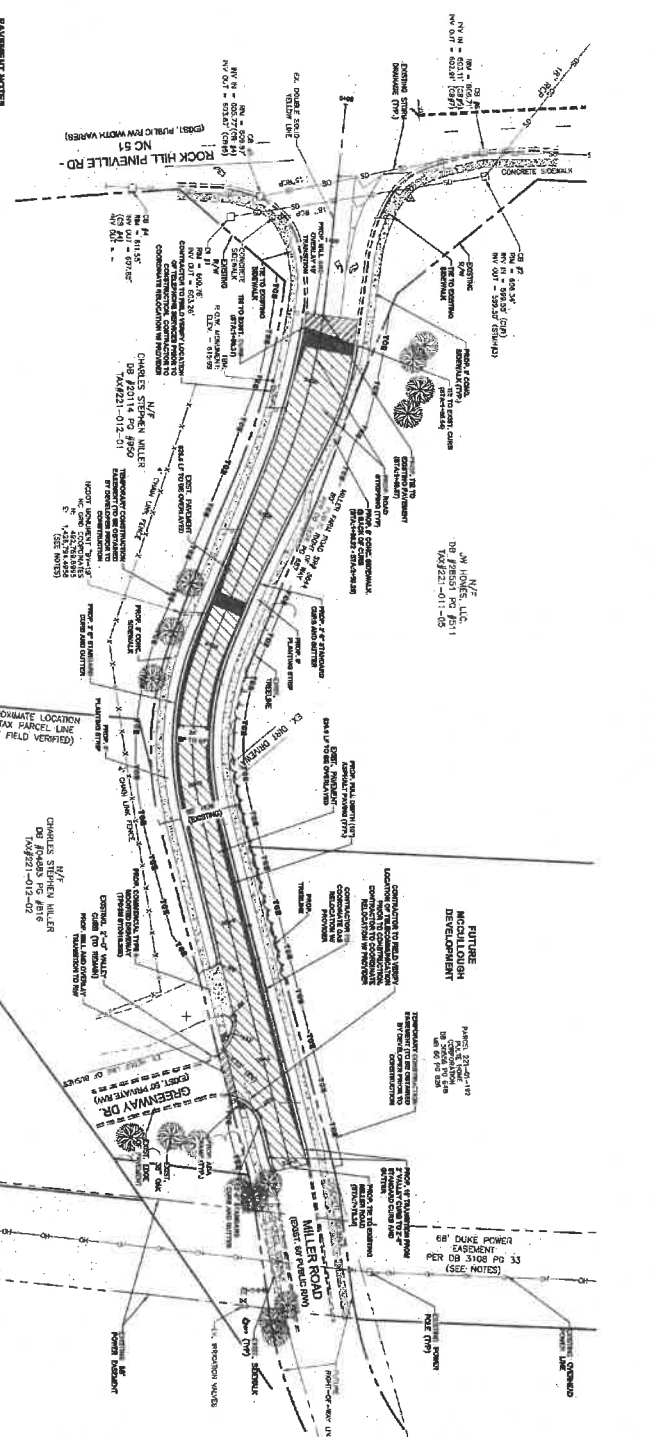
LANDSCAPE PLANTING NOTES:

1. LANDSCAPE PLANTING SHALL BE PERFORMED BY THE CONTRACTOR.
2. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF CHARLOTTE LAND DEVELOPMENT STANDARDS.
3. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF CHARLOTTE LAND DEVELOPMENT STANDARDS.
4. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF CHARLOTTE LAND DEVELOPMENT STANDARDS.
5. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF CHARLOTTE LAND DEVELOPMENT STANDARDS.
6. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF CHARLOTTE LAND DEVELOPMENT STANDARDS.
7. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF CHARLOTTE LAND DEVELOPMENT STANDARDS.
8. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF CHARLOTTE LAND DEVELOPMENT STANDARDS.
9. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF CHARLOTTE LAND DEVELOPMENT STANDARDS.
10. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF CHARLOTTE LAND DEVELOPMENT STANDARDS.

ESP Associates, Inc.
 P.O. Box 1000
 Charlotte, NC 28201
 Phone: 704.375.1111
 Fax: 704.375.1112
 Email: info@esp-nc.com
 Website: www.esp-nc.com

SUBMITTAL AND DEVELOPMENT STANDARDS

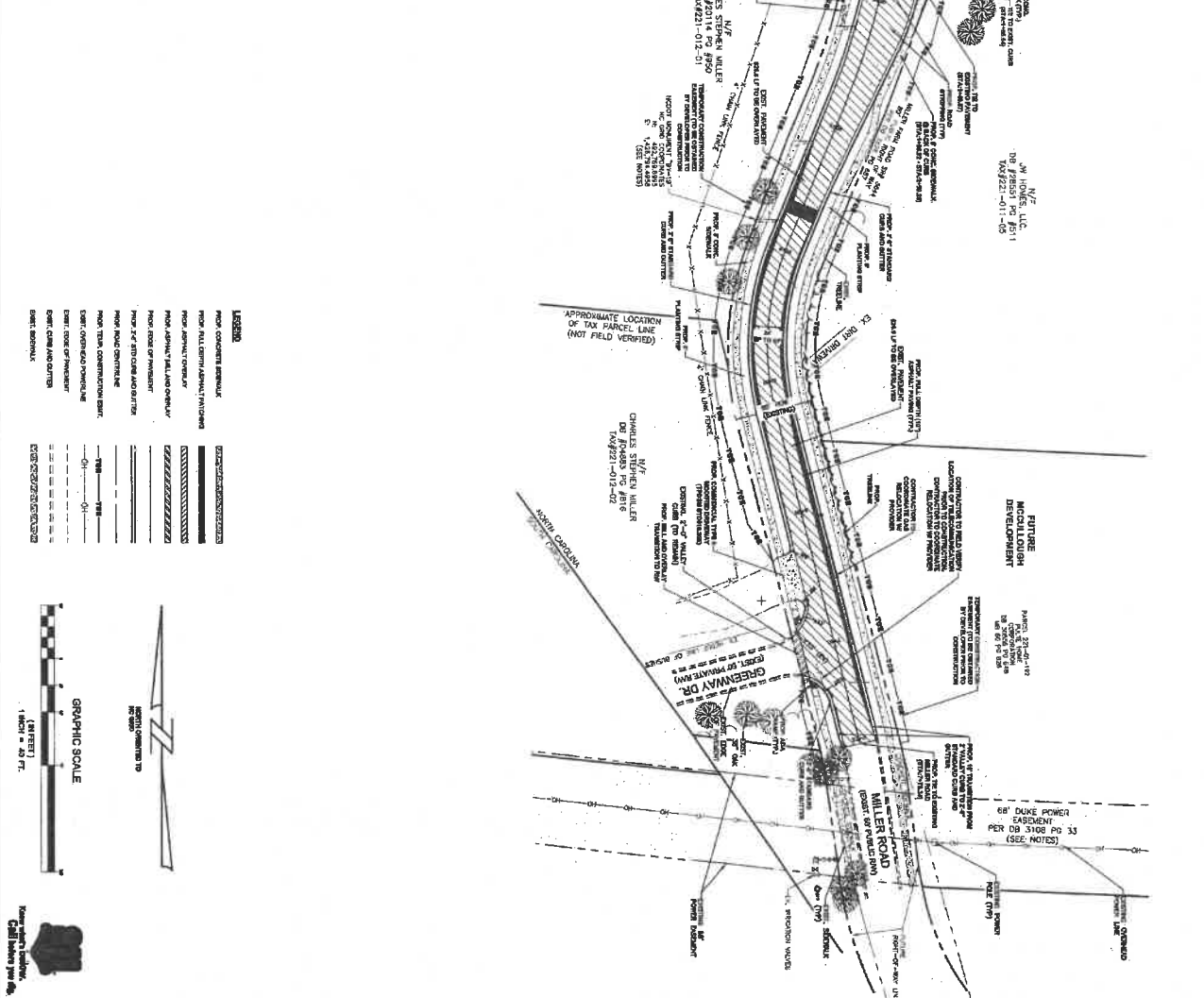
- 1. ALL DEVELOPMENT SHALL BE SUBJECT TO THE LATEST EDITION OF THE...
2. ALL DEVELOPMENT SHALL BE SUBJECT TO THE LATEST EDITION OF THE...
3. ALL DEVELOPMENT SHALL BE SUBJECT TO THE LATEST EDITION OF THE...



PLANIMETRY NOTES

- 1. TYPICAL...
2. TYPICAL...
3. TYPICAL...

- 1. SHARED...
2. SHARED...
3. SHARED...



Graphic scale, legend, and project information including site plan title, project name (MCCULLOUGH MILLER ROAD), and company details (FULTON HOME COMPANY, LLC).





**RESOLUTION NO. 2019-08
A RESOLUTION IN SUPPORT OF NCDOT
ABANDONING MILLER RD. TO THE TOWN OF PINEVILLE**

WHEREAS, the Town Council of the Town of Pineville, NC, states its support for NCDOT to abandon Miller Road and right-of-way to the Town of Pineville from NC51 through the property owned by Pulte Home Company, LLC (PHC);

AND WHEREAS, the Town of Pineville is willing to accept Miller Road with the intention of abandoning it to Pulte Home Company, LLC as they are currently the owner of the underlying property;

AND WHEREAS, the Town of Pineville supports these efforts with the following conditions stated herein:

- 1) Pulte Home Company, LLC will improve Miller Road from NC51 to the McCullough subdivision
- 2) Pulte Home Company, LLC will bond for these improvements until such time that the final lift of hot mix asphalt (HMA) has been placed
- 3) The final lift of HMA is expected to be placed immediately after construction

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Pineville hereby supports the NCDOT road abandonment and states its willingness to accept Miller Road;

BE IT FURTHER RESOLVED, the undersigned hereby consents to the foregoing and directs that this Resolution of Support be filed with the records of the Town of Pineville and with the NCDOT.

Effective this _____ day of September, 2019.

TOWN OF PINEVILLE

By: _____

Name: _____

Title: _____



**RESOLUTION NO. 2019-09
A RESOLUTION BY THE TOWN OF
PINEVILLE, NC STATING ITS INTENTION
TO ABANDON MILLER RD. TO PULTE HOME COMPANY, LLC**

WHEREAS, the Town Council of the Town of Pineville, NC, states its intention to abandon Miller Road through the property owned by Pulte Home Company, LLC (PHC);

AND WHEREAS, once the North Carolina Department of Transportation abandons Miller Road, the Town of Pineville intends to abandon Miller Road to Pulte Home Company, LLC as they are currently the owner of the underlying property;

AND WHEREAS, the Town of Pineville supports these efforts with the following conditions stated herein:

- 1) Pulte Home Company, LLC will improve Miller Road from NC51 to the McCullough subdivision;
- 2) Pulte Home Company, LLC will bond for these improvements until such time that the final lift of hot mix asphalt (HMA) has been placed;
- 3) Bond must be posted prior to signing this resolution;
- 4) The final lift of HMA is expected to be placed immediately after construction;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council hereby states its intention to abandon Miller Road to Pulte Home Company, LLC;

BE IT FURTHER RESOLVED, the undersigned hereby consents to the foregoing and directs that this Resolution be filed with the records of the Town of Pineville and with the NCDOT.

Effective this _____ day of September, 2019.

TOWN OF PINEVILLE

By: _____

Name: _____

Title: _____

Memorandum



To: Mayor and Town Council
From: Ryan Spitzer
Date: 9/5/2019
Re: Edifice Contract

New Information:

A representative was at the August Work Session from Edifice to explain their services and to answer any questions Council may have about the contract. There is no new information and the contract has not been modified from what was presented at the August Work Session.

Overview:

The Town issued an RFP for Construction Manager at Risk Services in the spring of 2019. The Town received two proposal responses. They were from Edifice and Balfour Beatty. A team was formed to vet the two companies that consisted of a representative from Mecklenburg County, a representative from the Library, and three Town employees.

The team chose Edifice for the work they have done in the area and the work they have performed at the County and for the Library System. These two entities, as well as the other local jurisdictions that were called did not have any negative comments about the work Edifice has done for them.

Costs:

These cost are only high level estimations and may change based on the scope of work:

Pre-Construction Work: \$97,100

Construction Work: \$600,000 (5.75% of the cost of work)

Attachments:

Contracts



**Town of Pineville
New Town Hall and Library Project
September 1, 2019**

PRECONSTRUCTION SERVICES (September 2019 – September 2020) Scope of services will include review and analysis during the three key design phases:

Programming and Conceptual Pricing

- Coordination meetings with the Town of Pineville and Design Team
- High level conceptual pricing exercises and planning
- Create project schedule that maps out preconstruction activities

Schematic

- Coordination meetings with owner and design team – Bi-Weekly (every other week)
- Programming verification
- An allowance of \$10,000 has been included in the preconstruction services fee to cover Ground Penetrating Radar scans
- Value engineering
- Value engineering workshop with owner and designer
- Quantity take off and unit cost pricing
- Schematic design estimate
- Clarifications to estimate
- Facilitate estimate review meeting and refine based on team comments
- Establish Project Collaborative website for the project team to utilize

Design Development

- Coordination meetings with owner and design team – Bi-Weekly (every other week)
- Constructability review
- Product and system analysis with recommendations
- Value engineering
- Value engineering workshop with owner and designer
- Quantity take off
- Solicit key trades for current market pricing
- Design development estimate
- Clarifications to estimate
- Facilitate estimate review meeting and refine based on team comments
- Analyze products and building systems and make recommendations
- Solicit current market pricing from key trades



The following Preconstruction Services will be included in the PGMP Contract for Construction Services:

Construction Documents

- Coordination meetings with owner and design team – Bi-Weekly (every other week)
- Constructability review
- Design quality control and/or VE workshop with owner and designer
- Phasing and site logistics plan
- Milestone construction schedule
- Value engineering
- Construction document estimate
- Clarifications to estimate
- Perform quality control review of construction documents
- Create site logistics plan
- Create milestone construction schedule
- Provide cost estimate based on 90% CD's
- Conduct estimate review meeting and refine cost estimate based on feedback

Prequalification of Trade Contractors

- Establish a prequalification process to ensure that all Town of Pineville policies are adhered to and project-specific criteria is included.
- Tailor bid packages for the benefit of the project in terms of available resources and funding
- Advertise trade package opportunities for those interested in prequalifying to bid the project
- Edifice will work with the Town of Pineville on the Prequalification process making sure all County policies are followed and project specific criteria is included
- Outreach Sessions will be held to help advertise and promote interest in the project
- Describe prequalification process at Outreach Sessions
- The Town of Pineville and Edifice will work together to develop the list of Prequalified Trade Contractors in concert with the G.S. 143-135.8 Prequalification and 143-128.1 Construction Management at Risk Contracts
- All Town of Pineville requirements for MWSBE participation will be followed
- Get approval from the Town of Pineville for recommended prequalified bidders
- Only allow prequalified trade contractors to bid the project

Public Bid

- Advertise the project for bid to all prequalified trade contractors
- Conduct an open, competitive public bid process for all trade packages
- Offer and provide MWSBE firms assistance during the bidding phase
- Provide feedback to any unsuccessful bidders
- Notify Prequalified Bidders of pre-bid meeting and bid date
- Conduct Pre-Bid meeting



- Hold the bid opening in a public location at a Town of Pineville facility.
- Edifice will work in concert with the Town of Pineville and Creech & Associates on all the necessary requirements related to the bid opening
- G.S. 143-129 Procedure for Letting of Public Contracts will be followed
- All Town of Pineville requirements for MWSBE participation will be followed
- Post Bid meetings with all apparent low, responsive, responsible trade contractors will be held to determine the authenticity and accuracy of bids
- Award 1st Tier Contracts
- Report Actual MWSBE participation vs. Goals

MWSBE

- Engage MWSBE coordinator to define MWSBE Plan
- Complete Project-specific MWSBE Plan
- Coordinate goals with project team

Guaranteed Maximum Price

- Once Post Bid Meetings are finalized and apparent low bidders are determined, a Guaranteed Maximum Price (GMP) Proposal will be put together.
- The GMP Proposal will then become part of the A133 – Exhibit A Guaranteed Maximum Price Amendment

Contract

- Negotiate and execute contract with the Town of Pineville using AIA A133 and A201
 - Include Preconstruction Services only to start the process
- Establish GMP once Post-Award meetings are finalized and apparent low bidders are determined
- Put together GMP Amendment for approval and it gets added to and becomes a part of the contract

Memorandum



To: Mayor and Town Council
From: Ryan Spitzer
Date: 9/5/2019
Re: Creech and Associates Contract

Overview:

At the August Work Session, Creech and Associates spoke to Council with the opportunity of Council to ask questions of the architects and about the contract. There were no questions that came out of the Work Session. The information below was presented to Council as part of the August Work Session.

The Town issued an RFP for Construction Manager at Risk Services in the spring of 2019. The Town received six proposal responses. A team was formed to vet four of the responding companies that consisted of a representative from Mecklenburg County, a representative from the Library, and three Town employees.

The team chose Creech and Associates for the work they have done in the area for other municipal customers as well as the team they put together. Creech and Associates have designed town halls for Mint Hill, Kannapolis, and Indian Trail. They are currently working with Davidson on the design of their town hall.

AIA Document B133 – 2014

This is the standard industry form for contracting with an Architect in the Construction Manager at Risk format. Pay close attention to Article 12 Special Terms and Conditions as this outlines how many times they will present work to the Town Council without charging extra for services. You may want to increase the number of “owner meetings” and include a public meeting(s).

Proposal Document

I am working with the architects to better define their public meetings in section 12 of the document. I am requesting they change the guaranteed meeting structure in 12.2 – Schematic Design to outline 3 meetings without additional cost. One meeting will be to refine the schematic designs, one meeting to show the public the schematic designs, and a final meeting to refine the schematic design that was chosen at the public meeting.

Costs:

\$977,500

Attachments:

Contract
Proposal

.

August 15, 2019

Mr. Ryan Spitzer
Town Manager
Town of Pineville
211 S. Hamilton Street
Pineville, NC 27261

Re: Pineville Town Hall and Library Proposal for Design Services

Dear Ryan,

Creech & Associates is pleased to present you with a proposal to provide full-service architectural and engineering design services for your new Pineville Town Hall and Library to be located on town-owned property adjacent to the Police Department along Main Street in downtown Pineville. The facility is envisioned as a 2-story structure with the Charlotte-Mecklenburg Public Library branch located on the first floor, and the Pineville Town Hall located on the second floor. We understand the library will be a tenant for the town in occupying that space in the building.

The intent of this proposal is to define a fee structure for design services that will serve as supplemental information to the AIA B133-2014 contract vehicle previously submitted for review.

BASIC SERVICES

Creech & Associates, PLLC (the Architect) basic services will include an experienced design team that includes space needs verification, architectural and interior design, library planning, landscape architecture, civil, structural, mechanical, electrical, fire protection, and plumbing engineering. We understand the town will directly procure other specialty consultants required for a complete project, such as surveying, environmental, geotechnical, measured drawings, IT and cabling, etc. We will coordinate our services with the owner provided services and rely on the accuracy and completeness of services and information furnished by the Owner's consultants.

The Architect will coordinate with the Construction Manager at Risk (CMAR) throughout the project and rely upon their services in providing cost estimating, constructability reviews, scheduling, and the means and methods of construction.

The Architect will contact code review agencies and governmental authorities as required to approve construction documents and respond to applicable design requirements. We will assist the Owner in filing documents required for approval of those reviewers with jurisdiction over the project, such as the North Carolina Local Government Commission (LGC).

PROJECT SCHEDULE

We will coordinate with the CMAR to compile an overall project schedule that incorporates design phase durations, owner review and approval periods, milestone project budget analysis, permitting and

construction. We understand the Owner is interested in establishing and maintaining the schedule and we will work with you and the CMAR to accomplish your goals.

FEE STRUCTURE

The design fees for the project will be based on 8.5% of the construction cost, with an estimated construction budget of \$11,500,000. This will serve as the fee structure until the end of the design development phase, and if the estimated costs align at the conclusion of that phase, through the completion of construction administration. Should the estimated construction costs be higher than \$11,500,00 the fee for the remaining phases will be increased accordingly. Should the estimated construction costs be lower than \$11,500,000 no decrease to the fee will be incurred

CONSTRUCTION BUDGET	FEE %	FEE \$
\$11,500,000	8.5%	\$977,500

All reimbursable expenses, any additional services, and our 2019 hourly rates will be as defined in the AIA B133-2014 agreement.

Where this agreement and the final AIA agreement differ, the final AIA agreement will govern.

Please feel free to contact us with any questions regarding this proposal. We have the staff available to begin work on this effort immediately upon approval of this proposal. We appreciate the opportunity to extend our services to the Town of Pineville.

Very Truly Yours,
Creech & Associates, PLLC



Brent J. Green, LEED AP
Partner

cc: Michael S. Supino, AIA, NCARB
File

Accepted: Ryan Spitzer
Town Manager

Date

Memorandum



To: Mayor and Town Council
From: Ryan Spitzer
Date: 9/5/2019
Re: **Prequalification Resolution for Subcontractors**

Overview:

The purpose of this prequalification process is to provide a policy in compliance with the requirements outlined in NCGS 143-128.1, Construction Management at Risk Contracts, by impartially evaluating first-tier subcontractors and properly determine by its responsible business practices, work experience, manpower, and equipment that it is qualified to bid on a construction project. The award of contracts should be the result of open competition in bidding; impartiality in the selection contractors; integrity in business practices; and skillful and safe performance of public contracts.

This process is slightly different from the process the Town has generally used in the past. In the past the town used a conventional method of contracting out work where we would procure a general contractor and it was left up to the general contractor to get the work done, typically by obtaining subcontractors themselves. The CM@R process uses a Construction Manager at Risk that will be involved in the entire process of design and build and will work for the Town. The Town will then form a committee where we will actively bid out each of the trades that will be doing work and select each subcontractor (cement, masonry, plumbing, HVAC, etc.) at that time. This will give the town a little more knowledge of who will be doing each of the trade work.

Attachments:

Prequalification Resolution

RESOLUTION NO. 2019-12

PREQUALIFICATION RESOLUTION FOR THE TOWN OF PINEVILLE

WHEREAS, N.C. General Statute 143-135.8 provides authorization for the prequalification of bidders on construction and repair projects.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Pineville that the Town's prequalification policy be adopted as follows and included in the Town's Procurement and Purchasing Policy:

Prequalification of Bidders for Construction Projects:

I. Purpose:

The purpose of this prequalification process is to impartially evaluate a contractor, and to properly determine by its responsible business practices, work experience, manpower, and equipment that it is qualified to bid on a construction project, including prime contracts awarded by construction managers pursuant to the Construction Manager at Risk ("CM at Risk") process. The award of contracts should be the result of open competition in bidding; impartiality in the selection of contractors; integrity in business practices; and skillful and safe performance of public contracts.

II. Policy:

Prequalification is not required for all construction and/or capital improvement projects.

The Bid Agent shall be responsible for prequalifying individual contractors to bid on construction projects when the Town believes prequalification is preferred. Prequalification is limited to construction or repair projects (regardless of cost) that are bid under the single-prime, separate-prime (multi-prime), or dual bidding methods. A bidder shall be deemed nonresponsive if it submits a bid on a construction project subject to prequalification for which it has not been accepted for prequalification in accordance with this policy.

Prequalification is prohibited for contracts for architectural, engineering, surveying, construction management at risk services, design-build services, and public-private partnership construction services.

The Construction Manager at Risk shall use the process outlined in this policy for the prequalification of contractors on CM at Risk projects. The construction manager and the Town shall jointly develop the assessment tool and criteria for each CM at Risk project, including the prequalification scoring values and minimum requirement score.

Notwithstanding the fact that a contractor was prequalified, the Town reserves the right to reject a contractor's bid if it is determined that the contractor has not submitted the lowest responsible and responsive bid. The prequalification of the contractor shall not preclude the Town from subsequently concluding that the contractor is not a responsible bidder pursuant to G.S. 143-129. The prequalification of a contractor for a project shall only apply to the individual project. All construction and repair contracts shall be awarded to the lowest responsive and responsible bidder, taking into consideration quality, performance, and the time specified in the bids for the performance of the contract.

III. Organizations Affected:

All Departments/Divisions

IV. Definitions:

Bid Agent – Person assigned the responsibility to prepare the request for qualification, bid, and contract documents, advertise bids and proposals, and open bids for contracts under the direction of the Project Manager. The Bid Agent may be a professional services consultant retained by the Town under an approved contract, the Town engineer or designee, the Finance Director, or a department head responsible for the project.

Project Manager – Employee of the department responsible for a construction, repair, or purchasing project requiring a contract who shall be assigned the responsibility for managing the project and representing the department in matters relating to the project.

Construction Manager at Risk – A person, corporation, or entity that provides construction management at risk services. May also be referred to as Construction Manager.

Prequalification - A process of evaluating and determining whether potential bidders have the skill, judgment, integrity, sufficient financial resources, and ability necessary to the faithful performance of a contract for construction or repair work.

Purchasing Director – Person in the General Services Department responsible for the overall conduct or oversight of all procurement activities of the Town.

V. Prequalification Process:

1. Each prospective bidder on contracts identified for prequalification by the Bid Agent

[Type here]

and all CM at Risk projects shall submit an application on the approved prequalification application form in order to become prequalified.

2. The approved prequalification application form will require information to be provided on the ownership of the firm, experience of firm's personnel, any affiliations with other construction firms, bonding capacity, financial resources, the type of work performed by the firm, and other objective criteria rationally related to the particular contract to be awarded.
3. The Bid Agent shall ensure that applications prepared for the projects comply with this policy and State law. The application is to be submitted by the deadline established in the notice of prequalification. The notice must be posted on the Town's website for a minimum of two weeks for any construction project estimated to be \$30,000 or more. The act of submitting the application does not permit the firm to submit a bid. Incomplete applications will be rejected or returned for further detail or correction in the sole discretion of the Town.

VI. Application:

1. The application shall, at a minimum, address the following items:
 - a. **Organizational Structure** – The firm shall provide a list of all owners, officers, partners, or individuals authorized to represent or conduct business for or sign legal documents for the firm. This list must include the full legal name, typed or printed in a clear legible form. Firms experiencing changes in ownership, organizational structure, or material changes in assets must inform the Bid Agent prior to the award of a contract. Failure of the firm to comply with this requirement may result in the termination of any contract awarded by the Town.
 - b. **Classification** – The firm shall indicate the type(s) of work the firm's workforce and equipment normally perform, licensure, and other pertinent information.
 - c. **Experience** – The firm shall furnish a history documenting experience with projects of similar size, scope, or complexity involving the type(s) of work for which prequalification is requested.
 - d. **Financial** – Firms will be required to provide a minimum of one year of complete audited financial statements from the most current period available.
 - e. **Litigation/Claims** – The firm will be required to submit information regarding its litigation history, including litigation with owners and subcontractors.
 - f. **Timeliness** - Firms must provide information on its success at completing projects on time, including the payment of liquidated damages.
 - g. **Capacity** – Firms shall demonstrate sufficient bonding capacity, insurance

[Type here]

and resources for the project. Firms must provide relevant information on the personnel that will be directly responsible for the work, including the location of the office that will be primarily responsible for work.

- h. **Safety** - Firms shall also demonstrate an acceptable safety history. Firms must provide copies of any complaints, safety violations or reports from the North Carolina Qualifications Board, OSHA, or any other regulating agency associated with any construction project.
- i. **Legal Authorization** –The Applicant must provide a copy of their North Carolina Contractor’s License, or provide a statement indicating that they are able to acquire one before submitting a bid on a project. If a statement is required, the Applicant shall identify the states in which they are licensed for this type of work.

VII. Review of Application – Town Bid Projects:

- 1. **Prequalification Committee** – The Project Manager shall establish a Prequalification Committee for each project to review and score applications submitted by the firms to determine the prequalification eligibility.
- 2. **Review of Applications** – The Prequalification Committee shall use an objective assessment process and criteria for that specific project. The prequalification criteria shall not require the firm to have previously been awarded a construction or repair project by the Town. The prequalification criteria used by the Prequalification Committee shall include prequalification scoring values and the minimum required score to be prequalified for the project. The Prequalification Committee shall approve or deny the applications in accordance with the prequalification criteria and scoring system.
- 3. **Notice of Decision** – The firms shall be promptly notified in writing of the Prequalification Committee’s decision via e-mail and first class mail. The notification to a contractor determined not to be prequalified shall include the reason(s) for denial. Notice shall be provided prior to the advertisement of bids for the project and with sufficient time for the firm to protest the denial of prequalification.

VIII. Review of Application – CM at Risk Projects:

- 1. **Prequalification Committee** - The Construction Manager and the Project Manager shall agree upon the members of the Construction Manager’s Prequalification Committee. The Prequalification Committee will review prequalification applications submitted by the firms and will determine prequalification eligibility for the CM at Risk project.

[Type here]

2. **Review of Applications** – The Prequalification Committee and the Project Manager shall agree upon an objective assessment process. The Construction Manager and the Project Manager shall develop prequalification criteria, including prequalification scoring values and the minimum required score to be prequalified for the project. The prequalification criteria shall not require the firm to have previously been awarded a construction or repair project by the Construction Manager or the Town. The Prequalification Committee shall approve or deny the applications in accordance with the prequalification criteria and scoring system.
3. **Notice of Decision** – The firms shall be promptly notified of the Prequalification Committee's decision via e-mail and first class mail. The notification to a contractor determined not to be prequalified shall include the reason(s) for denial. Notice shall be provided prior to the advertisement of bids for the project and with sufficient time for the firm to protest the denial of prequalification.

IX. Protest Procedure:

1. **Protest Procedure** – The protest procedure is as follows:
 - a. The firm may protest the denial of prequalification. A written protest must be received by the Bid Agent, or designee, within two business days of notice of denial. The written protest shall clearly identify the project and the Project Manager, clearly articulate the reasons for the protest, and attach any documents or additional information in support of the firm's position. The Bid Agent or designee, will contact the firm and set up a date and time to discuss the protest. If upon review, the Bid Agent, or designee, determines that the firm meets the criteria for prequalification, the firm shall be notified that it is prequalified to bid on the project and allowed to participate in the bid process. If the Bid Agent, or designee, upholds the denial, the firm shall be notified in writing by e-mail and first class mail.
 - b. If the firm desires further review after receiving the decision of the Bid Agent or designee, the firm may request an administrative review and final decision by the Town Manager, or designee. A written request for administrative review must be received by the Town Manager, or designee, within two business days of the firm's receipt of the decision from the Bid Agent, or designee. The request for administrative review shall clearly identify the project and the Project Manager, clearly articulate the reasons for the review, and attach any documents or additional information in support of the firm's position. The Town Manager, or designee, will contact the firm and set up a date and time for the administrative review. If, upon review, the Town Manager, or designee, determines that the firm meets the criteria for prequalification, the firm shall be notified that it is prequalified to bid on the

project and allowed to participate in the bid process. If the Town Manager, or designee, upholds the denial, the firm shall be notified in writing by e-mail and first class mail.

- 2 **General Rules for Protests** – Firms submitting applications shall be provided an e- mail address for communication with the Bid Agent during the protest process. The firm shall provide at least two e-mail addresses for use by the Bid Agent in communicating with the firm. The bid opening cannot occur until the protest process is completed. The bid opening must be scheduled in order to allow sufficient time for a bidder that is prequalified as a result of a protest to submit a bid on that project.

ADOPTED this the 10th day of September 2019.

John "Jack" Edwards, Mayor

Memorandum



To: Mayor and Town Council
From: Ryan Spitzer
Date: 9/5/2019
Re: LaBella Contract for Design and Engineering Work

Overview:

The town solicited bids for design and engineering services for the storm water and street project on Lakeview and Lynnwood. We received one bid from LaBella. This project was approved and a majority of the work budgeted for in the FY20 Budget. The construction will probably take place over two fiscal years.

The design and permitting process will take approximately 5 months to complete. Then bidding out the project will take another 45-60 days. We are looking at beginning construction on this project in late spring of 2020. A combination of storm water funds, general fund, and Powell Bill monies will be used.

Costs:

LaBella – \$149,970
Carolina Surveyors - \$12750

Attachments:

LaBella Contract
Carolina Surveyors Contract
Estimated Conceptual Cost



August 26, 2019

Mr. Chip Hill, Director of Public Works
Town of Pineville
316 College Street
Pineville, NC 28134

Subject: Proposed Street and Drainage Improvements
Lynnwood Lane and Lakeview Drive, Pineville NC

Dear Chip:

LaBella Associates, P.C. (LaBella) is pleased to submit our proposal to the Town of Pineville (Town) for providing engineering services for the proposed street and drainage improvements at Lynnwood Lane and Lakeview Drive. Our understanding of the project and scope are described below.

PROJECT DESCRIPTION:

New concrete valley curb with 5' wide sidewalk and planting strip are proposed for the two-street loop (approximately 4,000 linear feet). A storm drainage system will be designed as necessary to convey runoff from the street improvements and adjacent properties to existing low areas and streams (see attachment).

SCOPE OF SERVICES:

- Task #1 –Site Survey Coordination

The Town will contract separately with a local surveyor. Labella will coordinate with the Town's selected surveyor to develop the scope of project and to receive completed detailed topographic field surveys. Underground utilities within the project area will be identified and marked within the project limits through the Town's contract with the surveyor.

Labella will create a property owner list for parcels on each side of the street within the project limits and mail survey notifications to the property owners prior to the field survey work.

After completion of 70% complete construction plans, Labella will identify and provide the necessary construction easement limits to the Town's surveyor for their production of easement maps. It is anticipated that permanent drainage easements and some temporary construction easements will be needed to construct the drainage system. The exact number of easements to be acquired will be determined after completion of field surveys.

- Task #2 -Design

Preliminary (70%) plans will be developed in conformance with the NCDOT Standard Specifications for Roads and Structures and the Town of Pineville Specifications and Details. Plans will include designs for valley curb and 5' wide sidewalk with any related storm drainage. Plans shall include typical sections, horizontal and vertical alignment, and cross sections at 50' intervals.

Hydrologic and hydraulic design and storm drainage system layout will be provided for the project.



Erosion Control plans and supporting calculations will be provided for the permit application.

Labella will provide traffic control plans for the project. It is expected that NCDOT standard detail drawings will be utilized and that no project specific plans will be required.

Preliminary plans will be submitted to the Town for review and comment. LaBella will meet with Town staff (two meetings) to discuss the project plans and review comments. Preliminary plans shall be provided to impacted utility owners for review and comments. One (1) public meeting will be conducted to inform residents and to receive feedback regarding the proposed improvements. Review comments from Town staff and utility companies will be incorporated into the final design.

After receiving review comments, Labella will develop final plans and specifications in conformance with the NCDOT Standard Specifications for Roadways and Structures, and the Town of Pineville Specifications. Plan set shall include final plan and profiles, typical street sections, cross sections at 50' intervals, storm drainage system, sediment and erosion control plans, construction details, and traffic control plans.

Labella will develop a final estimate for construction costs for the project, and will prepare the Proposal Form, construction specifications, and provide additional special provisions as needed for bidding the project in accordance with State and local requirements.

- Task #3 – Permitting

Labella will submit Erosion Control plans and calculations to NCDENR for permitting. The review process will be monitored for the permit application, and comments will be addressed within the defined project scope to obtain agency approval. Fees charged by the review agencies are to be paid through the reimbursable expenses task.

Based on a preliminary review of the project, it is assumed that environmental studies such as wetland delineation, environmental assessment, USACE permits, community studies, etc. will not be necessary.

- Task #4 – Construction Bid and Award Services

Labella will prepare a bid advertisement, furnish bid documents to plan rooms and printers, and shall respond to questions from contractors during the bid process. Duncan Parnell Printers shall provide plan copies and plan distribution to interested bidders. Labella will prepare and issue any necessary addenda, conduct the bid opening, provide bid tabulation of all bids, verify that low bidder meets all contract requirements, and make recommendation of award of contract to the Town.

- Reimbursable Expenses

Reimbursable expenses shall be compensated at cost unless otherwise noted and shall be limited to the actual expenditures made by the Engineer during the performance of the work with respect to travel, postage, courier expenses, copies, printing, plots, permitting fees, photographs, maps, or other miscellaneous project expenses.

- Additional Services

If authorized by the Town, furnish additional services not included in the tasks described above. Approval by the Town shall be granted in writing prior to initiation of any additional services. Compensation for additional services performed shall be in accordance with the hourly and unit price



rates and rates for reimbursable expenses set forth in the agreement. Additional services may include such items as changes in scope requested by the owner or reviewing agency, utility relocation or renewal designs, environmental assessments, engineering advice and consulting services during the construction period, construction inspection, or other tasks not defined in the project scope.

FEE:

LaBella will perform the services described on a time and materials basis with a not-to-exceed fee, and according to our current on-call contract with the Town. A breakdown of the project costs may be provided upon request. Expenses such as copies, plots, mileage, postage, etc. will be billed at cost.

A summary of the not-to-exceed fees is as follows:

<u>TASK</u>	<u>FEE</u>
Task #1 – Site Survey Coordination	\$ 4,120.00
Task #2 – Design	\$ 129,980.00
Task #3 – Permitting	\$ 9,420.00
Task #4 – Construction Bid and Award Services	\$ 5,450.00
Reimbursable Expenses	\$ 1,000.00
Total Not-To-Exceed Fee:	\$ 149,970.00

SCHEDULE:

LaBella proposes to complete construction plans and bid documents within 150 calendar days after receipt of the completed field survey from the Town's surveyor.

We appreciate the opportunity to work with you on the project and be of service to the Town. If this proposal is acceptable, please have an authorized agent of the Town sign and date below and return one copy to LaBella. Please contact me if you have any questions or require additional information.

Sincerely,

LaBella Associates

Bonnie A. Fisher, P.E.
Project Manager

Attachment

TOWN OF PINEVILLE

DATE



CAROLINA SURVEYORS, INC.

Carolinasi.com

P.O. Box 267, Pineville, N.C. 28134-0267 (704) 889-7601

June 25, 2019

Town of Pineville

Sent in care of: Chip Hill via Email: chill@pinevillenc.gov

CC: LaBella Associates

Bonnie A. Fisher, PE via Email: BFisher@LaBellaPC.com

Re: Lynnwood Ln & Lakeview Dr
Pineville, Mecklenburg Co., NC

Chip,

Per request of Bonnie Fisher, we have prepared the following proposal for your use. We have reviewed the property on POLARIS and the aerial photography available online. We have also reviewed our current files as well as the information provided.

Our fee to provide all research, fieldwork, computations and mapping to per Task 1 as defined in the Service Scope provided will be \$9,500. (Fee includes subcontracting the Underground Utility location.) We will need four (4) weeks from authorization to complete the work.

Our fee to provide all research, fieldwork, computations and mapping to per Task 2 as defined in the Service Scope provided (Easement Exhibit and Legal Description Preparation for 13 parcels) will be \$250/per parcel (total fee of \$3,250). We will need two (2) weeks from the completion of the final survey and final determination of drainage routes to complete easement mapping.

All additional surveying, staking and/or revision requests will be invoiced at our hourly rates of \$125/field and \$75/office.

If accepted, please sign below and return via fax or email.

We appreciate the opportunity to serve you on this project. Please feel free to contact our office, should you have any questions or need further clarification.

Sincerely,

Thomas E. White

Carolina Surveyors, Inc.

cwh

Authorized to Proceed by / Date

Please note: this proposal is valid as written for thirty (30) days from date shown

Please note: payment will be expected upon receipt of invoice and considered "late" thirty (30) days thereafter.

LaBella_LakeviewPineville

SCOPE OF SERVICES

Collect sufficient field surveying data within the limits shown on the attachment to complete the design of curb and sidewalk installation along both sides of the existing streets, along with associated drainage, and to obtain any real estate easements needed to permit and construct the proposed improvements.

Task 1

Provide topographic and boundary baseline survey/mapping for Lynnwood Lane and Lakeview Drive, as shown on the attached exhibit. Labella will mail notification letters to property owners within the project limits prior to survey. At a minimum, the survey shall include the following within the project limits identified:

Roadway

- Establish a survey baseline along the existing centerline of Lakeview Drive and Lynnwood Lane, and extend survey along Lakeview Drive to approximately 50' past the intersection with Boatright Rd. Run cross sections every 50' off the survey baseline with ground shots extending 50' either side of the baseline.
- For baseline, locate centerline, crownpoint, edge of pavement, lip/face/back of curb, front/back of sidewalk, top/toe of bank, ditchline, etc. Provide ground shots at changes in slope. Extend survey to a minimum of 25' beyond top of embankment slopes.
- Include enough ground shots to develop an adequate digital terrain. Additional shots, every 5' to 10', may be needed around curb returns, driveway entrances, parking lots, drainage structures, etc.
- Map existing pavement markings and symbols and street signs within project survey limits.

Existing Infrastructure & Utilities

- Contract with an underground utility locating service to ensure accurate locations.
- Provide locations and sizes of all underground and overhead utilities (water, sewer, storm drainage, gas, electric, telephone, cable, fiber optic, etc.) within the limits shown including poles, lines, boxes, structures, vaults, valves, etc.
- Show aerial line connectivity. Identify if poles are light poles only.
- Locate sanitary sewer pipes and sewer structures including sizes, materials, invert elevations, and rim elevations. Trace sewer lines to next structure beyond project limits if necessary.
- Locate storm drain pipes and drainage structures including sizes, shapes, material, invert elevations, and rim/grate elevations; height/material of endwalls, include flow direction. Trace storm drainage lines to the next structure beyond project limits if necessary.

Existing Physical Features

- Locations of other physical features that may be affected by construction of improvements including driveways (type), fences (height and type), walls, signs mailboxes, planters, columns, sheds, outbuildings, rock, etc.
- Locations of all trees greater than, or equal to, 6" diameter (labeled with size and variety), ornamental trees/shrubs of any size, any landscaped areas and/or any forested areas/tree lines within the projected work area;

Off-road Drainage

- Establish survey baselines along the existing overland drainage pipe, channel, or pattern as shown on the attachment. Run cross sections every 50' off the survey baseline with ground shots extending 25 either side of the baseline. The exact location of the off-road drainage alignment and survey will be determined by LaBella prior to the survey notice to proceed.
- Include enough ground shots to develop an adequate digital terrain to provide design for cross-country storm drainage.
- For the existing channel located on Parcel 22103236, locate center, toe of bank, top of bank, and 25' each side of bank tops. Survey length of channel to the property line.
- Corners of all buildings, first floor location and elevations and spot elevations and locations of the lowest adjacent grade to the permanent structure for all buildings that are adjacent to the overland drainage route. Note whether the structure has a crawl space or a slab foundation.

Existing Property Boundaries & Right-of-Way - All necessary surveys to determine property lines, areas maintained as right-of-way, and/or existing right-of-way along the project.

- Locations of property irons to the extent necessary for purposes of overlaying and verifying legal descriptions and plats; and
- Description, book, and page number of the official registry of all properties affected by the Project, including current property owner name(s), tax parcel identification number, street address, deed book and page number, existing property acquisitions, right-of-ways, and all existing recorded easements (buffer areas) associated with the Project from the Register of Deeds.

Field Survey Submittal - A Professional Land Surveyor shall submit digital files and a reproducible copy. The reproducible copy shall be sealed by the Professional Land Surveyor and certify that it is a Class A survey.

- Project horizontal datum will be localized NAD 83, North Carolina State Plan Grid. Project vertical datum will be NAVD 88. The origin of the datums shall be provided on the hardcopy survey. The origin of the datum, all control points, and all benchmarks shall be mapped and included in the digital and hardcopy form.
- The electronic form shall be in the current version of AutoCAD and shall include all the digital drawing files, digital terrain model, and the points ASCII file.

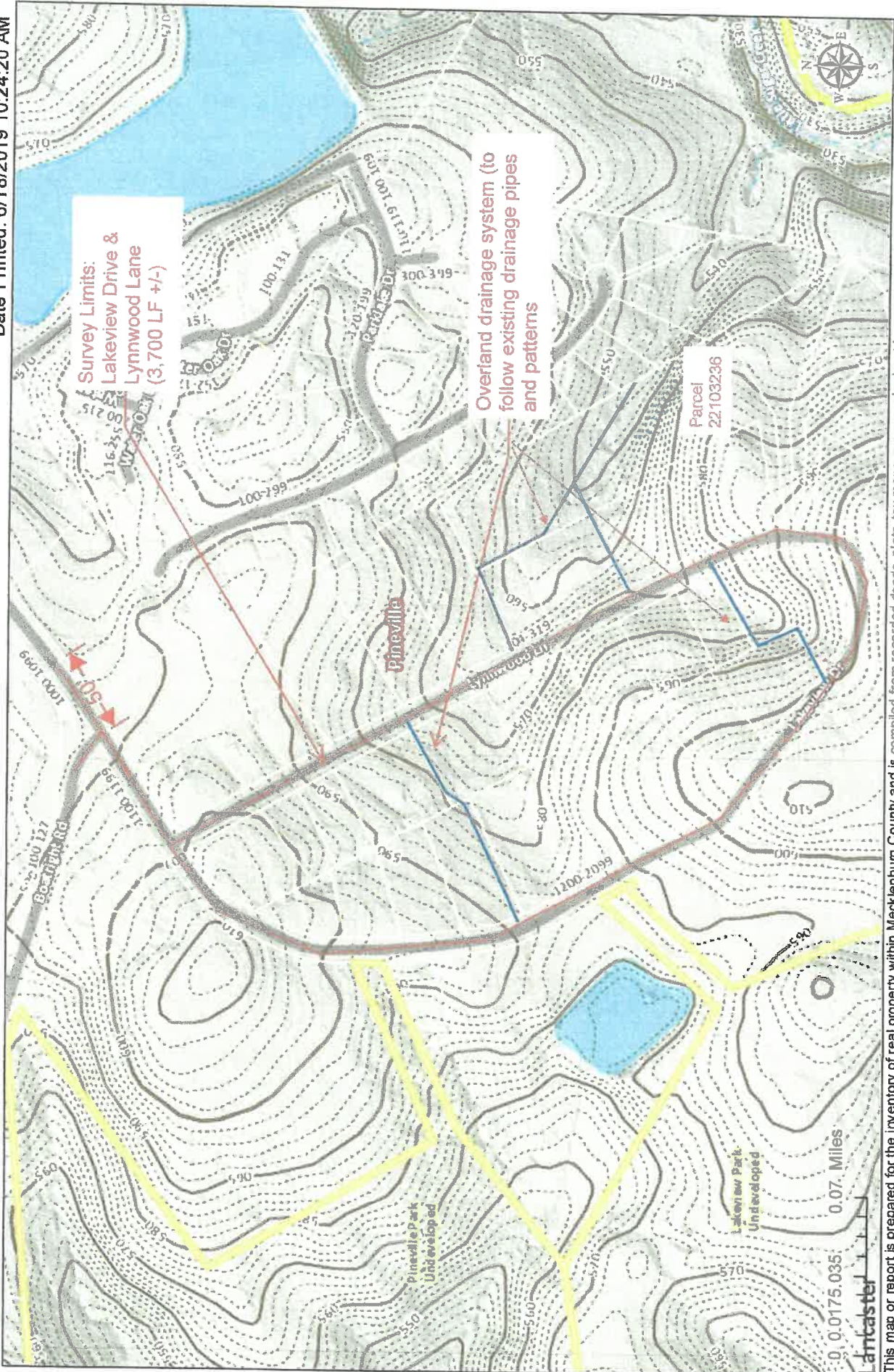
Task 2

Provide easement plat for properties identified during the design phase of the project to show all acquisitions necessary for the street and drainage construction. Thirteen (13) properties are anticipated to be impacted by the overland drainage design. The easement maps will show multiple parcels continuing the length of the project. Maps will be prepared at a sufficient scale and size for recordation in the Mecklenburg County Register of Deeds.

Polaris 3G Map – Mecklenburg County, North Carolina

Lynnwood Rd / Lakeview Dr Survey Limits

Date Printed: 6/18/2019 10:24:20 AM



This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the abovementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

ENGINEER'S PRELIMINARY ESTIMATE - Street and Drainage Improvements
Lynwood Lane/ Lakeview Drive, Pineville, NC

Estimator **BAF**
 Date: **4/24/2019**



Road Length (ft) 4000
 Road Width (ft) 20
 Shoulder Width (ft) 10
 Curb & Gutter Length (lf) 8000
 Parking Planting Area (sf) 0
 Driveways (ea) 45
 5' Wide Concrete Sidewalk Length (ft) 8000

Item No.	Item Description	Unit	Unit Price	Lynwood Lane (new asphalt and base)		Lynwood Lane (Full Depth Reclamation**)	
				Quantity	Amount	Quantity	Amount
1	Mobilization & Grading (15% of total costs)	LS		1	\$225,000	1	\$217,000
Storm Drainage							
2	15"-18" R.C. Pipe, Class III	LF	\$60	2130	\$127,800	2130	\$127,800
3	24"-30" R.C. Pipe, Class III	LF	\$85	1770	\$150,450	1770	\$150,450
4	36"-42" R.C. Pipe, Class III	LF	\$150	100	\$15,000	100	\$15,000
5	Brick Masonry Endwalls	CY	\$600	5	\$3,000	5	\$3,000
6	Masonry Drainage Structures	EA	\$4,000	30	\$120,000	30	\$120,000
7	Frame, Grate and Hood or Rim and Grates for Masonry Drainage Structures	EA	\$400	30	\$12,000	30	\$12,000
8	Channel Excavation (includes Matting for Erosion Control)	LF	\$25	100	\$2,500	100	\$2,500
Roadway Asphalt - New Stone Base and Pavement							
9	Undercut for unsuitable subbase (assume 15%)	TN	\$30	650	\$19,500	0	\$0
10	Incidental Stone Base (5% of total area for construction activities)	TN	\$35	500	\$17,500	0	\$0
11	Asphalt Concrete Surface Course, Type S9.5C (3")	TN	\$75	1470	\$110,250	0	\$0
12	Full Depth Reclamation	TN	\$75	0	\$0	1	\$342,780
13	Asphalt Binder for Plant Mix	TN	\$500	100	\$50,000	0	\$0
14	Borrow - Average 0.3' depth, for sidewalk section	CY	\$35	1800	\$63,000	1800	\$63,000
14	Compacted Aggregate Base Course (8") - Road	TN	\$35	3910	\$136,850	0	\$0
15	Compacted Aggregate Base Course (6") - Under curb	TN	\$35	880	\$30,800	880	\$30,800
Curb & Gutter, Sidewalk, Driveways, & Retaining Walls							
16	2'-0" Concrete Valley Curb	LF	\$30	8000	\$240,000	8000	\$240,000
17	4" Concrete Sidewalk (assume 0.56 SY per foot)	SY	\$40	4480	\$179,200	4480	\$179,200
18	6" Concrete Driveway aprons (assume 20 SY per 20' wide apron)	SY	\$65	900	\$58,500		\$0
19	6" Concrete Driveway for tie to ex. driveways (assume 20 SY per driveway)	SY	\$65	900	\$58,500	900	\$58,500
20	Concrete Wheelchair Ramps (assume 10 SY per ramp) - Road	SY	\$50	100	\$5,000	100	\$5,000
Landscaping, Lighting, and Pavement Markings							
21	Seeding & Mulching	AC	\$2,000	5	\$10,000	5	\$10,000
Other Items							
22	Traffic Control (1.5% of costs)	LS		1	\$21,000	1	\$20,000
23	Erosion Control (3% of costs)	LS		1	\$42,000	1	\$41,000
24	Utility Relocation (2% of costs)	LS		1	\$28,000	1	\$27,000
2019 Construction Cost Sub-Total					\$1,725,900		\$1,665,000
1.25 factor for Planning & Design, Survey, Easement Acquisition Labor/Legal Costs, Bidding Assistance					\$2,157,400		\$2,081,300
10% Contingency					\$215,700		\$208,100
Total Engineer's Estimate					\$2,373,100		\$2,289,400

Assumptions:

Alignment Based on Mecklenburg County Polaris GIS data (not to scale)
 Street typical section based on Pineville standard for Local Limited Residential Street (Std. 10.06D); sidewalk on both sides of street
 Assumed seeding and mulching will extend 25 feet from roadway
 Storm drainage based on preliminary analysis

Grading & Mobilization includes:

- Removal of existing gravel, asphalt, and curb and gutter
- Tree removal and protection
- All channel/ditch grading
- Adjustments for manholes, etc.
- Pipe removal and pipe collars

- Select Material
- Rip rap and filter fabric
- Trench Rock removal
- Foundation Conditioning Material
- Selective vegetation removal

** FDR estimation based upon unit prices submitted by local contractor

CLOSED SESSION

*Discussion of matters pursuant
to NCGS 143-318.11(6)
(Personnel Issues)*

ADJOURNMENT