



**PINEVILLE TOWN COUNCIL
WORK SESSION AGENDA
PINEVILLE POLICE BLDG.
437 MAIN ST., PINEVILLE, NC
MONDAY, AUGUST 26, 2019
6:00 P.M.**

- 1) **Call Meeting to Order:**
- 2) **Discussion Items:**
 - A. **Districting** – Ordinance/Resolution requires adoption before moving forward
 - 1) **Ordinance No. 2019-02** - Amending Town Charter by Vote
 - 2) **Resolution No. 2019-11** - Calling for Special Election
 - B. **Baynard Property at NC51 and Downs Road** – Discussion with Developer who will be in attendance.
 - C. **10,000 Pineville-Matthews Road** – Discussion on re-establishing auto servicing use at the old NTB/Buffalo Tire site.
 - D. **Edifice, Inc.** – At Risk Construction Manager will be in attendance to review contract for new Town Hall/Library.
 - E. **Creech & Associates** – Architect will be in attendance to review contract for new Town Hall/Library.
 - F. **Retiree Insurance Coverage** – Continue and complete discussions on retiree insurance benefits.
 - G. **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.



NORTH CAROLINA

**ORDINANCE NO. 2019-02
AN ORDNANCE AMENDNG THE CHARTER OF THE
TOWN OF PINEVILLE, NC, TO ADOPT A CHANGE IN
THE NUMBER OF COUNCIL MEMBERS AND THE
MODE OF ELECTION TO FORM DISTRICTS ONLY
EFFECTIVE IF APPROVED BY VOTE OF THE CITIZENS
OF PINEVILLE, NC.**

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

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

Section 2. The Town Clerk shall cause a notice to be duly published, stating that an ordinance amending the Charter to change the number of council members and mode of election to form voting districts, is subject to a vote of the people and conducted pursuant to G.S. 160A-103, and that this ordinance shall only become effective if a majority of people vote in favor of it after the Special Election to be held November 5, 2019.

Adopted this ____ day of _____, 2019.

Mayor

ATTEST:

Clerk

Approved as to Form:

Attorney

RESOLUTION NO. 2019-11

A RESOLUTION CALLING A SPECIAL ELECTION FOR THE PURPOSE OF SUBMITTING TO A VOTE, AN ORDINANCE CHANGING THE CHARTER OF THE TOWN OF PINEVILLE, NC, TO ADOPT SIX (6) COUNCIL MEMBERS ON ITS GOVERNING BOARD, ALONG WITH SINGLE-MEMBER ELECTORAL VOTING DISTRICTS FOR THE TOWN OF PINEVILLE, NC.

WHEREAS, pursuant to G.S. 160A-101 and 160A-102 the Town Council of the Town of Pineville, NC, enacted an ordinance on August 26, 2019, amending the Charter of the Town of Pineville, NC, as set forth in Chapter 296 of the 1965 Session Laws of North Carolina, as amended, to adopt six (6) council members and a Mayor to its governing board, along with single-member electoral voting districts; and

WHEREAS, council members shall be apportioned to the districts so that each member represents the same number of persons as nearly as possible, except for members apportioned to the town at large; and

WHEREAS, candidates shall reside in and represent the districts according to the apportionment plan adopted, but all candidates shall be nominated and elected by all the qualified voters of the town in accordance with Part 2 of Article 7 of G.S. Chapter 160A and any charter provision not in conflict therewith.

WHEREAS, pursuant to G.S. 160A-102, the ordinance provides that it will become effective only if approved by a vote of the people;

NOW, THEREFORE, BE IT RESOLVED BY THE Town Council of the Town of Pineville, NC, that:

1. An election is hereby called for November 5, 2019, for the purpose of determining whether the Town of Pineville shall increase the number of council members to six (6) and to form districts according to the apportionment plan adopted with all candidates nominated and elected by all the qualified voters of the town in accordance with Part 2 of Article 7 of G.S. Chapter 160A and any charter provisions not in conflict therewith.

2. Pursuant to G.S. 163-287, the Mecklenburg County Board of Elections is hereby requested to conduct the election herein described, and the Town Clerk is directed to deliver a copy of this resolution to said Board of Elections.

3. Pursuant to G.S. 160A-102, the Town Clerk shall cause to be duly published in accordance with G.S. 163-287, a notice of the election hereby called.

4. The election shall be held in accordance with Article 23, Chapter 163 of the General Statutes of North Carolina.

Adopted this 26th day of August, 2019.

Mayor

ATTEST:

Clerk

**NOTICE OF SPECIAL CHARTER AMENDMENT
REFERENDUM for the TOWN of PINEVILLE, NORTH CAROLINA**

A Special Charter Amendment Referendum will be held between _____ and _____ on Tuesday, November 5, 2019, at which time there will be submitted to the qualified voters of the Town of Pineville, the following questions:

Shall Ordinance No. 2019-02, adopted on August 26, 2019, amending the Charter of the Town of Pineville, to increase the number of town council members to six (6), along with single-member electoral voting districts take effect in the Town of Pineville?

The question herein above set forth contains statements of the purpose for which the Charter Amendment is to take effect by the Ordinance referred to in such question.

If such Charter Amendments are to take effect, it shall become effective immediately upon the approval of the qualified voters of the Town of Pineville, NC. Those residents of the Town who are presently registered under Mecklenburg County's permanent registration system will be permitted to vote in the Special Charter Amendment Referendum.

Qualified persons may register to vote in places and at times established for voter registration in Mecklenburg County. Persons desiring further information should contact the Mecklenburg County Board of Elections.

The voting polls for said Referendum, subject to change as provided by law, are: the Belle Johnston Community Center at 1000 Johnston Drive, Pineville Elementary School at 204 Lowry Street, and Pineville United Methodist Church at 110 S. Polk Street.

The form of the question to appear in the ballot frame of the voting machines to be used at said Referendum shall be substantially as follows:

**OFFICIAL BALLOT SPECIAL
CHARTER AMENDMENT
REFERENDUM for TOWN OF
PINEVILLE, NORTH CAROLINA**

NOVEMBER 5, 2019
To vote in favor of the
Ordinance mark the box with
an (X) under YES.

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

To vote against the Ordinance,
mark the box with an (X)
under NO.

Shall Ordinance No. 2019-02 adopted on August 26, 2019, amending the Charter of the Town of Pineville to add two (2) additional Council Members to its Governing Board and to form single-member electoral voting districts take effect?

The Town Clerk is hereby directed to mail or deliver a certified copy of this Resolution to the County Board of Elections of Mecklenburg County within three days of adoption hereof.

This Resolution shall take effect upon its passage.

Upon the motion of _____, seconded by _____, the foregoing Resolution entitled:

"RESOLUTION NO. 2019-11 CALLING A SPECIAL CHARTER AMENDMENT REFERENDUM" was passed by the following vote:

AYES: _____

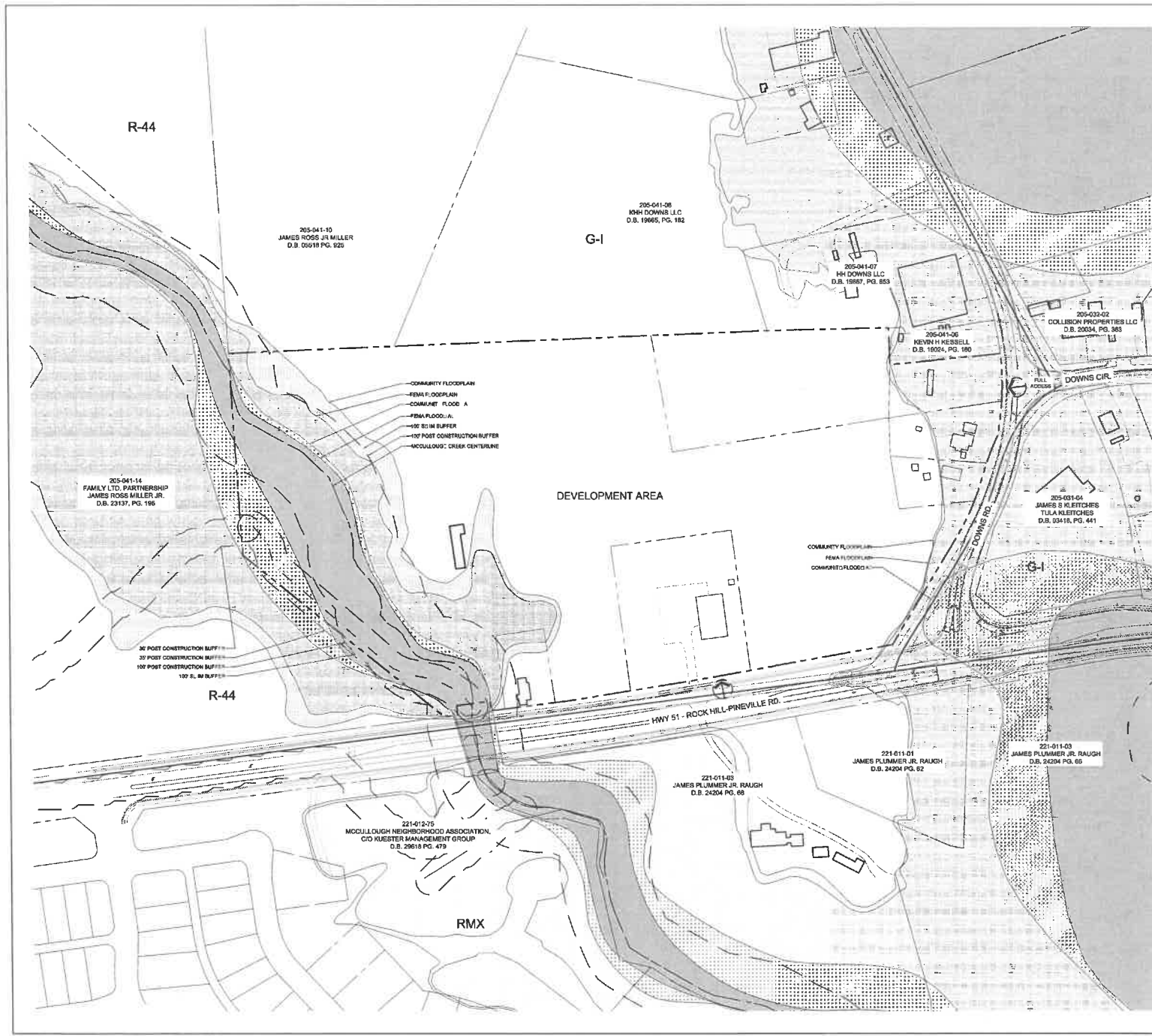
NOES: _____

Adopted this _____ day of _____.

Mayor Jack Edwards

ATTEST:

Town Clerk, Barbara Monticello



VICINITY MAP
NTS

SITE DEVELOPMENT DATA

ACREAGE:
TAX PARCEL #S: 205-041-02, 05-041-15, 05-041-18, 205-041-01,
05-041-03, 05-041-04, 05-041-19

EXISTING ZONING: R-44, G-I
PROPOSED ZONING: R-MX (CORRIDOR OVERLAY DISTRICT)

EXISTING USES: INDUSTRIAL
PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER
PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY
USES AS ALLOWED IN THE R-MF ZONING DISTRICT

MAX. DENSITY REQUIRED: UP TO 16 UNITS PER ACRE
RESIDENTIAL DWELLING UNITS OF ALL TYPES

MAX. DENSITY PROVIDED: 170 UNITS (8.34 UNITS PER ACRE)
2 BEDROOM: 80 UNITS*
3 BEDROOM: 80 UNITS*
*FOR REFERENCE ONLY, SUBJECT TO FINAL DESIGN

MAX. BUILDING HEIGHT REQUIRED: 3 STORIES, 3+ WITH
APPROVAL FROM TOWN COUNCIL

MAX. BUILDING HEIGHT PROVIDED: 40'

MIN. SETBACK REQUIRED: BUILD-TO-LINE FROM STREET
SECTIONS

MIN. SETBACK PROVIDED: 10'

MIN. SIDE YARD REQUIRED: 0'

MIN. SIDE YARD PROVIDED: 5' FOR CORNER LOTS

MIN. REAR YARD REQUIRED: 0'

DRIVEWAYS ALLOWED IF OVER 18' IN DEPTH TO ALLEY

PARKING REQUIRED: 547 SPACES TOTAL
2 BEDROOM UNITS: 3.6 SPACES/UNIT
90 UNITS X 3.6 SPACES = 270 SPACES REQ.
3+ BEDROOMS PER UNIT: 3.25 SPACES/UNIT
80 UNITS X 3.25 SPACES = 260 SPACES REQ.

PARKING PROVIDED: 827 SPACES TOTAL
147 ON-STREET SPACES
340 GARAGE SPACES
340 DRIVEWAY SPACES

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2	PER CTD/C
3	REZONING I

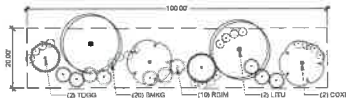
DEFINED BY:
DRAWN BY:
CHECKED BY:

VERT. NA
DATE: 1/15/20
SCALE: 1"=50'
DATE:

TEC/JN

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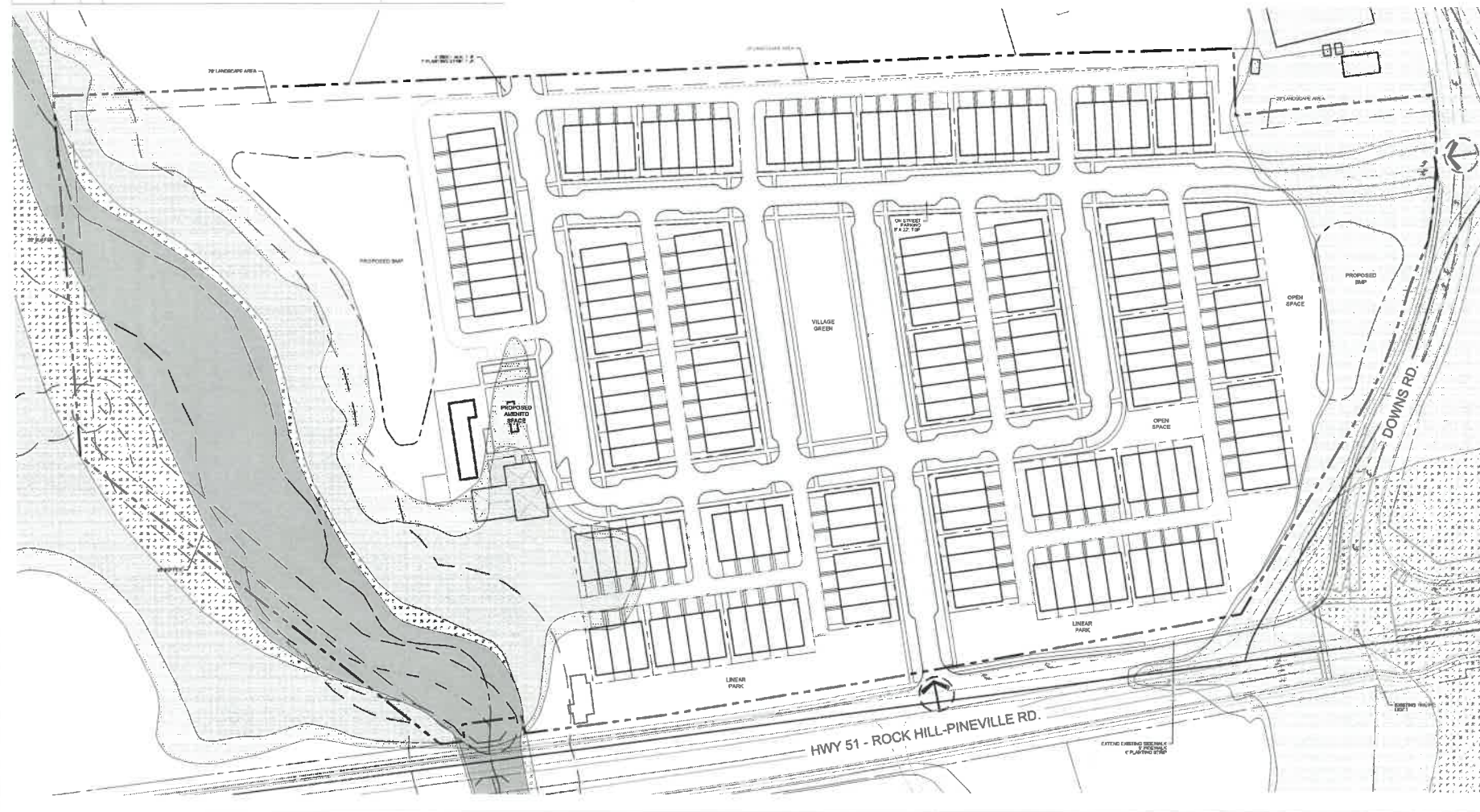
20' LANDSCAPE AREA
 6 TREES PER 100 LF PROVIDED
 333 LARGE MATURING
 330 LARGE MATURING
 30 EVERGREEN SCRUBS PER 100 LF PROVIDED



LANDSCAPE AREA SECTION
 N.T.S.

LANDSCAPE AREA PLANT SCHEDULE PER 100 LF

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	MIN. CONT.	MIN. CAL.	MIN. HT.	REMARKS
	COX8	2	Cordia + 30' Cal	Country Club Palm Tree	8-10"	1.5"	8-10'	Match 8' Cal, 8" High Leader
	LTYU	2	Liriodendron 30' Cal	Yellow Poplar	8-10"	2.0"	13-14'	Match 8' Cal, 8" High Leader
	YDGA	2	Yucca 30' Cal	Yucca	8-10"	2"	10-12'	Match 8' Cal, 8" High Leader
SCRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	MIN. CONT.	SPACING	MIN. HT.	REMARKS
	BRG0	20	Baccharis 20' Cal	Sea Purslane	8-10"	18-24"	18-24"	Match 8' Cal, 8" High Leader
	RDM	10	Rodgersia 20' Cal	Red Rod	8-10"	18-24"	18-24"	Match 8' Cal, 8" High Leader



Land

225 NORTH
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 ST. LOUIS, MO
 63102

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REVISION

NO.	DESCRIPTION
1	REVISION
2	PER CIVIL
3	REVISION

DESIGNED BY:
 DRAWN BY:
 CHECKED BY:

VERT: N/A
 CORR: 1/10/10
 1/10/10

SCHEMAT

REVISION

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- ① NCRLT213E
ELEV. 'FC'
- ② NCRLT212
ELEV. 'FC'
- ③ NCRLT211
ELEV. 'FC'
- ④ NCRLT212
ELEV. 'FC'
- ⑤ NCRLT213E
ELEV. 'FC'

FRONT ELEVATION 'FC'



- ① NCRLT213E
ELEV. 'CR'
- ② NCRLT212
ELEV. 'CR'
- ③ NCRLT211
ELEV. 'CR'
- ④ NCRLT212
ELEV. 'CR'
- ⑤ NCRLT213E
ELEV. 'CR'

FRONT ELEVATION 'CR'

NOTE: THE PROVIDED ARCHITECTURAL ELEVATIONS ARE INTENDED TO CONVEY DESIGN INTENT AND ARE SUBJECT TO FINAL DESIGN.

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1	REVISION
2	PER CITY
3	REVISION

DESIGNED BY:
DRAWN BY:
CHECKED BY:

DATE:
SCALE:
SHEET NO. 1 OF 1

ARCHITECT

R.

THE DADFORD AT PINEVILLE

GENERAL NOTES

- THE TWO COURSES REPRESENTED IN THIS REZONING PETITION SHALL BE FOR SALE UNITS, AND PROVISIONS FOR RENTAL SHALL BE DISCUSSED WITH PLANNING STAFF AND PLACED IN THE COMMUNITY COVENANTS, CODES AND RESTRICTIONS.
- BUILDINGS ON THE SITE SHALL BE 2 STORY OR 3 STORY TOWNHOUSE BUILDINGS WITH AN AVERAGE HEIGHT IN FEET OF APPROXIMATELY 34 FEET AT THE FRONT BUILDING LINE. (FINAL HEIGHT TO BE DETERMINED DURING FINAL ENGINEERING)
- TOWNHOUSE UNITS SHALL BE INDIVIDUALLY PARCELED/PLATTED.
- THE BUILDINGS ABUT A NETWORK OF REQUIRED PUBLIC OR PRIVATE STREETS WITH EACH HAVING A MAIN PEDESTRIAN ENTRANCE FRONTING THESE STREETS. ALL GARAGE ENTRANCES SHALL BE LOCATED OFF THE BACK OF THE BUILDINGS FROM AN ALLEY.
- UNITS SHALL HAVE PORCHES OR COVERED STOOPS WITH GLAZING PROVIDED TO CONNECT THEM TO THE SIDING ALK LOCATED ALONG THE ADJACENT PUBLIC OR PRIVATE STREET.
- PROJECTIONS, BANDING AND CHANGES IN MATERIALS AND COLORS TO HELP BREAK UP THE MASS OF THE BUILDING. BUILDINGS HAVE ALSO BEEN DESIGNED WITH A RECOGNIZABLE ARCHITECTURAL BASE OF MASONRY OR STONE. NO VINYL SIDING SHALL BE USED. SIDE ELEVATIONS OF THE BUILDINGS SHALL BE CONSISTENT IN ARCHITECTURAL CHARACTER AND MATERIALS AS THE FRONT OF THE BUILDINGS.
- ELEVATIONS ARE COMPOSED OF A COMBINATION OF FIBER CEMENT PANELS AND TRIM, FIBER CEMENT LAP SIDING, OR FIBER CEMENT VERTICAL BOARD OR BATTEN SIDING. BUILDINGS SHALL ALSO HAVE A BASE OF BRICK OR STONE VENEER (INCLUDING PRECAST STONE OR SYNTHETIC STONE)
- WINDOWS TO BE VINYL, ALUMINUM OR GOOD MATERIAL.
- RAILINGS SHALL BE A DURABLE MATERIAL AND NOT PRESSURE TREATED LUMBER
- BUILDINGS SHALL HAVE ARCHITECTURAL FIBERGLASS COMPOSITE SHINGLES AND ALL ROOF VENTS SHALL BE PAINTED TO MATCH THE ROOF COLOR.
- ROLL OUT TRASH AND RECYCLING BINS SHALL BE PROVIDED FOR EACH UNIT FOR TRASH AND RECYCLING COLLECTION.

NOTE: THE ATTACHED CONCEPTUAL RENDERINGS ARE SOLELY FOR THE PURPOSE OF ILLUSTRATING THE DESIGN AND QUALITY OF THE BUILDINGS AND MAY DEVIATE FROM THE ATTACHED IMAGES.

ARCHITECTURAL NOTES

ARCHITECTURAL COMPOSITION:
(REFER TO ARCHITECTURAL ELEVATIONS ON RZ-4)
NOTE: THE PROVIDED ARCHITECTURAL ELEVATIONS ARE INTENDED TO CONVEY DESIGN INTENT AND ARE SUBJECT TO FINAL REVISIONS.

- IN AN EFFORT TO ENHANCE THE ARCHITECTURAL COMPATIBILITY, SCALE AND STREETScape PRESENCE FOR THE PROJECT, THE PETITIONER COMMITS TO THE FOLLOWING REQUIRED ARCHITECTURAL DETAILS THAT SHALL APPLY TO ALL UNITS:
 - MAXIMUM 6 UNITS IN A RUN (PER BUILDING)
 - MINIMUM ROOF PITCH: 6:12
 - ARCHITECTURAL ROOF SHINGLES SHALL BE PROVIDED
 - FIBER CEMENT BOARD, BOARD OR BATTEN OR MASONRY FACADES (VINYL ACCEPTABLE FOR SOFFITS, WINDOWS AND OTHER ACCESSORY ARCHITECTURAL FEATURES)
 - AND PORCHES OR STOOPS SHALL HAVE RAILINGS
 - IDENTICAL INDIVIDUAL UNIT ELEVATIONS SHALL NOT BE ALLOWED IMMEDIATELY ADJACENT TO ONE ANOTHER

- THE FOLLOWING ARCHITECTURAL FEATURES
- FRONT PORCHES
 - GABLE ROOF - FRONT OR SIDE FACING (FRONT FACING GABLE ROOF TO HAVE DECORATIVE VENT OR DECORATIVE TYPE BRACKETS)

- IN ADDITION TO THE REQUIREMENTS OF THE 3 ARCHITECTURAL FEATURES ABOVE, THE FOLLOWING OPTIONAL ARCHITECTURAL DETAILS USED AT THE PETITIONER'S DISCRETION THROUGHOUT THE PROJECT:
- ROOF VARIATION (GABLE/ FLAT/ DORMER WINDOWS)
 - BAY WINDOWS
 - MASONRY FACADES
 - STEPS UP TO THE FRONT ENTRY (HEIGHT DEPENDS ON FINAL GRADING OR ENGINEERING FOR THE SITE)
 - BRICK OR MASONRY CLAD THE SLAB (IN THE CASE OF ELEVATED SLABS) AND HAVE CLAPBOARD OVERHANG THE BRICK.

- ADDITIONAL LOT REQUIREMENTS:
- MIN LOT SIZE: 1,100 SF SUBLOTS (PER UNIT)
 - MIN FRONT SETBACK: 10'
 - MIN SIDE YARD/SETBACK: 5' FOR CORNER LOTS

Land

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REVISIONS

REVISION	
NO.	DESCRIPTION
1	REZONING
2	PER CITY
3	REZONING

DESIGNED BY:
DRAWN BY:
CHECKED BY:
DATE:

VERT: N/A
DATE: N/A

DEVELOPER

RESTRICTIONS

R

Workshop Meeting



To: Town Council

From: Travis Morgan

Date: 8/26/2019

Re: 10000 Pineville-Matthews Road

Background:

The former NTB Tire Store located at 10000 Pineville-Matthews Road (beside current Walgreens) Vacated the property early 2018. There was a store closed/relocated banner that was up longer than 14 days that triggered zoning violations starting 5/4/18. Existing auto servicing in that zoning district is a non-conforming use and therefore could not re-establish if operations ceased for longer than 90 days. The non-conforming use was not re-established within 90 days.

Request:

Conditional Zoning request to re-establish auto servicing in the existing building with new façade and sidewalks.

Staff Comment:

The Pineville Zoning Ordinance only allows auto servicing in that zoning district (B-3) with a plan approved by Council and meeting all special conditions and overlay requirements. The text amendment to conditionally allow auto related uses was intended to encourage new development to replace non-compliant buildings and property.

This issue for Council to consider is short term vs. long term benefit to the Town and precedent. This is not new development but a more attractive reface and much needed sidewalks. You would still have a front parking lot and front facing garage doors. Short term you would get a more attractive building and sidewalks. Long term it would be unlikely for years or decades to see any redevelopment or more attractive retail or commercial use on the property.

Information:

10000 Pineville-Matthews Road is zoned B-3 (General Business).

Staff notes the plan is not a sealed survey. It appears there might be some property line overlap or inconsistencies with adjacent properties. Also vehicular shortcut path to N. Polk street through former Carolina Rental Car property does not have easement that I am aware of.

Below are the related ordinance sections

From Section 2.8.2 Nonconforming Zoning Uses:

- D) If a nonconforming use is discontinued, ceased, closed, or similar for ninety (90) days or more, the use shall not be allowed to re-establish. All new uses established thereafter shall be conforming.

Per the **Zoning Table of Use**, "Automobile Servicing and Installation" is allowed in the B-3 Zoning District as "Conditional with Special Regulations" and references **Section 6.5.07** of the Pineville Zoning Ordinance.

Section 6.5.7 Automobile Servicing and Body Shop

- A) If located adjacent to a Residential (R) use, the hours of operation may be from 7:00 A.M. to 9:00 P.M. only. This

shall not apply in the case of lots containing this use, which are separated from such R-zoned lots by a major or minor thoroughfare.

- B) All work including vehicle servicing and inspections must take place indoors.
- C) Unless structures and site design meet current zoning and overlay district requirements, the use shall not be permitted.
- D) Must meet overlay façade requirements, be all brick store front type design, and no street facing service bay doors or utility elements.
- E) Façade must be at least 75% of width of primary street front.
- F) Approved primary building materials must be used within 200 feet of any street.
- G) Elevated vehicle platforms or displays are prohibited.
- H) Site and Parking lot lighting will be limited to a maximum height of 35 feet and equipped with full cut-off fixtures. Site and Parking lot lighting may not shine on adjacent properties.





TOWN OF PINEVILLE • Planning & Zoning Department • 200 Dover St
P.O. Box 249 • Pineville, NC • 28134 • 704-889-2291

ZONING CITATION

Violation at: 10000 Pineville-Mathews Rd

Date of Issuance of Zoning Citation: 5/4/18 Tax Parcel: 20709341 Zoning Classification: B-3

Issued to All Owners of the Property and any Leasees of the Property, both corporate entities and individuals, including but not limited to: David A. Puckett

Date(s) Violation Occurred: 5/3/18 Zoning Code Section(s) Violated: 5.2.9(E)

Allegations of Violation of the Town of Pineville Zoning Ordinance: Having a banner longer than the (14) days which is prohibited per the Zoning Ordinance

Corrective Measures Required: Remove the banner by May 11, 2018 or receive on-going fines.

Warning: Penalty:

Corrective Measure Must Be Taken by 5/11/18 to Avoid Penalty/Fine

A Zoning Citation was issued on _____ (date), and the same circumstances continue to exist on the premises in violation of the same Zoning Ordinance, 10 days after said notice pursuant to sec 2.7.7(G), and North Carolina General Statutes G.S. 160A-175 which grants the Town of Pineville the authority to levy a civil penalty for zoning violations. Therefore, a civil penalty is being levied in the amount of _____

Number and Amount of Penalties Accruing Today, and every day thereafter Per Day: _____

Zoning Ordinance Section 2.7.7(G) provides that escalating civil penalties may be levied for continued violations to include an initial citation for \$50, a second citation for up to \$200, a third citation for up to \$500, and up to \$500 per day, thereafter.

Penalty must be paid to the Town of Pineville Planning & Zoning Department Within Ten (10) days after the Issuance of this Zoning Citation, on or before: _____. If the civil penalties are not paid within ten days after the issuance of the citation, the Town may recover penalties in a civil action in the nature of debt.

Method of Delivery: David A. Puckett

Pursuant to section 2.4.1, an Appeal of this finding of a Violation whether a Warning or a Penalty may be taken by making a written appeal to the Zoning Administrator at the Pineville Town Hall, 200 Dover St., or by mail to PO Box 249, Pineville, NC 28134 within ten (10) days of the date of this Citation.

Zoning Administrator: A. Prukes Date: 5/4/18



February 21, 2019

Mr. Aron Parks
Code Enforcement Officer
City of Pineville
200 Dover Street
Pineville, NC 28134

Re: NTB Tire Store 10000 Pineville Mathews Road, Pineville, NC

Dear Mr. Parks

I am contacting you on behalf of Mr. David A. Puckett, Sr., the owner of the building located at 10000 Pineville Mathews Road, Pineville, NC 28226 (located near the intersection of Pineville Mathews Road and Polk Street. I am with TBC Retail Group the parent company of NTB Tire Center the previous leaseholder of the building. I understand that the current building has been vacant for several months, and in order to reoccupy the premises a request for Code Variance is required. The site is currently zoned B-3 with a conditional 6.507 section rider. I was told that the permitted use has expired due to the building being vacant for more than 90 days.

There would be no change in the previous operations of the building. The building would continue to function as an auto related use, specifically as a tire store, with no major auto repair services. We are very anxious to get this issue resolved. Please let me know what follow up steps need to be taken. I am attaching to this letter a copy of the building survey for your reference. Please feel free to contact me directly at (561) 383-3000 ext. 2707

Thank you in advance for your consideration of our request.

A handwritten signature in black ink, appearing to read 'Jim Tredwell', with a long horizontal stroke extending to the right.

Jim Tredwell
Architectural and Engineering Manager
TBC Corporation
(561) 383-3000 extension 2707
jtredwell@tbccorp.com

TBC - PINEVILLE, NC



Memorandum



To: Mayor and Town Council

From: Ryan Spitzer

Date: 8/22/2019

Re: Edifice Contract

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

Pubic 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: 8/22/2019

Re: Creech and Associates Contract

Overview:

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 responded 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

The two major sections of this document to pay close attention to and where negotiations may be able to happen are:

1. Fee Structure – It is set at 8.5% of the anticipated budget of \$11,500,000
2. Fee Structure – If the cost increases above \$11,500,000 then the percentage increases, however if the costs decreases below \$11,500,000 the percentage does not decrease.

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, LEEP 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: 8/22/2019

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.

Attachments:

Personnel Handbook Section



All Department Heads should monitor their employees' time by reviewing weekly timesheets and attendance reports. Department Heads should pay special attention to excessive unscheduled absences and/or absenteeism patterns. Excessive absences and lateness may result in disciplinary action up to and including termination.

All employees must track their own time using the Weekly Time Sheet, which is available in the Human Resources or Finance Departments. All timesheets must be approved by their Supervisor prior to submitting it to the Finance Department for processing.

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 Service hired before September 1, 2019



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

Any employee hired before September 1, 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 1, 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 towards Medicare A, B and Medigap on behalf of the retirees. It is the responsibility of the retiree to obtain Medigap on their own. In order for the Town to provide a stipend up to \$150 monthly towards the cost of Medicare A, B and 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.

RETIREMENT

All regular employees whose duties require at least 1,000 hours of service a year are required to become contributing members of the Local Governmental Employees' Retirement System, as a condition of employment on the date of hire. An employee must contribute 6% of their annual covered salary to fund future retirement benefits. The Town is required to contribute at an actuarial determined rate to fund

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 1, 2019, to incorporate all prior amendments. This Plan is hereby amended and restated, effective September 1, 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 1, 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 1, 2019 who have participated in the Town's Medical Benefits Plan, and have 25 years or more of service are eligible for the Town's Medical Benefits Plan upon retirement until they reach Medicare eligible age. Employees hired after September 1, 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 1, 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 1, 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.