

**COUNCIL MEETING
AGENDA**

**Tuesday, July 14th, 2020
at 6:30 p.m.**

**Town of Pineville,
North Carolina**

Held Remotely via Zoom



**PINEVILLE TOWN COUNCIL AGENDA
MEETING HELD VIRTUALLY for PUBLIC
AT PINEVILLE COMMUNICATIONS for
COUNCIL AND STAFF at 6:30 P.M.
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, JULY 14, 2020**

- 1) **Call Regular Council Meeting to Order:**
 - a) **Pledge Allegiance to the Flag: (BM)**
 - b) **Moment of Silence:**
- 2) **Adoption of Agenda:**
- 3) **Approval of Minutes:** Council Work Session Minutes of April 27, 2020, Council Meeting Minutes of the June 9, 2020 Meeting and Council Work Session Minutes from June 22, 2020.
- 4) **Consent Agenda:** a) *Finance Report as of June 30, 2020;*
- 5) **Public Comment:** *****Please see below*****
- 6) **Public Hearings:**
 - A. **Patio-Style Townhomes on Dorman Rd.** *(Travis Morgan)* Request to build 23 patio-style, one-level townhomes between the Haven and the Laurels at 13160 Dorman Road.
 - B. **Hyundai Dealership** – *(Travis Morgan)* Request to construct new Hyundai Dealership 10518 Cadillac Street
- 7) **NEW BUSINESS:**
 - A. **Council Vote on Three Public Hearing Items:**
 1. **Pineville Logistics Center** - *Warehouse complex between Nations Ford Rd. & Downs Rd. (ACTION ITEM).*
 2. **Patio-style Homes on Dorman Rd.** - *23 Single-story patio-style homes off Dorman Rd. (ACTION ITEM).*
 3. **Hyundai Dealership** - *New Hyundai Dealership located on 10518 Cadillac St. (ACTION ITEM).*
 - B. **Consideration of Approval for Wavier Agreements sent by Electricities** - *(Ryan Spitzer)-* Request to waive the US Postal Mail requirement for NCMPA1 wholesale power bills. *(ACTION ITEM).*
 - C. **Discussion of County Resolution** *(Ryan Spitzer)* - Guidelines for wearing face coverings. *(INFORMATIONAL/ACTION ITEM).*
 - D. **Budget Amendment** *(Richard Dixon)* - To transfer funds from ILEC to CLEC

E. Staff Update:

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

- 8) **CLOSED SESSION:** *Discussion of matters pursuant to NCGS 143-318.11(5&6), (Real Estate Item/Personnel Items)*
- 9) **Adjourn**

*** Members of the public that wish to express comments for this meeting are asked to email them to the Town Clerk. If you plan to join the ZOOM meeting and wish to make a comment **during** the meeting, you may do so during the Public Comment period or during one of the Public Hearings. Send your emails to: bmonticello@pinevillenc.gov no later than 12:00 noon on Tuesday, July 14th, 2020. Please be sure to include your full name in the email along with your questions/comments that you would like read into the record. If you plan to speak **during** the Zoom meeting, please send an email with your full name indicating whether you will be speaking during Public Comments or on one of the Public Hearings. Comments emailed in by this time will be read aloud at the meeting. Council may or may not respond to your comment. Thank you. ***

**MEMBERS OF THE PUBLIC ARE INVITED TO JOIN THE MEETING USING ZOOM.
PLEASE FOLLOW THE INSTRUCTIONS BELOW:**

Topic: Council Meeting July 14, 2020
Time: July 14, 2020 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81286435597?pwd=N3YrVzBwUmFLWnNWRk85c1g1QVFJZz09>

Meeting ID: 812 8643 5597

Password: 532487

One tap mobile

+16465588656,,81286435597#,,,0#,,532487# US (New York)

+13017158592,,81286435597#,,,0#,,532487# US (Germantown)

Dial by your location

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 812 8643 5597

Password: 532487

Find your local number: <https://us02web.zoom.us/j/81286435597?pwd=N3YrVzBwUmFLWnNWRk85c1g1QVFJZz09>

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
of the
Town Council Work
Session of April 27, 2020,
the Council Meeting
Minutes of June 9, 2020
and the Council Work
Session Minutes of June 22,
2020



**MINUTES OF THE
TOWN COUNCIL WORK SESSION OF
Monday 4/27/2020 - 6:00 P.M.
(Meeting held remotely via Zoom)
200 Dover Street, Pineville, NC**

The Town Council of the Town of Pineville, NC, met in a Work Session on Monday April 27, 2020 @ 6:00 p.m. The meeting was held remotely using Zoom.

ATTENDANCE

Mayor: Jack Edwards
Mayor Pro-Tem: Melissa Davis
Council Members: Amelia Stinson Wesley, Les Gladden and Joe Maxim
Town Manager: Ryan Spitzer
Town Clerk: Barbara Monticello
Planning & Zoning Director: Travis Morgan

Also Present: Representatives from Beacon Development: Jon Morris, John Orsborn, Andrew Eagle, Pete Kidwell, Jim Harley and Tom Miller, representing the Miller Family.

CALL TO ORDER

Mayor Jack Edwards called the meeting to order at 6:03 p.m. Mayor Pro Tem Melissa Davis moved to open the meeting and Council Member Joe Maxim seconded it. There were ayes by all and the meeting was opened. The Mayor then called upon Planning and Zoning Director, Travis Morgan, to begin the discussion on Kings Grant Warehouse Project.

DISCUSSION ITEMS:

A. Kings Grant Warehouse Project by Beacon Development- *(Travis Morgan)* Planning Director, Travis Morgan, stated that their plan had been updated since the last meeting with the biggest change being that Martin-Marietta was no longer interested in the side of property along Nations Ford Rd. Additionally, all curb cuts that appeared on the previous plan have been eliminated along Downs Rd. except for the connector street. The project consists of approximately 240 acres and due to its size, the project needs to go before Council. It is made up of several parcels with all residential properties except for one (Coley) currently under contract. This is shown on page RZ2.0 of the rezoning plan. The Traffic Study (TIA) needs some updating as it reflects information from the prior plan. The traffic study will need to be updated to correspond with the current plan that shows one access point.

Staff is in support of the new plan with one access point but it does not align with another road, which is what the town would like to see. Sidewalks are shown on one side of the street; staff was recommending there be sidewalks on both sides of the street as well as decorative lighting. Mr. Morgan continued, stating that he had concerns regarding any future outdoor storage. He was looking for more details to define what the outside storage might include.

Buffers are shown on the plan with a 100 ft. buffer off the Miller property. The right-of-way that is on Nations Ford Road belongs to Charlotte and anything on that side would need to align with their standards, but Mr. Morgan did not know what their standards were. There was a provision in the plan that if some of the remaining single-family homes decided to sell at a later date and be included in the proposed plan, they could do so. The proposal was to combine all the parcels and rezone them to General Industrial Conditional Development (G-I CD) with primary uses made up of approximately

80% warehouse, 12% production and 6% office space. Mr. Morgan opened the floor to questions/comments from Council.

Council Member Joe Maxim asked for confirmation that the five-point access that was on the traffic study was being superseded by the new plan. Mr. Morgan indicated that was correct. The traffic study was done before the new plan so it would need to be updated to coincide with the new plan. Council Member Maxim expressed concern for the flow of traffic on Downs Road and wanted to be sure the traffic study would be updated as he was interested in seeing any new recommendations or comments generated by the study. He had some issues with the connector road not aligning with another road and wanted to discuss this further.

Jon Morris of Beacon Development wanted to talk about the decorative lighting that Mr. Morgan wanted to see. He stated that the lights that Pineville required were very expensive, at \$10,000 apiece. This would be a several hundred thousand dollar hit to their budget. He added that the buildings would be well lit and perhaps they could work out a compromise.

Council Member Amelia Stinson Wesley wanted to know what Beacon's vision was of the connector road if they didn't want it to connect with Eagleton Downs? Mr. Morris replied that what they had put on the plan was their vision. Beacon Development really liked the layout of the new plan they drew up and if the connector road aligned with Eagleton Downs, it would destroy what they had worked very hard to put in place. Council Member Les Gladden stated that Council was firm on the placement of the connector road and didn't think aligning it with Eagleton Downs was going to impact their plan that much. Mr. Morris respectfully disagreed with that. He believed it impaired their site plan and they hadn't gotten any feedback from NCDOT on the placement of it. Where they located it on the plan worked fine and they had worked really hard on it.

Mr. Morgan remarked that we would have to see what the DOT's threshold is for a traffic light and added that he had heart burn over having trucks entering right where the horse farm was located. Jeff Orsborn of Beacon Development stated that the connector road actually aligned with an undeveloped parcel (horse farm) and whoever developed it would probably connect to their road. He added that aligning with Empire didn't make sense. Council Member Maxim noted that the horse farm serviced special needs children and his concern now was that there was more traffic than originally thought.

Mayor Pro Tem Melissa Davis asked if Beacon had talked with the two residences next to the horse farm; the Kimbrells? Pete Kidwell of Beacon responded that they had approached them previously with the first plan but not on the recent plan. They had indicated they were not interested at all in selling. Mayor Pro Tem Davis then asked how their plan was affected by the Coley property not selling to them? Mr. Kidwell responded that the new plan did not include that property and they just had to work around it. Mayor Pro Tem Melissa Davis stated that the traffic and conditions of the road were a concern for her as well as the flooding that often takes place there.

Mr. Morris stated that in talking with NCDOT, they would like to think of Nations Ford Road as their main entrance with Downs Road being more for employee traffic. Mayor Pro Tem Melissa Davis reiterated that traffic was still a concern with the possibility of it backing up or people using it as a cut through; it was still a concern.

Jeff Orsborn stated that section of the road will have three lanes plus curb and gutter, along with plantings. There will be a catch basin from the upper end by where the school buses are stored which will discharge into a BMP. He asked Mayor Pro Tem Davis what flooding issues there were. She responded that Mr. Kimbrell had brought up the flooding and that it has gotten worse after the first building went up.

Mr. Orsborn stated that all storm water ponds would discharge back into the creeks and had started to do research on that now. The BMP by the connector road discharged into the ditch and they had a way to divert it to the McCullough Branch flood area. Mr. Morris stated that water did pour off of both the Harley and Miller sites. John Orsborn stated there was a pipe under Downs Road that he had just gotten a picture of today but it wasn't usable and no one even knew it was there. They were the ones who found the pipe. Mr. Morris added that water would not flow any faster than it was flowing before, but that they would be controlling it better now. The problem was not having BMP's on those sites right now.

Council Member Les Gladden didn't think that what they were planning would work. He has been there during the time when it floods and what they would be doing, would make the ground more pervious and that would create a serious problem. Dumping all that water there would just make it flood. Council Member Amelia Stinson-Wesley agreed that the flooding in that area was horrible and doing that would only exacerbate the issue more.

Jon Morris commented that the best place to divert the water is into Flood Plains and stated that's what the ordinances were for. Their plan had been engineered and approved. They couldn't make the situation worse because they had to abide by the ordinances to improve it. Council Member Les Gladden just wanted Mr. Morris to be aware of what the town wanted so he wouldn't be liable for any problems that might occur. He wanted to know the detail – what the current plan was for that area. Mr. Morris replied that the entire western side would have curb and gutter and that would be a dramatic improvement but they didn't plan sidewalks because it was an old parcel that would require Right-of-Way in order to improve it which was difficult to acquire. Additionally, there's less of a chance of pedestrians walking on that side of the road so no sidewalks were planned. Council Member Gladden offered that the town might be able to help get some R-O-W to make sure sidewalks and stormwater improvements would be continuous along the remaining Coley residential property along Downs Road to which Mr. Morris replied that any help would be appreciated as they wanted to do the project right.

Council Member Gladden also added that the town would be looking for concrete aprons on the entrances to the warehouse complex and asked if it would be a problem for them. Jeff Orsborn replied that they just needed to get buy-in from the NCDOT on that because they had made him change out the concrete one time and knows just how difficult that can be with them. Mr. Morris added that it would be difficult to negotiate with NCDOT as they do not like using concrete. Mr. Gladden stated that he thought the town would wind up getting that road anyway, not the DOT.

Jon Morris stated that Martin Marietta was gone They were no longer interested in developing parcel F which makes it easier for Beacon to develop it with them gone. Mr. Morgan wanted to touch on the elevations and outdoor storage issue. Mr. Morris stated that for the outdoor storage, he could put the same conditions on it that he did for the Lance/Campbell Warehouse they had done earlier. Some of the things they had stored in other outdoor spaces were AC units, pipe, wood, granite but added that at their Metrolina Warehouse complex, they had about 10-12 tenants and none had any outdoor storage. Mr. Morgan stated they could work on language similar to what they had done on the Lance/Campbell warehouse.

Council Member Les Gladden asked if the applicant was aware that the parking lot had to be screened. Mr. Morgan replied that they were aware of it and that the next plan that came to him for review would have the landscaping on it. Mr. Orsborn added that they were well-aware of the landscaping/screening requirements.

Mr. Morris asked what everyone thought of the building elevations? He was pleased when he saw the renderings in the packet and called it one of the better business parks that he's seen. All agreed they were nice looking buildings.

Mayor Pro Tem Davis expressed some concern that the town would wind up with a large warehouse and no tenants due to the situation with businesses shutting down due to Covid-19. Craig Fleming, of Beacon, stated that their offices have never been busier and, if anything, this was the perfect time for this development and added, "you don't want to be stuck with a lot of space and either do we."

Mr. Morris explained that with the pandemic in full swing, there would be increasing inventory to have on hand for that type of situation and that three things would come out the pandemic experience: internet adoptions, increase in inventories and the re-manufacturing of goods in America. Council Member Amelia Stinson Wesley commented that was a good analysis and thanked him for it. Mayor Edwards asked if there were any other questions.

Council Member Les Gladden stated there were quite a few things on the permitted manufactured goods zoning use to address. Director Travis Morgan agreed and wanted to dive in to it in more detail. He noted that Class 1 manufacturing was permitted but that Class II was not and they would need to drill down on that more specifically. Council Member Les Gladden would like to see the road open on the Nations Ford side for construction and added that it needed to be determined when that road will open. Mr. Morgan asked the question as to when Beacon thought the road might be

functional. Mr. Morris responded that their intent was to build the connector road first in Phase I but Mr. Morgan pointed out in his staff report under item #10B, that the developer was to complete the connector road during the next phase after the development of area A.

Council Member Les Gladden asked if we shouldn't clarify the alignment issue first before talking about the stub road? Council Member Amelia Stinson Wesley was concerned, Mayor Pro Tem Melissa Davis was concerned, and Council Member Joe Maxim were all concerned with the issues on Downs Road and were pushing for a greater prominence on Nations Ford Road. Council Member Les Gladden just wanted the roads aligned as Mr. Morgan had requested from day one. Mayor Edwards asked that the road be streamlined a bit more. Jon Morris then asked Jeff Orsborn to spend a lot more time on what Downs Road will look like before the next meeting.

Mr. Morris asked Council what their thoughts were on the stub road going south. Mr. Morgan stated that the road didn't need to be a public dedicated road. It could be an internal driveway road between buildings 8 and 10. Mr. Morris stated we would not want a stub as a public road and we would like to have flexibility in where the stub road goes as it acts as an insurance policy since the town doesn't know what will be on the Miller portion of the property. We may need it as a relief valve and the only reason it's there is because of the unknown of what could happen. The location of it can move; that part is flexible.

Discussion moved to lighting. Jon Morris agreed that they wanted the street lights to look nice but Pineville's decorative light poles were very expensive. Mayor Edwards asked if Travis would work with Jon on options. Council Member Les Gladden asked that they address sidewalk issue as well. He asked if Council could discuss it further with Mr. Morgan who agreed.

Council Member Amelia Stinson Wesley asked about the Nations Ford Road side and deferring to Charlottes rules. She wanted to know if anyone knew what Charlotte's regulations were. Mr. Orsborn shared that Chapter 19 of the Charlotte City Code did not require sidewalks along Nations Ford Road, nor did they require lighting. Mayor Pro Tem Melissa Davis said they'll need to talk with Travis more about lights but she wasn't sure that sidewalks were needed along the Nations Ford side. Council Member Joe Maxim said he was open to acceptable alternatives for lights. He felt stronger about the sidewalks as they are more important for him. Mr. Morgan agreed that they needed to look at this more. Priority wise he would like to see decorative lights first along Downs Road, then the created road, and lastly on Nations Ford Road. Mr. Morris agreed that they wanted to make it a walkable, safe area as well.

Council Member Les Gladden asked about the three-lane road and where it would be? Mr. Morgan responded that it would be on Downs and Nations Ford Roads and he would work to get additional details on that. Jeff Orsborn stated it would be 26 ft. of asphalt that would widen out to 3 lanes on each end of road with 30 ft. of asphalt at the end. Jon Morris added that they didn't want trucks parked on the streets at night. The connector road will have no parking on it so 30 ft. should be a good size. Mayor Pro Tem Melissa Davis agreed, adding that people complain about it with the Campbells warehouse.

- B. Road Abandonment** – Planning and Zoning Director, Travis Morgan, stated that Jeff Cropp from the Dodge Dealership asked the town to write a letter supporting them in taking the stub road by the dealership. According to an email received by the DOT, the first right of refusal was to prior property owner. The 2nd right of refusal goes to the adjacent property owner and the 3rd right of refusal would then go to the Town. Dodge therefore had higher standing. The town would need to write a letter and could include recommended conditions such as the recommended survey done by Thomas White.

Council Member Les Gladden asked what they planned on doing with it? Mr. Morgan stated that they just wanted control to maintain and their conditional approved plan prohibited use by the dealership for cars. Both Council Member Amelia Stinson-Wesley and Mayor Pro Tem Melissa Davis supported Mr. White's survey and their request but Council Member Gladden warned that they may be jumping the gun on it as Karen Hall's sister owned that piece of land and suggested contacting her first to be sure she didn't want it. If not, then there should be no development on or any cars allowed on it. This should be a condition on that piece of property. Mr. Morgan suggested putting a barrier up and removing the asphalt.

Mayor Edwards asked if there was any other business to discuss. Town Manager Ryan Spitzer asked to discuss the Electric Rider which he had sent to Council earlier. Council Member Amelia Stinson Wesley and Mayor Pro Tem Melissa Davis both said they didn't have time to read through it. Mr. Spitzer advised the group that they would all have to vote on it. He provided a summary for council members – it was an economic rider for those electric customers that have a choice in either choosing Pineville Electric or another electric provider. As an incentive to choose Pineville, we would offer discounts over 4 years, with year one at 30%, year two at 20%, year three at 10% and year four at 5% as a way to keep customers with us. This could be offered to businesses as well. This program is what Electricities uses in Cornelius. When asked if the program was competitive, Mr. Spitzer replied that it was.

Mr. Spitzer gave an update on the following:

- The fire department was ready to burn one of the white houses on Dover St. on May 9th. He will be letting those people in to collect the things they wanted from home.
- Police officers were thankful for recommending Hazard Pay for them during this time.
- Mecklenburg County would be lifting some restrictions from the Stay-at-Home Order on April 29th – some mayors of the other towns were sending letters to the EOC to lift the order on the 29th. Mr. Spitzer stated that each town can do their own thing and the majority of the towns want the orders lifted but they also want to stay in alliance with the governor's orders. He will send Council a comparison sheet listing the County's vs. State's Stay-at-Home Orders. Council Member Joe Maxim asked if there was any feedback from Atrium Hospital to which Mr. Spitzer stated they recommended staying the course until May 8th. Mayor Edwards added that FEMA was also recommending that towns hold off opening back up. Council Member Maxim stated that it would be helpful to have the comparison chart. Mr. Spitzer added that both Atrium and Novant have reported a leveling off of new cases.

Council Member Les Gladden asked about the effect this would have on future meetings and specifically the June Council Meeting. Mr. Spitzer replied that there would still be a Stay-at-Home order in effect with no more than ten people at any gathering. Social distancing, or staying at least six feet apart from each other, would also still apply. We would still have to have a Conference Call, ZOOM, or Facebook live feed so the public could provide comments if they had any. Council Member Gladden was eager to get back together in person. Mayor Edwards said to plan on it for the June Council Meeting. Mr. Spitzer stated that Council could meet in person on May 12th if they chose to but there would need to be some sort of access to allow the public to join in on the meeting. The consensus of Council was to have the final May 4th Budget Meeting held via ZOOM but the May 12th Budget Wrap-up meeting held in person with only Council in attendance.

Council will look over the comparison chart and decide the next day what route they want to take. Mr. Spitzer will provide feedback to Council on the EOC meeting that was scheduled for later in the week. He also advised that all play grounds would remain closed and reopen in Phase 2. Council can call him with questions because it was very confusing. Furniture stores were the biggest change to open up in Phase 1.

Both Mayor Pro Tem Melissa Davis and Council Member Joe Maxim agreed with lessening the restrictions on the 29th but Council Members Les Gladden and Amelia Stinson-Wesley both stated that there needed to be some clarity on these things because it was all very confusing. Mr. Spitzer will provide the comparison sheet and any other additional information to Council.

Council Member Amelia Stinson Wesley made a motion to adjourn the meeting with Mayor Pro Tem Melissa Davis seconded the motion. All agreed and the meeting adjourned at 8:29 p.m.

Jack Edwards, Mayo

ATTEST:

Barbara Monticello, Town Clerk



**MINUTES OF THE
TOWN COUNCIL MEETING OF THE
TOWN OF PINEVILLE, NORTH CAROLINA
TUESDAY, June 9, 2020 – Held Virtually (from The Hut, 413 Johnston Dr.)**

The Town Council of the Town of Pineville met in Regular Session on June 9, 2020 at 6:00 p.m. via Zoom.

ATTENDANCE

Mayor: Jack Edwards
Mayor Pro-Tem: Melissa Rogers Davis
Council Members: Joe Maxim, Les Gladden, Amelia Stinson-Wesley
Town Manager: Ryan Spitzer
Planning & Zoning Director: Travis Morgan
Finance Director: Richard Dixon
Town Clerk: Barbara Monticello

CALL TO ORDER

Mayor Jack Edwards called the meeting to order at 6:31 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG Town Manager, Ryan Spitzer, led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Edwards asked for a moment of silence for the police departments across the nation because of recent negative press, noting that they were under pressure and needed support right now. He asked that everyone remember our troops, first responders, police, fire and our military men and women.

ORDER OF BUSINESS:

Adoption of the Agenda:

Mayor Pro Tem Melissa Davis made a motion to adopt the agenda. Council Member Les Gladden seconded the motion and there were ayes by all. Motion passed 4-0.

Approval of the Minutes of the Council Meeting and Closed Session of May 12, 2020.

Mayor Pro Tem Melissa Davis asked that the name Michelson be changed to Nicholson. She then made a motion to accept the minutes with the name correction. Council Member Amelia Stinson Wesley seconded the motion. There were ayes by all and the minutes were approved with the correction.

Consent Agenda:

The Consent Agenda consisted of the following items: a) *Finance Report as of 5/30/2020*; b) *Tax Refunds*. Council Member Joe Maxim made a motion to accept the Consent Agenda and Council Member Les Gladden seconded the motion. There were ayes by all and the motion passed 4-0.

PUBLIC COMMENT:

Meeting was held remotely. Comments were emailed to the Town Clerk to be read in to the record. Jane Shutt of Pineville Neighbors Place joined the meeting via ZOOM and gave a summary of the number of people that they have helped this year, along with the amount of money they were able to assist people in need with. Additionally, she provided the figures for the number of people their food pantry was able to serve along with the number of meals served to children in need.

Ms. Shutt thanked the community for their support and added that they had received a \$45,000 grant and continue to work with Crisis Assistance. They are looking to open sometime in July.

Milady Meadows introduced herself as she has volunteered for the County's Parks and Recreation Commission. She and her family moved here within the past year. She is a wife and a mom as well as a full-time student majoring in environmental science. She is looking forward to meeting everyone and working on the P&R Commission.

Mayor Edwards thanked her for volunteering for this spot and to arrange, through Town Clerk Barbara Monticello, to come to the Council Meeting in August.

Public Hearings:

A. Beacon Development - Kings Grant – Council Member Les Gladden made a motion to open the hearing for Beacon Development. Mayor Pro Tem Melissa Davis seconded the motion and the public hearing opened @ 6:45 p.m.

Travis Morgan, Planning and Zoning Director, gave an overview of the project. The project is 240 acres between Nations Ford Road and Downs Road. It is a total of 3.5 million square feet with ten buildings within the development. Conditional notes were updated since the last meeting. They were still working on a lighting plan. The connector Road lines up with the Hammonds property across the street. They all met and agreed on screening and buffer for the Hammond property. They discussed fencing, wall or berm – to be to be refined at the next meeting.

The BMP's will be wet ponds and handled like HOA's for the maintenance of them. A lengthy discussion on the esthetics of BMP's and keeping them maintained was discussed. Beacon has the entire property now; it is not going to be a rock crushing facility as was originally thought. Mr. Morgan noted that the Coley property was not interested in selling their home at this time. There is a 100-foot buffer around this property with standard screenings and a clause that allows them to sell their property to developers if they change their mind.

Council provided positive feedback on the elevations of the buildings, with building #2 being the main showpiece in the complex. Mayor Pro Tem Melissa Davis asked if it needed to be noted on the plan that there would be no chain link fence around the BMP's. Travis assured Council that yes, it will be noted and also noted in the minutes. Council Member Joe Maxim asked Mr. Morgan if the comments/notes were to his satisfaction. Mr. Morgan stated yes, although he did not want the notes to be open ended so now that they have been closed, he is o.k. with the language now.

Council Member Joe Maxim said he was pleased with the overall project but asked if everyone felt that the instructions for tenants were clear? Was a clear set of rules/regulations established for tenants so they were aware of what was allowed? Director, Travis Morgan said he felt the regulations were clear.

Council Member Les Gladden stated that there was too much flexibility in what the buildings would look like so at the bottom of Page one, he would like to see a set of elevation plans that show what they were going to build. Mr. Morgan said they would work on something in the notes to show the renderings are the intent of what is to be built and identify which elevations belong to which buildings.

Council Member Les Gladden noted that the Feeder Roads with parking corrals showed they were 20 feet away from the connector road but asked to increase that to 50 – 75 feet instead of 20 feet.

Jon Morris introduced himself stating he had been with Beacon for many years and was overseeing this project. He stated that Beacon intended to improve the road with curb and gutter along Downs Rd. They've discussed a lot of the storm water issues and feel they will dramatically improve the flooding conditions there. Council Member Les Gladden said he still had concerns about the flexibility in design of the buildings. They have not technically designed the buildings as of yet so what they could do is list out the building materials they planned to use such as using concrete, accented with paint; or significant use of glass; tiles inlayed into concrete. He realized Beacon was still months away from actively designing the buildings but they should be able to provide materials they will use to construct the buildings.

Council Member Les Gladden asked if Jon Morris was the developer. Mr. Morris responded that he was and that Beacon

had built all the buildings in Metrolina Park and their intent was to build the building in this complex as well, although they may sell a lot to someone else for them to construct on it. Council Member Gladden suggested it be noted on the plan how each building should look with the most visible buildings needing more detailed requirements than one that cannot be seen from the road.

Craig Flemming addressed the elevation question noting that Beacon's design intent was depicted in the renderings but the established base building materials were concrete and tile inlay making for a long-term sustainable building. Jon Morris stated they would write a narrative of the design intent to provide some reassurance to council so the project could get approved. Mr. Morgan added that it was not just the building materials that were important but the architectural designs as well. Mr. Morris said there were ways to articulate designs and strengthen them up as long as Mr. Morgan could assist with the language.

Craig Flemming added that each building would be its own entity with its own design. Mr. Morris asked Craig Fleming to produce a front elevation, back elevation, and side elevations for the town. They should be able to come up with something in the next week. Craig assured him that was absolutely possible.

Jon Morris stated that regarding the maintenance of the wet ponds, they would inspect the ponds monthly and also when it rains heavily and with regards to the 75-100 foot parking off the connector road, they would agree to more than 20 feet but not quite 75-100 feet as that is a lot. They had restrictions in their leases about parking but stated that they could work on an agreed upon amount. He added that there would be no chain link fencing around the BMP's.

Council Member Amelia Stinson Wesley asked about the adjacent property owners and if Beacon has had conversations with them. Mr. Morgan responded that they had met at the Hammonds property and were working it out. They were looking at relocating the existing driveway but it was still a work in progress. Jon Morris noted they still had a way to go with working something out – they were not quite there yet with the Hammonds as there was not enough room to do a berm in some areas. The Hammonds would like a fence and landscaping. Beacon was going to relocate their driveway to the south. Mr. Morris stated that Beacon would pay for berms and landscaping and then discuss the fencing.

The Hammonds were in attendance via ZOOM. Mr. Hammond stated that he and his wife were pro development, pro Pineville. They had a sizable investment; low intensity use at the farm that they own across from the proposed development. Mr. Ken Hammond continued, stating that Beacon had ½ of a mile of frontage on Downs Road and their connector road just happened to fall exactly in front of their driveway. He believed there would be a ton of traffic staring them in the face. He and his wife run an educational farm camp with a lot of kids and they just wanted to help protect the kid's safety and their investment. What Beacon was considering reasonable was not exactly what they thought was reasonable. Safety is a priority and all they were asking for was that Beacon do something substantial to protect them and they believed their request was a reasonable one.

Jon Morris stated there was a lot of topography on the section by building #4. Ken Hammond asked to see the elevation of that building. Council Member Les Gladden asked Mr. Hammond if they planned to keep Travis Morgan in the loop of conversation with Beacon. Jon Morris stated they would copy Travis on the emails as they wanted to be as transparent as possible.

Ken Hammond was concerned what the impact of the project and the traffic would have on the value of their property. Mr. Morris responded that Pineville did not want driveways on Downs Road so they eliminated three driveways and the location of the connector road was pushed on them by DOT. He reiterated that they would keep Travis in the loop and keep trying to work something out. Denise Hammond added that they were not against development, but that they were pro safety.

Mayor Pro Tem Melissa Davis mentioned several times that traffic would be going out to Nations Ford Road and asked if there was a way to limit certain vehicles from coming out onto Downs Road? Director Travis Morgan replied that because it was a public road, it would be difficult as it would be an enforcement issue and a challenge for sure.

Council Member Amelia Stinson Wesley asked if it can be a one-way road and who had the authority to make it one. Council Member Les Gladden said he had thought of that as well, although it could make matters worse by doing that.

Mayor Edwards noted that everyone was talking about the same thing and that all Beacon, the Kimbrells and the Hammonds needed to do was to work it out. Council Member Joe Maxim stated Beacon would price out the specifications and continue to work something out. He then asked Danny Kimbrell for his comments.

Danny Kimbrell agreed with the Hammonds; he, too, was concerned about the entrance way, the traffic and safety concerns. Council Member Joe Maxim suggested getting together with Ken Hammond and the Kimbrell's next Monday or Tuesday to continue to work something out. Mr. Morgan offered his assistance in coming up with an agreement as he would like to see the issue resolved by the next meeting.

Council Member Les Gladden then asked Beacon if they had checked road detail for Pineville, noting that the Town's specifications were different from the County's. Sidewalks, under layment, all must conform with Pineville's specifications. Town Clerk Barbara Monticello advised that the Town's website was recently updated with the most recent updates to these specifications.

Council Member Joe Maxim made a motion to close the Public Hearing. Mayor Pro Tem Melissa Davis seconded the motion to close the Public Hearing at 8:04 p.m.

- B. Public Hearing for a Request for Parking on Eagleton Down Road (Travis Morgan).** A motion was then made and seconded to open the second Public Hearing for Eagleton Downs. Director Travis Morgan said the developer for Lot #2, on Eagleton Downs Road, was requesting that parking be allowed in front of the building which faces Downs Road. They are proposing to install shrubs along the Downs Road portion to screen the parking on the Downs Road side. Council Member Les Gladden asked if the screening bushes should be on Eagleton Downs Road. Mr. Morgan responded that it should but that it just was not shown on the graphic. He noted that installing a street light at the intersection of Eagleton Downs and Downs Road would be valuable for the town and for motorists along Eagleton Downs and Downs Road.

Council Member Les Gladden asked Lawrence Sheehan if he heard and understood the request for a street light at the intersection. Lawrence Sheehan then asked if they were required by code to which Mr. Morgan answered yes, they were required by code. Mr. Sheehan then stated that they would put them in. He advised Council not to worry about it as they will take care of it.

Council Member Les Gladden made a motion to close the 2nd Public Hearing @ 8:15 p.m. and Council Member Joe Maxim seconded the motion. There were ayes by all. Council Member Les Gladden then moved to approve parking in the front of the building with street lights; parking and proper landscaping/lighting. The motion was seconded by Council Member Amelia Stinson Wesley. There were ayes by all and the motion passed.

NEW BUSINESS:

- C. Appointment of Volunteer to the Park and Recreation County Commission:** Council Member Joe Maxim requested moving Item C up on the agenda to appoint Milady Meadows to the position of volunteer to the Mecklenburg County Parks and Recreation Commission. This would eliminate her need to have to sit through another hearing. Ms. Meadows had introduced herself earlier to Council. Council Member Joe Maxim made a motion to nominate Milady Meadows and it was seconded by Council Member Les Gladden. There were ayes by all and the motion passed.

PUBLIC HEARINGS:

- C. Public Hearing for FY20-21 Budget - (Ryan Spitzer).** Mayor Pro Tem Melissa Davis moved to open the hearing and Council Member Amelia Stinson Wesley seconded the motion. There were ayes by all and the motion passed to open the final Public Hearing of the evening.

Town Manager Ryan Spitzer gave a presentation on the budgeting process and an overview of what has transpired over the last several months. After meeting with department heads, reviewing their needs, assessing them and making cuts where necessary Mr. Spitzer and Finance Director Richard Dixon, met with the department heads to look for operational needs, along with Council's goals to be sure they were all aligned. He noted that the town also had the option of doing

budget amendments during the year due to COVID19. By law, the town has to have a budget adopted by July 1st but a vote could be taken that evening if Council was ready to do so, 24 hours after the meeting or at June's Work Session. Mr. Spitzer then reviewed the following with Council:

- General Fund
- Enterprise Funds
- Restricted Funds, such as Powell Bill, storm water, 911 Emergency, cultural and tourism funds, which can only be used for certain things.

Capital purchases over \$5,000 are generally one-time expenses.

Mr. Spitzer reviewed the Budget Impacts for FY21. The revenue was projected to be \$650,000 less than last year's fiscal year due to:

- COVID19
- 2 Retirements
- New positions in the budget
- Elimination of a position
- Commitment to pay employees at least \$15.00 an hour.
- Beginning stages of new Town Hall – footings, slabs need to be in place before the winter weather.
- Increase in service demands due to growth – new developments including solid waste.
- Public Safety – Pineville has a large police force due to large commercial base we have.
- Infrastructure and investments
- Utility investments – PCS & Electric – extending services to new developments.
- Implementation of plans – mobility, sidewalks, bike lanes, parks and recreation expansion.

There will be increased permitting fees from the County. Pineville's tax rate remains at .33 per \$100 of value. Also, there was no electric rate increase again this year, the 4th in a row.

Moving to medical insurance, Mr. Spitzer stated that the town was lucky enough to experience a decrease in our premiums. Council Member Les Gladden asked how the insurance people know when employees come on or come off our insurance plans. Manager Spitzer advised the insurance company is notified of when someone leaves or drops off our insurance plan.

Mr. Spitzer continued, stating that projects listed in red will be postponed or delayed until January. Those items will be revisited later in the year to see if Council wants to fund them if our revenues come in higher than expected.

A Police Captain's position was put in the budget at \$73,000. Mayor Pro Tem Melissa Davis asked that it be noted in the minutes that when selecting an interim captain, the process go through an outside company to choose the best candidate. Mr. Spitzer stated that ISS would be doing it.

Council member Les Gladden was not in favor of ISS doing the selection because he felt they knew who they would want and they will favor one person over another. Mr. Spitzer responded that ISS would be setting up a panel and a process but that they, themselves, would not be doing the interviews. They are just setting up the process to select an interim captain.

Council Member Joe Maxim reminded the group of the requirements they discussed for the new chief's position. They will require the new police chief to do a top down within 6 months of being hired.

There was confusion over what they all had agreed upon at the last meeting. Mayor Edwards reminded Council that they approved an interim captain's position. Council Member Amelia Stinson Wesley asked if it would cost \$3,000 to do this interim process to which Mr. Spitzer responded that was correct. Mayor Pro Tem Melissa Davis wanted to be sure that it was clear the process had to be done from the outside, not inside. Manager Spitzer explained that the position was put in the budget but that council had time to make those decisions.

Mayor Edwards asked if there were any other comments from the public on the budget but there were none. Council Member Joe Maxim, however, wanted to know if the pending decision for Elations, ADP and etc. were include in this budget? Mr. Spitzer advised that it did not include those items. Mayor Edwards added that if they made the decision not to have the Fall Festival and Rockin' and Reeling, etc. then they should have the funds needed for those programs.

Council Member Joe Maxim made a motion to end the Public Hearing on the Budget. Council Member Les Gladden seconded the motion and the Public Hearing for the Budget closed at 9:30 p.m.

NEW BUSINESS:

- A. **Vote on the Eagleton Downs Parking Request** - This item was already done following the end of the Public Hearing for it.
- B. **PARC Master Plan Extension** – *(Ryan Spitzer)*. Mr. Spitzer stated that a full-blown cost analysis was done on three projects and currently there was an LWCF grant available for a town that purchases property for recreational purposes. This is a dollar for dollar match on the grant and, if awarded, a conceptual plan would need to be developed within three years of being awarded the grant. Council needed to vote to include funds for this project in the upcoming FY21 budget. The project will continue to grow in price due to inflation. Mr. Spitzer stated that the grant was just to buy the land; not to construct the expansion. Council would need to approve the plan with the park expansion.

Council Member Les Gladden asked if we were locked into this agreement or can we change it. Parks and Recreation Director, Kristy Detwiler, explained that as long as it is used for recreational purposes, the plan could be changed. Council Member Joe Maxim noted that it would be beneficial to lock in pricing while interest rates were low.

Mayor Edwards then asked how many acres the project included. Manager Spitzer stated it was 12.6 acres. Council Member Amelia Stinson Wesley asked if the plan was ready to roll. Mr. Spitzer advised that this was just a conceptual plan. The land next to the park is for sale. The land has to be for sale to be eligible for the grant. The property is not ideal for housing development, as only about 5.5 acres of the parcel is developable. The property appraised for \$360,000 but the owners were selling it for \$350,000. It's listed in Mecklenburg County records as Parcel number 22109101.

The CIP plan needed to be approved to show that the town was in favor of the project. Manager Spitzer provided a suggested wording for the motion, after which, Mayor Pro Tem Melissa Davis moved to give Kristy Detwiler the authority to write and apply for the grant, the approval of the conceptual design for the park expansion and approval for funding of this project to purchase parcel #22109101. Council Member Amelia Stinson Wesley seconded the motion. There were ayes by all and the motion passed.

- D. **Employee Satisfaction Survey** – *(Human Resources Director Dornessa Froneberger)*. Referring to the previously discussed Employee Satisfaction Survey, Manager Spitzer stated it came down to two companies: Culture Amp vs. Talent Keepers. He suggested doing two during the first year.

Council Member Les Gladden asked if these were typically done annually? Council Member Joe Maxim said they are done annually with a follow up for the first year and then annually thereafter. He then asked Dornessa if she felt comfortable assessing the data herself? Manager Spitzer stated that either he or Dornessa would need to look at what it entails to analyze the results but it was probably not a good idea for him to do it since it may be about him.

Discussion took place amongst Council Members asking questions about the plans and comparing the two. When asked which one Ms. Froneberger favored, Mr. Spitzer responded that she liked Culture Amp. The only difference between the two was that Talent Keepers would have someone to interpret the data but he thought that they could

find someone separately to interpret the data if need be. Council Member Joe Maxim agreed that it would be good to budget a round number to include someone to interpret the results.

Council Member Amelia Stinson Wesley motioned to approve going with the company Culture Amp to administer employee surveys. Council Member Joe Maxim seconded the motion. There were ayes by all and the motion passed.

- E. Adopt Tax Rate/Electric Rates/Phone Rates and all other Town Fees - (Ryan Spitzer).** Mr. Spitzer noted that along with the budget, all rates and fees need to be adopted as well. The tax rate will remain at \$0.33 per \$100 of valuation. Mayor Pro Tem Melissa Davis asked for a correction to the wording regarding rental fees at the Belle Johnston Community Center and then inquired as to whether sponsorship fees had increased. Mr. Ryan Spitzer advised that they had not raised any fees for the Belle Johnston Community Center.

Mayor Pro Tem Melissa Davis moved to accept the tax rate, electric fees, and town fees with the condition that banner fees, scoreboard fees at Jack Hughes Park were reviewed and adjusted if necessary. Council Member Les Gladden seconded the motion and the rates for the FY20-21 Budget were officially adopted.

- F. Adopt FY 20-21 Budget (Ryan Spitzer).** There were no additional comments or questions on the budget. Council Member Joe Maxim made a motion to accept the FY20-21 Budget and Council Member Amelia Stinson Wesley seconded the motion. There were ayes by all and the FY20-21 Budget was passed.

- G. Staff Update (Ryan Spitzer)** Mr. Spitzer stated that the proposed dates for the Splash Pad opening were Monday through Friday for campers, Wednesday's 8 – 1:30 only and then Wednesdays 2 – 7 for the public as well as Saturday and Sundays. After Phase three passes, the schedule would be Monday through Friday for Pineville residents and all-day Saturday and Sunday. The maximum number of kids in the splash pad at any given time would be limited to 25.

A lengthy discussion followed regarding the logistics of opening the Splash Pad. In the end, Council realized there were just too many risks involved and too much liability at stake to even open the Splash Pad at all. The consensus of Council was not to open the splash pad at all until cleared to move into Phase three of the Governor's Orders regarding the Covid-19 pandemic.

Additional items discussed under Staff Updates were:

- Discussion on new date for Council Retreat. Council Member Les Gladden does not want to have the Council Retreat at The Hut and suggested getting a meeting room as we have in the past. Manager Spitzer suggested mid to late September for a new date for the retreat. He'll check on some dates.
- Discussed new ladder truck for the fire department. It needs a complete replacement of the ladder section. Council consensus was to replace the entire ladder section.
- Splash Pad will not open until Phase three of the Covid-19 Orders.

A break was called for at 11:07 before moving into Closed Session.

****CLOSED SESSION:** At 11:15 p.m. a motion was made by Mayor Pro Tem Melissa Davis and seconded by Council Member Amelia Stinson-Wesley to enter Closed Session. Pursuant to NCGS 143-318.11(6), one personnel issue was discussed at length and two additional ones thereafter.

ADJOURNMENT: At 12:05 a.m. Council Member Joe Maxim motioned to end the Closed Session and adjourn the meeting with Council Member Amelia Stinson-Wesley seconding the motion. There were ayes by all and the meeting adjourned.

Mayor Jack Edwards

ATTEST: _____
Barbara Monticello, Town Clerk



**MINUTES OF THE TOWN COUNCIL WORK SESSION OF
Monday, June 22, 2020 · 6:00 P.M. (Meeting held remotely via Zoom for the Public)
At the Telephone Building for Council & Staff • 118 College St., Pineville**

The Town Council of the Town of Pineville, NC, met in a Work Session on Monday, June 22, 2020 @ 6:00 p.m. The meeting was held remotely using Zoom for the public. Council Members and Staff were present at the Pineville Telephone Building.

ATTENDANCE:

Mayor: Jack Edwards
Mayor Pro-Tem: Melissa Davis
Council Members: Amelia Stinson Wesley, Les Gladden and Joe Maxim
Town Manager: Ryan Spitzer
Town Clerk: Barbara Monticello
Planning & Zoning Director: Travis Morgan
Finance Director: Richard Dixon (joined the meeting later)

Present via Zoom: Representatives from Beacon Development including Jon Morris and John Core; John Fryday and Nick Berndt represented the Hyundai Dealership; and David Tibbles represented the Patio Style Townhomes.

CALL TO ORDER

Mayor Jack Edwards called the meeting to order at 6:10 p.m. Council Member Les Gladden made a motion to open the meeting and Mayor Pro Tem Melissa Davis seconded the motion. There were ayes by all and the meeting began.

CLOSED SESSION: The meeting began first with a Closed Session *pursuant to NCGS 143-318.11 (5), real estate*. Attorney John Buben representing the Town of Pineville, joined the meeting via ZOOM and guided the discussion regarding negotiations pertaining to a real estate item. Council provided feedback to Attorney Buben and Town Manager, Ryan Spitzer, so they could move forward with the transaction.

A motion was made and seconded to exit the Closed Session portion of the meeting and to begin the Open Session portion of the meeting at 6:45 p.m.

DISCUSSION ITEMS:

The Mayor then called upon Planning and Zoning Director, Travis Morgan, to begin the discussion on the Kings Grant Warehouse Project.

- A. Kings Grant Warehouse Project by Beacon Development-** (Travis Morgan) Planning Director, Travis Morgan, stated this was another review of the warehouse project to smooth out any outstanding matters. Mr. Morgan and representatives from Beacon Development will be meeting on July 2nd on the renderings of the buildings and Beacon has another meeting setup with the property owners in the area to work out the buffering issues with them.

Regarding parking issues on the connector road, Beacon stated there would be a 50-foot setback with no on-street parking permitted. Council Member Les Gladden asked if that would be noted on the driveways anywhere. John Core of Beacon Development wasn't considering it but suggested some signage there.

Mr. Morgan asked if there were any additional notes, comments on the architectural designs of the buildings. Mr. Core stated that he should have received a set of design standards and they were working diligently on the elevations to add to those design standards. Mr. Core added that they should be ready in about ten days and planned to review with Mr. Morgan during the first week in July. Mr. Morgan stated that he had not seen them as yet.

Mr. Morgan noted that the outstanding buffer issues with adjacent property owners were to be discussed with Beacon at an upcoming meeting on Friday, along with possibly any renderings, updates to any notes, and any new information from the traffic study.

Mr. Core brought to Mr. Morgan's attention that, without an easement from the Coley resident, the sidewalk would need to be jogged to allow for the storm drain pipe to be installed. Mayor Pro Tem Melissa Davis asked if the family had been approached for an easement. Mr. Core replied that they had contacted them but calls were never returned. Council Member Gladden knows the family and will try to talk to them about it to see if they would be willing to allow an easement through their property. He asked Mr. Core to send the picture that was shown on the screen to Mr. Morgan that depicts what would happen without the easement so that it will be easier to explain to the family what it is that Beacon needed. Mr. Core agreed to send it to Mr. Morgan.

Council Member Amelia Stinson-Wesley asked about the final name chosen for the project. Jon Morris of Beacon said the final name chosen for the warehouse complex was Carolina Logistics Park. He also stated that Beacon would offer the Hammonds a new gravel driveway and a nice wood fence, along with having a landscaping company build a nice berm with shrubs for the Kimbrells.

Jon Morris stated that the plan was to go through the drawings on Thursday, July 2nd with Travis and any Council Members that wanted to join them were welcome to do so. This session of the meeting concluded.

B. Request to Build Patio Style Townhomes on Dorman Road: Mr. Morgan stated that Mr. David Tibbles had joined the Zoom meeting to discuss this project. Revisions were made to the original plan for senior housing proposed in the space between the Laurels and the Haven off of Dorman Road. The roof lines were redesigned with different gables to give them some visual interest, an updated parking plan looked good with spaces situated close enough to the front entrances of the units and four units were actually added by the entrance into the community facing outward so as not to see the rear of the units as in the last plan. This brought the total number of units to 23 single-story patio-style townhomes.

There were two concerns expressed by the Cottages - fencing and possible stormwater issues. Mr. Tibbles acknowledged that fencing would be done between the new units and the Cottages and the stormwater plan was designed around the new plan and subject to county review and approval. All sidewalks will be 5 feet wide.

Council Member Les Gladden asked if the units would be owned or rented. Mr. Tibbles stated they were going to be rental units but that they were not looking at affordable housing at this time in this market. Being that they were designed for someone to be close to their loved one that resided at either the Haven or the Laurels, it makes more sense for the units to be rented rather than owned.

Council Member Gladden asked about the trash because there appeared to be a dumpster there on the property already. Mr. Tibbles confirmed that there was a privately serviced dumpster on his property that was currently being used by the Haven and Laurels. Council Member Gladden stated that it would make sense for all entities to share the dumpster but would like to see an agreement between the Laurels/Haven and Mr. Tibbles for garbage sharing services since the Laurels/Haven dumpster is on the Tibbles property. This concluded the presentation of the revised plan for this project.

C. Review of Hyundai Dealership Plan: Director Morgan reviewed what was discussed and agreed upon at the last meeting regarding a new Hyundai dealership. He stated the building would be 40,000 square feet, they would be able to display a total of 5 cars, there will be four-foot tall evergreen shrubs screening the Pineville Road frontage. Additionally, they have agreed to put \$5,000 toward a new or relocated Town sign. The metal building will be refaced on the front but the remainder will be painted, not refaced. A lighting plan has been submitted and the Hyundai sign has been updated not to include the South Charlotte wording. John Fryday advised, however, that the sign on the building would still say Hyundai of South Charlotte.

Mayor Pro Tem Melissa Davis said the clock tower looked smaller than the original plan, and asked if it actually was smaller. John Fryday assured Council the size was the same as before, no less. Mayor Pro Tem Davis then asked about benches near the sign/clock tower. She remembered there were benches there on the original plan. Mr. Morgan stated that he, too, was in favor of the benches around the clock than as they are now showing on the plan along the street. Mayor Pro Tem Davis stated that she liked the little courtyard that was around the clock on the original plan. Council Member Les Gladden asked if the tower could be made any larger. John Fryday said the clock tower was approximately thirteen feet tall, which Nick Berndt confirmed, adding that it was already at the height limit the town's ordinance allows.

Mr. Morgan's biggest concern was that of the light levels indicated on the light plan and added that the brightness coming out of the lights was above what the town allowed. Mr. Berndt stated he was expecting a revised, lowered light plan that he will send to Mr. Morgan as soon as he got it. Director Morgan suggested extending them out closer to the road and to come back with new light level plans and they would be ready for a public hearing.

D. Approval of the minutes from the May 26, 2020 Work Session Meeting: Council Member Les Gladden made a motion to approve the minutes from the 5/26/2020 Work Session. Council Member Joe Maxim seconded the motion and there were ayes by all to approve the minutes of 5/26/2020.

E. Budget Amendments for FY 19-20 Budget: Finance Director, Richard Dixon, joined the meeting at this time and responded to questions regarding the final budget amendments for FY19-20. Mayor Pro Tem Melissa Davis asked if the M&R vehicle was on a calendar year or a fiscal year. Mr. Dixon replied that it was the entire fiscal year. Council Member Les Gladden asked about the section where additional funds had to be added. Mr. Dixon stated that it was for legal expenses related to the real estate issues with Norfolk Southern Railroad, including the purchase of property.

Hearing no further questions or comments, Council Member Joe Maxim made a motion to accept the budget amendment and Council Member Amelia Stinson-Wesley seconded the motion. There were ayes by all and the motion passed.

F. Lobby Door and Heating System at New Town Hall – Town Manager, Ryan Spitzer, discussed the new Town Hall stating that the second floor entrance to the Town Hall would not be secure after office hours. He reviewed different options with Council on resolving the issue. Council Member Les Gladden commented that he would like to have the stairs blocked off after hours. Mayor Pro Tem, Melissa Davis, would also like to see them blocked off but to look nice as well. Different types of doors and gates were discussed but Council wanted to see the options. Mr. Spitzer will have the architects work up some different options to present to Council.

Manager Spitzer spoke of the heating system options for the new Town Hall. There are two alternatives. Alternative number two is more expensive than alternative number one. Anything beyond Alternative number two is not worth the expense. Consensus of Council was to go with Option number two.

Planning and Zoning Director, Travis Morgan, said the new Welcome to Pineville sign would be quite a bit more expensive than originally anticipated. He obtained an estimate for the cost of a brick sign which totaled more than \$23,000. He had forgotten to bring it up during the Hyundai discussion.

A discussion regarding whether wearing face masks would become mandatory took place. A meeting about it will be held on Wednesday. Recommendations from the County Manager will be brought back to the rest of us while a consensus of different Councils around Mecklenburg County would be taken.

Mayor Edwards stated that if any Council Members wanted to discuss the length of the Council Meetings, to call him to discuss the issue.

Manager Spitzer advised that he will submit reimbursement requests for Covid-19 expenditures to FEMA. Whatever FEMA didn't cover he would submit to the County for reimbursement.

Council Member Amelia Stinson-Wesley made a motion to adjourn. Mayor Pro Tem Melissa Davis seconded the motion. There were ayes by all and the meeting adjourned at 9:00 p.m.

Jack Edwards, Mayor

ATTEST:

Barbara Monticello, Town Clerk

CONSENT AGENDA ITEMS

a) Finance Report as of 6/30/2020

Town of Pineville
 Budget vs. Actual
 6/30/2020

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Property Tax	\$ 8,166,295	\$ 8,400,113	102.86%
Prepared Food Tax	742,000	747,458	100.74%
Room Occupancy	610,000	468,809	76.85%
Franchise Tax	1,030,000	1,031,376	100.13%
Sales Tax	1,650,000	1,648,388	99.90%
Storm Water	405,000	357,908	88.37%
Powell Bill	180,000	208,401	115.78%
Other	1,207,815	1,515,832	125.50%
Appropriated F/B - Restricted Police	517,000	517,000	100.00%
Appropriated F/B Cultural and Tourism	88,185	88,185	100.00%
Total	\$ 14,596,295	\$ 14,983,470	102.65%
Expenditures			
Governing Board	\$ 296,500	\$ 260,465	87.85%
Administration	2,611,112	2,261,368	86.61%
Human Resources	201,083	151,119	75.15%
Zoning	368,222	309,764	84.12%
Police	5,296,789	5,153,365	97.29%
Fire	1,034,100	960,780	92.91%
Public Works	764,059	718,572	94.05%
Storm Water	431,375	329,018	76.27%
Powell Bill	899,569	208,155	23.14%
Sanitation	600,000	527,961	87.99%
Recreation	592,578	480,164	81.03%
Cultural/Tourism	1,440,185	1,322,726	91.84%
Cemetery	4,000	5,172.00	129.30%
Contingency	56,723	-	0.00%
Total	\$ 14,596,295	\$ 12,688,628	86.93%

Town of Pineville
Electric
6/30/20

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Electric	14,438,143	12,843,375	88.95%
Expenditures			
Administration & Billing Support	488,739	496,940	101.68%
Purchased electricity	8,863,296	7,850,427	88.57%
Operations and Maintenance	5,086,108	2,160,032	42.47%
Total	<u>14,438,143</u>	<u>10,507,398</u>	<u>72.78%</u>

Town of Pineville
ILEC Telephone Fund
6/30/2020

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Revenues	1,464,345	1,456,511	99.47%
Telephone Reserves	1,210,450	1,210,450	100.00%
Total Revenue	<u>2,674,795</u>	<u>2,666,961</u>	99.71%
Expenditures			
Operating Transfer Out	357,749	357,749	100.00%
Operating Expenses	1,266,996	1,119,935	88.39%
Plant under Construction	<u>1,050,050</u>	<u>408,227</u>	<u>38.88%</u>
Total	<u>2,674,795</u>	<u>1,885,911</u>	70.51%

Town of Pineville
CLEC Telephone Fund
6/30/2020

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Revenue	1,033,604	1,110,247	107.42%
Transfer from ILEC	357,749	357,749	100.00%
Total	<u>1,391,353</u>	<u>1,467,996</u>	<u>105.51%</u>
Expenditures			
Operating Expenses	1,255,953	1,440,857	114.72%
Plant under Construction	<u>135,400</u>	<u>58,476</u>	<u>43.19%</u>
Total	<u>1,391,353</u>	<u>1,499,333</u>	<u>107.76%</u>

Town Of Pineville
Johnston Road Realignment
6/30/20

	FY17	FY18	FY19	FY20	Total Project	Project Budget
Road Realignment Revenue						
DOT grant	-	-	-		1,175,000	1,175,000
Transfer from Fund Balance					2,492,000	2,492,000
Total Road Realignment Revenue	-	-	-		3,667,000	3,667,000
Road Realignment Expense						
Land/Building	-	731,228	6,586	-	737,814	750,000
Engineering	-	74,089	47,278	84,216	205,583	307,000
Construction	-	-	-	-	-	2,610,000
Total Road Realignment Expense	-	805,317	53,863	84,216	943,396	3,667,000

Public Hearing

- A) Patio Style Townhomes/Dorman Rd.**
- B) Hyundai Dealership**

Workshop Meeting



To: Town Council
From: Travis Morgan
Date: 7/14/2020
Re: **Proposed Senior Townhomes on Dorman Rd** (*Public Hearing/Action Item*)

UPDATE:

Proposal has been updated from our last workshop in March with the following

- 1) Updated parking plan showing designated nearby parking spaced coded by letter
- 2) Notes on stormwater control.
- 3) Updated architecture and notes.
- 4) View into rear of units changed with units facing Dorman Rd. Arbors added.
- 5) **Dumpster service clarification**
- 6) **Solid 6' wood or vinyl fencing confirmed along rear hill per Cottage HOA request**

BACKGROUND:

Property was conditionally approved and master planned as part of the Laurels, Haven, and Cottages development. Original plan called for office or community space of approximately 10,000 square feet. Applicant and Cottage residents support residential uses instead. Prior letter from Cottages HOA supports the request with fencing along the rear hill and county stormwater review and approval.

PROPOSAL:

Request is to reopen the prior conditional approved plan to allow age restricted senior townhomes on the site. Proposal is for 23 single story townhome units on the current vacant open green.

DEVELOPMENT SUMMARY:

Location: 13160 Dorman Road
Acreage: 2.182 (see survey confirmation)
Zoning: Existing: O-I (CD) Office/Institutional. Proposed: O-I (CD)
Number of Units: 23
Required Parking: 29 spaces (Senior Housing = 1.25 each unit)
Parking Provided: 41 in parcel (plus adjacent allocated lettered B,C,D,E,F,G,H,I,J,K)
(see parking diagram)
Sidewalks: 5'

STAFF SUMMARY:

Staff supports the updates and clarifications. Acreage number varies between county record and survey. Survey is the official and legally binding so that is the corrected staff report acreage shown. Richard Carbonara of the Cottages HOA reached out expressing concern over stormwater. He had requested and an independent stormwater review and asked if calculations for roof pitch had been factored in. Roof pitch does not have an impact on the amount of rain falling from the sky. The square feet of impervious land area that the rain falls across does, and will be designed accordingly. Staff will have public works and engineering along with the county review the final plans per usual. The property has been designed and previously built for and additional 10,000 square feet of impervious area. The additional impervious developed area (above the 10,000 sqft) will be held and managed through underground detention so as not to exceed any additional runoff above current levels. The drainage system for this project will be inspected before any final occupancy release.

Staff confirms the 6' solid wood or vinyl fence per Cottages HOA request. Staff supports our standard engineering reviews and process for consistency.

Staff finds the proposal consistent with adopted plans. Property has an enclosed dumpster facility on applicants' site that can be expanded if needed. This dumpster is shared with Laurels and Havens currently with an increased pickup cycle if the proposal is approved. If there is a disagreement over shared dumpster location each property has the space to provide independent trash facilities. All other Town and County Standards apply.

PROCEDURE:

The request is for conditional zoning approval as senior housing is conditionally approved only in this zoning designation. This is also to revise the previous plans to remove the office proposal in favor of the current residential one. This is the public hearing for Council to gain input from staff, public, and the applicant about the proposal. This meeting is to familiarize you with the applicant's request and to hear any public comment. This follows standard legislative approval process. There are no findings of facts needed. If you have all the information needed to make a decision you may; at your discretion, close the public hearing and make a vote.

Office Use Only: Application #:
Payment Method: Cash Check Credit Card Amount \$ _____ Date Paid _____

Zoning Application

Note: Application will not be considered until all required submittal components listed have been completed

Applicant's Name: WAE LAND, INC. Phone: 704.995.2808
Applicant's Mailing Address: 11121 CARMEL COMMONS BLVD. SUITE 405, CHARLOTTE, NC 28226

Property Information:

Property Location: 13160 DORMAN ROAD, PINEVILLE, NC
Property Owner's Mailing Address: 3452 SHARON ROAD, CHARLOTTE, NC 28211
Property Owner Name: MIRSA 2, LLC Phone: _____
Tax Map and Parcel Number: 221-101-07 Existing Zoning: AMZ (CDP)

Which are you applying (Check all that apply):

Rezoning by Right Conditional Zoning Conditional Rezoning Text Amendment

Fill out section(s) that apply:

Rezoning by Right:
Proposed Rezoning Designation N/A

Conditional Zoning:
Proposed Conditional Use O-I (AMZ) CD MULTI-FAMILY DISTRICT
Acreage 2.182 Square Feet ± 22,200 Approximate Height 20' # of Rooms 2 BR TOWN HOMES
Parking Spaces Required 46 ^{966 sq ft/unit} Parking Spaces Provided 41 + 5 NEW SPACES **Please Attach Site Specific Conditional Plan

Conditional Rezoning:
Proposed Conditional Rezoning Designation N/A

Text Amendment:
Section N/A Reason N/A
Proposed Text Change (Attach if needed) N/A

I do hereby certify that all information which I have provided for this application is, to the best of my knowledge, correct.

[Signature] PRESIDENT
Signature of Applicant WAE LAND, INC. Date 10/11/2019
MIRSA 2 LLC, by An Fancham, officer
Signature of Property Owner (if not Applicant) Date 10/18/2019
Signature of Town Official _____ Date _____

Patio Home Concept Plan

Typical Unit: 22' x 40'(880 SF/per unit)

~~10 units proposed~~ **23 Units Proposed** ⚠

Existing Parking: 41 Spaces.

Required spaces: ~~2/Unit (40)~~

1.25/Per Unit - 29 Required ⚠

Setbacks from Zoning:

35' Front Yard at Dorman Road

Side Yard: 30' Setback

Rear Yard: 30' Setback

Proposed TH Location - minimum 8' from Back of Curb

All Sidewalks proposed are Five Feet (5') wide.

Access into garden space to include decorative fencing and landscape to visually break the view into the rear of units from Dorman Road and parking areas (See Page 3).

Storm drainage for the property exists for approximately 10,000 SF office building. The new plan includes a program for underground stormwater detention using infiltration ditches using the EZ form from NCDEP and accommodating the Mecklenburg County Stormwater Ordinance for the Lower Little Sugar Watershed area.

Property is served by Private Water System and Private Sewer System on site.

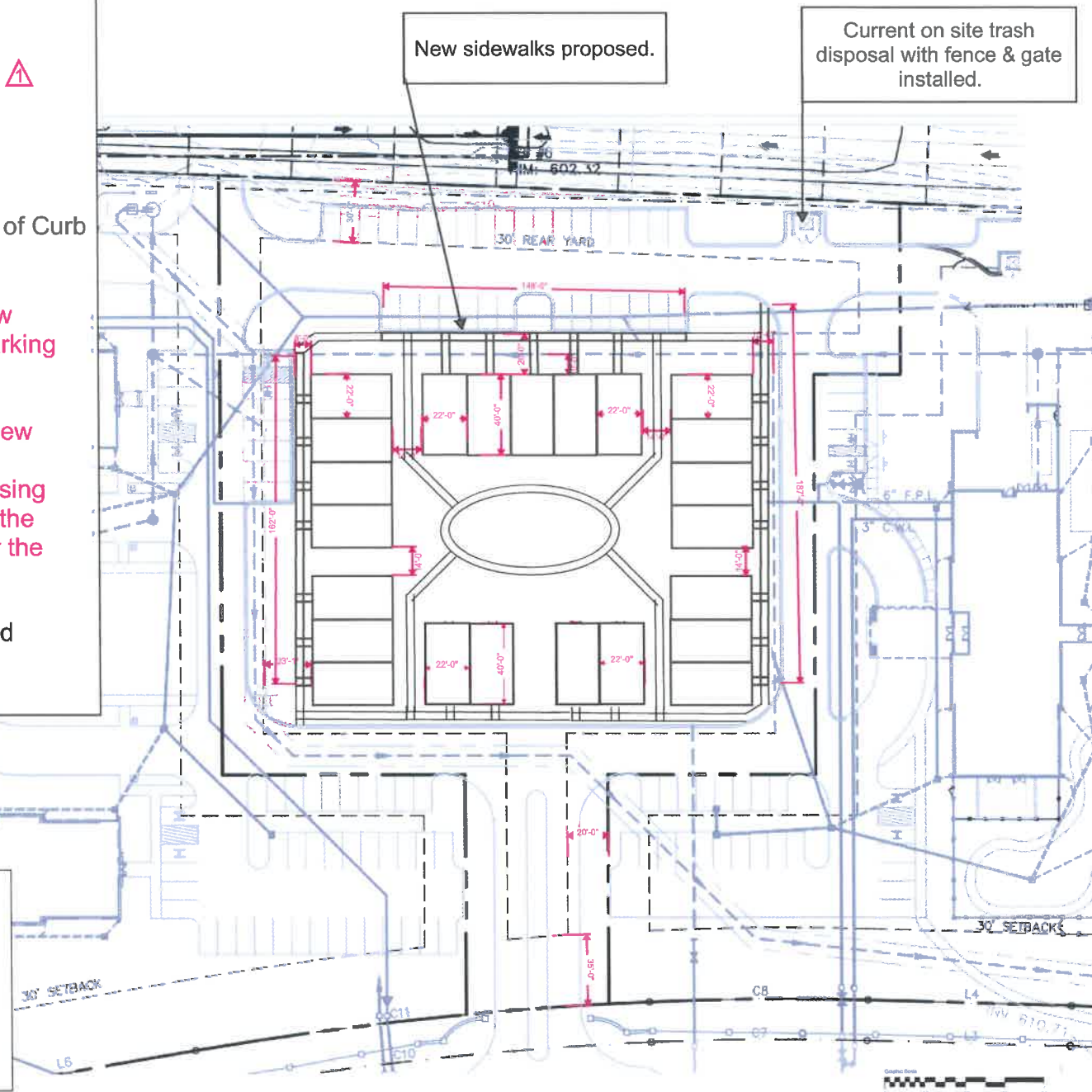
Conditional Zoning Site Plan

Amendment 1 of 3

Existing Zoning: O-I CD Mixed Use, Assisted Care, Office

Proposed Site Plan amendment: Elderly Town Homes not to exceed 23 units

Date: Last Revised 5.14.2020





Proposed Elevations for Townhomes

Existing Elevation picture in field is prototype. Foundations shall be slab on grade.

Existing Elevation picture has a side door with steps. Proposed elevations below designed with front access on grade for easy access for older adults.

Porches framed with white picket railing and column supports to meet minimum height requirements.

Variation of dormer elements vary from horizontal siding, vertical ship-lap, vinyl shake siding.

Cementitious (fiber cement) siding shall be used on elevations below roof lines on front side and rear elevations. Windows to have grills, minimum top sash as shown on front elevation.

Grading of the site may require shift in elevations necessary to accommodate topographic conditions. For units with three (3) units, roof shall vary at least one time; for units of four (4) or more, roof line shall vary at least twice; alternate roof line may be staggered up or down to accommodate this variation.



Revised Elevations with Box Rectangular Dormers

FRONT ELEVATION - 4 UNIT

Conditional Zoning Site Plan Amendment 2 of 3

Existing Zoning: O-1 CD Mixed Use, Assisted Care, Office

Proposed Site Plan amendment: Elderly Town Homes not to exceed 23 units

Date: Last Revised 5.14.2020



13160 Dorman Road, Pineville, NC 28134

Owner: MIRSA 2, LLC - Tax Parcel No. 221-10-117, +/- 2.12 acres

Petition for zoning change from Conditional Office use to Conditional Town Homes

Patio Home Shared Parking Plan and Landscape Details

Typical Unit: 22' x 40'(880 SF/per unit)

23 units proposed

Existing Parking: 41 Spaces.

Required spaces: 1.25/Unit (29)

Setbacks from Zoning:

35' Front Yard at Dorman Road

Side Yard: 30' Setback

Rear Yard: 30' Setback

Shared Easements of Record for project allow for cross parking and access for all parking areas.

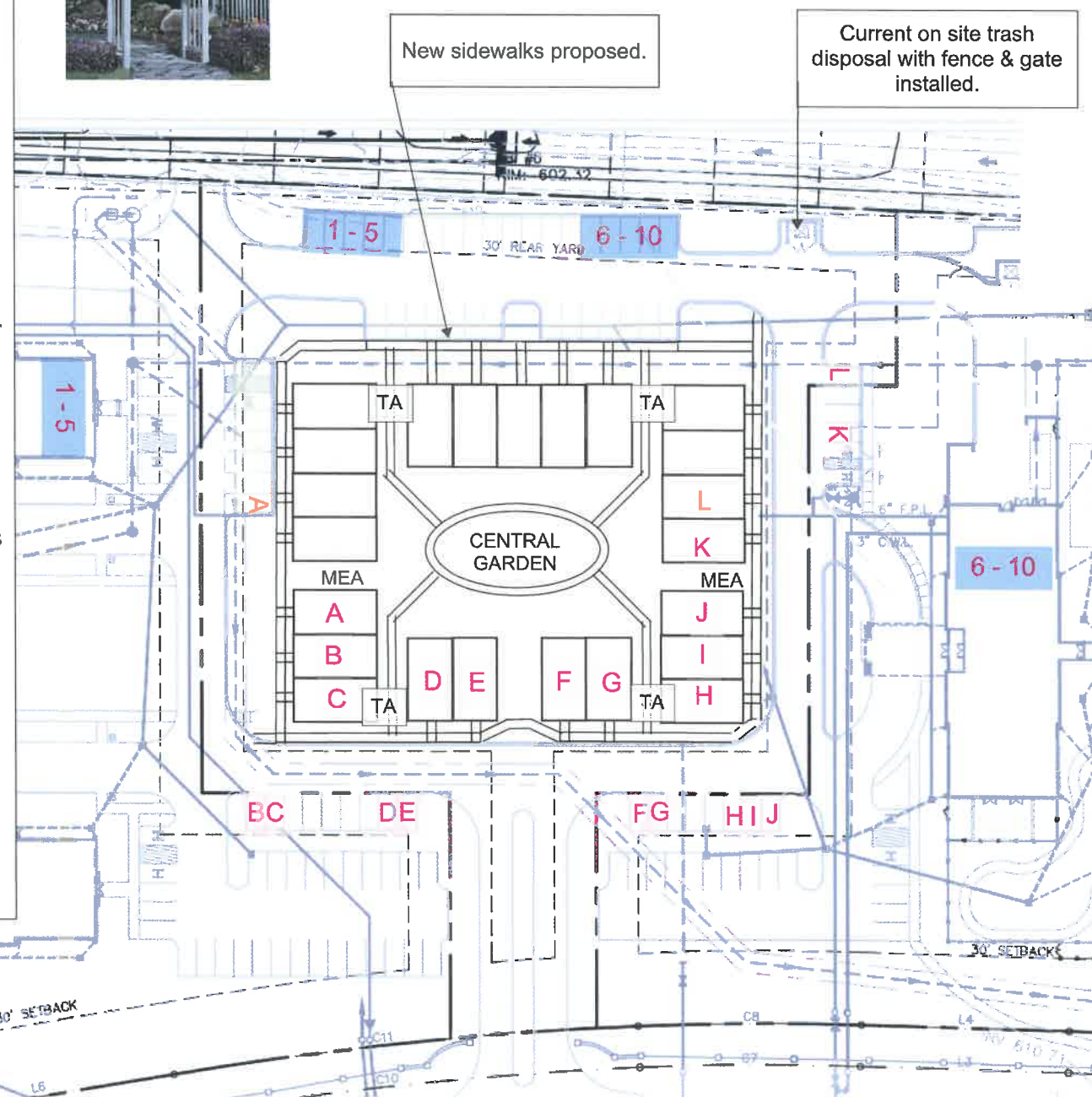
Proposed shading and lettering of units shows planned parking areas designated for individual units.

With approval of revised site plan for town homes on the parcel, specific easements to be placed on specific spaces for future use by owners. 10 tan highlighted spaces (B-K) are shown on Parking Plan - for specific use by future residents. Units A, L and all others shall access spaces on the common property owned by the units.

Spaces 1-5 and 6-10 (blue) (Ten total) are highlighted for use by adjoining property owners



Typical Trellis arbor (Labeled TA) at entrances of central garden space, to be combined with minimum 4' picket white fencing in keeping with pickets on front porch units (See Page 2). Access for Maintenance Equipment Access (Labeled MEA).



Conditional Zoning Site Plan Amendment 3 of 3

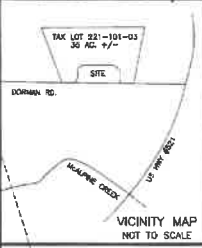
Existing Zoning: O-I CD Mixed Use, Assisted Care, Office

Proposed Site Plan amendment: Elderly Town Homes not to exceed 23 units

Date: Last Revised 5.14.2020

#97164529

#385



NUMBER	DIRECTION	DISTANCE	NUMBER	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
L1	S 35°30'34" W	100.00	C1	912.50	91.12	S 44°52'36" W	91.06
L2	S 24°13'33" W	126.24	C2	912.50	88.47	S 39°51'10" W	88.45
L3	S 39°30'34" W	100.00	C3	2144.66	91.47	S 39°56'47" W	91.46
L4	S 39°30'34" W	100.00	C4	2144.66	82.82	S 39°56'47" W	82.82
L5	S 24°13'33" W	126.24	C5	2144.66	83.39	S 39°56'47" W	83.39
L6	S 24°13'33" W	126.24	C6	1483.69	103.48	S 39°56'47" W	103.44
L7	S 37°43'00" W	129.72	C7	1483.69	105.58	S 39°56'47" W	105.56
L8	S 37°43'00" W	129.72	C8	1913.68	106.89	S 39°56'47" W	106.87
L9	S 37°43'00" W	129.72	C9	1719.00	217.01	S 27°59'34" W	216.88
L10	S 37°43'00" W	129.72	C10	1749.00	220.80	S 27°59'34" W	220.85
L11	S 37°43'00" W	129.72	C11	1789.00	223.39	S 27°59'34" W	223.17
L12	S 37°43'00" W	129.72	C12	280.00	191.52	S 43°29'57" W	190.99
L13	S 62°39'25" W	127.40	C13	260.00	174.39	S 43°29'57" W	171.14
L14	S 62°39'25" W	127.40	C14	240.00	166.98	S 43°29'57" W	167.96
L15	S 62°39'25" W	127.40	C15	942.50	79.57	S 40°58'07" W	79.55
L16	S 62°39'25" W	127.40	C16	987.50	66.96	S 40°18'10" W	66.93
L17	S 62°39'25" W	127.40	C17	1719.00	21.91	S 31°05'58" W	21.91
L18	S 62°39'25" W	127.40	C18	1719.00	76.21	S 29°33'57" W	76.21
L19	N 27°20'35" W	20.00	C19	1748.00	124.69	S 26°18'22" W	124.66
L20	N 27°20'35" W	20.00	C20	1748.00	20.60	S 31°07'11" W	20.60
L21	N 27°20'35" W	20.00	C21	1748.00	76.20	S 29°38'00" W	76.20
L22	N 08°01'17" E	158.72	C22	1748.00	128.99	S 26°18'22" W	128.98
L23	S 71°22'08" E	30.00	C23	1766.00	16.73	S 31°58'27" W	16.73
L24	S 62°17'00" E	20.00	C24	1766.00	76.20	S 29°41'01" W	76.18
L25	S 62°17'00" E	20.00	C25	1766.00	133.39	S 26°23'12" W	133.38
L26	S 62°17'00" E	20.00					
L27	S 33°57'17" W	41.78					
L28	S 33°57'17" W	161.86					
L29	S 56°02'48" E	182.47					
L30	N 39°02'48" W	167.85					
L31	S 33°57'17" W	118.38					
L32	N 56°02'48" W	30.66					
L33	N 56°02'48" W	20.03					
L34	N 56°02'48" W	112.38					
L35	N 56°02'48" W	30.14					
L36	N 56°02'48" W	20.69					
L37	N 56°02'48" W	117.62					

THIS PLAN IS APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ORDINANCE OF THE TOWN OF PINEVILLE AS ADOPTED JANUARY 18, 1994.

[Signature]
PINEVILLE PLANNING BOARD MEMBER (DATE)

I, Hugh E. White, Jr., certify that this plan was drawn under my supervision from an actual survey made under my supervision. (Good description recorded in Book 138A, page 126, etc.) that the boundaries not surveyed are clearly indicated as drawn from information based on a plan or other reliable information. That the plan was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registered number and seal this 11th day of November, 1997.

Seal or Stamp: *[Signature]*
HOURS: 8-5:30
Registration Number

APPROVED IN ACCORDANCE WITH THE SUBDIVISION REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE TOWN OF PINEVILLE, N.C.

[Signature] 11/24/97
COUNTY ENGINEER (DATE)

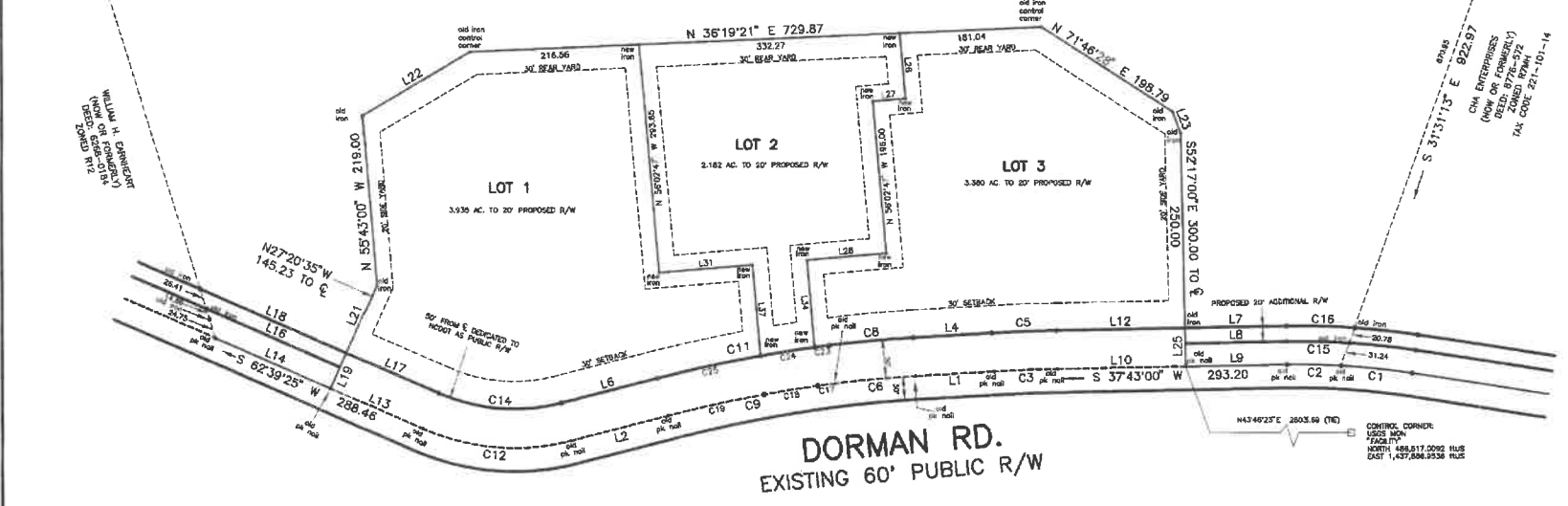
LOOK 28 PAGE 855

FOR INFORMATION
DEC 11 1997
AT 15:00
MECKLENBURG COUNTY, N.C.

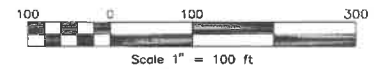
CAROLINA SURVEYORS, INC.
P.O. BOX 887 PINEVILLE, N.C. 28134-0887
HUBERT WHITE, JR., REG. # 888-7801

RESOURCES FOR SENIOR LIVING, LLC property, Map 1
OWNED BY: RESOURCES FOR SENIOR LIVING, LLC
TOTAL AREA: 10.763 AC.
PINEVILLE TOWNSHIP, MECKLENBURG COUNTY, N.C.

SCALE: 1"=100'
DATE: 1997-11
ADD: 19970321
DATE: NOVEMBER 4, 1997



- NOTES
- 1) IRON PINS AT ALL CORNERS UNLESS OTHERWISE NOTED.
 - 2) PART OF TAX LOT 221-101-03 30 AC +/-
 - 3) THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
 - 4) THIS IS A SUBDIVISION OF AN EXISTING PARCEL OF LAND GRANTED TO RESOURCES FOR SENIOR LIVING, LLC, OCTOBER 15, 1997, DEED REFERENCE 8302/996.
 - 5) PROPERTY ZONED R7AH (MINIMUM FRONT SETBACK 30' MINIMUM SIDE YARD 20' MINIMUM REAR YARD 30' MINIMUM HEIGHT 30')



Review Officer of Mecklenburg County, certify that the map or plan to which this certification is attached meets all Subdivision Requirements for recording.

[Signature] 11/11/97
Review Officer Date

The Cottages at Carolina Place

13030 Dorman Road

Pineville, NC 28134

December 10, 2018

Mr. Travis Morgan, AICP

Planning Director, Town of Pineville

P.O. Box 249

200 Dover Street, Pineville, NC 28134

Re: Planned 23-unit Patio Home project on vacant land adjoining The Cottages at Carolina Place

Mr. Morgan,

On November 14, 2018 at our regular Board Meeting for the community, we invited Mr. David Tibbals to share the proposal initially he communicated through our community manager, Ms. Bethany Totherow of Henderson Properties, back on October 15, 2018.

At the meeting, Mr. Tibbals shared the concept plan for the project, showing the proposed units, the planned open courtyard, and proximity to The Cottages and seeking community support for the project. As the property has been vacant for 12 years, a positive use of the property for Patio Homes would be more acceptable than a restaurant or more intensive use. There was a good discussion with both the board and several residents attending the meeting who voiced their concerns and questions about the project.

The following items highlight the concerns of the community and its conditional support for the plan:

1. Fence separating the property: Currently there is only a partial fence and shrub hedge that separates the Laurels and The Haven's from the existing approximate ten-foot (10') high sloped elevation between the subject property and the Cottages. Members of our community have asked that a continuous fence be installed behind the proposed project protecting future residents of the proposed Patio Homes from accidentally accessing this slope and falling downhill into various individual homeowners' property in the Cottages.

2. Storm water: With recent rain storms, concerns were voiced about the planned project and whether there are adequate storm drainage systems to accommodate it. Mr. Tibbals shared that the design for storm systems only account for 10-year storm events. The recent rains appeared to produce temporary flooding and exceeded the systems design limits. Mr. Tibbals shared that the original master plan for the project was designed to handle the then current storm water regulations. As the project is in preliminary stages, Mr. Tibbals committed to a review of the full storm water plan for the community (The Haven's/Laurels and The Cottages), and prior to any final construction documents, engage a civil engineer to review and confirm the storm systems are compliant with the original design and are properly functioning and will accommodate this new development. The existing vacant site is 2.18 acres composed of +/- 1 acre of grassed land, the balance is paved with existing parking for this site, as well as circulation for the Haven's and Laurels. The proposed plan would add approximately 23K SF of (under ½ acre) of impervious area, under current the current scheme.

In summary: Based on the preliminary plan submitted for 23 single-story attached Patio Homes surrounding a common courtyard; and based on satisfactory resolution of the two (2) items described above in the final plans, the community and board gives its conditional support to rezoning of this land for the proposed use.

Sincerely,

W. Anthony Dunn

President

Home Owners Association

Board of Directors

Council Meeting



To: Town Council
From: Travis Morgan
Date: 7/14/2020
Re: **Proposed Hyundai Car Dealership** *(Public Hearing/Action Item)*

UPDATE:

Proposal has been updated from our last workshop with the following

- 1) \$5,000 town sign compensation and corner sign rendering
- 2) Clarification on existing building facades not re-skinned to be painted
- 3) Lighting plan with foot-candle measurements (**This has been updated and staff supports**)
- 4) 5 front display cars as shown and 4-foot-tall parking lot screening shrubs
- 5) Payment in lieu option for Cadillac road work
- 6) **Benches and landscaping added back to corner sign element**

BACKGROUND:

You may recall the 10518 Cadillac property adjacent to I-485 and Pineville Road from prior dealership proposals: Hyundai June 2017 and Mercedes October 2018. Previously approved new Mercedes was abandoned in favor of improvements at the existing Mercedes facility due to expense and bad soil. Applicants would like to reapprove a similar Hyundai dealership proposal. Automobile dealerships are conditionally approved only in the B-4 zoning district.

PROPOSAL:

Same applicants as prior Hyundai. John Fryday on behalf of TT of HY Pineville Property LLC and Nick Berndt of AMSI request your consideration of a Hyundai new car dealership. Proposal is similar to 2017 proposal. Highlighted changes are a smaller proposal 40,000 square feet with traffic study allowance of up to 44,000 square feet down from up to 55,000, more detail on clock tower placement and relocated Pineville Welcome sign due to grading, use of dryvit “newbrick” cladding to reskin metal warehouse (see sample material), and larger concrete plaza by the dealership front door.

DEVELOPMENT SUMMARY:

Location: 10518 Cadillac
Acreage: 11.22 acres (minimum 4 acres)
Square footages: **44,000** per TIA (40,000 shown plus 1,200 car wash) (28,000 minimum)
75,000 (existing remaining warehouse) ***Note: 55,000 is a plan typo**
Employment: 60 people (stated from prior)

Parking Provided: Parking met. 519+/- total provided
45 front 'customer only' parking spaces.

Sidewalks: 10' sidewalk along Pineville Road, 5' sidewalk along Cadillac Street

Height: approx. 26-28'

Traffic: Additional right turn in pavement for turn radius on Pineville Rd repave and restripe Cadillac for 3 lanes with center 100' minimum car stacking.

STAFF SUMMARY:

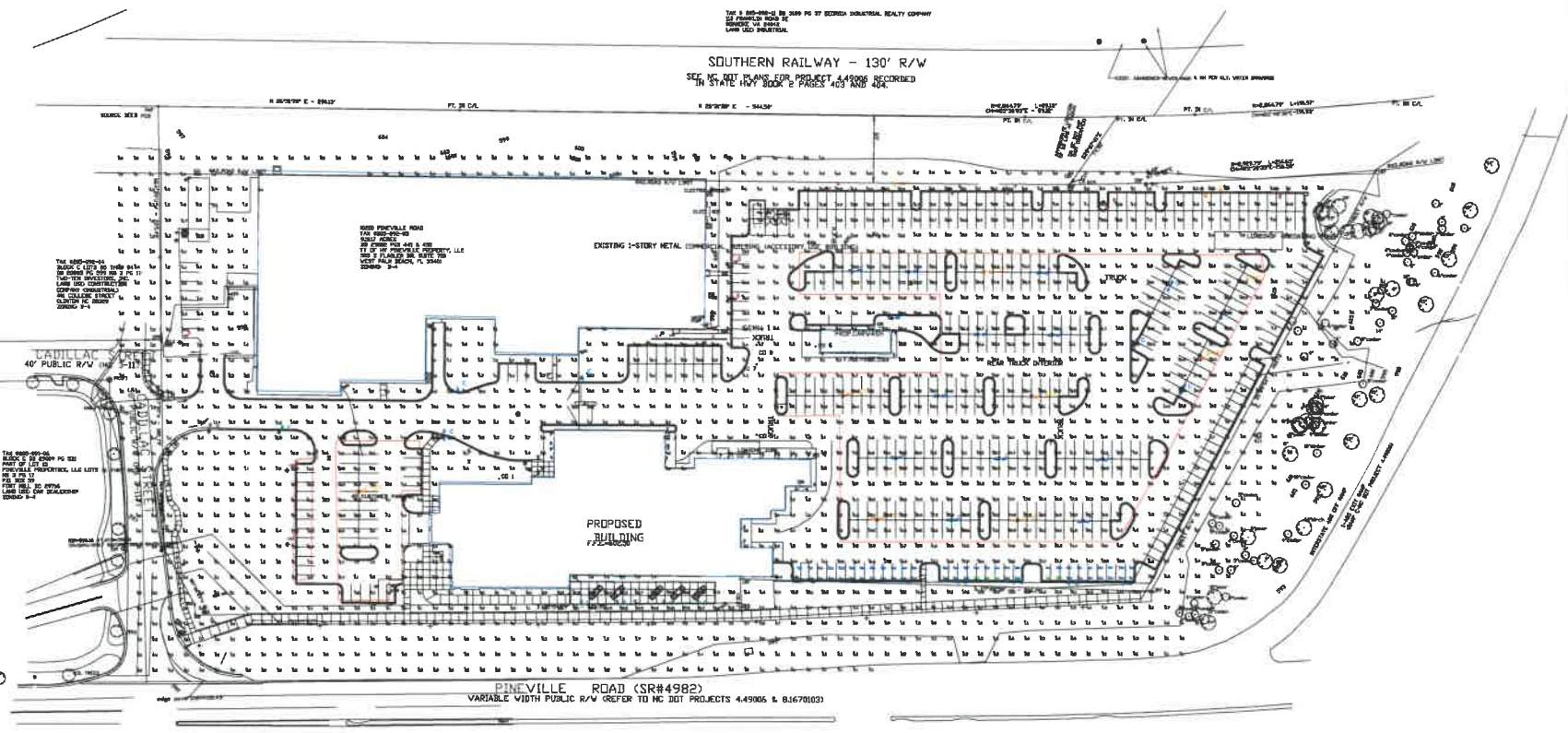
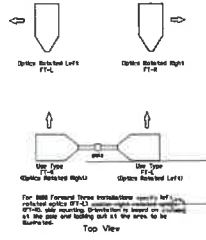
Staff would note the updates and clarification to the plans. Staff recommends required staff approval for landscape items especially the 4' evergreen screening shrubs to be hollies or similar durable approved selection.

New lighting plan has been submitted and is much improved. It is in harmony with our ordinance and other approved dealerships. All standard town and county requirements apply.

Staff notes the Pineville Welcome sign details and placement are subject to Council approval. Staff finds the proposal consistent with our plans and policies and supports the proposal.

PROCEDURE:

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



Calculation Summary

Label	CalcType	Units	Avg	Min	Max	Avg/Min	Max/Min
CALCS @ 4' AFOV - 18' X 18'	Illuminance	FC	7.15	29.1	0.9	N/A	N/A
NEW ADDITION DISPLAY-NEW	Illuminance	FC	24.46	36.4	16.8	1.46	1.81
CUSTOMER PARKING	Illuminance	FC	7.01	21.8	0.2	35.05	109.00
DISPLAY AREA PINEVILLE RD	Illuminance	FC	26.00	29.1	17.9	1.45	1.63
FRONT LINE- CABILLAC ST	Illuminance	FC	10.75	14.6	4.5	2.39	3.24
REAR TRUCK INTERIOR	Illuminance	FC	15.75	28.2	3.1	5.08	9.13

Luminaire Schedule

Symbol	Qty	Label	Arrangement	Description	LLB	UDF	LLF	Lumens/Load	Arr. Lum. Lumens	Arr. Watts
14	B	B	SINGLE	MH-LED-48L-SIL-FY-50-70CRI-SINGLE-21+ 3' PEDESTAL/450 B3 S1001 S	1,000	1,000	1,000	N/A	45192	390
4	B-GFI	SINGLE	MH-LED-48L-SIL-FY-50-70CRI-SINGLE-21+ POLE+ 3' PEDESTAL/450 B3 S1001 S GFI-102567	1,000	1,000	1,000	N/A	45192	390	
17	C	3x3x3	3x3x3	MH-LED-48L-SIL-SV-50-70CRI-3x3x3-21+ POLE+ 3' PEDESTAL/450 B3 S1001 S	1,000	1,000	1,000	N/A	96288	780
6	C-GFI	3x3x3	3x3x3	MH-LED-48L-SIL-SV-50-70CRI-3x3x3-21+ POLE+ 3' PEDESTAL/450 B3 S1001 S GFI-102567	1,000	1,000	1,000	N/A	96288	780
3	E	SINGLE	SINGLE	MH-LED-48L-SIL-3-50-70CRI-SINGLE-21+ POLE+ 3' PEDESTAL/450 B3 S1001 S	1,000	1,000	1,000	N/A	45461	390
11	G	SINGLE	SINGLE	MH-LED-48L-SIL-2-50-70CRI-SINGLE-21+ POLE+ 3' PEDESTAL/450 B3 S1001 S	1,000	1,000	1,000	N/A	43663	390

Based on the information provided, all dimensions and luminaire locations shown represent recommended positions. The engineer and/or architect must determine the applicability of the layout to existing or future field conditions.

The lighting plan represents illumination levels calculated from laboratory data taken under controlled conditions in accordance with the Illuminating Engineering Society (IES) approved methods. Actual performance of any manufacturer's luminaire may vary due to changes in electrical voltage, tolerance in lamp/LEDs and other variable field conditions. Calculations do not include obstructions such as buildings, curbs, landscaping, or any other architectural elements unless noted. Fixture nomenclature noted does not include mounting hardware or poles. This drawing is for photometric evaluation purposes only and should not be used as a construction document or as a final document for ordering product.

Total Project Watts
Total Lumens = 2820

LIGHTING PREPROPOSAL LD-149098-04-L7A
SHEET 1 OF 1
SCALE 1"=50'

NEW BUSINESS

- A. Council Vote on three PH Items**
 - 1) Pineville Logistics Center**
 - 2) Patio Style Homes-Dorman Rd.**
 - 3) Hyundai Dealership**
- B. Consideration of Approval for
Wavier Agreements sent by
Electricities**
- C. Discussion of County Resolution**
- D. Budget Amendment**
- E. Staff Update**

Memorandum



To: Town Council
From: Travis Morgan
Date: 7/14/2020
Re: Carolina logistics Park - Beacon Development (*Action Item*)

PLAN UPDATES:

Development proposal has been clarified with additional architectural notes and example facades for all buildings (see attached color coded and lettered elevation types). Note: primary corner building (2) left end on the façade has been simplified with reduced overhangs. Other ordinance standards such as no mechanical/hvac systems in the front yard apply particularly for buildings 2 and 3. Rooftop units will be similarly screened as noted in the updated and expanded architecture notes.

Adjacent property owners:

Agreement with Kimbrell's an agreement has been reached. Installment of landscape and fencing buffers has been settled at \$39,600. Kimbrell's prefer Beacon to do the installation but Beacon prefers to help locate contractors to do the work for liability factors.

Agreement with the Hammond's has not been reached. Proposal is for similar landscape and wood fencing with another driveway access and requested gates to the amount of \$104,073.

PROPOSAL:

Proposal is to combine the below parcels into a unified zoning and development area for general warehouse/distribution/office use. All parcels are currently zoned General Industrial (G-I) currently with the exception of the 6 smaller R-7 residential properties along Downs Road. These 6 would need to be rezoned to match the conditional plan zoning. Due to the size of the development and the rezoning, proposed zoning would be General Industrial Conditional Development (G-I CD) that is conditionally approved by you as Town Council.

DEVELOPMENT SUMMARY:

Properties:	10.918 Redtail	53.68 Harley	2.05 Harley	2 Coley
(acres)	1.26 Miller	81.5 Harley	.753 Harley	1 Whiteside
	46.5 Miller	1.81 Harley	2 Darnell	1.005 Whiteside
	34.09 Miller	2.675 Harley	.845 Fisher	.828 Harley

Acreage: 240.914 Total acreage shown for parcels above

Square footages: 3,500,000

Typical Breakdown: 80.67% Warehouse 12.45% Production Space 6.88% Office

Parking Minimum: Ordinance 1 space per 4000 for warehouse 1 space per 350 for office

Height: 50'

Traffic: See new revised TIA study. Phase 1 improvements are the Downs and Connector road improvement lanes as shown. Phase 2 is the access point C the driveway access closest to Jason's Deli distribution to the North.
Summary of improvements:

Downs Road and Site Access A

- Construct a northbound Downs Road left turn lane (200 feet of storage length and the appropriate taper).
- Construct a two-way left turn lane along Downs Road between Access A and the Empire site's driveway.
- Construct a southbound Downs Road right turn lane (100 feet of storage length and the appropriate taper).
- Construct Access A with one ingress lane and two egress lanes (left and right lane); provide 100 feet of storage and the appropriate taper for the left turn lane.
- Provide 100 feet of internal protected stem length measured from the right-of-way to the first crossing or left-turning conflict.

Nations Ford Road and Site Access B

- Construct a southbound Nations Ford Road left turn lane (200 feet of storage length and the appropriate taper).
- Construct a northbound Nations Ford Road right turn lane (100 feet of storage length and the appropriate taper).
- Construct Access B with one ingress lane and two egress lanes (left and right lane); provide 100 feet of storage and the appropriate taper for the left turn lane.
- Provide 100 feet of internal protected stem length measured from the right-of-way to the first crossing or left-turning conflict.

Nations Ford Road and Site Access C

- Construct a southbound Nations Ford Road left turn lane (200 feet of storage length and the appropriate taper).
- Construct a northbound Nations Ford Road right turn lane (100 feet of storage length and the appropriate taper).
- Construct Access B with one ingress lane and two egress lanes (left and right lane); provide 100 feet of storage and the appropriate taper for the left turn lane.
- Provide 100 feet of internal protected stem length measured from the right-of-way to the first crossing or left-turning conflict.

*Number below level of service (LOS) is seconds of delay.

Capacity Analysis

NC 51 and Downs Road (Page 28)

Staff notes level of service change for Southbound (SB) movement being the most change in second delay and LOS B to C. This could help to encourage more use of Nations Ford as preferred route however. No improvements warranted per traffic engineer see no build scenario vs full build scenario delay difference between 2026 no build scenario and full build overall shown at 1.7 seconds.

Table 6: Analysis Summary of NC 51 and Downs Road

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach LOS (Delay)	Overall LOS (Delay)	Approach LOS (Delay)	Overall LOS (Delay)
			2020 Existing	EB WB SB	1 LT, 2 TH 1 UT, 2 TH, 1 RT 1 LT, 1 RT	A (9.6) A (9.3) C (22.5)
2023 No-Build	EB WB SB	1 LT, 2 TH 1 UT, 2 TH, 1 RT 1 LT, 1 RT	B (10.9) B (10.7) C (24.3)	B (11.9)	B (18.0) C (22.8) C (29.0)	C (22.7)
2023 Build Phase 1	EB WB SB	1 LT, 2 TH 1 UT, 2 TH, 1 RT 1 LT, 1 RT	B (12.0) B (11.5) C (25.2)	B (12.9)	B (19.4) C (23.7) C (29.3)	C (23.7)
2026 No-Build	EB WB SB	1 LT, 2 TH 1 UT, 2 TH, 1 RT 1 LT, 1 RT	B (11.8) B (11.6) C (25.6)	B (12.8)	B (19.5) C (24.3) C (30.2)	C (24.2)
2026 Full Build	EB WB SB	1 LT, 2 TH 1 UT, 2 TH, 1 RT 1 LT, 1 RT	B (12.6) B (12.2) C (26.4)	B (13.6)	C (21.4) C (26.1) C (31.2)	C (25.9)

Downs Road and Access A (Pages 29 – 30)

Improvements as recommended above for the access point itself.

Table 7: Analysis Summary of Downs Road and Access A

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach LOS (Delay)	Overall LOS (Delay)	Approach LOS (Delay)	Overall LOS (Delay)
			2023 Build Phase 1	EB ¹ NB ² SB	1 LT-RT 1 LT-TH 1 TH-RT	C (16.2) A (8.1) -
2023 Build Phase 1 Improvements	EB ¹ NB ² SB	1 LT, 1 RT 1 LT, 1 TH 1 TH, 1 RT	C (15.2) A (8.1) -	N/A ³	C (17.1) A (9.3) -	N/A ³
2026 Full Build	EB ¹ NB ² SB	1 LT-RT 1 LT-TH 1 TH-RT	C (18.4) A (8.2) -	N/A ³	D (25.1) A (9.5) -	N/A ³
2026 Full Build Improvements	EB ¹ NB ² SB	1 LT, 1 RT 1 LT, 1 TH 1 TH, 1 RT	C (16.9) A (8.2) -	N/A ³	C (20.0) A (9.5) -	N/A ³

Nations Ford Road and Access B (Pages 31 – 32)

Improvements as recommended above for the access point itself.

Table 8: Analysis Summary of Nations Ford Road and Access B

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach LOS (Delay)	Overall LOS (Delay)	Approach LOS (Delay)	Overall LOS (Delay)
2023 Build Phase 1	WB ¹ NB SE ²	1 LT-RT 1 TH-RT 1 LT-TH	C (15.0) - A (8.8)	N/A ³	B (12.3) - A (8.1)	N/A ³
2023 Build Phase 1 Improvements	WB ¹ NB SE ²	1 LI, 1 RT 1 TH, 1 RT 1 LT, 1 TH	B (14.2) - A (8.8)	N/A ³	B (11.5) - A (8.1)	N/A ³
2026 Full Build	WB ¹ NB SE ²	1 LT-RT 1 TH-RT 1 LT-TH	C (15.7) - A (9.0)	N/A ³	B (12.8) - A (8.2)	N/A ³
2026 Full Build Improvements	WB ¹ NB SE ²	1 LI, 1 RT 1 TH, 1 RT 1 LT, 1 TH	B (14.9) - A (9.0)	N/A ³	B (12.0) - A (8.2)	N/A ³

Nations Ford Road and Access C (Pages 33 – 34)

Improvements as recommended above for the access point itself.

STAFF COMMENTS:

Lighting has been set currently as applicants’ choice smooth pole roadway lights along new connector road and town standard double headed decorative pedestrian lights along Downs with a combined double head fixture plus taller street light fixture for Downs Road and Connector street intersection. Sidewalks will be along new connector road and Downs. See two options for sidewalk in front of remaining Coley property at 11824 Downs regarding existing or needed right of way. Improvements ordinance wise are not required on adjacent property owner’s property. Staff doesn’t see any other property buffer negotiations being helpful without council action. Staff does not have any additional information on property devaluation to put a number on. Proposed landscaping and fencing appear to be estimated on the high side to the benefit of the property owners.

New connector road like all other subdivision roads staff would not support town acceptance until construction traffic and possible damage has ceased. Per the site plan note 10: Connector road completed to Nations Ford before next building is completed or released.

STAFF SUMMARY:

Staff supports the proposal as consistent with the area and adopted plans after our previous discussions and site considerations. Roadway improvements shall require NCDOT inspection and approval. Should the Downs Road connector intersection move further away from the current Hammond property entrance with any NCDOT or Beacon site plan changes, staff would support this as an improvement to the plan. Council decision is needed on the neighbor property and payment resolution.

PROCEDURE:

Public hearing portion has been completed so any additional discussion should be limited to items previously requested by you for resolution or clarification. Applicant has requested your consideration and vote.

Office Use Only: Application #:
Payment Method: Cash___ Check___ Credit Card___ Amount \$_____ Date Paid_____

Zoning Application

Note: Application will not be considered until all required submittal components listed have been completed

Applicant's Name: Beacon Partners (BIN - CLP LLC) Phone: 704-926-1416
Applicant's Mailing Address: 500 E Morehead Street, Suite 200, Charlotte, NC 28202

Property Information:

Property Location: See attached Conditional Use Plan
Property Owner's Mailing Address: 500 E Morehead Street, Suite 200, Charlotte, NC 28202
Property Owner Name: BIN - DR12115 LLC Phone: 704-926-1416
Tax Map and Parcel Number: 20519102 Existing Zoning: G-I

Which are you applying (Check all that apply):

Rezoning by Right _____ Conditional Zoning Conditional Rezoning Text Amendment _____

Fill out section(s) that apply:


Rezoning by Right:
Proposed Rezoning Designation _____

Conditional Zoning:
Proposed Conditional Use G-I (Conditional Use)
Acreage 288+/- Square Feet 3,500,000 Approximate Height N/A # of Rooms N/A
Parking Spaces Required ++ Parking Spaces Provided ++ **++See attached Conditional Use Plan**
****Please Attach Site Specific Conditional Plan**

Conditional Rezoning:
Proposed Conditional Rezoning Designation G-I (Conditional Use)

Text Amendment:
Section _____ Reason _____
Proposed Text Change (Attach if needed) _____

I do hereby certify that all information which I have provided for this application is, to the best of my knowledge, correct.


Signature of Applicant

7/8/2008
Date

same
Signature of Property Owner (If not Applicant)

Date

Signature of Town Official

Date

Property Information:

Property Location	See attached Conditional Use Plan		
Property Owner's Mailing Address:	3685 Highway 51 N, Fort Mill, SC 29715		
Property Owner Name:	James Ross Miller III & Charles Stephen Miller	Phone:	704-374-1610
Tax Map and Parcel Number:	20504111, 20504118, 20504110	Existing Zoning:	G-1

I do hereby certify that all information which I have provided for this application is, to the best of my knowledge, correct.

Signature of Applicant

Signature of Property Owner (if not Applicant)

Date
7/8/2020
Date
7/1/20

Signature of Town Official

Date

Property Information:

Property Location:	See attached Conditional Use Plan	
Property Owner's Mailing Address:	PO BOX 801, PINEVILLE, NC 28134	
Property Owner Name:	James Lee Harley	Phone: 704-374-1610
Tax Map and Parcel Number:	20505229, 20505244, 20518107, 20518108, ✓ 20518109, 20518110 & 20518106	Existing Zoning: G-1 & R-7

I do hereby certify that all information which I have provided for this application is, to the best of my knowledge, correct.



Signature of Applicant Property Owner

Date 7/1/20



Signature of Property Owner (if not Applicant) Applicant

Date 7/8/2020

Signature of Town Official

Date

Property Information:

Property Location:	See attached Conditional Use Plan		
Property Owner's Mailing Address:	8508 Park Road, Box 123, Charlotte, NC 28210		
Property Owner Name:	Redtail, LLC	Phone:	704-614-9755
Tax Map and Parcel Number:	20504124	Existing Zoning:	G-1

I do hereby certify that all information which I have provided for this application is, to the best of my knowledge, correct.

Signature of Applicant

Date: 7/7/2020

Signature of Property Owner (if not Applicant)

Date: 6-29-20

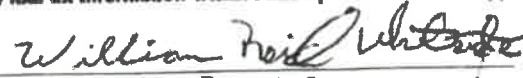
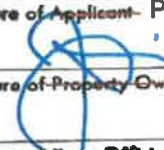
Signature of Town Official

Date

Property Information:

Property Location:	See attached Conditional Use Plan		
Property Owner's Mailing Address:	11802 Downs Road, Pineville, NC 28134		
Property Owner Name:	William Reid Whiteside	Phone:	
Tax Map and Parcel Number:	20518105, 20518104	Existing Zoning:	R-7

I do hereby certify that all information which I have provided for this application is, to the best of my knowledge, correct.

	<u>6-29-2020</u>
Signature of Applicant- Property Owner	Date
	<u>9/7/2020</u>
Signature of Property Owner (if not Applicant)- Applicant	Date
Signature of Town Official	Date

Property Information:

Property Location:	see attached Conditional Use Plan		
Property Owner's Address:	see attached Conditional Use Plan - 1235 Gold Hill Rd., Fort Mill, SC 29708		
Property Owner Name:	Paul W. Fisher Jr.	Phone:	(803) 517-2024
Tax Map and Parcel Number:	Paul W. Fisher Jr. 20518101	Existing Zoning:	R-7

20518101

R-7

I do hereby certify that all information which I have provided for this application is, to the best of my knowledge, correct.

Paul W. Fisher
Signature of Applicant Property Owner

6-29-20
Date

[Signature]
Signature of Property Owner (if not Applicant) Applicant

9/9/2020
Date


Signature of Town Official

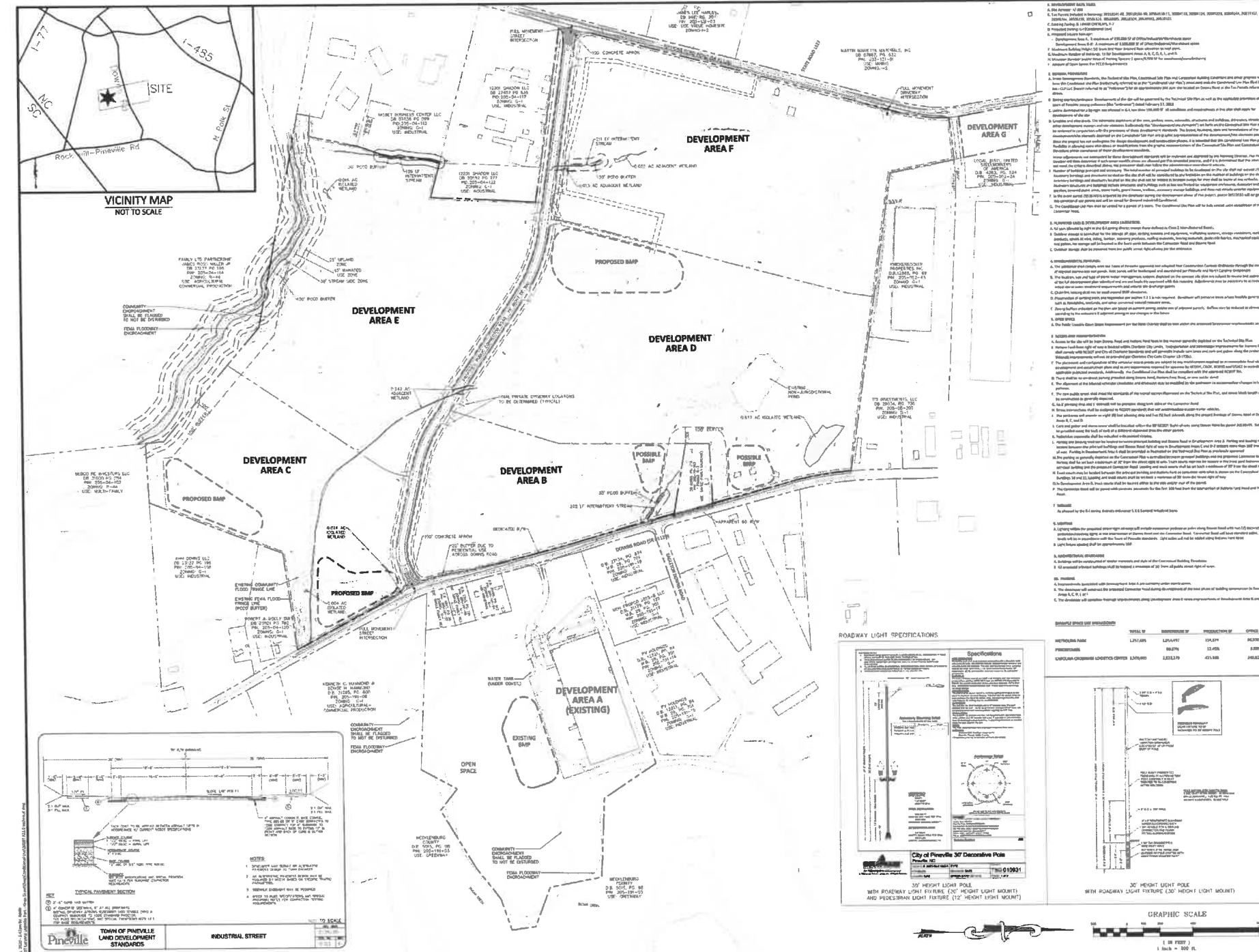
Date

Property Information:

Property Location:	See attached Conditional Use Plan	
Property Owner's Mailing Address:	2327 Lochview St, Pineville, NC 28134	
Property Owner Name:	John Coleman Darnell	Phone: _____
Tax Map and Parcel Number:	20518102	Existing Zoning: R-7

I do hereby certify that all information which I have provided for this application is, to the best of my knowledge, correct.

Signature of Applicant	Date
	7/9/2020
Signature of Property Owner (If not Applicant)	6/26/2020
Signature of Town Official	Date



ORSBORN
CONSULTANTS, INC.

100 LAWRENCE WALKER, SUITE 404
CHARLOTTE, NC 28202
WWW.ORSBORN-CONSULTANTS.COM

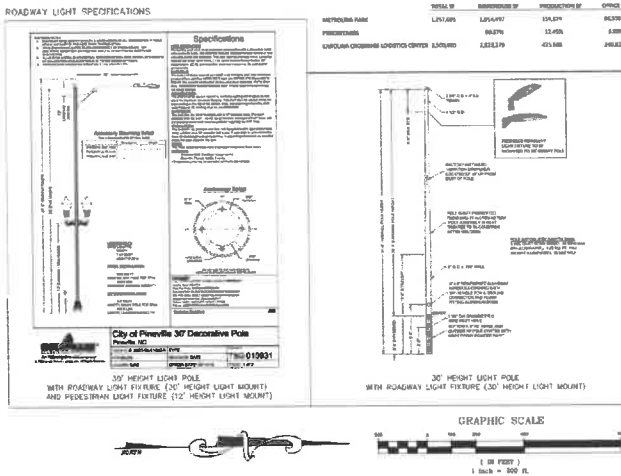
TECHNICAL SITE PLAN FOR
CAROLINA LOGISTICS PARK
PINEVILLE, NORTH CAROLINA

BIN, C.L.P. LLC
500 EAST MOHAWK STREET, SUITE 200
CHARLOTTE, NC 28202



NO.	REVISIONS
1	ISSUED FOR PERMITTING
2	REVISED PER COMMENTS FROM PERMITTING
3	REVISED PER COMMENTS FROM PERMITTING
4	REVISED PER COMMENTS FROM PERMITTING
5	REVISED PER COMMENTS FROM PERMITTING
6	REVISED PER COMMENTS FROM PERMITTING
7	REVISED PER COMMENTS FROM PERMITTING
8	REVISED PER COMMENTS FROM PERMITTING
9	REVISED PER COMMENTS FROM PERMITTING
10	REVISED PER COMMENTS FROM PERMITTING

- GENERAL NOTES:**
- This site plan is prepared in accordance with the provisions of the North Carolina Uniform Statewide Building Code (NCUSBC) and the applicable provisions of the Town of Pineville Zoning Ordinance.
 - The Town of Pineville Planning and Zoning Commission (PZC) is the authority that reviews and approves this site plan.
 - The applicant is responsible for obtaining all necessary permits from the appropriate agencies.
 - The applicant is responsible for providing all necessary information for the PZC review.
 - The applicant is responsible for providing all necessary information for the Department of Public Works review.
 - The applicant is responsible for providing all necessary information for the Department of Public Safety review.
 - The applicant is responsible for providing all necessary information for the Department of Public Works review.
 - The applicant is responsible for providing all necessary information for the Department of Public Safety review.
 - The applicant is responsible for providing all necessary information for the Department of Public Works review.
 - The applicant is responsible for providing all necessary information for the Department of Public Safety review.
 - The applicant is responsible for providing all necessary information for the Department of Public Works review.
 - The applicant is responsible for providing all necessary information for the Department of Public Safety review.



TOWN OF PINEVILLE LAND DEVELOPMENT STANDARDS

INDUSTRIAL STREET

RZ 1.0

**CAROLINA LOGISTICS PARK
CONDITIONAL PLAN NOTES
08 JULY 2020**

1. DEVELOPMENT DATA TABLE

- A. Site Acreage: +/-288
- B. Tax Parcels included in Rezoning: 20518101-02, 20518104-10, 20504110-11, 20504118, 20504124, 20505229, 20505244, 20519102, 20505244, 20505229, 20504124, 20518105, 20518104, 20518102, 20518101
- C. Existing Zoning: G-I (NMX OVERLAY), R-7
- D. Proposed Zoning: G-I (Conditional Use)
- E. Proposed Square Footage:
 - Development Area A: A maximum of 250,000 SF of Office/Industrial/Warehouse space
 - Development Areas B-G: A maximum of 3,500,000 SF of Office/Industrial/Warehouse space
- F. Maximum Building Height: 50' from first floor finished floor elevation to roof peak.
- G. Maximum Number of Buildings: 15 for Development Areas A, B, C, D, E, F, and G.
- H. Minimum Number and/or Ratio of Parking Spaces: 1 space/4,000 SF for warehouse/manufacturing
- I. Amount of Open Space: Per PCCO Requirements

2. GENERAL PROVISIONS

- A. These Development Standards, the Technical Site Plan, Conceptual Site Plan and Conceptual Building Elevations and other graphics set forth form this Conditional Use Plan (collectively referred to as the "Conditional Use Plan") associated with the Conditional Use Plan filed by BIN – CLP LLC (herein referred to as "Petitioner") for an approximately 288 acre site located on Downs Road at the Tax Parcels referenced above.
- B. Zoning districts/ordinance. Development of the site will be governed by the Technical Site Plan as well as the applicable provisions of the town of Pineville zoning ordinance (the "ordinance") dated February 12, 2019.
- C. Unless developed for a by-right use allowed in G-I, less than 100,000 SF, all conditions and requirements in this plan shall apply for development of the site.
- D. Graphics and alterations. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, driveways, streets and other development matters and site elements (collectively the "development/site elements") set forth on the Conceptual Site Plan and should be reviewed in conjunction with the provisions of these development standards. The layout, locations, sizes and formulations of the development/site elements depicted on the Conceptual Site Plan are graphic representations of the development/site elements proposed.

Since the project has not undergone the design development and construction phases, it is intended that this Conditional Use Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Conceptual Site Plan and Conceptual Building Elevations within compliance of these development standards.

Minor adjustments not anticipated by these development standards will be reviewed and approved by the Planning Director. The Planning Director will then determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the petitioner shall then follow the administrative amendment process.

- E. Number of buildings principal and accessory. The total number of principal buildings to be developed on the site shall not exceed 15. Accessory buildings and structures located on the site shall not be considered in any limitation on the number of buildings on the site. Accessory buildings and structures located on the site shall not be limited in location except for they shall be inside of any setbacks. Accessory structures and buildings include structures and buildings such as but not limited to; equipment enclosures, dumpster enclosures, gazebos, covered picnic areas, water tanks, guard house, trellises, accessory storage buildings and does not include exterior equipment.
- F. In the event parcel 20518103 is acquired by the developer during the development phase of this project, parcel 20518103 will be governed by this conditional use permit and will be zoned for General Industrial Conditional.
- G. The Conditional Use Plan shall be vested for a period of 5 years. The Conditional Use Plan will be fully vested upon completion of the Connector Road.

3. PERMITTED USES & DEVELOPMENT AREA LIMITATION:

- A. All uses allowed by right in the G-I zoning district except those defined as Class 2 Manufactured Goods.
- B. Outdoor storage is permitted for the storage of: pipe, racking systems and equipment, scaffolding systems, storage containers, metal building products, spools of wire, siding, lumber, masonry products, roofing materials, fencing materials, geotextile fabrics, mechanical equipment, and pallets. No storage will be located in the front yards between the Connector Road and Downs Road.
- C. Outdoor storage shall be screened from the public street right-of-way per the ordinance.

4. ENVIRONMENTAL FEATURES:

- A. The petitioner shall comply with the Town of Pineville approved and adopted Post Construction Controls Ordinance through the construction of regional stormwater wet ponds. Wet ponds will be landscaped and maintained per Pineville and North Carolina Ordinances.
- B. The location, size and type of storm water management systems depicted on the concept site plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary to accommodate actual storm water treatment requirements and natural site discharge points.
- C. Chain link fencing shall not be used around BMP structures.
- D. Preservation of existing trees and vegetation per section 7.3.5 is not required. Developer will preserve trees where feasible generally in areas such as floodplains, wetlands, and other preserved natural resource areas.
- E. Zoning buffers indicated on the plan are based on current zoning and/or use of adjacent parcels. Buffers may be reduced or eliminated according to the ordinance if adjacent zoning or use changes in the future.

5. OPEN SPACE

- A. The Public Useable Open Space Requirement per the NMX Overlay shall be met within the proposed Streetscape Improvements provided.

6. ACCESS AND TRANSPORTATION

- A. Access to the site will be from Downs Road and Nations Ford Road in the manner generally depicted on the Technical Site Plan.
- B. Nations Ford Road right-of-way is located within Charlotte City Limits. Transportation and Streetscape Improvements for Nations Ford Road shall comply with NCDOT and City of Charlotte Standards and will generally include turn lanes and curb and gutter along the project frontage. Sidewalk improvements will not be provided per Charlotte City Code Chapter 19-173(c).
- C. The placement and configuration of the vehicular access points are subject to any modifications required to accommodate final site development and construction plans and to any adjustments required for approval by NCDOT, CDOT, NCDEQ and USACE in accordance with applicable published standards. Additionally, the Conditional Use Plan shall be compliant with the approved NCDOT TIA.
- D. There shall be no on-street parking provided along Downs Road, Nations Ford Road, or new public street.
- E. The alignment of the internal vehicular circulation and driveways may be modified by the petitioner to accommodate changes in traffic patterns.
- F. The new public street shall meet the standards of the typical section illustrated on the Technical Site Plan, and street block length and size will be constructed as generally depicted.
- G. An 8' planting strip and 5' sidewalk will be provided along both sides of the Connector Road.
- H. Street intersections shall be designed to NCDOT standards that will accommodate tractor-trailer vehicles.
- I. The petitioner will provide an eight (8) foot planting strip and five (5) foot sidewalk along the project frontage of Downs Road in Development Areas B, C, and D.
- J. Curb and gutter and storm sewer shall be installed within the 60' NCDOT Right-of-way along Downs Road for parcel 20518103. Sidewalk will be provided along the back of curb at a different alignment than the other parcels.
- K. Pedestrian crosswalks shall be indicated with painted striping.
- L. Parking and loading shall not be located between principal building and Downs Road in Development Area B. Parking and loading may be located between the principal buildings and Downs Road right of way in Development Areas C and D if setback more than 100' from the right of way. Parking in Development Area A shall be provided as illustrated on the Technical Site Plan as previously approved.
- M. The parking as generally depicted on the Conceptual Plan is permitted between principal buildings and the proposed Connector Road. Parking shall be set back a minimum of 20' from the street right of way. Truck courts may not be located in the front yard between the principal building and the proposed Connector Road. Loading and truck courts shall be set back a minimum of 20' from the street right of way.
- N. Truck courts may be located between the principal building and Nations Ford as consistent with what is shown on the Conceptual Plan for Buildings 10 and 11. Loading and truck courts shall be set back a minimum of 20' from the street right of way.

CAROLINA LOGISTICS PARK
CONDITIONAL PLAN NOTES
08 JULY 2020

- O. In Development Area G, truck courts shall be located either to the side and/or rear of the parcel.
- P. The Connector Road will be paved with concrete pavement for the first 100 feet from the intersection of Nations Ford Road and from Downs Road.

7. SIGNAGE

As allowed by the G-I zoning districts ordinance 5.4.6 General Industrial Signs.

8. LIGHTING

- A. Lighting within the proposed street right-of-ways will include decorative pedestrian poles along Downs Road with two (2) decorative pedestrian/roadway lights at the intersection of Downs Road and the Connector Road. Connector Road will have standard poles. Lighting levels will be in accordance with the Town of Pineville standards. Light poles will not be added along Nations Ford Road.
- B. Light fixture spacing shall be approximately 160'.

9. ARCHITECTURAL STANDARDS

- A. Buildings will be constructed of similar materials and style of the Conceptual Building Elevations.
- B. All proposed principal buildings shall be located a minimum of 20' from all public street right of ways.

10. PHASING

- A. Improvements associated with Development Area A are currently under construction.
- B. The developer will construct the proposed Connector Road during development of the next phase of building construction in Development Areas B, C, D, E or F.
- C. The developer will complete frontage improvements along Development Area G when improvements in Development Area G are constructed.

For the complete Traffic Analysis Report for the Beacon Development Project, Carolina Logistic Park, please visit the town's website at:

www.pinevillenc.gov

Under Department Tab, click on Planning & Zoning, Council Meeting for July 14, 2020, Beacon Project.

Memorandum



To: Mayor and Town Council

From: Ryan Spitzer

Date: 7/10/2020

Re: Electricities Waiver

Overview:

Currently the Town is receiving our monthly wholesale power bill by email and US Mail. Moving forward, NCMPA1 desires to only send the monthly wholesale power bill electronically through email. This was discussed at the NCMPA1 Rate Committee Meeting on March 19, 2020 and the NCMPA1 Board of Commissioners Meeting on April 21, 2020. The Electricities Board of Directors approved at its meeting on April 24, 2020 to authorize Electricities to enter in to such a waiver agreement with localities.

If the Town wishes to only receive the power bill by email Council will need to adopt and sign a Waiver Agreement that waives the US mail requirement.

Attachments:

Waiver Agreement NCMPA1 Project and Supplemental Power Sales Agreement
Ordinance Waiver Agreement
Clerk's Certificate – Waiver Agreement
Waiver Agreement Resolution

WAIVER AGREEMENT

This WAIVER AGREEMENT is dated as of _____, 2020, by and between North Carolina Municipal Power Agency Number 1, a joint agency of the State of North Carolina (“Power Agency”), and the municipality of the State of North Carolina that has executed this Waiver Agreement (the “Participant”).

WHEREAS, Power Agency and the Participant, by agreement dated as of the first day of May, 1978, entered into a Project Power Sales Agreement (as amended in 1984 and as may be further amended or supplemented, the “PPSA”) pursuant to which Power Agency, among other things, agreed to sell, and the Participant, among other things, agreed to purchase and pay for, its Participant’s Share of Project Output; and

WHEREAS, Power Agency and the Participant, by agreement also dated as of the first day of May, 1978, entered into a Supplemental Power Sales Agreement (as amended in 1984 and as may be further amended or supplemented, the “SPSA” and, together with the PPSA, the “Agreements”) pursuant to which Power Agency, among other things, agreed to provide or cause to be provided and to sell, and the Participant, among other things, agreed to purchase, the Participant’s All Requirements Bulk Power Supply requirements, consisting of Project Output and Supplemental Bulk Power Supply, and

WHEREAS, Section 5(a) of each of the Agreements provides that Power Agency shall mail to the Participant prior to each Contract Year certain budget information and, when appropriate, certain amended budget information (collectively, “Annual Budget Information”); and

WHEREAS, Section 5(b) of each of the Agreements provides that Power Agency shall mail to the Participant during each month of each Contract Year a Monthly Bill (the “Monthly Bill”) and

WHEREAS, since the date of the Agreements, (i) Power Agency’s and the Participant’s accounting systems have significantly changed due to improvements to and enhancements in computer technology and their respective accounting and computer systems, and (ii) the advent of and improvements to electronic means of communication have been developed, in each case making it easier, faster and more efficient for Power Agency and the Participant to communicate and exchange information, including Annual Budget Information and Monthly Bills; and

WHEREAS, as a result of the foregoing, Power Agency and the Participant have determined that it is more efficient and preferable for Power Agency to transmit Annual Budget Information and Monthly Bills to the Participant by electronic means as opposed to United States mail, as is required by the Agreements; and

WHEREAS, on April 24, 2020, the Board of Directors of Power Agency adopted a resolution approving waiving the provisions of Section 5(a) and 5(b) of each of the Agreements requiring the mailing of Annual Budget Information and Monthly Bills, respectively, to the Participant and permitting Power Agency to provide Annual Budget Information and Monthly Bills to the Participant by electronic means (collectively, the “Waiver”), and directed that a waiver agreement be submitted to each of the Participants for approval and execution; and

WHEREAS, the Participant has determined that the Waiver is in the best interest of the Participant and has authorized and directed that this Waiver Agreement be executed for and on behalf of the Participant.

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are acknowledged hereby, the parties hereto mutually agree as follows:

Section 1. Unless the context clearly indicates to the contrary, all capitalized terms used in this Waiver Agreement shall have the meanings given them in the Agreements.

Section 2. For and during the remainder of the term of each of the Agreements, and any extensions thereto, the Participant hereby waives and forever relieves Power Agency of the obligation to mail Annual Budget Information and Monthly Bills to the Participant, as required by Section 5(a) and 5(b) of each of the Agreements, respectively, so long as Power Agency provides Annual Budget Information and Monthly Bills to the Participant by electronic means to such address as the Participant shall specify in writing to Power Agency (as such address may be changed similarly from time to time).

Section 3. This Waiver Agreement shall become effective upon the execution and delivery of similar waiver agreements by Power Agency and each Participant, and shall otherwise become effective upon execution and delivery hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Waiver Agreement all by the authority of their respective governing bodies duly given.

Executed the ___ day of _____, 2020.

City (Town) of _____

By: _____
Mayor, Jack Edwards

ATTEST:

City (Town) Clerk, Barbara Monticello

(SEAL)

Executed this ____ day of _____, 2020.

NORTH CAROLINA MUNICIPAL POWER
AGENCY NUMBER 1

By: _____

ATTEST:

(Ass't) Secretary-Treasurer

(SEAL)

AN ORDINANCE OF THE PINEVILLE TOWN COUNCIL OF
THE TOWN OF PINEVILLE, NORTH CAROLINA,
DETERMINING THAT IT IS IN THE BEST INTEREST OF THE
TOWN OF PINEVILLE TO APPROVE A WAIVER
AGREEMENT WITH NORTH CAROLINA MUNICIPAL
POWER AGENCY NUMBER 1 AND AUTHORIZING THE
EXECUTION AND DELIVERY OF THE WAIVER
AGREEMENT

WHEREAS, the Town of Pineville, North Carolina (the "Municipality") and North Carolina Municipal Power Agency Number 1 ("Power Agency") entered into a Project Power Sales Agreement dated as of the first day of May, 1978, (as amended in 1984 and as may be further amended or supplemented, the "Project Power Sales Agreement"), pursuant to which Power Agency sells, and the Municipality purchases and pays for, the Municipality's Participant's Share (as defined in the Project Power Sales Agreement) of Project Output (as defined in the Project Power Sales Agreement); and

WHEREAS, the Municipality and Power Agency entered into a Supplemental Power Sales Agreement also dated as of the first day of May, 1978 (as amended in 1984 and as may be further amended or supplemented, the "Supplemental Power Sales Agreement" and, together with the Project Power Sales Agreement, the "Agreements"), pursuant to which Power Agency sells, and the Municipality purchases and pays for, All Requirements Bulk Power Supply (as defined in the Supplemental Power Sales Agreement), which consists of Project Output (as defined in the Supplemental Power Sales Agreement) and Supplemental Bulk Power Supply (as defined in the Supplemental Power Sales Agreement); and

WHEREAS, Section 5(a) of each of the Agreements provides that Power Agency shall mail to the Participant prior to each Contract Year certain budget information and, when appropriate, certain amended budget information (collectively, "Annual Budget Information"); and

WHEREAS, Section 5(b) of each of the Agreements provides that Power Agency shall mail to the Participant during each month of each Contract Year a Monthly Bill (the “Monthly Bill”); and

WHEREAS, as a result of changes to Power Agency’s and the Participant’s accounting systems due to improvements to and enhancements in computer technology and their respective accounting and computer systems, and (ii) the advent of and improvements to electronic means of communication since the date of the Agreements, in each case making it easier, faster and more efficient for Power Agency and the Participant to communicate and exchange information, including Annual Budget Information and Monthly Bills, Power Agency and the Participant have determined that it is more efficient and preferable for Power Agency to transmit Annual Budget Information and Monthly Bills to the Participant by electronic means as opposed to United States mail, as is required by the Agreements; and

WHEREAS, on April 24, 2020, the Board of Directors of Power Agency adopted a resolution approving waiving the provisions of Section 5(a) and 5(b) of each of the Agreements requiring the mailing of Annual Budget Information and Monthly Bills, respectively, to the Participant and permitting Power Agency to provide Annual Budget Information and Monthly Bills to the Participant by electronic means (collectively, the “Waiver”), and directed that a waiver agreement (the “Waiver Agreement”) be submitted to each of the Participants for approval and execution; and

WHEREAS, Power Agency has caused to be furnished to this governing body a copy of the Waiver Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Pineville, North Carolina:

1. After due consideration to the contents of each of the preambles set forth above and of the Waiver Agreement, it is hereby found and determined that it is in the best interest of the Municipality to approve and authorize the execution and delivery of the Waiver Agreement.

2. The Municipality hereby approves the form, terms and provisions of the Waiver Agreement in the form presented to the meeting at which this Ordinance is adopted, with such changes therein as shall be approved by the officials of the Municipality executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all such changes. The Mayor and the Clerk of the Municipality are hereby authorized and directed to execute, acknowledge and deliver the Waiver Agreement in the name of and on behalf of the Municipality and thereupon to cause the aforesaid Waiver Agreement to be delivered to Power Agency.

3. The officers and officials of the Municipality are hereby authorized and directed to execute such further documents and to take any and all further action as, upon the advice of the Attorney of the Municipality, shall be deemed necessary or desirable in order to effectuate the execution and delivery of the Waiver Agreement.

4. The Clerk of the Municipality is hereby directed to file with the minutes of the meeting at which this Ordinance is adopted the copy of the Waiver Agreement.

5. This Ordinance shall become effective from and after its adoption.

ADOPTED this ____ day of _____, 2020.

Mayor, Jack Edwards

ATTEST:

Clerk, Barbara Monticello

(Impress SEAL here)

**NORTH CAROLINA MUNICIPAL POWER AGENCY NUMBER 1
BOARD OF DIRECTORS
RESOLUTION NO. BDR-6-20**

**A RESOLUTION APPROVING AND AUTORIZING THE
EXECUTION OF A WAIVER AGREEMENT BETWEEN
NORTH CAROLINA MUNICIPAL POWER AGENCY
NUMBER 1 AND EACH OF ITS PARTICIPANTS**

WHEREAS, North Carolina Municipal Power Agency Number 1 (“Power Agency”) and each of its Participants, by agreement dated as of the first day of May, 1978, entered into a Project Power Sales Agreement (as amended in 1984 and as may be further amended or supplemented, the “PPSA”) pursuant to which Power Agency, among other things, agreed to sell, and the Participant, among other things, agreed to purchase and pay for, its Participant’s Share of Project Output; and

WHEREAS, Power Agency and each of its Participants, by agreement also dated as of the first day of May, 1978, entered into a Supplemental Power Sales Agreement (as amended in 1984 and as may be further amended or supplemented, the “SPSA” and, together with the PPSA, the “Agreements”) pursuant to which Power Agency, among other things, agreed to provide or cause to be provided and to sell, and the Participant, among other things, agreed to purchase, the Participant’s All Requirements Bulk Power Supply requirements, consisting of Project Output and Supplemental Bulk Power Supply; and

WHEREAS, Section 5(a) of each of the Agreements provides that Power Agency shall mail to the Participant prior to each Contract Year certain budget information and, when appropriate, certain amended budget information (collectively, “Annual Budget Information”); and

WHEREAS, Section 5(b) of each of the Agreements provides that Power Agency shall mail to the Participant during each month of each Contract Year a Monthly Bill (the “Monthly Bill”); and

WHEREAS, since the date of the Agreements, (i) Power Agency’s and the Participants’ accounting systems have significantly changed due to improvements to and enhancements in computer technology and their respective accounting and computer systems, and (ii) the advent of and improvements to electronic means of communication have been developed, in each case making it easier, faster and more efficient for Power Agency and the Participant to communicate and exchange information, including Annual Budget Information and Monthly Bills; and

WHEREAS, as a result of the foregoing, Power Agency and the Participant have determined that it is more efficient and preferable for Power Agency to transmit Annual Budget Information and Monthly Bills to the Participant by electronic means as opposed to United States mail, as is required by the Agreements, and have agreed to execute a waiver agreement giving effect thereto.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS
OF NORTH CAROLIA MUNICIPLA POWER AGENCY NUMBER 1:**

Section 1: Waiver Agreement. The Board of Directors of Power Agency hereby determines that it is in the best interest of Power Agency to execute an agreement waiving the provisions of Section 5(a) and 5(b) of each of the Agreements requiring the mailing of Annual Budget Information and Monthly Bills, respectively, to the Participant and permitting Power Agency to provide Annual Budget Information and Monthly Bills to the Participant by electronic means (collectively, the “Waiver”), approves and authorizes the execution of a waiver agreement (the “Waiver Agreement”) giving effect to the Waiver and directs that a copy of the Waiver Agreement be delivered to each of the Participants for the Participant’s approval and execution.

Section 2. Effective Date. This resolution shall take effect immediately upon adoption.

Adopted this 24th day of April, 2020.

CLERK'S CERTIFICATE

I, _____, Town Clerk of the Town of Pineville, North Carolina, (the "Municipality"), DO HEREBY CERTIFY as follows:

1. As of the date of this Certificate and the date of the introduction and adoption of the Ordinance hereinafter described, the Town Council of the Municipality ("the Governing Body") consisted of five (5) members, all of whom have been duly elected and qualified.

2. Jack Edwards was the duly elected and qualified Mayor of the Municipality at the time of the introduction and adoption of the Ordinance hereinafter described and at the time of the execution by the Municipality of the document hereinafter described. Richard Dixon was the finance officer of the Municipality duly appointed by the Town Manager and confirmed by the Governing Body, and acting in that capacity at the time of the introduction and adoption of the Ordinance hereinafter described and at the time of the execution by the Municipality of the documents hereinafter described.

3. The undersigned has been duly appointed by the Town Manager and such appointment was confirmed by the Governing Body as Clerk of the Municipality, to hold office at the pleasure of the Town Manager, and the election as Clerk predated the introduction and adoption of the Ordinance hereinafter described and remains in full force and effect as of the date of this Certificate.

4. The seal, an impression of which appears below, is the corporate seal duly adopted by the Municipality.

5. The undersigned, as Clerk, is charged with the duty of keeping custody of the minutes and official records of the proceedings of the Governing Body.

6. At a regular meeting of the Governing Body conducted on the ____ day of _____, 2020, the ordinance entitled "AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PINEVILLE, NORTH CAROLINA, DETERMINING THAT IT IS IN THE BEST INTEREST OF THE TOWN OF PINEVILLE TO APPROVE A WAIVER AGREEMENT WITH NORTH CAROLINA MUNICIPAL POWER AGENCY NUMBER 1 AND APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE WAIVER AGREEMENT, a copy of which is attached hereto and made a part of this Certificate (the "Ordinance"), was introduced.

7. After consideration by the Governing Body, the Ordinance was duly adopted by the Governing Body at a regular meeting of the Governing Body conducted on the ____ day of _____, 2020, by a vote of ___ yeas and ___ nays. The Ordinance was thereafter duly recorded in the ordinance book of the Municipality and the municipal journal, if any. A copy of an excerpt of the pertinent minutes of said meeting is attached hereto.

8. The meeting referred to in this Certificate was a duly called and held regular meeting of the Governing Body, open to the public, and a quorum of the Governing Body was present and acting throughout; the excerpt of the minutes attached hereto has been compared by the undersigned with the original thereof that is on file and of record in the office of the undersigned and it is a full, true and complete copy of said original; the copy of the Ordinance attached hereto has been compared by the undersigned with the original thereof that is on file in the ordinance book (and municipal journal, if any) and it is a full, true and complete copy of said original. The Ordinance has not been amended, modified, superseded or repealed and is in full force and effect as of the date hereof.

9. A copy of the Waiver Agreement has been filed in the Clerk's office with the minutes of the proceedings at which the Ordinance was adopted.

10. The copy of the Waiver Agreement furnished to North Carolina Municipal Power Agency Number 1 by the undersigned, together with this Certificate, has been duly executed by the Mayor of the Municipality and duly attested by the undersigned as Clerk of the Municipality, and the corporate seal of the Municipality has been impressed thereon or affixed thereto, all pursuant to authority granted by the Ordinance. In addition, the execution copy of the Waiver Agreement has been endorsed by the appropriate representative of the Municipality to the extent such endorsement is required to be affixed thereto.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Town of _____ this the _____ day of _____, 2020.

_____, Town Clerk

(Impress Seal Here)

Attachments:
Ordinance
Minutes

Memorandum



To: Mayor and Town Council

From: Ryan Spitzer

Date: 7/10/2020

Re: Town Facility Face Mask Requirement

Overview:

On June 24, 2020 Governor Roy Cooper enacted Executive Order No. 147. This order extended Phase II restrictions as well as required Face Coverings to be worn until July 17, 2020 at which time the Governor would decide on extending this Executive Order or modifying it with another Executive Order.

Executive Order No. 147 established where face masks had to be worn, the conditions they had to be worn under, and the exemptions for wearing face coverings on private and state owned property. The Governor left out criteria for municipally owned facilities and property. He is allowing the various local governments come up with their own rules and criteria.

Mecklenburg County and Matthews instituted to following restrictions:

“A face covering shall be worn while indoors by all customers, employees and other users of County or Town owned, or leased, buildings and facilities, and all persons in any other indoor or outdoor situation in which people cannot maintain the CDC recommended social distance, including those in County parks.”

With the following Exceptions (exceptions 1-11 are in the Governor’s Order, exceptions 12-15 are in the proclamation by Mecklenburg County and Matthews):

1. Should not wear a Face Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the face covering without assistance);
2. Is under eleven (11) years of age;
3. Is actively eating or drinking;
4. Is strenuously exercising;
5. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
6. Is giving a speech for a broadcast or to an audience;
7. Is working at home or is in a personal vehicle;
8. Is temporarily removing his or her Face Covering to secure government or medical services or for identification purposes;

9. Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
10. Has found that his or her Face Covering is impeding visibility to operate equipment or a vehicle;
11. Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face;
12. to County staff in private offices
13. when complying with directions of law enforcement officers;
14. in settings where it is not practical or feasible to wear a face covering when obtaining or rendering goods or services;
15. to family or household members.

I am not proposing opening the Town facilities to any outside customer until after the Governor has lifted Phase II. The Belle cannot be open to outside customers until after summer camp is completed in early August. If the Governor lifts the mask restriction on July 17, 2020 this may be a moot point unless Council would like to make wearing a mask mandatory past the governor lifting the restriction. If the Governor extends the Executive Order then the Town will need to determine where mask will be required to be worn, if anywhere, by citizens and customers using our facilities because currently they are not required to be worn at any local government facilities. Currently staff are doing the following:

1. Wearing mask when they cannot maintain social distancing while inside
2. Wearing mask when coming in to contact with citizens and customers
3. Wearing mask when working in groups where social distancing cannot be maintained.

Attachments:

Mecklenburg County and Town of Matthew's Proclamation

AMENDED JOINT PROCLAMATION OF THE CHAIRMAN AND MECKLENBURG
COUNTY BOARD OF COMMISSIONERS AND MAYOR OF THE TOWN OF MATTHEWS
IN CONSULTATION WITH THE MECKLENBURG COUNTY PUBLIC HEALTH
DIRECTOR IN CONJUNCTION WITH THE DIRECTOR OF THE OFFICE OF THE
CHARLOTTE MECKLENBURG EMERGENCY MANAGEMENT DEPARTMENT

WHEREAS, The North Carolina General Assembly has adopted Article 1A of Chapter 166A of the General Statutes, entitled “North Carolina Emergency Management Act”, which sets forth the authority and responsibility of the Governor, State agencies, and local governments in prevention of, preparation for, response to, and recovery from natural or man-made emergencies; and

WHEREAS, G.S. §166A-19.22 and G.S. §166A-19.31, which are part of the North Carolina Emergency Management Act, authorize counties and municipalities to declare states of emergency and authorizes counties and municipalities to impose prohibitions and restrictions under conditions and following procedures contained in G.S. §166A-19.22 and G.S. §166A-19.31; and

WHEREAS, the novel Coronavirus (COVID-19) is a global pandemic that is easily transmitted from person to person and has created a state of emergency in the State of North Carolina, County of Mecklenburg, City of Charlotte and surrounding six Towns; and

WHEREAS, based on the public health concerns, the Governor declared a state of emergency on behalf of the state of North Carolina on March 10, 2020; and

WHEREAS, Mecklenburg County in conjunction with the City of Charlotte and six Towns within the County signed a Joint Proclamation of State of Emergency on March 13, 2020; and

WHEREAS, Mecklenburg County in conjunction with the City of Charlotte and six Towns within the County have acted together to impose restrictions and guidelines to act in the best interest of the residents of the County, City and Towns; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has determined that COVID-19 is spread primarily between people in close proximity to one another, and can be transmitted through respiratory droplets produced when an infected person coughs, sneezes or talks and recommends social distancing to prevent the continued spread of the virus; and

WHEREAS, slowing and controlling community spread is critical to ensure healthcare facilities can meet the demands of those needing health care and not overwhelm the system; and

WHEREAS, CDC recommends wearing a face covering or non-surgical protective face masks in public settings, practicing social distancing and washing one’s hands frequently as measures designed to help slow or prevent the spread of the virus and to prevent individuals who may be infected and unaware from transmitting the virus to others; and

WHEREAS, to reduce COVID-19 spread, the Governor issued Executive Order No. 141, requiring safety measures in certain business settings, limiting mass gatherings, and closing certain types of businesses and operations; and

WHEREAS, in Executive Order No. 141, issued on May 20, 2020, the Governor urged that all people in North Carolina follow social distancing recommendations, including that everyone wear a cloth face covering, wait six (6) feet apart and avoid close contact, and wash hands often or use hand sanitizer, and began a phased reopening; and

WHEREAS, the number of laboratory-confirmed positive cases in the State and in Mecklenburg County continue to climb as do the number of deaths related to the virus but social distancing continues to decline; and

WHEREAS, to mitigate the spread, on June 23, 2020, the Mecklenburg County Board of Commissioners directed that residents under the jurisdiction of the Board be required to wear face coverings when in the public setting; and

WHEREAS, on June 22, 2020, the Town of Matthews Board of Commissioners adopted a resolution entitled "Resolution in support of requiring face coverings to be worn in Mecklenburg County during COVID-19 pandemic", and

WHEREAS, on June 24, 2020, the Governor issued Executive Order 147, "Extension of Phase 2 Order and New Measures to Save Lives in the COVID-19 Pandemic" requiring face coverings be worn when in public places, indoor or outdoor, where physical distancing of six (6) feet from other people who are not members of the same household or residence is not possible; and

WHEREAS, in the same Order, the Governor strongly encouraged local governments to adopt similar policies that require face coverings as well; and

WHEREAS, in consideration of all the current available data related to the impact of COVID-19 in Mecklenburg County the Board of County Commissioners and undersigned has determined that due to the trends it is in the best interest of the residents of Mecklenburg County to amend the current Joint Proclamation subject to the following conditions.

NOW THEREFORE BE IT FURTHER ORDAINED THAT:

The current Joint Proclamation is hereby amended to adopt the provisions of Executive Order 147 which are incorporated herein by reference with the following additional requirements:

A face covering shall be worn while indoors by all customers, employees and other users of County or Town owned, or leased, buildings and facilities, and all persons in any other indoor or outdoor situation in which people cannot maintain the CDC recommended social distance, including those in County parks.

This Amended requirement does not apply to the eleven (11) exceptions listed in Executive Order 147 and in addition:

- i. to County staff in private offices
- ii. when complying with directions of law enforcement officers
- iii. in settings where it is not practical or feasible to wear a face covering when obtaining or rendering goods or services
- iv. to family or household members.

This Amended Joint Proclamation incorporates the terms and provisions of the Governor's Executive Orders, as amended, and continues the Declaration of the State of Emergency within the jurisdiction of Mecklenburg County and the Town of Matthews. The terms and duration of this Amended Joint Proclamation shall coincide with the current or future Governor's Executive Orders, as amended, unless this Amended Joint Proclamation is sooner revised, amended, extended or terminated by action of the parties hereto.

This Amended Joint Proclamation is adopted this _____ day of July 2020 effective immediately.

APPROVED AS TO FORM

County Attorney

Chairman Board of Commissioners

Mayor, Town of Matthews

**TOWN OF PINEVILLE
BUDGET AMENDMENT**

WHEREAS, the Governing Board of the Town of Pineville, North Carolina adopted on the 24th day of June, 2019, the Town of Pineville budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020; and

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

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

Department	Number	Decrease	Increase
Operarting transfer to CLEC	9999		200,000
Operating Transfer from ILEC	9999	<u>200,000</u>	<u> </u>
Total		200,000	200,000

To transfer funds from ILEC to CLEC (effective 6/30/20)

Adopted this 14th day of July, 2020

Town of Pineville, North Carolina

John Edwards, Mayor

ATTEST:

Barbara Monticello
(Seal)

JULY 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	1	2	3 Independence Day Holiday – Offices closed	4 Independence Day
5	6	7	8	9	10	11
12	13	14 Virtual Council Meeting 6:30 PM P'ville Telephone Bldg.	15	16 Public Meeting for Park Expansion 6:30 PM @ Lake Park Shelter	17	18
19	20	21	22	23	24	25
26	27 Council virtual Work Session 6PM - P'ville Telephone Bldg.	28	29	30	31	1

AUGUST 2020						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11 Virtual Town Council Meeting @ 6:30 PM	12	13	14	15
16	17	18	19	20	21	22
23	24 Virtual Work Session Meeting @ 6:00 pm	25	26	27	28	29

CLOSED SESSION

*Discussion of matters pursuant
to NCGS 143-318.11(5) & (6)
(Real Estate) & (Personnel)*

ADJOURNMENT