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## AGENDA

### CALL TO ORDER

Pledge Allegiance to the Flag (*CM*)

Moment of Silence

### ADOPTION OF AGENDA

### APPROVAL OF THE MINUTES

- [1.](#) Approval of the minutes of the January 9, 2024 Town Council meeting, January 22, 2024 Work Session, and Special Meeting on February 6, 2024.

### BOARD REPORTS

- [2.](#) MEDIC presentation (*John Peterson*)

### CONSENT AGENDA

- [3.](#) Resolution 2024-03 Surplus of badge and service weapon of retired Detective Gary Hinebaugh
- [4.](#) Audit Contract (*Chris Tucker*)
- [5.](#) Tax Refunds (*Chris Tucker*)
- [6.](#) Budget Amendment 2024-3 (*Chris Tucker*)

### PUBLIC COMMENT

- [7.](#) Paws in the Park (*Donna Peters*)

### PUBLIC HEARING

- [8.](#) Street Renaming (*Travis Morgan*)
- [9.](#) Jack Hughes Park Expansion (*Matt Jakubowski*)

### OLD BUSINESS

- [10.](#) Meeting Rules & Procedures - (**ACTION ITEM**)
- [11.](#) Budget Meetings Calendar (**ACTION ITEM**)

## **NEW BUSINESS**

- [12.](#) Jack Hughes Park Expansion (*Matt Jakubowski*) - **ACTION ITEM**
- [13.](#) Fitness Court and Lake Park (*Matt Jakubowski*) - **ACTION ITEM**
- [14.](#) Parks and Rec Salary Classifications (*Linda Gaddy*) - **ACTION ITEM**
- [15.](#) Street Renaming (Travis Morgan) - **ACTION ITEM**
- [16.](#) Capital Project Fund Ordinance (*Chris Tucker*) – **ACTION ITEM**
- [17.](#) Capital Project Fund Ordinance (*Chris Tucker*) - **ACTION ITEM**
- [18.](#) Budget Amendment 2024-4 (*Chris Tucker*) - **ACTION ITEM**

## **MONTHLY STAFF REPORTS**

- [19.](#)
  - Public Works
  - Planning & Zoning
  - Human Resources
  - Police
  - Parks and Rec
  - PCS

## **MANAGER'S REPORT**

## **CALENDARS FOR COUNCIL**

- [20.](#) February and March

## **CLOSED SESSION - none**

## **ADJOURN**

If you require any type of reasonable accommodation as a result of physical, sensory, or mental disability in order to participate in this meeting, please contact Lisa Snyder, Clerk of Council, at 704-889-2291 or [lsnyder@pinevillenc.gov](mailto:lsnyder@pinevillenc.gov). Three days' notice is required.



**TOWN COUNCIL REGULAR MEETING**  
**TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, JANUARY 9, 2024, AT 6:30 PM**

## MINUTES

### CALL TO ORDER

Mayor David Phillips called the meeting to order @ 6:30 pm.

Mayor: David Phillips  
 Mayor Pro Tem: Ed Samaha  
 Council Members: Amelia Stinson-Wesley, Chris McDonough, Danielle Moore  
 Town Manager: Ryan Spitzer  
 Town Clerk: Lisa Snyder

### PLEDGE ALLEGIANCE TO THE FLAG

Town Manager Ryan Spitzer led everyone in the Pledge of Allegiance.

### MOMENT OF SILENCE

Mayor David Phillips asked for a moment of silence.

### ADOPTION OF AGENDA

Mayor Phillips advised that there is one amendment to the agenda. Under New Business, he would like to add a discussion of a crosswalk on Main and Cranford. A proposal has been submitted by LaBella. This will become #9 on the Agenda and it will be an *Action Item*.

Mayor Pro Tem Samaha made a motion to accept the agenda with this change with a second made by Council Member Chris McDonough. All ayes. (**Approved 4-0**).

### APPROVAL OF MINUTES

The Minutes of the Town Council Meeting on December 12, 2023, were submitted for approval. Council Member Chris McDonough moved to approve the minutes with a second made by Council Member Danielle Moore. All Ayes. (**Approved 4-0**)

### CONSENT AGENDA

The Consent Agenda had one item for consideration: Resolution 2024-01 declaring surplus items for sale. Council Member Stinson-Wesley moved to approve the Consent Agenda as presented with a second made by Council Member McDonough. (**Approved 4-0**)

### AWARDS AND RECOGNITION

There were no awards or recognition at this meeting.

## BOARD REPORTS

**Dusty Gilvin, Airport Roundtable.** Mr. Gilvin outlined his three goals for this meeting: (1) The Mission, (2) the current slate of recommendations made to the FAA, and (3) provide monthly reports to council, if needed. He explained that this board consists of representatives from the Charlotte area, and he is the Pineville representative. Its mission is to reduce airport-related noise. Under the current slate, six recommendations were made to the FAA in 2020. The flight patterns are northbound and southbound, with 5,000 flights incoming and outgoing, and only the FAA can modify the flight patterns. In 2023, 141 noise complaints from the Pineville area. The Part 150 Study Update establishes procedures and standards for the airport to use in preparation for noise compatibility program (NCP). The Part 150 will include a series of recommendations the airport wants to make to the FAA, particularly with the use of the new fourth parallel runway.

**Susan Lyons, Pineville Library.** Ms. Lyons gave a presentation to council regarding public art. Melody Cassen has been selected to present art and samples are in the packet. Everyone is invited to community feedback sessions that are scheduled for Saturday, January 20<sup>th</sup> from 2:00 to 4:00 pm and lunch time on Monday, January 29<sup>th</sup>, from 12:30 to 1:30 pm. There will be activities for children and an opportunity to talk with the artist. The art will remain in the library.

## PUBLIC COMMENT

**Les Gladden, Pineville resident and former council member.** Mr. Gladden began by welcoming new council member Danielle Moore. He continued by speaking about his censorship by the former council. He stated that he and his family have been humiliated and he has not been able to defend himself.

**John Holobinko, Pineville Chamber President.** Mr. Holobinko shared that the Third Annual Business Expo is scheduled for Thursday, March 14<sup>th</sup>, from 12:00 to 4:00 pm at the Belle Johnston Community Center. Everyone is invited. More information will be provided next week.

## PUBLIC HEARING

There were no public hearings at this meeting.

## OLD BUSINESS

**Cone Memorial, Ryan Spitzer.** The prior council worked with Al Baskins and other community members. Mr. Baskins was really the spearhead of that. The memorial is to be placed at the corner of Dover Street and Cone Avenue. He shared a rendering of what the memorial would look like. The total sum would be approximately \$510,000. The Town did not budget for this in this fiscal year, however, they can proceed with an RFP and take money out of the fund balance, or other discretionary funds. Mr. Spitzer recommends reviewing this in two months after the completion of the other projects already planned, which include the fountain and the ADA accessible playgrounds. Mayor Phillips feels that we can hold off right now and possibly hold off until after other construction and improved weather. Council Member Stinson-Wesley said that she supports the manager's priorities.

## NEW BUSINESS

**Code of Ethics.** Mayor Phillips advised that this is an Action Item, and each year, each council member must review and sign the Town's Code of Ethics and participate in Ethics Training, per state statute. Mayor Pro Tem Samaha moved to accept the Code of Ethics Resolution 2024-02, with a second made by Council Member Stinson-Wesley. All ayes. **(Approved 4-0)**

**Board Appointments.** Each January, board appointments need to be reviewed and approved. New Board Appointments include Council Member Amelia Stinson-Wesley to CRTPO with Council Member Danielle Moore serving as alternate. Town Manager Ryan Spitzer will be on the Electricities Board with Mayor David Phillips as alternate. Other mayoral appointments include: Centralina (COG) Amelia Stinson-Wesley; Citizen Transit Services Advisory, Justin Musick; MTC, Mayor Phillips; and

the Municipal Education Advisory Board, Ed Samaha. The Board of Adjustment and Telephone Board members remain the same.

The Planning Board reappointments include Jim Knowles, Thomas White, Eric Fransen, and Dusty Gilvin. We received one new application from Mr. Roshan Bhula, who would replace former board member Randy Smith.

Council Member Moore moved to approve the committee and board reappointments, including the appointment of Town Manager Ryan Spitzer for the Electricities Board and Mayor Phillips serving as the alternate, Council Member Moore will serve as an alternate to the CRTPO Board, and new Planning Board member, Roshan Bhula, followed by a second made by Mayor Pro Tem Samaha. All ayes. (**Approved 4-0**)

**Street Renaming.** Pineville resident Al Baskins asked council to consider renaming Jack Hughes Lane to Yandell Street. He stated that Yandell Street has been a part of Main Street in Pineville for about 100 years. He added that Mr. Yandell was an accomplished businessman with ownership of many properties in the town. Mr. Baskins requested that council give homage to the Yandell family and replace the Jack Hughes Park sign with a sign that reads Yandell Street.

Mayor Phillips commented that there will have to be a public hearing for this to be approved. Council Member McDonough added that there was a prior discussion and there were no objections at that time to naming the street Jack Hughes Lane.

**Pedestrian Crossing.** Mr. Spitzer stated that last year residents shared that they didn't feel safe crossing Main Street to get to Jack Hughes Park and Town Hall. It has come to his attention that Senator Salvador and Representative Brown want to have a meeting to discuss a crosswalk. The NCDOT does not want to meet until there is a price set with it, because either the NCDOT or the State will have to fund it. Conceptual layouts were shared with council. The NCDOT prefers a HAWK signal to a flashing Beacon signal. The estimate of the design work is \$16,800. Money can be taken out of contingency.

Council Member Stinson-Wesley moved to approve Town Manager Spitzer proceeding with a contract with LaBella followed by a second made by Council Member Moore. All Ayes. (**Approved 4-0**)

**Manager's Report.** Under this section, Town Clerk Snyder shared her final report on the 150<sup>th</sup> Anniversary Time Capsule for the Town. Matt McClure is an employee of the Town and made the time capsule. The contents were listed, and the time capsule can be opened on or after February 28, 2074, fifty years from now. It is on display in the Town Hall Lobby's display cabinet. Mayor Pro Tem Samaha thanked her for her work on this entire project.

Mayor Phillips announced that for the March Council Meeting, he previously scheduled a trip and cannot do that council meeting and asked council members for their thoughts, whether to continue having the meeting with Ed filling in his role or reschedule to another date. It was decided to reschedule the March Council meeting to Tuesday, March 19<sup>th</sup> at 6:30 pm.

Mayor Phillips announced a five-minute recess before going into Closed Session pursuant to NCGS 143-318-11(5)– acquisition of property.

Council Member Stinson-Wesley moved to go into Closed Session with a second made by Mayor Pro Tem Samaha. All ayes.

Council Member Moore made a motion to leave Closed Session with a second made by Council Member McDonough. All ayes. There was no action necessary.

## ADJOURNMENT

Council Member Stinson-Wesley made a motion to adjourn followed by a second made by Council Member McDonough (**Approved 4-0**) The meeting was adjourned at 8:10 pm.

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David Phillips

ATTEST: \_\_\_\_\_  
Lisa Snyder, Town Clerk



**WORK SESSION MINUTES  
MONDAY, JANUARY 22, 2024 @ 6:00 PM  
TOWN HALL COUNCIL CHAMBERS**

The Town Council of the Town of Pineville, NC, met in a Work Session on Monday, January 22, 2024 @ 6:00 p.m.

**ATTENDANCE**

Mayor: David Phillips  
 Mayor Pro-Tem: Ed Samaha  
 Council Members: Amelia Stinson Wesley, Chris McDonough, Danielle Moore  
 Town Manager: Ryan Spitzer  
 Town Clerk: Lisa Snyder  
 HR Director: Linda Gaddy  
 Finance Director: Chris Tucker  
 Electricities Manager: David Lucore

**CALL TO ORDER**

Mayor David Phillips called the meeting to order at 6:00 p.m. Mayor Pro Tem Ed Samaha moved to open the meeting with a second provided by Council Member Chris McDonough. All ayes.

**DISCUSSION ITEMS:**

**Parks and Rec Salary Adjustment.** HR Director Linda Gaddy stated that there is currently only one classification for the Parks Maintenance Technicians. No career ladder or incentives exist. She requests council approval to add a Technician II and a Sr. Technician to the Pay Plan, plus approval to move existing qualified employees into those new classifications. The fiscal impact for the next year is \$3,705 plus a slight increase in benefits. Town Manager Spitzer said that council will vote on this at the February meeting.

**Road Realignment updates.** Chip Hill began the discussion regarding Phase I of the realignment of Johnston Road. It is behind schedule due to the easement needed because of the water line. Traffic signal posts will have to be moved. The contractor advised that it will take six to eight months to complete after the easement is obtained. Mr. Hill added that the easement should be done by the end of February. The entire project should be complete within the year.

Planning & Zoning Director Travis Morgan began the discussion regarding Phase II. Childers Lane at Johnston Road will be slightly moved to the south, in order to connect the new road. He added that there will be accessible sidewalks along the roadway, as well. This Phase falls under the umbrella of Phase I. Mr. Morgan is hopeful that this will be complete within two months. There will be additional downtown parking once this project is complete.

**Budget Meetings 2024 Calendar.** Finance Director Chris Tucker shared the proposed budget schedule with council. He stated that this year, Davenport Financial Advisors will attend the March 5<sup>th</sup> meeting to help get the best use of the fund balance. This will be a finance-heavy conversation. This is the only meeting that cannot be rescheduled due to their commitment to attend.

Mr. Tucker added that most of the budget meetings should take no more than two hours each. Mr. Spitzer will have his manager’s report ready on April 30<sup>th</sup>, followed by the public hearing in May.

**Finance Report.** Finance Director Tucker provided booklets, as promised at the November meeting, to Council. He explained what this report is and what its purpose is. Council does not vote on this. He noted that electric expenditures are one month ahead. He summarized by adding that he will be bringing updates to the budget for project funds, a/k/a budget amendments.

**Jack Hughes Park Expansion.** Town Manager Ryan Spitzer reported that the FY24 budget had money dedicated to producing a plan for the expansion of Jack Hughes Park. This plan would then be used to engage potential partners in funding the expansion. The Parks and Rec Committee will review the proposal next month. Staff will also do some public engagement around the plan. Previous council’s input was that multi-purpose fields would see more usage. We are looking at adding tennis and pickleball courts, in addition to lacrosse and football. The feasibility study recommended turf. Turf has a fifteen-year lifeline. Ms. Moore asked if we could post telephones at the concession area in case of emergencies, to which Town Manager Spitzer replied yes.

**Meeting Rules & Procedures.** Town Manager Spitzer stated that Council Member Stinson-Wesley had asked that we review the Town’s Meeting Rules and Procedures policy. Council Member McDonough would like to see the three-minute rule enforced for public comment. Mayor Phillips agreed. Public comment should be limited to three minutes for each person, for a total of fifteen minutes for public comment. Town Clerk Snyder will look into getting a red, yellow, and green light system for the council chambers to keep track of time. There was a short discussion of clearing the council chambers when the meetings have ended. Council members will send their proposed changes to the Meeting Rules and Procedures to Town Clerk Snyder and she will prepare an updated copy and present it to council for a vote.

Council Member Danielle Moore moved to go into Closed Session pursuant to NCGS 143.318.11 (5) for acquisition of property, followed by a second made by Council Member Amelia Stinson-Wesley. All ayes.

Council Member Stinson-Wesley moved to leave Closes Session followed by a second made by Council Member Moore. All ayes.

Council Member Stinson-Wesley moved to adjourn the Work Session with a second made by Council Member McDonough. All ayes.

The Mayor adjourned the meeting at 8:47 pm.

\_\_\_\_\_  
David Phillips, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Snyder



**Mayor**  
David Phillips  
**Mayor Pro Tem**  
Ed Samaha  
**Town Manager**  
Ryan Spitzer



**Town Council**  
Amelia Stinson-Wesley  
Chris McDonough  
Danielle Moore  
**Town Clerk**  
Lisa Snyder

**SPECIAL MEETING MINUTES  
TUESDAY, FEBRUARY 6, 2024, AT 6:00 PM  
TOWN HALL COUNCIL CHAMBERS**

The Town Council of the Town of Pineville, NC, met in a Special Meeting on Tuesday, February 6, 2024, at 6:00 pm.

**ATTENDANCE**

Mayor: David Phillips  
Council Members: Chris McDonough, Amelia Stinson-Wesley, Danielle Moore  
Town Manager: Ryan Spitzer  
Town Clerk: Lisa Snyder  
Finance Director: Chris Tucker

Mayor Phillips called the meeting to order at 6:00 pm and stated that this meeting is regarding budget priorities for the FY24-25.

Finance Director Chris Tucker began the meeting by recapping the terminology and outline of the meeting, including budget pressures and the council’s budget priorities. He began with Fund Accounting. Governments use Fund Accounting to segregate certain resources for specific activities. There are four types of funds: Governmental funds, Propriety (Enterprise) funds, Fiduciary funds, and Internal Services Funds. We don’t use Internal Service funds; bigger cities typically have those.

There are three types of governmental funds: A General Fund, which includes property taxes, sales taxes, grants, and other fees that support the debt service and general functions of the Town, including Governing Body, Administration, Finance, HR, Police and Fire, Public Works, Planning, and Parks and Recreation. Special Revenue Funds are used to account for and report the proceeds of a specific revenue that is restricted or committed to expenditure for a specified purpose. Capital Project Funds are used to account for and report financial resources that are restricted or committed to expenditures for major capital projects, such as, the Town Hall building.

The Town’s Major Funds are: General Fund, Electric Fund (Enterprise), ILEC (Enterprise), CLEC (Enterprise), and ARPA Special Revenue Fund (SRF) and Town Hall. Other Town Funds include the 911 PSAP SRF, Asset Forfeiture Special Revenue Fund, Lynnwood/Lakeview Capital Project Fund (CPF), Johnston Drive CPF and the new Fire Station CPF.

He will soon be coming to council to set up the McCullough Greenway fund, Electric Substation, and the Electric Operations Center. Finance Director Tucker went on to explain what the Fund Balance means. It’s the difference between Fund Assets and Fund Liabilities, and the major indicator for the fund’s near-term financial position. Near-term financial position focuses on whether a government’s existing resources and inflows will be sufficient to over its

existing commitments and outflows. Pineville closed FY23 with \$20.8 million in the General Fund of which \$14.8 million was unassigned. This amount represents about eight months of expenditures. The Town has a Fund Balance policy in the General Fund of 40% Fund Balance to Current Year Expenditures. The Town's current ratio is 64.17% of Unassigned Fund Balance.

There are five types of Fund Balance: Non-spendable (accounts receivable, prepaids, leases), Restricted (grant restrictions, i.e.. Powell Bill has to be used strictly for roads), Committed (for intended uses), Assigned (formal use through council action), and Unassigned (available for appropriation, i.e.. Grower's Outlet)

Enterprise Funds. These funds are treated differently due to their business-type nature. Electric earnings pay their electric operations. Bad debt expense and depreciation hits enterprise more frequently. Pineville's Enterprise Funds closed FY23 carrying \$5.1 million in unrestricted net position.

Budget process. Finance Director Tucker continued outlining the budget process. Local governments are required to develop and adopt a balanced budget by June 30<sup>th</sup> of each year to go into effect by July 1<sup>st</sup>. Town Manager Spitzer is the Budget Officer and develops the budget message. The process typically begins in January where departments develop their budget requests based on current and future needs. There are six categories of needs: Salaries and benefits, Operations, Capital Outlay, Debt Service, Contingency, and Transfers to other funds.

During February and March, we process vetting expenditure requests against expected revenues. March through May is dedicated to building a budget plan that also continues to provide expected services while looking toward future needs. Prior to its adoption, the proposed budget is made available to the public in the Town Clerk's office. A public hearing will also be held prior to its adoption in May. The proposed budget will include the tax rate for the upcoming fiscal year. 28.5 cents is the current tax rate per \$100 valuation.

The Fee Schedule is included in the budget and can change each year. Planning and Zoning and Parks and Recreation contain the most fees. This is posted on the Town website.

Property taxes made up about 46% of FY23 actual revenue. It makes up 54% of the of the FY24 original budget revenues. FY24 was a revaluation year and FY28 will be the next. One penny on the tax rate creates \$375,000. Finance Director Tucker explained that revenues first go to the State, then the County distributes it to the municipalities to use.

The first budget workshop will be presented by Davenport Financial Advisors ([www.investdavenport.com](http://www.investdavenport.com)) and they will share peer data, discuss the fund balance policy, debt policy, debt capacity and the best use of that. They will forecast out twenty years. Tax rate scenarios will be reviewed for the Fire Station debt.

Council priorities. Council Member Amelia Stinson-Wesley said that her constituents have been asking about a quiet zone for quite some time along the railway. There are two crossings within Pineville. Town Manager Spitzer shared that there is a one-time fee of about \$600,000 to have it done.

Council Member Danielle Moore said that she would like to see the Town get a marketing manager. Town Manager Spitzer replied that he is currently looking into that and that we are using Klik Marketing at this time to help us out with our social media and website. Ms. Moore added that she would also like to have more crosswalks and a fence around the police station for added security. Mayor Phillips concurred and added that he would like to see a sign indicating which building is the Police department and which is Town Hall for our residents and visitors.

Council Member Stinson-Wesley added that she has received comments about widening the sidewalks for our Downtown businesses and possibly removing the parking spaces on Main Street. Council Member Moore also would like to see more beautification of the Town, something like Hilton Head. Mayor Phillips would like to see sidewalks from Lowry Street to the bridge.

Mayor Pro Tem Ed Samaha and Council Member Moore discussed adding money to Pineville Neighbor's Place to take care of our residents who need it. He suggested \$50,000, which he feels is a healthy amount. Council Members Stinson-Wesley and Moore concurred. They feel that taking care of the community is part of council's job.

Town Manager Spitzer asked council if they wanted to continue our contract with Waste Pro or go with another trash service. Waste Pro's contract is up June 30<sup>th</sup>. Council members said to stay with Waste Pro.

Finance Director summarized what was discussed and asked council to review the proposed budget calendar. The calendar will be up for approval on February 13<sup>th</sup>.

The Special Meeting was adjourned at 8:00 pm.

\_\_\_\_\_  
Mayor David Phillips

**ATTEST:**

\_\_\_\_\_  
Lisa Snyder, Town Clerk



OUR PATIENTS



OUR PEOPLE



OUR STEWARDSHIP

# PINEVILLE RESPONSE CONFIGURATION UPDATE

February 2024

# CONTENTS

- ✿ Overview
- ✿ Public Outreach
- ✿ Predictions
- ✿ Changes Post-Launch
- ✿ Impact
  - Traffic accidents
  - Lights & Sirens Responses/Transports
  - First Responder Scene Times
  - Call volume
  - First Responder Only Responses
- ✿ Morbidity & Mortality

# OVERVIEW

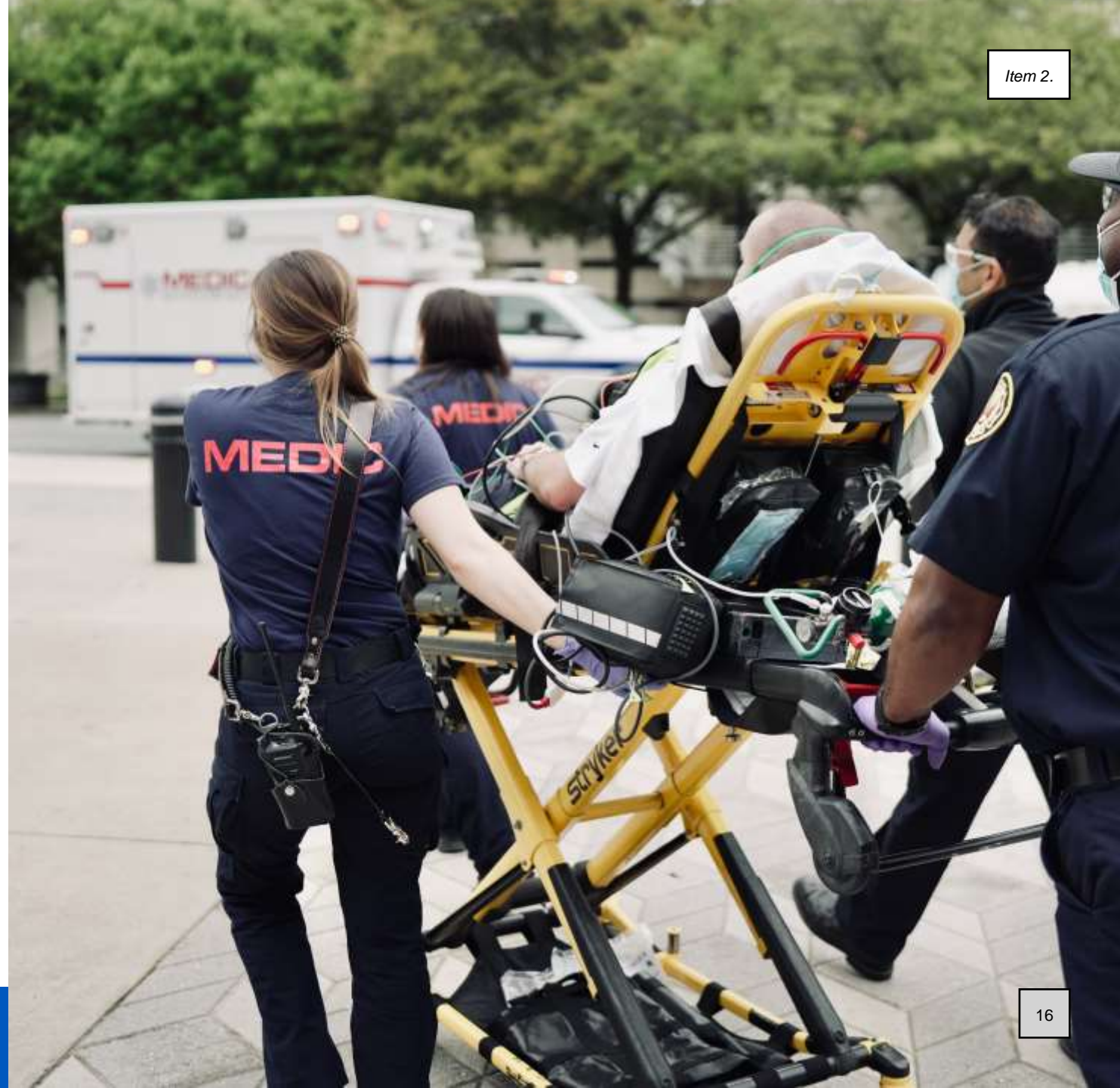
- ✿ Why: Appropriate resource allocation & patient prioritization
- ✿ What: Resource type, mode, and time targets
- ✿ When: Effective April 17, 2023
- ✿ Who: Collaborative project under guidance of Medical Direction
  - Medic Agency Board of Commissioners/Medical Control Board
  - Charlotte Fire Department
  - Mecklenburg County Fire Departments/ETJs
  - Charlotte-Mecklenburg Police Departments
  - County law enforcement agencies

# PUBLIC OUTREACH PRE-LAUNCH

- ✿ 16 formal meetings/presentations (all county districts)
- ✿ Traditional media & paid social media campaign
- ✿ Public resource website w/ language translation feature
- ✿ Promotional partnerships with Mecklenburg County, towns/city government, first responder partners, and the Charlotte-Mecklenburg Community Relations team (bilingual outreach)
- ✿ Ongoing focus of 911 education

# PREDICTIONS

- ⌘ No adverse impact to patient outcomes
- ⌘ Improved resource alignment based on patient condition
- ⌘ Reduction of lights and sirens responses
- ⌘ Reduction of traffic accidents
- ⌘ Reduction of first responder volume

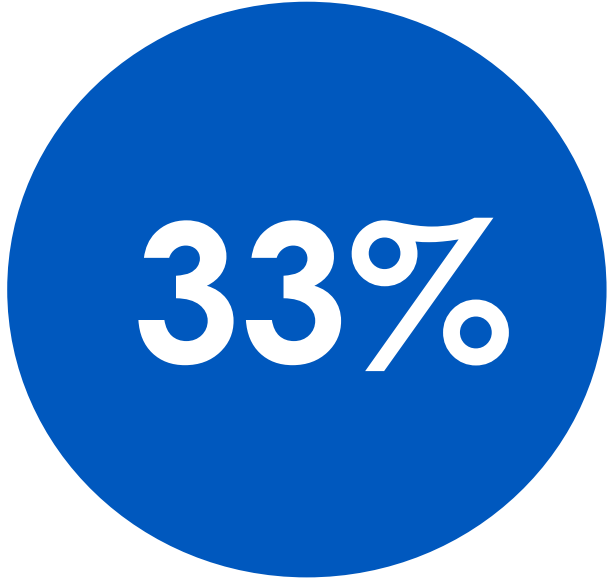




# CHANGES POST-LAUNCH

- ✚ Maintained feedback mechanism with first responders and employees
  - Resulted in updates to Standard Operating Guidelines
  
- ✚ Re-classified 6 call types to a higher priority response
  - Modified 32 sub-determinants
  
- ✚ Discontinued practice of dispatching an ambulance prior to understanding patient's condition
  
- ✚ Data management

# IMPACT: Medic involved traffic accidents

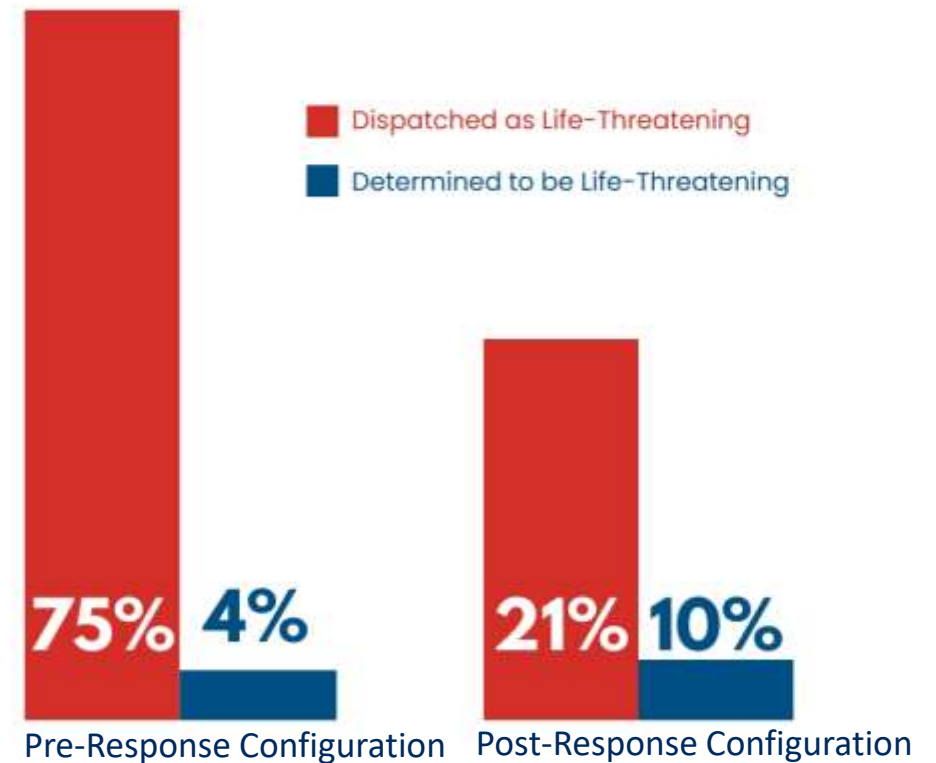


33% reduction in Medic-involved traffic accidents responding with lights and sirens (**2.25 average per month** pre-response configuration vs. **1.5 per month** post-response configuration)

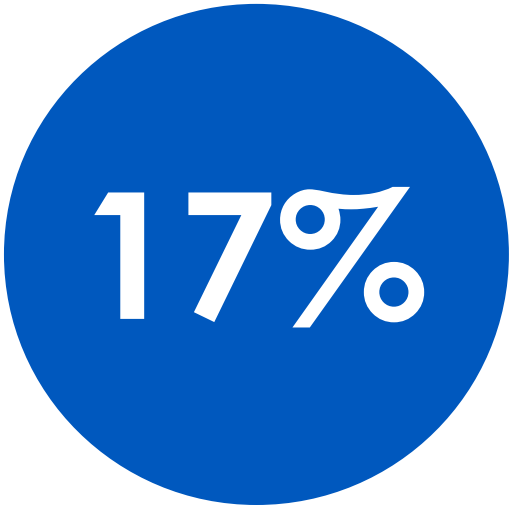
# IMPACT: Medic Lights & Sirens Responses & Transports

☘ Pre-response configuration, Medic responded to **9,506** 911 calls with lights & sirens on average per month vs **2,772** per month post-response configuration; a reduction of **71%**

Prediction: 72%



# IMPACT: First Responder Volume & scene times



A seventeen percent decrease of the number of EMS 911 calls fire departments responded to countywide

**Prediction:  
10%**



One minute and 18 second increase to the amount of time fire departments were on scene for EMS 911 calls countywide

**Prediction:  
≤ 0:02:00**

*Volume Data includes May-Dec 2022 vs. May-Dec 2023  
Scene Time Data compares Pre-Response Configuration April 2022-March 2023 vs. May 2023-December 2023  
Data includes county first responders only; Medic does not have access to Charlotte Fire Department data*

# IMPACT: First Responder Scene Time

Department	Pre Config (Apr 22- Mar 23)	Post Config (May-Dec 2023)	Change
Carolina	0:15:43	0:17:35	0:01:52
Cooks	0:16:40	0:20:09	0:03:28
Cornelius	0:15:17	0:16:50	0:01:32
Davidson	0:17:26	0:18:52	0:01:26
Huntersville	0:14:27	0:15:13	0:00:45
Idlewild	0:18:38	0:20:54	0:02:15
Long Creek	0:17:37	0:17:33	-00:00:04
Matthews	0:17:00	0:18:53	0:01:53
Mint Hill	0:19:15	0:21:02	0:01:47
<b>Pineville</b>	<b>0:14:57</b>	<b>0:17:03</b>	<b>0:02:06</b>
Robinson	0:17:07	0:17:56	0:00:49
Steele Creek	0:20:04	0:18:47	-00:01:18
West Meck	0:17:30	0:18:14	0:00:44
<b>Overall</b>	<b>0:16:36</b>	<b>0:17:54</b>	<b>0:01:18</b>

Each county fire department is impacted differently due to call volume affecting sample size

# IMPACT: Call Volume

Volume Change Pre/Post Config						
	Total	Total EMS	Total Fire	Total Arrival	Total EMS Arrival	Total Fire Arrival
Carolina	-18%	-18%	-20%	-21%	-19%	-28%
Cooks	-7%	-16%	10%	-6%	-13%	10%
Cornelius	-12%	-23%	4%	-14%	-22%	-1%
Davidson	-4%	-16%	11%	-9%	-15%	2%
Huntersville	-9%	-15%	7%	-9%	-13%	3%
Idlewild	-21%	-24%	-18%	-21%	-23%	-14%
Long Creek	-9%	-16%	15%	-10%	-17%	18%
Matthews	-13%	-17%	-4%	-15%	-18%	-12%
Mint Hill	-9%	-10%	-8%	-12%	-13%	-11%
<b>Pineville</b>	<b>-17%</b>	<b>-20%</b>	<b>-9%</b>	<b>-16%</b>	<b>-19%</b>	<b>-6%</b>
Robinson	-16%	-20%	-8%	-16%	-22%	8%
Steele Creek	-6%	0%	-16%	-4%	1%	-18%
West Meck	-8%	-16%	15%	-12%	-17%	7%
Total	-11%	-16%	-2%	-13%	-16%	-4%

# IMPACT: Call volume

Predicted vs Actual Call Volume Percentages							
Response Time Standard	10:59	15:00	30:00	60:00	90:00	ON/OP/OC	FROR
% of call volume pre-change	20%	48%	0%	23%	1%	2%	6%
Predicted % of call volume	19%	18%	25%	10%	.1%	9%	19%
Actual % of call volume post change May 2023-Dec 2023	21%	31% (13% no FR)	21% (11% no FR)	14%	1%	<1%	12%

# IMPACT: First Responder Only Responses

Pre Response Configuration April 22 to March 23	Total Count FROR	% With Medic Dispatched
CFD FROR	9013	55%
County Fire FROR	0	0%
Post Response Configuration May 23 to Dec 23	Total Count FROR	% With Medic Dispatched
CFD	9299	41%
Carolina	23	28%
Cooks	40	35%
Cornelius	196	25%
Davidson	91	25%
Huntersville	489	24%
Idlewild	164	30%
Long Creek	57	30%
Matthews	256	33%
Mint Hill	168	29%
<b>Pineville</b>	<b>231</b>	<b>31%</b>
Robinson	80	16%
Steele Creek	125	0%
West Meck	78	7%
<b>Total</b>	<b>11297</b>	<b>39%</b>



# Morbidity

Is Medic appropriately treating patients with the most serious conditions?

# Mortality

Has the rate of mortality increased?

# CLINICAL IMPACT: Low acuity responses resulting in a high priority transport

PRE-RESPONSE CONFIGURATION APRIL 2022-MARCH 2023	
Total Transported P1	244
Total Low Acuity Calls	39,623
% Low Acuity That Go P1	.6%

POST-RESPONSE CONFIGURATION MAY- DECEMBER 2023	
Total Transported P1	424
Total Low Acuity Calls	43,399
% Low Acuity That Go P1	.98%

- 911 calls categorized as non-life threatening that resulted in a high priority response happened .98% of the time after Response Configuration launch, which is **better than predicted**.

# CLINICAL IMPACT: Cardiac Arrests

Month	Total Cases	Total ROSC
May 2022	78	27
June 2022	72	27
July 2022	75	22
Aug 2022	60	18
Sep 2022	82	26
Oct 2022	74	22
Nov 2022	87	31
Dec 2022	97	25
<b>Total</b>	<b>625</b>	<b>198</b>

Month	Total Cases	Total ROSC
May 2023	71	27
June 2023	74	26
July 2023	71	27
Aug 2023	75	27
Sep 2023	91	29
Oct 2023	59	23
Nov 2023	79	29
Dec 2023	81	28
<b>Total</b>	<b>601</b>	<b>216</b>

Medic achieved ROSC **36%** of the time post-response configuration changes vs. **32%** pre-response configuration. Medic continues to perform well above the national average of **27%**

# CLINICAL IMPACT: Mortality

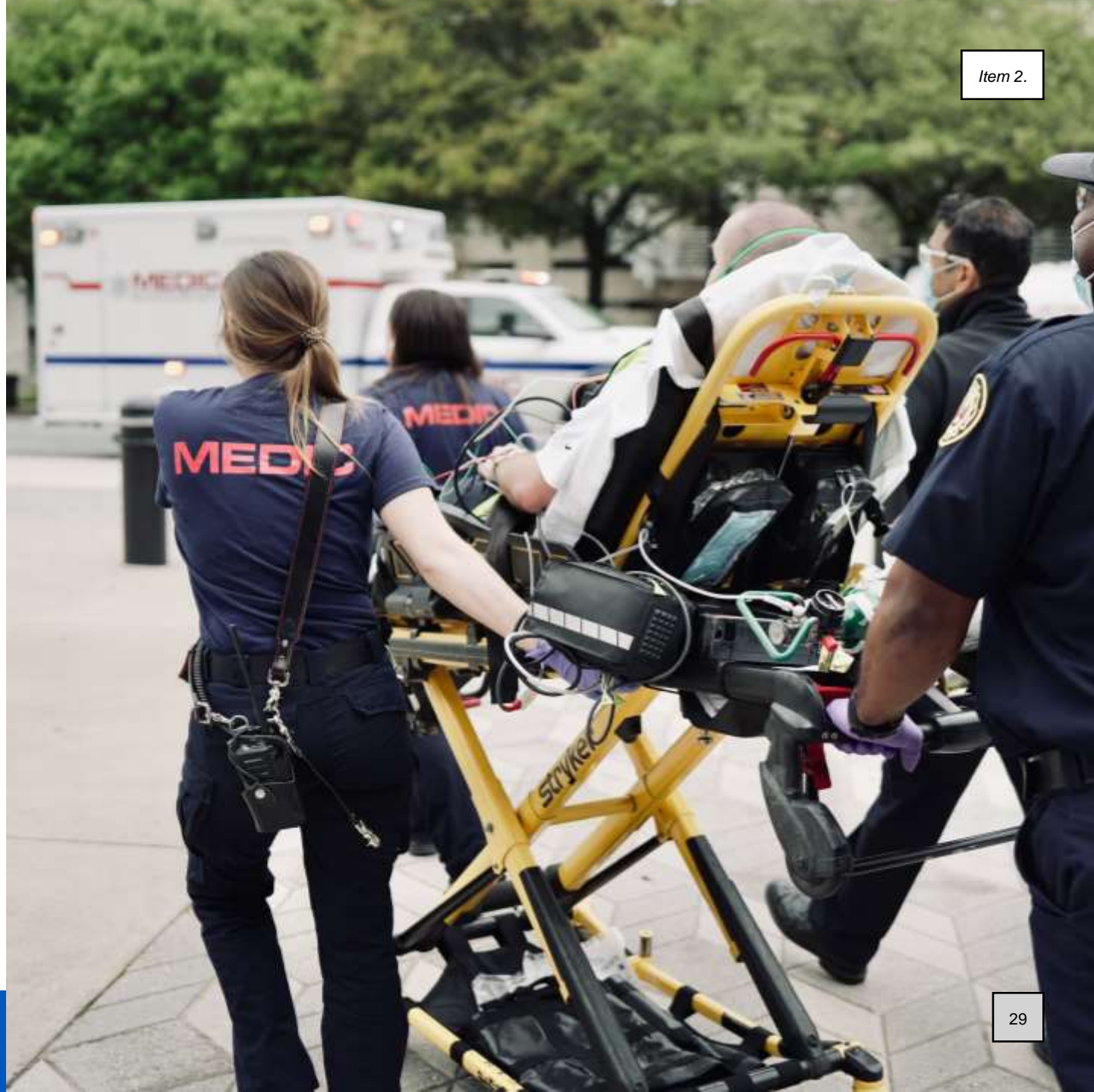
	May-December 2022	May-December 2023
Mortality Count	1027	890
Total 911 Patients	82,179	83,346

- Medic has seen no significant change in the number of patients with documented termination of resuscitation prior to transport post-response configuration change.

# OVERVIEW:

## Outcomes

- ✓ No adverse impact to patient outcomes
- ✓ Improved resource alignment based on patient condition
- ✓ Reduction of lights and sirens responses
- ✓ Reduction of traffic accidents
- ✓ Reduction of first responder volume





# QUESTIONS





**RESOLUTION NO. 2024-03**

**RESOLUTION OF THE TOWN OF PINEVILLE, NORTH CAROLINA  
RECOGNIZING THE SERVICE OF POLICE DETECTIVE, GARY  
HINEBAUGH, DECLARING HIS SERVICE WEAPON AND BADGE AS  
SURPLUS AND AWARDING THEM TO HIM UPON HIS RETIREMENT**

**WHEREAS**, N.C.G.S. 20-187.2 authorizes governing boards of law enforcement agencies to award retiring officers with their badge and service weapon; and

**WHEREAS**, Gary Hinebaugh served on the Pineville Police Force from December 17, 1998, until his retirement on February 1, 2024, as Police Detective; and

**WHEREAS**, The Pineville Town Council has declared his service weapon, a Glock 43, 9mm, Serial #ADSR-644 and his Detective’s Badge as surplus and awarded these items to him on the occasion of his retirement;

**NOW, BE IT FURTHER RESOLVED** that Gary Hinebaugh be recognized for his dedicated service in protecting the rights and freedoms, as well as ensuring the safety of the residents of the Town of Pineville.

Adopted this 13th day of February 2024.

\_\_\_\_\_  
David Phillips, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Snyder, Town Clerk



## TOWN COUNCIL AGENDA ITEM

**MEETING DATE: February 13, 2024**

Agenda Title/Category:	<b>FYE24 Audit Contract / Consent Agenda or New Business</b>			
Staff Contact/Presenter:	<b>Christopher Tucker, Finance Director</b>			
Meets Strategic Initiative or Approved Plan:	<b>Yes</b>	<b>No</b>	If yes, list:	<b>N/A</b>
Background:	<b>NC General Statutes require an independent CPA review the financial representations of the Town at the close of each fiscal year.</b>			
Discussion:	<b>Staff wishes to remain engaged with Martin Starnes and Associates via annual contract.</b>			
Fiscal impact:	<b>MSA has a presented a contract not to exceed \$67,950.</b>			
Attachments:	<b>Staff Memo, FYE24 Audit Contract</b>			
Recommended Motion to be made by Council:	<b>Approve as Presented</b>			





February 8, 2024

To: Honorable Mayor and Town Council  
Ryan Spitzer, Town Manager  
Lisa Snyder, Town Clerk

From: Christopher Tucker, Finance Director CMT

RE: Council Action Request – Audit Contract

For Council's consideration at the February 13, 2024 Council Meeting, please find attached for approval, [FYE2024 Audit Contract with Martin Starnes and Associates](#) in the amount of **\$63,950**.

In accordance with NC General Statutes, the Town is required to have an annual independent audit by a CPA or CPA firm. Martin Starnes & Associates, CPAs, P.A. (MSA) from Hickory, NC has conducted the Town's annual independent audit for the last several years. MSA is a widely respected firm for governmental audits in North Carolina and our previous engagements should be considered successful.

MSA has presented a [contract to audit](#) the Town's [Fiscal Year Ending \(FYE\) 2024 financial statements](#) in the amount of **\$56,550**. Additionally, the contract presents **\$7,400** to write the financial statements.

The contract also presents a **\$4,000** fee per major program above the two included in the contract. Staff does not anticipate a third major program will be required.

Staff recommends the Town continues its relationship with MSA via contract approval.

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

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

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

*Hereinafter referred to as Auditor*

for	Fiscal Year Ending 06/30/24	Date Audit Will Be Submitted to LGC 10/31/24
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*Must be within four months of FYE*

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.
  
2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards (GAGAS)* if the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period. The auditor shall perform a Single Audit if required by Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart F* (Uniform Guidance) or the State Single Audit Implementation Act. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

Effective for audits of fiscal years beginning on or after June 30, 2023, the LGC will allow auditors to consider whether a unit qualifies as a State low-risk auditee based upon federal criteria in the Uniform Guidance §200.520(a), and (b) through (e) as it applies to State awards. In addition to the federal criteria in the Uniform Guidance, audits must have been submitted timely to the LGC. If in the reporting year, or in either of the two previous years, the unit reported a Financial Performance Indicator of Concern that the audit was late, then

the report was not submitted timely for State low-risk auditee status. Please refer to "Discussion of Single Audits in North Carolina" on the LGC's website for more information.

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

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

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

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.

7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

For GAAS or *Government Auditing Standards* audits, if an auditor issues an AU-C §260 report, commonly referred to as "Governance Letter," LGC staff does not require the report to be submitted unless the auditor cites significant findings or issues from the audit, as defined in AU-C §260.12 - .14. This would include issues such as difficulties encountered during the audit, significant or unusual transactions, uncorrected misstatements, matters that are difficult or contentious reviewed with those charged with governance, and other significant matters. If matters identified during the audit were required to be reported as described in AU-C §260.12-.14 and were communicated in a method other than an AU-C §260 letter, the written documentation must be submitted.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is also required for the Alternative Compliance Examination Engagement for auditing the Coronavirus State and Local Fiscal Recovery Funds expenditures as allowed by US Treasury. Approval is not required on audit contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. This also includes any progress billings [G.S. 159-34 and 115C-447]. All invoices for audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.
10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).
11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.
12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.
13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

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

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

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

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

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

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

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

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

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

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.
24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.
25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.
27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Government Auditing Standards, 2018 Revision* (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.
- All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.
28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:
- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
  - b) the status of the prior year audit findings;
  - c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
  - d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.
29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

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

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

**FEEES FOR AUDIT SERVICES**

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Government Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by:  Auditor  Governmental Unit  Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

<b>Name:</b>	<b>Title and Unit / Company:</b>	<b>Email Address:</b>
Christopher Tucker	Finance Director, Town of Pineville	ctucker@pinevillenc.gov

**OR Not Applicable**  (Identification of SKE Individual on the LGC-205 Contract is not applicable for GAAS-only audits or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. The audit fee information included in the table below for both the Primary Government Fees and the DPCU Fees (if applicable) should be reported as a specific dollar amount of audit fees for the year under this contract. If any language other than an amount is included here, the contract will be returned to the audit form for correction.

4. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

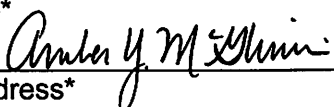
<b>Primary Government Unit</b>	Town of Pineville, NC
Audit Fee (financial and compliance if applicable)	\$ 56,550 (\$52,550 audit + \$4,000 single audit for up to 2 programs)
Fee per Major Program (if not included above)	\$ 4,000 per major program in excess of 2
<b>Additional Fees Not Included Above (if applicable):</b>	
Financial Statement Preparation (incl. notes and RSI)	\$ 7,400
All Other Non-Attest Services	\$
<b>TOTAL AMOUNT NOT TO EXCEED</b>	<b>\$ 67,950 (includes 3 major programs)</b>

<b>Discretely Presented Component Unit</b>	N/A
Audit Fee (financial and compliance if applicable)	\$
Fee per Major Program (if not included above)	\$
<b>Additional Fees Not Included Above (if applicable):</b>	
Financial Statement Preparation (incl. notes and RSI)	\$
All Other Non-Attest Services	\$
<b>TOTAL AMOUNT NOT TO EXCEED</b>	<b>\$</b>



**SIGNATURE PAGE**

**AUDIT FIRM**

Audit Firm* Martin Starnes & Associates, CPAs, P.A.	
Authorized Firm Representative (typed or printed)* Amber Y. McGhinnis	Signature* 
Date* 02/07/24	Email Address* amcghinnis@msa.cpa

**GOVERNMENTAL UNIT**

Governmental Unit* Town of Pineville, NC	
Date Governing Board Approved Audit Contract* (Enter date in box to right)	
Mayor/Chairperson (typed or printed)* David Phillips, Mayor	Signature*
Date	Email Address* dphillips@pinevillenc.gov

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

**GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE**

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

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

Sum Obligated by This Transaction:	\$ 67,950 (includes 3 major programs)
Primary Governmental Unit Finance Officer* (typed or printed) Christopher Tucker, Finance Director	Signature*
Date of Pre-Audit Certificate*	Email Address* ctucker@pinevillenc.gov

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

**DISCRETELY PRESENTED COMPONENT UNIT**

DPCU* N/A	
Date DPCU Governing Board Approved Audit Contract* <b>(Enter date in box to right)</b>	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

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

**DPCU – PRE-AUDIT CERTIFICATE**

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

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

Sum Obligated by this Transaction:	\$
DPCU Finance Officer (typed or printed)* N/A	Signature*
Date of Pre-Audit Certificate*	Email Address*

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

PRINT



**Koonce, Wooten & Haywood, LLP**  
CERTIFIED PUBLIC ACCOUNTANTS

## Report on the Firm's System of Quality Control

To the Shareholders of Martin Starnes & Associates, CPAs, P.A. and the Peer Review Committee, Coastal Peer Review, Inc.

We have reviewed the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. (the firm) in effect for the year ended December 31, 2020. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

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

### Firm's Responsibility

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

### Peer Reviewer's Responsibility

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

### Required Selections and Considerations

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

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

### Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. in effect for the year ended December 31, 2020, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Martin Starnes & Associates, CPAs, P.A. has received a peer review rating of *pass*.

*Koonce, Wooten & Haywood, LLP*

Koonce, Wooten & Haywood, LLP

May 4, 2021

#### Raleigh

4060 Barrett Drive  
Post Office Box 17806  
Raleigh, North Carolina 27619

919 782 9265  
919 783 8937 FAX

#### Durham

3500 Westgate Drive  
Suite 203  
Durham, North Carolina 27707

919 354 2584  
919 489 8183 FAX

#### Pittsboro

579 West Street  
Post Office Box 1399  
Pittsboro, North Carolina 27312

919 542 6000  
919 542 5764 FAX

#### Smithfield

212 East Church Street  
Post Office Box 2348  
Smithfield, North Carolina 27577

919 934 1121  
919 934 1217 FAX



## TOWN COUNCIL AGENDA ITEM

**MEETING DATE: February 13, 2024**

Agenda Title/Category:	<b>Tax Refunds / Consent Agenda</b>			
Staff Contact/Presenter:	<b>Christopher Tucker, Finance Director</b>			
Meets Strategic Initiative or Approved Plan:	<b>Yes</b>	<b>No</b>	If yes, list:	<b>N/A</b>
Background:	Throughout the year, taxpayers may appeal their tax bills to the Mecklenburg County Assessor and/or Tax Collector. If the bill has been paid prior to the successful appeal, the County will advise the Town to refund the taxes paid with interest.			
Discussion:				
Fiscal impact:	Ad Valorem Tax Revenue will <b>decrease</b> by \$36K			
Attachments:	Staff Memo, Refund Guidance from County (x3)			
Recommended Motion to be made by Council:	<b>Approve as Presented</b>			



February 8, 2024

To: Honorable Mayor and Town Council  
Ryan Spitzer, Town Manager  
Lisa Snyder, Town Clerk

From: Christopher Tucker, Finance Director CMT

RE: Council Action Request – Tax Refunds

For Council’s consideration at the February 13, 2024 Council Meeting, please find attached the below tax refunds per Mecklenburg County guidance.

2023	10306 Industrial LLC	(\$547.77)
2023	CBRE Loan Services Inc / FBTM Tax Service Disb (x3)	(\$34,602.71)
2023	BMW Manufacturing Co LLC	(\$18.52)
2023	John, Richard S & Barbara B	(\$26.22)
2023	McCoy, Michael W & Alberta L	(\$36.77)
2023	Midland Loan Servicing LP	(\$526.11)
	<b>TOTAL:</b>	<b>(\$35,758.10)</b>

Item 5.

**PINEVILLE Refunds**

Tax Year	Bill Number	Parcel #	Source Type	Adj. #	Adj. Reason	Date of Adj.	Recipient Name	Address	City	State	Zip Code	Payment Date for Interest Calculation	Refund Amount (\$)	Total Interest to Pay if mailed on or before 2/1/2024 (\$)	Total Interest to Pay if mailed on or before 2/12/2024 (\$)
2023	0001968787-2023-2023-0000-00	20508107	REI	617977	BER Decision	11/14/2023	10306 INDUSTRIAL LLC	PO BOX 241689	CHARLOTTE	NC	28224	1/6/2024	547.77	15.06	15.06
<b>TOTAL</b>													<b>547.77</b>	<b>15.06</b>	<b>15.06</b>

**PINEVILLE Refunds**

Tax Year	Bill Number	Parcel #	Source Type	Adj. #	Adj. Reason	Date of Adj.	Recipient Name	Address	City	State	Zip Code	Payment Date for Interest Calculation	Refund Amount (\$)	Total Interest to Pay if mailed on or before 2/21/2024 (\$)	Total Interest to Pay if mailed on or before 3/1/2024 (\$)
2023	0002014780-2023-2023-0000-00	22109116	REI	619669	BER Decision	1/10/2024	CBRE LOAN SERVICES INC/ FBTM TAX SERVICE	929 GESSNER RD STE 1700	HOUSTON	TX	77024	1/6/2024	7,698.42	211.71	269.44
2023	0002014778-2023-2023-0000-00	22109115	REI	619671	BER Decision	1/10/2024	CBRE LOAN SERVICES INC/FBTM TAX SERVICE DISB	929 GESSNER RD STE 1700	HOUSTON	TX	77024	1/6/2024	18,620.76	512.07	651.73
2023	0002014782-2023-2023-0000-00	22109117	REI	619668	BER Decision	1/10/2024	CBRE LOAN SERVICES INC/FBTM TAX SERVICE DISB	929 GESSNER RD STE 1700	HOUSTON	TX	77024	1/6/2024	8,283.53	227.80	289.92
<b>TOTAL</b>													<b>34,602.71</b>	<b>951.58</b>	<b>1,211.09</b>

**PINEVILLE Refunds**

Tax Year	Bill Number	Parcel #	Source Type	Adj. #	Adj. Reason	Date of Adj.	Recipient Name	Address	City	State	Zip Code	Payment Date for Interest Calculation	Refund Amount (\$)	Total Interest to Pay if mailed on or before 3/6/2024 (\$)	Total Interest to Pay if mailed on or before 3/15/2024 (\$)
2023	0008157627-2023-2023-0000-00		BUS	620185	BER Decision	1/29/2024	BMW MANUFACTURING CO LLC	PO BOX 30847	CHARLOTTE	NC	28230	1/6/2024	18.52	0.65	0.65
2023	0008097599-2023-2023-0000-00	22101655	REI	619834	BER Decision	1/18/2024	JOHN, RICHARD S AND JOHN, BARBARA B	1705 CEDAR PARK DR	PINEVILLE	NC	28134	1/6/2024	26.22	0.92	0.92
2023	0002014739-2023-2023-0000-00	22108506	REI	619780	BER Decision	1/18/2024	MCCOY, MICHAEL W AND MCCOY, ALBERTA L	PO BOX 224	PINEVILLE	NC	28134	1/6/2024	36.77	1.29	1.29
2023	0002016381-2023-2023-0000-00	22119216	REI	620001	BER Decision	1/26/2024	MIDLAND LOAN SERVICING LP (1728)	10851 MASTIN SUITE 300	OVERLAND PARK	KS	66210	1/6/2024	526.11	18.41	18.41
<b>TOTAL</b>													<b>607.62</b>	<b>21.27</b>	<b>21.27</b>





## TOWN COUNCIL AGENDA ITEM

**MEETING DATE: February 13, 2024**

Agenda Title/Category:	<b>Budget Amendment 2024-3 / Consent Agenda or New Business</b>			
Staff Contact/Presenter:	<b>Christopher Tucker, Finance Director</b>			
Meets Strategic Initiative or Approved Plan:	<b>Yes</b>	<b>No</b>	If yes, list:	<b>N/A</b>
Background:	<p><b>In July 2023, the Manager presented a contract with Mid-Atlantic Associates in the amount of \$215,000 to perform preliminary site evaluations and testing at the Growers Outlet site and to be the Town’s Registered Environmental Consultant (REC). The previous Council approved 3-0.</b></p>			
Discussion:	<p><b>A budget amendment is needed to accommodate the approved contract.</b></p>			
Fiscal impact:	<p><b>The amendment would increase fund balance appropriated and increase the General Govt. appropriation in the amount of \$215,000.</b></p>			
Attachments:	<p><b>Staff Memo, BA#2024-3</b></p>			
Recommended Motion to be made by Council:	<p><b>Staff recommends approval as presented.</b></p>			



February 8, 2024

To: Honorable Mayor and Town Council  
Ryan Spitzer, Town Manager  
Lisa Snyder, Town Clerk

From: Christopher Tucker, Finance Director CMT

RE: Council Action Request – Budget Amendment 2024-3

For Council’s consideration at the February 13, 2024 Council Meeting, please find attached Budget Amendment 2024-3.

The purpose of the budget amendment is to increase **Fund Balance Appropriated** revenue and increase **General Government** appropriations in the amount of **\$215,000** for expenditures associated with **REC Program at Growers Outlet site**. The previous Council approved the program contract with Mid-Atlantic Associates at the July 11, 2023 meeting.

Staff recommends approval as presented.

**TOWN OF PINEVILLE NC**  
**BUDGET AMENDMENT #2024-3**  
 February 13, 2024  
 FISCAL YEAR 2023-2024

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
<b>General Fund</b>					
3990.0000.10	Revenue	Fund Balance Appropriated	1,163,000	215,000	1,378,000
Total Fund Revenues			<u>20,405,000</u>	<u>215,000</u>	<u>20,620,000</u>
	Expenditure	General Government	2,915,974	215,000	3,130,974
Total Fund Expenditures			<u>20,405,000</u>	<u>215,000</u>	<u>20,620,000</u>

*DESCRIPTION: To increase Fund Balance Appropriated revenue and appropriate towards REC Program expenditures*

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Budget Officer



\_\_\_\_\_  
 Town Clerk

\_\_\_\_\_  
 Finance Director

# Public Hearing

## Pineville PLANNING & ZONING

**To:** Town Council

**From:** Travis Morgan

**Date:** 2/13/2024

**Re:** Citizen Road Rename Request (*Public Hearing*)

---

### **REQUEST:**

Mr. Baskins requests current Jack Hughes Lane be renamed Yandell Street.

### **STAFF COMMENT:**

Council had considered names for the newly set plat map setting the roadway of Jack Hughes Lane from February of 2017. A street sign is needed for the road. Town controls almost all of the property around the roadway so property owner name change complications and procedure with addressing would be on the Town rather than residents or businesses. The current road name was chosen since it was most logical and straightforward as the road serves as primary access into Jack Hughes Park.

### **PROCEDURE:**

This is the public hearing for public comment on the proposal. You may vote on the proposal after the close of the public hearing, or you may vote to continue the public meeting into the future.

### **NEXT STEPS:**

For any road renaming to be official, the name needs to be approved through Mecklenburg County addressing and emergency services. W.A. Yandell as a name was rejected. There is Yandle Lane in Sterling neighborhood outside of Pineville so any name chosen would need to be vetted to be officially recognized.





## TOWN COUNCIL AGENDA ITEM

MEETING DATE: 2/13/2024

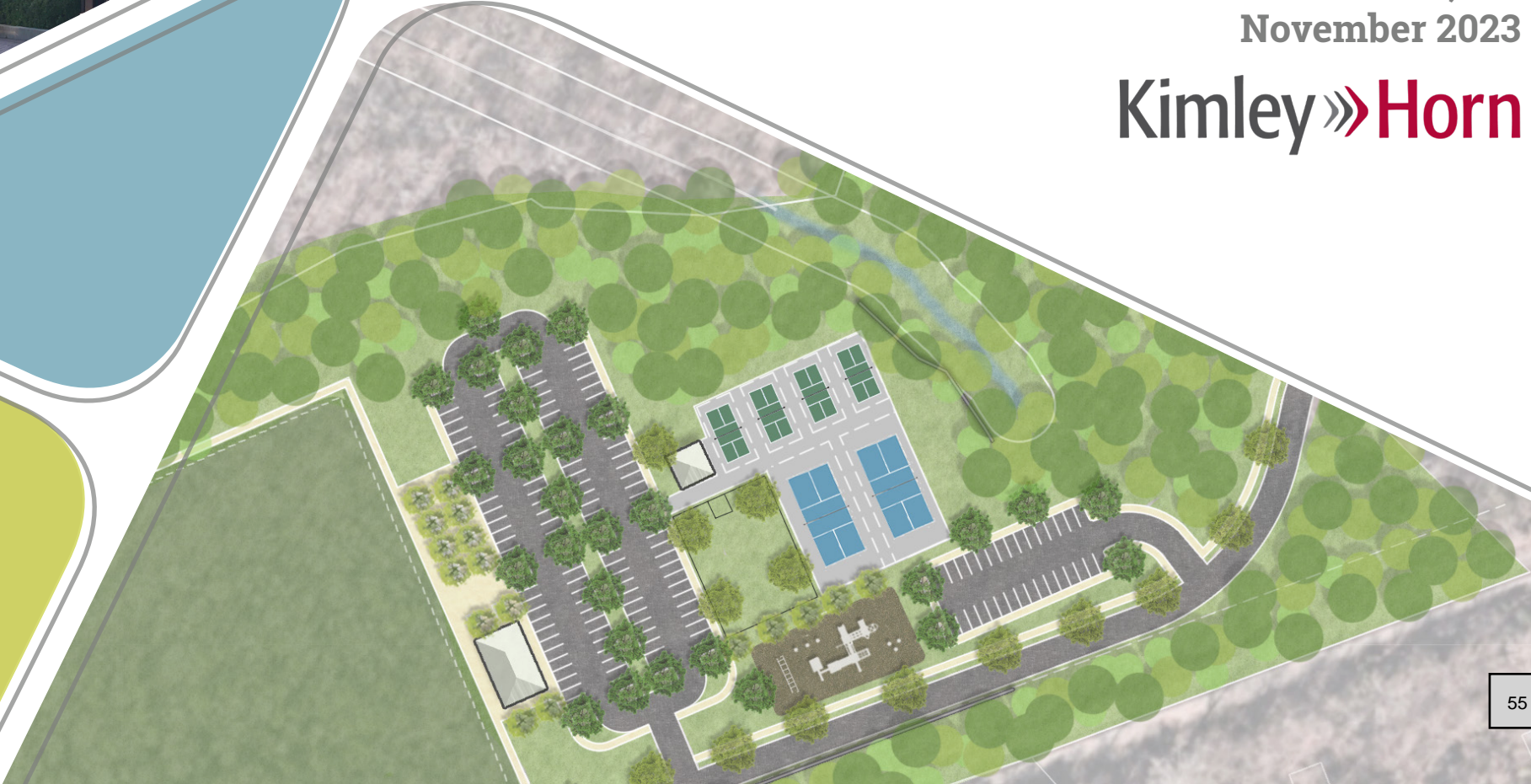
Agenda Title/Category:	Jack Hughes Park Expansion			
Staff Contact/Presenter:	Matthew Jakubowski/Ryan Spitzer/Laura Handleton (Kimley Horn)			
Meets Strategic Initiative or Approved Plan:	Yes	No	If yes, list:	
Background:	Approved feasibility study for Jack Hughes Park			
Discussion:	Public hearing on Feasibility Study			
Fiscal impact:				
Attachments:	Feasibility Design			
Recommended Motion to be made by Council:	Recommend approving Feasibility Study and design of Jack Hughes expansion			



# Jack D Hughes Park Feasibility Report

Town of Pineville, NC  
November 2023

**Kimley»Horn**



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- 02 SITE DATA

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- 05 FEMA FLOODPLAIN MAP
- 06 POTENTIAL T/E SPECIES HABITAT MAP
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## Project Background

Jack D. Hughes is a highly used community park. It is used primarily for sports and attracts tournaments and events from all over the county. The current park area, which is about 30 acres, contains 3 baseball fields and a multi-use field as well as bathrooms, concessions, and shelters to serve these facilities. These fields are a great asset to the community, but demand is exceeding the space provided today.

To meet community demands for sports facilities, the town of Pineville is proposing to expand Jack D. Hughes Park into the 72-acre parcel to the south. This parcel is already owned by the Town.

The purpose of this document is to provide relevant information to aid Town Council's decision about developing this park expansion.

## Site Programming

As a part of this project process, the consultant (Kimley-Horn) has consulted with Matthew Jakubowski and Ryan Spitzer from the Town of Pineville. Based on the programming analysis completed with this team, the park should include the amenities below.

### Amenities:

- Two new multi-use fields
- Two new tennis courts
- Four new pickleball courts
- New play area
- Two new shelters
- A restroom and concession building

### Additional site elements:

- Parking (approximately 210 spaces)
- Fifty foot screen buffer adjacent to residential lots per zoning code section 6.5.40.H
- Access road off of existing Jack D Hughes Lane

## Development Requirements

The proposed park parcels will be governed by the Town of Pineville Zoning Ordinance. The parcel (22149115) is owned by the Town of Pineville, is currently zoned Residential Mixed Use (RMX) and is in the Residential Overlay District. This report is a feasibility study intended to aid Town Council in their decision to pursue the development of the Jack D Hughes Park expansion. Should they choose to move forward with the park, the following will be needed:

### Development Requirements:

- ALTA survey
- Environmental Study
- Land development permit
- Building permit for the restroom and concession building
- A lighting plan must be provided prior to approval. (6.5.40.B)
- A trip generation report must be provided and any recommendations from the report must be completed by the applicant (6.5.40.F)

A floodplain development permit may be needed based on survey information and final design. Based on the current design, no floodplain development permit is needed. See note 1 below for more information.

### Note 1:

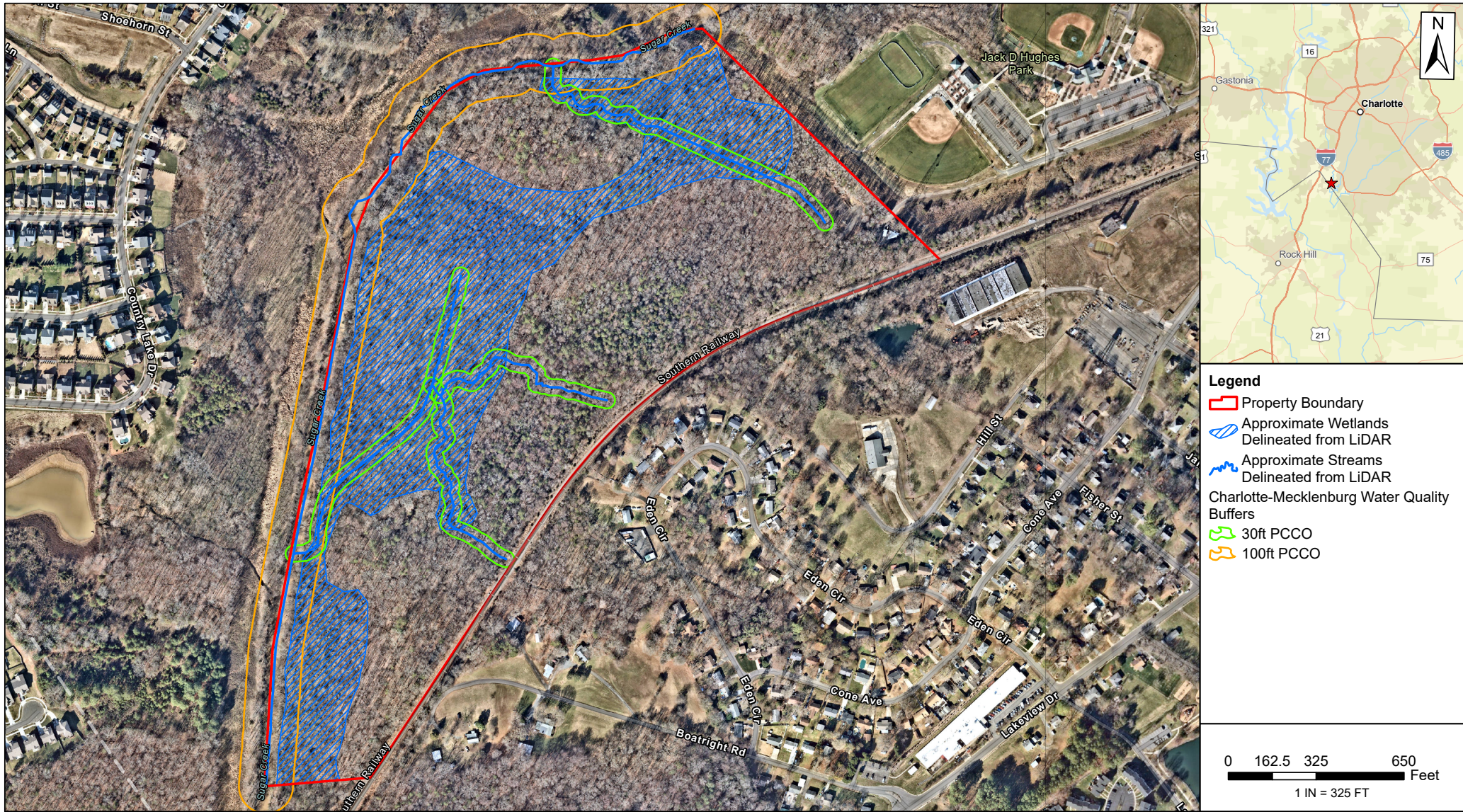
Any fill placed within the community encroachment area will require a flood study (sometimes referred to as a no-rise study) and a floodplain development permit (FDP) from Mecklenburg County. The flood study must demonstrate that there is no increase (0.00') in the 100-year base flood elevation or if there is an increase, that increase cannot impact another insurable structure. If there is an increase and no structures are impacted, a Conditional Letter of Map Revision (CLOMR) may be submitted to Mecklenburg County. The CLOMR requires public notification. This may also trigger the requirement for a post-construction Community Letter of Map Revision (LOMR) with as-built survey to be submitted and approved before a CO will be issued. A LOMR also requires public notification. Typical preparation and review times are 6-12 weeks for a flood study and FDP, 5-9 months for a flood study and FDP with CLOMR, and 3-6 months post construction LOMR.

## Park Parcels

Description	Owner	Size	Parcel number
Existing park	Town of Pineville	29.44 acres	221021116
Existing park	Town of Pineville	0.51 acres	221021140
Existing park (town hall)	Town of Pineville	2.72 acres	22105122
Proposed park	Town of Pineville	71.84 acres	22149115

## Adjacent Parcels

Description	Owner	Address	Size	Parcel number
North Boundary	Scofield Miller Properties	12601 Rock Hill-Pineville Road	53.84 acres	22101103
West Boundary	McCullough Neighborhood Association	12030 Miller Glen Court	79.52 acres	22101287
South Boundary	Mecklenburg County	1310 Lakeview Drive	40.46 acres	22149101
East Boundary	Pineville Redevelopment Investment Inc	436 Cone Avenue	27.56 acres	22105107
East Boundary	AF & AM Trustees Polk James K Lodge #759	900 Hill Street	9.76 acres	22105119
East Boundary	Equity Trust Company	244 Eden Circle	0.50 acres	22104121
East Boundary	Julie A Helms	246 Eden Circle	0.47 acres	22104120
East Boundary	Macenzie Boye	248 Eden Circle	0.37 acres	22104119
East Boundary	Edward A Laney	250 Eden Circle	0.36 acres	22104118
East Boundary	Lisa Stringer Hargett	252 Eden Circle	0.38 acres	22104117
East Boundary	James W Jr Thrower	254 Eden Circle	0.50 acres	22104116
East Boundary	Karen Jane Smith	258 Eden Circle	0.46 acres	22104115
East Boundary	Michael Colton Gilliam	3199 Celanese Road	10.04 acres	22104101
East Boundary	Lloyd M Finnison	1011 Boatright Road	2.08	22149114



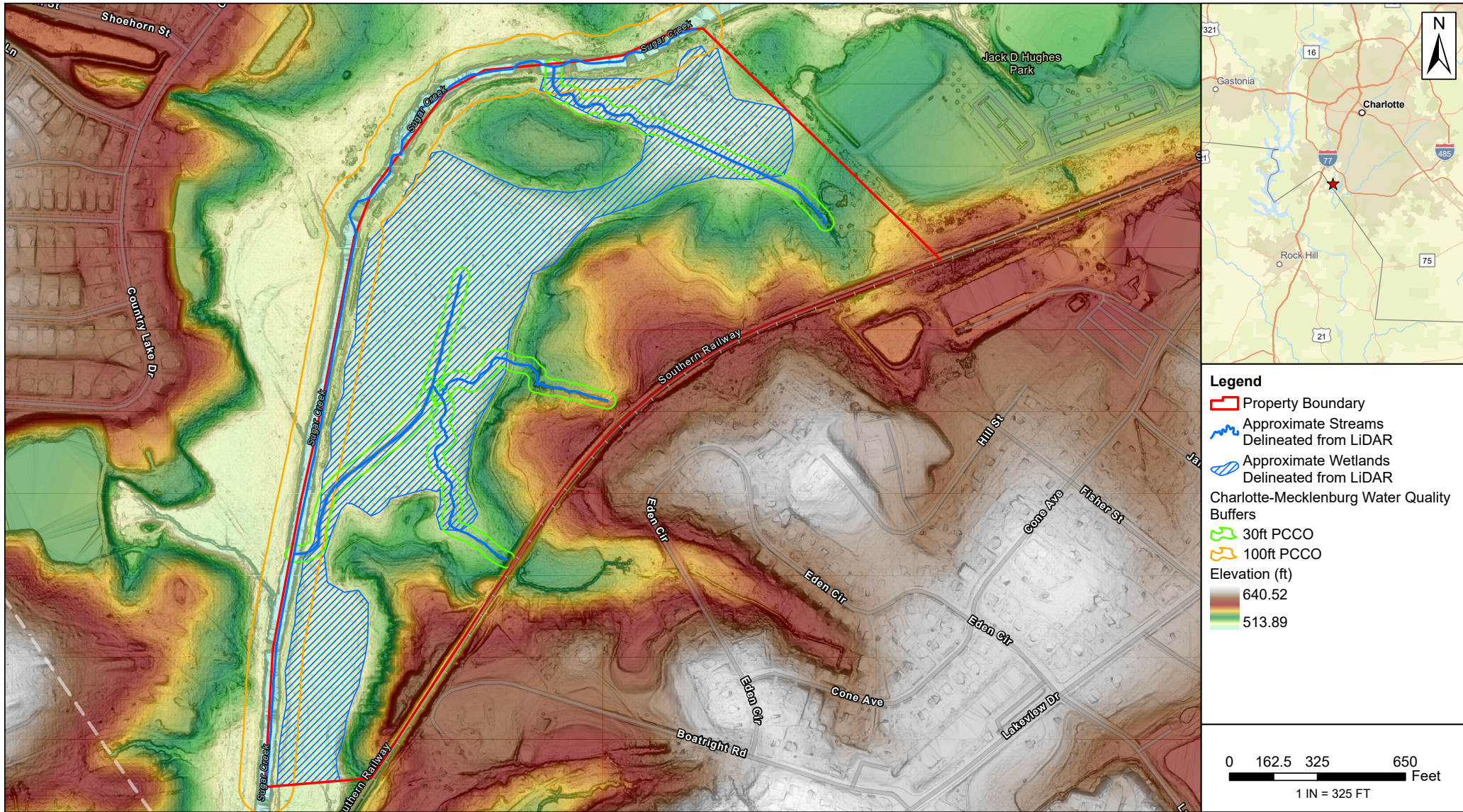
- Legend**
- ▭ Property Boundary
  - ▨ Approximate Wetlands Delineated from LiDAR
  - Approximate Streams Delineated from LiDAR
  - Charlotte-Mecklenburg Water Quality Buffers**
  - 30ft PCCO
  - 100ft PCCO

0 162.5 325 650 Feet  
1 IN = 325 FT

**Notes**  
Basemap source:  
2023 Nearmap Aerial Imagery

**Figure 1: Aquatic Resources Map**  
Jack D. Hughes Feasibility Study  
Pineville, Mecklenburg County, North Carolina

May 2023



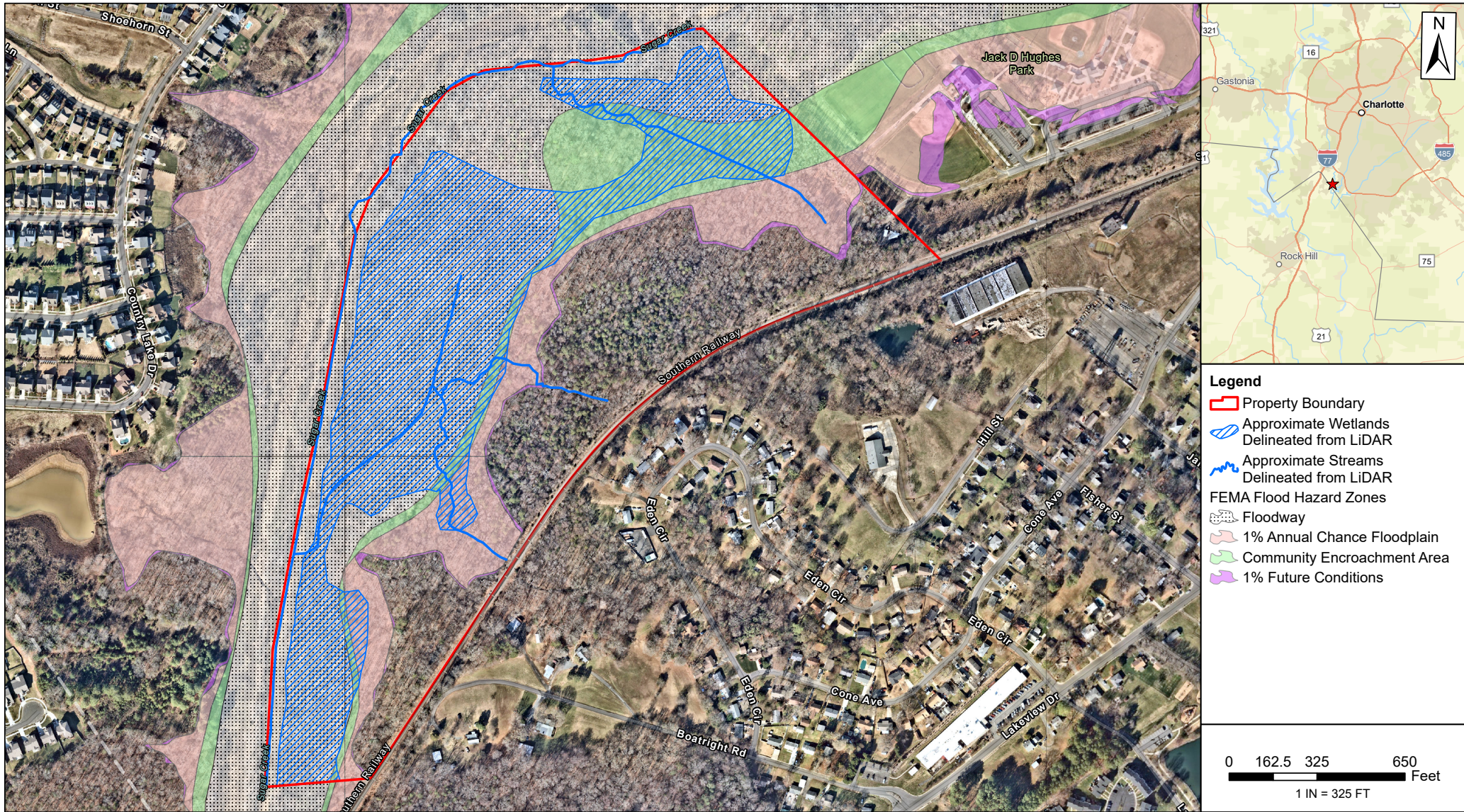
**Legend**

- ▬ Property Boundary
- ▬▬▬ Approximate Streams Delineated from LiDAR
- ▨▨▨ Approximate Wetlands Delineated from LiDAR
- Charlotte-Mecklenburg Water Quality Buffers
- ▬▬▬ 30ft PCCO
- ▬▬▬ 100ft PCCO
- Elevation (ft)
- 640.52
- 513.89

0 162.5 325 650 Feet  
1 IN = 325 FT

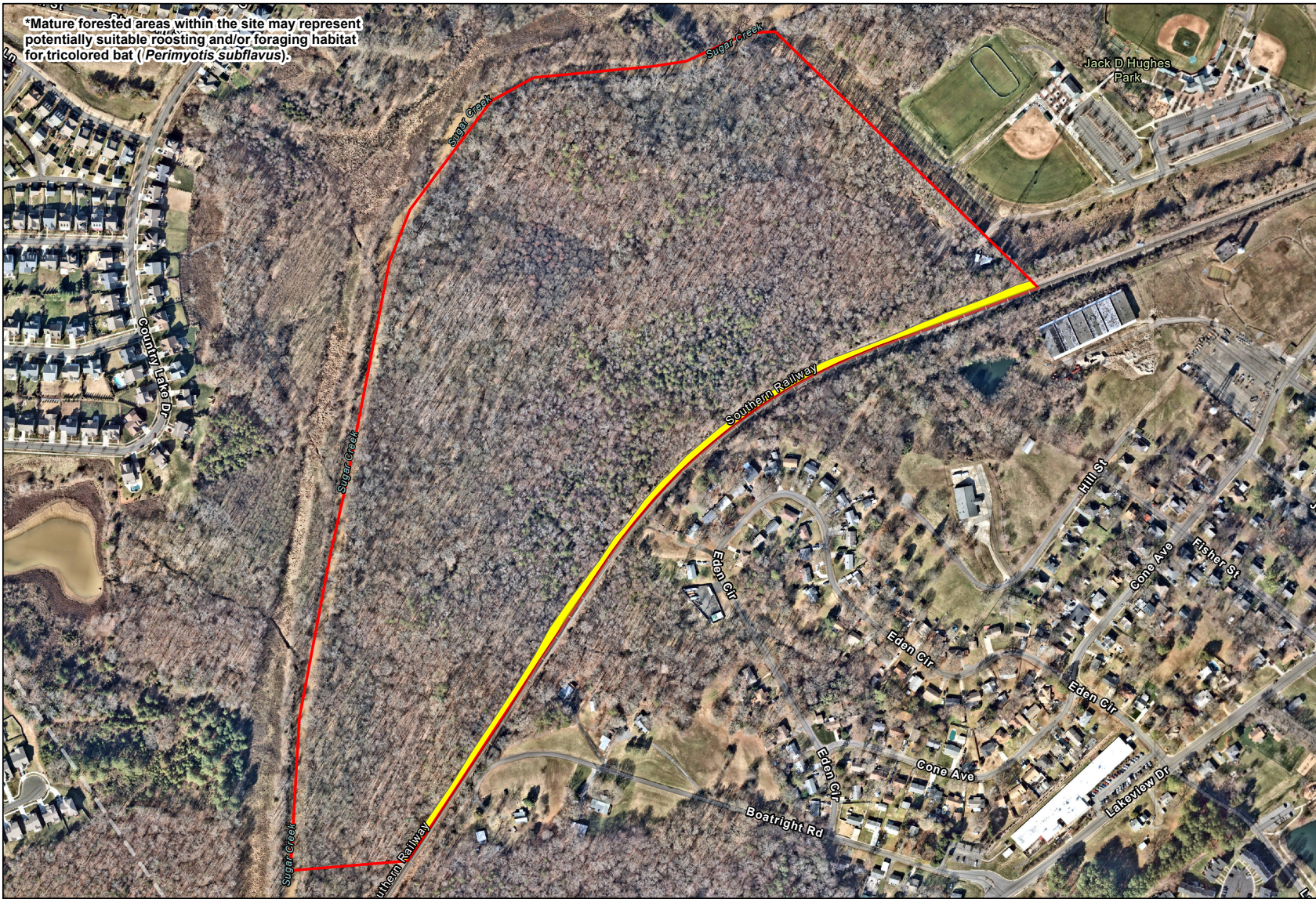
**Notes**  
Data source:  
Mecklenburg County QL2 LiDAR

**Figure 2: Aquatic Resources (LiDAR) Map**  
Jack D. Hughes Park Feasibility Study  
Pineville, Mecklenburg County, North Carolina

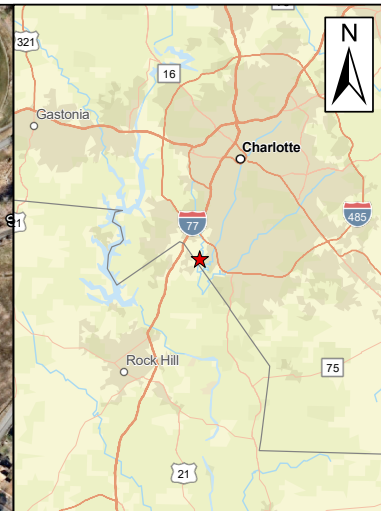


**Figure 3: FEMA Floodplain Map**  
 Jack D. Hughes Park Feasibility Study  
 Pineville, Mecklenburg County, North Carolina

May 2023

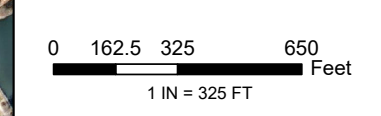


\*Mature forested areas within the site may represent potentially suitable roosting and/or foraging habitat for tricolored bat (*Perimyotis subflavus*).



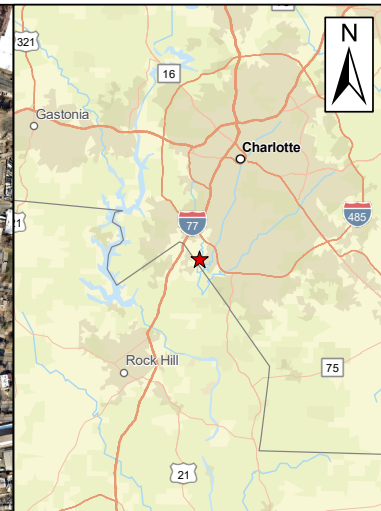
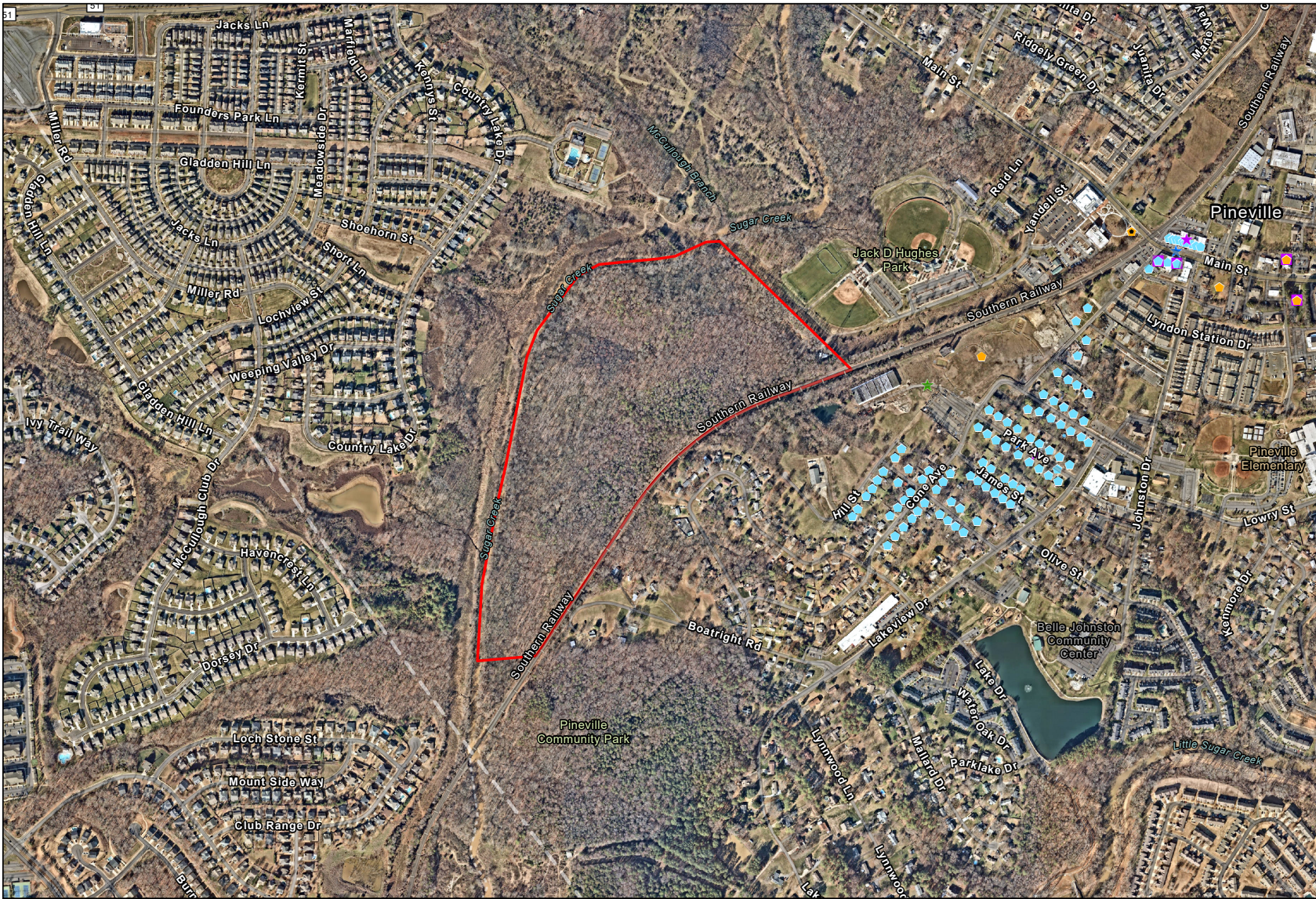
**Legend**

- Property Boundary
- Potential T/E Species Habitat
  - Helianthus schweinitzii*, *Rhus michauxii*, and *Echinacea laevigata*



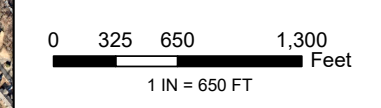
**Notes**  
 Basemap source:  
 2023 Nearmap Aerial Imagery

**Figure 4: Potential T/E Species Habitat Map**  
 Jack D. Hughes Park Feasibility Study  
 Pineville, Mecklenburg County, North Carolina



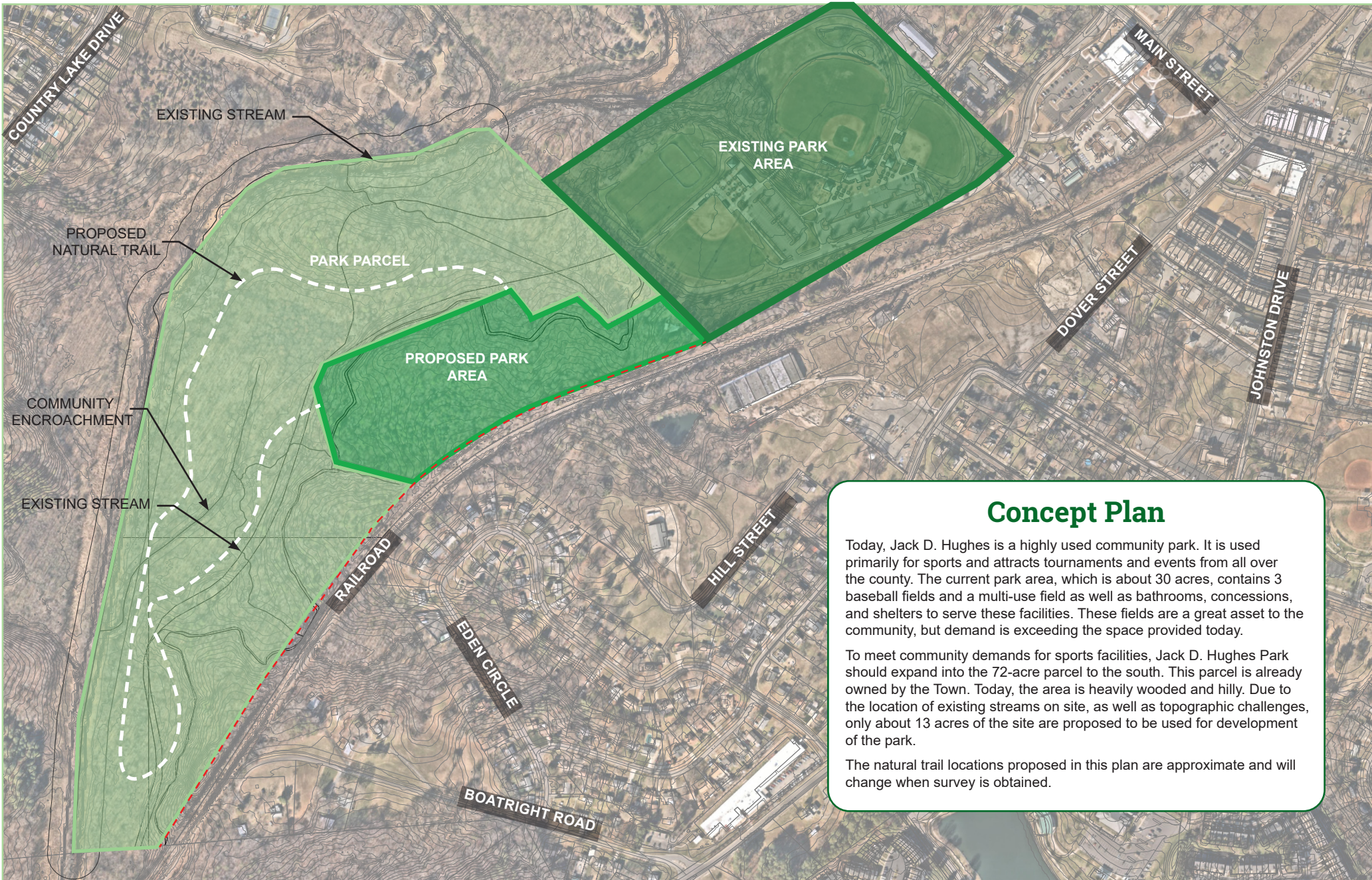
**Legend**

- Property Boundary
- NCSHPO Points**
- ★ NR Historic District center point
- ★ SL Historic District center point
- Surveyed Only
- Surveyed, Local Landmark
- Surveyed in NRHD
- Surveyed, Landmark, in NRHD
- Surveyed, Gone
- ★ Local Historic District centerpoint



**Notes**  
 Data source:  
 2023 Nearmap Aerial Imagery

**Figure 5: NCSHPO Map**  
 Jack D. Hughes Park Feasibility Study  
 Pineville, Mecklenburg County, North Carolina



### Concept Plan

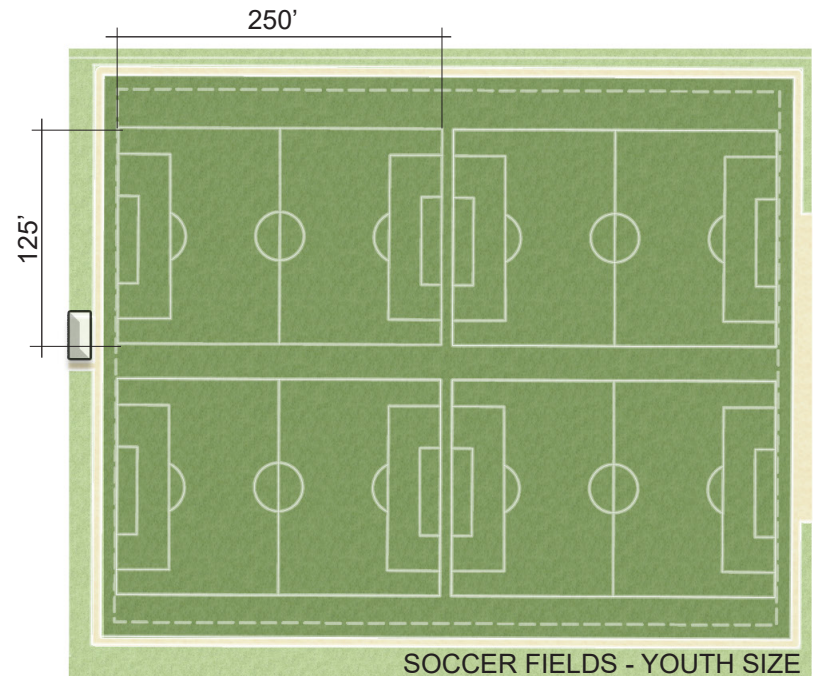
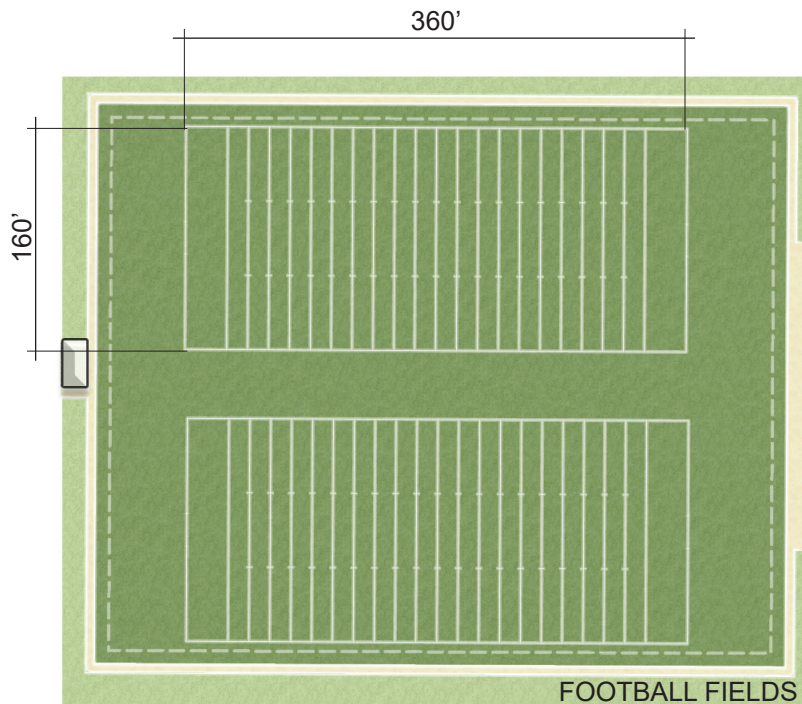
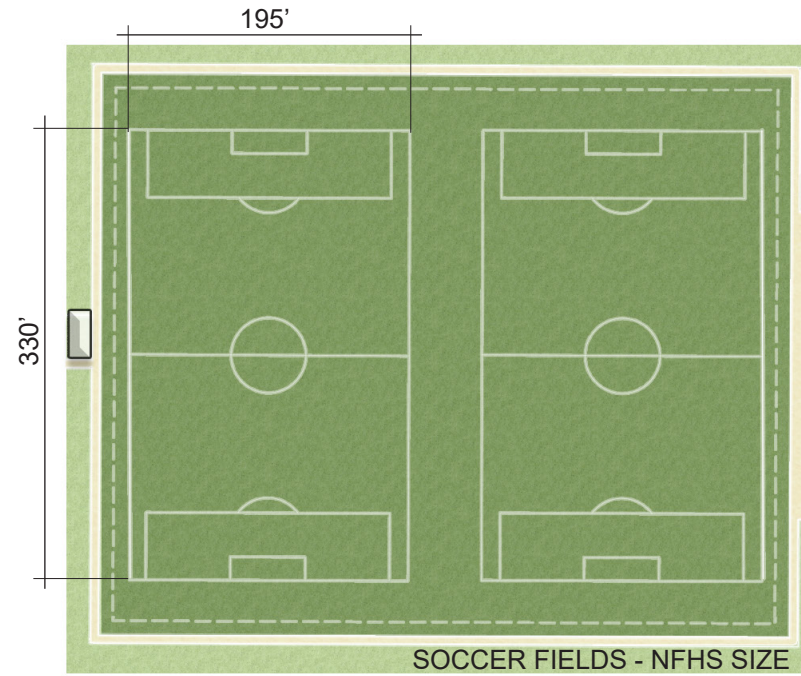
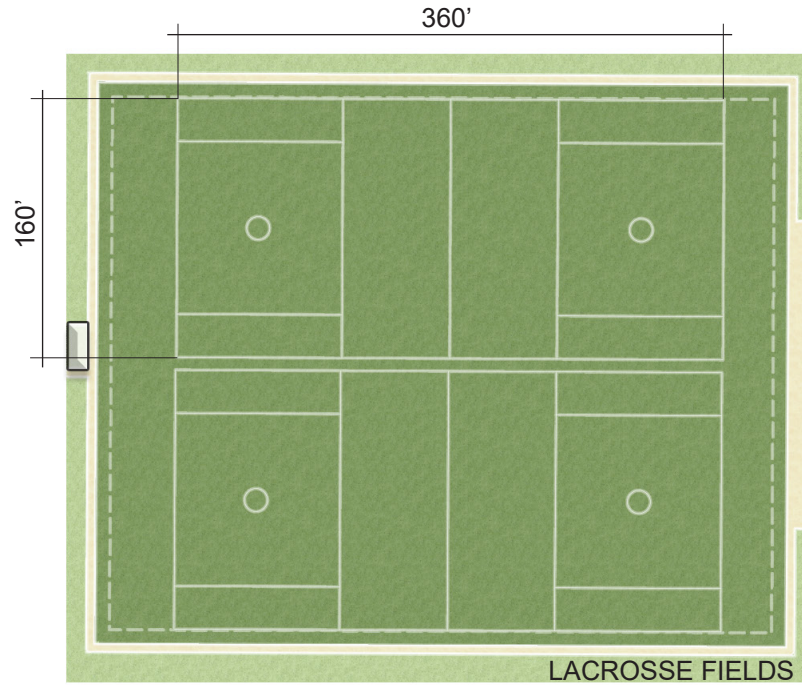
Today, Jack D. Hughes is a highly used community park. It is used primarily for sports and attracts tournaments and events from all over the county. The current park area, which is about 30 acres, contains 3 baseball fields and a multi-use field as well as bathrooms, concessions, and shelters to serve these facilities. These fields are a great asset to the community, but demand is exceeding the space provided today.

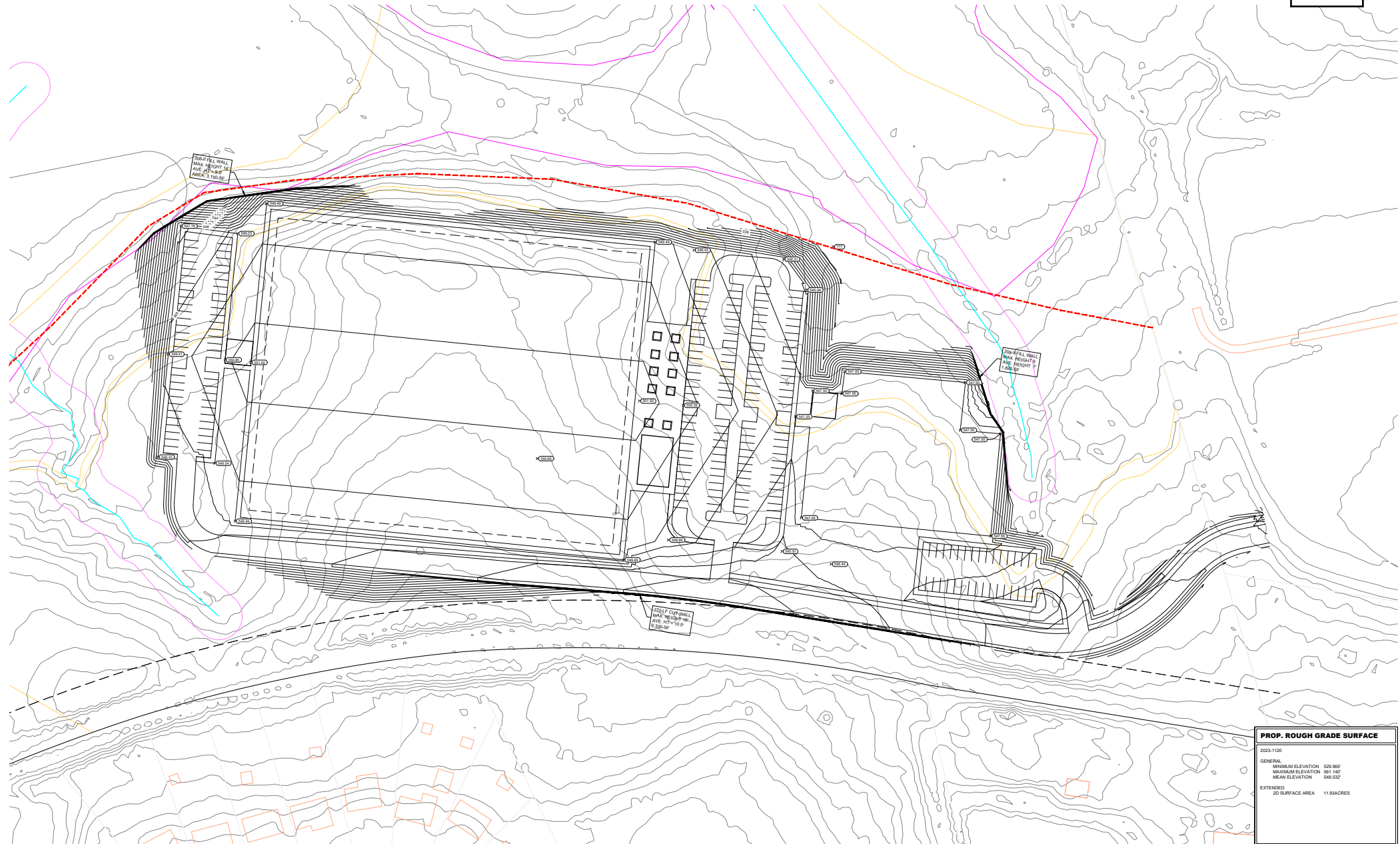
To meet community demands for sports facilities, Jack D. Hughes Park should expand into the 72-acre parcel to the south. This parcel is already owned by the Town. Today, the area is heavily wooded and hilly. Due to the location of existing streams on site, as well as topographic challenges, only about 13 acres of the site are proposed to be used for development of the park.

The natural trail locations proposed in this plan are approximate and will change when survey is obtained.



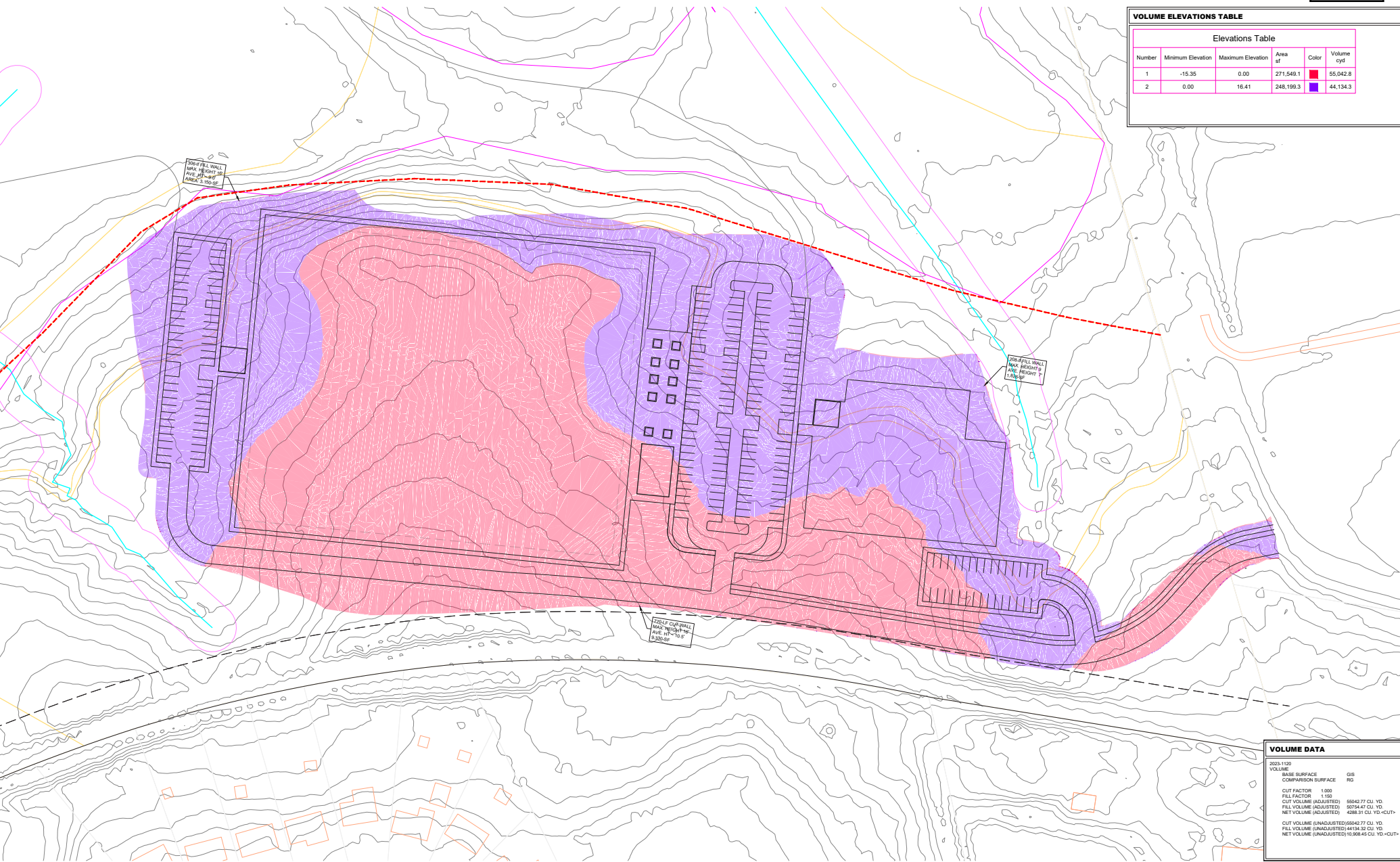




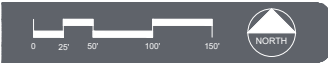


PROP. ROUGH GRADE SURFACE	
2023-1100	
GENERAL	
MINIMUM ELEVATION	529.96'
MAXIMUM ELEVATION	561.14'
MEAN ELEVATION	548.53'
EXTENDED	
2D SURFACE AREA	11.93 ACRES

VOLUME ELEVATIONS TABLE					
Elevations Table					
Number	Minimum Elevation	Maximum Elevation	Area sf	Color	Volume cyd
1	-15.35	0.00	271,549.1	Red	55,042.8
2	0.00	16.41	248,199.3	Purple	44,134.3



VOLUME DATA	
2023-1120	
VOLUME	
BASE SURFACE	GIB
COMPARISON SURFACE	RG
CUT FACTOR	1.000
FILL FACTOR	1.150
CUT VOLUME (ADJUSTED)	88042.37 CU. YD.
FILL VOLUME (ADJUSTED)	50754.47 CU. YD.
NET VOLUME (ADJUSTED)	4288.31 CU. YD. <CUT>
CUT VOLUME (UNADJUSTED)	99942.37 CU. YD.
FILL VOLUME (UNADJUSTED)	44134.32 CU. YD.
NET VOLUME (UNADJUSTED)	10,958.45 CU. YD. <CUT>



Opinion of Probable Cost

ITEM	UNITS	UNIT PRICE	QUANTITY	COST
Natural Turf Multi-Use Sports field (see note 4)	LS	\$ 900,000.00	2	\$ 1,800,000.00
Sports field lighting (see note 5)	LS	\$ 1,150,000.00	1	\$ 1,150,000.00
Tennis Courts	EA	\$ 350,000.00	2	\$ 700,000.00
Pickleball Courts	EA	\$ 200,000.00	4	\$ 800,000.00
Dog Park	LS	\$ 130,000.00	1	\$ 130,000.00
Mass Grading with Scraper or Large Equipment	CY	\$ 5.00	106,000	\$ 530,000.00
Mass Grading Haul Offsite	CY	\$ 30.00	5,000	\$ 150,000.00
Retaining Wall	LF	\$ 50.00	1,284	\$ 64,200.00
New fencing	LF	\$ 22.00	1,800	\$ 39,600.00
Asphalt paving	SF	\$ 30.00	63,500	\$ 1,905,000.00
Curb and gutter	LF	\$ 25.00	6,500	\$ 162,500.00
Natural Trails	LF	\$ 30.00	5,500	\$ 165,000.00
Sidewalk	LF	\$ 52.50	4,000	\$ 210,000.00
Enhanced pavers	SF	\$ 30.00	13,500	\$ 405,000.00
Concessions Building	LS	\$ 700,000.00	1	\$ 700,000.00
Shelter	EA	\$ 22,000.00	2	\$ 44,000.00
Utilities (Electrical, water, sewer)	LS	\$ 250,000.00	1	\$ 250,000.00
Storm water network	LS	\$ 500,000.00	1	\$ 500,000.00
Raised tree pits	EA	\$ 1,500.00	10	\$ 15,000.00
Benches	EA	\$ 1,670.00	20	\$ 33,400.00
Water Fountains	EA	\$ 1,000.00	3	\$ 3,000.00
Trash Cans	EA	\$ 1,000.00	10	\$ 10,000.00
Trees	EA	\$ 350.00	100	\$ 35,000.00
Landscape material	SF	\$ 25.00	12,000	\$ 300,000.00
Mulch	SY	\$ 15.00	800	\$ 12,000.00
Play equipment	LS	\$ 500,000.00	1	\$ 500,000.00
<b>SUBTOTAL</b>				<b>\$ 10,613,700.00</b>
Mobilization (10%)	LS	\$ 1,061,370.00	1	\$ 1,061,370.00
Contingency (20%)	LS	\$ 2,122,740.00	1	\$ 2,122,740.00
<b>TOTAL</b>				<b>\$ 13,797,810.00</b>

Notes:

- The quantities listed in this cost opinion are based on the conceptual plans and are subject to change when final design is complete.
- Unit costs used in this cost opinion are representative of typical market costs as best known to the Consultant at the date of this estimate, and do not account for inflationary cost escalation
- The Consultant has no control over the cost of labor, materials, or equipment, or over the contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs, as provided here, are made on the basis of the Consultant's experience and qualifications and represent the Consultant's judgment as a design professional familiar with the construction industry. The Consultant cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from opinions of probable cost prepared for the Owner.
- All sports field's cost estimates include pricing for irrigation, fencing, equipment, scoreboards, etc.
- The lighting cost in this cost opinion is for the sports field lighting only. Site lighting will be provided through the Town. The lighting costs includes 8 lights for the multi-use field, 24 for the tennis courts, and additional allowance for electric connections.

Recommended Alternate:

There are several downsides to using natural turf in a sports field context. Injuries are more likely on natural turf, and the fields need more maintenance such as mowing, fertilizing, and seeding. They must rest after 750-1,000 hours of play, resulting in inactive fields for several months of the year. There are also cost implications of the increased maintenance. The cost implications of artificial turf versus natural turf are summarized below.

	Artificial Turf	Natural Turf
<b>Capital Cost (per field)</b>	\$1,300,000	\$900,000
<b>Annual Maintenance Cost (per field)</b>	\$5,000	\$35,000 - \$50,000

For these reasons, we recommend using artificial turf instead of natural turf on the multi-use fields.



## Meeting Rules and Procedures Town of Pineville

In order to increase the efficiency of operation of the Town Council, and to guarantee full and fair discussion, the Town Council of the Town of Pineville hereby adopts the Meeting Rules and Procedure Policy to govern all meetings of the Council.

*[Source: A. Fleming Bell, Suggested Rules of Procedure for Small Local Government Boards (Chapel Hill: Institute of Government; second edition, 1998). Comments included herein are Mr. Bell's, with minor editing for length and clarity, as well as additional staff points.]*

### Rule 1. Regular Meetings

The council shall hold a regular meeting on the second Tuesday of each month, except that if a regular meeting day is on or around a legal holiday, the meeting shall be held on the next Tuesday. The meeting shall be held at **505 Main Street**, Pineville. A copy of the council's current meeting schedule shall be filed with the Town Clerk.

**Comment:** Most local government councils are required by law to meet at regular intervals. G.S. 143-318.12(a), part of the open meetings law, requires the schedule of regular meetings for public bodies covered by that law to be kept on file. For Town governments, each public body keeps it on file with the town clerk.

### Rule 2. Special, Emergency, and Recessed Meetings

- (a) Special Meetings. The mayor or a majority of the members of the Town Council may at any time call a special meeting of the council. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) given to each council member; (2) posted at the door of the council's usual meeting room; and (3) mailed or delivered (if possible) to each newspaper, wire service, radio station,

television station, and person who has filed a written request for notice with the council's clerk. A special meeting may also be called or scheduled by vote of the council in open session during another duly called meeting. The motion or resolution scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted at the door of the council's usual meeting room and (2) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the council's clerk if possible.

Only those items of business specified in the notice may be discussed or transacted at a special meeting, unless (1) all members are present and (2) the council determines in good faith at the meeting that it is essential to discuss or act on the item

**Comment:** Rule 2(a) combines the special meeting notice requirements of the open meetings law found in G.S. 143-318.12(b) with the idea that all board members must be notified of any special meetings that some of the members may call. Different boards will have different rules concerning who may call special meetings, depending on either their governing statutes or rules or on the board's preferences.

The board will want to be notified of special meetings called by a few of their number at least as far ahead of time as members of the news media and other people on the board's "sunshine list" are notified (forty-eight hours) [see G.S. 143-318.12(b)(2)]. A discussion of procedures and possible fees for inclusion on the "sunshine list" can be found in G.S. 143-318.12(b)(2).

While written notice to the council members themselves is not specifically required in the statutes, such notice helps to avoid questions about whether all council members knew of the meeting and had an opportunity to attend. A council's actions may be subject to challenge if one or more of the members deliberately calls a special meeting in a manner that precludes participation.

The second paragraph of Rule 2(a) deals with special meetings called during another duly called meeting. Under the open meetings law, forty-eight hours advance notice of the time, place, and purpose of special meetings called in this manner must be mailed or delivered to the news media and other persons on the council's "sunshine list," as required with any other special meeting. The law generally requires no special notice to council members of a special meeting called during another meeting, since presumably all members were present or had the opportunity to be present at the meeting where the special meeting was called or scheduled. An optional provision of

this rule allows the council to go a bit beyond what the law specifies by providing notice to members who were absent from the meeting where the scheduling took place.

Under these rules, no items may be added to the agenda for a special meeting unless all of the members are present, and they determine in good faith that the item to be added must be discussed or acted on immediately. The open meetings law requires that the purpose of a special meeting be stated in the meeting notice. While the law contains no explicit restrictions that would prevent the council from taking up unannounced subjects at a special meeting, this rule recognizes that there is probably some implicit "good faith" limit on adding unannounced subjects to the agenda. Recognizing such a limit avoids surprise to absent council members and to others who might have attended the meeting, had they known that the additional item would be placed on the agenda. It is especially appropriate *not* to consider the extra item if it could be dealt with at another special meeting scheduled with the proper forty-eight hours' notice.

(b) Emergency Meetings. The mayor, or a majority of the Council Members, may at any time call an emergency meeting of the council by signing a written notice stating the time and place of the meeting and the subjects to be considered. The Clerk shall give written or oral notice of the meeting to each council member and to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request with the clerk, and whose request includes a telephone number. Notice to the news media shall be given at the expense of the party notified.

Emergency meetings may be called only because of generally unexpected circumstances that require immediate consideration by the council. Only business connected with the emergency may be considered at an emergency meeting.

**Comment:** Rule 2(b) states the requirements of the open meetings law concerning emergency meetings [G.& 143-318.12(b)(3)]. Because emergency meetings are by their nature unexpected, it is assumed that they will not be called during the course of another meeting but will be called when needed by whoever is authorized to call them (for example, the chair or a majority of the members of the council).

(c) Recessed Meetings. A properly called regular, special, or emergency meeting may be recessed to a time and place certain by a procedural motion made and adopted as provided in Rule 14(b), Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed session of a properly called regular, special, or emergency meeting.



**Comment:** In Rule 2(c), note that a motion to recess a meeting to a time and place certain must comply with the requirements of Rule 14 concerning procedural motions. See both rules general requirements and the particular requirements of Motion 2 of Rule 14. It must be made in open session, because under the open meetings law the making of such a motion is not listed as an action that is permitted during a closed session (See Rule 18 concerning closed sessions). The open meetings law specifies that if proper notice was given of the original meeting, and if the time and place at which the meeting is to be continued is announced in open session, no further notice is required for the recessed session. As explained in the Comments to Rule 14, Motion 2, the terms "recess to a time and place certain" and "adjourn to a time and place certain" are both forms of the motion to adjourn and are used interchangeably in these rules and in North Carolina practice. The open meetings law uses "recess to a time and place certain," while other statutes sometimes use "adjourn to a time or place certain" [see, for example, G.S. 153A-40(a)] or state the terms *recess* and *adjourn* as alternatives [see, for example, U.S. 160A-71(b1)1].

### **Rule 3. Organizational Meeting**

At the first regular meeting in December following an election for town council members, the newly elected members shall take and subscribe the oath of office as the first order of business. As the second order of business, the council shall elect Mayor pro tem.

**Comment:** Members of local councils are typically appointed or elected at the same time every year or every other year. An organizational meeting should be held whenever new members are selected so that they can properly qualify for office by taking and signing the required oath. The organizational meeting is often a part of another properly scheduled meeting, although it could be scheduled as a separate regular or special meeting.

All public officers must take the oath of office set forth in Article VI, Section 7, of the North Carolina Constitution, unless a person is serving on a particular council as part of his duties on another body.

Council members with questions about oaths should consult the council's attorney or the following Institute of Government publications: A. Fleming Bell, II, *Ethics, Conflicts, and Offices: A Guide for Local Officials* (Chapel Hill: Institute of Government, 1997) and Joseph S. Ferrell, "Questions 1 Am Frequently Asked: What Forms of Oath Should a Public Officer Take?" *Popular Government* 62 (Fall 1996):

## Rule 4. Agenda

**(a) Agenda.** The Town Manager shall prepare the agenda for each meeting with assistance from the Mayor and Council. Council Members or other citizens may ask to have an item placed on the agenda as long as it is received at least seven working days before the meeting. The Clerk shall prepare an agenda package that includes as much background information on each item as is available and feasible to reproduce. Each council member shall receive a copy of the agenda and the agenda package by the Friday prior to the meeting. The agenda shall be available for public inspection when it is distributed to the council members. Public requests for Agenda and Agenda Packet information will be charged according to the Fee Schedule established by the Town Council.

A Consent Item containing a number of action items believed not to require discussion may be placed on the agenda. A Council Member may request an item(s) be placed on the Agenda before the Agenda is adopted at the beginning of each meeting. The mayor will then place the item on the agenda for individual action.

**Changing the Agenda.** As its first order of business at each meeting, the council may by majority vote to add items to or subtract items from the agenda, except that the council may not add items to the agenda of a special meeting unless (a) all members are present and (b) the council determines in good faith at the meeting that it is essential to discuss or act on the item. If items are proposed to be added to the agenda, the council may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all council members.

In addition to adding and deleting items, the council may designate certain agenda items "for discussion and possible action." Such designation means that the board intends to discuss the general subject area of that agenda item before making any motion concerning that item.

**(b) Open Meetings Requirements.** The council shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the council to understand what is being deliberated, voted, or acted on. However, the council may deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda are sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on — and are available for public inspection at the meeting.

**Comment to (a) and (b):** Because of the volume and complexity of the matters they must consider, most councils use agendas for their meetings. Some small government councils use agendas only to organize the materials they must consider and to give themselves an opportunity to study the issues before they meet. These councils generally allow last-minute additions to the agendas of regular meetings by general consent. This rule takes that approach.

These rules require a stricter approach for agendas of special meetings, because of open meetings law concerns. Under this approach, items may be added to the agenda of a special meeting only if all members are present and the council determines in good faith that it is essential to discuss or act on the item immediately. This restriction avoids surprise and is consistent with the spirit of the open meetings law, although neither requirement is actually part of the law. See the statement of public policy underlying the law in G.S. 143-318.9. For further discussion of adding items to special meeting agendas, see the Comment to Rule 2(a).

Small councils frequently desire to discuss an issue informally, attempting to reach a group consensus, before a formal motion is proposed. While standard parliamentary practice requires that a motion be made before any discussion can occur, conducting discussion first can be very useful to a small council. Such discussion may be especially important if the council does not hold agenda meetings or work sessions at which the members can discuss issues among themselves, before the more formal meetings at which the council generally takes action. This rule authorizes the practice of "discussing before moving" by permitting the council to designate particular agenda items "for discussion and possible action." If a motion is later made, discussion on the motion is then in order.

**Comment to (c):** The last paragraph of this rule paraphrases the open meetings law's restrictions on acting by reference to agendas or other items [see G.S. 143-318.13(c)].

## **Rule 5. Public Address to the Council**

**(a)** Citizens may address the council during the following portions of the meeting:

- i. at public hearings;
- ii. at times specified in the agenda for public comment; at other times when the presiding officer may permit

**(b) Procedures for addressing council:**

- Anyone desiring to address the council must sign up with the Town Clerk between 6:15 pm and 6:30 pm on the night of the Council Meeting. Requests should be made on the form provided by the Clerk. The form shall at a minimum provide the requestor's name, physical address, and mailing address.
- The Public Comment portion of the agenda will be placed at the beginning of the agenda.
- Each speaker must be recognized by the mayor as having the exclusive right to be heard.

- Comments are limited to three minutes per speaker. A speaker may not give their allotted time/minutes to another speaker to increase that person's allotted time.
- Speakers must address the entire Council, not an individual council member. Discussions between speakers and the audience will not be allowed.
- Speakers will be civil in their language and presentation.
- There shall be a maximum of three (3) participants on the same subject. It is recommended that if there are several people who wish to speak on the same subject that they choose one speaker to speak for all.
- The time allotted for Public Comment will be 15 minutes. The Council can choose to extend the Public Comment Period, by a majority vote, an additional 15 minutes for a total of 30 minutes for public comments if there are more than five speakers signed up.
- Individuals who sign up but cannot speak due to time constraints will be carried to the next regular meeting of the Council and placed first on the Public Comment Agenda.
- Any Council Member may ask the speaker questions. The time used by a Council Member to ask a question, or the response to his/her question, will not be counted against the citizens three-minute time allotment.
- Public comment is not intended to require the Council to answer any impromptu questions. Action or response to items brought up during the Public Comment Period will be at the discretion of the Town Council.
- Speakers shall not discuss the candidacy of any person seeking public office, including the person addressing the Council.
- The public can address the Council on any issue other than public hearing items and those items that would be covered in closed session, which would include, but not be limited to attorney/client privilege, personnel, land acquisition and contract negotiations.
- Anyone desiring to address the Council on a specific concern requiring more effective and informed action by the Council should contact the Town Administrator at least two weeks prior to the first Tuesday of the month for the topic to be reviewed for consideration to be placed on the agenda. Whenever possible, staff will address the concern directly, but if staff cannot address the issue, it will be placed on the agenda as early as practicable. The person making the request should provide sufficient information pertaining to their concerns to allow the Council to review the citizen concerns and/or request.
- In emergency situations, the Council will accept packets of information from citizens speaking during Public Comment, if it is determined that the materials could not have been received by the Town Clerk or Town Manager prior to the submittal of the agenda.

## Rule 6. Order of Business

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

- Call to Order
- ~~Changes to the Agenda~~ Adoption of the Agenda
- ~~Adoption of the Agenda~~ Approval of the Minutes
- ~~Approval of the Minutes~~ Board Reports/Awards & Recognition
- ~~Public Comment~~ Consent Agenda
- ~~Public Hearings~~ Public Comment
- ~~Unfinished Business~~ Old Business
- New Business
- Departmental Reports

By general consent of the council, items may be considered out of order.

**Comment:** Note that the suggested order of business places public hearings and administrative reports early in the meeting. These are the main items that involve citizens and administrative officials who may not need or wish to be present for the entire meeting. Unfinished business under these rules consists of matters that are carried over from a previous meeting that was adjourned before the council completed its order of business and matters that were specifically postponed to the present meeting [see Rule 14(b), Motion 11].

## Rule 7. Presiding Officer

The mayor shall preside at council meetings if he or she is present. The mayor may cast a vote only in the event of a tie among the council.

If the Mayor is absent, the Mayor pro tem shall preside. If both the Mayor and Mayor pro tem are absent, another member designated by vote of the council shall preside. The mayor pro tem or another member who is temporarily presiding retains all of his or her rights as a member, including the right to make motions, but must adhere to the same rules as the mayor in regard to casting a vote.

The presiding officer shall have the following powers:

- to recognize persons, including Council Members, to speak;
- to rule motions in or out of order, including any motion patently offered for

obstructive or dilatory purposes;

- to determine whether speakers have gone beyond reasonable standards of courtesy in their remarks and to entertain and rule on objections from other members on this ground;
- to entertain and answer questions of parliamentary law or procedure;
- to call a brief recess at any time;
- to adjourn in an emergency.

A decision by the presiding officer, except those to call a brief recess or to adjourn in an emergency, may be appealed to the council upon motion of any member, as specified in Rule 14, Motion 1. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

**Comment:** The presiding officer has substantial procedural powers, but those powers are not absolute. Under this rule and Rule 14, Motion 1, any council member is entitled to make a motion to appeal to the other members concerning the presiding officer's decisions on motions, decorum in debate, and most other procedural matters. Such a motion replaces *RONR*'s "question of order and appeal."

There are two exceptions to this right of appeal. A chair or other presiding officer may adjourn without the council's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time, when necessary to "clear the air" and thus reduce friction among the members. *120NR*, in contrast, allows a recess to be taken only with the approval of the members.

### **Rule 8. Action by the Council**

The council shall proceed by motion, except as otherwise provided for in Rules 3, 4, and 23. Any member, including the mayor, may make a motion.

**Comment:** Under standard parliamentary practice, a motion must be on the floor before a council may proceed with discussion or action, Rule 8 allows two variations, one based on Rule 4 and the other on Rules 3 and 23. Rule 4 allows items to be placed on the agenda "for discussion and possible action." General discussion of the agenda item may precede the making of a motion, See Rule 4, and the accompanying Comment.

## Rule 9. One Motion at a Time

A member may make only one motion at a time.

## Rule 10. Substantive motions

A substantive motion is out of order while another substantive motion is pending.

**Comment:** This rule sets forth the basic principle of parliamentary procedure that distinct issues will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

RONR does not refer to *substantive* motions as such; instead, it refers to *main* or *principal* motions. The words *substantive motion* is used here to underscore the distinction between this type of motion and the various procedural motions listed in Rule 14. Basically, a substantive motion is any motion other than the procedural motions listed in Rule 14. A substantive motion may deal with any subject within the council's legal powers, duties, and responsibilities. Indeed, since Rule 8 provides that the council shall proceed by motion, the substantive motion is the only way the council can act, unless it has adopted a special rule to deal with a particular situation. (See, for example, the provisions of Rule 23 on appointments.) The procedural motions detailed in Rule 14 set forth the various options the council has in disposing of substantive motions.

## Rule 11. Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 19 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

**Comment:** In a few instances, these rules require a vote equal to a majority or two-thirds of the entire membership of the council for adoption of a particular motion. Extraordinary voting requirements imposed by particular statutes are not specified in these rules. The council's attorney should be consulted as questions arise.

## Rule 12. Voting by Written Ballot

The council may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the council shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the

council's clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

**Comment:** The open meetings law allows public bodies such as small local government councils to use written ballots *so long as* they follow the procedures set out in G.S. 143-318.13(b) and paraphrased in this rule.

### Rule 13. Debate

The presiding officer shall state the motion and then open the floor to debate. Debate shall follow these general principles:

- the maker of the motion is entitled to speak first;
- a member who has not spoken on the issue shall be recognized before someone who has already spoken;
- to the extent possible, the debate shall alternate between proponents and opponents of the measure.

### Rule 14. Procedural Motions

(a) **Certain Motions Allowed.** In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

**Comment:** Rule 2(a) reflects substantial departure from the rule in *RONR*. Each procedural motion in *RONR* was reviewed to determine whether it was appropriate for use by a small council; substantial modifications and deletions were the result. The following enumeration of procedural motions is exhaustive; if a procedural option is not on the list, then it is not available.

Procedural motions are frequently used to "act upon" a substantive motion by amending it, delaying consideration of it, and so forth. They are in order while substantive motions are pending as well as at other times.

In addition, as in *RONR*, several procedural motions can be entertained in succession without necessarily disposing of the previous procedural motion. The order of priority establishes which procedural motion yields to which—that is, what procedural motion may be made and considered while another one is pending.



**(b) Order of Priority of Motions.** in order of priority (if applicable), the procedural motions are:

**Motion 1. To Appeal a Procedural Ruling of the Presiding Officer.** A decision of the presiding officer recognizing (or not recognizing) a speaker, ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the council, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made may not be ruled out of order.

**Comment:** Rule 7 allows the ruling of the presiding officer on certain procedural matters to be appealed to the council. This appeal must be made as soon as the presiding officer's decision is announced, so this motion is accorded the highest priority. See Rule 7 and its *Comment* for further discussion of this motion.

**Motion 2. To Adjourn.** This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess to a time and place certain shall also comply with the requirements of Rule 2(c).

**Comment:** This motion differs from the *RONR* motion to adjourn in several respects. The *RONR* motion to adjourn is not debatable or amendable and can be made at any time, thus interrupting substantive deliberations. Here, however, since the number of members is small and procedures are available to limit debate, Motion 2 allows both debate and amendment, but specifies that the motion is **in** order only when action on a pending matter has concluded.

If the council wants to adjourn before completing final action on a matter, it may use a motion to defer consideration, to postpone to a certain time or day, to refer a motion to a committee, or to suspend the rules. Or, in accord with Rule 2(c), it may recess (or adjourn) the meeting to reconvene at a specified time and place. The motion to recess or adjourn to a time and place certain is a form of the motion to adjourn. As explained in the Comment to Rule 2(c), various North Carolina General Statutes and North Carolina practice refer both to the terminology "recess to a time and place certain" and the phrase "adjourn to a time and place certain" [see, for example, G.S. 143-318.12(b)(1), 153A-40(a), and 160A-71(b)1]. Thus both "recess" and "adjourn" are provided here as options. The motion has the same meaning regardless of the option chosen.

**Motion 3. To Take a Brief Recess.**

**Comment:** This motion, which allows the council to pause briefly in its proceedings, is **similar** to the motion to recess under *RONR*. To avoid confusing this motion with the motion "to recess to a time and place certain," which is a form of the motion to adjourn under these rules and in North Carolina practice [see Rule 14(b), Motion 2, above], Motion 3 is a "motion to take a brief recess" rather than a "motion to recess." Since the number of members is small and procedures are available to limit debate, debate is allowed on this motion. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending. Under these rules, the presiding officer **also** has the power to call a brief recess at any time (see Rule 7).

**Motion 4. Call to Follow the Agenda.** The motion must be made at the first reasonable **opportunity**, or it is waived,

**Comment:** This motion is patterned on the call for the orders of the day in *RONR*. It differs **in** that it may be debated; also, unless the motion is made when the item of business that deviates from the agenda is proposed, the right to insist on following the agenda is waived for that item.

**Motion 5. To Suspend the Rules.** The council may not suspend provisions of the rules that state requirements imposed by law on the council. For adoption, the motion requires an affirmative vote equal to a majority of the entire membership of the council.

**Comment:** This motion is generally the same as the *ROM* motion to suspend the rules, except that it is debatable and amendable, and the number of affirmative votes required is a majority. This motion is in order when the council wishes to do something that it may legally do but cannot accomplish without violating its own rules. It permits the council to exercise greater flexibility and perhaps informality than adhering strictly to the rules might **allow**. For example, the council might use this motion to allow it to consider an agenda item out of order, without formally amending the agenda that it had adopted.

**Motion 6. To Go into Closed Session.** The council may go into **closed** session only for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion **to go** into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the council expects to receive advice during the closed session, if in fact such advice is to be received.

**Comment:** The requirements for this motion are found in U.S. 143-318.11(c). They include extra requirements for motions based on G.S. 143-318.11(a)(1), and

for those motions based on G.S. 143318,11(a)(3) that concern a closed session where the council expects to receive advice about an existing lawsuit or lawsuits. U.S. 143-318.11(a)(1), cited in the rule, allows closed sessions "[t]o prevent the disclosure of information that is privileged or confidential pursuant to the law of [North Carolina] or the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes." Part of U.S. 143-318.11(a)(3), also cited, allows a council in closed session to "consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure."

### **Motion 7. To Leave Closed Session.**

**Comment:** This motion provides a procedural mechanism for returning from closed session to an open meeting. Under the open meetings law, public bodies probably must return to open session once they have concluded their closed session business, even if they have no other business to transact except adjourning the meeting.

**Motion 8. To Divide a Complex Motion and Consider It by Paragraph.** The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

**Comment:** This motion is the same as the two motions—division of a question and consideration by paragraph—in *RONR*, except that it is debatable.

**Motion 9. To Defer Consideration.** The council may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 14(b), Motion 14], or else move to suspend the rules [Rule 14(b), Motion 5].

**Comment:** This motion allows the council temporarily to defer consideration of a proposal. It may be debated and amended. A motion that has been deferred dies if it is not taken up by the council [via a motion to revive consideration, Rule 14(b), Motion 14] within a specified number of days of the vote to defer consideration. One hundred days is merely a suggested period of time. Note the restriction on making a new motion with the same effect while a motion remains deferred.

This motion should be distinguished from the motion to postpone to a certain time or day [Rule 14(b), Motion 11]. A matter that has been postponed to a certain time or

day is brought up again automatically when that time arrives. Council action (approval of a motion to revive consideration) is required, however, before the council may again consider a substantive motion the consideration of which has been deferred under this motion.

### **Motion 10. Motion for the Previous Question.**

The motion is not in order until there have been at least twenty minutes of debate, and every member has had an opportunity to speak once.

**Comment:** This motion differs from the motion of a similar name in *RONR*. The *RONR* motion is always in order, is not debatable or amendable, and requires a two-thirds vote for adoption. Thus, it may be used to compel an immediate vote on a proposal without any debate on the issue. Such a device may be necessary to preserve efficiency in a large assembly. With a small council, however, a minimum period of debate on every proposal that comes before it strikes a better balance between efficiency and effective representation by all council members. Since every member will have an opportunity to speak, the debate may be ended by a majority vote.

Note that this rule avoids the practice followed by some councils of allowing any member to end debate by simply saying "call the question," without the council actually taking a vote on that procedural issue. Such a practice is contrary to regular parliamentary procedures. In addition, it allows individual members to impose their will unilaterally on the group, in defiance of the principle of majority rule on which these rules are based.

**Motion 11. To Postpone to a Certain Time or Day.** If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules [Rule 14(b), Motion 5].

**Comment:** This motion allows the council to postpone consideration to a specified time or day and is appropriate when more information is needed, or the deliberations are likely to be lengthy. It should be distinguished from the motion to defer consideration [see *Comment* to Rule 14(b), Motion 9]. Note the restriction on making a new motion with the same effect while a postponed motion remains pending.

### **Motion 12. To Refer a Motion to a Committee.**

The council may vote to refer a substantive motion to a committee for its study and recommendations. Sixty days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the

measure by the entire council, whether or not the committee has reported the matter to the council.

**Comment:** This motion is the same as the motion of the same name in *RONR* except that the right of the introducer to compel consideration by the full council after a specified period of time prevents using the motion as a mechanism to defeat a proposal by referring it to a committee that is willing to "sit" on it.

### **Motion 13. To Amend.**

- a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.
- b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.
- c) Any amendment to a proposed ordinance, order, policy, resolution, or regulation shall be reduced to writing before the vote on the amendment.

**Comment:** This motion is similar to the motion to amend in *RONR* except for the additional requirement to write down amendments to longer, typically more complex items such as resolutions or regulations.

The restriction on amendments stated in part 13(a), second sentence of the provisions concerning this motion should be read narrowly; it is intended only to prevent an amendment that merely negates the provisions of the original motion. The intent of such an amendment can be achieved in a simpler and more straightforward manner by the defeat of the original proposal. Pertinent amendments that make major substantive changes in the original motion are quite proper.

Some councils allow a "substitute motion" when major changes in a motion are proposed. Such a motion is in effect a type of amendment. To avoid confusion, "substitute motions" are not allowed under these rules, A] proposals for changes in a motion or in an amendment are treated as motions to amend, no matter how major their potential effect.

Part 13(b) of the rules governing this motion limits the number of proposed amendments that may be pending at one time to two, in order to reduce confusion. Amendments are voted on in reverse order; that is, the last-offered amendment, which would amend the first amendment, is voted on first. Once the last-offered of

the two pending amendments is disposed of, an additional amendment may be offered.

Part 13(c) of the rules for this motion imposes an additional writing requirement for amendments to other, sometimes lengthy, documents such as orders, policies, regulations, or resolutions. The council is free to choose the sorts of items for which this requirement will apply. Amendments to such documents, like the items themselves, should be in written form before they are voted on, both because of their importance and so that council members will be clear about the meaning of the amendments on which they are voting. Written amendments also make it easier to maintain the required minutes of the body accurately see [O.S. 143-318.10(e)].

Some councils have a practice of requiring the person making the original motion to approve of any proposed amendments to that motion. Such a practice is not recommended. Once a motion has been offered to the council, it is up to the council to decide whether or not it should be changed by amendment. If the person making the motion does not favor a proposed amendment, he or she is free to vote against it. And so long as the original motion has not been voted on and no amendment to it has passed, the introducer is free under these rules to withdraw it (see Rule 14). If a motion has been withdrawn, the council members are generally free to make their own separate motions on the same subject.

#### **Motion 14. To Revive Consideration.**

The council may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 14(b). The motion is in order at any time within 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.

**Comment:** This motion replaces the motion "to take up from the table" in *RONR* and was renamed in order to avoid confusion. This motion may be debated and amended, whereas the motion in *RONR* may not. If the motion to revive consideration is not successful within the specified number of days of the date on which consideration was deferred, the substantive motion expires. Its subject matter may be brought forward again only by a new motion. One hundred days is merely a suggested period of time; the number of days specified here should be the same as in Rule 14(b), Motion 9.

#### **Motion 15. To Reconsider.**

The council may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority, except in the case of a tie; in that case the "no's" prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through recess to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

**Comment:** According to *RONR*, this motion may be made at the same meeting as the vote being reconsidered or on the next legal day and may interrupt deliberation on another matter. To avoid placing a measure in limbo, these rules restrict the availability of the motion to the same meeting as the original vote, including any continuation of that meeting if it is recessed or adjourned to a time and place certain pursuant to Rule 2(c) and Rule 14(b), Motion 2. If a member wishes to reverse an action taken at a previous meeting, he or she generally may make a new motion having the opposite effect of the prior action. The motion to reconsider is permitted under these rules only when action on a pending matter concludes.

**Motion 16. To Rescind or Repeal.** The council may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion *is* not in order if rescission or repeal of an action is forbidden by law.

**Comment:** Each meeting of most small councils is in many respects a separate legal event. Unless prohibited by law, a council may at a subsequent meeting "undo" action taken at a previous meeting. This motion is in order only for those measures adopted by the council that may legally be repealed or rescinded. For example, it is not intended to suggest that the council may unilaterally rescind a binding contract.

**Motion 17. To Prevent Reintroduction for Six Months.** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a majority vote for adoption. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the council, whichever occurs first.

**Comment:** This is a "clincher" motion to prevent the same motion from being continually introduced when the subject has been thoroughly considered. There is no comparable motion in *RONR*, although the objection to consideration of a question accomplishes much the same purpose.

Because this motion curtails a member's right to bring a matter before the council, a vote equal to either a majority or two-thirds, at the council's option, of

the entire membership is required. See the *Comment* to Rule 14(b), Motion 5, for an illustration of how this requirement works.

As with every other motion, a clincher motion may, in effect, be dissolved by a motion to suspend the rules per Rule 14(b), Motion 5]. Six months is merely a suggested time; the council may shorten or lengthen the time as it sees fit. In order to give a new council a clean slate, the motion is not effective beyond the next organizational meeting of the council.

### **Rule 15. Withdrawal of Motion**

The introducer may withdraw a motion at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

**Comment:** RONR provides that once the chair has stated a motion for debate, it cannot be withdrawn without the assembly's consent. Such a procedure is unnecessary for a small council. However, this rule does prohibit withdrawing motions after they have been amended. Once a motion has been amended, it is no longer the same motion as was made by the introducer, so it is no longer his or hers to withdraw.

### **Rule 16. Duty to Vote**

Every Council Member must vote unless excused by the remaining members of the council. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members, no member shall be excused from voting except in cases involving conflicts of interest, *as defined* by the council or by law, or the member's official conduct, as defined by the council. In all other cases, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

**Comment:** Some local councils allow abstentions, others do not. A council may choose either version of this rule. Those councils that do not allow members to abstain may instead choose to allow members to be excused from voting in particular cases, typically when a personal interest of the member, as defined by the council or by law, is implicated by the decision being made.

The first consequence set out under the second option for refusing to vote when one has not been excused is the same as that provided in G.S. 160A-75 for city councils in North Carolina. To govern such cases, a council may adopt this "failure to vote counts as a 'yes' vote" rule or some other policy such as the second consequence (failure to vote counts as a vote with the prevailing side).



## Rule 17. Special Rules of Procedure

[This section is reserved for future additions.]

**Comment:** Some councils may wish to provide special rules for certain situations (for example, requiring a vote equal to a majority or two-thirds of the entire membership of the council for approval of certain motions, or specifying a particular procedure for selecting the council's chair), either because of statutory requirements or other concerns.

## Rule 18. Closed Sessions

The council may hold closed sessions as provided by law. The council shall commence a closed session only after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G.S. 143-318.11(a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a)(3) (consultation with attorney; handling or settlement of claims, judicial actions, mediations, arbitrations, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The board shall terminate the closed session by a majority vote, using Motion 7 of Rule 14(b).

Only those actions authorized by statute may be taken in closed session. A motion to recess shall not be in order during a closed session [Rule 14(b), Motion 2].

**Comment:** This rule states some of the requirements of G.S. 143-318.11(c) for calling closed sessions. In particular, note the special requirements for motions to call closed sessions that are based on G.S. 143-318.11(a)(1) or, in some cases, on 0.5, 143-318.11(a)(3). No attempt is made here to set forth all of the provisions of the open meetings law concerning the purposes for which closed sessions may be held and the actions that may be taken in closed session; specific information can be found in G.S. 143-318.11(a). Note, however, that adjournment or recessing pursuant to Rule 14(b), Motion 2, is *not* an action authorized by statute to be taken during a closed session. Minutes and general accounts of closed sessions are discussed in Rule 21.

**Rule 19. Quorum**

A majority of the actual membership of the council, excluding vacant seats, shall constitute a quorum. A majority is more than half. The mayor shall be considered a member of the council in determining the number on which a majority is based and in counting the number of members actually present. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

**Comment:** A majority of the membership is generally considered a quorum for most deliberative bodies. The last sentence of this rule prevents a member from defeating a quorum by simply leaving the meeting.

**Rule 20. Public Hearings**

Public hearings required by law or deemed advisable by the council shall be organized by a special order that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The special order is adopted by a majority vote. Its specifications may include, but are not limited to, rules fixing the maximum time allotted to each speaker; providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to council meetings shall also apply to public hearings at which a majority of the council is present; such a hearing is considered to be part of a regular or special meeting of the council, these requirements also apply to hearings conducted by appointed or elected committees of council members, if a majority of the committee is present. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the council, or of a council committee, as applicable, is present.

At the time appointed for the hearing, the presiding officer shall call the hearing to order and then preside over it. When the allotted time expires, or earlier, if no one wishes to speak who *has* not done so, the presiding officer shall declare the hearing ended.

**Comment:** Local councils may be required or may desire to hold public hearings from time to time concerning particular matters. The power to do so can probably be implied from the fact that the council was created to deal with matters of public concern unless a specific statute provides otherwise. The council should consult its enabling statutes and its attorney if it has any questions about its authority to conduct public hearings.

This rule provides a procedure for calling public hearings. It also provides for the council to adopt rules governing the conduct of hearings and to continue hearings without further advertisement. These provisions are very similar to the authorizations in the public hearing statutes for city and county governing councils (0.5. 160A-81 and 153A-52, respectively) and can be followed by most small local government councils that are authorized to hold public hearings.

Public hearings, like other council meetings, are also subject to the notice, continuation, and other requirements of the open meeting's law, if a majority of the council is present at the hearing, since legally such a hearing is part of a meeting of the council.

### **Rule 21. Minutes**

Full and accurate minutes of the council proceedings shall be kept. The council shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. Members' and other persons' comments may be included in the minutes if the council approves. Each motion will be documented with the exact wording of the motion made. Upon the request of a Council member, the Council may be polled by name for each vote.

Minutes and general accounts of closed sessions may be sealed by action of the council. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

**Comment:** The open meetings law requires that full and accurate minutes be maintained of all official meetings of all public bodies. [G.S. 143-318.11(a)]. The minutes are the official legal record of council actions and are a matter of

public record. To be "full and accurate," they must include all actions taken by the council and must note the existence of conditions needed to take action, such as the existence of a quorum. However, the minutes need not record the council's discussion. Particular comments by members or other persons may or may not be included in the minutes if the council so desires. Since the council usually takes action by motion (Rule 8), all motions that are made must be included in the minutes, along with a record of the motions' disposition. The rule also allows any member to request that the minutes include a record of how each member voted.

Under the open meetings law, the council must also keep a "general account" of what transpires in closed sessions. This wording probably requires that a somewhat more detailed account of these sessions be kept than would typically be found in the minutes, especially if the minutes record only actions and conditions needed to take action. The council should consult with its attorney concerning what general accounts of closed sessions should include.

Finally, the rule includes the permission granted in G.S. 143-318.11(e) to withhold minutes and general accounts of closed sessions from public inspection for as long as necessary to avoid frustrating the purpose of the closed session. Note that the statute permits, but does not require, closed session minutes and general accounts to be sealed. The council should vote to seal these records if it wishes to do so or is advised to do so by its attorney. It must also provide for their unsealing, either by council action or by action of an agent of the council, such as its attorney, if and when the closed session's purpose would no longer be frustrated by making these records public. For a discussion of minutes and general accounts of closed sessions, see David M. Lawrence, "1997 Changes to the Open Meetings and Public Records Laws," *Local Government Law Bulletin* No. 80 (August 1997).

## **Rule 22. Conduct and Procedures**

(a) **Informal Meetings:** The council shall not meet collectively prior to a meeting, as to create a quorum of the council, to discuss items on the agenda or any other item related to government activity. The council may share information provided by town staff with the public regarding agenda items prior to the meeting but are not allowed to share information that may be confidential in nature, such as account names, addresses, phone numbers, personnel information, or the like.

(b) **Recording Devices:** All public meetings are allowed to be video, or audio recorded

by any individual, without prior permission being granted from the council. The recording of any conversation or meeting between public officials or employees is prohibited, unless all parties are aware of the recording, and have unanimously agreed to participate in the recording. Only the Town Clerk is allowed to make audio or video recordings of Closed Session proceedings, as it is the clerk's responsibility to transcribe, maintain, and produce records of Closed Session meetings.

(c)

**Clearing of a Meeting Room:** Upon adjourning a public meeting the Town Clerk, with assistance from law enforcement agents who may be present, shall see that all visitors are vacated from the meeting room immediately following the adjournment of the meeting. Continued conversation among council members and staff with visitors is to be limited to the discretion of each council member and staff member. Courtesy shall be given to the time and building arrangements, as to not prolong the prompt closing of facilities following a meeting. During the times in which the meeting is not called to order, the Town Clerk will have the authority to vacate persons from the meeting room who are unwilling to acknowledge the procedures outlined in this policy.

(d)

**Meeting Security:** The Town will provide law enforcement protection at each of its public meetings. The law enforcement officer will assist the chair, clerk, and manager with maintaining decorum and enforcement of all policies set forth by the council before, during, and after all public meetings. The law enforcement officer will also protect any closed session proceedings of the council. While the officer may not be present during the closed session meeting, the officer shall ensure that the confidentiality of the closed session proceedings is maintained, including the vacating of individuals in violation.

Any person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting may be charged with a Class 2 misdemeanor (G.S. 143-318.17).

**Comment:** The purpose of limiting Council discussion of agenda items prior to a meeting is to reduce the possibility of one member influencing the entire board before the item is discussed in open session. This also eliminates the possibility of any quorum forming without public notice. Limiting audio and video recording protects a public official or employee from being recorded without their permission, which can be a violation of state and federal law,

Limiting the recording of Closed Session meetings to the Town Clerk allows for all parties to feel as though their comments and suggestions remain private, as well as to protect any economic development information, attorney-client conversations, and personnel information from being leaked to the public. Each council member takes an oath to not publicly discuss closed session proceedings, and unauthorized audio or video of those proceedings can prove troublesome to an individual board member and the Town as a whole.

G.S. 143-318.17 protects public meetings from being disrupted by members of the audience. The Chair is given the authority to remove an individual from a meeting for interruptions or disruptions. Rule 14(b) outlines objections to the removal of a member of the audience.

### **Rule 23. Appointments**

**Council Appointments.** The Town Council shall appoint members of the following councils, boards, and committees.

- Planning Board
- Board of Adjustment
- Telephone Board

The Town shall use the following procedure in making these appointments:

The Clerk will advertise and solicit for vacant positions on any Advisory Board that is appointed by the Town Council. All applications for appointments to Advisory Boards will be held by the Clerk and presented to council during a regularly scheduled public meeting. The Council Members may add additional nominations if they wish, and then shall select board members from the total nominees. The Town Council shall vote by written ballot, with each Council Member having a number of votes equal to the number of vacancies on the board. The Council Members are not required to cast all their votes, and they may not cast more than one vote per nominee. The person receiving the highest number of votes shall be elected. In the case of multiple positions being filled at the same time, the persons receiving the most number of votes shall be elected. In the event of a tie, the Town Council will take a second vote consisting of only the tied candidates. The candidate with the highest number of votes will be appointed.

The members of each committee, board, or commission shall appoint the chair of each individual board from among the new and continuing members of the board. The nominee receiving the most votes from the board shall be appointed chair.

### **Rule 24. Amendment of the Rules**

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, unless a statute or a rule of the body that created the council provides otherwise. Adoption of an amendment shall require an affirmative vote equal to a quorum.

**Comment:** Local councils may generally amend their rules of procedure whenever they choose, unless a statute or a rule of the body that created the particular council provides otherwise. To ensure that any amendments adopted reflect the will of the council majority, a vote equal to a quorum is required to approve an amendment.

**Rule 25. Reference to *Robert's Rules of Order***

Councils shall refer to the current edition of *Robert's Rules of Order Newly Revised*, to answer procedural questions not resolved in these rules, so long as *RONR* does not conflict with North Carolina law or with the spirit of these rules.

**Comment:** *RONR* was designed to govern large legislative assemblies, and many of its provisions may be inappropriate for small councils. Nevertheless, it is a good source of parliamentary procedure; care should simply be taken to adjust *RONR* to meet the needs of small local government councils.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor David Phillips

\_\_\_\_\_  
Town Clerk



## **FY25 Council Budget Calendar**

February 6, 2024 – Budget Workshop Session

- Review Funds and Budget Process; Discuss Priorities and Pressures

March / April 2024 – Budget Workshop Sessions with Council

- March 5 – Davenport Financial Advisors
- March 7 – Enterprise Fund – Electric (Electricities Rate Review)
  
- March 21 – Public Safety (Police / Fire)
- March 26 – Enterprise Fund – Pineville Communication Systems (PCS)  
Planning / Public Works / Parks and Recreation
  
- April 25 – General Government (Gov. Body, Admin, Fina, HR, IT)  
Capital / Capital Projects  
Debrief / Loose Ends

April 30, 2024 – Budget Work Session

- Manager’s Recommended Budget presentation

April 30, 2024 – May 14, 2024 – Budget Available for Public Review

May 14, 2024 – Council Meeting

- Hold Public Hearing

June 11, 2024 – Council Meeting

- Approve Budget Ordinance and Fee Schedule





## TOWN COUNCIL AGENDA ITEM

MEETING DATE: 2/13/2024

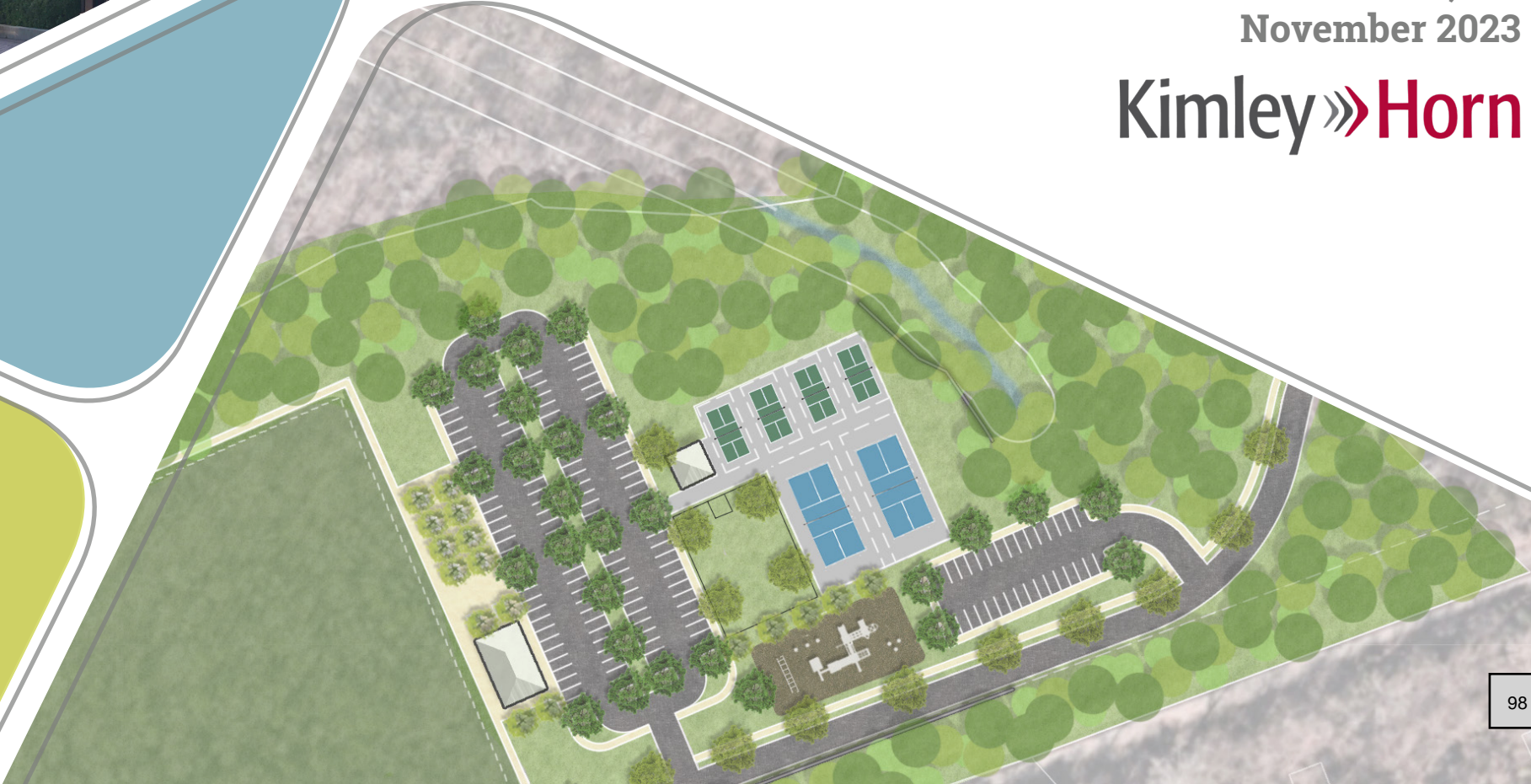
Agenda Title/Category:	Jack Hughes Park Expansion			
Staff Contact/Presenter:	Matthew Jakubowski/Ryan Spitzer/Laura Handleton (Kimley Horn)			
Meets Strategic Initiative or Approved Plan:	Yes	No	If yes, list:	
Background:	Approved feasibility study for Jack Hughes Park			
Discussion:	Public hearing on Feasibility Study			
Fiscal impact:				
Attachments:	Feasibility Design			
Recommended Motion to be made by Council:	Recommend approving Feasibility Study and design of Jack Hughes expansion			



# Jack D Hughes Park Feasibility Report

Town of Pineville, NC  
November 2023

**Kimley»Horn**



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## Project Background

Jack D. Hughes is a highly used community park. It is used primarily for sports and attracts tournaments and events from all over the county. The current park area, which is about 30 acres, contains 3 baseball fields and a multi-use field as well as bathrooms, concessions, and shelters to serve these facilities. These fields are a great asset to the community, but demand is exceeding the space provided today.

To meet community demands for sports facilities, the town of Pineville is proposing to expand Jack D. Hughes Park into the 72-acre parcel to the south. This parcel is already owned by the Town.

The purpose of this document is to provide relevant information to aid Town Council's decision about developing this park expansion.

## Site Programming

As a part of this project process, the consultant (Kimley-Horn) has consulted with Matthew Jakubowski and Ryan Spitzer from the Town of Pineville. Based on the programming analysis completed with this team, the park should include the amenities below.

### Amenities:

- Two new multi-use fields
- Two new tennis courts
- Four new pickleball courts
- New play area
- Two new shelters
- A restroom and concession building

### Additional site elements:

- Parking (approximately 210 spaces)
- Fifty foot screen buffer adjacent to residential lots per zoning code section 6.5.40.H
- Access road off of existing Jack D Hughes Lane

## Development Requirements

The proposed park parcels will be governed by the Town of Pineville Zoning Ordinance. The parcel (22149115) is owned by the Town of Pineville, is currently zoned Residential Mixed Use (RMX) and is in the Residential Overlay District. This report is a feasibility study intended to aid Town Council in their decision to pursue the development of the Jack D Hughes Park expansion. Should they choose to move forward with the park, the following will be needed:

### Development Requirements:

- ALTA survey
- Environmental Study
- Land development permit
- Building permit for the restroom and concession building
- A lighting plan must be provided prior to approval. (6.5.40.B)
- A trip generation report must be provided and any recommendations from the report must be completed by the applicant (6.5.40.F)

A floodplain development permit may be needed based on survey information and final design. Based on the current design, no floodplain development permit is needed. See note 1 below for more information.

### Note 1:

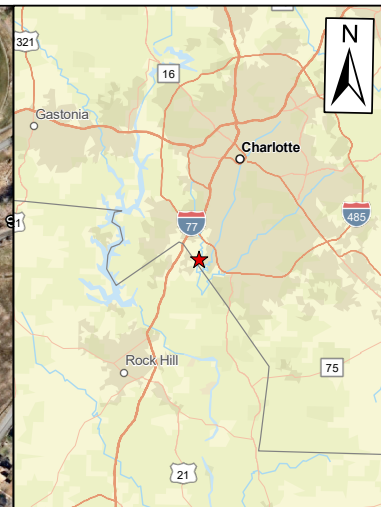
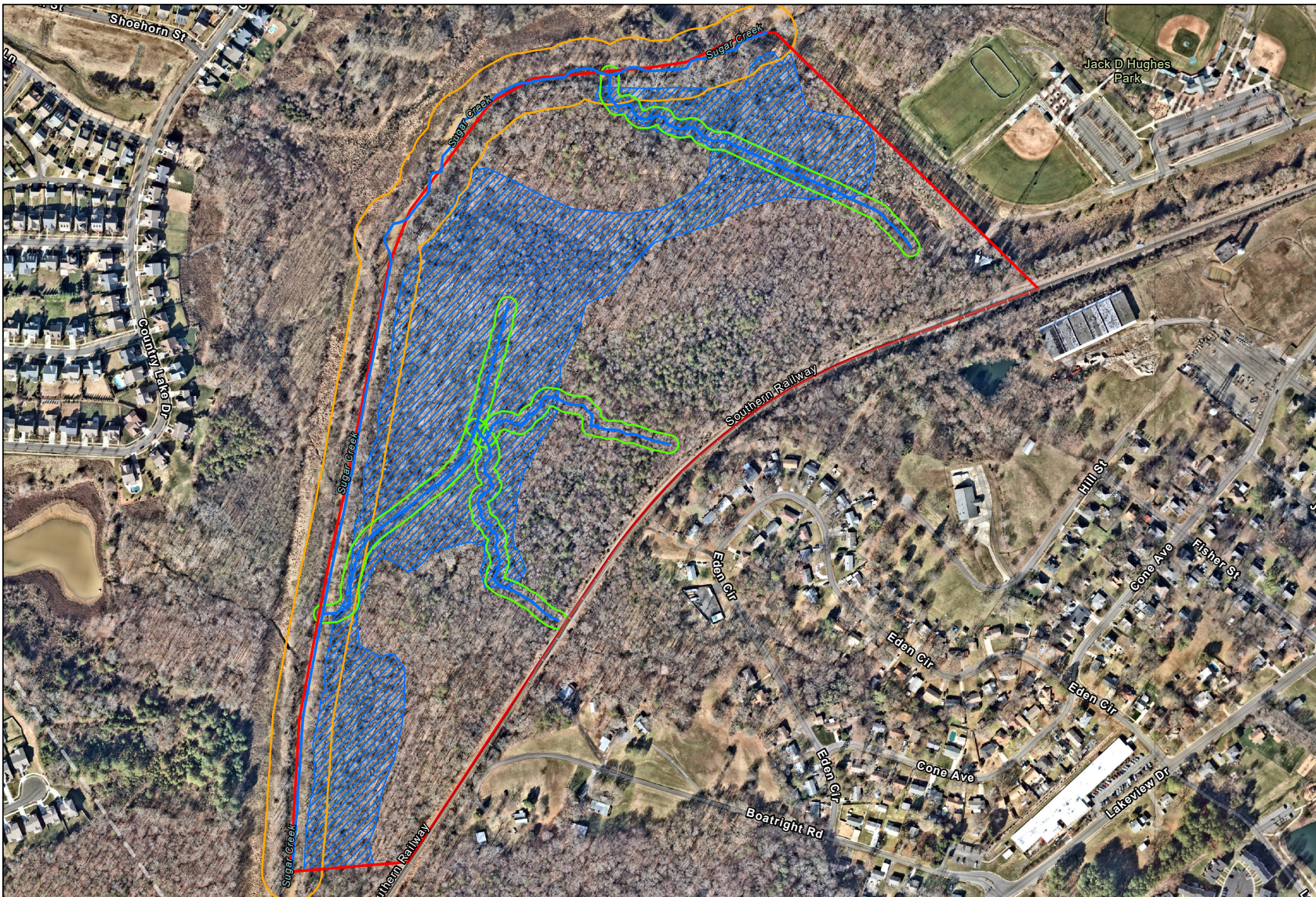
Any fill placed within the community encroachment area will require a flood study (sometimes referred to as a no-rise study) and a floodplain development permit (FDP) from Mecklenburg County. The flood study must demonstrate that there is no increase (0.00') in the 100-year base flood elevation or if there is an increase, that increase cannot impact another insurable structure. If there is an increase and no structures are impacted, a Conditional Letter of Map Revision (CLOMR) may be submitted to Mecklenburg County. The CLOMR requires public notification. This may also trigger the requirement for a post-construction Community Letter of Map Revision (LOMR) with as-built survey to be submitted and approved before a CO will be issued. A LOMR also requires public notification. Typical preparation and review times are 6-12 weeks for a flood study and FDP, 5-9 months for a flood study and FDP with CLOMR, and 3-6 months post construction LOMR.

## Park Parcels

Description	Owner	Size	Parcel number
Existing park	Town of Pineville	29.44 acres	221021116
Existing park	Town of Pineville	0.51 acres	221021140
Existing park (town hall)	Town of Pineville	2.72 acres	22105122
Proposed park	Town of Pineville	71.84 acres	22149115

## Adjacent Parcels

Description	Owner	Address	Size	Parcel number
North Boundary	Scofield Miller Properties	12601 Rock Hill-Pineville Road	53.84 acres	22101103
West Boundary	McCullough Neighborhood Association	12030 Miller Glen Court	79.52 acres	22101287
South Boundary	Mecklenburg County	1310 Lakeview Drive	40.46 acres	22149101
East Boundary	Pineville Redevelopment Investment Inc	436 Cone Avenue	27.56 acres	22105107
East Boundary	AF & AM Trustees Polk James K Lodge #759	900 Hill Street	9.76 acres	22105119
East Boundary	Equity Trust Company	244 Eden Circle	0.50 acres	22104121
East Boundary	Julie A Helms	246 Eden Circle	0.47 acres	22104120
East Boundary	Macenzie Boye	248 Eden Circle	0.37 acres	22104119
East Boundary	Edward A Laney	250 Eden Circle	0.36 acres	22104118
East Boundary	Lisa Stringer Hargett	252 Eden Circle	0.38 acres	22104117
East Boundary	James W Jr Thrower	254 Eden Circle	0.50 acres	22104116
East Boundary	Karen Jane Smith	258 Eden Circle	0.46 acres	22104115
East Boundary	Michael Colton Gilliam	3199 Celanese Road	10.04 acres	22104101
East Boundary	Lloyd M Finnison	1011 Boatright Road	2.08	22149114

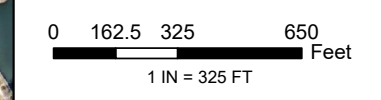


**Legend**

- Property Boundary
- Approximate Wetlands Delineated from LiDAR
- Approximate Streams Delineated from LiDAR

Charlotte-Mecklenburg Water Quality Buffers

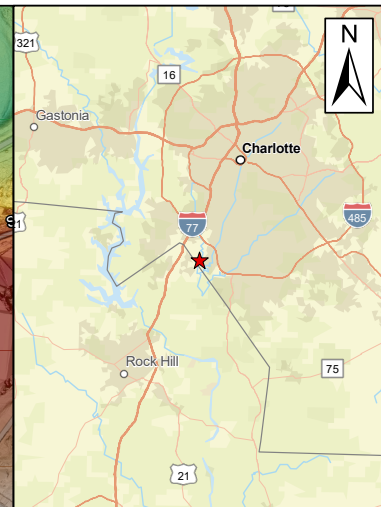
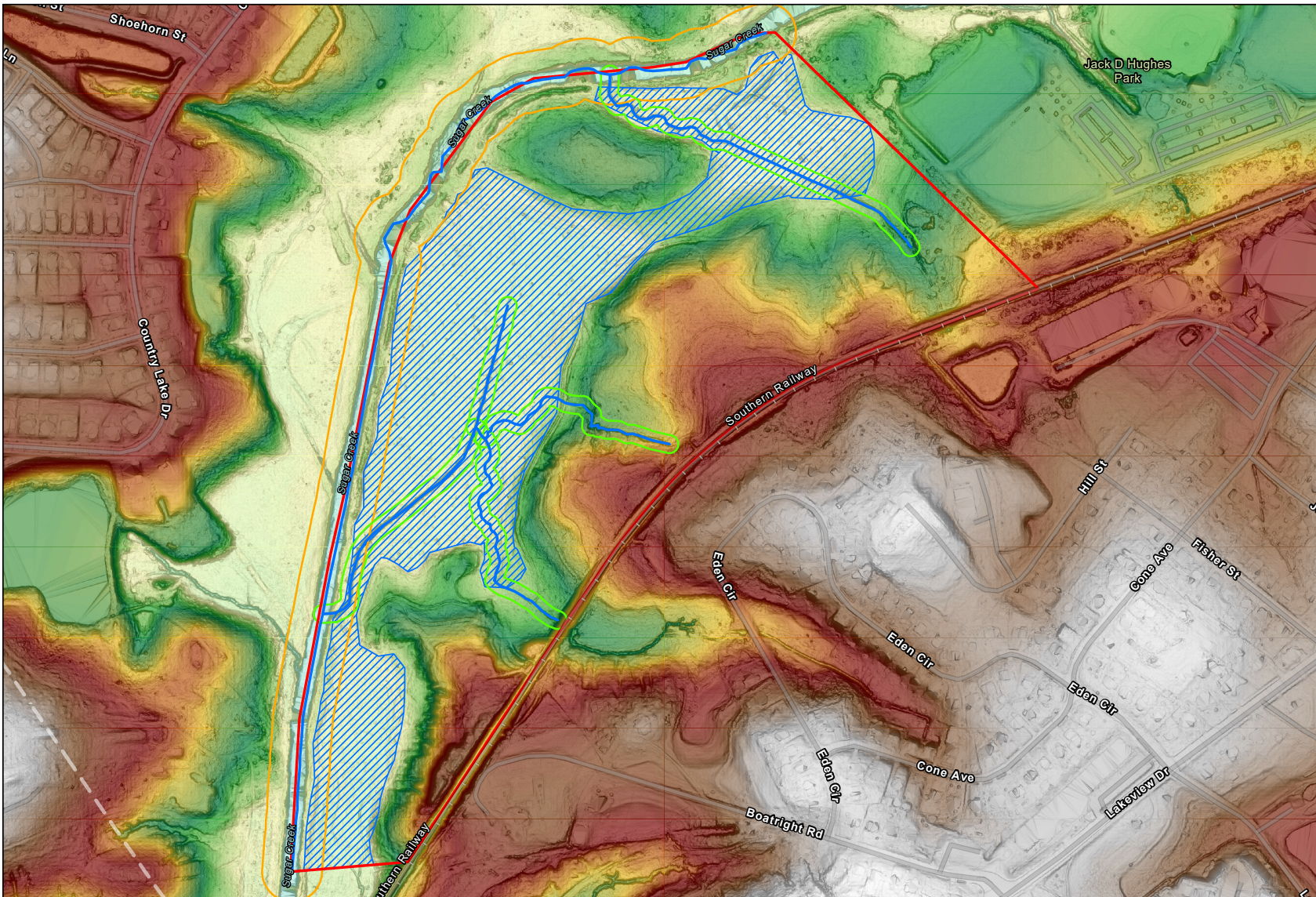
- 30ft PCCO
- 100ft PCCO



**Figure 1: Aquatic Resources Map**  
 Jack D. Hughes Feasibility Study  
 Pineville, Mecklenburg County, North Carolina

May 2023

**Notes**  
 Basemap source:  
 2023 Nearmap Aerial Imagery



**Legend**

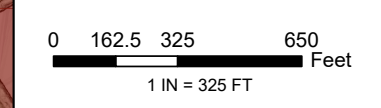
- ▭ Property Boundary
- ~ Approximate Streams Delineated from LiDAR
- ▨ Approximate Wetlands Delineated from LiDAR

Charlotte-Mecklenburg Water Quality Buffers

- ~ 30ft PCCO
- ~ 100ft PCCO

Elevation (ft)

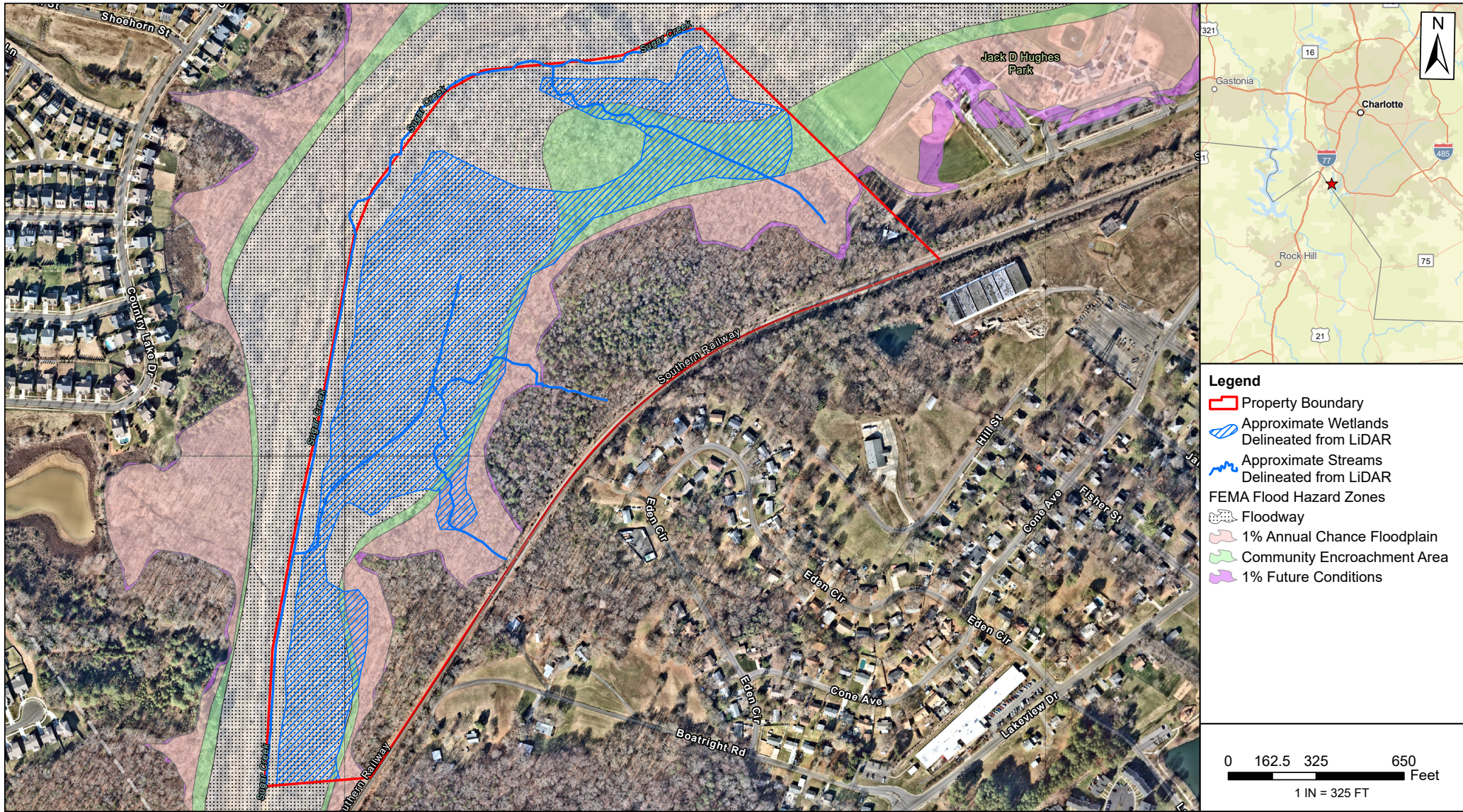
- █ 640.52
- █ 513.89



**Figure 2: Aquatic Resources (LiDAR) Map**  
 Jack D. Hughes Park Feasibility Study  
 Pineville, Mecklenburg County, North Carolina

May 2023

**Notes**  
 Data source:  
 Mecklenburg County QL2 LiDAR

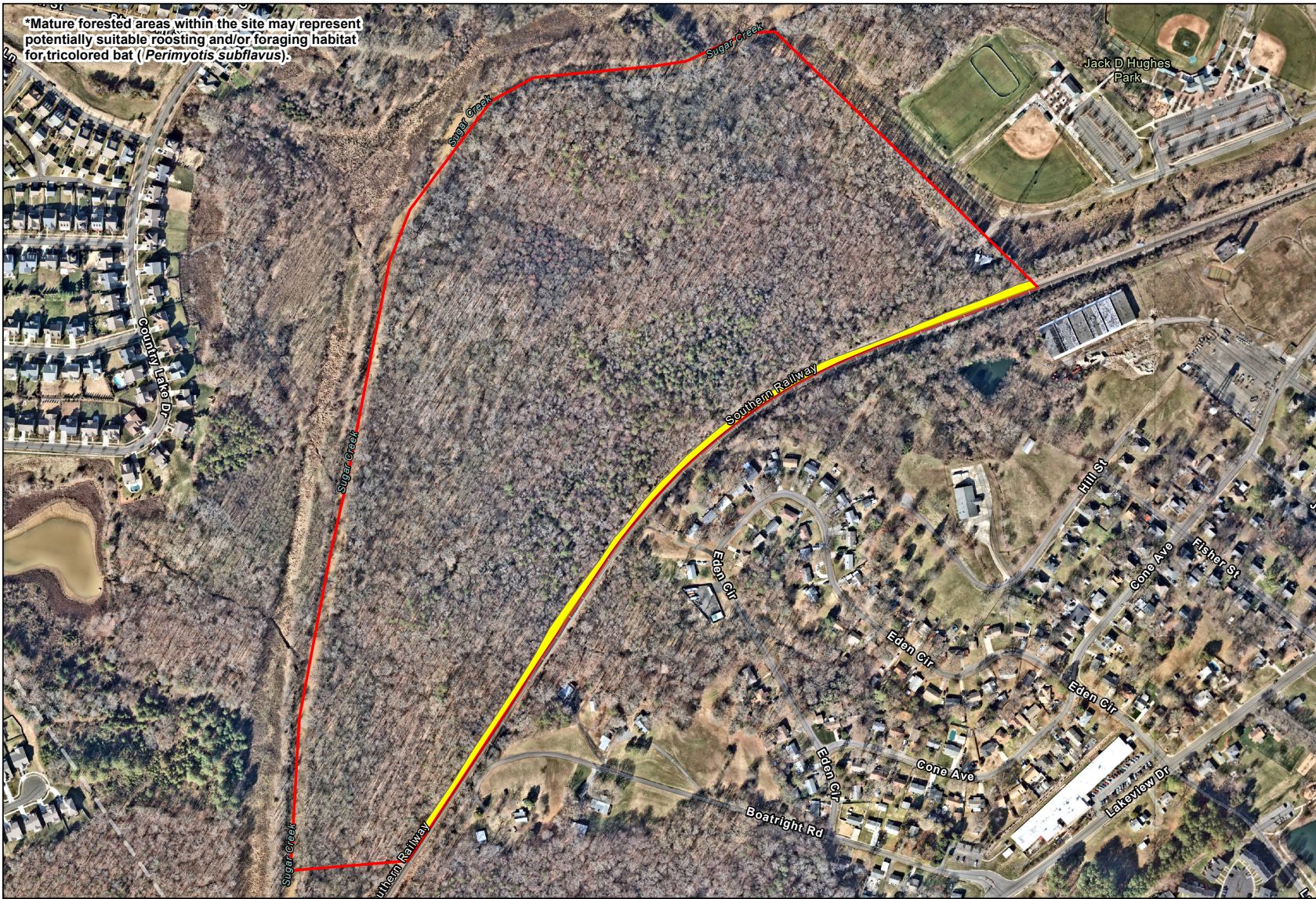


**Figure 3: FEMA Floodplain Map**  
 Jack D. Hughes Park Feasibility Study  
 Pineville, Mecklenburg County, North Carolina

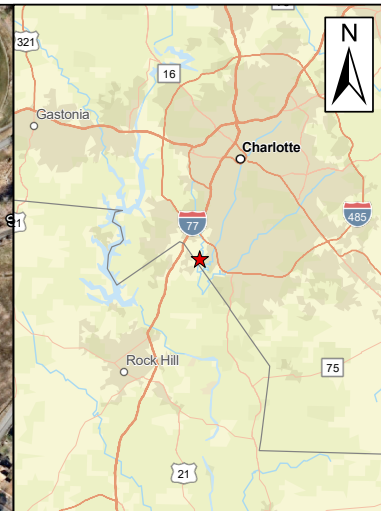
**Notes**  
 Basemap source:  
 2023 Nearmap Aerial Imagery

May 2023



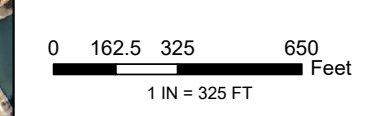


\*Mature forested areas within the site may represent potentially suitable roosting and/or foraging habitat for tricolored bat (*Perimyotis subflavus*).



**Legend**

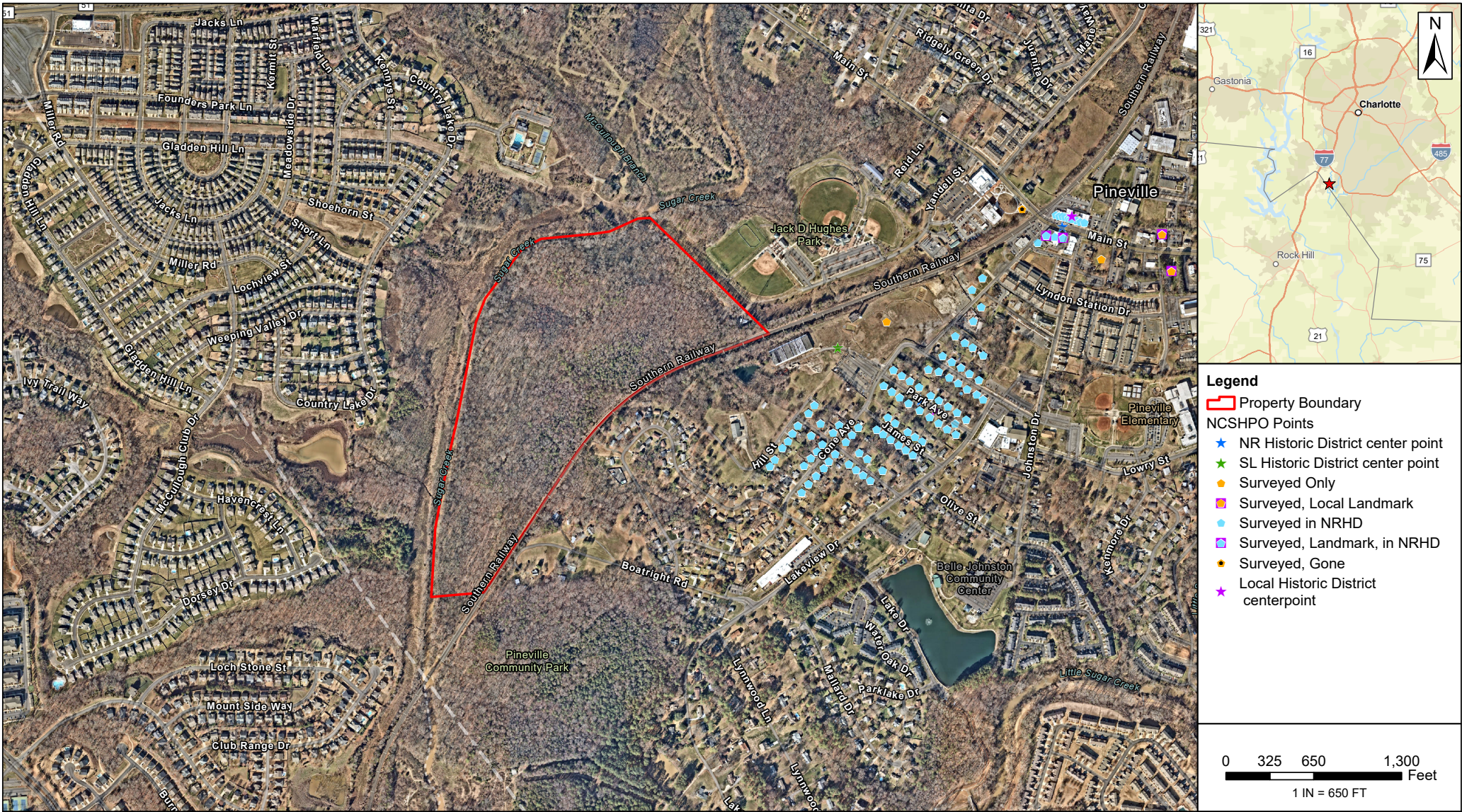
- Property Boundary
- Potential T/E Species Habitat
  - Helianthus schweinitzii*, *Rhus michauxii*, and *Echinacea laevigata*



**Notes**  
 Basemap source:  
 2023 Nearmap Aerial Imagery

**Figure 4: Potential T/E Species Habitat Map**  
 Jack D. Hughes Park Feasibility Study  
 Pineville, Mecklenburg County, North Carolina

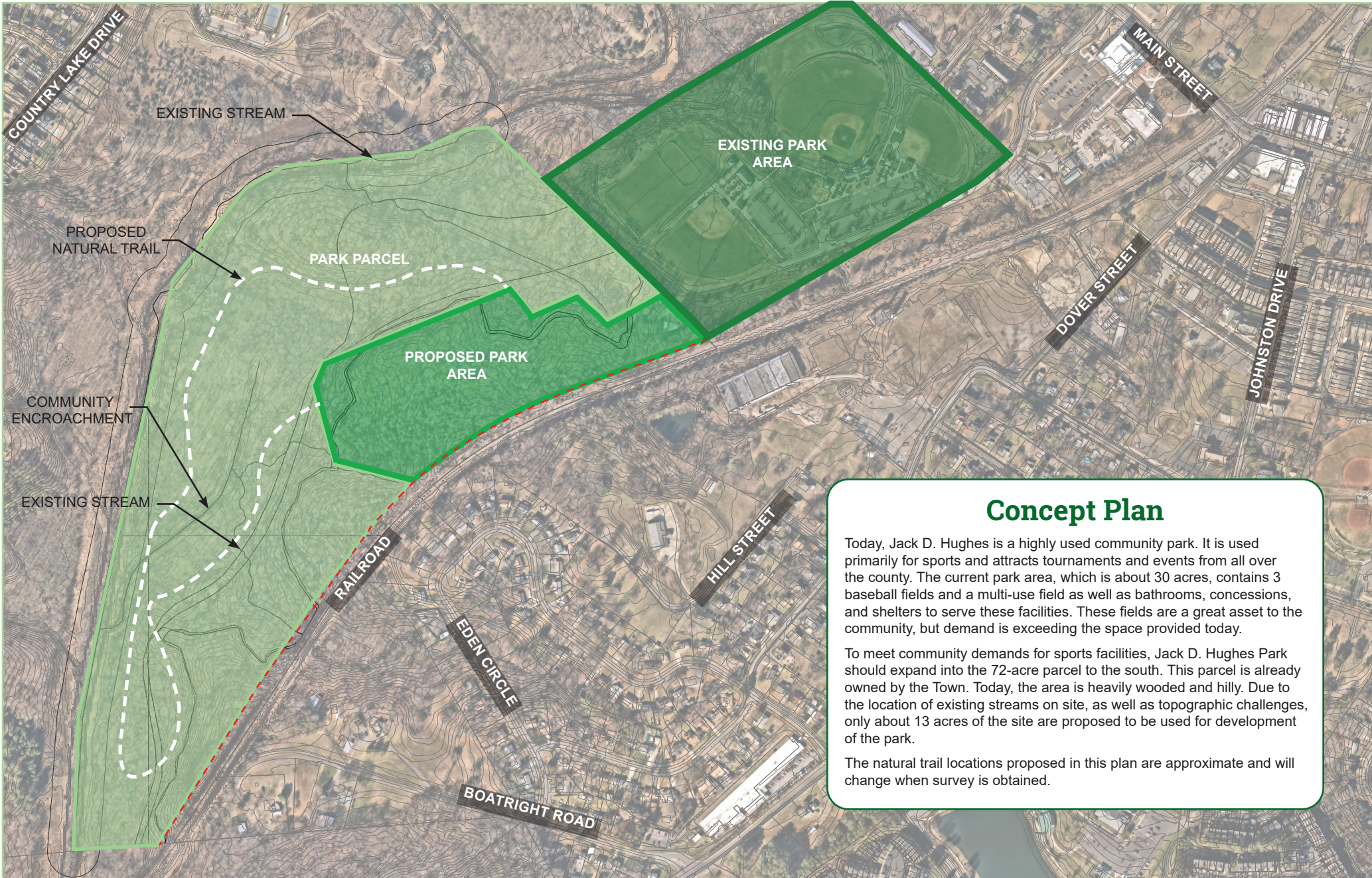
May 20233



**Figure 5: NCSHPO Map**  
Jack D. Hughes Park Feasibility Study  
Pineville, Mecklenburg County, North Carolina

May 2023

**Notes**  
Data source:  
2023 Nearmap Aerial Imagery



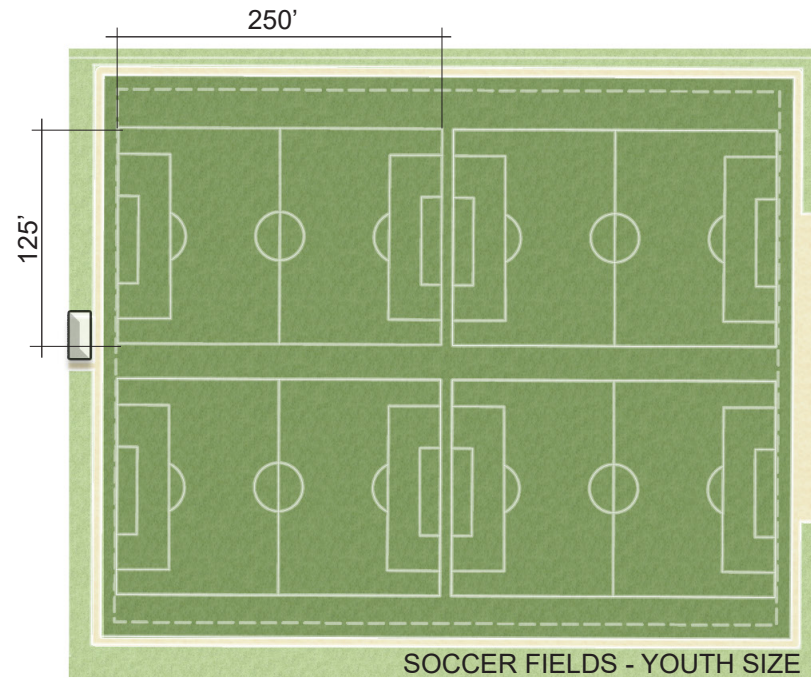
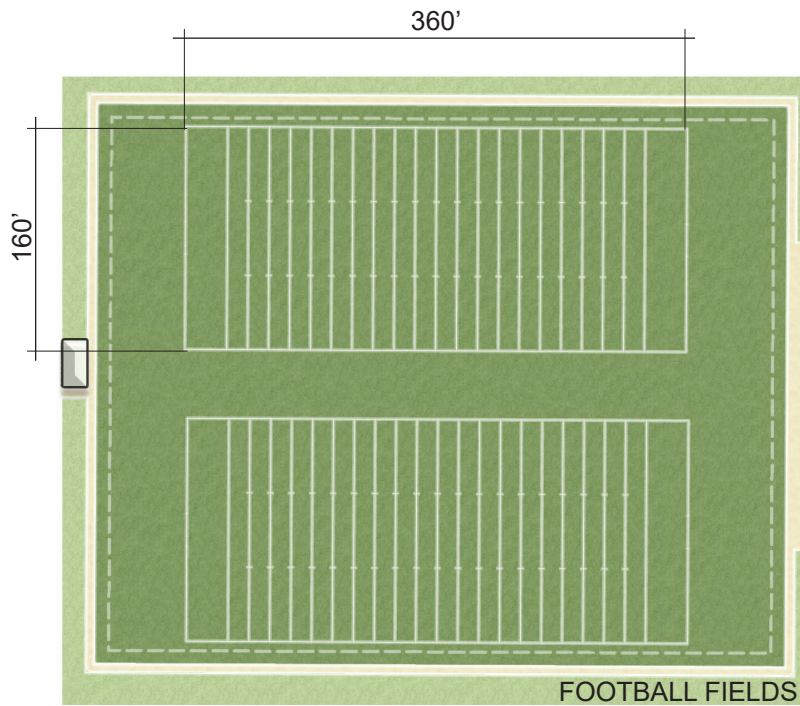
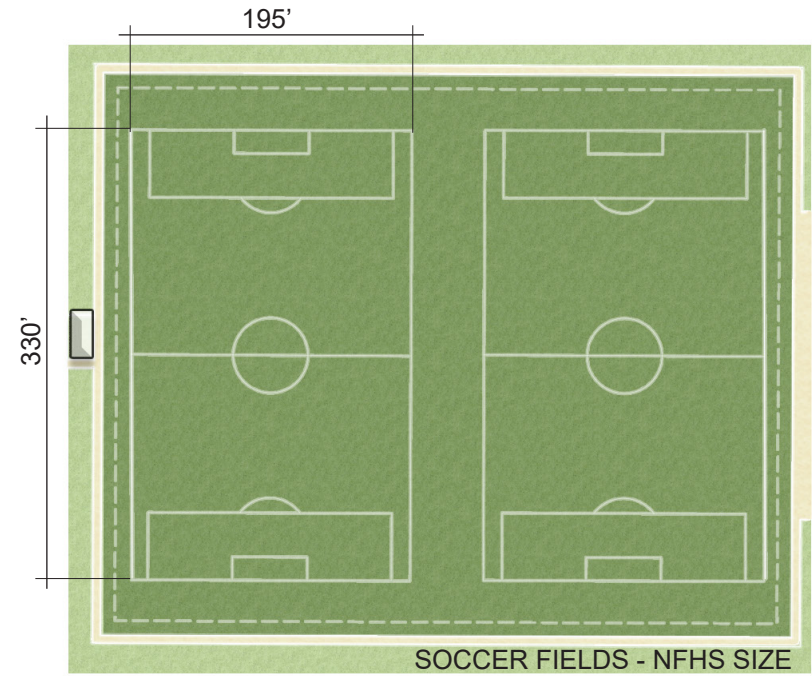
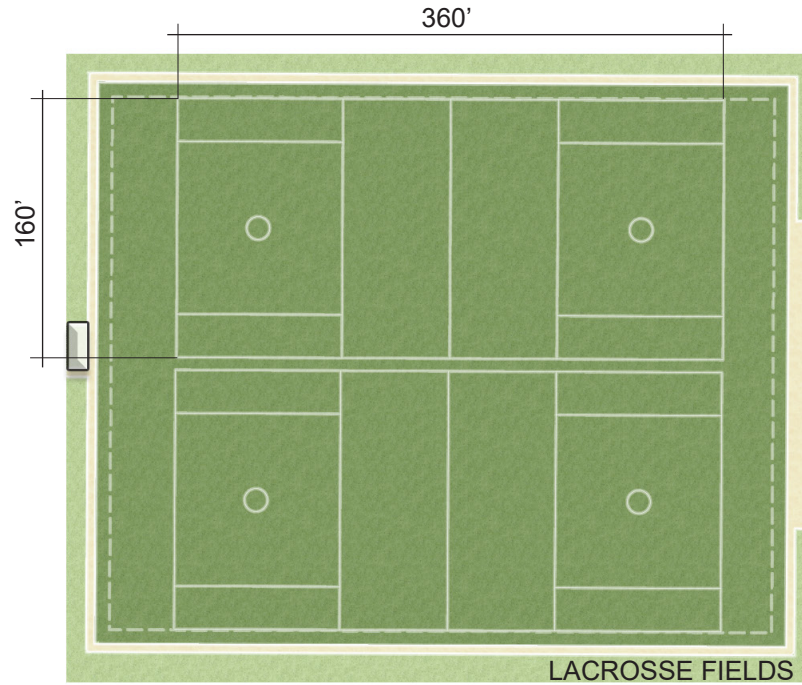
### Concept Plan

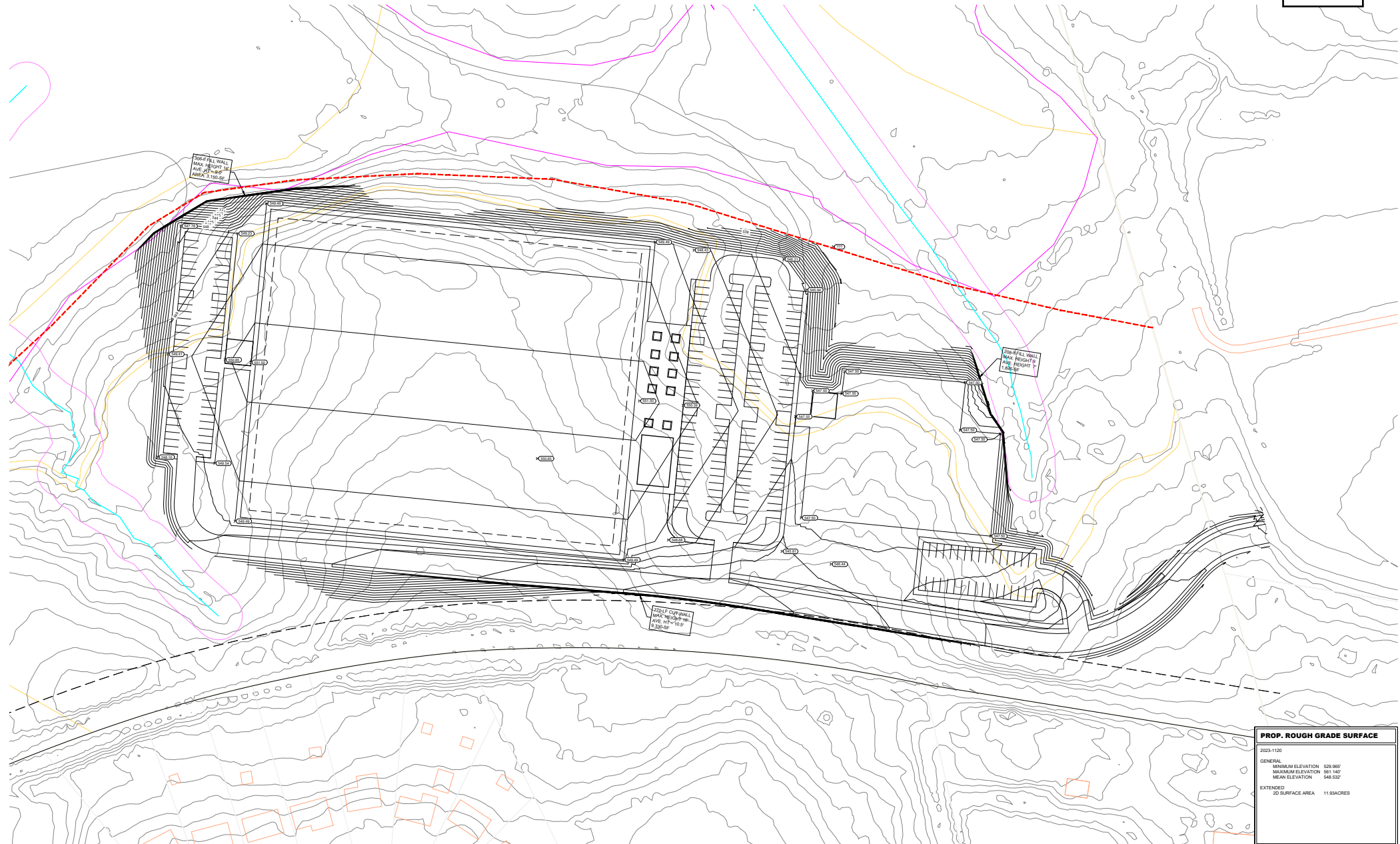
Today, Jack D. Hughes is a highly used community park. It is used primarily for sports and attracts tournaments and events from all over the county. The current park area, which is about 30 acres, contains 3 baseball fields and a multi-use field as well as bathrooms, concessions, and shelters to serve these facilities. These fields are a great asset to the community, but demand is exceeding the space provided today.

To meet community demands for sports facilities, Jack D. Hughes Park should expand into the 72-acre parcel to the south. This parcel is already owned by the Town. Today, the area is heavily wooded and hilly. Due to the location of existing streams on site, as well as topographic challenges, only about 13 acres of the site are proposed to be used for development of the park.

The natural trail locations proposed in this plan are approximate and will change when survey is obtained.



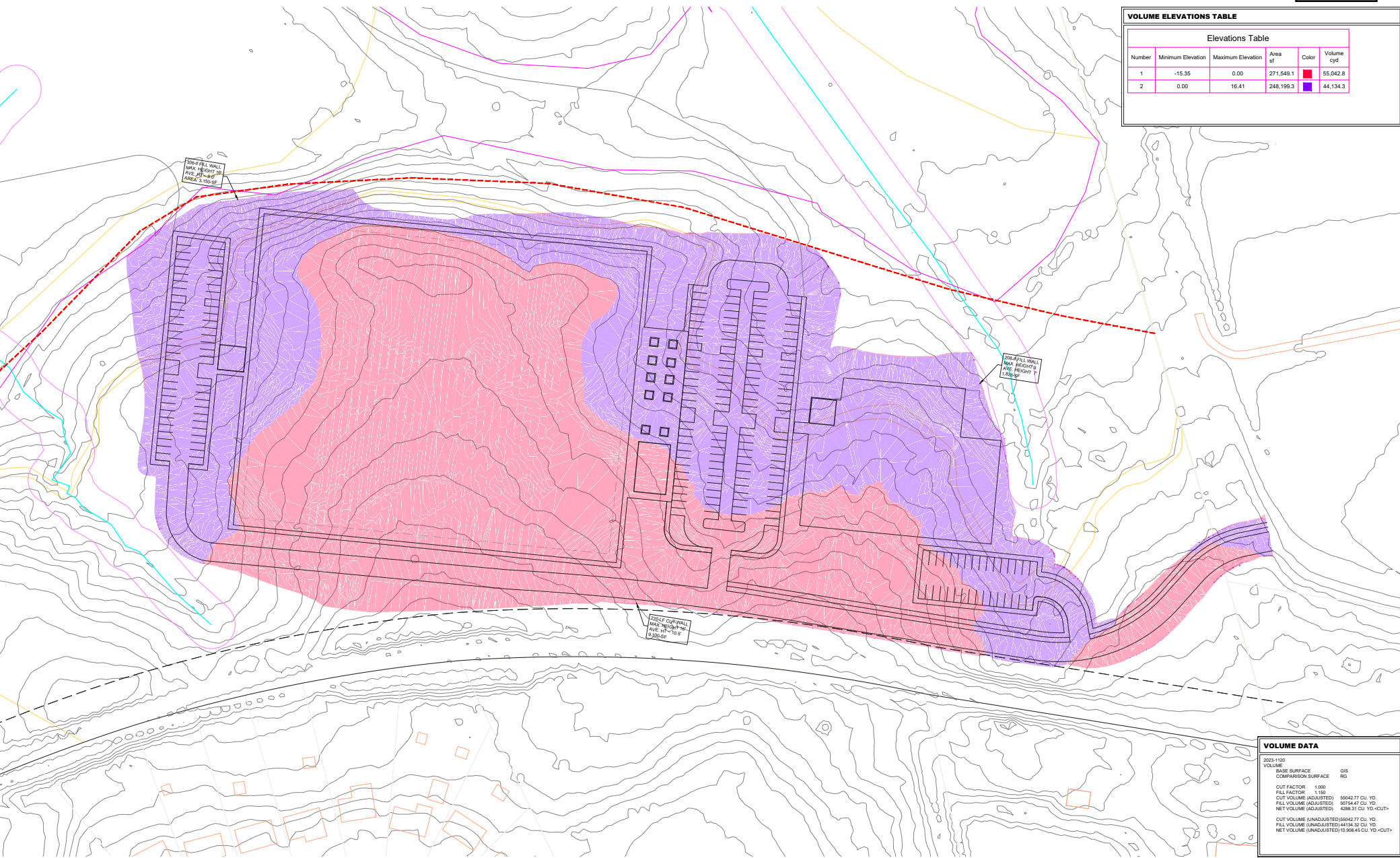




PROP. ROUGH GRADE SURFACE	
2023-1100	
GENERAL	
MINIMUM ELEVATION	529.96'
MAXIMUM ELEVATION	561.14'
MEAN ELEVATION	548.53'
EXTENDED	
2D SURFACE AREA	11.93ACRES



VOLUME ELEVATIONS TABLE					
Elevations Table					
Number	Minimum Elevation	Maximum Elevation	Area sf	Color	Volume cyd
1	-15.35	0.00	271,549.1	Red	55,042.8
2	0.00	16.41	248,199.3	Purple	44,134.3



VOLUME DATA	
2023-1120	
VOLUME	
BASE SURFACE	GIB
COMPARISON SURFACE	RG
CUT FACTOR	1.000
FILL FACTOR	1.150
CUT VOLUME (ADJUSTED)	88042.37 CU. YD.
FILL VOLUME (ADJUSTED)	50754.47 CU. YD.
NET VOLUME (ADJUSTED)	4288.31 CU. YD. <CUT>
CUT VOLUME (UNADJUSTED)	99942.37 CU. YD.
FILL VOLUME (UNADJUSTED)	44134.32 CU. YD.
NET VOLUME (UNADJUSTED)	10,958.45 CU. YD. <CUT>

### Opinion of Probable Cost

ITEM	UNITS	UNIT PRICE	QUANTITY	COST
Natural Turf Multi-Use Sports field (see note 4)	LS	\$ 900,000.00	2	\$ 1,800,000.00
Sports field lighting (see note 5)	LS	\$ 1,150,000.00	1	\$ 1,150,000.00
Tennis Courts	EA	\$ 350,000.00	2	\$ 700,000.00
Pickleball Courts	EA	\$ 200,000.00	4	\$ 800,000.00
Dog Park	LS	\$ 130,000.00	1	\$ 130,000.00
Mass Grading with Scraper or Large Equipment	CY	\$ 5.00	106,000	\$ 530,000.00
Mass Grading Haul Offsite	CY	\$ 30.00	5,000	\$ 150,000.00
Retaining Wall	LF	\$ 50.00	1,284	\$ 64,200.00
New fencing	LF	\$ 22.00	1,800	\$ 39,600.00
Asphalt paving	SF	\$ 30.00	63,500	\$ 1,905,000.00
Curb and gutter	LF	\$ 25.00	6,500	\$ 162,500.00
Natural Trails	LF	\$ 30.00	5,500	\$ 165,000.00
Sidewalk	LF	\$ 52.50	4,000	\$ 210,000.00
Enhanced pavers	SF	\$ 30.00	13,500	\$ 405,000.00
Concessions Building	LS	\$ 700,000.00	1	\$ 700,000.00
Shelter	EA	\$ 22,000.00	2	\$ 44,000.00
Utilities (Electrical, water, sewer)	LS	\$ 250,000.00	1	\$ 250,000.00
Storm water network	LS	\$ 500,000.00	1	\$ 500,000.00
Raised tree pits	EA	\$ 1,500.00	10	\$ 15,000.00
Benches	EA	\$ 1,670.00	20	\$ 33,400.00
Water Fountains	EA	\$ 1,000.00	3	\$ 3,000.00
Trash Cans	EA	\$ 1,000.00	10	\$ 10,000.00
Trees	EA	\$ 350.00	100	\$ 35,000.00
Landscape material	SF	\$ 25.00	12,000	\$ 300,000.00
Mulch	SY	\$ 15.00	800	\$ 12,000.00
Play equipment	LS	\$ 500,000.00	1	\$ 500,000.00
<b>SUBTOTAL</b>				<b>\$ 10,613,700.00</b>
Mobilization (10%)	LS	\$ 1,061,370.00	1	\$ 1,061,370.00
Contingency (20%)	LS	\$ 2,122,740.00	1	\$ 2,122,740.00
<b>TOTAL</b>				<b>\$ 13,797,810.00</b>

**Notes:**

- The quantities listed in this cost opinion are based on the conceptual plans and are subject to change when final design is complete.
- Unit costs used in this cost opinion are representative of typical market costs as best known to the Consultant at the date of this estimate, and do not account for inflationary cost escalation
- The Consultant has no control over the cost of labor, materials, or equipment, or over the contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs, as provided here, are made on the basis of the Consultant's experience and qualifications and represent the Consultant's judgment as a design professional familiar with the construction industry. The Consultant cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from opinions of probable cost prepared for the Owner.
- All sports field's cost estimates include pricing for irrigation, fencing, equipment, scoreboards, etc.
- The lighting cost in this cost opinion is for the sports field lighting only. Site lighting will be provided through the Town. The lighting costs includes 8 lights for the multi-use field, 24 for the tennis courts, and additional allowance for electric connections.

**Recommended Alternate:**

There are several downsides to using natural turf in a sports field context. Injuries are more likely on natural turf, and the fields need more maintenance such as mowing, fertilizing, and seeding. They must rest after 750-1,000 hours of play, resulting in inactive fields for several months of the year. There are also cost implications of the increased maintenance. The cost implications of artificial turf versus natural turf are summarized below.

	Artificial Turf	Natural Turf
<b>Capital Cost (per field)</b>	\$1,300,000	\$900,000
<b>Annual Maintenance Cost (per field)</b>	\$5,000	\$35,000 - \$50,000

For these reasons, we recommend using artificial turf instead of natural turf on the multi-use fields.





## TOWN COUNCIL AGENDA ITEM

MEETING DATE: 2/13/2024

Agenda Title/Category:	Fitness Court & Lake Park			
Staff Contact/Presenter:	Matthew Jakubowski			
Meets Strategic Initiative or Approved Plan:	Yes	No	If yes, list:	
Background:	Council to approve bid for Fitness Court to be located at Lake Park. Park to be funded \$200,00 by CDGB funds. \$30,786 to be funded by town			
Discussion:	Parks and Recreation solicited competitive bids for the project – the lowest was from Beam Team Construction.			
Fiscal impact:	None			
Attachments:	Bid Amounts from Beam Team Construction and Catalyst Construction			
Recommended Motion to be made by Council:	Recommend approving Beam Team Construction to install Fitness Court and approve additional funding by town			



Company Name	38' by 38' Concrete Slab and Installation Cost	Fitness Court Materials and Installation Cost	Bid Total
Beam Team Construction	\$35,383.00	\$195,402.00	\$230,786.00
Catalyst Construction	\$34,485.00	\$197,325.00	\$231,810.00



## TOWN COUNCIL AGENDA ITEM

MEETING DATE: 2/13/2024

Agenda Title/Category:	Parks and Recreation Salary Classification			
Staff Contact/Presenter:	Matthew Jakubowski			
Meets Strategic Initiative or Approved Plan:	Yes	No	If yes, list:	
Background:	New salary classification for Parks and Recreation Maintenance Team.			
Discussion:	<p>P&amp;R Director would like to implement new Salary classifications for maintenance team.</p> <p>Parks and Recreation Technician                  Parks Maintenance Technician 2                  Senior Parks Maintenance Technician</p>			
Fiscal impact:	Salary adjustments			
Attachments:	New Job Descriptions with requirements for each position – requirements highlighted in yellow			
Recommended Motion to be made by Council:	Recommend approving New Salary Classification for Parks and Recreation Maintenance			



## Parks Maintenance Technician

**Department:** Parks & Recreation

**FLSA:** Non-exempt

**Reports to:** Parks Maintenance Supervisor

### GENERAL DESCRIPTION

Under the general supervision of the Parks and Recreation Director, the individual provides high quality grounds and landscaping maintenance, upkeep of all fields and keep them in immaculate condition. The Parks Maintenance Supervisor will direct the work of the Parks Maintenance Technician

### ESSENTIAL JOB FUNCTIONS

Responsible for overall maintenance and upkeep of the parks and grounds

Maintains turf area; mows, aerates, fertilizes, seeds, removes weeds, re-sods and edges using equipment and tools such as mowers, weed eaters, blowers and various hand tools

Plants and prunes trees, shrubs, ground cover and flowers

Diagnoses turf and plant problems and implements control procedures

Prepares and applies pesticides, fertilizers and soil amendments using tools such as sprayers and spreaders and maintain thorough records

Drag and line ball fields according to the appropriate sport's regulations prior to and between games as necessary

Inspects park, playgrounds and recreation areas for hazardous and/or unsafe conditions and make necessary repairs or modifications

Diagnose and perform light mechanical service on all equipment and report mechanical problems to supervisor

Cleans and stocks restrooms and provides maintenance and repairs for the facilities

Repairs and adjusts irrigation systems.

Provides assistance to the Athletic Coordinator on the day of event with any request regarding maintenance of the facility

Must coordinate efforts and establish good working relationship with Crew Leader, upper management and Parks and Recreation staff

Attends training workshops and classes related to job duties

Must be able to work a flexible work schedule that includes nights, weekends and holidays

Perform related tasks as required

**KNOWLEDGE, SKILLS AND ABILITIES**

Considerable knowledge of tools, materials and methods used in skilled, unskilled street, building and grounds maintenance work; working knowledge and skills in turf maintenance, grounds and landscaping maintenance; working knowledge and skills in carpentry, painting, plumbing, electrical repair, grounds maintenance and basic equipment repair; working knowledge of safety precautions; ability to understand and follow oral and written instructions; ability to use varied equipment required in performance of duties, ability to establish and maintain effective working relationships with other employees, superiors and the general public.

**EDUCATION AND EXPERIENCE**

Must have a High school diploma or G.E.D. equivalent, 1-2 years of parks maintenance, landscaping or prior turf/golf course experience preferred

**SPECIAL REQUIREMENTS**

Must have either a valid North Carolina or South Carolina’s driver’s license and be able to maintain a safe driving record

**PHYSICAL REQUIREMENTS**

Must be able to perform the basic life operational functions of climbing, balancing, stooping, kneeling, crouching, reaching, standing, walking, pushing, pulling, lifting, grasping, feeling, talking, hearing and repetitive motions

Must be able to perform heavy work exerting up to 100 pounds of force occasionally and/or up to 50 pounds of force frequently and/or up to 20 pounds of force constantly to move objects

Must possess the visual acuity to perform mechanical or skilled trade tasks of a non-repetitive nature such inspections, landscaping, operate equipment and machines

Must be able to work in environmental conditions that require both inside and outside work

Must be able to work in conditions that are subject to contact with potentially infectious bodily fluids

**Signed:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_



## Parks Maintenance Technician 2

**Department:** Parks & Recreation

**FLSA:** Non-exempt

**Reports to:** Parks Maintenance Supervisor

### **GENERAL DESCRIPTION**

Under the general supervision of the Parks and Recreation Director, the individual provides high quality grounds and landscaping maintenance, upkeep of all fields and keep them in immaculate condition. The Parks Maintenance Supervisor will direct the work of the Parks Maintenance Technician

### **ESSENTIAL JOB FUNCTIONS**

Responsible for overall maintenance and upkeep of the parks and grounds

Maintains turf area; mows, aerates, fertilizes, seeds, removes weeds, re-sods and edges using equipment and tools such as mowers, weed eaters, blowers and various hand tools

Plants and prunes trees, shrubs, ground cover and flowers

Diagnoses turf and plant problems and implements control procedures

Prepares and applies pesticides, fertilizers and soil amendments using tools such as sprayers and spreaders and maintain thorough records

Drag and line ball fields according to the appropriate sport's regulations prior to and between games as necessary

Inspects park, playgrounds and recreation areas for hazardous and/or unsafe conditions and make necessary repairs or modifications

Diagnose and perform light mechanical service on all equipment and report mechanical problems to supervisor

Cleans and stocks restrooms and provides maintenance and repairs for the facilities

Repairs and adjusts irrigation systems.

Provides assistance to the Athletic Coordinator on the day of event with any request regarding maintenance of the facility

Must coordinate efforts and establish good working relationship with Crew Leader, upper management and Parks and Recreation staff

Attends training workshops and classes related to job duties

Must be able to work a flexible work schedule that includes nights, weekends and holidays

Perform related tasks as required

**KNOWLEDGE, SKILLS AND ABILITIES**

Considerable knowledge of tools, materials and methods used in skilled, unskilled street, building and grounds maintenance work; working knowledge and skills in turf maintenance, grounds and landscaping maintenance; working knowledge and skills in carpentry, painting, plumbing, electrical repair, grounds maintenance and basic equipment repair; working knowledge of safety precautions; ability to understand and follow oral and written instructions; ability to use varied equipment required in performance of duties, ability to establish and maintain effective working relationships with other employees, superiors and the general public.

**EDUCATION AND EXPERIENCE**

Must have a High school diploma or G.E.D. equivalent and have 2.5 years of Direct experience in the parks maintenance field with the Town of Pineville

**SPECIAL REQUIREMENTS**

Must have either a valid North Carolina or South Carolina’s driver’s license and be able to maintain a safe driving record

Turf pesticide license required

Must keep all pesticide and other licenses up to date as required for the position

**PHYSICAL REQUIREMENTS**

Must be able to perform the basic life operational functions of climbing, balancing, stooping, kneeling, crouching, reaching, standing, walking, pushing, pulling, lifting, grasping, feeling, talking, hearing and repetitive motions

Must be able to perform heavy work exerting up to 100 pounds of force occasionally and/or up to 50 pounds of force frequently and/or up to 20 pounds of force constantly to move objects

Must possess the visual acuity to perform mechanical or skilled trade tasks of a non-repetitive nature such inspections, landscaping, operate equipment and machines

Must be able to work in environmental conditions that require both inside and outside work

Must be able to work in conditions that are subject to contact with potentially infectious bodily fluids

**Signed:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_



## Senior Parks Maintenance Technician

**Department:** Parks & Recreation

**FLSA:** Non-exempt

**Reports to:** Parks Maintenance Supervisor

### **GENERAL DESCRIPTION**

Under the general supervision of the Parks and Recreation Director, the individual provides high quality grounds and landscaping maintenance, upkeep of all fields and keep them in immaculate condition. The Parks Maintenance Supervisor will direct the work of the Parks Maintenance Technician

### **ESSENTIAL JOB FUNCTIONS**

Responsible for overall maintenance and upkeep of the parks and grounds

Maintains turf area; mows, aerates, fertilizes, seeds, removes weeds, re-sods and edges using equipment and tools such as mowers, weed eaters, blowers and various hand tools

Plants and prunes trees, shrubs, ground cover and flowers

Diagnoses turf and plant problems and implements control procedures

Prepares and applies pesticides, fertilizers and soil amendments using tools such as sprayers and spreaders and maintain thorough records

Drag and line ball fields according to the appropriate sport's regulations prior to and between games as necessary

Inspects park, playgrounds and recreation areas for hazardous and/or unsafe conditions and make necessary repairs or modifications

Diagnose and perform light mechanical service on all equipment and report mechanical problems to supervisor

Cleans and stocks restrooms and provides maintenance and repairs for the facilities

Repairs and adjusts irrigation systems.

Provides assistance to the Athletic Coordinator on the day of event with any request regarding maintenance of the facility

Must coordinate efforts and establish good working relationship with Crew Leader, upper management and Parks and Recreation staff

Attends training workshops and classes related to job duties

Must be able to work a flexible work schedule that includes nights, weekends and holidays



Perform related tasks as required

**KNOWLEDGE, SKILLS AND ABILITIES**

Considerable knowledge of tools, materials and methods used in skilled, unskilled street, building and grounds maintenance work; working knowledge and skills in turf maintenance, grounds and landscaping maintenance; working knowledge and skills in carpentry, painting, plumbing, electrical repair, grounds maintenance and basic equipment repair; working knowledge of safety precautions; ability to understand and follow oral and written instructions; ability to use varied equipment required in performance of duties, ability to establish and maintain effective working relationships with other employees, superiors and the general public.

**EDUCATION AND EXPERIENCE**

Must have a High school diploma or G.E.D. equivalent and have 7 years of Direct experience in the parks maintenance field with the Town of Pineville.

**SPECIAL REQUIREMENTS**

Must have either a valid North Carolina or South Carolina’s driver’s license and be able to maintain a safe driving record

Turf pesticide license required

One additional Certifications IE. Certified Irrigation Technician, Aquatic Pesticide Applicator, Turf Degree, etc...

Must keep all pesticide license up to date as required for the position

Must keep all special licenses up to date as required for the position

**PHYSICAL REQUIREMENTS**

Must be able to perform the basic life operational functions of climbing, balancing, stooping, kneeling, crouching, reaching, standing, walking, pushing, pulling, lifting, grasping, feeling, talking, hearing and repetitive motions

Must be able to perform heavy work exerting up to 100 pounds of force occasionally and/or up to 50 pounds of force frequently and/or up to 20 pounds of force constantly to move objects

Must possess the visual acuity to perform mechanical or skilled trade tasks of a non-repetitive nature such inspections, landscaping, operate equipment and machines

Must be able to work in environmental conditions that require both inside and outside work

Must be able to work in conditions that are subject to contact with potentially infectious bodily fluids

**Signed:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

# Public Hearing



**To:** Town Council

**From:** Travis Morgan

**Date:** 2/13/2024

**Re:** Citizen Road Rename Request (*Public Hearing*)

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## **REQUEST:**

Mr. Baskins requests current Jack Hughes Lane be renamed Yandell Street.

## **STAFF COMMENT:**

Council had considered names for the newly set plat map setting the roadway of Jack Hughes Lane from February of 2017. A street sign is needed for the road. Town controls almost all of the property around the roadway so property owner name change complications and procedure with addressing would be on the Town rather than residents or businesses. The current road name was chosen since it was most logical and straightforward as the road serves as primary access into Jack Hughes Park.

## **PROCEDURE:**

This is the public hearing for public comment on the proposal. You may vote on the proposal after the close of the public hearing, or you may vote to continue the public meeting into the future.

## **NEXT STEPS:**

For any road renaming to be official, the name needs to be approved through Mecklenburg County addressing and emergency services. W.A. Yandell as a name was rejected. There is Yandle Lane in Sterling neighborhood outside of Pineville so any name chosen would need to be vetted to be officially recognized.





## TOWN COUNCIL AGENDA ITEM

**MEETING DATE: February 13, 2024**

Agenda Title/Category:	<b>Create Electric Ops Center Capital Project Fund / New Business</b>			
Staff Contact/Presenter:	<b>Christopher Tucker, Finance Director</b>			
Meets Strategic Initiative or Approved Plan:	<b>Yes</b>	<b>No</b>	If yes, list:	<b>N/A</b>
Background:	<p>The Town of Pineville desires to construct a new Electric Operations Center on the now Town-owned Growers Outlet site. Preliminary Engineering has begun on the project.</p> <p>The estimated project cost is \$14,000,000.</p>			
Discussion:	<p>To best segregate the project and allow it to cross multiple fiscal years, the creation of a capital project fund is the recommended accounting tool.</p>			
Fiscal impact:	<p>The Town will issue debt to complete the project. At this stage, the Electric Fund will front the early costs until further into construction phase. A resolution of intent to reimburse has already been passed by the previous Council.</p>			
Attachments:	<b>Capital Project Ordinance</b>			
Recommended Motion to be made by Council:	<b>Approve as Presented</b>			

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING THE  
ELECTRIC OPERATIONS CENTER CAPITAL PROJECT FUND

WHEREAS, the Town of Pineville Electric department desires to construct a new operations on the Town owned properties at 313/315 Polk Street, and

WHEREAS, the Town Council of the Town of Pineville desires to establish a capital project fund to segregate the project from the Electric Fund, and

WHEREAS, the scope and timeline of the project will cross multiple fiscal years, and

WHEREAS, North Carolina General Statutes §159-13.2 authorizes the adoption of a capital project budget ordinance, and

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Pineville that there is hereby adopted a Capital Project Budget Ordinance setting forth the following revenues and expenditures and initial appropriations:

REVENUES:

Loan Proceeds	\$13,600,000
Transfer from Electric Fund	\$400,000

EXPENDITURES:

Capital Project Expenditures	\$14,000,000
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Duly adopted this 13th day of February 2024.

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Town Clerk



## TOWN COUNCIL AGENDA ITEM

**MEETING DATE: February 13, 2024**

Agenda Title/Category:	<b>Create McCullough Greenway Capital Project Fund / New Business</b>			
Staff Contact/Presenter:	<b>Christopher Tucker, Finance Director</b>			
Meets Strategic Initiative or Approved Plan:	<b>Yes</b>	<b>No</b>	If yes, list:	<b>N/A</b>
Background:	<p>The Town of Pineville has bid and engaged a contractor to construct a greenway that connects the McCullough neighborhood to Jack Hughes Park.</p> <p>The total project cost is \$1,505,000.</p>			
Discussion:	<p>To best segregate the project and allow it to cross multiple fiscal years, the creation of a capital project fund is the recommended accounting tool.</p>			
Fiscal impact:	<p>The Town will use \$1.2M of ARPA funds and \$105K of General Fund monies to accommodate the contracts. Additionally, the neighborhood has contributed \$200K.</p>			
Attachments:	<b>Capital Project Ordinance</b>			
Recommended Motion to be made by Council:	<b>Approve as Presented</b>			

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING THE  
MCCULLOUGH GREENWAY CAPITAL PROJECT FUND

WHEREAS, the Town of Pineville Parks and Recreation department desires to construct a greenway that connects the McCullough Neighborhood to Jack Hughes Park, and

WHEREAS, the Town Council of the Town of Pineville desires to establish a capital project fund to segregate the project from the General Fund, and

WHEREAS, the scope and timeline of the project will cross multiple fiscal years, and

WHEREAS, North Carolina General Statutes §159-13.2 authorizes the adoption of a capital project budget ordinance, and

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Pineville that there is hereby adopted a Capital Project Budget Ordinance setting forth the following revenues and expenditures and initial appropriations:

REVENUES:

Transfer from ARPA SRF	\$1,200,000
Local Contribution from McCullough HOA	\$200,000
Transfer from General Fund	\$105,000

EXPENDITURES:

Capital Project Expenditures	\$1,505,000
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Duly adopted this 13th day of February 2024.

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Town Clerk



## TOWN COUNCIL AGENDA ITEM

**MEETING DATE: February 13, 2024**

Agenda Title/Category:	<b>Budget Amendment 2024-4 / New Business</b>			
Staff Contact/Presenter:	<b>Christopher Tucker, Finance Director</b>			
Meets Strategic Initiative or Approved Plan:	<b>Yes</b>	<b>No</b>	If yes, list:	<b>N/A</b>
Background:	<p>The Town of Pineville has bid and engaged a contractor to construct a greenway that connects the McCullough neighborhood to Jack Hughes Park.</p> <p>The total project cost is \$1,505,000.</p>			
Discussion:	<p>A budget amendment is needed to accommodate a transfer from the General Fund to the newly created Capital Project Fund.</p>			
Fiscal impact:	<p>The Town will use \$1.2M of ARPA funds and <u>\$105K of General Fund monies</u> to accommodate the contracts. Additionally, the neighborhood has contributed \$200K.</p>			
Attachments:	<p>Staff Memo, BA2024-4</p>			
Recommended Motion to be made by Council:	<p><b>Approve as Presented</b></p>			





February 9, 2024

To: Honorable Mayor and Town Council  
Ryan Spitzer, Town Manager  
Lisa Snyder, Town Clerk

From: Christopher Tucker, Finance Director CMT

RE: Council Action Request – Budget Amendment 2024-4

For Council’s consideration at the February 13, 2024 Council Meeting, please find attached Budget Amendment 2024-3.

The purpose of the budget amendment is to increase **Fund Balance Appropriated** revenue and increase **Transfers to Other Funds** appropriations in the amount of **\$105,000** for expenditures associated with **McCullough Greenway**.


Staff recommends approval as presented.

**TOWN OF PINEVILLE NC**  
**BUDGET AMENDMENT #2024-4**  
February 13, 2024  
FISCAL YEAR 2023-2024

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
<b>General Fund</b>					
3990.0000.10	Revenue	Fund Balance Appropriated	1,378,000	105,000	1,483,000
Total Fund Revenues			<u>20,620,000</u>	<u>105,000</u>	<u>20,725,000</u>
	Expenditure	Transfers to Other Funds	-	105,000	105,000
Total Fund Expenditures			<u>20,620,000</u>	<u>105,000</u>	<u>20,725,000</u>

*DESCRIPTION: To increase Fund Balance Appropriated revenue and appropriate towards a transfer to the McCullough Capital Project Fund*

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Budget Officer  


\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Finance Director



## PUBLIC WORKS

# Department Update

To: Town Council

From: Chip Hill

Date: February 1, 2024

Re: **Public Works Updates**

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**Cone Mill Memorial:** The project was presented to the Council at the January 9 meeting. It was decided to shelve the project at this time.

**Huntley Glen:** The developer has not presented his assessment. The Town is still waiting.

**Parkway Crossing:** Developer has submitted the storm drain video for review to town staff and town engineer.

**McCullough:** Waiting for response from contractor. The contractor has been notified of the inspection results by Mecklenburg County.

**South Side Main Street Sidewalks:** Project will begin in the spring as weather permits.

**Johnston Drive Alignment:** Property owner has verbally agreed to the easement request for the temporary traffic signals. The easement exhibit has been sent to the property owner for his approval.

**Pineville Court:** Developer has completed repairs to storm drain. The town staff and engineer are waiting for the video to be submitted for review.

\*see attached spreadsheet for easement permits issued/pending FY 24

**PERMITS ISSUED/PENDING**  
**COMPANY**  
**Fiscal Year 2024**

COMPANY	LOCATION	STATUS	PERMIT NO
Spectrum/Melissa Sherrill Telics	Franklin/Main Street	Issued	PW20230816FRANKLIN/MAIN
Spectrum/Melissa Sherrill Telics	201 Towne Centre Blvd/Pineville Matthews Road	Issued	PW20230721TOWNECENTRE201
Charlotte Water/Zach Pelicone	273 Eden Circle/Cone Avenue	Issued	PW20230630EDENCIRCLE273
AT&T/Kara Rydill A02KFQA	11331 Downs Road	Issued	PW20230824DOWNS11331
Charter/Doug Sharp	9132 Willow Ridge/Goodsell Ct.	issued	PW20230801WILLOWRIDGE9132
Google Fiber/Micheal Scheetz/Telics	10324 John's Towne Dr/Park Crossing Dr 10504 Willow Ridge Rd/Willow Ridge & Goodsell Ct.	Issued	PW20230919PARKJOHNSWILLOW
Segra/Verizon Business/Johanna Shaw	950 N Polk St/Industrial Blvd	Issued	PW20230821NPOLK950
PNG/Paul Tatsis	12012 Carolina Logistics Drive/Downs Road	Issued	PW20230821CAROLINALOGISTICS12012
Segra/Johanna Shaw	12031 Carolina Logistics Drive	Issued	PW20230915CAROLINALOGISTICS12031
PNG/Paul Tatsis	657 Cranford Drive	Issued	PW20230911CRANFORD657
AT&T/Ashley Northup	12012 Carolina Logistics Drive/Downs Road	Issued	PW20231024CAROLINALOGISTICS12012
Spectrum/Tracey Kendall/STS Cable Services	10100 Rodney Street/Industrial Drive	Issued	PW20230911RODNEYSTREET10100
PNG/Paul Tatsis	129 Lowry Street	Issued	PW20230918LOWERY129
Derrick Walker/D.E.Walker Construction	Replacement of frame&louvers manholes	Issued	PW20230926MANHOLEVARIOUS
AT&T/Ashley Northup	8700 Pineville-Matthews Rd/Park Cedar Drive	Issued	PW20231012PINEVILLEMATTHEWSPARKCEDAR
Charter/Doug Sharp	9130 Willow Ridge/Goodsell Ct.	Issued	8700
Google Fiber/Cuylar Pittan	10460 Park Rd/Park Crossing Dr, 10352 Park Rd/Willow Ridge Rd	Issued	PW20231128WILLOWRIDGE9130
Google Fiber/Telics/Michael Scheetz	10337 Johns Towne Dr/Park Crossing and Johns Towne	Issued	PW20231129PARKRD10460-10352
Charlotte Water/Geneva Montgomery	12031 Carolina Logistics Drive/Nations Ford Rd & Downs Rd	Issued	PW20240130JOHNSTOWNE10337
Paul Penaherrera	123 Main Street/N Polk	Pending	PW20240123CAROLINALOGISTICS12031
PNG/London Armstrong	234 Eden Circle/Cone Ave	Issued	PW20240129EDENCIRCLE234
Charlotte Water/Geneva Montgomery	275 Eden Circle/Boatwright Rd	Issued	PW20240122EDEN275
Charlotte Water/Geneva Montgomery	265 Eden Circle/Cone Ave	Pending	
AT&T/Ashley Northup	12600 Rock Hill-Pineville Rd/Downs Rd	Pending	

# Department Update



**To:** Town Council

**From:** Travis Morgan

**Date:** 2/13/2024

**Re:** Town Planning Updates

## PLANNING:

**9540 Rodney:** Euroline Warehouse next to 485 under construction

**8343 Pineville-Matthews:** Aspen Dental freestanding building under construction at McMullen Creek shopping center

**Pineville-Matthews Rd:** You may see some freestanding commercial signs come down as required by NCDOT in association with the road median and Park rd crosswalk project.

## CODE ENFORCEMENT:

<p><b>Accessory Structures:</b> 111 Marine Lowe's</p> <p><b>Prohibited Parking:</b> Lowe's</p>	<p><b>Community Appearance/Junk Vehicle:</b> 210 Eden 10045 Sam Meeks</p> <p><b>Signs:</b> 601 L N Polk St 234 Eden 618 N Polk 800 N Polk 9635 Industrial 201 Towne Centre Blvd 12821 Meadow Creek 311 S Polk</p>	<p><b>Parking on the lawn:</b> 317 Mallard 206 Eden</p> <p><b>Temp Permit:</b> 601 E N Polk St</p> <p><b>Lighting:</b> 10629 Park Rd</p> <p><b>Dumpster:</b> 8302 P-M Rd</p>
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**Human Resources**

Linda Gaddy, PHR SHRM-CP MSHR  
 lgaddy@pinevillenc.gov  
 (704) 889-2362

**To:** Ryan Spitzer, Town Manager  
 Members of the Town Council

**From:** Linda Gaddy

**Date:** 2/7/2024

**Re:** Human Resources Monthly Report

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Ryan,

Enclosed is the Human Resources Department Monthly Report for the month of January 2024.

**New Hires:**

**Daniel Cameron** – Police Officer B.LE.T. trainee

**Jonathon Helms** - Police Officer B.LE.T. trainee

**Resignation/Termination:**

**Selene Pineda-Martinez**, Part-time CSR in PCS

**Retirements:**

**Gary Hinebaugh**, Police Administrative Officer

**Transfers:**

none

**Promotions:**

<b>name</b>	<b>current title</b>	<b>new title</b>
Kimel	Cpl-Patrol	Sgt- Patrol
Lindsey	Cpl-CID(temp Sgt)	Sgt- CID
Gonzalez	Officer	Cpl- Patrol
Bennett	det - CID	Cpl- CID
Turner	Officer	Cpl- Patrol
Ingram	Sgt- Patol	Sgt- Training
Malin	Cpl- Patrol	Det- CID
McClure	Det - CID(temp)	Officer
Roberts	Cpl-patrol	Sgt- Patrol

**Current Openings:**

**Police Officer**, four sworn Police Patrol or Investigations openings; 4 B.L.E.T. trainees graduated in December are awaiting swearing-in; two started the January B.L.E.T. class session, recruiting for the July class session.

**911 Telecommunicator**, accepting applications, interviewing, 2 finalists offered

**Customer Service Rep Part-time**, PCS

**Departmental Update:****Employee Handbook:**

Revisions have been drafted to update the entire Town Employee Handbook and are under review by the Town attorney. Coordination is underway with the revisions recently made to the Police General Orders and their work with Lexipol to ensure that policies which cross over align. Several administrative procedures were removed from the Employee Handbook and will be part of a new Procedures Manual. Administrative procedures do not belong in a personnel policy handbook. The new Procedures Manual will document all procedures and forms used in Human Resources and will become a useful tool for supervisors in their work with their employees and Human Resources.

**Safety:**

The Police Department is working with OSHA and our safety consultant through a voluntary program to reduce their risk of an on-the-spot inspection in the future, similar to what is already in place for Public Works.

The Town was approved for two Safety matching grants from the North Carolina League of Municipalities. The funds will help us improve safety and security in two of our departments, specifically a self-locking wheel balancer/wheel lift for the mechanic shop in Public Works, and security cameras in Parks & Recreation's Jack D. Hughes Park.

Live equipment safety training sessions are being completed this Spring, as well as First Aid/CPR/AED.

Annual online safety training courses have been assigned to all employees to be completed in the next month.

**Recruiting:**

We are still seeking experienced Police Officers, Police Trainees, and a 911 Telecommunicator fulltime. Plans for moving/transferring administrative police department staff to fill/back fill openings due to the retirement of the Administrative Officer are underway. The Police recruiting team made a visit to Gaston, CPCC-N, and SPCC to talk to the current BLET classes. They held a JRPAT Sunday 1/28 at the PD. 30 people signed up, 10 people showed, and 6 of those passed both JRPAT and written exam. We have also just begun to look for a Part-time CSR for PCS.

**Promotions:**

Nine promotions to Police Sergeant or Corporal are complete after the extensive interview and assessment process in December, with the analysis of results and selection of promotions completed at the beginning of January. The results of the promotional process are good for one year for qualifying for any openings that may occur in the next year. Three are qualified and expected to promote in a few months.

Work is underway on evaluating other positions in other departments that may warrant having a senior level position, or other reward for obtaining advanced certifications or training, including the adding of more senior level Park Maintenance Technician roles that were presented to Council at the work session.

**Wellness:**

We continue to issue reimbursements to employees through the new wellness benefit that rewards and encourages healthy living (physical, financial and lifestyle wellness). Budgeted wellness dollars reimburse employees for approved expenses in these categories. They can each claim up to \$600 of reimbursement during the benefit/fiscal year. Taking care of our staff benefits the Town in many ways from lower turnover, higher productivity and less missed work, as well as lower medical claims.

**Employee Appreciation and events:**

Options for Team Building events are being planned so that each team can experience a fun team building event. The late winter or early Spring is a target to have these team events.

March 1<sup>st</sup> is National Employee Appreciation Day, so we are planning for that special day. Plans are also beginning for the annual spring Picnic Friday May 5<sup>th</sup>.

As usual, we also recognize achievements and special events in our employees' lives in the Pine Needle employee newsletter. The Winter edition is coming out now.

**Performance Management:**

Supervisors are conducting mid-year performance check-ins with their staff reviewing progress toward goals and performance for the first half of the year.

*In case you missed it, a few snapshots of the fun and recognition at the Holiday party...*







# PINEVILLE POLICE DEPARTMENT

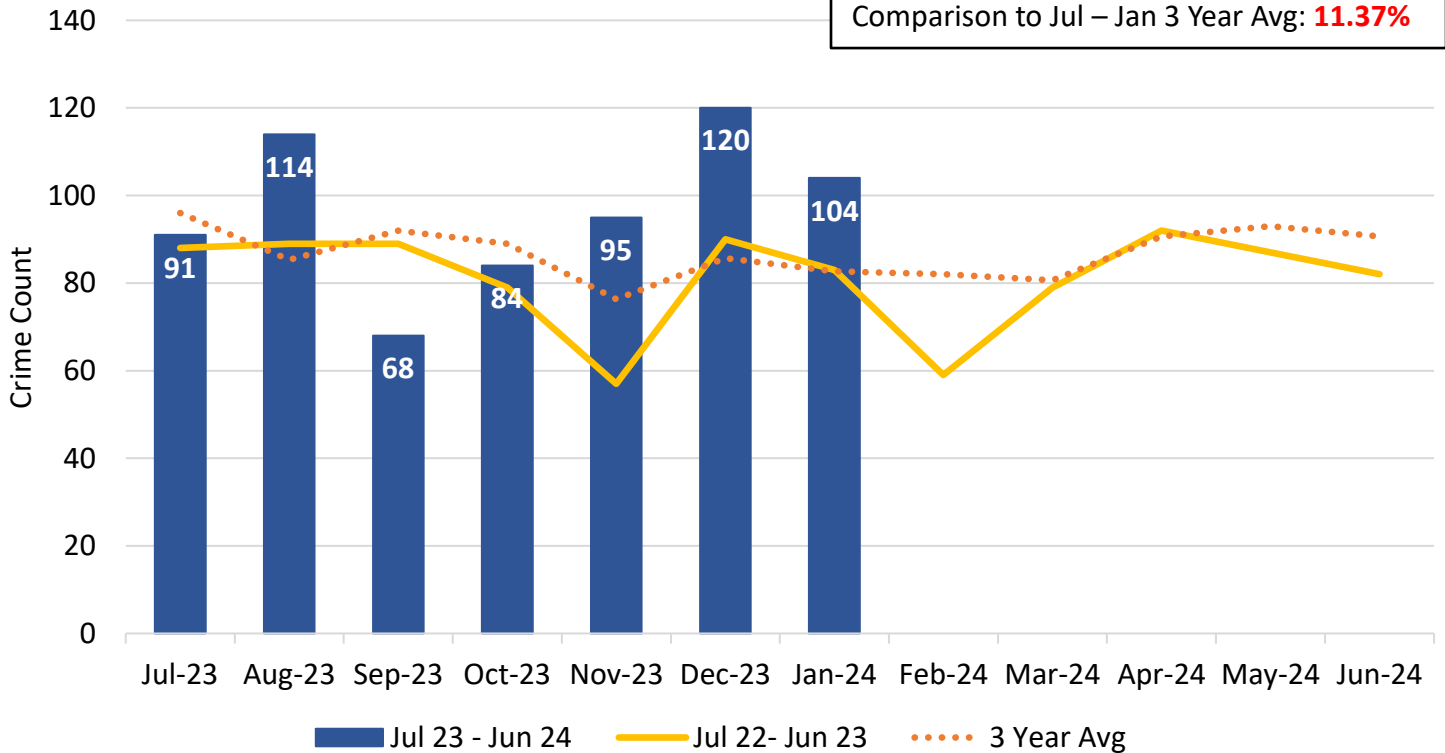
## MONTHLY REPORT January 2024

### Crime Goals

Below is the evaluation of the police department’s crime goals. Goals are measured for 12 months based on the fiscal year. For the year of July 2023 – June 2024, the goals are to reduce part 1 crimes by 5%, reduce group A offenses at Carolina Place Mall by 10%, and reduce traffic accidents by 5%.

### Goal #1: Part 1 Crimes

**Goal: -5%**  
Comparison to Jul 22 – Jan 23: **17.57%**  
Comparison to Jul – Jan 3 Year Avg: **11.37%**



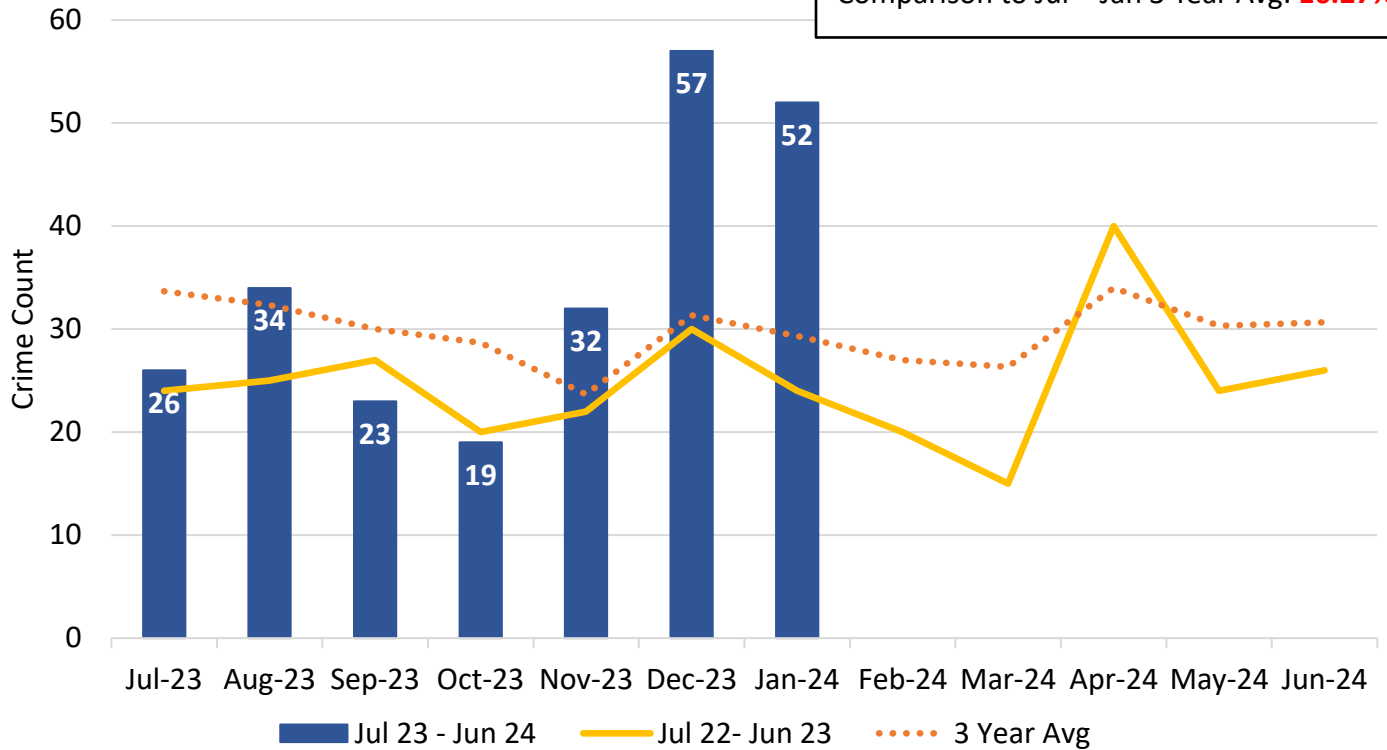
\* data pulled from RMS by offense code equal to 09A, 11A, 120, 13A, 220, 23A-H, 24, 200; unfounded removed

### Goal #2: Carolina Place Mall - Group A Offenses

**Goal: -10%**

Comparison to Jul 22 – Jan 23: **41.28%**

Comparison to Jul – Jan 3 Year Avg: **16.27%**

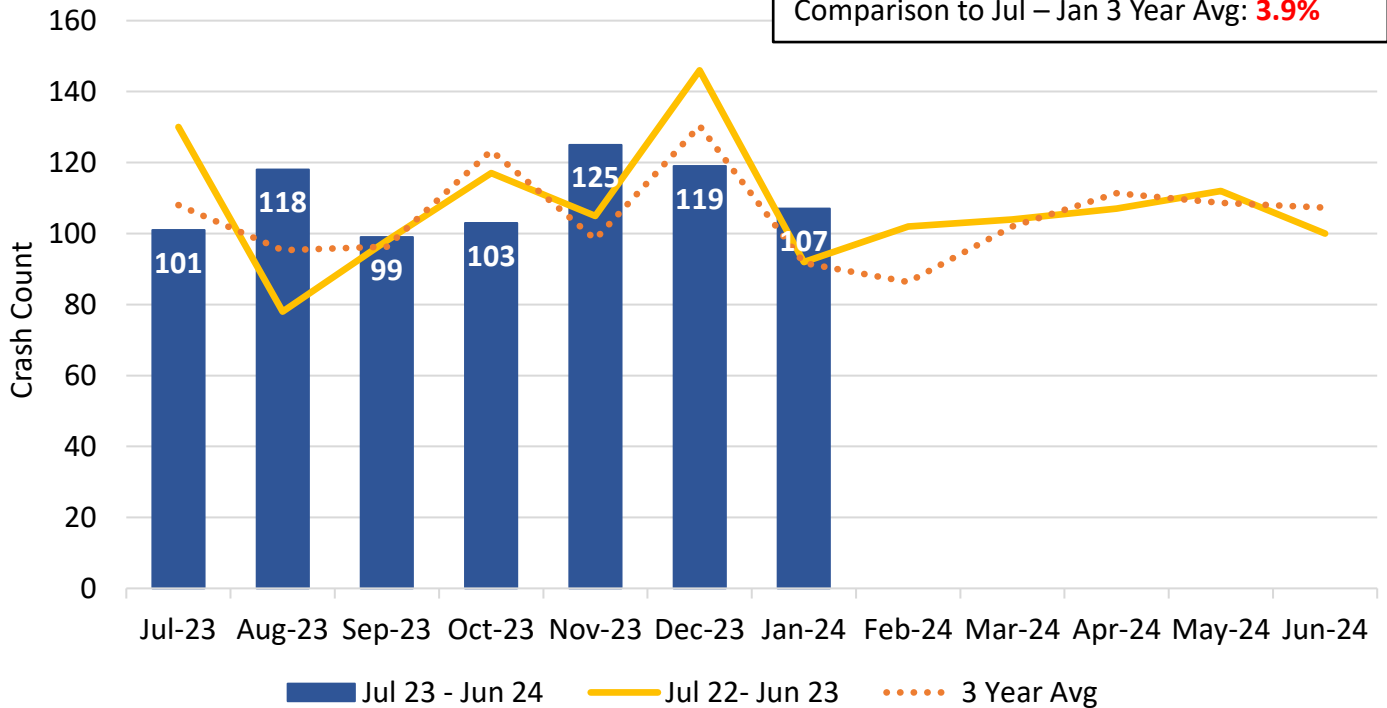


### Goal #3: Traffic Accidents

**Goal: -5%**

Comparison to Jul 22 – Jan 23: **0.78%**

Comparison to Jul – Jan 3 Year Avg: **3.9%**



\*top chart: data pulled from RMS by locations containing "11001, 11009, 11017, 11033, 11025, 11041, 11049, 11055, 11059, 11067"; offenses not containing "90" in code removed  
 \*bottom chart: data pulled from CAD; traffic accident and hit and run calls with disposition of report taken or rendered assistance MI

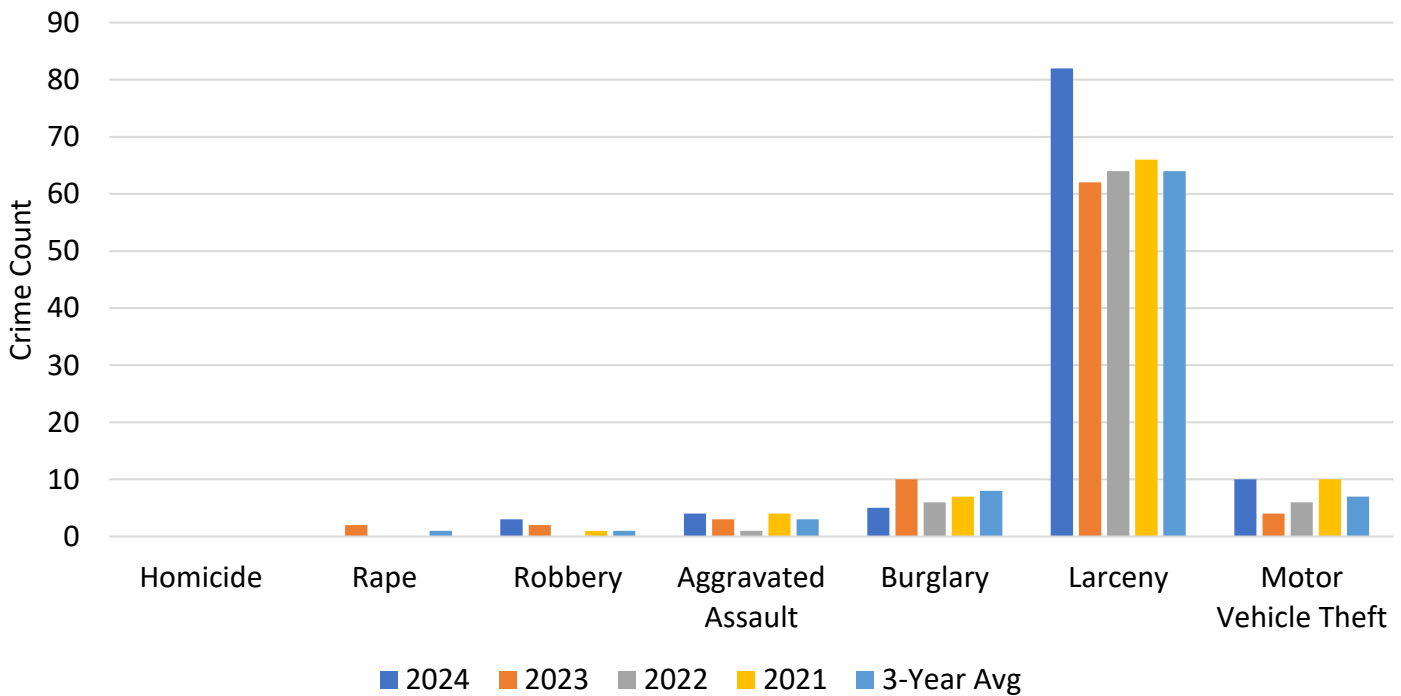
## Monthly Crime Statistics

Below is a table and bar graph of the counts for Part 1 Crimes in January. For comparison, the same is shown for the past 3 years. The average of the 3 years was calculated.

January Crime Statistics Part 1 Offenses						
	2024	2023	2022	2021	3-year average (2021-2023)	ETJ
Homicide	0	0	0	0	0	0
Rape	0	2	0	0	1	0
Robbery	3	2	0	1	1	0
Aggravated Assault	4	3	1	4	3	0
Burglary	5	10	6	7	8	0
Larceny	82	62	64	66	64	0
Motor Vehicle Theft	10	4	6	10	7	1

\* ETJ statistics included in total number of offenses

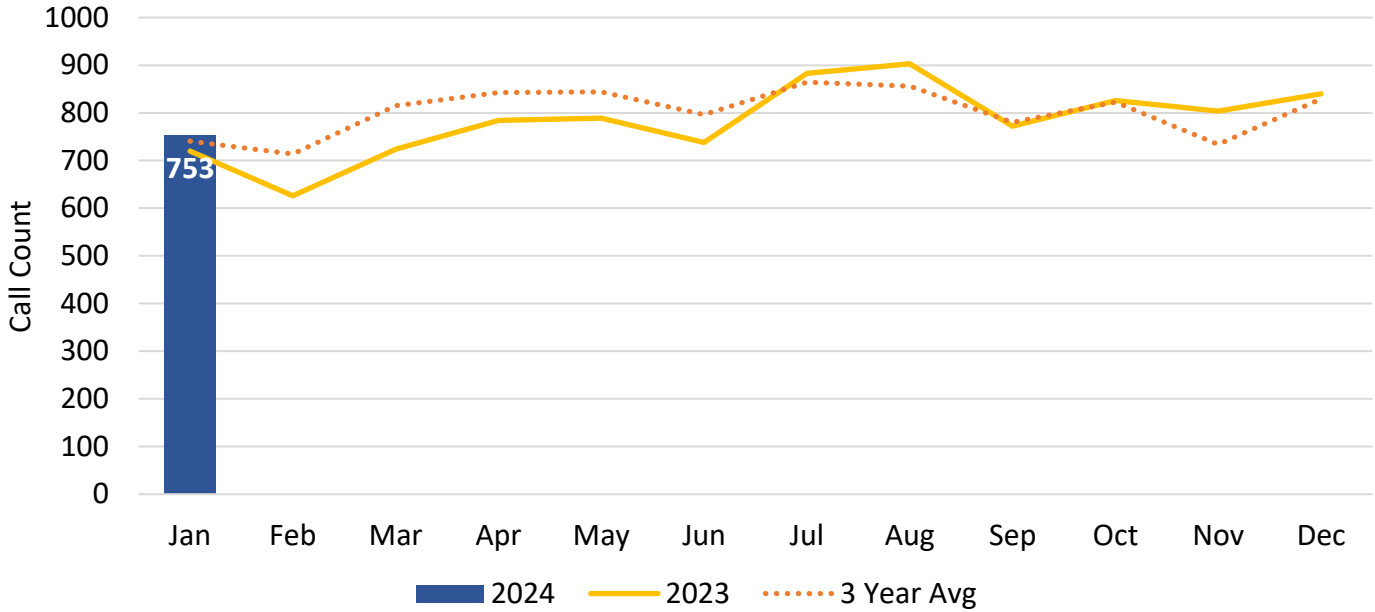
January Part 1 Offenses



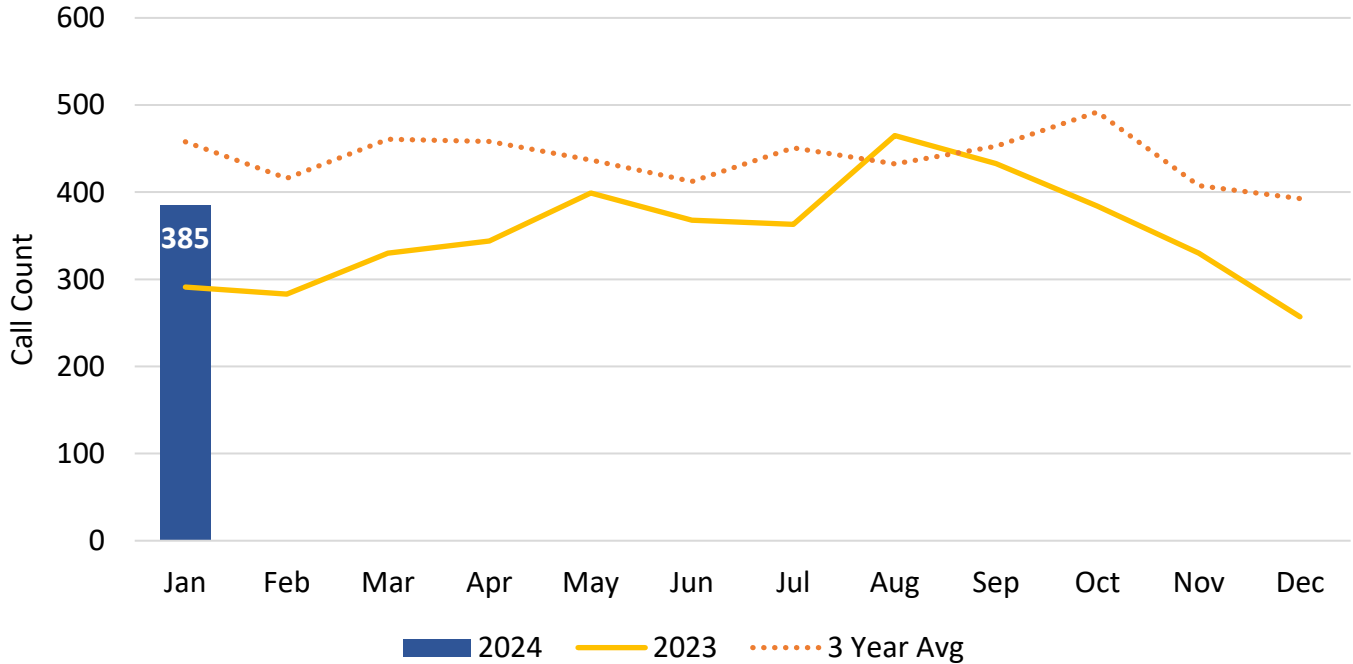
### Calls for Service

The graphs below display the number of calls for service in comparison to previous months and the previous 2 years. The first graph is citizen-generated calls. The second graph is officer-generated calls.

#### Citizen-Generated Calls for Service



#### Officer-Generated Calls for Service



\*zone checks and foot patrols removed

## **Problem Locations**

The following problem locations have been identified using 12 months of calls for service and crime data, showing a consistent crime problem. Each month, these locations are evaluated based off the crime and disorder the assignee was tasked to handle. Problem locations are evaluated until deemed successful.

**\*UNDER ANALYSIS AND REVIEW\***

## **Problem Area**

The problem area is Carolina Place Mall. It was identified using 12 months of calls for service and crime data, showing a consistent crime problem. Each month, the evaluation is based off the crime and disorder the assignee was tasked to handle. Since a problem area has more crime and disorder than a problem location, the evaluation is broken down into several charts.

**\*UNDER ANALYSIS AND REVIEW\***

## **January Community Engagement**

- Meeting with PNP and several churches about homeless populations
- Helping with Pineville Elementary school crossings
- Monthly town safety meetings
- Practice OSHA inspection
- Budget meeting
- Presentation for our annual report
- Meeting with Carolina Place Mall about substation
- Visit to CPCC and Gaston College for recruiting
- Testing event for new hires
- Manage Twitter, Instagram, Facebook and Ring apps for the PD. Still continuing to work on recruiting.

## January Traffic Enforcement

### Traffic Enforcement Type and Dispositions

Enforcement	Count
Traffic Stop	166
Citation Issued	42
Warning	106
Report Taken	10

\*Officer-generated traffic stops; unfounded removed

### Locations of Traffic Enforcement

Street Name	Count
PINEVILLE-MATTHEWS RD	46
MAIN ST	31
POLK ST	15
CAROLINA PLACE PKY	14
PARK RD	9
TOWNE CENTRE BLVD	7
CENTRUM PKY	4
DOVER ST	3
SOUTH BLVD	3
DOWNS CIR	3
LEE ST	3
LANCASTER HWY	3
ROCK HILL-PINEVILLE RD	2
COLLEGE ST	2
JOHNSTON DR	2
CRANFORD DR	2
OAKLEY AVE	1
KENMORE DR	1
PINEVILLE RD	1
CORPORATE CENTER	1
SABAL POINT DR	1
LEITNER DR	1
DORMAN RD	1
LOWRY ST	1
CADILLAC ST	1
SAM MEEKS RD	1
KINNERTON PL	1
FRANKLIN ST	1
BLUE HERON DR	1
I-77	1
I-485 OUTER HWY	1
MCMULLEN CREEK PKY	1

<b>MILLER ST</b>	<b>1</b>
<b>Grand Total</b>	<b>166</b>

\*based on location of stop in CAD



January

2024

Youth basketball continued practice and games in January. Pineville Elementary and the Belle Johnston Center are filled on Saturdays with boys and girls shooting, dribbling, passing and competing. Our Field Trip in January took 10 participants to the Harper House in Hickory. Heather worked with the Senior Nutrition program on making candles. All seniors participated in the program and got to take home their very own candle. Pickleball, preschool open gym, fitness classes, yoga, Bingo night, a cookie making class and ASC Culture Blocks kept both the Belle and the Hut busy throughout the month. Our maintenance staff is working diligently daily on preparing our fields for the upcoming soccer and baseball/softball season.



January

2024



## **General Programming – Belle Johnston**

**Pickleball:** Open Pickleball times are Mondays and Friday from 9am-12pm and Wednesdays from 1:30pm-4:30pm. 144 participants

**Asap Pickleball** – Mondays at 1pm – 8 participants

**Karate:** They hold classes on Wednesdays. 58 participants

**Pre School Open Gym** – Wednesday morning from 9a – 12p – 95 participants

**Cookie Decorating** - January 18 – 9 participants

**National Popcorn Day** – January 19 - 58 participants

**Fitness Dance** – Wednesdays at 3pm - 15 participants

**Paint Class** – January 22 – 8 participants

**Sound Bath Meditation Class** – January 10 and 24 – 28 participants

**Candle Making with Seniors** – January 23 – 24 participants

**Field Trip** – Harper House – January 18 – 10 participants

**Family Bingo Night** – January 12 – 25 participants

January

2024

## Lake Park

**Bootcamp with Lia** – Bootcamp meets 5:45am – 6:45am M/W/F in Lake Park. 72 participated

## The Hut

**Senior Fit** – Senior Fit takes place at the Hut M – Thursdays. 261 participants

**Yoga** – 82 participants

**Cardio Funk:** Lem holds class on Tuesdays at 6:30pm. 12 participants

## Facility Rentals

### **Facility Rentals**

**The Hut:** 3 Rentals

**The BJCC Dining Room:** 2 Rentals

**The BJCC Gym:** 0 rentals

**Large Shelter:** 0 Rentals

**Medium Shelter:** 0 Rentals

**Tot Lot at Lake Park:** 0 Rentals

**\*Shelter 1 at JH:** 0 Rentals

**\*Shelter 2 at JH:** 0 Rentals

**\*Shelter 3 at JH:** 0 Rental

## Jack Hughes

### **Jack Hughes Special Events**

No tournaments or events in January.

### **Baseball Field Usage**

No field usage in January.

### **Multipurpose Field Usage**

No field usage in January.

January

2024

## **Park Maintenance Update**

### **Belle Johnston/ Lake Park**

Daily park checks  
Pressure washed all bathrooms inside and out  
Repair basketball goal  
Placed Rip Rap Rock on stage side of lake  
Picked up limbs from storm and blow debris  
Bleacher repair in gym  
Replaced soap dispenser in restroom  
Monthly building inspections

### **The Hut**

Daily check  
Blow debris as needed  
Monthly building inspection  
Replace old projector in ceiling

### **Cemetery**

Blew leaves as needed  
Picked up limbs as needed

### **Dog Park**

Remove limbs as needed  
Blowing as needed

### **Jack Hughes**

Online safety courses  
Daily Park Check  
Storm clean up  
Clearing and cleanup left side entrance to railroad for overflow parking project  
Refreshed office space, cleaned and added cabinets  
Equipment maintenance as needed  
Leveled and added Turface to field one  
Monthly building inspections

### **Town Hall**

Took down Christmas Tree

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January

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2024

## Social Media

### **Facebook**

Post Reach: 4,785

Post Engagements: 1,161

New Page Likes: +6

Total Page Likes: 4,608

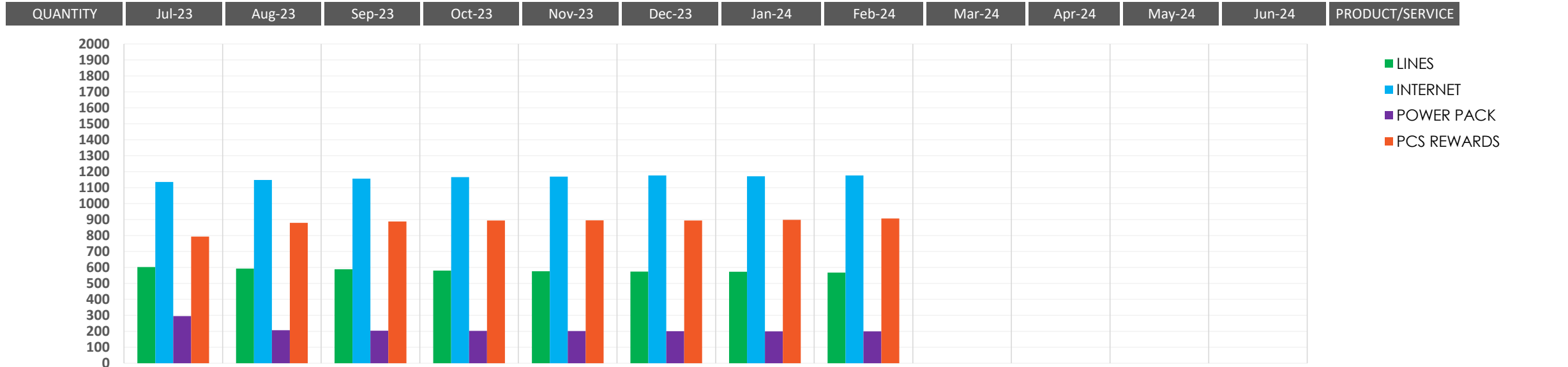
Total Page Followers: 5,244

### **Instagram**

New Followers: +16

Total Followers: 1,933

# Lines, Internet, Power Pack and PCS Rewards FISCAL YEAR FY 23 (JULY 1, 2023 THRU JUNE 30, 2024)



PRODUCT	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	Total For FY22	Trend
<b>LINES</b>	602	593	589	581	576	574	573	568						
<b>INTERNET</b>	1,135	1,148	1,156	1,166	1,169	1,176	1,171	1,176						
<b>POWER PACK</b>	295	207	204	203	202	201	200	200						
<b>PCS REWARDS</b>	793	879	888	894	895	894	898	907						

632



# PINEVILLE COMMUNICATION SYSTEMS



## INTERNET RESULTS FOR MONTH ENDING 01-31-2024

REVENUE AREA	MONTH ENDING 11-30-2023	INSTALLS SOLD AND COMPLETED IN DEC.	DISCONNECTS TAKEN AND EXECUTED IN DEC.	MONTH ENDING 12-31-2023	INSTALLS SOLD AND COMPLETED IN JAN.	DISCONNECTS TAKEN AND EXECUTED IN JAN.	MONTH ENDING 01-31-2024	SOLD IN JAN. ON SCHEDULE FOR INSTALLATION IN FEB.	TOTAL INTERNET FOR MONTH ENDING 01-31-2024
ILEC	542	6	-7	541	7	-1	547		547
CLEC	634	7	-11	630	7	-8	629		629
<b>TOTAL</b>	<b>1176</b>	<b>13</b>	<b>-18</b>	<b>1171</b>	<b>14</b>	<b>-9</b>	<b>1176</b>	<b>0</b>	<b>1176</b>

REVENUE AREA	PENDING INSTALLS ON SCHEDULE SOLD IN NOV. INSTALLING IN DEC.	SOLD WAITING FOR SIGNED CONTRACT SO THEY CAN BE SCHEDULED	UPGRADES IN SPEED COMPLETED IN NOV INCREASE REV DEC	UPGRADES SOLD AFTER BILLING WILL INCREASE REV JAN.	EXISTING COPPER CUSTOMER CONVERTING TO FIBER ON SCHEDULE FOR DEC. OR COMPLETED IN JAN.	PENDING DISCONNECTS ON SCHEDULE FOR JAN/FEB/JAN.
ILEC	0	0	0	0	0	0
CLEC	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**\*\* PENDING DISCONNECTION OF SERVICE ORDERS \*\***  
**\*\* THESE CUSTOMERS SOLD IN NOV. BUT INSTALLATION SCHEDULED FOR DEC. \*\***  
**\*\*WE HAD EXISTING ACCOUNTS THAT UPGRADE SPEED IN NOV.\*\***  
**\*\* EXISTING COPPER CUSTOMERS CONVERTING TO FIBER IN NOV OR COMPLETED IN DEC. \*\***

<b>100M TO 1 GIG SPEED OFFERING TAKE RATE TO DATE</b>						
<b>INTERNET RESULTS FOR MONTH ENDING 01-31-2024</b>	<b>Dec-23</b>	<b>Jan-24</b>	<b>SERVICE AREA</b>	<b>RES OR BUS</b>	<b>SPEED</b>	<b>NET GROWTH/LOSS FROM PREVIOUS MONTH</b>
<b>1176</b>	196	200	CLEC	RES	300M	
	67	66	CLEC	RES	600M	
	221	219	CLEC	RES	1 GIG	
	5	7	CLEC	BUS	100M	
	9	9	CLEC	BUS	GIG	
	2	2	CLEC	BUS	200M	
	3	3	CLEC	RES	400M	
	31	31	ILEC	BUS	100M	
	6	5	ILEC	BUS	200M	
	7	7	ILEC	BUS	400M	
	23	23	ILEC	BUS	1 GIG	
	147	143	ILEC	RES	1 GIG	
	187	193	ILEC	RES	300M	
	32	38	ILEC	RES	600M	
	0	0	ILEC	RES	400M	
	<b>936</b>	<b>946</b>				7
<b>0.795918367</b>						
<i>78% of our Internet subscribers now subscriber to 100M or higher (increased by from previous month)</i>						





**RESIDENTIAL AND BUSINESS LINE COUNT MONTH ENDING 01-31-2024**

	LINE COUNT AS OF DEC 2023	LINE COUNT AS OF JAN 2024	
<b>CLEC LINE COUNT</b>			
BUS	42	42	0
RES	96	95	-1
<b>SUB TOTAL</b>	<b>138</b>	<b>137</b>	<b>-1</b>
<b>ILEC LINE COUNT</b>	LINE COUNT AS OF DEC 2023	LINE COUNT AS OF JAN 2024	NET GAIN/LOSS
BUS	320	318	-2
RES	116	113	-3
<b>SUB TOTAL</b>	<b>436</b>	<b>431</b>	<b>-5</b>
<b>TOTAL</b>	<b>574</b>	<b>568</b>	<b>-2</b>

0



# PCS REWARDS MONTH ENDING 01-31-2024

	COUNT AS OF 12-31-2023	COUNT AS OF 01-31-2024		
<b>PCS REWARDS</b>	<b>898</b>	<b>907</b>	<b>9</b>	
<b>RES</b>	898	907		
<b>SUB TOTAL</b>	898	907		
<b>POWERPACK DISCOUNT</b>				
<b>RES</b>	200	200	0	
<b>SUB TOTAL</b>	200	200		
<b>TOTAL CUSTOMERS RECEIVING REWARDS</b>	1098	1107	<b>9</b>	

# February

# 2024

*A small town with big ideas!*

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6 6:00 Budget Workshop	7	8 Qtrly Town Hall Mtg will be rescheduled	9 Valentine Banquet 6-8 pm	10 Carriage Rides Downtown 3-7pm
11	12	13 6:30 Council Mtg Ryan's Birthday	14	15	16	17
18	19 Early Voting Begins @ Library	20	21	22	23	24
25	26 5:00 Telephone Board & 6:00 Work Session Lisa's Birthday	27	28	29		

**Town Hall**  
 505 Main Street  
 Pineville, NC 28134



# March

# 2024

*A small town with big ideas!*

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	Budget Mtg 6:00 pm	6	Budget Mtg 6:00 pm	8	9 Turn Clocks Forward 
10	11	12	13	14	15	16
17	18	6:30 Council Mtg	20	Budget Mtg 6:00 pm	22	23
24	6:00 Work Session	26 Budget Mtg 6:00 pm	27	28	Holiday	30
31						

**Town Hall**  
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 Pineville, NC 28134

