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AGENDA

CALL TO ORDER

Pledge Allegiance to the Flag (ASW)

Moment of Silence

ADOPTION OF AGENDA

APPROVAL OF THE MINUTES

- [1.](#) Approval of the minutes of the April 29, 2024 Town Council Retreat, and the minutes of the May 14, 2024 Town Council Meeting.

AWARDS AND RECOGNITION

- [2.](#) New Police Officers: Shy'Kim Tyrone Powell, Jerrel Baldwin, Che Wilson, and TreJess Williams

AWARDS AND RECOGNITION

- [3.](#) MTC Board Update (*Ryan Spitzer*)

CONSENT AGENDA

- [4.](#) Parks & Rec Month Proclamation
- [5.](#) Finance Report (*Chris Tucker*)

PUBLIC COMMENT

PUBLIC HEARING - *none*

OLD BUSINESS - *none*

NEW BUSINESS

- [6.](#) Sara Longstreet Presentation
- [7.](#) Approval of FY 25 Budget (*Ryan Spitzer*)

- [8.](#) Resolution 2024-08 for Surplus Items - ***ACTION ITEM***
- [9.](#) Interlocal Agreement for the Metropolitan Transit Commission (MTC) - ***ACTION ITEM***
- [10.](#) August Council Meeting Date - ***ACTION ITEM***
- [11.](#) Budget Amendment 2024-11 to reallocate the Lynnwood/Lakeview Roads CPF - Project Expenditures appropriation to Lynnwood/Lakeview CPF - Transfers to General Fund appropriation - (*Chris Tucker*)
- ***ACTION ITEM***
- [12.](#) Capital Project Ordinance 2024-04 - (*Chris Tucker*) – ***ACTION ITEM***

MANAGER'S REPORT

MONTHLY STAFF REPORTS

- [13.](#) Public Works
 - Parks and Rec
 - HR
 - PD
 - PCS
 - Planning & Zoning

CALENDARS FOR COUNCIL

- [14.](#) July Calendar

CLOSED SESSION

15. Pursuant to NCGS 143.318.1 (6) - *a personnel matter*

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. Three days' notice is required.



**MINUTES OF THE
PINEVILLE TOWN COUNCIL
STRATEGIC PLANNING RETREAT OF
APRIL 29, 2024, AT YOUR OFFICE-BALLANTYNE
15720 BRIXHAM HILL AVE, CHARLOTTE**

The Town Council of the Town of Pineville met for an all-day Priorities and Planning Retreat on April 29, 2024, at the Your Office-Ballantyne, in Charlotte, North Carolina. Mr. Rick Rocchetti of the North Carolina League of Municipalities facilitated the meeting.

All Council Members were present: Mayor David Phillips, Mayor Pro Tem Ed Samaha, Council Members Amelia Stinson-Wesley, Chris McDonough, and Danielle Moore. Also in attendance were Town Manager, Ryan Spitzer, and Town Clerk, Lisa Snyder.

Town Manager Spitzer welcomed everyone. Rick Rocchetti welcomed everyone and shared his background with the new council members. He has done a lot of work with municipal government. He will be discussing two challenges including the police department and the internet challenge. In addition, we will be discussing Council's pillars. Council reviewed the pillars and shared what their goals are. Most want to sort out the issues related to the PD. Mr. Rocchetti asked them if anything needs to be revised. Mayor Phillips said that he appreciated this time to discuss interests with the rest of council and consider new goals. The PD morale and retention are a concern for the safety of the Town.

Town Manager Spitzer would like for Council to come to a consensus about the issues they're currently facing.

Mr. Rocchetti asked what Council is most proud of. Mayor Phillips is proud and grateful for the progress that has been made, including the walkability in town and the ability to connect with people. Council Member McDonough likes the growth and developments that have enhanced the town. He added that he is thankful for Ryan and Lisa. Mayor Pro Tem Samaha concurred with Chris. He added that he feels we have a great staff. He also feels that disinformation is frustrating, and people feel powerless; however, he is very excited about the growth of the town.

Council Member Moore said that she is the vice president of her HOA, she works full-time, has a corporate job and is the first African American woman on the Council. She is very proud of that. Council Member Stinson-Wesley said that her training has caused her to be non-anxious and is proud of how the Town spent the ARPA money for things in the community and things that the town can connect to immediately. She added that she feels that the council members are good stewards.

Mr. Rocchetti discussed the role of Council. Legislature creates and delegates authority to cities, towns, counties, and schools. The Town Charter outlines what council is allowed to do. Town Manager Spitzer reminded council that we have a bill right now, under our Town Charter, allowing us to pay our reserve officers, and are waiting for Congress to approve. Mr. Rocchetti explained that there is a Home Rule and a Dillon-rule state. North Carolina is a Dillon-Rule state. This means that legislature has to give us the explicit authority to do something.

Council expressed concern that most people don't understand that councils are governed by state statutes, in particular, Sections 160A and 160D, and the Code of Ordinances.

Pillars. Mr. Rocchetti reviewed the pillars from the previous council retreat: Organizational excellence; economic development; revitalize Town infrastructure; safe, reliable, and sustainable utility services; and a connected, engaged diverse community.

Goals: Council Member Stinson-Wesley supports the Chamber and downtown businesses. They have downtown infrastructure modernization. They want to continue promoting and encouraging public arts. She noted that citizen engagement and greenways have improved, and the Johnston Road and Lowry projects are going forward.

Goals that are in progress or yet to be completed: Encourage and support performing arts and culture; Pineville Historical Appreciation; Support the Chamber and small business association/Downtown Merchants; Technology-infrastructure modernization; recreational programming; growth and natural resources; prioritize citizen engagement; provide a safe and vibrant community, and transit accessibility.

Potential new goals include expanding Parks and Rec beyond current fields (pickleball, tennis, soccer, all-purpose); crosswalk at Cranford and Main; getting ahead of the police morale issue; support Downtown Merchants and SBA and continue to create harmonious relationships with both; the Blue Ways System (for rivers) to support natural resources preservation; fiscal planning; smart planning; plan strategy for the Communications company; purchase of land (with or without Mecklenburg County); Comprehensive Study for salaries; micro-transit to Pineville; hire marketing manager; and re-evaluate parking on Main Street.

Mr. Rocchetti reviewed the goals, concerns and challenges facing them in the future. There was a general discussion by all members.

Council had a brief discussion on having an attorney present at each council meeting. Town Manager Spitzer said that some municipalities have a “generalist.”

The Council Retreat concluded at 3:00 pm.

David Phillips, Mayor

ATTEST:

Lisa Snyder, Town Clerk



TOWN COUNCIL REGULAR MEETING
TOWN HALL COUNCIL CHAMBERS
TUESDAY, MAY 14, 2024, AT 6:30 PM

MINUTES

CALL TO ORDER

Mayor David Phillips called the meeting to order @ 6:30 pm. He announced that there will be a brief closed session at the end of this meeting and Council will return to the meeting to discuss the issue regarding the substation.

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

Mayor Pro Tem Ed Samaha led everyone in the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor David Phillips asked for a moment of silence and asked everyone to keep our PD in their prayers. There was an incident today that involved an officer-involved shooting. Please keep them and their families in your prayers.

ADOPTION OF AGENDA

Council Member McDonough made a motion to accept the agenda as presented, and a second was made by Council Member Stinson-Wesley. All ayes. (**Approved 4-0**).

APPROVAL OF MINUTES

The Minutes of the Town Council Meeting on March 19, 2024, Work Session on March 25, 2024, Special Called Meeting of March 25, 2024, Work Session of April 22, 2024, Budget Meetings of March 5, 7, 21, 26 and April 25, and April 30, 2024, were submitted for approval. Council Member Moore moved to approve the minutes as presented with a second made by Council Member McDonough. All Ayes. (**Approved 4-0**)

BOARD REPORTS

CJ Norman, PCAA President. Mr. Norman gave an update on our Spring 2024 baseball and softball season. It has been a great year so far and we had 356 registrations of which 70 were Pineville residents. Mayor Phillips gave the opening pitch at this year's opening ceremonies and he recently discovered that he played in Pineville as a kid. Mr. Norman thanked Council for the space at Jack Hughes field. The recent rain has caused rescheduling for about half of our games. We take pride in being one of the lowest registration costs in the area. We are pretty much dollar in and dollar out. They have a fundraiser every Spring. The last Spring event they raised over \$17,000 and they turn back around and invest back in our fields. They brought in truckloads of dirt, put a topcoat on that, and did some bleacher and fence repair. We take pride in having some of the nicest fields in the area.

Charlotte Water, Angela Charles. Ms. Charles gave a presentation on the State of the Utility, FY23-24 accomplishments, and other issues they are working on the next few years. They continue to be 13th or 14th largest utility in the United States with 116 million gallons of water pumped each day throughout Mecklenburg County and we treat 85 million gallons of wastewater every day. They are very proud of their state-of-the-art facility, the second largest in North Carolina, which is located in Pineville. They are an AAA-rated utility. This past year they did \$483 million in capital investment projects in our community and the proposed budget for this coming year is \$2.25 billion, 5-year capital program to support our community and growth to serve over 1 million people in Charlotte. Since she last attended one of our council meetings, they have implemented text and email alerts for service outages. For information on their PFAS (Forever Chemicals) please go to their website link. They will also be publishing an online lead service line inventory map. They have a major upgrade to their payment portal online and their customer service portal. They held their first meeting of Helping Hands Outreach which is a non-profit board, to help people with their water bill and keep their service on. Council Member Stinson-Wesley thanked Angela for addressing the Town’s concerns. Mayor Pro Tem Samaha thanked her for their quick responses to their questions. Council Member McDonough asked if they anticipate any rate increases this year. Ms. Turner replied that they are expecting an increase of 5.75% for the average customer. This was recommended by the county manager.

Parks and Rec, Christine Turner, Chair. Ms. Turner has been a resident since 2017 and has served on this board for the past 3 years and Chair for the past 2 years. This past year, youth basketball had 248 participants and youth soccer with 323 participants. It was a good year, despite the rain. Pour and Play at Lake Park is underway at two of the playgrounds. The new fitness courts work will begin on May 20th. This will be a nice addition to the Greenway. The Splash Pad opened this week. A pollinator garden was created by Ms. Turner’s daughter and placed next to the Belle Johnston Community Center for the garden to mature and to plant flowers there in the coming months. Ms. Turner announced upcoming concerts and movie series at Lake Park.

James Polk Site, Scott Warren, Site Manager, and Jim Ryder, Friends of James Polk President. Mr. Warren provided an update on happenings at the James Polk site. He stated that the greenway has increased the number of visitors coming to the site about 20,000 from about 13,000. They recently unveiled a new panel of the Catawbas about their rich history and who they are today. Council Member Stinson-Wesley was kind enough to attend. They will be advertising for a 4th person at their location which is a maintenance position and they are adding a charging station for electric vehicles. Jim Ryder will be leading a bike tour along the Greenway, with registration being open at this time. This is the 100th anniversary of the American Indian Citizenship Act. It really advanced citizenship and voting rights for them. Mr. Warren and Mr. Ryder thanked Council for their continued support and providing the grant to them.

Pineville Chamber, John Holobinko, President. Mr. Holobinko shared that the Chamber has two new members: 4Ever Young and Ground Level Legacy Center. He announced that this Saturday there will be a ribbon-cutting for Phoebe’s grand opening, which is a women’s boutique clothing store. The ribbon-cutting is at 10:00 am. He added that they are restarting the Lunch and Learn in June. Details will be available on the Chamber’s website.

CONSENT AGENDA

The Consent Agenda consisted of three items for approval: Proclamations for Municipal Clerks Week, National Police Week and Public Works Week, Tax Refunds, and the Finance Report. Mayor Phillips said that the week of May 5th through the 11th, was Municipal Clerks Week, and he thanked the Clerk for everything that she does for the Town, the Board, and also for he and Ryan, and he appreciates the fine work that she does. The second Proclamation is National Police Week, May 9th through the 18th and is close to his heart, being retired from the Charlotte Police Department. He respects them and appreciates everything they do for the Town. He and the entire Council are thankful for their willingness to risk their lives every day and he can tell them that the residents feel safe with them here. May 19th through the 25th is National public Works Week. He also thanked Public Works employees for all they do and for picking up items for Junk Week in the pouring down rain. It’s because of them that make our Town look the way it does. Thanks to all for their hard work.

Council Member Stinson-Wesley moved to approve the Consent Agenda as presented with a second made by Mayor Pro Tem Samaha. **(Approved 4-0)**

PUBLIC COMMENT

Taj Orr, 804 Johnston Drive, Pineville resident. Ms. Orr advised that she is not a resident but is speaking on behalf of her aunt, Emogene Darnell, that lives on Johnston Drive and owns property on Lakeview Drive. She has been a resident for 80 years. In that time, they have never received a citation for anything. Recently, the City or Planning decided to widen the road and add a curb and a bike lane to only in front of our property, now we are getting citations. The grass is growing at a faster pace than they can cut it. She asked why she continues to receive notices from Code Enforcement paying fines for high grass. She stated that she continues to receive the same response from the Planning Department saying, "it's your property, not our problem." Mayor Phillips replied that council will take an interest in this. There are other people who have reached out in similar situations to this. Council will follow up on this with our Planning Director and Code Enforcement person and get to her.

Al Baskins, Pineville resident. Mr. Baskins asked Council to consider approving a Bike Night and a Car Show Night in downtown, perhaps monthly. He said that he asked every merchant on Main Street and they didn't have any problem with it. He said that Two Buck Saloon is willing to have the event and he discussed it with John at the Chamber and he is fine with it. It was suggested to him to get Council's blessing.

PUBLIC HEARING

Town Manager Spitzer gave a presentation to the residents on the Town's annual budget. He reviewed what was covered at the last budget meeting for the residents in case they have any questions. He indicated that pursuant to NC General Statute, Chapter 159, that mandates municipalities having to adopt a budget by July 1st each year. In addition, the budget must be balanced. He added that the Town is a non-profit so the Town does not use the tax rate to make any money. We are looking at having no tax increase for FY25. Our departments have cut expenses so we can still maintain a high level of output and services for our residents and take care of our employees.

We are looking at an average of 3% electric rate increase. Mr. Spitzer went over budget pressures, which include salaries, Fire Department station, substation, Electric/PCS building, police radios and Parks and Recreation. The tax rate will remain at \$0.285.

Mr. Spitzer reviewed the General Fund Revenues and Expenses. He noted that Police and Fire make up about half of our expenses. The following sponsorships have been approved by Council: Pineville Neighbors Place - \$50,000, PCAA - \$10,000, James Polk Site - \$10,000, Arts & Science Council - \$10,000, Pineville Players - \$7,000, Downtown Merchants - \$10,000, and Hope Soccer Ministries - \$2,000 for Pineville residents who need assistance paying to play soccer.

The Enterprise Fund was reviewed and Mr. Spitzer noted that growth is demanding capital expenditures to keep up with new developments. The fund balance is lessening. Revenue is carrying operations. We continue to compete for services with the surrounding companies. There is \$500,000 left from ARPA funds. The Town Council is looking at the following ways to use this money for the Town: Pour and Play, a new playground, Cranford Intersection signal, or the Cone Memorial.

Mr. Spitzer summarized the budget presentation by noting that there is a 1.3% increase from last year. The total proposed budget for all funds is \$36,885,000. The budget is presented balanced. The tax rate will remain at \$0.285. We are hitting 6 of the 6 strategic goals. The Davenport presentation on March 5th gave us a roadmap for the future. There were no questions from the audience.

The Public Hearing was closed.

OLD BUSINESS

There was no old business.

NEW BUSINESS

ASC Board Opening & Recommendation. The Arts & Science Council recently had a board opening for a Pineville resident to fill. There were four applications submitted for consideration. After consideration by the Arts & Science Council, they are recommending Zach Bowyer to fill the opening. Mayor Pro Tem Samaha made a motion to approve the ASC recommendation with a second made by Council Member Moore. All ayes. (**Approved 4-0**)

Approval of the Cooperative Agreement for CDBG Funds. Town Manager Spitzer explained to Council that Mecklenburg County periodically requires us to review our agreement for CDBG funds. He said this has worked out well for us in the past and he recommends approval of this agreement. Council Member Stinson-Wesley moved to approve the Cooperative Agreement with a second made by Council Member McDonough. All ayes. (**Approved 4-0**)

Thrower Condemnation Agreement. Town Manager Spitzer advised that during our last stormwater project on Lynnwood and Lakeview. All of the residents, except Mr. Thrower, donated their easements to us. We had his property appraised and it came back at \$16,100. The Town tried to negotiate the price and he refused. We entered the condemnation process for that property so we could start the project. We put \$16,100 in escrow. We came to a final agreement of \$22,000. Mr. Spitzer asked Council for approval of the additional \$5,900 to settle this agreement. Council Member Moore moved to approve the Condemnation Agreement with Mr. Thrower, with a second made by Mayor Pro Tem Samaha. All ayes. (**Approved 4-0**)

PD Pay Agreement. Town Manager Spitzer said that Council is proposing to give the PD sworn officers, as well as telecommunicators, a one-time bonus payment for doing extra duties from being understaffed in the past year. We have about \$1 million dollars in lapse salaries from that. He provided a breakdown of the amounts. The employee must have been a full-time employee as of 7/1/23 to be entitled to this bonus. Officers also have to be certified as of 7/1/23. Mayor Pro Tem Samaha moved to approve the PD Pay Agreement with Council Member McDonough providing a second. All ayes. (**Approved 4-0**)

South Polk Sidewalk Bid. Planning Director Travis Morgan said that the Community Development Block Grant (CDBG) for the Lancaster Highway Sidewalk Project, adjacent to Sabal Point apartments, received 8 bids. The lowest bid was \$219,936.64 from Carolina Wetland Services. The highest bid was \$543,000.00 from Carolina Cajun Concrete. We are working with CCOG and RKK and neither have opposed the low bid company. We are working with procuring third party inspections of the project as required, as well. Council Member Moore moved to approve the lowest bid from Carolina Wetland Services with Council Member Stinson-Wesley providing a second. All ayes. (**Approved 4-0**)

BA 2024-08. The purpose of this amendment is to decrease Ad Valorem Taxes – Property revenue and increase Investment Earnings revenue in the amount of \$400,000 to better reflect expected expenses. There is no overall change to the total budget. Council Member McDonough moved to approve Budget Amendment 2024-08 followed by a second made by Mayor Pro Tem Samaha. All ayes. (**Approved 4-0**)

BA2024-09. The purpose of this budget amendment is to increase Miscellaneous Grants and transfer from other funds revenue and increase General Government appropriations in the amount of \$250,000 for expenditures associated with the S. Polk Sidewalk project. Mayor Pro Tem Samaha moved to approve followed by a second made by Council Member Stinson-Wesley. All ayes. (**Approved 4-0**)

BA2024-10. The purpose of this budget amendment is to increase Transfer of other Funds revenue and increase the General Government and PW – Transportation appropriations in the amount of \$140,000 for expenditures associated with ARPA IT Infrastructure and Sidewalks. Council Member Moore moved to approve Budget Amendment 2024-10 with a second provided by Mayor Pro Tem Samaha. All ayes. (**Approved 4-0**)

(There was no Manager's Report)

Council Member Stinson-Wesley moved to go into Closed Session pursuant to NCGS 143.318.11 (5) regarding an attorney-client privilege matter, followed by a second made by Council Member Moore. All ayes.

Mayor Pro Tem Samaha moved to leave Closed Session with a second made by Council Member Moore. All ayes.

Mayor Phillips announced that the substation will be moved to the Nations Ford area. It is based on the Settlement Agreement between the Town and the Miller family. The 1.44 acres and easements on the Nations Ford Site were purchased for the price of all easements for \$305,000.

ADJOURNMENT

Mayor Pro Tem Samaha made a motion to adjourn followed by a second made by Council Member Moore. The meeting was adjourned at 8:40 pm.

David Phillips, Mayor

ATTEST: _____
Lisa Snyder, Town Clerk

PROCLAMATION

The Town of Pineville designates July as PARKS AND REC MONTH

WHEREAS Parks and Recreation are an integral part of communities throughout this country, including the State of North Carolina; and

WHEREAS Parks and Recreation promotes health and wellness, improving the physical and mental health of people who live near parks; and

WHEREAS Parks and Recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimers; and

WHEREAS Parks and Recreation encourages physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

WHEREAS Parks and Recreation programming and education activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development; and

WHEREAS Parks and Recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS our parks and natural recreation areas ensure the ecological beauty of our state and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS the State of North Carolina recognizes the benefits derived from parks and recreation resources.

NOW THEREFORE, BE IT RESOLVED that in the State of North Carolina, July is recognized as Parks and Rec Month.

Mayor David Phillips



TOWN COUNCIL AGENDA ITEM

MEETING DATE: June 11, 2024

Agenda Title/Category:	Q4-April Finance Report / Consent Agenda			
Staff Contact/Presenter:	Christopher Tucker, Finance Director			
Meets Strategic Initiative or Approved Plan:	Yes	No	If yes, list:	N/A
Background:	Finance Report and Notifications through FY24 Q4 - April			
Discussion:				
Fiscal impact:				
Attachments:	Finance Report and Notifications through FY24 Q4 - April			
Recommended Motion to be made by Council:	Receive as Presented			



June 7, 2024

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

From: Christopher Tucker, Finance Director CMT

RE: Council Information – Finance Report and Notifications through Q4 - April 2024

For the Council's information at the June 11, 2024 Council Meeting, please find attached the finance report and notifications through Q4 - April 2024.

Notifications:

None

Town of Pineville
Revenue Report (Budget vs. Actual) - General Fund
For the Month Ending April 2024

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Ad Valorem Taxes	\$ 10,932,000	\$ 10,535,832	96.38%
Tourism Revenues	1,400,000	1,818,429	129.89%
Franchise Taxes	1,000,000	602,728	60.27%
Sales Taxes	3,071,000	2,138,079	69.62%
Storm Water Fees	450,000	317,553	70.57%
Powell Bill	260,000	292,738	112.59%
Other	2,329,000	3,096,943	132.97%
Appropriated Fund Balance	1,514,000	-	0.00%
Transfers from Other Funds	200,000	-	0.00%
Total	<u>\$ 21,156,000</u>	<u>\$ 18,802,300</u>	<u>88.87%</u>
Expenditures			
Governing Board	\$ 286,360	\$ 251,250	87.74%
Administration	1,789,804	1,149,485	64.22%
Human Resources	343,392	162,424	47.30%
IT	335,000	313,323	93.53%
Zoning	420,278	214,138	50.95%
Police	8,191,691	5,493,446	67.06%
Fire	1,586,116	1,168,381	73.66%
Public Works	2,157,080	1,509,430	69.98%
Powell Bill	301,752	24,732	8.20%
Storm Water	350,000	277,672	79.33%
Sanitation	735,000	562,919	76.59%
Recreation	1,130,617	454,532	40.20%
Cultural/Tourism	1,421,735	1,119,774	78.76%
Cemetery	4,000	31	0.79%
Debt Service	1,842,535	1,842,396	99.99%
Transfers to Other Funds	105,000	105,000	100.00%
Contingency	155,640	-	0.00%
OPEN ENCUMBRANCES @ 4/30/24	-	575,991	
Total	<u>\$ 21,156,000</u>	<u>\$ 15,224,924</u>	<u>71.97%</u>

Town of Pineville
Revenue Report (Budget vs. Actual) - 911 Fund
For the Month Ending April 2024

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
PSAP Revenue	-	109,526	
Interest Earnings	-	23,819	
Fund Balance Appropriated	200,000	-	
Total Revenue	<u>200,000</u>	<u>133,345</u>	<u>66.67%</u>
Expenditures			
Restricted Expenditures	200,000	110,122	55.06%
OPEN ENCUMBRANCES @ 4/30/24	-	-	
Total Expenditures	<u>200,000</u>	<u>110,122</u>	<u>55.06%</u>

Town of Pineville
Revenue Report (Budget vs. Actual) - Electric Fund
For the Month Ending April 2024

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Electric Charges	14,552,000	10,412,214	71.55%
Interest Earnings	92,000	191,345	207.98%
Misc Revenues	36,000	57,161	158.78%
Fund Balance Appropriated	1,165,000	-	0.00%
Total	15,845,000	10,660,720	67.28%
Expenditures			
Administration & Billing Support	603,895	454,153	75.20%
Purchased electricity	8,063,844	6,048,728	75.01%
Operations and Maintenance	7,177,261	2,930,760	40.83%
OPEN ENCUMBRANCES @ 4/30/24	-	1,659,984	
Total	15,845,000	11,093,625	70.01%

Town of Pineville
Revenue Report (Budget vs. Actual) - ILEC Fund
For the Month Ending April 2024

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Operating Revenues	1,157,100	1,127,636	97.45%
Fund Balance Appropriated	501,166	-	0.00%
Total Revenue	1,658,266	1,127,636	68.00%
Expenditures			
Operating Transfer Out	438,626	365,522	83.33%
Operating Expenses	808,640	791,268	97.85%
Plant under Construction	411,000	70,598	17.18%
OPEN ENCUMBRANCES @ 4/30/24	-	17,230	
Total	1,658,266	1,244,618	75.06%

Town of Pineville
Revenue Report (Budget vs. Actual) - CLEC Fund
For the Month Ending April 2024

	<u>Budget</u>	<u>Actual</u>	<u>% of Budget</u>
Revenues			
Operating Revenues	1,193,000	1,192,773	99.98%
Transfer from ILEC	438,626	365,522	83.33%
Fund Balance Appropriated	11,600	-	0.00%
Total Revenue	<u>1,643,226</u>	<u>1,558,294</u>	<u>94.83%</u>
Expenditures			
Operating Expenses	1,384,726	945,268	68.26%
Plant under Construction	258,500	99,695	38.57%
OPEN ENCUMBRANCES @ 4/30/24	-	11,808	
Total	<u>1,643,226</u>	<u>1,056,770</u>	<u>64.31%</u>



TOWN COUNCIL AGENDA ITEM

MEETING DATE: June 11, 2024

Agenda Title/Category:	Adoption of FY 25 Budget			
Staff Contact/Presenter:	Ryan Spitzer			
Meets Strategic Initiative or Approved Plan:	Yes	No	If yes, list:	Six Council Pillars
	x			
Background:	Town staff presented the Budget at a Public Hearing on May 14, 2024. There were no public comments and staff has not received any since the budget presentation. The FY 25 Budget does not have a tax increase. There are increases to some fees and to the Electric Rate to follow the recommendation of the Rate Study done in FY 24.			
Discussion:	Town Council can do the following: <ol style="list-style-type: none"> 1. Adopt the Budget as Presented 2. Make modifications to the Budget 3. Not adopt the budget 			
Fiscal impact:	If not adopted by June 30, 2024, the Town will not have an operating budget.			
Attachments:	<ol style="list-style-type: none"> 1. Budget Ordinance 2. Town Fees 			
Recommended Motion to be made by Council:				

ORDINANCE NO. _____

TOWN OF PINEVILLE, NORTH CAROLINA
FISCAL YEAR 2024-2025 BUDGET ORDINANCE

BE IT ORDAINED by the Town Board of Pineville, North Carolina:

Section One. The following amounts are hereby appropriated in the General Fund at the function level for the operation of the town government and its activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

General Government	\$ 2,965,000
Public Safety	9,587,000
Public Works - Transportation	1,636,000
Public Works - Environmental Protection	1,450,000
Recreation - Admin / Parks / Cemetary	763,000
Recreation - Tourism	1,456,000
Debt Service	1,817,000
Transfers to Other Funds	401,000
Contingency	100,000
	<hr/>
TOTAL GENERAL FUND APPROPRIATIONS	\$ 20,175,000
	<hr/> <hr/>

Section Two. It is estimated that the following revenues will be available in the General Fund for fiscal year beginning July 1, 2024 and ending June 30, 2025:

Ad Valorem Taxes - Property	\$10,325,000
Ad Valorem Taxes - DMV	370,000
Payment in Lieu of Taxes	40,000
Unrestricted Intergovernmental	4,300,000
Restricted Intergovernmental	1,050,000
Tourism Revenues	1,450,000
Stormwater Fees	450,000
Rent Revenues	675,000
Sales and Services	255,000
Miscellaneous Revenue	50,000
Investment Earnings	450,000
Transfers from Other Funds	75,000
Fund Balance Appropriated	685,000
	<hr/>
TOTAL GENERAL FUND REVENUES	\$20,175,000
	<hr/> <hr/>

Section Three. The following amounts are hereby appropriated at the fund level in the Emergency Telephone System Fund for the operation of the emergency telephone operations for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Emergency System Operations and Capital Outlay	<u>\$ 200,000</u>
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Section Four. It is estimated that the following revenues will be available in the Emergency Telephone System Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

911 PSAP Distribution	\$ 125,000
Fund Balance Appropriated	\$ 75,000
Investment Earnings	-
	<u> </u>
	<u>\$ 200,000</u>

Section Five. The following amounts are hereby appropriated at the fund level in the Asset Forfeiture Fund for special police operations beginning July 1, 2024 and ending June 30, 2025:

Restricted Police Operations	<u>\$ 750,000</u>
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Section Six. It is estimated that the following revenues will be available in the Asset Forfeiture Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Asset Forfeiture Revenues	\$ -
Fund Balance Appropriated	<u>750,000</u>
	<u> </u>
TOTAL ASSET FORFEITURE FUND REVENUES	<u>\$ 750,000</u>

Section Seven. The following amounts are hereby appropriated at the fund level in the Electric Fund for the operation of the electric utility for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Electric Operations and Capital Outlay	<u>\$ 13,150,000</u>
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Section Eight. It is estimated that the following revenues will be available in the Electric Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Electric Usage Charges	\$ 13,000,000
Investment Earnings	100,000
Other Revenues	50,000
Fund Balance Appropriated	-
	<u> </u>
TOTAL ELECTRIC FUND REVENUES	<u>\$ 13,150,000</u>

Section Nine. The following amounts are hereby appropriated in the ILEC Telephone Fund for the operation of the telephone utility for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

ILEC Telephone Operations and Capital Outlay	\$ 1,400,000
Transfer to Other Funds	300,000
	<hr/>
	\$ 1,700,000
	<hr/> <hr/>

Section Ten. It is estimated that the following revenues will be available in the ILEC Telephone Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

ILEC Charges	\$ 1,145,000
Investment Earnings	-
Fund Balance Appropriated	555,000
	<hr/>
TOTAL ILEC TELEPHONE FUND REVENUES	\$ 1,700,000
	<hr/> <hr/>

Section Eleven. The following amounts are hereby appropriated in the CLEC Telephone Fund for the operation of the telephone utility for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

CLEC Telephone Operations and Capital Outlay	\$ 1,630,000
	<hr/> <hr/>

Section Twelve. It is estimated that the following revenues will be available in the CLEC Telephone Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

CLEC Charges	\$ 1,330,000
Transfer from Other Funds	300,000
	<hr/>
TOTAL CLEC TELEPHONE FUND REVENUES	\$ 1,630,000
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Section Thirteen. The following amounts are hereby appropriated in the Rate Stabilization Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Rate Stabilization	\$ -
	<hr/> <hr/>

Section Fourteen. It is estimated that the following revenues will be available in the Rate Stabilization Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Fund Balance Appropriated	\$ -
Investment Earnings	-
	<hr/>
	\$ -
	<hr/> <hr/>

Section Fifteen. There is hereby levied a tax at the rate of twenty eight and 1/2 cents (\$0.285) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2024 for the purpose of raising the Ad Valorem Tax revenue listed in the General Fund in Section 2 of this ordinance. This revenue is based on a total valuation of property for the purposes of taxation of \$3,791,902,902 and an estimated rate of collection of 99.0%.

TOTAL TAX RATE PER ONE HUNDRED DOLLARS (\$100)	
APPRAISED VALUATION FOR GENERAL FUND	\$ <u>0.2850</u>

Section Sixteen. The fees, rates and charges as shown in Attachments A & B are amended effective as of July 1, 2024 for the purpose of billing and raising revenues as set forth in the foregoing estimates of revenues, and in order to finance the foregoing appropriations.

Section Seventeen. The Budget Officer and/or Finance Director are hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. Amounts may be transferred between line-item expenditures within a function without limitation or notification. These changes should not result in increases in recurring obligations such as salaries.
- b. Amounts up to \$50,000 may be transferred between functions, including contingency appropriations, within the same fund. An official report on such transfers must be made at the next regular meeting of the Governing Board.
- c. Amounts may not be transferred between funds, except as approved by the Governing Board in the Budget Ordinance as amended

Section Eighteen. Copies of this Budget Ordinance shall be furnished to the Clerk to the Governing Board and to the Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Adopted this 11th day of June, 2024.

Mayor David Phillips

Attest:

Town Clerk Lisa Snyder



ADMINISTRATION

Notary – \$5
Audio/Information on available media – \$5
Returned Check –\$35

PLANNING AND LAND DEVELOPMENT

Sign Permit – \$40
Zoning Verification – \$150
Plotted Maps – \$40
Standard Maps (printed from regular printer) – \$3
Subdivision Ordinance – 50 pages, \$7.50
Zoning Ordinance – 234 pages, \$38
Overlay District (color) – 60 pages, \$30
Returned Check - \$35

Subdivisions:

Preliminary Plan Residential (Major) – \$500
Preliminary Plan Residential (Minor) – \$150
Preliminary Plan Commercial, Mixed-Use, and All Other – \$500
Lot Recombination – \$50

Final Plats:

Final Residential Subdivision Plat \$250
Final Plat All Others – \$250
Revisions to Final Plats – \$100

Variances and Appeals:

Variance or Appeals – \$500

Rezoning and Conditional Uses:

Rezoning, Conditional Zoning Plans, and Conditional Plan Amendments - \$1,000

Text Amendments:

Text Amendments to Town Ordinances - \$500

Site Plan Review:

- Sketch Plan Review - \$0
- Class I All Individual Residential Permits (where required) such as accessory structures, additions, etc. – \$30
- Class II Accessory Non-Residential Permits (where required) such as ATM’s, dumpsters, walls, fences, etc. - \$75
- Class III parking lots, façade modifications, canopies, change of uses, and expansions up to 5,000 sq ft. - \$100
- Class IV Construction and Expansion from 5,000 to 30,000 sq ft. - \$200
- Class V Construction, Expansion, and Similar over 30,000 sq ft. - \$500
- Re-Review Fee (3rd and subsequent reviews) – \$50/hour

UTILITIES

Deposits:

- Residential (Rental only) - Electric: \$125 / Telephone: \$60 per line
- Commercial - Electric: \$400 / Telephone: \$60 per line
- Restaurant/Lounge - Electric: \$1,000 / Telephone: \$60 per line

Reconnect Fees:

- Residential - Electric: \$50 / Telephone: \$10 / Internet: \$50
- Commercial - Electric: \$200 / Telephone: \$10 / Internet: \$50

Meter Tampering - \$150 Returned Check - \$35

Pineville Communication Systems:

- Residential Phone Line – \$21.65*
- Commercial Line Rates – \$34.49* (Single Line) \$38.19* (Multi Line)

*Above Charges do not include applicable surcharges for: 911, Federal Universal Service charges, taxes, tolls, features, or long distance.

Residential Broadband Packages –

- 50 Mbps - \$45.95
- 300 Mbps - \$55.95
- 600 Mbps - \$75.95
- 1 Gbps - \$92.95

Commercial Broadband Packages –

- 50 Mbps - \$100.95
- 100 Mbps - \$125.95
- 200 Mbps - \$165.95
- 300 Mbps - \$200.95
- 1 Gbps - \$299.95

Summer Camp Fees:

First Child	Resident - \$90 per week	Non-Resident - \$110 per week
Second Child	Resident - \$80 per week	Non-Resident - \$100 per week

After Camp Fees:

Any Child	Resident - \$35 per week	Non-Resident - \$45 per week
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Other Recreation Programs not listed:

Some program fees are based on the number of participants or set by the outside instructor.

Fall Fest:

Arts and Crafts	(10 X 10) -	Resident - \$50	Non-Resident - \$100
	(10 X 20) -	Resident - \$100	Non-Resident - \$175
Business Vendors	(10 X 10) -	\$150	
	(10 X 20) -	\$300	
Non-Profit	(10 X 10) -	Resident - \$50	Non-Resident - \$75
	(10 X 20) -	Resident - \$100	Non-Resident - \$125

Food Tent / Cart -	(10 X 10) -	Resident - \$150	Non-Resident - \$175
	(10 X 20) -	Resident - \$300	Non-Resident - \$350
Food Truck / Trailer -		Resident - \$350	Non-Resident - \$375

Arts in the Park:

Arts and Crafts (10 X 10) -	Resident - \$25	Non-Resident - \$50
Food Truck / Trailer -	Resident - \$100	Non-Resident - \$100

Jack Hughes Park Fields:

Field Rentals:

Fields 1-4 –	Resident –	\$16 / Hr.
	Non-Resident –	\$24 / Hr.
Stadium –	Resident –	\$25 / Hr.
	Non-Resident –	\$45 / Hr.
Field 3 / Multipurpose –	Resident –	\$20 / Hr.
	Non-Resident –	\$35 / Hr.
Lights –	Resident –	\$20 / Hr.
	Non-Resident –	\$30 / Hr.
Field Preps –	Baseball Field Prep	\$40
	Multipurpose field Prep	\$45 / Half \$60 / Full

Gate / Parking Fees: Flat Rate \$250 / Weekend

Race Permit: \$200



RESOLUTION NO. 2024-08

**RESOLUTION OF THE TOWN OF PINEVILLE, NORTH
CAROLINA DECLARING SURPLUS ITEMS FOR SALE VIA
ELECTRONIC AUCTION AND/OR DISPOSAL VIA
DONATION OR RECYCLE**

WHEREAS, G.S 160A-265 authorizes the Town Council to dispose of surplus property and G.S.160A-280 (a) authorizes the donation of surplus property to another governmental unit with the United States, a sister city, or a nonprofit organization incorporated by (i) the United States, (ii) the District of Columbia, or (iii) one of the United States, any personal property, including supplies, materials, and equipment, that the governing board deems to be surplus, obsolete, or unused.

WHEREAS, the Town Manager, along with Department Heads, have declared surplus property as listed in “Exhibit A”;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Town Council hereby authorize the Town Manager to dispose of the listed item(s) by donating this item and for the Town Clerk to dispose of other surplus items via donation of such item(s). The Town Manager and Town Clerk shall have the right to add or delete from the properties listed and any items not donated may be disposed of by any others means available, including sale at public auction, donation to non-profit organization, or destruction, whichever is deemed to be in the best interest of the Town.

Adopted this ____ day of June 2024.

ATTEST:

SEAL:

David Phillips, Mayor

Lisa Snyder, Town Clerk

EXHIBIT "A"

Surplus Property for Auction, Donation, Recycling, Destruction, Sale

Surplus Items

Dept.	Item/Desc/VIN#	Make/Model	Misc.	How Disposed	Eff. Date	Miles
PD	1GNLC2EC6FR694255	2015 Chevy Tahoe		Donated to Fire Dept.	6/11/24	133,803



TOWN COUNCIL AGENDA ITEM

MEETING DATE: June 11, 2024

Agenda Title/Category:	Interlocal Agreement (ILA) for MTC		
Staff Contact/Presenter:	Ryan Spitzer		
Meets Strategic Initiative or Approved Plan:	Yes	No	If yes, list:
		x	
Background:	<p>The Metropolitan Transit Committee governs CATS. It is made up of the mayors from the six towns and one representative from the County and City. The Town Managers have been negotiating a new ILA for the past year and have come to an agreement on new language that gives the Towns and County more oversight of the MTC. The change the ILA the City and County must vote to approve the changes and 3/4^{ths} of the Towns must vote to approve the changes.</p> <p>Charlotte has already approved the changes and the other localities are scheduled to vote over the next two weeks.</p>		
Discussion:	<p>Town Council can do the following:</p> <ol style="list-style-type: none"> 1. Adopt the Interlocal Agreement 2. Not adopt the Interlocal Agreement 		
Fiscal impact:	None		
Attachments:	<ol style="list-style-type: none"> 1. Resolution 2. Interlocal Agreement 3. Interlocal Agreement with proposed changes 		
Recommended Motion to be made by Council:	Approve Resolution 2024-09 amending the current ILA for governing CATS.		



RESOLUTION NO. 2024-09

RESOLUTION TO APPROVE THE SECOND AMENDED AND RESTATED TRANSIT GOVERNANCE INTERLOCAL AGREEMENT BETWEEN THE CITY OF CHARLOTTE, COUNTY OF MECKLENBURG, TOWN OF CORNELIUS, TOWN OF DAVIDSON, TOWN OF HUNTERSVILLE, TOWN OF MATTHEWS, TOWN OF MINT HILL, AND TOWN OF PINEVILLE PROVIDING FOR COORDIANATED TRANSIT OPERATIONS ON A COUNTY-WIDE BASIS THROUGH CATS

WHEREAS, the City Council for the City of Charlotte approved the original Transit Governance Interlocal Agreement (“ILA”), executed in February of 1999, between the County of Mecklenburg, Town of Cornelius, Town of Davidson, Town of Huntersville, Town of Matthews, Town of Mint Hill, Town of Pineville, and the City; and

WHEREAS, after the Metropolitan Transit Commission (“MTC”) approved amendments to the ILA, the Pineville Town Council and the other parties approved an Amended Transit Governance Interlocal Agreement, executed in November of 2005; and

WHEREAS, the parties to the agreement have worked to develop a proposed Second Amended and Restated Transit Governance Interlocal Agreement to ensure the advancement of the Charlotte Area Transit System (“CATS”) and promote the goals of the Metropolitan Transit Commission (“MTC”); and

WHEREAS, the Second Amended and Restated Transit Governance Interlocal Agreement will provide for the continuation of coordinated transit operations on a county-wide basis through CATS; and

WHEREAS, changes in the Second Amended and Restated Transit Governance Interlocal Agreement include: a new annual discretionary fund of \$500,000, which the MTC may use to fund studies or commission reports related to CATS; an expanded role for the MTC in developing CATS budgets; an enhanced process for selecting and recommending the CATS CEO; and increased reporting requirements for CATS and CATS’s CEO to the MTC; and

WHEREAS, the Second Amended and Restated Transit Governance Interlocal Agreement also revises the term of the agreement to continue through at least June 30, 2034, and makes other technical and administrative changes to the agreement; and

WHEREAS, to become effective, the Second Amended and Restated Transit Governance Interlocal Agreement must be approved by the City, the County, and at least three-quarters of the six Mecklenburg County towns.

NOW, THEREFORE, IT IS RESOLVED that the Town Council for the Town of Pineville hereby:

- 1. Approves the second amended and restated Transit Governance Interlocal Agreement, as described above, between the City of Charlotte, County of Mecklenburg, Town of Cornelius, Town of Davidson, Town of Huntersville, Town of Matthews, Town of Mint Hill, and Town of Pineville providing for coordinated transit operations on a county-wide basis through CATS; and
- 2. Authorizes the Town Manager or his designee to execute the Second Amended and Restated Transit Governance Interlocal Agreement, as described above, provided the following conditions are met: (A) the agreement is consistent with the terms presented to Town Council and the purpose for which it was approved, (B) the MTC has voted to approve such agreement, and (C) the County and at least three-quarters of the six Mecklenburg County towns have approved such agreement.

APPROVED this _____ day of June 2024.

Mayor David Phillips

Town Clerk Lisa Snyder

**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG**

**Second Amended and Restated
Transit Governance Interlocal Agreement**

This Second Amended and Restated Transit Governance Interlocal Agreement (“Agreement”) is entered into as of _____, by and among the **COUNTY OF MECKLENBURG** (the “County”), a political subdivision of the State of North Carolina, the **CITY OF CHARLOTTE** (the “City”), a municipal corporation organized under the laws of the State of North Carolina, and such other **MUNICIPAL CORPORATIONS ORGANIZED UNDER THE LAWS OF THE STATE OF NORTH CAROLINA LISTED IN SECTION III OF THIS AGREEMENT** (each a “Town” and collectively, the “Towns”) whose governing boards have adopted a resolution approving this Agreement and who are signatories to this Agreement.

WITNESSETH:

WHEREAS, the parties hereto have the power pursuant to Section 153A-445(a)(1) and Article 20 of Chapter 160A of the North Carolina General Statutes to perform jointly any function that they have the power to perform alone, or to contract with one another for the performance of any governmental function that they have the power to perform alone, and to enter into contracts and agreements to specify the details of these joint undertakings; and

WHEREAS, in 1998, drawing from community input and building on a ten-year regional planning process, the parties to this Agreement undertook to develop an integrated transit/land use plan, which resulted in the publication of the “2025 Integrated Transit/Land-Use Plan for Charlotte Mecklenburg” (the “2025 Integrated Plan”) in July 1998; and

WHEREAS, based, in part, on the 2025 Integrated Plan, and pursuant to Article 43 of Chapter 105 of the North Carolina General Statutes, the Mecklenburg County Board of Commissioners called an advisory referendum for the levy of a one-half percent local sales and use tax for the purpose of financing public transportation systems; and

WHEREAS, the voters of Mecklenburg County approved the referendum on November 3, 1998; and

WHEREAS, the 2025 Integrated Plan included a section on governance that called for the units of local government engaged in this regional effort to share responsibility and accountability for transit services under the following guiding principles:

Provide for coordinated transit operations on a county-wide basis;

Retain for the elected bodies the responsibility of approving long-range transit plans and the capital and operating programs that support these plans;

Ensure that public involvement is a component;

Assure that Town interests are represented; and

Be flexible and expandable so jurisdictions outside Mecklenburg County could become part of the system; and

WHEREAS, consistent with the guiding principles and other components of the 2025 Integrated Plan’s governance recommendations, the parties entered into a Transit Governance Interlocal Agreement (the “Initial Agreement”) dated February 16, 1999, to provide the relationships and mechanisms to guide the planning, financing, and implementation of an effective, efficient, responsive, and accountable integrated regional transit system; and

WHEREAS, the integrated public transit system established pursuant to the Initial Agreement has come to be known as the Charlotte Area Transit System (“CATS”), which operates as a public enterprise and department of the City and is responsible for providing public transportation in the greater Charlotte area, including the County and each of the Towns; and

WHEREAS, the Initial Agreement established the Metropolitan Transit Commission (“MTC”) to, among other things, review and recommend long-range public transportation plans and review and recommend two-year operating and five-year capital program budgets for CATS; and

WHEREAS, the parties later entered into an Amended Transit Governance Interlocal Agreement (the “Amended Agreement”) dated November 28, 2005, which made certain amendments to the Initial Agreement; and

WHEREAS, the parties wish to modify the Amended Agreement and enter into this Second Amended and Restated Transit Governance Interlocal Agreement to further promote the goals of CATS and the MTC; and

WHEREAS, the parties agree to periodically reexamine the effectiveness of this Agreement and the governance structure created thereby and will undertake a comprehensive review of these issues within one year of the effective date of this Agreement.

NOW, THEREFORE, in consideration of the premises and the fulfillment of the terms of this Agreement, the parties hereto agree as follows:

I. Purpose

The purpose of this Agreement is to establish the relationships and mechanisms that will guide the planning, financing, and implementation of an effective, efficient, responsive, and accountable integrated regional transit system.

II. Authority

The parties derive their authority to enter into this Agreement and provide for the establishment and operation of an integrated public transit system pursuant to, *inter alia*, the following:

- Article 43 of Chapter 105 of the North Carolina General Statutes (Session Laws 1997, ch. 417, sec. 1) (Local Government Public Transportation Sales Tax Act);
- N.C.G.S. 160A-460 *et seq.* (Interlocal joint exercise of powers);
- N.C.G.S. 160A-311 *et seq.* (Municipal public enterprises); and
- N.C.G.S. 153A-274 *et seq.* (County public enterprises).

III. Parties

Each of the following units of local government may become a party to this Agreement upon approval of its governing board:

- Mecklenburg County
- City of Charlotte
- Town of Cornelius
- Town of Davidson
- Town of Huntersville
- Town of Matthews
- Town of Mint Hill
- Town of Pineville

Other units of local government may become a party to this Agreement pursuant to Section IX.A.

IV. Metropolitan Transit Commission

A. Composition

- (1) The Metropolitan Transit Commission (“MTC”) shall be a public body comprised of:
 - (a) two representatives from each party to this Agreement as defined in Section III;
 - (b) one representative from the North Carolina Department of Transportation;
 - (c) two representatives from any regional member added to the MTC pursuant to subsection (3) below; and
 - (d) one representative from the South Carolina Department of Transportation, if added to the MTC pursuant to subsection (5) below.

- (2) Parties. The parties to this Agreement are as defined in Section III. Each party shall have one vote, which shall be cast by its primary or alternate voting representative (defined below).

One representative of each party to this Agreement shall be its mayor (or chair of the board of county commissioners) or his/her designee who shall serve at the pleasure of the mayor (chair), and the other representative shall be the party’s manager (or administrator) or his/her designee who shall serve at the pleasure of the manager (administrator). The mayor (chair) or designee shall be a party’s primary voting representative and the manager (administrator) or designee shall be the alternate voting representative authorized to cast a vote in the absence of the primary voting representative.

- (3) Regional Members. A unit of local government that is not a party to this Agreement may be added as a “regional member” of the MTC by affirmative vote of all the voting representatives of the MTC. Once added to the MTC, a regional member shall have one vote that may be cast by its voting representative.

Only a county that is contiguous with Mecklenburg County, or a municipality located within such a county, shall be eligible to become a regional member. The financial and other legal commitments of a regional member (including those in subsection (a) below) shall be approved by the MTC and established through an interlocal agreement between such regional member and the City, prior to adding such regional member to the MTC. A regional member shall be removed from the MTC upon termination or expiration of its interlocal agreement with the City.

- (a) In addition to the eligibility requirements above, a county or municipality shall do all of the following to be eligible to become a regional member:
 - i. complete any Federal Transit Administration-sanctioned studies to justify any anticipated rapid transit project in the local government’s jurisdiction;
 - ii. document evidence of stable, adequate source(s) of funding for capital and operating costs for any anticipated rapid transit project in the local government’s jurisdiction; and
 - iii. adopt transit-oriented land-use policies and zoning for any proposed station locations associated with such rapid transit project.

- (4) Regional Participants. The MTC shall appoint or provide for the appointment of an

appropriate number of non-voting “regional participants” from local governments from outside Mecklenburg County to ensure regional representation.

(5) State Transportation Departments.

- (a) NCDOT: The representative from the North Carolina Department of Transportation shall be the North Carolina Board of Transportation (“NCBOT”) member representing Mecklenburg County, or the representative designated by the Secretary of Transportation in the absence of a NCBOT member who represents Mecklenburg County; provided such designated representative shall serve only for the period up to and until there is a NCBOT member who represents Mecklenburg County. The representative from the North Carolina Department of Transportation shall have one vote.
- (b) SCDOT: Upon affirmative vote of all the voting representatives of the MTC, the South Carolina Department of Transportation may have one representative added to the MTC. Such representative shall be appointed by the MTC and shall serve either: (i) at the pleasure of the MTC or (ii) for an established term, as determined by the MTC. Unless and until the MTC has voted to allow the South Carolina Department of Transportation a voting representative, the MTC shall appoint or provide for the appointment of one non-voting representative of the South Carolina Department of Transportation.

B. Officers

There shall be a Chair and Vice-Chair of the MTC.

The Chair of the MTC shall be the Chair of the Mecklenburg County Board of Commissioners (or the Board Chair’s designee, who shall serve at the pleasure of the Board Chair) starting December 1 of each odd-numbered year and shall be the Mayor of the City of Charlotte (or the Mayor’s designee, who shall serve at the pleasure of the Mayor) starting December 1 of each even-numbered year.

The MTC shall select a Vice-Chair who shall be the primary voting representative from one of the Towns.

C. Quorum

A majority of the voting representatives of the MTC shall constitute a quorum.

D. Powers and Duties

The MTC shall have the power and authority to:

- (1) Review and approve long-range public transportation plans within Mecklenburg County, including for CATS;
- (2) Hold budget retreats to discuss and develop the capital and operating budgets for CATS
- (3) Review and recommend the capital and operating budgets for CATS, subject to the approval of the Charlotte City Council as specified in Section VII of this Agreement;

- (4) Provide input into the review and evaluation of the performance of CATS;
- (5) Review and from time to time approve updates to the CATS Agency Safety Plan in the MTC's role as the designated Equivalent Authority for CATS under 49 C.F.R. § 673.11.
- (6) Approve any agreement, policy, or arrangement proposed by CATS for the extension of services outside of Mecklenburg County;
- (7) Make recommendations for how CATS can ensure that it operates in a manner that equitably serves the citizens of each of the parties to this Agreement (measured based on a per capita basis consistent with Section 105-507.3(a) of the North Carolina General Statutes);
- (8) Conduct public involvement programs to provide community input on proposed five-year capital and two-year operating programs; and
- (9) Inspect all public records of and concerning CATS, as well as any property, facilities, or equipment of CATS. Such inspections shall be subject to applicable privacy and safety laws and regulations and other such reasonable limitations as CATS may require (ex. prior scheduling and appropriate notification).

V. Public Transit Advisory Committee

A. Composition, Terms, and Officers

As of January 1, 2025, all existing advisory committees of the MTC shall be dissolved and a new Public Transit Advisory Committee ("PTAC") of the MTC shall be formed. PTAC shall be an advisory body composed of two members appointed by the Mecklenburg County Board of Commissioners, two members appointed by the Charlotte City Council, one member appointed by The Charlotte-Mecklenburg Board of Education, one member appointed by each Town that is a party to this Agreement, one member appointed by a regional member added pursuant to Section IV.A. of the Agreement (if any), one member appointed by the Chair of the Mecklenburg County Board of Commissioners (who shall serve as co-chair of PTAC), and one member appointed by the Mayor of the City of Charlotte (who shall serve as co-chair of PTAC). A holder of publicly elected office shall not serve on PTAC.

The MTC may, upon affirmative vote of at least three-quarters of the voting representatives, dissolve PTAC effective as of a selected dissolution date. As of any selected dissolution date, the terms of all PTAC members shall end and PTAC shall cease to have any responsibilities under this Agreement.

B. Responsibilities

PTAC shall be responsible for (1) reviewing the CATS CEO's (defined below) proposed operating programs and five-year capital programs, (2) reviewing transit policies, (3) serving as an initial forum for suggestions and complaints concerning fares, routes and schedules, and (4) making recommendations to the MTC regarding these matters. PTAC shall also be responsible for providing such other advisory functions as directed by the MTC.

In addition to PTAC, the MTC may establish and appoint other standing and/or *ad hoc* advisory committees as it deems appropriate.

VI. Administration

A. CATS Chief Executive Officer (“CATS CEO”)

The CATS CEO shall be a City of Charlotte employee appointed by the Charlotte City Manager (the “City Manager”) with the concurrence of the Mecklenburg County Manager and an MTC voting representative (not a City or County representative) selected by the MTC. The process for selection of the CATS CEO shall be as set forth in **Appendix A**.

The CATS CEO shall be subject to review and evaluation by the City Manager with input from the County Manager and an MTC voting representative (not a City or County representative) selected by the MTC.

The CATS CEO’s salary and benefits shall be established by the City Manager.

The City Manager shall have the authority to remove the CATS CEO. In addition, if a majority of the total voting representatives of the MTC approves a vote of “no confidence,” the City Manager shall remove or reassign the CATS CEO.

B. Organization and Staffing

The CATS CEO shall supervise and direct such personnel as are necessary to operate CATS and implement the approved capital and operating programs. CATS personnel shall be employees of the City.

C. Responsibilities

(1) *Operation of CATS*

The CATS CEO shall (i) ensure the safe and efficient operation of CATS, including the performance of all regular and necessary maintenance for all equipment and facilities; (ii) carry out the approved capital and operating programs; and (iii) ensure compliance with all applicable local, state, and federal laws, rules, and regulations that govern CATS and its operations.

(2) *Submission of Items to the MTC*

The CATS CEO shall develop and submit to the MTC:

- (i) proposed long-range public transportation plans;
- (ii) lists of programs and services for MTC prioritization and approval;
- (iii) proposed annual operating programs;
- (iv) proposed five-year capital programs; and
- (v) annual assessments of service and other plan items.

(3) *Required Communications to the MTC*

The CATS CEO shall provide to the MTC a monthly report showing the performance status of CATS’s four target safety goals (fatalities, injuries, safety events, and system reliability), as defined in Section 1.2.2 of the CATS Agency Safety Plan.

Any final audit reports issued by NCDOT State Safety Oversight or the Federal Transit Administration concerning CATS shall be furnished by the CATS CEO to the MTC by the later of (i) the next regular meeting of the MTC or (ii) 15 days of CATS’s receipt of such report.

The CATS CEO shall promptly report to the MTC any other incidents, events, or matters that materially affect the operation of CATS, public safety within CATS, or CATS operating and capital programs.

VII. Programs and Budgets

A. Five-Year Capital Program and Annual Operating Program

The budget of CATS shall be set forth in a five-year capital program and annual operating program.

Five-year capital programs shall be developed and approved annually and cover a rolling five-year term.

Operating programs shall be developed and approved annually. Adjustments and revisions may be made during the operating year. The annual operating program cycle will coincide with the City's annual budget cycle. Each operating program shall include an "MTC discretionary fund" of no more than \$500,000. Upon an affirmative vote of at least two-thirds of the voting representatives of the MTC, the MTC may direct the use of the discretionary funds to conduct studies or commission reports concerning CATS's operations, facilities, equipment, or safety issues. Any funds remaining at the end of the applicable fiscal year will be used to offset the following fiscal year's discretionary fund. The City will be the contracting party for all contracts funded through the discretionary fund; thus, all such contracts may be subject to Charlotte City Council approval and must comply with the City's procurement policy.

Capital and operating programs shall specify those transit service investments in the Towns that demonstrate that such investments are at a level that equals or exceeds each Town's theoretical local transit sales tax share (such share to be calculated on a per capita basis consistent with Section 105-507.3(a) of the North Carolina General Statutes). Capital and operating programs shall also include an accounting showing the contributions of each party to this Agreement to CATS, as well as the services, and approximate value thereof, provided to the citizens and constituents of each party (with the contributions and services calculated based on a per capita basis consistent with Section 105-507.3(a) of the North Carolina General Statutes). The MTC shall hold a workshop to discuss the accounting.

Capital and operating programs shall implement the statutory obligation for the County's net transit sales tax proceeds to be equitably allocated in consideration of the identified needs of local public transportation systems in the county, countywide human service transportation systems, and expansion of public transportation service to unserved areas in the county.

B. Annual Process for Development and Approval of the Capital and Operating Program

The MTC will hold an annual budget retreat in October of each year to review and discuss budget priorities for the upcoming capital and operating program years.

By January 30 of each year, the CATS CEO shall submit to the MTC a proposed capital program and operating program.

The MTC shall provide opportunities for input from the parties to this Agreement and the public in the course of its review of proposed capital and operating programs.

By April 30, the MTC shall approve a recommended capital program and operating program.

The MTC-recommended capital program and operating program will be considered and voted upon by the Charlotte City Council. After a five-year capital program is approved, approval for subsequent five-year capital programs may be withheld only as to changes to the immediately preceding capital program and the new fifth year. If the Charlotte City Council approves the capital program and operating program, the programs shall be funded through budget and/or project ordinances.

C. Appointment of Conference Committee and Mediation

If the Charlotte City Council does not approve the MTC-recommended capital or operating program for CATS within 60 days after it is recommended by the MTC, the Mayor of the City of Charlotte shall appoint three Charlotte City Council Members and the Chair of the Mecklenburg County Board of Commissioners shall select three representatives of the MTC, none of whom shall be a representative of the City, to a conference committee which shall, within 60 days of appointment, develop and recommend to the Charlotte City Council and the MTC a conference committee program report, which report must be approved by the Charlotte City Council and MTC before funding and implementation.

If the conference committee does not reach agreement within the first 20 days after members are appointed, any party to this Agreement may request and require that the City and the MTC participate in a mediation to resolve their differences. Such mediation shall be conducted within the 60-day time frame for developing and recommending the conference committee program report set forth above. If the parties cannot agree on a mediator, the City Manager and County Manager shall each provide a list of two potential mediators to the Chair of the MTC, the Chair and Vice-Chair shall select a mediator from lists provided. The party requesting mediation shall pay all fees and expenses of the mediator.

D. Capital and Operating Programs in the Absence of Agreement

If the Charlotte City Council has not approved the capital and operating programs prior to its adoption of a budget ordinance, the City Council shall appropriate only such funds as are sufficient to service previously approved debt and to fund the maintenance and operation of previously approved levels of transit service. If the Charlotte City Council and the MTC approve a conference committee program report after the Charlotte City Council adopts a budget ordinance, the Charlotte City Council shall adopt such budget ordinance amendments and/or project ordinances as are necessary to fully fund the approved capital and operating programs.

E. Budget and Project Ordinances

Through its budget ordinance, each party shall appropriate for transfer to the City:

- (1) transit sales tax receipts;
- (2) transit fares, fees, rents, or other charges;
- (3) maintenance of effort obligation;
- (4) state and federal transit grants and other intergovernmental transit related transfers; and
- (5) other transit appropriations.

The City shall fund and implement approved capital and operating programs through budget, project, and other ordinances, resolutions, contracts, and other legislative and administrative measures.

VIII. Financing

A. Transit Sales Tax Revenues

Each party eligible for receipt of a share of the transit sales tax shall annually appropriate all transit sales tax revenues for transfer to the City. Sales tax receipts shall be transferred to the City within five business days of receipt of the distribution.

If the Mecklenburg County Board of Commissioners is given authority to levy an increased sales tax for transit and transportation purposes, any portion of the increased sales tax revenues that is designated for public transit uses shall be treated the same as the existing sales tax revenue under this Agreement. Any other portion of increased sales tax revenues (collectively, the "Non-Transit Sales Tax Revenue") shall be distributed to units of local government according to any authorizing legislation or other applicable law and shall not be subject to this Agreement.

B. Fares, Fees, Rents, and Other Charges

Except as may otherwise be provided in the annual operating program, each party receiving transit fares, fees, rents and other transit charges shall annually appropriate same for transfer to the City. Such funds shall be transferred to the City by the tenth day of the month immediately following the month during which such funds are received.

C. Maintenance of Effort¹

Beginning in FY00, each party shall annually appropriate for transfer to the City a "maintenance of effort" amount equal to its agreed upon FY98 "local expenditure for transit services." Maintenance of effort obligations shall be transferred to the City no later than December 31 of each fiscal year. The City shall annually supplement all other sources of transit revenue with an appropriation equal to its agreed upon FY98 "local expenditure for transit services."

"Local expenditure for transit services" shall mean all capital and operating expenditures for transit services other than (1) those funded through state or federal grants; (2) other intergovernmental transfers; or (3) from fares, fees, rents, or other service charges.

D. State and Federal Grants and Other Intergovernmental Transfers

Except as may otherwise be provided in the five-year capital or annual operating programs, each party receiving other transit revenues such as state and federal grants and other intergovernmental transfers shall annually appropriate same for transfer to the City. Such funds shall be transferred to the City within five business days of receipt.

E. Other Appropriations

Any party may appropriate and transfer other funds to the City for identified activities.

F. Debt

All transit debt shall be issued in accordance with approved five-year capital programs.

¹ N.C.G.S. 105-507.3(b) provides, in part, that "[e]very unit of government shall use the net proceeds to supplement and not to supplant or replace existing funds or other resources for public transportation systems."

G. Annual Reporting

The CATS CEO shall provide annual financial reports.

IX. Miscellaneous

A. Addition of other units of local government

Other units of local government may become party to this Agreement upon approval of all parties to this Agreement.

B. Authority

Except as modified or limited herein, and to the fullest extent authorized by law, the City and its officers, agents, and employees shall, with respect to public transit, have the jurisdiction, powers, functions, public enterprises, rights, privileges, and immunities of the other parties to this Agreement.

C. Mandatory Governance Review

Within one year of the effective date of this Agreement, the MTC shall undertake and complete a comprehensive governance review which shall consider the effectiveness of this Agreement and the governance structure established hereunder as well as other possible governance structures including, but not limited to, various forms of a transit authority. The governance review shall be conducted in a manner that ensures public and transit stakeholder input and participation. The governance review may be undertaken by the MTC directly or may be conducted by other entities at the MTC's direction as the MTC deems appropriate. Within one year of the effective date of this Agreement, the MTC shall provide the governing boards of the parties to this Agreement with its report and recommendations.

Notwithstanding the requirements of this section, the MTC may vote to cancel the comprehensive governance review required by this section if subsequent legislation concerning CATS or other circumstances obviate the need for such a review.

X. Effective Date, Term, Amendment, and Withdrawal

A. Effective Date

This Agreement shall become effective upon (i) approval by the Charlotte City Council and the Mecklenburg County Board of Commissioners, (ii) approval by three-quarters (75%) of the Towns other than those that have withdrawn from the MTC, and (iii) the adoption by the Mecklenburg County Board of Commissioners of a resolution levying the transit sales tax.

B. Term

This Agreement shall continue through June 30, 2034. The Agreement shall automatically extend by a further five (5) years on June 30, 2034, unless the City, the County, and at least three-quarters of the Towns other than those that have withdrawn from the MTC vote to amend or terminate this Agreement pursuant to section X.D. at least one year prior to such expiration. The Agreement shall automatically extend by a further five (5) years on each subsequent expiration date, unless the City, the County, and at least three-quarters of the Towns other than those that have withdrawn from the MTC vote to amend or terminate this Agreement pursuant to section X.D. at least one year prior to such expiration.

C. Continuing Debt Obligations

Upon the expiration or termination of this Agreement, each party shall continue to be liable for, and shall annually appropriate and transfer to the City no later than December 31 of each fiscal year, a sum of money determined by multiplying (1) the current fiscal year costs of servicing all debt issued pursuant to this Agreement (including any refunding debt) by (2) such party's per capita percentage basis among Mecklenburg County and the other units of local government in Mecklenburg County (such percentage to be calculated on a per capita basis consistent with Section 105-507.3(a) of the North Carolina General Statutes). This continuing debt obligation will end when all debt obligations are satisfied.

Notwithstanding anything herein to the contrary, no party to this Agreement shall be required to use any of its Non-Transit Sales Tax Revenue to satisfy its continuing debt obligations under this section.

D. Amendment

This Agreement may be either amended or terminated by authorized agreement of the City, the County, and at least three-quarters (75%) of the Towns other than those that have withdrawn from the MTC.

E. Town Withdrawal

Any Town may withdraw from this Agreement effective at the start of a fiscal year (July 1) by giving written notice to the other parties to this Agreement no later than the end of the immediately preceding fiscal year (June 30).

Except as provided herein, upon withdrawal from this Agreement, a Town: (1) shall lose all rights under this Agreement; and (2) shall, except as provided in the following paragraph, no longer be obligated to appropriate and transfer to the City transit sales tax receipts, transit fares, fees, rents, or other charges, maintenance of effort obligation, or state and federal grants and other intergovernmental transfers.

Upon withdrawal from this Agreement, a Town shall be liable for, and shall annually appropriate and transfer to the City no later than December 31 of each fiscal year, a sum of money determined by multiplying (1) the current fiscal year costs of servicing all debt issued pursuant to this Agreement while the Town was a party to this Agreement (including any refunding debt) by (2) the Town's per capita percentage basis among Mecklenburg County and the other units of local government in Mecklenburg County.

A Town that has withdrawn may regain its status as a full party to this Agreement upon approval of its governing board effective on the first date of the fiscal year beginning immediately following the governing board's approval.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed effective as of the day written above by authority duly granted by the governing boards of the parties.

COUNTY OF MECKLENBURG

Name: _____
Title: _____

(SEAL)

Clerk to the Board

Approved as to form:

County Attorney

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Director of Finance
Mecklenburg County

CITY OF CHARLOTTE

Name: _____

Title: _____

(SEAL)

City Clerk

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Director of Finance
City of Charlotte

TOWN OF CORNELIUS

Name: _____

Title: _____

(SEAL)

Clerk to the Town

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Director of Finance
Town of Cornelius

TOWN OF DAVIDSON

Name: _____

Title: _____

(SEAL)

Clerk to the Town

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Director of Finance
Town of Davidson

TOWN OF HUNTERSVILLE

Name: _____

Title: _____

(SEAL)

Clerk to the Town

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Director of Finance
Town of Huntersville

TOWN OF MATTHEWS

Name: _____

Title: _____

(SEAL)

Clerk to the Town

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Director of Finance
Town of Matthews

TOWN OF MINT HILL

Name: _____

Title: _____

(SEAL)

Clerk to the Town

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Director of Finance
Town of Mint Hill

TOWN OF PINEVILLE

Name: _____

Title: _____

(SEAL)

Clerk to the Town

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Director of Finance
Town of Pineville

APPENDIX A

Selection Process for CATS CEO

Selection of the CATS CEO shall be conducted in accordance with the following procedure:

- *Selection of an Executive Search Firm.* Following consultation with the MTC, the City shall select and engage an executive search firm with experience related to public transportation.
- *Development of Position Profile and Listing.* Working with the City Manager, the Executive Search Firm shall prepare a position profile and listing for the CATS CEO position. If instructed by the City Manager, the Executive Search Firm may conduct surveys and/or focus groups of key stakeholders identified by the City Manager to inform its preparation of the position profile and listing. The Executive Search Firm shall then submit the position profile and listing to the MTC for approval.
- *Advertisement and Solicitation of Applications.* Following approval of the position profile and listing, the Executive Search Firm shall advertise and solicit applications for the position both locally and nationally.
- *Review of Applications and Interviews.* The Executive Search Firm shall assist the City Manager and an MTC voting representative (not a City or County representative) selected by the MTC (the “selected MTC representative”) in narrowing the field of candidates and selecting candidates for interviews. This process may include one or more rounds of initial interviews. The selected MTC representative may participate in any such interviews. The City Manager then shall present the results of the application process and recommendations regarding finalists to the MTC in closed session.

Interviews with finalists shall be conducted by panel(s) that include the City Manager, the County Manager, and the selected MTC representative.

- *Final Selection.* Final selection of the CATS CEO shall be made by the City Manager, who shall appoint the CATS CEO upon concurrence of the County Manager and the selected MTC representative.

Interim CATS CEO

In the event the position of CATS CEO becomes vacant, the City Manager may appoint, after consultation with the MTC, an interim CATS CEO, who shall serve in the role until a permanent replacement is selected in accordance with the procedures set forth above.

If a vacancy occurs before an interim CATS CEO is approved, the City Manager shall have authority to designate one or more employees to temporarily exercise the duties of the CATS CEO until an interim is appointed.

**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG**

**Second Amended and Restated
Transit Governance Interlocal Agreement**

This Second Amended and Restated Transit Governance Interlocal Agreement (“Agreement”) is entered into as of _____, by and among the **COUNTY OF MECKLENBURG** (the “County”), a political subdivision of the State of North Carolina, the **CITY OF CHARLOTTE** (the “City”), a municipal corporation organized under the laws of the State of North Carolina, and such other **MUNICIPAL CORPORATIONS ORGANIZED UNDER THE LAWS OF THE STATE OF NORTH CAROLINA LISTED IN SECTION III OF THIS AGREEMENT** (each a “Town” and collectively, the “Towns”) whose governing boards have adopted a resolution approving this Agreement and who are signatories to this Agreement.

WITNESSETH:

WHEREAS, the parties hereto have the power pursuant to Section 153A-445(a)(1) and Article 20 of Chapter 160A of the North Carolina General Statutes to perform jointly any function that they have the power to perform alone, or to contract with one another for the performance of any governmental function that they have the power to perform alone, and to enter into contracts and agreements to specify the details of these joint undertakings; and

WHEREAS, in 1998, drawing from community input and building on a ten-year regional planning process, the parties to this Agreement undertook to develop an integrated transit/land use plan, which resulted in the publication of the “2025 Integrated Transit/Land-Use Plan for Charlotte Mecklenburg” (the “2025 Integrated Plan”) in July 1998; and

WHEREAS, based, in part, on the 2025 Integrated Plan, and pursuant to Article 43 of Chapter 105 of the North Carolina General Statutes, the Mecklenburg County Board of Commissioners called an advisory referendum for the levy of a one-half percent local sales and use tax for the purpose of financing public transportation systems; and

WHEREAS, the voters of Mecklenburg County approved the referendum on November 3, 1998; and

WHEREAS, the 2025 Integrated Plan included a section on governance that called for the units of local government engaged in this regional effort to share responsibility and accountability for transit services under the following guiding principles:

Provide for coordinated transit operations on a county-wide basis;

Retain for the elected bodies the responsibility of approving long-range transit plans and the capital and operating programs that support these plans;

Ensure that public involvement is a component;

Assure that Town interests are represented; and

Be flexible and expandable so jurisdictions outside Mecklenburg County could become part of the system; and

WHEREAS, consistent with the guiding principles and other components of the 2025 Integrated Plan’s governance recommendations, the parties entered into a Transit Governance Interlocal Agreement (the “Initial Agreement”) dated February 16, 1999, to provide the relationships and mechanisms to guide the planning, financing, and implementation of an effective, efficient, responsive, and accountable integrated regional transit system; and

WHEREAS, the integrated public transit system established pursuant to the Initial Agreement has come to be known as the Charlotte Area Transit System (“CATS”), which operates as a public enterprise and department of the City and is responsible for providing public transportation in the greater Charlotte area, including the County and each of the Towns; and

WHEREAS, the Initial Agreement established the Metropolitan Transit Commission (“MTC”) to, among other things, review and recommend long-range public transportation plans and review and recommend two-year operating and five-year capital program budgets for CATS; and

WHEREAS, the parties later entered into an Amended Transit Governance Interlocal Agreement (the “Amended Agreement”) dated November 28, 2005, which made certain amendments to the Initial Agreement; and

WHEREAS, the parties wish to modify the Amended Agreement and enter into this Second Amended and Restated Transit Governance Interlocal Agreement to further promote the goals of CATS and the MTC; and

WHEREAS, the parties agree to periodically reexamine the effectiveness of this Agreement and the governance structure created thereby and will undertake a comprehensive review of these issues within one year of the effective date of this Agreement.

NOW, THEREFORE, in consideration of the premises and the fulfillment of the terms of this Agreement, the parties hereto agree as follows:

I. Purpose

The purpose of this Agreement is to establish the relationships and mechanisms that will guide the planning, financing, and implementation of an effective, efficient, responsive, and accountable integrated regional transit system.

II. Authority

The parties derive their authority to enter into this Agreement and provide for the establishment and operation of an integrated public transit system pursuant to, *inter alia*, the following:

- Article 43 of Chapter 105 of the North Carolina General Statutes (Session Laws 1997, ch. 417, sec. 1) (Local Government Public Transportation Sales Tax Act);
- N.C.G.S. 160A-460 *et seq.* (Interlocal joint exercise of powers);
- N.C.G.S. 160A-311 *et seq.* (Municipal public enterprises); and
- N.C.G.S. 153A-274 *et seq.* (County public enterprises).

III. Parties

Each of the following units of local government may become a party to this Agreement upon approval of its governing board:

- Mecklenburg County
- City of Charlotte
- Town of Cornelius
- Town of Davidson
- Town of Huntersville
- Town of Matthews
- Town of Mint Hill
- Town of Pineville

Other units of local government may become a party to this Agreement pursuant to Section IX.A.

IV. Metropolitan Transit Commission

A. Composition [Item G on Chart]

- (1) The Metropolitan Transit Commission (“MTC”) shall be a public body comprised of:
 - (a) two representatives from each party to this Agreement as defined in Section III;
 - (b) one representative from the North Carolina Department of Transportation;
 - (c) two representatives from any regional member added to the MTC pursuant to subsection (3) below; and
 - (d) one representative from the South Carolina Department of Transportation, if added to the MTC pursuant to subsection (5) below.

- (2) Parties. The parties to this Agreement are as defined in Section III. Each party shall have one vote, which shall be cast by its primary or alternate voting representative (defined below).

One representative of each party to this Agreement shall be its mayor (or chair of the board of county commissioners) or his/her designee who shall serve at the pleasure of the mayor (chair), and the other representative shall be the party’s manager (or administrator) or his/her designee who shall serve at the pleasure of the manager (administrator). The mayor (chair) or designee shall be a party’s primary voting representative and the manager (administrator) or designee shall be the alternate voting representative authorized to cast a vote in the absence of the primary voting representative.

- (3) Regional Members. A unit of local government that is not a party to this Agreement may be added as a “regional member” of the MTC by affirmative vote of all the voting representatives of the MTC. Once added to the MTC, a regional member shall have one vote that may be cast by its voting representative.

Only a county that is contiguous with Mecklenburg County, or a municipality located within such a county, shall be eligible to become a regional member. The financial and other legal commitments of a regional member (including those in subsection (a) below) shall be approved by the MTC and established through an interlocal agreement between such regional member and the City, prior to adding such regional member to the MTC. A regional member shall be removed from the MTC upon termination or expiration of its interlocal agreement with the City.

- (a) In addition to the eligibility requirements above, a county or municipality shall do all of the following to be eligible to become a regional member:
 - i. complete any Federal Transit Administration-sanctioned studies to justify any anticipated rapid transit project in the local government’s jurisdiction;
 - ii. document evidence of stable, adequate source(s) of funding for capital and operating costs for any anticipated rapid transit project in the local government’s jurisdiction; and
 - iii. adopt transit-oriented land-use policies and zoning for any proposed station locations associated with such rapid transit project.

- (4) Regional Participants. The MTC shall appoint or provide for the appointment of an

appropriate number of non-voting “regional participants” from local governments from outside Mecklenburg County to ensure regional representation.

(5) State Transportation Departments.

- (a) NCDOT: The representative from the North Carolina Department of Transportation shall be the North Carolina Board of Transportation (“NCBOT”) member representing Mecklenburg County, or the representative designated by the Secretary of Transportation in the absence of a NCBOT member who represents Mecklenburg County; provided such designated representative shall serve only for the period up to and until there is a NCBOT member who represents Mecklenburg County. The representative from the North Carolina Department of Transportation shall have one vote.
- (b) SCDOT: Upon affirmative vote of all the voting representatives of the MTC, the South Carolina Department of Transportation may have one representative added to the MTC. Such representative shall be appointed by the MTC and shall serve either: (i) at the pleasure of the MTC or (ii) for an established term, as determined by the MTC. Unless and until the MTC has voted to allow the South Carolina Department of Transportation a voting representative, the MTC shall appoint or provide for the appointment of one non-voting representative of the South Carolina Department of Transportation.

B. Officers

There shall be a Chair and Vice-Chair of the MTC.

[Item A on Chart] The Chair of the MTC shall be the Chair of the Mecklenburg County Board of Commissioners (or the Board Chair’s designee, who shall serve at the pleasure of the Board Chair) starting December 1 of each odd-numbered year and shall be the Mayor of the City of Charlotte (or the Mayor’s designee, who shall serve at the pleasure of the Mayor) starting December 1 of each even-numbered year.

The MTC shall select a Vice-Chair who shall be the primary voting representative from one of the Towns.

C. Quorum

A majority of the voting representatives of the MTC shall constitute a quorum.

D. Powers and Duties

The MTC shall have the power and authority to:

- (1) **[#15 on Chart]** Review and approve long-range public transportation plans within Mecklenburg County, including for CATS;
- (2) **[#3 on Chart]** Hold budget retreats to discuss and develop the capital and operating budgets for CATS
- (3) Review and recommend the capital and operating budgets for CATS, subject to the approval of the Charlotte City Council as specified in Section VII of this Agreement;

- (4) Provide input into the review and evaluation of the performance of CATS;
- (5) **[Item B on Chart]** Review and from time to time approve updates to the CATS Agency Safety Plan in the MTC's role as the designated Equivalent Authority for CATS under 49 C.F.R. § 673.11.
- (6) **[#6 on Chart]** Approve any agreement, policy, or arrangement proposed by CATS for the extension of services outside of Mecklenburg County;
- (7) **[Item C on Chart]** Make recommendations for how CATS can ensure that it operates in a manner that equitably serves the citizens of each of the parties to this Agreement (measured based on a per capita basis consistent with Section 105-507.3(a) of the North Carolina General Statutes);
- (8) Conduct public involvement programs to provide community input on proposed five-year capital and two-year operating programs; and
- (9) **[#9 on Chart]** Inspect all public records of and concerning CATS, as well as any property, facilities, or equipment of CATS. Such inspections shall be subject to applicable privacy and safety laws and regulations and other such reasonable limitations as CATS may require (ex. prior scheduling and appropriate notification).

V. Public Transit Advisory Committee **[Item D on Chart]**

A. Composition, Terms, and Officers

As of January 1, 2025, all existing advisory committees of the MTC shall be dissolved and a new Public Transit Advisory Committee ("PTAC") of the MTC shall be formed. PTAC shall be an advisory body composed of two members appointed by the Mecklenburg County Board of Commissioners, two members appointed by the Charlotte City Council, one member appointed by The Charlotte-Mecklenburg Board of Education, one member appointed by each Town that is a party to this Agreement, one member appointed by a regional member added pursuant to Section IV.A. of the Agreement (if any), one member appointed by the Chair of the Mecklenburg County Board of Commissioners (who shall serve as co-chair of PTAC), and one member appointed by the Mayor of the City of Charlotte (who shall serve as co-chair of PTAC). A holder of publicly elected office shall not serve on PTAC.

The MTC may, upon affirmative vote of at least three-quarters of the voting representatives, dissolve PTAC effective as of a selected dissolution date. As of any selected dissolution date, the terms of all PTAC members shall end and PTAC shall cease to have any responsibilities under this Agreement.

B. Responsibilities

PTAC shall be responsible for (1) reviewing the CATS CEO's (defined below) proposed operating programs and five-year capital programs, (2) reviewing transit policies, (3) serving as an initial forum for suggestions and complaints concerning fares, routes and schedules, and (4) making recommendations to the MTC regarding these matters. PTAC shall also be responsible for providing such other advisory functions as directed by the MTC.

In addition to PTAC, the MTC may establish and appoint other standing and/or *ad hoc* advisory committees as it deems appropriate.

VI. Administration

A. CATS Chief Executive Officer (“CATS CEO”)

The CATS CEO shall be a City of Charlotte employee appointed by the Charlotte City Manager (the “City Manager”) with the concurrence of the Mecklenburg County Manager and an MTC voting representative (not a City or County representative) selected by the MTC. The process for selection of the CATS CEO shall be as set forth in **Appendix A**.

The CATS CEO shall be subject to review and evaluation by the City Manager with input from the County Manager and an MTC voting representative (not a City or County representative) selected by the MTC.

The CATS CEO’s salary and benefits shall be established by the City Manager.

The City Manager shall have the authority to remove the CATS CEO. In addition, if a majority of the total voting representatives of the MTC approves a vote of “no confidence,” the City Manager shall remove or reassign the CATS CEO.

B. Organization and Staffing [Item E on Chart]

The CATS CEO shall supervise and direct such personnel as are necessary to operate CATS and implement the approved capital and operating programs. CATS personnel shall be employees of the City.

C. Responsibilities

(1) *Operation of CATS*

The CATS CEO shall (i) ensure the safe and efficient operation of CATS, including the performance of all regular and necessary maintenance for all equipment and facilities; (ii) carry out the approved capital and operating programs; and (iii) ensure compliance with all applicable local, state, and federal laws, rules, and regulations that govern CATS and its operations.

(2) *Submission of Items to the MTC*

The CATS CEO shall develop and submit to the MTC:

- (i) proposed long-range public transportation plans;
- (ii) lists of programs and services for MTC prioritization and approval;
- (iii) proposed annual operating programs;
- (iv) proposed five-year capital programs; and
- (v) annual assessments of service and other plan items.

(3) *Required Communications to the MTC*

[#8 on Chart] The CATS CEO shall provide to the MTC a monthly report showing the performance status of CATS’s four target safety goals (fatalities, injuries, safety events, and system reliability), as defined in Section 1.2.2 of the CATS Agency Safety Plan.

Any final audit reports issued by NCDOT State Safety Oversight or the Federal Transit Administration concerning CATS shall be furnished by the CATS CEO to the MTC by the later of (i) the next regular meeting of the MTC or (ii) 15 days of CATS’s receipt of such report.

[#10 on Chart] The CATS CEO shall promptly report to the MTC any other incidents, events, or matters that materially affect the operation of CATS, public safety within CATS, or CATS operating and capital programs.

VII. Programs and Budgets

A. Five-Year Capital Program and Annual Operating Program

[Item F on Chart] The budget of CATS shall be set forth in a five-year capital program and annual operating program.

Five-year capital programs shall be developed and approved annually and cover a rolling five-year term.

Operating programs shall be developed and approved annually. Adjustments and revisions may be made during the operating year. The annual operating program cycle will coincide with the City’s annual budget cycle. **[#4 on Chart]** Each operating program shall include an “MTC discretionary fund” of no more than \$500,000. Upon an affirmative vote of at least two-thirds of the voting representatives of the MTC, the MTC may direct the use of the discretionary funds to conduct studies or commission reports concerning CATS’s operations, facilities, equipment, or safety issues. Any funds remaining at the end of the applicable fiscal year will be used to offset the following fiscal year’s discretionary fund. The City will be the contracting party for all contracts funded through the discretionary fund; thus, all such contracts may be subject to Charlotte City Council approval and must comply with the City’s procurement policy.

Capital and operating programs shall specify those transit service investments in the Towns that demonstrate that such investments are at a level that equals or exceeds each Town’s theoretical local transit sales tax share (such share to be calculated on a per capita basis consistent with Section 105-507.3(a) of the North Carolina General Statutes). **[#2 on Chart]** Capital and operating programs shall also include an accounting showing the contributions of each party to this Agreement to CATS, as well as the services, and approximate value thereof, provided to the citizens and constituents of each party (with the contributions and services calculated based on a per capita basis consistent with Section 105-507.3(a) of the North Carolina General Statutes). The MTC shall hold a workshop to discuss the accounting.

Capital and operating programs shall implement the statutory obligation for the County’s net transit sales tax proceeds to be equitably allocated in consideration of the identified needs of local public transportation systems in the county, countywide human service transportation systems, and expansion of public transportation service to unserved areas in the county.

B. Annual Process for Development and Approval of the Capital and Operating Program

The MTC will hold an annual budget retreat in October of each year to review and discuss budget priorities for the upcoming capital and operating program years.

By January 30 of each year, the CATS CEO shall submit to the MTC a proposed capital program and operating program.

The MTC shall provide opportunities for input from the parties to this Agreement and the public in the course of its review of proposed capital and operating programs.

By April 30, the MTC shall approve a recommended capital program and operating program.

The MTC-recommended capital program and operating program will be considered and voted upon by the Charlotte City Council. After a five-year capital program is approved, approval for subsequent five-year capital programs may be withheld only as to changes to the immediately preceding capital program and the new fifth year. If the Charlotte City Council approves the capital program and operating program, the programs shall be funded through budget and/or project ordinances.

C. Appointment of Conference Committee and Mediation

[Item H on Chart] If the Charlotte City Council does not approve the MTC-recommended capital or operating program for CATS within 60 days after it is recommended by the MTC, the Mayor of the City of Charlotte shall appoint three Charlotte City Council Members and the Chair of the Mecklenburg County Board of Commissioners shall select three representatives of the MTC, none of whom shall be a representative of the City, to a conference committee which shall, within 60 days of appointment, develop and recommend to the Charlotte City Council and the MTC a conference committee program report, which report must be approved by the Charlotte City Council and MTC before funding and implementation.

[#1 on Chart] If the conference committee does not reach agreement within the first 20 days after members are appointed, any party to this Agreement may request and require that the City and the MTC participate in a mediation to resolve their differences. Such mediation shall be conducted within the 60-day time frame for developing and recommending the conference committee program report set forth above. If the parties cannot agree on a mediator, the City Manager and County Manager shall each provide a list of two potential mediators to the Chair of the MTC, the Chair and Vice-Chair shall select a mediator from lists provided. The party requesting mediation shall pay all fees and expenses of the mediator.

D. Capital and Operating Programs in the Absence of Agreement

If the Charlotte City Council has not approved the capital and operating programs prior to its adoption of a budget ordinance, the City Council shall appropriate only such funds as are sufficient to service previously approved debt and to fund the maintenance and operation of previously approved levels of transit service. If the Charlotte City Council and the MTC approve a conference committee program report after the Charlotte City Council adopts a budget ordinance, the Charlotte City Council shall adopt such budget ordinance amendments and/or project ordinances as are necessary to fully fund the approved capital and operating programs.

E. Budget and Project Ordinances

Through its budget ordinance, each party shall appropriate for transfer to the City:

- (1) transit sales tax receipts;
- (2) transit fares, fees, rents, or other charges;
- (3) maintenance of effort obligation;
- (4) state and federal transit grants and other intergovernmental transit related transfers; and
- (5) other transit appropriations.

The City shall fund and implement approved capital and operating programs through budget, project, and other ordinances, resolutions, contracts, and other legislative and administrative measures.

VIII. Financing

A. Transit Sales Tax Revenues

Each party eligible for receipt of a share of the transit sales tax shall annually appropriate all transit sales tax revenues for transfer to the City. Sales tax receipts shall be transferred to the City within five business days of receipt of the distribution.

[#13 on Chart] If the Mecklenburg County Board of Commissioners is given authority to levy an increased sales tax for transit and transportation purposes, any portion of the increased sales tax revenues that is designated for public transit uses shall be treated the same as the existing sales tax revenue under this Agreement. Any other portion of increased sales tax revenues (collectively, the “Non-Transit Sales Tax Revenue”) shall be distributed to units of local government according to any authorizing legislation or other applicable law and shall not be subject to this Agreement.

B. Fares, Fees, Rents, and Other Charges

Except as may otherwise be provided in the annual operating program, each party receiving transit fares, fees, rents and other transit charges shall annually appropriate same for transfer to the City. Such funds shall be transferred to the City by the tenth day of the month immediately following the month during which such funds are received.

C. Maintenance of Effort¹

Beginning in FY00, each party shall annually appropriate for transfer to the City a “maintenance of effort” amount equal to its agreed upon FY98 “local expenditure for transit services.” Maintenance of effort obligations shall be transferred to the City no later than December 31 of each fiscal year. The City shall annually supplement all other sources of transit revenue with an appropriation equal to its agreed upon FY98 “local expenditure for transit services.”

“Local expenditure for transit services” shall mean all capital and operating expenditures for transit services other than (1) those funded through state or federal grants; (2) other intergovernmental transfers; or (3) from fares, fees, rents, or other service charges.

D. State and Federal Grants and Other Intergovernmental Transfers

Except as may otherwise be provided in the five-year capital or annual operating programs, each party receiving other transit revenues such as state and federal grants and other intergovernmental transfers shall annually appropriate same for transfer to the City. Such funds shall be transferred to the City within five business days of receipt.

E. Other Appropriations

Any party may appropriate and transfer other funds to the City for identified activities.

F. Debt

All transit debt shall be issued in accordance with approved five-year capital programs.

G. Annual Reporting

¹ N.C.G.S. 105-507.3(b) provides, in part, that “[e]very unit of government shall use the net proceeds to supplement and not to supplant or replace existing funds or other resources for public transportation systems.”

The CATS CEO shall provide annual financial reports.

IX. Miscellaneous

A. Addition of other units of local government

Other units of local government may become party to this Agreement upon approval of all parties to this Agreement.

B. Authority

Except as modified or limited herein, and to the fullest extent authorized by law, the City and its officers, agents, and employees shall, with respect to public transit, have the jurisdiction, powers, functions, public enterprises, rights, privileges, and immunities of the other parties to this Agreement.

C. Mandatory Governance Review

[#7 on Chart] Within one year of the effective date of this Agreement, the MTC shall undertake and complete a comprehensive governance review which shall consider the effectiveness of this Agreement and the governance structure established hereunder as well as other possible governance structures including, but not limited to, various forms of a transit authority. The governance review shall be conducted in a manner that ensures public and transit stakeholder input and participation. The governance review may be undertaken by the MTC directly or may be conducted by other entities at the MTC's direction as the MTC deems appropriate. Within one year of the effective date of this Agreement, the MTC shall provide the governing boards of the parties to this Agreement with its report and recommendations.

Notwithstanding the requirements of this section, the MTC may vote to cancel the comprehensive governance review required by this section if subsequent legislation concerning CATS or other circumstances obviate the need for such a review.

X. Effective Date, Term, Amendment, and Withdrawal

A. Effective Date

This Agreement shall become effective upon (i) approval by the Charlotte City Council and the Mecklenburg County Board of Commissioners, (ii) approval by three-quarters (75%) of the Towns other than those that have withdrawn from the MTC, and (iii) the adoption by the Mecklenburg County Board of Commissioners of a resolution levying the transit sales tax.

B. Term [#12 on Chart]

This Agreement shall continue through June 30, 2034. The Agreement shall automatically extend by a further five (5) years on June 30, 2034, unless the City, the County, and at least three-quarters of the Towns other than those that have withdrawn from the MTC vote to amend or terminate this Agreement pursuant to section X.D. at least one year prior to such expiration. The Agreement shall automatically extend by a further five (5) years on each subsequent expiration date, unless the City, the County, and at least three-quarters of the Towns other than those that have withdrawn from the MTC vote to amend or terminate this Agreement pursuant to section X.D. at least one year prior to such expiration.

C. Continuing Debt Obligations

Upon the expiration or termination of this Agreement, each party shall continue to be liable for, and shall annually appropriate and transfer to the City no later than December 31 of each fiscal year, a sum of money determined by multiplying (1) the current fiscal year costs of servicing all debt issued pursuant to this Agreement (including any refunding debt) by (2) such party's per capita percentage basis among Mecklenburg County and the other units of local government in Mecklenburg County (such percentage to be calculated on a per capita basis consistent with Section 105-507.3(a) of the North Carolina General Statutes). This continuing debt obligation will end when all debt obligations are satisfied.

[#14 on Chart] Notwithstanding anything herein to the contrary, no party to this Agreement shall be required to use any of its Non-Transit Sales Tax Revenue to satisfy its continuing debt obligations under this section.

D. Amendment

This Agreement may be either amended or terminated by authorized agreement of the City, the County, and at least three-quarters (75%) of the Towns other than those that have withdrawn from the MTC.

E. Town Withdrawal

Any Town may withdraw from this Agreement effective at the start of a fiscal year (July 1) by giving written notice to the other parties to this Agreement no later than the end of the immediately preceding fiscal year (June 30).

Except as provided herein, upon withdrawal from this Agreement, a Town: (1) shall lose all rights under this Agreement; and (2) shall, except as provided in the following paragraph, no longer be obligated to appropriate and transfer to the City transit sales tax receipts, transit fares, fees, rents, or other charges, maintenance of effort obligation, or state and federal grants and other intergovernmental transfers.

Upon withdrawal from this Agreement, a Town shall be liable for, and shall annually appropriate and transfer to the City no later than December 31 of each fiscal year, a sum of money determined by multiplying (1) the current fiscal year costs of servicing all debt issued pursuant to this Agreement while the Town was a party to this Agreement (including any refunding debt) by (2) the Town's per capita percentage basis among Mecklenburg County and the other units of local government in Mecklenburg County.

A Town that has withdrawn may regain its status as a full party to this Agreement upon approval of its governing board effective on the first date of the fiscal year beginning immediately following the governing board's approval.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed effective as of the day written above by authority duly granted by the governing boards of the parties.

[SIGNATURE BLOCKS TO BE ADDED]

APPENDIX A [#11 on Chart]

Selection Process for CATS CEO

Selection of the CATS CEO shall be conducted in accordance with the following procedure:

- *Selection of an Executive Search Firm.* Following consultation with the MTC, the City shall select and engage an executive search firm with experience related to public transportation.
- *Development of Position Profile and Listing.* Working with the City Manager, the Executive Search Firm shall prepare a position profile and listing for the CATS CEO position. If instructed by the City Manager, the Executive Search Firm may conduct surveys and/or focus groups of key stakeholders identified by the City Manager to inform its preparation of the position profile and listing. The Executive Search Firm shall then submit the position profile and listing to the MTC for approval.
- *Advertisement and Solicitation of Applications.* Following approval of the position profile and listing, the Executive Search Firm shall advertise and solicit applications for the position both locally and nationally.
- *Review of Applications and Interviews.* The Executive Search Firm shall assist the City Manager and an MTC voting representative (not a City or County representative) selected by the MTC (the “selected MTC representative”) in narrowing the field of candidates and selecting candidates for interviews. This process may include one or more rounds of initial interviews. The selected MTC representative may participate in any such interviews. The City Manager then shall present the results of the application process and recommendations regarding finalists to the MTC in closed session.

Interviews with finalists shall be conducted by panel(s) that include the City Manager, the County Manager, and the selected MTC representative.

- *Final Selection.* Final selection of the CATS CEO shall be made by the City Manager, who shall appoint the CATS CEO upon concurrence of the County Manager and the selected MTC representative.

Interim CATS CEO

In the event the position of CATS CEO becomes vacant, the City Manager may appoint, after consultation with the MTC, an interim CATS CEO, who shall serve in the role until a permanent replacement is selected in accordance with the procedures set forth above.

If a vacancy occurs before an interim CATS CEO is approved, the City Manager shall have authority to designate one or more employees to temporarily exercise the duties of the CATS CEO until an interim is appointed.

CHART OF PROPOSED SUBSTANTIVE CHANGES TO MTC INTERLOCAL AGREEMENT¹

Subject	Summary of Change
Budget	1. Mediation process added for budget disputes (§ VII.C) (P. 8) ² 2. Provision added to require an annual accounting and workshop of contributions by each party to CATS and the transit services provided by CATS to each party in return (§ VII.A) (P. 7) 3. MTC given expanded role in developing CATS budgets through required budget retreats (§ IV.D) (P. 4) 4. Annual discretionary fund of \$500k created for MTC to use to conduct studies or commission reports concerning CATS's operations. Spending funds would require 2/3 vote of MTC. City would be contracting party—thus, any contracts may be subject to City Council approval and must comply with City’s procurement policy (§ VII.A) (P. 7)
	5. <i>[Intentionally omitted - Parties agreed to remove previous #5, a provision concerning outside counsel]</i>
Service Approval	6. Codification of existing MTC policy requiring approval of CATS proposals to extend services outside County (§ IV.D) (P. 5)
Governance Review	7. MTC required to conduct governance review and study within 1 year of effective date of new ILA, subject to MTC vote to cancel this requirement if legislation or other circumstances obviate the need for such a review (§ IX.C) (P. 10)
Transparency, Investigations & Records	8. CATS must report to MTC monthly safety data and any final audit reports from NCDOT or FTA (§ VI.C) (P. 6) 9. MTC allowed access to records and facilities of CATS, with safeguards to ensure compliance with applicable laws (concerning safety, privacy of personnel, etc.) (§ IV.D) (P. 5) 10. CATS CEO must report to MTC any other incidents, events, or matters that materially affect the operations, safety, or budget of CATS (§ VI.C) (P. 7)
CEO Selection	11. MTC given increased role in selection process for CATS CEO (App. A) (P. 13)
Term of Agreement	12. Term of ILA runs through June 30, 2034; automatic renewal for subsequent 5-year terms unless amended or terminated by the parties (§ X.B) (P.10)
Road Tax Funds	13. Provision added that any portion of new sales tax revenue designated for non-transit purposes (ex. for roads or roadway systems) will be distributed to eligible local governments and not subject to ILA (§ VIII.A) (P. 9)

¹ The numbering of the issues through #15 is the same as in the “negotiation chart” exchanged between the parties.

² Page Numbers refer to the clean version of the draft ILA.

Subject	Summary of Change
Transit Debt	14. Clarification added that parties will remain liable to City for pro rata share of existing transit debt if ILA ends; and that any new sales tax revenue designated for non-transit purposes will not be used for repayment of transit debt (§ X.C) (P. 11)
Long-Range Plans	15. Codification of existing practice of MTC approving long-range public transportation plans within the County. Deletion of provision giving MTC responsibility to work with local MPOs to develop long-range transportation plans. (§ IV.D) (P. 4)
<i>Previously Negotiated Clean-Up Changes Not Included on Negotiation Chart Exchanged Between the Parties</i>	
Officers	A. Codification of existing practice of rotating MTC chair between City and County and selecting Vice Chair from one of the Towns (currently in the MTC’s Rules of Procedure only) and allowing designees to serve as MTC chair (§ IV.B) (P.4)
Safety Plan Approval	B. Codification of MTC’s existing role as the “Equivalent Authority” designated under federal regulations to approve FTA-required agency safety plan for CATS (§ IV.D) (P. 5)
Equity Recommendations	C. MTC given formal opportunity to recommend how CATS can equitably serve residents of each party (§ IV.D) (P. 5)
Advisory Committee	D. Consolidation of CTAG and TSAC advisory committees into a single new “Public Transit Advisory Committee.” TSAC and CTAG expressed support for this consolidation during the MTC meeting on January 24, 2024 (§ V) (P. 5)
CATS CEO Role	E. Definition of CEO role, including: supervising CATS employees, ensuring safe and efficient operation of CATS, carrying out capital and operating budgets, and ensuring compliance with applicable laws and regulations (§ VI.B & C) (P. 6)
Budget Schedule	F. Revision concerning CATS budgets to reflect annual operating budget cycle, rather than old 2-year cycle (§ VII.A) (P. 7)
<i>Recommended (But Not Required) Clean-Up Changes Not Included on Negotiation Chart Exchanged Between the Parties</i>	
Categorization of MTC Entities	G. Clarification of categories of government entities within MTC and inclusion of existing qualifications for some categories from MTC Rules of Procedure. The categories are: 1) “Parties” – City, County, and Towns; 2) State Transportation Departments – NCDOT & SCDOT (vacant); 3) “Regional Members” – none currently; and 4) “Regional Participants” – all other local governments (§ IV.A) (P. 3-4)
Budget Deadlines	H. Changed timeframe for budget conference committee process to align with start of City’s fiscal year (§ VII.C) (P. 8)



TOWN COUNCIL AGENDA ITEM

MEETING DATE: Tuesday, June 11th

Agenda Title/Category:	New Business		
Staff Contact/Presenter:			
Meets Strategic Initiative or Approved Plan:	Yes	No	If yes, list:
Background:	The previously scheduled Council meeting is on the calendar for August 13, 2024, during the week of the annual Electricities Conference.		
Discussion:			
Fiscal impact:	None.		
Attachments:	None.		
Recommended Motion to be made by Council:	Motion to approve rescheduling the August Council Meeting to Tuesday, August 6th.		

Memorandum

To: Mayor and Town Council
From: Lisa Snyder
Date: 6/6/2024
Re: Change of meeting date



The August Town Council meeting date will need to be rescheduled from Tuesday, August 13th, due to the Annual Electricities Conference scheduled the week of August 12th. Council proposes the new date to be Tuesday, August 6, 2024, in order to maintain our monthly meeting schedule.

Action Requested: *Approving the new proposed Council Meeting date of Tuesday, August 6th.*



TOWN COUNCIL AGENDA ITEM

MEETING DATE: June 11, 2024

Agenda Title/Category:	Budget Amendment 2024-11 / New Business			
Staff Contact/Presenter:	Christopher Tucker, Finance Director			
Meets Strategic Initiative or Approved Plan:	Yes	No	If yes, list:	N/A
Background:	<p>The Town opened a Capital Project Fund for the road improvements on Lynnwood and Lakeview Roads. The Town initially funded \$2.3M for the project from the General Fund.</p> <p>Construction is complete and all easements have been obtained. The project fund has \$451K in surplus.</p>			
Discussion:	<p>A budget amendment is appropriate to send the surplus funds back to the originating fund, the General Fund.</p>			
Fiscal impact:	<p>The budget impact will be a positive \$451K back to the General Fund.</p> <p>Council previously approved BA24-5 expecting \$200K back from the project, so this is above expectations.</p>			
Attachments:	Staff Memo, BA2024-11			
Recommended Motion to be made by Council:	Approve as Presented			



June 6, 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 2024-11

For Council’s consideration at the June 11, 2024 Council Meeting, please find attached Budget Amendment 2024-11.

The purpose of the budget amendment is to reallocate the **Lynnwood / Lakeview Roads CPF - Project Expenditures** appropriation to **Lynnwood / Lakeview CPF - Transfers to General Fund** appropriation in the amount of **\$451,598** for expenditures associated with **Project Fund Closeout**.

There is no change to overall fund total or projects. This action allows our statement presentation to match the reporting requirements and to close the Capital Project Fund.

TOWN OF PINEVILLE NC
BUDGET AMENDMENT #2024-11
 June 11, 2024
 FISCAL YEAR 2023-2024

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
Lynnwood & Lakeview Roads Improvements Capital Project Fund					
	Revenue		2,292,075	-	2,292,075
		Total Fund Revenues	2,292,075	-	2,292,075
	Expenditure	Project Expenditures	2,292,075	(451,598)	1,840,477
		Transfer to GF - Project Closeout	-	451,598	451,598
		Total Fund Expenditures	2,292,075	-	2,292,075
<i>DESCRIPTION: To allocate remaining project expenditures appropriation into Transfers to GF for project and fund closeout</i>					

 Mayor

 Budget Officer



 Town Clerk

 Finance Director



TOWN COUNCIL AGENDA ITEM

MEETING DATE: June 11, 2024

Agenda Title/Category:	Create Electric Substation Capital Project Fund / New Business			
Staff Contact/Presenter:	Christopher Tucker, Finance Director			
Meets Strategic Initiative or Approved Plan:	Yes	No	If yes, list:	N/A
Background:	<p>The Town of Pineville desires to construct a new Electric Substation on the western portion of Town. Land Acquisition and Preliminary Engineering has begun on the project.</p> <p>The estimated project cost is \$10,000,000.</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.</p> <p>A resolution of intent to reimburse is a next step as we move towards debt issuance.</p>			
Attachments:	Capital Project Ordinance			
Recommended Motion to be made by Council:	Approve as Presented			

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE
ELECTRIC OPERATIONS CENTER CAPITAL PROJECT FUND

WHEREAS, the Town of Pineville Electric department desires to construct a new substation to serve demand of the western side of Town and improve system redundancies, 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	\$9,500,000
Transfer from Electric Fund	\$500,000

EXPENDITURES:

Capital Project Expenditures	\$10,000,000
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Duly adopted this 11th day of June 2024.

Mayor

ATTEST: _____
Town Clerk



PUBLIC WORKS

Department Update

To: Town Council

From: Chip Hill

Date: June 1, 2024

Re: **Public Works Updates**

Huntley Glen: The developer's engineer has not provided the Town staff with the complete final Engineering Report confirming all pipes meet all requirements to be accepted into the Town system.

Parkway Crossing: The storm drain report has been reviewed by the Town engineer and is acceptable. All that is missing for approval is a copy of the CCTV operator NASCO certification.

McCullough: Repairs per Mecklenburg County inspection are ongoing on curbs, sidewalks and storm drain deficiencies found in preliminary inspections.

Industrial Drive: The paving on Industrial Drive is complete.

Sidewalks on South Side of Hwy 51: Sidewalk replacement on Hwy 51 is complete.

Johnston Drive Alignment: The water line has been completed. Storm drain installation is scheduled to begin the week of the 10th of June depending on the weather.

Chadwick Park: We are still waiting for the contractor to repair the inverts. The Town will be notified by the developer when they are complete and ready for inspection.

Lynnwood/Lakeview: The 6-month warranty meeting was held on site and the repairs are currently ongoing.

Fountain: Construction on the fountain has begun. Due to a high-water table, the architect is preparing a design to ensure that the water does not interfere with the integrity of the structure. Work is expected to resume the week of the 10th of June depending on the weather.

*see attached spreadsheet of FY 2024 permits pending/issued.

PERMITS ISSUED/PENDING

COMPANY

Fiscal Year 2024

LOCATION

STATUS

PERMIT NO

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. 10324 John's Towne Dr/Park Crossing Dr 10504 Willow Ridge	issued	PW20230801WILLOWRIDGE9132
Google Fiber/Micheal Scheetz/Telics	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 PW20231012PINEVILLEMATTHEWSPARKCEDAR
AT&T/Ashley Northup	8700 Pineville-Matthews Rd/Park Cedar Drive	Issued	8700
Charter/Doug Sharp	9130 Willow Ridge/Goodsell Ct.	Issued	PW20231128WILLOWRIDGE9130
Google Fiber/Cuylar Pittan	10460 Park Rd/Park Crossing Dr, Rd/Willow Ridge Rd	Issued	PW20231129PARKRD10460-10352
Google Fiber/Telics/Michael Scheetz	10337 Johns Towne Dr/Park Crossing and Johns Towne	Issued	PW20240130JOHNSTOWNE10337
Charlotte Water/Geneva Montgomery	12031 Carolina Logistics Drive/Nations Ford Rd & Downs Rd	Issued	PW20240123CAROLINALOGISTICS12031
Paul Penaherrera	123 Main Street/N Polk	Canceled	
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	Issued	PW20240304EDEN265
AT&T/Ashley Northup	12600 Rock Hill-Pineville Rd/Downs Rd	Issued	PW20240213ROCKHILLPINEVILLERD12600
Segra/STS Cable Services/Tracey Kendall	10112 Industrial Drive	Issued	PW20240327INDUSTRIALDR10112
MCI Metro/Verizon Fiber/Tower Engineering	10235 Rodney St/Industrial Dr/N Polk	Pending	
Paul Penaherrera	123 Main Street/N Polk	Issued	PW20240514MAIN123
AT&T/Ashley Northup	12628 Downs Rd/Rock Hill-Pineville Rd	Pending	

May

2024

Youth soccer and our Adult basketball seasons came to and end in May. We worked through many rain days to complete a wonderful season in soccer 323 children participated this season at our multipurpose field. We had 5 mens adult teams, with Ball Out winning the title. We opened our Splash Pad on Saturday, May 4th for the season and it has been a great success. Children and parents splashing around and cooling off. We held our 3rd annual Arts in the Park on Saturday, May 18th. 100's of people throughout a beautiful day were entertained by musical acts, over 60 vendors and a wide range of Food Trucks. We were blessed to take 12 seniors to Lake Lure for a wonderful boat ride to learn the history of Lake Lure, and enjoyed a wonderful lunch together.



May
2024



May

2024



General Programming – Belle Johnston

Pickleball: Open Pickleball times are Mondays and Friday from 9am-12pm and Wednesdays from 1:30pm-4:30pm. 239 participants

Asap Pickleball – Mondays at 1pm – 19 participants

Karate: They hold classes on Wednesdays. 55 participants

Pre School Open Gym – Wednesday morning from 9a – 12p – 52 participants

Cookie Decorating – May 2 – 13 participants

National Apple Pie Day – May 13 - 76 participants

Fitness Dance – Wednesdays at 3pm - 14 participants

Paint Class – May 6 – 9 participants

Sound Bath Meditation Class — 18 participants

Game Day with Seniors – May 15 – 24 participants

Field Trip – Lake Lure – May 22 – 12 participants

Puzzle Competition – May 19 – 48 participants

Culture Block – Ukulele Workshop – May 5 – 8 participants

Fitness with Kayla – T/Th – 8 participants

Family Night Bingo – May 10 – 31 participants

May

2024

Lake Park

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

Tai Chi – Thursday evenings and Saturday mornings – 63 participants

Storytime in the Park – Wednesdays – 168 kids/153 adults

Yard Sale – May 4 – 18 participants

The Hut

Senior Fit – Senior Fit takes place at the Hut M – Thursdays. 245 participants

Yoga – 54 participants

Cardio Funk: Lem holds class on Tuesdays at 6:30pm. 20 participants

Mom and Me Fitness – Friday mornings – 12 participants

Facility Rentals

The Hut: Rentals

The BJCC Dining Room: 3 Rentals

The BJCC Gym: 0 rental

Large Shelter: 11 Rentals

Medium Shelter: 16 Rentals

Tot Lot at Lake Park: 4 Rentals

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

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

Jack Hughes

Youth Athletics

Finished most of the season on May 11th. U9 and U11 playoffs continued and finished on May 18th.

May

2024

Adult Athletics

Games continued in May and we finished on May 25th with Team Ballout winning the championship.

Jack Hughes Tournaments/Special Events

May 4-5: USSSA Tournament

May 11-18: USSSA Tournament

May 18-19: USSSA Tournament

Baseball Field Usage

Charlotte Catholic finished their baseball and softball seasons in May.

PCAA continued using Fields 1, 2, and 4 during May.

On Deck continued their season on Field 4 in May.

Multipurpose Field Usage

Pineville Soccer continued use of Field 3 in May.

Hope Soccer finished their spring season in May. They are also using the grass behind the stadium.

Red Wolves Hurling Club continued using Field 3 for hurling practice in May on Sundays.

Social Media

Facebook

Post Reach: 49,043

Post Engagements: 3,562

New Page Likes: +51

Total Page Likes: 4,847

Total Page Followers: 5,997

Instagram

New Followers: +270

Total Followers: 2,409

Park Maintenance Update

Belle Johnston/ Lake Park

Daily park check

Mowing weekly

Fire ant control as needed

Weed control as needed

Monthly building inspection

Delivered art easels

Repaired irrigation heads stage

Installed construction fence playgrounds

Delivered tables for voting

Bridge broken boards repair large shelter

May

2024

The Hut

- Cut as needed
- Sprayed turf and beds for weeds
- Building inspection
- Fire ant control
- Trash Removal

Cemetery

- Cut as needed
- Limb removal as needed
- Trash removal as needed

Dog Park

- Limb removal as needed
- Cut as needed
- Daily Checks

Jack Hughes

- Daily field prep
- Weekly mowing
- Building inspections
- Scoreboard module replacement stadium
- Sound system repair
- Mower maintenance as needed
- Greenspace renovation in progress
- Picked up new Bush hog
- Backfilled new concrete at bridge
- Replaced bleacher end caps field 1
- Worked with Pixelot camera system installer for Field cameras Stadium

Town Hall

- Cut as needed
- Sprayed weeds in beds
- Daily outside check and trash removal

Splashpad

- Replace leaking valves
- Adjusting valves as needed
- Weekly Maintenance

Greenway

- Assisted with Bridge Navigation into Mccullough neighborhood



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: 6/4/2024

Re: Human Resources Monthly Report

Ryan,

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

New Hires:

William Townsend, Parks Aide
TreJess Williams, Police Officer
Jasmine Covington, Police Officer Probationary
Hunter Patterson, 911 Telecommunicator

Resignation/Termination:

Justice Hammond, Storm Water Technician

Retirements:

none

Transfers:

Michael Soto, Police Officer to Reserve Officer

Promotions:

Jerrel Baldwin, Police Officer
Shy'Kim Powell, Police Officer
Che Wilson, Police Officer

Current Openings:

Police Officer, all openings are filled for lateral hires; always accepting applications for Sworn Officers
B.L.E.T. trainees, three just graduated, 3 candidates lined up for the B.L.E.T. July class start session
911 Telecommunicator, 1 opening, one in background check process
Customer Service Rep Part-time, PCS, accepting applications
Community Relations and Communications Specialist, conducting second/final interviews
Storm Water Technician, accepting applications

Departmental Update:

Safety:

The annual hearing test van is scheduled to be here June 10th for all Techs to get their hearing tested.

We have already received one check for the Safety matching grants from the North Carolina League of Municipalities and expect the other soon. The funds will help offset the cost to 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.

Training: the next planned training will cover the topic of the safe use of technology and cyber security for all staff.

Hot weather safety tips were reviewed and handed out at the last month's Safety Committee meeting. The Police Dept. qualified for their S.H.A.R.P. certification which protects them from on-the-spot OSHA inspections for the next year.

Recruiting:

Although we are full in the Police Dept. at this time, are always seeking experienced Police Officers to have in our pipeline, and one 911 Telecommunicator fulltime. We have made offers to those selected to be sponsored for the Fall (July/Aug start) B.L.E.T. classes. We are also in the final interview and selection stage for the Community Relations and Communications Specialist. A new opening for a replacement Storm Water Tech just occurred. We are nearly fully-staffed across the Town.

Wellness:

We continue to issue reimbursements to employees through the new wellness benefit which rewards and encourages healthy living (physical, financial and lifestyle wellness). Budgeted wellness dollars reimburse employees for approved expenses in these categories. We are nearing the end of the first year and will continue the popular program next year with one small modification. They can still 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. Use of this benefit has ticked upward as we near the end of the year and is becoming popular among staff.

Benefits:

The annual open enrollment period began May 23rd and ends June 12th. Open enrollment informational webinars occurred the last week in May. Employees may make changes and updates through the online portal. There are no major changes to plans this year.

Retirement System benefits: each year the NC Retirement Plans increase the contribution rates that employers must contribute to the State LGERS pension plan, while the employee's contribution rate stayed the same as previous years at 6%. Starting July 1, the Town will be required to contribute 13.63% for most staff, and 15.05% for Law Enforcement Officers. That is a nearly 1% increase this year.

Employee Appreciation and events:

Team Building events are under way in each dept. and each team. Each has chosen a fun team building event and some have already experienced a great time together.

The annual employee spring Picnic was held Friday May 10th at the Belle Johnston Center including cornhole competition, prizes and a complimentary food truck to enjoy.

We have also been acknowledging special recognition weeks like National Public Safety Telecommunicators Week, Public Works Week, Parks & Recreation month, etc. Many of these occur in the late Spring and Summer. Our opportunity to treat each dept. to a lunch of their choosing.

Other:

HR has been getting ready for first of the year payroll changes for COLA and benefits, and planned incentives for certifications and second languages, and telecommunicator differentiated positions. We are currently implementing the Police Dept. Retention bonuses.



PINEVILLE POLICE DEPARTMENT

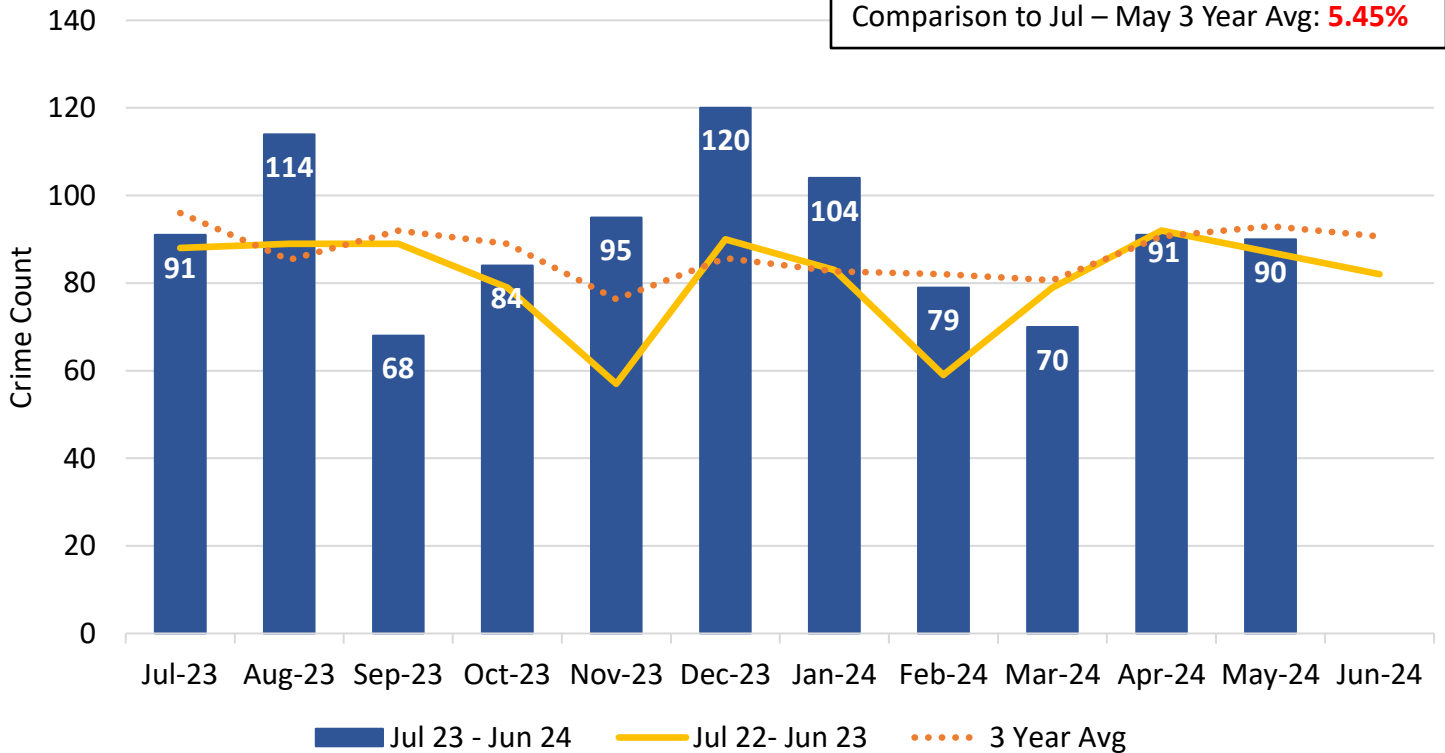
MONTHLY REPORT May 2024

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 – May 23: **12.78%**
 Comparison to Jul – May 3 Year Avg: **5.45%**



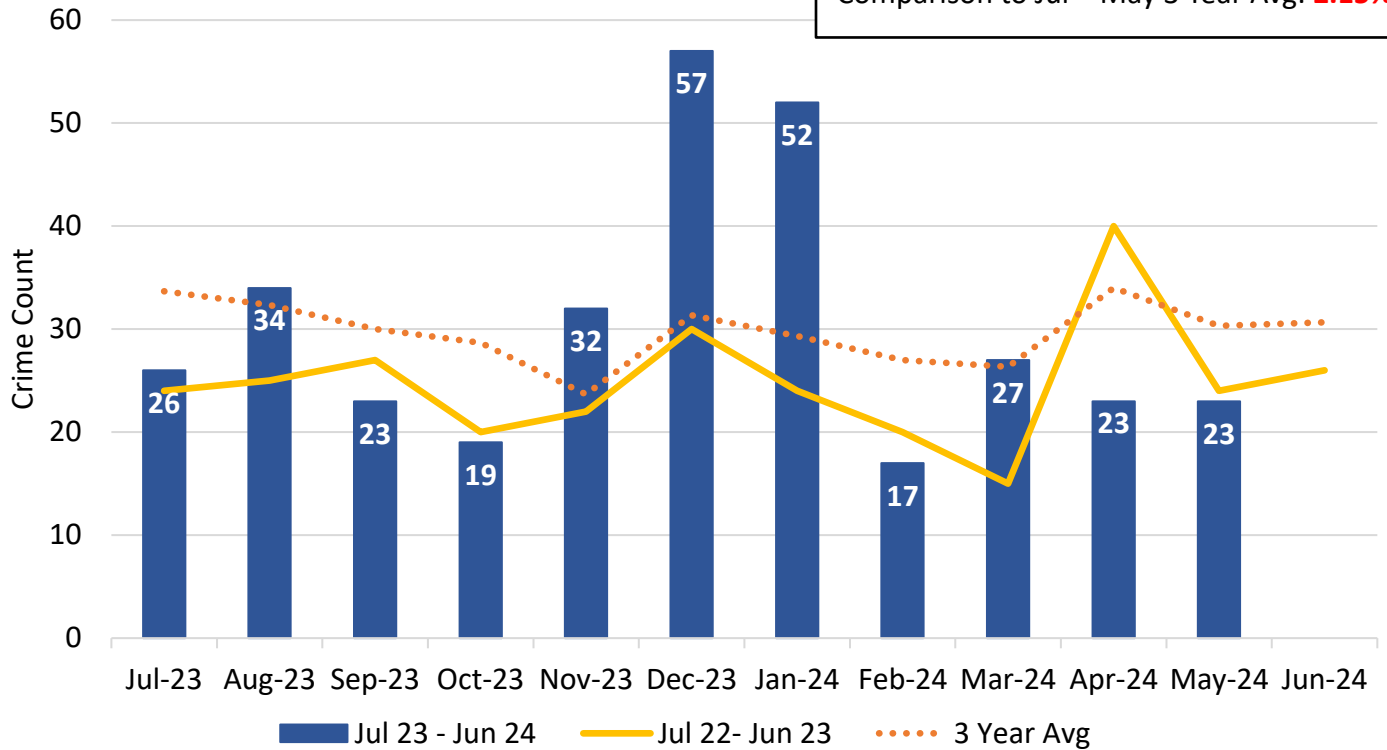
* data pulled from RMS by offense code equal to 09A, 11A, 120, 13A, 220, 23A-H, 24, 200; unfounded removed

Goal #2: Carolina Place Mall - Group A Offenses

Goal: -10%

Comparison to Jul 22 – May 23: **22.88%**

Comparison to Jul – May 3 Year Avg: **2.15%**

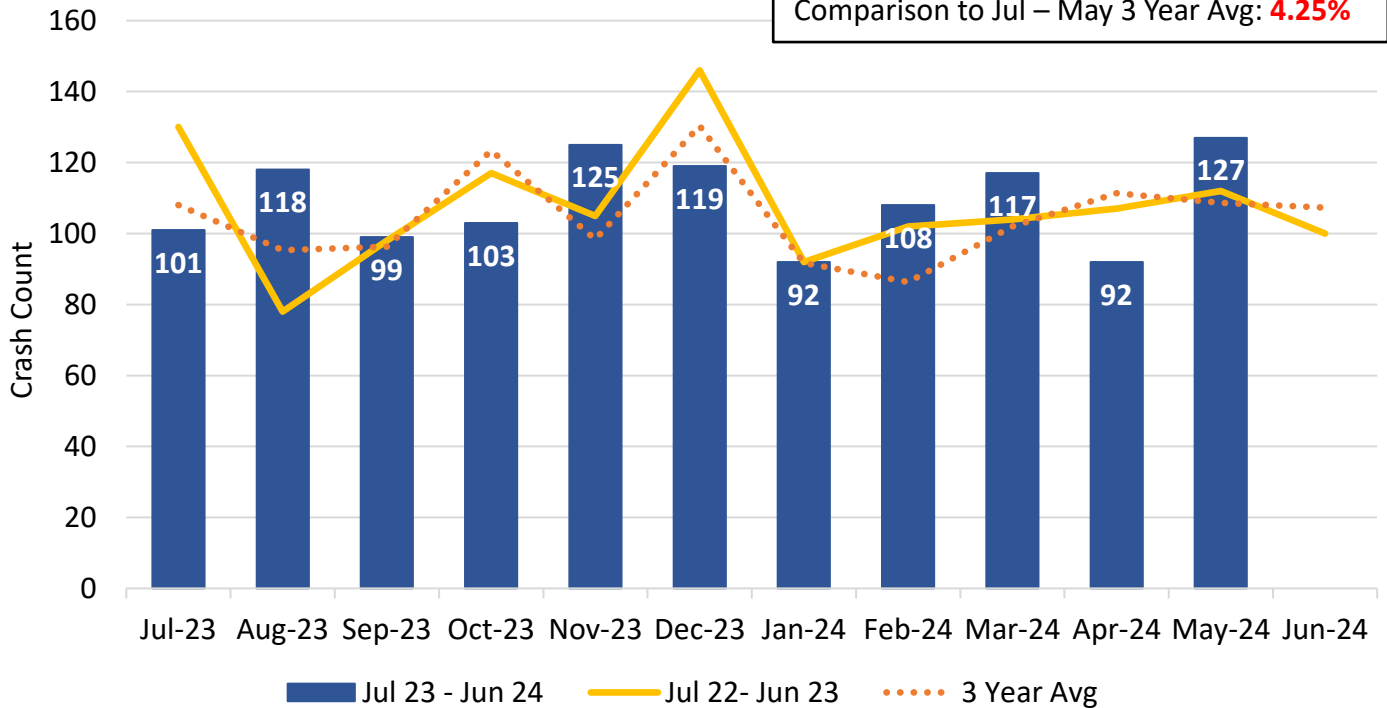


Goal #3: Traffic Accidents

Goal: -5%

Comparison to Jul 22 – May 23: **0.84%**

Comparison to Jul – May 3 Year Avg: **4.25%**



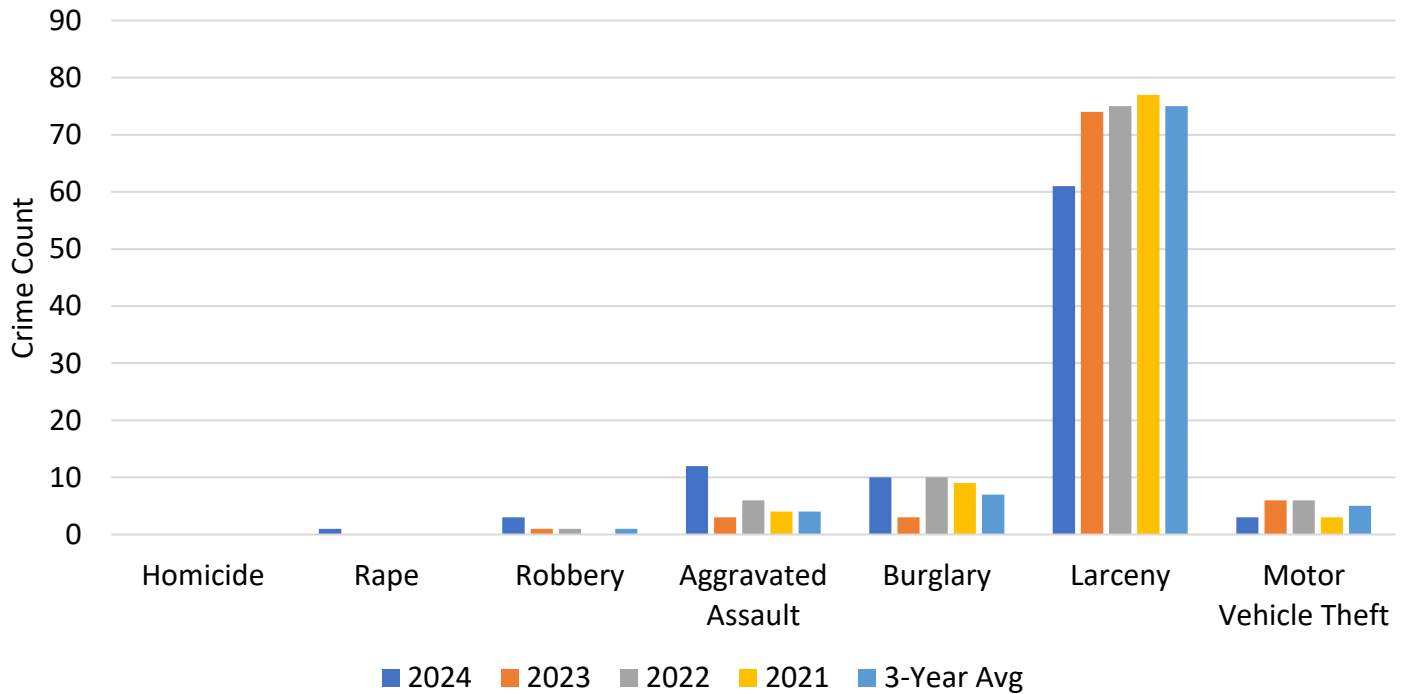
Monthly Crime Statistics

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

May Crime Statistics Part 1 Offenses						
	2024	2023	2022	2021	3-year average (2021-2023)	ETJ
Homicide	0	0	0	0	0	0
Rape	1	0	0	0	0	0
Robbery	3	1	1	0	1	0
Aggravated Assault	12	3	6	4	4	4
Burglary	10	3	10	9	7	2
Larceny	61	74	75	77	75	2
Motor Vehicle Theft	3	6	6	3	5	1

* ETJ statistics included in total number of offenses

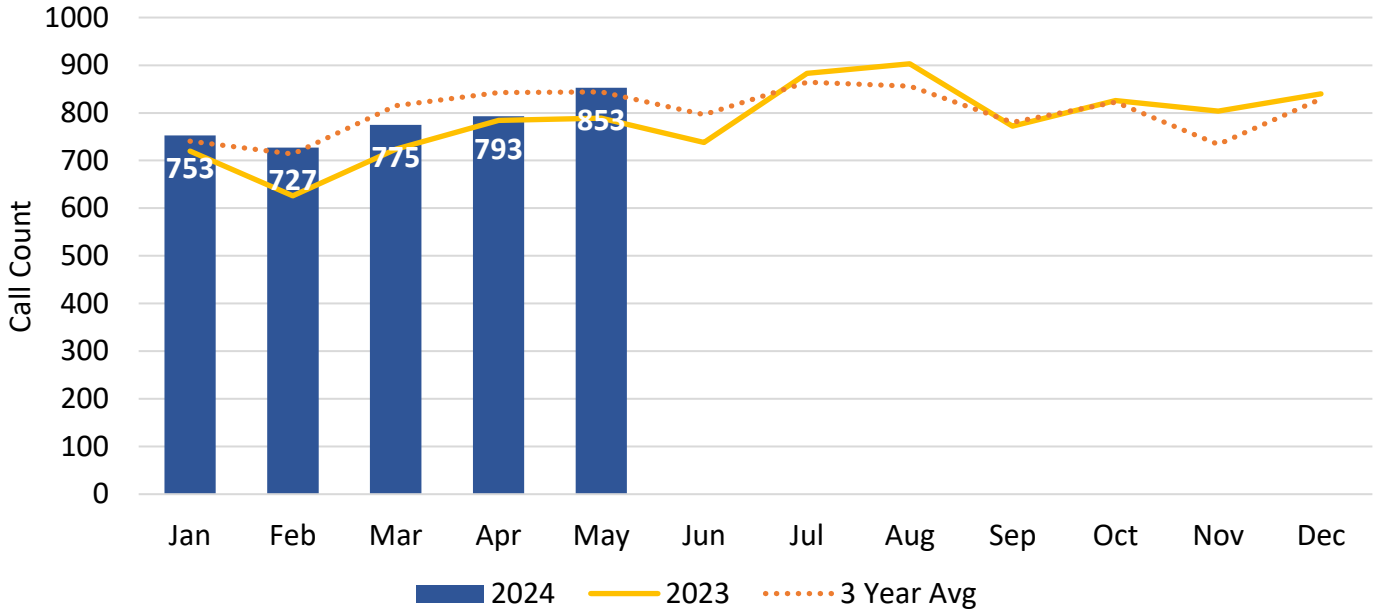
May Part 1 Crimes



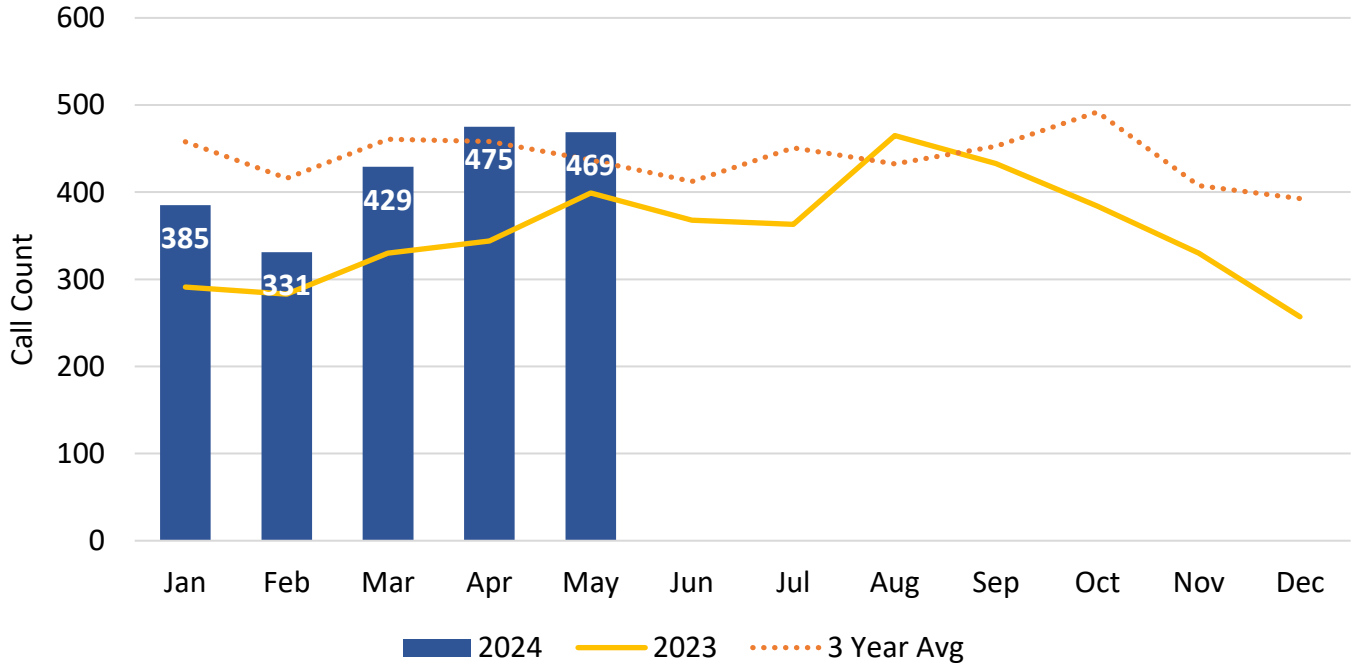
Calls for Service

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

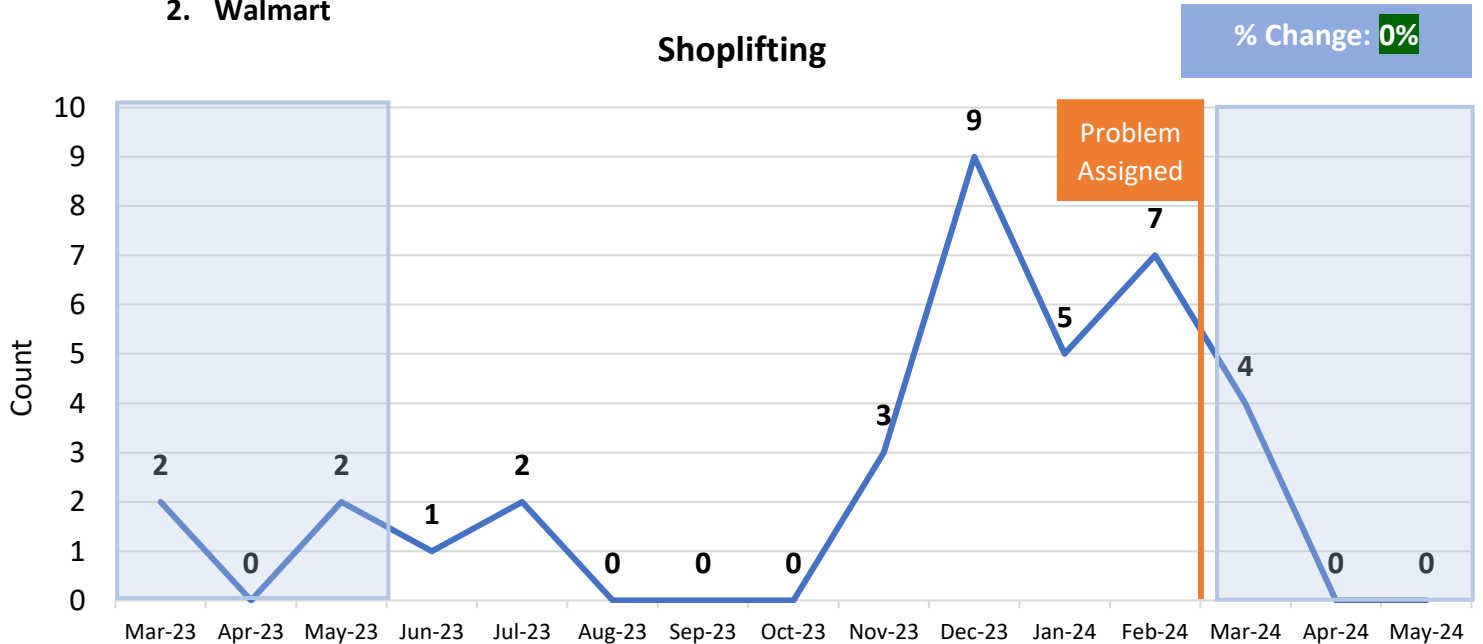
Problem Locations

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.

1. Dick's Sporting Goods



2. Walmart



May Community Engagement

- Helping with Pineville Elementary school crossings
- Monthly town safety meetings
- Monthly building inspections
- Cardinal Woods HOA meeting
- Training in Atlanta at PLECT conference
- Dunkin Donut fund raiser for Special Olympics
- Walkabout at the shops on Main
- Event with Pineville Elementary field day
- Meetings with Pineville Porcupines
- Bingo at Lakeview retirement home
- Pineville Elementary event at the Public Library
- Meeting with Southpaw Boxing center about events
- HOA type event with Carolina Place Mall and their vendors
- Law Enforcement Memorial Service
- Arts in the Park event at Lakeview Park
- CEPTED with Apex business on Rodney Street
- Meeting with construction crew for new building at PD
- South Town meeting with other departments on opioid settlement money
- School traffic event for car riders at Pineville Elementary School
- Walkabout Carolina Crossing
- Setting up with Aftermath for their Bio Clean Up Services
- Manage Twitter, Instagram, Facebook and Ring apps for the PD. Still continuing to work on recruiting.

May Traffic Enforcement

Traffic Enforcement Type and Dispositions

Enforcement	Count
Traffic Stop	238
Citation Issued	88
Warning	120
Report Taken	10

*Officer-generated traffic stops; unfounded removed

Locations of Traffic Enforcement

Street Name	Count
PINEVILLE-MATTHEWS RD	57
MAIN ST	29
CAROLINA PLACE PKY	21
POLK ST	21
PARK RD	16
JOHNSTON DR	8
LANCASTER HWY	8
ROCK HILL-PINEVILLE RD	4
CENTRUM PKY	4
TOWNE CENTRE BLVD	4
LEE ST	4
DOVER ST	3
STRATFIELD PLACE CIR	3
REID LN	3
WILLOW RIDGE RD	3
PINEVILLE RD	3
CHILDERS LN	3
I-485 INNER HWY	2
JOHNSTON RD	2
CHURCH ST	2
I-485 OUTER HWY	2
KINNERTON PL	2
MCMULLEN CREEK PKY	2
SABAL POINT DR	2
MEADOW CREEK LN	2
INDUSTRIAL DR	2
CADILLAC ST	2
UNKNOWN	2
LEITNER DR	2
LOWRY ST	2
WESTINGHOUSE BLVD	1
ALBEMARLE RD	1

DORMAN RD	1
COLLEGE ST	1
CONE AVE	1
MILLER ST	1
CARMEL COMMONS BLVD	1
NATIONS FORD RD	1
LAKE DR	1
OAKBROOK DR	1
GREEN BIRCH DR	1
PARK CEDAR DR	1
CRANFORD DR	1
BLUE HERON	1
LYNDON STATION DR	1
DOWNS CIR	1
FRANKLIN ST	1
CHARTER OAK LANE	1
Grand Total	238

*based on location of stop in CAD

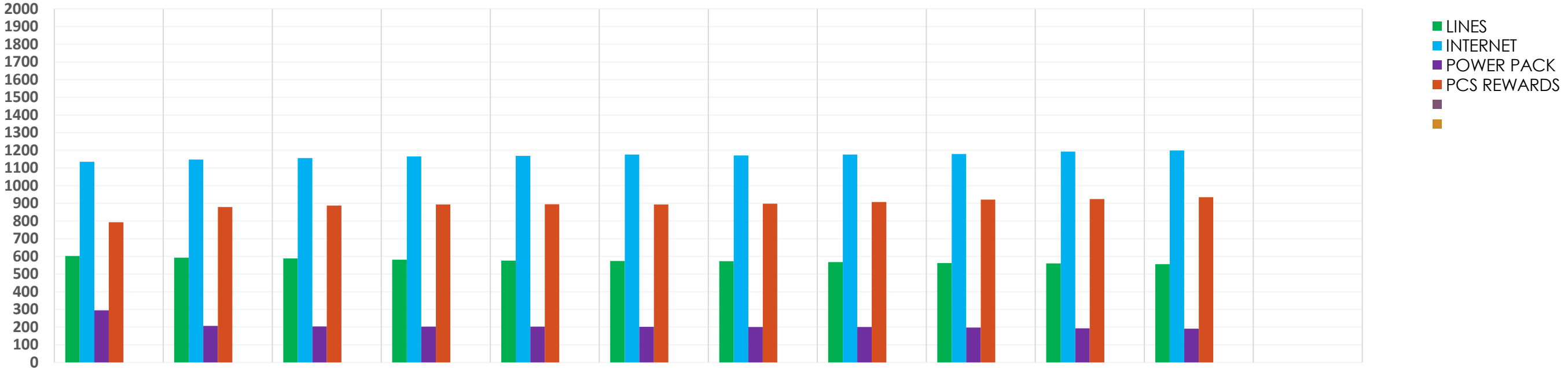


PCS REWARDS MONTH ENDING 5-31-2024

	COUNT AS OF APR 2024	COUNT AS OF MAY 2024		
PCS REWARDS				
ILEC	424	429		
CLEC	500	506		
SUB TOTAL	924	935		
POWERPACK DISCOUNT				
ILEC	80	79		
CLEC	113	112		
SUB TOTAL	193	191		
TOTAL CUSTOMERS RECEIVING REWARDS	1117	1126		

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

QUANTITY	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	PRODUCT/SERVICE
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PRODUCT	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	Total For FY22	Trend
LINES	602	593	589	581	576	574	573	568	562	560	556			
INTERNET	1,135	1,148	1,156	1,166	1,169	1,176	1,171	1,176	1,179	1,193	1,199			
POWER PACK	295	207	204	203	202	201	200	200	197	193	191			
PCS REWARDS	793	879	888	894	895	894	898	907	921	924	935			

Department Update



To: Town Council

From: Travis Morgan

Date: 06/11/2024

Re: Town Planning Updates

PLANNING:

Lancaster CDBG Sidewalk grant: Secured one proposal; two more are requested from CCOG.

Super G Mart: Food hall (Alley51) is now open


CODE ENFORCEMENT:

<p>Prohibited Parking:</p> <p>Grass: 10304 Osprey 423 Cone 9415 Pineville-Matthews 210 N Polk 10307 Osprey 308 Cedar Knoll 234 Cedar Knoll 10421 Osprey 321 Meyer BJ's 918 Lakeview</p>	<p>Community Appearance/Junk Vehicle: 10817 Copperfield 201 Towne Centre 11319 Treebark 1115 Cone</p> <p>Signs: 10496 Park Rd 601 N Polk L 422 Cranford 210 Amon 300 Amon</p>	<p>Parking on the lawn: 101 Amon</p> <p>Temp Permit:</p> <p>Site Plan:</p> <p>Dumpster:</p> <p>Minimum Housing: 408 Fisher</p>
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July

2024

A small town with big ideas!

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4 Fourth of July Holiday 	5	6
7	8	9 Council Meeting 6:30 pm	10	11	12	13
14	15	16	17	18 Quarterly Town Hall Meeting 6:00 – 7:30 pm	19	20
21	22 Work Session 6:00 pm	23	24	25	26	27
28	29	30	31			

Town Hall
505 Main Street
Pineville, NC 28134

