

**Town of Mt. Pleasant  
Board of Commissioners  
Town Board Meeting  
Town Hall- Commissioners Meeting Room  
Monday- November 7, 2011  
7:00 P.M.**

**Attendance: Mayor Del Eudy  
Mayor Pro-Tem/Commissioner Richard Burleyson  
Commissioner Scott Barringer  
Commissioner Mike Metcalf  
Commissioner Warren Chapman  
Commissioner Maura Eberhardt  
Town Administrator Adrian Cox  
Town Attorney Christy Wilhelm  
Town Clerk Cathy Whittington  
Benchmark Vagn Hansen**

**Also Present: Rev. Tom Fleming, Samantha Moose, Jeremy Bost, Erika Bost, Logan Drye, Jared Drye, Pete Freeman, Rev. Dr. Johnnie P. Henderson**

**CALL TO ORDER**

**Mayor Eudy called the meeting to order.**

**INVOCATION**

**Rev. Tom Fleming led in prayer. Rev. Fleming also had a plaque he wanted to present to the Fire Department in Honor of 9/11. Mayor Eudy accepted the plaque in the absence of the Fire Chief.**

**PLEDGE OF ALLEGIANCE**

**Mayor Eudy led in the pledge of allegiance.**

## **SPECIAL RECOGNITION**

The Board wanted to recognize Jared Drye for a project he completed for the Town. Jared Drye made repairs, painted and did some pressure washing to the equipment building. He has earned his Eagle Scout and the Board wanted to congratulate him on his accomplishments.

## **PUBLIC FORUM**

No one spoke in public forum.

## **APPROVE AGENDA**

Commissioner Metcalf made a motion to approve the agenda. Commissioner Barringer seconded the motion with all board members in favor. (5-0)

## **CONSENT AGENDA**

Commissioner Barringer made a motion to approve the consent agenda which consisted of (1)the minutes of the October 3, 2011 Regular Board Meeting, (2) Proclamation for Veteran's Day. Commissioner Eberhardt seconded the motion with all board members in favor. (5-0)

## **REPORTS**

1. Police-Written
2. Fire Chief-Written
3. Town Administrator-Town Administrator Adrian Cox reported on the new fire truck that was due to be delivered. Kenny Black has accepted the ORC for the Town. He is working on the easement with the DOC for the Welcome Sign.
4. Finance Officer-Written
5. Public Works-Written
6. Town Attorney
7. Code Enforcement-Written

## **OLD BUSINESS**

1. Draft Minimum Housing Ordinance

One change has been proposed since the ordinance was presented in October. On page 8, Section 7(b) requires a minimum ceiling height of 7'6" for at least half of a room. This provision is intended to prevent unlivable conditions that result when a very small room is created for temporary housing. However, the ceiling height provision is not necessary to address this circumstance and can be removed from the proposed ordinance. If the Board is interested in adopting the ordinance, a

public hearing can be set for either December or January. By holding the public hearing in January it would allow time to put a notice in the water bills and post the proposed ordinance online.

Commissioners Eberhardt had a question on the minimum housing ordinance pertaining to the ceiling height. Commissioner Barringer had a question on 6A pertaining to each room having to have one window. Town Administrator Adrian Cox stated that this was due to ventilation or for a fire exit. Anyone with questions should get the questions to Town Administrator Adrian Cox by the middle of November to bring back to the Board at the December meeting.

## **2. Amendment to the Code of Ordinances With Respect to Solicitation License Requirements**

At the October 3, 2011 meeting, staff presented an ordinance amendment that would require companies and individuals conducting door-to-door solicitation to first obtain a license from the Town of Mount Pleasant. The ordinance requires solicitors to submit an application for a license, pay a \$100 license fee, allow 10 days for review, and carry the permit with them while conducting sales. The Board asked for additional provisions that require individuals conducting door-to-door sales to display their name and business with a name tag. This provision has been added as Section 6-1017 Identification when conducting sales.

Commissioner Burleyson asked what the process would be if someone was selling something in Town and did not know that they need a license. Town Administrator Adrian Cox stated that it was spelled out in the ordinance book under Section 6-1019.

With no more discussion, Commissioner Barringer made a motion to approve the Amendment to the Code of Ordinances With Respect to Solicitation License Requirements. Commissioner Chapman seconded the motion with all board members in favor. (5-0)

## **3. Centralina Council of Governments FY2012-2013 Membership**

At the October meeting, the Board considered the Town's membership in the Centralina Council of Governments (COG), and presented additional questions. A copy of the COG's current membership, and a resolution that would end the Town's membership in the COG is submitted for the Board's consideration. The Town pays \$750 annually to be a member of the COG. The COG must receive 6 months notice before a member government ends its membership (notice must be given prior to January 1, 2012 for the Town to end its FY 2012-2013 membership).

Based on current bylaws, any jurisdiction may become a member in the COG through a request to the current membership. The jurisdiction must be accepted by

the COG board. The process is the same for returning members as it is for new members.

Commissioner Barringer made a motion to table this issue until December and to see if a representative from COG could come to the meeting for a presentation. Commissioner Chapman seconded the motion with all board members in favor. (5-0)

## **NEW BUSINESS**

### **1. TA 2011-04 UDO Text Amendment -Regarding Upper Story Dwelling In CC District**

Mayor Eudy opened the public hearing for Text Amendment TA 2011-04.

Vagn Hansen explained that the text amendment was intended to clarify and eliminate an inconsistency that currently exists in the UDO with regard to the status of upper story dwelling units in the Center City zoning district. The Table of Permitted Uses does not explicitly allow dwelling units above the first floor in nonresidential structures in the Center City district. While there are provisions for residences in the Center City district, the lack of clarity with regards to this particular arrangement could hamper future development in Mount Pleasant's downtown area. This is in contrast to the statement in Section 11.5.1.12, which sets forth design regulations for the CC district, which states explicitly that such dwellings are permitted above the first story of a nonresidential building in the district. The existence of this conflict could lead to confusion in the future if such dwellings are proposed as part of new development or rehabilitation of an existing building.

It is proposed that Table 4.6-1 be amended to add a new use to Table of Permitted Uses for Upper Story Dwellings, which will be allowed as a use by right in the CC district. In concert with the addition of this new use to the Table, it is proposed that a definition for Upper Story Dwellings be added to the definition in Appendix A. The proposed definition is as follows:

**UPPER STORY DWELLING-** One or more dwelling units, intended for permanent residential occupancy, established above the first story of a structure that contains commercial or other nonresidential space on the first story of the structure.

The addition of the use to the Table of Permitted Uses and the addition of the proposed definition to Appendix A will provide clarity to the intent of the ordinance with respect to this type of use, and prevent future conflict about the propriety of establishing new upper story dwelling units in Mount Pleasant's downtown area.

**This proposed amendment was reviewed by the Planning Board at its August meeting. At that meeting, the Planning Board unanimously made a positive recommendation to the Town Board of Commissioners that the amendment be adopted.**

**Staff recommends adoptions of the amendment.**

**There was a notice published in the Independent Tribune on Friday October 28, 2011 and Friday, November 4, 2011.**

**With no one speaking in the public hearing, Mayor Eudy closed the public hearing.**

**Commissioner Burleyson asked if there was anything outside of the Center City that would pertain to this amendment. Vagn Hansen stated that he was not aware of anything outside of the Center City.**

**Commissioner Burleyson made a motion to approve Text Amendment 2011-04 in Regard to Upper Story Dwelling in the CC District. Commissioner Metcalf seconded the motion with all board members in favor. (5-0)**

**Commissioner Eberhardt made a motion to approve the statement of consistency which reads, *“The proposed text amendment is consistent with the goal outlined in the adopted Mount Pleasant Community Plan that states; “Work to ensure the economics, social, and cultural vitality of downtown Mount Pleasant.”* Commissioner Barringer seconded the motion with all board members in favor. (5-0)**

## **2. Growth and Development Study**

**Since May, the Planning Board has been reviewing and refining a set of growth and development policies that are designed to supplement and update the Town’s 2003 Land use Plan that was prepared in conjunction with Cabarrus County to guide growth and development in the entire eastern portion of the County. Given the changes in the growth outlook for the Town, the amount of time that has lapsed since the adoption of the plan, and the Town’s experience utilizing the plan to guide growth, the Planning Board and staff have determined that an update is necessary to ensure that the Town can achieve its goals with regard to growth and development. The area of the study includes four new annexation related policies and three new land use policies, which will be supplemented with additional policies including a revised future land use map. As the Planning Board finalizes them they will recommend them to the Town Board. It is the goal of this process to have a finalized set of growth and development policies in place by early 2012.**

**No formal action is required on this item, it is for discussion only.**

### **3. FY 2010-2011 Independent Audit Report**

**Commissioner Barringer made a motion to accept the FY 2010-2011 Independent Audit Report. Commissioner Chapman seconded the motion with all board members in favor.(5-0)**

### **4. FY 2011-2012 Budget Amendment OP003- Restructure of Public Works**

**Submitted was a consolidated description of the recommended budget amendments intended to fund the reorganized Public Works Department, refund capital reserves that were cut with the recent reduction in water and sewer revenues, and transfer additional Otis Lail funds identified by the Auditor without the use of the restricted fund balance.**

**Changes in salaries and benefits are spread over multiple departments, because most employees work in various functions of the Town. These changes include a reduction in full-time salaries and benefits for the transition that occurred in September, and additional funds for part-time solid waste.**

**The remaining funds are proposed to refund the Capital Reserve for parks that was cut in the last amendment. All other cuts that the Board made in the last amendment resulted from changes to contracts, identified savings, or changes to the repayment schedule for the Highway 49 cost sharing agreement, which is already underway. Some additional funds are proposed for increases in electric utilities that are anticipated by Duke Energy. This may eliminate the need for a future amendment if rates are increased.**

**The other item proposed for the additional funding if the Charitable Contribution line item. During the audit process the auditor identified that the Otis Lail funds were held in 2 separate accounts, totaling \$34,662. On August 29, 2011 the Board transferred on account of \$29,139 to the Friends of the Mount Pleasant Fire Department. The second smaller account was not identified as an Otis Lail fund at that time. Increasing the Charitable Contribution will allow the Town to transfer the remainder of the funds to the nonprofit while rolling the restricted funds into unrestricted fund balance.**

**Some other amendments are anticipated to maintain a balance budget at year end; these include an adjustment to reflect the actual reimbursement and expenses for the Office of State Fire Marshall Grant, reconciliation with FY 2010-2011 budget, and possible increases in revenue and expenses in water and sewer for additional time that the prison camp has remained open. If these are necessary, staff will bring a recommendation once figures can be finalized.**

**Commissioner Burleyson asked if the staffing would be set for the year with these amendments. Town Administrator Adrian Cox stated that they would.**

**Commissioner Burleyson made a motion to approve FY 2011-2012 Budget Amendment OP-003- Restructure of Public Works. Commissioner Metcalf seconded the motion with all board members in favor. (5-0)**

#### **5. Draft 2012 Legislative Agenda**

**Over the past three years, the Board has adopted an annual Legislative Agenda that expresses the Board's collective stance on major State and Federal issues. This agenda is sent to the Town's delegates and used throughout the year to communicate the Board's views to policy makers.**

**Mandated collective bargaining has been removed from the agenda, as this issue no longer poses a significant threat. Other items have been updated or added based on changes in law or new issues that are expected to be considered by legislatures in the upcoming session. Staff is planning to bring a final draft before the Board in December.**

**If there are any additional comments that the Board would like to add to the agenda, get them to the Town Administrator. This item will be brought back at the December meeting.**

#### **6. Draft Amendment to the Code of Ordinances with Respect to Weapons**

**Many Municipalities have become more open to bow hunting in certain areas of the Town or city limits. The North Carolina Wildlife Commission has also developed an urban archery program that allow for an extended season in municipalities that are interested in participating. Concord, Harrisburg, Kannapolis, and Midland have begun participating in the urban archery program.**

**The Mount Pleasant Code of Ordinances does not currently allow for the discharge of any weapon, except in an approved indoor firing range. An amendment was modeled from Concord's ordinance, and would allow for bow hunting within areas that are 250 feet from buildings, gathering places and roads, limited to parcels larger than 2 acres. Under this ordinance hunters would still be required to obtain permission from land owners before hunting. If, in addition to permitting bow hunting, the Town is interested in participating in the urban archery program, staff will send necessary materials to the Wildlife Commission, allowing participation in the 2013 season.**

**A public hearing is not required for the amendment, but due to the subject matter and possible impact to property owners, staff recommends holding a public hearing to discover any potential concerns. Sheriff Riley has reviewed the proposed changes and confirmed that archery under these restrictions is appropriate.**

**It was the consensus of the Board to bring this item back at the December 5, 2011 meeting.**

## MISCELLANEOUS

### **1. Preliminary Budget Workshop**

The Board usually holds one budget workshop in late February or March. This year, Cabarrus County will reevaluate all property in the County. Property valuation has a major impact of tax levy, sales tax distribution, and fire district funds. Staff would like to have a meeting prior to the budget workshop to discuss revenues estimates prior to developing base budgets for each department request. This brief workshop will give everyone a shared understanding going into the budget preparation, and could possibly shorten the full budget workshop in March. This should only require an hour or two and could be held prior to the December meeting.

It was the consensus of the Board to hold the workshop on December 5, 2011 at 5:30 prior to the Board Meeting.

## MAYOR AND COMMISSIONERS COMMENTS

Commissioner Chapman stated that he had been by to look at the new fire truck.

Commissioner Burleyson asked about the two hour parking signs in the downtown area. He wanted to know if the signs were correct and if they were enforced. Town Administrator Adrian Cox will check the signs for enforcement and the condition of the signs.

Mayor Eudy had a letter that he wanted to send to the Department of Correction about the closing of the facility in Mount Pleasant. He asked the Board to look over the letter. The Board gave there consensus to send the letter.

## EXECUTIVE SESSION

Commissioner Barringer made a motion to go into executive session according to (1) G.S.143-318.11a)(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. (2) 143-318.11(a)(3) To consult with Town Attorney to consider and give instruction to an Attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure regarding M-SERIES REBUILD, LLC vs. TOWN OF MOUNT PLEASANT. Commissioner Metcalf seconded the motion with all board members in favor. (5-0)



**Commissioner Metcalf made a motion to come out of executive session.  
Commissioner Eberhardt seconded the motion with all board members in favor.  
(5-0)**

**ADJOURNMENT**

**With nothing else to come before the Board, Commissioner Chapman made a motion to adjourn. Commissioner Barringer seconded the motion with all board members in favor. (5-0)**

**By our signatures the following minutes were approved as submitted and amended on Monday December 5, 2011 in the Regular Meeting.**

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**Town Clerk Cathy Whittington**

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**Mayor Del Eudy**

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