

Mount Pleasant

North Carolina

Founded in 1848

**Town of Mt. Pleasant
Board of Commissioners
Town Board Meeting Minutes
Monday, December 13, 2021 at 6:00 P.M.**

Attendance: Mayor Del Eudy
Mayor Pro-Tem/Commissioner Lori Furr
Commissioner Chris Carter
Commissioner William Meadows
Commissioner Jim Sells
Commissioner Justin Simpson
Town Administrator Randy Holloway
Town Attorney John Scarbrough
Town Clerk Amy Schueneman

Also Present: Erin Burris, Crystal Smith, Darrell Layton, Lane Bost, Steve Ashby, Emma Ashby, Dean Ashby, Captain Tessa Burchett, Deputy Claudett Camille, Pastor Earl Bradshaw, Kay Beckett, Leigh Ann Sells, Ashley Heafner, Ally Schueneman, Gabriel Bello, Robert Dobson, Timothy Coon, and Kim Baker.

CALL TO ORDER

Mayor Eudy called the meeting to order.

INVOCATION

Pastor Earl Bradshaw of Mount Pleasant United Methodist Church led the Board in prayer.

PLEDGE OF ALLEGIANCE

Mayor Eudy led the Pledge of Allegiance.

1. Oaths of Office

Mayor Eudy recognized Steve Ashby for his 2 terms on the Board of Commissioners. Commissioner Carter, Commissioner Furr, and Commissioner Meadows were sworn into office by Town Clerk Amy Schueneman.

1.5 ADDED Town Attorney John Scarbrough: Refresher to Board Concerning Attendance, Conflict of Interest, and Closed Session guidelines.

Mr. Scarbrough addressed **Attendance** by saying that during the lockdown people got use to attending by Zoom or calling in by phone. The General Assembly passed a Statute that governs remote meetings during a State of Emergency which we are not in now. Therefore, it is important to have in-person attendance for quorum and voting purposes. It will help reduce any issues with whether there was a quorum or not.

On **Conflict of Interests**, there are three statutes of reference (G.S. 14-234, 160A-381(d), or 160A-388(e)(2)) on the agenda. First, 160A-75 says, "No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited

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from voting under G.S. 14-234 or G.S. 160D-109.” So, you will notice it says that “No member shall be excused from voting.” There is a duty to vote. The presumption is that you have to vote on something; you can’t abstain or recuse yourself. A lot of people think by just avoiding the appearance of conflict is the important thing. But actually, you begin the analysis with I have a duty to vote unless the vote or action will affect the Board members own financial interest. When we talk about financial interest of course a lot of what the Board does for instance raising property taxes affects everyone’s financial interests. But when it is specific to a particular Board member, it directly impacts their financial interest, then that is a conflict that needs to be disclosed and discussed to see if the member needs to be excused from voting. In GS14-234 “No public officer or employee who is involved in making or administering a contract on behalf of a public agency may derive a direct benefit from the contract except as provided in this section, or as otherwise allowed by law.” There are some exceptions, but the idea is no direct benefit. In land use matters GS 160D-109,” A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.” It boils down to if you think you have a conflict or if someone else thinks a Board member has a conflict, it needs to be disclosed and worked out. There’s a duty to vote but there are specific items in the statutes where a Board member must be excused.

Close Sessions are to preserve attorney client privilege. A Closed Session is not part of an Open Meeting for the public to hear. These items can not be talked about outside of Closed Session.

2. Public Forum

Gabriel Bello of 601 S. Lentz Harness Shop Rd relocated here with his family November 2020. He is a number one smooth jazz music artist and a licensed minister. He wants to serve his community. Mr. Bello is building a 501-3c to teach kids music, music technologies, and video recording technologies. He is working with the Middle and High School band directors to connect with the kids.

3. Conflict of Interest

The Mayor and Commissioners are asked at this time to reveal if they have a Conflict of Interest with any item on the Agenda in order to be recused for that item. (No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e)(2). NC State Statute 160A-75)

No one had a conflict.

4. Approve Agenda

Mayor Eudy removed Item H under New Business: FIP 2021-02 Dance Trap.

A motion to approve the amended Agenda was made by Commissioner Furr with a second by Commissioner Simpson. All Board Members were in favor. (5-0)

5. Consent Agenda

A. Minutes November 8, 2021

- B. Signed contract for Town Engineering Services with LE Wooten & Company
- C. Budget Amendment #15-Portable Pump Around for Pump Stations

Commissioner Sells made a motion to approve the Consent Agenda as listed with a second by Commissioner Meadows. All Board Members were in favor. (5-0)

6. Reports

- A. Town Manager-Randy Holloway
- B. Asst. Town Manager-Crystal Smith

Winners of the Decorating Contest announced:

There were 22 entries in this year's contest.

Residential Winners: 1st Bradshaw Family on Valley St, 2nd Anderson Family on Lee St., 3rd Dreyer Family on Lorelei Ct.

Business Winners: 1st Uwharrie Bank, 2nd Clint Miller Exterminating, 3rd The Well Doctor.

Crystal Smith will give prizes and yard signs to the winner's tomorrow afternoon.

- C. Town Clerk/Finance Officer - Amy Schueneman
- D. Planning & Economic Development Director - Erin Burris
- E. Public Works- Lane Bost
- F. Cabarrus Co. Sheriff's Dept Report - Deputy Claudette Tarte
- G. Fire Dept. -Chief Dustin Sneed

7. Public Hearings

None

8. Old Business

None

9. New Business

A. Consider selecting a Board member to act as Mayor Pro Tem (MPT) for a 2-year term and administer the Oath of Office.

North Carolina law, GS 160A-70 requires town governing boards to elect from among its members a Mayor Pro Tem. The MPT "exercises all of the functions of the mayor, including discretionary, ministerial, executive and administrative, legislative and judicial or quasi-judicial powers," when acting in place of the mayor.

A motion to approve Lori Furr as Mayor Pro Tem until December 2023 was made by Commissioner Simpson with a second by Commissioner Sells. All Board Members were in favor. (5-0)

B. Consider the 2022 appointments to the Transportation Advisory Committee (TAC) and the Technical Coordinating Committee (TCC) of the Cabarrus-Rowan Urban Area Metropolitan Planning Organization

Phil Conrad of Cabarrus Rowan MPO is requesting the names for the TAC and TCC appointments by January 1, 2022. The MPO would like to know who will serve in 2022 as our designated appointees to the TAC (elected officials only), as well as the TCC (staff) appointee and alternate.

Erin Burriss is currently the TCC representative with Crystal Smith as alternate. Staff is recommending reappointing Erin Burriss as TCC representative and Crystal Smith as alternate.

Currently, Mayor Pro Tem Lori Furr is serving as TAC representative for the Town with Commissioner Jim Sells listed as alternate.

Motions:

1. A motion to reappoint Erin Burriss as TCC representative with Crystal Smith as alternate was made by Commissioner Simpson with a second by Commissioner Furr. All Board Members were in favor. (5-0)

2. A motion to appoint Mayor Pro Tem Lori Furr as TAC representative with Commissioner Sells as the TAC alternate was made by Commissioner Carter with a second by Commissioner Simpson. All Board Members were in favor. (5-0)

C. Consider appointing 2 members to the NCSFA Relief Fund Board of Trustees for a one year term.

The Town Board must appoint 2 members to the NCSFA Relief Fund Board of Trustees each year. For the past year Mayor Del Eudy and Mayor Pro-Tem Lori Furr have been on the Board.

Typically, this Board may meet one time a year. The new Board must be appointed and submitted to the state by January 15, 2022.

A motion to reappoint Mayor Del Eudy and Mayor Pro-Tem Lori Furr to the NCSFA Relief Fund Board for 2022 was made by Commissioner Sells with a second by Commissioner Simpson. All Board Members were in favor. (5-0)

D. Consider moving General Fund 42% Reserve savings from NC Capital Management to First Bank to earn more interest.

Amy Schueneman reported that currently, the Town has an account at NC Capital Management for the 42% General Fund reserve (\$865,162.47) that the Town can use for emergencies. This also includes the 10% reserve required by State Statutes. The additional 32% is reserved at the discretion of the Board. The account is not earning much interest at NC Capital Management. Last month it was only \$7.11 interest on the \$865,162.47.

In comparison, First Bank has our General Fund Money Market which has a balance of \$804,063.06. It earned \$132.16 in interest for November.

A motion to approve the Resolution to Close NC Capital Management General Fund 42% Reserve and move to First Bank was made by Commissioner Meadows with a second by Commissioner Furr. All Board Members were in favor. (5-0)

E. Consider changing the Limb/Leaf pickup schedule.

Darrell Layton and Lane Bost stated Public Works Department would like to propose a leaf pick up schedule to separate from the present "call every week for Tuesday pick up" method. They would like to split the Town into 4 sections with 4 collection dates per leaf season, exact dates to be determined if the Board would be open to this idea. Public Works currently pick up leaves once a week to whatever resident calls. With 3 full-time

and a vacant full-time position, pre-determined leaf pickups in 4 different sections from October thru January would allow them to schedule their work to serve the residents of Mount Pleasant more efficiently.

The Town will communicate with the residents through social media, website, and inserts in the Water Bills. Date to start picking up once a month at each home will begin on March 1st. The quadrants will be divided by Main St. and Hwy 73.

A motion to change the leaf (yard debris) pickup schedule to the four quadrants as advised by Town Staff was made by Commissioner Simpson with a second by Commissioner Furr. All Board Members were in favor. (5-0)

F. Consider adjusting the water and sewer tap fees effective January 1, 2022

Darrell Layton and Lane Bost informed the Board that the Public Works Department would like to propose the following fee schedule changes due to the rising cost of materials. Cost has increased significantly over the past 2 years and the current tap fees do not come close to covering installation.

Water and Wastewater Utilities

In house Water Tap Fees	Meter Size
\$3,850	¾ "

Anything 1" or larger will be regular tap fees plus cost of materials,

In house Wastewater Connection Fees	Service Size
\$3,850	4"

Once tap fee is paid, property owner must have tap installed within six (6) months or tap fee will be reimbursed. Then, property owner will have to pay current tap fees to be installed.

Water & Sewer Taps located within State DOT rights-of-way will be the responsibility of the property owner. Taps shall be installed by the utility contractors approved by the Town of Mount Pleasant, unless decided by Public Works Department that it can be installed in-house. Homeowner/contractor will be responsible for paying the utility contractor directly. Homeowner/contractor would still need to complete a Town water/sewer application, pay the \$100 deposit, and the \$25 application fee to have service with the Town. *(Only one application, deposit, and application fee required per address, if water and sewer are both available.)*

Approved Utility Companies currently are:

- Garrow Utilities
- BRS Incorporated

A motion to adjust the water and sewer tap fees in the Fee Schedule effective January 1, 2022 was made by Commissioner Simpson with a second by Commissioner Sells. All Board Members were in favor. (5-0)

G. Consider not allowing comments on Social Media posts unless Town is needing suggestions on a specific topic.

At the Clerk's annual training session, Amy Schueneman learned from Shannon Tufts, Social Media consultant/Attorney at the School of Government, that the Town can turn off comments from all posts, if so desired. Many of the municipal/county governments at the class are having issues with negative comments from the same individuals in their communities like we are. It is unconstitutional to block an individual but not to turn off the comments for everyone.

Town Attorney stated we would have to leave comments on previous posts and not turn off comments on those but all moving forward could block comments. Randy Holloway said that we have been blocking comments the past few weeks and have not had any backlash from the community.

A motion to not allow comments on social media posts was made by Commissioner Sells with a second by Commissioner Simpson. All Board Members were in favor. (5-0)

H. REMOVED: FIP 2021-02 Dance Trap: Tier #1 Façade Improvement Program request of \$10,000 match for improvements to the front façade of the Dance Trap located at 8345 W. Franklin St.

I. 4th Anniversary Comprehensive Plan presentation: A summary of the status of implementation strategies in the Comprehensive Plan heading into the budget planning season and areas of the plan that need to be re-examined

Erin Burris's PowerPoint reviewed the Town's progress in implementing the 2017 Comprehensive Plan over the past 4 years which will help prepare the Board for the FY22/23 Budgeting process. Crystal Smith also distributed the 2022 Events Calendar which includes 6 events for next year.

Information only.

A copy of the PowerPoint "Comprehensive Plan 4th Anniversary Status Update," Implementation handout, Town of Mount Pleasant 2021 Permitting Year End Highlights, and the 2022 Calendar of Events are included in the Minute Book.

J. Receive an update on water and sewer project funding in the amount of eight million dollars from the State of North Carolina.

Randy Holloway said the Town has received official notification that we are eligible to receive up to eight million dollars as part of the State of North Carolina's American Rescue Plan Appropriation. The funding is to be used for water and sewer projects that meet the requirements of State's Department of Environmental Quality (DEQ) water and wastewater standards. Town Staff is already working with LKC Engineering to review the various water and sewer projects that would qualify for this funding.

This funding is in addition to the USDA funded projects that are in the engineering design phase currently.

Staff has a Work Session scheduled with LKC Engineering and a WSACC representative on December 15th to discuss various projects. Staff hopes to have a recommendation ready for Board consideration at the January 10, 2022 meeting.

Information only.

A motion to go into Closed Session was made by Commissioner Furr with a second by Commissioner Simpson. All Board Members were in favor. (5-0)

10. Closed Session 143-318.11.(a)(#5) Acquisition and disposition of property

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.


A motion to come out of Closed Session was made by Commissioner Simpson with a second by Commissioner Carter. All Board Members were in favor. (5-0)

11. Adjournment

With nothing else to come before the Board, Commissioner Furr made a motion to adjourn. Commissioner Sells seconded the motion. All Board Members were in favor. (5-0)

By our signatures, the following minutes were approved as submitted and amended on Monday, January 11, 2022 in the Regular Meeting.


Town Clerk Amy Schueneman


Mayor W. Del Eudy

