

# Mount Pleasant

North Carolina

*Founded in 1848*

Town of Mt. Pleasant  
Board of Commissioners  
Town Board Meeting  
Monday, August 12, 2019 at 6:00 P.M.

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

**Also Present** Erin Burris, Deputy Stephen Wagner, Capt. Laura D. Heggins, Kay Beckett, Troy Barnhardt, Jennifer Blake, Bill & Ava Jermyn, Nick Newman, Jerry Taylor, and Jeff Young.

## **CALL TO ORDER**

Mayor Eudy called the meeting to order.

## **INVOCATION**

Pastor Nick Newman from Propel Church led the Board in prayer.

## **PLEDGE OF ALLEGIANCE**

Mayor Eudy led in the Pledge of Allegiance.

### **1. Public Forum**

Bill Jermyn of 8507 Circle Drive expressed his disapproval of the garbage service in Mount Pleasant and the poor communication between Town Staff, Town Board, and Waste Pro. He requested a copy of the contract with Waste Pro and a direct number to contact them to get things corrected. He was concerned about home security if he went out of Town and the garbage can set at the road if trash was not picked up on Fridays. He also asked for a meeting with the Mayor and Town Manager about this issue. He will email Mayor Eudy with times he is available to meet.

### **2. 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)*

Commissioner Steve Ashby and Commissioner Justin Simpson both had a Conflict of Interest with New Business Item E: Right-of-way closures-N. Halifax Street and Old Mount Pleasant Collegiate Institute Alley since they each own property that will be affected.

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### **3. Approve Agenda**

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

### **4. Consent Agenda**

- A. Minutes July 8, 2019
- B. Closed Session #2 Minutes May 13, 2019 –Property Acquisition for Utility Easement for North Dr. Water Tank
- C. Items sold on GovDeals in July 2019
- D. Consider opening a new bank account at NC Capital Management Trust for the 42% emergency reserve held for General Fund fund balance.
- E. Resolution for Board Adoption NC Local Government Debt Setoff Program

No items were brought out for discussion.

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

### **5. Reports**

- A. Town Administrator- Randy Holloway
- B. Asst. Town Administrator-Crystal Smith
- C. Town Clerk/Finance Officer- Amy Schueneman
- D. Planning & Economic Development Director -Erin Burris
- E. Code Enforcement Officer- Jeff Watts
- F. Police Dept.-Deputy Stephen Wagoner - reported the car chase that ended in a wreck with a Carter Tow Truck collision was handled quickly. Detours were handled efficiently. Driver was taken to hospital and arrested for numerous charges. Driver of tow truck was uninjured.

### **6. Public Hearings**

None

### **7. Old Business**

#### **A. TA 2019-03 Parking Standards (half of this Text Amendment was approved on July 8, 2019.)**

Erin Burris, Town Planner stated that part of the Text Amendment was approved in Section 8 last month and that the following were still on the table:

5.2.10.1.2. No more than six (6) operable vehicles may be parked on a regular basis outside of an approved structure on a property of less than two (2) acres that is used for single-family or two-family residential purposes. On properties of two (2) acres or greater, up to 12 operable vehicles may be parked on a regular basis outside of an approved structure.

5.2.10.3.1. Only No more than one (1) recreational vehicle and no more than two (2) motorized boats may be parked on a property used for single-family or two-family residential purposes. ~~on a single lot of record.~~

Discussion on 5.2.10.1.2. concerning parked cars:

Commissioner Furr wanted to know how often complaints come in about parked cars, not junk but operable cars. Ms. Burris was unsure of exact numbers since Jeff Watts of Code Enforcement handles

it. It comes up frequently for about six addresses within the Town. Right now the Town has no say or recourse if 30 cars are parked at one home. Question is where scale is tipped for residential use versus commercial.

Commissioner Ashby didn't know if it could be tied to license drivers versus lot size and how difficult that would be. Large families could live on less than 2 acres. He understands that there is a need for it but doesn't know if there is enough information.

Mayor Eudy said if you limit to 2 cars per licensed driver in home it could be problematic for collectors.

Ms. Burris said it would only count towards cars outside of a garage. So if you have a six car garage, the number would apply to those in the driveway. Commissioner Simpson said it would hurt the ones without a garage. Randy Holloway asked if she had any idea of the number of cars on the lot she is talking about. Ms. Burris said the person is very savvy and moves the vehicles between the 5 different properties he owns. Neighbors do complain about it. Commissioner Meadows asked if the vehicles ran. Some do and some had to be jumped off.

Commissioner Furr hates to have an ordinance for one person. Mayor Eudy asked if the Town could control it without the ordinance and Ms Burris said we need it to keep things from getting completely out of control.

Commissioner Furr asked what other Towns our side are doing. Ms. Burris did not check. She stated that if the Board did not want to address the issue, then she would continue to tell everyone that we can't do anything about it at this time.

Commissioner Meadows asked about if it could be limited to paved or gravel driveways not parked on the grass. Ms Burris said residents could not pull to the front door and park on the grass but they could park on the side or backyard.

Commissioner Ashby can see both sides and the potential need. However, he is concerned with the number of families that could be affected. He is not ready to move forward with it.

Commissioner Simpson would be ok if it just applied to unoccupied structures and dwellings.

Mayor Eudy asked if this was mainly directed to junkie vehicles on lots and Ms. Burris confirmed it was. He asked the Board if the Board did not like the ordinance period or should it be rewritten. The Board was unsure of the number of families it would affect and did not want to move forward with it at this time. Reasons: Collectors, discriminates against people without garages, and large families.

Ms. Burris informed them if the matter was not voted on at this time, it could not be tabled since it was postponed last month, so the Town would have to go through the Public Hearing process again next time it was revisited.

#### Discussion for 5.2.10.3.1.:

Ms Burris said it is very similar to the recreational vehicle ordinance.

A Boat is defined as: BOAT – A floating watercraft vessel propelled on water by oars, sails, or an engine. For the purposes of this Ordinance the following shall apply to boat units:

- Two personal watercraft, less than 13 feet in length shall equal one boat unit.
- One watercraft vessel of less than 30 feet in length is equal to one boat unit.

- One watercraft larger than 30 feet shall equal two boat units.

Commissioner Ashby had an easier time with this one since it does not affect as many as the vehicles. Commissioner Simpson is comfortable with this one.

A motion was made by Commissioner Ashby to approve and is consistent except for 5.2.10.1.2 dealing with the motor vehicles but the boat 5.2.10.3.1 is consistent with our Comprehensive plan. This amendment is intended to maintain the character of residential areas within the Town's jurisdiction and minimize potential adverse impacts on adjacent property owners. A second followed by Commissioner Meadows. All Board Members were in favor. (5-0)

## **8. New Business**

### **A. Consider approving Budget Amendment #1 Purchase 7150 Empire Drive for Pump Station**

Per the Closed Session discussion on May 13, 2019, Town Manager Randy Holloway and Town Planner Erin Burris contacted the Real Estate agent representing the owner of 7150 Empire Dr. The Town offered \$15,000 for the property and it was accepted. Total cost \$15,684.60. Closing occurred on July 31st. The Budget Amendment is to transfer money from water/sewer fund balance to cover cost of purchase based on Board approval in Closed Session.

Although the pump station will not be able to be built on the lot, it will provide an access road to reach the new pump station. The Town will start the process to acquire the ¼ acre needed adjacent to the lot.

*A copy of the purchasing contract and closing documents are included in the Minute Book.*

A motion to approve Budget Amendment #1 Purchase 7150 Empire Drive for Pump Station was made by Commissioner Sells with a second by Commissioner Simpson. All Board Members were in favor. (5-0)

### **B. Consider approving Budget Amendment #2 Utility Easement purchase from Frances Hagler for North Dr. Water Tank**

Per the Closed Session #2 discussion on May 13, 2019, Town Manager Randy Holloway and Town Attorney Jim Scarbrough reached an agreed amount of \$7,500 for the Utility Easement across Frances Hagler's property on North Drive to the Water Tank. Purchase of this easement will allow AT&T and other cell phone companies to place cell towers on the North Drive Water Tank. Income received from the cell phone companies will go into the water/sewer account as revenue to help pay for annual maintenance to both of the Town's water tanks.

*A copy of the easement is included in the Minute Book.*

A motion to approve Budget Amendment #2 Utility Easement purchase from Frances Hagler for North Dr. Water Tank was made by Commissioner Simpson with a second by Commissioner Furr. All Board Members were in favor. (5-0)

### **C. Consider approving Budget Amendment #3 Law Enforcement rate increase for Cabarrus County Sheriff's Dept.**

The Town was notified by Cabarrus County Sheriff's Dept. that the amount charged to the Town for the 4 Deputies dedicated to the Town would increase during FY2019-2020 at the end of the budget process. Staff budgeted for \$135,000 but the new contract with the county shows a cost of \$154,594 for this year. Budget Amendment #3 will provide the \$19,594 needed for FY2019-2020 from Appropriation of General Fund Balance.

The contract also shows a 4% increase each year for the next 3 years:

FY2019-2020	\$154,594
FY2020-2021	\$160,778
FY2021-2022	\$167,209
FY2022-2023	\$173,898

Money to pay the additional costs of the Deputies salaries must come from recurring dollars in future years.

*A copy of the contract with Cabarrus County Law Enforcement is included in the Minute Book.*

Two motions were needed:

1. A motion to approve a four year contract (July 1, 2019- June 30, 2023) with Cabarrus County Sheriff's Dept. for 4 dedicated Deputies in the Town was made by Commissioner Ashby with a second by Commissioner Sells. All Board Members were in favor. (5-0)
2. A motion to approve Budget Amendment #3 Law Enforcement rate increase for Cabarrus County Sheriff's Dept. was made by Commissioner Furr with a second by Commissioner Simpson. All Board Members were in favor. (5-0)

**D. Consider approving a new Application Fee for new water/sewer customers and a new Transfer Fee to move water/sewer services.**

Amy Schueneman stated the Town Staff would like to start applying a new Application Fee of \$25 for new water/sewer customers and a new Transfer Fee of \$25 to move water/sewer services from one location to another beginning Sept. 1st. Research information from other municipalities show a majority are implementing these fees to increase revenue for utility services. The fee ranges from \$5-\$100 each. The majority of the municipalities are charging \$25. This would be a non-refundable fee.

Randy Holloway informed the Board that the Water Treatment Plants main software went out today and could cost \$50,000-\$100,000 to replace. and it would be nice to have some more funds coming in to help replace the money we will have to spend from water/sewer Fund Balance for the repair.

A motion to approve a new Application Fee for new water/sewer customers and a new Transfer Fee to move water/sewer services effective September 1, 2019 was made by Commissioner Simpson with a second by Commissioner Sells. All Board Members were in favor. (5-0)

**E. Right-of-way closures-N. Halifax Street and Old Mount Pleasant Collegiate Institute Alley**

Mayor Eudy reminded the Board that Commissioner Ashby and Commissioner Simpson had a conflict of interest with this agenda item.

A motion to excuse Commissioner Ashby and Commissioner Simpson from participating in this agenda item discussion/vote was made by Commissioner Furr with a second by Commissioner Meadows. All Board Members were in favor. (3-0, Commissioner Ashby and Commissioner Simpson excused)

Erin Burris presented information concerning the right-of-way closures.

Pursuant to North Carolina General Statute 160A-299, the Town of Mount Pleasant is requesting the closure of existing rights-of-way that no longer serve as streets.

N. Halifax Street, listed as a Town-maintained street on the Powell Bill map, no longer serves as a public street and is completely encompassed by the Kindley Mill property owned by Craver-James properties LLC. The street functions as more of a driveway for the property and encumbers future redevelopment of the property as located. Town staff does recommend retaining access and utility easements in place of the right-of-way.

The Old Mount Pleasant Collegiate Institute alley right-of-way does not appear to have ever been a street. However, it may have been used in some capacity for the college that opened in the 1850s. The right-of-way currently splits each of the properties with frontage on North Main Street and N. College Street in half, also encumbering the use of those properties. Town staff does recommend retaining access and utility easements in place of the right-of-way.

Two Motions were needed:

1. A motion to approve the resolutions to declare intent to close rights-of-way, hold public hearings on September 9, 2019, and vote to approve or deny the request to closed unused right-of-way for MPC I alley as shown on the attached map was made by Commissioner Furr with a second by Commissioner Sells. All Board Members were in favor. (3-0, Commissioner Ashby and Commissioner Simpson excused)
2. A motion to approve the resolutions to declare intent to close rights-of-way, hold public hearings on September 9, 2019, and vote to approve or deny the request to closed unused right-of-way for N. Halifax Street as shown on the attached map was made by Commissioner Sells with a second by Commissioner Meadows. All Board Members were in favor. (3-0, Commissioner Ashby and Commissioner Simpson excused)

*A copy of the packet is included in the Minute Book.*

**F. ANX 2019-02 5061, 5122, & 5130 NC Highway 49 North Voluntary Non-Contiguous Annexation**

Erin Burris stated property owners have submitted a petition for voluntary non-contiguous annexation for the subject property, which is comprised of an approximately 3.6 acre tract on the north side of and 38.4 acres on the south side of Highway 49 near Cold Springs Road. The properties are currently Cabarrus County Office & Institutional (OI), Cabarrus County General Industrial Special Use District (GI-SU), and Cabarrus County Countryside Residential (CR). The property is located outside of the Town's extraterritorial jurisdiction (ETJ), however it is located within the Town's Planning area and within the Town's annexation agreement area between the Town of Mount Pleasant and the City of Concord. The property has access to water and sewer lines along Highway 49.

If annexed, the Town of Mount Pleasant would have 60 days to establish an appropriate Mount Pleasant zoning district on the property. The property is located within the Mount

Pleasant Planning area as established by the adopted Comprehensive Plan. The Future Land Use Map designates this area for High Intensity uses which may include civic, institutional, retail, service, office, and higher density residential uses. There are currently two buildings associated with a previous light industrial use on a small portion of the property along south side of Highway 49. The rest of the property is vacant.

Staff considers this annexation to be **Favorable**.

The Certificate of Sufficiency signed by the Town Clerk is included in the packet.

A motion to hold a public hearing on September 9 and vote to approve or deny the petition for voluntary non-contiguous annexation was made by Commissioner Ashby with a second by Commissioner Sells. All Board Members were in favor. (5-0)

*A copy of the packet is included in the Minute Book.*

At this point Commissioner Furr made a motion with a second from Commissioner Simpson to go into Closed Session. All Board Members were in favor. (5-0)

**9. Closed Session 143-318.11. (a)(#3) Consult Attorney for Legal Issue**

*To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.*

Commissioner Sells made a motion with a second from Commissioner Furr to end the Closed Session. All Board Members were in favor. (5-0)

**10. Adjournment**

With nothing else to come before the Board, Commissioner Furr made a motion to adjourn. Commissioner Ashby 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, September 9, 2019 in the Regular Meeting.

  
Town Clerk Amy Schueneman

  
Mayor W. Del Eudy

