

# Mount Pleasant

North Carolina

*Founded in 1848*

**Town of Mt. Pleasant  
Regular Board Meeting  
Monday, March 14, 2022  
6:00 PM- Town Hall Commissioners Room**

Call to Order- Mayor Del Eudy

Invocation- Pastor Earl Bradshaw of Mount Pleasant United Methodist Church

Pledge of Allegiance- Mayor Del Eudy

**1. Public Forum**

*(Please limit comments to 3 minutes or less)*

- Ryan Pope of 1616 Junior Linker Rd

**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 or 160D-109(a). NC State Statute 160A-75 and no public official shall knowingly participate in making or administering a contract, including the award of money in the form of a grant, loan, or other appropriation, with any nonprofit with which that public official is associated. NC State Statute 14-234.3)*

**3. Approve Agenda (Pages 1-2)**

**4. Consent Agenda (Pages 3-23)**

- Minutes February 14, 2022 (pages 3-10)
- Budget Amendment #16- Kaufman Enclosed Trailer (page 11)
- Policy for Program Income Related to the Expenditure of American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds by North Carolina Local Governments *(needed for ARP Funds)* (pages 12-17)
- Record Retention Policy: Documents Created or Maintained Pursuant to the ARP/CSLFRF Award *(needed for ARP Funds)* (pages 18-19)
- Nondiscrimination Policy to comply with the "Coronavirus State Fiscal Recovery Fund" *(needed for ARP Funds)* (pages 20-23)

**5. Staff Reports (Pages 24-37)**

- Town Manager-Randy Holloway (page 24)
- Asst. Town Manager-Crystal Smith (page 25)
- Town Clerk/Finance Officer - Amy Schueneman (pages 26-27)
- Planning & Economic Development Director - Erin Burris (pages 28-31)
- Public Works- Lane Bost (page 32)
- Cabarrus Co. Sheriff's Dept Report (pages 33-37)

**6. Introduction:** Liz Fitzgerald, Executive Director, for the Cabarrus Arts Council (pages 38-41)

**7. Public Hearings (Pages 42-60)**

- A. TA 2021-04 Home Occupations (continued from February 14, 2022 meeting) (pages 42-48)
- B. TA 2022-01 Nonconforming and Temporary Signs (pages 49-56)
- C. TA 2022-02 Flag Lots (pages 57-59)
- D. Revised Development Agreement for REZ 2017-01/SUB 2017-01 Green Acres (*information will be sent later in the week*) (page 60)

**8. Old Business**

None

**9. New Business** (Pages 61-79)

- A. Code of Ordinances-Part 5 Municipal Utilities (page 61)
- B. Code of Ordinances-Part 7 Motor Vehicles and Traffic (pages 62-79)

**10. Closed Session 143-318.11.(a)(#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.*

- 1. Development Agreement**
- 2. Property Acquisition**

**Closed Session 143-318.11.(a)(#6)***To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee...*

- 1. Discuss Town Manager Compensation**

**11. Adjournment**

*All agenda items and attachments are considered public record.  
If you would like to obtain or view copies of the attachments or minutes from the Board's meetings, please contact Town Hall Monday-Friday 8:00am-4:30pm.*

*Hard copies are \$.10 per page.*

*Closed Session minutes are unavailable until released by the Board and/or the Town Attorney.*

**Town Board will participate in a Budget Workshop on Saturday, March 26<sup>th</sup> 8am-Noon.**

# Mount Pleasant

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**Town of Mt. Pleasant  
Board of Commissioners  
Town Board Meeting Minutes  
Monday, February 14, 2022 at 6:00 P.M.**

**Attendance:** Mayor Del Eudy  
Mayor Pro-Tem/Commissioner Lori Furr  
Commissioner Chris Carter (*excused due to work*)  
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, Deputy Claudett Camille, Captain Tessa Burchett, Deputy Arin Price, Deputy Chief James Bailey, Ally Schueneman, Tony Brewer, Beth Street, Ryan Shaver, Pastor Nick Newman, Doug Drye, Robert Freeman, Brian & Rita Gillmore, Catherine Whiteford, and Gabriel Bello.

### **CALL TO ORDER**

Mayor Eudy called the meeting to order.

### **INVOCATION**

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

### **PLEDGE OF ALLEGIANCE**

Mayor Eudy led the Pledge of Allegiance.

Mayor Eudy stated that Commissioner Chris Carter was unable to attend due to work. Commissioner Simpson made a motion to excuse Commissioner Carter from the meeting with a second by Commissioner Furr. All Board Members were in favor. (4-0, Commissioner Carter excused)

### **1. Public Forum**

- Captain Tessa Burchett introduced Deputy Arin Price as the daytime replacement for Deputy Adam Sellers who moved to Midland. The Board welcomed Deputy Price.
- Robert M Freeman, candidate for NC House 73, introduced himself to the Board and stated he wanted to reduce taxes for the citizens.
- Beth Street is running for District Court Judge and is currently an Assistant District Attorney. She has been working with the Cabarrus County Sherriff's Department to have Safety meetings across the county to educate citizens in ways to protect themselves.

### **2. Conflict of Interest**

8590 Park Drive ; P.O. Box 787 ; Mount Pleasant, North Carolina 28124 ; tel. 704.436.9803 ; fax 704.436.2921

*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 or 160D-109(a). NC State Statute 160A-75 and no public official shall knowingly participate in making or administering a contract, including the award of money in the form of a grant, loan, or other appropriation, with any nonprofit with which that public official is associated. NC State Statute 14-234.3)

Mayor Eudy pointed out to the Board that new language had been added to the Conflict-of-Interest statement concerning non-profit organizations. This was to conform to the new General Statutes from the State.

No one had a conflict.

### **3. Approve Agenda**

A motion to approve the Agenda was made by Commissioner Furr with a second by Commissioner Simpson. All Board Members were in favor. (4-0, Commissioner Carter excused)

### **4. Consent Agenda**

- A. Minutes January 10, 2022
- B. Minutes February 8, 2022 Work Session
- C. Proclamation for Black History Month
- D. Annual Purge List of old records per NC State Retention Policy
- E. Revised Social Media Policy (*Revised Social media Policy to include updated verbiage from the UNC School of Government for all full time, part time, Boards, advisory committees and volunteers*)
- F. Policy for Allowable Costs and Cost Principles for ARP Funds
- G. Conflict of Interest Policy (*To meet requirements of State Grant*)
- H. Revised Personnel Policy (*To meet requirements of ESHPF Grant for stormwater*)
- I. Resolution- New Checking account for State Water/Sewer Capital Projects
- J. Resolution- New Checking account for State SCIF Grant

Commissioner Sells made a motion to approve the Consent Agenda as listed with a second by Commissioner Meadows. All Board Members were in favor. (4-0, Commissioner Carter excused)

### **5. Reports**

- A. Town Manager-Randy Holloway
- B. Asst. Town Manager-Crystal Smith
- C. Town Clerk/Finance Officer - Amy Schueneman  
Amy Schueneman informed the Board there have been numerous emails and phone calls concerning the parking situation on Lee St. It is scheduled to be discussed at the March 14<sup>th</sup> Town Board meeting under Text Amendments.

Mayor Eudy said as the Town grows there will be more issues with parking. He suggested the Town start a Transportation Safety Advisory Council (TSAC) like Concord. Concord's was made up of Transportation Dept., Police, Fire, and Code Enforcement. For the Town it should be made up of Staff and when issues need to be handled it could be put on the Consent Agenda. Sometimes it may require a Text Amendment the Board would have to approve. The Board agreed with the idea of having a TSAC made up of staff members.

- D. Planning & Economic Development Director - Erin Burris
- E. Code Enforcement-Jeff Watts
- F. Public Works- Lane Bost
- G. Fire Dept. -Chief Dustin Sneed
- H. Cabarrus Co. Sheriff's Dept Report - Deputy Claudette Tarte

**6. FY20/21 Audit presentation** by Tony Brewer of Eddie Carrick, CPA, PC  
 Mr. Brewer thanked the Town for allowing them to be the Town's auditor. They have 28 municipalities of 5,000 or less. So, they understand the challenges of small town's.

- On page 1 the Town of Mount Pleasant received an opinion of Unqualified or Clean Audit.
- Pages 3-11 show the Management Discussion & Analysis (MD&A) that is written in layman's terms explaining where the Town is and where it is going. The audit is a public document that they can request a copy of, and the MD&A is a good place for them to start reading the audit since it is more of a narrative.
- The sections of Exhibits, Notes, and Schedules follow. The Schedules are the details behind the Exhibits. The highlights of the Schedules
  - Ad valorem increased \$154,000
  - Local Option Sales Tax was up \$47,303
  - FEMA grant of \$61,429
  - Contract fire- Cabarrus County \$583,483 up \$85,803 from 2020
  - Total Revenue for the year was up \$300,000
  - Expenses were down \$640,000 due to less street repairs and capital outlay in Fire Department and Streets
  - Revenues were greater than Expenses by \$514,195 for 2021 compared to \$134,542 in 2020
  - Unassigned Fund Balance remained healthy at 103% of current years expenditures and that is up from 76% in 2020
- page 61 starts the Water Sewer Funds
  - Water Sewer Revenues were up \$69,459
  - Expenditures were up \$27,372 due to the water distribution costs driven by waterline repairs in 2021
  - Revenues were more than Expenditures by \$21,157 compared to a profit of \$86,570 in 2020
  - Water and Sewer cash increased by \$98,176
  - The Collection Rate is 98.68%. The state average is 97%.
- Changes in the Audit process this year
  - LGC use to send out unit or "white" letters with concerns from audits submitted. Now it is up to the Municipality to address any concerns after the auditor submits the audit to the Municipality and the LGC.
  - Auditors are now required to report directly to the governing body financial performance indicators and to notify the governing body their requirement to submit a response to LGC if there are financial performance indicators of concern or if the audited financial

statements include one or more significant deficiencies, material weaknesses, or other findings.

- There are 2 categories: 1-dealing with numbers, is the Town healthy; 2-Operational things like a segregation of duties issue or exceeds the annual budget
- New requirement for governing body to respond to LGC within 60 days about Auditor's findings, recommendations, and physical matters. This response must be signed by a majority of the governmental body and be submitted within 60 days of the Auditor's presentation addressing each significant deficiency, material weakness, and other audit findings. Also, provide a plan to address each performance indicator of concern.
- For the Town of Mount Pleasant, the good news is there were no performance indicators of concern, nor significant deficiencies or material weaknesses. So, the Town does not have to answer for anything.
- Unassigned Fund Balance minimum average across the state is 25%. For same size municipalities is 34% the minimum, actual average is 63% in the state while Mount Pleasant is at 128%. The percentage changes all the time.
- The Water and Sewer fund had no performance indicators for 2021. There are 4 indicators the LGC looks at:
  - 1- Quick Ratio (current assets-current liabilities) Town's is 5.06% which is 5x's better than the minimum.
  - 2- Operating Net Income -rates are sufficient to cover expenses.
  - 3- Unrestricted Cash- 75.88% compared to 16% (one months of unrestricted cash.)
  - 4- Transfers In.- No transfers in indicating that water/sewer fund did not need to be helped out by another fund.
- General Performance Indicators- things outside the numbers, even though there nothing to report, the last three pages of the report shows the types of things that the LGC looks for.

Mr. Brewer thanked staff for having everything ready for the audit when they come in.

No motion was made. Information only.

*A copy of the Audit Report is included in the Minute Book.*

## **7. Public Hearings**

### **TA 2021-04 Home Occupations**

Public Hearing was opened by Mayor Eudy and no one stepped forward.

Erin Burris presented the Text Amendment.

To respond to evolving changes in working environments and the increase in businesses that are increasingly operated from residents' homes, the proposed text amendments are proposed to update home occupation regulations, expand permitted home

occupations, clarify certain home occupations already permitted, permit home occupations in accessory structures, and provide provisions for the storage of heavy equipment for home occupations in the AG and RL zoning districts.

Below are proposed associated amendments to definition of home occupation (Appendix A of the MPDO) to allow provisions for use of accessory structures and heavy equipment:

- **HOME OCCUPATION** - Any occupation or profession or business activity customarily conducted on a residential property and carried on by a member of the family residing therein, and which occupation or profession is clearly incidental and subordinate to the use of the property for dwelling purposes and does not change the character thereof, and contains no mechanical equipment except for that which is customarily used for domestic, hobby, or household purposes. A home occupation is an accessory use to a dwelling unit.
- **HEAVY EQUIPMENT** - Earthmoving, construction, or industrial equipment that is mobile, self-propelled, not designed to be driven on a highway, and exceeds 25,000 pounds.

After a few questions for clarification, the Board wanted to table the Public Hearing to think about it and bring it back to the March 14<sup>th</sup> meeting.

Commissioner Sells made a **motion to TABLE TA 2021-04 Home Occupations until March 14<sup>th</sup>** with a second by Commissioner Furr. All Board Members were in favor. (4-0, Commissioner Carter excused)

*A copy of TA 2021-04 Home Occupations is included in the Minute Book.*

## **8. New Business**

### **A. Ryan Shaver of the North Carolina Masonry Contractors Association would like to address the Board**

Ryan Shaver spoke to the Board about the possibility of moving the headquarters for the North Carolina Masonry Contractors Association to Mount Pleasant. The headquarters is currently in Hickory and Mr. Shaver would like to relocate that office to Mount Pleasant sometime in the next year or so. He asked for the Board to support this action, but he did not ask for a specific item, just support.

No motion was made.

### **B. Discussion on having beer/wine sales at Independence Celebration**

The Town of Mount Pleasant will be having its Independence Celebration on Saturday, June 25<sup>th</sup>. As in the past, Crystal Smith asked for the Board's direction on allowing alcoholic beverages at a Town sponsored event. The Town will have to apply for a special one-time ABC permit in order to sell alcoholic beverages at an event, events coordinator has to have a background check, and as always ensure sufficient deputy coverage.

Commissioner Furr made a motion to allow alcoholic beverages at the Independence Celebration with a second by Commissioner Meadows. All Board Members were in favor. (4-0, Commissioner Carter excused)

### **C. FIP 2021-01 Dance Trap Façade Improvement Program Request**

Erin Burris presented Jane Bost's request for a Façade Grant to upfit the Dance Trap building formerly old Eagle Grocery Store.

Based on the criteria set forth in the Façade Improvement Program, the applicant is proposing a Tier 1 façade project for 50% reimbursement up to \$10,000 for façade improvements to include the following:

- Removal of front porch and repair/replacement of board-and-batten siding
- Replace entry doors
- Restore storefront window (old Eagle Grocery Store)
- Add awnings
- Paint front walls with neutral color and paint trim

The Façade Improvement Program is an incentive-based measure. It is intended to encourage and provide an economic incentive for the renovation of building facades in Mount Pleasant, implementation of commonly accepted design standards for the rehabilitation of historic buildings; and enhancement of the character of Mount Pleasant. The application meets the criteria of the program as outlined below:

- The property is eligible for the program and is currently up to date on all property taxes.
- The proposed improvements meet the requirements of the Mount Pleasant Development Ordinance.
- The proposed improvements meet all of the requirements of the Secretary of Interior Standards for Rehabilitation, to the greatest extent possible and will restore a historic storefront of the old Eagle Grocery Store.
- An estimate for the proposed work has been provided.

Total estimated project cost is \$31,709.83 (attached). The Town would provide a 50% match up to \$10,000 total in exchange for the property owner maintaining and leaving the improvements in place for a minimum of five (5) years. A rendering of the proposed improvements has been provided by Benchmark Planning that produced the drawing at the request of the Town.

Andrea from What-A-Burger is also reaching out to Coke to see about having the mural repainted on the side of the building facing MP Smokehouse. It should not involve any cost to the Town for the mural.

Commissioner Simpson made a motion to approve the Façade Improvement request in accordance with the parameters of the Façade Improvement Program with a second by Commissioner Sells. All Board Members were in favor. (4-0, Commissioner Carter excused)

*A copy of the Façade Improvement Request is in the Minute Book.*

## **9. Old Business**

### **A. Discuss dates for Budget Workshop**

The Town Board is currently scheduled to have the annual Budget Workshop on March 5<sup>th</sup> from 8am-noon. Town Staff has been focused on Water & Sewer projects the past month and would like to see if the Board would be willing to have the workshop on another Saturday. Dates to consider are March 26<sup>th</sup> or April 2<sup>nd</sup>.

Consensus for the Board was March 26<sup>th</sup>.



## **B. Review and Discuss Wastewater Service Agreement with WSACC**

WSACC has given the Town a Wastewater Service Agreement to review and sign. John Scarbrough stated WSACC will be issuing bonds to enlarge the Rocky River Wastewater Treatment Plant and the Bond Council sent a copy of the new Wastewater Service Agreement for the Town to sign. It is not the same as the Interlocal Agreement discussed several months ago. This agreement essentially says that the Town will send its' sewage to WSACC and that we will pay them for it. The Town currently has a Wastewater Service Agreement with WSACC that was entered into in 2000 or 2001. There are no subsistent differences between that agreement and this one. This is to satisfy the Bond Agency.

All the municipalities except Midland have to sign the agreement. The Town really doesn't have the choice of not signing it. If one municipality does not sign it delays the expansion and will hurt everyone with current capacity limitations.

Commissioner Simpson made a motion to approve the Wastewater Service Agreement with WSACC with a second by Commissioner Sells. All Board Members were in favor. (4-0, Commissioner Carter excused)

*A copy of the Wastewater Service Agreement is in the Minute Book.*

## **C. Summary of meeting with Senator Newton and Representative Sasser**

Mayor Eudy told Board the meeting with Senator Newton and Representative Sasser went well and the Town thanked them for the \$8 million they got for us out of the State Budget that we don't have to pay back. But we could use \$40 million more if they would like to give it to the Town. It will be used to help replace 100-year-old infrastructure.

Randy Holloway said we will discuss again at the Budget Workshop. The most the Town has ever managed is \$1.2 million and we have close to \$20 million to handle with the same size staff. They did tell us there is \$1.6 Billion that will be coming available for water/sewer projects that the Town may be able to apply for if we meet the qualifications. LKC Engineering will have a better idea at the end of February if we will be able to apply. The Town still needs another \$5 million for water/sewer needs. The Town Engineer looked at all the roads and sidewalks that were in the Pedestrian Plan and to pave all the Town roads and do the 5 sidewalks it would require over \$15 million. Based on the current amount received from Powell Bill and the amount allocated in the budget, it will take 187 years to repave the roads and sidewalks.

Mayor Eudy stated the Legislators encourage us to increase our tax base. It doesn't mean we have to open to everything but be open to some things.

No motion made.

Commissioner Meadows made a motion to go into Closed Session with a second by Commissioner Sells. All Board Members were in favor. (4-0, Commissioner Carter excused)

## **10. Closed Session 143-318.11.(a)(#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.*

- 1. Development Agreement**
- 2. Property Acquisition**

A motion to come out of Closed Session was made by Commissioner Meadows with a second by Commissioner Furr. All Board Members were in favor. (4-0, Commissioner Carter excused)

### **11. Adjournment**

With nothing else to come before the Board, Commissioner Simpson made a motion to adjourn. Commissioner Furr seconded the motion. All Board Members were in favor. (4-0, Commissioner Carter excused)

By our signatures, the following minutes were approved as submitted and amended on Monday, March 14, 2022 in the Regular Meeting.

\_\_\_\_\_  
**Town Clerk Amy Schueneman**

\_\_\_\_\_  
**Mayor W. Del Eudy**

SEAL

TOWN OF MOUNT PLEASANT

Revenue Adjustments					
Account Number	Account Description	Current Budget	Decrease - Debit	Increase - Credit	Revised Amount
		\$ -	\$ -	\$ -	-
		\$ -	\$ -	\$ -	-
		\$ -	\$ -	\$ -	-
		\$ -	\$ -	\$ -	-
		\$ -	\$ -	\$ -	-
		\$ -	\$ -	\$ -	-
		\$ -	\$ -	\$ -	-
		\$ -	\$ -	\$ -	-
Expenditure Adjustments					
Account Number	Account Description	Current Budget	Increase - Debit	Decrease - Credit	Revised Amount
11-4031-740	Capital Outlay- Vehicle & Equip	\$ -	\$ 5,000.00	\$ -	5,000.00
11-4071-005	PW Ford 450 Truck w/ crane	\$ 2,000.00	\$ -	\$ 2,000.00	-
11-4072-005	PW Ford 450 Truck w/ crane interest	\$ 3,000.00	\$ -	\$ 3,000.00	-
		\$ -	\$ -	\$ -	-
		\$ -	\$ -	\$ -	-
		\$ -	\$ -	\$ -	-
		\$ -	\$ -	\$ -	-
		\$ -	\$ -	\$ -	-
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		\$ -	\$ -	\$ -	-
		\$ -	\$ -	\$ -	-
		\$ -	\$ -	\$ -	-
		\$ -	\$ -	\$ -	-
<b>Totals</b>		<b>\$5,000.00</b>	<b>\$5,000.00</b>	<b>\$5,000.00</b>	<b>\$5,000.00</b>

#16 Kaufman Enclosed Trailer

Prepared by: Amy Schueneman Date: 3/14/2022 Approved by: \_\_\_\_\_

Posted by: \_\_\_\_\_ Date: \_\_\_\_\_

# Mount Pleasant

North Carolina

*Founded in 1848*

## POLICY FOR PROGRAM INCOME RELATED TO THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY NORTH CAROLINA LOCAL GOVERNMENTS

**WHEREAS**, the Town of Mount Pleasant has received an allocation of funds from the Coronavirus "State Fiscal Recovery Fund" or "Coronavirus Local Fiscal Recovery Fund" (together "CSLFRF") established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 ("ARPA").

**WHEREAS**, the Town of Mount Pleasant shall comply with the terms of ARPA, and the U.S. Department of Treasury's ("Treasury") federal regulations governing the spending of CSLFRF funds, including the Final Rule, and Treasury's regulations governing expenditures of CSLFRF funds, including the Award Terms and Conditions, Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds (together the "Federal regulations"), and any additional guidance Treasury has issued or may issue governing the spending of CSLFRF funds.

**WHEREAS**, the Town of Mount Pleasant shall comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part § 200 (the "Uniform Guidance"); and

**WHEREAS**, the Town of Mount Pleasant shall account for program income per the requirements set forth in the Uniform Guidance, including, but not limited to, 2 C.F.R. § 200.307, and as stipulated in Compliance and Reporting Guidance for the State and Local Recovery Funds, which provides: "Recipients of CSLFRF funds should calculate, document, and record the organization's program income. Additional controls that your organization should implement include written policies that explicitly identify appropriate allocation methods, accounting standards and principles, compliance monitoring checks for program income calculations, and records."<sup>1</sup>

Now, therefore, be it **RESOLVED**, That the governing board of Town of Mount Pleasant hereby adopts and enacts the following policies and procedures for the use of program income earned from the expenditure of CSLFRF funds pursuant to the ARP/CSLFRF award.

### PROGRAM INCOME POLICY

#### I. PURPOSE AND SCOPE

Town of Mount Pleasant enacts the following procedures for its use of program income earned from the expenditure of CSLFRF funds to ensure compliance with the Uniform Guidance, including, but not limited to, 2 C.F.R. § 200.307, the ARP/CSLFRF award,

<sup>1</sup> Compliance and Reporting Guidance, p. 9.

and all applicable Federal regulations governing the use of program income. The Town of Mount Pleasant agrees to administer program income according to the requirements set forth in this policy and as required by the Federal regulations and State law. The responsibility for following this policy lies with Town Staff, who are charged with the administration and financial oversight of the ARP/CSLFRF award. Questions on the use and/or reporting of program income should be directed to the Town Manager.

## II. DEFINITIONS<sup>2</sup>

- a. *ARP/CSLFRF award* means the Federal program governing the use of Coronavirus State and Local Fiscal Recovery Funds as provided in the Assistance Listing and as administered by the U.S. Department of Treasury pursuant to the American Rescue Plan Act of 2021 ("ARPA"), Pub. L. No. 117-2 (Mar. 11, 2021).
- b. *CSLFRF funds* means the portion of Federal financial assistance from the Coronavirus State Fiscal Recovery Funds and Coronavirus Local Fiscal Recovery Funds (collectively "CSLFRF") awarded to the [UNIT] pursuant ARPA.
- c. *Federal award* means the Federal financial assistance that a recipient receives directly from a Federal awarding agency or indirectly from a pass-through entity, as described in § 200.101. The Federal award is the instrument setting forth the terms and conditions of the grant agreement, cooperative agreement, or other agreement for assistance.
- d. *Federal awarding agency* means the Federal agency that provides a Federal award directly to a non-Federal entity.
- e. *Federal financial assistance* means the assistance that non-Federal entities receive or administer in the form of grants, cooperative agreements, non-cash contributions, direct appropriations, food commodities, or other financial assistance, including loans.
- f. *Federal program* means all Federal awards which are assigned a single Assistance Listings Number.
- g. *Non-Federal entity* means a State, local government, Indian tribe, Institution of Higher Education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient.
- h. *Period of performance* means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods. The period of performance for the ARP/CSLFRF award ends December 31, 2026.
- i. *Program income* means gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance except as provided in § § 200.307(f).

## III. PROGRAM INCOME OVERVIEW

For purposes of this policy, program income is the gross income earned by the Town of Mount Pleasant is directly generated by a supported activity or earned as a result of the

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<sup>2</sup> Excluding the first two, the definitions in this section are found in 2 C.F.R. 200.1.

ARP/CSLFRF award during the period of performance, which closes December 31, 2026. 2 CFR 200.1.

Program income includes, but is not limited to, the following sources of income:

- The collection of fees for services performed.
- Payments for the use or rental of real or personal property.
- The sale of commodities or items fabricated under the Federal award.
- The payment of principal and interest on loans made under the Federal award.

Program income does not include fees or revenue from the following:

- The use of rebates, credits, discounts, and interest earned on any of them.
- Governmental revenues, such as taxes, special assessments, levies, or fines.
- Proceeds from the sale of real property, equipment, or supplies.<sup>3</sup>

#### IV. USE OF PROGRAM INCOME

Program income earned pursuant to expenditures of CSLFRF is the property of US Treasury and shall be accounted for in one of three ways pursuant to 2 C.F.R. § 200.307(e).

**Deduction Method:** Program income must be deducted from total allowable costs to determine net allowable costs. Program income shall be used to reduce Treasury's obligation under the ARP/CSLFRF award rather than to increase the funds committed a project. Program income shall be used for current costs. The [UNIT] shall track and account for program income during the period of performance and shall reimburse Treasury, as required. 2 C.F.R. § 200.307(e)(1).

**Addition Method:** With prior approval, program income may be added to the total amount of the ARP/CSLFRF award, thereby increasing the total amount of the award. Program income must be expended on an eligible project or program. 2 C.F.R. § 200.307(e)(2). Pursuant to the terms of the ARP/CSLFRF award, the repayment of principal and interest on loans made with CSLFRF funds that will mature or be forgiven on or before December 31, 2026, may be accounted for using the addition method (see Section VI).

**Matching or Cost Sharing Method:** With prior approval, program income may be used to meet the cost sharing or matching requirement of the Federal award. The amount of the Federal award shall not change.<sup>4</sup> 2 C.F.R. § 200.307(e)(3).

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<sup>3</sup> 2 C.F.R. 200.1 and 2 C.F.R. 200.307 each define and limit the sources of program income.

<sup>4</sup> The Final Rule provides that a non-Federal entity may expend up to the amount of its reduction in revenue due to the pandemic to meet the non-federal cost-share or matching requirements of other federal programs. However, the Final Rule does not mention whether *program income* may be used to meet cost-sharing or matching requirements. A non-Federal entity should not allocate program income to cost share or matching requirements unless it receives prior approval from Treasury.

Unless the ARP/CSLFRF award otherwise stipulates, or the Town of Mount Pleasant has received prior approval, the Town of Mount Pleasant **shall apply the deduction method** to account for the use of program income.

#### V. ALLOCATION OF PROGRAM INCOME

The Town of Mount Pleasant shall only expend program income on costs that are reasonable, allocable, and allowable under the terms of the ARP/CSLFRF award.<sup>5</sup> To adhere to these requirements, the Town of Mount Pleasant shall comply with the cost principles included in 2 C.F.R. § 200, as outlined in the Town of Mount Pleasant's [allowable cost policy]. The Town of Mount Pleasant shall allocate program income to the ARP/CSLFRF award in proportion to the pro rata share of the total funding (e.g., if CSLFRF funds cover half of a project's cost, with general revenue covering the other half, the unit shall allocate 50% of any program income earned to the ARP/CSLFRF award and account for its use pursuant to § 200.307).

#### VI. REPAYMENT OF PRINCIPAL AND INTEREST ON LOANS MADE WITH ARP/CSLFRF FUNDS

Treasury expects that a significant share of loans made with ARP/CSLFRF funds will be repaid. Accordingly, it has issued guidance on how to appropriately account for the repayment of principal and interest. The Town of Mount Pleasant agrees to appropriately account for the return of loan funds according to the ARP/CSLFRF award terms, as follows:

- **For Loans that mature or are forgiven on or before December 31, 2026:** The Town of Mount Pleasant may add the repayment of principal and interest (program income) to the ARP/CSLFRF award. When the loan is made, the Town of Mount Pleasant shall report the principal of the loan as an expense. The Town of Mount Pleasant shall expend the repayment of principal only on eligible uses and is subject to restrictions on the timing of the use of ARP/CSLFRF funds pursuant to the ARP/CSLFRF award. Interest payments received prior to the end of the period of performance will be considered **an addition** to the total award and may be used for any purpose that is an eligible use. *The Town of Mount Pleasant is not subject to restrictions under 2 CFR 200.307(e)(1) (the deduction method) in accounting for the use of program income.*<sup>6</sup>
- **For Loans with maturities longer than December 31, 2026:** The Town of Mount Pleasant is not required to separately account for the repayment of principal and interest on loans that will mature after the ARP/CSLFRF award's period of performance. The Town of Mount Pleasant may use CSLFRF for only the projected cost of the loan. The Town of Mount Pleasant may estimate the subsidy cost of the loan, which equals the expected cash flows associated with the loan discounted at the Town of Mount Pleasant's cost of funding. The cost of funding can be determined based on the interest rates of securities with a similar maturity to the cash flow being discounted that were either (i) recently issued by

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<sup>5</sup> 2 C.F.R. § § 200.404, 408.

<sup>6</sup> Final Rule, p. 4436

the Town of Mount Pleasant or (ii) recently issued by a unit of state, local, or Tribal government similar to the Town of Mount Pleasant. If the Town of Mount Pleasant has adopted the Current Expected Credit Loss (CECL) standard, it may also treat the cost of the loan as equal to the CECL-based expected credit losses over the life of the loan. The Town of Mount Pleasant may measure projected losses either once, at the time the loan is extended, or annually over the covered period. *Under either approach, the Town of Mount Pleasant is not subject to restrictions under 2 CFR 200.307(e)(1) (the deduction method) and need not separately track repayment of principal or interest.* <sup>7</sup>

- **Revolving Loan Funds:** The Town of Mount Pleasant shall treat the contribution of ARP/CSLFRF funds to a revolving loan fund according to approach described above for loans with maturities longer than December 31, 2026.<sup>8</sup> The Town of Mount Pleasant may contribute ARP/CSLFRF funds to a revolving loan only if the loan is determined to be for eligible use and the ARP/CSLFRF funds contributed represent the projected cost of loans made over the life of the revolving loan fund.

*[Note: In the Final Rule, Treasury expressly provides that the repayment of principal and interest on loans that mature on or before Dec. 31, 2026, shall be added to the award (i.e., the deduction method doesn't apply). With respect for loans with maturities after Dec. 31, 2026, the Final Rule directs readers to Treasury's Interim Final Rule FAQs, which was last updated January 2022. The IFR is set to expire April 1, 2022. Treasury anticipates issuing FAQs for the Final Rule at some point. It is advisable to read any additional guidance, including the Final Rule FAQ document once it is issued, for updates on the treatment of program income.]*

## VII. ADDITIONAL PROGRAM INCOME REQUIREMENTS

- (a) **Identifying, Documenting, Reporting, and Tracking.** To ensure compliance with the requirements of program income as outlined by the Federal regulations, the terms and conditions of the ASP/CSLFRF award, and the requirements set forth herein, each department shall identify potential sources of program income and properly report the program income for the period in which it was earned and dispersed.

Program income shall be accounted for separately. The Town of Mount Pleasant shall not commingle program income earned from programs supported by ARP/CSLFRF funds with the general award of ARP/CSLFRF funds the Town of Mount Pleasant received from Treasury. Any costs associated with generating program income revenue shall be charged as expenditures to the ARP/CSLFRF award.

- (b) **Program Income Earned After the Period of Performance.** The Town of Mount Pleasant shall have no obligation to report program income earned after the period of performance (December 31, 2026). However, the Town of Mount

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<sup>7</sup>(See question 4.11 in [Treasury's Interim Final Rule FAQ document](#).)

<sup>8</sup>See question 4.11 in [Treasury's Interim Final Rule FAQ document](#).)



Pleasant shall report program income expended after the period of performance if that program income was earned on or before December 31, 2026.

- (c) **Subawards.** The Town of Mount Pleasant agrees to ensure that any subrecipient of ARP/CSLFRF funds abides by the award of the terms and conditions of this policy and is aware that the subrecipient is responsible for accounting for and reporting program income to the Town of Mount Pleasant on a QUARTERLY basis.
- (d) **Compliance with State law.** Program income shall not be expended for purposes prohibited under State law.
- (e) **Subject to Audit.** The Town of Mount Pleasant recognizes that its use of program income may be audited and reviewed for compliance with Federal laws and regulations, State law, and the terms of the ARP/CSLFRF award.

#### VIII. IMPLEMENTATION OF POLICY

The Finance Officer will adopt procedures to identify potential program income during the project eligibility and allowable cost review, document actual program income, and follow the requirements in this policy related to the treatment of program income.

Adopted by the Town Board of Commissioners on the 14<sup>th</sup> day of March 2022.

\_\_\_\_\_  
Mayor W. Del Eudy

\_\_\_\_\_  
Amy Schueneman, Town Clerk

## Record Retention Policy: Documents Created or Maintained Pursuant to the ARP/CSLFRF Award

**Retention of Records:** The Coronavirus Local Fiscal Recovery Funds ("CSLFRF") Award [Terms and Conditions](#) and the [Compliance and Reporting Guidance](#) set forth the U.S. Department of Treasury's ("Treasury") record retention requirements for the ARP/CSLFRF award.

It is the policy of the Town of Mount Pleasant to follow Treasury's record retention requirements as it expends CSLFRF pursuant to the APR/CSLFRF award. Accordingly, the Town of Mount Pleasant agrees to the following:

- Retain all financial and programmatic records related to the use and expenditure of CSLFRF pursuant to the ARP/CSLFRF award for a period of five (5) years after all CLFRF funds have been expended or returned to Treasury, whichever is later.
- Retain records for real property and equipment acquired with CSLFRF for five years after final disposition.
- Ensure that the financial and programmatic records retained sufficiently evidence compliance with section 603(c) of the Social Security Act "ARPA," Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
- Allow the Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, the right of right of timely and unrestricted access to any records for the purpose of audits or other investigations.
- If any litigation, claim, or audit is started before the expiration of the 5-year period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved.

**Covered Records:** For purposes of this policy, records are information, regardless of physical form or characteristics, that are created, received, or retained that evidence the Town of Mount Pleasant's expenditure of CSLFRF funds on eligible projects, programs, or activities pursuant to the ARP/CSLFRF award.

Records that shall be retained pursuant to this policy include, but are not limited to, the following:

- Financial statements and accounting records evidencing expenditures of CSLFRF for eligible projects, programs, or activities.
- Documentation of rational to support a particular expenditure of CSLFRF (e.g., expenditure constitutes a general government service);

- Documentation of administrative costs charged to the ARP/CSLFRF award;
- Procurement documents evidencing the significant history of a procurement, including, at a minimum, the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for contract cost or price;
- Subaward agreements and documentation of subrecipient monitoring;
- Documentation evidencing compliance with the Uniform Guidance property management standards set forth in 2 C.F.R. §§ 200.310-316 and 200.329;
- Personnel and payroll records for full-time and part-time employees compensated with CSLFRF, including time and effort reports; and
- Indirect cost rate proposals

**Storage:** Town of Mount Pleasant's records must be stored in a safe, secure, and accessible manner. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

**Departmental Responsibilities:** Any department or unit of the Town of Mount Pleasant, and its employees, who are responsible for creating or maintaining the covered documents in this policy shall comply with the terms of this policy. Failure to do so may subject the Town of Mount Pleasant to civil and/or criminal liability. Any employee who fails to comply with the record retention requirements set forth herein may be subject to disciplinary sanctions, including suspension or termination. The Finance Officer is responsible for identifying the documents that Town of Mount Pleasant must or should retain and arrange for the proper storage and retrieval of records. Finance Officer shall also ensure that all personnel subject to the terms of this policy are aware of the record retention requirements set forth herein.

**Reporting Policy Violations:** The Town of Mount Pleasant is committed to enforcing this policy as it applies to all forms of records. Any employee that suspects the terms of this policy have been violated shall report the incident immediately to that employee's supervisor. If an employee is not comfortable bringing the matter up with the supervisor, the employee may bring the matter to the attention of the Town Manager. The Town of Mount Pleasant prohibits, any form of discipline, reprisal, intimidation, or retaliation for reporting incidents of inappropriate conduct of any kind, pursuing any record destruction claim, or cooperating in related investigations.

**Questions About the Policy:** Any questions about this policy should be referred to Finance Officer, who is in charge of administering, enforcing, and updating this policy.

Adopted by the Town Board of Commissioners on the 14<sup>th</sup> day of March 2022.

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Mayor W. Del Eudy

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Amy Schueneman, Town Clerk

## **Nondiscrimination Policy to comply with the "Coronavirus State Fiscal Recovery Fund"**

**WHEREAS**, the Town of Mount Pleasant has received an allocation of funds from the "Coronavirus State Fiscal Recovery Fund" or "Coronavirus Local Fiscal Recovery Fund" (together "CSLFRF funds"), established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (the "ARP/CSLFRF award").

**WHEREAS**, CSLFRF funds are subject to the U.S. Department of Treasury ("Treasury") regulations, including the Final Rule, the Award Terms and Conditions, and the Title VII implementing regulations at 31 C.F.R. Part 22.

**WHEREAS**, pursuant to the ARP/CSLFRF Award Terms and Conditions, and as a condition of receiving CSLFRF funds, the Town of Mount Pleasant agrees to follow all federal statutes and regulations prohibiting discrimination in its administration of CSLFRF under the terms and conditions of the ARP/CSLFRF award, including, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin within programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

**RESOLVED**, That the governing board of the Town of Mount Pleasant hereby adopts and enacts the following nondiscrimination policy, which shall apply to the operations of any program, activity, or facility that is supported in whole, or in part, by expenditures CSLFRF pursuant to the ARP/CSLFRF award.

### **Nondiscrimination Policy Statement**

It is the policy of the Town of Mount Pleasant to ensure that no person shall, on the ground of race, color, national origin (including limited English Proficiency), familial status, sex, age, or disability, be excluded from participation in, be denied the benefits of,

or be otherwise subject to discrimination under any program or activity administered by the Town of Mount Pleasant, including programs or activities that are funded in whole or part, with Coronavirus State and Local Fiscal Recovery Funds ("CSLFRF"), which the Town of Mount Pleasant received from the U.S. Department of Treasury ("Treasury") pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (herein the "ARP/CSLFRF award").

### **I. Governing Statutory & Regulatory Authorities**

As required by the CSLFRF [Award Terms and Conditions](#), the Town of Mount Pleasant shall ensure that each "activity," "facility," or "program"<sup>1</sup> that is funded in whole, or in part, with CSLFRF and administered under the ARP/CSLFRF award, will be facilitated, operated, or conducted in compliance with the following federal statutes and federal regulations prohibiting discrimination. These include, but are not limited to, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age within programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

### **II. Discriminatory Practices Prohibited in the Administration of the ARP/CSLFRF Award**

To ensure compliance with Title VII of the Civil Rights Act of 1964, and Title 31 Code of Federal Regulations, Part 22, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities, the Town of Mount Pleasant shall prohibit, at a

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<sup>1</sup> 22 C.F.R. § 22.3 defines "program" and "activity" as all operations of an entity, including local governments, that receive Federal financial assistance, and the departments, agencies, or special purpose districts of the local governments to which Federal financial assistance is distributed. "Federal financial assistance" includes, among other things, grants and loans of federal funds. "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

minimum, the following practices in its administration of CSLFRF pursuant to the ARP/CSLFRF award:

1. Denying to a person any service, financial aid, or other program benefit without good cause;
2. Providing to a person any service, financial aid, or another benefit which is different in quantity or quality, or is provided in a different manner, from that provided to others under the program.
3. Subjecting a person to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefit under the program;
4. Restricting a person in the enjoyment of any advantages, privileges, or other benefits enjoyed by others receiving any service, financial aid, or other benefit under the program;
5. Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet to be provided any service, financial aid, or other benefit provided under the program;
6. Implementing different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities to the program;
7. Adopting methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
8. Selecting a site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, subjecting them to discrimination, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or related acts and regulations;
9. Discriminating against any person, either directly or through a contractual agreement, in any employment resulting from the program, a primary objective of which is to provide employment;
10. Committing acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because an individual made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing.

### **III. Reporting & Enforcement**

1. The Town of Mount Pleasant shall cooperate in any enforcement or compliance review activities by the Department of the Treasury. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Town of Mount Pleasant shall comply with information requests, on-site compliance reviews, and reporting requirements.
2. The Town of Mount Pleasant shall maintain a complaint log and inform the Treasury of any complaints of discrimination on the grounds of race, color, or

national origin (including limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, whether pending or completed, including the outcome. The Town of Mount Pleasant shall inform the Treasury if it has received no complaints under Title VI.

3. Any person who believes they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Treasury. Any such complaint must be in writing and filed with the Treasury's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.
4. Any person who believes that because of that person's race, color, national origin, limited English proficiency, familial status, sex, age, religion, or disability that he/she/they have been discriminated against or unfairly treated by the Town of Mount Pleasant in violation of this policy should contact the following office within 180 days from the date of the alleged discriminatory occurrence:

Town of Mount Pleasant  
ATTN: Town Manager  
8590 Park Dr.  
PO Box 787  
Mt. Pleasant, NC 28124

Adopted by the Town Board of Commissioners on the 14<sup>th</sup> day of March 2022.

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Mayor W. Del Eudy

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Amy Schueneman, Town Clerk

## MEMORANDUM

To: Mayor and Town Board  
From: Randy Holloway, Town Manager  
Date: March 14, 2022  
RE: Manager's report for February 2022

Please find listed below an update / overview for the month of February 2022

- Participated in a meeting with Senator Paul Newton and Representative Steve Sasser. The meeting was very positive and we thanked our legislators for helping the Town obtain 8 million dollars in water and sewer project funding.
- Worked with Staff to review budget request from the various departments and began preparing the budget presentation planned for March 26<sup>th</sup>.
- I continued to work with Staff, LKC Engineering and our Town Engineer to more clearly identify priorities to recommend to the Board for the use of State funded water and sewer projects. This process has required many hours and most of my time for the month of February.
- Participated in a meeting with Town Staff and Niblock Development to review the construction plans and timing for Brighton Park subdivision.
- Participated in a webinar on the use of the State funding for water and sewer projects.
- Continued working with an investment group that is trying to purchase the Buddy's restaurant building and barbershop building. This property is still under contract with a projected closing date of the end of March.
- Continued to participate every other Monday in Covid-19 Task Force meetings with local managers and Elected Officials.
- Participated in the monthly Cabarrus Economic Development meeting.
- Continued to work with the Town Planner on several potential developments to include a group that was interested in developing the 340 acres east to Town on Highway 73.



# Mount Pleasant

North Carolina

*Founded in 1848*

## ASSISTANT TOWN MANAGER'S REPORT

*March 2022*


To: Mayor & Commissioners

From: Crystal Smith, Assistant Town Administrator

Subject: Monthly Activities for February 2022

- Attended Town Leadership Team meeting
- Attended monthly Town Board meeting
- Monthly BCBS webinar
- Setup new full-time employee in financial system along with benefits and retirement. Set up new part-time employee in payroll system.
- Met with Kenny Black on Water Treatment 2022/2023 budget
- Met with Dustin Sneed on Fire Department 2022/2023 budget
- Attended meeting with State Legislators (Senator Newton and Representative Sasser)
- Attended Water/Sewer project meeting with Staff, LKC
- Work Session with Amy Schueneman on preliminary 2022/2023 Budget
- Working with area businesses and churches on I Love My City Events
- Working on Independence Celebration

Respectfully submitted,



Crystal Whitley Smith  
Assistant Town Manager

# FINANCIAL REPORT

## as of February 28, 2022

### Cash Balances

	General Fund	Powell Bill Bank Account	GF-Capital Reserve	Water/Sewer Fund	Capital Project Fire Station Add
First Bank-Checking	290,940.00	69,786.84		253,436.57	242,555.31
First Bank-Payroll Checking	69,786.84				
First Bank-General Fund Money Market	1,504,681.09				
First Bank- Retiree Insurance Money Market	14,407.94				
First Bank-W/S Money Market				819,596.54	
First Bank- USDA Capital Project Checking				130,555.47	
First Bank- Summer St Pump Station Capital Proj				39,788.94	
First Bank- ARP Special Reserve Fund	354,176.67				
First Bank-Façade Grant	12,884.82				
First Bank-Savings (Sidwalk Escrow)	6,302.92				
First Bank- Capital Reserve- Police Vehicles			56,624.59		
First Bank- Capital Reserve- FD Vehicles			246,157.17		
First Bank- Manhole Repairs				84,637.61	
First Bank- 42% Reserve	865,219.83				
Uwharrie Bank Savings (Park Dev)	33,692.63				
Uwharrie Bank-Dredging (Savings)				30,958.52	
NC Capital Mgmt Trust-Debt Setoff Acct				1,312.32	
<b>Total Cash Balances</b>	<b>3,152,092.74</b>	<b>69,786.84</b>	<b>302,781.76</b>	<b>1,360,285.97</b>	<b>242,555.31</b>

	General Fund		Water Sewer Fund	
	APPROVED 2021-2022	MONTH TO DATE (Encumbered)	YEAR TO DATE	PERCENT
Revenues	2,959,804.00	299,146.05	2,191,629.33	74%
Expenditures	2,959,804.00	299,146.05	1,460,843.09	59%
			\$768,174.67	
			\$1,199,814.86	
Revenues	1,210,398.00	90,244.74	895,334.66	74%
Expenditures	1,210,398.00	90,244.74	671,190.39	63%
			\$315,063.34	
			\$448,962.87	

**TOWN OF MOUNT PLEASANT  
COMPARISON BUDGET VS ACTUAL -February 2022**

	<u>CURRENT BUDGET</u>	<u>YTD ACTUAL</u>	<u>DIFFERENCE</u>
<b>GENERAL GOVERNMENT</b>			
Town Hall	265,485.00	248,224.44	17,260.56
Governing Body	40,399.00	18,994.04	21,404.96
Admin	640,632.00	125,525.35	515,106.65
Planning & Zoning	177,940.00	83,764.07	94,175.93
	1,124,456.00	476,507.90	647,948.10
<b>PUBLIC SAFETY</b>			
Law Enforcement	161,693.00	79,259.76	82,433.24
Fire Department	855,253.00	350,459.18	504,793.82
	1,016,946.00	429,718.94	587,227.06
<b>PUBLIC WORKS</b>			
Operations Center	43,450.00	32,690.95	10,759.05
Streets	367,338.00	103,167.24	264,170.76
Sanitation	138,500.00	73,224.38	65,275.62
Buildings & Grounds	73,582.00	39,306.89	34,275.11
	622,870.00	248,389.46	374,480.54
<b>CULTURE/REC</b>	70,418.00	14,057.21	56,360.79
<b>DEBT SERVICE</b>			
Debt Service Principal	87,466.00	61,546.44	25,919.56
Debt Service Interest	21,485.00	14,960.70	6,524.30
	108,951.00	76,507.14	32,443.86
<b>TOTAL</b>	<b>2,943,641.00</b>	<b>1,245,180.65</b>	<b>1,698,460.35</b>
<b>WATER/SEWER</b>			
Admin	249,965.00	136,061.31	113,903.69
Operations Center	28,900.00	15,135.85	13,764.15
Water	155,929.00	97,090.06	58,838.94
Sewer	347,000.00	188,300.82	158,699.18
Water Treatment Plant	561,988.00	204,660.64	357,327.36
	1,343,782.00	641,248.68	702,533.32
<b>DEBT SERVICE</b>			
Debt Service Principal	157,392.00	23,333.33	134,058.67
Debt Service Interest	14,879.00	6,608.38	8,270.62
	172,271.00	29,941.71	142,329.29
<b>TOTAL</b>	<b>1,688,324.00</b>	<b>701,132.10</b>	<b>987,191.90</b>
<b>COMBINED</b>	<b>4,631,965.00</b>	<b>1,946,312.75</b>	<b>2,685,652.25</b>

# Mount Pleasant

North Carolina

*Founded in 1848*

## Planning and Economic Development

March 14, 2022

### Planning & Zoning Cases

#### **REZ 2022-02 Mount Pleasant Pentecostal Holiness Church**

**Description:** Standard rezoning request to reflect current and historic use of the property as a church and its associated uses

**Location:** 2660 Mount Pleasant Road South

**Area:** 2.98 acres

**Cabarrus County Parcel Number:** 5569-97-2290

**Current Zoning:** RL Residential Low Density

**Proposed Zoning:** OI Office & Institutional

**Current Status:** Neighborhood Meeting for adjacent property owners held February 22. Planning & Zoning Public Hearing held February 28. Planning & Zoning voted unanimously to approve.

#### **REZ 2022-01 Cabarrus County Library/Senior Center/Park Tract**

**Description:** Standard rezoning request to facilitate the construction of a government building/park

**Location:** 1100 Block of N. Washington Street

**Area:** 29.11 acres

**Cabarrus County Parcel Number:** 5670-44-0187

**Current Zoning:** RM Residential Medium Density & small corner of RL Residential Low Density

**Proposed Zoning:** OI Office & Institutional

**Current Status:** Neighborhood Meeting for adjacent property owners held February 22. Planning & Zoning Public Hearing held February 28. Planning & Zoning voted unanimously to approve.

#### **TA 2022-02 Flag Lots**

**Description:** The proposed amendments would restrict flag lots from taking access on major thoroughfares and increase the minimum street frontage to 22 feet for residential lots and 44 feet for non-residential lots to match the driveway standards of Appendix D.

**Current Status:** Planning & Zoning Board voted to recommend approval at February 28 meeting. Town Board public hearing scheduled for March 14.

#### **TA 2022-01 Nonconforming and Temporary Signs**

**Description:** In order to accommodate the exchange of manual changeable copy on nonconforming signs with electronic changeable copy, amendments are proposed to Sections 12.1.12 and 12.4.3.2 (D). In order to permit each property in Mount Pleasant to display one small temporary sign as a means of promoting economic development, an amendment is proposed to Section 12.3.3 (Table 12.3-1) to permit Type 1 Temporary Signs for all use groups in any zoning district.

**Current Status:** Planning & Zoning Board voted to recommend approval at February 28 meeting. Town Board public hearing scheduled for March 14.

#### **TA 2021-04 Home Occupation Text Amendments**

**Description:** In August, staff brought to the attention of the Planning & Zoning Board discrepancies regarding artists and craftsmen and lessons as home occupations based on questions asked by the potential buyer of a home within the town. The Planning & Zoning Board directed staff to research the home occupation ordinances of other jurisdictions. At the September meeting, staff presented draft amendments to the board for discussion.

Another citizen attended the meeting expressing his desire to run a grading business from his home in Oldenburg, which currently has an open zoning enforcement case. The Planning & Zoning Board directed staff to prepare draft text amendments to address the gentlemen's request while safeguarding adjacent properties. Staff noted to the Board that text amendments are not property specific, but apply to all properties within the jurisdiction. At its October meeting, the Planning & Zoning Board requested staff provide information about weight limits on local roads and the impact of heavy equipment. The item was tabled at the November meeting due to a long agenda.

**Current Status:** Town Board opened and continued public hearing at February 14 meeting. Hearing will continue at March 14 meeting.

#### **TA 2021-03 Infrastructure Text Amendments**

**Description:** Update infrastructure standards in the Development Ordinance to incorporate best practices and move specifications and details into a separate Standards and Specifications Manual.

**Current Status:** Planning Director and Town Engineer are currently working on draft amendments and are bringing those amendments to the Planning & Zoning Board as they are completed.

#### **SUB 2020-03 Brighton Park Preliminary Plat**

**Description:** 179 single family lots with community clubhouse and pool

**Area:** approx. 86.77 acres

**Proposed Density:** 2.06 dwelling units per acre

**Location:** Southwest corner of NC Highway 73 and NC Highway 49

**Cabarrus County Parcel Number:** 5660-56-4096, 6785, 8647, & 9681

**Zoning:** RM Residential Medium Density

**Current Status:** Construction Drawings under review

#### **Permits**

February report attached

#### **Code of Ordinances**

Proposed amendments will be presented as they are completed.

#### **Part 5: Municipal Utilities**

Staff is preparing updates Part 5 of the Code of Ordinance regarding water and sewer utilities for consistency with current practices and statutes.

#### **Part 7: Motor Vehicles & Traffic**

Staff has been researching the potential to limit on-street parking on Town streets and one-way streets due to narrow street width. Speed on town streets is also being examined. This section would also include provisions for low-speed vehicles. The Town cannot control speed limits on State-maintained streets.

#### **Part 8: Offenses (Nuisances)**

Staff has been researching noise ordinances in other jurisdictions. Additional updates to nuisance regulations are also being looked at.

## **Utilities**

- Town received fifth allocation amount as part of the Interlocal Agreement for Wastewater Capacity Distribution. The Town has 65,430 gpd to allocate between now and 2024 when the Phase 1 Rocky River Regional Waste Water Treatment is completed. WSACC also recently rescinded 5,760 gpd from the South Skyland Townhome project (16 units) citing that the flow acceptance had expired since it had been more than two years and the project had not commenced. This was over objection from Town Staff who argued that the project was delayed due to pandemic uncertainties and was slated to begin soon. WSACC staff disagreed and cited the flow acceptance policy re-adopted by the WSACC Board in 2021.
- LKC is currently working on engineering documents for water and sewer improvements to be completed with USDA loan funds. Additional water and sewer projects have been identified that could potentially be completed with the \$8 million state earmark. An updated Capital Improvements List will be presented to the Town Board at the March meeting.

## **Comprehensive Plan Implementation**

- Cabarrus County has budgeted \$10 million for a new Mount Pleasant Library and Senior Center and Selected CPL Architecture Engineering and Planning as the design firm for the project. Cabarrus County has also budgeted \$4 million for Mount Pleasant Park Amenities to include 3 baseball fields, 2 multi-purpose fields, picnic shelters, restroom/concession building, and trails. The County selected Alfred Benesch & Company as the design firm for the project. The site was recently rezoned to OI to facilitate the project. The site is currently under design with an anticipated opening in 2024.
- McGill and Associates is working on plans for the next phase of the Municipal Complex Improvements, which focus on amenities at McAllister Field. Construction is expected to begin after July 1.
- The Town has been awarded the Carolina Thread Trail Implementation Grant for trailhead expansion at the Buffalo Creek Preserve and is waiting to see if the grant has been awarded. The contract has been signed and RFP sent out to grading contractors for the work. The picnic shelter has been ordered.
- The contract for the \$94,250 federal grant for the National Register Historic District Survey Update, Study Form Update, and Downtown Stormwater Study has been executed. An RFP for the Survey/Nomination portion of the project has been sent to consultants on the SHPO list. Staff is currently working on the RFQ for engineering services for the stormwater study portion of the project.
- Duke Energy is currently studying the potential for utility line burial/relocation in the square downtown.

## **Transportation**

- CMAQ funding for sidewalks, curb & gutter, and widening to accommodate bike sharrows on N. Washington Street has been approved. Town Staff is working with NCDOT on project schedule. Property acquisition is underway ahead of entering into the project agreement.
- Opticom emergency preemption signalization will be installed within the next month at the intersection of Highway 73 and Main Street. NCDOT stated that the use of protected left turns from Main Street onto Highway 73 was not warranted at this time.
- Town staff and contract engineer are working to compile a list of needed sidewalk repairs and street paving, based on scoring and funding availability.

## February 2022 Zoning Permits

Permit #	Date	Cab. Co. #	Add. #	Street Name	Type	Permit Description	Applicant	Notes
Z-2022-03	2/1/2022	5670-22-0332	1550	S. Main St.	Accessory	Swimming Pool	Blue Haven Pools	
Z-2022-04	2/10/2022	5670-42-8801	1466	B St.	New	Two-family residential (duplex)	Hunter Carter	
Z-2022-05	2/10/2022	5670-42-7812	1472	B St.	New	Two-family residential (duplex)	Hunter Carter	
Z-2022-06	2/10/2022	5660-84-6113	1123	S. Skyland Dr.	New	Single-family home	Denise Chinchilla	

4 Zoning Permits

## MEMORANDUM

To: Mayor and Town Board

From: Lane Bost , Public Works

Date: March 14, 2022

RE: Please find listed below an update / overview for the month of February 2022

### **New:**

- Completed monthly meter reads
- Water Cut-Offs
- Responded to 3 pump station alarm calls
- Responded to 5 customer calls
- Picked up 14 dump truck loads of brush which equals 168 cubic yards of brush
- Completed 38 work orders for various issues
- Picked up 4 trailer loads of leaves which equals 40 cubic yards of leaves
- Installed water tap for 5112 Heron Ln
- Installed water and sewer taps for 8620 Circle Dr
- Installed water and sewer taps for 8601 Circle Dr
- Repaired water leak at 1586 Barringer St.
- Completed drainage improvements on B St.

### **On going:**

- Public works mows and maintains approximately 18 acres each week to biweekly depending on conditions as well as ground maintenance at all 8 of our sewer pump stations
- 8 pump stations are checked once a week which included a visit to each station checking dialer status and recording run times. Alarm floats are pulled and checked and stations cleaned monthly in accordance to NC DWQ standards
- Weekly Chlorine monitoring is done on Mondays or Fridays depending on schedule of work and consists of pulling samples from 5 different sites which change every other week
- Due to the volume of brush/yard debris collection typically takes 1 to 1.5 days of the week especially during leaf season



# Cabarrus County Sheriff's Office

## Law Calls for Service

253 / Mt Pleasant

12/01/2021 - 02/28/2022

**OFFICER-INITIATED**

	Dec-21	Jan-22	Feb-22
<b>Total</b>	697	931	853
50 B OR C	1	0	0
ALL ANIMAL CONTROL CALLS	1	0	0
ANIMAL CONTROL FOLLOW UP	1	0	0
ASSIST DSS	0	0	1
CIVIL PROCESS	10	7	11
COMMUNICATING THREATS	1	1	0
DIRECT TRAFFIC	0	2	29
DISPUTE (ANYONE)	2	0	0
EVICTON	1	1	0
FOLLOW UP	0	2	2
FRAUD / FORGERY	0	0	1
IMPROPERLY PARKED VEH	1	4	0
INFORMATION	0	1	0
INVESTIGATION	2	0	1
LARCENY	0	1	0
ROAD HAZARD	1	1	0
SECURITY CHECK	595	789	667
SERVICE CALL LAW	2	1	1
SPECIAL EVENT	3	4	1
SRO ASSIST ADMIN	0	6	16
SRO INVESTIGATION	4	1	0
SRO MENTOR/COUNSEL	0	2	17
SRO PARENT MEETING	0	1	1
SRO SAFETY CHECK	0	7	32
STRANDED MOTORIST	0	1	2
STRUCTURE FIRE	1	0	0
SUSPICIOUS SUBJECT	1	1	0
SUSPICIOUS VEHICLE	3	1	1

	Dec-21	Jan-22	Feb-22
TRAFFIC ACC PROPERTY DAMAGE	0	1	0
TRAFFIC STOP	67	95	70
TRESPASSING	0	1	0

## DISPATCHED

	Dec-21	Jan-22	Feb-22
<b>Total</b>	<b>66</b>	<b>38</b>	<b>40</b>
ALL ANIMAL CONTROL CALLS	1	3	3
ASSAULT	1	0	1
ASSAULT VICTIM	1	0	0
ASSIST CONCORD POLICE	1	0	0
ASSIST EMS	3	2	0
ASSIST SHP	1	0	0
ATTEMPT TO LOCATE	1	2	1
BREAKING AND ENTERING OF RESD	2	0	0
BREAKING ENTER OF VEHICLE	0	1	0
BURGLAR ALARM	2	2	6
CAC BITE	0	1	0
CAC WELFARE CHECK	1	0	0
CARELESS RECKLESS DRIVING	4	1	0
CELL PHONE 911 HANGUP	0	1	0
COMMITMENT PAPERS	2	0	0
COMMUNICATING THREATS	1	0	0
DEATH	0	1	1
DISCHARGE FIREARMS	1	0	0
DISPUTE (ANYONE)	4	4	4
DOMESTIC DISTURBANCE	3	1	0
DRUG INVESTIGATION	1	0	0
ESCORT	0	0	3
FOLLOW UP	0	0	1
FRAUD / FORGERY	1	0	0
IDENTITY THEFT	0	0	1
IMPROPERLY PARKED VEH	0	1	0

	Dec-21	Jan-22	Feb-22
INFORMATION	1	1	0
INTOXICATED DRIVER	1	0	0
LARCENY	0	0	3
MISSING PERSON OR RUNAWAY	1	0	1
OVERDOSE / POISONING	1	1	0
PROPERTY DAMAGE	0	1	1
PROWLER	1	0	0
ROAD HAZARD	1	0	2
SECURITY CHECK	2	0	1
SERVICE CALL LAW	5	1	0
SRO	1	0	0
SRO INVESTIGATION	1	0	0
STABBING	0	1	0
STRANDED MOTORIST	1	0	2
STRUCTURE FIRE	0	1	0
SUSPICIOUS SUBJECT	5	2	1
SUSPICIOUS VEHICLE	5	3	3
THREATENING SUICIDE	0	1	1
TRAFFIC ACC PROPERTY DAMAGE	4	4	3
TRAFFIC ACCIDENT PI	1	0	0
TRESPASSING	1	0	0
VEHICLE FIRE	0	0	1
WELFARE CHECK (PERSON)	3	2	0

## Details for Dispatched Calls for Service

Total Disp. CFS: 40

02/01/2022 - 02/28/2022

Event #	Date / Time	Street	Case #	Call Source
<b>ALL ANIMAL CONTROL CALLS</b>			<b>3</b>	
22-027697	02/14 08:57	W FRANKLIN ST	22-0214-0003	PHONE
22-028586	02/15 11:58	MALIBU RD		PHONE
22-031688	02/19 14:40	BARRINGER ST/E FRANKLIN ST		PHONE
<b>ASSAULT</b>			<b>1</b>	
22-035294	02/24 13:34	NORTH DR	22-0224-0012	PHONE
<b>ATTEMPT TO LOCATE</b>			<b>1</b>	
22-038326	02/28 22:57	NC HWY 49 N		PHONE
<b>BURGLAR ALARM</b>			<b>6</b>	
22-022129	02/05 14:55	W FRANKLIN ST		PHONE
22-026965	02/12 19:26	S MAIN ST		PHONE
22-029797	02/16 22:21	W FRANKLIN ST		PHONE
22-032764	02/21 09:15	ERBACH LN		PHONE
22-034020	02/22 22:08	NC HWY 49 N		PHONE
22-037547	02/28 03:07	W FRANKLIN ST		PHONE
<b>DEATH</b>			<b>1</b>	
22-023740	02/08 09:16	BARRINGER ST	22-0208-0004	PHONE
<b>DISPUTE (ANYONE)</b>			<b>4</b>	
22-021167	02/04 01:50	W FRANKLIN ST		PHONE
22-023847	02/08 11:51	E FRANKLIN ST		PHONE
22-024607	02/09 13:03	NC HWY 49 N	22-0209-0005	PHONE
22-036774	02/26 13:17	C ST		PHONE
<b>ESCORT</b>			<b>3</b>	
22-023041	02/07 09:07	COOK ST		PHONE
22-026613	02/12 09:38	COOK ST		PHONE
22-026617	02/12 09:40	COOK ST		PHONE
<b>FOLLOW UP</b>			<b>1</b>	
22-029279	02/16 09:08	SUMMER ST		PHONE
<b>IDENTITY THEFT</b>			<b>1</b>	
22-023941	02/08 14:02	PAGE ST	22-0208-0010	PHONE
<b>LARCENY</b>			<b>3</b>	
22-024288	02/08 23:24	W FRANKLIN ST		PHONE
22-028812	02/15 16:54	SUMMER ST	22-0215-0011	PHONE
22-034726	02/23 19:56	W FRANKLIN ST	22-0223-0013	PHONE
<b>MISSING PERSON OR RUNAWAY</b>			<b>1</b>	
22-024340	02/09 02:30	ROSS CIR		PHONE
<b>PROPERTY DAMAGE</b>			<b>1</b>	
22-038267	02/28 21:25	W FRANKLIN ST		PHONE
<b>ROAD HAZARD</b>			<b>2</b>	
22-024720	02/09 14:50	LEE ST		PHONE
22-026744	02/12 12:59	MT PLEASANT RD S/OLDENBURG DR		PHONE
<b>SECURITY CHECK</b>			<b>1</b>	
22-027390	02/13 16:13	E FRANKLIN ST		PHONE
<b>STRANDED MOTORIST</b>			<b>2</b>	
22-036177	02/25 15:52	NC HWY 73 E/DUTCH RD		PHONE
22-037164	02/27 09:34	SHORT ST		PHONE
<b>SUSPICIOUS SUBJECT</b>			<b>1</b>	
22-036327	02/25 21:37	N MAIN ST		PHONE

**253 / Mt Pleasant**

<b>SUSPICIOUS VEHICLE</b>				<b>3</b>	
22-020164	02/02	13:27	PARK DR		PHONE
22-029153	02/16	05:49	N MAIN ST		PHONE
22-036993	02/26	22:10	W FRANKLIN ST		PHONE
<b>THREATENING SUICIDE</b>				<b>1</b>	
22-019352	02/01	10:09	NC HWY 49 N		PHONE
<b>TRAFFIC ACC PROPERTY DAMAGE</b>				<b>3</b>	
22-020028	02/02	09:59	W FRANKLIN ST	22-0202-0004	PHONE
22-027669	02/14	08:07	ROSS CIR	22-0214-0001	PHONE
22-038186	02/28	18:49	N SKYLAND DR/W FRANKLIN ST	22-0228-0018	PHONE
<b>VEHICLE FIRE</b>				<b>1</b>	
22-035502	02/24	18:10	E FRANKLIN ST		PHONE

# Mount Pleasant

North Carolina

*Founded in 1848*

**Agenda Item:**

Liz Fitzgerald, Executive Director, for the Cabarrus Arts Council

**Narrative:**

Ms. Fitzgerald would like to introduce herself to the Board and give a brief presentation about the Arts Council and what they offer.

**Recommendation:**

Open

*ARTS*

CABARRUS

ARTS

COUNCIL

# CAC Accomplishments 2021-2022





# New for 2022-2023

Strategic Investments to support  
programming occurring in each  
Cabarrus municipality

Highlighting the contributions of  
local talent

Arts & Economic Prosperity Study

# Mount Pleasant

North Carolina

*Founded in 1848*

## NOTICE OF PUBLIC HEARING

The Town of Mount Pleasant Planning & Zoning Board will hold a public hearing on **Monday, March 14, 2022 at 6:00PM** in the Meeting Chamber of Town Hall, 8590 Park Drive, Mount Pleasant, NC 28124 regarding the following items:

### **TA 2022-01 Nonconforming and Temporary Signs**

Proposed text amendments to allow the manual changeable copy portion of a nonconforming ground sign to be changed to electronic changeable copy and to allow Type 1 Temporary Signs for all use groups in all zoning districts to promote economic development. Affected Section of the MPDO: Article 12.

### **TA 2022-02 Flag Lots**

Proposed text amendment to restrict flag lots on major thoroughfares and increase the minimum street frontage/width to meet driveway standards. Affected Section of MPDO: 6.6.6

### **Revised Development Agreement for REZ 2017-01/SUB 2017-01 Green Acres**

Subject to NCGS Chapter 160D, Article 10, the Town is holding a public hearing to enter into a revised development agreement with the property owner and developer for the 14.88-acre property which was approved for 37 single-family residential lots in 2017. The proposed agreement sets forth responsibilities for the installation of utilities to the site and a development schedule. Location: NC Highway 73 E at Green Acres Circle. Cabarrus County Parcel Number: 5651-70-6355. Zoning: CZ RM Conditional Zoning Residential Medium Density

Please call Mount Pleasant Town Hall at 704-436-9803 to obtain a copy of the proposed agreement, to ask questions, or to request special accommodations for the meeting. Hearing impaired persons desiring additional information or having questions regarding this subject should call the North Carolina Relay Number (711 or 800-735-2962).

\*\*\*\*\*

Publish dates: Fridays, March 4 & 11, 2022

## Town Board of Commissioners Meeting

Town Hall - 8590 Park Drive Mount Pleasant, NC

Monday, February 9, 2022

6:00 PM

**To:** Mayor Eudy and Town Board of Commissioners

**From:** Erin S. Burris, AICP, Planning & Economic Development Director

**Date:** February 9, 2022

**Subject:** TA 2021-04 Home Occupations

### A. BACKGROUND

**Applicant:** Town of Mount Pleasant

**Affected Sections of MPDO:** Section 5.4.2, Appendix A

To respond to evolving changes in working environments and the increase in businesses that are increasingly operated from residents' homes, the proposed text amendments are proposed to update home occupation regulations, expand permitted home occupations, clarify certain home occupations already permitted, permit home occupations in accessory structures, and provide provisions for the storage of heavy equipment for home occupations in the AG and RL zoning districts.

Below are proposed associated amendments to definition of home occupation (Appendix A of the MPDO) to allow provisions for use of accessory structures and heavy equipment:

- HOME OCCUPATION - Any occupation or profession or business activity customarily conducted on a residential property ~~entirely within a dwelling unit~~ and carried on by a member of the family residing therein, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit property for dwelling purposes and does not change the character thereof, and contains no mechanical equipment except for that which is customarily used for domestic, hobby, or household purposes. A home occupation is an accessory use to a dwelling unit.

- HEAVY EQUIPMENT - ~~Large equipment including, but not limited to: trucks with greater than a one and one half ton rating, Earthmoving, construction, or industrial equipment that is mobile, self-propelled, not designed to be driven on a highway, and exceeds 25,000 pounds.~~

#### B. RELATIONSHIP TO ADOPTED PLANS & POLICIES

The Economic Development Goal of the Town's Comprehensive Plan is to attract and retain a variety of businesses and light industry to promote a robust and diverse economic base and employment opportunities for residents.

#### C. STAFF RECOMMENDATION

Staff recommends review of the proposed amendments.

#### D. PLANNING & ZONING BOARD RECOMMENDATION

The Planning & Zoning Board voted to **Recommend Approval**. The Planning & Zoning Board finds that proposed amendments are consistent with the Economic Development Goal of the Town's Comprehensive Plan and reflect prevailing changes in the economy.

#### E. TOWN BOARD ACTION REQUESTED

The Town Board is requested to review and take action on one of the following items:

- **Approval and consistent:** The Town Board finds that proposed amendments are consistent with the Economic Development Goal of the Town's Comprehensive Plan and reflect prevailing changes in the economy.
- **Approve and not consistent:** The Town Board finds that the proposed amendments are not consistent with the Comprehensive Plan as adopted, but finds the proposed amendments to be reasonable and in the public interest and amends the Comprehensive Plan with this action to establish consistency.
- **Deny and not consistent:** The Town Board finds that the proposed amendment is not consistent with the Comprehensive Plan and does not consider the action to reasonable and in the public interest.
- **Defer:** The amendment needs additional consideration.

#### F. ATTACHMENTS

1. Section 5.4.2 with proposed amendments

## 5.4.2. HOME OCCUPATIONS

### 5.4.2.1. Purpose

- A. A home occupation is permitted as an accessory use to a residential principal use in the districts shown in Table 4.6-1 (see Article 4) and in the PUD Districts. The purpose of the home occupation regulations and performance standards are:
- to establish criteria for operation of home occupations in dwelling units within residential districts;
  - ~~to permit and regulate the conduct of home occupations as an accessory use in a dwelling unit, whether owner or renter occupied;~~
  - to ensure that such home occupations are compatible with, and do not have a deleterious effect on, adjacent and nearby residential properties and uses;
  - to ensure that public and private services infrastructure such as streets, sewers, water or utility systems are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;
  - to allow residents of the community to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions and criteria;
  - to enable the fair and consistent enforcement of these home occupation regulations; and
  - to promote and protect the public health, safety and general welfare.
- B. No home occupation, except as otherwise provided herein, may be initiated, established, or maintained except in conformance with the regulations and performance standards set forth in this Section.

### 5.4.2.2. Exempt Home Occupations

The following uses are exempt home occupations and do not require a Zoning Permit:

- Artists, sculptors, composers not selling their artistic product to the public and not holding instruction on the premises;
- Craft work, such as jewelry-making and pottery with no sales permitted on the premises;
- Home offices with no client visits to the home permitted;
- Telephone answering and message services

### 5.4.2.3. List of Home Occupations Permitted

The following list specifies those occupations that may be conducted at home with the issuance of a Zoning Permit. The home occupations permitted herein are allowed in a residential setting because they do not compromise the residential character of an area, do not generate conspicuous traffic, do not visually call unusual attention to the home, and do not generate noise of a nonresidential level. In general, no retail sales are permitted as part of a home occupation.

- Accounting, bookkeeping
- Appraisal
- Low-volume baking and canning
- ~~Lawn-care~~ Landscaping services
- Legal services
- Real estate office sales
- Insurance office sales
- Childcare (see Section 5.5.2)
- Tailoring (dressmaking, alterations, etc.) services
- Catering, baking, and low volume food production (subject to health department and/or department of agriculture approval)
- Engineering, architecture, drafting, and landscape architecture services
- Financial planning & investment services
- Fine arts studio (creation of individual works only, no mass production)

- [Photography studio](#)
- [Graphic arts/digital publishing services](#)
- Interior decoration (~~no studio permitted~~)
- Low-volume mail order or internet-based business
- [Visual and performing arts instruction with up to eight \(8\) students per day musical instruction, \(i.e. painting, pottery, voice, instruments, dance\) provided that no amplified sound can be heard off-premises](#)
- [Sports/fitness instruction with up to eight \(8\) students per day \(i.e. yoga, karate, gymnastics\)](#)
- Tutoring
- Office work
- [Animal services/pet grooming \(no boarding\)](#)
- [Personal service uses \(massage therapy, beauty shop, esthetician\)](#)
- [Federal firearms licensed professional \(no retail sales\)](#)
- [Contractor offices](#)
- Similar, low impact endeavor as determined by the Administrator

#### 5.4.2.4. Home Occupations Not Permitted

The following Uses shall not be permitted as home occupations in Residential Zoning Districts:

- [Animal boarding and outdoor kennels](#)
- Medical, dental, [chiropractic, optical, and health care offices](#)
- Motor vehicle repair or similar uses
- Temporary or permanent motor vehicle display for purposes of sale or lease, restoration or conversion,
- Automotive or engine repair
- ~~Gymnastic facilities or dance studios~~
- Outdoor recreation activities
- Medical/~~cosmetic~~ facilities for animals including animal care or boarding facilities
- Machine shop/~~metal working~~
- Retail sales
- ~~Contractor's shops~~
- Mortuaries/~~crematories~~
- Body piercing and/or painting, tattoos
- ~~Any type of physical or psycho therapy~~
- Any other use not allowed in accordance with 5.4.2.2.

#### 5.4.2.5. Unsafe Home Occupations

If any home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians on public sidewalks or motorists on public right-of-way, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Administrator shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken directing that the home occupation immediately be made safe or be terminated. The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Administrator may take any and all available enforcement actions to render the home occupation and dwelling safe. Costs incurred by the Administrator, if forced to take enforcement actions, shall be borne by the property owner and shall be treated as a zoning violation pursuant to Section 1.6 of this Ordinance.

#### 5.4.2.6. Expiration of Home Occupation Permit

The Home Occupation Permit shall lapse automatically if the property is used for non-residential purposes, [if the provisions of this ordinance are not followed](#), if the dwelling is sold or rented, if the home occupation operator dies, or if the home occupation is discontinued for a period of 180 days or more and is not renewed within 30 days after written notice from the Administrator.

**5.4.2.7. Performance Standards**

Home occupations are authorized if they comply with the performance standards set forth in Table 5.4.1. A check mark "✓" indicates that the performance standard applies in the applicable district.

A. The following performance standards shall apply to all home occupations unless otherwise stated in Section 5.4.2.8 for rural home occupations:

1. The use shall be clearly incidental and secondary to residential occupancy, shall not change the residential character of the dwelling, and shall conform with all applicable local, state, and federal regulations.
2. The use shall be conducted entirely within the interior of the residence ~~and shall not be located in an or an~~ accessory structure compliant with the standards of this Ordinance and the provisions below:
  - The accessory structure meets the principal structure setbacks for the zoning district in which the property is located.
  - The accessory structure is located in the rear yard of the property.
  - The accessory structure does not exceed the lesser of the size of the dwelling or 2,000 square feet.
3. A full-time resident operator shall be employed in the home occupation.
4. At no time shall more than one (1) non-resident employee shall be permitted on the property.
5. Not more than 6 8 clients per day (~~limit 1 visit per day per each client~~) are permitted to visit home occupation. Hours for visits shall be between the 8:00 AM and 8:00 PM.
6. Not more than 25% of the gross floor area of the principal dwelling structure shall be utilized for the home occupation. If the home occupation is located in an accessory structure, the total area for the home occupation shall not exceed 25% of the gross floor area of the principal dwelling structure.
7. Childcare home occupations shall have a maximum of 6 or fewer children (see Section 5.5.2).
8. Demonstrate that public facilities and utilities are adequate to safely accommodate equipment used for home occupation.
9. Storage of goods and materials shall be inside of an enclosed structure and shall not include flammable, combustible or explosive materials.
10. Parking shall be provided ~~only in driveway on-site~~ and shall not create hazards or street congestion. A minimum of one (1) additional parking space shall be required for a home occupation, and at no time shall a home occupation cause there to be vehicles parked on the street where there is not marked on-street parking.
11. Outside Storage of heavy equipment of more than 25,000 pounds or material shall be prohibited as part of a home occupation. Equipment of up to 25,000 pounds associated with a home occupation may only be stored on properties a minimum of one (1) acre in size in the AG and RL zoning districts. No more than two (2) pieces of equipment per acre, up to a maximum of six (6) pieces of equipment and associated hauling trailers, shall be located on the property at any one time. Such equipment shall be stored a minimum distance of the principal structure setbacks for the zoning district in which the property is located. Such storage that is less than 200 feet from the street right-of-way or adjacent residences shall be screened from view by an opaque buffer of landscaping and/or fencing that is at least the height of the equipment that it is screening. The total load of any heavy equipment and the vehicle and trailer that are hauling such equipment shall not exceed 63,000 pounds.

12. No more than three (3) commercial vehicles are to be stored on site or located on the property at any given time, provided the vehicles are owned/operated by the residents. No commercial vehicles may be stored on site on a regular basis which are not owned by persons residing on the premises.
13. No generation of dust, odors, noise, vibration, lighting, or electrical interference or fluctuation ~~shall be~~ that is perceptible beyond the property line.
14. Deliveries and pickups shall be those normally associated with residential services and shall not block traffic circulation and occur only between 8:00am and 8:00pm Monday-Saturday.

~~Obtain permits before operating home occupation, except those exempted under Section 5.4.2.5.  
+ provided all electronically amplified sound is not audible from adjacent properties or public streets.~~

**5.4.2.8. Rural Home Occupations**

- A. The following home occupations shall be permitted in the AG (Agriculture) zoning district in addition to those specified in Section 5.4.2.3 herein:
  1. Auto and engine repair work (storage of six (6) vehicles or less)
  2. Contractor’s and trade shops, indoor operations only, including electrical, plumbing, and mechanical
  3. Machine and welding shops
  4. Animal services with indoor boarding (no outdoor kennels)
  5. All home occupations permitted in the AG (Agriculture) District shall comply with the criteria of Section 5.4.2.7 Table 5.4.1 not inconsistent with this Section.
- B. Outdoor storage shall comply with the following standards:
  1. Storage shall be limited to materials related to the business and shall not involve any hazardous materials.
  2. Outdoor storage areas shall comply with Section 11.7 of this Ordinance and shall not occupy an area of land exceeding 80 square feet.
  3. Materials shall not be stacked to a height exceeding four (4) feet and shall not be visible from the public right-of-way or an adjacent lot or parcel zoned or occupied for residential use. Any screening required to comply with this subsection shall be accomplished by using wood or masonry fencing or a vegetative hedge.

~~Where a home occupation is conducted in an accessory building, such accessory building shall not exceed the lesser of the following:~~

- ~~1. The square footage of the footprint of the dwelling, or~~
- ~~2. 2,000 square feet.~~

- C. Nonresident employees may work in the home occupation as follows:
  1. Up to 1,000 square feet of floor area - one nonresidential employee
  2. 1,000 and over square feet of floor area – two (2) nonresident employees

For the purpose of this subsection, “floor area” refers to the gross floor area of the entire Dwelling Unit, and not the floor area devoted to the Home Occupation.

~~The rural home occupation shall not create any smoke, odors, dust, or noise at a level discernable at any of its lot lines.~~



**Town Board of Commissioners Meeting**

Town Hall - 8590 Park Drive Mount Pleasant, NC

Monday, March 14, 2022

6:00 PM

**To:** Mayor Eudy & Town Board of Commissioners  
**From:** Erin S. Burris, AICP, Planning & Economic Development Director  
**Date:** March 14, 2022  
**Subject:** TA 2022-01 Nonconforming and Temporary Signs

**A. BACKGROUND**

**Applicant:** Town of Mount Pleasant

**Affected Sections of MPDO:** Article 12

In order to accommodate the exchange of manual changeable copy on nonconforming signs with electronic changeable copy, amendments are proposed to Sections 12.1.12 and 12.4.3.2 (D).

In order to permit each property in Mount Pleasant to display one small temporary sign as a means of promoting economic development, an amendment is proposed to Section 12.3.3 (Table 12.3-1) to permit Type 1 Temporary Signs for all use groups in any zoning district.

**B. RELATIONSHIP TO ADOPTED PLANS & POLICIES**

The Economic Development Goal of the Town's Comprehensive Plan is to attract and retain a variety of businesses and light industry to promote a robust and diverse economic base and employment opportunities for residents.

**C. STAFF RECOMMENDATION**

Staff recommends review of the proposed amendments.

#### D. PLANNING & ZONING BOARD RECOMMENDATION

The Planning & Zoning Board voted to **recommend approval** and found that proposed amendments are consistent with the Economic Development Goal of the Town's Comprehensive Plan.

#### E. ACTION REQUESTED

Following the Public Hearing, the Town Board of Commissioners is requested to take action on one of the following items:

- **Approve and consistent:** The Town Board of Commissioners finds that proposed amendments are consistent with the Economic Development Goal of the Town's Comprehensive Plan.
- **Approve and not consistent:** The Town Board of Commissioners finds that the proposed amendments are not consistent with the Comprehensive Plan as adopted, but finds the proposed amendments to be reasonable and in the public interest and amends the Comprehensive Plan with this action to establish consistency.
- **Deny and not consistent:** The Town Board of Commissioners finds that the proposed amendment is not consistent with the Comprehensive Plan and does not consider the action to reasonable and in the public interest.
- **Defer:** The amendment needs additional consideration.

#### F. ATTACHMENTS

1. Relevant portions of Article 12 with proposed amendments

- The location of all proposed signs, including permitted mounting locations for building mounted signs.
- The type, display location, materials, size and height for any temporary signs permitted to be displayed.

The goal of the comprehensive sign package is to create an integrated typology for the permitted signs on the property subject to the approved comprehensive sign package. To that end, the proposed regulations shall be designed in a manner to require the use of signage with common characteristics both within individual sign types and across the various types of signs.

**12.1.11. COMMON SIGNAGE PLANS REQUIRED**

Where multiple building mounted signs of the same type (including wall, projecting and awning signs) are proposed for display on a building or group of buildings situated upon the same property or within a common development, such as a shopping center, the owner or developer shall submit a common signage plan that details a uniform approach to the permitted sign material(s), type of illumination and style of signage. Following the submission of the common signage plan, all signs installed within the area covered by the plan shall conform to the submitted plan. Common signage plans may only be altered following their submission if the original applicant or their successor agrees to modify all affected signage within the area covered by the plan to meet the new standard.

**12.1.12. NONCONFORMING SIGNS**

~~In the interest of encouraging the eventual removal of signs that do not meet the current standards of the ordinance, the following standards are established to require the removal of nonconforming signs under certain circumstances.~~

**12.1.12.1. Discontinuance of Occupancy and/or Use**

Where one or more nonconforming signs are located on a parcel of land or building whose occupancy or use has been discontinued for a period of 180 consecutive days, such nonconforming sign(s) shall be removed, replaced or otherwise brought into conformance with the current standards of this Ordinance prior to the reestablishment of occupancy or use of the building or land associated with such sign(s).

**12.1.12.2. Removal or Damage**

Nonconforming signs that are voluntarily removed, or which are damaged to an extent greater than or equal to 50% of their replacement value, shall not be reestablished or repaired except in full conformance with the current standards of this Ordinance. The removal of a sign shall include situations in which the face or faces are removed from a nonconforming sign structure and not replaced within 180 days of the date of their removal.

**12.1.12.3. Exchanging Manual Changeable Copy to Electronic Changeable Copy on a Nonconforming Sign**

Where an existing ground sign which is nonconforming as to area or height contains manual changeable copy, the manual changeable copy portion of the sign may be exchanged for electronic changeable copy provided that the sign otherwise conforms with Section 12.4.3.2 (D) of this Article.

**12.1.12.4. Exceptions**

Signs that were permitted in accordance with the standards of an overlay district or other conditional district shall be exempt from the requirements of this section.

TABLE 12.3-1: FREESTANDING TEMPORARY SIGN CRITERIA

Criteria	Type 1	Type 2	Type 3	Type 4
Zoning District	Any district	Any District	Any District	CC, C-1, C-2, CD
Registration Required	No	No	Yes	No
Land Use	<p><u>All Use Groups</u></p> <ul style="list-style-type: none"> <li>Residential Use Group for lots or developments of 3 acres or less</li> <li>Vacant or undeveloped properties of 1 acre or less</li> </ul>	<ul style="list-style-type: none"> <li>Institutional and Civic Use Group</li> </ul>	<ul style="list-style-type: none"> <li>Residential Use Group for lots or developments of greater than 3 acres</li> <li>Vacant or undeveloped properties of greater than 1 acre</li> <li>Any property with a minimum of 200 feet of frontage on a public right-of-way</li> </ul>	<ul style="list-style-type: none"> <li>Institutional and Civic Use Group</li> <li>Professional Office/Business Services Use Group</li> <li>Retail Trade Use Group</li> </ul>
Max. Size <sup>1</sup> (square feet)	6	18	18	6
Max. Height (feet)	4	4	6	4
Number Permitted <sup>2</sup>	1	1	1	1 per customer entrance <sup>4</sup>
Max. Duration	No Limit	7 days up to 12 times per calendar year	2 years <sup>3</sup>	Between daily opening and closing
Mounting	Supported by posts or stakes	Supported by posts or stakes	Supported by a minimum of 2 posts or stakes	A-frame
Material	Rigid	Flexible	Rigid	Rigid
Other	NCGS 136-32 applies within state rights-of-way		Shall not be displayed upon a parcel that contains a permanent freestanding sign.	<ul style="list-style-type: none"> <li>Shall be located within 10 feet of building wall and within 10 feet of a customer entrance</li> <li>May be located on sidewalk if with a minimum 3-foot clearance</li> <li>Shall not be placed in a landscaped area or parking area or driveway</li> </ul>

<sup>1</sup>The display area may be either single or dual-sided, but shall not consist of more than one (1) distinct component.

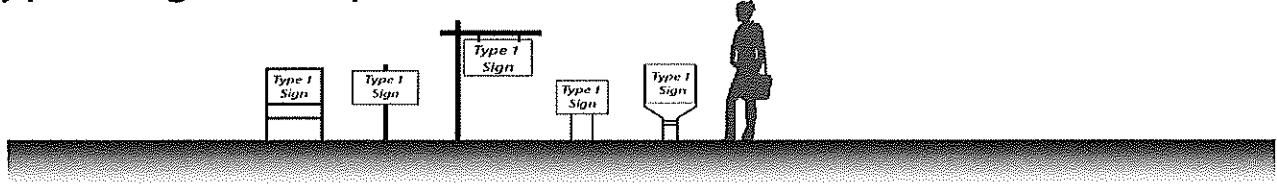
<sup>2</sup>Per parcel or group of adjacent parcels under common ownership or tenancy

<sup>3</sup>Provided that this limit shall not be apply if the land, and any building(s) and/or structure(s) upon such parcel or group of parcels is not occupied or in active use for purposes other than a use in the Residential Use Group at any time during the period of display.

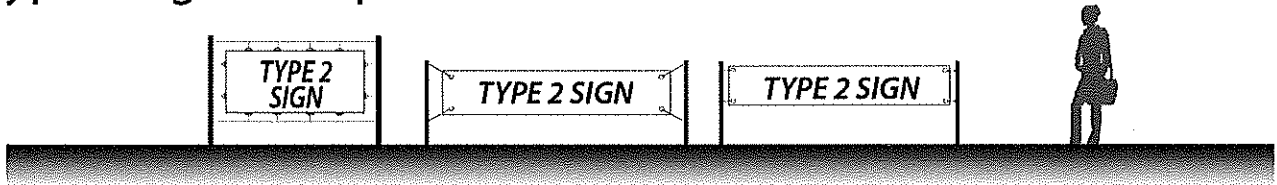
<sup>4</sup>Provided there is a separation of a minimum of 50 feet if there is more than one customer entrance per tenant space.

Figure 12-4: Temporary Freestanding Sign Examples

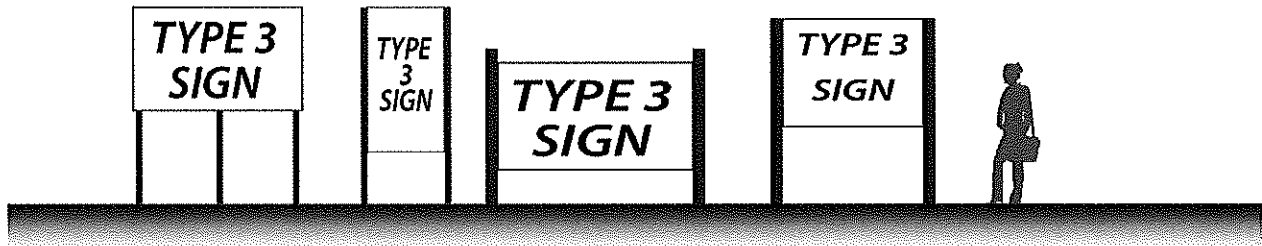
Type 1 Sign Examples



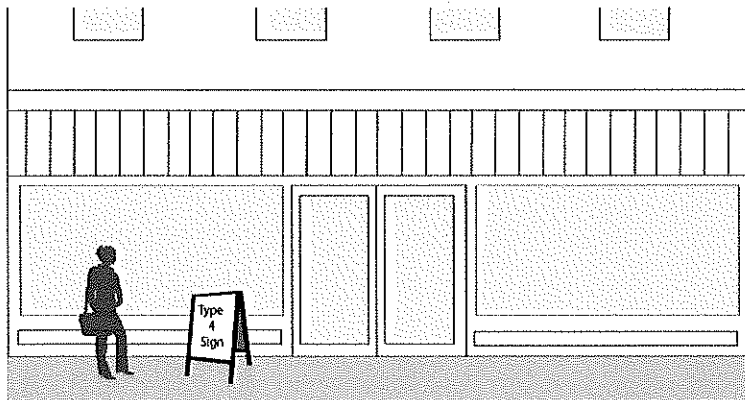
Type 2 Sign Examples



Type 3 Sign Examples



Type 4 Sign Example



**12.4.3. GROUND SIGNS**

A freestanding sign located on-site that is permanently mounted to the ground shall meet the following requirements and are subject to the issuance of a Zoning Permit.

**12.4.3.1. District and Size Standards**

District	Sign Allowed	Type Allowed (See Fig. 12-9)	Max. Area (square feet)	Max. Height (feet)	Max. Number (per street frontage)	Other
AG	PL*	monument, arm	16	4	1	Freestanding ground signs are permitted in association with any principal nonresidential use in any zoning district. Freestanding ground signs may also be established in association with multi-family residential developments containing 16 or more dwelling units and single family residential subdivisions containing 24 or more individual lots.
RE	PL*	monument, arm	16	4	1	
RL	PL*	monument, arm	16	4	1	
RM	PL*	monument, arm	16	6	1	
RH	PL*	monument, arm	16	6	1	
O-I	PL	monument, arm	24	6	1	
CC	PL	monument, arm	24	4	1	
C-1	PL	monument, arm	32 sf + 8 sf per tenant up to 100 sf	6	1	
C-2	PL	monument, arm, encased pole, multi-tenant pylon	40 sf + 8 sf per tenant up to 100 sf	8 (20 ft on NC Hwy. 49)	1 for every 300 feet of frontage	
CD	PL	monument, arm	40 sf + 8 sf per tenant up to 100 sf	8	1 for every 300 feet of frontage	
I-1	PL	monument, arm	40 sf + 8 sf per tenant up to 100 sf	6	1 for every 300 feet of frontage	
I-2	PL	monument, arm	40 sf + 8 sf per tenant up to 100 sf	6	1 for every 300 feet of frontage	

P: Sign permitted for non-residential uses and development entrances

L: Illumination Allowed

\*: External illumination only

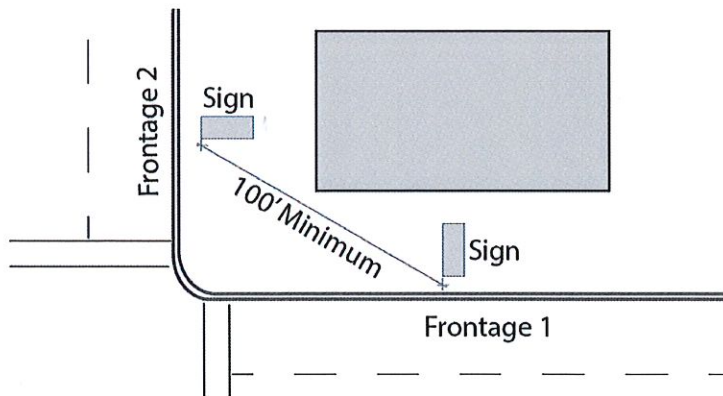
FIGURE 12-9: GROUND SIGN TYPES



12.4.3.2. Design Standards

- A. Freestanding ground signs shall not be located within 50 feet of any other freestanding ground sign unless the signs are separated by a street right-of-way. Freestanding ground signs shall not encroach into a street right-of-way or be located in any required sight triangle.
- B. One (1) freestanding ground sign may be displayed per road frontage, provided that where there are multiple road frontages, signs on the subject parcel may not be placed within 100 feet of each other as measured in a straight line.

FIGURE 12-8: MINIMUM SEPARATION FOR SIGNS ON SEPARATE FRONTAGES



- C. Manual or analog changeable copy area may be included on any freestanding sign. The area devoted to changeable copy shall be limited to 75% of the total area of the sign face for signs in the C-1, C-2, I-1, and I-2 districts. In all other districts, the maximum changeable copy shall be limited to 50% of the total area of the sign face.
- D. Electronic changeable copy area may be included on any conforming freestanding sign in the O-1, C-1, C-2, I-1, and I-2 districts. The area devoted to electronic changeable copy shall be limited to 75% of the total area of the sign face. All signs that include an electronic changeable copy feature shall meet the minimum North Carolina Department of Transportation requirements for lighting and message duration contained in NC Administrative Code 2E.0203(3a-c & 4a (i-iii)).
- E. All freestanding signs located within parking or vehicular use areas, and not in yard areas, shall stand in a bed of landscaping at least 30 square feet in area. This area shall contain low growing materials such as ground covers, perennials, and shrubs, and shall be bordered by acceptable curbing materials as specified in Article 8 of this Ordinance.

**12.4.4. INCIDENTAL SIGNS**

A freestanding sign located on-site that is permanently mounted to the ground shall meet the following requirements. Zoning Permits are not required for incidental signs.

**12.4.4.1. Entrance Drive Signage**

One (1) sign, not exceeding four (4) square feet in area, may be displayed on each side of the street entrance to the parking area or internal driveway network of a nonresidential use. Such signs shall not exceed three (3) feet in height, and shall be located within 15 feet of the intersection of the driveway with the right-of-way.

**12.4.4.2. Drive-through Signage**

One (1) sign, not to exceed 32 square feet in area may be displayed immediately adjacent to a drive through service lane. Such signs shall be oriented to face the drive through service lane.

**12.4.4.3. Small Incidental Signs**

Permanently installed signs smaller than two (2) square feet in area may be displayed without limitation as to number or location, provided that such signs are mounted or affixed to an occupiable building or other structure subject to regulation by the North Carolina Building Code. Such signs shall not be installed at a height greater than six (6) feet. Only signs installed greater than 30 feet from a street right-of-way shall qualify for this exemption.

**12.4.4.4. Regulatory Signs**

Signs required to be installed by any local, state, or federal rule, regulation or ordinance may be displayed in accordance with the standard establishing their size and placement. Examples of such signs include required building address signs and fire safety signage.

**12.4.5. PERMANENT FLAG DISPLAYS**

Up to three (3) flags may be displayed on an individual parcel of land or on an individual building within a combined development. Flags may be mounted on poles not exceeding 30 feet in height when associated with a residential use or 50 feet when associated with a nonresidential use. When mounted to a building wall that is permitted for the display of a wall sign, the size of the flags shall not exceed the maximum permitted wall sign area for that building wall. In no case shall building mounted flag poles extend above the top of the building wall to which they are attached. Zoning Permits are not required for permanent flag displays.



## Town Board of Commissioners Meeting

Town Hall - 8590 Park Drive Mount Pleasant, NC

Monday, March 14, 2022

6:00 PM

**To:** Mayor Eudy and Town Board of Commissioners

**From:** Erin S. Burris, AICP, Planning & Economic Development Director

**Date:** March 14, 2022

**Subject:** TA 2022-02 Flag Lots

### A. BACKGROUND

**Applicant:** Town of Mount Pleasant

**Affected Sections of MPDO:** Section 6.6.6

The proposed amendments would restrict flag lots from taking access on major thoroughfares and increase the minimum street frontage to 22 feet for residential lots and 44 feet for non-residential lots to match the driveway standards of Appendix D.

### B. RELATIONSHIP TO ADOPTED PLANS & POLICIES

Strategy IS7 of the Town's Comprehensive Plan is to:

"Pursue access management and aesthetic improvements through reduced curb cuts, streetscape enhancements, and interdevelopment connectivity between adjacent sites."

The proposed amendment would improve access management by reducing the number of lots and driveways directly accessing major thoroughfares.

### C. STAFF RECOMMENDATION

Staff recommends review of the proposed amendments.

#### D. PLANNING & ZONING BOARD RECOMMEDATION

The Planning & Zoning Board voted to **recommend approval** and found that proposed amendments are consistent with strategy IS7 of the Town's Comprehensive Plan.

#### E. ACTION REQUESTED

Following the Public Hearing, the Town Board of Commissioners on one of the following items:

- **Approve and consistent:** The Town Board of Commissioners finds that proposed amendments are consistent with strategy IS7 of the Town's Comprehensive Plan.
- **Approve and not consistent:** The Town Board of Commissioners finds that the proposed amendments are not consistent with the Comprehensive Plan as adopted, but finds the proposed amendments to be reasonable and in the public interest and amends the Comprehensive Plan with this action to establish consistency.
- **Deny and not consistent:** The Town Board of Commissioners finds that the proposed amendment is not consistent with the Comprehensive Plan and does not consider the action to reasonable and in the public interest.
- **Defer:** The amendment needs additional consideration.

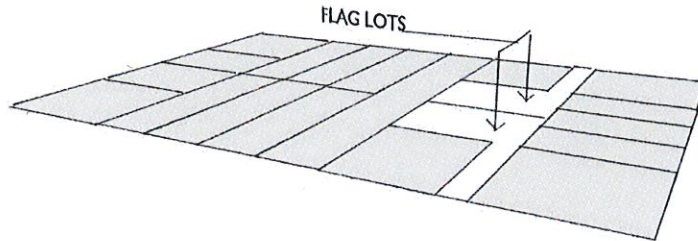
#### F. ATTACHMENTS

1. Section 6.6.6 showing proposed amendments

**6.6.6. FLAG LOTS**

- A. Flag lots may be developed on a limited basis where individual development of each lot is contemplated and the Administrator determines that no future street access through the property will be needed. Flag lots may be used to better use irregularly shaped or unusually deep properties or sites with physical limitations, ~~or to eliminate or reduce access to a thoroughfare or collector street.~~ Flag lots shall not be permitted except as provided for in this section.

**Figure 6.6-1: Flag Lots**



- B. Flag lots shall not take access from any major thoroughfares (Highway 49, Highway 73, Main Street, Mount Pleasant Road N., Mount Pleasant Road S.).
- C. The maximum number of flag lots shall be set forth in Table 6.6-2:

**Table 6.6-2. Maximum Number of Flag Lots\***

Size of Subdivision	Maximum Number of Flag Lots
2 – 20 lots	1 lot
Over 20 lots	1 per every 20 lots

\*This table does not apply to the AG District. The AG district does not have a limit on the number of flag lots. The Administrator may approve additional flag lots if evidence is presented that physical hardships prevent development of land using conventional lot design.

- D. The minimum width of the “pole” portion of a flag lot shall be ~~22~~ 15-feet (subject to residential driveway standards) for residential lots and ~~44~~ 30 feet for non-residential lots.
- E. The “pole” portion of the lot shall have a maximum length not exceeding the following for each district:

**Table 6.6-3 Flag Lot Depth Requirements**

Zoning District	Maximum “Pole” Length (in feet)
AG, RE, RL	400
RM, RH, CC, C-1	200
C-2, I-1, I-2	250
PUD	Not permitted

# Mount Pleasant

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North Carolina

*Founded in 1848*

**Agenda Item:**

Revised Development Agreement for REZ 2017-01/SUB 201-01 Green Acres

**Narrative:**

Public Hearing to review terms of proposed revised development agreement to establish responsibilities for utilities installation and service.

A copy of the draft agreement will be sent later this week.

**Recommendation:**

Open

# Mount Pleasant

North Carolina

*Founded in 1848*

**Agenda Item:**

Code of Ordinances-Part 5 Municipal Utilities

**Narrative:**

Updates for consistency with current practices and statutes.

*(Erin will have information available for you by end of week)*

**Recommendation:**

Open

# Mount Pleasant

North Carolina

*Founded in 1848*

**Agenda Item:**

Code of Ordinances-Part 7 Motor Vehicles and Traffic

**Narrative:**

Discussion regarding speed, on-street parking, one-way streets, and low speed vehicles

Erin Burris would like the Boards direction on what changes they see are needed. A copy of the current Ordinance is included.

**Recommendation:**

Open

## PART 7

### Motor Vehicles and Traffic

#### CHAPTER 1

#### General Traffic Regulations

##### Article A

###### Words and Phrases Defined

- Section 7-1001 Definitions of words and phrases.  
Section 7-1002 through 7-1010 reserved.

##### ARTICLE B

###### Traffic Administration

- Section 7-1011 Registrar of motor vehicles  
Section 7-1012 Same; to issue licenses.  
Section 7-1013 Motor vehicles required to be registered; period of registrations; fee.  
Section 7-1014 Display of licenses.  
Section 7-1015 through 7-1020 reserved.

##### ARTICLE C

###### Enforcement of and Obedience to Traffic Regulations

- Section 7-1021 Authority of Police and Fire Department officials  
Section 7-1022 Obedience to Police and Fire Department officials.  
Section 7-1023 Persons propelling push carts or riding animals to obey traffic regulations  
Section 7-1024 Use of coasters, roller skates, and similar devices restricted.  
Section 7-1025 Public employees to obey traffic regulations.  
Section 7-1026 Authorized emergency vehicles.  
Section 7-1027 through 7-1030 reserved

##### ARTICLE D

###### Traffic Control Devices

- Section 7-1031 Authority to install traffic-control devices.  
Section 7-1032 Specifications for traffic-control devices.  
Section 7-1033 Obedience to official traffic-control devices.  
Section 7-1034 When traffic devices required for enforcement purposes.  
Section 7-1035 Traffic-control signal legend.  
Section 7-1036 Pedestrian control signals.  
Section 7-1037 Flashing signals.  
Section 7-1038 Display of unauthorized signs, signals, or markings.  
Section 7-1039 Interference with official traffic-control devices or railroad signs and signals.  
Section 7-1040 Authority to establish play streets  
Section 7-1041 Traffic lanes.  
Section 7-1042 through 7-1050 reserved.

##### ARTICLE E

###### Speed Regulations

- Section 7-1051 General.  
Section 7-1052 Exceptions.  
Section 7-1053 through 7-1060 reserved.

## ARTICLE F

### Turning Movements

- Section 7-1061 Required position and method of turning at intersections.  
Section 7-1062 Turning markers.  
Section 7-1063 Authority to place restricted turn signs.  
Section 7-1064 Obedience to no-turn signs.  
Section 7-1065 Limitations on turning around.  
Section 7-1066 through 7-1070 reserved.

## ARTICLE G

### One-Way Streets and Alleys

- Section 7-1071 Authority to sign one-way streets and alleys.  
Section 7-1072 One-way streets and alleys.  
Section 7-1073 through 7-1080 reserved.

## ARTICLE H

### Special Stops Required.

- Section 7-1081 Through streets designated.  
Section 7-1082 Authority to erect stop signs.  
Section 7-1083 Intersections where stop required.  
Section 7-1084 Signs to bear the word "Stop".  
Section 7-1085 Vehicles to stop at stop signs.  
Section 7-1086 Emerging from alley, driveway, or building.  
Section 7-1087 Stop when traffic obstructed.  
Section 7-1088 Obedience to signal indicating approach of railroad train.  
Section 7-1089 through 7-1090 reserved.

## ARTICLE I

### Miscellaneous Driving Rules

- Section 7-1091 Driving through funeral or other procession.  
Section 7-1092 Drivers in a procession.  
Section 7-1093 Funeral processions to be identified.  
Section 7-1094 Vehicles shall not be driven on a sidewalk.  
Section 7-1095 Limitations on backing.  
Section 7-1096 Riding on motorcycles.  
Section 7-1097 Clinging to vehicles.  
Section 7-1098 Controlled access.  
Section 7-1099 through 7-1100 reserved.

## ARTICLE J

### Pedestrians Rights and Duties

- Section 7-1101 Pedestrians subject to traffic-control signals.  
Section 7-1102 Pedestrians' right-of-way in crosswalk.  
Section 7-1103 Pedestrians to use right half of crosswalk.  
Section 7-1104 Crossing at right angles.  
Section 7-1105 When pedestrian shall yield.  
Section 7-1106 Prohibited crossing.  
Section 7-1107 Pedestrians walking along roadways.  
Section 7-1108 Pedestrians soliciting rides or business.  
Section 7-1109 Drivers to exercise due care.  
Section 7-1110 reserved.

## ARTICLE K

### Regulations for Bicycles

- Section 7-1111 Effect of regulations.  
Section 7-1112 Traffic laws apply to persons riding bicycles.  
Section 7-1113 Obedience to traffic control devices.  
Section 7-1114 Riding on bicycles.  
Section 7-1115 Riding on roadways and bicycle paths.  
Section 7-1116 Speed.  
Section 7-1117 Emerging from alley or driveway.

- Section 7-1118 Carrying articles.
- Section 7-1119 Parking.
- Section 7-1120 Riding on sidewalks.
- Section 7-1121 Lamps and other equipment on bicycles.
- Section 7-1122 through 7-1130 reserved.

ARTICLE L

Method of Parking

- Section 7-1131 Standing or parking close to curb.
- Section 7-1132 Signs or markings indicating angle parking.
- Section 7-1133 Obedience to angle-parking signs or markings.
- Section 7-1134 Lights on parked vehicles.
- Section 7-1135 through 7-1140 reserved.

ARTICLE M

Stopping, Standing or Parking  
Prohibited in Specified Places

- Section 7-1141 Stopping, standing, or parking prohibited. No signed required.
- Section 7-1142 Parking not to obstruct traffic.
- Section 7-1143 Parking in alleys.
- Section 7-1144 Reserved.
- Section 7-1145 Parking for certain purposes prohibited.
- Section 7-1146 Parking adjacent to schools.
- Section 7-1147 Standing or parking on one-way roadways.
- Section 7-1148 No stopping, standing, or parking near hazardous or congested places.
- Section 7-1149 through 7-1150 reserved.

ARTICLE N

Stopping for Load or  
Unloading Only

- Section 7-1151 Loading and unloading zones.
- Section 7-1152 Passenger loading zones.
- Section 7-1153 Commercial loading zones.
- Section 7-1154 Public carrier stops and stands.
- Section 7-1155 Stopping, standing, and parking of busses and taxicabs regulated.
- Section 7-1156 Restricted use of bus and taxicab stands.
- Section 7-1157 through 7-1160 reserved.

ARTICLE O

Stopping, Standing or  
Parking Restricted or  
Prohibited on Certain Streets

- Section 7-1161 Application of article.
- Section 7-1162 Regulations not exclusive.
- Section 7-1163 Parking prohibited at all times on certain streets.
- Section 7-1164 Parking time limited on certain streets.
- Section 7-1165 Parking signs required.

ARTICLE A

Words and Phrases Defined

Section 7-1001 Definitions of words and phrases.

The following words and phrases when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them in this article:

(1) **Alley.** A thoroughfare through the middle of a block.

(2) **Authorized Emergency Vehicle.** Vehicles of the Fire Department, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Chief of Police.

(3) **Bicycle.** Every device propelled by human power upon which any person may ride, having two (2) tandem wheels.

(4) **Commercial Vehicle.** Every vehicle designed, maintained or used primarily for the transportation of property.

(5) **Controlled-access Highway.** Every highway, street, or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

(6) **Crosswalk.** The part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(7) **Curb Loading Zone.** A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(8) **Driver.** The operator of a vehicle.

(9) **Fright Curb Loading Zone.** A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

(10) **Intersection.** The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral edge of roadway lines of two (2) or more highways which join one another at any angle whether or not one (1) such highway crosses the other. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway be an intersecting highway shall be regarded as a separate intersection. In the event that such intersecting highway also included two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

(11) **Laned Roadway.** A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

(12) **Motorcycle.** Every motor vehicle having a saddle for the use of the rider and designated to travel on not more than three (3) wheels in contact with the ground, including motor scooters and motor-driven bicycles but excluding tractors and utility vehicles equipped with an additional form or device designated to transport property, and three (3) wheeled vehicles while being used by law enforcement agencies.



(13) **Motor Vehicle.** Every vehicle which is self-propelled and every vehicle designated to run upon the highways which is pulled by a self-propelled vehicle.

(14) **Official Time Standard.** Whenever certain hours are named herein they shall mean standard time or daylight savings time as may be in current use in the Town.

(15) **Official Traffic-control Devices.** All signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(16) **Park.** When prohibited means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

(17) **Passenger Curb Loading Zone.** A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(18) **Pedestrian.** Any person afoot.

(19) **Person.** Every individual, firm, partnership, associations, corporation, governmental agency, or combination thereof of whatsoever form or character.

(20) **Police Officer.** Every officer of the municipal Police Department or any officer authorized to direct or regulate traffic or to make arrest for violations of traffic regulations.

(21) **Private Road or Driveway.** Every road or driveway not open to the use of the public as a matter of right for the purpose of vehicular traffic. The terms "highway" or "street" or a combination of the two terms shall be used synonymously.

(22) **Railroad.** A carrier of persons or property upon cars operate upon stationary rails.

(23) **Railroad Train.** A steam engine, electric or other motor, with or without cars coupled therefore, operated upon rails.

(24) **Right-of-way.** The privilege of the immediate use of the roadway.

(25) **Roadway.** That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(26) **Safety Zone.** Traffic island or other space officially set aside within a roadway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

(27) **Sidewalk.** That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

(28) **Stop.** When required means complete cessation of movement.

(29) **Stop.** Stopping, or Standing. When prohibited means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

(30) **Street or Highway.** The entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms "highway" or "street" or a combination of the two terms shall be used synonymously.

(31) **Through Highway.** Every street or highway or portion thereof at the entrances to which vehicular traffic from intersection streets or highways is required by law to stop before entering or crossing the same when stop signs are erected as provided in this chapter.

(32) **Traffic.** Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any street for purposes of travel.

(33) **Traffic-controlled Signal.** Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(34) **Traffic Division.** The Traffic Division of the Police Department of the Town, or in the event a Traffic Division is not established, then said term whenever used herein shall be deemed to refer to the Police Department of the Town.

(35) **Vehicle.** Every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purpose of this chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this chapter applicable to the driver of a vehicle except those which by their nature can have no application.

Section 7-1002 through 7-1010 reserved.

**ARTICLE B**

**Traffic Administration**

**(Reserved)**

**ARTICLE C**

**Enforcement of and Obedience to Traffic Regulations**

**Section 7-1021 Authority of Police and Fire Department officials.**

(a) It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police, to enforce all street traffic laws and all of the State vehicle laws applicable to street traffic.

(b) Officers of the Police Department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(c) Officers of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

**Section 7-1022 Obedience to Police and Fire Department officials.**

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or Fire Department official.

**Section 7-1023 Persons propelling push carts or riding animals to obey traffic regulations.**

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which, by their very nature, can have no application

**Section 7-1024 Use of coasters, roller skates, and similar devices restricted.**

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all the rights and shall be subject to all the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinance.

**Section 7-1025 Public employees to obey traffic regulations.**

The provisions of this chapter shall apply to the driver of any vehicle owned by, or used in the service of, the United States Government, this State, County or Town, and it shall be unlawful for any said driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter, or by State statute.

**Section 7-1026 Authorized emergency vehicles.**

(a) The provisions of this chapter regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles, as defined in this chapter except as follows:

A driver when operating such vehicle in any emergency, except when otherwise directed by a police officer, may:

- (1) Park or stand, notwithstanding the provisions of this chapter.
- (2) Proceed past a red or stop signal, or stop sign, but only after slowing down as may be necessary for safe operation.
- (3) Exceed the prima facie speed limits so long as he does not endanger life or property; or
- (4) Disregard regulations governing direction of movement, or turning in specified directions so long as he does not endanger life or property.

(b) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his reckless disregard of the safety of others.

**Section 7-1027 through 7-1030 reserved.**

**ARTICLE D**

**Traffic-Control Devices**

**Section 7-1031 Authority to install traffic-control devices.**

The Town shall place and maintain traffic control signs, signals, and devices when and as required under the traffic ordinances to make effective the provisions of said ordinances and may place and maintain such additional traffic control devices to regulate traffic under the traffic ordinances of the Town or under State law, or to guide or warn traffic.

**Section 7-1032 Specifications for traffic-control devices.**

All traffic-control signs, signals, and devices shall conform to State regulations. All signs and signals required hereunder for a particular purpose shall as far as practicable be uniform as to type and location. All traffic-control devices so erected and not inconsistent with the provisions of State law or this article shall be official traffic-control devices.

**Section 7-1033 Obedience to official traffic-control devices.**

The driver of any vehicle shall obey the directions of any official traffic control device applicable thereto and placed in accordance with the traffic ordinances of the Town, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

**Section 7-1034 When traffic devices required for enforcement purposes.**

No provisions of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation and official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

**Section 7-1035 Traffic-control signal legend.**

Whenever traffic is controlled by traffic-control signals exhibiting the words "Go", "Caution", or "Stop", or exhibiting different colored lights successively one at a time, or with arrows, the

following colors only shall be used and said terms and light shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green alone or "Go".

a. Vehicle traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Yellow alone or "Caution" when shown following the green or "Go" signal.

a. Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

b. No pedestrian facing such signal shall enter the roadway until the green or "Go" is shown alone unless authorized to do so by a pedestrian "Walk" signal.

(3) Red alone or "Stop".

a. Vehicular traffic facing such signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone, provided however, that if a sign is not erected prohibiting turns on red lights, then vehicles may turn right on red lights after coming to a complete stop.

b. No pedestrian facing such signal shall enter the roadway until the green or "Go" is shown alone unless authorized to do so by a pedestrian "Walk" signal.

(4) Red with green arrow.

a. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

b. No pedestrian facing such signal shall enter the roadway until the green or "Go" is shown alone unless authorized to do so by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the

pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

#### **Section 7-1036 Pedestrian control signals.**

Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" are in place such signals shall indicate as follows:

(1) Walk. Pedestrians facing such signal may proceed across the highway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) Don't Walk. No pedestrian shall start to cross the highway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "Walk" sign shall proceed to a sidewalk or safety island while the "Don't Walk" signal is showing.

#### **Section 7-1037 Flashing signals.**

(a) Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

(1) Flashing Red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) Flashing Yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by rules set forth in section 7-1088.

#### **Section 7-1038 Display of unauthorized signs, signals, or markings.**

(a) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is in imitation of or resembles an official traffic-control device or railroad sign or signal or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(d) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

**Section 7-1039 Interference with official traffic-control devices or railroad signs or signals**

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

**Section 7-1040 Authority to establish play streets.**

(a) The Board shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

(b) Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

**Section 7-1041 Traffic lanes.**

Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

**Section 7-1042 through 7-1050 reserved.**

**ARTICLE E**

**Speed Regulation**

**Section 7-1051 General.**

Except as otherwise provided in this article, it shall be unlawful to operate a vehicle in excess of thirty-five (35) miles per hour inside the municipal corporate limits.

**Section 7-1052 Exceptions.**

It shall be unlawful to operate a vehicle in excess of the speeds listed below upon the streets or portions of streets of the State Highway System listed in each designated Appendix hereby made a part hereof:

- (1) Twenty (20) miles per hour (Appendix I, Section 115)
- (2) Twenty-five (25) miles per hour (Appendix I, Section 116)
- (3) Thirty (30) miles per hour (Appendix I, Section 117)
- (4) Forty (40) miles per hour (Appendix I, Section 118)
- (5) Forty-five (45) miles per hour (Appendix I, Section 119)
- (6) Fifty (50) miles per hour (Appendix I, Section 120)
- (7) Fifty-Five (55) miles per hour (Appendix I, Section 121)

It shall be unlawful to operate a vehicle in excess of the speeds listed below upon the streets or portions of streets, not a part of the State Highway System, listed in each designated Appendix, hereby made a part hereof:

- (8) Fifteen (15) miles per hour (Appendix I, Section 122-a)
- (9) Twenty (20) miles per hour (Appendix I, Section 122-b)
- (10) Twenty-five (25) miles per hour (Appendix I, Section 123)
- (11) Thirty (30) miles per hour (Appendix I, Section 124)
- (12) Forty (40) miles per hour (Appendix I, Section 125)
- (13) Forty-five (45) miles per hour (Appendix I, Section 126)
- (14) Fifty (50) miles per hour (Appendix I, Section 127)
- (15) Fifty-Five (55) miles per hour (Appendix I, Section 128)

**Section 7-1053 through 7-1060 reserved.**

## **ARTICLE F**

### **Turning Movements**

#### **Section 7-1061 Required position and method of turning at intersections.**

The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) Left turns on two-way roadways. Any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and, after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) Left turns on other than two-way roadways. Any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

#### **Section 7-1062 Turning markers.**

When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning there at, no driver of a vehicle shall disobey the direction of such indications.

#### **Section 7-1063 Authority to place restricted turn signs.**

The Council shall determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn and shall place proper signs at such intersections. The marking of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted. Restrictions on turning movements shall be as specified in

Appendix I, Sections III through I 14, hereby incorporated herein.

#### **Section 7-1064 Obedience to no-turn signs.**

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

#### **Section 7-1065 Limitations on turning around.**

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite directions upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

#### **Section 7-1066 through 7-1070 reserved.**

## ARTICLE G

### One-way Streets and Alleys

#### **Section 7-1071 Authority to sign one-way streets and alleys.**

Whenever any ordinance designates any one-way street or alley there shall be signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movements shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

#### **Section 7-1072 One-way streets and alleys.**

Upon those streets and parts of streets and in those alleys described in Appendix I, Section 110, hereby made a part hereof, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

#### **Section 7-1073 through 7-1080 reserved.**

## ARTICLE H

### Special Stops Required

#### **Section 7-1081 Through streets designated.**

Those streets and parts of streets described in Appendix I, Section 108, hereby made a part hereof, are declared to be through streets for the purpose of this article.

#### **Section 7-1082 Authority to erect stop signs.**

Whenever any ordinance designates and describes a through street, there shall be a stop sign on each and every street intersection such through street or intersecting that portion thereof described and designated as such by any ordinance unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets.

#### **Section 7-1083 Intersection where stop required.**

The Board may determine and designate intersections where particular hazard exists upon other than through streets and may determine whether vehicles shall stop at one (1) or more entrances to any such stop intersection, and shall erect a stop sign at every such place where a stop is required. Such places are specified in Appendix I, Section 109, hereby made a part hereof.

#### **Section 7-1084 Signs to bear the word "Stop."**

Every sign erected pursuant to this article shall bear the word "Stop" in letters not less than eight (8) inches in height and such signs shall at nighttime be rendered luminous by steady or flashing internal illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign. Every stop sign shall be located as near as practicable at the nearest line of the crosswalk on the near side of the intersection or, if none, at the nearest line of the roadway.

#### **Section 7-1085 Vehicles to stop at stop signs.**

When stop signs are erected as herein authorized at or near the entrance of any intersection, every driver of a vehicle shall stop before entering the crosswalk on the near side of the intersection or in the event there is no crosswalk shall stop at a clearly

marked line, but if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersection roadway before entering the intersection except when directed to proceed by a police officer or traffic-control signal.

**Section 7-1086 Emerging from alley, driveway, or building**

The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, yielding the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

**Section 7-1087 Stop when traffic obstructed.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians notwithstanding any traffic-control signs indication or proceed.

**Section 7-1088 Obedience to signal indicating approached of railroad train.**

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

(3) A railroad train approaching within approximately fifteen hundred (1500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or

(4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

**Section 7-1089 through 7-1090 reserved.**



## ARTICLE I

### Miscellaneous Driving Rules

#### **Section 7-1091 Driving through funeral or other procession.**

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this article. This provision shall not apply at intersections where traffic is controlled by traffic-control signs or police officers.

#### **Section 7-1092 Drivers in a procession.**

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

#### **Section 7-1093 Funeral processions to be identified.**

A funeral composed of a procession of vehicles shall be identified as such by burning the headlights on each vehicle.

#### **Section 7-1094 Vehicles shall not be driver on a sidewalk.**

The driver of a vehicle shall not drive within any sidewalk area except as a permanent or temporary driveway.

#### **Section 7-1095 Limitations on backing.**

The driver of a vehicle shall not back the same into any intersection, or over a crosswalk, and shall not in any event, or at any place, back a vehicle unless such movement can be made in safety and he shall have given ample warning to those who may be behind by hand and horn or other signal.

#### **Section 7-1096 Riding on motorcycles.**

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator.

#### **Section 7-1097 Clinging to vehicles.**

Any person riding upon any bicycle, motorcycle, coaster, sled, roller-skates, or any toy vehicle, shall not attach same, or himself, to any public conveyance, or moving vehicle upon any roadway.

#### **Section 7-1098 Controlled access.**

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

#### **Section 7-1099 through 9-1100 reserved.**

## ARTICLE J

### Pedestrians' Rights and Duties

#### Section 7-1101 Pedestrians subject to traffic-control signals.

Pedestrians shall be subject to traffic-control signals as heretofore declared in sections 7-1035 and 7-1036 of this chapter, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this article.

#### Section 7-1102 Pedestrians' right-of-way in crosswalk.

(a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be, to yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle, which is so close that it is impossible for the driver to yield. A pedestrian's right-of-way in a crosswalk is modified under the condition and as stated in Section 7-1106(b).

(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

#### Section 7-1103 Pedestrians to use right half of crosswalk.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

#### Section 7-1104 Crossing at right angles.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

#### Section 7-1105 When pedestrians shall yield.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway;

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway;

(c) The foregoing rules in this section have no application under the conditions stated in section 7-1106 when pedestrians are prohibited from crossing at certain designated places.

#### Section 7-1106 Prohibited crossing.

(a) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

(b) No pedestrians shall cross a roadway other than in a crosswalk in any business district.

#### Section 7-1107 Pedestrians walking along roadway.

(a) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

#### Section 7-1008 Pedestrians soliciting rides or business.

(a) No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

(b) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of a vehicle while parked or about to be parked on a street or highway.

#### Section 7-1009 Drivers to exercise due care.

Notwithstanding the foregoing provisions of this article every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

#### Section 7-1110 reserved.

## ARTICLE K

### Regulations for Bicycles

#### Section 7-1111 Effect of regulations.

(a) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.

(b) These regulation applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

#### Section 7-1112 Traffic laws apply to persons riding bicycles.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this State declaring rules of the road applicable to vehicles or by this chapter applicable to the driver of a vehicle, except as to special regulations in this article and except as to those provisions of laws and ordinances which by their nature can have no application.

#### Section 7-1113 Obedience to traffic-control devices.

(a) Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

#### Section 7-1114 Riding on bicycles.

(a) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designate and equipped.

#### Section 7-1115 Riding on roadways and bicycle paths.

(a) Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) Whenever a usable path for bicycles has been provided adjacent to a roadway bicycle riders shall use such path and shall not use the roadway.

#### Section 7-1116 Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the condition then existing.

#### Section 7-1117 Emerging from alley or driveway.

The operator of a bicycle emerging from an alley, driveway or building, shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

#### Section 7-1118 Carrying articles.

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one (1) hand upon the handle bars.

#### Section 7-1119 Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

#### Section 7-1120 Riding on sidewalks.

(a) No person shall ride a bicycle upon a sidewalk within a business district.

(b) The Board of Commissioners is authorized to erect signs on any roadway prohibiting the riding of bicycles thereon by any person and when such signs are in place no person shall disobey the same.

(c) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

**Section 7-1121 Lamps and other equipment on bicycles.**

(a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(b) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

**Section 7-1122 through 7-1130 reserved.**

**ARTICLE L**

**Method of Parking**

**Section 7-1131 Standing or parking close to curb.**

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as otherwise provided in this article.

**Section 7-1132 Signs or markings indicating angle parking.**

(a) The Board shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets, which are specified in Appendix I, Section 107, hereby made a part hereof.

(b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

**Section 7-1133 Obedience to angle parking signs or markings.**

Upon those streets, which have been signed or marked for angle parking, no person shall park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

**Section 7-1134 Lights on parked vehicles.**

(a) Whenever a vehicle is lawfully parked at nighttime upon any street within a business or residence district no lights need to be displayed upon such parked vehicle.

(b) Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

**Section 7-1135 through 7-1140 reserved.**

## ARTICLE M

### Stopping, Standing or Parking Prohibited in Specified Places

#### Section 7-1141 Stopping, standing or parking prohibited. No signs required.

(a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen (15) feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty (20) feet of a crosswalk at an intersection;
- (7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
- (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless signs or markings indicate a different length;
- (9) Within fifty (50) feet of the nearest rail of railroad crossing;
- (10) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted).
- (11) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (12) On a roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (14) At any place where official signs prohibit stopping.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

#### Section 7-1142 Parking not to obstruct traffic.

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

#### Section 7-1143 Parking in alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley, in such position as to block the driveway entrance to any abutting property.

#### Section 7-1144 Reserved.

#### Section 7-1145 Standing or parking for certain purposes prohibited.

It shall be unlawful for any person to stand or park a vehicle upon any street of the Town for the principal purpose of:

- (1) Displaying for sale;
- (2) Washing, greasing or repairing such vehicle, except repairs made necessary by a bona fide emergency;
- (3) Storing by garages, dealers or other persons when such storing is not incident to the bona fide use and operation of such automobile or other vehicle; or
- (4) Storing of any detached trailer or van when the towing unit has been disconnected or for the purpose of transferring merchandise or freight from one vehicle to another.

#### Section 7-1146 Parking adjacent to schools.

When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

#### Section 7-1147 Standing or parking on one way road ways.

In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking.

#### Section 7-1148 No stopping, standing, or parking near hazardous or congested places.

When official signs are erected at hazardous or congested places no person shall stop, stand or park a vehicle in any such designated place.

#### Section 7-1149 through 7-1150 reserved.

## ARTICLE N

### Stopping for Loading or Unloading Only

#### Section 7-1151 Loading and unloading zones.

Whenever vehicle loading and unloading zones are designated and described by this article and when signs are placed, erected or installed, giving notice thereof, it shall be unlawful for any person to stop, stand or park any vehicle for any purpose or period of time except in accordance with the requirements of this article.

#### Section 7-1152 Reserved.

#### Section 7-1153 Commercial loading zones.

The streets, or parts thereof, described in Appendix I, Section 130, hereby incorporated herein, are hereby designated as commercial loading and unloading zones and no person shall stop, stand, or park a vehicle therein during the hours of 8:00 AM to 6:00 PM for any purpose other than the expeditious unloading and delivery, or pickup and loading of materials and goods, and then only for a period not to exceed thirty (30) minutes.

#### Section 7-1154 Public carrier stops and stands.

Bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles, designated by appropriate signs, shall be as specified in Appendix I, Section 106, hereby made a part hereof.

#### Section 7-1155 Stopping, standing, and parking of busses and taxicabs regulated.

(a) The operator of a bus shall not stand or park such vehicle upon any street at any place other than at a bus stand so designated as provided herein.

(b) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand, or passenger loading zone so designated as provided herein, except in case of an emergency.

(c) The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not farther than eighteen (18) inches from the curb, and the bus approximately parallel to the curb, so as not to unduly impede the movement of other vehicular traffic.

(d) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of an while actually engaged in the expeditious loading or unloading of passengers.

#### Section 7-1156 Restricted use of bus and taxicab stands.

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop has been official designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

#### Section 7-1157 through 7-1160 reserved.

## **ARTICLE O**

### **Stopping, Standing, or Parking Restricted or Prohibited on Certain Streets**

#### **Section 7-1161 Application of article.**

The provisions of this article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

#### **Section 7-1162 Regulations not exclusive.**

The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

#### **Section 7-1163 Parking time limited on certain streets.**

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in Appendix I, Section 101, hereby made a part hereof.

#### **Section 7-1164 Parking time limited on certain streets.**

When signals are erected in each block giving notice thereof, no person shall park a vehicle for longer than the times specified within the district or upon any of the streets described in Appendix I, Section 103 through 105, hereby made a part hereof.

#### **Section 7-1165 Parking signs required.**

Whenever by this or any other article any parking time limit is imposed or parking is prohibited on designated streets there shall be appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

**State Law Reference:** Size, weight, construction and equipment of vehicles. G.S. 20-115 et seq.