

**Town of Mt. Pleasant
Board of Commissioners
Town Board Meeting
Town Hall- Commissioners Meeting Room
Monday- August 29, 2011
7:00 P.M.**

Attendance: Mayor Del Eudy
Mayor Pro-Tem/Commissioner Richard Burleyson
Commissioner Scott Barringer **Arrived at 7:20 PM
Commissioner Mike Metcalf
Commissioner Warren Chapman
Commissioner Maura Eberhardt **Arrived at 7:02 PM
Town Administrator Adrian Cox
Town Attorney Christy Wilhelm
Public Works Director Dave Fargo
Town Clerk Cathy Whittington
Fire Chief Chris Honeycutt

Also Present: Samantha Moose,

CALL TO ORDER

Mayor Eudy called the meeting to order.

INVOCATION

Rev. Tom Fleming led in prayer.

PLEDGE OF ALLEGIANCE

Mayor Eudy led in the Pledge of Allegiance.

PUBLIC FORUM

No one spoke in the public forum

APPROVE AGENDA

Commissioner Chapman made a motion to approve the agenda. Commissioner Eberhardt seconded the motion with all board members in favor. (4-0)
(Commissioner Barringer did not arrive until 7:20 PM)

CONSENT AGENDA

The consent agenda consist of (1) Minutes of the August 1, 2011 Regular Board Meeting, (2) Proclamation-Prostate Cancer Awareness Month, (3) Proclamation-10th Anniversary of 9/11, (2) Proclamation for 2011 Lyme Disease Awareness Month. Commissioner Burleyson made a motion to approve the consent agenda. Commissioner Eberhardt seconded the motion with all board members in favor. (4-0)

REPORTS

1. Police- No report
2. Fire Chief- The new fire engine should be delivered by the end of next month. The fire department is painting all the fire hydrants. The old patrol car is ready and is painted white to be a fire chiefs and town car.
3. Town Administrator-The Town Administrator submitted a written report but pointed out several items on his report. The items that were mentioned were the water system, personnel, park options, economic development, and the Town's welcome signs.
4. Finance Officer- Written
5. Public Works-Written
6. Town Attorney-Written
7. Code Enforcement-Written

OLD BUSINESS

No Old Business

NEW BUSINESS

1. Fee Schedule Amendment-Flat Rate Sewer (Public Hearing Prior to Discussion)

Mayor Eudy opened the Public Hearing on the Fee Schedule Amendment- Flat Rate Sewer.

There were no comments.

Mayor Eudy closed the Public Hearing.

Commissioner Chapman made a motion to approve the Fee Schedule Amendment-Flat Rate Sewer. Commissioner Metcalf seconded the motion with all board members in favor. (4-0)

2. Revised NCDOT Utility Cost Sharing

Following the Town's budget amendment workshop, staff began working with the NCDOT project engineer to revise the cost sharing agreement according to the Boards direction. The agreement includes new estimates that are based on the contract bid, and the elimination of five water services along Highway 73. The total cost for work requested by the Town is \$42,675.69

In addition to eliminating the services from the agreement, payment for the work has been divided into two payments. The first payment is for \$21,337.85 and will be billed to the Town one year after the letting date (June 2012). The second payment will be billed upon the completion of the work, and will make adjustments for any change orders or variances in quantities.

Commissioner Burleyson made a motion to approve the Revised NC DOT Utility Coast Sharing Agreement. Commissioner Eberhardt seconded the motion with all board members in favor. (4-0)

3. 2011-2012 Budget Amendment-Transfer of Otil Lail funds

On November 17, 1981, Mrs. Helen James Lail filed a copy of her last will and testament with the Cabarrus County Clerk of Superior Court. This will make the following bequest:

"(2) Unto the Mt. Pleasant, North Carolina, Voluntary Fire Department all of the Corporate stock owned by me at the time of me decease in Westinghouse Electric Company and J.B. Ivey Company, as a memorial to my husband, Otis R. Lail. "

The Town maintains an account titled the Otis Lail Account, which currently holds \$29,139. Records indicate that these are the funds for the stock bequeathed to the Fire Department by Mrs. Lail.

Last year, staff worked with members of the Fire Department to incorporate the Friends of Mount Pleasant Fire Department, an independent nonprofit organization intended for the betterment of the fire department. The Friends of Mount Pleasant Fire Department can generate funding from donations and charitable events.

In order to meet the wishes of Mrs. Lail, the Town could relinquish the funds held as a memorial to Mr. Otil Lail to the Friends of the Mount Pleasant Fire Department. If given these funds, the Friends of the Mount Pleasant Fire Department would not be restricted in the use of the funds, other than the restrictions of their incorporations.

Commissioner Eberhardt made a motion to approve Budget Ordinance Amendment #OP002 Transfer of Otis Lail to Friends of Mount Pleasant Fire Department. Commissioner Chapman seconded the motion with all board members in favor. (4-0)

4. Assistance to Fire Fighter Grant 2011

The Assistance to Firefighters Grant (AFG) has been awarded to the Town on two occasions, and has significantly aided the Town to replace fire equipment. The Town has applied for the grant six times, along with other FEMA funds. In 2011, available grant funds have been significantly reduced, but there still is potential for the Town to win a grant for items that are a high priority. If awarded, the grant could have an impact to both this year's budget and the FY 2012-2013.

The Town would best utilize an AFG for upgrading radios. The current radios have digital capability but are not programmed for a digital system. When the analog dispatch system is completely disconnected, these radios will no longer operate. The date for fully switching to digital continues to be a moving target, but County staff expects to make the transition in 2016.

Commissioner Metcalf made a motion to approve the submission for the 2011 Assistance to Firefighters Grant. Commissioner Burleyson seconded the motion with all board members in favor. (4-0)

5. Regional Hazard Mitigation Plan

Cabarrus County Emergency Management serves as the lead agency preparing a Hazard Mitigation Plan (HMP) for the County and the municipalities of Mount Pleasant, Midland and Harrisburg. HMP's identify ways that the community can mitigate the impact of disasters on life and property. This plan is necessary to receive disaster response funds from FEMA and the State of North Carolina.

Cabarrus County is interested in partnering with Union County, Stanly County and the City of Concord and Kannapolis to apply for funds for a regional Hazard Mitigation Plan. Regional planning is being done in other parts of the State and encouraged by the State and FEMA. If the funding is approved, then the new mitigation plan would not be required until 2017, as opposed to the current update scheduled for 2015. Funding for the grant does not require any match from the municipalities. As with a county-wide HMP, some staff time will be required for preparing the plan. If the Town chooses not to participate, it may be required to prepare its own HMP.

Commissioner Metcalf made a motion to approve participation in the Regional Hazard Mitigation Plan. Commissioner Chapman seconded the motion with all board members in favor. (4-0)

6. Draft Door-to-Door Solicitation Ordinance

Staff at Town Hall commonly receive inquires regarding the Town's ordinances pertaining to door-to-door sales. The Town does not have any regulations of door-to-door solicitation in the Town's code of ordinances.

A draft ordinance requiring a solicitation permit to engage in door-to-door sales is provided. The purpose of the ordinance is to provide a mechanism to monitor legitimate door-to-door salesmen. The permit will give law enforcement a tool to verify the legitimacy of people who conduct sales within the community.

The proposed draft has been reviewed by the Town Attorney and Cabarrus County Sheriff's Department. If the Board wishes to consider the amendment further, a finalized version can be brought back before the Board in October.

Commissioner Burleyson asked if neighboring municipalities have ordinances. Town Administrator Adrian Cox stated that they do.

It was the consensus of the Board to bring the Ordinance back at the October meeting.

7. Ordinance Opposing Duke Energy Proposed Rate Increase

Effective September 1, 2011, electric utility rates for the Duke Energy customer will increase by 5% for all residential customers, and 5.9% for commercial accounts. This increase has been anticipated in the FY 2011-2012 budget.

In addition to this increase, Duke has also filed for a rate increase of 17% for residential accounts, 14% for commercial accounts, and 8% on outdoor lighting. If approved, these increases would be on top of the approved increases for September. The cumulative effect of all proposed increases on the Town's electrical utility accounts would be a 20% annual increase in rates.

Other local governments in the State are considering similar resolutions, including Summerfield, Marion, Locust and Conover. If approved, staff will file the resolution with the North Carolina Utility Commission as public comment on the proposed increase.

Commissioner Burleyson asked to recues himself from the vote since he is an employee of Duke Energy.

Commissioner Barringer made a motion to adopt a Resolution Opposing Various Electricity Rate Increases Requested by Duke Energy Carolina, LLC for North Carolina. Commissioner Metcalf seconded the motion with all board members in favor. (4-0)

8. Mount Pleasant Facebook Site

Last year staff created a sample Facebook site for the Town during off hours. Although the site has been created it has never been activated and cannot be accessed by the general public.

The site is set up to automatically update, via RSS (Real Simple Syndication), every time an announcement is uploaded to the Town's regular website. Like most sites for governments, the site can be set up as a business site. This allows people to "Like" the site and follow the information, but does not allow for comments.

Staff has updated the logo to match the Town's new letter head. If the Board wished to activate the site, staff can also post a link on the Town's website.

Commissioner Chapman made a motion to activate the Town's Facebook site. Commissioner Barringer seconded the motion with all board members in favor. (5-0)

9. Victor and Melissa Shandor- Board Request

Victor and Melissa Shandor lived at 7275 Empire Drive. The Shandor's water was disconnected on August 8th due to nonpayment. The Shandor's were out of Town but were informed by their realtor of the disconnection because maintaining utilities was a requirement of the Shandor's closing agreement. The Shandor's have not sold their house and moved to Georgia.

Mrs. Shandor contacted Town Hall and stated that she had made a payment through Wachovia Bank prior to the disconnection. The Town has never received the payment. The Town did receive two checks sent by Mrs. Shandor through the bank dated August 9, 2011, one check was for the amount of the bill and one for the \$40 disconnection fee.

Mrs. Shandor has asked that the Board of Commissioner consider refunding her disconnection fee of \$40.

Commissioner Metcalf made a motion to deny the request by Mrs. Shandor to waive the \$40 disconnection fee. Commissioner Eberhardt seconded the motion with all board members in favor. (5-0)

10. Fee Schedule Amendment-Hydrant Pulled Water for Construction Projects

Staff originally intended to bring this item before the Board in October, prior to major asphalt work on Highway 49. However, the Town is beginning to receive a growing number of requests for water off of hydrants from subcontractors working on the early phases of Highway 49 and other construction projects.

The policy for contractor to pull water allows for four methods that a contractor can access water.

- 1. Establish a service- a standard service may be necessary to have water for a construction trailer, or could be useful if the site will ultimately require a standard water and sewer service**
- 2. Purchase the water from WSACC- If the contractor is not concerned about quality or the location then the treatment plant can sell off some water to keep the supply fresh.**
- 3. Lease the hydrant meter from the Town- The Town currently owns one hydrant meter. If a contractor is going to pull water several times over the life of a project, this is the preferable method. The Town can lease the meter at the cost of replacement, and chain the meter to the hydrant where it is the most feasible. Renting the hydrant meter makes the contractor responsible for any water read on the meter, giving an incentive to ensure it is not misused.**
- 4. Fill at an observed site-Contractors that do not lease the hydrant could fill at an observed site near Town Hall. These contractors would be charged in increments based on their truck size.**

There will also be an amendment to the Fee Schedule to include the charges for pulling water from a hydrant. The proposed charge for filling with a hydrant meter is equivalent of the per-gallon rate for outside water customers, and requires a deposit equal to the cost of the meter. With this method the contractor will be billed as the water is used.

The proposed fee schedule amendment also includes incremental charges for a tanker that needs to fill on a per tank bases. The proposed rate for filling tankers is equivalent to the outside per-gallon water rate, rounded up to the nearest dollar. Contractors wanting to purchase water by this method would pay a charge based on the size of their tanks.

A public hearing is not necessary for this amendment to the Fee Schedule.

Commissioner Metcalf asked about 5,000 lbs tankers coming back to Town Hall on the asphalt bringing mud and debris. He asked if the road to Town Hall could take that kind of traffic. Someone suggested the hydrant in front of the Fire Department. Main Street was built to withhold the weight of the truck.

Commissioner Chapman made a motion to Amend the Mount Pleasant Fee Schedule in relation to water for construction projects. Commissioner Metcalf seconded the motion with all board members in favor. (5-0)

MISCELLANEOUS

1. Laos Deo Water Connection Update

Through several letters, phone conversations and meetings, staff has been working to insure that Mr. Neal is served by a water service that accurately records water usage. On August 25, 2011 staff met with Mr. Neal to discuss his concerns regarding the required connection. Also in attendance were, Mayor Eudy, Commissioner Barringer, and the owners of James-Craver Properties, LLC.

Mr. Neal has stated several reasons for the consumption on his detector meter of his 6" line. The primary cause of the consumption is likely due to renovations that he is doing on the facility, which have required removing sprinkler heads.

- 1. To ensure that water is not being used from the fire system for purposes other than intended, Mr. Neal has agreed to schedule any further sprinkler modifications or testing in advance with the Town to verify his meter reads.*

Mr. Neal's sprinkler service is now fed directly by the Town's water system. The Fire Marshall has requested that he maintain the tank as a backup reservoir. Mr. Neal wishes to fill the tank using his well, and has agreed to make the required disconnections from the potable water supply. Mr. Neal also proposes to operate granite cutting machinery from a single line off the well, and has agreed to maintain the necessary disconnections from the public system. Using well water for the granite operations is suitable to the Town, as the water from granite cutting may not be discharged into the sewer system due to the abrasive nature of the granite particles.

- 2. Mr. Neal has agreed to make the appropriate air-gap separations prior to the September 10, 2011, date mandated by the Town for him to stop pulling water from his 6" fire service.*

2. Backflow Prevention Update

On June 30, 2011, the Town sent out letters to businesses that are highly likely to require a backflow prevention device and monitoring. This step is intended to encourage voluntary compliance and notify these businesses that they should expect an inspection of their system. Brochures on backflow prevention along with a letter were sent to the businesses.

Staff will give a report to the Board on the progress of the backflow prevention program, any findings that may pose a concern and seek the Board's input regarding implementation.

MAYOR AND COMMISSIONERS COMMENTS

Commissioner Barringer stated that several citizens expressed their appreciation for extending the Farmers Market.

Commissioner Eberhardt stated that First Bank had asked him why that were being asked to keep the property kept up and mowed across from Cabarrus Bank and the owners before them were not.

Commissioner Chapman stated that he has had questions about the new traffic pattern at Highway 49 and 73. He asked if there was any way of getting a blue print of the area showing how it will look when it is finished.

Mayor Eudy stated that also had been asked about the Highway widening project.

CLOSED SESSION

Commissioner Chapman made a motion to go into executive session according to N.C.G.S. 143-318.11(a)(3)-To consult with Town Attorney to consider and give instruction to any Attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure regarding M-SERIES-REBUILD, LLC vs. TOWN OF MOUNT PLEASANT. Commissioner Barringer seconded the motion with all board members in favor. (5-0)

After coming out of closed session, Commissioner Barringer made a motion to move forward. Commissioner Chapman seconded the motion with all board members in favor. (5-0)

ADJOURNMENT

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

By our signatures the following minutes were approved as submitted and amended on Monday, October 3, 2011 in the Regular Meeting.

Town Clerk Cathy Whittington

Mayor Del Eudy

Seal