

**Town of Mount Pleasant
Board of Commissioners
Town Board Meeting
Town Hall – Commissioners Meeting Room
Monday March 1, 2010
7: 00 P.M.**

Attendance: Mayor Troy W. Barnhardt
Mayor Pro-Tem /Commissioner Del Eudy
Commissioner Warren Chapman
Commissioner Maura Eberhardt
Commissioner Rick Burleyson
Commissioner Scott Barringer
Town Administrator Adrian Cox
Assistant Clerk Joy Eudy
Fire Chief Chris Honeycutt
Public Works Director David Fargo
Project Planner Vagn Hansen of Beachmark
Town Attorney Christy Wilhelm

Also Present: Dr Michael Mock, Jim Senecal, Sharon Senecal, Mrs. Marvin Bost

CALL TO ORDER

Mayor Barnhardt called the meeting to order.

INVOCATION

Mayor Barnhardt led in prayer.

PLEDGE OF ALLEGIANCE

Mayor Barnhardt led in the Pledge of Allegiance.

PUBLIC FORUM

Public Forum was opened with no one speaking. Mayor Barnhardt closed the Public Forum.

APPROVE AGENDA

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

PUBLIC HEARING/ DECISIONS

Proposed Text Amendment: TA 2010-01

Mayor Barnhardt turned this portion of the meeting over to the Project Planner Vagn Hansen of Benchmark.

Mr. Vagn Hansen stated that staff, at the direction of the Planning Board, undertook additional research into possible methods of addressing concerns that were raised at the meeting in December 2009 about the Thoroughfare Overlay District. He stated that some of the concerns was that the Thoroughfare Overlay District was located in a separate article of the UDO (Article 15), despite the fact that the other overlay districts are located in Article 4.

Vagn Hansen of Benchmark stated another concern was the fact that the Thoroughfare Overlay District, as written, provides certain ambiguous landscaping standards that are in contradiction, in certain instances, with the landscaping requirements in Article 7 of the UDO.

Vagn Hansen said that access management standards set forth for the Thoroughfare Overlay District contradict access management standards set forth in Article 10 with regard to certain standards dealing with access to corner lots. He also said the Thoroughfare Overlay District has never been legally applied to the Town's Official Zoning Map, making the ability to enforce any standards in Article 15.1 uncertain at best.

Vagn Hansen of Benchmark stated issues addressed by the Thoroughfare Overlay District are currently addressed throughout other sections of the UDO. Maintaining redundant, and often contradictory, regulations within the UDO increases the difficulty of effectively administering the ordinance, and adds confusion and uncertainty to the development review and approval process.

Vagn Hansen stated that based on these issues, it was proposed that the entirety of Article 15, as well as the reference to the Thoroughfare Overlay District in Article 4 be removed from the Ordinance. He stated that Staff has determined that the existing standards of the UDO provide sufficient protection and regulation of development along the Town's primary roadways and further amendment to the UDO is unnecessary at this time.

Staff believes that the most appropriate course of action in this case is to remove these standards in their entirety from the Mount Pleasant UDO to prevent any future confusion in the determination of the appropriate standards to use when reviewing proposed development activity. Vagn Hansen stated that the Planning Board made a unanimous positive recommendation to remove the Thoroughfare Overlay District from Article 15 of the UDO.

Mayor Barnhardt asked if the Thoroughfare we are talking about is Main Street, Highway 49 and Highway 73.

Vagn Hansen of Benchmark stated that it was. He said when the Overlay District was adopted as Text Amendment to the Ordinance correctly, there was no action to amend the Town's official zoning map to apply those standards to those properties. Without that theoretically we are not supposed to enforce any zoning district standards that have not been applied to the zoning map, so we are having some issues where it applies. There is no real clear definition as to what properties it applies to.

Mayor Barnhardt made the statement that it is just making it easier to enforce, but not reducing the requirements.

Vagn Hansen stated that is correct. The standards set forth in the Overlay District are set forth in other sections of the UDO. There is nothing that is being reduced or diminished. It is just pretty much saying again what we have already said elsewhere in the Ordinance. He said he thought the standards were set high enough to protect the Town.

Commissioner Eudy stated that it is pretty much a carbon copy of what we already have. Vagn Hansen said yes. He stated it addresses issues that were already addressed in the Ordinance. Commissioner Eudy wanted to know if there was a Design Standard in this Overlay District. Vagn Hansen of Benchmark said no, the Design Standards are all Commercial Design Standards.

Commissioner Barringer made a statement (using the First Bank as an example) saying that on the Highway 49 area, the one way in, one way out, there could not be a road in front of the bank at that particular time. He wanted to know if that was covered in the Ordinance. Vagn Hansen said no that was in Appendix E. Commissioner Barringer wanted to know if it was in the previous Ordinance. Vagn Hansen said that it is in the Commercial Design Standards Appendix E. Vagn Hansen said the standard that the bank got had a design standard that exempted them from that, but that was in Appendix E and not in Thoroughfare Overlay District.

Commissioner Barringer replied that what he understood was that there was no need to do the Thoroughfare Overlay District. Vagn Hansen stated that he believed what the county was trying to do in the Ordinance was to have more uniformity in

the Ordinance. He said some of the ordinances would not apply to the Town as easy as to the county, so they tried to apply some of their higher quality standards to the Town's UDO when those standards were there in the first place.

Commissioner Barringer said he was on the Planning Board when they were working on the Thoroughfare Overlay District. He said they worked many, many months on it.

Commissioner Barringer said the Planning Board agreed that the Thoroughfare Overlay District needed to be done to protect Highway 49 in particular.

Commissioner Eudy wanted to know if that was when we were contracted with Cabarrus County. Commissioner Barringer said we were contracted with Cabarrus County at that time. Commissioner Eudy said that is why I am asking, I'm trying to figure out if it is a duplicate. Commissioner Barringer said he was trying to figure out the same thing.

Vagn Hansen of Benchmark said what was finally adopted by the Town basically was the County's Ordinance, which doesn't have the same type of requirements as Commercial Properties in rural areas. He said the county is allowed to develop some of their commercial properties in rural districts. Those standards would not necessary have been in place along Highway 49 or Highway 73 out in the county. Vagn Hansen said those additional standards make sense in a rural setting, but with a town setting where we already have these access and standards they were not as necessary. He said we already had them elsewhere in the Ordinance.

Commissioner Eudy wanted to know if Vagn Hansen could think of anything we would lose if there was not any Ordinance there. Vagn Hansen said no. Commissioner Eudy said to do away with this Overlay District we would not lose a thing and we would still have everything in the UDO if someone wanted to develop some property. Vagn Hansen said that is correct. If someone wanted to develop property they would still have to reserve the right-of-way. They would have to have plans to widen the road and still have landscape standards. They would still have to separate driveways from each other and manage access to thoroughfares. He stated that is in Article 10 already. We added some additional standards recently just to clarify things about making sure that we have sidewalks. We are going to make sure about what really applies in the future.

Mayor Barnhardt said that First Bank went through many things. The hardship they had was the fact the State said one access to Highway 49, so that put the bank in the site plan, but there would be no difference in what is at the bank today as far as landscaping and all that is there now, if the First Bank was built tomorrow.

Vagn Hansen of Benchmark said most of the things applied at the First Bank had to do with the Commercial Design Standards and the driveway configuration. Regardless of what our Thoroughfare Overlay District says, the Department of

Transportation is going to guard access to Highway 49 and 73 even if we have lesser standards than they do. The Department of Transportation could still come in and restrict access if they felt it was in the States best interest.

Commissioner Barringer said the Design Standards are not what he was talking about. The Design Standards did not allow access around that building. Vagn Hansen said that was correct. The original design standards did not allow that, however at some point there was a Text Amendment that altered that, requiring obscuring the driveway from the front of the building and not allowing parking.

Mayor Barnhardt ask if there were any more question or if anyone from the audience wanted to speak because it was a Public Hearing.

With no more questions or no one from the audience speaking, Mayor Barnhardt closed the Public Hearing.

Mayor Barnhardt said the next item on the agenda was to vote on the Text Amendment TA 2010-01. Mayor Barnhardt said you have the right to approve or deny the proposed UDO Text Amendment. There will be two votes taken, one is to approve or deny the Text Amendment, the other one is to adopt the provided statement of consistency. The Statement of consistency is in your documents of the Text Amendment, item number 2. Mayor Barnhardt told the Commissioners that they had before them a recommendation coming from the Planning and Zoning Board to approve the UDO Text Amendment.

Mayor Barnhardt entertained a motion to approve or deny the proposed UDO Text Amendment.

Commissioner Eudy said he was like Commissioner Barringer that he had some concerns about this Text Amendment. He said he really did not know which way to go. He said he felt the Planning Board has probably done some good research on the Thoroughfare Overlay District but he was still a little confused about it.

Commissioner Barringer stated that it was said that it was never officially adapted to the Overlay District and the Zoning map. Commissioner Eudy wanted to know if Vagn Hansen of Benchmark was saying that no one actually put it on the map. Vagn Hansen said no, he could find no record of a prior Public Hearing that had taken place and this would have been one that everyone would remember because there would have been hundreds of people there. All property owners along Highway 49 and 73 would have been there.

Mayor Barnhardt said that Vagn Hansen was not wrong, there were Public Hearings, but when the Town contracted with Benchmark, Cabarrus County gave us everything they had. He said we found a lot of stuff that had not been recorded and this was one of them. Commissioner Eudy wanted to know if it was an error. Mayor Barnhardt stated that he thought it was an error on the county's part that they never upgraded the UDO to reflect what we had voted on.

Vagn Hansen stated that the previous zoning map never reflected that either. Mayor Barnhardt said no, they did not reflect it on the zoning map. Vagn Hansen said the county does put Overlay Districts on their maps when they make them to reflect what is out there, it just looks like they never followed through with what they had.

Commissioner Burleyson said that it looks like we need to do one of two things. We need to approve the Text Amendment and not worry about the zoning map, or we need to have a Public Hearing and apply the Overlay District to our zoning map. Commissioner Eudy wanted to know if the Planning and Zoning Board gave the instructions to Vagn Hansen of Benchmark and he personally did the research on the Thoroughfare Overlay District. Vagn Hansen said yes they did.

Mayor Barnhardt asked if there were any more questions and entertained a motion to approve or deny the Text Amendment.

Commissioner Burleyson made a motion to approve Text Amendment 2010-01, to remove Article 15 and delete all references to the Overlay District.

Mayor Barnhardt asked for a second to the motion.

Commissioner Eudy said are we sure what we are deleting. Is it something that needs to be taken out and what is there to back it up? He said he was just trying to bridge the gap.

Mayor Barnhardt then asked Commissioner Burleyson if he would like to withdraw his motion. Commissioner Burleyson stated that he would like to withdraw his motion.

Vagn Hansen of Benchmark said if the Board would like a more lengthy presentation on the Text Amendment with some additional information he would be glad to provide the Board with that at another meeting.

After another short discussion Mayor Barnhardt asked if the Board would like to table this Text Amendment until the next meeting on April 5th and meet one hour before the regular meeting at a workshop meeting for more discussion on the Text Amendment.

Commissioner Eudy *made a motion to table Text Amendment TA 2010-01.* Commissioner Chapman seconded the motion with all board members in favor. (5-0)

RESOLUTION OF CONSIDERATION

Vagn Hansen of Benchmark stated that two years ago the Town Board of Commissioners adopted a Resolution of Consideration outlining those areas within the ETJ which the Town projects that future Town initiated annexations may occur. He stated that a Resolution of Consideration is required to be reviewed every two years for it to maintain currency.

Vagn Hansen said these resolutions also provide a measure of advance notice to property owners in the area under consideration, and advises the owners of present use value property, such as farmland and forestland, of their rights to be excluded from taxation by the annexing municipality until such time that their property is no longer used for the purpose for which it receives the reduced tax value consideration.

Town Administrator Adrian Cox said he would like to clarify one thing.

He said a Resolution of Consideration is different from a Resolution of Intent to annex. A Resolution of Consideration is required to be adopted at least one year prior of issuing a Resolution of Intent to annex and is good for two years. What municipality's often do is readopt it every two years so they will have it on file should they wish to do any kind of involuntary annexation. He said this has no impact on voluntary annexation.

Vagn Hansen of Benchmark said that one question came up in the Planning and Zoning Board. If you will look at your map down toward Walker Road and that area, you will wonder why those large areas were not annexed. That is because they are in the Concord area, even though we do provide sewer service to some of those down in that area. Vagn Hansen said most Town's will keep on file a Resolution of Consideration on file for two years.

After a question and answer period on the Resolution of Consideration, Mayor Barnhardt entertained a motion to adopt a Revised Resolution of Consideration. Commissioner Eudy *made a motion to adopt the Revised Resolution of Consideration.* Commissioner Burleyson seconded the motion with all board members in favor. (5-0)

CONSENT AGENDA

Mayor Barnhardt stated that the next item on the agenda was the Consent Agenda. Commissioner Chapman said that on page 4 at the top of the page that Dr. Michael Morgan should be changed to Dr. Michael Mock.

With that changed made Mayor Barnhardt entertained a motion to approve the Consent Agenda. Commissioner Maura Eberhardt *made the motion to approve the Consent Agenda with changes.* Commissioner Eudy seconded the motion with all board members in favor. (5-0)

REPORTS

Police: Written Report

Fire Department: Chief Honeycutt said that he and Town Administrator Adrian Cox were working on vendors for the grant that was received. He said the Fire Department had been extremely busy for the last two months. Chief Honeycutt said if we keep this pace up we are definite going to break a record.

Town Administrator: Adrian Cox said one thing he would like to point out is the CMAQ Sidewalk Project. He stated that it was on schedule. He said he was working on the FEMA Grant and that he wanted to make the Board aware of another grant through the insurance department. Town Administrator Adrian Cox spoke about the Hwy. 49 sewer project, the Concord Water Purchase, the Carolina Thread Trail and Technology and Communication Policy.

Finance: Written due to Cathy's absence.

Public Works: Dave Fargo Public Works Director said the jet vac (jetter) trailer they had order would be in next Tuesday March 9th. He stated that the League has safety grants each year of \$1000.00 and he will be looking into that. He said that they had been working up on College Street at the MPCFI Apartments and he had one bid to install man holes. Public Works Director Dave Fargo also had a written report of the activities that the maintenance department had accomplished during the month of February.

Code Enforcement: Written Report

Planning Staff Report:

Vagn Hansen of Benchmark said he had issued one zoning permit for a 286 square foot addition to an existing single family dwelling. He said the Planning Board made a recommendation to the Town Board on proposed Text Amendment 2010-01 to remove the Thoroughfare Overlay District from the UDO, also the Town received notice that the application for an amendment to the official flood maps for the Town has been approved by FEMA. Vagn Hansen said the final site plan for the Mount Pleasant United Methodist Church fellowship hall addition has been formally submitted to the Town for review. Vagn Hansen state the Town is participating in the required 5 year review of the County Hazard Mitigation Plan. Updates and proposed amendments have been provided to the Cabarrus County Emergency Management Department. He said following the preparation of the draft of the revised plan, the Town and members of the public will have the opportunity to comment on the plan prior to it being brought up for adoption.

Town Attorney Report: No Legal Reports to report.

Christy Wilhelm Town Attorney reported that in December of last year it was brought to the Boards attention that there was a forcemain at Dutch Buffalo Creek that had been titled in the Town's name. However it has been in the care, custody and control of WSACC for some time. They have been going through out the county transferring these various forcemains and other items back to WSACC over a period of about 15 years just to clean up the paperwork. Christy Wilhelm said she had in her possession the deed for the Town to sign, transferring the Dutch Buffalo Creek interceptor right-a-way as well as the pump station and forcemain to the Water and Sewer Authority of Cabarrus County. Christy Wilhelm said she understood that WSACC has been maintaining that area and keeping insurance on the property. She said the Town has not had to lay out any money for this property. She said this is something that probably should have taken place about 10 to 15 years ago, but it did not happen. This is something that will not cost the Town anything. Christy Wilhelm said the Town is not giving up anything except legal rights. The Town never paid anything for it, it was transferred as part of the operation agreement. It was always suppose to go back to WSACC, but nobody took the time to clean up the paper work. Christy Wilhelm said if anyone had any questions she would be glad to answer them.

Mayor Barnhardt said this was the gravity line that feeds down to pump station number 1 and then to pump station number 2, down Cold Springs Road to Highway 49. Mayor Barnhardt said that Cabarrus County actually put this line in before the Oldenburg development was built.

Town Attorney Christy Wilhelm said if the Town Board approves to turn the deed over to WSACC she would like for it to be put into a motion.

Commissioner Barringer *made a motion to approve turning the deed over to WSACC.* Commissioner Eudy seconded the motion with all board members in favor. (5-0)

OLD BUSINESS

Legislative Agenda Information

Mayor Barnhardt said that we support some of the issues in this Legislative Agenda. He said that the document is helpful when we are talking with our State and Federal Elected Officials. He said it would be good to use in our upcoming election, and he was going to take it to Congressman Kissell and let him know where we stand. Mayor Barnhardt said he would recommend we adopt the Resolution adopting The 2010 Mount Pleasant Legislative Agenda.

Commissioner Eudy made a *motion to adopt the Legislative Agenda.* Commissioner Eberhardt seconded the motion with all board members in favor. (5-0)

Water Rate Information

Mayor Barnhardt said this had been talked about a little at the budget meeting. He told the Town Board that they did not have to vote on this tonight, but you can think about it and keep it in consideration. Mayor Barnhardt asked Town Administrator Adrian Cox if he would explain a little more about the water rates.

Adrian Cox said enclosed in the packets is some information. There are 3 tables to impact water and sewer rates. The first one being the current fee schedule and the other 2 are different scenarios that were discussed at the budget retreat. Scenario C is water rates outside of Town at double rates for all of the customers. Scenario D is the water rates at 1.75 for all the customers outside and sewer rates to remain the same for Scenario C and D. Town Administrator Adrian Cox said the column in purple is what a bill would look like for 5000 gallons of water use. He said he would like to present this information just for the Board's use.

Mayor Barnhardt said that we have already had a couple of citizens approach several of the Board members and ask for relief on double water rates. If we leave the double rates where they are, and add double rate to the existing customers that are at 1.50 time rates the gain would be 30,401.00 dollars, but if you go with Scenario D and take all the existing customers that are double rates and move them to 1.75 and bring all customers that 1.50 up to 1.75 you will not have a loss by putting everybody on an equal level.

Town Administrator Adrian Cox said there were no changes on sewer customer with a flat rate of 30.00 dollars

Mayor Barnhardt said there was one thing he and Adrian Cox had discussed and that was a fixed rate on the gallons beyond the 2000 gallons, and you will see that varies a little on the outside.

Commissioner Eudy wanted to know if the Staff had a recommendation. Adrian Cox said he would not recommend any Scenario that would decrease the revenues. Commissioner Burleyson said that the Board had discussed the sewer only rates on the Concord rate, to increase it from 30.00 dollars to 35.00 dollars.

Commissioner Barringer wanted to know if we are reading meters in that area. Adrian Cox said we are beginning to read those now. Commissioner Barringer asked if it would be better if we wait on these readings before we make a decision. Town Administrator Adrian Cox said that we would have more information if we waited.

After discussing the water and sewer rates, Commissioner Burleyson *made a motion that all outside water rates be 1.75 (Scenario D) beginning the first of June, 2010.* Mayor Barnhardt said a motion had been made and asked for a second. Commissioner Warren Chapman seconded the motion with all board members in favor. (5-0)

Resolution Supporting the Repair and Replacement of Highway 73 by NCDOT

Town Administrator Adrian Cox stated that in March of 2009, Staff submitted a request for the dedication of 1.5 million in American Recovery and Reinvestment Act funds to North Carolina Department of Transportation for the repair and replacement of Highway 73. As of March 20, NCDOT indicates that the project is expected to receive a construction authorization from the Federal Highway Administrator within one or two weeks. NCDOT has included input from Staff, business owners and the Board of Commissioners in the construction plans of the project.

Adrian Cox said at the request of Mt. Pleasant, NCDOT has agreed to postpone construction until July 6th and this is because of the festival and the parade that will be going on at the end of June 2010.

There was some discussing about the parking on the street and parking lots at the different businesses. It was discussed about closing the one driveway that goes into Buddy's Restaurant from Highway 73. The statement was made that maybe the driveway just needed to be blocked off for awhile and see what happens before the state closes the driveway for good.

Mayor Barnhardt entertained a motion to adopt the Resolution of Support for the Repair and Replacement of Highway 73 by NCDOT. Commissioner Eudy *made a motion to adopt the Resolution of Support*. Commissioner Barringer seconded the motion with all board members in favor. (5-0)

Employee Classification for Firefighters

Town Administrator Adrian Cox explained the North Carolina Local Government Employee Retirement System requires that all employees that work or expected to work over 1000 hours a year are to be enrolled in the retirement system. He said that Mount Pleasant's Fire Department is staffed by firefighters that work shifts on an available basis, and in recent years it has become common for 4 to 6 firefighters to work more than 1000 hours a year. The NCLGERS has struggled to determine if these firefighters are required to be enrolled in the retirement system.

Town Administrator Adrian Cox stated Mr. Vanderweide Policy Director of NCLGERS explained if an employee in a regular position were scheduled to devote more than 1000 hours per year to the duties of the job, the employee would be required to be a member of the Local Governmental Employees' Retirement System. Mr. Vanderweide said right now it seems to indicate that the arrangement that Mount Pleasant has with paid firefighters, is of a temporary nature. He said Mount Pleasants' Personnel Policy defines a part-time employee, in the case of firefighters, as an employee that regularly works an average of 26.5 hours per week over a period of 12 months. He said part-time employees are not eligible for full

benefits, but can earn pro-rated sick and vacation leave. Mr. Vanderweide said there would have to be some minor change amendments to the Personnel Policy.

Town Attorney Christy Wilhelm said that Staff should classify the top 6 firefighters and part time employees to assure protection. She said that Fire Chief Chris Honeycutt will have to determine who would be part time or temporary.

Fire Chief Chris Honeycutt said he believed this was a step in the right direction.

Mayor Barnhardt entertained a motion to reclassify 6 firemen as part time with retirement. Commissioner Barringer made the part *motion to reclassify 6 firemen as part-time with retirement*. Commissioner Chapman seconded the motion with all board members in favor. (5-0)

NEW BUSINESS

Ordinance to Amend the FY 2009-2010 Budget to Account for FEMA AFG Grant

Town Administrator Adrian Cox explained the Town of Mount Pleasant has received a FEMA Assistance to Fire Fighters Grant for \$158,348.00 dollars for equipment and protective gear. He said the grant requires the town spend \$8,334 as a 5% match. The match is already budgeted for Personal Protective Gear. Adrian Cox said that Staff is in the process of preparing the requests for proposals for the equipment funded in the grant. He said in order to administer the grant and spend grant funds, an amendment to the budget is necessary. He said there is another FEMA Grant for the Fire Department but he had not heard from it yet.

Mayor Barnhardt entertained a motion to approve to amend the budget for the grant. Commissioner Eudy made *the motion to approve to amend the budget for the FEMA AFG grant*. Commissioner Barringer seconded the motion with all board members in favor. (5-0)

MAYORS' REPORT

Mayors' report was written but he stated that he had met with staff and reminded them that their pay would be held in arrears the first week in March.

COMMISSIONERS' REPORT

Commissioner Barringer wanted to know when there would be a Parks and Recreation meeting. Mayor Barnhardt stated he had one set up but it fell through.

Commissioner Burleyson said he would be out of town the last week of March.

Commissioner Chapman said there were new people moving into town and he is working on Welcome Packets for these new people.

ADJOURNMENT

With all business said and done Mayor Barnhardt entertained a motion to adjourn. Commissioner Eudy made the *motion to adjourn*. Commissioner Eberhardt seconded the motion with all board members in favor. (5-0)

Assistant Clerk Joy Eudy

Mayor Troy Barnhardt

SEAL