

Mount Pleasant

North Carolina

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**Town of Mt. Pleasant
Board of Commissioners
Town Board Meeting
Town Hall- Commissioners Meeting Room
Monday, January 5, 2015
5:00 P.M.**

**Attendance: Mayor Del Eudy
Mayor Pro-Tem/Commissioner Lori Furr
Commissioner Scott Barringer
Commissioner James Sells
Commissioner Warren Chapman
Commissioner Steve Ashby
Town Administrator Randy Holloway
Town Attorney Brittany Love
Town Clerk Cathy Whittington
Finance Officer Crystal Smith
Events/Project Coordinator Amy Schueneman
Fire Chief Jerry Taylor
Public Works Director Bobby Hartsell**

Also Present: Stephen Wagoner, Howard Hurlocker, Rick Driscoll, Rev. Tom Fleming, Rick Burleyson, Samantha Glass

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

With the addition of (1) Closed Session N.C.G.S. 143-318.11(a)(1)- Prevent the disclosure of privileged information, Commissioner Barringer made a motion to approve the agenda. Commissioner Furr seconded the motion with all Board Members in favor. (5-0)

PUBLIC HEARINGS/DECISION

1. 2014-ANX-02 (623 North Skyland Drive Voluntary Annexation Request

Mayor Eudy opened the public hearing on the Annexation of 623 North Skyland Drive and asked if there was anyone wishing to speak. With no one wishing to speak, Mayor Eudy closed the Public Hearing.

Commissioner Barringer made a motion to approve 2014-ANX-02-Voluntary Annexation of 623 North Skyland Drive. Commissioner Ashby seconded the motion with all Board Members in favor. (5-0)

2. 2014-ZTA-01 (Signs, Shaved Ice)

Andy Goodall with Benchmark reported that the Planning and Zoning had worked on this for several months. He stated that the Family Dollar sign on the new store was out of proportion with the store and with the widening of Highway 49 they can now allow bigger signs. With this new recommendation shaved ice and ice cream stands can be open for 180 days. There were no comments from the audience.

Mayor Eudy stated that he was perfectly fine with the sign ordinance but he is against the shaved ice. He stated that 180 days was a half a year and that was not temporary. He stated that we are allowing someone to do business without paying taxes. We have business people in Town that are doing business all year long and are contributing to the Town and are paying taxes. He stated anything that required water, sewer, electricity and an address was not temporary. He stated that the shack that was put up for the shaved ice did not meet the designed standards of the UDO and the Overlay District. The Town just issued a zoning code violation to the gun shop because of the shack that they were selling bait out of; we told them they had to move it. He stated that if this was passed he could see Mr. Threadgill coming back asking for a temporary use permit. Mayor Eudy stated that first we need to define what a temporary use permit is. A temporary use should not require electricity or plumbing. Mayor Eudy said it was nothing against Benchmark Staff. They did everything we asked them to do. They bent over backward helping they

guy at the shaved ice but, when it came time for him to come to Town Hall to do his part he didn't show up.

Tow Attorney Brittany Love stated that she had concerns from the legal perspective. She stated she could she where it could look like the Board showed "favoritism" toward this individual even though he did not do what he was supposed to do.

Commissioner Ashby had concerns that we were just dealing with shaved ice. He though it was anything temporary use.

Mayor Eudy stated he was against anything 6-months.

Commissioner Barringer stated he thought the request was to just get an extension on the Temporary Use Permit. Commissioner Ashby stated that's what he thought also.

Mayor Eudy stated we needed to define what a Temporary Use Permit is.

Vagn Hansen with Benchmark stated that the Ordinance does that already. Andy Goodall with Benchmark stated that's what they discussed and why it took more than one planning and zoning session. The Temporary Use Permit already allows for 90 days and if they put a 30 day extension everyone will automatically ask for it, so the why not make it 120 days. Then the Board started talking about the extension and were there criteria to get the extension. The thought was in a climate like our and ordinances in areas around ours this is what was allowed.

Commissioner Ashby stated he could see 120 days.

Several Commissioners stated that it brought out just shaved ice and ice cream.

Andy Goodall stated that if they just left it alone everything else would be in the Ordinance before that and nothing would have to be done.

Town Attorney Brittany Love asked if 6 month was consistent with this kind of Ordinance.

There were questions about the Farmers Market and whether a fee was charged for this. The Farmers Market is free.

The power source was discussed. A temporary power pole verses generator.

Town Attorney Brittaney Love stated she thought the Board was hesitant because we were taking a generalized ordinance and applying it to a specific situation that was in front of us that makes a lot of us uncomfortable. She thinks if there was a better definition of what it entails or what it allows; it would make some of the

Board Members more comfortable with a longer period of time. She stated when utilities and power was run to it and it had an address there were some pretty significant concerns with competition with people who have complied with the ordinance. She stated if it was laid out a bit more directly in the language of the ordinance.

Commissioner Ashby stated that maybe Amy Schueneman could put it in the new residents/business packets that she is working on.

The Farmers Market was discussed. It is advertised as a permanent use of the property. It's advertised as a park that has various activities and one of the reoccurring events is where they sell products on certain days of the week.

Town Attorney Brittany Love stated the primary intent of the ordinance was for tax implications and safety concerns.

Mayor Eudy asked Andy Goodall what needed to be done.

Commissioner Ashby made a motion to approve 2014-ZTA-01 as presented but to remove shaved ice and the modification to the language in the preceding paragraph. Commissioner Furr seconded the motion the motion with all Board Members in favor. (5-0)

CONSENT AGENDA

The Consent Agenda consist of a Dr. Martin Luther King, Jr. Proclamation. Commissioner Sells made a motion to approve the Proclamation. Commissioner Barringer seconded the motion with all board members in favor. (5-0)

REPORTS

- 1. Police**
- 2. Fire Chief**
- 3. Town Administrator**
- 4. Finance Officer**
- 5. Public Works**
- 6. Town Attorney**
- 7. Code Enforcement**

All reports were accepted as written.

OLD BUSINESS

1. Resolution Expressing Support for the Closure of State Road 2481 (North Drive)

The Town Administrator has received a request and approved resolution from the Cabarrus County Schools for the Town Board to consider approving a resolution supporting a request to NC DOT to close North Drive. The closure is requested to support the proposed construction of the new Mount Pleasant Middle School at its current location. The Cabarrus County Board of Commissioners adopted a resolution considering this request at their regular meeting on December 15, 2014.

Commissioner Sell made a motion to support the Resolution Requesting Consideration for the Closure of State Road 2481 (North Drive) Running Through The Mt. Pleasant Middle School Campus. Commissioner Ashby seconded the motion the motion with all Board Members in favor. (5-0)

Commissioner Ashby made a motion to set a public hearing for March 2, 2015 on the Resolution just supported. Commissioner Barringer seconded the motion with all Board Members in favor. (5-0)

NEW BUSINESS

1. Receive Audit Report

Sherrill & Smith, CPAs .PA, the Town's auditors have completed and prepared the audit report for Fiscal year ending June 30, 2014. A representative from Sherrill & Smith gave the Board a brief overview of the audit report and answered any questions the Board had.

2. Motion to Approve Alternate to P & Z Board

The Planning and Zoning Board has a vacancy that was created when Ms. Margaret Strickland resigned from the Board in July, 2014. Ms. Strickland was serving as the alternate member and her term would have expired in June 2016. If approved Mr. Burleyson will serve as the alternate member and his term will expire in June 2016. Should a vacancy occur on the Planning and Zoning Board, Mr. Burleyson can fill the position if the member resigning lives within the Town limits. If the member resigning lives in the ETJ, then Mr. Burleyson cannot fill that vacancy.

Commissioner Barringer made a motion to appoint Rick Burleyson to the Planning and Zoning Board. Commissioner Furr seconded the motion with all Board Members in favor. (5-0)

3. Motion to Approve New Procedures for Fire Department

The Fire Chief and Town Administrator are requesting your consideration and approval to change the process that is used in the selection of Officers in the Fire Department. In the past a popular election process has been held each year to nominate and elect the Officers in the Fire Department. The Fire Chief and Town Administrator are recommending a new process by which the Fire Chief will appoint the Officers of the Department. These Officers must meet certain requirements as outlined in the Standard Operating Guidelines. This new process will add stability to the various Officer positions and ensure that all Officers have at least the minimum certifications and ability to serve in these critical roles. This new procedure will also stop the process of Officers changing from year to year which should provide for a more stable leadership environment in the Department. Popular elections can create an environment that makes it difficult for Officers to maintain control while trying to stay “popular” with the personnel in the Department.

The Town Administrator also recommends for future consideration that a promotional process should be used to promote officers in future years. This is just a recommendation at this time and not part of this approval process.

Town Attorney Brittany Love asked if something was to happen to the Fire Chief who would be in charge. Fire Chief Jerry Taylor stated that there was two Deputy Chiefs. One is Administrative and one is Operations. If something was to happen to the Fire Chief the Chief of Operations would take over. Town Administrator Randy Holloway stated that a line needs to be added stating that in the Fire Chiefs absents the Deputy Chief of Operations would take over.

Commissioner Chapman made a motion to allow the Fire Chief to appoint Officers in the Fire Department. Commissioner Sells seconded the motion the motion with all Board Members in favor. (5-0)

4. Motion to Accept Matching Grant for EMS Equipment and Associated Budget Amendment

The Fire Department is requesting your approval to accept a grant from the NC Department of Insurance to purchase two Automated External Defibrillators. The grant is a matching grant and the Fire Department’s portion will be \$2,768.65. The Fire Department has the funding in their current budget and is not requesting additional funding. This item was on the Board agenda for October 6, 2014 when approval was given for the Fire Department to apply for the grant. The Town Administrator supports the grant and recommends the Board’s approval.

Commissioner Barringer made a motion to approve the EMS Matching Grant that was requested by the Fire Department. Commissioner Chapman seconded the motion the motion with all Board Members in favor. (5-0)

5. Motion to Schedule Budget Planning Session(s) in February

The Town's Staff is requesting the Mayor's and Town Board's input and direction on the desired budget planning process for Fiscal year 2015-16. Staff recommends the Board consider having a planning session one evening or a Saturday morning in February to discuss desired outcomes for the fiscal year 2015-16 and beyond. The session would be focused on the Board's priorities for the next year's budget and general direction for the next 5 – 10 year period. Staff will take those priorities and direction from the Board and prepare a budget to be presented at the May 4, 2015 regular Board meeting. Additional budget work sessions can be scheduled as needed.

A Budget Planning Session was scheduled for Saturday, March 14, 2015, 8:00 - 12:00.

MAYOR AND COMMISSIONERS COMMENTS

Commissioner Chapman stated he had comments on the parade.

Commissioner Ashby commented on the Pastors that come to have prayer for the meetings. He also commented on South Main Street property and polling on the website and Facebook.

Commissioner Sells commented that the parade was unique and he heard good comments.

Commissioner Furr stated she had positive comments about the parade.

Commissioner Barringer had comments about the Gators and buildings that are left out and open behind Town Hall.

Commissioner Ashby stated that a one point we had talked about renovating the facilities.

Mayor Eudy stated that he enjoyed the parade.

Commissioner Barringer made a motion to go into Executive Session according to N.C.G.S. 143.318.11(a)(1) Prevent the disclosure of privileged information. Commissioner Sells seconded the motion the motion with all Board Members in favor. (5-0)

Commissioner Furr made a motion to come out of Executive Session. Commissioner Ashby seconded the motion with all Board Members in favor. (5-0)

ADJOURNMENT

With nothing else to come before the Board, Commissioner Furr made a motion to adjourn. Commissioner Chapman 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, February 2, 2015 in the Regular Meeting.

Town Clerk Cathy Whittington

Mayor Del Eudy

Seal