

Mount Pleasant

North Carolina

Founded in 1848

**Town of Mt. Pleasant
Board of Commissioners
Town Board Meeting
Tuesday, November 13, 2018 at 6:00 P.M.**

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

Also Present: Jennifer Blake, Sheriff Brad Riley, Deputy Stephen Wagoner, Deputy Laura Higgins, Pastor Duane Jarman, Marvin & Debbie Bost, Jeff Brown, Vince & Lisa Koob, Martha Dobson, Kay Beckett, Jeff Watts, Jerry Taylor, Erin Burris, and Crystal Smith.

CALL TO ORDER

Mayor Eudy called the meeting to order.

INVOCATION

Pastor Duane Jarman from St. James Reformed Church led the Board in prayer.

PLEDGE OF ALLEGIANCE

Mayor Eudy led in the Pledge of Allegiance.

1. Public Forum

A- Sheriff Brad Riley addressed the Board stating he would retire from serving Cabarrus County in 3 weeks. He thanked the Town Staff, elected officials of the last 18 years, and most importantly the citizens for the support. He tried to have qualified officers in Mt. Pleasant and statistics show there has been a reduction in crime to the Mt. Pleasant area. Mayor Eudy thanked Sheriff Riley for being a friend to Mt. Pleasant and to him specifically. No matter how small the problem compared to the rest of the county, Sheriff Riley always took the time to listen and then address the problem.

B- Jeff Brown of 2813 Alish Trail and Vince & Lisa Koob of 2809 Alish Trail came before the Board to present the issues they faced with flooding due to a 24" drainage pipe located between their property. Mr. Brown currently has his home for sale and has lost 3 buyers because of the flooding. No one (Cabarrus County or Town of Mount Pleasant) wants to take responsibility for the problem and he feels since Code Enforcement for the Town allowed this to happen the Town should fix it. It is also causing an issue with mosquitos which is a health

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hazard to the community. At this time 2 videos provided by Mr. Brown were played for the Board. The Koob's were told when they purchased their homes in 1998 that no house would be built on the lot where Mr. Brown lives because it was a drainage area for the 24" drainage pipe between their properties. Also, a 20' drainage ditch was supposed to be done according to Mrs. Koob. Mr. Brown and the Koob's have tried for years to get the Town to help with the problem. They have put in a French drain and numerous loads of top soil to no avail. They asked the Town Board to direct Public Works to fix the problem.

Randy Holloway, Town Administrator, stated this was an agenda item for this evening and it could be discussed at that time.

2. Conflict of Interest

The Mayor and Commissioners are asked at this time to reveal if they have a Conflict of Interest with any item on the Agenda in order to be recused for that item. (No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e)(2). NC State Statute 160A-75)

None of the Board Members had a Conflict of Interest.

3. Approve Agenda

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

4. Consent Agenda

- A. Minutes October 8, 2018
- B. Proclamation for Bart Tulbert Day on November 2, 2018 with emailed votes from Town Board
- C. Budget Amendment #3 To Correct Coding Error in Transfer of Funds
- D. Items sold on GovDeals during October, 2018
- E. 2019 Holiday Schedule
- F. 2019 Town Board Regular Business Meetings Schedule

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

5. Reports

- A. Town Administrator- Randy Holloway
- B. Asst. Town Administrator-Crystal Smith
- C. Finance Officer- Amy Schueneman
- D. Planning & Zoning-Erin Burris
- E. Code Enforcement- Jeff Watts
- F. Police-Deputy Stephen Wagoner

6. Public Hearings

TA 2018-04 Wireless Telecommunications Legislative Updates

Text amendments to conform with North Carolina General Assembly Session Laws 013-185 and 2017-159 regarding compliance with FCC Regulations for wireless telecommunications facilities and collocation of small wireless facilities. Affected sections of UDO: Table 4.6-1 and Section 5.21.

Erin Burris, Town Planner, presented the changes for the UDO to limit the height of cell towers to 200' for all areas except I-1 & I-2 which could be up to 250'.

No one spoke during the Public Hearing.

Commissioner Simpson made a motion for the Board to Approve and Consistent the Wireless Telecommunications Legislative Updates in the packet provided with a second from Commissioner Furr. *(The Approve and Consistent statement in the packet read the Planning and Zoning Board finds that proposed amendments are not addressed by the Comprehensive Plan, but are not inconsistent with it and are necessary to comply with North Carolina General Assembly Session Laws 2013-185 and 2017-159, reflecting Federal Communications Commission regulatory changes regarding wireless telecommunications facilities.)* All Board Members were in favor. (5-0)

A copy of the TA 2018-04 Wireless Telecommunications Legislative Updates Packet is in the Minute Book.

7. Old Business

None

8. New Business

A. Presentation by Crystal Smith on Open & Closed Meeting Laws.

Crystal Smith, Assistant Town Administrator, used a slide show presentation to inform the Board of the Open and Closed Meeting Laws they should follow.

A copy of the Open and Closed Meeting Laws slide show is included in the Minutes.

No motion was made. For information only.

B. Consider allowing the Mt. Pleasant Fire Department to apply for the FEMA Fire Prevention & Safety Grant.

Jeff Watts, Deputy Fire Chief, addressed the Board for the Mt. Pleasant Fire Department. They are requesting permission to apply for the FP&S grant. This grant is for a new Sparky the Fire Dog Suit, Fire Prevention training props to use with children, and miscellaneous fire prevention & safety items. Approximate grant if received will be \$6,000 - \$7,000 of which the Fire Departments cost would be \$700 which can be paid from the current budget.

A motion to allow the Mt. Pleasant Fire Department to apply for the FEMA Fire Prevention & Safety Grant was made by Commissioner Ashby with a second from Commissioner Chapman. All Board Members were in favor. (5-0)

C. Consider receiving a report from the Town of Mount Pleasant ABC Board.

The Town Staff received a profit distribution check in the amount of \$18,750 from the Town of Mount Pleasant ABC Board. The profit is mostly from the mixed beverage sales that began in December of 2017. Based on this distribution amount we anticipate the amount to be around \$30,000 in fiscal year 2018/2019. Randy Holloway suggested that the Town Board consider designating these funds to be used for transportation projects

in future years. The only funds currently used for transportation projects is what the Town receives from the state for Powell Bill each year which is not enough to do a large project in the Town.

No motion was made. For information only.

D. Consider receiving a report from the Town's Staff on a storm water issue on Alish Trail in the Oldenburg Sub-division.

The Town Staff has been working with a storm water concern on Alish Trail in Oldenburg which was discussed in the Public Forum. Mr. Jeff Brown who lives at 2813 Alish Trail has approached the Town about a storm water issue on his property as well as his neighbor's property. Mr. Brown feels like it should be the Town's responsibility to address the storm water issue.

The Town Staff and Town Attorney has reviewed the information available and we have determined that the "20' drainage easement" that is recorded on the original sub-division plat is a private not public easement. The Town Staff has visited the site several times to help assess the issue and provide a recommendation on how to best address this concern. We have also installed a storm water drainage pipe on the WASSC access road that is on the back side of this property. We also had a Storm Water representative from the City of Concord visit the site to provide a recommendation to address this issue. The Staff's recommendation is for the property owners to work together and hire a private contractor to come in and open up the original drainage easement that is now overgrown with underbrush and trees. It is not our recommendation that the Town be involved in this project beyond what we have already done.

Randy Holloway did research and the December 1999 plat shows two private 20' drainage ditches. The UDO was adopted in 2000 which was after the homes were built.

Erin Burris, Town Planner, told the Board Mr. Brown and the Koob's were not in the 100 year flood plain. Portions of the property is in the 500 year flood plain.

Mr. Brown said the ditches were never there and it is not their fault, Cabarrus County should take responsibility.

John Scarbrough, Town Attorney, stated he did not feel it was legal to use taxpayer money for a private issue. He also said that due to pending litigation from Mr. Brown that the Town should not address the issue at an open meeting. He was willing to meet individually with Mr. Brown to discuss the issue. Mr. Scarbrough told the Board that it was a private matter since the Town was not responsible.

Mr. Holloway offered to provide a list of Private Contractors he received from the City of Concord to Mr. Brown for him to contact to fix the problem. He stressed it is up to the homeowners but the Town would work with the Private Contractor to make sure the connection at the back of the property goes smoothly and water will flow away.

No motion was made.

E. Consider approving a request to amend the contract with Benchmark CMR, Inc. and moving the part time Town Planner position from a contract position

to the full time Town position of Director of Planning and Development.

Town Administrator, Randy Holloway, is requesting the Board's consideration and approval to amend the contract with Benchmark CMR, Inc. that will end the current arrangement for planning services and approve a new full time Town position of Director of Planning and Development. Benchmark has agreed to amend the contract with the Town and also end the contract with Erin Burris who currently serves as the Town's contract planner. The amendment would be effective January 1, 2019 and at that time Erin Burris would move from being a part time contract employee to a full time Town employee with the title of Director of Planning and Development. We would still have a contract with Benchmark to provide support services to include software support, computer support, mapping, etc. until June 30, 2019. The new job description is included in the agenda package. This will be an exempt position and will not be eligible for overtime pay. The position will be funded from existing funds already in the general fund budget and will not require any additional funds.

This process will require several motions:

1. Amend the contract with Benchmark CMR, Inc. to end the original scope of services and continue to provide support services for the period of January 1, 2019 to June 30, 2019 for the sum of \$500.00 per month.
2. Approve the attached Budget Amendment #4-Move Funds for P&Z Salary.
3. Approve a new full time position of Director of Planning and Development and move Erin Burris into that position effective January 1, 2019.

A motion to amend the contract with Benchmark CMR, Inc. to end the original scope of services and continue to provide support services for the period of January 1, 2019 to June 30, 2019 for the sum of \$500.00 per month was made by Commissioner Simpson with a second by Commissioner Ashby. All Board Members were in favor. (5-0)

A motion to approve the attached budget amendment #4-Move Funds for P&Z Salary was made by Commissioner Ashby with a second by Commissioner Simpson. All Board Members were in favor. (5-0)

A motion to approve a new full time position of Director of Planning and Development and move Erin Burris into that position effective January 1, 2019 was made by Commissioner Chapman with a second by Commissioner Furr. All Board Members were in favor. (5-0)

A copy of the Contract with Benchmark, Budget Amendment #4, and Job Description for Director of Planning & Economic Development are included in the Minute Book.

F. Consider receiving an update on the damage and estimated repairs to the raw water intake site on Dutch Buffalo Creek.

The Town has been notified that the damage to the raw water intake site is not covered by our insurance based on the site being in a 100 year flood plain. Town Staff is working

with FEMA to complete an application for FEMA assistance for these repairs. The Town Engineer has prepared an estimate for repairs at \$230,000. The Town Board will need to designate two Staff members as the official points of contact for FEMA. The Staff recommends designating Randy Holloway and Amy Schueneman as the two points of contact for this project. We have already submitted the application for assistance and hope to have an update at the December 10, 2018 Town Board meeting.

A motion to designate Randy Holloway and Amy Schueneman as the official points of contact for FEMA was made by Commissioner Chapman with a second by Commissioner Meadows. All Board Members were in favor. (5-0)

G. Consider approving the resigning of the Operational Requirements for Employers Supplemental Retirement Income Plan of North Carolina (NC 401K) and NC Public Employee Deferred Compensation Plan (NC 457).

During the annual audit, our Auditor, Rick Driscoll of Sherrill & Smith CPA, discovered the Town does not have a signed copy of the Operational Requirements for Employers Supplemental Retirement Income Plan of North Carolina (NC401K) and NC Public Employee Deferred Compensation Plan (NC 457). It was originally signed in 2010. The State has archived the old documents and is unable to provide us a copy of the signed form.

The Town needs to resign the document to be compliant with our audit.

A motion to allow the Town to resign the Operational Requirements for Employers Supplemental Retirement Income Plan of North Carolina (NC401K) and NC Public Employee Deferred Compensation Plan (NC 457) was made by Commissioner Simpson with a second by Commissioner Furr. All Board Members were in favor. (5-0)

A copy of the contract Operational Requirements for Employers Supplemental Retirement Income Plan of North Carolina (NC401K) and NC Public Employee Deferred Compensation Plan (NC 457) is included in the Minute Book.

H. Consider allowing the Town Staff to erect several reserved parking signs in the parking lot behind Marvin's Restaurant.

The Town Staff is requesting the Town Board's consideration in erecting three reserved parking signs in the parking lot behind Marvin's Restaurant. The owner and tenant have both requested consideration in designating a portion of the parking spaces as "Reserved for Marvin's Restaurant". There are 46 spaces Marvin's Restaurant and we are requesting that 16 be marked as reserved. The cost of providing this signage is \$183. Mr. Bost has agreed to make sure that he and his employees are not parked in the lot after 5:00 p.m. daily.

A motion to approve erecting three reserved parking signs at the parking lot behind Marvin's Restaurant at a cost of \$183.00 and requiring Mr. Bost to agree to make sure that he and his employees are not parked in the lot after 5:00 p.m. daily was made by Commissioner Simpson with a second by Commissioner Chapman. All Board Members were in favor. (5-0)

I. Consider adjusting the fee for Truck Rental for Waste Removal (per load to Cabarrus County Landfill).

Currently, the fee to rent the Town Public Works dump truck on Friday afternoon to Monday morning for residents to dispose of garbage when moving or cleaning out a building is \$100. This fee has not been increased for several years. However, it now cost the Town more than \$100 to provide this service. The Cabarrus County Landfill has increase their fee to a minimum of \$69.82 to dump a load plus gas and wages for worker(s) to drive over there to empty the truck. Depending on how full the truck is and if it requires more than one Town employee, it costs \$102.99-\$155.44 per load.

<u>Item</u>	<u>Cost to Town</u>	<u>Quantity</u>	<u>Total</u>
PW Labor per hour (average) 1-2 people	\$16.91 each	1.5-2 each	\$25.37- \$67.64
Gas (\$2.60 gallon average)	\$2.60	3 gallons	\$7.80
Dump Fee at Landfill starts at \$69.82	\$69.82 and up	1	\$80.00 avg
Total			\$102.99-\$155.44

Town Staff is recommending increasing the fee to \$150 per load.

Town Attorney, John Scarbrough, asked the Board to Table this item until December to check on a few details.


A motion to table adjusting the fee for Truck Rental for Waste Removal (per load to Cabarrus County Landfill) was made by Commissioner Ashby with a second from Commissioner Furr. All Board Members were in favor. (5-0)

10. Adjournment

With nothing else to come before the Board, Commissioner Furr made a motion to adjourn. Commissioner Simpson seconded the motion. All Board Members were in favor. (5-0)

By our signatures the following minutes were approved as submitted and amended on Monday, December 10, 2018 in the Regular Meeting.


Town Clerk Amy Schueneman


Mayor W. Del Eudy

SEAL

