

**Village of Misenheimer
Council Meeting - Community Building
Monday, April 12, 2021 6PM**

Council Present: Michael "Frizbee" Herron, Mayor
Jeff Watson
Mike Burrage
Micah Edquist, Finance Officer

Staff: Anita Blair, Administrator/Clerk
Erik McGinnis, Chief

Visitors: Mac McCarley, Village Attorney

Council Absent: Peter Edquist

1. Call to Order: Mayor Herron called the meeting to order at 6:00 pm.

2. Moment of Silence: Mayor Herron requested that a moment of silence be observed.

3. Ethics Statement: Anita Blair read the Ethics Statement asking if any Council members present may have any potential conflict(s) of interest or any known or perceived conflict(s) of interest related to the meeting Agenda presented. None were noted.

4. Introduction of Visitors: Mac McCarley was welcomed.

5. Approval 04/12/21 Agenda: Mike Burrage moved to approve the agenda as presented. Jeff Watson seconded the motion and it was approved by a 3/0 vote.

6. Approval 03/08/21 Council Meeting Minutes: Micah Edquist arrived at this time.

Jeff Watson moved to approve the Council Meeting Minutes as presented from the 03/08/21 Council Meeting. Mike Burrage seconded the motion and it was approved by a 4/0 vote.

7. Review Proposed Zoning Ordinance Revisions – Chapter 160D & Sign Regulation Compliance: In 2019, the NC Legislature adopted a new chapter for zoning regulations in NC, Chapter 160D. Local governments have until July 1, 2021 for the development, consideration, and adoption of necessary amendments to conform local ordinances to this new law.

During the first quarter of 2021, Mac McCarley reviewed and edited the Village Zoning Ordinance making the needed revisions to comply with Chapter 160D. During this review, mistakes discovered were corrected, definitions were added, and the sign ordinance was rewritten to comply with the 2015 Supreme Court Ruling Reed v. Town of Gilbert which ruled that signs could no longer be regulated by content. The Planning Board reviewed the Zoning Ordinance revisions on April 1, 2021 and recommended approval to the Village Council.

Mr. McCarley reviewed each article of the proposed Zoning Ordinance revisions for the Village Council. During the review, Council discussed:

The adoption of a maximum flag size of 10'x15' in Article 6.8.

The reasoning for disallowing bona fide farms in the Village. Mr. McCarley noted there is minimal land left in the Village for development. His professional and experienced opinion is that the Village might want to retain what land is left for development. Another approach instead of disallowing farms would be to allow farms with conditional zoning. The proposed changes presented do not allow bona fide farms.

Public Hearing (Open, Hold, Close): Mayor Herron opened the public hearing at 6:56 pm.
No public comments were heard.
Mayor Herron closed the hearing.

Approval: Micah Edquist moved to approve the proposed changes to the Zoning Ordinance, including adopting a maximum flag size of 10'x15', and authorize the Village Administrator to accept the changes into a clean copy for publication. Jeff Watson seconded the motion and it was approved 4/0.

A copy of the "track changed" zoning revisions are available in the Village Office as part of the record of minutes.

8. Public Comment Period: No public comments were offered.

9. Zoning ETJ Discussion: Mac McCarley reported that we do not currently have an Extra Territorial Jurisdiction (ETJ). He stated the reason for having an ETJ is so that development occurring adjacent to the Village will be in keeping with the Village ordinances in an area that might eventually go into the Village corporate limits. The downside is that most people are typically not in favor of this. Micah Edquist moved to let Mr. McCarley and the Village Administrator study whether to pursue establishing an ETJ and bring back information to the Council for a decision. Mike Burrage seconded the motion and it was approved 4/0.

10. Review Unaudited Financial Status at 03/31/21: Micah Edquist reported the following reconciled bank balances at 03/31/21 as follows:

General Fund	\$582,706
Powell Bill Fund	\$116,895
Carolina Thread Trail	\$ 12,937 (Grant #2) Trail Acquisition Grant (Village, Richfield & New London)

- a. **Budget Amendments:** Anita Blair presented and reviewed the proposed Budget Ordinance Amendments. Micah Edquist moved to approve the budget amendments as presented. Jeff Watson seconded the motion and it was approved 4/0.
- b. **Mastercard Scorecard Rewards Use:** Anita Blair reported that a portion of the Mastercard Scorecard Rewards earned are due to expire later this year. She requested that Council approve cashing out the points for \$500 for budget use rather than purchasing an item. Micah Edquist moved to approve cashing out the Scorecard Rewards points for budget use. Mike Burrage seconded the motion and it was approved 4/0.
- c. **Proposed Budget 2021/2022 Review:** Finance Officer, Micah Edquist, reported that FY 21/22 revenues and expenses are still being evaluated and modified. He reported the projected fund balance appropriation per Village Council's previous budget discussions was \$61,000.

He reported that Stokes Construction had declined the Village request of evaluating and repairing the floor due to a full schedule of commitments. Stokes Construction suggested that we hire an engineer to evaluate the floor and get a recommendation for the repair as our first step. Mr. Edquist recommended that we reduce the Gladstone Floor budget from \$25,000 to \$5,000 and hire an engineer to evaluate the Gladstone Floor. Once a recommendation is received from the engineer, make budget amendments as needed to move the project forward. Council was in agreement with this budget change.

It was noted that the proposed budget item for downtown Christmas lights was not included due to the fact there are no power poles for mounting Christmas lights through the Pfeiffer University campus. Other options were noted, but the consensus of the Council was to postpone this effort until a later date.

11. American Rescue Plan Information – Potential Funding Use Discussion: Anita Blair informed Council that potential funding will be coming to the Village from the American Rescue Plan Act of 2021 (ARP). The Village needs to be prepared on how they wish to spend the funds. The money will be distributed in 2 tranches, with the 1st tranche being within 60 days of the law's enactment, the 2nd tranche one year after the first with the total cost being incurred by 12/31/24. The North Carolina League of Municipalities (NCLM) total estimated amount for the Village is \$220,000.

The purposes of these funds are to:

- **Respond to the COVID-19 emergency and address its economic effects**, including through aid to households, small businesses, nonprofits, and industries such as tourism and hospitality.
- **Provide premium pay to essential employees or grants to their employers.** Premium pay couldn't exceed \$13 per hour or \$25,000 per worker.
- **Provide government services affected by a revenue reduction resulting from COVID-19.**
- **Make investments in water, sewer and broadband infrastructure.**

The best projected use of these funds would be toward potential sewer development in the Village. Mac McCarley suggested that Council allow him and the Village Administrator to work together on this beginning with discussions at the County level. Council was in agreement for the Village Attorney and Administrator to proceed with sewer conversation and evaluations.

12. Congressman Richard Hudson – Community Project Funding Submission Discussion: Anita Blair reported that each county in Congressman Richard Hudson's district has the ability to submit ten (10) projects for federal earmark consideration. Andy Lucas, Stanly County Manager, reached out to all municipalities asking for any potential project considerations; however, there were only 4 days to gather all needed documentation from the time the email was received from the County until the due date to the County. Only one (1) project from each county is guaranteed some level of federal grant funding. Stanly County is going to submit a request for funding for an airport improvement project and for assistance with the expansion of the West Stanly WWTP.

Although highly unlikely that we could meet the deadline with the level of information needed for project submission, Mac McCarley suggested that he and the Village Administrator contact the Stanly County Manager for a conversation. Mr. McCarley's thoughts were that if the larger projects submitted take up most of the money, but not all of it, we might have a gap filling project. Council was in agreement for the Village Attorney and Administrator to have a conversation with the Stanly County Manager.

13. Waste Management Contract Approval: Anita Blair reported negotiations with Waste Management resulted in an annual increase cap of 3% vs. 3.5% as originally discussed. In addition, upon our Legal Counsel's review, Mac McCarley, proposed a revision allowing the Village to cancel recycling if proposed recycling increases were unacceptable and clarified that the remaining charges would be those agreed upon in the contract. Waste Management accepted the proposed suggestions and changes. Micah Edquist moved to approve the Waste Management First Amendment Contract. Jeff Watson seconded the motion and it was approved 4/0.

14. Police Report – March, 2021: Chief Erik McGinnis reported 78 traffic stops, 105 total charges, 23 warning citations and 5 arrests for the month of March, 2021. Twelve motorists were issued citations with multiple charges. There were 6 mutual aid requests from the Stanly County Sheriff's Office and State Highway Patrol. There were 52 citations written on Hwy 52 and 24 on Hwy 49. The highest speed cited on Hwy 49 was 97 mph.

15. Village Council Meeting Schedule Change Discussion: Due to the vacation of the Mayor in June and the Administrator in July, a proposed Village Council Meeting Schedule change for June and July was presented. The change was to move the June and July meetings to the 3rd week from the 2nd week. Mike Burrage moved to approve the Village Council Meeting Schedule Change. Micah Edquist seconded the motion and it was approved 4/0.

16. Planning Board Member & Alternate Appointments/Reappointments: The Planning Board Terms are due to expire for Regina Simmons and Jamie Hammill on June 30th. Both are willing to serve another 3-year term, if Council desires. The Planning Board Alternate terms expiring are as follows: Micah Edquist – 2nd Alternate, Michael Herron – 3rd Alternate, Mike Burrage - 4th Alternate, Ahren Burrage - 5th Alternate. Ahren Burrage is willing to serve another 3-year term, if Council desires. Mike Burrage moved to appoint Regina Simmons and Jamie Hammill for additional 3-year terms beginning July 1, 2021 and Micah Edquist, Michael Herron, Mike Burrage, and Ahren Burrage in their respective alternate positions for 3-year terms beginning July 1, 2021. Jeff Watson seconded the motion and it was approved 4/0.

17. Other Business: No other business was heard.

18. Adjournment: The meeting adjourned at 7:48 pm.

Mayor Michael "Frizbee" Herron

Date

Anita Blair, Administrator/Clerk

Date