

**Village of Misenheimer**  
**Council Meeting - Community Building**  
**Monday, January 8, 2024 6PM**

**Council Present:** Michael “Frizbee” Herron, Mayor  
Micah Edquist – Mayor Pro-Tem  
Jamie Hammill  
Jeff Watson  
Peter Edquist

**Staff:** Anita Blair, Administrator/Clerk  
Erik McGinnis, Police Chief  
Mac McCarley, Village Attorney

**Council Absent:** None

**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. No conflicts were noted.

**4. Introduction of Visitors:** Mayor Herron welcomed Village Legal Counsel, Mac McCarley.

**5. Approval 01/08/24 Council Meeting Agenda:** Micah Edquist moved to approve the agenda as presented. Peter Edquist seconded the motion and it was approved by a 5/0 vote.

**6. Approval of 12/11/23 Council Meeting Minutes:** Jamie Hammill moved to approve the 12/11/23 Council Meeting Minutes as presented. Micah Edquist seconded the motion and it was approved by a 5/0 vote.

**7. Consideration of Rezoning Property and Text Amendments:**

**Public Hearing (Open, Hold, Close)**

Mayor Herron opened the Public Hearing.

Village Administrator, Anita Blair, presented the recommendations from the Planning Board as follows:

- 1) **Rezone Property located at Southwest Corner of Wesley Chapel Road and US 52 Hwy North, Tax Record 4283, from Residential Agriculture (RA) to Central Business (CB)**
- 2) **Text Amendments:**
  - a. **Amend Section 3.5 Table of Permitted Uses/Recreational Uses to make park and open space areas as a permitted use in the Central Business (CB) district.**
  - b. **Amend Section 3.5 Table of Permitted Uses/Commercial Uses to add “Mobile Food Units” as a permitted use with additional conditions in the Central Business (CB), Rural Recreation (RR) and Institutional Use (IU) districts.**
  - c. **Amend Section 13.3 to add the following definition: Mobile Food Units and Pushcarts. Any mobile vehicle, trailer, food truck or pushcart used as a temporary location for food sales or distribution and typically containing cooking facilities where the food is prepared.**

d. **Add Section 5.40 to state conditions related to Mobile Food Units, Food Trucks, Pushcarts.**

**(A) Shall meet and follow all Stanly County Health Department requirements for Mobile Food Units.**

**(B) Shall dispose of all waste and remove all trash daily.**

**(C) Location shall be left litter free after close of business each day.**

**(D) Signage shall not block sight triangle for vehicles entering or exiting the location.**

**(E) No signage shall be left on site except one sign up to 6 square feet announcing the next time the mobile food unit will be at that location. Signage shall meet requirements of Article 6 Sign Regulations in the Village Zoning Ordinance.**

**(F) Vendors serving more than 3 days in a calendar year, shall acquire an annual permit from the Village for a fee established by the Village Council.**

**(G) Hours of operation (6am to 9pm March through October and 6am to 7:30 pm November through February) unless a permit is obtained from Village Council for special event extended hours.**

**(H) No music played or loudspeakers allowed.**

**(I) Seventy-six decibels of generator noise shall not be exceeded at property line.**

Village Legal Counsel, Mac McCarley, recommended the following modifications:

- 1) Add conditions to the Zoning Ordinance as 5.23.1 rather than 5.40 in order to keep the list alphabetical.
- 2) Modify letter "I" related to the decibel limits and replace with "No unreasonably loud or unnecessary noise."

Mayor Herron closed the Public Hearing.

Jeff Watson moved to approve the zoning and text amendment recommendations from the Zoning Board incorporating the suggested changes offered by Village Legal Counsel, Mac McCarley and to approve the Consistency Statement which reads: The Village Council finds that, considering existing uses, potential for future development, consistency with surrounding development, and the Comprehensive Plan for the Village of Misenheimer, the rezoning of Tax Record 4283 from Rural Agriculture-RA to Central Business-CB is consistent with the Plan. Micah Edquist seconded the motion and it was approved 5/0.

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

**9. Food Truck – License Agreement for Use of Village Property:** Mac McCarley recommended that the Village approve a License Agreement for the operation of food trucks on Village property. A draft of the License Agreement was offered of items that do not belong in the Zoning Ordinance but matter when operating on Village Property.

Micah Edquist moved to approve the proposed License Agreement adding that signage must be approved by the Village Administrator, any violation to the agreement is grounds for immediate revocation, and that all zoning regulations be followed, with the license fee to be set at \$100 per month. Jamie Hammill seconded the motion and it was approved 5/0.

**10. Remediation Plan for Village Square Site:** The landscape portion of the overall plan presented to Council in December, 2023 was extracted for the basis of the remediation request. Mac McCarley stated there are two pieces to look at in the decision: 1) What does the EDP contractor owe us to fix what was destroyed? 2)What does the Village want to do in addition to make the area nice? After discussion, Council resolved to add a 20% contingency which would be roughly half of the total project cost. Micah moved to propose a remediation cost for landscape, including a 20% contingency, for a total of \$30,433. Jamie Hammill seconded the motion and it was approved 5/0.

**11. Lawn Care Quote:** Yard Tune Up who currently maintains the lawn care at Gladstone, the Community Building and the Village Square price remains at \$250 per month for 2024. Micah Edquist moved to approve Yard Tune up for the lawn care maintenance for 2024. Jeff Watson seconded the motion and it was approved 5/0.

**12. Review Unaudited Financial Status at 12/31/23:** Micah Edquist reported the following reconciled bank balances at 12/31/23 as follows:

General Fund	\$ 787,465
Powell Bill Fund	\$ 88,196

The balance of the Carolina Thread Trail (CTT) account that was held for Richfield, New London and Misenheimer was used to pay on a bill for the Richfield portion of the CTT. The account has now been closed.

**13. Police Report – December, 2023:** Chief Erik McGinnis reviewed the December, 2023 Police Report. The report reflected 40 traffic stops, 25 total charges, 15 warnings, 1 arrest, 48 total calls, 177 details and 350 security checks. There were 4 mutual aid requests from the Stanly County Sheriff’s Office.

- **Stanly County Radio Services Support Contract:** Chief McGinnis reported that Motorola pricing increased 438%; therefore, Stanly County Communications added resources to handle radio support for the County at \$100 per radio. A contract was presented for approval.

Jamie Hammill moved approval of the proposed contract in the amount of \$1,100. Micah Edquist seconded the motion and it was approved 5/0.

**14. Other Business:** None

**15. Adjournment:** The meeting adjourned at 7:08 pm.

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Mayor Michael “Frizbee” Herron

Date

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Anita Blair, Administrator/Clerk

Date