

Attendance: Mayor Pro Tem John Crump; Councilmembers: Allen Burnette, Darren Hartsell and Rich Wise; Town Manager, Doug Paris; Town Clerk, Nancy E. Boyden, CMC, NCCMC; Finance Officer, Beverly Love; Attorney, Nick Tosco; Planning, Zoning & Subdivision Administrator, Kassie Watts, AICP, CZO; Town Engineer, Richard McMillan, P.E.; Cabarrus County Deputy Sheriff, Cody Rominger.  
Also Present: Cabarrus County Commissioner, Lynn Shue.  
Absent: Mayor Kitts.  
Late: None.  
Guests: None.

All items are for discussion and possible action unless otherwise specified.

\*SR denotes staff memo/report included

1. **Invocation:** Mayor Pro Tem Crump pronounced the *Invocation*.
2. **Open Meeting:** Mayor Pro Tem Crump opened the meeting at 7:02 pm and called the room to order.
  - a. The Room stood for the *Pledge of Allegiance*.

**Motion** was made by Councilmember Wise and seconded by Councilmember Burnette to excuse Mayor Kitts from the meeting due to illness. **Motion carried 4-0.**

3. **Announcements:** Mayor Pro Tem Crump gave the following announcement:
  - a. This is a reminder that the November Regular Town Council meeting will be held on November 9<sup>th</sup> at 7:00pm which is a **Wednesday**. Council customarily moves their meeting to the following Wednesday in November in election years.
  - b. **Proclamation #2017-72 October is Breast Cancer Awareness Month**

Mayor Pro Tem Crump read the proclamation.

**Motion** was made by Councilmember Wise and seconded by Councilmember Hartsell to adopt **Proclamation #2017-72 October is Breast Cancer Awareness Month. Motion carried 4-0.**



*Proclamation*  
*Office of the Mayor of Midland*

#2017-72

*NATIONAL BREAST CANCER AWARENESS MONTH*

*Whereas, Breast cancer affects so many women and their families, not only in Midland, N.C. but throughout the country. One in eight women are diagnosed with breast cancer during their lifetime, making this disease the most frequently diagnosed cancer among women in the U.S., other than skin cancer; and*

*Whereas, The 2.8 million breast cancer survivors living in the U.S. today are a testament to courage, as well as to the importance of promoting awareness about breast cancer, providing information, funding research, following recommended screening guidelines and offering treatment to those who are affected; and*

*Whereas, There continues to be a need to increase awareness of breast cancer screening and to promote research for the prevention and cure of breast cancer; and*

*Whereas, October is designated as National Breast Cancer Awareness Month and the pink ribbon is the internationally recognized symbol of breast cancer awareness.*

*NOW, THEREFORE, The Midland Town Council, hereby proclaims the month of October, 2016 as "NATIONAL BREAST CANCER AWARENESS MONTH" in the Town of Midland and urges all citizens to wear pink ribbons in recognition of breast cancer awareness and in honor of women who have lost their lives to breast cancer and of those women who are now bravely fighting the battle.*

*Adopted by Unanimous Vote this 11<sup>th</sup> day of October, 2016.*

**4. Approval of Agenda:**

**Motion** was made by Councilmember Burnette and seconded by Councilmember Wise to approve the Agenda with the following changes:

**Add:** Executive Session after Public Comment and enter under [N.C.G.S. 143-318.11(a)(3)]; Consult with the Attorney to Protect the Attorney-Client Privilege.

**Delete:** Item 12 b- Executive Session [N.C.G.S. 143-318.11(a)(4)] To Discuss Matters Relating to the Location or Expansion of Business in the Area Served by this Body.

**Motion carried 4-0.**

**5. Consent Agenda:** Minutes: 9/13/2016; Attorney Bills

**Motion** was made by Councilmember Hartsell and seconded by Councilmember Burnette to approve the Consent Agenda as presented. **Motion carried 4-0.**

**6. Public Comment:**

- a. Margaret Houston: Citizen of Midland proper:  
Subject: Library

Ms. Houston said the following:

I am speaking on behalf of the Friends of the Midland Library, (FOML). To date we have raised over \$10,000 towards our goal and we will continue to have fundraisers throughout the year. In order to increase the awareness for our intent, we have asked the Cabarrus County Library if they would consider an interim library here in the Town Hall. Doug Paris was assigned to this project in which he will advise you later this evening of his progress. We thank you for your ongoing support and wish you would join us by becoming a FOML member and joining us at our events. A special thank you goes to Rich Wise and John Crump for attending our annual, "Meets the Candidates" event. We had 14 candidates there and they appreciated the opportunity to voice what they do.

The next fundraiser is our 3<sup>rd</sup> annual Christmas Extravaganza. Not only do we do this for the FOML, we collect, "Toys for Tots" for the US Marine Corp. The Safety Patrol from Bethel Elementary School; Carrie Whitley is in charge of that. She has the kids man the boxes where people put the toys. The last day will be on Saturday when the Marines come and pick up the toys. Last year we were able to help 5 families in the town. The Marines deliver these packages and presents to these families. They were all just blown away by what we had done. The rest of the gifts went to 67 families for the food pantry at Bethel UMC. We had extra stocking stuffers and allowed the families to secretly, without the children knowing, pick out items they could give out Christmas Day.

Also, twice a year we have a book sale. We have food vendors there so we hope you all can make it.

Thank you.

**END**

7. Executive Session: [N.C.G.S. 143-318.11(a)(3)] Consult with the Attorney to Protect the Attorney-Client Privilege.

**Motion** was made by Councilmember Wise and seconded by Councilmember Hartsell to enter [N.C.G.S. 143-318.11 (a)(3)] inviting: Attorney Nick Tosco, Manager Paris, Town Clerk Boyden, and Planner Watts. **Motion carried 4-0.**

**Council and guests entered at 7:15 pm.**

**Motion** was made by Councilmember Wise and seconded by Councilmember Hartsell to re-open Regular Session. **Motion carried 4-0.**

**Council re-opened Regular Session at 7:25 pm.**

Mr. Paris said the Council wanted to share that over the last several months staff and the Town Attorney have been working on solutions for the Old Bethel School.

The property was bush hogged this week so the appearance has improved but there are still active code violations that need to be abated.

Mr. Tosco said that the Councilmembers will give us the authorization to proceed with enforcing the Town ordinances, specifically the Public Nuisance Ordinance for non-residential structure standards and the Minimum Housing Standards Ordinance. Council has been working with the Town Planner on the violations and we're going to pursue all the options available to the Town to enforce those ordinances including the process involved with determining unsafe buildings and unsafe structures.

**Motion** was made by Councilmember Burnette and seconded by Councilmember Hartsell to instruct staff to proceed with collecting the fines from the owners of the Old Bethel School and work with the Town Attorney to find a long term solution. **Motion carried 4-0.**

**8. Public Safety:**

- a. Police Report - Cabarrus County Sheriff

Officer Rominger reported the following for the month of September, 2016:

472 Self-initiated calls for service- some of which were:

- 1 Domestic disturbance;
- 386 Security checks;
- 4 Suspicious subjects;
- 15 Suspicious vehicles;

- 49 Traffic stops.

115 Dispatched calls for service- some of which were:

- 1 B/E in progress;
- 2 B/E of residences;
- 3 B/E of vehicles;
- 10 Burglar alarms;
- 4 Disputes;
- 1 Domestic disturbance;
- 4 Larcenies;
- 4 Property damage;
- 2 Robberies;
- 2 Suspicious subjects;
- 9 Suspicious vehicles;
- 6 Traffic accidents- property damage only;
- 3 Traffic accidents- personal injury.

Councilmember Wise asked about the B/E's in the Bethel Glen subdivision. He said there are only 2 listed in the report and there were actually 3 that night. He asked if one of the persons affected didn't file a claim.

Officer Rominger said that he wasn't there when the B/E's occurred yet it seems like 1 of the victims left their car unlocked but nothing was taken.

Councilmember Wise said he was speaking of the person who had a window broken out of his truck.

Officer Rominger said again that he wasn't one of the officers who answered those calls. Perhaps the person didn't file a report.

Officer Rominger added that the radar trailer has been moved to the school zone.

Councilmember Wise asked why there haven't been any statistical reports on the radar trailer.

Officer Rominger said he doesn't have the software for it on his computer.

Councilmember Wise asked Officer Rominger to check into that. There hasn't been a report in quite a while and he would like to see an electronic copy if possible.

Officer Rominger said he will check into the reports.

b. Midland Volunteer Fire Department Report

Councilmember Burnette reported the following for the month of September, 2016:

- 2 Structure fires;
- 6 Residential fire alarms;
- 1 Commercial fire alarm;
- 3 Brush fires;
- 2 Local alarms;
- 3 Motor vehicle accidents.

**Total: 49 calls for service.**

9. **Planning:** Planning, Zoning & Subdivision Administrator- ***K. Watts***

a. Planning Projects- Verbal Update

Planner Watts reported the following:

- The construction entrance is in for the 2<sup>nd</sup> phase of Saddlebrook. They are clearing and grading right now. The development may be called Brentwood. Staff is reviewing their architectural elevations per the TNDO standards;
- The Wydham Forest project looks like it will be starting up soon. The Town Engineer, Mr. McMillan was out there on site today for a pre-construction meeting;
- The Jordan Dental project is under construction;
- Staff is still working with the Banks-Massey Grading project. Planning received several renderings of the conceptual layout of the site. Their engineers have been working on those drawings and when ready the TRC will meet to review;
- Re the Allen Mini Storage project: Staff has come to an agreement on the overall layout and length of street they will need to cut into the site and the building materials for the frontage of the building from the highway.

b. \*SR Land Use Plan Amendment

Ms. Watts reviewed her staff report as follows:

**October 11, 2016**

Re: Land Use Plan Amendment and Zoning Re-Classification – **Miles Little**  
5540 NC Hwy 24-27; Midland, NC 28107 (Cabarrus County PIN 5555-80-8680)

**BACKGROUND:** On August 19, 2016 the Town received a letter (attached) from the property owner, Miles Little, requesting two actions:

1) **A change to the adopted Future Land Use Map.** The property lies within the area designated on the adopted Town Plan 2030 Future Land Use Map for agricultural uses in the *Town Plan 2030 Land Use & Comprehensive Master Plan, Revision 2* adopted October 8, 2013. The property owner is requesting an amendment to the Town Plan 2030 Future Land Use Map to change the future designation from “Agriculture” (AG) to “C24/27” (NC24/27 Commercial)

2) **A rezoning affecting the property shown on the attached map.** The adopted Future Land Use Map designates the area for agriculture and the current zoning designation is “Agriculture” (AG). This *Future Land Use Map* amendment is an important step because North Carolina General Statutes require that municipalities adopt zoning designations consistent with an adopted land use plan.

On September 27, 2016 the Midland Planning & Zoning Commission reviewed the request and voted unanimously (7-0) to recommend approval of the proposed amendment to the *Future Land Use Map*.

**POLICY IMPLICATIONS:** The Town of *Midland Development Ordinance* requires the P&Z Commission to make a recommendation on both future land use map and zoning map amendments to the Town Council for a final vote. Following consideration of a revision to the future land use map, the applicant would then bring forth a proposed zoning map amendment to actually re-zone the property. Notice of the October 24, 2016 P&Z and November 9, 2016 Town Council (Public Hearing) meetings will then be publicized, letters sent to adjacent property owners within 500 ft. of the subject property, and a sign posted on the property.

**ACTIONS TO CONSIDER:** The Town Council may vote to approve, deny, or modify the requested amendment to the *Town Plan 2030 Land Use & Comprehensive Master Plan, Revision 2* adopted October 8, 2013 of the Town of Midland. (See **Resolution #2017-180**).

**END**

There was no discussion by Council.

i. ***Resolution #2017-180***

**Motion** was made by Councilmember Hartsell and seconded by Councilmember Burnette to approve ***Resolution #2017-180*** Miles Little property modifying the Town Plan 2030 Land Use Plan & Comprehensive Master Plan, Revision 2. **Motion carried 4-0.**

**Resolution for Modification of the Town Plan 2030 Comprehensive Land Use & Master Plan Revision 2**

***Resolution #2017-180***

***WHEREAS***, the Town Council of Midland adopted its Town Plan 2030 on May 11<sup>th</sup>, 2010; ***and***

***WHEREAS***, the Town Council of Midland adopted Town Plan 2030 Revision 1 on August 9<sup>th</sup>, 2011 to include significant detail for the implementation of the plan; ***and***

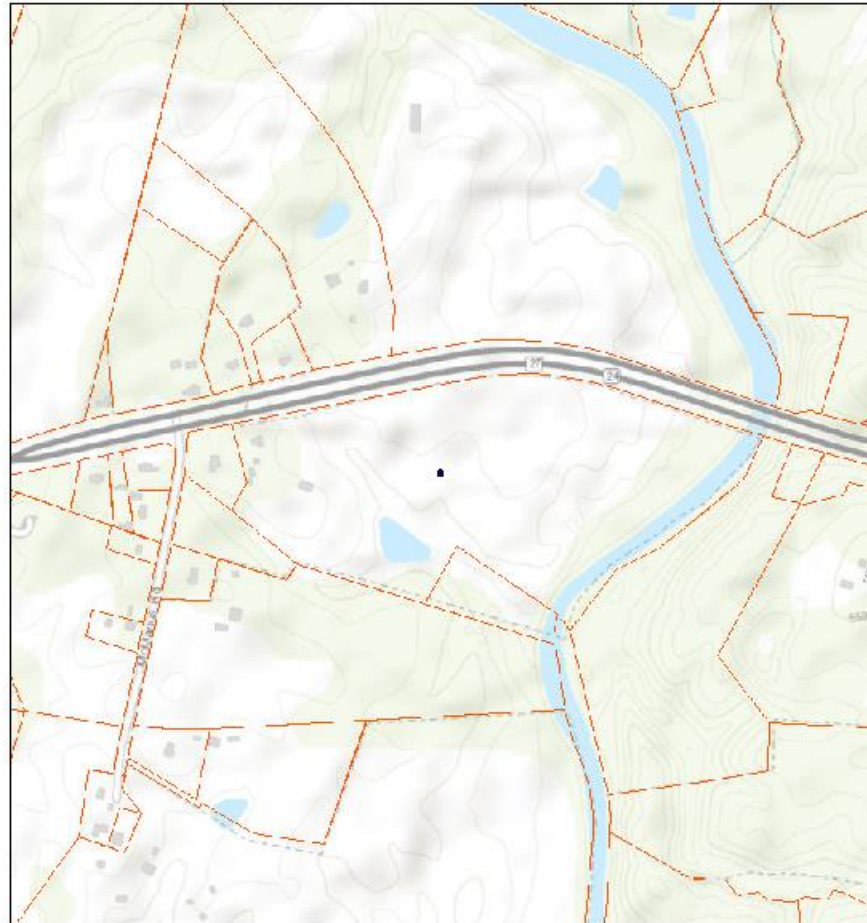
***WHEREAS***, the Town Council of Midland adopted Town Plan 2030 Revision 2 on October 8, 2013 to include significant detail for the implementation of the plan; ***and***

***WHEREAS***, the Town Council continues to support the efforts of the Planning and Zoning Commission in its commitment to the future of Midland.

***NOW, THEREFORE, BE IT RESOLVED***, by the Town of Midland, Town Council at its Regular Meeting on October 11, 2016 that revision of the Town Plan 2030 Future Land Use Map be made to increase the commercial area along NC Hwy 24/27 in the vicinity of Rocky River as shown on the attached map identified as Attachment "A".

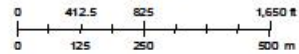
**Adopted this the 11<sup>th</sup> day of October, 2016.**

**PIN 55558086800000**



October 7, 2016

1:9,028



Sources: Esri, HERE, DeLorme, Intermap, Incormet P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeBCo, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

- c. Annexation I & A Properties, LLC
  - i. \*SR Contiguous Annexation

Ms. Watts summarized her staff report as follows:

Date: October 11, 2016

Re: Voluntary Annexation of Contiguous Property of **I & A Properties, LLC**

**BACKGROUND:** On September 21, 2016 the owner of property located at Old Camden Road, Midland, NC 28107 including Cabarrus County PIN 5534-08-2366 totaling 4.43 acres; submitted a petition for voluntary contiguous annexation into the town limits of the Town of Midland.

**FINDINGS AND CONCLUSIONS:** The standards for annexation require that the property must be contiguous to the “primary corporate limits”. Attachment “B” demonstrates the contiguity requirements are satisfactorily met by this petition to the Town of Midland.

**FISCAL IMPACT:** The property is un-developed. The property will not require solid waste collection and recycling services at this time. The Town will receive additional revenues from Ad Valorem tax assessments.

**RECOMMENDATION FOR ACTION:** There are several steps required to annex this property. The following outline illustrates how this process may be completed in two regular meetings of the Town Council.

The actions taken at the October 11, 2016 meeting included (in order of due process):

- a. Petition for voluntary contiguous annexation (attached);
- b. Direct (by resolution) for the Town Clerk to investigate the sufficiency of the petition;
- c. Upon receipt of petition certification by Town Clerk, call (by resolution) for public hearing at the next regular meeting;

The actions that may be taken at the November 9, 2016 meeting include:

- d. Conducting the required Public Hearing for the purpose of receiving input from citizens and/or persons owning an interest in the subject property;
- e. Consideration (adoption or rejection) of an ordinance extending the corporate limits to include the subject property.

Following the annexation of the property staff will be preparing the documents to establish initial Town of Midland zoning on the property. The property lies within the area designated on the Town Plan 2030 Future Land Use Map for “Commercial” uses; is adjacent to an area designated for Industrial” uses; and is consistent with the principles of the *Town Plan 2030 Land Use & Comprehensive Master Plan, Revision 2* adopted October 8, 2013. The owner is requesting the area will be recommended for the “NC 24/27 Commercial” (C 24/27) zoning classification” for the subject property.

END

- ii. **Resolution #2017-176A** – Directing the Clerk to Certify the Petition

**Motion** was made by Councilmember Wise and seconded by Councilmember Hartsell to adopt **Resolution #2017-176A** Directing the Clerk to Investigate the Petition. **Motion carried 4-0.**

**Resolution Directing the Clerk to Investigate an  
Annexation Petition Pursuant to  
Article 4A of G.S. 160A Governing Contiguous Annexations**

**Resolution #2017-176(A)**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on the 21<sup>st</sup> day of September, 2016 by the Town of Midland; *and*

**WHEREAS**, N.C.G.S. Chapter 160A, Article 4A, Part 1 provides that the sufficiency of the petition shall be investigated by the Town Clerk of the Town of Midland, North Carolina before further annexation proceedings consistent within the petition can take place; *and*

**WHEREAS**, the Town Council of the Town of Midland, North Carolina deems it advisable to direct the Town Clerk to investigate the sufficiency of the petition.



***NOW, THEREFORE, BE IT RESOLVED*** by the Town Council of the Town of Midland, North Carolina that:

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition under N.C.G.S. Chapter 160A, Article 4A, Part 1 and to certify as soon as possible to the Town Council the result of the investigation.

**Adopted this the 11<sup>th</sup> day of October, 2016.**

iii. Presentation of Clerk Certification

Town Clerk Boyden presented the Certification and said all information on the deed and the property boundaries is accurate.

**Motion** was made by Councilmember Wise and seconded by Councilmember Burnette to adopt ***Resolution #2017-177A*** and set the Public Hearing for Wednesday, November 9, 2016 at 7:00pm at Midland Town Hall, 4293-B NC Hwy. 24/27, Midland NC 28107. **Motion carried 4-0.**

iv. ***Resolution #2017-177A*** – Call for Public Hearing for November 9<sup>th</sup>, 2016

**Resolution Fixing the Date of Public Hearing on Question of Annexation  
Pursuant to Article 4A of G.S. 160A  
Governing Contiguous Annexations**

***Resolution #2017-177(A)***

***WHEREAS***, a petition requesting annexation of the area described herein has been received; ***and***

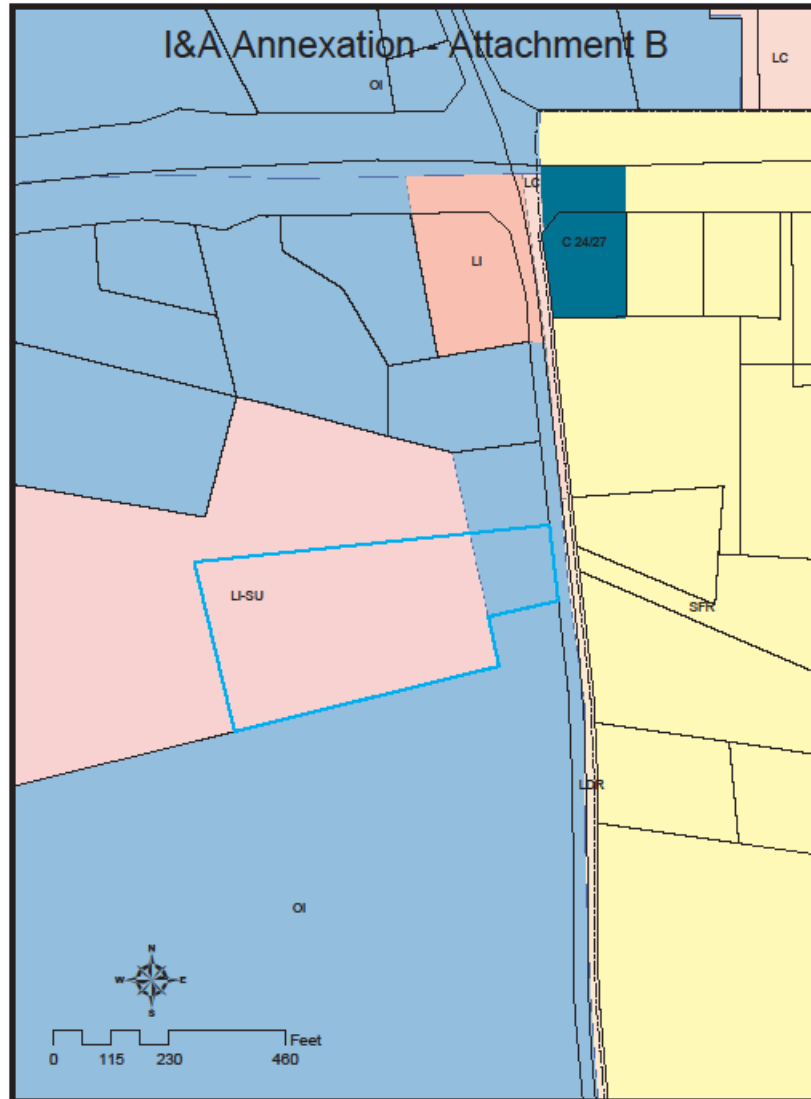
***WHEREAS***, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; ***and***

***WHEREAS***, certification by the Town Clerk as to the sufficiency of the petition has been made.

***NOW, THEREFORE, BE IT RESOLVED*** by the Town Council of the Town of Midland, North Carolina that:

- Section 1. A Public Hearing on the question of annexation of the area described herein will be held at the Midland Town Hall, 4293-B Highway 24/27, Suite B, Midland, NC, 28107 at 7:00pm on the 9<sup>th</sup> day of November, 2016.
- Section 2. The property is located at 12322 Old Camden Road; Midland, NC 28107 including Cabarrus County PIN 5534-08-2366 totaling 4.43 acres. The subject property proposed for annexation is illustrated on the map accompanying the petition and is identified as Exhibit B.
- Section 3. Notice of the Public Hearing shall be published in the Cabarrus Neighbors section of the Charlotte Observer.

**Adopted this the 11<sup>th</sup> day of October, 2016.**



- d. Annexation Purser Property
  - i. \*SR Non Contiguous Annexation

Ms. Watts reviewed her staff report as follows:

**Date:** October 11, 2016

**Re:** Voluntary Annexation of non-contiguous property of **William N. Purser**

**BACKGROUND:** On October 3, 2016 the owner of property located at 501 NC Hwy 24-27; Midland, NC 28107 (Cabarrus County PIN 5524-87-3928) submitted a petition for voluntary non-contiguous annexation into the town limits of the Town of Midland. The property consists of approximately 24.343+/- acres.

**FINDINGS AND CONCLUSIONS:** The statutory standards for annexation require non-contiguous property be closer to the “primary corporate limits” of the annexing municipality and our annexation agreement with the City of Charlotte requires that it lie within Cabarrus County. Attachment “B” demonstrates the requirements are satisfactorily met by this petition to the Town of Midland.

**FISCAL IMPACT:** The property is un-developed. The property will not require solid waste collection and recycling services at this time. The Town will receive additional revenues from Ad Valorem tax assessments.

**RECOMMENDATION FOR ACTION:** There are several steps required to annex this property. The following outline illustrates how this process may be completed in two regular meetings of the Town Council.

The actions that may be taken at the October 11, 2016 meeting include (in order of due process):

- f. Petition for voluntary non-contiguous annexation;
- g. Direct (by resolution) for the Town Clerk to investigate the sufficiency of the petition;
- h. Upon receipt of petition certification by Town Clerk, call (by resolution) for public hearing at next regular meeting;

The actions that may be taken at the November 9, 2016 meeting include:

- i. Conducting the required Public hearing for the purpose of receiving input from citizens and/or persons owning an interest in the subject property;
- j. Consideration (adoption or rejection) of an ordinance extending the corporate limits to include the subject property.

Following the annexation of the property staff will be preparing the documents to establish initial Town of Midland zoning on the property. The property lies within the area designated on the Town Plan 2030 Future Land Use Map for “Industrial” uses and is consistent with the principles of the *Town Plan 2030 Land Use & Comprehensive Master Plan, Revision 2* adopted October 8, 2013; therefore, it is anticipated the area will be recommended for the “Industrial” (IND) zoning classification.

- ii. **Resolution #2017-178A**- Directing the Clerk to Certify the Petition

**Motion** was made by Councilmember Burnette and seconded by Councilmember Wise to Direct the Clerk to Certify the Petition. **Motion carried 4-0.**

**Resolution Directing the Clerk to Investigate an  
Annexation Petition Pursuant to  
Article 4A of G.S. 160A Governing Non-Contiguous Annexations**

**Resolution #2017-178(A)**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on the 3rd day of October, 2016 by the Town of Midland; *and*

**WHEREAS**, N.C.G.S. Chapter 160A, Article 4A, Part 4 provides that the sufficiency of the petition shall be investigated by the Town Clerk of the Town of Midland, North Carolina before further annexation proceedings consistent within the petition can take place; *and*

**WHEREAS**, the Town Council of the Town of Midland, North Carolina deems it advisable to direct the Town Clerk to investigate the sufficiency of the petition.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Midland, North Carolina that:

Minutes October 11, 2016  
Regular Meeting of Town Council  
7:00pm, 4293-B Hwy. 24/27 E. Midland, NC 28107

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition under N.C.G.S. Chapter 160A, Article 4A, Part 4 and to certify as soon as possible to the Town Council the result of the investigation.

**Adopted this the 11th day of October, 2016.**

iii. Presentation of Clerk Certification

Town Clerk Boyden presented the Certification and said all information on the deed and the property boundaries is accurate.

iv. **Resolution #2017-179A**- Call for Public Hearing for November 9<sup>th</sup>, 2016

**Motion** was made by Councilmember Burnette and seconded by Councilmember Wise to adopt **Resolution #2017-179A** and set the Public Hearing for Wednesday, November 9, 2016 at 7:00pm at Midland Town Hall, 4293-B NC Hwy. 24/27, Midland, NC 28107. **Motion carried 4-0.**

**Resolution Fixing the Date of Public Hearing on Question of Annexation  
Pursuant to Article 4A of G.S. 160A  
Governing Non-Contiguous Annexations**

**Resolution #2017-179(A)**

**WHEREAS**, a petition requesting annexation of the area described herein has been received; *and*

**WHEREAS**, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; *and*

**WHEREAS**, certification by the Town Clerk as to the sufficiency of the petition has been made.

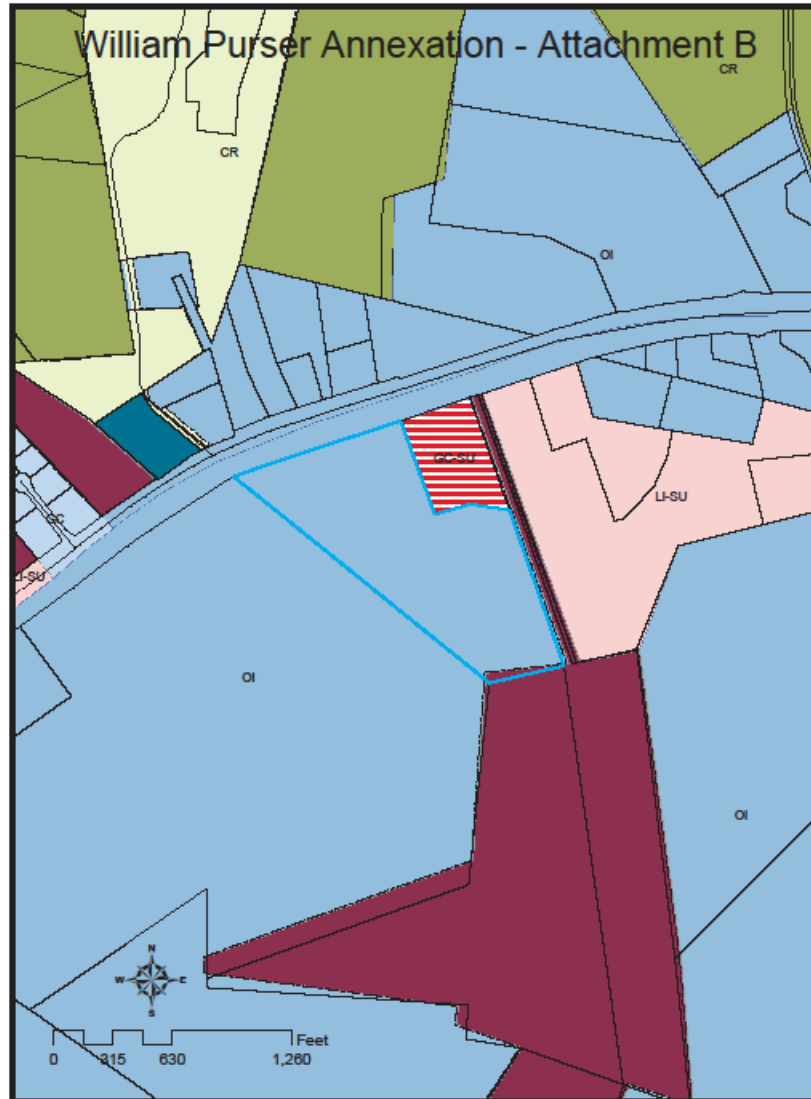
**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Midland, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Midland Town Hall, 4293-B Highway 24/27, Suite B, Midland, NC, 28107 at 7:00pm on the 9<sup>th</sup> day of November, 2016.

Section 2. The property located at 501 Hwy 24/27, Midland, NC 28107 including Cabarrus County PIN 5524-87-3928 totaling 24.343 acres. The subject property proposed for annexation is illustrated on the map accompanying the petition and is identified as Exhibit A.

Section 3. Notice of the public hearing shall be published in the Cabarrus Neighbors section of the Charlotte Observer.

**Adopted this the 11th day of October, 2016.**



**10. Roads:**

- a. \*SR McManus Meadows Subdivision Road Paving Bids- *R. McMillan*

Mr. McMillan recapped his staff report as follows:

**Subject Title:** 2016 Street Resurfacing Bids – McManus Meadows (Marglen Ln, Coymac Ct, & Forest Bluff Dr.)

**Background:** As streets age, they deteriorate and require maintenance and resurfacing. The streets in McManus Meadows were scheduled to be resurfaced this Fall. The work included in this contract includes crack sealing, minor base repair, asphalt surface treatment (AST), and plant mix for resurfacing.

Bid packages for this resurfacing project were sent out on Tuesday, September 6, 2016. Bids were received on Thursday, September 22nd at 4 PM. The Engineer’s estimate for this project was \$76,350.00. The Town received

only one bid from Blythe Construction. Blythe's bid was \$78,092.50, a difference of \$1,742.50 (2.3% higher) from our estimate.

The bid package includes a contingency line item (\$5,000) in case something unforeseen is encountered. This amount was assigned by the Town and will only be spent if the Town Engineer authorizes the contractor for additional work. The bid tabulation is attached.

**NCGS Bidding Thresholds:** Under State law (NCGS 143-129 & 143-131) informal bidding is required for construction and repair contracts from \$30,000 to \$500,000. With this project being within the informal range, there is no minimum number of bids required to award.

Six construction companies were contacted by the Town for this resurfacing project – SeaLand Construction, JT Russell & Sons, Turner Asphalt, Star Construction, Ferebee Corporation, and Blythe Construction. One company stated their paving crews were too busy this fall to bid. The remaining five were sent bid documents. A bid package was also provided to NCDOT for a quote, but their work load for this fall was too heavy to allow them to provide a quote.

**Budget:** \$81,988.00

**Recommendation:** Staff recommends the Board to authorize the Town Manager to execute the contract with Blythe Construction for Street Resurfacing McManus Meadows for an amount not to exceed \$78,092.50.

TOWN OF MIDLAND  
 2016 STREET RESURFACING  
 BID TABS  
 September 22, 2016



Item	Description	Unit	Estimated Quantity	Town's Estimate		Blythe Construction	
				Unit Price	Extension	Unit Price	Extension
<b>Marglen Ln, Coymac Ct, &amp; Forest</b>							
1	Mobilization (Not to Exceed 5% of Bid)	LS	1	\$3,500.00	\$3,500.00	\$3,555.00	\$3,555.00
2	Crack Sealing (Large – 0.5-Inch) (Type I, PS/AR)	LF	1,250	\$1.00	\$1,250.00	\$1.35	\$1,687.50
3	Full-Depth Patch/Repair (5" Type I19.0)	SY	50	\$50.00	\$2,500.00	\$97.50	\$4,875.00
4	Asphalt Surface Treatment (AST) – Emulsion & #78M (Single Seal)	SY	5,500	\$1.20	\$6,600.00	\$1.35	\$7,425.00
5	1.5-Inch Asphalt Type S9.5B Overlay (Compacted)	TN	700	\$80.00	\$56,000.00	\$78.00	\$54,600.00
6	Traffic Control	LS	1	\$1,500.00	\$1,500.00	\$950.00	\$950.00
7	Contingency – Only as Authorized by the Town	LS	1	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
<b>TOTAL</b>					<b>\$76,350.00</b>		<b>\$78,092.50</b>

**Discussion:**

Mayor Pro Tem Crump: How many areas have to be dug out and replaced?

Mr. McMillan: There are about 3 small areas we are going to have to dig out because the base has failed. The streets are in pretty good shape. What you see mostly is the deterioration of the asphalt with a lot of alligator cracking. With

that, the plan is to first do some crack sealing to keep water out. Then we will come in and do an asphalt surface treatment. The contractor will put a tar layer on top and then put on top of that chip seal so it will look like a gravel road. What that does is seal up the surface. After that they will lay down the plant mix on top to finish it out. When it's done it will look like a brand new road and should function very well for many years.

Mayor Pro Tem Crump: Are they going to dress up the sides or just leave the asphalt up?

Mr. McMillan: It will be sticking up but typically what they do is taper off the edges and roll them down.

Councilmember Hartsell: Are you [Richard] going to be on site on a regular basis to make sure that the \$5,000 contingency fund will be spent correctly if needed?

Mr. McMillan: The only way the contingency can be spent is if the Town Council agrees it's necessary. For example, the asphalt has to be paid by the ton and they have to give us an original ticket for it. So we will have double checks and balances.

**Motion** was made by Councilmember Hartsell and seconded by Councilmember Burnette to select Blythe Construction to resurface McManus Meadows roads in an amount not to exceed \$78,092.50. **Motion carried 4-0.**

b. \*SR Barricades for Town Roads

Mr. McMillan reviewed his staff report for Council as follows:

**Subject Title:** Traffic Barricade Purchase

**Background:** The NCDOT has requested that the Town of Midland provide road closure signs on roads maintained by the Town when required by the Fire Departments. The Town requested quotes from three sign vendors. The quotes were for two (2) Type III Barricades (8-foot long, steel legs) and two (2) Road Closed signs (R11-4). The Town received three quotes on the barricades and signs:

US Barricades	\$974.50 – Did not meet specifications
Guardway Corporation	\$983.50 – Lowest quote that met specifications
Stay Alert Safety	\$1,065.00

These prices include delivery to Town Hall.

**Budget:** \$2,055.00 (Street Sign Replacement Budget)

**Recommendation:** Staff recommends the Board to authorize the Town Manager to execute a purchase with Guardway Corporation in an amount not to exceed \$983.50.

**END**

Mayor Pro Tem Crump asked if Guardway will deliver the barricades to the Town storage unit.

Mr. McMillan said, "Yes".

**Motion** was made by Councilmember Burnette and seconded by Councilmember Wise to authorize the Town Manager to purchase two road barricades from Guardway Corporation and adopt Budget Amendment **Ordinance #2017-202** for same. **Motion carried 4-0.**

<b>Town of Midland Ordinance #2017-202 FY 2016-2017</b>
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BE IT ORDAINED by the Governing Board of the Town of Midland, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2017:				
Section 1. To amend the Midland Budget 2016-2017 to purchase barricades for town roads				
	Current			Amended
Description	Budget	Increase	Decrease	Budget
Street Sign Replacement	\$ 1,000.00	\$ 1,055.00	\$ -	\$ 2,055.00
GF Fund Balance Appropriation	\$ 23,410.00	\$ 1,055.00		\$ 24,465.00
Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board and to the Finance Officer for their direction.				

**11. Staff Reports:**

- a. Finance- September, 2016 – **B. Love**

Ms. Love gave the general report as follows:

	Sep 30, 16
1000 · CASH ON HAND	231.81
1004 · GENERAL FUND	1,015,157.10
1040 · UTILITY CAPITAL RESERVE FUNDS	2,093,426.13
1050 · POWELL BILL FUNDS	218,825.41
1060 · CDBG OLD MIDLAND SEWER PROJECT	62,859.62
<b>Total Checking/Savings</b>	<b>\$3,390,500.07</b>

Ms. Love said staff was instructed to bring this next Budget Amendment Ordinance back this month for formal adoption.

- i. **Budget Amendment Ordinance #2017-203** to Appropriate Funds for Future Town Hall Site Cleanup

**Motion** was made by Councilmember Wise and seconded by Councilmember Burnette to adopt Budget Amendment **Ordinance #2017-203. Motion carried 4-0.**

<b>Town of Midland</b>				
Ordinance #2017-203				
FY 2016-2017				
BE IT ORDAINED by the Governing Board of the Town of Midland, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2017:				



Section 1. To amend the Midland Budget 2016-2017 to grade the Town Center site in order to mow.				
	Current			Amended
Description	Budget	Increase	Decrease	Budget
Misc. Operating Costs	2,500.00	\$ 5,250.00	\$ -	\$ 7,750.00
GF Fund Balance Appropriation	\$ 24,465.00	\$ 5,250.00		\$ 29,715.00
Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board and to the Finance Officer for their direction.				

Councilmember Wise asked Mr. McMillan when Blythe Construction planned on starting the road surfacing project and how long it is expected to take to finish.

Mr. McMillan said that he’s talked to Blythe Construction and as soon as Town Council approved the contract, their intent is to start the latter part of October- beginning of November and hopefully they will be finished by the end of November or early part of December.

Councilmember Wise asked that the residents of McManus Meadows be notified of the road resurfacing as soon as possible.

Mr. Paris said Mr. McMillan will have a neighborhood meeting so residents understand the timing and how to enter/exit the neighborhood, etc. Also in the contract is a traffic control component.

- b. Manager Comments- *D. Paris*
  - i. \*SR Town Goal #4, RCCC Classes

Mr. Paris summarized his staff report.

**Subject Title:** Manager’s Comments- Item i. RCCC Classes

**Background:** During last February’s retreat the Town Council discussed and adopted goals for the town for the upcoming year. Goal 4 included, “Provide an interim location for RCCC classes for Midland area citizens.”

Staff has been working with Barbara Hall, Director of the RCCC Small Business Center, to partner in achieving this goal. RCCC will host its first class in Midland on October 19<sup>th</sup> from 7:00PM to 8:30PM at Town Hall. The course is targeted at helping small business owners in the Midland area. I will be in attendance to open and close Town Hall unless any Council Member desires to attend and do so. Barbara is working with instructors to schedule additional dates and classes, and I will share these with you when they are finalized.

This is an exciting first step. We hope over time to build a productive relationship with RCCC and expand class and course offerings to Midland area citizens so they do not have to always drive to Kannapolis or Salisbury to access them.

**Budget:** No impact

**Council Action:** No action is needed. This is for information only. If any of you wish to attend and open and close Town Hall please let me know.

- ii. \*SR Town Goal #4 Interim Library Services

Mr. Paris summarized his staff report.

**Subject Title:** Manager's Comments- Item ii. Interim Library Service

**Background:** During last February's retreat the Town Council discussed and adopted goals for the town for the upcoming year. Goal 4 included, "Provide an interim location for library services through the Friends of the Library until the new Town Hall can be built to house those services."

Staff has been working with the Friends of the Library and Cabarrus Library Director Emery Ortiz to accomplish this goal. On October 3<sup>rd</sup> the parties finalized an understanding that a librarian would work from the Town Hall front counter on Mondays from 4-7PM every other week to provide drop-off and pick-up service. What this means is Midland residents could order a book from the other branches online and pick it up and Midland Town Hall during those hours. They could also return to book to Town Hall at those hours. This is as opposed to driving to Concord to do this. The Cabarrus Library Director can provide this service every other week and during these hours without adding a staff member. If the service is utilized and we experience a large demand, the frequency of the service can be expanded. I will be at Town Hall those Mondays until 7PM to make sure the facility is secured and everything goes smooth.

**Budget:** No impact to the Town. I'm salaried so there is no overtime cost.

**Council Action:** No action is needed. This is for information only. Please let me know if there are any concerns or objections.

Ms. Emery Ortiz thanked Council for allowing the library to be here in Midland.

Mayor Pro Tem Crump said as he was looking at the framed sign in the Chambers, "Vote to Incorporate Midland" that while the fire department was preparing to take down an unoccupied structure this sign was found inside. Clerk Boyden had it framed and it needs to be part of Midland's history.

**12. Executive Session:**

- a. [N.C.G.S. 143-318.11(a)(3)] Consult with the Attorney to Protect the Attorney-Client Privilege

**Motion** was made by Councilmember Wise and seconded by Councilmember Hartsell to enter [N.C.G.S. 143-318.11(a)(3)] inviting, Attorney Tosco, Manager Paris, Town Clerk Boyden, Planner Watts and Town Engineer McMillan. **Motion carried 4-0.**

**Council and guests entered at 8:07 pm.**

**Motion** was made by Councilmember Wise and seconded by Councilmember Hartsell to re-enter Regular Session. **Motion carried 4-0.**

**Council re-entered Regular Session at 8:43 pm.**

**13. Adjournment:**

**Motion** was made by Councilmember Wise and seconded by Councilmember Hartsell to adjourn the meeting. **Motion carried 4-0.**

**Council adjourned at 8:43 pm.**

Attest/Seal

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Mayor Kitts

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Nancy E. Boyden, CMC, NCCMC Town Clerk