

Attendance: Mayor Pro Tem John Crump; Councilmembers: Allen Burnette, and Rich Wise; Town Manager, Douglas Paris; Town Clerk, Nancy E. Boyden, CMC, NCCMC; Finance Officer Beverly Love; Town Attorney, Anthony Fox; Planning, Zoning & Subdivision Administrator, Kassie Watts, AICP, CZO; Cabarrus County Deputy Sheriff, Matt Pethel; Midland Fire Glenn Mauney.  
Also Present: Cabarrus County Commissioner, Lynn Shue.  
Absent: Mayor Kitts and Councilmember Darren Hartsell.  
Late: None.  
Guests: Ryan Bills, Branch Manager, Superior Distribution Midland Facility.

**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 7:01 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 and Councilmember Hartsell from the meeting. **Motion carried 3-0.**

3. **Announcements:** Mayor Pro Tem Crump gave the following announcement:

There will be a Town Hall meeting on August 6<sup>th</sup> from 9:00 am to 11:00 am. These meetings are held bi-monthly on Saturdays prior to the monthly Regular Town Council meetings. Citizens are always encouraged to attend to ask questions, make suggestions and voice opinions.

4. **Approval of Agenda:**

**Motion** was made by Councilmember Wise and seconded by Councilmember Burnette to approve the Agenda as presented. **Motion carried 3-0.**

5. **Consent Agenda:** Minutes: 6/14/2016, 6/24/2016; Attorney Bills

- a. Benchmark Planning contract
- b. EDC contract
- c. Presnell Lease Agreement
- d. Wooten Engineering contract

**Motion** was made by Councilmember Wise and seconded by Councilmember Burnette to approve the Consent Agenda as presented. **Motion carried 3-0.**

6. Approval of Midland VFD Contract

**Motion** was made by Councilmember Wise and seconded by Councilmember Burnette to defer the Midland VFD contract until the Regular August 9<sup>th</sup>, 2016 meeting due to the absence of Mayor Kitts and Councilmember Hartsell this evening. **Motion carried 3-0.**

7. **Public Comment:** None forthcoming.

8. **Welcome:** Ryan Bills, Branch Manager, Superior Distribution Midland Facility (former Pepsi site).

Mr. Bills said the following:

- Currently occupying the former Pepsi plant;
- Been there for approximately 4 weeks;
- Specialize in roofing material distribution with some siding, windows, doors etc.;
- Superior Distribution is part of a larger chain- nationally based company called SRS Distribution;
- This will be our primary Charlotte location and adding a few others throughout the course of the next few years;
- Very excited to be in Midland;
- If anyone has questions feel free to stop by the office. We're open from 7:30am to 4:30pm primarily;
- The facility is primarily wholesale but if anyone wants to come in we will be happy to be of service.

9. **Public Hearing:**

a. ***Initial Zoning Designation Queen's University Property***

i. ***\*SR Presentation by Staff- K Watts***

Planning Administrator Watts summarized her staff report as follows:

Re: Initial Zoning Classification – Queen's University located at 5151 and 5251 Hwy 24-27 East; Midland, NC 28107 - Cabarrus County PIN 5555-63-1644 totaling 74.34 acres; and PIN 5555-63-9331 totaling 85.75 acres; for a total of 160.09 acres

**BACKGROUND**

On June 14, 2016 the Town Council adopted an ordinance to annex, by voluntary petition, the property shown on the attached map.

Queen's University property located at 5151 and 5251 Hwy 24-27 East; Midland, NC 28107, being Cabarrus County PIN 5555-63-1644 totaling 74.34 acres; and PIN 5555-63-9331 totaling 85.75 acres; for a total of 160.09 acres submitted a petition for voluntary contiguous annexation into the town limits of the Town of Midland. The property is currently zoned by Cabarrus County and the current County zoning classification is Office Institutional (OI) and Low Density Residential (LDR). The proposed zoning district is Town of Midland "NC 24/27 Commercial" (C 24/27), approximately 42 +/- acres and "Single Family Residential" (SFR) designation, approximately 118 +/- acres, as shown on the enclosed map.

North Carolina General Statutes require that municipalities annexing territory into the corporate limits must apply its own zoning classification to the territory being annexed within sixty days of the effective date of the annexation.

**FINDINGS AND CONCLUSIONS**

The property being discussed lies within an area shown on the adopted Town Plan 2030 Future Land Use Map for industrial and residential uses consistent with the Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2, adopted October 8, 2013 and amended March 8, 2016, as shown on the adopted Land Use Map appearing therein which covers areas outside the city limits of the Town of Midland, but lying within the area known as the Midland Service Area, as required by NCGS § 160A-383. This amendment is reasonable because the subject property is properly zoned land where the existing permitted activity is established.

**POLICY IMPLICATIONS**

The Town of Midland Development Ordinance and the North Carolina General Statutes require the P&Z Commission to make a recommendation on the map amendment.

The P&Z Commission discussed this map amendment during the June 28, 2016 meeting and voted unanimously to recommend the "NC 24/27 Commercial" (C 24/27) and "Single Family Residential" (SFR) designation.

Town of Midland Development Ordinance standards will apply following the:

1. A public hearing held by the Town Council, and

2. Adoption of an Ordinance including both Reasonableness and Consistency Statements designating the Town zoning classification.

Notice of this meeting and this agenda item has been publicized, letters have been sent to adjacent property owners within 500 ft. of the subject property, and a sign has been posted on the property.

The Council may vote to approve, deny, or modify the recommended classification in accordance with the adopted Town Plan 2030 Land Use & Comprehensive Master Plan, Revision 2, adopted October 8, 2013 amended March 8, 2016, of the Town of Midland.

**DISCUSSION:**

Councilmember Wise: I heard that the applicant would maybe like to zone all the property commercial or something else.

Ms. Watts: Mr. Bailey Patrick and I did discuss that as a possibility.

Mr. Patrick: I'm from Charlotte and have been in commercial real estate for 30+ years. I serve on the Queens University Board of Trustees for 6 years now. They asked me to assist them with this property. The land was donated to them by Mr. Byron. Queens University is not in the real estate development business. Their preference is to sell the property. We have 1 interested prospect for approximately 10 acres- a portion of the frontage. In meeting with the Town and the prior planner, and Ms. Watts, we felt like an appropriate plan would be to go back approximately 42 acres to take advantage of the potential for commercial along the NC Hwy. 24/27 corridor. This would go back to about the depth of the former Pepsi building. In my experience it's hard to think that 160 acres would be suitable or there would be a demand for high intensity commercial, retail, office. I just don't think that we have enough critical mass and amenities etc. that would attract those uses verses other competing sites in the region. Therefore it seems more appropriate to us to try and do the commercial and hopefully over time we can find other businesses to fill out the 42 frontage acreage. On the back 118 acres, that neighborhood would generate demand for retail services on the front.

We do not have sewer so that is a challenge that we have discussed and we are in the process of funding a study and we hope to come up with a team approach that would solve that issue.

Queens would certainly appreciate your support tonight.

Councilmember Wise: I have no problem with the way you want it zoned. I just wanted to make sure this is what you want to do.

Mayor Pro Tem Crump opened the Public Hearing at 7:15pm.

Mr. Bailey: Queens has 1 potential tenant for 10 acres. This is a self-storage development. For the rest of the land Queens would like to sell the site to a developer. If this is approved tonight, it would leave about 32 acres of commercial property to develop.

Attorney Fox: What this is about is to establish zoning on the property. If established, the property owner would be able to use all of the uses within the commercial district. This is a by-right use.

Ms. Watts: He would still have to go through the site plan review and approval. Depending on the use whether it is by-right or conditional, another hearing would be required.

There were no further questions or comments so Mayor Pro Tem Crump closed the hearing at 7:20pm.

ii. **Consider Zoning Ordinance #07-2016 (A)(IZ)**

**Motion** was made by Councilmember Wise and seconded by Councilmember Burnette to designate the subject property as “NC 24/27 Commercial” (C 24/27) and “Single Family Residential” (SRF) to be consistent with the Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2, adopted October 8, 2013 and amended March 8, 2016, as shown on the adopted Land Use Map appearing therein which covers areas outside the city limits of the Town of Midland, but lying within the area known as the Midland Service Area, as required by NCGS § 160A-383. This amendment is reasonable because the subject property is located in an area designated for new commercial frontage and residential development beyond the frontage and where supporting municipal services are proposed. **Motion carried 3-0.**

**AN ORDINANCE AMENDING THE DEVELOPMENT ORDINANCE  
OF THE TOWN OF MIDLAND, NORTH CAROLINA**

***Ordinance Number #07-2016 (A)(IZ)***

**BE IT ORDAINED** by the Town Council of the Town of Midland, North Carolina that the Midland Development Ordinance Official Zoning Map as adopted pursuant to Article 1, section 1.13 of the Town be amended as follows:

**Part 1. Consistency with Adopted Comprehensive Plan and Statement of Reasonableness.**

The Town Council finds that the zoning map amendment to the property of Queen’s University located at 5151 and 5251 Hwy 24-27 East; Midland, NC 28107, being Cabarrus County PIN 5555-63-1644 totaling 74.34 acres; and PIN 5555-63-9331 totaling 85.75 acres; for a total of 160.09 acres submitted a petition for voluntary contiguous annexation into the town limits of the Town of Midland. The property is currently zoned by Cabarrus County and the current County zoning classification is Office Institutional (OI) and Low Density Residential (LDR). The proposed zoning district is the Town of Midland “NC 24/27 Commercial” (C 24/27), approximately 42 +/- acres, and “Single Family Residential” (SFR) designation, approximately 118 +/- acres, as shown on the enclosed map, consistent with the Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2, adopted October 8, 2013 and amended March 8, 2016 as shown on the adopted Land Use Map appearing therein which covers areas outside the city limits of the Town of Midland, but lying within the area known as the Midland Service Area, as required by NCGS § 160A-383. This amendment is reasonable because the subject property is located in an area designated for new commercial frontage and residential development beyond the frontage and where supporting municipal services are proposed.

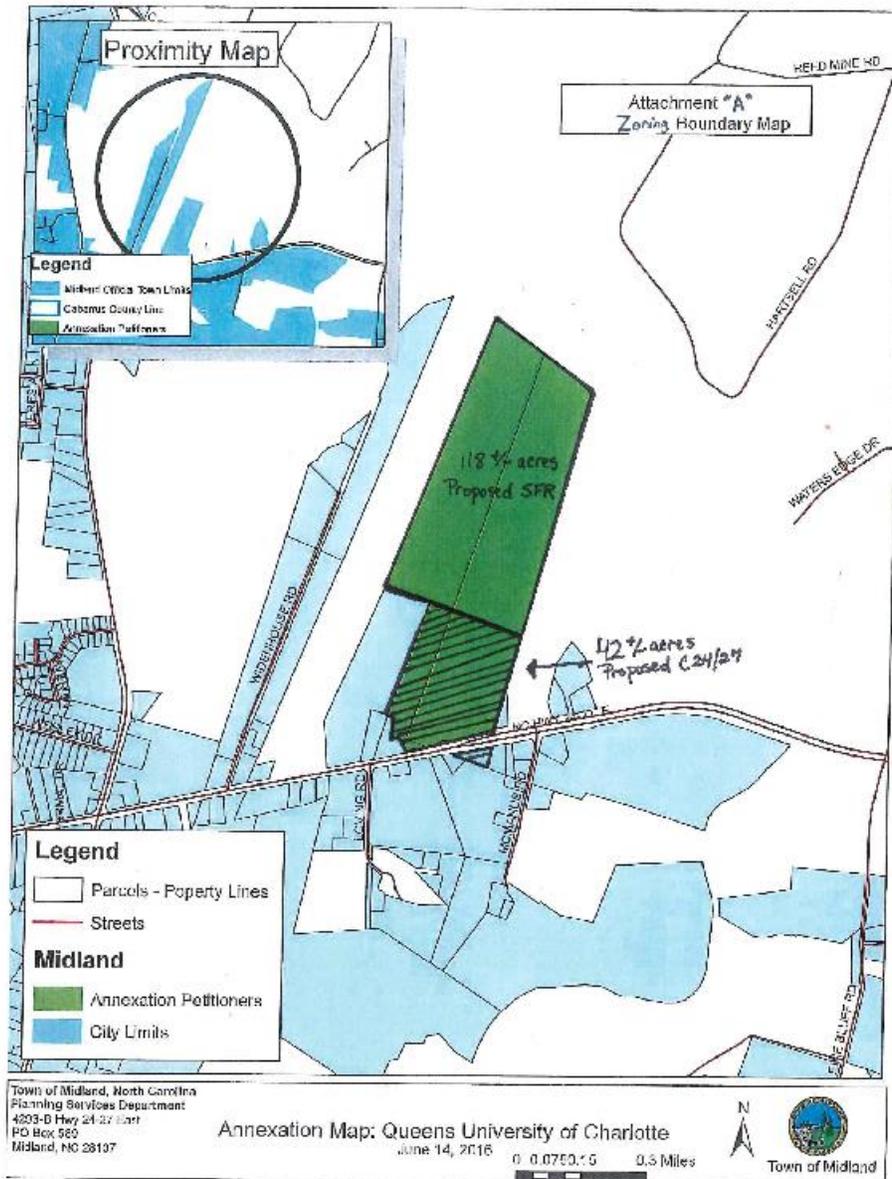
**Part 2. Designation of Initial Zoning Designation.**

Cabarrus County Property Identification Number(s) 5555-63-1644; and PIN 5555-63-9331 described in the annexation ordinance adopted June 14, 2016 shall be designated “NC 24/27 Commercial” (C 24/27) and “Single Family Residential” (SFR) on the Official Zoning Map as shown on Attachment “A” in accordance with the affirmative recommendation of the Midland Planning & Zoning Commission June 28, 2016.

**Part 3. Effective Date.**

This Ordinance shall be effective immediately upon its adoption.

***Adopted this the 12<sup>th</sup> day of July, 2016.***



10. **Public Safety:**

- a. Police Report - Cabarrus County Sheriff- *M. Pethel*

Officer Pethel reported the following for the month of June, 2016:

Self-initiated calls- some of which were:

- 378 Security checks;
- 4 Suspicious subjects;
- 17 Suspicious vehicles;
- 90 Traffic stops.

Dispatched calls- some of which were:

- 11 Burglar alarms;
- 8 Disputes;
- 8 Traffic accidents -1 being personal injury -7 property damage only.

Additionally there was an incident in the Bethel Glen subdivision. The Cabarrus Sheriffs were there assisting the Pineville Police Dept. They were there speaking to the brother of a suspect who committed a crime in their jurisdiction. There was no incident in Bethel Glenn other than us being there while they were interviewing the brother.

b. Midland Volunteer Fire Department Report – Glenn Mauney

Midland Fireman Mauney reported the following for the month of June, 2016:

- 7 Structure fires;
- 2 Residential fire alarms;
- 2 Commercial fire alarms;
- 1 Brush fire;
- 1 Vehicle fire;
- 5 Local alarms;
- 2 vehicle accidents;
- 30 Medical calls.

**TOTAL= 50**

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

a. Planning Projects Update

Ms. Watts said the following:

- Tucker Chase subdivision has pulled 124 zoning permits. The developer is now moving into the 60 day time period for submitting construction drawings for the pool/amenities area. Developer, Mr. Grimmer will receive a letter to that affect. Mr. Grimmer has to submit those drawings before he can be issued anymore zoning permits;
- Saddlebrook Phase 2 construction plans have been approved. The developer must notify the Town before they start moving dirt. People will see the construction starting at the entrance off of US Hwy. 601;
- Wydham Forest is moving forward. They have plan approvals. Planning is working with True Homes on some of the architectural requirements;
- The Banks Massey project that was recently rezoned is moving forward. Spoke with NCDOT today on some preliminary comments regarding their sketch plan and driveway location. They are trying to acquire an additional piece of property. This is a triangular piece that will give them more frontage on NC Hwy. 24-27. This will provide a better option for putting in a private road or public road. This will be further discussed with the engineer. However, NCDOT sent some preliminary comments back and the applicant is happy about that;
- Presnell's adapted re-us: Mr. Presnell had to revise his site plan recently because NCDOT was not happy with the driveway access he showed. He had 2 driveway accesses and NCDOT wanted him to close the eastern driveway and curb and gutter it. He will use the other driveway and extend it back to additional property in the rear that may be developed in the future.

Mayor Pro Tem Crump asked regarding the Saddlebrook Phase 2 construction entrance off of US Hwy. 601 if there will be turn lanes going in. Has NCDOT decided what they are going to do yet?

Ms. Watts said she wasn't sure what their requirements are but something will have to be done. She said she will check on this and return information to Council.

Ms. Watts also said that Saddlebrook Phase 2 may be renamed.

**12. Midland Project Initiatives:**

a. **Sewer Expansion: D. Paris**

1. Historic Old Midland CDBG Phase 1- ***Update***

Mr. Paris said that the final connection has been completed. He is now waiting on the engineering certifications from McGill Associates. Once those are received, they the final invoices will be closed out. The engineering certification is important because it proves that everything was done properly.

13. **Staff Reports:**

a. Finance- June, 2016 –***Finance Officer, B. Love***

Ms. Love gave the general report as follows:

	<b><u>Jun 30, 2016</u></b>
<b>Checking/Savings</b>	
<b>1000 - CASH ON HAND</b>	222.29
<b>1004 - GENERAL FUND</b>	1,104,884.29
<b>1040 - UTILITY CAPITAL RESERVE FUNDS</b>	1,841,132.69
<b>1050 - POWELL BILL FUNDS</b>	218,728.60
<b>1060 - CDBG OLD MIDLAND SEWER PROJECT</b>	<u>62,859.62</u>
<b>Total Checking/Savings</b>	<b>3,227,827.49</b>

b. Manager Comments- ***D. Paris***

i. Branding Committee

Mr. Paris said he suggests forming a Branding Committee for the Town’s new Brand. There would be projects to consider like new welcome signs, flags for the Crossroads area, and how to use the Brand verses the Seal in terms of correspondence. Rather than making those decisions by himself he recommended that he put together a small committee.

Mr. Paris also said that he would like Clerk Boyden, Planning Clerk Keeney and himself to serve on that committee. He asked the Council to weigh in, in case any Councilmember wanted to participate too or if they knew of anyone else willing to serve.

Former Councilmember Mr. Mike Tallent volunteered.  
 Councilmember Wise volunteered.  
 Citizen Gerry Diaz volunteered.

The committee will consist of 6 people.

ii. Other Comments

There was an article in the newspaper related to kayaking on the Rocky River that was highlighted in, “Our State Magazine” on their website. There also has been more traffic on the blueway.

Another article was in the, “Independent Tribute” newspaper that highlighted Midland and its growth. The Town is estimating that within 2-3 years Midland’s population will increase to about 4,500.

Council also addressed citizens with concerns about the sound system.

Minutes July 12, 2016  
Regular Meeting of Town Council  
7:00pm, 4293-B Hwy. 24/27 E. Midland, NC 28107

Councilmember Burnette said that at the County Commissioner meetings members don't need to be very close to the microphones and sound is loud and clear coming over the speakers. He suggested staff look into a better system for Midland.

**14. Adjournment:**

**Motion** was made by Councilmember Wise and seconded by Councilmember Burnette to adjourn the meeting.  
**Motion carried 3-0.**

Council adjourned at 7:34 pm.

Attest/Seal

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Mayor Kitts

\_\_\_\_\_  
Nancy E. Boyden, CMC, NCCMC Town Clerk