

Attendance: Mayor Pro Tem John Crump; Councilmembers: Allen Burnette, Darren Hartsell 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; Town Engineer, Richard McMillan; Cabarrus County Captain Nesbit.
Also Present: Cabarrus County Deputy Sheriff, Brandt Harkey for new police interceptor.
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:** Councilmember Hartsell pronounced the *Invocation*.
2. **Open Meeting:** Mayor Pro Tem Crump opened the meeting at 7:01pm and called the room to order.
 - a. The room stood for the *Pledge of Allegiance*.

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

Town Hall is collecting school supplies for the 2016-2017 school year. A flyer of items needed for the Midland student's schools is on the back table in the chambers. Please take a flyer and help students and teachers in need. We appreciate your help.

4. **Approval of Agenda:**

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

5. **Consent Agenda:** Minutes: 7/12/2016; Attorney Bills.

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

6. **Approval of Midland VFD contract:**

Motion was made by Councilmember Wise and seconded by Councilmember Hartsell to recuse Mayor Pro Tem Crump and Councilmember Burnette from voting on the contract due to their affiliation with the fire department and have Councilmember Wise preside over the voting. **Motion carried 4-0.**

Motion was made by Councilmember Wise and seconded by Councilmember Hartsell to approve the Midland VFD Contract as presented. **Motion carried 2-0.**

7. **Public Comment:** No comments forthcoming.

8. **Public Safety:**

- a. Police Report - Cabarrus County Captain Nesbit

Captain Nesbit reported the following for the month of July, 2016:

588 Self-initiated calls- some of which were:

- 465 Security checks;
- 5 Suspicious subjects;
- 18 Suspicious vehicles;

- 62 Traffic stops.

144 Dispatched calls- some of which were:

- 3 Larcenies;
- 7 Property Damage;
- 1 B/E of a vehicle;
- 20 Burglar alarms;
- 3 Suspicious subjects;
- 9 Suspicious vehicles;
- 1 Traffic stop.

Councilmember Wise said that at the last Town Hall Meeting, citizens voiced concerns about vehicles running the traffic light at Bethel Church Rd. and NC Hwy. 24/27. He asked the officers to patrol that intersection especially with school starting this month. Speeding is still of great concern.

b. Midland Volunteer Fire Department Report

Midland Fire Chief Burnette reported the following for the month of July, 2016:

- 7 Structure fires;
- 4 Residential fire alarms;
- 2 Commercial fire alarms;
- 2 Vehicle fires;
- 15 Local alarms;
- 4 Motor vehicle accidents;
- 41 Medical calls.

Total: 75 Responses.

9. **Planning:** Planning, Zoning & Subdivision Administrator- *K. Watts*
a. Planning Projects- Verbal Update

Ms. Watts provided an overview of ongoing planning projects:

Saddlebrook Phase 2:

- Grading the site now;
- There was tree removal behind Clydesdale Dr. Manager Paris is working proactively with the representative for the project and with True Homes to resolve that issue.

Tucker Chase:

- Last month staff and Council talked about their permit count and Developer Grimmer responded with his own permit count of 116. This number is correct;
- Spoke with Mr. Grimmer's engineer and he indicated that plans are in the works for the amenity center.

Wyndham Forest:

- No pre construction meetings have been scheduled yet.

Other projects:

- Jordan Dental wants a pre-construction meeting with planning and engineering staff.
- Banks-Massey Grading project. They have submitted a sketch plan rendering. It has also been submitted to NCDOT. Staff is working to provide some preliminary comments to help with a more comprehensive site plan package.
- The Allen's are eager to get the mini storage project underway. Staff met with their engineer last week.

Ms. Watts provided Council with copies of the revised Open Code Cases spreadsheet. She added a few new cases to the end of the document. New courtesy visits and letters have been sent to the property owners in violation so staff is working towards a resolution. Field inspections are scheduled for tomorrow.

Additionally, there have been quite a few questions about rezonings so there may be more development proposals coming in the next few months.

Councilmember Hartsell asked about the Old Bethel School property. There is a high amount of monetary penalties and the place is in bad shape. He asked what the next steps are.

Ms. Watts said staff is trying to be a little creative and explore different options. Recycling companies could help to decrease the cost of demolition and could be a part of the solution. However, other components need to be in place to finalize the cleanup.

Councilmember Hartsell said that the site needs help to be presentable.

Ms. Watts said that this is something the Council would need to consider and give her direction on if the Board wants to abate the issue and place a lien on the property. Also the owner, Mr. Haake responded to the last notice requesting more time. He indicated that he sent someone out to board up and secure the school building but Ms. Watts is not sure how much of that has been done. More information is forthcoming.

10. Engineering:

- a. Introduction of Richard McMillan of Wooten Co

Mr. Paris formally introduced Mr. McMillan to Council:

The initial employee Wooten assigned to Midland (Randy Freeman PE) was offered a position by Randolph County, which is where his home and farm, is located. As of last Tuesday, Wooten assigned Richard McMillan PE to work with the Town. Richard has worked for multiple municipalities across the state, including Winston-Salem, Mooresville, and High Point. He finished his career with Union County as their Assistant Public Works Director and retired a few months ago. At the time of his retirement he joined the Wooten Company. He and his family live in Concord. The transition has been smooth and he will partner with Town Planner Kassie Watts to help the Town grow and achieve its goals.

- b. Historic Old Midland CDBG Sewer Update: *D. Paris*

Mr. Paris told Council that he received the final engineering certification from McGill Associates today. If there are any issues he will bring them back to the Board.

- c. Septic Tank Maintenance Grant Program- *D. Paris & R. McMillan*

Mr. McMillan gave a detailed overview of his staff report as follows:

Subject: Septic System Inspection and Rehabilitation Program

The Town has been pursuing the extension of public sewer service to properties within Town as funding has been available. Successful implementation of the Old Midland Phase 1 and Cabarrus Acres Phase 1 projects has provided this service to properties that were previously served by onsite septic systems. Due to deficiencies with other onsite septic systems in Town, a phase 2 project for both the Old Midland and Cabarrus Acres areas have been scoped and potential funding sources are being sought.

Until a suitable funding source, which will not place undue financial burden on the Town's customers, can be secured, an investigation was requested into the potential development of Septic System Inspection and Rehabilitation Program.

Current Situation

The treatment and disposal of domestic sewage from septic tank systems is governed by Rules .1901 - .1968 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A.1901 - .1968)
(<http://ehs.ncpublichealth.com/oswp/docs/rules/RulesCompleteEff10012011.pdf>)

The authority to evaluate, design, permit and inspect both new and repairs to existing onsite septic systems in North Carolina currently resides with the Environmental Health Department for each County, per Article 11 of Chapter 130 A of the General Statutes of North Carolina, Wastewater Systems.
(<http://www.cabarrushealth.org/DocumentCenter/View/19>) Current laws also allow a property owner to utilize the service of a licensed Soil Scientist in conjunction with a licensed Professional Engineer to generate designs for onsite septic systems.

Mr. David Troutman, the Environmental Health Director of Cabarrus Health Alliance, was contacted on Tuesday June 21st, 2016 to discuss the procedures currently in place for inspecting septic tank systems in the County. Points discussed with Mr. Troutman include;

- What actions trigger an inspection by his department?
 - A property Owner can request a voluntary inspection if they are having issues.
 - A neighbor or other party can file a complaint which will initiate a site inspection.
 - When a complaint is filed, he is required to give the Owner of property with the problematic system 30 days' notice prior to inspection.
- Is there any cost associated with an inspection?
 - No
- What standard procedures are associated with an inspection?
 - Generally, visit the site, review the current situation and consult with the Owner.
 - A pump out of the tank is not ordered prior to or in conjunction with an initial inspection.
 - A wide range of issues could be contributing to the problem. Potential issues include, but are not limited such things as;
 - Surface water runoff impacts
 - Roots
 - Blockages
 - Leaking water fixtures in the home/facility
 - Tank structure and/or tank appurtenances such as baffle wall or tee
 - Wet weather impacts
 - Overloading
 - During the inspection/consultation, County staff identifies the factors contributing to the faulty performance. Repairs are scoped accordingly.
- Is there any cost to the property Owner associated with a repair permit?
 - No, the County does not charge a fee to issue a repair permit.
 - Repairs are required to be made by a licensed Contractor.
- What actions are triggered by an inspection?
 - The desire is for voluntary compliance.
 - When a request is initiated as a result of a complaint, the County is required to pursue the issue in strict accordance with regulatory requirements. There are legal steps that are required however, which can cause the issue to drag out.

Model Program Evaluated

The Department of Technical Services Engineering Division of the Town of Cortlandt, New York, has a Septic System Inspection and Rehabilitation Reimbursement Program that was reviewed for potential guidance on the topic. A summary of the program is as follows;

- Program seeks to protect the New York City Watershed from adverse impacts of deficient onsite septic systems.

- With a population of nearly 41,600, reported in the 2010 census, and a median household income of \$75,442, the program included \$295,000.00 in August of 2011 when it was developed.
- Call placed to the Town to discuss successes and shortcoming of their program. (This memo will be updated if additional information is gained from conversation.)
- Program is initiated with tank pump out and inspection.
- Reimburses up to half the cost of the pump out and repair up to \$2,000 maximum. Tank pump out efforts limited to \$250 maximum.
- All costs are paid upfront by the property owner and reimbursed by the Town.
- Town provides list of licensed contractors to property owner.
- Involvement of the regulatory authority is required to be eligible for reimbursement.
- System must be deemed deficient by appropriate officials to be eligible for participation in the program.

Items for Consideration

The following items are offered as consideration by Town officials, in moving forward with the development of a Septic System Rehabilitation Reimbursement Program;

- Cabarrus Health Alliance Director of Environmental Health is in favor of the Town's consideration for such a program.
- County could take the lead in site inspection activities. As the current regulatory authority, this is suggested. This would result in no up-front costs to the Owner or Town. Result of this inspection should provide enough information so that the Property Owner can solicit quotes from licensed Contractors for the work.
- Do not require tank pumping prior to initial inspection/consultation with the County as this may result in unnecessary costs.
- County currently generates records of inspections. As a result, generation of documentation to verify coordination with the County would not be a hardship on the County.
- Town may want to consider requiring multiple quotes prior to making reimbursement to confirm cost is appropriate.
- Conversation with Mr. Troutman was very positive toward property owners that are actively seeking voluntary compliance. However, identification of failures could potentially trigger enforcement actions if strict compliance with regulatory requirements are imposed.
- The North Carolina Septic Tank association maintains a directory of members with their contact information, capabilities and geographic areas of service (<http://www.ncsta.net/2016/MembersExcelList/20160325MemberShipList.pdf>). The licensed contractor would not be required to be a member of this organization, but the directory could serve as a good starting point for contacts when a property owner was looking for contractors. County staff may also be able to provide information that could be used to develop a list of local contractors.
- The Town could work with the County to develop educational material for residents about the Septic System Rehabilitation Reimbursement Program, as well as septic system maintenance activities.
- Does the Town desire to reserve any funds made available for those that document the need for financial assistance or make it available on a first come first serve basis?
- Midland could initiate the program/support local citizens by disseminating information to property owners about who to contact at the County and describing the process of requesting and inspection as well as contractor information if any deficiencies are identified.
- Two contractors that serve the area were contacted to discuss costs associated with tank pumping. Costs are expected to range from \$325-\$400.
- Since repair solutions have the potential to vary significantly, developing a schedule of anticipated costs for repairs has not been initiated.
- Encouraging inspections could support generation of a library of inspection results that could potentially be used to support funding applications, if surveys have not previously been completed in the identified project areas.

Information Needed to Initiate a Draft Program

- Will the program include a funding component for the Property Owners?
 - If so, which method is preferred for determining qualification, need based or first come first served?
 - What might the potential level of funding be?
 - Anticipated funding needs could be projected by reviewing existing system information, locations, etc.
 - Develop funding assistance criteria.
 - Possible set a flat amount for septic pump out assistance.
 - Septic repairs would qualify for matching funds to a maximum amount.
- Could a property qualify for annual repair assistance reimbursement (i.e.: \$500/year), would there be a maximum reimbursement over a given period (i.e.: \$1,500 over 5 years), or would there be a maximum reimbursement for a property?

Town staff has developed a draft Septic Program. If the Town Board wishes to consider this Septic System Rehabilitation Reimbursement Program, we recommend forwarding the draft program to the Town attorney for legal review.

END

Within the draft reimbursement program Mr. McMillan specifically pointed out:

- The Town would not maintain, own or operate any of the septic systems because they are privately owned;
- The Town would not reimburse the homeowner to expand a septic system if they are expanding the home;
- Home based businesses do not qualify for reimbursement;
- There are a number of options to the program if Council chooses it.
 - The County would investigate the problem and the customer would make the repairs and pump out the tank and flow line repairs as needed;
 - The program would provide a reimbursement match up to \$1,000 for that homeowner based on Town funding;
 - Work with the County to provide educational materials on how to help maintain and take care of their systems.

Discussion:

Councilmember Burnette: Who would oversee the work?

Mr. McMillan: The County is the regulatory agency with the septic tank program. They would inspect with the homeowner's plumber on how things need to be done. After that point the County would let Midland know that the repairs have been done properly. The homeowner would then apply for a reimbursement or a matching reimbursement.

Councilmember Hartsell: Because of the slate (rock) problem in Midland, would this just be a short term fix and if so would it be worth doing?

Mr. McMillan: Those are issues to talk about with the County.

Councilmember Burnette: Would this program only cover homeowners in Cabarrus Acres and Old Midland or could it apply to all Town citizens?

Mr. Paris: I believe that the Mayor's intent was only for Old Midland Phase 2 and Cabarrus Acres Phase 2. However, Council can decide what limits to put on the program.

Councilmember Wise: The Cabarrus Health Alliance investigates what needs to be fixed. In the program I read that it is mandatory that they fix the problem. There are areas where sewer is currently running on the ground.

Mr. McMillan: If there is an issue and becomes a problem that has to be fixed, i.e. sewer running on the ground, it has to be fixed because that is a regulatory issue.

Councilmember Wise: The way I read the document it applies to not just the 2 aforementioned areas but for anyone who has a septic system issue. This would be the only fair thing to do if Council implemented the program. Also are the homeowners given a certain amount of time? How is this program going to work for them? The homeowner has to supply the money to do the work and then the Town reimburses them up to \$1,000. I'm pretty sure that most failing septic systems would cost much more than \$1,000 because of the bedrock the Town sits on.

Mr. Paris: This is only a draft program so if the Board is interested and wants to consider a higher reimbursement amount this is your prerogative. We looked at it not only as a way to help individuals with septic problems but paying up to \$1,000 would incentivize homeowners to fix their systems. This would be a unique program in NC. I can't find another one like it. This is why I wasn't comfortable moving forward until it was brought to Council's attention. If the Board does want to go forward I would like the Town Attorney to review it because there may be some legal issues involved that would need to be worked out as well.

Councilmember Wise: Another problem I have is that a lot of these citizens are of low income status. I can understand the Town helping and I'm not against that but I would like to investigate the program further- see what the legalities are and go from there.

Councilmember Burnette: I have problem going further into the program. We are already asking a lot of people in the Town to pay \$8.50 per month for sewer which is \$102.00 yearly and now we are going to tell them the Town is going to be taking more of the people's tax money to use for sewer. This is something I really can't vote for at this time. The educational program would provide help and further assistance. That is something I can support. To authorize the Town Attorney to review the program is spending additional money and I can't vote for that either.

Councilmember Hartsell: I agree with Councilmember Burnette. Education goes a long way and that is a free service to everyone. I have a problem taking tax money from everyone that is only going to benefit a certain amount of homeowners.

Motion was made by Councilmember Burnette and seconded by Councilmember Wise to direct staff to redraft the program to be educational only and not include Town funding. **Motion carried 4-0.**

d. Water Storage Tank Discussion- *R. McMillan*

Mr. McMillan gave an overview of the information in his staff report:

Subject Title: Discussion of Town Goal #3 Study the ability to add a second water storage tank near the town's industrial cluster.

Background: During discussion at the Midland Town Council retreat concerns came about regarding pressure and flows of the water system during fire events and studying the need for a second tank was adopted as a goal.

During discussions with the City of Concord (July 28, 2016), representatives stated that Midland's water usage on an average day is about 300,000 gallons per day, (gpd). The elevated water tank on Hwy 24/27 has a capacity of 500,000 gallons. During winter months when water usage is lower, Concord stated it takes several days to turn the tank over (cycling all the water and maintaining fresh water in the tank). Installing an additional water tank could be problematic.

If water storage in a system significantly exceeds water usage, water quality will be negatively affected. Taste and color may become an issue. In addition, disinfection byproducts (DBPs), such as trihalomethanes (THMs) and haloacetic acids (HAA5) are generated in aged water. These DBPs are regulated by the State and EPA.

The City of Concord stated that fire flow and pressure issues could be caused by other issues with the system, such as pipe size and valve issues. Consensus at the meeting was that Concord, Town, and Midland VFD staff work to identify areas in the system where there were issues and develop solutions to fix this.

Budget N/A

Recommendation:

- Obtain specific data from the fire department on low flow issues/complaints, flow measurements/data, specific locations of low flows, etc.;
- Discuss the information with the City of Concord for further investigation. This would include:
 - Hydraulic model verification;
 - Field measurements and verification – static and residual flow measurements;
 - Operational checks – i.e.: make sure all valves are open;
 - Discuss and verify Town of Midland’s water usage and current storage
- Report findings to Town Manager and Midland VFD Chief.

END

Council and Mr. McMillan discussed the recommendations:

Mayor Pro Tem Crump: Where I live Concord is constantly flushing the lines because there isn’t enough use in the area.

Mr. McMillan: With water distribution there has to be usage, storage and capacity but if there is too much and not enough usage this becomes a problem.

Mayor Pro Tem Crump: The flow rates can be obtained from the Midland Fire Dept. There are a couple of areas that can be tied together to provide better flow -do some hydraulic cross ties, etc.

Mr. McMillan: Staff recommends meeting with the fire department and looking at their numbers then meet with Concord and provide them with that information. This would give a better picture if there is a problem.

Councilmember Hartsell: Something else to take into consideration is the building of Midland’s new subdivisions.

Mr. McMillan: Average homes with a family are using a range of 3,000-4,000 gpd.

Councilmember Burnette: Does Concord have a hydraulic model of the entire system in Midland?

Mr. McMillan: They indicated that they have a model but how accurate it is compared to what’s in the field may need to be tested.

Councilmember Burnette: There are a lot of 6” dead end lines in Midland.

Mr. Paris: It was suggested that staff meet with the fire department as an ad hoc committee because this is a goal for the Town and needs to be completed.

Mayor Pro Tem Crump: Will there be more discussion on an additional water storage tank in the future?

Mr. McMillan: As the usage continues and Concord forecasts their model usage out they will start determining when that will be. An indicator for looking at one is if a town cannot keep a tank full. During the year there will be an average use but in the summer time there are more peak demands. In the winter time usage may fall to half the use.

Staff will set the date for the ad hoc committee to meet.

11. Staff Reports:

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

Ms. Love gave the general report as follows:

				Jul 31, 2016
Checking/Savings				
		1000 · CASH ON HAND		\$240.06
		1004 · GENERAL FUND		\$1,309,310.81
		1040 · UTILITY CAPITAL RESERVE FUNDS		\$1,841,587.93
		1050 · POWELL BILL FUNDS		\$218,761.21
		1060 · CDBG OLD MIDLAND SEWER PROJECT		\$62,859.62
Total Checking/Savings				\$3,432,759.63

b. Manager Comments- *D. Paris*

i. Intertype Polymer Group

Mr. Paris said the company has broken ground. They are doing some clearing and building their road.

ii. Patrol Vehicle Selection Discussion

Mr. Paris gave a brief synopsis of the items in his memorandum to Council:

Background: One of the Town’s two 2014 Ford Interceptor Sedan (Taurus) Patrol Vehicles was in an accident and has been totaled. During a traffic stop a motorist rear-ended the Town’s vehicle. Fortunately our officer was outside of the vehicle at the time and there were no injuries. I have been working with our insurance company (NCLM) to handle this matter. The other motorist’s insurance company has accepted liability.

We will need to select a new vehicle, and it will need to be pursuit rated. The officer involved has expressed a preference for the Ford Police Interceptor Utility instead of the Ford Police Interceptor Sedan. Both models are pursuit rated. In laymen terms, the Sedan is a Taurus and the Utility is an Explorer. Mt. Pleasant has recently purchased the Utility model for a vehicle replacement. The officer feels the Utility model will be a better fit for the community and offer him more room for his person and equipment.

In order to get the best price we will need to piggyback on the state contract or on the county’s purchase contract which will be mid to late September. The state contract price for the Sedan is \$23,954.00. The state contract price for the Utility is \$31,307.00.

When we initially purchased the original vehicle, there were additional costs related to outfitting and equipping it (cage, light bar, console, siren etc.). Cabarrus County Fleet Garage can re-use and transfer these items on the totaled vehicle to the new Sedan since they are the same model. Only a portion of those items can be re-used with the Utility. Cabarrus County has quoted me \$2,747.81 in new expenses to outfit the Utility model since it is a different model. This includes a new light bar hook kit, new grill lights, new hatch lights, new console, new partition/cage, new mirror lights, and new cargo box with radio tray.

Budget: The Town Board has exercised excellent financial management on the patrol vehicles. They are both paid in full, and each year you appropriate money for their replacement so that those funds can be used when it is time to replace them. Currently there is \$84,078.26 in the vehicle replacement account. Another \$17,000 is appropriated to go into it at the end of the fiscal year. Due to the Town Board’s excellent financial management we have the necessary funds available.

END

Mr. Paris then asked Council to decide on which vehicle they want to purchase. After that he will put the procurement documents together and the budget amendment to replace the vehicle.

Councilmembers discussed how the utility vehicle would be a better buy especially in poor weather conditions.

Councilmember Wise asked if the usable equipment in the wrecked vehicle can be kept.

Mr. Paris said he will ask the County to keep it so there are spare parts.

Motion was made by Councilmember Wise and seconded by Councilmember Hartsell to direct Town Manager Paris to prepare purchase documents and the budget amendment for a new Ford Explorer. **Motion carried 4-0.**

Mr. Paris said he will bring Council the procurement documents and the budget amendment back in September.

Officer Harkey who was on a call earlier pulled up in one of the County's utility vehicles. Council paused briefly to view the vehicle.

12. 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 Burnette and seconded by Councilmember Hartsell to enter: [N.C.G.S. 143-318.11(a)(3)] inviting Attorney Fox, Manager Paris and Clerk Boyden. **Motion carried 4-0.**

Council and guests entered at 7:53 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 7:59 pm.

Motion was made by Councilmember Wise and seconded by Councilmember Hartsell to authorize the Mayor to execute the 2nd Contract Amendment which is an Indemnify Agreement between the City of Concord and the Town of Midland. **Motion carried 4-0.**

13. Adjournment:

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

Council adjourned at 8:02 pm.

Attest/Seal

Mayor Kitts

Nancy E. Boyden, CMC, NCCMC Town Clerk