

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; Town Attorney, Anthony Fox; Planning, Zoning & Subdivision Administrator, Kassie Watts, AICP, CZO; Town Engineer, Richard McMillan, P.E.; Cabarrus County Deputy Sheriff, Cody Rominger; Midland Fireman, Glen Mauney.  
Also Present: None.  
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 announcements:
  - a. There will be a Town Hall meeting on October 8<sup>th</sup> from 9:00 am to 11:00 am. These meetings are held bi-monthly on Saturdays prior to the regular monthly Town Council meetings. Citizens are always encouraged to attend to ask questions, make suggestions and voice opinions.
  - b. The Friends of the Midland Library are hosting the, “Annual Meet the Candidates Forum” for candidates running for the 2016 election. The Forum will be held at Bethel Elementary School in the cafeteria; 2425 Midland Rd. **DATE/TIME:** October 1<sup>st</sup> from 5-7 pm. Hot dogs and soda/water are available for a donation.
  - c. **Proclamation 2017-71** Constitution Week, September 17-23<sup>rd</sup>.

**Motion** was made by Councilmember Wise and seconded by Councilmember Burnette to adopt Proclamation #2017-71 Constitution Week, September 17-23<sup>rd</sup>. **Motion carried 4-0.**



## Constitution Week

### *Proclamation #2017-71*

**Whereas**, September 17, 2016 marks the two-hundred twenty-ninth anniversary of the signing of the Constitution of the United States of America by the Constitutional Convention; **and**

**Whereas**, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; **and**

**Whereas**, it is fitting and proper to officially recognize patriotic celebrations which will commemorate the occasion; **and**

**Whereas**, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

**Now Therefore**, the Town Council of the Town of Midland, North Carolina, hereby proclaims September 17

through 23, 2016

### CONSTITUTION WEEK

in the Town of Midland and urges our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

***Adopted this the 13<sup>th</sup> day of September, 2016.***

4. **Approval of Agenda:** strike #13

**Motion** was made by Councilmember Wise and seconded by Councilmember Burnette to approve the Agenda with the deletion of Item #13 **New Business**. **Motion carried 4-0.**

5. **Consent Agenda:** Attorney Bills

**Motion** was made by Councilmember Burnette and seconded by Councilmember Hartsell to remove the minutes from the Consent Agenda and place them as **Item #5a** and approve the remaining item on the Consent Agenda. **Motion carried 4-0.**

**Item 5a.** Amendment to the minutes of 8-09-2016

**Motion** was made by Councilmember Wise and seconded by Councilmember Hartsell to approve the minutes as amended: amend page #10 for Councilmember's Wise's statement immediately following the Police Report to state:

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.

6. **Presentation:** New Town Website- ***D. Paris***

Mr. Paris gave an overview of the new website:

- Played a portion of the interactive video aspect on the new Rob Wallace Park and Carolina Thread Trail;
- Explained how the website pages are user friendly;
- Reviewed Quick Links.

Councilmember Hartsell asked if the new site has a counter.

Mr. Paris said staff can pull that information from Revize.

**Motion** was made by Councilmember Hartsell and seconded by Councilmember Wise to approve new Town Website Design. **Motion carried 4-0.**

7. **Public Comment:**

- a. Hal Ring: citizen of 1311 Forest Bluff Rd. Midland proper:  
Subject: McManus Roads

Mr. Ring said the following:

Said he was here with, "thanks" from McManus Meadows. He's lived in McManus Meadows since the early 1990's. There are about 28 homes in the subdivision. The roads were built about 28 years ago. They are deteriorating and have lots of alligator cracks and some pot holes from heavier vehicles. About 3 years ago he started the process of

trying to get the roads repaved. He said he's spoken with all the residents over the last 2 years and no one objects to the repaving.

Again he thanked the Town Council for starting the repaving process.

**END**

- b. Pat Caddell: citizen of 3309 Muddy Creek Rd. Midland proper:  
Subject: Thank you to Council

“Good evening Mayor Pro Tem and Councilmembers. My name is Pat Caddell and I live on Muddy Creek Rd. in Midland. I am here tonight to thank Council for their foresight in not approving the proposed septic tank matching grant proposal. I also thank Mr. Paris and Mr. McMillan for the extensive work they put into researching the request from Mayor Kitts concerning this issue.

As a Midland citizen paying sewer fees, I feel as a tax payer I am already paying more than my fair share. Any additional use of tax money to provide, improve or repair individual sewer/septic tanks in the town should not be placed on the citizens of this town. Several of my neighbors have had to have their sewer lines repaired at fees between \$1,800 and \$2,000 with no financial help from the town. These costs were hardships for some of them. If the town was to start paying for any type of sewer repairs, then the citizens who are paying the \$8.50 fee for others to have sewer should also be able to expect matching grant money to repair their own sewer lines. This is the kind of example that the Council should always consider when using citizen tax money.

The model program given by Mr. McMillan of Cortlandt, NY is not comparable to Midland in size with a population of over 41,000 and a median income of over \$75,000. As I understand it, this was the only example of this type of program he could find- there being none in NC. Therefore it also does not show a true example of the financial tax burden for this type of program for the citizens of Midland. Midland is less than a tenth of the size of Cortlandt and our median income is barely of \$53,000. Being rural appears to be our only similarity.

Again, I want to thank all of you for understanding the many underlying issues that could be involved in this type of program and voting not to support the proposed program as presented and for limiting it to education and referral information only.

Thank you.”

**END**

- c. Mr. James Hoy: citizen of 3404 Muddy Creek Rd. Midland proper  
Subject: Old Bethel School

“Mayor Pro Tem Crump and Councilmembers my name is James Hoy and I reside in Midland in Bethel Glen. At last month's Town Council meeting Ms. Watts presented information to Council regarding code violation cases. One case was the condition and situation regarding the Old Bethel School. I want to thank Councilman Hartsell for adding comment and showing concern for the problems that exist with this property. A number of Midland residents as well as my wife and I have expressed concern and unhappiness that this property is allowed to continue to deteriorate and detract from the beauty of the area.

At this point in time I don't think it is necessary to revisit all the past mistakes and missed opportunities by the entities involved with potential new uses or demolition of the buildings. However, I do think that it is time for this problem to be front and center on our town government's agenda for a definitive resolution for this property's future.

I have been involved with the Midland area with our business, which is located 3 miles from the western edge of town for the past 11 years and a resident for the past 4+ years. The Old Bethel School has been a problem before my involvement in the community and the buildings continue to deteriorate and place a blemish on our town. Mayor Kitts, Mr. Paris Ms. Watts and all Councilmembers need to focus on an action plan that will eliminate the problem. It is a complex problem made more difficult because of the past decisions and action and sometimes lack of action and apparent passing the buck around. There obviously are legal implications too with the current owner's apparent inability or unwillingness to move forward with restoration or demolition. As I said regardless of the past, the problem still exists and will not be solved without a real desire by our elected officials to explore all options available to resolve the matter.

I along with others support Councilman Hartsell and any Councilmember who gives positive direction to Mr. Paris and Ms. Watts to direct their efforts toward formulating a plan and implementing action to eradicate this problem. Ms. Watts stated last month that more information is forthcoming. We are anxiously awaiting that information and watching for future action.

I have one other side comment I'd like to make. The website is very nice. It goes forward towards a more positive appearance and presentation of our area. Some of the publications, the Weekly Post for one, and I love the Weekly Post and I read it every week, use the Old Bethel School as representing our town. I think it would be much more advantageous to the town if we use the new logo imposed with one of the nice river scenes- the park scene and use that as our home town designation. This is just my suggestion or thought.

Thank you."

**END**

8. **Public Safety:**

a. Police Report - Cabarrus County Sheriff, Cody Rominger

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

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

- 492 Security Checks;
- 4 Suspicious subjects;
- 21 Suspicious vehicles;
- 1 Traffic accident- property damage only;
- 69 Traffic stops.

112 Dispatched calls for service- some of which were:

- 1 B/E of residence;
- 3 B/E of vehicles;
- 10 Burglar alarms;
- 11 Disputes;
- 5 Domestic disturbances;
- 3 Suspicious subjects;
- 3 Suspicious vehicles;
- 6 Traffic accidents- property damage only;
- 2 Traffic accidents- personal injury.

Councilmember Wise asked the officers to rotate the radar trailer on Town roads.

b. Midland Volunteer Fire Department Report

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

- 5 Residential fire alarms;
- 1 Commercial fire alarm;
- 1 Brush fire;
- 6 Local alarms;
- 2 Motor vehicle accidents;
- 42 Medical calls.

**Total: 57 Responses.**

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

Planner Watts reported the following:

- Tucker Chase subdivision- continuing efforts to address roads issues, the amenity center and the second entrance onto US Hwy. 601. Planning will have additional information at next month's meeting regarding resolution to these items;
- Saddlebrook Phase 2- still clearing land. There have been some house plans reviewed being it is a TND Overlay;
- Trying to get the developers of Wyndham Forest to provide planning with a construction schedule;
- The Jordan Dental project received the driveway permit from NCDOT;
- Mr. Presnell's Adaptive Reuse project is complete and the business, The Paint Owl is now open;
- Planning is reviewing the Allen Self Storage project that is going onto the Queen's University property. A conceptual site plan has been received and a copy has been provided to NCDOT for their comments;
- Planning provided the Banks Massey Grading project's engineer with preliminary comments on their first conceptual site plan. Their engineers are in the process of preparing the full civil engineering drawings;
- There have been several inquiries for annexations;
- A Land Use Plan proposal will come before Council at the next meeting in October. Staff continues to work with the Planning and Zoning Commission on modifications to the LUP;
- Staff is working on outstanding code issues and making progress. More information is forthcoming.

Councilmember Hartsell asked what type of business is going in at the corner of Old Camden and NC Hwy. 24/27.

Ms. Watts said it is a cabinet shop.

Councilmember Wise asked Ms. Watts if Saddlebrook has reported back to her about building the construction entrance at US Hwy. 601.

Ms. Watts said the developers are aware that the road has to be built and construction traffic must enter/exit on it.

Councilmember Hartsell said he heard that the new homes in the 2<sup>nd</sup> phase of Saddlebrook will be government subsidized housing. He asked if this was true.

Ms. Watts and Councilmember Wise replied, "No".

10. **Roads:**  
a. \*SR McManus Meadows Subdivision Road Paving Bid- ***R. McMillan***

Engineer McMillan summarized his staff report as follows:

**Subject Title:** Discussion of 2016 Street Resurfacing Request for Bids/Quotes – McManus Meadows (Marglen Ln, Coymac Ct, & Forest Bluff Dr.)

**Background:** To maintain the streets in the Town, they occasionally need to be resurfaced. The streets in McManus Meadows are scheduled to be resurfaced this Fall. The work included in this contract include crack sealing, base repair, asphalt surface treatment (AST), and plant mix for resurfacing.

Funding for this project is provided by Powell Bill funds from the NCDOT to Midland.

Bid/Quote packages were sent out on Tuesday, September 6, 2016, to several contractors and the NCDOT. Staff is reaching out to other potential paving contractors for quotes. Bids/quotes are due back to the Town by Thursday, September 22<sup>nd</sup>, at 4:00 pm.

It is expected that an Agenda item to award a Contract for resurfacing will be brought to Town Council on October 11, 2016. The work is expected to be completed by the end of the year. A copy of the bid package is available for review at the Town Council's mailboxes.

**Budget:** \$76,000.00

**Recommendation:** For information only.

END

Mr. McMillan also said he did some preliminary work and found 4 contractors who are interested in the project.

The \$76,000 is what the town has allocated for the project. Mr. McMillan said he also did an estimate and arrived at approximately the same cost. The price fluctuates with the cost of liquid asphalt.

Councilmember Hartsell asked if the State's estimates are generally cheaper than private contractors'.

Mr. McMillan said that the State is usually busy doing their own work.

The bid packages will come before Council at the October 11, 2016 meeting.

11. **Midland Project Initiatives:**

a. **Sewer Expansion:**

1. Historic Old Midland CDBG Verbal Update- **D. Paris**

Mr. Paris reported the following:

- Our engineer confirmed that the length of pipe is there;
- The plans are currently at Concord for their final approval so at this point Midland is waiting on their reply, etc.;
- There are still some issues regarding easements and those discussions are underway with Concord.

12. **Staff Reports:**

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

Ms. Love gave the general report as follows:

				Aug 31, 2016
		Checking/Savings		
		1000 · CASH ON HAND		232.66
		1004 · GENERAL FUND		1,019,756.67

		<b>1040 · UTILITY CAPITAL RESERVE FUNDS</b>	2,092,902.85
		<b>1050 · POWELL BILL FUNDS</b>	218,793.83
		<b>1060 · CDBG OLD MIDLAND SEWER PROJECT</b>	62,859.62
		<b>Total Checking/Savings</b>	3,394,545.63

- b. Manager Comments- *D. Paris*
  - i. \*SR Future Town Hall Site Cleanup

Mr. Paris: Summarized his staff report as follows:

**Background:** At a previous town council meeting there was discussion by the board about cleaning up the entrance area to the Town Hall site. Board discussion at the time reflected a desire to make the area look more attractive and to do some grading work so the area could be seeded and maintained properly.

Town staff was directed to collect quotes from two grading companies. Of the two grading companies suggested, one did not provide a quote because they were tied up with other business. J.O. Flowe Grading Co. LLC who is located adjacent to the site did make a site visit and provided a quote for two options which is attached.

Option 1 would include leveling the mounds at the site entrance along with seeding and strawing the entrance area so that the site can be maintained by mowing in the future. The quote for this work is \$5,250.

Option 2 would include clearing, stumping, hauling, grading and seeding the entire town hall area site so that the site can be maintained by mowing in the future. The quote for this work is \$60,575.

**Budget:** There are no funds budgeted this work in the FY16-17 annual budget. Once council chooses which option they prefer, the Finance Officer will need to prepare a budget amendment to appropriate funds for this project. The town has adequate reserves to appropriate.

**NCGS Bidding Thresholds:** Under state law (NCGS 143-129 & 143-131) informal bidding is required for construction projects from \$30,000 to \$500,000 and formal bidding is required beyond \$500,000.

If the town wishes to pursue Option 2, staff would need to pursue additional bids given the second company declined to provide a bid given they were tied up with other business. If the town wishes to pursue Option 1, the town can move forward with the one quote given because it is under the amount that triggers informal bidding.

**Recommendation:** Staff recommends moving forward with Option 1 as it accomplishes the original intent of the board discussion in cleaning up the entrance area.

END

**Motion** was made by Councilmember Hartsell and seconded by Councilmember Burnette to select Option 1 in the amount of \$5,250 and direct the Town Manager and Finance Officer to prepare the needed Budget Amendment Ordinance and construction agreement. **Motion carried 4-0.**

- ii. \*SR Police Interceptor Utility Purchase
  - 1. **Budget Amendment #2017-201** Amend FY 2016-2017 to Buy and Equip new Police Vehicle

Mr. Paris again summarized his staff report as follows:

**Background:** At the last town council meeting you voted as a board to select the Ford Interceptor Utility model over the Ford Interceptor Sedan as a replacement for the town's vehicle that was totaled (rear-ended) during a traffic stop and directed staff to prepare the relevant documents needed to complete the purchase.

In order to get the best price, staff is recommending that we piggyback on another unit's bid. Typically, when a local government goes to purchase one unit at a time they do not get as good of a price as when that unit purchases multiple units at a time. In order to develop a solution to this problem, purchasing professionals and the General Assembly developed a way to allow local governments to piggyback on another local government's large bid to get the same beneficial price.

Staff is recommending the town piggyback on the NC Sheriff Association's bid, which was significantly lower than piggybacking on the state contract. Asheville Ford won that bid. In your packet there is a quote from Asheville Ford for the Town of Midland. Page 5 outlines the total price of \$27,903.94. This price includes two options added by town staff: wheel covers to cover the black steel wheels and rear AC. The wheel covers are needed to maintain a similar appearance to the other units in the Sheriff fleet. The rear AC was suggested by Cabarrus County garage staff. They have multiple Utility models in service, and one of them with no rear AC (only front AC). They reported to me that this unit struggles to keep cool during the summer.

Also in your packet is a spreadsheet outlining additional costs that will be incurred to place the unit into service. The bulk of this cost is for the equipment and labor required to transition the unit from stock to operational as a patrol vehicle. Staff did include a contingency amount in the spreadsheet and budget amendment in case anything popped up during the outfitting process. This would mean that item could be handled without having to call a special meeting to pass a second budget amendment. This was done as a matter of convenience for the staff and the board. If the contingency is needed, staff will make the board aware of the circumstance.

**Budget:** The Town Board has exercised excellent financial management on the patrol vehicles. 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.

NCLM has provided the town a check for \$15,800 for the totaled vehicle. Also in your packet is a budget amendment prepared by the town's Finance Officer to apply insurance proceeds to buy and outfit the vehicle.

Due to the Town Board's excellent financial management we have the necessary funds available.

**NCGS Bidding Thresholds:** Under state law the purchase of apparatus (vehicles) over \$30,000 requires an informal bid while the purchase of apparatus (vehicles) over \$90,000 requires a formal bid. Since we are purchasing one vehicle and the purchase price is less than \$30,000 we are not required to receive bids or piggyback on another unit's bid. Staff is pursuing this process in order to get the best price possible for the town and its citizens.

That said, some communities prefer to spend funds locally when possible instead of spending those funds with an out of town business. Staff did pursue this as an option and worked with the local dealership to see if they could match or beat the piggybacked purchase price. The local dealership was unable to do so and as a result staff will recommend that the purchase be made on piggyback.

**Council Action:** Staff needs the board to authorize the town manger to execute a purchase agreement with Asheville Ford in an amount not to exceed \$27,903.94 and adopt the corresponding budget amendment.

END

Councilmember Wise said for transparency that the insurance proceeds from the accident were \$15,800.

Mr. Paris added that the officer in the vehicle was struck by another motorist and that the officer was not at fault.

**Motion** was made by Councilmember Wise and seconded by Councilmember Hartsell to authorize the Town Manager to execute a purchase agreement with Asheville Ford in an amount not to exceed \$27,903.94 and to adopt Budget Amendment **Ordinance #2017-201. Motion carried 4-0.**

Town of Midland Ordinance #2017-201				
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, 2016:				
Section 1. To amend the Midland Budget 2016-2017 to apply insurance proceeds to buy and equip a new officer's vehicle.				
	Current			Amended
Description	Budget	Increase	Decrease	Budget
Insurance Proceeds	-	\$ 15,800.00	\$ -	\$ 15,800.00
Capital Outlay-Public Safety	-	\$ 33,210.00		\$ 33,210.00
GF Fund Balance Appropriation	\$ 6,000.00	\$ 17,410.00		\$ 23,410.00
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.				

iii. Barricades for Town Roads

Mr. Paris said there was a situation on Alpine Ave. where a tree fell onto the roadway after a storm. Typically NCDOT handles putting out barricades and closing the road. However, because the Town has taken over Alpine Ave. and others, NCDOT communicated that this is now the town's responsibility. At this point the town needs to acquire some barricades and signage in case this situation happens again. The town also needs to have some contractors on call to clear the road(s).

Due to the cost of the barricades and signage, a budget amendment will be necessary because there isn't enough money in the public safety line item to cover the equipment.

The barricades will be stored at the town's storage unit and a key will be given to the Midland Fire Dept. to help deploy the barricades as needed.

Councilmember Hartsell asked how many barricades with signage are needed.

Mr. Paris answered 2 are needed.

Mayor Pro Tem Crump asked how the barricades are constructed.

Mr. McMillan said that the stands are steel and can be disconnected and broken down and can withstand winds of 20 to 40MPH.

13. **Executive Session:** [N.C.G.S. 143-318.11(a)(3)] Consult with the Attorney to protect the attorney-client privilege.

Minutes September 13, 2016  
Regular Meeting of Town Council  
7:00pm, 4293-B Hwy. 24/27 E. Midland, NC 28107

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

**Council and guests entered at 7:57 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 8:44 pm.**

14. Adjournment:

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

**Council adjourned at 8:45 pm.**

**Attest/Seal**

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Mayor Kitts

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Nancy E. Boyden, CMC, NCCMC Town Clerk