

Attendance: Mayor John Crump; Mayor Pro Tem Darren Hartsell; Councilmembers: Mike Tallent and Rich Wise; Town Manager, Doug Paris; Town Clerk, Nancy E. Boyden, *CMC, NCCMC*; Finance Officer, Beverly Love; Town Attorney, Nick Tosco; Planning, Zoning & Subdivision Administrator, Kassie Watts, *AICP, CZO*; Town Engineer, Richard McMillan, *P.E.*; Cabarrus County Captain, Marc Nesbit; Midland Firefighter, David Owen.
Also Present: FOML President, Margaret Houston; County Commissioner, Lynn Shue.
Absent: Councilmember Allen Burnette.
Late: None.
Guests: None.

**SR denotes staff memo/report included*

1. Invocation: Mayor Crump pronounced the *Invocation*.
2. Open Meeting: Mayor Crump opened the meeting at 6:01pm and called the room to order.
 - a. The room stood for the *Pledge of Allegiance*.
3. Announcements: Mayor Crump gave the following announcements:
 - a. Thanksgiving trash service delay: Thursday and Friday collections will run on a 1 day delay. Town Hall will be closed Thursday Nov. 23rd and 24th in observance of the holiday.
 - b. Bethel Elementary School is planting a tree as a living tribute to the late Mayor Kathy Kitts. You are invited to the planting which is being held on Saturday, November 18th at 11am in the Macemore Memorial Garden at Bethel Elementary School.

Clerk Boyden read the following resolution:

- c. ***Resolution #2018-187*** Expressing Gratitude to the Members of the Military and Veterans For Their Service

A Resolution Expressing Gratitude to the Members of the Military and
Veterans for Their Service

Resolution #2018-187

WHEREAS, Unquestionably, Americas' veterans and families have sacrificed beyond belief to secure our way of life, our liberties, our rights, and those of others, both at home and around the world, and we offer our sincerest appreciation and gratitude to all who have served our great nation; and

WHEREAS, Throughout our country's history, generations of men and women have answered the call to leave their families, their jobs, and put their futures and even their lives on the line to valiantly defend our nation and its inalienable rights and for many, that sacrifice has ended in permanent injury or death, yet their spirit remains in the continued preservation of our freedoms and the promise of liberty; and

WHEREAS, The military has a prominent presence in North Carolina serving as the location of five military bases, a military ocean terminal, and a U.S. Coast Guard base: Fort Bragg; Camp Lejeune Marine Corps Base; Cherry Point Marine Corps Air Station and Naval Air Depot; New River Marine Corps Air Station; Seymour Johnson Air Force Base; Sunny Point Military Ocean Terminal; U.S. Coast Guard Base, Elizabeth City; accounting for over 116,000 active-duty personnel stationed in the State; and

WHEREAS, Nearly 775,000 veterans live in North Carolina, ranking the State eighth in the nation for the number of veterans; and

WHEREAS, In honor of these dedicated men and women, we pledge our continued defense of our nation so that their sacrifice will stand before the entire world as a tribute to the spirit and determination of people dedicated to the principles of freedom and democracy; and

WHEREAS, The Town of Midland gives its sincerest respect to the veterans living in the community including the veterans of the American Legion Black-Phillips Post 433 and those who have guided the people by serving on the Midland Town Council.

THEREFORE, BE IT RESOLVED that the next time we hear “America the Beautiful”, each of us will pay particular attention to these words from verse 3:

**“O beautiful for heroes proved
In liberating strife
Who more than self their country loved
And mercy more than life
America! America! May God thy gold refine
Till all success be nobleness And every gain divine”**

Adopted this the 14th day of November, 2017

Motion was made by Mayor Pro Tem Hartsell and seconded by Councilmember Tallent to excuse Councilmember Burnette due to family obligations. **Motion carried 3-0.**

Motion was made by Councilmember Wise and seconded by Councilmember Tallent to adopt **Resolution #2018-217**. **Motion carried 3-0.**

4. Approval of Agenda:

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

5. Consent Agenda: Minutes: Regular Session 10-10-2017; Purge FY 2012-2013 Invoices; Attorney Bills; Amend the minutes from 7-11-2017 page 2, Section 8.

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

6. Public Comment:

Ms. Mary Ann Evanoff of Midland proper:
Subject: Newsletter

Ms. Evanoff reminded Council that she spoke a few months ago on the subject of bringing back the town newsletter. She also sent an email to Mr. Paris but it was meant for Council. She understands that this request needs to go through Council. She asked Council to please revisit the request because it would be a big benefit to the town. There are a lot of new citizens and they need to know more about Midland and who the representatives are.

Mayor Crump said that he tried to find out if The Town of Mint Hill still publishes their newsletter and found out that they didn't. He said that Midland Council and staff will look into it. If it's not published in print it can be don't electronically.

7. Public Safety:

- a. Police Report - Cabarrus County Sheriff for Midland

Captain Nesbit reported the following for the month of October 2017:

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

- 692 Security checks;
- 4 Suspicious subjects;
- 11 Suspicious vehicles;
- 51 Traffic stops.

113 Dispatched calls for service- some of which were:

- 10 B/E's of vehicles;
- 2 Larcenies;
- 2 Property damages;
- 2 Security checks;
- 1 Stolen vehicle;
- 6 Suspicious subjects;
- 2 Suspicious vehicles;
- 11 Traffic accidents property damage only;
- 1 Traffic accident involving personal injury.

Captain Nesbit referred back to the 10 B/E of vehicles. Five of those occurred in the Cabarrus Station Rd. area on one day and it also involved a stolen vehicle. The vehicle was recovered on NC Hwy 49 in Davidson Co. The other 5 related to the Tucker Chase subdivision.

This has also been happening in Harrisburg and Mt. Pleasant. The Sheriffs are investigating some potential subjects.

The police are reminding people to lock their vehicle doors. If anyone in the community sees or hears anything don't hesitate to call 911.

Mayor Pro Tem Hartsell said that 3 of the vehicle B/E's were his vehicles and he had video coverage of the incidents.

Councilmember Tallent reminded citizens not to leave anything of value in sight in their vehicles as well.

i. Introduction of New Midland Area Officer, *Misty Hall*

Captain Nesbit said that Officer Hall is tied up on a call and can't be present this evening. He did say that she is a native of Virginia and has been with Cabarrus County just under 4 years. She started out at the courthouse then rotated out into the community.

b. Midland Volunteer Fire Department Report

Fireman David Owen gave the Fire Department Report for October 2017:

- 3 Structure fires;
- 2 Residential fire alarms;
- 11 Local alarms;
- 5 Motor vehicle accidents;
- 52 Medical calls.

Total calls for service= 79

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

a. Public Hearing for Zoning Designation for Contiguous Annexation CF Steel/Smiths 261 NC Hwy. 24/27 W

i. *SR Presentation by Planner Watts

Minutes Tuesday, November 14th, 2017
Regular Meeting of Town Council
6:00pm, 4293-B Hwy. 24/27 E. Midland, NC 28107

Ms. Watts highlighted her staff report:

Re: ZMA-2017-01 - Initial Zoning Classification - William & Sheila Smith - 12336 Old Camden Road (also known as 261 NC Hwy 24/27 W); Midland, NC 28107 (A portion of Cabarrus County PIN 5524-98-3252).

BACKGROUND

On October 10, 2017 the Town Council adopted an ordinance (#2018-216(A)) to annex, by voluntary petition, the property shown on the attached map.

The subject property, located at 12336 Old Camden Road (also known as 261 NC Hwy 24/27 W); Midland, NC 28107 (A portion of Cabarrus County PIN 5524-98-3252) totaling approximately 1.92 acres, is currently zoned by Cabarrus County. The current County zoning classification is "Limited Industrial - Special Use" (LI-SU) and "Office/Institutional" (O/I). The proposed zoning district is the Town of Midland "NC 24/27 Commercial" (C 24/27) designation.

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 lies within the area designated on the adopted Town Plan 2030 Future Land Use Map for commercial uses and is consistent with the Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2, adopted October 8, 2013 and subsequently amended March 8, 2016, October 11, 2016 and April 11, 2017. The adopted Land Use Map appearing therein, which covers areas outside the city limits of the Town of Midland, shows the subject property 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 adjacent to other commercial and industrially zoned properties and is in close proximity to a major thoroughfare where commercial uses are appropriate and where future utility infrastructure is expected.

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 zoning map amendment to the Town Council. The P&Z Commission discussed this zoning map amendment during the November 8, 2017 meeting and voted (6-0) to recommend the "NC 24/27 Commercial" (C 24/27) designation.

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

Town of Midland Development Ordinance standards will apply following the:

1. Public Hearing held by the Town Council (November 14, 2017), and;
2. Adoption of an Ordinance #11-2017 (A)(IZ) including both a Statement of Consistency and Reasonableness and designating the Town zoning classification.

The Council may vote to approve, deny, or to modify the recommended classification to the Official Zoning Map in accordance with the adopted Town Plan 2030 Land Use & Comprehensive Master Plan, Revision 2 adopted October 8, 2013, and subsequently amended March 8, 2016, October 11, 2016 and April 11, 2017, by the Town of Midland Town Council.

Discussion:

Mayor Pro Tem Hartsell: They had to take in the additional 1.92 acres due to the wetlands. Why was that needed?

Ms. Watts: There is a stream that cuts through the site. When they submitted their erosion control plan to the state and Army Corp of Engineers, they were offered some options to avoid impacting the wetlands which would be costly. Instead of considering those options, the owners decided to purchase more land and move the building back in order to stay away from the wetland areas.

Minutes Tuesday, November 14th, 2017
Regular Meeting of Town Council
6:00pm, 4293-B Hwy. 24/27 E. Midland, NC 28107

Councilmember Tallent: Is there any change between the proposed zoning and what is was prior to the property coming into the town?

Ms. Watts: It was originally Limited Industrial/Special use so this is actually a down zoning to C 24/27 (Commercial).

ii. Open Public Hearing

Mayor Crump opened the public hearing at 6:21pm. There were no questions or comments from the public so he closed at 6:21pm.

iii. Consider Initial Zoning Designation of Annexed Property, ***Ordinance #11-2017(A)(IZ)***

Motion was made by Councilmember Wise and seconded by Councilmember Tallent to adopt Ordinance #11-2017 (A)(IZ) to designate the subject property as “NC 24/27 Commercial” (C 24/27) to be consistent with the Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2. **Motion carried 3-0.**

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

Ordinance Number #11-2017 (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.

The Town Council finds that the zoning map amendment to the property of William and Sheila Smith; changing the zoning designation of Cabarrus County “Limited Industrial - Special Use” (LI-SU) and “Office/Institutional” (O/I) to Town of Midland “NC 24/27 Commercial” (C 24/27) is consistent with the Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2, adopted October 8, 2013, and subsequently amended March 8, 2016, October 11, 2016 and April 11, 2017 as shown on the adopted Land Use Map appearing therein which covers areas inside the town limits of Midland and outside the town limits within the area known as the Midland Service Area, as required by NCGS § 160A-383. This amendment is reasonable because the subject property is adjacent to other commercial and industrially zoned properties and is in close proximity to a major thoroughfare where commercial uses are appropriate and where future utility infrastructure is expected. This amendment allows the subject property to be used in accordance with the standards of the NC 24/27 Commercial (C 24/27) Zoning District in the future. The amendment allows for the potential growth and expansion of the economic base of the Town and provides opportunities for local jobs for the community.

Part 2. Designation of Initial Zoning Designation.

A 1.92 acre portion of Cabarrus County Property Identification Number 5524-98-3252 shall be designated “NC 24/27 Commercial” (C 24/27) on the Official Zoning Map as shown on Attachment “A”.

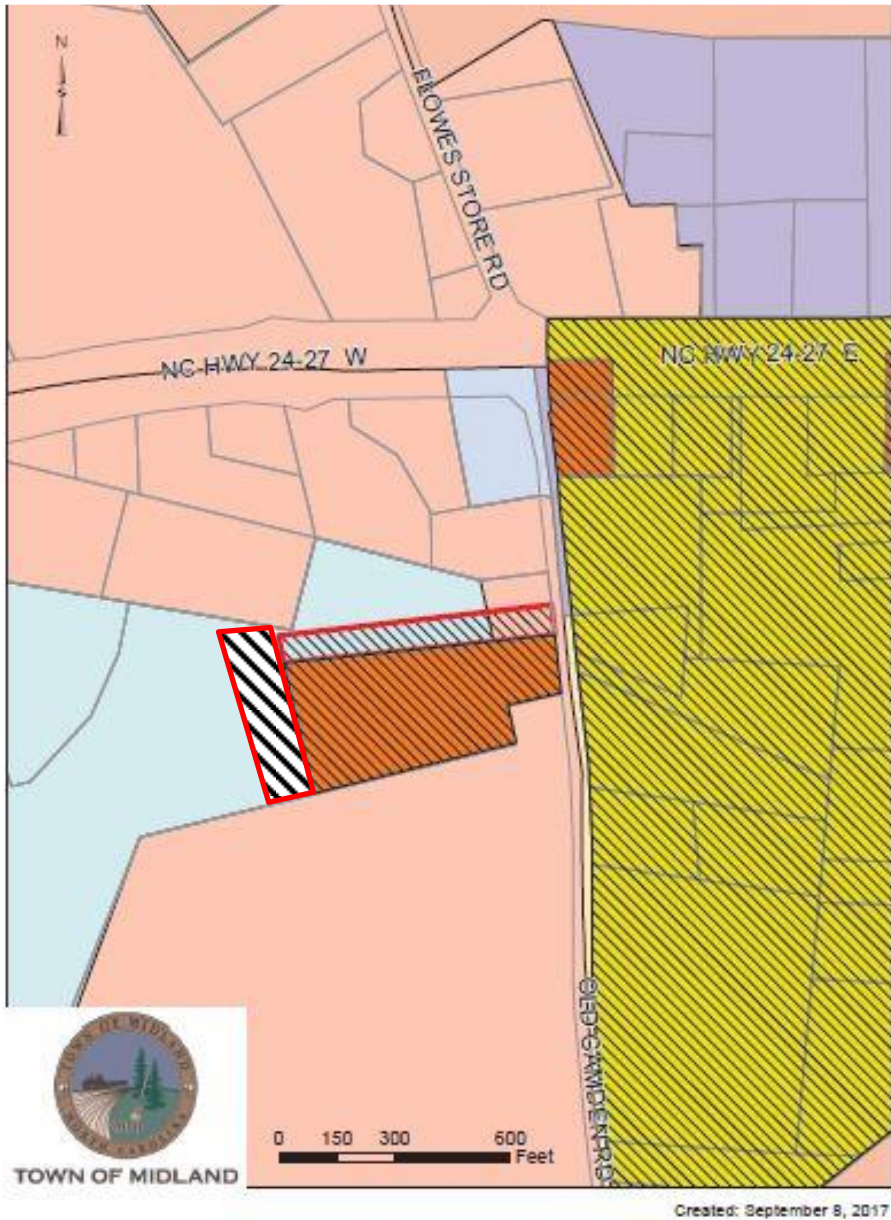
Part 3. Effective Date.

This Ordinance shall be effective immediately upon its adoption.

Adopted this the 14th day of November, 2017.

Attachment "A"

Smith Annexation - 1.92 Acres



- b. Public Hearing for Zoning Designation for Non- Contiguous Annexation Brock & Gullede
1351, 1376 and 1426 NC Hwy. 24/27 W

- i. *SR Presentation by Planner Watts

Ms. Watts highlighted her staff report:

Re: ZMA-2017-02 - Initial Zoning Classification - Julia A. Brock & Suzanne A. Gullede - 1351, 1376, and 1426 NC Hwy 24-27 West; Midland, NC 28107 (Cabarrus County PIN#'s 5524-34-9781 & 5524-25-8109)

BACKGROUND

On October 10, 2017 the Town Council adopted an ordinance to annex, by voluntary petition, the property shown on the attached map.

The subject properties, located at 1351, 1376, and 1426 NC Hwy 24-27 West; Midland, NC 28107 (Cabarrus County PIN#'s 5524-34-9781 & 5524-25-8109) is currently zoned by Cabarrus County. The current County zoning classification is "Office Institutional" (O/I) and "Countryside Residential" (CR). The proposed zoning district is the Town of Midland "Industrial" (IND) designation.

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 lies within the area primarily designated on the adopted Town Plan 2030 Future Land Use Map for Industrial uses and is consistent with the Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2, adopted October 8, 2013 and amended March 8, 2016, October 11, 2016 and April 11, 2017 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 adjacent to other commercial and industrial uses and has significant frontage on a major thoroughfare where commercial and industrial uses are appropriate and where future utility infrastructure is expected. This amendment allows the subject property to be used in accordance with the standards of the Industrial (IND) Zoning District in the future. The amendment allows for the potential growth and expansion of the economic base of the Town and provides opportunities for local jobs for the community.

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 zoning map amendment during the November 8, 2017 meeting and voted (6-0) to recommend the "Industrial" (IND) designation.

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 properties, and a zoning hearing sign has been posted on the property.

Town of Midland Development Ordinance standards will apply following the:

1. Public Hearing held by the Town Council (November 14, 2017), and
2. Adoption of an Ordinance #11-2017 (B)(IZ) including both Reasonableness and Consistency Statements designating the Town zoning classification.

The Council may vote to approve, deny, or to modify the recommended classification to the Official Zoning Map in accordance with the adopted Town Plan 2030 Land Use & Comprehensive Master Plan, Revision 2 adopted October 8, 2013 and subsequently amended March 8, 2016, October 11, 2016 and April 11, 2017, by the Town of Midland Town Council.

Discussion:

Mayor Pro Tem Hartsell: Regarding the land locked parcel (located on the other side of the railroad tracks) is the goal as far as development to sell to a developer or is it going to be separated into small sections? Is that the thought process?

Owners' Representative, Mr. Ray Killian: The goal is to sell it as one large parcel. We have the flexibility to subdivide if a developer is interested. We see it subdivided into 4 sections. Because it's divided by the railroad, there is a temporary non certified railroad crossing between the NC 24/27 property. I've had positive discussions with the railroad. There is a separate company that handles those kinds of crossings. The Brock/Gulledge family has given the farmer who has been farming that property temporarily access. The railroad would be very anxious to work with a developer to facilitate a more certified railroad crossing.

ii. Open Public Hearing

Mayor Crump opened the public hearing at 6:29 pm. There were no comments so he closed at 6:29 pm.

iii. Consider Initial Zoning Designation of Annexed Property, ***Ordinance #11-2017(B)(IZ)***

Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt Ordinance #11-2017 (B)(IZ) to designate the subject property as “Industrial” (IND) to be consistent with the Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2, adopted October 8, 2013 and subsequently amended March 8, 2016, October 11, 2016 and April 11, 2017 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 adjacent to other commercial and industrial uses and has significant frontage on a major thoroughfare where commercial and industrial uses are appropriate and where future utility infrastructure is expected. This amendment allows the subject property to be used in accordance with the standards of the Industrial (IND) Zoning District in the future. The amendment allows for the potential growth and expansion of the economic base of the Town and provides opportunities for local jobs for the community. **Motion carried 3-0.**

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

Ordinance Number #11-2017 (B)(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.

The Town Council finds that the zoning map amendment to the property of Julia A Brock and Suzanne A. Gulledge; changing the zoning designation of Cabarrus County “Office/Institutional” (O/I) and “Countryside Residential” (CR) to Town of Midland “Industrial” (IND) is consistent with the Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2, adopted October 8, 2013, and subsequently amended March 8, 2016, October 11, 2016 and April 11, 2017 as shown on the adopted Land Use Map appearing therein which covers areas inside the town limits of Midland and outside the town limits within the area known as the Midland Service Area, as required by NCGS § 160A-383. This amendment is reasonable because the subject property is adjacent to other commercial and industrial uses and has significant frontage on a major thoroughfare where commercial and industrial uses are appropriate and where future utility infrastructure is expected. This amendment allows the subject property to be used in accordance with the standards of the Industrial (IND) Zoning District in the future. The amendment allows for the potential growth and expansion of the economic base of the Town and provides opportunities for local jobs for the community.

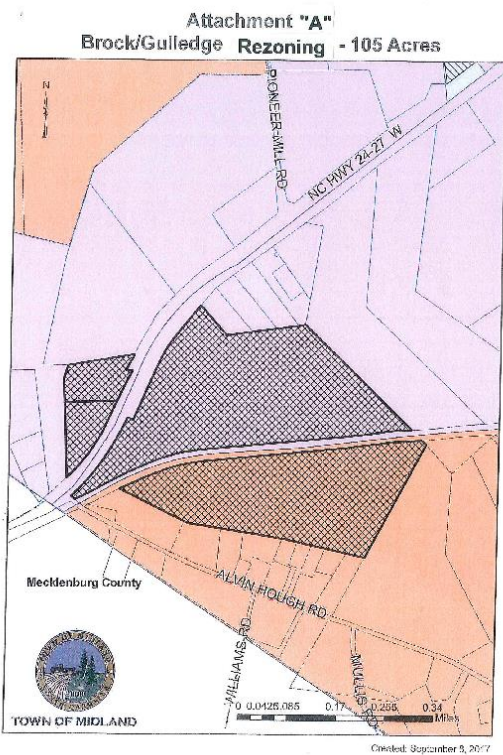
Part 2. Designation of Initial Zoning Designation.

Cabarrus County Property Identification Numbers 5524-34-9781 and 5524-25-8109 shall be designated “Industrial” (IND) on the Official Zoning Map as shown on Attachment “A”.

Part 3. Effective Date.

This Ordinance shall be effective immediately upon its adoption.

Adopted this the 14th day of November, 2017.



- c. Public Hearing Zoning Text Amendment **Ordinance #11-2017(C)(T)** for PZ Rules of Procedure

- i. *SR Presentation by Planner Watts

Ms. Watts reported:

Re: ZTA - 2017-03 - Zoning Text Amendment -Alternate Members Planning and Zoning Commission

BACKGROUND

Several months ago Staff was directed to draft Rules of Procedure for the Planning and Zoning Commission to include alternate positions for the Commission. The Rules of Procedure have now been adopted thus an amendment to the text of the Midland Development Ordinance is now required to coincide the text of the MDO with the language in the Rules of Procedure.

The Midland Development Ordinance (MDO) does not currently include language in Article 4, Boards and Commissions, allowing for the Town Council to appoint alternates to the Planning and Zoning Commission. Staff has drafted language for consideration by the Planning & Zoning Commission to review and provide a recommendation to Town Council. The draft language provides amendments to Article 4, Boards and Commissions that will allow for the Town Council to appoint alternates to the Planning and Zoning Commission.

The draft language is attached for your review and consideration.

FINDINGS AND CONCLUSIONS

The revisions to the text of Article 4, Boards and Commissions, are reasonable and meet the intent of the Midland Development Ordinance because the amendment will align the MDO to be consistent with recently adopted Rules of Procedure for the Planning and Zoning Commission, in addition to being consistent with the goals and strategies promoting effectiveness of Town government as listed within Section Six of the Town Plan 2030.”

POLICY IMPLICATIONS

The Midland Development Ordinance and the North Carolina General Statutes require the P&Z Commission to make a recommendation on zoning text amendments. Due to a lack of a quorum, the October 24, 2017 regular meeting was held on November 8, 2017. The P&Z Commission discussed proposed ZTA-2017-03 and voted (6-0) to recommend approval to Town Council for final consideration.

To modify the text of the Midland Development Ordinance the following steps are required:

1. Public hearing held by the Town Council (November 14, 2017); and
2. Adoption of an Ordinance (#11-2017 (C)(T)) including both Reasonableness and Consistency Statements.

The Council may vote to recommend approval, denial, or to modify the draft text amendment to the MDO consistent with the Town Plan 2030 Land Use & Comprehensive Master Plan, Revision 2 adopted October 8, 2013, and subsequently amended March 8, 2016, October 11, 2016 and April 11, 2017 by the Town of Midland Town Council.

END

Discussion:

Mayor Crump: Presently how many members are needed for a quorum?

Ms. Watts: 4.

Mayor Crump: If you have 2 alternates would it be 5?

Ms. Watts: We would still need 4 to have a quorum. If there was a regular member who was out sick or someone had to recuse themselves, that's where an alternate would step in.

- ii. Open Public Hearing

Mayor Crump opened the public hearing at 6:35 pm. There were no comments so he closed at 6:35pm.

- iii. Consider Zoning Text Amendment ***#11-2017(C)(T)***

Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt Ordinance #11-2017(C)(T), amending the Midland Development Ordinance consistent with the Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2, adopted October 8, 2013, and subsequently amended March 8, 2016, October 11, 2016, and April 11, 2017 as required by NCGS § 160A-383. The revisions to the text of Article 4, Boards and Commissions, are reasonable and meet the intent of the Midland Development Ordinance because the amendment will align the MDO to be consistent with recently adopted Rules of Procedure for the Planning and Zoning Commission, in addition to being consistent with the goals and strategies promoting effectiveness of Town government as listed within Section Six of the Town Plan 2030. **Motion carried 3-0.**

AN ORDINANCE AMENDING THE TOWN OF MIDLAND DEVELOPMENT ORDINANCE TO AMEND ARTICLE 4 RELATED TO ESTABLISHING ALTERNATE POSITIONS FOR THE PLANNING AND ZONING COMMISSION AND APPLICABLE STANDARDS THERETO

Ordinance #11-2017(C)(T)

WHEREAS, the Midland Town Council has considered the recommendation of both staff and the Midland Planning and Zoning Commission to accept the proposed text amendments to the Midland Development Ordinance to modify provisions of Article 4 related to establishing Alternate positions to the Planning and Zoning Commission and applicable standards thereto; and

WHEREAS, when adopting or rejecting any zoning text amendment, the Town Council must adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explain why the Town Council considers the action taken to be reasonable and in the public interest;

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Midland as follows;

PART 1. The provisions of Midland Development Ordinance Article 4 are hereby amended to add section 4.2-2 (B) Alternates and to replace the text with the following revisions, indicated as underlined text:

4.2-2 (B) Alternates - The Town Council may, in its discretion, appoint alternate members to serve on the Planning and Zoning Commission in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the commission and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member. (G.S. 160A-388(a))

(C) Officers - A Chair and Vice-Chair of the Planning and Zoning Commission shall be elected by the Planning and Zoning Commission in accordance with the rules and procedures set forth in the Commission's rules of procedure. The Chair and Vice-Chair shall serve ~~one~~ two year terms and may be elected to successive terms.

4.2-3 Terms.

(B) Filling of Vacancies. A new member or an alternate member may be appointed by the Midland Town Council to fill the unexpired term of a Planning and Zoning Commission member whose term is vacated. Members filling vacancies shall serve for the remainder of the unexpired term.

4.3-3 Terms.

(A) Length of Terms. Members and alternate members, if any, of the Board of Adjustment shall serve a term of three (3) years, provided that upon initial appointment the terms of office may be staggered. The terms of all Board members shall not expire at the same time. Members may be reappointed to subsequent terms, but shall not be appointed for more than five (5) consecutive terms. Members who have served five (5) consecutive terms may be appointed to another board or commission or may be appointed to another term on the Board of Adjustment after a one term (3 year) hiatus from the Board.

PART 2. The Town Council finds that text amendments to the Town of Midland Development Ordinance contained herein are consistent with *Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2*, adopted October 8, 2013, and subsequently amended March 8, 2016, October 11, 2016 and April 11, 2017 as required by NCGS § 160A-383. This amendment is reasonable and meets the intent of the Midland Development Ordinance because the amendment will align the MDO to be consistent with the recently adopted Rules of Procedure for the Planning and Zoning Commission, in addition to being consistent with the goals and strategies promoting effectiveness of Town government as listed in Section Six of the *Town Plan 2030*.

PART 3. The text amendment to the Town of Midland Development Ordinance shall be effective immediately upon adoption on *this the 14th day of November, 2017.*

d. Planning Projects- *Verbal Update*

Ms. Watts gave an overview of the ongoing planning projects in Midland:

- Fox Creek: Paved last week and planning has issued a total of 14 zoning permits;
- Wyndham Forest: Have issues 5 zoning permits and houses are under construction;
- Banks Massey Project: Mr. Turner has his building permit and is cleared to begin construction;
- CF Steel: Has their site plan approval;
- Allen Mini Storage: Has their site plan approval.

9. Engineering: *Richard McMillan*

- i. *SR Approval of CMAQ Funding Agreement for Walkway to Rob Wallace Park

Mr. McMillan gave background as follows:

Subject Title:

North Carolina Department of Transportation (NCDOT) Project Agreement
Congestion Mitigation and Air Quality (CMAQ) Project: C-5603E

Background:

The CMAQ project was revised and approved in June 2017 to a different location. It was decided to revise the project to include a crosswalk across Bethel School Road from the Saddlebrook/Bethel Glen/Fox Creek neighborhoods and install a sidewalk across County property to the new Rob Wallace County Park.

In order for the project to move forward, the Town of Midland and NCDOT must enter into an Agreement for the project. The Project is a cost sharing project where the NCDOT pays for 80% and the Town pays 20% of the project costs. The estimated costs are as follows:

NCDOT's Portion (80%)	\$108,029
Midland's Portion (20%)	\$ 27,007
<u>Total Estimated Total Cost</u>	<u>\$135,036</u>

The Town must follow all aspects of the Local Project Management (LPM) rules for the administration of this project.

Recommendations:

Staff recommends the Board to authorize the Mayor to execute the Agreement with the North Carolina Department of Transportation (NCDOT) for the Congestion Mitigation and Air Quality (CMAQ) Project - C-5603E.

Discussion:

Mayor Crump: What kind of crosswalk will be there?

Mr. McMillan: There will be a painted pavement crossing but the state has also suggested installing a concrete island for pedestrians so if a car is approaching they have a safe place to stand. There will be solar beacons on each side so a pedestrian can hit the button and it will flash when they are crossing. Once across the road it will stop flashing.

Councilmember Tallent: From the map it looks like it is across from the Saddlebrook subdivision.

Mr. McMillan: It is almost at the peak of the hill which is the safest spot for someone to be able to see and gives motorist the best line of sight to see the beacons flashing.

Councilmember Tallent: Is the sidewalk included in the CMAQ grant?

Mr. McMillan: Yes.

Mayor Crump: How wide will the sidewalk be?

Mr. McMillan: It's estimated to be 8 feet wide.

Mayor Crump: Will there be a concrete steel piling at the end of it to keep the golf carts off of it?

Mr. McMillan: That's something we will need to look into.

Motion was made by Councilmember Wise and seconded by Councilmember Tallent to authorize the Mayor to execute the Agreement with the North Carolina Department of Transportation (NCDOT) for the Congestion Mitigation and Air Quality (CMAQ) Project - C-5603E. **Motion carried 3-0.**

10. Staff Reports:

- a. Finance Report October, 2017 - **B. Love**

Ms. Love reported on the cash accounts:

	<u>Oct 31, 17</u>
Checking/Savings	
1000 · CASH ON HAND	206.30
1004 · GENERAL FUND	1,079,269.75
1040 · UTILITY CAPITAL RESERVE FUNDS	2,202,618.01
1050 · POWELL BILL FUNDS	270,913.11
Total Checking/Savings	3,553,007.17

Ms. Love said now that Town Hall has a new audio system the old one needs to be surplus in accordance with NCGS 160A-266; 267. An ad will be placed in the newspaper and staff will notify the 2 people who have expressed an interest in the equipment so they can make an offer. Town Clerk Boyden will receive the offers and arrangements will be made for those people to view the items. The offer will be accepted by the highest bidder.

- i. **Resolution #2018-188** To Surplus Old Audio System

Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt **Resolution #2018-188** authorizing the Finance Officer to sell by private sale the old audio system and direct the Town Clerk to advertise the items for sale in the Charlotte Observer on the next available date. **Motion carried 3-0.**

Resolution Authorizing Sale of Personal Property Worth Less than \$30,000 in Accordance with N.C.G.S. 160A-266; 267

Resolution #2018-188

WHEREAS, Town of Midland owns a sound system that has become surplus for its current needs; and

WHEREAS, North Carolina General Statute 160A-266 permits the town to sell such property by private sale, upon authorization by the Town Council at a regular meeting and notice to the public; and

WHEREAS, The Town Council is convened in a regular meeting.

THEREFORE, THE TOWN COUNCIL authorizes the finance officer to sell by private sale the following items of surplus personal property:

Surplus Sound System

- 2 Shure PG88 Dual Diversity Receivers
- 4 PG2/PG58 Handheld Transmitters (Mics)
- 1 Vocopro UHF-5805 4-Channel Wireless Microphone Receivers
- 4 Vocopro Handheld Transmitters (Mics)
- 1 Soundtech Quickmix 6200
- Assorted Audio Cables
- 9 weighted Mic stands

ii. Capital Project **Ordinance #2018-219 FI** for CMAQ Project

Ms. Love said this ordinance would authorize the town to begin spending for the CMAQ Project that Mr. McMillan just reported on.

Motion was made by Mayor Pro Tem Hartsell and seconded by Councilmember Tallent to adopt **Capital Project Ordinance #2018-219FI** for the CMAQ Project. **Motion carried 3-0.**

**Capital Project Ordinance for the Town of Midland:
 CMAQ C5603-E ROB WALLACE PARK WALKWAY**

Ordinance #2017-219 FI

BE IT ORDAINED by the Town Council of the Town of Midland that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project is hereby adopted:

Section 1. The project authorized is the CMAQ C5603-E Rob Wallace Park Walkway Project as described in the Funding Agreement between the Town and the State of North Carolina Department of Transportation (NC DOT).

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the funding agreement and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Grant Administration	\$ 5,000
Engineering	11,160
Contingency	12,276
Construction	<u>111,600</u>
Total Appropriations	<u>\$ 140,036</u>

Section 4. The following revenues are anticipated to be available to complete this project:

CMAQ Funds	\$ 108,028.80
Transfer from General Fund (local match)	27,007.20
Transfer from General Fund (grant admin)	5,000.00
Total Estimated Revenues	<u>\$ 140,036.00</u>

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the funding agreement and regulations.

Section 6. The Finance Officer is directed to report on the financial status of the project pursuant to the funding agreement.

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Section 7. The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 8. Copies of this Capital Budget Ordinance shall be furnished to the Clerk of the Governing Board and to the Finance Officer for direction in carrying out this project.

Adopted this 14th day of November 2017

iii. Amend Budget Amendment **Ordinance #2018-218** Audio System

Ms. Love said there was a clerical error in this ordinance that Council passed last meeting. This ordinance corrects the error.

Motion was made by Mayor Pro Tem Hartsell and seconded by Councilmember Tallent to adopt Budget Amendment **Ordinance #2018-218** as hereby amended. **Motion carried 4-0.**

Town of Midland Ordinance #2018-218 FY 2017-2018				
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, 2018:				
Section 1. To amend the Midland Budget 2017-2018 to add the purchase of the audio system				
	Current			Amended
Description	Budget	Increase	Decrease	Budget
Technology Expense	20,812.00	\$ 14,855.00		\$ 35,667.00
GF Fund Balance Appropriation	\$ 25,099.00	\$ 14,855.00		\$ 39,954.00
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.				

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

i. Friends of Midland Library Tree Lighting Request- **Margaret Houston**

Ms. Houston said that for the 3rd year in a row, the FOML will have their annual, “Toys for Tots” drive in partnership with the Bethel Elementary Safety Patrol. In previous years the children and FOML have held a big finale at the end of the drive. This year, they want to have the finale at the Sundae Shoppe from 5-7 pm on December 2nd and would like to have the Town Christmas tree lighting as part of the celebration.

Ms. Houston added that the tree will be lit along with a visit from Santa Clause. Also the Boy Scouts, Girl Scouts and Cub Scouts will receive badges from the US Marines for their help with the toy drive. Corning is also participating and will bring their collected donations.

Mayor Crump asked Ms. Houston if the owner of the Sundae Shoppe is on board with the event taking place in his parking lot.

Ms. Houston said Mr. Paris and the FOML will contact the owner to confirm.

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Council discussed a date to set the Christmas tree up.

Mayor Pro Tem Hartsell said that the fire department will need to help with the set up.

Mayor Crump will contact Councilmember Burnette for use of a ladder.

Council decided to set the tree up on Saturday November 25th at 9:00 am.

ii. 1% Holiday Pay Distribution

Mr. Paris explained:

Background:

Traditionally, the town gives a 1% year-end bonus during the month of December to thank town staff for their service to the Town of Midland. The following staff members are eligible: Town Manager, Town Clerk, Town Planner, Finance Officer, Planning and Zoning Clerk. Bonuses are not given to contract staff (Wooten).

The FY17-18 budget includes funding in the salary line-item for the 1% bonus; however I always prefer to get Council's authorization prior to distributing.

Budget:

Adequate funds are already appropriated.

Motion was made by Councilmember Tallent and seconded by Councilmember Wise to authorize the Town Manager to distribute a 1% year-end bonus to town staff on December 14th, the first pay day in the month of December, in order to thank town staff for their service to the Town of Midland. **Motion carried 3-0.**

iii. Other Comments

Mr. Paris said that the EDC team is here tonight.

Mr. Robert Carney said that he heads up the EDC and has been doing that for just over 1 year. He introduced his team- Ian Nixon who works in existing industry. Her job is to keep them successful and growing. Samantha Grass is the new business project manager.

He said that their focus for the Midland community is product development; making sure the community has sites that are qualified for industrial type opportunities and has the utilities to support the sites. They've also been focused on Corning and IPG with their recent expansions.

Mayor Crump asked how many industries might be looking in the area.

Mr. Carney said that the EDC puts out a, "Pipeline Report" each month. There are a few projects currently in the Pipeline. Midland has so much opportunity for good industrial growth yet it has to match what Council and the citizens want. The issue that the EDC has to focus on is infrastructure and site readiness.

11. 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 Mayor Pro Tem Hartsell to enter [N.C.G.S. 143-318.11(a)(3)] inviting Attorney Tosco, Manager Paris, Town Clerk Boyden, Planner Watts and Engineer McMillan. **Motion carried 3-0.**

Council entered at 7:08 pm.

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Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to re-enter Regular Session. **Motion carried 3-0.**

Council re-entered at 7:43 pm.

Motion was made by Councilmember Wise and seconded by Councilmember Tallent to authorize Mayor Crump to execute purchase papers for .5 acres for a temporary construction easement from GATRO, LLC for the Crossroads expansion project for an amount not to exceed \$2,000. **Motion carried 3-0.**

Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to approve the Old Bethel School settlement and authorize Mayor Crump to execute the settlement. **Motion carried 3-0.**

12. Adjournment:

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

Council adjourned at 7:48 pm.

Attest/Seal

Mayor John Crump

Nancy E. Boyden, CMC, NCCMC Town Clerk