

Attendance: Mayor John Crump; Mayor Pro Tem Darren Hartsell; Councilmembers: Allen Burnette, Mike Tallent 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*; Cabarrus County Captain, Marc Nesbit; Midland Firefighter, Dylan Emnis.
Also Present: Cynthia Bauer of the American Red Cross; Cabarrus County Commissioner, Lynn Shue.
Absent: Town Engineer, Richard McMillan, *P.E.*
Late: None.
Guests: None.

1. **Invocation:** Mayor Crump pronounced the *Invocation*.
2. **Open Meeting:** Mayor Crump opened the meeting at 6:02 pm and called the room to order.
 - a. The room stood for the *Pledge of Allegiance*.
3. **Announcements:** Mayor Crump gave the following announcements:
 - a. The American Red Cross in conjunction with The Midland Fire & Rescue Dept., Station #1 on US Hwy. 601 S will hold a second Community Blood Drive on Saturday, August 26th from 9am to 2pm. You can do the following:

Sign up with Ms. Cindi Bauer to participate. Email her at Cynthia.bauer@redcross.org or go to www.redcrossblood.org/rapidpass. This information is also posted on the Midland Town website Home Page under "Latest News".

Ms. Bauer can be reached at 704-301-8473.

- b. Midland Town Hall will be closed September 4th in observance of Labor Day. There will be no library services that evening. Also, sanitation is running on a normal schedule so there will be no delays in service.
- c. Town Hall is collecting school supplies for the 2017-2018 school year until August 31st. 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.

Ms. Bauer said the following:

- On board with the online scheduling for the 2nd blood drive;
- The initial goal was to celebrate the 100 years that the American Red Cross has been servicing Cabarrus County and try and gather 100 units of blood between the 2 Midland programs;
- So far the program has installed 58 smoke detectors in partnership with Midland Fire & Rescue. We Hope to get the other 42 smoke detectors installed or more for the next blood drive. If anyone has a smoke detector that isn't working or is broken, we encourage you to sign up with the fire department;
- We still need volunteers to work the next blood drive and they can reach out to me to sign up.

4. ***Proclamation #2018-78*** Kelby Thornton Day

Mayor Crump read the proclamation for Mr. Kelby Thornton.

Motion was made by Mayor Pro Tem Hartsell and seconded by Councilmember Wise to adopt ***Proclamation #2018-78***, Kelly Thornton Day, August 8th, 2017 in the Town of Midland, NC. **Motion carried 4-0.**

Mayor Crump and Council congratulated Mr. Thornton on his achievement and he was presented with the framed proclamation. He received a round of applause.

Mayor Crump added that Kelby Thornton is the best in the USA and comes from Midland.



August 8, 2017 Kelby Thornton Day

Proclamation #2018-78

Whereas, At the young age of 17, Kelby Thornton of Midland, NC is a two- time national masonry champion who recently graduated from Central Cabarrus High School; **and**

Whereas, The 53rd annual National Leadership and Skills Conference was recently held in Louisville, Kentucky where more than 15,000 individuals including students participated in the week-long event; **and**

Whereas, Kelby Thornton qualified for nationals after winning first place at the state level, also for the second year in a row; **and**

Whereas, Competitors were given six hours to create a wall with a triangular design in it. Kelby said it was the most challenging wall he's ever built and he completed it in only three and a half hours; **and**

Whereas, Representative Richard Hudson recognized Kelby Thornton during the June 29th session of Congress for his masonry achievements; **and**

Whereas, Kelby is looking forward to attending the, "WorldSkills" competition that will be held in Russia in 2019.

Now Therefore, The Midland Town Council hereby proclaims August 8, 2017 as Kelby Thornton day in the Town of Midland and wishes him the very best in his future endeavors.

Adopted this the 8th day of August, 2017.

5. **Approval of Agenda:**

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

6. **Consent Agenda:** Minutes: Regular Session 7-11-2017; Attorney Bills

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

7. **Presentations:**

a. Cabarrus County Parks & Recreation Regarding Butterfly Garden at Park- ***Londa Strong***

Ms. Strong had Mr. Paris project a composite photo of what the garden would look like. She and former Mayor Kitts talked about having a butterfly garden or something similar at Rob Wallace Park. Mayor Kitts said that she thought it would be nice to have something for folks with illnesses or disabilities to enjoy without having to take a long walk into the park so; the garden will be about 125 ft. from the parking lot. Benches will be included.

Ms. Strong talked about swinging and standard benches- maybe one of each. They would be ADA compliant. The County has a matching incentive grant program and they will provide 50% of that grant. The estimate is \$25,000 and includes everything. The garden will also be maintained by the County Parks and Recreation Dept.

The garden will have milkweed for the Monarch butterfly and other plants and flowers that attract other kinds of butterflies.

Mayor Crump asked if there is irrigation in the garden area.

Ms. Strong said there isn't but it will be watered if needed.

Mayor Crump asked about the cost difference for the swinging and stationary benches.

Ms. Strong said it was about \$300.00. The stationary bench is cheaper at approximately \$800.00. She added that people really enjoy the swinging benches best. They are the most used in other parks.

Motion was made by Councilmember Wise and seconded by Councilmember Tallent to approve participating with Cabarrus County in the Butterfly Garden joint project at Rob Wallace Park in an amount not to exceed \$12,500 for the town's share. **Motion carried 4-0.**

Ms. Strong said the County would like to get it started as soon as possible and she will let Council know about a dedication ceremony.

b. Butterfly Garden Sponsorship - Northeast Hospital - ***Ms. Laura Blackwell***

Ms. Blackwell said the hospital is proud to be a part of the Midland community through the Midland Family Medicine facility. She said tonight she was here to express support for the butterfly garden. At Carolina Heath Care, North East, their mission is to improve health, elevate hope and advance healing for all. In honor of North East's 80th anniversary, and as a show of support to this community the hospital will be donating \$5,000 towards the completion of the butterfly garden. North East appreciates the community and shares in the loss of an amazing woman, Mayor Kathy Kitts. This garden will be a wonderful reminder of her strength and grace.

Mayor Crump thanked North East for their generous contribution.

c. Midland Magic Committee regarding Banner Sponsorship- ***Mayor John Crump***

Mayor Crump asked some of the former members of the Midland Magic Committee to step forward to be recognized.

He said he and all the members had a lot of fun doing the festival. He gave a \$5,000 check to Mr. Paris towards the new Crossroads banners.

Motion was made by Councilmember Wise and seconded by Councilmember Tallent to authorize Town Manager Paris to accept the donation from the Midland Magic Committee. **Motion carried 4-0.**

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

9. **Public Safety:**

a. Police Report - Cabarrus County Sheriff for Midland

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

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

- 419 Security checks;
- 5 Stranded motorists;
- 7 Suspicious subjects;
- 10 Suspicious vehicles;
- 50 Traffic stops.

105 Dispatched calls for service- some of which were:

- 1 B/E in progress;
- 1 B/E other;
- 3 Larceny calls;
- 5 Suspicious subjects;
- 4 Suspicious vehicles;
- 6 Traffic accidents property damage only;
- 3 Traffic accidents involving personal injury;
- 1 Traffic stop.

b. Midland Volunteer Fire Department Report

Firefighter Dylan Ennis gave the Fire Department Report for July 2017:

- 5 Structure fires;
- 4 Residential fire alarms;
- 2 Commercial fire alarms;
- 1 Brush fire;
- 1 Vehicle fire;
- 11 Local alarms;
- 4 Motor vehicle accidents;
- 33 Medical calls.

Total calls for service: 62

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

a. Planning Projects- *Verbal Update*

Ms. Watts' planning project overview:

- Jordan Dental: Now open;
- Allen Mini Storage: Moving along and staff is working with them on their site plan approval- specifically along the new public right-of-way which will be constructed back to the Queen's University property;
- CF Steel project off of Old Camden Rd.: Will acquire additional property immediately north of the site. They have already submitted an application to annex that area into the town. This will come before the Council at the September 12th meeting. Clerk Boyden will certify the petition and the public hearing will be held at the October meeting;
- Banks Massey project: Progressing and Mr. Massey has been working with the Town Engineer on the road construction and the proof roll will start soon. Mr. Turner already has his compliance permit to start construction on his building as soon as there is a passable access to reach his property;
- Brentwood: Staff has received the final plat application for the first phase of approximately 80 lots. It will take a few weeks to review and be recorded. In the meantime the developer is still working on the bypass plan and

installation of the pipe. The town will not be issuing any zoning compliance permits until it's received written confirmation from the U.S. Army Corp of Engineers that the site is in compliance and the bypass issue has been resolved;

- Wyndham Forest: Recorded their final plat for all the lots in the project. There were several pre sales so staff expects to start issuing zoning permits soon;
- The Tucker's are fixing up their building, (formally Tucker Supply) on NC 24-27 and doing interior up fit for rental spaces. They installed a new sidewalk out front and hooked onto water and are now getting ready to install some new landscaping.

Mayor Pro Tem Hartsell asked if the I&A project on Old Camden Rd. has started grading.

Ms. Watts answered, "No".

Mayor Pro Tem Hartsell asked about septic and sewer with the Tucker building.

Ms. Watts said that they have to submit building plans to the Cabarrus County Building Inspections Dept. If they are adding any new plumbing facilities such as bathrooms they will need to get clearance through the Cabarrus County Health Alliance. The town doesn't have any oversight with that.

11. Staff Reports:

- a. Finance Report-July 2017 - **B. Love**

Ms. Love gave the following report on the cash accounts:

				July 31, 2017
Checking/Savings				
		1000	• CASH ON HAND	196.58
		1004	• GENERAL FUND	1,171,327.03
		1040	• UTILITY CAPITAL RESERVE FUNDS	2,200,778.39
		1050	• POWELL BILL FUNDS	228,402.57
Total Checking/Savings				3,600,704.57

- i. **Budget Amendment Ordinance #2018-213** for Duke Energy Crossroads Streetlights

Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt **Budget Amendment Ordinance #2017-213** for FY17-18 Town Goal #8 Installation of the Crossroads Streetlights by Duke Energy. **Motion carried 4-0.**

Town of Midland				
Ordinance #2018-213				
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, 2017:				
Section 1. To amend the Midland Budget 2017-2018 for Duke Energy Crossroads and streetlights this includes a				

onetime cost plus 12 months of electricity costs.				
	Current			Amended
Description	Budget	Increase	Decrease	Budget
Misc. Operating Costs	2,500.00	\$ 2,344.00	\$ -	\$ 4,844.00
GF Fund Balance Appropriation	\$ -	\$ 2,344.00		\$ 2,344.00
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.				

- ii. **Budget Amendment Ordinance #2018-214** to move funds to up fit patrol vehicle from FY16-17 to FY17-18 Budget

Motion was made by Councilmember Wise and seconded by Councilmember Burnette to adopt Budget Amendment **Ordinance #2017-214** to move funds to up fit the Midland patrol vehicle from FY16-17 to FY17-18 Budget. **Motion carried 4-0.**

Town of Midland				
Ordinance #2018-214				
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, 2017:				
Section 1. To amend the Midland Budget 2017-2018 to up fit the new patrol vehicle purchased at the end of 2016-2017				
	Current			Amended
Description	Budget	Increase	Decrease	Budget
Capital Outlay-Public Safety	-	\$ 10,255.00		\$ 10,255.00
GF Fund Balance Appropriation	\$ 2,344.00	\$ 10,255.00		\$ 12,599.00
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. Update on Sanitation Contract

Mr. Paris briefly reviewed his staff report:

Background:

At the last meeting I made you aware that Waste Connections has acquired the town's contract with Advanced Disposal. Both companies are requesting that the town agree to assign the contract after the fact. Our contract with Advanced Disposal required that they get our written consent prior. I have entered negotiations to get a lower price in exchange for the contract being assigned.

Update:

The following is an update:

- Waste Connections has continued to perform duties weekly since the last meeting. The town has received no citizen complaints about service according to Town Clerk Nancy Boyden.
- After negotiations, Waste Connections has offered the following:
 1. Lower the current monthly price from \$11.82 to \$11.45. This would save the town \$6,919 during the current fiscal year (effective August billing).
 2. Waive the cost of living adjustment (COLA) in the next fiscal year. If the COLA is the same as the prior year, both years' adjustments would result in a combined savings next fiscal year of \$14,688.
 3. Extend the term to a total of 5 years from the date of the signing. Note that in year 3 COLA's would resume off of the base price of \$11.45, however the savings from the prior two years would continue to roll forward in that base price.
- I have asked Waste Connections to put their offer in writing (a formal letter) and have their legal counsel prepare a contract amendment for everyone to review. This task is currently at their legal counsel.

Next Steps:

Staff will receive the formal offer and contract amendment. The board at that time (probably the September meeting) will have some options to consider:

1. Agree to the assignment, price decreases, and pass the contract amendment;
2. Negotiate for a further price decrease prior to agreeing to the assignment and amendment;
3. Agree to the assignment as the contract currently is and re-bid in a year and a half.

END

Mr. Paris added that Waste Connections applied the price decrease on the July invoice and it will continue for the rest of the current year and into the next. Their legal counsel will prepare the contract amendment and cover letter ready for the September Council meeting. He referred to the Next Steps portion of his memo and called for questions.

Discussion:

Councilmember Tallent: Would the Board consider going to weekly recycling? He said his family fills up recycling faster than garbage.

Mayor Pro Tem Hartsell: Could Council consider giving additional recycling bins to those who request them. I understand that it would be more expensive. Collection could stay at every other week but a household could fill up 2 bins instead of 1.

Councilmember Burnette: A lot of people don't recycle so that could pull the cost for those who need 2 bins.

Mr. Paris said that the Controller will be at the September meeting so those questions can be asked then.

ii. Update on Tax Collection Contract

Mr. Paris briefly reviewed his staff report for Council:

Background:

In 2003 the town entered into a contract with Cabarrus County for the collections of property taxes. In exchange for collecting the town's taxes Cabarrus County would keep 1.5% of all taxes collected as compensation. For the prior fiscal year 1.5% was \$10,496.56.

Eddie Meachum, Cabarrus County Tax Administrator is proposing \$2 per bill moving forward instead of 1.5%. For the prior fiscal year this would be \$5,010 (approximately 2,505 bills). Eddie sent me the proposed contract that he wants the board to pass. As discussed at the last town council meeting, I sent the proposed contract to the Town Attorney for review prior to board consideration.

As of Wednesday, Attorney Fox was reviewing the contract. He will update you on any issues or proposed changes at the meeting.

Recommended Action:

1. Hear comments from the Town Attorney.
2. Review proposed contract.
3. Consider approval of contract

END

Attorney Fox said the contract has a change in the manner the County is compensated for collection of property taxes. It goes to a \$2.00 per bill instead of the long standing 1.5% arrangement.

It does have a provision in it for collection of special assessments and if the town was to engage in these special assessments, there will be an additional charge of \$3.50 per bill but Midland has not engaged in any special assessments to date.

The other provision that stands out is that the town could elect for the County to foreclose on properties that are delinquent on taxes. Should the town do that then the County under the agreement proposed that both the County and town would split the cost of said foreclosing action. The attorney fees associated with that would also be split and be a deduction out of that sale. There wouldn't be up front money from the town.

Again they will collect all real and personal property taxes and after their fee, give the town its due amount.

The agreement has a termination provision. The contract termination window is between July 1st and July 16th of each calendar year. This is a roll over contract however; notice of termination has to be given in March of each year.

The resolution before Council reflects the authority on behalf of the town to enter into this Interlocal agreement with the County. It also recognizes that the town directs the County not to collect minimum taxes. These are taxes that are so small of an amount that the collection would outweigh the cost to collect them. This is carried forth from the prior agreement.

Discussion:

Councilmember Tallent: Is this a good agreement?

Attorney Fox: Yes. If the town had to collect its own taxes the town would have to carry the cost of that tax collection person.

Mr. Paris: This is a great agreement. Their collection rate is at 98%.

Mayor Pro Tem Hartsell: Do other towns use the County to collect their taxes?

Mr. Paris: Yes, they all do.

Mayor Crump: So last year Midland paid the County a little over \$10,000 in collection fees and this year it will be a little over \$5,000 so that's about a 50% savings.

Mr. Paris: Our prior agreement was silent for foreclosure costs but as Attorney Fox said foreclosure fees will be collected upon the sale of the property (deed).

Councilmember Burnette: The vehicle tax is collected by the DMV and distributed to the County. Will they charge Midland \$2.00 per vehicle?

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Attorney Fox: The County is not responsible for the collection of vehicle/personal property taxes. The DMV is.

Motion was made by Councilmember Wise and seconded by Councilmember Tallent to adopt **Resolution #2018-182** authorizing the Town of Midland to enter into a local tax collection agreement with Cabarrus County and not collect minimum taxes. **Motion carried 4-0.**

**RESOLUTION AUTHORIZING THE TOWN OF MIDLAND
TO ENTER INTO A LOCAL TAX COLLECTION AGREEMENT
WITH THE CABARRUS COUNTY AND TO COLLECT MINIMUM TAXES**

Resolution #2018-182

WHEREAS, Article 20, Chapter 160A of the North Carolina General Statutes and North Carolina General Statute Section 153A-445(a)(1) authorize the Town of Midland (“Town”) and Cabarrus County (“County”) to enter into an undertaking for the exercise by one unit of local government of the tax collection function of another unit of local government; **and**

WHEREAS, the Town and the County have determined it to be a public benefit and interest to have the County Tax Administration Department undertake to collect certain tax revenues of the Town; **and**

WHEREAS, the Town and the County have reduced their understanding for the collection of Town tax revenues by the County in a written contract entitled “Midland County Interlocal Tax Collection Agreement.”

NOW, THEREFORE, BE IT RESOLVED by the Town as follows:

The Town hereby adopts and authorizes the Town through its Mayor to enter into the Midland County Interlocal Tax Collection Agreement consistent with the terms stated therein.

Pursuant to North Carolina General Statutes Section 105-321(a) the Town hereby directs the County not to collect minimum taxes.

Adopted this the 8th day of August, 2017.

iii. Other Comments

Mr. Paris said that he is looking into a new audio system for the Council Chambers. Quotes are forthcoming.

Mayor Crump asked County Commissioner Lynn Shue what the status was on the solar farm on US Hwy. 601.

Commissioner Shue said he didn’t know about it but they made application for permits.

Mayor Pro Tem Hartsell asked Commissioner Shue that when he does find out to please inform Council and staff. There are citizens who are very concerned.

Councilmember Burnette asked what the timeframe is on the Crossroads streetlights.

Mr. Paris said the lights were being installed last week but he wasn’t sure if they’ve completed all of them. The town may need to set up the account prior to them turning on the lights.

12. Adjournment:

Motion was made by Mayor Pro Tem Hartsell and seconded by Councilmember Tallent to adjourn the meeting. **Motion carried 4-0.**

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Council adjourned at 6:47 pm.

Attest/Seal

Mayor John Crump

Nancy E. Boyden, CMC, NCCMC Town Clerk