

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, Anthony Fox; 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: Cabarrus County Commissioner, Lynn Shue.
Absent: Councilmember Burnette.
Late: None.
Guests: Centralina Council of Governments, Jim Prosser; Waste Connections, Patrick Watson.

All items are for discussion and possible action unless otherwise specified.

*SR denotes staff memo/report included

1. Invocation: Mayor Pro Tem Hartsell 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*.

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

3. Approval of Agenda:

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

4. Consent Agenda: Minutes: Regular Session 8/8/2017; Purge FY 2010-2011 Agenda Packets & FY 2012 invoices; Attorney Bills

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

5. Presentation: Resolution for Mayor Kathy Kitts from Centralina Council of Governments- Jim Prosser

CCOG Executive Director, Jim Prosser said the resolution was approved at their most recent meeting recognizing the outstanding public service of former Midland Mayor Kathy Kitts. She served as an officer on the CCOG Board of Directors and she was a persistent and tireless presence in her work.

He read the resolution aloud.

Mayor Crump said on behalf of the Town of Midland he appreciated the CCOG's thoughtfulness and kindness to recognize Mayor Kitts.

Mr. Prosser said he respected the Town's willingness to share Mayor Kitts with the CCOG. He also said that the work of elected officials at the local level deserves a special place in Heaven. The work that they do is so important for current and future generations and it's rarely recognized.

6. Public Comment:
 - a. Ann Holland of Midland proper:
Subject: School Supplies

Mrs. Holland said that the school supply drive was very successful. She thanked the Town and residents for the donations. The supplies were given to the schools Midland area children attend and were very appreciated.

- b. Mary Ann Evanoff of Midland proper:
Subject: Newsletter

Mrs. Evanoff said that she would like for the Town to bring the Town Newsletter back into paper circulation. The previous newsletter that was mailed to Midland citizens was well done and informative. The community needs the newsletter because not everyone has access to a computer or printer. It would be beneficial to the Town if the community knew what was going on with Town Council. Councilmembers are assigned to various meetings within the county. Citizens don't get reports on what happens at those meetings. Citizens also want to know what Council is doing to promote the Town. They also want to know who is governing the Town and what is happening with economic development. It would be a big step if people had that kind of information. Included in the newsletter should be phone numbers of the Town Councilmembers, staff and county, etc.

7. Public Safety:

- a. Police Report - Cabarrus County Sheriff for Midland

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

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

- 621 Security checks;
- 3 Suspicious subjects;
- 13 Suspicious vehicles;
- 61 Traffic stops.

129 Dispatched calls for service- some of which were:

- 2 Assaults;
- 3 B/E of residences;
- 1 B/E of other;
- 1 B/E of a vehicle;
- 4 Larcenies;
- 4 Property damages;
- 8 Suspicious subjects;
- 10 Suspicious vehicles;
- 10 Traffic accidents and 3 with personal injury.

Councilmember Wise asked the officers to move the radar trailer to around town to areas they feel have known speeding problems.

Captain Nesbit concurred.

Mayor Pro Tem Hartsell asked if there were any active community watch programs in Midland.

Captain Nesbit said Sergeant Sarah Price is ahead of that program. He will check to see if she knows of any watches active in Midland.

Mayor Crump said those programs are usually sponsored by an organization within the community.

- b. Midland Volunteer Fire Department Report

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

- 2 Structure fires;
- 2 Residential fire alarms;
- 5 Commercial fire alarms;
- 1 Vehicle fire;
- 10 Local alarms;
- 6 Motor vehicle accidents;

- 38 Medical calls.

Total calls for service= 64

8. Planning: Planning, Zoning & Subdivision Administrator- K. Watts
 - a. Contiguous Annexation Petition- CF Steel 261 NC Hwy. 24/27 W
 - i. *SR Present Petition

Ms. Watts said that this will be the second annexation done for CF Steel yet the property is still owned by William and Sheila Smith. The large piece of property adjacent to this one was annexed by the Town last year. Due to some wetland problems, additional property is needed. They worked out an agreement with the Smiths to obtain the additional .92 acres.

Ms. Watts highlighted her report as follows:

BACKGROUND

On August 7, 2017 the owner of property located at 12336 Old Camden Road, Midland, NC 28107, a portion of Cabarrus County PIN 5524-98-3252 totaling 0.92 acres; submitted a petition for voluntary contiguous annexation into the town limits of the Town of Midland.

FINDINGS AND CONCLUSIONS

The standards for annexation require that the property must be contiguous to the "primary corporate limits". Attachment "B" demonstrates the contiguity requirements are satisfactorily met by this petition to the Town of Midland.

FISCAL IMPACT

The property is un-developed. The property will not require solid waste collection and recycling services at this time. The Town will receive additional revenue from Ad Valorem tax assessments.

RECOMMENDATION FOR ACTION

There are several steps required to annex this property. The following outline illustrates how this process may be completed in two regular meetings of the Town Council.

The actions to be taken at the September 12, 2017 meeting include (in order of due process):

- a. Petition for voluntary contiguous annexation (Attachment "A").
- b. Direct (#2018-183A) for the Town Clerk to investigate the sufficiency of the petition.
- c. Upon receipt of petition certification by Town Clerk, call (#2018-184A) for public hearing at next regular meeting.

The actions that may be taken at the October 10, 2017 meeting include:

- d. Conducting the required Public Hearing for the purpose of receiving input from citizens and/or persons owning an interest in the subject property.
- e. Consideration (adoption or rejection) of an ordinance extending the corporate limits to include the subject property.

Following the annexation of the property staff will be preparing the documents to establish initial Town of Midland zoning on the property. The property lies within the area designated on the Town Plan 2030 Future Land Use Map for "Commercial" uses; is adjacent to an area designated for "Industrial" uses; and is consistent with the principles of the *Town Plan 2030 Land Use & Comprehensive Master Plan*, adopted April 11, 2017. The owner is requesting the subject property be recommended for the "NC 24/27 Commercial" (C 24/27) zoning classification.



PETITION REQUESTING A CONTIGUOUS ANNEXATION

DATE: 8/7/2017

To the Town Council of Town of Midland, North Carolina:

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed to the Town of Midland, North Carolina.
2. The area to be annexed is contiguous to the Town of Midland, North Carolina and the boundaries of such territory are as follows:

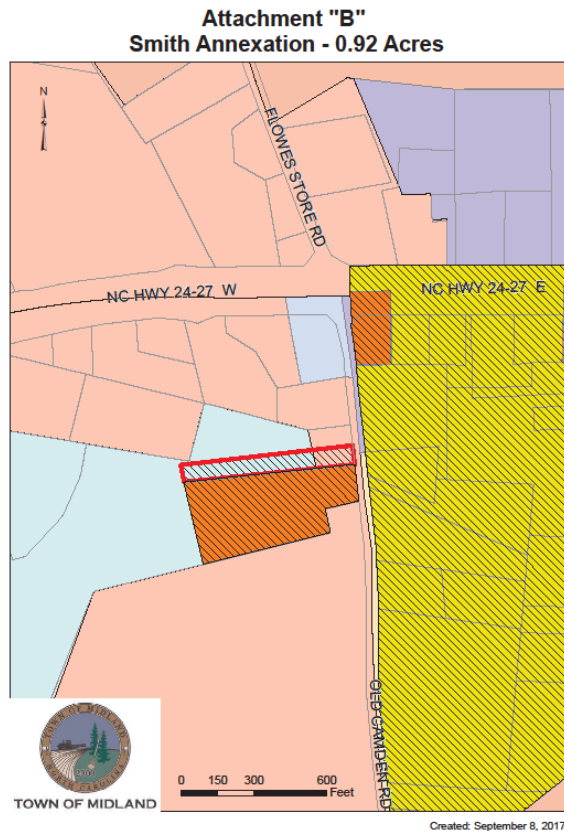
See attached **MAP** and/or **METES AND BOUNDS DESCRIPTION** (a copy of the deed with description may be attached for this purpose) representing property identified as:

Cabarrus County P/H 55249632526000 (portion of)

Located at 26' NC Hwy 24-27 W. Midland, NC 28107

*Name (print or type)	Mailing Address	Signature
William Dale Smith, Jr	215 Braef Rd E. Midland, NC 28107	<i>William Dale Smith, Jr</i>
Sheila H Smith	215 Braef Rd E. Midland, NC 28107	<i>Sheila H Smith</i>

*Family members (e.g. husbands and wives) need to sign separately. Signatures for corporations, institutions, etc., are by those with the authority to sign legal documents.



- ii. Resolution 2018-183A Directing the Clerk to Investigate Petition

Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt Resolution #2018-183A Directing the Clerk to Investigate the Petition. **Motion carried 3-0.**

**Resolution Directing the Clerk to Investigate an
Annexation Petition Pursuant to
Article 4A of G.S. 160A Governing Contiguous Annexations**

Resolution #2018-183(A)

WHEREAS, a petition requesting annexation of an area described in said petition was received on the 12th day of September, 2017 by the Town of Midland; *and*

WHEREAS, N.C.G.S. Chapter 160A, Article 4A, Part 1 provides that the sufficiency of the petition shall be investigated by the Town Clerk of the Town of Midland, North Carolina before further annexation proceedings consistent within the petition can take place; *and*

WHEREAS, the Town Council of the Town of Midland, North Carolina deems it advisable to direct the Town Clerk to investigate the sufficiency of the petition.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Midland, North Carolina that:

Minutes Tuesday, September 12, 2017
Regular Meeting of Town Council
6:00pm, 4293-B Hwy. 24/27 E. Midland, NC 28107

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition under N.C.G.S. Chapter 160A, Article 4A, Part 1 and to certify as soon as possible to the Town Council the result of the investigation.

Adopted this the 12th day of September, 2017.

iii. Presentation of Clerk Certification

Town Clerk Boyden presented the Certification and said all information on the deed and property boundaries are accurate.

iv. Resolution 2018-184A Fixing the Date of the Public Hearing

Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt Resolution #2018-184A Fixing the Date of the Public Hearing for October 10th at Midland Town Hall, 4293 B. Hwy. 24/27E at 6:00pm. **Motion carried 3-0.**

**Resolution Fixing the Date of Public Hearing on Question of Annexation
Pursuant to Article 4A of G.S. 160A
Governing Contiguous Annexations**

Resolution #2018-184(A)

WHEREAS, a petition requesting annexation of the area described herein has been received; *and*

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; *and*

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Midland, North Carolina that:

- Section 1. A public hearing on the question of annexation of the area described herein will be held at the Midland Town Hall, 4293-B Highway 24/27, Suite B, Midland, NC, 28107 at 6:00pm on the 10th day of October, 2017.
- Section 2. The property is located at 12336 Old Camden Road; Midland, NC 28107 including a portion of Cabarrus County PIN 5524-98-3252 totaling 0.92 acres. The subject property proposed for annexation is illustrated on the meets and bounds description accompanying the petition and is identified as Attachment "B".
- Section 3. Notice of the public hearing shall be published in the Charlotte Observer.

Adopted this the 12th day of September, 2017.

- b. Non Contiguous Annexation Petition: Julia Brock & Suzanne Gullede, 1351 & 1376 NC Hwy. 24/27 W.
i. *SR Present Petition

Ms. Watts reviewed her report as follows:

BACKGROUND

On August 30, 2017 the owner of property located at 1351, 1376, and 1426 NC Hwy 24-27 West; Midland, NC 28107 (Cabarrus County PIN#'s 5524-34-9781 & 5524-25-8109) submitted a petition for voluntary non-contiguous annexation into the town limits of the Town of Midland. The property consists of approximately 105+/- acres.

FINDINGS AND CONCLUSIONS

The statutory standards for annexation require non-contiguous property be closer to the "primary corporate limits" of the annexing municipality and our annexation agreement with the City of Charlotte requires that it lie within Cabarrus County. Attachment "B" demonstrates the requirements are satisfactorily met by this petition to the Town of Midland.

FISCAL IMPACT

The property is undeveloped. The property will not require solid waste collection and recycling services at this time. The Town will receive additional revenues from Ad Valorem tax assessments.

RECOMMENDATION FOR ACTION

There are several steps required to annex this property. The following outline illustrates how this process may be completed in two regular meetings of the Town Council.

The actions that may be taken at the September 12, 2017 meeting include (in order of due process):

- a. Petition for voluntary non-contiguous annexation (Attachment "A")
- b. Direct (#2018-185A) for the Town Clerk to investigate the sufficiency of the petition.
- c. Upon receipt of petition certification by Town Clerk, call (#2018-186A) for public hearing at next regular meeting.

The actions that may be taken at the October 10, 2017 meeting include:

- d. Conducting the required public hearing for the purpose of receiving input from citizens and/or persons owning an interest in the subject property.
- e. Consideration (adoption or rejection) of an ordinance extending the corporate limits to include the subject property.

Following the annexation of the property staff will be preparing the documents to establish initial Town of Midland zoning on the property. A majority of the property lies within the area designated on the Town Plan 2030 Future Land Use Map for "Industrial" uses and is consistent with the principles of the *Town Plan 2030 Land Use & Comprehensive Master Plan*, adopted April 11, 2017; therefore, it is anticipated the area will be recommended for the "Industrial" (IND) zoning classification.



PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

Date: 8-15-17

To the Town Council of Town of Midland, North Carolina:

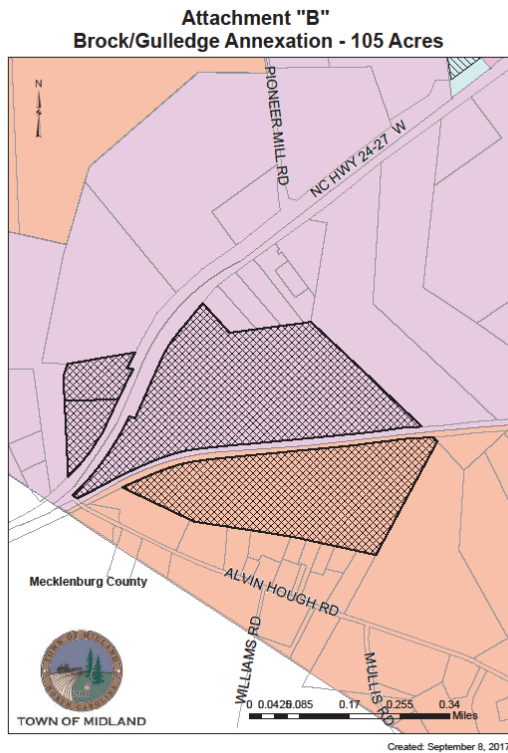
1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 hereof be annexed to the Town of Midland, North Carolina.
2. The area to be annexed is non-contiguous to the Town of Midland, North Carolina and the boundaries of such territory are as follows:

See attached MAP and/or METES AND BOUNDS DESCRIPTION (a copy of the deed with description may be attached for this purpose) representing property identified as:

Cabarrus County PIN 5524349781 - 5524258109
 Located at 1351-1376 NC HWY 24-27 N. MIDLAND, NC 28107

Name (print or type)	Mailing Address	Signature
<u>DAVID A. BRACK</u>	<u>5875 PINE ST. MIDLAND, NC 28107</u>	<u>[Signature]</u>
<u>SUZANNE A. GULLERD</u>	<u>3300 BRUDEN CT. RALEIGH, NC 27607</u>	<u>[Signature]</u>

*Family members (e.g. husbands and wives) need to sign separately. Signatures for corporations, institutions, etc., are by those with the authority to sign legal documents.



- ii. Resolution 2018-185A Directing the Clerk to Investigate Petition

Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt Resolution #2018-185A Directing the Clerk to Investigate the Petition. **Motion carried 3-0.**

**Resolution Directing the Clerk to Investigate an
Annexation Petition Pursuant to
Article 4A of G.S. 160A Governing Non-Contiguous Annexations**

Resolution #2018-185(A)

WHEREAS, a petition requesting annexation of an area described in said petition was received on the 30th day of August, 2017 by the Town of Midland; *and*

WHEREAS, N.C.G.S. Chapter 160A, Article 4A, Part 4 provides that the sufficiency of the petition shall be investigated by the Town Clerk of the Town of Midland, North Carolina before further annexation proceedings consistent within the petition can take place; *and*

WHEREAS, the Town Council of the Town of Midland, North Carolina deems it advisable to direct the Town Clerk to investigate the sufficiency of the petition.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Midland, North Carolina that:

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition under N.C.G.S. Chapter 160A, Article 4A, Part 4 and to certify as soon as possible to the Town Council the result of the investigation.

Adopted this the 12th day of September, 2017.

iii. Presentation of Clerk Certification

Town Clerk Boyden presented the Certification and said all information on the deed and property boundaries are accurate.

iv. Resolution 2018-186A Fixing the Date of the Public Hearing

Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt Resolution #2018-186A Fixing the Date of the Public Hearing for October 10th at Midland Town Hall, 4293 B. Hwy. 24/27E at 6:00pm. **Motion carried 3-0.**

**Resolution Fixing the Date of Public Hearing on Question of Annexation
Pursuant to Article 4A of G.S. 160A
Governing Non-Contiguous Annexations**

Resolution #2018-186(A)

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Midland, North Carolina that:

- Section 1. A public hearing on the question of annexation of the area described herein will be held at the Midland Town Hall, 4293-B Highway 24/27, Suite B, Midland, NC, 28107 at 6:00pm on the 10th day of October, 2017.
- Section 2. The property located at 1351, 1376, and 1426 NC Hwy 24-27 West; Midland, NC 28107, including Cabarrus County PIN#'s 5524-25-8109 & 5524-34-9781, totaling approximately +/-105 acres. The subject property proposed for annexation is illustrated on the attached map and on the meets and bounds description accompanying the petition and is identified as Attachment "B".
- Section 3. Notice of the public hearing shall be published in the Charlotte Observer.

Adopted this the 12th day of September, 2017.

c. Planning Projects- Verbal Update

Ms. Watts reported the following:

- Jordan Dental had their open house tonight;
- Allen Mini Storage: Staff is working out the final details about the road crossing, landscaping and open space;
- CF Steel project: They have done a small amount of grading only because of the wetland issues and the need to acquire the aforementioned additional property through annexation;
- Banks/Massey project: The road is going in. Mr. Brian Turner is in the process of permitting the building;

- Brentwood is now called, Fox Creek due to E911 purposes. There is another Brentwood subdivision in the county. No news that the project has changed hands. Staff received their final plat and comments have gone back/forth. Staff will hold the plat until the Army Corp of Engineers and the state signs off on all of the issues they still need to resolve;
- Wyndham Forest subdivision: Pulled 4 zoning permits so far but there hasn't been any houses built yet;
- Wyndham Estates: Had a few lots left and staff has issued zoning permits for those.

9. Engineering: Richard McMillan
a. *SR Paving Update - Old Camden Estates

Mr. McMillan highlighted his staff report:

Background:

A Pavement Condition Rating (PCR) was performed last winter and reported to the Council on February 14, 2017. The PCR provides a numerical condition rating to each street Midland maintains and helps the Town prioritize street maintenance needs and activities.

Based on the PCR report, three projects were identified to be resurfaced over the next three fiscal years. They were, in order:

1. Old Camden Estates: Composite PCR 44.8 - Paving Schedule FY 2017-18
Streets are Community, Settlement, and Neighbors;
2. White Tail Lane: Composite PCR 46.0 - Paving Schedule FY 2018-19;
3. Pelham & Gelding: Composite PCR 53.5 (Pelham) - Paving Schedule FY 2019-2020.

Staff's estimate for the Old Camden Estates resurfacing is within the Town resurfacing budget, but has added some additional pothole repairs on White Tail and Pelham to help them last until they are resurfaced, along with a minor drainage repair on Community.

Old Camden Estates will have some base repairs completed, some ditches graded for proper drainage (minor), and be resurfaced with a hot plant mix overlay.

Staff is finalizing the specifications and will request bids from multiple contractors per the North Carolina Purchasing Laws for Informal Construction Contracts within the next month and will bring the bids back before Council for approval. It is expected this work will be completed this Fall.

It is expected that a new PCR review will be completed in the winter of 2020 to provide future maintenance and resurfacing needs.

Recommendations: For information only.
END

Mr. McMillan added that the resurfacing is still within budget so staff is sure the cost will stay within the estimate.

Additionally this will be an informal contract per state bidding requirements and he's hoping to get a minimum of 3-5 contractors to bid on the project.

There is no curb and gutter but the side ditches will be graded down a little for better drainage.

Mayor Pro Tem Hartsell asked what the footage is for the 3 streets.

Mr. McMillan said this project is slightly under the McManus Meadows project footage (done last year).

He also said he was present for the 1st part of the proof rolling in Creekside Commercial- Banks Massey project. A section failed however he was not present for the 2nd part. He talked to the testing firm engineer hired to do the proof

rolling and they had a discussion about what was required. He was called after the fact and most of it passed. There was a small area that still didn't pass but it was rechecked and finally passed.

10. Mayor's Comments:

- a. Report on Cabarrus County Leadership Forum on Opioid Abuse- Mayor Pro Tem Hartsell

Mayor Crump said that Cabarrus County has a very serious problem with opioid abuse and is the leading county of this problem in the state.

Mayor Pro Tem Hartsell said Cabarrus County municipalities, county commissioners, law enforcement and doctors met to discuss this problem at the forum. The purpose was to come up with ideas on how to battle the epidemic. The attendees broke into groups to brainstorm on ideas. There were many suggestions but implementation may or may not be achievable:

- The people addicted are primarily in the 20-30 year age group and 66% are males with a high volume of overdosing;
- The cost to the county tax payers has escalated and EMS has already used 3 times the allotment of money for Narcan;
- The sheriff's department may be next to carry Narcan;
- Midland is tasked to come up with ways to stop the problem in its community;
- The Cabarrus County Health Dept. would like to come to Midland and offer more advice and training;
- If anyone in the community has any ideas, Mr. Hartsell and the rest of the Council would like to hear them;
- This is everyone's problem and there is work to be done.

Councilmember Wise said the next forum will be at Hickory Ridge High School on September 26th and is open to the public. Also Narcan is for the protection of the officers and EMS who could possibly inhale drugs while assisting in an emergency situation.

Mayor Crump said morphine and heroin are the primary drugs plaguing the county yet Fentanyl is also a big problem and about 50 times more potent.

Councilmember Wise added that there are boxes people can use to drop off unused medication. These are available at police stations and pharmacies. There are no questions asked.

11. Staff Reports:

- a. Finance Report-August 2017 - B. Love

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

				Aug 31, 17
Checking/Savings				
		1000 · CASH ON HAND		200.90
		1004 · GENERAL FUND		1,112,812.43
		1040 · UTILITY CAPITAL RESERVE FUNDS		2,201,480.98
		1050 · POWELL BILL FUNDS		228,440.01
Total Checking/Savings				3,542,934.32

- i. Budget Amendment Ordinance #2018-215 to add a Butterfly Garden to Rob Wallace Park

Motion was made by Councilmember Wise and seconded by Councilmember Tallent to adopt Budget Amendment Ordinance #2018-215 to add a Butterfly Garden to Rob Wallace Park. **Motion carried 3-0.**

Town of Midland Ordinance #2018-215 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 a Butterfly Garden to Rob Wallace Park				
	Current			Amended
Description	Budget	Increase	Decrease	Budget
General Parks	-	\$ 12,500.00		\$ 12,500.00
GF Fund Balance Appropriation	\$ 12,599.00	\$ 12,500.00		\$ 25,099.00
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. Waste Connections Assignment and Contract Amendment- Patrick Watson

Mr. Paris gave an overview of his staff report:

Subject Title: Sanitation Contract Update

Background:

At the last two meetings 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 entered negotiations to get a lower price in exchange for the contract being assigned. Behind this memo is their proposal to lower price in exchange for an assignment and term extension.

Outline of Proposal:

Please see the cover letter for a detailed look at their proposal. The following is a brief outline of their proposal and staff’s position:

- Waste Connections has agreed to forego CPI increases for the current fiscal year and next fiscal year. Their July invoice to the town already reflected this.
 1. Their proposal shows a savings of \$6,646.32 for the current year, and \$6,646.32 for the next year based on the current number of households. This is conservative. Based on expected housing growth trends, the savings will be more both years. My memo to you about this for the prior meeting had those trend numbers in them.
 2. Their proposal shows a total savings of \$59,816.88 based on the two CPI increases being waived and carrying forward over the remainder of the term of the agreement. This is conservative. Again, based on expected housing growth trends, the actual savings will be more.
- Waste Connections is proposing an extension of the term to five years. Based on the quality of service so far and management’s ability to correct issues, staff is not opposed to the term extension in exchange for the savings.
- Waste Connections has offered two solutions to address Councilman Tallent’s concern about recycling. First, is weekly recycling service. Second, are customers who are heavy recycling users receive a second bin.

The first option comes with a large price increase. The second option would require either the town or customer to foot the bill for the additional bin. Staff is recommending option 2, specifically that heavy recycling users be given the option by Waste Connections to purchase a second bin at their cost.

Recommendation:

Also in your packet is an amendment to the contract. Attorney Fox has reviewed it and may have comments during the meeting. Staff is recommending the following:

1. The board approves the contract amendment.
2. The board directs staff to communicate to heavy recycling users that they can contact Waste Connections for a second bin, but any cost related to the second bin would be born directly by the customer not the town.

Other Options:

The board can take other action if so desired:

1. The board can attempt to negotiate a further price decrease in exchange for the assignment. If council desires to do this I would suggest you appoint a committee of two members to take this on.
2. The board can assign the contract without a price decrease/extension and bid it out once the current contract has expired.
3. The board can decide to do the assignment with weekly recycling and direct Waste Connections to submit a modified contract amendment to be considered at the October meeting.

END

Mr. Watson from Waste Connections said the following:

- Mr. Paris summed up the proposal well;
- Proposing a waiver of the CPI increase in favor of an extension of an additional 5 year term for the contract;
- Regarding the additional recycling bins, service does carry a higher cost due to the extra volume;
- If a customer wants an additional recycling bin Waste Connections will provide one but this cost would be the responsibility of the customer- charging a monthly subscription fee as with any other municipality.

Council Discussion:

Councilmember Tallent: You didn't give one number on the recycling bin, do you own the bin? Can we get some numbers?

Mr. Watson: In the contract there is a vague piece at the bottom. It's \$60.00 for the delivery of the additional bin.

Councilmember Tallent: Who owns the bins?

Mr. Watson: Waste Connections does.

Councilmember Tallent: If my bin was run over who is responsible for it?

Mr. Watson: Whoever was at fault.

Councilmember Tallent: If someone ran it over and I didn't know who did it would I be responsible for another \$60.00 to replace it?

Mr. Watson: We are reasonable to the situation.

Mayor Pro Tem Hartsell: I agree that this is very vague. For other municipalities you service, do they have weekly recycling collection? Do they have bigger bins? If we have people wanting to recycle a lot this is a good thing. What is the monthly charge for an extra bin?

Mr. Watson: This is where the subject gets into paying directly or whether the resident would be paying directly.

Minutes Tuesday, September 12, 2017
Regular Meeting of Town Council
6:00pm, 4293-B Hwy. 24/27 E. Midland, NC 28107

Mayor Pro Tem Hartsell: We don't want to set up payments for anyone. What is the cost for the resident to pay for the bin?

Mr. Watson: For just one bin it would cost the resident \$3.50 per month.

Mayor Crump: There are a lot of people who do not recycle. Would there be a charge to use another resident's bin because they are not using theirs?

Mr. Watson: We don't have any issues with that. But because it's different from the contract we would want to revisit and lay out the expectations.

Mayor Crump: What about the \$60.00 in that scenario?

Mr. Watson: The \$60.00 was put into the contract. If we want to go back and amend the recycling portion we would be willing to revisit it.

Mr. Paris: Would Council feel comfortable passing the contract as is tonight and Mr. Watson and I can work on the recycling amendment?

Councilmember Tallent: There are no numbers in this contract. I would personally like for those numbers to be included.

Mr. Paris: The numbers are in the cover letter.

Councilmember Tallent: Cover letter or not, the numbers are not in the contract. I'm okay to vote on it tonight with those 2 charges (\$3.50 per month and \$60.00 delivery fee) added to the contract.

Mr. Paris: Do we want to put the prices we would charge the citizens privately in our contract because this is supposed to be the town's contract? This contract tonight is what the town is paying the contractor.

Attorney Fox: This agreement addresses 2 things, the extension of the contract and waiver of the CPI. The cover letter is just offering options but isn't incorporated into the agreement.

Mayor Pro Tem Hartsell: I agree with Mr. Fox and Mr. Paris. We are just dealing with our contract and the town's business. The other issues can be dealt with later because it's for individuals.

Attorney Fox: Council could do another contract later that addresses the recycling piece.

Councilmember Wise: Can your drivers keep track on a recycling day how many house actually recycle?

Mr. Watson: The most efficient was is how many homes would have their recycling picked up on that day but as far as actual set out counts it would be a manual process. As a company our set out days are about 70-75% for every other week service.

Councilmember Wise: So that would be about 250 recycling bins that don't get used.

Mr. Watson: On an every other week basis.

Councilmember Wise: Is there a way you can incorporate that into your number pick up per month so the people who want the extra bin have an extra? You're getting paid for 250 homes that aren't recycling. Can we work something out where you and Mr. Paris sit down and discuss this and come up with some type of formula? For instance say you pick up 100 of the unused bins. 100 people put their names on a list who want an extra bin and that's it. Anything over that the customer should have to pay for it.

Mr. Watson: We'd be happy to work with the town as far as the residents that aren't interested in recycling. That would be outside the scope of this contract. At the end of the day whatever the interest of the town is will be best for our company.

Councilmember Tallent: I would like some documentation on what we agree on. I understand our contract is with Waste Connections but we represent the community. What you do with individual customers reflects on us as well. It would be good for us to understand what's going on.

Mayor Crump: So we will come back with an amendment to this contract regarding extra pick up.

Motion was made by Mayor Pro Tem Hartsell and seconded by Councilmember Tallent to approve the Consent to Assignment and Second Amendment to Agreement for Residential and Business Solid Waste Collection Services. And direct staff to communicate to heavy recycling users that they can contact Waste Connections for a second bin, but any cost related to the second bin would be born directly by the customer not the town. And authorize the Mayor to execute the agreement. And also have Mr. Paris and Mr. Watson work on the amendment for recycling service.
Motion carried 3-0.

Councilmember Wise: There are several businesses in our town. When Council signed with Advanced Disposal we decided that if these businesses pay town taxes they should be allowed sanitation pick up. There are some business owners in town that have several lessees in a single complex. Even though those tenants don't pay taxes they all are getting garbage and recycle bins. Therefore the taxpayers are paying for someone who doesn't pay taxes. My feeling is that if they pay taxes they should have solid waste and recycling services provided. The others should have to pay for the service.

Mr. Paris: Every home gets bins. Does the Council want to go to providing 1 set of bins to the business owner and have the lessees within that business pay for the service? If this is something Council wants me to discuss with Waste Connections I can identify those properties and include that in the forthcoming amendment. Usually strip centers would have to provide dumpsters but there are a couple of such complexes that don't currently utilize dumpsters.

Mayor Crump: What does the Council want to do in this situation?

Mayor Pro Tem Hartsell: Businesses should use dumpsters and pay for them. This should be written into the amendment too.

Mr. Paris will look into how other towns handle such situations. He will bring it back for the October meeting.

ii. Old Bethel School Settlement Agreement

Attorney Fox: The agreement has been drafted and incorporates the terms that the Council adopted however, the LLC attorneys have not responded or reviewed this document yet so it's not ready for adoption. When it is ready the Council will adopt it and put it on the open record.

iii. Other Comments

i. Audio System Quotes

Mr. Paris said that the chamber's audio system has been challenging and needs an upgrade. He and Clerk Boyden solicited quotes and received 3 from 3 different vendors. All 3 quotes were \$20,000 or above. The lowest bid was given to the town's current IT provider, Pro Systems and they developed 2 quotes at a much lower price by keeping the speakers currently in use and not charging installation labor because of the monthly service agreement we have with them. The other quotes had commission fees and design fees, etc. Pro Systems wasn't going to charge the town those types of fees.

Mr. Paris reviewed the 2 quotes provided by Pro Systems with Council. The 1st option is for \$12,763.00 and has a manual mixer. The 2nd option is for \$14,852.00 and includes an automatic mixer.

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Council decided that the automatic mixer was best.

Motion was made by Mayor Pro tem Hartsell and seconded by Councilmember Wise to choose Option 2 for \$14,852.00 and have Mayor Crump sign the contract with Pro Systems and bring forward a Budget Amendment Ordinance for October. **Motion carried 3-0.**

Mr. Paris also said that the memorial butterfly garden at Rob Wallace Park is finished except for the benches. He will let Council know when there is a dedication ceremony for the garden.

12. Executive Session:

- a. [N.C.G.S. 143-318.11(a)(3)] To protect the attorney-client privilege.

Motion was made by Councilmember Wise and seconded by Councilmember Tallent to enter [N.C.G.S. 143-318.11(a)(3)] To protect the attorney-client privilege, inviting Attorney Fox, Manager Paris and Town Clerk Boyden. **Motion carried 3-0.**

Council entered at 7:21 pm.

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 7:55 pm.

13. Adjournment:

Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adjourn the meeting. **Motion carried 3-0.**

Council adjourned at 7:55 pm.

Attest/Seal

Mayor John Crump

Nancy E. Boyden, CMC, NCCMC Town Clerk