

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 Deputy Chief Paul Hunt; Midland Firefighter, Jason Cook.
Also Present: County Commissioner, Lynn Shue.
Absent: Town Engineer, Richard McMillan, *P.E.*
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 announcement and pronounced 2 proclamations.
 - a. Town Hall will be closed in observance of Martin Luther King Jr. Day, Monday January 15th
 - b. Proclamation #2018-80 Martin Luther King Jr. Day

Dr. Martin Luther King Jr. Day

PROCLAMATION #2018-80

WHEREAS, Dr. Martin Luther King, Jr. inspired millions of Americans to participate in non-violent protests to support the ideals of equality for all and was a motivating force behind a civil rights movement that had as its goal the creation of a society tolerant of all races, cultures and nationalities; and

WHEREAS, the ideals of Dr. King and of Midland's commitment to human rights are worthy of reflection and serve as a reminder that improving the quality of life for all members of our community is a responsibility of every citizen; and

WHEREAS, the celebration of Dr. King's birthday is intended as a time for all Americans to reaffirm their commitment to the basic principles that underlie our Constitution - equality and justice for all.

NOW, THEREFORE, I, John Crump, Mayor of The Town of Midland, do hereby proclaim Monday, January 15, 2018 as:

"DR. MARTIN LUTHER KING, JR. DAY"

In the Town of Midland and encourage all citizens to rededicate themselves to the principles of respect for human rights and freedom, of belief in non-violence, and of commitment to improving our community through community service and volunteerism.

Adopted this the 9th day of January, 2018.

- c. Proclamation #2018-81 February is Black History Month

Black History Month 2018

Proclamation #2018-81

Whereas, Much of Midland's honor, strength and stature can be attributed to the diversity of cultures and traditions that are celebrated by the residents of this great town; and

Whereas, African Americans have played significant roles in the history of economic, cultural, spiritual and political development while working tirelessly to maintain and promote their culture and history; and

Whereas, In 1976, Black History Month was formally adopted to honor and affirm the importance of Black History throughout our American experience, and serves to promote cultural enrichment, ethnic pride, and self-esteem by celebrating the lives and achievements of great African Americans; and

Whereas, Black History Month is a time for all Americans to remember the stories and teachings of those who helped build our nation, took a stance against prejudice to build lives of dignity and opportunity, advanced the cause of civil rights and strengthened families and communities; and

Whereas, During Black History Month all Americans are encouraged to reflect on past successes and challenges of African Americans and look to the future to continue to improve society so that we live up to the ideals of freedom, equality and justice.

Now, therefore, The Town Council of the Town of Midland, hereby proclaims February 2018 as,

Black History Month

in Midland, and urges all citizens to join in paying tribute to the noble struggle of African Americans and encourage appropriate programs and activities that honor the significant contributions African Americans have made to our Town, State and nation.

Adopted this 9th day of January, 2018.

4. Approval of Agenda:

Motion was made by Mayor Pro Tem Hartsell and seconded by Councilmember Tallent to adopt the Agenda with the following additions:

Manager Comments: iii Resolution to WSACC, iv Old Bethel School

Before adjournment as #11 Executive Session [N.C.G.S. 143-318.11(a)(6)] To consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee. **Motion carried 4-0.**

5. Consent Agenda: Minutes: Regular Session 12/12/2017; Attorney Bills

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

6. Public Comment:

A group of citizens came to the meeting from the Alvin Hough Rd. ,Lois Dr. and Old Camden Rd. area, (near the Mecklenburg County Line) to voice their concerns about the high amount of break-ins and robberies in their neighborhoods.

Mr. Jeff White opened the discussion by saying that over the past year there have been a number of break-ins and the community is very nervous. Some of the neighbors here tonight live in the city limits but some do not. He said this is going to take a community effort to end the problem. He asked what they can do to try and put an end to this problem.

Mayor Crump said, just for information, 2 of the 4 Councilmembers have also been robbed. It's not only in our community but everywhere.

Mayor Pro Tem Hartsell said Council recently discussed starting back community watch programs. They made some contacts about that and it's very possible to get these programs back up and running. Neighborhoods just have to contact the Sheriff's Dept. There is an individual who oversees those programs. There will also be some paperwork and some criteria to meet but community watches do work.

Neighbors also said:

- Being they are so far from the City of Concord, they don't feel they have enough police presence in the area;
- They do call Cabarrus County for help but thieves are fast and the police don't respond quickly enough;
- Mecklenburg, Mint Hill and Cabarrus County have had mix ups in the past on whose territory their area is.

Mayor Pro Tem Hartsell said the Midland area has 24 hour police protection and runs calls inside and outside the city limits. There is also an additional zone officer who patrols a wider range in this part of the county. If you call the police, they should be in your area within 5-6 minutes unless they are on another call.

Mayor Crump said the Council will address this with Captain Hunt when he comes up to give his report.

Councilmember Wise said that Sgt. Sarah Price heads up those programs and can be contacted at the Cabarrus County Sheriff's Dept. He added that he's offered the Midland Town Hall as a place to hold community watch meetings.

Mr. White was given Councilmember Wise's business card. Councilmember Wise told Mr. White and the neighbors that he had no problem coming down to open Town Hall in the evenings if they wanted to hold a meeting.

Councilmember Wise told the community members in attendance to get as many of their neighbors to a meeting and find out exactly what needs to be done to start a neighborhood watch program. Again he said that he had no problem opening Town Hall so they can meet with Sgt. Sarah Price.

Mayor Crump said that he appreciated everyone coming to voice their concerns.

Councilmember Wise said that he wished the Council and police could do more but we try our hardest.

Mayor Crump said that technology has changed quite a bit since the old days of community watches. Today with email and texting anyone can contact all their neighbors in no time at all to alert them once the community watch is set up.

7. Public Safety:

a. Police Report - Cabarrus County Sheriff for Midland

Chief Deputy Captain Hunt addressed the citizens' concerns:

- He appreciated the community effort and neighbors need to look out for one another;
- The community watch program is an integral part of the police doing their job;
- If anyone sees suspicious activity, please call the police;
- There are officers patrolling all over the Midland area plus a zone car which covers a wider territory;
- Since the B/E's in the area, officers have been patrolling the area more;
- Cell phones may ping off Mecklenburg towers the closer you are to that county, however, if the dispatcher knows you are in Cabarrus the call is instantly re-routed to Cabarrus 911;
- There is a lot of information available through the Cabarrus County Sheriff's Dept. Facebook and a program called, "Next Door";
- He encouraged people who plan to be out of town to call for residential security checks.

Deputy Captain Hunt reported the following for the month of December, 2017:

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

- 541 Security checks;
- 45 Traffic stops;
- 12 Suspicious vehicles.

114 Dispatched calls for service- some of which were:

- 2 B/E of businesses;
- 10 Burglar alarms;
- 1 Larceny;
- 1 stolen vehicle;
- 4 Suspicious subjects;
- 9 Suspicious vehicles;
- 15 Motor vehicle accidents with property damage only;
- 4 Motor vehicle accidents with personal injury;
- 1 Reckless driving call- police intercepted the driver.

Mayor Crump thanked Captain Hunt for all the valuable information given to the citizens.

Mayor Pro Tem Hartsell thanked him and the department for doing a good job. He said that he knows that the police can't be everywhere all the time and when crime affects someone personally that's when it really concerns people.

Captain Hunt said don't hesitate calling 911. Someone will be sent to the right jurisdiction.

Councilmember Wise asked the citizens to be proactive and urged them to take advantage of the security checks. The police will ask you for a phone number and ask if you have a garage they can get into if needed. Most everyone knows who lives in their neighborhood so if you see a strange car, don't hesitate to call 911. The police will come out.

He said to start and keep a community watch program active. Don't let it drop off in a few months.

Captain Hunt continued to encourage citizens to call and report any suspicious activity.

b. Midland Volunteer Fire Department Report

Fireman Jason Cook gave the Fire Department Report for December, 2017:

- 4 Structure fires;
- 8 Residential fire alarms;
- 5 Commercial fire alarms;
- 4 Brush fires;
- 9 Local alarms;
- 5 Motor vehicle accidents;
- 34 Medical calls.

Total calls for service= 69

Total calls for 2017= 756

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

a. Vanderburg Tract Non-Contiguous Voluntary Annexation

i. *SR Vanderburg Annexation

Ms. Watts highlighted her staff report:

Re: Voluntary Annexation of non-contiguous property of Catawba Lands Conservancy

BACKGROUND

On December 29, 2017 the owner of properties located at 7622 Mt. Pleasant Road S.; Concord, NC 28025 (Cabarrus County PIN# 5557-82-0122) submitted a petition for voluntary non-contiguous annexation into the town limits of the Town of Midland. The property consists of 28.351+/- acres and would become the northernmost tract within the town located slightly farther north than the uppermost point of the speedway tract.

FINDINGS AND CONCLUSIONS

The standards for annexation require that 1) the property must be within three miles (2.2 miles from our primary corporate limits) to the nearest point on our “primary corporate limits” and 2) that there is no point of another municipality with its primary corporate limits closer to the subject property than the Town of Midland and 3) that annexation is consistent with any active annexation agreements.

The property is within three miles to the town’s corporate limits. The town’s primary limits are closer than Mt. Pleasant. Regarding the City of Locust, the town has an annexation agreement that states “The Town of Midland may not annex properties north of NC 24/27 and east of Reed Mine Road” and the City of Locust “may not annex properties west of the Rocky River.” Attachment “B” demonstrates the proximity requirements are satisfactorily met by this petition to the Town of Midland, and that this annexation is consistent with our agreement with the City of Locust.

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 unless it will be held by a non-taxable entity.

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 taken at the January 9, 2018 meeting included (in order of due process):

- a. Petition for voluntary non-contiguous annexation (Attachment “A”)
- b. Direct (#2018-190A) for the Town Clerk to investigate the sufficiency of the petition.
- c. Upon receipt of petition certification by Town Clerk, call (#2018-191A) for public hearing at next regular meeting.

The actions that may be taken at the February 13, 2018 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 properties.
- e. Consideration (adoption or rejection) of an ordinance (#2018-221A) extending the corporate limits to include the subject properties.

Should the Midland Town Council vote to approve this annexation request; 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 “Agricultural” 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 “Agricultural” (AG) zoning classification.

Ms. Watts added that the land joins river property.

- ii. Resolution #2018-190A Directing the Clerk to Investigate a Non-Contiguous Annexation

Minutes Tuesday, January 9, 2018
Regular Meeting of Town Council
6:00pm, 4293-B Hwy. 24/27 E. Midland, NC 28107

Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt Resolution #2018-190A directing the Clerk to investigate the petition. **Motion carried 4-0.**

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

Resolution #2018-190(A)

WHEREAS, a petition requesting annexation of an area described in said petition was received on the 29th day of December, 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 9th day of January, 2018.

iii. Presentation of Certification

Clerk Boyden presented the Certification and verified that all information is correct.

iv. Resolution #2018-191A Fixing the Date of Public Hearing for February 13th

Motion was made by Councilmember Wise and seconded by Councilmember Tallent to adopt Resolution #2018-191A and set the public hearing for February 13th, 2018 at 6:00pm at Midland Town Hall, 4293-B Hwy. 24-27 E. Midland, NC 28107. **Motion carried 4-0.**

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

Resolution #2018-191(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 13th day of February, 2018.

Section 2. The property located at 7622 Mt. Pleasant Road S.; Concord, NC 28025, including Cabarrus County PIN# 5557-82-0122, totaling approximately +/-28.351 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 Cabarrus Neighbors section of the Charlotte Observer.

Adopted this the 9th day of January, 2018.



PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

DATE: 1/29/18
1/29/18

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 non-contiguous to the Town of Midland, North Carolina and the boundaries of such territory are as follows:

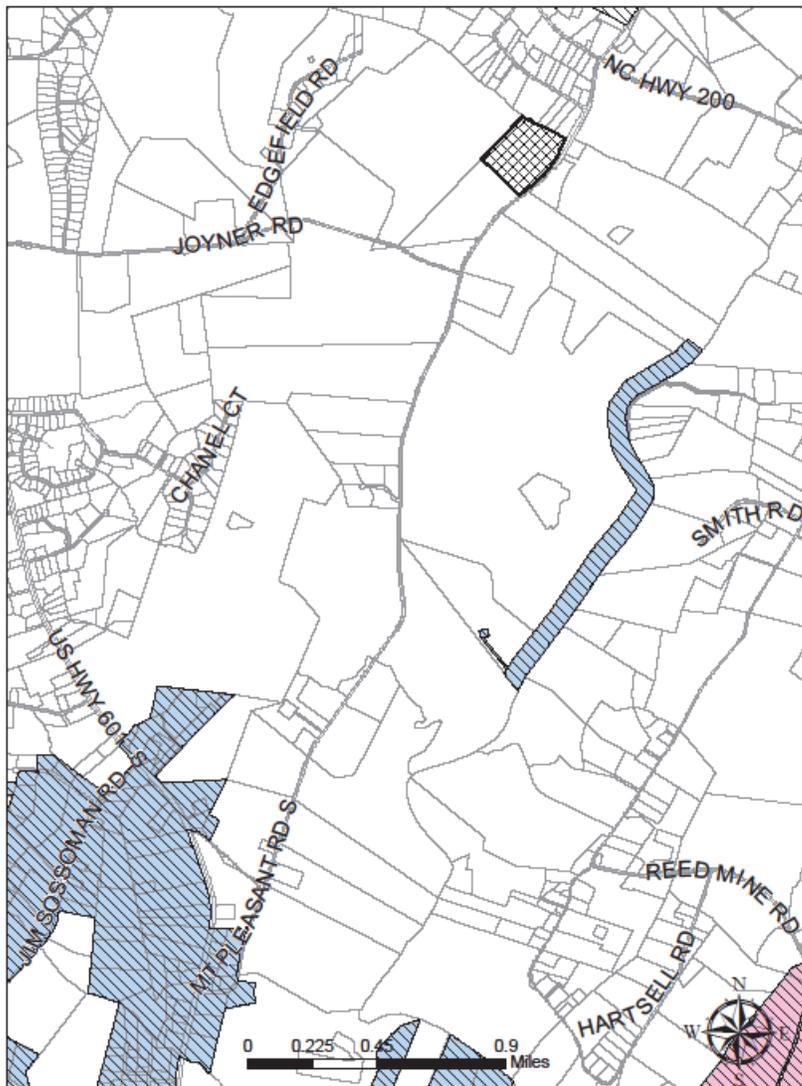
See attached MAP and/or METES AND BOUNDS DESCRIPTION (a copy of the deed with description may be attached for this purpose) representing property identified as:

Cabarrus County PIN 5557 8201220000
located at 7622 Mt. Pleasant Road S., Concord, NC 28025

*Name (print or type)	Mailing Address	Signature
John Lee	1520 Park Road, Ste 100 Charlotte, NC 28209	[Signature]
		Exec. Director

*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.

Attachment "B"
Catawba Lands Conservancy Annexation - 28.351 Acres



Created: January 5, 2018 by KGW

b. Planning & Zoning Commission appointments:

Ms. Watts reported:

The Planning and Zoning Commission has received the resignation of 3 excellent board members over the course of the last few months. The Town has received new applications from 3 candidates who are interested in joining the Planning and Zoning Commission. The candidates' names are below and their applications are attached to this memo.

1. Edward Gregory
2. Danny Page
3. Mary Ann Evanoff

In addition, one of the candidates who resigned (Michael Aldridge) has agreed to serve as one of the two alternate members that we recently added to the commission.

In addition, one of the current members (Steve Clark) has applied to serve another 3 year term in his current position.

Under Article 4 Boards and Commissions of the Midland Development Ordinance, “Members and alternate members, if any, of the Planning and Zoning Commission shall serve a term of three (3) years”.

Staff recommends the appointment of Edward Gregory, Danny Page, and Mary Ann Evanoff to fill the positions of Planning and Zoning Commission members, the appointment of Michael Aldridge as a Planning and Zoning Commission alternate, and the reappointment of Steve Clark as a Planning and Zoning Commission member. Staff will continue to recruit a second alternate.

Motion was made by Councilmember Wise and seconded by Councilmember Tallent to appoint Edward Gregory, Danny Page, and Mary Ann Evanoff to fill the position of Planning and Zoning Commission members, to appoint Michael Aldridge as a Planning and Zoning Commission Alternate, and to reappoint Steve Clark as a Planning and Zoning Commission member for a 3 year term for each appointee. **Motion carried 4-0.**

c. Planning Projects- *Verbal Update*

- Wyndham Forest and Fox Creek subdivisions: Moving along and every week Planning receives multiple requests for zoning permits;
- Commercial projects: CF Steel, Banks Massey and Allen Mini Storage. The Allen Mini Storage is working through a water pressure fire flow issue.

9. Engineering: *Richard McMillan*

a. *SR Crossroads Pump Station Expansion Project

Due to Mr. McMillan’s absence tonight Mr. Paris reviewed the following staff report and presentation:

Subject Title:

Midland Pump Station – The Wooten Company Engineering Services Agreement Contract

Background:

The City of Concord owns, operates and maintains the wastewater collection system within the Town of Midland. Concord has no plans to expand or upgrade any wastewater facilities in Midland and the Town has the right to invest in the wastewater collection system for growth.

The existing pump station at the Town’s main crossroads has a design pump condition of 470 gallons per minute (gpm). Concord requires the pump station have an emergency storage volume of 2 hours at peak flow at the pump station – flow into the station. Under current flow conditions and storage volume, Concord confirmed that only 33,848 gallons per day (gpd) was available in the pump station storage (June 6, 2017).

To add additional wastewater capacity to the pump station per Concord’s requirements, it is recommended that two 10’x10’ concrete storage tanks be added adjacent to the existing storage tanks. These storage tanks will add an additional 77,500 gpd (peak capacity). This option has been discussed with Concord and they have had input on the preliminary layout.

This additional capacity will allow Midland to continue to grow in the NC 24/27 – Hwy 601 area and obtain wastewater service.

The total estimated cost opinion for this project is \$106,360. The Town has \$2,203,755 in the Utility Capital Reserve funds as of December 31st, 2017. Adequate funding exists for the project.

Budget:

The Town’s Finance Officer will present a capital project ordinance for this project after my comments.

Recommendations:

In order to proceed with the project, staff needs Town Council to approve the project to be engineered.

Staff recommends the Board to authorize the Mayor to execute the Engineering Services Agreement with The Wooten Company for the Midland Pump Station Evaluation and Storage Expansion Project in the amount not to exceed \$19,110.00.

Midland Pump Station

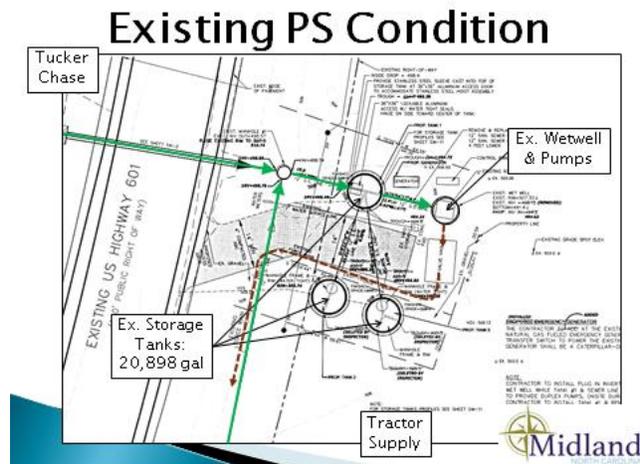
City Council Presentation

Richard McMillan, PE
Town Engineer
January 9, 2018



Existing PS Condition





Issue

In the Winter/Spring of 2017, there was a question as to the amount of sewer capacity in the pump station. Access to the wastewater collection system was being denied by Concord. The reason was there was no capacity remaining.

After some additional testing, on June 6, 2017, the City of Concord confirmed that there was approximately 33,848 gpd capacity remaining in the pump station.



Issue

Based on this capacity of 33,848 gpd and the NC Department of Environmental Quality (NCDEQ) Wastewater Design Flow Rates (15A NCAC 02T .0114), a hypothetical combination of uses, you could expect to see the following:

20 - 2-Bedroom Homes (240 gpd)	4,800 gpd
20 - 3-Bedroom Homes (360 gpd)	7,200 gpd
20 - 4-Bedroom Homes (480 gpd)	9,600 gpd
4 Office/Retail stores - (one shift with 6 employees each)	600 gpd
Doctor's Office - Two doctors/one shift (250 gpd/Dr.)	500 gpd
2 Restaurants (with 80 seats each -40 gal/mat)	<u>6,400 gpd</u>
TOTAL	29,100 gpd



Recommended Solution

Based on discussions with Concord, additional storage tankage is required to increase capacity. Concord requires an emergency 2 hour storage at peak daily flows volume (2.5 times average daily flow).

To add additional storage capacity, it was determined that two 10'x10' concrete tanks could be added and this would add an additional ~77,500 gpd capacity (2-hour storage at 53.8 gpm avg; 134.5 gpm peak).



Recommended Solution

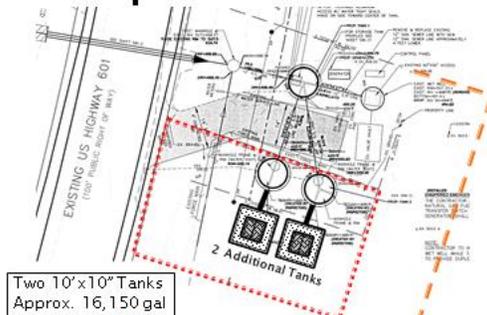
Based on this additional capacity, a hypothetical usage could look something like this:

50 - 3-Bedroom Homes (360 gpd)	18,000 gpd
50 - 4-Bedroom Homes (480 gpd)	24,000 gpd
6 Office/Retail stores - 40 employees (25 gal/employee/shift)	1,000 gpd
1 Beauty Salon - 6 booths (125 gal/booth)	750 gpd
1 Convenience Store with Food (5,000 sq ft @ 60 gal/100 sq ft)	3,000 gpd
Doctor's Office - 8 Drs/PAs one shift (250 gpd/practitioner/shift)	2,000 gpd
3 Full-service Restaurants with 75 seats each (40 gal/seat)	<u>9,000 gpd</u>
TOTAL	57,750 gpd

with 20,000 gpd to spare.



Proposed Plan View





Concord–Midland Interlocal Agreement

Just a few points...

- Concord owns and operates the wastewater collection system in Midland;
- Concord has no plans for expanding or upgrading the existing Midland sewer collection system or investing in new capital projects;
- Midland is allowed to make improvements.



Construction Cost Opinion

Construction	\$74,500
Engineering & ROW	\$24,410
Contingency (10% of Construction)	<u>\$7,450</u>
TOTAL	\$106,360



Engineering Contract w/ The Wooten Company

Final Design	\$8,700
Informal Bid	\$2,000
Construction Adm.	\$3,000
Construction Inspection	\$2,000
Surveying & Map	<u>\$3,410</u>
TOTAL	\$19,110

Some cost savings may be experienced with work being performed during the normal days the Town Engineer is on site in Midland.



Tentative Project Schedule

Design	Feb-Mar 2018
Approvals (City of Concord)	Apr 2018
Permitting	May-Jun 2018
Bidding and Approval	Jul-Aug 2018
Construction	Sep 2018
Construction Period	2 months



Mr. Paris said that if the project is approved, the funds would come from the Utility Capital Reserve Fund.

Mayor Pro Tem Hartsell asked Mr. Paris to explain to the citizens attending the importance of the holding tanks and how that forced main actually works; everything on this side of NC Hwy. 24/27 will go there and the rest of it will be gravity fed- so they understand how the process works.

Mr. Paris answered that all development requires sewer. Because there has to be a certain amount of toilets and sinks in any substantial development you can't do much development on septic systems and if so, they would have to be rather large systems and that's expensive. All development at the Crossroads down to the medical center gravity flows to the pump station. That pump station is the limiting factor of this area and how much development Midland can have. The amount of development that Midland can approve and Concord will approve through their system is directly related to that capacity.

If Midland runs out of capacity- say someone wants to put in a new restaurant or a strip center or grocery store we cannot give them the approval to do that. Therefore this is a critical piece of Midland's economic development infrastructure.

Issues discussed:

- Limited capacity from Concord with this project;
- This is the last expansion that can be done to that pump station; will need to look into a regional pump station in the future but that's a long way out;
- Because Concord owns the system in Midland, they should be willing to help Midland;

- Midland pays 20% more than the citizens of Concord. They profit off Midland then put the funds into capital improvements in Concord.

Councilmember Wise asked County Commissioner Lynn Shue this question: The County has appointed The City of Concord to run the water/sewer through Midland. Why can't Midland get any help from Concord? He said that he didn't expect an answer tonight but it would be fair to the citizens in Midland that if Concord is in charge of our water/sewer they should be at least willing to help us. Not necessarily willing to foot the whole bill but willing to help.

Commissioner Shue said that he will look into it.

Motion was made by Mayor Pro Tem Hartsell and seconded by Councilmember Wise to authorize the Mayor to execute the Engineering Services Agreement with The Wooten Company for the Midland Pump Station Evaluation and Storage Expansion Project in the amount not to exceed \$19,110.00. **Motion carried 4-0.**

b. Update on Camden Estates paving project- Verbal

Mr. Paris reminded all that Mr. McMillan rated all the roads in the town last year and the town budgets approximately \$81,000 per year to pave roads. The rating is based upon the road conditions from the best to the worse.

This year Council approved the contract from Trull Contracting to repair the roads in Camden Estates. Trull has been doing base repairs.

Staff received word in late December from Trull that the asphalt plant used is down for repairs. The plant should be back up by January 15th. As long as the weather is warm enough, the paving will be done at that time.

Mr. McMillan will be on site during the paving to oversee the project.

c. Update on CMAQ Project- Verbal

Mr. Paris said this is for the walkway into the park. Council received the funding agreement with NCDOT. The next step is for Benchmark to release a call for engineers.

10. Staff Reports:

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

Ms. Love reported on the cash accounts:

				Dec 31, 17
			Checking/Savings	
			1000 · CASH ON HAND	190.34
			1004 · GENERAL FUND	1,256,377.81
			1040 · UTILITY CAPITAL RESERVE FUNDS	2,203,755.80
			1050 · POWELL BILL FUNDS	313,397.62
			Total Checking/Savings	3,773,721.57

- i. Capital Project Ordinance#2018-220 for the Town of Midland:
 Crossroads Pump Station Expansion Project

Motion was made by Councilmember Burnette and seconded by Councilmember Tallent to adopt Capital Project Ordinance #2018-220FI Crossroads Pump Station Expansion Project. **Motion carried 4-0.**

**Capital Project Ordinance for the Town of Midland:
 Crossroads Pump Station Expansion Project**

Ordinance #2018-220 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 public improvements to add two 10'x10'x10' concrete storage vaults to the existing pump station located north of the intersection of HWY 24/27 and HWY 601, which will increase the capacity of the pump station by 77,472 gpd allowing additional commercial and retail development at the crossroads.

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

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

Engineering	\$ 24,410
Contingency	7,450
Construction	<u>74,500</u>
Total Appropriations	<u>\$ 106,360</u>

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

Transfer from Utility Capital Project Fund	106,360
Total Estimated Revenues	<u>\$ 106,360</u>

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records as required in Section 13.2 of Chapter 159 of the General Statutes of North Carolina.

Section 6. 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 7. The Finance Officer shall be authorized to transfer appropriations within the various line items of the capital project ordinance as she deems necessary to complete the project.

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 9th day of January 2018.

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

i. P & Z Meeting Participation Incentive

Mr. Paris said months ago, the P&Z Liaison, Councilmember Rich Wise asked him to do some research into this incentive.

He reviewed the following report for Council:

Subject Title: Manager's Comments- P&Z meeting participation incentive

Background: The town has had some challenges regarding recruiting members for the P&Z Board and getting enough members to show up for a quorum. Councilman Rich Wise is the P&Z Liaison and can expand on the above during the meeting.

Staff was asked to pull information on, if other jurisdictions' P&Z board members are compensated. Town Clerk Nancy Boyden pulled the information and found that all Cabarrus jurisdictions receive pay (typically a stipend per meeting attended) except Locust. That information is below:

- Cabarrus County Planning Board: \$40 per meeting, \$50 per meeting for the Chair
- Concord Planning Board: \$40 per meeting
- Harrisburg Planning Board: \$25 per meeting
- Mt. Pleasant Planning Board: \$100 per month stipend
- Locust Planning Board: volunteer only, no pay

Budget: No funds are budgeted for P&Z pay. If Town Council decided to begin pay for P&Z members this fiscal year, the Finance Officer would have to bring a budget amendment to the next meeting for approval prior to pay being implemented.

Just as a potential scenario, at \$25 per meeting, for 9 members (7 regular, 2 alternates), with 12 regular meetings and 2 potential BOA meetings, the budgetary impact considering full participation by members would be: \$3,150 per year

Council Action: This item is for discussion. If council wishes to take action the following are some options:

1. Approve pay and direct the Finance Officer to bring back a budget amendment at the next meeting.
2. If council does not wish to approve pay, council could consider adopting an attendance policy and ask staff to bring one back for approval. An attendance policy would require members to attend a certain amount of meetings or lose their appointment.
3. Council could approve pay but defer implementation until the FY18-19 budget which begins in July.

Mr. Paris added that after he finished his staff report, Town Clerk Boyden said that there is an actual attendance policy. He reviewed that with Planning Clerk Hilda Keeney today.

Councilmember Wise said that he did this because the town is having a hard time with the P&Z Commissioners attending meetings. He said he's not sure this will correct the problem however; there are 7 board members and many times the P&Z is lucky to have 4 members attend. There is a lot of business for them to work on and that can't be done without a quorum. The BOA is very important and they need to attend those meetings as well. Midland is the only town in Cabarrus County that does not pay their members.

With this policy, members will get paid if they show up and not get paid if they miss a meeting.

Discussion:

Councilmember Burnette: Has the Attendance Policy been followed?

Councilmember Wise: The policy states that members need to attend 75% of the yearly meetings. If that policy is broken and the town loses another member, what do we do? I'm open to suggestions.

Mayor Pro Tem Hartsell: Is paying the incentive as they attend going to make them feel a part of it?

Councilmember Wise: I can't honestly answer that question because I don't know. I feel I'm giving them some incentive to come to meetings to help the town grow.

Mayor Pro Tem Hartsell: We live in a time when people want to be paid for their time. Council doesn't but that will be addressed at some point.

Mayor Crump: Do alternates have a vote at the meeting?

Councilmember Wise: No they don't but I recommend they attend so they are up on the issues.

Mr. Paris: The \$3,150 per year includes 12 P&Z meeting and 2 potential BOA meetings.

Councilmember Burnette: If we have to pay the members then I question their dedication to the town. If we are giving the \$25.00 for expenses to come to/ from the meetings including any other costs, I don't have a problem paying them. However I don't feel it will make a difference.

Councilmember Burnette: If we are going to consider this it should start in the new budget year.

Mayor Pro Tem Hartsell: I too think it should be talked about with the new budget.

Council agreed by consensus.

- ii. Other Comments- none
- iii. WSACC Resolution

Mr. Paris said every 2 years a liaison is appointed to the WSACC board from Midland. In the past that liaison has been Councilmember Wise. Mr. Wise has spoken with the mayor of Harrisburg about passing a resolution to expand the board. WSACC was formed before Midland was incorporated so Midland doesn't have an official voting seat.

This resolution would request the board be expanded to 11 members giving Midland a seat on the board. It will give Harrisburg the other seat; giving them 2 seats.

If approved it will be sent to WSACC and members of the local delegation.

Councilmember Wise said that he met with the mayor of Harrisburg to talk about the article in the Independent Tribune about the County giving Kannapolis an 85% tax break on their new downtown. The conversation led to why Midland wasn't on the WSACC board.

The mayor asked to put this resolution out so he can go to the board to ask for change.

Councilmember Burnette asked if Harrisburg is going to push for Midland because they too want a seat.

Councilmember Wise said the mayor told him that he would push for both seats.

Mr. Paris said this is a practical decision because only 1 seat would be an even quorum and should there be a tie vote with 10 members, the vote could be locked. Midland should have the 1 seat and Harrisburg the other because of their tremendous growth.

Motion was made by Councilmember Wise and seconded by Councilmember Tallent to adopt Resolution #2018-192 Membership to WSACC and send it to the WSACC board and local delegates. **Motion carried 4-0.**

Resolution Requesting that the WSACC Bylaws be Amended to Give the Town of Midland a Seat on the Board

Resolution #2018-192

WHEREAS, the Water and Sewer Authority of Cabarrus County (WSACC) was established April 8, 1992, by agreement and organized by the governing bodies of the Cities of Concord and Kannapolis, the Towns of Harrisburg and Mt. Pleasant, and the County of Cabarrus, in order to operate and maintain a regional interceptor sewer system and a regional wastewater treatment plant; and

WHEREAS, the Town of Midland was incorporated eight years after the formation of WSACC in the year 2000; and

WHEREAS, the Bylaws of WSACC require a nine (9) member Board of Directors comprised of representatives from the governing bodies of each organizing jurisdiction within Cabarrus County. The Board of Directors is made up of two (2) members from Cabarrus County, two (2) members from the City of Concord, two (2) members from the City

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of Kannapolis, one (1) member from the Town of Harrisburg, one (1) member from the Town of Mt. Pleasant, and one (1) at-large seat which is appointed by Cabarrus County upon advisement from the other political jurisdictions; and

WHEREAS, the citizens of the Town of Midland are served by the Muddy Creek Interceptor and the Muddy Creek Treatment Plant owned and operated by WSACC; and

WHEREAS, the citizens of the Town of Midland pay for sewer service through the City of Concord, but are unable to vote or elect representatives to the Concord City Council and thereby lack proper political representation before the WSACC board; and

WHEREAS, the Town of Midland has sent a representative, Councilman Rich Wise to attend the WSACC board meetings for a total of eight consecutive years; and

WHEREAS, the Town of Midland has been a partner in WSACC projects, including most recently a \$150,000 financial contribution for the Muddy Creek interceptor; and

WHEREAS, representatives of the town has asked Cabarrus County Chairman Steve Morris to appoint a representative of the town's choosing to the (1) at-large seat, which is appointed by Cabarrus County, so the town could officially participate on the WSACC board within the existing by-laws, to no avail; and

WHEREAS, the Town Council is convened in an open and public meeting.

THEREFORE, THE TOWN COUNCIL does hereby Request that the WSACC Bylaws be Amended to Give the Town of Midland a Seat on the Board, specifically, by amending the board to 11 thereby giving 1 seat to the Town Midland and a second seat to the Town of Harrisburg in recognition of their enormous growth since 1992.

Adopted this the 9th day of January, 2018.

iv. Old Bethel School

Attorney Fox said in November the Council discussed a settlement agreement between Old Bethel School and the town. The settlement would provide for some recognition of the civil penalties concerning the owners of the building. There was a reduction in the penalties in exchange for them to bring the property up to standards pursuant to a punch list of repairs that was identified and attached to the settlement agreement. It also included that upon 30 days of the execution of the agreement they would begin to bring the property up to standards and maintain it properly.

The agreement included a clause that allows the town to look at the work they have done on the punch list. It also includes a "plan of action" going forward to continue to keep the property up to standards as identified via the punch list. The agreement included a Confession of Judgement for if they failed and fell out of compliance, the full amount of the civil penalties would be paid.

November passed and Mr. Fox continued to reach out to the owners asking for the signed agreement. Mr. Haake's attorney was fairly responsive but Mr. Whiting's attorney was not.

December passed and only today at the threat of coming to Council and telling the Council to move in a different direction, the town finally received executed copies of the settlement agreement.

Councilmember Wise added that looking at the Old Bethel School, it's a shame that it sits in such a bad condition. He said 1 of the back buildings should be completely torn down and another building has 2 sides where windows are completely blown out. It's also possible that the roof could be blown off in a big wind storm.

He said that he was upset that the town turned around in good faith to find a solution and the problem is still here 2 months later. It's also costing the town more in legal fees.

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Attorney Fox said that the repairs need to be made 30 days upon the execution of the agreement for them to get on site and start work then there are a couple of 30 day periods so in 90 days, everything should be wrapped up.

Councilmember Wise said if in 91 days they are still in non-compliance according to town staff then the town should go back to court to finish this once and for all.

Mayor Pro Tem Hartsell said that should be addressed with Attorney Fox to discuss other avenues the town has after 90 days. This has been going on for a very long time.

Attorney Fox said that is certainly an appropriate message to go back to the owners because the town has been waiting for them to execute this agreement. The delays have impacted the town. However he does have copies of the executed settlement agreement and thinks the town should go forward with it. If they fail to comply the town has the recourse with the Confession of Judgement.

Councilmember Wise asked if the town engineer can go out and assess the 2 buildings in shambles to see if they are structurally safe.

Mr. Paris answered that Mr. McMillan is not a structural engineer. The town can hire someone or ask to use the County's resources to make the structural assessment. However, the County has been reluctant to do this being it's an asset now off their books.

11. **Executive Session:** [N.C.G.S. 143-318.11(a)(6)] To consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee.

Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to enter Executive Session inviting Attorney Fox. **Motion carried 4-0.**

Council entered at 7:36pm.

Motion was made by Councilmember Tallent and seconded by Mayor Pro Tem Hartsell to return to Regular Session. **Motion carried 4-0.**

Council returned at 8:04pm.

12. **Adjournment:**

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

Council adjourned at 8:05pm.

Attest/Seal

Mayor John Crump

Nancy E. Boyden, CMC, NCCMC Town Clerk