

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*; Town Engineer, Richard McMillan, *P.E.*; Cabarrus County Deputy Chief Paul Hunt; Midland Firefighter, Larry Cooley.
Also Present: County Commissioner, Lynn Shue; Ann Holland; Lt. Van Shaw.
Absent: None.
Late: None.
Guests: None.

**SR denotes staff memo/report included*

1. **Invocation:** Mayor Pro Tem Hartsell pronounced the *Invocation*.
2. **Open Meeting:** Mayor Crump opened the meeting at 6:01 pm and called the room to order.
 - a. The room stood for the *Pledge of Allegiance*.
3. **Resolutions:**
 - a. **Resolution #2018-193** Requesting that NCDOT name a portion of NC HWY 24/27, beginning at the Rocky River and extending west through the crossroads of HWY 24/27 & HWY 601 for five miles after Fallen Firefighter Josh B. Earley of Midland, NC. - *Mayor Crump*

Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt Resolution #2018-193. **Motion carried 4-0.**

A Resolution Requesting that NCDOT Name a Portion of NC HWY 24/27, Beginning at the Rocky River and Extending West Through the Crossroads of HWY 24/27 & HWY 601 for Five Miles after Fallen Firefighter Josh B. Earley of Midland, NC.

Resolution #2018-193

WHEREAS, Joshua B. Earley was born on January 18, 1979 in Mecklenburg County and he grew up in Midland. He started as a volunteer firefighter at the age of 16 with Flowes Store Fire Department and Midland Fire & Rescue. After college he became a firefighter for both the City of Charlotte and Town of Harrisburg; **and**

WHEREAS, On Monday, March 4, 2002 Harrisburg Fire & Rescue responded to a house fire at 10334 Harrisburg Road; **and**

WHEREAS, Upon the arrival of the Fire Department the house had heavy fire and smoke with people possibly trapped. The interior crew went in the side door and got about five feet into the doorway and decided to back out because the floor was unstable; **and**

WHEREAS, When Captain Brad Christopher reached to Firefighter Josh Earley to turn around and exit the building, they both fell into the basement. Captain Brad Christopher was able to grab the threshold of the door to pull himself out and help Captain James Greene and Firefighter Johnny Kiser pull Firefighter Josh Earley out **and**

WHEREAS, Firefighter Josh Earley was airlifted to Carolinas Medical Center with burns that covered over 80% of his body. He was evaluated in the emergency room and airlifted to the burn center in Chapel Hill; **and**

WHEREAS, Firefighter Josh Earley remained in critical condition until March 6th when he succumbed to his injuries and passed away at the age of 23; **and**

WHEREAS, A procession of over 100 fire apparatus escorted their fallen brother back home from Chapel Hill. Overpasses and intersections were blocked from Chapel Hill to the funeral home in Albemarle during the procession. Several emergency workers saluted on overpasses along Interstate 85, citizens stopped working and school students left classes to step outside as the procession passed by to pay their respects; **and**

WHEREAS, An estimated 3,000 people waited in line for up to four hours to pay their respects to Firefighter Josh Earley and his family at Hartsell Funeral Home in Midland on March 8th; **and**

WHEREAS, The funeral was held on March 9th at Bethel United Methodist Church in Midland. The church was packed inside with standing room only and some still had to stand outside and listen to the service; **and**

WHEREAS, Charlotte Fire Battalion Chief Wilson said, "Earley loved every aspect of being a fireman and performed his duties well. He lived it and breathed it." As the service came to an end emotions ran high as Chief Wilson officially relieved Josh from his duties by saying, "Firefighter Josh B. Earley, you are officially and honorably relieved of duty. Well done, son. Take up and go home"; **and**

WHEREAS, Earley's casket was placed on the back of Charlotte Fire Department Engine 27 and followed by hundreds of uniformed firefighters. The only sounds heard were the bagpipes playing. When the engine company came to a stop beside the burial site people gathered around for a short graveside service, where Taps was played. Earley's parents were presented with a folded American flag; **and**

WHEREAS, The late Mr. Ken Early and past Harrisburg Fire Chief Greene previously requested this honor and Mayor John Crump desires to see it through to honor Josh Earley's ultimate sacrifice for the safety of our citizens.

THEREFORE, THE TOWN COUNCIL OF MIDLAND hereby requests that NCDOT Name a portion of NC HWY 24/27, beginning at the Rocky River and extending west through the Crossroads of HWY 24/27 & HWY 601 for five miles after fallen firefighter Josh B. Earley.

AND FURTHERMORE, The current Harrisburg Fire Chief Bryan Dunn and the widow, Mrs. Earley are in support of this memorial Resolution.

Adopted this the 13th day of February, 2018.

Mayor Crump said that NCDOT will not let a town exceed 5 miles so the town is trying to go as far as it can.

4. Approval of Agenda:

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

5. Consent Agenda: Minutes: Regular Session 1/09/2018; Renewal of Deer Urban Archery Season Jan. 12-Feb. 17, 2019; Attorney Bills

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

6. Presentations:

- a. Cabarrus County Candidate for Sheriff, Lt. Van Shaw

Cabarrus County Candidate for Sheriff, Lt. Van Shaw said the following:

- He's worked at the Sheriff's Office for the past 3 years;
- Serves as the Lieutenant over the criminal investigation division so he supervises the detectives as well as the drug gang enforcement, sex offender enforcement and crime scene property control;
- He also works other various programs in the department;
- Prior to coming to the Cabarrus County Sheriff's Dept., he served with the NC State Bureau of Investigation for almost 30 years and retired with a full retirement;
- He rose to Deputy Director of NC SBI but always kept his home in Cabarrus County where he's lived for the past 30 years with his family;
- It was important to him to return to Cabarrus County to continue his law enforcement career and bring what he's learned along with the resources he can reach out to;

- His first duty station was Cabarrus County- worked with the Sheriff's Office, police dept. and other state agencies throughout his career;
- Long before he retired he received the Robert Urey award for his dedication to Cabarrus County law enforcement;
- He wants to see the agency continue to excel and make sure that the existing relationships stay in place. The Dept. has critical relationships with Midland as well as the other municipalities by providing law enforcement through the Sheriff's Office via the contracts and wants to see that continue without a hitch;
- He has a lot of energy and considers himself to be a young man in good health and is here for the long haul so he would be honored if the citizens of Cabarrus County would re-elect him for 3-4 terms. He's passionate about this opportunity.

Questions/Comment:

Mayor Pro Tem Hartsell said the relationship the Cabarrus County Sheriff's Dept. has with the municipalities is important and we depend on you for our law enforcement. To continue that without any hitches is one of our concerns.

Lt. Shaw said those are great relationships. I would only want to build on those to make sure you have the access and the services that you need.

Mayor Pro Tem Hartsell asked Lt. Shaw how he feels his history with the NC SBI will help locally being Sheriff.

Lt. Shaw said one thing I offer that the other candidates don't is that I've managed a law enforcement agency. I was the number 2 person at the NC SBI. I understand budgets, budget limitations, how to work within those budgets and working in that group with the county govt. We all want a big a piece of that pie but we need to work together at the end of the day. I bring law enforcement management to the position. I have the background of hiring, training recruitment, etc. I want to bring this to the county and enhance it. The Cabarrus County Sheriff's Dept. is not broken. It is a great agency. I would love to have the opportunity to take it to the next level.

b. Presentation by the Midland Mayors Scholarship Initiative - *Ann Holland*

Ms. Holland presented the following information:

- She reminded everyone that when former Mayor Kathy Kitts passed away in June of 2017, the Kitts family wanted to keep her legacy alive. She loved Midland and the people in it. She fought for what she believed in and worked hard. She worked hard for the Rob Wallace Park and other town initiatives;
- Ms. Holland promised her family that she would not let her legacy die. The scholarship she created is her way of saying that Kathy Kitts' legacy will live on;
- She asked that Council give a donation of \$5,000 for the school year of 2018-2019;
- The scholarship committee is a corporation. It has bi-laws, a board of directors and a mission statement: "To strive the students to unlock their potential and obtain their dreams through higher education by providing financial aid."
- The scholarship requirements: The rising seniors at Central Cabarrus High School will need a GPA of 3.75 or higher and maintain it throughout their senior year and be accepted to an accredited university and enroll full time. They must meet with the scholarship board members and/or selection committee and thank them in person and write a thank you letter for the award;
- The budget for the fiscal year: January 1, 2018 to December 31st, 2018;
 - 2 awards will be given of \$1,000 each. One award will be for the study of medicine and the other for business administration
 - Office supplies= \$100.00
 - Fundraising= \$250.00
 - The rest of the funds will be through donations

Total budget of \$2,250.00

- The reason she is asking for \$5,000 is so \$2,000 can cover the award money. The rest is seed money because this scholarship will be ongoing to keep the money growing;
- This is to honor Mayor Kathy Kitts, Mayor Bunk Whitley and Mayor AJ Tucker. The scholarship will be a combination;
- She asked Council to consider putting the \$5,000 into the budget for FY 2018-2019.

Questions/Comments:

Mayor Pro Tem Hartsell thanked Ms. Holland and spoke to the great leadership of Mayor Kathy Kitts. He also said that he understands what she said about needing money to start up scholarships but his concern is that he's seen these scholarships before and they just weren't funded on an ongoing basis. The committee has to develop strategies and do some hard work to keep it going.

Ms. Holland said that she has 35 names to target for donations and she's targeted 1 already herself. The list has been sent to the board members so they can pick who to target as well. The tax ID number will be established by the end of this month and the committee will be hard at work with donations and fundraising. She said she is making this scholarship fund her life mission.

Mayor Pro Tem Hartsell asked if this fund will be for Mayor Kathy Kitts or for all the Midland mayors who have passed away.

Ms. Holland said this will be for all the mayors. If the committee can make enough money for a 3rd award, it will be in Mayor AJ Tucker's name.

Mayor Crump asked Ms. Holland to confirm that the committee would like this donation for the upcoming FY 2018-2019 year.

Ms. Holland said, "Yes".

7. **Public Comment:** No comments forthcoming.
8. **Public Safety:**
 - a. Police Report - Cabarrus County Sheriff for Midland

Captain Nesbit reported the following for the month of January, 2018:

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

- 383 Security checks;
- 3 Suspicious subjects;
- 7 Suspicious vehicles;
- 1 Traffic accident with property damage only;
- 45 Traffic stops.

121 Dispatched calls for service- some of which were:

- 4 B/E in progress;
- 1 B/E of a residence;
- 4 Larcenies;
- 3 Property damages;
- 2 Assists with a structure fire;
- 7 Suspicious subjects;
- 4 Suspicious vehicles;
- 8 Traffic accidents with property damage only;
- 6 Traffic accidents with personal injury.

Mayor Pro Tem Hartsell said that the security checks were much lower in January than the previous 2 months. He asked what would cause those to vary so much.

Captain Nesbit said those checks sometimes fluctuate. Other times it depends on how busy the officers are.

Mayor Crump asked if the Sheriff's Dept. has heard from any of the citizens living in the western part of the Midland area after the last Council meeting (re B/E's).

Captain Nesbit said he knew that Chief Hunt was at that meeting and had at least 1 conversation with a family member after the meeting and another may have visited him later on. When he talked to the Chief this morning about that, he said that he hasn't heard anything back from anyone so believes they are happy with the progress being made.

b. Midland Volunteer Fire Department Report

Fireman Larry Cooley gave the Fire Department Report for January, 2018:

- 6 Structure fires;
- 5 Residential alarms;
- 6 Commercial fire alarms;
- 7 Brush fires;
- 1 Vehicle fire;
- 7 Local alarms;
- 5 Motor vehicle accidents;
- 40 Medical calls.

Total calls for service= 81

From January 1, 2017 to January 1, 2018= **837 calls for service.**

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

- a. Public Hearing 1 : Vanderburg Tract 7622 Mt. Pleasant Road S.; Concord, NC 28025 Non-Contiguous Voluntary Annexation

- i. ***SR** Presentation by Planner Watts

Ms. Watts read from 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 these properties. 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.

ii. Open Public Hearing

Mayor Crump opened the public hearing at 6:25pm. There were no comments forthcoming so he closed at 6:26pm

iii. Consider Ordinance #2018-221A

Motion was made by Councilmember Wise and seconded by Councilmember Tallent to adopt Ordinance #2018-221A extending the corporate limits to include the 28.351 acres at 7622 Mt. Pleasant Rd S. Concord, NC 28025.

Motion carried 4-0.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF MIDLAND and INCORPORATE BY ANNEXATION A NON-CONTIGUOUS AREA INTO THE TOWN OF MIDLAND, NORTH CAROLINA

Ordinance #2018-221(A)

WHEREAS, a Petition signed by Catawba Lands Conservancy’s Executive Director, being the owner of the certain land areas hereinafter described in Exhibit A attached hereto, was received by the Town of Midland on December 29, 2017; and,

WHEREAS, the owners Petitioned that said area be annexed into the corporate limits of the Town of Midland, North Carolina, as authorized by 160A-58.1, Article 4A, Chapter 160A of the General Statutes of North Carolina; and,

WHEREAS, the Petition was presented to the Town Council during the regular meeting of January 9, 2018; and,

WHEREAS, on January 9, 2018, the Town Council directed, by Resolution duly adopted, the Town Clerk of the Town of Midland, North Carolina, to investigate the sufficiency of said Petition and to certify the results to the Town Council; and,

WHEREAS, at the regular meeting of the Town Council held on January 9, 2018, a Certificate of Sufficiency from the Town Clerk of the Town of Midland was presented to the Town Council wherein the Town Clerk certified that upon due investigation found the above individuals who signed the aforementioned Petition constitute the owners of the land within the boundaries described in said Petition and, as hereinafter described, that said boundaries are not contiguous to the present Town limit primary boundaries, and are eligible to be annexed pursuant to G.S. 160A-58.1, et seq. of the General Statutes of North Carolina; and,

WHEREAS, following the receipt by the Town Council of the Town of Midland, North Carolina, of a Certificate of Sufficiency from the Town Clerk of the Town of Midland, said information and due consideration thereof by the Council, passed a motion to adopt a Resolution whereby a public hearing upon the question of such annexation was called to be had before the Town Council of the Town of Midland at 6:00 p.m. on the 13th day of February, 2018; and,

WHEREAS, the Town Clerk was duly authorized and did so cause notice of such public hearing to be published in the Charlotte Observer, a newspaper having general circulation in the Town of Midland, North Carolina, at least ten (10) days prior to the date of such public hearing, such notice contained Cabarrus County property identification numbers of the areas proposed to be annexed as set forth in the Petitions; and,

WHEREAS, it appears to the Town Council from the publisher's Affidavit with clipping attached thereto, duly filed with the Town Clerk, that a notice of such public hearing as directed by the Town Council was duly published in the Charlotte Observer in its issue of the 2nd and 9th days of February, 2018, which date of publication was at least ten (10) days prior to the date set for such public hearing; and,

WHEREAS, a public hearing was held by the Town Council of the Town of Midland on the 13th day of February, 2018 at the stated time and place where the petitioners and any other residents of the Town of Midland were given an opportunity to appear and be heard on the question of the sufficiency of the Petition and the desirability of the annexation; and,

WHEREAS, the Town Council, after due deliberation and consideration during the regular Town Council meeting held on February 13, 2018, now finds that the Petition meets the requirements of G.S. 160A-58.1, et seq. of the General Statutes of North Carolina, that the Petition contained the signatures of the owners of the real property within the area proposed for annexation, that the Petitions are otherwise valid and that the public health, safety and welfare of the inhabitants of the Town and of the area proposed for annexation will be best served by the annexation.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Town Council of the Town of Midland, North Carolina, in regular meeting assembled the 13th day of February, 2018, as follows:

SECTION 1: That the area described in the Petition for contiguous annexation be and the same is hereby annexed to and is made a part of the corporate limits of the Town of Midland, North Carolina, the areas being described in Exhibit "A" hereto, and as shown on the map contained in Attachment "B" hereto.

SECTION 2: From and after the effective date of this Ordinance, the territory so annexed and the property therein located shall be subject to all debts, laws, ordinances and regulations in force in the Town of Midland, North Carolina, and shall be entitled to the privileges and benefits available to other parts of the municipality. The newly annexed territory shall be subject to municipal taxes levied as provided in Section 160A-58.10 of the General Statutes of North Carolina.

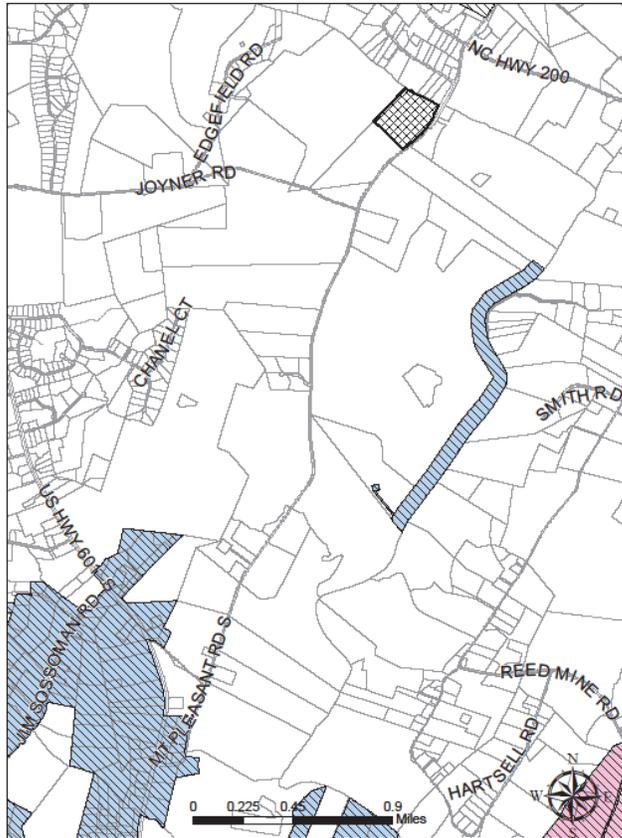
Minutes Tuesday, February 13, 2018
Regular Meeting of Town Council
6:00pm, 4293-B Hwy. 24/27 E. Midland, NC 28107

SECTION 3: It shall be the duty of the Mayor of the Town of Midland to cause an accurate map of such annexed territory, together with a copy of this Ordinance duly certified, to be recorded in the office of the Register of Deeds of Cabarrus County, North Carolina, and in the office of the Secretary of State of North Carolina.

SECTION 4: This Ordinance shall become and be effective on, from and after February 13, 2018.

Adopted this 13th day of February, 2018.

Attachment "B"
Catawba Lands Conservancy Annexation - 28.351 Acres



Motion was made by Mayor Pro Tem Hartsell and seconded by Councilmember Wise to set the Public Hearing for zoning designation on the Vanderburg tract on March 13, 2018 at 6:00pm; Town Hall 4293B Hwy. 24/27 E. Midland, NC. 28107. **Motion carried 4-0.**

- b. Public Hearing 2: Rezoning of Property of AJ Tucker Family Partnership, LLC, Located at 1227, 1255 and 1293 Hwy. 24/27- Currently zoned Single Family Residential. The proposed zoning district is NC 24/27 Commercial

- i. ***SR** Presentation by Planner Watts

Ms. Watts read from her staff report:

Re: ZMA-2018-01 - Zoning Map Amendment - AJ Tucker and AJ Tucker Family Partnership- 1227, 1255, and 1293 NC Hwy 24-27 East; Midland, NC 28107 (Cabarrus County PIN#'s 5534-69-2615, 5534-69-5598, & 5534-69-4533)

BACKGROUND

On December 19, 2017 the Town of Midland received a petition for a “zoning map amendment” to re-zone property owned by AJ Tucker and AJ Tucker Family Partnership. The properties, totaling 10.48 acres, are located at 1227, 1255, and 1293 NC Hwy 24-27 East; Midland, NC 28107 and are further identified as Cabarrus County PIN#'s 5534-69-2615, 5534-69-5598, & 5534-69-4533. The subject properties are currently zoned Single Family Residential (SFR) and the proposed zoning district is the “NC 24/27 Commercial” (C 24/27) designation.

FINDINGS AND CONCLUSIONS

When the Town was updating the Future Land Use Map in early 2017, there was consensus among the Commission that instead of “broad brush” designating the entire NC 24/27 corridor as commercial, that we would designate pockets of commercial, thereby allowing the Town more discretion in determining commercial rezoning requests on a case by case basis. That is the situation you have before you with this request.

The property lies within the area designated on the adopted Town Plan 2030 Future Land Use Map for commercial and residential uses and is primarily consistent with the Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2, adopted October 8, 2013 and amended March 8, 2016, October 11, 2016 and April 11, 2017 as shown on the adopted Future Land Use Map (FLUM).

One of the properties included in the request is slated for commercial (C 24/27) on the FLUM, while the remaining portions are shown as Single Family Residential (SFR), however, there is a logical expectation that these properties will redevelop as commercial uses, not residential uses. Therefore, this amendment is reasonable because the subject properties are adjacent to other commercially zoned properties and existing commercial uses, and the properties have significant frontage on a major thoroughfare where commercial uses are appropriate and where future utility infrastructure is expected. This amendment allows the subject properties to be used in accordance with the standards of the “NC 24/27 Commercial” (C 24/27) Zoning District in the future. The amendment allows for the potential growth and expansion of the economic base of the Town and provides opportunities for local jobs for the community.

POLICY IMPLICATIONS

The Town of Midland Development Ordinance and the North Carolina General Statutes require the P&Z Commission to make a recommendation on the map amendment. The P&Z Commission discussed this zoning map amendment during the January 23, 2018 meeting and voted unanimously to recommend the “NC 24/27 Commercial” (C24/27) designation.

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

Town of Midland Development Ordinance standards will apply following the:

1. Public Hearing held by the Town Council (February 13, 2018), and
2. Adoption of an Ordinance (#01-2018 (A) (M)) including both Reasonableness and Consistency Statements designating the Town zoning classification.

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

ii. Open Public Hearing

Mayor Crump opened the public hearing at 6:32pm. There were no comments forthcoming so he closed at 6:32pm.

iii. Consider Zoning Ordinance #01-2018 (A)(M) Tucker Family Partnership, LLC

Motion was made by Councilmember Wise and seconded by Councilmember Burnette to adopt Ordinance #01-2018 (A) (M) to designate the subject property as “NC 24/27 Commercial” (C 24/27) to be consistent with portions of the Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2, adopted October 8, 2013 and subsequently amended March 8, 2016, October 11, 2016 and April 11, 2017 as shown on the adopted Land Use Map. This amendment is reasonable because the subject properties are adjacent to other commercially zoned properties and existing commercial uses, and the properties have significant frontage on a major thoroughfare where commercial uses are appropriate and where future utility infrastructure is expected. This amendment allows the subject properties to be used in accordance with the standards of the “NC 24/27 Commercial” (C 24/27) Zoning District in the future. The amendment allows for the potential growth and expansion of the economic base of the Town and provides opportunities for local jobs for the community. **Motion carried 4-0.**

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

Ordinance Number #01-2018 (A)(M)

BE IT ORDAINED by the Town Council of the Town of Midland, North Carolina that the Midland Development Ordinance Official Zoning Map as adopted pursuant to Article 1, section 1.13 of the Town be amended as follows:

Part 1. Consistency with Adopted Comprehensive Plan.

The Town Council finds that the zoning map amendment to the property of AJ Tucker and AJ Tucker Family Partnership, LLC; changing the zoning designation of Town of Midland “Single Family Residential” (SFR) to Town of Midland “NC 24/27 Commercial” (C 24/27). To adopt Ordinance #01-2018 (A) (M) to designate the subject property as “NC 24/27 Commercial” (C 24/27) to be consistent with portions of the Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2, adopted October 8, 2013 and subsequently amended March 8, 2016, October 11, 2016 and April 11, 2017 as shown on the adopted Land Use Map. This amendment is reasonable because the subject properties are adjacent to other commercially zoned properties and existing commercial uses, and the properties have significant frontage on a major thoroughfare where commercial uses are appropriate and where future utility infrastructure is expected. This amendment allows the subject properties to be used in accordance with the standards of the “NC 24/27 Commercial” (C 24/27) Zoning District in the future. The amendment allows for the potential growth and expansion of the economic base of the Town and provides opportunities for local jobs for the community.”

Part 2. Designation of Initial Zoning Designation.

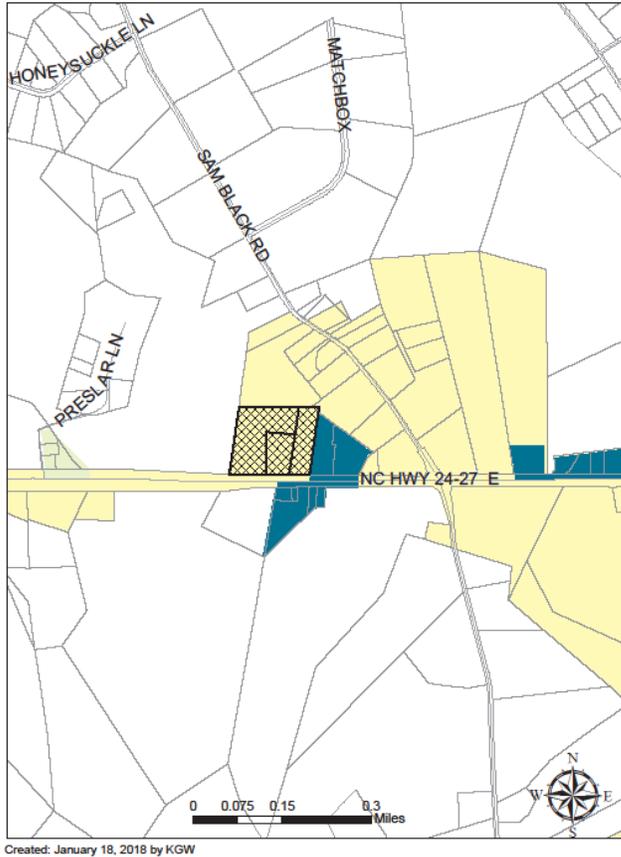
Cabarrus County Property Identification Numbers 5534-69-5598, 5534-69-4533, and 5534-69-2615 shall be designated “NC 24/27 Commercial” (C 24/27) on the Official Zoning Map as shown on Attachment “A”.

Part 3. Effective Date.

This Ordinance shall be effective immediately upon its adoption.

Adopted this the 13th day of February, 2018.

**ZMA-2018-01 AJ Tucker Family Partnership Rezoning
10.48 Acres from SFR to C 24/27**



- c. *SR Second Alternate Candidate to the Planning and Zoning Board

Ms. Watts reported:

The Town of Midland has received an application for the remaining Alternate position that has yet to be filled. Should the town approve this applicant for service, the Planning and Zoning Commission will be fully seated, including the 2 Alternate position members. The name of the applicant is listed below and his application is attached for your review.

1. James Hoy

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 James Hoy to fill the position of Planning and Zoning Commission alternate member.

Motion was made by Councilmember Wise and seconded by Councilmember Burnette to appoint Mr. James Hoy as 2nd Alternate to the Planning and Zoning Board for a 3 year term. **Motion carried 4-0.**

- d. Planning Projects- *Verbal Update*

- Whyndam Forest and Fox Creek subdivisions: Moving along quickly. Staff has been receiving a lot of permit requests from Fox Creek;

- CF Steel project: Moving along well;
- Banks Massey project, AKA Creekside Commercial: Doing very well. The landscaping is finished; street trees are in, they will soon install street lights and the side walk will be on 1 side of the street. Ms. Watts met with Mr. Brian Turner last week and they talked extensively about the building- the architecture and façade and when it's finished it will be a very attractive building;
- Allen Mini Storage: Has moved through fire flow water pressure issues. They will need to install sprinklers in at least the 1st building;
- Bethel Park project: Staff sent a site plan application to the developer, True Homes and received the preliminary site plan back but staff believes they will see the official site plan submittal within the next few weeks. This is the townhome project off Garmon Mill Rd. It will be the town's last, "zombie project" coming back after the recession halted so many housing projects;
- Dollar General Store: Staff received a preliminary sketch plan submittal. It will be immediately across from Town Hall behind the Speedway gas station. Staff reviewed it and sent back some preliminary comments. Staff hopes to get a full preliminary site plan submittal back in the next few weeks;
- Judge Crosswhite confirmed the Midland BOA decision to uphold the zoning administrator's decision on the Tucker Chase zoning administrator appeal;
- Old Bethel School: Staff has been working with the 2 parties included in the settlement agreement to complete their punch lists. Mr. Haake has finished his punch list items and will visit Ms. Watts to present the money which was part of that settlement. Mr. Bob Whiting is in the process of completing his punch list items. Staff hopes to have that wrapped up this Saturday which is the last day for completion.

10. **Engineering: Richard McMillan**

a. Old Camden Estates Paving Summary- *Verbal Update*

Mr. McMillan explained via slides how the project started and was completed:

- Trull Contracting has just about finished everything with the project;
- With the street rating done last year in 2017, Settlement Dr., Neighbors Dr. and Community Dr. had a combined score lower than any other streets in Midland;
- The bush median (in the middle) was not well kept. There were base failures around the corners where water saturated it so that median was removed;
- There were other areas of base failure that were marked for removal;
- One area was in such poor condition the crew had to dig and put in another 10-12 inches of asphalt to stabilize it;
- (Fixing the pothole) on Pelham Ln. had tearing of the asphalt so that area was cut out and patched back. Also the crew found out that instead of an inch and a half patch, the existing pavement was nearly 3 inches thick so they had to go back with the double thickness. The town had to pay the contractor a little more because of that;
- All 3 streets in Old Camden Estates came out beautifully;
- A double yellow line with a stop bar was put in which dressed up the streets and will keep people in their lanes as they travel through the neighborhood.

Budget Information:

- The town's budget for paving was roughly \$83,000;
- The town's estimate was \$87,600 when it was bid out;
- Trull Contracting's bid was \$79,500;
- Right now the work is 99% complete- only a few small items need to be finished. There is about 600 feet of shoulder to back fill left. This cost is about \$2,500;
- Work completed to date is \$71,700 so there is about \$7,700 left in the budget;
- The base repairs went over estimate about 6.7%;
- Patching was over about 71% on Pelham Lane and Whitetail Lane;
- Asphalt was estimated at 600 tons but came out to be 579 tons;
- Regrading the shoulders was only 31% used in the contract;

- There is still a contingency of \$2,500 left.

The 2018 PCR for resurfacing roads: projected Whitetail Lane to be next and the following year, Pelham Lane. In 2019 another PCR will be done to see if anything has changed.

11. Staff Reports:

- a. Finance Report January, 2018 - ***B. Love***

Ms. Love reported on the cash accounts:

				Jan 31, 2018
		Checking/Savings		
		1000 · CASH ON HAND		185.20
		1004 · GENERAL FUND		1,378,909.59
		1040 · UTILITY CAPITAL RESERVE FUNDS		2,198,986.84
		1050 · POWELL BILL FUNDS		298,271.06
		Total Checking/Savings		3,876,352.69

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

- i. Set date for Council Retreat

Mr. Paris referred to the draft Retreat Agenda Council was handed at the start of the meeting. A few additions suggested by Councilmembers were the Bethel Athletic Association and the library.

Council discussed the best dates to hold the Retreat.

Council decided on Saturday February 17th, from 9am-12pm.

- ii. Town Pride/Brand T- Shirts

Mr. Paris said that a new idea for t-shirts was submitted by Mayor Pro Tem Hartsell. The concept was to have t-shirts available to the public. This would be a budget neutral move because the town would recoup the cost.

Mayor Pro Tem Hartsell said he and Mr. Paris talked one day and came up with the idea because even the City of Locust and other local municipalities have retail stores that carry their clothing.

They brainstormed on the idea and wanted to have a good quality shirt and decided going with, “Grunt Style” clothing. Next they can think about where the town could locate them and solicit sales. Selling them from Town Hall would be the initial place. Also, maybe some of the local merchants could display and/or sell them.

Mr. Paris said the shirts have a patriotic theme because Midland is proud of its veterans and wants to support them.

Mayor Crump asked if the shirts are American made.

Mr. Paris said, “Yes”.

Mr. Paris said he had a quote for 100 shirts for \$1,908.00 which is within the Branding budget. He also said that he and Mayor Pro Tem Hartsell discussed adding \$5.00 per shirt to go towards the Mayor’s Scholarship Fund but he will discuss it first with the town attorney.

Mr. Paris added tracking sales would be done in a separate receipt book and spread sheet.

Motion was made by Mayor Pro Tem Hartsell and seconded by Councilmember Burnette to have Manager Paris execute the order for the Town Pride/Brand T- Shirts. **Motion carried 4-0.**

c. Mayor's Comments:

i. Report on Reed Gold Mine Film - *Mayor Pro Tem Hartsell*

Mayor Pro Tem Hartsell said the Director, Mr. Larry Neil sent out an invitation to Council to attend a showing of a new film. He and Councilmember Tallent attended. He encouraged everyone to go out and see the film and see the new kiosk display inside the visitor center. It was highly educational and he said he appreciated the opportunity to go. They also gave out door prizes which were copies of the old film that was shown for 40 years. He asked Mr. Neil if he could have a copy for the Midland Town Hall for archives. Mr. Neil will provide a copy.

Mr. Hartsell added that there were 3 huge rocks, one of which was 23lbs. that came from the mine.

12. Executive Session:

- a. [N.C.G.S. 143-318.11(a)(3)] Consult with the Attorney. To protect the attorney-client privilege.
- b. Establishing or instructing staff or agents on the public body's negotiating position for acquisition of real property or employment contracts -[NCGS] 143-318 (a)(5). Subject property: .05 ac. & 20' temporary construction easement on property owned by Marvin Widenhouse & Gatrdo LLC off Highway 601 (PIN 55552075420000) for crossroads Pump Station storage expansion project.

Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to enter closed session per NCGS 143-318.11(a)(3) to consult with an attorney to protect the attorney-client privilege and per NCGS 143-318.11(a)(5) to instruct staff on the public body's negotiation position for acquisition of real property, subject property .05 acres and 20 feet of temporary construction easement on property owned by Marvin Widenhouse and Gatardo LLC off Highway 601 for the crossroads pump station expansion project. Staff invited will be Town Manager Paris and Town Attorney Fox. **Motion carried 4-0.**

Council entered at 7:06pm.

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

Council re-entered at 7:38pm.

13. Adjournment:

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

Council adjourned at 7:38pm.

Attest/Seal

Mayor John Crump

Nancy E. Boyden, CMC, NCCMC Town Clerk