

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; Planning, Zoning & Subdivision Administrator, Kassie Watts, *AICP, CZO*; Town Engineer, Richard McMillan, *P.E.*; Cabarrus County Captain Marc Nesbit; Midland Firefighter, Thomas Yow.

Also Present: None.

Absent: Town Attorney, Anthony Fox.

Late: None.

Guests: Justin Burr, Representative from the 67<sup>th</sup> District in the North Carolina General Assembly.

*\*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:**
  - a. Town Hall will be closed Friday March 30<sup>th</sup> in observance of Good Friday. Garbage/Recycling will run on a normal schedule.
  - b. The Midland Planning & Zoning Commission has changed its monthly meeting time to 6:00pm.
  - c. **Proclamation #2018-82** April is National Poetry Month

Clerk Boyden read the proclamation for the room to hear.

Mayor Crump read a poem written by a member of the community.

Councilmember Tallent added information learned at the opioid meeting last Thursday held at Bethel School. It was for the purpose of community information. The Cabarrus County Sheriff's Dept., Health Dept., EMS and professionals from North East Hospital headed the meeting.

Councilmember Tallent, 2 other Councilmembers and Manager Paris attended the meeting. It was very informative and at some points very depressing because of the degree of various opioids in the community and users. Using opioids usually starts out innocently and then becomes an addiction.

Councilmember Tallent spoke about, "doctor shopping". This is when people use multiple doctors to keep getting prescriptions. Fortunately now, before a doctor can prescribe, the patient is put into a data base system so doctors know how many times they've been prescribed opioids in a relatively short period of time. Unfortunately, at that point the person purchases their drugs illegally.

Councilmember Tallent said if there are any more seminars forthcoming, he will make sure that information is shared with the community.

Mayor Crump said that the Sheriff's Dept. did an outstanding good job.

Mrs. Crump said that pharmacies also have access to the data base because many times a person will use multiple pharmacies to get their prescriptions filled.

Councilmember Tallent added that doctors can no longer use hand written prescription pads. The pads can be stolen and/or forged so prescriptions have to be given electronically.

**Motion** was made by Mayor Pro Tem Hartsell and seconded by Councilmember Wise to adopt *Proclamation #2018-82. Motion carried 4-0.*

**APRIL IS NATIONAL POETRY MONTH**

*Proclamation #2018-82*

**WHEREAS**, the Academy of American Poets established the month of April as National Poetry Month in 1996; **and**

**WHEREAS**, National Poetry Month seeks to highlight the extraordinary legacy and ongoing achievement of American poets; introduce Americans to the pleasures and benefits of reading poetry; bring poets and poetry to the public in immediate and innovative ways; make poetry an important part of our children's education; **and**

**WHEREAS**, as National Poetry Month, under the leadership and direction of the Academy of American Poets, is now the largest literary celebration in the world; **and**

**WHEREAS**, poetry enhances and enriches the lives of all Americans; **and**

**WHEREAS**, poetry, as an essential part of the arts and humanities, affects every aspect of life in America today, including education, the economy, and community pride and development; **and**

**WHEREAS**, poetry has produced some of the nation's leading creative artists and has inspired other artists in fields such as music, theatre, film, dance, and the visual arts.

**NOW THEREFORE**, I Mayor John Crump, Mayor of the Town of Midland do hereby proclaim April 1 through April 30 as National Poetry Month. I call upon public officials, educators, librarians, and all the people of Midland to observe this month, to celebrate the cultural riches our community has to offer, and to recognize the important role poetry has in creating and sustaining this great nation with appropriate ceremonies, activities, and programs.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 13<sup>th</sup> day of March, in the year 2018.

**4. Approval of Agenda:**

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

**5. Consent Agenda:** Minutes: Regular Session 2/13/2018 and Retreat 2/17/2018; 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. Pat Caddell: Citizen of Midland proper

"Mayor Crump and Councilmembers, my name is Pat Caddell, I live in Bethel Glenn, Midland, NC. I am here tonight representing the Friends of the Midland Library (FOML) to:

1. Thank you for the proclamation making April Poetry Month in Midland. This is the largest literary celebration in the world and is a way to increase awareness and appreciation of poetry as an art to be celebrated by citizens nationwide. In celebration we are holding a poetry contest for all the elementary school children. The contest begins 4/1/2018 and will end 4/16/2018. The summited poetry will be judged by 1 or 2 teachers according to age and grade. We would like the winners; certificates and prizes to be handed out by Mayor Crump at the May Town Council meeting where the children will be recognized for their talent and creativity.
2. This past Thursday the FOML participated in "Color for a Cause" to raise awareness for children with cancer across America. We are asking everyone to go to the website [www.wecolorforacause.com](http://www.wecolorforacause.com) then under Carolina Mall in Concord and vote for the FOML poster. We could win \$250.00 towards our library fund.

3. And last, we the FOML want to *THANK YOU* for your generous support for funding a space for our proposed new library site. We cannot express how much this means to us and the citizens of Midland. Our group has worked tirelessly over the last 5 to 6 years to ensure that the citizens of Midland have a library. Now because of you we have that goal within reach. We would also like to thank Doug Paris and Nancy Boyden for their support helping us in many ways behind the scene. We value that support.

We understand that the Cabarrus County Board of Commissioners will make the final decision, but without your generous offer and support our new library could not be considered.

So thank you, all of you for your support from the FOML!”

**END**

- b. Justin Burr: Redrawing the district lines

Representative Burr said that the 67<sup>th</sup> district has changed to include Stanly Co. and the southeastern part of Cabarrus:

- He currently serves the 67<sup>th</sup> House District and has served for the past 5 terms;
- It's been made up of Stanly Co., Montgomery Co., and a portion of Union when he first took office so the district is shifting some and will have most of Stanly Co. and a good portion of eastern Cabarrus Co. as well;
- He said he wanted to visit and introduce himself;
- Along with serving for the past 10 years in the Legislature, he grew up in Stanly Co. in Norwood and has always had a passion to serve his community and make a difference in NC;
- When he first took office he was in the minority in Raleigh but fortunately took the majority 2 years later and served in a number of positions. Today he serves as one of the chairs of the Appropriations Committee along with Representative Johnson who currently serves Cabarrus Co.;
- He's looking forward to having 2 of the 10 members out of the 170 in the House and Senate as Appropriation Chairs coming from and representing Cabarrus Co.;
- He's also looking to making good policies as he's done the last 8 years to make NC more friendly for job creation by working to eliminate the robbery of the highway fund and make sure there's money for the roads;
- He's also worked on healthcare issues, childhood education, economic development etc.;
- The Legislature is citizen based so it's considered a part-time job so when he's not in session he's back in Stanly Co. working in his family's business as a bail bondsman. His grandfather started the business 70 years ago after he came home from WWII.;
- He said he looks forward to serving the district in Raleigh. Any time he can be of assistance to Midland he's happy to do it.

**END**

7. **Public Safety:**

- a. Police Report - Cabarrus County Sheriff for Midland

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

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

- 291 Security checks;
- 1 Suspicious subject;
- 1 Suspicious vehicle;
- 1 Traffic accident with property damage only;
- 23 Traffic stops;
- 18 Warrants served.

92 Dispatched calls for service- some of which were:

- 1 B/E in progress;
- 6 Disputes;

- 2 Larcenies;
- 6 Suspicious subjects;
- 8 Suspicious vehicles;
- 15 Traffic accidents with property damage only;
- 1 Traffic accident with personal injury;
- 1 Warrant.

b. Midland Volunteer Fire Department Report

Fireman Yow reported the following for the month of February, 2018:

- 4 Structure fires;
- 4 Residential fire alarms;
- 3 Commercial fire alarms;
- 6 Local alarms;
- 3 Motor vehicle accidents;
- 36 Medical calls.

**Total calls for service= 56**

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

a. Annexation Larry Williams of 391 NC Hwy. 24/27 Non- Contiguous

i. Staff Report

Ms. Watts reported the following:

Re: Voluntary Annexation of non-contiguous property of Larry Wallace Engines, LLC

**BACKGROUND**

On February 26, 2018 the owner of property located at 391 NC Hwy 24-27 West; Midland, NC 28107 (Cabarrus County PIN# 5524-88-2560) submitted a petition for voluntary non-contiguous annexation into the town limits of the Town of Midland. The property consists of approximately 4.72 +/- 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 developed. The property will 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 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 March 13, 2018 meeting included (in order of due process):

- a. Petition for voluntary non-contiguous annexation (Attachment “A”)
- b. Direct (#2018-194A) for the Town Clerk to investigate the sufficiency of the petition.
- c. Upon receipt of petition certification by Town Clerk, call (#2018-195A) for public hearing at next regular meeting.

The actions that may be taken at the April 10, 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 (#2018-224A) 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. 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.

ii. Resolution #2018-194A Directing the Clerk to Investigate Petition

**Motion** was made by Mayor Pro Tem Hartsell and seconded by Councilmember Wise to adopt Resolution #2018-194A 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 #2018-194(A)*

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on the 26th day of February, 2018 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 13th day of March, 2018.**

iii. Presentation of Petition

Mayor Crump said all information on the petition is true and has been satisfactorily certified.

iv. Resolution #2018-195A Fixing the Date of the Public Hearing

**Motion** was made by Councilmember Wise and seconded by Councilmember Burnette to adopt Resolution #2018-195A and set the public hearing for April 10<sup>th</sup>, 2018 at 6:00pm at Midland Town Hall, 4293-B Hwy. 24-47 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 #2018-195(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 April, 2018.
- Section 2. The property located at 391 NC Hwy 24-27 West; Midland, NC 28107, including Cabarrus County PIN# 5524-88-2560, totaling approximately +/-4.72 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 13th day of March, 2018.***



**PETITION REQUESTING A CONIGUOUS ANNEXATION**

DATE: 3/26/2018

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:

Catawba County PIN 5524 88 2560

located at 391 Hwy 24-27 W. Midland NC 28107

Name (print or type)	Mailing Address	Signature
LARRY WALLACE Marguerite Wallace	391 Highway 24-27 W. Midland NC 28107	<i>Larry Wallace</i> <i>Marguerite Wallace</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.

704-706-5201



5628  
 6176

FORM 620 PAGE 176

TO HAVE AND TO HOLD the above-mentioned lot, parcel or tract of land, together with appurtenances thereto, belonging to the Grantor hereinafter described, and the Coterminous with the Grantee, and to make a deed of conveyance in fee simple, heretofore, hereafter, and during the term in this deed, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whatsoever, other than the following exceptions:

Subject to the Easement for North Carolina Highway Number 24-27.

IN WITNESS WHEREOF, the Grantor has duly executed this deed, together with the following signatures:

Party Naming: \_\_\_\_\_ (SEAL)  
 By: \_\_\_\_\_ (SEAL)  
 Title: \_\_\_\_\_ (SEAL)  
 By: \_\_\_\_\_ (SEAL)  
 Title: \_\_\_\_\_ (SEAL)



State of North Carolina - County of \_\_\_\_\_  
 I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that \_\_\_\_\_, the person whose name appears before this day and who has signed the foregoing instrument, was with me personally before me and he signed the foregoing instrument in full and free of all legal obligations, and I have signed and stamped this instrument as the Notary Public for the County and State aforesaid.  
 My Commission Expires: \_\_\_\_\_  
 Notary Public

State of North Carolina - County of \_\_\_\_\_  
 I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that \_\_\_\_\_, the person whose name appears before me this day and who has signed the foregoing instrument, was with me personally before me and he signed the foregoing instrument in full and free of all legal obligations, and I have signed and stamped this instrument as the Notary Public for the County and State aforesaid.  
 My Commission Expires: \_\_\_\_\_  
 Notary Public

State of North Carolina - County of \_\_\_\_\_  
 I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that \_\_\_\_\_, the person whose name appears before me this day and who has signed the foregoing instrument, was with me personally before me and he signed the foregoing instrument in full and free of all legal obligations, and I have signed and stamped this instrument as the Notary Public for the County and State aforesaid.  
 My Commission Expires: \_\_\_\_\_  
 Notary Public

TO BE REGISTERED IN THE PUBLIC RECORDS OF \_\_\_\_\_ COUNTY, NORTH CAROLINA  
 The foregoing deed of conveyance of \_\_\_\_\_, a parcel of land in \_\_\_\_\_ County, NC, is hereby certified to be correct. This conveyance and this certification are duly registered in the Public Record in the Book and Page shown on the first page hereof.  
 \_\_\_\_\_, Register of Deeds for \_\_\_\_\_ County  
 \_\_\_\_\_, Deputy Assistant - Register of Deeds - North Carolina  
 October 28, 2004  
 \*James Williams & Co., Inc.  
 www.JamesWilliams.com

5628  
8-79

20180620 Doc 177

**EXHIBIT "A"**

Lying and Being in Number Ten (10) Township of Catawba County, North Carolina on the South side of North Carolina Highway Number 24-27, adjoining the property of Niles Henry Robinson and Being more fully described as follows: **OLD DESCRIPTION**

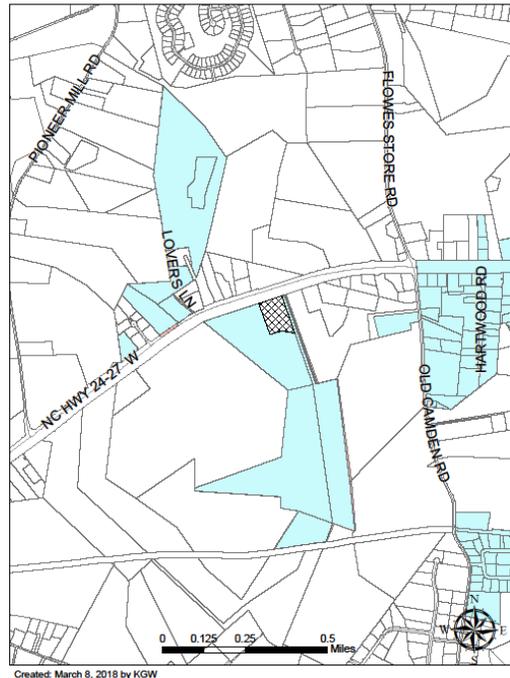
BEGINNING at a pin in the center of the Right of Way for North Carolina Highway Number 24-27, corner of Niles County Station (Book 871, Page 514) (said pin being coordinates of: NAD 83 N=549,935.49, E=1,528,416.46 feet) and run thence with the line of Robeson South 19-49-26 East 783.42 feet to an iron stake; thence a new line North 81-07 28 West 226.79 feet to an iron stake; thence a new line South 72-63-48 West 203.0 feet to an iron stake; thence a new line North 19-47-28 West 681.82 feet to a new pin in the centerline of the Right of Way (passing a set at the edge of the right of way at 603.80 feet); thence with the centerline of the Right of Way North 73-41-48 West 420.0 feet to the point of BEGINNING; Subject to the Right of Way for North Carolina Highway Number 24-27.

**LESS AND EXCEPTED** from the above described property is that portion conveyed to the North Carolina Department of Transportation by Deed recorded in Book 2259, Page 175, Catawba Registry, to which Deed reference is hereby made.

said property contains 2.140 acres, more or less.



**Attachment "B"**  
**Larry Wallace Engines, LLC - 4.72 Acres**  
**(Property Shown as Hashed Area)**



- b. Annexation Darrell & Tamara Helms of 1777 Cal Bost Rd. Non- Contiguous
  - i. Staff Report

Ms. Watts reported the following:

Re: Voluntary Annexation of non-contiguous property of Darrell & Tamara Helms

**BACKGROUND**

On March 1, 2018 the owner of property located at 1777 Cal Bost Road; Midland, NC 28107 (Cabarrus County PIN# 5536-92-1631) submitted a petition for voluntary non-contiguous annexation into the town limits of the Town of Midland. The property consists of approximately 1.02 +/- acres.

**FINDINGS AND CONCLUSIONS**

The statutory standards for annexation require that 1) the property must be within three miles (2.0 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 the Town of Harrisburg. Regarding the Town of Harrisburg, the town has an annexation agreement that stipulates, the Town of Midland may not annex properties west of Lower Rocky River Road and north of Pine Grove Church Road. 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 Town of Harrisburg.

**FISCAL IMPACT**

The property is developed. The property will 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 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 March 13, 2018 meeting included (in order of due process):

- a. Petition for voluntary non-contiguous annexation (Attachment "A")
- b. Direct (#2018-196A) for the Town Clerk to investigate the sufficiency of the petition.
- c. Upon receipt of petition certification by Town Clerk, call (#2018-197A) for public hearing at next regular meeting.

The actions that may be taken at the April 10, 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 (#2018-225A) 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. A majority of the property lies within the area designated on the Town Plan 2030 Future Land Use Map for "Residential" 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 "Single Family Residential" (SFR) zoning classification.

- ii. Resolution #2018-196A Directing the Clerk to Investigate Petition

**Motion** was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt Resolution #2018-196A 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 #2018-196(A)*

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on the 1st day of March, 2018 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 13th day of March, 2018.**

- iii. Resolution #2018-197A Fixing the Date of the Public Hearing

Minutes Tuesday, March 13, 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 Councilmember Tallent to adopt Resolution #2018-195A and set the public hearing for April 10<sup>th</sup>, 2018 at 6:00pm at Midland Town Hall, 4293-B Hwy. 24-47 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 #2018-197(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 April, 2018.
- Section 2. The property located at 1777 Cal Bost Road; Midland, NC 28107, including Cabarrus County PIN# 5536-92-1631, totaling approximately +/-1.02 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 13th day of March, 2018.***



**PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION**

DATE: 3/1/2018

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 identifier as:

Cabarrus County PIN 55360-92-1631

Located at 1777 Cal East Road, Midland, NC 28107

Name (print or type)	Mailing Address	Signature
Dorrell K Helms	1777 Cal East Rd, Midland, NC 28107	<i>Dorrell K Helms</i>
Dorrell K Helms	1777 Cal East Rd, Midland, NC 28107	<i>Dorrell K Helms</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.

RECORDED

\* FILED IN RECORDS SECTION  
 CONFERRING OFFICE #10  
 N.C. REGISTER #10000  
 FILED: Mar 13 2018  
 BY: 11:24:00 AM  
 BOOK: 28107  
 PAGE: 1253  
 INSTRUMENT # 4 6494  
 EXPIRES: 03/13

**NORTH CAROLINA  
 QUITCLAIM DEED**

Fee: \$ 0.00 Recording Time, Book and Page  
 Tax Map No. 10-7A-2.00 Parcel # 3536-02-1631-0000

Mail after recording to: Kevin C. Link, 1 Buffalo Ave. NW, Ste 1305, Concord, NC 28025

This instrument was prepared by: Kevin C. Link

**\*\*No Title Search was performed in the preparation of this Deed\*\***

THIS DEED made this the 1<sup>st</sup> day of March 2018 by and between:

**GRANTOR**

Tamara Reynolds Helms, (aka Tamara Reynolds Armstrong) and husband, Darrell Kent Helms

Mailing Address: 1777 Cal Bust Road Midland, NC 28107

**GRANTEE**

Tamara Reynolds Helms and husband, Darrell Kent Helms

Mailing Address: 1777 Cal Bust Road Midland, NC 28107

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has received and released and does hereby release, release and forever quitclaim to Grantee in fee simple, all that certain lot or parcel of land situated in the City of Midland, Cabarrus County, North Carolina, and more particularly described as follows:

**Lying and being in Number One (1) Township of Cabarrus County, North Carolina on the East side of Cal Bust Road (SR 1133) and being all of Lot No. Two (2) of the Subdivision of SOBSOMON SPRINGS, as surveyed and platted, a copy of which plat is filed in the office of the Register of Deeds for Cabarrus County in Map Book 29, Page 23, to which map book and page reference is hereby made for a complete description thereof by meter and hands.**

The property hereinabove described was acquired by Grantor by instrument recorded in Book 2199 Page 20.

A map showing the above described property is attached in Map Book 29, Page 23.

Does the above described property include the primary residence (yes/no)? **YES**

**TO HAVE AND TO HOLD** the hereinaudited lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

Submitted and witnessed by "Law Office of Kevin C. Link"  
 in compliance with North Carolina statutes governing recordable documents  
 and the terms of the power of attorney of record relating to  
 the office of the Register of Deeds of Cabarrus County, under 16C-0101.

12300 0164

Grantor makes no warranty, express or implied, as to title to the Property.

Title to the property hereinabove described is hereby conveyed subject to all valid and subsisting restrictions, reservations, easements, conditions, rights of ways and encumbrances in property of record.

IN WITNESS WHEREOF, the Grantors have hereunto set their individual seals, or, if corporate, has caused this Deed to be executed by its duly authorized officers and its seal to be hereunto affixed, this day and year first above written.

Tamara Reginald Helms (SEAL)  
Tamara Reginald Helms

Durrell Kent Helms (SEAL)  
Durrell Kent Helms

STATE OF North Carolina  
COUNTY OF Catawba

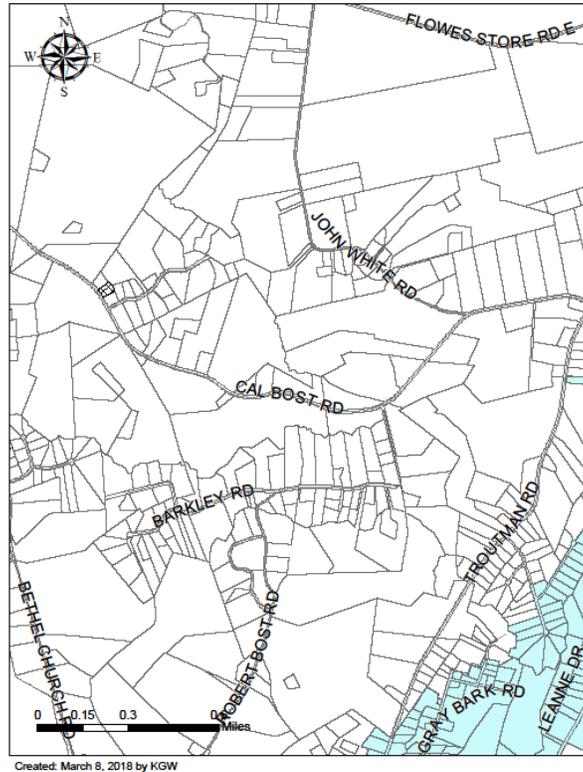
I, Beau A. Gyaves, a Notary Public of the County and State aforesaid, certify that Tamara Reginald Helms and Durrell Kent Helms, Grantors, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 13<sup>th</sup> day of March, 2018.

My commission expires: 10.25.2022

Beau A. Gyaves  
Notary Public



**Attachment "B"**  
**Darrell & Tamara Helms - 1.02 Acres**  
**(Property Shown in Hashed Area)**



c. Planning Projects- *Verbal Update*

- Whyndam Forest: Staff is still permitting in the subdivision;
- Fox Creek: Staff stopped issuing permits about 2 weeks ago because there were issues with the roads construction. Staff met with the developers today and they proposed a plan to correct the issues by pulling up the asphalt and redoing sections of the roads. Once that plan is received in writing, with the timeline associated with it, the permits will be released;
- CF Steel: Moving along well;
- Banks Massey: Moving along well;
- Allen Mini Storage: Haven't heard anything and it doesn't appear that much is going on there right now so Staff will follow up with them;
- Bethel Park: Plan has been officially submitted for review. It will go before the Technical Review Committee;
- Dollar General Applicant: Met with him today. Tried to give some consideration to parking issues they had by giving them potential revisions to the site layout;
- Changed the meeting time with P&Z to 6:00pm. Will also need another Alternate applicant in the next few months;
- Old Bethel School: Mr. Haake finished his punch list items and paid his civil citation fees. Mr. Whiting paid his fees. He completed most of his punch list but he hasn't secured the gate at the front of the property and people continue to come onto the property and vandalize thus he can't get his notice of compliance because he continues to be in violation.

Mr. Paris said because of the settlement agreement, Mr. Whiting has a 30 day period to cure those violations before staff goes to enforcement actions which would be collecting the remaining amount of money per court action.

Mayor Pro Tem Hartsell said that the grounds need to be kept mowed as well.

Mayor Pro Tem Hartsell asked Ms. Watts about stabilization of the ground at the Allen Mini Storage site. It has been cleared for a long time and there are now settlement ponds. With the wet weather, water stands on the site so this is a breeding ground for mosquitos. He asked Ms. Watts to reach out to the owners because the site has been dormant for a while and it needs to be cleaned up.

Ms. Watts will contact the owners.

Councilmember Wise asked Ms. Watts if the Fox Creek permits will be released once they give the official letter regarding the roads.

Ms. Watts replied that staff has been working with them on an actual plan that's been approved by Engineer McMillan with a timeline. Essentially the work would need to start immediately.

Councilmember Wise asked if the roads are bonded.

Ms. Watts said, "Yes".

Councilmember Wise said he's not in favor of releasing permits in Fox Creek until the road situation is cleared up; this is his own personal opinion. The town has been in too many legal battles with roads and he doesn't want to get into another one. They did something wrong and they should correct it before releasing any permits.

Councilmember Wise also said that Council should be aware that 3 meetings are scheduled for the Board of Adjustment meetings. April was set up for BOA training but it has been switched until May with Erin Burris of Benchmark Planning at the May 22<sup>nd</sup> meeting. Everyone is invited to attend.

Mayor Crump asked if the Bethel Park project will use the same footprint.

Ms. Watts said it is roughly the same footprint but Concord will make them pull out all the water lines because they've been stagnant for so long. In regards to the other infrastructure, there was a variance that was issued a number of years ago where they will keep the streets private. Staff will need to talk to the developers about what that is going to look like. They also got a variance to put parking in the back, so there will be parking on those roads. Staff only has a preliminary plan in hand so will need to know what is under those roads, etc.

Mayor Pro Tem Hartsell asked how many units are planned.

Mr. Watts answered, its 149 townhomes- some 2 levels and some 1 levels.

**9. Engineering: *Richard McMillan***

a. Engineering - Old Camden Estates Paving - verbal update

Mr. McMillan said he received an email from the contractor and they did some of the shoulder build up over the weekend. He will go out to inspect that tomorrow and make sure everything is in place properly. There was 1 ditch they had to work on so Mr. McMillan will check on that as well. Budget wise, the town should still come in 4-5K below the projected budget on the project.

Mayor Crump asked Mr. McMillan if he will be on site when Fox Creek is working on their roads.

Mr. McMillan said he would be out there when they're working even if he needs to adjust his work schedule.

Mr. Paris added that staff is requiring that they have their engineer on site each day when work is going on and they will send daily reports. Subsequently there will be 2 engineers on site.

Mayor Pro Tem Hartsell asked if Fox Creek has power yet because the homes already built were done by generators.

Mr. McMillan said they use generators while building houses. Power lines have been put in but he doesn't know if they all have been hooked up.

Councilmember Burnette said that they do have power in the houses because he seen lights on.

Mr. McMillan said they may have some temporary meters in place and gas lines but with all the other infrastructure being installed it's easy to keep tearing lines up.

Mayor Pro Tem Hartsell asked about the generators because there are other people who live close by the development and no one wants to hear that kind of noise at 7:00am to 7:00pm.

**10. Staff Reports:**

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

Ms. Love reported on the cash accounts:

				Feb 28, 2018
<b>Checking/Savings</b>				
		<b>1000 · CASH ON HAND</b>		194.08
		<b>1004 · GENERAL FUND</b>		1,466,558.37
		<b>1040 · UTILITY CAPITAL RESERVE FUNDS</b>		2,201,509.48
		<b>1050 · POWELL BILL FUNDS</b>		241,701.00
<b>Total Checking/Savings</b>				3,909,962.93

- i. Budget Amendment Ordinance #2018-222 Barricades/Tree trimming for Old Midland ROW

**Motion** was made by Mayor Pro Tem Hartsell and seconded by Councilmember Wise to adopt Budget Amendment Ordinance #2018-222. **Motion carried 4-0.**

Town Of Midland Ordinance #2018-222 FY 2017-2018				
BE IT ORDAINED by the Governing Board of the Town of Midland, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2018:				
Section 1. To amend the Midland Budget 2017-2018 to add the purchase of barricades and trim trees and adding to Old Midland ROW				
	Current			Amended
Description	Budget	Increase	Decrease	Budget
Miscellaneous Operating Expense	4,844.00	\$ 4,300.00		\$ 9,144.00
GF Fund Balance Appropriation	\$ 39,954.00	\$ 4,300.00		\$ 44,254.00
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.			
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Mayor Crump said the tree trimming was done on Barberry Ave. and Alpine Ave. because the trees were growing into the road.

Mayor Pro Tem Hartsell asked if the cost was reasonable.

Ms. Love replied, "Yes".

Mr. Paris said they were both items brought up by elected officials and were necessary. There was 1 barricade to block off a street if a tree was down or other kinds of circumstances when vehicle travel was unsafe. Another was needed so emergency workers could block off both ends of the street. The trees were growing into the road in the Old Midland area so staff gathered quotes and selected the lowest. This was needed and not in the budget so the money is being taken out of the Miscellaneous Line Item so those funds are not exhausted by the end of the fiscal year.

The same applies for the next Budget Amendment Ordinance. When the former planners left they took some furniture and the room dividers which was their property. The new furniture makes the room more orderly and professional.

- ii. Budget Amendment Ordinance #2018-223 Furniture for Planning/Engineering Office

**Motion** was made by Councilmember Wise and seconded by Councilmember Tallent to adopt Budget Amendment Ordinance #2018-223. **Motion carried 4-0.**

Town of Midland Ordinance #2018-223 FY 2017-2018				
BE IT ORDAINED by the Governing Board of the Town of Midland, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2018:				
Section 1. To amend the Midland Budget 2017-2018 to add the purchase of furniture in the planning/engineering office.				
	Current			Amended
Description	Budget	Increase	Decrease	Budget
Office Supplies	5,000.00	\$ 1,300.00		\$ 6,300.00
GF Fund Balance Appropriation	\$ 44,254.00	\$ 1,300.00		\$ 45,554.00
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.				

- iii. Town Audit Report

Ms. Love reported that the audit was clean.

- b. Manager Comments- *D. Paris*

- i. FY18-19 Town Goals

Mr. Paris said at the Annual Retreat, Council discussed the goals for FY 2019. These will be instrumental for preparing the FY 2019 budget.

**Motion** was made by Councilmember Tallent and seconded by Councilmember Wise to adopt the FY 2018-2019 Town Goals. **Motion carried 4-0.**

### **TOWN COUNCIL MISSION STATEMENT:**

The Town Council will continuously strive to provide the best leadership possible by making well informed decisions for the Town through listening, research, knowledge, sound financial analysis, and transparency to move the Town of Midland forward into the 21st Century.

### **FY18-19 TOWN COUNCIL GOALS:**

1. Improve the water and sewer infrastructure in the Town of Midland by completing the crossroads pump station storage expansion project and authorizing the HWY 24/27 sewer expansion assessment project.
2. Continue to recruit new industrial, commercial, and retail development to the Midland area so Midland citizens have local jobs, local amenities, and so that the Midland tax base grows to enable improved services while keeping a low tax-rate.
3. Continue to support RCCC classes and library services for Midland area citizens.
4. Continue to improve the town's communication strategies by implementing the new town brand, publishing an online Mayor's newsletter, and leveraging the town's social media presence.
5. Enhance the safety of Town Hall facilities by acquiring a Defibrillator machine and training the staff and board on how to properly use the machine.
6. Investigate the state of Bethel Athletic Association so the town can take any needed action to maintain a solvent and successful recreation association.

#### ii. CMAQ verbal update

Mr. Paris reported that the project is 20% local dollars and 80% federal administered by NCDOT.

The ad was published for engineering and some submissions were received last week. Consultant Richard Smith with Benchmark Planning will go through the state selection process and the selected engineering firm will need approval from NCDOT because they are funding the 80% of the project.

The timeline is as follows:

- Benchmark's work should be completed by the end of this month;
- The engineering design work will be submitted to NCDOT April- May;
- Expecting approval of the design in June. This will also come to Council for approval;
- Construction bid documents expected to be prepared in June;
- Select the contractor in July;
- Construction proceed order in late July;
- Construction of the project to begin August- September.

Mr. Paris explained this is for a crosswalk across Bethel School Rd. to the Rob Wallace Park where the housing developments of Bethel Glenn and Saddlebrook are. It will also extend the sidewalk and a trail from the roadway to the main parking area of the park.

#### iii. Other Comments

Mr. Paris said he and Mayor Crump met with County Commission Chairman Morris and his staff to look at the potential space to lease for the Midland library. County staff said that they would like for an architect to be involved in the plans for the space. Mr. Paris spoke with the building owner, Jack Presnell and he agreed to hire an architect. The

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

architect will then meet with the county. If that space doesn't work out Mr. Paris said he has located a second space as a backup. The space will ultimately be Council's decision.

Also, the Midland Scholarship Fund received its first donation last week of \$250.00 from Showmars Restaurant.

So far, 48 of the Town Pride t-shirts have been sold as of today. The XL size shirts are sold out so Mr. Paris will contact the vendor about ordering more.

Mayor Crump recognized the boy scouts attending tonight's meeting.

c. Mayor's Comments:

i. "I Love My City"- *Mayor Pro Tem Hartsell*

Mayor Pro Tem Hartsell reported that for the last 3 years he's headed up the project and assisted Mayor Kitts in the past. The plans this year are to go back to the town welcome signs to upgrade them with plants and pine needles. Some of the lights may need changing out as well. Mayor Crump will head up trash pick-up on Bethel School Rd. from end to end. Councilmembers and staff will also talk to the local churches to see if there is anything they would like to see done and contribute to. This project happens throughout Cabarrus County and it's also a nationwide event run by the Christian Ministries.

In 2015, statistic wise, in Cabarrus County the municipalities had 142 projects. There were 1,010 participants. In 2016 there were 210 projects with 2,000 participants and in 2017 there were 143 projects with 1,600 participants.

The actual dates for the project this year are April 27- 29. Midland will do its projects on Saturday the 28<sup>th</sup>.

Midland participants will meet at Town Hall at 8:00am and end time will be approximately 12:00pm.

Mayor Pro Tem Hartsell and a citizen spoke briefly about citizens not bagging trash and recycling because it tends to fly out of the garbage trucks.

Mayor Pro Tem Hartsell suggested sending out a CTY call urging people to bag their trash and recycling.

**11. Adjournment:**

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

**Council adjourned at 7:07pm.**

*Attest/Seal*

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Mayor John Crump

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Nancy E. Boyden, CMC, NCCMC Town Clerk