

Attendance: Mayor John Crump; Mayor Pro Tem Darren Hartsell; Councilmembers: Allen Burnette, Mike Tallent and Rich Wise; Town Manager, Doug Paris; Town Attorney, Anthony Fox; 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 Deputy Cody Rominger; Midland Firefighter, Jason Cook.
Also Present: None.
Absent: None.
Late: None.
Guests: Students of Bethel Elementary School, recipients of National Poetry Month; Margaret Houston of the Friends of the Midland Library.

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 announcements.
 - a. Town Hall will be closed Monday, May 28th in observance of Memorial Day
 - b. Proclamation #2018- 84 Municipal Clerks Week May 6 - 12, 2018

Motion was made by Mayor Pro Tem Hartsell and seconded by Councilmember Wise to adopt *Proclamation #2018-84. Motion carried 4-0.*

*Proclamation
Municipal Clerks Week
May 6 - 12, 2018*

Whereas, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and

Whereas, The Municipal Clerk serves as the information center on functions of local government and community, and

Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations, and

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

Now, Therefore, I, John Crump, Mayor of the Town of Midland, do recognize the week of May 6 through May 12, 2018, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Nancy E. Boyden and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 8th day of May, 2018.

4. Approval of Agenda:

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

5. Consent Agenda: Minutes: Regular Session 4-10-2018; 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. Recipients of National Poetry Month- Friends of the Midland Library- *Margaret Houston and Mayor Crump*

Ms. Houston said on behalf of the Friends of the Midland Library, she would like to thank all the students for their entries. Each of them did a fantastic, created job. She said she is so proud of each and every one of them.

She took a moment to thank the judges who said it was a tough decision. As retired teachers, they ought to know.

After the awards have been given they would like to get a group picture with Mayor Crump.

Each poem was judge by grades 1-5. When their names are called please see Mayor Crump to receive their awards.

Second Place winner for the 1st grade is Levi Houston, his poem is titled: "The Fat Cat".

First Place winner for the 1st grade is Levi Parker, his poem is titled: "Monster Trucks".

First Place winner for the 2nd grade is Miles Spellman, his poem is titled: "Little Puppy".

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Second Place winner for the 3rd grade is Kylie Fennessy, her poem is titled: "Pat the Cat".
First Place winner for the 3rd grade is Faith Mortimore, her poem is titled: "Friends".

Third Place winner for the 4th grade is Kate Easton, her poem is titled: "Live".
Second Place winner for the 4th grade is Anna Wright, her poem is titled: "Blue Birds".
First Place winner for the 4th grade is Shelby Krause, her poem is titled: "Colored Moon".

Second Place winner for the 5th grade is Blair Stirewalt, her poem is titled: "Kittens".
First Place winner for the 5th grade is Helene Ruiz Hernandez, her poem is titled: "Wave of Tears".

The students took a group picture with Mayor Crump.

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

8. **Public Safety:**

a. Police Report - Cabarrus County Sheriff for Midland

Officer Cody Rominger reported the following for the month of April, 2018:

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

- 437 Security checks;
- 4 Stranded motorists;
- 12 Suspicious vehicles;
- 34 Traffic stops;
- 2 Warrants served.

116 Dispatched calls for service- some of which were:

- 2 Assault calls;
- 3 Assist EMS;
- No B/E of residences;
- No B/E of vehicles;
- 7 Burglar alarms;
- 2 Discharge of firearms;
- 10 Disputes;
- 1 Domestic disturbance;
- 5 Larcenies;
- 7 Suspicious subjects;
- 5 Suspicious vehicles;
- 5 Traffic accidents plus 2 personal injuries.

b. Midland Volunteer Fire Department Report

Firefighter Jason Cook reported the following for the month of April, 2018:

- 4 Structure fires;
- 3 Residential fire alarms;
- 3 Commercial fire alarms;
- 3 Brush fires;
- 14 Local alarms;
- 3 Motor vehicle accidents;
- 42 Medical calls.

Total calls for service= 72

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

a. **Public Hearing 1-** Zoning Designation Larry Wallace: **Zoning Ordinance #05-2018 (A)(IZ)**

Ms. Watts' Staff Report:

Re: ZMA-2018-04 Zoning Map Amendment - Initial Zoning Classification – Larry Wallace Engines, LLC – 391 NC Hwy 24-27 West; Midland, NC 28107 (Cabarrus County PIN# 5524-88-2560)

BACKGROUND

On April 10, 2018 the Town Council adopted an ordinance to annex, by voluntary petition, the property shown on the attached map.

The subject property, located at 391 NC Hwy 24-27 West; Midland, NC 28107 (Cabarrus County PIN# 5524-88-2560) is approximately 4.72 acres and is currently zoned by Cabarrus County. The current County zoning classification is “General Commercial” (GC). The proposed zoning district is the Town of Midland “Industrial” (IND) designation.

North Carolina General Statutes require that municipalities annexing territory into the corporate limits must apply its own zoning classification to the territory being annexed within sixty days of the effective date of the annexation.

FINDINGS AND CONCLUSIONS

The property lies within the area designated on the adopted Town Plan 2030 Future Land Use Map for Industrial uses and is 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 Land Use Map appearing therein which covers areas outside the city limits of the Town of Midland, but lying within the area known as the Midland Service Area, as required by NCGS § 160A-383. This amendment is reasonable because the subject property is adjacent to other commercial and industrial uses and has significant frontage on a major thoroughfare where commercial and industrial uses are appropriate and where future utility infrastructure is expected. This amendment allows the subject property to be used in accordance with the standards of the Industrial (IND) 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 April 24, 2018 meeting and voted unanimously to recommend the “Industrial” (IND) zoning designation.

Notice of this meeting and this agenda item has 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 (May 8, 2018), and
2. Adoption of an Ordinance #05-2018 (A)(IZ) including both Reasonableness and Consistency Statements designating the Town zoning classification.

The Council may vote to approve, deny, 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.

Mayor Crump opened the public hearing at 6:16pm. There were no comments or questions from the public so he closed at the same time.

Motion was made by Councilmember Wise and seconded by Councilmember Burnette to adopt Zoning Ordinance #05-2018 (A) (IZ) to designate the subject property as Industrial (IND) to be consistent with 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 appearing therein which covers areas outside the city limits of the Town of Midland, but lying within the area known as the Midland Service Area, as required by NCGS § 160A-383. This amendment is reasonable because the subject property is adjacent to other commercial and industrial uses and has significant frontage on a major thoroughfare where commercial and industrial uses are appropriate and where future utility infrastructure is expected. This amendment allows the subject property to be used in accordance with the standards of the Industrial (IND) 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 #05-2018 (A)(IZ)

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 Larry & Marguerite Wallace; changing the zoning designation of Cabarrus County “General Commercial” (GC) to Town of Midland “Industrial” (IND) is consistent with 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 appearing therein which covers areas inside the town limits of Midland and outside the town limits within the area known as the Midland Service Area, as required by NCGS § 160A-383. This amendment is reasonable because the subject property is adjacent to other commercial and industrial uses and has significant frontage on a major thoroughfare where commercial and industrial uses are appropriate and where future utility infrastructure is expected. This amendment allows the subject property to be used in accordance with the standards of the Industrial (IND) 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.”

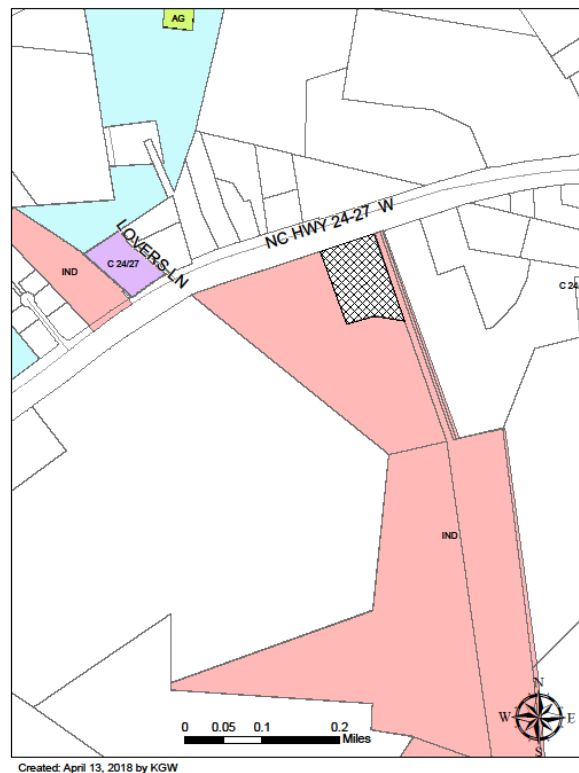
Part 2. Designation of Initial Zoning Designation.

Cabarrus County Property Identification Number 5524-88-2560 shall be designated “Industrial” (IND) on the Official Zoning Map as shown on Attachment “A”.

Part 3. Effective Date.

This Ordinance shall be effective immediately upon its adoption.

**Larry Wallace Engines, LLC - 4.72 Acres
(Property Shown as Hashed Area)
Cabarrus County "GC" to Town of Midland "IND"**



Adopted this the 8th day of May, 2018.

- b. **Public Hearing 2- Zoning Designation Darrell & Tamara Helms: Zoning Ordinance #05-2018 (B)(IZ)**

Ms. Watts' Staff Report:

Re: ZMA-2018-05 Zoning Map Amendment - Initial Zoning Classification - Darrell & Tamara Helms - 1777 Cal Bost Road; Midland, NC 28107 (Cabarrus County PIN# 5536-92-1631)

BACKGROUND

On April 10, 2018 the Town Council adopted an ordinance to annex, by voluntary petition, the property shown on the attached map.

The subject property, located at 1777 Cal Bost Road; Midland, NC 28107 (Cabarrus County PIN# 5536-92-1631) is approximately 1.02 acres and is currently zoned by Cabarrus County. The current County zoning classification is "Countryside Residential" (CR). The proposed zoning district is the Town of Midland "Single Family Residential" (SFR) designation.

North Carolina General Statutes require that municipalities annexing territory into the corporate limits must apply its own zoning classification to the territory being annexed within sixty days of the effective date of the annexation.

FINDINGS AND CONCLUSIONS

The property lies within the area designated on the adopted Town Plan 2030 Future Land Use Map for residential uses and is 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 Land Use Map appearing therein which covers areas outside the city limits of the Town of Midland, but lying within the area known as the Midland Service Area, as required by NCGS § 160A-383. This amendment is reasonable because the subject property is developed as a single family residential use and is unlikely to redevelop as anything other than a single family residential use. This amendment allows the subject property to be used in accordance with the standards of the Single Family Residential (SFR) Zoning District in the future.

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 April 24, 2018 meeting and voted unanimously to recommend the “Single Family Residential” (SFR) zoning designation.

Notice of this meeting and this agenda item has 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 (May 8, 2018), and
2. Adoption of an Ordinance #05-2018 (B)(IZ) including both Reasonableness and Consistency Statements designating the Town zoning classification.

The Council may vote to approve, deny, 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.

Mayor Crump opened the Public Hearing at 6:20 pm. There were no comments so he closed at the same time.

Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt Zoning Ordinance #05-2018 (B) (IZ) designate the subject property as Single Family Residential (SFR) to be consistent with 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 appearing therein which covers areas outside the city limits of the Town of Midland, but lying within the area known as the Midland Service Area, as required by NCGS § 160A-383. This amendment is reasonable because the subject property is developed as a single family residential use and is unlikely to redevelop as anything other than a single family residential use. This amendment allows the subject property to be used in accordance with the standards of the Single Family Residential (SFR) Zoning District in the future.” **Motion carried 4-0.**

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

Ordinance Number #05-2018 (B)(IZ)

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 Darrell and Tamara Helms; changing the zoning designation of Cabarrus County “Countryside Residential” (CR) to Town of Midland “Single Family Residential” (SFR) is consistent with 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 appearing therein which covers areas inside the town limits of Midland and outside the town limits within the area known as the Midland Service Area, as required by NCGS § 160A-383. This amendment is reasonable because the subject property is developed as a single family residential use and is unlikely to redevelop as

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anything other than a single family residential use. This amendment allows the subject property to be used in accordance with the standards of the Single Family Residential (SFR) Zoning District in the future.

Part 2. Designation of Initial Zoning Designation.

Cabarrus County Property Identification Number 5536-92-1631 shall be designated "Single Family Residential" (SFR) 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 8th day of May, 2018.

**Darrell & Tamara Helms - 1.02 Acres
(Property Shown in Hashed Area)
To be rezoned from Cabarrus County "CR" to Town of Midland "SFR"**



Created: April 13, 2018 by KGW

- c. **Ordinance #2018-227** TM Alcohol Sales before Noon on Sundays

Ms. Watts' report:

BACKGROUND

On June 29, 2017, the North Carolina General Assembly enacted Senate Bill 155, entitled "An Act to Make Various Changes to the Alcohol Beverage Control Commission Laws". Section 4 of Ratified Senate Bill 155 authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10 am on Sundays. On June 30th, 2017 the Governor of the State of North Carolina signed into law Senate Bill 155 and it became effective on that date (Session Law 2017, Chapter 87. The Town of Midland currently restricts the sale of alcohol to after 12:00 pm on Sunday's. By adopting the attached Ordinance, the hospitality community and retail merchants in our community will be able to meet the needs of their customers by being allowed to service alcohol by 10:00 am.

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Staff recommends approval of Ordinance #2018-227 TM.

Motion was made by Councilmember Wise and seconded by Councilmember Tallent to recuse Councilmember Burnette from the vote because he owns the property where an establishment serves alcoholic beverages. **Motion carried 4-0.**

Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to Adopt Ordinance #2018-227 TM. **Motion carried 3-0.**

Mr. Paris said that the Town will send out notices to local merchants of the change.

AN ORDINANCE TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES BEFORE NOON ON SUNDAYS AT LICENSED PREMISES

#2018-227TM

WHEREAS, On June 29, 2017, the North Carolina General Assembly enacted Senate Bill 155, entitled “An Act to Make Various Changes to the Alcohol Beverage Control Commission Laws”; **and**

WHEREAS, Section 4 of Ratified Senate Bill 155 authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10 am on Sundays; **and**

WHEREAS, On June 30th, 2017 the Governor of the State of North Carolina signed into law Senate Bill 155 and it became effective on that date (Session Law 2017, Chapter 87; **and**

WHEREAS, Sunday morning alcohol service will allow the hospitality community and retail merchants in our community to meet the needs of their customers.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Midland that: Pursuant to the authority granted by S.L. 2017-87, any establishment located in the corporate limits of the Town of Midland and holding an ABC permit issued pursuant to G.S. 18B-1001 is permitted to sell beverages allowed by its permit beginning at 10 am on Sundays.

This ordinance is effective immediately upon adoption.

Adopted May 8, 2018.

d. Planning Projects- ***Verbal Update***

Ms. Watts reported the following:

- Wyndham Forest: Issuing permits- going well;
- Fox Creek: Issuing permits and they are finishing doing road work and presently building homes;
- CF Steel: Currently has a stop work order on it by the Fire Marshal because they haven't extended their water line across Old Camden Rd. They need to bore under it and put a fire hydrant half way up the driveway;
- Brian Turner's Champion Landscape: Almost finished and hopes to be moved in by Memorial Day;
- Allen Mini Storage: Is moving along;
- TRC meeting was held today for the Bethel Park subdivision. The applicant will be revising the site plan and returning that back to staff;
- No news from Dollar General since staff last met with the applicant. However they are still working through their site design issues;
- Old Bethel School, LLC: Staff received a written plan. Staff had some amendments and additions to that maintenance plan which was sent back to them. Staff is still waiting to hear back.

Discussion on Old Bethel School, LLC

Councilmember Wise: What the timeline is on receiving their response?

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Ms. Watts: They had 30 days from the initial notice of compliance (April 27th) which they did. Last week is when staff sent back the response to the written plan.

Mr. Paris: The agreement says staff has the authority to approve the maintenance plan and that was the position we took in the letter. We wanted to augment what they were suggesting to reduce the chance that vandalism occurs.

Councilmember Wise: So do they have 30 more days to respond to that letter?

Attorney Fox: We will follow up with them on that.

Councilmember Wise: Let's make sure we get the response back at least by the next Town Council meeting.

Mayor Pro Tem Hartsell: One of my biggest concerns is mowing the property. The grass is already knee high so if they get another 20-30 days, it will get higher.

Ms. Watts: I will follow up with them on the grass. There have been other violations that have popped up and they have addressed those throughout the process so I'm optimistic that they will comply.

Mayor Pro Tem Hartsell: I suggest that you call them and tell them to mow the grounds or they will be in violation with that. We have the agreement that they have to maintain it and we've dealt with this for 2 years.

10. **Engineering: Richard McMillan**

a. Muddy Creek Treatment Plant- ***Update***

Mr. McMillan said the following:

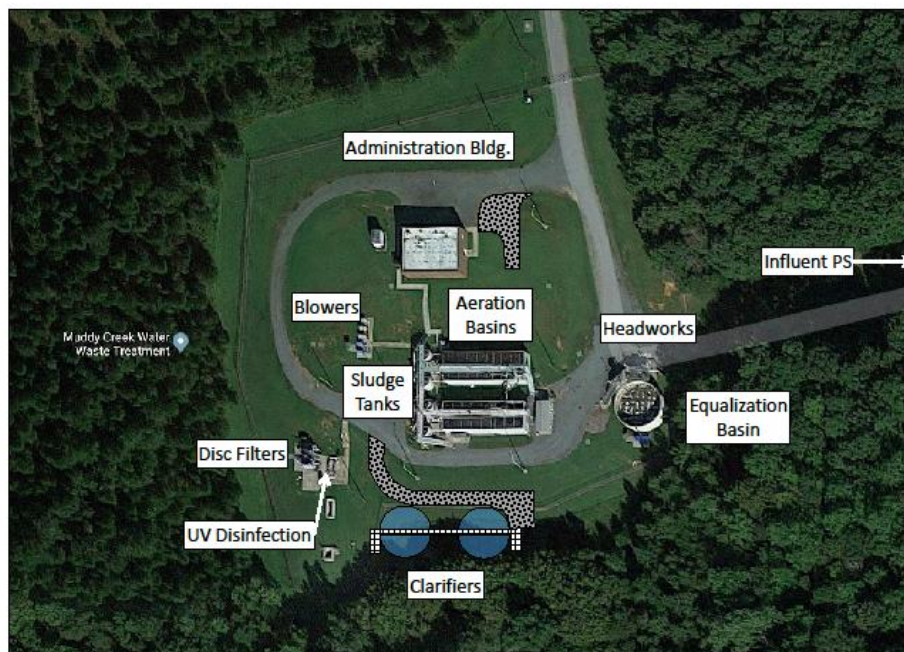
- Even though Midland isn't building this project, it dramatically affects Midland's future;
- WSACC is expanding the plant; grading and currently in construction;
- The project bid was \$4,633,000;
- Contractor: State Utility Contractors - Monroe, NC;
- Completion Date: 4/20/2019;
- Permitted Flow: 300,000 gpd (currently at 150,000 gpd) (monthly average daily flow - once completed);

Work being performed:

- One New Bar Screen;
- One New Disc Filter;
- New Emergency Generator;
- Aeration Basins;
- Aerated Solids Holding Tanks;
- Two New Clarifiers;
- Chemical Feed Facility;
- Expanded Pump Station Capacity;
- UV Disinfection;
- Other Misc. Improvements.

Mr. McMillan showed photos of the work being done.

WSACC's Muddy Creek Wastewater Treatment Plant



Council Discussion:

Councilmember Burnette: Will the plant still be a remote operational plant even though they are doubling the size?

Mr. McMillan: It probably will because of the technology being added.

Councilmember Wise: The next step will be a million gpd and they have filed the paperwork to submit the plans for it.

Councilmember Burnette: What is the current average usage per day?

Councilmember Wise: It is somewhere around 80,000 gpd but not quite at the 150,000 gpd.

Mr. McMillan: The state has what is called the 80-90 rule. This is when the average monthly flow reaches 80% of capacity the plant has to be under design. At 90% the plants has to be under construction and if not it will be shut down. Midland is well ahead of that but they see they need to be a little further ahead.

b. Fox Creek subdivision- *Update*

Mr. McMillan said the following:

- Talked last month about the full depth reclamation because of road issues;
- Showed photos of the grinding of the base stone and poured cement on top;
- They wet it down and compacted it;
- Waiting on samples of some of the tests done;
- Proof roll looks good and they did get down a good inch and a half;
- Overall the roads seem to be in good shape;
- Once build out is done they will need to do some curb/gutter work.

11. Staff Reports:

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

Ms. Love ran down the cash accounts for April, 2018:

					Apr 30, 18
				Checking/Savings	
				1000 · CASH ON HAND	145.67
				1004 · GENERAL FUND	1,313,382.94
				1040 · UTILITY CAPITAL RESERVE FUNDS	2,197,101.62
				1050 · POWELL BILL FUNDS	241,778.02
				Total Checking/Savings	3,752,408.25

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

- i. UNC SOG Ethics Training Webinar will be on May 23 at 10am-Noon at Town Hall. Mandatory Training per State Law

Mr. Paris said Clerk Boyden set up a webinar at Town Hall on May 23rd at 10am.

- ii. Sewer Workshop Date

Mr. Paris said discussion was had at Council’s Retreat about expanding the pump station by putting in sewer on NC Hwy. 24/27 East and West. He’s said he’s looking at 2 workshops.

Council decided to hold the first workshop on May 29th at 5pm. Mr. Paris will send an email with Agenda.

- iii. Presentation of FY 2018-2019 Budget

Mr. Paris said a copy of the FY 2018-2019 budget is at the Councilmembers’ seats. Clerk Boyden will display it at the front counter for public inspection. A copy is also on the town website.

Mr. Paris said he will be available by phone or appointment to Councilmembers and citizens between now and the public hearing on June 12th.

Motion was made by Councilmember Tallent and seconded by Councilmember Wise to set the FY 2018-2019 Budget Public Hearing for June 12th at 6:00pm at 4293-B Hwy. 24/27, Midland NC 28107. **Motion carried 4-0.**

- iv. Other Comments

Attorney Fox said that at the hearing in April, Judge Hunt ruled in the town’s favor in regards to several motions. The motions were designed to call down the lawsuit where the town is initiating action against Bethel Glen’s Developer Mr. Harrell to seek the civil penalties recovery as well as seek injunctive relief. In answering that action, Harrell included not only the answers to the allegations the town made but also included a series of counter claims. This was an attempt to rehash the underlying hearing that was held before the Midland BOA, the Cabarrus County Superior Court, and before the NC Appeals Court.

Mr. Fox said he was able to convince the judge that those actions were claims that have already been made and were resolved. The court had already ruled in the town’s favor of those claims and therefore dismissed from the lawsuit. The issues that remain are to act on collecting the civil penalties.

The developer has to improve the streets in that community.

Additionally Judge Hunt issued a protective order against Harrell's lawyer, Mr. Scarborough because he attempted to file an action that relate to those counter claims- issues that had already been resolved. The court agreed that those are not appropriate issues so this lessens the burden on Town Manager Paris.

As a result, hopefully in July there will be a final determination to a summary judgement the town will file and the hearing will be in August.

c. Mayor's Comments:

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

Mayor Pro Tem Hartsell applauded the group that came out to help with the sign work and roadside trash pickup. It's been one of the biggest events as far as participation. About 18 people participated and it was successful.

Mayor Crump added that about 12 people helped on the garbage crew.

12. Adjournment:

Motion was made by Mayor Pro Tem Hartsell and seconded by Councilmember Tallent to adjourn the meeting.

Motion carried 4-0.

Council adjourned at 6:55 pm.

Attest/Seal

Mayor John Crump

Town Clerk Nancy E. Boyden, CMC, NCCMC