

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 Captain Marc Nesbit; Midland Firefighter, Leanne Gray.  
Also Present: Cabarrus County Commissioner Lynn Shue.  
Absent: None.  
Late: None.  
Guests: None.

*\*SR denotes staff memo/report included*

1. Invocation: Mayor Crump pronounced the *Invocation*.
2. Open Meeting: Mayor Crump opened the meeting at 6:01pm and called the room to order.
  - a. The room stood for the Pledge of *Allegiance*.
3. Announcements: No announcements forthcoming.
4. Approval of Agenda:

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

5. Consent Agenda: Minutes: Special Session 5-3-2018; Regular Session 5-8-2018; Special Session 5-29-2018; 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. Public Comment: No comments forthcoming.
7. Public Hearing: Midland FY 2018-2019 Town Budget *Ordinance #2019-229FI*
  - a. Open Public Hearing

Mayor Crump opened the public hearing at 6:04 pm.

There were no questions or comments from the public so he closed at 6:04 pm.

**Motion** was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt Town Budget Ordinance #2019-229FI. **Motion carried 4-0.**

## **FY 2018-2019 Budget Ordinance #2019-229FI**

**BE IT ORDAINED** by the Governing Board of the Town of Midland, North Carolina:

### **Section 1**

The following amounts are hereby appropriated in the General Fund for the operation of the Town Government and its activities for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

General Government	\$	521,491
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Public Safety	502,554
Sanitation	249,106
Planning and Public Works	177,275
Utility Capital Fund	92,575
Parks and Recreation	3,000
Debt Service	52,961
Streets	<u>83,973</u>
	<u>\$ 1,682,935</u>

**Section 2**

It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2018 and ending June 30, 2019:

Real Property Taxes	\$ 720,558
Vehicle Property Taxes	81,529
Sales Taxes	252,769
Franchise Taxes	165,000
Beer & Wine Tax	15,685
Solid Waste Disposal Tax	2,668
Permit/Zoning and Subdivision Review	10,000
Refunds/Other	750
Gas Pipeline Revenue	266,850
Business Registration	1,400
Investment Income	6,000
Capital Recovery Fee Revenue	61,353
Capacity Fee Loan Revenue	900
Fund Balance Appropriation	13,500
Powell Bill	<u>83,973</u>

\$ 1,682,935

### **Section 3**

There is hereby levied a tax at the rate of twenty cents (\$0.20) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2018, for the purpose of raising the revenue listed "Property Taxes" in the General Fund in Section 2 of the ordinance.

This rate is based on a total valuation of property for the purposes of taxation of \$411,327,121 and an estimated collection rate of approximately 97.5% for Real Property Tax and 97.5% for Vehicle Property Tax.

### **Section 4**

The Town Manager is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. He/she may transfer amounts between line item expenditures within a department without limitation and without a report being required. These changes should not result in increases in recurring obligations such as salaries.
- b. He/she may not transfer any amounts between funds, except as approved by the Governing Board in the Budget Ordinance as amended.

### **Section 5**

Copies of this Budget Ordinance shall be furnished to the Clerk to the Governing Board and the Town Manager and Finance Director to be kept on file by them for their direction in the disbursement of funds.

## **Adopted this the 12<sup>th</sup> day of June 2018**

### **8. Public Safety:**

- a. Police Report - Cabarrus County Sheriff for Midland

Captain Marc Nesbit reported the following for the month of June, 2018:

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

- 437 Security checks;
- 12 Suspicious vehicles;
- 58 Traffic stops.

137 Dispatched calls for service- some of which were:

- 2 B/E of residences;
- 3 Larcenies;
- 3 Property damages;
- 8 Suspicious subjects;
- 9 Suspicious vehicles;
- 8 Vehicle accidents with personal injury;
- 2 Traffic stops.

- b. Midland Volunteer Fire Department Report

Firefighter Gray reported the following for the month of May, 2018:

- 2 Structure fires;
- 3 Residential fire alarms;
- 4 Commercial fire alarms;
- 2 Brush fires;
- 9 Local alarms;
- 13 Motor vehicle accidents;
- 38 Medical calls.

**Total calls for service = 71**

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

a. Voluntary Annexation William and Sheila Smith 12336 Old Camden Rd. Non- Contiguous

i. Staff Report

Ms. Watts' staff report:

Re: Voluntary Annexation of non-contiguous property of William and Sheila Smith

**BACKGROUND**

On May 7, 2018 the owner of property located at 12336 Old Camden Road; Midland, NC 28107 (Cabarrus County PIN# 5524-98-3165) submitted a petition for voluntary non-contiguous annexation into the town limits of the Town of Midland. The property consists of approximately 23.51 +/- 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 June 12, 2018 meeting include (in order of due process):

- a. Petition for voluntary non-contiguous annexation (Attachment "A")
- b. Direct (#2018-198A) for the Town Clerk to investigate the sufficiency of the petition.
- c. Upon receipt of petition certification by Town Clerk, call (#2018-199A) for public hearing at next regular meeting.

The actions that may be taken at the July 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 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 "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.

**Council discussed whether the Smith annexation was indeed non-contiguous. They asked Ms. Watts to recheck the proximity to the main corporate limits and bring back a new petition and certification for July 10<sup>th</sup>'s Regular Council meeting.**

**Motion** was made by Mayor Pro Tem Hartsell and seconded by Councilmember Tallent to table the Smith voluntary annexation request to July 10<sup>th</sup>'s Regular Town Council Meeting. **Motion carried 4-0.**

b. Voluntary Annexation Miles and Carol Little 12400 Pine Bluff Rd. Contiguous

i. Staff Report

Ms. Watts' report:

Re: Voluntary Annexation of contiguous property of Miles Little

**BACKGROUND**

On May 7, 2018 the owner of property located at 12400 Pine Bluff Road; Midland, NC 28107 including Cabarrus County PIN 5564-09-8861 totaling 29.87 acres; submitted a petition for voluntary contiguous annexation into the town limits of the Town of Midland.

**FINDINGS AND CONCLUSIONS**

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

**FISCAL IMPACT**

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

**RECOMMENDATION FOR ACTION**

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

The actions that may be taken at the June 12, 2018 meeting include (in order of due process):

- a. Petition for voluntary contiguous annexation (attached).
- b. Direct (#2018-200A) for the Town Clerk to investigate the sufficiency of the petition.
- c. Upon receipt of petition certification by Town Clerk, call (#2018-201A) for public hearing at next regular meeting.

The actions that may be taken at the July 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 property.
- e. Consideration (adoption or rejection) of an ordinance extending the corporate limits to include the subject property.

Following the annexation of the property staff will be preparing the documents to establish initial Town of Midland zoning on the property. The property lies within the area designated on the Town Plan 2030 Future Land Use Map adopted October 8, 2013 for “Agricultural” uses. The owner is requesting the area be recommended for the “NC 24/27 Commercial” (C 24/27) zoning classification.

ii. Resolution #2018-200A Directing the Clerk to Investigate Petition

**Motion** was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt Resolution #2018-200A. **Motion carried 4-0.**

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

*Resolution #2018-200(A)*

WHEREAS, a petition requesting annexation of an area described in said petition was received on the 17th day of May, 2018 by the Town of Midland; and

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

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

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

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

***Adopted this the 12th day of June, 2018.***

- iii. Presentation of Petition
- iv. Resolution #2018-201A Fixing the Date of the Public Hearing

**Motion** was made by Councilmember Wise and seconded by Councilmember Tallent to adopt Resolution #2018-201A fixing the date of the public hearing for July 10<sup>th</sup>, 2018 at 6:00pm at Midland Town Hall, 4293-B Hwy. 24/27 Midland, 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 Contiguous Annexations**

*Resolution #2018-201(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 12<sup>th</sup> day of June, 2018.

Section 2. The property is located at 12400 Pine Bluff Road; Midland, NC 28107 including Cabarrus County PIN 5564-09-8861 totaling 29.87 acres. The proposed for annexation is illustrated on the map accompanying the petition and is identified as Exhibit A.

Section 3. Notice of the public hearing shall be published in the Cabarrus Neighbors section of the Charlotte Observer.

**Adopted this the 12th day of June, 2018.**

c. Planning Projects- **Verbal Update**

- Wyndham Forest: Building going well;
- Fox Creek: Issued multiple permits today and there are approximately 50 homes already built. The developer is still working with the City of Concord on a water issue so no one is living there yet;
- CF Steel: On hold. They are going to get a contractor to bore under the road to extend water up the driveway;
- Turner Landscaping: The building looks nice but not sure when Mr. Turner will officially open;
- Allen Mini Storage: No activity since the preconstruction meeting a few weeks ago concerning the construction of the road;
- Bethel Park: Had the TRC meeting and sent back comments on the plan. Still waiting to hear back;
- Dollar General: No news;
- Bethel School: Received revised maintenance plan but it is unacceptable;
- Clutter Busters: Received plans for their last 3 buildings. The plans will go through the TRC review.

10. **Staff Reports:**

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

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

				May 31, 2018
		<b>Checking/Savings</b>		
		1000 · CASH ON HAND		130.76
		1004 · GENERAL FUND		1,265,715.35
		1040 · UTILITY CAPITAL RESERVE FUNDS		2,197,159.70
		1050 · POWELL BILL FUNDS		241,817.18
		<b>Total Checking/Savings</b>		<b>3,704,822.99</b>

i. Budget Amendment **Ordinance #2018-228** legal fees

**Motion** was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt Budget Amendment Ordinance #2018-228. **Motion carried 4-0.**

Town of Midland Ordinance #2018-228 FY 2017-2018					
Section 1. To amend the Midland Budget 2017-2018 for legal expenses using revenue that we have earned in excess of our original budget					
	Current			Amended	

Description	Budget	Increase	Decrease	Budget	
Legal Fees	\$ 75,000.00	\$ 75,000.00		\$ 150,000.00	
Real Property Tax Revenue	\$ 693,808.00	\$ 30,622.00		\$ 724,430.00	
Refunds/Other Income	\$ 750.00	\$ 28,133.00		\$ 28,883.00	
Permits; Zoning Fees; Maps	\$ 10,000.00	\$ 13,547.00		\$ 23,547.00	
Investment Income	\$ 5,000.00	\$ 2,698.00		\$ 7,698.00	
Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board and to the Finance Officer for their direction.					

b. Manager Comments- *D. Paris*

i. New Business' Ribbon Cuttings

Mr. Paris:

**Background:**

Two elected officials mentioned they would like the Cabarrus Chamber to do ribbon cuttings for new businesses in Midland. I contacted the Chamber about this and was told this is a service provided only if the new business is a Chamber member. In my experience, the majority of our new businesses are not Chamber members for various reasons so this service is not available to them.

I shared with the two elected officials that the town could provide this service. I could buy a large spool of ceremonial ribbon and some ceremonial scissors. Hilda can schedule ribbon cuttings for new businesses (if they want one) when they come in to get their business registration form. I can notify the Town Council of when they will be in case you want to attend. I can coordinate the ribbon cutting on-site; prepare a small press release about the new business to go to the newspaper, along with a photo of the ribbon cutting as well. The release and photo can also be posted to our social media accounts.

**Budget:**

Adequate funds exist in the FY18-19 Budget to cover the minimal cost of these purchases. No new staff members are needed to run this program.

**Council Action:**

I am looking for Council direction on this if you would like staff to take on this role. If so it would begin with the new fiscal year.

Mayor Crump said this is good for the businesses that are investing in the Midland community. He also said it would be good to advertise on social media beforehand so the public can attend.

Councilmember Wise said this is good outreach for Midland.

Councilmember Tallent said this will be a good way for all of us to know what is going on.

**Motion** was made by Councilmember Wise and seconded by Councilmember Tallent to instruct staff to begin the new business ribbon cuttings program. **Motion carried 4-0.**

ii. Other Comments



Councilmember Wise reported that there is a traffic problem at the US Hwy. 601 and Bethel School Rd. intersection. He's received several comments from drivers trying to get onto the highway. He's asked Engineer McMillan to contact NCDOT about the problem. He suggested using the radar trailer to measure the traffic count.

c. Mayor's Comments:

i. 4<sup>th</sup> of July Parade - *Mayor Pro Tem Hartsell*

Mayor Pro Tem Hartsell said he and Mayor Crump will participate in the Harrisburg 4<sup>th</sup> of July parade. He invited the rest of the Council to join if they wanted to.

Councilmember Burnette said he's willing to put a fire truck in the parade as well.

Mayor Pro Tem Hartsell said he will ride in the Midland police vehicle along with Officer Rominger.

Mr. Paris reported that Mr. Presnell has started on the new library space. He's also agreed to replace the carpet in the Council Chambers, break room and planning office. The town hall will be repainted and new tile will be put in the bathroom. This will be done during the month of July.

11. Executive Session:

- a. [N.C.G.S. 143-318.11(a)(3)] Consult with the Attorney to protect the attorney-client privilege.

**Motion** was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to enter Executive Session [N.C.G.S. 143-318.11(a)(3)] To Consult with the Attorney to protect the attorney-client privilege, inviting Town Manager Paris, Town Clerk Boyden and Attorney Fox. **Motion carried 4-0.**

**Council entered at 6:40pm.**

**Motion** was made by Councilmember Wise and seconded by Councilmember Tallent to re-enter Regular Session. **Motion carried 4-0.**

**Council re-entered at 7:21pm.**

**Motion** was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to have Manager Paris authorize the Old Bethel School Management Agreement with Attorney Fox along with the terms that Council has directed. **Motion carried 4-0.**

12. Adjournment:

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

**Council adjourned at 7:23 pm.**

*Attest/Seal*

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Mayor John Crump

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Town Clerk Nancy E. Boyden, *CMC, NCCMC*