

Attendance: Mayor John Crump; Mayor Pro Tem Darren Hartsell; Councilmembers: Allen Burnette, Mike Tallent and Rich Wise; Town Manager, Doug Paris; 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 Daniel Lambert; Midland Deputy Fire Chief Jason Cook.  
Also Present: Cabarrus County Commissioner Lynn Shue.  
Absent: None.  
Late: None.  
Guests: Senior VP Cabarrus Visitor's Bureau- Michael Bonoffski

All items are for discussion and possible action unless otherwise specified.

*\*SR denotes staff memo/report included*

1. **Invocation:** Mayor Pro Tem Hartsell pronounced the *Invocation*.
2. **Open Meeting:** Mayor Crump opened the meeting at 6:02pm and called the room to order.
  - a. The Room stood for the *Pledge of Allegiance*.
3. **Announcements:**
  - a. The Friends of the Midland Library will be hosting a, "Meet the Candidates" forum at the Bethel Elementary School cafeteria, located at 2425 Midland Rd. on September 22<sup>nd</sup> from 6-7:30pm. Meet the candidates in an informal, personal setting.
  - b. ***Proclamation #2019-61*** 9/11 National Day of Remembrance

Mayor Crump proclaimed the 9/11 National Day of Remembrance:

**National Day of Service Remembrance**

***Proclamation #2019-61***

WHEREAS, On September 11, 2001, terrorists attacked the United States leading to the tragic death of thousands of innocent United States citizens and other citizens of 90 different countries and territories; and

WHEREAS, In response to the attacks in New York City, Washington D.C. and Shanksville, Pennsylvania, firefighters, police officers, emergency medical technicians, physicians, nurses, military personnel, and other first responders immediately and without concern for their own well-being rose to service, in a heroic attempt to protect the lives of those still at risk, consequently saving thousands of men and women; and

WHEREAS, Hundreds of thousands of brave men and women continue to serve every day, having answered the call to duty as members of our nation's armed forces with thousands having given their lives, or been injured to defend our nation's security and prevent future terrorist attacks; and

WHEREAS, North Carolina has been called the most military friendly state in the nation, and its citizens continue to support our brave men and women in uniform and the veterans that came before them; and

WHEREAS, Families of 9/11 victims, survivors, first responders, rescue and recovery workers, and volunteers called for Congress to pass legislation to formally authorize the establishment of September 11 as an annually recognized “National Day of Service Remembrance”, and for the President of the United States to proclaim the day as such.

NOW, THEREFORE, I, Mayor John Crump and the Town Council do hereby proclaim September 11, 2018 as a “Day of Service and Remembrance” and urge all citizens to commit to community service on this day and an ongoing basis.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Midland to be affixed on this 11<sup>th</sup> day of September 2018.

**4. Approval of Agenda:**

**Motion** was made by Mayor Pro Tem Hartsell and seconded by Councilmember Burnette to approve the Agenda with the addition of 9e to Planning Projects. **Motion carried 4-0.**

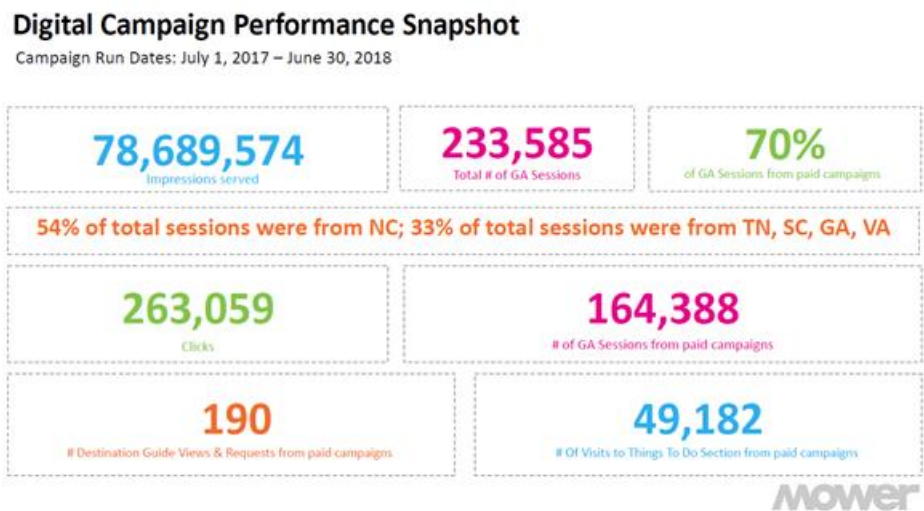
**5. Consent Agenda:** Minutes: Regular Session 8-14-2018

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

**6. Presentation:**

- a. Senior VP Cabarrus Visitor’s Bureau- *Michael Bonoffski*

Mr. Bonoffski shared the following information with Council:



PRIMARY TARGET:

- Adults 25-49
- Families with children
- Interest/affinity for racing/motorsports
- Interest in leisure travel

SECONDARY TARGET:

- Adults 25-34
- Interest/affinity for racing/motorsports
- Interest in leisure travel



**I'm a  
FAN.**





Destiny Awards: Printed Collateral Materials & People's Choice

The U.S. Travel Association's Educational Seminar for Tourism Organizations (ESTO) is the only national forum where destination marketing professionals at the state, regional and local level get critical tools, tips and information to help them better market and grow their destinations.

About the U.S. Travel Association

The U.S. Travel Association is the national, non-profit organization representing all components of the travel industry that generates \$2.4 trillion in economic output and supports 15.6 million jobs. U.S. Travel's mission is to increase travel to and within the United States. Visit [www.ustravel.org](http://www.ustravel.org)

b. Midland Fire and Rescue Inc. GSA Purchase request – *Jason Cook*

Deputy Fire Chief Cook reviewed the following:

- Here tonight to ask Council for assistance in purchasing rescue struts for the fire department;
- This is purchasing through the GSA (General Service Administration);
- Currently carry vehicle stabilization equipment at 4,000 lbs. which keeps a vehicle from turning over on a rescue worker;
- The strut that the department is asking Council for is to assist purchasing, is 80,000 lbs. With the significant amount of tractor trailers on Midland highways, there is a need for this heavy duty strut;
- The strut would have the capability to lift up to 10 tons;
- This is not to replace the current struts because they are capable of supporting passenger vehicles;
- If the fire department was to buy the equipment itself the cost would be \$14,879.00. If the town assists, it would cost \$11,149.00 which is a significant savings. That savings would also give the department the opportunity to buy other much needed equipment.

**Discussion:**

Mayor Pro Tem Hartsell: Could the struts help if there was a structure collapse?

Deputy Fire Chief Cook: Yes. They can be put in trenches, storm panels and pick up fallen trees. If the town agrees to purchase this, the department will reimburse the town the \$11,149.00.

**Motion** was made by Mayor Pro Tem Hartsell and seconded by Councilmember Wise to recuse Councilmember Burnette from the vote due to his affiliation with the fire department. **Motion carried 4-0.**

**Motion** was made by Councilmember Wise and seconded by Councilmember Tallent to instruct staff to prepare a budget amendment and proceed with purchase. **Motion carried 3-0.**

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

8. **Public Safety:**

a. Police Report - Cabarrus County Sheriff for Midland

Officer Lambert gave the following report for the month of August, 2018:

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

- 1 property damage;
- 481 security checks;
- 5 suspicious subjects;
- 11 suspicious vehicles;
- 76 traffic stops.

133 Dispatched calls for service- some of which were:

- 1 B/E in progress;
- 3 B/E of other;
- 2 B/E of motor vehicles;
- 12 disputes;
- 11 larcenies;
- 1 property damage;
- 5 suspicious subjects;
- 3 suspicious vehicles;
- 3 traffic accidents with property damage only;
- 2 traffic accidents with personal injury.

Additionally, officers tracked down a suspect of stealing vehicle batteries from ASR Auto Sports. They had been robbed 4 times so they put a GPS tracker on 1 of the batteries. Officers found where the suspect lived and he was served a warrant. The department is processing those warrants and waiting to put that person under arrest.

Regarding the Old Bethel School, officers received a signal from the cameras and took 2 individuals into custody and charged them with trespassing and damage to personal property.

b. Midland Volunteer Fire Department Report

Deputy Fire Chief Cook reported the following for the month of August:

- 4 Structure fires;
- 9 Residential fire alarms;
- 5 Commercial fire alarms;
- 10 Local alarms;
- 6 Motor vehicle accidents;
- 26 Medical calls.

**Total calls for service: 60**

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

- a. Public Hearing 1: **Resolution #2019-205**- FLUM Amendment – petitioners Miles & Carol Little - 12400 Pine Bluff Road - LUP Amendment to modify the Future Land Use Map (FLUM) from “Agricultural” to “Commercial” totaling 29.579 acres

Ms. Watts:

BACKGROUND

Minutes Tuesday, September 11, 2018  
Regular Meeting of Town Council  
6:00pm, 4293-B Hwy. 24/27 E. Midland, NC 28107

On August 20, 2018 the Town received a request to change the adopted Future Land Use Map affecting the property shown on the attached map. The adopted Future Land Use Map designates the area for “Agriculture” and the current designation is Cabarrus County “Agricultural/Open Space” (A/O) North Carolina General Statutes require that municipalities adopt zoning designations consistent with an adopted land use plan.

On August 28, 2018 the Midland Planning & Zoning Commission reviewed the request and voted unanimously (7-0) to recommend approval of the proposed amendment to the Future Land Use Map.

#### FINDINGS AND CONCLUSIONS

The property lies within the area designated on the adopted Town Plan 2030 Future Land Use Map for agricultural uses in the Town Plan 2030 Land Use & Comprehensive Master Plan, Revision 2 adopted October 8, 2013 and amended March 8, 2016, October 11, 2016, April 11, 2017, and July 10, 2018 as shown on the adopted Future Land Use Map (FLUM). The property was recently annexed into the Town of Midland on August 14, 2018. Prior to rezoning the property to a Town of Midland zoning designation, the property owner is requesting an amendment to the Town Plan 2030 Future Land Use Map to change the future designation from “Agriculture” to “Commercial”. The property lies along a major thoroughfare at the “gateway” area into to the Town of Midland from the Town of Locust where commercial uses are appropriate and future utility infrastructure is expected.

#### POLICY IMPLICATIONS

The Town of Midland Development Ordinance and the North Carolina General Statutes require the P&Z Commission to make a recommendation on both land use map and zoning map amendments to Town Council. Therefore, following a decision by Town Council to consider this revision to the Future Land Use Map, the applicant will then bring forth a proposed zoning map amendment to actually re-zone the property.

#### CONSIDERATIONS

The Council may vote to approve, deny, or modify the requested amendment to the Town Plan 2030 Land Use & Comprehensive Master Plan, Revision 2, Future Land Use Map, adopted October 8, 2013 and amended March 8, 2016, October 11, 2016, April 11, 2017, and July 10, 2018 of the Town of Midland from “Agriculture” to “Commercial”.

##### i. Open Public Hearing

Mayor Crump opened the public hearing at 6:29 pm. There were no comments so he closed at the 6:29pm.

**Motion** was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt **Resolution #2019-205**, to designate the subject property as NC Hwy 24/27 Commercial (C 24/27) on the Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2, Future Land Use Map, adopted October 8, 2013 and subsequently amended March 8, 2016, October 11, 2016, April 11, 2017 and July 10, 2018. **Motion carried 4-0.**

## **Resolution for Modification of the Town Plan 2030 Comprehensive Land Use & Master Plan Revision 2**

**Resolution #2019-205**

**WHEREAS**, the Town Council of Midland adopted its Town Plan 2030 on May 11<sup>th</sup>, 2010; **and**

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**WHEREAS**, the Town Council of Midland adopted Town Plan 2030 Revision 1 on August 9<sup>th</sup>, 2011 to include significant detail for the implementation of the plan; **and**

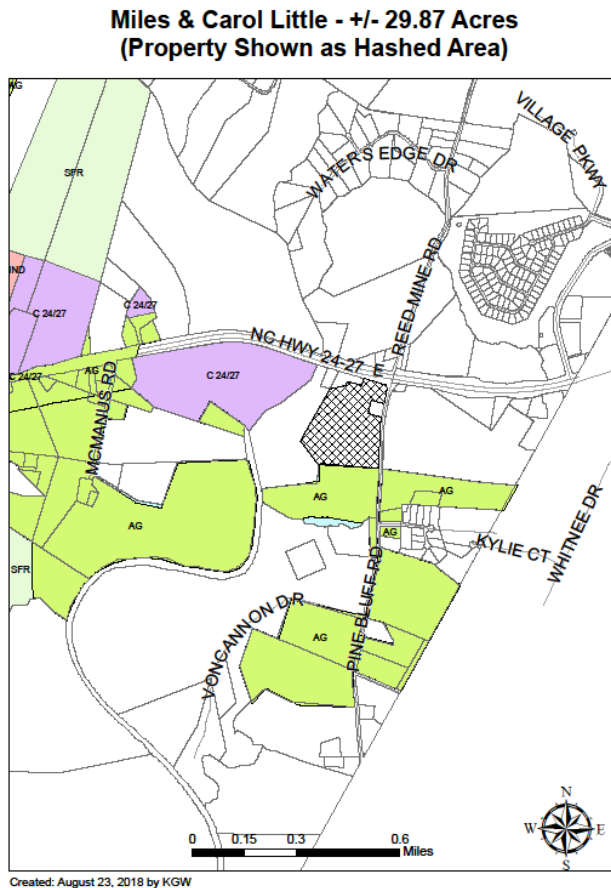
**WHEREAS**, the Town Council of Midland adopted Town Plan 2030 Revision 2 on October 8, 2013 to include significant detail for the implementation of the plan; **and**

**WHEREAS**, the Town Council of Midland adopted Town Plan 2030 Revisions on March 8, 2016, October 11, 2016, April 11, 2017 and July 10, 2018 to include significant detail for the implementation of the plan; **and**

**WHEREAS**, the Town Council continues to support the efforts of the Planning and Zoning Commission in its commitment to the future of Midland;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town of Midland, Town Council at its Regular Meeting on September 11, 2018 that revision of the Town Plan 2030 Future Land Use Map be made to increase the commercial area along NC Hwy 24/27 in the vicinity of Pine Bluff Road as shown on the attached map identified as Attachment "A":

**Adopted this the 11<sup>th</sup> day of September, 2018.**



- b. Public Hearing 2: **Ordinance ZMA-2018-06** – Zoning Map Amendment - petitioners William & Sheila Smith - 12336 Old Camden Road - currently zoned as Cabarrus County – Limited Industrial – Special Use (LI-SU) & the proposed zoning district is Town of Midland “Industrial” (IND)

Ms. Watts:

#### BACKGROUND

On August 14, 2018 the Town Council adopted an ordinance to annex, by voluntary petition, the property shown on the attached map.

The subject property, located at 12336 Old Camden Road; Midland, NC 28107 (Cabarrus County PIN# 5524-98-3165) is currently zoned by Cabarrus County. The current County zoning classification is “Light Industrial-Special Use” (LI-SU). 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.

On August 28, 2018 the Midland Planning & Zoning Commission reviewed the zoning petition and voted unanimously (7-0) to recommend approval of the proposed “Industrial” (IND) zoning designation.

#### FINDINGS AND CONCLUSIONS

The property lies within the area designated on the adopted Town Plan 2030 Future Land Use Map for Commercial uses and is inconsistent 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, April 11, 2017 and July 10, 2018 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. While the LUP calls for this property to be Commercial, the property is currently zoned Limited Industrial –Special Use by Cabarrus County and is developed with industrial uses. Therefore 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 to Town Council. Notice of this meeting and this agenda item have been publicized, letters have been sent to adjacent property owners within 500 ft. of the subject property, 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 (September 11, 2018), and
2. Adoption of an Ordinance (ZMA-2018-06) including both Reasonableness and Consistency Statements designating the Town zoning classification.



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The Council may vote to recommend approval, denial, or to modify the recommended classification in accordance with the adopted Town Plan 2030 Land Use & Comprehensive Master Plan, Revision 2 adopted October 8, 2013 and subsequently amended March 8, 2016, October 11, 2016, April 11, 2017, and July 10, 2018 by the Town of Midland Town Council.

i. Open Public Hearing

Mayor Crump opened the Public Hearing at 6:33 pm. There were no comments so he closed at 6:33pm.

**Motion** was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt Ordinance #ZMA-2018-06, to designate the subject property as Industrial (IND), inconsistent 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, April 11, 2017 and July 10, 2018 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. While inconsistent with the Town Plan, this amendment is reasonable because the subject property is currently developed with industrial uses, 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 #ZMA-2018-06***

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 William and Sheila Smith; changing the zoning designation of Cabarrus County “Light Industrial – Special Use” (LI-SU) and to Town of Midland “Industrial” (IND) is inconsistent 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, April 11, 2017 and July 10, 2018 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. While inconsistent with the Town Plan, this amendment is reasonable because the subject property is currently developed with industrial uses, 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.

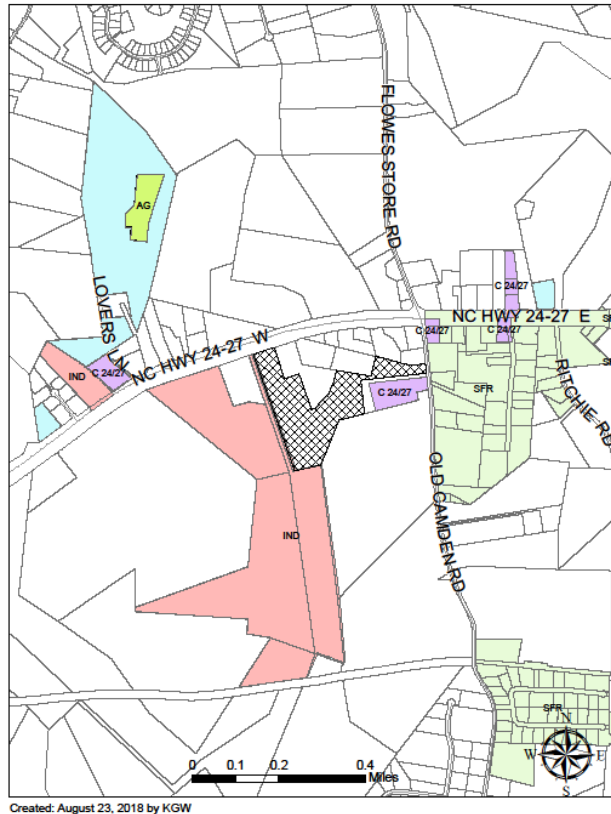
Cabarrus County Property Identification Number 5524-98-3165 shall be designated “Industrial” (IND) on the Official Zoning Map as shown on Attachment “A”.

Part 3. Effective Date.

This Ordinance shall be effective immediately upon its adoption.

**Adopted this the 11<sup>th</sup> day of September, 2018.**

**William & Sheila Smith - +/- 23.51 Acres  
(Property Shown as Hashed Area to be rezoned to IND)**



- c. Public Hearing 3: **Ordinance ZMA-2018-07** – Zoning Map Amendment - property is owned by Haigler Rental Properties, LLC - currently zoned “Single Family Residential” (SFR) & the request is to rezone to US 601 Commercial (C-601)

Ms. Watts:

**BACKGROUND**

On July 19, 2018 the Town of Midland received an application for Zoning Map Amendment for the property shown on the attached map.

The subject property, located behind Deanna’s Kitchen and Haigler; Midland, NC 28107 (Cabarrus County PIN# 5555-10-8835) is approximately .49 acres and currently zoned “Single Family Residential” (SFR). The proposed zoning district is the Town of Midland “US Hwy 601 Commercial” (C 601) designation.

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On August 28, 2018 the Midland Planning & Zoning Commission reviewed the request and voted unanimously (7-0) to recommend approval of the proposed "US Hwy 601 Commercial" (C 601) zoning designation.

#### FINDINGS AND CONCLUSIONS

The property lies within the area designated on the adopted Town Plan 2030 Future Land Use Map for Commercial 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, April 11, 2017 and July 10, 2018 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. The Future Land Use Plan calls for this property to be Commercial. The property is zoned Single Family Residential but is currently being used as an overflow parking area for the businesses located in the strip mall immediately adjacent. (Deanna's Kitchen, Something Special, Haigler Carpet) This amendment is reasonable because the subject property is adjacent to a commercial use and is currently operating as commercial use (parking lot). This amendment allows the subject property to be used in accordance with the standards of the US Hwy 601 Commercial (C 601) 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 to Town Council. 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 (September 11, 2018), and
2. Adoption of an Ordinance (ZMA-2018-07) including both Reasonableness and Consistency Statements designating the Town zoning classification.

The Council may vote to recommend approval, denial, or to modify the recommended classification in accordance with the adopted Town Plan 2030 Land Use & Comprehensive Master Plan, Revision 2 adopted October 8, 2013 and subsequently amended March 8, 2016, October 11, 2016, April 11, 2017, and July 10, 2018 by the Town of Midland Town Council.

Mayor Pro Tem Hartsell asked if the property will belong to Deanna's Kitchen.

Ms. Watts said this is a straight rezoning and Mr. Haigler can do what he wants within the commercial permitted uses.

#### i. Open Public Hearing

Mayor Crump opened the public hearing at 6:39pm.

Ms. Diane Faulkner said that her family owns a couple lots in that area and we want to know what will happen to the property value if it becomes commercial. Will Mr. Haigler also try and get other lots later? She said that she's not happy about it. If he adds on what about sewage-will it have an effect?

Mayor Crump said this is time for comments and her comments will be in the meeting record.

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Ms. Diane Faulkner said that she's never been to a town meeting before so asked what the process is. She added that it sounds like Council has already voted on it and once you hear our comments you're going to vote on it again. She said that no one can answer her question on sewage and what effect it will have property value.

Mayor Crump said that there is ample sewage.

Ms. Diane Faulkner asked what about the road? She said that she was told that there isn't enough ample sewage to go up Wesley Dr. The 2 lots she owns won't perk and she's been constantly communicating with the town trying to find out about the sewage capacity and she's been told that there is no sewage that will ever go up Wesley Dr.

Mayor Crump said to give your information to the Clerk and someone will be in touch with her.

There were no more comments so Mayor Crump closed the hearing at 6:42pm.

**Motion** was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt Ordinance #ZMA-2018-07, to designate the subject property as US Hwy 601 (C 601) 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, April 11, 2017 and July 10, 2018 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 a commercial use and is currently operating as commercial use (parking lot). This amendment allows the subject property to be used in accordance with the standards of the US Hwy 601 Commercial (C 601) 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 #ZMA-2018-07***

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 Haigler Rental Properties, LLC c/o Roger Haigler; changing the zoning designation of Town of Midland "Single-Family Residential" (SFR) and to Town of Midland "US Hwy 601 Commercial" (C 601) 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, April 11, 2017 and July 10, 2018 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 a commercial use and is currently operating as commercial use (parking lot). This amendment allows the subject property to be used in accordance with the standards of the US Hwy 601 Commercial (C 601) 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.

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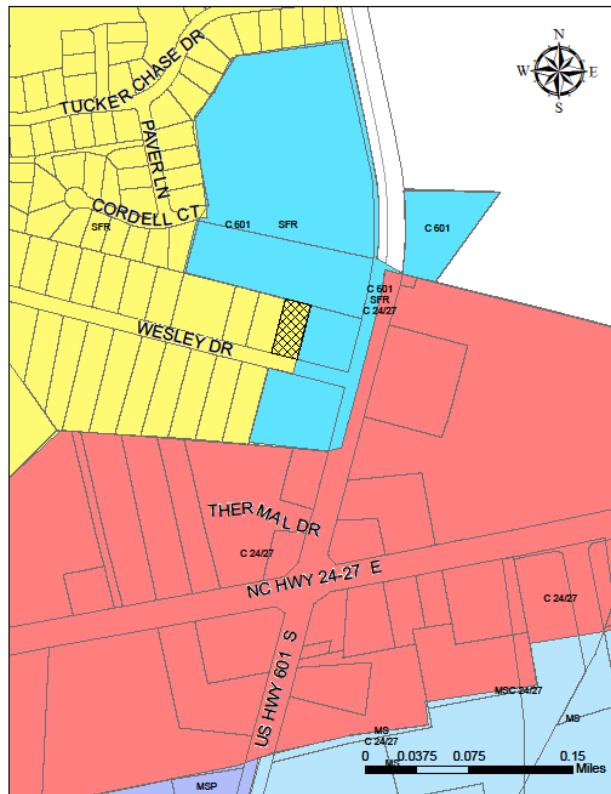
Cabarrus County Property Identification Number 5555-10-8835 shall be designated "US Hwy 601 Commercial" (C 601) on the Official Zoning Map as shown on Attachment "A".

Part 3. Effective Date.

This Ordinance shall be effective immediately upon its adoption.

***Adopted this the 11th day of September, 2018.***

**Haigler Rental Properties, LLC - +/- .49 Acres  
(Property Shown as Hashed Area to be rezoned to C-601)**



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

Ms. Watts gave the following project updates:

- Showed photos of the demolition of the dilapidated trailer that was deemed uninhabitable. Council approved the ordinance last month to demolish. The land has been cleared and the trailer gone;
- Allen Mini Storage: Putting the road and curbing in;
- Bethel Park: Staff is still working with the developers;
- PPG Trucking on 601: submitted preliminary sketch and will be submitting a full site plan in October;
- Sea Land Corp: Staff received a site plan;
- JJJ BBQ: Cleaning the site and paving because they want a drive thru window. There are new owners and will have a new name.

- e. Councilmember Wise said that P&Z Board member Holland resigned from the board so there is an empty seat. Mr. Bob Caddell submitted an application to the town. He said he didn't feel well with putting 4 Bethel Glen residents on the board. He would like to wait a few months and solicit a new member.

**10. Engineering:**

- a. FY 2018-2019 Street Paving Update

Mr. McMillan summarized his staff report:

**Background:**

In February 2017, staff presented the Pavement Condition Rating (PCR) of the Town's streets to Council. The PCR rated all streets maintained by the Town and recommended paving projects for the next three fiscal years based on the lowest PCR numbers. The recommendation for 2018 resurfacing was to resurface Whitetail Lane, with a rating of 46.0 (out of 100). This resurfacing project is the second of three resurfacing projects recommended to the Council in 2017.

The work on Whitetail Lane will include some base repairs, sections of asphalt surface treatments (AST), also known as matt and seal, and an overlay on the entire roadway from Hopewell Church to the cul-de-sac. This street is longer than the two most recent paving projects, thus the initial estimate for the work was higher.

Bid packages for this resurfacing project were sent out on Wednesday, July 26, 2018, to ten (10) paving companies. Bids were received on Thursday, August 30, 2018, at 4 PM. The Town received only one bid. The Engineer's cost opinion for this project was \$111,862.50. The low bid was from Trull Contracting at \$132,075.00, about 18% over the Town's estimate.

In reviewing the bid items, there were several unit price items that stood out as much higher than staff's estimate: asphalt surface treatment – \$4.50/SY vs \$1.75/SY; asphalt - \$100/ton vs \$90/ton; backfill and seed - \$10,000 LS vs \$7,500 LS; and traffic control - \$2,500 LS vs \$1,000 LS. The extra costs on these four items contributed approximately \$26,000.

In addition, fuel and asphalt cement (AC) prices have increased from a year ago. Based on the NCDOT – Monthly Terminal Asphalt Binder & Fuel FOB Prices, fuel prices have increased from \$1.9815/gal to \$2.2450/gal, an increase of 13%. However, the price of liquid asphalt binder, AC, has increased from \$364/ton to \$561.11/ton, an increase of 54%. These increases, combined with area contractors having a heavy work load, created fewer bidders and higher unit prices.

Trull Contracting met with the Town last week to discuss the bid items. North Carolina General Statutes [NCGS 143-129(b)] allow a municipality to negotiate with a low-bid contractor when bids exceed funds available for a project (over budget). After negotiations, unit prices were revised and a new low bid amount of \$117,525.00 was reached.

The bid package includes a contingency line item (\$2,500) in case something unforeseen is encountered. This amount was assigned by the Town and will only be spent if the Town Engineer authorizes the contractor for additional work. The bid tabulation is attached.

**NCGS Bidding Thresholds:**

Under State law (NCGS 143-129 & 143-131) informal bidding is required for construction and repair contracts from \$30,000 to \$500,000. With this project being within the informal range, there is no minimum number of bids required to award.

**Budget:**

The current Town budget for street resurfacing this year is \$83,973.00 from the Powell Bill revenues. There is currently \$239,432 in Powell Bill reserves. With the negotiated bid of \$117,525, the project would require the transfer of \$33,552 from the Powell Bill reserves, leaving \$205,880.

**Discussion:**

Mayor Pro Tem Hartsell: Is Trull big enough to handle the project?

Mr. McMillan: Yes. Propst will be doing the matt and seal and Trull will be doing everything else.

Councilmember Burnette: With taking money out of the Powell Bill reserves will we be able to put money back into it being we are paving streets every year?

Mr. McMillan: We may reach a time when we will not need to do street resurfacing in a year. For next year Pelham Lane is shorter so hopefully that will be less that our annual allotment from the state. About \$84,000 is what the state gives Midland each year in Powell Bill revenue. Because Whitetail Lane is a longer street, it makes sense to do the entire street. Hopefully Pelham Lane will balance out the fund. The goal is not to keep dipping into the revenue because if there happens to be a major problem, say a culvert collapses the town would use up a lot of the revenue quickly.

Mr. Paris: The town received a letter from the state about 3 years ago to use the Powell Bill funds for street resurfacing. The town can't use the money for example greenways and sidewalks, etc. After the Whitetail Lane project the town still has a strong reserve and paving Pelham Lane will come under allocation next year and there will be an opportunity to put money into the reserve.

Mr. McMillan: The following year work will need to be done by the railroad tracks on Broadway Ave. The goal is not to deplete the reserves.

**Motion** was made by Mayor Pro Tem Hartsell and seconded by Councilmember Wise to authorize the Town Manager to execute the contract with Trull Contracting, LLC for the 2018 Street Resurfacing – Whitetail Lane Project for an amount not to exceed \$117,525.00. **Motion carried 4-0.**

b. WSACC Muddy Creek Project Update

Using slides, Mr. McMillan showed the progress going on at the Muddy Creek Treatment Plant:

- Project cost is approximately \$4.6 million;
- Completion in mid April of next year;
- Permitted flow 300,00 GPD;
- 2 new clarifiers in place;
- Aeration basin;
- New disk filters in place;
- UV disinfection chambers;
- Contractor has now passed 50% of work.

**11. Staff Reports:**

a. Finance Report August, 2018 – **B. Love**

Ms. Love gave the report for the month of August:

				Aug 31, 2018
			1000 · CASH ON HAND	249.47
			1004 · GENERAL FUND	1,295,972.91
			1040 · UTILITY CAPITAL RESERVE FUNDS	2,281,152.64
			1050 · POWELL BILL FUNDS	239,432.62
			Total Checking/Savings	3,816,807.64

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

i. MISC Line Item – Newsletter Quotes

Mr. Paris reviewed his staff report:

At the last meeting you passed a budget amendment appropriate savings from the Sheriff contract negotiations. \$8,615.00 was moved into the MISC expense line item. I told you staff would not spend this money without authorization from the board.

Also at the last meeting the topic of restarting the town newsletter was discussed. I was directed to come back with quotes for you to consider. This is based upon feedback from several ladies in the community that desire the town to have a quarterly printed mailed newsletter as they do not feel our social media reach is as effective.

I have received two quotes (attached to this memo) for the following: a one-page front and back 8"x11" tri-fold newsletter (no envelope cost), including design, print, fold, sort, mail at \$.186/piece postage. The process would be the following: I would gather content each quarter, send it to the vendor for design and they will handle the rest and send us an invoice.

The UMS quote is higher than Allegra quote due to UMS quoting 5 graphic design hours at a rate of \$100/hr versus Allegra quoting 1 graphic design hour at a rate of \$95. Controlling for the graphic design hours the quotes are within 5% of each other.

VENDOR	INITIAL QUOTE	CONTROL QUOTE	ANNUAL COST
UMS	\$2,266.21		\$1,866 \$7,464
ALLEGRA	\$1,771.32	\$1,771.32	\$7,085.28

UMS is a larger more established vendor located in Charlotte. They specialize in bulk printing and direct mail. Allegra is a full-service marketing company located in Charlotte who offers print and direct mail as one of the services in their portfolio.

Budget Impact:

Adequate funds were appropriated to the MISC line-item to cover this expense

Things to consider:

There are some things to consider regarding this request:



1. Social media has been a very cost-effective way to get out the town's message. For instance, the town Facebook page has 1,162 followers, a post about the town welcoming new businesses had 1,902 views, and a post about the wreck that temporarily closed HWY 601 had 3,455 views. These are strong results from a communication perspective without a cost to our taxpayers.
2. News content has transitioned from print, to web based, to mobile based. Right now we are on the forefront of that trend with our Facebook and Twitter outreach.
3. A print & direct mail newsletter will be very effective at engaging the older demographic that have not fully made the transition to mobile-based news content.
4. The cost to engage the older demographic through a print & direct mail newsletter is steep. Under the request as it has been made, a print & direct mail newsletter campaign would go to all households and demographics to satisfy the request of one demographic. The sheer volume of the print mailings along with the quarterly timing is driving the cost.
5. There are competing items the \$7,000-\$7,500 expenditure could be used for. As an example, SRO Drake has requested (as previously communicated to you via email) that Traffic Control at Bethel Elementary be re-instated for mornings only. Last year traffic control was both mornings and afternoons. Drake has communicated that it would be okay to let afternoons go, but traffic control is needed in the mornings. Both morning and afternoon cost the town \$13,800 last fiscal year. Given the rate has stayed the same, continuing mornings only would cost the town \$6,900 this fiscal year if the board decides to re-instate. The MISC line-item could be used for this expense rather than newsletters.
6. Given the cost impact of print and direct mail the board may wish to decrease the frequency of the newsletters to be more cost effective. The town could do two a year, a Summer edition and Winter edition. The town could chose to do one a year, and call it the "State of the Town" newsletter.
7. The town could look at a hybrid print/electronic approach. We could mail out post-cards inviting citizens to a link that takes them to a website with an online newsletter. This hybrid approach would save paper & print costs.
8. The town could do a tailored approach. We can get out the word for anyone who wants to receive a printed newsletter to send us their mailing address. Nancy can compile a newsletter address list and staff could mail newsletters to just those that want them while skipping those that do not want them. This option would significantly reduce cost.

Options:

1. Reinstate quarterly newsletter and authorize staff to proceed
2. Reinstate newsletter and lower frequency (1 or 2 a year) and authorize staff to proceed
3. Direct staff to procure quotes for the hybrid print/electronic approach
4. Direct staff to compile an address list of citizens who want newsletters and proceed with

Showed slides of what other towns are doing:

Mt. Pleasant: Discontinued;

Concord: Does a magazine and people like it;

Kannapolis: Sends out an electronic newsletter and a bill insert;

Harrisburg: Does a newsletter quarterly;

Locust: Does not do a newsletter;

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Cabarrus County: Does electronically due to cost.

**Discussion:**

Mayor Crump: Does the City of Concord mail each resident a magazine?

Mr. Paris: Yes they do direct mailing. They spend over \$50,000 per year.

Mayor Pro Tem Hartsell: I understand that older people like to get mail. Is it cost effective?

Councilmember Burnette: One option is to do a newsletter and put it online and only mail to the few who request it.

Mayor Pro Tem Hartsell: I like social media because it's live.

Mayor Crump recognized Citizen Pat Caddell.

Ms. Caddell: There are a lot of people in Midland that would like a paper newsletter. If you don't know that there is a website or a Sunshine List and don't have a computer, how is someone going to look at it? As I previously said there is a lot of information that can be put in the newsletter. Council owes it to its citizens to keep them informed.

Mr. Paris: Is it worth spending tax money for the cost?

Mayor Crump: How does Council feel about doing 1 newsletter and see what the response is?

Councilmember Tallent: Consider doing 1 newsletter and put in it the fact that people can opt out.

**Motion** was made by Councilmember Burnette and seconded by Mayor Pro Tem Hartsell to do a 1 time mailing and assess how successful it is. With the option to continue if someone wants to keep receiving the newsletter to notify the town. Cost not to exceed \$2,000. **Motion carried 4-0.**

ii. Infrastructure Funding Assistance

Mr. Paris said last meeting discussion was had on hiring a legislative affairs professional. His name is Mr. Ron Holloway and a former appropriations chair. As requested, Mr. Paris procured a list of his clients and successes. He also sent a contract. Mr. Paris opened for discussion.

**Discussion:**

Mayor Crump: Has our attorney looked at this?

Attorney Fox: I haven't really looked at the agreement yet.

Councilmember Tallent: Is this special expertise? Is he able to assist Midland with funding? If so this would be very helpful to Midland.

Councilmember Burnette: I think this will be money well spent.

Mr. Paris: If Council wants to proceed I will bring back the contract and a budget amendment because this will have to be taken from the sewer fund.

Mayor Pro Tem Hartsell: Can we hold this person responsible to do what he says he can do?

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Attorney Fox: We have a lobbying function in the firm and I would like to review the agreements to make sure this contains the necessary provisions.

Mayor Pro Tem Hartsell: I agree we need this professional

Motion was made by Councilmember Tallent and seconded by Councilmember Burnette to instruct staff to bring back a budget amendment and contract for next meeting. **Motion carried 4-0.**

iii. Set Date for Next Sewer Workshop

Mr. Paris:

At the last sewer workshop you directed staff to proceed with bringing you some assessment scenarios regarding installing sewer up and down HWY 24/27. In order to bring you accurate scenarios the Town Engineer and Town Planner had to identify which tracts would benefit from the project and create an assessment area map. In addition, the Town Engineer had to review land records to get accurate linear foot and acreage numbers for the assessment calculations so that I could bring you accurate assessment scenarios. This was tedious work and is now all complete. I need you to select a date as a group for the next sewer workshop where we will review the map and assessment scenarios.

Council decided on holding the Budget Workshop on Thursday September 27<sup>th</sup> at 6:00pm.

iv. Other Comments

c. Mayor's Comments:

Mayor Crump said that he was criticized for saying maybe Midland could get a restaurant that didn't close at 2:00pm. That particular restaurant has some of the best food anywhere. Also there are other great restaurants in Midland and the town is fortunate to have them. Hopefully, before long there will be other restaurants opening.

Mayor Pro Tem Hartsell asked how many of the new t-shirts have been sold so far.

Mr. Paris said about 1/3<sup>rd</sup> have been sold.

**12. Adjournment:**

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

**Council adjourned at 7:39 pm.**

***Attest/Seal***

\_\_\_\_\_  
Mayor John Crump

\_\_\_\_\_  
Town Clerk Nancy E. Boyden, CMC, NCCMC