

Attendance: Mayor John Crump; Mayor Pro Tem Darren Hartsell; Councilmembers Allen Burnette; Mike Tallent and Rich Wise; Town Manager Doug Paris; Attorney Daniel Peterson; Town Clerk Nancy E. Boyden, CMC; Assistant Town Clerk Savannah Suggs; Finance Officer Beverly Love; Planning, Zoning & Subdivision Administrator, Kassie Watts, AICP, CZO; Planning Clerk Hilda Keeney; Town Engineer Richard McMillan PE.; Cabarrus County Deputy Sheriff Claudette Camille; Midland Firefighter Steve Malone.
Also Present: None.
Absent: None.
Late: None.
Guests: None.

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

1. **Invocation:** Councilmember Tallent pronounced the **Invocation**.
2. **Open Meeting:** Mayor Crump opened the meeting at 6:00pm and called the room to order.
 - a. The room stood for the **Pledge of Allegiance**.
3. **Announcements:** Town Hall will be closed Friday, November 11th in observance of Veteran Day. There will be no delay in garbage pickup.

Town Hall will also be closed Thursday, 24th and 25th in observance of Thanksgiving. There will be a 1-day delay in garbage pickup.

4. **Mayoral Proclamations:** Proclamation #2023-109 Veterans Day 2022



TOWN OF MIDLAND

Proclamation Office of the Mayor of Midland

Proclamation #2023-109



Commemorating Veterans Day

WHEREAS, America was founded on the principles of liberty, opportunity and justice for all; *and*

WHEREAS, America has called on her men and women in uniform to protect our national security, to preserve our rights and freedoms and to keep our democracy safe; *and*

WHEREAS, on Veterans Day November 11, 2022, we recognized the men and women of our Armed Forces who valiantly defended these values throughout our Nation's History; *and*

WHEREAS, we also remember and pay tribute to the American armed forces whose courage and sacrifice secures our freedom and keeps the peace and defends our values around the globe; *and*

NOW, THEREFORE, BE IT RESOLVED that I John Crump, by the virtue of the authority vested in me as Mayor of the Town of Midland, do hereby proclaim November 11, 2022 as National Veteran's Day and call upon our citizens to always remember and honor our veterans, and those who continue to serve this country so willingly to preserve the principles of justice, freedom and democracy for all.

This the 8th day of November 2022.

Mayor Crump recognized Citizen Paul Carpenter for his service in the Army.

5. Approval of the Agenda:

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

6. Consent Agenda: Items listed under the Consent Agenda are generally of a routine nature. Council may take action to approve/disapprove all items in a single vote. Any item may be withheld from a general action, to be discussed and voted upon separately at the discretion of the Board.

- Minutes 10/11/2022
- Attorney bills

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

7. Public Comment: No comments forthcoming.

8. Public Safety:

- a. Police Report - Cabarrus County Sheriff for Midland

Officer Camille reported the following for the month of October 2022:

1286 Officer-Initiated calls:

Some of which were:

- 42 Civil Process;
- 6 Investigations;
- 897 Security Checks;
- 36 SRO Assist Admin;
- 74 SRO Safety Checks;
- 185 Traffic Stops.

Minutes Tuesday November 8, 2022
Regular Meeting of Town Council
6:00pm 4293-B Hwy. 24/27 E. Midland, NC 28107

127 Dispatched calls:
Some of which were:

- 5 Animal Control Calls;
- 3 Assist EMS;
- 2 Breaking & Entering in Progress;
- 5 Careless Reckless Driving;
- 11 Disputes;
- 4 Domestic Disturbances;
- 4 Larcenies;
- 4 Suspicious Vehicles;
- 7 Traffic Accidents.

Mayor Crump asked what civil processes are.

Officer Camille said that civil processes could be evictions, civil disputes, writs, or serving court orders.

b. Midland Volunteer Fire Department Report

Midland Firefighter Steve Malone reported the following for the month of October:

- 6 structure fires;
- 7 residential fire alarms;
- 2 commercial fire alarms;
- 2 brush fires;
- 16 local alarms;
- 10 motor vehicle accidents;
- 38 Medical calls.

Total calls for service= 81

He also noted:

- Fire at the solar farm at 9599 Hwy 601 on 10/24/2002. Fire was contained to the wood line with no damage to the complex.
- We assisted Flowes Store with a 10:50 Pin in. We were the third department requested but we were the second to arrive. We arrived with 7 personnel, 1 Engine, Tower 1 and Chief Coley. We extricated 1 patient, treated 2 patients, and ran the landing zone until they were flown out.

9. Planning Projects: - *K. Watts*

- a. Annexation Agreement Ordinance #2023-284A with the Town of Mt. Pleasant
- i. Staff Report

Ms. Watts:

November 2, 2022

MEMORANDUM

To: Mayor & Town Council

From: Kassie G. Watts, AICP, CZO, Planning, Zoning & Subdivision Administrator

Re: **Annexation Agreement with the Town of Mount Pleasant**

BACKGROUND

As a result of continued efforts to work with adjacent municipalities to outline parameters for future orderly growth, Midland and Mount Pleasant staff members have collaborated on an annexation agreement to 1) reflect acknowledgements of areas each respective jurisdiction will not be annexing into within the duration of the agreement; and 2) to enter into the agreement for a twenty-year period.

RECOMMENDED ACTION BY COUNCIL

1. Hold a public hearing to receive citizen input and comments.
2. Motion to approve the twenty-year annexation agreement.
3. Adopt Ordinance #2023-284A.

Mayor Pro Tem Hartsell asked how these boundaries are set and how long the agreements are for.

Ms. Watts stated the agreement is for 20 years.

Mr. Paris explained the establishment of the boundary and the agreement length. The establishment of the boundary protects the growth of the community for 20 years.

Mayor Pro Tem Hartsell asked what considerations are taken while making the decisions on the annexation agreements.

Mr. Paris explained that the future land use map is used to determine the boundaries.

Ms. Watts said that within the next few months the Harrisburg Annexation Agreement will be brought up for discussion since it's approaching the end of the current agreement.

ii. Open Public Hearing

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

iii. Consider Ordinance #2023-284A

Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt Ordinance #2023-284A. **Motion carried 4-0.**

An Ordinance Approving Annexation Agreement

Between the Town of Midland and the Town of Mount Pleasant

Ordinance #2023-284A

WHEREAS, all the prerequisites to adoption of this ordinance prescribed in G.S. Chapter 160A-58.24 have been met; and

WHEREAS, the Town Council of the Town of Midland has taken into consideration the statements presented at the public hearing held on November 8, 2022 concerning the proposed Annexation Agreement; and

WHEREAS, the Town Council has concluded and hereby declares that it is appropriate and desirable for the Town of Midland to enter into the Agreement;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Midland, that:

Section 1. The proposed Annexation Agreement between the Town of Midland and the Town of Mount Pleasant is hereby approved and ratified, and the Mayor of Midland is directed to execute the Agreement with the Mayor of Mount Pleasant as soon as possible, to become effective as provided therein.

Section 2. The approved Agreement is attached to this ordinance and is incorporated herein, and this ordinance and the executed Agreement shall be spread upon the minutes of this meeting.

Section 3. This approving ordinance is effective upon adoption.

Adopted this 8th day of November, 2022.

STATE OF NORTH CAROLINA

ANNEXATION AGREEMENT

COUNTY OF CABARRUS

Ordinance #2023-284A

WHEREAS, the Town of Midland, a North Carolina municipal corporation, (hereinafter "Midland") and the Town of Mt. Pleasant, a North Carolina municipal corporation, (hereinafter "Mt. Pleasant") have undertaken a joint planning effort to encourage the orderly development of the unincorporated areas adjacent to the two municipalities; and

WHEREAS, Midland and Mt. Pleasant desire to reduce uncertainty among residents and property owners in the potential growth areas of the municipalities which will improve planning by both public and private interests in such areas; and

WHEREAS, the General Statutes of North Carolina, Chapter 160A, Section 58.21 et seq. authorized municipalities to enter into binding agreements relating to future annexations and designating areas which are not subject to annexation by each participating municipality; and

NOW, THEREFORE upon the premises contained herein the parties hereto agree as follows:

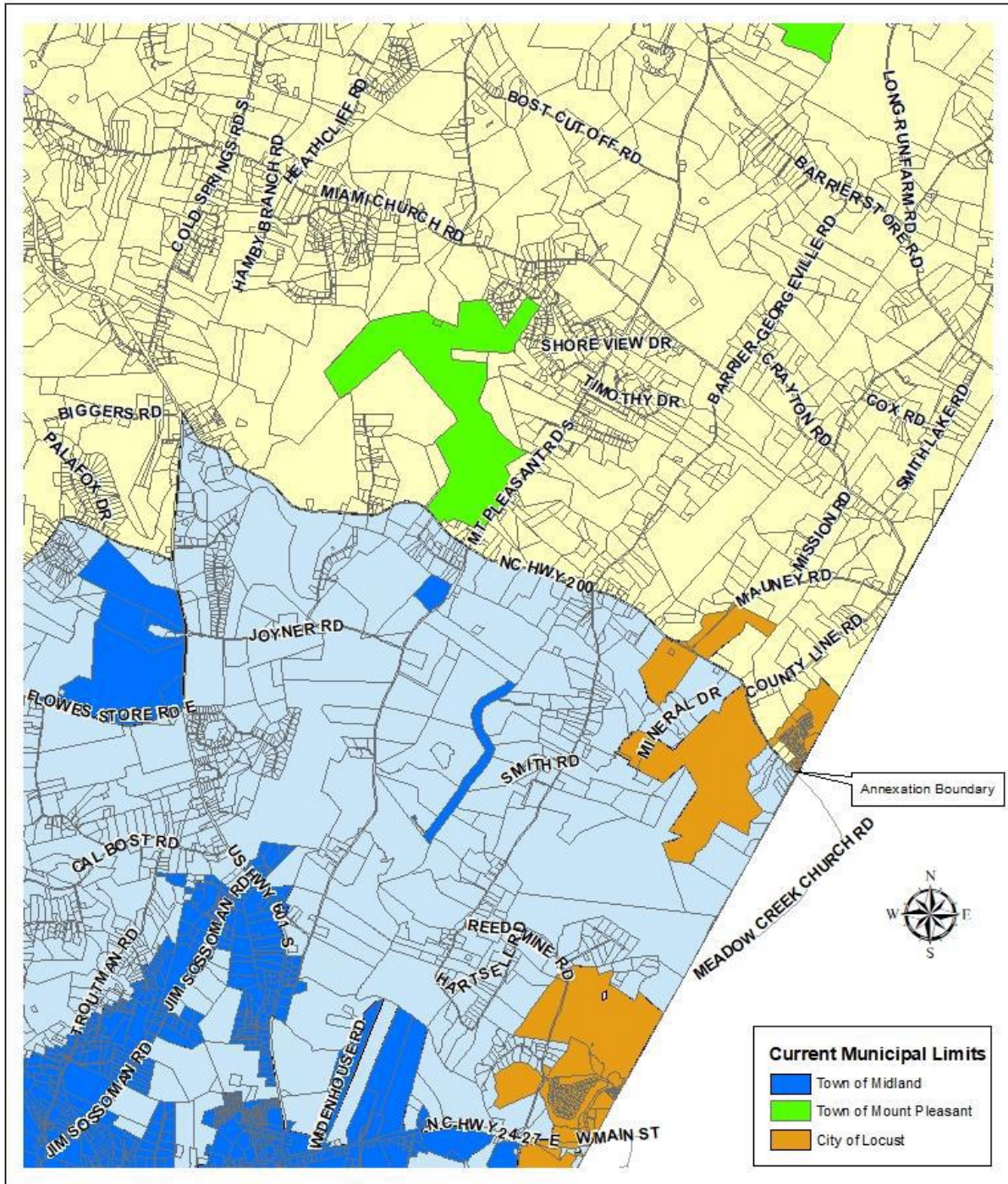
1. This Agreement is executed pursuant to the authority of G.S. Chapter 160A-58.23 of the North Carolina General Statutes (the "Act").

2. Midland and Mt. Pleasant agree that the common dividing line as illustrated by the map on Exhibit A shall be the annexation boundary between the two municipalities.
3. The effective date of this Agreement is November 14th, 2022 or the date of adoption of an ordinance approving this Agreement by the last participating town to do so, whichever is later, and shall terminate at 12:01 am on the twentieth anniversary following the effective date, or as otherwise terminated as provided herein.
4. This Agreement shall not be effective unless and until each participating town has held a public hearing on this Agreement, or the participating towns have held a joint public hearing, prior to adopting the ordinance approving this Agreement. Until such time as the required public hearings are held and the respective approving ordinances are adopted, this Agreement shall be considered a proposed agreement.
5.
 - a. At least sixty (60) days prior to the adoption of any annexation ordinance affecting a geographical area which is subject to this Agreement, and lying across the common dividing line, the participating town proposing such annexation shall give written notice to the other participating town of the proposed annexation. Such notice shall describe the area to be annexed by a legible map, clearly and accurately showing the boundaries of the area to be annexed in relation to this Agreement delineated by roads, streams and any other prominent geographical features. Such notice shall not be effective for more than 180 days. No notice is required for proposed annexations which lie on the annexing municipality's side of the common dividing line.
 - b. Either municipality which has property on their side of the described common dividing line which is proposed for annexation by the other municipality, after notification from the other municipality as described in paragraph 5a. above, may waive, in its sole and absolute discretion, its right to annex said property. Such waiver must be made by the party's governing body.
 - c. If either municipality does not waive its right to annex property on its side of the common dividing line, the other municipality shall not annex such property.
 - d. Any waiver authorized by paragraph 5b. above must be in writing and bear the signature of the waiving party's Mayor or the official or employee of the waiving party authorized by the governing body to execute the waiver. If signed by an official or employee designated by a resolution of the party's governing body, the waivers shall be effective without further approval of such party's governing body. Any waivers shall only apply to the annexation described in said waiver. All notices or waivers required by the terms of this Agreement shall be sent by certified mail, return receipt requested the town hall of the receiving town and shall be sufficient if directed to and received by the Mayor of the party to whom such notice or waiver is directed.

6. This Agreement may be modified only by a subsequent amending agreement adopted and executed by each participating town. Any amending agreement shall be adopted by ordinance after public hearings as provided in G.S. 160A-58.24.
7. This Agreement may be terminated by a participating town, in accordance with the procedures set forth in G.S. 160A-58.24 and providing a five-year advance written notice to the other participating town. Upon the expiration of the five-year notice period, this Agreement shall terminate.
8. From and after the effective date of this Agreement, no participating town may adopt an annexation ordinance as to all or any portion of an area in breach of this Agreement.
9. Nothing in this Agreement shall be construed to authorize the annexation of any area which is not otherwise subject to annexation under applicable law.
10. This Agreement contains the entire agreement between the participating towns.

IN WITNESS WHEREOF, the Mayors of the participating towns execute this Agreement in duplicate, to become effective as provided in paragraph 3 hereinabove, this the 14th day of November, 2022.

Exhibit A Town of Midland/Town of Mt.Pleasant Annexation Boundary Map



b. Verbal-**Update**

Ms. Watts:

- Copart- Last inspection has been completed, staff was under the impression that everything was done but they've had some issues with the City of Concord. The wrong meter was used during the installation of the water line. The City of Concord gave them a deadline to have it fixed. According to Copart it is now completed and signed off by the City of Concord. Ms. Watts will be following up with the City of Concord engineer to confirm;
- Bella Pools – Revised site plan has been received. It will be reviewed to ensure all the comments from the TRC were addressed;
- There will be a rezoning coming up next month and potentially a text amendment relating to an event center in the Old Midland area;
- Peppercorn Lane house- Tenants were evicted October 24th. Contractor will start the demolition this week;
- Old Bethel School- October 7th staff was notified by one of the deputies that there were several breaches in the building and the camera monitoring system hasn't been working since April 2022. Ms. Watts notified the property owners to have the building secured. The property owners fixed the breaches but due to the camera system not properly working, the breaches have continued. A notice of violation was issued, and the property owners decided to request a hearing which will be held next Thursday at 2:00pm. They are currently being fined \$50.00 per day. Due to having issues with the previous owners the town had to go to court to establish a maintenance plan. When the current owners purchased the property, they were made aware of the agreement and staff provided them with the documentation and letters from the previous owners. Mr. Paris stated that with the prior owners, the Town had to go the legal route. They ended up paying \$15,000 in fines and had to do certain things to bring the property into compliance which included the security system. Another option for the property owners would be to have on site security or install 10ft fencing with barbed wire to keep people out. The options will be discussed with the property owners during the meeting.

10. Engineering: R. McMillan

a. HWY 24/27 Sewer Project Bid- **Update**

Mr. McMillan:

- Four contractors attended Prebid meeting last week;
- Bids will be opened Thursday Nov. 10th at 2:00pm;
- Three bids are needed to proceed with the bid opening and if that happens they will be brought to Council at the December meeting;
- If at least three bids aren't received the project will be rebid;
- Project will begin late January or early February of 2023.

b. CMAQ Reimbursement - **Update**

Mr. McMillan:

- Still working on the State reimbursement;
- Contacted the State today and they came back needing more changes;
- Changes were made online and resubmitted yet still must be reviewed by Raleigh.

11. Mayor's Comments:

a. Christmas Tree Setup

- Tree set up will November 12th at 10:00am. The fire department will assist;
- Councilmember Wise brought in a new star for tree. It is 23", lights up and made for outdoor use;
- The tree lighting will take place November 19th at 7:00pm;
- "By Design" will be setting up the Christmas décor on Sunday November 27th;
- Council discussed installing permanent light up radar signs for the crossroads for the event. Mr. Paris will work on pricing and set up a meeting with NCDOT to discuss placement.

Mayor Pro Tem Hartsell asked Officer Camille about the 185 traffic stops on her report. He asked if all were actual citations and if not, how many were.

Officer Camille said it's at the officer's discretion to issue a citation. She will check with the data manager to see if they can break it down and provide Council with the detailed information.

b. Christmas Meeting Dinner

Motion was made by Councilmember Tallent and seconded by Councilmember Wise to have "The Smoke Pit" cater the December 13th Council meeting. **Motion carried 4-0.**

12. Staff Reports:

a. Finance Report October 2022- **B. Love**

Ms. Love:

	<u>Oct 31, 22</u>
Checking/Savings	
1000 · CASH ON HAND	187.72
1004 · GENERAL FUND	381,955.41
1040 · UTILITY CAPITAL RESERVE FUNDS	64,898.60
1050 · POWELL BILL FUNDS	184,716.78
1065 · ARP ACT Special Revenue Account	1,128,260.02
1071 · Gen Fund-NCCMT Capital Recovery	238,878.70
1072 · Gen Fund-NCCMT-General Fund	1,724,858.37
1073 · Gen Fund-NCCMT Police Car Res	65,379.13
1074 · Powell Bill-NCCMT	326,739.43
1075 · Utility Capital Reserve-NCCMT	<u>2,517,429.42</u>
Total Checking/Savings	6,633,303.58

b. Manager's Comments:

i. Lobbyist Contract

Mr. Paris said the sewer lobbyist wanted to know if Council was interested in engaging in his services again for the next legislative session. If Council decides they would like to use his services again, Mr. Paris said he would like for the lobbyist to go after the funding for the Muddy Creek Waste Treatment Plant expansion which is the next big project that's needed. The current rate for the lobbyist is \$2,000 per month for the duration of the 6-month contract. The funding the town has already received is \$5,000,000.

Motion was made by Councilmember Tallent and seconded by Mayor Pro Tem Hartsell to have Mr. Paris bring back the contract as negotiated for the December Town Council meeting.

Motion carried 4-0.

Mayor Crump suggested Council start thinking about what type of entrance sign they would like to see coming into the town from Charlotte near the county line. Mayor Crump suggested a stone entrance with lighting.

13. Adjournment:

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

Council adjourned at 6:46pm.

Attest/Seal

Mayor John Crump

Town Clerk Nancy E. Boyden, CMC