

Attendance: Mayor John Crump; Mayor Pro Tem Darren Hartsell; Councilmembers Allen Burnette; Mike Tallent and Rich Wise; Town Manager Doug Paris; Town Engineer Richard McMillan PE.; Finance Officer Beverly Love; Town Clerk Nancy E. Boyden, CMC. Planning, Zoning & Subdivision Administrator, Kassie Watts, AICP, CZO; Planning Clerk Hilda Keeney; Cabarrus County Deputy Sheriff Claudette Camille; Midland Fire Chief Larry Coley.
Also Present: Cabarrus County Commissioner Barbara Strang via telephone.
Absent: Assistant Town Clerk Savannah Suggs.
Late: Attorney Daniel Peterson (arrived at 6:14pm).
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:** No announcements forthcoming.
4. **Approval of the Agenda:**

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

5. **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 1/10/2023
- Attorney bills

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

6. **Public Comment:**

Citizen Diana Carpenter asked what the status is with the roads in the Bethel Glen Subdivision. They continue to deteriorate. She also suggested Council hire someone a few times a month to clean up the roadside trash.

Cabarrus County Bishop Jordan asked again that Council name a street in Midland after Dr. Martin Luther King Jr.

7. **Public Safety:**

- a. Police Report - Cabarrus County Sheriff for Midland

Officer Camille reported the following for the month of January 2023:

1272 Officer-Initiated calls. Some of which were:

- 1 50 B or C;
- 19 civil processes;
- 2 evictions;
- 5 follow ups;
- 4 investigations;
- 912 security checks;
- 35 SRO assist admin;
- 96 SRO safety checks;
- 7 stranded motorists;
- 2 suspicious subjects;
- 4 suspicious vehicles;
- 1 traffic accident with property damage only;
- 168 traffic stops;
- 3 warrants.

121 Dispatched calls. Some of which were:

- 3 50 B or C;
- 3 animal control calls;
- 4 assists to EMS;
- 2 barking dogs;
- 8 burglar alarms;
- 2 careless/reckless driving;
- 1 death investigation;
- 10 disputes;
- 4 domestic assists;
- 3 NCDOT notifications;
- 3 follow ups;
- 3 larcenies;
- 2 missing persons;
- 3 prowlers;
- 4 road hazards;
- 5 service calls law;
- 5 stranded motorists;
- 6 suspicious subjects;
- 1 traffic accident- pin in;
- 2 traffic accidents with personal injury;
- 3 trespassing calls;
- 3 welfare checks.

Mayor Pro Tem Hartsell said he passed onto Chief Bailey information from a citizen about loud mufflers on cars being a nuisance. This was mainly on Bethel School Rd. This was passed onto Midland officers and it stopped for a while.

b. Midland Volunteer Fire Department Report

Chief Coley said that Mayor Crump wanted permission to hold the fireworks at an alternate site and the fire board approved it.

Mayor Crump thanked Chief Coley and said that since then, the town has gotten permission to go back to the park.

For the month of January, 2023:

On 1/27/2023 we were dispatched to a two car MVA at 1499 24/27. Upon arrival we found one passenger car with one entrapped. We also had a tractor trailer involved. We started extrication and added Flowes Store Fire and Squad 410 for the entrapment. While we were working the Pin In I was advised that the tractor trailer was leaking fluids. I inspected the leak and I was advised there was 100 gallon on board and they could not stop the leak. I called the Fire Marshal's office and had them contact a cleanup company. I also called for the State DOT to put sand down on the oil that was on the roadway. I had one of the Firefighter dike up the drain so it could not get into the water system. I called for Concord fire to bring their HAZ-MAT and I was advised they were not available. I then called for Charlotte Fires HAZ-MAT and HAZ-MAT 34 and Battalion 2 responded. We able to secure the leak before they arrived so we canceled them. We then contacted a cleanup company and they took care of the remaining oil spill.

We had CFD, Concord, Squad 410, Flowes Store and West Stanly on the call.

We had approximately 10 gallons of oil and 5 gallons of diesel and transmission oil on the ground.

- 2 structure fires;
- 6 residential fire alarms;
- 1 commercial fire alarm;
- 3 brush fires;
- 1 vehicle fire;
- 11 local alarms;
- 6 motor vehicle accidents;
- 42 medical calls.

Total calls for service= 72

Attorney Peterson arrived at 6:14pm.

8. Planning Projects: - *K. Watts*

a. Verbal-***Update***

- Smith Industrial- The final plat has been approved and once recorded this will finalize the site plan for the Huntley Bros. project;
- Midland Crossing- Turned in a final plat yet they still have a way to go regarding infrastructure;
- Working quite a few code enforcement cases;
- True Homes- Working to get the Fox Creek subdivision finish up so the town can take over the roads;
- There will be a few rezonings and text amendments coming to Council soon;
- Reviewing zoning permits for businesses moving to the area;
- The Planning Board had it's BOA training last month.

Mayor Pro Tem Hartsell asked if Copart is finished.

Ms. Watts replied, "Yes. They've done everything that they were supposed to do."

Mayor Pro Tem Hartsell asked if the owners of the Old Bethel School are complying yet.

Ms. Watts said they are up to date and their security system is working again.

9. Engineering: R. McMillan


a. Crossroads Sewer- **Update**

Mr. McMillan:

- Had a preconstruction meeting last week;
- Discussing when the contractor can start because of supply chain issues- needing manholes;
- Hopefully they can start the 1st week in April and finish September;
- Contractor's plan is to start on the east side while getting the bores in going west.

b. Barberry and Alpine ROW Mowing

Mr. McMillan spoke from his staff report.

 <p>TOWN OF MIDLAND</p>	<p><u>Town Council Agenda Form</u> Meeting Date: February 14, 2023 Presenter: Richard McMillan</p>	<p>Placement on the Agenda: Engineering</p>
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Subject Title:

Barberry & Alpine Right-of-Way (ROW) Mowing

Background:

Barberry Avenue and Alpine Avenue are Town-maintained streets. Besides pavement maintenance, drainage and roadside maintenance are also part of this required maintenance.

Currently, some sections of the shoulders along Barberry and Alpine have grown up and the undergrowth has encroached to the edge of the travel lane, creating an issue with motorists. Some of the undergrowth has sprouted small trees, up to about 1" in caliper, which need to be mowed down, as well as some limbs hanging over the street (below 14').

Heavy-duty bush-hogging is needed to cut back this growth and maintain the shoulders.

Budget:

There are funds available in the Budget and this work qualifies as Powell Bill eligible.

Recommendations:

Staff recommends obtaining a quote from a mowing contractor to mow the shoulders along Barberry (approx. 400 LF) & Alpine (approx. 600 LF northside, 1,750 LF southside) to cut vegetation along the shoulders - approximately 6' to 8' from the edge of pavement and upward about 12'-14'.

~END~

Mayor Pro Tem Hartsell said that he has some people in mind to bid on the project.

Mr. McMillan said they should get with Mr. Paris with quotes and go from there.

Motion was made by Councilmember Wise and seconded by Councilmember Tallent to authorize the Town Manager to obtain quotes and proceed with mowing the ROW shoulders along Barberry Ave. and Alpine Ave. for an amount not to exceed \$2,500.00. **Motion carried 4-0.**

Mayor Crump said some of the tree limbs on the south side of Barberry Ave. are starting to grow over the road. He asked if Mr. McMillan has looked at that area.

Mr. McMillan said he will have to go back and look at it.


Mayor Pro Tem Hartsell said that this price is going to have to be negotiable because of the flora in the area- as far as limbs and trees, etc. It's different from mowing and cleaning up.

Mr. Paris said that he has received 1 quote and that's why staff is coming to Council for authorization. That quote was approximately \$2,200 or \$2,300 but it didn't include the area on Barberry Ave. If Council wants to include that area the motion should be changed and the price increased to about \$3,500.00. Staff would like to have more than 1 quote.

Motion was made by Councilmember Wise to change the amount not to exceed \$3,500.00. Councilmember Tallent seconded the motion. Previous motion rescinded. **Motion carried 4-0.**

c. Road Crack Sealing

Mr. McMillan reviewed his staff report and showed pictures of what crack sealing entails.

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Subject Title:
 Roadway Maintenance - Crack Sealing

Background:
 The Town of Midland maintains approximately 7.3 miles of paved streets. Regular maintenance of roadways is required to maintain the roads in good condition at the lowest cost to taxpayers. This maintenance includes crack sealing, asphalt surface treatment, base repair, and resurfacing, as well as other activities.

Asphalt is considered a "flexible" pavement. However, as asphalt ages, it oxidizes, becomes brittle with expansion and contraction, leading to longitudinal and lateral cracking in the roadway surface. These cracks, if left untreated, allow water to enter the pavement structure, allowing for accelerated base failure, freeze-thaw deterioration, and premature failure.

Crack sealing of roadways is an inexpensive practice to seal up the cracks and limit the water entering the pavement structure, thus extending the life of the pavement. NCDOT has crack sealing of existing roadways as part of the Standard Specifications – NCDOT Section 657. From a visual inspection, staff is recommending crack sealing the following streets as part of our pavement maintenance activities:

- Slatebrooks Dr.
- Marglen Ln.
- Coymac Ct.
- Forest Bluff Dr.
- Royal Windsor Dr.
- Amanda Dr.
- Teresia Dr.
- Rodney Ct.

Budget:

There are funds available in the Budget and this work is Powell Bill eligible.

Recommendations:

Staff recommends crack sealing the streets listed above as part of the regular pavement maintenance.

~END~

Motion was made by Mayor Pro Tem Hartsell and seconded by Councilmember Tallent to authorize the Town Manager to obtain quotes and proceed with crack sealing town roadways (as listed above) for an amount not to exceed \$10,000.00. **Motion carried 4-0.**

10. Mayor’s Comments:

Mayor Crump said that the town needs to put a sign after turning off Garmon Mill Rd. onto Broadway Ave. for “No Through Truck Traffic”, and it needs to be a NCDOT sign.

Councilmember Wise said that he will be out of town during the March Council meeting. Council will excuse him at that meeting.

11. Staff Reports:

- a. Finance Director Comments: **B. Love**
 - i. Cash Report January 2023

	<u>Jan 31, 23</u>
Checking/Savings	
1000 · CASH ON HAND	187.72
1004 · GENERAL FUND	317,105.81
1040 · UTILITY CAPITAL RESERVE FUNDS	54,092.11
1050 · POWELL BILL FUNDS	143,912.29
1065 · ARP ACT Special Revenue Account	1,037,605.06
1071 · Gen Fund-NCCMT Capital Recovery	198,218.67
1072 · Gen Fund-NCCMT-General Fund	2,695,560.01
1073 · Gen Fund-NCCMT Police Car Res	66,022.32
1074 · Powell Bill-NCCMT	430,929.27
1075 · Utility Capital Reserve-NCCMT	<u>2,542,195.33</u>

Total Checking/Savings 7,485,828.59

- ii. Budget Amendment #2023-286 Sewer Lobbyist Contract

Motion was made by Councilmember Tallent and seconded by Mayor Pro Tem Hartsell to adopt Budget Amendment Ordinance #2023-286. **Motion carried 4-0.**

**Town of Midland
 Ordinance #2023-286
 FY 2022-23**

BE IT ORDAINED by the Governing Board of the Town of Midland, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2023:

Section 1. To amend the Midland Budget 2022-2023 for the use of the lobbyist for the remainder of the year.

Description	Current Budget	Increase	Decrease	Amended Budget
Infrastructure Lobbyist	\$ -	\$ 10,506.00		\$ 10,506.00
Investment Income	\$ 3,500.00	\$ 10,506.00		\$ 14,006.00

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board and to the Finance Officer for their direction.

- iii. Budget Amendment #2023-287 Deputy Car Accident

Motion was made by Councilmember Wise and seconded by Mayor Pro Tem Hartsell to adopt Budget Amendment Ordinance #2023-287. **Motion carried 4-0.**

**Town of Midland
 Ordinance #2023-287
 FY 2022-23**

BE IT ORDAINED by the Governing Board of the Town of Midland, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2023:


Section 1. To amend the Midland Budget 2022-2023 for the repairs on deputy car due to an accident.

	Current			Amended

Description	Budget	Increase	Decrease	Budget
Vehicle Maintenance	\$ 4,000.00	\$ 3,950.00		\$ 7,950.00
Insurance Claims - Refunds/Other Income	\$ 28,238.00	\$ 3,062.00		\$ 31,300.00
Investment Income	\$ 14,006.00	\$ 888.00		\$ 14,894.00
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's Comments: **D. Paris**
 - i. No Trucks - Broadway - North of RR Tracks

Mr. Paris highlighted his staff report and showed the damage the trucks have caused on the road.

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Subject Title:
 No Trucks – Broadway Ave – North of RR Tracks

Background:
 The section of Broadway Ave north of the RR tracks has sustained damage recently due to truck traffic. See attached pictures.

The damage includes a large pothole and base failure that is estimated to cost \$50,000 to repair by our town engineer.

Continued truck traffic would cause further damage making the roadway a public health and safety issue to motorists. Until the road can be brought up to standard to safely handle the weight of trucks, this section of road must be closed to truck traffic.

The connecting streets of Alpine Ave. and Barberry Ave. have already been closed to truck traffic due to not being able to handle the weight of truck traffic.

The town is in communication with the source of the road damage about repairs.

Action: suggested by staff is to prohibit truck traffic on Broadway Ave. north of the railroad tracks and instruct the Town Engineer to install signage.





Mr. Paris said that this will not become effective until the sign is installed, and staff will hold off on putting the sign up until these negotiations are finished. The negotiations will also dictate the location of the sign.

Discussion:

Mayor Pro Tem Hartsell: What is the timeline on the signage?

Mr. McMillan: Now that I have a contact with Blythe, it will probably be a month or so. It's just getting on their schedule.

Councilmember Wise: Even with the signs how do we stop the trucks from going up/down the road?

Mr. Paris: The president of the railroad talked to the operator of the transload facility and they have committed to not taking transload traffic on this section of road until it's fixed. The town will have to enforce the signage when installed.

Councilmember Tallent: If the road will be fixed to heavy truck standards, what good is that when a driver turns right out of the facility? The only 2 road that go off that are the ones that we've told them they can't go on.

Mr. Paris: Given a little more history, they've put in a spur north of the tracks and submitted this site plan to the town. The site plan showed a construction entrance, and the spur didn't show transload activity or parking of trucks which would have triggered a driveway permit and other improvements. Staff met with them in December when we started to see damage surface. There is historical aeriels and street use showing the road was not damaged prior to their use of that section. Essentially what they want to do after the improvements is to make a left out of the facility and go back across the tracks because the trucks have to be weighed before they leave the facility. The location of the sign would be essentially at the end of the improvement in the area of the mini-storage building because one would be going from a section built for truck traffic to a section for residential. If they don't fix the road and don't get an agreement on it the sign will go north of the tracks. I will then inform them they need to build across the internal to

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their transload yard to move trucks back/forth as opposed to damaging the roads. We will then be seeking advice from our attorney about remedies.

Councilmember Tallent: So, they want to build a portion of the road up to truck standards from the railroad tracks to where they are turning out on it maybe 100' down.

Mr. Paris: They've offered to fix 80 linear ft. of the 150 ft. damaged. Their point is that Midland has a responsibility to maintain the road.

Councilmember Tallent: What about the driveway permit that they haven't got?

Mr. Paris: They are refusing to get a driveway permit siting federal exemption.

Motion was made by Mayor Pro Tem Hartsell and seconded by Councilmember Tallent to prohibit truck traffic on Broadway Ave. north of the railroad tracks and instruct the Town Engineer to install the signage. **Motion carried 4-0.**

ii. Fireworks Discussion

Mr. Paris said at the last meeting there was a desire to have a stage, food vendors and parking on the grass. When talking to county staff about this something bigger came up. They are getting ready to bid Construction Phase 2 B- park improvements and setting the construction schedule which would interfere with the fireworks date. He did ask the county staff if they could delay the construction until after the fireworks show. They took that to the county commissioners, and they decided to delay construction.

Mr. Paris showed the location of where the fireworks and food vendors will be located.

iii. Town Land Brokerage

Mr. Paris said that the town owns 3 acres of land off US Hwy. 601. This property has been on the market for a while. The realtor the town has been using is local however, the town hasn't gotten any movement on it. When this realtor's contract was up Mr. Paris said he went with MPV Properties out of Charlotte. They have a retail background. That contract was signed and is less than the local realtor. They also are asking about doing assemblages with the neighboring properties that would be getting sewer.

iv. Veterans Memorial Flagpole Lighting Discussion

***(Email exchange between the park staff and Midland staff)**

From: Kyle Bilafer <KDBilafer@cabarruscounty.us>
Sent: Friday, January 27, 2023 10:38 AM
To: Doug Paris <DParis@midlandnc.us>
Cc: Londa Strong <LStrong@cabarruscounty.us>; Michael Dorsey <mjdorsey@cabarruscounty.us>; Michael Miller <MAMiller@cabarruscounty.us>
Subject: RE:

Flag Question

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Confirmed sir,

ceiling of

\$3,611.12

From: Doug Paris <DParis@midlandnc.us>
Sent: Friday, January 27, 2023 10:36 AM
To: Kyle Bilafer <KDBilafer@cabarruscounty.us>
Cc: Londa Strong <LAStrong@cabarruscounty.us>; Michael Dorsey <mjdorsey@cabarruscounty.us>; Michael Miller <MAMiller@cabarruscounty.us>
Subject: RE: Flag Question

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

To confirm the ceiling is \$3,611.12. DP

From: Kyle Bilafer <KDBilafer@cabarruscounty.us>
Sent: Friday, January 27, 2023 8:34 AM
To: Doug Paris <DParis@midlandnc.us>
Cc: Londa Strong <LAStrong@cabarruscounty.us>; Michael Dorsey <mjdorsey@cabarruscounty.us>; Michael Miller <MAMiller@cabarruscounty.us>
Subject: RE: Flag Question

Please note I suspect this cost will be the **HIGHEST** it will get as some of these are estimates (see notes), only will bill for exact amount spent on materials.

This would include:

- Material needed to construct panel/meter pedestal **\$500.**
- New meter and electrical panel **\$500**
- Conduit and wiring **\$500**
- Trencher for excavation **\$1000**

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- Flagpole lighting floodlights, bases and photocell control for dusk to dawn illumination, maintaining compliance per US Flag Code, Section 6a **\$800-1000**
- Inspection permitting and fees **(item on 03-06-23 agenda to request BOC to waive, cost is \$111.12)**
- **Per Duke Energy on 01-27-23 there will be NO CHARGE for installation**

~END EMAIL~

Mr. Paris told Council that the previously 2 solar light sets failed. He and Condor Flag Co. did a swap out for the value, and the town received 6 US and 6 NC flags for future use.

Mr. Paris started a discussion with the county about how to handle lighting the flags. There is a power pole nearby and Duke Energy has been contacted. As stated in the estimated cost (according to the above email would be \$3,611.12 to do inground lighting off the pole). The county would do the labor and the town would provide materials. This matter will be heard before the county commissioners next month.

Additionally, the park rangers will continue to lower the flags at night and raise them in the mornings.

Mayor Crump asked if the electric meter will be the town's responsibility.

Mr. Paris said it would be. The bill will be very minimal.

Mr. Paris said that if there were no objections on the cost he would convey that to the county.

Councilmember Wise said that he would like to see what the commissioners would offer first.

Mr. Paris said it will come back for Council's consent.

v. Other items - County Work Session Comments

Using a Power Point Presentation Mr. Paris spoke to the following regarding the county's latest discussions on the topic of the sheriff's contract:

Prior Problems

- There have been bad experiences with the county, and they may resurface this year;
 - County attempted to double the contract cost for Midland police protection several years ago and that would have caused a tax increase;
 - The county at 1 point wanted Midland to pay for all 4 officers- but it was negotiated back to the 2-2 split;
- Not adequately insuring vehicles;
 - In the last contract negotiations, the county wanted to take over ownership of the vehicles;
 - Mr. Paris said that he would agree to that if they insured them;
 - Their policy only triggers when there is \$50,000 worth of damage or more;
 - They would bill Midland for the full cost of damage under the \$50,000 or even a total loss;
 - As a town, Midland must have its vehicles insured;
- Midland was over billed \$21,985.10 for 2 vehicles;
 - Mr. Paris requested an itemized bill and looked at all the equipment to have them reduce the bill and make it more accurate;

- Vehicle maintenance invoices were backed up for 10 months which caused a problem when Midland had to pay for prior fiscal year invoices;
- The county manager wanted to put Midland on the same contract that Harrisburg recently negotiated.

Future Problems:

- Resumes not adequately insuring patrol vehicles like the Town of Harrisburg;
 - Harrisburg is taking all the responsibility for claims and total losses;
 - As with the Harrisburg contract increases allowed vacancies from 30 days to 90 days. That is a real problem for a town the size of Midland;
 - Important to keep the vacancy at 30 days for Midland;
 - Changes billing from an accountable method to the same method NFOCUS used when they were contracted with Midland. Mr. Paris gets a firm amount of what it is going to cost the town before the fiscal year starts. It is reviewed to its accuracy and the town is billed quarterly;
 - The way the Harrisburg template is structured is that the town is billed for the actual cost during the year. The actual cost is not something that can be adequately tracked. This is why keeping the current structure is so important;
 - Mr. Paris has let the deputy county manager know that the Harrisburg contract is not right for Midland. Midland is too small of a town.

Discussion:

Councilmember Burnette: What contract is Mt. Pleasant under?

Mr. Paris: Their contract is very similar to Midland's.

Councilmember Burnette: Is that looking to change?

Mr. Paris: The deputy county manager is wanting Mt. Pleasant and Midland to go under the Harrisburg template.

Councilmember Burnette: Have you spoken with Mt. Pleasant about this?

Mr. Paris: I have not but when they wanted to double the cost to Mt. Pleasant, Midland and Harrisburg we fought that jointly and was able to prevent that from happening.

Mayor Crump: How many officers do you think would be down here if we were not paying for any coverage? Are they still required to?

Mr. Paris: If we pulled out of the contract entirely and it was structured the way it was before I'm not sure how they would handle that situation.

Mayor Pro Tem Hartsell: I want people to know that this is coming from county management and *not* the sheriff's department. I like the way it is today.

12. Executive Session: [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)] Consult with the Attorney to protect the attorney-client privilege inviting Manager Paris, Town Clerk Boyden, Engineer McMillan, and Planner Watts. **Motion carried 4-0.**

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Council and guests entered Executive Session at 710pm.

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

Council returned to Regular Session at 7:21pm.

13. Adjournment:

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

Council adjourned at 7:22.

Attest/Seal

Mayor John Crump

Town Clerk Nancy E. Boyden, CMC