

**TOWN OF MAIDEN**

**OCTOBER 8, 2019**

**MINUTES OF MEETING**

The Maiden Town Council met on Monday, October 8, 2019 at 6:00 p.m. for their regular meeting, held in the Council Chambers at the Maiden Town Hall.

Present for the meeting were Mayor Pro-Tem Max Bumgarner, Jr., Councilmembers Danny Hipps, Trina Michael, Marcus Midgett, and Ronnie Williams.

Also present were Town Manager Todd Herms, and Town Attorney Scott Conrad.

Others attending: See attached sheet.

The meeting was called to order at 6:00 p.m. by Mayor Pro-Tem Max Bumgarner, Jr.

The invocation was given by Councilmembers Danny Hipps.

The Pledge of Allegiance was led by Councilmembers Danny Hipps.

4. Approval of Agenda

**MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY COUNCILMEMBER RONNIE WILLIAMS TO APPROVE THE AGENDA AS PRESENTED. MOTION CARRIED UNANIMOUSLY.**

5. Citizens Requests and Comments

No Citizen Spoke

6. Approval of Minutes:

**MOTION WAS MADE BY COUNCILMEMBER RONNIE WILLIAMS AND SECONDED BY COUNCILMEMBER DANNY HIPPS TO APPROVE THE MINUTES OF THE SEPTEMBER 10, 2019 REGULAR AND CLOSED SESSION MEETING. MOTION CARRIED UNANIMOUSLY.**

7. Consent Agenda:

7A. Finance Officer's Report

**MOTION WAS MADE BY COUNCILMEMBER MARCUS MIDGETT AND SECONDED BY COUNCILMEMBER DANNY HIPPS TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY.**

8. Presentation from ElectriCities:

Kelsey Lawhead with ElectriCities came before council and gave the results of the Town of Maiden Electric Customer Satisfaction Survey. Mrs. Lawhead informed council that 100 resident customers were included in this survey, which is a good number for a town the size of Maiden. However, on a much smaller scale with commercial customers which were 9 in total.

She stated that overall Maiden had a 91% approval rating, which is much higher than the average public power cities in North Carolina. Some other residential data she provided:

- 96% believe Maiden provides reliable electric service
- 91.2% believe Maiden has a helpful and knowledgeable staff
- 93.9% believe Maiden is being supportive of community events
- 86% believe Maiden Electric has met their expectations all or most of the time.

Residential Customer Communication preferences:

- 27% Website
- 25% Bill Inserts
- 18% Direct Mail

9. Public Hearings

9A. Consideration of Annexation Petition

The public hearing for consideration of annexation petition was opened at 6:13 p.m. by Mayor Pro-Tem Max Bumgarner, Jr.

Director of Planning Blake Wright addressed Council stating that before them for this public hearing was the consideration of 7 properties owned by Apple Inc. totaling 257 acres that were being petitioned to be annexed into Town limits. Mr. Wright explained that the public hearing and ordinance were the last actions for Council in the consideration of the petition after the clerk had investigated and certified the petition at the previous meeting.

Mr. Joseph Frye of 3594 Peyton Frye Road came before council with objections against annexing the property into the town. He stated that he used to live in a nice rural area, but now he can go out on his back porch and drink a cup of coffee due to noise and construction. He wanted to ensure council knew that he was against anymore expansion of Apple in his neighborhood.

Mr. Morgan Williams addressed council with his concerns about Apple's annexin, stating that if this occurs, he would be surrounded by land annexed into the town. The only thing not annexed would be a 45-foot right of way. He would be on an island and he was against it.

Eric Sipe of 2379 Blackburn Bridge Road wanted clarification on exactly what was being annexed into the town. He wanted to ensure his property was not.

Town Manager Todd Herms stated that a Mr. Ahlf, which also lives on Peyton Frye Road, had send an email stating his objections. The email had been forwarded to council.

The public hearing for consideration of annexation petition was closed at 6:24 p.m. by Mayor Pro-Tem Max Bumgarner, Jr.

#### 9B. Consideration of Amendment to Town of Maiden Zoning Map

The public hearing for consideration of amendment to Town of Maiden zoning map was opened at 6:24 p.m. by Mayor Pro-Tem Max Bumgarner, Jr

Director of Planning Blake Wright addressed Council stating that this public hearing was to consider the initial zoning of the properties being considered for annexation. The properties are currently zoned by Catawba County and are subject to their regulations, if annexed the properties will need to be given a zoning designation by the Town. Mr. Wright once again explained that the zoning applied to the 7 properties owned by Apple Inc. totaling 257 acres that were being petitioned to be annexed into Town limits. The current zoning designation is Catawba County R-40 (low-density residential) with an ED-O (Economic Development Overlay District), and the new zoning recommended would be 321-ED(I) (US 321 Corridor Economic Development District Industrial).

Mr. Wright went over the review criteria required to be considered by the Unified Development Ordinance. First, is the amendment consistent with intent and goals of the Comprehensive Plan and does it meet the requirements and intent of the Maiden UDO and the Maiden Code of Ordinances. Mr. Wright explained that the proposed amendment was not consistent with the Maiden Comprehensive Plan Map the map shows these properties as remaining residential. However, these properties are located within the US 321 Corridor District which allows the properties to be zoned under the 321-ED designation. Additionally, Catawba County did an additional study of the 321 Corridor (Highway 321 Eco-Tech Development Plan) and found a majority of this area suitable as an Economic Development Opportunity site and designated the area as an Economic Development Overlay District. Mr. Wright told the Board that while the study was completed by Catawba County it would be prudent to consider when making their determination. Second, whether the amendment is consistent with applicable federal and state laws. Staff believed that it was consistent. Third, will the Town be able to supply the development resulting from the ordinance. Staff believed that it would be able to serve the development through the existing site campus and surrounding areas. Fourth, Is the amendment beneficial to the public health, safety, welfare, and in the public interest. Staff believed that the proposed amendment would allow for use that is compatible with the character of the land's location, the properties were within the US 321 Corridor District, and would further contribute to the investment in Maiden. Mr. Wright informed Council that there had been five inquiries regarding this map amendment, with four being general inquiries and the other being in opposition to the zoning.

Mr. Wright stated that the Maiden Planning and Zoning Board of Adjustment had reviewed the map amendment on September 9, 2019 and had unanimously recommended approval and acknowledged that it was inconsistent with the Maiden Land Development Plan but found that the amendment is reasonable and in the public interest due to the character of the properties, and the investment and economic growth afforded by the addition of these properties as zoned 321-ED(I).

The public hearing for consideration of annexation petition was closed at 6:29 p.m. by Mayor Pro-Tem Max Bumgarner, Jr.

#### 9C. Consideration of Economic Development Agreement Amendment

The public hearing for consideration of economic development agreement amendment was opened at 6:29 p.m. by Mayor Pro-Tem Max Bumgarner, Jr

Town Attorney Scott Conrad explained to council that this amendment incorporates these seven new properties of Apple's into the original economic development agreement. It also includes a few additional things that Maiden requested to be inculcated such as not being required to construct any new sewer lift stations as a result of these new properties. Additionally, Apple will assist in locally educational initiatives in order to develop a highly skilled local work force. Also, they would consider (and assist) the Town of Maiden for any future economic development opportunities. The economic development's term does not change.

Councilmember Marcus Midgett asked if the changes anything in the original investment. Mr. Conrad said the original number was \$500 million, but now it \$1 billion over the next ten years.

The public hearing for consideration of economic development agreement amendment was closed at 6:34 p.m. by Mayor Pro-Tem Max Bumgarner, Jr.

#### 9D. Consideration of Development Agreement Amendment

The public hearing for consideration of development agreement amendment was opened at 6:34 p.m. by Mayor Pro-Tem Max Bumgarner, Jr

Town Attorney Scott Conrad stated this amendment extends the original development agreement to also included the seven new properties, with the same the rules and regulations as the original. It also brings the original development up to date and extend the just the development agreement an additional 10 years.

Town Manager

The public hearing for consideration of development agreement amendment was closed at 6:36 p.m. by Mayor Pro-Tem Max Bumgarner, Jr.

10. Ordinances/Resolutions/Proclamations:

10A. Ordinance #26-2019 An Ordinance to Extend the Corporate Limits of the Town of Maiden, North Carolina.

**MOTION WAS MADE BY COUNCILMEMBER FORE REMBERT AND SECONDED BY COUNCILMEMBER TRINA MICHAEL TO APPROVE THE ECONOMIC DEVELOPMENT AGREEMENT FOR PROJECT DRIVELINE. MOTION CARRIED UNANIMOUSLY.**

10B. Ordinance #27-2019 An Ordinance to Amend the Town of Maiden Zoning Maps

**MOTION WAS MADE BY COUNCILMEMBER DANNY HIPPS AND SECONDED BY COUNCILMEMBER RONNIE WILLIAMS TO APPROVE ORDINANCE #27-2019, AN ORDINANCE TO AMEND THE TOWN OF MAIDEN ZONING MAPS. MOTION CARRIED UNANIMOUSLY.**

10C. Ordinance #28-2019 An Ordinance to Approve an Amendment to the Development Agreement between the Town of Maiden and Apple

**MOTION WAS MADE BY COUNCILMEMBER MARCUS MIDGETT AND SECONDED BY COUNCILMEMBER DANNY HIPPS TO APPROVE ORDINANCE #28-2019, AN ORDINANCE TO APPROVE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF MAIDEN AND APPLE. MOTION CARRIED UNANIMOUSLY.**

10D. Ordinance #29-2019 An Ordinance to Amend Fiscal Year 19-20 Budget in Water-Sewer Fund

Town Manager Todd Herms explained to council that during a storm, lightning struck Wendover's sewer lift station. The insurance settlement was in the amount \$9,541.70. This ordinance allows staff move the insurance funds into the appreciate line item within the budget.

**MOTION WAS MADE BY COUNCILMEMBER DANNY HIPPS AND SECONDED BY COUNCILMEMBER TRINA MICHAEL TO APPROVE ORDINANCE #29-2019, AN ORDINANCE TO AMEND FISCAL YEAR 19-20 BUDGET IN WATER-SEWER FUND. MOTION CARRIED UNANIMOUSLY.**

10E. Resolution #11-2019 A Resolution Approving an Amendment to Economic Development Agreement and Authorizing Economic Incentives for Apple Inc.

**MOTION WAS MADE BY COUNCILMEMBER DANNY HIPPS AND SECONDED BY COUNCILMEMBER MARCUS MIDGETT TO APPROVE RESOLUTION #11-2019, A RESOLUTION APPROVING AN AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT AND AUTHORIZING ECONOMIC INCENTIVES FOR APPLE, INC. MOTION CARRIED UNANIMOUSLY.**

10F. Proclamation of American Legion Auxiliary Centennial Day

Mayor Pro-Tem Max Bumgarner, Jr., read the proclamation aloud.

11. New Business:

11A: Addition of Classifications to Pay Scale

Town Manager Todd Herms stated that staff is requesting that School Resource Officer (SRO) at Grade 19 and Electrical Journeyman at Grade 23 to town's Pay Scale/Classifications.

**MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY COUNCILMEMBER MARCUS MIDGETT TO APPROVE OF THE ADDITION OF CLASSIFICATIONS OF SCHOOL RESOURCE OFFICER (SRO) AT GRADE 19 AND ELECTRICAL JOURNEYMAN AT GRADE 23. TO THE TOWN OF MAIDEN'S PAY SCALE. MOTION CARRIED UNANIMOUSLY.**

11B: NC Apprenticeship Program

Town Manager Todd Herms explained that the NC Apprenticeship Program would incorporate lineman into a national recognize program that allow them to earn different classifications. The major difference is that instead of 6,000 hours of on the job training they would now be required to earn 8,000 hours of on the job training to earn the highest class of lineman.

**MOTION WAS MADE BY COUNCILMEMBER DANNY HIPPS AND SECONDED BY COUNCILMEMBER RONNIE WILLIAMS TO APPROVE THE TOWN OF MAIDEN'S PARTNERSHIP WITH NC APPRENTICESHIP PROGRAM. MOTION CARRIED UNANIMOUSLY.**

11C: Rescue Grant

Maiden Fire Chief Tracy Caldwell came before council and requested permission to apply for a Rescue Grant for a total amount of \$22,595.73 with a state reimbursement \$11,297.86. The items requested in the grant are needed and will be purchased with or without the grant.

**MOTION WAS MADE BY COUNCILMEMBER DANNY HIPPS AND SECONDED BY COUNCILMEMBER MARCUS MIDGETT TO APPROVE THE MAIDEN FIRE DEPARTMENT TO APPLY FOR RESCUE GRANT. MOTION CARRIED UNANIMOUSLY.**

Maiden Fire Chief Tracy Caldwell also came and announced that the Town of Maiden has been selected for a Staffing for Adequate Fire and Emergency Response (SAFER) grant in a 3-year total of \$322,758, with the town's part being \$123,723.90. The Federal Government will fund 75% of total cost for the first 2 years and 25% of the total cost of the 3<sup>rd</sup> and final year. Chief Caldwell stated that hope to have the two new fire fighters hired by January of 2020. At that point the fire department will have 24/7 coverage with a full-time firefighter, and full-time firefighters will not sever as an officer within the MFD. Chief Caldwell stated that there are funds available in the FY 19-20 Budget to cover the town's responsibly. Chief Caldwell thanked Congressman Patrick McHenry and his office for their assistance with this grant.

With no further comments.....

**MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY COUNCILMEMBER DANNY HIPPS TO ADJOURN THE MEETING AT 7:04 P.M. MOTION CARRIED UNANIMOUSLY.**

Respectfully Submitted:

William Todd Herms, Assistant Town Clerk

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**Max Bumgarner, Jr., Mayor Pro-Tem**

**ATTEST:**

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**William Todd Herms, Assistant Town Clerk**