

## TOWN OF MAIDEN

March 20, 2017

### MINUTES OF MEETING

The Maiden Town Council met on Monday, March 20, 2017 at 7:00 p.m. for their regular meeting, held in the Council Chambers at the Maiden Town Hall.

Present for the meeting were Mayor Robert L. Smyre, Mayor Pro-Tem Fore Rembert, Councilmembers Trina Michael, Max Bumgarner, Jr., Marcus Midgett, and Ronnie Williams.

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

Others attending: See attached sheet.

The meeting was called to order at 7:00 p.m. by Mayor Robert L. Smyre.

The invocation was given by Mayor Robert L. Smyre.

The Pledge of Allegiance was led by Councilmember Marcus Midgett.

#### 3. Approval of Agenda

**MOTION WAS MADE BY COUNCILMEMBER FORE REMBERT AND SECONDED BY COUNCILMEMBER MARCUS MIDGETT TO APPROVE THE AGENDA AS PRESENTED. MOTION CARRIED UNANIMOUSLY.**

#### 4. Citizens Requests and Comments

Mary Henry greeted and then addressed the Council. She thanked everyone for their prayers as she had been sick. She requested clarification on dump trucks and tractor trailers driving through the city limits.

Manager Todd Herms requested clarification.

Ms. Henry requested clarification on what types of trucks could be prohibited from the city limits because Ms. Henry noted there are signs saying "No Trucks" in the Town limits. Manager Herms stated these signs could not be enforced because we do not have a designated truck route.

Mayor Robert Smyre stated the signs probably pertained to tractor trailers because the dump trucks would go from construction site to construction site. The Mayor was not sure if this information addressed Ms. Henry's questions or not.

Ms. Henry stated that on Ramseur Road an individual owns three dump trucks and these trucks run from 5:30 to 6 AM. Ms. Henry wanted to know if the owner of these trucks could come another way to not come through city limits.

Ms. Henry asked if a sign that says no trucks allowed could be put on her road? At the bottom of her hill, there is not a sign but at South C and South D Ave there is a sign saying "No Trucks."

Councilmember Max Bumgarner Jr. stated if a truck is making a delivery or leaving their home base they cannot be stopped.

Ms. Henry said the roads are so bad and the school buses too. She just does not know what we can do.

Ms. Henry was concerned about when the streets in town were going to be paved.

Town Manager Todd Herms explained a plan had been implemented where approximately \$300-400,000 per year would be set aside for repaving and a list of roads had been prioritized with the roads in the worst condition being paved first. South D Street is on the top of the priority list. Manager Herms also said he believed this approach was the one adopted by the Council and Councilmember Trina Michael said that was the approach she remembered taking.

Councilmember Ronnie Williams asked if some of these roads would be repaved in Fiscal Year 17-18 and Manager Herms said some of them would be. North Main Avenue will be repaved after school is dismissed for summer but there has been concern over whether the project will be completed by July 1. It may be delayed until after the July 4<sup>th</sup> Holiday. The next three roads on the priority list will be repaved in July. Ms. Henry said that her main concern was the no trucks allowed signs. She asked if a person owned property within Town limits but you live outside, would the renters be considered a citizen?

Manager Todd Herms said wherever a person spends 51% of their nights, they are considered a citizen, even if they do not own the property. The owners who live outside Town limits are not considered citizens.

Ms. Henry would like for the manager to look at more recreation facilities. She also wanted to thank Jody Rogers and Chief Ledford for their assistance.

Manager Herms asked if he could provide an update on the Splash Pad. Manager Herms stated the Council has indicated they would like to pursue the Part F Grant to build a splash pad. The grant will cover 50% of the cost and the Council has sent aside funds in the upcoming budget to match the grant. If the Town does not receive the grant, 50% of the funds will be set aside and more funds in the upcoming budget year would be set aside to complete this project. If we receive the Part F Grant, we will have a splash pad in 18-36 months, if we do not, we should have one in 36-48 months.

Ms. Henry also asked the council to think about this, if your neighbor is so junky and filthy, do the neighbors have the right to sign a petition to get this neighbor to leave.

Councilmember Fore Rembert brought up the intersection where Apple is, near the new gas station. He stated there needs to be a traffic light because the intersection it is very dangerous. Councilmember Fore Rembert said he would like to have a traffic study conducted.

Councilmember Trina Michael said there have multiple accidents at this intersection. She said she brought this up at a Closed Session meeting and is very concerned.

Mayor Robert Smyre stated he would like for DOT to conduct a study to see what can be done.

Town Manager Todd Herms stated that at the April 3<sup>rd</sup> Meeting, John Marshall, District Transportation Planner for the COG will be present and that would be a good time to bring this concern to his attention.

#### 5. Approval of the Minutes (3/06/17 Meeting):

**MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY COUNCILMEMBER MAX BUMGARNER TO APPROVE THE MINUTES OF THE MARCH 6, 2017 REGULAR MEETING. MOTION CARRIED UNANIMOUSLY**

#### 6. Public Hearing:

Mayor Bob Smyre called the Public Hearing for Text Amendment Chapter 17 to order at 7:15 PM. Travis Ramsey, Director of Planning stated that Times Oil submitted a request to change the sign standards currently in place. Times Oil is constructing a gas station and Hardees on Startown Road. The current ordinance specifies a maximum of 20 feet for ground signs. They are requesting to go to 90 feet to get more visibility on 321. This text amendment would change all ground signs to up to 90 feet. This would not apply to the downtown business district because of the density. The Planning Board approved this amendment 3-1. This piece of property is zoned highway commercial.

The Mayor asked about Newton who recently made this change. This will not change for the overlay properties. We have a more restricted overlay.

Councilmember Ronnie Williams stated that he cannot recall any signs like this on 321, all the way to Gastonia.

Travis Ramsey explained that about 17 years ago, there was an overlay district on the 321 corridor where only low visibility signage could be used.

Councilmember Ronnie Williams asked if there were any distance requirements for a sign that high. Travis Ramsey explained the sign still has to be ten feet from the controlled access, which is part of Maiden's ordinance and DOT regulations.

Mayor Robert Smyre adjourned the public hearing with no further public comment at 7:21 PM.

## 7. Consent Agenda:

**MOTION WAS MADE BY COUNCILMEMBER RONNIE WILLIAMS AND SECONDED BY COUNCILMEMBER TRINA MICHEAL TO ACCEPT CONSENT AGENDA ITEMS. MOTION CARRIED UNANIMOUSLY.**

## 8. New Business

Town Manager Todd Herms was contacted by the owner of 1025 East Boyd Street about a building that has been undermined by possible water runoff. The property owner stated that when the building was built the road was dirt and over time the Town has paved the road several times. The property owner states that water is running off from the road and has undermined his building. The Town's engineers visited the property and gave a site evaluation. The engineer stated he saw a small amount of runoff but nothing that would result in the building sinking. It is the engineer's opinion that the footings may not have been poured to code when the building was constructed.

The property owner has requested the Town turn this into Maiden's property insurance and have an adjustor review his case. Manager Todd Herms wanted Council's input on this situation before calling the property insurance.

Mayor Robert Smyre said he did not think it would hurt to turn this into the Town's insurance. Manager Herms stated he did not believe the insurance would pay for this and was not sure where the property owner would turn if the claim was denied.

Councilmember Trina Michael said she believed turning this into the insurance was in the Town's best interest.

**MOTION WAS MADE BY COUNCILMEMBER TRINA MICHEAL AND SECONDED BY COUNCILMEMBER FORE REMBERT TO HAVE TODD HERMS CONTACT THE INSURANCE TO REVIEW THIS CASE. THE MOTION CARRIED UNANIMOUSLY.**

## 9. Ordinance

9A. Ordinance 3-2017 Amend Water-Sewer fund for waterline extension with Catawba County.

Town Manager Todd Herms explained this ordinance was needed to spend money and bring money in from Catawba County. Council voted last month to amend this contract.

**MOTION WAS MADE BY COUNCILMEMBER RONNIE WILLIAMS AND SECONDED BY COUNCILMEMBER MARCUS MIDGETT TO APPROVE ORDINANCE 3-2017. MOTION CARRIED UNANIMOUSLY.**

9B. Ordinance 4-2017 Capital Project for construction of new Police Facility.

Town Manager Todd Herms explained this ordinance would create a project budget that would stretch over fiscal years. By law, anything budgeted for FY 2016-2017 cannot be spent after July 1.

**MOTION WAS MADE BY COUNCILMEMBER FORE REMBERT AND SECONDED BY RONNIE WILLIAMS TO APPROVE ORDINANCE 4-2017. MOTION CARRIED UNANIMOUSLY.**

Councilmember Ronnie Williams requested a sign be posted at the Police Facility construction site.

9C. Ordinance 5-2017 Move funds from Capital Reserve Fund and General Fund to the Police Facility Construction Project Fund

Town Manager Todd Herms explained that about \$700,000 was set aside in the General Fund and Capital Reserve fund and this money would fund the Police Facility Construction Project Fund.

**MOTION WAS MADE BY COUNCILMEMBER RONNIE WILLIAMS AND SECONDED BY TRINA MICHAEL TO APPROVE ORDINANCE 5-2017. MOTION CARRIED UNANIMOUSLY.**

9D. Ordinance 6-2017 Ground Sign Amendment

Manager Todd Herms explained this amendment would allow ground signs to be ninety feet tall.

**MOTION WAS MADE BY COUNCILMEMBER FORE REMBERT AND SECONDED BY MARCUS MIDGETT TO APPROVE ORDINANCE 6-2017. MOTION CARRIED UNANIMOUSLY.**

#### Old Business

##### JW Abernathy Road Improvements

Manager Todd Herms explained that when Carolina Non-Woven moved into their facility, it was mentioned the entrance was not conducive to fifty-foot tractor trailers. This issue has gotten worse. Council approved funds to have engineers review the property and they determined the best course of action is to remove the median and move the power lines back. Since this was related to an Economic Development Project, the funds should come from the general fund budget and not Powell Bill. Additionally, any property disturbed during this project will be restored by the town, this includes repaving some driveways. Also, the owner of a beauty shop has been using land owned by the Town for parking. The building was constructed many years ago and ownership of the land was never questioned. This plan calls for the Town to pave six parking spaces which the Town will turn over to the property owner.

Councilmember Ronnie Williams asked if this meant deeding the property to the owner of the beauty shop. This property has a depth of about eighteen feet.

Councilmember Trina Micheal asked what the cons of not doing this. Manager Herms said someone could be upset because we are not paving the parking lot of their business however, no one knew that this was our property. Town Manager Todd Herms thinks deeding this piece of land to the property owner is the best solution.

Mayor Robert Smyre stated this was a simple thing we needed to do to improve the property for economic development.

Councilmember Ronnie Williams wanted to know if the parking lot was currently gravel or asphalt and Town Manager Herms said it was gravel.

The road will be curbed which will eliminate further damage to other property owners.

Town Manager Herms said this will be presented to the property owners to insure they are satisfied with the proposal. One of the drawbacks of this property is that others who are interested can see that the trucks are having an issue getting into and out of the property.

This project will go out to bid.

Without further comments...

**MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY MAX BUMGARNER JR TO ADJOURN THE MEETING AT 7:43 PM. MOTION CARRIED UNANIMOUSLY.**

Respectfully Submitted:

Elizabeth Yokley-Krige, Town Clerk

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**Robert L. Smyre, Mayor**

**ATTEST:**

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**Elizabeth Yokley-Krige, Town Clerk**