

TOWN OF MAIDEN

June 11, 2019

MINUTES OF REGULAR MEETING

The Maiden Town Council met on Tuesday, June 11, 2019 at 6:00 p.m. for their regularly scheduled meeting, held in the Council Chambers at the Maiden Town Hall.

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

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 6:00 p.m. by Mayor Pro Tem Max Bumgarner Jr.

The invocation was given by Mayor Pro Tem Max Bumgarner Jr.

The Pledge of Allegiance was led by Mayor Pro Tem Max Bumgarner Jr.

4. Approval of Agenda

Mr. Herms asked Mayor Pro Tem Bumgarner to add two items to the agenda, items J and K, for ordinances 15-2019 and 16-2019.

MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY COUNCILMEMBER DANNY HIPPS TO APPROVE THE AGENDA AS AMENDED. MOTION CARRIED UNANIMOUSLY.

5. Citizens Requests and Comments

Councilmember Trina Michael was asked by a citizen to thank Chief Ledford for the way he handled a serious situation. Councilmember Danny Hipps thanked Billy Price for a culvert he built a few years ago that withstood the heavy rains from the past weekend.

Police Chief Tracy Ledford introduced Tyler Whisenant who was promoted from within the department to the position of Lieutenant. Lt. Whisenant is responsible for three school resource officers, investigations and narcotics. Lt. Whisenant then introduced the new School Resource Officers, David Lee who came from Hickory Police Department and will serve at Maiden High School. Mark Baker who has served as the DARE officer, will be Maiden Middle School. The position for the elementary school is not filled at this time.

6. Consent Agenda

A. Finance Officer's Report-May

Mr. Herms said the collection rate is at 99.98%.

MOTION WAS MADE BY COUNCILMEMBER DANNY HIPPS AND SECONDED BY COUNCILMEMBER RONNIE WILLIAMS TO ACCEPT THE FINANCE OFFICERS REPORT FROM MAY. MOTION CARRIED UNANIMOUSLY.

7. Approval of the Minutes 5/14/19 Regular Meeting and Closed Session

MOTION WAS MADE BY COUNCILMEMBER RONNIE WILLIAMS AND SECONDED BY COUNCILMEMBER TRINA MICHAEL TO APPROVE THE REGULAR MEETING AND CLOSED SESSION MINUTES OF THE MAY 14, 2019 MEETING. MOTION CARRIED UNANIMOUSLY.

8. Library Presentation

Suzanne White, Director of Libraries for Catawba County, presented data about the county wide system as well as the Maiden Branch Library. She highlighted how the staff work one-on-one with individuals to assist them with questions about filling out job applications and how to find information on services, repairs or hobbies. 2250 people attended 95 Early Learning Classes. The library is sponsoring summer learning and STEM activities for school age children.

9. Public Hearing

A. ZMA-1-2019 513 N Carolina Ave

The hearing was opened at 6:23 PM by Mayor Pro Tem Max Bumgarner Jr. Planning Director Blake Wright presented his findings to the Council. The applicant, Maiden's Children Trust, wishes to have the property rezoned from R-8, high-density residential to Office-Institutional. This property has been used as a daycare in the past and that is the only commercial use allowed currently.

This property is consistent with the intent and goals of the Maiden comprehensive plan, it is consistent with applicable state and federal laws and the Town is able to supply utilities, streets, etc.

Councilmember Ronnie Williams asked if changing the zoning on this property would affect the others surrounding it and Mr. Wright said it would not. He had heard from one person who was in support of the change.

Hearing closed at 6:27 pm.

B. ZMA-2-2019 100 Island Ford Road

The hearing was opened at 6:27 PM by Mayor Pro Tem Max Bumgarner Jr. Planning Director Blake Wright presented his findings to Council. This property is located at 100 Island Ford Road and owned by Neal Abernathy. The property has a residence on the lot and is zoned R15, medium-density residential. The owners request this property to be rezoned as C-2 (general business). The Planning Board recommended approval of the change because the use is reasonable and in the public interest. It should be noted that the Maiden Comprehensive Plan shows this property as remaining a residential property. The use is consistent with applicable state and federal laws and the property is within Town limits and all services are (sewer, trash, etc.) are available to it.

Mr. Wright also stated this property was located on a major thoroughfare and if rezoned to C-2, it could remain a residence.

Councilmember Williams asked if the owners would be responsible for the upkeep of the pond and Mr. Wright said yes.

The public hearing was closed at 6:32.

C. ZMA-3-2019 105 West Pine Street

The hearing was opened at 6:32 PM by Mayor Pro Tem Max Bumgarner Jr. Blake Wright, Planning Director presented his findings to the Council. Mr. Wright stated the property is currently a vacant lot and is zoned as R-8 high density residential. This lot has recently been subdivided for the construction of duplexes. The applicant, Nelson Canipe, has expressed an interest in building a wood working shop on the property. The woodworking shop is not an allowed use in the R-8 district.

It is Council's decision whether or not to approve this use. The Planning Board recommended to approve the request. The rezoning is inconsistent with adopted plans, but the Board found it to be reasonable and in the public interest.

Councilmember Williams asked about a land locked piece of property that borders 105 West Pine Street. Mr. Wright said this property had been landlocked and the owners were trying to get easements from the cemetery.

Councilmember Michael asked if the surrounding property owners were contacted. Mr. Wright said they were, and no one contacted him.

The public hearing closed at 6:36.

D. Public Hearing on the FY 2019-2020 Budget

Mr. Herms said the total operating budget for the Town of Maiden is \$20,165,033. The General Fund has revenues of \$10,011,125; the Electrical Fund has revenues of \$7,551,623 and the Water/Sewer Fund has revenues of \$2,602,285.

The property tax rate did not change and remains at .38/\$100 however there is a \$1.25 per month increase to

the recycling fee. Mr. Herms explained that the cost of recycling was increasing because China was no longer accepting recycling from the US. In addition, when recyclable material is contaminated by leftover food waste, they have to be sent to the landfill which is more expensive than recycling. Mr. Herms said the town's contamination rate is low, only about 20% of the recyclables are contaminated.

Councilmember Williams asked if other local governments pass on the full cost to their citizens. Mr. Herms said Maiden was subsidizing this service by \$10 per month per household. Mr. Herms said he believed the rates were 60/40 in Claremont. Mr. Herms stated the Town would not be able to pay for these services at this rate with an all in-house crew. Mr. Herms told Council he planned to mail a flyer explaining the changes.

Councilmember Midgett asked if our customers understood what is meant by contamination. Mr. Herms stated there would be a social media campaign and flyers to make the public aware of this issue.

The public hearing was closed at 6:45.

10. New Business

A. Nominate Planning Board Member

Mr. Wright explained that the previous nominee, Wesley Deaton, has decided serving may be a conflict of interest for him. He recommended Megan Gilbert. Mr. Herms said she is an attorney, in practice with Wesley Deaton and is related to a Department Head. Mr. Wright stated she was enthusiastic about serving.

Mr. Herms told the Council they could nominate Megan Gilbert, nominate someone from the floor or hold off on nominating someone with the understanding that the planning board would be one short.

This was tabled for the list of names Council previously discussed.

B. Award of Bid for Building Demolition

Mr. Herms stated the Town advertised for bids and set a date and time for a bid opening even though this project did not meet the threshold for formal bidding guidelines. There were five bidders, the lowest bid was BPM Construction. When they were contacted it was determined that the number given was to another company; the person who answered stated they were suing BPM Construction; this company has been sued by the City of Charlotte. This matter was referred to our attorney who asked each of the two lowest companies to send their contractor's license, liability insurance, references for demolition jobs, the number of other projects each company has in the works, pending litigation and the legal name, owner, registered agent and physical address of the business. BPM Construction never responded to this request. Mr. Conrad's opinion is that only DH Griffin is the lowest responsive and responsible bidder.

Councilmember Hipps asked about the challenge that was raised by Jones Building and Grading. Mr. Conrad said they protested because other bidders did not list each part of the demolition by line item. Mr. Conrad found their protest to be unfounded. Councilmember Williams asked if town crews would be involved in the demolition. Mr. Herms said they would not.

MOTION WAS MADE BY COUNCILMEMBER DANNY HIPPS AND SECONDED BY COUNCILMEMBER RONNIE WILLIAMS TO ACCEPT THE BID FROM DH GRIFFIN FOR DEMOLITION OF THE GALAXY AND FORMER POLICE DEPARTMENT. MOTION CARRIED UNANIMOUSLY.

C. Council Authorization of Catawba County Emergency Services Agreement

Mr. Herms explained this contract allows the county to provide fire inspection service to the citizens in the town. We renew the contract every year and the cost is \$10,139.

MOTION WAS MADE BY COUNCILMEMBER RONNIE WILLIAMS AND SECONDED BY COUNCILMEMBER TRINA MICHAEL TO ALLOW TOWN MANAGER TODD HERMS TO SIGN THE CONTRACT WITH CATAWBA COUNTY FOR EMERGENCY SERVICES. MOTION CARRIED UNANIMOUSLY.

D. Council Authorization of Auditor's Contract

Council needs to authorize the contract to allow Debra Wentz, CPA to audit the town's financial accounts. Mr. Herms said we have used her for several years and will likely need to use a different firm in the future. Councilmember Michael asked how often Auditors were Peer Reviewed. Mr. Herms will research and present findings to the Council.

MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY COUNCILMEMBER DANNY HIPPS TO ALLOW TOWN MANAGER TODD HERMS TO SIGN THE CONTRACT WITH DEBRA WENTZ FOR AUDIT OF THE TOWN'S ACCOUNTS. MOTION CARRIED UNANIMOUSLY.

E. Council Authorization of Residential Solid Waste Agreement

Mr. Herms presented the Town's Residential Solid Waste Agreement to Council. This is a five-year agreement with a flat 3.5% increase per year instead of the usual CPI increase. Mr. Herms said either party can opt out of the contract with 90-day notice.

MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY COUNCILMEMBER MARCUS MIDGETT TO ALLOW TOWN MANAGER TODD HERMS TO SIGN THE CONTRACT WITH REPUBLIC SERVICES FOR TRASH AND RECYCLING FOR THE NEXT 5 YEARS. MOTION CARRIED UNANIMOUSLY.

11. Ordinances/Resolutions

A. 8-2019 Fiscal Year 2019-2020 Budget Ordinance

MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY COUNCILMEMBER MARCUS MIDGETT TO APPROVE ORDINANCE 8-2019, THE FY 18-19 BUDGET ORDINANCE. MOTION CARRIED UNANIMOUSLY.

B. 9-2019 An Ordinance to Amend the 18-19 Budget to Record Federal and State Forfeiture Rollovers

MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY COUNCILMEMBER MARCUS MIDGETT TO APPROVE ORDINANCE 9-2019, RECORDING ROLLOVERS FROM FEDERAL AND STATE FORFEITURES. MOTION CARRIED UNANIMOUSLY.

C. 10-2019 An Ordinance to Amend the 18-19 Electric Budget

Mr. Herms explained the town sold more power which meant more power had to be purchased.

MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY COUNCILMEMBER MARCUS MIDGETT TO APPROVE ORDINANCE 10-2019 FOR POWER PURCHASE. MOTION CARRIED UNANIMOUSLY.

D. 11-2019 An Ordinance to amend the 18-19 Budget to Record State Forfeitures

This amendment needs to be made every year to record the revenues received from the state.

MOTION WAS MADE BY COUNCILMEMBER DANNY HIPPS AND SECONDED BY COUNCILMEMBER RONNIE WILLIAMS TO APPROVE ORDINANCE 11-2019 FOR TO RECORD STATE FORFEITURES. MOTION CARRIED UNANIMOUSLY.

E. 12-2019 An Ordinance to Amend the TOM Zoning Maps-513 N Carolina Ave

MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY COUNCILMEMBER RONNIE WILLIAMS TO APPROVE ZONING MAP AMENDMENT 1-2019, ORDINANCE 12-2019, FOR 513 N CAROLINA AVE AS IT IS CONSISTENT WITH ADOPTED PLANS, IS REASONABLE AND IN THE PUBLIC INTEREST. MOTION CARRIED UNANIMOUSLY.

F. 13-2019 An Ordinance to Amend the TOM Zoning Maps-100 Island Ford Road

MOTION WAS MADE BY COUNCILMEMBER DANNY HIPPS AND SECONDED BY COUNCILMEMBER TRINA MICHAEL TO APPROVE THE ZONING MAP AMENDMENT, 2-2019, ORDINANCE 13-2019, FOR 100 ISLAND FORD ROAD. IT IS INCONSISTENT WITH ADOPTED PLANS BUT IS REASONABLE AND IN THE PUBLIC INTEREST. MOTION CARRIED UNANIMOUSLY.

G. 14-2019 An Ordinance to Amend the TOM Zoning Maps-105 West Pine Street

MOTION WAS MADE BY COUNCILMEMBER RONNIE WILLIAMS AND SECONDED BY COUNCILMEMBER TRINA MICHAEL TO APPROVE THE ZONING MAP AMENDMENT, 3-2019, ORDINANCE 14-2019, FOR 105 WEST PINE STREET. IT IS INCONSISTENT WITH ADOPTED PLANS BUT IS REASONABLE AND IN THE PUBLIC INTEREST. MOTION CARRIED UNANIMOUSLY.

H. 4-2019 A Resolution of Support for a Compliant NPDES MS4 Storm Water Program

Mr. Herms told Council that Maiden was selected for a Storm Water Audit by the NC Department of Environmental Quality. This was in response from the EPA. Only minor issues were found; however, the state has requested Maiden develop and adopt a MS4 Storm Water Program.

At this time Mr. Wright presented information about those who are eligible to serve on the Planning Board. They are Barry Michael and Megan Gilbert. Beth Rudisill was recommended but the seat that needs to be filled is for the ETJ and that person must live out of town limits.

MOTION WAS MADE BY COUNCILMEMBER DANNY HIPPS AND SECONDED BY COUNCILMEMBER TRINA MICHAEL TO APPOINT MEGAN GILBERT TO THE PLANNING BOARD. MOTION CARRIED UNANIMOUSLY.

I. 5-2019 A Resolution for the Adoption of a Flexible Benefit Plan-Cafeteria Plan

Mr. Herms explained this was an item the Council needed to complete each year.

MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY COUNCILMEMBER MARCUS MIDGETT TO APPROVE RESOLUTION 5-2019, FOR ADOPTION OF FLEXIBLE BENEFIT PLAN. MOTION CARRIED UNANIMOUSLY.

J. 15-2019 An Ordinance to Amend the 2018-19 Budget in the General Fund Sanitation Department

Mr. Herms said this was due to an increase in fees at the Catawba County landfill and the town picking up more garbage. Mr. Herms said anything not spent would rollover to the next year.

MOTION WAS MADE BY COUNCILMEMBER DANNY HIPPS AND SECONDED BY COUNCILMEMBER TRINA MICHAEL TO APPROVE ORDINANCE 15-2019. MOTION CARRIED UNANIMOUSLY.

K. 16-2019 An Ordinance to Amend the FY 18-19 Budget in the Water-Sewer Fund

Mr. Herms said the town sold more water than he predicted, the amendment is needed to purchase more water for re-sell.

MOTION WAS MADE BY COUNCILMEMBER DANNY HIPPS AND SECONDED BY COUNCILMEMBER RONNIE WILLIAMS TO APPROVE ORDINANCE 16-2019. MOTION CARRIED UNANIMOUSLY.

With no further comments...

MOTION WAS MADE BY COUNCILMEMBER DANNY HIPPS AND SECONDED BY COUNCILMEMBER RONNIE WILLIAMS TO ADJOURN THE MEETING AT 6:36 PM. MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted:

Elizabeth Yokley-Krige, Town Clerk

Max Bumgarner Jr., Mayor Pro Tem

ATTEST:

Elizabeth Yokley-Krige, Town Clerk

TOWN OF MAIDEN

June 28, 2019

MINUTES OF SPECIAL MEETING

The Maiden Town Council met on Friday, June 28 at 9:00 a.m. for a special called meeting, held in the Council Chambers at the Maiden Town Hall.

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

Councilmember Danny Hipps was absent.

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 9:00 p.m. by Mayor Robert L. Smyre.

2. Approval of Agenda

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

3. Closed Session

MOTION MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY MAYOR PRO TEM MAX BUMGARNER JR TO GO INTO CLOSED SESSION FOR NCGS 143-318.11 (3) CONSULTATION WITH ATTORNEY. MOTION CARRIED UNANIMOUSLY.

With no further comments...

MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY MAYOR PRO TEM MAX BUMGARNER TO ADJOURN THE MEETING AT 9:35 PM. MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted:

Elizabeth Yokley-Krige, Town Clerk

Max Bumgarner Jr., Mayor Pro Tem

ATTEST:

Elizabeth Yokley-Krige, Town Clerk

Town of Maiden
June 28, 2019
MINUTES OF CLOSED SESSION MEETING

The Maiden Town Council met on Friday, June 28, 2019 at 9 AM for a Closed Session meeting held in the 1883 Room at the Maiden Town Hall.

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

Also, present were Town Attorney Scott Conrad, Town Clerk Elizabeth Yokley-Krige, Town Manager Todd Herms and Chief Tracy Ledford.

The Closed Session Meeting was called to order by Mayor Smyre at 9:01.

A. NCGS 143-318.11 (3)

Todd Herms presented information to the Council about a potential law suit. The Town purchased a shooting range and had the gate upgraded at the same location in which the gate had been located for 20 plus years, as well as locks changed so that only Town of Maiden employees or approved visitor would have access. Jonnie Miller lives beside this property and asked to have a key, her request was denied, after she claimed that we were trespassing. She then had a gate put up with no trespassing signs because she claims the road to the shooting range is actually her property. She has a well, with an easement on our property. That well uses power from Duke Power, but the account holder is the Town. Herms stated that Public Works were going to move the gate down to the property line, but could not due to Ms. Miller's gate and signage.

She has an attorney, but Scott Conrad said he is not clear on what she wants. He advised that the Town file suit against Ms. Miller to resolve this issue. Mr. Conrad advised Council he needed a motion stating they wished to file a law suit against Jonnie Miller.

MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY COUNCILMEMBER MARCUS MIDGETT TO GIVE ATTORNEY SCOTT CONRAD PERMISSION TO FILE A LAWSUIT AGAINST JONNIE MILLER. MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY MAYOR PRO TEM MAX BUMGARNER TO ADJOURN CLOSED SESSION AT 9:34 AM TO RETURN TO OPEN SESSION.

Respectfully Submitted:

Elizabeth Yokley-Krige, Town Clerk

Max Bumgarner Jr, Mayor Pro Tem

ATTEST:

Elizabeth Yokley-Krige, Town Clerk