

## TOWN OF MAIDEN

December 4, 2017

### MINUTES OF REGULAR MEETING

The Maiden Town Council met on Monday, December 4, 2017 at 7:00 p.m. for their regularly scheduled 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 Max Bumgarner, Jr., Trina Michael, 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 Councilmember Danny Hipps.

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

#### 4. Approval of Agenda

Town Manager Todd Herms requested Council removed items 9C and 10B from the agenda for further discussion with Husley McCormick and Wallace.

**MOTION WAS MADE BY COUNCILMEMBER RONNIE WILLIAMS AND SECONDED BY MAYOR PRO TEM MAX BUMGARNER JR TO APPROVE THE AGENDA AS AMENDED. MOTION CARRIED UNANIMOUSLY.**

#### 5. Citizens Requests and Comments

Councilmember Ronnie Williams said it was nice to hear the children saying the pledge.

The Maiden U-10 Soccer Team, the Maiden Tigers were present. Recreation Director Jody Rogers recognized the Maiden U-10 Soccer Team for their achievement in winning the Catawba Cup. He also recognized coaches Brandon Houser, Scott Carpenter and Luke Shoffner. Our program would not be possible without the work of these coaches. Each member of the team was recognized. This is the first time in six years a team from Maiden has won the championship.

Town Clerk Elizabeth Krige reminded the Council and Staff about the Christmas Party, Thursday December 7 at 6:30. Mr. Herms reminded everyone about the Merry Maiden Festival on the 14<sup>th</sup>. On December 10<sup>th</sup> the Town will host Santa and the Luminary Service.

6. Approval of the Minutes (11/20/17 Meeting):

**MOTION MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY COUNCILMEMBER DANNY HIPPS TO APPROVE THE REGULAR MEETING MINUTES OF THE NOVEMBER 20, 2017 MEETING. MOTION CARRIED UNANIMOUSLY.**

7. Old Business

A. Update on Dogs

Planning Director Blake Wright addressed Council regarding dogs in the cemetery and in town. The current ordinance regarding animals in the cemetery states no animals can run at large and no person can ride, drive or lead any animal or vehicle on or over any plot. This ordinance does not apply to service animals. Staff recommends that Section 7-120 be changed to prevent any person from bringing an animal into the cemetery except animals for handicapped persons. The section permitting authorized vehicles needs to be removed and placed in section 7-111.

Mr. Wright said he has explored how other towns regulate dogs relieving themselves on public or private property. The Town is within its right to regulate. Other communities establish a ban on soiling private or public property or that the animal's custodian be required to pick the waste.

In Apex, the ordinance requires pet owners to clean up the waste and to carry plastic bags for waste pick-up. Mr. Wright advised Council that if they move forward with these regulations there should be some language in regard to a Dog Park. Mr. Herms said this would be very difficult to enforce. Councilmember Danny Hipps asked what the penalty would be for violations. Mr. Herms said making changes to the ordinance regulating dogs in the cemetery would be easy. Mr. Wright said if the Council wants to ban dogs in the cemetery staff would need to re-write the ordinance at the next meeting. The Mayor wanted to know if we could only put signs up. Chief of Police Tracy Ledford said there would need to be an enforcement component, such as a fine. The Chief said we could not ask pet owners to leave if the ordinance was not changed.

Mr. Herms said he, Mr. Wright and Chief Ledford would write an ordinance for presentation at the next meeting. All of Council said they wished to proceed with changing the ordinance in the cemetery. Mayor Smyre asked if there would need to be two separate ordinances and Mr. Wright confirmed that was correct, one ordinance to address dogs in the cemetery and one to address animals soiling private and public property.

Mayor Smyre said he would like to see an ordinance against dogs in the cemetery and an ordinance regulating the removal of pet waste. The Council agreed by consensus they would like for staff to present these ordinances at the next meeting.

## 8. Public Hearing

Mayor Bob Smyre called the public hearing to order at 7:15 PM to consider a Zoning Map Amendment. Mr. Wright addressed the Council concerning the General Statutes and how the approval or denial of the change must be made. In the past, the Council would state if the zoning change was consistent or inconsistent with UDO or the long-range plan, Maiden 2020. More detail is required in the consistency statement as well as why the change is in the public interest. Council can decide to approve a re-zoning request that is inconsistent with the UDO but the comprehensive plan would need to be amended.

Mr. Wright told Council the properties are along Hass Lane, Mesquite Lane, Startown Road and Triplett's Farm Road. The developer is requesting the properties be changed from R-15 to R-20. The dimensional standard is different, R-15 requires the lot to 15,000 square feet, R-20 requires 20,000 square feet and a lot frontage of 100 feet. The developer has indicated interest in building an RV Park. There are no standards for an RV park and the UDO does not allow an RV park. In order for the developer to have an RV park a future text amendment would be needed. R-20 Zoning allows for modular and double wide homes.

Mr. Wright said in order for an RV Park to operate there would need to be sewer on the property. The closest sewer is at Cansler's Circle. The proposed amendment needs to be consistent with the UDO and Comprehensive Plan. There is one lot that is not consistent, the property owner will have that size changed. The Town needs to supply roads, water and other services to the property. At this time, sanitary sewer is not available. The lot size is large enough to allow for septic tanks.

Councilmember Ronnie Williams asked Mr. Wright if the lot size was 100 by 200. Mr. Wright said that is correct but oftentimes the lots are off shape but it is .46 of an acre. Councilmember Williams said he believed the county made those with septic tanks have an acre or acre and a half lot. Mr. Wright our code allows for any requirements by Catawba County Environmental Health for lot size base on septic tank needs.

Mr. Wright said the amendment is beneficial in the public health, safety and welfare. This proposed amendment would go toward providing housing for citizens. The properties around this property is all zoned R-20. According to our land development plan these lots are shown as being low density, therefore it matches our land development plan. Mr. Wright said he received three calls asking about the zoning change for these properties.

Councilmember Ronnie Williams asked if King's Grant was in the Town limits. Mr. Wright said it was not. The lots in question were brought into the Town limits in 2005 by voluntary annexation.

Councilmember Marcus Midgett asked why there was one lot on the map that was not going to be re-zoned. Mr. Wright said that another party owned it and had not applied for rezoning. Mr. told the Council the Town Planning Board had reviewed the zoning application and recommened making the change from R-15 to R-20.

Mayor Bob Smyre closed the public hearing at 7:24 PM.

**MOTION MADE BY COUNCILMEMBER MARCUS MIDGETT AND SECONDED BY COUNCILMEMBER RONNIE WILLIAMS TO APPROVE THE REZONING FROM R-15 TO R-20 AS IT IS CONSISTENT WITH LONG RANGE PLANS AS RESIDENTIAL LOW-DENSITY. THIS IS IN THE PUBLIC INTERST AND REASONABLE DUE TO THE POTENTIAL INCAREASE IN HOME AVAILABILITY. MOTION CARRIED UNANIMOUSLY.**

9. New Business

A. Sewer Extension Mesquite Lane and Hass Drive

Mr. Herms stated Mr. Harwell asked the Town for an estimate on extending sewer to his properties. The cost estimate from the enginers is \$598,110 which does not include the pump station or forced mains. At this time, staff does not recommend proceeding with the project as it is not economically feasible. Mr. Harwell agreed to pay \$25,000 of the cost toward extension of the sewer line.

Mr. Harwell addressed the Council concerning his vision for the property he owns at Hass Drive and Mesquite Lane. Mr. Harwell believes there is a need for an RV Park to serve workers. This would not be a vacation style RV park. Mr. Harwell states he has seen many people who travel for work and live out of their RV.

Believes a work force RV park would benefit Apple and other industries. Mr. Harwell says he will leave \$25,000 on the table for the next 90 days.

Mr. Herms said he and Mr. Wright would meet with Mr. Harwell to see if there are other properties available with sewer inside the town limits

B. WPCOG Presentation-Economic Development

Assistant Executive Director Sherry Long presented the Comprehensive Economic Development Stragedy (CEDSD). The WPCOG serves as the region's US Economic Development Administration's Economic Development District and is required to create and maintain a Comprehensive Economic Devevelopment Strategy every five years. The presentation is attached.

10. Ordinances

A. 34-2017 An Ordinace to Amend the FY 17-18 Budget in the General-Council

Mr. Herms asked the Council to consider a budget amendment in the amount of \$2,450 to assist the K-64 Initative in purchasing Chromebook protectors for the seventh graders in Maiden. This is a one-time request. The Cities of Hickory, Newton and Conover are donating funds for the seventh graders in their area.

**MOTION MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY MAYOR PRO TEM MAX BUMGARNER JR TO APPROVE ORDINANCE 34-2017 TO AMEND 17-18 BUDGET IN THE GENERAL FUND-COUNCIL. MOTION CARRIED UNANIMOUSLY.**

11. Audit Report

Debra Wentz presented the Audit for fiscal year 2016-2017. For Governmental Activities the Town ended the year with \$6,331,681 in assets. The net fund balance/net position was \$6,157,342 for Governmental Activities. During the 2016-2017 fiscal year Business Activities (water/sewer and electric) ended the year with assets of \$17,297,222 less liabilities of \$522,522 for a net position of \$16,774,700.

Ms. Wentz presented the revenues collected for Governmental Activities

The Ad valorem taxes collected were 5,770,791, other taxes and licenses were \$225,457, unrestricted intergovernmental revenues were \$1,690,978, restricted governmental revenues were \$148,380 and loan proceeds totaled \$2 million dollars for the financing of the police department. All revenues totaled 11,160,855 with expenditures totaling \$9,574,836.

The net increase in the fund balance was \$1,586,019. This large increase is partially due to the loan proceeds of \$2 million. By June 30<sup>th</sup>, only about \$400,000 had been spent. The net position of the Business Activities was 16,744,700.

Mr. Herms asked if the Town still had a healthy fund balance and she said yes, the Town still has a health fund balance.

Ms. Wentz then presented the audit based on full accrual. It costs \$7,868,668 to run Maiden in fiscal year 2016-2017. This was paid for with revenues of \$8,120,488. The change in net assets for Governmental Activities was \$251,820. For Business Activities, the Town spent \$8,868,727 but brought in revenues of \$9,568,377 for a change in net assets of \$699,650.

The Town started the year with \$9,831,289 in cash and investments and ended the year with \$11,683,423. This amount includes the loan proceeds of \$1.5 million. The actual amount of cash went up about \$300,000. The tax collection rate was 99.63% which is very strong. All fund balances increased over 2016-2017.

Mr. Herms asked Ms. Wentz to discuss the improvements staff has made regarding purchase orders.

Ms. Wentz said there were three findings in 2015-2016. 1) No staff member can write the financial audit. Only large units of government have the education to write the audit report.

2) Pre-Audit certification on purchase orders. Staff has really improved in this area. General Statutes require someone to check the line item to insure funds are available before they are committed. It was a significant deficiency in last year's audit and this year the finding completely went away.

3) Iran Divestment Act Statement, state legislature required local governments to check that vendors were not affiliated with Iran in anyway. This finding is gone for 2016-2017.

The only finding for 2016-2017 audit year was in Internal Control, due to the size of Maiden we do not have a staff member who can write the audit report. This is a finding for many small towns.

**MOTION WAS MADE BY COUNCILMEMBER RONNIE WILLIAMS AND SECONDED BY COUNCILMEMBER DANNY HIPPS TO ACCEPT THE 2016-2017 AUDIT REPORT. MOTION CARRIED UNANIMOUSLY.**

**MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY MAYOR PRO TEM MAX BUMGARNER JR TO GO INTO CLOSED SESSION FOR 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 JR TO ADJOURN THE MEETING AT 8:40 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**