

**July 13, 2021
MINUTES OF REGULAR MEETING
TOWN OF MAIDEN**

The Maiden Town Council met on Tuesday, July 13, 2021, at 6:00 p.m. for their regularly scheduled meeting, held in the Town of Maiden Council Chamber.

Present for the meeting were, Mayor Max Bumgarner Jr., Mayor Pro Tem Danny Hipps, Councilmembers Trina Michael, Beth Rudisill, Bob Sigmon, and Ronnie Williams.

Also, present were Town Manager Todd Herms, Town Attorney Scott Conrad, Town Clerk-HR Officer Wanda Barnes.

Others attending: See attached sheet.

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

The invocation was given by Mayor Pro Tem Danny Hipps

The Pledge of Allegiance was led by Mayor Pro Tem Danny Hipps

4. Approval of the Agenda

MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY COUNCILMEMBER RONNIE WILLIAMS TO APPROVE THE AGENDA AS PRESENTED 7/13/2021. MOTION CARRIED UNANIMOUSLY 5-0.

5. Approval of Regular and Closed Session Meeting Minutes

MOTION WAS MADE BY MAYOR PRO TEM DANNY HIPPS AND SECONDED BY COUNCILMEMBER RONNIE WILLIAMS TO APPROVE THE 6/8/2021 REGULAR & CLOSED SESSION MINUTES AS PRESENTED. MOTION CARRIED UNANIMOUSLY 5-0.

6. Citizens Request & Comments

Mayor Pro Tem Danny Hipps states, Our Congressman Patrick McHenry showed up at the fire department and awarded our fire department an assistance to firefighters grant check for \$206,000. In the last two years our fire department has applied and been the recipient over \$400,000 in grant money. Tracy Caldwell, congratulations to the Maiden Fire Department and all the hard work that you guys did. In September it will be the 100th anniversary of the Maiden Fire Department. Hopefully we will be able to celebrate that in our community.

Councilmember Ronnie Williams states, I would like to acknowledge Keaton Miller and the Parks and Recreation staff for a job well done. This past weekend I was over there, and I know it was 90 degrees.

Great job and it was a tremendous crowd over there the last two ball games. I'd hate to see it when everything is normal over there. Very good job, thank you.

Town Manager Mr. Todd Herms states, Mayor and Council I would like to introduce you to Mr. Bill Bradley, he is the Interim Finance Director while we're recruiting. He retired from the county of Gaston, after serving several years there as the Finance Director and then as the Finance Director for City of Gastonia. He's been very well received and he's doing a good job for us. Thank you, Bill.

Police Chief Tracy Ledford states, I would like to introduce one of our newest Police Officers. It's been a while since we've had to come before you with someone new, but I'm glad. Jaleel Smith comes to us from the Hickory Police Department. He has five years of experience. I'm really pleased to say that he will be a great addition. Officer, Jaleel Smith states, I'm happy to be here and hopefully I can do the town justice. Chief Tracy states, July 23, from 9:00 am -10:30 am is coffee with a cop at Mai's Market downtown. Councilmember Beth Rudisill states it's a great idea. Mr. Herms states, the next Jive After 5 is July 23, 2021. Samantha Saunders is unable to be here, but she has applied for an ABC license. Band of Oz will be at the event.

Mayor Max Bumgarner Jr. states, citizens are calling asking if the Town was sold. I would like to make it clear; we did not sell the town too China, Canada, or Cornelius. The Town is not for sale.

7. Public Hearing – 6:09 PM

Planning and Zoning Director Blake Wright states, before you tonight are the annexation petition for Apple. They've requested 3 properties roughly 26 acres combined into the town limits. This is going to be an extension at their existing campus. It is on the northwest portion of the campus, along Elbow Road and the Payton Frye road. We have utilities to serve the area, and this would be a combination with our development agreement. It would bring these new properties into the development agreement with Apple. Closed 6:11

Planning and Zoning Director Blake Wrights states, for the Apple annexation, the town will need to apply a zoning to the properties. If they're brought into the town limits, the zoning proposed is 321 Hwy economic development industrial which would match the rest of the campus. Currently, it is under Catawba County R40, which is low density residential. The review criteria that town council is required to consider first, is whether it's consistent with our long-range plan. This area it is inconsistent with the long-range plan, however Catawba county has economic development overlays in this area. They've seen this area as an area to grow for the tech sector and for industrial. It would be prudent to consider that whenever making your decision. The second is whether the proposed amendment is consistent with Apple, federal and state laws. This would be consistent with those. The third is whether the town can supply the development resulting from the amended ordinance. As I discussed earlier, we do have utilities to serve the campus, and this would be extended to these lots. Last would be whether this is beneficial to the public health, safety, and welfare, in the public interest and the proposed amendment would allow for a use that is compatible with the character of the land location. They are close to the highway 321, in the 321 corridors. The planning board did consider this and recommended it unanimously for approval. Closed 6:17 PM

Attorney Scott Conrad state, this is the second amendment Economic Development Agreement, it brings the three properties that Blake just discussed under the Economic Development agreement. Mr. Herms states this is a procedure we must follow anytime they annex property. Councilmember Ronnie Williams states, what is the total investment Economic Development Agreement amount. Mr. Herms states around 6 or 7 billion dollars. The initial development agreement was 10 years for a billion dollars. For every billion dollars they invest, it's an extra 10 years, with a cap of 30 years. We are in year 11 or 12. We have 19 more years left. We were hoping to get 3 billion, but were at 6 or 7 billion with more to come. The Town has \$49,000.00 invested. Councilmember Ronnie Williams states, what is our portion of the payback incentive? Mr. Herms states, its different formulas. They received 50% back on one section and 75% on the other because personal property rotates out quickly. The servers depreciate quickly, and they must replace them. They will pay in around 5 or 6 million and we will bring in 3 million. They also pay into the utility franchise tax, and we will receive a portion. It could be around a million dollars a year. They impact about half of the \$20 million budget. Closed 6:20 PM

Planning and Zoning Director Blake Wright states, the McCreary Modern is expanding their facility on business 321 close to where prison camp Rd intersects with the business 321. Currently, that property is in Catawba County zoned R20, which is low density residential. They owned the property and it's up against the rest of their campus, which is M1 manufacturing and industrial will be extending their campus onto that property. They have indicated that they're not going to be using that, to have a driveway. They're going to feed it back into the rest of the campus and access 321. The criteria that you required to consider would be whether it's consistent with the long-range plan. This is not consistent with our long-range plan map it shows this area as commercial so this will be a step to industrial, but it matches the uses that is in the area. The next would be whether it's consistent with the federal and state laws and whether we can supply the development. We already have the utility capacity in the area, and we can supply this development. The last would be whether it's beneficial to the development, health, safety, and welfare and in the public interest. This would further increase our tax base and employment in the area. McCreary Modern spin is a great employer and contributed to the town for a long time. The planning board considered this, and they recommended the approval. Mayor Pro Tem Danny Hipps states, what is the current zoning. Mr. Wright states, its zoned as an R20. Councilmember Ronnie Williams states, will this add any additional employees. McCreary Modern employee states, it will add an additional 20 to 30 employees and 10 employees at the frame shop. Mr. Herms states one job affect 4.5 people. Closed 6:21 PM

Planning and Zoning Director Blake Wright states, this is the extension of the current annexation. Mr. Herms states, they're asking for it to become a warrant just as every other property owned and it would be a justified use. Closed 6:22

Planning and Zoning Director Blake Wright states, this is 15 acres off the Island Ford Road. This is across from the Living Word church. The applicant has indicated that they are interested in putting roughly 40 houses on this property. It would feed off Island Ford Road and into Robin Hood Rd and that adjoining subdivision. I would just like to point out quickly that for this portion of the public hearing this is solely for the annexation and considering bringing it into the town limits, and what they want to do with the property. Closed 6:24 PM

Planning and Zoning Director Blake Wright states, the properties are currently under the town limit or under the town zoning, under our extraterritorial jurisdiction. The public are extraterritorial jurisdiction is zoning for the town that extends beyond the town limits. In some places up to a mile and this is not currently inside the town limits. The property is zoned R20 which is on low density residential. They are proposing to rezone it to R11. The zoning districts that we have is R20, which is roughly half an acre or about at third of an acre. R11 which is 1/4 of an acre. They are looking at having 40 houses on the property. The planning board turned it down. They voted and said that they acknowledge that the zoning was consistent with the Maiden comprehensive plan, but recommended denial for zoning amendment due to that type of growth. I have discussed in other public hearings is whether it's consistent with the indent, whether its intent consistent with the intent and goals of Maiden's comprehensive plan. Is it consistent with our long-range plan, which has this area as being low and medium density? It also requires a RUDO, that this area have sidewalks which is required and that would be consistent with our long-range plan. The next would be whether it's consistent with federal and state law, which this would be. The next would be whether we could serve the development. We have water and sewer on Long Island Ford Rd, and we have water and sewer on Robin Hood Rd. DOT did not require a traffic impact analysis to be done for traffic at the exit of this property. The last is whether it's beneficial to public health safety and welfare and in the public interest. The proposed amendment would allow for use that is compatible with the character of the land and the property consistent with the long-range plans.

Citizen Eric Wiedemann states, if you're going up by Living Word the people don't slow down when the kids cross the road. Don't get me wrong the police do a good job. I don't mind more houses being built, but I wish they would be more like what we have on Robin Hood Lane, and you can park more than two cars in the driveway. If you build a \$450,000 house, that man can have four or more cars, and they will be parking all in the road. With the traffic issues, I guarantee you people will get tired of trying to pull out in that traffic. You will not be able to sleep for the traffic. You should give more land to the people buying the houses. Whomever builds the houses have them state that will have to live here for five or six years and have a homeowner's association. I understand that the development will happen. I don't want the town to end up in something that they will feel bad about later. I think our town is awesome. Make our town look better than other towns. Don't make it congested. Everybody likes their space. I just ask you to think about it.

Mayor Pro Tem Danny Hipps states, Eric, I want to thank you for the way that you presented tonight. It was very sincere and respectful, and I appreciate that. I did hear you mentioned a sewer problem in that conversation, I would speak to the public works director before you leave tonight. Make sure that he's got a name and a contact number. We can talk about that and see if there's something we can do.

Citizen Phillis Wilkerson states, the property he is talking about is my daughter's and she has had this problem every since we bought it. The town said we cannot give you sewer, you are too late. It is my understanding they are supposed to cut the number of houses that's being built on this property. According to this map there he said 40 houses on 15 acres, with a dog park and a playground. How many actual acres is he going to put these 40 houses on? The houses look nice. How much space is between these houses? This is 20 feet; I've got a garage that is 25 feet. I can stick my hand out and shake hands with the other side of my garage. We have a beautiful side of town with trees and animals. We're not going to get to enjoy this because 8 people or trying to decide what's best for the town.

Debbie Eager states, I live next to the adjoining lots for development. I sit in my front yard, and I watched the deer and rabbits. We have a whole family of rabbits and the other morning I saw a deer walking across. I have a field adjacent to me, if this development comes and somebody gets on my property, am I responsible if they fall and get hurt? If a dog comes over there and messes, am I responsible for cleaning it up? I'm going to have to put up a privacy fence at my expense. I am the one with the sewer problem. If the sewer is coming down my way, is the town going to pay for my sewer to be redirected downhill? I have had to pay for sewer pumps that have torn up and worn out. That is out of my pocket. Mike Spinks y'all told me I wouldn't be I paying a dime. I don't want to lose the serenity of this place. I don't think my neighbors do either. I don't think anybody back there wants to lose the serenity and peacefulness. People walk and ride their golf carts. Kids play up and down the road. Closed 6:45

8. Ordinances for FY 2022

A. Ordinance # 1-2022 An Ordinance to Amend the FY 2021-2022 Budget to Record the Donation of Money for the Police Department Budget (Motion)

Town Manager Mr. Todd Herms states, this is a donation made and directed to the Police Department Dare program. It will allow us to bring it into the Police Department budget.

MOTION WAS MADE BY MAYOR PRO TEM DANNY HIPPS AND SECONDED BY COUNCILMEMBER RONNIE WILLIAMS TO APPROVE ORDINANCE # 1 – 2022 TO AMEND THE FY 2021 -2022 BUDGET TO RECORD A DONATION TO THE POLICE DEPARTMENT. MOTION CARRIED UNANIMOUSLY 5-0.

B. Ordinance # 2-2022 An Ordinance to Extend the Corporate Limits of The Town of Maiden, North Carolina Apple Annexation (Motion)

Town Manager Mr. Todd Herms states, this is an ordinance to bring in the three properties Apple purchased.

MOTION WAS MADE BY COUNCILMEMBER RONNIE WILLIAMS AND SECONDED BY MAYOR PRO TEM DANNY HIPPS TO APPROVE ORDINANCE # 2 – 2022 TO EXTEND THE TOWN OF MAIDEN, NORTH CAROLINA APPLE ANNEXATION. MOTION CARRIED UNANIMOUSLY 5-0.

C. Ordinance #3-2022 An Ordinance to Amend the Town of Maiden Zoning Maps Apple. (Motion)

Town Manager Mr. Todd Herms states, this will allow us to Amend Maiden Zoning Map for Apple's property.

MOTION WAS MADE BY COUNCILMEMBER RONNIE WILLIAMS AND SECONDED BY COUNCILMEMBER BOB SIGMON. ORDINANCE # 3 - 2022 TO AMEND THE TOWN OF MAIDEN ZONING MAPS FOR APPLE. MOTION CARRIED UNANIMOUSLY 5-0.

- D. Ordinance # 4 – 2022 An Ordinance to Extend the Corporate Limits of the Town of Maiden, North Carolina McCreary Annexation. (Motion)

Town Manager Mr. Todd Herms states, this will allow is to extend the corporate limits of the Town of Maiden for McCreary Modern.

MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY MAYOR PRO TEM DANNY HIPPS. ORDINANCE # 4 - 2022 TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF MAIDEN FOR MCCREARY MODREN. MOTION CARRIED UNANIMOUSLY 5-0.

- E. Ordinance # 5- 2022 An Ordinance to Extend the Town of Maiden Zoning Map for McCreary Main Campus. (Motion)

Town Manager Mr. Todd Herms states, this is to extend the Town of Maiden Zoning Map for McCreary Main Campus.

MOTION WAS MADE BY COUNCILMEMBER RONNIE WILLIAMS AND SECONDED BY BETH RUDISILL. ORDINANCE # 5 - 2022 TO EXTEND THE TOWN OF MAIDEN ZONING MAP FOR MCCREARY MODERN MAIN CAMPUS. MOTION CARRIED UNANIMOUSLY 5-0.

- F. Ordinance #6 – 2022 An Ordinance to Extend Corporate Limits of the Town of Maiden, North Carolina Island Ford Road. (Motion)

Planning and Zoning Director Mr. Blake Wright, states, this is to bring the Island Ford Road property into Town Limits.

MOTION WAS MADE BY COUNCILMEMBER BOB SIGMON AND SECONDED BY COUNCILMEMBER RONNIE WILLIAMS. ORDINANCE # 6 - 2022 TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF MAIDEN FOR ISLAND FORD ROAD. MOTION CARRIED UNANIMOUSLY 5-0.

- G. Ordinance # 7-2022 An Ordinance to Amend the Town of Maiden Zoning Map Island Ford Road (Motion)

Planning and Zoning Director Mr. Blake Wright states, currently the property is zoned as R20. Denying this motion would keep the property as R20 and approving this motion would bring it in as R11. You could recommend that the developer go back through the planning board.

MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY COUNCILMEMBER RONNIE WILLIAMS TO DENY AND RECOMMEND THE DEVELOPER GO BACK TO THE PLANNING BOARD. ORDINANCE # 7 - 2022 TO AMEND THE TOWN OF MAIDEN ZONING MAP FOR ISLAND FORD ROAD. MOTION CARRIED UNANIMOUSLY 5-0

9. Resolutions

- A. Resolution # 1-2022 A resolution Authorizing An Amendment To the Economic Development Agreement Between The Town of Maiden And Apple Inc. (Motion)

Town Manager Mr. Todd Herms states, this resolution is to extend the economic development agreement between the town and Apple, to include those three properties.

MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY COUNCILMEMBER RONNIE WILLIAMS. RESOLUTION # 1- 2022 A RESOLUTION TO EXTEND THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE TOWN AND APPLE TO INCLUDE THREE PROPERTIES. MOTION CARRIED UNANIMOUSLY. 5-0

- B. Resolution # 2-2022 A Resolution In support of Renaming Entrance To Maiden High School in Honor of The Late Tom Brown (Motion)

Town Manager, Mr. Todd Herms states, this resolution is our official request as a body to start that process for a formal request to rename the Maiden High School entrance.

MOTION WAS MADE BY MAYOR PRO TEM DANNY HIPPS AND SECONDED BY COUNCILMEMBER BOB SIGMON. A RESOLUTION # 2-2022 TO RENAMING ENTRANCE TO MAIDEN HIGH SCHOOL. MOTION CARRIED UNANIMOUSLY. 5-0

- C. Resolution #3-2022 A Resolution Directing The Clerk To Investigate A Petition Received under S.S. 160 A-3 (Motion)

Town Manager Mr. Todd Herms states, this is directing the clerk to investigate a petition to start the process of another annexation for the property behind the high school.

MOTION WAS MADE BY MAYOR PRO TEM DANNY HIPPS AND SECONDED BY COUNCILMEMBER BETH RUDISILL. A RESOLUTION # 3-2022 DIRECTING THE CLERK TO INVESTIGATE A PETITION. MOTION CARRIED UNANIMOUSLY. 5-0

10. Closed Session

- A. Consultation with Attorney (N.C.G.S 143-318-11(3))

MOTION WAS MADE BY COUNCILMEMBER BOB SIGMON AND SECONDED BY COUNCILMEMBER RONNIE WILLIAMS FOR CLOSED SESSION AT 7:08 PM. MOTION CARRIED UNANIMOUSLY. 5-0.

11. Adjourn

MOTION WAS MADE BY COUNCILMEMBER TRINA MICHAEL AND SECONDED BY COUNCILMEMBER BOB SIGMON ADJOURN AT 8:15 PM. MOTION CARRIED UNANIMOUSLY. 5-0.

Respectfully Submitted:

Wanda Barnes, Town Clerk

Max Bumgarner Jr.
Max Bumgarner Jr., Mayor

ATTEST:

Wanda B. Barnes
Wanda Barnes, Town Clerk