

**MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON JANUARY 3, 2017
AT 7:00 P.M. IN THE COUNCIL CHAMBER AT MIDWAY TOWN HALL, 426 GUMTREE
ROAD, MIDWAY, NORTH CAROLINA**

CALL TO ORDER

Mayor Pro Tem Mike McAlpine called the meeting to order and welcomed everyone present.

Mark Hummel of 973 Hickory Tree Road, Winston Salem, gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilors present were: Jackie Edwards, Keith Leonard, Mike McAlpine, Robin Moon, and Todd Nifong. Absent: Mayor John Byrum. Town Manager Gary Looper, Town Clerk Linda Hunt, Administrative Assistant Tammy Robertson were present. Absent: Town Attorney Jim Lanik. Attorney Beth Koonce attended in Jim Lanik's absence.

Each Councilor had been furnished an agenda prior to the meeting.

No members of press were in attendance.

APPROVAL OF MINUTES

On motion by Councilor Todd Nifong, seconded by Councilor Robin Moon, Council voted unanimously to approve the minutes of the December 5, 2016 Town Council regular meeting as presented.

PUBLIC ADDRESS

Mr. Dan Wishnietsky of 300 Bent Oak Drive in Midway, addressed Council with concerns regarding the Economic Development Grant for Recreation that was on the agenda for discussion. Mr. Wishnietsky reminded Council of core values of the Town Government and urged Council to be careful how much money the Town gives regarding the proposed YMCA. Mr. Wishnietsky stated he would like to see a YMCA in the community but feels Council should be conservative with the amount of capital the Town is willing to contribute to the project.

ADOPT AGENDA

On motion by Councilor Jackie Edwards, seconded by Councilor Keith Leonard, Council voted unanimously to adopt the agenda as presented.

OLD BUSINESS

PROPOSED AMENDMENTS TO ORDINANCES

At their regular meeting held on December 5, 2016, Town Council tabled discussion of the proposed amendments to the Town's current ordinances until their January 3, 2017 regular meeting.

The proposed ordinance relating to the repair, closing, and/or demolition of non-residential buildings or structures sets out a non-residential building maintenance code and applies to both occupied and vacant buildings/structures. The administration of this ordinance would allow for an enforcement officer to investigate non-residential buildings or structures in the Town to determine whether they have been properly maintained in compliance with the minimum standards and if the building or structure is unsafe. If the preliminary investigation discloses evidence of a violation of the required standards, the enforcement officer would notify the owner of the violation and schedule an administrative hearing before the enforcement officer within a period of 10 to 30 days following the service of the notice of violation. The owner would be given an opportunity to appear in person at the hearing to give testimony regarding the matters of the violation. The owner would have the right to appeal the decision of the enforcement officer.

The owner would be allowed to remedy the problem within a certain time frame before the Town takes action and bills the owner for the cost of the cleanup.

The proposed nuisance ordinance for the control of littering, noxious growth and unpermitted junkyards does not apply to structures or conditions which are reasonably related to a bona fide farm as that term is defined by the Town's Zoning Ordinance in effect at the time of the inspection. Nuisances are defined as:

- (A) The uncontrolled growth of grass, plant material, or noxious weeds on any residential, business or vacant lot, on the average, to a height in excess of 12 inches or which attracts or is likely to attract mosquitoes, rats, mice, snakes, or vermin of any kind;
- (B) Any accumulation of animal matter (including but limited to feces or carcasses), plant material (including but not limited to limbs, logs, or other material which is not alive, planted or growing), rubbish, trash, surplus or scrap building materials, junk, or other item without reasonably apparent value which: i) causes or threatens to cause a fire hazard or other threat to public health or safety; ii) is offensive by virtue of odor or vapor; or causing or threatening to cause the accumulation of stagnant water, or which attracts or is likely to attract mosquitoes, rats, mice, snakes, or vermin of any kind; or
- (C) Any other condition which violates the rules and regulations of the County Health Department or which any way adversely affects public health, safety, or welfare.

Town Manager Gary Looper gave the Council the following overview on the proposed amendments:

- Town Attorney had expressed some concerns about removal of personal property (junk) under the Town's current ordinance and who determines what is junk.
- Proposed nuisance ordinance amendment does not include junk vehicles.
- Both amendments include appeals process
- Administrative search warrant (in lieu of civil lawsuit) is designed to protect the property owner, the community and the Town.
- Current unsafe structure ordinance does not identify repair of structures.

Some concerns raised by Council regarding the proposed amendments to the Town's current ordinances included:

- Having an enforcement officer investigate the property for non-compliance is too intrusive and allows for too much government control.
- Proposed amendments to the ordinance were not sent to Planning and Zoning Board for their recommendation before coming to Council.
- Proposed amended ordinance for the Repair, Closing, and/or Demolition of Non-Residential Buildings or Structures does not represent the Town as a whole. Rural areas need to be protected.

Council determined there was a need to meet with the Town Attorney to discuss and correct the issues that impede the enforcement of the current ordinances so that they can be used as they were intended, to protect the citizens and the Town.

On motion by Councilor Jackie Edwards, seconded by Councilor Keith Leonard, Council voted unanimously to remove the proposed amendments to the ordinances from consideration and to retain the Town's current ordinances pending discussion with the Town Attorney regarding the correction of issues within the ordinances that hinder their enforcement at the next Town Council Vision Session tentatively scheduled for February, 2017.

REGULAR BUSINESS

CONSIDER ADOPTION OF BUDGET AMENDMENT TO APPROPRIATE FUNDS FROM FUND BALANCE FOR TOWN HALL SITE PREP PARKING, FLAG POLE PROJECT AND NEW COMPUTER. BUDGET AMENDMENT 1-17.

At the regular Town Council meeting on December 5, 2016 there was a consensus of Council to:

1. Repair the parking lot belonging to Heritage Oaks Farm that was damaged by concrete trucks during the construction of the new Town Hall parking lot with the cost of repair not to exceed \$5,000.
2. Add Town flagpole project as line item under Administration for capital and non-capital equipment at an amount not to exceed \$10,000. (The flagpole was originally approved for \$6,000; however, the proposed model is no longer made and the contractor is researching a new pole.)

Town Manager Gary Looper stated that since the last Town Council meeting, it has come to his attention that the computer in the Mayor's office used by the Mayor, Town Clerk and accountant is outdated and needs to be replaced. Staff experienced significant problems in updating Quick Books 2016 onto the computer, although that application seems to be working properly now. Mr. Looper suggested Council consider replacement of the computer at an estimated cost of \$3,000, which is included in the proposed Budget Amendment 1-17.

On motion by Councilor Todd Nifong, seconded by Councilor Keith Leonard, Council voted unanimously to adopt Budget Amendment 1-17 to appropriate funds from Fund Balance for Town Hall Site Prep Parking, flagpole project, and the purchase of a computer in the amount of \$18,000.

BA-1-17
Town of Midway
Budget Amendment
For Year Ended June 30, 2017

Be it ordained by the Town Council of the Town of Midway, North Carolina, at its regular meeting on the 3rd day of January, 2017 at 7:00 p.m. that the following budget amendment be adopted to appropriate for Town Hall Site Preparation and Capital/Non-Capital Expenses.

	<u>Increase (Decrease)</u>
General Fund	
Town Hall Site Prep Parking (Public Works)	\$5,000
Capital and Non Capital (Administration) (Flagpole)	\$10,000
Capital and Non Capital (Administration) (Computer)	\$3,000
Fund Balance Appropriation	(\$18,000)

ECONOMIC DEVELOPMENT GRANT FOR RECREATION

There continues to be interest in a potential YMCA to be built in Northern Davidson County. The YMCA would like the Town to participate in a second feasibility study.

Action on this item was delayed until after the closed session.

CLEANING PROPOSAL FOR TOWN HALL

Town Manager Gary Looper told Council he had submitted two requests for proposals for weekly cleaning services for Town Hall and received one response from K & D Cleaners. The scope of services as proposed include general cleaning on a weekly basis and heavy cleaning once a month at a cost of \$70.00 per week, including cleaning supplies. Mr. Looper advised Council that K & D Cleaners has received excellent reviews from its current clients. Council was provided a copy of the draft contract for cleaning.

Council had not envisioned weekly services but would like bi-weekly cleaning and heavier quarterly cleaning of windows, blinds and baseboards.

Town Manager Gary Looper will have K & D Cleaning resubmit a quote for the bi-weekly and quarterly cleaning and communicate the information to Council for review.

APPOINTMENT OF DEPUTY CLERK

N.C.G.S. 160A-172 states the Council may provide for a Deputy City Clerk who shall have full authority to exercise and perform any of the powers and duties of the City Clerk that may be specified by the Council.

In the absence of the Town Clerk, the Deputy Clerk would act on the Town's behalf and perform any duties of the Town Clerk specified by the Council.

On motion by Councilor Todd Nifong, seconded by Councilor Jackie Edwards, Council voted unanimously to appoint Administrative Assistant Tammy Robertson as Deputy Town Clerk in accordance with N.C.G.S. 160A-172.

TOWN MANAGER'S REPORTS

FINANCIAL REPORT

Town Manager Gary Looper provided Council with monthly financial reports for December 30, 2016 as follows:

DECEMBER 30, 2016

Total Income	\$732,989	46.2% of overall budget
Total Expenses	\$444,756	28.0% of overall budget

For information only.

AUDIO/VIDEO SYSTEM UPDATE-STRATEGIC CONNECTIONS

At Town Council's regular meeting on December 5, 2016, discussion about unresolved issues with the Town's audio/visual system and solutions to those issues continued. Some problem areas included:

- Television monitors turning green
- Sound issues
- Remote control functions (sound and channel functions) inconsistently operable.
- Share Link (Power Point/Wi-Fi capability) operates inconsistently; procedures not written
- Webinar: limited to one laptop and inability to display webinar on monitors
- Explanation of functional tie between components (in equipment room and behind monitors)

Town Manager Gary Looper summarized the needs as follows:

1. Fix audio/visual problems on monitors and remote controls

2. Explain operational procedures, e.g. Share Link
3. Explain functional relationships between equipment components

Town Manager Gary Looper advised Council that technicians from Strategic Connections were at Town Hall on December 27th to troubleshoot problems staff has been experiencing with the monitors and the Share Link connection. The problem with monitors seems to occur primarily upon initial startup but also occurs on random locations (different monitors). The technicians have added some equipment that allows pushbutton reset of system from the touch pad in the Council Chamber which they believe should fix the problem with the monitors. If that does not correct the problem, the next step could be replacement of the monitor equipment.

Concerns about the warranty were also discussed. The system has a one year warranty that is due to expire May 2017. Mr. Looper recommended seeking a contract amendment that extends the one year warranty to begin with the installation of the new equipment designed to repair the issues with the monitors, given that the proposed equipment supplement really does not identify a specific cause. Mr. Looper said he had a verbal agreement to that effect but wants it in writing. Council concurred with Mr. Looper's recommendation for a written amendment extending the one year warranty.

The technician confirmed that the Town's contract with Strategic Connections does not stipulate a scope of service where two internet connections can occur simultaneously. Therefore, monitor display of information that requires Share Link and internet connection (website information displayed on monitor and/or webinars) is not currently an available service. Only information from a file/thumb drive can be displayed on the monitor at this time. This functionality is possible but it would require additional programming from Strategic Connections. This would need further Council discussion.

It was the consensus of Council that Share Link was requested upon initiation of its current contract with Strategic Connections. Town Manager Gary Looper will speak with Mayor John Byrum about current contract and scope of services provided from the contract.

Update only.

REMINDER -TOWN HALL WILL BE CLOSED – OBSERVANCE OF MARTIN LUTHER KING DAY

Town Manager Gary Looper reminded County that Town Hall will be closed Monday, January 16, 2017 in observance of Martin Luther King Day.

For information only.

RECESS TO CLOSED SESSION

On motion by Councilor Robin Moon, seconded by Councilor Jackie Edwards, Council voted unanimously to recess to closed session in accordance with N.C.G.S. 143-318.11(a)(4) to discuss matters pertaining to economic development.

(Mayor Pro Tem Mike McAlpine called for a five-minute recess)

RECONVENE TO OPEN SESSION

On motion by Councilor Jackie Edwards, seconded by Councilor Todd Nifong, Council voted unanimously to reconvene to open session.

ECONOMIC DEVELOPMENT GRANT FOR RECREATION

The Economic Development Grant for Recreation was carried over from Regular Business.

The Town has been requested to contribute \$10,000 for a second Feasibility Study for the Capital Campaign for a potential YMCA on the Town's property.

On motion by Councilor Todd Nifong, seconded by Councilor Jackie Edwards, Council voted unanimously to award a \$10,000 Economic Development Grant for Recreation to the YMCA for the Capital Campaign Feasibility Study.

ADJOURNMENT

On motion by Councilor Jackie Edwards, seconded by Councilor Keith Leonard, Council voted unanimously to adjourn the meeting at 9:55p.m.

Michael D. McAlpine, Mayor Pro Tem

Tammy H. Robertson, Deputy Clerk