

MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON DECEMBER 5, 2016 AT 7:00 P.M. IN THE COUNCIL CHAMBER AT MIDWAY TOWN HALL, 426 GUMTREE ROAD, MIDWAY, NORTH CAROLINA

CALL TO ORDER

Mayor John Byrum called the meeting to order and welcomed everyone present.

Reverend James Newsome, Jr. of Friedberg Moravian Church, 2178 Friedberg Church Road, Winston-Salem, North Carolina gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilors present were: Jackie Edwards, Keith Leonard, Mike McAlpine, and Robin Moon. Absent: Todd Nifong. Town Manager Gary Looper, Town Attorney Jim Lanik, Town Clerk Linda Hunt and Administrative Assistant Tammy Robertson were present.

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 Jackie Edwards, seconded by Councilor Robin Moon, Council voted unanimously to approve the minutes of the November 7, 2016 Town Council regular meeting as presented.

PUBLIC ADDRESS

There were none.

ADOPT AGENDA

At the request of Mayor Pro Tem Mike McAlpine, the agenda was amended as follows:

Under VI. REGULAR BUSINESS, add Item 5. Gravel Repair at Heritage Oaks Farm.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Keith Leonard, Council voted unanimously to adopt the agenda as amended.

REGULAR BUSINESS

DISCUSSION OF PROPOSED AMENDMENTS TO ORDINANCES

At their regular meeting held on September 6, 2016, Town Council discussed several problem areas in the Town dealing with excessive accumulations of junk, solid waste and refuse and directed the Town Attorney to draft an amendment to the Town's current ordinance for the Control of Littering, Noxious Growth and Unpermitted Junkyards to include due process wording similar to that in the Town's current ordinance pertaining to Unsafe (Dilapidated) Structures.

At Town Council's regular meeting held on November 5, 2016, Town Attorney Jim Lanik gave Council an update on the proposed amendments which will include addressing issues with unsafe/dilapidated structures to give the Town more control in handling such cases.

Town Manager Gary Looper and Town Attorney Jim Lanik have worked together on the following two proposed amendments to the ordinances presented for Council consideration:

A. Ordinance Relating to Repair, Closing, and/or Demolition of Non-Residential Buildings or Structures

North Carolina General Statute 160A-439 authorizes municipal governing boards to adopt and enforce ordinances relating to non-residential buildings or structures that fail to meet standards of maintenance, sanitation, and/or safety that are dangerous and injurious to public safety, health and welfare. 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 the 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 Council would take action and bill the owner for the cost of the cleanup.

B. Nuisance Ordinance for the Control of Littering, Noxious Growth and Unpermitted Junkyards

This ordinance does not apply to structures or conditions which are reasonably related to the operation of 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 identified 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.

Strengthening these ordinances would allow the Town to have more control in handling extreme conditions that violate current ordinances.

Town Attorney Jim Lanik noted that the proposed amendments have better regulatory structure and more clearly define the due process procedure.

Discussion followed.

On motion Councilor Robin Moon, seconded by Councilor Keith Leonard, Council voted unanimously to table the proposed amendments until the January 3, 2017 regular Town Council meeting.

ABC PERMITS – DISCUSSION ON LOCAL GOVERNMENT INPUT

Town Manager Gary Looper stated that with the passing of the alcohol referendum on November 8, 2016, he needs Council's input on how they wish to handle the local government opinion portion of the permit. The governing body of a city or county may designate an official of the city or county, by name or by position, to make recommendations concerning the suitability of a person or of a location for an ABC permit. The County is allowing the Sheriff's Office to handle that aspect. By statute, the Town has three

options for designation: 1) Council, 2) delegated locally (Town Manager), or 3) Sheriff. The jurisdiction of record has 15 days to complete the form, which normally requires a background check by the Sheriff's office.

The Town's involvement with the ABC Permit applications involves two functions:

1. Verification by Benchmark that zoning allows the use and meets certain separation requirements (from churches, schools, etc.). One form requires Building Code Verification, Certification by Fire Inspector and Zoning. The County will complete the building and fire code portions.
2. Approval per local government officials (the Town) that the applicant's character is appropriate for permit approval by the ABC Commission. General Statutes allow for the governing body or a designated representative to full this function. The County has designated the Davidson County Sheriff as the designated approval authority for local government input.

The Council will need to make a similar decision as to who will be the designated officials. Two factors to consider are: 1) reply is required within 15 days of receipt and 2) the form requires a public notary, which the Town does not currently have.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to designate the Davidson County Sheriff as the Town's designated approval authority regarding the suitability of persons and locations for ABC permits within its jurisdiction.

RESOLUTION NO. 02-17
RESOLUTION OF THE TOWN OF MIDWAY, COUNTY OF DAVIDSON
REGARDING THE DESIGNATION OF AN OFFICIAL TO MAKE RECOMMENDATIONS TO THE
NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION
ON ABC PERMIT APPLICATIONS

WHEREAS, G.S. 18B-904(f) authorizes a governing body to designate an official, by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

WHEREAS, the Town of Midway, County of Davidson, wishes to notify the N. C. ABC Commission of its designation as required by B.S. 18B-904(f);

BE IT THEREFORE RESOLVED THAT Sheriff David Grice, Sheriff, Davidson County, is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the Town of Midway, County of Davidson, regarding the suitability of persons and locations for ABC permits within its jurisdiction.

BE IT FURTHER RESOLVED THAT notices to the Town of Midway, County of Davidson, should be mailed or delivered to the official designated above at the following address:

Mailing address: Sheriff David Grice
2511 E. U. S. Highway 64
Lexington, North Carolina 27292
(336) 242-2200

This the 5th day of December, 2016.

DEPUTY HUSTLES – POLICY DISCUSSION

Town Manager Gary Looper reported that the Town had a request from a single entity for assistance in traffic control during Halloween. No funds were budgeted for extra assistance (i.e. deputy hustles which are normally \$25 per hour with a minimum of two hours). Mr. Looper requested Council determine a policy regarding future inquiries for assistance from either: 1) individual entities or 2) community needs (example: additional deputies on duty to roam the community with added “presence”, such as on July 4th, Halloween, etc.). Mr. Looper stated that both examples are proper expenditures, but he feels the Town needs a policy for sound budgeting authority.

After discussion, it was the consensus of Council to table this item until Council’s next Vision Session in early 2017.

TOWN WEBSITE – POLICY DISCUSSION REGARDING EXTERNAL LINKS

Town Manager Gary Looper requested Council’s input regarding provisions for links of non-governmental entities on the Town’s website. Mr. Looper feels a policy should be in place regarding what the Town will allow to be posted. Currently, there are three pages on the Town’s website that house “outside” entities:

1. Town Government/Helpful Links: Government sites with links
2. Town Services/Utilities: List of normal “public utilities” listed with links
3. About Midway/New to Midway: List of area businesses, churches, schools with no links provided

Following discussion, it was the consensus of Council to have the following entities listed on the Town’s website with disclaimer statements added as recommended by the Town Attorney:

1. Government related information with links attached
2. Non-profit organizations with links attached
3. For-profit businesses with no links

GRAVEL REPAIR – HERITAGE OAKS FARMS

This item was added to the agenda.

During the construction of the new Town Hall parking lot, the adjacent property belonging to Heritage Oaks Farm was damaged from concrete trucks delivering and pouring concrete and Council feels it is the Town’s responsibility to restore the Heritage Oaks property. It is estimated the affected area would be remedied with the delivery of four to five loads of bottom rock gravel at an estimated cost of \$700 per load.

It was the consensus of Town Council to repair the affected area with expenditures not to exceed \$5,000.

A budget amendment will be necessary to appropriate the funds for the expenditure and will be presented to Town Council for approval at the regular Town Council meeting on January 3, 2017.

TOWN MANAGER’S REPORTS

MONTHLY FINANCIAL REPORT

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

November 30, 2016

Total Income	\$593,547	37.4% of overall budget
Total Expenses	\$383,096	24.2% of overall budget

For information only.

DEVELOPMENT ORDINANCE UPDATE

At the November 29, 2016 Planning Board meeting, the Board received a broad overview briefing from the Town's Planning Consultants, Benchmark CMR, Inc., to begin the process of adopting the current County Zoning Ordinance. The Board questioned if the draft Land Development Ordinance (LDO) met current legislative conformity and if so, why it could not be used instead of adopting the County ordinance. The Planning Board is scheduled to meet on December 20, 2016 to begin a more detailed article by article review of the development standards in the County ordinance.

Update only. No action taken.

COUNTY RECREATION MASTER PLAN AND RECREATION GRANT UPDATE

At their regular meeting on November 7, 2016, Davidson Parks and Recreation Director Thomas Marshburn spoke to Town Council regarding the need for development of a county-wide Parks and Recreation Master Plan. Mr. Marshburn told Council that although there was a Davidson County Parks and Recreation and Tourism Master Plan prepared in 2005, it was never adopted by the Davidson County Board of Commissioners. Mr. Marshburn went on to explain that having a recreation master plan improves the chances of the County and the municipalities in qualifying for local and state and federal grants.

Town Manager Gary Looper advised Council that he had received notice from the Davidson County Parks and Recreation Department that it needed the Town's input as soon as possible if Midway wanted to be included in the county-wide Master Plan. Council had discussed the desire to have input into the County's plan which the County intends to complete by the end of this year for adoption by the Board of Commissioners and the municipalities. Mr. Looper stated he had forwarded Council information regarding Midway's possible input; however, some feedback he received implied opposition to the draft proposal. Mr. Looper asked for Council's clarification on whether or not the Council is comfortable with providing the County with information regarding Midway's needs at this time, noting that future amendments to the County's Master Plan may allow the Town the opportunity to add Midway's desires at that time. Mr. Looper stated that it does not benefit Midway to include something in the plan that Council does not want to include, adding that absent a more formal site plan for the Town park, the Town would be substantially disadvantaged to be awarded grants during this next grant cycle.

Following discussion, it was the consensus of Council to not submit input for the county-wide Master Plan at this time and to wait until a subsequent grant funding cycle in order to be better prepared to submit a more competitive grant application for available funds for the Town park.

AUDIO/VISUAL SYSTEM UPDATE

Town Manager Gary Looper met with a representative from Strategic Connections in Winston-Salem to discuss concerns with the audio/visual system they installed at Town Hall. Mr. Looper noted that technicians have been out on four separate occasions but have been unable to resolve some of the issues.

Problem areas include:

- Television monitors going green
- Sound issues
- Remote control functions (sound and channel functions) inconsistently operable

- Sharelink (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 equipment components (in equipment room and behind monitors)

Mr. Looper summarized the needs to be satisfied as follows:

1. Fix audio/visual problems on monitors and remote controls
2. Explain operational procedures, e.g. Sharelink
3. Explain functional relationships between equipment components

Mr. Looper advised Council that Strategic Connections will schedule a half-day on-site visit to review the system and make the necessary changes or recommendations. Town Council will be notified when date for site visit has been set.

For information only.

POSSIBLE BUDGET AMENDMENT FOR FLAGPOLE PROJECT

At the regular Town Council meeting on September 6, 2016, Mayor Pro Tem Mike McAlpine reported he had obtained a cost estimate for the flag pole at Town Hall from Phillips Construction in the total amount of \$6,000. That amount includes a commercial stainless steel flagpole (40 ft. tall x 8 in. bottom and 4 in. at top with internal winch) and installation costs including boring an 18 in. hole that is 5 ft. deep, setting and leveling the pole to then compact with sand to 18 in. in cement collar.

Town Manager Gary Looper pointed out that during the budget preparation for Fiscal Year 2016-2017, neither a specific amount nor a line item was identified for this project. Mr. Looper identified several sources from which funds could be obtained; however, he feels the best option would be to appropriate funds from Fund Balance.

It was the consensus of Council to appropriate funds from Fund Balance in an amount not to exceed \$10,000 for the flagpole project.

A budget amendment will be necessary to appropriate the funds for the expenditure and will be presented to Town Council for approval at the regular Town Council meeting on January 3, 2017.

HIGHWAY 421/BUSINESS 40 CONSTRUCTION TIMELINE

North Carolina Department of Transportation (NCDOT) awarded a \$99.2 million construction contract to reconstruct and streamline a 1.2 mile section of US 421/I-40 (Business (40) from west of Fourth Street to east of Church Street and to construct portions of a multi-use path from Lockland Avenue to Liberty Street in Winston-Salem. Construction for the Peters Creek Parkway section may begin as early as the summer of 2017 and is anticipated to be completed by the winter of 2018. The main impact of the project, the full closure of Business 40, is expected to start in late 2018/early 2019 only after the Peters Creek Parkway section is completed and opened to traffic. It is anticipated that Business 440 will not be closed for more than two years.

The project improvements will include:

- Upgrading the entrance and exit ramps that remain, eliminating some entrance and exit ramps such as those at the Broad Street interchange, and lengthening some entrance and exit ramps, including those at Marshall and Cherry Streets;
- Replacing the bridges on and over Business 40 with new structures that will meet current and future traffic demands;

- Removing the existing Business 40 pavement and replacing it with new pavement; and
- Aesthetic enhancements to the roadway and some of the bridges.

Town Manager Gary Looper brought this information to Council's attention, noting the effect it might have on people traveling downtown.

For information only.

REMINDER - TOWN HALL WILL BE CLOSED – OBSERVANCE OF HOLIDAYS

Town Hall will be closed on Friday, December 23, 2016 and Monday, December 26, 2016 in observance of the Christmas holidays and on Monday, January 2, 2017 in observance of New Year's Day holiday.

Reminder only.

REMINDER - NEXT TOWN COUNCIL MEETING – TUESDAY, JANUARY 3, 2017

Due to the New Year's Day holiday falling on Monday, January 2, 2017, the next regular Town Council meeting will be held on Tuesday, January 3, 2017.

For information only.

RECESS TO CLOSED SESSION

On motion by Mayor Pro Tem Mike McAlpine 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 Byrum called for a ten-minute recess.)

RECONVENE TO OPEN SESSION

On motion by Councilor Robin Moon, seconded by Councilor Keith Leonard, Council voted unanimously to reconvene to open session.

ADJOURNMENT

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to adjourn the meeting at 9:12 p.m.

Mike McAlpine, Mayor Pro Tem

Linda A. Hunt, Town Clerk