

**MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON AUGUST 4, 2014
AT 7:00 P.M. AT THE MIDWAY FIRE AND RESCUE BUILDING, 228 MIDWAY SCHOOL
ROAD, IN MIDWAY, NORTH CAROLINA**

CALL TO ORDER

Mayor Norman Wilkes called the meeting to order and welcomed everyone present.

Mayor Pro Tem Mike McAlpine gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilors present were: Mike McAlpine, John Byrum, Keith Leonard, and Todd Nifong. Absent: Robin Moon. Town Manager Ryan Ross, Town Attorney Jim Lanik, and Town Clerk Linda Hunt 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 Mayor Pro Tem Mike McAlpine, seconded by Councilor Nifong, Council voted unanimously to approve the minutes of the June 2, 2014 Town Council Regular meeting as presented.

PUBLIC ADDRESS

There were none.

ADOPT AGENDA

Town Manager Ryan Ross **added** the following two items under **VIII. REGULAR BUSINESS:**

4. Contract with North Davidson Garbage Service
5. Amend Town Council 2014 Meeting Schedule

On motion by Councilor Byrum, seconded by Councilor Leonard, Council voted unanimously to adopt the agenda as amended.

OPENING REMARKS BY MAYOR

Mayor Norman Wilkes stated it felt good to be back after a lengthy stay in the hospital.

PRESENTATION

**ROBIN TEAM, PRESIDENT – DAVIDSON PROGRESS, INC. – DAVIDSON COUNTY
BUSINESS PARK**

Mr. Robin Team, President of Davidson Progress, Inc. appeared before the Midway Town Council to request the Town's endorsement of a proposed Davidson County Business Park off Interstate 85 in Linwood, North Carolina. Mr. Team assured Council he was not there to ask for any money for this project but to simply ask for the Town's support, stating support of all the elected officials is vital to the success of the project. He added that he believes it is the single most economic development initiative that has ever been before the citizens of Davidson County.

Davidson Progress, Inc. is a non-profit, privately funded organization that supports the project based on the belief that it will increase the tax base by \$2 billion, while providing an additional 9,600 jobs for Davidson County citizens. Mr. Team said support of the elected officials is paramount to the project.

Mr. Team went on to explain the concept to build the park which will be under umbrella of a limited liability company where landowners and other stakeholders would put in their assets. When a company purchases a property at the site, members of the partnership would all share the profits. Mr. Team explained that the development of Phase I would involve bringing together landowners, Davidson County, City of Lexington, Davidson County EDC, Davidson Progress and other potential partners to form the LLC, which would be controlled by Davidson Progress. Mr. Team assured Council he will work with all the members of the LLC to assure transparency within the group and to mediate any discourse. The current project includes 500 acres that would be developed in two phases. The first phase would be to provide the infrastructure and amenities to the site for initial development.

Mayor Wilkes thanked Mr. Team for his presentation.

No action was taken.

REGULAR BUSINESS

AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) – HIGH-MAST LIGHTING AT INTERCHANGE OF US HIGHWAY 52 AND HICKORY TREE ROAD (EXIT 100)

At its regular meeting on January 6, 2014, Town Council adopted a resolution requesting grant funds from the State of North Carolina for high-mast lighting at the interchange of US Highway 52 at Hickory Tree Road, which was endorsed by the Davidson County Board of Commissioners at a later date. The purpose for the high-mast lighting is to illuminate the interchange to increase visibility and to improve safety in that area while also lighting the Town's core commercial district.

With the assistance of State Senator Stan Bingham and Representative Roger Younts, the Town was awarded \$300,000 from statewide contingency funds for the lighting project.

The terms the agreement between the Town of Midway and the North Carolina Department of Transportation (NCDOT) are outlined below:

- ❑ NCDOT is responsible for the planning, design, right of way, construction and contract administration.
- ❑ Midway will be responsible for providing electrical service and for paying bills for the lighting, at no cost to NCDOT.
- ❑ Midway will assume normal maintenance operations to the lighting.
- ❑ Midway will release NCDOT from all liability upon the completion of the project.
- ❑ NCDOT will perform routine inspections of the light structures at its own expense; however, any structural deficiencies discovered will be the Town's responsibility to bring the structure in compliance.

Town Manager Ryan Ross estimates the cost for the maintenance, insurance and power cost to around \$6,200 a year. Sufficient funds were included in the Town budget for fiscal year 2014-15 to cover this cost.

Discussion followed regarding the number of lights that would be installed. Mr. Ross advised that NCDOT is currently in the design phase of the project and the number of lights needed for the interchange will be determined by NCDOT. Any excess funds from the statewide contingency funds that were received for this project will belong to NCDOT.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Byrum, Council voted unanimously to approve the contract with the North Carolina Department of Transportation and to authorize execution of the document.

CONTRACT WITH BENCHMARK CMR, INC. – PLANNING & ZONING AND CODE ENFORCEMENT SERVICES

Town Manager Ryan Ross reported Benchmark CMR, Inc. has submitted an Agreement for Services with the Town of Midway with a “Fixed Fee” Contract to provide certain services relating to planning and zoning code enforcement for the Town of Midway. Benchmark CMR, Inc. is a North Carolina Company located in Kannapolis, North Carolina.

Scope of Services: Benchmark CMR, Inc. agrees to provide and perform for the Town of Midway all of those services stipulated in the Scope of Services as follows:

Planning and Code Enforcement Services:

- ❑ Provide a Community Planner or Code Enforcement Officer to be available to the Town two half days per week with office hours for a fixed rate, not to exceed \$25,000 for the fiscal year.
- ❑ A Planner and/or Code Enforcement Officer will be provided to the Town on a weekly basis for up to four hours in the Town offices.
- ❑ This method will allow one of Benchmark’s employees to pull office hours from the Town Hall on a weekly basis for one day per week for the fiscal year. Whether or not this employee is a planner or code enforcement officer will depend on the needs of the Town at that particular time (i.e., case load and the like). The day of the week can be a set day of week or can be flexible as per the Town’s needs and as coordinated with Benchmark’s office.
- ❑ Office hours will be adjusted to accommodate Planning Board and other Board meetings as they occur.
- ❑ The Planner and Code Enforcement Officer will be an employee of Benchmark CMR, Inc. and as such, Benchmark CMR, Inc. shall be responsible for providing all employee wages and benefits including, but not limited to, liability insurance, health insurance, transportation for staff, cell phone and training.
- ❑ Benchmark has additional Planners and Code Enforcement Officers on staff as backup to the primary personnel assigned to the Town.
- ❑ The Town will have, as a result of using Benchmark’s services the support and knowledge depth of other experienced staff members on its team being available to the Town, the Planner and the Code Enforcement for assistance as needed.

As part of providing these services for the Town, Benchmark staff will be available to:

- ❑ Provide customer service
- ❑ Coordinate Planning Board projects and meetings
- ❑ Issue zoning permits
- ❑ Coordinate Board of Adjustment meetings as needed
- ❑ Process any rezoning special use, variance, or temporary use requests
- ❑ Review proposed commercial and residential development plans and site to ensure compliance with Town requirements
- ❑ Coordinate local planning efforts with regional and state-wide agencies
- ❑ Review sign applications for compliance with the Town’s zoning provisions
- ❑ Provide any other planning zoning related services that is common for a municipal planning Department as agreed upon by the Town and Benchmark staff

Under this agreement, the Town of Midway would agree to the following:

- ❑ Provide access to local tax records, Geographic Information Systems (GIS), tax maps, copies of all pertinent ordinances, or other items deemed necessary in the completion of duties associated with the execution of this contract.
- ❑ The Town will be responsible for providing postage, legal notices, telephone charges and similar items in the line of enforcement. The Town shall also provide police assistance when necessary and be responsible for all legal fees.

Both the Town of Midway and Benchmark CMR, Inc. shall have the right to terminate this contract immediately by giving written notice of such termination and specifying the effective date of such termination.

The contract has been reviewed and approved by the Town Attorney.

Mayor Pro Tem Mike McAlpine questioned the change proposed by Benchmark CMR, Inc. to staff Town Hall for two half days a week (Tuesdays and Thursdays) rather than one full day on Tuesdays as has been practice in the past. Town Manager Ryan Ross answered that the two half days is on a trial basis and Benchmark CMR, Inc. is willing to go back to the original plan if this change does not work out for the Town.

On motion by Councilor Byrum, seconded by Councilor Nifong, Council voted unanimously to approve the contract with Benchmark CMR, Inc., dated June 10, 2014, to provide certain services relating to planning and zoning code enforcement services as proposed at a rate not to exceed \$25,000 annually.

CLEAN-UP OF ABANDONED PROPERTY ON SPRY ROAD

Town Manager Ryan Ross advised Council that members of the community who live in the Spry Road neighborhood continue to complain about the dilapidated condition of the structure and house located on Spry Road that is adjacent to the property owned by Robert Leak. The community has requested that something be done to rid the neighborhood of this unsightly nuisance.

Mr. Ross has contacted four companies to request cost estimates to demolish the structures located on the property in question. Demolition would cost the Town approximately \$40,000.

Town Attorney Jim Lanik explained that technically the property and structures located thereon are not considered to be abandoned due to the fact that the owners of the property reside in the area and taxes are up to date. However, it is evident that the structures have not been kept up. Mr. Lanik advised Council that taking the proper legal action is going to be a significant process that could possibly take six (6) months or so to complete, emphasizing the importance of following due process.

Councilor Nifong asked if the Town would be liable if nothing is done. Mr. Lanik said the Town would not be liable.

On motion by Councilor Byrum, seconded by Councilor Leonard, Council voted unanimously to authorize the Town Attorney in consultation with Town Manager Ryan Ross, to proceed with the necessary legal action to abate the situation on Spry Road.

CONTRACT WITH NORTH DAVIDSON GARBAGE SERVICE

This item was added to the agenda.

Town Manager Ryan Ross advised Council that North Davidson Garbage Service has received a \$25,000 grant from the N.C. Division of Environmental Assistance and Outreach (DEAO) to provide 5,000 more

residences with 65 gallon recycling bins to increase the tonnage of material that is collected and processed through its materials recovery facility.

Mr. Ross told Council that although the Town's contract with North Davidson Garbage Service has not expired, owner Brad Everhart has asked if the Town Council would consider an early renewal of the Town's contract with North Davidson Garbage Service for garbage collection and recycling services. Having the contract extended will aid Mr. Everhart confirm the number of households he serves in Midway as part of the grant.

The amended contract will be presented to Council at the September 2, 2014 Town Council meeting for consideration.

AMEND 2014 TOWN COUNCIL MEETING SCHEDULE

This item was added to the agenda.

Town Manager Ryan Ross stated that the Midway Fire Department is in the process of conducting firefighter training sessions in the meeting room at the Fire Department on Mondays through November 2014 and, therefore, the meeting space will be unavailable for Town Council meetings during that period of time. Mr. Ross suggested Town Council amend its meeting schedule to change the location for the meetings to Town Hall.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Nifong, Council voted unanimously to amend the Town Council Meeting Schedule for 2014 to change the location for the meetings from the Midway and Rescue Department to Town Hall for September, October and November 2014.

2014 MIDWAY TOWN COUNCIL MEETING SCHEDULE

AMENDED AUGUST 4, 2014

To change the location of Town Council meetings for months of September, October and November 2014 from the Midway Fire and Rescue Building to Town Hall located at 125 Gumtree Road. Meeting time will remain the same.

Meetings of the Midway Town Council are generally held on the 1st Monday of each month, unless otherwise listed, at 7:00 p.m., in the meeting room at the Midway Fire and Rescue Department located at 228 Midway School Road in Midway, North Carolina.

January 6	February 3
March 3	April 7
May 5	June 2
July 21*	August 4
September 2 (Tuesday) at Town Hall	October 6 at Town Hall
November 3 at Town Hall	December 1

*To avoid conflicts with summer vacations, the meeting in July will be held on the third Monday.

**Labor Day holiday falls on Monday.

TOWN MANAGER'S REPORTS

NEXT REGULAR TOWN COUNCIL MEETING – TUESDAY, SEPTEMBER 2, 2014

The next regular Town Council meeting is scheduled to be held on Tuesday, September 2, 2014 at Town Hall, 125 Gumtree Road in Midway, beginning at 7:00 p.m.

Reminder only.

RECESS TO CLOSED SESSION

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Byrum, Council voted unanimously to recess to closed session in accordance with N.C.G.S. §143-318.11(a)(3)(5) to discuss matters pertaining to attorney-client privilege and real estate.

RECONVENE TO OPEN SESSION

On motion by Councilor Nifong, seconded by Mayor Pro Tem Mike McAlpine, Council voted unanimously to reconvene to open session.

ADJOURNMENT

On motion by Councilor Byrum, seconded by Mayor Pro Tem Mike McAlpine, Council voted unanimously to adjourn the meeting.

Norman L. Wilkes, Mayor

Linda A. Hunt, Town Clerk