

**MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON AUGUST 5, 2013
AT 7:00 P.M. AT THE MIDWAY FIRE AND RESCUE BUILDING, 228 MIDWAY SCHOOL
ROAD, 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: John Byrum, Mike McAlpine, Robin Moon, Todd Nifong, and Sue Stephens. Absent: None. Town Manager Ryan Ross, Town Clerk Linda Hunt, and Town Attorney Jim Lanik were present.

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

APPROVAL OF MINUTES

On motion by Councilor Sue Stephens, seconded by Councilor Todd Nifong, Council voted unanimously to approve the minutes of the July 15, 2013 Town Council regular meeting as presented.

PUBLIC ADDRESS

Mr. Randy Lovett of 142 Huntfield Drive in Midway, North Carolina addressed Town Council to express his concerns regarding Town Hall, streetlights and Christmas lights. Mr. Lovett questioned why the Town continues to rent the current space for Town Hall when there is a house located on the recently acquired tract of land that could be used for that purpose and would save the Town money. Mr. Lovett also said he was not in favor of Christmas lights for the Town, stating it would cost too much to be up for such a short period of time.

ADOPT AGENDA

Town Manager Ryan Ross told Council that the agenda needed to be amended to add a Closed Session, following the Town Manager's Report, in accordance with N.C.G.S. 143-318.11(a)(3) as it pertains to attorney-client privilege.

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

OPENING REMARKS BY MAYOR

There were none.

PRESENTATIONS/RECOGNITIONS

Mayor Norman Wilkes, with the assistance of Councilors Mike McAlpine and Sue Stephens, presented Town pins and certificates of appreciation signed by Governor Pat McCrory to the following individuals who participated in the 2013 Spring Litter Sweep in recognition of their taking an active role in making their community cleaner:

Lynn Griggs	Janet Griggs	Charles Waddell	Mike Carter
Barney Barnett	Mike Royal	Max Royal	Tanner Woollen
Dustin Robinson	Robin Moon	Glenn Griggs	Charlotte Crotts
Cindy Hylton	Marsha Edgett	Elizabeth Crotts	Carolina Crotts
Madison Edgett	Catlin Hayes	Reagan Koontz	Brianna Sink
Sierra Smith	Alyssa Weeks	Allison Hylton	

The Mayor and Town Council also recognized and expressed their appreciation to Mr. Lynn Griggs, who serves on the Town of Midway Planning and Zoning Board, for organizing the Spring Litter Sweep.

PUBLIC HEARING

PUBLIC HEARING – EXCHANGE OF PROPERTY BETWEEN TOWN OF MIDWAY AND IOLA M. THOMAS

At its meeting on July 15, 2013, Town Council called for a public hearing to be held on Monday, August 5, 2013, at 7:00 p.m. at the Midway Fire and Rescue Building located at 228 Midway School Road in Midway to receive citizen input on the exchange of 8.288 acres owned by the Town of Midway for 8.0 acres owned by Iola M. Thomas.

Town Manager Ryan Ross gave a brief overview of the proposed exchange, stating the properties had similar offsetting values giving the properties similar or equal values. The 8-acre tract owned by Iola M. Thomas has much better road frontage on two separate roads and a slightly better topography. The 8.288-acre tract has considerably less road frontage but has several sheds, outbuildings, and trees that would add varying amounts depending on a potential buyer's use of the property.

Mayor Norman Wilkes opened the public hearing.

Although not signed up to speak at the public hearing, Town Council permitted Mr. Joe Fogle of 242 Bull Run Lane in Midway to address Council on his questions regarding the lay of the two properties on the map that was provided for public inspection. A brief discussion between the Town Council, the Town Manager and Mr. Fogle followed. Mr. Fogle said he had no objection to the exchange of property. Town Manager Ryan Ross explained the exchange of property between the Town of Midway and Ms. Iola Thomas is mutually beneficial.

There being no one else wishing to speak on the matter, Mayor Wilkes closed the public hearing.

On motion by Council John Byrum, seconded by Councilor Sue Stephens, Town Council voted unanimously to adopt the Resolution Authorizing Exchange of Property between the Town of Midway and Iola M. Thomas.

**RESOLUTION AUTHORIZING EXCHANGE OF PROPERTY
BETWEEN THE TOWN OF MIDWAY AND IOLA M. THOMAS**

WHEREAS, the Town of Midway owns a 8.29-acre tract of land, part of Tax Parcel # 13-011-0-000-0015 (37.610 acres) as shown on Davidson County Tax Maps, located at 426 Gumtree Road, Midway Township in Davidson County, North Carolina, having an appraised value of \$116,000.00; and

WHEREAS, Ms. Iola M. Thomas of the Town of Midway, North Carolina, owns an 8-acre tract of land, Tax Lot 15-B, part of Parcel # 13-011-00-000-0015 as shown on Davidson County Tax Maps, having an appraised value of \$112,000.00; and

WHEREAS, both properties have similar or equal per acre values and similar or equal values as a whole; and

WHEREAS, the 8-acre tract has more road frontage on two separate roads while the 8.29-acre tract has considerably less road frontage but has several sheds, outbuildings and trees, that would add varying amounts depending on a potential buyers use of the property;

WHEREAS, the improvements and other characteristics noted for each site had similar offsetting values giving the properties' similar or equal values; and

WHEREAS, the Town of Midway and Ms. Thomas wish to make an even exchange of the two described properties; and

WHEREAS, North Carolina General Statute § 160A-271 authorizes the Town of Midway to make such an exchange if authorized by the Town Council by a resolution adopted at a regular meeting of the Council upon at least 10 days' public notice and upon the determination that the Town of Midway will receive full and fair consideration in return for exchanging the 8.29 acre tract; and

WHEREAS, the Town has given the required public notice, and the Town Council is convened in a regular meeting.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MIDWAY HEREBY RESOLVES THAT:

1. The exchange of properties described above is authorized.
2. By receiving the 8-acre tract in exchange for the 8.29-acre tract, the Town will receive full and fair consideration.
3. The Town Manager is authorized and empowered, in consultation with the Town Attorney, to execute and deliver in the name and on behalf of the Town the appropriate instruments, deeds, and agreements reasonably necessary to consummate the exchange referred to herein, and to affix the Town seal as necessary and appropriate.

ADOPTED this the 5th day of August, 2013.

REGULAR BUSINESS

LAND COMMITTEE UPDATE

Mayor Pro Tem Mike McAlpine first addressed some of Mr. Randy Lovett's concerns that were expressed during the public address portion of the agenda regarding the use of the house located on the Town's property on Gumtree Road. Mr. McAlpine explained that in exercising due diligence in determining the viability of renovating the house, staff utilized the expertise of a structural engineer, an architect and a contractor to look at the house and to estimate the cost to renovate the house and the cost to do so was much more than anticipated.

Mayor Pro Tem Mike McAlpine then provided Council with a checklist of things the Land Committee recommends being done on the property:

- Put up a fence along Country Lane to replace the trees that were removed.
- Take down overgrown nursery trees and fill in the holes.
- Clean up area around the house.

Mr. McAlpine advised Council he had met with Benchmark and the Planning and Zoning Board at its last meeting on July 30, 2013 about the need to develop a master plan for the property and asked for the Board's assistance. His recommendation to the Board was to have Brad Coe go ahead and prepare a site plan for the property and to curtail Benchmark to facilitation of the meetings only. A new proposal from Benchmark will be needed that excludes the development of a master plan.

Planning Board Chairman Charles Waddell informed the Council that the Planning and Zoning Board had unanimously approved the recommendations from Mayor Pro Tem McAlpine at its last meeting on July 30, 2013 and have agreed to a joint meeting of the Board with Town Council.

Councilor John Byrum said he would like more specific information about the cost of upfitting the existing house.

At the request of Town Council, Councilor Todd Nifong agreed to head up a committee to determine the needs and costs to upfit the house. Councilor Nifong will select the members to serve on the committee.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Todd Nifong, Council voted unanimously to approve preparation of a site plan for the Town's property on Gumtree Road by Brad Coe and to approve the facilitation of public input meetings by Benchmark CMR, Inc.

SET DATE FOR JOINT MEETING OF TOWN COUNCIL AND PLANNING AND ZONING BOARD- DEVELOPMENT OF MASTER PLAN FOR TOWN PROPERTY ON GUMTREE ROAD

It was the consensus of the Town Council and the Planning and Zoning Board to set Tuesday, August 27, 2013 for the joint meeting to begin at 5:00 p.m. at the Midway Fire and Rescue Department on Midway School Road.

TOWN MANAGER'S REPORTS

CHRISTMAS LIGHTS

This item was carried over from the July 15, 2013 regular Town Council meeting.

Town Manager Ryan Ross provided Council with cost estimates for purchasing Christmas lights which he received from Mosque Design: \$1,000 per pole plus \$2,200 - \$2,500 per year to put up, take down, and store.

Councilor Todd Nifong said he had not changed his mind about the Christmas lights. He is not in favor of the lights; however, he said he is okay with continuing to build a fund for the lights.

Councilor John Byrum said he was not in favor of the lights at this time but he is willing to continue to build the Christmas lights fund. He stated he felt the Midway Christmas Parade is an abundant display of the season.

On motion by Councilor Todd Nifong, seconded by Mayor Pro Tem Mike McAlpine, Council voted unanimously to deny the purchase of Christmas lights.

Mayor Wilkes voiced his disappointment that Council elected not to purchase the lights.

STREET LIGHTS UPDATE

This item was carried over from the July 15, 2013 regular Town Council meeting for further discussion.

The issue being debated was whether or not Town Council wanted to put up additional lighting down the roads of the major intersections in Midway that have previously been identified.

The additional street lights that were originally proposed by Town Manager Ryan Ross at the March 16, 2013 joint meeting of the Midway Town Council and the Midway Planning and Zoning Board are listed below:

- Gumtree Road from the Town limits to Old Highway 52
- Midway School Road from Norman Shoaf Road to Old Highway 52
- David Smith Road to Eller Road
- North Payne Road to Hartman Road

Councilor Todd Nifong said he was under the impression that the Town's plan was to just light up the major intersections in Midway.

Mayor Pro Tem Mike McAlpine said he was totally against the additional lights.

Councilor Robin Moon made a motion to proceed with the additional lighting of the streets at the major intersections the streets: (1) Gumtree Road from the Town limits to Old Highway 52, (2) Midway School Road from Norman Shoaf Road to Old Highway 52, (3) David Smith Road to Eller Road, and (4) North Payne Road to Hartman Road. Councilor Sue Stephens seconded the motion. The motion failed by a 2-3 split vote. Voting in favor were Councilors Moon and Stephens. Voting against were Mayor Pro Tem Mike McAlpine and Councilors Byrum and Nifong.

RECESS TO CLOSED SESSION

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Todd Nifong, Council voted unanimously to recess to closed session in accordance with N.C.G.S. 143-318.11(a)(3) for consultation with the Town Attorney.

RECONVENE TO OPEN SESSION

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

ADJOURNMENT

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

Norman L. Wilkes, Mayor

Linda A. Hunt, Town Clerk