

**MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON JULY 20, 2015
AT 7:00 P.M. IN THE MEETING ROOM 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.

Councilor John Byrum gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilors present were: Mike McAlpine, John Byrum, Keith Leonard, Robin Moon, and Todd Nifong
Absent: None. 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 Todd Nifong, Council voted unanimously to approve the minutes of the May 12, 2015 Town Council Special Meeting as presented.

On motion by Councilor Robin Moon, seconded by Councilor John Byrum, Council voted unanimously to approve the minutes of the May 21, 2015 Town Council Special Meeting as presented.

On motion by Councilor John Byrum, seconded by Mayor Pro Tem Mike McAlpine, Council voted unanimously to approve the minutes of the June 1, 2015 Town Council Regular Meeting as presented.

PUBLIC ADDRESS

There were none.

ADOPT AGENDA

Town Manager Ryan Ross stated that agenda needs to be amended to add the following under items under VIII. REGULAR BUSINESS: Item 5. Update on Renovations of Structure for Town Hall and Item 6. Update on Town Property.

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

PRESENTATION

CERTIFICATES OF APPRECIATION – SPRING LITTER SWEEP 2015

This item was delayed due to the majority of the participants in the Spring Litter Sweep 2015 being unable to attend the meeting.

OPENING REMARKS BY MAYOR

Mayor Norman Wilkes recognized and welcomed former Town Council member Sue Stephens who was in the audience.

REGULAR BUSINESS

**RESOLUTION IN SUPPORT OF DAVIDSON COUNTY'S INITIATIVE TO DEVELOP A
SPORTS AND EVENTS COMPLEX IN DAVIDSON COUNTY BY SPORTS FACILITIES**

**ADVISORY (SFA) AND AUTHORIZE DONATION FOR PHASE II FEASIBILITY STUDY –
RESOLUTION NO. 01-16**

Town Manager Ryan Ross stated the Town has received a request from the Davidson County Board of Commissioners with regard to the Sports Facilities Advisory (SFA) Feasibility Report. At their retreat on February 12, 2015, the Davidson County Commissioners expressed strong interest in proceeding with the next phase in the feasibility process as recommended by SFA which would entail their development of a full financial forecast and economic impact study at an estimated cost of \$60,000. The Board indicated they would consider funding one-half (\$30,000) of this estimated amount. However, before making a final decision, the Board wanted to solicit possible financial contributions from potential stakeholders to cover the remaining amount of \$30,000 as an indicator of community support for continuing with the process of determining the feasibility of building a Davidson County sports and events complex.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor John Byrum, Council voted unanimously to adopt Resolution No. 01-16 in Support of Davidson County's Initiative to Develop a Sports and Events Complex in Davidson County by Sports Facilities Advisory (SFA) and Authorize Donation for Phase II Feasibility Study in the amount of \$2,500.

**TOWN OF MIDWAY
RESOLUTION NO. 01-16**

**RESOLUTION IN SUPPORT OF DAVIDSON COUNTY'S INITIATIVE TO DEVELOP A
SPORTS AND EVENTS COMPLEX IN DAVIDSON COUNTY BY SPORTS FACILITIES
ADVISORY (SFA) AND AUTHORIZE DONATION FOR PHASE II FEASIBILITY STUDY**

WHEREAS, the Town Council of the Town of Midway supports the Davidson County Board of Commissioners' initiative to develop a sports and events complex in Davidson County by Sports Facilities Advisory (SFA); and

WHEREAS, the Davidson County Board of Commissioners discussed the result of the SFA Feasibility Report at their retreat on February 12, 2015 and expressed strong interest in proceeding with the next phase in the feasibility process as recommended by SFA by indicating they would consider funding one half of the necessary \$60,000; and

WHEREAS, potential stakeholders are being solicited as possible financial contributors to cover the remaining amount of \$30,000 as an indicator of community support for continuing with the process of determining the feasibility of building a sports event complex in Davidson County; and

WHEREAS, Davidson County Commissioners have requested that the Town of Midway support this effort by contributing up to \$2,500, contingent upon the necessary funds being raised to cover the Phase II Feasibility Study; and

WHEREAS, the Town of Midway, as a partnering municipality within Davidson County, hereby supports the Davidson County Board of Commissioners' initiative to develop a sports and events complex in Davidson County and is willing to contribute \$2,500 as a partnering grant to fund the Phase II Feasibility Study;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Midway hereby expresses support for the Davidson County Board of Commissioners' initiative to develop a sports and events complex in Davidson County by Sports Facilities Advisory (SFA) and authorizes a contribution of \$2,500 as a partnering grant to fund the Phase II Feasibility Study as proposed by the Davidson County Board of Commissioners.

This the 20th day of July, 2015.

RESOLUTION IN SUPPORT OF N.C. DEPARTMENT OF TRANSPORTATION'S REQUEST TO THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) TO APPROVE A DESIGN EXCEPTION FOR THE CURB AND GUTTER SECTION OF US 52 IN WINSTON-SALEM, IN ORDER TO BE ABLE TO DESIGNATE IT AS INTERSTATE 285, FROM INTERSTATE 85 IN DAVIDSON COUNTY TO INTERSTATE 40 IN WINSTON-SALEM – RESOLUTION 02-16

Mr. Pat Ivey, Division Engineer with the N.C. Department of Transportation, is working on a project near Green Needles to upgrade US Highway 52 in Lexington to interstate standards. When completed later this year, US Highway 52 will meet current interstate standards from I-85 in Davidson County to approximately .7 of a mile south of the Clemmonsville Road exit in Winston-Salem.

The section of US Highway 52 south of the Clemmonsville Road exit to I-40 does not meet current interstate standards due to the presence of curb and gutter and narrow shoulder widths. When the Lexington project is completed, Mr. Ivey plans to seek approval from the Federal Highway Administration (FHWA) for a design exception for the Winston-Salem section that will allow US Highway 52 to be signed as I-285 from I-85 in Davidson County to I-40 in Forsyth County.

On motion by Councilor Todd Nifong, seconded by Councilor Keith Leonard, Council voted unanimously to adopt Resolution No. 02-16 in Support of N. C. Department of Transportation's Request to the Federal Highway Administration (FHWA) to Approve a Design Exception for the Curb and Gutter Section of US 52 in Winston-Salem, in Order to be Able to Designate It as Interstate 285, from Interstate 85 in Davidson County to Interstate 40 in Winston-Salem.

RESOLUTION NO. 02-16

RESOLUTION IN SUPPORT OF N.C. DEPARTMENT OF TRANSPORTATION'S REQUEST TO THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) TO APPROVE A DESIGN EXCEPTION FOR THE CURB AND GUTTER SECTION OF US 52 IN WINSTON-SALEM, IN ORDER TO BE ABLE TO DESIGNATE IT AS INTERSTATE 285, FROM INTERSTATE 85 IN DAVIDSON COUNTY TO INTERSTATE 40 IN WINSTON-SALEM

WHEREAS, the idea of designating US Highway 52, from Interstate 85 in Davidson County to Interstate 40 in Winston-Salem, as an Interstate highway has been discussed since 2003 when officials from Davidson County and the City of Winston-Salem requested the North Carolina Department of Transportation (NCDOT) designate the highway as an Interstate highway to help boost economic development for the area; and

WHEREAS, in 2003, NCDOT applied to the American Association of State Highway and Transportation Officials (AASHTO) for the highway to be signed as Interstate 185; however, AASHTO approved of the Interstate 285 designation on September 8, 2005; after the FHWA approved of the number on June 29, 2005; and

WHEREAS, when US Highway 52 was extended to Business Interstate 85 several years ago, the new section was built to Interstate standards; however, the older sections of US Highway 52, south of Interstate 40 and north of Interstate 85, did not meet Interstate standards; and

WHEREAS, the primary problems involved deficient shoulders, whether there was curb and gutter present or the lack of proper widths; and

WHEREAS, to sign the highway as Interstate 285 required NCDOT to make improvements to the highway to bring it fully up to Interstate standards; and

WHEREAS, a project to bring the highway up to Interstate standards was initiated by NCDOT in the State Transportation Improvement Program (STIP) and called R-4750. During the economic downturn of the late 2000's, the Winston-Salem Urban Area Metropolitan Planning Organization (MPO) determined the STIP funds should be used on higher priority projects and requested the project be shelved; and

WHEREAS, the section of US Highway 52 in Davidson County, located outside of the Winston-Salem Urban Area MPO, still needed to be upgraded and the project was supported by the Piedmont Triad Rural Planning Organization; and

WHEREAS, the description of R-4750 was revised to include only the Davidson County section, and the southern terminus of future STIP project U-2826 (US Highway 52 improvements) was extended to include the curb and gutter section in Winston-Salem to be upgraded in the future;

WHEREAS, NCDOT has requested the support of the Town of Midway on its request to the Federal Highway Administration (FHWA) to approve a design exception for the curb and gutter section of US 52 in Winston-Salem, in order to be able to designate it as Interstate 285, from Interstate 85 in Davidson County to Interstate 40 in Winston Salem;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Midway hereby supports the N.C. Department of Transportation's request to the Federal Highway Administration (FHWA) to approve a design exception for the curb and gutter section of US 52 in Winston-Salem, in order to be able to designate it as Interstate 285, from Interstate 85 in Davidson County to Interstate 40 in Winston-Salem.

Adopted this 20th day of July, 2015.

CONTRACT WITH BENCHMARK CMR, INC. – AGREEMENT FOR SERVICES WITH LOCAL GOVERNMENT “FIXED FEE” THREE-YEAR CONTRACT - PLANNING AND CODE ENFORCEMENT SERVICES

The Town of Midway has contracted with Benchmark CMR, Inc. for planning and code enforcement services on an annual basis since July 1, 2011. The current contract with Benchmark CMR, Inc. expired June 30, 2015.

Town Manager Ryan Ross reported Benchmark CMR, Inc. has submitted a new contract for planning and code enforcement services for Council consideration. The new contract as proposed by Benchmark is a three year contract for Fiscal Years 2016, 2017, and 2018. The base rate of compensation for planning and code enforcement services is \$28,000 annually for each fiscal year; however, in years two and three of the proposed contract, a cost of living adjustment (COLA) of from three to five percent would be applied based on the Consumer Price Index and other determining economic factors.

As outlined in the Scope of Services attachment to the contract, Benchmark CMR, Inc. would provide the following planning and code enforcement services for the Town of Midway for Fiscal Years 2016, 2017, and 2018:

- Benchmark will provide a Community Planner or Code Enforcement Officer to be available to the Town one full day per week with office hours.
- 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 years. 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 week can be a set day of week or can be flexible as per the Town's needs and as coordinated with our office.

- The 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.
- The primary Planner assigned to these duties will be Erin Burris, however, Benchmark has additional Planners and Code Enforcement Officers on staff as backup to the primary personnel assigned to the Town.
- Additionally, the Town will have, as a result of using Benchmark's services, the support and knowledge depth of other experienced staff members on our team being available to the Town, the Planner and the Code Enforcement Officer for assistance as needed.

Mayor Pro Tem Mike McAlpine expressed his concern that in the past whenever the Town Planner was unable to be at Town Hall on the day or days assigned to the Town of Midway, no one was sent to replace him/her on those days he/she was absent. He said he felt Benchmark should send a replacement when it was necessary for the Town Planner to be absent for whatever reason. In addition, Mayor Pro Tem McAlpine said he was not in agreement with approving a three year contract with Benchmark and he felt the contract should be amended to a one year contract instead of three years as proposed and that the contract specify the Town Planner assigned to the Town would be at Town Hall one full eight-hour day per week

Town Manager Ryan Ross said Benchmark CMR, Inc. Executive Vice President Richard Smith had explained to him that the reasoning behind the three-year contract was to ensure that current Town Planner Erin Burris would continue to serve Midway in that capacity for the full three-year period, providing continuity that Midway has not had in the past. Without the three-year commitment from the Town, Benchmark cannot guarantee Ms. Burris will remain in the position as the Town's planner. Previous planners originally assigned to Midway were either promoted or reassigned to another town that needed requiring additional time from the planner.

It was noted that the both the Planning Board and the Town Council have been very pleased with the services Town Planner Erin Burris has provided the Town; however, the Council did not wish to commit to a three-year contract with Benchmark at this time.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor John Byrum, Town Council voted unanimously to approve the contract with Benchmark CMR, Inc. for planning and code enforcement services at the annual base rate of \$28,000, subject to the following terms and conditions: 1) Contract to be for one year instead of three as proposed, 2) A replacement planner to be provided in the event of the absence of the regular Town Planner, 3) Town Planner to have office hours on a weekly basis for one full day (8 hours) per week, and 4) Subject to final approval by the Town Attorney.

SPECIAL TOWN COUNCIL/PLANNING AND ZONING BOARD MEETING – LAND DEVELOPMENT ORDINANCE (LDO)

Town Manager Ryan Ross reported that Town Planner Erin Burris has notified him that the Planning and Zoning Board has completed its review of the proposed Land Development Ordinance (LDO) and has recommended approval of LDO by Town Council. Ms. Burris has recommended a joint meeting of the

Town Council together with the Planning Board to review the proposed LDO at the next regular Planning Board meeting date on July 28, 2015.

After taking a poll of the Council, it was determined the majority of the Town Council would be unable to attend a joint meeting with the Planning Board on July 28th.

On motion by Councilor Todd Nifong, seconded by Mayor Pro Tem Mike McAlpine, Council voted unanimously to have a joint meeting with the Planning Board at the next regular Planning Board meeting on Tuesday, August 25, 2015, at 5:00 p.m. to review the proposed Land Development Ordinance.

UPDATE ON RENOVATIONS OF STRUCTURE FOR TOWN HALL

Councilor Todd Nifong, Chairman of the Renovations Committee, reported that after a slight delay, the work on the renovations of the house has resumed and appears to be back on track. Councilor Nifong provided the following update on the renovations:

- Flooring to be installed this week
- Decision pending on desk/console for Council Chamber (Conference Room 2)
- Furniture currently in storage can be used
- Options being considered for two meeting rooms (Conference Rooms 1 and 2)
- Options being considered for window treatments

For information only.

UPDATE ON TOWN PROPERTY

Mayor Pro Tem Mike McAlpine gave the following update on the Town property and the work that is still pending to be done:

- Fence will need to be extended. Town Manager obtaining quotes for fence.
- Surveyor Brad Coe has completed his work to date.
- The Wooten Company is preparing engineering plans for the parking lot.
- Landscaping work
- Signage for Town Hall

For information only.

TOWN MANAGER'S REPORTS

YMCA - UPDATE

Town Manager Ryan Ross reported the YMCA was very appreciative of the grant funds the Town approved in the amount of \$3,709 to pay for the New Site Analysis Reports (NSA) and Primary Market Analysis (PMA) studies. These two studies are needed so the YMCA can move onto the next phase. Mr. Ross said that J. Smith Young YMCA President/CEO Gene Klump will give a report on the findings of the studies at the regular Town Council meeting in September.

For information only.

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)(6) to discuss matters relating to Attorney Client Privilege and Personnel.

RECONVENE TO OPEN SESSION

On motion by Councilor Todd Nifong, seconded by Councilor Keith Leonard, Council voted unanimously to reconvene to Open Session.

ADJOURNMENT

On motion by Councilor John Byrum, seconded by Councilor Robin Moon, Council voted unanimously to adjourn the meeting.

Norman L. Wilkes, Mayor

Linda A. Hunt, Town Clerk