

MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON MAY 6, 2013 AT 7:00 P.M. AT 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 Sue Stephens 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 Attorney Jim Lanik and Town Clerk Linda Hunt were present.

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

Press in attendance: Nash Nunn, reporter for *The Dispatch*.

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 February 18, 2013 Town Council special meeting as presented.

On motion by Councilor John Byrum, seconded by Councilor Sue Stephens, Council voted unanimously to approve the minutes of the April 1, 2013 Town Council regular meeting as presented.

PUBLIC ADDRESS

Mr. Neal Motsinger, 248 Disher Road, Winston-Salem, NC addressed Council to request the Council's support in the petition to the Davidson County Board of Commissioners to request funding in the County's budget for Fiscal Year 2013-2014 for construction of the new high school planned for students attending the new Oak Grove Middle School. Mr. Motsinger noted the seriousness of the overcrowding situation at North Davidson High School and emphasized the urgency to get the new high school underway.

Mayor Wilkes and Town Council told Mr. Motsinger they understood the situation and are willing to support his request.

ADOPT AGENDA

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Robin Moon, Council voted unanimously to adopt the agenda as presented.

OPENING REMARKS BY MAYOR

Mayor Norman Wilkes stated that, in his opinion, the number one priority for the new fiscal year is the new town hall and he hoped Council was of the same opinion.

PRESENTATIONS/PROCLAMATIONS

PRESENTATION –ECONOMIC DEVELOPMENT – STEVE GOOGE, EXECUTIVE DIRECTOR, DAVIDSON COUNTY ECONOMIC DEVELOPMENT COMMISSION

Mr. Steve Googe, Executive Director of Davidson County Economic Development Commission presented information regarding the proposed I-85 Corridor 1,100 Acres Business Park in the Linwood

area. Mr. Googe referenced the existing business development sites of Lexington Business Center, Thomasville Business Park and the Welcome Business Center in Davidson County as successful examples.

Mr. Googe explained that plans for the proposed 1,100 acres business park are to develop the park in three phases at an overall cost of \$17.3 million. He also named several funding options that could be used to help fund the project, pointing out that the North Carolina Department of Commerce awarded the Davidson County Economic Development Commission a \$1.67 million megasite grant last year.

Mr. Googe concluded his presentation asking for Midway Town Council's support of the project.

Councilor John Byrum asked Mr. Googe how the other municipalities had received the proposal. Mr. Googe said he has not made the presentation to all the parties yet, but that so far it had been well received by those who he had spoken to about the project.

On behalf of the Council, Mayor Norman Wilkes thanked Mr. Googe for his presentation to the Council on the proposed 1,100 acre industrial park.

PROCLAMATION – NORTH CAROLINA DOMESTIC VIOLENCE PROCLAMATION 100 DAY – SATURDAY, JUNE 15, 2013

Councilor Robin Moon read the proclamation declaring Saturday June 15, 2013 as "*North Carolina Domestic Violence Proclamation 100 Day*".

NORTH CAROLINA DOMESTIC VIOLENCE PROCLAMATION 100 DAY

WHEREAS, the Town of Midway is concerned about the issues of domestic and teen dating violence in the State of North Carolina, and,

WHEREAS, statistics show that on average, 3 women are murdered by their intimate partners every day, and,

WHEREAS, 95% – 97% of severe domestic violence occurs against women of all ages, races, religions and socioeconomic status, and,

WHEREAS, battering is the leading cause of injury or hospitalization for women, and,

WHEREAS, the National Coalition Against Domestic Violence reports that more than 9 times as many women are murdered by a man they know than are killed by strangers, and,

WHEREAS, statistics show that our youth are enduring dating violence as early as age 13 and show that half of reported date rapes occur among teenagers, and,

WHEREAS, surveys show that only 33% of teenagers who are in an abusive relationship ever tells anyone, and,

WHEREAS, there were 63 domestic violence homicides in the state of North Carolina in the year 2012 and there has been 10 domestic violence homicides in North Carolina in 2013 as of March 15, 2013, and,

WHEREAS, sexual abuse is also a form of domestic violence, and,

WHEREAS, we believe that educating our communities on the issues of domestic and teen dating violence is imperative, and,

WHEREAS, Mothers On A Mission Domestic Violence Organization is dedicated to educating the state of North Carolina on the issue of Domestic and Teen Dating Violence, and,

WHEREAS, Mothers On A Mission has dedicated *Saturday June 15, 2013* to a statewide educational event on the issues of domestic and teen dating violence, and will set up radio and television interviews, and workshops across North Carolina.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Midway hereby officially proclaims **Saturday June 15, 2013** as

“NORTH CAROLINA DOMESTIC VIOLENCE PROCLAMATION 100 DAY”

IN WITNESS WHEREOF, I, Mayor Norman L. Wilkes, have hereunto set my hand and caused to be affixed the Seal of the Town of Midway, North Carolina this the 6th day of May, 2013.

REGULAR BUSINESS

POWELL BILL FUNDS

At the April 1, 2013 Town Council meeting, local resident Vickie Schwartz urged Town Council to reconsider its stance on not participating in the Powell Bill Program and to start taking advantage of the street-aid funds available to municipalities. It was the consensus of Council to place further discussion on program on the agenda for the next Council on May 6, 2013.

Mayor Wilkes opened the discussion asking for Council’s input on the matter.

The Town is not currently eligible to receive Powell Bill funds because it has not assumed responsibility for any of the state streets or private roads located within the town limits. Council has been previously approached about taking over certain streets; however, no determination was made as to what areas would be best served by the Town assuming the responsibility for one or more of the streets.

Discussion only. No action taken.

SEWER EXTENSION - WEST OF FRED SINK ROAD

At the April 1, 2013 Town Council meeting, Town Manager Ryan Ross explained that once the sewer line was extended under Hickory Tree Road, the owner of the Midway Town Center shopping center encountered some complications in getting the line to the shopping center and cannot hook-on to the line until the issues are resolved. Various options were discussed. With the sewer line already extended under Hickory Tree Road, Town Manager Ryan Ross asked Council about the feasibility of the Town extending the sewer to west Fred Sink Road for possible future growth in that area. No action was taken by Council at that time and the item was carried over to the May 6, 2013 Town Council meeting.

Town Manager Ryan Ross asked if Council had given any additional consideration to possibility of extending the sewer line to west Fred Sink Road. A brief discussion followed.

It was the consensus of Council to postpone making a decision on extending the line until it is known what the NC Department of Transportation decides to do regarding the Highway 52 on and off ramps and the potential for future growth in that area.

**PROPOSED TOWN OF MIDWAY COMMUNITY TRANSPORTATION EVALUATION
(TRANSPORTATION AND ACCESS MANAGEMENT PLAN)**

The public hearing to receive citizen input on the proposed Town of Midway Community Transportation Evaluation (formerly titled "Transportation and Access Management Plan") was held at the April 1, 2013 regular Town Council meeting. No one spoke "for" or "against" the proposed transportation plan at the public hearing. Council took no action on the proposed plan at the April 1, 2013 meeting.

Mayor Wilkes opened discussion of the proposed plan, asking Council if they are ready to make a decision on the plan at this time or if Council wished to have further discussion on the matter.

Councilor Sue Stephens reiterated the concern she expressed at the last meeting about there being four roundabouts included in the plan, stating she was in favor of no more than three roundabouts.

Councilor Byrum asked if Council could approve the plan with an amendment. Town Attorney Jim Lanik responded Council could amend the plan and adopt the plan as amended.

Councilor Nifong commented he could understand the roundabouts at David Smith and Hartman Roads but not four roundabouts.

On motion by Councilor Todd Nifong, seconded by Councilor John Byrum, Council voted unanimously to amend the Proposed Town of Midway Community Transportation Evaluation (Transportation and Access Management Plan) to include only three roundabouts and to adopt the plan as amended.

**CALL FOR PUBLIC HEARING – PROPOSED ZONING ORDINANCE TEXT AMENDMENT
(2013-ZTA-01) ARTICLE 14 – DEFINITIONS AND SECTION 3.5 – TABLE OF PERMITTED
USES – COMMUNITY SHOPPING (CS) ZONING DISTRICT**

At the April 30, 2013 Planning and Zoning Board meeting, the Board was informed that Mr. Christopher Shumate had submitted a zoning ordinance text amendment application to allow him to also operate a pawnshop out of his new business located in the Midway Town Center shopping center.

The Planning and Zoning Board reviewed the proposed text amendments and recommend Town Council adopt the proposed Zoning Ordinance Text Amendment (2013-ZTA-01) to Article 14 – Definitions and Section 3.5 – Table of Permitted Uses to define pawnbroker/pawnshop and to allow the operation of a pawnshop as a permitted use in the Community Shopping (CS) zoning district.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Todd Nifong, Council voted unanimously to call for a public hearing to be held on Monday, June 3, 2013, at 7:00 p.m. at the Midway Fire and Rescue Building, 228 Midway School Road, in Midway to receive citizen input on the proposed Zoning Ordinance Text Amendments (2013-ZTA-01) to Article 14 – Definitions and Section 3.5 – Table of Permitted Uses to define pawnbroker/pawnshop and to allow the operation of a pawnshop as a permitted use in the Community Shopping (CS) Zoning District.

A complete copy of the proposed Zoning Text Amendment (2013-ZTA-01) is on file at Town Hall for public inspection during regular business hours.

**APPROVAL OF SUBDIVISION PLAT – NATHANIEL HINES AND WIFE, RUBY J. HINES –
263 NORMAN SHOAF ROAD**

At the April 30, 2013 Planning and Zoning Board meeting, the Board reviewed the final subdivision plat prepared by Kenneth L. Foster, RLS, submitted for Nathaniel Hines and wife, Ruby Hines for approval. The proposed plat divides the Hines property on Norman Shoaf Road in the Town of Midway into two

lots with the new lot consisting of 2.953 acres. Easement to the property follows the existing driveway. The new plat and the newly created lot meet all the minimum requirements of the Town of Midway Subdivision and Zoning Ordinances.

It was the recommendation of the Planning and Zoning Board that Town Council approve the subdivision plat for Nathaniel Hines and wife, Ruby J. Hines, as submitted.

On motion by Councilor Byrum, seconded by Councilor Moon, Town Council voted unanimously to approve the subdivision plat for Nathaniel Hines and wife, Ruby Hines, (2013-MS-01) as submitted.

APPOINTMENTS - LAND PROPOSAL AND LAND USE COMMITTEE - DEVELOPMENT OF MASTER PLAN FOR RECENTLY ACQUIRED 37.53-ACRES TRACT OF LAND - 426 GUMTREE ROAD IN MIDWAY

At the last Town Council meeting on April 1, 2013, Town Council approved establishing a Land Proposal and Land Use Committee for the development of a master plan for 37.53 acres tract of land located at 425 Gumtree Road in Midway which was recently purchased by the Town of Midway from Rodney Thomas.

The scope of the work on a master plan includes:

- Sale of nursery stock
- Upkeep of the property
- Inventory list and quantity
- Marketing the plan
- Maintaining the nursery stock (trimming)
- Possible rental of holding beds (4-6 year plan)
- Develop a plan to select trees that would be used in the master plan

Mayor Pro Tem Mike McAlpine recommended Council approve the following appointments to the Committee:

1. Mike McAlpine
2. Sue Stephens
3. Jim Brooks
4. James Wayne Smith
5. Verne Hill
6. Clay Mize
7. Brad Coe
8. Dan Wishnietsky

On motion by Councilor Byrum, seconded by Councilor Nifong, Town Council voted unanimously to appoint the members of the Land Proposal and Land Use as recommended by Mayor Pro Tem Mike McAlpine and indicated above.

ADOPT RESOLUTION ENROLLING IN NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM

Town Manager Ryan Ross reported the following Resolution Enrolling in the North Carolina Governmental Employees' Retirement System needs to be adopted as the Town's recommitment to continued participation in the retirement system.

**RESOLUTION ENROLLING IN
NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES'
RETIREMENT SYSTEM**

WHEREAS, the 1945 General Assembly amended the North Carolina Local Governmental Employees' Retirement System so as to make the benefit of said System available to all counties, cities, and towns, and

WHEREAS, the governing body of this Unit realizes the necessity of providing its employees with the security and protection provided by a sound retirement plan, and

WHEREAS, Article 3 of Chapter 128 of the General Statutes of North Carolina provides that any governmental unit desiring to enroll its employees in said System shall make application to the Board of Trustees of the North Carolina Local Governmental Employees' Retirement System and shall by resolution elect to participate in said System.

NOW, THEREFORE, BE IT RESOLVED by the Town of Midway Town Council in regular session:

1. That the Town of Midway hereby elects participate its employees in the North Carolina Local Governmental Employees' Retirement System.
2. That the Town of Midway hereby agrees to comply with all provisions of the North Carolina Local Governmental Employees' Retirement System as defined in Article 3, Chapter 128 of the General Statutes of North Carolina as amended by the 1945 General Assembly.
3. That the Town Council is hereby ordered and directed to make application to the Board of Trustees of the North Carolina Local Governmental Employees' Retirement System for enrollment of this Unit and its employees in said System.

ADOPTED this the 6th day of May, 2013.

On motion by Councilor Stephens, seconded by Mayor Pro Tem Mike McAlpine, Council voted unanimously to adopt the Resolution Enrolling in North Carolina Local Governmental Employees' Retirement System.

CALL FOR PUBLIC HEARING - PRESENTATION OF TOWN OF MIDWAY BUDGET FOR FISCAL YEAR 2013-2014

Town Manager Ryan Ross stated Town Council has been provided copies of the proposed Town of Midway Budget for Fiscal Year 2013-2014, including the Town Manager's budget message.

The General Fund budget for Fiscal Year 2013-14 is proposed for the amount of \$1,326,480 and includes remodeling of the house on the land purchased for Town Hall, continued sewer extension, additional street lighting and continued additional principal payments for the original sewer line.

The proposed tax rate remains at five cents per \$100 valuation with the following municipal services offered:

- Solid waste and recycling collection
- Street lights
- Land use planning and zoning
- Augmented public safety

The proposed budget is balanced and prepared in accordance with the North Carolina Budget and Fiscal Control Act.

In accordance with N.C. General Statutes, Chapter 159, a public hearing must be advertised and held to receive citizen input prior to the adoption of the budget.

Town Manager Ryan Ross recommended Town Council call for a public hearing to be held on June 3, 2013, at 7:00 p.m. at the Midway Fire and Rescue Building, 228 Midway School Road, to receive citizen input on the proposed Town of Midway Budget for Fiscal Year 2013-2014.

Following a brief discussion, it was the consensus of Council to allocate additional funds in the proposed budget in the amount of \$200,000 to the amount budgeted for Town Hall and \$25,000 to the amount budgeted for maintenance of the property.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Byrum, Council voted unanimously to call for a public hearing to receive citizen input on the proposed Town of Midway Budget for Fiscal Year 2013-2014 to be held on Monday, June 3, 2013, at 7:00 p.m., at the Midway Fire and Rescue Building, 228 Midway School Road.

ADOPT RESOLUTION URGING THE NORTH CAROLINA GENERAL ASSEMBLY TO AMEND SENATE BILLS 363 AND 394 TO PRESERVE BALANCED MUNICIPAL REVENUES

Town Manager Ryan Ross stated Senate Bills 363 and 394 as proposed would significantly impact the revenues for cities and town and the North Carolina League of Municipalities (NCLM) strongly encourages the municipalities to contact Senate and House legislators opposing the bills as written and urging the North Carolina General Assembly to amend the bills to preserve balanced municipal revenues.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Sue Stephens, Council voted unanimously to adopt a Resolution Urging the North Carolina General Assembly to Amend Senate Bills 363 and 394 to Preserve Balanced Municipal Revenues.

A RESOLUTION URGING THE NORTH CAROLINA GENERAL ASSEMBLY TO AMEND SENATE BILLS 363 AND 394 TO PRESERVE BALANCED MUNICIPAL REVENUES

WHEREAS, the Town of Midway supports efforts to ease the tax burdens on North Carolina citizens and to encourage economic development; and

WHEREAS, the Town of Midway operates an efficient government with a minimal property tax burden on its citizens; and

WHEREAS, Senate Bills 363 and 394 as proposed would reduce personal income tax rates, corporate income tax rates, corporate fees, and corporate charges, while reducing revenues for cities and towns; and

WHEREAS, these bills as proposed will lower or eliminate sales tax, franchise fee, and privilege license fee revenues for the Town of Midway and all other North Carolina municipalities; and

WHEREAS, there is no provision in these bills that would provide cities and towns with alternative revenue sources for this lost revenue; and

WHEREAS, passage of these bills as proposed will create a significant imbalance in the sources of municipal revenues in North Carolina, which historically and successfully have been balanced respectively between commercial or business sources and individual citizens in order to pay for the services desired by the businesses and citizens in each town or city and provided for by their elected representatives at the local level; and

WHEREAS, passage of these bills will result in the loss of significant funding sources for the Town of Midway and other North Carolina municipalities and may result in the imposition of additional property taxes on individual citizens;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Midway does call on the members of the General Assembly to amend Senate Bills 363 and 394 to preserve balanced municipal revenues and specifically to preserve sales tax, franchise fee, and privilege license fee revenues for Midway and all other North Carolina municipalities. The Clerk is directed to send a copy of this resolution to each of the members of the General Assembly representing the people of the Town of Midway, to North Carolina Senate President Pro Tempore Philip E. Berger, Sr., and to North Carolina House Speaker Thom Tillis.

ADOPTED this the 6th day of May, 2013.

TOWN MANAGER'S REPORTS

LAND UPDATE

Town Manager Ryan Ross reported the architect has begun work on the plan to remodel the house located on the property recently acquired by the Town. Remodeling the house for it to become Town Hall will be done in six phases.

For information only.

TOWN HALL TO BE CLOSED FOR MEMORIAL DAY – MONDAY, MAY 27, 2013

Town Hall will be closed on Monday, May 27, 2013 in observance of Memorial Day.

Reminder only.

JOSEPH WEAVER PROPERTY – RALPH MILLER ROAD

Town Manager Ryan Ross said he had received a complaint regarding the overgrown condition of the abandoned Joseph Weaver property located on Ralph Miller Road and asked for Council's direction on the complaint. Mr. Ross pointed out that the Town previously demolished the unsafe structure on the property and filled in the swimming pool both of which were safety hazards. The Town then placed a lien on the property for the costs associated with the cleanup.

Mr. Ross pointed out the Weaver property sits back off the road and cannot be seen from the road. Discussion followed.

It was the consensus of Council that the Town incur no additional expenses on the Weaver property and the property would not be cleaned up by the Town.

2013 MUNICIPAL ELECTIONS CANDIDATE FILING PERIOD

Town Manager Ryan Ross stated he had received a letter from the Davidson County Board of Elections stating the filing period for candidates begin at 12:00 o'clock noon on Friday, July 5, 2013 and end at 12:00 o'clock noon on Friday, July 19, 2013.

For information only.

RECESS TO CLOSED SESSION

On motion by Councilor Byrum, seconded by Councilor Nifong, Council voted unanimously to recess to closed session in accordance with N.C.G.S. 143-318.11(a)(5) to discuss matters relating to real property.

RECONVENE TO OPEN SESSION

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

ADJOURNMENT

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

Norman L. Wilkes, Mayor

Linda A. Hunt, Town Clerk