

MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON SEPTEMBER 4, 2018 AT 7:00 P.M. IN THE COUNCIL CHAMBER AT MIDWAY TOWN HALL, 426 GUMTREE ROAD, MIDWAY, NORTH CAROLINA

CALL TO ORDER

Councilor Robin Moon called the meeting to order and welcomed everyone present.

Councilor Robin Moon gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilors present were: John Byrum, Mike McAlpine, Jackie Edwards, Keith Leonard, Robin Moon, and Todd Nifong (arrived at 7:09). Absent: None. Interim Town Manager/Town Clerk Linda Hunt, Town Attorney Jim Lanik, Deputy Clerk Tammy Robertson and Davidson County Planner Scott Leonard were present.

District Court Judge 22B candidate Shelby Chase was in attendance. District 22B serves Davidson and Davie Counties.

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 Jackie Edwards, Council voted unanimously to approve the minutes of the August 6, 2018 Town Council Regular meeting as presented.

PUBLIC ADDRESS

There were none

ADOPT AGENDA

On motion by Councilor Robin Moon, seconded by Councilor Keith Leonard, Council voted unanimously to adopt the agenda as presented.

PROCLAMATION

**PROCLAMATION
FALL 2018 LITTER SWEEP**

WHEREAS, the North Carolina Department of Transportation organizes an annual fall statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

WHEREAS, the FALL LITTER SWEEP roadside cleanup encourages local governments and communities, civic, and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

WHEREAS, Adopt - A - Highway volunteers, Department of Transportation employees, Department of Public Safety – Division of Adult Correction inmates, community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools and

environmentally concerned citizens conduct annual local cleanups during FALL LITTER SWEEP and may receive certificates of appreciation for their participation; and

WHEREAS, the great natural beauty of our state and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the FALL LITTER SWEEP cleanup will be a part of educating the children of this great state regarding the importance of a clean environment to the quality of life in North Carolina;

NOW, THEREFORE, I John E. Byrum, Mayor of the Town of Midway do hereby proclaim September 15-29, 2018 as “**FALL LITTER SWEEP**” time in Midway, and encourage citizens to take an active role in making their communities cleaner.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the seal of the Town of Midway this the fourth day of September in the year of our Lord two thousand and eighteen.

Mayor Byrum acknowledged and thanked Planning Board members James Wayne Smith and Charles Waddell for their service to the Town.

REGULAR BUSINESS

CONSIDER RE-ADOPTION OF RESOLUTION OF INTENT - RESOLUTION NO. 01-19

At their regular meetings held on May 1, 2017 and August 7, 2017, Council adopted the Resolution of Intent No. 04-17 and Flood Damage Prevention Ordinance No. 18-03, respectively. After adoption, Davidson County Planner Scott Leonard sent the documents to the State along with the Town’s application to join the National Flood Insurance Program. Mr. Leonard said it has taken a year to get comments back from the State and since that time, the model ordinance used by the State has been updated with some administrative changes. Milton Carpenter with the State Office of Emergency Management sent a revised, updated copy of the Town of Midway Flood Damage Prevention Ordinance as well as an updated Resolution of Intent to Mr. Leonard to in turn present to Town Council for re-adoption. The updates are from the State in order to keep the documents compliant with the current terminology, and to also designate the Mayor to be responsible for enforcing and administering the Ordinance. When Council adopted the Flood Damage Prevention Ordinance August 7, 2017, they also adopted an Interlocal Agreement between Davidson County and the Town designating the Davidson County Planning Department and Scott Leonard as the designees to administer and enforce the ordinance for the Town.

Mr. Leonard stated that for residents of the Town to be able to obtain flood insurance, the Town would have to re-adopt the Flood Damage Prevention Ordinance and Resolution of Intent in order to apply to join the National Flood Insurance Program. Once approved, residents will be able to purchase flood insurance through their insurance company. The insurance company will verify with the State that the Town is a member of the National Flood Insurance Program.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to re-adopt the Resolution of Intent – Resolution No. 01-19 as written.

Resolution No. 01-19
The Town of Midway
Resolution of Intent

WHEREAS, certain areas of the Town of Midway are subject to periodic flooding or flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally guaranteed flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, it is the intent of this BOARD to require the recognition and evaluation of flood or flood-related erosion hazards in all official actions relating to the land use, building construction repair and remodeling in areas having these hazards;

NOW, therefore, be it resolved, that this BOARD hereby:

Assures the Federal Insurance Administration (FIA) that it will enact as necessary and maintain in force in those areas having flood or flood-related erosion hazards adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Parts 59, 60 and 65 of the National Flood Insurance Program Regulations (44 CFR); and

Vests the Mayor or designee with the responsibility, authority, and the means to:

- (a) Assist the FIA Administrator, as requested, in delineation of the limits of the area having special flood or flood-related erosion hazards.
- (b) Provide such information as the FIA Administrator may request concerning present uses and occupancy of the floodplain or flood-related erosion areas.
- (c) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
- (d) Upon occurrence, notify the FIA Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Maps (FHBMs) and Flood Insurance Rate Maps (FIRMs) accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

Appoints the Mayor or designee to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a FHBM or FIRMs, any certificates of flood-proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed.

Agrees to take such other official action as may be reasonably necessary to carry out the objective of the program.

CONSIDER RE-ADOPTION OF FLOOD DAMAGE PREVENTION ORDINANCE – ORDINANCE NO. 19-01

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Keith Leonard, Council voted unanimously to re-adopt the Flood Damage Prevention Ordinance – Ordinance No. 19-01 as written.

The Town of Midway Flood Damage Prevention Ordinance (No. 19-01) is incorporated herein by reference as if fully set forth herein. A complete copy is on file in the Clerk's Office at Town Hall.

GRANT REQUEST – OAK GROVE HIGH SCHOOL ATHLETIC BOOSTER CLUB – FENCING FOR BASEBALL/SOFTBALL DUGOUTS

At their regular meeting held on July 16, 2018, Council approved a grant request of \$5,000 to Oak Grove High School Athletic Booster Club for the construction of four baseball/softball dugouts.

Mr. Stan Smith, Athletic Director for Oak Grove High School, requested a continuation of the grant for protective fencing around the baseball/softball dugouts at a cost of \$10,000. Mr. Smith said that the Booster Club will be able to salvage most of the fencing around the softball fields but will only be able to salvage a portion around the baseball fields due to irrigation issues and a raised concrete slab around the dugouts. The posts around the baseball dugout need to be 12' tall and because of the height of the concrete slab, the posts had to be cut 3' making the fencing too short for code regulations. Estimated cost for (2) 40' x 12' and (2) 55' x 12' fences will be approximately \$5,000-8,000.

Mr. Smith also noted that when the contractor of the dugouts, Justin Morgan Builders, tried to obtain a building permit from the Davidson County Permitting Office, he was informed that a soil engineer would need to inspect and approve the soil compacting around the footings after they had been poured. Also, the original plans did not meet the current specifications of required lighting in the dugouts. Mr. Smith said that by code, the dugouts will need 40 lumens of lighting. An additional cost will be incurred for the hiring of an electrical engineer for the completion of the lighting.

Mr. Smith said that the Booster Club currently has \$21,712 in the bank with more money being generated through concession sales and various fundraisers including a 5K race to be held at Oak Grove High and Middle Schools on September 22, 2018. The Booster Club is requesting a grant of \$5,000 from the Town for the fencing project and will also ask the same from the Town of Wallburg. With concession money generated from fall sports, the 5K race and grant money received from Midway and Wallburg, the project should be fully funded by completion in December. Mr. Smith also mentioned that if needed, there would be operational money available through the school.

Mayor Byrum mentioned the commitment of the athletes in selling football cards. Mr. Smith said that each sport has fundraisers and the money goes into the school account for that particular sport so that money can be used for whatever that sport needs.

Councilor Robin Moon stated that he would be in favor of adding all of the Town's alcohol revenue to the budget to be used for grants.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Keith Leonard, Council voted unanimously to grant \$5,000 to Oak Grove High School Athletic Booster Club for the purchase of protective fencing to be used around the baseball/softball dugouts.

CONTRACT RENEWAL – CANNON AND COMPANY

Interim Town Manager Linda Hunt stated that the contract with Cannon and Company for the Town's accounting services will be renewed for fiscal year ending June 30, 2019. There will not be any changes in the scope of services that Cannon and Company provides for the Town.

Town Attorney Jim Lanik recommended making a change in the wording of the proposed contract on page three under "Other Relevant Information" from; *We reserve the right to withdraw from this agreement without completing our services, for any reason, including, but not limited to, if you fail to comply with the terms of this engagement letter, or as we determine professional standards* to adding a provision that allows either party to terminate the contract for any reason.

Interim Town Manager Linda Hunt said that she has spoken with Michael Borden, Managing Partner with Cannon and Company about the change in wording of the contract and that he is in agreement with Mr. Lanik's recommendation.

On motion by Councilor Jackie Edwards, seconded by Councilor Robin Moon, Council voted unanimously to renew the contract with Cannon and Company for the Town's Accounting services with the change in wording recommended by Town Attorney Jim Lanik.

CONTRACT – CLINE'S FLOATS

The Town has been contracting with Cline's Floats Inc. for several years to construct and decorate a float for the Town's use in the annual Christmas Parade. The float will be approximately 28 feet long, 8 to 14 feet wide and 12.5 feet high with the Town's name on each side of the float in regular block letters.

Cline's Floats has submitted a contract for Council consideration to furnish a decorated float for this year's Christmas Parade scheduled for Saturday, November 24, 2018 at a cost of \$485.00.

It was the consensus of Council to choose float number 37 with red, white, green and gold Christmas Bells.

Town Attorney Jim Lanik recommended amending the terms of the contract by paying one half of the contract price of \$485.00 for the initial order of the float and the other one half upon acceptance of the float and attaching Cline's Floats Contract as Exhibit A to the Town's Standard Independent Contractor's Agreement for a decorated float for the Christmas Parade at a total cost of \$485.00.

Councilor Todd Nifong asked Town Attorney Jim Lanik about Cline's Floats contract proposal stating that the maximum number of riders on the float is fifteen and that Cline's Floats recommends that no candy be thrown from the float. Town Attorney Jim Lanik stated that he reads the maximum number of riders to be a requirement and not throwing candy as a recommendation but that he can add a provision to the contract reserving the right to throw candy from the float.

On motion by Councilor Todd Nifong, seconded by Councilor Robin Moon, Council voted unanimously to Attach Cline's Floats contract as Exhibit A to the Town's Standard Independent Contractor's Agreement for a decorated float for the Christmas Parade at a total cost of \$485.00.

TOWN PARK UPDATE

At their regular meeting held on August 6, 2018, Mayor Pro Tem Mike McAlpine, Chairman of the Town Park Committee, stated that John Grey with The Wooten Company would be submitting bid specifications for the construction of the walking trails.

Plans for the walking trails were sent out for bids both electronically and for pick up at Town Hall and a bid opening is scheduled for September 6, 2018 at 2:00 p.m. at Town Hall by Mr. John Grey. If the bids that were submitted meet the required specifications, a date will be set for a Special Meeting in order to award the contract for the walking trails.

For information only.

APPOINTMENT TO SOLID WASTE ADVISORY COUNCIL

The County is in need of a Council member or resident of the Town of Midway to serve on its Solid Waste Advisory Council. The group meets on the first Thursday of the month at 10:00 a.m. in the Governmental Center.

On motion by Councilor Todd Nifong, seconded by Mayor Pro Tem Mike McAlpine, Council voted unanimously to appoint Councilor Jackie Edwards to the Solid Waste Advisory Council and Mayor Pro Tem Mike McAlpine as an alternate member of the Solid Waste Advisory Council.

Mayor Byrum recognized Kyle James from Boy Scout Troop 703 who was in attendance fulfilling a requirement for his Communication Merit Badge.

TOWN MANAGER'S REPORTS

FINANCIAL REPORT

Interim Town Manager Linda Hunt provided Council with monthly financial reports for August 31, 2018 as follows:

AUGUST 31, 2018

Total Income	\$ 288,632	22.7 % of overall budget
Total Expenses	\$ 88,759	7.0 % of overall budget

For information only.

Interim Town Manager Linda Hunt informed Council that the Town has a \$500,000 nine month certificate of deposit at First National Bank that will mature on September 13, 2018. Mrs. Hunt has spoken with First National Bank Branch Manager Lynn Leventry regarding investment options for the money since there are expenditures in the near future for the Town's park trails. Options include renewing the certificate of deposit or transferring part or all of the money into a money market account earning 1% interest with a maximum of six withdrawals per month. After discussion, it was the consensus of Council to transfer the \$500,000 from a matured certificate of deposit into a money market account.

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 to N.C.G.S. 143-318.11(a)(4)(6) to discuss matters pertaining to economic development and personnel.

Mayor Byrum called for a five minute recess.

RECONVENE TO OPEN SESSION

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

ADJOURNMENT

On motion by Councilor Todd Nifong, seconded by Councilor Jackie Edwards, Council voted unanimously to adjourn the meeting at 9:20 p.m.

John E. Byrum, Mayor

Tammy H. Robertson, Deputy Clerk