

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

CALL TO ORDER

Mayor John Byrum called the meeting to order and welcomed everyone present.

Councilor Jackie Edwards introduced James Wayne Smith of Midway who gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilors present were: John Byrum, Jackie Edwards, Keith Leonard, Mike McAlpine, Todd Nifong and Robin Moon. Absent: None. Interim Town Manager/Town Clerk Linda Hunt, Deputy Clerk Tammy Robertson, Town Attorney Jim Lanik, Davidson County Planner Scott Leonard, Davidson County Zoning Officers Lee Crook and Travis Swain were also 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 Jackie Edwards, Council voted unanimously to approve the minutes of the March 26, 2018 Budget Workshop as presented.

On motion by Councilor Todd Nifong, seconded by Councilor Keith Leonard, Council voted unanimously to approve the minutes of the April 2, 2018 Town Council Regular meeting as presented.

On motion by Councilor Jackie Edwards, seconded by Councilor Robin Moon, Council voted unanimously to approve the minutes of the April 16, 2018 Budget Workshop as presented.

PUBLIC ADDRESS

Suzanne Dellinger of 1712 Norman Shoaf Road in Midway addressed Council with her concerns about the deterioration of traffic on Norman Shoaf Road. Ms. Dellinger stated that with Oak Grove Middle and High Schools on Midway School Road now open, the amount of traffic has increased daily between the hours of seven and eight a.m. and two and four p.m. Ms. Dellinger said that Norman Shoaf Road is very narrow and the shoulders of the road are crumbling making it a very unsafe road to travel. Norman Shoaf Road is used as a connecting point to Midway School Road for travelers to avoid the traffic at Midway Elementary School on Midway School Road. The condition of Norman Shoaf Road makes for unsafe driving conditions for young drivers meeting these school buses and other large vehicles along the road. Oak Grove High School will be adding another freshman class for the 2018-2019 school year adding additional traffic on Norman Shoaf Road, many being students with less than a year's driving experience. Ms. Dellinger encouraged Council to take action to address the traffic problems along Norman Shoaf Road as conditions will continue to deteriorate with the additional enrollment of Oak Grove High School.

ADOPT AGENDA

On motion by Councilor Jackie Edwards, seconded by Councilor Todd Nifong, Council voted unanimously to adopt the agenda as presented.

REGULAR BUSINESS

CLARIFICATION OF CORE COMMERCIAL OVERLAY EXPANSION – SCOTT LEONARD AND LEE CROOK WITH DAVIDSON COUNTY PLANNING AND ZONING

Davidson County Planner Scott Leonard and Davidson County Zoning Officer Lee Crook, talked with Council at their regular Town Council meeting on April 2, 2018 about the possibility of extending the Town's Core Commercial Overlay District (CCOD). This opportunity arose after Mr. Leonard gave a power point presentation illustrating different types of Mixed Use Districts to the Planning Board at their regular meeting on February 27, 2018. Following the presentation, the Planning Board expressed interest on how to implement a Mixed Use District in the Town if the opportunity were to present itself. At their regular meeting on April 2, 2018, Council voted unanimously to: 1. Initiate a rezoning request to expand the CCOD as outlined by Mr. Leonard; 2. Call for a public hearing on Monday, June 4, 2018 at 7:00 p.m. at Town Hall to receive citizen input on the expansion of the CCOD; and 3. Send to the Planning Board for review and recommendation on expansion of the CCOD.

Discussion continued about the proposed extension of the CCOD at the Planning Board's regular meeting on April 24, 2018. At that time, it was determined that achieving the desired commercial development that the Planning Board members and Town Council desire would not only have to be met by extending the CCOD, but also by rezoning the affected property.

Mr. Crook stated that the Town would be looking at three levels of regulations in extending the CCOD:

1. Underlying Zoning District – The Table of Permitted Uses in the Town's Zoning Ordinance specifies what can and cannot happen in each zoning district.
2. Properties in the Underlying Zoning District that fall under the CCOD regulations have additional requirements if not exempted or prohibited.
3. Town's Land Development Plan – Recent case law ties together zoning changes with land development plans. If plans go against the adopted land development plan, the plan has to be amended to reflect the zoning change.

Mr. Crook wanted to clarify to Council that extending the CCOD does not guide development. Council should refer to the Underlying Zoning District to dictate the type of development that is desired. Case law states that an elected body has authority to adopt rules within guidelines of the State to shape and form how their jurisdiction looks.

The CCOD will have little impact on some residential districts and properties proposed in the expansion of the CCOD. The CCOD tells what a specific development is to look like. The Zoning Ordinance dictates what can and cannot be developed in a zoning district. If the Council wants to guide a particular type of development, it would do so through the rezoning process and not by extending the CCOD.

Mayor Pro Tem Mike McAlpine asked Mr. Leonard what the consensus was of the Planning Board about the rezoning process and Mr. Leonard responded that the Planning Board had reservations about rezoning the affected parcels to commercial because of the additional taxes the property owners would have to pay. The Planning Board will formulate a recommendation at their Planning Board meeting on May 29, 2018.

Mr. McAlpine asked Mr. Leonard what action would be recommended if Council was not willing to change the affected property owners zoning classifications but only expand the CCOD. Mr. Leonard stated that certain properties could still be expanded into the CCOD in hopes that the market will dictate that commercial growth would provide the highest value for the property.

For information only.

AUDIT CONTRACT –EDDIE CARRICK CPA PC

In accordance with North Carolina General Statute 159-34, each unit of local government and public authority shall have its accounts audited as soon as possible after the close of each fiscal year by a certified public accountant.

Mr. Eddie Carrick has submitted a proposed contract between Eddie Carrick, CPA PC and the Town of Midway to audit the accounts of the Town of Midway for year ending June 30, 2018. Mr. Carrick will audit all required legal statements and disclosures required by generally accepted accounting principles (GAAP) and additional required legal statements and disclosures of all funds and/or divisions of the government unit during the period beginning July 1, 2017 and ending June 30, 2018. In consideration of the satisfactory performance of the provisions of this contract, the Town of Midway shall pay to the Auditor, upon approval by the Secretary of the Local Government Commission (LGC) at a cost of \$4,000 for the audit plus \$1,500 for preparation of the annual financial statements for a total contract cost of \$5,500, which is the same amount as the previous year.

Town Attorney Jim Lanik has reviewed and approved the contract as presented.

On motion by Councilor Todd Nifong, seconded by Mayor Pro Tem Mike McAlpine, Council voted unanimously to proceed with the contract with Eddie Carrick, CPA CP for the year ending June 30, 2018 at a total cost of \$5,500.

PROPOSED BUDGET FOR FISCAL YEAR 2018-2019

A. PRESENTATION OF BUDGET BY INTERIM TOWN MANAGER

In accordance with North Carolina General Statutes, Interim Town Manager Linda Hunt presented the proposed budget and budget message for Fiscal Year 2018-2019 in the amount of \$ 2,188,300.00 to Town Council.

In her budget message, Mrs. Hunt states that the budget represents fundamentally conservative governmental service provision and revenue projections. The elected body aims to balance resident quality of life with business opportunity, and improve recreational amenities through sound financial management. It also continues to maintain a historically strong fund balance, minimal debt and use of cash for nearly all recurring expenses and capital. An appropriation from fund balance for \$873,200.00 is used to balance the budget.

The recreational use of 38 acres of undeveloped land off Gumtree Road purchased in 2013 continues to be an important project for Council and substantial funding is included for this purpose. While use of a portion of the property may still be dedicated for a future active recreational facility, the Council will proceed with design and improvements dedicated for passive enjoyment for the community. This budget allocates up to \$1,200,000.00 toward this endeavor during the next year.

The proposed tax rate remains unchanged at five cents (.05) per \$100 valuation.

The following municipal services are offered for Town residents and businesses:

- Solid Waste and Recycling Collection
- Street Lights
- Land Use Planning, Zoning and Code Enforcement
- Augmented Public Safety

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

Councilor Todd Nifong thanked Interim Town Manager Linda Hunt for all of her work in preparing the 2018-2019 budget.

B. CALL FOR PUBLIC HEARING – PROPOSED BUDGET FOR FISCAL YEAR 2018-2019

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to call for a public hearing to receive citizen input on the proposed budget for fiscal year 2018-2019 to be held on June 4, 2018 at 7:00 p.m. at Town Hall located at 426 Gumtree Road in Midway, North Carolina.

Any person who wishes to be heard on the proposed budget may appear at that time. This budget may be reviewed at Town Hall or online at www.midway-nc.gov.

TOWN PARK UPDATE

Mayor Pro Tem Mike McAlpine, Chairman of the Town's Park Committee, gave an update on the progress of the Town Park. Town staff is in the process of having a sign built and displayed announcing the coming of the Midway Town Park.

John Grey with the Wooten Company is in the final stages of developing an erosion plan for the park and should have plans submitted to the Environmental Protection Agency (EPA) for review next week. Once the plans are approved by the EPA, they will be submitted to Interim Town Manager Linda Hunt who in turn will send the plans out for bids to prospective contractors for the construction of the walking trails.

Mr. McAlpine consulted with representatives from the Town of Wallburg about the construction of their park along with Marty Marion, Architect with Metropolis Architecture, and Charles Bowman, Structural Engineer with CB2 Structural Engineers, who worked on the construction of Oak Grove High School and Wallburg's town park.

Interim Town Manager Linda Hunt has submitted a scope of services for the Town park to Mr. Marion who will prepare and submit a proposal for services for Council consideration.

Mr. McAlpine plans to meet with the Park Committee next week to start discussing procedures and safety policies for the park once completed. Mr. McAlpine stated that the Park Committee is one hundred percent behind the construction of the park and would like to keep it as rural and home feeling as possible.

APPOINTMENT FOR ALTERNATE TO WINSTON SALEM URBAN AREA TRANSPORTATION ADVISORY COMMITTEE

The Winston Salem Urban Area Transportation Advisory Committee (TAC) provides support to the Winston Salem Urban Area Metropolitan Planning Organization for the development of transportation systems embracing various modes of transportation in a manner which will efficiently minimize transportation related fuel consumption and air pollution. The TAC develops transportation plans and programs for urbanized areas.

Currently, Mayor John Byrum serves on the TAC as the primary representative for the Town along with Councilor Robin Moon as an alternate member. Due to medical reasons, Councilor Moon has resigned his position on the TAC. To officially remove Councilor Moon as an alternate member, Council would need to appoint another Council member as the alternate.

Mayor Pro Tem Mike McAlpine nominated Councilor Jackie Edwards as an alternate member on the TAC for the Town replacing Councilor Robin Moon. There being no further nominations, the floor was closed.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Todd Nifong, Council voted unanimously to appoint Councilor Jackie Edwards as an alternate member to the Winston Salem Urban Area Transportation Advisory Committee.

TOWN MANAGER'S REPORTS

MONTHLY FINANCIAL REPORT

Interim Town Manager/Town Clerk Linda Hunt provided Council with monthly financial reports for April 30, 2017 as follows:

April 30, 2018		
Total Income	\$ 1,293,706	87.3 % of overall budget
Total Expenses	\$ 706,014	64.2 % of overall budget

For information only.

REMINDER: OBSERVANCE OF MEMORIAL DAY, MONDAY, MAY 28, 2018

Town Hall will be closed on Monday, May 28, 2018 in observance of Memorial Day.

For information only.

ADJOURNMENT

On motion by Councilor Todd Nifong, seconded by Councilor Keith Leonard, Council voted unanimously to adjourn the meeting 7:43 p.m.

John E. Byrum, Mayor

Tammy H. Robertson, Deputy Clerk