

**MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON AUGUST 1, 2016  
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.

Mayor Pro Tem Mike McAlpine gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilors present were: Jackie Edwards, Keith Leonard, Mike McAlpine, Robin Moon, and Todd Nifong. Absent: None. Town Manager Gary Looper, 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 Councilor Todd Nifong, seconded by Councilor Jackie Edwards, Council voted unanimously to approve the minutes of the July 18, 2016 Town Council regular meeting as presented.

**PUBLIC ADDRESS**

Terry Snyder, 151 Windemere Court in Midway, North Carolina, addressed Council to voice his concerns about the value of commercial property located in Midway and to inquire about the Town's future plans for commercial property.

**ADOPT AGENDA**

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

**REGULAR BUSINESS**

**CONSIDER CONTRACT WITH BENCHMARK CMR, INC. FOR PLANNING AND ZONING  
CODE ENFORCEMENT SERVICES**

The proposed contract with Benchmark CMR, Inc., a North Carolina Company, located in Charlotte, North Carolina, is for Planning and Code Enforcement Services as stipulated in the Scope of Services attached to the contract for Fiscal Year 2016-2017. Benchmark will provide a Community Planner or Code Enforcement Officer to be available to the Town one full day per week with office hours for a rate of \$68.00 an hour, not to exceed \$28,000 annually. The day of the week will typically be Tuesday, but can be flexible as per the Town's needs and as coordinated with Benchmark. The primary planner assigned to these duties will be Kassie Watts; however, Benchmark has additional planners and code enforcement officers on staff as backup to the primary personnel assigned to the Town.

Town Attorney Jim Lanik advised Council that he has reviewed the proposed contract with Benchmark and he has made several suggested changes but he said he did not know if Benchmark has agreed to changes as suggested or not.

Town Manager Gary Looper told Council the one of the changes made to the contract is the inclusion of a 30-days termination clause whereby either party may terminate the agreement for any reason, or no reason, upon 30 days' written notice to the other party.

Mr. Looper also advised Council that Benchmark has asked if the Town would be willing to switch the day of the week Benchmark staff would be at Town Hall from Tuesdays to Wednesdays. The current planner assigned to Midway, Kassie Watts, also serves another municipality four days a week, one of which conflicts with Midway's designated day of Tuesday. Mr. Looper said if the Council elects to keep the services on Tuesdays, it is unclear exactly who will be assigned to Midway as planner, noting that in the interim it could be Benchmark partner Richard Smith.

After discussion, it was the consensus of Council to keep Tuesday as the designated day of the week for Benchmark to provide planning and code enforcement services for the Midway

Councilor Moon expressed his concern with moving forward with the contract with Benchmark CMR, Inc. due to issues with code enforcement.

Following discussion, Mayor Byrum called for a motion on the proposed contract with Benchmark, CMR, Inc.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Todd Nifong, Council voted to approve the contract with Benchmark CMR, Inc. for Fiscal Year 2016-2017, subject to the revisions made by Town Attorney Jim Lanik, by a 4-1 split vote. Voting in favor: Councilors Edwards, Leonard, McAlpine and Nifong. Voting against: Councilor Moon.

### **TOWN MANAGER'S REPORTS**

#### **MONTHLY FINANCIAL REPORT**

Town Manager Gary Looper advised that due to the accountant being on vacation last week and the meeting falling on the first day of the month, the monthly financial report was not ready.

#### **DISCUSSION OF CURRENT ZONING ORDINANCE REGARDING CONFORMITY ISSUES**

Town Manager Gary Looper informed Council that there may be some conformity issues with the Davidson County Ordinances adopted by Town Council on March 3, 2008. Mr. Looper pointed out that the County Zoning Ordinance adopted by Town Council has 16 sections; however, the latest version adopted by the County on June 14, 2011 only has 10 sections. This raises concerns about whether or not the Town meets the statutory requirements under its current zoning ordinance and if not, something will need to be done to bring it into compliance. Mr. Looper will check into the matter further and may bring it back to Council as an action item.

For information only.

#### **TOWN COUNCIL VISION WORKSHOP – THURSDAY, AUGUST 25, 2016, AT 6:00 P.M. AT TOWN HALL**

At the last Town Council meeting held on July 18, 2016, Town Council set Thursday, August 25, 2016, for a Vision Workshop. Said workshop to begin at 6:00 p.m. at Town Hall.

Reminder only.

#### **TOWN HALL CLOSED MONDAY, SEPTEMBER 5, 2016 IN OBSERVANCE OF LABOR DAY HOLIDAY**

Town Hall will be closed on Monday, September 5, 2016, in observance of the Labor Day holiday.

Reminder only.

**NEXT REGULAR TOWN COUNCIL MEETING – TUESDAY, SEPTEMBER 6, 2016 AT 7:00 P.M. AT TOWN HALL**

Due to the Labor Day holiday falling on Monday, the next regular Town Council meeting will be held on Tuesday, September 6, 2016, at 7:00 p.m. at Town Hall.

Reminder only.

(Mayor Byrum called for a five-minute recess.)

**RECESS TO CLOSED SESSION**

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Edwards, Council voted unanimously to recess to closed session in accordance with N.C.G.S. 143-318.11(a)(3)(4)(6) to discuss matters pertaining to attorney-client privilege, economic development and personnel.

**RECONVENE TO OPEN SESSION**

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

**ADJOURNMENT**

On motion by Councilor Robin Moon, seconded by Councilor Keith Leonard, Council voted unanimously to adjourn the meeting at 10:57 p.m.

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John E. Byrum, Mayor

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Linda A. Hunt, Town Clerk