

MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON DECEMBER 4, 2017 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 Keith Leonard introduced James Wayne Smith 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 and Robin Moon. Absent: Todd Nifong. Town Attorney Jim Lanik, Town Clerk Linda Hunt, Deputy Clerk Tammy Robertson, Davidson County Zoning Officer Lee Crook, and Travis Swain from Davidson County Planning and Zoning 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 Jackie Edwards, Council voted unanimously to approve the minutes of the November 6, 2017 Town Council regular meeting as presented.

PUBLIC ADDRESS

There were none.

ADOPT AGENDA

The agenda was amended as follows:

Under VII. REGULAR BUSINESS, **add Item 2.** Appoint Finance Officer (*Remaining items to be moved down by one number*).

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Keith Leonard, Council voted unanimously to adopt the agenda as amended.

INAUGURAL AND ORGANIZATION OF TOWN COUNCIL

OATH OF OFFICE – TOWN COUNCIL MEMBERS

North Carolina House Representative Sam Watford administered the oath of office to Town Councilors Robin Moon, Keith Leonard and Jackie Edwards for four-year terms expiring in December 2021.

Councilor Robin Moon thanked the Planning and Zoning Board, Staff, Council and his family for their support all the years he has served on the Midway Town Council. Mr. Moon indicated that this may possibly be his last term serving the Town as Councilor. Mr. Moon emphasized the importance of serving the citizens and believes that Midway is God's Town and to remember from where our wisdom comes. He also expressed his appreciation to Town Clerk Linda Hunt for all her support over the years.

SEATING OF TOWN COUNCIL

Town Council was seated according to length of service.

ELECTION OF MAYOR PRO TEM AND OATH OF OFFICE

According to the N.C.G.S. 160A-70, a Mayor Pro Tem shall be elected by the Town Council and shall have all the power and authority of the Mayor during his absence or inability to perform the duties of his office.

Mayor Byrum called for nominations. Nominations do not need a second.

Councilor Keith Leonard nominated Mike McAlpine.

There being no further nominations, Mayor Byrum closed the nominations.

On motion by Councilor Robin Moon, seconded by Councilor Jackie Edwards, Council voted unanimously to elect Mike McAlpine as Mayor Pro Tem for the Town of Midway.

North Carolina House Representative Sam Watford administered the oath of office to Mayor Pro Tem Mike McAlpine.

REGULAR BUSINESS

PUBLIC HEARING – REZONING REQUEST BY HEBRON CHURCH OF CHRIST - 129 HEBRON CHURCH ROAD FROM HC & RA-3, HIGHWAY COMMERCIAL AND RURAL AGRICULTURAL DISTRICT TO RS & RA-3, LOW INTENSITY RESIDENTIAL AND RURAL AGRICULTURAL DISTRICT.

Mr. Lee Crook, Zoning Officer for the Davidson County Planning Department, originally presented the rezoning request by Hebron United Church of Christ at Town Council's regular meeting on November 4, 2017. At that time, Council called for a public hearing to be held on Monday, December 4, 2017, at 7:00 p.m. at Town Hall in Midway to receive citizen input on the rezoning request and directed the request be submitted to the Midway Planning Board for their review and recommendation at their next regular meeting on Tuesday, November 28, 2017.

Mr. Lee Crook, Zoning Officer for the Davidson County Planning Department, and Mr. Travis Swain with the Davidson County Planning Department, presented Council with a rezoning request from Hebron Church of Christ for to rezone several parcels of land containing 3.88 acres more or less from that of HC and RA-3, Highway Commercial and Rural Agricultural Districts to that of RS (Low Intensity Residential District) and RA-3 (Rural Agricultural District). The property is located on the east side of Old US Hwy 52 directly north of the Hebron Church Road intersection. Hebron United Church of Christ is proposing to rezone three (3) separate parcels. One parcel is currently vacant while the other two parcels contain a single-family residence and an established church. The front portion of all three properties is currently zoned HC, Highway Commercial District with the rear of each tract zoned RA-3, Rural Agricultural District. This creates a non-conformity on the tract with the existing residence. Furthermore, Hebron United Church of Christ has deed restricted the vacant parcel to only allow for a single family residential structure to be built and the church is a compliance use in any zoning district. By rezoning both the vacant tract and the tract with the single family residential structure to RS, compliance with the existing residential land use and the deed restrictions would be achieved. By rezoning the tract with the existing church to RA-3, no change would take place with respect to the church's zoning status.

The Town of Midway Land Development Plan proposes the future land use of these tracts to be suburban residential. The proposed rezonings are therefore in compliance and would promote the Land Development Plan for that area. Mr. Crook stated that while staff acknowledges that this property fronts Old US Hwy 52, this area is predominantly residential in character.

At their regular meeting on November 28, 2017, the Midway Planning Board voted unanimously to recommend approval of the rezoning to RS (Low Intensity Residential District) and RA-3 (Rural Agricultural District) based on the following findings:

1. The requested rezoning is reasonable and consistent with the comprehensive plan for the area;
2. Said property is contiguous to an already established RS and RA-3 District;
3. Two of the three tracts involved in the rezoning already have existing uses that are allowed in both RS and RA-3 Districts. Furthermore, the proposed rezoning is surrounded by existing residential uses.

Copies of the rezoning request were made available for review at Town Hall.

The notice of the public hearing was advertised in *The Dispatch* on November 17 and November 24, 2017 as required by law.

Mayor Byrum opened the public hearing.

There being no comments, Mayor Byrum closed the public hearing.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to approve the rezoning request from Hebron United Church of Christ, 129 Hebron Church Road, for the rezoning of three separate parcels located on the east side of Old US Highway 52 directly north of Hebron Church Road intersection containing 3.88 acre, more or less, (Parcel #1300500000046, #13005B0000001, and #13005B0000010) to RS (Low Intensity Residential District) and RA-3 (Rural Agricultural District).

APPOINT TOWN FINANCE OFFICER

This item was added to the agenda.

Town Attorney Jim Lanik has advised Council that a pre-audit certification by the Town's Finance Officer is required for a municipal contract to be valid to assure the Town has funds appropriated to pay the contract. With the recent resignation of the Town Manager who also served as the Town Finance Officer, Council will need to appoint someone to fill the position of Finance Officer in the interim.

On motion by Councilor Jackie Edwards, seconded by Councilor Keith Leonard, Council voted unanimously to appoint Town Clerk Linda Hunt as the Town's Finance Officer.

RATIFY APPROVAL AND EXECUTION OF ECONOMIC DEVELOPMENT GRANT CONTRACT WITH NORTH CAROLINA DEPARTMENT OF COMMERCE

Mayor John Byrum thanked Representative Sam Watford for his assistance in helping to acquire a \$75,000 grant for economic development for the Town. Of that amount, \$45,000 will be used to contract with Retail Strategies, a firm with expertise in community development and marketing. Secondly, \$30,000 will be used for site design, land preparation and construction of the initial phase for new recreational facilities located on a portion of thirty-eight acres of land adjacent to Town Hall.

The Economic Development Grant contract was executed and returned to North Carolina Department of Commerce by the due date of October 15, 2017. Due to time constraints, it was necessary to execute the contract prior to Town Council's next regular meeting and, therefore, it is requested that Council ratify the execution of the Economic Development Grant contract with North Carolina Department of Commerce.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Robin Moon, Council voted unanimously to ratify the execution of the Economic Development Grant contract with North Carolina Department of Commerce.

CONSIDER BUDGET AMENDMENT TO APPROPRIATE REVENUE AND EXPENSES FOR ECONOMIC DEVELOPMENT AND TOWN RECREATIONAL DEVELOPMENT

The Town of Midway received a \$75,000 State Economic Grant from the State of North Carolina to aid the Town with economic development projects.

The Town will accomplish two development activities with the \$75,000 Economic Grant money:

1. \$45,000 will be used to contract with Retail Strategies, a firm with expertise in community development and marketing. Their plan conducts community retail-potential analysis, followed by active marketing to retailers, matching community resources with potential site tenants on a national scale. The plan's "deliverables" include a study analysis, a retail strategy, marketing guide, and identify a minimum of 30 retailers that match Midway's demographic profile.
2. \$30,000 will be used for site design, land preparation and construction of the initial phase for new recreational facilities located on a portion of thirty-eight acres adjacent to Town Hall. A planned multi activity facility, initial facilities include a one-half mile multi-purpose walking trail and picnic areas. The economic grant will supplement the Town's capital project fund for this effort.

On motion by Councilor Keith Leonard, seconded by Councilor Jackie Edwards, Council voted unanimously to adopt Budget Amendment 1-18 to appropriate revenue and expenses for economic development and Town recreational development in the amount of \$75,000.

BA-1-18
Town of Midway
Budget Amendment
For Year Ended June 30, 2018

Be it ordained by the Town Council of the Town of Midway, North Carolina, at its regular meeting on the 4th day of December 2017 at 7:00 p.m. that the following budget amendment be adopted to appropriate for economic development and Town Park development.

	Increase (Decrease)
General Fund	
<u>Revenue:</u>	
N. C. Department of Commerce Revitalization Grant	\$75,000
<u>Expenses:</u>	
General Government, Economic Development	\$45,000
Public Works, Town Park Development	\$30,000

TRANSPORTATION UPDATE

Mayor John Byrum updated Council on the progress of the North Carolina Department of Transportation widening of Hickory Tree Road from US Highway 52 to NC Highway 150. The acquisition of the project is set for February 22, 2021.

For information only.

NORTH CAROLINA DIVISION OF LABOR – ELEVATOR INSPECTION REPORT

On November 15, 2017 the elevator located inside Town Hall was inspected by the North Carolina Department of Labor noting that operable push buttons needed to be installed in the top hall station due to current push buttons operating only intermittently when in use. Repairs were made to the elevator on November 22, 2017 by Independent Elevator Service, Inc.

For information only.

MONTHLY FINANCIALS

Council was provided with monthly financial reports for November 30, 2017

November 30, 2017		
Total Income	\$ 691,237	46.6% of overall budget
Total Expenses	\$ 423,341	38.5% of overall budget

For information only.

REMINDER – TOWN HALL WILL BE CLOSED – OBSERVANCE OF HOLIDAYS

Town Hall will be closed on Monday, December 25, Tuesday, December 26 and Wednesday, December 27 for the Christmas holidays and on Monday, January 1, 2017 in observance of New Year's Day holiday.

Reminder only.

REMINDER – NEXT TOWN COUNCIL MEETING – TUESDAY, JANUARY 2, 2017

Due to the New Year's Day holiday falling on Monday, January 1, 2018, the next regular Town Council meeting will be held on Tuesday, January 2, 2018.

Reminder only.

ADJOURNMENT

On motion by Councilor Jackie Edwards, seconded by Councilor Robin Moon, Council voted unanimously to adjourn the meeting at 7:27 p.m.

John E. Byrum, Mayor

Tammy H. Robertson, Deputy Clerk