

MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON JULY 17, 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.

Mayor Byrum 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, Davidson County Planner Scott Leonard and Town Clerk Linda Hunt were present. Absent: Deputy Clerk Tammy Robertson.

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 Jackie Edwards, seconded by Councilor Robin Moon, Council voted unanimously to approve the minutes of the June 5, 2017 Town Council Regular meeting as presented.

On motion by Councilor Mike McAlpine, seconded by Councilor Keith Leonard, Council voted unanimously to approve the minutes of the June 26, 2017 Town Council Special meeting as presented.

PUBLIC ADDRESS

There were none.

ADOPT AGENDA

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

PUBLIC HEARING

PUBLIC HEARING TO ADOPT WATERSHED ORDINANCE AND WATERSHED MAP – ORDINANCE NO. 18-01

At the Town Council regular meeting held on June 5, 2017, Council called for a public hearing to receive citizen input on the adoption of the Watershed Ordinance and Watershed Map.

Copies of the ordinance were made available for review at Town Hall and on the Town's website at www.midway-nc.gov.

The notice of the public hearing was advertised in *The Dispatch* on July 21, 2017 and July 28, 2017 as required by law.

Mayor Byrum opened the public hearing.

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

Town Manager Gary Looper stated that when the Town considered adopting the County's Watershed Ordinance as the Town's Watershed Ordinance, the thought process was that by changing one item in the

County's Ordinance would make it the Town's Ordinance; however, additional changes were made as noted below:

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Section 302: Watershed Area Described; B) WS-111 Watershed Areas – Balance of Watershed (WS-111 BW); (2) Density and Built-Upon Limits; (a) Single Family Residential: *Change made to increase size of residential lot requirement to 30,000 square feet versus 20,000 square feet requirement in the County's ordinance. This reflects the Town's standards for minimum lot size as written in the Town's proposed Subdivision Ordinance.*

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Section 304: Buffer Areas Required; (A) Minimum: *Change made to increase vegetative buffer for development activities along all perennial waters to 100 feet versus the 50 feet in the County's ordinance.*

The proposed increase of the vegetative buffer from 50 feet to 100 feet from perennial streams was at the recommendation of the Planning Board from their meeting held on June 27, 2017.

Mayor Pro Tem Mike McAlpine asked Planning Board member James Smith, who was in attendance, the Board's reasoning behind the recommendation in changing the buffer. Mr. Smith responded that the purpose of recommending changing the buffer from 50 feet to 100 feet is that there are a lot of low-lying creeks in the watershed area along Gumtree Road where grading could become an issue if future development were to occur in that area. Mr. Smith said he felt like a 100-foot buffer would be more applicable. Mr. McAlpine asked Davidson County Planner Scott Leonard his thoughts on a 100-foot buffer versus a 50-foot buffer. Mr. Leonard stated that the County has been enforcing 50-foot buffers for over 23 years and even that is a problem at times. By implementing a 100-foot buffer, the land may be unusable because the buffer would take away a substantial amount of buildable land that could be developed. Mr. Leonard suggested the Town keep the 50-foot buffer, stating Council could always go back and make it more restrictive.

Mayor Pro Tem Mike McAlpine mentioned an area of about 60 acres on Hickory Tree Road along the Shorty Nifong property that contains a creek that splits the property where the sewer line runs and asked if that is an area that needs to be looked at for possibly having a 75-foot buffer versus 100-foot in case of future development. Mr. Leonard pointed out that the watershed area is only on the east side of Old US Highway 52 and south of Gumtree Road. He suggested giving the 50-foot buffer a try, pointing out that it would actually be a 50-foot buffer on each side of the property. Mr. Leonard said the first time you would actually hear about buffer concerns would not be at the subdivision level but rather from an individual who wants to build a house for one of his children on the back side of his property and runs into a problem because of the buffer.

Page 12

Section 505: Establishment of Watershed Review Board; (A) and (C): *Change made to indicate Watershed Review Board shall be residents of the Town of Midway versus Davidson County. Change made to read that the Town of Midway Zoning Board of Adjustment shall be declared the Watershed Review Board versus Davidson County Board of Adjustment.*

Councilor Jackie Edwards referenced two items in the proposed Ordinance that needed editing. On Page 6, (2) Density and Built-Upon Limits, there are two (a)'s; should actually be (a) and (b). On Page 16, On Page 16, the item shown as "(S)" should actually be a "(5)".

On motion by Councilor Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to adopt the Watershed Ordinance and Watershed Map as presented, subject to the corrections indicated being made.

The Watershed Ordinance (Ordinance No. 18-01) and Watershed Map are incorporated into these minutes by reference as if fully set forth herein.

REGULAR BUSINESS

CONSIDER ADOPTION OF RESOLUTION REQUESTING THAT DAVIDSON COUNTY ENFORCE THE TOWN OF MIDWAY WATERSHED PROTECTION ORDINANCE FOR THE TOWN OF MIDWAY – RESOLUTION NO. 01-18

The Water Supply Watershed Protection Act (N.C.G.S. 143-214.5) requires that local governments having jurisdiction within an identified water supply watershed enact ordinance consistent with minimum statewide rules to protect such watersheds. By adopting Resolution No. 01-18, the Town is requesting the County to enforce the Town's Watershed Protection Ordinance within the corporate limits of the Town.

On motion by Councilor Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to adopt the Resolution requesting that Davidson County enforce the Town of Midway Watershed Protection Ordinance for the Town of Midway.

RESOLUTION NO. 01-18

A RESOLUTION REQUESTING THAT DAVIDSON COUNTY ENFORCE ITS WATERSHED PROTECTION ORDINANCE IN THE TOWN OF MIDWAY

WHEREAS, The Water Supply Watershed Protection Act (N.C.G.S. 143-214.5) requires that local governments having jurisdiction within an identified water supply watershed enact ordinances consistent with minimum statewide rules to protect such watersheds; and,

WHEREAS, The Town of Midway is located in an identified water supply watershed in Davidson County; and,

WHEREAS, The Town of Midway does not have sufficient staff to enforce watershed protection ordinance; and,

WHEREAS, Several areas within Davidson County have been identified as being in a water supply watershed, thus requiring the county to enact a watershed protection ordinance; and,

WHEREAS, N. C. G.S. 153-122 authorizes a county to enforce any ordinance adopted under Article 6 of Chapter 153A within a city when the city, by resolution, makes such a request.

NOW, THEREFORE, BE IT RESOLVED BY THE ELECTED BOARD OF THE TOWN OF MIDWAY:

That the Town of Midway requests that the Board of Commissioners of Davidson County enforce the Midway Watershed Protection Ordinance within the corporate limits of the town as authorized by N.C.G.S. 153A-122.

Adopted July 17, 2017.

APPROVE WATERSHED INTERLOCAL AGREEMENT

In 1993, Davidson County adopted Water Supply Watershed Regulations ("ordinance") in accordance with the Environmental Management Commission rules under the auspices of North Carolina General Statute 153-121. Under NC.G.S. 143-214.S(d), a municipality and county may by agreement, cede its

territory to the other for the purpose of enforcement of select ordinances and regulations. With the adoption of the Midway Watershed Ordinance by Town Council on this date and approval of the Watershed Interlocal Agreement, the Town and the County agree that the County will be the enforcement authority, pursuant to N.C.G.S. 143-214.S(d), having jurisdiction for said ordinance within the Town's corporate limits. The term of this annual agreement is from July 17, 2017 through June 30, 2018 and shall automatically renew each year on subsequent July 1st unless terminated as provided in the agreement.

On motion by Councilor Todd Nifong, seconded by Councilor Keith Leonard, Council voted unanimously to approve the Watershed Interlocal Agreement between the Town of Midway and Davidson County as proposed effective July 1, 2017.

DISCUSSION – PROPOSED TOWN OF MIDWAY FLOOD DAMAGE PREVENTION ORDINANCE – CALL FOR PUBLIC HEARING

Town Manager Gary Looper stated that the Town of Midway adopted Davidson County's Floodplain Ordinance in April 2009 with the purpose of being able to receive Federal Emergency Management Agency (FEMA) aid in case of natural disasters. Originally, it was believed that the Town of Midway would not have to adopt a separate Floodplain Ordinance to receive this assistance; however, it has since been determined that for the residents of the Town of Midway to receive flood insurance at discounted rates, the Town would need to readopt the County's Flood Damage Prevention Ordinance as the Midway Flood Protection Ordinance. In order for the Town to become a participant in the NFIP Flood Insurance Program, the Town needs to apply through the North Carolina Emergency Management for participation in this program. At their regular meeting on May 1, 2017, Town Council adopted Resolution No. 04-17 stating the Town's intent to apply for participation in the National Flood Insurance Program.

The Planning and Zoning Board will review the proposed ordinance at their Planning Board meeting on Tuesday July 25, 2017. There are no proposed changes in standards in the proposed Town of Midway Flood Damage Prevention Ordinance.

On motion by Councilor Mike McAlpine, seconded by Councilor Robin Moon, Council voted unanimously to call for a public hearing on the proposed Town of Midway Flood Damage Prevention Ordinance to be held on August 7, 2017 at 7:00 p.m. at Town Hall 426 Gumtree Road in Midway, North Carolina.

APPROVE NATIONAL FLOOD INSURANCE PROGRAM INTERLOCAL AGREEMENT

The National Flood Insurance Program Interlocal Agreement is a contract between the Town of Midway and Davidson County Planning Department for the administration of the Town's Flood Damage Prevention Ordinance within the corporate limits and extra-territorial jurisdiction of the Town pursuant to North Carolina General Statute 160A-461. These services shall be performed by the County at no cost to the Town. All fees and charges associated with administering the Flood Damage Prevention Ordinance as adopted by the Davidson County Board of Commissioners shall be collected by the County, shall be the sole property of the County, and no part thereof shall be payable to the Town. This agreement shall continue until such time as either the Town or the County resolves to discontinue the agreement and presents six (6) months written notice to the other party of said termination or upon mutual agreement of both parties. The effective date of this agreement shall be July 17, 2017.

On motion by Councilor Todd Nifong, seconded by Councilor Jackie Edwards, Council voted unanimously to approve the National Flood Insurance Program Interlocal Agreement between the Town of Midway and Davidson County as proposed effective July 17, 2017.

DISCUSSION – PROPOSED TOWN OF MIDWAY SUBDIVISION ORDINANCE – CALL FOR PUBLIC HEARING – ORDINANCE NO. 18-02

At their June 5, 2017 regular meeting, Council delayed action on the proposed Subdivision Ordinance and called for a special meeting to be held on June 26, 2017 to further discuss the proposed ordinance as recommended by the Planning Board.

Following additional discussion at the Town Council Special Meeting on June 26, 2017, Council again delayed action on the proposed Subdivision Ordinance until their next regular meeting scheduled on July 17, 2017.

Town Manager Gary Looper informed Council that the proposed Town of Midway Subdivision Ordinance before them included updates that Council discussed at their special meeting held on June 26, 2017.

Mayor John Byrum thanked the Council and Planning Board for all of their work on updating the ordinances.

Mayor Pro Tem Mike McAlpine asked Town Manager Gary Looper is the copy of the Subdivision Ordinance provided to Council the final copy for consideration. Mr. Looper responded that the copy provided is the final, clean copy.

Mayor Pro Tem Mike McAlpine said he was ready to call for a public hearing on the proposed Town of Midway Subdivision Ordinance as far as the standards outlined in the ordinance; however, there are a number of formatting issues and edits that need to be made prior to it being presented to the public for review.

Mr. McAlpine asked for clarification on Page No. 5, ARTICLE 3, 3.0 Pre-requisite to Plat Recordation of the proposed Subdivision Ordinance which states:

After the effective date of this ordinance, each individual subdivision plat of land within the jurisdiction of the Town of Midway shall be approved by the Planning Board.

Mr. McAlpine asked if the section should state that only major subdivisions shall be approved by the Planning Board.

Town Attorney Jim Lanik said that the article is stated correctly and should not cause any problems in administering the ordinance.

Mr. McAlpine pointed out a number of formatting inaccuracies that need to be addressed before taking the ordinance to the public.

Mayor Byrum asked Council to focus on standards changes to the ordinance rather than formatting changes as formatting changes would not hinder the call for a public hearing.

Councilor Jackie Edwards asked for clarification on what Council had previously decided about surety bonds. (See Page 18, Section 7.11 FINAL PLAT, Subsection 7.11.2 Performance Guarantee.) Davidson County Planner Scott Leonard said he remembers Council deciding to have the Town hold the bonds in the bank rather than the County holding them. Town Manager Gary Looper stated Council decided not to change anything the County does in regards to performance guarantees

It was the consensus of Council to delay calling for a public hearing on the proposed Town of Midway Subdivision Ordinance until their next regular meeting on August 7, 2017, pending corrections and resolution of formatting issues.

AMEND TOWN OF MIDWAY ZONING ORDINANCE – ORDINANCE NO. 17-03 – ARTICLE IX, SECTION 9.02 DEFINITION OF MINOR AND MAJOR SUBDIVISIONS – CALL FOR PUBLIC HEARING

At their June 5, 2017 regular meeting, Council adopted the Town of Midway Zoning Ordinance. In that ordinance, minor subdivisions are defined as five (5) lots or less and major subdivisions are defined as more than five (5) lots.

At their special meeting held on June 26, 2017, it was the consensus of Council to define minor subdivisions as ten (10) lots or less and major subdivisions as more than ten (10) lots which will require a text amendment to the Zoning Ordinance to reflect those changes.

Town Manager Gary Looper stated that the proposed amendment to the Zoning Ordinance is tied to the proposed Subdivision Ordinance, and the definitions of minor and major subdivisions will not change until the proposed Town of Midway Subdivision Ordinance is adopted. Therefore, the call for public hearing to amend the Town of Midway Zoning Ordinance (Ordinance No. 17-03) Article IX, Section 9.02 Definition of Minor and Major Subdivision should be delayed until Town Council's next regular meeting scheduled for August 7, 2017 following the call for a public hearing on the proposed Town of Midway Subdivision Ordinance.

It was the consensus of Council to delay action on the proposed amendment to the Zoning Ordinance until the August 7, 2017 Town Council meeting.

DISCUSSION – NOXIOUS GROWTH ORDINANCE – ORDINANCE NO. 17-04

At their June 5, 2017 regular meeting, Council adopted the Town of Midway Noxious Growth Ordinance (Ordinance No. 17-04) for the control of noxious growth within the Town of Midway.

At their special meeting on June 26, 2017, Council discussed the adopted Town of Midway Noxious Growth Ordinance and some concerns with the newly adopted ordinance were expressed. Councilor Jackie Edwards stated that it was her understanding that what Council had adopted at the June 5th meeting was the Town's previous Control of Noxious Growth Ordinance along with Town Attorney Jim Lanik's rewrite of the ordinance that included an appeals process, not just the rewrite. Ms. Edwards said that the previous Noxious Growth Ordinance that the Town had worked under for a long time described all of the Town's noxious weeds including undeveloped land and wooded lots and now is not a part of the Town's new Noxious Growth Ordinance.

Mr. Looper said that at the special meeting, Council also asked for the Town Attorney's input on the appeals process. Mr. Looper said that Mr. Lanik sent another rewrite for consideration on Friday July 14, 2017. Mr. Looper distributed copies of the rewritten ordinance prepared by the Town Attorney.

Town Attorney Jim Lanik stated the rewritten version of the ordinance is a hybrid between the original Noxious Growth Ordinance and the newly adopted Noxious Growth Ordinance (Ordinance No. 17-04) that includes provisions that Council had discussed such as bonified raising of hay, animal fodder and wooded lots to be exempt from the Noxious Growth Ordinance.

Mr. Lanik explained to Council the importance of having an appeals process by giving an example of the Town going onto someone's property to mow without having permission is considered a government entry onto personal property. Mr. Lanik stated that cannot happen without due process. Mr. Lanik defined due

process as notice of the offending governmental action and an opportunity to be heard in opposition to that. If there is no formal opportunity for the owner to appeal, then the Town could run into due process issues.

Mr. Lanik said that under the appeals section of the proposed new ordinance (Section .05), once the property owner has been notified in writing of the specific violation and the order of abatement issued, the owner may request in writing a hearing before the Town Manager to appeal the finding that a nuisance exists at any time prior to the expiration of the 10-day abatement period. The appeal would be heard by the Town Manager and at that point, the Town Manager would issue the property owner a written decision. The property owner would then have the opportunity to appeal the Town Manager's decision to Town Council.

Mr. Lanik said if there is a concern about the abatement of noxious weeds and an appeal dragging out the process, he would see fit to remove the appeal process to the Town Council because this is not a situation where the Town would be entering someone's property to take something from the property but only to mow the grass.

Councilor Todd Nifong said he appreciates both sides of the argument - to have appeals in the Noxious Growth Ordinance and to not have appeals. He could argue either point. Mr. Nifong stated that he was concerned with the appeals process in the proposed Noxious Growth Ordinance because of the time period allowed for the appeals process and the growth that would occur during that time. Removing the appeal process to the Town Council would help alleviate that situation.

Mr. Lanik said by removing the appeals process to the Council, the Town would run the risk of trying to predict what a court would decide given the situation. The more minimal the intrusion, the more minimal process is due. Mr. Lanik said he felt he could make a good argument with the Noxious Growth Ordinance in that all the Town would be doing is mowing overgrown vegetation and that appealing to the Town Manager would be sufficient.

Following discussion, it was the consensus of Council to remove the appeals to the Town Council portion of the ordinance by deleting Subsection (C) under Section .05 Appeals from the proposed new Noxious Growth Ordinance (Ordinance No. 18-05).

On motion by Councilor Robin Moon, seconded by Councilor Keith Leonard, Council voted to adopt the Town of Midway Noxious Growth Ordinance (Ordinance No. 18-05) by a 3-2 split vote, contingent upon eliminating the appeal process to Town Council by deleting Subsection (C) of Section .05 Appeals. The motion passed.

Voting in favor of the adoption of the Noxious Growth Ordinance: Councilors Todd Nifong, Robin Moon and Keith Leonard. Voting against: Councilors Mike McAlpine and Jackie Edwards.

ORDINANCE NO. 18-05
TOWN OF MIDWAY
NOXIOUS GROWTH PROHIBITED

§ ____ .02 APPLICABILITY.

(A) This Chapter does not apply to structures or conditions which are reasonably related to the operation of a bona fide farm, as that term is defined by the Town's Zoning Ordinance in effect at the time of the inspection. Further, this subsection of the ordinance shall not apply to the bona fide raising of hay or other plants as animal fodder.

(B) Undeveloped parcels of one acre or smaller and adjacent to improved property shall be cut in their entirety at least three times per year, as required during the mowing season of April through September (wooded lots exempt).

(C) Undeveloped parcels larger than one acre and adjacent to improved property shall be cut within 100 feet of such improved property and shall be cut at least three times per year, as required during the mowing season of April through September (wooded lots exempt).

(D) The provisions of this Chapter are in addition to, and not in lieu of, any of the Town's rights and remedies by ordinance, statute, by rule, at law, or at equity, including but not limited to the provisions of N.C.G.S. § 19-1 et seq.; N.C.G.S. § 160A-174; N.C.G.S. § 160A-193; N.C.G.S. § 160A-303.2; N.C.G.S. § 160A-426, et seq.; N.C.G.S. § 160A-439; and N.C.G.S. § 160A-441.

§ ____.03 PUBLIC NUISANCES.

The existence of any of the following conditions on any vacant lot or other parcel of land within the municipal limits of the Town is hereby declared to be dangerous and prejudicial to the public health, safety, or welfare and to constitute a public nuisance.

(A) The uncontrolled growth of grass, plant material, or noxious weeds on any residential, business or vacant lot, on the average, to a height in excess of 12 inches or which attracts or is likely to attract mosquitoes, rats, mice, snakes, or vermin of any kind.

§ ____.04 COMPLAINT AND INVESTIGATION, NOTICE OF ABATEMENT.

(A) Whenever it appears to a designated enforcement officer that there may exist a nuisance as provided in this ordinance, or when a designated enforcement officer receives a complaint of same, the officer shall undertake a preliminary investigation

(B) Upon determination that conditions constituting a public nuisance exist, the Town shall notify the owner(s) of the premises, in writing, of the specific violations and order abatement of the nuisances specified in the notice within 10 days from the postmark of such written notice. Written notices to property owners stating abatement findings and orders shall be sent by first class mail to the owner(s) of record as listed by the Davidson County Tax Assessor.

§ ____.05 APPEALS.

(A) At any time before expiration of the 10-day abatement period, the property owner may request a hearing before the Town Manager to appeal the finding of the investigator that a public nuisance exists. The Town Manager shall consider the evidence presented at such hearing and shall either revoke the initial order, issue a final order which differs from the initial order, or reinstate the initial order as a final abatement order.

(B) Any request for a hearing must be in writing and delivered to the Town Clerk at Town Hall and must be received by the Town prior to the expiration of the 10-day abatement period. Failure to deliver the request for a hearing such that it is timely received by the Town shall be considered a waiver of the owner's(s') right to appeal and the initial abatement order shall be deemed a final abatement order. The Town Manager shall fix a time for a hearing and the initial abatement order shall be temporarily suspended pending such hearing. The Town Manager will provide written notice of the hearing to the requesting party(ies) not later than 7 days prior to the date set for the hearing. The hearing must be held by the Town Manager within 30 days following timely receipt of the request for such hearing and will be conducted in the Town Hall. At the hearing, the owner(s) shall be given the opportunity to present evidence to refute

the findings which supported the initial abatement order or the removal of the nuisance condition. The Town Manager shall issue a written decision of the appeal not later than 5 business days following the conclusion of the hearing. Notice of the written decision shall be provided in the manner set out in Section __.04(B).

§ __.06 FAILURE TO COMPLY; ABATEMENT BY TOWN.

(A) If the owner(s) of the premises fails, neglects, or refuses to abate the conditions constituting the nuisance, as set out in the abatement order, within the 10-day abatement period, and if an appeal has not been timely requested, the Town Manager may have the conditions abated by either Town employees or by a contractor under the supervision of the Town. Under this chapter, Town employees or a contractor under the supervision of the Town shall have the authority to enter said premises for the express and sole purpose of abating the public nuisance identified in the abatement order.

§ __.07 OWNER LIABLE FOR COSTS; CHARGES BECOME A LIEN.

(A) The property owner will be liable for all costs incurred by the Town for abatement actions pursuant to the immediately preceding section. Such costs may include an administrative fee not to exceed \$100.00 per abatement order issued. The Town Finance Officer shall send via first class mail a statement of such costs to the owner(s). Such costs shall be due and payable within 30 days from the date such statement is mailed.

(B) All costs incurred by the Town in connection with the abatement of a nuisance shall be a lien upon the land or premises where the nuisance occurred. Such shall have a lien priority in the nature of ad valorem taxes and may be collected in the same manner as unpaid ad valorem taxes. See N.C.G.S. § 160A-193.

(C) All costs incurred by the Town in connection with the abatement of a nuisance is also a lien on any other real property owned by the person in default within the city limits or within one mile of the city limits, except for the person's primary residence. Such lien is inferior to all prior liens and shall be collected as a money judgment. The lien in this subsection (C) shall not apply if the person in default can show that the nuisance was created solely by the actions of another. See N.C.G.S. § 160A-193.

ADOPTED the 17th day of July, 2017.

DISCUSSION – STREET LIGHTS NORMAN SHOAF ROAD

At their regular meeting held on May 1 2017, Council discussed adding street lights along Norman Shoaf Road to Riggins Lane. Town Manager Gary Looper stated that he met with a representative from Energy United to obtain cost estimates for the streetlights.

Mr. Looper stated that he received a quote from Keith Winger from Energy United for nine (9) street lights from Midway School Road to Riggins Lane, using five existing poles from Spry Road to Riggins Lane, and adding four poles from Spry Road to Midway School Road. The total monthly lease cost is \$195.76 or \$2,349.23 annually. Additionally, a one-time fee of \$150.00 would be charged for pole installation. The agreement term would be for ten years, renewable.

For the new pole installation, Energy United would need access easements from the affected property owners. Energy United will attempt to obtain the easement approval, but may need the Town's assistance if not successful. Energy United is ready to move forward with easement coordination and installation upon approval from Council.

Mr. Looper stated for fiscal year 2017 streetlights (outside of Hwy 52 High Mast lighting) cost approximately \$1800.00 monthly (\$21,600.00 annually). The total budget for lights was \$34,849.00. Mr. Looper stated by adding the additional street lights there would be an approximate 6.7% increase in lighting expenses. Approval for the additional lights will likely need a budget amendment.

Mayor Pro Tem Mike McAlpine said that the Town is currently paying \$11.60 per streetlight on Hickory Tree Road and the current quote for the streetlights on Norman Shoaf Road would be approximately \$21.00 per light. Mr. McAlpine said he could not support the price difference in the lights without some explanation.

Mr. Looper suggested inviting Keith Wingler with Energy United to the next Town Council meeting on Monday August 7, 2017 to further explain the costs involved with adding the proposed nine streetlights to Norman Shoaf Road.

No action was taken.

TOWN MANAGER'S REPORTS

ZONING REGULATIONS – JUNK ENFORCEMENT PHILOSOPHY AND INTERPRETATION

Town Manager Gary Looper asked for Council's input on how to have the County enforce junk issues for the Town.

Davidson County Zoning Inspector Lee Crook responded to a complaint that was received regarding a property located in Midway that appeared to be in violation of the junk regulations contained in the Zoning Ordinance. In his visit to the site, he found some small-scale metal recycling activity which raised questions on how the Town would like to have the County enforce the Town's junk violations. There were several items located in front of the landowner's garage like a wood stove insert, gas grill, tires mounted on rims and a lawnmower. The landowner had a truck bed full of metal parts and a trailer with a valid tag full of metal parts. Parts were being stripped down in an effort to take them for cash to one of the metal recyclers in the area.

Mr. Looper stated that the recycling that the individual is conducting on his property does not qualify as a home occupation that would need a permit.

Mayor John Byrum said he does not want to prevent someone from making money legally. As long as the scrap is on the truck with legal tags so that it can be taken to be recycled, he is perfectly okay with it.

Davidson County Planner Scott Leonard said the County would not hold the landowner in violation if the junk is located on a truck or trailer with valid tags so that it can be moved regularly from the property. The property should remain clean and free of materials.

It was the consensus of Council to have the County administer junk issues for the Town just as the County administers its own junk violations.

COECO COPY COST

Town Manager Gary Looper gave Council an update on the cost of making copies on the office copier versus having copies printed at Office Depot in determining the need to amend the contract with Coeco Office Systems.

Mr. Looper stated that from June 2016 - January 2017, the office was actually under on black/white copies and slightly over on color copies or \$3.10 per month for the time period. From February 2017 – June

2017, the office was actually over 8,400 on black/white copies and 3,500 color copies for a total of \$406.00 per month, largely due to the amendments to the Town's ordinances and making multiples copies of each. Mr. Looper stated that after updating of the ordinances is complete, the total should go back to totals more in line with the contracted amounts with Coeco Office Systems.

Mr. Looper said he spoke with a Coeco representative regarding a potential contract amendment and was told regardless of the amount of copies contracted with Coeco, the cost for each copy does not change.

It was the consensus of Council not to amend the contract with Coeco Office Systems but to leave the contract as is.

MONTHLY FINANCIAL REPORT

Town Manager Gary Looper provided Council with monthly financial reports for June 30, 2017 as follows:

JUNE 30, 2017

| | | |
|----------------|-------------|--------------------------|
| Total Income | \$1,428,315 | 118.6% of overall budget |
| Total Expenses | \$990,108 | 61.7% of overall budget |

Mr. Looper informed Council that the Town had experienced check fraud and the perpetrator was arrested and charged for the incident. First National Bank will be able to recuperate their losses because the perpetrator was caught quickly.

First National Bank is recommending the Town use the Positive Pay Program which is an automated fraud detection tool offered by First National Bank. It is a service that matches the account number, check number and dollar amount of each check presented for payment against a list of checks previously authorized and issued by the company. All three components of the check must match exactly or it will not pay. The Town will need to provide the bank with a list of its current vendors to be installed onto First National Bank's software program. The cost for the bank to administer this service is \$45.00 per month.

Town Attorney Jim Lanik stated that the Positive Pay program acts like car insurance. You pay a little for it every month but hope you never have to use it.

It was the consensus of Council to proceed with the Positive Pay program with First National Bank to protect the Town from any future check fraud attempts.

RECESS TO CLOSED SESSION

On motion by Councilor Todd Nifong, seconded by Councilor Keith Leonard, Council voted unanimously to recess to closed session in accordance with N.C.G.S. 143-318.11(a)(4)(6) to discuss matters pertaining to economic development and personnel.

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

RECONVENE TO OPEN SESSION

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

ADJOURNMENT

On motion by Councilor Keith Leonard, seconded by Councilor Jackie Edwards, Council voted unanimously to adjourn the meeting at 10:45 p.m.

John Byrum, Mayor

Linda A. Hunt, Town Clerk