

**MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON JULY 18, 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 Byrum gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilors present were: John Byrum, Jackie Edwards, Keith Leonard, Robin Moon, and Todd Nifong. Absent: Mike McAlpine. Town Attorney Jim Lanik and Town Clerk Linda Hunt and were present. Interim Town Manager Gary Looper was absent.

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 June 6, 2016 Town Council regular meeting as presented.

**PUBLIC ADDRESS**

The following persons addressed Council to speak on behalf of the Midway pool to express their support of the grant application submitted by the Midway Swim and Racquet Club requesting financial assistance from the Town in order to keep the Midway pool in operation:

Kenneth Binkley, 375 Deer Path Lane, Lexington, NC 27295  
Emily Smith, 216 Kanah Drive, Winston-Salem, NC 27107  
Gary Miller, 131 Loblolly Lane, Winston-Salem, NC 27107

Mrs. Gitana Marlow, 453 Bobby Willard Road in Midway, addressed Council to express her frustration regarding the lack of progress made on getting the properties cleaned up at 146, 156 and 210 Bobby Willard Road. Ms. Marlow said she first reported the problem about three years ago and the situation has only gotten worse. She said the properties have been abandoned and the yards are heavily overgrown with people using the properties as dumping sites for junk and debris. In addition, there are dilapidated mobile homes located on the properties. Ms. Marlow urgently requested the Town Council's assistance in getting this matter resolved, beginning with getting the noxious growth cut down and moving forward from there. Ms. Marlow distributed copies of pictures of the three different locations illustrating the problems. together with copies the tax records showing that the property taxes on all three properties are seriously delinquent by as much as eleven years on one.

Councilor Robin Moon advised Ms. Marlow that he would personally talk to the Town Manager about the problem.

**ADOPT AGENDA**

On motion by Councilor Robin Moon, seconded by Councilor Jackie Edwards, Council voted unanimously to amend the agenda as follows:

**Under VI. REGULAR BUSINESS**

**Delete** the following items from the agenda:

- Item 3. Consider Contract with Benchmark CMR, Inc. for Planning and Zoning Code Enforcement Services
- Item 8. Consider Inspection and Lubrication Agreement with Independent Elevator Service, Inc. for Town Hall Elevator
- Item 9. Consider Discussion of Land Development Ordinance

**Add** the following items to the agenda in order as indicated:

- Item 1. Consider Approval of Swicegood Subdivision Plat (SUB 2016-02) (*Remaining items to be moved down by one number.*)
- Item 8. Consider Contract with CB2 Structural Engineers for Town Hall Floor Stiffening to Support File Cabinets

### **REGULAR BUSINESS**

#### **CONSIDER APPROVAL OF SWICEGOOD SUBDIVISION PLAT (SUB 2016-02)**

This item was added to the agenda.

Town Planner Kassie Watts reported that Applicant Trey Swicegood has requested the subdivision of 3.859 acres out of a larger 24+/- acre tract for the property located on North Payne Road, identified by Davidson County Parcel Number 6831-01-05-3218. Staff has reviewed the plat and the newly created lots meet all the minimum requirements of the Town of Midway Subdivision and Zoning Ordinances. Pending revision of the plat to the meet the following requirement of the Subdivision Ordinance, staff recommends approval of the plat:

1. Show setbacks in table form and on lots: RA-3, Front 30', Side 10', Side Street 15', Rear 20'.

At their regular meeting on June 28, 2016, the Planning Board unanimously recommended approval of the Swicegood Subdivision Plat (SUB 2016-02).

The revision of the plat to meet the requirement of the Subdivision Ordinance has been made.

Councilor Keith Leonard recused himself from voting due to a conflict of interest.

On motion by Councilor Jackie Edwards, seconded by Councilor Todd Nifong, Council voted unanimously to approve the Swicegood Subdivision Plat (SUB 2016-02).

#### **CONSIDER GRANT REQUEST – ETHAN HUNTER COLLIS – EAGLE SCOUT SERVICE PROJECT PROPOSAL FOR OAK GROVE MIDDLE SCHOOL COMMUNITY GARDEN PROJECT**

Eagle Scout candidate Ethan Hunter Collis, Troop 109, Old North State Council, has submitted a request for a grant from the Town for financial assistance for his Eagle Scout Service Project Proposal to make improvements to the Exceptional Children's Garden at Oak Grove Middle School. According to his proposal, he will be redoing the walkways between the raised bed gardens to rid the need for constant weed-eating the area. The walkways will be dug up and landscaping cloth will be put down followed with crushed stone. In addition, he plans to build a workbench for the potted plants as well as pouring a concrete slab on which a picnic bench could be placed at a later date. The expected completion date is August, 2016.

Total estimated cost for materials and supplies is \$1,625.00. Planned fundraising efforts include hosting two spaghetti dinners and contacting local businesses in hopes of getting donations of money or materials for the project.

Ethan was present at the meeting and reviewed his proposed project with the Council, explaining that during the school year, the Life Skills class is out in the garden weekly. They do a lot of work on learning how to grow and manage a garden and produce vegetables; however, the garden is constantly having to be trimmed throughout the year which is an inconvenience to the staff. The addition of a foundation made of cinder stone will help to control the problem as well as make the garden more accessible to all the students. The children are currently using wooden pallets, filled with rusty nails, and often snake infested, to support the potted plants. They have to bend over to access them. He said he plans to build a more structurally sound workbench for them to hold these potted plants. He said the children have nowhere to rest or sit while the teacher is instructing them and he plans on building a concrete slab for a picnic bench.

Through his fundraising efforts, he has raised all of the funds needed except for \$500.00 and he stated he would appreciate any grant funding the Council would be willing to donate to the project.

On motion by Councilor Robin Moon, seconded by Jackie Edwards, Council voted unanimously to approve Eagle Scout candidate Ethan Hunter Collis's grant application for his Eagle Scout Service Project for Oak Grove Middle School Community Garden and award him \$500.00 from grant funds.

### **CONSIDER GRANT REQUEST – MIDWAY SWIM AND RACQUET CLUB**

Board members of the Midway Swim and Racquet Club and other interested pool members were present for this presentation.

The Midway Swim and Racquet Club has submitted a grant application requesting financial assistance for the 2016 swim season/year. Specifically, the Club is requesting the Town to donate funds to help the pool meet its budget for the 2016 year and to help pay off its bank loan.

As stated in the grant application, the Club has had a steady decline in memberships in recent years starting around 2008-2009. As families have "aged out" of the pool (children have grown up and no longer come to the pool) it has been difficult to replace them. With finances being very tight in most families, some people are not able to afford a pool membership and many of the newer citizens of Midway are not aware that the Midway Pool exists due to its location (it cannot be seen from the road). New memberships have been difficult to obtain.

In addition to a decline in memberships, the pool has maintenance repairs yearly, as do all pools. In 2008, there was a significant repair to the lining of the pool which resulted in the pool taking out a loan from Newbridge Bank in the amount of \$50,000. The balance on the loan is \$13,280.92. The Club also had to use money from its equity line over the years. The equity line balance is \$8,897.28. The total combined monthly payments on these debts are \$761.34. The Club has struggled to meet its budget over the last two years and between 2014 and 2015, the Club has been sustained by substantial donations that total the amount of \$30,000, which were spread out between 2014 and 2015.

While working on growing new memberships, the Club reported it is doing, or plan on doing, the following to meet its yearly budget:

- ❑ Continue to advertise through signs around town, on Facebook, its website and flyers.
- ❑ Made pool open to non-members of the community for a fee of \$5.00 per person every day of the week except Sundays. This allows the community access to a pool that normally requires a membership and allows the pool to give a preview of its facility to potential members.
- ❑ Working on getting up to two more daycares to use the facility so that there is a daycare there every day of the week. This will bring in more income while providing service to even more members of the community.
- ❑ Members to pay assessment fee of \$100.00 this season, which may need to be extended up to three years, depending on Club's finances.
- ❑ Need for more structure in bookkeeping practices.
- ❑ Encourage more members to become involved and to serve on the Board.
- ❑ Looking into organizing a senior's swim class (open to non-members) at the pool on Monday mornings.

- ❑ Looking into having sponsors donate money to the pool to have their businesses advertised on signage at the pool.

The Board of the Midway Swim and Racquet Club requests the Town donate \$5,000 a year for maintenance and repairs of the pool. Citing the purpose of the Midway Swim and Racquet Club is to provide families of the Town of Midway and North Davidson residents with a place of outdoor aquatic recreation, the Board feels this is a reasonable request given the offerings that the pool gives to the community through its services as outlined below:

- ❑ Public Use of the Midway Swim Club
  - Daycares
  - Midway Gators Swim Team
  - Cub Scout Troop Swim Testing
  - Pool parties
  - Community Days

The pool currently has 13 employees (one manager and 12 lifeguards). Operating hours are Monday-Saturday from 11:00 a.m. to 8:00 p.m. and Sunday from 1:30 – 8:00 p.m.

In response to Council's question regarding the salaries of the lifeguards and the pool manager, Ms. Smith responded that new lifeguards start out at minimum wage and then earn an additional 25-cents per hour with each year of experience. The pool manager makes \$10.00 an hour.

Ms. Smith pointed out that currently the pool is open to the public from 2:00 – 8:00 p.m., which is new this year. Asked by Council if opening the pool to the public would be permanent, Ms. Smith responded that the Board was uncertain about that at this point and it would probably depend on how the pool is doing financially at the time, adding that the matter has not been voted on yet.

Ms. Smith told Council that the banners that have been put up at various location advertising the Midway Pool were donated. She said that word is getting out slowly.

Discussion followed.

Councilor Leonard stated he felt it was inappropriate to use public money for a private organization.

Councilor Nifong stated he has not taken the request lightly and he has given it a great deal of consideration. He further stated that he appreciates the diligence that has been put forth and he understands the history behind the pool; however, he cannot support using Town funds for a private business.

Ms. Smith then asked if the Council has discussed purchasing the pool to which Mayor Byrum responded that it has not been discussed as a group.

Mayor Byrum noted as a reminder that the Town operates on a 5-cents tax rate.

Mayor Byrum stated that at the next Town Council vision meeting, Council will be looking into parks and recreation and where a pool might fit into that.

Councilor Jackie Edwards stated she agreed with Councilor Nifong's comments and that she could not support the grant application; however, she added that she recognized the great efforts made by the pool to keep it in operation.

Councilor Moon said he could not support funding the grant application.

Mayor Byrum stated he had talked to a local resident, who is not a member of the pool, about the situation, and her comments were that as long as the pool remained open to the public, she would not have a problem with taxpayer funds going to the pool.

Mayor Byrum asked Council how they would feel about the grant application if it was for \$5,000 and the pool remained to be opened to the public for two or three years.

Councilors Edwards and Nifong said it would not change their position. Councilor Leonard said it would give it a little more consideration.

Ms. Smith asked if the Town could highlight the pool on its social media. Mayor Byrum said he would contact the Town's social media coordinator to get that on the list of businesses to highlight.

Ms. Smith asked for any advice Council could provide.

Former Mayor Norman Wilkes spoke up to encourage Council to take this matter up at their next Vision Meeting.

It was the consensus of Council to deny the grant application submitted by the Midway Swim and Racquet Club.

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

This item was deleted from the agenda.

**CONSIDER CONTRACT WITH CANNON & COMPANY, L.L.P. FOR ACCOUNTING SERVICES**

Cannon & Company, L.L.P. has submitted a proposed contract to provide the Town with accounting services for the period July 1, 2016 to June 30, 2017, unless otherwise amended, at a cost of \$800.00 per month and will be updated periodically (but no more than once per calendar year) to reflect changes in services, workloads, and rates. Accounting services to be provided and frequency of services are set out in the table below:

Process and prepare paychecks	Monthly
Reconcile bank statements	Monthly
Process general ledger	Weekly
Prepare payroll tax returns	Quarterly
Prepare W-2s	Annually
Prepare 1099s	Annually
Prepare sales tax reports	Annually +>

Town Attorney Jim Lanik has reviewed and approved the contract with Cannon & Company, L. L. P.

On motion by Councilor Todd Nifong, seconded by Councilor Robin Moon, Council voted unanimously to approve the contract between the Town of Midway and Cannon & Company, L.L.P. for accounting services for Fiscal Year 2016-2017 under the terms and conditions outlined in the contract.

A full and complete copy of the contract with Cannon & Company, L. L. P. is on file at Town Hall.

### **CONSIDER TOWN PARK COMMITTEE RECOMMENDATIONS**

At the direction of the Midway Town Council, the Town Park Committee met two times in June to discuss the planning, design, timeframe and implementation of a park to be located on the Town property at 426 Gumtree Road. Members are the Park Committee are: Mike McAlpine, Chair; Larry James; Paula Hill; Jonathan Goodman; Robert Whitty; Richard Miller; Mark Hummell; and Aleesha Dunham.

Below are the recommendations from the Park Committee and the scope of services that will need to be provided by professional land planner and surveyors:

#### **Committee's Input and Recommendations**

- ❑ Develop a 7-10-acre park site that would work into a master plan for the entire property that the Town owns.
- ❑ The property to the right of the Town Hall would be the target area.
- ❑ Walking trails, playground, garden, green areas, restrooms, and shelters are desired by the community.
- ❑ A copy of the Long Range Master Plan for Town Property presented at a public meeting on September 25, 2014 was provided by our Town Clerk to review the priorities of the citizens' input from that meeting. The Committee went through the information packet.
- ❑ Design layout for the park.
- ❑ Provide a scope of work and timeline to completion.
- ❑ Looked at safety, lighting, utilities, procedures, opening and closing, etc.
- ❑ Looked at facilities, equipment and community input from the Long Range Master Plan.
- ❑ Walking trails which include loops around playground and borders the park site.
- ❑ Benches, shade trees, playground, bathroom facilities and picnic shelters.
- ❑ Security, procedures, and lighting need to be looked at.
- ❑ Feasibility analysis for running sewer to the property.
- ❑ Feasibility analysis of ongoing upkeep of the property.

#### **Committee's Desired Action by the Midway Town Council to Proceed with the Park Project:**

- ❑ Accept the contract with Brad Coe (Coe Forestry & Surveying) to develop a master site plan and erosion plan within the desired acreage working with the Town and Park Committee recommendations.
- ❑ Direct the Town Manager to request services offered by The Wooten Company to extend the sewer line to the Town property and any services needed in the design park layout as well.

On motion by Councilor Robin Moon, seconded by Councilor Keith Leonard, Council voted unanimously to endorse the recommendations by the Town Park Committee as presented.

**CONSIDER CONTRACT WITH DAVID B. COE D/B/A COE FORESTRY & SURVEYING TO PREPARE SITE PLAN FOR TOWN PARK**

Town Attorney Jim Lanik has prepared an Independent Contractor Agreement between the Town of Midway (Town) and David B. Coe D/B/A Coe Forestry and Surveying (Contractor) to engage the Contractor to provide certain surveying and site plan preparation services. Contractor will work with personnel and committees as appointed by the Town to prepare a site plan for a proposed Town park. Contractor will coordinate with The Wooten Company for civil engineering services as needed. Contractor will assist the Town with procuring contractors as and if requested by the Town. Contractor will perform surveying stakeout as required for possible future construction.

Contractor will perform the services only when directed to do so by the Town Manager. Any activities or services performed by Contractor in addition to the services as set out in the agreement shall be pursuant to a separate contract.

The initial term of this agreement shall be for one (1) year from the effective date; however, at any time prior to the expiration of the term, and thereafter for so long as this agreement is in effect, either party may, upon written notice to the other party, terminate this agreement without any further liability

Contractor shall receive compensation for the services rendered pursuant to the following schedule:

Office Staff	\$70.00 per hour
Land Surveyor	\$85.00 per hour
2-man field crew	\$110.00 per hour
3-man field crew	\$145.00 per hour

Contractor will work on the days and at the times as may be mutually agreed by the Contractor and Town from time to time.

Surveyor Brad Coe was present to answer any questions Council may have had regarding the work to be done or the contract.

On motion by Councilor Todd Nifong, seconded by Councilor Jackie Edwards, Council voted unanimously to approve the Independent Contractor Agreement between the Town of Midway and David B. Coe D/B/A Coe Forestry and Surveying to provide certain surveying and site plan preparation for a proposed Town Park as presented.

A full and complete copy of the contract is on file at Town Hall.

**CONSIDER CONTRACT WITH CUSTOM LANDSCAPE LIGHTING & DESIGN, INC. FOR LANDSCAPE LIGHTING AT TOWN HALL**

Custom Landscape Lighting & Design, Inc., 1413 Beaverton Trail, Winston-Salem, NC 27103, has submitted a proposal/contract for installation of landscape lighting at Town Hall as follows:

Lighting

1 low voltage transformer with photocell

- 1 LED lightening protection kit
- 1 mini-wash lights on Japanese maple – 20-year warranty on LED
- 2 mini-wash lights on sign in grass – 20-year warranty on LED
- 2 uplight/bullet light on building/clock area with 7-year warranty on LED
- 5 uplight/bullet light on Holly trees with 7-year warranty on LED
- 3 uplight/bullet light on Crape Myrtle with 7-year warranty on LED
- 2 uplight/bullet light on Birch tree with 7-year warranty on LED

Total cost of lighting - \$2,750.00 (All materials and labor included)

Add

- 1 extra uplight/bullet light on rear of Birch tree - \$125.00

In response to Council's question regarding lighting for the flagpole, the Town Clerk noted that Mayor Pro Tem Mike McAlpine had advised that the wiring for the lighting would be put in place.

Town Attorney Jim Lanik has reviewed and approved with contract with Custom Landscape Lighting & Design, Inc. with the condition that the pre-audit certification be added to the contract.

On motion by Councilor Jackie Edwards, seconded by Councilor Todd Nifong, Council voted unanimously to approve the contract between the Town of Midway and Custom Landscape Lighting Design, Inc. upon the condition that the pre-audit certification be included on the contract.

A full and complete copy of the contract is on file at Town Hall.

**CONSIDER CONTRACT FOR INSPECTION AND LUBRICATION AGREEMENT WITH INDEPENDENT ELEVATOR SERVICE, INC. FOR TOWN HALL ELEVATOR**

This item was deleted from the agenda.

**DISCUSS LAND DEVELOPMENT ORDINANCE**

This item was deleted from the agenda.

**CONSIDER CONTRACT WITH CB2 STRUCTURAL ENGINEERS**

This item was added to the agenda.

In order to protect the Town's records, certain documents must be kept in fireproof filing cabinets. It has been brought to the Town's attention that the floors at Town Hall are unable to sustain the heavy weight of the fireproof cabinets and its contents and, therefore, the floors in the closet areas in the offices and the Mayor and Town Manager where the file cabinets will be located will need additional reinforcing.

CB2 Structural Engineers has submitted a proposed Agreement for the Provision of Limited Professional Services for Stiffening of Town Hall Floor to Support File Cabinets for Council consideration. The following is the Scope of Services CB2 will conduct pursuant to the agreement:

- Travel to the site and measure and record in plan, the existing closet spaces where heavy file cabinets are proposed to be located.
- Photograph the existing conditions.

- ❑ Return to the office and sketch a structural solution to stiff the existing floor to accept the weight of the proposed file cabinets.
- ❑ Develop a written summary of the requested scope of services, work completed, and provide a written summary of results with necessary sketches. Provide the Town of Midway a sealed summary for their use.
- ❑ It shall be noted that any necessary demolition needed to review the existing construction for analysis shall be the responsibility of the owner and not the responsibility of CB2 Structural Engineers.

CB2 Structural Engineers shall be compensated on an hourly basis as outlined below. Should any reimbursable expenses be encountered, they will be billed to the Town in addition to the earned hourly fee.

Hourly Rate Schedule 2016

Principal Engineer	\$129.00/hr.
Staff Engineer	\$110.00/hr.
Senior Technician	\$ 85.00/hr.
Technician	\$ 75.00/hr.

Attached to the proposed contract is a Reimbursable Expense Schedule for out-of-house and in-house reimbursable expenses. Reimbursable expenses will be charged at a rate of 1.1 times cost.

Town Attorney Jim Lanik has reviewed and approved the agreement, subject to the pre-audit certification be added in the agreement.

On motion by Councilor Jackie Edwards, seconded by Councilor Robin Moon, Council voted unanimously to approve the agreement between the Town of Midway and CB2 Structural Engineers for Town Hall Floor Stiffening to Support File Cabinets, subject to the pre-audit certification being added to the agreement.

A full and complete copy of the contract is on file at Town Hall.

**TOWN MANAGER'S REPORTS**

**MONTHLY FINANCIAL REPORT**

For year ending June 30, 2016, total revenue income exceeded estimated amount by \$166,952.28 increasing the total projected income to 114.8%. Only 72.3% of the total projected expenditures were expended for a total savings of \$665,930.87.

For information only.

**ETHICS TRAINING WEBINAR – UNC SCHOOL OF GOVERNMENT**

The UNC School of Government offers Live and On Demand Webinars for Ethics training for local elected city and county governing board members. These webinars satisfy the 2 clock hours of local ethics training required by state law for elected and appointed members of city councils and county boards of commissioners. This training is required to be completed within 12 months of election day and is required every time they are elected, re-elected or appointed to a local office. The cost for the On Demand webinar is \$125.00 and can be watched as many times as needed from any desktop/laptop before October 31<sup>st</sup>. After that date, the webinar will not be offered again until May of next year.

Boards are advised to give special meeting notice for ethics training sessions if a majority of the board might be in attendance at the event. This is in keeping with the spirit of the ethics law, and out of an abundance of caution concerning the legal requirements for board meetings.

For information only.

**NEXT REGULAR TOWN COUNCIL MEETING – AUGUST 1, 2016 AT 7:00 P.M. AT TOWN HALL**

The next regularly scheduled Town Council meeting will be held on Monday, August 1, 2016 at 7:00 p.m. at Town Hall.

For information only.

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

**RECESS TO CLOSED SESSION**

On motion by Councilor Keith Leonard, seconded by Councilor Robin Moon, 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.

**RECONVENE TO OPEN SESSION**

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

After reconvening to open session, the following item was added to the agenda:

**SET DATE FOR VISION WORK SESSION**

On motion by Councilor Robin Moon, seconded by Councilor Todd Nifong, Council voted unanimously to set Thursday, August 25, 2016, for a Town Council Vision Work Session to begin at 6:00 p.m. at Town Hall, 426 Gumtree Road in Midway, North Carolina.

**ADJOURNMENT**

On motion by Councilor Jackie Edwards, seconded by Councilor Robin Moon, Council voted unanimously to adjourn the meeting at 9:17 p.m.

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John E. Byrum, Mayor

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Linda A. Hunt, Town Clerk