

MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON JUNE 3, 2013 AT 7:00 P.M. AT THE MIDWAY FIRE AND RESCUE BUILDING, 228 MIDWAY SCHOOL ROAD, MIDWAY, NORTH CAROLINA

CALL TO ORDER

Mayor Norman Wilkes called the meeting to order and welcomed everyone present.

Councilor Robin Moon gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilors present were: John Byrum, Mike McAlpine, Robin Moon, and Sue Stephens. Absent: Todd Nifong. Town Manager Ryan Ross and Town Attorney Jim Lanik were present. Town Clerk Linda A. Hunt was absent.

Each Councilor had been furnished an agenda prior to the meeting.

Press in attendance: None.

APPROVAL OF MINUTES

On motion by Councilor Sue Stephens, seconded by Councilor Robin Moon, Council voted unanimously to approve the minutes of the May 6, 2013 Town Council regular meeting as presented.

PUBLIC ADDRESS

Mr. Keith Webber, 10624 Old US Highway 52, addressed Council to ask for sewer to be extended from Hickory Tree Road to Midway School Road to serve his business and future growth in that area.

ADOPT AGENDA

Town Manager Ryan Ross advised Council the agenda would need to be amended to add Item 6. Land Maintenance under VIII. REGULAR BUSINESS.

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

OPENING REMARKS BY MAYOR

There were none.

PUBLIC HEARINGS

PUBLIC HEARING – PROPOSED ZONING ORDINANCE TEXT AMENDMENTS (2013 -ZTA-01) - ARTICLE 14 – DEFINITIONS AND SECTION 3.5 – TABLE OF PERMITTED USES – TO DEFINE PAWNBROKER/PAWNSHOP AND TO ALLOW OPERATION OF PAWNSHOP AS A PERMITTED USE IN COMMUNITY SHOPPING (CS) ZONING DISTRICT

At its meeting on May 6, 2013, Town Council called for a public hearing to be held on Monday, June 3, 2013, at 7:00 p.m. at the Midway Fire and Rescue Building, 228 Midway School Road, to receive citizen input on the proposed zoning ordinance text amendments (2013-ZTA-01) to amend Article 14 – Definitions and Section 3.5 – Table of Permitted Uses to define pawnbroker/pawnshop and to allow the operation of a pawnshop as a permitted use in the Community Shopping (CS) Zoning District.

Notice of the public hearing was published in *The Dispatch* on May 24 and 31, 2013 as required by law.

Mayor Wilkes opened the public hearing.

Mr. Dan Wishnietsky, 300 Bent Oak Drive, spoke in favor of the proposed zoning text amendments that permits pawnshops in the Community Shopping (CS) Zoning District, stating it was a legitimate service to the Midway area and a positive for the community.

There being no one else desiring to speak, Mayor Wilkes closed the public hearing.

Councilor Stephens asked how the required distance of 1,500 feet between pawnshops was determined. Town Planner Andy Goodall replied that the distance between the two shopping centers was measured and it was roughly around that number. The purpose of setting the distance is to avoid a concentration of pawnshops in the Core Commercial District.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor John Byrum, Town Council voted unanimously to approve the zoning ordinance text amendments (2013-ZTA-01) to amend Article 14 – Definitions and Section 3.5 – Table of Permitted Uses to define pawnbroker/pawnshop and to allow the operation of a pawnshop as a permitted use in the Community Shopping (CS) Zoning District.

**ORDINANCE
AMENDING THE TEXT
OF THE ZONING ORDINANCE
OF THE TOWN OF MIDWAY, NORTH CAROLINA
PAWN SHOPS/PAWNBROKERS
2013-ZTA-01**

BE IT ORDAINED by the Town Council of the Town of Midway, North Carolina that:

Section 1. The Zoning Ordinance of the Town of Midway is hereby amended to read as follows in the section(s) noted:

The following language shall be added to the Zoning Ordinance:

Article 14 – Definitions

The terms Pawnshop/Pawnbroker will be added to the list of definitions in Article 14 with the following definition given to the term:

PAWNBROKER – Any person engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders. (Source: Pawnbrokers Modernization Act of 1989, NCGS 91A-2.

PAWNSHOP – The location at which, or premises in which, a pawnbroker regularly conducts business (Source: Pawnbrokers Modernization Act of 1989, NCGS 91A-2)

Article 3-5 - Table of Permitted Uses

Section 3.5 – TABLE OF PERMITTED USES

	RA-1	RA-2	RA-3	RS	RM-1	RM-2	RC	CS	OI	HC	LI	HI
Pawnshop								X				

Section 3.5 – NOTES TO TABLE OF PERMITTED USES

8. It is unlawful for any person, firm, or corporation to establish or conduct a business of pawnbroker (pawnshop) unless such person, firm, or corporation has procured a license from the Town of Midway to conduct business in compliance with the requirements of NCGS 9A-2.

9. No pawnshop shall be located any closer than 1500 feet in any direction of another pawnshop.

Section 2. This ordinance is adopted in accordance with N.C.G.S. 153A-341 and the Town Council has found the amendment to be consistent with the Town's adopted plans.

Consistency Statement

"The Town Council finds the proposed amendments (2013-ZTA-01) to the Town of Midway Zoning Ordinance to be consistent with the purpose set out in the ordinance to accomplish compatible development of the land within the Town of Midway."

Section 3. As required by statute, the Town Council finds the action reasonable and in the public interest.

"The Town Council finds that its action with regard to the adopted amendment is reasonable, as the proposed amendment seeks to regulate a new type of business that the Town's ordinance does not currently address, and, in adopting the new regulation, the Council's action provides for the establishment of the businesses addressed by the ordinance in appropriate locations throughout the Town, while also preventing their establishment in areas of Town where the Town's adopted plans indicate that such businesses could detract from the desired character of those areas. The Council believes that this action is also reasonable in that it excludes such businesses from areas where their establishment could interfere with the viability of the public and private investments that have been made and are planned to be made in those areas. In recognition of the need to preserve the character of the Town's Commercial Core District, and the need to balance that need with the rights of legal businesses to operate under proper regulation, the Council believes that its action with respect to the adopted amendment is in the public interest."

Section 4. This ordinance shall be in full force and effect from and after its adoption.

Adopted the 3rd day of June, 2013.

PUBLIC HEARING – TOWN OF MIDWAY PROPOSED BUDGET FOR FISCAL YEAR 2013-2014

At its meeting on May 6, 2013, Town Council called for a public hearing to be held on Monday, June 3, 2013 at 7:00 p.m. at the Midway Fire and Rescue Building, 228 Midway School Road, to receive citizen input on the Town of Midway Proposed Budget for Fiscal Year 2013-2014.

Notice of the public hearing was published in *The Dispatch* on May 22, 2013 as required by law.

Town Manager Ryan Ross gave an overview of the budget as presented to Council at the May 6, 2013 Town Council meeting, noting no changes have been made since that time.

Mayor Wilkes opened the public hearing.

There being no one desiring to speak on the Town of Midway proposed budget for Fiscal Year 2013-2014, Mayor Wilkes closed the public hearing.

Councilor Byrum commented on the great job Town Manager Ryan Ross and the team have done in preparing a realistic and reasonable budget that takes into consideration all the potential changes that

could affect the Town by the North Carolina General Assembly. Councilor Byrum said he supports the budget as presented with no changes, noting the flexibility Council has to pass budget amendments as things come up.

On motion by Mayor Pro Tem Mike McAlpine to adopt the proposed Town of Midway budget for Fiscal Year 2013-2014, with the exception of deleting the funding for membership in the Davidson County Economic Development Commission in the amount of \$10,000. Councilor Robin Moon seconded the motion. Council adopted the Town of Midway budget for Fiscal 2013-2014 by a 3-1 split vote. Voting in favor: Mayor Pro Tem Mike McAlpine, Councilor Robin Moon, and Councilor Sue Stephens. Voting in opposition: Councilor John Byrum.

Town of Midway
Budget Ordinance
Fiscal Year 2013-2014

Be it ordained by the Town Council of the Town of Midway, North Carolina at a regular meeting the 3rd day of June, 2013 at 7:00 p.m. that the following departmental expenditures and anticipated fund revenues, together with certain restrictions, are adopted.

Section I

General Fund Appropriations

The following amounts are hereby appropriated in General Fund for operation of the Town Government and its activities for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Approved General Fund Expenditures

Governing Board	\$	37,100
Administration		448,330
Public Safety		80,000
Public Works		489,250
Planning & Zoning		44,800
Sewer Extension		50,000
Debt Service		<u>177,000</u>
Total General Fund Appropriations	\$	<u>1,326,480</u>

Section II

Anticipated General Fund Revenues

The following revenues are estimated to be available in the General Fund for the fiscal year beginning July, 1, 2013 and ending June 30, 2014.

Ad Valorem, Current Year	\$	154,500
Ad Valorem, RMV		10,500
Ad Valorem, Prior Year		3,400
Penalties and Interest		550

Refunds/Discounts	(1,645)
Sales Tax	760,000
Solid Waste Tax	3,000
Utility/Franchise Taxes	185,000
Investment Earnings	8,000
Planning Permits	300
Fund Balance Appropriated	<u>202,875</u>

Total General Fund Revenues \$ 1,326,480

Section III

Ad Valorem Taxes

It is estimated that the total valuation of property for the purpose of taxation is \$ 342,232,054 and the estimated collection rate is 96.5%. There is hereby levied a tax at the rate of five (.05) cents per one hundred dollars (\$100) valuation of property listed for taxes as of January 1, 2012 for the purpose of raising revenues listed as "Ad Valorem Tax, Current Year" in Section II, General Fund Revenues of this Ordinance.

Section IV

Finance Officer Transfer Authority

The Finance Officer is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

- a. May transfer amounts up to \$2,500 between objects of expenditure within a department or between departments of the same fund with a report being submitted at the next regularly scheduled meeting of the Town Council.
- b. May not transfer any amount between fund accounts nor from contingency appropriations without prior approval of the Town Council.
- c. That the Town Council shall receive written request for authorization of funds to other agencies.
- d. That the Finance Officer provides a monthly report of expenditures and revenues.

Section V

Budget Ordinance Copies

Copies of the Budget Ordinance shall be furnished to the Finance Officer, the Budget Officer and the Tax Supervisor of this Town for their direction in the carrying out of their duties.

Adopted this 3rd day of June, 2013.

REGULAR BUSINESS

**RESOLUTION OF SUPPORT FOR CONSTRUCTION OF A NEW HIGH SCHOOL IN
NORTHERN DAVIDSON COUNTY**

At the May 6, 2013 Town Council meeting, Mr. Neal Motsinger appealed to Council to contact the Davidson County Board of Commissioners to express the Town's support of the petition that was being circulated by Midway residents urging the Commissioners to include funding in the County's budget for fiscal year 2013-2014 for the construction of the new high school to be built in the northern part of the County. Council deferred any action on the request to the June 3, 2013 Town Council meeting.

Mayor Pro Tem Mike McAlpine introduced the proposed Resolution of Support for Construction of a New High School in Northern Davidson County, explaining the resolution was prepared to show the Town's support of the efforts of the Midway community to get construction of the new high school underway and the work carried on to completion in an expedient manner.

Mayor Pro Tem Mike McAlpine said he had attended a some assemblies and PTO meetings at Oak Grove Middle School and the majority of the parents have voiced their concerns about the new high school not being built resulting in the students who are going into high school having to split up again and go back to overcrowded conditions at Ledford and North Davidson High School.

Mayor Pro Tem Mike McAlpine said the County budget is almost 400 pages long and he would give the Commissioners a round of applause for all they have done. He noted that sometimes the northern end of Davidson County has not been represented as well as others. He added the Council is here to work with the residents of Midway and to stand up to say here are our people and this is our concern.

Mayor Pro Tem Mike McAlpine also added that Dr. Fred Mock, Superintendent of Davidson County Schools, and Planning Board member Lee Ann Thomas are strongly in favor of expediting the construction of the new high school.

Mayor Pro Tem Mike McAlpine asked Councilor Moon to read the resolution for the public record.

Prior to the reading of the resolution, Councilor Byrum commented that he had spoken to one of the County Commissioner specifically about this issue, one on one. The Commissioner told him that the next school the County constructs would be the high school in northern area of the County. In the County's five-year capital improvement program (CIP), funding for the new school is slated to begin with the 2014-2015 County budget. Councilor Byrum said he would like to see the Town support the County's timeline, noting that accelerating the timeline already in place would cause a tax increase. Councilor Byrum said he felt the Town should not pressure the County and send the wrong message, adding that the Commissioners already know that the new high school is needed and wanted.

Councilor Moon orally read the resolution for the benefit of the Council and audience.

Mayor Wilkes said he has heard from several commissioners about the new high school, some seeing the need and a couple of the others not in favor of building any more schools. Mayor Wilkes stressed the importance of education for our children and the students deserve a good learning environment.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Stephens, Council voted unanimously to adopt the Resolution of Support of the Construction of a New High School in Northern Davidson County.

**RESOLUTION OF SUPPORT
OF THE CONSTRUCTION OF A NEW HIGH SCHOOL
IN NORTHERN DAVIDSON COUNTY**

WHEREAS, the opening of the new Oak Grove Middle School located at the intersection of Midway School Road and Hoy Long Road in northern Davidson County greatly relieved the overcrowding problems at North Davidson and Ledford middle schools resulting in a better learning environment for area students; and

WHEREAS, the Midway community has recognized the positive benefits of the new facility with smaller class sizes for both students and teachers; and

WHEREAS, while the addition of Oak Grove Middle School has reduced the overcrowded situation at North Davidson and Ledford middle schools, there remains serious overcrowding in the high schools in that area, North Davidson and Ledford; and

WHEREAS, the Davidson County Board of Education has identified the need of a new high school in the northern part of the County as its No. 1 capital request; and

WHEREAS, Midway residents have voiced their concerns about there being no funding allocated for the new high school in the proposed budget for Davidson County 2013-2014; and

WHEREAS, it is the desire of the Midway Town Council to convey the concerns of our residents to the Davidson County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Midway to urge the Davidson County Board of Commissioners to continue to keep the construction of a new high school in the northern area of the County as a major priority as set out in the Davidson County's Capital Improvement Program adopted in January, 2012.

ADOPTED this the 3rd day of June, 2013.

APPROVAL OF MINOR SUBDIVISION PLAT (2013-MS-02) – LOT 2 – NATHANIEL HINES AND WIFE, RUBY J. HINES

On May 6, 2013 the Town Council approved a minor subdivision plat (2013-MS-01) submitted by Kenneth Foster, PLS, that created a 2.95 acre parcel (14.21 parent parcel) at 263 Norman Shoaf Road.

On May 16, 2013, Mr. Foster submitted a second one (1) lot minor subdivision plat for the property located at 263 Norman Shoaf Road for approval. The proposed plat creates a 1.0 acre parcel adjacent to the recently created parcel referenced above. The newly created lot meets all the minimum requirements of the Town of Midway Subdivision and Zoning Ordinances.

At the Planning and Zoning Board meeting on May 28, 2013, the Board reviewed the plat and it is the recommendation of the Planning and Zoning Board that Council approve the proposed Hines minor subdivision plat (2013-MS-02).

On motion by Councilor Sue Stephens, seconded by Councilor John Byrum, Town Council voted unanimously to approve the subdivision plat for Nathaniel Hines and wife, Ruby Hines, (2013-MS-02) as submitted.

ADOPT BUDGET AMENDMENT BA-3-13 TO APPROPRIATE FUNDS FOR SEWER EXTENSION ON HICKORY TREE ROAD

Town Manager Ryan Ross stated the Town's budget for Fiscal Year 2012-2013 included funding in the amount of \$50,000 for the sewer extension on Hickory Tree Road with the knowledge the extension on Hickory Tree Road could exceed that amount and additional funds would likely have to be appropriated for any additional cost.

The final cost for the sewer extension was \$78,000 and, therefore, the budget needs to be amended to appropriate \$35,000 to cover the additional costs of the sewer extension.

Town Manager Ryan Ross recommended Council adopt the budget amendment.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Robin Moon, Council voted unanimously to adopt Budget Amendment BA-3-13 to appropriate funds for interest on debt service for the sewer project.

Town of Midway
Budget Amendment 3-13
For Year Ended June 30, 2013

Be it ordained by the Town Council of the Town of Midway, North Carolina at its regular meeting the 3rd of June, 2013 at 7:00 p.m. that the following budget amendment be adopted to

Increase (Decrease)

General Fund

Adopted this the 3rd day of June, 2013.

CONTRACT WITH CANNON & COMPANY, LLP – CERTIFIED PUBLIC ACCOUNTANTS – ACCOUNTING SERVICES

Town Manager Ryan Ross that due to the resignation of finance director Ann Stroud effective July 1, 2013, he has been searching for her replacement and he has been unable to find an individual who has governmental accounting training and/or experience and is willing to work on a part-time basis. Mr. Ross has discussed the situation with Ms. Stroud and came to the conclusion to seek accounting services from a professional company. Cannon & Company, L.L.P. is one of the companies that provides governmental accounting services. Mr. Ross said Ms. Stroud has worked with Cannon & Company and she recommended their services for the Town's needs.

Cannon & Company, L.L.P. is a certified public accounting firm that was started in Winston-Salem, North Carolina in 1950. The firm serves the western Piedmont region from three offices in the Winston-Salem area. The firm consists of approximately twenty-five people: five partners, fifteen members of the accounting staff, two financial services advisors, and three support personnel. Accounting and auditing represents the mainstream of professional accounting and, as such, constitutes the principal service provided by Cannon & Company. Audit clients, whose financial statements are audited and reported upon, represent many components of the economy: governmental units, non-profit organizations of many types, manufacturing firms in various industries, wholesalers, retailers, contractors, and education institutions. To meet the diversified needs of its clients, Cannon & Company divided its staff into three departments: accounting and auditing, tax, and business services and support.

As requested by Town Manager Ryan Ross, Cannon & Company submitted the following proposal for accounting services for the Town of Midway:

Proposal

Cannon & Company estimates the fees would be approximately \$600 per month which is based on 10 hours of service per month which would include:

1. Prepare checks from approved invoices, weekly.
2. Prepare payroll checks, monthly.
3. File federal payroll tax deposits electronically, as required.
4. Prepare W-2s and 1099s, yearly.
5. Reconcile two bank accounts and CD accounts, monthly.
6. Record deposits, weekly.
7. Make necessary journal entries, as required.
8. Monitor budget for required amendments and assist in preparation of budget, monthly.
9. Assist with financial reports for Council, monthly.
10. Prepare and submit bi-annual sales tax receivables for reimbursement.
11. Prepare NC Form TR2, yearly.
12. Prepare AFIR, yearly.

Mr. Craig Hopkins of Cannon & Company would be the staff member assigned to Midway and he would be in charge of accounting services for the Town.

In the event the costs are less than those proposed, Cannon & Company will bill the Town for only actual time incurred.

For additional work at the Town's specific direction would be an additional \$60 per hour.

Town Manager Ryan Ross recommended Council approve the Cannon & Company proposal.

On motion by Councilor John Byrum, seconded by Mayor Pro Tem Mike McAlpine, Council voted unanimously to approve the proposal as submitted by Cannon & Company, L.L.P. and to authorize execution of the contract, subject to final approval by the Town Attorney.

DONATION – U.S. MARINE CORPS RET. CORPORAL JESSIE FLETCHER FLETCHER

Mayor Wilkes told Council he had recently attended a fundraiser at North Davidson High School for U.S. Marine Corps Ret. Cpl. Jessie Fletcher, who suffered extensive injuries while serving in Afghanistan. Mayor Wilkes said he met Mr. Fletcher personally and seeing this young man dealing with his traumatic injuries certainly had quite an impact on him. Mayor Wilkes said he would like to see the Town make a donation for the benefit of Mr. Fletcher.

Mayor Pro Tem Mike McAlpine asked if the Mayor was talking about the Town presenting a plaque to Mr. Fletcher in recognition of his service to our country. Mayor Wilkes said he was talking about a monetary donation.

Mayor Wilkes explained that the nonprofit organization, Helping a Hero, purchased a one-acre lot in the Kensington subdivision on which to build a house for Mr. Fletcher. Helping a Hero is working with Brad Leonard Homes, Smith Phillips Building Supply and Lindsey Architecture to design and build a house for Mr. Fletcher at an estimated to cost \$300,000.

Councilor Moon asked what Mr. Fletcher's needs are for donations.

Councilor Stephens asked if there are others living in Midway with similar situations.

Councilor Moon asked what sort of connection Mr. Fletcher has with Midway.

Mayor Wilkes responded that Mr. Fletcher is from New York but he is engaged to a local girl and they will be making their home here.

Mayor Wilkes explained that the donation from the Town could help Mr. Fletcher with his continued medical cost and/or his education costs. Mr. Fletcher plans to pursue a college degree.

Councilor Mike McAlpine said he would like to give more thought to it before making a decision.

It was the consensus of Council to defer action on this matter until the July 15, 2013 agenda.

LAND MAINTENANCE

Mayor Pro Tem Mike McAlpine reported that at the last Land Committee meeting, the Committee discussed the urgent need for maintenance of the land recently purchased by the Town at 426 Gumtree Road. He added that the Town Attorney would handle the Request for Proposals (RFP), disposal of trees, insurance matters, etc.

Mayor Pro Tem McAlpine said the Land Committee recommends moving forward to have general mowing and spraying done on the property; therefore, Mayor Pro Tem McAlpine requested Council to authorize the Town Manager to contract out the mowing and spraying needs for the property. The land was estimated to need mowing about once a month.

It was the consensus of Council to give the Town Manager the authority to contract out the mowing and necessary spraying.

TOWN MANAGER'S REPORTS

REMINDER – NEXT TOWN COUNCIL MEETING - MONDAY, JULY 15, 2013 AT 7:00 P.M. – MIDWAY FIRE AND RESCUE BUILDING

Mayor Wilkes reminded Council that the next Town Council meeting will be held on Monday, July 15, 2013 at 7:00 p.m. at the Midway Fire and Rescue Building.

Reminder only.

RECESS TO CLOSED SESSION

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Robin Moon, Council voted unanimously to recess to closed session in accordance with N.C.G.S. 143-318.11(a)(5) to discuss matters relating to real property.

RECONVENE TO OPEN SESSION

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

ADJOURNMENT

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Sue Stephens, Council voted unanimously to adjourn the meeting.

Norman L. Wilkes, Mayor

Linda A. Hunt, Town Clerk