

**MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON NOVEMBER 6, 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 Jackie Edwards introduced James Wayne Smith of Midway who gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilors present were: Jackie Edwards, Keith Leonard, Mike McAlpine and Todd Nifong. Absent: Robin Moon. Town Attorney Jim Lanik, Town Clerk Linda Hunt and Deputy Clerk Tammy Robertson were present.

Mayor John Byrum welcomed Girl Scout Troop 40813 who were in attendance learning about local government.

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 October 2, 2017 Town Council regular meeting as presented.

**PUBLIC ADDRESS**

There were none.

**ADOPT AGENDA**

The agenda was amended as follows:

Under VIII. RECESS TO CLOSED SESSION, add N.C.G.S 143-318.11(a)(4) to discuss matters pertaining to economic development.

On motion by Councilor Todd Nifong, seconded by Councilor Keith Leonard, Council voted unanimously to adopt the agenda as amended.

**PROCLAMATION**

Mayor John Byrum proclaimed Friday, November 10, 2017, as Veterans Day in the Town of Midway in tribute to the veterans of all wars: the living, the disabled, and the deceased, and urge all citizens to join in the expression of appreciation to the many veterans in our community who have given so much on our behalf in times of both war and peace.

**PROCLAMATION  
VETERANS DAY  
2017**

**WHEREAS**, our nation was founded on the belief that all citizens are guaranteed the inalienable rights of life, liberty, and the pursuit of happiness; and

**WHEREAS**, since our nation's inception, our veterans have served with honor and distinction, protecting the liberties of our state and nation, at home and abroad; and

**WHEREAS**, many have paid the supreme sacrifice so that we may enjoy the essential principles of liberty and free government while maintaining peace and honor; and

**WHEREAS**, in 1954, President Dwight D. Eisenhower signed the first Veterans Day proclamation calling on our nation to "pay appropriate homage to the veterans of all its wars who have contributed so much to the preservation of this nation";

**NOW, THEREFORE, BE IT RESOLVED** that I, John Byrum, Mayor of the Town of Midway, do hereby proclaim Friday, November 10, 2017, as

### **VETERANS DAY**

in the Town of Midway in tribute to the veterans of all wars: the living, the disabled, and the deceased, and urge all citizens to join in the expression of appreciation to the many veterans in our community who have given so much on our behalf in times of both war and peace.

This the 6<sup>th</sup> day of November, 2017

### **REGULAR BUSINESS**

#### **PRESENTATION – INVESTMENT OPTIONS– KATHY SHOAF, ELISE LEWIS AND ANGELA HARTLEY WITH HOME TRUST BANK**

At the Town Council regular meeting held on September 5, 2017, Town Manager Gary Looper advised Council that certificates of deposit that the Town has invested with First National Bank had expired. The three idle certificates of deposit totaled \$864,458, about twenty-four percent of the Town's liquid funds of \$3.6 million. It was the consensus of Council to invite a financial representative to the October 2, 2017 meeting to discuss investment opportunities for the Town's idle funds.

At the October 2, 2017 Town Council regular meeting, Phil Grande with First National Bank presented Council with current interest rates for certificates of deposit. It was the consensus of Council to continue discussion of the Town's investment options at their November 6, 2017 regular meeting by inviting a representative from Home Trust Bank to provide information regarding investment opportunities for the Town.

Elise Lewis, Treasury Management Sales Officer with Home Trust Bank presented Council with special interest rates on certificates of deposit for the Town. Ms. Lewis also introduced Home Trust Bank's Commercial Analysis Account that is offered to businesses and public funds depositors with larger balances and higher activity. An earnings credit rate of .25% is offered on this account. Those earnings accrue each statement cycle based on the balances carried and account activity and is used to offset service charges.

Ms. Lewis will compare the services that the Town is currently receiving with the services that Home Trust can offer and report those findings to Town Manager Gary Looper to be presented to Council at the next regular meeting on December 4, 2017.

For discussion only.

**REZONING REQUEST – 129 HEBRON CHURCH ROAD- FROM HC & RA-3 TO RS & RA-3 –  
CALL FOR PUBLIC HEARING**

Mr. Lee Crook, Zoning Officer for Davidson County Planning and Zoning, presented to Council an application from Hebron United Church of Christ for the rezoning of 129 Hebron Church Road. The property location is on the east side of Old US Hwy 52 directly north of the Hebron Church Road intersection.

The request is to rezone property in the Midway Township, from that of HC and RA-3 (Highway Commercial and Rural Agricultural Districts) to that of RS and RA-3 (Low Intensity Residential and Rural Agricultural Districts).

Mr. Crook recommended Council accept the application as presented, call for a public hearing and present the application to the Town of Midway Planning and Zoning Board for their review and recommendation at the Planning Board's next meeting on Tuesday, November 28, 2017.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Todd Nifong, Council voted unanimously to:

1. Accept the request from Hebron United Church of Christ for the rezoning of 129 Hebron Church Road from HC and RA-3 (Highway Commercial and Rural Agricultural Districts) to RS and RA-3 (Low Intensity Residential and Rural Agricultural Districts);
2. Call for public hearing on Monday, December 4, 2017 at 7:00 p.m. at Town Hall; and
3. Send the application to the Town's Planning and Zoning Board for review and recommendation at their next meeting on Tuesday, November 28, 2017.

**TOWN PARK UPDATE**

At the Town Council regular meeting held on August 7, 2017, Mayor Pro Tem Mike McAlpine gave an update on the progress of developing a portion of the thirty-seven acres of land owned by the Town for the first phase of a Town park. Mr. McAlpine stated that Council directed Heritage Oaks Farms this spring to remove the trees from the land and place them in holding beds. Chris Sink Hauling and Grading would then work to put the farm land back into the tree holes. The target date for the hydro seeding of the land was around September 1, 2017 in order to have a good foundation of standing grass before beginning with the first phase of the Town park that includes walking trails and picnic areas.

Mr. McAlpine gave the following update on the progress of the Town park since that August 7, 2017 meeting:

- Heritage Oaks Farms has removed trees from the land and harvested them
- Chris Sink Hauling and Grading has filled in the tree holes
- SASS Seeding limed, fertilized, seeded, and tacked seventeen acres
- Arcadia Fence started today installing 1,100 feet of fencing enclosing the property dedicated to the park.
- Town Park Committee will meet next week to make recommendations on the walking trails
- The land, weather permitting, would be ready to begin development of the walking trails this winter
- Coe Forestry and Surveying said the Town may need an EPA drawing for soil erosion

Mr. McAlpine said he hopes to provide Council an update from the Town Park Committee at the December 4, 2017 Town Council regular meeting.

For information only.

**APPROVE INDEPENDENT CONTRACTOR AGREEMENT WITH WILLIAM Z. DILLON  
D/B/A DILLON OUTDOORS**

Council was provided an Independent Contractor Agreement with William Z. Dillon D/B/A Dillon Outdoors with suggested changes from Town Attorney Jim Lanik.

Dillon Outdoors will provide the following services at the following locations: Town Hall, along the fence line at Fred Sink Road, and the Welcome to Midway Decorative Signage locations:

- Mowing
- Plant pruning
- Plant installation
- Mulching plant beds
- Fertilization of landscape plants
- Spraying weeds in lawn and plant beds
- Blowing parking lot and walkways clear of debris

On motion by Councilor Jackie Edwards, seconded by Councilor Keith Leonard, Council voted unanimously to approve the Independent Contractor Agreement with William Z. Dillon D/B/A Dillon Outdoors for one year from the effective date of November 6, 2017.

**AMEND 2017 TOWN OF MIDWAY HOLIDAY SCHEDULE**

Pursuant to the Town's Personnel Policy, the Town shall follow the holiday schedule set by the State of North Carolina as far as the specific dates for each holiday to be observed. The schedule of actual dates is approved by Town Council each fall for the following calendar year.

When Town Council adopted the 2017 Holiday Schedule on November 7, 2016, the schedule reflected observing the Christmas holidays on Friday, December 22; Monday, December 25; and Tuesday, December 26, 2017. However, since that time, it has been discovered that State's holiday schedule reflects the Christmas holidays being observed on Monday through Wednesday, December 25-27, 2017. Therefore, in order to follow the State's holiday schedule, staff recommended Council amend the Town's holiday schedule for 2017 be amended to reflect the following dates for Christmas holidays:

Monday, December 25<sup>th</sup>  
Tuesday, December 27<sup>th</sup>  
Wednesday, December 27<sup>th</sup>

On motion by Councilor Todd Nifong, seconded by Mayor Pro Tem Mike McAlpine, Council voted unanimously to amend 2017 Town of Midway Holiday Schedule as follows:

Christmas Holidays	Monday, December 25
	Tuesday, December 26
	Wednesday, December 27

**ADOPT 2018 TOWN COUNCIL MEETING SCHEDULE**

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to adopt 2018 Town Council Meeting Schedule as presented.

**2018 MIDWAY TOWN COUNCIL MEETING SCHEDULE**

Meetings of the Midway Town Council are generally held on the 1<sup>st</sup> Monday of each month, unless otherwise listed, at 7:00 p.m., in the Town Hall Council Chambers located at 426 Gumtree Road.

January 2 (Tuesday)\*  
February 5  
March 5  
April 2  
May 7  
June 4  
July 16  
August 6  
September 4 (Tuesday)\*\*  
October 1  
November 5  
December 3

\*To observe the New Year's Day holiday, the January regular meeting will be held on the first Tuesday of the month.

\*\* To observe the Labor Day Holiday, the September regular meeting will be held on the first Tuesday of the month.

**ADOPT 2018 TOWN OF MIDWAY HOLIDAY SCHEDULE**

On motion by Councilor Keith Leonard, seconded by Councilor Todd Nifong, Council voted unanimously to adopt the 2018 Town of Midway Holiday Schedule.

**2018 TOWN OF MIDWAY HOLIDAY SCHEDULE**

New Year's Day	Monday, January 1
Martin Luther King, Jr. Day	Monday, January 15
Good Friday	Friday, March 30
Memorial Day	Monday, May 28
Independence Day	Wednesday, July 4

Labor Day	Monday, September 3
Veterans Day	Monday, November 12
Thanksgiving	Thursday, November 22 Friday, November 23
Christmas	Monday, December 24 Tuesday, December 25 Wednesday, December 26

**TOWN MANAGER'S REPORTS**

**MONTHLY FINANCIAL REPORT**

Council was provided with monthly financial reports for October 2017 as follows:

**October 31, 2017**

Total Income	\$523,182	40.5% of overall budget
Total Expenses	\$326,675	22.0% of overall budget

For information only.

**CHRISTMAS PARADE – SATURDAY, NOVEMBER 25, 2017**

The Town of Midway Christmas Parade is scheduled for Saturday November 25, 2017 at 1:00 p.m.

For information only.

**REMINDER: TOWN HALL WILL BE CLOSED – OBSERVANCE OF HOLIDAYS**

Town Hall will be closed on Friday, November 10, 2017 in observance of Veterans Day and on Thursday, November 23 and Friday, November 24, 2017 for Thanksgiving holidays.

For information only.

**RECESS TO CLOSED SESSION**

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

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

**RECONVENE TO OPEN SESSION**

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

Following the closed session, the following items were added to the agenda:

**EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF MIDWAY AND GARY LOOPER – INTERIM TOWN MANAGER**

The previous Employment Agreement between the Town of Midway and Gary Looper for a one-year term expired on October 1, 2017.

A new Employment Agreement between the Town and Gary Looper has been prepared by the Town Attorney for the appointment of Mr. Looper as Interim Town Manager for a term of six months effective November 7, 2017 and expiring at 11:59 p.m. on May 7, 2018. The Town shall have the option to extend the term of this agreement for successive six-month terms by providing written notice of such extension to Mr. Looper prior to the then current term.

On motion by Councilor Todd Nifong, seconded by Councilor Keith Leonard, Council approved the Employment Agreement between the Town of Midway and Gary Looper for a term of six months effective November 7, 2017 by a 3-2 split vote. Voting in favor were Councilors Nifong and Leonard. Voting against were Mayor Pro Tem Mike McAlpine and Councilor Jackie Edwards. Mayor Byrum cast the deciding vote in favor of the agreement.

#### **APPOINTMENT OF FINANCE OFFICER**

In accordance with N.C.G.S. 159-24, each local government and public authority shall appoint a finance officer to hold office at the pleasure.

On motion by Councilor Todd Nifong, seconded by Councilor Keith Leonard, Council voted unanimously to appoint Interim Town Manager Gary Looper as the Town's Finance Officer effective November 7, 2017.

#### **PROFESSIONAL SERVICES AGREEMENT TO PROVIDE CONSULTING SERVICES BETWEEN TOWN OF MIDWAY AND RETAIL STRATEGIES, LLC**

Retail Strategies, LLC is a firm with expertise in community development and marketing. Under the terms of the proposed agreement, Retail Strategies is to conduct a community retail-potential analysis, followed by active marketing to retailers, matching community resources with potential site tenants on a national scale. Deliverables to the Town would include a study analysis, a retail strategy, marketing guide, and identification of a minimum of 30 retailers that match Midway's demographic profile.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Todd Nifong, Council voted unanimously to approve the Professional Services Agreement between the Town of Midway and Retail Strategies, LLC, an Alabama limited liability company for consulting services in retail recruitment effective November 6, 2017.

#### **SET DATE FOR SPECIAL MEETING**

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to set Monday, November 27, 2017 for a Special Town Council Meeting to begin at 6:00 p.m. at Town Hall. The purpose of the special meeting is to discuss and take possible action on investment opportunities and to go into closed session to discuss personnel matters in accordance with N.C.G.S. 143-318.11(a)(6).

#### **ADJOURNMENT**

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to adjourn the meeting 8:20 p.m.

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John E. Byrum, Mayor

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Tammy H. Robertson, Deputy Clerk