

MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON NOVEMBER 7, 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.

Councilor Jackie Edwards introduced Dan Wishnietsky 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, Robin Moon, and Todd Nifong. Absent: None. Town Manager Gary Looper, Town Attorney Jim Lanik, Town Clerk Linda Hunt and Administrative Assistant Tammy Robertson were present.

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

No members of press were in attendance.

APPROVAL OF MINUTES

On motion by Councilor Todd Nifong, seconded by Councilor Robin Moon, Council voted unanimously to approve the minutes of the October 3, 2016 Town Council regular meeting as presented.

PUBLIC ADDRESS

Mr. Dan Wishnietsky 300 Bent Oak Drive in Midway, North Carolina, addressed Council on behalf of his wife, Bonnie Wishnietsky, who was not in attendance, to inquire about any plans Council may have regarding putting up Christmas lights and other decorations at the new Town Hall for the Christmas season.

ADOPT AGENDA

The agenda was amended as follows:

Under VII. REGULAR BUSINESS, add Item 12. Town Hall Christmas Lights

Under VIII. RECESS TO CLOSED SESSION, delete discussion of real property (NCGS 143-318.11(a)(6)).

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

PROCLAMATION

Mayor Byrum proclaimed Friday, November 11, 2016 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.

REGULAR BUSINESS

DAVIS SUBDIVISION PLAT-MINOR SUBDIVISION-SUB-2016-04

Town Planning Advisor Richard Smith reported that Julie Davis has requested the subdivision of 1.075 acres out of larger 4.107+/- acre tract for the property located on Ralph Craver Road, identified by Davidson County Parcel Number 6840-03-23-1647.

The property is zoned RA-3 (Rural Agricultural District). The minimum lot size in the RA-3 zoning district is 30,000 sq. ft. Where a public water supply and sanitary sewage are available, the Ordinance allows for a minimum 15,000 sq. ft. Lot setbacks are as follows:

Front 30'
Side 10'
Side Street 15'
Rear 20'

Staff has reviewed the plat and the newly created lot meet all the minimum requirements of the Town of Midway Subdivision and Zoning Ordinances. Pending revision of the plat to meet the following requirement for recordation, staff recommends approval of SUB-2016-04 Davis Subdivision Plat.

At their regular meeting on October 25, 2016, the Planning Board unanimously recommended approval of SUB-2016-04, subject to certain revisions being made to the plat. Mr. Smith advised Council those revisions have been made and the plat is in proper order.

On motion by Councilor Jackie Edwards, seconded by Councilor Todd Nifong, Council voted unanimously to approve the Davis Subdivision Plat (SUB-2016-04) as presented.

PRESENTATION – AUDIT REPORT FOR FISCAL YEAR ENDING JUNE 30, 2016 – EDDIE CARRICK, CPA, PC

Auditor Eddie Carrick of Eddie Carrick, CPA, PC, presented the audit report for year ending June 30, 2016. Mr. Carrick reported the Town received a “unqualified opinion”. An unqualified opinion is an independent auditor's judgment that a company's financial records and statements are fairly and appropriately presented, and in accordance with Generally Accepted Accounting Principles (GAAP).

Mr. Carrick stated the audit report is a public document and pointed out that Pages 3-10 provide a narrative overview and analysis of the financial activities of the Town of Midway for the year ended June 30, 2016. Mr. Carrick encouraged readers to read the information presented in conjunction with additional information that has been furnished in the Town's financial statements.

Financial Highlights

- The assets and deferred outflows of resources of the Town of Midway exceed its liabilities and deferred inflows of resources at the close of the fiscal year by \$5,379,740 (*net position*).
- The government's total net position increased by \$353,715, due to increases in the governmental type activities net position.
- As of the close of the current fiscal year, the Town of Midway's governmental fund reported an ending fund balance of \$3,375,024 with a net decrease of \$442,331 in fund balance. Approximately 5 percent of this total amount, or \$160,870, is restricted.
- At the end of the current fiscal year, unassigned fund balance for the General Fund was \$3,214,155, or 184 percent of the total General Fund expenditures for the fiscal year.
- The debt for the Town decreased by \$244,502 due to principal debt payments of \$242,700, a decrease in accrued vacation of \$8,983, and an increase in net pension liability of \$7,181.

Mr. Carrick noted the Town had experienced a collection rate of 98% of ad valorem taxes which is above the state average.

Mr. Carrick concluded his presentation by encouraging the Council to remain conservative in their decision-making. Mr. Carrick told Council he would notify them of any changes in state legislature that may impact the Town.

A complete copy of the Audit Report for Fiscal Year Ending June 30, 2016 is on file at Town Hall for public inspection.

DRAFT COUNTY RECREATION MASTER PLAN

Davidson County Parks and Recreation Director Thomas Marshburn spoke to Town Council regarding the need for development of a county-wide Parks and Recreation Master Plan. Mr. Marshburn told Council that although there was a Davidson County Parks and Recreation and Tourism Development Master Plan done in 2005, it was never adopted. He went on to explain that having a recreation master plan improves the chances of the County and municipalities in qualifying for local, state and federal grants, stressing that it is a very competitive market.

Mr. Marshburn is currently in the process of developing a new ten-year county-wide recreation master plan and is seeking Council's input on the Town's needs. Mr. Marshburn told Council he has compiled the data he has received to date from the citizens of Davidson County and color coded the data to distinguish between each municipality to assess the needs and desires of each community. The first needs assessment will be presented to the Davidson County Board of Commissioners on December 15, 2016. The needs assessment will then be brought back to the participating municipalities for adoption. Mr. Marshburn noted that only the Town of Wallburg remains on his schedule for presentation of the proposal.

Mr. Marshburn explained the point system used for local, state and federal grants. He noted various ways to accumulate points which include: adoption of a master plan, public involvement, first-time applicants, playgrounds, picnic shelters, and ballfields. Mr. Marshburn added that the more points that can be accumulated improves the possibility of obtaining a grant.

Mr. Marshburn encouraged Council to use a firm that specializes in grant writing when applying for grants.

TOWN PARK PROJECT

A. APPROVE AGREEMENT WITH THE WOOTEN COMPANY FOR GENERAL CONSULTING SERVICES

Town Manager Gary Looper presented the proposed agreement with L. E. Wooten and Company d/b/a The Wooten Company, 300 S. Main Street, Lower Level, Winston-Salem, NC 27101, for general consulting engineer services for the Town park project for Council consideration. The contract is limited to the Town park project only.

The proposed agreement has been reviewed and approved by Town Attorney Jim Lanik.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to approve the agreement between the Town of Midway and L. E. Wooten and Company d/b/a The Wooten Company for general consulting engineer services for the Town Park Project under the terms and conditions as set forth in said agreement in an estimated amount of less than \$50,000.

B. ADOPT RESOLUTION EXEMPTING PROJECT FROM PROVISIONS OF N.C.G.S. 143-64.31 – RESOLUTION NO. 01-17

Town Manager Gary Looper advised Council that adoption of Resolution No. 01-17 will exempt the Town of Midway's Park Project from the provisions of N.C.G.S. 143-64.31 which requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management at-risk services, and design-build services to be based on qualifications and without regard to fee. N.C.G.S. 143-

64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of N.C.G.S. 143-64.31 if the estimated fee is less than \$50,000.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Keith Leonard, Council voted unanimously to adopt Resolution No. 01-17 Exempting the Town of Midway's Park Project from the provisions of N.C.G.S. 143-64.31.

**RESOLUTION NO. 01-17
RESOLUTION EXEMPTING THE TOWN OF MIDWAY'S PARK PROJECT
FROM THE PROVISIONS OF N.C.G.S. 143-64.31**

WHEREAS, N.C.G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee;

WHEREAS, the Town proposes to enter into one or more contracts for design services for work as Consulting Engineering Services relating to the Town of Midway's Park Property bounded by Gumtree Road and Country Lane;

WHEREAS, N.C.G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of N.C.G.S. 143-64.31 if the estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for design services for the above-described project is less than \$50,000.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF MIDWAY RESOLVES:

Section 1. The above-described project is hereby made exempt from the provisions of N.C.G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

This the 7th day of November, 2016.

TOWN PARK UPDATE

Mayor Pro Tem Mike McAlpine, Chairman of the Park Committee, told Council the Park Committee will be meeting within the next two weeks. He said he has spoken with Brad Coe regarding the picnic area, one of the items included in the first phase of the new Town park.

For information only.

PARKS AND RECREATION TRUST FUND (PARTF) GRANT SUMMARY

Town Manager Gary Looper provided Council with the following PARTF grant application factors:

- Date Due: May 1, 2017
- Staff Review: April 1, 2017
- Maximum Grant: \$500,000
- Local Match Minimum \$1 - \$1
- Completion Required 3 years
- Dedicated Use 25 years

- ❑ Planning process to reflect public preferences
- ❑ ADA compliant
- ❑ Green design encouraged
- ❑ Underground utilities required
- ❑ Contract required (Department of Commerce and Town of Midway)
- ❑ Payments and reimbursables/Quarterly on actual spent
- ❑ Coordination: Corps of Engineers/Wetlands, Floodplains/Permitting process, historic preservation
- ❑ Points process

For information only.

UPDATED PROCESSES IN MIDWAY PLANNING AND ZONING ORDINANCE

Town Manager Gary Looper provided Council with a summary of the differences between the Town's adopted Planning and Zoning Ordinance and the Davidson County Development Ordinance that was adopted by the County in 2011. Mr. Looper asked for Council's guidance on how to proceed with bringing the Town's current Planning and Zoning Ordinance into conformity with state law, noting there are several questions to consider. If the Council elects to adopt the most recent Davidson County Development Ordinance, there are a number of modifications the Council may wish to make. He questioned if Council would want to adopt the Davidson County ordinance as written and later modify the ordinance to meet the Town's needs or if Council would want to adopt the Davidson County ordinance and amend the ordinance at the same time.

After discussion, it was the consensus of Council to adopt the Davidson County Development Ordinance and adopt amendments concurrently.

The Davidson County Development Ordinance and proposed amendments are to be sent to the Midway Planning and Zoning Board for review and recommendation to Town Council.

The goal is to have the updated planning and zoning ordinances completed and adopted by the end of the first quarter of 2017.

PROPOSED AMENDMENTS TO MIDWAY NUISANCE ORDINANCE

Town Attorney Jim Lanik reported he has been working with Town Manager Gary Looper on revisions to strengthen the Town's ordinance for the control of Littering, Noxious Growth and Unpermitted Junkyards to include due process wording similar to that in the Unsafe Structures ordinance. Revisions are also being made to the Unsafe Structures ordinance to give the Town more control in handling such cases. These proposed revisions to the ordinances will be presented to Town Council for consideration once completed.

Update only.

TOWN HALL CHRISTMAS LIGHTS

This item was added to the agenda.

Mayor Pro Tem Mike McAlpine proposed decorating Town Hall for the Christmas season. Discussion followed.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Keith Leonard, Council voted unanimously to decorate Town Hall for the Christmas season with expenditures not to exceed \$1,500.

ADOPT 2017 TOWN COUNCIL MEETING SCHEDULE

Town Manager Gary Looper presented the 2017 Town Council meeting schedule for Council consideration.

On motion by Councilor Jackie Edwards, seconded by Councilor Robin Moon, Council voted unanimously to adopt the 2017 Town Council Meeting Schedule as presented.

2017 MIDWAY TOWN COUNCIL MEETING SCHEDULE

Meetings of the Midway Town Council are generally held on the first Monday of each month, unless otherwise listed, at 7:00 p.m., in the Town Hall Council Chambers located at 426 Gumtree Road in Midway, NC.

January 3 (Tuesday)*
February 6
March 6
April 3
May 1
June 5
July 17
August 7
September 5 (Tuesday)**
October 2
November 6
December 4

*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 2017 TOWN OF MIDWAY HOLIDAY SCHEDULE

Town Manager Gary Looper presented the 2017 Town Council holiday schedule for Council consideration.

On motion by Councilor Todd Nifong, seconded by Mayor Pro Tem Mike McAlpine, the Council voted unanimously to adopt the 2017 Town of Midway Holiday Schedule as presented.

2017 TOWN OF MIDWAY HOLIDAY SCHEDULE

New Year's Day	Monday, January 2
Martin Luther King, Jr. Day	Monday, January 16

Good Friday	Friday, April 14
Memorial Day	Monday, May 29
Independence Day	Tuesday, July 4
Labor Day	Monday, September 4
Veterans Day	Friday, November 10
Thanksgiving	Thursday, November 23 Friday, November 24
Christmas	Monday, December 25 Tuesday, December 26

AMEND 2016 TOWN OF MIDWAY HOLIDAY SCHEDULE

When the 2016 Holiday Schedule was adopted on November 2, 2015, one of the Christmas holidays was inadvertently left off the original holiday schedule and staff proposes the 2016 Holiday Schedule be amended to include Friday, December 23, 2016 as an employee Christmas holiday.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Keith Leonard, Council voted unanimously to adopt the 2016 Town of Midway Holiday Schedule as amended.

AMENDED

2016 TOWN OF MIDWAY HOLIDAY SCHEDULE

New Year's Day	Thursday, January 1
Martin Luther King, Jr. Day	Monday, January 18
Good Friday	Friday, March 25
Memorial Day	Monday, May 30
Independence Day	Monday, July 4
Labor Day	Monday, September 5
Veterans Day	Friday, November 11
Thanksgiving	Thursday, November 24 Friday, November 25
Christmas	Friday, December 23 Monday, December 26

TOWN MANAGER'S REPORTS

MONTHLY FINANCIAL REPORT

Town Manager Gary Looper provided Council with monthly financial reports for October, 2016 as follows:

October 30, 2016

Total Income	\$504,457	31.8% of overall budget
Total Expenses	\$330,142	20.8% of overall budget

For information only.

CHRISTMAS PARADE – SATURDAY NOVEMBER 26, 2016

The Christmas Parade will be held on Saturday, November 26, 2016 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 11, 2016 in observance of Veterans Day and on Thursday and Friday, November 24 and 25, 2016 for Thanksgiving holidays.

Reminder only.

RECESS TO CLOSED SESSION

On motion by Mayor Pro Tem Mike McAlpine seconded by Councilor Jackie Edwards, 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.

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

RECONVENE TO OPEN SESSION

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

ADJOURNMENT

On motion by Councilor Robin Moon, seconded by Councilor Keith Leonard, Council voted unanimously to adjourn the meeting at 9:45 p.m.

John E. Byrum, Mayor

Linda A. Hunt, Town Clerk