

**MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON APRIL 3, 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.

Bishop Robert Melton of Gates of Zion Baptist Church, 388 Thomas School Road, Winston Salem NC, gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilor Todd Nifong thanked Bishop Melton and invited him to stay for the meeting.

Councilors present were: Jackie Edwards, Keith Leonard, Mike McAlpine, Robin Moon, and Todd Nifong. Absent: None. Town Manager Gary Looper, Town Attorney Jim Lanik and Deputy Clerk Tammy Robertson were present.

Absent: Town Clerk Linda Hunt

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 Mike McAlpine, Council voted unanimously to approve the minutes of the February 21, 2017 Vision Session as presented.

On motion by Councilor Jackie Edwards, seconded by Councilor Robin Moon, Council voted unanimously to approve the minutes of the February 28, 2017 Vision Session as presented.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Todd Nifong, Council voted unanimously to approve the minutes of the March 6, 2017 Town Council regular meeting as presented.

**PUBLIC ADDRESS**

There were none.

**ADOPT AGENDA**

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to adopt the agenda as presented.

**REGULAR BUSINESS**

**CALL FOR PUBLIC HEARING – TOWN OF MIDWAY ZONING ORDINANCE**

The Planning & Zoning Board has worked on updating the Town's Zoning Ordinance at their last two Planning Board meetings held on January 31, 2017 and February 28, 2017. A copy of the completed Zoning Ordinance was presented to Council for review.

It was the consensus of Council to delay the call for a public hearing until their next regular meeting on May 1, 2017 at 7:00 p.m. at Town Hall.

**CALL FOR PUBLIC HEARING – TOWN OF MIDWAY SOLID WASTE ORDINANCE**

At their March 28, 2017 Planning Board meeting, the Planning Board reviewed the County's Solid Waste Ordinance for possible adoption by the Town. Adoption of the Solid Waste Ordinance would allow the County to begin enforcing issues relating to the removal of junk from property within the Town.

It was the consensus of Council to delay the call for a public hearing on the Town of Midway Solid Waste Ordinance until their next regular meeting on May 1, 2017 at 7:00 p.m. at Town Hall.

**CALL FOR PUBLIC HEARING – TOWN OF MIDWAY CONTROL OF NOXIOUS GROWTH AMENDMENT**

It was the consensus of Council to delay the call for a public hearing on the Town of Midway Control of Noxious Growth Amendment until their next regular meeting on May 2, 2017 at 7:00 p.m. at Town Hall.

**AUDIT CONTRACT – EDDIE CARRICK CPA, PC**

In accordance with North Carolina General Statute 159-34, each unit of local government and public authority shall have its accounts audited as soon as possible after the close of each fiscal year by a certified public accountant.

Mr. Eddie Carrick has submitted a proposed contract between Eddie Carrick, CPA PC and the Town of Midway to audit the accounts of the Town of Midway for year ending June 30, 2017. Mr. Carrick will audit all required legal statements and disclosures required by generally accepted accounting principals (GAAP) and additional required legal statements and disclosures of all funds and/or divisions of the government unit during the period beginning July 1, 2016 and ending June 30, 2017. In consideration of the satisfactory performance of the provisions of this contract, the Town of Midway shall pay to the Auditor, upon approval by the Secretary of the Local Government Commission (LGC) at a cost of \$4,000 for the audit plus \$1,500 for preparation of the annual financial statements for a total contract cost of \$5,500, which is the same amount as the previous year.

Town Attorney Jim Lanik has reviewed and approved the contract as presented.

On motion by Councilor Mike McAlpine, seconded by Councilor Keith Leonard, Council voted unanimously to proceed with the contract with Eddie Carrick CPA PC for the year ending June 30, 2017 at a total cost of \$5,500.

**CONTRACT RENEWAL – RICK ZEBRA DESIGNS – WEBSITE HOSTING**

At their March 6, 2017 regular meeting, Council reviewed a contract proposal from Rick Cisneros with Rick Zebra Designs for the Town's website hosting and 12 emails for one year. The proposal includes database hosting if needed.

The contracted service is for one year and includes website hosting and 12 emails for a one time fee of \$421.20.

The website and 12 email accounts will be backed up on the Zebra servers.

Town Attorney Jim Lanik has updated the contract terms and conditions.

On motion by Councilor Todd Nifong, seconded by Councilor Robin Moon, Council voted unanimously to enter into a contract with Rick Zebra Designs for the Town's website hosting for one year at a one time cost of \$421.20.

**CONTRACT RENEWAL – RICK ZEBRA DESIGNS – WEBSITE ADDITIONS – SUBSCRIPTIONS AND WEBFORMS**

At their March 6, 2017 regular meeting, Rick Cisneros with Rick Zebra Designs presented to Council a proposal for website additions, subscriptions and webforms. Council has reviewed the proposal which includes:

#### Website Email Subscriptions/Newsletters

The email subscriptions publishes and sends newsletters to lists of subscribers. Both anonymous and authenticated users can opt in to do different mailing lists.

Features include:

- Sending nodes as newsletters to subscribers
- Multiple newsletter categories with separate settings
- Per category and multi-signup blocks and pages
- Subscriber management including mass-subscription and export
- Optional email confirmations for anonymous users
- Customizable newsletter templates

#### Council/Staff Dedicated Webforms

This feature will replace the default email address with a button linking to individual contract webforms on the Council member and Town Staff pages. The purpose is to eliminate the default feature of launching the users default email application. Users will be able to contact Council and staff members directly from the website.

#### Monthly Website Content Management

Rick Zebra Designs offers the Town of Midway a content management service based on three hours per month with a two business day turnaround time, Any service that exceeds the three hour monthly package will be billed for the extra hours. Common maintenance requests include:

- Add new content including text, products, images and video to existing pages
- Add new pages including new content, images, videos forms and add to navigation
- Update existing content including text, products, images and video
- Update CSS styling (colors, text size, fonts etc.)
- Update version software including modules for Drupal

Pricing for Website Additions:

2017 Website Addition Cost		
Services	Development Hours	Price
Website Email Subscriptions Module	5 Hours	\$325.00 (One Time Cost)
Council/Staff Webforms	5 Hours	\$325.00 (One Time Cost)
Website Content Management	3 Hours (Monthly)	\$180.00 (Monthly)
Total		\$650.00 (One Time) \$180.00 (Monthly)

On motion by Councilor Todd Nifong, seconded by Councilor Robin Moon, Council voted unanimously to approve the contract with Rick Zebra Designs for website additions for one year at a cost of \$2810.00.

#### **DISCUSSION – SOCIAL MEDIA PROPOSAL**

The Town currently receives social media hosting which includes facebook and twitter services from Rick Zebra Designs. Council discussed at their Vision Workshop February 28, 2017 whether social media had been beneficial for the Town in obtaining new business for the Town, connecting with its citizens and providing an overall presence for the Town.

It was the consensus of Council to have Social Media Hosting placed on the March 6, 2017 regular meeting schedule for consideration. At their March 6, 2017 regular meeting, Council deferred discussion about the social media proposal until their April 3, 2017 regular meeting.

Discussion continued about the social media hosting and whether Council felt the service was providing what they had envisioned for the Town. After discussion, it was the consensus of Council to dissolve social media hosting making April 30, 2017 the last day to have Rick Zebra Designs provide the service to the Town.

### **APPOINTMENT COMMITTEE – PLANNING, ZONING AND CODE ENFORCEMENT PROCEDURES**

Town Manager Gary Looper stated that Council had asked to appoint a committee for streamlining planning, zoning and code enforcement procedures when the Town enters into a contract with the Davidson County Planning and Zoning Department for its planning, zoning and code enforcement services effective July 1, 2017.

Mayor John Byrum communicated to Council that if the Town has ordinances on the books they should be enforced and not ignored.

Mayor Pro Tem Mike McAlpine stated that at their last meeting March 6, 2017, Council discussed having a plan for staff, Council and committees on having the appropriate channels in place for getting questions answered from the Town's citizens regarding their planning, zoning and code enforcement services. Mr. McAlpine does not want to hinder the County in serving the Town by not having the proper channels of communication in place when the County takes over the Town's planning and zoning services July 1, 2017.

Although Mayor Byrum agreed there should be proper channels of communication, he does not see the need in creating a committee to handle the planning, zoning and code enforcement procedures.

Discussion only.

### **TOWN MANAGER'S REPORTS**

#### **CONTRACT UPDATE-J'S HVAC**

Town Manager Gary Looper gave Council a brief overview regarding the repairs of the Town's HVAC system. The air compressor in the system that supplies the main foyer area of Town Hall has been out of service from an apparent lightening strike for several weeks.

Mr. Looper approved two HVAC contracts with the Town's contractor, J's HVAC Unlimited LLC of 130 Greyhound Road Mt. Airy, NC 27030 for the repair of the failed compressor and for a one year maintenance agreement which includes two service calls (April and October) and allows for continuations of Trane System five year warranty on parts.

The cost of repairs for the compressor were \$2,005. The Annual maintenance agreement cost is \$1,372. The first semi-annual service inspection is scheduled for Friday, April 7, 2017.

After discussion, Council agreed to the one year maintenance agreement with J's HVAC for regular maintenance of the Town's HVAC systems with consensus of Council to have this service bidded out next year.

**TRANSPORTATION UPDATE- BREAK IN ACCESS, TIP U-5786, MIDWAY SCHOOL ROAD, CMAQ PROJECT CALL**

Town Manager Gary Looper met with representatives with the North Carolina Department of Transportation (NCDOT) including District Engineer Pat Ivey on March 31st regarding the Town's transportation concerns including a break in access along Hickory Tree Road opposite the US 52 northbound exit ramp in Midway. Mr. Ivey stated that he still supports the concept of a break in access as he did eighteen months ago but not to expect actual approval for the access break until Hickory Tree Road is ready for construction in 2020.

Kimley-Horn and Associates completed updated traffic counts at the north and southbound US 52 ramps at Hickory Tree Road a week to ten days ago. The results will be sent to the Winston Salem Metropolitan Urban Area Metropolitan Planning Organization (MPO) and then on to Raleigh, but Mr. Ivey said not to expect an immediate reply because there is not an immediate need. Raleigh is not likely to approve a break in access on a federally designated potential highway interstate until there is a concrete plan showing the need for an access.

Mr. Looper continued the transportation update with the Town's need for roundabouts. Roundabouts were initially considered at Hartman and Smith roads along with the north and southbound ramps at US 52 as was detailed in the final draft of the Town of Midway Community Transportation Evaluation in April of 2013. Council approved three roundabouts at their May 6, 2013 regular meeting. The NCDOT clarified the Hickory Tree Road Transportation Improvement Plan (TIP) which has been approved for funding in fiscal year 2020-2021 for the widening of Hickory Tree Road to Hwy 150 at Peters Creek Parkway to three lanes. With funding available for this project, it allows the Town to add roundabouts into the plan for consideration. The design for the widening of Hickory Tree Road will begin within the next several months. The NCDOT is willing to add roundabouts to the design. They would likely entertain roundabouts at both US 52 exit ramps and possibly one at Hartman or Smith Roads. If that occurs, then a break in access would most likely happen because if a roundabout is added at the northbound exit ramp, then that section would be available for a road on the other side. If these items are added to the project the Town and County would be invited to Raleigh for the scope meeting. Mr. Looper stated that the Town is on board to make an impact for the TIP project but before that, the Town's break in access application should be forwarded to Raleigh.

Mr. Looper continued his transportation update with the Midway School Road project and if the Town needs a feasibility study to look at road improvements at the intersection of Midway School Road and Old US 52.

The Division has looked at traffic counts at the intersection and corridor that includes the Midway Fire Department and Midway Elementary School. It is not the belief of the Division that much can be done to improve the congestion in these areas. The intersection is very narrow with a right of way of only thirty feet. In order to make an improvement the intersection would need a large topography change or a shift to the west of Old US 52 one to three hundred feet and would interfere with properties that the NCDOT is not inclined to bother. Representatives from the NCDOT suggested waiting until the New Oak Grove High School is open and assessing the impact of the three schools on the intersection at that time. It was also stated by Mr. Looper that traffic counts have not changed at the Midway School Road/Norman Shoaf intersection in the past five years.

At the Old US 52/Hickory Tree Road intersection, the NCDOT suggested looking into a Metropolitan Planning Organization (MPO) project for improvements. This would require a feasibility study but might qualify the Town for funding through the Congestion Mitigation and Air Quality Improvement Program (CMAQ) which reduces the amount of allowable vehicle tailpipe emissions. Mr. Looper stated the funding is based on a 80/20 split, with eighty percent of the funding coming from the federal and state levels and the other twenty percent being funded locally. A scope of feasibility can be obtained from Kimley- Horne and Associates that would qualify the Town for future grant projects.

Mayor Pro Tem Mike McAlpine stated the break in access on northbound US 52 is more pressing to him. Property owners along Fred Sink Road have expressed a desire to have that property developed. As far as the property across from Fred Sink Road, developers may want an input as to whether or not they want that property developed as well. Mr. McAlpine went on to say that Hickory Tree Road has good traffic flow so that is not his main concern at this time. His desire along with the break in access is to focus on a solution to the high volume of traffic on Norman Shoaf Road.

For information only.

**ZONING/CODE ENFORCEMENT UPDATE – WATERSHED, SUBDIVISION, FLOODPLAIN, JUNK VEHICLE, DILAPIDATED STRUCTURE**

Town Manager Gary Looper referred to the minutes of March 6, 2017 regarding the scope of services the County can provide the Town for its planning and zoning services. In those minutes, Davidson County Planner Scott Leonard stated the County can assist the Town with its watershed district but the Town would have to adopt an ordinance for him to be able to administer. The Town had previously considered a Watershed Ordinance but deferred action on adopting it. After discussion with Davidson County Planning and Zoning officials, Mr. Looper stated a better option might be to emulate an Interlocal Agreement that allows County Administrators to administer county regulations within municipal jurisdictions without the Town adopting its own Watershed Ordinance. Davidson County Planning and Zoning currently has this agreement with the Towns of Denton and Wallburg.

The Town's zoning requires a 30,000 square foot minimum lot size, and the Watershed North Carolina Administrative Code (NCAC) requires a 20,000 square foot minimum lot size. The 30,000 square foot lot allows for greater storm water protection and this is acceptable to the State. Mr. Looper stated that County Planner Scott Leonard will coordinate with the North Carolina Emergency Management (NCEM) for the authority of the County to administer the County's Watershed Ordinance in Midway. The County would also be able to track the Special Intense Development Allocation (SIDA) which allows for up to seventy percent imperious coverage and ten percent of the watershed.

Midway will need to decide on whether to have a fifty or one hundred foot buffer from the stream beds. A one hundred foot buffer allows for greater water protection whereas a fifty foot buffer allows for more land development. The Town would also have to adopt a watershed map.

It was the consensus of Council to have Davidson County administer the County's Watershed Ordinance for the Town of Midway.

**FLOODPLAIN ORDINANCE**

Mr. Looper said the County is willing to administer the Town's current Flood Plain Ordinance. It is possible to amend the contract with the County to add this as a County administration function as this was not included in the proposed contract with the County for the administration of the Town's current planning, zoning and code enforcement services. This could entail a change to the contract cost. The floodplain administrator should be well versed on Federal Emergency Management Agency (FEMA), NCEM Floodplain Ordinance rules and procedures.

It was the consensus of Council to have the County administer the Town's current Floodplain Ordinance.

**JUNK VEHICLE ORDINANCE**

The Town of Midway has a separate Junk Vehicle Ordinance from its Littering, Junk and Noxious Growth Ordinance. Town Manager Gary Looper stated that the County is willing to review the Town's Junk Vehicle Ordinance to determine whether or not the County will enforce it. Currently, the Town's Junk Vehicle Ordinance is enforced by police power and the County enforces its Junk Vehicle Ordinance through the Planning and Zoning Department. Mr. Looper stated the County's definition of a junk vehicle is the same as the Town's but standards are a little different in that the Town's ordinance allows for one junk motor vehicle to be located in the rear yard if it is entirely concealed from the public view. Another junk vehicle is allowed if it is kept in the garage of the property if it is completely enclosed. The Town's Junk Vehicle Ordinance does not differentiate between residential and nonresidential property.

The County designates residential use by allowing one junk vehicle to be located behind the front building line of the principal building. The County's Junk Vehicle Ordinance does not make any mention of concealment. In nonresidential areas the County ordinance states that any junk vehicle shall be stored, parked or placed on the property so that it is totally screened from view from any street or adjacent residential property. Screening can be by placement of the vehicle behind a building or by use of plant material to a minimum of six feet.

The County will review the Town's Junk Vehicle Ordinance and determine whether or not they will administer the Town's ordinance or the Town can repeal its Junk Vehicle Ordinance and allow it to fall under the planning and zoning model of junk vehicles which has no distinguishable difference between residential and nonresidential property.

Town Attorney Jim Lanik will also review the County's Junk Vehicle Ordinance and give his input. The Junk Vehicle Ordinance will be added to the May 2, 2017 regular meeting agenda for discussion.

**DILAPIDATED STRUCTURES**

Mr. Looper received a response from County officials in regards to the administration of the Town's Dilapidated Structure Ordinance. The County currently does not have a Dilapidated Structure Ordinance and will not enforce the Town's due to a lack of manpower. The County has offered the Town access to the County's building code inspectors who would be needed to enforce the Town's current Dilapidated Structures Ordinance. Another option would be to seek a third party of another planning and zoning jurisdiction or a building code jurisdiction to see if they would enter into a contract with the Town to enforce the Town's Dilapidated Structure Ordinance.

Mr. Looper recommended the Town enforcing its current Dilapidated Structure Ordinance or repealing it.

After discussion, it was the consensus of Council to have Town Manager Gary Looper obtain a cost estimate from a third party who would be willing to enforce the Town's current Dilapidated Structure Ordinance.

**FINANCIAL REPORT**

Town Manager Gary Looper provided Council with monthly financial reports for March 31, 2017 as follows:

**MARCH 31, 2017**

Total Income	\$1,092,051	68.1% of overall budget
Total Expenses	\$ 656,109	40.9% of overall budget

For information only.

**REMINDER: BUDGET WORK SESSION THURSDAY APRIL 13, 2017 AT 6:00 p.m.**

Town Council will have a Budget Work Session on Thursday, April 13, 2017 at 6:00 at Town Hall to discuss the fiscal year 2017-2018 budget.

**REMINDER: TOWN HALL WILL BE CLOSED ON FRIDAY APRIL 14, 2017- OBSERVANCE OF HOLIDAY**

Town Hall will be closed Friday, April 14, 2017 in observance of the Easter Holiday.

Reminder only.

Mayor Byrum recognized and thanked members of the Planning and Zoning Board in attendance.

**RECESS TO CLOSED SESSION**

On motion by Councilor Robin Moon, seconded by Councilor Jackie Edwards, 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 5 minute recess)

**RECONVENE TO OPEN SESSION**

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

**ADJOURNMENT**

On motion by Councilor Keith Leonard, seconded by Councilor Robin Moon, Council voted unanimously to adjourn the meeting at 11:50 p.m.

---

John E. Byrum, Mayor

---

Tammy H. Robertson, Deputy Clerk