

MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON MAY 1, 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 1360 Gumtree Road in 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 Robin Moon. Absent: Todd Nifong. Town Planning Consultant Richard Smith, Town Manager Gary Looper, Town Attorney Jim Lanik, Town Clerk Linda Hunt and Deputy Clerk 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 Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to approve the minutes of the April 3, 2017 Town Council regular meeting as presented.

On motion by Councilor Robin Moon, seconded by Councilor Keith Leonard, Council voted unanimously to approve the minutes of the April 13, 2017 Budget Workshop as presented.

PUBLIC ADDRESS

Mr. Dan Wishnietsky of 300 Bent Oak Drive in Midway thanked Council for all of their hard work and stated how much he appreciates them and all they do for the Town. A concern Mr. Wishnietsky has is with the repairs to the HVAC system that was just repaired at Town Hall due to a lightening strike. The current maintenance agreement is \$1,372 annually. Mr. Wishnietsky feels this is expensive and other cost estimates should be obtained to try and save on costs.

ADOPT AGENDA

Mayor Pro Tem Mike McAlpine requested the agenda be amended as follows:

Under VI. REGULAR BUSINESS, add Item 11. Discussion of Tap Fees Review.

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

REGULAR BUSINESS

CALL FOR PUBLIC HEARING – TOWN OF MIDWAY ZONING ORDINANCE

At their regular meeting held on April 3, 2017, it was the consensus of Council to delay the call for a public hearing on the proposed Town of Midway Zoning Ordinance until their next regular meeting to be held on May 1, 2017.

Town Planning Consultant Richard Smith gave Council the following overview of the proposed Town of Midway Zoning Ordinance that the Planning Board recommended to the Town Council for adoption at their March 28, 2017 Planning Board meeting.

- Revised all references to Davidson County, Board of Commissioners, County Manager, etc. to Town of Midway, Town Council, Town Manager, etc. where applicable
- Removed Planned Employment Center District
- Removed Airport Overlay
- Added Town's provisions for Core Commercial Overlay District (CCOD)
- New Mixed Uses Districts kept as an option
- Kept Section 3.08 and Section 1.09
- Removed non-conformities from the Table of Use (TOU) Chart
- Incorporated additional standards (CCOD) for hotels/motels including CUP for BOA approval
- Removed junk vehicles from TOU
- Limited Residential Storage facility further (not everywhere, not on vacant residential lots)
- Limit solar farms to larger tracts and fewer districts
- Review Conditional Zoning at a later date
- Signage- Midway presently allows 16 square foot onsite residential and charitable signs, whereas County ordinance permits 32 square foot; banner signs and special events signs are not presently permitted in the Town ordinance, whereas County allows them 30 days out and 32 square foot
- Minimum lot size to remain as current 30,000 square feet, but okay with decreasing minimum lot width to 100 feet in the County's ordinance
- Accessory structures must be located behind principal structure
- Internal Review Committee (IRC) new
- County Ordinance amended up to November 2, 2015
- Edited TOU chart to remove DC footnotes
- Signs- 16 square feet
- Solar farms- size 5-15 acres, fewer districts
- IRC
- Hotels/Motels – CCOD in HC
- Incorporate 2009 Town Sign amendments
- Definition of minor subdivision – 5 lots versus 10 lots

Add uses to the Permitted Use Table:

- Accessory Residence to a Commercial Use within a Single Structure
- Agritourism Business, less than 10,000 square feet retail area
- Agritourism Business, 10,000 square feet or more retail area
- Airport, General Aviation
- Animal Husbandry
- Biodiesel Fuel Production, Accessory Use
- Day Care, Home (Large)
- Firing Range, Indoor
- Recreational Facility, Commercial Outdoor
- Micro Farm
- Retreat Center, public or private
- Solar Collector/Energy System, Accessory Use
- Solar Farm
- Special Event, Accessory Use
- Structure, Non-Permanent
- Travel Trailer/Recreational Vehicle, Temporary Accessory Use (Disaster Hardship)
- Utility Tower, Water Storage Tanks
- Vending Kiosk, accessory to a commercial
- Water and Sewer Lines
- Wind Energy Facility
- Wind Energy Facility, Accessory Use

- Reclassified wholesale storage to Mini-Storage Warehousing/Self Storage Facility and added supplemental standards

Removed uses from the Table of Permitted Uses:

- Expansion of non-Conforming Commercial or Industrial Use in a Residential District
- Dumpster Site (Box Site)
- Junk Motor Vehicles, Accessory Use
- Landfill, Greater than 10 acres
- Landfill, Less than 10 acres
- Manufactured Home, Park Model (on individual lot)
- Rural Family Occupation of a non-agricultural or commercial nature
- Removed non-residential kennels from all residential districts and added standards

Since Town Council's meeting on April 3, 2017, it was discovered that the portions of the Town's adopted Sign Ordinance had not been included in the proposed Zoning Ordinance. Subsequently, the Town's adopted Sign Ordinance was presented to the Planning Board for review and recommendation for inclusion in the proposed Zoning Ordinance at their meeting on April 25, 2017. It was the recommendation of the Planning Board to incorporate the following sign regulations from the Town's current Sign Ordinance in the proposed Zoning Ordinance:

Sec. 7-2. Signs Subject to Control; Exceptions

All signs visible from the public right-of-way shall be erected, maintained, and operated in accordance with this ordinance and other relevant controls, unless specifically excepted. Signs not subject to the provisions of this ordinance are listed in Sec. 7.3. All signs and sign structures shall be kept in good repair and maintained in proper state of preservation.

Sec. 7-3. Signs Not Subject to Control

The following signs are not subject to control provided the signs comply with Sections 7-4, 7-5, and 7-6:

- A. Non-illuminated signs not exceeding two per lot and two square feet per face, not of a commercial nature and bearing only property identification numbers and names or post office box numbers and names of occupants of the premises.
- B. Flags and insignia of any government.
- C. Legal notices, identification and informational signs and traffic directional signs erected by or on behalf of a governmental body.
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- E. Signs directing and guiding traffic on private property, not exceeding four square feet per face, and bearing no advertising matter.

- F. Signs, not exceeding 16 square feet per face and limited to two single-faced signs or one double-faced sign at each point of egress, giving the name of residential subdivisions, multiple family housing developments, or manufactured housing parks.
- G. Internally lighted or unlighted church bulletin boards and identification signs, not exceeding one per abutting street and 50 square feet in area per face.
- H. Signs not exceeding 16 square feet in area per face advertising agricultural products produced on the premises.
- I. Unlighted directional signs of non-profit organizations not exceeding 6 square feet in area per face.
- J. Signs of religious, charitable, civic, fraternal, political, or similar organizations, or of candidates for political office; such sign shall not exceed 16 square feet in area per face.
- K. Community civic association signs identifying the community, not exceeding 18 square feet in area per face.
- L. Historical markers erected or placed by a bona fide historical association or by a governmental agency.

Sec. 7-4. Traffic Safety Precautions

Notwithstanding any other provisions in this ordinance, the following practices in relation to signs are prohibited in order to preserve the safety of pedestrian and vehicular movement:

- A. No sign shall be erected so that any part of it intrudes into the sight preservation triangle established by Section 4-9.
- B. No sign shall use such words as "stop", "slow", "caution", "danger", or similar admonitions which can be confused with traffic directional signs erected by governmental agencies.
- C. No sign shall be erected so that, by its location, color, nature or message, it would tend to be confused with or obstruct the view of traffic signals or signs or would tend to be confused with the warning lights of an emergency or public safety vehicle.

Sec. 7-5. Restrictions on Direct Illumination, Banners, Streamers, Flashing Lights

No source of illumination on a sign, such as a floodlights, spotlights, unshielded bulbs, etc., shall be directly visible from any public right-of-way, from any residential district or from adjacent premises. Devices

consisting of banners, streamers, pennants, windblown propellers, strung light bulbs, and similar installations are not permitted. Animated, rotating, or other moving or apparently moving installations are prohibited.

Except as used to display time and temperature, no permanent or temporary sign shall contain flashing lights.

Sec. 7-6. Prohibited and Required Locations for Signs

- A. No sign, including the supports, frames and embellishments, shall be located within any public right-of-way.
- B. No sign shall be erected within 25 ft. of any permanent welcome signs that have been installed by the Town of Midway.
- C. Wall-mounted signs shall not extend/project more than six inches from any wall surface when less than eight feet above finish grade.
- D. Freestanding signs shall be setback from the property line/right-of-way minimum of five feet. This would include any portion of the sign. No freestanding business signs shall be placed on a vacant piece of property.

Sec. 7-7. Zoning Compliance Permit Required

Before any sign, except those specifically exempted from the requirements of this Article, is erected or structurally altered, a Zoning Compliance Permit must be obtained.

Applications for permits shall be submitted on forms obtained at the office of the zoning enforcement officer. Each application shall be accompanied by plans, which shall:

- A. Indicate the proposed site by identifying the property by ownership, location and use.
- B. Show the location of the sign on the lot in relation to property lines and buildings, zoning district boundaries, right-of-way lines and existing signs.
- C. Show size, character, complete structural specifications and methods of anchoring and support.
- D. If warranted, the zoning enforcement officer may require additional information that will enable him to determine whether or not the sign will be erected in conformance with this article.

Sec. 7-8. Temporary Signs Not Requiring Permits

The following temporary, unlighted signs may be erected in the manner prescribed without the issuance of a Zoning Compliance Permit:

A. Real estate signs. For lots of less than five acres, a single sign on each street frontage may be erected. It shall not exceed four square feet in area per face, and may contain the message that the property is for sale, lease or rent and the name, address and phone number of the agent. Such signs shall be removed immediately after sale, lease or rental. For lots of five acres or more in area and having a street frontage in excess of 400 feet, a second sign not exceeding 32 square feet in area per face may be permitted.

B. Construction sign. A single construction site identification sign shall be permitted. It shall not exceed 32 square feet in area per face, and may contain in its message identification of the project, its owner and/or developer, architect, engineer, land planner, landscape architect, contractor and subcontractors. Such signs shall not be erected prior to issuance of a Building Permit and shall be removed within seven days of issuance of the Certificate of Occupancy.

C. Yard sale signs. Yard sales conducted upon residential premises shall be limited to three (3) consecutive days, and no more than four (4) such sales shall take place in any one calendar year. A subsequent sale must take place more than thirty (30) days after the last day of the preceding sale.

1. One sign may be placed upon a residential premise where the yard sale is taking place. For those yard sales taking place on a side street, one additional sign advertising the yard sale may be placed at the nearest intersection of a major road. For purposes of this ordinance, a major road shall mean Hickory Tree Rd, Hartman Rd., Gum Tree Rd., Midway School Rd., Payne Rd., and Old Hwy 52. Yard sale signs must not be attached to telephone poles or street signs and must be taken down at the end of the yard sale.

2. For the purpose of this ordinance, a yard sale is considered to be an accumulation of the personal property being offered for sale and displayed in a yard, garage, barn, or porch of a residential premises.

All other temporary signs, including but not limited to any temporary sign that is tacked, nailed posted, glazed, or otherwise affixed to a light fixture, utility pole, public building, private building without the permission of the building owner, fence, railing, utility or light pole, traffic control device, or tree or to the ground, are hereby prohibited.

Sec. 7-9. Permitted Signs, Size and Numberof

The number and size of permitted signs shall be as follows for the districts enumerated:

A. Signs in Residential Districts

The following signs may be erected in the RA-1, RA-2, RA-3, RS, RM1, and RM-2 districts in the manner prescribed upon issuance of a Zoning Compliance Permit:

1. A single non-illuminated identification sign having not more than two sign surface areas, each limited to sixteen square feet and containing the name of a residential subdivision, multiple family housing development, or manufactured housing park may be erected at each point of access to such development.
2. A single non-illuminated wall sign not exceeding three square feet in area and containing the name of a home occupation may be erected on the lot on which such home occupation is located.
3. A single non-illuminated or internally illuminated identification sign having not more than two sign surface areas, each limited to sixteen square feet and containing the name of the non-residential use permitted in a residential district may be erected on the lot on which such use is located.
4. The requirements and limitations for signs located in a Planned Development District shall be established in Article 5.

B. Signs in Non-Residential Districts

The size and number of permitted signs shall be as follows for the districts enumerated:

1. RC District. The total sign area shall be limited to two square feet for each linear foot of building footage on a street. The maximum number of signs permitted on a lot shall be two per establishment up to a maximum of six signs.
2. CS District. The total sign area shall be limited to three square feet for each linear foot of building frontage on a street. The number of signs on a lot shall be one per establishment up to a maximum of ten signs.
3. HC District. The total sign area shall be limited to two square feet for each linear foot of lot frontage along a street. The maximum number of signs on a lot shall be three per establishment up to a maximum of 10 signs.
4. LI and HI Districts. The total sign area shall be limited to three square feet for each linear foot of building frontage on a street up to a maximum of 300 square feet per face. The maximum number of signs on a lot shall be two per establishment up to a maximum of fivesigns.
5. O & I. The total sign area shall be limited to one square foot for each linear foot of building frontage on a street. The maximum number of signs permitted shall be one per establishment.
6. Outdoor Advertising Signs.
 - a. Outdoor Advertising signs, where allowed as a permitted principal use,

shall be limited to a maximum area of 400 square feet per sign for each sign.

b. No two signs shall be spaced less than 300 feet apart.

7. Height of Free Standing Signs:

a. A limit of thirty-five (35) feet in height. In calculating the sign height the height of any sign located on a constructed berm or mound shall include the height of the berm or mound.

b. Signs located along interstate highways may not exceed fifty(50) feet in height unless the condition on additional height is met in the Table of Area, Height, and Placement Regulations.

Sec. 7-10 Prohibited and nonconforming signs in existence on effective date

A. Prohibited Signs. Any prohibited sign in existence on the effective date must be immediately removed and is subject to immediate removal by or on behalf of the Town.

B. Nonconforming Signs. Any nonconforming sign erected prior to the effective date of this Article shall be removed, changed, or altered to conform to the provisions of this ordinance within five years of the effective date of this Article. All nonconforming signs shall be identified and recorded at the effective date of this Article.

Notwithstanding anything in this article to the contrary, nothing in this Article shall require the removal of any “off-premises outdoor advertising” as that term is defined in N.C.G.S. § 160A-199. (These additions have been incorporated into section 6.05 of the proposed Zoning Ordinance).

Discussion continued with Mayor John Byrum asking how the revisions will affect existing businesses in the Town, specifically Legacy Kennels that operates in a residential district located on Gumtree Road in Midway. Mr. Smith stated that Legacy Kennels would be defined as a nonconforming use and not affected by the change.

Mayor Pro Tem Mike McAlpine asked about screening regulations of solar farms. Mr. Smith responded by saying solar farms are allowed under permitted uses with supplemental standards and there are also distance requirements that must be met. Councilor Jackie Edwards asked if the solar farms are being maintained and verified that some towns are not allowing for solar farms. Mr. Smith said some towns are getting very restrictive with solar farms because their mindset is that towns’ inventory is much less than counties.

Mayor Pro Tem Mike McAlpine asked for an example of a mixed-use district and how that could apply to the Town. Mr. Smith gave an example of construction near the interchange that could permit retail establishments along with a multi-family dwelling. There are three different categories of mixed use districts. Mr. McAlpine asked how government subsidized housing would be affected in a mixed-use district. Mr. Smith stated that subsidized housing cannot be directly regulated, but can be market driven. The current market will drive the interchange.

Ms. Edwards asked if the Town had restricted the number of storage units that could be placed on residential lots. Mr. Smith responded by saying no storage buildings are to be placed on residential lots by themselves. Ms. Edwards also asked about hardship trailers and if there is a time limit on how long they can remain on the property. Mr. Smith responded that there is a time limit.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to call for a public hearing on the proposed adoption of the Town of Midway Zoning Ordinance to be held on June 5, 2017 at 7:00 p.m. at Town Hall located at 426 Gumtree Road in Midway, North Carolina.

CALL FOR PUBLIC HEARING – TOWN OF MIDWAY SOLID WASTE ORDINANCE

At their March 28, 2017 Planning Board meeting, the Board unanimously recommended to the Town Council adoption of the Town of Midway Solid Waste Ordinance.

At their April 3, 2017 regular meeting, it was the consensus of Council to delay the call for a public hearing on the Solid Waste Ordinance until their regular meeting on May 1, 2017.

On motion by Councilor Jackie Edwards, seconded by Councilor Robin Moon, Council voted unanimously to call for a public hearing on the adoption of the proposed Town of Midway Solid Waste Ordinance to be held on June 5, 2017, at 7:00 p.m. at Town Hall located at 426 Gumtree Road in Midway, North Carolina.

CALL FOR PUBLIC HEARING – AMENDMENT TO THE LITTERING, NOXIOUS GROWTH AND UNPERMITTED JUNKYARDS ORDINANCE

At their April 3, 2017 regular meeting, it was the consensus of Council to delay the call of a public hearing on the possible adoption of the amendment to the Littering, Noxious Growth and Unpermitted Junkyards Ordinance pending review by the Planning Board.

The amendment to the Littering, Noxious Growth and Unpermitted Junkyard Ordinance was reviewed by the Planning Board at their April 25, 2017 Board meeting. The Board voted unanimously to recommend adoption of the amendment to the Littering, Noxious Growth and Unpermitted Junkyard Ordinance to the Town Council.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Robin Moon, Council voted unanimously to call for a public hearing on the adoption of the proposed amendment to the Littering, Noxious Growth and Unpermitted Junkyards Ordinance to be held on June 5, 2017, at 7:00 p.m. at Town

Hall located at 426 Gumtree Road in Midway, North Carolina.

CALL FOR PUBLIC HEARING – AMENDMENT TO SUBDIVISION ORDINANCE

Town Planning Consultant Richard Smith highlighted changes from the Midway Subdivision Ordinance going to Davidson County that the Planning Board reviewed and discussed at their Planning Board meeting held on April 25, 2017. The Planning Board voted unanimously to recommend amending the Town's Subdivision Ordinance to the Town Council as follows:

1. Major and Minor Subdivisions will be approved at the Planning Board level.
2. Delete wording under Section 406.3 Stormwater and insert the following wording: Stormwater controls shall be enforced by the State, if deemed necessary.
3. Define Minor Subdivision as five (5) lots or less. Current County standard is ten (10) lots or less.

It was the consensus of Council to delay the call for a public hearing on the proposed Town of Midway Subdivision Ordinance until their next regular meeting to be held on June 5, 2017 at 7:00 p.m. at Town Hall, 426 Gumtree Road in Midway.

CONSIDER ADOPTION OF RESOLUTION OF INTENT NATIONAL FLOOD INSURANCE PROGRAM – RESOLUTION NO. 04-17

The Town has a Floodplain Ordinance that the Davidson County Floodplain Administrator will enforce for the Town when the County begins providing planning and zoning services for the Town on July 1, 2017. The Town is currently not a participant in the NFIP Flood Insurance Program. The Town will need to apply through North Carolina Emergency Management for participation in this program if approved by Council.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to adopt the Resolution of Intent to apply for participation in the National Flood Insurance Program.

**RESOLUTION NO. 04-17
RESOLUTION OF INTENT
NATIONAL FLOOD INSURANCE PROGRAM**

WHEREAS, certain areas of the **Town of Midway, North Carolina** are subject to periodic flooding or flood related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally guaranteed flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, it is the intent of this BOARD to require the recognition and evaluation of flood or flood-related erosion hazards in all official actions relating to the land use, building construction repair and remodeling in areas having these hazards;

NOW, therefore, be it resolved, that this BOARD hereby:

Assures the Federal Insurance Administration (FIA) that it will enact as necessary and maintain in force in those areas having flood or flood-related erosion hazards adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Parts 59, 60 and 65 of the National Flood Insurance Program Regulations (44 CFR); and

Vests the Planning Department of the Davidson County, North Carolina with the responsibility, authority, and means to:

- (a) Assist the FIA Administrator, as requested, in delineation of the limits of the area having special flood-related erosion hazards.

- (b) Provide such information as the FIA Administrator may request concerning present uses and occupancy of the floodplain or flood-related erosion areas.
- (c) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
- (d) Upon occurrence, notify the FIA Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Maps (FHBM)s and Flood Insurance Rate Maps (FIRM)s accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

Appoints Planning Department of Davidson County to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a FHBM or FIRM)s, any certificates of flood-proofing, and information on the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed.

Agrees to take such other official action as may be reasonably necessary to carry out the objective of the program.

Adopted on May 1, 2017.

RESOLUTION OF VERIFICATION – MIDWAY FIRE AND RESCUE DEPARTMENT

As required by law, each year the Midway Fire and Rescue Department must submit a verification from the Town of Midway to confirm the relationship between the Town and the Fire Department.

On motion by Councilor Jackie Edwards, seconded by Councilor Keith Leonard, Council voted unanimously to adopt the Resolution of Verification to confirm the Midway Fire and Rescue Department's relationship with the Town of Midway.

**RESOLUTION NO. 03-17
VERIFICATION FROM MUNICIPALITY
MIDWAY FIRE AND RESCUE DEPARTMENT**

- WHEREAS,** The Midway Fire and Rescue Department of the Town of Midway Serves as an Agency of the Town; and
- WHEREAS,** The Midway Fire Department of the Town of Midway has Requested confirmation of this Agency relationship; and

WHEREAS, This Agency's relationship is long-standing and generally acknowledged.

NOW, THEREFORE, Be it resolved, that the Town of Midway does hereby confirm this Agency's relationship and does verify by this Resolution that Relationship.

ADOPTED this the 1st day of May, 2017.

PROPOSED CONTRACT AMENDMENT FOR CLEANING OF TOWN HALL

At their regular meeting held on January 3, 2017, Council discussed a possible contract with K & D Cleaners for the cleaning of Town Hall. The scope of services as proposed included general cleaning on a weekly basis and heavy cleaning once a month at a cost of \$70.00 per week, including cleaning supplies.

At that time, Council expressed they had envisioned bi-weekly services and heavier quarterly cleaning. At the request of Council, Town Manager Gary Looper had K & D Cleaners resubmit a quote for bi-weekly and quarterly cleaning.

After receiving a quote from K & D Cleaners, Mr. Looper stated that the cleaning company would clean bi-weekly and perform heavier quarterly cleaning with the cost being \$75.00 per cleaning, an increase of \$5.00 from the original quote of \$70.00 per week.

After discussion, it was the consensus of Council that Town Hall be cleaned on a bi-weekly basis with heavier cleaning done quarterly. Said cleaning to be done during regular business hours between 9:00 a.m. and 4:00 p.m. with all bathroom supplies being provided by the Town instead of K & D supplying and invoicing the Town for the products.

Mr. Looper stated that K & D Cleaners comes highly recommended with all references responding favorably regarding K & D's services.

On motion by Councilor Robin Moon, seconded by Councilor Keith Leonard, Council voted unanimously to recommend approval of the contract with K & D Cleaners for the bi-weekly and quarterly cleaning of Town Hall as amended.

PROPOSED BUDGET FOR FISCAL YEAR 2017-2018

A. PRESENTATION OF BUDGET BY TOWN MANAGER

In accordance with North Carolina General Statutes, Town Manager Gary Looper presented the proposed budget and budget message for Fiscal Year 2017-2018 in the amount of \$1,482,309 to Town Council.

In his budget message, Mr. Looper states that the budget represents fundamentally conservative governmental service provision and revenue projections. The elected body aims to balance resident quality of life with business opportunity, and improve recreational amenities through sound financial management. It also continues to maintain a historically strong fund balance, minimal debt and use of cash for nearly all recurring expenses and capital. An appropriation from fund balance for \$191,909 is used to balance the budget.

The Town is prepared to pay off the remaining debt on the sewer line. Previous additional principal payments allow for early payoff of this original \$933,500 loan. Council has stated their intention of retiring the loan's balance of \$65,800 in July 2017, approximately three and a half years ahead of the ten-year amortization.

The recreational use 38 acres of undeveloped land off Gumtree Road purchased in 2013 continues to be an important project for Council and substantial funding is included for this purpose. While use of a portion of the property may still be dedicated for a future active recreational facility, the Council will proceed with design and improvements dedicated for passive enjoyment for the community. This budget allocates up to \$350,000 toward this endeavor during the next year.

The proposed tax rate remains unchanged at five cents (.05) per \$100 valuation.

The following municipal services are offered for Town residents and businesses:

- Solid Waste and Recycling Collection
- Street Lights
- Land Use Planning, Zoning and Code Enforcement
- Augmented Public Safety

This budget is balanced and prepared in accordance with the North Carolina Budget and Fiscal Control Act. On June 5, 2017. The Town Council will hold a public hearing on the fiscal year ending June 30, 2018 budget. Any person who wishes to be heard on the budget may appear at that time. This budget may be reviewed at the Town Hall or online at www.midway-nc.gov.

B. CALL FOR PUBLIC HEARING – PROPOSED BUDGET FOR FISCAL YEAR 2017-2018

On motion by Councilor Keith Leonard, seconded by Councilor Jackie Edwards, Council voted unanimously to call for a public hearing on the proposed budget for fiscal year 2017-2018 to be held on June 5, 2017 at 7:00 p.m. at Town Hall located at 426 Gumtree Road in Midway, North Carolina.

DISCUSSION – PRIORITIES FOR STREETLIGHTS – CONTINUATION FROM BUDGET WORKSHOP ON APRIL 13, 2017

At their Budget Work Session held on April 13, 2017, Council discussed including funds in the budget under Utilities/Streetlights for street lights for residents in the Town where lighting is most needed based on updated traffic counts from the North Carolina Department of Transportation (NCDOT). Council determined the most critical need at this time is for street lights to be installed on Norman Shoaf Road to Riggins Lane.

It was the consensus of Council to move forward in determining the number of lights needed and costs involved in installing street lights on Norman Shoaf Road to Riggins Lane and report those numbers at their next regular meeting to be held on June 5, 2017.

DISCUSSION – FREQUENCY AND LOCATIONS FOR TRASH PICK UP SERVICES WITH WARREN D. HILL – CONTINUATION FROM BUDGET WORKSHOP ON APRIL 13, 2017

Council continued their discussion of the frequency and locations for trash pickup within the town limits that was initially discussed at their Budget Workshop held on April 13, 2017. Currently, the Town contracts with Warren D. Hill for trash pickup but only when requested by the Town.

The contract with Mr. Hill is for trash pickup services including, but not limited to, removing trash, litter and other debris at the following locations:

- Old Highway 52 from Home Trust Bank to Midway School Road
- Midway School Road from Old Highway 52 to Norman Shoaf Road
- Hickory Tree Road from Old Highway 52 to North Payne Road
- Gumtree Road from Old Highway 52 to Norman Shoaf Road

The contract with Warren D. Hill for trash cleanup is \$1,600.00 per cleanup.

Council discussed the possibility of having local inmates provide trash cleanup services for the Town. Town Manager Gary Looper stated that the NCDOT has one crew of inmates to pick up litter in Davidson County daily (weather permitting). They have a running list of roads which the crew attends to. As the NCDOT receives requests, roads are assigned to that daily list. Additionally, the NCDOT contracts with a vendor to pick up trash along I-85 and US 52 every other month. Mr. Looper stated that Council can request the NCDOT review our current thoroughfares and they can schedule as needed. Mr. Looper is not certain as to the frequency of the cleanup with the NCDOT but will pass that information along to Council as he receives it from the NCDOT.

It was the consensus of Council to have any Councilmember bring awareness to Town Manager Gary Looper when the Town's roads are in need of trash cleanup utilizing first the services of the Davidson County inmates, then the services of Warren D. Hill.

DISCUSSION OF TAP FEE REVIEW

This item was added to the agenda

At their February 28, 2017 Vision Session, Council considered looking at the sewer tap fees structure in the fiscal year's 2017-2018 budget to consider amending the tap fee structure for sewer lines A and B and developing a tap fee structure for sewer line C, which runs along Hickory Tree Road at Fred Sink Road.

Town Manager Gary Looper spoke with Town Attorney Jim Lanik about what Council's initial objectives were regarding tap fees when the sewer was initially installed. At one point Council had anticipated revenue from the tap fees to be around \$420,000 taking into account that the County tap fees would come out of that figure. The Town would continue to collect certain fees after the sewer is transferred to the County. Mr. Looper asked Council for some indication on specific objectives and what types of revenue projections Council wants him to look at that would give guidance to proposed tap fee increases.

Town Attorney Jim Lanik stated the sewer contract fees are setup by impact fees versus cost recovery fees in that the Town recovers fees for things in the Town already built and billed not to recover fees that anticipate future costs and expansions.

Mayor Pro Tem Mike McAlpine expressed his concern over the Town's tap fees being out of date. Tap fees were \$800 for the long side bore and \$600 on the short side bore when the sewer lines were initially installed. The last tap installed at the Midway Car Wash in February of 2017 was \$1,500.00 for a short bore tap. Mr. McAlpine stated the fee structure should be adjusted. Mr. McAlpine went on to say that impact fees cannot be changed but tap fees can. Mr. McAlpine suggested obtaining tap fee cost estimates for sewer lines A and B from utility contractors for long and short bore taps. Sewer line C which runs along Hickory Tree Road at Fred Sink Road has not been assigned a tap fee or impact fee structure for future development. Also, if the utilities along Fred Sink Road are in a public right of way, a fee structure would need to be in place because a private entity cannot go through a public right of way. Mr. McAlpine said a fee structure needs to be established prior to someone wanting to build along that road.

Discussion only.

TOWN MANAGER'S REPORTS

NCLM HEALTH PLANS AND COSTS FOR FISCAL YEAR 2017-2018

Town Manager Gary Looper briefed Council on health plans and costs from the North Carolina League of Municipalities (NCLM) for fiscal year 2017-2018. Currently, the Town participates in a Med 500 20/30 plan at a cost of \$782.00 monthly for the Town's fulltime employees. There are no changes in the cost of

this plan for the next year. Mr. Looper stated that by contract the NCLM would need a reply from the Town by May 31, 2017 to maintain coverage for the next fiscal year.

Councilor Jackie Edwards asked Mr. Looper what the differences are in the 500 20/30 plan at a cost of \$782.00 monthly, and the 500 30/40SA plan at a cost of \$780.00 monthly. Mr. Looper responded by saying the 500 30/40SA plan has slightly higher copays than the 500 20/30 plan. Ms. Edwards also asked about the Town paying Mr. Looper's life insurance. Mr. Looper said the Town doesn't pay any health insurance or life insurance costs to the NCLM for him personally.

On motion by Councilor Robin Moon, seconded by Councilor Keith Leonard, Council voted unanimously to approve the Town's current Med 500 20/30 health plan at a cost of \$782.00 per month for the Town's fulltime employees with the NCLM for fiscal year 2017-2018.

MONTHLY FINANCIAL REPORT

Town Manager Gary Looper provided Council with monthly financial reports for April 30, 2017 as follows:

April 30, 2017		
Total Income	\$1,172,525	73.1% of overall budget
Total Expenses	\$758,577	47.3% of overall budget

For information only.

WATERSHED ORDINANCE REVIEW

Town Manager Gary Looper stated that the Watershed Ordinance is one that Council has requested that Davidson County Planning and Zoning Department administer for the Town.

Mr. Looper thanked members of the Planning Board for their hard work over the last few months in reviewing the Town's Zoning, Subdivision and Sign Ordinances in preparation for turning them over to the County for administration.

The Town currently does not have a Watershed Ordinance but the County can assist the Town with its watershed district by means of an interlocal agreement. This agreement allows County Administrators to administer county regulations within municipal jurisdictions without the Town adopting its own Watershed Ordinance. The Planning Board delayed discussion of the Watershed Ordinance until their next Planning Board meeting to be held on May 30, 2017. Maintaining a one hundred foot buffer versus a fifty foot buffer from the stream beds would need to be considered. Mr. Looper said the Planning Board would review the ordinance and return it to Council with their recommendation at the next regular meeting to be held on June 5, 2017.

For information 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)(4) to discuss matters relating to economic development.

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

RECONVENE TO OPEN SESSION

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

ADJOURNMENT

On motion by Councilor Robin Moon, seconded by Councilor Jackie Edwards, Council voted unanimously to adjourn the meeting 9:43 p.m.

John E. Byrum, Mayor

Tammy H. Robertson, Deputy Clerk