

**MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON OCTOBER 5, 2020 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.

Pastor Jay Collins of Faith Church, 1078 Gumtree Road, gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilors present were: John Byrum, Mike McAlpine, Berkley Alcorn, Keith Leonard, Jackie Edwards and Robin Moon. Absent: None. Town Manager Tammy Michael, Town Clerk Linda Hunt, Deputy Clerk Tammy Robertson, Davidson County Zoning Officer Lee Crook and Town Attorney Jim Lanik were present.

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

No members of the press were in attendance.

**APPROVAL OF MINUTES**

On motion by Councilor Jackie Edwards, seconded by Councilor Robin Moon, Council voted unanimously to approve the minutes of the September 8, 2020 Town Council regular meeting as presented.

**PUBLIC ADDRESS**

There were none.

**ADOPT AGENDA**

On motion by Councilor Keith Leonard, seconded by Councilor Berkley Alcorn, Council voted unanimously to adopt the agenda as presented.

**PUBLIC HEARING**

**REZONING REQUEST BY MIDWAY SWIM AND RACQUET CLUB TO REZONE LOT 75 CONTAINING 2.56 ACRES IN MIDWAY TOWNSHIP, TAX MAP 14, FROM HC (HIGHWAY COMMERCIAL DISTRICT) TO RS, (LOW INTENSITY RESIDENTIAL DISTRICT)**

At the September 8, 2020 Town Council meeting, Council called for a public hearing to be held on October 5, 2020 at 7:00 p.m. to receive citizen input on the request by Midway Swim and Racquet Club to rezone Lot 75 containing 2.56 acres in Midway Township, Tax Map 14, from HC (Highway Commercial District) to RS, (Low Intensity Residential District).

The public hearing was advertised in *The Dispatch* on September 18, 2020 and September 25, 2020 as required by law.

Mayor Byrum opened the public hearing.

Davidson County Zoning Officer Lee Crook presented a request from Midway Swim and Racquet Club to rezone said property in the Midway Township, Tax Map 14, Lot 75 containing 2.56 acres more or less. Said property is located on the north side of East Eller Drive approximately 320 feet northeast of the Old US Highway 52 intersection (117 E. Eller Drive). The rezoning requested to change from that of HC, (Highway Commercial District), to that of RS, (Low Intensity Residential District).

Mr. Crook stated that the said property was properly zoned HC in 1973 when Davidson County property was initially zoned. In researching old zoning ordinances, Mr. Crook said that these types of membership clubs used to be allowed in a HC District. In 1990 or 1993 Davidson County made changes to their ordinances and took these membership type clubs out of the commercial districts and put them in the residential districts. This created a legal non-conforming use of this property when the ordinance was changed at the County level. The Town of Midway's Zoning Ordinance currently does not allow this type of membership club in a HC District. The rezoning request to change from a HC to a RS District would put Midway Swim and Racquet Club as a legal conforming use.

Memberships are also down due to COVID-19 and the rezoning from HC to RS would lessen the tax burden since HC taxes are higher than RS taxes.

The rezoning is considered to be a downzoning given the fact the use is going from a higher intensive district to a restrictive, less intensive residential district. Staff feels the rezoning request is reasonable and consistent with the overall comprehensive of the area. The property is contiguous to an already established RS District on its northern boundary. The property used as a private swim and racquet club acts as a buffer between an LI District to the south with an active business and a platted residential subdivision on the north.

Staff is recommending the request to rezone the subject property from HC to RS be granted as the use will remain harmonious with surrounding properties and is consistent with the comprehensive plan for the Town of Midway.

There being no one desiring to speak on the Midway Swim and Racquet Club rezoning, Mayor Byrum closed the public hearing.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to approve the rezoning request by Midway Swim and Racquet Club to rezone Lot 75 containing 2.56 acres in Midway Township, Tax Map 14, from HC (Highway Commercial District), to RS (Low Intensity Residential District).

#### **RESOLUTION NO. 02-21**

#### **RESOLUTION ON STATEMENT OF CONSISTENCY**

#### **TOWN COUNCIL/TOWN OF MIDWAY**

**WHEREAS**, in accordance with the provisions of North Carolina General Statute 160A-385, the Town Council does hereby find and determine that the adoption of the map amendment rezoning the following described property is consistent with the adopted comprehensive plan and that the adoption of the map amendment rezoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

**Applicant:** Midway Swim & Racquet Club, Inc.

**Location:** On the north side of E. Eller Drive approximately 320 feet north of the Old US Hwy 52 intersection at 117 E. Eller Dr.

**TOWNSHIP, Map and Parcel ID#:** Midway Township, Tax Map 14, Lot 75

**Size:** 2.56 acres more or less

**Action Request:** HC to RS

**Public Hearing Date:** 10-05-20

**Plans Submitted:** 9-1-20

**WHEREAS**, the requested rezoning is reasonable and consistent with the Town of Midway's Comprehensive Plan for the area;

**WHEREAS**, said property is contiguous with an already established RS zoning district;

**WHEREAS**, rezoning said property to RS, Low Intensity Residential District would place the Midway Swim and Tennis Club in a conforming zoning district and bring the use into harmony with the Town of Midway Zoning Ordinance.

**NOW THEREFORE BE IT RESOLVED, THE TOWN COUNCIL OF MIDWAY** do hereby

*approve* the stated rezoning request as presented.

Adopted this 5<sup>th</sup> day of **October, 2020**

**REGULAR BUSINESS**

**AMEND PARK OPERATING HOURS – RESOLUTION NO. 01-21**

The Town Council of Midway considers safety paramount in providing a fun, pleasant and enjoyable experience for all who choose to visit and utilize the amenities of the new Town Park. At the May 4, 2020 regular meeting, Town Council adopted Resolution No. 06-20 establishing the Town Park Rules and Regulations along with the Town Park Operating Hours.

Town Staff recommends amending the Town Park Operating Hours adopted for November through March, which are currently 7:00 a.m. – 7:00 p.m. to 6:00 a.m. -7:00 p.m. Danny Mizell, Town Park Attendant, stated it will be daylight by this time of morning and will accommodate the early walkers along with Doug Stewart, the Town's Park's Opening and Closing Attendant's regular work hours.

Staff supports Danny Mizell's proposal and recommends Town Council consider adopting Resolution No. 01-21 amending the Town Park Rules and Regulations and Town Park's Operating Hours.

On motion by Councilor Robin Moon, seconded by Councilor Berkley Alcorn, Council voted unanimously to adopt Resolution No. 01-21 to amend the Town Park Operating Hours for November through March from 7:00 a.m. – 7:00 p.m. to 6:00 a.m. – 7:00 p.m.

**RESOLUTION NO. 01-21**

**RESOLUTION AMENDING THE RULES AND REGULATIONS  
FOR THE TOWN PARK OF MIDWAY  
TO CHANGE THE PARK OPERATING HOURS  
FOR NOVEMBER THROUGH MARCH**

**WHEREAS**, The Town Park was created for the enjoyment of the people and considers safety paramount in providing a fun, pleasant and enjoyable experience for all who choose to visit and utilize the amenities of the new Town Park; and

**WHEREAS**, on May 4, 2020 Town Council adopted Resolution No. 06-20 establishing the Rules and Regulations and Operating Hours of the Town Park; and

**WHEREAS**, the current Operating Hours of the Town Park for November through March are 7:00 a.m. – 7:00 p.m.; and

**WHEREAS**, in order to accommodate the early walkers along with the Town Park’s Opening and Closing Attendant’s regular work hours, Town Staff recommends amending the Town Park Operating Hours for November through March from 7:00 a.m. to 7:00 p.m. to 6:00 a.m. to 7:00 p.m.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Midway that the Town Park Operating Hours for November through March be changed to 6:00 a.m. to 7:00 p.m.

**ADOPTED** this the 5<sup>th</sup> day of October 2020.

**TOWN MANAGER’S REPORTS**

**TOWN PARK UPDATE**

Town Manager Tammy Michael updated Council concerning the bright green panels on the playground equipment being changed out with the darker hunter green that was originally ordered. An ADA swing has been delivered and will be installed in the near future. The playground is being utilized to its fullest extent.

For information only.

**MONTHLY FINANCIAL REPORT**

Council was provided monthly financial reports for September 2020 as follows:

**SEPTEMBER 30, 2020**

Total Income	\$ 499,420	35.3 % of overall budget
Total Expenses	\$ 279,453	19.7 % of overall budget

For information only.

**EARLY VOTING INFORMATION**

Mrs. Michael presented to Council dates and locations for early voting in Davidson County. The information will also be added to the Town’s website at [www.midway-nc.gov](http://www.midway-nc.gov)

**ONE-STOP EARLY VOTING LOCATIONS FOR  
NOVEMBER 3, 2020 GENERAL ELECTION**

**ONE-STOP EARLY VOTING WILL BE OFFERED AT THE FOLLOWING LOCATIONS AND  
TIMES**

<b>BOARD OF ELECTIONS</b> 945 N. Main Street, Suite A Lexington, NC 27292		
Monday – Friday Dates: October 15 – October 30 Times: 8 am-7:30 pm	Saturdays Date: October 17 & 24 Times: 8 am–6 pm	Date: October 31 Time: 8 am–3 pm

ADDITIONAL LOCATIONS OFFERING ONE-STOP EARLY VOTING:

Monday – Friday Dates: October 15 – October 30 Times: 8 am–7:30 pm		Saturdays Date: October 17 & 24 Times: 8 am–6 pm		Date: October 31 Time: 8 am-3 pm
Thomasville Library	Denton Library	Midway United Methodist Church	Arcadia Community Building	Davidson Co. West Campus Gym
14 Randolph St. Thomasville, NC 27360	310 West Salisbury St. Denton, NC 27239	9795 Old US-52 Lexington, NC 27295	1281 Community Rd. Lexington, NC 27295	555 West Center Street Ext. Lexington, NC 27292

For information only.

**NORTH CAROLINA CENSUS WEEKLY RESPONSE HIGHLIGHTS**

Mrs. Michael provided current response rates as of September 10, 2020 for the North Carolina Census. Midway’s response rate is at 72%. Current North Carolina response rates are 61.7% and the National rate is 65.7%.

For information only.

Mrs. Michael shared a press release from North Carolina Representative Larry W. Potts encouraging local residents to apply for State’s Relief Payment Program. The Republican-led General Assembly recently passed an historic \$1 billion relief package that provides direct payments of \$335 to more than a million households in NC with relief to assist with virtual schooling and child-care costs during the COVID-10 pandemic.

As outlined in the Coronavirus Relief Act 3.0 (House Bill 1105), eligible recipients need to be a resident for the entire 2019 calendar year and report at least one child who is under 16 on their state tax form.

Payments will be automatically disbursed to families that reported at least one qualifying child on their 2019 state individual income tax return.

Other North Carolinians who were not required to file a return are still eligible, but must apply through the NC Department of Revenue (NCDOR).

The deadline to apply is October 15, 2020.

Full information and answers to frequently asked questions are posted on the NCDOR website: <https://www.ncdor.gov/extracredit>.

For information only.

**REMINDER – VISION WORKSHOP – MONDAY, OCTOBER 19, 2020 AT 6:00 P.M. AT TOWN HALL**

Town Council will hold a Vision Workshop on Monday, October 19, 2020 at 6:00 p.m. at Town Hall.

For information only.

**ADJOURNMENT**

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Keith Leonard, Council voted unanimously to adjourn the meeting at 7:17 p.m.

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John E. Byrum, Mayor

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Tammy H. Robertson, Deputy Clerk