

**MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON NOVEMBER 2, 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.

Councilor Jackie Edwards introduced Mr. James Smith of Midway who gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilors present were: John Byrum, Mike McAlpine, Berkley Alcorn, Robin Moon, Keith Leonard and Jackie Edwards. Absent: None. Town Manager Tammy Michael, Town Clerk Linda Hunt, Deputy Clerk Tammy Robertson, and Town Attorney Jim Lanik 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 Robin Moon, Council voted unanimously to approve the minutes of the October 5, 2020 Town Council regular meeting as presented.

On motion by Councilor Jackie Edwards, seconded by Councilor Keith Leonard, Council voted unanimously to approve the minutes of October 19, 2020 Vision Workshop 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.

**PROCLAMATION**

Mayor John Byrum proclaimed Wednesday, November 11, 2020, as Veterans Day in the Town of Midway in tribute to the veterans of all wars: the living, the disabled, and the deceased, and urged all citizens to join in the expression of appreciation to the many veterans in our community who have given so much on our behalf in times of both war and peace.

**PROCLAMATION  
VETERANS DAY 2020**

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** that I, John Byrum, Mayor of the Town of Midway, do hereby proclaim Wednesday, November 11, 2020 as

### **VETERANS DAY**

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

This the 2nd day of November 2020

### **REGULAR BUSINESS**

#### **RESOLUTION OF ADOPTION - DAVIDSON-RANDOLPH REGIONAL HAZARD MITIGATION PLAN – RESOLUTION NO. 03-21**

Mr. Alton Hanes, Coordinator with Davidson County Emergency Services, presented to Council a Resolution in Support of the Davidson-Randolph Regional Hazard Mitigation Plan.

Every five (5) years, Counties and Municipalities are required to review their Hazard Mitigation planning process with the assistance of a State-provided vendor/consultant. Davidson County is part of a regional plan with Randolph County under the guidance of North Carolina Emergency Management. Counties and local municipalities are required to adopt a resolution of plan support.

The Town of Midway is required to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Town may choose to participate with the County's plan or develop and adopt a plan of its own. Midway currently participates in the Davidson County Regional Plan.

Hazard Mitigation Plans are required by the State and FEMA to be eligible for certain types of grants following disasters.

Data is compiled indicating all types of storms/disasters that can affect an area and looks at all vulnerabilities that each community can face from those storms/disasters. Actions are added to help mitigate further storms/disasters to lessen the impact of disasters on the area. Adopting a resolution allows the Town to apply for public assistance if damages are incurred with future storms/disasters.

Town Staff participated with an extensive review process in 2019. Midway's updates/revisions were reviewed by local Emergency Management prior to submission of the entire plan for review by State agencies.

It is the recommendation of Staff to adopt Resolution No. 03-21 supporting and participating in the Davidson/Randolph County Regional Hazard Mitigation Plan.

On motion by Councilor Jackie Edwards, seconded by Councilor Robin Moon, Council voted unanimously to adopt Resolution No. 03-21 in support of the Davidson/Randolph Regional Hazard Mitigation Plan (the "Hazard Mitigation Plan").

**RESOLUTION NO. 03-21**

**RESOLUTION OF ADOPTION  
DAVIDSON-RANDOLPH REGIONAL  
HAZARD MITIGATION PLAN**

WHEREAS, the citizens and property within the Town of Midway are subject to the effects of natural hazards that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the counties are particularly vulnerable to drought, extreme heat, hailstorm, hurricane and tropical storms, lightning, thunderstorm wind/high wind, tornado, winter storm and freeze, hazardous material incident, and wildfire; and

WHEREAS the Town desires to seek ways to mitigate the impact of identified hazard risks; 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, the Legislature of the State of North Carolina has enacted General Statute Section 166A-19.41 (*State emergency assistance funds*) which provides that for a state of emergency declared to pursuant to G.S. 166A-19.20(a) after the deadline established by the Federal Emergency Management Agency pursuant to the Disaster Mitigation Act of 2002, P.L. 106-390, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act; and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five-year cycle; and

WHEREAS, Davidson County and Randolph County have performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plans, has updated said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management, and has prepared and adopted the Davidson-Randolph Regional Hazard Mitigation Plan; and

WHEREAS, it is the intent of the Town Council of the Town of Midway to fulfill its obligation to develop and adopt an All-Hazards Mitigation Plan by adopting the Davidson-Randolph Regional Hazard Mitigation Plan in order that the Town will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the Town;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Midway hereby:

1. Adopts the Davidson-Randolph Regional Hazard Mitigation Plan (the "Hazard Mitigation Plan"); and
2. Vests Davidson County Emergency Management with the responsibility, authority, and the means to:

- (a) Inform all concerned parties of this action.
  - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent exacerbation of existing hazard impacts.
3. Appoints Davidson County Emergency Management to assure that the Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the Town Council for consideration.
  4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

ADOPTED this the 2nd day of November 2020.

**APPROVE – AMENDMENT NO. 1 TO THE ENGINEERING SERVICES CONTRACT BETWEEN THE TOWN OF MIDWAY AND THE WOOTEN COMPANY DATED MARCH 22, 2018 FOR TOWN PARK TRAIL - TWC PROJECT NO. 3080-F**

On March 22, 2018, the Town entered into a contract with The Wooten Company to provide design for grading and permitting of the development for the Midway Town Park Trail.

Part of the process in getting the picnic shelter started, is meeting the grading, drainage, and soil erosion requirements mandated by the Department of Environmental and Natural Resources (DENR). Town Manager Tammy Michael, Town Clerk Linda Hunt, Marty Marion with Metropolis Architecture, and John Grey with The Wooten Company met to discuss those requirements. By providing an amendment to the current contract, The Wooten Company will provide final grading, drainage, and erosion control services that will allow the Town to proceed with the building specifications for the picnic shelter.

Town Attorney Jim Lanik has reviewed and approved the contract.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Berkley Alcorn, Council voted unanimously to approve Amendment No. 1 to the Engineering Services Contract between the Town of Midway and The Wooten Company Dated March 22, 2018 for Town Park Trail - TWC Project No.3080-F.

**AMENDMENT NO. 1  
TO THE ENGINEERING SERVICES CONTRACT  
BETWEEN THE TOWN OF MIDWAY AND THE WOOTEN COMPANY  
DATED MARCH 22, 2018 FOR TOWN PARK TRAIL  
TWC PROJECT NO. 3080-F**

The following Amendment shall become a part of the Contract Agreement.

1. **Scope of Civil/Site Work**
  1. Incorporate Town approved final site layout plan provided by plan **(BY OTHERS)**
  2. Prepare Existing Conditions/Demolition Plan **(BY OTHERS)**

3. Prepare Final Grading Plan & Drainage Plan – TWC will coordinate with the Architect. Note, stormwater treatment is excluded.
4. Prepare Erosion Control Management Plan & associated calculations required for permit submittal to NCDEQ-Land Quality
5. Utilities Plan (water, sewer and electrical)- **BY OTHERS**
6. Final Planting Plan - **BY OTHERS**
7. Architectural/MEP/Structural Plans – **BY OTHERS**
8. Site Lighting Plan – **BY OTHERS**
9. Prepare Detail sheet(s) for erosion control
10. Provide Technical Specifications for grading, drainage, and erosion control only- Template for specs provided by architect
11. Provide Preliminary Opinion of Probable Construction Cost for related civil items (grading, drainage, and erosion control) only
12. Limited Construction Observation Services for up to four (4) site visits during construction
13. Coordination with Design Team.

**Additional Services**

In addition to the foregoing services being performed, the following services may be provided upon amendment and prior written authorization of the Owner.

1. Redesigns ordered by the Owner after final plans have been accepted by the Owner.
  2. Appearances before courts or boards on matters of litigation or hearings related to the project as well as town council presentations, public meetings, or public outreach.
  3. Geotechnical Investigations (**Owner to provide copy of report**)
  4. Traffic Impact Analysis (TIA) Studies.
  5. Updated Topographic Survey- **To be provided by Owner**
  6. Archaeological or Historical Survey
  7. Construction Phases Services beyond those listed in Scope of Work above, including Bidding/award and construction administration services
2. The Wooten Company proposes to complete this work on a lump sum basis for \$17,650.00.

**ADOPT 2021 TOWN COUNCIL MEETING SCHEDULE**

On motion by Councilor Jackie Edwards, seconded by Councilor Keith Leonard, Council voted unanimously to adopt the 2021 Town Council Meeting Schedule as presented.

**2021 MIDWAY TOWN COUNCIL MEETING SCHEDULE**

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

January 4  
February 1  
March 1  
April 5  
May 3  
June 7  
July 12  
August 2  
September 7 (Tuesday)\*  
October 4  
November 1  
December 6

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

**ADOPT 2021 TOWN OF MIDWAY HOLIDAY SCHEDULE**

On motion by Councilor Jackie Edwards, seconded by Councilor Robin Moon, Council voted unanimously to adopt the 2021 Town of Midway Holiday Schedule.

**2021 TOWN OF MIDWAY HOLIDAY SCHEDULE**

New Year's Day	Friday, January 1
Martin Luther King, Jr. Day	Monday, January 18
Good Friday	Friday, April 2
Memorial Day	Monday, May 31
Independence Day	Monday, July 5
Labor Day	Monday, September 6
Veterans Day	Thursday, November 11
Thanksgiving	Thursday, November 25
	Friday, November 26
Christmas	Thursday, December 23
	Friday, December 24
	Monday, December 27

**TOWN MANAGER'S REPORTS**

**MONTHLY FINANCIAL REPORT**

Town Manager Tammy Michael provided Council with monthly financial reports for October 2020 as follows:

**October 31, 2020**

Total Income	\$ 636,422	44.9 % of overall budget
Total Expenses	\$ 351,891	24.8 % of overall budget

For information only.

**SET DATE FOR 2021 APPRECIATION DINNER**

Due to restrictions mandated by Governor Roy Cooper's phase three of COVID-19, only allowing mass gatherings of twenty-five people indoors, Council postponed setting a date for the Appreciation Dinner until the December 7, 2020 Town Council meeting in hopes that restrictions will be lifted by that time.

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

Town Hall will be closed on Wednesday, November 11, 2020 in observance of Veterans Day and on Thursday, November 26, and Friday, November 27, 2020 for Thanksgiving Holidays.

For information only.

**RECESS TO CLOSED SESSION**

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Berkley Alcorn, Council voted unanimously to recess to closed session in accordance with N.C.G.S. 143-318.11(a)(4) to discuss matters pertaining to economic development.

(Mayor Byrum called for a five-minute recess)

**RECONVENE TO OPEN SESSION**

On motion by Councilor Robin Moon, seconded by Councilor Berkley Alcorn, Council voted unanimously to reconvene to open session.

**ADJOURNMENT**

On motion by Councilor Berkley Alcorn, seconded by Councilor Jackie Edwards, Council voted unanimously to adjourn the meeting at 9:22 p.m.

---

John E. Byrum, Mayor

---

Tammy H. Robertson, Deputy Clerk