

MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON DECEMBER 2, 2019 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 Dan Nelson of Friedberg Moravian Church gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilors present were: John Byrum, Mike McAlpine, Todd Nifong, Keith Leonard and Jackie Edwards. Absent: Robin Moon. Town Manager Tammy Michael, Town Clerk Linda Hunt, and Town Attorney Jim Lanik were present. Absent: Deputy Clerk Tammy Robertson.

Also present were Davidson County Zoning Officers Lee Crook and Travis Swain.

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 Jackie Edwards, seconded by Councilor Todd Nifong, Council voted unanimously to approve the minutes of the November 4, 2019 Town Council regular meeting as presented.

PUBLIC ADDRESS

There were none.

ADOPT AGENDA

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

OLD BUSINESS

PUBLIC HEARING – ADOPTION OF ORDINANCE TO AMEND THE TEXT OF THE TOWN OF MIDWAY ZONING ORDINANCE – TRUCK STOPS – ORDINANCE NO. 20-03.

At the November 4, 2019 Town Council regular meeting, Council called for a public hearing to receive citizen input on the adoption of an ordinance to amend the text of the Zoning Ordinance of the Town of Midway to include Truck Stops.

The Town of Midway Planning Board reviewed the requirements and regulations for the text amendment for Truck Stops which are reflected in the proposed text amendment to the Zoning Ordinance.

Davidson County Zoning Officer Lee Crook gave a brief summary of the proposed text amendment. He explained that the text amendment introduces a new use and that new use is Truck Stops. It also outlines the approval process for that new use. The Planning Board decided to recommend to the Council that the approval process for the new use be put into the ordinance as a Special Use Class B, which is one of the stricter of the approval processes in the ordinance. It also includes the criteria for that Special Use Permit such as screening from residential districts, acreage requirements and things of that nature. Truck Stops will be a prohibited use in the CCOD. The text amendment also includes a definition of a Truck Stop.

Mayor Byrum opened the public hearing.
There being no one desiring to speak, Mayor Byrum closed the public hearing.

Notice of the public hearing was advertised in The Dispatch on November 15 and 22, 2019 as required by law.

On motion by Councilor Todd Nifong, seconded by Councilor Mike McAlpine, Council voted unanimously to adopt Ordinance No. 20-03 to amend the Text of the Town of Midway Zoning Ordinance to add Truck Stops as a new use.

ORDINANCE NO. 20-03

AN ORDINANCE AMENDING THE ZONING ORDINANCE
FOR THE TOWN OF MIDWAY, NORTH CAROLINA REGARDING TRUCK STOPS

BE IT ORDAINED by the Town Council of the Town of Midway, North Carolina that the Zoning Ordinance is hereby amended as follows:¹

Section 1. Article III, Section 3.7 (V)(14)(B) is hereby amended as follows:

(B) Prohibited Uses

The following uses are hereby prohibited from being established within the area covered by the Core Commercial Overlay District. These regulations supersede the Table of Permitted Uses set forth in Section 3.08.

Abattoirs
Adult Uses
Automobile Graveyards
Bottling Plants
Brick, Tile and Cement Manufacturing
Chemical Manufacturing
Compartmentalized Storage for Individual Storage of Residential and Commercial Goods
Electronic Gaming Operations
Extraction of Earth Products
Farm Machinery Sales
Flea Markets, Indoors
Flea Markets, Out of Doors
Foundry Casting
Freight Terminals
Fuel Oil Dealers
Furniture Manufacturing
Golf Driving Range
Golf, Miniature
Greenhouses, nurseries, etc.
Hazardous Waste Facility
Indoor Firing Range

Junkyard
Kennels, Commercial
Landfills
Light Manufacturing, unclassified
Livestock Sales
Manufacturing or Processing
Manufactured Home, Class A, B and C
Manufactured Home Parks
Outdoor Advertising Sign
Outdoor Storage Yard
Petroleum Bulk Stations, Terminals

¹ NOTE: Language to be added is indicated with an underscore.

Racetracks, Drag Strips
Sawmills
Skeet Trap, Rifle and Pistol Ranges
Storage of Low Explosives
Travel Trailer Parks and Campgrounds
Truck Stop
Warehouses
Wireless Telecommunication Facilities (All heights)

Section 2. The Table of Permitted Uses found at Article III, Section 3.08 is hereby amended to add “Truck Stop” as a particular use in only HC, LI, HI Districts upon approval by the Board of Adjustment. Such use shall be a Class B Special Use, denoted by “SB” in the columns “HC”, “LI”, and “HI”. A copy of the relevant portion of the amended table is hereby hereto as Exhibit A and is incorporated here by reference.

Section 3. Article V, Section 5.08 shall be amended as follows to add the following subsection FF:

FF Truck Stop

Special Use Districts: HC, LI, HI

Approved by: Board of Adjustment

Minimum Lot Size 20 Acres

Submittals: 1. Site plan showing location and size of all existing and proposed structures, the distance of all structures and parking from adjoining properties, all overnight parking areas and all amenities, i.e.; fuel island, truck wash, weigh station, etc.

2. Plans, elevations, and perspectives for all proposed structures and descriptions of the color and nature of all exterior materials.
3. A landscape plan showing, at the same scale as the site plan, existing and proposed trees, plus shrubs, ground cover, proposed screening and other landscape materials.
4. A traffic impact analysis for the proposed facility.
5. A N.C.D.O.T. Commercial Driveway Permit for the facility.

- Standards:
- A. When overnight parking lot is involved, there shall be a minimum distance of 500 feet from the proposed parking facility and any residentially zone property.
 - B. Truck Stop facilities shall be located a minimum of 350 feet from any residentially zoned property
 - C. Any outdoor lighting associated with the truck stop or other amenity areas shall be installed as full cut-off fixtures. Residential dusk-to-dawn lighting is permitted elsewhere on the site. No lighting shall be directed onto adjacent property and shall be shielded to prevent such light pollution.
 - D. The truck stop property shall have security fencing on the sides and rear of the developed site. Fencing shall extend from the surface of the ground to a uniform minimum height of 6 feet from the ground at any given point.
 - E. The truck stop property shall have screening against any adjoining residential property. Vegetation shall be of a type that will reach a minimum height of 20 feet at maturity and shall be placed at intervals so that a continuous, unbroken hedgerow will exist to a height of at least 20 feet when the vegetation reaches maturity.
 - F. Every owner or operator shall be responsible for maintaining the fencing and/or vegetation. Dead or diseased vegetation shall be removed and replanted.

Section 4. Article IX, Section 9.02 shall be amended by adding the following definition:

TRUCK STOP. A business enterprise oriented to serving the needs of commercial vehicles, particularly heavy trucks, that is engaged in vehicle fuel sales. Truck stops may provide repair and maintenance services, good and convenience item sales, overnight vehicle accommodation, and other related services typically associated with such uses. A truck stop may also include fuel and other services oriented to serving passenger vehicles.

Section 5. This ordinance is adopted in accordance with N.C.G.S. 160A-383 and the Town Council has found the amendment to be consistent with the Town's adopted plans.

Consistency Statement

"The Town Council finds that the proposed text amendment to establish Truck Stops as a use in the Table of Permitted Uses, make Truck Stops a use permitted by right in the Highway Commercial, Light Industrial and Heavy Industrial Districts, establish a proposed definition of Truck Stops, and make Truck Stops a prohibited use in the Core Commercial Overlay District is consistent with the Town of Midway Land Use Plan and the US Highway 52 Corridor Plan. Specifically, the proposed amendment will reinforce the Town's goals for enhancing its Core Commercial Overlay District through regulations uses which are not consistent with the goals for the development of that area, while facilitating commercial growth in areas of the Town where such uses may be more appropriately located."

Section 6. As required by statute, the Town Council finds the action reasonable and in the public interest. "The Town Council finds that its action with regard to the adopted amendment is reasonable, as the proposed amendment seeks to regulate a new type of business that the Town's zoning ordinance does not currently address, and, in adopting the new regulation, the Council's action provides for the establishment of the businesses addressed by the ordinance in appropriate locations throughout the Town, while also preventing their establishment in areas where the Town's adopted plans indicate that such businesses could detract from the desired character of those areas. The Council believes that this action is also reasonable in that it excludes such businesses from areas where their establishment could interfere with the viability of the public and private investments that have been made and are planned to be made in those areas. In recognition of the need to preserve the character of the Town's Commercial Core, and the need to balance that need with the rights of legal businesses to operate under proper regulation, the Council believes that its action with respect to the adopted amendment is in the public interest.

Section 7. This ordinance shall become effective upon adoption.

SPECIAL RECOGNITION - COUNCILOR TODD NIFONG

Mayor Byrum said this is the last night that Councilor Todd Nifong will be serving on the Town Council and is due some much well-deserved recognition. Mayor Byrum said he had asked each member of Council to have a few thoughts prepared to share with Councilor Nifong, starting with Councilor Jackie Edwards.

Councilor Edwards commented this is extremely hard for her. She said Councilor Nifong (Todd) has always been a mentor to her, beginning when she served on the Town's Planning Board, and she is appreciative of that. In working with Todd and James Smith on the Building Committee, there were some difficult decisions that had to be made - but there was also some fun along with it. Ms. Edwards also shared memories of putting up the Christmas lights at Town Hall together - even when it was very dark, and the weather was cold and freezing. She said she had learned a lot about Todd's meticulous habits, specifically mentioning everything having to be completely straight and in line - chairs, name tags, etc. Ms. Edwards concluded her remarks telling Todd that it has been quite a pleasure serving with him on Town Council.

Mayor Pro Tem Mike McAlpine told Councilor Nifong (Todd) that going back over the 12 years that they have served on Council together; it is amazing to see what the Lord has done in this town. He said it was

an honor serve on the Council with Todd, commenting that this is a bittersweet moment. Mr. McAlpine added that when Todd first told him that he was going to be stepping down, he knew it was a prayerful decision and that was one of the things he has always respected about Todd. He said he could tell that Todd took everything in prayer and everything is 100% truthful in all his character and conduct in serving on this Council. Mr. McAlpine said that going back to the purchase of this land that Town Hall sits on, we've seen God's hand in that. Mr. McAlpine said he just wanted to say what a great facility Town Hall is, and he wanted to thank Councilor Edwards, James Smith and Tammy Nifong for all their hard work on that, commenting that they should all be especially commended for that. On the light side, Mr. McAlpine added that it takes a man with great patience to work with James Smith and so to end on a high note, Mr. McAlpine said he would just conclude his comments with that.

Councilor Keith Leonard said it has really been an honor to serve on Council with Councilor Nifong (Todd) these past six years. He told Todd what an amazing job that he and the Committee did on this building to turn an old house into a beautiful Town Hall. The look and size fit the Town of Midway perfectly.

Mayor Byrum read the following personal message to Councilor Todd Nifong and asked that the message be spread into the minutes:

Councilor Nifong,

This is one of those occasions where words simply fall short. Any collection of words put together just don't truly convey the heart, care, sincerity, levelheaded approach, wisdom and prayer you applied to each spoken word, kind deed, each vote, each suggestion, every comment and every hour you invested in the Town of Midway.

You have set the bar for the rest of us on the council – we would do well and Midway residents would be served well if each of us were to fulfil our present terms with the same dedication and servants heart that you carried throughout your multiple terms of being a councilman.

Your length of service is out outdone by your quality of service. You served for many years, since 2007, but you served extremely well – Thank you.

You sacrificed family time, personal time and made sure that great care was taken of the business of the town. I think about the endless hours you invested in this building in which we sit. It will always be a structure that represents to me the commitment to excellence you have always embraced.

I will miss your sincerity and encouragement. Many times, my spirit was lifted from having a brief or extended conversation with you.

Thank you for being deliberate to speak the truth in love as we are admonished to do in Ephesians 4.

Thank you for having let your faith in the Lord Jesus be the motivation for your love for others and service to the Town.

According to 1 Peter 2, as leaders, it is our responsibility to commend those who do right, and it is very fitting and appropriate that we are able to commend you tonight for the good you have done.

I'll end with this: Thank you for having let your faith in the Lord Jesus be the motivation for your love for others and service to the Town. You have always been a shining light for our Lord.

Thank you very much – you will be missed.

John Byrum
Mayor

Mayor Byrum asked Councilor Nifong come to the podium to receive special presentations. On behalf of the Town Council, Mayor Byrum presented Councilor Nifong with a plaque in honor and deep appreciation of the distinguished and unselfish service given to the Town of Midway while serving with outstanding leadership, vision and ability as a member of the Town Council from December 3, 2007 – December 2, 2019.

In addition, Mayor Byrum read the following proclamation which had been signed by all the Council members and staff which is also to be spread into the minutes:

PROCLAMATION

Whereas: The Town of Midway is always appreciative of those who choose to serve for the betterment of the Town; and,

Whereas: TODD M. NIFONG served the Town of Midway as a Councilman from December 3, 2007 until December 2, 2019 and,

Whereas: TODD M. NIFONG rendered during his term of office valuable services to the Town of Midway and the citizens thereof; and,

Whereas: It is fitting that the Town of Midway shows its appreciation when one has rendered such valuable services.

Therefore: Be it hereby proclaimed by the Mayor and Board of Councilors of the Town of Midway;

That TODD M. NIFONG is hereby acknowledged as having been a good, loyal and faithful public servant of the Town of Midway;

That this proclamation expresses the deep appreciation on behalf of the citizens of the Town of Midway for the valuable service which he has provided the Town;

That this proclamation is hereby presented to TODD M. NIFONG and a copy of same shall be placed within the records of the Town of Midway.

Proclaimed this the 2nd day of December 2019.

Mayor Byrum asked Mrs. Nifong (Tammy) to join Councilor Nifong (Todd) at the podium. Mayor Byrum said he wanted to recognize both of them as a couple, commenting that Tammy has been so supportive of Todd during his length of service to the Town and that her love for Todd is obvious as Todd's is for her and the love that both of them have for the Town is to be admired and is really an example for all. Mayor Byrum told Tammy that she is just as much a part of this time of appreciation as he is. As a small token of Council's love and appreciation for her support of Todd during his length of service and for her dedication to the Town of Midway as well, Mrs. Nifong was presented a bouquet of flowers.

Councilor Nifong thanked the Council for all their generosity – the plaque, the proclamation and the flowers for Tammy. He said he wanted to personally thank the Mayor and each one of the Council personally for their support and encouragement over these many years, noting that a couple of the Council has been here the whole time – 12 years is quite a spell, quite a journey we’ve been on. He said he also wanted to thank the each one over on the other desk (staff), stating that God has definitely brought them at just the right time for our Town and they have served well. Councilor Nifong said there was no doubt in his mind that the Town is in good hands with them and the Council. Referring to the Planning Board members sitting at the back of the room, Councilor Nifong said they represent the citizens of Midway and he thanked them for obviously their part in planning and zoning but in being just regular folk and having a kind word and being supportive. He said that God just worked out all the details in this time together. Councilor thanked Council for the opportunity to serve alongside them, saying it has been a blessing. He said the decision not to run for re-election was a prayerful one. Councilor Nifong thanked everyone for all the kind word. He said he would miss seeing everyone on a regular basis although he planned to see them on a semi-regular basis.

Councilor Nifong received a standing ovation from the audience, Town Council and staff.

INAUGURATION AND ORGANIZATION OF TOWN COUNCIL

OATH OF OFFICE – MAYOR JOHN BYRUM

District Court Judge Carlos Jane’ administered the oath of office to Mayor John Byrum for a four-year term expiring in December 2023.

OATH OF OFFICE – TOWN COUNCIL MEMBERS

District Court Judge Carlos Jane’ administered the oath of office to Councilors Mike McAlpine and Berkley Alcorn for a four-year term expiring in December 2023.

SEATING OF TOWN COUNCIL

Town Council was seated according to length of service.

ELECTION OF MAYOR PRO TEM AND OATH OF OFFICE

According to N.C.G.S. 160A-70, a Mayor Pro Tem shall be elected by the Town Council and shall have all the power and authority of the Mayor during his absence or inability to perform the duties of his office.

Mayor Byrum called for nominations. Nominations do not need a second.

Councilor Keith Leonard nominated Mike McAlpine.

There being no further nominations, Mayor Byrum closed the nominations.

On motion by Councilor Keith Leonard, seconded by Councilor Jackie Edwards, Council voted unanimously to elect Mike McAlpine as Mayor Pro Tem for the Town of Midway.

District Court Judge Carlos Jane’ administered the oath of office to Mayor Pro Tem Mike McAlpine.

REGULAR BUSINESS

There were none.

MONTHLY FINANCIALS

Town Manager Tammy Michael provided Council with monthly financial reports for November 30, 2019

November 30, 2019		
Total Income	\$ 728,904	52.0% of overall budget
Total Expenses	\$ 435,311	31.0% of overall budget

For information only.

REMINDER – TOWN HALL WILL BE CLOSED – OBSERVANCE OF HOLIDAYS

Town Hall will be closed on Tuesday, December 24, Wednesday, December 25 and Thursday, December 26 for the Christmas holidays and on Wednesday, January 1, 2020 in observance of New Year's Day holiday.

Reminder only.

Town Manager Tammy Michael reminded Council of the Elected Officials Social hosted by the Town of Midway on Thursday, December 5, 2019 at 6:00 p.m. at the Old Homeplace Vineyards. Ms. Michael asked Council to be at the venue at 5:30 to greet the guests as they come in.

Town Manager Tammy Michael also reminded Council of the retirement party honoring Davidson County Manager Zeb Hanner on Friday, December 13, 2019 from 3:00 – 5:30 p.m. at the Davidson County Historical Museum located at 2 South Main Street in Lexington, NC. Ms. Michael said if any of the Council members wish to attend, to let her know and she would respond to the County for them.

ADJOURNMENT

On motion by Councilor Jackie Edwards, seconded by Councilor Keith Leonard, Council voted unanimously to adjourn the meeting at 7:32 p.m.

John E. Byrum, Mayor

Linda A. Hunt, Town Clerk