

**MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON MAY 3, 2021
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 Smith of Midway, North Carolina who gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

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

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 Keith Leonard, Council voted unanimously to approve the minutes of the March 25, 2021 Budget Workshop as presented.

On motion by Councilor Robin Moon, seconded by Councilor Berkley Alcorn, Council voted unanimously to approve the minutes of the April 5, 2021 Regular meeting as presented.

PUBLIC ADDRESS

Mr. Jason Israel, Assistant Principal at North Davidson High School, appeared before Council to thank the Town of Midway for the generous enrichment grant of \$1,000 given in honor of Mr. Carl Tuttle for the instructional needs of the school's Science, Technology, Engineering, Arts and Math departments. He stated that through these generous funds, the students and staff at North Davidson will benefit from supplies and resources that will help enhance and enrich the educational experience at North Davidson High School. He said that North Davidson High School has always had a positive and ongoing relationship with the Town and together will build a better tomorrow for all the students they serve.

Mayor Byrum thanked Mr. Israel for his remarks.

ADOPT AGENDA

Mayor Pro Tem Mike McAlpine requested the agenda be amended to add a Closed Session following Town Manager's Reports in accordance with NCGS 143-318.11(a)(4) to discuss matters pertaining to economic development.

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

REGULAR BUSINESS

**GRANT REQUEST – B. J. HARRIS, MIDWAY BOOSTER CLUB PRESIDENT – MIDWAY
ELEMENTARY SCHOOL GYM BASKETBALL GOALS**

Each year during the budget process, Council approves grants monies to be requested and awarded if requirements are met by the requesting agency. For fiscal year 2020-2021, Town Council allotted

\$12,000 in the annual budget for grant requests. To date, only \$3,500 of the grant monies have been expended.

Mr. B. J. Harris, Midway Booster Club President, appeared before Council to request grant funds to purchase new basketball goals for the gymnasium at Midway Elementary School. The current basketball goals are old and starting to malfunction. Replacing the basketball goals with new ones will not only add a facelift to the gym but more importantly, ensure safety with new goals. The new basketball goals will be used by the school during physical education and recess, as well as benefiting the Midway Booster Club.

Mr. Harris said the Midway Booster Club hosts community basketball games during the winter season. The league is comprised of grades kindergarten through third grade. The schools and booster clubs that play in this league are Northwest, Friedberg, Welcome, Wallburg, and Friendship. Replacing the basketball goals will show the surrounding communities that the Town of Midway stands behind their Elementary School and Booster Club which both support kids in this area.

Mr. Harris told Council the Booster Club and Midway Elementary School both feel that this purchase is long overdue. New basketball goals will ensure that Midway's long legacy of student-athletes will continue to thrive and flourish.

In a letter from Mr. John DiBonaventura, Principal of Midway Elementary School, he states that the school has been in collaboration with the Midway Booster Club for a new set of basketball goals which would be a great enhancement to the school. During basketball season, the school gym is heavily used to accommodate practices during weeknights and games throughout the weekend. Mr. DiBonaventura also stated that the school and the Booster Club have been working together to make sure all Davidson County Schools and safety guidelines are being followed to ensure a successful replacement. He said done correctly, it will have a lasting effect on both students and players using the gym for basketball purposes.

The project includes two new wall mount basketball backstops with new glass boards, new break-a-way goals, new manual height adjusters, and new bolt-on edge pads. The total cost of the project is \$6,950 which includes freight, unloading, tax and installation. The amount being requested for the grant is \$5,000.

Davidson County Schools has approved the project.

Mayor Pro Tem Mike McAlpine said he noticed the Booster Club has a current balance of over \$19,000 and asked Mr. Harris what other projects the Booster Club has on slate. Mr. Harris responded that since the grant application was filed, soccer goals have been purchased and there is only about \$10,000 remaining. Mr. Harris said they like to keep a cushion of \$15,000 in their budget and noted the Booster Club's revenue has been hit hard by COVID.

Mayor Pro Tem Mike McAlpine asked Town Manager Tammy Michael if the Town anticipates receiving any grant applications from other schools before the end of this fiscal year. Mr. Michael stated she was not aware of any other grant applications coming in at this time.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Keith Leonard, Council voted unanimously to approve the grant request for two new wall mount basketball goals for the Midway Elementary School gymnasium and to award the grant in the amount of \$5,000.

PROPOSED BUDGET FOR FISCAL YEAR 2021-2022

A. PRESENTATION OF BUDGET BY TOWN MANAGER

In accordance with North Carolina General Statutes, Town Manager Tammy Michael submitted the proposed budget and budget message for Fiscal Year 2021-2022 in the amount of \$2,855,825.00 to Town Council as follows:

The General Fund Budget for fiscal year ending June 30, 2022 is hereby presented in the amount of \$2,855,825.00. It embodies results of the Budget Work Shops held by Council on March 25 and April 22, 2021. The budget represents fundamentally conservative governmental service provision and revenue projections. The elected body aims to balance residential 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 \$1,361,025.00 is used to balance the budget.

The recreational use of 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 recreational facility, the Council will proceed with design and improvements dedicated for passive enjoyment of the community. This budget allocates up to \$1,600,000.00 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

Streetlights

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 7, 2021, the Town Council will hold a public hearing on the budget for fiscal year ending June 30, 2022. Any person who wishes to be heard on the budget may appear at that time. The budget may be reviewed at Town Hall or online at townofmidway-nc.gov.

B. CALL FOR PUBLIC HEARING – PROPOSED BUDGET FOR FISCAL YEAR 2021-2022

On motion by Mayor Pro Tem Mike McAlpine seconded by Councilor Jackie Edwards, Council voted unanimously to call for a public hearing to receive citizen input on the proposed budget for fiscal year 2021-2022 to be held at the June 7, 2021 regular Town Council meeting at 7:00 p.m. at Town Hall at 426 Gumtree Road in Midway, North Carolina.

CALL FOR PUBLIC HEARING – TO CONSIDER MANDATED TEXT AMENDMENTS TO THE TOWN OF MIDWAY ZONING AND SUBDIVISION ORDINANCES TO COMPLY WITH N.C.G.S CHAPTER 160D

Chapter 160D of the North Carolina General Statutes consolidates current enabling legislation for planning regulation and represents the first major recodification and modernization of the city and county development regulations since 1905.

The Town contracted with the Piedmont Triad Regional Council to incorporate the new text amendment changes into the Town's Zoning and Subdivision Ordinances. In the process of reviewing the Chapter 160D Zoning Ordinance required updates, it was strongly encouraged by the Piedmont Triad Regional

Council for the Town to add a Development Agreement section which would establish the purpose, standards, and procedures for large-scale developments in the Town.

At the Town Council regular meeting on April 5, 2021, Town Attorney Jim Lanik advised Council that the new legislation that was passed allows local governments to enact ordinances governing Development Agreements. This agreement between developers and government regarding a particular development can set terms of use of the property for the duration of the agreement. It was the consensus of Town Council to have the Town Attorney to include a Development Agreement section in the Town's Zoning Ordinance based on the one in the Davidson County's Zoning Ordinance.

Town Attorney Jim Lanik stated that the new Chapter 160D of the North Carolina General Statutes consolidates current city and county enabling statutes for development regulations into a single unified chapter so they are consistent with each other. Chapter 160D places these statutes into a more logical, coherent organization. Mr. Lanik pointed out that adding the new Development Agreement section to the Zoning Ordinance for Development Agreements is a substantive change to the ordinance and would need to be adopted separately from the ordinance amendments.

Councilor Jackie Edwards said she wanted it to be clear that the Zoning Ordinance and Subdivision Ordinance are two separate documents. Town Attorney Jim Lanik confirmed they are separate documents.

On motion by Councilor Robin Moon, seconded by Councilor Berkley Alcorn, Council voted unanimously to call for a public hearing to be held at the June 7, 2021 Town Council regular meeting at 7:00 p.m. at Town Hall in Midway, North Carolina to receive citizen input regarding a series of mandated text amendments to both the Town of Midway Zoning and Subdivision Ordinances to comply with G.S. 160D.

The public may view the proposed updated ordinances on the Town's website at www.midway-nc.gov.

DISCUSSION – NCDOT OFFERS REGARDING NCDOT ACQUISITION OF RIGHT OF WAY PROPERTY AND PUBLIC UTILITY EASEMENT

Town Manager Tammy Michael reported the North Carolina Department of Transportation has recently approved plans for the replacement of the bridge over the railroad on Gumtree Road identified as project WBS-45721.2.1. The project is being conducted due to safety issues and bridge replacement, drainage and paving. The plans will directly impact property owned by the Town of Midway. (TIP/Parcel No. B-5765/012 for right of way acquisition and B-5765/014 for permanent utility easement acquisition.)

On February 25, 2021, Mayor Byrum and Town staff met with Deneca Russell, Real Property Agent I with NCDOT Division 9. Ms. Russell described in detail the project, its positives and negatives, along with potential impact on the Town of Midway's property along Gumtree Road. The initial survey showed the right of way and public utilities easement inside the existing fence line.

The Mayor and staff stressed to Ms. Russell to see if NCDOT would consider exploring all options to alleviate moving the existing fence. After Ms. Russell presented the Town's concerns, NCDOT's decision was still to move the fence line to accommodate the new right of way and public utility easement and staff was notified of that decision by an email on March 30, 2021 and stating the fence line would be moved at NCDOT's expense.

However, Town staff received a subsequent email on April 23, 2021 with good news advising the Town that NCDOT had made the decision to resurvey the area and not move the fence line. In her email, Ms. Russell stated, "considering the amount of fencing that would need to be reset, the engineers took

another look at this and were able to revise the plans to avoid the fence line.” A “Do not disturb existing fence” has also been placed on the plan sheet. Survey crews will reset the boundary stakes.

On April 27, 2021, NCDOT submitted two separate offers to the Town to purchase real property due to the acquisition of right of way and damages for NCDOT Project No. 45721.2.1 for replacement of Bridge No. 115 on Gumtree Road as follows:

Offer No. 1 for TIP/Parcel No. B-5765 / 012

Value of Right of Way to be Acquired (0.198 acres)*	\$2,425.00
Value of Permanent Utility Easement to be Acquired (0.004 acres)*	50.00
Total Offer	\$2,475.00

*Subject property described in Deed Book 2119, page 1328, Davidson County Registry, contains approximately 8.00 acres of which 0.198 acres is being acquired as right of way, leaving 7.802 acres remaining on the right with access to Gumtree Road. Also being acquired is a permanent utility easement containing approximately 0.004 acres.

Offer No. 2 for TIP/Parcel No. B-5765 / 014

Value of Permanent Utility Easement to be Acquired (0.009 acres)*	\$125.00
Total Offer	\$125.00

*Subject property described in Deed Book 2096, page 199, Davidson County Registry, contains approximately 29.323 acres of which 0.000 acres is being acquired as right of way, leaving 29.323 acres remaining on the right with access to Gumtree Road. Being acquired is a permanent utility easement containing approximately 0.009 acres.

NCDOT will be responsible for all ancillary costs associated for property acquisition.

NCDOT will prepare the necessary documents for execution by the Town, subject to final approval by the Town Attorney.

On motion by Councilor Keith Leonard, seconded by Councilor Jackie Edwards, Council voted unanimously to approve and accept the two offers by NCDOT for the right of way and permanent utility easement in the amount of \$2,475.00 for TIP/Parcel No. B-5765/012 and the offer for the permanent utility easement in the amount of \$125.00 for TIP/Parcel No. B-5765/014 for NCDOT Project No. WBS 45721.2.1 for replacement of Bridge No. 115 on Gumtree Road in Midway, North Carolina.

TOWN MANAGERS REPORTS

MONTHLY FINANCIAL REPORT

Town Manager Tammy Michael provided Council with monthly financial reports for April 30, 2021 as follows:

April 30, 2021		
Total Income	\$ 1,507,603	106.2 % of overall budget
Total Expenses	\$ 723,546	51.1 % of overall budget

For information only.

REMINDER – TOWN HALL TO BE CLOSED – MEMORIAL DAY HOLIDAY – MONDAY, MAY 31, 2021

Town Manager Tammy Michael reminded Council that Town Hall would be closed on Monday, May 31, 2021 in observance of Memorial Day.

Reminder only.

OTHER

Town Manager Tammy Michael also advised Council that at the Planning Board meeting on April 27, 2021, the Board approved a garage structure for Oak Forest United Methodist Church.

For information only.

Also, congratulations to Debbie Harris on being named as the Clerk of the Year during the North Carolina Association of County Clerks Annual Conference.

RECESS TO CLOSED SESSION

The Closed Session was added to the agenda.

On motion by Councilor Robin Moon, seconded by Councilor Berkley Alcorn, Council voted unanimously to go into Closed Session in accordance with NCGS 143-38.11(a)(4) to discuss matters pertaining to economic development.

OPEN SESSION

On motion by Councilor Keith Leonard, seconded by Councilor Berkley Alcorn, Council voted unanimously to go into Open Session.

ADJOURNMENT

On motion by Councilor Jackie Edwards, seconded by Councilor Robin Moon, Council voted unanimously to adjourn the meeting at 7:57 p.m.

John Byrum, Mayor

Linda A. Hunt, Town Clerk