

**MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON OCTOBER 4, 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.

Pastor David Hedrick of Promise Baptist Church in Thomasville gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

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

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 September 7, 2021 Town Council regular meeting as presented.

**PUBLIC ADDRESS**

Mr. Marshall Hiatt of 175 Noralin Drive in Midway announced a community event hosted by Oak Forest United Methodist Church on October 16, 2021 from 11:00 a.m. – 4:00 p.m. The event will include food along with gospel and bluegrass music. Mr. Hiatt stated that this event is a gift to the community and welcomed everyone to bring a chair and come enjoy the festivities.

Mr. Chris DeSanctis of 1965 Gumtree Road in Midway expressed his concerns to Council regarding loud, late-night partying, and cars racing and burning tires around his home on Gumtree Road. He stated that often times the parties last until 5 a.m. with a lot of trash being left behind. Mr. DeSanctis is asking Council to consider having a noise ordinance in the Town to eliminate the issues. Mr. DeSanctis has spoken with his neighbors about the loud noise, but he does not want to involve the Sheriff's department because he feels their job should be to handle true emergencies.

Ms. Tanya Huie of 955 Tom Livengood Road in Midway addressed Council with her concerns about a homeless man living in a tent on a vacant lot beside of her home. A neighbor who lives at 210 Livengood Drive who owns the vacant lot, is allowing the gentleman to live on the lot, and prior to living there, he lived in a shed with no running water or bathroom facilities on the 210 Livengood Drive property. Ms. Huie stated that she has seen from her kitchen window, the gentleman defecating in five-gallon buckets. Ms. Huie asked Council to handle the situation immediately.

**ADOPT AGENDA**

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

**PUBLIC HEARINGS**

**PUBLIC HEARING – ADOPTION OF PROPOSED ORDINANCE NO. 22-01 TO ESTABLISH THE FY 2021-2022 BUDGET FOR THE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS AUTHORIZED BY AMERICAN RESCUE PLAN (ARP) FUNDS**

At the September 7, 2021 Town Council meeting, Town Council called for a public hearing to be held on October 4, 2021 at 7:00 p.m. at Town Hall to receive citizen input on the proposed adoption of the FY 2021-2022 budget for the Coronavirus State and Local Fiscal Recovery Funds authorized by the American Rescue Plan (ARP) Funds.

The FY 2021-2022 budget for the Coronavirus State and Local Fiscal Recovery Funds was available for review at Town Hall.

The public hearing was advertised in *The Dispatch* on September 24, 2021 as required by law.

Mayor Byrum opened the public hearing on the proposed adoption of the FY 2021-2022 budget for the Coronavirus State and Local Fiscal Recovery Funds authorized by the American Rescue Plan (ARP) Funds.

Town Manager Tammy Michael stated that at the September 7, 2021 Town Council meeting, Council was presented with a recommendation from Town Auditor Tony Brewer to adopt a separate annual budget for the ARP funds ensuring the Town's compliance with the US Treasury guidelines. Also, the Town's accounting firm, Cannon and Company, has created a separate software account independent of the Town's General Fund to track and maintain the funds.

There being no one desiring to speak on the proposed adoption of the FY 2021-2022 budget for the Coronavirus State and Local Recovery Funds authorized by American Rescue Plan (ARP) Funds, Mayor Byrum closed the public hearing.

On motion by Councilor Jackie Edwards, seconded by Councilor Keith Leonard, Council voted unanimously to adopt Ordinance No. 22-01 to establish the FY 2021-2022 budget for the Coronavirus State and Local Fiscal Recovery Funds authorized by American Rescue Plan (ARP) Funds.

**PUBLIC HEARING - ADOPT RESOLUTION NO. 01-22 FOR TOWN OF MIDWAY TO ADOPT HISTORICALLY UNDERUTILIZED BUSINESSES (HUB) OUTREACH PLAN AND GUIDELINES AND TO ESTABLISH VERIFIABLE PERCENTAGE GOAL FOR PARTICIPATION BY MINORITY BUSINESSES IN THE AWARDED OF BUILDING CONSTRUCTION CONTRACTS PURSUANT TO N.C.G.S. 143-128.2**

At the September 7, 2021 Town Council meeting, Council called for a public hearing to be held on October 4, 2021 at 7:00 p.m. at Town Hall in Midway to receive citizen input on the proposed adoption of Historically Underutilized Businesses (HUB) Outreach Plan and Guidelines and to establish verifiable percentage goal for participation by minority businesses in the awarding of Building Construction Contracts pursuant to North Carolina General Statute (NCGS) 143-128.2.

The public hearing was advertised in *The Winston Salem Journal* and *The Dispatch* on September 24, 2021 as required by law.

Mayor Byrum opened the public hearing on the proposed adoption of Historically Underutilized Businesses (HUB) Outreach Plan and Guidelines and to establish verifiable percentage goal for participation by minority businesses in the awarding of Building Construction Contracts pursuant to N.C.G.S. 143-128.2

Town Manager Tammy Michael stated that N.C.G.S. 143-128.2 requires public agencies including local governments to carry out programs to promote the use of Minority/Women Business Enterprises in building construction and repair projects. These goals or good faith efforts requirements apply to projects where total costs exceed \$100,000 funded by state grants or appropriations, or \$300,000 for projects using local funds.

Before the Town can proceed with the bid project for the Town Park shelter, Council must adopt the Historically Underutilized Businesses (HUB) Outreach Plan. Council was presented with a copy of the plan at the September 7, 2021 Town Council meeting, and Town Attorney Jim Lanik has reviewed and approved the plan.

There being no one desiring to speak on the proposed adoption of Minority Business Participation Outreach Plan and Guidelines for recruitment and selection of minority business for participation in Town of Midway Building Construction or Repair contracts, Mayor Byrum closed the public hearing.

On motion by Councilor Robin Moon, seconded by Councilor Berkley Alcorn, Council voted unanimously to adopt Resolution No. 01-22 to adopt Historically Underutilized Businesses (HUB) Outreach Plan and Guidelines and to establish verifiable percentage goal for participation by minority businesses in the awarding of Building Construction contracts pursuant to NCGS 143-128.2.

**RESOLUTION NO. 01-22  
RESOLUTION FOR TOWN OF MIDWAY TO ADOPT OUTREACH PLAN AND TO  
ESTABLISH VERIFIABLE PERCENTAGE GOAL FOR PARTICIPATION BY MINORITY  
BUSINESSES IN THE AWARDING OF BUILDING CONSTRUCTION CONTRACTS  
PURSUANT N.C.G.S. 143-128.2**

**WHEREAS**, the North Carolina General Assembly enacted Session Law 2001– 496, Senate Bill 914 to enhance and improve the good faith efforts to recruit and select minority businesses for participation in public building construction or repair contracts by adding N.C.G.S. 143-128.2; and

**WHEREAS**, N.C.G.S. 143-128.2 requires each city, county, or other local public entity to adopt, after notice and a public hearing, an appropriate verifiable percentage goal for participation by minority businesses in the total value of work for building projects costing \$300,000 or more; and

**WHEREAS**, N.C.G.S. 143-128.2(b) requires a public entity awarding a building contract where the total cost equals or exceeds \$300,000 to establish, prior to solicitation of bids, good faith efforts that it will take to make it feasible for minority businesses to submit successful bids or proposals for the contracts for building projects; and

**WHEREAS**, N.C.G.S. 143-128.2(e)(1) requires a public entity awarding a building construction or repair contract where the total cost exceeds \$300,000, prior to awarding a contract, to develop and implement a minority business participation outreach plan; and

**WHEREAS**, notice of the public hearing was duly published in The Dispatch on September 24, 2021, and the required public hearing was held on October 4, 2021.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF MIDWAY TOWN COUNCIL:**

1. That Town of Midway shall have a ten percent (10%) verifiable percentage goal for participation by minority businesses in the total value of work for building projects awarded by Town of Midway and costing \$300,000 or more.

2. That Town of Midway shall follow the guidelines of Minority Business Participation Outreach Plan and Guidelines for Recruitment and Selection of Minority Businesses for Participation in Town of Midway Building Construction or Repair Contracts adopted on this date, as may be amended from time to time.
3. That this resolution shall become effective upon its adoption.

**READ, APPROVED, AND ADOPTED**, this 4<sup>th</sup> day of October 2021.

A full and complete copy of the Minority Business Participation (HUB) Outreach Plan and Guidelines for Recruitment and Selection of minority business for participation in Town of Midway Building Construction or Repair contracts is on file at Town Hall and can be found on the Town's website at [www.midway-nc.gov](http://www.midway-nc.gov).

### **TOWN MANAGER'S REPORTS**

#### **MONTHLY FINANCIAL REPORT**

Council was provided monthly financial reports for September 2021 as follows:

#### **SEPTEMBER 30, 2021**

Total Income	\$ 546,975	38.6 % of overall budget
Total Expenses	\$ 218,933	15.5 % of overall budget

For information only.

### **TOWN PARK UPDATE**

Town Manager Tammy Michael provided Council with the following Town Park update:

#### **1. SHELTER**

- Advertisement for bids written and under review and approval by Town Attorney and Architects. Once the Public Hearing is held and Historically Underutilized Businesses (HUB) Outreach Plan is approved by Town Council, the bid notice may be published first or second week of October in *The Dispatch*, *Winston-Salem Journal*, and on the *Town's Website*. Tentative award dates in November or December. One final meeting is scheduled with Architects before going out to bid.

#### **2. PLAYGROUND**

- Update - Bird's Nest Swing Replacement per Jon Dumont with Creative Playscapes, LLP - "After a lot of discussion, we finally got NETPLAY USA to honor warranty on the bird's nest. We will be receiving one straight from production with "additional reinforcing" directly from their plant in Germany. This may take a few weeks to arrive, but I am grateful we convinced them to honor the warranty..."
- Update – Phase Two – Toddler Playground (Tot Lot) per Jon Dumont – "Also, rubber products on recent jobs are shipping. It is taking them four to six weeks to produce and ship, and they are coming at a surcharge rate that is only slightly higher than what we carried in your quote. So, it appears patience is paying off on the Tot Lot. If we ordered the materials today, we would only be seeing a three or four thousand dollar change in price surcharges. However, I would anticipate a wait for the materials, overseas shipping is in a horrible state right now."

“We are still waiting on production of the Tot Lot equipment. It is anticipated to be ready for us on or around the end of October...”

**3. SECURITY SYSTEM**

- KNC Technologies. KNC is working with manufacturing engineers and Duke Energy and have identified the outage issue is related to only that particular pole. Plans are to replace cabling and add another ground. All cameras except for Lower Loop East are operating.

**4. OVERFLOW PARKING LOT**

- Overflow Parking Completed!

**REMINDER - VISION WORKSHOP - MONDAY, OCTOBER 11, 2021 AT 6:00 P.M. AT TOWN HALL**

Town Council will hold a Vision Workshop on Monday, October 11, 2021 at 6:00 p.m. at Town Hall.

For information only.

**ADJOURNMENT**

On motion by Councilor Jackie Edwards, seconded by Councilor Berkley Alcorn, Council voted unanimously to adjourn the meeting at 7:22 p.m.

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John E. Byrum, Mayor

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Tammy H. Robertson, Deputy Clerk