

MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON FEBRUARY 7, 2022 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.

Mayor John Byrum gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilors present were: John Byrum, Mike McAlpine, Robin Moon, Keith Leonard, Jackie Edwards, and Berkley Alcorn. 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 January 3, 2022 Town Council regular meeting as presented.

PUBLIC ADDRESS

Mr. Randy Lovett of 142 Huntfield Road in Midway addressed Council with concerns he has with garbage service that GFL, Inc. provides to the Town's residents. Mr. Lovett stated that trash is being left in yards and roads and would like for something to be done to correct the issues.

Mr. Lovett also requested that the Town Park open at 5:00 a.m. instead of the current time of 6:00 a.m. He suggested installing an electronic gate so residents can get into the park anytime they wish since it is under twenty-four hour surveillance.

ADOPT AGENDA

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

REGULAR BUSINESS

GRANT REQUEST – OAK GROVE MIDDLE SCHOOL – BATTING CAGE PROJECT

Town Council supports local schools and their endeavor to educate students mentally and physically to become well-rounded intellectual and physically fit youth. Each year during the budget process, Council allocates grant monies for requests and award if requirements are met by the requesting agency. For fiscal year 2021-2022, Town Council allotted \$12,000.00 in the annual budget for grant requests. As of January 2022, no grants have been requested.

Mr. B.J. Harris, Oak Grove Middle School Athletic Director, has submitted for consideration, a grant request in the amount of \$5,210.90 for the installation of a batting cage located on the Oak Grove Middle School baseball field. The batting cage will be utilized by students and other groups who regularly participate in athletic programs.

The batting cage will be installed on a concrete pad provided by the Oak Grove Middle Athletics Department at an estimated cost of \$3,000.00.

Oak Grove Middle School was appropriated \$6,000.00 in the current fiscal budget year for all athletic programs.

Mr. Harris thanked Council for allowing him to submit a grant request for the batting cage. Council has been very supportive in the past when he has submitted grants for basketball goals for Midway Elementary and baseball dugouts at Oak Grove Middle School.

Currently, Oak Grove Middle School does not have a batting cage on the property. In the past, the teams have loaded a bus and driven down the road to find a batting cage where they can practice. Ideally, staff would like to have all equipment on the same property for safety measurements.

Mayor Pro Tem Mike McAlpine asked Mr. Harris if any fundraisers had been considered for raising funds for the batting cage. Mr. Harris stated that the athletic department receives \$6000.00 each year from the County office for all sports. Oak Grove Middle holds camps for different sports that raises money for the athletic programs.

Mr. McAlpine also asked Mr. Harris if he had budget information including the program's current year operating budget and all sources of revenue that is requested on the grant application. Mr. Harris stated that he will submit a hard copy of the budget. The program this fiscal year had revenues of \$23,000.00 and expenditures of \$21,000.00. Cash on hand at this time is between \$15,000.00 and \$16,000.00.

On motion by Councilor Berkley Alcorn, seconded by Councilor Keith Leonard, Council voted unanimously to award a grant in the amount of \$5,210.90 to Oak Grove Middle School for a batting cage to be located on the Oak Grove Middle School baseball field.

CONTRACT RENEWAL – PINWILZ, INC. – WEBSITE SERVICES

Website presence and access is one of the first and foremost communication portals for citizens, businesses, and the public; and is historically the first place searched for information. The Town of Midway's website was designed and is presently maintained by Pinwilz, Inc., and positively represents the Town of Midway.

The Town of Midway currently contracts with Pinwilz, Inc., to maintain the website pages. Town Staff continues to update the agenda, minutes, and calendar features. Pinwilz, Inc., LLC assists with the more complicated updates, revisions, and redesigns.

- Pinwilz, Inc., representative Dru Heldman has submitted a quote (Exhibit A,) for Annual Recurring Services in the amount of \$690.00 This amount covers the annual software renewal cost (\$325.00,) and the antivirus protection annual software renewal (\$365.00.)
- Webmaster retainer \$510.00 (Exhibit A,) renewable in blocks of (minimum) six (6) hours (\$85.00 per hour.)

Town Manager Tammy Michael stated that Pinwilz, Inc. is very responsive and Town staff is pleased with the service received from Pinwilz, Inc.

Town Attorney Jim Lanik has reviewed and approved the contract with Pinwilz, Inc.

On motion by Councilor Jackie Edwards, seconded by Councilor Robin Moon, Council voted unanimously to approve the contract with Pinwilz, Inc. with Exhibit A for Annual Recurring Website Services in the amount of \$690.00 and Webmaster retainer of \$510.00 renewable in blocks of a minimum of six hours at \$85.00 per hour.

EXHIBIT A

Optional 12-month term, Annual, recurring:

- SEO Program software (Annual)..... \$325.00
SEO+ Application - Subscription – Annual
- Antivirus Protection software (Annual).....\$365.00

WordPress Security Program 2022 - WordFence app, ongoing updates, monitoring, regularly scheduled virus scans, firewall protection, webmaster support, antivirus protection, brute force detection, and countermeasures.

Annual or Recurring Services Total: \$690.00

Renews at Town’s request:

- Webmaster retainer 6 hours (renews at Town’s request).....\$510.00
We track time used and provide an itemized report prior to requesting a new retainer.

**CONTRACT RENEWAL - DAVID WARDEN D/B/A WILLOW WISHING WELLS
LANDSCAPING – TOWN PARK WALKING TRAIL MAINTENANCE**

In order to provide a safe environment for walking and exercise by Midway residents and visitors to the Town Park Walking Trail, a maintenance agreement is required to properly maintain the trail.

Willow Wishing Wells Landscaping has submitted the following proposal:

- **Exhibit A** outlines the scope of services and hourly rate for Town Park Walking Trail Maintenance. Services include, but are not limited to, tractor work (grading and leveling the track,) hauling granite dust to repair washed areas, etc.

The hourly rate of \$75.00 includes the equipment, operator, and insurance costs. (Note: the hourly rate is reasonable and consistent with other landscapers).

Town Manager Tammy Michael stated that Mr. Warden is dependable and does a good job of keeping the walking trail in good condition.

Town Attorney Jim Lanik has reviewed and approved the contract with David Warden d/b/a Willow Wishing Wells Landscaping.

On motion by Councilor Jackie Edwards, seconded by Councilor Berkley Alcorn, Council voted unanimously to approve the contract with Willow Wishing Wells Landscaping with Exhibit A for Town Park Walking Trail maintenance at an hourly rate of \$75.00 per hour.

EXHIBIT A

PROPOSAL OF SERVICES

By and Between

The Town of Midway (Town) and David Warden dba Willow Wishing Wells Landscaping

Scope of Work: Landscape services for the Town of Midway Park Trails. Maintenance and repair of the walking trails in general.

- Tractor work: grading and leveling the track surface.
- Tractor work: hauling in granite dust to repair wash areas.
- Working with Midway Town Manager for requested services or additional services as needed.
- Walking trails will be normally graded and leveled typically on Friday and Monday due to the amount of use during the weekend, additional days may be required due to weather/rain.
- Extra materials such as granite dust will be provided by the Town of Midway.

Tractor and equipment and equipment operator: \$75.00 per hour (All equipment, insurance, general liability, and labor included).

Payment: Willow Wishing Wells Landscaping is to invoice Town monthly. Town is to remit payment within 30 days of receipt of invoice.

CONTRACT RENEWAL – BUBBAJAKE, INC. D/B/A ONE STEP COMPUTER SOLUTIONS – IT/EMAIL SERVICES

The Town of Midway contracts annually, IT/Email services with an independent contractor. One Step Computer Solutions is the current contractor providing IT/Email services.

At the January 3, 2022 Town Council meeting, a new proposal for IT/Email services was submitted by VC3, Inc., and presented for Council's review. Council had several questions and raised concerns with the contract as submitted and asked Town Attorney Jim Lanik to discuss with VC3's legal team. VC3, Inc. legal stance is to only amend the term of the contract to three years in place of five years. All else, will remain the same.

Attorney Lanik spoke with a current customer of VC3, Inc., and their comments were "company is just adequate, meets but does not exceed contract requirements, i.e., not pro-active in identifying and addressing problems, all remote service." Current customer required to sign contract and service order as written, no revisions.

Based upon recommendation by Attorney Lanik, and Council's concerns with VC3, Inc., and the desire to explore other avenues for IT/Email services, Town Council did not accept and approve the proposal for IT/Email Services submitted by VC3, Inc.

Staff recommends Council discuss renewing the agreement and proposal presented for Council's review submitted by the current IT/Email services provider, One Step Computer Solutions.

Town Manager Tammy Michael said that services in the contract with One Step Computer Solutions calls for a backup to a cloud. It is bank encrypted which makes it a very safe backup. Mr. Estep will continue to provide a monthly hard drive backup to the Town's computers.

One Step Computer Solutions has submitted the following Managed Services Offerings Proposal for consideration:

Exhibit A outlines the scope and cost of IT/Email Services. The monthly cost for IT/Email Platinum Services is \$508.00.

Managed Services Offerings include, but not limited to:

- Remote PC Monitoring, Maintenance and Patching
- Backup Monitoring for three (3) computers
- Antivirus & Ransomware Protection
- Monthly Local Manual Backup is free with the iCloud Backup (\$99 per month is iCloud is not selected)
- iCloud file daily backup for three (3) computers
- Office 365 Email (seven (7) Council Members)
- Office 365 Email and Desktop Apps (three (3) at Town Hall)
- Network Management

I. Managed Services Offerings	Platinum
Unlimited On-site and Remote Support (Included with (RMM) Package)	✓
Unlimited Automated Support (Included with (RMM) Package)	✓
Remote PC Monitoring, Maintenance and Patching (RMM) Package	✓ \$210
Help Desk	✓
Backup Monitoring 3 Computers \$7 each	✓ \$21
Antivirus & Ransomware Protection	✓
Security Threat Detection & Security Awareness Training	✓

Monthly Local Manual Backup (HDD) free with Cloud File Backup purchase. Required Standalone \$99 per month if Cloud Backup is not purchased.	✓
Cloud File Backup 3 Computers \$31 each	✓ \$93
Office 365 Email (7 Council Members) \$7 each per month)	✓ \$49
Office 365 Email & Desktop Apps (3 at Town Hall) \$15 each per month.	✓ \$45
Network Management	✓ \$90
Monthly \$508	

II. Managed Services Response Times

Trouble	Priority	Response Time	
		9am-5:30pm Weekdays	5:30pm-9am Weekdays/Holidays
Service not available (all users and functions unavailable. Ex: Computer will not boot). 1	1	Remote within 3 hours	After Hours Rate
		On-Site within 4 hours	After Hours Rate
Significant degradation of service (large number of users or business critical functions affected). 1	2	Remote within 4 hours	After Hours Rate
		On-Site within 5 hours	After Hours Rate

Limited degradation of service (limited number of users or functions affected, business process can continue). 2	3	Remote within 8 hours	After Hours Rate
		On-Site within 24 hours	After Hours Rate
Small service degradation (business process can continue, one user affected). 2	4	Remote within 24 hours	After Hours Rate
		On-Site within 48 hours	After Hours Rate

1. For same day services on all priority levels a ticket must be entered before 1pm.
2. One Step reserves the right to allow a NOC (Network Operations Center) to address all tickets initially. If the NOC cannot resolve a ticket, it will be escalated to a Tier 3 or Tier 4 technician. If a ticket is escalated to One Step from the NOC, we may, in our sole discretion, determine that an onsite visit is necessary.
3. Weekend & after- hours support will charge the “After Hours Rate” of \$120 per hour.
4. Client agrees that weather, traffic conditions or Force Majeure outside the control of One Step may extend or prevent remote or onsite response.

Town Attorney Jim Lanik has reviewed and approved the contract with Bubbajake, Inc. d/b/a One Step Computer Solutions.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Keith Leonard, Council voted unanimously to approve the contract with Bubbajake, Inc. d/b/a/ One Step Computer Solutions with Exhibit A for IT/Email Platinum services for the Town at a cost of \$508.00 per month.

STATE GRANTS FOR TOWN PARK – CONFLICT OF INTEREST POLICY

During the State of North Carolina budget process, monies were requested for capital improvements to the Town of Midway Park by Senator Steve Jarvis-Davidson County and Representative Donny Lambeth-Forsyth County. The grants are part of the State Capital and Infrastructure Fund – G.S. 143C-4-3.1 (SCIF.) During the budget process, Midway was awarded two SCIF Grants totaling \$350,000.00.

As part of the process for receiving the grant monies awarded, there are forms required by the Office of State Budget and Management (OSBM). Before the grant monies are deposited, the following forms are required.

- W-9 Form
- Electronic Payment Form
- Organization's "Conflict of Interest Policy" – G.S. 143C-6-23.(b)
- Sworn Statement that Midway does not have any overdue tax debts – G.S. 143C-6-23.(c) (signed by Mayor/Official and notarized.)

Town Clerk Linda Hunt adapted the sample "Conflict of Interest Policy" recommended from the OSBM. Town Attorney Jim Lanik has reviewed, revised, and approved the policy. Please note, this policy requires an annual signature and should be signed by Council members, Board members and Town staff, however, lack of signing the policy does not exclude adherence to the policy.

On motion by Councilor Robin Moon, seconded by Councilor Jackie Edwards, Council voted unanimously to accept the "Conflict of Interest Policy" for State grants for the Midway Town Park.

TOWN OF MIDWAY, NORTH CAROLINA

Conflict of Interest Policy

The purpose of the following this Policy is to prevent and avoid the personal interest of staff members and members of the Town Council of the Town of Midway from interfering with the performance of their duties to the Town of Midway, or resulting in personal financial, professional, and/or political gain on the part of such persons at the expense of the Town of Midway.

Definitions: Conflict of Interest (also Conflict) means a conflict, or the appearance of a conflict, between the private interests and official responsibilities of a person in a position of trust. Persons in a position of trust include staff members and members of the Town Council of the Town of Midway. Town Council or Council means the Town Council of the Town of Midway. Council Member means an individual member of the Town Council. Staff member means a person who receives all or part of his/her income from the payroll of the Town of Midway.

Policy:

1. Full disclosure, by notice in writing, shall be made by the interested parties to the full Town Council in all conflicts of interest, including but not limited to the following:
 - a) A Council Member is related to another Council Member.
 - b) A Council Member is related to a staff member.
 - c) A Council Member is also a staff member.
 - d) A staff member in a supervisory capacity is related to another staff member whom he/she supervises.
 - e) A Council Member or staff member receives payment from the Town of Midway for any contract, subcontract, goods, or services other than as part of his/her regular job responsibilities or as reimbursement for reasonable expenses incurred as provided in the bylaws and Council policy.
 - f) A Council Member or staff member is a member of the governing body of a contributor to the Town of Midway.

- g) A Council Member or staff member may have personal, financial, professional, or political gain at the expense of the Town of Midway.
 - h) A Council Member or staff member engages in activities that may cause a loss of public credibility in the Town of Midway or create a public impression of impropriety.
2. Following full disclosure of a possible conflict of interest or any condition listed above, the Town Council shall determine whether a conflict of interest exists and, if so, the Council shall vote to authorize or reject the transaction and/or condition affected by any such conflict of interest. Any such vote shall be by a majority vote without counting the vote of any interested Council Member, even if the disinterested Council Members are less than a quorum, provided that at least one consenting director is disinterested.
 3. An interested Council Member or staff member shall not participate in any discussion or debate of the Town Council, or of any committee thereof, in which the subject of discussion is a contract, transaction, or situation in which there is or may be a conflict of interest.
 4. No Council Member or staff member shall participate in the selection, award, or administration of a procurement transaction or other contract in which federal or state funds are used, where to his/her knowledge, any of the following has a financial interest in that transaction: (1) the Council Member or the staff member; (2) any member of his/her immediate family; (3) his/her partner; (4) an organization in which any of the above is an officer, director, or employee; or (5) a person or organization with whom any of the above is negotiating or has any arrangement concerning prospective employment.
 5. Existence of any of the above-listed conditions shall render a contract or a transaction voidable unless full disclosure of personal interest is made in writing to the Town Council and such transaction was approved by the Council in full knowledge of such interest.
 6. The disinterested directors are authorized to impose by majority vote other reasonable sanctions as necessary to recover associated costs against a Council Member or staff member for failure to disclose a conflict of interest as described in Paragraph 1 or for any appearance of a conflict.
 7. Appeal from sanctions imposed pursuant to Paragraph 5 and 6 above shall be prescribed by law in those courts of the State of North Carolina with jurisdiction over both the parties and the subject matter of the appeal.
 8. In the event that the Town of Midway has incurred costs or attorney fees as a result of legal action, litigation, or appeal brought by or on behalf of an interested Council Member or staff member due to a conflict of interest and consequent sanctions and in the event that the Town of Midway prevails in such legal action, litigation, or appeal, the Town of Midway shall be entitled to recover all of its costs and attorney fees from the unsuccessful party.
 9. A copy of this policy shall be given to all Council Members and staff members upon commencement of such person's relationship with the Town of Midway. Each Council Member and staff member shall sign and date the policy at the beginning of his or her term of service or employment and each year thereafter. Failure to sign does not nullify the policy. To ensure the policy is being regularly enforced and monitored for compliance, the Town Manager shall inform the Town Council and staff members of the policy annually by email. Council Members and staff members shall immediately disclose any interests of

that may give rise to conflict of interest and shall reaffirm such disclosures no less often than on an annual basis.

APPOINTMENTS – SEWER STEERING COMMITTEE

At the Town Council Regular meeting held on December 1, 2008, Council designated Mayor Pro Tem Mike McAlpine to lead the Sewer Steering Committee that Council approved at the November 24, 2008 Town Council meeting. The Sewer Steering Committee was created to gather information and develop a sewer business plan, including options for recovery of costs, and to present findings and recommendations to Town Council once completed.

At the Town Council Regular meeting held on January 3, 2022 Mayor Pro Tem Mike McAlpine expressed his desire to review the Town’s current sewer tap fees to update a fee structure for the Town’s sewer lines. He stated that it has been around eight years since the last sewer tap fee adjustment.

It has been determined to use Council and staff members in lieu of hiring a contractor to research and update a fee structure for the Town’s sewer system.

Councilor Jackie Edwards nominated Mayor Pro Tem Mike McAlpine to serve on the Sewer Steering Committee.

Mayor Pro Tem Mike McAlpine nominated Councilor Berkley Alcorn to serve on the Sewer Steering Committee.

The following were appointed to serve on the Sewer Steering Committee: Councilors Mike McAlpine, Berkley Alcorn, and staff members Town Manager Tammy Michael, and Town Clerk Linda Hunt.

TOWN MANAGER’S REPORTS

MONTHLY FINANCIAL REPORT

Council was provided with monthly financial reports for January 31, 2022 as follows:

January 31, 2022		
Total Income	\$ 1,159,652	81.9 % of overall budget
Total Expenses	\$ 504,506	35.6 % of overall budget

For information only.

TOWN PARK UPDATE

Phase II which includes the new tot lot playground has been installed including the concrete and rubber mulch. Landscaping will be completed once the weather breaks.

On Tuesday, February 1, 2022 at 3:00 p.m. sealed bids were opened for the Town Park Shelter and Gazebo project. This was a re-advertisement for bids since no bids were received during the first advertisement for bids. Attendees for the bid opening were: Town Manager Tammy Michael, Town Clerk Linda Hunt, Marty Marion, Metropolis Architecture, Town Attorney Jim Lanik, and representatives from the three companies submitting bids.

Three (3) bids were received. The bids were publicly opened, documents checked for bid requirements and compliance, read aloud, and recorded.

Bidder:	R.P.M. Partners	
Base Bid:	\$ 1,957,930	Shelter
Alternate No. 1	\$ 41,250	Wood Clad Columns
Alternate No. 2	\$ 61,939	Low Stone Walls
Alternate No. 3	\$ 499,390	Gazebo

Bidder:	Randolph Builders, Inc.	
Base Bid:	\$ 1,829,000	Shelter
Alternate No. 1	\$ 70,000	Wood Clad Columns
Alternate No. 2	\$ 72,000	Low Stone Walls
Alternate No. 3	\$ 511,000	Gazebo

Bidder:	Wilson-Covington Construction Company	
Base Bid:	\$ 1,728,000	Shelter
Alternate No. 1	\$ No Bid	Wood Clad Columns
Alternate No. 2	\$ 50,100	Low Stone Walls
Alternate No. 3	\$ 417,000	Gazebo

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Berkley Alcorn, Council voted unanimously to hold a Special Meeting on Monday, February 14, 2022 at 11:30 a.m. at Town Hall to discuss bids for the Town Park picnic shelter and gazebo.

SET DATE FOR ELECTED OFFICIALS BUSINESS SOCIAL

On motion by Councilor Robin Moon, seconded by Councilor Jackie Edwards, Council voted unanimously to schedule an Elected Officials Business Social on Monday, March 28, 2022 at 6:00 p.m.

For information only.

SET DATES FOR BUDGET WORKSHOPS

On motion by Councilor Keith Leonard, seconded by Councilor Robin Moon, Council voted unanimously to schedule a Budget Workshop on Thursday, March 24, 2022 at 6:00 p.m. at Town Hall.

On motion by Councilor Jackie Edwards, seconded by Councilor Berkley Alcorn, Council voted unanimously to schedule a Budget Workshop on Monday, April 25, 2022 at 6:00 p.m. at Town Hall.

For information only.

APPOINTEE TO DAVIDSON COUNTY BICENTENNIAL COMMITTEE

Mayor Pro Tem Mike McAlpine volunteered to attend the Davidson County Bicentennial meeting to be held on Wednesday, February 9, 2022 at 10:30 a.m. at the Davidson County Library Annex.

For information only.

OSHA MANDATORY VACCINE UPDATE

Town Manager Tammy Michael announced that the U.S. Supreme Court blocked a mandate issued by a federal appeals court for OSHA's Emergency Temporary Standard (ETS) for mandatory Covid-19 vaccine or testing that required large employers – those with one hundred or more employees – to implement a vaccination policy mandating that their employees either be vaccinated or submit to weekly testing.

For information only.

REMINDER – VISION WORKSHOP – THURSDAY, FEBRUARY 17, 2022 AT 6:00 P.M. AT TOWN HALL

Town Council will hold a Vision Workshop on Thursday, February 17, 2022 at 6:00 p.m. at Town Hall.

For information only.

ADJOURNMENT

On motion by Councilor Keith Leonard, seconded by Councilor Robin Moon, Council voted unanimously to adjourn the meeting at 7:52 p.m.

John E. Byrum, Mayor

Tammy H. Robertson, Deputy Clerk