

MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON JUNE 6, 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.

Councilor Keith Leonard gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilors present were: John Byrum, Jackie Edwards, Keith Leonard, Mike McAlpine, Berkley Alcorn, and Robin Moon. Absent: None. Town Manager Tammy Michael, Town Clerk Linda Hunt, Deputy Clerk Tammy Robertson, and Attorney Evan Lee 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 Robin Moon, seconded by Councilor Jackie Edwards, Council voted unanimously to approve the minutes of the April 25, 2022 Town Council Budget Workshop as presented.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Berkley Alcorn, Council voted unanimously to approve the minutes of the May 2, 2022 Town Council Regular meeting as presented.

PUBLIC ADDRESS

Mr. Richard Walburn a resident of 232 Meadow Trail in Midway addressed Council about potholes along Meadow Trail. Mr. Miller spoke to Council about the potholes along Ralph Miller Road, Midbrook Run, and Meadow Trail at the April Town Council meeting, and he stated that the road had been repaired on Ralph Miller Road but not on Meadow Trail. He is asking Council to have the potholes repaired along Meadow Trail.

Mr. Greg Schiro of 2583 Clodfelter Road in Winston Salem shared with Council the opportunity for the community to come out and listen to gospel music. Local churches have sponsored events over the last year that have allowed for various gospel and bluegrass groups to perform for the community. The next event will be held at the Midway Music Hall on Sunday, July 31st from 2:00-4:00 p.m. All are welcomed to attend. A love offering of non-perishable foods for local food banks would be appreciated.

ADOPT AGENDA

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

PUBLIC HEARINGS

PUBLIC HEARINGS - FISCAL YEAR 2022-2023 GENERAL FUND BUDGET - ORDINANCE NO. 22-05 AND FISCAL YEAR 2022-2023 AMERICAN RESCUE PLAN (ARP) BUDGET ORDINANCE NO. 22-06

In accordance with the North Carolina Budget and Fiscal Control Act, Midway is required to hold public hearings in order to adopt fiscal year budgets.

At the May 2, 2022 Town Council meeting, Council set the public hearings for the FY 2022-2023 General Fund and American Rescue Plan (ARP) budgets. The hearings were to be held at the June 6, 2022 Regular Town Council meeting.

General Statute 159-12 states the Budget(s) notice must be legally advertised and on file in the clerk's office and available for inspection. The notice should include time and date for a public hearing, published once a reasonable number of days prior to the public hearing (10 days recommended.)

On Tuesday, May 24, 2022, Deputy Clerk Tammy Robertson submitted the Town's legal notice advertising the public hearings on the budgets to *The Dispatch* (Gannett Publications) for publication in the Friday, May 27, 2022 edition of the newspaper. By Thursday, May 26, 2022 no response had been received from the publisher acknowledging receipt of the legal notice, so staff began calling the publisher. The representative admitted the notices were received in a timely manner and should have been published in the Friday, May 27, 2022 edition. However, it was too late to publish.

Therefore, the public hearings set for Monday, June 6, 2022, will be in violation of the statute as the public was not properly notified.

Town Manager Tammy Michael stated that Council would need to set a date for a special meeting in order to hold the public hearings to adopt the General Fund and American Rescue Plan (ARP) budgets for fiscal year 2022-2023.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to hold a special meeting on Monday, June 20, 2022 at 6:00 p.m. at Town Hall located at 426 Gumtree Road in Midway in order to hold public hearings to adopt the proposed General Fund budget Ordinance No. 22-05, and American Rescue Plan (ARP) budget Ordinance No. 22-06 for fiscal year 2022-2023.

REGULAR BUSINESS

CALL FOR PUBLIC HEARING – TEXT AMENDMENT TO ADD REGULATION OF POULTRY OR SMALL FARM ANIMALS TO THE TOWN OF MIDWAY ZONING ORDINANCE

Town Council and Planning Board members have received several complaints with regards to residents owning free-range fowl in close proximity to neighbors.

Planning Board members, along with Davidson County Planning and Zoning staff have worked diligently for over a year to develop and draft an ordinance for Poultry or Small Farm Animals. Town Attorney Jim Lanik has reviewed and approved the ordinance as written.

The ordinance sets forth the requirements a property owner (who does not own a bona-fide farm or micro-farm) must meet in order to keep free-range fowl. Davidson County Planning and Zoning staff will enforce the ordinance.

Poultry or Small Farm Animals, Keeping of, as it would appear in the Table of Permitted Uses as a permitted use in all districts upon demonstrating compliance with specific development standards:

Article VI. DEVELOPMENT STANDARDS

Section 6.01 STANDARDS FOR PERMITTED USES

(Q) Poultry or Small Farm Animals. Keeping of

Section A. No person may keep within the Town limits any poultry or small farm animals except pursuant to the provisions of this section.

Section B. Definitions

- (1) "Poultry" includes, but is not limited to, live chickens, doves, ducks, geese, grouse, guinea fowl, partridges, pea fowl, pheasants, pigeons, quail, swans, turkeys, chicks, and poultts and other species generally identified as poultry.
- (2) "Small farm animals" means live rabbits but shall not mean any size of any of the following: cattle, sheep, goats, swine, horses, or mules.
- (3) "Lot" means a parcel of land at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as herein required.
- (4) "Bona fide farm" has the meaning given to "Farm – Bona Fide" in the Town's Zoning Ordinance.
- (5) "Micro farm" shall have the meaning given in the Town's Zoning Ordinance.

Section C. Requirements for Keeping Poultry and Small Animals

- (1) Control of Poultry and Small Farm Animals: It shall be unlawful for the owner or keeper of poultry or small farms animals:
 - (i) To permit any poultry or small farm animal to be or run at large within the Town; or
 - (ii) To be outside such animal's enclosure on a lot of less than five acres.
- (2) Enclosures for Poultry and Small Farm Animals
 - (i) All poultry or small farm animals kept on a lot of less than five acres must be contained at all times to a secure fenced or walled enclosure pursuant to the provisions of this Section C. (2).
 - (ii) The enclosure and structure shall have a minimum of ten (10) square feet of area for each poultry or small farm animal.
 - (iii) No enclosure shall be erected or maintained within the front or side yard (as defined by the Town of Midway Zoning Ordinance), within ten (10) feet of any property line, but in no event within fifty (50) feet of another residence.
 - (iv) The enclosure shall be kept clean, sanitary, and free from unreasonable or unsanitary accumulations of excrement and objectionable odor: and
 - (v) No more than twenty (20) poultry animals, including chicks and other baby animals, shall be kept, or maintained by a property owner. Roosters shall not be allowed at any time.

Section D. Subject to the provisions of N.C.G.S. §106-700, *et seq.*, the requirements of this ordinance apply to poultry and small farm animals that are present within the Town on the effective date of this ordinance as well as those brought within the Town thereafter. However, owners of the poultry or small farm animals that are within the Town on the effective date of this ordinance shall not be deemed in violation of this ordinance until they have been notified in writing of its requirements, have been given sixty (60) days to come into compliance with this ordinance, and have failed to do so.

Section E. A violation of any provision of this ordinance is hereby declared to be dangerous and prejudicial to the health or safety and to constitute a public nuisance. Such nuisances shall be abated as allowed by law, including but not limited to, the Town’s ordinances and N.C.G.S. §§ 160A-174, 160A-175, 160A-193, and 160D.

Section F. Nothing in this ordinance shall preclude the keeping of service or therapy animals within the Town, provided a health care professional has provided proper documentation regarding such service or therapy animal.

Section G. Any person who keeps poultry or small farm animals shall, in addition to complying with the ordinance, comply with any and all applicable federal, state, and local standards, regulations, laws, statutes and ordinances, including but not limited to, any registration requirements of the North Carolina Department of Agriculture and Consumer Services.

Section H. This ordinance shall not apply to poultry or small farm animals kept on:

- (1) A bona fide farm of ten acres or more; or
- (2) A micro farm of not less than two acres and less than ten (10) acres.

Section I. Enforcement, Remedies and Penalties

- (1) This ordinance shall be enforced by the Davidson County’s Code Enforcement Officers on behalf of the Town.
- (2) The provisions of Articles VII. Administration and VIII. Compliance of the Town’s Zoning Ordinance shall apply to this Ordinance.

On motion by Councilor Robin Moon, seconded by Councilor Keith Leonard, Council voted unanimously to Call for a Public Hearing to be held on Monday, July 11, 2022 at 7:00 p.m. at Town Hall located at 426 Gumtree Road in Midway, to receive citizen input on a proposed text amendment to add the Keeping of Poultry or Small Farms Animals to the Table of Permitted Uses and Development Standards sections of the Town of Midway Zoning Ordinance.

TOWN MANAGER’S REPORTS

MONTHLY FINANCIAL REPORT

Town Manager Tammy Michael provided Council with monthly financial reports for May 31, 2022 as follows:

MAY 31, 2022		
Total Income	\$2,121,876	115 % of overall budget
Total Expenses	\$1,454,652	78.9 % of overall budget

For information only.

TOWN PARK UPDATES

1. SHELTER & GAZEBO

- Two meetings held in May with architects and contractor. The bi-monthly meetings are to maintain steady communication and select materials, colors, etc., initiate any change orders if necessary
- Next meeting scheduled for Tuesday, June 14, 2022.

2. PLAYGROUND –

- Landscaping in progress
- Additional shading may be ordered
- Waiting on picnic tables to be shipped (Mid-July.)

REMINDER: NEXT TOWN COUNCIL MEETING WILL BE HELD ON JULY 11, 2022

Due to the Independence Day holiday falling on Monday July 4, 2022, the next Town Council meeting will be held on Monday, July 11, 2022.

ADJOURNMENT

On motion by Councilor Berkley Alcorn, seconded by Mayor Pro Tem Mike McAlpine, Council voted unanimously to adjourn the meeting at 7:20 p.m.

John E. Byrum, Mayor

Tammy H. Robertson, Deputy Clerk