

**MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON MARCH 6, 2023
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.

Councilor Robin Moon 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 and Town Clerk Linda Hunt were present. Town Attorney Jim Lanik was available by phone.

Each Councilor had been furnished an agenda prior to the meeting.

There were no members of the press in attendance.

APPROVAL OF MINUTES

On motion by Councilor Jackie Edwards, seconded by Councilor Berkley Alcorn, Council voted unanimously to approve the minutes of the February 6, 2023, regular meeting as presented.

PUBLIC ADDRESS

Mr. Blake Zobrist of 1355 Country Lane in Midway addressed the Council regarding community safety and read the following prepared statement.

Good evening.

Thank you for letting me address the council tonight.

As you are aware, Rob and I have been attending meetings collectively for the past 9 months. Since then, I have learned a lot about our community.

The town of Midway has been building a beautiful community park. It has wonderful playgrounds and nice walking paths, and you are finalizing a gazebo and pavilion as well.

- *It has staff to groom the paths and take care of trash and maintenance.*
- *It has lights throughout the park.*
- *It has security cameras that can see all parts of the park.*
- *It has many signs to inform guests of the rules of the park.*
- *The staff unlocks one entrance to open the park in the morning and locks that same one entrance when it closes at night.*

All these measures, I can only assume are to ensure a nice and safe environment for the residents of Midway and we thank you for them.

Rob and I have been coming to the meetings to try to do our part to make our neighborhood nice and safe.

We have asked countless times for police presence to slow the traffic down to within or even close to legal limits. But still, after 9 months, we have seen only a lack of police presence.

- *Maybe the lack of police presence is the reason why both of my neighbors' houses have been robbed.*
- *Maybe the lack of police presence is the reason the catalytic converters continue to be stolen from our church buses.*
- *Maybe the lack of police presence is why a trailer was stolen from a local business.*
- *Maybe the lack of police presence is why a woman is soliciting sex at the local gas station.*
- *Is the lack of police presence the reason for the security cameras, fencing and full-time staff at the park?*
- *I have learned and then shared with you for \$30 an hour the town can have a police presence tomorrow, so please tell me why there is none!*

I remind you that we have been attending these meetings for 9 months. On top of these meetings, I have also attended a planning meeting. And yet, not once, in any of these meetings has the topic of chain-link fencing being added to the park perimeter fencing been raised. In fact, in the planning meetings, it was clearly stated that chain-link fence was not something to be included in the planning due to it being just ugly.

However, now we see a crew installing it around the perimeter of the park.

So, I ask you why?

I know that people do enter the park between the current fencing, and I have to wonder if this is why this fencing is being installed. But shouldn't a community park be accessible to that community?

- *Shouldn't a community park be accessible to foot traffic, especially to those who cannot drive or don't have access to a vehicle?*
- *Shouldn't a community park be accessible to a little kid wanting to meet their friends at the park to play?*

*Restricting access is **NOT** the way to go.*

If the goal is to restrict the access then I ask you to revisit your priorities.

We should add community safety updates to the monthly town meeting agenda and maybe we shouldn't focus so much time and taxpayer money into making our park nice and safe and maybe focus on making the whole community better.

Rob and I would like to be your allies in this endeavor because this just isn't where we live its where we call home.

*Thank you.
Blake Zobrist*

ADOPT AGENDA

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

REGULAR BUSINESS

AMERICAN RESCUE PLAN FUNDS (ARP)

- A. Resolution No. 01-23 – ARP Conflict of Interest Policy**
- B. Resolution No. 02-23 – ARP Records Retention Policy**
- C. Resolution No. 03-23 – ARP Non-Discrimination Policy**
- D. Resolution No. 04-23 – ARP Costs and Costs Principles Policy**
- E. Resolution No. 05-23 – ARP Eligible Project Use Policy**

Town Manager Tammy Michael stated the Town of Midway was awarded \$1,440,000.00 as part of the American Rescue Funds approved by the Federal Government in March 2021.

The funds have been designated as “Revenue Replacement.” This category was approved by the U.S. Treasury for small municipalities/towns that do not have large infrastructure projects or otherwise severely impacted by COVID 19 shortfalls. The threshold dollar limit for the “Revenue Replacement” category for small municipalities/towns recipients is ten million dollars and below. As Midway qualifies in this category, the funds may be used for revenue replacement for large projects such as construction of the Town Park Shelter and Gazebo.

However, there are federally mandated policies that require adoption to use the ARP funds for revenue replacement. The North Carolina School of Government staff attorneys drafted policy templates for use by small municipalities in the adoption process. Town Attorney Jim Lanik has reviewed the policies. Attorney Lanik and Midway staff met via Zoom to discuss the policies. Attorney Lanik reflected the School of Government understands the ARP rules and feels the policies meet the federal requirements.

Town Manager Tammy Michael recommended Council review the policies and if in agreement with staff and attorney, to individually adopt each resolution and policy.

On motion by Councilor Robin Moon, seconded by Jackie Edwards, Council voted unanimously to adopt Resolution No. 01-23 to adopt the Conflict-of-Interest Policy.

On motion by Councilor Keith Leonard, seconded by Councilor Berkley Alcorn, Council voted unanimously to adopt Resolution No. 02-23 to adopt the Records Retention Policy.

On motion by Councilor Berkley Alcorn, seconded by Councilor Robin Moon, Council voted unanimously to adopt Resolution No. 03-23 to adopt the Nondiscrimination Policy.

On motion by Councilor Jackie Edwards, seconded by Mayor Pro Tem Mike McAlpine, Council voted unanimously to adopt Resolution No. 04-23 to adopt the Costs and Costs Principles Policy.

On motion by Councilor Berkley Alcorn, seconded by Councilor Keith Leonard, Council voted unanimously to adopt Resolution No. 05-23 to adopt the Eligible Project Use Policy.

Copies of the adopted Resolutions are on file in the office of the Town Clerk and on the Town’s website at www.townofmidway-nc.gov.

PERSONNEL POLICY – REVISIONS

The Personnel Committee comprised of Councilors Jackie Edwards and Keith Leonard together with staff have completed a comprehensive review of the Town’s current Personnel Policy that was adopted in 2015. The changes recommended by the Personnel Committee were submitted to the Town Attorney for review and updates to the areas governed by federal and state laws. The attorney and his legal staff reviewed the proposed changes, updated the legal compliance areas, and organized the policy to read

fluently. The policy was then resubmitted to the Personnel Committee for review and comments. The Personnel Committee has reviewed and accepted the Attorney's recommendations.

The updated Personnel Policy was presented to Council at their September 12, 2022 Vision Session. Council was asked to review the policy and to let staff know if they had any questions or changes before the policy was presented to Council for adoption.

Ms. Michael thanked Councilors Edwards and Leonard for serving on the Committee and for the time they spent doing a thorough review of the policy. She also thanked Councilor Moon for his diligent proofreading of the document.

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

CORE COMMERCIAL OVERLAY DISTRICT (CCOD)

Mayor Byrum stated some questions have been raised about the Town's Core Commercial Overlay District (CCOD). Depending on whoever is reading it, some may view the CCOD as non-restrictive while others may view it as very restrictive. It is a matter of opinion depending on who is reading it. Mayor Byrum said that as a Board, the Council needs to keep it on their radar in terms of consistently monitoring the amount of interest being shown by developers in coming to Midway. If a lot of those are continuing to look elsewhere because of their interpretation of the CCOD being more restrictive in nature, Mayor Byrum said he thinks it would be good to revisit it from time to time. He said it is his understanding that now might be a good time to do that. The reason for it being on the agenda is so Council can consider how they may want to proceed. The Council can decide whether to keep it as it is or to revisit it and look at a few alternatives. He said all of the Council members have ideas how they would like to see the Town look as it grows and develops. It needs to be closely aligned with the market demand and what businesses are realistically willing to do and the money they are willing to spend to have a presence in Midway to serve the Town and its residents

Mayor Pro Tem Mike McAlpine said that the CCOD came up at the last Planning and Zoning meeting. At that meeting, Zoning Administrator Lee Crook said there have been several instances of buyers coming to look at Midway but leave possibly because of the CCOD restrictions. Mr. Crook asked the Planning and Zoning Board what their thoughts were, but the Board said they would rather the Council take the first look at it to see how much latitude the Council thinks should be given. Mayor Pro Tem McAlpine said that he thought one of the things Council needs to keep in mind is that Benchmark began working on the CCOD in 2008 or 2009 so it has been without any changes whatsoever for about 12 to 13 years. He said a good illustration of how the plan works is the Dollar General. When they came to Midway, they wanted to put up a yellow tin building right beside a nice brick building. Another example is the car wash. He said if you do not put some type of restrictions on developing, it is more or less a free-for-all and a little of the Town's hometown character is lost. Mr. Crook has suggested it would be worthwhile to at least have a conversation about how to move forward. Mayor Pro Tem McAlpine said he thought it would be beneficial to find out what restrictions the potential company has issues with that would be a deal breaker for them to come to Midway. It would be a matter of simply sitting down with the County and listening to what they have to say. Mayor Pro Tem McAlpine commented there has been a downturn in the economy and businesses are just now getting back in mode after Covid. He said that Councilor Jackie Edwards and Planning Board member Charles Waddell were both serving on the Planning Board during the development of the CCOD and had a bigger hand in working on it than the Council did. He suggested it would be good for Councilor Edwards and staff to meet with the County to talk about the issues companies may have had with the CCOD and to see if there are areas that the Town might want to change. He said one area the Town does need to guard against is a commercial business going right beside a neighborhood, adding that the Town needs to be respectful of all its neighbors.

Town Manager Tammy Michael pointed out that Mr. Crook had said the areas of concern expressed by the potential developer are the underground utilities and brick requirements. She said several companies have looked at Midway, but they moved on because of the restrictions.

Councilor Jackie Edwards commented that in her opinion when a business does come to Midway, they should build something that looks nice for our town.

Ms. Michael said something to consider is a company's "branding." Branding is the process of creating a distinct identity. If it is a national chain, they do not deviate much from that look. It is the company's logo. She said if the business has a national brand and they cannot meet the CCOD requirements, they move on. Ms. Michael said instead of granting so many variances, Council could entertain lessening of the regulations while still maintaining the character of the Town.

Mayor Byrum asked the Council if they are open to revisiting the CCOD or if there is no desire to do so.

Councilor Keith Leonard said he is always open to discussion. He said he is pro-business but he still wants to maintain the look of the Town.

Planning Board member Charles Waddell said the Planning Board needs direction from the Council. He said that at the Planning Board meeting, Mr. Crook had mentioned that the restrictions would add an additional \$500,000 to the cost of construction of the company.

Mayor Pro Tem McAlpine said he feels Planning Director Scott Leonard and Zoning Administrator Lee Crook would know what most of the issues are. He said the Town needs the County's input.

Planning Board member Carl Tuttle said he felt it would be worthwhile to discuss it with the County.

Mayor Pro Tem McAlpine suggested Councilor Jackie Edwards and staff go to the County first to discuss the situation and then the Council would know what is being requested from the Town.

Councilor Edwards agreed that is the right direction the Town needs to go in.

Councilor Robin Moon said he wants to make sure what the problems are.

It was the consensus of Council for Councilor Jackie Edwards and staff to go to County to see what Mr. Leonard and Mr. Crook have to say about the matter.

TOWN MANAGER'S REPORTS

MONTHLY FINANCIAL REPORT

Town Manager Tammy Michael provided Council with monthly financial reports for February 2023 as follows:

FEBRUARY 2023

Total Income	\$1,588,225	92.7% of overall budget
Total Expenses	\$2,218,604	49.1% of overall budget

Ms. Michael gave the Council an update on the ARP funds. She told Council staff had a Zoom meeting with the Piedmont Triad Regional Council (PTRC) to discuss the Town's plans for using the ARP funds as Revenue Replacement. PTRC assured staff the Town is moving fine, even stating we are a lot further along than many other Towns. They have approved and support the policies that the Council adopted.

TOWN PARK UPDATE

Town Manager Tammy Michael reported that the contractor is still working on corrections on the shelter and the gazebo from the punch list.

SET DATE FOR BUDGET WORK SESSION

On motion by Councilor Jackie Edwards, seconded by Councilor Berkley Alcorn, Council voted unanimously to set Thursday, March 23, 2023, at 6:00 p.m. for the Budget Work Session.

ADJOURNMENT

On motion by Councilor Robin Moon, seconded by Councilor Keith Leonard, Council voted unanimously to adjourn the meeting at 7:30 p.m.

John E. Byrum, Mayor

Linda A. Hunt, Town Clerk