

MINUTES OF MIDWAY TOWN COUNCIL TOWN PARK WORK SESSION HELD ON JUNE 14, 2023, AT 6:00 P.M. IN THE CONFERENCE ROOM AT MIDWAY TOWN HALL, 426 GUMTREE ROAD, MIDWAY, NORTH CAROLINA

CALL TO ORDER

Mayor John Byrum called the meeting to order.

Councilors present were: John Byrum, Mike McAlpine, Robin Moon, Keith Leonard, Jackie Edwards and Berkley Alcorn. Absent: None. Town Manager Tammy Michael was present. Town Clerk Linda Hunt and Town Attorney Jim Lanik were absent.

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

There were no members of the press in attendance.

ADOPT AGENDA

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

TOWN PARK

TOWN PARK RULES AND REGULATIONS – CONDENSED VERSION

Mayor Pro Tem Mike McAlpine, Chairman of the Town Park Committee, presented the Park Committee's suggested changes to the Town Park Rules and Regulations, reducing the number from 28 to 17. The Committee requested staff review and input on the revised rules. The suggested changes/corrections by staff are highlighted in blue.

DRAFT
Town Of Midway, NC
Town Park Rules and Regulations
Revised by Resolution _____ Adopted _____, 2023
April through October – 6:00 a.m. – 9:00 p.m.
November through March – 6:00 a.m. – 7:00 p.m.

The Rules of Conduct are applicable to all Town Parks and Recreational Facilities and ~~rules~~ are applicable to the conduct of any person within any park, recreational facility, or other premises under the jurisdiction of the Town of Midway, NC. The rules are considered supplemental to, and not in exclusion of, any other rules, provisions of the Code, or other ordinances of the Town applicable to such matters. Violation of any of the park rules and regulations may result in expulsion and/or denial of future park/rental privileges. The Town Council or designee will determine expulsion/denial.

1. Weapons are prohibited except concealed handguns, with proper permit, as allowed by the N. C. General Statutes. The discharge of other weapons including, but not limited to; guns, spring guns, fireworks, bows and arrows, slings, slingshots, paintball guns, rocks, is not allowed.
2. Alcoholic beverages and/or controlled substances are prohibited.
3. Tobacco products, vaping apparatus and/or the use of tobacco and tobacco related products is prohibited.
4. No unattended children are allowed on the Playground – Adult supervision required at all times.

5. Animals shall always be leashed and accompanied – leashes shall not exceed ten (10) feet in length. **No animals allowed in the playground area.** Owners or those accompanying animals shall be expected to clean up any debris (natural or otherwise).
6. Electronically controlled devices including, **but not limited to**; drones, cars, airplanes, etc., are not allowed unless the event is approved by the Town Council or designee.
7. Driving, racing, riding and/or parking bicycles, automobiles, minibikes, motorcycles, all-terrain vehicles or other motorized and/or non-motorized vehicles, horses or other animals; on any such premises is not allowed, except in areas specifically designated, if any, by the Town Council or designee for such use.
8. **No open fire(s) allowed.** Lighting any fires on the property other than in established grilling areas is not allowed. Only charcoal is permissible in designated grilling areas. Pull-behind grills, propane grills or any other types of portable cooking devices will require permission/approval by the Town Council or designee in conjunction with a facility reservation. **Do not place charcoal ashes in trash receptacles but remove them from the premises in proper containers.**
9. Entering any area or portion of any area designated as restricted by signs or notices without the consent of the Town Council or designee is not allowed.
10. **No organized sports allowed.**
11. Any person whose conduct, language, or behavior conflicts with the safety, use, or enjoyment of the park by other is subject to expulsion.
12. Selling or offering to sell food or refreshments or being a vendor of any saleable products, food trucks, or services without the approval by written permit or contractual agreement with the Town Council or designee is not allowed.
13. **No soliciting**, fundraising or otherwise collecting money for any purpose is ~~not~~ allowed without written consent from the Town Council or designee, in which case, permission ~~will only~~ **may** be granted to a recognized, local non-profit organization by the Town Council or designee.
14. Playing or operating any sound amplification devices including, but not limited to radios, handheld radio devices, compact disc players, MP3 players, automobile radio type devices, television sets, public address systems, or musical instruments or operating any other energy amplification device in such manner that the sound emanating therefrom can be heard at a distance of fifty (50) feet from the equipment during its use or operation is not allowed unless approved by Town Council or designee. Acoustical instruments will follow the same requirements as amplified devices.
15. Tents/canopies are prohibited at the Town Park unless approved by the Town Council or designee. No items may be anchored or staked into any paved or grass areas – weighted anchors only.
16. No chalk drawing, chalk, or paint is allowed in the park or **playground** areas.
17. Rollerskates, skateboards, or rollerblades. Riding on sidewalks, **playgrounds** or walking trails is prohibited.

**The Town of Midway reserves the right to cancel the function or substitute the facility at any time.
The Town of Midway is not responsible/liable for accidents, for items lost or stolen or left behind on
Town Park property.**

DISCUSSION

Following discussion, changes were made to the rules and regulations for the Town Park as follows:

- The opening paragraph was to be moved to the end.
- Rule No. 4 regarding unattended children was moved to Rule No. 1.

- Rule No. 5 regarding animals in the park was moved to Rule No. 2. Emphasis to be put on animals not being allowed in the playground area.
- Rule No. 7 regarding the use of bicycles, minibikes, motorcycles, etc. was reworded and moved to Rule No. 3.
- Rule added to prohibit the use of roller skates, skateboards, or rollerblades and riding on sidewalks, playgrounds, pavilion, gazebo or walking trail was added as Rule No. 4.
- Rule regarding conduct, language, or behavior added as Rule No. 5.
- Rule prohibiting the use of chalk drawing, chalk, or paint in the park or playground areas was added as Rule No. 6.
- Rule No. 2 regarding the use of alcoholic beverages and/or controlled substances was moved to Rule No. 7.
- Rule No. 3 regarding use of tobacco products, vaping apparatus moved to Rule No. 8.
- Rule No. 1 regarding weapons was moved to Rule No. 9.
- Reword rule prohibiting organized sports to add: “This includes, but not limited to, teams, leagues, organizations, games, practices and/or scrimmages.”
- Reword rule prohibiting sale of food or refreshments to include “vendors” and “free food”.
- Reword rule prohibiting soliciting, fundraising, or otherwise collecting money for any purpose to delete “without written consent from the Town Council or designee, in which case, permission may be granted to a recognized, local non-profit organization.”
- Reword rule restricting sound that can be heard at a distance of fifty feet (50 feet).
- Add “umbrellas” to rule prohibiting tents and canopies.

TOWN PARK SHELTER/GAZEBO RULES AND REGULATIONS

DRAFT

TOWN OF MIDWAY, NC

TOWN PARK SHELTER/GAZEBO RULES AND REGULATIONS

The Town Park remains open to the public when the shelter/gazebo is reserved. The reservation is for the use of the shelter/gazebo only and for the allotted time shown on the shelter/gazebo reservation policy/agreement. *Please note: The bathrooms are for the public and are not considered part of the reservation.*

1. All posted rules at the park will be followed.
Rental reservations must be made no less than 14 days in advance. The shelter/gazebo may be reserved seven days a week during posted operating hours. Sunday reservations begin at 1:00 p.m. All reservations must end one hour prior to the posted gate closing time. **Reservations will not be accepted on national holidays and other days at the discretion of the Town of Midway.** The minimum rental time is three (3) hours, and the maximum rental time is five (5) hours. Reservations are limited to one per day.
2. Reservation holders may set up 30 minutes prior to their scheduled time and must have everything removed and the shelter cleaned 30 minutes after their scheduled time.
3. There will be a reservation fee of \$???? for residents, businesses, churches, and civic organizations inside the corporate limits of the Town of Midway and a reservation fee of \$???? for residents, businesses, churches, and civic organizations outside the corporate limits of the Town of Midway. All payments must be made **ONLINE & RENTAL AGREEMENT VERIFIED IN ORDER FOR** a reservation to be confirmed. **Flat fee for everyone – do not differentiate?**

4. The shelter may be reserved only for groups having at least 15 people with a maximum of 200 people.
5. The gazebo may be reserved only for groups having at least 10 people with a maximum of 75 people. Any group exceeding the maximum number of people may be denied future use of the facilities.
6. No items may be adhered to any part of the shelter or gazebo. This includes, but is not limited to, banners, lights, posters, etc.
7. Trash is to be picked up around the picnic shelter and disposed of properly.
8. Restrooms are to be monitored by the person who reserved the picnic shelter to ensure that they are not abused. Restrooms remain open to the general public.
9. Playing or operating any sound amplification devices including, but not limited to radios, handheld radio devices, compact disc players, MP3 players, automobile radio type devices, television sets, public address systems, or musical instruments or operating any other energy amplification device in such manner that the sound emanating therefrom can be heard at a distance of fifty (50) feet from the equipment during its use or operation is not allowed unless approved by Town Council or designee. Acoustical instruments will follow the same requirements as amplified devices.
10. **No open fire(s) allowed.** Lighting any fires on the property other than in established grilling areas is not allowed. Only charcoal is permissible in designated grilling areas. Pull-behind grills, propane grills or any other types of portable cooking devices will require permission/approval by the Town Council or designee in conjunction with a facility reservation. **Do not place charcoal ashes in trash receptacles but remove them from the premises in proper containers.** Gas and charcoal grills are not permitted under the shelter or on wooden deck.
11. Picnic tables are to be picked up when being moved (Do Not Drag.) The tables are to be returned to their original arrangement. If the picnic shelter, bathrooms, or surrounding area are damaged or left in disarray, a maintenance fee of **\$50.00/employee/hour will be charged.**
12. Groups reserving the shelter or gazebo must not disturb or interfere with any person or party using any other areas of the park or any person or party participating in authorized activities within the park.
13. ~~No possession, consumption or display of alcohol or any controlled substance or containers thereof are allowed within shelter/gazebo or the park. **Any person appearing to be under the influence of alcohol, or any controlled substance is prohibited from any areas of the park.**~~
14. **Alcoholic beverages and/or controlled substances are prohibited.**
15. **Tobacco products, vaping apparatus and/or the use of tobacco and tobacco related products is prohibited.**
16. No refunds will be given due to inclement weather or for cancellations. Inclement weather dates may be rescheduled, if a date is available, but must be requested no more than two (2) workdays following the original reservation date. Inclement weather must occur at the picnic shelter during the time reserved before a rain date may be rescheduled.
17. **Any rental of facilities with expected attendance of 100 people, requires the presence of off duty police officer with the cost incurred by the renter.**
18. Flagrant misuse of the park and recreational facilities could result in the forfeiture of future use and reservation privileges. Persons failing to comply with the rules of the shelter and park set forth by the Town of Midway Council may be denied future use of the facilities.

DISCUSSION

Following discussion, changes were made to the rules and regulations for the Town Park as follows:

- Reword and move Rule No. 3 to Rule No. 2 (Reservation fees).
- Reword rule pertaining to sound restriction at fifty (50) feet.
- Delete Rule 13 – Duplication of rule prohibiting alcoholic beverages and/or control substances.
- Reword rule pertaining to picnic tables. Picnic tables are not to be moved.

- Delete Rule 17 pertaining to presence of off-duty police officers for events with expected attendance of 100-plus people.
- Renumber rules to maintain number consistency with Town Park Rules
- Reservation/rental fees as follows:

Gazebo

3 hours	6 hours	Full Day
Reservation fee - \$100	Reservation fee - \$250	Reservation fee - \$500
Rental fee - \$100	Rental fee - \$250	Rental fee - \$500

Pavilion – One-Fourth of Pavilion

3 hours	Half-Day	Full Day
Reservation fee - \$100	Reservation fee - \$250	Reservation fee - \$500
Rental fee - \$100	Rental fee - \$250	Rental fee - \$500

Pavilion – One-Half of Pavilion

3 hours	Half-Day	Full Day
Reservation fee - \$250	Reservation fee - \$500	Reservation fee - \$750
Rental fee - \$250	Rental fee - \$500	Rental fee - \$750

Pavilion – Whole Pavilion

3 hours	Half-Day	Full Day
Reservation fee - \$500	Reservation fee - \$1,000	Reservation fee - \$1,500
Rental fee - \$500	Rental fee - \$1,000	Rental fee - \$1,500

ADJOURNMENT

On motion by Councilor Robin Moon, seconded by Mayor Pro Tem Mike McAlpine, Council voted unanimously to adjourn the meeting at 9:35 p.m.

John Byrum, Mayor

Linda A. Hunt, Town Clerk