

MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON SEPTEMBER 3, 2024, AT 7:00 P.M. IN THE COUNCIL CHAMBER AT MIDWAY TOWN HALL, 426 GUMTREE ROAD, MIDWAY, NORTH CAROLINA

INVOCATION AND PLEDGE OF ALLGIANCE

Pastor Josh Sands with Zion Church Thomasville gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

CALL TO ORDER

Mayor Pro Tem Mike McAlpine called the meeting to order.

Councilors present were: Mike McAlpine, Keith Leonard, Jackie Edwards, Robin Moon and Berkley Alcorn. Interim Town Manager Hank Perkins, Town Clerk Linda Hunt, Deputy Clerk Ree Goodson and Attorney Jim Lanik were present. Absent: Mayor John Byrum.

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 Keith Leonard, Council voted unanimously to approve the minutes of the July 25, 2024 Special Meeting as presented.

On motion by Councilor Keith Leonard, seconded by Councilor Berkley Alcorn, Council voted unanimously to approve the minutes of the August 5, 2024 Regular Meeting as presented.

PUBLIC ADDRESS

There were none.

ADOPT AGENDA

Councilor Robin Moon said the agenda needs to be amended to remove Item 1. Alliance Code Enforcement – Brandon Emory under VI. Regular Business.

On motion by Councilor Keith Leonard, seconded by Councilor Robin Moon, Council voted unanimously to adopt the amended agenda.

REGULAR BUSINESS

AMENDMENT TO TOWN PARK RULES AND REGULATIONS

Mayor Pro Tem Mike McAlpine stated there are some changes that need to be made to the Park Rules and Regulations.

Proposed changes are highlighted in red as follows:

RESOLUTION NO. 01-24

TOWN PARK RULES AND REGULATIONS

1. No unattended children are allowed on the Playground – **Adult supervision always required.**
2. Animals shall always be **on a physical leash** and always accompanied – **physical leashes** shall not exceed ten (10) feet in length. **No animals allowed in the pavilion area, playground area and no tethering to any item in the playground. No animals are to enter the playground at any time.** Owners or those accompanying animals shall be expected to clean up any debris (natural or otherwise.)
3. The use of bicycles, automobiles, minibikes, motorcycles, all-terrain vehicles or other motorized and/or non-motorized vehicles on any such premises is not allowed.
4. Roller-skates, skateboards, or rollerblades and riding on sidewalks, playgrounds, pavilion, gazebo or walking trails is prohibited.
5. Any person whose conduct, language, or behavior conflicts with the safety, use, or enjoyment of the park by others is subject to expulsion.
6. No chalk drawing, chalk, or paint is allowed in the park or playground areas.
7. 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.
8. Alcoholic beverages and/or controlled substances are prohibited.
9. Tobacco products, vaping apparatus and/or the use of tobacco and tobacco related products is prohibited.
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 instead place them in proper containers supplied by the Town.**
11. No organized sports allowed. This includes, but is not limited to; teams, leagues, organizations, games, practices and/or scrimmages.
12. Vendors selling or offering free food or refreshments or being a vendor of any saleable products, food trucks, or services without the approval of a 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 allowed.
14. Playing or operating any sound amplification devices including acoustical instruments, in such manner that the sound emanating therefrom can be heard at fifty (50) feet from the equipment during its use or operation is not allowed.
15. Electronically controlled devices including, but not limited to; drones, cars, airplanes, etc., are not allowed.
16. Tents, canopies, and umbrellas are prohibited at the Town Park.

On motion by Councilor Jackie Edwards, seconded by Councilor Keith Leonard, Council voted unanimously to approve the amendments to Resolution No. 01-24 as presented.

RESOLUTION NO. 02-24

TOWN PARK AND GAZEBO RULES AND REGULATIONS

1. All posted rules at the park will be followed. Please be respectful of other individuals, groups, or activities occurring in the park when reserving times in the pavilion and/or gazebo.
2. The Midway Town Council will set and adopt the reservation fee. All reservations and fees must be made using the online and rental agreement portal on the Town's website.
3. Rental reservations must be made **no less than seven (7) days in advance**. The pavilion/gazebo is open for reservations seven days a week during posted operating hours and reservation schedule times. The minimum rental time is three (3) hours, and the maximum rental time is one full day.
4. Reservation holders may set up 30 minutes prior to their scheduled time and must have everything removed and the pavilion/gazebo cleaned 30 minutes after the reservation ends.
5. The pavilion has a maximum capacity of 200 occupancy. Reservations for the Pavilion are **required for ten (10) or more individuals**. The gazebo has a maximum capacity of 75 occupancy with a minimum of ten (10) for a reservation. 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 pavilion or gazebo. Only removable tape, command strips, or signs with grommets are permitted.
7. Trash is to be picked up around the picnic pavilion and disposed of properly.
8. Alcoholic beverages and/or controlled substances are prohibited.
9. Tobacco products, vaping apparatus and/or the use of tobacco and tobacco related products is prohibited.
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 instead place them in proper containers supplied by the Town. Gas and charcoal grills are not permitted under the pavilion or on the wooden deck.**
11. Restrooms remain open to the public and are not considered part of the reservations.
12. Picnic tables are not to be moved.
13. Groups reserving the pavilion 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.
14. Playing or operating any sound amplification devices including acoustical instruments, in such manner that the sound emanating therefrom can be heard at fifty (50) feet from the equipment during its use or operation is not allowed.
15. Reservation fees are non-refundable. If inclement weather occurs, the event may be rescheduled without an additional fee; but must be requested no more than two (2) workdays following the original reservation date. *Inclement weather must occur at the picnic pavilion during the time reserved before a rain date may be rescheduled.*
16. 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 pavilion and park set forth by the Town of Midway Council may be denied future use of the facilities.

On motion by Councilor Jackie Edwards, seconded by Councilor Keith Leonard, Council voted unanimously to approve the amendments to Resolution No. 02-24 to amendment as presented.

NEW DECORATIVE TOWN OF MIDWAY MONUMENT SIGNS

Mayor Pro Tem Mike McAlpine stated the contracts for Signarama and RITE LITE CUSTOM SIGNS for the New Decorative Town of Midway Monument Signs need to be reviewed and approved.

Town Attorney Jim Lanik stated that he made some minor changes to both contracts and they are ready for Council's consideration.

Signarama will construct three signs. Two of the signs will be 8 ft x 4 ft and one larger sign will be 9 ft. x 4 ft. Total cost for construction by Signarama will be \$27,029.98. RITE LITE CUSTOM SIGNS will be installing the three signs at a cost of \$8,977.59.

On motion by Councilor Robin Moon, seconded by Councilor Berkley Alcorn, Council voted unanimously to approve the contract with Signarama as presented.

On motion by Councilor Keith Leonard, seconded by Councilor Mayor Pro Tem Mike McAlpine, Council voted unanimously to approve the contract with RITE LITE CUSTOM SIGNS as presented.

TOWN MANAGER ADVERTISEMENT DISCUSSION

Interim Town Manager Hank Perkins stated that he has prepared a job description for the Town Manager's position for Council review and approval. If approved, this will be the job description used in advertising the position.

PROPOSED TOWN MANAGER JOB DESCRIPTION

Town Manager – Midway, NC. (Population – Approximately 4,700) The Town of Midway, North Carolina is seeking an experienced leader for the full-time position of Town Manager. Midway is in Davidson County which is located in the beautiful Piedmont area of North Carolina. Midway is situated in a great location along Interstate 285 just south of the City of Winston-Salem and just a few miles north of the City of Lexington. The Town operates in the Council-Manager form of government and is governed by an elected Mayor and a five-member Town Council. The Town has a stable and experienced governing board with a progressive mindset. Midway has a strong financial position with a General Fund Budget of approximately \$3.6 million. The Town provides for many services such as solid waste, streetlights, and land use planning. The majority of town services are provided by contract and/or MOAs. The Town Manager serves as the Chief Administrator of the Town and responsible to the Mayor and Council for the day-to-day operations of the Town; implementing ordinances, policies and budget adopted by the Town Council; attending all Town Council meetings; and preparing and submitting the annual budget and capital program to the Council. The Town Manager must possess strong oral and written communication skills; administrative experience; excellent interpersonal communication skills; and work equally well with the governing board, state and county legislators, state and county agencies, staff, and citizens. The majority of services are supplied by contract, including planning services, so the Town is looking for someone with strong contract management experience. Midway has a small staff, so being a team player and being willing to “pitch in” where needed is important. In addition, the town is experiencing growth due in part to its location in the state, therefore the Council also considers a strong background and understanding of Planning and Zoning as well as code enforcement highly desirable.

Midway's municipal park is an awesome recreational facility and will continue to expand in the future. There is no residency requirement. Bachelor's degree in public administration, business management, or related field and supervisory experience at a management level with a public sector organization, preferably in a municipal environment; graduate degree in public administration or related field preferred; or an equivalent combination of education and experience. NCDL required. Salary will be negotiated based on experience, education, and credentials. Excellent benefits. Pre-Employment Drug test and Background check required. To apply, submit resume, five references, and salary history to Manager Search, Town of Midway, 426 Gumtree Road, Winston-Salem, NC 27107 or email to lhunt@midway-nc.gov. Position open until filled.

On motion by Councilor Jackie Edwards, seconded by Councilor Berkley Alcorn, Council voted unanimously to approve the Town Manager job description as presented.

HICKORY TREE ROAD LIGHTING DISCUSSION

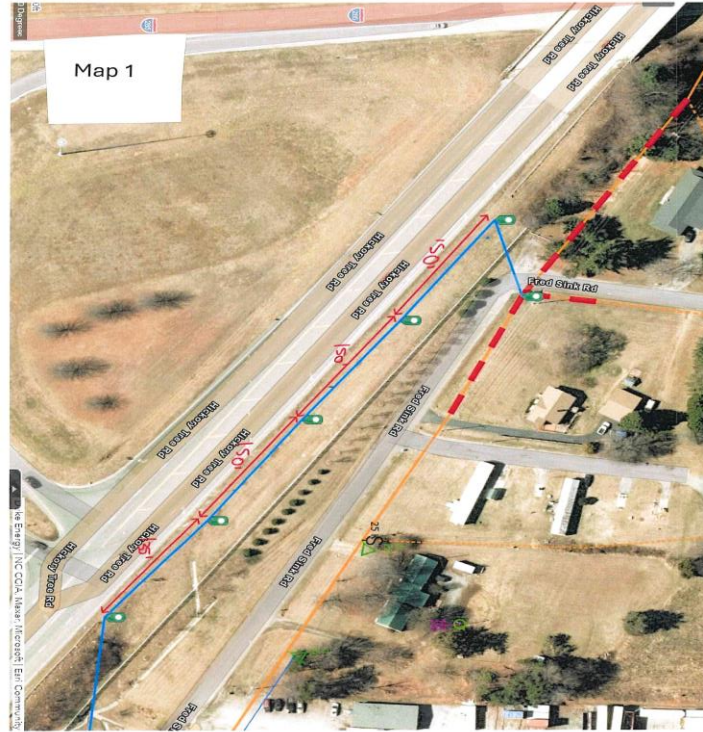
Mayor Pro Tem Mike McAlpine stated that at the Vision Session meeting on Thursday, August 22, 2024 there was a discussion about the dark areas on Hickory Tree Road. Mayor Pro Tem McAlpine said Interim Town Manager Hank Perkins has reached out to Peter Berrios who is a Lighting Engineer with Duke Energy.

Mr. Perkins said Mr. Berrios sent him an email stating Duke Energy cannot place poles in front of guard rails so there will be some areas that are missing lights on Hickory Tree Road. Mr. Berrios said the wattage of the fixtures on the new installs on Old U.S. Hwy 52 adjacent to Hickory Tree Road has 150w LED on the existing poles. He said he could use the same wattage for the new installations.

Mr. Perkins referenced three maps he provided Council of the proposed lighting on Hickory Tree Road. He said if Maps 1, 2 and 3 are put together, the Council can see where the lights will be going. Mr. Perkins pointed out that there will also be a light installed at Fred Sink Road.

Mr. Perkins asked for Council's blessing on the proposed lighting so he can let Duke Energy know that the basic conceptual design presented is acceptable for the lighting so they can move forward with a more formal design and paperwork.

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**NEW LAW REGARDING PORNOGRAPHY ON GOVERNMENT NETWORKS AND DEVICES
– COATES’ CANONS NC LOCAL GOVERNMENT LAW (UNC.EDC)**

Town Attorney Jim Lanik stated the General Assembly recently passed a law which bans viewing of pornography on a local governments network or on devices owned by a local government. It also puts certain reporting requirements on the local governments and requires the adoption of a policy. The policy must be adopted by January 2025. Mr. Lanik presented a draft policy for Council’s review.

**Policy Prohibiting Viewing of Pornography on Town Networks and Devices and
Storage of Pornography on the Town’s Devices**

WHEREAS N.C.G.S. § 143-805 requires, among other things, affirmative action by the Town of Midway, North Carolina (the “Town”) to prohibit viewing of pornography on the Town’s networks and devices and to prohibit the storage of pornography on devices owned by the Town; and

WHEREAS N.C.G.S. § 143-805 further requires, among other things, the Town to adopt a policy governing the use of its network and devices owned, leased, maintained, or otherwise controlled by the Town; and

WHEREAS such policy must delineate the disciplinary actions that will be taken in response to a violation of the policy.

NOW, THEREFORE, BE IT RESOLVED that the following policies are hereby adopted by the Town:

1. No employee of the Town shall view pornography on any computer network owned, leased, maintained, or otherwise controlled by the Town, whether on a device controlled by the Town or on a privately owned, leased, maintained, or otherwise controlled device.
2. No employee, elected official, or appointee of the Town shall view pornography on a device owned, leased, maintained, or otherwise controlled by the Town.
3. Any employee, elected official, or appointee of the Town who has saved pornography to a device owned, leased, maintained, or otherwise controlled by the Town shall remove, delete, or uninstall the pornography no later than January 1, 2025.
4. Paragraphs 1, 2, and 3 shall not apply to an official or employee of the Town if the use falls under the provisions of N.C.G.S. § 143-805(d). In such event, such official or employee shall follow the recommendations issued by the State Chief Information Officer under N.C.G.S. § 143- 805(d) for appropriate viewing of pornography.
5. Annually, no later than August 1 and in the format required by the State Chief Information Officer, the Town Clerk shall report to the State Chief Information Officer on the number of incidences of unauthorized viewing or attempted viewing of pornography on that public agency's network; whether or not the unauthorized viewing was by an employee, elected official, appointee, or student of that public agency; and whether or not any of the unauthorized viewing was on a device owned, leased, maintained, or otherwise controlled by that public agency.
6. Any employee of the Town who becomes aware of a violation of any provision of this policy shall report the violation to the Town Manager or to the Mayor if such violation involves the Town Manager. If the violation was by the Town Manager or by a member or appointee of the Town Council, the Town Clerk shall report the violation to the Town Council unless such person first resigns from the position held.
7. Any employee of the Town who violates any provision of this policy shall be subject to disciplinary action under the Town's personnel policy, up to and including termination.
8. Any appointee of the Town who violates any provision of this policy shall be subject to removal by the Town Board.
9. The terms used herein shall be defined as set forth in N.C.G.S. § 143-805(g).

This resolution shall be in full force and effect upon its passage.

TOWN MANAGER'S REPORTS

TOWN PARK UPDATE

Interim Town Manager Hank Perkins stated Thomas General Contractors, the General Contractor for the new parking lot will charge 15% of the total cost of the parking lot to oversee the project. The added cost will be approximately \$24,000. Mr. Perkins stated he is waiting for the final draft and proposal from Mr. Thomas. Mayor Pro Tem Mike McAlpine stated the Council does not want any surprises on the total amount.

Deputy Clerk Ree Goodson reported the Park has been running smoothly and there have been no serious issues.

MONTHLY FINANCIAL REPORT

Town Clerk Linda Hunt provided Council with monthly financial reports for August 2024 as follows:

August 2024		
Total Income	\$452,076	21.5% of overall budget
Total Expenses	\$146,568	4.1% of overall budget

ADJOURNMENT

On motion by Councilor Jackie Edwards, seconded by Councilor Robin Moon, Council voted unanimously to adjourn the meeting.

Mike McAlpine, Mayor Pro Tem

Ree Goodson, Deputy Clerk