

**MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON
NOVEMBER 4, 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

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

CALL TO ORDER

Mayor John Byrum called the meeting to order.

Councilors present were: John Byrum, Mike McAlpine, Keith Leonard, Jackie Edwards, Robin Moon and Berkley Alcorn. Town Clerk Linda Hunt, Deputy Clerk Ree Goodson and Attorney Jim Lanik were present. Absent: None

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 Mayor Pro Tem Mike McAlpine, Council voted unanimously to approve the minutes of the October 7, 2024 Regular Meeting as presented.

PUBLIC ADDRESS

Marshall Haitt – 175 Noralin Drive Winston Salem, NC 27107. Mr. Haitt stated he has some construction materials that he took to the dump site near Sheetz on old Hwy 52 and the gentleman told him he could not drop that off because it was construction material. Mr. Haitt said he was told he needed to take it to the County landfill in Lexington.

Mr. Haitt stated a lot of towns will schedule a day once a month for materials that the dump site will not take. Mr. Haitt said he would hope that Midway could help their citizens find other ways to dispose of construction materials other than going to the County landfill.

ADOPT AGENDA

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

VETERANS DAY PROCLAMATION – NOVEMBER 11, 2024

Mayor John Byrum read the Veterans Day Proclamation proclaiming November 11, 2024, as Veterans Day in the Town of Midway.

PROCLAMATION

VETERAN’S DAY

WHEREAS, the residents of Town of Midway have great respect, admiration, and the utmost gratitude for all of the men and women who have selflessly served their country and this community in the Armed Forces; and

WHEREAS, the contributions and sacrifices of the men and women that served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, the Town of Midway seeks to honor these individuals who have paid the high price of freedom by placing themselves in harm’s way for the good of all; and

WHEREAS, there are approximately 700,000 veterans in the State of North Carolina, with over 9,000 of them being in Davidson County; and

WHEREAS, Veterans continue to serve their community in the American Legion, Veterans of Foreign Wars, church groups, civil service; and

WHEREAS, Approximately 200,000 service members transition to civilian communities annually; and

WHEREAS, an estimated 20% increase of service members will transition to civilian life in the near future; and

WHEREAS, studies indicate that 44% to 72% of service members experience high levels of stress during transition from military to civilian life; and

WHEREAS, Active Military Service Members transitioning from military service are at a high risk for suicide during their first year after military service; and

WHEREAS, the Town of Midway appreciates the sacrifices our United States Military Personnel made while defending freedom and believes specific recognition be accorded them in appreciation of their service to demonstrate the honor and support they have earned.

NOW THEREFORE BE IT RESOLVED as we approach Veterans Day in 2024, the Town of Midway hereby proclaim that the Town of Midway recognizes Operation Green Light and encourages its citizens and businesses to honor those whose immeasurable sacrifice helped preserve our freedom by displaying a green light in a window of their place of business or residence.

Adopted this the 4th day of November, 2024.

REGULAR BUSINESS

DAVIDSON COUNTY EMERGENCY SERVICES – DEFIBRILLATOR – KEVIN LEONARD

Mayor John Byrum introduced Kevin Leonard with Davidson County Emergency Services. Mr. Leonard stated he came to a Town Council meeting on May 6, 2024 and spoke to the Council about purchasing a defibrillator for the Town Park.

Mr. Leonard brought a defibrillator to show the Council what one looks like and explained how it works. He said Davidson County Emergency Services offers classes for CPR, and he could schedule a day to come out and teach the class. The class lasts 45 minutes to one hour.

Davidson County Emergency Services has a poster with a barcode on it and if someone scans the barcode, it will tell them every location in the County that has a defibrillator. Mr. Leonard said that if the Town purchases one, the Town's address would be added as a location for the defibrillators. Mr. Leonard stated Davidson County Emergency Services is trying to provide the best services for the citizens in Davidson County.

On motion by Councilor Keith Leonard, seconded by Councilor Berkley Alcorn, Council voted unanimously to approve the purchase of the defibrillator as presented.

ALLIANCE CODE ENFORCEMENT – CONTRACT – BRANDON EMORY

Town Attorney Jim Lanik stated he has made a number of changes to the contract used by Alliance Code Enforcement (ACE) to bring it more in line with the Town's Independent Contractor format. He explained that ACE has its own contract form it uses because they provide a different kind of service than the Town is used to. Mr. Emory has not had the opportunity to review the contract as revised. This is for Council discussion.

Councilor Berkley Alcorn said as far as the contracted service being 12 hours per week, he thought the Town would just be using ACE as a supplemental source. Mr. Lanik stated the twelve hours per week is not a use it or lose thing. If ACE only uses 8 hours that week, the other 4 would roll over.

Councilor Jackie Edwards said she thinks the County is doing a good job at this point and has everything up to date. She said she does not see the need to use ACE right now.

Mayor Pro Tem Mike McAlpine stated former Interim Town Manager Hank Perkins helped turn things around. He added that one of the things the new manager could handle is code enforcement issues.

Councilor Robin Moon stated that just from his point of view, the County cannot handle the code enforcement for the Town. He believes that with all the new construction, housing and ordinances, the County does not have the manpower and is overwhelmed.

Councilor Moon said the County is in charge of the unsightly situations on Old Highway 52. The renters where all the trucks and construction debris is located were given 30 days to clean it up. The 30 days have passed, and nothing has been done. He said the house beside the car wash has been cleaned up and he is thankful for that. Councilor Moon said he feels like Brandon Emory can stay on top of the Town's code violations and has the manpower to take care of the violations until they are all done. He said Mr. Emory has been doing this for a while and knows the short cuts to get things done. Councilor Moon stated, personally, he does not think the Town should continue with the County. He said it is nothing against the

County, but he feels the County does not have the manpower. Councilor Moon said that he stands by what he has said, and it is not against anyone or the Council, but he just wants what is best for the Town. He said someone needs to physically go to the sites and show up, not just send letters.

Councilor Alcorn said he would not want the Town to be locked into a contract with Brandon Emory for one to two years. He said he agrees with what Councilor Moon said but he did not think the Town was going to use ACE on a weekly basis but only on as-needed basis.

Councilor Jackie Edwards said the Town currently has 10 complaints and the County seems to be doing things about them. She said if for some reason the Town would go with ACE and it did not work out, she feels the Town would not have anyone to fall back on.

Councilor Moon stated if the County is only sending out letters then violators think nothing is going to happen. He said the Town needs someone to physically go there and show up.

Councilor Berkley Alcorn said he wouldn't want the Town to be locked into a contact with Brandon Emory for 1 to 2 years. He said he does agree with what Councilor Moon is saying but he did not think the Town was going to use them on a weekly basis. Councilor Alcorn said as far as the 12 hours per week, he thought the Town was going to use Mr. Emory on a as need basis.

Mayor Pro Tem Mike McAlpine stated one thing that was encouraging to him was seeing the response Hank Perkins had with the violations while he was the Interim Town Manager. Mayor Pro Tem McAlpine said the Town has several applications for the Town Manager position and one of the main points on their applications are their with Planning and Zoning experiences.

Mayor Pro Tem McAlpine said he spoke with Mark Swaim, Town Manager for Wallburg, who said the key thing with the County is communication. He said Mark Swaim said he would be very wary about pulling away from the County. He thinks there needs to be a relationship with the County and the Commissioners and he doesn't feel the Commissioners know there is a issue with Planning and Zoning. If the Town does have a issue, he feels the Commissioners would be willing to help in any way they could. Mayor Pro Tem McAlpine said his advice would be to hold back on hiring Mr. Emory until the Town hires a Town Manager.

Mayor Pro Tem McAlpine reiterated that Hank Perkins' involvement with the County seems to have got things moving forward with the Town's code violations.

Mayor John Byrum stated the Council has a decision to make. Either someone needs to make a motion to continue forward with the Contract or if no decision can be made, then the Council should move forward on the agenda.

Councilor Keith Leonard stated he does not like the 12 hours a week that is in the contract for Brandon Emory. He said he has seen improvements in the Town and would like to continue with the County. He said if the Town sees things getting worse, the Council could decide then to contract with Brandon Emory. Councilor Leonard does not think the Town should burn bridges with the County.

Mayor John Byrum stated from what he is hearing, it sounds like three Councilors are not in support of using Brandon Emory. Mayor Byrum asked the Council what direction Council would like Town Attorney Jim Lanik to take.

Mayor Pro Tem Mike McAlpine stated in all fairness to Councilor Robin Moon, if the Town does not see more improvement in the next several months, then the Council could come back and discuss this matter. He said he truly hears what Councilor Moon is saying but this is a long term relationship with the County.

Mayor John Byrum asked if the Council wants Mr. Lanik to move forward with the contract. It would not mean the contract would have to be adopted but it would just be ready if the Town would need to activate it.

Councilor Robin Moon stated the Council should at least do that at this point.

Councilor Jackie Edwards asked why the Council needs to negotiate the contract if the Council is not going to do it now.

Town Attorney Jim Lanik stated he can still move forward negotiating the contract if the Council directs him to but just keep it on the shelf until it is needed.

Councilor Jackie Edwards made a motion to not approve the contract and to not move forward negotiating the contract with Brandon Emory. The motion died for lack of a second.

Mayor John Byrum stated this will almost be like a pause in the discussion for the contract with Alliance Code Enforcement.

No action taken.

CHANGE SPEED LIMIT ON DAVID SMITH ROAD (SR 1507) FROM ELLER ROAD (SR 1506) NORTHWARD TO LORI LANE (SR 1659) – ORDINANCE NO. 25-01.

Assistant Traffic Engineer Dusty Bard with the North Carolina of Transportation (NCDOT) advised staff that NCDOT has completed an engineering investigation and recommended enactment of a 45-mph speed limit on a portion of the of State maintained roadway within the Town's municipal boundaries on David Smith Road (SR1507) from Eller Road (SR1506) northward to a point 0.02 mile north of Lori Lane (SR 1659) and issued Concurring State Ordinance #108446.

NCDOT has requested the adoption of a concurring ordinance by the Midway Town Council for the enactment of a 45-mph speed limit on that portion of the State maintained roadway within the Town's municipal boundaries in accordance with NCGS § 20-141(f).

On motion by Councilor Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted by a 4 to 1 split vote to adopt Ordinance No. 25-01. Voting in favor of Ordinance No. 25-01 were Mayor Pro Tem Mike McAlpine, Councilors Jackie Edwards, Robin Moon, and Berkley Alcorn. Voting against was Councilor Keith Leonard.

ORDINANCE NO. 25-01

**ORDINANCE ENACTING SPEED LIMIT CHANGE ON STATE MAINTAINED ROADWAY
WITHIN THE TOWN OF MIDWAY MUNICIPAL BOUNDARIES
ON DAVID SMITH ROAD (SR 1507) FROM ELLER ROAD (SR 1506) NORTHWARD
TO A POINT 0.02 MILE NORTH OF LORI LANE (SR 1659)**

WHEREAS, North Carolina General Statute § 20-141(b)(1) establishes a 35-mph speed limit within municipal corporate limits for all vehicles, unless stated otherwise or legislatively modified; and

WHEREAS, North Carolina General Statute § 20-141(f) authorizes municipalities to increase speed limits within a municipality’s jurisdiction that are part of the State highway system when an engineering and traffic investigation discloses that the speed limit set forth in Subsection (b)(1) is less than is reasonable and safe under the conditions, and the Department of Transportation passes a concurring ordinance to the same effect.

WHEREAS, the North Carolina Department of Transportation (NCDOT) has informed the Town of Midway that it completed an engineering investigation and recommend enactment of a 45-mph speed limit on the portion of the State maintained roadway within the municipal boundaries on David Smith Road (SR 1507) from Eller Road (SR 1506) northward to a point 0.02 mile north of Lori Lane (SR 1659) and issued a Concurring State Ordinance No. 1086446.

WHEREAS, the NCDOT requested the adoption of a concurring ordinance by Midway Town Council for the enactment of a 45-mph speed limit on the portion of the State maintained roadway within the municipal boundaries and in accordance with North Carolina General Statute § 20-141(f).

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Midway:

1. The speed limit on the portion of the State maintained roadway within the municipal boundaries on David Smith Road (SR 1507) from Eller Road (SR 1506) to northward to a point 0.02 mile north of Lori Lane (SR 1659) shall be increased to 45-mph.
2. A violation of this ordinance shall be subject to the penalties under law.
3. This ordinance shall be effective immediately upon its adoption, subject to the erection of the appropriate signs.

Adopted this the 4th day of November, 2024.

CHANGE SPEED LIMIT ON GUMTREE ROAD (SR 1711) FROM HEBRON CHURCH ROAD (SR 1713) EASTWARD TO DOVER ROAD (SR 2962) – ORDINANCE NO. 25-02.

Assistant Traffic Engineer Dusty Bard with the North Carolina of Transportation (NCDOT) advised staff that NCDOT has completed an engineering investigation and recommended enactment of a 45-mph speed limit on a portion of the of State maintained roadway within the Town’s municipal boundaries on Gumtree Road (SR 1711) from Hebron Church Road (SR1713) eastward to Dover Road (SR 2962) and issued Concurring State Ordinance #108446.

NCDOT has requested the adoption of a concurring ordinance by the Midway Town Council for the enactment of a 45-mph speed limit on that portion of the State maintained roadway within the Town’s municipal boundaries in accordance with NCGS § 20-141(f).

On motion by Councilor Robin Moon, seconded by Mayor Pro Tem Mike McAlpine, Council voted unanimously to adopt Ordinance No. 25-02.

ORDINANCE NO. 25-02

ORDINANCE ENACTING SPEED LIMIT CHANGE ON STATE MAINTAINED ROADWAY WITHIN THE TOWN OF MIDWAY MUNICIPAL BOUNDARIES ON GUMTREE ROAD (SR 1711) FROM HEBRON CHURCH ROAD (SR 1713) EASTWARD TO DOVER ROAD (SR 2962)

WHEREAS, North Carolina General Statute § 20-141(b)(1) establishes a 35-mph speed limit within municipal corporate limits for all vehicles, unless stated otherwise or legislatively modified; and

WHEREAS, North Carolina General Statute § 20-141(f) authorizes municipalities to increase speed limits within a municipality's jurisdiction that are part of the State highway system when an engineering and traffic investigation discloses that the speed limit set forth in Subsection (b)(1) is less than is reasonable and safe under the conditions, and the Department of Transportation passes a concurring ordinance to the same effect.

WHEREAS, the North Carolina Department of Transportation (NCDOT) has informed the Town of Midway that it completed an engineering investigation and recommend enactment of a 45-mph speed limit on the portion of the State maintained roadway within the municipal boundaries on Gumtree Road (SR1711) from Hebron Church Road (SR1713) eastward to Dover Road (SR 2962) and issued a Concurring State Ordinance No. 1086446.

WHEREAS, the NCDOT requested the adoption of a concurring ordinance by Midway Town Council for the enactment of a 45-mph speed limit on the portion of the State maintained roadway within the municipal boundaries and in accordance with North Carolina General Statute § 20-141(f).

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Midway:

1. The speed limit on the portion of the State maintained roadway within the municipal boundaries on Gumtree Road (SR 1711) from Hebron Church Road (SR1713) to Dover Road (SR 2962) shall be increased to 45-mph.
2. A violation of this ordinance shall be subject to the penalties under law.
3. This ordinance shall be effective immediately upon its adoption, subject to the erection of the appropriate signs.

Adopted this the 4th day of November, 2024.

ADOPTION MEETING SCHEDULE 2025

Mayor John Byrum asked the Council to review and approve the Meeting Schedule for 2025.

On motion by Councilor Jackie Edwards, seconded by Councilor Keith Leonard, Council voted unanimously to adopt the Meeting Schedule 2025 as presented.

2025 MIDWAY TOWN COUNCIL MEETING SCHEDULE

Meetings of the Midway Town Council are generally held on the 1st Monday of each month, unless otherwise listed, at 7:00p.m. in the Town Hall Council Chambers located at 426 Gumtree Road in Midway, North Carolina.

Monday, January 6
Monday, February 3
Monday, March 3
Monday, April 7
Monday, May 5
Monday, June 2
Monday, July 7
Monday, August 4
Monday, September 8
Monday, October 6
Monday, November 3
Monday, December 1

ADOPTION HOLIDAY SCHEDULE 2025

Mayor John Byrum asked the Council to review and approve the Holiday Schedule for 2025.

2025 TOWN OF MIDWAY OF MIDWAY HOLIDAY SCHEDULE

| | |
|----------------------------------|--|
| New Years's Day | Wednesday, January 1, 2025 |
| Martin Luther King, Jr. Birthday | Monday, January 20, 2025 |
| Good Friday | Friday, April 18, 2025 |
| Memorial Day | Monday, May 26, 2025 |
| Independence Day | Friday, July 4, 2025 |
| Labor Day | Monday, September 1, 2025 |
| Veterans Day | Tuesday, November 11, 2025 |
| Thanksgiving | Thursday, November 27, 2025 Friday, November 28, 2025 |
| Christmas | Wednesday, December 24, 2025 Thursday, December 25, 2025 Friday, December 26, 2025 |

On motion by Councilor Jackie Edwards, seconded by Councilor Robin Moon, Council voted unanimously to adopt the Holiday Schedule 2025 as presented.

CLINE'S FLOAT - CONTRACT

Mayor John Byrum stated the Council has previously selected the Town's float for the Midway Christmas Parade and he asked the Council to review and approve the Contract with Cline's Floats for the float selected.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Keith Leonard, Council voted unanimously to approve the Contract for Cline's Floats as presented.

TOWN PARK CHRISTMAS TREE LIGHTING CEREMONY – SET DATE

Mayor John Byrum asked the Council to look at their calendars and pick a date for the Christmas Tree Lighting Ceremony. Mayor Byrum stated this will be put on the Town's website and flyers will also be needed.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to set Sunday December 1, 2024 at 5:00pm for the Christmas Tree Lighting Ceremony as presented.

SOLAR COLLECTOR ORDINANCE DISCUSSION – TOWN ATTORNEY JIM LANIK

Town Attorney Jim Lanik stated he has been advised by the County Planning and Zoning staff that they have received an application for a solar panel on a roof top in Midway. Council was provided the section on the Solar Collector/Energy System in their agenda packets. Mr. Lanik said the issue in this section of the zoning ordinance that the County has from about 10 years ago does not seem to be correct.

Mr. Lanik had a conversation with Lee Crook and John Wheeler with the County about the issue with solar panels and they ran it by their legal department. It seems the six-part definition was not formatted correctly creating confusion in interpreting that section.

Mr. Lanik referenced Section (G) Solar Collector/Energy System of the Zoning Ordinance, a copy of which was provided to Council, and explained how the formatting was wrong. Section 1) Roof-mounted

Systems has a subsection a) that is about maximum height restrictions. Section 2) Ground-mounted Systems does not have a subsection a). Then Section 6) states, “The installation shall not be more than 400 square feet in area.” These 400 square feet is only meant for ground-mounted systems. Mr. Lanik stated that would mean that the 400 square feet would apply to a rooftop which does not make any sense. Rooftops are greater than 400 square feet and solar panels can be put on a roof that are greater than 400 square feet.

Mr. Lanik said the Council does not need to take any action at this time. He just wanted the give the Council a heads up.

Mr. Lanik stated staff is looking at making some technical amendments. They will not be taking anything out but just putting them in some kind of order that would make better sense.

Mr. Lanik said he believes the County was thinking the 400 square feet would apply to the ground mounted systems which would hinder big solar farms from coming to the County.

When the County drafts the changes that need to be made, Mr. Lanik said he would bring those changes back to Council.

For information only.

TOWN MANAGER’S REPORTS

TOWN PARK UPDATE

Deputy Clerk Ree Goodson stated the Park is running very smoothly. Park Supervisor Danny Mizell has asked if the Park hours could reflect Daylight Savings Time. Mayor John Byrum asked the Council for their consensus and the Council agreed the Park hours could reflect the Daylight Savings Hours.

MONTHLY FINANCIAL REPORT

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

| October 2024 | | |
|---------------------|-----------|-------------------------|
| Total Income | \$873,589 | 41.6% of overall budget |
| Total Expenses | \$377,496 | 10.6% of overall budget |

REMINDER TOWN HALL CLOSED – VETERAN’S DAY

Mayor John Byrum reminded Council that Town Hall will be closed on Monday, November 11 for Veteran’s Day.

For information only.

REMINDER TOWN HALL CLOSED - THANKSGIVING HOLIDAY

Town Hall will be closed on Thursday and Friday November 28 and 29 for Thanksgiving Holidays.

For information only.

RECESS TO CLOSED SESSION

On motion by Councilor Jackie Edwards, seconded by Councilor Keith Leonard, Council voted unanimously to recess to closed session in accordance with N.C.G.S. 143-318.11(a)(6) to discuss matters relating to personnel.

RECONVENE TO OPEN SESSION

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Robin Moon, Council voted unanimously to reconvene to open session.

ADJOURNMENT

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

John Byrum, Mayor

Ree Goodson, Deputy Clerk