

**TOWN OF MIDWAY
PLANNING AND ZONING BOARD/BOARD OF ADJUSTMENT
MINUTES
MARCH 27, 2012 – 5:00 P.M.**

CALL TO ORDER

Planning and Zoning Board Chairman Lynn Griggs called the meeting to order.

Planning and Zoning Board members present were: Lynn Griggs, Jackie Edwards, Sue Stephens, LeeAnn Thomas, and Charles Waddell. Absent: none. Town Administrator Ryan Ross, Town Clerk Linda Hunt, and Planning and Zoning Consultant Vagn Hansen of Benchmark CMR, Inc. were present.

PUBLIC COMMENT

There were none.

APPROVAL OF MINUTES

On motion by Board member Sue Stephens, seconded by Board member Jackie Edwards, the Board voted unanimously to approve the minutes of the February 28, 2012, Planning and Zoning Board meeting as presented.

ADOPT AGENDA

On motion by Board member Charles Waddell, seconded by Board member LeeAnn Thomas, the Board voted unanimously to adopt the agenda as presented.

PLANNING BOARD CASES

There were none.

OTHER BUSINESS

DISCUSSION OF METHODS FOR ALTERING MUNICIPAL BOUNDARIES

Chairman Lynn Griggs reported he had been approached by a resident of the Town of Midway requesting to split from the Town and Chairman Griggs said he had asked Planning Consultant Vagn Hansen to speak to the Board about the matter.

Mr. Hansen explained the only way municipal boundaries can be altered once they have been established is through legislation.

For information only.

ELECTRONIC GAMING / SWEEPSTAKES

Planning Consultant Vagn Hansen reminded the Board that in a recent court ruling, the Court of Appeals ruled North Carolina's ban on video sweepstakes to be unconstitutional and, therefore, these operations are legal. If the decision is ultimately upheld, it could reopen arguments on whether the state should regulate the machines and tax them.

Mr. Hansen asked the members of the Planning Board how they wished to proceed with the sweepstakes operations in Midway. Currently, there are two sweepstakes businesses in Midway, one being located in King's Plaza.

Following discussion, it was the consensus of the Planning Board members that sweepstakes businesses be allowed in the Highway Commercial District but not in the Core Commercial Overlay District

Board member Sue Stephens asked about the possibility of drafting an ordinance prohibiting electronic gaming/sweepstakes in the Core Commercial Overlay District.

Mr. Hansen said one option the Board may want to consider would be to amend the Town's zoning ordinance: (1) to include a definition of electronic gaming operations, (2) to add the use of electronic gaming operations to the list of permitted uses in the table and make electronic gaming operations a permitted use in the Highway Commercial District, and (3) to add electronic gaming operations as a prohibited use in the Core Commercial Overlay District.

On motion by Board member Charles Waddell, seconded by Board member Jackie Edwards, the Planning Board voted unanimously to recommend approval of the proposed text amendment to the Table of Permitted Uses to add Electronic Gaming Operations as a permitted use, adding Electronic Gaming Operations as a permitted use in the Highway Commercial District in the Table of Permitted Uses, adding the proposed definition of Electronic Gaming Operations to Article 14, and adding Electronic Gaming Operations as a prohibited use in the Core Commercial Overlay District in Article 17-12(B).

Proposed Electronic Gaming Operations Definition:

Any business enterprise, as a principal use, where persons utilize electronic machines, including, but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by the results of individual electronic games played or by entry into a contest with predetermined odds that has a finite pool of winners. The term includes, but is not limited to businesses identifying themselves as internet sweepstakes, internet sweepstakes café, video sweepstakes, or cybercafés. Such definition shall also include establishments where either the majority of the revenue of the business is derived from electronic gaming or the majority of the customer area is devoted to electronic gaming. This does not include any lottery endorsed by the State of North Carolina.

“BACK TO THE ROOTS”: BLACK HERITAGE IN THE TOWN OF MIDWAY

Chairman Lynn Griggs told the Board he had been approached by some residents of Midway about the possibility of establishing a historical society at some point to preserve Midway's unique history. Mr. Griggs asked for the Board's input on the matter.

Planning Consultant Vagn Hansen suggested if the Town elects to pursue the concept, a Historical Society be created by individuals as a non-profit corporation and not operated by the Town.

It was the consensus of the Board to check into the matter further. Mr. Hansen said he would research the concept and report back to the Board at a later date.

SPRING LITTER SWEEP

Chairman Lynn Griggs reminded the Board of the Spring Litter Sweep on Saturday, March 31st, and encouraged those who could participate to meet at the church at 10:00 a.m.

Town Manager Ryan Ross has lined up the vests and trash bags for Saturday.

COOKOUT – LYNN AND JANET GRIGGS’ HOME – FRIDAY, APRIL 13, 2012

Chairman Griggs invited the Board to a cookout he and his wife, Janet, are hosting at their home on Friday, April 13, 2012.

REPORTS

ZONING ADMINISTRATOR’S REPORTS

Planning Consultant Vagn Hansen gave the following reports:

- Issued permit for house at 762 Hartman Road, Shoaf Road.
- Site plan for the new Dollar General Store to be presented at the next Board meeting.
- Pizza Hut coming at the end of April.

TOWN MANAGER’S REPORTS

There were none.

REPORTS FROM PLANNING BOARD MEMBERS

There were none.

ADJOURNMENT

On motion by Board member Charles Waddell, seconded by Board member Jackie Edwards, the Board voted unanimously to adjourn the meeting.

ATTEST:

Lynn Griggs, Planning Board Chairman

Linda A. Hunt, Town Clerk