

**MINUTES OF MIDWAY TOWN COUNCIL SPECIAL MEETING HELD ON JANUARY 14, 2016 AT 6:00 P.M. AT TOWN HALL, 125 GUMTREE ROAD, MIDWAY, NORTH CAROLINA**

**CALL TO ORDER**

Mayor John Byrum called the meeting to order and welcomed everyone present.

Councilors present were: John Byrum, Keith Leonard, Mike AcAlpine, Robin Moon and Todd Nifong

Absent: Jim Lanik

Staff Present: Town Manager Ryan Ross, Town Clerk Linda Hunt, Town Planner Erin Burris and Administrative Support Specialist Cindy Ramsey

Planning & Zoning Board Members Present: Jackie Edwards

No members of press were in attendance.

Town Manager Ryan Ross commented that the purpose of this Special Meeting is to discuss, and possibly take action on, the Land Development Ordinance (LDO)

**LAND DEVELOPMENT ORDINANCE**

With further discussion on some of the items in question on the draft for the LDO, the following decisions were made for the final draft:

Page 4-3

Item #10-Delete

This would be for new construction and dumpsters only, not existing. If the Town prefers having dumpsters in the front yard, then we can delete it, otherwise this provision is recommended to remain.

*It was discussed to allow new dumpster in the front yard of non-residential and to have those dumpsters screened. Councilors Robin Moon and Keith Leonard were both in agreement to keep this item for new dumpsters only and Councilor Todd Nifong and Mayor Pro Tem Mike McAlpine both disagreed with having any restriction on dumpsters. Mayor John Byrum stated that the final draft for the Public Hearing will not include this Item on dumpsters but there will be a notation made to make the public aware.*

Page 4-19

Article 4-4 Accessory Structure Regulations: Questions about A Size – #1 & #4 and C Location - #1

Page 4-20

Article 4.5 Accessory Dwelling Unit Regulations: Questions about: A - Size and B – Number  
Can the items on pages 4 – 19 and 4 – 20 be designated to apply only to RH? Council wanted more clarification.

*After further clarification with Town Planner Erin Burris on these Articles, all council was in agreement to keep this Article on Accessory Structure Regulations with an exemption on size, location and standards does not apply to RA or property over 2 ½ acres. Also need to add standard for number of dwellings on 1 lot and increase the accessory dwelling to 75%.*

Page 4 – 36

Article F – Standards for Fences and Walls Item 2 – Council wants to delete

These requirements only apply in the Core Commercial Overlay to new fences. This would not affect existing fences or fences outside of the overlay.

*The consensus of the council was to eliminate the requirement for coated chain link fence in the core commercial over-lay.*

Pages 5-5 and 5-6

Article 5.7 Accessory Use Regulations Item B – Home Occupations: Council wants to delete: Numbers 2, 3, 5 and 9

Removing these provisions would effectively permit people to have retail stores in their homes with an unlimited stream of traffic. It would also allow an unlimited number of commercial vehicles of any size on any residential property in town. This is highly inadvisable. The same or similar provisions are common in a majority of the municipalities in North Carolina.

*The consensus of the council was to remove this Article from the LDO but to reserve a spot for it in the event it is decided to have it included.*

Page 9-1

Concerned about the word “wheel stops” - Delete all phrases “wheel stops” in

What is the concern? Wheel stops are required where curb and gutter are not provided to protect landscaping, buildings, and people from vehicular movement.

*The consensus of the council was to remove the word “wheel stops” from the LDO.*

Page 10-2

4d – add clause to exempt Religious or Patriotic holiday activities as these activities are only once a year and often put their signs up a month in advance

This is not permitted under Supreme Court case law Reed vs. Town of Gilbert, AZ. All sign regulations have to be content neutral.

*It was unanimously agreed that Type 2 signs would be allowed for all use groups, 1 per lot, up to 30 days out with no 10-day separation and no tracking permit. It was further agreed that Feather Flags would be allowed with 1 per parcel.*

Page 11-3

F 2 Should be RA, RL and RM

REVISION COMPLETED

Need to reword to provide access “up to three (3) lots”. Council wants number removed and have it reworded to allow more than 3 lots if the property owner has enough acreage and wants to leave land to family.

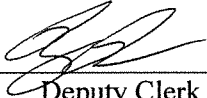
This provision is less restrictive than the current subdivision regulations and similar to Davidson County regulations. Removing a maximum number of lots permitted on substandard access easements would negate the need for even having subdivision regulations. They could still have more lots; they would just have to build a road that meets some minimum standards.

*The consensus of the council was to follow the sliding scale, as set in Davidson County’s ordinance, standards for access to lots that are not on any improved road.*

With these amendments decided and agreed on, Town Planner Erin Burris commented that she will have the changed incorporated into the final draft of the LDO and get copies to the council members.

**ADJOURNMENT**

Town Mayor John Byrum called for a motion to adjourn, motion was made by Councilor Mike McAlpine, seconded by Councilor Robin Moon, Council voted unanimously to adjourn the meeting at 7:51 p.m.



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Deputy Clerk



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John Byrum, Mayor