



**TOWN OF MIDWAY
PLANNING & ZONING BOARD
MINUTES
TUESDAY, AUGUST 29, 2017**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD MEETING HELD ON TUESDAY,
AUGUST 29, 2017 AT 5:00 P.M. AT MIDWAY TOWN HALL, 426 GUMTREE ROAD, MIDWAY,
NORTH CAROLINA**

CALL TO ORDER

Chairman Jamie Hester called the meeting to order.

Planning & Zoning Board members present were: Charles Waddell, Jamie Hester, Carl Tuttle, LeeAnn Thomas and James W. Smith. Absent: None. Alternate: Vacant.

Davidson County Planner Scott Leonard, Town Manager Gary Looper and Town Clerk Linda Hunt were present. Absent: Deputy Clerk Tammy Robertson.

APPROVAL OF MINUTES

On motion by Board member LeeAnn Thomas, seconded by Board member Charles Waddell, the Board voted unanimously to approve the July 25, 2017 minutes as presented.

ADOPT AGENDA

On motion by Board member James Smith, seconded by Board member Carl Tuttle, the Board voted unanimously to adopt the agenda as presented.

PUBLIC COMMENT PERIOD

There were none.

REGULAR BUSINESS

**REVIEW TEXT AMENDMENT TO TOWN OF MIDWAY ZONING ORDINANCE
(ORDINANCE NO. 17-03) ARTICLE IX, SECTION 9.02, DEFINITION OF MINOR AND MAJOR
SUBDIVISIONS**

Town Council held a special meeting on June 26, 2017 for the purpose of discussing the proposed Subdivision and Noxious Growth Ordinances. During that meeting, Council discussed changing the definition of minor and major subdivisions to mirror Davidson County's definitions which define a minor subdivision as ten (10) lots or less and a major subdivision as more than ten (10) lots. Changing the definitions will require a text amendment to the Town's Zoning Ordinance to reflect those changes.

At their regular meeting on July 17, 2017, Town Council determined the text amendment to the Zoning Ordinance should be delayed until after the proposed Town of Midway Subdivision Ordinance is

adopted since the text amendment to the Zoning Ordinance is tied to the proposed Subdivision Ordinance in that the definitions of minor and major subdivisions will not change until the Subdivision Ordinance is adopted.

At their regular meeting on August 7, 2017, Town Council called for public hearings on both the proposed Subdivision Ordinance and text amendment to the Zoning Ordinance to be held at their regular meeting on September 5, 2017. Town Council referred the text amendment to the Zoning Ordinance to the Planning Board at their August 29, 2017 meeting for their review and input.

On motion by Board Member LeeAnn Thomas, seconded by Board Member Charles Waddell, the Board voted unanimously to recommend adoption of the Text Amendment to the Town of Midway Zoning Ordinance (Ordinance No. 17-03) Article IX, Section 9.02, Definition of Minor and Major Subdivisions to Town Council to define a minor subdivision as ten (10) lots or less and a major subdivision as more than ten (10) lots.

PROPOSED APPOINTMENT TERMS OF PLANNING BOARD/BOARD OF ADJUSTMENT CHANGE FROM FOUR YEARS TO THREE YEARS

At Town Council's Vision Workshop held on August 15, 2017, it was brought to Council's attention that in accordance with North Carolina General Statute 160A-388 members of a Board of Adjustment are to be appointed for three-year terms provided that upon initial appointment, the terms of office are staggered. Currently, the members of the Planning Board/Board of Adjustment are appointed to four-year terms and, therefore, not in compliance with NCGS 160A-388. Council directed Town Attorney Jim Lanik to draft the necessary amendment to the Town's current ordinance in order to comply with NCGS 160-A-388. Town Council also directed that this information be presented to the Planning Board at their August meeting to inform them of the action needed.

Town Manager Gary Looper told the Planning Board that since that time he has spoken with Town Attorney Jim Lanik and asked him to also review General Statute changes made in 2013 affecting zoning matters to make sure the Town's enabling ordinance that sets forth the organization, setup, duties, roles and responsibilities for the Planning Board/Board of Adjustment are in conformity with the 2013 changes

A draft of the proposed Amended and Restated Ordinance Establishing the Town of Midway Planning and Zoning Board and Board of Adjustment prepared by the Town Attorney was presented to the Planning Board for their review and input. As proposed in the amendment and restated ordinance, the initial staggering of terms of the Planning Board/Board of Adjustment shall be as follows:

Terms to expire in March 2018:

Seats currently held by Jamie Hester, LeeAnn Thomas, and Charles Waddell.

Terms to expire in March 2019:

Seats currently held by James Wayne Smith, Carl Tuttle, and the alternate member.

Discussion followed.

On motion by Board member LeeAnn Thomas, seconded by Board member Charles Waddell, the Board voted unanimously to recommend adoption of the proposed Amended and Restated Ordinance Establishing the Town of Midway Planning and Zoning Board and Board of Adjustment as presented.

OTHER BUSINESS

There was general discussion of the school traffic situation on Norman Shoaf Road, noting the road is narrow creating dangerous driving conditions during those heavy traffic times when people are driving to and from the schools in the area. Davidson County Planner Scott Leonard noted that state roads are typically 20-foot roads and if Norman Shoaf Road is 18-foot, it could possibly be appealed.

Town Manager Gary Looper added that the North Carolina Department of Transportation (NCDOT) is not willing to do anything at the intersection of Midway School Road and Old US Highway 52 because NCDOT says it is not warranted at this time.

ADJOURNMENT

On motion by Board member Charles Waddell, seconded by Board member James Smith, the Board voted unanimously to adjourn the meeting at 5:25 p.m.

Jamie Hester, Chairperson

Linda A. Hunt, Town Clerk