

MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON JANUARY 4, 2016 AT 7:00 P.M. IN THE MEETING ROOM AT THE MIDWAY FIRE AND RESCUE BUILDING, 228 MIDWAY SCHOOL ROAD, MIDWAY, NORTH CAROLINA

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor John Byrum introduced former Mayor George Byrum who gave the invocation and then led the Pledge of Allegiance prior to the opening gavel.

CALL TO ORDER

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

Councilors present were: John Byrum, Mike McAlpine, Keith Leonard, Robin Moon, and Todd Nifong
Absent: None

Town Manager Ryan Ross, Town Attorney Jim Lanik, Town Planner Erin Burris and Administrative Support Specialist Cindy Ramsey were present.

Each Councilor had been furnished an agenda prior to the meeting.

No members of press were in attendance.

APPROVAL OF MINUTES

On motion by Councilor Mike McAlpine, seconded by Councilor Robin Moon, Council voted unanimously to approve the minutes of the November 30, 2015 Town Council Special Meeting as presented.

On motion by Councilor Todd Nifong, seconded by Councilor Keith Leonard, Council voted unanimously to approve the minutes of the December 7, 2015 Town Council Regular Meeting as presented.

PUBLIC ADDRESS

Kathy Sink of 5065 Ridge Rd., Lexington, NC addressed Council to express her desire to have the pending new Land Development Ordinance to pass in order to have the setback requirements eased so she could move a new business into the area.

ADOPT AGENDA

Mayor John Byrum requested the agenda be amended to **ADD** the following items:

Item No. 6. GRANT – YMCA FEASIBILITY STUDY under VI. REGULAR BUSINESS and Item No. 2. VISION – SET DATE FOR 2016 LONG-TERM PLANNING under VII. TOWN MANAGER'S REPORTS.

On motion by Councilor Robin Moon, seconded by Councilor Todd Nifong, Council voted unanimously to adopt the agenda as amended.

REGULAR BUSINESS

LAND DEVELOPMENT ORDINANCE (LDO) – ERIN BURRIS, TOWN PLANNER

Town Mayor Byrum introduced the Town Planner, Erin Burris to discuss and answer any questions/concerns the Council may have regarding the Land Development Ordinance (LDO). Mayor

Byrum mentioned that the spirit in which the Town Council is approaching this Ordinance is that of balance to maintain reasonable guidelines but not over burdening to the small business owners.

Town Planner Erin Burris proceeded to discuss the changes that were requested by the Town Council, saying that most of the changes requested have been made, however there were a couple of changes based on changes in North Carolina legislature language and the U.S. Supreme Court, and were necessary to stay within the requirements of the law. One is removing protest petitions; NC state legislature has removed the ability for people to file a protest petition requiring a ¾ super majority for a rezoning to take place. That is no longer allowed in North Carolina so that had to be removed from the Ordinance. The other major one deals with temporary signs.

Ms. Burris continued that there was a US Supreme Court case where all signs have to be treated content neutral. Types have to be assigned types, based on land use and the structure of the sign. Ms. Burris also asked that the Council think about, prior to the Public Hearing, how the Non-Profit signs will be addressed and need to figure where they will be allowed. Mayor Byrum asked for clarification about the kinds of signs that will be impacted and Ms. Burris replied that it only applies to temporary signs such as banners and event signs or banners.

Ms. Burris proceeded to go over the list of amendments requested by the Town Council.

The Town Council requested several revisions and clarifications to the draft LDO. Below is how each of the requested revisions and clarifications are addressed. Ms. Burris' comments/notes are shown in italics.

Article 2 – Administration

➤ 2.5 Ordinance Administrator

- Under Item B. 3, Additional Duties (Page 2-5) – Add item f) Maintain hard copies of all complaints – *REVISION COMPLETED*

Article 4 – Zoning District Standards

➤ 4.1 Measurement and Computation

- Item D. Encroachments Into Required Setbacks – Delete Item #10. (Page 4-3)
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.

➤ 4.2 Dimensional Standards

- Table 4-1 Minimum Dimensions for Single-Family Residential Development (Page 4-5)
 - A. Minimum Lot Size (square feet)
 - Change RH¹ – from 10,000 to 15,000.
 - B. Minimum Lot Width (feet)
 - Change RA from 125 to 100

REVISIONS COMPLETED.

- Table 4-2 Minimum Dimensional Standards for Duplex Dwellings (Page 4-6)
 - A. Minimum Lot Size (square feet)
 - Change RL from 60,000 to 40,000
 - B. Minimum Lot Width (feet)
 - Change RL from 125 to 100

Larger lot sizes and dimensions should be required for duplexes, otherwise you are effectively increasing the overall density of the district. This provision does not apply to accessory dwellings.

➤ 4.3 Cluster Development

- Table 4-5 Permitted Density in Cluster Development (Page 4-17)
 - Change RH from 4 to 3 – *REVISION COMPLETED*

➤ 4.4 Accessory Structure Regulations (Page 4-19)

- A. Size – Questions about Items #1 and #4
- C. Location – Question about Item #1
What are the questions?
- 4.5 Accessory Dwelling Unit Regulations (Page 4-20)
 - A. Size – Questions
 - B. Number – Questions
What are the questions?
(Council wanted to know if the items on Pages 4-19 and 4-20 could be designated to apply only to RH?)
There is currently no RH Zoning anywhere on the zoning map. To change it to apply only in the RH district would mean that the regulations would apply nowhere. You would have no limitations on the number, size, location, or setback of accessory dwellings or structures. Even the current ordinance restricts setbacks and size. This means that any property could have an unlimited number of accessory structures or dwellings rendering density standards for each district useless. It would make more sense to have differing provisions for the RA district which is more rural in nature. Alternative standards for the RA district have been proposed in the attached draft.
- 4.6 Planned Unit Development District Standards (Page 4-24)
 - J. Residential Design Standards
 - a) Garages – Clarification
The provisions of this section only apply in the Planned Unit Development (PUD) district which is a voluntary zoning district accompanied by concrete development plans. This does not apply to any other zoning district. There are currently no PUD districts in the Town of Midway, therefore it affects no properties.
- 4.7 Core Commercial Overlay District Standards
 - F. Standards for Fences and Walls (Page 4-36)
 - Item #2 – 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.

Article 5 – Use Regulations

- 5.7 Accessory Use Regulations (Pages 5-5 and 5-6)
 - B. Home Occupations
 - Delete Items #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.
- 5.9 Manufactured Homes
 - Items I and J – Council wants more clarification. Is this just for new trailer parks or existing trailers being replaced? (Page 5-7)
This provision does not apply to existing trailer parks. No new trailer parks are permitted. This only applies to manufactured homes on individual lots.

Article 6 – General Use Standards

- 6.1 Fences and Walls
 - C. Height Requirements for Fences and Walls
 - Items 1 and 2 – Change fence height to 8 feet
REVISION COMPLETED
- 6.2 Screening
 - C. Items to be Screened
 - Item #1 – (Page 6-3) Will this apply to just new businesses coming in or with change of ownership of current businesses? Need more clarification. Would be too restrictive to require current businesses to screen in dumpsters.

This regulation would only apply to new dumpster pads, changes of use, or expansion. It would not apply to existing dumpsters or businesses. Existing businesses could voluntarily screen dumpsters.

- 6.6 Driveway Standards (Pages 6-5 and 6-6)
 - A. Residential Driveways - Delete
REVISION COMPLETED
- 6.8 Solid Waste Facilities
 - B. Location (Page 6-6) – Clarify if this will apply only to new buildings or also current businesses. Would current buildings be grandfathered in?
This regulation would only apply to new dumpster pads, changes of use, or expansion. It would not apply to existing dumpsters or businesses. Existing businesses could voluntarily screen dumpsters.

Article 7 – Landscaping and Buffering Standards

- Parking Lot Yards
 - Item #1, 2, 3 and 4 – Leave in only if it can be phrased to stress that it only applies to new businesses or change of use. Does not want it to apply to any current businesses even if they decide to expand. (Page 7-10)
Applicability is clearly stated in Section 7.1 (C)(2-3), and it does not apply to any change of use, existing building or business. It would only apply to expansions of buildings or parking lots and only to the area of the site on which the expansion is taking place.

Article 9 – Off Street Parking

- 9.2 Applicability and 9.3 General Requires for Off-Street Parking, Loading and Stacking Areas (Page 9-1) – Are there any other options without hurting the little guy? What extent of expansion would fall under this qualification?
Inserted a threshold of 20 percent expansion for applicability.
- B. Delineation of Parking Areas (Page 9-1) – Concerned about the “wheel stops”. Delete all “wheel stop” phrases in Article.
What is the concern? Wheel stops are required where curb and gutter are not provided to protect landscaping, buildings, and people from vehicular movement.
- C. Standards for Parking Lot Surfaces (Page 9-2)
What is the issue with this subsection?
- E. Curbs and Vehicle Stops (Page 9-2), Item # 1 and 2
What are the issues with these subsections?
- 9.5 Pedestrian and Bicycle Accommodations (Page 9-7)
 - A. Pedestrian Circulation – Spelling error in first line of word. Should read “parking areas shall be **designed**”.
REVISION COMPLETED.

Article 10 – Signs

- 10.3 Exempt Signs
 - D. Produce Signs (Page 10-2) – 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.
 - G. Temporary Signs (Page 10-3)
 - 1 a) – Add clause stating “for annual events allowed 30 days” to put signs up before event.
REVISION COMPLETED.
 - 3 C) - Delete
What reasoning is there to remove this provision? Revisions have been made to comply with Supreme Court case law Reed vs. Town of Gilbert, AZ.
- 10.4 Prohibited Signs

- C. Flashing Signs (Page 10-4) - Need clarification on what kind of sign falls into the description of “flashing sign”. Would this cover Christmas signs?
REVISION COMPLETED-Added specificity
- G. Moving or Rotating Signs (Page 10-5) – Would this include barber shop poles? Wants clarification to make sure this would not cause barber shops to have to remove the traditional barber shop pole.
REVISION COMPLETED-Added specificity
- 10.6 Signs Allowed with a Permit (Pages 10-7 through 10-12) – There is not a table to cover Zoning District CS
REVISION COMPLETED
 - A. Additional Sign Standards
 - 3. Electronic Message Boards (Page 10-13)
 - b) States twenty-five percent but shows (50%). Which should it be? Wants it to read fifty percent (50%)
REVISION COMPLETED

Article 11 – Subdivision Standards

- 11.2 Lot Standards
 - Access Requirements
 - F. 2. - Should be RA, RL and RM (Page 11-3)
REVISION COMPLETED
 - F. 2. – Need to reword “to provide access up to three (3) lots”. Wants number removed and have it reworded to allow more than 3 lots if 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.
- 11.3 Streets
 - F. Reserve Strips (Page 11-4) – Needs clarification explaining definition of a “reserve strip”
Reserve strips are outlawed in most jurisdictions in North Carolina. A reserve strip is a narrow strip of land at the end of a road right-of-way that would prevent connection to the road from adjacent property.

Article 15 – Enforcement

- 15.3 Violations
 - B. Specific violations
 - 8. – Delete the word “maintain” as Council feels this refers to general maintenance of the sign and a permit should not be required for maintenance of the sign. If the term refers to something else, Council needs clarification. (Page 15-2)
REVISION COMPLETED
- 15.6 Remedies and Penalties
 - A. Civil Penalty
 - 3. a) - Change to 14 days to comply (Page 15-3)
This would be confusing because it is not consistent with the nuisance ordinances. Ten (10) days will be easier for everyone to understand, because it remains consistent.

Article 16 – Nonconformities

- 16.5 Nonconforming Signs
 - D. Amortization (Pages 16-5 to 16-6)

- Items # 1. Purpose, 2. Amortization Period, and 3. Procedure – Can this be replaced with something else to cover this issue? Possible deletion. Council does not want to force current businesses to have to comply on any time schedule.
REVISION COMPLETED-Amortization deleted.

Ms. Burris then asked the Council about setting a public hearing regarding the LDO, and Town Mayor Byrum suggested that we wait until the revisions are completed and place the LDO on the town web site for public domain to look at and give feedback. Councilor Todd Nifong suggested the council set another workshop “special” meeting to go over the LDO and revisions. With a consensus to have a workshop meeting to discuss the LDO amendments Town Council agreed on the meeting to be held on Thursday, January 14, 2016 at 6:00 at the Town Hall office; with a goal to call for a public hearing for March.

RESOLUTION OF VERIFICATION – GUMTREE FIRE & RESCUE DEPARTMENT

As required by law, each year the Gumtree Fire & Rescue Department must submit a verification from the Town of Midway to confirm the relationship between the Town and the Fire Department.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Todd Nifong, Council voted unanimously to adopt the Resolution of Verification to confirm the Gumtree Fire & Rescue Department’s relationship with the Town of Midway.

**RESOLUTION
VERIFICATION FROM MUNICIPALITY
GUMTREE FIRE AND RESCUE DEPARTMENT**

- WHEREAS,** The Gumtree Fire and Rescue Department of the Town of Midway serves as an Agency of the Town; and
- WHEREAS,** The Gumtree Fire and Rescue Department of the Town of Midway has requested confirmation of this Agency’s relationship; and
- WHEREAS,** This Agency’s relationship is long-standing and generally acknowledged.
- NOW, THEREFORE,** **BE IT RESOLVED** that the Town of Midway does hereby confirm this Agency’s relationship and does verify that relationship by this Resolution.

ADOPTED this the 4th day of January, 2016.

RESOLUTION OF VERIFICATION – MIDWAY FIRE & RESCUE DEPARTMENT

As required by law, each year the Midway Fire & Rescue Department must submit a verification from the Town of Midway to confirm the relationship between the Town and the Fire Department.

On motion by Councilor Keith Leonard, seconded by Councilor Todd Nifong, Council voted unanimously to adopt the Resolution of Verification to confirm the Midway Fire & Rescue Department’s relationship with the Town of Midway.

**RESOLUTION
VERIFICATION FROM MUNICIPALITY**

MIDWAY VOLUNTEER FIRE DEPARTMENT

- WHEREAS,** The Midway Volunteer Fire Department of the Town of Midway serves as an Agency of the Town; and
- WHEREAS,** The Midway Volunteer Fire Department of the Town of Midway has requested confirmation of this Agency's relationship; and
- WHEREAS,** This Agency's relationship is long-standing and generally acknowledged.
- NOW, THEREFORE,** **BE IT RESOLVED** that the Town of Midway does hereby confirm this Agency's relationship and does verify that relationship by this Resolution.

ADOPTED this the 4th day of January, 2016.

PARK COMMITTEE – NOMINATIONS AND APPOINTMENT

Mayor John Byrum had asked the Councilors to bring a list of nominees to be considered to participate on the Park Committee. The Councilors offered the following names of nominees to be considered for approval:

Robin Moon: Robert Whitty, 805 Hebron Church Rd. Winston Salem, NC 27107
Richard Miller, 173 Cale Bradley Ct Winston Salem, NC 27127-9122
Mike McAlpine: Peggy Boyles, 1003 Gumtree Road, Winston -Salem, NC
Paula Pressley Hill, 866 Gumtree Road, Winston-Salem
Todd Nifong: Jonathan Goodman, Mandy Freeman and Larry James
Keith Leonard: Mark Hummel, 973 Hickory Tree Road, Apt. 7, Winston-Salem, NC
John Byrum: Matt Dunham

*****Full addresses of some of the Park Committee nominees were not immediately available.***

Mayor John Byrum asked for a motion to appoint the names as a slate of nominees to serve on the Park Committee.

On motion by Councilor Robin Moon, seconded by Councilor Todd Nifong, Council voted unanimously to approve and to appoint the full slate of nominees to serve on the Park Committee.

Councilor Todd Nifong then made a motion to nominate Councilor Mike McAlpine as chairman of the Park Committee. With no other nominations for the position, it was unanimously agreed that Mr. McAlpine will be the chairman of the Park Committee.

TOWN HALL UPDATE

An update on the status of Town Hall was given by Councilor Todd Nifong, as follows:

- The punch list will be presented to Frank Thomas this week
- Frank Thomas will give the C.O. to Councilor Nifong tomorrow (January 5, 2016)
- Lettering for the front of the building is scheduled for Wednesday, January 6, 2016
- The clock for the front of the building is ready, was shipped today and will be here tomorrow

- Seating for the Council's chambers is ready to order
- Blinds would be \$1,639 for 2 inch blinds in the entire building and no additional cost for installation. Solar shades would be 3 times the cost
- Committee Member Jackie Edwards was asked about the furnishings and she commented that the only main items needed to purchase are the desk for the front reception area, the fire-proof lateral file and a few small items
- Councilor Mike McAlpine said the landscaping should be completed as soon as the ground dries up

GRANT – YMCA FEASIBILITY STUDY

This item was added to the agenda.

Mayor John Byrum stated that the total cost for this feasibility study is \$20,000 and said \$15,000 has already been covered by numerous businesses in the northern part of the county. Mayor Byrum asked Council to entertain a motion to give a grant in the amount of \$5,000 for the remainder of the \$20,000 needed for the feasibility study. A motion was made by Councilor Todd Nifong, seconded by Councilor Robin Moon and approved unanimously. Mayor Byrum said his understanding is this is the last study to be done before the official decision.

TOWN MANAGER'S REPORTS

TOWN HALL CLOSED ON MONDAY, JANUARY 18, 2016 – MARTIN LUTHER KING, JR. HOLIDAY

Town Manager Ryan Ross stated Town Hall will be closed on Monday, January 18, 2016 in observance of the Martin Luther King, Jr. holiday.

Reminder only.

VISION – SET DATE FOR 2016 LONG-TERM PLANNING

This item was added to the agenda.

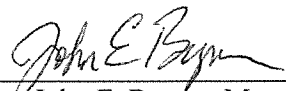
Town Council scheduled a special meeting for February 18, 2016 at 6:00 to be held at Faith Missionary Alliance Church at 1078 Gumtree Rd, Winston Salem, NC.

ADJOURNMENT

Mayor John Byrum called for a motion for adjournment. On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Todd Nifong, Council voted unanimously to adjourn the meeting at 8:51 p.m.



Deputy Town Clerk



John E. Byrum, Mayor