TOWN OF MIDWAY
PLANNING & ZONING BOARD MINUTES
TUESDAY, JUNE 24, 2014

MINUTES OF MIDWAY PLANNING & ZONING BOARD REGULAR MEETING HELD ON TUESDAY, JUNE 24, 2014 AT 5:00 P.M. AT TOWN HALL, 125 GUMTREE ROAD IN MIDWAY, NORTH CAROLINA

CALL TO ORDER

Chairperson Charles Waddell called the meeting to order.

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

Town Planner Andy Goodall and Town Clerk Linda A. Hunt were present.

APPROVAL OF MINUTES

On motion by Board member LeeAnn Thomas, seconded by Board member Carl Tuttle, the Board voted unanimously to approve the minutes as presented.

ADOPT AGENDA

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

PUBLIC COMMENT PERIOD

There were none.

PLANNING BOARD CASES

There were none.

OTHER BUSINESS

LAND DEVELOPMENT ORDINANCE REVIEW

Town Planner Andy Goodall asked the Board members if they had any questions regarding Articles X–Signs, Article XI-Subdivision Standards, Article XII-Water Supply Watershed Protection, or XIII-Flood Damage Prevention that were distributed to the last Planning Board meeting for the Board's review and input.

There being none, Mr. Goodall distributed copies of the following articles of the proposed Land Development Ordinance:

ARTICLE XIV – REVIEW AND APPROVAL PROCEDURES

Applications for development approval shall utilize the procedures set forth in this Section.

ARTICLE XV – ENFORCEMENT
This Article establishes the procedures through which the town seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance Violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this chapter are intended to encourage the voluntary correction of violations, where possible.

ARTICLE XVI – NONCONFORMITIES
In the provisions established by this Ordinance, there exist uses of land, structures, lots of record, and signs that were lawfully established before this Ordinance was adopted or amended, that now do not conform to its terms and requirements. The purpose and intent of this Article is to regulate and limit the continued existence of those uses, structures, lots of record, and signs that do not conform to the provisions of this Ordinance, or any subsequent amendments.

Mr. Goodall asked the Planning Board to read over and review these Articles and to be prepared to discuss them at their next meeting on July 29. 2014.

Board member LeeAnn Thomas asked about collecting fines/penalties when residents do not take action to correct violations of the Ordinances once the Town notifies of such violations.

Board member Jackie Edwards said that at the last Board meeting, she had suggested the Board develop a recommendation regarding this issue and then present it to the Town Council.

Ms. Thomas questioned why the ordinances are needed if they are not being enforced and fines not being collected. Mr. Goodall responded that legal fees are a large drawback in taking legal action.

Mr. Goodall pointed out that minor violations such as tall grass are usually remedied once the property owner has been notified, citing that out of fifteen (15) notifications sent out regarding tall grass, fourteen of them have already been mowed.

It was the consensus of the Planning Board that they are not in favor of ordinances without enforcement and that something needs to be done to correct this matter.

For review only.

REPORTS

PLANNING AND ZONING REPORT FOR MAY – JUNE 2014
Town Planner Andy Goodall reviewed the Planning and Zoning report for January – February 2014 as follows:

A. ZONING PERMIT ACTIVITY

Zoning Permits Issued			
Permit Number	**Type**	**Address**	**Date Issued**
2014-16	Wall Sign	189 Hickory Tree Road (Suite 114)	5-27-2014

B. CODE ENFORCEMENT

Type	Address	Status

Illegal Dumping	298 Eastwood Drive	Legal Action to be taken
General Nuisance	146 Bobby Willard Road	Legal Action to be taken
Illegal Residence	10155 Old US 52	Legal Action to be taken
Nuisance, Trailer	1900 Block Hickory Tree Road	Formal Case Open
Tall Grass	544 Lori Lane	Nuisance Abated by Town
Tall Grass	442 Fred Sink Road	Notice Mailed

Chairperson Charles Waddell asked Mr. Goodall if the car lot (Minton Motors) is encroaching on the adjacent property. Mr. Goodall said it appears so, but the property owner has not complained.

Board member Jackie Edwards asked about the sign at the service station next door to the building that houses Town Hall. Mr. Goodall explained that all non-conforming signs that were grandfathered in when the sign ordinance was adopted are legal. Mr. Goodall said that the proposed Article XVI – Nonconformities addresses this issue. Section 16.5, A. General Standards, 2. of that Article states: "A nonconforming sign may not be moved or replaced except to bring the sign into conformity with this Ordinance. Once a nonconforming sign is removed from the premises or otherwise taken down or moved, the sign may only be replaced with a sign which is in conformance with this Ordinance." Section 16.5 provides an amortization schedule for removal of nonconforming signs.

Mr. Goodall said any special regulations/standards (i.e. pawnshops, etc.) will need to be added and will be included in the Appendix of the Ordinance. Mr. Goodall asked the Board to make a list of any special regulations they would like to add and bring them to the next Planning Board meeting.

REPORTS

PLANNING & ZONING

Mr. Goodall announced that he will be taking on additional duties at the Town of Mount Airy and, therefore, this is his last meeting with the Midway Planning Board. Ms. Erin Burris will be taking over his duties at Midway, working two half-days on Tuesday and Thursday afternoons. Ms. Burris has ten^{+} years of experience and is very capable of carrying out the duties of the Town.

Mr. Vagn Hansen and Mr. Goodall will still be involved with the Town of Midway but in a different capacity.

PLANNING BOARD

Chairperson Waddell asked if there were any reports from the Board members.

Board member Carl Tuttle said he did not.

Board member Jamie Hester reported that the service station across from Midway School Road has reopened under new management.

Board members Jackie Edwards and James Smith questioned if the business located in the metal building behind the service station is still operating as an oil-changing business.

Board member Jackie Edwards inquired about the status of the trailer on Hickory Tree Road. Mr. Goodall replied that Town Manager Ryan Ross is handling the situation.

ADJOURNMENT

On motion by Board member Jamie Hester, seconded by Board member LeeAnn Thomas, the Board voted unanimously to adjourn the meeting.

Charles Waddell, Chairperson

Linda A. Hunt, Town Clerk