

MINUTES OF MIDWAY TOWN COUNCIL SPECIAL MEETING HELD ON JUNE 28, 2012, AT 6:00 P.M. AT TOWN HALL, 125 GUMTREE ROAD IN MIDWAY, NORTH CAROLINA

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilor Sue Stephens gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

CALL TO ORDER

Mayor Norman Wilkes called the meeting to order and welcomed everyone present.

Councilors present were: John Byrum, Mike McAlpine, Robin S. Moon, Todd Nifong and Sue Stephens. Absent: None. Town Manager Ryan Ross, Town Attorney James Lanik, Town Clerk Linda Hunt and Planning Consultant Vagn Hansen were present.

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

No members of press were in attendance.

PUBLIC ADDRESS

There were none.

ADOPT AGENDA

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Nifong, Council voted unanimously to adopt the agenda as presented.

PUBLIC HEARINGS

**PUBLIC HEARING – TEXT AMENDMENTS TO TOWN OF MIDWAY ZONING ORDINANCE
- TRUCK STOPS – TA 2012-02**

At the June 4, 2012 Town Council regular meeting, Council called for a public hearing to be held on Thursday, June 28, 2012, at Town Hall at 6:00 p.m. to receive citizen input on the proposed Text Amendments to the Town of Midway Zoning Ordinance to regulate truck stops in the Town of Midway.

The notice of the public hearing was published in *The Dispatch* on June 19 and 26, 2012 as required by law.

Mayor Wilkes opened the public hearing.

There being no one wishing to speak, Mayor Wilkes closed the public hearing.

On motion by Councilor Stephens, seconded by Councilor Byrum, Town Council voted unanimously to adopt the text amendments to the Town of Midway Zoning Ordinance to address truck stops within the Town of Midway as presented.

**ORDINANCE
AMENDING THE TEXT
OF THE ZONING ORDINANCE
OF THE TOWN OF MIDWAY, NORTH CAROLINA
TRUCK STOPS – TA 2012-02**

BE IT ORDAINED by the Town Council of the Town of Midway, North Carolina that:

Section 1. The Zoning Ordinance of the Town of Midway is hereby amended to read as follows in the section(s) noted:

The following language shall be added to the Zoning Ordinance:

Article 14 – Definitions

The term “Truck Stop” will be added to the list of definitions in Article 14 with the following definition given to the term:

A business enterprise oriented to serving the needs of commercial vehicles, particularly heavy trucks, that is engaged in vehicle fuel sales. Truck stops may provide repair and maintenance services, food and convenience item sales, overnight vehicle accommodation, and other related services typically associated with such uses. A truck stop may also include fuel and other services oriented to serving passenger vehicles.

Article 3-5 - Table of Permitted Uses

Truck Stop will be established in the Table of Permitted Uses and added as a Class B Special Use (in the Highway Commercial (HC), Limited Industrial (LI), and Heavy Industrial (HI) districts. The use will be prohibited in all other districts.

Amendment to Article 17-12(b) - Uses Prohibited in the Core Commercial Overlay District

Truck Stop will be listed as a prohibited use in the Core Commercial Overlay District.

Section 2. This ordinance is adopted in accordance with N.C.G.S. 153A-341 and the Town Council has found the amendment to be consistent with the Town’s adopted plans.

Consistency Statement

“The Town Council finds that the proposed text amendment to establish Truck Stops as a use in the Table of Permitted Uses, make Truck Stops a use requiring approval of a Class B Special Use Permit in the Highway Commercial, Limited Industrial, and Heavy Industrial districts, establish the proposed definition of Truck Stops, and make Truck Stops a prohibited use in the Core Commercial Overlay District is consistent with the Town of Midway Land Use Plan and the U.S. Highway 52 Corridor Plan. Specifically, the proposed amendment will reinforce the Town’s goals for enhancing its Core Commercial District through regulating uses which are not consistent with the goals for the development of that area, while permitting this type of use, subject to a Special Use Permit, in areas of Town where such uses may be more appropriately located given the heavy truck traffic, high levels of vehicle emissions and other off-site impacts that are typically associated with such uses.”

Section 3. As required by statute, the Town Council finds the action reasonable and in the public interest.

“The Town Council finds that it’s action with regard to the adopted amendment is reasonable, as the proposed amendment seeks to regulate a new type of business that the Town’s ordinance does not currently address, and, in adopting the new regulation, the Council’s action provides for the establishment of the businesses addressed by the ordinance in appropriate locations throughout the Town, while also preventing their establishment in areas of Town where the Town’s adopted plans indicate that such businesses could detract from the desired character of those areas. The Council believes that this action is also reasonable in that it excludes such businesses from areas where their establishment could interfere

with the viability of the public and private investments that have been made and are planned to be made in those areas. In recognition of the need to preserve the character of the Town's Commercial Core, and the need to balance that need with the rights of legal businesses to operate under proper regulation, the Council believes that its action with respect to the adopted amendment is in the public interest."

Section 4. This ordinance shall be in full force and effect from and after its adoption.

Adopted the 28 day of June, 2012.

CONTINUED PUBLIC HEARING – ADOPTION OF TOWN OF MIDWAY BUDGET FOR FISCAL YEAR 2012-2013

At its meeting on June 18, 2012, Council voted unanimously to continue the public hearing on the Town of Midway proposed budget for fiscal year 2012-2013 to the Town Council Special Meeting set for Thursday, June 28, 2012 at 6:00 p.m. at Town Hall in order to make the following adjustments to the proposed budget:

Administration Appropriations

Changes in salaries for Town Manager, Town Clerk and Finance Director

Planning And Zoning Appropriations

Increase in salaries:

Chairman - \$150.00 per month

Board Members - \$100.00 per month

To add Line item:

Code and ordinance enforcement - \$10,000

Public Works Appropriations

Christmas lights:

Add stipulation - *Funds allocated for accrual until total project can be completed.*

Debt Service

Add \$50,000 for additional principal payment on debt.

Sewer Extension

Add \$50,000 for possible sewer extension

General Fund Revenues

Increase Fund Balance appropriation to \$154,795.

Total Budget with Adjustments

\$1,276,695

Mayor Wilkes reopened the public hearing.

There being no one wishing to speak, Mayor Wilkes closed the public hearing.

On motion by Councilor Stephens, seconded by Council Moon, Council voted to approve the Town of Midway Budget for Fiscal Year 2012-2013 as adjusted and to adopt the Budget Ordinance setting the budget for the Town of Midway for Fiscal Year 2012-2013 by a 3-2 split vote. Voting "for" were Councilors John Byrum, Robin Moon, and Sue Stephens. Voting against were Mayor Pro Tem Mike McAlpine and Councilor Todd Nifong.