



**TOWN OF MIDWAY  
PLANNING & ZONING BOARD MINUTES  
TUESDAY, JANUARY 25, 2022**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD MEETING HELD ON TUESDAY,  
JANUARY 25, 2022 AT 5:00 P.M. AT MIDWAY TOWN HALL, 426 GUMTREE ROAD,  
MIDWAY, NORTH CAROLINA**

**CALL TO ORDER**

Chairman James Smith called the meeting to order.

Planning & Zoning Board members present were: Charles Waddell, Paula Hill, James Smith, Jamie Hester, Carl Tuttle, and alternate member Richard Miller. Absent: None.

Town Manager Tammy Michael, Town Clerk Linda Hunt, Deputy Clerk Tammy Robertson, and Davidson County Zoning Officers Lee Crook and Josh Tussey were present.

**APPROVAL OF MINUTES**

On motion by Board member Charles Waddell, seconded by Board member Carl Tuttle, the Board voted unanimously to approve the November 30, 2021 minutes as presented.

**ADOPT AGENDA**

On motion by Board member Jamie Hester, seconded by Board member Paula Hill, the Board voted unanimously to adopt the agenda as presented.

**PUBLIC COMMENT PERIOD**

Ms. Tanya Huie of 955 Tom Livengood Road in Midway addressed the Planning Board with concerns she has about a homeless gentleman bringing in junk and living on a vacant lot beside of her home. Ms. Huie previously expressed the same concerns to the Town Council at the October 4, 2021 Town Council meeting. A neighbor who lives at 210 Livengood Road who owns the vacant lot, is allowing the gentleman to live on the lot, and prior to living there, he lived in a shed with no running water or bathroom facilities on the 210 Livengood property. Since the October 4, 2021 Town Council meeting, the shed has been torn down and all of the materials removed from the property. Ms. Huie states that the homeless gentleman has since placed a tarp over the fence and is living under it. Ms. Huie states that she is now seeing rats around the property.

Davidson County Zoning Officer Lee Crook stated that the Davidson County Health Department and Davidson County Planning and Zoning Officials have been on the property multiple times regarding the situation. It is up to the homeowner of 210 Livengood Road to ask the homeless gentleman to vacate the property.

With junk being on the property, a notice of violation for solid waste can be issued to the homeowner at 210 Livengood Road to have the junk removed. The homeowner would have thirty days to bring the land into compliance before a second notice is sent and fines begin accruing.

## **REGULAR BUSINESS**

### **CORE COMMERCIAL OVERLAY DISTRICT (CCOD) PERMIT REVIEW – TOBACCO & VAPE WALL SIGN – MIDWAY COMMONS SHOPPING CENTER**

Davidson County Zoning Officer Lee Crook presented to the Planning Board for review a permit for a proposed sign for Tobacco & Vape located at 189 Hickory Tree Road, Suite 16 in the Core Commercial Overlay District in the Midway Commons Shopping Center. The business must satisfy signage requirements in Section 3.08 Core Commercial Overlay District (CCOD), of the Midway Zoning Ordinance Subsection (V) Architectural Guidelines, (12) Signage.

The submitted sign must meet guidelines in the Signage section under (I) Multi-Tenant Buildings and (J) General Requirements. The rendering submitted states the proposed sign is approximately twenty-seven square feet, which is below the maximum square footage allowed for a tenant space sign. Furthermore, the proposed sign does not project more than twelve inches from the facade and is internally illuminated.

The Davidson County Planning Department has reviewed the requirements and finds that the sign is in accordance with the CCOD requirements and standards requirements as stated in the Town's Zoning Ordinance.

Board member Jamie Hester expressed concerns she had regarding lighting around the perimeter of the storefront and that it does not match the vision the Planning Board has for the Town. Mrs. Hester stated that the lights had not been on recently and she wanted to know if the lighting strips were still in place or if they had been taken down. Mr. Crook will confer with Zoning Officer Travis Swain who has handled the permit review for the sign to determine if the lighting strips are still in place.

On motion by Board member Charles Waddell, seconded by Board member Carl Tuttle, the Board voted unanimously to approve the sign permit for the Tobacco & Vape sign that was installed before following and securing the necessary permit process in the CCOD in the Midway Commons Shopping Center as presented.

### **DISCUSSION – DEVELOPMENT OF ORDINANCE REGARDING FREE-RANGE FOWL**

The Planning Board was presented with examples of ordinances regarding free-range fowl that municipalities have adopted for their cities and towns. Over the past couple of years, there have been complaints from Town residents of the keeping of free-range fowl in the Town.

Planning Board members discussed adopting an ordinance regarding free-range fowl for the Town of Midway and what they would like to have included in the ordinance. Discussions included whether to include the entire Town in the ordinance or just in subdivisions, requiring housing for the fowl and what the setbacks would be for the housing from property line to property line, whether or not existing owners with free-range fowl would be grandfathered in or have to come into compliance with the new ordinance within a certain timeframe. The Planning Board members will review the ordinances presented to them for ideas of what to include in the Town's ordinance and bring those ideas to the next Planning Board meeting on February 22, 2022 for continued discussion.

Planning Board members also discussed the consideration of an ordinance for exotic animals for the Town to be discussed at the February 22, 2022 Planning Board meeting.

**ADJOURNMENT**

On motion by Board member Charles Waddell, seconded by Board member Carl Tuttle, the Board voted unanimously to adjourn at 5:36 p.m.

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James W. Smith, Chairperson

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Tammy H. Robertson, Deputy Clerk