

**MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON SEPTEMBER 13, 2023, AT 6:00 P.M. IN THE CONFERENCE ROOM AT MIDWAY TOWN HALL, 426 GUMTREE ROAD, MIDWAY, NORTH CAROLINA**

**CALL TO ORDER**

Mayor John Byrum called the meeting to order.

Councilors present were: John Byrum, Mike McAlpine, Robin Moon, Keith Leonard, Jackie Edwards and Berkley Alcorn. Absent: None. Town Manager Tammy Michael, Town Clerk Linda Hunt, and Town Attorney Jim Lanik were present.

Davidson County Planning Director Scott Leonard was present.

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

There were no members of the press in attendance.

**ADOPT AGENDA**

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

**VISION SESSION**

Mayor Byrum introduced Dr. Chad Lakey, owner of Midway Animal Clinic located on Old Highway 52 in Midway, who wanted to address the Council about his plans to build a new structure to replace the current one. Dr. Lakey distributed copies of the current design for the new structure to Council, stating the preliminary plans have been submitted to the County. The plans are to demolish the current building and to build a new structure on the lot. He said it was going to be too costly to upgrade the old building and bring it up to code. The new building will consist of about 5,000 square feet and as proposed, it will be 70% brick. Dr. Lakey told Council the budget numbers he got back from the construction company are a little overwhelming. The brick addition is going to add about \$18,000 to the cost. He noted that the CCOD requires either a berm or a low, decorative masonry wall around parking areas. The contractor told Dr. Lakey that the least expensive option would be masonry wall. Building a three-foot masonry wall along Old Highway 52 will add \$10,450 to the cost and if an additional wall is required along the north side of the property between the Animal Clinic and Dr. Sasser's office, which would add another \$9,500. Dr. Lakey said his reason for being at the meeting is to just present the plans to the Council and to get Council's thoughts on them. He said he is hoping to get the plans to the County formally next week and it being on the September 26<sup>th</sup> Planning Board agenda. Dr. Lakey said if he could keep the design but use board and batten instead of brick, which would save almost \$20,000 on his cost. The masonry wall is another \$10,000 - \$20,000 in additional costs. Dr. Lakey said he wants the building to look nice and he hopes that Council likes the look of it. He said he wants it to be a very attractive piece for Midway. The additional space will allow the clinic to grow. Right now, there are only three exam rooms, and he cannot hire more staff in the space they have now. He said the clinic is turning away anywhere from three to five new clients every day. Some of those are new to the area and a lot of them are from surrounding areas that cannot get into a veterinarian office. Dr. Lakey said there is a definite need for the area as much as it is growing, especially residential, and his clinic hopes to serve those people in its own community. The new building will also allow them to expand their surgical services and offer more specialized services to the people of Davidson County, especially Midway. Currently, those people have to go to the 24-hour vet in Winston-Salem to have some of those procedures done, which can be cost prohibitive. Dr. Lakey said that they would be able to serve more people and provide additional services to their current clients with a bigger space. Their vision for Midway Animal Clinic is to have more space to treat the clients. He commented that during Covid boom, more people got animals. Statistics show that about twelve million

households got a pet during Covid. He said there is a huge veterinarian shortage right now. There is enough space in the new building for four or five veterinarians to serve the community.

Mayor Byrum thanked Dr. Lakey for sharing the drawing of the design. He said Council holds these Vision Sessions about three times a year and the purpose is for Council to be able to talk a little more freely than in their monthly meetings. Each Council member is asked to share what they envision for the Town and staff provide updates on status of those visions from the previous session. Mayor Byrum said that one of the topics for this meeting is the Core Commercial Overlay District (CCOD). He added that he knows Dr. Lakey is talking about variances and other businesses have asked about the same as well. Mayor Byrum told Dr. Lakey he is following the correct process. No decision will be made by Council tonight other than a discussion around what, if any, alterations in the CCOD Council would want to make to make it easier for businesses to come to Midway and be established.

Councilor Moon asked Dr. Lakey if he was asking for a variance on the masonry wall. Dr. Lakey responded that he just wanted to let Council know what the costs were, not necessarily asking for a variance. Councilor Moon said he knew that it would be a Planning and Zoning Board decision, but he was asking if the cost of the masonry wall was a problem. Dr. Lakey answered that the cost of the masonry wall and the brick was a concern. He said he thought they could achieve that same look that Midway wants without that extra cost, especially with interest rates going up. It gets cost prohibitive when things like that are added.

Councilor Alcorn asked what the square footage is for the new building. Dr. Lakey said it has a total of 5,500 square feet but about 500 square feet of it is mechanical upstairs. The current clinic is about 1,600 square feet.

Dr. Lakey asked whether the east side of their property that faces the railroad track is included in the total brick number or percentage. It is not facing the road or other structures. He said that is something his contractor had asked when he was putting the budget together. Planning and Zoning Director Scott Leonard responded that to his understanding, they would have to have three sides to make up the 70% brick. The back of the property would not have to be brick.

There being no further questions from Council, this concluded the discussion on the Midway Animal Clinic.

(Dr. Lakey left the meeting.)

### **VISION PRIORITIES - UPDATES**

#### **TOWN PARK**

- Town Park Rules
  - *Adopted September 5, 2023*
- Town Shelter and Gazebo Use Rules and Guidelines
  - *Adopted September 5, 2023*
- Town Park Staffing Needs
  - *Additional staff hired*
- Town Park Equipment and Storage Needs

- Equipment shed, dumpster and enclosure, RTV
  - *Dumpster pad ready, other items budgeted*
- Town Park Lighting and Security Needs
  - *Lights installed and KNC to determine additional security camera needs*
- Aerial view of the park
  - *Continue as priority when construction completed*
- Family movie night
  - *Retain as Vision Priority once construction is completed*

#### Discussion

- County has approved ADA sidewalk
- County approval to open pavilion and gazebo
- Restrooms ready to open
- Opening of pavilion
  - Training for online reservations underway
  - Projection date for reservations
    - January 2024
    - Possibly open prior to that date – Announce that reservations cannot be made prior to January 2024
- Dumpster
  - 6-yard dumpster
  - Fence around dumpster
- Mayor Pro Tem McAlpine/Mayor Byrum will reach out to local aerial videographer Landon Grant about doing an aerial view of the park.
- Opening of the Pavilion
  - Dates discussed – Either October 11<sup>th</sup> or October 18<sup>th</sup> at 8:30 a.m.
  - Invite local Elected Officials, State Representatives, and U.S. Senator Tedd Budd to Open House
  - Refreshments
- Need for additional parking – Take some time to get work done
  - Erosion plan – The Wooten Company
  - Go out to bid for qualified contractor to build additional parking lot one erosion plan complete

#### OTHER UPDATES

- Beautification Signs
  - *Ongoing – Remove current beautification sign at the end of Hickory Tree Road and Old US Highway 52 and replace with a larger sign at the water tower on Hickory Tree Road coming into Town. Upgrade other beautification signs in the Town to enhance /brand the image of the Town*

Mayor Pro Tem McAlpine and Councilor Leonard to work together on the design for new beautification signs for Council consideration.

- Subdivision Ordinance Update
  - New Subdivision Ordinance adopted

Discussion

- Council to hold Joint Meeting with the Planning Board to “refocus”
  - Gets potential dates from Planning Board at its September 26<sup>th</sup> meeting
- Sewer Rates
  - *Committee Recommendations – Continuing*
  - *Projected to be on the October 2<sup>nd</sup> agenda for consideration*

**VISION PRIORITIES – DISCUSSION**

- Subdivision Ordinance
  - Proposed Amendment(s)
  - Sewer Capacity

Discussion

- Subdivision Ordinance – Proposed Amendments
  - Davidson County Planning and Zoning Director Scott Leonard led the discussion of proposed amendments to the Town’s Subdivision Ordinance. The proposed amendments follow the amendments the County recently made to its Davidson County Zoning and Subdivision Ordinance – Development Standards.
    - Added - “Defects Guarantee – Secure from all developers of major subdivisions, a performance Bond too guarantee against defects and maintenance of roadway pavement and drainage facilities until the road is taken over the NCDOT. The Bond must be at least 10% of the overall cost of roadway construction.”
      - Developer has to sign plat. Responsible for road until DOT takes over.
    - Added – “A Private Road Disclosure Statement indicating the responsibility of maintenance shall be placed on the recorded plat and a Road Maintenance Agreement must be established and recorded.”
    - Added – “The developer of a major subdivision will be responsible for the maintenance of a public road until the road is accepted by the NCDOT. A disclosure statement must be placed on the plat indicating the developer being responsible for the roadway maintenance and the individual lot owner being responsible for right of way maintenance until accepted by NCDOT.”
    - Did not recommend lot size averaging.
    - Beneficial that Town has curb and gutter and sidewalks requirement in its Subdivision Ordinance. Builders build a better product to recoup money. Drives quality of houses up.
    - Cannot regulate architectural features of house (vinyl vs. brick).
    - Midway will see similar transition in housing as County is seeing. Requiring bigger lots forces developers to build bigger houses to recoup money.
    - Consensus of Council to send proposed amendments to Planning Board for review and recommendation.
  - Zoning District – MX-R
    - The intent of the Mixed Use, Residential District is to provide for the development of planned communities that may incorporate a full range of housing types. MX-R districts shall require a minimum of three different housing types and where appropriate, compatible non-residential uses that provide goods, services, and employment opportunities. Allowable housing types in the MX-R Zoning District are Apartments, Condominiums, Dwelling-Single Family, Dwelling-Two Family and Townhomes.

- This district permits residential mixed use development (dwellings and permitted accessory uses and structures) on tracts which are ten (10) acres or larger and mixed residential and non-residential use development on tracts that are no less than fifteen (15) acres.
- Greater density than a traditional subdivision
- HOA required
- Public sewer required
- 75 gallons per day (gpd) per bedroom
- 15% of land – open space
- MX-R gives Town more control
- Rezoning to MX-R would not disqualify developer from the CCOD. A traditional subdivision would not have to meet standards of CCOD. There is more control with MX-R zoning. More density but a better product.
- Master site plan approved by Council. If another developer purchases property, developer would have to follow that plan or would have to come to Council to request a change. Would require Council approval for a change in site plan.
- A lot of potential land for development in Midway. Want to keep Town's rural character.
- Mass grading is used done to put all the homes on slabs
- Potential developer interested in Nifong property
  - Very basic plan. No amenities offered.
  - Rezoning requested. Sewer required and developer will have to ask for sewer as well. Potential development would require 80,000 gpd. Town only has 35,000 gpd remaining. Town would need to ask County for additional 100,000 gpd. Davidson County Planning and Zoning Director Scott Leonard said he had approached the Davidson County Sewer Committee about a proposed major development in Midway that would need sewer and that the Town would need additional capacity to serve the development. He said that although the Committee was non-committal, he felt the County would give the Town additional sewer capacity.
  - All the area is in the CCOD
  - Projected 200 homes in new development
  - 200 homes vs. 60 in subdivision – 600 people vs. 180 on average
  - Goes all the way down to Eller Road
  - Concern about impact of a big development on traffic in Midway. It would be a lot of traffic.
  - Also impact people on West Drive and Tower Circle
  - Consider how it affects everybody in Town and not just the developer
  - Consider all the variables that could potentially affect the Town positively or negatively
  - Remember reason Town was incorporated was not to be part of Forsyth County
  - Control growth
  - High-end, quality housing, not slab houses
  - Council elects not to infringe on anyone's rights, but to represent the residents whether it be the traffic or fair building value.
  - Highest density of housing is on the upper end at Hickory Tree Road
  - Council will receive public input on proposed development at public hearing
  - Council does not have to make a decision at the public hearing. Could continue public hearing to allow more time for consideration.
  - Mayor Byrum encouraged Council to talk to their constituents to get their perspectives on the issue.

There being no further questions from Council about the Subdivision Ordinance or the MX-R Zoning District, Mr. Leonard left.

(Mayor Byrum called for a ten-minute recess.)

- Core Commercial Overlay District (CCOD)

Discussion

- Mayor Byrum stated his vision is for the Council, as a team, to come up with a way to allow architectural options without compromising the purpose of the CCOD. He said it was a balancing act. Possibly create an Architectural Design Committee. Without it diluting the effectiveness of the CCOD, how would the Town allow someone to have a loft look and not a brick look? Is it an Architectural Design Committee? Committee would make review and make a recommendation to the Planning Board. Aesthetics of the look of the structure.
- CCOD would have to be amended. Would require professional expertise to craft changes in such a way that the Town has lessened the standards but has not infringed on the people who have already been made to follow the current standards.
- Councilor Edwards referenced an email from the Town Manager to the Planning Board dated May 18th. Directive from Council to apply the CCOD as written.
- Town Attorney was asked for his input.
  - Nothing he would recommend as far as dealing with the ordinance as an ordinance needs to be treated.
  - Referenced ordinances from Apex and Mt. Pleasant, SC.
    - Apex – Very specific – everything in ordinance must be met
    - Mt. Pleasant – Not specific – open to interpretation
  - Possible administrative change would be to state that this is the ordinance and there shall be no deviations from this ordinance and staff shall not approve any plan that does not meet the intent of the ordinance.
  - Make it clear that there is no provision in the CCOD for discretion. Any variations must go to the Board of Adjustment and only certain things can be varied.
  - From an attorney’s standpoint, the less gray area, the better because it cuts down on the potential liability for the Town.
  - Possible checklist of what requirements must be met.
- Current CCOD is cumbersome and lengthy. Hard to understand.
- Other
  - There were none.

Time did not permit Council to go over the Town Manager’s Reports.

ADJOURNMENT

On motion by Councilor Berkley Alcorn, seconded by Councilor Robin Moon, Council voted unanimously to adjourn the meeting at 9:40 p.m.

---

John Byrum, Mayor

---

Linda A. Hunt, Town Clerk