

**MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON MARCH 4, 2013
AT 7:00 P.M. AT MIDWAY FIRE AND RESCUE BUILDING, 228 MIDWAY SCHOOL ROAD,
MIDWAY, NORTH CAROLINA**

CALL TO ORDER

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

Councilor Robin Moon gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilors present were: John Byrum, Mike McAlpine, Robin Moon, Todd Nifong, and Sue Stephens. Absent: None. Town Manager Ryan Ross, Town Attorney Jim Lanik and Town Clerk Linda Hunt 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 Mayor Pro Tem Mike McAlpine, seconded by Councilor Byrum, Council voted unanimously to approve the minutes of the February 4, 2013 Town Council regular meeting as presented.

PUBLIC ADDRESS

There were none.

ADOPT AGENDA

On motion by Councilor Nifong, seconded by Councilor Stephens, Council voted unanimously to adopt the agenda as presented.

OPENING REMARKS BY MAYOR

There were none.

PUBLIC HEARING

**PUBLIC HEARING - AMENDMENTS TO TOWN OF MIDWAY CODE OF ORDINANCES -
PLANNING & ZONING BOARD/BOARD OF ADJUSTMENT** At their last meeting on February 4, 2013, Town Council called for a public hearing for Monday, March 4, 2013 at 7:00 p.m. at the Midway Fire and Rescue Building, 228 Midway School Road, in Midway, North Carolina to receive citizen input on the proposed amendments to the Town of Midway Planning and Zoning Board ordinance.

The notice of the public hearing was published in *The Dispatch* on February 20 and 27, 2013 as required by law.

Mayor Wilkes opened the public hearing. There being no speakers, Mayor Wilkes closed the public hearing.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Stephens, Council voted unanimously to approve the proposed amendments to the Town of Midway Planning and Zoning Board/Board of Adjustment ordinance.

**ORDINANCE TO AMEND THE TOWN OF MIDWAY PLANNING AND ZONING BOARD
AND BOARD OF ADJUSTMENT ORDINANCE**

BE IT ORDAINED by the Town Council of the Town of Midway that Ordinance No. 08-05 that established the Town of Midway Planning and Zoning Board and Board of Adjustment be amended as follows:

Appointment and Organization of the Planning and Zoning Board and Board of Adjustment to be amended to read as follows:

- (b) The Planning and Zoning Board and Board of Adjustment shall each consist of five (5) members and one (1) alternate member. All members and the alternate shall reside within the town. All members shall be appointed by the Town Council. All members shall serve staggered terms of four (4) years so as to ensure that all seats do not come up for appointment or reappointment in the same year. The initial staggering of terms shall be set by the Town Council. All members, with the exception of the alternate member shall have equal rights, privileges and duties. When a member of a Board is absent from a meeting, the alternate member shall have all the rights, privileges, and duties of a member of the Board. Members shall not hold any other official municipal government position or office. Members are eligible for reappointment.
- (e) Members of the boards may receive compensation for service as provided from time to time by town council policy. A member may be removed by from the boards by the member's respective appointing authority if the member fails to attend 4 regular meetings in a calendar year, misses three (3) or more consecutive meetings or for other cause. Vacancies occurring for reasons other than expiration of a term shall be filled by the Town Council as soon as is reasonably possible. Mid-term appointments shall be for the period of the unexpired term.

Power and Duties of the Board of Adjustment to be amended to read as follows:

Section (a)

- (iv) To pass upon, decide or determine such other matters as may be required by this ordinance or any other ordinance duly adopted by the Town Council conferring responsibility on the Board of Adjustment for taking action on a matter.

Variances to be amended to read as follows:

- (c) The Board of Adjustment is not empowered to grant a variance without an affirmative finding of fact on all five categories above. All such findings of fact shall be made in an order of the Board of Adjustment. Each finding of fact shall be supported by substantial evidence in the record of proceeding before the Board.
- (d) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum one that will make possible the reasonable use of the land, building or structure.

This ordinance amending Ordinance No. 08-05 shall be in full force and effect upon its adoption.

REGULAR BUSINESS

APPOINTMENT OF ALTERNATE MEMBER – PLANNING & ZONING BOARD/BOARD OF ADJUSTMENT

The approved amendments to the Planning and Zoning Board/Board of Adjustment include the addition of an alternate member to the Board which is appointed by Town Council.

Mayor Wilkes opened the floor for nominations.

Councilor Byrum nominated Jamie Hester as the alternate member.

There being no further nominations, Mayor Wilkes closed the floor.

On motion by Councilor Byrum, seconded by Mayor Pro Tem Mike McAlpine, Council voted unanimously to appoint Jamie Hester as the alternate member on the Town of Midway Planning and Zoning Board/Board of Adjustment.

CALL FOR PUBLIC HEARING – TOWN OF MIDWAY COMMUNITY TRANSPORTATION EVALUATION (TRANSPORTATION AND ACCESS MANAGEMENT PLAN)

Town Manager Ryan Ross advised Council that the final draft of the Town of Midway Community Transportation Evaluation (Transportation and Access Management) is complete and ready for Council's review and consideration. Mr. Jonathan Guy of Kimley-Horn and Associates presented the proposed plan to the North Carolina Department of Transportation (NCDOT) for their review and input. Basically, NCDOT agreed with the proposed plan; however, NCDOT officials did want to add roundabouts at both ramp terminals at the Hickory Tree Road interchange with US Highway 52. The final draft incorporates input received from NCDOT, citizens and Council.

Mr. Ross recommended Town Council call for a public hearing to give the citizens an opportunity to comment on the final draft.

On motion by Councilor Stephens, seconded by Mayor Pro Tem Mike McAlpine, Council voted unanimously to call for a public hearing to be held on Monday, April 1, 2013, at 7:00 p.m. at the Midway Fire and Rescue Building, 228 Midway School Road, in Midway, North Carolina to receive citizen input on the final draft of the Town of Midway Community Transportation Evaluation (Transportation and Access Management Plan).

TOWN MANAGER'S REPORTS

UPDATE ON LAND ACQUISITION

Town Manager Ryan Ross gave Council an update on the progress of acquisition of land by the Town. Midway.

For information only.

REMINDER - JOINT MEETING OF TOWN COUNCIL AND PLANNING & ZONING BOARD FOR LONG-RANGE PLANNING – SATURDAY, MARCH 16, 2013 AT 9:00 A.M. – FAITH MISSIONARY ALLIANCE CHURCH CONFERENCE ROOM

A joint meeting of the Town Council and the Planning & Zoning Board for long-range planning is scheduled for Saturday, March 16, 2013, at 9:00 a.m. and will be held in the Conference Room at Faith Missionary Alliance Church.

Reminder only.

EASTER PARADE

The Town Council has been invited to participate in the Welcome Easter Parade on Saturday, March 23, 2013 at 3:00 p.m. Mayor Norman Wilkes plans to ride in the parade.

ICSC TRADE SHOW

Town Manager Ryan Ross advised Council the ICSC Trade Show will be in Charlotte, North Carolina on Monday and Tuesday, March 18-19, 2013 and asked Council for their thoughts on attending the trade show. The cost to register for the trade show would be \$355 per person.

There was a brief discussion by Council regarding the benefit of attending the show and the registration costs.

Mayor Wilkes recommended Town Manager Ryan Ross attend the trade show on behalf of the Town, to which Council agreed.

For information only.

ADJOURNMENT

On motion by Councilor Byrum, seconded by Councilor Moon, Council voted unanimously to adjourn the meeting.

Norman L. Wilkes, Mayor

Linda A. Hunt, Town Clerk