



TRANSYLVANIA COUNTY PLANNING BOARD MINUTES

Planning Board Meeting, February 21, 2019

Call to Order, Mack McNeely

The Transylvania County Planning Board met on Thursday, February 21, 2019, at 7:00pm in the Community Services Building Conference Room. Members present were Mack McNeely, Bob Twomey, Sandy Watson, Lauren Wise and Kimsey Jackson. Steve Woodsmall was absent (excused). Staff members present were Transylvania County Planning and Community Development's County Planner, Joy Fields, and Program Assistant, Karen Henderson. Also present were two members of the public. No media were present.

- I. **Welcome:** Mack McNeely welcomed board members and the public to the meeting.
- II. **Public Comment:** Chuck Blunt spoke during public comment and stated that he and his wife, Gail, were attending the meeting, since he had submitted an application to be on the Board.
- III. **Approval of Agenda:** Mack McNeely asked to move VII New Business item (A), Planning Board Officers, to the beginning of the agenda. Sandy Watson made the motion to approve the agenda as modified. The motion was seconded by Bob Twomey, and carried unanimously.
- IV. **New Business**
 - A. **Planning Board Officers:**
 - Sandy Watson moved to nominate Mack McNeely as Chair to the Transylvania County Planning Board. The motion was seconded by Bob Twomey, and carried unanimously. Mack McNeely accepted the position. Bob Twomey and Sandy Watson both stated how much they appreciated Mack McNeely and all he does.
 - Mack McNeely opened the floor for Vice Chair nominations. Sandy Watson nominated Bob Twomey and Mack McNeely 2nd. Bob Twomey would like to give others an opportunity to serve and declined to accept position until others were considered. Lauren Wise nominated Sandy Watson and stated that Sandy Watson had longevity and always asks thoughtful questions. Lauren Wise also told Sandy Watson that she has a way of making people feel comfortable even if controversial issues were being discussed. The motion was seconded by Mack McNeely, and carried unanimously. Bob Twomey told Sandy Watson that she has a heart for this and Sandy Watson appreciated the comment and accepted the position.
- V. **Approval of Minutes**

Sandy Watson moved to approve the meeting minutes for January 17, 2019 as presented. The motion was seconded by Bob Twomey, and carried unanimously.

VI. Subdivision Approvals and Updates:

Joy Fields notified the Planning Board that there were 13 plats reviewed between January 12, 2019, and February 18, 2019. Plats reviewed and approved included: seven (7) recombination plats, six (6) changing of boundary lines between adjoining property owners, one (1) inherited through a will, three (3) family subdivisions, one (1) over 10 acres, and one (1) 2 lot subdivision.

VII. Old Business:

A. Noise Ordinance

- At the last meeting, the board asked Joy Fields if she could get more information from the Sheriff's Office regarding what they would like changed in the noise ordinance. Each member of the board received a copy of an email from Sheriff Mahoney (attached), which suggested that the items that would help with enforcement of the ordinance included a more comprehensive list, a process for permits, and decibel levels. Due to the concern of decibel levels, the County Manager would like the County Attorney to come speak to the board before finalizing the Noise Control Ordinance. Joy Fields suggested that the ordinance discussion continue in March after hearing from the attorney regarding decibel levels.
- The planning board reviewed the draft Noise Control Ordinance and discussed the following:
 - Article IV - was updated to highlight the Jurisdiction, where the ordinance is being kept, and who would be enforcing the ordinance. These proposed changes are in line with the organization of other recent ordinances.
 - Article V, Definitions - was modified to be a stand-alone section. 1.4 was modified by the planning board, to read "noise which is perceived by a person of ordinary firmness, sensibilities and temperament as interrupting the normal peace and calm of the area, neighborhood or vicinity." 1.5 was modified to take out the word "means" to be consistent with the other definitions.
 - Article VI, Section 2, Noise Regulations - the last sentence was modified to state, "Noise of such character, intensity and duration as to be detrimental to the health, safety or welfare of any reasonable person of ordinary firmness, sensibilities and temperament in the vicinity is prohibited."
 - Article VI, Noise Regulations, Section 2.2 - Joy Fields recommended that the board wait to discuss decibel levels until after the County Attorney presents at the next meeting.
 - Article VI, Noise Regulations, Section 3 Exempted Noises - the board discussed: time frames, emergencies, industrial and manufacturing business needs, emergency repairs to an existing business site, farming and agriculture, construction, lawn maintenance, entertainment, and retail businesses. All of these items would be affected by a designated period of business hours and decibel levels. Joy Fields will research and get definitions on industrial manufacturing and industrial commercial. The board discussed how to provide uniformity for all these types of businesses with the decibel level and noise regulations when the hours and needs vary between all the different types of businesses. Bob Twomey stated that he feels this would make it fairer on the entire Noise Ordinance with more research.
 - Article VI, Noise Regulations, Section 4 - Lauren Wise requested that the board look into this more at the next meeting.

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- Article VIII, Permit Procedure, Section 5, Permits - should read: "Special events that anticipate producing loud noise that could be considered disturbing, may obtain a permit to allow a one-time event annually on a specific parcel of land."
- Article VIII, Permit Procedure, Section 6, Permit Application - should read: "All applications for permits shall be submitted to the Enforcement Officer. Applications shall be considered complete when it contains the following." Bob Twomey and Kimsey Jackson both questioned this Section and feel that it is contradicting and recommended further review. The application for permits shall be specific on what event is being held and details for the entire event. The sheriff's department would also have to look at an emergency situation. Mack McNeely stated that it is hard to use these exemptions and they need to be more specific on the decibel levels before the board considers these exemptions.
- Article VIII, Permit Procedure, Section 7, Application Submission and Fee - should be changed and read: "A completed permit application shall be submitted to the Enforcement Officer for review at least twenty (20) calendar days prior to the scheduled event or a reasonable time period agreed upon by both parties in writing. For this reason, the sheriff has the right to exempt the timeframe and approve an event. This could be due to any emergency actions.
- Article IX, Violations, Penalties & Enforcement, Section 9, Penalties, 9.1 - the board discussed issues of Article VI along with this Article. The last sentence to this article shall read: "A violation of any Ordinance provision shall constitute a Class 3 misdemeanor and may be punished by fine at the discretion of the Court, up to a maximum of \$500 per offense/per visit."

B. Small area plan update:

The current Transylvania County Planning Board members do not have to submit an application for the Cedar Mountain Small Area Plan Committee. Board members are encouraged and welcome to attend the public meetings to hear the public input during the development of the Cedar Mountain Small Area Plan. The application deadline for the Cedar Mountain Small Area Plan Committee is March 15th. Joy Fields explained to the board that the Small Area Plan Committee will provide information and reports to the Transylvania County Planning Board which will review and revise prior to recommending to the Transylvania County Commissioners. The Board of Commissioners will be approving the Cedar Mountain Small Area Plan Committee after the application period closes (public announcement attached).

VIII. New Business

A. Planning and Community Development Updates

- The Board of Commissioners will consider the Watershed Ordinance on Monday, February 25, 2019, during the County Commissioners meeting. The planning board is encouraged to attend. Joy Fields will be out of town and the County Manager, Jamie Laughter, will be presenting the Watershed Ordinance to the County Commissioners.
- On March 12th, the County Commissioners will also be discussing the RFP for the development of Workforce Housing, which is proposed for development on the county land behind the animal shelter. This multi-family housing development must have 20%

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of the units affordable to low income and moderate income individuals to meet the NC General Statutes.

- The US Postal Service has issued guidance on cluster mail boxes for new developments to increase the efficiency of mail delivery. North Carolina State Building Code has been recently updated and for the safety of everyone in the subdivision with cluster unit mailboxes, there must be sidewalks on both sides of the road. Joy Fields questioned whether the board needed to review or revise the Subdivision Control Ordinance and also the Manufacturing Home Park Ordinance to reflect the changes in NC Building Code. Joy Fields will get the exact wording and hope to have this available to the planning board at the next meeting in March. Joy Fields has reached out to the US Postal Service and hopes to hear back from them soon.

IX. Public and Board Member Comments


- Public Comment: Chuck Blunt believes that wording needs to be correct and regulations have to be broad enough to cover everything.
- Sandy Watson thanked Bob Twomey for his confidence in her.
- Karen Henderson stated that her last day is March 1st and that Joy Fields is working hard and has a lot on her plate.
- Bob Twomey stated that this is a great board.
- Mack McNeely thanked Karen Henderson and Joy Fields for all they do and what a great board it is and appreciates everyone there.
- Kimsey Jackson also stated that this was a great board.
- Lauren Wise congratulated Mack McNeely and Sandy Watson for being elected Officers.
- Sandy Watson stated that she hoped we have a new member next month. Joy Fields stated that the board is down 1 board member and 2 adjustment members.
- Mack McNeely also stated that we can think up enough things for 3 people to track down and address before the next meeting. Government is slow to ensure public interest are represented.

- X. **Adjourn:** The next meeting is scheduled for March 21, 2019 at 7:00pm and there being no further discussion Mack McNeely moved to adjourn and Sandy Watson 2nd the motion and it carried unanimously.

MINUTES APPROVED



Mack McNeely, Chair



Joy Fields, Recording Secretary & Planner