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**TRANSYLVANIA COUNTY PLANNING BOARD MINUTES  
Regular Meeting, May 16, 2019**

**Call to Order, Sandy Watson**

The Transylvania County Planning Board met in regular session on Thursday, May 16, 2019, at 7:00 pm in the Community Services Building Conference Room. Members present were Chair, Sandy Watson, Kimsey Jackson, Bob Twomey, Lauren Wise and Steve Woodsmall. Staff members present were Transylvania County Planning and Community Development's County Planner, Joy Fields, and Program Assistant, Beth Webb. Also present were Brevard Chief of Police, J. Phil Harris and two members of the public. No media were present.

- I. **Welcome:** Sandy Watson welcomed everyone to the meeting and suggested that the agenda be amended due to the resignation of Chair, Mack McNeely, and stated that the board needed to have elections.
- II. **Elections:** Lauren Wise motioned to adjust the agenda and Kimsey Jackson seconded the motion, the motion carried unanimously. Lauren Wise nominated Sandy Watson for Chair, Steve Woodsmall seconded the motion, and was carried unanimously. Bob Twomey nominated Kimsey Jackson for Vice Chair, the motion was seconded by Sandy Watson, and was carried unanimously.
- II. **Public Comment:** No comments.
- III. **Approval of Agenda:** Kimsey Jackson made the motion to approve the agenda as modified. The motion was seconded by Sandy Watson, and carried unanimously.
- IV. **Approval of Minutes:** Lauren Wise moved to approve the Special Meeting minutes for April 11, 2019 as presented. The motion was seconded by Bob Twomey, and carried unanimously.
- V. **Subdivision Approvals and Updates:** Joy Fields notified the Planning Board that there were 16 plats reviewed between the dates of April 11, 2019 – May 15, 2019, including four (4) recombination of previously approved lots, one (1) greater than 10 acres, three (3) existing lots reviewed as review officer, four (4) family subdivision, five (5) changing of boundary lines between adjoining property owners and one (1) 2 lot subdivision in Cathey's Creek.
- VI. **Old Business:**
  - A. **Noise Ordinance**
    - City of Brevard Chief of Police, J. Phil Harris provided a presentation and a demonstration of sound measurements by a decibel reader. The City of Brevard's Noise Ordinance, Division 2, Noise, Section 38-71, "The creation of any unreasonably loud

and unnecessary noise in the City is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited." This is a qualitative statement. Per the courts, qualitative measures are subjective and too interpretive for court convictions. A quantitative element needs to be added to the ordinance, something that speaks to a specific level.

- Planning Board members tested the sound meter by the clapping of hands and speaking louder to watch the decibel level increase. The sound meter has to be tested and adjusted every two years to ensure accurate readings. If a complaint is received, the sound meter is used at the property line of the complainant and the property line of the source and then determined if the noise is reasonable and necessary? Mowing the grass at 3:00 in the afternoon is reasonable, but not at 3:00 a.m. The most common calls received are from persons in conflict. If a complaint is received from an apartment, the measurement is taken outside the apartment and inside the complainant bedroom. If music is being played, then turn the music off and test at an ambient level. Three measurements are taken in a ten minute period and then an average of all measurements is taken. If the offender does not comply after multiple visits and a warning, they can be arrested.
  
- **Planning Board Discussion on Transylvania County Noise Control Regulations:**
  - Section 2.2.2 should read, "Sound measurements shall be taken at the complainant's property boundary closest to the source of the offending noise and at the same locations where the ambient noise level is recorded."
  - Section 2.2.3 should read, "Sound measurements shall be taken using an A-weighted sound level based on at least three readings made and recorded over a period of no less than ten minutes."
  - Section 3.9 should read, "Farming operations as defined by NCG.S. 106-581.1, *deleting "shall be exempt from the operation of this Ordinance."*
  - Section 4 introduction should read, "The following list of prohibited noises shall not be deemed to be exclusive and other sources of unreasonably loud and disturbing noise are subject to the provisions of the Ordinance."
  - Section 4.3 should read, "Dogs or any other constrained animals that, by frequent, recurrent or constant howling, yelping, barking, braying or otherwise cause unreasonably loud or disturbing noises, and provided the animals are not associated with farming operations as defined by NC G.S. 106-581.1"
  - Section 4.4 Should be *deleted from Ordinance, "Operating or permitting the operation of any automobile, motorcycle, dirt bike, go car, recreational vehicle, remote control vehicle, or other vehicle that engages in jackrabbit starts, spinning tires, racing engines, or other operations including without limitation operating an overloaded or out of repair vehicle which creates unreasonably loud or disturbing noise so as to disturb the comfort and repose of any person of normal sensibilities in the vicinity."*
  - Section 4.5 will become 4.4 and should read, "Knowingly permitting the occurrence or emanation of any of the foregoing specifically enumerated violations of this Ordinance on property owned, possessed, or used in whole or in part by any person or entity shall be a violation of this Ordinance,

unless a permit is applied for and granted by the Enforcement Officer prior to the occurrence.”

**B. Small area plan update (Update)**

Board of Commissioners re-advertised that they are accepting applications for Cedar Mountain Small Area Planning. They did receive additional applications, but they will most likely not be reviewed, or appointed at the next County Commissioners meeting due to their focus on budget.

**VII. New Business**

**A. Annual Report**

The Planning Board Annual report is due to the Board of Commissioners by the end of May, a copy of the report will be forwarded to the Planning Board for review before it is submitted to the Board of Commissioners.

**B. Planning and Community Development Update**

- The Joint Historic Preservation Commission convened a joint meeting of history related groups on May 14<sup>th</sup>, to celebrate Historic Preservation month.
- The survey of African American heritage-related resources kick-off event was held on May 10<sup>th</sup>.
- The Comprehensive Transportation Plan meeting took place on May 14<sup>th</sup>, to look at the modeling NCDOT did to determine average daily traffic in Transylvania County and what it is forecasted to be in 2045. They also looked at models to see if there are areas that need to be addressed which are close to meeting capacity now.
- Bike Plan was presented by the consultant at the last Board of Commissioners meeting. It was standing room only with business owners and residents attending to support the plan and have a chance to speak to the Board of Commissioners. Jaime Laughter, County Manager, is to address some of the language in the Bike Plan before the Board of Commissioners will finalize the draft. The Commissioners want to hold a public hearing to allow public feedback, which may be scheduled after the budget workshops. Bob Twomey believes the planning board did the right thing in recommending the Bike Plan. Lauren Wise noted that there was not a single person who spoke up against the Bike Plan, not one, which is a powerful endorsement. Kimsey Jackson seriously considered going to that meeting and being that single person, because he still has concerns about the safety on our roads and a concern that vehicle operators/owners pay a number of taxes and the bicyclists pay nothing and yet they demand full access to the roads because they are a vehicle. As a sense of fairness in some way, they need to contribute if we are going to put public money into providing a place for them to ride. Kimsey decided not to do that because it would seem like pushing against this committee and he was not, but those are some personal problems that he has with the whole bicycling situation. It is going to be hard to address that safety thing on a whole lot of our roads because they are narrow, the right of way is narrow and it takes a lot of construction in order to get a bicycle lane on those roads. It will be a sizeable amount of money involved, which of course comes out of all taxpayers and more than likely impacts vehicle owners and operators because that is where most of the money for roads comes from. If you think about a vehicle, you pay sales tax when you buy it. Steve Woodsmall advised that sales tax is paid on bikes too. Kimsey stated that they are paying sales tax on a \$20,000 car. Lauren Wise advised that some bikes cost \$20,000. Sandy Watson

Transylvania County Planning Board  
May 16, 2019 Meeting Minutes

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stated that they cost even more. Kimsey stated that there are no yearly fees of any kind and there may be some personal property tax, but doesn't know. There's no income from fuel or other facilities, which are necessary with cars. Kimsey stated he has a little bit of a problem with that, doesn't think it's totally fair and thinks it needs to be. Bicyclists want the roads and he doesn't have any problem with them riding on the roads, but if we are going to spend copious sums of money to provide for them, they ought to some way participate in the cost and he doesn't see that they do now. Steve Woodsmall questioned, how much do you think they bring in every year, just the bicycling in this county? Kimsey advised that it doesn't have anything to do with the roads and paying for them and that sort of thing. Steve Woodsmall stated that when they come in here, they buy food, they stay in hotels and they pay taxes on that too, so they are bringing money in here, it's not like they are freeloading off the road. Kimsey Jackson advised that they are. Steve Woodsmall advised that they are not. Kimsey Jackson advised that this money Steve Woodsmall is talking about does not go towards road maintenance. Steve Woodsmall advised that we don't spend any money on road maintenance because we don't own the roads. Sandy Watson agreed. Kimsey Jackson advised that we do, every time we buy gas, pay for registration fees, any of that. Steve Woodsmall advised that the County does not spend money on the roads. We don't own the roads. Kimsey Jackson advised that we do and that it still comes out of our pockets. Kimsey Jackson stated that it doesn't make any difference whether it's the County, the State or the Federal government who builds the roads, guess where the money comes from. Steve Woodsmall advised for him to wait until the Ecusta Trail comes in, you won't be complaining about that money. Kimsey Jackson decided not to go to the Board of Commissioners meeting and express that, but he does have that concern. The other thing is safety. Sandy Watson advised Kimsey Jackson that she understands what he is saying, but without a plan, the safety issue wouldn't be addressed. Kimsey Jackson advised that he understands. The reason why he finally voted for it was that by having a plan in place, it means that there is going to be consideration and plans included in future roadwork to take care of that.

- The Board of Commissioners received an update on the Watershed Protection Ordinance. Planning Board used the model ordinance from the NC Division of Water Resources when considering the proposed revisions. A public hearing was held in March and the draft was sent to the Environmental Management Commission for review. Staff of the EMC asked whether the County would like to consider the high density option which would require the county to take over storm water control measures in exchange for allowing more dense development. The high density option is only referenced in the definition of minor variance so staff asked the BOC if they wanted to add the reference to the definition of major variance or if it should come out of minor variance for consistency.
- 2<sup>nd</sup> item of discussion was regarding the storage of toxic substance and hazardous materials which is prohibited in critical area -the 1<sup>st</sup> half mile – but used to be allowed in section 8.1.5 with a spill containment plan. The last sentence of 8.1.5 was struck during revision of ordinance, which would prohibit such use and storage in the entire watershed. Tree farm has to have a spill containment plan – staff does not think that it was the intent of Planning Board to strike the potential for safely storing toxic substances and hazardous material with a spill containment plan in place. Therefore, the draft reverts back to the current ordinance for 8.1.5.

Transylvania County Planning Board  
May 16, 2019 Meeting Minutes

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- The third item that was amended was the procedure for reporting to the Environmental Management Commission, they prefer to receive reports as requested instead of annually as the Model Ordinance recommended.
- The Board of Commissioners decided that based on input from the Division of Environmental Quality that these three items could be significant and the BOC will hold another public hearing. The Public Hearing on the Water Supply Watershed Protection Ordinance will be May 28, 2019.
- Calvert Workforce Housing Project Update. The request for proposals is still pending and questions can be received until May 23<sup>rd</sup>. Developers are interested in this project and have submitted questions.
- The Planning Department still receives calls about the appearance of property. Joy reminded everyone about the Community Appearance Initiative is to focus on “junk” located on the primary corridors of the county. The Community Appearance Initiative is still available if property owners want to voluntarily participate. If landowners call staff, they are able to participate. Environmental Health and Solid Waste Departments assists with this program as well.
- No update on the Rich Mountain Cell Tower. The Planning Department heard from applicant that the FCC prohibits companies from paying Native American tribes to review NEPA documents, so the process has slowed down.

**VIII. Public and Board Member Comments**

- If there is room on the next Board of Commissioners’ agenda to discuss Planning Board members, it may be added since we are down two members. Deadline for applications was May 1, 2019, but applications are accepted year round and applications are valid for two years. The bylaws for the Transylvania County Planning Board state that there has to be four members present to take action and it is a seven member board.
- Steve Woodsmall wanted to go on record to say that he is disappointed that Joy Fields did not get the Planning Director position. Thinks it is a really bad call. Bob Twomey has talked to some of the County Commissioners to share that he thinks she should be the Director.
- Bob Twomey thinks this is one of the best boards. Steve Woodsmall and Kimsey Jackson both agreed.
- Congratulations to Sandy Watson on her nomination of Chair.
- Sandy Watson thanked the other members for their confidence in her ability to perform the duties of Chair.

**IX. Adjourn**

The next meeting is scheduled for June 20, 2019 at 7:00pm and there being no further discussion, Lauren Wise moved to adjourn. The motion was seconded by Steve Woodsmall and carried unanimously.

**MINUTES APPROVED**

  
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Staff

  
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Sandy Watson, Chair

