

**Town of Seven Devils
Planning Board Minutes
September 21, 2021 - 5:30pm**

The Seven Devils Planning Board on Tuesday, September 21, 2021 at 5:30pm. The format of this meeting was dual format Electronic – Go To Meeting#228795333 and In-Person at Town Hall.

Attendance In-Person included Jack Byrnes, Jim Jones, Joan Streightiff and Frank Sell. Members Walt Hogan and John Wells IV attended remotely. Staff attendance included Town Manager-Zoning Administrator Debbie Powers; Town Clerk Hillary Gropp recorded the minutes.

Call to Order

Chair Byrnes called the meeting to order at 5:30pm.

Roll Call

Members of the Planning Board stated their name for Roll Call.

Adopt Agenda

Member Hogan made a motion to adopt the agenda; Member Streightiff seconded the motion. All members agreed.

Approve Minutes January 19, 2021

Member Jones made a motion to approve the minutes of January 19, 2021; Member Hogan seconded the motion. All members agreed.

Administrative Comments

Zoning Administrator Powers provide an update about the previous Planning Board meeting item B) UDO Transition for 160A to 160D; this was presented to the Town Council and adopted on March 9, 2021, following a Public Hearing.

Old Business - None

New Business

A) Administrative Changes to the UDO

During the recent Board of Adjustment meetings earlier this year, it was discovered there were errors with terminology for the Quasi-Judicial proceedings. Article 17 in the UDO repeatedly refers to “Public Hearings” and the correct term should be “Evidentiary Hearings”. Evidentiary Hearings are quasi-judicial mechanisms that are sworn testimony of “persons with standing” in any Board of Adjustment proceeding. Zoning Administrator

Powers reviewed the corrections and edits to align with the Quasi-Judicial Handbook published by the UNC School of Government with the Planning Board.

Member Hogan made a motion to approve and forward this item to the Town Council; Member Wells seconded the motion. All agreed. ~CLOSED~

B) Bear Wise Community

Zoning Administrator Powers explained the purpose of a BearWise Community Ordinance is to educate the citizens and visitors of to how to modify human behavior and lessen the chance of potential conflicts with bears, as the Town is their natural habitat. Additionally, passing an ordinance is required to be recognized as a BearWise Community.

Sample Ordinance as follows:

Residents will be required to perform all necessary actions to remove attractants of wildlife. This includes, but is not limited to:

1. Pet food shall not be put or stored outside for any time period other than the actual time the pet is eating.
2. All BBQ grills shall be cleaned immediately after use or stored in a sturdy shed, garage, or other secure location.
3. Removing outdoor bird feeders or hanging bird feeders at least 10ft. high and 4ft. from any trees or poles.
4. All garbage and trash shall be kept in a wildlife resistant container or secured in a sturdy shed or garage at all times.

Violations and Penalties of this Ordinance will be handled as set forth below. All violations shall be paid to the Town within twenty (20) days of issuance of the Violation. Failure to comply with any warning or Violation within the designated timeframe may be deemed another Violation.

- First Violation – the first violation will result in a Warning to an alleged offender. The offender will be warned, informed, and educated on the proper precautions necessary to prevent the feeding of wildlife, and the necessary actions to meet the provisions of this Ordinance. The Warning shall include a time schedule for compliance which shall be no longer than seven (7) days from the date of issuance.
- Second Violation – the second violation will result in a written Violation and a fine of \$125.00. The Violation shall contain a time schedule for compliance which shall be no longer than seven (7) days from the date of issuance.
- Subsequent Violations – Each subsequent Violation will result in a Violation and a fine of \$250.00. The Violation shall contain a time schedule for compliance which shall be no longer than seven (7) days from the date of issuance.

Discussion occurred about the language and the following edits were suggested:
Residents ~~will be required~~ are recommended to perform all necessary actions to remove attractants of wildlife.

3. ~~Removing outdoor~~ Ensure that any bird feeders ~~or are~~ hanging ~~bird feeders~~ at least 10ft high and 4ft from any trees or poles.

Questions asked among Planning Board members included:

What is the purpose of this proposed ordinance?

What triggers enforcement of proposed ordinance?

Will it be enforced, otherwise do not pass it?

Member Wells summarized the intent is now established to deal with potential nuisance bears, while meeting a requirement of becoming a Bear Wise Community.

Member Sell made a motion to approve and forward this item to the Town Council; Member Hogan seconded the motion. All agreed. ~CLOSED~

C) Sign Ordinance

After a citizen complaint about the display of signs on a commercial property, a request was made to the Town Council to review the existing Sign Ordinance. Upon discussion of the circumstances with Zoning Administrator Powers, the Planning Board determined the existing Sign Ordinance is acceptable and no update is needed. **~NO ACTION TAKEN~**

D) Planning Board Terms & Application

Planning Board members recommended to forward the application of Mark Williams to Town Council as appointment for upcoming expiring term on Planning Board. Term to begin January 1, 2022. **~CLOSED~**

Citizens Comments - None


Member Comments - None

Adjourn

Member Jones made the motion to adjourn; Member Hogan seconded the motion. All members agreed. The meeting adjourned at 6:05pm.



Jack Byrnes, Chair



Hillary Gropp, Town Clerk