

**Town of Seven Devils
Planning Board Minutes
Regular & Organizational Meeting
February 18, 2020 – 5:30pm**

The Seven Devils Planning Board met on Tuesday, February 18, 2020 at 5:30pm at Town Hall. Members present were Jack Byrnes, George Ehlinger, Walt Hogan, Jim Jones, Frank Sell, John Wells IV. Absent Members - Bert Valery & Butch McLean-Alternate; quorum was met. Also, in attendance was Town Manager-Zoning Administrator Debbie Powers, Police Chief Johnathan Harris & Town Clerk Hillary Gropp recorded the minutes.

Call to Order

Debbie Powers called the meeting to order at 5:30pm.

Planning Board members and citizens recited the Pledge of Allegiance.

Oath of Office

Town Clerk Gropp administered the Oath of Office to New/Reappointed members - George Ehlinger, Frank Sell & John Wells IV.

Election of Chair & Vice Chair

Town Manager Powers opened the floor for nominations of Chair of the Planning Board. Member Ehlinger nominated Jack Byrnes as Chair; Member Jones seconded the nomination. There were no other nominations.

Member Ehlinger made the motion to elect Jack Byrnes as Chair; Member Jones seconded the motion. All members agreed.

The meeting procedures were handed to Chair Byrnes from Town Manager Powers. Chair Byrnes asked for nominations for Vice Chair. Chairperson Byrnes nominated George Ehlinger as Vice Chair; Member Hogan seconded the nomination. There were no other nominations.

Chairperson Byrnes made the motion to elect George Ehlinger as Vice Chair; Member Hogan seconded the motion. All members agreed.

Adopt Agenda

Member Hogan made a motion to adopt the agenda; Vice Chair Ehlinger seconded the motion. All members agreed.

Approve Minutes June 18, 2019

Vice Chair Ehlinger made a motion to approve the minutes of June 18, 2019; Member Hogan seconded the motion. All members agreed.

Administrative Comments

Town Manager-Zoning Administrator Powers welcomed the Planning Board members. She explained the role of the Planning Board is advisory and to make recommendations to the Town Council. Tonight's

meeting will cover Old Business and New Business. Any changes to the Nuisance Ordinance become effective immediately. Any changes to the UDO will require a future Public Hearing and approval by the Town Council.

New Business

A. Application for Planning Board – Joan Streightiff submitted an application to serve on the Planning Board in the future, should a vacancy occur.

Member Sell made the motion to accept the application and send to the Town Council for approval; Member Jones seconded the motion. All members agreed. ~CLOSED~

B. Howe Property – 205 Devils Lake Drive – Request to divide property

The property owner/surveyor were to be present tonight to explain the request and answer questions from the Planning Board. As of this time of the meeting, neither had shown up.

The Planning Board held the item for the end of the meeting, allowing the presenter to arrive.

****CLERK'S NOTE**** *The property owner/surveyor never arrived.*

C. Rezoning Application Form – UDO, Figure 4.1 – Changes/Additions (*below in italics*) were made to the current Rezoning Application Form to include the following:

- *Two (2) copies of any additional information the applicant intends to submit to Board(s)*
- *Two (2) copies of recent survey of property which has been recorded at Register of Deeds*
- *Two (2) copies of proposed site plan prepared and certified by Engineer*

The additional language is to place additional responsibility to the Applicant submitting a Rezoning Application Form; all other steps of the Rezoning process remain the same.

Member Hogan made the motion to approve the additions for the Rezoning Application Form and send to the Town Council, a Public Hearing will occur- date TBD; Member Sell seconded the motion. All members agreed. ~CLOSED~

D. Nuisance Ordinance – Changes/Additions

Article 5 – UNREASONABLE AND DISTURBING NOISES

(i) 5.1 Prohibited Noises – Discharge of Firearms

Police Chief Johnathan Harris was in attendance to explain the reason for the update & answer questions. After consultation and to be in compliance with NC State Law, Police Chief Harris assisted Zoning Administrator Powers with the language needed, adding the definition of *firearm*. The Planning Board members discussed the proposed changes, and asked questions of Police Chief Johnathan Harris. All questions were answered.

Member Hogan made the motion to approve the proposed change (*below in italics*) to Nuisance Ordinance-Prohibited Noises-Discharge of Firearms

The Nuisance Ordinance has been rewritten to the following:

4) Discharging a firearm (defined as any weapon, including a starter gun, having a primer and hammer) on any property inside Town limits, with the exception to defend himself/herself or a third person from what

he/she reasonably believes to be a threat, for the use, or imminent use of deadly physical force, or by permit from the Department of Public Safety.

Member Wells seconded the motion; Additionally, Members Jones, Sell & Chair Byrnes agreed with the motion. Vice Chair Ehlinger opposed the motion on the table.

The motion passed with 5 Ayes and 1 Nay ~CLOSED~

Article 5 – UNREASONABLE AND DISTURBING NOISES

(ii) 5.1 Prohibited Noises – Construction Noise

Due to lack of language in the existing Nuisance Ordinance discussion occurred about the necessity of prohibiting construction noise on a Federal holiday. Some members understood the need, however other members thought it too restrictive for citizens who spend time in the Town on a holiday.

Member Wells made the motion to approve the addition (*below in italics*) to the Nuisance Ordinance-Prohibited Noises-Construction Noise

8) Any and all construction noises on a Federally recognized Holiday.

Member Hogan seconded the motion; Additionally, Members Ehlinger, Sell & Chair Byrnes agreed with the motion. Member Jones abstained from the vote, which counts as affirmative. The motion passed. ~CLOSED~

ARTICLE 13 – NEW ARTICLE

(iii) Article 13 – Recreational Vehicles Prohibited

Due to lack of language in the existing Nuisance Ordinance discussion occurred about the necessity of prohibiting Recreational Vehicles. Discussion occurred among the members without a decision or agreement, the Planning Board tabled this item for future review & Zoning Administrator Powers will further research and write language.

Member Jones made the motion to table this item until a future Planning Board meeting; Member Hogan seconded the motion. The members agreed. ~OPEN~

Old Business

A. Article 12 – NEW ARTICLE

(i) Article 12 – Damage to Town Roads & ROW

The Town's current ordinance only specifies damage to roads as a result of new construction and lacks language for all other types of vehicle traffic.

Member Hogan made the motion to approve the addition (*below in italics*) to the Nuisance Ordinance-Article 12 – Damage to Town Roads or Right of Ways

Article 12. DAMAGE TO TOWN ROADS OR RIGHT OF WAYS

Section 1. Purpose

The purpose of this ordinance is to avoid damages and repairs of roadways in the Town of Seven Devils and provide safety to the citizens, the citizen's property and the preservation of Town maintained roadways.

Section 2. Conditions

All persons shall notify Town Hall prior to entering any Town roads with excessive vehicles and/or overweight equipment and shall request a police escort to their destination. Signage is posted at the intersection of NC Hwy 105 and Seven Devils Road, indicating this requirement.

Section 3. Violation

Any person(s) doing damage to Town roads, Town Right-of-ways, or ditches while in the process of delivering, constructing, hauling, or any other activities or services shall be issued a violation in an amount of no less than \$ 500.00. The Town will make the necessary repairs, or hire the work to be done, and all costs or related bills will be forwarded to the responsible party for collection.

Section 4. Enforcement – see Article 13.

Violations may be issued by the Zoning Administrator, the Police Chief and/or the Police on Duty. Any complaint regarding damage to Town roads or Right-of-ways delivered to Town Hall will be investigated by the appropriate Town personnel, and a written determination made of damages. Violators will be held responsible and will be charged for full restitution to remedy the damages.

Section 5. Restitution

Violators will have ten (10) calendar days to pay the fine, and twenty (20) days to make full restitution of damages, payable to the Town of Seven Devils, and delivered to Town Hall at 157 Seven Devils Road, Seven Devils, NC 28604. Failure to comply with any of the above shall constitute a misdemeanor, punishable as provided in the NC General Statute 14.4. Appeals may be made to the Board of Adjustment.

Member Wells seconded the motion. The members agreed. ~CLOSED~

Future Business

Town Manager- Zoning Administrator Powers explained the two (2) items (*below in italics*) will be reviewed and discussed at a future Planning Board meeting. The NC State legislation is still pending on STR regulations. The 160D transition is brand new and not effective until January 1, 2021. Any additions/changes to the UDO will require a future Public Hearing.

9) UDO Additions/Changes

- A. STR (Short Term Rentals) in UDO – Addition***
- B. NC GS 160A transition to 160D in UDO – Change***

Citizens Comments

Kay Ehlinger – 400 Wildcat Rocks Road – offered her “thanks” to the Planning Board for their work on the agenda items.

Member Comments

Member Sell thanked Town Manager/Zoning Administrator Powers and Town Clerk Gropp for the preparation of tonight’s meeting. It is helpful to him as a Planning Board member.

Member Hogan agreed with Member Sell. Additionally, he welcomed and thanked the audience for attending the meeting.

Member Jones agreed with the member's comments.

Adjourn

Member Jones made the motion to adjourn; Member Sell seconded the motion. The members agreed unanimously. The meeting adjourned at 6:35pm.



Jack Byrnes, Chair



Hillary Gropp, Town Clerk

