



*Vance County Planning & Development  
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**TO:** Vance County Citizens Advisory Committee (CAC)  
**FROM:** Ken Krulik, Assistant Director/Senior Planner  
**SUBJECT:** Minutes of the May 11, 2006 CAC meeting  
**DATE:** May 16, 2006

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**In Attendance**

**Committee Members:** Reverend J,H, Daniels-Committee Chair, Connie Kenney: Committee Vice-Chair, Helen Williams, John Abbott, Alan Rowland, John Foster, Vincent Jefferson, Thomas Shaw, and Rusty McMahon

**County Staff:** Ken Krulik (meeting facilitator), Robert Farnum

**Others Present:** Marc Woodlief, members of the public, and Matthew Milliken (Daily Dispatch)

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- ◆ Chairman Daniels called the meeting to order; requesting review of the May 4, 2006 minutes.
- ◆ Helen Williams noted corrections to comments she made at the prior meeting, in regards to removal of vehicles in the City of Henderson and parking of trucks/trailer along Saint Andrews Church Road (difficult to see around the trailers). Ken Krulik noted these corrections and said he would continue his research the issue of parking trailers.
- ◆ There no were no other corrections identified by Committee members, with no further discussion Chairman Daniels entertained a motion to approve the minutes as corrected:
  - A. **Motion** was made by Vincent Jefferson to approve the minutes of the May 4, 2006 meeting with the noted corrections. **Second** was made by John Foster.
  - B. All members present voted to approve the May 4, 2006 minutes.
- ◆ John Foster asked to address the Committee on some concerns he has and to ask the members to review a letter he drafted for submittal to the County Commissioners (related to the work of the Committee). He added that while he has read through the draft ordinance that the Commissioners May 25 deadline for recommendations from the Committee, will not allow time for their work to be finished. He continued that based on the time needed to complete their work the Committee should ask for an extension. He then distributed the letter he drafted for review by the Committee (to have sufficient time to finish the task the Committee was assigned); members then read the distributed letter.
- ◆ Connie Kenney asked if there were a suggested time period John Foster was recommending.
- ◆ John Foster responded he wasn't sure of the time Ken Krulik would need to complete his work in compiling all the recommendations of the Committee for review. He added that he did not want to wait until the last minute to review and cross reference all the changes.

- ◆ John Foster continued that he has problems with the wording of the draft document and that it could still be made simpler (more definitions, improved clarity). He added that the Committee needs time to fully review all the changes and if not allowed to do so there will be greater opposition later. He further added that he would send the letter of his own accord but preferred the support and concurrence of the Committee.
- ◆ Committee members had some discussion on this request, including what would be an appropriate timeframe to extend the review process.
- ◆ John Foster responded 90 days to four months would be sufficient
- ◆ Rusty McMahon asked if he would prefer signatories on the document or to make it in the form of a motion. John Foster responded he would refer a motion to send the letter to the Commissioners, with the h Committee's signatures.
- ◆ Vincent Jefferson asked if the Committee could first discuss the matter before motion is made.
- ◆ Chairman Daniels first put the request before the Committee as a motion, and then the matter would be open for discussion. Chairman Daniels entertained a motion to accept the letter drafted by John Foster for submittal to the County Commissioners requesting a time extension for the completion of the Committee's work:

A. **Motion** was made by John Foster, **Second** was made by Rusty McMahon.

B. Chairman Daniels then opened the floor for discussion:

1. Connie Kenney asked for clarification of the request under discussion.
2. John Foster stated that "we, as a Committee, send this letter to the Commissioners s requesting ample time to do what we were charged with and give Ken ample time to do what he need to do, to get the document back to the Committee" to complete their work.
3. John Foster added that the timeframe he was requesting with the letter is four months.
4. Vincent Jefferson commented there are many ordinances in the County and not every one will be easily understood by all residents of the County. He added that this Committee could continue its review and work for "another year" and still not be subject matter experts. He said while the Committee will be educated, this document (draft ordinance) will not still be fully understood by all residents (still not feasible to address every issue/concern to make every person happy).
5. John Foster said that he's gone through the definitions section for example, and still sees conflicts in the text as well the wording needs more clarity. He added he would like to see a new draft with the recommendations the Committee has made and how many more meetings will the Committee have (how long for Ken to get all the work compiled). He further continued that the draft zoning map and the map in the County's Land Use Map are inconsistent (need to be parallel) and there are errors in the draft zoning map.
6. Chairman Daniels asked when the Land Use Plan was last updated.
7. Ken Krulik responded it was adopted in 1996 and has not been updated since that time; it is due for an update since these documents are 20 years in scope. He further added that a Land Use Plan is a "snapshot" in time of the community.

8. Committee members and Ken Krulik had discussion on the County's land Use Plan and the designations for development in certain areas of the County.
9. Rusty McMahon said many things have changed since the plan was adopted (1996), he also asked if this document (draft ordinance) is the culmination of the County's Land Use Plan adopted in 1996 or if it is the foundation for new planning. He added that the Land Use Plan is outdated and with many changes in the County since 1996, he suggested revisiting the Land Use Plan otherwise the draft ordinance will "be for naught."
10. Connie Kenney commented if two more weeks (under the current schedule) would be enough time for the Committee to complete its work. She did not think so and understood both Vincent Jefferson's comments as well as John Foster's. She added that she has learned a lot in this process and still feels there's more to learn; as such the Committee could finish its work in the next three to four weeks (allowing for Ken to complete his work as well).
11. Chairman Daniels that while they may not need as much time, but 90-120 days of more time is not unreasonable. Committee members had continued discussion on their work to this point and the decisions of the Commissioners.
12. Vince Jefferson commented that this Committee was given a "mission," to be completed and the Committee needs to focus on what's necessary (don't get sidetracked). He added he has read through the Land Use Plan, noting that many elements that were identified as "tools" and have been implemented (draft zoning ordinance is one of those tools to be implemented. He added that yes things will change, and have changed since 1996, but that even so there will be things grandfathered in even if the draft ordinance is adopted.
13. John Foster responded that his main concern was to give the Committee time to review their work and to give Ken time to compile and finish work based on the Committee's recommendations to provide a better document for the Commissioners to consider. We (the Committee) were charged with making a better document, "all I'm asking for is time."
14. John Abbot echoed John Foster's comments, how much time will the Committee have to fully review the revised document as the Committee will have to "walk through" the document one more time (at least).
15. Committee members continued its discussion on the length time they were given at the start of this process, and where the Committee is now in its work with the remainder still to be conducted. Members noted they have learned a lot from each other in this process, but more time would be prudent to finish their work.
16. Chairman Daniels noted that they need to a decision, there was no further discussion and he restated the motion: **to advise the Commissioners that the Committee (and Ken) will need additional time to complete the process of reviewing the proposed 2/2/06 document and get recommendations back to the Commissioners, including time to review the changes.**
17. Alan Rowland noted that Ken Krulik could have the recommendations and revised document back to the Committee before the May 25<sup>th</sup> deadline, if this could be sent to the Commissioners at the same time the Committee is reviewing the revised document.
18. Rusty McMahon disagreed as the Committee should be allowed to complete its work and not give the Commissioners a half-finished document.

19. Connie Kenney responded that the Commissioners could be informed of a timeline needed by the Committee, including 1-2 weeks for Ken to finish his work and another 1-2 weeks for the Committee to review the completed recommendations.
  20. Committee members again had discussion on an appropriate timeframe to complete their work before submitting a draft (revised) document to the Commissioners. Discussion also included the next steps in the process of the draft ordinance development, including the review by the Planning Board, Commissioners, and the public hearing process.
  21. John Foster noted that a possible timeframe could be to have the work of the Committee completed by June 8<sup>th</sup>, Ken's work completed and back to the Committee by June 27<sup>th</sup> and then the Committee would have two more weeks to review the work and meet again on July 14<sup>th</sup>.
  22. Committee members discussed this possible timeline; it could be ready by the August Commissioner meeting or by the July 10<sup>th</sup> meeting of the Commissioners (if there is no meeting of the Commissioners on July 3<sup>rd</sup>). Members decided to have the Chair of the Committee and any interested members to meet with the County Manager and Chair of the County Commissioners to discuss the issue.
  23. Chairman Daniels again noted that they need to a decision, he added an amendment to eh original motion: **with the letter (by John Foster) as background to advise the Commissioners the Committee needs additional time to complete the process of reviewing the proposed 2/2/06 document and get recommendations back to the Commissioners for their July meeting.**
  24. Helen Williams noted the Committee has reached page 57 of the draft ordinance and with an hour left of the meeting to reach page 66, the Committee will never be able to make perfect document. "But we can certainly finish the one that has been presented to us." She concluded that this will not be agreeable to everyone.
  25. Committee members agreed and Chairman Daniels noted there is a motion on the table **with the letter (by John Foster) as background to advise the Commissioners the Committee needs additional time to complete the process of reviewing the proposed 2/2/06 document and get recommendations back to the Commissioners for their July meeting:**
    - a. **Motion** was made by John Foster, **Second** was made by Rusty McMahon.
    - b. On call for a vote by Chairman Daniels, all members voted to approve the motion.
- ◆ Chairman Daniels added that it may be wise for each member of the Committee to call their respective Commissioners to discuss the matter and reason behind the need for an extension of time. He then moved the meeting forward to Section 8 Variances.
  - ◆ John Foster commented that in Section 8.1 there should be a definition "hardship," Ken Krulik noted this and would work on a revision to the text.
  - ◆ Connie Kenney commented on the use of "physical handicaps," under Section 8.3.1. Ken Krulik noted this and would remove this from the text provision.
  - ◆ Vincent Jefferson asked about who would facilitate the Board of Adjustments, Ken Krulik responded there would be a Chair and Vice Chair elected.

- ◆ Vincent Jefferson also noted the information provided by Chairman Daniels regarding conflict of interest and noted this will need to be addressed in the appropriate section of the draft ordinance.
- ◆ Committee members had discussion the proposed site plan requirement under Section 8.3; it was also noted to correct the numbering sequence of this and other sections.
- ◆ Rusty McMahon noted that the person affected by a variance request would be property owners, Ken Krulik responded yes and the meeting while public hearings do provide an opportunity for persons to be heard (notices only mailed to the property owners).
- ◆ Chairman Daniels noted that where the text states “interested parties,” a definition should be included to add clarity. Ken Krulik noted this recommendation. Committee members had some further discussion on this item before moving forward.
- ◆ Committee members had some general discussion on what if there is misrepresentation in the proceedings (misrepresentation of fact) for a variance or conditional use permit. Ken Krulik noted that the initial application process addresses this issue.
- ◆ Chairman Daniels noted that the provision stating written notice sent, should be consistent as “certified mail, return receipt” which is addressed in the ordinance, and to have it done within ten (10) working days. Ken Krulik noted this recommendation.
- ◆ Committee members also discussed the issue of the tax records and accuracy with current owners, notices sent to the most current property owner listed in the Tax Office. It was discussed to address the issue of insuring adequate notice and notification to property owners; Ken Krulik noted this and would work an appropriate revision to the text.
- ◆ Committee members also noted the need to add criteria or definition what constitute s a “qualified zoning hearing.” It was also noted to add some criteria or to provide s definition of what constitutes an exceptional hardship; Ken Krulik noted these concerns and would work on revising accordingly. He also noted a recommendation to clarify that all evidence for a public hearing be presented in a timely manner.
- ◆ Chairman Daniels noted that under Section 8.7.C the application and granting of a variance should not affect the public health and general welfare, Ken Krulik noted this and would revise accordingly.
- ◆ Chairman Daniels and Committee members also noted under Section 8.10 it should be revised (notice of appeal) to have a 45 day timeframe and that the notice be sent certified mail return receipt. Ken Krulik noted this recommendation as well and would revise accordingly.
- ◆ Ken Krulik then explained that Section 9, Signs would potentially include additional text distributed for the Committee to review. And Section 10, he continued, on Minimum Housing Standards was requested for removal by the County Commissioners.
- ◆ Chairman Daniels moved ahead to Section 11, noting that the proposed provision for conflict of interest need to be added. Ken Krulik noted this recommendation and is working on this for the draft ordinance.
- ◆ John Foster and several Committee members had some discussion on the number of members for the Board of Adjustments. Ken Krulik noted he would research what other counties in the region (around Vance County) have as their membership.
- ◆ It was discussed by the Committee as to the voting requirements for the Board of Adjustments, the draft ordinance states a 4/5 vote is required. Ken Krulik and Robert Farnum stated that General Statutes (G.S. 153A-345) define the voting requirements as 4/5 of the Board.

- ◆ Committee members had some discussion as to the make-up of the Board of Adjustments membership, as well as members removing themselves from voting when appropriate to avoid conflict of interest.
- ◆ Ken Krulik then gave a brief overview of the difference between the Planning Board and Board of Adjustments, as well as other County boards; he also distributed material to assist in providing an explanation of the duties and responsibilities for these boards.
- ◆ John Foster noted under Section 11.3.C that an appropriate timeframe be listed and there be no delay for decision by the Board of Adjustments beyond 45 days. Ken Krulik noted this recommendation and would research accordingly.
- ◆ John Foster also noted it will be critical that accurate records of all actions and material be maintained for the Board of Adjustments (on variances, conditional use permits, and re-zonings).
- ◆ Committee members had discussion on aggrieved persons and asked for a better definition; Ken Krulik noted this and would revise accordingly.
- ◆ Chairman Daniels noted under 11.7.D that a “reasonable time for notice” is identified he recommended that the timeframe for appeals should be within 45 days and the decisions should be made within 45 days. Ken Krulik noted this recommendation for revision to the draft ordinance.
- ◆ Committee members also noted some additional text in this section that requires more accurate numbering, Ken Krulik noted this as well. There was also discussion under Section 11.8.C Item 4 to maintain that variances granted not be precedent setting, Ken Krulik noted this well for clarification.
- ◆ John Foster also noted that there should be clarification in this section for unnecessary hardship; Ken Krulik also noted this recommendation.
- ◆ Chairman Daniels noted in this same section under Item E (revocation of permits) there is nothing to provide an opportunity for an applicant to remedy a violation of the variance. Ken Krulik noted this recommendation and would revise accordingly, he added that notice to correct is addressed earlier in the ordinance.
- ◆ Helen Williams noted the meeting time has expired; Chairman Daniels noted this as well and set the next meeting for May 18<sup>th</sup> (Thursday) to finish review of the remaining sections of the draft ordinance.
- ◆ With no further business the meeting was adjourned.