

STATE OF NORTH CAROLINA)
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COUNTY OF STOKES)
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OFFICE OF THE COMMISSIONERS
STOKES COUNTY GOVERNMENT
DANBURY, NORTH CAROLINA
AUGUST 3, 2010

The Board of Commissioners of the County of Stokes, State of North Carolina, met for regular session (Planning) in the Commissioners' Chambers of the Ronald Wilson Reagan Memorial Building (Administration Building) located in Danbury, North Carolina on Tuesday, August 3, 2010 at 7:00 pm with the following members present:

Chairman Jimmy Walker
Vice-Chairman Ernest Lankford
Commissioner J. Leon Inman- entered the meeting at 7:10 pm
Commissioner Ron Carroll
Commissioner Stanley Smith

County Personnel in Attendance:
County Manager K. Bryan Steen
Clerk to the Board Darlene Bullins
Planning Director David Sudderth

Chairman Jimmy Walker called the meeting to order.

Chairman Walker noted that Commissioner Inman would be approximately 10 to 15 minutes late for the meeting.

Chairman Walker delivered the invocation.

GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE

Chairman Walker opened the meeting by inviting the citizens in attendance to join the Board with the Pledge of Allegiance.

GENERAL GOVERNMENT – GOVERNING BODY – APPROVAL OF AGENDA

Chairman Walker entertained a motion to approve or amend the August 3, 2010 Agenda.

Vice Chairman Lankford moved to approve the August 3, 2010 Agenda as presented.

Commissioner Smith seconded and the motion carried (4-0) with Commissioner Inman absent.

PUBLIC COMMENTS

There were no public comments.

ZONING TEXT AMENDMENTS

Chairman Walker noted that Public Hearing regarding the zoning text amendments would be deferred until Commissioner Inman was present to hear the comments.

Planning Director David Sudderth presented the following proposed text amendments:

SECTION 78 TEMPORARY USES

Stokes County requests the following zoning text amendments: Amend Article VII, Section 78 (Temporary Uses) to include changes to the following subsections under Temporary Uses. The Stokes County Planning Board during their regular Planning Board meeting on May 27, 2010 and a Planning Board workshop meeting on June 3, 2010 reviewed Section 78 (Temporary Uses) and made the following recommendations.

Director Sudderth noted the wording in bold is the proposed change.

78.2 Turkey Shoots

78.22 Time Limits on Activity

Change to: **This activity shall be limited to 90 consecutive days of operation once a year. If the 90 day period goes from one year to the next, then the applicant must wait at least 6 months before applying for a new permit.**

Existing Text: Time Limits on Activity

This activity shall be limited to 120 consecutive days of operation. However, it may be reestablished after a six month waiting period.

78.23 Zoning Districts Where Allowed

Add the following - (R-A) Residential Agricultural District. Turkey Shoots on vacant tracts of land shall not be allowed unless the event is associated and supplemental to some other use, club, church, civic organization, recreational use.

Existing Text: Zoning Districts Where Allowed

R-A District

78.24 Operating times

Amend operating time - **No later than 10:30 P.M. on Friday and Saturday.**

Existing Text: No later than 10:30 P.M. on Thursday, Friday or Saturday.

78.25 Separation Distance From Property Line

Change the word any to **the** in - minimum distance from ~~any~~ **the** firing point measured in the direction of fire to the property line shall be 300 feet.

Existing Text: All turkey shoots shall be established with the firing line to target area perpendicular to a road right-of-way with the following exception: Sites which have more than one road right-of-way must designate the road on which the front yard is to be located. A firing line must be established perpendicular to that road and for a distance of 200 feet from and parallel to any other intersecting road right-of-way. The minimum distance from any firing point measured in the direction of fire to the nearest property line shall be 300 feet. If a backstop is used, this separation may be reduced to 200 feet.

78.27 Health Requirements

Add: Any food service shall be approved by the Stokes County Health Department Environmental Health Section.

Existing Text: Health Requirements

Provisions for adequate and proper health standards shall be met in disposal of garbage and refuse and in sanitary facilities.

Director Sudderth requested if the Board would like to discuss the proposed changes regarding turkey shoots before reviewing the remaining proposed text amendments.

The Board unanimously agreed to review and discuss the proposed text amendments regarding turkey shoots before the other proposed text amendments were presented.

Vice Chairman Lankford expressed concerns with changing all three of the following:

- Decreasing the length of operation to 90 days
- Eliminating Thursdays
- Changing the closing time to 10:30 pm

Public Hearing

Chairman Walker called to order the Public Hearing regarding the proposed Zoning Text Amendments.

The following spoke during the Public Hearing:

Tina Boles
PO Box 274
Walnut Cove, NC 27052

Ms. Boles noted the following:

- Home is located directly behind the turkey shoot
- Very happy with the 90 days instead of 120 days of operation
- Questioned if some type of punishment could be put in place for violating the zoning text amendments
- Requested the cutoff time be 9:00 pm instead of 10:30 pm. (10:30 pm is still late)
- Requested direction from the Board regarding what type of evidence would be needed to prove violations since the Planning Department does not work on Friday and Saturday nights
- Turkey shoots do not need to be in residential area
- Enjoy having family and friends over, wish this could occur without having to listen to continual gun shooting

Gregory Willard
1114 Tilley Road
Walnut Cove, NC 27052

Mr. Willard noted the following:

- Owner and operator of the turkey shoot being discussed
- Favor of allowing turkey shoots in the county
- Can't see Ms. Boles' property from the turkey shoot
- No issues with not shooting on Thursday nights
- Requested the Board reconsider the 90 day period of operation, possibly extend to 120 days for operation
- Supplies are bought in Stokes County (shells come from Betty's County Store, targets from the printing company in Walnut Cove)
- Very safe place for children
- Will make sure the turkey shoot ends by 10:30 pm
- Extended his appreciation to the Board for working with him regarding the project

Lewis Dickerson, Jr
1120 Lacy Lane
Walnut Cove, NC 27052

Mr. Dickerson noted the following:

- Very good place in Stokes County for people to go
- Very good place for the youth to go without getting in trouble

- Youths can learn gun safety
- Mr. Willard has worked very hard trying to comply with all rules and regulations
- Mr. Willard always stops the gun firing by 10:30 pm
- Would be an injustice not to let Mr. Willard open his turkey shoot

Chairman Walker closed the Public Hearing.

Director Sudderth reviewed and discussed the following additions and amendments that did not relate to turkey shoots:

78.4 Contractor's Offices and Storage Trailers

Change Mobile Homes to Modular units

Existing Text: Contractors' Offices and Storage Trailers

Mobile homes may be used as temporary offices and storage trailers on construction sites until the permanent buildings are finished. This unit shall be removed within thirty (30) days of completion of the project.

78.5 Classrooms

Change Mobile Homes to Modular units

Existing Text: Classrooms

Mobile homes used as temporary classrooms may be permitted in any residential district. The local school board shall determine how long they remain on the site.

78.7 Sale Lots (Nonprofit Organizations)

Add: Civic organization

Existing Text: **Sale Lots (Nonprofit Organizations)**

Any nonprofit charitable, religious, or educational organization may operate a sales lot for Christmas trees, baked goods, or collected clothing, and the like in any residential-agriculture, commercial or industrial district provided no structure is erected other than tents or temporary booths.

Add new Section 78.41 Temporary Storage Units (Portable On-site Storage Unit):

Portable On-site Storage Unit, (Pods or other similar containment units). Road trailers intended for highway use, mobile homes and camper trailers are not permitted as temporary storage units. Temporary Storage Trailers are not to be set up as permanent structures. Electrical service, plumbing fixtures or mechanical service is not permitted on temporary storage units. Time limit is one (1) year.

Add to Article IV, Section 41(Definitions of Specific Terms and Words)

Portable On-site Storage Unit -A portable on-site storage unit is any container designed for the storage of personal property and for transport by commercial vehicle that is typically rented to owners or occupants of property for their temporary use. A portable on-site storage unit is not a building or structure.

Director Sudderth noted that the Planning Board voted 9 to 0 recommending approval of all the proposed text amendments for Section 78 (Temporary Uses). The Planning Board added a one (1) year timeframe to the section concerning Portable On-site Storage Units.

The Board unanimously agreed to allow Vice Chairman Lankford to ask Mr. Willard what his thoughts were regarding decreasing the days of operation to 90 and eliminating operation on Thursdays. Mr. Willard noted that he was in favor of the 120 days and would probably operate the turkey shoot during October, November, December, and January if the 90 days were changed to 120 days. Mr. Willard noted that he had no issues with the elimination of Thursdays, but would request the Board consider changing the days of operation from 90 to 120.

Chairman Walker opened the floor for discussion.

Commissioner Carroll requested Director Sudderth to clarify the civil and criminal penalties for violations of the zoning ordinance.

Director Sudderth explained the following procedure:

- Planning Department deals with basically a civil citation process
- Criminal penalties can come into effect
- Once the department receives a reported violation, the department contacts the property owner regarding the reported violation
- If necessary, the department sends the property owner a warning violation requesting the property owner to cease the stated violation
- If the violation continues, a civil citation is sent to property owner
- During the process, the property owner has the right to appeal to the Board of Adjustments which handles all zoning appeals
- If there is no correspondence or no appeal from the property owner within 30 days, and the violation continues, the case is submitted to the county attorney to take to Superior Court for enforcement of the civil citation
- Planning Department has never had a case that became a criminal offense
- Once it is in the court system, it can become a criminal offense with criminal penalties

Planning Director Sudderth noted that county has not had a lot of issues with turkey shoots, most of the turkey shoots start in the fall of the year and fade out around Christmas time.

Director Sudderth noted that a person who feels that violations are being committed can call the

Sheriff's Department and have a report filed for the Planning Department to review if the violation occurs after office hours.

Chairman Walker confirmed with Planning Director Sudderth that these text amendments applied to all turkey shoots. Commissioner Carroll confirmed with Director Sudderth that the proposed text amendments doesn't give anyone the authority to have a turkey shoot, an individual must apply for the temporary permit.

Commissioner Carroll expressed concerns with the firing point measured in the direction of fire to the property line being 300 feet.

Director Sudderth noted that the 300 feet had been in effect since the temporary use section was approved for turkey shoots, at which time, civic organizations who did not own much land were having turkey shoots for fund raisers. Vice Chairman Lankford noted that the back stop was put in place to ensure the shot would not go any further.

Director Sudderth stated that he had not seen any turkey shoots that he considered unsafe in the county.

Planning Director Sudderth noted that the Planning Board had no intent to make the changes so strict that a person could not reasonably operate a turkey shoot. Director Sudderth noted that the Board of Commissioners have the authority to change the recommendations submitted by the Planning Board.

The Board further discussed the suggested changes, 90 days of operation instead of 120 and the operating time being 10:00 pm instead of 10:30 pm.

Chairman Inman stated he would have preferred to see the operating time be no later than 10:00 pm.

Chairman Walker asked Director Sudderth if the Planning Board had any strong opinions regarding the 90 days and operating time be no later than 10:30 pm.

Director Sudderth noted that the Planning Board had no strong feelings regarding the 90 days and the operating time being no later than 10:30 pm.

Ms. Tina Boles, who spoke earlier, requested to provide the Board with a picture which indicates that she can see Mr. Willard's turkey shoot from her back door.

The Board had no issues with allowing Ms. Boles to present the picture. Ms. Boles stated the picture was taken from her back porch steps.

Mr. Shirley Goad, who has a hearing condition, did not understand he could speak to the Board and requested to speak to the Board regarding turkey shoots.

The Board unanimously agreed to allow Mr. Goad to speak.

Mr. Shirley Goad
1697 Delta Church Road
Sandy Ridge, NC 27046

Mr. Goad noted the following:

- Have been operating a turkey shoot over 50 years
- Two years ago, received a letter from Danbury ordering the closing of the turkey shoot
- Advised by an attorney that the County could not close his operation down due to his turkey shoot being under a "grandfather clause"
- Has had no problems since the letter
- Turkey shoot provides him income to help pay his bills
- Very safe place and has never had any trouble from neighbors about the turkey shoot or the noise

Chairman Walker entertained a motion.

Commissioner Inman noted the Board is going to review the County's noise ordinance due to a recent event held in King last weekend, changes to that ordinance could address the noise issues of a turkey shoot.

Commissioner Inman moved that the Board of Commissioners approve the zoning text amendments submitted by the Planning Board. Commissioner Smith seconded and the motion carried (4-1) with Commissioner Carroll voting against the motion.

Adjournment

There being no further business to come before the Board, Chairman Walker entertained a motion to adjourn the meeting.

Vice Chairman Lankford moved to adjourn the meeting. Commissioner Smith seconded and the motion carried unanimously.

Darlene M. Bullins
Clerk to the Board

Jimmy Walker
Chairman