

# **MARSHVILLE PLANNING BOARD MINUTES**

## **December 12, 2022 - 7 PM.**

**Board Members in Attendance:** Vice Chair Rusty Johnson; Board Members Nancie Mandeville, Tracy Stancill, and Tom Appenzeller. Chair Susan Drake is absent.

**Staff Members in Attendance:** Planning and Zoning Administrator Jonathan Wells and Town Clerk Ann Sutton.

**Call To Order:** The meeting was called to order by Vice Chair Rusty Johnson.

**Invocation and Pledge:** The invocation was given by Vice Chair Johnson. This was followed by all reciting the Pledge of Allegiance.

**Consent Agenda:**

- Approval of October 10, 2022, meeting minutes
- Approval of November 14, 2022, meeting minutes

A motion to approve the Consent Agenda was made by Board Member Mandeville and seconded by Board Member Stancill. All ayes.

The meeting agenda changed per Planning and Zoning Administrator Wells. Mr. Wells asked to defer the "Definitions" item under Discussions. Chair Drake had asked to be present for this discussion. All agreed.

**Rezoning Text Amendment RZA22-04 "Murals":**

Requested action: recommendation on petition and consistency statement.

Planning and Zoning Administrator Wells directed all to the newest version of the Murals Rezoning Petition RZA22-4. This document includes all the text changes that were recommended by the Planning Board in the November, 2022, meeting. Also included in the agenda packet a list of the consistency statements. Mr. Wells has directed the Clerk to advertise the text amendments as required prior to January 3, 2023, which is the Town Council Regular Meeting. Mr. Wells asked the Planning Board to recommend approval of the text amendments found in the rezoning petition. He also asked the Planning Board choose a consistency statement from the list given the Board.

Board Member Appenzeller asked who will determine what is considered to be controversial, political, derogatory, or inflammatory in nature. Planning Administrator said that would be the Town Council. Authority to review and approve murals within the petition/text amendment.

Board Member Appenzeller asked how the approval of a mural by Town Council would work with the Code Enforcement Officer. Mr. Appenzeller stated that the Code Enforcement Officer would be responsible for enforcing the ordinance. Mr. Wells said Mr Appenzeller was correct, however, the

Town Council would approve the mural permits. Board Member Appenzeller asked why Planning and Zoning Administrator Wells would not be the one approving the murals just as Planning and Zoning Administrator would approve signs. Mr. Wells said that in the first mural ordinance of March, 2021, the Town Council agreed that they should be the ones to approve mural permits. The 2021 ordinance was not codified at that time. During the discussion recently with the Planning Board, Mr. Wells has been under the impression that the Town Council would still be responsible for the permit approvals.

Board Member Mandeville asked if the Planning Board would not approve a mural permit prior to it going to the Town Council. Mr. Wells said that would be determined by how the authority would be setup in the ordinance. Board Member Johnson said that the Land Use Administrator could be given that authority to approve permits and Mr. Wells agreed.

Board Member Appenzeller asked about the appeal process; who would the appeal would go to if the Council denied a mural permit. Planning and Zoning Administrator Wells said, in the ordinance present form, he thought the appeal would go to the court system, but he would need to do more research.

Board Member Johnson asked if any other permits would go to the Town Council for an approval of a permit or an appeal. Planning and Zoning Administrator Wells could not think of anything else that would go to the Town Council. Board Member Johnson asked if we should be consistent and have the approval of mural permits and the appeals go to the Planning and Zoning Administrator. Board Member Johnson reiterated that he did not have a problem with approvals and appeals going to either the Planning and Zoning Administrator or the Town Council.

Board Members Mandeville and Stancill felt it was important to protect the citizens. The need is to have steps in place for recourse within the town if a problem arises with a mural.

Board Member Johnson felt there was a consensus within the Planning Board that if an appeal was requested, it should go to the Planning and Zoning Administrator first, then to the Town Council.

The Planning Board agreed to have the Planning Board make the Planning and Zoning Administrator (Land Use Administrator) responsible for the appeals process as a part of the Mural Ordinance. A motion to approve the change was made by Board Member Stancill and seconded by Board Member Mandeville. All agreed.

The Consistency Statement was reviewed. Board Member Appenzeller asked the purpose of the Consistency Statement. Planning and Zoning Administrator Wells explained that it is necessary to comply with State Statutes. But, more important, it forces the Board to consider if it complies with the Town's future goals as represented in the 2035 Plan.

Board Member Nancie Mandeville recommended approving the "A" Consistency Statement verbatim. Board Member Appenzeller seconded the motion. All agreed.

## **Discussion:**

Planning and Zoning Administrator Wells gave a timeline schedule for the Mural Ordinance, the Mobile Food Vendor/Temporary Structures Ordinance, and the rezoning of three parcels to the Board Members.

**Map corrections: RZA-22-05, RZA-22-06, and RZA-22-07:** Planning and Zoning Administrator Wells said he had sent letters to all the citizens located around each of these properties. There will be a community meeting on January 30, 2023, to hear from any citizens that may have concerns about the zoning of these properties. He will return the results to the Planning Board at the February 2023 meeting.

**Mobile Vendor text amendment (Article 15 MDO):** Planning and Zoning Administrator Wells is working with the Events Coordinator, Lakeysha Medlin, and Town Manager Deese to construct the language for this ordinance. They are trying to determine what a Special Event is and what a Temporary Structure is. It is important to include as much content in the MDO, so we do not have to go back to amend the ordinance in the near future. Planning and Zoning Administrator Wells would like to have this text amendment before the Town Board on March 6<sup>th</sup>. Planning Board Member Stancill said that it was important to get the MDO text amendment approved before Spring.

Board Member Mandeville asked if there was any reason we could not begin the discussion tonight. Board Member Mandeville said we need to encourage vendors to our community, but we do not want to infringe on our businesses and taxpayers.

Board Member Appenzeller said the Events Coordinator needs to participate in this discussion with us. Board Member Mandeville would like to hear what Events Coordinator Medlin and Town Manager Deese were thinking about Article 15 of the MDO because this will impact the Planning Board discussions on the MDO.

Planning and Zoning Administrator Wells agreed that there are many variations of how this ordinance can be constructed. As mentioned by Board Member Stancill, how do we regulate a vendor being in a space for one day or three days; what will the fees be? Can a taco stand be next to our Mexican restaurant?

Board Member Mandeville said we need to get this MDO in order. She asked how the Planning Board can help Planning and Zoning Administrator Wells. Planning and Zoning Administrator Wells said there are no ordinances from other jurisdictions in their research that really works for Marshville. This is why we are putting this together basically from scratch. We are working diligently to make this MDO good for the Town. Planning and Zoning Administrator Wells will bring something back to the Planning Board in January.

**Board Member Comments:**

Planning Board Member Stancill would like for the meeting advertisements to remind everyone that the meetings are open to the public, not only on ZOOM, but the public is welcome to come to the Town Hall in person. Planning and Zoning Administrator Wells will let Lakesha Medlin know this since she is responsible for adding items to the website and Facebook.

**Adjourn:** A motion was made by Board Member Stancill to adjourn the meeting. Board Member Appenzeller seconded the motion. All agreed.

8:10 pm