

Environmental Meeting
Cumberland County Courthouse
November 5, 2020

<u>Members Present</u>	<u>Non Members Present</u>	<u>Others Present</u>
Wendell Wilson	Kyle Davis	Chris & Andrea Tatra
David Gibson	Joe Sherrill	Jim & Shelia Long
Jim Blalock		Donna Goss
Nancy Hyder		Deb Holbrook
Rebecca Stone		Mary Delwolf
Jack Davis		Mike Moser
Sue York		Tony King
Jerry Cooper		Marcia Threet
John Patterson		Mike Davis
		Maryann Hilbink
		CE Wilson Jr.
		Robert Hayes
		Robert Drumb
		Derek Savino

1. **Call to Order** – The Meeting was called to order by Commissioner David Gibson at 5:00 pm. A quorum was present.
2. **Approval of Minutes** –John Patterson made a Motion to approve the first set of Minutes. Nancy Hyder seconded the Motion. The Minutes for the July 22, 2020 meeting were approved.

Sue York made a Motion to approve the second set of Minutes from the last meeting. Rebecca Stone seconded the Motion with the following corrections:

1. Wendell Wilson and Nancy Hyder were absent.
2. Charles Seiber is not on the committee.
3. The right of your fist ends at my nose-in Noise ordinance

The Minutes for the October 5, 2020 meeting were approved.

3. **Speed Limit Discussion:** Cumberland Lakes – Jerry, with Cumberland Lakes Association addressed the commissioners about the petition to reduce the speed limit on Cumberland Lakes Drive. There are eight signatures of the nine homeowners on the road to reduce the speed limit. Per how the Speed Limit Change Request Procedure at this time the petition to change the speed limit must have 75% of the resident's signatures that live on the road. There are several other residents on the road other than Cumberland Lakes residents.

Chairman Gibson asked if any of the road was in Putnam County. Jerry stated no.

Commissioner Stone asked if anyone had spoken to the other residents. Jerry, with Cumberland Lakes stated they did not interact with any of the other residents on the road. Commissioner Stone suggested speaking them or possible sending letters to address the situation and this may be a missed opportunity for other residents in the future.

Commissioner Patterson stated he did not see and issue with this if the sheriff and road department didn't have issues.

Commissioner Hyder stated the Cumberland Lakes Association should only pay for the signs in their area.

Commissioner Cooper suggested holding off on a vote until the next meeting and he would do more footwork and help with the other neighbors.

Commissioner Blalock stated the committee needs to follow proper procedure.

Commissioner Stone agreed with following procedure. Per Chairman Gibson, all residents that live on the road should be present at the next meeting. Commissioner Stone stated the procedure may need to be changed that due to current Covid issues, handicap, elderly residents-this may not be a good procedure to have all residents at the meetings. Some residents may be considered high risk and unable to attend the meeting.

Jerry, Cumberland Lakes asked why have a petition if all had to be present.

Commissioner Stone made a Motion to change the existing language in paragraph 3 of the Speed Limit Change Request Procedure printed below, sentence 2, The residents to "A representation of the residents". Commissioner Hyder seconded the Motion. Jim Blalock opposed. He wanted to review the procedure before voting.

Jerry, Cumberland Lakes asked if unable to obtain at least 75% of signatures will this petition be void? Per the committee, yes it may.

The speed limit issue was tabled until the next meeting.

Speed Limit Change Request Procedure Environmental Committee: 12/17/2019

County resident(s) residing on a county road may request the speed limit be changed from the existing speed limit to one more appropriate by completing the following steps:

1. The resident(s) must consult with both the County Road Superintendent and the County Sheriff to determine if the speed limit should be changed, as well as to determine the new speed limit to be requested. If there is agreement on the need to a request a change to the speed limit, the Road

Superintendent and Sheriff should contact either the Environmental Services Committee Chairman or the County Mayor to confirm the recommended change.

2. The resident(s) must create a petition that states the road name, the number of homes and businesses on the road, the existing speed limit, the requested speed limit, and the reason(s) for the requested change. This petition must be signed by 75% of the residents on the road in question.
3. After completing the petition, the resident(s) must contact either the Environmental Services Committee Chairman or the County Mayor to place the request on the next Environmental Services Committee agenda. The resident(s) must be present at the Environmental Services Committee meeting, with the completed petition, in order for the request to be heard.
4. The Environmental Services Committee will take one of the following actions: a. Send the recommendation to the full County Commission for approval as submitted or as modified by the Environmental Services Committee. b. Reject the proposed change. c. Require more information from the resident(s).
5. If the change is recommended for approval by the Environmental Services Committee, the full County Commission will be the final authority for action on the request and will vote via resolution concerning the recommendation from the Environmental Services Committee.
6. If approval is granted by the full County Commission, the cost of the signs may be passed on to the resident(s) of the road in question.

4. Noise Resolution – Chairman David Gibson asked commissioners who all was in favor of NOT implementing a noise reduction for Cumberland County?

Commissioner Rebecca Stone asked why the committee was considering this before the discussion? Chairman Gibson stated he had lots of residents wondering why the county is trying to implement this.

Commissioner Stone stated the committee must follow procedures.

Chairman Gibson feels the committee needs to vote.

Commissioner Nancy Hyder stated the issue has gotten way out of hand and there has not been any issues since the very first incident.

Neighbor to the Saw Mill Road incident, Mrs. Goss stated that it has been very quiet since the first incident.

Kyle Davis asked if anyone had polled their districts to see if any residents wanted a noise resolution.

Commissioner Stone feels the committee can reach a good noise resolution if the time is taken to consider both sides.

Kyle Davis stated he does not feel the committee should be involved in the issue.

Per Commissioner Stone, the individual filing a complaint must have proof of the disturbance....Video, proof of decibels, etc.....

Chairman Gibson stated it should be filed as a civil suit if there is an issue and not through the county.

Kyle Davis stated this is just opening the door for more problems.

John Patterson stated that residents should be reasonable with other residents.

Commissioner Stone stated this is why we had a meeting, to choose a very high decibel level that allows farm equipment and such, allows for exemptions, and times. If there is an issue, it must be documented-video, noise decibel, etc...the burden of proof lies within the plaintiff.

Commissioner Nancy Hyder stated the county attorney, Phillip Burnette advised the board with this information.

Commissioner John Patterson stated the committee needs to establish a limit for the greater part.

Commissioner Sue York asked if there was any discussion with the gentleman on saw mill road with the motocross bike. Per one of the Saw Mill Road neighbors he received a registered letter, but never responded to it.

Commissioner Nancy Hyder stated that if the committee continues to discuss the noise resolution it may be a good idea to have the county attorney present to explain.

Commissioner Jim Blalock stated if a rule is passed, are any county employees going to be involved? He stated the county does not have enough employees already.

Per Commissioner Stone, the burden lies within the plaintiff.

Commissioner Hyder stated the plaintiff would need to have proof of the violation, then a deputy/warrant officer would deliver a letter. If the issue is not resolved, a stronger letter would be sent. Eventually, if this does not work it would go to court.

Per Chairman Gibson, a judge decides the fine and the county pays the attorney. (the county has a \$5000 per year retainer for attorney)

Chairman Gibson stated it boils down to this could have already been settled in a civil suit.

Per Chairman Gibson, all in favor of discussing at the next meeting:

Jim Blalock-no

Jack Davis-no

Jerry Cooper-no

David Gibson-no

John Patterson-yes

Sue York-yes

Rebecca Stone-yes

Wendell Wilson-yes

Nancy Hyder-yes, with county attorney present

The noise resolution business will be carried over to the next meeting.

Per commissioner Stone, the following would be exempt:

- A) Municipal, State or County vehicle and equipment
- B) Repair of street, utilities, etc...
- C) Excavations or repairs to water and sewer lines, bridges, streets or highways at night, by or on behalf of a Municipality, the County, or the State, when the public welfare and convenience renders it impractical to perform such work during the day
- D) Property owners and residents performing normal maintenance during reasonable hours
- E) Established business and industry at current noise levels and operating hours
- F) The privileges associated with gun ownership and use of personal guns on personal property
- G) Noise related to Vehicular travel on State Highways or County Roads.

Commissioner Hyder stated the county attorney needs to be present to explain the burden of proof and also to ensure racetracks and such are excluded.

Commissioner John Patterson stated we are not punishing the people, just need to set standards.

New Business – none

Adjournment – A Motion was made by Commissioner Jack Davis and seconded by Commissioner Wendell Wilson to adjourn the meeting. The Motion passed and the Meeting was adjourned at 6:15 PM.

Minutes Prepared and Submitted by Cindy S. Lowe

Approved by Chairman: _____



Date: 01/12/2021