

Commissioner Chancy moved to approve these minutes on May 13th, 2021.
Motion was second by Commissioner Walker. Minutes were approved by all

Jefferson County Planning Commission
Meeting Minutes
March 11th, 2021

Chairman Bud Wheeler called to order at 6:01 pm.

Commissioner Roy Faglie led the group in an opening prayer and the Pledge of Allegiance to the Flag.

Physically in attendance: Commissioner Bud Wheeler, Commissioner Roy Faglie, Commissioner John Floyd Walker, Commissioner Jacqueline Seabrooks, Commissioner Michael Schwier, Commissioner Byron Arceneaux, Commissioner Thomas Chancy, Planning Attorney Scott Shirley, Planning Official and Interim County Coordinator Shannon Metty.

Attended via Zoom: none.

Commissioner Wheeler allowed those present at the podium to remove face covers so that the commissioners and public could better hear and understand the presentations.

Agenda Item #2: Election of Chairman and Vice-Chairman:

- Commissioner Wheeler expressed his gratitude and appreciation for being the Chairman and opened the table for nominations of the new Chairman and Vice-Chairman.
 - Commissioner Chancy nominated Commissioner Schwier for Chairman. Commissioner Faglie second the nomination.
 - Commissioner Wheeler nominated Commissioner Arceneaux for Chairman.
 - Commissioner Walker nominated Commissioner Faglie for Vice-Chairman. Commissioner Chancy second the motion.
 - Commissioner Seabrooks motioned to close nominations.
- Gavel was passed from Commissioner Bud Wheeler to Commissioner Michael Schwier.

Agenda Item #3: Approval of Draft Minutes-February 25, 2021 Meeting:

- Chairman Schwier asked for a review of the Minutes for the February 25, 2021 meeting.
 - Commissioner Faglie noted that there was an additional question asked during the General Discussion of the Large-Scale Solar Facility topic: How many employees will this facility have? Answer: 1.
 - Attorney Shirley noted word corrections to the General Discussion Continued section of the Events/Wedding Venue topic.
 - Entered in the record that Commissioner Faglie (not Commissioner Walker) moved to motion the continuation of the Events/Weddings Venue topic, second by Commissioner Walker.
 - Commissioner Wheeler asked that it be recorded that he was opposed to the motion of continuation for the Events/Weddings Venue topic.
- Commissioner Walker motioned to approve Minutes with the changes added. Commissioner Seabrooks second motion. Motion passed with unanimous approval.

Agenda Item #4: Continuation of Special Exception for an Events/Wedding Venue:

- Mrs. Metty opened the discussion with a brief review of the previous meeting discussion. She then reviewed her Memorandum to the Commissioners expressing the noise concerns and referencing her recommendations on noise level conditions to be applied.
- General Discussion:
 - Resident Pam Ray expressed concern regarding the working status of the facility. Stating that Mr. Winchester not only has a non-profit business at this location, but also a for-profit business.
 - Mr. Winchester provided information regarding his business plan and extensively reviewed his website information. He then presented that since the last meeting he has spoke with his neighbors in regard to the noise levels. He states that the event following the last meeting he monitored the noise levels from his property fence line which is roughly 600 foot away. He states that on average the decibel reading was 56dcb. He admits that prior to the last meeting he was not monitoring the noise levels like he should have been but moving forward he assures the Committee that there will be noise levels set for events. Part of his plan moving forward is that there will be no outside bands unless approved through him, with the exception of acoustic players on the patio. He then continued discussion about his website and the history of his ministry, reference “In the Beginning” page on homesteadministries.org.
 - Commissioner Schwier stated that the discussion of the ministry is great information, but we need to stick to discussing the current issue.
 - Mr. Winchester continued his discussion referencing an approval letter from Mrs. Metty from 2019 in regard to his ministry. He stated that all he is waiting for the Planning Department to approve the upgrade of his septic system.
 - Commissioner Arceneaux reiterated that this was not the issue, the issue is the Change of Use for this property. The letter that Mr. Winchester referenced from Mrs. Metty does not apply as it was for small church events not commercial use. He expressed that landowners have rights to use their land, but neighbors have rights to remain as Agricultural zoning not Commercial.
 - Mr. Winchester rebutted stating that under 570.85, he can use his land as he wants.
 - Commissioner Faglie clarified Mr. Winchester’s reference stating that it is for Agriculture endeavors, not commercial use.
 - Commissioner Schwier noted the proximity of the subdivision.
 - Commissioner Arceneaux asked Council to advise of the statute reference.
 - Attorney Shirley stated that it does not affect local jurisdiction.
 - Commission Wheeler asked, is this a tax-exempt church?
 - Mr. Winchester replied saying we have a ministry and I have had a tax-exempt number since 2007.
 - Commissioner Faglie asked, so there are two corporations using the same property?
 - Mr. Winchester replied yes.

- Commissioner Faglie asked, are you ag exempt on taxes?
 - Mr. Winchester replied, no. He states that The Homestead Barn allows The Homestead Ministry to use the property. He urges the Committee to look back at 570.85.
 - Attorney Shirley again stated that this statute has no preemption of local jurisdiction. He explained that the Committee can limit in pursuant to a Special Exception based on evidence presented.
- Commissioner Schwier asked if we approve the venue, how can the requirements set in place going to be enforced if not followed by Mr. Winchester?
 - Attorney Shirley stated “objectively.” He continued by saying a buffer can be inspected. Noise can be measured by the Sheriff Department or Code Enforcement.
 - Commissioner Arceneaux asked if a complaint would need to be made to enforce? Answer-Yes.
 - Commissioner Wheeler asked if our officers could measure sound? Answer-Yes.
- Commissioner Schwier asked if we deny the venue and events continue to be held, what will happen?
 - Attorney Shirley stated that it would go before special magistrate and a daily fine, civil citation or an injunction would be enforced. He also stated that if Mr. Winchester continued to operate given his current septic situation not being approved, he can face State level enforcement.
- Commissioner Arceneaux asked had there been any discussion on the frequency of events? Answer-No.
 - Mr. Winchester noted that it is too hot to host events during the summer, so this would mainly be open during the fall and spring.
- Comments from the Public:
 - Resident Austin Hosford, lives across the street and expresses he has a lot of concerns regarding this venue. First is the noise level. He states that the noise from the events being held continue well into the night and can be heard inside his home over his television. Second concern is the increased traffic. He explained that he and his wife moved to this location to be able to enjoy life in a quiet community. Now with the events being held, beginning on Thursdays the traffic on the road builds, as it builds it is worse on Fridays and on Saturdays it is a massive amount of traffic. Because of the increased traffic, the residents of Whitehouse Road who once enjoyed walking can no longer do that. He expressed the concern he now has for his wife and 3-year-old child being on the roadway when they go walking. He continued saying that he has voiced some of his concerns directly to Mr. Winchester who then told him to call the sheriff, he could not hear it. In one instance, he contacted the Sheriff Department he was told that there was nothing they could do until after 10pm because Mr. Winchester had a permit at that time. He then called back around 10:15pm and again was told there was nothing that could be done. Because of that instance and all the other concerns, he has, Mr. Hosford states that it is terrifying to imagine this lifestyle continuing.

- Commissioner Faglie directed a question to Mr. Hosford asking was the level or noise or the time his main concern? Mr. Hosford answered time.
 - Commissioner Faglie directed a question to Mr. Hosford asking was 10pm too late? Mr. Hosford answered that it is not ideal because of the level of the noise.
 - Non-Resident Marcus Winchester, brother to Mr. Winchester and nearby property owner. States that he does not live on the property but feels that his brother has went above and beyond to bring satisfaction to his neighbors and he adds that he is okay with the events being held.
 - Resident Pam Ray expressed that how the noise factor and levels are rated concerns her. She also wanted to make note that neighbors Wanda and Sam Burch could not attend the meeting but also complain of the noise lasting past midnight.
 - Resident Pedro Masada stated that the noise is unacceptable, and he asked what stops other neighbors from doing the same thing Mr. Winchester is doing?
 - Commissioner Schwier stated that for anyone else to have event venues, they would have to come before the board for approval.
 - Resident Mark Oglesby thanked the Committee and stated that we live in the county for a reason. He feels that if the noise can be mitigated with levels or times then that is great, but if not then it is a problem.
 - Non-Resident Marcia Maewede, sister to Mr. Winchester and nearby property owner. States that she does not live on the property but doesn't have any problems with the venue. She asked how are there noise complaints at 10pm if Mr. Winchester said the event stopped at 9pm?
 - Entered into the record that the decibel reading shows 9:38pm
 - Resident Rocky Clement stated that his property is 30 acres away and he can still hear the noise. He has evidence of noise and excessive traffic continuing into 1 and 2am. He expressed that his family moved to the country for a reason. The traffic from the events being held fly down the road making it unsafe for leisurely walking. He also wanted to make note that the website promotes the wedding venue, not the ministry.
 - Resident Steve Ray mentioned that the building where Mr. Winchester says the music will be contained to moving forward is not air conditioned therefore, he feels the noise will continue to be a problem because the windows and doors will open. He also noted that in a past incident when he expressed his concern to Mr. Winchester about the noise, he was told that if it bothers him go inside his house.
- General Discussion Continued:
 - Closing Comments from Mr. Winchester: for the previous events he was unaware of the neighbors concerns because no one came forward with them. Simply put, Mr. Hosford is not correct in his statements. He agrees that he did not monitor the noise in the past, but he is now. He plans to enforce no outside music unless acoustic. He plans to monitor the decibel readings at his property lines. He states that he will give his direct contact number to his neighbors for them to call with problems in the future.
 - Mr. Hosford interjected stating he does not appreciate being call a liar.

- Mrs. Metty noted that in a previous conversation Mr. Winchester was going to speak with a sound professional, did you do that? Answer-Yes on Wednesday and the latest the noise will be is 10pm.
- Comments from the Commissioners:
 - Commissioner Wheeler expressed that we have opened a can of worms: profit vs. non-profit, traffic vs. no traffic, 10pm vs. 9pm. Suggests a motion to deny the venue to the Board of County Commissioners. Motion second by Commissioner Chancy.
 - Commissioner Faglie feels that the noise and the traffic are the real issues at hand. Is there a way to eliminate the amplified sound? Mr. Winchester said he would have to look into that, what are the alternatives? Commissioner Faglie expressed that the alternative was denial, he was suggesting a compromising option. He expressed that he likes the idea of the ministry however the event venue being a commercial business is another problem.
 - Commissioner Seabrooks asked for the Special Exception. Attorney Shirley explained that this is for commercial use. The letter which was given in October was given without knowledge of the actual events taking place.
 - Attorney Crystal (on behalf of Mr. Winchester) asked that based on today's findings, what exactly is being denied and how did it come before the board? To her knowledge Mr. Winchester was in compliance until he received a letter from the Department of Health regarding his septic violation and now, he is having to come before the Planning Commission Committee. Attorney Shirley explained that Department of Health will not approve his septic system without a Development Permit and a Development Permit cannot be issued without a Special Exception Permit. Currently Mr. Winchester is operating in violation of County code.
 - Commissioner Schwier motioned for a vote of denial. No opposition. Motion passed unanimously.

Agenda Item #5: Additional Language for Temporary Use Permits:

- Mrs. Metty presented stating that the County does not have a noise ordinance and feels that one should be in place for those acquiring Temporary Use Permits. She expressed that in most instances it is more the bass decibel that people complain about not so much the noise level.
- Commissioner Schwier mentioned possibly being more restrictive than the 60 decibels.
 - Attorney Shirley stated to keep in mind that this is for Temporary Use Permits, so it is limited to 6 events per year. There are commercial restrictions, but they do not apply to this permit. However, based on events, this permit has been demonstrated as a necessity in our County.
- Commissioner Faglie referenced the Winchester situation and stated that he is not limited to the 6 events. He also stated that research agrees, bass (or amplified sound) is more of the issue. He feels that other counties have good examples of what to do.
- Commissioner Chancy asked is it the Planning Commission decision or the Board of County Commissioners?

- Attorney Shirley stated that it is up to the Planning Commissioners to make the recommendation to the Board of County Commissioners based on the information provided.
- Attorney Shirley referenced a previous event applicant stating their situation was an annual event and had a lot of amplified noise. The Board of County Commissioners then adopted an emergency ordinance that after 11pm no amplified noise would be permitted. So far, it has worked. He suggested the possibility of offering a 15-minute rule, where every 15-minute interval over the set time requirements would incur a violation.
 - Commissioner Arceneaux asked, who would track this?
 - Mrs. Metty explained that an off-duty officer would be present and responsible.
 - Commissioner Faglie said that in talking to Thomas County Lieutenant their biggest complaint was cars with amps. He suggested having a clear penalty to make an ordinance work.
- Resident Mr. Barrington spoke as an event venue, stating that he agrees the vehicles with amps are the problems. He says that he will now have signs around all his events that no amps are allowed. He stated he is willing to follow and work with any rules set by the Committee.
- Commissioner Schwier asked for clarification on what was needed tonight. Attorney Shirley stated that the BOCC will hear this for informational purposes on April 1st, not for action. Once their opinions are heard, we can make further decisions.
- Mrs. Metty expressed that a workshop is needed to get more data and have good research before setting a requirement.

Agenda Item #7: Comments from the Planning Commissioners:

- Commissioner Arceneaux asked for a follow up on the Solar continuance? Attorney Shirley stated that we are not at liberty to discuss this because the applicant is not present.

Commissioner Walker motioned to adjourn. Commissioner Arceneaux second.
Commissioner Schwier adjourned meeting at 7:28pm.

Respectfully submitted,

Renee' Long

Renee Long
Jefferson County Planning Assistant