

The Village of Cedar Rock Board of Adjustment met at Cedar Rock Country Club on November 15, 2022, at 10:30 a.m. for the purpose of considering a zoning variance for property located at 2920 Rockwood Drive.

**Call to Order:** Mayor Bob Floyd called the Zoning Board of Adjustment public meeting to order.

**Attendance:** Mayor Bob Floyd; Council Members Howard Edwards, Ernie McAteer, Mike Shows and Pamela Mayberry, Wayne Keller Planning Board Member; Daniel Odom with WPCOG and Sam and Nicole Akers. Bill Griffin was unable to attend.

**Oath of Office:** Daniel Odom with Western Piedmont Council of Government administrated the oath of office for the members of Council as members of the Zoning Board of Adjustment.

Mayor Bob Floyd asked if any member of Council had any prior knowledge of the subject property to which Pamela Mayberry replied that as a member of the Planning Board, she had received an email from the Planning Board Chair with the details of the requested variance and as such would recuse herself from voting on the variance.

Mayor Bob Floyd informed Council that anyone wishing to present evidence would need to be administered an oath of office prior to giving testimony. Mayor Floyd administered the oath to Daniel Odom and to property owners Sam and Nicole Akers.

Mr. Odom distributed his Staff Report to Council and reviewed the report with exhibits in detail with Council, and after review Mr. Odom stated that WPCOG recommended that Council approve the requested variance.

Mayor Floyd closed the Board of Adjustment meeting to the public. Mayor Bob Floyd opened the floor for voting on the Findings of Fact. Ernie McAteer made a motion that Council answer in the affirmative as to Finding of Fact #1; Council agreed; Howard Edwards made a motion that Council answer in the affirmative as to Finding of Fact #2; Council agreed; Ernie McAteer made a motion that Council answer in the affirmative as to Finding of Fact #3 and Mike Shows did not affirm and stated that based on the facts of #3 he felt that the home owner could reduce the size of the garage to conform to zoning without the need for the variance, after discussion among Council Mr. Shows voted to answer in the affirmative as to Finding of Fact #3; Council agreed. Mike Shows made a motion that Council answer in the affirmative as to Finding of Fact #4; Council agreed; Howard Edwards made motion to answer in the affirmative as to Finding of Fact #5; Council agreed. Ernie McAteer made a formal motion that Council approve the Akers request for variance and the variance was approved by Council. Mr. Odom will forward to Council the Order to be signed and forwarded to the Caldwell County building inspection department so the Akers building permit can be issued. Ms. Mayberry will contact Caldwell County of the Board's approval of the variance.

**Adjournment:** Mayor Bob Floyd adjourned the Zoning Board of Adjustment meeting at 11:15 am and thanked the Akers for attending the meeting.

Following the Board of Adjustment meeting the regular meeting of the Village of Cedar Rock began.

**Attendance:** Present were Mayor Bob Floyd, Ernie McAteer, Bill Griffin, Mike Shows, Howard Edwards and Pamela Mayberry.

**Call to Order:** Mayor Bob Floyd called the regular meeting for the Village to order and introduced Daniel Odom as staff assistant for the Village.

**Adopt Agenda:** Howard Edwards made a motion to adopt the agenda; agenda approved.

**Approval of Minutes:** Bill Griffin made a motion to adopt the minutes; minutes approved.

**Committee Reports: Administrative:** Pam Mayberry informed Council that The National Firewise Program acknowledged the Village successfully completed the Firewise annual requirement for 2022 as of November 13, 2022. **Finance:** Bill Griffin distributed financials to Council prior to the meeting. Mr. Griffin stated everything is paid to date and the Village has \$588,708.00 in the bank as of October 31, 2022, and all categories are in budget. Howard Edwards asked if the fees for Daniel Odom's services have been budgeted yet. Mr. Griffin stated that the contract indicated that the Village would be billed quarterly, but he hadn't received an invoice yet. Mr. Odom will reach out to someone in billing and see that Mr. Griffin has what he needs to add to the budget. **Transportation:** Ernie McAteer mentioned that Tyler Sime sent the invoice for the work on Cedar Rock Estates Drive that was estimated at \$4,600 to rework the drainage, using the government money came in at \$2,950.00. Mr. McAteer stated that the next project on Mountain Circle Drive has been held up by the utility companies marking the property so that the project can begin. Mike Shows reminded Council of the overturned cement truck recently in front of Dick Keys mailbox. Mr. Shows stated that there were numerous individuals working for many hours to clean up the property affected by the wreck, but a large amount of hydraulic fluid was spilled resulting in discolored pavement for the Village and on Mr. Keys' driveway as well, that might compromise the pavement in the future. Mr. Shows stated that he was given a phone number and claim number so that the Village and Mr. Keys can report a claim for that damage. Mr. Shows gave the phone number and claim number to Ms. Mayberry to contact the insurance company. Mayor Floyd thanked Mr. Shows for taking the pictures and forwarding to Council, and his overseeing the cleanup. Bill Griffin mentioned a tree overhanging the entire right of way on Mountain Circle Drive that needs to be taken care of. Mr. McAteer was aware of the tree and stated that Mr. Sime is planning on addressing the overhanging trees. **Code Enforcement Report:** Mike Shows had no report but stated the Curt Willis plans to attend our meeting around 12 today. **Planning Board:** Pam Mayberry stated that Robin Shows and Steve Libera's term on the planning board expires December 15, 2022. Ms. Mayberry will reach out to both Ms. Shows and Mr. Libera to see if they intend to continue their terms.

**New Business: Property Maintenance Ordinance Review:** Bob Floyd introduced Curt Willis to Council. Mr. Willis stated there were no current issues to report. Mr. Willis explained the complete process to Council from the first complaint to compliance. **Caldwell County Animal Control Ordinance Amended:** Pamela Mayberry stated she received an email recently from Caldwell County requesting that the Village formally adopt the Amended Caldwell County Animal Control Ordinance. Ms. Mayberry informed Council that she compared the Amended Ordinance to the previously adopted Ordinance and she stated that it appears the Amended Ordinance is no longer a stand-alone Animal Control Ordinance as it is Section 90. Ms. Mayberry further stated that the new Ordinance references general statutes throughout the document and adds fines and civil penalties and provides more clarification. She specifically pointed out that the prior Ordinance had one sentence to define a nuisance animal whereas the Amended Ordinance references 11 items that define a nuisance animal. Pam Mayberry made a motion that the Village adopt Caldwell County's Amended Animal Control Ordinance; Mike Shows seconded; motion approved. Ms. Mayberry will get the Resolution recorded and once

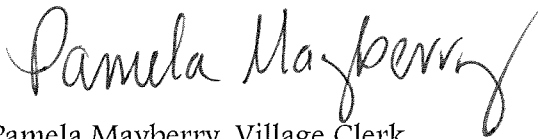
recorded upload to the Village website. Mayor Floyd requested that Ms. Mayberry reach out to someone with Caldwell County Animal Enforcement to invite them to a future meeting to explain the services they provide to the Village. **Request for Speed Control – 1800 Cedar Drive:** Ms. Mayberry stated that she was recently contacted by a resident requesting a speed bump near their home to control speeding. Mayor Floyd stated that Council needs to consider all other options for speed control and asked that Daniel Odom research other options and report back to Council.

**Old Business: Zoning Ordinance Correction:** Pam Mayberry will reach out to Alison Adams for the one page correction that needs to be recorded. **ARP Report:** Howard Edwards stated there was no change from the last report and there is a balance of \$71,175 available to spend.

**Public Comment:** No public comments.

Meeting adjourned at 12:12 p.m.

Respectfully Submitted,

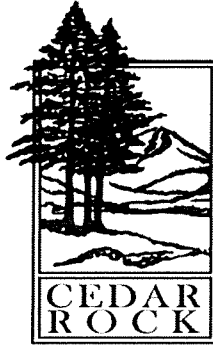
A handwritten signature in cursive script that reads "Pamela Mayberry". The signature is written in black ink and is positioned above the printed name.

Pamela Mayberry, Village Clerk

**Village of Cedar Rock Council Meeting**  
**AGENDA**  
**Tuesday November 15, 2022**  
**11:30 AM**

Order of Business

- Adopt Agenda
- Approval of the minutes
- Committee Reports
  - Administrative – Pam Mayberry
  - Finance – Bill Griffin
  - Transportation - Ernie McAteer
  - Code Enforcement Report – Mike Shows
  - Planning Board - Pam Mayberry
- New Business
  - Property Maintenance Ordinance Review – Curt Willis, Code Enforcement officer WPCOG
  - Caldwell County Animal Control Ordinance – Amended
  - Request for speed control – 1800 Cedar Drive
- Old Business
  - Zoning Ordinance - Correction
  - ARP Report- Howard Edwards
- Public Comment
- Adjourn



Village of Cedar Rock Board of Adjustment  
November 15, 2022  
Cedar Rock Country Club  
Village of Cedar Rock, North Carolina  
10:30 a.m.

**AGENDA**

Call to Order

Declaring Public Hearing Open (Swearing In)

Hearing of Cases:

- Sam Akers (Owner/Applicant)**  
**Application for Variance**
- a. Staff Report – Daniel Odom**
  - b. Supporting Party/s Statement**
  - c. Opposing Party/s Statement**
  - d. Supporting Party Rebuttal**

Consideration & Determination of Previous Case Heard

Instruction of Appeal Process - Daniel Odom

Adjournment