



Town of Wyoming  
Council Meeting Minutes  
Wyoming Municipal Building

October 2, 2019, 6:30 P.M.

**SPECIAL TOWN COUNCIL MEETING**

CALL TO ORDER – Mayor Rife called the Meeting to order at 6:31 p.m.

PLEDGE OF ALLEGIANCE – Mayor Rife

MOMENT OF SILENCE – Mayor Rife

**ROLL CALL**

Council attending: Mayor, Frankie Dale Rife; Vice-Mayor, Doug Denison; Treasurer, Kyle Dixon; and Council Person Carlen Kenley.

Council absent: None

Solicitor attending: Barrett Edwards

Staff attending: Chief Martin Willey; and Laura Connor, Office Manager

Audience attending: Jacqueline Stokes, Elaine Bilow, Tracy Johovic, Randy Richardson, Steve Bilbrough, Charlotte Dixon, Jeff Gravatt, Ernie Piazza, Seth Greenberg, Lynn Franklin, Cinnell Tolson, Judy Sylvester, Bob Sylvester, Mike Marasco, Cheryl Kenley, Clara Smith

**PUBLIC COMMENTS**

- None

**ADOPTION OF AGENDA**

*Mr. Denison moved with a second by Mr. Dixon to adopt the agenda as published. Mayor Rife, Mr. Denison, Mr. Dixon, Mr. Kenley, Aye. None Opposed. Motion carried.*

## NEW BUSINESS

- 11 Camden Wyoming Avenue – Conditional Use Status and Noise Complaints

Mr. Edwards provided a background of the Conditional Use: 1979 – original approval for religious purposes; 1983 – new zoning ordinance allowed use as a permitted use; 1997 – amended zoning code requiring conditional use approval but determined that this was a legal non-conforming use. Unless the use ceases for 12 consecutive months the use is still valid. This property has had the same owner since 1996.

Mr. Denison questioned if the property changes ownership does the conditional use expires. Mr. Edwards stated that our code would have to state specifically and our code does not.

It was discussed what a conditional use represents, expiration dates and what the steps are to revoke. The zoning map and Land Use and Development Code (LUDC) Article 15.E. were referenced. Mr. Denison questioned the process of revoking the conditional use. Mr. Edwards described the revoking process is based on the conditions assessed at the time the approval was given.

Mrs. Dixon stated that she currently has a conditional use. She stated that in 1983 when she applied there were specific questions that she needed to answer on the application. It was verified that these questions were not asked when the original conditional use was granted for 11 Camden Wyoming Avenue.

Mr. Denison questioned if any conditional use is not in harmony with the surroundings at a later date, can the approval be revoked? Mr. Barrett stated that he was not sure and would have to research further. Mr. Denison stated that a period of 12 months with “no use” may be the only choice.

Mr. Bilbrough referenced other complaints previously discussed. He did mention that they are getting better. Sharon stated that it doesn't matter what they do, there is always something that is not being done correctly. The trash issue was a one-time occurrence and was addressed. She stated that it seems the police get called on every little thing. She also stated that any new visitors do not know the past challenges. Mr. Bilbrough requested that any and all new visitors are communicated. There was also a complaint that grass was being cut very early in the morning. This was also a one-time occurrence and has been addressed. It was communicated from several members of the church that they apologize for any past issues and would appreciate open communication in the future. It was communicated the schedule of the church as Tuesday night, Friday and Sunday.

Mr. Denison requested clarification on the previous noise complaints. Mr. Bilbrough stated that he has worked with the Lieutenant on the excessive noise. Pastor Franklin responded that there have been events like New Year's Eve. She specified that they leave no later than 10:30 pm and there is no music other than Sunday's. They have made changes to reduce the disturbance and want to work together with neighbors.

Mr. Sylvester stated that they bought the property in 1996 to use as a church. He stated that this property has been a church since 1980. He also stated that any church has church activities. There have been several permits issued to improve the property. Recently the door and booth have been sound proofed with meter readings to monitor noise louder than normal conversation.

Mrs. Dixon stated that she began documenting any issue with dates and times since 06/07/19 with the first complaint, on 6/14/19 with drums until 9:45 pm; on 8/8/19 with noise until 10:10 pm, and on 09/16/19 with a large gathering with garbage left at curb. She feels that she is not seeing or hearing of a resolution. She has lived in her house since 1983 and no longer has gatherings with family and friends due to the recent complaints.

Cinnell Tolson (church) responded that the trash is not picked up from the curb – the trash company picks it up in the back of the driveway. They feel that they are being controlled and mistreated and stated “when is enough not going to be enough”. It was also stated that the membership has not increased or decreased – it has stayed the same since they have been there. Pastor Franklin asked specifically how many times do issues repeat? She stated that when they are aware of an issue, it is addressed quickly.

Mr. Bilbrough asked if Council could do something once this church leaves between renters. It was clarified that nothing can be done in reference to the conditional use. If the conditional use requirements are changed, it only affects new conditional uses approved.

Mrs. Dixon questioned Ordinance 17-07 Public Nuisance and stated that it should apply to everyone in town with no exemptions. Lieutenant clarified the intent of Ordinance 17-07 and stated that they are not breaking the law. Members of the church agreed to go outside when music is playing to verify sound levels. Mr. Sylvester stated that they installed a sound barrier on August 17<sup>th</sup> with a 50-65 decimal reading. Mrs. Dixon asked if the conditional use changes with a change in owners. Mr. Edwards responded with the conditional use follows the land not the owner.

Mr. Denison asked if Council wanted to fix non-conforming uses are they allowed to do so? Mr. Edwards responded with the owners have vested rights and it would be against his recommendation. He stated that non-conforming uses eventually dismantle with time. Mayor Rife stated that once a conditional use is approved it is very hard to revoke. She stated that it is important to be careful and set conditions during the approval process.

Discussion ensued due to conversations being repeated from earlier in the meeting.

Mr. Bilbrough thanked Council for scheduling this Special Meeting.

There were no other comments.

#### COUNCIL COMMENTS

- None

*Mr. Denison moved and was seconded by Mr. Kenley to adjourned meeting at 8:16 p.m. Mayor Rife, Mr. Denison, Mr. Dixon, Mr. Kenley, Aye. None opposed. Motion carried.*

The meeting adjourned.

Laura Connor  
Office Manager