

# Macon County Planning Board Minutes

MAY 20, 2010

**Call to Order:** Chairman Lewis Penland called meeting to order at 5:00 pm.

**Members:** Lewis Penland, Mike Gruberman, Ronnie Beale, Mark West, Alan Marsh, Karl Gillespie, Larry Stenger, Evelyn Owens, Bobby Kppers, Al Slagle, Susan Ervin, Lamar Sprinkle

**Macon County Staff:** Derek Roland, Jack Morgan, Matt Mason, Charles Womack

**Media:** Franklin Press, Macon News

**Approval of Minutes:** Evelyn Owens made motion to approve minutes. Susan Ervin seconded this motion. All were in favor

**Public Comment:** No public comment at this time

## **Liaison Reports:**

MCWC- Did not meet for month of May

Transportation Steering- (Karl Gillespie) Had one meeting where traffic counts were discussed. Another meeting is scheduled for June 22, 2010.

**Comprehensive Plan-** (Derek Roland)- Has began writing the comprehensive plan. Some committees have finished with their recommendations, while others are in the process and finishing up.

**Land Use Environment-** (Al Slagle)- Committee working well, last meeting was spent discussing agriculture, and how it could be promoted in areas where it has been prevalent over the years.

**Economic Development/Public Services-** Committee has met with Franklin Police Chief, Sheriff, Public Works Director, EMS Director.

**Education/Recreation-** (Larry Stenger)- Committee has wrapped up and a rough draft of recommendations is now being corrected.

Childcare/Healthcare/Senior Citizens- Chairman Tim Hubbs is polishing up final recommendations. Committee has finished.

Transportation/Housing- Committee has finished transportation recommendations, currently working on housing.

**Public Education Process:** Matt Mason provided the audience in attendance with photos of well known, recognizable slopes within Macon County. The percentage slope of each photographed area was attached to each of the photos, in order to give citizens a better understanding of what slopes the proposed ordinance will regulate.

## **New Business:**

**Technical Review Committee-** Scaly Mountain Slopes (Scott Cole). Scaly Mountain Slopes is an RV. Park Subdivision containing 18 lots, including 1 for future development, one small parcel that is used as an RV turnaround, lot for a well and a proposed 1.88 acres drain field for all lots. The Planning Board upon findings of fact, approved the subdivision under the following conditions:

1. \$180 review fee (18 lots @ \$10 per lot) (159.52)
2. Septic permits for remaining lots or surety bond guaranteeing the septic permits (159.53 1A-B)
3. Master Plan showing the entire proposed subdivision and phases of development (159.55).
4. Homeowners association must be established (159.61)
5. Information as required under 159.56 placed on plat.

Lamar Sprinkle made a motion that the subdivision be approved under the following conditions. Once these conditions are met, Derek Roland has the authority to approve the final plat for the subdivision. Karl Gillespie seconded this motion, the motion carried unanimously.

Penland asked the planning board if they would like to consider having young people either attend or sit on the board. These people are the ones who “will clean up our mess one day”. Penland felt these young people need to be informed and aware of what is going on in our county. Penland felt we need to create a position on the board for this member. Kuppers felt this was a great idea and needed to be considered. One hurdle will be keeping this younger person interested in what we are doing. SCC, Macon Middle, FHS, and WCU are all pools from which we can draw. Penland suggested this item be placed on the Agenda for further discussion at the next meeting.

**Unfinished Business:** Slagle informed the board that the Safe Slope Development Committee met May 19, 2010. At this meeting, a presentation was given by a geo-technical engineer. This presentation revolved around suggestions the engineer had made to the slope committees recommendations. Next meeting of the Safe Slope Development

Committee will be spent reviewing these suggestions. Jack Morgan has started putting together the language for an ordinance. At this time no action has been taken on this committee.

Penland informed the audience that according to the Board of Realtors it is now a “material fact” if a property lies in a slope hazard area. This “material fact” must be disclosed to all prospective buyers. Penland then reminded the committee that this is a requirement not from local government, but the state of North Carolina. Aside from that Penland went on to say that there are two proposed ordinances currently in the House of Representatives regarding Slope Development. Kuppers feels that if we do not have an ordinance in place, in 3 or 4 years from now, one will be handed down to us from Raleigh. Kuppers makes these assumptions based on information required from his recent visit to Raleigh.

Matt Mason informed the audience that at the recent house fire in Macon County, the road leading to the house was so steep that fire trucks were prohibited from dispensing full tanks of water onto the fire. This was due to the angle that the trucks were sitting on the driveway.

Penland informed the audience that the planning board is adamant about involving the public throughout this ordinance writing process and their input is valuable. Prior to the public session Penland reminded the board that they were here to listen, not debate. Penland then opened the floor for public session.

### **Public Session:**

Bill Vernon- Vernon suggested that the Planning Board should wait on action from Raleigh, before they began developing an ordinance. Vernon wanted someone to “show him the problem.” Vernon felt the Planning Board is opening a can of worms that does not need to be opened in this depressed economy.

Bruce Thorn- Thorn felt that examples such as the recent burning of the George Brown residence should not be used as a basis for an argument to create a Safe Slope Ordinance.

Jimmy Goodman- Goodman echoed Vernon’s suggestion for the Planning Board to wait on Raleigh, before taking action on a Safe Slope Ordinance.

Paul Higdon – Requested that the science the Safe Slope Ordinance to be provided for review.

Fred Crane- Crane felt that examples such as the George Brown house fire should not be used as the basis for an argument to create a Safe Slope Ordinance.

Loretta Newton- Requested that the planning board listen to the citizens because this ordinance will affect the lives and pocket books of many citizens. Newton also expressed

her concern for the lack of economic development in Macon County. She asked why that Macon County could not keep up with areas such as Newberry, South Carolina. Ronnie Beale informed Mrs. Newton that Macon County can not be compared to Newberry, South Carolina because South Carolina has the option of abating taxes. While tax abatement would help rural areas it would hurt urban areas. Kppers felt this would only get worse because projections from the 2010 census indicate that North Carolina is becoming a “Metropolitan State.”

Ronnie Haven- Haven felt the people of Macon County are not getting a fair shake from the Safe Slope Development Ordinance. Haven felt at this time we should focus on the economy and how we can bring tourism to Macon County.

Gary Scott- Commented that development in South Carolina such as the BMW plant developed with no regard for the environment or personal property rights. Scott however did feel we need to do something to put people to work in this area.

Tom Riles- Felt that fees should not be raised during a recession. Riles also felt that these regulations are discriminatory against local people who cannot afford to pay these added regulations. Penland answered Riles by saying that the cost of geotechnical engineering is less than 1% of the total project cost. Vernon disagreed saying he had consulted local engineers who felt that 1% was not representative of the cost of a geotechnical engineer.

Joe Hastings- The people need to be educated on this process. The planning board should think “strategy” as they move forward with the ordinance.

Alisha Teague- We need to find regulation in this industry without shutting it down completely. Teague wants for the planning board to meet the people in the middle and use as much common sense as possible when developing this ordinance. Penland responded saying unfortunately ordinances are created for the minority that does not do a quality.

Jimmy Goodman- Roads are already regulated in the Sedimentation and Erosion Control, and Subdivision Ordinance. Goodman suggested that roads be left out of the safe slope ordinance.

June Tasillo- Properties and homes already on the market will be significantly affected by this ordinance. They are stuck with it, and unable to acquire insurance.

Evelyn Owens- Realtors need to be educated as to what they need to say to a prospective purchaser who plans on buying property in a down slope hazard area. There are currently cases in court regarding this disclosure issue. Higdon felt this is a major issue. Higdon encouraged the Planning Board to consider the economic impacts of ordinances like this will have on the people.

Fred Crane- Virtually everyone is economically affected by this ordinance. Crane encouraged the board to “look at what they were doing before they pass something we do not need.”

Loretta Newton- Asked who pushed to get the Slope Development Maps in Macon County? Kppers suggested Newton contact DENR.

Bill Vernon- We would be better off to leave it be with the disclosure required on the Real Estate Disclosure forms. “We would be better off to stop stirring the pot.”

Chuck Seagle- Developers need to be controlled through regulations, as they are coming here to make a profit from our county. Individuals on the other hand, should merely be informed regarding the slope ordinance.

Lewis Penland- “Your property rights stop where mine begin”

Jimmy Goodman- Asked if the meeting time for the monthly planning board meeting could be changed from 5:00? Penland answered saying this had been voted on previously by the planning board and 5:00 was selected unanimously. Penland will discuss this again at the next meeting.

Mike Southerland- Asked how people are to remain informed about the Planning Board meetings? Roland informed Southerland of the Macon County Website which now has a separate site devoted to Safe Slope Development. Roland also extended Southerland a personal invitation to come by the Planning Department and meet with him.

Jimmy Goodman- The more people who get involved in this the better the product will be.

**Next Meeting Date:** June 17, 2010 @ Cowee Community

**Meeting Adjourned:** Allan Marsh made motion to adjourn, Susan Ervin Seconded Motion. Meeting was adjourned at 6:59 pm by Chairman Lewis Penland.