

Macon County Planning Board Minutes

December 16, 2010

Call to Order: Chairman Lewis Penland called the meeting to order at 5:05 pm in the fellowship hall of the Holly Springs Baptist Church.

Members: Lewis Penland, Mike Grubermann, Alan Marsh, Karl Gillespie, Jimmy Tate, Larry Stenger, Jimmy Goodman, Bobby Koppers

Staff: Derek Roland, Matt Mason, Jack Morgan, Charles Womack, Jimmy Teem

Media: Franklin Press

Approval of Minutes: Roland informed the board that motions made in the December 7th comprehensive plan meeting should be made again at this meeting, making them official. With no further discussion on the minutes Larry Stenger made motion to approve the November 18th and December 7th barring the corrections highlighted by Roland, Alan Marsh seconded the motion. The motion carried unanimously.

Liaison Reports:

MCWC- Did not meet for the month of December. Revisions to the Sedimentation and Erosion Control ordinance are still pending review of the county attorney.

Transportation Steering Committee- Mike Grubermann commented that this committee was making progress and was continually discussing recommendations contained in the proposed plan. These recommendations will be presented at a public hearing in the future.

Comprehensive Plan Review- Derek Roland reported to the board that the review process for the Comprehensive Plan was continuing to make progress. The board will continue meeting once a month to review the document. Currently the board has made it through page 91 of the document. At the next meeting Roland will try to get Ryan Sherby of the Southwestern Commission to address specific recommendations made by the Land Use and Environment Committee.

Educational Segment- he purpose of this presentation was to give the audience in attendance the history of how the discussion concerning slope development in Macon County began, what has been accomplished until now and where the board plans to head in the future. Roland re-assured the audience that the Macon County Planning Board had

not yet began to write an ordinance and was still in the fact gathering stage. He reminded everyone that we must work together and find out what is best for the citizens of Macon County.

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. Mason then went on to show the board drawings that illustrated the cut slopes and amounts of backfill present for homes placed on 25%, 33% and 40% slopes

New Business:

Discussion of Windsong Subdivision

Mr. Terry Dalton gave an explanation of his subdivision, known as “Windsong” development. Prior to enactment of the subdivision ordinance, a Declaration of Covenants, Conditions and Restrictions was recorded, The Land Disturbance permit for the roads was approved, and extensive work, extending a water line to the subdivision was accomplished. After presenting this information, Mr. Dalton contended that his subdivision was established prior to the ordinance. Mr. Dalton then admitted that he had failed to record a plat of his subdivision prior to the ordinance going into effect. Dalton then requested for the planning board to help him find a way to close a lot that was pending sale, in the subdivision of “Windsong”, for which no plat has been previously recorded. Dalton felt however, that he had brought forth more than enough evidence to prove his subdivision had been established prior to the subdivision ordinance.

Roland referred the board to a packet he had put together, illustrating how the subdivision ordinance applied specifically to the “Windsong” Development. Dalton then presented a copy of a preliminary plan to the board for which he provided an in-depth explanation.

Roland commented that Mr. Dalton had far exceeded the subdivision ordinance requirements; however the subdivision ordinance does not contain provisions for vesting a subdivision based on work completed. Roland then explained the phased development option to Mr. Dalton as per 159.55 of the Macon County Subdivision Ordinance. Under the current subdivision ordinance the phased development option was the fastest way for Mr. Dalton to be able to record the lot pending sale according to Roland.

Roland then went over the process Mr. Dalton would have to go through prior to approval, including the review fees for the preliminary and final plats. Mr. Dalton requested that after the first of the year the board consider revising this portion of the ordinance. Mrs. Dalton felt that the rules had changed after their subdivision was underway. Stenger and other board members questioned the intent of the ordinance, and recalled discussing incorporating “vesting” language into the ordinance. Stenger then questioned the effective date of the ordinance, and whether or not the board was violating

the intent by denying “vested rights” to Mr. Dalton. Chairman Penland reminded the board that they were bound by the language in the ordinance and must follow the regulations within.

Jack Morgan stated, according to former legal council, that the 90 day period from the time the ordinance was adopted until it became effective was for subdivisions that had began to record prior to the ordinance taking effect. Thus relieving them from the ordinance.

Roland then informed the board that after speaking with the County Legal Council that he was under the opinion certain things in the subdivision could be vested (i.e. water, roads constructed prior to the ordinance, etc.) but he did not think that it applied to the subdivision as a whole. The board agreed that further legal advice would be needed prior to making a decision.

Mr. Dalton and the board came to an agreement that further legal advice on this topic would be needed prior to Mr. Dalton investing the time and money that would be required in order to bring the plat into compliance. Mike Grubermann made motion that a special meeting be called for Tuesday, December 21, 2010 for specific information from the county attorney related to the “Windsong” Subdivision. The meeting will be held at 5:00 in the Environmental Resources Building. Larry Stenger seconded the motion. Roland informed the board that he would work with Mr. Dalton to prepare the preliminary plat prior to the special meeting. Roland, Penland and Morgan will meet with the county attorney prior to the special meeting, to receive legal counsel.

Slope Development Committee deadline for recommendations

In the absence of Al Slagle, Penland reported back to the board on the progress made by the Slope Development Sub-Committee to this point. Penland summarized the last meeting and informed the board that the recommendations should be ready for presentation to the planning board in February or March.

12-07-10 Motions

Jimmy Goodman made motion that Al Slagle remain as chair of the slope development sub-committee. Mike Grubermann seconded. The motion carried unanimously.

Alan Marsh made motion that the planning board remains an 11 member board as opposed to the 13 proposed by the county commission. Karl Gillespie seconded the motion. Motion carried unanimously.

Evelyn Owens absences Excused

Roland informed the board that due to unavoidable circumstances Mrs. Owens had missed the last 4 board meetings. She has however, notified Roland each time via email. Mike Grubermann made a motion that Mr. Penland, as chair, excuse the absences of Mrs. Owens. Karl Gillespie seconded, the motion carried unanimously.

From this point forward if someone wishes to be excused they should email the Chairman or Roland, who will then forward the email to the Chairman.

Workshop

Jack Morgan will be sending an email notifying the board when the commission desires to hold a joint workshop.

Unfinished Business:

“At Large” Board Members

Roland notified the board he had sent an email onto Koppers, containing the approved letter for the new “at-large” board members. By Consensus the board requested that Roland contact Koppers to expedite the process of appointing these members.

Comprehensive Plan Meeting Date

Tuesday, January 11, 2011 at 5:00, meeting will be held at the Environmental Resources Center.

Next Meeting Date: There are 3 communities, Otto, Clarks Chapel and Cullasaja that are left on the schedule. Mr. Morgan suggested that each of these communities are visited prior to submitting the recommendations from the planning board to the commission. The next meeting will be held at the Otto Community Center on January 20, 2010. The meeting will begin at 5:00 pm.

Meeting Adjourned: Alan Marsh Made Motion to adjourn Meeting at 6:50 pm. Jimmy Tate seconded this motion.