

SPECIAL CALLED WORKSESSION
OF THE
CHEROKEE COUNTY
BOARD OF COMMISSIONERS
February 17, 2012

Preamble to Minutes read by Chairman Meltz: "Members of the County Board of Commissioners are advised, hereby, of their duty under the State Government Ethics Act to avoid conflicts of interest and the appearance of such conflict; and, further, are instructed to refrain from participating in any matter coming before this Board of County Commissioners with respect to which there is a conflict of interest or appearance of such conflict".

A Special Called Meeting of the Cherokee County Board of Commissioners was called for the purpose of holding a worksession to discuss a draft subdivision ordinance. The meeting was held in the Meeting Room on the first floor of the Courthouse Annex Building in Murphy, North Carolina on the 17th day of February, 2012 at 9:00 o'clock a.m.

The following Commissioners were present for the meeting: Lorraine M. Meltz, Chair; David Wood, Vice-Chairman; and Steve Jordan, Commissioner. Also present were the following: Randy Wiggins, County Manager; Maria Hass, Assistant County Manager/Assistant Clerk to the Board; Candy Roberts, County Finance Officer; and, R. Scott Lindsay, County Attorney/Clerk to the Board.

Present from the media was Dwight Otwell of the Cherokee Scout.

The invocation was given by Maria Hass.

The Pledge of Allegiance was led by all present.

The Chairman presided and the Clerk kept the Minutes.

The county manager opened by saying that this worksession was scheduled, following the Board's review of a draft subdivision ordinance that they had been provided at an earlier date.

Commissioner Meltz said that she needed the worksession to be more educated about the proposed ordinance. Commissioner Wood said that current subdivisions would be grandfathered in. Commissioner Jordan said that he doesn't understand why we need a subdivision ordinance if the State already mandates some of the issues. Commissioner Jordan said that he thinks the ordinance is a "bad thing", and if someone is in violation of the law, then someone should call the State and report them.

Commissioner Meltz began the worksession by reading the draft ordinance section by section.

Commissioner Wood gave an example of Nottley River Road, and the terrible shape that it was in, saying that it is one of the reasons a subdivision ordinance is needed.

Commissioner Meltz asked about road grades and what is realistic. Commissioner Wood said that he attended a recent Fire Chief's meeting, and was told by the fire chiefs that fire departments can't get emergency vehicles up roads that have a grade of greater than 18%.

Commissioner Jordan stated that Graham County does not have a subdivision, and that we don't need one. Commissioner Wood told Commissioner Jordan that Graham County and Cherokee County are the only two N.C. counties that don't have a subdivision ordinance.

The county manager asked county employees to explain the need for a subdivision ordinance. Employees in attendance were Debbie Weatherly and Trevor Lovin of the GIS department, Donna Decker and Sam Davis of the 911 Addressing office, Silas Allen, Building Code Enforcement Director and Flood Plain Administrator; and, Callie Moore of the Hiwassee Valley Watershed Coalition.

Commissioner Meltz and Commissioner Wood agreed that there are some terrible roads in the county. Commissioner Jordan said that if property owners in the subdivisions would keep the roads up, that they would be fine. Silas Allen said that one key issue is that it is hard to utilize land to its fullest extent with current situations. He told Commissioner Jordan that the property owners have problems after they have purchased. He also said that residents are at risk with emergency and fire issues. He said that these are things that the proposed ordinance is trying to address. Mr. Allen said that right now, there are no road grade standards. He said that this ordinance is a basis to work from. Mr. Allen said that he hears continually from homeowners in these subdivisions, after the developer is gone.

Commissioner Jordan said that he has built a lot of secondary roads and private roads to State specs, in the lower end of the county and in Marble, and stated that if people maintain the roads then there won't be a problem for fire and emergency vehicles. Commissioner Jordan said that he had received "a hundred calls" from people who do not want this.

Tom Bennett, member of the public, asked Commissioner Jordan if he was referring to the same property when he said that he had built roads in lower end of county and in Marble. Commissioner Jordan said "no". Then Mr. Bennett asked him what property he was referring to at the lower end of the county. Commissioner Jordan said "Outlook Ridge, the seed orchard, Summit Ridge".

Callie Moore talked about water runoff issues and roads getting washed out. She spoke about sedimentation and water quality; and asked if the Board is concerned enough about the environmental and economic issues to put some guidelines in place. Mrs. Moore said that it is about more than just safety and personal choice. She said that most ordinances from other counties were in effect before the boom, and did not affect prosperity and development. She said that this is a good basic document to work from, and that it needs to address Cherokee County's specific needs.

Jerry Dickey, member of the public, talked about property he had developed in Polk County, Tennessee and how difficult it was to develop under their guidelines. He said that there are already enough rules and regulations.

Commissioner Meltz read a letter from Mountain Lakes Board of Realtors, and Kathy Vetten spoke on behalf of the Board of Realtors. Mrs. Vetten said that the ordinance is a good thing, but asked the Board to take all comments and concerns into consideration before adopting. She said that the idea for a "one stop" document is good, and would be useful for developers. Mrs. Vetten suggested appointing a planning board to oversee the development of a subdivision ordinance.

Commissioner Meltz said that the document is a good starting point.

Gary James, member of the public, talked about property behind Kentucky Fried Chicken in Murphy, and what terrible shape that the developer had left it in, because there were no subdivision regulations.

C.B. McKinnon, member of the public, told the Board that they needed to be very careful when considering these issues. He said that we don't want to discourage people from coming here. Mr. McKinnon said that there are unanswered questions in the document, and asked the Board to take time to consider before adopting. He said that concerning fire trucks, that departments should be purchasing trucks with lower gears to enable them to get up the bad roads. Mr. McKinnon told the Board, that they as county commissioners don't have to take upon themselves the responsibility for every citizen. Commissioner Meltz replied, "Yes we do".

Silas Allen commented that when building codes were put into effect in 1985 that there was opposition to it also, but afterward folks saw the need and benefit. C.B. McKinnon said that building codes are a good thing, but asked the Board to look at all issues in the draft ordinance.

Commissioner Meltz said that the document is a good starting point.

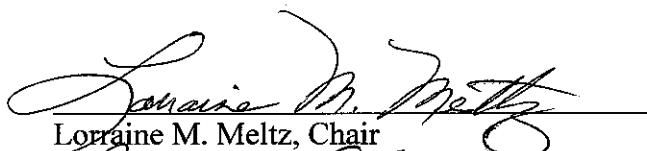
Tom Bennett, member of the public, asked Commissioner Jordan if he would provide a copy of his phone bills, showing the number of calls that he received opposing a the proposed ordinance. Mr. Bennett said it would be important to attach the phone bills to these Minutes. Commissioner

Jordan said that he would.

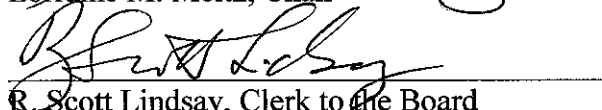
Discussion ended at section 13 of page 16 of the ordinance; due to Commissioner Jordan's opposition of the proposed subdivision ordinance and Commissioner Wood changing his mind about the proposed ordinance. Commissioner Wood stated that most of it is [law anyway]. A motion was made by Commissioner Wood to table the draft ordinance for an indefinite time. Motion seconded by Commissioner Jordan.

There being no further business to come before the Board, a Motion was made by Commissioner Jordan to adjourn. Motion was seconded by Commissioner Wood.

Meeting adjourned 11:36 o'clock a.m.

A handwritten signature in cursive script, reading "Lorraine M. Meltz", written over a horizontal line.

Lorraine M. Meltz, Chair

A handwritten signature in cursive script, reading "R. Scott Lindsay", written over a horizontal line.

R. Scott Lindsay, Clerk to the Board