

MACON COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING
WATERSHED ORDINANCE AMENDMENTS
AUGUST 5, 2002 - 9:30 A.M.

Chairman Corbin convened the public hearing on the proposed amendments to the Macon County Watershed Protection Ordinance at 9:30 a.m. in Courtroom B as posted. All Board Members, the County Manager, County Attorney, Deputy Clerk, members of the news media, several interested citizens and various county staff members were present. The Chairman welcomed everyone and stated the hearing would be conducted in an orderly manner. The following persons registered to speak:

Ralph Hann called for smart growth quoting an article from The Tribune Papers written by Clint Parker of the Asheville Tribune which dealt with private property rights and inspections of homes by the government.

Upon completion of Mr. Hann's presentation Chairman Corbin apologized for failing to do so and asked the County Attorney to read the proposed amendments in their entirety per attachment #1.

Sue Waldroop stated she wished to reiterate her comments made at the previous hearing and noted any law that limits rights pertaining to property can be called "backdoor zoning", as these amendments are, but urged adoption for the good of the county.

Norm Roberts stated he had called the previous hearing proceedings out of order and commended the board for re-establishing order by holding a second hearing.

Bob Wright stated he wished to remind the Board of the overwhelming public support of these amendments from the previous hearing, that most of the language is already in place and this does not limit property rights except as pertains to water quality.

Jimmy Goodman stated he was not speaking for or against the amendments but was speaking against the time of the public hearing, Mr. Goodman commended Commissioner Leatherman for his comments about the time of the hearing and requested that the Board hold meetings when the majority of the public can attend.

Mary Alice McLaughlin stated she was again representing the League of Women Voters, was going to repeat exactly what she said at the previous hearing and that the League is a strong advocate of federal and state clean water initiatives, is glad the issue is being addressed locally and advocates adoption of the amendments.

Carla Norwood from the Little Tennessee Watershed Association stated the Association strongly supports adoption of the amendments and there have been over three hundred studies done on impervious surfaces, etc. and the Board has science as well as public support to back up adoption.

Larry Stenger quoted statistics on how much privately owned land in the County could be built on under the terms of the amendments stating "if you affect land owned outside the boundary of property you own then it becomes a community problem" and added that these amendments are not taking away rights but protecting community rights and that is why the Board is elected...to take care of the community.

Bill Crawford stated he was a member of the WNC Alliance and felt he spoke for a lot more people. Mr. Crawford questioned if Macon County will be a better place in the future because of the adoption of these amendments and he felt the answer was a definite yes. He asked members to be commissioners with foresight.

Kay Coriell stated she fully supported adoption of the amendments adding that it is important to pass laws but it is also important to continually look at the laws to insure they are doing what is necessary to protect the environment.

John Parrish stated he was born and raised on Rose Creek when out houses were over the streams and rivers, slaughter houses dumped straight into the river, etc., that he ate fish from the streams and swam in the river and he didn't die from it. Mr. Parrish stated the river is cleaner now than it was then and he sees no problems with issuing a permit as requested for an "RV" park adding if that request is denied then the town's should be denied permits too. Mr. Parrish noted he feels the Board is out of touch with people and does not understand their job instructions.

George Rehm had registered to speak but was not present.

Laurel Radley stated she did not live here although she owns property in Cartoogechaye and was in town for the Siler reunion so was able to attend the hearing. Ms. Radley added that she felt her Uncle Rufus Morgan would be in favor of these amendments and urged adoption.

Chris Brower stated he was a business owner and agreed with the time issue concerning the hearing; however, he felt the issue was important enough to take the time off to attend. Mr. Brower stated he moved here because of the beauty, rivers, environment, etc. and lives on the Cullasaja River. He added even with good controls the homeowners down stream still suffer from abuse of the river and urged adoption of these amendments and any other action to protect the rivers.

Hiram Tallent stated he was the oldest person in the room and he has survived without regulations. Mr. Tallent stated there are hundreds of leaking septic tanks and "straight pipes" going into the streams and rivers. Mr. Tallent questioned why these amendments include below Lake Emory and not above. He stated he had fought for freedom and the more restrictions, the less freedom we have adding that we need to take care of what we've got before adding any more restrictions.

Mathel Shindleman from the League of Women Voters stated she wished to confirm continued support of actions to protect the environment and support of legislation to achieve these goals.

Nancy Scott stated the mountains, streams, environment, etc. are why we all love this area and added clean water is important to everyone but cannot happen without restrictions.

Alex Ledford stated he was a lifelong resident of Macon County and had been raised to take care of the land, water, etc. without regulations. Mr. Ledford questioned how the water below Lake Emory is purer than above, where the next water treatment plant(s) will go and where is waste from campers along the river in Needmore going? Mr. Ledford urged voting against the ordinance or at least removing the tributaries and let the health department, state and federal agencies take care of problems.

Margaret Pelton stated she and her family support the proposed amendments and presented a letter to officials requesting denial of the Tennessee River RV Park permit to discharge into the river. Ms. Pelton advocated developing recreational access and/or areas along the river and restricting farm animals from accessing the river.

Susan Ervin expressed appreciation to the Board and Watershed Council for considering these amendments and stated she was in favor of the amendments before they were changed. Ms. Ervin stated the amendments as presented are a good faith compromise from the Watershed Council and that there were a lot of people who wanted more and she wanted the Board to be aware of that. Ms. Ervin added that she felt passing the amendments would be a great legacy.

Dick Heywood stated he was in favor of the amendments and felt they could be a powerful tool to help shape Macon County in the coming years at a minimal cost.

Harold Strader stated he was a retired minister but was not "bible toting", that most decisions are life-death decisions and he felt a favorable decision to amend the ordinance is in keeping with choosing life. Rev. Strader added that sometimes we have to be regulated and saved from ourselves citing a personal example with our local building inspections regulations.

Bill McLarney stated he favored the amendments in the previous form but supports the current form. Mr. McLarney, an aquatic biologist, responded to comments made about the quality of the river above and below Lake Emory stating the fish population below the dam is greater, that the lake serves as an auto-purifier and below the lake the water is swifter, less populated, etc. Mr. McLarney stated Macon County is a rapidly growing county and needs to look at things differently.

Sally Kessler stated she is in favor of anything anybody can do to protect the water.

Doris Munday stated she cares about the environment for her children, grandchildren and great grandchildren adding that is important to protect the environment for them.

Claudette Dillard stated she supported the amendments and trusts the Board in their judgement in what is best for the health of the community.

John Sill stated he could speak forever on the rich heritage of the Little Tennessee River, that the Commissioners are given the rights to protect the resources of the county and favored adoption of the amendments.

Marty Kimsey displayed a graph showing the percentage of property that could be developed if the amendments are adopted, requested the Board to look at the watershed below Lake Emory and the built upon areas adding that several owners of large tracts of land would not be able to develop them if they want to adding that is unfair for taxpayers to have to bear cost of something that never happen. Mr. Kimsey stated development and growth in this area have provided good jobs to lots of folks and improved the quality of life and these amendments are not about quality of water but about stopping people from coming to Macon County. Mr. Kimsey asked that these amendments be sent back to the drawing board and to wait until after the November election noting at least one new board member will be seated.

Stacy Guffey stated his motivation for urging adoption of these amendments is his seven year old son who he wants to be able to fish, swim, play, etc. in the river like he has all his life. Mr. Guffey stated he was also speaking for his Grandfather Gibson on behalf of the Gibson family whose only option to protect the river is to ask the Board to adopt these amendments.

There were no further comments and the hearing was adjourned.

Sam K. Greenwood, County Manager
Ex Officio Clerk to the Board

Harold P. Corbin
Board Chairman

Minutes
Public Hearing
08/05/02
Page #1