

The Madison County Board of Commissioners met in special session on Tuesday, May 31, 2022 at 4:00 p.m. at the North Carolina Cooperative Extension-Madison County Center located at 258 Carolina Lane, Marshall, North Carolina.

In attendance were Commissioner Mark Snelson, Commissioner Craig Goforth, Commissioner and Interim County Manager Norris Gentry, Commissioner Matt Wechtel, Commissioner Michael Garrison, County Attorney Donny Laws, and Clerk Mandy Bradley.

The meeting was called to order at 4:00 p.m. by Chairman Snelson.

**Item 1: Legal Advice Regarding County Ordinances and Assembly Moratorium Discussion**

Attorney John Noor with Roberts & Stevens, P.A. presented the draft of a proposed Ordinance in consideration of a limited moratorium on commercial assembly related development in the county to the board and answered questions from board members. The process to enact the moratorium was discussed including; what the moratorium applies to, types of facilities impacted, length of the moratorium, and further steps to be taken in consideration of the County's Land Use Ordinance after adoption with Attorney Noor noting that it is a tool to regulate the unanticipated and a time to address any issues. He also noted that a public hearing would be needed if consideration of the Ordinance were to be given in the future.

Attorney Noor noted that the proposed Ordinance would not interfere with existing businesses currently in operation, but that it would limit this type of assembly related new businesses or existing businesses from changing their operations while the moratorium was enacted until a review amending necessary provisions in the Zoning Ordinance could be facilitated. He also discussed the function of zoning in relation to what is allowable without a permit at any certain location. Discussion was had by the Board, Attorney Noor, and County Attorney Donny Laws regarding commercial assembly venues currently in operation in the County and remedies that could be enacted as well as who would be responsible for enforcement and potential provisions of special use permits in the future.

Discussion regarding a future date for the public hearing was had by the Board and Attorneys Noor and Laws with Attorney Laws noting that if the Board so chose, a motion to notice a hearing on the proposed ordinance to adopt a limited moratorium and authorize the Clerk to notice the public hearing for special meeting on June 21, 2022 at 6:00 p.m. could be entertained. Upon motion by Commissioner Gentry and second by Commissioner Garrison, the Board voted unanimously to approve. (Attachment 1.1)

**Item 2: Budget Amendment #11b**

Budget Amendment #11b was presented and discussed with the Board by Commissioner Gentry.

Upon motion by Commissioner Gentry and second by Vice-Chairman Goforth, the Board voted unanimously to approve Budget Amendment #11b. (Attachment 2.1)

**Item 3: Courthouse Committee Renovation Recommendations**

**a. Consideration of Resolution to Retain Architectural Services**

Commissioner Gentry discussed the recommendation on behalf of the Courthouse Committee to proceed with architectural firm employment to begin work for recommendations in consideration of Courthouse renovations as well as and presented the Resolution to Retain Architectural Services for the project. Commissioner Garrison discussed that expertise is needed from architects for the renovation and noted that additional space may be needed during renovations for the court system.

Upon motion by Commissioner Garrison and second by Commissioner Gentry, the Board voted unanimously to adopt the Resolution of the Madison County Board of Commissioners to Exempt the Madison County Courthouse Building Renovation Construction from North Carolina General Statute 143-64.31. Attachment 3.1)

**b. Grant Project Ordinance for State Capital Infrastructure Fund, S.L. 2021-180 Courthouse Grant**

Attorney Laws discussed the Grant Project Ordinance stating that it allows the Finance Office to allocate the \$3,800,000.00 grant while allowing spending to be adjusted at any time with funds placed into a separate budget.

Discussion was had by the Board and Attorney Laws regarding the item specific funding allocations contained in the Ordinance as well as future bidding and RFQ processes for the renovation.

Upon motion by Commissioner Garrison and second by Commissioner Gentry, the Board voted unanimously to adopt the Grant Project Ordinance for the County of Madison, NC for the State Capital Infrastructure Fund Directed Grant provided by North Carolina Office of State Budget and Management. (Attachment 3.2)

Discussion was had by the Board regarding future meeting dates.

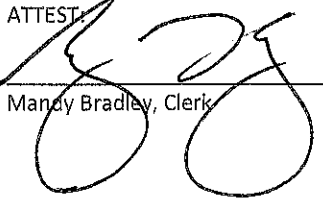
**Item 4: Adjournment**

Upon motion by Commissioner Gentry and second by Chairman Snelson, the Board voted unanimously to adjourn at 5:41 p.m.

This the 31<sup>st</sup> day of May 2022.

MADISON COUNTY

  
Mark Snelson, Chairman  
Board of Commissioners

ATTEST:  
  
Mandy Bradley, Clerk

**AN ORDINANCE OF THE COUNTY OF MADISON ADOPTING A LIMITED MORATORIUM ON COMMERCIAL ASSEMBLY RELATED DEVELOPMENT**

THAT WHEREAS, the County of Madison, North Carolina (the "County") is experiencing significant real estate development and population growth within its boundaries; and

WHEREAS, the County is in the process of completing revisions to its Comprehensive Plan, which will provide recommendations to manage future growth in the County; and

WHEREAS, the Comprehensive Plan is currently pending review before the County's Planning Board which will consider the proposed changes at their May 31, 2022, meeting and that the County anticipates that the Comprehensive Plan will be presented to the County Commissioners for consideration within approximately sixty (60) days after the Planning Board's review; and

WHEREAS, as part of the process for amending the Comprehensive Plan County staff hosted a number of community listening sessions regarding the direction the County should take with development in the future and one of the areas that was repeatedly mentioned by community members during these meetings was the impact of assembly halls, wedding venues, vacation rentals, and other outdoor recreational facilities on surrounding properties; and

WHEREAS, these impacts include excessive noise and light pollution as well as increased traffic from events held at these types of facilities; and

WHEREAS, the County has received a number of complaints about excessive noise and light pollution generated by existing facilities, which has resulted in the issuance of noise ordinance violations and investigations by the Madison County Sheriff; and

WHEREAS, the existing zoning and development regulations within the County are not compatible and incongruous with the impacts articulated in the listening sessions, the complaints made regarding existing uses, the existing Comprehensive Plan, and the likely vision and character provisions of the new Comprehensive Plan; and

WHEREAS, the County anticipates making amendments to its land use regulations to implement the recommendations of the Comprehensive Plan; and

WHEREAS, allowing certain real estate development activity to occur prior to adoption of the Comprehensive Plan and the likely amendments to the County's land use regulations is an inadequate alternative to a moratorium because it may result in development and land uses that are incompatible and incongruous with the current and proposed Comprehensive Plan's goals, standards, and guidelines; and

WHEREAS, proactively rezoning or removing problematic uses without a comprehensive analysis of where those uses should be located within the County is an inadequate alternative to a moratorium because it could also result in development and land uses

that are incompatible and incongruous with the existing and proposed Comprehensive Plan's goals, standards, and guidelines; and

WHEREAS, the County will need time to evaluate the best location and conditions for land uses that result in increased light and noise;

WHEREAS, the County should be able to adopt a new Comprehensive Plan and amended land use regulations to address the existing issues surrounding the problematic uses by December 2022; and

WHEREAS, the goals, standards, and guidelines in the County's current and proposed Comprehensive Plan would be best achieved if development within the areas identified in this Ordinance is temporarily halted during the period when the Comprehensive Plan is finalized and amendments to the land use ordinances are considered; and

WHEREAS, a temporary moratorium would provide County staff with the time needed to determine the appropriate zoning necessary to address the current adverse impacts caused by the above-listed uses and develop consistency between the proposed Comprehensive Plan and existing land use regulations; and

WHEREAS, the purpose of this Ordinance is to preserve the status quo of existing land uses and development patterns, as well as promote the health, safety, morals, and general welfare of the citizens of the County by providing time for staff to develop policy options to mitigate and abate the noise and light pollution that can be generated by the above-listed uses; and

WHEREAS, this Ordinance will also provide the County with the time needed to lessen congestion from the above-listed uses, address noise and light nuisances, ensure that regulations provide for adequate light and are, prevent overcrowding of land, avoid the undue concentration of persons attending events, and ensure for the orderly growth, expansion, and development of the County; and

WHEREAS, County staff will finalize the proposed amendment to the Comprehensive Plan, develop proposed amendments to the County's land use regulations to address existing and new uses that do or may cause excessive noise or light pollution, and present those plans to the relevant bodies for consideration and approval prior to the expiration of the moratorium established in this Ordinance. These actions will be taken to address the problems and conditions leading to the imposition of the moratorium.

NOW, Therefore be ordained and established, by the Commissioners of the County of Madison, North Carolina that:

1. Area – This Ordinance shall be applicable to all property within the County of Madison.
2. Duration – This Ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect for an initial period of six (6) months from the

date of adoption, which is the estimated time necessary for the County to complete and adopt its new Comprehensive Plan and amendments to its land uses ordinances to address the existing adverse impacts of the above-listed uses and the proposals contained in the Comprehensive Plan. The County Commissioners may renew this moratorium or extend its duration, as necessary, consistent with the requirements of N.C. Gen. Stat. § 160D-107(e). The County Commissioners may also terminate this moratorium earlier than indicated in this Ordinance by action of the County Commission.

3. Moratorium – From and after the effective date of this Ordinance and continuing through its duration, no Development shall occur in the County's: Agricultural-Open Space (AO), Residential-Agricultural (RA), Residential (R-1), Residential-Resort (R-2), Neighborhood Commercial (N-C), Commercial Mixed Use (CMU), or Commercial (CD) districts, unless the Development is that conducted by a public utility or public agency and it can be demonstratively shown to the County Commissioners that the health, safety, welfare of the public requires that the moratorium be waived with regard to that specific development project. This moratorium prohibits the approval, denial, or consideration of all development approvals related to any Development within the above-listed districts.

4. Definitions – As used in this Ordinance, the terms listed below shall have the following meaning:

a. DEVELOPMENT: Unless the context clearly indicates otherwise, the term means the following:

i. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, demolition of any structure, excavation, grading, filling, clearing, alteration of land, subdivision of land as defined in N.C. Gen. Stat. § 160D-802, or initiation or substantial change in the use of land or the intensity of use of land related to any of the following uses (as defined in the County's Land Use Ordinance):

1. Assembly Hall;
2. Campgrounds (family);
3. Club (non-profit);
4. Community Centers;
5. Residential Vacation Rentals in excess of three (3);
6. Campground (group);
7. Recreational Facility;
8. Lodge;
9. Hotel;
10. Motel;
11. Theaters (outdoor); and
12. Racetrack.

5. Enforcement – If any person, firm, corporation, organization or association shall violate or attempt to violate any terms of this ordinance the County may enforce its terms by any means available to it by law, including those provided in N.C. Gen. Stat. § 160D-404.

6. Exclusions – In accordance with N.C. Gen. Stat. § 160D-107(c), absent an imminent threat to public health or safety, the Development moratorium adopted pursuant to this Ordinance shall not apply to:

- a. Any project for which a special use permit supplication has been accepted as complete;
- b. To development set forth in a site-specific vesting plan approved pursuant to G.S. 160D-108.1;
- c. To development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval;
- d. To sketch plans or preliminary or final subdivision plats that have been accepted for review by the County prior to the call for a hearing to adopt the moratorium;
- e. Existing residential uses regulated by current North Carolina Residential Building Codes;
- f. Alterations and repairs to existing buildings regulated by the North Carolina State Building Codes; and
- g. Site improvements required to comply with the American with Disabilities Act.

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of N.C. Gen. Stat. § 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application is submitted and when the decision is made.

THIS ORDINANCE passed and adopted this the \_\_\_\_ day of June, 2022.

COUNTY OF MADISON COUNTY  
COMMISSIONERS

(COUNTY SEAL)

\_\_\_\_\_  
Chair, County Commissioners

Attest:

\_\_\_\_\_  
Clerk, County Commissioners

\_\_\_\_\_  
County Attorney

**Madison County  
Board of Commissioners**

**Attachment 2.1**

**Budget Amendment #11b  
May 31, 2022**

<b>Description</b>	<b>Line Item</b>	<b>Debit</b>	<b>Credit</b>
<b>Tax Administration</b>			
2022 Ad Valorem Tax	10.3100.2022		\$ 3,000.00
2020 Ad Valorem Tax	10.3100.2020		\$ 2,456.04
2019 Ad Valorem Tax	10.3100.2019		\$ 6,000.00
2018 Ad Valorem Tax	10.3100.2018		\$ 5,000.00
2014 Ad Valorem Tax	10.3100.2014		\$ 2,000.00
2013 Ad Valorem Tax	10.3100.2013		\$ 3,640.00
2012 Ad Valorem Tax	10.3100.2012		\$ 2,900.00
Vehicle Maintenance	10.4141.3530	\$ 574.00	
Adjust to actual tax revenue.			
<b>Dept of Social Services</b>			
LIEAP	10.5481.6795	\$ 79,953.40	
DSS Administration	10.3531.3300		\$ 79,953.40
Adjust to actual			
<b>Arpa Funds</b>			
Interest	39.3831.4910		\$ 633.65
Adjust to actual			
<b>DSS SSA/SSI Trustee Account</b>			
Human Services Expense	11.5110.1500	\$ 197,482.19	
Restricted Govt Revenue	11.3836.1100		\$ 197,482.19
<b>Inmate Funds</b>			
Inmate Deposits	13.3836.1100		\$ 141,110.00
Inmate Expense	13.4310.1100	\$ 141,110.00	
<b>Vehicle Tax</b>			
Town of Marshall	12.3100.5000		\$ 29,160.00
Town of Mars Hill	12.3100.5100		\$ 53,875.00
Town of Hot Springs	12.3100.5200		\$ 42,280.00
Town of Hot Springs	12.4342.0150	\$ 42,280.00	
Town of Marshall	12.4342.0155	\$ 29,160.00	
Town of Mars Hill	12.4342.0160	\$ 53,875.00	
<b>Fire Tax</b>			
Smokey Mountain Fire Dept	15.3187.0150		\$ 5,000.00
Mars Hill Fire Dept	15.3187.0155		\$ 53,000.00

Ebbs Chapel Fire Dept	15.3187.0160		\$	13,000.00
Jupiter Fire Dept	15.3187.0165		\$	1,000.00
Leicester Fire Dept	15.3187.0170		\$	1,000.00
Big Pine Fire Dept	15.3187.0175		\$	2,000.00
Country Fire Dept	15.3187.0180		\$	3,000.00
Laurel Fire Dept	15.3187.0185		\$	3,500.00
Walnut Fire Dept	15.3187.0190		\$	10,000.00
Spring Creek Fire Dept	15.3187.0195		\$	6,000.00
Smokey Mountain Fire Dept	15.4341.0150	\$	5,000.00	
Mars Hill Fire Dept	15.4341.0154	\$	53,000.00	
Ebbs Chapel Fire Dept	15.4341.0160	\$	13,000.00	
Jupiter Fire Dept	15.4341.0165	\$	1,000.00	
Leicester Fire Dept	15.4341.0170	\$	1,000.00	
Big Pine Fire Dept	15.4341.0175	\$	2,000.00	
Country Fire Dept	15.4341.0180	\$	3,000.00	
Laurel Fire Dept	15.4341.0185	\$	3,500.00	
Walnut Fire Dept	15.4341.0190	\$	10,000.00	
Spring Creek Fire Dept	15.4341.0195	\$	6,000.00	
Adjust to actual				
<b>Clerk of Court</b>				
Office Supplies	10.4160.2610	\$	3,055.69	
Increase for additional needs				
<b>Register of Deeds</b>				
Conveyance Tax	10.4180.6140	\$	22,000.00	
Increase due to additional revenue				
<b>Forest Service</b>				
Forest Timber Receipts	10.3313.2400		\$	618.83
Forest Timber Receipts	10.5911.6700	\$	618.83	
<b>Library</b>				
Friends of the Library	10.3611.4420		\$	7,025.67
Books	10.6110.5610	\$	1,030.11	
Children's Programming	10.6110.5801	\$	5,095.56	
Adult Programming	10.6110.5650	\$	900.00	
<b>Sales Tax</b>				
1/4 cent sales tax	10.3232.3115		\$	41,478.36
<b>Education/Schools</b>				
1/4 cent sales tax	10.5911.7200	\$	41,478.36	
<b>Contingency</b>				
	10.7000.0000			



**RESOLUTION OF THE MADISON COUNTY BOARD OF COMMISSIONERS TO EXEMPT THE MADISON COUNTY COURTHOUSE BUILDING RENOVATION CONSTRUCTION FROM NORTH CAROLINA GENERAL STATUTE 143-64.31**


**WHEREAS** Madison County presents under consideration the building renovation construction to the building occupied by the Madison County Courthouse located at 2 N Main Street, Marshall, NC 28753.

**WHEREAS** Madison County projects an estimate for architectural engineering fees to be less than \$50,000 for the project.

**WHEREAS** Madison County desires pursuant to NCGS 143-64.32 to exempt said project from the requirements set forth in NCGS 143-64.31.

**NOW THEREFORE**, be it **RESOLVED** by the Madison County Board of Commissioners that the above referenced building renovation to the Madison County Courthouse project is hereby exempt from the provisions of NCGS 143-64.31.

Resolved this the 31st day of May 2022. Signed this the 31 day of May 2022.

  
\_\_\_\_\_  
Chairman  
Madison County Board of Commissioners

Attest:  
  
\_\_\_\_\_  
Clerk  
Madison County Board of Commissioners

**CERTIFICATION**

The undersigned Clerk to the Madison County Board of Commissioners does by execution hereof certify the foregoing to be a true and accurate copy of action taken by said Board as stated therein. WITNESS my hand and seal.

  
\_\_\_\_\_  
Clerk  
Madison County Board of Commissioners

(SEAL)

Grant Project Ordinance for the County of Madison, NC for the State Capital Infrastructure Fund (SCIF) Directed Grant provided by North Carolina Office of State Budget and Management (OSMB)

BE IT ORDAINED by the County of Madison, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

**Section 1:** This ordinance is to establish a budget to be funded by the Current Operations Appropriations Act of 2021 (Session Law 2021-180). The County of Madison has received \$3,800,000 of SCIF funds. These funds may be used to the extent authorized by state law.

**Section 3:** The following amounts are appropriate for the project and authorized for expenditure:

Internal Project Code	Project Description	Expenditure Category (EC)	Cost Object	Appropriation of SCIF Funds
	Lease/Rent of temporary courtroom and/or temporary court offices			\$500,000
	Architect Fees			\$300,000
	Construction Costs			\$3,000,000
	<b>TOTAL</b>			<b>\$3,800,000</b>

**Section 4:** The County Manager working under the direction of the Board of Commissioners is hereby directed to maintain sufficient, detailed accounting records to satisfy the requirements of the grantor agency in concurrence with the grant agreements, including payroll documentation and effort certifications, in accordance with 2 CFR 200.430 & 2 CFR 200.431 and the County's Uniform Guidance Allowable Costs and Cost Principles Policy.

**Section 5:** The County Manager working under the direction of the Board of Commissioners is hereby directed to report the financial status of the project on a quarterly basis.

**Section 6:** Copies of this grant project ordinance shall be furnished to the Board of Commissioners and voted on in a public meeting.

**Section 7:** This grant project ordinance expires on June 30, 2023, or when all the SCIF funds have been obligated, expended and all final reports have been completed, whichever occurs sooner.

Adopted on this 31 day of May, 2022

Madison County Board of Commissioners

Chairman Mark Sulser