

The Madison County Board of Commissioners met in special session on Wednesday, December 28, 2022, at 6:00 p.m. at the North Carolina Cooperative Extension-Madison County Center located at 258 Carolina Lane, Marshall, North Carolina.

In attendance were Chairman Matt Wechtel, Commissioner Bill Briggs, Commissioner Jeremy Hensley, Commissioner Alan Wyatt, Interim County Manager Rod Honeycutt, County Attorney Donny Laws, and Clerk Mandy Bradley. Vice-Chairman Michael Garrison joined the meeting at 6:07 p.m.

The meeting was called to order at 6:04 p.m. by Chairman Wechtel.

Item 1: Public Hearing-Commercial Assembly Moratorium Ordinance Extension

a. Presentation of Ordinance Extending the Limited Moratorium on Commercial Assembly Related Development- John Noor, Roberts & Stevens, P.A.

County Attorney Donny Laws noted that due to extenuating circumstances, Attorney John Noor would not be in attendance. Chairman Wechtel presented the proposed Ordinance of the County of Madison Extending a Limited Moratorium on Commercial Assembly Related Development and discussed options available for consideration of the Board.

Vice-Chairman Garrison entered the meeting at 6:07 p.m.

b. Public Comment

Chairman Wechtel called on those signed in to speak as well as opened the floor to any others who would like to speak not already signed in.

Glenn Taylor – Spoke regarding the inclusion of residential vacation rentals in the moratorium.

Eileen Taylor – Spoke regarding the inclusion of residential vacation rentals in the moratorium.

Gloria Sundquist – Spoke regarding aspects of the moratorium.

Lauren Bacchus – Spoke regarding the moratorium and growth in the County.

Clayton Honeycutt – Spoke regarding the inclusion of vacations rentals in the moratorium.

Upon motion by Vice-Chairman Garrison and second by Commissioner Hensley, the Board voted unanimously to close the public comment. (Attachment 1.2)

c. Discussion

Discussion was had by the Board with members addressing aspects of the current Ordinance that adopted a limited moratorium on commercial assembly related development as well as available options in consideration of the proposed Ordinance extending a limited moratorium on commercial assembly related development along with recommended revisions to the document as drafted by Attorney Noor.

d. Consideration of Adoption

Motion was received by Vice-Chairman Garrison with second by Commissioner Hensley to remove residential vacation rentals in excess of three and except as specifically modified, all remaining provisions of the ordinance continue in effect unmodified and an ordinance extension for a period of four months to be extended with the exclusion of the aforementioned section regarding vacation rentals.

The motion was clarified by Chairman Wechtel who noted that the original draft to extend the moratorium included language for the moratorium to be extended for ninety (90) days instead of four (4) months as stated. Discussion was had by the Board, Interim County Manager Rod Honeycutt, and Development Services Director Brad Guth regarding the period of which to extend the Ordinance based upon completion of amendments to the County's Land Use Ordinance and the process for review as well as execution with counsel being provided by Attorney Laws and Attorney Noor via electronic means.

Vice-Chairman Garrison requested to modify the previous motion to include amendments in the proposed ordinance including the extension be changed from March 2023 to April 2023, stricken ninety (90) days and add one hundred twenty (120) days instead, and include an expiration of April 27, 2023.

Further discussion was had by the Board regarding additional changes to the proposed ordinance for the moratorium extension with counsel being provided by Attorney Laws who noted that the Ordinance for the original moratorium was adopted on June 28, 2022. Vice-Chairman Garrison noted that a one hundred twenty (120) day extension would allow that proposed changes to the County's Land Use Ordinance be finalized within seventy-five (75) days of the extension instead of forty-five (45) and Chairman Wechtel discussed that the changes would permit proposed amendments to the Land Use Ordinance to be presented for consideration of the Planning Board in March 2023, and the Board of Commissioners in April 2023, with the proposed ordinance extension expiring on April 27, 2023.

Chairman Wechtel discussed the previous motion to extend the moratorium to April 27, 2023, with aforementioned corrections to the proposed Ordinance and stated that all sections of the Ordinance remain in effect except the removal of subdivisions from the extension as stated in paragraph two (2) with language to include, "County staff and relevant boards can consider sketch plan and preliminary plat reviews under the County's Subdivision Control Ordinance for projects that would include residential vacation rentals in excess of three (3)."

Upon counsel by Attorney Laws, Vice-Chairman Garrison requested to withdraw his original motion with second by Commissioner Hensley and unanimous approval of the Board.

Upon motion by Vice-Chairman Garrison and second by Commissioner Hensley, the Board voted unanimously to approve the past motion as read by Chairman Wechtel. (Attachment 1.4)

Adjournment

Upon motion by Commissioner Wyatt and second by Commissioner Hensley, the Board voted unanimously to adjourn at 6:47 p.m.

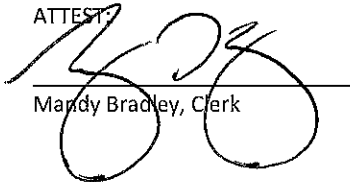
This the 28th day of December 2022.

MADISON COUNTY



Matt Wechtel, Chairman
Board of Commissioners

ATTEST:



Mandy Bradley, Clerk



Madison County Commissioners Meeting

Public Hearing-Consideration of Ordinance Extending the Limited
Moratorium on Commercial Assembly Related Development

Public Comment

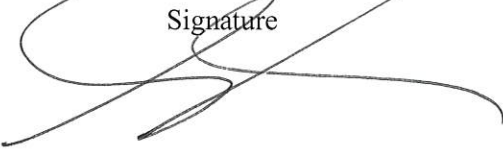
December 28, 2022

6:00pm

North Carolina Cooperative Extension-Madison County Center

3 Minute Time Limit

----- Public Comment Sign-In Sheet -----

	Name	Signature
1.	GLENN TAYLOR	
2.	Gloria Sundquist	
3.	<hr/>	
4.	Lauren Baccas => Upper Thomas Branch Resident - Resenter	
5.		
6.	Clay Honeycutt => Can't move forward w/ building Air B&B's	
7.		
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AN ORDINANCE OF THE COUNTY OF MADISON EXTENDING 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 adopted an ordinance on June 28, 2022 (the "Ordinance") to impose a six (6) month moratorium on Commercial Assembly Development (attached as Exhibit A); and

WHEREAS, the moratorium is set to expire on December 28, 2022; and

WHEREAS, the conditions necessitating the moratorium are documented in the Ordinance and are incorporated herein by reference; and

WHEREAS, the Ordinance provided that 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); and

WHEREAS, the County created a moratorium working group composed of county staff and elected officials to address the issues identified in the Ordinance; and

WHEREAS, the working group has met on a weekly basis to try and develop proposed land use and noise ordinance amendments to address the issues surrounding problematic commercial assembly development; and

WHEREAS, the time required to address the noise impacts of commercial assembly development through an amendment to the County's Noise Ordinance has greatly exceeded the time anticipated by staff when the Ordinance was initially adopted due to the need for expert consultation on reasonable noise standards; and

WHEREAS, despite the County diligently working through its moratorium working group to complete the work contemplated in the Ordinance, during that time the County's Zoning Administrator and County Manager resigned their positions, which left County staff and leadership without the resources needed to complete the work within the time provided by the moratorium; and

WHEREAS, during the moratorium an election occurred that resulted in a change in the composition of the County's Board of Commissioners and additional time is needed to educate and consider proposed amendments to the County's noise and land use ordinances; and

WHEREAS, all of the problems and conditions necessitating the moratorium and articulated on the Ordinance are still present in the County and would be exacerbated if the moratorium expired without adoption of the anticipated noise and land use ordinance amendments; and

WHEREAS, allowing commercial assembly development activity to resume in the County through the expiration of the moratorium is an inadequate alternative to extending the moratorium and would result in development incompatible and incongruous with the intended character and vision of the County as described in its Comprehensive Plan; and

WHEREAS, rushing to adopting amendments to the noise and land use ordinance during the moratorium, but prior to those amendments being properly vetted by the County's new staff, commissioners, and Planning Board is not an adequate alternative because it would result in unintended outcomes and poor policy decisions; and

WHEREAS, an extension of the moratorium will allow the County to address the problems and conditions that lead to the adoption of the moratorium as articulated in the Ordinance and incorporated here by reference; and

WHEREAS, extending the moratorium by an additional one hundred twenty (120) days is necessary to allow the County to accomplish the purpose of the initial Ordinance and provide adequate time to: finalize proposed changes to the County's noise and land use ordinances, educate new commissioners on the proposed amendments, present the proposed changes to the County's Planning Board, and adopt necessary changes to the relevant ordinances; and

WHEREAS, County staff will finalize proposed changes to the County's land use regulations within seventy-five (75) days of the extension of the moratorium, present the proposed changes to the County's Planning Board in March 2023; and present final proposed changes to the County's Commissioners in April 2023.

NOW, THEREFORE BE ORDAINED AND ESTABLISHED, by the Commissioners of the County of Madison, North Carolina that:

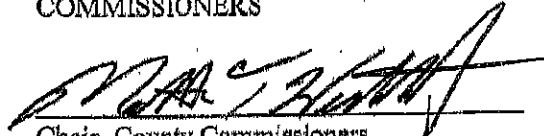
1. That the moratorium imposed by the Ordinance on June 28, 2022, is hereby extended for an additional one hundred twenty (120) days from the date of expiration through April 27, 2023.
2. That all sections of the Ordinance remain in full force and effect, except that County staff and the relevant boards can consider Sketch Plan and Preliminary Plat reviews under the County's Subdivision Control Ordinance for projects that would include Residential Vacation Rentals in excess of three (3). Except as specifically modified in this Paragraph, all remaining provisions of the Ordinance continue in effect unmodified.
3. That the County Commissioners may terminate this moratorium earlier than indicated in this Ordinance by action of the County Commission.

[signatures on the following page]

THIS ORDINANCE passed and adopted this the 28 day of December, 2022.

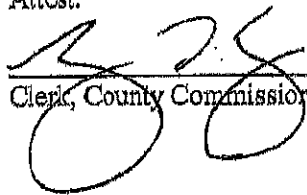
COUNTY OF MADISON COUNTY
COMMISSIONERS

(COUNTY SEAL)

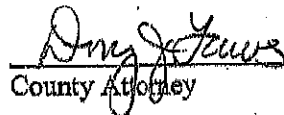


Chair, County Commissioners

Attest:



Clerk, County Commissioners



County Attorney