

MEETING SUMMARY
NC Mountain Resources Commission
Spring Creek Community Center
September 17, 2010

MRC Members Present: David Gantt, Max Hopper, Bill Gibson, Tommy Jenkins, Maxine Dalton, Angie Chandler, Bob Shepherd, Charles Vines, James, Coman, Wayne Abele, Ruth Ann Suttle, Jay Leutze, Harris Prevost, Chuck McGrady, Tom Massie

TAC Members Present: Rick Wooten, Paul Muller, DJ Gerken, Bill Eaker, David Ray, Jim Fox, Marvin Hoffman, Paul Muller, , DJ Gerken, Andy Brown, Eric Romaniszyn, Bill Yarborough, Karen Smith

Others Present: Rep. Ray Rapp, Steve Garrison, Layton Davis, Judy Francis, Mike Butrum, John Graeter, Emily Jackson, Marcy Church, Linda Giltz

Welcome and Introductions

Chairman Gantt opened the meeting and thanked Maxine Dalton for assisting with meeting arrangements for the facility in Spring Creek. Maxine explained that the facility was once a school that has been restored as a community center with most all of the work having been done by volunteers. She also provided a handout with additional information about the community and thanked the Commission for having their meeting in Spring Creek.

Chairman Gantt then recognized the following special guests who made the following comments:

Rep. Ray Rapp welcomed the attendees to Madison County and asked them to consider the artificial slope issue. He said there had been a number of slope failures throughout the region and the issue needs to be addressed. The Land of Sky Regional Commission did a report that he recommended they review. Buncombe County has good rules on the books and is proposing even better rules. Other counties have no rules on slope development at all. State legislation could provide a "floor" so there are basic minimum standards that apply everywhere to address safety. They should not stop development but provide minimum standards. This is a safety issue, but it is also an environmental issue as well due to the sedimentation problems that disturbance on unstable slope cause. It may also protect views. If I win the election in November, I will reintroduce safe slope development legislation in the next session. I welcome input from all stakeholders, including this commission.

Steve Garrison, the Madison County Manager, welcomed the attendees to Madison County and said that residents are very proud of their communities, including Spring Creek. Check out our website visitmadisoncounty.org for more information. There is a great Scots-Irish heritage and music tradition here as well as beautiful country. Please consider the input of Madison County residents as you formulate your recommendations and continue your important work.

Layton Davis, the Chairman of Spring Creek Community Center, said his family has been from this area for many generations. He has been very involved in protecting the area's rich historic traditions and in the restoration of the school building. He welcomed the attendees to the Spring Creek community.

Chairman Gantt then asked each member of the Commission and the Technical advisory Council to briefly introduce themselves to the rest of the attendees.

Approval of the Minutes

Chairman Gantt asked the Commission members to review the minutes from the August 6 meeting. Tom Massie made a motion to approve the minutes as presented. The motion was seconded by Tommy Jenkins and was approved unanimously.

Update on Ethics Paperwork

Judy Francis gave a brief update on the paperwork she had received from the state Ethics Commission staff. She said she was still waiting for the evaluation paperwork for several members, but so far, no conflict of interest findings have been reported for any members. Once all the paperwork is received, we will need to read the results into the official minutes of the meeting so they become part of the official record of the Commission. Several Commission members said they had not gotten any letter back from the Ethics staff, so Judy said she would forward them an electronic copy of the letter she had received regarding their submittal.

TAC Member Presentations

Rick Wooten, Landslide Hazard Mapping Update

Rick Wooten provided a PowerPoint presentation and update on the landslide hazard mapping project that he has been working on in western North Carolina. Macon, Watauga, and Buncombe Counties are done. Henderson County is almost completed and Jackson County will be mapped next. They are getting about one county mapped per year with the current resources that are allocated to the project. Money could speed up the process somewhat as there is a vacant position now. They are at the point where they need to look for alternative funding. They are having good success getting access to private land because people are very accommodating. He described their website and map viewer tool which has maps of past and potential landslide hazard areas. So far, there have been 3100 landslides and 45 fatalities since 1916. Slopes in excess of 22 degrees seem more prone to failure. He provided a handout with information. Judy Francis said she will post information to the Commission's website that can be accessed by people interested in finding out more about his presentation.

DJ Gerken, Southern Environmental Law Center

DJ Gerken from the Southern Environmental Law Center provided the Commission with an overview of recent slope legislation activity in the General Assembly. He provided them with a handout that showed a timeline of various bills. Issues expressed about different bills ranged from concerns from realtors about costs to sellers, increase in engineering costs. Environmentalists think past bills have not been comprehensive enough. Realtor disclosure

requirements are only triggered by maps, but with only three counties completely mapped – a big information gap exists. Tommy Jenkins said it's still in the realtor's best interest to disclose the information even if they're not required to. Judy Francis said she would post the handout to the Commission webpage so it can be accessed by people interested in finding out more about his presentation.

Bill Eaker, Land of Sky Regional Council Slope Report Recommendations

Bill Eaker from the Land of Sky Region Council distributed copies of the slope report and gave a PowerPoint presentation about recommendations offered in the report. The report was compiled by a broad group of stakeholders and technical resource professionals and was created with the goals of consistency, recognition of benefits and costs, funding for landslide hazard mapping, geotechnical analysis for slopes in excess of 40%, private well testing, determination of the impact of slope disturbance of private wells and surface water quality, impacts on trout, land conservation opportunities, and other issues. Judy Francis said she would post a copy of his presentation to the Commission webpage so it can be accessed by people interested in finding out more about the report.

Harris Prevost said the presentations highlighted some of the weak links associated with the slope issue. He asked if the slope issue should include a discussion of wind turbines. David Gantt reminded the Commission members that the slope issue was one of the legislative topics identified during their strategic planning session in May. He said he did not believe the slope issue should include a discussion of wind turbines. Tom Massie said that rules need to apply to natural and artificial slopes, not just one or the other. State legislation should not preempt local rules, but should provide baseline standards.

Bob Shepherd made a motion to ask the Technical Advisory Council to begin an evaluation to provide technical recommendations on slope recommendations, including wastewater facilities, water table impacts, stormwater, and cumulative sedimentation impacts. The motion received a second from Jim Coman and was unanimously approved.

The Technical Advisory Council will arrange a meeting to discuss this and other matters prior to the next Commission meeting.

Committee Reports

Fund Raising Committee: Judy Francis reported for George Santucci who was not in attendance. The Fund-Raising Committee held a conference call meeting and identified two projects. 1.) Establishing a small grants fund for local governments to develop and implement plans that incorporate principles that protect the environment while promoting economic vitality. Communities would have to meet "performance criteria" in order to be eligible for funding, and 2.) Creation of a WNC "report card" to provide baseline data about the western region's natural and cultural resources and track trends over time. The data would be made available to all interested parties via webpage and outreach materials. Potential funders for such projects include the Z. Smith Reynolds Foundation (small grants project), the Blue Ridge

National Heritage Area (report card project), the Appalachian Regional Commission (small grants program), as well as private sources. All agreed that there was not much hope in getting state funding in the short term due to the current budget shortfall; however there probably could be state support in the future once we can demonstrate the worthiness of the efforts and begin obtaining outside funding. The group agreed that the Community Foundation of WNC would be the most logical place to house funds, but Judy will have to talk to Bob Wagner about geographic issues – since the MRC jurisdiction is broader than the foundation's area of purview. Judy will contact Jim Fox at UNCA / RENCI who has been working on a project similar to the report card already to discern how much more information would have to be obtained and projected costs. Bill Gibson will have a preliminary discussion with Z. Smith Reynolds and Blue Ridge National Heritage Area staff regarding their potential involvement. Detailed discussions with funders will be arranged after more concrete project information is developed.

Administrative Committee: Max Hopper reported out for the Administrative Committee and said they are working on internal operating procedures at this point. They are also working on developing a logo for the Commission and other details. They hope to have more information for the Commission to consider at a future meeting.

Outreach & Education Committee: David Gantt reported that the committee is developing presentations of various lengths to deliver to various groups to talk about the Commission and what activities we are working on. Moving meetings around and inviting local officials is a good idea and it involves more people. We still need to develop a media policy but for now David Gantt, as Chairman, will speak as the voice of the Commission.

Legislative Committee: Jay Leutze provided a handout to describe the mission of the committee in communicating the legislative priorities of the Commission to local stakeholders and state / federal legislators. The committee will assist the Commission in setting priorities and crafting recommendations to the legislature, though recommendations may not always take the form of legislation. The committee recommends a focused and proactive approach, a need to reinforce credibility of commission recommendations by basing them in factual investigation and balanced inquiry, especially in the beginning. There is also a need to clarify the various roles played by state and federal agencies in the western region. Continued facilitated strategic planning will limit program, policy, and legislative initiatives in year one.

Establish 2011 Meeting Dates

The Commission members discussed the possible dates for their meetings in 2011. They determined that bi-monthly meetings were better because alternate months could be used for committee meetings. The following dates were selected for meetings:

January 21

March 18

May 20

August 26

October 21

December 9

The remaining Commission meetings in 2010 are
November 19 – Jackson County Senior Center
December 10 – Governor’s Western Residence

Other Business

Chuck McGrady asked the Commission to consider a resolution at their next meeting supporting the purchase by the state of North Carolina of the land commonly known as the “Headwaters Tract” in Transylvania County. Jay Leutze commented that this is an example of an issue that the Commission needs to be educated about and consider carefully before they take any action.

Adjourn

There being no further business, Tommy Jenkins made a motion to adjourn. The motion was seconded by Wayne Abele and approved unanimously.