

**MINUTES**  
**JOINT MEETING OF THE TRANSYLVANIA COUNTY BOARD OF**  
**COMMISSIONERS AND BREVARD CITY COUNCIL**  
**May 29, 2008 – Transylvania County Library, Rogow Room**  
**7:00 p.m.**

The Transylvania County Board of Commissioners met in a special joint session with Brevard City Council on Thursday, May 29, 2008 at 7:00 p.m. in the Rogow Room of the Transylvania County Library.

Commissioners present were Lynn Bullock, Chairman Jason Chappell, David Guice, Daryle Hogsed and Vice-Chairman Kelvin Phillips. Also present were County Manager Artie Wilson and Clerk to the Board Trisha McLeod.

Brevard City Council Members present were Larry Canady, Mayor Jimmy Harris, Rodney Locks, Mack McKeller, Mayor Pro Tem Mac Morrow and Dee Perkins. Also present were City Planning Director Josh Freeman and City Clerk Glenda Sansosti.

Media: *Transylvania Times* - Mark Todd

#### **WELCOME/CALL TO ORDER**

Chairman Chappell called the Board of Commissioners' meeting to order at 7:05 p.m. He welcomed everyone to the meeting. Chairman Chappell introduced Commissioners and Staff.

Mayor Jimmy Harris called the City Council meeting to order at 7:06 p.m. He introduced City Council members and Staff. Mayor Harris noted that the City has held two public hearings regarding the ETJ expansion. City Council decided they would make no decisions until after meeting with the County to discuss the ETJ expansion.

#### **PURPOSE OF MEETING**

Chairman Chappell stated the purpose of the meeting is to understand the City's intent to expand the ETJ.

#### **DISCUSSION OF CITY'S CONCERNS**

Mayor Harris stated the City began looking at expanding the ETJ in early 2008. The City is concerned with growth management and growth strategy. They developed an ambitious ETJ proposal and held public hearings to gather public input. The Mayor informed the Board there was never the full support of City Council to move forward with the maximum expansion of the ETJ. City Council narrowed their focus to where the demand for services was coming from. He noted that some areas have asked for voluntary annexation. The City's goal is to manage growth and assure that grows

happens in such a way that is not detrimental to the City and those that it impacts. The City has focused their attention on the Highway 64 and 280 corridors.

## **DISCUSSION OF COUNTY'S CONCERNS**

Chairman Chappell said Commissioners were concerned that the proposed map included the maximum potential expansion and that the citizens affected did not have a voice in the process. Mayor Harris acknowledged the Commissioners' concerns. He said, while he is not a proponent of the ETJ, only the zoning ordinances apply and there is no additional taxation on the residents. Council member Morrow added that it is the ETJ's intent to protect and maintain the character of a neighborhood, not to restrict it.

Commissioner Guice stated most of the concerns he hears are about growth and planning. It is the responsibility of both Boards to plan for the future and address the issue together with input from the citizens.

Council member Locks stated the City first attempted to expand the ETJ in 2000 along the corridor. What the City found was that the citizens actually protected the corridor. Mr. Locks said it is up to elected officials to figure out how to manage this area. He suggested both Boards come up with a process by which the City, County and citizens work together to manage this land and other issues that may arise. Commissioner Bullock agreed with Mr. Locks. He suggested a process by which citizens decide what their communities should look like.

Commissioner Hogsed noted that citizens in the ETJ would be taxed through new permitting fees, etc. and he considers all fees a form of taxation. He supported developing a process with the citizens' involvement.

Council member McKeller commented that development was coming quickly in the corridors. The City's policy is not to provide water and sewer to an area that is noncompliant which can be to stifling to development. He noted that County zoning would prohibit the City from providing water and sewer in an area. He said he favors a process that would prepare areas should services be needed to provide economic development in that area. He also said Commissioners have to take the lead which ensures those citizens will have a vote in the process.

Commissioner Guice proposed the following:

1. Use the information already developed by the City Planning Department
2. Create a committee consisting of specific members and specific direction and identify concerns in the corridors and other areas

Commissioner Phillips agreed that growth needs to be managed and noted the importance of citizen involvement.

Mayor Harris said he is not concerned with what citizens do with their land but rather with out-of-town developers that do not care about the character of Transylvania County.

Council member Perkins echoed the Mayor's comments. She said the purpose of the ETJ is to manage commercial development and the impact it has on residents in a particular area, not to restrict the rights and freedoms of property owners. Ms. Perkins referred to the County's Comprehensive Plan where it states the Board of Commissioners should expect the City of Brevard to expand the ETJ in this area. She said this is a great plan and it needs to be implemented at the County level.

In response to a question from Chairman Chappell, Mayor Harris clarified that the City is only referring to the frontage properties on Asheville and Hendersonville Highways. He noted that the Renova property will come into the ETJ very quickly and then be annexed at their request. Mr. Locks added that the City is no longer referring to the ETJ, but rather implementing a mechanism whereby the County can work with the citizens to manage the corridors.

Board of Commissioners and City Council took a break at 8:25 p.m. and reconvened at 8:40 p.m.

### **GENERAL DISCUSSION/ACTION**

The Mayor reiterated that the only areas of interest and concern are the frontage properties on Asheville and Hendersonville Highways.

Both boards discussed the makeup of a committee to include the following members:

- 1 City Council member
- 1 County Commissioner
- 2 Planning Board Directors (City and County)
- 2 Planning Board members (City)
- 2 Planning Board members (County)
- 5 Citizen Stakeholders

Mr. Albright suggested that the City and County Managers act as staff to the committee and not serve as actual members. The members will be identified at a later date. The committee is to report back to both Boards no later than October 1, 2008.

Mayor Harris said the Council appreciates Commissioners willingness to work them and form this committee. The City has a lot of supporting documentation that will be made available to the County at their request. Mr. Perkins said she hopes the County will devote more resources to its Planning Department since most of their focus is on economic development.

The chairman of a citizens' group that is opposed to the ETJ and annexation will provide a list of names of people from the corridors to serve on the joint committee.

## **PUBLIC COMMENT**

Keith Norman: Mr. Norman thanked the two boards for coming together to find a solution.

Clint Williams: Mr. Williams said he is very pleased and hopeful about the information that has been given at this meeting. He said he thinks both boards are moving in the right direction.

Steve Owen: Mr. Owen said he was glad to see both boards come together which should have been done initially instead of trying to impose something on residents that they do not want. He is opposed to the current ETJ law and he committed to getting the law changed. He said he hopes this committee will come up with good solutions for the citizens of the County.

Jane Castevens: Ms. Castevens said, while she has not always agreed with the County's Planning Board, they have accomplished some great things for the County such as Lake Toxaway and Connestee Falls. She said she hopes the City and County Planning Departments can work together.

Joe Parker: Mr. Parker said the City of Brevard does not need to take over the management of the County. He also said this process is the best step in finding a solution.

Clifford Coggins: Mr. Coggins said the County does not need zoning and that the tools to managing growth are water and sewer.

Ken Norman: Mr. Norman stated that he does not agree with the ETJ or annexation of the Pisgah Forest area. He works on a committee that is ready to fight for their property rights. Mr. Norman agreed that planning is important but the burden should not be put on property owners.

Jerry Monteith: He said that it appears to him that the City only wants to help itself.

Phil Leslie: Mr. Leslie said developers should be required to install their own water and sewer.

Hilda McCall: Ms. McCall said she is confused by this whole process. She said she wants Pisgah Forest to remain the same and not become part of Brevard. She asked for clarification. Chairman Chappell said a committee will be formed with City and County staff, elected officials, and citizen members.

Jonathan McCall: Mr. McCall expressed concern that if the City extends its limits, then the ETJ can be expanded further. Mr. McCall said the ETJ expansion will affect property owners and their rights to do what they want on their property.

David Watkins: Mr. Watkins asked Commissioners to clarify their action. His understanding is that the City has expressed an interest in zoning areas within its planning district and the County recognizes that interest along the corridors and has agreed to establish zoning in those areas. Commissioners responded that both Boards have agreed to a process and to work with citizens focusing on the specific areas. Neither Board can predict the outcome at this time. Commissioners stressed that if this process does not happen, the City will expand its ETJ because the law allows them to.

Pete Peters: Mr. Peters noted that the outcome would be impossible to provide at this time. He said water and sewer should be provided on a conditional basis which should include land use controls as well.

Unknown: A gentleman asked what can be done to prevent all the wrecks and accidents occurring on Highway 280. Councilmember McKeller responded that some access controls would need to be put in place along with other road requirements. The gentleman also asked how many people are asking to be annexed. Mayor Harris said only one at this time.

Mike Ansari: Mr. Ansari thanked both boards for sitting at the same table to discuss an issue that is bothering people in these communities. He thanked the City for postponing the expansion of the ETJ until another process can be studied.

Spud Ayers: Mr. Ayers said the families in Pisgah Forest will continue to protect the land and corridors.

Keith Norman: Mr. Norman said he appreciates both boards coming together to find a solution. He noted there is a movement by many citizens to go to Raleigh and inform legislators that the ETJ is wrong and unconstitutional. He encouraged everyone to stick together and continue working on this issue.

## **BOARD COMMENTS**

Mayor Harris thanked Commissioners for the opportunity to meet in this public forum. He reiterated the plan is for the City to postpone its plans to extend the ETJ and use this committee to find a better solution.

Council member Canady thanked Commissioners for the opportunity to work together. He thinks this process is a good first step for the citizens and both boards to resolve issues. He also thanked the citizens for their input.

Council member Locks thanked Commissioners for meeting with City Council. He said if this process is done the right way, the ETJ will never have to be discussed again.

Council member Perkins thanked the citizens for their input and Commissioners for the open dialogue.

Council member McKeller said this process has the potential to be applied to solve many different issues. He also encouraged the Town of Rosman to become involved as well.

Council member Morrow said the challenge before both Board is to manage growth and prevent negative change in the community.

Commissioner Guice thanked City Council and Staff. He stated that planning for the future is important so that citizens can have the communities they want.

Commissioner Hogsed thanked City Council and the citizens for their participation. He said he hopes the goal will be to allow Pisgah Forest to remain the same.

Commissioner Bullock thanked City Council and citizens for their input. He noted the importance of citizen involvement so citizens can have a say in what their communities look like.

Commissioner Phillips thanked City Council for the partnership that has begun as a result of this meeting.

Chairman Chappell thanked City Council for the honest discussion and for insuring that citizens have a voice in this process.

#### **ADJOURNMENT**

There being no further business to come before City Council, **Council member Morrow moved to adjourn, seconded by Council member McKeller and unanimously carried.**

There being no further business to come before the Board of Commissioners, **Commissioner Bullock moved to adjourn, seconded by Commissioner Phillips and unanimously carried.**

The meeting adjourned at 10:25 p.m.

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Jason R. Chappell, Chairman  
Board of County Commissioners

ATTEST:

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Trisha D. McLeod  
Clerk to the Board