

MINUTES
JOINT MEETING OF THE TRANSYLVANIA COUNTY BOARD OF
COMMISSIONERS AND BREVARD CITY COUNCIL
May 12, 2009 - 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 Tuesday, May 12, 2009 at 7:00 p.m. in the Rogow Room at the Transylvania County Library. The purpose of the meeting was to receive an update from the County Planning Board on the Pisgah Forest Corridor Study.

Commissioners present were Lynn Bullock, Chairman Jason Chappell, Mike Hawkins, Daryle Hogsed and Kelvin Phillips. Also present were County Manager Artie Wilson, County Planner Mike Thomas and Clerk to the Board Trisha McLeod.

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

Media: *Transylvania Times* – Derek McKissock

There were approximately 25 people in the audience.

WELCOME/CALL TO ORDER

Chairman Jason Chappell presiding called the Board of Commissioners' meeting to order at 7:08 p.m. Mayor Jimmy Harris presiding called the Brevard City Council meeting to order at 7:09 p.m. Both welcomed everyone to the meeting.

UPDATE FROM THE COUNTY PLANNING BOARD

On behalf of the County Planning Board, County Planner Mike Thomas presented an update on the Pisgah Forest Corridor Study/Zoning. He first offered a chronology of the events that have led up to this presentation.

- 1/13/2009 – Commissioners directed the Planning Board to address the issues brought forth from the Corridor Study Committee
- 2/19/2009 – Planning Board reviewed recommendations from the Corridor Study Committee and developed a time line and work schedule for this task
- 2/19/2009 – Discovered study area that had been mapped out originally did not include enough territory to be legally regulated by the County per NCGS; 640 contiguous acres with at least 10 parcels are needed for a minimum zoning area; Planning Board looked at expanding area
- 3/19/2009 – Planning Board received input from the NC Department of Transportation, particularly about the safety issues which were mentioned in the

Corridor Study Report; reviewed maps of larger area around the original study area to look at options for a zoning territory or district; discussed a number of zoning concepts, focusing on lesser restrictive open zoning concept where most uses are allowed by right and where some high impact uses would have to be mitigated with a number of conditions to control noise, dust, traffic, etc.; including some prohibitive uses that address the recommendations of the Corridor Study Committee

- 4/23/2009 – Planning Board hosted a forum for Pisgah Forest residents to receive input; reviewed maps with citizens and discussed the zoning concept and possible zoning areas
- 5/06/2009 – Began discussions about a water and sewer policy with City Planning Staff
- 5/12/2009 – Elected Officials Update

Mr. Thomas offered a timeline of the Planning Board's tasks for the new few months as follows:

- May – Aug, Planning Board will get into the details of the zoning regulations and area boundary options
- Sept, Planning Board will meet in Pisgah Forest
- Oct – Dec, Planning Board will complete its work on a draft recommendation for zoning regulations
- Jan, Planning Board to present recommendations to Board of Commissioners

Mr. Thomas showed a map of the potential expanded study area consisting of 715 acres running from Hudlin Hap Road to Glade Creek Road. He said the Planning Board also discussed the pros and cons of extending the study area, only the frontage properties one parcel deep, to the County line on both Highways 64 and 280. This discussion occurred because of the threat or possibility that a neighboring jurisdiction could extend its ETJ into Transylvania County.

The Planning Board asked for guidance regarding the following issues:

1. Consider Cemetery Road area? Mr. Thomas said there are several residents in this area that has asked to be included in the County's study area.
2. Parcels on corridors into ETJ? The Planning Board would have to determine what makes these parcels contiguous for possible County zoning.
3. There is a timeline for presenting recommendations to the Board of Commissioners. The Planning Board would like to know how to engage the City and gain buy in to the recommendations.

QUESTIONS FROM BREVARD CITY COUNCIL

In response to the Planning Board's concerns, Councilman Morrow said Cemetery Road should not be included in the County's study area because he believes the City is responsible for managing any areas where City infrastructure already exists. He also said

it appears the Planning Board is only looking at zoning the required minimum acreage and he would hope they would consider implementing controls over a larger area. Mr. Thomas responded that the Planning Board has not narrowed down a specific zoning area and they are studying a range of possibilities; however input from the citizens suggests they would like to keep zoning to a minimum.

Councilwoman Perkins inquired about the County's plan for implementation of the Planning Board's recommendations. She further inquired about the staffing and funding the County will commit to the implementation. The County Manager responded that the County can not address these questions or commit resources until it receives the recommendation from the Planning Board.

Councilman Canady commented that he would like to see the Planning Board's work in managing the corridors tied into the progress of Davidson River Village.

Councilman McKeller commented about the Planning Board's inquiry into open use zoning saying the Corridor Study Committee Report includes detailed controls. Mr. Thomas said the Planning Board will be addressing the specifics of the Corridor Study Committee Report over the next three months, pointing out that zoning is different all across the State and the study area would require custom zoning to meet the recommendations of the report.

Councilman Locks said there has not been a consensus about Cemetery Road from City Council members; however there has been a consensus that the study area is one parcel deep along the corridors. He inquired about the number of zones the Planning Board has determined for the study area. Mr. Thomas responded that the number of zones would depend on the nature of the area; however the thought is there would be two zones, a community zoned district and a special zoned district for the corridors dealing with safety, access management, traffic issues, etc.

QUESTIONS FROM COUNTY COMMISSIONERS

Commissioner Hogsed asked for clarification on the proposed study area because the map the City was referring to did not include all the frontage properties along Highway 64. He said the map does not reflect the study area that was approved in a motion by the Corridor Committee. The motion, which was unanimously approved by the Corridor Study Committee, defined the study area as all frontage properties one parcel deep along Highways 64 and 280 beginning at the Walmart intersection.

Councilman Morrow said the same map was referred to in all of the Corridor Study Committee meetings and was also the same map presented to both Boards in January. He stated that the frontage properties in question along Highway 64 were never part of the County's study area because it has existing City infrastructure and it is the City's interest to manage those assets. Councilwoman Perkins added that the area in question should be included in the ETJ because it is currently flanked by properties within City limits and neighboring properties whose growth and development are already under the control of

City ordinances. In addition, City infrastructure already exists there and property owners must be part of the ETJ to receive City utilities.

Commissioner Hawkins said it would be useful for both Boards to give instruction to the Planning Board specifically about the type of zoning the City expects in order to address their concerns about the corridors. If the City is looking for more than one and possibly several zoned districts that adds a level of complexity to the Planning Board's tasks.

Councilman McKeller said the Corridor Study Committee agreed upon the importance of studying access management and connectivity within the area, traffic impact regulations, corridor setbacks, buffers and landscape requirements, specifically within the corridors. There were also issues concerning storm water, spring buffers and steep slope regulations. His understanding of open zoning is anything is allowed which would not address the City's concerns about the corridors. Councilman McKeller said City Council's main concern is the corridor which is the entryway to Brevard. He would support an open zoning concept but with more specific restrictions along the corridors.

The Board of Commissioners and Brevard City Council continued to discuss and attempt to clarify the study area.

Chairman Chappell and Mayor Harris called for a break at 8:30 p.m. and both Boards reconvened at 8:45 p.m.

Mayor Harris said the area that is most important to City Council is the area already served by City utilities and flanked by City limits. He said the area is clearly moving in the direction of commercial and already includes some commercial development. Understanding there is a clear disagreement between both Boards regarding the map and the language of the motion, Mayor Harris and City Council asked the Board of Commissioners to remove the flanked area from the study area and include in the study area a 66 acre parcel along Highway 280. The study area would begin where City limits ends on Highway 280 at the Allison-Deaver House.

Commissioner Hogsed said the reason Commissioners entered into this process with the City was to stop the ETJ expansion along the corridor. As part of this agreement the City and County would draft a water and sewer agreement. He pointed out there is nothing to prevent the City from annexing the area regardless of whether it is controlled by the City or the County. Mayor Harris responded that City Council is interested in managing areas where City utilities exist today.

Commissioner Phillips said the offer from the City was reasonable but he did not want to make a decision unless the residents or the members of the Committee were made aware of the modification to the study area.

After further discussion, **Commissioner Hawkins moved that the Board of Commissioners accept the suggestion from the City Council in terms of the revised**

study area. Chairman Chappell asked for clarification on the revised study area. **The motion died for lack of a second.**

Commissioner Hogsed emphasized that it did not matter whether the area was controlled by the City or the County because the property owner would be annexed into the City once tapping into City utilities, which is the City's policy. For that reason, the Corridor Study Committee recommended the City and County enter into a joint water and sewer policy. Furthermore he said the City will have a say in the outcome of the zoning regulations implemented along the corridors. The County entered into this process because the citizens of Pisgah Forest were opposed to being brought into the ETJ.

Chairman Chappell and Commissioner Bullock agreed, saying they want to be assured the citizens are willing to accept the City's offer.

PUBLIC COMMENTS

Ken Norman: Mr. Norman pointed out that the whole concept behind the residents of Pisgah Forest coming together against the ETJ is so they would be able to vote for those who regulate them. Being in the ETJ does not allow those citizens to vote for City Council. He further stated his understanding for the purpose of this meeting was to hear the report from the Planning Board, not to change the study area that was accepted by both Boards.

COMMENTS FROM BREVARD CITY COUNCIL

Mayor Harris thanked the Board of Commissioners for participating in this meeting. He stated while they may not agree, both Boards have the interests of the City of Brevard and Transylvania County in mind.

Councilman McKeller expressed his disappointment that an agreement was not reached by both Boards in terms of the study area.

COMMENTS FROM COUNTY COMMISSIONERS

Planning Board member Jackie Whitmire pointed out that Brevard City Council offered to only include the commercial properties in the revised study area.

Commissioner Bullock requested to bring the City's recommendation forth to the Corridor Study Committee for acceptance before moving forward.

Commissioner Hogsed again pointed out the map and the wording of the motion defining the study area did not coincide. He agreed with Commissioner Bullock that the revised study area should be blessed by the Corridor Study Committee.

Commissioner Phillips referred to this process as a partnership with the property owners rather than government controls. He said if Commissioners make a decision that is

opposite of what the Corridor Study Committee and residents believed, Commissioners will have lost their trust, so he is not willing to make a decision without their input.

Commissioner Hogsed recommended the Planning Board work with the City's Planning Department throughout this process so the City will have input and an agreement can be reached that is acceptable to both Boards.

ADJOURNMENT

There being no further business, Brevard City Council and the Board of Commissioners adjourned.

The meeting adjourned at 9:50 p.m.

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board