

**PLANNING AND
COMMUNITY DEVELOPMENT**

Allen McNeill, Director
Ashley Minery, Planner



106 East Morgan Street, Suite 207
Brevard, NC 28712
828.884.3205
planning.transylvaniacounty.org

**Transylvania County Planning Board
June 15, 2022 at 6:00 PM
Community Services Building conference Room,
106 East Morgan Street, First Floor**

AGENDA

CALL TO ORDER

- I. WELCOME**
- II. PUBLIC COMMENT** (15-minute time limit. Speakers are limited to three minutes.)
- III. AGENDA MODIFICATIONS**
- IV. CONSENT AGENDA**
 - A. Minutes (May 19th, 2022)
 - B. Subdivision Approval and Updates
- V. OLD BUSINESS**
 - A. Comprehensive Plan Review
- VI. NEW BUSINESS**
 - A. Director's Report
- VII. PUBLIC COMMENT** (15-minute time limit. Speakers are limited to three minutes.)
- VIII. BOARD MEMBERS' COMMENTS**

ADJOURNMENT



Agenda Item: V-A

Memorandum

From: Ashley Minery, Planner
To: Transylvania County Planning Board
Board Date: June 8, 2023
Meeting Date: June 15, 2023

Subject: Minutes from the May 18, 2023 regularly scheduled Planning Board Meeting

Contact Info: Ashley.Minery@transylvaniacounty.org or (828) 884-1710

Attachment(s): 1. Draft meeting minutes from the May 18, 2023 regularly scheduled Planning Board Meeting

Purpose: Review and approve the Regular Meeting Minutes of the May 18, 2023 Planning Board Meeting Minutes.

Background: Meeting minutes are prepared after each Planning Board meeting and submitted to the Planning Board for their review and approval.

Financial Impact: None

Strategic Plan Goal & Strategy: Goal 6: "County government is service driven, transparent and performance based with more active and engaged citizens."
Strategy 6E: "Provide timely, accurate, transparent and informative communication to the public and across the organization with superior customer service delivery."

Recommendations: Staff recommends the Transylvania County Planning Board review approve or approve with modification, the regular meeting minutes from April 20, 2023.

**Transylvania County Planning Board
May 18, 2023 at 6:00 PM
Cooperative Extension Conference Room,
106 East Morgan Street**

MINUTES

CALL TO ORDER

- I. **WELCOME:** Mr. Rick Lasater called the meeting to order at 6:00PM. Mr. Fred Morse, Ms. Wendy Warwick, Mr. Herschel Johnson, and Mr. Kimsey Jackson were present. Mr. Mike Privette was absent (excused). A quorum was present. Planning Department staff Jeff Adams, Ashley Minery and Darby Terrell were also present.
- II. **PUBLIC COMMENT:** (15-minute time limit. Speakers are limited to three minutes.): Commissioner Chapman greeted the Planning Board and thanked them for their work and time.
- III. **AGENDA MODIFICATIONS:** There were no agenda modifications.
- IV. **CONSENT AGENDA:**
 - A. Minutes (April 20, 2023)
 - B. Subdivision Approval and Updates

There was no discussion of the consent agenda. Ms. Warwick moved to approve the consent agenda. Mr. Johnson seconded the motion. All present members voted in favor and the motion carried.

- V. **Old Business**
 - A. Annual Report
 - B. Comprehensive Plan Review

Mr. Adams presented the Board with a draft Annual Report to be sent to County Commissioners. The Comprehensive Plan was discussed at a later point in the meeting. There was no objection to the Annual Report Draft. Mr. Jackson moved to approve the Annual Report. Mr. Johnson seconded the motion. All present members voted in favor and the motion carried.

- VI. **NEW BUSINESS:**
 - A. Longcliff, at Toxaway Re-Subdivision Work Session

Ryan Stahl, Matt Sprouse, and others from the Longcliff Development team gave a presentation on the plans for the development process and community. The presentation covered building use, density, neighboring properties, safety, water, and waste management. Planning Board members took turns asking for clarification on plans involving fire departments, trash pickup, electrical

providers, and cell service. The main concern of the planning board was a secondary access road that could be used in emergencies for rescue vehicles. This was also recommended by NCDOT. The Longcliff team further explained access to Gorges State Park and the timeline for development. They also explained they hoped to have a diverse demographic of all age groups. Mr. Johnson moved to support the development. Mr. Jackson seconded the motion. All present members voted in favor and the motion carried.

B. Community Appearance Initiative Work Session

Mr. Adams provided the board with background on a similar program that was in place in the past, in Transylvania County. For the current program, \$20,000 has been allocated per year for the next three years. Mr. Adams presented a draft agreement between property owners and Transylvania County. This agreement will be reviewed by Transylvania County's Manager and Attorney. The Board asked various questions about the program and agreed to revisit the discussion at a later date.

C. Comprehensive Plan Work Session

Mr. Adams gave a presentation on the Comprehensive Plan writing process. He explained the purpose, schedule, best practices, goals, expectations, success matrix, priorities and community outreach. He also gave examples from jurisdictions like Greenville, SC, Asheville, NC, and Duluth, GA. He also gave examples of feedback loops and fact-finding resources.

VII. PUBLIC COMMENT: (15-minute time limit. Speakers are limited to three minutes.) There were no public comments.

VIII. BOARD MEMBERS' COMMENTS: The board briefly discussed topics like homelessness, workforce and affordable housing and noise pollution. Board members expressed their eagerness for the process.

IX. ADJOURNMENT: Mr. Johnson motioned to adjourn the meeting. Mr. Morse seconded the motion. All present members voted in favor and the motion carried. The meeting adjourned at 8:21PM.

Ashley Minery, Planner

Rick Lasater, Chair



Jeff Adams, Director
Ashley Minery, Planner

Agenda Item: VI-B

Memorandum

From: Ashley Minery, Planner

To: Transylvania County Planning Board

Date: June 8, 2023

Meeting Date: June 15, 2023

Subject: Review of Subdivision Approvals by the Planning Department from May 11, 2023- June 8, 2023.

Contact Info: Ashley.Minery@transylvaniacounty.org or (828) 884-1710

Attachment(s): 1. Subdivisions and Exemption Log from May 11, 2023- June 8, 2023.

Purpose: Provide a log of Subdivision and Exemption approvals to the Planning Board monthly. The approval log is for information purposes only to the Planning Board.

Background: The Subdivision and Exemption log is for recordkeeping of approvals made by the Planning Department. For May 11, 2023- June 8, 2023, there were five **(5) subdivisions- all 2 lots**. For May 11, 2023- June 8, 2023, there were seven **(7) exemptions: 3 (1.1), 2 (1.6) and 1 (1.9) and 1- Review Only**.

Exemptions:

- 1.1 Recombination or Combination of previously approved lots.
- 1.2 Division of land into parcels greater than 10 acres with no new right of way dedication.
- 1.3 Public Acquisition of Land for widening or opening roads.
- 1.4 Division of a tract of at least 2 acres into no more than three lots.
- 1.5 Division of land conveys a single lot or parcel to persons who are inheriting the land by intestacy or will.
- 1.6 Division of land into no more than two parcels to convey at least one of the lots to a grantee who would have been heir(s)
- 1.7 Court order of a land division
- 1.8 Division of land for cemetery lots
- 1.9 Changing of boundary lines between adjoining property owners.

Financial Impact: None

Strategic Plan Goal & Strategy: Goal 6: "County government is service driven, transparent and performance based with more active and engaged citizens."

Strategy 6E: *“Provide timely, accurate, transparent and informative communication to the public and across the organization with superior customer service delivery.”*

Recommendations: Staff recommends the Transylvania County Planning Board review the Subdivision and Exemption log.

- 1.1 Recombination of previously approved lots
- 1.2 Greater than 10 acres
- 1.3 Public Acquisition of land for widening roads
- 1.4 2 acres divided into no more than 3 lots
- 1.5 Single lot inherited by intestacy or will

Subdivisions and Exemptions
May 11, 2023- June 8, 2023

- 1.6 Family Subdivision - no more than 2 parcels
- 1.7 Court order of land division
- 1.8 Division of land for cemetery lots
- 1.9 Changing of boundary lines between adjoining property owners

Date	Subdivision/Owner	Surveyor	Township	Type	Review Officer	Date Approved
5/15/2023	Robert Rogers	Michael Petit	Eastatoe	1.9	A. Minery	5/16/2023
5/24/2023	Charles and Melissa McCall	Cameron Baker	Cathey's Creek	1.1	A. Minery	5/24/2023
5/24/2023	Andrew and Farrah Baynard	Robert Raxter	Boyd	1.1	A. Minery	5/24/2023
6/1/2023	Steven and Karen Johnson	Michael Petit	Eastatoe	RO	A. Minery	6/1/2023
5/6/2023	Randal and Shirley Meece	Mike Pfoutz	Dunns Rock	1.6	A. Minery	6/6/2023
6/6/2023	Charles and Janette Ziegler	Kevin Jones	Cathey's Creek	1.6	A. Minery	6/6/2023
6/8/23	Land of Waterfalls LLC	Robert Raxter	Boyd	1.1	A. Minery	6/8/2023
5/16/2023	Brian Keith Owen	Robert Raxter	Eastatoe	2 lots	A. Minery	5/17/2023
5/17/2023	Benton Scott Carpenter	Alex Ward	Eastatoe	2 lots	A. Minery	5/26/2023

5/25/2023	Pisgah Asphalt Paving INC	Cameron Baker	Boyd	2 lots	A. Minery	
6/2/2023	Max Lemura	Fulton Clinkscales	Brevard	2 lots	A. Minery	6/6/2023
6/6/2023	Patsy Jamerson	Robert Raxter	Catheys Creek	2 lots	A. Minery	6/6/2023

Planning and Community Development

106 East Morgan Street, Suite 207

Brevard, NC 28712

828.884.3205

Agenda Item: V-A

Memorandum

From: Jeff Adams, Planning and Community Development Director

To: Transylvania County Planning Board

Date: June 8, 2023

Meeting Date: June 15, 2023

Subject: Community Appearance Initiative Reboot

Contact Info: Jeff.adams@transylvaniacounty.org or (828) 884-1710

Attachment(s): History of the Community Appearance Initiative;
Transylvania County Community Appearance Initiative, As Amended May 18,
2023;
DRAFT Transylvania County Community Appearance Initiative Agreement.

Purpose: Consider re-establishing the Transylvania Community Appearance Initiative and consider changes to the scope and structure of the group's operations.

Background: Community Appearance Commissions operate under North Carolina General Statute 160D, Article 3, Section 304. The purpose of these commissions is to make study of visual (aesthetic) problems throughout the local government's jurisdiction and develop plans and programs, allowed by the statute, to enhance the appearance of the community.

Transylvania County previously supported a Community Appearance Initiative from February 2007 through August 2015 when the commission was dissolved due to a lack of projects to consider. In its operation from 2007 to 2015, the group was responsible for identifying parcels throughout the County that had gone into disrepair or collected large assortments of junk and trash and work with the property owner to improve the visual appearance of the parcel. At the time, the program was specific to properties located on the scenic corridors of U.S. 64, U.S. 178, U.S. 276, NC 215, and NC 280. Property owners would participate in the program on a volunteer basis by applying for assistance and agreeing to maintain the property after the parcel had been cleaned.

Program participants could receive assistance depending on the work necessary to enhance the appearance of their property. Assistance provided by the County included decrepit structure demolition, scrap and trash clean up, grading, landscaping, and waste removal. The Community Appearance Committee met regularly and considered an application to determine if the parcel was

applicable to receive assistance, exactly what assistance would be provided, and then prioritize projects to be completed with funds available each fiscal year. Transylvania County Staff provided direct support to the group in preparation for regular meetings, communicating with property owners, organizing contract services for projects, and securing participation agreements from applicants. An estimated 10 hours per week of staff time was designated to the programs when it was operating regularly.

The previous edition of the Community Appearance Initiative was dissolved as the Committee saw a limited number of applications (parcels that had fallen into disrepair) to consider on a regular basis. The group and the Board of Commissioners contributed this to the success of the program and approved the Committee disband with the option to re-establish should the need be present.

Over the last 18 to 24 months, the number of calls to County staff concerning junk parcels and parcels in disrepair has increased gradually. It is County staff's opinion at this time that re-establishing the Transylvania Community Appearance Initiative would be beneficial to the entire community. Staff would propose that the Committee be re-established to operate in a similar capacity to its previous installation by accepting applications from property owners for assistance, prioritizing the applications, and directing staff to organize contract services to clear the parcels and record maintenance agreements with participating property owners.

This installation of the Committee would fall to the Planning Board, with input from the Transylvania County Solid Waste Director, Transylvania County Health Department Representative, Transylvania Building, Permitting and Enforcement Director and the Transylvania County Planning and Community Development Director. This iteration of the Committee would also expand the scope of applicable parcels. Where the previous Initiative limited applications to properties located on the five (5) scenic corridors listed in the background section, staff would recommend including any property visible from a public road in Transylvania County.

County staff time and resources would be necessary to support the Committee and conduct work on the Committee's behalf. This would include an estimated 10 hours per week of staff time and County resources not limited to facilities for regular meetings, prepared meeting materials, and transportation to and from application sites for inspection and study. The estimated fiscal contribution provided on behalf of the county would equal \$20,000 annually, over the next three years.

The County proposes that the Transylvania County Tourism and Development Authority match the county's contribution by allocating \$20,000 annually to support the procurement of the contract services necessary to complete the program's scope of work. The applicable service that can be contracted is authorized under North Carolina General Statute 160D, Article 3, Section 304, and include physical waste removal, waste disposal fees, structure demolition, and grading services.

**Strategic Plan Goal
& Strategy:**

Goal 3: “County government is service driven, transparent and performance based with more active and engaged citizens.”

Strategy 3B: “Provide timely, accurate, transparent and informative communication to the public and across the organization with superior customer service delivery.”

Recommendations:

Staff recommends the Board motion to do one of the following:

- Re-establish Transylvania Community Appearance Initiative for regular meetings, either monthly, by-monthly, or quarterly;
- Assign the Transylvania County Planning and Community Development Director as Administrator to the Committee;
- Assign the Transylvania County Health Department Director, Solid Waste Director and Building Director as advisors to the Committee;
- Expand the scope of applicable parcels from properties located along the 5 scenic corridors mentioned above to include any property visible from a public road in the County;
- Allocate staff time and resources towards supporting the activities of this group and their meetings with a total of \$20,000 in annual County contributions;
- Match county contributions with \$20,000 in funds from the Tourism Development Authority for procurement of contract services.

MINUTES – HISTORY OF THE COMMUNITY APPEARANCE INITIATIVE

8/14/2006

PROPOSED TRANSYLVANIA COUNTY APPEARANCE INITIATIVE

Mike Thomas presented the draft Community Appearance Initiative to the commissioners. The goals of the initiative are:

- To preserve and protect the natural beauty of Transylvania County
- To preserve and protect property rights
- To promote and protect the health and safety of citizens of Transylvania County
- To promote economic development while protecting individuals and businesses from burdensome regulations

Priorities will be given to all major corridors in the county. The Advisory Council will consist of 9 members appointed by the Board of Commissioners.

Commissioner Miller moved to approve the Community Appearance Initiative and to take the appropriate time to appoint the 9 member Advisory Board, seconded by Commissioner Duvall, and approved with a 4-1 vote. Commissioner Phillips voting no.

Commissioner Chappell moved to amend the motion to include approving the Memorandum of Understanding with Land of Sky. The amended motion was approved with a 4-1 vote, Commissioner Phillips voting no.

2/26/2007

TRANSYLVANIA COUNTY COMMUNITY APPEARANCE INITIATIVE

The Manager stated that initially the Planning Board will have one Board member, two citizen members shall serve one year, 2 citizen members shall serve two years, two citizen members shall serve three years, and the Health Department and Solid Waste Department members shall serve continuously.

Commissioner Bullock nominated Joe E. Galloway to a three year term, seconded by Commissioner Guice and unanimously approved.

Commissioner Bullock nominated Don Surette to a three year term, seconded by Commissioner Phillips and unanimously approved.

Commissioner Phillips nominated Harold Paxton to a two year term, seconded by Chairman Chappell and unanimously approved.

Commissioner Guice nominated Jim Meyer to a two year term, seconded by Commissioner Hogsed and unanimously approved.

Commissioner Hogsed nominated Steve Smith as the representative from the Health Department, seconded by Commissioner Guice and unanimously approved.

Commissioner Hogsed nominated Jeff Brookshire as the representative from the Solid Waste Department, seconded by Commissioner Phillips and unanimously approved.

Commissioner Phillips nominated Terry Crowe with the Planning Board, seconded by Chairman Chappell and unanimously approved.

Commissioner Bullock nominated Bill Rogers to a one year term, seconded by Commissioner Phillips and unanimously approved.

Commissioner Guice nominated Jim Robards to a one year term, seconded by Commissioner Hogsed and unanimously approved.

Chairman Chappell stated the recommendation for Chairman was Terry Crowe from the Planning Board. Chairman Chappell called for nominations from the Board.

Commissioner Guice nominated Steve Smith as Chairman, seconded by Commissioner Hogsed.

Commissioner Phillips moved to nominate Terry Crowe as Chairman, seconded by Commissioner Bullock.

Terry Crowe was nominated as Chairman by a vote of 3 to 2.

Commissioner Hogsed nominated Mike Thomas as the Administrator, seconded by Commissioner Guice and unanimously approved.

2007 Budget Workshops

EXPENDITURES

Ms. Poor reviewed the Expenditures and highlighted the following items:

GENERAL EXPENDITURES

- Board of Commissioners: Decrease due to the purchase of land for parking lot in FY 2006-2007; includes \$25,000 for Junk Disposal which is part of the Community Appearance Initiative

9/10/2007

UPDATE ON ECONOMIC DEVELOPMENT STRATEGIC REPORT

Planning and Economic Development Director Mark Burrows reported on the Economic Development Strategic Plan. The Plan was adopted in December and focused on two primary measures: new

investment and labor force. The County exceeded its goal in both areas in 2006-2007. Mr. Burrows noted that the policies put in place by the Board of Commissioners have created an environment conducive to new investment and new job creation.

Mr. Burrows highlighted some of the major accomplishments:

- Received and processed 355 requests for assistance or information from existing businesses
- Partnered with Blue Ridge Community College to organize and conduct training sessions and marketing opportunities
- Assisted two businesses with training opportunities
- Continued to focus on attracting manufacturers specializing in medical devices, nutraceutical/natural products, and outdoor recreational devices
- Invited Jack Schultz (Boomtown USA) to the community to speak about economic development
- Electronic newsletter goes out to approximately 600 individuals in both Transylvania County and outside the County
- Website continues to attract people with requests for information
- Established the Community Appearance Initiative which has worked to remove junk and abandoned mobile homes from the around the County
- Brought economic development allies/partners together to inform and assist existing and new businesses
- Participating with AdvantageWest in the Certified Entrepreneurial Program

NEW BUSINESS

ANNUAL PLANNING BOARD REPORT

Planning and Economic Development Director Mark Burrows presented the 2006-2007 Planning Board Report and highlighted the following:

- New development and subdivision activity has increased significantly in the County
- Created the Community Appearance Initiative to focus on removing junk in the County
- Working on a draft Sedimentation and Control Ordinance which is currently under review by the State
- Met jointly with the Transylvania County Transportation Committee and the NCDOT to discuss transportation needs
- Worked on a tower permit for the County
- Currently studying the Subdivision Ordinance and how steep slope issues are impacting economic development in the County

Commissioner Guice moved to accept the report, seconded by Commissioner Phillips and unanimously approved.

9/24/2007

UPDATE ON COMMUNITY APPEARANCE INITIATIVE

Mr. Terry Crowe, Chairman of the Community Appearance Initiative, addressed the Board to report on the Committee's progress and upcoming projects. He first recognized some of the committee members that were present: Jim Robards, Jim Meyer, Joe Galloway, Don Surette, Bill Rogers, and Mike Thomas.

The Community Appearance Initiative was implemented in 2006 and was designed to address issues of accumulated junk, abandoned mobile homes and abandoned automobiles. The Advisory Council members were appointed in 2007 with the mission of assisting citizens in the removal and disposal of abandoned manufactured housing, junked/abandoned motor vehicles, and junk and identifying areas for improvement and coordinating improvement efforts. Financial assistance may be provided in some cases to aid in the improvement efforts. Priority will be given to safety and health and to the major corridors in the County.

Mr. Crowe highlighted the Council's accomplishments as follows:

- Established a regular meeting time, elected a vice-chairman, adopted rules of procedure and met monthly
- Made a field survey of main roads in the County to identify potential projects
- Prioritized 17 potential projects and assigned project teams for higher priorities
- Researched applicable NC and Federal laws and met with NC DOT enforcement officials
- Contacted 7 property owners to explore possibilities for improvement
- Developed a list of resources for demolition of mobile homes and removal of vehicles and junk
- Contacted potential resources to assist with screening, funds, or clean up efforts
- Issued two press releases on the initiative
- Met with the Land-of-Sky Regional Council LandCare Coordinator on how the initiative fits in the broader LandCare concept
- Working with owners and residents which facilitated the following:
 1. The demolition and removal of 2 deteriorated mobile homes and other junk on Hendersonville Highway near Penrose
 2. The removal of an unoccupied mobile home on a hill overlooking Pickens highway
 3. The removal of a large pile of old newspapers and other trash and junk from a residence along King Road

Mr. Crowe stated that the Council and Staff continue to engage owners to find voluntary ways to clean up unsightly areas that are visible from State and Federal roads and highways. Expenditure of funds for the Initiative budget have not been required so far; however plans are being developed that will require some financial assistance for the property owner. Further work is needed to develop agreements or contracts whereby the property owner agrees to keep his property maintained in an acceptable fashion

after the initial clean up. Mr. Crowe read a letter from the property owner on Old Hendersonville Highway thanking the Council for their help in cleaning up his property.

Chairman Chappell thanked Mr. Crowe and the committee members for providing a valued service to the community. Commissioner Phillips commented that one of the proposed drafts includes grading and graveling the road to the site. He is concerned that this may go beyond the Initiative's purpose. Mr. Crowe responded that, at this point, it is the only way to make this project happen. He noted that the draft would be reviewed by the County Attorney. Commissioner Hogsed said the Initiative is a model to other counties and believes there are ways to continue forward with the draft and still address Commissioner Phillips' concerns. The Manager added that there may be other ways to address the concerns as well as other funding avenues.

11/13/2007

MANAGER'S REPORT

The Manager reported the following:

- There is a Public Meeting on Wednesday evening at Connestee Falls Fire Rescue regarding the potential use of Connestee Falls. A Public Hearing will be held at the December 10 Board of Commissioners' meeting.
- At the November 26 meeting, Staff will be discussing space needs and the parking issues.
- Bids for the Public Safety Facility are due Thursday. The County has received good reports from Moseley Architects regarding potential bidders.
- The December 10 meeting will be a busy meeting since it is the only meeting in December, if the Commissioners so choose. Agenda items will include the bids for the Public Safety Facility and the Pay Classification Study recommendations.
- The Manager congratulated Staff and the Board of Commissioners for their efforts in the United Way Campaign. The County raised \$20,335. He specifically thanked Sheila Cozart, Dean Landreth and David Reid for heading up the Campaign.
- The Manager met with the WCCA today regarding the Senior Center. Contractors have looked at the electrical and air conditioning issues at Silvermont. The Manager hopes to have the details worked out by February 2008 and expects the costs to be much higher than expected.
- The Community Appearance Initiative is close to signing a contract with the homeowner on Highway 215. If they agree to the contract, the cost of cleanup will be donated by citizens in the community.

4/28/2008

COMMUNITY APPEARANCE INITIATIVE ANNUAL REPORT

Chairman Terry Crowe gave an update of the committee's accomplishments during its first year in operation. He reported the following:

- Organized Advisory Council and established regular meeting schedule. Every meeting thus far has had a quorum.
- Researched applicable NC and federal laws and met with NC Department of Transportation officials.
- Surveyed main roads in the County to identify potential projects.
- Met with Land-of-Sky Regional Council LandCare Coordinator regarding how the Initiative fits into the broader LandCare concept. Received \$1,500 LandCare Grant.
- Received 10 calls on potential projects.
- Identified 31 potential projects. Prioritized and assigned project teams.
- Contacted 24 property owners to explore possibilities for improvement.
- Closed/completed 7 projects.
- In working with owners and residents, facilitated/encouraged the following:
 1. Demolition or removal of 5 deteriorated mobile homes
 2. Removal of 9 containers of solid waste
 3. Removal of 4 containers of tires
 4. Cleaned up trash and junk on 5 properties
 5. Removal of 36 vehicles
- Separated and recycled 20,000 lbs. scrap metal, 1,500 tires, 20 appliances
- Expended funds: \$2,430; Committed funds: \$3,400 (Total \$5,830)

Mr. Crowe recognized the members that were present: Jim Meyer, Don Surrette, and Mike Thomas. He discussed other projects of interest, noting that committee member Jim Robards is working diligently on a project where a home was displaced off its foundation a couple of years ago on Quebec Mountain. Mr. Robards has faced many obstacles but is hopeful to begin working with the property owners in the near future. Mr. Crowe also stated that bids have gone out for the demolition of two mobile homes in the western part of the County.

Commissioner Bullock inquired about the status of the project on US Highway 64 West near NC 215. Mr. Crowe responded that weather and family conflicts have delayed the project, but the committee is hopeful the project will be completed in approximately one month. He noted that a large part of the property has been cleaned up.

Commissioner Guice asked Mr. Crowe how much funding the committee felt was necessary to continue operating in the future to address these issues around the County. In addition, he inquired about the costs to demolish and clean up mobile homes. Mr. Crowe said the committee would appreciate Commissioners replacing the \$5,830 that has been spent or committed which he believes would allow the committee to continue operating for another year. Mr. Crowe also stated that it costs approximately \$1,500 to demolish old mobile homes.

Commissioner Bullock asked if the County contracts for the removal of scrap metal. County Planner Mike Thomas responded that the property owners work with dealers on the removal of scrap metal which is removed at no cost to the County.

After further comments, Commissioners commended Mr. Crowe and the committee for the work they do in the community.

4/13/2009

PROPOSED REDUCTION IN MEMBERS OF THE TRANSYLVANIA COUNTY COMMUNITY APPEARANCE ADVISORY COUNCIL

The Transylvania County Community Appearance Advisory Council recommends that its number of members be reduced from nine to seven and the requirement that one member be a member of the Planning Board be removed. Currently there are two vacant positions on the Community Appearance Advisory Council, one of which is a Planning Board member. The Manager noted that the Chairman of the Planning Board agrees with the proposal.

Commissioner Bullock moved to amend the membership of the Community Appearance Advisory Council from nine to seven members and delete the section requiring one member from the Planning Board. The motion was seconded by Commissioner Hawkins. The motion passed 4 to 0. Commissioner Hogsed was absent for the vote.

9/14/2009

REQUEST FROM BALSAM GROVE COMMUNITY CLUB, INC.

The Balsam Grove Community Club, Inc. submitted a request to the Board of Commissioners for a waiver of the tipping fees at the landfill for the demolition materials of their old community center. The Manager recommended against waiving the tipping fees. He suggested that the Community Club work with the County's Community Appearance Initiative Committee to share the cost of the disposal fee for an amount not to exceed \$2,500.

Chairman Chappell noted that staff received additional information today regarding a request for additional estimates on the demolition costs. He recommended the Board delay their decision until further estimates are received. He also said he is hesitant about waiving tipping fees because the County has never done so before and doing so may set the wrong precedent.

Commissioner Bullock asked Commissioners to keep in mind this request does not come from a private citizen, but rather from the whole community. Commissioner Hogsed shared Chairman Chappell's concerns but said the Balsam Grove community is trying to do something positive in their community and the Board should do what it can to encourage that in all communities. He agreed with delaying the Board's decision, but expressed his support for waiving the tipping fees.

Commissioner Phillips moved to table the decision until further estimates are received, seconded by Commissioner Hogsed and unanimously approved.

6/14/2010

COMMUNITY APPEARANCE INITIATIVE ANNUAL REPORT

Chairman Jim Robards submitted a report to Commissioners outlining the council's accomplishments since May 2008. He feels the council has steadily made progress in meeting its goals and mission since the council first began its work in 2006.

Mr. Robards discussed one project that the council is particularly proud of in which they assisted the Balsam Grove Community Center with the removal of debris from the demolition of their old building that posed potential health hazards such as mold and asbestos. The council was also able to recycle some of the material and keep it out of the landfill. The site is now clear and usable for other community center activities.

Commissioner Hogsed moved to accept the report, seconded by Commissioner Bullock and unanimously approved.

The Manager and Commissioners thanked the council for a project they completed on US 64 West which has made a major improvement in the County.

10/10/2011

COMMUNITY APPEARANCE INITIATIVE REPORT

Don Surrette, chair of the Community Appearance Initiative Advisory Council, provided an annual update to Commissioners.

The goal of the Community Appearance Initiative is to clean up roadsides in the County. The mission is to assist citizens in a non-regulatory manner to clean up roadsides, dispose of abandoned cars, manufactured homes, motor vehicles, and all other kinds of junk. Fortunately the price of scrap metal has helped tremendously in the committee's efforts to accomplish its mission. Over the last year, the work has slowed because much of the clean up has been completed. The committee has only completed six projects this year. It has completed 40 total since its inception in 2007.

The following is a summary of the accomplishments of the Community Appearance Initiative since May 2010. Totals shown are from the program beginning in April 2007.

- Surveyed main roads in the County to identify potential projects: 4th survey
- Continued quarterly Advisory Council meetings
- Received 4 calls on potential projects; 20 since beginning
- Identified 14 (80 total) potential projects, prioritized and assigned teams
- Completed 6 projects (40 since beginning)
- Closed 2 projects without action (34 since beginning)
- 6 projects still pending
- Working with owners and residents facilitated the following: demolition or removal of 4 deteriorated mobile homes (20 total); removal of 36 tons of solid waste (249 total); removal of 14 junk tires (2,974 total); and removal of 8 vehicles (63 total)
- Separated and recycled: scrap metal – 4,000 lbs (34,000 lbs total); tires – 182 (2,982 total)
- County funds expended: \$2,946 (\$19,965 total)
- Owner funds expended: \$11,160 (\$23,360 total)

Commissioner Chappell commented about what a wonderful program this is and continues to be and pointed out that most importantly the program is completely voluntary which contributes to its success. Mr. Surette believes this same principal can be used to address other problems that are ongoing in the County.

Chairman Hawkins inquired about a potential project near Brevard Middle School. The Manager responded that staff has sent letters to the property owners and has gotten no response. Staff plans to follow up with the local property owners.

Chairman Hawkins also believes it is a great concept to use this approach to address other issues, such as erosion control in an attempt to keep waterways clean, etc.

5/14/2012

2010-2012 ECONOMIC DEVELOPMENT STRATEGIC PLAN

Planning and Economic Development Director Mark Burrows and Economic Development Advisory Board Chairman Bill Towler provided an update on the 2010-2012 Economic Development Strategic Plan and discussed how the goals are being met and other accomplishments achieved despite the slow economy and limited staffing.

Mr. Towler stated that on March 16 he reported on the actions and activities that have taken place over the past year with the Economic Development Advisory Board's charge of what it will be doing over the coming year. He reported there have been a number of success stories. He turned the presentation over to Mr. Burrows to provide the details of those successes.

Mr. Burrows reported that a number of people have been involved with economic development over the past year and that Mr. Towler has been a very active chairman for the Economic Development Advisory Board (EDAB). Also very much involved were the Transylvania Partnership, Blue Ridge Community College, Heart of Brevard, City of Brevard, and many other economic allies.

The EDAB is comprised of 15 members representing businesses, education, and many other backgrounds and entities. The mission statement of the 2010-2012 Economic Development Strategic Plan is to actively support a diverse mixture of existing and new businesses in order to retain and create new jobs, increase the tax base, and promote an attractive community that is responsive, caring and sustainable. The current plan has five goals. Mr. Burrows discussed each goal and how each was accomplished.

Goal 1: Support Existing Businesses

- Assisted 71 businesses
- Senior Resource Network facilitated the preparation of comprehensive business plans for 13 existing businesses

- Working with economic development allies, held eight business seminars

Goal 2: Attract and Support New Businesses

- Followed up on business leads from economic allies which averaged 2.4 per month
- Continue to provide assistance to Renova Partners on the Davidson River Village property
- Along with the Senior Resource Network consultants, provided assistance to 47 new or prospective businesses (business types included craft brewery, outdoor equipment, health services, etc.)

Goal 1: Support Existing Businesses

- Assisted 71 businesses
- Senior Resource Network facilitated the preparation of comprehensive business plans for 13 existing businesses
- Working with economic development allies, held eight business seminars

Goal 3: Inform Elected officials, Other Community Leaders and the Public about Economic Development Actions and Opportunities

- Hosted a visit by USDA Deputy Secretary Kathleen Merrigan and EPA Deputy Administrator Bob Perciasepe
- Initiated work with Market Connections to advertise in *Bike Magazine*
- Published articles covering success stories and resources available to businesses in 12 issues of the Economic Development monthly e-Newsletter

Goal 4: Enhance Transylvania County's Exceptional Quality of Life

- Held more than 20 community meetings and distributed an electronic 150th Community Survey; a total of 1,323 individuals completed the survey
- The County's Community Appearance Initiative Committee continued to make significant progress in removing abandoned mobile homes and trash along the major corridors (in 2011: 4 mobile homes, 8 vehicles, 14 junk tires, 36 tons of solid waste, 4,000 lbs. scrap metal)
- The Henry House on West Probart Street was designated as a historical landmark

Goal 5: Promote Education and Workforce Development Opportunities

- Promoted and supported entrepreneurship education and financial literacy programs at Brevard and Rosman high schools and middle schools; a total of 19 classes were held impacting more than 260 students
- Promoted and supported Blue Ridge Community College's Small Business Center and incubator programs
- Linked businesses and manufacturers with different resources/job seekers throughout the year

Mr. Burrows briefly showed some slides that reported on the actual trends in construction, unemployment rates, and occupancy tax. He encouraged people to visit the website for more detailed information about the report.

Commissioner Chapman asked Mr. Burrows to review the functions of his office that could be moved to another department so that more focus can be made towards economic development efforts. Mr. Burrows noted that the scope of work has not changed in the last 15 years; however the resources have diminished dramatically over the same period of time. There may be resources in other areas that can focus on programs like Joint Historic Preservation and Community Appearance, but those programs and duties must be prioritized and staff has to ensure that it can be done.

Mr. Towler reminded everyone of the economic development visioning meeting at 7:00 p.m. at the Library on Thursday evening.

Chairman Hawkins commented that economic development is a very complicated undertaking and it is important that Commissioners assist Mr. Burrows in terms of resource allocation and best use of time.

11/13/2013

MANAGER'S REPORT

The Manager reported the following:

- Staff went out to bid for the renovation of the Silvermont porch. The bid was awarded to Henry Roess. Mr. Roess hopes to begin the work very soon.
- The specifications and drawings for the renovation of the old library are almost complete. Staff anticipates going out for bid later this month.
- Commissioners recently held a workshop on water. Keith Webb of McGill Associates made a presentation on water supply planning. The Manager hopes to receive a proposal from McGill Associates soon on how the County should move forward on water planning.
- **Met with some property owners on Fisher Road about the County's Community Appearance Initiative. Offered the County's help in cleaning up property from a recent fire.**
- Reviewed the first draft of alternatives to the High Impact Land Use Ordinance. A workshop is scheduled for Monday, December 2, 2013 to discuss. Also on this date, staff would like to use some time after the workshop to conduct training on the paperless agenda system.
- Working with County Attorney to review various County ordinances
- Met with Engineer Terry Allen, County Operations Manager David McNeill and County Project Manager Larry Reece to discuss the preliminary drawings for the concession/restroom facility at the Community Park in Rosman. The final drawings should be ready in the next couple of weeks.
- In communication with the Superintendent of Transylvania County Schools regarding a possible joint meeting with the Board of Commissioners in January.
- Continues to work with the School of Government to schedule a follow up meeting to the recent Board retreat in January or February to establish goals and objectives. Ms. Lydian Altman contacted the Manager today and suggested January 8-9. The Manager asked the Board to let him know if these dates work.

10/13/2014

PRESENTATIONS/RECOGNITIONS

COMMUNITY APPEARANCE INITIATIVE REPORT

The Community Appearance was formed in 2007 for the purposes of assisting citizens with the removal and disposal of abandoned manufactured housing and junk motor vehicles and to provide financial assistance in some cases to aid in this effort. This program is strictly voluntary. Requests are either self-initiated or reported by members of the community. The Community Appearance Initiative has taken action on 90 projects and has removed and disposed of hundreds of tons of junk. Details of their work were highlighted via PowerPoint presentation. All of their assistance has been limited to properties along the major corridors. Total County funds expended were \$21,766. Property owners expended funds as well. With the majority of the projects being complete or acted upon, there are few opportunities for this council to affect change. Therefore the Community Appearance Initiative is seeking guidance from the Board of Commissioners as to the future direction of this council.

Mr. Morrow reported there are vacancies on this council and he requested assistance in filling them. He suggested a member be a cyclist because cycling is growing in the County and this person has the ability to see other parts of the County that the typical motorist does not.

Commissioner Chapman asked what the best method to perform a survey of the community would be. He believes there is a need to identify the various areas that may need clean up outside of the major corridors. He wondered if an effort to segment the County and assign tasks to members to survey the County would be the best approach. Mr. Morrow said the membership has already done this. They divided the County into different areas and members toured their assigned areas and took photographs and notes of potential projects. This is usually done in the fall. Sometimes concerned citizens will call County staff and inquire about what can be done about particular areas they feel need to be cleaned up.

Commissioner Lemel inquired about the guidance the council is seeking from Commissioners. She noted their tremendous success thus far and the efficiency of the program. Mr. Morrow said the projects that were completed were the easiest projects because there was cooperation from the property owners. Other property owners have been approached but are not interested at this point. It is unknown if those property owners even qualify for assistance. Maybe advertising that the council still exists and is available to help might be helpful with drumming up new projects. Mr. Morrow is not in favor of imposing citations and fines for junk property.

Commissioner Chapman asked what kind of assistance and support the County can provide to property owners to assist them in cleaning up their property. Mr. Morrow responded that County staff has the name of contractors who recycle and perform demolition, and a list of the costs of renting a dumpster and/or landfill dump fees. Rarely have County employees been utilized in an actual cleanup.

Mr. Morrow recommended to Commissioners to restructure the council's meeting schedule to an as needed basis. He felt doing this would be a better use of their time. He also requested to have a small pot of money to use when needed as an ongoing source of funding.

Commissioner Lemel moved to recognize the work the Community Appearance Initiative has done over the last eight years and their ongoing drive to continue keeping Transylvania County clean. She further moved to allow the Community Appearance Initiative to meet as needed based on citizen requests and for the Commissioners to continue funding an annual amount up to \$5,000 based on need. The motion was seconded by Commissioner Chappell. Commissioner Chappell requested the Community Appearance Council continue to make an annual report to the Board of Commissioners. It is important that Commissioners are aware of the projects they are working on and funds expended. In addition, Commissioners instructed the Manager to work with Mr. Burrows to promote this program to let citizens know it exists. **The motion passed unanimously.**

8/24/2015

DISCRETIONARY CITIZEN ADVISORY COUNCILS

A study group led by Commissioner Lemel has been reviewing all of the Citizen Advisory Councils (CACs) within the purview of the Transylvania County Board of Commissioners. The study group has deemed the following three CAC's as discretionary and had made a recommendation on the future of each:

1. Mountain Valleys Resource Conservation District – discontinue; lost federal support and now is a stand-alone nonprofit; Transylvania County has never paid membership fees. Transylvania County appoints two members.
2. Community Appearance Initiative – struggling to find projects; two options: 1) allow staff to maintain effort and engage past members if needed, 2) continue committee but waive all requirements for meeting and reporting except on ad hoc basis
3. Human Relations Council – continue with revisions; need City of Brevard to decide their interest in a joint effort; revisions necessary for mission statement and bylaws

Commissioner Lemel commented that one of the goals of the study group is to ensure each citizen advisory council is relevant. Next steps will include a review of mission statements and ensuring those are in line with how the respective CAC is currently operation.

Commissioners discussed and acted upon each individually.

Mountain Valleys Resource Conservation District

Commissioner Lemel reported that the Mountain Valleys Resource Conservation District currently acts as an agency that will help counties find grants to fund projects. In many ways they act very similarly to a council of government. As a standalone nonprofit they require \$800 in dues annually from their member counties; however, Transylvania County has never paid any dues or done anything else to support the agency. Because of the loss in federal funding in 2011, they are looking to redefine themselves. Transylvania County appoints two members, but only one has been active. Therefore the study group recommends discontinuing participation.

Commissioner Chappell moved to discontinue participation in the Mountain Valleys Resource Conservation District, seconded by Commissioner Chapman and unanimously approved.

Community Appearance Initiative

The most recent presentation from the Community Appearance Initiative ended with the membership asking for guidance from the Board of Commissioners in terms of their future. The recommendation options came from the Planning and Community Development Office.

Commissioner Chappell asked if there was a designated line item for funding projects for the Community Appearance Initiative. Finance Director Gay Poor reported no.

Commissioner Chapman moved to recommend option two (continue committee but waive all requirements for meeting and reporting except on ad hoc basis) for the Community Appearance Initiative. Chairman Hawkins seconded the motion. Commissioner Chappell preferred option one because the Community Appearance Initiative membership does not feel it has a reason to exist at this point. It can be reformed if needed in the future. Commissioner Lemel said the Planning and Community Development and Solid Waste Departments felt they could handle issues and there were no challenges at the current time that necessitated having an active committee. She noted the Board of Commissioners is already challenged with finding active and engaged citizens to participate on CAC's. Commissioner Phillips thought it was positive the CAC is struggling to find projects because it reflects on how successful it has been over the last several years. He therefore preferred option one.
Commissioner Chapman withdrew his motion.

Commissioner Chappell moved to approve option one (allow staff to maintain effort and engage past members if needed), seconded by Commissioner Phillips and unanimously approved.

Transylvania County Community Appearance Initiative
As Amended on ~~April 13, 2009~~ May 18, 2023

Purpose and Goals

Transylvania County is a special place known for its scenic beauty and excellent quality of life. These features have led to steady increases in population as people move to the County to live, work and visit. Concerns about the appearance and effect of abandoned manufactured homes, junked or abandoned motor vehicles, junkyards, and junk in general have been expressed by County citizens. The concerns include possible adverse effects on adjacent property values, tourism, safety and health, and potential residential and business relocations.

Many citizens are also concerned about the protection of private property rights but are interested in finding ways to help improve the appearance of the County and to help remove accumulated but unwanted junk.

The Transylvania County Comprehensive Plan includes several goals and objectives related to this initiative: 1) Encourage the preservation of aesthetically and economically valuable views and green spaces (Goal 2, Objective 10); Promote the best use of land while protecting citizen's property rights (Goal 7); Promote Best Management Practices for Corridors (Goal 7, Objective 2);

The goals of the Transylvania County Community Appearance Initiative (CAI) are:

- Preserve and protect the natural beauty of Transylvania County
- Preserve and protect property rights
- Promote and protect the health and safety of citizens of Transylvania County.
- Promote economic development while protecting individuals and businesses from burdensome regulations.

Mission

Transylvania County will assist citizens to remove and dispose of abandoned manufactured housing, junked / abandoned motor vehicles and junk. The County will also assist owners of junkyards with vegetative screening efforts. The County will help identify areas for improvement, coordinate efforts and may provide financial assistance in some cases to aid in this effort. The County will provide information for citizens and junkyard owners about the initiative, will establish an ~~advisory~~ Advisory Council-Committee and appoint an ~~administrator~~ Administrator.

Scope and Priorities

The initiative will apply to abandoned manufactured homes, junked / abandoned motor vehicles, junk and junkyards visible from state roads. Priority will be given to safety and health and to the major corridors in the County; U.S. 64, U.S.178, U.S. 276, NC 215 and NC 280, but shall include all property visible to a public right-of-way in Transylvania County. ~~The initiative is not intended to apply to junk brought into the County after the beginning of the initiative.~~

Description of Roles

Advisory ~~Council-Committee~~ – ~~Appointed~~ The Planning Board, appointed by the County Commissioners, ~~this group~~ periodically reviews applications from citizens requesting assistance

and complaints from concerned citizens and prioritizes improvement efforts. The ~~Council~~ Committee also provides guidance for the administrator and reports to the Board of Commissioners. The Committee takes input from the Administrator, the Director of Solid Waste, the Building Department Director, Health Department Director and other applicable parties.~~The advisory council shall consist of 7 members and shall include a representative(s) from: the health department, salvage dealers, solid waste, and interested citizens. Member terms are to be staggered initially then run for three years and a maximum of two terms. Initially the planning board member and two citizen members shall serve for 1 year, two citizen members shall serve for two years, two citizen members shall serve for three years and the health department and solid waste department members shall serve continuously.~~

Administrator – the Transylvania County Planning & Community Development Director coordinates the improvement efforts, contacts property owners and resources to implement improvement efforts, keeps records of applications for assistance, complaints from citizens and action on each case approved by the advisory council. The administrator will be appointed by the Commissioners/County Manager.

Board of Commissioners – appoints the Aadvisory ~~council~~Committee, establishes budget and policies governing the initiative.

Citizens – make applications for assistance, comply with initiative standards, communicate concerns, volunteer to support and provide resources for initiative implementation.

Procedures

- Citizens apply to the ~~administrator~~ Administrator for assistance under the voluntary initiative or call regarding concerns.
- The administrator keeps records of applications and concerns.
- The Aadvisory ~~council~~Committee meets periodically (could be monthly to start and quarterly after the initiative is underway) to review applications and concerns and set priorities for the next period. The Aadvisory ~~council~~Committee and the Aadministrator agree on the approach for improvement efforts for the next period.
- The ~~administrator~~ Administrator contacts the property owner and utilizes resources as needed to obtain agreements and waivers of liability and to implement the improvement effort. Records of the action are kept. If payment is needed for any service the administrator verifies the work done and submits a request for payment from the County. A file is kept on each case.

Education / Awareness

The Advisory ~~Council~~Committee and Administrator will develop an education and awareness program that will include:

- Articles in local newspapers on recycling, Community Appearance Initiative.
- Public service announcements on cable TV.
- County and economic development website to have information about the initiative.
- Service Organizations and Business Associations help publicize.
- Solid Waste Collection Centers distribute initiative information.
- County clean-up week quarterly, including solid waste pick-up and tipping assistance.

Resources

Potential sources of assistance may include the following:

- Commissioners – Approval of: initiative, funds, solid waste equipment, administrative staff
- Solid Waste – equipment, containers, appliance and tire handling
- Salvage Dealers – disposal of vehicles, scrap metal and other salvage materials
- Co-operative Extension / Soil & Water – plantings
- Job Corps – plantings, clean-up
- Grading Contractors / Salvage Dealers – demolition
- Fire Departments – Burning
- NCDENR, NCDOT, USDA, The Rural Center, Congress – Grants
- Public / Environmental groups / Service Clubs – volunteers, fund drives
- TDA - funds
- Private donations / sponsorships
- Other (To Be Determined)

Standards / Regulation

The benefits under this initiative are meant to be a one-time benefit to any property owner. Persons benefiting from this initiative shall agree to prevent further placement or accumulation of abandoned manufactured homes, abandoned motor vehicles or junk on their property and maintained for a period of at least ten years. This agreement shall be in writing as determined by the County Attorney. The County shall be entitled to recover any expense benefiting the person who violates this agreement.

Junkyard owners benefiting from this initiative shall agree to maintain junkyard standards as listed below:

- Limit stacking or piling of material to no more than eight feet.
- Maintain a vegetative screen on sides of the junkyard that are visible from a public road.
- Avoid placement of salvage material or vehicles within fifty (50) feet of any water source, pond, lake, creek, stream or river. Use berms or plantings in this buffer zone to help control storm water run-off.
- Avoid placement of material outside the screened area.

Health violations shall be referred to the health department for action under G.S. 130A-19. Illegal dumping violations shall be subject to penalty per the Transylvania County Solid Waste Ordinance section 8.17 and/or referred to the NC Department of Environment and Natural Resources.

Annual Report

The Advisory ~~Council~~ Committee shall issue a report annually describing the initiative's effectiveness, specific results achieved and any issues or non-compliance. Recommendations for making the initiative more effective and efficient and means of addressing initiative deficiencies shall also be included.

Budget

The planning board recommends the following budget items for the first year of the initiative:

- Contract costs for demolition of 10 abandoned manufactured homes
- Landfill fees for 100 tons of solid waste
- Assistance with screening
- Miscellaneous initiative costs (advertising, printing, postage,

The planning board estimates that 7.5 hours per week of administrative time will be needed to conduct this initiative during the first year.

Definitions

Abandoned Mobile / Manufactured Home – a mobile/manufactured home not habitable as a dwelling and not providing complete, independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation or has not received the proper permits to be located within the County’s jurisdiction.

Accumulated Junk - junk covering 600 square feet (approximately 20 feet by 30 feet) or more of surface area, in total, whether in one area or several, on the same or contiguous parcels of land.

Junk – Wrecked, scrapped, disassembled, unusable, cannibalized, inoperable, or un-repairable boats, trailers, camping trailers, construction equipment, appliance, vehicle parts, building materials, scrap metal, rope, rags, paper, and rubber.

Junked Motor Vehicle: A motor vehicle that does not display a current North Carolina license plate and may be partially dismantled or wrecked and cannot be self propelled or moved in the manner in which it was originally intended to move.

Junkyard – Any establishment, place of business or place that is maintained, operated or used for storing, keeping buying or selling junk or for maintenance or operation of an automobile graveyard.

Vegetative Screen – An evergreen, continuous and opaque vegetative planting. Vegetation not less than two feet (2’) in height shall be planted not more than six feet (6’) apart and shall grow to at least six (6) feet in height within four (4) years of planting. Plants should have leaves or foliage at all times of year and shall include, but not be limited to, white pine, hemlock, southern pine, and spruce trees.

Amendments:

1. On 4/13/09 amended ~~**Description of Roles**~~ reducing the membership from nine (9) to seven (7) and removing the requirement to include a planning board member.

TRANSYLVANIA COUNTY COMMUNITY APPEARANCE INITIATIVE

Project # ___ - PIN ____ - __ - ____ - ____

THIS AGREEMENT IS SUBJECT TO ALTERNATIVE DISPUTE RESOLUTION AS THE ONLY FORMS OF DISPUTE RESOLUTION

This Agreement (“Agreement”) is made by and between Transylvania County (“County”) and the owner ~~and operator of a junkyard~~ (“Owner”), for the following mutual covenants and promises, the sufficiency of which is hereby acknowledged and agreed to by all parties.

Commented [JA1]: Is it still the wish to limit this to junkyards?

WHEREAS, County has adopted a voluntary Community Appearance Initiative for the purpose of preserving and protecting ~~the natural beauty of Transylvania County while preserving and protecting~~ property rights.

Commented [JA2]: Isn't this is about more than 'natural beauty,' such as health, safety and welfare?

WHEREAS, County has adopted a voluntary Community Appearance Initiative for the purpose of promoting the health and safety of citizens, while preserving and protecting the natural beauty of Transylvania County.

Commented [KW3R2]: I agree, the natural beauty is rarely jeopardized in the settings that I have seen. Generally, it is an issue with vectors and smells.

WHEREAS, Owner owns a property (“Property”) that needs to have some work performed on it in order to help the County achieve the county-wide purpose stated above.

WHEREAS, County and Owner wish to enter into an arrangement, as reflected in this Agreement, to work together to help the County and the Owner achieve this county-wide purpose with respect to the Property.

NOW THEREFORE the parties agree as follows:

1. *TERMS/STIPULATION TO AGREEMENT*
2. *TERMS/STIPULATION TO AGREEMENT*
3. *TERMS/STIPULATION TO AGREEMENT*
4. Owner agrees to cooperate with these efforts in a timely fashion and provide their own or other labor, equipment, fuel, and to complete this project by _____.
- 4.5. Owner agrees to maintain the property in a junk and litter-free state, with any applicable vegetative screening to buffer junkyard uses from public view where required for at least ten years from the date set in section 4 above.
- 5-6. County agrees to the following reasonable and necessary assistance, at its own costs so long as Owner fully performs and continues to perform under this Agreement, in this effort by securing or providing materials and labor including but not limited to:

Commented [KW4]: I am a bit confused by this sentence, it seems to me that the County list of assistance "at its own cost" is stated first followed by Owner list of materials and labor. May be clearer to separate County and Owner in two sentences with specific list of what each brings to the table.

- A. *SERVICE A*
- B. *SERVICE B*
- C. *SERVICE C*

However, County costs for this project shall not exceed \$____,_____.

~~6-7.~~ The parties agree and acknowledge that The Community Appearance Initiative Advisory ~~Council Committee~~ will advise the Transylvania County Planning Director on progress toward completion of this project and will determine, in their sole discretion, whether efforts of either party to this agreement are being conducted satisfactorily and in accordance with this agreement ~~or whether the project should be discontinued.~~

~~7-8.~~ Nothing herein shall establish any relationship between the parties other than a contractual relationship, and the parties hereby agree and acknowledge that the County owes no other duty to Owner and that Owner has no other potential claim against County regarding this Project, except as limited to contractual matters only.

~~8-9.~~ MISCELLANEOUS:

~~A.~~ **Indemnification.** Each party hereby agrees to mutually release, hold harmless, and fully indemnify the other party for all claims, liabilities, debts or causes of action that result directly from the actions or inactions of that particular party.

~~A-B.~~ **Hazardous Waste** – at any time hazardous waste is discovered on this site, County immediately voids any commitment for participation in further site activities with notification made to NCDEQ and USEPA as dictated by rules under Resource Conservation and Recovery Act.

~~B-C.~~ **No Warranties or Representations.** County makes no warranties or representations as to the work or services it provides under this Agreement, and Owner hereby specifically and explicitly agrees to this provision and waives any argument, claim or cause of action contrary to the same as part of the consideration of this Agreement.

~~C-D.~~ **Disclaimers and Waivers.** This Agreement is to be regarded as an agreement for the purposes described in the “Whereas” clauses and provisions herein. It is the responsibility of each party to seek independent professional advice, to review, and to negotiate any changes prior to execution of this Agreement. County hereby disclaims the use of any contract interpretation principles against it as the drafter of this Agreement, and Owner hereby waives any and all use of said principles in any dispute or action based on the terms of this Agreement.

~~D-E.~~ **Merger.** The parties agree that this Agreement constitutes the entire agreement of the parties.

~~E-F.~~ **Binding Agreement.** The parties agree that this Agreement is binding on their heirs, assigns, transferees, or successors in obligation or interest, except that, to the extent that performance requires the qualifications set forth above, and if the heirs, assigns, transferees, or successors do not possess such qualifications, then specific performance shall not be required, however all other remedies shall remain in full force and effect.

~~F-G.~~ **Choice of Law.** The laws of the State of North Carolina shall apply to this Agreement.

Commented [JA5]: This appears to be a loophole that can be removed, unless it is stated that both parties must agree in writing to terminate or amend.

Commented [KW6]: Not sure if this is best place for this, but probably best inserted somewhere for protection. Hazardous waste is not always evident when first evaluating a cleanup project.

It may also be a good point to have a disclosure made by the owner that "no hazardous waste" exists on the property. Need input from legal here.

~~G.H.~~ **Modification.** This Agreement may only be modified in writing and signed by all parties.

~~H.I.~~ **Termination.** This Agreement terminates by the substantial failure to perform by either party.

~~I.J.~~ **Separable Provisions.** Should any provision of this Agreement be held to be unenforceable for any reason, then the remaining provisions shall have full force and effect.

~~J.K.~~ **Default.** If a party substantially fails to perform in a timely manner, as stipulated in section 4, under this Agreement, or allows the property to revert to substandard levels for a period of no less than ten years after the date of completion; then that party is deemed to be in default and breach.

~~K.L.~~ **Remedies.** The non-breaching, non-defaulting party is entitled to receive any and all remedies available at law and equity. In addition, the parties explicitly agree and waive any rights to argue against the same, that the non-breaching, non-defaulting party shall receive all costs, expenses, and attorneys' fees associated in enforceable its/his/her rights under this Agreement.

~~L.M.~~ **Notice.**

All notices to the County shall be sent to:

~~Allen McNeil~~ Jeffrey S. Adams, PhD
Transylvania County Planning Department
106 E. Morgan St., Suite 207
Brevard, NC 28712

All notices to Owner shall be sent to:

~~M.N.~~ **Safety.** The parties hereby acknowledge that safety issues are of key importance to the County and therefore Owner shall take whatever measures are necessary to make sure that the site is safe and if Owner fails to do so, the Owner agrees to fully indemnify County and hold it harmless for any claims, liabilities, debts, or causes of action arising from the Owner's actions or inactions related to the same.

~~N.O.~~ **Alternative Dispute Resolution.** The parties hereby acknowledge and agree that all claims, disputes, or conflicts arising with respect to any provision under this Agreement, or any rights and obligations concerning the same, shall first be submitted to a process of dispute resolution called mediation. Mediation is that process which is described by North Carolina in its Alternative Dispute

Commented [JA7]: This is the biggest concern from those I've spoken to regarding future efforts. Since this doesn't fall under any ordinance or title with penalties, I'm unsure what the penalties could be, other than those stated, such as 'costs, expenses and attorneys' fees.' Stakeholders feel the old agreement wasn't strong enough and we need to provide something with more teeth, such as a lien. What powers do we have?

Resolution Program through the Dispute Resolution Commission. The parties agree that they will attempt to agree on a North Carolina Certified Superior Court Mediator with the understanding that this list is maintained by the North Carolina Dispute Resolution Commission. Should the parties be unable to agree, then that mediator who is next to be assigned on a case by Court Administration in Transylvania County will be used as the mediator. The parties shall share the costs of mediation equally and the parties agree to mediate in good faith. Should the parties be unable to reach a complete resolution of the disputes in mediation, the parties agree to submit the disputes to a North Carolina Certified Arbitrator for BINDING ARBITRATION. The parties hereby acknowledge and agree that BINDING ARBITRATION means that the Arbitrator's decision becomes binding as an enforceable contract between the parties and that no claim can be made in the courts except as to breach of this contract. The parties agree that they will attempt to agree on a North Carolina Certified Arbitrator with the understanding that this list is maintained by the North Carolina Dispute Resolution Commission. Should the parties be unable to agree, then that arbitrator who is next to be assigned on a case by Court Administration in Transylvania County will be used as the arbitrator. The parties shall share the costs of arbitration equally and the parties agree to present their cases to the arbitrator in good faith

Q.P. **Assignment.** The parties hereby agree that they may not assign their obligations under this Agreement without written permission of the other party

P.Q. **Headings.** Section headings are not to be considered a part of this Agreement and are not intended to be a full and accurate description of the contents hereof.

Q.R. **Immunity.** All of the County's duties and obligations required in this Agreement are traditional governmental functions. As such, nothing in this Agreement is intended to waive the County's governmental immunity or any other affirmative defenses which are otherwise available to it.

This Agreement is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any person or entities against the parties, their agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any worker or any other person

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the day and year first written above, with an effective date as noted above. The parties hereto agree that facsimile signatures shall be as effective as if originals.

Signed:

_____(Seal) _____(Seal)
Owner(s) Owner(s)

STATE OF ~~North Carolina~~NEW
COUNTY OF TRANSYLVANIA

I, _____, A Notary Public of said State and County, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the ____ day of _____, 20 ____.

Notary Public

My commission expires: _____.

Signed:

_____(Seal)
Chairman – Community Appearance Initiative Advisory Council, with Authority as delegated by the Transylvania County Board of Commissioners and the Transylvania County Manager

STATE OF ~~North Carolina~~NEW
COUNTY OF TRANSYLVANIA

I, _____, A Notary Public of said State and County, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the ____ day of _____, 20 ____.

Notary Public

My commission expires: _____.

Signed:

_____(Seal)
Transylvania County Manager

STATE OF ~~North Carolina~~NEW
COUNTY OF TRANSYLVANIA

I, _____, A Notary Public of said State and
County, do hereby certify that _____ personally appeared before me
this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the ____ day of _____, 20____.

Notary Public

My commission expires: _____.

DRAFT

Memorandum

From: Jeff Adams, Planning Director

To: Transylvania County Planning Board

Date: June 8, 2023

Agenda Date: June 15, 2023

Subject: **Comprehensive Plan Update**

Attachment(s):

1. Comp Plan June Worksheet
2. Comp Plan Proposed Timeline

Purpose: Comprehensive Plan Update

Background: In accordance with state statutes, each jurisdiction with zoning regulations shall periodically update its Comprehensive Plan to reflect current goals and objectives.

An updated Comprehensive Plan is a State required document for enacting or enforcing zoning in North Carolina, per North Carolina General Statutes 160D-501.

A comprehensive plan sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction. A land-use plan uses text and maps to designate the future use or reuse of land. A comprehensive or land-use plan is intended to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction based on an analysis of present and future needs.

Strategic Plan Goal & Strategy: Goal 3: *“County government is service driven, transparent and performance based with more active and engaged citizens.”*

Strategy 3B: *“Provide timely, accurate, transparent and informative communication to the public and across the organization with superior customer service delivery.”*

Recommendations:

Staff recommends Planning Board consideration and recommendation of a Comprehensive Plan Update Work Plan, Timeline and Process, for Board of Commissioner review in July or August.

20XX Comprehensive Plan - DRAFT Work Plan Schedule

Project Step	2023												2024																			
	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec											
Step 1. Project Planning	SIPB																															
a. 2025 Comprehensive Plan Review																																
b. Comprehensive Plan Examples																																
c. Work Plan and Schedule																																
d. Community Advocate Selection																																
e. Community Advocate Kickoff Meeting																																
e. Marketing and Branding																																
f. <i>Report to Commissioners</i>																																
Step 2. Community Assessment	SIPB																															
a. Technical Planning Elements Report																																
b. Key Indicators																																
c. <i>Report to Commissioners</i>																																
Step 3. Community Participation	SIPB/CA/CP																															
a. Survey and Other Questions																																
b. Kickoff Meeting																																
c. Open Houses (Community Areas)																																
d. Vision Statement																																
e. Opportunities and Challenges																																
f. <i>Report to Commissioners</i>																																
Step 4. Focus on 20XX	SIPB/CA																															
a. Core Values																																
b. Scenario Building																																
c. 20XX Transylvania County																																
d. <i>Report to Commissioners</i>																																
Step 5. Action Plan	SIPB																															
a. Focus Areas																																
b. Action Plan																																
c. <i>Report to Commissioners</i>																																
Step 6. Refine Action Plan	SIPB/CA/CC/CP																															
a. County Commissioners																																
b. Public Comment																																
c. Planning Board Revisions																																
d. County Commissioners Adoption																																
Step 7. Next Steps (2026-20XX)																																
a. Monitoring and Reporting																																
b. Updating																																
c. <i>Report to Commissioners</i>																																

- S = Staff
- PB = Planning Board
- CA = Community Advocates
- SME= Subject Matter Experts
- CC = County Commissioners
- P = Public



Comprehensive Plan Worksheet | June 2023

Memorandum

As the Planning Board launches the Update of the Transylvania County 2025 Comprehensive Plan, the proposed timeline would provide the Board of County Commissioners a Board Briefing on the Planning Board's recommendations for the process over the next year and half. The attached Timeline suggests the following areas to be covered in the briefing:

Board Briefing, July/August:

- 2025 Comprehensive Plan Review
- Best Practices
- Work Plan & Schedule
 - Issues & Opportunities
 - Planning Process
 - Finding the Facts
 - (In)Forming the Vision
 - Engagement
 - Timeline

Model Plans

Staff has posted a webpage of [Model Plans](#) for the Planning Board to consider as they develop the road map for the Comprehensive Plan Update. These plans represent comprehensive plans from around the region along with some best practices across the country. This page will be updated as we move through the planning process, with links to various plans used in our discussions and other materials we've referenced. Please follow the link to the Model Plans page (<https://transylvania-nc.pubpub.org/pub/yol8y0rz/release/1>).

Finding the Facts

How do we judge success?

What facts tell us about our community?

How has our community changed?

What might indicate change?

How would you measure that?

Informing the Vision

Whom do we ask our questions?

How do we reach them?

In what settings do we explore our community?

What questions do we ask?

Outreach	NC	NC	NC	NC	SC	SC	GA	GA	GA	ID	GA	CO	NC	NC	NC				
City of Brevard	Buncombe County	Henderson County	Jackson County	Greenville County	Oconee County	Pickens County	City of Alpharetta	City of Duluth	City of Roswell	Blaine County	Bryan County	Routt County	City of Asheville	Wake County	City of Charlotte				
	CAC	SAC	FA Experts	TAC	Consult	Website	Survey	Open House	Road Shows	Town Halls	Door to Door	Social Media	Kiosks	Charettes	Interviews	Summits	Kick Offs	Tours	
	X	X	X	DOT	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	X	X	X	X	X	x (best)	X	X	X	X	X	X	X	X	X	X	X	X	
	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	