

MINUTES OF PUBLIC HEARING HELD SEPTEMBER 27, 2011

Town Board Present: Mayor David Wilkes, Vice Mayor John Dotson, Commissioner Larry Rogers, Commissioner Gary Drake, Commissioner Amy Patterson. Commissioner Dennis DeWolf was not present.

Also Present: Interim Town Manager Robert Zoellner, Planning Director David Clabo, Recreation Director Selwyn Chalker, Town Engineer Lamar Nix, and Recording Secretary Jane Capman.

Call to order

Mayor David Wilkes called the public hearing to order at 7:00 p.m.

Prior to opening the Public Hearing, Mayor Wilkes stated that the hearing was for the elimination of the ETJ, which the Planning Board recommended. Mayor Wilkes further stated that there would not be a vote this evening and that this matter would be placed on the agenda for vote at a future meeting.

Mayor Wilkes opened the Public Hearing.

SPEAKERS

Hazel Beal Potts: Addressed Interim Town Manager Robert Zoellner asking why were people so upset and if there was someone trying to tell people what they can do their property. The public present answered yes. Ms. Potts asked if there was a "reason for this" and if there was, then to please explain it to her. If there was no reason, Ms. Potts adamantly stated "axe it right now and get it over with".

Mitch Gurganus: Mr. Gurganus advised that he is a resident of Horse Cove and was on the Planning Board when the ETJ was initially discussed but since then retired. Mr. Gurganus stated that the Mission Statement/Land Use Plan of 2005-2010 was flawed, that the ETJ was planned to protect the "Highlands Plateau" but included property that were not within the plateau. Mr. Gurganus further stated that the Town has zoning authority within the ETJ but that the owners have no right to vote. Mr. Gurganus also stated that the ETJ is the taking of property rights, which is an adverse taking (condemnation). The people have no rights and can only voice their concerns during a hearing forum. Mr. Gurganus also discussed the Town of Highlands having responsibility for the "lands taken", should obtain right-of-ways and compensate homeowners. Mr. Gurganus concluded by stating that if the Town of Highlands cannot take care of its issues inside the city limits (sewer, water, streets, etc.) it should not take over property rights outside of city limits.

Alan "Ricky" Bryson: Mr. Bryson discussed the Planning Board in place at the time of enacting the ETJ and also discussed the fact that the ETJ was to protect the watershed but the part where the Cullasaja River begins and flows was not included. The ETJ was to protect the corridors but without water and sewer big box enterprises could not come in. Mr. Bryson stated that the ETJ should be eliminated.

Mike Bryson: Stated that five years ago, when everyone was against the ETJ, the Board voted to enact it anyways. The ETJ split the community. Mr. Bryson stated that the Board should correct the wrong that was done five years ago. Later Mr. Bryson stated that Commissioner Larry Rogers, having a stroke the previous week, "just got out of the hospital" but came to this hearing because he feels passionate about it.

Merlin Crowe: The Town Board made the Town of Highlands not a good place to live. The Board did not listen to the residents. Mr. Crowe further stated that he is being told by strangers what he can and cannot do with his property.

John Crowe: Mr. Crowe asked everyone in the audience who was against the ETJ to raise their hands. Mr. Crowe addressed the Board and stated that the Board should listen to the people.

Harold Neely: Agreed with Mike Bryson and stated that if he were not already a property owner, he would have left the area. He begged the Board to listen to the people and right a wrong by eliminating the ETJ.

Ralph Johnson: Stated that he was against the ETJ.

Alan Marsh: Advised that he is in favor of the ETJ. Mr. Marsh discussed B-5 zoning and 40' buffers and suggested that the Town consider enacting the requirement of 40' buffers to protect the corridors. Mr. Marsh stated that although the ETJ provides protection, maybe not all ETJ is good.

Nancy Anderson: Stated that it is not fair to tell her what she can and cannot do with her property. The Town Board represents the people and the ETJ should be abolished.

Luther Turner: Owning 46 acres in Horse Cove, stated that he was in favor of the ETJ as his children and grandchildren would be developing the property. He stated that he want make sure that the property would be developed attractively. Mr. Turner's wife also spoke and stated that he should trust his children and grandchildren.

Clarence Wilson: Mr. Wilson stated that the ETJ was the start of something. Mr. Wilson further stated that never did anything start that didn't want more in the future.

Edwin Wilson: Advised that he was 100% opposed to the ETJ and did not want anyone telling him what he could or could not build.

Mayor David Wilkes thanked everyone for attending the public hearing and voicing their opinion.

Adjournment

Commissioner Amy Patterson moved to close the public hearing and adjourn, which was seconded by Commissioner Gary Drake and upon unanimous vote the Town Board adjourned at 7:47 p.m.

Mayor David Wilkes

Jane J. Capman
Recording Secretary

Robert Zoellner
Interim Town Manager

Rebecca Shuler
Town Clerk