

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
November 29, 2018 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Thursday, November 29, 2018 at 7:30 p.m. in Commissioners' Chambers at the County Administration Building located at 101 S. Broad St., Brevard, NC. The meeting was rescheduled from its original date to ensure a quorum would be present.

Commissioners present were Chairman Larry Chapman, Jason Chappell, Mike Hawkins, Vice-Chairwoman Page Lemel and Kelvin Phillips. Also in attendance were County Manager Jaime Laughter, County Attorney Misti Bass, and Clerk to the Board Trisha Hogan.

Media: *The Transylvania Times* – Derek McKissock

There were approximately 70 people in the audience.

CALL TO ORDER

Chairman Larry Chapman presiding certified that a quorum was present and called the meeting to order at 7:30 p.m.

WELCOME

Chairman Chapman welcomed everyone to the meeting and introduced Commissioners and staff in attendance.

PUBLIC COMMENT

The comments made by the public represent the individual speaker's opinion or point of view. No attempt was made to vet their statements for accuracy or modify them based on facts.

Jeffrey Patterson: Mr. Patterson is the Chairman of the Juvenile Crime Prevention Council for Transylvania County. The Juvenile Crime Prevention Council is a 26-member board whose main responsibility is to allocate State dollars to programs for at risk youth. They currently allocate those dollars to four programs: Project Challenge, Project Rebound, Kids at Work and Mediation Services. Mr. Patterson reported that one of the items on the horizon in the coming year is the Raise the Age legislation which means they will be serving the 16- and 17-year-old populations. The Juvenile Crime Prevention Council has been operating on a budget of \$104,000 for nearly a decade. The new legislation will require additional services and will need a higher allocation of money from the State. The Juvenile Crime Prevention Council has contacted Senator Edwards and Representative Henson for their support, and Mr. Patterson would appreciate advocacy from the Board of Commissioners and the NC Association of County Commissioners as well. Mr. Patterson thanked Chairman Chapman for his service on the Juvenile Crime Prevention Council and asked that Commissioners fill his position as soon as possible when the new Board is seated.

Chairman Chapman requested the new Board consider making the appointment in December as the Juvenile Crime Prevention Council has upcoming training scheduled and important decisions to make in the very near future.

Sandy Briggs: Ms. Briggs stated that the Military Museum has been a jewel in downtown Brevard and honors all those who served and fought to protect our country. She felt that the museum is housed in an ideal location, behind the Courthouse gazebo where patriotic ceremonies are held throughout the year. It is also near the war memorial in the front yard of the Courthouse. Ms. Briggs commented that the museum has attracted people from all over the nation and she is sure all have learned something from their visit. For that reason, she hoped the Board would allow the museum to remain in its current location for the next two years.

Don Surette: Mr. Surette thanked Chairman Chapman and Commissioner Phillips for their service on the Board of Commissioners. He reminded Commissioners that a few years ago they appointed a Product Development Task Force to find property for industrial development. In the proposal for the purchase of the park property on Gallimore Road/Hwy 276, the goal is to free up current county-owned space for the purpose of providing space for industrial development. Mr. Surette said he thought this was a great idea and it would not cost the County a lot of money to purchase the property. For the future of the County, he thought the payback with the creation of jobs and investment was worth the purchase and he encouraged the Board to move forward.

Jim Whitmore: Mr. Whitmore is the General Manager at Connestee Falls Property Owners Association. He said one of his priorities is to improve both cellular and internet connectivity within Connestee Falls, which is home to 2,300 residents. He pointed out that most areas of their community have no cell service or very poor cell service. The community has implemented some stop gap measures, such as the installation of emergency phones in strategic areas. Mr. Whitmore urged the Board of Commissioners to approve the variance for the cell tower that is on the agenda for consideration. Mr. Whitmore said this is a life safety issue and there is no financial impact to the County. He hoped the new tower would have available space for emergency services communications in the future as the County seeks to better serve its citizens.

Mary Freudenberg: Ms. Freudenberg recognized the importance of economic growth and the addition of jobs to the community; however, she is concerned about the proposed expansion of the Jennings Industrial Park. She pointed out that the area behind Oskar Blues is a very important birding area and has a unique habitat that is not found anywhere else in the County. Ms. Freudenberg said she was aware the County had limited options in terms of product development, but it was unclear to her the level of due diligence that has gone into the process to ensure that all options are weighed and any potential negative impacts are considered before an informed decision is made. She again asked the Board to give careful consideration to her comments and concern for the birds and their habitat before making a final decision.

Dee Dee Perkins: Ms. Perkins is a member of the Transylvania Economic Alliance Board of Directors and a downtown business owner. She thanked the Board for considering a significant investment and valuable contribution to the growth and development of the economic health of Transylvania County. She asked the Board to support the business park expansion through the purchase of 55 acres on Gallimore Road near Brevard Elementary School, Brevard High School and the Boys and Girls Club. She said Commissioners' support of this project is an endorsement of the creation of future industry/commerce and jobs. Ms. Perkins pointed out that the Alliance has invested lots of effort and hard work in finding the best opportunities for economic development. The Board of Commissioners presented the Alliance with a challenge and the organization has worked tirelessly to deliver. The Alliance believes this is a rare opportunity for Transylvania County to provide the key element for successful economic development and recruitment of business: product. She pointed out that because of the Board of Commissioners' vision and support, the Alliance has experienced success, as shown yesterday with the ribbon cutting of the Sylvan Valley Industrial Center, but said it is only a start. Ms. Perkins stated that by purchasing the property on Gallimore Road, the Board is upholding the County's economic vision and mission. One of the Alliance's goals is to keep Transylvania County worthy of

investment. To make that a reality, it is necessary to have a ready workforce and a strong inventory of buildings, land and infrastructure. Transylvania County's number one shortcoming for economic development is lack of adequate inventory for land and buildings to attract new business. These 55 acres provide the County with options and opportunities for investment. She endorsed the purchase and encouraged the Board of Commissioners to make the investment for Transylvania County's future.

Cindy Murfurt: Ms. Murfurt commented that the lack of cell service in the Cedar Mountain area used to be an aggravation, but it has now become life threatening as she has witnessed several accidents on Hwy 276 with no cell service to contact help. She pointed out that millions of people visit this County each year and it is unsafe to have inadequate cell service. She said for those concerned about aesthetics, cell phones can be disguised to look like trees. She urged the Board to approve the variance request for the cell tower.

Candy Gray: Ms. Gray is a resident of Cedar Mountain. On a personal level, having little to no cell coverage is an inconvenience. From a safety standpoint, however, it is worse because people are unable to reach emergency services. She described a recent incident where a UPS truck's gas tank blew up and fuel poured into the highway and river. Citizens had to drive out to a location to reach a hot spot in order to get cell coverage to call emergency services. She urged the Board to approve the variance request so that a cell tower can be built for the community.

Roger Frisbee: Mr. Frisbee is a member of the Transylvania Economic Alliance Board of Directors. He reported he has built two companies in Transylvania County that employ nearly 60 people. He felt that the proposal to purchase the park property to free up space for industrial development makes sense. He said it is rare that the Board of Commissioners gets an opportunity to vote on a matter that will impact the lives of literally tens of thousands of people over many generations. He urged the Board to purchase the park property.

Mack McNeely: Mr. McNeely is a member of the Transylvania Economic Alliance Board of Directors. He previously served on the Product Development Task Force and Economic Development Advisory Board. He believed the proposal to purchase the park property is the best option the County has to free up industrial space. Mr. McNeely recapped that, 20 years ago, Transylvania County ranked 4th in the State in average weekly wages. After losing its three biggest manufacturers and becoming a tourist destination over the past 20 years, the County has dropped to 56th in the State in average weekly wages. Coupled with that, our public lands are overused and worn out. He reported that for those students attending TC Henderson, 85% of the parents cannot afford to spend \$2/day on their children's lunch. He stated that although outdoor tourism is part of our local economy, it will never be able to provide the quality jobs that citizens deserve. In past meetings, he has heard the proposal referred to as land speculation, and he disagreed with the statement. He felt it was like any other public utilities investment; that it would be an investment in infrastructure for industry. Mr. McNeely pointed out the single biggest obstacle Transylvania County has for industrial recruitment is the lack of buildings and property that are ready for occupancy. Furthermore, without investment, existing businesses can expand and grow only if they do so outside Transylvania County. Mr. McNeely addressed the concerns raised by local members of the Audubon Society. He pointed out that more than 60% of Transylvania County is forestland. With that much public land, it is not justifiable to set aside more because it is a birder's favorite spot. He urged Commissioners to move forward with the purchase of the property.

Huxley Coulter: Mr. Coulter expressed concern about the recommendation regarding the proposed cell tower, especially as there is no requirement for colocation in the Telecommunications Tower Ordinance. The request for a variance is that the requirement for colocation is an economic burden for the applicant. Because colocation is not required, he did not feel the argument for a variance was valid. Mr. Coulter was supportive of having more cell coverage in the County, but he was concerned about the proposed

location and the requirements not being met for the variance request. He asked the Board to take this under advisement.

Jeremy Owen: Mr. Owen is the Chairman of the Transylvania Economic Alliance Board of Directors. He stated that the Board of Commissioners should have received a letter signed by every member of the Alliance Board encouraging them to move forward with the project. He understood the complexity of the proposal. The Alliance received letters from local birders and recognized their concerns. Mr. Owen wanted the Board to consider that lack of inventory, infrastructure, and access to utilities are complex problems and major challenges. The Alliance believes this is a creative proposal to a complex problem. He thanked the Board for their consideration.

Lee McMinn: Mr. McMinn reminded Commissioners that they discussed the possibility of extending the lease for the WNC Military History Museum at their last meeting. The motion to renew the lease for a period of two years was derailed due to a reference to a statute. Mr. McMinn interpreted the statute to pertain only to cities and towns and relate only to enterprise activity. He cited the statute that should apply to this situation as *NC General Statute §160A-488 Museums and arts programs. (a) Any city or county is authorized to establish and support museums, art galleries, or arts centers, so long as the facility is open to the public.* For this reason, he urged the Board to approve a contract extension and suggested making the contract automatically renewable, so the Board does not have to take up the issue on an annual basis. Mr. McMinn also suggested the County not charge rent so that their building fund will accrue faster. He felt that all of these recommendations were within the Board's purview.

Parker Platt: Mr. Platt is a past member of the Transylvania Economic Alliance Board of Directors. He thanked the current Board and staff for bringing forth a creative and exciting opportunity for Commissioners to consider. Mr. Platt is a current member of the Board of Directors for the Cindy Platt Boys and Girls Club. He stated that a recreational development on the 55 acres bordering their campus would be beneficial to the programs at the Boys and Girls Club and the organization is eager to collaborate with the County on the development. He thanked Commissioners for their consideration and said he hopes they will approve the purchase. Mr. Platt also thanked Chairman Chapman and Commissioner Phillips for all they have done for the community during their service on the Board.

Karla Marr: Ms. Marr expressed her support of the purchase of the property on Gallimore Road/Hwy 276 for a future park and recreation area. She pointed out there is limited public access to the banks of the French Broad River in Transylvania County. The river is a very beautiful part of the County and on several occasions she has been trespassed from the property simply for seeking river access. Ms. Marr believes, however, that the asking price is too high and she hopes the County can negotiate a lower purchase price. Ms. Marr agreed with Commissioner Chappell's statement that the County should not be in the land speculation business. Therefore, she was puzzled that he presided over the Board when Commissioners decided to purchase 25 acres along Morris Road for more than \$2 million at roughly \$90,000/acre and part of the acreage has been sitting vacant for 13 years. To her, this is also considered being in the land speculation business and one in which the County has been unsuccessful. She was unclear how Commissioner Chappell voted at that time and wanted to hear from him.

AGENDA MODIFICATIONS

Commissioner Lemel requested to move Item VIII-G Recognition of Outgoing Commissioners under New Business to Item V-A under Presentations/Recognitions. This action would move the Silvermont presentation to Item V-B under Presentations/Recognitions. The Manager requested to add a new item VIII-G under New Business to Amend Legal Department Budget for County Attorney Transition Expenses.

Commissioner Lemel moved to approve the agenda as modified, seconded by Commissioner Chappell and unanimously approved.

CONSENT AGENDA

Commissioner Lemel moved to approve the Consent Agenda, seconded by Commissioner Phillips and unanimously approved.

The following items were approved:

DISCOVERY, RELEASE AND MONTHLY SETTLEMENT REPORT

Per NC General Statute § 105-312 (b), it is the duty of the Tax Administrator to see that all property not properly listed during the regular listing period be listed, assessed and taxed. The Tax Administrator shall file such reports of discoveries with the Board of Commissioners. Per NC General Statute § 105-381 (b), it is the duty of the Tax Administrator to provide a monthly report to the Board of Commissioners of the actions taken by the Tax Administrator on requests for release or refund, which shall be recorded in the minutes. For October 2018, total tax dollars released was \$119,625.31 and refunds totaled \$1,047.52. Commissioners approved the Discovery, Release and Monthly Settlement Report for October 2018 as submitted.

VAYA HEALTH FISCAL MONITORING REPORT

Per NC General Statute § 122C-117 (c), the quarterly Fiscal Monitoring Reports for the local management entities/managed care organizations must be presented to the Board of Commissioners in person and read into the minutes of the meeting at which it is presented at least twice a year. Commissioners accepted the Fiscal Monitoring Report for the first quarter of FY 19 for Vaya Health.

REQUEST TO CLOSE COUNTY OFFICES FOR ANNUAL EMPLOYEE LUNCHEON

The Annual Employee Luncheon will be on December 21 in the Myers Dining Hall on the campus of Brevard College. Staff requested that County offices be closed from 12 noon – 5 p.m. so that employees may attend. Commissioners approved the request and instructed staff to post notice at their facilities.

FUNDING FOR HORSE COVE ROAD TRAIL

The City of Brevard received a grant for partial funding of the Horse Cove Road Trail. This trail would connect Horse Cove Road (which runs from the Fish Hatchery to Bracken Preserve) to Joel Branch Road (which runs to the campground) and provide a direct route for mountain bikers and hikers from Bracken Preserve to Davidson River Campground. The project ranks #7 on the City of Brevard's priority map. The Parks and Recreation Commission views this as a low-cost project that may lead to future partnership opportunities with the City of Brevard. Commissioners approved the recommendation to allocate \$6,500 from the Parks and Recreation Capital Reserve to partner with the City of Brevard for funding of the Horse Cove Road Trail project.

PRESENTATIONS/RECOGNITIONS

RECOGNITION OF OUTGOING COMMISSIONERS

Commissioner Lemel stated that in recognition of Commissioners Larry Chapman and Kelvin Phillips, the Board of Commissioners and citizens of Transylvania County wanted to recognize them for their service. She read and presented them both with plaques and a special gift.

In Recognition of James Kelvin Phillips

In grateful appreciation for his leadership and dedication to public service to the citizens of Transylvania County as a Transylvania County Commissioner

2014-2018
From the Transylvania County Board of Commissioners
This the 29th day of November, 2018

Commissioner Lemel stated that being a public servant comes with challenges, as well as with pleasure and accomplishments. She presented Commissioner Phillips with a peace lily as a sign that his time away from serving will give him comfort and peace while the remaining Board members work to resolve challenges.

In Recognition of Larry L. Chapman
In grateful appreciation for his leadership and dedication to public service to the citizens of Transylvania County as a Transylvania County Commissioner
2010-2018
Vice-Chairman 2011-2016
Chairman 2016-2018
From the Transylvania County Board of Commissioners
This the 29th day of November, 2018

Commissioner Lemel said she and Chairman Chapman have enjoyed many road trips together over the last six years in their service to the citizens. Since he has recently retired from regular employment and is now retiring from service on the Board of Commissioners, she said he will need to find employment. She shared that his nickname for her on their road trips is “Miss Daisy” so she gifted him with a chauffer’s cap for his future employment.

On a more serious note, the Board also had two resolutions to present to the outgoing Commissioners.

Commissioner Chappell read Resolution #39-2018 Honoring Commissioner Kelvin Phillips for His Service to the Citizens of Transylvania County and moved for approval, seconded by Commissioner Lemel.

**Resolution # 39-2018
Honoring Commissioner Kelvin Phillips
For His Service to the Citizens of Transylvania County**

WHEREAS, Kelvin Phillips has served Transylvania County and its citizens for the past four years as a County Commissioner, in addition to serving two previous terms from 2004-2012; and

WHEREAS, the Transylvania County Board of Commissioners wishes to recognize Kelvin’s service as a public official during his term as a County Commissioner; and

WHEREAS, Kelvin has served with distinction and his many accomplishments reflect his varied interests; among these, protecting the rich history of this County by supporting the preservation of the County’s historic structures, most notably through repairs to the Courthouse and restoration of the Silvermont Mansion; his support for open and transparent government that led to the design of a new County website and livestreaming County Commission meetings online and through social media; his focus on economic development by making investments to improve infrastructure, business incentives for job growth and capital investment, as well as embarking upon a significant partnership with various agencies to construct an industrial building to attract future employers and to retain an existing manufacturer, thereby allowing the County to reinvest in itself and future projects; being an ardent supporter of youth and children in our community evidenced by the approved expenditures for the local school system that are better relative to our economic peers, our school system peers and neighbors in

both capital and annual expenditures and appropriating operating expenses at the fifth highest rate per student in the State, as well as his support of early childhood initiatives and the collaboration of agencies and nonprofits that serve children 0-5 and their families; and

WHEREAS, Kelvin is an advocate for limited government and the protection of property rights; he encourages citizen participation in all facets of government; he holds a special place in his heart for our veterans and military personnel, and those in the emergency services field; and he always considers taxpayers on every decision; and

WHEREAS, as a Commissioner, Kelvin represented the Board by serving as a member of the Board of Health; and

WHEREAS, Kelvin's kindness, cheerfulness, and genuine concern for others make him a friend to everyone;

THEREFORE, BE IT RESOLVED by the Transylvania County Board of Commissioners to commend Kelvin Phillips for his years of service to Transylvania County and to recognize his loyalty and excellence of performance; and to extend to Kelvin best wishes for many years of good health and happiness in his future endeavors.

This 29th day of November, 2018.

Larry Chapman, Chair
Transylvania County Board of Commissioners

Commissioner Chappell said he has served alongside Commissioner Phillips the longest and he has always been appreciative of him. They have followed similar paths, although on occasion they were on the different side of an issue. He stated it has been an honor serving with him and that the citizens of Transylvania County are better off because of his service. Commissioner Hawkins echoed Commissioner Chappell's comments. He also noted that over the last year Commissioner Phillips battled some serious health issues and that he did so without complaining and without asking for anyone's pity. Commissioner Hawkins said he handled his serious health issue with grace and class while still working as a County Commissioner and it made an impression upon him that he will never forget. He said it has also been an honor to serve with him. Commissioner Lemel said she was very appreciative of the opportunity to serve with him and she wished him great peace and happiness moving forward. Chairman Chapman was very appreciative of the last four years and the opportunity to work with Commissioner Phillips. He wished him the best. **The motion passed unanimously.**

Commissioner Phillips said he has spent 16 years in public service which includes his time on the Board of Education, so he felt it was time to leave the public service arena. He noted that he never had aspirations to run for public office. With that said, he stated he will miss working with the members of the Board and staff. He was appreciative of the trust citizens put in him to represent them on the Board. He felt that the Board has always strived to work together for the good of Transylvania County, no matter the circumstances. He thanked everyone for the opportunity and he was honored and blessed to serve and live in Transylvania County.

Commissioner Hawkins read Resolution #40-2018 Honoring Commissioner Larry Chapman for His Service to the Citizens of Transylvania and moved for approval, seconded by Commissioner Lemel.

Resolution # 40-2018
Honoring Commissioner Larry Chapman
for His Service to the Citizens of Transylvania County

WHEREAS, Larry Chapman has served Transylvania County and its citizens for eight years as a County Commissioner, including five years as vice-chairman and the last two years as chairman; and

WHEREAS, the Transylvania County Board of Commissioners wishes to recognize Larry's service as a public official during his term as a County Commissioner; and

WHEREAS, Larry has served with distinction and his numerous accomplishments reflect his varied interests; among these, protecting the rich history of this County by supporting the preservation of the County's historic structures, most notably through repairs to the Courthouse and restoration of the Silvermont Mansion; his support for open and transparent government that led to the design of a new County website and livestreaming County Commission meetings online and through social media; his focus on economic development by making investments to improve infrastructure, business incentives for job growth and capital investment, as well as embarking upon a significant partnership with various agencies to construct an industrial building to attract future employers and to retain an existing manufacturer, thereby allowing the County to reinvest in itself and future projects; being an ardent supporter of youth and children in our community evidenced by the approved expenditures for the local school system that are better relative to our economic peers, our school system peers and neighbors in both capital and annual expenditures and appropriating operating expenses at the fifth highest rate per student in the State, as well as his support of early childhood initiatives and the collaboration of agencies and nonprofits that serve children 0-5 and their families; and making considerable investments in parks and recreation amenities, such as Connestee Falls Park, Rosman Community Park, Champion Park and Pool, Silvermont Mansion and Park, and the Transylvania County Activity Center; and

WHEREAS, Larry oversaw a capital program that led to new space for the Clerk of Court, District Attorney, Public Defender, and other court operations; Register of Deeds, Tax Administration, Administration, and Elections, thereby prolonging the life of the Transylvania County Courthouse; and

WHEREAS, Larry has been a strong advocate for Transylvania County at the State and federal level and he regularly hosted meetings of local elected officials with our State representatives and traveled to Washington, DC to campaign on our behalf; and

WHEREAS, Larry is an advocate for limited government and the protection of property rights; he encourages citizen participation in all facets of government; as a retired Colonel in the United States Marine Corps, he holds a special place in his heart for our veterans and military personnel, and those in the emergency services field; and he always considers taxpayers on every decision; and

WHEREAS, as a Commissioner, Larry represented the Board of Commissioners by serving on various boards and committees, including the Juvenile Crime Prevention Council and the NC Association of County Commissioners Board of Directors; he chaired the County's Veterans Day Committee; and he achieved Mentor Level in the Local Elected Leaders Academy which offers local elected leaders the knowledge and skills needed to lead and govern their communities; and

WHEREAS, Larry will be remembered by County employees for his rendition of the 12 Days of Christmas at the Employee Christmas Luncheon; and by others for always being on his soapbox; and

WHEREAS, Larry's kindness, cheerfulness, and genuine concern for others make him a friend to everyone; **NOW, THEREFORE, BE IT RESOLVED** by the Transylvania County Board of

Commissioners to commend Larry Chapman for his years of service to Transylvania County and to recognize his loyalty and excellence of performance; and to extend to him best wishes for many years of good health and happiness in his future endeavors.

This the 29th day of November, 2018.

Page Ives Lemel, Vice-Chair
Transylvania County Board of Commissioners

Commissioner Hawkins said the two things he will remember most about Chairman Chapman's service are his courage of conviction and his being such an extrovert. He joked that Chairman Chapman has never met a stranger. He considered Chairman Chapman a friend and said he will miss him serving alongside him. Commissioner Lemel said what she respects the most about Chairman Chapman is his work ethic regarding service to the County. She was impressed with the amount of time that he has invested in many areas of the community and across the State. She said she will miss having him around. Commissioner Chappell thanked Chairman Chapman for his service. He admired him for his advocacy for Transylvania County. He truly believes Transylvania County is a special place and he tried to spread that message everywhere he went. Commissioner Phillips admired Chairman Chapman's strong leadership. He said he spends a lot of time advocating for Transylvania locally, across the State and at the federal level. He appreciated his friendship and enjoyed working with him over the past few years. **The motion passed unanimously.**

Chairman Chapman thanked the members of the Board and staff. He stated that citizens can be proud of the staff that serves Transylvania County. He gave a special thanks to his wife Jill for supporting him over the last eight years while serving on this Board, and for all the years he traveled the world for his job and his 30 years in the US Marine Corps. Chairman Chapman wished the Commissioners-elect the best. He closed by saying he felt the County was in great shape because of the work of this Board and excellent staff.

FRIENDS OF SILVERMONT UPDATE AND PARTNERSHIP REQUEST

The Friends of Silvermont requested to make a presentation to the Board to showcase their work improving the inside of Silvermont Mansion, outside of Silvermont Park, and special events they have held. They would also like for the County to see them as a partner and assist them with storage costs for their largest event-PumpkinFest. Although they intend to make a request for partnering on these costs, the Manager pointed out that the Board is not being asked to take action during this meeting.

Ms. Jeanne Hunter presented on behalf of the Friends of Silvermont. She recognized the members of the Friends of Silvermont in attendance and all those who contribute countless volunteer hours and dollars to their efforts. Ms. Hunter said that Silvermont is a better place because of the work that has been done there over the past few years. She hopes everyone has a chance to visit the park because it is more broadly used than in past years.

This is a summary of her presentation:

Why Are We Here?

- Provide background on the roles of the Friends of Silvermont organization
- Provide an update on the recent Silvermont upgrades, renovations and event activities
- Present economic and quality of life benefits to Transylvania County
- Discuss improved partnership with Transylvania County going forward

Who We Are

- Mansion built in 1917 and donated to the County in 1972
“... as a center for arts and craft programs and for gatherings of the elderly and the youth of the community, as well as for other useful and educational purposes deemed appropriate.”
- In 1981, the county voted to demolish Silvermont mansion. Community feedback helped reverse this decision
 - County approved the formation of Friends Of Silvermont (FOS) to supervise repairs and prepare usage plans
- In 2012, the Centennial Committee was formed to address deteriorating conditions of the mansion and grounds; this group merged with FOS in 2017
- Over 3,000 volunteer hours donated annually through FOS to help sustain and improve the mansion and park

What We Do

- Raise money for the preservation and enhancement of Silvermont mansion and grounds; has acted as a partner in the community for 37 years
- Serve as a voice for the community to help identify needs and enhancements for Silvermont mansion and grounds
- Promote Silvermont as an asset for the County through media and community event; Pumpkinfest is largest event; *‘Brevard’s Biltmore’ - historic, beautiful and accessible to all*

Recent Enhancements

- The FOS - CC have generated approximately \$200,000 from donations and fund-raising events since 2013
- Paid for approximately \$165,000 for improvements to the mansion and grounds.
 - First floor renovation in 2018 (Floor repair and refinishing; custom wood shutters; new paint, frames, artwork display) - \$34,000
 - Playground in 2015 (joint venture with Transylvania County) - \$43,000 of FOS funds
- ADA Trail and New ADA-compliant picnic table and benches - \$31,000
- Window replacement with matching grant from the DAR - \$20,000 total
- Exterior painting and repair of mansion - \$34,000
- Worked jointly with County to install new playground, walking trails
- Picnic tables, benches

A Partnership Supporting County’s Economic Goals

- FOS property improvement initiatives have:
 - Increased the value of County land (mansion repairs and upgrades, grounds improvements, new trails and playground)
 - Provided the potential for increased event fees and usage after new facelift
 - More conducive as a formal wedding or event venue, which could command higher fees (an event-specific wine/beer license would further enhance this opportunity)
 - Increased tourism activity providing benefits to the broader community
 - In 2018, PumpkinFest attracted over 2,700 customers, 40% of which were drawn from outside the County with an approximate economic impact of \$150,000

A Partnership Supporting the County’s Quality of Life

- 2nd Floor museum in Silvermont mansion funded, created and installed by FOS
- Community events, such as PumpkinFest, are beloved by county residents and add to the feeling of Transylvania County being a special place to live

- New trails and playground facilities are used daily
- Other community organizations also contribute to Silvermont's beauty
 - Master Gardeners install and maintain beautiful and educational gardens behind the mansion
 - The French Broad Gardeners paid for and maintained front gardens at Silvermont

Continuing Partnership with Transylvania County-Let's continue to honor the Silversteen's gift to our County:

- Formalize relationship with FOS acting as a partner community organization for the betterment of Silvermont Park
 - FOS to continue to provide feedback to the County and coordinate property improvement efforts
- Focus on the Silversteen's bequest of making Silvermont a center for arts and other programs for the young and old
- FOS requests that the County partner more closely on our biggest fundraiser-PumpkinFest
 - FOS will direct all profits towards ground/mansion preservation and enhancements
 - FOS is asking the County to offset our greatest expense, annual storage of PumpkinFest displays; possible space at a County facility to store displays

Where Do We Go From Here?

- Enhanced partnership is beneficial to all involved
- PumpkinFest support will improve profitability and provide for improvements to future events
- Future mansion/ground enhancement prioritization coordinated with FOS
- Consider single-event beer/wine license to support higher-revenue events, as well as to support future fund-raising efforts

This concluded the presentation.

Commissioner Lemel commented she was grateful for the Friends of Silvermont organization and for all they have accomplished. It is impressive to see the Silvermont Mansion becoming the jewel that it once was. She expressed excitement about the opportunities.

Commissioner Chappell thanked Ms. Hunter for tracking the number of visitors, both local and out-of-county. He thought that information would be important for the Board to know moving forward.

Chairman Chapman commented that he grew up near the Silvermont Mansion and remembered what it was like when it was a residence. He was grateful that it remains part of the community. He thanked the organization for all they do for the community. He said the Board may consider the Friends of Silvermont's request at a future meeting.

APPOINTMENTS

2019 LEGISLATIVE GOALS CONFERENCE VOTING DELEGATE DESIGNATION

Each County has been asked by the NC Association of County Commissioners to designate a Commissioner or other official as a voting delegate for the 2019 Legislative Goals Conference that will be held January 10-11, 2019 at the Raleigh Marriott Crabtree Valley in Wake County. The purpose of the conference is to set the legislative agenda for the 2019-2020 legislative biennium. The recommendation is to appoint a County Commissioner to serve as the Voting Delegate to the 2019 Legislative Goals Conference and instruct the Clerk to complete and submit a Voting Delegate Designation Form and make appropriate arrangements for accommodations.

Commissioner Chappell moved to appoint Commissioner Lemel to serve as the Voting Delegate with Commissioner Hawkins serving as the backup, seconded by Commissioner Phillips and unanimously approved.

PERSONNEL BOARD

On November 2, Bobby Cooper resigned as the Transylvania County EMS Director. He served as a Department Head Representative on the Personnel Board and is no longer eligible to serve in that role since his resignation. Human Resources Director Sheila Cozart recruited for his replacement. Three inquiries led to one application. The Personnel Board recommends the appointment of Finance Director Jonathan Griffin to replace Bobby Cooper.

Commissioner Lemel moved to appoint Finance Director Jonathan Griffin as the Department Head representative to the Personnel Board, seconded by Commissioner Chappell and unanimously approved.

OLD BUSINESS

REQUEST TO RENEW CONTRACT WITH THE WNC MILITARY HISTORY MUSEUM

Chairman Chapman requested this item be placed on the agenda. He asked Commissioners to consider an extension/renewal of the contract with the WNC Military History Museum. During the extension period, the museum intends to embark on a major fundraising campaign to help them pay for a permanent location. The current contract is valid through June 30, 2019.

This item was tabled from the previous meeting on November 13 in order to allow time for the County Attorney to get clarification on some legal questions posed with regards to contracting with nonprofits for services.

County Attorney Misti Bass first noted that her legal advisement to the Board of Commissioners in no way reflects her personal feelings about the museum. She was very impressed with their presentation at the last meeting. With that said, it is her job as County Attorney to protect the County and ensure the Board of Commissioners is following the law. She referred to Mr. McMinn's comments made during Public Comment. She was aware of the statute he referenced that allows counties to support a museum which was the statute the County followed to enter into the original contract with the museum. She reported that when the museum supporters approached the County in May 2017, their request did not include for the County to operate the museum, but rather for them to lease a building. The County faced two issues at that time: length of the lease because they requested a lease for more than one year and the fact that they could not pay more than the fair market rate for the lease. Under the public purpose doctrine, the County has to either find that it can engage in the act by statute or it cannot be funded at below fair market value. This is the County's fiduciary duties. It is because of the statute that Mr. McMinn mentioned that the County is allowed to enter into a contract with the museum below fair market value. Ms. Bass has researched whether the public purpose provision exempts the County from the statutory requirements of leasing local government property. She reported she has read the relevant statutes extensively and spoken with legal experts at the UNC School of Government and it is her belief that, while she can see the argument, the minimum requirements for leasing property still exist. Because of that, her recommendation to the Board was to comply with statutes. A one-year extension from the current lease would not require public notification. A lease for a two-year or more extension should be advertised for a period of 30 days to comply with the lease statutes. The Board could then reconsider the lease after the advertising period. This action would keep the Board from being subjected to possible challenge.

For clarification, Commissioner Lemel asked if the Board could approve a one-year extension of the current lease with a one-year renewal. Ms. Bass stated that inclusion of a one-year renewal counts as two years.

Chairman Chapman pointed out that none of the documentation indicates the contract as being a lease and asked if this needed to be clarified. He also asked what kind of arrangement the County has with the Family Resource Center, County Extension Service, etc. because he wanted the documentation and the Board's action to be consistent. Ms. Bass explained that essentially a lease is a type of contract. There are four basic requirements for a lease in North Carolina: identifies lessee and lessor, states rent value (consideration), gives time period, and provides a description of the property.

Commissioner Phillips asked if there is a difference in just extending the current contract. Ms. Bass responded that the contract can be extended for a year without public notification and using the term renewal does not change the statutory requirements.

The Manager responded to Chairman Chapman's questions about agreements with other agencies. She recalled that last year the County entered into a contract with the Family Resource Center (domestic violence center). It allowed for a year contract and is renewable until the Board takes action to end it. She said the Board could consider the same option for the museum. Counties are different from municipalities in that counties often have other organizations that are located within their campuses, like Cooperative Extension Service and other partnerships to provide and coordinate public services. The Manager stated she has had discussions with Ms. Bass about those agreements not being in writing and that is probably an area the Board needs to address. Some of these partnerships have been in place for decades, but there are no formal written agreements that have been vetted in this way. It will affect several different relationships the County has with various organizations. Ms. Bass pointed out each will have to be determined individually because there are varying factors that may apply to each.

Ms. Bass stated one element that may be making this issue confusing is using the term lease. Nonpayment of rent can make a difference as well. It could be argued whether the agreement qualifies as a lease, but the base requirements are there in the contract. Based on her conversations with experts in the field, there is a risk to the County here as well. The Manager clarified that the Family Resource Center contract spells out a contribution toward utilities which is what Ms. Bass is referring to.

Commissioner Lemel moved to allow a one-year extension of the Military Museum contract through June 30, 2020, seconded by Commissioner Hawkins. Chairman Chapman requested an amendment to make the contract automatically renewable at the end of term unless cancelled by the Board of Commissioners, seconded by Commissioner Hawkins. Commissioner Chappell asked if the proposed amendment requires public notification. Ms. Bass responded that her understanding of the statute is that there is a 30-day notice requirement. The Manager reiterated that the Family Resource Center contract is set up for automatic renewals. Ms. Bass reported she had not reviewed the Family Resource Center contract to compare it to the museum lease. However, according to NC General Statute § 160A-272 which states that in determining the term of a proposed lease, the periods that may be added to the original term by options to review or extend shall be included, she advised the Board to advertise. **The amendment was approved unanimously.** Commissioner Chappell said he continues to be concerned about making a decision to lease property prior to a new Board of Commissioners being seated in four days. The advertisement period will at least allow the new Board to have some discussion. He inquired about next steps in this process. With the main motion as stated, he inquired if the Board would have to vote again after the 30-day advertisement period. Ms. Bass advised Commissioners to make a resolution today and adopt it at the next meeting. At that time, the Board would need to determine the annual rent/lease payment, assuming it would remain the same. The information would be placed in a public notice for a 30-day period and then adopted at a meeting following the advertisement period. For

purposes of trying to correct the contract with the Family Resource Center, the Manager suggested including it with the same advertisement and considering both agreements at the same meeting. **The main motion was unanimously approved.**

Commissioner Lemel moved to seek clarification on the contract with the Transylvania County Family Resource Center and advertise according to need, seconded by Chappell and unanimously approved.

REQUEST FROM CEDAR MOUNTAIN FIRE RESCUE TO SUPPORT STATE FUNDING
CHANGES FOR FIRE PROTECTION

At the October 9, 2018 Board of Commissioners' meeting, Cedar Mountain Fire Rescue President Jimmy Jones requested Commissioners support the department's effort to secure additional funding from the State for fire and rescue services provided in Dupont State Recreational Forest. The Board instructed County staff to provide response data from County departments that also provide emergency services to State parks and/or recreational property. Staff was also instructed to discuss with other fire/rescue departments that provide services in State parks/forests for potential inclusion.

The 911 Communications department provided the response data below. It was noted that the response data provided by Cedar Mountain Fire Rescue differs by 10 responses. The data comes from different collection sources and would require a review of each individual call to identify the discrepancy.

**Responses by Department to State Owned Land
Calendar Year 2017**

<u>Department</u>	<u>Total Calls</u>	<u>State Land Responses</u>
Cedar Mountain Fire Rescue	242	41 Dupont
Transylvania County EMS	5108	30 Dupont 14 Gorges
Transylvania County Sheriff	13,316	56 Dupont 6 Gorges
Lake Toxaway Fire Rescue	592	38 Gorges
Rosman Fire Rescue	842	10 Gorges
Connestee Fire Rescue	688	1 Dupont
Transylvania Co Rescue Squad	2,270	1 Dupont
Transylvania County EM	109	3 Gorges

As instructed, staff discussed potential inclusion with representatives from Lake Toxaway Fire Rescue, Connestee Fire Rescue and Rosman Fire Rescue; however, none of the departments expressed interest in joining in the effort at this time. It was not discussed by the Chiefs' Association at the November meeting.

Mr. Jones emailed County staff on October 11 expressing concern that the County may be requesting funding from the State for EMS and law enforcement services provided on State owned property and

thought this might hinder the fire department's effort. He preferred that Cedar Mountain Fire Rescue lead the effort for fire/rescue funding changes starting with a letter of support from the Board of Commissioners.

NC General Statute § 58-85A (a) created a fund to compensate local fire districts for providing local protection, but it is limited to State-owned buildings and their content and does not include property in the calculation for distribution. Cedar Mountain Fire Rescue received State funding in the amount of \$753 in 2018. The department is requesting the Board of Commissioners endorse a letter of support to the NC General Assembly to amend the statute to include land and attractions and to allocate additional funds to cover the amended statute.

Commissioner Lemel moved to provide a letter of support for the State to explore increased funding to fire rescue departments for fire and rescue services in State parks and recreational forests, seconded by Commissioner Phillips. Commissioner Chappell advised the Board to consider in the future expanding the request to other departments as well. This request covers an immediate need for fire and rescue services, but he felt it would be beneficial to include other agencies in the future. With permission from the Board, Mr. Jones spoke to Commissioner Chappell's point. He stated that the current statute refers to fire departments, hence the direction in which the department is proceeding. The department understands the statute has impacts statewide. He believes if the amendment is successful, it will affect all departments in the State. A local bill would only impact the county pursuing the legislation. Cedar Mountain Fire Rescue has been discussing this issue all over the State, and other departments are ready to support their efforts. The first step would be having a letter of support from the local governing board in place. Commissioner Chappell thought it would be prudent to pursue all options, to include both a local bill and statewide bill. **The motion was approved unanimously.**

INTENT TO PURCHASE PROPERTY FOR COUNTY PARK

The Transylvania Economic Alliance (TEA) has property under contract that will not be suitable for industrial development and appears to be usable as a park facility. The Alliance made a presentation to the Board at the previous meeting. The due diligence contract between TEA and the property owner is set to expire December 10. Should commissioners decide to purchase the property, they will need to direct the County Manager to sign a contract for purchase and proceed with the property transfer before the contract deadline.

TEA feels there is potential to use the property to relocate some existing park space near Jennings Industrial Park to free up future industrial product space. Lack of product is an ongoing issue for economic development. Commissioners could also use the property to add park space as indicated in the Parks and Recreation Master Plan. This is also consistent with the Board's Strategic Plan.

The Manager recognized TEA Executive Director Josh Hallingse to present additional information about the property.

Mr. Hallingse recognized the members of the TEA Board of Directors in attendance. He said the proposal before the Board is a creative opportunity identified by TEA for the purpose of creating new product in a community that has significant challenges. With that said, those challenges are supported by opportunities in that we are surrounded by public lands and natural resources that are very important to our community. Regardless, they present challenges to businesses that are looking to grow or relocate here. Mr. Hallingse pointed out these efforts take time – time the Alliance wants to invest but which the private sector is unable to invest. In the private sector, time is risk. Without a strategic effort from a local standpoint, it will be difficult to convince a private sector business to expand or relocate here. The property identified as a potential park location came to the attention of TEA staff as they completed a greenfield analysis for properties for industrial purposes. The property consists of four tracts that

comprise approximately 55 acres. It is located among significant community assets, including Brevard Elementary School, Brevard High School and the Boys and Girls Club. The tax assessed value of the property is \$515,000. TEA had the property appraised which came in at \$460,000. TEA is under contract with Brevard College for the property at \$440,000. The due diligence period expires December 10. At that point, TEA would be required to inform the owner of their intentions.

Mr. Hallingse reported the property is undevelopable for traditional economic development, but TEA feels it has an opportunity to play a role in the community as untraditional economic development, specifically for recreational purposes. The property has utility access. It is also located in the floodplain and has portions in the floodway. The property is located within the City of Brevard's extraterritorial jurisdiction and is zoned as GR6 – a residential zoning district. Its neighboring uses are housing, agriculture, and river. TEA believes the property is suitable for recreational use.

TEA has been working to understand the challenges posed by the property's location in the floodplain and floodway. The organization hired an engineering firm to create a wetlands delineation map. During the process, TEA also researched how other communities leverage land that is in the floodplain and floodway. They found several counties and municipalities that have constructed recreational amenities on properties in the floodplain and floodway, including Buncombe County, the City of Asheville, and the Town of Fletcher. That is not to say there are not challenges, but other communities have been able to capitalize on such property for recreational amenities.

Mr. Hallingse reported he has been questioned by members of the community about this concept and asked repeatedly about the use of the Davidson River Village (former Ecusta). While these are valid questions and concerns, Davidson River Village presents significant challenges. The adopted master plan for Davidson River Villages does not include industrial development; it includes commercial and residential. The property would have to be rezoned for industrial development, a process that takes time and effort and would have to be initiated by the owner which TEA has no indication they are willing to do. The Davidson River Village property is for sale, but the landowner would prefer to sell the entire 535 acres, which significantly limits the type of businesses that would have an interest in purchasing the property. Additionally, a large percentage of the 535 acreage is undevelopable. Only about 145-165 acres is developable, assuming the current landowner would be willing to subdivide. Additionally, the property is zoned and governed by seven unique brownfields agreements which are extremely complex and not something a small company can navigate successfully or assume the associated risks. Therefore, the property significantly limits the type of operation that would be willing to move forward with development. TEA will continue its relationship with the landowner to market to prospective developers, but the market is limited.

Mr. Hallingse pointed out that the community should have a strong interest in manufacturing. Over the past five years, manufacturing employment has increased by 68%, greatly outpacing the remaining sectors of the community. The manufacturing sector currently employs 700 workers. In 2017, average monthly earnings in local manufacturing equaled just over \$3,500, 21% above all the other average sectors in Transylvania County.

TEA's proposal is creative, but the organization feels it is the best opportunity for the County. It leverages existing county-owned property to repurpose for an industrial park and has access to utilities – those items companies are searching for when considering relocation. TEA feels like this is an opportunity to bridge the gap between the County's natural environment and commerce.

Since the Brevard College property has portions within the floodway and floodplain, TEA worked with a civil engineer and an environmental landscape company to determine what might be feasible for the

property. Mr. Hallingse showed Commissioners a conceptual plan, noting it is not a final plan, which depicted what kind of amenities could be located there.

Mr. Hallingse reported the property also leverages streambank restoration credits. The conceptual plan identified 8 ½ acres out of the 55 for this purpose. The estimated value is \$150,000 which is a significant portion of the purchase price.

Balancing nature and commerce is an important topic and is something TEA constantly wrestles with. Transylvania County contributes heavily to the natural environment in this State. The percentage of public lands continues to rise in Transylvania County which is great for the people who live and visit here, but it also takes away tax base from the community, as well as opportunities to grow employment on specific pieces of property. TEA's proposal adds acreage to the public parklands in Transylvania County. Mr. Hallingse pointed out that many of the County's land use decisions were made in an era that was long past. The County decided to pursue some of these land use decisions in a time when there were significant employers in the community – those employers are no longer here. For this reason, it is important to think creatively and differently about the County's future.

This concluded Mr. Hallingse's presentation. Chairman Chapman called for Commissioner discussion or action.

Commissioner Lemel moved that we direct the County Manager and staff to enter into a contract for the purchase of this property from the current property owner, using recreation fund balance, taking necessary actions to obtain and acquire the conservation credits, for the purchase price of \$440,000, to be executed tomorrow, seconded by Commissioner Hawkins. Commissioner Phillips inquired if a hydrologic and hydraulic study had been completed by an engineer on the property. He pointed out the cost of these studies starts at \$30,000 and must be completed before a no-rise certificate can be pursued. They must also be approved by FEMA. Mr. Hallingse responded that an engineer has performed a wetlands delineation study, but not a hydrologic or hydraulic study. Commissioner Lemel stated the reason for her motion is that she is concerned too much time has been spent on the details of this property and not on the vision. She feels this proposal is a big step for the community. She commended the TEA Board of Directors for their work. With the streambank credits, the net purchase would be \$290,000. Over the 55 acres of property, that equates to a per acre cost of \$5,273. As identified in the Parks and Recreation Master Plan, there is a deficit of easily accessible public lands for neighborhoods and citizens, outside of the public lands. The location of this property is immediately contiguous to two public schools and the Boys and Girls Club, which serve hundreds of children. She feels the purchase is an investment in quality of life for our citizens and an opportunity to provide greenspace and access to the French Broad River. Commissioner Lemel stated that change is not easy, but it is necessary. She urged the Board of Commissioners to support the TEA Board of Directors' recommendation and purchase the property. Commissioner Chappell noted the due diligence period expires December 10, merely a week after a new Board is seated. Being pushed to make this decision will affect the new Board. While he appreciates and respects the TEA Board of Directors and staff, he has several concerns. He stated that the Parks and Recreation Commission did not have an opportunity to provide input on this specific purpose and potentially relocating the ballfields. Additionally, more than half of the property is floodway and floodplain and the overall cost to build out is phenomenal. Commissioner Lemel responded she has no intentions of making any decision regarding the use of this property without fully vetting it through the Parks and Recreation Commission. The important component at this time is to acquire the property before the due diligence period ends. She understood that the new Board will be seated soon, but noted that three Board members will continue serving. She hopes Commissioners see this purchase as an investment in the County's future. She feels strongly that the County cannot miss this opportunity. She pointed out that if Commissioners change their minds about the use, they can sell the property. Commissioner Hawkins stated he is in favor of purchasing the

property. He did not see this purchase as burdening a new Board of Commissioners, but rather as an opportunity. He would like to see Commissioners purchase the property and direct staff to spend the next seven months (through the end of the fiscal year) developing a plan with input from the Parks and Recreation Commission to transfer current parks and recreational use to the park property, while TEA determines how the freed-up property can best be utilized for product development inventory. If it is determined that the property is not suitable for recreation, he would request a second study at that time to determine if the property is suitable for workforce housing. Should neither concept work, the County would exercise an exit strategy to market the property with the conservation credits. To him, this provides a specific process and set of goals, as well as an exit strategy. Commissioner Phillips was very appreciative of the work TEA has committed to this project. He is concerned about such a large expenditure at this time when the County will be raising taxes about 20% next fiscal year as a result of the passage of the school bond. The purchase itself is nearly a half million dollars and does not include the cost of the study for the no-rise certification, fill material, and annual general site maintenance costs for flood damage recovery. At this point, no one is sure how the property can be used because the necessary studies have not been performed. Commissioner Phillips said this Board should not spend taxpayer dollars unless there is a definitive reason for the purchase and its use. He was not sure the purchase was worth the tradeoff for space. There is easy access to the ballfields at the Pisgah Forest site from several roads; whereas, the park property's only access is Highway 276. He feels this will add to the traffic congestion. Commissioner Phillips was unsure if the majority of the public understands the breadth of the project. Chairman Chapman said he has been conflicted with a decision on this purchase. He pointed out that the County invests hundreds of thousands of dollars in TEA each year because of the commitment the Commissioners have made to economic development. He said if he cannot accept their recommendations with the amount of money the County is investing in them, then maybe the County should reassess their commitment to TEA. He was also concerned about the future of this County with a large tax increase on the horizon. With that said, he was supportive of the purchase because he feels TEA is the one of the County's best resources and they are dedicated to the work they do. He understands this is a complex project, but he was supportive of the investment. **The motion carried by a vote of 3 to 2, with Commissioners Chappell and Phillips voting against.**

NEW BUSINESS

TELECOMMUNICATIONS TOWER PERMIT VARIANCE REQUEST

County Planner Joy Fields presented this item. Ms. Fields presented information last month regarding this variance request prior to a public hearing. She recapped that Planning and Community Development received an application from US Cellular proposing to replace an existing guyed tower on Rich Mountain with a 150' monopole known as the SeeShore Tower. The proposed tower would be a cellular tower and it would provide coverage for a good portion of the Cedar Mountain area. The proposed tower requires a variance to the Telecommunications Tower Ordinance. The ordinance does not allow the tower to be built within a ½ mile or approximately 2,000 ft. of other towers. Currently, Rich Mountain has five towers on it that are within the allowed amount; therefore, replacing one of those existing towers would require a variance. In addition to the variance due to the location, the tower is being proposed on a protected mountain ridge. It does not require a variance from the Mountain Ridge Protection Ordinance because that ordinance does not prohibit tall structures from being built on protected mountain ridges. Rather, it allows for a permit process to ensure that the structure is sound and does not present any safety concerns. Therefore, if the variance to the Telecommunications Tower Ordinance is approved by the Board of Commissioners, the applicant would be required to obtain a mountain ridge protection permit to construct the tower.

On October 18, the Planning Board heard public comment and discussed at length the pros and cons of replacing an existing tower with a taller tower on a protected mountain ridge and recommended that the Board of Commissioners approve the variance request to replace the existing tower with a cell tower. The

Planning Board wanted to ensure that the applicant had done due diligence for collocating on the Fox News Tower, the tallest TV tower in Transylvania County. The applicant has provided information on the fair market rent for collocation and the amount of rent Fox News Tower proposed for collocation which is approximately double the fair market value. Therefore, a workable agreement for collocating is not possible.

As the enforcement officer for the Telecommunications Tower Ordinance, it is Ms. Fields' duty to provide a recommendation for or against a variance request. After reviewing the data, relevant ordinances, and statutes, she recommended approval of the variance request. For the safety of citizens and residents of Transylvania County, improved cell phone coverage in the Cedar Mountain area is essential.

After reviewing the Mountain Ridge Protection Ordinance and the maps of the ridges, in conjunction with all the telecommunications tower permits on file, staff found that the Rich Mountain Ridge is the only protected mountain ridge that currently has telecommunications towers on it. Ms. Fields stated that approving this request does not mean that towers are going to pop up on every protected mountain ridge. By approving the request to replace an existing tower with a new stronger, better engineered tower, it will increase safety for residents while only slightly modifying the aesthetic view of the County's beautiful mountain ridges.

Ms. Fields stated that if more information is needed for the Board to make an informed decision, the ordinance allows for the County to request expert assistance with the cost paid by the applicant. However, she suggested Commissioners seek advisement from the County Attorney prior to hiring a consultant to ensure the County is not too far along in the process to have the consultant's fee passed onto the applicant because the applicant has already paid the application fee for a telecommunications tower permit.

The County Manager pointed out that on Rich Mountain there is also a telecommunications tower that is owned by the County. Should the tower need to be replaced, the County would have to issue a variance to itself. In thinking about the precedent to accept or deny this variance request, that is relevant information because the Board could bind itself if they are not careful in their decision.

Commissioner Phillips moved to grant the variance request contingent on receiving a clear NEPA document, seconded by Commissioner Chappell. Commissioner Hawkins said it seems odd that Fox News Tower would ask twice the market rate for collocation. He finds this frustrating because he feels the Board has been given no choice. Referring to the Manager's example, he stated if the County had to make a change with its tower, there would not be an alternative option; whereas, in this case, there is an alternative option, but the price as quoted is too high. He feels backed into a corner because the question is being framed as Commissioners' having the choice to approve the variance request; otherwise, it is a detriment to public safety. He rejected the framing of the question in this manner because the Fox News Tower is an option. Commissioner Phillips said he has a personal interest in getting cell coverage in the Cedar Mountain area as members of his family lost their home to a fire recently on Rich Mountain Road. Had the fire progressed further, they would not have been able to use their land line to call for emergency services before safely getting out of their home. If the land line had been lost to fire, they would not have been able to call out for emergency services due to lack of cell coverage. While he agrees with Commissioner Hawkins' comments, safety is of utmost importance. Chairman Chapman said he received several calls from Connestee Falls residents. He reminded them that two years ago there was a proposal to erect a cell tower on Cantrell Mountain which they rejected due to aesthetics. He stressed that if citizens want cell service, they are going to have to accept some of these issues. He also wanted to know why Fox News Tower proposed twice the market rent for collocating on the tower. **The motion carried unanimously.**

AUDIT CONTRACT AMENDMENT

Finance Director Jonathan Griffin presented this item. The Local Government Commission requires that the due date of a specific audit be outlined in the annual contract between the local government unit and its auditors. This contract also sets the due date by which an audit will be submitted to the Local Government Commission.

Due to turnover in the Finance Director role, the department was unable to submit all of the documentation and financial information for review to Martin Starnes & Associates, the County's auditor. After they conducted their final site visit in September 2018, the auditor assisted the Finance department in navigating several issues that needed to be addressed. However, since staff continued to submit original and corrected financial documents to them after their visit, they were not able to begin drafting the financial statements prior to the Local Government Commission's normal deadline of October 31, 2018.

As of this date, staffs have submitted all relevant documentation for review to the auditor and are currently awaiting final draft of the financial statements for FY 2018. Mr. Griffin anticipates full submission of the audited financial statements to the Local Government Commission prior to December 31, 2018.

This contract amendment carries no negative impacts on the County with the Local Government Commission, nor does it have a financial impact on the County's existing contract.

Commissioner Lemel moved to authorize the Chairman to execute the Amendment to Contract to Audit Accounts, seconded by Commissioner Chappell and unanimously approved.

GENERAL OBLIGATION BOND REFERENDUM CERTIFICATION RESULTS

Transylvania County held a special bond referendum on November 6, 2018 for the purpose of submitting to qualified voters the question:

“*SHALL* the order authorizing \$68,000,000 of bonds plus interest to pay the capital costs of constructing, improving, renovating and equipping school facilities, including improvements at Brevard High School, Rosman High School and Rosman Middle School, and acquiring land or rights-in-land required therefor, and providing that additional taxes may be levied in an amount sufficient to pay the principal and interest on the bonds be approved?”

Of the 26,182 registered and qualified voters, the total number of voters that voted “Yes” in answer to the question was 9,313. The total number of voters who noted “No” in answer to the question was 6,297.

In accordance with the law, the Board of Commissioners must adopt a resolution certifying the election results based on the Certificate of Canvass. In addition, a statement of results must be published in the newspaper following approval of the resolution.

Commissioner Lemel moved to approve the Resolution Certifying and Declaring Results of the Special Bond Referendum on the Bond Order Authorizing the Issuance of \$68,000,000 in General Obligation School Bonds Held for the County of Transylvania, North Carolina on November 6, 2018, to approve the Statement of Results of the Special Bond Referendum on the Bond Order Authorizing the Issuance of \$68,000,000 in General Obligation School Bonds Held for the County of Transylvania, North Carolina on November 6, 2018, and to instruct the Clerk to the Board to publish the Statement of Results, seconded by Commissioner Chappell and unanimously approved.

COMMUNITY SERVICES BUILDING HVAC AND ROOF PROJECT

Assistant County Manager David McNeill presented this item. He reported that with the FY 2019 budget, Commissioners approved the replacement of the large upper section roof on the Community Services building for \$111,789 and the replacement of HVAC system serving the Planning and Community Development and Transportation Departments located on the 2nd floor of the same building for \$50,550.

During the research and design phase for this project, staff worked with an architect and engineer. The process identified concerns including the need for asbestos abatement and reduction of roof penetrations to prevent future roof related issues. The increased cost for the proposed project results from the asbestos abatement requirement, an increase in the roof replacement quote, and additional electrical work for HVAC removal and replacement. Architect Rich Worley researched options for dealing with asbestos and determined the cost to completely abate is comparable to encapsulating the asbestos. The research for this project also led to a discussion of R-22 refrigeration rules and the January 2020 ban of R-22 refrigerant. At present the County has 110 HVAC units and 55 of those are R-22 units.

Staff revised the cost estimate for the work approved in the FY 2019 budget and provided full cost estimates for an option to replace additional HVAC equipment serving the 2nd floor of the Community Services Building, as well as an option to replace all R-22 HVAC equipment serving the building.

Options	Project Cost	Additional funding above FY 2019 budget
Original Option HVAC Replacement	\$54,000-\$58,000	\$7,450
Design Fee (paid in FY 2018 budget)	\$9,000	
Original Option Roof Replacement	\$139,000-\$143,000	\$31,211
Design Fee (roof)	\$11,500-\$13,500	<u>\$13,500</u>
Total Additional Cost		\$52,161
Option 1, HVAC Replacement 2nd Floor	\$250,000-\$260,000	\$210,400
Design Fee (HVAC)	\$25,000-\$26,000	\$25,050
Option 1, Roof Replacement	\$139,000-\$143,000	\$31,211
Design Fee	\$11,500-\$13,500	<u>\$13,500</u>
Option 1, Total Additional Cost		\$280,161
Option 2 HVAC Replacement Both Floors	\$440,000-\$450,000	\$400,400
Design Fee (HVAC)	\$37,500-\$39,000	\$38,050
Option 2 Roof Replacement	\$139,000-\$143,000	\$31,211
Design Fee	\$11,500-\$13,500	<u>\$13,500</u>
Option 2 Total Additional Cost		\$483,161

Mr. McNeill reported that Mr. Worley informed him if the decision is made to complete Options 1 and 2 separately, the cost of finishing the project at a later date is likely to add 10-15% to the cost, which has a budget impact of nearly \$30,000.

In terms of funding the cost of this project, Mr. McNeill reported that staff recently received bids on the Community Services Building window replacement project that was approved in the FY 2019 budget. The County budgeted \$241,500 for the project based on estimates received, but the actual low bid was \$142,500. A recommended 10% contingency on the project brings the total cost to \$156,750, freeing up \$84,750 in budgeted funds that could be utilized to offset the cost of the roof/HVAC project.

Commissioner Lemel moved to approve funds in the amount of \$483,161 to execute option 2 for the HVAC replacement in the Community Services Building, seconded by Commissioner Phillips. For clarification, Mr. McNeill stated that option 2 eliminates all the R-22 units from the Community Services Building and the HVAC from the larger section of the roof. Commissioner Chappell encouraged staff to explore options to maximize buying power when purchasing the HVAC units, knowing that the school system will be replacing all of theirs as well during the upcoming renovations/rebuilds. This could provide some cost savings in the future. Chairman Chapman asked for clarification on how this project would be funded. The Manager stated the funds would come from fund balance, but Commissioners have options as well. First, Commissioners can reallocate the savings from the window replacement project. Staff also expects to return funds from the industrial building project on Ecusta Road to the general fund balance which is also a source of funding. In addition, there is also an emergency maintenance reserve fund that staff started several years ago that holds approximately \$200,000. In this situation, she advised avoiding use of the emergency funds. With the funds being returned from the industrial project and the savings on the window project, it appears only an additional \$20,000 or so would be need to be appropriated from fund balance to cost the cost of the project. **The motion carried unanimously.**

COMPENSATION STUDY AND PAY PHILOSOPHY

Human Resources Director Sheila Cozart presented this item. She recognized the members of the Personnel Board in attendance. In 2014, the Board of Commissioners implemented the results of a Compensation Study update by Springsted, Inc. The study was implemented over a two-year period during FY 2014 and FY 2015. The study determined a significant number of positions were below the competitive market rate and that longer-serving employees were not being paid at the appropriate level within the salary ranges.

Additionally, the Board of Commissioners requested the Personnel Board make recommendations on a Compensation Policy for consideration. In April 2016, the Personnel Board recommended a Compensation Policy. The policy included three separate elements of compensation: CPI or COLA, merit-based increases and outstanding performance awards. At that time, Commissioners voted to provide CPI increases based on budget availability but did not include merit or outstanding performance awards/bonuses.

Recently, there has been a growing concern from Human Resources and all levels of Management related to overall employee compensation and that Transylvania County finds itself again in a non-competitive position. With a very tight labor market and a current unemployment rate in the 3.9% range, it is most important to have competitive salary and benefits packages to recruit and retain available talented individuals.

Some of the major issues that have been identified are:

Salary Compression:

Since the study was implemented in FY 2014-15, CPI increases were given in 2017 and 2018. Typically, when there is a CPI or COLA increase, it impacts all salary ranges by the same percentage. Such was the case in 2017, but for 2018, Human Resources asked for a variance so that new employee salary ranges did not move by the CPI percentage. All current employees received the CPI increase. This request was in direct response to the concern for salary compression.

Also, with salary compression, all employees hired between 2011 and 2017 now earn within 2.1% of the 2018 minimum salary. That means a good employee with seven years of experience who has been provided training and education is being paid at a rate that is within \$.05 of someone with one year's experience.

Cost of Turnover:

Frequent voluntary turnover has a negative impact on employee productivity and morale and has a significant overall cost. The cost of turnover is difficult to calculate, but some studies indicate that 20% of total annual salary and benefits is an accurate reflection of turnover. The budgeted amount for annual payroll and benefits is approximately \$20 million; therefore, the cost of turnover is approximately \$4 million annually. As of November 5, 2018, 54 full-time employees left employment with Transylvania County, representing a 16% turnover year-to-date.

Retention:

Most recently, the County has experienced employees leaving to join other agencies. This is a concern because those employees have been trained by Transylvania County at a huge cost, and other agencies benefit from our investment when employees leave.

Considering these and other issues, and on behalf of the Personnel Board, Ms. Cozart requested that the Board of Commissioners authorize staff to move forward with a Compensation and Classification Study. The study will determine the competitive position of the salary ranges, evaluate current compensation issues, and bring forth a recommendation to rectify issues for the FY 20 budget.

The Manager added there are three major issues that need to be addressed. One of those is that when the previous compensation study was completed, rather than utilizing the full range, employees remained compressed within the entry and mid-point of their salary ranges. That contributed to the compression issue moving forward because even a 30-year employee never moved past the mid-point of the range for their position. Additionally, compensation and how the County ranks in the marketplace needs to be studied. Thirdly, there is no ability within the current pay plan to reward employees for experience and background that they bring from other employment that is relevant to the position. The Manager stated if Commissioners are willing to approve the recommendation brought forth by the Personnel Board, she would encourage the Board to include having the consultant advise the County on how to accurately place new employees based on experience.

Commissioner Lemel served on the Board during the previous compensation study. She said she hears a lot of wisdom from both the Manager and Ms. Cozart on this topic, and therefore wondered if it is necessary to hire a consultant to complete another study or if it is something that can be handled internally. The study is only four years old at this point. The Manager reported that as part of the last budget process, staff attempted to conduct the work internally. Her concern is that as important of a decision as this is, she thinks it could open the door to question staff and their motivation since it benefits staff. If the Board trusts staff's capabilities and is willing to fund it, then she felt the study could be performed internally. To her, it makes sense for an outside consultant to complete the work. She added that the information already collected by staff provides a solid basis to go out for request for qualifications.

In response to Commissioner Lemel, Ms. Cozart clarified that the request is for the Board to allow staff to go out for requests for proposals and then bring back a recommendation on choosing a consultant to perform the study. Staff would then serve as a facilitator of the process. Once complete, staff would bring forth a proposal to the Board of Commissioners for implementation.

Commissioner Chappell commented that he has never seen a time when so many positions were open in County government. It is currently a job-seeker market. He commented the issue is regional, not just local. He noted there have been so many changes with salaries in the private sector that the RFP will need to expand to study more of the marketplace.

Ms. Cozart noted that the last full compensation study was completed in 2008. Four years ago, the study was revised. Many of the comparable positions in the region have changed. Several positions are being driven by the marketplace, such as Sheriff's Deputies, Social Workers, and Code Enforcement Officers. She agreed with Commissioner Chappell that the study will require good comparable positions with our comparison counties and counties within the region – the counties we compete with the most for positions.

Commissioner Lemel moved to approve the comprehensive Compensation and Classification Study to be conducted and to task the Personnel Board to proceed and guide the process in order to have information for the Board to consider during the upcoming budget, seconded by Commissioner Hawkins. Commissioner Chappell inquired about the timeframe for responses. Ms. Cozart responded that staff is well-prepared to submit the RFP pretty quickly. Staff would need information back from the consultant by early April to be prepared for the budget. The Manager's goal is for the Board to award a contract to a consultant at a meeting in January. It is a tight timeline and turnaround, but if the Board is seriously going to consider implementing the results of the study in the upcoming budget cycle, it is imperative to have figures back by April.

ON CALL PAY POLICY

Human Resources Director Sheila Cozart presented this item. She reported that during the FY 2019 budget discussion, the Board of Commissioners requested the Personnel Board develop a countywide On-Call Pay Policy. The Personnel Board recommended a flat rate per day for individuals who are on-call. This approach is recommended based on ease of administration and perceived significance to the employee. The recommendation is:

- Flat rate of \$10 per day for Monday - Friday, \$15 per day for weekends and holidays;
- Employees would be expected to respond as soon as possible, but within one hour of the call;
- There would be a minimum of two hours compensation for a response;
- Actual compensable time begins when the employee arrives at the work location or site requiring response;
- Issues resolved remotely or by phone would be paid in 15-minute increments; and
- Overtime rates would apply according to the Fair Labor Standards Act.

The annual cost for implementing a base pay for on-call employees would be \$22,260, based on 5.25 employees who are on-call at any given time.

Commissioner Lemel moved to approve the On-Call Pay Policy as recommended by the Personnel Board, seconded by Commissioner Hawkins and unanimously approved.

COUNTY ATTORNEY TRANSITION COSTS

The Manager reported that staff intends to take on part-time attorney assistance beginning in January with probable full-time replacement of the County Attorney in FY 2020, contingent upon the Board's approval and appointment. The part-time attorney would overlap with County Attorney Misti Bass to catch up on legal work. The additional funds are needed to cover the part-time attorney assistance, in addition to cover travel costs for Ms. Bass who is currently residing in Alamance County. Staff feels this is best scenario to allow for transfer of cases and a smooth transition. If approved, the Board will be able to finalize the offer to the candidate.

The total cost for salary and benefits is \$27,020. Funds needed for overnight accommodations are \$2,400. Using the reimbursement percentage split between Social Services and the County of 80/20, the Board would need to appropriate a total of \$5,884 for FY 2019.

Commissioner Lemel moved to approve the additional funding for the part-time attorney and amend the budget as presented, seconded by Commissioner Phillips. Commissioner Lemel stated she had the pleasure of participating in the interview process for this candidate and she felt the County is fortunate to have this candidate on board. She also felt this was a tremendous opportunity to get some great work done in Social Services and County government and will set the new attorney up for success. In response to Chairman Chapman, the Manager reported that the proposed candidate does not work in private practice and will not be available full-time until July 2019. **The motion carried unanimously.**

MANAGER'S REPORT

The Manager reported the following:

- Ribbon cutting for the County, City, Alliance and State collaboration in the Sylvan Valley Industrial Building went great on Wednesday. Kudos to Jennifer Galloway in County Finance and Larry Reece, Construction Engineer for their contributions to the project.
- Kudos to Register of Deeds Cindy Ownbey for receiving the Shining Light Award from the NC Association of Register of Deeds. Cindy's recognition by her peers shows her influence as a statewide leader and mentor.
- Swearing In Ceremony and Organizational Meeting of the Board of Commissioners is scheduled for Monday, December 3 at 7:45 a.m. in Commissioners' Chambers and is open to the public
 - Swearing in ceremony for Sheriff and his officers, Clerk of Superior Court and staff, Soil and Water Conservation Board, County Commissioners – by the Honorable Thomas Brittain
 - Board of Commissioners to convene briefly to elect officers and approve bonds for public officials
- Kudos to the Library from Daphne Larkin, a new resident to the community from Napa Valley, California – nice letter about professionalism of staff
- NCACC County Quarterly for December features the Get Set Transylvania launch with Sesame Street at HalloweenFest
- Kudos to Sheriff's Office, Emergency Management, Communications, Brevard Police Department and the Rescue Squad for the November 11 River Rescue on Barclay Rd. Cameron Sexton, James "Buck" Lowe, Cheyanne Gilbert, Deputy Brent Owen, Lt. James Dobson, Deputy Tyler Snipes, Sgt. Page, Officer Farmer and Officer Sorrells were all involved, including many others, and they should be recognized for their service.
- Kudos to all who participated in our multi-agency Emergency Management training on campus including Sheriff's Office, Brevard Police, Brevard Fire, County Emergency Management, Communications, Rescue Squad, EMS and support from IT and Maintenance.
- Kudos to Joy Fields, County Planner for receiving her Certified Floodplain Administrator Certificate.
- It has been a pleasure and honor to serve with both Chairman Chapman and Commissioner Phillips.

PUBLIC COMMENT

Carol Deddy: Ms. Deddy complimented County Administration for doing a good job of keeping citizens informed and being prepared for meetings. She commented that the Board's effort to be diversified by holding day and night meetings has caused her a great deal of confusion. Ms. Deddy said this evening she feels disrespected regarding the purchase of the property for a County park. While she understood the timeline for due diligence expires soon, a new Board will be seated soon and she did not recall other interested buyers being named. She felt the vote was expedited and therefore she felt blindsided. Ms. Deddy said she is appreciative of the Transylvania Economic Alliance and their research. Her

understanding is that their primary role was to inventory potential sites for commercial development and bring income into the community. The County should not be investing in lower paying jobs. She is also concerned about being in the land speculation business. She does not believe this topic has been vetted properly with those citizens who might come to evening meetings and she is disappointed with the Board's vote.

Huxton Coulter: Mr. Coulter said he did not envy the Board's position because they carry the weight of making many difficult decisions. With that said, he was disappointed with the vote to grant the cell tower variance request. He said he is confused as to how it was concluded that collocation was an extraordinary hardship to the applicant when collocation is not a requirement of the ordinance. He said he may contact the County Attorney for clarification. Mr. Coulter thanked Chairman Chapman and Commissioner Phillips for their service on the Board and wished them the best.

COMMISSIONERS' COMMENT

Commissioner Hawkins apologized to Commissioner Chappell for an implication he made earlier with regard to the purchase of the park property that it would create a hardship on the incoming Board.

Commissioner Chappell replied to Ms. Marr's comments from the first public comment period. He stated he was a member of the Board of Education in 2004.

Chairman Chapman thanked everyone for attending tonight. He expressed gratitude for being able to serve alongside the other Board members.

ADJOURNMENT

There being no further business to come before the Board, **Commissioner Chappell moved to adjourn the meeting at 11:20 p.m., seconded by Commissioner Phillips and unanimously carried.**

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board