

**MINUTES  
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS  
February 24, 2014 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, February 24, 2014 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Vice-Chairman Larry Chapman, Jason Chappell, Chairman Mike Hawkins, Daryle Hogsed and Page Lemel. Also present were County Manager Artie Wilson, County Attorney Tony Dalton, and Clerk to the Board Trisha Hogan.

Media: *The Transylvania Times* – Jeremiah Reed

There were approximately 150 people in the audience.

**CALL TO ORDER**

Chairman Mike Hawkins presiding called the meeting to order at 7:05 p.m.

**WELCOME**

Chairman Hawkins welcomed everyone to the meeting and thanked the members of the audience for participating in their County government. He introduced the members of the Board of Commissioners and staff.

**PUBLIC HEARING**

**PLANNING BOARD’S RECOMMENDED CHANGES TO THE TELECOMMUNICATIONS TOWER ORDINANCE**

In August, the Planning Board began reviewing the Transylvania County Telecommunications Tower Ordinance to bring it in compliance with recent changes in North Carolina General Statutes. The Planning Board approved the recommended changes at its December 19 meeting and requested that the Board of Commissioners hold a public hearing on the proposed changes. The Board of Commissioners heard the recommended changes at its January 13 meeting and scheduled a public hearing for the February 10 meeting. However, that meeting was rescheduled to February 17 due to inclement weather and due to advertising requirements the public hearing was rescheduled and properly noticed for the February 24 meeting.

County Planner Chris Hnatin introduced the Planning Board members in attendance. He then showed a power point presentation outlining the Planning Board’s recommended changes to the ordinance. The original Telecommunications Tower Ordinance was adopted on October 26, 1996 and was amended on October 9, 2000. The Planning Board approved additional changes at its December 19, 2013 meeting.

The purpose of the recent review and recommended changes is to be in compliance with North Carolina General Statutes, improve the application process, protect mountain views and aesthetics, and provide coverage to residents for health and safety reasons. During its review process, the Planning Board reviewed model ordinances, researched other mountain counties’ ordinances, met with industry representatives via the Carolina Wireless Association, consulted other Planning professionals across the State, reached out to local residents for input, and conferred with the County Attorney.

The Planning Board identified several issues to address ranging from ambiguous language to height limitations. The major challenges they discussed dealt with height limitations (two choices: allow higher towers but less of them, or shorter towers which results in less collocation and more than likely more towers), protected view-sheds and mountain ridges (53% of County is currently protected by the federal and State governments), and stealth or concealed towers (usually require incentives, such as no public hearing).

As a result of their research and discussions, the Planning Board recommended the following major changes to the Telecommunications Tower Ordinance:

1. NC General Statute updates
  - a) Definitions: Collocations, Substantial modifications
  - b) Health and Safety
  - c) Proprietary issues (mapping coverage area)
  - d) Collocation approvals
  - e) Application fee for a collocation (\$1,000 maximum)
2. Definitions
  - a) Consistent with NC General Statutes and other Transylvania County Ordinances
3. Fall zone
  - a) Based on “engineered fall zone”
  - b) Must be contained on one parcel
4. Exemptions
  - a) Removal or replacement towers
  - b) Ordinary maintenance
  - c) Wireless facilities on utility poles
  - d) Carrier on Wheels (COW’s) placed for not more than 120 days
  - e) Non-commercial towers less than 60’ in height
5. Administrative Review (reviewed at staff level)
  - a) Monopoles or Replacement poles in public right-of-way
  - b) COW’s over 120 days
  - c) Substantial Modifications
  - d) Collocations
6. Certified mail and public notice map requirement
  - a) Map with a ¼ mile radius around proposed site
7. Height limitation on protected mountain ridges
  - a) 70’ above average vegetative canopy
  - b) 100’ if no vegetation exists within 500’ of the tower site
8. Security bond for abandonment
  - a) Requires \$10,000 security bond in case of abandonment

The next steps in the process are for the County Commissioners to hold a public hearing and then take action either by adopting the proposed changes or requesting the Planning Board and staffs reevaluate the draft ordinance to address any public concerns.

Before opening the public hearing for public input, Chairman Hawkins opened the floor for Commissioners’ questions and comments.

Commissioner Chapman asked if consideration should be given to requiring stealth or camouflage towers. Mr. Hnatin responded that this can be a requirement in certain instances, but he is unsure if the requirement can be applied across the board to every tower that is installed. Planning and Economic Development

Director Mark Burrows noted that the Planning Board spent quite a bit of time discussing the issue of stealth towers which they see as beneficial, but should be incentivized through the administrative process, not as an actual requirement.

Chairman Hawkins asked about the possibility of implementing geographic incentives in order to get companies to locate towers where there is no cell coverage. Mr. Hnatin said he has not seen this addressed in other ordinances and he believes this should be part of a master plan for the whole County in identifying those spots. There are also proprietary issues governed by State law that cannot be violated.

Commissioner Chapman wondered if a company that constructs a new cell tower is obligated to allow other carriers to use the same tower. Mr. Hnatin said this relates to collocation which means that more than one antenna can be located on the same tower. The current County ordinance requires a tower to have at least three collocation capabilities. Mr. Burrows added that cell tower applicants must prove that they have explored other options, including collocating on an existing tower. Smaller towers would have less collocation capabilities, which is essence means more towers. The opposite is true for larger towers.

Commissioner Hogsed asked for further explanation on what a company must prove to demonstrate need for a new tower. Mr. Hnatin explained that companies must prove there is no tower within a certain radius on which they can collocate, that they have considered all other alternatives and none are viable, and that the proposed tower is necessary. Staff has the right to hire a consultant/engineer, at the expense of the developer, to review the application to ensure the due diligence has been fulfilled. Mr. Burrows pointed out that State law no longer allows counties to require a map to indicate where the coverage and gaps in coverage would be located.

Commissioner Lemel asked staff how the ordinance intends to protect the view sheds, beyond regulating the height and number of towers. Mr. Hnatin said the recommendation is not to regulate the location of towers, but the number of towers by increasing collocation.

Mr. Burrows stated that the Planning Board sees many of these issues as private property rights issues, particularly since there is no countywide zoning.

With no other questions from the Board, **Chairman Hawkins declared the public hearing open at 7:40 p.m.**

Edwin Jones: Mr. Jones said he read the proposed ordinance and did not find a remedy for an application that is denied and wondered if there would be an appeals process.

Martha Gale: Ms. Gale reported that she lives on Cantrell Mountain where American Towers LLC has proposed to construct a monopole cell tower on leased private property. She emphasized that the residents in that community are not against cell towers; however, they are concerned about the construction of the tower and the damage the construction will cause in the community. She does not believe the proposed ordinance addresses these issues. Ms. Gale suggested the County consider an overall comprehensive plan to address these concerns, protect the beauty of the County, as well as address cell coverage and private property rights.

Al Pfeiffer: Mr. Pfeiffer is concerned about the effect that the placement of cell towers will have on property values, particularly those in which the view is a substantial part of the value of the property. He suggested Commissioners devise a plan whereby cell towers are distributed evenly across the County while respecting business and residential property. Mr. Pfeiffer offered some suggested from other counties and noted that counties all over the nation are restricting cell towers from being constructed in residential areas.

Anita Goldschmidt: Ms. Goldschmidt is a resident of Cedar Mountain and she understands there is a great need for cell coverage in the area and the lack of it is very concerning to her. She believes there should be more cell towers due to this public safety issue, as long as there is minimal environmental impact.

Gloria Harris: Ms. Harris is a resident of Cedar Mountain. She commended Commissioners and staff on their planning thus far. She sees no need for a moratorium. Ms. Harris said Cedar Mountain is in desperate need of cell services because it is a safety concern. Ms. Harris reported that there have been many accidents in the area and people have not been able to get cell coverage to call for help; therefore this is a matter of life and death and it is time to make concessions to address safety issues.

Ray Stadnick: Mr. Stadnick lives near Cantrell Mountain. He believes the current cell tower is weak and needs to be updated in order to protect the County's unique interests as stated in the Comprehensive Plan. He further believes that it is the County's responsibility to find appropriate locations for cell towers that would provide adequate coverage while being aesthetically pleasing.

John Parker: Mr. Parker stated that he works for Fox 21 News. He reported that technology is ever-changing and the way the public views television and uses other sources of communication is going to change drastically over the next few years. For this reason, he believes there will be a greater need for cell towers in order to provide these services.

Linda Stadnick: Ms. Stadnick reported that two neighboring counties' ordinances are very specific when prioritizing cell tower locations and she suggested the same for Transylvania County. The priority structure for the neighboring counties is: 1) existing towers without increasing the height of the tower, 2) on county-owned properties, 3) on properties used for commercial or industrial use, 4) on properties in rural or agricultural areas, and residential areas, and only if using camouflage or stealth technology, and 5) properties designated historic districts. Ms. Stadnick stated that she is not against building additional cell towers in the County but she believes they should be placed in the best interest of the citizens.

Bill Mooney: Mr. Mooney lives in Connestee Falls. He expressed support for the proposed ordinance. He offered one suggestion related to tower height requirements and offered that the cell tower be at a minimum height above the canopy to allow normal transmission.

Nancy MacDonald: Ms. MacDonald spoke on behalf of her mother who lives in the Cantrell Mountain area and was unable to attend the meeting tonight. Her mother is concerned about erosion and sediment control and storm water runoff and that the proposed ordinance does not address these concerns. She believes the same requirements set forth in the Subdivision Control Ordinance should apply and that storm water containment should be a requirement as well. She believes an onsite pre-application meeting should take place with the tower company, property owner, engineer and adjoining property owners to ensure these issues are addressed. She urged Commissioners to take these suggestions into consideration.

Kathleen Barnes: Ms. Barnes is president of the Cantrell Mountain Road Association. A new cell tower is proposed to be constructed off Cantrell Mountain Road which is a privately owned and maintained road. Ms. Barnes believes the road will not be able to handle the construction of the tower and that it would be impossible for the residents to afford the cost of rebuilding the two-mile long road. This would also hinder emergency services vehicles from getting into the neighborhood. Therefore she suggested that the ordinance prohibit the construction of telecommunications towers on any private road without written consent of all property owners. Lastly Ms. Barnes, referring to Section 15.12 of the proposed ordinance, asked who the beneficiary would be from the insurance covering liability coming from the construction or operation of the wireless telecommunications facility.

John Gale: Mr. Gales lives on Cantrell Mountain. He expressed concern that the proposed ordinance does not have restrictions on cell tower height and the placement of cell towers. He wondered how staff would be able to prove that a cell tower is needed in a specific location and if the height is appropriate. Mr. Gale asked Commissioners to consider enacting a moratorium to allow time to learn more about the possibilities that exist for cell towers today and to have a new ordinance drafted by experts.

Arnold Cremer: Mr. Cremer stated that the purpose of the proposed ordinance should first be to accommodate and protect citizens, residents and visitors. He referred to the list of five items listed in the proposed ordinance that are meant to regulate tower construction, and suggested adding the following: 1) restrict towers that would adversely impact the property values of surrounding properties or communities, 2) establish standards to address impacts like placing limits on tower heights in consideration of the mountainous terrain, 3) ensure environmental issues would be studied and reviewed by impartial consultants, 4) spell out who is responsible for erosion control and require hefty deposit fees and insurance, 5) establish a fee for a pre-application visit by the Planning Board and enforcement officer and others to the proposed site, and 6) consider setting up guidelines for allowing public input into the actual writing and revising of the ordinance.

Jim Huber: (Clerk could not understand last name) - He owns several pieces of property in the Cedar Mountain area. He believes cell service is needed in Cedar Mountain; however, he does not believe the proposed cell tower on Cantrell Mountain will help the citizens of Cedar Mountain or Dupont. He said the ordinance needs to be more restrictive and less open to interpretation by the cell tower industry and does more to protect the citizens.

Martha Cremer: Ms. Cremer stated that a good ordinance should minimize the physical impact of wireless facilities on a community and should protect properties surrounding the tower site from damage from construction vehicles, erosion, noise, environmental losses, etc. She believes that access roads should begin on publicly maintained roadways unless permission is granted from all landowners on private roads. Furthermore, a realistic site plan should be provided to the Planning Department before a required pre-application meeting and a site visit by the County should confirm whether the proposed site plan is adequate and realistic for construction. Ms. Cremer believes that residential areas should be the last site considered for tower construction. Lastly, she suggested the following changes to the ordinance: 1) require engineering standards concerning ice and wind loads, 2) define the term technical compliance, 3) the Planning Board should be responsible for final approval and disapproval of an application and must act within the specified time period, and 4) clarify that the purpose of the ordinance is to provide first responders, residents and visitors better 911 service from cell phones.

Linda Cooper: Ms. Cooper lives on Cantrell Mountain Road. She expressed concern that the proposed ordinance does not make much reference to the environment, even though many choose to live in Transylvania County because of its environment. She commented that the new ordinance proposes that the enforcement officer review permit applications but there is no stipulation for this officer to specifically visit the site. Furthermore, the enforcement officer should be up-to-date on environmental issues and the County's Comprehensive Plan. Ms. Cooper said these issues and many others require that there be a moratorium on cell tower applications while the new ordinance is being revised to meet today's standards.

Julia Lee: Ms. Lee lives on Cantrell Mountain Road. She suggested the ordinance prohibit towers from being constructed along ridge lines, in residential districts or any area using privately maintained roads to access the proposed telecommunications site, and in any historic district unless the applicant provides documentation to demonstrate that the tower or wireless facility is necessary and that the area cannot be served outside the district.

Beverly Beavers: Ms. Beavers stated that she and her husband retired to Transylvania County in 1992 and they are saddened that the pristine landscape may be marred by cell towers. She believes a moratorium is necessary to give the Planning Board and the Planning Department time to consider revisions and additions to the ordinance in order to make it the best possible for the citizens. She urged Commissioners to impose a moratorium on any new cell tower applications until the ordinance is revised.

Betty Barnhill: (Clerk could not understand last name) She owns two homes off Cantrell Mountain Road. She said she is not against cell towers and that her family has been here since the late 1800's so she appreciates and loves Transylvania County and all it has to offer. She affirmed that the mountain is a gift of beauty so she is against cell towers being located in residential areas.

Jim Dunlap: Mr. Dunlap is a resident of Cedar Mountain and he believes there is a need for cell towers in the area. He said he owns land that he is willing to lease for this purpose and that others in the community are in favor of better cell coverage as well.

Larry Wilson: Mr. Wilson said safety should be the priority in terms of cell coverage, especially since the County has become one of the top recreational destinations in the country. He wondered if beauty should come before safety. Mr. Wilson commented that he does not think the Board of Commissioners would impose anything that would cause harm to the County and furthermore that cell companies are not going to cause damage that would put them at risk of a lawsuit. He asked for everyone to come together and find middle ground on this issue.

Watt McCain: Mr. McCain lives on See Off Mountain. He said he travels through Cedar Mountain a few times a week and is concerned about the lack of cell coverage. He is in favor of having cell service in that area; however, he is opposed to a tower location on Cantrell Mountain.

There were no additional comments. **Chairman Hawkins declared the public hearing closed at 8:40.m.**

#### TELECOMMUNICATIONS TOWER ORDINANCE – MORATORIUM

Since the Planning Board made recommended changes to the Telecommunications Tower Ordinance, Commissioners and staff have received numerous communications from citizens concerning the location of new cell towers in the community. In order to have time to fully address the issues being raised by citizens, a proposed moratorium was presented to Commissioners at their January 27 meeting for consideration. A public hearing was originally scheduled for February 10; however the meeting was rescheduled to February 17 due to inclement weather and due to advertising requirements the public hearing was rescheduled to this date.

A proposed moratorium would go into effect after its passage for a period not to exceed three months from the effective date of the moratorium, or when the ordinance is revised, whichever date is lesser in time. This will allow the Planning Board to take into consideration the issues brought forth during the public hearing and then Commissioners may hold another public hearing. The Planning Board would also hold a public hearing to solicit further input. The purpose of the moratorium would be to prohibit the issuance of all telecommunications tower permits and associated permits required by NC Building Code.

**Chairman Hawkins declared the public hearing open at 8:50 p.m.**

Joey Galloway: Mr. Galloway showed a picture of a cell tower overlooking his property which he said does not impact his property values. He lives near Rosman but works in Cedar Mountain. He believes that a moratorium seems like overkill when there is an ordinance in place and no applications for any cell towers on file. He has confidence in staff to make the appropriate revisions to the ordinance.

Arnold Cremer: Mr. Cremer believes the current ordinance is insufficient in scope and therefore should not be accepted in its present form. He requested a one-year moratorium until the ordinance can be rewritten with adequate citizen input.

Martha Cremer: Ms. Cremer said she understands there is a need for better and more consistent cell coverage for parts of the County not currently served by any cell service providers; however, she feels the current ordinance does very little to restrict or to encourage acceptable placement of towers. In addition, there is no protection for the character of existing neighborhoods or communities or for corridors or scenic areas in the County. Also, putting cell towers on scenic sites does not preserve the character, natural environment or ambiance that Transylvania County is currently striving to promote and protect. The ordinance does not address future technology or erosion and sedimentation issues. Ms. Cremer said that other counties in the State have established much more comprehensive ordinances and she would like to see Transylvania County be more proactive instead of reactive in placement of these tall structures. She also feels that input from the public should be taken into consideration in enacting changes to a new ordinance. Therefore she supported a temporary moratorium of at least six months on accepting any new applications for tower construction until an improved wireless telecommunications tower ordinance can be written.

Kathleen Barnes: Ms. Barnes feels that the proposed ordinance and its current revisions are incomplete and that further research should be done, as well as consideration of all comments made here tonight. She asked Commissioners to vote tonight to enact a moratorium to ensure citizens are protected and allow time to create an ordinance that will do everything it needs to do to protect the citizens.

Martha Gale: Ms. Gale showed pictures of where the proposed cell tower would go on Cantrell Mountain Road. She asked Commissioners to support a moratorium.

Linda Stadnick: Ms. Stadnick stated that staff has done a good job updating the current telecommunications tower ordinance; however, with the issues that have been voiced by the community, she asked Commissioners to put a temporary moratorium on accepting cell tower applications in order to give sufficient time to strengthen the ordinance. The time period should be no longer than needed to get a strong ordinance in place which will help guide the placement of future towers in the best possible way.

Jim Lorah: Mr. Lorah is the general manager of Connestee Falls Property Owners Association which represents about 8% of the population in the County. It is a high density area and is one of the most sporadic cell phone coverage areas in the County. He said it is the feeling of the Association that there is already an ordinance in place and they are concerned about the negative message it sends to those working hard on economic development efforts. Mr. Lorah believes the current ordinance already protects the safety and welfare of the community.

Bill Mooney: Mr. Mooney lives in Connestee Falls. He believes a moratorium is arbitrary and he does not like the message it sends. Mr. Mooney said cell tower companies should be made aware if a moratorium is enacted so they can understand the impact to them being able to provide additional coverage in Transylvania County. While a cell tower on Cantrell Mountain would increase cell coverage in the area, he does not believe cell towers should be located in residential areas. This restriction should be incorporated into the ordinance.

John Gale: Mr. Gale lives on Cantrell Mountain. He supported a three-month moratorium. In the meantime, he said there are experts in other counties willing to assist the County in drafting an appropriate cell tower ordinance.

Gloria Harris: Ms. Harris commented that it seems to her the biggest concerns are related to potential environmental impacts. She feels these concerns are addressed through State regulations.

TJ Langford: Mr. Langford said he has a cell tower on his property. In his experience, the cell tower company constructing the tower will make necessary repairs to roads and it is likely they will improve the road to better conditions. To address potential soil erosion, an engineer reviewed the property and the plan was presented to the Planning Board for approval. Mr. Langford stated that cell coverage is sorely needed in areas around the County.

Lavoy Spooner: Mr. Spooner is a representative with AT&T. He understands there is a need for cell coverage in the community which is why AT&T has preliminary plans to build more towers in order to provide more coverage for the health and safety of the citizens, as well as to the economic development potential in the County. He assured everyone that any location AT&T has chosen for potential towers has been based on engineering studies that show there is a need. These towers cost hundreds of thousands of dollars each to build and therefore they would not choose a site without first doing the necessary due diligence. Mr. Lavoy also assured everyone that AT&T is committed to providing better coverage here in the County and is willing to work with the County and the public to allay their concerns. Mr. Lavoy stated that AT&T does believe a moratorium is necessary because revisions to the current ordinance have been well researched by the staff and approved by the Planning Board and also brings it in concert with State law. Should there be a moratorium enacted, AT&T would suggest that it be as short as possible.

Bart Renner: Mr. Renner lives on Cantrell Mountain Road. While he is a huge supporter of private property rights, he believes the current ordinance should be updated and that it is not asking too much to enact a short moratorium to allow ample time to make improvements to the ordinance. Mr. Renner does not think a moratorium sends a bad message, but rather the message that the County is taking time to be thorough and enact the best common sense ordinance.

Joe Castro: Mr. Castro is a resident of Cantrell Mountain Road. He believes there are certain points of the ordinance that need to be further studied; therefore he thinks a short-term moratorium is necessary so that the Planning Board and staff can review all the issues raised here tonight. Residents of Cantrell Mountain are not against cell towers; they just want the placement of towers to be studied further. Mr. Castro said he is encouraged that AT&T wants to have a dialogue with citizens to address their concerns because that proves that a moratorium is necessary.

Pamela Hawes: Ms. Hawes was not able to attend the meeting and submitted comments via email that she asked to be read during the public hearing. Ms. Hawes lives near the South Carolina line in an area that has become a popular tourist destination for hikers and enthusiasts. There is no cell coverage in this area. While she understands that most Transylvanians are concerned about the aesthetics of cell towers, she believes one of the most important jobs of elected officials is to ensure public safety. She asked Commissioners not to make any hasty decisions that would jeopardize their ability to ensure public safety.

Heinz Mueller: Mr. Mueller is a Cantrell Mountain resident. He does believe additional cell towers will save lives until there is a law banning cell phone usage in vehicles.

There were no additional comments. **Chairman Hawkins declared the public hearing closed at 9:20 p.m.**

## PUBLIC COMMENT

There were no additional public comments.

## AGENDA MODIFICATIONS

The Manager reported on the agenda modifications. He requested to remove the Consent Agenda. He also requested to add Item XII-A Per NCGS 143-318.11 (a) (4) pertaining to the location or expansion of business under Closed Session and move the first closed session to Item XII-B.

**Commissioner Chappell moved to approve the revised agenda, seconded by Commissioner Hogsed and unanimously approved.**

## APPOINTMENTS

### PERSONNEL BOARD

The terms of Nancy Stricker (Member-at-Large), Jason Chappell (County Commissioner), and David Mahoney (Department Head-Sheriff) expire at the end of February. Sheriff David Mahoney is not eligible to be reappointed. There are two eligible applications on file. It is also the responsibility of the Board of Commissioners to appoint the chair.

**Commissioner Hogsed moved to reappoint Nancy Stricker, seconded by Commissioner Lemel and unanimously approved.**

**Commissioner Lemel moved to reappoint Jason Chappell to fill the County Commissioner seat, seconded by Commissioner Hogsed and unanimously approved.**

**Commissioner Chapman nominated and moved to appoint EMS Director Bobby Cooper to replace Sheriff David Mahoney, seconded by Commissioner Hogsed and unanimously approved.**

**Commissioner Chappell moved to appoint Nancy Stricker as chair, seconded by Commissioner Lemel and unanimously approved.**

## OLD BUSINESS

### NEXT STEPS – ALTERNATIVES FOR TELECOMMUNICATIONS TOWER ORDINANCE

Two public hearings were held at the beginning of the meeting dealing with recommended changes to the Telecommunications Tower Ordinance and a potential moratorium on the Telecommunications Tower Ordinance. Over the past few weeks several citizens have made suggestions for additional changes to the current ordinance and also asked Commissioners to enact a moratorium to give staff time to adequately review and recommend changes.

The Manager offered the following alternatives for Commissioners' consideration:

1. Approve the recommended changes from the Planning Board.
2. Ask the Planning Board to revisit the Telecommunications Tower Ordinance, taking into consideration the concerns coming from the comments made during the public hearing, and bring back a recommendation at a later date for a subsequent public hearing and Board approval.
3. Approve a moratorium on the Telecommunications Tower Ordinance; ask the Planning Board to revisit the Telecommunications Tower Ordinance and bring back a recommendation at a later date

for a subsequent public hearing and Board approval. This will prevent any application received by a tower company from being processed until the Telecommunications Tower Ordinance is revised.

4. Do nothing, which is not a viable option.

The Manager recommended the approval of a moratorium for a three-month period or until the ordinance is revised, whichever is lesser in time.

**Commissioner Hogsed moved to approve the recommended changes from the Planning Board. The motion was seconded by Commissioner Chappell.** Commissioner Chappell commented that the Planning Board did a thorough job of updating the current ordinance; therefore he thinks the proposed revised ordinance should be approved. He believes a moratorium sends a bad message to the business community, as well as to private property owners. Commissioner Hogsed believes there may be a need for additional changes of which he proposed to move aggressively towards implementing, but the proposed ordinance gives the County more control over the application process and the placement of towers. He does not believe cell tower companies are going to hastily place towers all over the County. Commissioner Lemel acknowledged that more changes are needed and therefore was not supportive of passing the proposed ordinance. She also felt that this Board is constantly trying to react to issues because there is no comprehensive plan or goals in place. Chairman Hawkins said there is more than one issue to address so he is supportive of a moratorium to allow time to address those and other concerns. He believes a more cautious approach would be to send the ordinance back to the Planning Board. **The motion failed by a vote of 3 to 2, with Chairman Hawkins and Commissioners Chapman and Lemel voting against.**

**Commissioner Lemel asked the Planning Board to make adjustments to the proposed ordinance incorporating the feedback they received from the public and to institute a 90-day moratorium which shall end on the date Commissioners pass the new ordinance if lesser than 90 days. The motion was seconded by Commissioner Chapman.** Commissioner Hogsed expressed concern about the burden this will place on economic development efforts by stifling communications. Chairman Hawkins believes Commissioners want the best ordinance possible and the moratorium allows time to do that. Commissioner Chapman does not think that 90 days places much of a burden on anyone and should be allowed to address all concerns. Commissioner Chappell believes a moratorium sends the message to businesses that it is difficult to do business in Transylvania County and also tells private property owners what they can and cannot do on their property. **The motion passed by a vote of 3 to 2, with Commissioners Chappell and Hogsed voting against.**

## NEW BUSINESS

### COMBINING OF THE PARKS COMMISSION AND RECREATION ADVISORY BOARD

Transylvania County currently has a nine-member Parks Commission and a separate nine-member Recreation Advisory Board. There are many instances in which these two citizen groups are hesitant of their responsibilities because the other group might be addressing the same issues.

Parks and Recreation Director Carleen Hanscom stated that in her short time with the County she has seen multiple situations that could benefit the County to have both groups in the same room. For example, when discussing the future design of a park this has fallen to the Parks Commission; however, the Recreation Advisory Board also plays a large role in determining how the park might be used for recreational purposes. She believes that process improvements can easily be seen by addressing both the Parks and Recreation concerns at the same time.

After discussing these concerns with the chairman of each group everyone agreed that a combined board would better serve the citizens and provide a better direction to the department. Ms. Hanscom proposed a

new group called the Parks and Recreation Commission to replace the current Parks Commission and Recreation Advisory Board. If approved, effective June 1, 2014 these two groups will combine to form the new nine-member Parks and Recreation Commission. The makeup of the Commission will include four members of the Parks Commission and five members of the Recreation Advisory Board whose terms have not expired. If approved, the two groups will work on creating a new set of bylaws for approval by the Board of Commissioners prior to the first meeting of the new Parks and Recreation Commission.

**Commissioner Lemel moved to approve effective June 1, 2014 the establishment of a new Parks and Recreation Commission with the remaining four members of the Parks Commission and five members of the Recreation Advisory Board whose terms have not expired, not to appoint any members to the current Parks Commission or Recreation Advisory Board, and to task the new group to develop bylaws for the new Parks and Recreation Commission to be approved by the Board of Commissioners prior to June 1, 2014. The motion was seconded by Commissioner Chappell and unanimously approved.**

#### CONSULTANT FOR EXECUTIVE SEARCH SERVICES

The Manager announced on January 27<sup>th</sup> that he would be retiring effective September 1, 2014. The Board of Commissioners is responsible for appointing a replacement for this position and is considering the use of an Executive Search Firm to assist in the recruitment for this position. The Board of Commissioners has received a summary of services from two firms: Developmental Associates and Springsted, Inc. The Board requested that Human Resources Director Sheila Cozart follow up on the references for each firm.

The cost of hiring a firm is approximately \$21,875 and depends on the variable costs based on the number of candidates and the overall advertising costs. This estimate does not include travel for candidates or ancillary costs associated with the Assessment Center.

Ms. Cozart recommended the Board of Commissioners select Developmental Associates to conduct the executive search. Developmental Associates has more experience with government entities in Western North Carolina, which would be a great advantage in understanding the needs of Transylvania County and the surrounding communities. Also, the skills testing which includes a psychological inventory will provide information about critical skills of the candidate, such as problem solving, assertiveness and interpersonal relations and teamwork. Along with the Assessment Center the information they will provide will be more holistic and will give the Board of Commissioners a wide variety of information to enable the Commissioners to better assess the strengths and weaknesses of the candidates to determine the right candidate to fit the position.

Ms. Cozart also asked Commissioner to appropriate \$30,000 to cover the costs for the services with Developmental Associates, travel expenses for candidates and other ancillary costs that may arise.

**Commissioner Lemel moved to engage Developmental Associates to assist with the County Manager search and additionally to approve a budget amendment for \$30,000 to cover the costs for the services with Developmental Associates, travel expenses for candidates and other ancillary costs that may arise, with funds to come from the General Fund Balance. The motion was seconded by Commissioner Chapman.** Commissioner Chapman commented that the owner is a native of Transylvania County has ties to the Strauss family. The company appears to be very well qualified and has a good success rate. Commissioner Chapman does not believe this process could occur internally. Commissioner Lemel said she was impressed with Developmental Associates and their depth of experience on the executive level for hiring successful county and city executives. The difference between the two companies was evident. Commissioner Hogsed was pleased that much of their experience lies within North Carolina. Commissioner Chappell thought it was important to note this in no way turns over any

authority to the company to hire a County Manager. Chairman Hawkins asked that Ms. Cozart be the liaison with the company to shepherd the process along with Commissioners. He also thanked the Manager for being thoughtful enough to allow adequate time for a new Manager search. Ms. Cozart briefly explained the next steps in the process. **The motion was unanimously approved.**

### MANAGER'S REPORT

The Manager reported the following:

1. Work has begun on the renovation of the old Library. Asbestos abatement of the basement floor has been completed. Materials being stored in the building have been removed.
2. Developed a new plan for the water problem at the Public Safety Facility and it was approved by the City of Brevard. Staff is in the process of getting the required easements.
3. Met with Superintendent Jeff McDaris regarding installation of artificial turf on the Brevard High School football field. At this point discussions are centered on finding funding alternatives. The Manager intends to present a proposal at the joint meeting for consideration by both Boards.
4. There are some pool decking issues at Champion Pool. All alternatives are being explored.
5. He and Chairman Hawkins met with Katy Rosenberg of Think it Studio last week regarding the County logo and signage parameters. Staff will be meeting again this week with Ms. Rosenberg to develop specifications for the Animal Shelter sign.
6. From March 10-19 Morris Road will be closed during the day to allow for the removal a number of dead trees on County property. Staff has been working with the City of Brevard on the removal of the trees that are presenting a safety hazard.
7. Staff will be meeting with Architect Rich Worley on Wednesday afternoon to discuss uses of the old detention facility.
8. Based on the workshop meeting last fall on the alternatives to addressing the concerns raised with the biomass facility, the Manager discussed with Planning and Economic Development Mark Burrows about asking the Planning Board to review the two alternatives the Board of Commissioners indicated may be feasible. The two alternatives are the extension of the Pisgah Forest Zoning Ordinance or a High Impact Land Use Ordinance. The Manager would be asking the Planning Board to have a response back to Commissioners by the end of May which would give time for them to discuss in June, hold a public hearing, if necessary, and take action in July.
9. Staff has reviewed the sealed closed session minutes and will recommend the unsealing of the September 23, 2013 sealed closed session minutes (to prevent the premature disclosure of an honorary award) at the next meeting.
10. Reminded Commissioners of the joint meeting with the Board of Education tomorrow night at 7:00 p.m. in the Rogow Room at the Library.

### **PUBLIC COMMENT**

Don Surette: Mr. Surette requested Commissioners allocate monies in the next budget for cushions for benches in the Courthouse.

Edwin Jones: Mr. Jones said it is common place for construction sites to have erosion control measures in place. So the concerns that he's heard tonight with regards to the cell towers may be covered under those laws and ordinances that require these measures.

### **COMMISSIONERS' COMMENTS**

Commissioner Lemel reported that she joined members of the Board of Education for a tour of school facilities. She also attended the Chamber of Commerce Business After Hours event and attended along

with the Governor's Western Office Representative. Commissioner Lemel talked with her about how to get more representation on boards and committees at the State level because Western North Carolina is underrepresented on the State's boards and committees. Commissioner Lemel provided a class to the AAUW on how county government is structured and operates. She also attended a Smart Start meeting where she represents the Board of Commissioners. Smart Start is looking at ways to be a better advocate for the 0-5 population here in the community. She also participated with the Hunger Coalition, the group that was formed to look at how to address food insecurity and hunger needs in the community. Lastly, she referred to an article in *Perspectives* magazine from the College of Agriculture and Life Science with NC State University. The TIME program at Brevard High School had a two-page spread. This is an exceptional science education program that is unique to Transylvania County. She reported that Transylvania County Schools Educational Foundation is looking to be a repository of funds to provide ongoing financial assistance for this program.

Commissioner Chapman announced that he officially filed for reelection today.

Commissioner Hogsed thanked everyone for attending the meeting tonight and also to those who spoke during the public hearings. He reminded everyone there are several openings on the County's boards and committees and the best way to provide input is to be involved. While he thought a different approach should be implemented with regards to the cell tower ordinance; he said the public's comments were very legitimate and well received.

Chairman Hawkins announced that Health Director Steve Smith lost his father this morning and asked everyone to keep him and his family in their thoughts and prayers.

**Chairman Hawkins moved to enter into closed session per NC General Statute 143-318.11 (a) (4) pertaining to the location or expansion of business and NC General Statute 143-318.11 (a) (5) concerning the potential acquisition of real property, after a 5 minute recess. The motion was seconded by Commissioner Chapman and unanimously carried.**

#### CLOSED SESSION

Pursuant to NC General Statute 143-318.11 (a) (4) pertaining to the location or expansion of business, closed session was entered into at 10:35 p.m. Present were Chairman Hawkins, Commissioners Chapman, Chappell, Hogsed and Lemel, County Manager Artie Wilson, County Attorney Tony Dalton, Planning and Economic Director Mark Burrows, and Clerk to the Board Trisha Hogan.

Planning and Economic Development Director Mark Burrows updated the Board on several potential and confidential economic development projects and received direction from the Board on how to proceed.

Pursuant to NC General Statute 143-318.11 (a) (5) concerning the potential acquisition of real property, the second closed session was entered into. Present were Chairman Hawkins, Commissioners Chapman, Chappell, Hogsed and Lemel, County Manager Artie Wilson, County Attorney Tony Dalton, and Clerk to the Board Trisha Hogan.

This was a follow up from the previous meeting. Commissioners directed the Manager on how to proceed.

**Chairman Hawkins moved to leave closed session, seconded by Commissioner Lemel and unanimously carried.**

**OPEN SESSION**

**Commissioner Chappell moved to seal the minutes of both closed sessions until such time that opening the minutes does not frustrate the purpose of the closed sessions. The motion was seconded by Commissioner Lemel and unanimously approved.**

**ADJOURNMENT**

There being no further to come before the Board, **Chairman Hawkins moved to adjourn the meeting, seconded by Commissioner Lemel and unanimously carried.**

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Mike Hawkins, Chair  
Transylvania County Board of Commissioners

ATTEST:

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Trisha M. Hogan, Clerk to the Board